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Congressional Record

PROCEEDINGS AND DEBATES OF THE 79th CONGRESS, SECOND SESSION

SENATE

FRIDAY, JULY 19, 1946

(Legislative day of Friday, July 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Very Rev. Ignatius Smith, O. P., Ph. D., LL. D., Catholic University of America, Washington, D. C., offered the following prayer:

Almighty and omniscient God, inspired by a realization of Thy sovereignty and guided by the noblest traditions of our Republic, we place ourselves before Thee in humble adoration and in earnest supplication. We thank Thee, beneficent Lord, for Thy manifold kindness to our land and to our people, and we beg Thee to keep us ever mindful of Thy divine providence. We penitently ask Thy forgiveness of our defections from Thy law and beg Thee to keep us attentive and submissive to Thy holy will. We confidently hail Thee for help in these serious days of national and international readjustment. Continue, dear God, to bless with enlightenment and courage this most august legislative body in this world. Bestow on its Members Thy heavenly grace, strength, and light, that they may exalt right above might, justice above greed, love above hatred, trust above suspicion, and sacrifice above selfishness. To these honorable legislators we of this Republic have entrusted our earthly security and happiness. To Thee, O God of men and of nations, we entrust them and the complete fulfillment of their unparalleled responsibility. Guide them, bless them, and protect them, dear God our Father, in the work of this day and forever.

All this we ask Thee in the name of Thy Divine Son Jesus. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, July 18, 1946, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

EQUAL RIGHTS FOR MEN AND WOMEN

The Senate resumed consideration of the joint resolution (S. J. Res. 61) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The PRESIDENT pro tempore. The Chair reads the following unanimous-consent agreement:

Ordered, by unanimous consent, That the Senate on Friday, July 19, 1946, at 1 o'clock p. m., proceed to vote upon Senate Joint Resolution 61, without the intervention of any other legislative matter, the time of debate to be equally divided and controlled by the junior Senator from Maryland [Mr. RADCLIFFE], for the proponents, and the junior Senator from Utah [Mr. MURDOCK], for the opponents.

The Senator from Maryland.

Mr. RADCLIFFE. Mr. President, I yield 5 minutes of my time to the Senator from Delaware.

The PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. TUNNELL. Mr. President, I desire to express myself with reference to the pending equal-rights amendment, as it is called. In one form or another, I have been connected with this amendment since the time of my nomination for the Senate. At that time it was a part of the platform on which I ran for election to the Senate, and it was stressed at the convention. Later on it was a part of the platform adopted by two other State conventions. In 1944 it was a part of the Democratic platform at Chicago. I was a member of the committee on platform which wrote that plank. So I have been connected with this amendment in one form or another since 1940.

The language of this proposed amendment is worthy of note:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

The amendment does not refer to any increase of rights, but prohibits the denial or cutting short of the equality of rights. So it seems to me that in the debate we have in a sense gotten away from the idea which is expressed in the amendment itself, the argument being largely directed toward the idea that it cuts down rights. We have heard it said that women would lose the rights they now have. On the contrary, the amendment would prevent the cutting down or reduction of the equality of rights, as I understand it. I think some persons, perhaps, entertain a wrong idea as to its purpose. I believe that there is nothing in the suggested amendment which would have the effect which many sincere people fear it might have.

Mention has been made of what organizations favor this amendment, and what do not. I do not think any large organization is unanimous either in its approval or disapproval of this proposal. It is a resolution that was endorsed by both the Republican and Democratic parties in their national platforms, and yet, I dare say, both Republicans and Democrats in the United States will be found on each side of this issue. So when we say that a certain organization favors it, we do not mean that; we mean that it has by some formal resolution placed itself on that side; but there are exceptions and there are those who disagree with the formal resolution. I think it can be pretty generally stated the women that have endorsed it are actually in favor of it, and I think that the national platforms of the two great political parties place those parties in a position where they cannot deny their support of the amendment.

The PRESIDENT pro tempore. The time of the Senator from Delaware has expired.

Mr. RADCLIFFE. Mr. President, I will yield 3 minutes further to the Senator from Delaware, as I should like very much indeed to have him follow out the argument he is making in such an interesting manner.

Mr. TUNNELL. I thank the Senator. It seems to me that when the two great political parties endorse a proposition of this kind there is at least some ground of agreement between them. So through the 1944 campaign this question was not an issue, having been agreed upon by the two great parties in the only way they have of expressing their position.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. MURDOCK. Does not the Senator think that, so far as the Republican Members are concerned, the people completely released them from the pledge at the last Presidential election?

Mr. TUNNELL. They might have been released. At the same time, they were themselves in the position of having expressed themselves, so that, while the people might not have very much complaint against them, their own membership might have a ground for complaint if they did not follow their own pronouncement to the country of what they actually believed or would do. After all, what are party platforms for, if not for the purpose of indicating what the party would do if placed in power? The people certainly did not release the Democratic Party, and the Democratic Party is bound to the people. The Republican Party is bound to its own members, at least, and to those who supported the Republican Party in the election. I think we take in pretty nearly the Nation when we include the Democratic and the Republican Parties.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. BREWSTER. The Senator realizes that there were some of us who were not elected on that platform, does he not?

Mr. TUNNELL. I never knew what the Republicans were elected on, to tell the truth.

Mr. BREWSTER. I think the Senator from Delaware must be misinformed, because he came to my State in 1940, when I was a candidate, and he made very clear to the people why I should not be elected; but they did not accept his suggestion. However, in the platform at that time there was no provision on the subject now before us. So I want it to be clear, as to those of us who were in that class, but, unfortunately perhaps, survived the Senator's attack, that we are not subject to the embarrassment which he alleges of having been elected on a platform that pledged this action.

Mr. TUNNELL. I do not know whether the Senator supported the Republican ticket in 1944 or not. I do not know whether he was one of those who endorsed the platform of the Republican Party in 1944, though it was generally supposed that he was leaning that way. Certainly that platform was specific enough so that even the people of Maine, I think, understood what was meant by the Republican platform.

Mr. President, I believe pledges in platforms have some effect in all parts of the Nation, and, indeed, have a binding effect on those of us who ally ourselves with these organizations.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. WALSH. Mr. President, will the Senator from Maryland yield to me a moment?

Mr. RADCLIFFE. I yield.

Mr. WALSH. I ask unanimous consent to insert in the RECORD, in connection with the debate on the pending question, several communications I have received on the subject.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF MASSACHUSETTS,
MINIMUM WAGE COMMISSION,
Boston, September 26, 1945.

Hon. DAVID I. WALSH,
United States Senate,
Washington, D. C.

DEAR SENATOR WALSH: A letter has just reached me stating that a hearing on the proposed equal-rights amendment will be held on Friday, September 28, before the subcommittee of the Senate Judiciary Committee.

The proposed equal-rights amendment has been of real concern to me, since I foresee the nullification of our protective State labor legislation covering women employees. It is quite likely that an amendment of this kind would nullify the State minimum-wage law, maximum-hour law, night-work limitations, lunch periods, and other such beneficial legislation, which the women of the Commonwealth have enjoyed over a period of years.

I have been keenly opposed to this legislation, and last spring accepted the chairmanship of the Massachusetts Committee Opposed to the Equal Rights Amendment. A list of the officials of organizations who are members of the executive committee of our State organization is attached.

I am enclosing a copy of a letter which I have sent to Senator CARL HATCH, chairman, subcommittee on the equal-rights amendment, which states reasons for my opposition, and I am also enclosing a copy of an editorial which appeared in the Boston Herald on Sunday, September 16, opposing the amendment.

I trust that we may depend upon your assistance in helping us to preserve the protective legislation which has been secured for the benefit of our women in this State during the past 30 years.

Sincerely yours,

HATTIE H. SMITH,
Assistant Commissioner.

SEPTEMBER 25, 1946.

Senator CARL HATCH,
Chairman, Subcommittee on the Equal-Rights Amendment,
Washington, D. C.

MY DEAR SENATOR HATCH: The Massachusetts committee opposed to the equal-rights amendment urges the subcommittee of the Senate Judiciary Committee to vote against the favorable report of the Joint Resolutions Committee, Senate Joint Resolution 61, which proposes an equal-rights amendment to the Constitution. We request this action because:

1. The proposed equal-rights amendment will not help our working women, since it will eliminate the protective measures which many of the industrial States now have. Sweatshops would prosper, and unsatisfactory health conditions would prevail. Massachusetts would find its protective labor laws covering women unlawful. The minimum-wage law, the maximum-hour law, night-work limitations, lunch-period requirements, and other such beneficial legislation would automatically be canceled.

2. The equal-rights amendment would nullify the present laws designed to protect women as mothers and potential mothers and thereby threaten the fundamental structure of the family.

3. It would cause confusion in regard to many of the Federal laws, such as those applying to the old-age and survivors' insurance benefits of the Social Security Act. The Massachusetts workmen's compensation law would also be affected, since there would be a question as to whether or not wives would receive benefit as at the present time.

4. The amendment would prevent the enactment of any future State or Federal legislation which would not apply equally to men and women.

In our opinion, it is not possible to legislate legal equality between the sexes, since men and women are not identical, and their needs, therefore, cannot be equal.

Officials of the following list of organizations are members of the executive committee of our State organization. These include Boston College School of Social Work, Dorothy Book, dean; Boston YWCA, Mrs. Claire Brightman, industrial secretary; Boston Women's Trade Union League, Mrs. Rose Norwood, president; Consumers League of Massachusetts, Margaret Wiesman, executive secretary; League of Catholic Women, Mrs. John J. Hickey; Massachusetts League of Women Voters, Mrs. Ruth Lurie, president; Massachusetts State Federation of Labor, Thomas Wilkinson, acting secretary; National Council of Negro Women, Mrs. Harriet Hall; United Electrical, Radio, and Machine Workers of America, Richard Linsley, interstate representative.

Many of these groups, over a period of 25 years, have been vitally interested in the extension of protective labor legislation for women, and they feel that the equal-rights amendment would be detrimental rather than progressive.

Your cooperation in bringing about an unfavorable report to the Joint Judiciary Committee is urgently sought.

Yours very truly,

HATTIE H. SMITH,
Assistant Commissioner.

[From the Boston Herald of September 16, 1945]

EQUAL RIGHTS AGAIN

A decision of the Senate Judiciary Committee to remove its wartime ban against consideration of constitutional amendments may invite renewed activity from the champions of "equal rights for women." Seldom has any measure attracted such staunch support and at the same time such fierce antagonism from the very persons it is designed to aid.

This amendment proclaims that "equality of rights under the law shall not be denied or abridged by the United States nor by any State on account of sex." In this form it amounts to a two-edged sword. Without doubt, it would remove certain undesirable discriminations against women in some States. At the same time, it would invalidate legislation enacted after great struggles to give women certain merited preferences.

"What are 'equal rights'?" ask five members of the House Judiciary Committee in offering their minority views on this proposal. "How will 'rights' be distinguished from 'duties', and 'duties' from 'obligations'? Do 'equal rights' mean accepting men's standards in everything? Or women's? Would the amendment itself abrogate existing laws? Will Congress have to legislate further so that the respective States conform to what the Federal notion of 'equality of rights' may be?"

One defect of this well-intentioned proposal is that it is too broad. It advances a worthy but poorly defined principle in many wide and different fields. It lumps social, economic, and legal problems together. Equal rights may mean the receipt of a man's wages, or it may mean the privilege of paying alimony. It may concern the legality of working at certain hours or the transfer of real property.

There has been so much trouble, particularly in the last few years, with blanket legislation, that the practice is properly frowned upon. Certainly the proposal for an equal rights amendment falls within this category. As minority members of the House Judiciary Committee have said: "Using the Constitution for a broom with which to sweep away indiscriminately the good with the bad is neither sound law nor sane behavior."

AMERICAN FEDERATION OF LABOR,
Washington, D. C., March 11, 1946.

MY DEAR SENATOR: I note that Senate Joint Resolution 61 was reported on March 5, 1946, by the Judiciary Committee.

This is the equal-rights amendment to the Constitution.

The American Federation of Labor has been actively opposing the equal-rights amendment since its 1922 convention, which adopted the following:

"The enactment of laws granting the right of suffrage to women does not carry with it in all States all other political rights, and there are on the statute books various laws discriminating against women as to property rights, guardianship rights, naturalization rights and other rights now guaranteed to men. The A. F. of L. hereby declares itself in favor of the removal of all discriminations against women and advocates specific laws to this end. We disapprove and oppose the blanket legislation for this purpose because

such legislation is necessarily drawn in general terms which must be subject to judicial construction and therefore place in jeopardy labor laws for women."

Succeeding conventions took similar action and at the most recent convention of the American Federation of Labor (1944) the following was adopted:

"Whereas, There has developed during the last two decades a movement which through a so-called equal-rights amendment to the Constitution has sought to deny to women homemakers and to women industrial workers the benefit of the laws which seek to assure to the child the support of his father, and to the workers the social protection of much needed labor legislation: Therefore be it

"*Resolved*, That the American Federation of Labor in convention assembled does reaffirm its support of every move which would afford women actual political and economic equality, and does therefore oppose the so-called equal-rights amendment which would vitiate family support laws and destroy all social protection now afforded to women and to the family, under the laws of the several States and the Federal Government * * *."

We have consistently fought for State and Federal legislation giving special protection for women such as minimum wage laws, social and physical protective laws, special leave at maternity, etc.

We do not feel such laws discriminate against women and realize that the equal-rights amendment will wipe out all such protective laws.

We therefore oppose it and solicit your support in opposition to it.

Sincerely yours,

W. GREEN,
President, American Federation of Labor.

MASSACHUSETTS LEAGUE OF WOMEN VOTERS,
Boston, September 27, 1945.

Hon. DAVID I. WALSH,
Senate Office Building,
Washington, D. C.

DEAR SENATOR WALSH: We understand the equal-rights amendment is to be heard before the Senate Subjudiciary Committee on Friday. The Massachusetts League of Women Voters, while seeking every opportunity to remove legal discriminations against women, is unalterably opposed to this blanket method of removing them.

We hope that when opportunity offers, you will vote against the amendment.

Sincerely yours,

Mrs. W. LEE USTICK,
Chairman, Structure and Administration of Government.

BOSTON, MASS., *September 26, 1945.*

Senator DAVID I. WALSH,
Senate Office Building,
Washington, D. C.:

On behalf of 60,000 members in Massachusetts we urge your opposition to the so-called equal-rights amendment (S. J. Res. 61). Kindly record our organization's opposition with the Senate subcommittee which meets Friday, September 28. Would appreciate your support and cooperation and notification from you for presentation to our membership.

PAUL E. SEYMOUR,
President, New England District Council, U. E. R. & M. W. A., CIO.

LABOR,
Washington, D. C., September 7, 1944.

Senator DAVID I. WALSH,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: I am sending you a marked copy of this week's issue of Labor, so you may have a chance to examine an article on the so-called equal-rights amendment. I believe the article expresses the convictions of members of organized labor and also of those outside the labor movement who are interested in the welfare of working women.

With a world of good wishes, I remain,

Sincerely,

EDWARD KEATING,
Manager.

MASSACHUSETTS CONFERENCE OF SOCIAL WORK,
Boston, Mass., October 4, 1945.

Senator DAVID I. WALSH,
Senate Office Building,
Washington, D. C.

DEAR SENATOR WALSH: We know you will be interested in the opposition of the Massachusetts Conference of Social Work to the so-called equal-rights amendment.

The members of the conference are in touch with the families of our State and we believe this amendment, if passed, would negate protective legislation already in operation for the protection of women.

Enclosed is a copy of our bulletin with the recommendation of the Social Action Committee to the membership last November. This was adopted at the annual meeting of the conference.

Very truly yours,

MARENDA E. PRENTIS.

CAMBRIDGE LEAGUE OF WOMEN VOTERS,
Cambridge, Mass., January 10, 1945.

The Honorable DAVID I. WALSH,
Senate Office Building,
Washington, D. C.

DEAR SENATOR WALSH: The Cambridge League of Women Voters continues to oppose passage of the equal-rights amendment.

This amendment threatens family support and labor legislation for which we have worked many years.

We favor the removal of discrimination against women, where it exists, by specific legislation rather than by blanket amendment which in the opinion of many experts would create confusion as to the interpretation of many of our existing laws.

Very truly yours,

PEARL K. WISE
(Mrs. Henry Wise),
President.

RUTH H. ROMER
(Mrs. Alfred S. Romer),
Chairman, Government and Its Operation.

WOMEN'S TRADE UNION LEAGUE OF WORCESTER,
Worcester, Mass., October 22, 1944.

Hon. DAVID I. WALSH,
Clinton, Mass.

DEAR SENATOR WALSH: The Women's Trade Union League of Worcester are very much opposed to the so-called equal-rights amendment bill, and sincerely hope we may rely on you to use all in your power to defeat this measure when it comes up for action. Enclosed find copy of our Bulletin which explains in full our stand on this measure.

Sincerely yours,

CECELIA NICHOLSON,
President, and also Legislative Chairman.

SOMERVILLE LEAGUE OF WOMEN VOTERS,
Somerville, Mass., January 3, 1945.

Hon. DAVID I. WALSH,
Senate Office Building,
Washington, D. C.

DEAR SIR: The Somerville League of Women Voters urges you to vote against the proposed equal-rights amendment which we understand is to come up for action soon.

We feel that this amendment threatens family support and labor legislation to protect women and children for which the league has worked for many years.

Yours truly,

SUSAN MANLY
(Mrs. L. F. Manly),
Secretary.

NATIONAL COUNCIL OF JEWISH WOMEN,
Worcester, Mass., June 26, 1945.

Senator DAVID I. WALSH,
United States Senate,
Washington, D. C.

DEAR SIR: We believe the proposed equal-rights amendment is a misnomer and that if adopted would have practically no constructive value and would completely destroy protective legislation for women.

We oppose such a bill and feel that equal opportunities for women can be promoted by removing discriminations against women by specific bills for specific ills in each State.

Very truly yours,

HELENE Z. OSTROW,
Chairman of Social Legislation.

MASSACHUSETTS STATE CIO,
INDUSTRIAL UNION COUNCIL,
Boston, March 21, 1945.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

HONORABLE SIR: Massachusetts has always been foremost among the States protecting women and children against overlong hours of labor and unfavorable working conditions that would be detrimental to the health of its citizens.

If the so-called equal-rights amendment to the Constitution is passed it will wipe protective legislation for women off the statute books. The CIO opposes this amendment as harmful to the health and well-being of working women. We feel that the proponents of this legislation are either misguided or are deliberately trying to destroy the labor standards of our Nation.

We therefore ask that you vote against this constitutional amendment when and if it reaches the floor of the Senate.

Respectfully yours,

JOSEPH SALERNO,
President.
SIDNEY S. GRANT,
Legislative Agent.

BOSTON, MASS., *September 27, 1945.*

Hon. DAVID I. WALSH:

The Massachusetts League of Women Voters wishes to register opposition to the equal-rights amendment.

Mrs. MOSES H. LAURIE,
President.

Mr. RADCLIFFE. Mr. President, so much has been said in regard to the pending question that it is not likely anything new will be presented which will throw any fresh light upon it. I wish, however, to emphasize the fact that the subject has been discussed very fully, that many organizations have taken action in regard to it, that the platforms of the Democratic Party and the Republican Party in 1944 came out flat-footedly and unqualifiedly for the submission of the amendment, and that the President of the United States is in favor of it. Many leading clergymen—Catholics, Protestants, and Jews—have endorsed it. The governors of many States are in favor of it. For instance, let me cite the fact that the Legislature of the State of New York, by unanimous vote, has approved the submission of the amendment to the people.

I refer to these facts now, not because they represent all the expressions or

views of the people in regard to the proposal, but merely to indicate that when a proposed constitutional amendment has received the attention this has received, certainly its submission to the people is justified. That is all the joint resolution calls for. Such support not only prompts but requires that the people of the United States should have the right to express their views upon it.

Irrespective of whether one is in favor of equal rights for women or is opposed, I think we must all feel that if we are to give adherence to what has been the custom and practice throughout the country, certainly, at any rate, the people are entitled to have an opportunity to express their views on this subject. As I have said, that is all the joint resolution calls for, and certainly it is a most reasonable expectation.

Mr. President, much has been said with regard to the fact that women might lose certain privileges which they now possess. I do not know how anyone can make a categorical statement on that subject. Let us assume that possibly they may lose something. The question we must consider is whether they will gain more than they will lose. There are some, whose opinions justly have great weight and force, who believe that what the women would lose, granting they would lose anything at all, would be outweighed, and outweighed heavily, by what they would gain.

Mr. President, I have been asked by the Senator from Florida to yield to him, and I yield 5 minutes to him.

Mr. PEPPER. Mr. President, in the limited time we have available, it is not possible to do more than make a concluding suggestion about the pending measure.

I think everyone understands substantially what the issue is. The question is whether the United States Senate is willing to let the people of this country, through their legislatures, vote on this proposed constitutional amendment. As Senators have already said on this floor, I think all of us should indulge the presumption in favor of our people having a chance to vote on this issue. After all, the legislatures are capable of making an intelligent decision on the question. They will speak for the people. They are close to the people. The people in the several States will have an opportuity to express their views to their legislatures. They could make it an issue in the State legislative campaigns all over the Nation, and three-fourths of the States, through their legislatures, will have to vote favorably upon the amendment before it can be incorporated in the Federal Constitution.

Mr. President, surely with those safeguards around it, since it will not become effective until ratified by the people through their legislatures in three-fourths of the States, the appeal made to one's sentiment of justice and fair play, to give the women, to the mothers of America an equal status before the law with men, should encourage the Members of the Senate to vote favorably upon the amendment.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from New Mexico.

Mr. CHAVEZ. Aside from its merits, the people have a right to act on the proposed amendment, and it could not be effective until three-fourths of the legislatures adopted it. The fact that the Senate passed the joint resolution would not make the amendment effective.

Mr. PEPPER. The Senator is correct.

Mr. CHAVEZ. It still would have to be submitted.

Mr. PEPPER. Mr. President, the Senator is correct.

Mr. CHAVEZ. All we are doing is to let the people in the several States pass judgment on whether the amendment should be made a part of the Constitution.

Mr. PEPPER. The Senator is absolutely correct. The contrary is that the States shall not have an opportunity to vote upon it. The contrary is that the legislatures of the Nation shall not have a voice in this important matter.

Mr. MURDOCK. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. I yield to the Senator from Utah.

Mr. MURDOCK. It seems to me that the Senator from Florida in the argument he now makes, that the legislatures of the country should be given an opportunity to pass on this question, overlooks entirely the provisions of the Constitution that a constitutional amendment may be initiated "on the application of the legislatures of two-thirds of the several States." Is that not provided?

Mr. PEPPER. That is a possible way of initiating a constitutional amendment.

Mr. MURDOCK. We have an area of marital relations, we have an area of property rights, we have several legislative areas involving the relations between men and women which have supposedly been within the province of the States ever since the Union was created. The fathers of our country wrote into the Constitution a provision allowing the States, if ever they saw fit, by their legislatures, to initiate amendments to the Constitution.. They have not seen fit to do that on this subject. Now when the Senator deplores the fact that the legislatures will not even be given a chance to act on this proposal, in my opinion, he fails to take cognizance of the fact that if the State legislatures thought that the legislative area here involved was one which the States wanted to give up and turn over to the Federal Government, they themselves could initiate the proposal rather than to depend upon the Congress to do it for them.

Mr. PEPPER. I thank the able Senator from Utah for the suggestion, but I think he will notice also, if he examines the constitutional provision to which he refers, that the procedure by which the State may initiate a constitutional amendment is far more tedious, laborious, and lengthy than the procedure of the Congress itself submitting the matter to the States.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. While it is true that the Consitution provides that method for initiating an amendment to the Constitution, it has never been adopted or used in regard to any amendment that has ever been proposed to the Constitution.

Mr. PEPPER. The Senator is correct.

The PRESIDING OFFICER (Mr. HOEY in the chair). The time of the Senator from Florida has expired.

Mr. CHAVEZ. Mr. President the point made by the Senator from Kentucky was the point I wanted to make.

Mr. MURDOCK. Mr. President, in answer to the distinguished Senator from Kentucky, our able majority leader, I suppose the fact that the States have never resorted to the initiation of constitutional amendments is used here as an argument that they never will or that they should not, because as the Senator from Florida has indicated, it is a rather complicated procedure. To me the situation seems to be that the States are rather jealous of their rights. They do not like to relinquish them voluntarily without being sure that they need the help of the Federal Government. I have heretofore stated, Mr. President, that ever since the establishment of the Federal Union, ever since the States have been members of that Union, the area into which we are now trying to intrude the Federal Government has been looked upon as an area of legislation that the States could very well take care of.

The Senator from Florida yesterday made a very significant statement when he said that the States have seen fit in their legislative processes to make certain distinctions. How right and true the Senator's statement is. Mr. President, I want to say a word further about the Senator. I have heard him debate on this floor time and again. I am always impressed with the eloquent lucidity of the distinguished Senator, with his ability to point out persuasively the crux of any question. I have never seen him on the floor of the Senate in any serious trouble in debate until yesterday on this proposition. This indicated to me that for once at least the distinguished and liberal Senator from Florida was advocating the wrong side of the question.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. PEPPER. I am grateful for the kindliness of the comment of my distinguished friend from Utah. I want to ask the able Senator this question: If the principle argument against this proposed constitutional amendment is that it invades a domain of the States in respect to marital relations and kindred matters, is not the fact that the amendment will never become effective until ratified by three-fourths of the States, through their State legislatures, and is not that an adequate safeguard against our invading the States in this field without their approval and without their acquiescence?

Mr. MURDOCK. In answer to that question, Mr. President, I will say that if the argument that adequate safeguard is provided by the mere fact that three-fourths of the States must ratify, either by their legislatures or by conventions,

is carried to its logical conclusion, then every proposition that is brought before the Senate and proposed as a constitutional amendment should be adopted by the Senate and by the House and submitted to the States, and the Congress by so doing would absolutely absolve itself from any responsibility, because, as the Senator states, the legislatures or the conventions, whichever mode of ratification is adopted, would have the final say.

In my opinion, Mr. President, the writers of the Constitution did not intend that that should be done. The writers of the Constitution intended that the Congress itself should be reasonably sure that the proposition had merit before it should be submitted to the States following a two-thirds vote of the Congress.

Mr. President, I again state that the areas of legislation that are involved here, that is, marital relations, property rights, the responsibility of men for the family and for the children, are areas which in my opinion can be best taken care of by the State legislatures and not by the Federal Government.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. MURDOCK. I will yield in a moment. In the debates on OPA, Mr. President, we have heard statements made that the Federal Government is constantly intruding itself into affairs that should be handled by the States. Then we find the same Senators who are constantly taking that position, now taking the position that here is another area, a new area, into which the Federal Government should intrude itself in derogation of the rights of the several States of the Union.

I now yield to the Senator from Maryland.

Mr. RADCLIFFE. I am sure the Senator from Utah must have had a distinction in mind. He asked a little while ago if every proposition that is put up to the Congress must be submitted to the people? I call attention to the fact that this situation is a very unusual one. The platforms of both political parties have endorsed the proposed constitutional amendment, and the governors of numerous States, and many State legislatures have endorsed it. It is not analogous to the usual proposition that comes before the Congress, for it has a warrant, almost a mandate, from both political parties and from other responsible sources.

Mr. MURDOCK. My answer to the distinguished Senator is that if he can find anything in the platform of either political party to which he refers that supports the amendment that is now proposed, then I shall be very much surprised. That question was very well debated here last evening, and I thought the Senators who took the position that they were not bound by the platforms because the proposed amendment does not conform to the provisions of the respective platforms, were absolutely correct in their position. I think the Senator from Maryland must be rather hard put to find an argument to support his position, when he has to advert to the party platforms instead of the merits of the proposition itself.

Mr. RADCLIFFE. Not at all, Mr. President.

Mr. MURDOCK. Mr. President, I desire to refer to a statement made by Mr. Justice Frankfurter in 1923, which in my opinion very well puts the proposition that we now have before us. I shall not take time to read it all; but, quoting from his statement, we find this:

> Nature made man and woman different.

I believe even the proponents of the amendment will agree to that statement, that Nature made man and woman different—

> The law must accommodate itself to the immutable differences of nature. For some purposes men and women are persons, and the law should, for these purposes, treat them as persons, subjecting them to the same duties and conferring upon them the same rights. But for other vital purposes men and women are men and women—and the law must treat them as men and women and, therefore, subject them to different and not the same rules of legal conduct.

That is the statement of Mr. Justice Frankfurter, pointing out to us something we all know, that men and women are different. In my State we have gone a long way, not only toward giving women equality with men, but going far beyond that, giving women equality and then giving the mother and the daughter the protections and privileges which are absolutely essential in our American life to enable them to fulfill the functions ordained by Nature and God.

Some Senators have the idea that by a constitutional amendment we can do away entirely with the differences between men and women as we find them created and endowed by Nature. Mr. President, we cannot do that by legislation. In my opinion, our States have done a good job in legislatively treating the difference between men and women. In my State woman has her protection as a mother; woman has her protection as a wife, as she should have; and I am unwilling, in the name of equality of rights under the Federal Constitution, to repeal all those protections and privileges so necessary to womanhood.

Mr. GUFFEY. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. GUFFEY. Does not the Senator's argument tend to prove that the female sex is inferior to the male?

Mr. MURDOCK. My answer is emphatically no. Such a position is wholly foreign to my thinking and philosophy and I am sure nothing I have said could be so construed.

Mr. GUFFEY. That is what the Senator said.

Mr. MURDOCK. Of course, the Senator has the privilege of construing my remarks in any way he sees fit, but I challenge his construction as obviously inaccurate, incorrect and unfounded.

Mr. GUFFEY. I cannot see any other construction of the Senator's remarks.

Mr. MURDOCK. I am not responsible for the Senator's inability to construe my remarks correctly and as they are intended.

All I am saying is that God made a difference between man and woman. Our State legislatures have recognized the difference; and I now tell the Senator that even if we adopt this amendment and it is ratified by three-fourths of the States, the Congress cannot eliminate or eradicate the differences between man and woman which are ordained by Nature.

In my State women are precluded from going underground to work. Some women may wish to go underground. If we adopt this constitutional amendment, in my opinion those laws and all similar laws for the protection of women are repealed. In the amendment itself we provide that it shall not take effect upon ratification. Not only must it be ratified, but the States are given 3 years after ratification—to do what? To conform their laws to this amendment. So when Senators rise on this floor and say that the protections and privileges which are granted to mothers and other women by our State legislatures will not be affected at all, I cannot understand that argument.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a statement made by Mrs. Roosevelt and certain other prominent and distinguished women.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> A joint statement, headed by the name of Mrs. Eleanor Roosevelt, was today issued by 10 national women leaders opposing the approval by Congress of the proposed equal-rights amendment.
>
> Following is the statement which is signed by Mrs. Roosevelt and by Frances Perkins, Virginia Gildersleeve, Carrie Chapman Catt, Susan B. Anthony II, Anna Lord Strauss, Mary Anderson, Mary McLeod Bethune, Rose Schneiderman, Cornelia Bryce Pinchot:
>
> "We believe in equality of opportunity for women, but we oppose the so-called equal-rights amendment. The adoption of this amendment would wipe out all State legislation which has established minimum wages and maximum hours for women workers and improved their working conditions; it would invalidate provisions of the Social Security Act benefiting women as wives and mothers, and veterans' and workmen's compensation laws providing allowances for widows and wives of aged or disabled workers.
>
> " 'Equal rights' is a deceptive slogan. The proposed amendment would not accomplish the purposes for which it is intended. It will not, for instance, remove differences in wage rates between men and women doing the same work. We look to Congress to oppose submission to the States of the misconceived and misleading equal-rights amendment."
>
> In addition, three outstanding women Members of Congress—HELEN GAHAGAN DOUGLAS, CHASE GOING WOODHOUSE, and EMILY TAFT DOUGLAS—also joined in opposing the proposed amendment and issued the following declaration:
>
> "We are opposed to an equal-rights amendment. It will not bring about the equality of opportunity for women which we all desire, but will cause chaos in 48 States in the status of all laws relating to women. It will make it posible to wipe out the legislation which has been enacted in many States for the special needs of women in industry."

Mr. MURDOCK. I now yield 5 minutes to the Senator from Louisiana [Mr. OVERTON].

Mr. OVERTON. I thank the Senator. Mr. President, the proponents of this amendment are driven in their desperation to the threadbare argument that a constitutional amendment should be submitted to the people in order that the people may vote upon it, and that we ought to trust the people. That argument is used in State legislatures as well as before the Congress.

Under the Constitution we have an independent duty to perform. Both Houses of Congress must act independently and determine independently, by a two-thirds vote, that the legislation is sound. When the amendment shall have been submitted to the States for ratification, the proponents of the amendment will go before the legislatures of the States and say, "We ought to follow the advice and recommendation of the Congress of the United States, which has proposed the adoption of this amendment."

Mr. President, I have listened to as much of this debate as I could when not attending committee hearings. From what I can gather, even the proponents of this amendment entertain the view that it will result in a multiplicity of litigation. Its immediate effect is to strike with nullity all constitutional provisions, all statutory enactments, and the jurisprudence of the States and of the United States where there is any discrimination in equality of rights on account of sex.

In order, apparently, to escape this conclusion, the very able Senator from Vermont [Mr. AUSTIN] yesterday made this startling declaration in his remarks on the floor of the Senate:

> In conclusion, let us not become confused about what the proposed constitutional amendment provides. Let us not undertake to argue that it changes any law. It does not strike down any existing law, either Federal or State.

How could such an interpretation be placed upon a provision which declares the principle that equality of rights under the law shall not be denied or abridged on account of sex? When that principle becomes a part of our Constitution any existing law or any law which may be enacted in the future contravening the provisions of the constitutional amendment is immediately and forthwith stricken with nullity.

Continuing, the able Senator from Vermont said:

> It declares a policy. It can be called a principle when it appears in the Constitution of the United States. The principle is equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

That is correct. Further in his remarks, he made this observation:

> The object of the proposed amendment is to provide that no law shall be passed prohibiting the principle of equal rights to a man and a woman.

I gather from such observation that the able Senator from Vermont entertains the view that the purpose of the amendment is to prohibit future discrimination by State legislatures or by the Congress; but that it matters not how much discrimination now prevails in existing law, State or Federal, such discrimination remains untouched by this amendment if it is adopted.

The able Senator from Vermont continued:

> The amendment is not self-executing.

Of course, it is self-executing. If adopted, it strikes down with nullity anything that contravenes it.

> It does not lift up anything. It does not operate itself. In order to be operative, it requires such action within the State of Vermont, for example, as its legislature may see fit to take, and within the District of Columbia such action as the Congress may take.

That deals with future legislation.

> In each instance the facts will have to be scrutinized with reference to whether the action to be taken will deny equal rights to any person on account of sex.

The able Senator from Vermont indicated very strongly in his remarks that there would be no end of litigation because, as one case after another was given to him as an illustration, he stated that he was incapable of expressing any opinion because each case would have to stand on its own bottom, and that all the facts would have to be presented to him before he reached a conclusion. It might be that under his theory a State law would be unconstitutional as it affected a particular woman and a particular man in certain relations, but it might be constitutional as it affected another woman and another man in other relations.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. OVERTON. I ask the Senator from Utah whether he will yield to me 3 minutes more.

Mr. MURDOCK. Yes; I yield 3 minutes more to the Senator from Louisiana.

Mr. OVERTON. I thank the Senator.

Mr. President, a very clear case was presented to the Senator from Vermont in regard to maximum hours of work. In that case, the maximum hours of labor for men, under a State law, would be fixed, let us say, at 40 hours a week, and the maximum hours of work for women would be fixed, let us say, at 30 hours a week. The Senator was asked whether that would come within the inhibitions of the constitutional amendment, if adopted. He answered, "I do not know. I would have to have more facts."

But, Mr. President, what other facts is it necessary to have? The discrimination would be made because of sex, because the hours for women would be fixed at a lesser number than the hours which would be fixed for men, and obviously the discrimination would be made between the two sexes.

In answer to the argument made by the Senator from Florida that the State legislatures should have a right to pass on this question, let me say that the State legislatures are not now prohibited from enacting legislation providing equality between the sexes. They have full and untrammeled authority in that regard. If they have not followed the principle proposed by the amendment, it is because in their judgment it should not be followed in their States. Each State should have the right to determine what distinction should be made between the sexes in respect to legislative rights. The States exercise that right now. There is nothing in the Constitution of the United States that prohibits the States from exercising that sovereign right of statehood.

Mr. President, I thank the Senator from Utah for yielding to me.

Mr. MURDOCK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. MURDOCK. I yield 4 minutes to the Senator from Missouri.

Mr. DONNELL. Mr. President, I submit the proposition that the amendment now under consideration involves a very material increase in the power of the Federal Government over the State governments. As will be recalled, the amendment provides that—

> Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

There has been no other amendment to the Constitution of the United States, save only the eighteenth amendment, which by its terms, has involved the use of both the power of the States and the power of the National Government in the enforcement thereof. The eighteenth amendment provided, in that respect—

> The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Mr. President, yesterday afternoon, I read the analysis by Professor Willoughby, in his work on the Constitution of the United States, in reference to the case of *Rhode Island* v. *Palmer* (253 U. S. 250), as to the meaning of that language of the eighteenth amendment. Professor Willoughby pointed out that the Court in its majority opinion apparently accepted the view—

> (3) That Congress and the State legislatures were empowered to act independently, but, of course, under the condition that State action should not conflict or interfere with that of the National Government.

The amendment now before us omits the word "concurrent." It obviously gives to the States and to the Federal Government, each, the right to act. It inserts the words "within their respective jurisdictions." Yesterday I understood that the distinguished Senator from Maryland [Mr. RADCLIFFE] said he was inclined to the view that the words "within their respective jurisdictions" might change the effectiveness of the argument made yesterday.

Mr. President, let me call attention to the fact that in the opinion in the Minnesota Railroad Rate case, decided in 1913, Mr. Chief Justice Hughes used precisely the language, "within their respective jurisdictions," and then proceeded to show that when Congress does act, even after the States have acted, the exercise of congressional authority overrides all conflicting State legislation.

I quote again the particular portion of the opinion of Mr. Chief Justice Hughes:

> In other matters, admitting of diversity of treatment according to the special requirements of local conditions, the States may act within their respective jurisdictions until Congress sees fit to act; and, when Congress does act, the exercise of its authority overrides all conflicting State legislation.

Mr. President, I submit that under that decision of the Supreme Court of the United States, it certainly is a permissible and, I think, a logical conclusion that if the amendment now before us were to be adopted, in the whole field involving the question of denial and abridgment of rights on account of sex, although the States might legislate in that field, if the Congress did not like their legislation, Congress would be expressly vested with power to override, to use the language of Chief Justice Hughes, all conflicting State legislation."

So, Mr. President, I rise to oppose this amendment, not because of any unwillingness to recognize the merits and the importance and the tremendous power for good of womanhood, but because I think there is very great doubt whether the amendment will ultimately conduce to the good of womanhood, for the reason that in instances in which women are today possessed of greater rights than men are, under the amendment they will be reduced to an equality with them; and second, on the fundamental proposition that by the amendment now before us there would be brought about a vast increase in the field in which the Federal Government would have the power to override conflicting State legislation.

Mr. MURDOCK. Mr. President, I yield 1 minute to the Senator from Idaho.

Mr. TAYLOR. Mr. President, 1 minute is all I desire. I wish to say that when I first came to the Senate I was asked if I favored the equal-rights amendment. Offhand, I said "Yes," because I do favor equal rights for women. But upon investigation I have found to my satisfaction, at least, that the adoption of this amendment will grant women anything but equal rights. It is impossible to grant women special privileges and at the same time to require by law that they shall have equal rights. Although I may be old fashioned, I still believe that women are entitled to special consideration in many instances.

Therefore, not being a lawyer, I have had to base my decision on the arguments which have been presented by the legal brains in this body, and for that reason I shall vote against the proposed constitutional amendment.

Mr. MURDOCK. Mr. President, the Senator from Maine previously asked me if I would be able to yield to him 1 minute. Does the Senator from Maine desire to speak now?

Mr. WHITE. Mr. President, I think I shall have trouble enough in determining how I shall vote, and so I refrain from speaking now.

Mr. MURDOCK. I still have 2 minutes to yield to any Senator who desires to speak on this side of the question.

Mr. RADCLIFFE. Mr. President, I yield 5 minutes to the Senator from Kentucky.

Mr. BARKLEY. I can say all I have to say in that time.

I realize that one of the methods by which the Constitution may be amended is by a direct petition on the part of two-thirds of the legislatures of the States for Congress to submit an amendment. I imagine that provision was put into the Constitution in order to give the people, through their legislatures, an opportunity to bring to the attention of Congress desired amendments to the Constitution. That method has never been pursued. Amendments have always been submitted by the Congress, subject to the ratification of the State legislatures, or by convention, whichever Congress decided to provide for. Therefore, I do not believe that the former method of amending the Constitution, judging by the history of this country for 150 years, is a practical method of bringing about amendments to the Constitution.

Congress cannot always be certain that the States will ratify an amendment after it has been submitted. It is impossible for Congress to know in advance what the action of the States will be. After the Constitution was ratified and the United States Government was organized, at the very next session of Congress 12 amendments were submitted. Ten of them were adopted by the legislatures of the States, those amendments constituting the Bill of Rights as we now know it. The other two amendments were never adopted. There was no way by which the First Congress could know whether all 12 of the amendments would be adopted when submitted.

It is true that this is an important and far-reaching amendment. It is a controversial subject. The Senator from Missouri has called attention to the fact that if the amendment were adopted it would confer on the Federal Government power to intervene in certain matters pertaining to the rights of women in the several States. That statement is true. But if the States, under the Constitution, desire to yield that authority to the Federal Government, they may do so if three-fourths of them ratify the amendment. So I do not regard the argument of the Senator from Missouri against the submission to the people of an amendment to the Constitution as being very forceful.

In effect, there is an element of good faith involved in this amendment. Both political parties in 1944 pledged themselves to submit this amendment to the people. They did not pledge themselves to go out and seek its ratification by the State legislatures, but both political platforms, as Senators will see from perusing them, made an unequivocal pledge that, so far as they could bind their members, Senators and Representatives, such an amendment would be submitted to the approval or disapproval of the people of this country. I personally feel that the Democratic Party is under obligation to give the States an opportunity to pass on this matter. We do not know how the States will react to it. We did not know how the States would react to the child-labor amendment which has been pending before them ever since it was submitted. It has not yet been ratified. The States had a right to pass on the matter. It was an important matter when submitted.

Of course, I cannot speak for the other side of the aisle, but the plank in the Republican platform concerning this subject is as unequivocal as the one in the Democratic platform. If we who were elected on that platform, which includes myself, are to say that platforms are made to get in on and not to stand on after getting in, I am not willing to adopt such a policy.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHITE. The Senator has looked at the minority side and I thought at me in particular. I wish to interrupt him long enough to say that I think there is something of mutuality in connection with platforms. They offer a course of action proposed by a party, and the people of the United States indicate by their action whether they disapprove or approve the recommendation or the offer. So far as I am concerned personally, I do not consider myself bound by a platform which the people of the country have rejected, and upon which the Republican candidates who were defeated, stood.

Mr. BARKLEY. Mr. President, that statement, to me, is an ingenious argument. In other words, the identical platforms of both political parties, on one of which one party tried to be elected to power but failed, are to be repudiated. Because the Republican Party was unsuccessful, even though running on a platform which was identical in some respects to the platform of the Democratic Party, the Republican Party does not believe that it should be bound by the pledge contained in its platform.

Mr. WHITE. I do not accept Democratic platforms as my text books nor do I admit obligation to Republican platforms repudiated not by Republicans but by the people of the country.

Further, Mr. President, I wish to deny that I ran for office on a platform which was the same as that of the Democrats.

Mr. BARKLEY. Whether the Senator did or did not, I think he is just as morally bound by that platform, even though he ran on it and his party lost, as I am bound by the platform on which I ran for office and was elected.

Mr. President, I hope the amendment will be submitted to the States and that the people will be allowed to pass upon it.

Mr. RADCLIFFE. Mr. President, this is one of the most important matters that has come before the Senate in a long time. However, a situation has developed of which I think cognizance should be taken. Many Members of the Senate who have expressed an interest in the matter are absent from the Chamber today. It seems unfortunate that we must press for further consideration of the matter during their absence. Therefore I ask unanimous consent that consideration of the joint resolution be laid aside.

The PRESIDENT pro tempore. Is there objection?

Mr. MURDOCK. Mr. President, reserving the right to object, the Senator is asking, as I understand, to have the pending business laid aside before the vote is taken?

Mr. RADCLIFFE. Yes.

Mr. MURDOCK. Or is he asking unanimous consent to have the joint resolution recommitted to the Judiciary Committee?

Mr. RADCLIFFE. No; I thought the best plan would be to have the pending business laid aside. It may be that the absent Senators will be present in the near future.

Mr. MURDOCK. Mr. President, I have no objection to recommitting the joint resolution to the Judiciary Committee. I was contacted on that basis by some of the proponents of the amendment. I was asked if I would have any objection to a recommittal of the joint resolution to the Judiciary Committee, and I said that I would not object to it. However, I see no reason, after the debate has been concluded and we have almost reached the hour of voting on the matter, for laying it aside. If the Senator wishes to have the joint resolution recommitted to the Judiciary Committee, I shall not object, but I do object to laying the pending business aside.

The PRESIDENT pro tempore. Objection is heard.

Mr. RADCLIFFE. Mr. President, I ask unanimous consent that the joint resolution be recommitted to the Judiciary Committee.

Mr. MURDOCK. I have no objection.

Mr. CAPEHART. Mr. President, a parliamentary inquiry. What is the present parliamentary situation? I object to laying the pending business aside.

Mr. BARKLEY. An objection has already been made.

Mr. CAPEHART. I object to a recommittal of the pending joint resolution.

The PRESIDENT pro tempore. Objection is heard.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BARKLEY. In view of the unanimous-consent agreement to vote at 1 o'clock today, it is not in order to move to recommit, and it can be done only by unanimous consent.

The PRESIDENT pro tempore. The Senator is correct.

Mr. DONNELL. Mr. President, may we have the benefit of the observation of the Senator from Kentucky? We could not hear him on our side of the Chamber.

Mr. BARKLEY. I stated that inasmuch as the Senate had reached an agreement to vote at 1 o'clock today, a motion to recommit the bill would not be in order, and it could be done only by unanimous consent.

The PRESIDENT pro tempore. The Senator is correct.

Mr. PEPPER obtained the floor.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Indiana.

Mr. CAPEHART. I feel very strongly that we should vote on this matter, but I am now informed that many Senators prefer to have the joint resolution recommitted, and, therefore, I withdraw my objection.

The PRESIDENT pro tempore. Is there objection to the recommittal of the joint resolution to the Committee on the Judiciary?

Mr. BARKLEY. Mr. President, reserving the right to object, and I shall not object, I wish to make this statement: During this whole session of Congress, proponents of the pending joint resolution have been urging me to arrange for a time when it could be voted upon. I have been sympathetic to the request, and I have tried to arrange a time accordingly, but the condition of the calendar has been such that it has been impossible to bring the matter to a vote earlier than today. We may as well understand that if the joint resolution is recommitted to the Committee on the Judiciary the chances are very remote that it will be brought up again during this session of the Congress.

The PRESIDENT pro tempore. Is there objection to the request to recommit the joint resolution to the Committee on the Judiciary?

Mr. VANDENBERG. Mr. President, I desire to ask the Senator from Maryland a question. Is the suggested recommittal made at the request of the proponents of the amendment?

Mr. RADCLIFFE. Mr. President, it developed that many Senators are not here today.

Mr. VANDENBERG. That is not my question.

Mr. RADCLIFFE. I will answer the Senator's question. It is their request that action be not taken on the joint resolution today.

The PRESIDENT pro tempore. Without objection——

Mr. WHERRY. Mr. President, will the distinguished Senator from Maryland give us again the answer to the question propounded by the senior Senator from Michigan?

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, Senate Joint Resolution 61, proposing an amendment to the Constitution of the United States relative to equal rights of men and women, is before the Senate, and——

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. PEPPER. We understood that the unanimous-consent request was not objected to.

The PRESIDENT pro tempore. The question was being discussed until the time expired.

Mr. PEPPER. Mr. President, a further parliamentary inquiry. Until a vote is actually had the Senate still has the matter in its power to act on the unanimous-consent request, has it not?

The PRESIDENT pro tempore. Of course. Is there objection to the unanimous-consent request that the joint resolution be recommitted to the Committee on the Judiciary?

Mr. ANDREWS. I object.

The PRESIDENT pro tempore. The Chair hears none, and, without objection——

Mr. EASTLAND. Mr. President, the Senator from Florida [Mr. ANDREWS] objected.

The PRESIDENT pro tempore. The Chair has been informed that there was objection. Is that correct? The Chair will inquire whether the Senator from Florida objected?

Mr. ANDREWS. I objected to the joint resolution being recommitted to the committee. Many months have been spent on this matter and we might just as well have it out here today, and be through with it. That is the reason why I objected.

The PRESIDENT pro tempore. Does the Senator object?

Mr. ANDREWS. I object.

The PRESIDENT pro tempore. Then, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDENT pro tempore. The question is, Shall the joint resolution pass? There has been no request for the yeas and nays.

Mr. MURDOCK. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WHITE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHITE. Is it not true that a unanimous consent request was made that the joint resolution be recommitted to the Judiciary Committee and was not that request put and did not the Chair announce that there was no objection?

The PRESIDENT pro tempore. The Chair did, but he was informed by the clerk that the Senator from Florida was on his feet and had objected, and the Chair was obliged to take that into consideration.

Mr. REED. Mr. President, a parliamentary inquiry. I desire to know the precise status of the question we are about to vote on. It is on the question of the recommital of the proposed constitutional amendment to the Committee on the Judiciary.

The PRESIDENT pro tempore. No; the question is on the passage of the joint resolution. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from Montana [Mr. WHEELER] is absent by leave of the Senate.

The Senator from Georgia [Mr. RUSSELL] is absent because of a death in his family.

The Senator from Virginia [Mr. BURCH] is necessarily absent.

The Senator from Illinois [Mr. LUCAS] is unavoidably detained.

The Senator from Washington [Mr. MAGNUSON] is detained on official business at one of the Government departments.

The Senator from Utah [Mr. THOMAS] is detained at an important committee meeting, and is therefore necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from West Virginia [Mr. KILGORE], the Senator from Arizona [Mr. MCFARLAND], and the Senator from Tennessee [Mr. STEWART] are detained on public business.

The Senator from Virginia [Mr. BYRD], and the Senator from Connecticut [Mr. MCMAHON] are absent on official business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER], and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

On this question the Senator from West Virginia [Mr. KILGORE], who, if present, would vote "yea," and the Senator from Arizona [Mr. MCFARLAND], who, if present, would vote "yea," are paired with the Senator from Georgia [Mr. RUSSELL], who, if present, would vote "nay."

Mr. WHERRY. The Senator from Delaware [Mr. BUCK] is absent by leave of the Senate. If present, he would vote "yea."

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the Commission appointed to attend the Philippine independence ceremonies.

The Senator from Illinois [Mr. BROOKS] is absent on official business.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy. If present, he would vote "yea."

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The yeas and nays resulted—yeas 38, nays 35, as follows:

YEAS—38

Aiken	Gurney	Robertson
Austin	Hawkes	Smith
Ball	Knowland	Stanfill
Barkley	Langer	Thomas, Okla.
Bushfield	McCarran	Tobey
Capehart	McClellan	Tunnell
Capper	McKellar	Vandenberg
Chavez	Myers	Wherry
Cordon	O'Daniel	Wiley
Ferguson	O'Mahoney	Willis
Fulbright	Pepper	Wilson
George	Radcliffe	Young
Guffey	Reed	

NAYS—35

Andrews	Hill	Murdock
Bilbo	Hoey	Murray
Brewster	Huffman	Overton
Carville	Johnson, Colo.	Revercomb
Connally	Johnston, S. C.	Shipstead
Donnell	La Follette	Swift
Downey	Maybank	Taft
Eastland	Mead	Taylor
Gerry	Millikin	Wagner
Green	Mitchell	Walsh
Hart	Moore	White
Hayden	Morse	

NOT VOTING—23

Bailey	Ellender	Magnuson
Bridges	Gossett	Russell
Briggs	Hatch	Saltonstall
Brooks	Hickenlooper	Stewart
Buck	Kilgore	Thomas, Utah
Burch	Lucas	Tydings
Butler	McFarland	Wheeler
Byrd	McMahon	

The PRESIDENT pro tempore. On this question the yeas are 38, the nays 35. Two-thirds of the Senate not having voted in the affirmative, the joint resolution fails of passage.

Mr. CAPPER. Mr. President, I have received a statement from Nina Horton Avery, chairman of the joint legislative committee for equal rights urging me to support the equal rights amendment, which I ask to have printed in the RECORD. I am in full accord with the request made by this organization.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *July 18, 1946.*

Hon. ARTHUR CAPPER,
Senate Office Building,
Washington, D. C.:

Our committee, representing over 30 national organizations of women and representing over 6,000,000 women, earnestly calls upon you to vote favorably on equal rights amendment. We respectfully remind you that support of amendment is in harmony with your party's platform pledge and in harmony with United States ratification of United Nations Charter calling for equal rights for women throughout the world. We hope our Government will take a position of leadership today in world-wide movement for equality of rights for women.

NINA HORTON AVERY,
Chairman of Joint Legislative Committee for Equal Rights.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House still further insisted upon its disagreement to the amendment of the Senate numbered 39 to the bill (H. R. 6739) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1947, and for other purposes; agreed to the still further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HARE, Mr. TARVER, Mr. ROONEY, Mr. NEELY, Mr. ENGEL of Michigan, Mr. KEEFE, and Mr. H. CARL ANDERSEN were appointed managers on the part of the House at the conference.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 1151. An act for the relief of James Lemuel Muzzall and James M. Muzzall;

H. R. 1754. An act for the relief of Edwin Doyle Parrish;

H. R. 4616. An act for the relief of the Maryland Sanitary Manufacturing Corp. of Baltimore, Md.;

H. R. 5063. An act for the relief of the estate of Jasper A. Mealer; and

H. R. 6689. An act to extend, for an additional year, the provisions of the Sugar Act of 1937, as amended, and the taxes with respect to sugar.

The message further announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 5025. An act for the relief of Mrs. Opal Riley and Robert R. Riley; and

H. R. 6532. An act to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 78) for the relief of the estate of William Edward Oates, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COMBS, Mr. HEDRICK, and Mr. PITTENGER were appointed managers on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3748) to amend an act entitled "An act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal," approved May 29, 1944; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PETERSON of Florida, Mr. BONNER, and Mr. HERTER were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4497) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JACKSON, Mr. FERNANDEZ, Mr. STIGLER, Mr. MUNDT, and Mr. ROBERTSON of North Dakota were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4718) to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for certain officers and employees who have rendered at least 25 years of service; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JACKSON, Mr. MANASCO, Mr. RAYFIEL, Mr. REES of Kansas, and Mr. BYRNES of Wisconsin were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 7052) to

amend the Internal Revenue Code, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore announced that on today he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 141. An act to clarify the law relating to the filling of the first vacancy occurring in the office of district judge for the eastern district of Pennsylvania, and to provide for the appointment of an additional United States district judge for the eastern, middle, and western districts of Pennsylvania;

S. 1516. An act to amend section 12 of the Bonneville Project Act, as amended; and

H. R. 6777. An act making appropriations for Government corporations and independent executive agencies for the fiscal year ending June 30, 1947, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on July 18, 1946, he presented to the President of the United States the following enrolled bills:

S. 661. An act for the relief of Harold H. Rhodes;

S. 704. An act to authorize the Secretary of Agriculture to continue administration of and ultimately liquidate Federal rural rehabilitation projects, and for other purposes;

S. 706. An act to amend Veterans Regulation No. 9 (a), as amended, so as to increase the limit of amounts payable thereunder in connection with the funeral and burial of deceased veterans;

S. 1132. An act for the relief of Aeronautical Training Center, Inc.;

S. 1748. An act for the relief of Ivor E. Nichols; and

S. 2291. An act to authorize the Secretary of the Navy to transfer a vessel to the American Antarctic Association, Inc.

DISPOSITION OF EXECUTIVE PAPERS

The PRESIDENT pro tempore laid before the Senate a letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITIONS

The PRESIDENT pro tempore laid before the Senate the following petitions, which were referred, as indicated:

A resolution adopted by the City Council of the City of Chicago, Ill., favoring the restoration of the authorized number of personnel on duty at life-boat stations of the Chicago operating base of the United States Coast Guard; to the Committee on Commerce.

A resolution adopted by the Quota Club International, Inc., St. Louis, Mo., favoring the enactment of legislation to provide Federal aid to education; to the Committee on Education and Labor.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOWNEY, from the Committee on Civil Service:

H. R. 4720. A bill to amend the act of December 7, 1944, relating to certain overtime compensation of civilian employees of the United States; without amendment (Rept. No. 1744).

By Mr. JOHNSON of Colorado, from the Committee on Finance:

H. R. 6811. A bill relating to veterans' pension, compensation, or retirement pay during hospitalization, institutional or domiciliary care, and for other purposes; with amendments (Rept. No. 1745).

By Mr. O'MAHONEY (for Mr. HATCH), from the Committee on Public Lands and Surveys:

S. 147. A bill to provide for the establishment of the Russel-Majors-Waddell National Monument; with amendments (Rept. No. 1746).

By Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry:

S. 2404. A bill to amend section 502 (a) of the Department of Agriculture Organic Act of 1944; without amendment (Rept. No. 1747); and

H. R. 6097. A bill to amend the act of March 10, 1934, entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes"; with an amendment (Rept. No. 1748).

By Mr. CORDON, from the Committee on Commerce:

S. 2358. A bill to extend the times for commencing and completing the construction of a bridge across the Columbia River in Clatsop County, Oreg., and for other purposes; without amendment (Rept. No. 1749).

By Mr. RADCLIFFE, from the Committee on Commerce:

H. R. 4842. A bill to amend the act of April 29, 1943, so as to afford a preference for veterans in acquiring certain vessels; without amendment (Rept. No. 1750); and

H. R. 6644. A bill to increase the efficiency of the Coast and Geodetic Survey; without amendment (Rept. No. 1751).

By Mr. OVERTON, from the Committee on Commerce:

H. R. 2033. A bill authorizing Federal participation in the cost of protecting the shores of publicly owned property; with amendments (Rept. No. 1752);

H. R. 5537. A bill granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Susquehanna River at a point between the borough of Plymouth, in Plymouth Township, and Hanover Township, in the county of Luzerne, and in the Commonwealth of Pennsylvania; without amendment (Rept. No. 1753);

H. R. 5932. A bill providing for the conveyance to the town of Ipswich, in the State of Massachusetts, of lighthouse property at Castle Neck, for public use; without amendment (Rept. No. 1754);

H. R. 6023. A bill providing for the conveyance to the city of Atlantic City, in the State of New Jersey, of lighthouse property at Atlantic City, for public use; without amendment (Rept. No. 1755);

H. R. 6223. A bill to authorize the highway departments of the States of Kentucky and West Virginia to construct, maintain, and operate a free highway bridge across the Tug Fork of the Big Sandy River at or near Williamson, W. Va. without amendment (Rept. No. 1756);

H. R. 6406. A bill authorizing the State of Texas, acting through the State highway commission of Texas, or the successors thereof, to acquire, construct, maintain, and operate a free bridge across the Rio Grande at or near Del Rio, Tex.; without amendment (Rept. No. 1757);

H. J. Res. 366. Joint resolution authorizing and directing the Director of the Fish and Wildlife Service of the Department of the Interior to investigate and eradicate the predatory sea lampreys of the Great Lakes; without amendment (Rept. No. 1758); and

H. J. Res. 370. Joint resolution granting certain property to the Commonwealth of Pennsylvania and relinquishing jurisdiction therein; without amendment (Rept. No. 1759).

By Mr. McCLELLAN, from the Committee on Commerce:

H. R. 6057. A bill to amend the act of July 11, 1919 (41 Stat. 132), relating to the interchange of property between the Army and the Navy, so as to include the Coast Guard within its provision; without amendment (Rept. No. 1760).

By Mr. WALSH, from the Committee on Finance:

S. 334. A bill for the relief of the Trust Association of H. Kempner; with amendments (Rept. No. 1761).

By Mr CHAVEZ, from the Committee on Territories and Insular Affairs:

H. R. 3361. A bill to amend paragraph (1) of section 73 of the Hawaiian Organic Act, as amended; without amendment (Rept. No. 1762);

H. R. 6610. A bill to waive certain restrictions of the Hawaiian Organic Act, relating to land exchanges, for the acquisition of certain lands at Hilo, Hawaii; without amendment (Rept. No. 1763); and

H. R. 6918. A bill to provide emergency relief for the victims of the seismic waves which struck the Territory of Hawaii, and for other purposes; without amendment (Rept No. 1764).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted a report thereon pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. THOMAS of Utah:

S. 2457. A bill to promote the welfare of the people by establishing a publicly supported adult labor extension program and for other purposes; to the Committee on Education and Labor.

By Mr. JOHNSON of Colorado:

S. 2458. A bill for the relief of the estate of Ellsworth E. Bilstein; to the Committee on Claims.

By Mr. PEPPER:

S. 2459. A bill to extend the maturity for mortgages under the National Housing Act in the case of property owned by veterans of World War II; to the Committee on Banking and Currency.

By Mr. THOMAS of Utah (for himself and Mr. WALSH):

S. 2460. A bill to provide additional inducements to citizens of the United States to make a career of the United States military or naval service, and for other purposes; to the Committee on Military Affairs.

AMENDMENT OF RAILROAD RETIREMENT ACTS

Mr. CAPEHART. Mr. President, I ask unanimous consent to submit an amend-

ment in the nature of a substitute to House bill 1362, to amend the railroad retirement acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes, and request that it be printed and lie on the table. I also request that the amendment be printed at this point in the RECORD, as a part of my remarks, and that there be printed in the RECORD following it an explanation of the bill and amendment and a statement by me which appears in the newspaper Labor of May 11, 1946.

The PRESIDENT pro tempore. Without objection, the amendment will be received and lie on the table, and the amendment, together with an explanation of the bill and amendment, and the statement will be printed in the RECORD.

The amendment in the nature of a substitute submitted by Mr. CAPEHART is as follows:

Amendment (in the nature of a substitute) intended to be proposed by Mr. CAPEHART to the bill (H. R. 1362) to amend the railroad retirement acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code, and for other purposes, viz: Strike out all after the enacting clause and insert the following:

TITLE I—AMENDMENTS TO RAILROAD RETIREMENT ACT OF 1937

ADDITION OF CERTAIN DEFINITIONS

SECTION 1. Section 1 of the Railroad Retirement Act of 1937, as amended, is amended by adding at the end thereof the following new subsections:

"(o) An individual has 'a current connection with the railroad industry' on a particular date if, in any 30 consecutive calendar months before the month in which such date occurs, he was in service as an employee in not less than 12 calendar months and, if such 30 calendar months do not immediately precede such month, he was not engaged in any regular employment other than employment for an employer in the period before such month and after the end of such 30 calendar months.

"(p) The term 'occupational injury or disease' means (1) accidental injury arising out of and in the course of employment as an employee, (2) such occupational disease or infection as arises out of such employment or as naturally or unavoidably results from such accidental injury, or (3) injury caused by the willful act of a third person directed against an individual because of his employment as an employee.

"(q) The term 'wages' (except when used in section 5 (d) (1)) means all compensation earned by an employee after December 31, 1936, excluding that part of such compensation which, after compensation equal to $3,000 had been earned by an employee during any calendar year, was earned by such employee during such calendar year; but in computing such compensation no part of any month's compensation in excess of $300, earned before January 1, 1947, shall be recognized.

"(r) The term 'survivor benefit credit' means an amount equal to the sum of the following—

"(1) (A) Forty percent of the amount of an individual's average monthly wage if such average monthly wage does not exceed $50, or (B) if such average monthly wage exceeds $50, 40 percent of $50, plus 10 percent of the amount by which such average monthly wage exceeds $50 and does not exceed $250, and

"(2) an amount equal to 1 percent of the amount computed under paragraph (1) multiplied by the number of years in which $200 or more of wages were earned by such individual.

Where the survivor benefit credit thus computed is less than $10, such credit shall be $10.

"(s) The term 'average monthly wage' means the quotient obtained by dividing the total wages earned by an individual before the quarter in which he died, became entitled to receive an annuity under paragraph 1 of section 2 (a), or attained the age of 65 if he became entitled to receive an annuity under section 2 (a) before attaining the age of 65, whichever first occurred, by three times the number of quarters elapsing after 1936 and before such quarter in which he died, became so entitled, or so attained the age of 65, excluding any quarter prior to the quarter in which he attained the age of 22 during which he earned less than $50 of wages.

"(t) The term 'completely insured individual' means any individual with respect to whom it appears to the satisfaction of the Board that—

"(1) He had not less than one quarter of coverage for each two of the quarters elapsing after 1936, or after the quarter in which he attained the age of twenty-one, whichever quarter is later, and up to but excluding the quarter in which he attained the age of sixty-five, or died, whichever first occurred, and in no case less than six quarters of coverage; or

"(2) He had at least forty quarters of coverage.

As used in this subsection, and in subsections (s), (u), and (v) of this section, the term 'quarter' and the term 'calendar quarter' mean a period of three calendar months ending on March 31, June 30, September 30, or December 31. When the number of quarters specified in paragraph (1) of this subsection is an odd number, for purposes of such paragraph such number shall be reduced by one. In any case where an individual has earned in a calendar year $3,000 or more in wages, each quarter of such year following his first quarter of coverage shall be deemed a quarter of coverage, excepting any quarter in such year in which such individual dies or (having attained the age of sixty-five) is or becomes entitled to receive an annuity under section 2 and any quarter succeeding such quarter in which he died or was or became so entitled.

"(u) The term 'partially insured individual' means any individual with respect to whom it appears to the satisfaction of the Board that he earned wages of not less than $50 in each of not less than six of the twelve calendar quarters immediately preceding the quarter in which he died.

"(v) The term 'quarter of coverage' means a calendar quarter in which the individual earned not less than $50 in wages; except that for each calendar year during the period beginning January 1, 1937, and ending December 31, 1946, an individual's number of quarters of coverage shall be determined in accordance with the following table:

If during the calendar year the individual earned wages in the following number of calendar months—	And the total wages earned during such calendar year is—			
	$50 but less than $100	$100 but less than $150	$150 but less than $200	$200 or more
	Then the quarters of coverage for such calendar year shall be—			
1 but not more than 3	1	1	1	1
4 but not more than 6	1	2	2	2
7 but not more than 9	1	2	3	3
10 or more	1	2	3	4

For the purposes of subsections (s) and (u) of this section if an individual's quarters of coverage in any calendar year before 1947, as determined from the table—

"(1) is one, his wages for such year shall be deemed to have been earned in the last calendar quarter of such year;

"(2) are two, one-half of his wages for such year shall be deemed to have been earned in each of the last two calendar quarters of such year;

"(3) are three, one-third of his wages for such year shall be deemed to have been earned in each of the last three calendar quarters of such year; and

"(4) are four, one-fourth of his wages for such year shall be deemed to have been earned in each calendar quarter of such year.

"(w) The term 'widow' (except when used in section 4 (e)) means the surviving wife of an individual who either (1) is the mother of such individual's son or daughter, or (2) was married to him prior to the beginning of the twelfth month before the month in which he died.

"(x) The term 'child' (except when used in section 4 (e)) means the child of an individual, and the stepchild of an individual by a marriage contracted prior to the date upon which he attained the age of 60 and prior to the beginning of the twelfth month before the month in which he died, and a child legally adopted by an individual prior to the date upon which he attained the age of 60 and prior to the beginning of the twelfth month before the month in which he died.

"(y) In determining whether an applicant is the widow, child, or parent of a completely insured or partially insured individual, the Board shall apply such law as would be applied in determining the devolution of intestate personal property by the courts of the State in which such insured individual was domiciled at the time of his death, or if such insured individual was not so domiciled in any State, by the courts of the District of Columbia. Applicants who according to such law would have the same status relative to taking intestate personal property as a widow, child, or parent shall be deemed such.

"(z) A widow shall be deemed to have been living with her husband at the time of his death if they were both members of the same household on the date of his death, or she was receiving regular contributions from him toward her support on such date, or he had been ordered by any court to contribute to her support."

AMENDMENT TO SECTION 2 OF RAILROAD RETIREMENT ACT OF 1937

SEC. 2. Section 2 of the Railroad Retirement Act of 1937, as amended, is amended to read as follows:

"ANNUITIES

"SEC. 2. (a) The following-described individuals, if they shall have been employees on or after August 29, 1935, shall, subject to the conditions set forth in subsections (b), (c), (d), and (e), be eligible for annuities after they shall have ceased to render compensated service to any person, whether or not an employer as defined in section 1 (a) (but with the right to engage in other employment to the extent not prohibtied by subsection (e)):

"1. Individuals who on or after August 29, 1935, shall be 65 years of age or over.

"2. Women who on or after January 1, 1947, shall be 60 years of age or over and have completed 30 years of service.

"3. Individuals (other than those covered by paragraph 2) who on or after August 29, 1935, shall be 60 years of age or over and have completed 30 years of service, but the annuity of such an individual shall be reduced by one one-hundred-and-eightieth for each calendar month that such individual is under age 65 when the annuity begins to accrue.

"4. Individuals who on or after August 29, 1935, shall be either 60 years of age or over or shall have completed 30 years of service, and whose permanent physical or mental condition is such that they are unable to engage in any regular employment for hire.

"5. Individuals who on or after January 1, 1947, have completed 10 years of service and whose permanent physical or mental condition, as the result of occupational injury or disease, is such that they are unable to engage in any regular employment for hire.

"6. Individuals who on or after January 1, 1947, have, on the date as of which the annuity begins to accrue, a current connection with the railroad industry and, on such date, either have completed 20 years of service or have attained the age of 60, and whose permanent physical or mental condition, as the result of occupational injury or disease, is such as to be disabling for work in their regular occupation as employees. The Board, with the cooperation of employers and employees, shall secure for purposes of this paragraph the establishment of standards determining the physical and mental conditions which are permanently disabling for work in the several occupations in the railroad industry, and the Board, employers, and employees shall cooperate in the promotion of the greatest practicable degree of uniformity in the standards applied by the several employers. An individual's condition shall be deemed to be disabling for work in his regular occupation as an employee if he has been disqualified by his employer because of disability for service in his regular occupation as an employee in accordance with the applicable standards so established; but if the employee has not been so disqualified by his employer, the Board shall determine whether his condition is disabling for work in his regular occupation as an employee in accordance with the standards generally established; and, if the employee's regular occupation as an employee is not one with respect to which standards have been established, the standards relating to a reasonably comparable occupation shall be used. If there is no such comparable occupation, the Board shall determine whether the employee's condition is disabling for work in his regular occupation as an employee by determining whether under the practices generally prevailing in industries in which such occupation exists such condition is a permanent disqualification for work in such occupation. For the purposes of this section, an employee's 'regular occupation' shall be deemed to be the occupation in which he has been engaged as an employee in more calendar months than the calendar months in which he has been engaged in any other occupation as an employee during the last preceding 5 calendar years, whether or not consecutive, in each of which years he has earned compensation, except that, if an employee establishes that during the last 15 consecutive calendar years he has been engaged in another occupation as an employee in one-half or more of all the months in which he has earned compensation, he may claim such other occupation as his regular occupation as an employee.

"(b) Such satisfactory proof shall be made, as prescribed by the Board, of the physical or mental condition referred to in paragraph 4, 5, or 6 of subsection (a), and from time to time, of the continuance of such condition (determined in accordance with the tests applied in the original determination of such condition) until the employee attains the age of 65. If the individual fails to comply with the requirements prescribed by the Board as to proof of the continuance of such condition until he attains the age of 65 years, his right to an annuity by reason thereof shall, except for good cause shown to the Board, cease, but without prejudice to his rights to have subsequently awarded to him any annuity to which he may be entitled. If before attaining the age of 65 an individual in receipt of an annuity under paragraph 4, 5, or 6 of subsection (a) is found by the Board to be no longer in the physical or mental condition referred to in such paragraph his annuity shall cease upon the last day of the month in which such condition is found by the Board to have ceased to exist, but without prejudice to his rights to have subsequently awarded to him any annuity to which he may be entitled.

"(c) An annuity shall be paid only if the applicant has relinquished such rights as he may have had to return to the service of an employer and of the person by whom he was last employed; but this requirement shall not apply to the individuals mentioned in paragraphs 4, 5, and 6 of subsection (a) prior to attaining the age of 65.

"(d) An annuity shall begin to accrue as of a date to be specified in a written application (to be made in such manner and form as may be prescribed by the Board and to be signed by the individual entitled thereto), but—

"(1) not before the date following the last day of compensated service of the applicant, and

"(2) not more than 60 days before the filing of the application.

"(e) No annuity shall be paid with respect to any month in which an individual in receipt of an annuity hereunder (1) renders compensated service to an employer, (2) renders compensated service to the last person by whom he was employed prior to the date on which the annuity begins to accrue, or (3) in the case of an annuity under paragraph 6 of subsection (a), earns more than $75 in service for hire or in self-employment. Individuals receiving annuities shall report to the Board immediately all such compensated service and earnings."

PROVISION RELATING TO MINIMUM ANNUITIES

SEC. 3. Subsection (e) of section 3 of the Railroad Retirement Act of 1937, as amended, is amended to read as follows:

"(e) If an individual entitled to an annuity—

"(1) was an employee when he attained age 65 and has completed 20 years of service, or

"(2) had, on the date as of which such annuity began to accrue, a current connection with the railroad industry and had, on such date, completed 5 years of service,

the minimum annuity payable shall, before any reduction pursuant to paragraph 3 of section 2 (a), be whichever of the following is the least: (1) $3 multiplied by the number of his years of service, (2) $50, or (3) his monthly conpensation."

REPEAL OF SECTIONS 4 AND 5; ADDITION OF SECTIONS PROVIDING FOR SURVIVOR BENEFITS

SEC. 4. The Railroad Retirement Act of 1937, as amended, is amended by striking out sections 4 and 5 thereof, and by inserting in lieu of such sections the following:

"SURVIVOR BENEFITS

"Child's insurance benefits

"SEC. 4. (a) (1) Every child (as defined in section 1 (x)) of an individual who died a completely or partially insured individual (as defined in section 1 (t) and (u)) after December 31, 1946, if such child (A) has filed application for child's insurance benefits, (B) at the time such application was filed was unmarried and had not attained the age of 18, and (C) was dependent upon such individual at the time of such individual's death, shall be entitled to receive a child's insurance benefit for each month, beginning with the month in which such child becomes so entitled to such insurance benefits, and ending with the month immediately preceding the first month in which any of the following occurs; such child dies, marries, is adopted, or attains the age of 18.

"(2) Such child's insurance benefit for each month shall be equal to one-half of the survivor benefit credit (as defined in section 1 (r)) of the individual with respect to whose wages the child is entitled to receive such benefit, except that, when there is more than one such individual such benefit shall be equal to one-half of whichever survivor benefit credit is greatest.

"(3) A child shall be deemed to have been dependent upon a father or adopting father at the time of the death of such individual unless, at the time of such death, such individual was not living with or contributing to the support of such child and—

"(A) such child is neither the legitimate nor adopted child of such individual, or

"(B) such child has been adopted by some other individual, or

"(C) such child was living with and supported by such child's stepfather.

"(4) A child shall be deemed to have been dependent upon a mother, adopting mother, or stepparent at the time of the death of such individual only if, at the time of such death, no parent other than such individual was contributing to the support of such child and such child was not living with its father or adopting father.

"Widow's insurance benefits

"(b) (1) Every widow (as defined in section 1 (w)) of an individual who died a completely insured individual after December 31, 1946, if such widow (A) has not remarried, (B) has attained the age of 65, (C) has filed application for widow's insurance benefits, (D) was living with such individual at the time of his death, and (E) is not entitled to receive an annuity under section 2, or is entitled to receive an annuity under section 2 which is less than three-fourths of the survivor benefit credit of her husband, shall be entitled to receive a widow's insurance benefit for each month, beginning with the month in which she becomes so entitled to such insurance benefits and ending with the month immediately preceding the first month in which any of the following occurs: She remarries, dies, or becomes entitled to receive an annuity under section 2 equal to or exceeding three-fourths of the survivor benefit credit of her husband.

"(2) such widow's insurance benefit for each month shall be equal to three-fourths of the survivor benefit credit of her deceased husband, except that, if she is entitled to receive an annuity under section 2 for any month, such widow's insurance benefit for such month shall be reduced by an amount equal to the annuity under section 2 to which such widow is entitled.

"Widow's current insurance benefits

"(c) (1) Every widow (as defined in section 1 (w)) of an individual who died a completely or partially insured individual after December 31, 1946, if such widow (A) has not remarried, (B) is not entitled to receive a widow's insurance benefit, and is not entitled to receive an annuity under section 2, or is entitled to receive an annuity under section 2 which is less than three-fourths of the survivor benefit credit of her husband, (C) was living with such individual at the time of his death, (D) has filed application for widow's current insurance benefits, and (E) at the time of filing such application has in her care a child of such deceased individual entitled to receive a child's insurance benefit, shall be entitled to receive a widow's current insurance benefit for each month, beginning with the month in which she becomes so entitled to such current insurance benefits and ending with the month immediately preceding the first month in which any of the following occurs: no child of such deceased individual is entitled to receive a child's insurance benefit, she becomes entitled to receive an annuity under paragraph 1 or 2

of section 2 (a) equal to or exceeding three-fourths of the survivor benefit credit of her deceased husband, she becomes entitled to receive a widow's insurance benefit, she remarries, she dies.

"(2) Such widow's current insurance benefit for each month shall be equal to three-fourths of the survivor benefit credit of her deceased husband, except that, if she is entitled to receive an annuity under section 2 for any month, such widow's current insurance benefit for such month shall be reduced by an amount equal to the annuity under section 2 to which such widow is entitled or by an amount equal to such current insurance benefit, whichever amount is less.

"Parent's insurance benefit

"(d) (1) Every parent (as defined in this subsection) of an individual who died a completely insured individual after December 31, 1946, leaving no widow and no unmarried surviving child under the age of 18, if such parent (A) has attained the age of 65, (B) was wholly dependent upon and supported by such individual at the time of such individual's death and filed proof of such dependency and support within 2 years of such date of death, (C) has not married since such individual's death, (D) is not entitled to receive any other insurance benefits under this section or any annuity under section 2, or is entitled to receive one or more of such benefits or annuity for a month, but the total for such month is less than one-half of the survivor benefit credit of such deceased individual, and (E) has filed application for parent's insurance benefits, shall be entitled to receive a parent's insurance benefit for each month, beginning with the month in which such parent becomes so entitled to such parent's insurance benefits and ending with the month immediately preceding the first month in which any of the following occurs: such parent dies, marries, or becomes entitled to receive for any month an insurance benefit or benefits (other than a benefit under this subsection) or an annuity under section 2 in a total amount equal to or exceeding one-half of the survivor benefit credit of such deceased individual.

"(2) Such parent's insurance benefit for each month shall be equal to one-half of the survivor benefit credit of such deceased individual, except that, if such parent is entitled to receive an insurance benefit or benefits for any month (other than a benefit under this subsection) or an annuity under section 2, such parent's insurance benefit for such month shall be reduced by an amount equal to the total of such other benefit or benefits or annuity for such month. When there is more than one such individual with respect to whose wages the parent is entitled to receive a parent's insurance benefit for a month, such benefit shall be equal to one-half of whichever survivor benefit credit is greatest.

"(3) As used in this subsection, the term 'parent' means the mother or father of an individual, a stepparent of an individual by a marriage contracted before such individual attained the age of 16, or an adopting parent by whom an individual was adopted before he attained the age of 16.

"Lump-sum death payments

"(e) Upon the death, after December 31, 1946, of an individual who died a completely or partially insured individual leaving no surviving widow, child, or parent who would, on filing application in the month in which such individual died, be entitled to a benefit for such month under subsection (a), (b), (c), or (d) of this section, an amount equal to six times the survivor benefit credit of such individual shall be paid in a lump-sum to the following person (or if more than one, shall be distributed among them) whose relationship to the deceased is determined by the Board, and who is living on the date of such determination: To the widow or widower of the deceased; or, if no such widow or widower be then living, to any child or children of the deceased and to any other person or persons who are, under the intestacy law of the State where the deceased was domiciled, entitled to share as distributees with such children of the deceased, in such proportions as is provided by such law; or, if no widow or widower and no such child and no such other person be then living, to the parent or to the parents of the deceased, in equal shares. A person who is entitled to share as distributee with an above-named relative of the deceased shall not be precluded from receiving a payment under this subsection by reason of the fact that no such named relative survived the deceased or of the fact that no such named relative of the deceased was living on the date of such determination. If none of the persons described in this subsection be living on the date of such determination, such amount shall be paid to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the expenses of burial of the deceased. No payment shall be made to any person under this subsection, unless application therefor shall have been filed, by or on behalf of any such person (whether or not legally competent), prior to the expiration of 2 years after the date of death of such individual.

"Application

"(f) (1) An individual who would have been entitled to a benefit under subsection (a), (b), (c), or (d) for any month had he filed application therefor prior to the end of such month, shall be entitled to such benefit for such month if he files application therefor prior to the end of the third month immediately succeeding such month.

"(2) No application for any benefit under this section filed prior to 3 months before the first month for which the applicant becomes entitled to receive such benefit shall be accepted as an application for the purposes of this section.

"(3) An application for any payment or benefit under this section shall be made and filed in such manner as the Board may by regulation prescribe.

"Family payments

"(g) The Board may, in its discretion, certify to the Secretary of the Treasury any two or more individuals of the same family for joint payment of the total benefits and annuities payable to such individuals under this act.

"Benefits due but not paid at death

"(h) The amount of any monthly benefit or lump sum due any individual under this section but not paid to such individual before his death shall be paid to the same persons, and subject to the same conditions and limitations, as though (1) such amount constituted a lump sum payable under subsection (e) by reason of the death of the individual with respect to whose wages such amount was payable, and (2) the individual with respect to whose wages such amount was payable had died on the date of the death of the individual to whom such amount was due.

"Assignment

"(i) The right of any individual to any future payment under this section shall not be transferable or assignable at law or in equity, and none of the moneys paid or payable or rights existing under this section shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

"When an individual is deemed entitled to receive an annuity

"(j) For the purposes of this section and subsections (s) and (t) of section 1, an individual shall be deemed to be entitled to receive an annuity for any month if an annuity is, or thereafter becomes, payable to him for the accrual during such month.

"REDUCTION AND INCREASE OF INSURANCE BENEFITS

"SEC. 5. (a) Whenever the total of benefits under section 4, payable for a month with respect to an individual's wages, is more than $20 and exceeds (1) $5, or (2) an amount equal to twice the survivor benefit credit of such individual, or (3) an amount equal to 80 percent of his average monthly wage (as defined in section 1 (s)), whichever of such three amounts is least, such total of benefits shall, prior to any deductions under subsection (d), be reduced to such least amount or to $20, whichever is greater.

"(b) Whenever the benefit or total of benefits under section 4, payable for a month with respect to an individual's wages, is less than $10, such benefit or total of benefits shall, prior to any deductions under subsection (d), be increased to $10.

"(c) Whenever a decrease or increase of the total of benefits for a month is made under subsection (a) or (b) of this section, each benefit shall be proportionately decreased or increased, as the case may be.

"(d) Deductions, in such amounts and at such time or times as the Board shall determine, shall be made from any payment or payments under section 4 to which an individual is entitled, until the total of such deductions equals such individual's benefit or benefits for any month in which such individual:

"(1) rendered services for wages (as defined in section 209 (a) of the Social Security Act, as amended) of not less than $15; or

"(2) if a child under 18 and over 16 years of age, failed to attend school regularly and the Board finds that attendance was feasible; or

"(3) if a widow entitled to a widow's current insurance benefit, did not have in her care a child of her deceased husband entitled to receive a child's insurance benefit.

"(e) If more than one event occurs in any one month which would occasion deductions equal to a benefit for such month, only an amount equal to such benefit shall be deducted.

"(f) Any individual in receipt of benefits subject to deduction under subsection (d) (or who is in receipt of such benefits on behalf of another individual), because of the occurrence of an event enumerated therein, shall report such occurrence to the Board prior to the receipt and acceptance of an insurance benefit for the second month following the month in which such event occurred. Any such individual having knowledge thereof, who fails to report any such occurrence, shall suffer an additional deduction equal to that imposed under subsection (d)."

"RETURNS OF COMPENSATION AND CONCLUSIVENESS OF EMPLOYEES

SEC. 5. Section 8 of the Railroad Retirement Act of 1937, as amended, is amended to read as follows:

"RETURNS OF COMPENSATION AND CONCLUSIVENESS OF RECORDS OF COMPENSATION

"SEC. 8. Employers shall file with the Board, in such manner and form and at such times as the Board by rules and regulations may prescribe, returns under oath of compensation of employees, and, if the Board shall so require, shall furnish employees with statements of their compensation as reported to the Board. The Board's record of the compensation so returned shall be conclusive as

to the amount of compensation earned by an employee during each month covered by the return, and the fact that the Board's records show that no return was made of the compensation claimed to be earned by an employee during a particular calendar month shall be taken as conclusive that no compensation was earned by such employee during that month, unless the error in the amount of compensation in the one case, or failure to make or record return of the compensation in the other case, is called to the attention of the Board within 4 years after the last date on which return of the compensation was required to be made."

CHANGES IN EXISTING LAW MADE NECESSARY BY PRECEDING AMENDMENTS

SEC. 6. (a) The third sentence of paragraph (h) of section 1 of the Railroad Retirement Act of 1937, as amended, is amended by striking out "for the purposes of subsections (a), (c), and (d) of section 2 and subsection (a) of section 5" and inserting in lieu thereof "for the purposes of subsections (a), (d), and (e) of section 2, and for the purposes of section 4,".

(b) Subsection (f) of section 3 of the Railroad Retirement Act of 1937, as amended, is amended to read as follows:

"(f) Annuity payments due any individual but not paid to such individual before his death shall be paid to the same persons, and subject to the same conditions and limitations, as though such payments constituted a lump sum payable under section 4 (e) with respect to the death of such individual."

(c) Subsection (h) of section 3 of the Railroad Retirement Act of 1937, as amended, is amended by striking out "except as provided in subdivision 3 of section 2 (a)" and inserting in lieu thereof "except that if, under subsection (b) of section 2, an individual's annuity ceases the provisions of this subsection shall not apply with respect to any annuity subsequently awarded to which such individual may be entitled."

(d) Subsection (m) of section 3A of the Railroad Retirement Act of 1937, as amended, is hereby repealed.

(e) (1) Subsection (n) of section 3A of the Railroad Retirement Act of 1937, as amended, is amended by striking out the phrase "annuities, pensions and death benefits" and inserting in lieu thereof the following: "annuities, pensions, death benefits, insurance benefits, and lump sum payments."

(2) Section 9 of such act is amended by striking out the phrase "annuities, pensions, or death benefits" wherever it appears in such section, and inserting in lieu thereof the following: "annuities, pensions, death benefits, insurance benefits, or lump sum payments."

(3) Subsection (b) (1) of section 10 of such act is amended by striking out the phrase "pensions, annuities, or death benefits" and inserting in lieu thereof the following: "annuities, pensions, death benefits, insurance benefits, or lump sum payments."

(4) Subsection (b) 5 of section 10 of such act is amended by striking out the phrase "annuities or death benefits" and inserting in lieu thereof the following: "annuities, death benefits, insurance benefits, or lump sum payments."

(5) The third sentence of section 11 of such act is amended by striking out the phrase "annuity, pension, or death benefit" wherever it appears in such sentence and inserting in lieu thereof the following: "annuity, pension, death benefit, insurance benefit, or lump sum payment."

(6) Subsections (a) and (b) of section 15 of such act are amended by striking out the phrase "annuities, pensions, and death benefits" wherever it appears in such subsections, and inserting in lieu thereof the following: "annuities, pensions, death benefits, insurance benefits, and lump sum payments."

SAVING PROVISIONS

SEC. 7. (a) The provisions of paragraphs 2 and 4 of section 2 (a), and of section 3 (e), of the Railroad Retirement Act of 1937, as in force after this title takes effect, shall be applicable to individuals who became eligible for annuities before January 1, 1947, without further application therefor, but such provisions shall not result in the payment of any annuity, with respect to any calendar month prior to January 1, 1947, in a higher amount than would be payable under the Railroad Retirement Act of 1937 as in force prior to the date on which this title takes effect. If an annuity increased pursuant to such provisions is a joint and survivor annuity, the increase shall be in the same form, the actuarial value being computed as of the date the increase begins, unless on that date there is no spouse living for whom the election was made, in which case the increase shall be awarded on a single life basis. If the increase affects a survivor annuity only, the increase shall be so determined as to bear the same ratio to the survivor annuity as the increase in the basic annuity would bear to such basic annuity if the employee annuitant were living and had made no joint and survivor election. For the purposes of section 3 (e) of the Railroad Retirement Act of 1937, as amended by this act, an individual to whom an annuity began to accrue before January 1, 1947, if such annuity was based on not less than 5 years of service, shall be deemed to have had a current connection with the railroad industry on the date as of which such annuity began to accrue.

(b) Notwithstanding the amendment by this act of section 3 (f) of the Railroad Retirement Act of 1937, in any case in which the individual referred to in such section died before January 1, 1947, such section shall continue in effect as though this act had not been enacted.

(c) Notwithstanding the repeal by this act of section 4 of the Railroad Retirement Act of 1937, in any case where an election was made under such section 4 prior to January 1, 1947, the election shall be given effect as though this act had not been enacted; except that—

(1) If the annuity of the individual who made the election did not begin to accrue before January 1, 1947, the election shall be considered not to have been made unless the individual, prior to January 1, 1948, reaffirms such election in such manner as the Railroad Retirement Board shall by regulations prescribe.

(2) If the annuity of the individual who made the election began to accrue, but was not awarded, before January 1, 1947, the election shall be considered not to have been made if such individual, prior to January 1, 1948, revokes such election in such manner as the Railroad Retirement Board shall by regulations prescribe.

(d) Notwithstanding the repeal by this act of section 3A (m) and section 5 of the Railroad Retirement Act of 1937, such section 3A (m) and such section 5 shall continue in effect with respect to compensation earned after December 31, 1936, and before January 1, 1947, by an individual as an employee, as though this act had not been enacted, in the following cases:

(1) If such individual dies before January 1, 1947.

(2) If such individual dies on or after January 1, 1947, and died neither completely nor partially insured within the meaning of subsection (t) or (u) of section 1 of the Railroad Retirement Act, as amended by this act.

(3) If such individual dies on or after January 1, 1947, and a lump-sum death payment under section 4 (e) of the Railroad Retirement Act of 1937, as amended by this act, is payable, except that the death benefit shall be reduced by the amount of such lump-sum death payment.

(4) If such individual dies on or after January 1, 1947, leaving a surviving widow, child, or parent who would, on filing application in the month in which such individual died, be entitled to a benefit for such month under subsection (a), (b), (c), or (d) of section 4 of the Railroad Retirement Act of 1937, as amended by this act, except that (A) the death benefit, if any, shall not be due before (i) the first day of the month next following the last month with respect to which any benefits under such subsection (a), (b), (c), or (d), based on an application filed in the month in which such individual dies, would be payable, or (ii) the first day of the month next following the month of the death of a spouse entitled to a survivor annuity pursuant to an election made under the provisions of section 4 of the Railroad Retirement Act of 1937 before its amendment by this act, whichever is later; and the two-year period within which an application for the death benefit, if any, must be filed pursuant to the provisions of such section 5, shall not begin before such first day of the month described in clauses (i) and (ii) above, and (B) the death benefit shall be reduced by the aggregate amount of benefits paid, or due but not paid, under section 4 of the Railroad Retirement Act of 1937, as amended by this act, on the basis of such individual's death.

(e) Notwithstanding the amendment made by this act to section 8 of the Railroad Retirement Act of 1937, as amended, a return made in accordance with such section, covering monthly compensation of an employee, with respect to any period before January 1, 1947, shall be conclusive (in the same manner and to the same extent as provided under such section 8 prior to its amendment by this act) as to the amount of compensation earned by such employee during each month covered by the return; except that after March 31, 1951, the Railroad Retirement Board's record of the amount of the compensation earned by such employee during each month covered by any such return shall be conclusive.

TITLE II—AMENDMENTS TO RAILROAD UNEMPLOYMENT INSURANCE ACT

TERMINATION OF PERIOD WITH RESPECT TO WHICH CONTRIBUTIONS SHALL BE PAYABLE

SEC. 201. So much of the first sentence of subsection (a) of section 8 of the Railroad Unemployment Insurance Act, as amended, as precedes the proviso is amended to read as follows: "Every employer shall pay a contribution, with respect to having employees in his service, equal to 3 percent of so much of the compensation as is not in excess of $300 for any calendar month payable by him to any employee with respect to employment after June 30, 1939, and before January 1, 1947:".

AMENDMENTS RELATING TO RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

SEC. 202. (a) Subsection (a) of section 10 of the Railroad Unemployment Insurance Act, as amended, is amended to read as follows:

"(a) The Secretary of the Treasury shall maintain in the unemployment trust fund established pursuant to section 904 of the Social Security Act an account to be known as the railroad unemployment insurance account. This account shall consist of (i) 90 percent of all contributions collected pursuant to section 8 of this act, together with all interest collected pursuant to section 8 of this act, and 90 percent of all taxes (together with all interest, civil fines, civil penalties, additional amounts, and additions to the tax) collected pursuant to the Railroad Unemployment Tax Act (pt. II, subch. B, ch. 9, Internal Revenue Code); (ii) all amounts transferred or paid into the account pursuant to section 13 or section 14 of this act; (iii) all additional amounts appropriated to the account in accordance with any

provision of this act or with any provision of law now or hereafter adopted; (iv) a proportionate part of the earnings of the unemployment trust fund, computed in accordance with the provisions of section 904 (e) of the Social Security Act; (v) all amounts realized in recoveries for overpayments or erroneous payments of benefits; (vi) all amounts transferred thereto pursuant to section 11 of this act; (vii) all fines or penalties collected pursuant to the provisions of this act and all criminal fines or criminal penalties collected with respect to the tax imposed under the Railroad Unemployment Tax Act; and (viii) all amounts credited thereto pursuant to section 2 (f) or section 12 (g) of this act. Notwithstanding any other provision of law, all moneys at any time standing to the credit of the account shall be mingled and undivided, and are hereby permanently appropriated to the Board and to the Bureau of Internal Revenue to be continuously available to the Board and to the Bureau of Internal Revenue, without further appropriation, for the payment of benefits provided for by this act, and for the payment of refunds (including interest thereon) pursuant to this act or the Railroad Unemployment Tax Act, and no part thereof shall lapse at any time, or be carried to the surplus fund or any other fund other than as provided by section 11 (e) of this act."

(b) Subsection (b) of section 10 of the Railroad Unemployment Insurance Act, as amended, is amended to read as follows:

"(b) All moneys in the account shall be used solely for the payment of the benefits provided for by this act, for the payment of refunds (including interest thereon) pursuant to this act or the Railroad Unemployment Tax Act, and for the transfer of amounts to be credited to the fund pursuant to section 11 (e) of this act. The Board shall, from time to time, certify to the Secretary of the Treasury the name and address of each person or company entitled to receive benefits or a refund payment under this act, the amount of such payment, and the time at which it shall be made. The Commissioner of Internal Revenue shall, from time to time, furnish to the Secretary of the Treasury a schedule of overpayments in respect of the tax (or any interest, penalty, additional amount, or addition to the tax) under the Railroad Unemployment Tax Act for the purpose of causing refunds under such act to be made from the account. Prior to audit or settlement by the General Accounting Office, the Secretary of the Treasury, through the Division of Disbursement of the Treasury Department, shall make payments from the account directly to such person or company of the amount of benefits or refund so certified by the Board and to the person or company shown to be entitled thereto of the amount of the refund under the Railroad Unemployment Tax Act so scheduled by the Commissioner of Internal Revenue: *Provided, however,* That if the Board shall so request, the Secretary of the Treasury, through the Division of Disbursement of the Treasury Department, shall transmit benefit payments to the Board for distribution by it through employment offices or in such other manner as the Board deems proper."

(c) The second sentence of subsection (a) of section 904 of the Social Security Act, as amended, is amended by inserting after the word "Board" the words "or the Bureau of Internal Revenue."

(d) Subsection (f) of section 904 of the Social Security Act, as amended, is amended by striking out the last sentence thereof and by inserting in lieu thereof the following sentence: "The Secretary of the Treasury is authorized and directed to make out of the fund such payments as the Railroad Retirement Board may duly certify, such refunds under the Railroad Unemployment Tax Act (pt. II, subch. B, ch. 9, Internal Revenue Code) as may be duly scheduled for payment by the Commissioner of Internal Revenue, and such transfers as may be required pursuant to section 11 (e) of the Railroad Unemployment Insurance Act, not exceeding the amount standing to the credit of the railroad unemployment insurance account at the time of such payment, refund, or transfer."

AMENDMENTS RELATING TO THE RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

SEC. 203. (a) The second sentence of subsection (a) of section 11 of the Railroad Unemployment Insurance Act, as amended, is amended by inserting immediately before the semicolon at the end of clause (i) of such sentence the following: ", 10 percent of all taxes (exclusive of all interest, fines, penalties, additional amounts, and additions to the tax) collected pursuant to the Railroad Unemployment Tax Act (p. II, subch. B, ch. 9, Internal Revenue Code), and all amounts transferred to the fund pursuant to subsection (e) of this section."

Page 95, after line 17, insert the following:

"(b) Section 11 of the Railroad Unemployment Insurance Act, as amended, is amended by adding after subsection (d) thereof the following new subsection:

"'(e) If the aggregate amount credited to the fund during any calendar year pursuant to the Railroad Unemployment Tax Act and section 8 of this act is less than $3,000,000 there shall be transferred from the account and credited to the fund, on or before January 31 of the next calendar year, an amount equal to the amount by which $3,000,000 exceeds such aggregate amount.'"

CHANGES IN EXISTING LAW MADE NECESSARY BY PRECEDING AMENDMENTS

SEC. 204. (a) Subsection (g) of section 2 of the Railroad Unemployment Insurance Act, as amended, is amended to read as follows:

"(g) Benefits accrued to an individual but not yet paid at death shall, upon certification by the Board, be paid, without necessity of filing further claims therefor, to the same person or persons, and subject to the same conditions and limitations, as though such benefits constituted a lump sum payable under the provisions of section 4 (e) of the Railroad Retirement Act of 1937, as amended, with respect to the death of such individual."

(b) Subsection (g) of section 5 of the Railroad Unemployment Insurance Act, as amended, is amended by inserting after the word "refund" where it first appears in such subsection the words "under this act."

(c) Subsection (h) of section 8 of the Railroad Unemployment Insurance Act, as amended, is amended to read as follows:

"(h) All provisions of law, including penalties, applicable with respect to any tax imposed by section 1800 or 2700 of the Internal Revenue Code, and the provisions of section 3661 of such code, insofar as applicable and not inconsistent with the provisions of this act, shall be applicable with respect to the contributions required by this act and the payments required by the second sentence of section 2 (f) of this act: *Provided,* That all authority and functions conferred by or pursuant to such provisions upon any officer or employee of the United States, except the authority to institute and prosecute, and the function of instituting and prosecuting, criminal proceedings, shall, with respect to such contributions and payments, be vested in and exercised by the Board or such officers and employees of the Board as it may designate therefor."

(d) Subsection (d) of section 9 of the Railroad Unemployment Insurance Act, as amended, is amended to read as follows:

"(d) All fines and penalties imposed by a court pursuant to this act and all criminal fines and criminal penalties imposed by a court with respect to the tax imposed under the Railroad Unemployment Tax Act (pt. II, subch. B, ch. 9, Internal Revenue Code) shall be paid to the court and remitted from time to time by order of the judge to the Treasury of the United States to be credited to the account."

(e) Subsection (e) of section 12 of the Railroad Unemployment Insurance Act, as amended, is amended by inserting after the word "refunds" where it first appears in such subsection, the words "under this act."

SAVING PROVISION

SEC. 205. Notwithstanding the amendment made by this act to subsection (g) of section 2 of the Railroad Unemployment Insurance Act, in any case in which the individual referred to in such subsection died before January 1, 1947, the accrued benefits referred to in such subsection shall be paid in accordance with the provisions of that subsection as it was in effect before it was amended by this act; and the references in that subsection, as it was in effect before such amendment, to sections 3 (f) and 5 of the Railroad Retirement Act of 1937 shall be considered to be references to such sections as they were in force before the date on which title I of this act takes effect.

TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE

INCREASE IN RAILROAD RETIREMENT TAX RATES

Rate of employees' tax

SEC. 301. (a) Section 1500 of the Internal Revenue Code is amended by striking out clauses Nos. 4 and 5 and by inserting in lieu thereof the following:

"4. With respect to compensation earned during the calendar year 1946, the rate shall be 3½ percent.

"5. With respect to compensation earned after December 31, 1946, the rate shall be 6 percent."

Rate of employee representatives' tax

(b) Section 1510 of the Internal Revenue Code is amended by striking out clauses Nos. 4 and 5 and by inserting in lieu thereof the following:

"4. With respect to compensation earned during the calendar year 1946, the rate shall be 7 percent.

"5. With respect to compensation earned after December 31, 1946, the rate shall be 12 percent."

Rate of employers' tax

(c) Section 1520 of the Internal Revenue Code is amended by striking out clauses Nos. 4 and 5 and by inserting in lieu thereof the following:

"4. With respect to compensation paid to employees for services rendered during the calendar year 1946, the rate shall be 3½ percent.

"5. With respect to compensation paid to employees for services rendered after December 31, 1946, the rate shall be 6 percent."

RAILROAD UNEMPLOYMENT TAX

Technical amendments

SEC. 302. (a) Subchapter B of chapter 9 of the Internal Revenue Code, as amended, is further amended:

(1) By striking out the words and figures "Part I", "Part II", "Part III", and "Part IV" in the subheadings in such subchapter and by inserting in lieu thereof "Subpart I", "Subpart II", "Subpart III", and "Subpart IV", respectively;

(2) By striking out the word "Subchapter" in the heading of section 1537 of such subchapter and by inserting in lieu thereof "Part";

"(3) By striking out the words 'this subchapter' and 'This subchapter' wherever they appear in such subchapter and by inserting in lieu thereof 'this part' and 'This part', respectively."

(4) By inserting immediately after the heading of such subchapter the following new subheading:

"PART I—RAILROAD RETIREMENT TAX ACT"

(5) By adding at the end of such subchapter the following:

"SEC. 1538. Title of part.

"This part may be cited as the 'Railroad Retirement Tax Act'."

Railroad Unemployment Tax Act

(b) Subchapter B of chapter 9 of the Internal Revenue Code, as amended, is further amended by adding at the end thereof the following:

"PART II—RAILROAD UNEMPLOYMENT TAX ACT

"SEC. 1550. Rate of tax on employers:

"In addition to other taxes, every employer shall pay an excise tax, with respect to having individuals in his service, equal to the percentages set forth in the following table of so much of the compensation as is not in excess of $300 for any calendar month payable by him to any employee for services rendered to him after December 31, 1946: *Provided, however,* That if compensation is payable to an employee by more than one employer with respect to any such calendar month, the tax imposed by this section shall apply to not more than $300 of the aggregate compensation payable to said employee by all said employers with respect to such calendar month, and each such employer shall be liable for that proportion of the tax with respect to such compensation which the amount payable by him to the employee with respect to such calendar month bears to the aggregate compensation payable to such employee by all employers with respect to such calendar month:

If the balance to the credit of the account as of the close of business on Sept. 30 of any year, as determined by the Secretary, is:	The rate with respect to compensation payable to employees for services rendered during the next succeeding calendar year shall be:
$350,000,000 or more	½ percent.
$300,000,000 or more but less than $350,000,000	1 percent.
$250,000,000 or more but less than $300,000,000	1½ percent.
$200,000,000 or more but less than $250,000,000	2 percent.
$150,000,000 or more but less than $200,000,000	2½ percent.
Less than $150,000,000	3 percent.

On or before December 31, 1946, and on or before December 31 of each succeeding year, the Secretary shall determine and proclaim the balance to the credit of the account as of the close of business on September 30 of such year.

"SEC. 1551. Adjustments:

"If more or less than the correct amount of the tax imposed by section 1550 is paid with respect to any compensation, then, under regulations made by the Commissioner, with the approval of the Secretary, proper adjustments with respect to the tax shall be made, without interest, in connection with subsequent payments of tax under this part made by the same employer.

"SEC. 1552. Overpayments and underpayments:

"If more or less than the correct amount of the tax imposed by section 1550 is paid with respect to any compensation and the overpayment or underpayment of the tax cannot be adjusted under section 1551, the amount of the overpayment shall be refunded, or the amount of the underpayment shall be collected, in such manner and at such times (subject to the statute of limitations properly applicable thereto) as may be prescribed by regulations under this part as made by the Commissioner, with the approval of the Secretary.

"SEC. 1553. Collection and payment of tax:

"(a) Administration: The tax imposed by this part shall be collected by the Bureau of Internal Revenue and shall be deposited by it with the Secretary, 90 percent thereof to the credit of the account and 10 percent thereof to the credit of the fund; except that 100 percent of the interest, civil fines, civil penalties, additional amounts, and additions to the tax, collected pursuant to this part, shall be credited to the account.

"(b) Time and manner of payment: The tax imposed by this part shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this part as may be prescribed by regulations made by the Commissioner, with the approval of the Secretary.

"(c) Addition to tax in case of delinquency: If the tax imposed by this part is not paid when due, there shall be added as part of the tax (except in the case of adjustments made in accordance with the provisions of section 1551) interest at the rate of 1 percent per month or fraction of a month from the date the tax became due until paid.

"(d) Fractional parts of a cent: In the payment of any tax under this part, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

"SEC. 1554. Definitions.

"As used in this part—

"(a) Employer: The term 'employer' means any carrier (as defined in subsec. (b)), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however,* That the term 'employer' shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Commissioner of Internal Revenue, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term 'employer' shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies, and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, as amended, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations. The term 'employer' shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities.

"(b) Carrier: The term 'carrier' means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act, as amended.

"(c) Company: The term 'company' includes corporations, associations, and joint-stock companies.

"(d) Employee: The term 'employee' means any individual in the service of one or more employers for compensation: *Provided, however,* That the term 'employee' shall not include any individual in the service of a local lodge or division defined as an employer in subsection (a). The term 'employee' includes an officer of an employer. The term 'employee' shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

"(e) Service: An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to subsection (e) of section 1 of the Railroad Unemployment Insurance Act, as amended, shall be applicable: *Provided further,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof.

"(f) Compensation: The term 'compensation' means any form of money remuneration

earned by an individual for services rendered as an employee to one or more employers, including remuneration for time lost as an employee, but remuneration for time lost shall be deemed earned on the day on which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of the tax imposed on such employee by section 1500.

"(g) Account: The term 'account' means the railroad unemployment insurance account established pursuant to section 10 of the Railroad Unemployment Insurance Act, as amended, in the unemployment trust fund.

"(h) Fund: The term 'fund' means the railroad unemployment insurance administration fund established pursuant to section 11 of the Railroad Unemployment Insurance Act, as amended.

"(i) United States: The term 'United States,' when used in a geographical sense, means the States, Alaska, Hawaii, and the District of Columbia.

"(j) State: The term 'State' means any of the States, Alaska, Hawaii, or the District of Columbia.

"SEC. 1555. Penalties:

"(a) Prohibition on deduction of tax: The tax imposed by this part shall not be deducted by the employer, in whole or in part, from the compensation of employees in his employ. Any employer, or officer or agent of an employer, who violates any provision of this subsection shall, upon conviction, be punished for each such violation by a fine of not more than $1,000 or by imprisonment not exceeding 1 year, or both.

"(b) Prohibition on requiring employee to bear tax: Any agreement by an employee to pay all or any portion of the tax imposed on his employer by this part shall be void, and it shall be unlawful for any employer, or officer or agent of an employer, to make, require, or permit any employee to bear all or any portion of such tax. Any employer, or officer or agent of an employer, who violates any provision of this subsection shall, upon conviction, be punished for each such violation by a fine of not more than $10,000 or by imprisonment not exceeding 1 year, or both.

"SEC. 1556. Rules and regulations:

"The Commissioner, with the approval of the Secretary, shall make and publish such rules and regulations as may be necessary for the enforcement of this part.

"SEC. 1557. Other laws applicable:

"All provisions of law, including penalties, applicable with respect to any tax imposed by section 2700 or section 1800, insofar as applicable and not inconsistent with the provisions of this part, shall be applicable with respect to the tax imposed by this part.

"SEC. 1558. Title of part:

"This part may be cited as the 'Railroad Unemployment Tax Act'."

DEPOSIT OF COLLECTIONS

SEC. 303. Section 3971 (b) of the Internal Revenue Code is amended by adding at the end thereof the following paragraph:

"'(4) Tax collected under Railroad Unemployment Tax Act.—All taxes (including all interest, civil fines, civil penalties, additional amounts, and additions to the tax) collected pursuant to the Railroad Unemployment Tax Act shall be deposited directly with the Secretary, or with any Federal Reserve bank, or with any other bank designated by the Secretary, pursuant to section 10 of the act of June 11, 1942 (56 Stat. 356; 12 U. S. C., Supp. IV, 265) or pursuant to the act of June 19, 1922 (42 Stat. 662; 31 U. S. C., 1940 ed., 473), to receive such deposits, but the officer receiving or collecting the same, to be credited in accordance with section 1553 (a).'"

TITLE IV—EFFECTIVE DATES OF TITLES I AND II

SEC. 401. Titles I and II of this act shall take effect January 1, 1947.

Amend the title so as to read: "A bill to amend the Railroad Retirement Act of 1937 and the Railroad Unemployment Insurance Act, and for other purposes."

The explanation of the bill and amendment submitted by Mr. CAPEHART is as follows:

H. R. 1362—AN AMENDMENT IN THE NATURE OF A SUBSTITUTE

EXPLANATION OF THE BILL

In its present form the bill proposes numerous and substantial changes in the existing railroad retirement and unemployment insurance statutes, and in related provisions of the internal-revenue laws, the major proposals, stated briefly, being as follows:

Extension of coverage to freight forwarders not controlled by railroads, to railroad-controlled trucking companies, and to certain companies whose services are used by railroads.

New definition of employment relation which both lessened and broadened the class of individuals who could claim prior-service credit.

Disability annuities payable without reduction to individuals of age 60 or over regardless of length of service, and to those with 10 years of service regardless of age; in each instance with respect to permanent disability preventing the employee from engaging in any regular employment for hire.

Disability annuities payable to individuals with a "current connection with the railroad industry" if (1) having 20 years of service, regardless of age, or (2) if 60 years of age, regardless of length of service; in each instance with respect to permanent disability preventing the employee from engaging in his regular occupation.

Survivor benefits corresponding in general to those under social security but at approximately a 25-percent higher level as to amount and coordinated with social-security benefits in a manner raising difficult administrative problems; these benefits to be payable to all survivors of employees, annuitants, and pensioners regardless of whether death occurred before the effective date.

Minimum annuity provisions, on a more liberal basis than the existing minimum, for those having 5 years of service and a "current connection with the railroad industry."

Increase in the retirement tax rate to 11½ percent until 1949, 12 percent from 1949 to 1951, and 12½ percent thereafter.

Proposal that the function of collecting the retirement taxes (now exercised by the Bureau of Internal Revenue) be transferred to the Railroad Retirement Board; and that the retirement taxing provisions be removed from the Internal Revenue Code and made a part of the Railroad Retirement Act of 1937.

Larger unemployment-insurance benefits for those with high base-year earnings and longer duration of benefits for all.

Sickness and maternity benefits on the same basis as the unemployment insurance system. No change was proposed in the present rate of unemployment insurance contributions by the carriers, the assumption being that the present rate would be sufficient to finance the proposed new sickness and maternity benefits as well as unemployment insurance.

A change in the wage basis for taxes and benefits, so that, instead of excluding amounts in excess of $300 earned in any month, amounts in excess of $300 earned in a month and could be counted up to an aggregate, for a calendar year, of $300 multiplied by the number of months of service in the year.

EXPLANATION OF THE PROVISIONS OF THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

This amendment proposes to amend the existing Railroad Retirement Act of 1937, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code. These statutory provisions now embody the law in reference to benefits receivable and taxes and contributions payable by railway employees, as well as taxes and contributions payable by carriers.

While the amendment proposed does not grant all of the new benefits proposed by the bill, it takes away no present benefits now existing in favor of the employees which the introduced bill would not have taken away, it preserves certain of such benefits which the introduced bill would have taken away, and adds several new benefit provisions to existing law. The proposed amendment provides, in substance, for:

CREATING A BENEFICIAL RIGHT IN BEHALF OF SURVIVING DEPENDENTS OF EMPLOYEES TO SPECIFIED MONTHLY BENEFITS

Under this amendment the new survivor benefits to be paid operate in favor of the same dependents as under the Social Security Act. The time and amount of payments to the surviving beneficiaries are likewise computed, so far as is practicable, in the same manner as under the Social Security Act.

Under the present law, the employee beneficiary has an optional right to allot a percentage of his retirement benefits to his surviving widow, in which case his own annuity is reduced. Under the plan proposed the surviving dependents would be entitled to benefits in their own right. The benefits so provided are granted without reducing the benefit available to the employee.

In addition to making provision for new survivor benefits, the amendment preserves the death benefit provided for under present law, so far as it has accrued to an individual up to January 1, 1947, reduced by such amounts as may be paid under the new survivor-benefit provisions.

NEW CLASSES OF BENEFICIARIES ON ACCOUNT OF OCCUPATIONAL DISABILITY, AND LIBERALIZATION OF PRESENT DISABILITY ANNUITY PROVISIONS

This amendment adds new provisions to present law, providing for payment of full retirement annuities to employees permanently disabled as a result of occupational injury or disease if they meet either of the following specifications:

(a) Disabled for any regular employment for hire and having 10 or more years of service;

(b) Disable for employment in their regular railroad occupation, having 20 or more yeas of sevice or being 60 years of age or over, and having a current connection with the railroad industry.

Under the present law, annuities are paid to employees who are totally and permanently disabled from any cause and who are unable to perform any regular employment. In order to qualify, they must either have 30 years of service or be 60 years of age or over. For those qualifying with 30 years of service the full annuity is paid, but for those qualifying only by being age 60 or over, a reduction is provided. The proposed amendment allows these provisions to remain as at present, execpt that the reduction for those qualifying only by reason of age is eliminated both for existing annuitants and for future ones.

REDUCTION OF RETIREMENT AGE FOR WOMEN

Under this amendment, female employees who have had 30 years of service may retire at age 60 on a full annuity. Under the present law, women have the same retirement provisions as men, namely, that the full annuity is not payable until age 65, although optional retirement between 60 and 65 can

take place for those with 30 years of service, but with a reduction in the annuity.

LIBERALIZATION OF MINIMUM ANNUITY PROVISIONS

This amendment provides for increased minimums, applicable with respect to all types of annuities for those having 5 or more years of service and a current connection with the railroad industry, or for those who have completed 20 years of service and were railroad employees when they attained age 65. Provision is made that the annuities of those now on the rolls will be increased if the new minimum provisions apply.

Under the present law, the minimum annuities payable are on a smaller basis than under the proposal and, moreover, apply only to annuities payable upon retirement at age 65 or later where the individual was an employee when he attained age 65 and had completed 20 years of service.

AN INCREASE IN THE TAX AS TO RETIREMENT BENEFITS IN ORDER TO FINANCE THE PROPOSED BENEFIT CHANGES

The actuary retained by the House committee estimates that the amendments listed above will require additional income equivalent to approximately 1½ percent of pay roll, itemized as follows:

	Cost as percentage of pay roll	Cost on basis of $4,000,000,000 pay roll
Survivor benefits [1]	1.2	$48,000,000
New occupational disability benefits [2]	.2	8,000,000
Women retiring at age 60 with 30 years of service	.02	800,000
New minimum annuity provisions	.3	12,000,000
Total additional	1.72	68,800,000

[1] Net total after allowing for cost savings due to partial elimination of present death benefits.

[2] Including additional cost for paying full annuities, rather than reduced ones, to present disability annuitants qualifying at age 60 with less than 30 years of service.

NOTE.—The figures shown above for estimated costs are single values on a "most probable" basis and do not indicate the range of variation inherent in such estimates.

INCREASE IN THE TAX AS TO RETIREMENT BENEFITS IN ORDER TO PUT THE PRESENT RAILROAD RETIREMENT SYSTEM ON A SOUND ACTUARIAL LEVEL-PAYMENT BASIS

This is accomplished by a proposal to add 3 percent to the existing ultimate tax of 7½ percent, half payable by the employers and half by the employees. The actuarial advisory committee, under the railroad retirement system, in its latest report for the 3-year period ending December 31, 1941, found that an additional tax of 3.32 percent was desirable at that time to place the retirement system on a sound actuarial level-payment basis. The actuary retained by the House committee estimates that an additional 3-percent tax would substantially assure a sound basis for the railroad-retirement system.

The total necessary increase in the ultimate tax rate of 7½ percent in 1949 and thereafter provided under the present act is thus determined to be 4½ percent, making a total tax rate of 12 percent. It is recommended that this tax rate be adopted effective January 1, 1947, which is the effective date provided in this amendment for the various benefit changes. Under the present act the combined tax schedule is 7 percent until 1949 and 7½ percent thereafter. It is desirable to have the taxes on a level-payment basis after 1946 rather than having a slight increase in 1949 and level thereafter.

REDUCTION IN THE UNEMPLOYMENT-INSURANCE TAX RATE

Under this amendment, the tax rate for unemployment insurance will be reduced from the existing 3 percent to varying amounts going as low as one-half percent, depending on the size of the unemployment-insurance account. On the basis of its present size of over $700,000,000 the tax rate would be one-half percent. Under the present law, no provision for tax-rate reduction is made when the experience is favorable and a large fund has been built up.

COLLECTION OF UNEMPLOYMENT-INSURANCE TAX

This amendment provides for the collection of the unemployment-insurance tax after January 1, 1947, by the Bureau of Internal Revenue rather than by the Railroad Retirement Board as at present. Amendments to the Railroad Unemployment Insurance Act and the Internal Revenue Code are included to effect this change. The taxes for the support of the railroad-retirement system are now collected by the Bureau of Internal Revenue under provisions of the Internal Revenue Code.

The newspaper statement presented by Mr. CAPEHART is as follows:

On May 11, 1946, the newspaper Labor, which is the official organ of the Railway Labor Executives Association, who are, in turn, sponsors of the bills H. R. 1362 and S. 293, had this to say:

"The extremely modest amendments proposed by the railroad unions are very briefly, but accurately, stated:

"1. Widows of railroad workers are to have pensions as a matter of right. Such a provision is to be found in practically all modern social-security legislation. Nothing revolutionary about that.

"2. A minimum pension of $50 a month is fixed for low-paid railroad workers who have devoted their lives to the industry. Thousands of them are now getting pensions of less than $50 a month.

"3. The totally disabled railroad worker—the man who, because of what he gave to the industry, is no longer able to hold a job in the industry—is treated somewhat more generously than at present.

"4. Finally, the tax is increased so as to make the railroad retirement system, as well as the railroad unemployment-insurance system, absolutely sound. The figures in every instance are based on the advice of the most competent actuaries in this country.

"These are the essential amendments. There are other slight changes, but they are not important."

Again, in the issue of Labor of May 18, 1946, the same newspaper repeated the statement on page 3, in the following language:

"As Labor has pointed out on a dozen occasions, the amendments may be stated very briefly.

"Widows of rail workers are to have pensions as a matter of right. A minimum pension of $50 a month is fixed for low-paid railroad workers. Those disabled for further railroad work are treated a little more generously than at present. Finally, the tax is increased to make the retirement system absolutely sound.

"This is practically all there is to the legislation which the railroad lobby and its supporters say is 'very complex.'"

Both of these articles appeared during the time that the bill was under consideration in the House of Representatives.

Mr. CAPEHART. The substitute bill that I am offering today gives to labor the four features which their official paper says is what they want, and I urge the Senate to consider the substitute.

AMENDMENT OF RAILROAD RETIREMENT ACTS—AMENDMENTS

Mr. REED and Mr. THOMAS of Oklahoma each submitted amendments intended to be proposed by them, respectively, to the bill (H. R. 1362) to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter 9 of the Internal Revenue Code; and for other purposes, which were severally ordered to lie on the table and to be printed.

CONFLICTING INTERPRETATIONS OF TRANSPORTATION POLICY—EDITORIAL FROM MORNING NEWS, OF WILMINGTON, DEL.

[Mr. TUNNELL asked and obtained leave to have printed in the RECORD an editorial entitled "To End a Dilemma," published in the Morning News of Wilmington, Del., of the issue of July 15, 1946, which appears in the Appendix.]

PRICE CONTROL—EDITORIAL COMMENT

[Mr. MYERS asked and obtained leave to have printed in the RECORD an editorial entitled "Ignoring the Facts," published in the Philadelphia Evening Bulletin of July 15, 1946; and an editorial entitled "Work Together To Curb Food Prices," published in the Philadelphia Inquirer of July 18, 1946, which appear in the Appendix.]

WITHOUT A SONG—EDITORIAL BY OSCAR RAPPAPORT

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an editorial entitled "Without a Song," written by Oscar Rappaport, and printed in the July 3 edition of the Summer Gator, a newspaper published by the summer-school students of the University of Florida, Gainesville, Fla., which appears in the Appendix.]

CLAIMS OF CONFEDERATED SALISH AND KOOTENAI TRIBES

Mr. O'MAHONEY. Mr. President, when the calendar was called on Wednesday last the Senate passed, without objection, Senate 2428, a bill which came from the Committee on Indian Affairs, conferring jurisdiction upon the Court of Claims to adjust the claims of the Confederated Salish and Kootenai Tribes of Indians on the Flathead Reservation. The bill was unanimously reported by the Committee on Indian Affairs.

The House has passed a bill which is practically identical, except for an amendment which the Senate committee, in conformity with a suggestion of the Department of Justice, reported to the Senate bill. The House bill is now on the table here, and I ask unanimous consent that the vote by which the Senate bill was passed be reconsidered, and that the House bill be taken up and amended in order to conform to the bill passed by the Senate. That will obviate a conference.

Mr. WHITE. Mr. President, reserving the right to object, has the amendment to which the Senator refers been seen by the minority members of the committee, and does it have their approval?

Mr. O'MAHONEY. The amendment was seen by all the members of the committee, and it has the approval of the entire committee. I have just consulted with the Senator from North Dakota [Mr. LANGER].

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 6983) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in any and all claims which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, or any

tribe or band thereof, may have against the United States, and for other purposes, which was read twice by its title.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and the vote by which Senate bill 2428 was passed is reconsidered, and House bill 6983 is before the Senate and open to amendment.

Mr. O'MAHONEY. Mr. President, I move that on page 2, line 3, after the name "United States," the remainder of the paragraph down to and including the word "Indians", in line 19, be stricken out.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. On page 2, line 3, after the name "United States", it is proposed to strike out the words, "including, but not limiting the generality of the foregoing, claims arising under or growing out of the treaty of July 16, 1855 (12 Stat. 975; 2 Kappler 722), or any subsequent treaty or agreement, act of Congress, or Executive order, or by reason of any lands taken from said Indians by acts of Congress or otherwise, including lands lost to them by erroneous surveys, or lands opened to settlement, or used for dam, power, and reservoir sites and irrigation projects, or loss of lands by submergence by erection of reservoirs, without compensation and without their consent given in the usual manner, or for the failure or refusal of the United States to protect the interests of any of said Indians in lands as to which they had or claimed possessory right of use and occupancy, or because of any mismanagement or wrongful handling of any of the funds, lands, properties, or business enterprises belonging to or held in trust for said Indians."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 2428 will be indefinitely postponed.

REPORT ON SECOND PARIS MEETING OF COUNCIL OF FOREIGN MINISTERS

Mr. CONNALLY. Mr. President, on June 15, there met in Paris the Council of Foreign Ministers to consider and undertake the drafting of peace treaties for Italy, Bulgaria, Rumania, Hungary, and Finland. At the request of the President of the United States and the Secretary of State, the senior Senator from Michigan [Mr. VANDENBERG] and I attended the conference as advisers to the Honorable James F. Byrnes, the Secreary of State.

After a session of 4 weeks, the Council recessed to await the meeting of a peace conference of the 21 nations who participated in military operations against the Axis Powers affected and who are therefore proper parties to the treaties.

In the month's deliberations, Secretary of State Byrnes ably and aggressively represented the views and the interests of the United States. The Senator from Michigan [Mr. VANDENBERG] performed his duties with great ability, zeal, and energy. The Secretary of State and the Senator from Michigan have already made eloquent and comprehensive reports on the actions of the Council. On the whole, the Secretary of State and his advisers were in agreement upon all of the issues which the United States delegation urged before the Conference.

The Council of Foreign Ministers was established at the Potsdam Conference, where the following agreement was reached:

II. Establishment of a Council of Foreign Ministers: The conference reached an agreement for the establishment of a Council of Foreign Ministers representing the five principal powers to continue the necessary preparatory work for the peace settlement and to take up other matters which from time to time may be referred to the Council by agreeement of the governments participating in the Council.

Later, at the Moscow conference, attended by the Foreign Ministers of the United States, Russia, and Great Britain, it was agreed that the Council of Foreign Ministers should prepare treaties of peace with Italy, Rumania, Bulgaria, Hungary, and Finland. It was further agreed that when the preparation of these drafts had been completed, the Council of Foreign Ministers would convoke a peace conference for the purpose of considering the treaties of peace with these five countries, and that the conference should consist of the five members of the Council of Foreign Ministers, together with the members of the United Nations which actively waged war with substantial military force against the European Axis states. These states are as follows: Australia, Belgium, Brazil, White Russia, Canada, China, Czechoslovakia, Ethiopia, France, Great Britain, Greece, India, the Netherlands, New Zealand, Norway, Poland, the Ukraine, the Union of South Africa, the Soviet Union, the United States, and Yugoslavia.

It was also agreed that after the conclusion of the deliberations of the conference and upon consideration of its recommendations, the states signatory to the terms of the armistice with such nations will draw up the final texts of the peace treaties. These treaties, when signed by the appropriate states, will be submitted for ratification and will come into force immediately after such ratification by the Allied states signatory to the respective armistices.

It was under these authorizations that the Council of Foreign Ministers met in London in September 1945, where their labors were carried on for many months through their deputies. It was under this same authority that the first Council of Foreign Ministers to be convened at Paris met on April 15, 1946. It will be recalled that this conference was attended by Secretary of State Byrnes, together with the Senator from Michigan and the senior Senator from Texas, chairman of the Committee on Foreign Relations. It will also be remembered that few positive or definite results were obtained at the conference. It was then determined that the Council of Foreign Ministers should again convene in Paris on June 15, 1946. The Council labored diligently for 4 weeks. During its sessions, substantial progress was achieved toward the agreement upon and the drafting of peace treaties for the five nations already mentioned.

Apart from Germany and Austria, the following were among the more important problems receiving the consideration of the Council:

First. The calling of a peace conference to be participated in by the 21 nations who fought against the Axis and who are to be affected by the final five treaties;

Second. The settlement of the difficult and explosive question of Trieste and its status for the future;

Third. The disposition of the Italian colonies;

Fourth. The permanent status of the Dodecanese Islands;

Fifth. The disposition of the Italian Navy and merchant vessels;

Sixth. The issue of Russian reparations against Italy;

Seventh. The territorial settlement relating to the South Tyrol;

Eighth. Territorial readjustments between France and Italy with respect to Briga and Tenda;

Ninth. The preparation of treaties with Finland, Hungary, Rumania, and Bulgaria.

According to my view the outstanding achievement of the Council was the calling of a peace conference to be attended by representatives of the 21 nations who were at war with the Axis Powers and who are vitally concerned with the treaties. It is so fundamental that the nations who made war and shed their blood as comrades in the mighty holocaust and whose wounds we are undertaking to heal, should in fact and in truth determine the terms of peace, that no argument is required to establish the soundness or the justice of such a procedure. Under the leadership of Secretary Byrnes, the American demand for the calling of a peace conference was put clearly and firmly before the Council. At first it met with resistance. However, as the sessions progressed and problems were gradually solved, the resistance lessened and finally agreement was reached to convene the conference in Paris on July 29. In the Moscow agreement it had been stipulated that a peace conference would be called by May 1, 1946. This pledge, which it had been impossible to keep, was strongly urged and pressed before the Council by the Secretary of State. It was felt that the Council could not break faith with the 21 nations involved and that its solemn pledge should be redeemed.

We may therefore look forward with hope and expectation to the convening in Paris of the accredited representatives of the 21 nations involved. There, in a free and open forum, the views and attitudes of the various nations may be made known and the various political, economic, and territorial aspects of the peace settlement shall be given full and complete consideration. It is contemplated that the peace conference will express its views upon all the issues involved, including both those which have been agreed upon by the Council of Foreign

Ministers as well as those remaining undetermined by the Council. The convening of the peace conference is entirely consistent with the historic practice among free nations. The peoples of the nations who furnished armies with which to fight the war are entitled to write the terms of the peace by which they are to be governed.

It is inconceivable that the Council of Foreign Ministers will arbitrarily disregard the recommendations and decisions of the peace conference. The 21 nations represented there will make their own rules of procedure and will not be hampered by any rule of unanimity or veto. The conference should, and I feel hopeful, constitute a truly democratic assembly with freedom of expression and debate. The peace treaties, unless they reflect the real views and wishes of the nations affected, can never form the basis for a permanent and satisfactory peace. The Council of Foreign Ministers have furnished and will continue to furnish leadership and direction. The final determination, however, must rest with the peoples of the nations affected. In their judgment alone, in their decision alone, in their wishes alone, can properly be constructed lasting genuine treaties of peace.

The disposition of Trieste was a most difficult and perplexing problem. It was not without long and stubborn controversy that it was resolved. The city of Trieste has a long and historic background. In A. D. 948 it received an independent existence under Count-Bishops and this position was maintained down to its capture by Venice in 1202. For the next 180 years its history consisted chiefly of a series of conflicts with Venice, which were finally ended by Trieste placing itself in 1382 under the protection of Leopold of Austria. This overlordship developed into actual possession and except in the Napoleonic period Trieste remained an integral part of the Austrian dominions until 1918, when, at the end of World War I, it and the Istrian Peninsula were awarded to Italy. Trieste is a prosperous seaport with shipbuilding and other industries. It is located on the Istrian Peninsula. Prior to World War I, it was the maritime gateway to Austria, Czechoslovakia, Hungary, and the Danubian states. Its railway lines extended into this vast hinterland.

In 1915 prior to Italy's entrance into World War I, Italy had proposed to Austria that Trieste should be created an autonomous state. More than 80 percent of the people of the city of Trieste proper are of Italian blood. The immediately contiguous territories are largely Yugoslav. In the Istrian Peninsula there are other cities similarly populated by a majority of Italian blood. The population of the peninsula, however, outside of Trieste is predominately Yugoslav.

The Soviet Union strongly pressed the claims of Yugoslavia for the possession, not alone of the city of Trieste, but of the entire Istrian Peninsula and of portions of other territory under the dominion of Italy. Their arguments consisted of the claim that Yugoslavia was a comrade in the war against the Axis and fought valiantly, whereas Italy had made war upon the United Nations. It was further urged that geographically and commercially Trieste was essentially linked with Yugoslavia and the territories to the east.

At the London Conference of Foreign Ministers, it had been agreed that the deputies and experts should determine upon a so-called ethnic line across the Istrian Peninsula. The line was to be so drawn as to leave the smallest number of Italians within Yugoslavia and similarly, the smallest number of Yugoslavs under Italian dominion.

There were American, British, French, and Russian lines drawn by the respective states. The United States, Great Britain, and France supported the claims of Italy for Trieste. After long and zealous discussions, which were renewed from time to time, France proposed that the city of Trieste and the major territory west of the French line, which was the farthermost west of the lines, with the exception of that proposed by Russia, should be incorporated in a free territory and be awarded neither to Italy nor Yugoslavia. The proposal provided that the territory would be governed by its own elected legislature and by a governor appointed by the Security Council of the United Nations.

The United States insisted that the free territory should be protected by the Security Council rather than by Italy and Yugoslavia or by the four principal Allied Powers. Final acceptance of the French proposal was had in principle and the general principles of its government were determined. The plan adopted will contribute to the continued development of Trieste as a port and a commercial metropolis to serve, not alone Yugoslavia, but Austria, Czechoslovakia, Hungary, and Danubian territories. To have awarded Trieste to either Italy or Yugoslavia would probably have precipitated a continuous political and racial agitation with accompanying bitterness and danger to the peace of that area.

It is the belief of the American delegation that the solution adopted is best for the future welfare of Trieste and its people and will contribute to the welfare of the world in preventing bitter and provocative controversy that might result in bloodshed and war. The placing of responsibility for the selection of the governor and for guaranteeing the protection and security of Trieste upon the Security Council of the United Nations will add greatly to the prestige and power of the United Nations. It will afford the Security Council a splendid opportunity to demonstrate its high functions of preserving the peace and in vetoing war before it engulfs innocent peoples in misery and blood. It will also enable the Security Council to work out and develop policies and methods with which it can deal with similarly troublesome and dangerous situations.

Final disposition of the Italian colonies—a problem that promised serious difficulty—was postponed on the suggestion of Secretary Byrnes. The Soviet Union abandoned its original claim for the trusteeship of territory in north Africa as a base for its merchant ships. It will be recalled that it had made such a claim as to Tripolitania or Libya. Agreement was eventually reached upon a plan whereby final disposition of the colonies should be determined by the four principal Allied Powers who were to take into account the desires and ultimate welfare of the peoples involved, as well as the situation of neighboring and other interested governments. If no agreement is reached by the four principal Allied Governments within a year after the effective date of the treaty, they are obligated to accept the recommendations of the General Assembly of the United Nations as to the final disposition of the colonies. Here again is invoked the power of the United Nations. Again its prestige and its possibilities for high service are enhanced and strengthened. The sanction of 51 nations is to approve and ordain international settlements in behalf of concord and peace. The crystallized public opinion of peace-loving nations of the world will impart dignity and respect and strength to such settlements.

The Dodecanese Islands were returned to Greece. The Soviet Union had theretofore made some claim upon those islands in order to secure a base; but the Soviet Union relinquished its claim for a base in the islands. It was also provided that the islands should be demilitarized so as to preclude the establishment of a naval or military base.

Slight rectifications of the French and Italian boundaries were also provided for in the Briga and Tenda districts. Strategic considerations were the primary purpose in these adjustments. However, the rights of Italy with respect to the water power and electric resources were fully protected and guaranteed.

There was no change made in the boundary between Austria and Italy as it affects the South Tyrol. This territory has been under Italian jurisdiction since World War I and it was regarded as inadvisable to make any change in its present status.

The Soviet Union made a claim for reparations against Italy in the sum of $100,000,000. While it was agreed that such reparations should be granted, there was sharp division of views respecting the sources from which they should be derived. It was finally agreed that Italian external assets, together with war plants not needed nor required for civilian production, should be applied to such reparations. Russia urged that the balance should be paid from current Italian production. Upon United States insistence it was provided, however, that Russia should supply to Italy the raw materials from which such production was to be manufactured, on commercial terms, and that the value of such raw materials should be deducted from the price of the finished products when delivered to Russia. It was further understood that such reparations should be extended over a period of 7 years with an initial moratorium of 2 years in the interest of the rehabilitation and reconstruction of Italy. The United States was successful in its views with respect to this controversy.

The size of the Italian Navy was limited and the warships above the allowed limit were awarded to the four principal Allied Nations for allocation. One of those warships will go to Greece, and probably one or two others to other Allied Nations.

The Council reached no agreement with regard to the German and Austrian questions. However, exhaustive discussion of the problems which took place was not without value. A better understanding of the various aspects of the questions with which the Council will be required to struggle at a later date was reached.

Secretary Byrnes submitted the draft of a treaty providing for the demilitarization and disarmament of Germany for a period of 25 years. Complaint was made by the Soviets that the proposals were inadequate and that the treaty did not provide for reparations for Russia. There were conflicting claims. On the one hand, the Soviets claimed that they had reports that in the British zone disarmament of the military forces had not been accomplished. On the other hand, the representative of Great Britain advised that he had reports that in the Soviet zone German war plants were being operated. Secretary Byrnes strongly urged that the Control Commission investigate all of these reports, but no definite agreement was reached.

It was then proposed by the Soviets that a special session of the Council on the German problem be held. Secretary Byrnes agreed, and urged the setting of a definite date and the appointment of deputies to begin a study of the German questions in order to ascertain the points of disagreement. It is likely that such a meeting of the ministers will be held later in the year.

Some of the issues involved in the German settlement are the Saar Basin, claimed by France, and the control and regulation of industry in the Ruhr. The Soviets also demanded $10,000,000,000 in reparations from Germany. It had been determined at Potsdam that Germany was to be administered as an economic whole. But in fact, under the present arrangement providing for four-power control, this plan is not being so administered. The present lack of cooperation among the four powers is not contributing to the reconstruction or the recovery of commerce and industry in Germany. It was not possible to reach an agreement for the rectification of this situation. However, Secretary Byrnes gave notice that the United States would cooperate with any one or more of the occupied zones as an economic unit and that such arrangement would be open on equal terms to the governments of the other zones. This was in an effort to make it possible for the people of the four zones to trade and carry on commerce without the handicaps and impediments which now face them. This proposal was intended to promote the rehabilitation of industry and the revival of normal commerce and business in Germany. The action of Secretary Byrnes is to be highly commended, and I feel certain that it will secure substantial results.

In the case of Austria, Secretary Byrnes advanced a proposed draft treaty recognizing the independence of Austria and directing the withdrawal of occupying armies. The Soviets submitted a counter proposition with regard to the denazification of Austria and introduced the claim that a large number of displaced persons in Austria should be removed on the ground that they were hostile to their interests. Unfortunately, no progress was made with respect to Austria and the problem will await further action by the Council of Foreign Ministers.

The peace treaties with the five nations provide that armies of occupation must be withdrawn from the respective territories 90 days after the ratification of the treaties, except where troops are necessary to protect a line of communications. This was particularly desirable as to Austria. If the armies could be withdrawn from Austria, there would be no necessity for the maintenance of troops and communication lines in some of the other countries. It was the objective of Secretary Byrnes to remove such armies of occupation at the earliest possible moment so that the people of these nations might devote their energies to the rebuilding of their industry and commerce and agriculture. It was further hoped that they might devote themselves to the reform of their governments and the establishment of free institutions.

Whatever success we may have had at Paris, we must remember that the 21-nation conference will be only one step down the long and rocky road to a final peace. Above all, we must never lose sight of the fact that Germany remains far and away the most important single element in the peace settlement. Thus far we have merely skirted the edges of Europe's major peace problem.

A number of other questions upon which agreement was reached must also be submitted to the peace conference to receive approval or rejection and appropriate recommendations to the Council by the conference. It is possible that the Council of Foreign Ministers will meet either contemporaneously with the peace conference or shortly thereafter to receive the recommendations of the conference and to make final draft of the treaties for submission to the various governments for their signature and ratification. These processes seem long and intricate. However, they possess valuable qualities. Through the interchange of views among the Foreign Ministers and at the peace conference, every phase of these difficult problems is illuminated and discussed. It makes for better understanding, and contributes toward agreement on the problems that vex so many nations of the world.

This fact was made apparent at the recent meeting of the Foreign Ministers. The April conference was disappointing and disheartening. When we left for Paris in June, there were those who felt that the signs pointed toward another rather dismal failure. We were determined to exhaust every resource to secure results. Our quest for peace must be persistent and continuous. The stakes are so important that even repeated rebuffs must not deter us. No effort must be relaxed as we struggle to find a workable compromise to enable us to project our gallant comradeship of war into a comradeship of peace.

This was the thought that was uppermost in our minds as we left for Paris. And our determination to do everything within our power to bring about peace was not without avail. Whereas the April meeting was practically without any satisfactory results, the meeting in June did secure favorable results in many particulars. This time we did not come home empty-handed. I quote Secretary Byrnes:

> Now the prospects for peace treaties with five nations is bright. We are on the road back to peace.

The Council did not reach agreement on all questions, but it did achieve substantial and important results and set in motion plans for the ultimate settlement of remaining problems. Peace conferences usually require much time. Notable examples are the Congress of Vienna and the lengthy negotiations of the American States with England following the War of the Revolution. Time is precious, but it is not too precious to be devoted to the cause of peace and the adjustment of quarrels that may disturb that peace.

What were the main achievements of the Council? They might be listed as follows:

First. The calling of the Peace Conference on July 29.

Second. The agreement to accord to the 21 nations at the Conference complete freedom of discussion and recommendation.

Third. The development of a better understanding among the great powers. That was most significant. There was a different spirit and a different attitude at the conference just adjourned than there was at the one preceding.

Fourth. The draft treaty with Italy, including the internationalization of Trieste, reparations, and agreements with respect to the disposition of the Italian colonies, and the award of the Dodecanese Islands to Greece.

Fifth. Real progress with respect to the treaties with the ex-satellite states—Hungary, Finland, Rumania, and Bulgaria.

Sixth. The decision to submit to the Peace Conference all questions upon which the Council of Foreign Ministers could not reach agreement.

Seventh. The tentative understanding that Austria and Germany shall be considered later in the year by the Council of Foreign Ministers.

I make no claim that the settlements reached were in each case the most desirable. They were not perfect, but they were settlements. It must be remembered that all of them were the result of compromise. The United States alone could not enforce its own views in each particular. There had to be negotiation and adjustment. Different views had to be reconciled, and they could be reconciled only through the process of compromise.

During the Paris sessions, my thoughts frequently were carried back to the Constitutional Convention which met during the summer of 1787. Seemingly insuperable differences of opinion among the delegates arose. The contentions of the big States and the small States, sectional differences, political and industrial questions, vexed and harassed the participants. However, through compromise and the supreme will to agree, the Constitution emerged from the Convention as the result of compromise and the adjustment of views. One hundred and fifty years of history have nobly demonstrated the sublimity of the Constitution of the United States as a charter of government.

The Council of Foreign Ministers has traveled a hard road. Representing the nations which played the dominant part in the war and upon whose resources the world must depend for the maintenance of peace, they had at the same time to mediate among the conflicting claims of the nations affected by any settlement and to make that settlement just and fair in the interests of world peace and security. Europe was still torn by hunger and strife, and some of the countries had no representative government. A beginning at peacemaking had to be made wherever it could be made.

The United States delegation will pursue the consideration by the peace conference of all the issues coming before that body, and will aid in their adjustment. We shall cooperate in the Council of Foreign Ministers in drafting the final treaties and submitting them to the interested states for their signatures and ratification.

We shall then undertake to aid in the solution of the Austrian and German problems, with the complex and difficult questions involved. We want to see the state of war brought to an end. We want the peoples, even of the enemy states, to have an opportunity to rebuild their shattered fortunes and to restore their economy. We want to take arms out of their hands, and replace them with implements and tools of industry and agriculture. We want to drive from their minds dreams of aggression and conquest, and turn them to the adoption of free and democratic institutions and to respect for the rights of other nations and their peoples.

We do not want to impose cruel and brutal terms of peace, but we mean to impose terms that shall mean real and enduring peace and the extirpation of armed aggression.

At the meetings in Paris the views of the United States were respected and given recognition. The other powers were convinced that the United States was serving no selfish purpose. They were aware that the United States was demanding no territories; that it was demanding no reparations; that it was seeking the peace of the world, and peace alone. This knowledge gave an eloquent and convincing appeal to the voice of the Secretary of State as he advanced the views of the United States.

The representatives of the other three governments knew that the United States had made the most tremendous financial sacrifices of all the Allied powers in waging the war against the Axis. They knew that the United States had generously, through lend-lease, sent arms, food, and supplies to the Allied armies. They knew of the huge armies which the United States had raised, armed, equipped and sent across the seas to wage war against the minions of aggression and conquest. They knew how the United States had spanned the oceans and sent its heroic fighting men from the far-flung Pacific to Europe, Africa, and the Middle East. They knew that these tremendous exertions, that these sacrifices greater than had ever been made in the history of warfare, were expended solely in the interest of world peace and the suppression of armed aggression and conquest, over the innocent and peace-loving peoples of the earth. They knew that we had sent hundreds of millions of dollars for food and relief in Europe and that many other millions will follow. The other nations know that the United States believes that Europe's recovery is necessary for the welfare of the world. They know that we do not believe this is any time for the assessment of monstrous and crushing reparations.

The fact that the program of the United States is not tinged with political partisanship gives us strength in the councils of the nations. I thank the Senator from Michigan [Mr. VANDENBERG] for contributing to that end. The happy situation that our people are not divided on international issues by narrow and selfish partisanship drowns any hope among foreign interests that through division and schism our people can be weakened or undermined. This was made abundantly apparent at the Paris conference. Entire and complete unity made unassailable the American position.

And what shall be our course in the future toward our allies and associates—both the great powers and the small powers?

The United States must maintain and pursue its traditional and historical international policy toward all nations. Our rights must be asserted and enforced with firmness and resolution. We shall not tolerate any form of aggression, whether by armed might or more subtle infiltration or insidious attack upon our system of government and free institutions. Whether it be Russia or the Republic of Panama, whether it be Great Britain or New Zealand, we shall respect their rights and shall expect and demand that they recognize and respect ours. We shall court the friendship and good will of all nations.

We pray God that we shall never again be forced to draw the sword in defense of our security. All the world knows that we want to live in peace. All the world knows that we can wage war. All the world knows that we shall not refuse to fight when attacked or when our security is threatened. While tenaciously attached to peace we must not and shall not neglect our national defense.

The United States must maintain an adequate Army, highly trained and properly equipped. It now has the greatest and most powerful Navy on the planet. It must continue to possess such a Navy. The United States Air Forces are now superior to any in the world. These forces must be preserved and maintained.

These weapons on the land, on the sea, and in the air shall not be provided for aggression or conquest. They are to be provided for the national defense and the preservation of peace—to arrest aggression and to strike the sword from the hand of would-be conquerors.

It is not an easy task to reach agreement among the representatives of many foreign governments. Nations differ in historical background. They differ in language. They differ in customs. They differ in race. However, all peoples know the miseries of war. All of them know of bloodshed and disaster. All of them know of ravaged lands and violated homes. Therein lies our hope for restoring the peace of the world. Therein lies the strength of our position. If we may convince them—and we have convinced them—that our purposes are unselfish and that we seek alone the welfare and the happiness of peoples everywhere, we may succeed.

Someone may inquire why the United States should participate in a Council of Foreign Ministers concerning itself with Italian colonies in Africa, the settlement of the question of Trieste, and other questions in a distant continent. Someone may ask what difference does it make to us whether Trieste belongs to Italy or Yugoslavia. Why are our interests affected by the allocation of Italian colonies. What is our concern in all these matters that are not of primary interest to our people?

Our reply is that our interest is in peace alone. We have no direct interest in Trieste or the Italian colonies as such, but we do have an overpowering interest in preserving peace on the globe. We cannot forget that World War I had its beginning in a quarrel in Sarajevo, an obscure town in distant Yugoslavia. We do not fail to recall that the tragic war that has just come to an end had its beginning in a quarrel over Danzig on the Baltic. We are concerned in preventing the existence of any festering sore in Europe or elsewhere that may provoke another war and plunge the earth in blood. These are the reasons for our action. These are reasons mightier than all the wealth of the territories affected. These are reasons more powerful than all of the nationalistic pleas of sections and areas.

The Council of Foreign Ministers recognized the influence and the power of the United Nations organization. It set an excellent precedent when it decided to place Treiste under the protective custody of the Security Council, and authorized the General Assembly to decide the fate of Italian colonies in case the four powers fail to come to agreement. We must never allow the machinery of the United Nations organization to fall into disuse. We must demonstrate our faith and our confidence in it by making it the very heart of our peace-keeping machinery.

As we look about us and observe the international problems that beset us on every hand, I am convinced that the United States must pin its faith and its

hope on the United Nations. The United Nations must become, in fact, the overriding factor in our foreign policy.

In his Army Day address in New York City on April 6, President Truman stated clearly and simply the attitude of the United States. "The immediate goal of our foreign policy," he said, "is to support the United Nations to the utmost."

In order to demonstrate to the world that we stand wholeheartedly back of the United Nations Charter, we should proceed to do the following:

First. In our dealings with other nations we must stand firmly on those principles of law and justice expressed in the Charter. We should expect other nations to do the same.

Second. We should unhesitatingly make available to the Security Council our full quota of the troops, planes, and ships necessary for the maintenance of world peace.

Third. We must maintain a strong Army, Navy, and Air Force so that we may protect our land and our people and fulfill our obligations under the Charter.

Fourth. We must put into treaty form the inter-American machinery contemplated in the Act of Chapultepec and make it one of the permanent pillars in the temple of peace built at San Francisco.

Fifth. We should accept the compulsory jurisdiction of the International Court of Justice over those strictly legal disputes which affect the United States and any other state which has accepted the compulsory jurisdiction of the court.

Sixth. We should do our utmost to secure at the earliest practicable time complete agreement with respect to the control of the atomic energy and other weapons of mass destruction.

Seventh. We should lend our full support to the economic, social, and humanitarian program of the United Nations and thus help establish those conditions in the world which are essential for enduring peace.

The United Nations Charter was erected upon the concept of the continuing cooperation and good will of the great powers. So long as these great powers desire the peace of the world so long will there be peace. It would be rank insanity for any one of the great powers to desert the high objectives and the noble concepts of the United Nations. We covet the friendship of Russia, Great Britain, France, China, and for that matter of all the members of the United Nations. We want, through union of purpose, to fortify and strengthen the United Nations. The rights of every nation are strengthened by the recognition of the rights of other nations.

While we are seeking to establish peace and repair the ravages of World War II, there are those who speak of the possibility of World War III. Such a tragedy is unthinkable. It cannot happen if the great powers cooperate in behalf of peace. We want no war with Russia. We want no war with Great Britain. We want no war with any other power on the earth.

In my opinion, no other responsible nation wants war. It will be remembered that Generalissimo Stalin and other Russian leaders have proclaimed that Russia stands back of the United Nations. It will be remembered that the Soviet Ambassador said in Washington on July 2, that there is no basis whatever for war between Russia and the United States, and that the Soviet Union will never start a war against the United States or any one else. Similar expressions of peaceful intent have been uttered by the leaders of Britain, France, China, and other nations.

So long as the great powers cooperate in support of the Charter, so long as they recognize and respect the rights of each other, so long will there be peace. Our purpose shall be to quicken and stimulate good relationships between the great powers of the earth, that their people and our people may enjoy the blessings of their respective systems of government and that their happiness and welfare may be promoted. These lofty aims can be attained only by mutual confidence, mutual respect and mutual trust. God give them the wisdom to see clearly the great blessings of peace. May God give them all the courage and fortitude to sustain and support these noble ends.

We shall not despair. We shall fight for peace with the weapons of reason and logic. We shall fight for it with all the bloody memories of the tragedy and misery in the centuries that have gone. We shall fight for it in high hope and trust in the years to come. At this moment there come ringing down to us today in this critical period of the world's affairs the words of Woodrow Wilson, uttered a few months before his death, "I am not one of those that have the least anxiety about the triumph of the principles I have stood for * * *. That we shall prevail is as sure as that God reigns."

I am today reminded of the familiar and often quoted words of Benjamin Franklin at the conclusion of the Constitutional Convention in 1787. Pointing to a figure of the sun painted on the chair of Washington, the presiding officer, he said that often during their deliberations, he had looked upon the figure of the sun and wondered if it were a rising or a setting sun, and that he was then happy to know that it was a rising sun.

Mr. President, as I contemplate the growing power and majesty of the United Nations supported by the solemn compact of 51 nations that they "shall settle their international disputes by peaceful means"; when I remember that the great powers, as well as the small states, have pledged their national honor and faith to the solemn provisions of the Charter; when I reflect upon the progress toward peace made by the Council of Foreign Ministers, I am happy to believe that today we may look into the years of the future with the satisfaction of knowing that the cause of peace—world peace—is a rising and not a setting sun. [Applause.]

Mr. GEORGE. Mr. President, the address and report of the distinguished senior Senator from Texas [Mr. CONNALLY] chairman of the Senate Committee on Foreign Relations I am sure should be printed as a Senate document. I therefore ask unanimous consent that the address and report be printed as a Senate document in sufficient numbers for proper distribution.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Without objection, it is so ordered.

PROMOTION AND DEVELOPMENT OF OIL AND GAS ON THE PUBLIC DOMAIN

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1236) to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes, which were, on page 2, to strike out all after line 15, down to and including "act" in line 23; on page 4, line 3, strike out "fory" and insert "forty"; on page 7, line 13, after "not", insert "believed to be"; on page 7, line 13, strike out "known"; on page 7, line 15, after "limits", insert "are found by the Secretary to"; on page 7, line 16, strike out "field or deposit discovered" and insert "lease on which a discovery is made"; on page 7, line 18, strike out "approved"; on page 7, line 19, after "agreement", insert "approved prior to discovery"; on page 13, line 2, after "common", insert ", but the proportionate interest of each such person shall be charged against the total acreage permitted to be held by such person under this act"; on page 16, line 10, strike out "the required bond is so filed" and insert "such approval, however"; on page 16, lines 13 and 14, strike out "executed; and in the event that the" and insert "executed. The"; on page 16, line 15, after "sublease", insert "only"; on page 16, line 16, strike out all after "bond" down to and including "lease" in line 18, and insert ": *Provided, however,* That the Secretary may, in his discretion, disapprove an assignment of a separate zone or deposit under any lease, or of a part of a legal subdivision"; on page 16, line 20, strike out all after "and" down to and including "sentence" in line 21, and insert "as above"; on page 19, line 10, strike out "oil" and insert "coal, oil,"; on page 20, line 22, after "not", insert "believed to be"; on page 20, line 22, strike out "known"; on page 20, line 24, after "limits", insert "are found by the Secretary to"; on page 21, line 1, strike out "field or deposit discovered" and insert "lease on which a discovery is made"; on page 21, line 3, strike out "approved"; and on page 21, line 4, after "agreement", insert "approved prior to said discovery."

Mr. O'MAHONEY. Mr. President, this is a Senate bill which was reported unanimously by the Senate Committee on Public Lands and Surveys and thereafter passed by the Senate without dissent. The House has made several substantial amendments. I therefore move that the Senate disagree to the amendments of the House, ask for a conference thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. O'MAHONEY, Mr. WAGNER, Mr. MURRAY, Mr. GURNEY, and Mr. ROBERTSON conferees on the part of the Senate.

AMENDMENT OF INTERNAL REVENUE CODE

Mr. GEORGE. Mr. President, I ask that the Chair lay before the Senate House bill 7052.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 7052) to amend the Internal Revenue Code, and for other purposes, which was read twice by its title.

Mr. GEORGE. Mr. President, this bill was passed by the House yesterday. The Senate Committee on Finance, however, considered the same matter, the identical text, and unanimously agreed to report it. I ask unanimous consent that the Senate proceed to consider the House bill.

Mr. KNOWLAND. Mr. President, reserving the right to object, will the Senator explain what the bill provides?

Mr. GEORGE. I shall be glad to explain. The bill accomplishes only two things. It extends for 1 year a provision of the revenue law which permits all corporations to exclude, as income, gains, or losses arising from the discharge of their own indebtedness purchased by them. That is a provision in the present law, and it is thought, and the Treasury has agreed, that it should be extended for a period of 1 year.

The bill also extends for 1 year the time within which claims for war losses, that is, by taxpayers in the devastated areas of enemy-occupied countries, may be filed. It is a mere extension of existing law for a period of 1 year in each instance.

I ask unanimous consent that the Senate consider the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 7052) was considered, ordered to third reading, read the third time, and passed.

USE BY INDUSTRY OF GOVERNMENT-OWNED SILVER—CONFERENCE REPORT

Mr. MURDOCK submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4590) to authorize the use by industry of silver held or owned by the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 4, and the amendment of the Senate to the title of the bill, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "90.5"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: ": *Provided further*, That hereafter each United States coinage mint shall receive for coinage silver mined after July 1, 1946, from natural deposits in the United States or any place subject to the jurisdiction thereof, as provided in the Act of July 6, 1939 (Public Law 165, Seventy-sixth Congress), and tendered to such mint within one year after the month in which the ore from which it is derived was mined, except that the seigniorage to be deducted shall be 30 per centum instead of 45 per centum as provided in section 4 (b) of said Act"; and the Senate agree to the same.

ROBERT F. WAGNER,
ALBEN W. BARKLEY,
ABE MURDOCK,
ROBERT A. TAFT,
EUGENE D. MILLIKIN,
Managers on the Part of the Senate.

BRENT SPENCE,
PAUL BROWN,
WRIGHT PATMAN,
JESSE P. WOLCOTT,
Managers on the Part of the House.

Mr. MURDOCK. I ask unanimous consent for the immediate consideration of the report.

Mr. WHITE. I inquire if the report represents a unanimous agreement by the conferees?

Mr. MURDOCK. It does.

Mr. BREWSTER. Mr. President, I should like to ask what the conference report is.

The PRESIDING OFFICER. It is a conference report on House bill 4590.

Is there objection to the request of the Senator from Utah?

There being no objection, the report was considered and agreed to.

TITLE TO LANDS BENEATH TIDAL AND NAVIGABLE WATERS

Mr. McCARRAN. I move that the Senate proceed to the consideration of Calendar No. 1284, House Joint Resolution 225, which is known generally as the tidelands bill.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The CHIEF CLERK. A joint resolution (H. J. Res. 225) to quiet the title of the respective States and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such State and to prevent further clouding of such titles, reported with an amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. BARKLEY. I wish to discuss the motion, and to bring to the attention of the Senate certain reasons why I do not think this measure ought to be taken up for consideration at this time.

House Joint Resolution 225 proposes to recognize the title and interest of the several States since 1776, or since their formation and admission to the Union, by disclaiming any right, title, interest, or claim of the United States in and to all lands beneath tidewaters and beneath navigable waters within the boundaries of each of the respective States, and to quit claim to the States, or persons holding under them, the title of the United States to all such land, both submerged and reclaimed.

Lands beneath tidewaters would be defined as all lands permanently or periodically covered by tidal waters up to, but not above, the line of mean high tide and oceanward to a line three geographical miles distant from the coast line and to the boundary line of each respective State where in any case such boundary line extends oceanward beyond three geographical miles.

The obvious purpose of this joint resolution is to nullify the original proceeding now pending in the United States Supreme Court between the United States and the State of California. The purpose of that litigation is to establish the rights of the United States in the bed of the Pacific Ocean adjacent to the coast of California beginning at low-water mark and extending seaward for three nautical miles. The suit does not involve any lands under bays, harbors, rivers, or other inland waters of California, nor does it involve the so-called tidelands, namely, those lands which are covered and uncovered by the daily flux and reflux of the tide. It is limited solely to that portion of the open sea embraced within the three-mile belt, sometimes referred to as the marginal sea.

All of the pleadings of the respective parties in this litigation have been filed with the Supreme Court, and the procedural preliminaries have been completed. The case is now set for argument and is scheduled to be heard early in the next term of the Court, probably in October or November. The issue involved is one of great importance and, notwithstanding certain statements to the contrary by proponents of this proposed legislation, is one which has never heretofore been decided by the Supreme Court of the United States.

It seems appropriate at this time to dispel certain misconceptions which have arisen regarding the submerged-lands controversy. In the first place, the suit in the Supreme Court is not a suit involving tidelands, although it has been frequently referred to as the "tideland controversy." It is surprising how many Members of Congress, at this late date, think that the suit covers tidelands. As heretofore stated, tidelands, which are lands between high and low tide, are not involved in any way in this litigation in the Supreme Court.

We must keep in mind three different kinds of land or territory covered. One, is the tidelands, which is merely that space between high and low tide due to the incoming and outgoing tide. They are not involved. The ownership of the lands beneath the water beyond the 3-mile limit, which is another category, are not involved in this litigation. The litigation involves the ownership and rights to the land or minerals in the land within that 3-mile marginal limit which has been established by international agreement over a long period of years, and negotiations and actions by different nations, which have established the 3-mile limit or the 3-mile margin, which is the reason why it is referred to as marginal area.

In the second place, proponents of the joint resolution have asserted, and apparently have persuaded the attorneys general of more than 40 States, that the United States is seeking in its suit against California to overturn the titles to vast areas of land, not only to tidelands, but to lands under bays, rivers and harbors, in both coastal and inland States, as well as to large areas in such cities as New

York, Boston, Chicago, and San Francisco, which consist of reclaimed land. This is utterly untrue. The pending litigation is specifically limited by the pleadings to lands under the Pacific Ocean within the 3-mile belt outside of any rivers, bays, harbors, or arms of the sea.

In a press release dated October 19, 1945, explaining the suit, the Attorney General unambiguously announced:

To avoid misunderstanding, I wish to stress the fact that the Government is not seeking to overturn titles to tidelands or lands beneath bays, harbors, or other inland navigable waters. The legal controversy relates only to lands under the marginal sea, beyond tidelands.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DOWNEY. Is not the Senator dodging the very obvious issue, and that is that clearly, we believe, and, we think, on good grounds, the same principles of law which apply to the decision in the Supreme Court in this instant case might very well be conclusive in the other class?

Mr. BARKLEY. No. In the first place, I should like to state to my friend that I am not dodging any issue. I am trying to state what is at issue in the suit which has been brought by the Government of the United States and is now pending in the Supreme Court. As to the merits of the proposition, I shall discuss them a little later, if the bill is taken up for consideration. I am now trying to outline what is involved in the law suit which has been brought by the Government of the United States.

Another misconception which has arisen stems from the assertion by certain proponents of the joint resolution that the Supreme Court has decided the issue involved in this legislation more than 50 times and that there is no reason to press the issue again. This is not so. The cases presented in support of this assertion are all cases involving lands under inland navigable waters——

Mr. MOORE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MOORE. Has the court ever rendered a decision that did not sustain the States' rights to these lands?

Mr. BARKLEY. That is a peculiar way to ask the question.

Mr. MOORE. The Senator spoke of cases having been decided 50 times.

Mr. BARKLEY. It is contended by the proponents of this joint resolution that the Supreme Court has in 50 decisions or more sustained their contentions.

Mr. MOORE. I do not know the number.

Mr. BARKLEY. I care not whether it be 50 or 40, the point is that all those decisions involved inland waters and not the tidelands, not the 3-mile limit which is in controversy in the Government's pending suit.

Mr. MOORE. No, not all of them.

Mr. BARKLEY. Well, practically all of them. We can argue that a little later.

Mr. MOORE. I merely wanted to know if there was ever a decision which did not sustain the States' rights to these lands.

Mr. BARKLEY. If the bill is to be considered I want to refer to some of the decisions of the Supreme Court in regard to that matter. I am trying now to limit what I say to the issue involved in the suit which is now pending in the Supreme Court.

The cases presented in support of the assertion that the Supreme Court in numerous cases has decided the issue involved in this litigation, are all cases involving lands under inland navigable waters, including bays, rivers, harbors, and lakes, but not parts of the ocean. Not one of these cases holds that the States rather than the United States owns the lands under the open ocean within the 3-mile belt. The Government contends that the State has never had and does not now have any proprietary interest in these lands. The issue is entirely novel and is one which the Supreme Court should decide.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. KNOWLAND. Does the Senator contend that none of the original States nor any States that were subsequently admitted have title out to the 3-mile limit.

Mr. BARKLEY. That is the contention of the Government in this litigation, which later on I shall attempt to elucidate to the best of my ability, based upon the decisions of the Supreme Court.

The pending suit in the Supreme Court is the culmination of several years' study and consideration of this problem. In 1937—I think the Senate ought to keep this in mind—in 1937 the Senate Committee on Public Lands favorably reported and the Senate passed Senate Joint Resolution 208, which directed the Attorney General to institute proceedings to establish the title of the United States to the submerged lands along the coast beyond low-water mark and out to the 3-mile limit. That joint resolution was reported favorably by the House Judiciary Committee but was not acted upon by the House. A similar joint resolution was reported by the Senate Committee on Public Lands in 1939 (S. J. Res. 92), but was not favorably acted upon. On July 1, 1939, the President appointed an interdepartmental committee to make a study of the problem. The committee consisted of the Secretary of State, the Secretary of the Navy, the Secretary of the Interior, and the Attorney General. Upon the recommendation of the committee an intensive study of the legal problem involved was made by the Department of Justice, and it was decided that the proper solution would be reached only by litigation. The defense program, followed by the war, intervened, and delayed the institution of the proceedings.

On May 29, 1945, Attorney General Biddle filed a suit against a lessee in California, in the Federal district court of California. On October 19, 1945, Attorney General Clark, in order to expedite a determination of the issue, filed the pending original suit in the Supreme Court against the State of California, and dismissed the suit in the lower Federal court in California, because a more direct decision could be obtained from the Supreme Court by bringing suit there, which the Government had the right to do. The litigation has progressed to the point where only final argument remains before there will be a determination of the legal questions involved. A controversy so important as this should not be taken away from the court by legislative action.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. KNOWLAND. The fact of the matter is that the suit in the Supreme Court was filed subsequent to the introduction of legislation in the Congress of the United States. To contend that this is taking away jurisdiction from the Supreme Court, or from the courts, is not correct. On the contrary, the suit in the Court is an attempt to take away from the Congress of the United States jurisdiction to determine policy. If we admit the doctrine that the mere filing of a case in the courts when there is legislation pending in the Congress of the United States is sufficient to take jurisdiction from Congress, there is not a piece of legislation that has ever been proposed in the Congress of the United States that could not be blocked by such a theory.

Mr. BARKLEY. I do not agree with the Senator. I do not agree with the statement that the litigation was filed for the purpose of taking away from Congress jurisdiction to pass upon a question of policy. The ownership of these lands is a legal question, based upon treaties and the customs of nations. According to the Department of Justice and the Government of the United States, and according to my own belief, after a study of the problem, it is not so much a question of policy as it is of legal ownership in the lands involved in the litigation.

The legal question was raised by the Senate, through a joint resolution introduced in 1937, long before the pending resolution was introduced. The joint resolution attempted to recommend to the Department of Justice that the Government bring a lawsuit to determine this question back in 1937. The joint resolution was not enacted. It was not passed by the House. If it had been passed by the House the suit would have been brought in 1937 instead of 1945, and long ago we might have had a determination of the legal question as to who owns these lands. But for one reason or another that effort was not successful. Again in 1939 the Senate brought forward another joint resolution, authorizing and directing the Government to bring suit to settle this question. The war came on, and, of course, everything was in suspense. But if the joint resolution introduced and passed in the Senate in 1937 had been passed in the House of Representatives, or if the joint resolution introduced in 1939 had been passed, the lawsuit would have been filed years ago, and no doubt before now the Supreme Court would have passed upon the question.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. Can the Senator state the date when the suit was started in the lower court?

Mr. BARKLEY. Suit was started in the lower Federal court in California on May 29, 1945, and on October 19, 1945, the same year, that suit was dismissed, and the present suit was instituted in the Supreme Court.

Mr. FERGUSON. I thank the Senator.

Mr. BARKLEY. A controversy so important as this should not be taken away from the Court by legislative action, particularly when the issue is one which has not heretofore been determined by the Court, as the Department of Justice believes, and as I believe from an investigation of the decisions. My opinion does not amount to much, as compared with that of the Department of Justice, especially if our opinions are in conflict. But since my views coincide with those of the Department of Justice, I have grounds for concluding that I am right. At any rate, I believe that an examination of the decisions will show that there has never been a judicial decision by the Supreme Court upon the particular issue involved in the litigation.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DOWNEY. I understand from what the Senator has said that the argument he has in mind has convinced him that the position of the Federal Government in this matter is right. Is that correct?

Mr. BARKLEY. I think so; but regardless of whether it is right or not, it is a question which ought to be passed on by the Supreme Court.

Mr. DOWNEY. Why does not the Senator have the same confidence in the judgment and logic of his colleagues that he has in his own judgment?

Mr. BARKLEY. For the same reason that I was unwilling to see a law enacted by Congress to take away from the Supreme Court the right to decide whether insurance was interstate commerce; and for the same reason that I am not willing now to see a law enacted by Congress taking the railroads of the country out from under the Antitrust Act in order to nullify a decision of the Supreme Court on the question of the determination of rates.

When the Government institutes litigation, which it has a right to do, to determine a legal question, Congress ought not be asked to cut the ground out from under the Supreme Court by enacting a law which seeks to declare the legality or the illegality of a particular situation without the Court having an opportunity to pass upon the question.

Mr. DOWNEY. Mr. President, will the Senator further yield?

Mr. BARKLEY. I yield.

Mr. DOWNEY. I may say that the Senator, in the statement which he has made, is seriously in conflict with the attorneys general of practically all the States of the Union.

Mr. BARKLEY. Yes; I understand——

Mr. DOWNEY. Will the Senator allow me to proceed?

Mr. BARKLEY. Yes.

Mr. DOWNEY. I do not say that the distinguished Senator is not right, but what I am suggesting to him is this: Why not allow this matter to be submitted to the Senate, and not attempt to preclude the consideration of the Senate, after proper arguments and hearings? The distinguished Senator should have confidence in his colleagues. They can be trusted to consider the question and render a fair decision.

Mr. BARKLEY. I have no lack of confidence in my colleagues, but I do have a right to argue whether we should take this matter up and consider it. The motion is debatable. If the rules of the Senate had not made it debatable, it would be on the assumption that no Senator had the right to debate whether we should consider the matter or not. I want the Senate to understand my views with respect to this matter before it votes whether or not to consider the proposed legislation.

It is true that forty-odd attorneys general in various States have got together and recommended this joint resolution. My judgment is that the reason for that is that they have been convinced by someone that a decision in the Supreme Court would involve every river bed, every lake, and every little inlet within the boundaries of a State, which I contend is not true. Otherwise I do not see why they should be interested in a controversy between the United States Government and the State of California.

Mr. DOWNEY. I may say that I did not help to convince any of the attorneys general, but their very able and exhaustive brief, on that very point, which was carefully prepared, convinced me of the soundness of their position.

Mr. BARKLEY. I appreciate the Senator's viewpoint. He was convinced before the attorneys general got together, because very properly he seeks to represent the State of California. The very able attorney general from California has from the very institution of this matter been convinced that the Government of the United States had no right in this land within the 3-mile limit, or anything under it.

Mr. President, I shall not take further time of the Senate. I must go to a conference on the price control bill. I shall not be able to remain to hear the Senator from Nevada [Mr. MCCARRAN]. I hope he will excuse me for being absent. I did not want this matter to be brought before the Senate without the Senate understanding the issue involved. The issue does not involve the question of rivers, harbors, or lakes within a State, but lands within the 3-mile limit, not only with respect to California, but other States as well. The decision in the California case would be binding with respect to the same question in other States, unless there were some special circumstances connected with the history of a State, or treaties which might make an exception of certain cases. But under those circumstances, since the pleadings have already been completed and the case is to be argued before the Supreme Court in November or December, the proper and fair thing to do is to await the decision of the Supreme Court on the legal question involved.

Another reason why I feel as I do is that we know that under the Constitution we are charged with the duty of looking after our national defense and regulating commerce among the States and with foreign nations. We are rapidly exhausting our oil reserve supply in this country. We are now negotiating with the heads of governments in Arabia and Saudi Arabia, in the Mediterranean region, in order to obtain a share of the oil reserves there for the benefit of our Navy in the future, when we shall have exhausted our own oil resources. It seems to me that, as a matter of policy, and aside from the legal question involved, if the Government of the United States has a legal right to this 3-mile strip and the petroleum which may lie under it, we ought to conserve that supply of oil for whatever uses we may have for it in the future—for our Army, our Navy, or our people—rather than give up title to it if we are entitled to it. That is a legal question. We should not permit that oil to be dissipated and used up, and then cruise all around the world, trading with other nations in order to obtain a supply of oil thousands of miles from the United States.

So as a matter of legality, I think the Supreme Court should pass upon the question; and as a matter of policy, I think we should do all we can to conserve this oil for our future uses, rather than to permit it to be exploited and dissipated.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. As I view this picture, as presented now by the able Senator from Kentucky, it seems to me that the decision of the Supreme Court will legally determine the question whether the United States owns the land from the low-water mark for a distance of 3 miles out to sea. As the matter stands today, there is at least doubt as to the ownership of that land and all underneath it and all above it. But the Court's decision will decide that question.

Therefore, a different question is now presented to the Senate. The present question is whether we should quit-claim this land, which we would be doing by passing the joint resolution, not knowing whether the United States owns the land or not. But if the Supreme Court decides the question, then we shall know whether the United States owns it. When we then know who owns the land, the situation then will be that we can pass upon the question whether we wish to deed it to the States. Is that the situation, Mr. President?

Mr. BARKLEY. Mr. President, I think that is a fair statement of the matter. When the Supreme Court determines who owns the land, then it will be a matter of policy for the United States to decide whether it wishes to deed it to the States or to lease it to citizens or corporations of the States or to anyone who might wish to drill and to bring out the oil. That would be a matter of policy to be determined after the legality of the question is determined by the Supreme Court.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TOBEY. I thank the Senator for yielding to me.

Mr. President, I, also, must go to the conference committee on the OPA bill. But before leaving to go to that committee, I desire to add my endorsement to everything the Senator from Kentucky has stated on the floor on this subject. I think it would be untimely to bring up this matter at this time. The Supreme Court of the United States, the highest court in the land, has accepted jurisdiction of the case, and the case is pending before that Court. The Supreme Court will decide the case once and for all.

I was interested in the tidelands oil case in March or April; and, as Senators know, it ran 6 or 8 weeks. I predict that if the motion to have the Senate proceed to the consideration of the joint resolution is adopted, it will be only a very short time before lobbyists will be crowding about the Capitol, urging the Congress to take such action as they may favor. That is what I prophesy.

So, Mr. President, inasmuch as the question of the ownership of the land is now pending in the Supreme Court, it is obvious that we should let the Court decide this matter once and for all. In that way the matter will be decided as to each of the States. The whole is greater than any of its parts. The Supreme Court has the power to decide the case, and we should let it render its verdict.

Therefore, Mr. President, the Senate should vote down the motion for the consideration of the joint resolution.

Mr. McCARRAN obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. McCARRAN. I yield.

Mr. BARKLEY. I hope that when we vote on this motion, we may have a yea-and-nay vote. Therefore, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT pro tempore. Does the Senator from Nevada wish to have the Senate vote now on the question?

Mr. McCARRAN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gurney	Myers
Andrews	Hart	Overton
Austin	Hawkes	Pepper
Ball	Hayden	Radcliffe
Barkley	Hill	Reed
Bilbo	Hoey	Revercomb
Brewster	Huffman	Robertson
Byrd	Johnson, Colo.	Smith
Capehart	Johnston, S. C.	Stanfill
Capper	Knowland	Swift
Carville	La Follette	Taft
Chavez	Langer	Taylor
Connally	McCarran	Thomas, Okla.
Cordon	McClellan	Tobey
Donnell	McMahon	Tunnell
Downey	Magnuson	Vandenberg
Eastland	Maybank	Walsh
Ferguson	Mead	Wherry
Fulbright	Millikin	White
George	Mitchell	Wiley
Gerry	Moore	Willis
Green	Morse	Young
Guffey	Murray	

The PRESIDING OFFICER (Mr. EASTLAND in the chair). Sixty-eight Senators have answered to their names. A quorum is present.

Mr. McCARRAN. Mr. President, I shall not detain the Senate for any great length of time in connection with the question of taking up and considering House Joint Resolution 225. If the joint resolution is taken up and it comes properly before the Senate, I shall discuss it at some length.

So far as the pendency of the action in the court of last resort is concerned, that action was instituted after the House of Representatives had, by an overwhelming vote, passed this joint resolution. If it can be said that legislation, after it has passed one House by an overwhelming vote, can be stopped in the other House by the institution ad interim of litigation in the Supreme Court, or in any other court, then indeed this body and the body on the other side of the Capitol may never succeed in passing legislation.

Mr. President, this proposal deals largely with a matter of policy. The legislative branch of the Federal Government is the policy-making branch. It is not for the Supreme Court of the United States to make the policy. It is for this body and the body at the other end of the Capitol to make the policy. The question of whether or not we have the right to quit claim the lands which are beneath the tides within the limits claimed by the respective States is a matter for legislation. The question of whether or not this body cares to consider the vote which was cast in regard to this joint resolution by the House of Representatives is a matter for the Senate to determine, and it should determine it, and it should bring the entire matter before itself properly for full, fair, and impartial discussion.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. REVERCOMB. I heartily agree with the able Senator from Nevada that the matter we are now discussing is solely one of legislative policy to be determined by the Congress. He mentioned the fact that the joint resolution applies to tidewater lands. It applies still further. It affects the lands under the navigable streams of the country. In other words, the joint resolution presents an opportunity to declare or make effective the policy that title to the lands under the navigable streams shall remain in the States and shall not in any instance be placed in the Federal Government. I raise the point so that all may know that the joint resolution applies not only to tidelands but also to lands under the navigable streams in the inland States.

Mr. McCARRAN. The Senator is entirely correct, and I am glad that he has brought the fact to which he refers to the attention of the Senate.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. BREWSTER. There are two questions which trouble me. The first one is the statement of the Senator that the question before us is entirely one of policy as distinct from a question for the courts. The contention before the committees on which I have sat, although they did not consider this particular joint resolution, was that there have been approximately 50 Supreme Court and lower court decisions which were alleged to have settled the question.

Mr. McCARRAN. There are fifty-odd decisions in connection with the matter.

Mr. BREWSTER. If that be true, how can it be said at this time, after 150 years of the Nation's history, that the matter becomes one not suitable for the courts to settle, but is a matter of legislative policy affecting the question of title to lands which, according to the attorney general of the United States, properly belong to the Federal Government.

Mr. McCARRAN. Because, in each instance, as the Senator well knows, the court will decide the matter presented to it. In the California case now pending before the court, the court will decide the question of ownership of the lands involved in that suit, but it will not touch upon the question of title to the land involved in suits brought by the State of Florida, the State of Louisiana, or the State of Texas, all of which claim under different rights, under different conditions, and to a greater or lesser extent.

Mr. BREWSTER. Do I understand that the Senator's position is that all those 40 or 50 decisions do not necessarily determine the instant case?

Mr. McCARRAN. I do not believe that they determine the instant case.

Mr. BREWSTER. That statement is at variance with what others have alleged before our committee.

Mr. McCARRAN. I think that the court did determine the case presented to it in each instance. But while each case was somewhat analogous to the matter now presented to the Senate and, perhaps, to the matter now pending before the Supreme Court, the court decided the particular issue before it and nothing else.

Mr. BREWSTER. The second question which I have in mind is this: Assuming that legal title to those areas necessarily resides either in the State or in the Nation—and that seems to be the question—why is it that the question is not a suitable one for judicial determination?

Mr. McCARRAN. I do not know that it is not suitable for judicial determination. But were the question decided judicially it would not prevent the Congress—in fact, the Congress must do so—thereafter deciding with reference to the general policy. As stated by the Senator from West Virginia, the issue involves not only the tidelands 3 miles or 10 miles, as the case may be, from shore, but it involves the beds of all navigable streams, and lands beneath the bays. For example, the lands beneath New York Harbor and San Francisco Bay are all involved.

Mr. BREWSTER. Assuming that the Supreme Court should determine in due course that the title to those areas is

in the Federal Government, there would be no reason for the Federal Government thereafter not renouncing title in favor of the State of California, for example.

Mr. McCARRAN. Certainly not.

Mr. BREWSTER. The Government would be at full liberty to divest itself of title even though millions upon millions of dollars' worth of property were involved.

Mr. McCARRAN. The Senator is correct. But allow me to say to him that so long as the matter is not decided, there will always be a cloud on the Government's title or on the title of the State. The States have been declared to be the owners of these lands in fifty-odd decisions. The only question is as to a cloud on the title raised by those who seem to claim that the lands belong to the Federal Government, and the Federal Government now acting through the Congress, which is the only body which has the right to act, seeks to clear the titles in the States.

Mr. BREWSTER. The next question is presented by what the Senator from Kentucky [Mr. BARKLEY] said. As I understood him, he insisted very firmly that this did not involve any so-called tideland, that is, the land between low-water and high-water mark. Does the Senator from Nevada agree with that?

Mr. McCARRAN. I do not. That is all involved, and the beds of navigable streams are involved.

Mr. BREWSTER. Was I correct in the impression the Senator from Kentucky gave me—and I assumed he was being advised by the Department of Justice—that their position was that the suit now pending had no relation to either the so-called tidelands between low- and high-water mark or to the lands in bays and rivers? That was his statement, was it not?

Mr. McCARRAN. That was his statement, in substance.

Mr. BREWSTER. The Senator contends that is not correct?

Mr. McCARRAN. I contend that is not the correct position, and that they are involved.

Mr. BREWSTER. Will that be developed in the course of the Senator's discussion?

Mr. McCARRAN. I hope so, if the matter comes before the Senate.

Mr. MOORE. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield.

Mr. MOORE. I understood it to be indicated, by inference, that the pending suit presents a new question which is properly justiciable. That is not the fact. The same question has been decided, as I understand, by an unbroken line of decisions from the very beginning of our Government down to the present time.

Mr. BREWSTER. I think the Senator from Nevada, who is the chairman of the Committee on the Judiciary, and whose opinion would be entitled to some respect, stated that his position was that the other cases did not necessarily determine this one, that each of them must be decided upon the facts and circumstances surrounding the particular case presented.

Mr. McCARRAN. That has always been the position taken by the court, and I do not imagine the Supreme Court ever went outside of that rule, or intended to.

Mr. MOORE. It is a question of the ownership of the land, and that has been decided by an unbroken line of decisions.

Mr. McCARRAN. It was decided not only by an unbroken line of decisions, but it has also been decided over the signature of the Secretary of the Interior, who now takes a different position.

Mr. MOORE. That is correct.

Mr. McCARRAN. He, over his own signature, said that it was the settled law that these lands belonged to the abutting States. That was Mr. Ickes, who now seems to take a different position, which may be discussed during the course of the debate.

Mr. BREWSTER. The Senator from Nevada did not intend to indicate that he is now Secretary of the Interior?

Mr. McCARRAN. No, thanks be to God; no.

Mr. MOORE. There never has been a Secretary of the Interior in this country until now who has ever asserted that the Federal Government had any interest in these lands. Am I right?

Mr. McCARRAN. I have never heard of one.

Mr. President, I shall not detain the Senate longer, because the question now is on the motion to proceed to the consideration of the joint resolution. I certainly hope the Senate will take this matter up and decide it once and for all.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada [Mr. McCARRAN] that the Senate proceed to the consideration of House Joint Resolution 225. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REED (after having voted in the affirmative). I have a general pair with the Senator from New York [Mr. WAGNER]. Not knowing how he would vote on this question, I transfer that pair to the Senator from South Dakota [Mr. BUSHFIELD], and let my vote stand.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. Not knowing how he would vote, I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am not advised how the Senator from Missouri would vote on this question. Being at liberty to vote, I vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from Montana [Mr. WHEELER] is absent by leave of the Senate.

The Senator from Georgia [Mr. RUSSELL] is absent because of a death in his family.

The Senator from Virginia [Mr. BURCH] and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

The Senator from Illinois [Mr. LUCAS] is unavoidably detained.

The Senator from Texas [Mr. O'DANIEL] is detained on official business at one of the Government departments.

The Senator from Tennessee [Mr. MCKELLAR], the Senator from Utah [Mr. MURDOCK], the Sentor from Oklahoma [Mr. THOMAS], and the Senator from New York [Mr. WAGNER] are detained on official business at important committee meetings.

The Senator from Missouri [Mr. BRIGGS], the Senator from West Virginia [Mr. KILGORE], the Senator from Arizona [Mr. MCFARLAND], and the Senator from Tennessee [Mr. STEWART] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

On this question the Senator from North Carolina [Mr. BAILEY] is paired with the Senator from New Hampshire [Mr. TOBEY]. If present and voting, the Senator from North Carolina would vote "yea," and the Senator from New Hampshire would vote "nay."

If present and voting, the Senator from Texas [Mr. O'DANIEL] would vote "yea."

Mr. WHERRY. The Senator from New Hampshire [Mr. TOBEY], who would vote "nay," is paired on this question with the Senator from North Carolina [Mr. BAILEY], who would vote "yea."

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent. He has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Minnesota [Mr. SHIPSTEAD], and the Sentor from Iowa [Mr. WILSON] are detained on official business.

The Senator from Delaware [Mr. BUCK] is absent by leave of the Senate.

The result was announced—yeas 46, nays 21, as follows:

YEAS—46

Andrews	Hart	Reed
Austin	Hawkes	Revercomb
Ball	Hoey	Robertson
Bilbo	Johnston, S. C.	Smith
Brewster	Knowland	Stanfill
Byrd	McCarren	Swift
Capehart	McClellan	Taft
Capper	Magnuson	Vandenberg
Chavez	Maybank	Walsh
Connally	Millikin	Wherry
Cordon	Moore	White
Donnell	Morse	Wiley
Downey	Myers	Willis
Eastland	Overton	Young
Gerry	Pepper	
Gurney	Radcliffe	

NAYS—21

Aiken	Guffey	McMahon
Barkley	Hayden	Mead
Carville	Hill	Mitchell
Ferguson	Huffman	Murray
Fulbright	Johnson, Colo.	Taylor
George	La Follette	Thomas, Utah
Green	Langer	Tunnell

NOT VOTING—29

Bailey	Hatch	Saltonstall
Bridges	Hickenlooper	Shipstead
Briggs	Kilgore	Stewart
Brooks	Lucas	Thomas, Okla.
Buck	McFarland	Tobey
Burch	McKellar	Tydings
Bushfield	Murdock	Wagner
Butler	O'Daniel	Wheeler
Ellender	O'Mahoney	Wilson
Gossett	Russell	

So the motion was agreed to, and the Senate proceeded to consider the joint resolution.

The joint resolution (H. J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles, is as follows:

Resolved, etc., That in recognition of the title and interest in the several States, and in others as hereinafter mentioned, since July 4, 1776, or since their formation and admission to the Union, the United States of America hereby renounces and disclaims any right, title, interest, or claim, except as hereinafter excepted and retained, in and to all lands beneath tidewaters and all lands beneath navigable waters within the boundaries of each of the respective States; and in further recognition of such titles and interests, the United States of America hereby releases, remises, and quitclaims all right, title, interest, claim, or demand of the United States of America in and to all lands beneath tidewaters, and all lands beneath navigable waters within the boundaries of each of the respective States, unto each of such States or the persons lawfully entitled thereto under the law as established by the decisions of the courts of such State, and unto the respective grantees or successors in interest thereof, and unto the respective present lawful owners of such lands of which title has been confirmed by official action of the United States of America; excepting therefrom such lands beneath tidewaters and such lands beneath navigable waters as have been lawfully acquired by the United States of America from any State or from any person in whom title had vested under the decisions of the courts of such State, or their respective grantees, or successors in interest, by cession, grant, quitclaim, or condemnation, or from any other owner or owners thereof by conveyance or by condemnation, providing such owner or owners had lawfully acquired the right, title, or interest of any such State; and excepting therefrom such lands beneath tidewaters and such lands beneath navigable waters, and such interests therein, as the United States is lawfully entitled to under the law as established by the decisions of the courts of the State in which the land is situated, or as are held by the United States in trust for the benefit of any tribe, band, or group of Indians or for individual Indians; retaining, however, to the United States of America its present powers of regulation and control for the purposes of commerce, navigation, and the national defense.

As used in this joint resolution, the phrase "lands beneath tidewaters" shall include (1) all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and oceanward to a line three geographical miles distant from the coast line and to the boundary line of each respective State where in any case such boundary line extends oceanward beyond three geographical miles, and (2) all lands formerly beneath tidewaters, as herein defined, which have been filled or reclaimed; the phrase "lands beneath navigable waters" shall include (1) all other lands covered by waters which are navigable under the laws of the United States, and (2) all lands formerly beneath navigable waters, as herein defined, which have been filled or reclaimed.

LIVESTOCK AND OTHER COMMODITY PRICES

Mr. WHERRY. Mr. President, will the Senator from Nevada yield to me?

Mr. McCARRAN. For what purpose, may I ask the Senator?

Mr. WHERRY. I should like to place in the RECORD certain market reports. It will take about 10 minutes.

Mr. McCARRAN. Very well.

Mr. WHERRY. Mr. President, the American Meat Institute has telegraphed to me a report covering the 12 principal markets. I shall be as brief as I can. The report states:

A report on the livestock market this morning is summarized as follows: Cattle receipts at 12 markets today continued large for Friday, amounting to 24,900 head, up 53 percent from a week ago and more than three times the receipts for the same day a year ago. The total cattle supplies at these markets for the week were 25 percent larger than receipts a week ago and 77 percent larger than for the same period a year ago. This is the third consecutive week that cattle marketings have exceeded those of the preceding week. This confirms the contention made right along that, with price controls removed from livestock and meat, meat would become increasingly available for American consumers.

I shall not go into the prices in detail, because I shall later ask to have the whole telegram placed in the RECORD. But the prices on all grades of cattle today on the market run again from $1 to $1.50 lower, which is bringing the prices down to a point where they are comparable with the prices which were maintained during the last week in June, and they are now running even lower than the prices at that time including the subsidies.

At the 12 markets today 34,000 head of hogs were received. This is a small reduction from last Friday, but is 75 percent larger than Friday a year ago, with a heavy carry-over from yesterday at a number of markets, including Chicago. Four thousand hogs were reported carried over from yesterday because room could not be found for them in the slaughtering houses.

Last night I received a long-distance telephone call from Omaha which stated that in Omaha trucks loaded with hogs were backed up for 7 miles because they could not be unloaded. I received a long-distance telephone call from St. Joseph, Mo., last night in which I was informed that because of the heat it was necessary to call out the fire department to pour water on the hogs. Water was poured on them to cool them off, otherwise they might have died.

Mr. President, this great shipment of meat animals into the market shows what can be done without price ceilings and price controls. The prices on hogs are $2.50 lower than they were yesterday, and the bulk of the hogs are selling today at $19 a hundred in Chicago. That means about $18 in Nebraska, which compares very favorably with the prices before July 1.

Mr. McCARRAN. Mr. President, I ask for order. I cannot hear the Senator from Nebraska, and I am sure he cannot hear what I am saying.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WHERRY. I thank the Senator for his request. Some Senators are more interested in what I am reporting than are the three or four Senators who are conducting a separate Senate session with the Senator from Florida [Mr. PEPPER]. I am anxious to proceed, because I do not want to detain the Senator from Nevada.

Mr. McCARRAN. I hope the Senator will not proceed until we have order. I am much interested in his statement respecting hogs.

Mr. WHERRY. I thank the Senator. I now wish to speak of the beef market in New York. We are now talking about dressed beef and what it sells for in New York. Prime beef sold this morning in New York at $46 a hundred pounds. That is 46 cents a pound. On Friday, July 5, prime beef was sold in New York for $55 a hundred pounds, or a decrease from Friday, July 5, of $9 a hundred. Of course, as I have said many times on the floor of the Senate, not much of that beef is sold to the individual consumer. That is hotel meat. It is only the AA prime cattle which come in that category.

The Good grade was sold today on the New York market at $44 a hundred. On July 5 it was sold for $55 a hundred, or for the same price as the AA. The price on "good" grade today is $11 lower than on Friday, July 5.

The Common grade was sold today in New York at $42 a hundred. That is the B grade. On July 5 it was sold for $50 a hundred. On that grade there is a decrease of $8.

For Utility cattle there has not been much change on the New York market. Utility cattle are the C grade cattle. The price today is $38 a hundred. On Friday, July 5, it was $40 a hundred. The decrease is $2 a hundred.

Mr. President, I ask that the complete telegraphic report may be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The free play of the natural law of supply and demand, unencumbered by unnecessary

and restrictive price-control regulations, resulted in sharp price declines in yesterday's livestock market, with the United States Department of Agriculture reporting a "general cattle trade collapse" and hog prices dropping $3 per hundredweight from the previous day's top "in one of the sharpest price reactions in trade history."

The beneficial effect of increased meat supplies, coupled with strong consumer resistance to former black-market prices is shown by the fact that upper limit beef price quotations in New York City, as reported by the United States Department of Agriculture, yesterday dropped $11 per hundredweight from the peak for good grade beef carcasses. The United States Department of Agriculture reports in an early flash from the New York market today that another $4 to $6 drop on wholesaler dressed beef quotations has occurred from yesterday's close.

A spot check of retail meat prices, as advertised in newspapers in different parts of the country yesterday, indicates prices to consumers were well below old black-market prices. For example, consumers in Chicago were being offered ground beef at 35 cents a pound, beef short ribs at 25 cents, beef pot roast at 39 cents, bacon at 50 cents, and sirloin steak at 49 cents. In Cleveland pork loins were offered at 36 cents and beef rib roast at 40 cents. In St. Louis newspaper advertisements listed rolled beef sirloin at 45 cents, and lamb stew at 20 cents, rib roasts at 42 cents, ground beef at 39 cents and whole or half hams at 49 cents. In Cincinnati, legs of lamb were advertised at 41 cents, sirloin steak at 47 cents and hamburger at 33 cents.

A report on the livestock market this morning is summarized as follows:

Cattle receipts at 12 markets today continued large for Friday, amounting to 24,900 head, up 53 percent from a week ago and more than three times the receipts for the same day a year ago. Total cattle supplies at these markets for the week were 25 percent larger than receipts a week ago and 77 percent larger than for the same period a year ago; this is the third consecutive week that cattle marketings have exceeded those of the preceding week. This confirms the contention made right along that, with price controls removed from livestock and meats, meat would become increasingly available for American consumers.

The extent of the collapse of cattle prices yesterday is summarized by the United States Department of Agriculture for the Chicago market as follows:

"Today's general trade collapsed, even the top on choice steers dropped to $25.65, with the practical top at $25. However, none of these steers had the beef-yielding merits of the several loads at $26.25 and $26.35, paid Wednesday. Nevertheless, it was a 50 cents to $1 lower market on choice yearlings and weighty steers; with common, medium, and low good kinds not only $1 to $1.50 lower, but many medium to low good grassy and short-fed light kinds without bids at the close. Much the same condition featured medium and low good heifers: the supply that sold standing $1 or more lower, with even strictly good and choice kinds 75 cents to $1 down; average choice heifers sold at $21.50 and high choice mixed offerings stopped at $24. Strictly good beef cows and heiferettes lost 50 cents on top of crumbling declines on Wednesday. But this proved to be a relatively small loss compared with the $1 to $1.50 break on cutters and common and medium beef cows, a liberal proportion of which were without bids at the close. Most beef bulls dragged at $2 lower price than last week, with sausage offerings $1.50 lower."

Cattle prices this morning again dropped sharply with most grades quoted from 50 cents to $1 lower than the substantially reduced prices prevailing yesterday. The early top on cattle in Chicago this morning was $24 which was off $2.35 from the extreme top paid here for a few head Wednesday. The Government also reports this morning that indications are that there may be a considerable hold-over of cattle today unless further price reductions occur in the market.

Receipts of calves and sheep and lambs also were unusually large this week. Calf receipts were 18 percent larger than last week and 73 percent above a year ago.

Hog receipts at 12 markets today amounted to 34,000 head which is a reduction from last Friday but is 75 percent larger than Friday a year ago. The large salable supply of hogs today, however, will be augmented with a heavy carry-over from yesterday at a number of markets at Chicago, 4,000 hogs were reported carried over from yesterday, total hog receipts for the week were slightly smaller than the large receipts of the preceding week but were more than double the supply for the corresponding week a year ago.

Hog prices at Chicago this morning opened slow, steady with yesterday's close with sows selling about 50 cents lower. The top today at Chicago was $19.65 which compares with the top earlier this week of $22 per live hundredweight. The toboggan in hog prices yesterday was described by the United States Department of Agriculture as follows: "In one of the sharpest price reactions in trade history, hog values were off $1.50 to $2.50 today. The comparison is with the general trading Wednesday. Even at the decline buyers refused to take all offerings and at the close approximately 4,000 hogs remained unsold carrying bids at least $2.50 or more lower. The practical top of the market dropped to $20 after having reached $22 on Wednesday. Similar weight hogs had to sell late in the day at $19."

The following table compares the price of the upper-limit quotation for each grade of dressed beef at New York City on Thursday, July 18 with upper-limit quotations for Friday, July 5 (largely representing prices charged by former black-market operators):

Beef carcass prices, New York City

[Dollars per hundredweight dressed. Upper limit quotations reported by the U. S. Department of Agriculture]

	Thursday, July 18, 1946	Friday, July 5, 1946	Decreas
Choice	$46	$55	−9
Good	44	55	−11
Common	42	50	−8
Utility	38	40	−2

These upper limit quotations, of course, do not report the selling price of the bulk of sales but they do illustrate strikingly the extent of the slash of the black-market prices since price control was removed in the major meat-consuming centers of the country.

The experience of the first 3 weeks without price controls on livestock and meats is convincing proof that a tremendous increase in supplies of meat is being made available on a much more equitable basis and at reasonable, competitive prices which certainly are lower than black-market prices prevailing prior to the elimination of price controls. The industry is well on its way to returning to stable conditions notwithstanding the fact that it had to recover from "famine conditions" prevailing in the beginning of this month when controls were eliminated. Meat-distribution pipe lines, which were almost exhausted in the closing days of price controls, had to be replenished. This takes time, but it is being done.

AMERICAN MEAT INSTITUTE.
CHICAGO, ILL.

Mr. WHERRY. Mr. President, I also ask unanimous consent to have printed in the RECORD a report on the grain market situation, which is very relevant in connection with the livestock market. Yesterday I pointed out that wheat broke 5 to 6 cents a bushel, and that corn was down from 2 to 3 cents a bushel. The market today is weaker, and somewhat lower. The report gives a synopsis of the grain market, and I think will be of interest to the Senate.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

FEED SHORTAGE NEARS END

In a relatively short time, the critical feed shortage in feed-deficit areas of the United States has been relieved. This sudden change was coincident with (1) the expiration of OPA price ceilings and regulations on farm products, (2) the progressive development of prospects for bumper feed-grain production this season and (3) some reduction in livestock.

The flow of feed through normal commercial channels is rapidly being reestablished. The return to free-market prices does not, of course, make any more total feed, but it does affect the distribution of it, both in place and time. Feed prices may be somewhat higher this summer, but the feed shortage is about over. If July 1 crop prospects materialize, the livestock and grain situations should reach reasonable adjustment by fall, although on a higher price level than a year ago. The high-protein feed situation shows less improvement than the grain situation.

LIVESTOCK REDUCED SOMEWHAT

Hogs: The 1946 spring pig crop of some 52,000,000 head, which is being carried along on old corn and which will be finished this fall and winter on new corn, is highly larger than the spring pig crop of 1945. The average slaughter weight of these hogs, however, is likely to be considerably lighter than that of a year ago because of a much less favorable hog-corn price ratio.

The 1946 fall pig crop, as indicated by farmers' reports in June on breeding intentions, will be about 17 percent smaller than a year earlier, and the smallest fall pig crop since 1938.

Pig crop

Year	Spring	Fall	Total
	Thous.	*Thous.*	*Thous.*
1945	51,570	35,144	86,714
1946	52,324	29,100	81,424
Percent change	+2	−17	−6

Poultry: In the period January to June of this year, the total number of chicks hatched by commercial hatcheries was down approximately 20 percent compared with a year ago. Most all of this reduction was in May and June. The reduction in chicks for broiler production was much greater than that for chickens to be raised. Consequently, the number of chicks and young chickens on farms on July 1 this year was 15 percent smaller than last year. Also, it appears that the number of chickens raised in 1946 will be some 15 percent smaller than the number raised in 1945.

Chickens raised

Period	Millions	Percent change from—	
		Average	Preceding year
1937-41 average	657		
1944	750	+14	
1945	821	+25	+9
1946	[1]700	+7	−15

[1]Preliminary.

More old hens are expected to be held over so that the total number of layers next fall and winter is expected to be about 10 percent smaller than last year.

The number of turkeys raised during 1946 is expected to be about 15 percent smaller than the number raised in 1945.

In the Northeast, the number of chicks and young chickens on July 1 this year was 28 percent smaller than a year ago. In New England, the number of layers during June was down 23 percent. More layers were on hand than a year ago in New York, New Jersey, and Pennsylvania, and for the three States the increase was 6 percent.

Dairy cattle: During 1945 the number of milk cows declined 3 percent, and the 7-percent reduction in the number of yearlings dairy heifers on hand January 1, 1946, as compared with a year ago indicated a continued downward trend in the milk-cow population during 1946.

The rate of grain feeding to milk cows this summer is materially lower than the high level last year. Because of the expected less favorable butterfat-feed price relationship, grain feeding per cow next fall and winter is likely to continue below that of a year ago.

Grain fed daily per milk cow

Year	Feb. 1	Apr. 1	June 1
	Pounds	*Pounds*	*Pounds*
1945	5.56	5.54	4.11
1946	5.55	5.48	3.56
Percent change	0	−1	−13

In New York State, grain feeding per cow on June 1 was 21 percent lower and on July 1 was 22 percent lower than on those dates a year ago.

Beef cattle: The total number of beef cattle continues at a relatively high level, but the feeding of cattle in the Corn Belt so far in 1946 has been on a reduced level. The number of stocker and feeder cattle shipped into the Corn Belt States during the first 5 months of 1946 was 6 percent smaller than in the corresponding period of 1945. Under recent price conditions, the feeding of beef cattle to a high finish has not been profitable. Dry-lot feeding operations in the Corn Belt this coming fall and winter are expected to be continued on a reduced scale as compared with former years.

Sheep and lambs: Sheep numbers have been been declining since 1942. This year, the early spring lamb crop was 13 percent less than in 1945 and the late crop also is expected to be smaller.

Horses and mules: The number of horses and mules continues to decline and the feed requirements for this class of livestock are much smaller than in former years.

All livestock: Both numbers and feeding rates per head in all classes of livestock, with the possible exception of feed per hen, will probably be lower during the coming fall and winter than a year ago. The reduction in feed requirements may be as much as 10 percent.

FEED SUPPLIES

Old crop stocks on July 1: Total farm stocks of corn, oats, and barley on July 1 were 21 percent smaller than a year ago. Oat stocks were about one-third larger, but corn stocks were 30 percent smaller and barley stocks 15 percent smaller.

Farm stocks of grains, July 1

Year	Corn	Oats	Barley	Total
	Mil. bu.	*Mil. bu.*	*Mil. bu.*	*Mil. tons*
1945	739	209	46	25.1
1946	515	278	39	19.8
Percent change	−30	+33	−15	−21

Grain production: Based on July 1 reports, prospects are bright for bumper feed grain production this season. The corn crop is indicated to be the largest on record. The small grain crops are of near-record size. The total production of corn, oats, and barley in 1946, based on July 1 indications will be even larger than the very high production in 1945. The 1946 corn crop is reported to be 11 percent larger than a year ago, the oat crop 5 percent smaller and the barley crop 13 percent smaller. The combined tonnage of these three grains this year is 6 percent larger than a year ago.

The 1946 planted acreage of sorghums is about 4 percent smaller than in 1945.

The total wheat crop this year of 1,090 million bushels is the fourth consecutive billion bushel crop, but is about 3 percent smaller than last year's crop.

Grain production

Year	Corn	Oats	Barley	Total	Wheat
	Mil. bu.	*Mil. bu.*	*Mil. bu.*	*Mil. tons*	*Mil. bu.*
1945	3,018	1,548	264	115.6	1,123
1946	3,342	1,471	230	122.6	1,090
Percent change	+11	−5	−13	+6	−3

High-protein feeds: The high-protein feed situation for next fall appears to be much less favorable than that for feed grains. The 1946 acreage of cotton, as reported on July 1, was 3 percent larger than the 1945 acreage, but the soybean acreage is down 13 percent, the flaxseed acreage down 37 percent and the peanut acreage down 2 percent. Although imports of oil meals will undoubtedly increase, oil meal supplies for next winter will be considerably smaller than those used during the past year.

Acreages of oil-bearing seeds

Year	Soybeans	Cotton	Flax	Peanuts
	Thous. acres	*Thous. acres*	*Thous. acres*	*Thous. acres*
1945	13,412	17,749	3,914	3,958
1946	11,614	18,316	2,465	3,882
Percent change	−13	+3	−37	−2

PRICE LEVEL RISING

The wholesale commodity price level of the country has been rising and is expected to continue to rise. This means prices of individual crops and livestock products fluctuate about a higher and higher base. During the past year prices of farm products in established wholesale markets have risen nearly 20 percent and commodities other than farm products have increased 8 percent.

Commodity prices in primary markets

[1926=100]

	Farm products	Commodities other than farm products
First week in July—		
1945	129	101
1946	153	109
Percent change	+19	+8

SOME SUGGESTIONS

These facts indicate the following to be good business for northeastern farmers:

1. Don't buy much feed ahead.
2. Use up old supplies on hand.
3. Start making use of home-grown grains as soon as available.
4. Maintain cows and hens at normal levels for your farm.
5. Keep in mind that you are operating on a price level that is both relatively high and unstable.

Most of the figures in this report are from official releases of the United States Department of Agriculture. This report itself was prepared by Dr. L. C. Cunningham, of Cornell University, Ithaca, N. Y.

JULY 15, 1946.

Mr. WHERRY. Mr. President, at this point in the RECORD I should like to have printed an article published in the Wall Street Journal of Friday, July 19, 1946, which contains a very fine analysis from the retail side of the picture respecting food products.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MORE MEAT—RETAIL STORES NOW HAVE THREE TO FIVE TIMES AS MUCH AS UNDER OPA—COAST-TO-COAST SURVEY FINDS SHORTAGE ENDED, FALLING RETAIL PRICES DUE SOON—LIVESTOCK FLOOD TO MARKET

The meat shortage is a dead duck.

Retail markets throughout the country now have from three to five times as much meat for sale as on June 30, the day the curtain went down for OPA.

Prices, already slumping on livestock as thousands of hogs and cattle continue pouring to market, are likely to fall substantially in your neighborhood meat store in a week to 10 days.

These two facts high light the findings of a Wall Street Journal survey of the meat picture in principal cities from coast to coast made yesterday.

SITUATION IN VARIOUS CITIES

Meat-trade spokesmen yesterday estimated that markets in New York City had five times as much meat as they did on June 30.

In Cleveland market operators declared they had about three times as much as at the end of last month. One independent chain in the city cut 59 sides of beef last week, more than in any 3 weeks since the war started, and expects to cut as much this week. Another Cleveland market says its supply is up 200 percent.

Detroit markets reported four times as much meat yesterday as the day OPA bowed out. An official of one big chain of stores, speaking gleefully of bountiful supplies, said his firm expects to have meat left over this week end for the first time in many moons.

Across the continent in San Francisco big meat markets declare they have three times as much meat as at the end of June. One manager says, "There's an unlimited supply."

"We have five times as much meat as 3 weeks ago," says the operator of seven supermarkets in Los Angeles.

PORK DEMAND DOWN AT PORTLAND

Up the coast in Portland, Oreg., meat markets say they have at least twice as much meat as on June 30. George P. Zenner, vice president of the Portland Food Merchants Association, declares "the pork supply is too big, and demand has fallen off 20 percent."

On the price front, the heavy movement of animals to market at weakening prices points clearly toward cheaper meat ahead in retail outlets.

Jack Kranis, president of the National Meat Industry Council, estimated that next week retail prices will drop 10 to 15 percent below the present level.

Choice beef carcasses in the New York wholesale market were already selling at 37 to 42 cents a pound yesterday, compared with 55 cents a week ago. Fowl which a week ago brought 50 cents a pound and higher were priced yesterday at 34 to 40 cents.

Back of the weakening in wholesale markets was increased supply and falling values in the big livestock-marketing centers.

CHICAGO BEEF PRICES DECLINE

On Wednesday prices on a few choice steers hit a record high of $26.35 a hundredweight in Chicago, and $26.50 at Omaha, but a decline of $1 to $1.50 was general in many grades of steers, cows, and heifers that provide most of the beef the average consumer buys. Added to Wednesday's drop was another decline of $2 yesterday.

Marketings have now reached a point where they are top-heavy, meat men say. Orders coming into Chicago from the East as well as from local slaughterers are being canceled because wholesale channels are filling up with meat. Packing houses are having to adopt a "selling" attitude in dealing with meat buyers for some cuts of both beef and pork.

Hog prices tumbled from $1 to $2.50 in many midwestern markets yesterday as farmers poured an endless flood of porkers to town. As long lines of trucks backed up at stockyards, pigs died in the heat waiting to be sold.

This heavy volume of hog movement has been progressing since OPA died, and prices have been climbing. But now the volume is swamping the price rise.

On July 1 the price of hogs in Chicago went up to $2 to $3.75 in one day to a top of $18.50, compared with the OPA ceiling of $14.85. Receipts rose sharply the first week of July, going as high as 25,000 hogs per day. Aside from Tuesday, the normally heavy marketing day for hogs, about 8,000 to 10,000 would be an average day's receipts at Chicago for this time of year.

Wednesday about that many hogs were sold, with 2,000 being held over as packers refused to pay the price of $22, the highest price since 1919. Thus yesterday's hogs coming to market joined the "backlog" of the day before.

"SEMIDEMORALIZED" MARKETS

Livestock men in Chicago say the break in stockyard prices will be reflected in further reductions in prices at the consumer level within the next 10 days. Wholesale prices, they emphasize, are already beginning to react sharply. In fact, one marketing authority says the entire hog and cattle marketing industry is "semidemoralized."

Department of Agriculture spokesmen in Chicago yesterday called the break in prices a "major" one, and said it was accompanied by a record Thursday movement of livestock.

Much of the heavy movement is attributed to the fact that farmers, sensing a price drop ahead, are rushing their animals to market to "get the gravy while the getting is good."

As more beef and pork become available, retailers in many instances have found themselves with a superplenitude of poultry on their hands at falling prices. In some instances poultry has sold below the old OPA ceilings. One San Francisco market reports its poultry sales have dropped 20 percent since June 30.

CONSUMERS "BALKING" AT PRICES

In all cities there are unmistakable indications that consumers, aware of sharply increased supplies, have reached the "balking" point on rising meat prices.

Market operators everywhere report them more "cagey," more "choosey," less susceptible to the take-it-or-leave-it sales attitude they bore patiently during the black-market era.

In one Los Angeles market hamburger meat was shoved at the customers for 75 cents a pound The customers just walked out. And now that market is selling hamburger meat for 39 cents—and glad to get buyers.

The fancy grades of meat bearing the superfancy prices are frequently passed up. A Chicago butcher trying to market a two-person serving of sirloin steak at $1.38 found housewives balked at buying it. Instead they snapped up stew meat at 45 cents a pound.

Some retail meat shops are doing some balking of their own by refusing to buy large amounts at exorbitant wholesale prices. One big market in Washington, D. C., has deliberately curbed its buying for this reason. The manager emphasizes his customers are folks of moderate income, and says he refuses to double prices on them. Until prices come down, he's buying just enough to keep his customers from patronizing competitors.

Mr. WHERRY. I also ask to have placed in the RECORD an advertisement by the American Meat Institute entitled "Your Meat, Now." The advertisement gives a rather complete report of what can be expected, not only today, but in the future, with respect to prices.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

YOUR MEAT, NOW

Without OPA, meat is coming back to you. You have probably already noticed that there is more meat in retail stores. The supply lines gradually are being filled.

Naturally, it takes a little time for the livestock and meat industry to work its way out of the chaos and shortages created in it by 4 years of OPA.

Nobody—and least of all the livestock and meat industry—wants this chaos and confusion brought back—and it will be brought back if OPA regulations ever again are imposed. The chiselers, who were able to get enormous profits in the black market, which flourished under the OPA, might want regulations restored—and they undoubtedly do. Certainly, consumers don't want to see empty meat counters again.

As for prices generally, consumers will be well advised if for a while they will discriminate in their purchases of meat by limiting them to those meats which are available in increasing quantities and at the more moderate price levels.

Meat prices today are higher than the old fictional OPA ceiling prices at which very little meat was available to the average consumer. But they are generally considerably below prices which prevailed in the black market.

We thank consumers for their patience. Men are at work—today and every day—all the way from the distant western cattle ranges to the retail meat counter to bring you more meat, and better selection of meat, just as quickly as possible. If the livestock and meat industry remains free of OPA regulations, this meat will come to you at prices established by the efficient operation and open competition upon which the American livestock and meat industry has been built.

AMERICAN MEAT INSTITUTE.

CHICAGO, ILL.

Mr. LANGER. Mr. President, will the Senator yield ?

Mr. WHERRY. I yield.

Mr. LANGER. Does the report which the Senator placed in the RECORD deal with poultry?

Mr. WHERRY. Yes. I should say that poultry, milk, cheese, and butter are dealt with in the report which I previously placed in the RECORD.

Mr. LANGER. I understand that poultry went down 10 cents a pound in Washington.

Mr. WHERRY. Yes. The food survey which I placed in the RECORD includes all the principal cities of the United States. It is very comprehensive and I think very interesting. I know that it will be evidence which Senators will be glad to read.

Mr. REVERCOMB. Mr. President, will the Senator yield for a question?

Mr. WHERRY. I yield.

Mr. REVERCOMB. The Senator has placed in the RECORD some very interesting figures from the producing standpoint, that is from the standpoint of the cost of production. I should like to hear some figures on the situation from the consumers standpoint.

Mr. WHERRY. Mr. President, I spoke of dressed beef. The dressed-beef market, of course, is the wholesale market.

Mr. REVERCOMB. Yes. What about the retail market?

Mr. WHERRY. The only thing I have is what I have just placed in the RECORD, which is a survey of the principal cities throughout the United States.

Mr. REVERCOMB. Is the trend downward?

Mr. WHERRY. Yes; it is downward, and the pipe lines are filling up. Eighty-one carloads have come into Washington alone in the past week, and that pipe line is so full that it is impossible to take care of all the animals. Some must be carried over. Several of the wholesalers cannot dispose of all their meat. One wholesaler said that this is the first time in 3 years he will have a carry-over until Monday. Yesterday I placed in the RECORD several advertisements of stores in Philadelphia, Washington, and New York, and compared the prices yesterday with the prices of a week ago, and the prices of yesterday compared with the same day of the last week of OPA. If the Senator will read what I placed in the RECORD yesterday he will find that with the exception of meat, with respect to which the consumer now absorbs the subsidy, everything in the produce line, including poultry, is cheaper than it was the last day of June. There was one other exception, and that was oranges. I went down to the market yesterday and spoke to one of the market operators and he showed me what he had. There were cabbages, beans, everything one could think of in great quantities. He said to me, "You can tell the people that everything is cheaper than it was the last week of June, with the exception of oranges."

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. WILLIS. Did the Senator take into account the subsidy in speaking of the item of meat?

Mr. WHERRY. Yes, Mr. President. That is why meat is higher. The subsidy is not now being paid, therefore the price of meat is higher to the consumer. If Senators will compare the prices which I gave yesterday and today with the prices in the last week in June, and then subtract the subsidy from the present prices, they will find that meat has actually dropped in price.

Mr. President, there might be some humor in what I am now about to present. I hold in my hand a newspaper of today's issue which contains pictures which show that Nebraska is doing its share of the job in furnishing meat for the Nation. Here is a picture of a cow and a bull, the papa and the mama. The mama gave birth to quintuplets in Fairbury, Nebr. The five calves are going to be shown at the State fair. If any Senators would like to see them, they can go out there and see them at Lincoln, Nebr., in the first week of September. I ask to have the article which appears

under the picture placed in the RECORD at this point.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

QUINTUPLET TIME—EI, EI, OH!

Father Time, the Papa Dionne of the pastureland, poses proudly with Old Glory, who is "expecting" again. Last February Old Glory really unfurled herself with quintuplet calves, which have been named Russia, United States, England, China, and France. Dr. L. J. Smith, Fairbury, Nebr., veterinarian, who delivered the calves, is attempting to lead Russia into a special trailer for a visit to the State fair. Agricultural observers believe that Old Glory may have another multiple birth—good news for everybody except the stork. He's still mumbling about that last trip.

Mr. TAYLOR. Mr. President, I ask unanimous consent to have printed in the RECORD following the material inserted by the Senator from Nebraska a news dispatch from Boise, Idaho, entitled "End of OPA Boosts Bridge Costs in Idaho 40 Percent, Says Hally." Mr. T. Matt Hally is director of highways in Idaho.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

END OF OPA BOOSTS BRIDGE COSTS IN IDAHO 40 PERCENT, SAYS HALLY

BOISE, July 13.—Idaho highway director T. Matt Hally today blamed the ending of OPA price controls for bids on two highway projects that exceeded engineers' estimates by as much as 40 percent.

Involved were two bridge projects, one for an 852-foot span over Snake River on the Burley-Paul Road, and the other for a 378-foot viaduct over Union Pacific Railroad tracks near Topaz, on United States Highway No. 30, in Bannock County.

"It is evident that taking the lid off of OPA has increased material unit costs," Hally said. "Any project with an appreciable amount of prefabricated material—such as steel—will cost considerably more now than when OPA was effective."

The engineer's estimate on the Snake River bridge was $214,000. The low bid, submitted by the Hansen Construction Co., of Spokane, was $251,684.

On the overpass project the engineer's estimate was $108,000, and the low bid of $117,023 was offered by the Materials Supply and Construction Co., of Springville, Utah.

Mr. TAYLOR. I also ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a letter from the New Council of American Business, Inc., stating that they have made a survey of Washington shops, and that the price of meat at retail has risen, on the average, 96 percent, and in some instances as much as 159 percent, together with an article from the Washington Daily News of July 17, 1946.

There being no objection, the letter and article were ordered to be printed in the RECORD, as follows:

NEW COUNCIL OF AMERICAN BUSINESS, INC.,
Washington, D. C., July 17, 1946.

Hon. GLEN H. TAYLOR,
United States Senate,
Washington, D. C.

DEAR SENATOR TAYLOR: Last week the New Council of American Business forwarded to and released to the press the results of a survey of retail meat prices in Washington grocery stores. It showed immediate and substantial increases in meat prices following the cessation of OPA controls.

We have continued our survey and have now covered 56 retail establishments in the District of Columbia. The results are even more startling and alarming.

The median increase over OPA ceilings in the price of beef and meat (all cuts) is 96 percent.

The median increase over OPA ceilings in the price of pork (all cuts) is 67 percent.

Price increases above the median ran as high as 159 percent for beef and veal. Approximately one-half of our purchases of these items represented price increases ranging from 96 to 159 percent.

Price increases for one-half of our total purchases of pork ranged from 67 percent to 138 percent above ceilings.

Our survey covered both chain stores (one-third of total number) and independents (two-thirds). Purchases were made in stores in all four quadrants of the District. Chain stores sell about 45 percent of the meat distributed in the District. The independent stores showed much higher prices than the chains but even in the chain stores more than half the increases ranged between 13 to 54 percent above OPA ceilings.

These facts completely discredit the previously estimated price advances made by the American Meat Institute. On May 1, testifying before the Senate Banking and Currency Committee, Mr. Robert Eggert, of the Institute, agreed with Senator BUTLER that if price controls on meat were removed the price of meat would increase not more than 15 percent. He stated that consumers were then paying more in the black market than they would have to if meat controls were removed. But in surveys made on February 27 and again on March 26 and 27 the American Meat Institute's own survey of District meat prices showed meat selling (illegally) at an average of only 19 percent over OPA ceilings.

Our New Council survey this week, which shows beef up 96 percent and pork up 67 percent, certainly shows that the American Meat Institute misled the committee as to what would happen if controls were removed.

If anyone deceives himself that these great increases on retail prices are abnormal and temporary, let him notice that Monday, July 15, the big packers' wholesale prices of beef in Chicago had risen 50 percent over OPA ceilings and the wholesale prices of pork had advanced more than 20 percent over OPA ceilings. These advances, it might be pointed out, will not reach retailers until some weeks from now. In other words, the worst is yet to come unless meat controls are restored.

Previous to June 30, subsidies accounted for no more than 18 percent of the retail price of meat. Present increases are far above what could be accounted for by the removal of subsidies. Nothing illustrates more effectively the terrific inflationary pressures we are living under than what has happened to meat prices.

The rise in meat prices, we point out, has been accompanied by a similar rise in the price of a wide range of other basic commodities, according to the Bureau of Labor Statistics Daily Index.

The New Council of American Business made its survey because, as we have previously stated, we believe inflation and the inevitable collapse following will be disastrous to every independent businessman in the country. Additionally, we are greatly concerned over the public resentment that undoubtedly will be directed against business as a result of uncontrolled price rises. American business, particularly that segment dealing directly with the buying public, cannot afford to be once again the target of public indignation.

We urge Congress to act now to restore the effectiveness of OPA.

Sincerely yours,

H. L. MCCARTHY,
Executive Director.

[From the Washington Daily News of July 17, 1946]

DISTRICT MEAT PRICES SOAR 159 PERCENT, NCAB SURVEY SHOWS

Retail meat prices in the District have soared an average of 80 percent above former OPA ceilings and some cuts of beef have skyrocketed as much as 159 percent, the New Council of American Business said today.

The council, which has fought to save OPA's full price controls, bases its figures on a city-wide shopping survery conducted last Friday. Its agents, camouflaged as housewives, canvassed 60 chain and independent stores, found meat in only 28 of them, and these price hikes:

Boneless sirloin steak up 147 percent, chuck roast up 159, fresh pork belly 110, ham 138, sirloin steak 112, rib steak 109, pork shoulder (sliced) 91, veal cutlets 83, pork chops 68, T-bone steak 55, smoked ham 53, ground beef 33.

Only three stores sold below OPA ceilings, but two of the sales were on luncheon meat, the council reported. Beef averaged 88 percent above ceiling and pork 68 percent.

The survey completely discredits estimated price advances ranging from 5 to 15 percent made by the American Meat Institute, H. L. McCarthy, NCAB executive director, said. (American Meat Ipstitute was a major opponent of the continuance of OPA.)

"We made this survey because, in the belief of the manufacturers, wholesalers and retailers who are NCAB members, inflation and the deflation that follows are disastrous to business as well as the public," Mr. McCarthy said.

Mr. WILEY. Mr. President, the American Butter Institute, which affords more than 1,000,000 farmers a daily cash market for milk and cream, has written me a letter calling attention to what I think most of our people do not understand. When the President vetoed the OPA bill he took from every pound of butter a subsidy of 14½ cents. He stopped the Treasury of the United States from paying 14½ cents.

The American Butter Institute writes that during the past 12 days' experience the butter industry has proved beyond any question of doubt that prices will not skyrocket following the elimination of price control. The best estimates indicate that over the next year market prices for butter will average less than the previous OPA ceiling plus the subsidy of 14½ cents a pound. Black markets have been eliminated, and consumers are now getting butter at prices reflecting old ceiling prices plus the subsidy. Those prices are exactly the same as were paid before, through price control and taxes.

That statement has been confirmed by me personally in Washington. Butter is now available. I ask unanimous consent that there be printed in the RECORD at this point as a part of my remarks an editorial from the Washington Post of July 19 entitled "Misleading Food-Price Figures."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MISLEADING FOOD-PRICE FIGURES

Tuesday the Post invited me to comment in general on some of the misleading price surveys which have had wide publicity in the past 2 weeks.

Wednesday there appeared on page 1 of the Post a price chart on which I would like to comment specifically, and which I believe deserves a complete explanation to your readers.

Charts and studies such as this are the most misleading and confusing of all, since they are based—as you correctly state—"on Bureau of Labor Statistics daily indexes of 28 basic commodities."

This official source gives such surveys a ring of authenticity which leads most people to accept them without question, even though the figures themselves may not bear out at all the conclusions that are drawn from them. Your chart is an excellent case in point.

"This chart," the Post says, "indicates the rise in the cost of living from June 21 until yesterday (July 16)."

That, I respectfully submit, is an erroneous and misleading conclusion. The chart shows no such thing and the figures on which it is based were not intended for that purpose.

The BLS commodity index is intended to show the variation in prices of 28 basic commodities—and even for that purpose it is almost worthless in this period of transition from a controlled to a free economy.

The reason why the index itself has little or no value at the moment is this: The prices on which it is based since July 1 are the actual prices at which these specific commodities have been sold. In contrast, the prices on which it is based during OPA control are fictitious ceiling prices which in many instances do not reflect with any measure of accuracy the real price of the commodities.

There are four important factors that are not reflected in the published prices used by the BLS and other agencies in compiling their commodity indexes during the period of OPA control. These are:

(1) Black market prices (which were so general in many commodities that they were the prevailing prices);

(2) Subsidies (which were paid by the Federal Government for the specific purpose of holding down published prices);

(3) Quality deterioration (getting grade C meat, instead of grade AA, when you pay for AA);

(4) Alternative buying (having to buy a $4.45 shirt because the $2.50 shirts you usually buy have disappeared from the market).

Obviously all these things added tremendously to the real cost of commodities under OPA, but they are ignored completely by BLS in its commodity index.

Recognizing this deficiency in commodity indexes, the New York Journal of Commerce recently recalculated its own index to take into account two of these factors—black markets and subsidies. When it did so it found that the food index stood at 243.2 on June 28, instead of at 171.1 as shown in its "official" index—and that by July 13, with the index representing actual selling prices, it had dropped 19 points, to 214.

Comparing the actual prices of today with the fictitious official price level under OPA is like comparing apples to pears. It may be an interesting pastime, but it proves absolutely nothing.

During this period, when the Nation is in the throes of transition from a controlled economy to a free economy, it seems to me that there is an extra responsibility on newspapers and other sources of public information to be extremely careful in drawing conclusions which may be misleading.

I know the Post would not intentionally publish any misleading information, and I believe that if you discuss the BLS commodity index thoroughly with authorities in that agency you will agree with me that a chart such as the one you used Wednesday should not be used without careful explanation of exactly what it does and does not show.

HARRIS ELLSWORTH,
Member of Congress from Oregon.

WASHINGTON.

TITLE TO LANDS BENEATH TIDAL AND NAVIGABLE WATERS

The Senate resumed consideration of the joint resolution (H. J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

Mr. McCARRAN. Mr. President, the joint resolution now pending before the Senate is designed to end an existing controversy between certain Federal officials and officials of the 48 States over title to lands underlying navigable waters lying wholly within the lawfully existing boundaries of the States.

For a period of 161 years—1776 to 1937—all State and all Federal officials had held that title to these lands was in the several States and more than 50 decisions of the Supreme Court of the United States confirmed this holding. In 1937 the then Secretary of the Interior Harold Ickes, "changed his mind," departed from precedent, reversed an opinion which he had signed in 1933, and asserted a belief that these lands might belong to the Federal Government.

This change of opinion by Mr. Ickes has caused a cloud of uncertainty upon the previously unquestioned title of the States. Removal of this cloud and the giving of unquestionable legal status to the title rule which was clearly followed for 161 years is the purpose of this resolution.

Senators have before them copies of the very exhaustive testimony given by more than 50 high public officials from nearly every State in the Nation in support of this joint resolution. This testimony includes statements of governors, mayors, city attorneys, State attorneys-general, officials of publicly owned ports, and other public officials. In addition, the joint resolution was given the official and practically unanimous backing of many great organizations of public officers such as the National Institute of Municipal Law Officers, representing 417 cities, the American Association of Port Authorities, composed of more than 50 of the Nation's most important harbors, the Governors' Conference of the 48 States, and such authoritative private organizations as the American Bar Association. Only one public official, Mr. Ickes, and three private persons who have filed claims on the lands here in controversy on Mr. Ickes' theory of Federal ownership, appeared in opposition to the joint resolution. Seldom has any legislation before the Congress received such Nation-wide and such nearly unanimous support. But Mr. President, Mr. Ickes changed his mind. He so testified before the committee.

As I have already stated, this legislation is made necessary by a change of opinion by former Secretary of the Interior Ickes. Prior to 1937, Mr. Ickes and all other Secretaries of the Interior had uniformly ruled that title to the tide and submerged lands affected by this resolution belonged to the States. For example, on December 22, 1933, the following letter was written by Mr. Ickes:

DEPARTMENT OF THE INTERIOR,
Washington, December 22, 1933.

Mr. OLIN S. PROCTOR,
Long Beach, Calif.

MY DEAR MR. PROCTOR: I have received, by reference from the Department of State, copies of your letters of October 15 and November 22.

As to the jurisdiction of the Federal Government over lands, bordering on tidewater, the Supreme Court of the United States has held in the case of *Hardin* v. *Jordan* (140 U. S. 371), as follows:

"With regard to grants of the Government for lands bordering on tidewater, it has been distinctly settled that they only extend to high-water mark, and that the title to the shore and lands under water in front of lands so granted inures to the State within which they are situated, if a State has been organized and established there. Such title to the shore and lands under water is regarded as incidental to the sovereignty of the State—a portion of the royalties belonging thereto and held in trust for the public purposes of navigation and fishery—and cannot be retained or granted out to individuals by the United States."

The foregoing is a statement of the settled law, and therefore no rights can be granted to you either under the leasing act of February 25, 1920 (41 Stat. 437), or under any other public-land law to the bed of the Pacific Ocean either within or without the 3-mile limit. Title to the soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State. A permit would be necessary to be obtained from the War Department as a prerequisite to the maintenance of structures in the navigable waters of the United States, but such a permit would not confer any rights to the ocean bed. I find no authority of law under which any right can be granted to you to establish your proposed structures in the ocean outside the 3-mile limit of the jurisdiction of the State of California, nor am I advised that any other branch of the Federal Government has such authority.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

In his testimony on the instant resolution Mr. Ickes said in part of the applications similar to that of Mr. Proctor:

Until 1937, these applications were denied by the Commissioner of the General Land Office and, in those cases where appeals were taken to the Department, his decisions were affirmed * * * but applicants and their lawyers continued to insist that the United States does own the land and the oil and that the department does have the power to grant them oil and gas leases. So we began to have doubts * * * consequently, since 1937, action on all of these applications, of which there are about 200, has been suspended pending a judicial determination.

There in his own words is the situation which has made this joint resolution necessary. Applicants for oil leases "and their lawyers" caused Mr. Ickes to decide that the "settled law" of 1933 had changed by 1937. This resolution makes it certain that the "settled law" will be followed in the future and that it will not be unsettled by the arguments of private claimants and their lawyers to some future Secretary of the Interior.

Legally unassailable real-estate titles are one of the keystones of our Nation's economy. The greatest of care is taken in removing all possible clouds to real-estate titles by careful record searches

in every real-estate transfer. Certainty in real-estate title law is absolutely essential, for any change in basic legal rules would be disastrous. For example, all of the 48 States have sold at least some of the land which is affected by this joint resolution to private persons. Those persons, thinking they had a title based on settled law, have erected homes, businesses, and other improvements on this land. Cities have constructed harbors, parks, and other public improvements on such land granted to them by the States. The committee report refers to oil, gravel, coal, oyster, shrimp, sulfur, and other industries now conducted on these lands. In all, billions of dollars have been invested by States, cities, and private persons in the belief that under what Mr. Ickes called the settled law their investment was safe because their title was legally unquestionable. Now this title is clouded by Mr. Ickes' departure from the settled law, and the only way that cloud can be removed from the title is by the passage of this joint resolution.

Reference to this joint resolution as the only way, brings me to the pending Supreme Court case.

THE SUPREME COURT CASE

This suit was filed in October 1945 after the House of Representatives passed the joint resolution now before the Senate on September 20, 1945. This case is No. 55 in a long series of cases before the Supreme Court in which the the question of title to these tidal and submerged lands has been involved. The decisions in the first 54 cases are unanimous in their holding that title to these lands is in the States. There is not the slightest reason to anticipate that a different decision will be made in the fifty-fifth case.

Some say, "Why not wait and let the Supreme Court decide this controversy by its decision in this fifty-fifth case?" I say that the fifty-fifth case will not end this controversy, any more than the second, the thirteenth, the thirty-fifth, the fifty-third, or the fifty-fourth did. Nor will the ninety-ninth Supreme Court case end the controversy, for every case can develop some slight little factual or legal point not considered in one of the preceding cases. As I have already said, this joint resolution is, in fact, the only way by which this controversy can be ended forever. The passage of this one joint resolution will end all such cases for all time. It is the only method whereby that result can be achieved.

I know that on June 10, 1946, the Supreme Court set the pending case down for argument on the pleadings next fall. Did you know, however, Mr. President, that it has taken the Supreme Court an average of 9 years to decide cases such as this one, in which its original jurisdiction has been invoked? Since the pleadings in this case alone cover hundreds of pages and the case involves thousands of parcels of land, it is wholly reasonable to believe that the Supreme Court will render a final decision in less than its average of 9 years. It is certainly unjust to the States, cities, and private persons who have spent billions of dollars on the lands here in question, to make them endure such a long period of uncertainty just because a former Secretary of the Interior changed his mind and now has some doubts, as he states it, as to their title. Even that former Secretary of the Interior does not claim he has any definite and unquestionable legal rules for changing what he previously had called "the settled law."

To those who say we should await the result of the pending Supreme Court case, let me point out that never before has either branch of the Congress decided that all a Federal official need to do to stop congressional action is to file a lawsuit involving a subject upon which congressional action is pending. If such a rule were followed, some official of one of the hundreds of Federal agencies would certainly start a lawsuit every time the Congress considered legislation to which that official was opposed because it would lessen his powers, or for other reasons. To illustrate such a proposed rule for stopping congressional action is to demonstrate its utter absurdity. As the committee report points out, the Congress has on many, many occasions changed laws while cases were pending in the Supreme Court; and that Court, at an early date, in an opinion by the great Chief Justice Marshall, stated that where such "a law intervenes and positively changes the rule which governs, the law must be obeyed." No question of impropriety has ever been raised before when the Congress changed legislation to divest the courts of jurisdiction over other questions, and none can properly be raised here.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SWIFT in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gurney	Myers
Andrews	Hart	O'Daniel
Austin	Hawkes	Overton
Ball	Hayden	Pepper
Barkley	Hill	Radcliffe
Bilbo	Hoey	Reed
Brewster	Huffman	Revercomb
Brooks	Johnson, Colo.	Robertson
Byrd	Johnston, S. C.	Shipstead
Capehart	Knowland	Smith
Capper	La Follette	Stanfill
Carville	Langer	Swift
Chavez	McCarran	Taft
Connally	McClellan	Taylor
Cordon	McKellar	Thomas, Okla.
Donnell	McMahon	Tunnell
Downey	Magnuson	Vandenberg
Eastland	Maybank	Wagner
Ferguson	Mead	Walsh
Fulbright	Millikin	Wherry
George	Mitchell	White
Gerry	Moore	Wiley
Gossett	Morse	Willis
Green	Murdock	Young
Guffey	Murray	

The PRESIDING OFFICER. Seventy-four Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5508) to authorize the return of the Grand River Dam project to the Grand River Dam Authority and the adjustment and settlement of accounts between the Authority and the United States, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4590) to authorize the use by industry of silver held or owned by the United States.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6835) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1947, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 51, 60, 63, 64, 77, 119, 120, and 121 to the bill, and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 33, 34, 46, 52½, 62, 69, 81, and 86 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

ANDRE DACHARRY—CONFERENCE REPORT

Mr. WHERRY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2192) for the relief of Andre Dacharry, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows: In lieu of the sum inserted by the Senate, to wit, "$7,923.44", insert "$9,923.44"; and the Senate agree to the same.

ALLEN J. ELLENDER,
KENNETH S. WHERRY,
Managers on the Part of the Senate.

J. M. COMBS,
JOHN JENNINGS, Jr.,
Managers on the Part of the House.

The report was agreed to.

LEGAL GUARDIAN OF JAMES THOMPSON, A MINOR—CONFERENCE REPORT

Mr. WHERRY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3543) for the relief of the legal guardian of James Thompson, a minor, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment, as follows: On line 6, page 1, strike out the figures "$1,118.75", and

in lieu thereof insert "$118.75"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

ALLEN J. ELLENDER,
KENNETH S. WHERRY,
Managers on the Part of the Senate.

J. M. COMBS,
W. A. PITTENGER,
Managers on the Part of the House.

The report was agreed to.

THIRD DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. McKELLAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6885) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1947, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 24, 35, 56, 65, 74, 78, 79, and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 31, 32, 36, 40, 41, 42, 43, 44, 45, 47, 49, 50, 52, 53, 54, 58, 59, 61, 66, 67, 68, 70, 71, 72, 73, 75, 76, 80, 82, 84, 85, 87, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, and 118; and agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, and before the period, insert the following: ", one-half of such amount to be disbursed by the Secretary of the Senate and one-half by the Clerk of the House; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following: "or refuses in the determination of the Secretary of State"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided further*, That no part of the funds appropriated in this paragraph shall be used to pay the salary of any person engaged in preparing or disseminating general propaganda in support of price control"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$325,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "That no payment shall be made under the provisions of such title of such Act to any person whom the Commission is convinced collaborated with the enemy or committed any act involving disloyalty to the United States or the Commonwealth of the Philippines: *Provided further*,"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"DAY CARE CENTERS

"For all expenses necessary for the establishment, maintenance, and operation of a system of nurseries and nursery schools for the day care of children of school or under school age, including personal services, as authorized by Public Law 514, Seventy-ninth Congress, approved July 16, 1946, fiscal year 1947, $250,000."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"Public Roads Administration: Access roads, $320,596."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 33, 34, 46, 51, 52½, 60, 62, 63, 64, 69, 77, 81, 86, 119, 120, and 121.

KENNETH McKELLAR,
CARL HAYDEN,
RICHARD B. RUSSELL,
JOHN H. OVERTON,
C. WAYLAND BROOKS,
CHAN GURNEY,
Managers on the Part of the Senate.

CLARENCE CANNON,
LOUIS C. RABAUT,
W. F. NORRELL,
JAMIE L. WHITTEN,
JOHN TABER,
EVERETT M. DIRKSEN,
Managers on the Part of the House.

Mr. BREWSTER. Mr. President, I should like to inquire as to the disposition of the amendment which we discussed at some length in the Senate, and which was adopted by an overwhelming vote of the Senate, I believe 45 to 10, dealing with the matter of dehydration of potatoes.

Mr. McKELLAR. The House absolutely declined to agree to the amendment.

Mr. BREWSTER. How long was the matter under discussion?

Mr. McKELLAR. It was under discussion probably longer than any other amendment about which we were in disagreement.

Mr. BREWSTER. I may say I pursued this matter as diligently as I could with my colleagues in the House. I think the amendment was agreed to in the Senate in the afternoon, and the next morning when I got around I found that the matter was reported in the CONGRESSIONAL RECORD as all settled. So that I had some qualms as to how long the matter had been discussed or debated.

Mr. McKELLAR. I do not recall how long it was debated. The amendment numbered 62 related to the Commodity Credit Corporation. It was moved to insert in lieu of the Senate amendment the following:

Notwithstanding any other provision of law, the Commodity Credit Corporation is authorized to purchase surplus potatoes (including sweetpotatoes) produced during the year 1946 and to process and sell such potatoes to any foreign country, and upon requisition, to the Army and to the United Nations Relief and Rehabilitation Administration for the relief of hungry people.

I will ask any members of the conference now on the floor if that amendment was not discussed about as long as any other amendment?

Mr. BALL. Mr. President, if the Senator will yield, I think the only change in the Senate version is that the conference report would not permit the Commodity Credit Corporation to give the dehydrated potatoes away.

Mr. McKELLAR. That is correct.

Mr. BALL. They would have to sell them.

Mr. McKELLAR. The conferees struck out the words "to give or otherwise dispose of such potatoes to any foreign country," and inserted the words "to sell."

Mr. BREWSTER. I think the word "sell" was in already. We had that in, but as I recall the 2 hours' rather heated debate, it revolved entirely about the right to give, and the Senator from Minnesota was suddenly, apparently, rather diligent in defending the Treasury, and that is what he opposed.

Mr. BALL. The defense of the Treasury by the Senator from Minnesota is not a sudden change of attitude.

Mr. BREWSTER. I hope the Senator will excuse me if I did him an injustice.

Will either of the learned Senators who dealt with this particular brain child of the Senator from Oregon advise us whether the amendment as now presented to us in any way extends the existing power of the Commodity Credit Corporation, or whether this is merely dressed up to make us feel good?

Mr. McKELLAR. The Commodity Credit Corporation has the right to take action.

Mr. BREWSTER. But do they not have the right to do so without the amendment? Has not the Commodity Credit Corporation the right, in fact, are they not obligated, to acquire potatoes? They certainly have the right to dispose of them, so they certainly must process them.

Mr. McKELLAR. They prbably would not do it unless they were directed by the Congress, specifically authorized by the Congress. The Senator from Louisiana [Mr. OVERTON] was present at the conference, and I am sure he voted for the

amendment as it was adopted, and can tell what happened in the conference.

Mr. OVERTON. I advocated the Senate amendment which was adopted, but we finally had to yield.

Mr. McKELLAR. There was nothing else to do. Both sides cannot have their way in a conference. We have to make concessions in order to get anything through.

I call the attention of Senators to what was known as the silver amendment to the Post Office and Treasury appropriation bill. That caused a delay of about two or two and a half months, as I recall. I am corrected by the Senator from Nevada, who sits near me, who says the disagreement started on February 14. Anyway, that amendment has been under constant discussion ever since, and has been settled only in the last few minutes, and even after it is settled, we have not gotten back from the House the conference report striking the amendment out of an appropriation bill and leaving it in a legislative bill.

Mr. BREWSTER. I am sure the Senator from Tennessee does not wish to imply that silver is more important than potatoes.

Mr. McKELLAR. No.

Mr. BREWSTER. The committee gave 3 months to silver, and have given us only 3 minutes on potatoes.

Mr. McKELLAR. We can eat potatoes and we cannot eat silver, so potatoes are very much more important.

Mr. BREWSTER. It seemed to me, from a reading of the amendment, that it meant exactly nothing at all, that it did not extend in any way the powers of the Commodity Credit Corporation.

Mr. McKELLAR. It virtually authorized the Commodity Credit Corporation specifically, and if it has any respect for the will of Congress, it will undertake to sell the potatoes.

Mr. BREWSTER. As a matter of interpretation, the instructions are that they can now process and sell?

Mr. McKELLAR. Let me read again the agreement of the conferees:

> Notwithstanding any other provision of law, the Commodity Credit Corporation is authorized to purchase surplus potatoes (including sweetpotatoes) produced during the year 1946 and to process and sell such potatoes to any foreign country, and, upon requisition—

It will be noted that those words were inserted by the conferees—

> and, upon requisition, to the Army and to the United Nations Relief and Rehabilitation Administration for the relief of hungry people.

Really the only change that was made was that dehydrated potatoes are not directed to be given away.

Mr. BREWSTER. There are two things involved. What is the meaning or significance of the word "requisition"?

Mr. McKELLAR. They must ask for them. The United States Relief and Rehabilitation Administration or the Army must make a request for the dehydrated potatoes.

Mr. OVERTON. Mr. President, will the Senator from Tennessee yield?

Mr. McKELLAR. I yield.

Mr. OVERTON. While I advocated the amendment as adopted by the Senate, actuated to some extent by the fact that my amendment as to sweetpotatoes, in which the people of Louisiana are interested, was inserted, I finally yielded, along with the other Senate conferees. By the way, I think this amendment was discussed at probably greater length than any other amendment. The Commodity Credit Corporation is authorized to process and to sell potatoes. There is no limit, as I understand, in existing law or the conference report, as to the price they may ask. They may sell them at a cent a bushel.

Mr. BREWSTER. I think that is highly important. I was just going to ask the Senator from Tennessee, who I hope will corroborate the understanding and interpretation of the Senator from Louisiana, as to the significance of the action.

Mr. OVERTON. I have not had time to investigate and determine whether my recollection is correct, but it is my understanding that there is no limit, either in existing law or the conference report, certainly there is not in the amendment we are discussing, as to the price at which the Commodity Credit Corporation may sell the potatoes.

Mr. McKELLAR. That is my understanding.

Mr. BREWSTER. So that the two Senators who have been particularly concerned, and I trust others will indicate their dissent if they do not agree, state that this does not circumscribe in any way the authority of the Commodity Credit Corporation to sell, that it merely prescribes that they must sell for some price, but it does not mean they must get either cost or profit, that they can sell for anything they feel is reasonably practical.

Mr. McKELLAR. There is nothing said here about it.

Mr. BREWSTER. Would the Senator concur with the interpretation of the Senator from Louisiana?

Mr. McKELLAR. Offhand, I certainly would.

Mr. President, I move the adoption of the conference report.

The report was agreed to.

Mr. McKELLAR. Mr. President, I ask that the Chair lay before the Senate the message from the House showing its action on certain Senate amendments to the bill.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 6885, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
July 19, 1946.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 51, 60, 63, 64, 77, 119, 120, and 121 to the bill (H. R. 6885) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1947, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate No. 33 to said bill and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment insert: "Without any deletions or modifications by censorship of their reports dealing with such subjects: *Provided*, That none of the funds herein appropriated shall be used for the transportation, delivery, or distribution of any supplies, commodities, or equipment to or for any recipient country until the Director General of the United Nations Relief and Rehabilitation Administration has advised the Secretary of State that such country has arranged for the prompt distribution of such supplies, commodities, and equipment."

That the House recede from its disagreement to the amendment of the Senate No. 34 to said bill and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"SURPLUS PROPERTY, CARE, AND HANDLING

"Surplus property, care, and handling: That current naval and military appropriations shall be available for the care and handling of property wherever situated declared surplus to disposal agencies pending reimbursement for such expenses by such disposal agencies or in consequence of supplemental appropriations hereafter made directly to the owning agencies, any law to the contrary notwithstanding: *Provided*, That reimbursement shall not be made for pay and allowances and subsistence of military and naval personnel within the numbers appropriated for heretofore."

That the House recede from its disagreement to the amendment of the Senate No. 46 to said bill and concur therein with an amendment as follows: In lieu of the amount named in line 12, of said Senate engrossed amendment insert: "$75,000,000"; and in lieu of the amount named in line 14 of said Senate engrossed amendment insert "$3,000,000."

That the House recede from its disagreement to the amendment of the Senate No. 52½ to said bill and concur therein with an amendment as follows: In lieu of the amount named in said amendment insert "$4,000,000."

That the House recede from its disagreement to the amendment of the Senate No. 62 to said bill and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment insert.

"COMMODITY CREDIT CORPORATION

"Notwithstanding any other provision of law, the Commodity Credit Corporation is authorized to purchase surplus potatoes (including sweetpotatoes) produced during the year 1946 and to process and sell such potatoes to any foreign country, and, upon requisition, to the Army and the United Nations Relief and Rehabilitation Administration for the relief of hungry people."

That the House recede from its disagreement to the amendment of the Senate numbered 69 to said bill and concur therein with an amendment as follows: In lieu of the amount named in line 9 of said amendment insert "$806,260"; in lieu of the amount named in line 10 of said amendment insert "$878,840"; and in lieu of the amount named in line 11 of said amendment insert "$1,684,470."

That the House recede from its disagreement to the amendment of the Senate numbered 81 to said bill and concur therein with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ", nor shall any part of this appropriation be available for expanding any public-works projects authorized by law to be replaced or rehabilitated beyond such as may be justified by sound

engineering practice and which can be accomplished within the amount authorized to be appropriated."

That the House recede from its disagreement to the amendment of the Senate numbered 86 to said bill and concur therein with an amendment as follows: In lines 11 and 12 of the matter inserted by said Senate engrossed amendment strike out "(left either of such academies without completing the prescribed course)" and insert "were separated from either academy because of physical disability."

Mr. McKELLAR. I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 33, 34, 46, 52½, 62, 69, 81, and 86.

The motion was agreed to.

TITLE TO LANDS BENEATH TIDAL AND NAVIGABLE WATERS

The Senate resumed consideration of the joint resolution (H. J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

Mr. DONNELL. Mr. President, will the Senator yield for an inquiry in respect to the argument now in progress?

Mr. McCARRAN. I yield.

Mr. DONNELL. I observe on page 3 of the report of the Committee on the Judiciary this language:

In 54 decisions, over a period of 100 years, the Supreme Court of the United States has held that the ownership of lands beneath navigible waters lies in the States and in those to whom the States have granted them.

Later upon the same page I observe this language:

And, likewise, it has been decided that lands underlying the bordering oceans within the 3-mile limit belong to the States within their respect boundaries.

Citing the case of *Martin* v. *Waddell* (41 U. S. 366, at p. 410).

The question I desire to ask the Senator is whether or not the Supreme Court has made any distinction between the ownership by a State of land underlying tidal waters within the territorial limits of the State and the ownership by a State of lands within the 3-mile limit, we will say, in coastal waters, as for illustration, the ocean adjoining the Western States?

Mr. McCARRAN. My reading of the fifty-odd decisions causes me to say that the Supreme Court has made no distinction between the inland waters, as they choose to term them, and the tidelands outside. May I read to the Senator from the case of Martin against Waddell, the case he cited at page 410:

For when the Revolution took place, the people of each State became themselves sovereign; and in that character hold the absolute right to all their navigable waters and the soils under them for their own common use, subject only to the rights since surrendered by the Constitution to the general government.

Mr. DONNELL. I thank the Senator. I have the decision before me, and observe the language which the Senator has just read. May I ask one further question?

Mr. McCARRAN. I wish first to read from another decision, *United States* v. *Oregon* (295 U. S. 1), at page 6, as follows:

Decision of the principal issues raised by the pleadings and proof turns on the question whether the area involved underlay navigable waters at the time of the admission of Oregon to statehood. If the waters were navigable in fact, title passed to the State upon her admission to the Union.

Citing a number of cases.

Mr. DONNELL. May I ask the Senator this further question, please? In 45 Corpus Juris, at page 540, occurs this language:

Unquestionably it is true that within its territorial limits a State owns the land underlying tidal waters, including the seashore and the land under a stream or river insofar as the tide ebbs and flows, and its ownerships extends to high-water mark, except in some jurisdictions where it extends only to low-water mark.

I observe further on page 8 of the report of the committee, in support of the proposition, as I understand it, that—

Coastal waters—the so-called marginal sea—were at common law known as tidewaters. Land beneath such coastal waters—including bays—are governed by the same rule as those beneath navigable river waters.

Below that is cited this observation by the Supreme Court:

Whatever soil below low-water mark is the subject of exclusive property and ownership, belongs to the State on whose maritime border, and within whose territory it lies, subject to any lawful grants of that soil by the State, or the sovereign power which governed its territory before the Declaration of Independence.

That language, Mr. President, "within whose territory it lies," and the language of Corpus Juris "within its territorial limits" caused me to ask the Senator whether there is any distinction, as for illustration between a case in which there is tidewater within the borders of a State, and the coast, on which the State, as for illustration California, is bordered by the ocean itself.

Mr. McCARRAN. I may say in that regard that I think the Senator will find that the term "territorial limits" not only embraces waters within the territory, such as inlets, bays, and the like, but also is used to comprehend the limits claimed by the State, which in the case of the State of California is 3 miles, in the case of the State of Texas is 10 miles, and in the case of Louisiana has another dimension. But the term used in Corpus Juris from which I think the Senator read, in my opinion, embraces that territory as well as the inlets.

Mr. DONNELL. I thank the Senator. The same thought had occurred to me, as to whether "territorial limits," as used in Corpus Juris from which I read, possibly does include the 3-mile limit into the ocean. It was, however, with the view of clearing up any doubt in my mind, knowing the Senator's great familiarity with the subject, that I asked him whether the Supreme Court had made any distinction between tidal waters within, strictly speaking, the borders of a State, and coastal waters, such as those of the State of California, which borders upon the ocean itself.

Mr. McCARRAN. Let us take a State which claims jurisdiction to the space 3 miles out into the ocean. Let us suppose a crime is committed within the 3-mile limit, that is, within the territorial limits of the State, and that crime is triable and punishable by the laws of the State, whereas if it is committed beyond the 3-mile limit, it is regarded as having been committed on the high seas, and then the question of the jurisdiction, other than State jurisdiction, arises.

Mr. DONNELL. I regard that as a very apt illustration, and I thank the Senator for his courtesy in responding.

Mr. McCARRAN. Mr. President, finally, if the Supreme Court were in this fifty-fifth case to reverse its decisions in the other 54 cases, the result would, as found by the committee, "be so catastrophic to the economy of the country resulting from the overthrow of long-established rules of property, that the Congress would as a matter of equity be forced to enact legislation having an object similar to that of House Joint Resolution 225."

The assertion has also been that the oil produced in the coastal States ought to belong to the people of all the States, rather than merely to those favored States which happen to have oil within their boundaries.

The speciousness of this argument is obvious when we consider that many States obtain products of great value other than oil from their submerged lands. If the Federal Government is entitled to take the oil produced in Texas, Louisiana, and California merely because some other States do not have oil, then the Federal Government should also take the oysters from the beds of Chesapeake Bay, the gas from under Lake Erie, the iron ore from beneath the Minnesota lakes, and the coal from under the rivers of Pennsylvania and West Virginia, and divide these products up among States which do not produce oysters, gas, coal, or iron. The argument refutes itself.

In the committee report Senators will find a summary of the history motivating this resolution, a short statement of the types of businesses and public projects, besides homes, affected by the resolution, a review of the 54 decisions of the Supreme Court of the United States referred to above, reasons why the pending litigation should not abate the resolution, and a reprint of an opinion by Dean Borchard, of Yale, an outstanding authority on constitutional law, to the O'Mahoney committee on title to submerged lands beyond, but contiguous to, the marginal sea.

I commend this report to the Senate, and will not restate its detailed findings on these subjects.

We are dealing here with titles to real estate. Everyone knows that a claim by an important Federal official, even though wholly unfounded, is sufficient to create a cloud upon those titles. The purpose of this legislation is to remove that cloud. The resolution accomplishes this by the simplest and most appropriate method, namely, by a release and

quitclaim. It was the conclusion of the House Judiciary Committee and also of the Senate Judiciary Committee that this quitclaim releases no property and no property interest to which the United States has any legitimate claim, either morally or legally.

In this measure Congress has before it the question whether officials of the United States shall be permitted to assert wholly unprecedented claims to property of enormous value which has always been held by the States. This is a basic question of policy involving vital relation between the States and Federal Government. Congress represents both the people of the Nation as a whole and the States as States. It is, therefore, peculiarly appropriate that this question should be settled once and for all by the Congress of the United States.

Mr. President, I have about concluded the opening presentation. At the close of the argument I shall go into the decisions of the Supreme Court of the United States which I believe to be in direct point on the question here involved. I wish, however, to deal for a moment with the history of this legislation.

This legislation was first taken up by the Committee on the Judiciary of the House of Representatives. At that time a joint resolution was also pending before the Judiciary Committee of the Senate. I called upon the chairman of the Committee on the Judiciary of the House and asked him if it would be agreeable to him to have a number of members of the Judiciary Committee of the Senate attend the House hearings, with the idea of perhaps saving time and expense. He was very agreeable to the suggestion. The Senator from New Jersey [Mr. SMITH] and one or two other Senators in addition to myself attended some of those hearings. We listened to the attorneys general present their case before the Judiciary Committee of the House. Then when the House had acted on the joint resolution and had passed it, I brought it before the Committee on the Judiciary of the Senate. The subcommittee had presented to it the printed reports of the hearings conducted by the House Committee; and after studying those reports the subcommittee held meetings and concluded to report the measure favorably to the full committee.

On the day on which the full committee was about to consider the joint resolution which had been reported favorably by the subcommittee I received a cablegram from Mr. Ickes, the then Secretary of the Interior, from London, requesting that no action be taken by the Senate committee until he had had an opportunity to be heard. Mind you, hearings had been held at length in the House before the Judiciary Committee. A voluminous record was made over there; but Mr. Ickes did not appear before the House committee. On the receipt of this cablegram from London I laid the matter before the Judiciary Committee and requested the committee to approve a delay in action until Mr. Ickes could be heard. I then set a date for the hearings, and made those hearings public so that others might be heard on the same day or the days following.

Those hearings were held before the entire committee rather than before a subcommittee. Not very many members of the committee attended, but some attended very regularly. As I recall, the hearings continued for about 3 days. Mr. Ickes was the first witness to appear. He was present with the members of his office force, and presented his statement, and then departed from the committee. Others were heard following him, and the hearings are now printed and available to every Member of the Senate.

At that time the attention of the committee was called, as the attention of the House committee had been called, to various decisions by the Supreme Court of the United States, the action of forty-odd attorneys general of the various States, the action of various civic bodies, cities, and so forth. Following that, and after the hearings were printed, the committee met and voted to report the joint resolution favorably to the Senate.

It has been stated that it might be an act of discourtesy on the part of the Senate to pass upon this question while it is pending before the Supreme Court. I can see no element of discourtesy in such action. The Congress of the United States has its sworn duty to take care of matters which involve policy. It is not the function of the Supreme Court to establish policy. In the fifty-odd cases which the Supreme Court has had before it, in which it has passed upon the question presented, at no time did it attempt to go beyond the bounds of the questions presented. Every decision looked toward the very thing which the Committee on the Judiciary now believes, and which the House of Representatives now believes, should be established as the policy of this country, namely, that the cloud should be removed from the title. As I say, that cloud was placed on the title to these lands by one or two individuals, namely, Mr. Ickes and one or two others. The cloud has no business there whatever.

The argument is made that oil beneath the tidal lands should be conserved by the Federal Government, but Mr. Ickes, then Secretary of the Interior, had been receiving, and there are now on file, many claims for the use of these lands to extract oil. After he had changed his mind Mr. Ickes kept those claims on file.

Let me go further. I am not exactly certain as to the date when Mr. Ickes' change of mind took place, but about that time there was formed a corporation known as the Underseas Oil Corp., based on a claim filed with Mr. Ickes as Secretary of Interior, to lands beneath the waters of the ocean in the vicinity of Long Beach, Calif. Based solely and exclusively upon the fact that an application had been filed with the Secretary of the Interior, Mr. Ickes, hundreds of thousands of shares of the stock of that corporation have been sold to innocent parties all over the country, much of it in violation of the blue-sky laws of the respective States. So when it comes to conserving oil, that does not seem to me to be an act of conservation. The claims filed by individuals were retained by Mr. Ickes in his office, and not rejected, as other claims prior to that time had been rejected by him and by others, on the legal basis that the lands belonged to the respective sovereign States, and that such permits could not be granted.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. OVERTON. In reference to the argument made by the able Senator from Nevada as to the propriety of legislating when the Supreme Court of the United States has under consideration a controversy bearing on the same subject matter, let me ask the able Senator whether he agrees with me in respect to these two points:

First, that a decision by the United States Supreme Court in the California case would not necessarily be decisive of all other cases. It would not be decisive, for example, of the rights of the State of Texas or of the State of Louisiana with respect to tidewater lands.

Mr. McCARRAN. Most certainly not, because involved in the California case may be one phase of the question which is peculiar to California. In the case of Louisiana there may be another phase of the question entirely peculiar to Louisiana. The State of Texas claims title to lands 10 miles out into the Gulf. It not only claims it, but in my judgment has it by virtue of treaty arrangements and by virtue of recognition by the Federal Government itself.

Other questions may arise. So the California case would decide not all the rights of the State of California; not all the rights of the Federal Government in waters adjacent to the State of California; but only the question with respect to the lands involved in southern California.

Mr. OVERTON. Mr. President, my second question is this: If the Congress, in the exercise of its authority to legislate on this subject, should enact the proposed law, would it prevent future controversies insofar as the provisions of the proposed law might apply?

Mr. McCARRAN. It will decide the question for all States for all time.

Mr. OVERTON. I thank the Senator.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. KNOWLAND. I think the able and distinguished Senator from Nevada will agree that should there be an adverse decision in the California case affecting the sovereignty of the States over the tidelands, which sovereignty has been exercised ever since California's admittance to statehood, such a decision would furnish a precedent upon which the Federal Government could seize tidelands under navigable streams in every State of the Union.

Mr. McCARRAN. I will go further than that. I do not think this statement can be successfully contradicted: If a decision of that kind were to be rendered, the port of New York and the berths in which ships are harbored while in the port of New York would be involved. Every other port in the country would be involved. The right to ownership of lands under navigable streams would be involved. San Francisco Bay and everything pertaining to it would be involved.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. CORDON. I am interested in the observation the Senator from Nevada has just made, namely, that this proceeding—I refer to the case now pending in the Supreme Court—unquestionably had its genesis in the desire of members of the executive branch of the Government to control whatever oil deposits may lie below the surface of the sea, within the established territorial limits of the State of California. That seems to be the main basis of all argument which I have heard in support of the claims which have been made to those areas.

In that connection, I call attention to the fact that we now have on our statute books legislation which was enacted for the purpose of permitting exploration of the public domain to be made by private individuals within the United States, for the very purpose of discovering new oil lands, and giving to those who might discover such new oil lands special consideration insofar as their discovery work was concerned, special consideration in connection with their producing oil, and special consideration thereafter — the point being that the Congress has endeavored to secure action from the citizens of the United States looking toward the discovery and production of oil on the public lands of the United States.

As I view the matter, the only value which could come to the United States if the United States Government did, in fact, have title to the lands in question, would be a small oil royalty. Otherwise, those lands would be exploited like other lands. So if we are looking at this matter, not from the legal standpoint, not from the broad national standpoint, but solely from the standpoint of the material interest of the States, forgetting the equities involved, the matter is so small as to be inconsequential.

Mr. McCARRAN. Mr. President, let me say in that regard that it was developed in the hearings—and to my mind, this matter is not of vital importance—that the royalties exacted by the State of California were much greater and much higher than the royalties exacted by the Federal Government. So, Mr. President, if a comparison of that kind amounts to anything, the argument is against the Federal Government. However, I do not think it is vital, at all.

Mr. CORDON. Mr. President, if the Senator will further yield to me, I should like to observe that if an investigation were made into the facts, I suspect we might find that the income tax which is exacted as the result of the production of oil in that area is far greater in amount than any equity or interest which the Government could possibly have.

Mr. McCARRAN. Mr. President, at this point I wish to dwell just a little more on one phase of this question. The two persons who testified before the Senate Judiciary Committee in opposition to House Joint Resolution 225 were Mr. E. J. Preston and Mr. Robert E. Lee Jordan, Jr., in addition to an attorney named Orin Demotte Walker, who appeared on behalf of Mr. Jordan. With the single exception of Mr. Ickes, those persons were the only ones who appeared before the Senate Judiciary Committee in opposition to House Joint Resolution 225. The interest of each of them in the matter is as follows:

On June 26, 1937, Mr. E. J. Preston filed an application with the Department of the Interior for a Federal oil and gas lease, describing an area of submerged lands off the coast of California at Huntington Beach. The application was denied by the Commissioner of the General Land Office, in accordance with the then policy of the Department, Mr. Ickes having ruled that all such submerged lands belonged to the States.

However, Mr. Preston appealed to the Secretary from the Commission's decision. Prior to the issuance of any final decision on that appeal, Mr. Ickes changed his mind as to the question of State ownership. The appeal has never been acted upon, and is still pending.

Prior to 1938, Preston organized a corporation known as the Nevada Metals Recovery, Inc. The name was later changed to Pacific Underseas Oil, Inc. The authorized capital stock of the corporation was 4,000,000 shares, of the par value of 5 cents a share. The stock was issued to Mr. Preston, in exchange for his rights, upon the application for the Federal oil and gas lease, pending an appeal in Secretary Ickes' office. The corporate records show that the company had no assets of any kind except the expectancy created by Mr. Ickes' change of mind and by the possibility that if the United States should at some time acquire possession of California's tidelands, the Interior Department would act favorably on Preston's pending appeal and would grant to Pacific Underseas Oil, Inc., the lease for which Preston had applied.

On the strength of that expectancy, Mr. Preston sold a substantial part of the capital stock of the Pacific Underseas Oil, Inc. The records show that there were more than 300 stockholders, and that stock sales were made to individuals in California, Illinois, Colorado, Connecticut, Idaho, Oregon, and Utah. Whether the sales were properly authorized by the State corporation commissioners and by the Securities and Exchange Commission is a matter now under investigation by proper officials.

Mr. President, I am about to conclude my opening statement. I hope this matter will go over until tomorrow.

Mr. DONNELL. Mr. President, will the Senator yield to me for a moment, to permit me to make an observation?

Mr. McCARRAN. I yield.

Mr. DONNELL. I should like to make an observation along the line of the information which the Senator was so kind as to give a while ago on the question whether there is any difference in rule as to the title of the State with respect to land under navigable waters within what are generally considered its boundaries and the title to lands underneath the marginal seacoast.

Mr. McCARRAN. I yield for that purpose.

Mr. DONNELL. The Senator was kind enough to give the illustration of a crime committed within a distance of 3 miles from the coast.

I wish to call two things to the Senator's attention. One of them is an observation appearing in 16 Corpus Juris, which at first glance might seem to militate to some extent against the suggestion made by the Senator; but my primary purpose in referring to it is to call attention to a case which I have just seen, which I think clearly indicates the soundness of his position. I think it might be well for me to put those two observations into the RECORD.

Mr. McCARRAN. Mr. President, let me say to the Senator from Missouri that my experience in the practice of the law leads me to say that while in the first instance I frequently go to Corpus Juris, I always like to check up on it, because I find that one can find almost any kind of law he may wish to find in Corpus Juris.

Mr. DONNELL. I may say that my remarks with respect to Corpus Juris were possibly not quite fair, because without reading two sentences I think one might easily come to a conclusion not intended by the author of Corpus Juris.

Mr. President, may I have the Senate's permission to read these two brief observations?

Mr. McCARRAN. Certainly.

Mr. DONNELL. The following appears in 16 Corpus Juris, at page 169:

> It has often been said that the jurisdiction of a nation to punish offenses extends into the ocean to the distance of a cannon shot, which is estimated as one marine league from low-water mark on the shore; but it is doubtful whether there is any jurisdiction to punish for offenses committed within this marine league limit, if the place of the offense is not an arm of the sea and within the body of a country, unless the jurisdiction is expressly conferred by statute.

Let me digress here to say that up to that point it appeared to me, offhand, that the observation was somewhat contrary to the Senator's. But the author of Corpus Juris proceeds to state the following:

> Such jurisdiction, however, can undoubtedly be expressly conferred by statute, and such statutes have been enacted both in England and in the United States.

Mr. President, that last sentence led to the inquiry in my mind as to whether a State could itself enact a statute extending its boundary out into the ocean, or whether the statute referred to must be a Federal statute. With that thought in mind, I looked up the case which is cited in Corpus Juris. In that case I find the language which I am about to quote, which I think bears out what the Senator was kind enough to give us. The following appears in the case of the *United States* v. *Newark Meadows Improvement Co.* (173 Federal Reporter 429):

> In *Manchester* v. *Massachusetts* (139 U. S. 240, 258; 11 Sup. Ct. 559, 562; 35 L. Ed. 159), the court citing the case just referred to, declared that it must be regarded as established that as between nations the minimum limit of the territorial jurisdiction of a nation over tide waters is a marine league

from its coast. Both from the language quoted and from the nature of the decision in the Manchester case, it seems to me to follow that New Jersey may, in the exercise of its sovereignty, extend its own borders for the space of one marine league from low-water mark and make the region so annexed as much a portion of the State as any other part of its territory.

I thank the Senator for the privilege of inserting this citation in the RECORD. I thought that it might have some relevancy to the information which the Senator gave a short while ago.

Mr. McCARRAN. I thank the Senator. I may say that there is a New York case in which the Federal Government found itself entangled with the marshal and with the State authorities. There is a very interesting treatise on the subject.

Mr. DONNELL. With reference to the case of Martin and others against Waddell, which was cited by the Senator, and which is found in U. S. 41, 367, I may say that I have not been able, from a somewhat brief examination of the decision to determine whether it involved an actual authority with respect to lands underlying the ocean. The language on page 407 of the decision reads, in part, as follows:

> At the trial in the circuit court, the jury found a special verdict, setting forth, among other things, that the land claimed lies beneath the navigable waters of the Raritan River and Bay where the tide ebbs and flows.

So I am not certain, from a casual reading of the case, whether it supports the view that the State, as distinguished from the Federal Government, has control over the land underlying the ocean, but I believe that the case cited from the 173 Federal, from which I read, is authority in support of the right of the State itself to enlarge its own boundaries to cover the 3-mile limit beyond low-water mark.

Mr. McCARRAN. If the Senator will read the report of the Judiciary Committee he will find there cited a number of cases which will throw much light on the question in the Senator's mind.

Mr. DONNELL. I thank the Senator.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. HAWKES. The State of New Jersey is usually quite insistent upon getting its rights. I can see why the State took the position which it did, as set forth in the decision which has been read.

I wish to say further to the Senator from Nevada that the State of New Jersey, as far as I know, is deeply interested in having this question determined finally. I, for one, cannot understand why anyone should criticize this body for trying to define what those rights are, and whether they belong to the State or to the Nation. During the past few years there has been an ever-increasing tendency to concentrate more and more power in the Federal Government. I, for one, am opposed to the encroachment by the Federal Government upon rights which, to my mind, and to the minds of many other persons who are well informed of the law, have been fairly well determined. When I hear an argument that the Congress of the United States should not legislate in connection with this matter, merely because the question is now pending before the courts, I ask whether the courts should attempt to legislate on a subject which the Congress should determine, and thereby prevent the Congress from being allowed to define the rights of the States.

I wished to make those few remarks to the Senator from Nevada because I am deeply interested in seeing that the Congress determines this great issue. I shall vote for the joint resolution.

Mr. McCARRAN. I thank the Senator.

Mr. MAYBANK. Mr. President, on February 5, 1946, when the hearings were being held before the Committee on the Judiciary on the question of title to land beneath tidal and navigable waters I, together with my colleague, received a concurrent resolution from the State of South Carolina urging the United States Senators from South Carolina vigorously to support and vote for House Joint Resolution 225, now pending in the Senate of the United States, providing for the release and quitclaim to the several States of the lands lying beneath the tidewaters and inland waterway of the States.

I may say, Mr. President, that at that time I was a witness before the committee, and I made a statement with respect to the concurrent resolution. I ask unanimous consent that following the remarks of the distinguished Senator from Nevada my remarks before the Senate Committee on the Judiciary and the complete concurrent resolution adopted by the legislature of South Carolina, be printed in the body of the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE BURNET R. MAYBANK, UNITED STATES SENATOR FROM THE STATE OF SOUTH CAROLINA

Senator MAYBANK. Mr. Chairman, I want to make a very brief statement and I want to thank you for permitting me to do so, so that I can get back in the Senate.

On Friday of last week I placed in the CONGRESSIONAL RECORD a concurrent resolution passed by the State of South Carolina Legislature in session. It is not necessary for me to read that resolution at this time because it will take the committee's time, but I would like to have this concurrent resolution made a part of the permanent hearings here.

As for myself, I might say that I am in thorough accord with it. I might also say that we have some distinguished visitors from South Carolina here today, and I desire to do what I can to preserve the rights of the State of South Carolina.

I thank you very much, Mr. Chairman, and if you will put the resolution as expressed by the house of representatives and the senate of my State in the record, I would appreciate it.

Senator WILEY. It is so ordered.

(The resolution is as follows:)

"Concurrent resolution urging the United States Senators from South Carolina to vigorously support and vote for House Joint Resolution 225, now pending in the Senate of the United States, providing for the release and quitclaim to the several States of the lands lying beneath the tidewaters and inland waterway of the States

"Whereas prior to the year 1937 no claim was made by the Federal Government or by Federal officials to title to tidewater lands and lands under the waters of navigable streams within the boundaries of the several States; and

"Whereas since said time certain officials of the United States of America have taken the position that the title to such lands is not in the several States but in the United States; and

"Whereas there is now pending in the United States Supreme Court a suit by the United States of America against the State of California in which the title to such lands is involved, an adverse opinion in that case would seriously affect the interest of every State in the Union having a coast line or inland navigable streams; and

"Whereas there is now pending in the Senate of the United States of America House Joint Resolution 225, which seeks to quiet the title to all such lands and declare the same to be in the States and in such manner avoid much litigation on the subject, and perhaps save to the States millions of dollars' worth of valuable property; and

"Whereas it is the opinion of the General Assembly of the State of South Carolina that the status of the title to such lands should be definitely fixed in the States, and that the resolution above referred to should be passed: Now, therefore, be it

"*Resolved by the senate (the house of representatives concurring)*, That the Honorable BURNET R. MAYBANK and the Honorable OLIN D. JOHNSTON, United States Senators from the State of South Carolina, be, and they are, urged to support and vote for House Joint Resolution 225 when the same is up for consideration in the United States Senate; be it further

"*Resolved*, That a copy of this resolution be sent to each of the United States Senators from the State of South Carolina."

Mr. KNOWLAND. Mr. President, the able and distinguished Senator from Nevada [Mr. McCARRAN], the chairman of the Judiciary Committee, has fully and completely covered this subject. It hardly seems necessary to consume the time of the Senate in going over the ground in a manner which might be repetitious. However, the matter before the Senate is one which vitally affects the State of California and, in my opinion, all other States of the Union.

It has been pointed out today that the suit which is now pending before the court is directed at the State of California. The suit represents an attack upon the sovereignty of the territory of the State of California, involving areas which have been recognized as belonging to that State since California was admitted to statehood. It has been clearly pointed out today, Mr. President, that if the attack on the sovereignty of the State of California is successful, it will establish a precedent for a similar attack upon the sovereignty of every other State in the Union.

It seems to me that an attempt is being made to divide the Nation at a time when we should have unity and cooperation. First, Mr. President, one particular coastal State is picked out upon which the attack is to be leveled. If the attack is successful, the precedent will, of course, apply to every other coastal State. Arguments have been made by Members of the Senate on the other side of the question that the precedent will apply only to coastal States and not to interior States. But we know

that if the precedent is once established with respect to the coastal States, it will apply to the navigable streams and rivers throughout the entire United States. Sometimes remarks have been made to the effect that the precedent will apply only to the more recently admitted States and will not apply to the original 13 States. Those remarks have been made in an effort to allay the apprehensions of the representatives of the original 13 States as to the danger which lies in this kind of legislation.

I assert, Mr. President, that some of us believe that it has been firmly established that all other States came into the Union with the same rights, privileges, and sovereignties as did the original 13 States. If this attack upon the sovereignty of the State of California is successful, it is my opinion that the same attack could be made, and eventually would be made, upon the sovereignty of the territory of the original 13 States of the Union.

When hearings were being held by the committee, presided over by the able and distinguished Senator from Nevada, I appeared and presented a letter from the Governor of California. Because I realized that during the busy months through which we have been passing many Senators have not had time or an opportunity to read the hearings which were held by either the House or the Senate committee, I feel that it will be worth while to put some material into the RECORD at this point.

The letter to which I referred reads as follows:

STATE OF CALIFORNIA,
Sacramento, February 2, 1946.

Hon. WILLIAM F. KNOWLAND,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: It is a matter of sincere regret to me that I cannot attend the hearing upon House Joint Resolution 225 before the Judiciary Committee of the Senate on February 5. I would do so but for the fact that our legislature is meeting in extraordinary session at this time, and it is impossible for me to leave the State of California. However, I want the committee to know that I favor the passage of the bill and that it is, in my opinion, a matter of paramount concern to the State of California.

The passage of House Joint Resolution 225 will right a wrong which has been inflicted on our State since the introduction of the Nye resolution 9 years ago. The title to our tidelands—both those in the ownership of the State and of her grantees—has been assaulted throughout the intervening years, first by congressional resolutions, and failing there, by successive actions in the courts. The title of all our port facilities, our harbor and oceanside developments, our tideland oil deposits, and our inland waterways have been clouded through no fault or action of our own. We have exercised the same dominion over our tidelands that is being exercised by all other coastal States of the Union. We have never asked for more and we insist that we should not be required to be satisfied with less because we were admitted into the Union on "an equal footing with the original States in all respects whatever." The litigation of the Federal Government which has clouded our titles could continue for years at a time when we are endeavoring to absorb 2,000,000 people who came to us during the war by developing industry and expanding our trade into the Pacific. We must do this if we are to create the jobs essential for their well-being. We cannot do it to advantage if our ownership to the very land which makes these things possible is challenged.

For over a century and a half the Supreme Court of the United States has on at least 50 occasions—and under as many sets of circumstances—recognized the ownership of tidelands to be in the States subject only to the paramount right of the Government for national defense and the regulation of interstate commerce. The Congress and the administrative agencies of the Government have recognized this principle throughout that entire period. Enormous investments were made in reliance upon it by States, cities, port authorities, and private individuals. Property rights were established and universally recognized under it. To disturb those rights and the lives of the people who are dependent upon them at this time would be a cruel exercise of power by the Federal Government.

It should also be borne in mind that the establishment of any principle that would divest the State of California of her title to her tidelands and waterways would eventually result in similar action against the other States.

I shall not discuss the law involved in the situation because that will be ably done by our attorney general. Neither shall I state our legislative viewpoint because a special committee of our State legislature will perform that duty I will appreciate it, however, if you will be good enough to state to the Judiciary Committee that the governmental agencies of the State of California are as one in the belief that justice and equity call for the passage of House Joint Resolution 225.

Sincerely,

EARL WARREN,
Governor of California.

Mr. President, as I have pointed out, this is not a matter which concerns California alone. The able Senator from Nevada has already indicated that 48 States and local public officials, representing among them 47 States, 417 cities located in all 48 States, 50 public port authorities and other public agencies appeared in support of the joint resolution.

Two private persons, the attorney for one of these, and one public official appeared in opposition to the joint resolution.

The joint resolution was carefully considered by the Committee on the Judiciary of the House of Representatives, and was passed by an overwhelming vote by the House. It has been carefully considered and studied, after extensive hearings, by the Committee on the Judiciary of the Senate of the United States.

It has been on the calendar of the Senate for a long period of time.

Because, Mr. President, as I have pointed out before, so many of the Members of the Senate, busily engaged with the many problems which have confronted all of us, have not had an opportunity to study the record, or the very valuable information which has been furnished each Senator, I believe, I shall take the time to read briefly some of the material contained in a report relative to the facts about the legislation quieting State titles to lands beneath tidal and navigable waters, prepared by the attorney general of the State of California, Mr. Robert W. Kenny. This is what he has to say:

On September 20, 1945, the House of Representatives passed by an overwhelming vote House Joint Resolution 225 which confirms long recognized State ownership of all lands beneath tidal and navigable waters and releases Federal claims to these lands. The purpose of this memorandum is to set forth the facts upon which the House predicated its action and to show who are the proponents of the legislation and why they are supporting it, and who are the opponents of the legislation and why they are opposing it.

Senate Joint Resolution 48, now pending in the Senate, is a companion measure to House Joint Resolution 225, and is substantially identical in form.

WHO ARE THE PROPONENTS OF HOUSE JOINT RESOLUTION 225?

House Joint Resolution 225 was introduced in the House by Congressman HATTON W. SUMNERS, of Texas, chairman of the House Judiciary Committee. It was actually a committee resolution designed to take the place of 18 similar House resolutions which had been previously introduced by Congressmen from Louisiana, Alabama, California, New York, Ohio, Illinois, Mississippi, and Maine. The consolidated resolution 225 was unanimously recommended for passage by the Judiciary Committee.

This committee action followed 3 days of public hearings at which the following persons appeared and testified in support of the legislation: Robert W. Kenny, attorney general of California; Leander I. Shelley, general counsel, Port of New York Authority; also representing American Association of Port Authorities, which consists of 51 important ports and harbors; Grover Sellers, attorney general, Texas; Hugh S. Jenkins, attorney general, Ohio; Richmond B. Keech, corporation counsel, District of Columbia, appearing on behalf of National Institute of Municipal Law Officers, representing 408 cities; Hirsh Freed, assistant corporation counsel, Boston, Mass.; Greek L. Rice, attorney general, Mississippi; John M. Daniel, attorney general, South Carolina; A. B. Mitchell, attorney general, Kansas; Ira J. Partlow, attorney general, West Virginia; Hughes J. Rhodes, assistant attorney general, North Carolina; Ralph W. Farris, attorney general, Maine; Gessner T. McCorvey, special assistant attorney general, Alabama; M. Vashti Burr, deputy attorney general, Pennsylvania; John J. Cooney, assistant attorney general, Rhode Island; Harry L. Brooks, assistant attorney general, Connecticut; John L. Madden, special assistant attorney general, State of Louisiana; Lucille May Grace, registrar, State land office, Louisiana; Orrin Judd, solicitor general, New York; Hall Hammond, deputy attorney general, Maryland; Bascom Giles, commissioner of general land office, Texas; Arthur Eldridge, harbor manager, Los Angelesfi Calif.; Claud A. Rankin, State land commissioner, Arkansas; Irving Smith, city attorney, Long Beach, Calif.; Harry C. Brockel, port manager, city of Milwaukee, Wis.; C. W. Babcock, city attorney, Milwaukee, Wis.; Herbert Wade, director of port authority, State of Virginia.

In addition the following sent written messages to the committee urging favorable action: Otto A. Case, commissioner, Department of Public Lands, State of Washington; John H. Burgard, chairman of public docks, Portland, Oreg.; T. H. Banfield, president, Pacific Coast Association of Port Authorities; John R. Dethmers, attorney general of Michigan; Nels G. Johnson, attorney general of North Dakota; Alan Bible, attorney general of Nevada; J. A. Burnquist, attorney general of Minnesota; Earl Snell, Governor of Oregon; Coke Stevenson, Governor of Texas; Simon E. Sobeloff, city solicitor of Baltimore; Frank F. Truscott, city solicitor of Philadelphia; James H. Davis, Governor of Louisiana.

In addition to the above a legal brief was filed in support of the legislation. This brief was signed by attorneys general of 46 States. After reviewing and citing authorities from many Supreme Court decisions this brief concluded:

"The proposed resolution releases no property and no property interest in which the United States now has any legitimate claim whatsoever. Its passage will serve to clear the titles of immensely important and valuable State and municipal properties throughout the Nation from the wholly unwarranted cloud which has been cast upon them as a result of the Nye resolution and of the more recent claims of the Department of the Interior. This alleged policy of that Department is not and never has been the true policy of the United States and is directly opposed to the legitimate and settled property rights of every State in the Union.

"The lands beneath tidewater and navigable waters belong to the States in their sovereign capacity as States. The claim of Mr. Ickes is a direct attack on State sovereignty. This claim affects not only the ownership and jurisdiction of every port and harbor in the United States but constitutes a threat to all property held under the principle of State sovereignty."

The overwhelming support accorded this measure by responsible and high-ranking officials from every part of the Nation demonstrates beyond question that this is, as Mr. Freed, corporation counsel of Boston, said, a measure of Nation-wide importance, a measure, indeed, that far transcends the interests of any one State or any person or group of persons.

WHAT LANDS ARE UNDER ATTACK?

The lands actually affected by Federal claims are all lands under the navigable waters within the boundaries of every State in the Union. In the coastal States this includes tidelands and submerged lands out to the 3-mile limit (or to the State's boundary wherever it may be). It includes all lands beneath inland navigable lakes and rivers. It also includes the beds of the Great Lakes out to the international boundary line, which is also the boundary of the States which border on the Great Lakes. All such lands for brevity are sometimes called "tide and submereged lands."

It must be borne in mind also that filled or reclaimed lands, which were formerly submerged, unless they have been granted away, still belong to the States as sovereign lands. Of course, in many instances the States have granted such lands to private individuals. Many of our large cities are partially built on filled tidelands, which are held by the present occupants under grants from the State or by virtue of State laws. An attack on State titles is necessarily an attack on the titles of all grantees, lessees, and successors of the States.

I might interpose at this point to say that the city of San Francisco is partially built upon filled tidelands.

I continue reading from Mr. Kenny's brief:

All tide and submerged lands, filled and unfilled, and all lands under inland navigable waters are held by the State by virtue of the same legal principle, namely, as sovereign lands of the State. A claim by a Federal official to any of these lands anywhere is a serious attack on this legal principle and hence is a threat to all such lands in every State.

WHO HAS HAD CONTROL OF TIDE AND SUBMERGED LANDS IN THE PAST?

From the beginning of the Federal Union all States have always exercised full powers of control and ownership over their tide and submerged lands, subject only to the constitutional powers of the Federal Government to regulate interstate and foreign commerce.

The ownership and control of these lands by the States is based not only on the court decisions cited in the Attorneys General brief, but also on the decisions of all Secretaries of the Interior, including Mr. Ickes (prior to 1936) and on the approval and acquiescence of Congress and all other Federal officials since 1789. Throughout all this time it was uniformly held by the courts and considered by the Government that tide and submerged lands were sovereign lands of the States and not public lands of the United States.

Each of the Original Thirteen States began to utilize its tide and submerged lands before the Federal Government was formed and has continued to deal with such lands under its own laws since that time. Each new State, since its admission to the Union, has done likewise. All ports and harbors have been constructed under State authority (subject to the approval of Federal officers only for the protection of navigation). In many cases lands have been granted by the States to their municipalities and to port districts. In others they have been leased or granted to private individuals and corporations for production of minerals or other products. The entire shrimp and oyster industry is carried on under State grants or leases. Almost every State in the Union, both coastal and inland, has some navigable waters under which there are products of great value which have always been administered pursuant to the State's own laws.

House Joint Resolution 225 is not an attempt on the part of the States to take something away from the Federal Government. It is merely to protect and clear the title of properties over which the States have always exercised full and complete control and ownership.

WHAT IS THE VALUE OF THE LANDS AFFECTED BY THE CLAIMS OF FEDERAL OFFICIALS?

It is impossible even to estimate the total value of all the lands which come within the category of tide and submerged lands. In 1938 it was estimated that the value of the property belonging to the ports and harbors of the respective States exceeded $3,000,000,000.

Mr. President, in conclusion, I merely wish to review one point. It has been stated earlier in the day that the proposed action, if taken by the Senate of the United States, along with the House, might have the appearance of taking jurisdiction away from the Supreme Court of the United States.

Such is not the case. The legislation was introduced prior to the filing of any suit. As the able Senator from Nevada has pointed out, if we allow such a doctrine to be established, it could mean that in any case, when the policy-determining body of the Federal Government, which is the Congress of the United States, undertakes to establish a national policy, someone by merely filing an action in the courts, could then come in and say "Do not act upon that subject. It is before the courts of the land."

Mr. President, that would tie the hands of the legislative body of this Nation. Instead of being equal partners with the executive and the judicial branches of the Government, it would make the legislative branch subordinate to the judicial branch of the Government. We cannot allow such a doctrine to be established

I simply wish to say in conclusion, Mr. President, that the State of California, represented by its Governor, by its Attorney General, by its State Legislature, by both its United States Senators, and by every port authority and municipal authority having jurisdiction over harbor developments in the entire State, is vitally interested and vitally concerned in the passage of this joint resolution. But I say, Mr. President, that these are not officials concerned with it merely because of some selfish interest on the part of the State of California to protect its sovereignty from the attack of the Federal Government. They are interested because they well know, as we must well know in this Chamber today, that if this precedent is once established, whereby the Federal Government can come in and seize a part of the territory of the State of California which has belonged to the State of California ever since her admission to statehood in 1850, then the Federal Government can come in and attack the sovereignty of every one of the other 47 States of the Union.

Therefore, Mr. President, I hope the Senate, by an overwhelming vote, will pass the joint resolution which has been reported from the Committee on the Judiciary by the able Senator from Nevada.

Mr. DOWNEY obtained the floor.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. CAPEHART. I wish to ask the junior Senator from California a question. There is what is known as the continental shelf—I believe that is the official name of it—which varies in depth from 5 miles to 250 miles, under which there is a possibility that there may be oil or minerals. I should like to ask the Senator how many miles from the shore of California or any other State does he feel the State should own?

Mr. KNOWLAND. I will say in answer to my able and distinguished colleague that I am not an attorney. There is a legal question, and a grave legal question, involved. I would say that the situation differs as it relates to different States. Whatever title the State now owns should be given to it under this quitclaim deed. In California, as an example, ownership may extend out to the 3-mile limit. I have heard—I do not know on what basis the claim is made—that the State of Texas claims title out to 10 miles. To whatever distance the title extends, whether it be 3 miles or 10 miles or otherwise, should be quitclaimed to the States. Anything beyond the limit to which any State now has a legal right, of course, is a matter with respect to which the Federal Government might rightfully claim jurisdiction.

Mr. DOWNEY. Mr. President, do I have the floor?

The PRESIDING OFFICER. The senior Senator from California was recognized, and the Chair thought he yielded to the Senator from Indiana.

Mr. DOWNEY. The Senator from Indiana asked me to yield to him, and from then on I have had no opportunity to speak.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. DOWNEY. I prefer not to yield.

Mr. President, the purpose of House Joint Resolution 225 is to recognize and confirm a condition that has existed since 1776 and that was never challenged until 1937, when former Senator Nye and Secretary Ickes began to agitate the idea that the Federal Government, through some never-before-heard-of legal theory, could acquire title to the tidal and submerged lands lying wholly within the boundaries of the respective States.

The States have always exercised, and do now exercise full powers of ownership over these lands, subject only to the power of Congress to regulate commerce and navigation. All the ports and harbors and all the enormous transportation and industrial facilities existing today on submerged or filled land have been constructed on the assumption that those lands belonged to the States or to their grantees. The States also have from the beginning followed the policy of leasing their submerged lands for the development of numerous products such as oil, gas, coal, iron, brine, sand, and gravel, oysters, mussels, shrimps, sponges, and other marine products. All these practices have been uniform both in coastal and inland States having navigable waters. Practically every State that has any navigable water receives large revenues by reason of the port and harbor developments and the products above-mentioned. The title of the inland States to the beds of their navigable waters has always been held to be based on the same legal principle as title of coastal States to their ports and harbors and their submerged coastal lands, namely, that by virtue of State sovereignty, the States were the owners of lands beneath navigable waters within their boundaries. The claims of Mr. Ickes and other Federal officials have therefore clouded titles to all submerged lands in every State for the obvious reason that it is impossible to attack one State's title without in legal effect challenging the title of every other State. The sole purpose and effect of House Joint Resolution 225 is to remove that cloud.

SPONSORSHIP CF HOUSE JOINT RESOLUTION 225

As a result of the claims and acts of Mr. Ickes and of the suits filed at his insistence, the highest public officials of nearly every State in the Union have joined in the sponsorship of this legislation. Specifically, the State officials urging the passage of this legislation are:

First. The attorneys general of 47 States—Arizona not joining.

Second. The Governors' Conference representing the governors of all the States. This organization has twice taken action urging passage of House Joint Resolution 225.

Third. The National Association of Port Authorties. This organization consists of the officials and attorneys of 51 of the ports and harbors of the country. Their representatives have been active in support of this legislation from the start. Their attorneys are the best known experts in the country in the field of titles to submerged lands. They are unanimous in the opinion that the Federal claims are a definite cloud on the titles to all ports and harbors and that this legislation is essential in order to clear titles and make possible necessary financing and construction programs.

Fourth. The National Association of Municipal Law Officers. This organization is composed of city attorneys of 408 cities, and they have twice unanimously urged the passage of this legislation and have taken an active part in promoting it.

In addition to the above mention may be made of two private organizations which have studied this question and acted upon it. They are: First, the United States Chamber of Commerce, which after thorough study submitted the question to its membership throughout the country with full statements both of Mr. Ickes' position and that of the State officials. The vote of the members was 1,950 in favor of the adoption of House Joint Resolution 225 and 64 against; second, the American Bar Association, which at its last annual meeting took unanimous action in favor of the adoption of House Joint Resolution 225. Many other public officials and private organizations have likewise acted, but the above demonstrates that the issue is not as stated by Mr. Ickes merely a matter of some oil off the California coast, but it is a Nation-wide problem involving vital State and Federal relations and vital elements in the economy of nearly every State.

BASIS OF STATES' TITLES

The United States Attorney General apparently assumes that the pending suit in the Supreme Court involves only lands along the open seacoast below low-water mark. However, the almost universal concern expressed by representatives of State, municipal, and port officials is a clear demonstration of the fact that the Federal claims do affect not only submerged lands along the open coast but all submerged and reclaimed lands which are now or were formerly under navigable waters, whether along the seacoast, in ports and harbors or beneath inland waters.

When Mr. Biddle filed the first test suit in California, he frankly admitted that the decision would affect titles to submerged lands in every State in the Union, both coastal and inland, which had any navigable waters within its boundary.

The Supreme Court has told us not once but at least 50 times that title to all lands beneath navigable waters, whether coastal or inland, was originally held by the British Crown as an attribute of its sovereignty. No distinction was ever made between lands beneath inland waters or ports and harbors on the one hand and lands along the seacoast beneath the open sea on the other.

At the instant of the Declaration of Independence, the sovereignty of the British Crown, including title and ownership of all lands beneath navigable waters, both inland and coastal, passed to the people of each of the Thirteen Original States. All States subsequently admitted to the Union were admitted on an equal footing with the Thirteen Original States. The United States is a Union of equal States. The United States Attorney General has recognized this equality for in the pending suit he has challenged not only the title of California, but the title of the Thirteen Original States and he has challenged that title as of the very moment that independence was achieved. From that moment on, the Attorney General contends, the Federal Government and not the States has owned the lands along the seacoast below low-water mark and within the State's boundaries, and he has made the same claim as to every other coastal State.

But the fallacy of this claim is that we cannot separate those submerged lands today into two classifications. It is as true now as it was in 1776 that the sovereign owning to title to one part of the submerged lands holds title to all. Time after time the Supreme Court has upheld the unity of title of the States to all their submerged lands. Time after time the Supreme Court has held that those lands were owned absolutely by the States or their grantees.

To reverse that established rule now and to declare that the United States owns a part of these submerged lands would be to destroy the State's title to all its submerged lands. The title is as indivisible as the title to one's home. To attempt to divide these lands is as fantastic as to say: "While you may still own the back yard, you do not hold title to the front yard." That is why inland States are vitally affected.

FALLACY OF FEDERAL CLAIMS

In justification of the suit now pending in the Supreme Court, the Attorney General has been reported to have said that there are no Supreme Court decisions which specifically hold that the States own the tidelands along the open coast and below low-water mark. It is difficult to see how he can make such a contention in view of the long line of cases which are digested in the able report of the Senate Judiciary Committee recommending passage of this joint resolution. This report quotes from dozens of Supreme Court decisions which say in so many words that all lands beneath navigable waters, whether fresh or salt, belong to the States, and none of these cases makes any distinction between inland waters and coastal waters. However, the Attorney General, while admitting that the Supreme Court has many times said that tide and submerged lands belong to the States, now takes the amazing position that in every one of these many cases the language used was obiter dictum, which, in laymen's language, means that it was an expression of the Court's viewpoint but was not absolutely necessary to the decision in the particular case under consideration.

Of course, if this view is correct, then these repeated statements of the Supreme Court are not only obiter dictum but are actually incorrect statements of law.

In the brief filed by the attorneys general of 47 States, more than 30 Supreme Court decisions are cited, all of which

contain statements upholding State ownership, which the United States Attorney General now says were useless and erroneous statements of law. It is difficult to believe that the Supreme Court would so frequently indulge in an erroneous statement of law on a fundamental principle which constitutes the basis of enormously valuable land titles in every State in the Union. On the contrary, it is the opinion of the attorneys general of all the States and the attorneys for the cities and port authorities that these statements by the Supreme Court were carefully worded pronouncements of a basic rule of law intended to cover not only inland water but all lands beneath navigable waters within the boundaries of all the States.

This viewpoint is borne out not only by the opinions of many United States Attorneys General in the past, but by the opinions and acts of every other department in the Federal Government prior to 1938.

The Department of the Interior itself has at all times relied on the language of the court decisions previously mentioned as establishing the rule under which that office was required to act until Mr. Ickes attempted to reverse this rule in 1938. For example, between 1882 and 1938, the Department of the Interior and the General Land Office issued no less than 27 decisions holding specifically that California was the owner of the lands below low-water mark and out to the 3-mile limit. It based all these decisions on the very Supreme Court language which the Attorney General of the United States now says is obiter dictum.

The Congress of the United States, the War and Navy Departments, and the United States Attorney General's office have also relied on this same language in hundreds of instances as being not obiter dictum but a definitive and controlling rule of property law.

Between 1887 and 1946 the State of California has granted or ceded to the United States by legislative act not less than 35 parcels of land along the open coast and below low-water mark. Most of these were for the War and Navy Departments. In every instance the United States recognized the ownership of California by asking the State to grant the United States these lands. The same thing has happened in every other coastal State.

In a great many instances the Congress of the United States has recognized the title of the States to these offshore lands by making appropriations for the construction of breakwaters or other improvements, upon the condition that the State would cede or grant title to these lands to the United States.

The opinion of the officials of the States of the Union with regard to Mr. Ickes' endeavors to change this long-settled rule of property and, in effect, confiscate billions of dollars of State properties, is summed up in the words of Nathaniel L. Goldstein, Attorney General of New York, who said to the House Judiciary Committee that the arguments advanced by the claimants of Federal ownership were:

> void of basis in law or fact, were flagrantly in disregard of the decisions of the United States Supreme Court, and were morally dishonest attacks upon the sovereignty and title of the States to the submerged lands.

PENDING SUPREME COURT CASE

The legislation to quiet State titles was introduced in Congress in March 1945. Late in May 1945, just 2 weeks before the time set for the House Judiciary Committee hearing, Mr. Biddle, at the urgent request of Mr. Ickes, filed a suit against Pacific Western Oil Co., a lessee of the State of California. It was obviously filed as a deliberate attempt to block the legislation. The House committee proceeded, however, and the bill was unanimously reported out of the committee and on September 20 passed the House by an overwhelming vote.

In October, just before the time set for the Senate committee hearings, again at the urgent request of Mr. Ickes, the Pacific Western suit was dismissed and another suit filed directly in the United States Supreme Court. Obviously this, too, was filed for the purpose of blocking the legislation.

The idea seems to have existed that the Supreme Court could decide this issue and settle the whole question in a few months' time, but this is contrary to all past experience. Litigation of this type invariably takes years to bring to a final conclusion. The essence of the matter is that this is not the type of question which can be easily or permanently settled by litigation. If the decision in the pending case is in favor of California, it will not stop future agitation of the question. In view of the propensity of public officials to change their viewpoint on such questions, there will always be the possibility of agitation over titles until Congress finally acts.

If the decision in the pending case were in favor of the Government, it would be only the first step in litigation which would necessarily continue for years and which would throw the titles of submerged lands in all other States into a condition of chaos and uncertainty. The task of fixing a new boundary around the entire United States dividing State from Federal title would take generations to complete.

Both the Senate and the House Judiciary Committees considered carefully the question whether Congress should defer all action during the pendency of this litigation. Both committees were of the opinion that Congress should act. The viewpoint of the House Judiciary Committee expresses the matter succinctly in the following words:

> In view of the settled rule of property previously mentioned, it is the opinion of the committee that there is no justification for subjecting the States and their successors who have long had the ownership and possession of their tide and submerged lands to the expense and vexation of litigation.
>
> The highest court in the land has already passed upon these questions numerous times. There is no certainty that another decision would be accepted as final by those who continue to agitate this question. Furthermore, the litigation recently filed would undoubtedly not settle the question but would be only the beginning of litigation which might last for many years. In the meantime, needed developments both in ports and harbors and elsewhere in the coastal and submerged lands would be definitely retarded.

No legal or political theory requires that Congress must cease to pass laws on matters pending in the courts. The fact is that Congress is continually passing laws which change or impair or completely destroy the jurisdiction of the court over pending cases. This has never been considered a breach of comity or a trespass on the court's function. The fact is that both Mr. Biddle and Mr. Ickes are on record as late as June 1945, that this matter is one of congressional policy. On June 6, Mr. Biddle wrote to the Senator from Nevada [Mr. MCCARRAN], chairman of the Senate Judiciary Committee, a letter in which he said:

> The question whether the resolution should be adopted is one of legislative policy to be considered by Congress.

On the 20th day of June 1945, Mr. Ickes himself wrote a letter to Hon. HATTON SUMNERS, chairman of the House Judiciary Committee, in which he said:

> It has seemed to be a matter not appropriate for executive decision, but, on the other hand, one for which the Federal courts have been created. Whether Congress elects to adopt the same view is, of course, a matter of legislative policy.

This controversy was initiated by the unauthorized acts of the Secretary of the Interior in attempting to reverse not only his own decisions, but the long-settled decisions and policies of every other department of the Federal Government. It was an unprecedented attempt to centralize enormous power and billions of dollars' worth of property rights in the Interior Department, at the expense of the States and their many grantees and lessees. This unprecedented attempt is well described in the words of the attorney general of the great inland State of Indiana, Hon. James A. Emmert, who said:

> This is as rank an attempt to steal from the States their lawful property as can ever be found in the history of the sovereigns which expropriate property without compensation.

Such an attempt presents a fundamental question of national policy which Congress should not ignore. To do so would be to inaugurate a period of strife and confusion between States and Federal Government which would last for many years to come.

CONTINENTAL SHELF

House Joint Resolution 225, particularly with the addition of the excellent amendment of the Senator from Wyoming [Mr. O'MAHONEY] fully preserves the rights of the United States to all lands and minerals outside lawfully existing State boundaries. But no attempt is made to define or describe the present location of every State boundary. It would obviously have been impossible to do that. The resolution simply deals with State boundaries as they now lawfully exist.

It is well known that there are a few States which claim more than the conventional 3 miles. The measure does not deal with those claims. It neither recognizes nor denies them. If the claims of such States are invalid and cannot be established, the quitclaim will run only to the 3-mile limit. Nothing in the present joint resolution would confirm or recognize the illegal claim of any State.

Beyond the States' legally determined boundaries and out to the limit of the Continental Shelf, as defined in the President's proclamation, the rights of the Federal Government are specifically reserved by the terms of the joint resolution.

Mr. President, I urgently recommend to the Senate that we avoid delay and uncertainty and litigation by the prompt passage of the pending joint resolution.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5452) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1947, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6739) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1947, and for other purposes.

APPROPRIATIONS FOR THE TREASURY AND POST OFFICE DEPARTMENTS—CONFERENCE REPORT

Mr. McKELLAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 7 to the bill (H. R. 5452) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1947, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: Omit the matter stricken out and inserted by said amendment; and the Senate agree to the same.

KENNETH MCKELLAR,
PAT MCCARRAN,
CARL HAYDEN,
THEODORE FRANCIS GREEN,
WALLACE H. WHITE,
CHAN GURNEY,
CLYDE M. REED,
Managers on the Part of the Senate.

EMMET O'NEAL,
HERMAN P. KOPPLEMANN,
CLARENCE CANNON,
THOMAS D'ALESANDRO, Jr.,
JOHN TABER,
CORDON CANFIELD,
Managers on the Part of the House.

Mr. McKELLAR. Mr. President, I ask unanimous consent for the present consideration of the conference report.

There being no objection, the Senate proceeded to consider the report.

Mr. WHITE. Mr. President, will the Senator from Tennessee make a very brief explanation of the situation?

Mr. McKELLAR. The only matter in controversy was the silver amendment. As the Senator knows, a separate legislative bill dealing with silver was passed by the Senate and has been passed by the House, and was finally agreed upon today, and has been sent to the President, as I understand. With that, we had an agreement that all mention of silver in the appropriation bill would be stricken out. It has been stricken out.

Mr. WHITE. The report, as made, carries out that agreement of the other evening; does it?

Mr. McKELLAR. Yes; it carries out the agreement of the other evening.

Mr. President, I ask for the adoption of the conference report.

The report was agreed to.

THE WORLD COURT

Mr. SMITH. Mr. President, will the Senator yield to me?

Mr. McCARRAN. I yield.

Mr. SMITH. I wish to make a very brief observation and to present two editorials for insertion in the RECORD.

On Wednesday last the distinguished Senator from Oregon [Mr. MORSE] made what to me was a very challenging and thrilling statement with regard to the Senate of the United States taking action to accept the optional clause of the Statute of the International Court of Justice. That was a very timely statement, made just after we had had the eloquent report of the senior Senator from Michigan [Mr. VANDENBERG] on the Paris Conference. Today we have heard from our distinguished colleague the senior Senator from Texas [Mr. CONNALLY], on the subject of the Paris Conference. We have also had the report of Secretary of State Byrnes on the international situation, based on the same Paris Conference.

I wish to identify myself with the statement made and the position taken by the Senator from Oregon in support of Senate Resolution 196, which was submitted by him to the Senate on November 28, 1945, for himself and a group of Senators, including myself, with regard to our accepting the optional clause conferring jurisdiction on the International Court of Justice, and to commend the Senator from Oregon for the very timely and very clear-cut position he took at that time in pointing out that we do not need, as many people have claimed, to wait until Russia acts in this matter. Our acting in this matter now is the logical position for us to take, and it will be an indication to Russia and to the other nations of the world of our intention still to maintain a positive and aggressive position of leadership in connection with all progressive steps looking toward the future peace of the world.

Mr. President, in connection with my remarks on this subject, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an editorial entitled "Toward a Rule of Law," published in this morning's edition of the New York Herald Tribune, and also an editorial entitled "World Court Issue," published in today's edition of the Washington Post.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune of July 19, 1946]

TOWARD A RULE OF LAW

This week a Senate subcommittee has been holding hearings on a measure which has awakened relatively little public interest. Yet it has been described by Mr. Dean Acheson, Under Secretary of State, as "a long and even a decisive step in the direction of crossing the line which separates world disorder from world order based on law." The measure in question would recognize, on behalf of the United States, the compulsory jurisdiction of the International Court of Justice.

The United States has already accepted the fact of the court in ratifying the Charter of the United Nations to which the statute of the court was appended. But at present this country cannot become a party to any case before the court (with the exception of cases arising under the constitution of the international labor office, which is not likely to produce controversy) except by agreement with the other parties. The statute of the court does permit states, however, to accept the court's jurisdiction in certain classes of cases in advance. These classes include the interpretation of treaties; any question of international law; the existence of facts which, if established, would constitute a breach of international law, and reparations for breaches of international obligations.

The Court of International Justice which was established in connection with the League of Nations contained a similar provision which, at various times, was utilized by as many as 45 states, and the declarations of about 20 states were still in effect when the new Court came into existence. There declarations will be carried over, so that the United States would not be making any daring innovation if it were to recognize its responsibilities for the development of world law. It would, however, add great strength to the Court by demonstrating its confidence in the equity of the tribunal and its own determination to deal lawfully with all states.

The Court, as now constituted, is not a perfect instrument. It has been pointed out during the hearing in Washington that the international organ lacks a sheriff. That it is not quite accurate, since the Security Council can, if a decision of the Court is not respected, take action to enforce its degrees. The Security Council, however, is so imperfect an instrument in its own sphere that the criticism may well stand. What the Court can do is to foster, by the mutual consent of those litigants who appear before it, the concept of an overriding international law, trusting that its efficient and fair functioning will strengthen respect for the rights of States and the habit of subordinating purely national interests to the common good. In that process, the acceptance by the United States of the jurisdiction of the Court can be a most important factor.

[From the Washington Post of July 17, 1946]

WORLD COURT ISSUE

In the masterly report to the Senate, following his return from the second Paris Conference of the Council of Foreign Ministers, Senator ARTHUR H. VANDENBERG said: "Peace with justice is the supreme necessity

for America and for the world." We think that it is well to remember that the achievement of this great objective cannot be left to peace conferences and chancelleries alone. Every nation, acting on its own, can help by demonstrating its readiness to put these principles into practices. And the more powerful the nation the greater its responsibility in this regard.

For this reason it is disturbing, on the eve of the Paris Peace Conference, to learn that the Senate Committee on Foreign Relations may not report out the resolution favoring acceptance of the new World Court's compulsory jurisdiction. It is said that the time for such action is not ripe. But if it is not ripe now, more than a year after the San Francisco Conference and with the need of a reign of law in the world more urgent than ever, it will never be ripe. Unless and until this resolution becomes our policy, as Senator MORSE, its sponsor, pointed out in an eloquent speech in the Senate on Wednesday, the United States "will never be able to convince the weaker nations of the world that there is in fact a squaring between our professions of wanting to promote international peace and our practices."

In the hearings which the Senate Foreign Relations Committee has held on the resolution not one dissenting voice was heard. Moreover, the Morse resolution has strong support on both sides of the Senate and has won the fervent approval of innumerable individuals and organizations. Recently President Truman expressed support for the principle enunciated in that resolution. Indeed, the only argument that has so far been advanced against the proposal is that we should not accept the World Court's compulsory jurisdiction until Russia has done so, Russia being the only other great power that still clings to voluntary jurisdiction. This argument is not convincing and, in his speech, Senator MORSE tore it to shreds. Acceptance of the resolution would, he emphasized, constitute a demonstration to Russia that "we here and now are ready to take the next step in the development of amicable relations between America and Russia."

And, since the Court's compulsory jurisdiction would be binding on us only in cases where the other party was similarly bound, acceptance by the United States of that rule of law would not mean tying our hands while the hands of other nations remain united. It would mean that we are determined to square our practices with our professions, that we intend not only to talk peace and justice but also to live those principles.

EXECUTIVE SESSION

Mr. McCARRAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. SWIFT in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations and a protocol, which were referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. OVERTON, from the Committee on Commerce:

Col. George Mayo, Corps of Engineers, for appointment as member, California Debris Commission, vice Col. Rufus W. Putnam, Corps of Engineers, to be relieved.

By Mr. WALSH, from the Committee on Naval Affairs:

Sundry officers of the line of the Navy to be assistant paymasters in the Navy with the rank of ensign.

By Mr. THOMAS of Utah, from the Committee on Military Affairs:

Brig. Gen. Henry Balding Lewis (colonel, Adjutant General's Department), Army of the United States, for appointment in the Regular Army of the United States as Assistant The Adjutant General, with the rank of brigadier general, for a period of 4 years from the date immediately following that upon which Brig. Gen. Thomas Jefferson Davis, the present incumbent, vacates his appointment as Assistant The Adjutant General, and Prof. (Col.) Roger Gordon Alexander, United States Army, to be dean of the Academic Board of the United States Military Academy, with the rank of brigadier general, Regular Army.

INTERNATIONAL AGREEMENT FOR REGULATION OF WHALING—REMOVAL OF INJUNCTION OF SECRECY FROM PROTOCOL

Mr. CONNALLY. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from executive I, Seventy-ninth Congress, second session, a protocol signed at London on November 26, 1945, for the United States of America, the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, the Provisional Government of the French Republic, the United Mexican States, the Netherlands, New Zealand, Norway, and the United Kingdom of Great Britain and Northern Ireland, amending in certain particulars the international agreement for the regulation of whaling signed at London on June 8, 1937, as amended by the protocol signed at London on June 24, 1938.

The PRESIDING OFFICER. Without objection, the injunction of secrecy will be removed from the protocol, and it will be published in the RECORD.

The protocol, with accompanying papers, is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of [a protocol signed at London on November 26, 1945, for the United States of America, the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, the Provisional Government of the French Republic, the United Mexican States, the Netherlands, New Zealand, Norway, and the United Kingdom of Great Britain and Northern Ireland, amending in certain particulars the international agreement for the regulation of whaling signed at London on June 8, 1937, as amended by the protocol signed at London on June 24, 1938.]

I transmit also for the information of the Senate the report made to me by the Secretary of State regarding the protocol signed at London on November 26, 1945, with accompanying documents, namely, a certified copy of the final act of the International Whaling Conference at which that protocol was drafted and recommended, and a copy of the report of the United States delegation to that conference. The final act does not require ratification and is submitted only as explanatory of the amendments made to the whaling agreement of June 8, 1937, and the protocol of June 24, 1938.

HARRY S. TRUMAN.

THE WHITE HOUSE, *July 19, 1946.*

[Enclosures: 1. Report of the Secretary of State; 2. Certified copy of the protocol signed at London November 26, 1945; 3. Certified copy of the final act of the International Whaling Conference held at London November 20, 21, 22, 23, and 26, 1945; 4. Copy of the report of the United States delegation.]

DEPARTMENT OF STATE,
Washington, July 18, 1946.

The PRESIDENT,
The White House:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a certified copy of a protocol signed at London on November 26, 1945, for the United States of America, the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, the Provisional Government of the French Republic, the United Mexican States, the Netherlands, New Zealand, Norway, and the United Kingdom of Great Britain and Northern Ireland, amending in certain particulars the international agreement for the regulation of whaling, signed at London on June 8, 1937 (treaty series 933), as amended by the protocol signed at London on June 24, 1938 (treaty series 944).

The provisions of the present protocol were drafted and recommended by the International Whaling Conference held at London on November 20, 21, 22, 23, and 26, 1945. The object of that conference was to consider whether special measures should be put into force for the 1946–47 whaling season. Because of the acute shortage of fats and oils and in view of the probability that the fats and oils situation would continue to be serious through 1947, it was agreed to relax for another year certain provisions of the abovementioned whaling agreement of 1937, as amended. It was agreed also to carry over for the 1946–47 season, with revisions, regulations similar to those set forth in the protocol signed at London on February 7, 1944 (Senate Executive D, 78th Cong., 2d sess.). Article 4 of the 1944 protocol provided for its termination after the first season in which whaling operations were resumed, which was the 1945–46 season.

For the information of the Senate, as explanatory of the amendments to the international agreement of 1937 for the regulation of whaling and the protocol of 1938, there is enclosed a certified copy of the final act of the 1945 conference. The final act does not require ratification.

Article 1 of the present protocol amends article 7 of the 1937 agreement. It extends for the 1946–47 season the period during which factory ships or whale catchers attached thereto may be used to take or treat baleen whales in waters south of 40° south latitude from the period December 8 to March 7 to the period December 8 to April 7. This is a continuation of the 4-month season authorized in the 1944 protocol, with the exception that the starting date for the season is changed from November 24 to December 8, the date originally established by the 1937 agreement. The closing date is changed from March 24 to April 7 to compensate for the later opening of the season. The representatives at the conference were of the view that whales taken prior to December 8 had not spent sufficient time in the Antarctic feeding grounds to accumulate the optimum amount of fat, and that many of the whales carrying young have left the Antarctic feeding grounds prior to this date. At the same time it was thought practicable to extend the season beyond March 24, because recent experience had given some indication that ice conditions were not as important a factor as had been thought in the past.

Article 2 is carried over in identical substance from article I (ii) of the 1944 protocol. It provides that each contracting government intending to operate a factory ship in the area defined by article 7 of the 1937 agreement will notify the British Government, which in turn will inform the other contracting governments of such notice.

Article 3 continues the prohibition relating to the taking of humpback whales in any waters south of 40 degrees south latitude originally contained in article 1 of the 1938 protocol and reimposed by article 2 of the 1944 protocol. The purpose of this prohibition is to protect humpback-whale stocks in certain areas from depletion.

Article 4 retains the provision of the 1944 protocol imposing a limit of 16,000 blue whale units as the maximum catch of baleen whales in the 1946–47 season in the area defined by article 7 of the 1937 agreement. In addition, it provides machinery, which was not included in the 1944 protocol, to prevent the catch from exceeding the blue whale unit quota. Each contracting government undertakes to insure the submission of a weekly report to the International Bureau for Whaling Statistics on the number of blue whale units caught by each of its factory ships. If it appears from this information that the annual limit of 16,000 blue whale units will be attained before April 7, the above-mentioned bureau shall be requested to determine an earlier closing date and notify each contracting government thereof at least 2 weeks in advance. The taking of baleen whales in the area referred to shall be illegal after the date so determined.

Article 5 relaxes, during the period May 1, 1947, to October 31, 1947, the provisions of article 3, paragraph 2, of the 1938 protocol on the operation of factory ships as land stations in territorial waters.

Article 6 defines the expressions and technical terms used in the present protocol.

Articles 7, 8, and 9 are formal in their character. They relate to ratification of the protocol, accession thereto, and its entry into force. Article 8 provides that the present protocol shall come into force in its entirety as soon as instruments of ratifications or notifications of accessions have been deposited on behalf of all the signatory governments. The deposit of ratifications, however, by at least three signatory governments will make binding on those governments and each other government which subsequently ratifies or accedes, those portions of the present protocol which do not provide for relaxation of restrictions contained in previous whaling agreements which are still in force. The ratification of or accession to the present protocol will not be effective for any government not a party to the 1937 agreement and the 1938 protocol until such government becomes a party to that agreement and protocol.

For the further information of the Senate, a copy of the report of the delegation of the United States to the International Whaling Conference held at London November 20, 21, 22, 23, and 26, 1945, is furnished herewith.

Respectfully submitted.

JAMES F. BYRNES.

PROTOCOL

The Governments of the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, France, Mexico, the Netherlands, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Desiring, in view of the fact that pelagic whaling operations in the area defined by Article 7 of the international Agreement for the Regulation of Whaling, signed at London on the 8th June, 1937 (hereinafter referred to as the Principal Agreement), as amended by the Protocol signed at London on the 24th June 1938 (hereinafter referred to as the Protocol of 1938), have been interrupted for a considerable period by the war, and in order to meet the emergency produced by post-war conditions without prejudice to the conservation of stocks of whales, to put into force by agreement such provisions as may be necessary in regard to pelagic whaling for the season 1946/47;

Have agreed as follows:

ARTICLE 1

Subject to the provisions of Article 3 of the present Protocol, the period fixed by Article 7 of the Principal Agreement, during which factory ships or whalecatchers attached thereto may be used for the purpose of taking or treating baleen whales, shall be extended for the season 1946/47 so as to cover the period from the 8th December to the 7th April inclusive.

ARTICLE 2

Each contracting Government shall give notice to the Government of the United Kingdom when factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom will inform the other contracting Governments of all notices received under this paragraph and shall itself similarly give notice to the other contracting Governments if factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the said area.

ARTICLE 3

The prohibition contained in Article 1 of the Protocol of 1938 relating to the taking of humpback whales in any waters south of 40° south latitude shall apply during the season of 1946/47.

ARTICLE 4

(1) During the season of 1946/47 the number of baleen whales caught in the area defined by Article 7 of the Principal Agreement shall not exceed 16,000 blue whale units.

(2) For the purposes of paragraph 1 of this Article blue whale units shall be calculated on the basis that one blue whale equals—

(a) Two fin whales or

(b) Two and a half humpback whales or

(c) Six sei whales.

(3) Each contracting Government undertakes to ensure that the International Bureau for Whaling Statistics shall be provided, within 2 days after the end of each calendar week, with data on the number of blue whale units caught by each factory ship under the jurisdiction of the said Government in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom shall consult from time to time with the International Bureau for Whaling Statistics and if it should appear that the annual quota provided by paragraph (1) of this article may be reached before the 7th April, the International Bureau for Whaling Statistics shall be requested to determine, on the basis of the data provided, the date on which the annual quota of blue whale units shall be deemed to have been reached and to notify each contracting Government of that date not less than 2 weeks in advance thereof. The taking of baleen whales shall be illegal after the date so determined.

ARTICLE 5

The provisions of Article 3, paragraph (2), of the Protocol of 1938, regarding the operation of factory ships as land stations in the territorial waters of any contracting Government, shall not apply during the period from 1st May, 1947, to 31st October, 1947, inclusive.

ARTICLE 6

(1) In the present Protocol the following expressions shall have the meanings assigned to them in Article 18 of the Principal Agreement: "factory ship," "whalecatcher," "land station," "baleen whale," "blue whale," "humpback whale," "fin whale."

(2) Sei whale means, for the purposes of this Protocol, any whale known by the name of balaenoptera borealis, sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale, and shall be taken to include Balaenoptera brydei, Bryde's whale.

(3) The expression "land station" shall, for the purposes of Article 5 of the present Protocol, include a factory ship the movements and anchorage of which are confined to the territorial waters of any contracting Government.

ARTICLE 7

(1) The present Protocol shall be ratified and the instruments of ratification deposited as soon as possible with the Government of the United Kingdom; and it shall be open to accession on behalf of any Government which is a party to the Principal Agreement and the Protocol of 1938 and has not signed the present Protocol.

(2) Accession shall be effected by notification addressed to the Government of the United Kingdom.

(3) The Government of the United Kingdom shall inform the Governments which are parties or signatories to the present Protocol of all ratifications of this Protocol or accessions thereto.

ARTICLE 8

(1) The present Protocol shall come into force in its entirety when all the Governments referred to in the Preamble hereof shall have deposited their instruments of ratification or given notifications of accession.

(2) The provisions of this Article and Articles 2, 3, 4, 6 (1), 6 (2), and 7 of the present Protocol shall, when instruments of ratification have been deposited by at least three signatory Governments, become binding on those Governments and shall become binding on each other Government which subsequently ratifies or accedes, on the date of the deposit of its instrument of ratification or notification of its accession.

(3) The ratification of or accession to the present Protocol by a Government which is not a party to the Principal Agreement and the Protocol of 1938 shall not become effective until such Government becomes a party to that Agreement and Protocol of 1938.

ARTICLE 9

The present Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of 14 days thereafter.

In witness whereof the undersignd plenipotentiaries being duly authorised to this end by their respective Governments have signed the present Protocol.

Done at London this 26th day of November, 1945, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom, by whom certified copies will be transmitted to all the Governments referred to in the preamble.

For the Government of the Union of South Africa:

A. P. VAN DER POST.

For the Government of the Commonwealth of Australia:

J. S. DUNCAN.

For the Government of Canada:

VINCENT MASSEY.

For the Government of Denmark:

P. F. ERICHSEN.

For the Provisional Government of the French Republic:

NOEL HENRY.

For the Government of the United Mexican States:

ALFONSO DE ROSENZWEIG DIAZ.

For the Government of the Netherlands:

E. TEIXEIRA DE MATTOS.

For the Government of New Zealand:

R. M. CAMPBELL.

For the Government of Norway:

BIRGER BERGERSEN.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

A. T. A. DOBSON.
J. E. DE WATTEVILLE.

For the Government of the United States of America:

REMINGTON KELLOGG.
IRA N. GABRIELSON.

Certified a true copy. Foreign Office, London, December 27, 1945.

D. A. BIGBY,
Acting Librarian and Keeper of the Papers for the Secretary of State for Foreign Affairs.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

COLLECTOR OF INTERNAL REVENUE

The legislative clerk read the nomination of Henry Clifford Jones to be collector of internal revenue for the district of Oklahoma.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COLLECTORS OF CUSTOMS

The legislative clerk read the nomination of William H. Bartley to be collector of customs for customs collection district No. 33, with headquarters at Great Falls, Mont.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of William Jennings Bryan, Jr., to be collector of customs for customs collection district No. 27, with headquarters at Los Angeles, Calif.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Howard H. MacGowan, of Seattle, Wash., to be collector of customs for customs collection district No. 30, with headquarters at Seattle, Wash.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that the President be notified forthwith of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

RECESS

Mr. McCARRAN. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 42 minutes p. m.) the Senate took a recess until tomorrow, Saturday, July 20, 1946, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 19 (legislative day of July 5), 1946:

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons to be Foreign Service officers, unclassified, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Edward B. Bergman, of Pennsylvania.
Mrs. Katherine W. Bracken, of Florida.
Jack F. Conner, of Texas.
Bruce R. Crooks, of New Jersey.
Thomas A. Donovan, of North Dakota.
Charles T. Dougherty, of Missouri.
Thomas J. Duffield, Jr., of Masachusetts.
George M. Finch, of New York.
William Dale Fisher, of California.
Tibor A. Galambos, of New York.
Meyer L. Goldman, of Missouri.
Deane R. Hinton, of Illinois.
John J. Ingersoll, of Pennsylvania.
David K. Marvin, of Nebraska.
Vincent T. McKenna, of New York.
Joseph P. Nagoski, of Tennessee.
Albert V. Nyren, of Massachusetts.
James F. O'Connor, Jr., of New York.
John Newton Smith, of Kentucky.
Thomas B. Stauffer, of Illinois.
Richard H. Stephens, of Utah.
Robin E. Steussy, of Wisconsin.
Robert W. Stookey, of Illinois.
J. Charles Thompson, of Connecticut.
Parker D. Wyman, of Illinois.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 19 (legislative day of July 5), 1946:

COLLECTOR OF INTERNAL REVENUE

Henry Clifford Jones, to be collector of internal revenue for the district of Oklahoma.

COLLECTORS OF CUSTOMS

William H. Bartley, to be collector of customs for customs collection district No. 33, with headquarters at Great Falls, Mont.

William Jennings Bryan, Jr., to be collector of customs for customs collection district No. 27, with headquarters at Los Angeles, Calif.

Howard H. MacGowan, to be collector of customs for customs collection district No. 30, with headquarters at Seattle, Wash.

HOUSE OF REPRESENTATIVES

FRIDAY, JULY 19, 1946

The House met at 10 o'clock a. m.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou God of all grace, who alone canst supply our temporal needs and satisfy our eternal longings, Thou art again drawing us to Thyself in prayer for Thou knowest how feeble and faltering we are and how fickle and fitful in faith and in fortitude.

Grant that we may now unburden ourselves to Thy listening ear and understanding heart. We humbly confess that again and again we are haunted by a sense of misgiving, and we enter upon a new day hesitatingly and wistfully. When we are beset by perils, and life, with its difficult problems, presses hard upon us, we fear that they may overwhelm us. When trials and tribulations come, we are tempted to feel that we are the victims of a conspiracy of wicked circumstances. Our vision is often so dim and blurred and distorted and we know that we must see life in truer perspective and proportion.

God forgive us and forbid that any dark and despairing tempers of mind should assail and enslave us, for Thou hast created us not for failure and defeat but for victory and freedom, and in Thee we may find rest, release, and renewal. Help us to mobilize the great moral and spiritual resources, and with faith and valor may we forever banish the tragedies and tyrannies of war which have broken the heart of humanity and blasphemed the holy name of the Lord our God.

Hear us for the sake of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2125. An act to amend the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

S. 2326. An act to incorporate the Amvets, American Veterans of World War II; and

S. 2405. An act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes.

The message also announced that the President pro tempore has appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies:

1. Department of Commerce.
2. Department of the Interior.
3. Department of Justice.
4. Department of War.
5. Post Office Department.
6. Alien Property Custodian.
7. Federal Communications Commission.
8. Federal Security Agency.
9. National Archives.
10. National Housing Agency.
11. Office of Scientific Research and Development.
12. United States District Court for the Northern District of Illinois.
13. United States Maritime Commission.

EDWIN DOYLE PARRISH

Mr. COMBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1754) for the relief of Edwin Doyle Parrish, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$3,500" and insert "$5,000."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this is a substantial increase. Will the

gentleman explain the reason for increasing the amount?

Mr. COMBS. This claim is on behalf of a civilian who was injured at Lake Charles, La., during the rioting of some Army personnel. It later developed, after the bill had gone over to the Senate, upon further examination of the man's condition, it was found that his injuries were worse than had been anticipated. So the Senate increased the amount somewhat, as indicated in the bill.

Mr. MARTIN of Massachusetts. The reason I asked the question is that the Senate usually drastically reduces House bills, and I wondered what was the reason for this increase.

Mr. COMBS. That is the reason.

Mr. RICH. I fail to see where the Senate ever cut any House appropriation bill.

Mr. MARTIN of Massachusetts. I am not talking about appropriation bills.

Mr. RICH. This is something new, and it would be something new if they did it.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MRS. OPAL RILEY

Mr. COMBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5025) for the relief of Mrs. Opal Riley and Robert R. Riley, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, strike out "$5,578.24" and insert "$5,813.27."

Page 1, line 8, strike out "$5,578.24" and insert "$5,813.27."

Page 1, line 10, after "injuries", insert ", hospital, medical, and other expenses."

Page 1, line 10, after "her", insert "as the result of an accident."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

MARYLAND SANITARY MANUFACTURING CORP.

Mr. COMBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 4616) for the relief of the Maryland Sanitary Manufacturing Corp., of Baltimore, Md., with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 7, strike out "$524,755" and insert "$374,755."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

JASPER A. MEALER

Mr. COMBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5053) for the relief of the estate of Jasper A. Mealer, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$5,000" and insert "$7,500."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PAYMENT OF OVERTIME, LEAVE, AND HOLIDAY COMPENSATION

Mr. COMBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6532) to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 18, strike out all after "agencies" over to and including "$1,000" in line 2, page 4.

Page 4, after line 2, insert:

"SEC. 7. No part of any moneys appropriated for payments of amounts certified under this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with claims so appropriated for and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

WILLIAM EDWARD OATES

Mr. COMBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 78) for the relief of the estate of William Edward Oates, with a House amendment thereto, insist on the amendment of the House, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. COMBS, HEDRICK, and PITTENGER.

JAMES LEMUEL MUZZALL AND JAMES M. MUZZALL

Mr. COMBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1151) entitled "An act for the relief of James Lemuel Muzzall and James M. Muzzall," with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Amend the title so as to read: "An act for the relief of the legal guardian of James Lemuel Muzzall, a minor."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. COFFEE (at the request of Mr. SAVAGE) was granted permission to extend his remarks in the RECORD and include a newspaper article.

Mr. GRANAHAN asked and was given permission to extend his remarks in the RECORD and include a statement on the loan to Great Britain.

Mr. LANE asked and was given permission to extend his remarks in the RECORD and include an editorial which appeared in last night's Evening Star on cars for amputees.

Mr. FLOOD asked and was given permission to extend his remarks in the RECORD and include a letter from President Charles Rozmarok of the Polish-American Congress.

Mr. JARMAN asked and was given permission to extend his own remarks in the RECORD.

Mr. KUNKEL asked and was given permission to extend the remarks he made in Committee of the Whole on July 12 relative to the British loan, and include certain extracts from the hearings on that bill.

Mr. RICH asked and was given permission to extend his remarks in the RECORD and include a poem by Horace C. Carlisle, Where Are You Going To Get the Money?

Mrs. ROGERS of Massachusetts asked and was given permission to extend her remarks in the RECORD and include an article by a war amputee of World War I, two editorials, and an article in the New York Times.

Mr. PATMAN asked and was given permission to extend his remarks in the RECORD in two instances and to include certain statements and excerpts.

THE DEMOCRATIC PARTY AND THE CIO

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. I notice in the newspapers that the Democratic candidates in Pennsylvania have filed authorizations to the CIO for their election expenditures. In other words, it seems to me that Mr.

Guffey, Mr. Rice, Mr. Dent, and Mr. Schmidt are going to be candidates on the Democratic ticket and they authorized the CIO to run their campaign and figure out where they are going to get the money in order to conduct the campaign. As you know, the CIO has made repeated statements that they expect to raise a dollar from every one of their employees who is affiliated with the CIO and in that way collect a large campaign fund for the Democratic candidates in Pennsylvania. It does not look to me very good for the Democrats to turn over to the CIO the financing of their political campaign. A tie-up in Pennsylvania of the Democratic Party in partnership with CIO-PAC. Where is the Democratic Party going? Who knows? Why? Is it a sell-out? The authorization of the candidates reads as follows:

This is yours to receive and disburse money and incur liability to election expenses within the limits of the Pennsylvania election code in the furtherance of my candidacy.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

STREAM-POLLUTION LEGISLATION SHOULD BE ACTED ON BEFORE CONGRESS ADJOURNS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I notice an item in this morning's paper that there were 89 cases of infantile paralysis at Minneapolis, Minn. That is not very good publicity and I do not intend to give anybody any bad publicity, but I say that because it forcefully calls to mind one piece of legislation that should be passed by this body before it adjourns and that is the stream-pollution bill. There is a great deal of talk about adjournment. There is a great deal of work that should be done and a great many bills that should be considered before the Congress adjourns. None of them is more important than the stream-pollution bill which has been reported out of the Rivers and Harbors Committee and is pending on this calendar.

I do not undertake to say, Mr. Speaker, the cause of infantile paralysis at Minneapolis is found in the drinking water that they get out of the Mississippi River. I do know that at one time the drinking water, not only in that city but in other cities, was unfit because of sewage being dumped into the stream. Then the city of Minneapolis built a sewage-disposal plant so that they could treat the sewage.

In the city of Duluth, Minn., where I reside, there was a history of pollution of the waters of Lake Superior. The sewage was dumped into the lake by the city sewers, and then 3 or 4 miles away was the intake pipe for the drinking water of the city. A typhoid-fever epidemic cost numerous lives. The history of the progress made at Duluth, Minn., in taking care of its sewage there and in furnishing the people in the city with the finest drinking water in the world, out of Lake Superior, is very interesting. It is sufficient to say that a few years ago a sewage-disposal plant was built and a long step forward has been made to correct the evil of stream and lake pollution so far as it relates to the city of Duluth. The story, however, in connection with this problem in other localities is not a happy one. I recall a very prosperous city on the Ohio River having been mentioned some 4 or 5 years ago when the Committee on Rivers and Harbors of the House of Representatives was conducting hearings on a stream-pollution bill. The expert told how sewage was dumped into that river, not by one city but by a dozen cities. The water from that river was used by the city for drinking purposes. An elaborate system of purification works had been installed, so that the river water could again be made drinkable. The quaint way that the engineering expert expressed himself was in this manner:

For every gallon of Ohio River water that reaches the purification plant, 1 quart of that gallon is made up of the material which comes from the toilet in the city homes.

It hardly seems possible that a civilized people would permit such a condition to exist. Yet, that is exactly what is going on all over this country today. That is the kind of a condition that the pending stream pollution legislation will rectify and correct. It is important, before Congress adjourns, that we act on legislation of this character, which is of benefit to the American people and which directly concerns the health of the American people. I cannot help but feel, regardless of medical opinion, that the public health would be safer from epidemics such as this infantile paralysis epidemic, if domestic sewage and industrial waste could be kept from being dumped into our streams and lakes, out of which the drinking water of the people of our cities must come. This bill before us will go a long way to cure that evil.

ST. LAWRENCE SEAWAY AND POWER PROJECT

Then, Mr. Speaker, there are many other pending legislative proposals which ought to be acted on before this Congress adjourns. We ought not to adjourn until these propcsals do have consideration by Congress. No more important matter is before us now than the legislation dealing with the St. Lawrence seaway and power project. Nineteen months have elapsed since bills were introduced in Congress to deepen the navigation channels in the St. Lawrence River to a depth of 27 feet, and build a power plant at Massena, N. Y. There is no excuse for the long delay and many postponements in taking action on this legislation. The administration leaders who are anxious to adjourn Congress would do well if they brought this measure up for action and a vote before Congress adjourns.

OLD-AGE PENSION

Another subject which waits action deals with the passage of a bill to increase the old-age assistance payments to our aged citizens. They are very poorly taken care of under existing law. The payments that they receive are wholly inadequate to take care of their bills for room rent and food. They have a right to complain about being neglected and poorly treated by this national administration. Now, when announcement is made that the party leaders are going to have an adjournment within the next few days, we find still further delays being developed, so as to prevent us from considering national old-age pension legislation. We ought not to adjourn before that bill is passed.

The SPEAKER. The time of the gentleman from Minnesota has expired.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include certain statements and excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

[Mr. PATMAN addressed the House. His remarks appear in the Appendix.]

SPECIAL COMMITTEE TO INVESTIGATE THE ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

Mr. SMITH of Virginia. Mr. Speaker, on behalf of the Committee on Rules, I call up House Resolution 645.

The Clerk read as follows:

Resolved, That a special committee of five members be appointed by the Speaker of the House of Representatives to investigate and report to the House not later than January 3, 1947, with respect to the following matters:

1. The extent and nature of expenditures made by all the candidates for the House of Representatives in connection with their campaign for nomination and election to such office.

2. The amounts subscribed, contributed, or expended, and the value of services rendered, and facilities made available (including personal services, use of advertising space, radio time, office space, moving-picture films, and automobile and other transportation facilities) by any individual, individuals, or group of individuals, committee, partnership, corporation, or labor union, to or on behalf of each such candidate in connection with any such campaign or for the purpose of influencing the votes cast or to be cast at any convention or election held in 1946 to which a candidate for the House of Representatives is to be nominated or elected.

3. The use of any other means or influence (including the promise or use of patronage) for the purpose of aiding or influencing the nomination or election of any such candidates.

4. The amounts, if any, raised, contributed, and expended by any individual, individuals, or group of individuals, committee, partnership, corporation, or labor union, including any political committee thereof, in connection with any such election, and the amounts received by any political committee from any corporation, labor union, individual, individuals, or group of individuals, committee, or partnership.

5. The violations, if any, of the following statutes of the United States:

(a) The Federal Corrupt Practices Act.

(b) Title 18, section 61 to 61t, inclusive, United States Code, 1940 edition, relating to pernicious political activities, commonly referred to as the Hatch Act.

(c) The provisions of section 9, Public Law 89, Seventy-eighth Congress, chapter 144, first session, referred to as the "War Labor Disputes Act."

(d) Any statute or legislative act of the United States, or of the State within which

a candidate is seeking nomination or reelection to the House of Representatives, the violation of which Federal or State statute, or statutes, would affect the qualification of a Member of the House of Representatives within the meaning of article I, section 5, of the Constitution of the United States.

6. Such other matters relating to the election of Members of the House of Representatives in 1946, and the campaigns of candidates in connection therewith, as the committee deems to be of public interest, and which in its opinion will aid the House of Representatives in enacting remedial legislation, or in deciding any contests that may be instituted involving the right to a seat in the House of Representatives.

7. The committee is authorized to act upon its own motion and upon such information as in its judgment may be reasonable or reliable. Upon complaint being made to the committee under oath, by any person, candidate, or political committee, setting forth allegations as to facts which, under this resolution, it would be the duty of said committee to investigate, the committee shall investigate such charges as fully as though it were acting upon its own motion, unless, after a hearing upon such complaint, the committee shall find that the allegations in such complaint are immaterial or untrue. All hearings before the committee, and before any duly authorized subcommittee thereof, shall be public, and all orders and decisions of the committee, and of any such subcommittee shall be public.

For the purpose of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such public hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-ninth Congress, to employ such attorneys, experts, clerical, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, and to take such testimony, as it deems advisable.

8. The committee is authorized and directed to report promptly any and all violations of any Federal or State statutes in connection with the matters and things mentioned herein to the Attorney General of the United States in order that he may take such official action as may be proper.

9. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties prescribed by law.

That said committee is authorized and directed to file interim reports whenever in the judgment of the majority of the committee, or of a subcommitee conducting portions of said investigation, the public interest will be best served by the filing of said interim reports, and in no event shall the final report of said committee be filed later than January 3, 1947, as hereinabove provided.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. As I understand it, this is the usual committee to supervise elections?

Mr. SMITH of Virginia. It is customary to pass such a resolution as this every 2 years.

Mr. MARTIN of Massachusetts. Is there any change in the text from that of previous years?

Mr. SMITH of Virginia. I do not think so. I did not draft the resolution, but I do not think there is any important change.

Mr. MARTIN of Massachusetts. It has the unanimous report from the Committee on Rules?

Mr. SMITH of Virginia. Yes. I do not know of any objection to it and I advised the committee I would call it up this morning.

Mr. MARTIN of Massachusetts. I thank the gentleman.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SCIENTIFIC SPIES AND THE ATOMIC BOMB

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, on yesterday, and the day before, I warned the House that the best thing we could do would be to send the atomic-bomb bill back to the Military Affairs Committee for further study.

I warned you that from information the Committee on Un-American Activities has there are foreign spies working inside this plant at Oak Ridge, Tenn., trying to get the secret of the atomic bomb for the purpose of using it against the American people, as well as against our allies.

I call attention to the fact that in this morning's paper it is stated that five civilian spies have been caught out here at Aberdeen, Md., doing the same thing.

In order that you may know who they are, let me read you their names. One of them is Harry Spector. Another one is Irving Spector. Another one is called Abram Kotelchuck, another one Phil Weiss and another one Rheabel Mendelsohn.

It is time for America to be on guard against these subversive elements.

This is additional proof of the wisdom of recommitting this bill to the committee for further study.

The SPEAKER. The time of the gentleman from Mississippi has expired.

THIRD DEFICIENCY BILL, 1946

Mr. CANNON of Missouri. Mr. Speaker, I call up the conference report on the bill (H. R. 6885) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1947, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6885) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1947, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 24, 35, 56, 65, 74, 78, 79, and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 31, 32, 36, 40, 41, 42, 43, 44, 45, 47, 49, 50, 52, 53, 54, 58, 59, 61, 66, 67, 68, 70, 71, 72, 73, 75, 76, 80, 82, 84, 85, 87, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, and 118, and agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, and before the period, insert the following: ", one-half of such amount to be disbursed by the Secretary of the Senate and one-half by the Clerk of the House"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following: "or refuses in the determination of the Secretary of State"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided further*, That no part of the funds appropriated in this paragraph shall be used to pay the salary of any person engaged in preparing or disseminating general propaganda in support of price control"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$325,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, amended to read as follows: "That no payment shall be made under the provisions of such title of such Act to any person whom the Commission is convinced

collaborated with the enemy or committed any act involving disloyalty to the United States or the Commonwealth of the Philippines: *Provided further,*"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"DAY CARE CENTERS

"For all expenses necessary for the establishment, maintenance, and operation of a system of nurseries and nursery schools for the day care of children of school or under school age, including personal services, as authorized by Public Law 514, Seventy-ninth Congress, approved July 16, 1946, fiscal year 1947, $250,000."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"Public Roads Administration: Access roads, $320,596."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 33, 34, 46, 51, 52½, 60, 62, 63, 64, 69, 77, 81, 86, 119, 120, and 121.

CLARENCE CANNON,
LOUIS C. RABAUT,
W. F. NORRELL,
JAMIE L. WHITTEN,
JOHN TABER,
EVERETT M. DIRKSEN,
Managers on the Part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
RICHARD B. RUSSELL,
JOHN H. OVERTON,
C. WAYLAND BROOKS,
CHAN GURNEY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6885) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1947, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendments Nos. 1 to 8 and 10 to 18, inclusive, relating to the Senate: Appropriates, as proposed by the Senate, an additional amount of $371,250, under the following heads:

Office of the Secretary (salaries)	$4,160
Document room (salaries)	500
Clerical assistance to Senators	254,100
Office of Sergeant at Arms and Doorkeeper (salaries)	28,240
Contingent expenses of the Senate	84,250

Amendments Nos. 19 to 22, inclusive, relating to the House of Representatives: Appropriates an additional amount of $54,560.80 for salaries of officers and employees, pursuant to House Resolutions 90 and 691, as proposed by the Senate, and protects the technical assistant in the office of the attending physician against any forefeiture or reduction of pay by reason of his having been retired in a commissioned status instead of a noncommissioned status, as proposed by the Senate.

Amendment No. 23: Appropriates $3,600 for the pay of an assistant clerk, Joint Committee on Printing, as proposed by the Senate, amended to provide that payment of compensation shall devolve equally upon the Secretary of the Senate and the Clerk of the House.

Amendment No. 24: Strikes out the appropriation of $50,000 for salaries and expenses, Joint Committee on the Economic Report, proposed by the Senate.

Amendment No. 25: Continues available until August 31, 1946, the appropriation for the expenses of the commission to represent the United States at the Philippine independence ceremonies, as proposed by the Senate.

Amendment No. 26: Appropriates under the "Architect of the Capitol" $3,365 for altering and improving the barber shop in the Senate wing of the Capitol Building, as proposed by the Senate.

Amendment No. 27: Increases the amount limitation upon expenditures for printing, binding, and distributing the Federal Register from $550,000, as proposed by the House, to $554,681.06 as proposed by the Senate.

Amendment No. 28: Restores the effectiveness of the clauses making appropriations immediately available, contained in the Legislative Branch Appropriation Act, 1947, as proposed by the Senate.

Amendments Nos. 29, 30, 31, and 32, relating to the United Nations Relief and Rehabilitation Administration: Amends the House provision with regard to American press representatives in recipient countries by making failure or refusal to observe subject to the determination of the Secretary of State, and providing for the admission of a reasonable number of press representatives, all substantially as proposed by the Senate, but subject to further modification by reason of amendment No. 33, reported in disagreement.

Amendment No. 35, relating to salaries and expenses, Civilian Production Administration, 1947: Appropriates $18,000,000, as proposed by the House, instead of $20,000,000, as proposed by the Senate.

Amendment No. 36, relating to the War Assets Administration: Substitutes a comma for a semicolon.

Amendments Nos. 37 and 38, relating to salaries and expenses, Office of Price Administration: Appropriates $75,000,000 instead of $106,650,000, as proposed by the House, and $56,650,000, as proposed by the Senate, and bars the use of the appropriation for engaging in general propaganda in support of price control, as proposed by the Senate, excluding from the inhibition, however, its application to "any price-control program."

Amendment No. 39: Appropriates $325,000 for salaries and expenses, Federal Trade Commission, 1947, instead of $250,000, as proposed by the House, and $400,000, as proposed by the Senate.

Amendments Nos. 40, 41, and 42, relating to salaries and expenses, Office of War Mobilization and Reconversion, 1947: Extends the appropriation to include the Office of Contract Settlement, as proposed by the Senate.

Amendment No. 43: Inserts the fiscal year in the appropriation for veterans' decentralization allowances under the Public Buildings Administration, as proposed by the Senate.

Amendments Nos. 44 and 45, relating to damage claims, Public Roads Administration: Appropriates $1,172,850.67, as proposed by the Senate, instead of $64,942.28, as proposed by the House.

Amendments Nos. 47 and 48, relating to the appropriation for the Philippine War Damage Commission: Restores the House provision relative to payments to disloyal persons, amended to express more clearly the intent.

Amendments Nos. 49 and 50, relating to the appropriation for salaries and expenses, Selective Service System: Inserts the fiscal year and excludes from Budget Bureau revision the component parts of the appropriation, as proposed by the Senate.

Amendment No. 52: Appropriate for readjustment benefits, Veterans' Administration, an additional amount of $1,843,000,000 for the fiscal year 1947, as proposed by the Senate.

Amendments Nos. 53 to 59, both inclusive, relating to the District of Columbia: Appropriates and additional amount of $136,645.91 for the Collector's Office, fiscal year 1947, as proposed by the Senate; appropriates an additional amount of $45,200 for the Office of Administrator of Rent Control, fiscal year 1947, as proposed by the Senate; appropriates $250,000 for day care centers, instead of $344,000, as proposed by the Senate; restores the House provision barring the operation of the testing labcratory of the Highway Department and providing for the disposition of the equipment of such laboratory; appropriates $55,000 additional for salaries and expenses, National Guard, fiscal year 1947, instead of $35,080, as proposed by the House, and $105,240, as proposed by the Senate, and makes two textual corrections, as proposed by the Senate.

Amendment No. 61: Appropriates an additional amount of $10,000 for salaries and expenses, Bureau of Dairy Industry, Department of Agriculture, fiscal year 1947, as proposed by the Senate.

Amendment No. 65: Strikes out the authorization proposed by the Senate making certain appropriations of the Department of Commerce for the fiscal year 1947 available for medical care and subsistence in kind of departmental personnel in isolated areas in Alaska and other United States Territories and possessions, and for the relief of distressed persons in remote localities, all largely reimbursable except medical supplies to the total value of $2,500.

Amendments Nos. 66, 67, 68, and 70, relating to the Department of the Interior: Inserts a fiscal year in the appropriation for the Solid Fuels Administration for War; appropriates $50,000 for maintenance, San Carlos irrigation project, Gila River Reservation, Ariz., and appropriates $500,000 for the Colorado River front work and levee system, all as proposed by the Senate.

Amendments Nos. 71 to 75, inclusive, relating to the Navy Department: Appropriates $2,589.96 for damage claims, as proposed by the Senate, instead of $1,224.89, as proposed by the House; appropriates $28,750,000 for transportation of things, Navy, 1947, as proposed by the Senate; strikes out the authorization proposed by the Senate for using $50,000 of the appropriation "Medical Department, Navy, 1947," for making a general administrative and operational survey of naval hospitals, and strikes out, as proposed by the Senate, the authorization proposed by the House for the acquisition of certain parcels of land, including such improvements as there may be thereon.

Amendment No. 76: Appropriates $8,179 additional, fiscal year 1947, for salaries, Office of the Postmaster General, as proposed by the Senate.

Amendments Nos. 78, 79, and 80, relating to the Department of State: Strikes out the appropriation of $20,418.72 proposed by the Senate for International Office of Public Health, and appropriates, as proposed by the Senate, $339,853.60 for the liquidation of the International Institute of Agriculture at Rome, Italy.

Amendments Nos. 82 and 83, relating to the Treasury Department: Makes Coast Guard appropriations available for the payment of

claims authorized by law, as proposed by the Senate, and restores the House provision requiring funds available for strategic and critical materials in excess of the amount needed for storing the surplus of such materials to be carried to the surplus fund and covered into the Treasury.

Amendments Nos. 84, 85, and 87, relating to the War Department: Appropriates $398,405.94 for damage claims, as proposed by the Senate, instead of $108,638, as proposed by the House, and appropriates $3,800,000 additional for rivers and harbors, under "Civil functions, Corps of Engineers," as proposed by the Senate, instead of $2,500,000, as proposed by the House.

Amendment No. 88: Appropriates an additional amount of $15,116 for salaries, United States Supreme Court, fiscal year 1947, as proposed by the Senate.

Amendments Nos. 89 and 90, relating to surplus appropriation rescissions: Rescinds $320,596 of funds available for access roads, Public Roads Administration, instead of $641,193, as proposed by the House, and no rescission, as proposed by the Senate, and rescinds $199,000 of the maritime training fund, Coast Guard, as proposed by the Senate, instead of $274,325, as proposed by the House.

Amendments Nos. 91 to 118, inclusive, relating to judgments and authorized claims: Appropriates $8,720,457.59, as proposed by the Senate, instead of $5,860,420.91, as proposed by the House.

AMENDMENTS IN DISAGREEMENT

Amendment No. 33, relating to the appropriation for the United Nations Relief and Rehabilitation Administration. It will be moved to insert in lieu of such amendment, the following:

"without any deletions or modifications by censorship of their reports dealing with such subjects: *Provided further*, That none of the funds herein appropriated shall be used for the transportation, delivery, or distribution of any supplies, commodities, or equipment to or for any recipient country until the Director General of the United Nations Relief and Rehabilitation Administration has advised the Secretary of State that such country has arranged for the prompt distribution of such supplies, commodities, and equipment"

Amendment No. 34, relating to surplus property, care and handling. It will be moved to insert in lieu of such amendment, the following:

"SURPLUS PROPERTY, CARE AND HANDLING

"Surplus property, care and handling: That current naval and military appropriations shall be available for the care and handling of property wherever situated declared surplus to disposal agencies pending reimbursement for such expenses by such disposal agencies or in consequence of supplemental appropriations hereafter made directly to the owning agencies, any law to the contrary notwithstanding: *Provided*, That reimbursement shall not be made for pay and allowances and subsistence of military and naval personnel within the numbers appropriated for heretofore."

Amendment No. 46, relating to veterans' educational facilities, Bureau of Community Facilities. It will be moved to recede and concur in such amendment with an amendment making the appropriation $75,000,000, instead of $100,000,000, and limiting the amount for administrative expenses to $3,000,000 instead of $4,000,000.

Amendment No. 51, relating to the United States Maritime Commission. It will be moved to recede and concur in such amendment.

Amendment No. 52½, relating to the operation of canteens by the Veterans' Administration. It will be moved to recede and concur in such amendment with an amendment providing an appropriation of $4,000,000, instead of $5,000,000.

Amendment No. 60, appropriating an additional amount, fiscal year 1947, for inspection and quarantine, Bureau of Animal Industry, Department of Agriculture. It will be moved to recede and concur in such amendment.

Amendment No. 62, relating to the Commodity Credit Corporation. It will be moved to insert in lieu of such amendment the following:

"COMMODITY CREDIT CORPORATION

"Notwithstanding any other provision of law, the Commodity Credit Corporation is authorized to purchase surplus potatoes (including sweetpotatoes) produced during the year 1946 and to process and sell such potatoes to any foreign country, and, upon requisition, to the Army and to the United Nations Relief and Rehabilitation Administration for the relief of hungry people."

Amendment No. 63, relating to the transfer of funds from the appropriation "Compiling census reports, and so forth, 1946," to the Bureau of Standards. It will be moved to recede and concur in such amendment.

Amendment No. 64, amending the appropriation in the Department of Commerce Appropriation Act, 1947, for the compilation of foreign trade statistics. It will be moved to recede and concur in such amendment.

Amendment No. 69, appropriating additional amounts for the construction of reclamation projects.

Amendment No. 77, lifting the existing limitation upon allowances for living quarters of Foreign Service personnel as to such personnel serving at posts in certain specified countries. It will be moved to recede and concur in such amendment.

Amendment No. 81, relating to the replacement or rehabilitation of facilities in the Philippine Islands.

Amendment No. 86, providing for mustering-out payments to certain former members of the armed services. It will be moved to recede and concur in such amendment.

Amendment No. 119, increasing from $1,050 to $1,300 the previously established ceiling price to be paid for passenger-carrying automobiles. It will be moved to recede and concur in such amendment.

Amendment No. 120, repealing previously enacted provisions limiting passenger-automobile procurement to used or surplus vehicles. It will be moved to recede and concur in such amendment.

Amendment No. 121, changing a section number. It will be moved to recede and concur in such amendment.

CLARENCE CANNON,
LOUIS C. RABAUT,
W. F. NORRELL,
JAMIE L. WHITTEN,
JOHN TABER (except as to amendment No. 64),
EVERETT M. DIRKSEN,
Managers on the Part of the House.

Mr. CANNON of Missouri. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, we present here the conference report on the last appropriation bill for the session, and with it 16 amendments in disagreement. Two of those amendments are brought back because of actual disagreement between the two Houses. The other 14 are brought back because of the parliamentary requirement which makes it necessary to bring them back in disagreement. We will dispose first of the conference report and then take up in turn each of the 16 amendments on which there has been no agreement.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Pennsylvania.

Mr. RICH. With reference to these day-care centers, you have given $250,000 for them. Is that for the District of Columbia proper?

Mr. CANNON of Missouri. It is limited solely to the District of Columbia and paid out of District of Columbia funds.

Mr. RICH. We appropriate that money for the District of Columbia.

Mr. CANNON of Missouri. Exclusively from District of Columbia funds.

Mr. RICH. So that the Federal Government is now maintaining these day-care centers for the women who have children and are working possibly in the Government.

Mr. CANNON of Missouri. On the contrary, the District of Columbia is maintaining them.

Mr. RICH. We appropriate the money to the District of Columbia.

Mr. CANNON of Missouri. Yes; the Congress acting, under the Constitution, as a city council for Washington, appropriates it out of District funds.

Mr. RICH. We appropriate that money for these day-care centers. These women that have children, instead of staying in their homes and taking care of the children, have day-care centers where their children are taken care of and they go out and work. It does not seem to me that is the American way of bringing up children. They ought to cut that out.

Mr. CANNON of Missouri. The Committee on Appropriations did not initiate this matter. The Congress passed a legislative bill authorizing this work, and the gentleman from Pennsylvania was present when the bill passed the House. In conformity with that specific authorization, an estimate came in here for a good deal more than this amount. It is paid not out of the Federal Treasury, not out of funds paid into the United States Treasury by the Federal taxpayers, but out of funds of the District paid in by the District taxpayers.

Mr. RICH. But the Federal Government gives $8,000,000 a year additional over what they wanted for the regular appropriation. That money is used for this particular purpose. You cannot deceive the people with statements of that kind. You know the Federal Government is paying the District of Columbia that money.

Mr. CANNON of Missouri. The gentleman understands that whether we appropriate this money for child-care centers or not, we still have to make the $8,000,000 contribution. If we did not appropriate a cent for this purpose we would still have to pay the $8,000,000. I think it is too much, but the gentleman and his colleagues have voted it, and I yield always to the will of the majority. This appropriation for child-care centers is in direct response to a bill passed

by a majority of this House. That is in accordance with the American principle of self-government.

Mr. RICH. I voted for the $8,000,000 for the District because I wanted to help the District, but if the District is going to spend its money this way, the next time I vote money for the District I will know what they are going to spend it for. They are not going to put across anything like this.

Mr. DOYLE. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from California.

Mr. DOYLE. I wish to make this observation in view of the observation by the gentleman from Pennsylvania, that I do not know of any place as important for the District or any other governmental unit of this country to spend money as in the field of underprivileged children. I am very happy indeed to see the District spending money in the interest of preserving the character and health of her children who have no normal home life.

Mr. RICH. If they maintained their homes and the women stayed home and took care of their children, they would have a normal home life.

Mr. CANNON of Missouri. Mr. Speaker, this conference report disposes of the last regular supply bill, winding up the appropriation measures for the session. In a day or so we shall meet to consider an appropriation effecting the payments under the recently passed bill authorizing terminal leave for noncommissioned personnel of the armed services. That will be the final report of the Committee on Appropriations. I wish to emphasize that that appropriation also will be in response to a vote by the House and the Senate on a bill submitted by the legislative committee having jurisdiction of the matter.

This conference report is the last stage in the enactment of the third general deficiency bill, 1946, which we passed on June 28. It left the House carrying appropriations in the total amount of $724,571,909.33. It came back to us from the other body carrying a total of $2,784,134,974.68. As we present it for final disposition it would make available a total of $2,652,860,866.96, assuming approval of amendment No. 69, which is yet to be disposed of.

The statement which has just been read contains an accounting of the matters involved. After the bill left the House, the Senate was presented with estimates of appropriations for or on account of veterans in the total amount of $1,982,682,624.92. That amount is included in the total of the additional amount to which the House conferees have agreed. It constitutes by far the major part of the difference between the House and Senate versions of the bill.

If the action of the conference committee be approved, the bill will carry $240,706,246 less than the estimates considered in connection therewith, still assuming approval of amendment No. 69.

With the approval of this bill, which contains a number of regular annual appropriations, all of the regular annual appropriations for the new fiscal year which started the first of this month will have been provided.

The final approval dates of some of the measures has been or will be late, but obligations under all have been made legal by reason of a protective provision included in the Third Urgent Deficiency Appropriation Act, 1946, which became law on June 21, 1946.

As to the regular annual bills which failed to meet the date line—there are five of them—I wish to give you the exact dates.

They may be tabulated as follows:

Passed House:	
Treasury-Post Office	Feb. 14
Coast Guard	May 20
Labor-Federal Security Agency	June 11
Government Corporations	June 13
Military Establishments	June 21
Passed Senate:	
Treasury-Post Office	June 21
Coast Guard	June 28
Labor-Federal Security Agency	June 28
Government Corporations	June 29
Military Establishments	June 28

As will be noted, the Treasury and Post Office appropriation bill passed the House on February 14. It has been on the other side of the Capitol all this time. It had passed the House on February 14 and did not pass the Senate until June 21.

The Coast Guard appropriation bill passed the House on May 20 and passed the Senate on June 28.

The Labor-Federal Security appropriation bill passed the House on June 11 and passed the Senate on June 28.

The Government corporations appropriation bill passed the House on June 13 and passed the Senate on June 29.

The Military Establishments appropriation bill passed the House on June 21 and passed the Senate on July 28.

The military bill was late passing the House because the military budget was not presented until May 3. Similarly, the Government corporations bill was not presented until June 13 because the Budget was not presented until May 2, 1946. Both of these bills were highly important. I submit the dates of their presentation to the House were as early as conditions warranted and permitted. In short, the Committee on Appropriations has passed supply bills this year under many heavy handicaps and with exceptional expedition. We have every reason to take pride in the speed made in the prompt enactment of budgets submitted to us.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Pennsylvania.

Mr. RICH. In authorizing these appropriations for the deficiency in an amount that is supposed to be given to a particular department of government, does the Deficiency Committee go back to a subcommittee of the Appropriations Committee and have them check back to see whether these amounts are necessary and essential?

Mr. CANNON of Missouri. The gentleman brings up a very interesting chapter in the history of the committee. Until recently, the Committee on Appropriations gave no opportunity to members of subcommittees dealing with regular annual appropriations to sit with the subcommittee having charge of deficiencies.

Mr. RICH. Did I understand you to say until recently?

Mr. CANNON of Missouri. Until I became chairman.

Mr. RICH. And now you go back to your subcommittees and permit them to pass on the amounts that are esssential for the subcommittee's appropriations?

Mr. CANNON of Missouri. When any deficiency item is taken up, we always invite the chairman and the ranking minority member of the subcommittee which had the original bill and which made the original appropriation to sit with us and participate with us, and we give their recommendations every consideration.

Mr. RICH. Well, you have appointed a subcommittee to look after each department of Government. If that subcommittee is going to be responsible for the operation of that department of Government in the appropriation of funds, it seems to me that no funds should be appropriated by the Deficiency Subcommittee until after the subcommittee approves those funds. That is the only way you are going to get good government in the Appropriations Committee.

Mr. CANNON of Missouri. That is exactly the reason why we made this change in the procedure, and I am glad to find the gentleman from Pennsylvania endorses it.

Mr. RICH. I am not endorsing it unless you take in the whole committee.

Mr. CANNON of Missouri. Perhaps the gentleman would like to go just a little further and take in the entire House. There has to be a limit some place. When his chairmen were in charge they did not consult anybody.

Mr. Speaker, in connection with the preparation of the budget for the coming year, the committee has advised the Director of the Bureau of the Budget that it shall expect the 1948 budget to include all regular annual estimates of appropriations, and that course will be followed, according to word we have received from that official. We countenanced during the war years the late submission of budgets for the armed services, and it was not practicable owing to the recent readjustment, to include provision for Government corporations in the regular 1947 budget.

We are here dealing with the last appropriation bill, except, as I previously indicated, a resolution dealing with terminal-leave pay for veterans, and I shall include in my remarks at this point a statement, by bills, of all of the estimates of appropriations that have been presented for the consideration of the Congress at this session, and of the appropriations that have been voted, omitting the amounts that have been appropriated in private bills, which will not aggregate a great deal. The figures are sufficiently complete and accurate for all practical purposes, but will be supplemented later by a final and more comprehensive statement.

Comparative statement of estimates of appropriations submitted during the second session of the Seventy-ninth Congress and of appropriations made during such session

Bill	Estimates	Appropriations	Increase (+) or decrease (−)
Regular annual bills, 1947:			
Department of Agriculture	$590,405,672	$581,240,121	−$9,165,551
District of Columbia	81,505,000	76,755,009	−4,749,991
Independent offices	5,140,876,502	5,094,976,677	−45,899,825
Interior Department	350,367,230	247,167,036	−103,190,194
Department of Labor, Federal Security Agency, and related independent agencies:			
Labor	131,701,100	140,456,443	+8,755,343
Federal Security Agency	726,569,300	696,183,527	−30,385,773
Related agencies	319,805,500	318,375,700	−1,429,800
Total	1,178,075,900	1,155,015,670	−23,060,230
Legislative branch	58,339,134	53,809,736	−4,529,398
Military	7,208,207,429	7,263,542,400	+55,334,971
Navy	3,765,399,000	4,119,659,300	+354,260,300
State, Justice, and Commerce Departments, and Judiciary:			
State	134,887,831	128,008,752	−6,879,079
Justice	98,063,050	99,752,250	+1,689,200
Commerce	238,755,000	193,884,720	−44,870,280
The Judiciary	16,591,720	16,057,490	−534,230
Total	488,297,601	437,703,212	−50,594,389
Treasury and Post Office Departments:			
Treasury	335,978,000	325,290,250	−10,687,750
Post Office	1,298,239,190	1,279,571,890	−18,667,300
Total	1,634,217,190	1,604,862,140	−29,355,050
War Department—civil functions	338,638,509	333,230,498	−5,408,011
Coast Guard	134,920,000	116,226,000	−18,694,000
Government corporations	983,048,848	60,086,287	−922,962,561
Total, regular annual bills	21,952,288,015	21,144,274,086	−808,013,929
Supplemental, deficiency and miscellaneous bills:			
Urgent deficiency bill, 1946	3,713,000	3,347,200	−365,800
Second urgent deficiency bill, 1946	362,879,807	364,114,807	+1,235,000
Third urgent deficiency bill, 1946	676,444,961	661,847,988	−14,596,973
Second deficiency bill, 1946	71,198,695	61,601,337	−9,597,358
Third deficiency bill, 1946	[1] 3,028,567,112	2,652,860,866	−375,706,246
Miscellaneous (House joint resolutions)	935,143,769	934,966,469	−177,300
Total, supplemental, deficiency, and miscellaneous bills	5,077,947,344	4,678,738,667	−399,208,677
Permanent and indefinite appropriations	7,343,333,410	7,343,333,410	
Grand total	34,373,568,769	33,166,346,163	−1,207,222,606

[1] Includes $135,000,000 for UNRRA provided for in Second Supplemental Surplus Appropriation Rescission Act, 1946.

From this statement it will be seen that the estimates of appropriations aggregate $34,373,568,769. It shows the sum of the appropriations as $33,166,346,163.

The total of the estimates exceed by $3,706,250,939 the total amount projected in the Budget—$30,667,317,830. Of the excess, $3,287,551,000 is on account of the Veterans' Administration.

The SPEAKER. The gentleman from Missouri has consumed 15 minutes.

Mr. CANNON of Missouri. Mr. Speaker, I will require another 10 minutes.

The idea is often expressed, both here on the floor and in the press, that Congress ought to cut down appropriations arbitrarily. A great many appropriations are of a character which are not susceptible to reduction by any amount. We have here in this bill an example of such a situation. Of this excess, $3,287,551,000 is on account of the Veterans' Administration, which must be taken care of in full.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Pennsylvania.

Mr. RICH. Do you, as chairman of the Appropriations Committee, know that you went in the red last year $21,000,000,000? Do you know that at the rate you are appropriating money, you, as the head of this Appropriations Committee, are going to go in the red $10,000,000,000 this year or else I do not know my name? I want to know from you where you are going to get this money. I would like you to tell this House of Representatives if you are going to continue spending in appropriations like you have been, what is going to happen to this country. I would like somebody to tell the House what is going to happen. If you do not do your duty from now on, this country is going to be broke.

Mr. CANNON of Missouri. I will say to the gentleman now that we appropriated this money in response to the vote of the gentleman from Pennsylvania.

Mr. RICH. No; you did not do any such business.

Mr. CANNON of Missouri. The gentleman just confessed that he voted in this House to increase the Federal contribution to the District of Columbia to the amount of $2,000,000.

Mr. RICH. Yes; I voted to give an additional $2,000,000 to the District of Columbia. Why should I not, when the Congress voted to give $3,750,000,000 to a foreign nation?

Mr. CANNON of Missouri. The gentleman should have made that speech last week; that is not before the House of Representatives today.

But the gentleman who is decrying appropriations voted for the $2,000,000 when I voted against it. And now he comes complaining because he won and I lost.

I also note that the gentleman a few days ago voted to appropriate millions of dollars to complete vessels less than 30 percent complete when we have now more vessels than we know what to do with and are sinking them or putting them away in expensive cold storage. The gentleman voted to spend the money and I voted not spend it—money absolutely thrown away.

Returning to the tabulation which I have submitted, by way of recapitulation, it will be noted that the estimates of appropriations aggregate $34,373,568,769. The sum of the appropriations is $33,166,346,163.

The total of the estimates exceed by $3,706,250,939 the total amount projected in the Budget—$30,667,317,830.

The summation clearly demonstrates that there has been a determined effort on the part of the President to hew to the line marked out in his budget message of January 14, 1946 (H. Doc. 411) leading to a balanced budget in the fiscal year which has just commenced, and an equal determination on the part of the Appropriations Committees of the Congress, and of the Congress itself—not in any sense individually, but by majority action or concurrence, to attain that objective.

The way has not been easy; nor will it be ahead. The effort is not over. The fiscal year is just beginning, and the objective could yet be defeated. Very great pressures arise and will continue to rise to make drafts upon the Treasury for many types and kinds of projects, some meritorious and some of doubtful merit. But even the fact that an expenditure of money is meritorious is no reason why we

should appropriate the money if we have not the money to appropriate.

Mr. RICH. Now you are talking. I hope you will keep that up.

Mr. CANNON of Missouri. I hope the gentleman will just stay with us in such instances. If he will refrain from voting additional Federal contributions and to build useless ships and so forth, we will save money even in this session.

To keep within a prescribed ceiling—and there must be predetermined ceilings in budget balancing efforts, since revenues are not definitely predictable, requires effort on the part of those of us who have the burden of recommending or of refusing to recommend to the House the grant of appropriations.

Mr. RICH. Mr. Speaker, will the gentleman yield at that point?

Mr. CANNON of Missouri. I yield to the gentleman for Pennsylvania.

Mr. RICH. Does not the gentleman know that he has not balanced the budget since 1931? The budget has not been balanced and you have been from a billion and a half to sixty billions a year off. You are off $21,000,000,000 last year and you will be off $10,000,000,000 next year. With that kind of spending you never will have a balanced budget.

Mr. CANNON of Missouri. The gentleman goes back over a period of 20 years; and, like Rip Van Winkle, he has been asleep all these 20 years.

When we took over this Government after 10 years of misrule, it was in a deplorable situation, the banks busted, no employment, the country gone to the dogs. We had to retrieve that situation. And we did retrieve it.

And in the meantime, while the gentleman may not have been aware of it, we have had a war.

Mr. RICH. You have been on the greatest joyride you ever had.

Mr. CANNON of Missouri. We won that war, if that is what the gentleman means. Of course, it takes money to win a war, and no nation ever maintained a balanced budget during wartime.

Our greatest difficulty today ensues from the free spending that prevailed over the war and the war-readying years. Out of it has grown a point of view, manifested both in and out of Congress, that the wherewithal somehow, someway, sometime will be forthcoming. Money-spending propositions are advocated without regard to the "must" spending total or the demand upon revenues that such "must" total along imposes. This or that project will cost relatively little, it is argued, but this or that project, if we harken to the proponents, could amount to a great big lot, and I say to you that it is that measures adding new demands be held in abeyance to the greatest extent practicable if it be our aim and purpose to put and keep our Federal finances in order.

There is no alternative. There is no way to accomplish that except to quit spending.

Mr. RICH. That is right.

Mr. CANNON of Missouri. This House on a number of occasions has evidenced no intention of adopting such an economy program.

Mr. Speaker, let me say that it is not a particularly pleasant task to me, it is not a particularly pleasant task to the committee or to any member of the Committee on Appropriations, to oppose the projects of various Members, but there is no other course to pursue if we are to deal with this matter sensibly.

Here is what invariably happens: After these bills pass the Senate and the Senate has added additional expenditures, there is a rush of Members, both Senators and Members of this House, to us saying, "Now, we want you to agree to the Senate amendments. We must have more money." But we have been instructed by the House not to agree to the Senate amendments. I do not agree. As a result I am the most unpopular man standing around within a radius of 25 feet.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Pennsylvania.

Mr. RICH. Does the gentleman find it difficult to say "No" to the Members when he knows these requests ought not to be granted?

Mr. CANNON of Missouri. I find no difficulty whatever in saying "No." But I do find it difficult to get the House to back me up when I do say "No." A lot of gentlemen, like the gentleman from Pennsylvania, talk economy but do not vote economy. There is a vast difference between talking economy and voting economy; between asking "Where are you going to get the money?" and voting to increase the Federal contribution; between talking economy and voting to build more battleships, when the material, and the labor, and especially the money, are needed for reconversion.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Michigan.

Mr. RABAUT. How many bills has the gentleman who just interrogated the chairman of the Committee on Appropriations voted against that appropriated money?

Mr. RICH. Practically all of them.

Mr. RABAUT. When? Did the gentleman vote against the war effort?

Mr. RICH. We have not been in the war 25 years. The gentleman has been one of the greatest spenders we ever had around here. It is about time some of you realized that we cannot go on this way.

Mr. CANNON of Missouri. The gentleman is great on precept but he is short on practice.

Until very recently the prospects were exceptionally bright for the end of deficit spending with the close of the fiscal year just terminated with the aid, however, of some surplus income, which would be diverted from debt retirement, a course admittedly distasteful, but made necessary by circumstances and demands not earlier foreseeable.

Lately, those prospects have dimmed. Personally, I believe we can do what we earlier set out to do with the aid of surplus income in greater measure than first planned. It is quite important that we make every effort to carry out the program. Deficit spending, which the war occasioned, may be said to have been the genesis of the inflation we are now experiencing. We must remove that influence insofar as it is an influence, upon the continuing inflationary pressures. We should exercise our responsibility by word and deed. I stress the word "deed" because we hear so many fine-sounding utterances, but when opposition is wanted, it is often lacking, and when votes are wanted, they are on the wrong side. Some project for the home district or the home State engenders a lapse of purpose and the job of budget balancing is made more difficult. I have in mind, for example, the advancement of the commencement of public works of various kinds that have been planned for construction in leanwork periods. Also the construction of naval vessels, less than 30 percent completed, which the chief constructor of the Navy testified he would not build if he were commencing anew because of war lessons, and that statement was made when Bikini was still well in the offing. Words mean nothing if the Members of the Congress do not live up to them.

As I said earlier, we have adhered closely to the appropriation program projected in the President's budget message. Practically all the excess is traceable to a succession of unanticipated demands coming from the Veterans' Administration. Such excess naturally will mean larger expenditures during this new fiscal year than previously contemplated, but, fortunately, earlier estimates of income and outgo for the fiscal year just closed have turned more favorable. Expenditures turned out to be lower and incomes turned out to be higher, giving us a larger initial base of operating funds for this new fiscal year than appeared likely back in April. The outlook today is promising for a continued high level of income. The January 1946 prediction for the 1946 fiscal year was $38,600,000,000. The April prediction was $42,900,000,000. The daily Treasury statement for June 28, 1946, reported the actual net receipts to have been $43,037,798,808.05. A high level of production is under way. Director of War Mobilization and Reconversion, Mr. John R. Steelman, in his report of June 30, 1946, stated that "total production of goods and services stands at the highest point in peacetime history." To hold that advantage and to expand it depends very largely upon what we do here in fostering production and aiding in stabilization. That is the key to budget balancing. It means a rise or fall in Treasury income, and if we can do as well or better during this fiscal year than we were doing prior to July 1, the chances of Treasury demands over the new 12-month fiscal year period coming within Treasury receipts are better than good.

The expenditure load for the fiscal year 1947, prophesied in the January Budget message, was $35,800,000,000. That figure will need to be added to to an appreciable extent, possibly somewhere around $5,000,000,000, because of veterans' programs, increased military and

civilian Government wages and salaries, and deferral into the fiscal year 1947 of charges previously anticipated to be met in the fiscal year 1946.

One recent and unlooked-for expense will be that of paying terminal-leave pay to separated noncommissioned personnel of the armed services. I voted for the bill, which has passed the House, authorizing payment for such leave. It is an equitable and just measure. It would be gross discrimination not to treat all members of the armed services alike as regards such a gratuity. I think it would be far less inflationary and quite satisfactory, if not preferable, to a great majority of the recipients-to-be, were the bill to provide for payment in bonds, a wholly workable arrangement in my judgment, excepting fractional amounts that the usual denominations would not cover, which could be paid in cash. I suggested such a course before the authorizing legislation was considered by the House, and a procedure much in line with the suggestion, I am advised, will be presented to the Senate. Budget balancing otherwise would be wholly impracticable and the consequent inflationary pressures would be extremely harmful both to the veterans and to the country generally.

I do not know whether it is fully appreciated, but the fiscal record that has been made since VJ-day is truly remarkable. This time a year ago the Nation was still at war. Japan sued for peace on August 10, 1945, approximately 11 months ago. Expenditures during the last whole fiscal year of war—the fiscal year 1945—had exceeded the one hundred billion figure. In a part-war year, with war production in full swing and the armed forces at peak levels on VJ-day, expenditures during the fiscal year just closed grossed about $65,000,000,000, and during the present fiscal year we should be able to reduce that amount by something under 40 percent.

When we pause to reflect upon why we cannot retrench more quickly, and in larger amounts, the principal reasons become quite obvious. Here are some demands which are in a sense sacrosanct, at least, for the present:

Interest on the public debt	$5,000,000,000
Statutory debt retirement	592,000,000
Internal Revenue and Customs refunds	1,585,000,000
Army and Navy	11,000,000,000
Veterans' pensions and benefits, including emergency housing, school facilities and terminal leave pay	7,718,693,415

That list totals $25,895,693,415.

Fortunately, all of the components are not recurring, but there is no getting away from such a charge now.

The difference between such total and the total of the appropriations for the session, namely, $7,718,693,415, is for every other kind of expense of the Government—Agriculture, Public Works, the Postal Service, the Department of State, the Department of Justice, the Department of Labor, the Department of Commerce, social-security programs, miscellaneous executive agencies, and the judiciary. The statement introduced earlier contains the individual amounts, and discloses, apart from the armed services, a consistent retrenchment policy. A determined effort has been made to keep such appropriations down to minimums consistent with the general welfare. I will not say that we have been wholly successful, because control in the legislative branch is in many hands and dominated by varying influences and considerations.

One important reason why they exceed appropriations of prewar years is the item of pay. Pay runs as high as 85 percent of the appropriations for some agencies, and, subsequent to November 1942 there have been a succession of pay increases, with the result that today salaries in the former $2,000 to $8,000 range are up roundly from 25 to 32 percent. It is always a very considerable item. Another is a more liberal policy under the Classification Act as regards within grade advancements and advancements in grade. Also, the terminal leave statute, particularly as it is being applied, creates an appreciable expense which will continue until agencies have become stabilized and turn-over lessens. Stabilization will be hastened by the provision in the new Federal pay law establishing an over-all ceiling on the number of Federal employees.

War agencies have been responsible for swelling the Federal pay roll. Now they are rapidly folding up. At the end of June 1945 their staffs totaled 161,958. As of the end of May 1946 the number had dropped to 58,815, and 81 percent of that number were in two agencies—OPA and Selective Service.

Omitting the Army and Navy, the postal service, and the Veterans' Administration, the appropriations for 1947 contained in the regular annual bills, if we make allowance for the higher pay of Federal personnel, aggregate approximately $700,000,000 above the regular annual bills for the fiscal year 1940. We submit that is a very creditable showing. An itemized distribution of that amount, which is a net amount, would be a tremendous task. A comparison by bill totals would mean little because there has been much shifting of items since 1940, and new activities have come into being. Roundly, $600,000,000 of the $700,000,000 as between the two fiscal years may be charged to increased appropriations for three items, namely, $274,000,000 for the Railroad Retirement Act, $133,000,000 for the civil-service-retirement fund, and $191,000,000 for social security.

One of the outstanding, if not the outstanding, contributions that has been made to the economy drive grew out of the foresight of the Congress, anticipating the cessation of hostilities, in requiring the Bureau of the Budget to initiate and maintain a continual scrutiny of appropriations for war uses with the view to a periodical submission of rescissory recommendations. As a consequence, when this bill now before us shall have been enacted there will have been canceled of cash and contractual availability the stupendous sum of $64,328,230,565, all otherwise a potential demand upon the Treasury. The amount practically is the equivalent of all governmental expenditures for the entire fiscal year of 1946. It is an achievement to which all having a hand in its accomplishment may point with pride.

I shall include at this point a summation of rescissory actions:

Public Law	Appropriations	Contract authorizations	Administrative expense limitations	Return of corporate funds
68 (H. J. Res. 177)	$3,100,000,000	$4,265,000,000		
127 (H. J. Res. 202)	92,119,000			
301 First Supplemental Surplus Appropriation Rescission Act, 1946)	47,579,587,542	4,206,033,879	$9,318,307	$1,190,500
391 (Second Supplemental Surplus Appropriation Rescission Act, 1946)	6,243,217,831	468,673,001	7,410,000	446,890
Recommendations in bill under consideration	3,065,090,505	174,178,000		
Grand total	60,080,014,878	9,113,884,880	16,728,307	1,637,390
Less appropriations to liquidate rescinded contract authorizations (column 2)	4,865,669,193			
Net total appropriations	55,214,345,685			
Total contract authorizations	9,113,884,880			
Total appropriations and contract authorizations	64,328,230,565			

NOTE.—The figures shown above are net of the subsequent adjustments in rescinded amounts, such as the transfer to UNRRA of $135,000,000 of rescinded defense-aid funds.

In conclusion, Mr. Speaker, there are two matters which should have special attention. First, as to deferred 1946 expenditures, which add to the 1947 load: The committee was fearful of such a contingency when it considered the second supplemental surplus appropriation rescission bill, 1946. In its report on that bill, dated February 27, 1946, referring to rescissory recommendations touching the armed services, the committee stated:

> It is manifest from the expenditure and obligation figures in House Document 394 as to such services (armed services) that either such figures are overstated or the projected expenditures for the fiscal years 1946 and 1947, contained in the 1947 Budget, are understated. It may develop that the difference will appreciably narrow as the fiscal year nears its close by further contract terminations or the contraction of programs under way and the abandonment of others not yet undertaken.

The door is still open for further contract terminations and consequent recoveries, and I am not wedded to the idea that decision should be governed by the percentage of completion of a contract. I am not convinced that contracts have not been allowed to run without thoroughly canvassing the need for the

finished article, its care and handling expense when finished, or its sale value when finished. We had that sort of a proposition before us on unfinished naval vessels of different categories. We are surfeited with naval vessels, but, forsooth, because expenditures had reached a certain percentage, it was successfully argued here, according to the votes, that vessels should be completed, even though it meant an expenditure of millions of dollars, the need and what Bikini might disclose be damned.

Second, as regards stabilization: Whether we balance the Budget in this fiscal year or in any fiscal year in the near future depends upon the measure and kind of support we give to the President for promoting production and stabilizing the economy. Those objectives go hand in hand. They are inseparable, and they are vital in this transitional period to the achievement of an era of national economy such as all of us earnestly desire and such as any thinking citizen realizes are vital to the general welfare now and in the years ahead. To sabotage these two-in-one objectives and preach Budget balancing would be hypocrisy at its worst. Stabilization and the means for realizing and maintaining it are of imperative importance to the Nation's welfare today.

The SPEAKER. The time of the gentleman from Missouri has again expired.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this conference report comes to you signed by all the conferees. It has some items in it that I do not like. For instance, it carries $75,000,000 for the operations of the OPA. If they would run the thing honestly, efficiently, and effectively, they could get by with half of that amount of money. The trouble is they have been getting into many picayunish performances and have neglected their duty. They have had 30 or 40 people working on some jobs that 1 person could perform and, as a consequence, they have made a mess out of the whole thing because the Congress gave them too much money. I am not speaking facetiously or taking this stuff out of thin air; I am telling you things I know from my own experience through contact with the OPA.

There is a saving clause in here which will require the Budget, in the event that no OPA law is enacted, to trim their sails and require them to operate with a view to liquidation. But I am afraid that they will try to spend every dollar of it, whether they are continued or not. There are some other items in disagreement that we will have to discuss a little bit as they come up, but I do want to say just a word or two now about the present situation of appropriation bills.

According to the calendar this morning, there are still four bills that are not complete. I see no occasion for the Bureau of the Budget to continue the practice that has been followed this year of failing to send up a major portion of the Budget estimates until so late that it is impossible for the Committee on Appropriations in the House to get the bills covered and get them out and have them disposed of before the 30th of June. There were some estimates that did not arrive on our table until the middle of May; regular estimates. There were many deficiency estimates that did not come in here until close to the middle of June. There are estimates in here involving $2,000,000,000 which were considered in this bill that was sent to the Senate after we passed the deficiency bill on the 28th of June.

That is the situation that is very unsatisfactory, and it is bound to create dissatisfaction in the country because of the way the departmental operations are functioning. I want to project a few figures which I think are of some interest. Above the situation that the President contemplated when he sent his Budget estimate up here there are, as near as I can figure it, additional expenditures in sight that are going to be made in the fiscal year 1947 which he did not include in the $35,000,000,000 that he estimated would be spent, consisting of items like these:

Veterans' Administration, about $4,000,000,000.

Civilian and military pay increases, about $4,000,000,000.

Terminal leave, something like $3,500,000,000, according to the Budget, and the Army states that it might run a good deal higher than that figure.

Housing, $1,000,000,000.

Those things make a total of $12,500,000,000, and if you add those to the President's estimate of what might be spent when the Budget estimate was sent up here, you get a total of $47,500,000,000 of expenditures, with revenues in sight, according to the way the thing looks, of some $36,000,000,000 to perhaps $38,000,000,000. According to the way things break in business and incomes from the people, you get a deficit running anywhere from $9,000,000,000 to $11,500,000,000 for the fiscal year 1947. That is not a sweet picture. It very much behooves the Congress to see to it that we do something a great deal more strenuous to try to keep appropriations down. We are facing a serious situation, with a continued unbalanced Budget and a terrific debt. It is about time we begin to go the other way.

Mr. CANNON of Missouri. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 33: On page 9, line 22, after "country", insert "without any deletions or modifications by censorship of their reports dealing with such subjects: *Provided further*, That none of the funds herein appropriated shall be used for the acquisition, transportation, delivery, or distribution of any supplies, commodities, or equipment to or for any recipient country until such country shall provide for the prompt distribution of such supplies, commodities, and equipment."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. CANNON of Missouri moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur in the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "without any deletions or modifications by censorship of their reports dealing with such subjects: *Provided*, That none of the funds herein appropriated shall be used for the transportation, delivery, or distribution of any supplies, commodities, or equipment to or for any recipient country until the Director General of the United Nations Relief and Rehabilitation Administration has advised the Secretary of State that such country has arranged for the prompt distribution of such supplies, commodities, and equipment."

Mr. CANNON of Missouri. Mr. Speaker, this is largely a clarifying amendment.

I move the previous question, Mr. Speaker.

The previous question was ordered.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 34: On page 10, line 21, insert:

"SURPLUS PROPERTY, CARE AND HANDLING

"Surplus property, care and handling: To enable the President, during the fiscal year ending June 30, 1947, through the War and Navy Departments, to carry out the provisions of paragraph 8 of Executive Order 9630 of September 27, 1945, in connection with the disposal of surplus property in accordance with the provisions of the Surplus Property Act of 1944, as amended, $120,000,000, of which $100,000,000 shall be for expenditure by the War Department and $20,000,000 for expenditure by the Navy Department: *Provided*, That expenses hereunder shall include pay and allowances and subsistence of military and naval personnel: *Provided further*, That current naval appropriations shall be available for the care and handing of property declared surplus to disposal agencies pending actual reimbursement from them."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. CANNON of Missouri moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur in the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"SURPLUS PROPERTY, CARE AND HANDLING

"Surplus property, care and handling: That current naval and military appropriations shall be available for the care and handling of property wherever situated declared surplus to disposal agencies pending reimbursement for such expenses by such disposal agencies or in consequence of supplemental appropriations hereafter made directly to the owning agencies, any law to the

contrary notwithstanding: *Provided*, That reimbursement shall not be made for pay and allowances and subsistence of military and naval personnel within the numbers appropriated for heretofore."

Mr. CANNON of Missouri. Mr. Speaker, the effect of this amendment is to require owning agencies to come down here and submit their requests to Congress and get appropriations for the care and handling of all property outside the United States and all property inside the United States that has not been segregated.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 46: Page 32, line 13, insert:

"BUREAU OF COMMUNITY FACILITIES

"Veterans' educational facilities: For carrying out the provisions of section 504 of the act entitled 'An act to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes" approved October 14, 1940, as amended, to authorize the Federal Works Administrator to provide needed educational facilities, other than housing, to educational institutions furnishing courses of training or education to persons under title II of the Servicemen's Readjustment Act of 1944, as amended' (S. 2085 or H. R. 6952, 79th Cong.), $100,000,000, to remain available until expended of which amount not to exceed $4,000,000 shall be available for administrative expenses, including travel expenses and the objects specified under the head 'Defense public works (community facilities)' in the Second Deficiency Appropriation Act, 1941, and the joint resolution approved December 23, 1941 (Public Law 371): *Provided*, That there may be excluded from the aggregate maximum personnel ceilings established by section 14 (a) of the Federal Employees Pay Act of 1946 (Public Law No. 390) in addition to other exclusions provided by law, not more than 600 positions to the extent that all or part of such number may be determined by the Director of the Bureau of the Budget to be essential to the effectuation of the provisions of said section 504. This appropriation shall not be available for obligation until the enactment into law of said S. 2085 or H. R. 6952."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. CANNON of Missouri moves that the House recede from its disagreement to the amendment of the Senate numbered 46 and concur in the same with an amendment as follows: In lieu of the amount named in line 12 of said amendment, insert "$75,000,000"; and in lieu of the amount named in line 14 of said amendment, insert "$3,000,000."

Mr. CANNON of Missouri. Mr. Speaker, this amendment is offered with the idea that the original amount asked could not possibly be economically expended within the time provided. For that reason, we propose this revision of the amounts.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 51: Page 38, line 12, insert:

"UNITED STATES MARITIME COMMISSION

"Receipts from operations of any functions of the War Shipping Administration which are transferred to the United States Maritime Commission under the terms of title II of Public Law 492, Seventy-ninth Congress, second session, shall be available until March 1, 1947, for obligation by the United States Maritime Commission in carrying out any such transferred operating functions as the Commisison shall deem necessary, including personnel and other administrative expenses necessary to conduct such operations."

Mr. CANNON of Missouri. Mr. Speaker, the Maritime Commission has a definite work to accomplish and must have funds with which to meet its requirements. There is no difference of opinion on the proposal.

I move that the House recede from its disagreement to the amendment of the Senate and concur in the same.

Mr. THOMAS of Texas. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Texas.

Mr. THOMAS of Texas. Does the amendment now under consideration mean that the funds of the War Shipping Administration will be transferred to the Maritime Commission after December 1? In other words, are the funds made available for a period longer than March 1 of next year?

Mr. CANNON of Missouri. They are not. They stop March 1.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 52½: Page 39, line 1, insert:

"Operation of canteens: For all expenses necessary for carrying out the provisions of the act entitled 'An act to establish and provide for the maintenance and operation of a Veterans' Canteen Service in the Veterans' Administration, and for other purposes' (H. R. 6836 or S. 2354), $5,000,000, which shall be available to provide adequate working capital for each canteen and for the Service as a whole for (a) the acquisition of necessary furniture, furnishings, fixtures, and equipment for the establishment, maintenance, and operation of canteens, warehouses, and storage depots, (b) for the procurement of merchandise, supplies, and services for sale at canteens at stations of the Veterans' Administration, in accordance with the provisions of the act, and (c) for the employment of personnel and other expenses necessary for the operation of the canteens: *Provided*, That the amount appropriated and the proceeds of canteen operations shall be deposited in the Treasury or other depositaries selected by the Administrator in a special account which shall be available for the continued operation of canteens: *Provided further*, That the availability of this appropriation is contingent upon the enactment of H. R. 6836 or S. 2354."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. CANNON of Missouri moves that the House recede and concur in the Senate amendment with an amendment as follows: In lieu of the amount named in said amendment, insert "$4,000,000."

Mr. CANNON of Missouri. Mr. Speaker, we have here the same situation which obtained in the amendment just agreed to. It requires no further explanation.

As was explained, the whole appropriation is contingent upon the enactment of H. R. 6836 or S. 2324.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 60: Page 43, line 24, strike out "$56,000" and insert "and for carrying out the provisions of H. J. Res. 364, Seventy-ninth Congress, $141,000: *Provided*, That $85,000 of this amount shall not be available for obligation until the enactment of said House Joint Resolution 364."

Mr. CANNON of Missouri. Mr. Speaker, this is required by recent legislation on the verge of enactment. There is complete agreement about it. I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 62: Page 45, line 3, insert:

"COMMODITY CREDIT CORPORATION

"Notwithstanding any other provision of law, the Commodity Credit Corporation is authorized to purchase surplus potatoes (including sweetpotatoes) produced during the year 1946 and to process and sell, give, or otherwise dispose of such potatoes to any foreign country or to the United Nations Relief and Rehabilitation Administration for the relief of hungry people."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment which is on the Clerk's desk.

The Clerk read as follows:

Mr. CANNON of Missouri moves that the House recede from its disagreement with amendment of the Senate numbered 62 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"COMMODITY CREDIT CORPORATION

"Notwithstanding any other provision of law, the Commodity Credit Corporation is authorized to purchase surplus potatoes (including sweetpotatoes) produced during the year 1946 and to process and sell such potatoes to any foreign country, and, upon requisition, to the Army and the United Nations Relief and Rehabilitation Administration for the relief of hungry people."

Mr. CANNON of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, it seems strange to come in here at this time with an amendment, such as has been offered by the gentleman from Missouri, to have the Commodity Credit Corporation purchase potatoes and process them for relief. I cannot understand why you want to start the Commodity Credit Corporation in the relief business. Certainly you have the UNRRA and you have the Red Cross and you have other relief agencies. Now you are trying to establish the Com-

modity Credit Corporation as a manufacturing establishment to process potatoes for relief. Why permit the Commodity Credit Corporation to do that? Certainly there are other manufacturing concerns and other agencies in this country that can do this job, and there is no reason why you should have an amendment of this kind establishing this business in the Commodity Credit Corporation. It seems to me we should vote down this motion and send this back to the Senate without approval.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. WHITE. Does the gentleman know that if potatoes are substituted for wheat to feed the starving people of Europe, we will have more wheat for the dairies and more wheat for bread in the United States? Why let the potatoes rot and send all of our wheat away?

Mr. RICH. Why do they have to rot? You do not have to put the Government in the potato business to keep potatoes from spoiling. We can have private processors take care of the potatoes. You put the Government into all kinds of business. Now is the time to eliminate this part of the bill. I don't want to be a party to socialism or communism in our country.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, there seems to be a misapprehension about what this amendment offered by the gentleman from Missouri does. Here is the picture, as I understand it, and I think I have it correct.

The Commodity Credit Corporation with the funds that have been allocated to it for the purpose of maintaining support prices for certain things after the war, has created a support price for potatoes. There is a large surplus of potatoes at the same time that we have a shortage of feed grains and corn. We already have, as I understand, about $1.80 per hundred pounds invested in these potatoes. Shall we let them spoil or shall we put a few cents more into them, have them processed and send them over to foreign countries in the place of the feed grains and corn that are so badly needed here in this country?

And let me call the gentleman's attention further to the fact that the language according to the amendment that has been offered by the gentleman from Missouri reads:

> That these potatoes shall be sold to foreign countries or to the Army or UNRRA for the relief of hungry people—

And not given away.

So the relief appropriations that we have already passed and which I believe to be ample in every way will be the funds that ultimately will be charged with this operation.

The question is whether we shall lose all those potatoes that are surplus or whether we shall process them and use them in such way that this country can get the benefit of the grain and the corn.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. JENKINS. I do not know about the advisability of the Commodity Credit going into this business; I am not so sure about that, but I think probably it would be all right. I do know, however, about the production of potatoes. Last year a group of us went up into New Jersey to see the potato situation up there. The Government had agreed to pay these people and encouraged them to raise potatoes, and they had. We saw them piled there, 60 railroad carloads; and all over that section in that one county there were literally thousands and thousands of bushels of the finest potatoes I have ever seen. The Government was bound to pay $1.80 a hundred pounds for those potatoes. Nobody wanted them. They finally sold them to a distillery in Philadelphia at a loss of 15 cents a bushel or more. Now, they are fine food, nutritious, but stock will not eat potatoes until they have been treated. If this plan will work, I do not know but what it would be a good thing for the feed industry of the Nation.

Mr. TABER. We will let these people across the water eat dehydrated potatoes instead of shipping them grains. We can do that and it will work very nicely.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. RICH. Does the gentleman expect the Commodity Credit Corporation to take these potatoes and establish plants for doing this?

Mr. TABER. They will let it out on contracts.

Mr. RICH. Will they do it through private enterprise?

Mr. TABER. It will be done by contract.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CANNON of Missouri. We have produced this vast amount of potatoes. Something must be done with them. We have one alternative: We can let them rot and that is the end of it; or we can have them processed and supply one of the essential foods in a time when there is a shortage of rations; both at home and abroad.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Pennsylvania.

Mr. RICH. Is it the idea that the Commodity Credit Corporation shall go into business and establish plants to do this work?

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Idaho.

Mr. WHITE. There are ample dehydrating facilities in all the States, including Maine and Idaho, for these potatoes. The Surplus Commodity Corporation will not have to go out and build any plants. There are ample plants to handle the crops now. Let us send this over to Europe and keep our wheat and grain for dairy cattle and poultry at home in order to produce eggs and butter that are so critically needed at this time.

Mr. CANNON of Missouri. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

> Senate amendment No. 63: On page 45, line 13, insert:
>
> "Compiling census reports, and so forth: The appropriation 'Compiling census reports and so forth' in the Department of Commerce Appropriation Act, 1946, as amended, is hereby made available for the transfer of not to exceed $300,000 to the National Bureau of Standards, to be available until expended for the objects specified under the aforesaid appropriation."

Mr. CANNON of Missouri. Mr. Speaker, this is for the purpose of building an electronic machine for mass statistical operations, which it is universally conceded will enable a great saving.

Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

> Senate amendment No. 64: Page 45, line 20, insert:
>
> "Compiling census reports, and so forth: The appropriations under the heading 'Compiling census reports, and so forth,' in the Department of Commerce Appropriation Act, 1947, are hereby made available for expenditure at the seat of Government on and after October 1, 1946, for the compilation of Foreign Trade Statistics within a limitation of $1,200,000."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. TABER. Mr. Speaker, I ask for a division of the question.

The SPEAKER. The question is on the motion that the House recede from its disagreement to the Senate amendment.

The motion was agreed to.

Mr. TABER. Mr. Speaker, I offer a preferential motion.

The Clerk read, as follows:

> Mr. TABER moves to concur in Senate amendment No. 64 with an amendment as follows: Strike out all of Senate amendment No. 64 and in lieu thereof insert the following:
>
> "The limitation of $950,000 on the use of funds appropriated for 'compiling census reports and so forth' contained in the Department of Commerce Appropriation Act, 1947, is hereby increased to $1,200,000."

Mr. CANNON of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. JONES].

Mr. JONES. Mr. Speaker, this motion involves an amendment that we put in the State, Justice, and Commerce appropriation bill for the fiscal year 1947, which was passed a few days ago. The

conferees agreed to this language in the Commerce appropriation bill:

Provided, That on or after October 1, 1946, all functions necessary to the compilation of foreign trade statistics shall be performed in New York: *Provided, further*, That not to exceed $950,000 shall be expended for this purpose.

Later the Census Bureau, through Mr. Capt asked the Senate for $1,200,000. He said that $950,000 did not provide for the Downey-Jackson Pay Act of 1946, passed subsequent to the House determination of the $950,000 figure. The $950,000 limitation does not provide for the 14 percent increase, and it does not provide for the cost of moving the large volume of records and equipment to New York, nor the cost of moving the personnel as provided by law. The $1,200,000 limitation in the Senate amendment is therefore not disturbed by the Taber motion now under consideration. The $1,200,000 amount added by this amendment to the Senate amendment would provide everything that Mr. Capt claims he is short in the regular supply bill limitation. In the regular supply bill for the Commerce Department and for the Census Bureau Congress decided that the collection and compilation of foreign trade statistics would be in New York City. The House committee, the conferees and both Houses of Congress, came to this conclusion from evidence submitted by the special staff for the Committee on Appropriations. This special staff, headed by a competent FBI man loaned to our committee, shows that most of the basic data is in New York, even though all the shipments to foreign countries and all the imports from foreign countries are not at the Port of New York. Fifty percent of the export and 60 percent of the import basic data for the entire United States is available in New York City and available to the Census Bureau at the New York office. The basic data is in New York City. It is collected by the Customs Division of the Treasury and is used by this division of the Bureau of the Census. Without leave of Congress the Census Department a few years ago decided to bring a major part of this work to Washington from New York City. At the time Director Capt and his staff appeared before the House committee there were some 453 employees in the Washington office and 100 employees in New York City.

When Mr. Capt testified before the Senate in behalf of the Senate amendment, there were 100 people in New York City and 500 people in Washington. If the Senate amendment stands, it means the end of the collection of these statistics in New York City. It means that they will scuttle the efficient New York City office for an inefficient Washington office. The amendment offered by the gentleman from New York to the Senate amendment would do just exactly what the House and the Senate decided in the regular Commerce supply bill; to let the work be done in New York City and provide additional funds the Census Bureau needs to carry on the will of this Congress.

The report of the special investigating staff of the Committee on Appropriations shows that the work can be done more efficiently by doing it in one office. In the regular supply bill the Congress decided that that office should be in New York City. The New York City office decided that they could do it for $950,000. The Census Department in the Budget request said originally that they needed $1,600,000 to do that same work. The New York office can do it with $1,200,000 if the amendment offered by the gentleman from New York prevails, and provides for all of the supplemental funds that Mr. Capt says he needs.

Mr. BENNETT of Missouri. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield to the gentleman from Missouri.

Mr. BENNETT of Missouri. Would that mean that 500 employees now in the District of Columbia would have to be transferred to New York and that all of the work of compilation of these foreign trade statistics would be transferred to New York City if the gentleman's amendment prevails?

Mr. JONES. Let me explain further. I think that there will be some employees transferred from Washington to New York. In any event the job can be done more efficiently and cheaply if we let all of the work be done in New York. In Washington they have the assembly line system of doing the New York job, and when any one person is off the Washington assembly line the job remains incomplete and expensive. Their figures are not verified and reports are delayed from 2 to 5 months. New York City reports are available in 1 month.

Mr. BENNETT of Missouri. It is my understanding that not only the Bureau of the Census but the Department of Commerce and the Department of State and the Bureau of the Budget prefer that it remain in Washington, as it is at the present time.

Mr. JONES. The investigating staff of the Committee on Appropriations showed that nearly all of the basic data is in New York City, and therefore New York City was the logical place to do the work. Proof of the pudding is that Mr. Kerlin, who was the Assistant Director of the Department of Commerce and who originally initiated the plan to bring a part of this work to Washington, despaired of doing it here, and his last official act before leaving the Commerce Department to be employed by the Export-Import Bank was to execute a directive to send this work back to New York City.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield two additional minutes to the gentleman from Ohio.

Mr. JONES. Those that originally intended to move a part of this work to Washington saw the inefficiency of the Washington operation and wanted to move it back to New York. It is claimed that there would be more liaison if the work were done here in Washington, D. C., but the facts prove that the Washington operation has become very inefficient, that it costs much more money to do it here in Washington, and that during the war years, when the Government did not publish the foreign-trade statistics in volume form by years, this Division consumed funds for this purpose too. Later they had to have extra funds to publish the bound volumes after the war was over; whereas the New York office with a lesser staff had always been able to keep current and publish its annual statistics in a bound volume without any additional appropriation.

Mr. BENNETT of Missouri. The fact remains, does it not, that the Chief of the Bureau of the Census feels that this would be a mistake and would interfere with the efficient operation of this activity, and so does the Bureau of the Budget and the Department of State?

Mr. JONES. The Chief of the Bureau of the Census, I think, has an ax to grind, because he wants to maintain a permanent staff in the Washington office. Instead of having a staff 1 year in 10, he wants to have a complete staff here 10 years out of 10.

The investigative staff of the Committee on Appropriations has no ax to grind, and it has made recommendations as follows:

It is felt that the joint committee plan to do the job for $950,000 should be approved.

If the first recommendation is accepted, it must be pointed out that the operation should be completely transferred to New York City.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent in the interest of expedition and fairness to those interested that all debate on this amendment and all amendments thereto close in 20 minutes, the last 5 minutes to be reserved to the Committee on Appropriations.

The SPEAKER. The Chair will state to the gentleman from Missouri that he has complete control of the time and can use whatever time he desires of the hour.

Mr. CANNON of Missouri. That is true, Mr. Speaker, but I do not want to take what might be construed as arbitrary action in closing debate. If it is done by unanimous consent there can be no question of an unwarranted restriction of debate.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, just a couple of weeks ago—I may have it a little wrong, but not much—the whole House committee agreed on a certain program of handling this proposition, and now we are asked to come in here and change it around so that we can continue an inefficient operation. Anyone who has had occasion to use the Customs statistics will realize just how inefficient that job is, because, in the juggling around of these statistics between New York and Washington, there is interminable delay and the statistics are nowhere near as up to date as they should be for the efficient

operation of Government work and the efficient conduct of trade. Under these circumstances, the committee investigated the situation. They have something like 400 here and a couple of hundred in New York. It was agreed even by the head of the Census Bureau, Mr. Capt, that this was not an efficient operation and that a consolidation of the work in one location would be better. That is right in the hearings. The committee went over it thoroughly. They had a complete investigation, as a result of which they saved nearly a million dollars on the estimates. Even with these increases in pay, there will be $500,000 net savings. Why should not this consolidation be put into effect and why should not the job be done in such a way that we can save some money instead of continuing to waste money forever? I hope the amendment will be adopted and that we can do this.

Mr. CANNON of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. RABAUT].

Mr. RABAUT. Mr. Speaker, this is an odd situation here this morning. I think it grows out of sincerity and devotion to the principle of economy on the part of the Subcommittee on Appropriations dealing with the Department of Commerce. The subcommittee was in unanimous accord in affecting the transfer of part of this service from Washington to New York. I signed the conference report on this bill because of the fact that the Census Bureau brought before us a number of operations which they said were performed for the most part in Washington and that it would cause a dislocation of personnel who are here. Nevertheless, as chairman of the committee, I can say to you now that we have effected a saving here close to half a million dollars. That is an annual saving.

The history of this case is as follows:

Prior to 1942 all work in connection with the compilation of foreign trade statistics was performed in New York. During that year the machine tabulation work and certain coding operations were transferred to Washington. During the course of the hearings on the Department of Commerce appropriations last winter a representative group of three employees of the New York office came to Washington and asked for a hearing which was granted. The subcommittee was told that a considerable sum of money could be saved for the Government if all of the work, including machine tabulation was performed in New York. The subcommittee, frankly, did not take this statement too seriously because it assumed that the Census Bureau, the Department of Commerce officials, and the Bureau of the Budget had gone into the matter of costs which were finally determined and established at $1,690,000. However, testimony of both the New York group and the Bureau of the Census officials did indicate that all was not as it should be in this matter of foreign-trade statistics, and an investigation of the operation was ordered.

Two committee investigators spent approximately 3 months on the job. Their report led the committee to the following conclusions:

First. That the split operation—that is, New York and Washington—was uneconomical and should be consolidated;

Second. That the plan submitted by the group representing the New York employees was feasible and should be tried, since it was claimed that the job could be done for $950,000, a saving of $740,000 to the taxpayers; and

Third. That the work could be performed to advantage in New York because: (a) 60 percent of all the imports enter through the port of New York; (b) almost 50 percent of all the exports clear through the port of New York in normal times; (c) the investigation disclosed that prior to 1942, when a portion of the work was transferred to Washington, the finished product was more current; and (d) the New York employees were, for the most part, employees who had done this work for from 15 to 30 years.

Accordingly, the subcommittee inserted a provision in the State, Justice, Commerce, and Judiciary appropriation bill to the effect that this work should be performed in New York at a cost not exceeding $950,000 per year. This provision is now law.

Representatives of the Census Bureau now claim that a fully complete job cannot be done for $950,000 and that the full amount of the original estimate, or $1,690,000 should be allowed. This amendment provides $1,200,000, with no stipulation as to how much should be expended in Washington and how much in New York.

Inasmuch as the action of the conferees is now completed I will not pursue the matter further at this time. I do hope, however, that both the Department of Commerce and the Bureau of the Budget will study carefully all of the phases of this problem before effecting any major changes. The entire operation should be given a thoroughly objective study. I hope further, and I trust, that no recrimination of any form or nature will result against the New York group or any of the New York employees who first brought this matter to the committee's attention. They sincerely think that money can be saved. The only factor which motivated the subcommittee in its prior action was to try to see to it that the best possible results are obtained at a minimum of cost.

I just want to conclude by saying that I am going along with the report because we are effecting a saving and I have had the assurance of the chairman of the committee that there is to be an investigation by the Bureau of the Budget and this whole matter is to remain in status quo for the coming year for the purpose of this study, when it will again come before our committee which deals with this problem every year.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. STEFAN. The gentleman says it will remain in status quo. Under what expense?

Mr. RABAUT. One million two hundred thousand dollars. Many things were brought out in the discussion that show there is some additional work that must be performed.

Mr. STEFAN. I understand since they told us they could do that work for $950,000, there has been an increase in salary.

Mr. RABAUT. There has been an increase in salary.

Mr. STEFAN. And then they took into consideration the amount it would take to move a lot of employees from Washington to New York.

Mr. RABAUT. Yes.

The SPEAKER pro tempore. The time of the gentleman from Michigan [Mr. RABAUT] has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland [Mr. SASSCER].

Mr. SASSCER. Mr. Speaker, further briefly supplementing the remarks of the distinguished gentleman from Michigan [Mr. RABAUT] I hope this preferential motion will be voted down and that this activity of the Foreign Trade Unit involving some 500 employees of the Census Bureau at the seat of Government will be permitted to remain here. The Census Bureau, as the House no doubt knows, is now housed in its own building, erected just adjacent to the District of Columbia line in Maryland, where it has ample space.

If the activities are moved away no doubt space will have to be rented. The whole Census Bureau and various departments interlock one into another. I understand it is seldom that an item comes up in one branch of the Census that does not require that particular branch to get additional information from records that have been compiled by other units. It certainly seems to me that this Foreign Trade Section can operate as economically and certainly more efficiently here alongside the other units that have compiled numerous statistical data.

There are approximately 500 employees in this particular section, many of them specialists. I understand that over 400 of them have families and own their homes. It would be difficult for them to move away. In most instances they would be unable to do so.

In the interest of economy and in the interest of efficiency I trust this motion will not prevail.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SASSCER. I yield to my colleague from Virginia.

Mr. SMITH of Virginia. I desire to express my concurrence in the statement made by the gentleman from Maryland. I hope the motion will be voted down. It seems to me it would work a very great hardship upon these employees who own their homes in this locality to be uprooted and have to move away.

Mr. SASSCER. I thank the gentleman for his contribution.

Mr. D'ALESANDRO. Mr. Speaker, will the gentleman yield?

Mr. SASSCER. I yield.

Mr. D'ALESANDRO. I join with my able colleague from Maryland in his protests against this amendment which

would work a hardship on four or five hundred employees of the Census Bureau. Would it not work a hardship on account of housing conditions in New York?

Mr. SASSCER. I would assume from all reports that 500 people moving into the metropolitan section of New York would find difficulty in obtaining housing facilities.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON of Missouri. Mr. Speaker, I yield the remainder of my time, 5 minutes, to the gentleman from Kentucky [Mr. O'NEAL].

Mr. O'NEAL. Mr. Speaker, my purpose is largely to clarify this matter because some Members may have come into the Chamber since this amendment was offered.

The appropriation bill for the State, Justice, and Commerce Departments for the fiscal year 1947 included this provision:

Provided, That on and after October 1, 1946, all functions necessary for the compilation of foreign trade statistics shall be performed in New York, N. Y.

When this bill was passed by the Senate it contained this amendment No. 64, which, in effect, permits the foreign-trade statistical department to be in New York and Washington within executive discretion. The amendment presented to you by the gentleman from New York and discussed by the gentleman from Ohio would confine the work entirely to the New York office as was carried in the Commerce supply bill.

So the whole problem is whether this work is to be done in the future entirely in New York or in New York and Washington as it has been done in the past.

The amendment offered by the gentleman from New York [Mr. TABER] would confine it entirely to New York. As far as the actual amount of money in the bill is concerned, no difference is involved. It is a question solely of where the work could be done better and which ultimately may affect, of course, the appropriation; but as of today there is no difference in the amount of money carried in the amendment discussed by the gentleman from Ohio [Mr. JONES] and the recommendation in the bill; and there has already been effected in this one department a saving of $400,000 or more.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. O'NEAL. I yield.

Mr. STEFAN. That is not exactly correct, is it? There is not a saving effected. It is merely that the committee has cut the budget estimate.

Mr. O'NEAL. The committee has effected a saving.

Mr. STEFAN. The Budget asked for $1,600,000 for its operation and the committee was told that this New York organization could do it for $950,000. The committee was not interested in whether it was being done in Washington or in New York.

Mr. O'NEAL. The gentleman is in part correct.

Mr. STEFAN. The committee wanted it done in the most efficient way.

Mr. O'NEAL. In other words, the Budget estimate is cut by $400,000.

There are two things, however, that are very important. The first is whether or not it is the right thing to do to remove 500 families living in Washington and make them go to New York in order to hold their jobs. Some, of course, would not go. The Secretary of State has said in a letter written as late as July 10 that he fears that it will seriously affect the compilation of these very necessary census statistics which he needs now. It will affect it because a considerable number of people possibly would not go to New York to work. This means the recruitment of new and inexperienced forces and will result in delays. If the New York office now closed it would affect about 100 families. Under the provisions advocated by the conferees the closing of either office is discretionary with the Secretary. Under the Taber amendment the Washington office would be closed.

I have always felt that duties which are largely executive jobs we should leave to the executive department. I do not mind cutting an appropriation but I am very loath to say to a department: "You must run your internal structure the way I tell you to do it and not the way you want to do it."

The department prefers to do its work as recommended by the conferees and says it can do better work by having some of it done in Washington and some in New York.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. O'NEAL. I yield to the gentleman from Ohio.

Mr. JONES. Mr. Capt said on page 340 of the hearings:

I think it would be more economical and certainly wiser to operate and more satisfactorily to have it all together.

The gentleman from Michigan [Mr. RABAUT] asked:

If one location is better, where would you place it, New York or Washington?

Mr. Capt replied:

I would place it in Washington, D. C.

Mr. O'NEAL. I think all of us know that the department down there is hoping that this present method will be allowed to remain a little longer. That is the reason I made the statement.

The State Department, I reiterate, has issued a letter in which it is stated that it will adversely affect their work. I am not in favor of disrupting these families unless we have some very good reason for doing so. I think the logic is on the other side. We do not have to be hasty about uprooting these 500 families and say, "You must go to New York if you want to hold your job."

I believe there is plenty of time to do that after a more thorough study. Four hundred thousand dollars has already been cut from the budget. We can wait until next year to go into the question to see whether or not it is the wise thing to do. Let us not at this time act hastily on a matter involving the happiness and homes of at least 500 people.

The SPEAKER. The question is on the motion of the gentleman from New York that the House concur in the Senate amendment with an amendment.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 51, noes 70.

So the motion was rejected.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. CANNON].

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 69: Page 49, line 8 insert the following:

"RECLAMATION FUND, SPECIAL FUND

"Construction: For additional amounts for construction of the following projects including the objects specified under the head "Bureau of Reclamation" in the Interior Department Appropriation Act, 1947, to be expended from the reclamation fund, to remain available until expended and to be reimbursable under the reclamation law:

"Projects:

"Boise project, Idaho, Anderson Ranch $1,612,525;

"Provo River project, Utah, $1,756,960;

"Total, from the reclamation fund $3,369,485."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. CANNON of Missouri moves that the House recede from its disagreement to the amendment of the Senate No. 69 and concur in the same with an amendment as follows:

In lieu of the amount named in line 9 of such amendment insert "$806,260."

In lieu of the amount named in line 10 of such amendment insert "$878,480."

In lieu of the amount named in line 11 of such amendment insert "$1,684,740."

Mr. WHITE. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. WHITE moves that the House recede and concur in Senate amendment No. 69.

Mr. TABER. Mr. Speaker, I ask for a division of the question.

The SPEAKER. The question is, Will the House recede from its disagreement to the amendment of the Senate numbered 69?

Mr. WHITE. Mr. Speaker, I shall try to explain the situation in connection with the Idaho project. I am not familiar with the Provo River project in Utah, but I am familiar with the project in Idaho.

This is an old project to provide supplemental water for one of the most productive irrigation districts or series of districts in the State of Idaho and in the whole West. The project has been started. It has been going a long time. We have succeeded in carrying on the work of this project all through the war period. During all the manpower shortage and all the material shortages the Congress thought this project important enough to carry on this work by making appropriations. $20,000,000 has been expended in carrying on this work, and the Budget this year allowed a figure of $2,847,610 which would carry on the work.

The Committee on Appropriations cut the amount about in half to $1,234,495. That money was carried in the regular appropriation bill and has been spent. Orders have been placed for turbines and electric generators, and over half of the money has been spent in paying installments on this machinery and now the work will have to stop on the 20th day of this month unless the Congress sees fit to make the appropriation that has beeen put in the bill by the Senate which appropriates only the Budget allowance. All we are asking the House to do as a matter of good business policy is to complete the job, to appropriate this money and not stop the work. A thousand men are employed there. They have the conveyer belts and everything working. We have $20,000,000 invested. Why should we now stop work and go to all the expense of shutting down and starting up again, when we will have to appropriate this money later to complete the project? The money will have to be spent next year. If we do not spend it now we will have a shut-down in the interim and the Government will take a serious loss by the suspension of the work.

I have a letter from the contractor which states positively that without money they cannot carry on. This letter is from the project manager, Mr. V. A. Roberts, of the firm of Morrison-Shea-Twaits-Winston that is building this dam. He states:

> Based on our information, it is apparent that funds appropriated by the Congress for carrying on this work, will be exhausted on or about July 15, 1946. Since the Congress has failed to appropriate additional funds necessary for continuing the work, and further, in view of the stipulation contained in paragraph No. 12 of the General Conditions of Specifications No. 965 of the contract, we, as contractors have no alternative except to cease operations.

This appropriation item in this bill will carry on the work. I implore the Congress to do the business-like thing and carry on the work, to leave in the bill this item that was placed in it in the Senate, and to agree to my motion to recede and concur in the Senate amendment. We will only have to put this extra money in the bill next year, so why not do it now? I ask that the House carry on this project and not incur serious loss to the Government. This money is coming out of the reclamation fund and it will be repaid. I ask any Member, even of the Committee on Appropriations, what is to be gained by a pinch-penny program of cutting down the appropriation and shutting down the work, and resuming at some later date?

Mr. CANNON of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas [Mr. NORRELL].

Mr. NORRELL. Mr. Speaker, I would like to explain to the House the history of these two items. They appeared in the Department of the Interior appropriation bill this spring. The budget estimate for the Anderson Ranch project was $2,847,000 and the budget estimate for the Provo River project was, as I recall, $3,102,000. The Reclamation Service said they needed these amounts in order to operate these projects for 12 months, beginning July 1, 1946. It developed in the hearings of the Department of the Interior Subcommittee on Appropriations this spring that the Reclamation Service had an unexpended balance at the time of $135,000,000, to the credit of the reclamation projects, so the chairman of the subcommittee said that cuts had to be made, and requested Mr. Straus to make suggestions to the committee where reductions could be made. In fairness to Mr. Straus, I should say that he did not want to reduce the budget estimate of any of the projects, but after consideration Mr. Straus gave us a statement to the effect that the Anderson Ranch project could be reduced as suggested by the chairman to $1,234,475 and the Provo River project might be reduced to $1,345,040, thereby implying that these amounts, would be sufficient for the operation of these projects for the 12-month period.

The Interior Subcommittee on Appropriations allowed the amounts suggested by Mr. Straus. The House sustained our action.

The bill then went to the Senate and the Reclamation Service asked for the restoration of the funds. True to custom, the other body in its superior wisdom restored the entire amount of the House reduction. Then the matter went to the conference committee, and there in conference the membership representing the House and Senate agreed on the House figures. So the Senate receded. It was a unanimous agreement, as I understand it. The House and Senate confirmed the action of the conference committee. I do not know whether the Interior Department bill has yet been signed by the President, but we find the Reclamation Service before the ink is dry on the Department of the Interior bill asking for a deficiency appropriation equal to the total amount of the reductions. I say to you, this is nullifying the action of your Subcommittees on Appropriations. It is nullifying the action of your conferees. It is nullifying the action taken by the House and Senate. I am against the procedure. I hope the Reclamation Service will not be so unfair to the Interior Subcommittees on Appropriations and so unfair to the Congress in the future as to ask for a deficiency appropriation restoring a reduction made by the jurisdictional subcommittees and agreed to by the conference committee and also by the House and Senate. I am agreeable to the amendment as proposed by the chairman of our committee. This would allow $806,262.50 more for Anderson Ranch project and $878,480 for the Provo River project. Our brethren from the West are so nice, so courageous, and so efficient, that we are unable to resist them. I am willing to go along in restoring half of the cut which in the language of Mr. Straus will be sufficient to carry these projects for three-quarters of a year. I think that will be sufficient money to do for a year. I take great delight now in yielding to my very good friend, the gentleman from Idaho [Mr. WHITE].

Mr. WHITE. As a matter of fact, the item that the gentleman refers to in the regular appropriation bill is just equal to the budget.

Mr. NORRELL. That is correct.

Mr. WHITE. And if Mr. Straus made a mistake or committed an oversight, do you not think this House ought to correct that mistake through the deficiency bill?

Mr. NORRELL. I am not willing to admit that a mistake was made. All the subcommittees can do is to secure all available information and much of the evidence must come from the departments. The Anderson Ranch project was started in March 1942, and the total cost then was estimated by the Department of the Interior at $13,000,000. Expenditures to June 30, 1945, totaled $13,121,700. The total estimated cost now is $25,965,000; no collections have been made as yet. The Provo River project was started in June 1936, and the Department originally estimated the total costs would be $15,774,000. Up to June 30, 1946, we had actually spent on this project the sum of $9,777,503 and now the total estimated cost is $19,727,661. I do not know whether these are errors or not, but I must say, the increased cost is excessive. Not a cent has been collected from the water users and paid into the Treasury.

Mr. Speaker, I hope the motion of the gentleman from Missouri is sustained.

Mr. TABER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TABER. Will the Speaker state for the information of the House what is pending now?

The SPEAKER. The pending question is the motion to recede and concur.

The Chair tried to put the motion for a division of the question, but the Members on either side did not vote on the question so the Chair declared that the question was not decided.

Mr. WHITE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE. Mr. Speaker, it is my understanding that the Speaker put the question on my preferential motion and that it carried.

The SPEAKER. The Chair tried to put the motion to recede, but Members did not vote on the question and, therefore, the Chair declared that there was no decision on the question. The Chair will put the question now if any Member insists.

Mr. TABER. Mr. Speaker, I do.

The SPEAKER. The question is, Will the House recede?

The motion was agreed to.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

> Mr. CANNON of Missouri moves to concur with an amendment as follows: In lieu of the amount named in line 9 of such amendment, insert "$806,260"; in lieu of the amount

named in line 10 of such amendment, insert "$878,480"; in lieu of the amount named in line 11 of such amendment, insert "$1,684,740."

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. CANNON].

The question was taken; and on a division (demanded by Mr. WHITE) there were—ayes 83, noes 5.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 77: Page 54, line 8, insert: "The limitations under the appropriation 'Foreign Service quarters', fiscal year 1947, on the amounts which may be used for allowances for living quarters shall not apply to Foreign Service posts in Turkey, Switzerland, Union of Soviet Socialist Republics, Venezuela, and the Netherlands possessions. This provision shall be effective as of July 1, 1946."

Mr. CANNON of Missouri. Mr. Speaker, I move to recede and concur in the Senate amendment.

Mr. Speaker, this is in response to a situation which has developed in those five countries in which there is such a tremendous appreciation of currency that something must be done to relieve Foreign Service personnel serving therein.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Missouri.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 81: Page 57, line 24, strike out the remainder of line 24 after the word "act" and all of line 25, and on page 58, line 1, the words "to be replaced or rehabilitated."

Mr. CANNON of Missouri. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Mr. CANNON of Missouri moves to recede and concur with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ", nor shall any part of this appropriation be available for expanding any public works project authorized by law to be replaced or rehabilitated beyond such as may be justified by sound engineering practice and which can be accomplished within the amount authorized to be appropriated."

Mr. CANNON of Missouri. Mr. Speaker, this amendment makes more specific the intent of the House provision as to the facilities involved, and permits expansion justified by sound engineering practice subject to previously established cost limits.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. CANNON].

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 86: Page 62, line 15, insert the following:

"FINANCE DEPARTMENT

"FINANCE SERVICE, ARMY

"Pay of the Army: The appropriation for 'Pay of the Army' in the Military Appropriation Act, 1947, is hereby made available to pay mustering-out payments, as authorized by the 'Mustering-Out Payment Act of 1944,' Public Law 225, Seventy-eighth Congress, second session, as amended, to members of the armed forces who were or may be denied such payments because they resigned from the Army to enter the United States Military Academy or the United States Naval Academy and subsequently left either of such Academies without completing the prescribed course."

Mr. CANNON of Missouri. Mr. Speaker, I move to recede and concur.

Mr. HINSHAW. Mr. Speaker, I ask for a division of the motion.

The SPEAKER. Without objection, the House recedes.

There was no objection.

Mr. HINSHAW. Mr. Speaker, I offer a motion to concur with an amendment.

The Clerk read as follows:

Mr. HINSHAW moves that the House concur in Senate amendment No. 86 with an amendment as follows: "Strike out all after the word 'subsequently' in line 1, page 63, and insert 'where separated from either Academy because of physical disability.'"

Mr. CANNON of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from California.

Mr. HINSHAW. Mr. Speaker, we all have great sympathy with the members of either of the Academies who were separated because of physical disabilities and who had come from either of the armed services and gone into the Academies by virtue of appointment or winning a competition for the Presidential appointments, and so forth and so on.

I believe this amendment was originally presented in the other body because one of the appointees of a Member of that body had served in the Battle of the Bulge. His feet had been seriously frozen, and it was not discovered until he afterward became a member of the Military Academy. He, of course, was discharged because of physical disability.

To provide for these cases I have moved to strike out the language after the word "subsequently" and insert in lieu thereof language providing for the payment of mustering-out pay to those who attended one of the Academies having come from the armed services and who were subsequently separated because of physical disability.

The reason I have suggested this amendment is because the language as it is presented in the Senate amendment reads "subsequently leave either of such Academies without completing a prescribed course" would include all who have been separated in the provisions of mustering-out pay, and there are a rather considerable number of young men who received appointments from Members of this House and who after VJ-day suddenly decided they did not want to be there any more, and who for one reason or other deliberately got themselves in condition to fail in their studies and consequently were let out—"bilged out" of one Academy, and I forget what they term it in the other. If those men subsequently went back into the armed services, then of course they would be entitled to mustering-out pay when they were discharged, but those who did not reenter the armed services do not have any sympathy from me for having accepted an appointment, passed the required examinations, and then after VJ-day either resign or fail in their studies purposely. I understand there were a considerable number of such failures, in fact, a sort of epidemic of such failures after VJ-day. Of course, no one can accuse these boys of having sought the Academy for any purpose other than military education, but there seems to be no reason why this epidemic of resignations and failures should receive too much consideration on the part of this body insofar as mustering-out pay is concerned.

I am perfectly willing, and I know you are, that this pay be given to those who were separated because of physical disability; but otherwise I think not.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Kentucky, chairman of the Military Affairs Committee.

Mr. MAY. Would the gentleman's amendment make possible the payment to those who did resign after VJ-day or fail, or would it prohibit it?

Mr. HINSHAW. It would prohibit payment of mustering-out pay to those who either resign or fail in their studies. It would not prohibit mustering-out pay being paid to anyone who was discharged because of physical disability. They are the boys for whom I have the greatest sympathy, those who entered from the military service itself, and I think they are entitled to every consideration of this Congress.

I do not believe the committee will object to this motion to concur with an amendment. If there are no further questions I ask for a vote on the motion.

Mr. CANNON of Missouri. Mr. Speaker, the amendment offered by the gentleman from California better expresses the intent of the amendment. I agree that it is an improvement upon the Senate language and is in keeping with the views of the managers on the part of the House. The committee therefore accepts the amendment.

The SPEAKER. Without objection, the motion is agreed to.

There was no objection.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 119, page 86, line 16, insert as follows:

"Sec. 406. Subsection (a) of section 202 of the Independent Offices Appropriation Act, 1947, is hereby amended by striking therefrom the figures '$1,050' and substituting therefor the figures '$1,300'."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment. This is in response to the general rise in prices of all commodities and takes care of that situation.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 120, on page 86, line 20, insert as follows:

"Sec. 407. Wherever an appropriation for the fiscal year 1947 is made available for the purchase of passenger automobiles and such availability is specifically limited to used or surplus vehicles, such limitation is hereby repealed."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment. Prior provisions have limited purchase to surplus or used automobiles. There are no longer any surplus automobiles to be had and it is necessary to amend such former provisions of law.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 121: On page 87, line 1, strike out "406" and insert "408."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment. This is merely a perfecting amendment which changes a section number.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the bill may have five legislative days in which to revise and extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

GRAND RIVER DAM PROJECT

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5508) to authorize the return of the Grand River Dam project to the Grand River Dam Authority and the adjustment and settlement of accounts between the Authority and the United States, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 5, after line 3, insert:

"SEC. 6. The Administrator of the Federal Works Agency or his successor in interest is hereby authorized to reduce the rate of interest to 2½ per centum on all power bonds held by such Agency issued by States, public authorities, counties, municipalities, and other subdivisions of State governments for power projects financed by the Public Works Administration."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain what this amendment is?

Mr. WHITTINGTON. Mr. Speaker, this bill was passed unanimously by the House and provided for the return of the Grand River Dam project to the Grand River Authority which dam project was taken over under the War Powers Act and operated by the Southwestern Power Authority. This project was constructed by the Authority created under the laws of the State of Oklahoma. It is a public power project, constructed with Federal funds under the Public Works Administration. There was provided, among other things, for the reduction of the rate of interest from 4 to 2½ percent. In the other body an amendment was inserted providing for the same reduction in the rate of interest on some three projects in Nebraska of similar nature and one project in South Carolina. The Public Works Agency has advised me that the amendment is agreeable, so has the Secretary of the Interior. I have taken the amendment up with the ranking minority member of the Committee on Flood Control, the gentleman from Massachusetts [Mr. CLASON], and it is agreeable to him.

Mr. MARTIN of Massachusetts. This simply equalizes the projects in Oklahoma, Nebraska, and South Carolina?

Mr. WHITTINGTON. Yes. It only covers these power projects and equalizes the rate of interest.

Mr. MILLER of Nebraska. What will be the interest rate?

Mr. WHITTINGTON. Two and a half percent as against four at the present time.

Mr. STEFAN. It was 5 percent, was it not?

Mr. WHITTINGTON. No. It is 4 percent at present, according to the Public Works Agency.

Mr. STEFAN. It could have been 5.

Mr. WHITTINGTON. This reduces it to 2½ percent.

Mr. RIVERS. This will save the power users of my State a considerable amount of money.

Mr. WHITTINGTON. Yes. It will reduce the rate of interest from 4 to 2½ percent on the loans on said projects in the three States mentioned.

Mr. RIVERS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS. Mr. Speaker, I am convinced that the House should agree to pass the amendment submitted by Senator JOHNSTON authorizing the Federal Works Administrator, or his successor, to reduce the interest rate from 4 percent to 2½ percent on all power bonds held by such agency issued by States, counties, municipalities and other subdivisions of State governments for power projects financed by the Public Works Administration.

In my own district, this would enable the South Carolina Public Service Authority which operates the great Santee-Cooper hydroelectric and navigation system, to pass on to the people of South Carolina a saving, in interest alone, exceeding $600,000.

In my opinion, this will be a great thing, not only for the State of South Carolina but for the country as a whole.

Today, money can be borrowed from banks at a rate of interest as low as 2½ percent. It is eminently fitting that the Government should follow the lead of private enterprise. We are living in a day of inflationary values and money is easily accessible. It follows, therefore, that the Government should pass on to the people the advantages to be gained by a low rate of interest.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SHORT asked and was given permission to extend his remarks in the RECORD in two instances and include certain excerpts from magazines and newspapers.

Mr. KNUTSON asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. DAVIS asked and was given permission to extend his remarks in the RECORD and include an address.

Mr. SCHWABE of Oklahoma asked and was given permission to extend his remarks in the RECORD and include two letters.

Mr. ROCKWELL asked and was given permission to extend his remarks in the RECORD and include an item.

Mr. CARNAHAN asked and was given permission to extend his remarks in the RECORD and include an article by C. P. Turley from the July 11, 1946, issue of the Current Local, Van Buren, Mo.

Mr. BUNKER asked and was given permission to extend his remarks in the RECORD and include an article on mining.

DEVELOPMENT AND CONTROL OF ATOMIC ENERGY

Mr. MAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (S. 1717) for the development and control of atomic energy.

CALL OF THE HOUSE

Mr. THOMAS of New Jersey. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. Without objection a call of the House is ordered.

There was no objection.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 227]

Allen, Ill.	Gillespie	Monroney
Allen, La.	Gossett	Norton
Anderson, Calif.	Granger	O'Toole
Andrews, N. Y.	Gross	Patrick
Arnold	Hart	Peterson, Ga.
Baldwin, Md.	Hébert	Pfeifer
Bates, Ky.	Holifield	Powell
Beckworth	Holmes, Wash.	Priest
Boren	Hook	Reece, Tenn.
Boykin	Izac	Robinson, Utah
Buffett	Jennings	Roe, Md.
Cannon, Fla.	Johnson, Okla.	Roe, N. Y.
Cochran	Johnson, Tex.	Slaughter
Coffee	Keogh	Sparkman
Cole, Kans.	Kerr	Stewart
Combs	Kilday	Talbot
Cooper	LaFollette	Tarver
Courtney	Ludlow	Tolan
Cox	McGehee	Torrens
Cravens	McMillan, S. C.	Vinson
Crawford	Mahon	Welch
Curley	Mankin	West
Daughton, Va.	Mansfield, Mont.	Wickersham
De Lacy	Mansfield, Tex.	Wigglesworth
Earthman	Mason	Wolfenden, Pa.
Engel, Mich.	Miller, Calif.	Wood
Gibson		

The SPEAKER. On this roll call 352 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ATOMIC ENERGY ACT OF 1946

The SPEAKER. The question is on the motion of the gentleman from Kentucky.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (S. 1717) for the development and control of atomic energy, with Mr. JOHN J. DELANEY in the chair.

The Clerk read the title of the bill.

Mr. MAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MAY. Mr. Chairman, I understand the reading of the bill was completed to and including all of section 5. May I inquire whether the committee amendments were agreed to?

The CHAIRMAN. The reading was completed down to page 23, line 15. The Chair may say for the information of the gentleman that all committee amendments were adopted.

Mr. HINSHAW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take the floor at this time to propound an inquiry or two of the committee in connection with the prohibition on page 15, line 15. It is stated there:

It shall be unlawful for any person after 60 days from the effective date of this act to * * * (c) directly or indirectly engage in the production of any fissionable material outside of the United States.

How are you going to prevent any one from producing such material outside the United States? I would like to ask that question of the committee.

Mr. MAY. I would like to answer the gentleman by saying that is a Senate provision that was in the bill when we received it, and the committee merely left it in the bill.

Mr. HINSHAW. That is not an answer. How in the world can you prevent anybody from manufacturing or engaging in the production of any fissionable material outside of the United States?

Mr. MAY. I will answer the gentleman directly by saying this Government has no jurisdiction outside of its own territory except in its possessions, and they are outside of the United States. That provision was likely put in there to enable this Commission to control the production of these materials and the handling of them in our territories. There is Alaska, for instance.

Mr. HINSHAW. That is not outside of the territorial definition of the United States as set forth on page 43 of the bill.

Mr. CASE of South Dakota. As a matter of fact, the gentleman has put his finger on the futility of the whole bill. That is the assumption of placing the production of fissionable material in the United States under control and the use of that under control. That will have no effect on what happens outside of the United States. I think that this shows the futility of this bill until some international agreement is arrived at.

Mr. HINSHAW. Now let us refer to page 16, line 25, where it is stated:

The Commission is authorized to purchase or otherwise acquire any fissionable material or any interest therein outside the United States, or any interest in facilities for the production of fissionable material, or in real property on which such facilities are located.

And so forth. The last sentence of that subsection reads:

The Commission is further authorized to take, requisition, or condemn, or otherwise acquire any interest in such facilities or real property, and just compensation shall be made therefor.

I would like to know how the Commission can condemn an interest in any property outside the United States?

Mr. MAY. This merely provides that it may purchase.

Mr. HINSHAW. It provides for condemnation.

Mr. MAY. Where is the gentleman reading?

Mr. HINSHAW. The word "condemn" appears in line 11, page 17.

Mr. MAY. Line 11, page 17:

The Commission is authorized to take, requisition, or condemn, or otherwise acquire any interest in such facilities or real property, and just compensation shall be made therefor.

Mr. HINSHAW. I would like to know how you can do that outside the United States, and I merely asked for this time in order to call the attention of the membership to some of these things. I do not care whether the Senate put them in or who put them in.

Mr. MAY. I did not say that. I said it was the Senate that put it in, and it probably relates to the materials that they acquire in the United States.

Mr. HINSHAW. Mr. Chairman, I would like to reiterate that the answers of the committee on a great many questions that have been asked here have necessarily been probabilities rather than facts, because I do not believe that either the committee or this House understands the import of this bill.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Missouri.

Mr. SHORT. Of course, we all know that there are many things going on at this hour in foreign lands that none of us know anything about because of the strict censorship that other countries have.

The CHAIRMAN. The time of the gentleman from California has expired.

The Clerk will read.

The Clerk read as follows:

MILITARY APPLICATIONS OF ATOMIC ENERGY

SEC. 6. (a) Authority: The Commission is authorized to—

(1) conduct experiments and do research and development work in the military application of atomic energy; and

(2) engage in the production of atomic bombs, atomic-bomb parts, or other military weapons utilizing fissionable materials; except that such activities shall be carried on only to the extent that the express consent and direction of the President of the United States has been obtained, which consent and direction shall be obtained at least once each year.

The President from time to time may direct the Commission to deliver such quantities of weapons to the armed forces for such use as he deems necessary in the interest of national defense.

(b) Prohibition: It shall be unlawful for any person to manufacture, produce, transfer, or acquire any equipment or device utilizing fissionable material or atomic energy as a military weapon, except as may be authorized by the Commission. Nothing in this subsection shall be deemed to modify the provisions of section 4 of this act, or to prohibit research activities in respect of military weapons, or to permit the export of any such equipment or device.

With the following committee amendments:

Page 24, line 6, after the word "of", insert "fissionable materials or."

Page 24, line 8, after the word "defense", insert "or (2) to authorize the armed forces to manufacture, produce, or acquire any equipment or device utilizing fissionable material or atomic energy as a military weapon."

The committee amendments were agreed to.

Mr. HINSHAW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, here is another provision in the bill which is an anomaly. The committee amendment on page 24, line 8, reads:

to authorize the armed forces to manufacture, produce, or acquire any equipment or device utilizing fissionable material or atomic energy as a military weapon.

If you will then turn to page 28, line 20, you will find this language:

The President shall direct the transfer to the Commission of all interests owned by the United States or any Government agency in the following property:

(1) All fissionable materials; all atomic weapons and parts thereof; all facilities, equipment, and materials for the processing, production, or utilization of fissionable material or atomic energy—

I would like to know how you can in one place authorize or direct the Commission to deliver quantities of fissionable material, and then authorize the armed forces to manufacture, produce or acquire equipment, when in section 9 you say that the President shall direct the transfer to the Commission of all interests owned by the United States or any Government agency in all of this property.

Can anybody on the committee answer that question?

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. The gentleman knows that I am opposed to this bill, and I shall vote to recommit the bill.

Mr. HINSHAW. I assume that is the case from the gentleman's previous remarks.

Mr. THOMAS of New Jersey. So my answer may not be a complete answer to the gentleman's question, but all the way through in the deliberations of the committee the committee members asked

questions about the bill, just as we are asking questions today, and the more questions you ask the more confused you are going to be and the more confused this House is going to be, so therefore that is one of the main reasons I am going to vote against this particular bill.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Kentucky, the Chairman, if he has an answer to the question.

Mr. MAY. Yes; I will answer it for the gentleman. Under section 9 of the bill, which requires the turning over of property to the Commission, which becomes effective on the date of enactment and approval of the bill. As to the provision in line 8 down to and including line 11 on page 24, it becomes effective thereafter and provides that the Commission may authorize the armed forces to manufacture atomic weapons as they see fit.

Mr. HINSHAW. No. It says that the President may direct the Commission to authorize, and on page 28 it says that the President shall direct the transfer of all interests owned by the United States, in any material and any machinery and any weapons, to the Commission. Those two sections are not compatible, if I can read the English language.

Mr. MAY. The gentleman is not opposed to a provision in the bill which would authorize the Commission to give the armed forces the right to manufacture atomic weapons after the Commission takes over the property, Oak Ridge, for instance? If they want to manufacture them, does not the gentleman think the Commisssion ought to let them do it?

Mr. HINSHAW. As I say, section 9 directs the President to transfer, and then the bill states at other places that when so transferred this property comes under the full and complete ownership of the Commission. The proposed committee amendment then states that the President may direct the Commission to authorize the armed forces to manufacture them. How can they do that if they cannot own any of the equipment? I should like to know that.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Ohio.

Mr. ELSTON. May I tell the gentleman how this particular committee amendment happened to be adopted? In reading this bill, some of us made the point that everything was transferred to the Commission. The Army and the Navy would not even have the right to manufacture atomic weapons of any kind except with the consent of the Commission. We felt that the manufacture of atomic weapons or any other kind of weapons is a function of the War and Navy Departments which should not be interfered with by any civilian commission. We were insisting that the services be given the right to go ahead with the manufacture of weapons without any order or license from the Commission. The committee amendment, which was offered I believe by the gentleman from Texas [Mr. KILDAY], was simply a compromise, and in my judgment is just about as confusing as about everything else in this bill, which is another reason why the bill should be recommitted for further study.

Mr. HINSHAW. If you put in the bill this amendment on page 24, on page 28 in some location you will have to put in a proviso that will exempt that material and those facilities that are transferred back to the War Department for the manufacture of this material from the direction that the bill contains, which is that the President shall direct the transfer.

Mr. DOYLE. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from California.

Mr. DOYLE. Answering the gentleman's question, there is nothing inconsistent between this language and the language in lines 20 and 21 in section 9, because the language in line 5 of page 24, to which the gentleman refers, states that the President from time to time may direct the Commission. That language does not compel the President of the United States to authorize the armed forces to manufacture, it merely makes it optional. So this amendment, subdivision (2), on which we are now voting, is subject to an option expressly given in line 5. It is optional with the President of the United States after he gets control under section 9 as to whether or not he desires to authorize the armed forces.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HINSHAW. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HINSHAW. I appreciate the gentleman's remarks, but elsewhere in the bill it states quite clearly that when these transfers are once made to the Commission the Commission is vested with all right, title, and interest to, in full and complete ownership of, all of this material and facilities and all of the atomic weapons. In section 9 not only do you direct the transfer to the Commission of all of the material, the facilities, and the equipment, but the Commission will then have the full and complete ownership of all the bombs that have heretofore been manufactured and the military will have nothing to say about it.

Mr. MAY. That is the purpose of this amendment, to make it possible for the military department to manufacture them.

Mr. HINSHAW. I again suggest that if we are going to do that we had better amend section 9 in such a way as to permit the transfer of the bombs back to that department.

Mr. MAY. We are not through that section yet.

Mr. DONDERO. Mr. Chairman, will the gentleman yield for a question?

Mr. HINSHAW. I yield.

Mr. DONDERO. In reading the hearings I can find no reference to the Federal Bureau of Investigation. Can anybody tell why?

Mr. HINSHAW. That is a little bit off this subject.

Mr. DONDERO. It has application to this bill.

Mr. HINSHAW. I know that, but I would rather that the gentleman talk on that subject on his own time.

Mr. CLASON. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Massachusetts.

Mr. CLASON. Yesterday I pointed out in connection with an amendment which I offered, which is on page 9381 of the CONGRESSIONAL RECORD, that the Army and Navy are today spending millions of dollars on a program which permits them to carry on research and discovery in the field of atomic energy. Apparently my amendment was offered for the same purpose as the one offered by the committee except, I believe, the committee amendment is much more restricted in scope.

Mr. HINSHAW. Section 8, dealing with international arrangements, makes it mandatory upon the Commission as soon as an international arrangement is entered into to transfer to the international authority all of this material and facilities and bombs and everything else that the international authority may want. I would like to know how after that happens you are going to be able to authorize the armed forces to manufacture anything. You are not going to be able to do it. There is no sense having that amendment in the bill at all because the international authority will control the entire program from stem to stern and you will have located in the United States and elsewhere in the world international extraterritorial localities, if you want to call them that, where this manufacturing and so forth is to be carried on. That is a very serious question. I think it deserves the serious consideration of the Committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOORHIS of California. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I would agree with those Members who have indicated that the bill would be confusing if the committee amendment were added to it. I think I understand quite clearly what the bill would mean if the committee amendment were not adopted. I would like to read this language as the Senate wrote it:

> The President may from time to time direct the Commission to deliver such quantities of weapons to the armed forces for such use as he deems necessary in the interests of national defense.

The principle of the bill as it came to us from the Senate was briefly that atomic-energy development was to be concentrated in the hands of the Commission. It was assumed that this Commission would be composed of the very best and most patriotic people in the whole Nation. It was assumed that they would handle this most dangerous and important problem and material that has ever faced this country with the degree of care and concern for the interests of this Nation that it demands. Anticipating, perhaps, what the gentleman

from Michigan may have had in mind when he arose and mentioned the Federal Bureau of Investigation, may I say to him that so far as I am concerned I should be perfectly glad to support provisions in this bill providing for FBI investigation of persons who shall have any part in this work. It seems to me, however, what this proposed committee amendment which we are now considering will actually do, briefly, is this: The bill as originally brought to us provides unquestionably for the power of the President to decide how many atomic bombs shall be manufactured, at what time they shall be manufactured, whether or not they shall be manufactured, and to tell this Commission through its Division of Military Application to make that number of bombs and deliver them to the armed forces.

Obviously, the bombs are going to have to be made by scientists if they are made at all. They will be made in the Division of Military Application, under the terms of the original bill. The committee amendment will only mean, if I understand its meaning at all, that we will set up two places for the making of atomic bombs. On the one hand, they will be manufactured by the Division of Military Application of the Commission, and, on the other hand, if the President happens to decide to do it, the armed forces, the Army or the Navy, or both, may themselves set up new Oak Ridges or new something else and make them there.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. Let me yield to my colleague from California because he has asked me three times.

Mr. JOHNSON of California. I think subdivision 2 on page 24 means that the Army and Navy shall have the right to requisition the property of the Commission and make various kinds of atomic weapons. That is all it means. The property to make weapons and the machinery belongs to the commission, and the armed forces can requisition those and make them in an arensal or any other place. In other words, there are two places you can make them under this provision, as the gentleman said.

Mr. VOORHIS of California. That is what it seems to me, but it does not seem to me that that is the wise and orderly way to go about the matter.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. MAY. I think the gentleman has overlooked one important feature of the discussion here. Beginning in line 5 on page 24, it says:

> The President from time to time may direct the Commission (1) to deliver such quantities of materials or weapons to the armed forces for such use as he deems necessary in the interest of national defense, or (2) to authorize the armed forces to manufacture, produce, or acquire any equipment or device utilizing fissionable material.

What is wrong with the Commission's determining whether they will do it or the armed forces do it?

Mr. VOORHIS of California. Of course, this would provide, as the gentleman suggests, that it might be done by the Division of Military Application of the Commission or it might be done elsewhere. It seems to me this work ought to be concentrated in one organization.

The CHAIRMAN. The time of the gentleman from California [Mr. VOORHIS] has expired.

Mr. KOPPLEMANN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. KOPPLEMANN. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. KOPPLEMANN. I am troubled by this committee amendment, because in placing in the hands of the War Department the power to manufacture bombs, it must, of course, be given over to private industry, and it cannot be given to small industry, it must be given to large industry. I fear the control of those, due to the fact that it might be that those large industries would make deals and cartels with other countries that would be detrimental to the safety of our own country. I would like to have the gentleman's opinion on that.

Mr. VOORHIS of California. My opinion of that is that so long as this process of manufacture is handled under the terms of the bill as written, I do not have the fear that what the gentleman postulates will happen. I believe it might well be that the Commission or the armed forces might want to contract for some of this production. I think that might well happen. I would not object to that being done. The thing I am fearful of—and I do not want to speak about it now because I have no doubt there will be full discussion of it later—but I am fearful that if we permit the private patenting of atomic energy, the thing the gentleman mentioned will happen. But I do not think it is involved in this particular question.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Louisiana.

Mr. BROOKS. Further in reference to the subject discussed by the gentleman from California [Mr. JOHNSON] who preceded you, regarding the apparent conflict in two sections of the act, I want to say this:

The section to which he referred on page 24 deals entirely with the material application of atomic energy whereas the subsequent section which he felt conflicted with the military application section deals entirely with the ownership of the property of the Commission. To hold that that particular phrase to which the gentleman refers conflicts with the section on the property of the Commission would in effect hold that the entire section dealing with military application conflicts with the section on ownership of the property by the Commission. That is not an argument that is tenable, because they do not conflict. They are separate and stand on their own feet.

Mr. VOORHIS of California. I am much obliged to the gentleman.

In conclusion may I say that the Chief of Staff of the Army and the Secretaries of War and the Navy have expressed their satisfaction with this bill from the point of view of its guarding the military interests of this Nation.

The most important thing that the bill will do will be to assure the continued development of the military applications. That is the thing that really counts much more than the manufacture of bombs; that is the vital thing. I am for continuing that military development under present circumstances; and until an international agreement and control that we have talked about so much is finally effected.

I believe all decisions with regard to what is going to be done under this bill should be made at the very highest level in our Government, that is, the President of the United States. I think that is where they should all be made. This legislation is written from the point of view of trying to make this thing a unified proposition so that the American program with regard to it will be so well coordinated as to make possible effective hope at least of getting the international control upon which the future hope of peace really rests. These are the reasons it would seem to me reasonable to leave the bill as it was before and why the committee amendment should be defeated.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. MAY. Mr. Chairman, I ask for a vote on the committee amendment.

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. THOMASON) there were—ayes 63, noes 38.

Mr. THOMASON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. MAY and Mr. SHORT.

The committee divided; and the tellers were unable to agree on the count.

The CHAIRMAN. Without objection, the Chair will direct that the vote by tellers be taken over.

There was no objection.

The Chair appointed as tellers Mr. THOMASON and Mr. SHORT.

The Committee again divided, and the tellers reported that there were—ayes 102, noes 72.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 24, line 13, after the comma insert "except as provided in section 6 (a)."

The committee amendment was agreed to.

The Clerk read as follows:

UTILIZATION OF ATOMIC ENERGY

SEC. 7. (a) License required: It shall be unlawful, except as provided in sections 5 (a) (4) (A) or (B) or 6 (a), for any person to manufacture, produce, or export any equipment or device utilizing fissionable material or atomic energy or to utilize fissionable material or atomic energy with or without such equipment or device, except un-

der and in accordance with a license issued by the Commission authorizing such manufacture, production, export, or utilization. No license may permit any such activity if fissionable material is produced incident to such activity, except as provided in sections 3 and 4. Nothing in this section shall be deemed to require a license for the conduct of research or development activities relating to the manufacture of such equipment or devices or the utilization of fissionable material or atomic energy, or for the manufacture or use of equipment or devices for medical therapy.

(b) Report to Congress: Whenever in its opinion any industrial, commercial, or other nonmilitary use of fissionable material or atomic energy has been sufficiently developed to be of practical value, the Commission shall prepare a report to the President stating all the facts with respect to such use, the Commission's estimate of the social, political economic, and international effects of such use and the Commission's recommendations for necessary or desirable supplemental legislation. The President shall then transmit this report to the Congress together with his recommendations. No license for any manufacture, production, export, or use shall be issued by the Commission under this section until after (1) a report with respect to such manufacture, production, export, or use has been filed with the Congress; and (2) a period of 90 days in which the Congress was in session has elapsed after the report has been so filed. In computing such period of 90 days, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days.

(c) Issuance of licenses: After such 90-day period, unless hereafter prohibited by law, the Commission may license such manufacture, production, export, or use in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this act. The Commission is authorized and directed to issue licenses on a nonexclusive basis and to supply to the extent available appropriate quantities of fissionable material to licensees (1) whose proposed activities will serve some useful purpose proportionate to the quantities of fissionable material to be consumed; (2) who are equipped to observe such safety standards to protect health and to minimize danger from explosion or other hazard to life or property as the Commission may establish; and (3) who agree to make available to the Commission such technical information and data concerning their activities pursuant to such licenses as the Commission may determine necessary to encourage similar activities by as many licensees as possible. Each such license shall be issued for a specified period, not to exceed 1 year, shall be revocable at any time by the Commission in accordance with such procedures as the Commission may establish, and may be renewed upon the expiration of such period. Where activities under any license might serve to maintain or to foster the growth of monopoly, restraint of trade, unlawful competition, or other trade position inimical to the entry of new, freely competitive enterprises in the field, the Commission is authorized and directed to refuse to issue such license or to establish such conditions to prevent these results as the Commission, in consultation with the Attorney General, may determine. The Commission shall report promptly to the Attorney General any information it may have with respect to any utilization of fissionable material or atomic energy which appears to have these results. No license may be given to any person for activities which are not under or within the jurisdiction of the United States to any foreign government.

(d) Byproduct power: If energy which may be utilized is produced in the production of fissionable material, such energy may be used by the Commission, transferred to other Government agencies, or sold to public or private utilities under contracts providing for reasonable resale prices.

With the following committee amendments:

Page 27, line 3, strike out "to exceed" and insert "less than."

Page 27, line 19, strike out "States or" and insert "States."

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 27, line 20, after the comma insert "or to persons within the jurisdiction of the United States where the issuance thereof would be inimical to the common defense and security."

Mr. MAY. Mr. Chairman, I offer a substitute for the committtee amendment.

The Clerk read as follows:

Amendment offered by Mr. MAY as a substitute for the committee amendment: On page 27, line 20, before the period insert the following: "or to any person within the United States if in the opinion of the Commission the issuance of a license to such person would be inimical to the common defense and security."

The substitute for the committee amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. CLASON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I merely wish to point out that the last amendment over which we had a dispute and which was approved by our votes put into the bill an amendment which in effect I offered yesterday and which was rejected. I believe it is important because it will give to the armed forces through an order of the President an opportunity to carry on the very important research and development work they are now carrying on prior to the passage of this bill.

Another proposition which indicates to me how confused we are in connection with legislation today is the situation with reference to our postal employees. They are without their pay because we cannot figure out what the price of silver should be. This bill here gets all balled up because of a lot of little mix-ups between the Department of the Interior, the military departments, and all the other departments of the Government. I sincerely hope that during the course of the day not only will this committee straighten out this bill but the Committee on Appropriations will be able to bring in here a bill which will permit our postal employees to get their pay. The postal employees should not be penalized by the dispute over the price of silver now raging in the Treasury Department. They need their pay for their families, for their food, and for their vacations. In this case the Treasury Department is balling up the orderly processes of the Post Office Department.

Mr. KEEFE. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I note in this section subparagraph (d), entitled "Byproduct Power." It reads:

If energy which may be utilized is produced in the production of fissionable material, such energy may be used by the Commission, transferred to other Government agencies, or sold to public or private utilities under contracts providing for reasonable resale prices.

Now, I have been trying to find out what that means. Is there anybody on this committee who can tell us what that means?

Mr. HARNESS of Indiana. If the gentleman would yield, I would like to answer the question.

Mr. KEEFE. I will yield to the gentleman in just a moment.

I get a little inkling as to what it means by reading the preface contained in the Report on the International Control of Atomic Energy prepared for the committee of the Secretary of State which I have before me. To show you how simple and easy this situation is, let me read it to you:

It is impossible to maintain a chain reaction in a mass of ordinary uranium. The neutrons which result from the fission of uranium 235 are captured by the much more abundant uranium 238 before they can get to another uranium 235 nucleus and the chain is therefore broken. However, by an adroit arrangement of ordinary uranium in the form of a lattice, imbedded in an inert material with respect to neutron capture like carbon, the neutrons can be slowed down and preferentially captured by uranium 235 to maintain the chain reaction.

Now, here is what happens:

In this way ordinary uranium can be used to maintain a chain reaction. A device of this sort is called a pile or a nuclear reactor. Since a large fraction of the neutrons in the reactor are captured by uranium 238, plutonium is a byproduct of the operation of the reactor. Another byproduct is the enormous amount of heat energy released by the fission process. A third byproduct is a large variety of highly radioactive materials which are the fission fragments or the result of neutron capture by materials inserted in the reactor.

Now we have indicated here in this section that the so-called byproduct powers that I have just described may be used by the Commission and transferred to other Government agencies or sold to public or private utilities under contracts providing for a reasonable retail price. Just so that the public and the Congress will know and understand when this bill passes and becomes operative and your constituents should certainly understand that they will perhaps have an opportunity to buy as byproducts from this Commission highly radioactive materials which are fission fragments as the result of neutrons captured by materials inserted in the reactor, it demonstrates to me so far as I am concerned, and I think most of the Members of this House are concerned, that we are going over this legislation without any very clear comprehension as to just exactly what may be involved. I conceive that possibly in this process there may be the development of heat as another byproduct. There may be developed electricity as another byproduct. I call it to the attention of the Congress in order

that we may know and may have in the RECORD a very clear and definite understanding as to what we are legislating on today.

I now yield to the gentleman from Indiana [Mr. HARNESS].

Mr. HARNESS of Indiana. A few moments ago I wanted to make an observation that that was only one of the many reasons why this legislation should go back to the committee.

Mr. KEEFE. Well, that may be a compelling reason.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MAY. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 5 minutes.

The motion was agreed to.

Mr. VOORHIS of California. Mr. Chairman, the gentleman from Wisconsin [Mr. KEEFE] has raised an important question on which I think I can at least say one thing that will be of interest.

At the atomic-energy plant in the State of Washington there is at the present time a considerable amount of this byproduct energy, that the gentleman described when he read the report, that is being produced and wasted into the Columbia River. The fact of the matter is that the temperature of that great stream is being considerably raised. There exists the possibility that that byproduct energy might indeed be sold to some public body or some private agency for some useful purpose, on condition that since it is generated with public funds it should be resold at a fair price. That happens to be a problem right now and for want of legislation like this a great waste is going on. I take it that is why it is in the bill.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. KEEFE. Does the gentleman understand that in this process there might be electricity developed as a byproduct of the process?

Mr. VOORHIS of California. I understand, as fully as one man's completely inadequate mind can understand it, that there are those possibilities with regard to this matter. My main concern, as far as the domestic application of peacetime uses is concerned, is that they shall be under such circumstances as to spread the benefits as broadly as possible throughout the Nation, and to give all elements in the population and all elements in business, as nearly as possible, an equal chance.

The CHAIRMAN. The time of the gentleman from California [Mr. VOORHIS] has expired.

Mr. MURDOCK. Mr. Chairman, I regard paragraph (d) of the bill, as found on pages 27–28, a wise provision. Whoever wrote this bill, S. 1717, must have become very well acquainted with the processes thus far used in placing in human hands atomic power. I understand that there are several exceedingly valuable byproducts in the manufacture of atomic bombs. We have heard suggested that we probably have only slight conception of the great value for medicine of radioactive material.

Probably in the field of power, or in heat, there is likewise a tremendous byproduct of the process. If electric power can be produced as a byproduct in the manufacture of fissionable material, which in itself also has great peacetime utility and value, it is easily conceivable that great quantities of heat or electricity can be produced very cheaply. If such is the case, whoever has control of the processes should see to it that society gets the benefit, through lowered rates. Society has already paid a great financial price and ought to enjoy financial benefits.

The Clerk read as follows:

INTERNATIONAL ARRANGEMENTS

SEC. 8. (a) Definition: As used in this act, the term "international arrangement" shall mean any treaty approved by the Senate or international agreement approved by the Congress, during the time such treaty or agreement is in full force and effect.

(b) Effect of international arrangements: Any provision of this act or any action of the Commission to the extent that it conflicts with the provisions of any international arrangement made after the date of enactment of this act shall be deemed to be of no further force or effect.

(c) Policies contained in international arrangements: In the performance of its functions under this act, the Commission shall give maximum effect to the policies contained in any such international arrangement.

With the following committee amendment:

On page 28, line 7, after the word "agreement", insert the word "hereafter."

Mr. HINSHAW. Mr. Chairman, I ask for recognition on the amendment.

Mr. Chairman, I would like to inquire of the chairman of the committee why it was that they limited the international agreements to those which might "hereafter" be approved by Congress. Are there some agreements that have already been approved that require the insertion of this word "hereafter"?

Mr. MAY. The intention was to be all-inclusive, so that it would include not only those that have already been approved but any that may hereafter be approved.

Mr. HINSHAW. No. I believe the gentleman is mistaken. By the insertion of this word "hereafter," you are approving all of those treaties that have been heretofore as well as those hereafter approved by the Senate, but you are limiting the international agreements approved by Congress to only those which are hereafter approved. I wonder if there has been some agreement that has been heretofore approved in this connection that I do not know about.

Mr. MAY. There is none that I know of. It is simply to take care of any that might be made.

Mr. HINSHAW. I would like to call attention to the fact that this section 8 remaining in the bill is an authorization, in advance of any treaty that might be made, to carry out the provisions of any such treaty and give maximum effect to any policies contained in such arrangement. In other words, that would almost constitute a blank check to the Commission in connection with any arrangement of international character that might hereafter be made. You should understand in giving this your approval that it can be a treaty approved by two-thirds of the Senate, without regard to the House of Representatives, in which case, of course, the House would not have anything further to say on this subject. Or it can be an international agreement approved by both bodies and I assume a majority vote in both bodies.

This section 8 is the kernel of the nut in this bill. It is the section which provides that all properties, materials, real estate, and everything else in the United States under the jurisdiction of the United States Atomic Energy Commission may be transferred to the international authority upon the conclusion of the international agreement.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. JOHNSON of California. Is not that the rule that pertains now, that a treaty is the supreme law of the land and it modifies all laws that may conflict with it?

Mr. HINSHAW. There is no treaty that I know of that would authorize the turning over to an international authority of real property of the United States within the United States boundaries.

Mr. JOHNSON of California. How does the gentleman know they are going to have one like that? The gentleman is just assuming that.

Mr. HINSHAW. I am assuming that after this bill becomes law with that language in it and you should want to strike that out of section 8, it would be subject to a veto and it would take a two-thirds vote in both Houses to override the veto.

Mr. JOHNSON of California. What the gentleman is talking about is the rule now in the case of international agreements. This does not change any rules.

Mr. HINSHAW. This authorizes in advance something that is not already done.

The CHAIRMAN. The time of the gentleman from California has expired.

The question is on the amendment.

The amendment was agreed.

The Clerk read as follows:

Page 28, line 19:

PROPERTY OF THE COMMISSION

SEC. 9. (a) The President shall direct the transfer to the Commission of all interests owned by the United States or any Government agency in the following property:

(1) All fissionable material; all atomic weapons and parts thereof; all facilities, equipment, and materials for the processing, production, or utilization of fissionable material or atomic energy; all processes and technical information of any kind, and the source thereof (including data, drawings, specifications, patents, patent applications, and other sources) relating to the processing, production, or utilization of fissionable material or atomic energy; and all contracts, agreements, leases, patents, applications for patents, inventions and discoveries (whether patented or unpatented), and other rights of any kind concerning any such items;

(2) All facilities, equipment, and materials, devoted primarily to atomic energy research and development; and

(3) Such other property owned by or in the custody or control of the Manhattan Engineer District or other Government agencies as the President may determine.

(b) In order to render financial assistance to those States and localities in which the activities of the Commission are carried on and in which the Commission has acquired property previously subject to State and local taxation, the Commission is authorized to make payments to State and local governments in lieu of property taxes. Such payments may be in the amounts, at the times, and upon the terms the Commission deems appropriate, but the Commission shall be guided by the policy of not making payments in excess of the taxes which would have been payable for such property in the condition in which it was acquired, except in cases where special burdens have been cast upon the State or local government by activities of the Commission, the Manhattan engineer district or their agents. In any such case, any benefit accruing to the State or local government by reason of such activities shall be considered in determining the amount of the payment. The Commission, and the property, activities, and income of the Commission, are hereby expressly exempted from taxation in any manner or form by any State, county, municipality, or any subdivision thereof.

Mrs. LUCE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there is hardly an hour, certainly not a day, that I do not learn some new and frightening fact concerning atomic energy.

The gentleman from Wisconsin pointed out to you that the Lilienthal or State Department report indicated that it would only be a question of time before atomic energy installations could be used to generate heat and electrical power. As a matter of fact the report goes on to say that these installations may be put into operation in the very near future, and, I quote, "only the gradual incorporation and adaptation of such units to the specific demands of contemporary economy will involve a protracted development." This translated into plain English means that the only thing the Commission formed under the bill will need to determine is how long it will take Government monopoly heat and electricity to put private heat and electricity out of business, without unduly upsetting the folks.

But now here is an amusing idea which occurred to me as a result of a conversation that I had in the lobby with my great good friend, Dr. JUDD, the gentleman from Minnesota, who is certainly a scientific expert in the field of radioactive materials. He told me—and I do not know whether he is on the floor, but if he is I hope he will correct the remark if I got it wrong—that he said in his speech on the floor of the House yesterday, which I have not yet had the time to study, that radioactive energy, used on human germ cells, may be used to mutate the species, and that it was radioactive energy which was probably responsible, at history's dawn, for such sports and biological monsters as dinosaurs, and, was itself the mysterious instrument God used to create the creature, man. In those days only God knew how to mutate animal species. The secret may now be man's.

Now, evidently the gentleman from Minnesota, Dr. JUDD, suggests radioactive energy may eventually be used to breed a new species: a superman godlike creature, or perhaps a monster; at any rate, operating on the germ cells it could be used to bring forth out of man as we know him now an indeterminate quantity of legs, arms, ears and eyes, if a careless user of this should feel so disposed, or if a lot of the stuff got loose on the premises.

I suddenly imagined myself many years from now confronted by a commission that had gotten rather bored, as well it might, with the follies and futilities of man, or even with the stubborn unwillingness of the common Congressman to vote away his liberties; and the commission decided that the time had come to mutate the species, the male species of course—because when they got around to mutating the female of the species they would surely make them all Lana Turners; but as far as the stubborn male species are concerned they might decide the time had come to treat human beings with these radioactive particles in order to get a new type with a very large head, one eye, one ear bent permanently to hold a telephone, one armed, with only a forefinger and thumb for signing documents and checks, no legs and an anatomy constructed to fit most comfortably into a swivel chair. In other words, they might decide to make a new species—the Bureaucrats.

I consider this a very dangerous idea, but in order not to leave the matter on this humorous plane, I ask my colleague, Mr. JUDD if he will explain to the House the truly scientific aspects of the mutation of the species with atomic energy as he explained them to me earlier. And, although I speak entirely in fun, I think this question of the terrible dangers inherent in radioactive energy is, in all seriousness, a further great argument for the need of civilian control for the next years, and another reason for voting for this bill.

The CHAIRMAN. The time of the gentlewoman from Connecticut has expired.

Mr. COOLEY. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. COOLEY. Mr. Chairman, I am definitely delighted with my membership on the Committee on Agriculture. On that committee we have not discussed such technical subjects as atomic energy. Certainly, we have not discussed subjects as technical as the subject which has been discussed by the lady from Connecticut and the doctor from Minnesota. Frankly, I think we ought to forget that discussion and leave it right where it is.

Mr. Chairman, I have never seen this House in such an atmosphere of uncertainty and indecision. I agree with the lady from Connecticut that we seem to learn something new every hour about radioactivity and atomic energy, but, apparently, the more we talk about these things the more we are confused. The very distinguished and learned gentleman from Missouri admitted frankly that he was confused and after his very fine speech he said that he was going to take his seat and listen to the debate, in the hope that it would aid him in making up his mind. I know that the distinguished lady and distinguished doctor are confused, and I believe that most of us are confused.

It seems to me that when we consider the whole subject we are in a rather ridiculous position. According to the gentleman from Wisconsin, we are now providing for the sale of this new and mysterious power to our constituents. If this new discovery possesses the potentialities and possibilities indicated by the lady from Connecticut, I certainly do not want any of it sold down in the Fourth Congressional District of North Carolina.

As I said yesterday, I am anxious, yes, most anxious, for the secrets of atomic energy to be controlled and carefully guarded. I do not think that it is necessary for us to take anyone else into our confidence in our efforts to keep better and guard the secret which has been pretty well guarded up to this moment. I am at a loss to understand why there seems to be such controversy over, and such lack of confidence in, our military men. We certainly know that the members of our armed forces are true, patriotic Americans, and they would do nothing to jeopardize or to imperil the safety of our country. When members of the committee have been asked why they object to military men being placed on this committee, they say that they object to it because it is a violation of the traditions of America for military men to participate in the deliberations of any committee within the civil branch of our Government. It seems to me that is a very, very, weak argument. We are dealing with something about which there are no traditions. We know nothing about atomic power. We know that it has not yet been perfected for military purposes. We are now in the experimental stage. We are still experimenting with the atomic bomb in Bikini. We know what the effect of the atomic bomb is because we have seen its results at Hiroshimo and Nagasaki. Why can we not rest easy and let the development of atomic energy for peaceful pursuits remain unknown for a few months, until at least the peace documents are prepared and signed?

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Iowa.

Mr. JENSEN. Does not the gentleman agree with me that there are as many potential dangers to the peace and security of the world in this legislation that we are now considering as there are in the atomic bomb itself?

Mr. COOLEY. I do not know whether in degree I agree with the gentleman exactly, but I do say that there is great danger in this situation. We talk about being fair and we talk about dealing fairly with all the people of the world. Here is a secret that cost $2,000,000,000 and, incidentally, has cost thousands and thousands of human lives, as witnessed by the destruction of Nagasaki and Hiroshima, and yet we are talking about sharing the secret with other peoples of the world before we even have full knowledge ourselves.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Illinois.

Mr. ARENDS. In view of what the gentleman is saying, and the impression that was given awhile ago, does he not think the smart thing to do would be to recommit this bill at the present time?

Mr. COOLEY. I agree with the gentleman.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from California.

Mr. VOORHIS of California. I am sure that the gentleman from North Carolina does not think that by recommitting this bill we somehow or other make atomic energy stand still in other countries.

Mr. COOLEY. I think we can at least control the secrets that we have here and leave it in the hands of the military people.

Mr. DURHAM. Mr. Chairman, I move to strike out the last word.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield to the gentleman from Kentucky.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

Mr. BIEMILLER. I object, Mr. Chairman.

Mr. MAY. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 5 minutes.

The motion was agreed to.

Mr. DURHAM. Mr. Chairman, I do not stand in the well of the House to lecture on biology, or to lecture to any Member. I do not think I am any scientist, but I just wonder to what level this debate will fall, if we will stop and just think about ourselves, what the scientists in this world have given us. We should think about the great Scotchman, Watt, who invented the steam engine. We should think about the other great inventors, of the barometer and thermometer, compass and many other inventions that have aided our welfare. Yet here in this House today we are poking fun at the people who have given to this world today a problem that we have got to solve ourselves.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. DURHAM. I yield to the gentleman from Arizona.

Mr. MURDOCK. I imagine the gentleman has some such thought and feeling as I have. Fun has been poked at inventors and inventions before this, even in this body. Does the gentleman recall that about 100 years ago when Morse proposed his electric telegraph and needed money to help with it, there were plenty of people, even Members of Congress, who facetiously wanted to spend money instead on investigating several other things instead of the telegraph? People poked fun at that effort in that day, but the people who made fun had a laugh on the other side of their faces in after years. Any way we look at it, atomic energy is a serious matter.

Mr. DURHAM. I thank the gentleman.

The Clerk read as follows:

CONTROL OF INFORMATION

SEC. 10. (a) Policy: It shall be the policy of the Commission to control the dissemination of restricted data in such a manner as to assure the common defense and security. Consistent with such policy, the Commission shall be guided by the following principles:

(1) That information with respect to the use of atomic energy for industrial purposes should be shared with other nations on a reciprocal basis as soon as the Congress declares by joint resolution that effective and enforceable international safeguards against the use of such energy for destructive purposes have been established; and

(2) That the dissemination of scientific and technical information relating to atomic energy should be permitted and encouraged so as to provide that free interchange of ideas and criticisms which is essential to scientific progress.

(b) Dissemination: The Commission is authorized and directed to establish such information services, publications, libraries, and other registers of available information as it may deem necessary or desirable to provide for the dissemination of information in accordance with subsection (a).

(c) Restrictions:

(1) The term "restricted data" as used in this section means all data concerning the manufacture or utilization of atomic weapons, the production of fissionable material, or the use of fissionable material in the production of power, but shall not include any data which the Commission from time to time determines may be published without adversely affecting the common defense and security.

(2) Whoever, lawfully or unlawfully, having possession of, access to, control over, or being entrusted with, any document, writing, sketch, photograph, plan, model, instrument, appliance, note or information involving or incorporating restricted data—

(A) communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with intent to injure the United States or with intent to secure an advantage to any foreign nation, upon conviction thereof, shall be punished by a fine of not more than $20,000 or imprisonment for not more than 20 years, or both;

(B) communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation, shall, upon conviction, be punished by a fine of not more than $10,000 or imprisonment for not more than 10 years, or both.

(3) Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, acquires or attempts or conspires to acquire any document, writing, sketch, photograph, plan, model, instrument, appliance, note or information involving or incorporating restricted data shall, upon conviction thereof, be punished by a fine of not more than $20,000 or imprisonment for not more than 20 years, or both.

(4) Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, removes, conceals, tampers with, alters, mutilates, or destroys any document, writing, sketch, photograph, plan, model, instrument, appliance, or note involving or incorporating restricted data and used by any individual or person in connection with the production of fissionable material, or research or development relating to atomic energy, conducted by the United States, or financed in whole or in part by Federal funds, or conducted with the aid of fissionable material, shall be punished by a fine of not more than $20,000 or imprisonment for not more than 20 years or both.

(5) No person shall be prosecuted for any violation under this section unless and until the Attorney General of the United States has advised and consulted with the Commission with respect to such prosecution.

(6) This section shall not exclude the applicable provisions of any other laws, except that no Government agency shall take any action under such other laws inconsistent with the provisions of this section.

(d) Inspections, records, and reports: The Commission is—

(1) authorized by regulation or order to require such reports and the keeping of such records with respect to, and to provide for such inspections of, activities and studies of types specified in section 3 and of activities under licenses issued pursuant to section 7 as may be necessary to effectuate the purposes of this act;

(2) authorized and directed by regulation or order to require regular reports and records with respect to, and to provide for frequent inspections of, the production of fissionable material in the conduct of research and development activities.

With the following committee amendment:

On page 33, lines 7 to 10, inclusive, strike out all of subsection (5).

Mr. MAY. Mr. Chairman, if I may be permitted to make an explanation of this amendment, I do not believe there will be any opposition to it.

This amendment was requested by the Attorney General of the United States because the language contained in the Senate bill, and which is stricken out here, would have taken completely out of the hands of the Department of Justice the power to prosecute or determine who should be prosecuted, and turned it over to this Commission. We thought that was taking away from the Department of Justice and turning over to a civilian commission a function that it is not proper to take away from it.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. DONDERO. For what reason was the Federal Bureau of Investigation entirely bypassed?

Mr. MAY. It is in the Department of Justice and this amendment takes care of it.

Mr. DONDERO. I understand that, but should not the violations and even all personnel connected with the Commission be investigated before the violations take place?

Mr. MAY. I think that is right. I agree with that.

Mr. DONDERO. I have a substitute amendment to cure that which will be offered when we reach page 50 of the bill.

Mr. MAY. When we get to that, we can vote on that amendment at that time.

Mrs. DOUGLAS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the explanation that the chairman of the Committee on Military Affairs has given for the striking out of this section sounds reasonable and would be reasonable if it were not for the

fact that we are not dealing with an ordinary subject; we are dealing with atomic energy. The reason this section was put in the bill, and I have discussed this with Senator McMAHON at great length, as well as with some of the scientists, was that in the field of atomic energy there is a great deal of hysteria. It is a spectacular new force that we have gotten hold of, to say the least. The gentlewoman from Connecticut has given her playfully, imaginative conception of what atomic energy may mean in one instance to mankind. I wish I had the time here to tell you about one of the byproducts of fissionable material that will revolutionize research in many fields—radioactive materials. This is no figment of the imagination. This is a certainty. I wish I could tell you what a sufficiency of radioactive material will mean in the treatment of skin cancer, and what it will mean to medicine in general. It will mean more than anything that has ever been discovered—more even than the discovery of the microscope. I cannot adequately compare it with anything. The doctors just hold up their hands and say, "If we could only have enough radioactive materials, we could do so much to help mankind." Well, you can have enough radioactive materials through the proper control of atomic energy. It means medicine and agriculture may be revolutionized. For the first time, doctors will be able to tell what a medicine actually does in a person's body because by the use of radioactive materials they can trace a medicine and its effect upon certain organs of the body. The same thing can be done with food. It means that we can grow crops that will be resistant to too much water or resistant to too much dryness.

For instance, Japan went into China and attacked China because they said they could not support their people on their small area of land. That was their reason as they gave it. It was not true but no such excuse can be given in the future. This in the future may mean perhaps that on a small amount of land there can be raised a hundred times or a thousand times more food than has ever been raised in the past. Think what this will mean to the undernourished people of the world. These are just a few of the things that will come from the byproducts of atomic energy. But to get back to the amendment. With this provision stricken out, the United States attorneys throughout the country would be able to bring suit against scientists in their districts for supposed violations of security regulations. You know that in many of the United States attorneys' offices in the rural districts there may be 1 person or 2 persons or perhaps 3 persons at the most. They cannot possibly be conversant with the subject of atomic energy. Good heavens, Congress itself is not conversant with the subject of atomic energy. If you have a hysterical kind of witch hunting after scientists, you are going to drive them from this field. The only people who know what is a secret and what is not a secret are the scientists. If a case does come up, this does not mean that you are doing away with prosecution. It only means that before the Attorney General acts, the United States attorney from any particular section of the country refers the case to the Attorney General and through his office the Commission is contacted so that they will not be prosecuting someone for a secret which the entire world has known for the last 10 years.

If we drive the scientists out of this field, I tell you we are destroying our defense. You are not protecting the American people. You are weakening our defenses. You are not keeping us in our preeminent position in science. The scientists will not stay in this field if they are hounded—if their good names are needlessly, stupidly dragged in the mire—if they are subject to hysterical, sensational publicity. A scientists' reputation is severely injured by the mere initiation of a prosecution regardless of whether or not he is ultimately acquitted. I was shocked and horrified to hear the name of the great Dr. Condon and Dr. Urey brought up in a derogatory manner on this floor the other day. Dr. Condon was the associate director of Westinghouse for 10 years and is now the head of the Bureau of Standards. Dr. Urey won the Nobel prize for having discovered heavy water without which the atomic bomb could not have been made. It is that kind of loose talk which will not give us any defense in the future, but will strip us of the real defense in this field.

Mr. JUDD. Mr. Chairman, will the gentlewoman yield?

Mrs. DOUGLAS of California. I yield.

Mr. JUDD. May I ask for clarification of one statement I understood the gentlewoman to use. Did she say the Japanese were compelled to go into China for food, because if so, that is not true.

Mrs. DOUGLAS of California. No. I did not say that.

Mr. JUDD. Did I not understand the lady to say that it was an economic necessity for Japan to go into China?

Mrs. DOUGLAS of California. I said that was one of the reasons the Japanese gave. That is what I said. But the gentleman has been to China and knows it well. The gentleman remembers the great vast areas in China with dry soil on which nothing can be raised. Research with radio active nitrates may some day turn those lands into fertile fields.

Mr. JUDD. But I did not want the idea to get abroad that the Japanese were compelled to go to Asia to get food, as has been so commonly believed. The Japanese have always had an adequate supply of rice, fish, and vegetables for their own population.

Mrs. DOUGLAS of California. I agree with you perfectly.

The CHAIRMAN. The time of the gentlewoman from California has expired.

The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. MAY].

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 33, line 11, strike out "(6)" and insert "(5)."

The committee amendment was agreed to.

Mr. ELSTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: On page 30, strike out lines 17 to 23, inclusive.

Mr. ELSTON. Mr. Chairman, before we vote on this bill, if it reaches that stage, I hope we will give very serious consideration to section 10, particularly to that part of section 10 which is the subject of my motion. Let me read it:

(1) That information with respect to the use of atomic energy for industrial purposes should be shared with other nations on a reciprocal basis as soon as the Congress declares by joint resolution that effective and enforceable international safeguards against the use of such energy for destructive purposes have been established.

Note that it starts out with the premise that the Commission in controlling the dissemination of restricted data must do so in a manner as to assure the common defense and security of the United States. Then it goes on to provide that it shall be the policy—and that policy is laid down by the Congress—to share with other nations on a reciprocal basis as soon as the Congress declares by joint resolution that effective and enforceable safeguards have been established. In other words, if we pass this bill with this part of section 10 in it, Congress has definitely gone on record as favoring a policy that the Commission shall share with other nations, on a reciprocal basis, information with respect to the use of atomic energy for industrial purposes. All that is necessary before the Commission begins the dissemination of this information, is for Congress to establish by a joint resolution that international safeguards have been set up. If anybody can tell me why we should commit ourselves in advance to a policy as broad as that, I certainly would like to have them do it. Consider for a moment what atomic energy may mean to industry over the years. It does not make any difference what it may cost the industry of this country, the information has to be shared with other nations.

I know, of course, that the bill provides for an exchange of information on a reciprocal basis, but the Commission itself will determine what is to be exchanged. The Commission can take anything in return for the information it furnishes. Obviously, the time may come when some international organization will agree on safeguards; and the time may come when this Congress will by joint resolution determine that safeguards have been set up; but what has the setting up of those international safeguards got to do with the transmission of information to other nations with respect to the use of atomic energy for industrial purposes? If we develop in this country, as he have, atomic energy for any purpose at all, is there any reason why we should share it with other nations except probably as a matter of mutual safety? Is there any reason why we should transmit to other nations information that will enable them to compete with American industry although they may give little or nothing in return? The policy would be a strange

philosophy in America. I know no precedent for it. I do not recall that we ever at any time in our history went on record in the Congress of the United States as saying that anything that was developed by industry in this country should be shared with the industries of other nations.

Since the Commission, under this bill as now written, will own or control every patent dealing with the subject of atomic energy, this section of the bill will also authorize the sharing of American patents with any nation in the world.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(Mr. ELSTON asked and was given permission to revise and extend his remarks.)

Mr. MAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am completely in disagreement with my good friend and colleague from Ohio on his presentation of the amendment he has just offered.

This is a very simple bill understood, perhaps, if and when you look carefully at two words in the language used. This is under the general heading of control of information, and it expressly provides that the control and dissemination of restricted data shall be by the Commission. For what purpose? "To assure the common defense and security."

The particular section that the amendment would strike out is subsection 1 of section 10, and it reads this way:

All information with respect to the use of atomic energy for—

Two words now—

Industrial purposes should be shared with other nations on a reciprocal basis as soon as—

What now?—

as soon as Congress declares by joint resolution that effective and enforceable international safeguards against the use of such energy for destructive purposes have been established.

This section clearly imposes upon this Commission to restrict that data that would affect the common defense until such time as Congress has declared by a joint resolution, I assume, that it is in the interest of the national security that civilian uses of it be shared with other countries on a reciprocal basis. That is so simple and so plain to me that I cannot quite understand the reasoning of my fine colleague.

Mr. THOMASON. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. THOMASON. Is not the important thing that no information can be released until Congress itself, the people's representatives, by a joint resolution, says that international safeguards against the use of atomic energy for destructive purposes have been established? I just do not know how you could have a more democratic way of control than to leave it to a joint resolution of Congress.

Mr. MAY. If the provision is stricken out, it opens the gate wide for the Commission to have power to do it. This would prevent them from doing it at all until the Congress says so.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Massachusetts.

Mr. BATES of Massachusetts. I think the point the gentleman expressed was the use of this for industrial purposes irrespective of patent rights. That is what is involved. Is there in the opinion of the gentleman any more reason for disseminating this information for industrial purposes, free of any cost, than spreading or disseminating information in respect to any patents now existing in this country for industrial or for any other purpose after we spent over $2,000,000,000 for it?

Mr. MAY. I can imagine there might arise a situation in international negotiations if it were proposed that there should be a widespread dissemination of atomic energy for civilian purposes under some subcommittee or other organization established by international agreement, it might be the means of obtaining a concession against the military use of atomic energy by some other nation.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BROOKS. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I merely want to call the attention of the Committee to a single point in reference to the amendment suggested by my good friend and able colleague the gentleman from Ohio [Mr. ELSTON]. The confusion exists in reference to the meaning of the word "reciprocal." I do not take the term "reciprocal basis" to mean gratuity or free. I take it to mean that it is a "mutual basis" of self-interest. Where two countries deem it to the mutual advantage of each country to enter into a reciprocal agreement, an agreement in which both gain an advantage, that agreement then would be possible only after a joint resolution of the Congress. That does not mean a gift, it does not mean a gratuity, it does not mean giving away something for nothing; it means a mutual agreement where both nations profit; and when the Congress looks into it and passes a joint resolution, the action is made final—and, by the way, a joint resolution has the same sanctity as law. It is passed by both the House and Senate and signed by the President. I see nothing wrong at all in that paragraph as written.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from California.

Mr. JOHNSON of California. That very type of reciprocal program is being carried out in the matter of agriculture in my State of California, for instance, in reference to the exchanging of ideas in regard to fruits and grapes, and also in reclamation work and in river and harbor work, as well as in communications. We have the reciprocal interchange of ideas and information.

Mr. BROOKS. I say running through each agreement must be the mutual interest of both countries; they enter into an agreement for the mutual advantage of both.

Mr. BATES of Massachusetts. Does the gentleman mean to infer, by referring to agriculture, that those same reciprocal arrangements are made in connection with patent rights affecting the great industries of this country by which we have grown beyond the industries of any other country in the world?

Mr. BROOKS. The gentleman is a most capable Member of Congress. He has studied those things. The gentleman knows that no such strained construction can be placed on this language as intimated by him.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Ohio.

Mr. ELSTON. I would like to ask the distinguished gentleman from Louisiana, who is a very capable lawyer, if he knows of any precedent for this type of legislation? Does the gentleman know of any time in history when Congress went on record saying that we should exchange information with respect to the industrial use of any type of power with other nations?

Mr. BROOKS. Not with reference so much to information as to reference with mutual advantages. I think that has been very well written into our laws, and I do not think there is anything new or startling or dangerous about it, especially when it is necessary to come back to this same body here, back to the United States Senate and the President to reaffirm this principle and decide when it is time to act.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Illinois.

Mr. CHURCH. Will the gentleman refer to the word "information" again and answer me whether or not the word "information" cannot and does not definitely mean the know-how that we have heard so much about; the know-how of the atomic bomb secrets? Cannot "information" mean the know-how?

Mr. BROOKS. I will say this to the gentleman. Of course, the word "information" is generic in its terms, but I think the thing the gentleman overlooks is the fact that the agreement to which this section refers is for our mutual advantage and, further, it can only be effected after we agree to it.

Mr. BIEMILLER. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the distinguished representative from Wisconsin.

Mr. BIEMILLER. I would like to observe that there has been some exchange of information between private trusts, through cartels, relating to deals between Standard Oil and the Farbenindustrie, and I think we have far more to fear if we go ahead with private patents in that there will be a bad exchange of information.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I would like to briefly give the reasons why I believe section 10,

control of information, was placed in the Senate bill. Discussion of the secret of the atomic bomb is subject to certain misconceptions. First, the secret is not permanent since it consists entirely of natural phenomena capable of discovery sooner or later by competent scientists anywhere. Just 3 days ago we read in a local newspaper an article in which a Jap scientist was well on his way to finding the secrets of the atomic bomb, using equipment that scientists in this country estimated cost $25.

Second, perhaps the major part of the pure science involved was known throughout the world before the war; and, third, the real advantage is largely a combination of technological advances in design and construction of equipment, and the fact that the United States already has equipment which takes a long time to construct.

In controlling the dissemination of secret information, there are two basic objectives which tend to conflict with one another. Reasons of security require complete control of information which might help other nations to build atomic weapons. At the same time sufficient freedom of interchange among scientists must be provided if we are to maintain our preeminent scientific position. The bill expressly states these policy objectives and subjects not only atomic weapon information but atomic power information to control with serious criminal penalties for illegal dissemination of information. To assure scientific progress the Commission may free information in the restricted category if it determines the value of such dissemination outweighs the value of secrecy.

Mr. FENTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, first of all, I want to allay any fears that my colleagues may have that I am going to give you any scientific talk on this legislation. I promise you I will not add to your confusion, but rather, as a general practitioner of medicine, attempt to give you my viewpoint and diagnosis in plain language and use an illustration that is well known to all of us.

Mr. Chairman, as one member of the House Military Affairs Committee who has been in fairly constant attendance at its meetings—especially during its deliberations of this bill—I feel that you must all agree that we should proceed with great caution and care.

In my opinion we will have gone far afield from the American way of life if we act too quickly on this bill.

Mr. Chairman, the old backbone of this great country of ours is beginning to sag. The heavy weight of all countries upon our spinal column is beginning to compress our spinal cord to such an extent that it soon will be completely severed and paralysis will result, unless it is supported by a good strong brace.

We possess that brace in the secret of the atomic bomb and certainly for the time being we should not throw or give it away.

Personally, I am of the opinion, that since we have control of this secret bomb that we should not be in a hurry to share it with any other country or countries.

I believe that peace will be attained much quicker by keeping what we have; and, in so doing we will in no uncertain terms serve notice to those people who are continually blocking the efforts of our peace-making representatives that we expect to retain the secret until at least peace has been declared.

For, with the state of uncertainty now existing with our peace proposals, as evidenced by our Secretary of State and others in their reports to the country on the progress of peace negotiations it would appear to me that this is not the time for this legislation.

To enact S. 1717 would to my mind give a lot of aid and comfort to a certain group—that at the moment is using to its own advantage—as a member of the Security Council, its veto rights.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 25 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Chairman, sometime this afternoon we hope to come to a very important decision on this bill. No doubt the most important decision we will be called upon to make in this session of Congress. I am sure the one underlying motive of all of us will be what is for the best interests of our country. Everybody admits that we are dealing with the most destructive force ever devised by the human race. We are asked to share or divulge its secrets, which we now hold, with other governments. Not long ago some members who now advocate the passage of this bill, S. 1717, with all its implications for the dissimination of information about this almost supernatural power, took this floor and urged the passage of the draft bill in support of our Secretary of State who was then battling in Paris against powers opposing peace and who recognize force only to achieve their objective. Yet, the country is still at war technically. Its termination has not been declared by the President of the United States. Neither has its termination been declared by the Congress of the United States. Several times since hostilities ceased and several times since the United Nations conference at San Francisco the nations of the world have endeavored, through meetings, to bring peace upon this earth. Up to this present hour, those attempts have very largely failed. On the 29th of this month in Paris, France, the nations of the world will convene again in the hope of making some progress to achieve peace upon this earth. If that conference had been held on the 29th of June instead of the 29th of July next and if that conference like all other previous conferences had come to the same conclusion and brought forth very little if any progress toward peace, would we be here this afternoon debating whether or not we would share this most destructive power with some other nations of the world? Some ideologies of government believe there is only one force on this earth, and that is brute force. The able gentleman from North Carolina, [Mr. COOLEY] touched upon this matter a few moments ago. I heartily agree with him when he says that peace treaties have not been written. Peace treaties have not been agreed upon. Their terms have not been arrived at. They have not even come to sit around a table to formulate any particular plan or program on the basis of which peace might be obtained. The peace of the world thus far has been vetoed. Yet, here we are proposing to give to the world the most destructive engine mankind has ever created. What can we lose by recommitting this bill to the Committee on Military Affairs and leaving the secrets of the atomic bomb where they now are, and that is the agency of our Government charged with the defense of our Nation. Let us see what happens after the conference in Paris on the 29th of this month. Nothing can be lost but much can be gained if we defer this matter until we know whether or not universal peace can be established upon this earth. We have provided all the legislative machinery necessary for that high purpose. Until that time comes, I believe, my colleagues, that we can serve our country best by deferring action upon this bill. Therefore, I am going to vote to recommit this measure to the Committee on Military Affairs for further study and consideration. I hope a motion to recommit will be adopted.

Mr. VORYS of Ohio. Mr. Chairman, consideration of this amendment is a preview of what we are going to do on section 10, the patent section. This amendment offered by my distinguished colleague from Ohio [Mr. ELSTON] leaves in the statement of policy the assurance of common defense and security, and then permits and encourages "dissemination of scientific and technical information relating to atomic energy."

Mr. HARNESS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield.

Mr. HARNESS of Indiana. I have an amendment at the desk to strike out subsection (b), on page 31, which is entitled "Dissemination."

Mr. VORYS of Ohio. There is no amendment pending now to strike out the provision for dissemination of scientific and technical information.

PROTECTION OF OUR PATENT SYSTEM

The provision that would be stricken out by the present amendment is a provision for the dissemination of information with respect to the use of atomic energy for industrial purposes. The most important information about any industrial process or any industrial gadget is, under our way of life, contained in patents. It is provided by section 10, as the bill is now written, that this Commission is to have a monopoly on all former patentable information remotely connected with atomic energy, and unless this present section is stricken out, the Commission is to have the right, subject to military requirements, to pass out industrial information to all the world that would otherwise be subject to patents.

THE REAL ISSUE—DISARMAMENT

There is another reason why I think this language should be stricken out. This section provides for sharing information on industrial uses of atomic energy when the Congress declares by joint resolution that effective and enforcible international safeguards against the use of such energy for destructive purposes have been established. Thus we are asking international safeguards only against atomic weapons, and saying nothing about other weapons. There is not only confusion in this House, but there is confusion at New York in the United Nations on this subject. We have gotten ourselves so fascinated and horrified by atomic energy that we are forgetting about some of the other forms of destruction. We gain nothing for our own security, or for world peace, when we outlaw the one weapon in which we excel, in order to enter an international armament race in all other forms of destruction. By the above language we would bind ourselves to furnish the industrial know-how to other nations for them to use atomic energy in the manufacture of other weapons, V–2 bombs, rockets, after the atomic bomb itself has been outlawed.

We should not forget that the most destructive force, up to the present time, including the atomic bomb, is mass armies. We have in Japan a unique case of a nation that succumbed without invasion, but you ask them in China or Poland or Germany or Russia about mass armies, and they will tell you they are more destructive to life and property than anything that has ever been invented. Up to date the Roman broadsword is the deadliest weapon ever invented, based upon actual records of killed and wounded. Total conscription is a comparatively new weapon in history and has been developed by Germany, Japan, and Russia to a superstate of efficiency and destructiveness. Total conscription, which drafts part of the population for fighting and the rest for labor in industry and agriculture, requires complete regimentation, complete surrender of individual freedom. We do not like it. We will not be good at it. Are we going to outlaw the one weapon in which we excel in order to compete with the rest of the world in the one weapon in which we do not excel and do not want to excel?

The U. S. S. R. now has a population of about 170,000,000 and the population of the countries it has taken over since 1939 is, in Europe, 118,000,000 and in Asia 130,000,000. Thus the Soviets have a manpower pool of 418,000,000 people. The birth rate in Soviet Russian is so high compared with ours that in 1970, 24 years from now, they will have approximately 100,000,000 more population than the United States. In 9 years the Soviets will have 36,900,000 men between the ages of 15 and 34. If we eliminate all other weapons, except conscripted mass armies, what nation in the world will be unquestionably the greatest military power?

Let me quote some sentences from the Baruch report.

Let us not deceive ourselves: We must elect world peace or world destruction.

Only in the will of mankind lies the answer.

But before a country is ready to relinquish any winning weapons it must have more than words to reassure it. It must have a guaranty of safety not only against the offenders in the atomic area but against the illegal users of other weapons—bacteriological, biological, gas, perhaps, why not? against war itself.

In the elimination of war lies our solution, for only then will nations cease to compete with one another in the production and use of dread secret weapons which are evaluated solely by their capacity to kill. This devilish program takes us back not merely to the Dark Ages but from cosmos to chaos.

Yet in spite of these eloquent, penetrating words of wisdom in the Baruch report, Mr. Baruch and our leaders in the United Nations seem to be striving solely for international outlawry of atomic warfare. We should face the fact that only by total war against all warfare can we secure peace for the world and security for ourselves.

I had hoped that some part of this bill would be devoted to this subject. Instead, I find that this bill keeps so far away from it that I have been unable to devise an amendment on the subject that would be in order. I can only express here the hope that our leaders will do something on the international front about total disarmament before they commit us on outlawing the atomic bomb and sharing industrial uses of atomic energy. Adoption of the Elston amendment would be at least a congressional gesture in the right direction.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The Chair recognizes the gentleman from New York, [Mr. REED].

Mr. REED of New York. Mr. Chairman, the problem of the atomic bomb ought to be decided in the light of history. We all want peace, pray for peace, yet there is no peace. What does history disclose? J. Novicow, vice president of the International Institute of Sociology, points out that: "From the year 1496 B. C. to A. D. 1861, in 3,358 years, there were 227 years of peace and 3,130 years of war, or 13 years of war to every year of peace. Within the last three centuries," so the author reminds us, "there have been 286 wars in Europe." Even more significant, now that peace negotiations are being conducted, Mr. Valbert says: "From the year 1500 B. C. to A. D. 1860 more than 8,000 treaties of peace meant to remain in force forever were concluded. The average time they remained in force is 2 years."

I know that a person is guilty of lese majesty to quote George Washington in these days of so-called brotherly love, the good neighbor era, the share-the-wealth program, the share-the-raw-material and share-the-atomic-bomb-secrets in the new warless age of international affection and good will. George Washington uttered these prophetic words with full knowledge of the bloody and almost constant wars throughout the world prior to A. D. 1790. I quote from Washington's Farewell Address of September 17, 1796, as follows:

Against the insidious wiles of foreign influence, I conjure you to believe me, fellow citizens, the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. * * * Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities * * * Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, or caprice?

Does the number of wars since 1800 to the present day hold out to suffering mankind the prospect of an era of universal peace? Let us look at the record:

TIME-TABLE OF EUROPE'S WARS

1801: The old German Empire breaks up, and all territory on the left bank of the Rhine is ceded to France.
1802: French aggressions in Holland, Italy, and Switzerland.
1805: England declares war on Spain. France fights Austria.
1806: Napoleon enters Berlin.
1807: Napoleon defeats Russia.
1808: Napoleon invades Spain.
1810: France annexes Holland, Turks driven out of Balkans.
1812: War starts between United States and England.
1812: Napoleon declares war on Russia.
1814: France invaded from all sides. Napoleon to Elba. British seize and burn Washington.
1815: Napoleon leaves Elba, is defeated by British and Germans at Waterloo, then sent to St. Helena for life.
1816: Holland annexes Belgium.
1817: British wars in India.
1822: Greeks and Turks at war. Civil war in Spain.
1823: French army enters Spain.
1824: British battle for Burma.
1825: Russia wars on Turkey.
1826: Russia invades Persia.
1827: Turks driven from Greece.
1828: Russia overruns Rumania.
1829: England and Austria intervene against Russia.
1830: Revolution in Poland and France. Belgium revolts from Holland.
1831: Prussia and Austria aid Russia against Poland.
1832: Egypt revolts against Turkey.
1838: French bombard Mexican ports. Debt collection, old style.
1839: Britain wars on China.
1846: War between United States and Mexico.
1848: Schleswig-Holstein fights Danish annexation.
1849: Danish-Russian war.
1850: Britain blockades Greece. Prussia and Austria war.
1854: France and England war against Russia.
1856: British war on China and Persia.
1861: Civil War in United States. British blockade runners supply South.
1864: Germans defeat Danes.
1866: War between several German states. Austria wars on Italy.
1868: Britain invades Abyssinia. Spanish revolution.
1870: Franco-German War.
1871: Alsace-Lorraine goes to Germany. Back to France in 1918 and back to Germany in 1940.
1874: Spanish civil war.
1876: Balkan wars.
1877: Civil war in Japan. Russia wars on Turks.

1879: British war on Zulus.
1880: Boers and British battle.
1881: France wars on Tunis.
1882: Britain wars on Egypt.
1884: Japan wars on Korea.
1885: Russia wars on Afghanistan.
1887: Balkan wars. Italy wars on Abyssinia.
1894: Japan wars on China.
1895: Belgium seizes Congo state.
1898: Spanish-American War.
1899: Britain wars on Boers.
1900: Boxer War in China, United States returns Boxer indemnities.
1904: Russian-Japanese War.
1910: Japan takes Korea.
1912: Balkan wars.
1914–1918: Russia, France, Britain, Italy, United States, Japan, Rumania, Serbia, Belgium, Greece, Portugal and Montenegro, 12 nations, battle Germany, Austria-Hungary, Turkey and Bulgaria.
1917–1918: The United States of America participated in the World War.
1920 to 1930: A breathing spell and period of disarmament conferences, which obviously disarmed no nation except the United States. European and Asiatic powers destroy League of Nations ideal.
1931: Japan seizes Manchukuo.
1932–33: Europe repudiates all World War debts to United States ($12,000,000,000).
1934: Italy takes Abyssinia.
1937: Japan develops an "incident" in China.
1938–1939: Germany takes Austria, Czechoslovakia and Poland. Russia invades Poland. France and England declare war on Germany.
1940: Russia takes part of Finland. Germany seizes Denmark and defeats Norway, Holland, Belgium and France. Italy joins war against England.
1941: Germany and England at war. Russia, Italy, Rumania and Japan, against Germany in 1914, like the figures of the year, have reversed their positions and are with her in 1941. Bulgaria, Turkey, Greece, and Jugoslavia involved in conflagration. Starvation general throughout all Europe.
1941 to VJ-day: United States still at war.

The acrimonious battle of words now going on between the peace delegates of the respective nations still technically at war is no time to share military secrets with totalitarian or other foreign nations. The fewer persons in possession of the secret of this instrumentality of wholesale human slaughter, the safer mankind will be until a better understanding between nations has been attained.

I regard this legislation as premature, unwise, and not in keeping with our national safety.

[From the Washington Evening Star of July 19, 1946]

THE GREAT GAME OF POLITICS

(By Frank R. Kent)

BULLITT'S BOOK DEFLATES OPTIMISM OF SOVIET COLLABORATION FOR PEACE

In a recent summary of William C. Bullitt's just-published book, The Great Globe Itself, a foreword says that "unquestionably it will become a major topic of discussion." To even a casual reader this will appear an understatement.

If the considerable number of extremely articulate persons in this country who insist that sympathetic understanding and friendship with Russia is the only means by which we can promote peace in the world and international cooperation become a reality do more than discuss Mr. Bullitt's book, it will, indeed, be remarkable. For as trenchant, documented, and convincing an indictment of the Russian leaders, their methods, and their purposes has not before been made.

Great weight is given the Bullitt charges, first, because they come from a man who not only knows well modern Russia and the men who run that country, but who is a student of Russian history and an admirer of the Russian people; second, because the author was the first American Ambassador to Russia after our long delayed recognition in 1934. He went to Moscow openly friendly to the Soviet experiment.

Disillusioned in Russia

His disillusionment came while he was there—the result of close personal contact with the operations of the Russian system and personal experience with the Russian rulers. It has been greatly increased by their ruthless and aggressive policies—in clear violation of the Atlantic Charter, which Stalin indorsed—following the end of the war and by their general course in every international gathering from the Yalta Conference on down to the recent meeting in Paris. The chronology of the acts and attitude here presented seem an unassailable basis for Mr. Bullitt's views.

In effect, he charges that the period after a war for the Soviet Government is not a period to make peace but to prepare for war; that the primary, compelling, and unchangeable motive of the government is the spread of communism throughout the world; that it conceives its own safety is involved in this as it is convinced that Russian communism cannot survive for long by the side of the capitalistic countries; that it is unalterably hostile to foreigners; that it signs treaties and makes agreements not with any idea of keeping them but only because they appear expedient at the time; that Stalin grossly deceived Mr. Roosevelt when he pledged himself not to promote communism in this country; that the Soviet word is not good, that the Russian rulers regard everything, including fraud, deceit, and murder as justifiable to perpetuate their own power and promote the Communist purpose.

Warfare always

"In the eyes of the Soviet Goverment," writes Mr. Bullitt, "the Soviet Union is always engaged in warfare, open or concealed, with the non-Communist states of the world. And where it embraces in friendship a non-Communist government, it is always with the ultimate intention of driving a dagger in its back. That is why Stalin is unappeasable. That is why Mr. Roosevelt's 'great design' was foredoomed to failure. That is why, for our own self-preservation, we must face the fact that Stalin, like Hitler, will not stop but can only be stopped."

These are terrific charges—particularly at this stage when such great—though apparently futile—efforts are being made to get Russia to cooperate wholeheartedly in the cause of peace and in the complete control of atomic energy. Certainly, it is true that far greater progress toward these goals would have been made in the past year but for the obstructions offered by the Soviet representatives. Mr. Bullitt is neither an irresponsible nor a reckless man. He presents facts to support his contentions. He is a detached man without a grievance and no cause to serve other than the truth. Such a book by such a man cannot easily be passed over.

Superior force necessary

Undoubtedly, he will be denounced by those who resent any reflection on the honor and purity of the Russian leaders. Nevertheless, the book is well calculated to increase the number of those who believe as Mr. Bullitt believes, that the only way to deal with the Soviet rulers is by confronting them with superior force.

"The most legitimate use of force on earth," says Mr. Bullitt, "is to gain time to permit the growth of moral ideas. It will take some time for moral ideas to grow in the Soviet Union. There is no way to prevent it from conquering non-Communist states during that time except the hard way of keeping it constantly confronted by superior force."

It is interesting that the series of articles recently appearing in the New York Times by Brooks Atkinson, just returned after a year as Times correspondent in Moscow, fully sustains Mr. Bullitt's view that friendship with Russia is impossible and that for us to hope for mutual, sympathetic understanding is to delude ourselves. It is also interesting that the appearance of the Bullitt book coincides with th recent attack by Attorney General Clark on Communists in this country and his reference to a vicious plot to destroy our Government. For these remarks, the lawyers' guild—which has a heavy Communist flavor—passed denunciatory resolutions condemning Mr. Clark as a Red baiter.

The CHAIRMAN. The gentleman from South Dakota [Mr. CASE] is recognized for 4 minutes.

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment:

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota:

On page 30, line 18, strike out "should" and insert "may."

In line 18 strike out "as soon as" and insert "only after."

Mr. CASE of South Dakota. Mr. Chairman——

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Kentucky.

Mr. MAY. Is the gentleman's amendment offered as a substitute for or a modification of the pending amendment?

Mr. CASE of South Dakota. My amendment is offered as a perfecting amendment to the language in the bill. Mr. Chairman, I think I share with every Member of the House the feeling that once in a while we get sort of punch-drunk on words and it becomes difficult and perhaps wearying to try to follow the technical language of a bill. Nevertheless, we try. And I shall try to be brief and direct in my remarks.

The gentleman from Ohio [Mr. ELSTON] is to be congratulated for having drawn attention to the importance of this section on the control of information; but I would raise a question as to whether or not the entire elimination of this paragraph may not have the reverse effect of that intended. If this paragraph be lifted from the bill just what restriction remains in the bill to restrain the Commission from doing the very thing he fears?

The chairman of the committee, the gentleman from Kentucky [Mr. MAY], and the gentleman from Louisiana [Mr. BROOKS] have said in defense of keeping this subparagraph of the bill that it would permit the Commission to exchange this information on a reciprocal basis "only after" Congress passes a joint resolution, but actually that is not what the language in the bill says. The language in the bill is a directive and not a limitation. The language in the bill says that as soon as Congress passes a joint resolution the Commission "should"

share this information. In other words, it gives an affirmative directive to the Commission. If it be intended that this be a safeguard and that this information may be shared with other nations on a reciprocal basis only after Congress has passed a joint resolution, then the language in the bill should clearly say that. That is what my amendment proposes to do by striking out the word "should" in line 18, and inserting in lieu thereof the word "may", and striking out the words "as soon as" in line 19, and inserting in lieu thereof "only after". The language then becomes a limitation upon the Commission rather than a directive.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. VORYS of Ohio. Is it not true that the gentleman's amendment if adopted would still leave in this bill an advance promise of Congress to have this Commission furnish industrial information much of which up to now has been contained in patents?

Mr. CASE of South Dakota. No; I think that is not quite true, because with this section out of the bill you would have no restriction on the Commission, and it could release the industrial information at any time. To express the intent Members have voiced, a restriction should be clearly written in the bill saying that the Commission may dispense this information only after Congress, by a joint resolution, has said that adequate safeguards have been established, and the joint resolution has been signed by the President.

I hope my amendment will be adopted.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman from South Dakota yield?

Mr. CASE of South Dakota. I yield.

Mrs. ROGERS of Massachusetts. It is true, is it not, that the President did not share this secret with Russia during the war?

Mr. CASE of South Dakota. I do not know.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. McDONOUGH. Does the gentleman mean only after Congress declares by joint resolution that adequate and enforceable international safeguards have been put into effect, or only after the Congress by joint resolution declares that the war is over? There are two considerations there. These international safeguards could be declared before the period of the war has ceased.

Mr. CASE of South Dakota. Well, that would depend on Congress. Congress would have to use its own judgment as to whether effective international safeguards had been established. I doubt that the Congress would find that proper international safeguards had been established unless the war had been declared at an end.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

The Chair recognizes the gentleman from Wisconsin [Mr. BIEMILLER].

Mr. BIEMILLER. Mr. Chairman, there have been times in this debate that I have been wondering if we were discussing S. 1717 or if there has been some substitute bill introduced here which has not been made available to all the Members. I have heard Members on this floor speak constantly about a bill that is going to immediately share the secrets of the atomic bomb with other nations. I have thoroughly read this bill a good many times, I have read the report of the Senate, I have read the report of the House committee and I can find absolutely nothing in the bill or in the reports about the immediate sharing of the present technological secrets of the atomic bomb with other nations. I think we ought to recognize that fact and not be discussing extraneous issues at this stage of the game.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. BIEMILLER. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Will the gentleman read the paragraph under consideration for that certainly uses the words "shall be shared."

Mr. BIEMILLER. Yes, but the bill further reads "As soon as the Congress declares by joint resolution that effective and enforceable international safeguards against the use of such energy for destructive purposes has been established."

Mr. CASE of South Dakota. That is a directive that as soon as that is done it should be shared. The amendment which I have offered simply said that it is only after those safeguards have been created that the Congress might do that.

Mr. BIEMILLER. I think that is quibbling over language. Furthermore, that section, as the gentleman from South Dakota well knows, refers only to the use of atomic energy for industrial purposes. It says absolutely nothing about sharing the technological processes of the atomic bomb.

Why are we trying to confuse the issue here? Actually, if we are going to follow the policy that some Members of this House have been suggesting, what we will do is put an effective stop to further experimentation on the part of American scientists. You have been told repeatedly on this floor, and I know it is correct, that almost all of the scientists who were working for the Manhattan district have left that project. There is no real experimentation going on there today. The Army as such did not do the experimenting during the war. All of the technological processes that resulted in the atomic bomb were done by civilian scientists and directed by civilian scientists.

Why should we take this great chance you are asking us to take? The Manhattan project will not result in any further experimentation. Secretary Patterson has asked that the Army be relieved of this responsibility. The establishment of an Atomic Energy Commission in the form proposed by the McMahon bill when it left the Senate will give us a chance to perfect our knowledge of atomic energy.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. BIEMILLER. I yield to the gentleman from Texas.

Mr. LANHAM. If section 11 should be stricken from the bill or remain in the bill as it is, unless my amendment to that section is adopted, would not this provision in the bill give the Commission the right to transfer patent rights in America without any registration or authorization of them in foreign countries to foreign countries?

Mr. BIEMILLER. On the contrary, what I am afraid of is that if the amendment of the gentleman from Texas is adopted what we will do is make available the secrets of the atomic bomb. The gentleman's amendment would permit private individuals to patent atomic weapons. All such patents must carry a full description which would be available to the public. Any smart secretary or technician would then have all the information he would need. I hope we can discuss that at more length when that particular amendment is before us.

Mr. LANHAM. They can under this provision in the bill certainly transfer our patent rights at will.

Mr. BIEMILLER. While I do not share the gentleman's point of view I am sure he would not claim that the bill would make the bomb processes public. The point I want to make specifically is that there is nothing in this bill as it now stands which if passed will result tomorrow morning in making the secrets of the atomic bomb available to any other nation on the face of this earth; yet that is the charge that speaker after speaker has thrown on this floor, the most recent being the gentleman from Michigan [Mr. DONDERO]. There is nothing in the bill of that kind. The bill is purely an effort to systematize in an intelligent manner further research in this country into the problem of atomic energy. That research is badly needed. If this bill is recommitted we will not have it.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. FOLGER].

Mr. FOLGER. Mr. Chairman, I was about to become so impatient as to decide that if this part of the bill were eliminated, I would not vote for the bill at all. It is unthinkable to me that we in this country, who have the atomic energy secret so far as the manufacture of bombs is concerned, should become so isolated in our disposition and spirit as to be afraid to allow other countries of the world to take such portion of this developed energy as might be used for industrial purposes only.

I think it would be a great mistake to hold ourselves as possessing any such attitude toward the world as to be unwilling to share the industrial part of this discovery with other nations of the world. It should be the policy of the Commission to control the dissemination of restricted data in such a manner as to assure the common defense and security. That means we can hope, I suppose, that it will allay the suspicion or the expectation of anyone that by permitting this dissemination of knowledge as to industrial purposes we might let out something

that would be capable of being used for the destruction of mankind.

The gentleman from South Dakota, I think, is in error in undertaking to substitute the word "may" for "should." This is no more than a declaration of policy, "consistent with such policy" that is, the security of the United States, "the Commission shall be guided by the following principles." It does not say they shall do it or they shall not do it.

Then they say they will be guided generally by the following principles: "That information with respect to the use of atomic energy for industrial purposes should be" not may be, not will be, but should be "shared with other nations."

That means that it is an exemplification of a spirit of worldwide understanding and willingness to help to contribute to the welfare of other people in this world in order that we may lay the foundation of a permanent peace, and not rest our security altogether on armament or atomic bombs for the destruction of human lives.

Mr. MAY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. JOHN J. DELANEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 1717) for the development and control of atomic energy, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Koerber, its assistant enrolling clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 7052. An act to amend the Internal Revenue Code, and for other purposes.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6983. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in any and all claims which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, or any tribe or band thereof, may have against the United States, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1236) entitled "An act to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. O'MAHONEY, Mr. WAGNER, Mr. MURRAY, Mr. GURNEY, and Mr. ROBERTSON to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4590) entitled "An act to authorize the use by industry of silver held or owned by the United States."

USE BY INDUSTRY OF SILVER HELD OR OWNED BY THE UNITED STATES

Mr. SPENCE submitted the following conference report and statement on the bill (H. R. 4590) to authorize the use by industry of silver held or owned by the United States:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4590) to authorize the use by industry of silver held or owned by the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 4, and the amendment of the Senate to the title of the bill, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "90.5"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: ": *Provided further*, That hereafter each United States coinage mint shall receive for coinage silver mined after July 1, 1946, from natural deposits in the United States or any place subject to the jurisdiction thereof, as provided in the Act of July 6, 1939 (Public Law 165, Seventy-sixth Congress), and tendered to such mint within one year after the month in which the ore from which it is derived was mined, except that the seigniorage to be deducted shall be 30 per centum instead of 45 per centum as provided in section 4 (b) of said Act"; and the Senate agree to the same.

BRENT SPENCE,
PAUL BROWN,
WRIGHT PATMAN,
JESSE P. WOLCOTT,
Managers on the Part of the House.

ROBERT F. WAGNER,
ALBEN W. BARKLEY,
ABE MURDOCK,
R. A. TAFT,
E. D. MILLIKIN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4590) to authorize the use by industry of silver held or owned by the United States, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This is a technical amendment inserting the word "hereafter" and is related to amendment No. 4 which eliminates the provision for an expiration date contained in the House bill. The House recedes.

Amendment No. 2: This amendment changed the minimum price at which Treasury silver may be sold under the bill from the 71.11 cents per ounce provided in the House bill to 90.3 cents per ounce. The House recedes with an amendment making the figure 90.5 cents per ounce. This change in the Senate figure is a technical change to make the figure conform with the policy agreed upon in connection with amendment No. 3.

Amendment No. 3: This amendment added a provision to the effect that in the case of silver mined after July 1, 1946, from natural deposits in the United States or any place subject to the jurisdiction thereof, and received by any United States coinage mint for coinage under the act of July 6, 1939 (Public Law 165, 79th Cong.), the seigniorage to be deducted under section 4 of said act shall be 30 percent instead of 45 percent as provided in such section 4. The House recedes with an amendment which restricts the application of this provision so that it will not apply unless the silver in question is tendered to the mint within one year after the month in which the ore from which the silver is derived was mined.

Amendment No. 4: This amendment struck out section 2 of the House bill, which provided that the act should expire two years after the date of its enactment. The House recedes.

The House recedes from its disagreement to the amendment of the Senate to the title of the bill.

BRENT SPENCE,
PAUL BROWN,
WRIGHT PATMAN,
JESSE P. WOLCOTT,
Managers on the Part of the House.

Mr. SPENCE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 4590) to authorize the use by industry of silver held or owned by the United States.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is their objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENT OF FEDERAL CREDIT UNION ACT

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6372) to amend the Federal Credit Union Act, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 3, after line 20, insert:

"SEC. 8. Subsection (b) of section 16 of such Act is amended to read as follows:

"'(b) (1) The Governor may suspend or revoke the charter of any Federal credit union, or place the same in involuntary liquidation and appoint a liquidating agent therefor, upon his finding that the organization is bankrupt or insolvent or has violated any provisions of its charter, its bylaws, or of this chapter, or of any regulations issued thereunder.

"'(2) The Governor, through such persons as he shall designate, may examine any Federal credit union in voluntary liquidation and, upon his finding that such voluntary liquidation is not being conducted in an orderly or efficient manner or in the best interests of its members, may terminate such voluntary liquidation and place such organization in involuntary liquidation and appoint a liquidating agent therefor.

"'(3) Such liquidating agent shall have power and authority, subject to the control and supervision of the Governor and under such rules and regulations as the Governor may prescribe, (i) to receive and take possession of the books, records, assets, and property of every description of the Federal credit union in liquidation, to sell, enforce collection of, and liquidate all such assets and property, to compound all bad or doubtful debts, and to sue in his own name or in the name of the Federal credit union in liquidation, and defend such actions as may be brought against him as liquidating agent or against the Federal credit union; (ii) to receive, examine, and pass upon all claims against the Federal credit union in liquidation, including claims of members on shares; (iii) to make distribution and payment to creditors and members as their interests may appear; and (iv) to execute such documents and papers and to do such other acts and things which he may deem necessary or desirable to discharge his duties hereunder.

"'(4) Subject to the control and supervision of the Governor and under such rules and regulations as the Governor may prescribe, the liquidating agent of a Federal credit union in involuntary liquidation shall (i) cause notice to be given to creditors and members to present their claims and make legal proof thereof, which notice shall be published once a week in each of three successive weeks in a newspaper of general circulation in each county in which the Federal credit union in liquidation maintained an office or branch for the transaction of business on the date it ceased unrestricted operations: *Provided*, That whenever the aggregate book value of the assets and property of a Federal credit union in involuntary liquidation is less than $1,000, unless the Governor shall find that its books and records do not contain a true and accurate record of its liabilities, he shall declare such Federal credit union in liquidation to be a "no publication" liquidation, and publication of notice to creditors and members shall not be required in such case; (ii) from time to time, make a ratable dividend on all such claims as may have been proved to his satisfaction or adjudicated in a court of competent jurisdiction and, after the assets of such organization have been liquidated, shall make further dividends on all claims previously proved or adjudicated; and the liquidating agent may accept in lieu of a formal proof of claim on behalf of any creditor or member the statement of any amount due to such creditor or member as shown on the books and records of the credit union: *Provided*, That all claims not filed before payment of the final dividend shall be barred and claims rejected or disallowed by the liquidating agent shall be likewise barred unless suit be instituted thereon within 3 months after notice of rejection or disallowance; (iii) in a "no publication" liquidation, determine from all sources available to him, and within the limits of available funds of the Federal credit union, the amounts due to creditors and members, and after 60 days shall have elapsed from the date of his appointment, shall distribute the funds of the Federal credit union to creditors and members ratably and as their interests may appear.

"'(5) Upon certification by the liquidating agent in the case of an involuntary liquidation, and upon such proof as shall be satisfactory to the Governor in the case of a voluntary liquidation, that distribution has been made and that liquidation has been completed, as provided herein, the Governor shall cancel the charter of such Federal credit union: *Provided*, That the corporate existence of the Federal credit union shall continue for a period of 3 years from the date of such cancellation of its charter, during which period the liquidating agent, or his duly appointed successor, or such persons as the Governor shall designate, may act on behalf of the Federal credit union for the purpose of paying, satisfying, and discharging any existing liabilities or obligations, collecting and distributing its assets, and doing all other acts required to adjust and wind up its business and affairs, and it may sue and be sued in its corporate name.

"'(b) After the expiration of 5 years from the date of cancellation of the charter of a Federal credit union the Governor may, in his discretion, destroy any or all books and records of such Federal credit union in his possession or under his control.'"

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

DEVELOPMENT AND CONTROL OF ATOMIC ENERGY

Mr. THOMASON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (S. 1717) for the development and control of atomic energy.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill S. 1717, with Mr. JOHN J. DELANEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. BATES].

Mr. BATES of Massachusetts. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio [Mr. ELSTON].

As I stated yesterday on the floor of the House, under the conditions existing throughout the world today things are too uncertain to permit the changing of the present status and control of the administration of the atomic bomb and everything connected with nuclear energy. I think we ought to give the United Nations an opportunity to hold their peace parley the latter part of this month and see if we cannot find some way by which we can establish a basis for a permanent peace in the world. Surely with the unsettled conditions existing today, this is no time for us to disseminate information of any kind on the atomic front or nuclear energy. In today's paper we read of the War Department firing five physicists from the Aberdeen Proving Ground, where they were employed in very responsible positions, it is said that they were discharged on the ground that they were carrying on subversive activities. Yet, by this bill we are building up another organization, taking the control away from the War Department which is now working very closely with our scientists and has been over the period of the war years. It is through this organization that the War Department has thus created that this tremendous weapon with all of its power has been fully developed.

Mr. Chairman, I do not blame the House for being in confusion. Over a period of 3 days we have been discussing this bill. Already several amendments have been offered and agreed to. There seems to be a complete misunderstanding on the part of many of us as to how far-reaching the provisions of this bill are, and we should go slowly.

Let me read briefly a report placed in the CONGRESSIONAL RECORD yesterday by the gentleman from Ohio [Mr. BENDER]. It is an article given to the press by Mr. Paul Bellamy, editor of the Cleveland Plain Dealer, who was one of those editors of American papers who visited Europe at the request of the War Department to make a first-hand, on-the-job inspection of what is going on there. He said:

I have just returned from a trip to hell. Would that I had the tongue of men and of angels to describe what I saw.

Dante should return and rewrite his description of the inferno.

By hell I mean postwar Germany and general conditions in central Europe.

Then he went on to speak about the Russians not cooperating. He said:

I believe the Russian problem is paramount in Europe. Everywhere one turns he finds that our commanding officers in the various zones, regions, and even county and municipal governments, have to keep an eye on the Russians. Everything we do has to be measured a little bit by its effect on the ever-present Russian influence in Europe. And the Russians are not cooperating, not a single whit, with the other occupying powers in Germany. They are running their own show blithely and confidently and sometimes in an openly insulting manner.

Mr. Chairman, they are not cooperating in any other part of the world. They are operating behind the iron door in Central Europe where no one is permitted to visit the area under their control. They are operating secretly and conniving in Korea. We know the difficulty that is existing in the Manchuria area, where there is no cooperation and no mutual understanding and where civil war continues between the Chinese Nationalist troops and the Chinese Communists who are aided and supported by the Russians.

There should be no haste in changing the status of control of the atom bomb or nuclear energy while the world is still in an upheaval. No one can definitely forecast whether there will be further trouble ahead or whether the statesmen of the world will finally see the light, and find some way to establish permanent and lasting peace.

The War Department and the scientists of the country are working very closely together in further research on atomic energy. Today papers inform us that a huge atomic research center is being planned by the War Department and that nine major universities are cooperating in a project, the projected size of which can be seen in the board of regents', Columbia University, statement that the estimated expenditure may ex-

ceed $5,000,000 a year. Such a statement assures us that research work on the development of nuclear physics is continuing with speed and is now in good hands.

Let us keep things in this field of activity just as they are, and until things become more settled throughout the world.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. BATES] has expired.

All time has expired.

The question recurs on the perfecting amendment offered by the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Chairman, I ask unanimous consent that the amendment may again be reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There being no objection, the Clerk again reported the amendment offered by the gentleman from South Dakota [Mr. CASE].

Mr. HARNESS of Indiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARNESS of Indiana. I would like to have the Chair advise the House if this perfecting amendment is adopted, then the vote would recur on the amendment offered by the gentleman from Ohio [Mr. ELSTON] to strike out the section?

The CHAIRMAN. The gentleman is correct.

The question is on the amendment offered by the gentleman from South Dakota [Mr. CASE].

The question was taken; and on a division (demanded by Mr. CASE of South Dakota) there were—ayes 66, noes 57.

So the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. ELSTON].

The question was taken; and the Chair being in doubt, on a division there were—ayes 79, noes 70.

Mr. THOMASON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. ELSTON and Mr. THOMASON.

The Committee again divided; and the tellers reported that there were—ayes 99, noes 94.

So the amendment was agreed to.

Mr. HARNESS of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARNESS of Indiana: On page 31, lines 4 to 8, inclusive, strike out all of subsection (b) of section 10.

Mr. HARNESS of Indiana. Mr. Chairman, the amendment I have offered seeks to strike from the bill the following language on page 31:

Dissemination. The Commission is authorized and directed to establish such information services, publications, libraries, and other registers of available information as it may deem necessary or desirable to provide for the dissemination of information in accordance with subsection (a).

That language would authorize and direct the Commission to set up the biggest propaganda agency ever created by the Congress. It could become a super OWI and I do not think that is necessary in carrying out the policies enumerated in subsection (a). I hope my amendment will be agreed to.

Mr. JENNINGS. Mr. Chairman, will the gentleman yield?

Mr. HARNESS of Indiana. I yield to the gentleman from Tennessee.

Mr. JENNINGS. Under that provision could they not set up a bureau far broader, nationally and internationally, than anything to date and load the Federal pay roll down with crackpots and people who are in favor of giving this country away and turning over its means of defense to the enemies of our country?

Mr. HARNESS of Indiana. Of course, if they set up this agency, under the authority and direction of this bill, it could become one of the most dangerous agencies ever created by law. In fact, I know of no precedent for such action. Subsection (b) of section 7 requires the Commission to report to the President and Congress any industrial, commercial, or nonmilitary uses of fissionable material or atomic energy. This provision should be adequate for providing pertinent information to the country.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. HARNESS of Indiana. I yield to the gentleman from California.

Mr. JOHNSON of California. How is this any different than the dissemination of information by the State bureau of health, like we have in our State, telling how to avoid diseases, how to guard against communicable diseases, and all those things?

Mr. HARNESS of Indiana. I do not think the gentleman or this Congress is ready to set up an agency that would have such tremendous and the sweeping powers that this Commission would have, to establish libraries, information services, publications, and to disseminate information some of which might be only remotely connected with the subject of atomic energy. The cost of such a bureau would be staggering. I hope the Committee will adopt this amendment.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. JUDD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am sure everybody here including those on my side of the aisle will agree that I have not been profligate in voting for amendments to this bill. I have consistently voted against all amendments, except the Case perfecting amendment to the paragraph just voted out of the bill. But I am going to vote for this amendment because I cannot see any possible reason or useful purpose to be served by this subsection. Any information with respect to atomic energy which this Commission can properly and rightfully release will be eagerly and instantly gobbled up and published by all the scientific journals in our country and in the world. To direct the Commission to establish publications and libraries and propaganda agencies to make this information available to the people seems to me utterly unnecessary, when there are already thousands of journals and publications, scientific and industrial and popular, able and eager to do the job. We cannot justify this provision when it is not necessary and sets up one additional Government propaganda agency.

Therefore, I hope the amendment will be adopted.

Mr. HARNESS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Indiana.

Mr. HARNESS of Indiana. I am glad that the gentleman emphasized that this is not only an authorization but a direction in law.

Mr. JUDD. That is right.

Mr. THOMASON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am opposed to the amendment offered by the gentleman from Indiana, but I am very frank to say that I think it is sort of a futile thing for me or anybody else to oppose it in view of the adoption of the amendment offered by the gentleman from Ohio [Mr. ELSTON]. Judging from the last vote, it looks like isolationism is again in the saddle. I take it that most of you want no part in our international problems. Paragraph 1 of section 10 specifically provides that nothing shall be done in connection with the dissemination of scientific and technical information unless and until Congress, the representatives of the people, if you please, by resolution had declared that effective and enforcible international safeguards against the use of such energy for destructive purposes had been established. That is a condition precedent. That has to be done before we make a single move. But after the American people, the owners and possessors of the atomic bomb, through their representatives in Congress and after due deliberation, say that the secret of the atomic bomb has been properly safeguarded, to then say to the people all over the world who are crying out for medical aid, calling out for this great marvelous discovery that will bring happiness and prosperity and, I hope, peace to the countless people of the world—to then say to them that we will not give it to them for that purpose, that we will just draw ourselves into a shell and say, "No, we are not going to share that even for industrial purposes; we will not help to reclaim the stricken lands of Europe and Asia; we will not share our medical secrets and the discovery of a remedy for cancer," and all of these other aids to mankind is beyond my comprehension.

Mr. HARNESS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Indiana.

Mr. HARNESS of Indiana. I would like to know if the gentleman does not agree with me whether under subsection (b) of section 7 on page 25, which requires the Commission to make a report to the President and to the Congress of all the information with respect to industrial, commercial, or nonmilitary use of atomic energy, it would not be sufficient, without setting up this agency and directing them to establish libraries and so forth.

Mr. THOMASON. I do not know about that, but I certainly do not want, by my vote, to say that I refuse to give nonmilitary aid to the other peoples of the world. We are no giving away the atomic bomb secret, a bomb that destroyed a whole city, and another bomb in the hands of somebody else could destroy this Capital and the whole beautiful city of Washington and the great city of New York. We have harnessed it and we should put it in safe custody through some kind of a commission. Certainly we have got to take care of it from a domestic standpoint before we reach into the international field. Everybody knows that the Germans were on their way to perfect it. The gentleman from Missouri [Mr. SHORT], who was with me when we visited the atrocity camps in Germany, knows that they were then in those underground factories working diligently to perfect the atomic bomb as soon as possible. We know that Russia and other countries are well on the way. We have to take care of the bomb domestically first. After we do that, surely some kind of international atomic commission can be set up to take care of the entire problem. When that is done, if we are to live in a peaceful world, our delegates to Paris on the 29th day of this month must be able to take back some hope to the people who perhaps think, "The United States are the only people that have the bomb, and they are experimenting with it out in the Pacific now and are going to have some more experiments. There is not much use in trying to arrive at peace terms, because they can blow us up any time they want to." We are not going to do anything of that kind, but that is what some people probably think.

Speaking for myself, from the depths of a sincere conviction, I say that just as soon—and I pray that that day is quite soon—as we place under control the atomic bomb, we then can release this wonderful new discovery to the sick and the impoverished people of the world.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. THOMASON. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mrs. LUCE. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentlewoman from Connecticut.

Mrs. LUCE. I also voted against No. 1 under section 10, but does not the gentleman feel that even though that section is stricken this bill contains provisions for our integrating the whole Commission with an international commission when it is formed, so that the very purpose of this section, although it is stricken, will nevertheless be fulfilled the minute the world is able to establish adequate safeguards?

Mr. THOMASON. The gentlewoman is absolutely correct because we have left in subsection (2) that the dissemination of scientific and technical information relating to atomic energy shall be permitted.

Mrs. LUCE. You would have to strike out subsection (2) before you could make it possible for us to prevent giving it away.

Mr. THOMASON. That is right. It is most unfortunate that the Elston amendment was adopted, if we are to try to make some contribution here today to the cause of world peace. That is the way I feel about it. I hope there will be a roll call on that amendment.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Minnesota.

Mr. JUDD. I agree with the gentleman in the hope there will be a roll call on the Elston amendment and that it will be defeated. I think it was most unfortunate that it was adopted, especially after modification by the Case amendment. However, the gentleman's remarks here have been against the Elston amendment rather than the Harness amendment. I still feel that the Harness amendment is good and will not have any of the terrible effects the gentleman has portrayed.

Mr. THOMASON. I have great respect for the opinion of my distinguished friend from Minnesota. I know how he feels about this bill, because he has spent a good many years abroad. He knows what the suffering and what the turmoil is in Asia and perhaps in Europe. I hope we go back to the Elston amendment. I repeat that as far as I am concerned, I do not think it is very material if this amendment is adopted. I have made these remarks to try to convey to you my own conviction on the subject and express the hope that we will have a roll call in the House and defeat the Elston amendment.

Mr. VOORHIS of California. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I agree heartily with what the gentleman from Texas has just said, both as to the fact that the Harness amendment is not of great significance and as to the fact that the action of the House with regard to the Elston amendment is, in my judgment, very regrettable indeed.

Mr. FOLGER. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from North Carolina.

Mr. FOLGER. I call the attention of the gentleman to the fact that subsection (b) says that that shall be done in accordance with subsection (a), which protects against divulging any military secrets.

Mr. VOORHIS of California. Precisely. What I want to address myself to is the very realistic situation under which we are legislating today. I know that to base our action on hope that the so-called secret of the atomic bomb may be protection for America for longer than a few brief years is to practice self-deception and deception of the people. During that brief period while America retains her preeminence in this field—and I shall vote to prolong that period as long as we can—America has an opportunity to take leadership for the harnessing of this terrible force by international agreement which, to quote the bill, will give "enforceable international safeguards against the use of such energy for destructive purposes."

The official position of the United States Government as to how that can be accomplished is contained in the Baruch proposal to the United Nations Atomic Energy Commission. What does that proposal contain? The proposals it contains are the conditions under which America would share the peacetime benefits of atomic energy with other nations under the terms of this bill had the Elston amendment not been adopted or should that language go back in the bill. Perhaps as the gentlewoman from Connecticut suggests this would be the case under the bill anyway, but certainly it would be far better to restore the language stricken by the Elston amendment so as to make America's position quite clear and to make it accord with the clear vision expressed by the gentleman from North Carolina a short time ago. The terms of the Baruch proposal laid down the conditions under which America would say, "Yes, so far as the peacetime benefits of atomic energy are concerned, we intend to share those peacetime benefits on a reciprocal basis with other nations." The conditions that the Baruch proposal laid down are briefly as follows: That the nations of the world—the other nations of the world as well as ours—shall agree that an international authority in which this Nation as well as other nations shall have full participation, shall have the police power to enter every nation on this globe to see whether or not in that nation there are being possessed any atomic weapons or any fissionable material or whether there is any plant manufacturing fissionable material or whether there is in that nation any plant for the production of such materials as could produce atomic weapons. More than that, America proposes that such an authority shall control and own any such fissionable material or facilities for the production of fissionable material which could be used to produce such weapons anywhere on this globe, including that dictatorship which now lives behind that iron curtain. Those are the conditions and the only conditions under which America proposes that there shall be any dissemination of this knowledge. But can we here say—and still pretend to be for peace—that even if such conditions for enforceable international safeguards against the possession of atomic weapons or the means of making them are achieved, still America will refuse to share the knowledge not of atomic weapons but of possible medical or industrial benefits of atomic energy? No. We cannot take such a position.

Mrs. LUCE. Does the gentleman believe that if this world authority is brought into being that they will be able to capture materials used for chemical and biological warfare and take them out, too, and will it also provide a way of getting the battleships and B–29's and B–17's?

Mr. VOORHIS of California. I am very much obliged to the gentlewoman for asking the question. I want to answer it. I will say to the gentlewoman

from Connecticut, it might well be that having once established the supremacy of a law of peace over the right of any nation to possess one kind of weapon of mass destruction, we will have taken a step which might open the gateway through which we could march to reach peace along the very lines that she suggests.

Mrs. LUCE. If it can be done, I am for it.

Mr. VOORHIS of California. I know that, of course.

I believe it quite important that we recognize that the problem of peace is not confined to atomic weapons by any manner of means, if the nations would agree, but in controlling atomic weapons in the manner suggested by the United States the first step in all history toward enforceable means to peace will have been taken and other necessary steps will become infinitely easier.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, I have not spoken on this bill up to now, but I have been terribly distressed about it. I think the passage of this bill is the greatest menace that could possibly be set up against the success of a peace conference. Unless we leave this situation in the hands of the military until after the June 29 conference, we are giving up and turning over to a civilian commission a set-up where they can do a lot of things that would be out of control. This particular provision which is the subject of this amendment is a very dangerous thing.

One does not have to be an internationalist or an isolationist to understand those things, but one has to be an American, and has to think, and not be led astray by false prophets. The idea of setting up this kind of an information service and establishing all sorts of libraries and registers and all that sort of thing to get the stuff out before we have a definite, positive agreement on the part of the other countries to permit us to do the inspecting that we need to do to find out whether or not they are ready to comply with whatever agreement that may be made, that is necessary if we are going to have peace in the world in the days to come. We are not going to have peace unless we protect ourselves right here, and unless we let those people who represent us go into that conference with something to talk about.

I wish this House, instead of being led astray by false statements as to what folks are who take one position or another, would think this thing out and not go off half-cocked. That is what I am afraid those who are supporting this legislation are doing. I wish we would think about it and not do something that is going to interfere with a lasting and stable peace.

The CHAIRMAN. The time of the gentleman from New York [Mr. TABER], has expired.

All time has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. HARNESS].

The question was taken; and on a division (demanded by Mr. HARNESS of Indiana) there were—ayes 80, noes 68.

So the amendment was agreed to.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: Page 33 after, line 6, insert a new subsection as follows:

"(5) The Commission shall make no contract under sections 3 or 4; shall issue no license to any person nor employ any person until the Federal Bureau of Investigation shall have first made an investigation of the character and associations of such person and certified that the character of such contractor licensee or employee is such as not to endanger the common defense or security."

Mr. SMITH of Virginia. Mr. Chairman, I think this amendment speaks for itself. All the discussion here has hinged around the tremendously dangerous forces which are involved in this bill, and the necessity for seeing that our secrets are kept.

This amendment, which I hope the committee will accept, will provide that no one shall be employed by the Commission and no license shall be granted by the Commission to manufacture these dangerous engines until the FBI has certified that such persons have been investigated and are of such character as not to endanger the welfare or security of the United States.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. SHORT. This side of the Committee will accept the gentleman's amendment.

Mr. MAY. The Committee of course cannot accept that amendment. Under that amendment they would never employ anybody unless the Bureau of Investigation were expanded to a hundred thousand men to investigate them.

Mr. SMITH of Virginia. I have nothing further to say on that amendment, but I have 5 minutes' time and I should like to devote the remainder of it to a discussion of an amendment I intend to offer following the fate of this one.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. Not at this moment.

Mr. VOORHIS of California. On the present amendment?

Mr. SMITH of Virginia. If I can get some more time, but I want to discuss the next amendment I wish to offer for fear I may not have sufficient time when it is offered.

Mr. VOORHIS of California. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia may proceed for two additional minutes.

The CHAIRMAN. The gentleman's time has not expired. That request would not be in order until his time had expired.

Mr. SMITH of Virginia. You will note on page 32 the provision for the punishment that shall be imposed for the violation of the terms of this act when it is done for the purpose of injuring the United States. That punishment is totally inadequate. If you will read those lines you will find that a person can divulge these secrets and be guilty of treasonable conduct and escape with a fine of $10. That is possible under this act.

I propose to offer amendments throughout which will place a minimum—a minimum—of a fine of not more than $20,000 and imprisonment for not less than 10 nor more than 20 years.

I hope the committee will agree to it so we may have some protection against the violation of this act when it is done for treasonable purposes.

Mr. JENNINGS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. JENNINGS. That would not be punishment enough for a man, be he red, pink, or punk, who would undertake to betray this country.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. VOORHIS of California. I just want to say that I think the gentleman's amendment with regard to the FBI investigation is well taken. I also agree with the amendment he proposes to offer fixing minimum punishment.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Kentucky.

Mr. CHELF. Does not the gentleman feel that if anyone would divulge the secrets of this atomic energy that the minimum penalty ought to be death? For instance, we have had here in a short time past during the war 1,700 documents classified "Secret" and "Top Secret" stolen from the office of the Secretary of State. What did they do? They did not even prosecute them.

Mr. SMITH of Virginia. I do not yield further.

I may say to the gentleman from Kentucky that I believe we ought not to pass a bill of this magnitude and let anybody guilty of treasonable conduct get away with a $10 fine, which he may do as the bill now stands.

Mr. KEFAUVER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. KEFAUVER. I am in sympathy with the gentleman's amendment regarding the FBI investigation, but suppose the FBI for some capricious reason which we cannot understand, of course—but suppose that should happen——

Mr. SMITH of Virginia. I will answer the gentleman's question.

Mr. KEFAUVER. Let me finish the question.

Mr. SMITH of Virginia. I think the gentleman has finished it. The FBI does not have the reputation of acting capriciously and I am sure no such instance would occur.

Mr. KEFAUVER. May I finish my inquiry? I do not think they have that reputation; I do not think they would.

Mr. SMITH of Virginia. What is the question?

Mr. KEFAUVER. The question is: If anyone wanted to appeal from the ruling of the FBI could they appeal under the Administrative Procedure Act?

Mr. SMITH of Virginia. No; I do not think they could.

Mr. KEFAUVER. The gentleman thinks there would be no appeal?

Mr. SMITH of Virginia. Under the amendment of this language they could not.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. SMITH of Virginia. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. If the Chair may suggest to the gentleman from Virginia, the gentleman from Texas [Mr. SUMNERS] has asked the Chair to recognize him to offer an amendment after the words the gentleman has just suggested.

Mr. SMITH of Virginia. I yield to the gentleman from Texas.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Amendment offered by Mr. SUMNERS of Texas: Page 32, line 2, after the words "punished by", insert the word "death or by."

Mr. SUMNERS of Texas. Mr. Chairman, I would like to have the attention of the members of the committee to this proposed amendment. It is very important, as I see it, from a number of angles. Under the head of "Restrictions" the restrictions include data concerning the manufacture or utilization of atomic weapons. Then it is provided that if a person who possesses knowledge of this matter in reference to atomic weapons communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing with intent to injure the United States or with intent to secure advantage to any foreign nation, he shall be punished by a fine of not more than $20,000 or not more than 20 years in the penitentiary or both. That is the penalty.

Now here is a person who possesses information with reference to these atomic bombs, the sort of thing we know about, these deadly things. If that person under this provision takes the information and gives it or sells it to an enemy of this country, then all we do to him is say "naughty, naughty" relatively. The maximum penalty which could be given him is 20 years in the penitentiary and a fine of $20,000. I propose a maximum penalty of death.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. I call the gentleman's attention to the fact that still under the amendment he has offered, a person could do all of those things and yet escape with a fine of $10. The reason I interrupt the gentleman is to ask if he will not change his amendment so as to make that punishment in the penitentiary a minimum of 10 years—not less than 10 years or more than 20?

Mr. SUMNERS of Texas. I will say to the gentleman that I have no objection to that. If this amendment is agreed to that detail can be worked out. I think this whole penalty provision ought to be reworked and I assume it will be in conference if my amendment is agreed to. If my amendment is agreed to then if a person does a minor thing he could be fined or imprisoned, according to the degree of his offense, and it would make it possible for a person who betrays his country, does a thing with regard to the atomic bomb for the purpose of hurting his nation or give advantage to another nation, to be executed. Without this amendment it would be possible for a traitor possessed of the knowledge to make it possible by his betrayal for this Capitol to be destroyed by a bomb, and all we could do under these circumstances would be to give him 20 years as the maximum.

Mr. JENNINGS. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Tennessee.

Mr. JENNINGS. Does not the gentleman think he ought to adopt the suggestion offered by the gentleman from Virginia, because it is entirely possible that a jury might be composed of Russian subversives or Russian sympathizers. I do not know what happened out on the coast, but out there they acquitted a Russian spy.

Mr. SUMNERS of Texas. Yes. But this must be considered. If you put a minimum that is too high where the act ought not to be excused, but a jury might not want to be instrumental in the giving of a long prison term; the jury might not convict at all. You have no way to compel a jury to render a verdict of guilty. That is what you are up against. I agree that there should be no spirit of tolerance or indulgence where a person possessed of information imparts that information with the purpose of injuring his country and imperiling the people, in fact the existence of whole cities. I am concerned about that type of criminal who would betray his country for money, perhaps imperil his nation for pay. Besides the psychological effect of this small general penalty would be bad. There is too much loose talk and loose acting with regard to this mightiest of all the agencies of destruction which at the moment we hold within the confines of our own knowledge. There are too many people doing their best to turn it loose, or what amounts to the same thing, attempt to deliver it into the custody of a so-called world government, nonexistent except on paper.

I do not know of any generation in all history which has brought upon itself a greater responsibility, a greater danger, a greater duty, than that which is now ours by reason of our having liberated this dynamic power, and now are in danger of being responsible for its being turned loose in a psychopathic world.

Whatever is done should be the result of deliberate, advised, cautious judgment. Whoever, to hurt this country or to aid its enemies, would turn loose this thing against his people should not be permitted to live. There is no punishment severe enough for such a person.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SUMNERS].

The amendment was agreed to.

Mr. MARTIN of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of Iowa: On page 31, line 14, after the word "commission", insert the words "by unanimous vote."

Mr. MARTIN of Iowa. Mr. Chairman, my only purpose in offering this amendment is to add to the safeguard against the release of data from the classification "restricted data" that is covered in this section. I do not believe anyone would have any serious objection to requiring the unanimous vote of the Commission to remove data from the "restricted data" classification.

Mr. Chairman, I have no desire to offer any further argument in regard to the matter.

Mr. THOMASON. Mr. Chairman, those of us on this side do not oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: Page 32, line 3, after the word "not", insert the words "less than 10 years or."

Mr. THOMASON. Mr. Chairman, in view of the adoption of the other amendment, those of us on this side have no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. SMITH of Virginia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this language occurs probably 12 or 15 times throughout this bill, and it should be changed to conform to the amendment offered by the gentleman from Texas and the amendment I offered as we go along. I wonder if that could not be done by unanimous consent?

Mr. THOMASON. Mr. Chairman, it is agreeable to those of us on this side.

Mr. SHORT. We have no objection, Mr. Chairman.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that wherever that language occurs later on in the bill that it may be changed to conform to the amendment offered by the gentleman from Texas and the amendment offered by myself.

Mr. ELSTON. Mr. Chairman, reserving the right to object, does the gentleman mean in this section or throughout the entire bill?

Mr. SMITH of Virginia. Throughout the entire bill.

Mr. ELSTON. This section deals with offenses against the security of the country. There may be other places where the security of the Nation is not involved; it may be only offenses by reason of some regulation of the Commission.

Mr. SMITH of Virginia. What I am speaking of is where this identical lan-

guage occurs throughout the bill, where it says that the act is done for the purpose of injuring the United States. That is the only place I have in mind.

Mr. SAVAGE. Mr. Chairman, further reserving the right to object, would the gentleman explain how this is going to read after it is engrossed? There are two or three amendments on this question.

Mr. SMITH of Virginia. It will read:

Upon conviction thereof, shall be punished by a fine of not more than $20,000 or imprisonment for not less than 10 years or more than 20 years, or both.

Mr. SAVAGE. Is not the language "more than $20,000" stricken out?

Mr. SMITH of Virginia. No; that remains.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DWORSHAK. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, before we leave this section dealing with information about atomic energy, I should like to direct your attention to some information which may have a more realistic aspect now. You will recall that, several weeks ago when the extension of the draft bill was before this body, the Members who were in favor of exempting the 18- and 19-year-old boys from the draft were assailed and condemned by many newspapers because we were told that exemption would destroy the entire military program. You probably have read some of the dispatches appearing in the publications and newspapers of our country during the past week.

I have here a page from the New York daily, PM, dated July 16. As I recall, that was one of the publications which contended a few weeks ago that 18- and 19-year-old boys should be sent abroad as members of our armies of occupation. Let me read you a brief excerpt from the editorial captioned "The betrayal of youth," appearing in PM Tuesday:

At the end of the war in Europe the venereal disease rate among American soldiers was seven and a half percent a year. At the end of April 1946 it had risen to over 20 percent. By the middle of June it had reached 26 percent—perhaps the highest in American military history. It is still rising. In some areas in Germany the rate is more than twice the present average—that is to say, close to 55 percent.

I continue to quote from that editorial:

The new troop replacements we have been sending for the armies of occupation are youngsters given the task of policing a beaten people without having first had the disciplining task of winning the victory. They are kids who have not yet cut their eye-teeth in the experience of living, and whom we send—raw and morally unprepared—into a situation where they are the lords of the earth.

Is it a great wonder, then, that they show themselves incapable of resisting either the Nazi doctrines or the rampant diseases?

The influential New York Times—which generally supported a teen-age draft—on July 14 published a dispatch from Lindesay Parrott dated Yokohama. It refers to the order issued by Lt. Gen. Robert L. Eichelberger, commander of Allied ground forces in Japan, who warned his soldiers that the increasing misconduct by American troops in their teens had reached the point of "endangering the mission of the occupation" and must be stopped at once. I quote from this special dispatch:

The release of General Eichelberger's letter officially confirmed what most correspondents have known for some time, that the new young draftee in Japan has exhibited qualities of juvenile delinquency and vandalism never demonstrated by the combat troops who fought the Southwest Pacific war.

Most of the crimes are committed by youthful soldiers—the average age of the army of occupation is 20.3 years old.

Conditions probably are aggravated by the fact that Japanese hesitate to make complaints against Americans and also because most military policemen who suppress such actions are green youngsters.

General Eichelberger concluded:

This condition, a result of assault, crime, and retaliation, is endangering the mission of the occupation and must be stopped at once.

Mr. Chairman, while we are discussing this important problem of protecting the people of our country and the entire world from the potential ravages of atomic energy and atomic bombs, is it not pertinent at this time to pause and consider whether the responsibility devolves not only upon the military authorities, but likewise upon this Congress, to determine whether this scourge of disease and crime shall destroy the youth of America?

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. DWORSHAK. I yield to the gentleman from Missouri.

Mr. SHORT. A few weeks ago I said in essence what the gentleman has quoted here, only to have opprobrium heaped upon my head, and abuse even from some of the Members of this body. I am placing in the RECORD tonight other quotations from military authorities, not only General Eichelberger but General McNarney.

Only a few days ago I asked General Eisenhower how the volunteer system was coming along. This morning I received a letter from Major General Person, the chief liaison officer between our committee and the War Department, informing me that the number of volunteers had jumped from 10,000 the first week of last month to more than 25,000 the last week of last month, and that more than 62,000 young men volunteered in the month of June.

Mr. DWORSHAK. I thank the gentleman. I am presenting this information at this time to emphasize the importance not only of seeking to protect the people of the entire world, but to recognize our primary responsibility. We should realize that while we apparently won a military victory over the Axis Powers, today we are confronted with the serious situation of protecting these teen-agers of our country.

Almost daily we receive reports of courts martial of young American soldiers in occupied zones. It is obvious there has been a complete break-down of our military discipline, which probably is aggravated by too much leisure time available to our armed forces. Possibly this is the result of having more personnel for this assignment than is necessary to do an efficient job.

Mr. Chairman, the American people are cooperating in bringing order out of chaos in the Pacific occupied areas and in Germany. They have been told by the military authorities that it was necessary to draft in peacetime 18- and 19-year-old boys to maintain our armed forces at required strength. Congress did compromise this issue by demanding that 18-year-olds be exempted and, notwithstanding the assurances which were given during the debate on the peacetime draft bill, the military authorities are sending youngsters abroad for foreign service, although it is apparent older and more mature personnel should be utilized. It is difficult to justify such policies when it is recognized that voluntary enlistments have reached 847,220 in the Army and 265,230 in the Navy, in addition to several thousands in the Marine Corps, since VJ-day.

It is a terrible indictment of our military program that we must jeopardize the health and the morals of our youth to satisfy the demands of those who police the occupied areas. Is Congress going to evade its responsibilities in meeting this challenge, or will this legislative body demand that our military leaders discharge their duties in a more efficient manner?

Some encouragement is provided in the belated recognition of many newspapers that there is justification for exempting teen-agers from the peacetime draft. If we are to maintain a strong military establishment, it will be necessary to give immediate consideration to the problems called to our attention by General Eichelberger in Japan and General McNarney as head of our occupation forces in Germany.

It should be possible to protect the welfare of American youth in this postwar era if we make the maximum use of a professional army. I have advocated, for many months, that pay scales in the military branch be increased to stimulate volunteer recruitment. Atomic energy constitutes a real menace to mankind, but so does the prevalence of disease and crime among our occupation forces. We must demand greater efficiency on the part of our military leadership.

The Clerk read as follows:

PATENTS AND INVENTIONS

SEC. 11. (a) Production and military utilization:

(1) No patent shall hereafter be granted for any invention or discovery which is useful solely in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon. Any patent granted for any such invention or discovery is hereby revoked and just compensation shall be made therefor.

(2) No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so

used, and just compensation shall be made therefor.

(3) Any person who has made or hereafter makes any invention or discovery useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon shall file with the Commission a report containing a complete description thereof, unless such invention or discovery is described in an application for a patent filed in the Patent Office by such person within the time required for the filing of such report. The report covering any such invention or discovery shall be filed on or before whichever of the following is the latest: (A) The sixtieth day after the date of enactment of this act; (B) the sixtieth day after the completion of such invention or discovery; or (C) the sixtieth day after such person first discovers or first has reason to believe that such invention or discovery is useful in such production or utilization.

(b) Use of inventions for research: No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the conduct of research or development activities in the fields specified in section 3. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

(c) Nonmilitary utilization:

(1) It shall be the duty of the Commission to declare any patent to be affected with the public interest if (A) the invention or discovery covered by the patent utilizes or is essential in the utilization of fissionable material or atomic energy; and (B) the licensing of such invention or discovery under this subsection is necessary to effectuate the policies and purposes of this act.

(2) Whenever any patent has been declared, pursuant to paragraph (1), to be affected with the public interest—

(A) The Commission is hereby licensed to use the invention or discovery covered by such patent in performing any of its powers under this act; and

(B) Any person to whom a license has been issued under section 7 is hereby licensed to use the invention or discovery covered by such patent to the extent such invention or discovery is used by him in carrying on the activities authorized by his license under section 7.

The owner of the patent shall be entitled to a reasonable royalty fee for any use of an invention or discovery licensed by this subsection. Such royalty fee may be agreed upon by such owner and the licensee, or in the absence of such agreement shall be determined by the Commission.

(3) No court shall have jurisdiction or power to stay, restrain, or otherwise enjoin the use of any invention or discovery by a licensee, to the extent that such use is licensed by paragraph (2) above, on the ground of infringement of any patent. If in any action for infringement against such licensee the court shall determine that the defendant is exercising such license, the measure of damages shall be the royalty fee determined pursuant to this section, together with such costs, interest, and reasonable attorney's fees as may be fixed by the court. If no royalty fee has been determined, the court shall stay the proceeding until the royalty fee is determined pursuant to this section. If any such licensee shall fail to pay such royalty fee, the patentee may bring an action in any court of competent jurisdiction for such royalty fee, together with such costs, interest, and reasonable attorney's fees as may be fixed by the court.

(d) Acquisition of patents: The Commission is authorized to purchase, or to take, requisition, or condemn, and make just compensation for, (1) any invention or discovery which is useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon, or which utilizes or is essential in the utilization of fissionable material or atomic energy, or (2) any patent or patent application covering any such invention or discovery. The Commissioner of Patents shall notify the Commission of all applications for patents heretofore or hereafter filed which in his opinion disclose such inventions or discoveries and shall provide the Commission access to all such applications.

(e) Compensation awards; and royalties:

(1) Patent compensation board: The Commission shall designate a Patent Compensation Board, consisting of two or more employees of the Commission, to consider applications under this subsection.

(2) Eligibility:

(A) Any owner of a patent licensed under subsection (c) (2) or any licensee thereunder may make application to the Commission for the determination of a reasonable royalty fee in accordance with such procedures as it by regulation may establish.

(B) Any person seeking to obtain the just compensation provided in subsection (a), (b), or (d) shall make application therefor to the Commission in accordance with such procedures as it may by regulation establish.

(C) Any person making any invention or discovery useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon who is not entitled to compensation therefor under subsection (a) and who has complied with subsection (a) (3) above may make application to the Commission for, and the Commission may grant an award.

(D) Any person making application under this subsection shall have the right to be represented by counsel.

(3) Standards:

(A) In determining such reasonable royalty fee, the Commission shall take into consideration any defense, general or special, that might be pleaded by a defendant in an action for infringement, the extent to which, if any, such patent was developed through federally financed research, the degree of utility, novelty, and importance of the invention or discovery, and may consider the cost to the owner of the patent of developing such invention or discovery or acquiring such patent.

(B) In determining what constitutes just compensation under subsection (a), (b), or (d) above, the Commission shall take into account the considerations set forth in paragraph (A) above, and the actual use of such invention or discovery, and may determine that such compensation be paid in periodic payments or in a lump sum.

(C) In determining the amount of any award under paragraph (2) (C) of this subsection, the Commission shall take into account the considerations set forth in paragraph (A) above, and the actual use of such invention or discovery. Awards so made may be paid by the Commission in periodic payments or in a lump sum.

(4) Judicial review: Any person aggrieved by any determination of the Commission of an award or of a reasonable royalty fee may obtain a review of such determination in the Court of Appeals for the District of Columbia by filing in such court, within 30 days after notice of such determination, a written petition praying that such determination be set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the Commission shall file with the court a certified transcript of the entire record in the proceeding, including the findings and conclusions upon which the determination was based. Upon the filing of such transcript the court shall have exclusive jurisdiction upon the record certified to it to affirm the determination in its entirety or set it aside and remand it to the Commission for further proceedings. The findings of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 240 of the Judicial Code (U. S. C., title 28, sec. 347), by the Commission or any party to the court proceeding.

Mr. ELSTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: On page 34, strike out section 11.

Mr. LANHAM. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. ELSTON. I yield.

Mr. LANHAM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LANHAM. Mr. Chairman, I have an amendment in the nature of a substitute for section 11 which, of course, is a perfecting amendment. It is my understanding that the amendment could be offered and voted upon as a perfecting amendment before a vote is taken on the motion to strike out the section.

The CHAIRMAN. It can be, if the gentleman desires to offer such an amendment.

Mr. LANHAM. Mr. Chairman, I have the amendment at the Clerk's desk.

Mr. THOMASON. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. I am glad to yield to the gentleman.

Mr. THOMASON. May I ask the gentleman from Illinois [Mr. ARENDS] and the gentleman from Missouri [Mr. SHORT] whether we cannot reach some fair agreement as to a limitation of time on this section.

Mr. SHORT. The gentleman will find us both cooperative, sir.

Mr. THOMASON. Then, Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto close in 30 minutes.

Mr. LANHAM. Mr. Chairman, reserving the right to object, it will be recalled that I spoke in general debate at some length with reference to what I conceive to be the effects of section 11. In presenting the substitute amendment for section 11, I should probably like to have a little more than 5 minutes in order to make a proper presentation. I would like probably 10 minutes.

Mr. THOMASON. May I say I am certainly not disposed toward cutting anyone off from having a fair amount of time.

Mr. LANHAM. I would like to have 10 minutes, Mr. Chairman.

Mr. THOMASON. If I amend my request to limit debate to 40 minutes, that will probably give the gentleman an extra 5 minutes. We are just trying to save time.

Mr. SHORT. None of us have any purpose or desire to limit debate unduly so far as anyone is concerned. But since the gentleman from Texas spoke on this section the day before yesterday and the

gentleman from Illinois spoke yesterday, it seems to me they covered the ground pretty thoroughly at that time. I hope we can set a limit on debate.

Mr. LANHAM. May I say to the gentleman that I did not speak, however, in explanation of the details of the amendment I am going to offer as a substitute.

Mr. VOORHIS of California. Mr. Chairman, reserving the right to object, and I shall not object, in glancing around the Chamber I wonder whether I may be the only Member who is going to speak in defense of the provisions of the bill unless members of the committee intend to do so.

Mr. THOMASON. No; the gentleman from California will not be the only one.

Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto close in 45 minutes and that the acting chairman of the committee have the last 5 minutes.

Mr. LANHAM. Mr. Chairman, reserving the right to object, is it the understanding that I will have 10 minutes to make an explanation of the substitute for the section?

Mr. THOMASON. If the gentleman from Texas asks unanimous consent to be given that additional time, I certainly shall not object. I hope it would not be setting a precedent.

Mr. LANHAM. I may not use all of it, but I would like to have that understanding connected with the request.

Mr. THOMASON. May I say to my colleague I would not object.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas that debate on this section and all amendments thereto close in 45 minutes?

Mr. RANDOLPH. Reserving the right to object, Mr. Chairman, I do so to request of the committee if it is thought possible to finish the bill tonight. Are you driving to finish tonight?

Mr. THOMASON. We certainly will drive as fast as we can. I cannot commit the House or the Committee on that.

Mr. Chairman, I move that all debate on this section and all amendments thereto be limited to 45 minutes, with the acting chairman, or somebody whom he may designate, to have the last 5 minutes.

The question was taken, and the motion was agreed to.

Mr. HINSHAW. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HINSHAW. The time being limited to 45 minutes does not include the time of the gentleman from Ohio [Mr. ELSTON], does it?

The CHAIRMAN. The gentleman is correct. It does not include the time.

Each Member will be recognized for 3 minutes.

The gentleman from Ohio [Mr. ELSTON] is recognized for 5 minutes.

Mr. ELSTON. Mr. Chairman, if section 11 is permitted to remain in this bill, it will completely void our existing patent system. The only testimony presented to the Military Affairs Committee on this phase of the bill was by Mr. Conder C. Henry, who for 17 years was the chief examiner of patent applications in the United States Patent Office, and for 5 years was Assistant United States Patent Commissioner. In his appearance before our committee, Mr. Henry represented the American Bar Association and the House Committee on Patents, being a member of the committee's National Advisory Committee. As Assistant Commissioner of Patents during the war, Mr. Henry issued a large part of the security orders which were issued under the law in application for patents.

Mr. PRICE of Illinois. Will the gentleman tell us who Mr. Henry was employed by?

Mr. ELSTON. You can read the hearings and find that out.

You will note from his testimony that hundreds of inventions used on the Manhattan project were made by private inventors. Yet the security of the Nation and the interests of the Government were fully safeguarded. Notwithstanding this demonstration of the adequacy of our present laws from the standpoint of security, we are asked to scrap a system upon which a great part of our industrial economy has been created. In its place it is urged that we adopt a system which is paralleled only by the patent laws of Soviet Russia. About the only difference is that in Soviet Russia an inventor may have his name placed in the Labor Book, which gives him a priority for a position as a scientific worker. Under this bill the inventor would receive whatever royalty fee might be awarded by the Patent Compensation Board consisting of two or more employees of the Commission. In making application for his royalty fee, the sponsors of this un-American system have magnanimously provided that an applicant for a patent may be represented by counsel. I have examined the hearings before the Senate committee, which our committee was told need not be supplemented, and while I find that such persons as Mr. Harold L. Ickes, Mr. Henry Wallace, a radio commentator, and various and sundry professors and scientists were called as witnesses, only one person presuming to know anything about our patent laws appears to have testified. He made the statement that—

> The provision of our Constitution for the granting of exclusive rights, which has served so admirably in the past, should be continued with respect to this new art, in order that the development thereof may not be hampered.

Mr. Chairman, I submit that section 11 of this bill violates both the spirit and the letter of the Constitution, as expressed in its due-process-of-law provision, as well as in article I, section 8, clause 8, which provides:

> The Congress shall have • • • power to promote the program of science and useful arts by securing for limited times for authors and inventors the exclusive right to their respective writings and discoveries.

In the minority views of the committee we have cited a number of Supreme Court decisions interpreting these constitutional provisions. Let me quote from just one of them, *Solomons* v. *U. S.* (137 U. S. 342, 346), in which the Court said:

> The Government has no more power to appropriate a man's property invested in a patent than it has to take his property invested in real estate.

As a revolutionary departure from the present patent system, the bill provides in section 11 that inventions and discoveries in the following fields shall not in the future be patentable:

First. The production of fissionable material;

Second. The utilization of fissionable material or atomic energy for a military weapon;

Third. Inventions to the extent used in the conduct of research or development activities in the fields specified in section 3 of the bill.

With respect to each of the foregoing three fields any patent that has already been granted would be revoked in whole or in part, that is to the extent that any such invention or discovery is so used in these fields. Section 11 also provides that in the future no patent shall be granted for those three fields.

For removing patent protection in the field of the production of fissionable material and in the field of utilization of fissionable material or atomic energy for military weapon, the report of the Senate committee gives the following reasons:

> The committee concluded that private patents can play no role in the field of activity reserved exclusively for the Government. For this reason and to eliminate risk of disclosure of restricted information, risk which would be certain to arise under normal patent procedure, the bill provides that invention and discovery in these fields shall not be patentable matter.

Heretofore inventions useful solely or largely for governmental purposes, as, for example, military weapons, have been the subject matter of patents. Some of the most important of such inventions have been developed by independent inventors. It would be unwise to change a practice which for approximately 150 years has proven to be advantageous to the Government as well as to private inventors.

As to the reason for removing these inventions from the field of patentable subject matter given by the committee's report; namely, to eliminate risk of disclosure of restricted information such removal of the inventions from patentable subject matter is an inadequate and an ineffectual means for effectuating that purpose. The present law does that much more effectively. I refer to the act of October 6, 1917 (40 Stat. 934, U. S. C., title 35, sec. 42), which provides as follows:

> Whenever the publication or disclosure of an invention by the granting of a patent might, in the opinion of the Commissioner of Patents, be detrimental to the public safety or defense he may order that the invention be kept secret and withhold the grant of a patent for such period or periods as in his opinion the national interest requires: *Provided*, That the invention disclosed in the application for said patent may be held abandoned upon it being established before or by the Commissioner that in violation of said order said invention has been published

or disclosed or that an application for a patent therefor has been filed in a foreign country by the inventor or his assigns or legal representatives, without the consent or approval of the Commissioner of Patents.

When an applicant whose patent is withheld as herein provided and who faithfully obeys the order of the Commissioner of Patents above referred to shall tender his invention to the Government of the United States for its use, he shall, if and when he ultimately receives a patent, have the right to sue for compensation to begin from the date of the use of the invention by the Government: *Provided*, That the Secretary of War or the Secretary of the Navy or the chief officer of any established defense agency of the United States, as the case may be, is authorized to enter into an agreement with the said applicant in full settlement and compromise for the damage accruing to him by reason of the order of secrecy, and for the use of the invention by the Government.

It is true that section 2 of the above quoted act makes no provision for secrecy during the times of peace, since it merely provides that the act "shall remain in force during the time when the United States is at war." It would seem far more effective, if it is desired to prevent premature disclosure, to do so by making the above quoted act effective at all times so far as the production of fissionable material and of the utilization of fissionable material for military weapons is concerned.

Section 11, in addition to providing as above stated, that patents already issued in these fields shall be revoked, further provides that where the invention has not been already patented, the inventor "shall file with the Commission a report containing a complete description thereof unless such invention is described in an application filed in the Patent Office by the inventor." It still further provides that, in case the report shall be filed within a specified time, the inventor may make application to the Commission for an award for his invention. Provision is made for a Patent Compensation Board to determine what such award shall be.

Such provision for an award would throw an almost insufferable burden upon the Patent Compensation Board. A person thinking he has possibly made an invention could disclose the same to the Board and seek an award without being under any expense in so doing. The Commission would, therefore, undoubtedly have a large number of impractical schemes submitted to it for consideration. The person submitting his alleged invention would have nothing to lose in case his invention is turned down. Moreover, past experience has shown that failure to appreciate an invention at the time it is made, or at any time soon thereafter, is quite likely to happen. The vast importance of such inventions as the telephone and the modern vacuum tube went without proper appreciation until long experience and development activities by private enterprise demonstrated their importance.

If a Patent Compensation Board has had to pass upon these and other inventions of major importance, such Board would undoubtedly have failed to recommend the very considerable awards which should have been due to the inventors. It would be far better and more equitable to allow the grant of the patent and leave to the future the determination of the amount of compensation to which the inventor is justly entitled. That is, let the Government, as at present, exercise eminent domain and pay just compensation for what it actually takes; and not engage in speculation as to whether the invention is or is not valuable, and if so, to what extent.

No good reason is seen for departing from our present patent system and adopting an "award" system akin to the practice in Russia. Such award would not be as satisfactory an incentive as the present patent grant and all too frequently would result in an award given where it is not deserved and being withheld where it is actually due.

The other field which section 11 would remove from patent protection is that of research. As to this section 11 (b) provides—

No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the conduct of research or development activities in the fields specified in section 3. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

The fields specified in section 3 in which no patents will be granted for use of inventions in the conduct of research and development are as follows:

(a) Nuclear processes;

(b) The theory of production of atomic energy including processes, materials, and devices related to such production;

(c) Utilization of fissionable and radio-active materials for medical, biological, health, or military purposes or utilization of fissionable or radio-active materials and process entailed in the production of such material for all other purposes, including industrial uses; and

(d) The protection of health during research and production activities.

In view of the fact that atomic energy is defined to mean "all forms of energy released in the course of or as a result of nuclear fission or nuclear transformation," the fields above specified practically include, in language at least, everything in the universe. As stated in the Secretary of State's report on the International Control of Atomic Energy "almost all sources of the energy used on earth come to us from the sunlight which this great atomic energy plant provides." Even if these fields are limited to man-made production of atomic energy, the provisions of the bill are entirely too sweeping.

As is well known, many important industries are engaged in the manufacture and sale of research instruments which are useful only, or to a large extent, in the conduct of research and development activities. The bill would provide that no patents would be granted in the future for such inventions and that patent protection already granted therefore would be revoked. No provision is made even for an award for inventions in these fields. The bill would thus place these highly important kinds of invention without the pale of patent protection without any protection whatsoever in the future; and would destroy the incentive of inventors and industry to spend time and money in the development and commercialization of instrumentalities indispensable in research and development work.

I wish to emphasize the fact that the taking away from patent owners the rights they now possess in the field of research and development and giving them to private enterprise, even to competitive enterprises, is not the Government's exercise of eminent domain for which just compensation should be made. On the contrary, it is depriving a person of his property without due process of law.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The gentleman from Iowa [Mr. MARTIN] is recognized.

PATENT LEGISLATION SHOULD NOT BE INCLUDED AT PRESENT IN ATOMIC ENERGY CONTROL ACT

Mr. MARTIN of Iowa. Mr. Chairman, the patent provisions in section 11 of the McMahon bill, S. 1717, represent a complete departure from the fundamental and basic principles of the United States patent system. Such changes could be defended only on the grounds that the present system is unable to cope with the future. Such fears would appear to be groundless since other provisions of the bill are ample to protect the national safety and the public interest.

The fundamental or basic principles of our patent laws are grounded in the constitutional provision giving Congress the power to promote the progress of science and the useful arts and granting to inventors exclusive rights to their inventions for a limited time. Those basic principles have been almost universally recognized as of great importance, and have been emphasized by the Supreme Court in numerous decisions during the last 100 years. They were restated by the United States Supreme Court on January 8, 1945, in the *Glass Industry Case* (323 U. S. 415). Among those basic principles are:

First. The exclusive right granted by a patent for a limited time is merely the right to exclude others from making, using, or selling the patented invention. The patent gives no right to make, use, or sell the invention and any such right that the patentee may have is a common-law right in nowise dependent upon the patent laws. The right to exclude others is the exclusive right provided for by the Constitution and is distinctive of our patent system.

Second. Patents are property. Since patents are property they should receive the same protection as is given to other forms of property and any provision for compulsory sharing of that property with others, such as by compulsory licensing, is inimical to our system of private enterprise.

In considering proposals for revising our patent system such as is provided in section 11 of this bill, it is especially important that these two basic fundamental principles be borne in mind in order that, not even unwittingly, shall

these distinct and beneficent features of our patent system be destroyed.

During the last 12 years there have been three major committees or commissions appointed under Government authority to make reports with respect to our patent system; namely, the Science Advisory Board Committee, which made its report in 1935; the Temporary National Economic Committee, which made its final report in 1941; and the National Patent Planning Commission, which made the first of its reports in 1943. Each of these committees issued warnings and made strong recommendations against any revolutionary changes in the patent system.

The Science Advisory Board Committee stated:

> Modifications should be entered upon carefully without destroying any vital part of the structure.

And further that—

> The patent system in the past has been one of the primary influences in shaping American industrial life, and it has assisted enormously in the development of the country * * *. Radical changes in such a system should, of course, not be undertaken without serious and careful consideration.

The Temporary National Economic Committee in its final report stated:

> The Temporary National Economic Committee rejoices in the endless march of discovery, invention, and innovation which has made possible the relatively high level of living enjoyed in the United States.

The chairman of the Committee, Senator O'MAHONEY, gave out a statement in which he said:

> (1) * * * inventors and business still need the protection and stimulation of patents.
>
> * * * * * *
>
> (7) There was practically unanimous agreement among the witnesses that Congress, by the enactment of the patent law, has given this country a system far superior to that which exists in any other country.

The National Patent Planning Commission in its report stated:

> This system has accomplished all that the framers of the Constitution intended. It is the only provision of the Government for the promotion of invention and discovery and is the basis upon which our entire industrial civilization rests.

It further stated that—

> The basic principles of the present system should be preserved.

In April 1945, President Truman asked the Secretary of Commerce, Mr. Wallace, to undertake a study of the operation and effectiveness of the patent laws and their relation to the purposes of the antitrust laws and postwar economy, and to submit recommendations respecting legislative proposals. A patent survey committee appointed for that purpose has since then been busily engaged in undertaking the work laid out for it which, of course, embraces a consideration of proposals such as are found in section 11 of the present bill. No reason is apparent meanwhile for hasty action by Congress upon the vital patent questions involved.

Patent provisions should not be introduced in the bill unless there is an extreme urgency for so doing. Especially provisions which are of a revolutionary character should not be considered except after ample opportunity has been given for their careful consideration. Such drastic patent legislation should, of course, be referred to the congressional committees on patents, which are especially qualified to evaluate such provisions.

Other provisions of the bill by which the Commission is given authority to control all uses of fissionable material, including use not merely for military purposes, and for research and industrial purposes as well, render any further control through patents absolutely unnecessary.

For example, section 5, paragraph 2, vests in the Government ownership of all fissionable materials.

Section 5, paragraph 4, authorizes and directs the Commission to distribute fissionable material or atomic energy except under and in accordance with the license issued by the Commission authorizing such manufacture, production, export or utilization.

Section 7 (c) especially provides where activities under any license might serve to maintain or to foster the growth of monopoly, restraint of trade, unlawful competition, or other trade position inimical to the entry of new, freely competitive enterprises in the field, the Commission is authorized and directed to refuse to issue such licenses or to establish such conditions to prevent these results as the Commission, in consultation with the Attorney General, may determine. The Commission shall report promptly to the Attorney General any information it may have with respect to any utilization of fissionable materials or atomic energy which appears to have these results. Under these provisions the Commission is not merely authorized but it is directed to prevent any monopolistic practices in this art by refusing or revoking licenses to enter this field, even for industrial purposes by those abusing the license rights. Even the license, if granted, is limited to 1 year. Certainly it clearly appears, therefore, that any necessity for special patent provisions is unnecessary.

Especially should no attempt be made to incorporate patent provisions in a law to further govern the use of atomic energy in the fields of research or of the utilization of fissionable or radio-active materials for medical, biological, or other industrial uses. Such uses are not materially different in kind from uses under patents granted nowadays for other classes of inventions. There is no necessity for patent legislation directed against the development of inventions in this new field of atomic energy. If subsequent experience indicates need in this field for special treatment other than elsewhere provided in the bill, Congress will be in a far better position to enact legislation than it is now when at best so much is pure speculation as to any probable necessity therefor.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: Pages 34, 35, 36, 37, 38, 39, 40. Strike out all of the patent provisions commencing with line 5 on page 34 down to and including line 18 on page 40 and substitute in lieu thereof the following:

"SEC. 11. (a) The Commission is authorized to purchase, for the manufacture or use by or for the United States Government, any and all rights in and to any invention or discovery, or application for patent or patents thereon, relating to research on or the production of fissionable material or the utilization of fissionable material or atomic energy.

"(b) The Commission is authorized to condemn, and to determine and make just compensation for, any and all rights in and to any invention or discovery relating to research on or the production of fissionable materials or the utilization of fissionable materials or atomic energy that affects the national defense and security: *Provided, however,* That upon the determination by the Commission that the national defense or security is no longer involved, any and all rights in and to such invention or discovery shall revert to the owner, subject to a nonexclusive, irrevocable and nontransferable license in favor of the Government.

"(c) When any person who has made an invention or discovery relating to research on or the production of fissionable material, or the utilization of fissionable materials or atomic energy and shall have filed an application for a patent thereon and shall have tendered his invention or discovery to the Government of the United States for its use, he shall, if and when he ultimately receives a patent, have the right to sue for compensation as provided for in this section, such right to compensation to begin from the date of any use of the invention by the Government: *Provided,* That the Commission is authorized to enter into and effect an agreement with said applicant in full settlement and compromise for the use of his invention by the Government.

"(d) If any person is dissatisfied with the determination of the Commission as to just compensation, he may have his remedy by filing a suit in the United States District Court for the District of Columbia, if filed within 6 months after such determination; and such court, on notice to the Commission and other due procedures had, may thereupon determine the amount of the compensation to be paid such person, as the facts in the case may appear: *Provided,* That in any such suit the United States may avail itself of any and all defenses, general and special, that might be pleaded by a defendant in an action for infringement, as set forth in title 60 of the revised statutes, or otherwise. Any final judgment rendered against the Commission under any provision of this section shall have like force and effect as a money judgment rendered against the United States by the Court of Claims in a suit in respect of which the United States has expressly agreed to be sued; and the amount of any such final judgment shall be paid out of any appropriation applicable to the case, if any such there be; and when no such appropriation exists, said judgment shall be paid in the same manner as judgments rendered by the Court of Claims in cases under its general jurisdiction.

"(e) Any party aggrieved by any final judgment in a proceeding under this section may appeal therefrom to the Court of Appeals of the District of Columbia, and upon such appeal said court shall have power to review said judgment and affirm, revoke, or

modify the same as upon appeals in other actions at law.

"(f) Attorneys appointed by the Commission may appear for and represent the Commission before any Government agency or judicial tribunal with respect to any and all invention, patent, and research matters in which the Commission is involved.

"(g) Any person who has made, or hereafter makes, any invention or discovery utilizing fissionable materials or atomic energy designed or specially adapted for use as or in a military weapon, shall file with the Commission a report containing a complete description thereof. The report covering any such invention or discovery shall be filed on or before whichever of the following is the latest: (1) The sixtieth day after the date of enactment of this act; (2) The sixtieth day after completion of such invention or discovery; or (3) the sixtieth day after such person first discovers, or first has reason to believe that such invention or discovery is specially useful as or in such a weapon."

Mr. MARTIN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Iowa.

Mr. MARTIN of Iowa. Mr. Chairman, I am very anxious to hear a more complete discussion by the gentleman from Texas than he can give in his allotted time. I ask unanimous consent that my remarks may be inserted immediately following the remarks of the gentleman from Ohio [Mr. ELSTON], and that I may yield my time to the gentleman from Texas [Mr. LANHAM].

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LANHAM. Mr. Chairman, I am just as much opposed to section 11 as the gentleman from Ohio who offered an amendment to strike it out. I spoke in general debate citing reasons why the adoption of section 11 as it appears in the bill would abolish our patent system upon which the progress of this country has depended.

The reason I am offering my amendment rather than supporting the one striking out the section is that if this bill should pass and go to the conference committee, that committee probably would reinsert section 11; then we would have no option upon its return to this body except to vote for or against section 11.

Mr. Chairman, may I say that the amendment which I have offered has the approval of the gentleman who has been the adviser in patent matters in connection with atomic energy from the very beginning; it has the approval of the National Patent Council, the small manufacturers of this country; it has the approval of the patent section of the American Bar Association; it has the approval of the American Patent Law Association, and it will not in any way injure our patent system and its protection and promotion. It will give to this Commission in all fairness every right which it should receive.

In addition to the approval of those whom I have mentioned, I received on yesterday this letter from the president of the New York Patent Law Association. He writes as follows:

THE NEW YORK
PATENT LAW ASSOCIATION,
July 17, 1946.

Hon. FRITZ G. LANHAM,
House Office Building,
Washington, D. C.

Re: McMahon atomic energy bill.

DEAR SIR: It is generally believed that the field of atomic energy is destined to be one of great commercial and industrial importance, possibly competing with or supplanting coal, oil, gas or water power, in addition to its obvious military and international aspects.

It is of fundamental importance that the incentives to invention and practical development provided by our patent system should not be jettisoned in this new industrial field. Yet the pending McMahon bill, S. 1717, and its companion, H. R. 6179, which have never had the benefit of consideration by the Patents Committee of either the Senate or the House, would virtually abolish the patent system in this new field.

It is not commonly appreciated that these bills go far beyond the military and international aspects of atomic energy and include the entire industrial field—section 1 on policy includes all industrial and commercial phases of improving the public welfare and increasing the standard of living; section 7 giving the Government licensing power, covers all uses of atomic energy whether for military or for industrial purposes; the bill throughout refers not only to fissionable material such as used in the atomic bomb but also to atomic energy broadly, even though usable solely for industrial purposes.

Similarly the patent provisions limiting or abolishing patent rights are drawn to cover all aspects of atomic energy—section 11a relates to production and military utilization; section 11b refers to research; section 11c refers to nonmilitary utilization.

1. In the military field (where, under existing and time-tested law, there is no question that patents could not interfere with the activities of the Government or its contractors) the important incentives provided by patents are abolished by prohibiting the grant of all patent rights and substituting a system of awards to be made by a specially created Government board. This board, acting in advance of the event, would have no basis for determining value as does the Court of Claims which makes an award after the event; nor would this board have any basis for determining priority among rival claimants, as does the Patent Office under the patent system.

2. In the research and commercial fields important incentives of patents are abolished by the institution of a system of compulsory licensing. The Congress has consistently and for many years rejected efforts to establish compulsory licensing of patents. The public interest underlying this policy is well understood by the Patent Committees of both the Senate and the House and applies to all industrial fields including that of atomic energy.

I urge on all the Members of the Congress that the patent provisions (sec. 11) of this bill should be deleted before its passage.

Very truly yours,
R. MORTON ADAMS,
President.

Mr. Chairman, I repeat that this amendment which I have offered as a substitute has the approval of those who are interested in our patent laws and our patent system and in the preservation of the privileges rightfully granted to inventors in the Constitution and that have been preserved by the legislative bodies of this Government since our Republic first began.

What does this amendment do that I have offered? It allows this Commission by purchase or by condemnation to acquire any patent that it needs or any application for patent or any invention that it needs. It provides that in case it acquires a patent and discovers after a while that it is not useful with reference to atomic energy, it can retain a nonexclusive, nontransferable license for the use of it and transfer the patent back to the owner. It is impossible to conceive, when a patent is first issued or first applied for, what the ramifications of its use and success may be during the 17 years that the patent exists. Certainly, the patent owner should not be forever deprived of the advantages of his patent in industry and in the activities of civil life, and there is no reason for the Commission to keep it beyond the time that it is useful for the purposes set forth in this bill.

It provides that, if the compensation that is awarded by the Commission is not adequate in the judgment of the patent owner, he may have his day in court to determine that, and that he may have, in the case of dissatisfaction, an appeal to the Court of Appeals in order that his proper compensation for the time his patent is used may be fixed. Surely, all that we want to do is to give this Commission the right to the use of the patents that it needs and the patents that it can make of service in the promotion of atomic energy.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ARENDS. Mr. Chairman, my name is on the list for time. I ask unanimous consent that my time be given to the gentleman from Texas, who is so well acquainted and so conversant with the matter of patents.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LANHAM. Mr. Chairman, this amendment gives the Commission the right to acquire any patent that it may need, and it also preserves our patent system and does not permit compulsory licensing and the undermining and the abolishment of the incentives to American ingenuity and inventive genius upon which the prosperity of our country has been founded.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Indiana.

Mr. SPRINGER. Under the gentleman's amendment, is there a provision that permits voluntary licensing?

Mr. LANHAM. The Government may acquire any patent. It may acquire by negotiation voluntary licensing from the patent owner, if that is what it wishes, or it may acquire his patent ownership outright, with the provision that for proper compensation it can use his patent while it is effective for the purposes of the act, and when no longer effective in that way in the opinion of the Commission it reverts to the owner in order that he may get the use that he should get, with a license retained by the Government.

Mr. JENNINGS. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Tennessee.

Mr. JENNINGS. It is fortunate, I think, for the House that we have among us a man with the ability and thorough and comprehensive knowledge of the patent laws of this country that the distinguished gentleman who is now addressing us has. I feel that we ought to go along with him on this amendment.

Mr. LANHAM. I thank the gentleman.

This is a detailed and technical matter. I have been on the Committee on Patents for more than 20 years. This section has been handled by a committee not familiar with it. You may take my word for it that, unless you want to abolish our patent system, unless you want to cripple and destroy the incentive for American ingenuity to give expression to itself in inventions that will promote the progress of our country, you should adopt this amendment, which the people interested in patents approve, and preserve this fundamental system of our Nation.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Minnesota.

Mr. JUDD. All the patents when they are granted are made available for persons to come and inspect. Under the gentleman's amendment would patents that were held by the Commission be open for public inspection and knowledge?

Mr. LANHAM. Provision is made for keeping secret those that are primarily useful for national defense. As a matter of fact, I am the author of the law that provides that. The War Department and the Navy Department have their own research counsel with reference to patents, who work with the Patent Commissioner and his office, and whatever they discover is kept secret if it should be.

Mr. JUDD. Those provisions would apply under the gentleman's amendment?

Mr. LANHAM. Those provisions would apply.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from California.

Mr. VOORHIS of California. But the holder of a patent or the person who applies for a patent would have to register that patent, would he not?

Mr. LANHAM. The Commission under this amendment may even take an application for a patent before the patent is ever granted. The Commission has the right to get an invention before it has ever reached the patent stage, from the standpoint of applications, or it may get inventions for which patents have not even been applied for.

Let us preserve our patent system and not adopt a section devised by some one unknown that would destroy and abolish the fundamental basis of our progress.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho [Mr. WHITE].

Mr. WHITE. Mr. Chairman, we are dealing with one of the fundamental principles of our Government, the advancement of science. Anybody who reviews the history of the United States cannot fail to be impressed with what the advancement of science through the national patents policy has done for this country. If I were asked to state which building in this country houses the most important office of the Government, the office that is more responsible for the preeminent position attained by our Government among world powers, I would point to the Patent Office. I would go back to the invention of the cotton gin, the steamboat, steel, and all the inventions that have placed us in that preeminent position abreast of and ahead of the rest of the world. I subscribe to everything said by the gentleman from Texas who preceded me.

Let me read from a release from the National Patent Council, sent to the office of every Congressman:

"The McMahon atomic energy bill (S. 1717) reflects the blind arrogance of bureaucracy gone mad," declared John W. Anderson, spokesman for small business, today. "The bill would drive American inventive diligence underground. It would create a vast black market in dangerous atomic inventions. Secret agents of foreign governments would find United States inventors cringing from the harsh treatment threatened by their own Government. Fear and resentment would lead to secret deals in which alien agents would get the inventions for black cash."

I read further from this release:

"The patent provisions of this bill," he said, "are so totally un-American and unconstitutional that all industry was amazed and aroused last week to learn that the House Committee on Military Affairs had reported it out favorably in the face of violent protests from industry and others."

If there is anything we should be jealous of and if there is anything we should protect, it is the right of the individual citizen of this country to be rewarded for his inventive genius. We should foster the advancement of science by protecting the right of patenting inventions.

Mr. Chairman, I am in favor of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, in the event the amendment of the gentleman from Texas [Mr. LANHAM] is not agreed to, I have at the Clerk's desk an amendment at line 11, page 35, which adds the words before the period "and just compensation shall be made therefor." In items Nos. 1 and 2 on page 34, it is provided in each case that just compensation shall be made. In item 3, however, which does not refer to a patent but to a mere invention or discovery useful in the production of fissionable material, the discoverer or inventor is required to report to the Commission within 60 days giving a full description thereof but no reward whatsoever is provided in the text of the bill. It seems to me that must have been an oversight on the part of the Senate committee or on the part of the House committee. I trust that in the event the amendment proposed by the gentleman from Texas is not agreed to, the committee will agree to the insertion of the language I propose. I do not exactly see how you can, by law, force any man who has made a discovery or invention for which no patent application has been made, to disclose his discovery to the Commission if he does not want to, until he should perhaps attempt to put his discovery or invention into practice. Certainly, to attempt by law to force him to make disclosure without reward is carrying things pretty far into the nebulous realms. I wonder what starry-eyed dreamer wrote this provision in subsection (3).

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. FOLGER].

Mr. FOLGER. Mr. Chairman, it is rather difficult, in fact, impossible, to analyze the substitute amendment offered by the gentleman from Texas. I have felt in reading the provisions of section 11 that the ultimate purpose of all the provisions of that section were not to discourage inventive genius or to destroy patent provisions, but to recognize them as having a legitimate place in our economy and in the world as well and that that very provision is to encourage discovery and inventive genius and provide that compensation might be made. I apprehend that the framers of this section feel about the matter as I feel, that this is not something set up to be exploited by men in order to create discoveries and inventions which they may consider to be commercially advantageous to themselves. It is not a money-making proposition. It is something that is not going to be cornered by a few men. If atomic energy outside its military value amounts to as much as many of our people think it will, it is largely something that has been discovered and paid for by the people of the United States of America. I cannot understand why it is thought that the handling of this subject as it is handled in section 11 of the bill would have any effect upon the patent laws and rights of men in discoveries and inventions in this country.

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. SAVAGE].

Mr. SAVAGE. Mr. Chairman, the Constitution says that "the Congress has the right to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

I, like the gentleman from North Carolina [Mr. FOLGER], want to point out that it was the American people who spent about $2,000,000,000 for the discovery of atomic energy. I think the people have as much right to the control of this dangerous entity as any private corporation. I do not see that it affects our patent laws. This is an exception to the patent laws.

I also want to point out that many corporations in the United States are now destroying initiative when they hire workers. Before you can go on the pay roll you have to sign a statement that the

patent on anything you invent while working for that company shall be the property of the corporation, and the man gets no compensation of any kind for the invention. They are destroying initiative themselves.

I think that may very well apply to atomic energy. A corporation that requires its employees to sign over to the corporation all patent rights on anything the employee might invent or discover will also require scientists in their employ to sign a waiver, then what becomes of your incentive? There is more incentive in the bill as it now is than there will be if either amendment is adopted. The bill as is would compensate an inventor, but if amended there will be no compensation for the inventor from anybody. If it is incentive you are after you had better kill these amendments.

I am opposed to both of the pending amendments, the one offered by the gentleman from Texas [Mr. LANHAM] and also the amendment to strike out the entire section 11. I think it is too dangerous to make public the records of atomic energy. I do not believe there is anything wrong with holding these secrets. If they are going to be kept secrets, let us not make public records in the Patent Office of inventions regarding atomic energy.

We, by our votes on these amendments, are going to place the control of these vital patents in the hands of the Government or in the hands of corporations. We cannot trust corporations with such vital secrets. I can still remember, and so can you, that Standard Oil, just prior to the war, made a deal with Hitler that if Hitler would keep the patents for synthetic gasoline out of this country Standard Oil would attempt to prevent the development of synthetic rubber in the United States. Hitler believed that if he could deprive us of rubber tires it would mean our defeat. You know how crucial the rubber situation became during the war and it is not entirely cleared up yet. Was the Standard Oil Co. thinking of the welfare of the country or was it thinking of a monopoly in the oil business? You know the answer to that one. Furthermore this happened at a time when the country's supply of crude oil was running low with less than a 20-year supply remaining.

What about the Anaconda Copper Co. whose officials were convicted of producing inferior copper wire for the American soldiers to use on the battle fronts? How many men did that company kill? How would you like to turn the atomic bomb secrets over to that Garsson outfit which the Senate now has on the carpet? Too many people in Congress have profititis. They want some outfit to make a profit on everything but those same Members can seldom see the need for anything for the people.

This Seventy-ninth Congress is really doing a job for the country, this atomic bomb control bill is butchered up now about as bad as the OPA bill.

I hope these amendments will be defeated. I hope all the amendments that have been adopted here in the Committee of the Whole will be defeated when we report the bill back to the House. I do not want to see the control of atomic energy turned over to the Army nor to the corporations. I want to see the bill passed substantially as it came from the Senate.

The CHAIRMAN. The time of the gentleman from Washington has expired.

The Chair recognizes the gentleman from New York [Mr. GWINN] for 3 minutes.

Mr. GWINN of New York. Mr. Chairman, the debate has made clear that so long as we are at war or threatened with war the military secret of atomic bombing should remain exactly where it is.

The armed forces are better guardians of military secrets than any political commission. Treasonable conduct regarding a military secret is subject to immediate court martial. This need for top-military secrecy takes precedence, therefore, for the time being over any consideration of peacetime use of atomic energy for industrial development. We hope that the tense international situation will change in 6 months. Until then, this bill should be recommitted to the Military Affairs Committee for further study.

When this atomic discovery is no longer a secret, and peace and international order are assured, and the nations of the world together turn to industrial, agricultural, and medical developments, there will be no need for a huge and intricate atomic commission like the one contemplated in S. 1717.

Government must probably register and license the use of atomic energy in the same way dangerous materials are licensed in many fields. For such a purpose there is no use for such a commission as proposed.

When the time comes for the industrial and agricultural and humanitarian uses of this energy, the accumulated knowledge should be made freely available to the mind and imagination of the inventive geniuses of our country. From these men will come the inventions and discoveries in the application of atomic energy in the next 20 years as the theoretical and technological discovery of it all came from them during the last 20 years. All this happened without Government control, supervision, or direction by such commissions as here proposed.

The Government could not have selected or subsidized or even guessed who the discoverers of this energy would be. Nor is it likely that a mere Government commission in the next 20 years will contribute the most creative ideas in the further development of the scientific use of this energy. That impossible task is contemplated in this bill. It is totalitarianism. It is a rejection of our basic faith in the free human mind.

By comparison, government and its commissions and employees do not invent and discover. They suffer from a kind of intellectual sterility and bureaucratic incapacity for creative work of this kind. Why, then, should it be given control over what it cannot understand?

Even from the War and Navy Departments, having the greatest war plants in all the world, not one invention decisive in the success of modern warfare has come. The truly great discoveries and inventions have all come from individuals, many of them obscure, some of them even regarded as crack-pots; none of them subsidized.

The sad fact seems to be that a Government is more likely to prosecute than it is to promote the geniuses of discovery and invention. Mr. DeForest, the inventor of radio in America, was tried for 30 days in an effort to convict him for using the mails to sell stock on the representation that he had invented a machine to talk without the use of wires.

It is entirely contrary to experience to expect that Government commissions should be wise enough to own, explore, experiment, manufacture, promote, invent, subsidize and make scientific advances like Edison, Ford, Wright, DeForest, Blake, McCormick, Whitney, or the inventors of radar and electronics accomplished.

To sum up, the industrial development of this great Nation and the conversion of its industrial plants to war are so completely dependent upon the untrammeled exercise of the free mind and imagination of our citizens that we dare not depart from our traditional ways of doing things. American progress and world power are built upon the social and industrial benefits which a free nation has derived from inventors and workers not controlled by Government.

Thus, both for the sake of peace and for the sake of defense, we must stand firm in favor of freedom of action in the development even of this new device, if we are to be sure of maintaining our course in national development and in security of world affairs.

So, I shall vote to recommit the McMahon bill, S. 1717, for these reasons:

First, because the present status of world affairs does not warrant any action on behalf of the United States which would deprive this Nation of its supreme weapon of war. The guardianship of our secret war weapon must not be moved or disturbed.

Second, when peace and international order come, the outlawing entirely of the use of atomic weapons and the enforcement of the law by international police is the prerogative of the United Nations Security Council.

Finally, and above all, because I reject the very idea that any governmental or international commission shall have power to hamper, control or censor free men and their free science beyond the mere licensing required in the use of such dangerous materials.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from California [Mr. DOYLE].

PROPOSED AMENDMENT ENDANGERS NATIONAL SECURITY

Mr. DOYLE. Mr. Chairman, lest the House get the idea that all American industry is in favor of the gentleman's amendment, may I call attention to the fact that on yesterday I read two letters from the National Association of Manufacturers, one dated June 27 and one July 16, from their Patent Division.

I call your attention to the RECORD of yesterday, page 9359.

I repeat, you can read it. They there claim that while private enterprise

should have more availability to this atomic energy, they admit that private enterprise is safeguarded by adequate licensing provisions by the Commission. In other words, that Nation-wide group of manufacturers recognizes that adequate licensing by the Commission is sound and necessary in the interests of national security and safety.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. DOYLE. No. I am sorry, I have only a few minutes; the gentleman has had 15.

Mr. Chairman, I wish to call attention to the fact that if you adopt this amendment you strike out all control by the United States Government of this most dangerous substance, for military purposes, unless it is acquired from the inventors by purchase or condemnation, after a military weapon is invented or patented. You wipe out all exclusive control at the source of this material by the United States Government, and turn it over to private speculation and control. You turn over to private parties the control of the source of this energy and control of the development of military weapons in the first instance. Yet we have already this day by other actions recognized it to be the most powerful element in history for destruction or for progress.

I am absolutely opposed to my Government being placed in second place, on account of any factor. Passing as we did a minute ago an amendment carrying the death penalty for revealing any of these secrets of this terrific atomic energy to a foreign government—yet we now propose by this amendment, to turn it over to the genius and the greed too, of all those elements in our population, to use and develop and produce as they wish, for purposes of monopoly and money profit, without the Federal Government's having any proper control or jurisdiction over it, even for war purposes unless it buys it. I say, that is fundamentally dangerous to our national security and safety.

Section 11 as now written in the bill and as passed by the Senate requires a license from the United States to use any invention or discovery which is useful solely for military purposes. Is not this in the interests of our national security and safety? Yet the proposed amendment by the gentleman from Texas would leave wide open the field of inventing and developing military weapons with the atomic energy in them in private hands and control and force our Government to condemn by court action if necessary their acquisition for our own national defense.

If this statement by me is not a fact, then I invite you to call attention to where in the proposed amendment there is anything to the contrary.

Yes, we have spent over $2,000,000,000 as taxpayers to develop it for our national security and safety—it won for us that very freedom—and now we propose by this amendment to turn it over to whosoever will to develop military weapons with, and then require our taxpayers to again spend millions to acquire these military machine inventions.

I repeat, that I invite the gentleman to point out if his amendment provides any sort of a limitation on the utmost freedom to develop atomic military weapons, or even bombs, without even the Government having a word to say, unless it condemns or otherwise acquires the invention or patent.

This amendment proposes to make billions of money for private gain at the expense of some of our national security and safety. It does it in effect, even though no Member of this House so intends, of course.

As for me on this far reaching issue of private gain versus maximum national safety and maximum progress of the human race, I choose to vote in favor of my Nation's welfare and security first, and leave money profit for monopolies out. We must this date make this choice.

No justification has yet been offered by proponents of the amendment as relates to the development of military weapons with atomic energy. They know there is no justification for leaving the invention and production of military weapons with atomic energy in private hands, so they stress that the Government can acquire by condemnation, through court action if necessary, any such development.

Nor does the amendment of the gentleman prohibit a private party inventing a military weapon with atomic energy from selling it to a foreign nation. It does authorize the United States Government to acquire it, but it does not undertake to compel an American inventor to offer to sell it to the United States first or at all. Under subdivision (g) of the proposed amendment it requires an inventor to disclose his invention to the Government the sixtieth day after he makes up his mind that his invention or discovery is especially useful as a military weapon. So, again, it places our Nation under the handicap of waiting upon an inventor to be willing to admit that he concludes he has a military weapon. It does not even give the Government a first option or right to purchase or acquire such invention for our national security.

Nor are any penalties proposed in the amendment of the gentleman. I can readily understand why, I think. It is because the requirements upon any inventor under this amendment, even in the field of the invention of military weapons with atomic energy, are so indefinite and uncertain that no penalty clause would have much chance of application in a court of last resort.

Yes, an inventor in America, under the gentleman's proposal, could invent a military weapon with the atomic energy factor even more destructive than the Hiroshima bomb, he could legally sell it to a foreign nation who might then be a potential or actual enemy to our national security; he could still file a report within the 60 days' period as provided in the gentleman's amendment; he could pocket his filthy monetary gain thus had; and he would still be acting within the requirements of the gentleman's amendment as far as military weapons are concerned.

Remember, gentlemen, this amendment does not reserve unto the Government any prior option to purchase, nor does it require the inventor to first offer it to the United States Government before he does to anybody else—foreign nations included.

So, under the gentleman's amendment we could easily have an invention in the military field, with a sale to an international cartel or a foreign nation by the inventor prior to the date he files his 60-day report with the United States Government, after he makes up his mind it is worth millions to him as a military weapon. So also, it leaves the field of military weapons wide open for foreign spies and agents to deal and trade with the few in our nation who might place greed for gold above patriotism. Yes, an American could invent a most destructive military weapon, he could sell and transfer it to a foreign nation through a foreign agent in this country; the invention could be removed to foreign shores and the American then file his 60-day report as required, and the inventor not have violated any provision of the proposed amendment. But, as long as the amendment is designed to allow freedom and free enterprise in the field of atomic energy for military weapons, we certainly could not then complain if the American inventor got all the gold he could for it. This is the sort of freedom of action this amendment would allow, regardless of our national safety and security. I am opposed to it.

Now, the field of industrial purposes I have not discussed for others have already done so.

The CHAIRMAN. The time of the gentleman from California has expired.

The gentleman from Illinois [Mr. PRICE] is recognized for 3 minutes.

Mr. PRICE of Illinois. Mr. Chairman, the only witness we had before our committee during the consideration of section 11 of this bill was Mr. Henry, former Commissioner of Patents, who appeared in opposition to the amendment. Mr. Henry at the present time, however, is privately employed as patent attorney for the Radio Corp. of America.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from Texas.

Mr. LANHAM. He is also one of the advisory council to the House Committee on Patents and went before the gentleman's committee at the express wish and request of the Committee on Patents.

Mr. PRICE of Illinois. I recall, however, that Mr. Henry was very confused when we asked him whether he was appearing as a representative of the Committee on Patents.

The present Commissioner of Patents not only has approved this section of the bill but participated in the drafting of parts of the section. The patent provisions are included in order to give special treatment to carry out other provisions of the bill. The atomic energy patents with which this section will deal are divided into two groups.

Group 1 consists of patents on the production of fissionable material and atomic weapons. The bill completely removes these subjects from the patent field. Since the production of fissionable material and atomic weapons are a Government monopoly, there seemed no

point in having private patents for activities which could not be privately conducted. If this provision were not made, the Government would have to file for patents on the bomb and all secret processes and equipment to prevent private patents on these inventions. By eliminating patents in this field of exclusive Government activity, important secrets will be more closely guarded than if it were necessary for them to go through the Patent Office. Financial incentives for inventions in these fields are nevertheless retained through awards to be made by the Commission. Express provision is made for judicial review if the inventor is dissatisfied with the award.

The second group is limited to patents covering devices utilizing atomic energy, for example, atomic power plants, atomic-propelled ships, and so forth. Here, patents are applied for and issued in the usual way to private inventors. The only new provision is that if a patentee refuses to license an important patent, the Commission is authorized to require a license to be issued in return for a reasonable royalty to the patentee. This provision carries out the intent of the bill that the benefits of atomic energy be made generally available, and is specifically warranted by the fact that all development patents in the atomic energy field will necessarily be founded upon the work done in the Government's $2,000,000,000 project. Since the public has paid for a major part of these inventions the bill assures the public that the benefits of the inventions will be made generally available. If the patent holder is dissatisfied with the royalty, he is expressly granted judicial review. These provisions, as I stated at the beginning of my remarks, were approved by and in part drafted by the Commissioner of Patents.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, in 1937 one of the leading Members of this House rose solemnly in this well and declared that we ought to have a holiday on inventions. I think that in order to enforce such a holiday he meant to close the Patent Office. I took issue with him at the time, because I felt that you cannot put a damper on human ingenuity and the inventive spirit. However, I am going to take a slightly different attitude now because of changes occuring during the last 10 years. At that time the gentleman thought man had created some things he could not control. I do not know whether today he is sure of that fact or not, but I am afraid of it right now.

In reference to the matter of inventions that pertain to atomic weapons and the use of atomic energy, I feel we have something that is far too dangerous to leave too freely in human hands. For that reason I favor the provision in section 11 in this bill, and I am opposed to striking it out.

Mr. BIEMILLER. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK. I yield to the gentleman from Wisconsin.

Mr. BIEMILLER. As I understand section 11 in S. 1717, it only prevents the functioning of the normal patent system on two items of development; that is fissionable material and atomic weapons. I am inclined to ask the question of this House: Are you sincere in talking about secrecy with reference to atomic weapons or do you want profits? If you are going to permit private individuals to get patents on atomic weapons, a complete description must be filed in the Patent Office. It is there available to anyone who wants to look at it. Any intelligent scientists or technologist will have the secret of every atomic weapon. As far as I am concerned, I am for keeping secrecy above profits.

Mr. MURDOCK. I thank the gentleman and agree with him. I favor safeguarding property rights, yet I want to remind you that we have already denied the prospector, the man who goes out into the West and finds uranium, the right to establish a claim on that property having the material which may be converted into atomic energy. I think we ought to do very much the same thing for the protection of our national security, the same thing in regard to personal property in ideas covering this dangerous material as well as the mineral that is in the ground from which the material can be made. For that reason, I am opposed to the amendment which would strike section 11 from this bill.

I have not only read the extensive hearings of the Senate Committee on Atomic Energy, but I attended some of the sessions and heard the statements made. I was impressed with the seriousness of the attitude of the scientists. They appeared to me to have a deep sense of social responsibility. They were fearful of the terribly destructive power of the thing which they have produced, but they were also conscious of the great benefits which it might afford humanity. Yet practically all of them emphasized that when you produce atomic energy for peace you are at least 75 percent along the road of having it for war. That terribly significant fact makes it imperative that we must not permit atomic energy uncontrolled in private hands.

Mr. VOORHIS of California. Mr. Chairman, I am as susceptible as any Member of the House to an appeal for freedom, but the general purpose of this bill, if I understand it correctly, is to say that until we know what atomic energy is and will do, until we have established sufficient controls so as to enable mankind to live with it with safety, until we know the answer to some of the questions posed by the gentleman from Minnesota, Dr. JUDD, we cannot safely permit every private individual in the country to exercise unlimited freedom in handling, possessing, or patenting atomic energy.

The point has already been made that as soon as we permit anyone to patent fissionable material or weapons depending on atomic energy, the patent has to be registered and the description has to be given in such clear, exact, full, complete, and concise language that any person versed in the arts and professions can understand it. Those are the words of the patent law. Will that promote security?

Under the amendment offered by the gentleman from Texas, anyone could patent fissionable material itself and it would then be incumbent upon the commission to go out and recapture the patent after it had been issued if the Commission believed it important to security. It is impossible for the Commission to guess what is going to happen all over the country with regard to such development. I think it quite evident that to plead for national security on the one hand and to say that private individuals might patent atomic energy on the other, is utterly inconsistent. So if either of these amendments is adopted, the safety provisions of the bill, the control over the terrible dangers inherent in misuse of this energy, will be largely lost.

Now as to my second point, I recall that the gentleman from Ohio himself the other day inserted an amendment in order that he might be sure that any person applying for the use of some of this material for industrial purposes in the future might be guaranteed his opportunity to get it. The gentleman appealed for his amendment on the ground that denial by the Commission of the use of radioactive material might at some future time deprive a man of the opportunity to remain in business.

Please bear in mind that argument as we consider the far more serious possibility of some single private corporation gaining a patent on some absolutely vital key device for the application of atomic energy. Such a corporation, if protected by a patent, could quite conceivably control and deny access to whole segments of the business life of America to everyone else.

We are dealing with a power here before the House today which may well transform the entire economy of the United States, and I have no fear of taking my stand on these grounds: First, I think the bill as written is quite right in refusing to allow the patentability of atomic energy itself, the very energy of the sun, for the development of which the American people as a whole have paid $2,000,000,000 and which, by every principle, must always belong to all the people. Second, I think the bill is also altogether correct in charging the Commission with this duty, that if in the future a patent is taken on some application of atomic energy—if it happens that such an invention is made that would, for example, deprive every company or agency of this country that now furnishes power or heat or light to the people of the very foundation of its business—then, under those circumstances, the Commission should exercise its power to require compulsory licensing, at a fair royalty, of such a patent. Unless this provision is retained, there is every likelihood of more complete monopolistic power than the world has ever seen being built on the basis of patents on this basic energy. To adopt either of these amendments is to risk the taking over of the whole economy of America and put it in monopolistic hands, of one or two great corporations. I furthermore plead for this understanding, that in recent years it has not been necessarily true that patents have advanced the sciences, and the arts, and the industrial progress, but some-

times they have hampered it, and we have evidence of that in the cartel agreements based on some patents that have been during the war period so inimical to national defense.

Would the House want some private agency to hold a patent on the air we breathe? I believe not. But who is to say the basic energy of every piece of matter in this universe is any more a fit subject for private patent than the air? No, Mr. Chairman; these amendments are wrong, fundamentally wrong. I am against them. I support the patent sections of the Senate bill.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. THOMASON].

Mr. THOMASON. Mr. Chairman, my remarks will necessarily be very brief. I just want to make this observation. I am strong for the patent laws of this country, and I have great respect for the judgment of my colleague the gentleman from Texas [Mr. LANHAM]. But I have studied the provisions of this bill, and we are not dealing with ordinary patents. We are dealing with an extraordinary discovery. This Government has spent more than $2,000,000,000 already on the discovery of atomic energy. It has untold millions of dollars invested in the Manhattan project and the Oak Ridge project, and only today they are having another big experiment out near where I live, in the white sands of New Mexico. We are dealing with the most destructive thing that has ever been known since the Supreme Architect of the Universe threw this old world together.

As I understand this bill, ordinary and usual patents are not affected. This Government, Uncle Sam, owns this discovery. It is our bomb. It is our secret, and when the Commission wants to take over any patent, revoke any patent, take charge of any patent, they have to pay for it. There is to be just compensation just as if they were invoking condemnation proceedings for any other kind of property. It is a most unusual situation, the way I view it. If we were not dealing with this destructive agent, I would be in sympathy with the views of my colleague from Texas. This terrible weapon is and must be, at least for a time, a Government monopoly.

That is all I have to say. It is Uncle Sam's secret. It is Uncle Sam's property now. The United States Government, acting through the Commission or the Army or the Navy, must control it. Of course, private industry would like to have a part in it, and they can under proper conditions. The provisions of the bill place no improper restrictions on private enterprise. If the bomb is to be kept a secret and if atomic energy is later to be developed for medical and industrial use, patents at least for the present should be kept exclusively in Government hands. We must take no chances. This amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. LANHAM].

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 121, noes 57.

So the amendment was agreed to.

The Clerk read as follows:

GENERAL AUTHORITY

SEC. 12. (a) In the performance of its functions the Commission is authorized to—

(1) establish advisory boards to advise with and make recommendations to the Commission on legislation, policies, administration, research, and other matters;

(2) establish by regulation or order such standards and instructions to govern the possession and use of fissionable and by-product materials as the Commission may deem necessary or desirable to protect health or to minimize danger from explosions and other hazards to life or property;

(3) make such studies and investigations, obtain such information, and hold such hearings as the Commission may deem necessary or proper to assist it in exercising any authority provided in this act, or in the administration or enforcement of this act, or any regulations or orders issued thereunder. For such purposes the Commission is authorized to administer oaths and affirmations, and by subpena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. No person shall be excused from complying with any requirements under this paragraph because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (U. S. C., title 49, sec. 46), shall apply with respect to any individual who specifically claims such privilege. Witnesses subpenaed under this subsection shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States;

(4) appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Commission. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1923, as amended, except that to the extent the Commission deems such action necessary to the discharge of its responsibilities, personnel may be employed and their compensation fixed without regard to such laws. Attorneys appointed under this paragraph may appear for and represent the Commission in any case in any court. The Commission shall make adequate provision for administrative review of any determination to dismiss any employee;

(5) acquire such materials, property, equipment, and facilities, establish or construct such buildings and facilities, and modify such buildings and facilities from time to time as it may deem necessary, and construct, acquire, provide, or arrange for such facilities and services (at project sites where such facilities and services are not available) for the housing, health, safety, welfare, and recreation of personnel employed by the Commission as it may deem necessary;

(6) with the consent of the agency concerned, utilize or employ the services or personnel of any Government agency or any State or local government, or voluntary or uncompensated personnel, to perform such functions on its behalf as may appear desirable;

(7) acquire, purchase, lease, and hold real and personal property as agent of and on behalf of the United States and to sell, lease, grant, and dispose of such real and personal property as provided in this act;

(8) contract for the expenditure of funds for the purposes specified in section 10 (b) without regard to the provisions of section 87 of the act of January 12, 1895 (28 Stat. 622), and section 11 of the act of March 1, 1919 (40 Stat. 1270; U. S. C., title 44, sec. 111); and

(9) without regard to the provisions of the Surplus Property Act of 1944 or any other law, make such disposition as it may deem desirable of (A) radioactive materials, and (B) any other property the special disposition of which is, in the opinion of the Commission, in the interest of the national security.

(b) Security: The President may, in advance, exempt any specific action of the Commission in a particular matter from the provisions of law relating to contracts whenever he determines that such action is essential in the interest of the common defense and security.

(c) Advisory committees: The members of the General Advisory Committee established pursuant to section 2 (b) and the members of advisory boards established pursuant to subsection (a) (1) of this section may serve as such without regard to the provisions of sections 109 and 113 of the Criminal Code (18 U. S. C., secs. 198 and 203) or section 19 (e) of the Contract Settlement Act of 1944, except insofar as such sections may prohibit any such member from receiving compensation in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested.

Mr. THOMASON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. GORE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 1717) for the development and control of atomic energy, had come to no resolution thereon.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL, 1947

Mr. O'NEAL submitted the following conference report and statement on the bill (H. R. 5452) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1947, and for other purposes:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 7 to the bill (H. R. 5452) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1947, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: Omit the matter stricken out and inserted by said amendment; and the Senate agree to the same.

EMMET O'NEAL,
HERMAN P. KOPPLEMANN,
CLARENCE CANNON,
THOMAS D'ALESANDRO, Jr.,
JOHN TABER,
GORDON CANFIELD,
Managers on the Part of the House.

KENNETH MCKELLAR,
PAT MCCARRAN,
CARL HAYDEN,
THEODORE FRANCIS GREEN,
WALLACE H. WHITE, Jr.,
CHAN GURNEY,
CLYDE M. REED,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5452) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1947, and for other purposes, submit the following report in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to such amendment:

TREASURY DEPARTMENT

Amendment No. 7: Eliminates language proposing amendments to the Silver Purchase Act, the repeal of the transactions tax on silver bullion and prohibiting ceiling prices on silver and silver products.

EMMET O'NEAL,
HERMAN P. KOPPLEMANN,
CLARENCE CANNON,
THOMAS D'ALESANDRO, Jr.,
JOHN TABER,
GORDON CANFIELD,
Managers on the Part of the House.

Mr. O'NEAL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill H. R. 5452.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the conference report.

Mr. O'NEAL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

DEPARTMENT OF LABOR AND FEDERAL SECURITY AGENCY APPROPRIATIONS, 1947—CONFERENCE REPORT

Mr. HARE submitted the following conference report and statement on the bill (H. R. 6739) making appropriations for the Department of Labor, Federal Security Agency, and related independent agencies for the fiscal year ending June 30, 1947, and for other purposes:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 39 to the bill (H. R. 6739) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1947, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: ": *Provided further*, That no part of the funds appropriated in this title shall be available to organize or assist in organizing agricultural laborers, or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2 (3) of the Act of July 5, 1935 (49 Stat. 450), and as defined in section 3 (f) of the Act of June 25, 1938 (52 Stat. 1060)"; and the Senate agree to the same.

BUTLER B. HARE,
MATTHEW M. NEELY,
FRANK B. KEEFE,
H. CARL ANDERSEN,
Managers on the Part of the House.

PAT MCCARRAN,
KENNETH MCKELLAR,
JOSEPH H. BALL,
WALLACE H. WHITE, Jr.,
STYLES BRIDGES
(By J. H. B.),
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference of the disagreeing votes of the two Houses on amendment No. 39 of the Senate to the bill (H. R. 6739) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year 1947, and for other purposes, submit the following statement in explanation of the action agreed upon by the conferees and recommended in the accompanying conference report:

The language agreed upon by the conferees differs from the original House language by preventing the use of any funds appropriated to the National Labor Relations Board for the purpose of organizing or assisting in organizing agricultural laborers, and further provides that the definition of "agricultural labor" as applied to the inhibition on the expenditure of funds for any hearings, investigation, directives, or orders by the National Labor Relations Board for collective-bargaining units composed of agricultural laborers shall be the definition contained in the Fair Labor Standards Act instead of the definition contained in the Social Security Act as provided in the original House language.

BUTLER B. HARE,
MATTHEW M. NEELY,
FRANK B. KEEFE,
H. CARL ANDERSEN,
Managers on the Part of the House.

Mr. HARE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 6739) making appropriations for the Department of Labor, Federal Security Agency, and related independent agencies for the fiscal year ending June 30, 1947, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the report.

Mr. HARE. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H. J. Res. 305) entitled "Joint resolution providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization," and authorizing an appropriation therefor, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments, as follows:

Page 2, lines 11 and 12, strike out "and must have been such for at least fifteen years."

Page 3, line 9, after "Cooperation", insert "of not to exceed one hundred members."

Page 3, line 9, strike out after "Cooperation." over to and including "States." in line 3, page 4, and insert "Such Commission shall be appointed by the Secretary of State and shall consist of (a) not more than sixty representatives of principal national, voluntary organizations interested in educational, scientific, and cultural matters; and (b) not more than forty outstanding persons selected by the Secretary of State, including not more than ten persons holding office under or employed by the Government of the United States, not more than fifteen representatives of the educational, scientific, and cultural interests of State and local governments, and not more than fifteen persons chosen at large. The Secretary of State is authorized to name in the first instance fifty of the principal national voluntary organizations, each of which shall be invited to designate one representative for appointment to the National Commission. Thereafter, the National Commission shall periodically review and, if deemed advisable, revise the list of such organizations designating representatives in order to achieve a desirable rotation among organizations represented."

Page 4, line 12, strike out "committee not exceeding fifteen persons" and insert "committee, and may designate such other committees as may prove necessary."

Page 4, line 15, strike out "it" and insert "them."

Page 5, lines 1 and 2, strike out "and must have been such for at least five years."

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the Senate amendments?

Mr. BLOOM. I took this matter up with the gentleman from New Hampshire [Mr. MERROW], who introduced the bill, who went over to London as your representative.

Mr. MARTIN of Massachusetts. But I would like to know a little bit about it also.

Mr. BLOOM. Well, they are simply perfecting amendments.

Mr. MARTIN of Massachusetts. Just what do the Senate amendments provide? What is the substance of them?

Mr. BLOOM. Two of the amendments remove an implication which the Senate felt to be unsound law. These amendments removed restrictions which provided that naturalized American citizens must have been naturalized at least 15 years before serving as representatives or alternates and at least 5 years before serving on the national commission. The Department of State had requested that these two provisions be eliminated and the Senate report supported the Department's thought that any law which implies that a native-born citizen is superior to a foreign-born citizen, or that a citizen naturalized for 15 years is better than

one naturalized for 5 years, is unsound law.

Mr. MARTIN of Massachusetts. The Senate is not amending this bill just for the sake of amending it. It must have some purpose. Now, what were the amendments?

Mr. BLOOM. The third amendment, which has the approval of the State Department, relates to section 3 of the joint resolution. I believe that there will be no objection to the changes made by the Senate.

Mr. MARTIN of Massachusetts. I think we had better ask the gentleman to let this go over until tomorrow, until I have a chance to look over the amendments.

Mr. VORYS of Ohio. The gentleman from South Dakota [Mr. MUNDT] and the gentleman from Connecticut [Mr. RYTER] were the principal protagonists of amendments along this line. It seems to me that the changes which the Senate have made do not at all change the principles for which those gentlemen contended so ably before our committee. Am I not correct in that?

Mr. RYTER. Mr. Speaker, the principal change consists of the composition of this National Advisory Commission who are delegates to the UNESCO set-up. The House voted the original methods, which I had introduced, calling for the creation of this National Advisory Commission, to consist of representatives of the principal national educational, scientific, and cultural bodies in the United States. It took away from the Secretary of State the appointive power and left it to the selection of one or two individuals to be selected by this principal original organization. Originally the bill called for a body of 15, and allowed a certain amount of elasticity, so that thereafter this Commission might form the rules and regulations with reference to organizations interested in scientific and cultural matters. The Senate amendment places a ceiling of a hundred, but gives the principal private national organizations 60 of those 100 representatives, and divides the 40 amongst the other organizations upon a State and local basis. That amendment is agreeable to the proponents of the original amendment to the House version.

Mr. MARTIN of Massachusetts. The ordinary practice is that when legislation of this character is to be brought up, I should have an opportunity to look it over before unanimous consent is requested. When that is not done, I generally object until I have had that privilege.

Mr. RYTER. I trust that my explanation supplies the gentleman with the necessary information. If there are any other questions I will be glad to answer them.

Mr. MARTIN of Massachusetts. I think the gentleman should withdraw his request for the moment, and then we will see what we can do tomorrow.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. McCORMACK. This experience best illustrates the wisdom of the policy that exists among the leadership. It is based upon courtesy. I know there is no intent to be discourteous, but the custom and the practice of consulting the leadership on both sides and the Speaker before unanimous-consent requests are made should be strictly adhered to. My remarks are not to be construed as criticism, but what has happened here best illustrates the situation. The gentleman from Massachusetts [Mr. MARTIN] is minority leader. I knew nothing about this myself. I assumed the gentleman from Massachusetts [Mr. MARTIN] had been consulted. It is also wise to consult with the members of the minority party, the ranking members, on the committee, to whom the minority leader looks for their suggestions or advice or guidance.

Mr. BLOOM. Mr. Speaker, let me say that I did not intend to bring this up this afternoon but the Committee of the Whole having risen as early as it did I thought it would facilitate matters to call it up. I had spoken to the gentleman before. I am sorry I did not consult the minority leader.

Mr. MARTIN of Massachusetts. We are approaching what we hope are the closing days of the session and there are likely to be many pieces of legislation called up by unanimous consent. If the gentleman from Massachusetts [Mr. McCORMACK] and myself do not have the opportunity of looking it over we are likely to let legislation go through that some of the membership did not expect would go through.

Mr. BLOOM. I will say to the gentleman that it is my mistake. I did not know there was going to be any controversy about it.

Mr. MARTIN of Massachusetts. There is no controversy about it as far as I know but we do not like the way it is called up without prior consultation.

The SPEAKER. Does the gentleman from New York withdraw his request?

Mr. BLOOM. Mr. Speaker, I withdraw the request.

HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFEDERATED SALISH AND KOOTENAI TRIBES OF INDIANS

Mr. JACKSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6983) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment on any and all claims which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, or any tribe or band thereof, may have against the United States, and for other purposes, with a Senate amendment and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 3, strike out all after "States" down to and including "Indians" in line 19.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this is merely a corrective amendment, as I understand it.

Mr. JACKSON. That is correct. The bill passed the House on Tuesday unanimously. This merely strikes out a section that was included in the bill that was passed on that day.

Mr. MARTIN of Massachusetts. Mr. Speaker, my attention has been called to the fact that the Clerk in reading said "line 3" and he should have said "line 5."

Mr. JACKSON. I think the gentleman may be referring to the Senate bill. This is the House bill that is up for consideration.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

USE OF CERTAIN INDIAN FUNDS—PERMISSION TO FILE SUPPLEMENTAL REPORT

Mr. JACKSON. Mr. Speaker, I ask unanimous consent to file supplemental report on S. 1235, to authorize the use of the funds of any tribe of Indians for insurance premiums; and on S. 115, to modify sections 4 and 20 of the Permanent Appropriation Repeal Act, 1934, with reference to certain funds collected in connection with the operation of Indian Service irrigation projects, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

ADDITIONAL JUDGE FOR THE DISTRICT OF DELAWARE

Mr. BYRNE of New York. Mr. Speaker, on behalf of the chairman of the Committee on the Judiciary, I call up the conference report on the bill S. 1801, authorizing the appointment of an additional judge for the District of Delaware, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain what this bill is?

Mr. BYRNE of New York. This is a bill providing for the appointment of an additional judge in the State of Delaware.

Mr. MARTIN of Massachusetts. It is a request to agree to the conference report?

Mr. BYRNE of New York. Yes.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1801) authorizing the appointment of an additional judge for the district of Delaware, having met, after full and free conference, have agreed to recommend and do recommend to their respect Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"*Provided*, That the first vacancy occurring in the office of district judge in said district shall not be filled: *Provided further*, That unless the President shall submit a nomination to the Senate or make a recess appointment to fill the office hereby created within ninety days after the effective date of this Act, then in that event this Act shall be of no force and effect."

And the House agree to the same.

HATTON W. SUMNERS,
FRANCIS E. WALTER,
JOHN JENNINGS, JR.,
Managers on the Part of the House.

PAT MCCARRAN,
ABE MURDOCK,
E. H. MOORE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1801) authorizing the appointment of an additional judge for the district of Delaware, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The House passed the Senate bill after amending it to provide that no appointment should be made to fill the first vacancy which should thereafter occur in that district, and by further providing that the act should be ineffective unless a nomination to fill the office thus created be submitted to the Senate within 90 days. The Senate disagreed to the House amendment and requested the conference, to which the House agreed.

The Senate conferees agreed to the amendment of the House with the addition of language to insure that a recess appointment could be made within the 90-day period in the event the Senate should not be in session, with which the House conferees agreed.

HATTON W. SUMNERS,
FRANCIS E. WALTER,
JOHN JENNINGS, JR.,
Managers on the Part of the House.

The conference report was agreed to, and a motion to reconsider was laid on the table.

FEES OF UNITED STATES COMMISSIONERS

Mr. BYRNE of New York. Mr. Speaker, on behalf of the chairman of the Judiciary Committee, I call up the conference report on the bill (S. 346) to amend section 21 of the act of May 28, 1896 (29 Stat. 184, 28 U. S. C., sec. 597), prescribing fees of United States commissioners, and ask unanimous consent that the statement be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 346) to amend section 21 of the act of May 28, 1896 (29 Stat. 184, 28 U. S. C., sec. 597), prescribing fees of United States commissioners, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same.

HATTON W. SUMNERS,
EMANUEL CELLER,
LOUIS E. GRAHAM,
Managers on the Part of the House.

PAT MCCARRAN,
JAMES W. HUFFMAN,
WILLIAM A. STANFILL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 346) to amend section 21 of the act of May 28, 1896 (29 Stat. 184; 28 U. S. C., sec. 597), prescribing fees of United States commissioners, submit the following explanation of the effect of the action agreed upon in conference and recommended in the accompanying conference report.

Seven amendments were made by the House to the Senate bill, the first two of which were to provide that the increases authorized by the Federal Employees Pay Act of 1945 as amended by the Federal Employees Pay Act of 1946 be applied to the fees of commissioners prescribed by the bill. The other five amendments were made to correct the language of the bill. The Senate disagreed to these amendments and requested the conference, to which the House agreed.

The Senate conferees agreed to the House amendments.

HATTON W. SUMNERS,
EMANUEL CELLER,
LOUIS E. GRAHAM,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. PATTERSON asked and was given permission to extend his own remarks in the Appendix of the RECORD.

Mr. KELLEY of Pennsylvania asked and was given permission to extend his remarks in the RECORD and include a statement by Col. G. H. Rarey on the need for reeducating the American public upon the subject of leprosy.

Mr. EBERHARTER asked and was given permission to extend his remarks in the RECORD and include an address by Judge Henry Ellenbogen.

Mr. MONRONEY asked and was given permission to extend his remarks in the RECORD.

SPECIAL ORDER GRANTED

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that on Tuesday after disposition of matters on the Speaker's desk and at the conclusion of any special orders heretofore entered, I may address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

CONGRESSIONAL REORGANIZATION

Mr. MONRONEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MONRONEY. Mr. Speaker, together with the gentleman from Illinois [Mr. DIRKSEN] I am having printed in the CONGRESSIONAL RECORD for tomorrow a committee print on the agreed changes in the bill having to do with the reorganization of the Congress. We have attempted to meet in advance many of the more strenuous objections to certain provisions of the Senate bill.

These objections, for the most part, have been compromised and adjusted, with a view to preserving as much as possible of the idea of an over-all reorganization of the machinery of Congress.

I feel we have a very satisfactory bill to present to the Members of the House; in fact, in my opinion, it accomplishes about 80 percent of the entire goal that was sought in the reorganization of the Congress.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from New York.

Mr. TABER. I notice that there are a lot of research artists set up in this bill but they are not given any authority. I am not much on research artists without any authority.

Mr. MONRONEY. I believe that the gentleman will find these research men will work under the very able direction of the chairmen and the ranking members of the reorganized House committees.

Mr. TABER. If they have no authority to get down into these departments, they will not do any good.

Mr. MONRONEY. I would like to assure the distinguished ranking member of the House Appropriations Committee, that we intend for these committee staff members to have all the authority needed to do their job. If further change, extending authority to the Appropriations Committee to assign these men to the tasks we want them to perform is needed, I am certain that the bill can be amended to permit it.

The committee print to which I refer follows:

A bill to provide for increased efficiency in the legislative branch of the Government

Be it enacted, etc.—

SHORT TITLE

That (a) this act, divided into titles and sections according to the following table of

contents, may be cited as the "Legislative Reorganization Act of 1946":

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Committee on Foreign Affairs.
Committee on House Administration.
Committee on Interstate and Foreign Commerce.
Committee on the Judiciary.
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Sec. 307. Persons to whom applicable.
Sec. 308. Registration with Secretary of the Senate and Clerk of the House.
Sec. 309. Reports and statements to be made under oath.
Sec. 310. Penalties.
Sec. 311. Exemption.

TITLE IV. FEDERAL TORT CLAIMS ACT

Part 1. Short title and definitions

Sec. 401. Short title.
Sec. 402. Definitions.

Part 2. Administrative adjustment of tort claims against the United States

Sec. 403. Claims of $1,000 or less.
Sec. 404. Reports.

Part 3. Suits on tort claims against the United States

Sec. 410. Jurisdiction.
Sec. 411. Procedure.
Sec. 412. Review.
Sec. 413. Compromise.

Part 4. Provisions common to part 2 and part 3

Sec. 420. One year statute of limitations.
Sec. 421. Exceptions.
Sec. 422. Attorneys' fees.
Sec. 423. Exclusiveness of remedy.
Sec. 424. Certain statutes inapplicable.

TITLE V. GENERAL BRIDGE ACT

Sec. 501. Short title.
Sec. 502. Consent of Congress.
Sec 503. Tolls.
Sec. 504. Acquisition by public agencies.
Sec. 505. Statements of cost.
Sec. 506. Sinking fund.
Sec. 507. Applicability of title.
Sec. 508. International bridges.
Sec. 509. Eminent domain.
Sec. 510. Penalties
Sec. 511. Rights reserved.

TITLE VI. COMPENSATION AND RETIREMENT PAY OF MEMBERS OF CONGRESS

Sec. 601. Compensation of Members of Congress.
Sec. 602. Retirement pay of Members of Congress.

Separability clause

(b) If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE I—CHANGES IN RULES OF SENATE AND HOUSE

Rule-making power of the Senate and House

SEC. 101. The following sections of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

PART 1—STANDING RULES OF THE SENATE

Standing committees of the Senate

SEC. 102. Rule XXV of the Standing Rules of the Senate is amended to read as follows:

"RULE XXV

"Standing committees

"(1) The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

"(a) Committee on Agriculture and Forestry, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Agriculture generally.

"2. Inspection of livestock and meat products.

"3. Animal industry and diseases of animals.

"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"5. Agricultural colleges and experiment stations.

"6. Forestry in general, and forest reserves other than those created from the public domain.

"7. Agricultural economics and research.

"8. Agricultural and industrial chemistry.

"9. Dairy industry.

"10. Entomology and plant quarantine.

"11. Human nutrition and home economics.

"12. Plant industry, soils, and agricultural engineering.

"13. Agricultural educational extension services.

"14. Extension of farm credit and farm security.

"15. Rural electrification.

"16. Agricultural production and marketing and stabilization of prices of agricultural products.

"17. Crop insurance and soil conservation.

"(b) Committee on Appropriations, to consist of 21 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Appropriation of the revenue for the support of the Government.

"(c) Committee on Armed Services, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Common defense generally.

"2. The War Department and the Military Establishment generally.

"3. The Navy Department and the Naval Establishment generally.

"4. Soldiers' and sailors' homes.

"5. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.

"6. Selective service.

"7. Size and composition of the Army and Navy.

"8. Forts, arsenals, military reservations, and navy yards.

"9. Ammunition depots.

"10. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.

"11. Conservation, development, and use of naval petroleum and oil-shale reserves.

"12. Strategic and critical materials necessary for the common defense.

"(d) Committee on Banking and Currency, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Banking and currency generally.

"2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.

"3. Deposit insurance.

"4. Public and private housing.

"5. Federal Reserve System.

"6. Gold and silver, including the coinage thereof.

"7. Issuance of notes and redemption thereof.

"8. Valuation and revaluation of the dollar.

"9. Control of prices of commodities, rents, or services.

"(e) Committee on Civil Service, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. The Federal civil service generally.

"2. The status of officers and employees of the United States including their compensation, classification, and retirement.

"3. The postal service generally, including the railway-mail service, and measures relating to ocean-mail and pneumatic-tube service; but excluding post roads.

"4. Postal-savings banks.

"5. Census and the collection of statistics generally.

"6. The National Archives.

"(f) Committee on the District of Columbia, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—

"2. Public health and safety, sanitation, and quarantine regulations.

"3. Regulation of sale of intoxicating liquors.

"4. Adulteration of food and drugs.

"5. Taxes and tax sales.

"6. Insurance, executors, administrators, wills, and divorce.

"7. Municipal and juvenile courts.

"8. Incorporation and organization of societies.

"9. Municipal code and amendments to the criminal and corporation laws.

"(g) (1) Committee on Expenditures in the Executive Departments, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Budget and accounting measures, other than appropriations.

"(B) Reorganizations in the executive branch of the Government.

"(2) Such committee shall have the duty of—

"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

"(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

"(h) Committee on Finance, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Revenue measures generally.

"2. The bonded debt of the United States.

"3. The deposit of public moneys.

"4. Customs, collection districts, and ports of entry and delivery.

"5. Reciprocal trade agreements.

"6. Transportation of dutiable goods.

"7. Revenue measures relating to the insular possessions.

"8. Tariffs and import quotas, and matters related thereto.

"9. National social security.

"10. Veterans' measures generally.

"11. Pensions of all the wars of the United States, general and special.

"12. Life insurance issued by the Government on account of service in the armed forces.

"13. Compensation of veterans.

"(i) Committee on Foreign Relations, to consist of 13 Senators, to which committee shall be be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Relations of the United States with foreign nations generally.

"2. Treaties.

"3. Establishment of boundary lines between the United States and foreign nations.

"4. Protection of American citizens abroad and expatriation.

"5. Neutrality.

"6. International conferences and congresses.

"7. The American National Red Cross.

"8. Intervention abroad and declarations of war.

"9. Measures relating to the diplomatic service.

"10. Acquisition of land and buildings for embassies and legations in foreign countries.

"11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

"12. United Nations Organization and international financial and monetary organizations.

"13. Foreign loans.

"(j) Committee on Interstate and Foreign Commerce to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Interstate and foreign commerce generally.

"2. Regulation of interstate railroads, busses, trucks, and pipe lines.

"3. Communication by telephone, telegraph, radio, and television.

"4. Civil aeronautics.

"5. Merchant marine generally.

"6. Registering and licensing of vessels and small boats.

"7. Navigation and the laws relating thereto, including pilotage.

"8. Rules and international arrangements to prevent collisions at sea.

"9. Merchant marine officers and seamen.

"10. Measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, life-saving equipment, and fire protection on such vessels.

"11. Coast and Geodetic Survey.

"12. The Coast Guard, including life-saving service, lighthouses, lightships, and ocean derelicts.

"13. The United States Coast Guard and Merchant Marine Academies.

"14. Weather Bureau.

"15. Except as provided in paragraph (c), the Panama Canal and interoceanic canals generally.

"16. Inland waterways.

"17. Fisheries and wildlife, including research, restoration, refuges, and conservation.

"18. Bureau of Standards including standardization of weights and measures and the metric system.

"(k) Committee on the Judiciary, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Judicial proceedings, civil and criminal, generally.

"2. Constitutional amendments.

"3. Federal courts and judges.

"4. Local courts in the Territories and possessions.

"5. Revision and codification of the statutes of the United States.

"6. National penitentiaries.

"7. Protection of trade and commerce against unlawful restraints and monopolies.

"8. Holidays and celebrations.

"9. Bankruptcy, mutiny, espionage, and counterfeiting.

"10. State and Territorial boundary lines.

"11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.

"12. Civil liberties.

"13. Patents, copyrights, and trade-marks.

"14. Patent Office.

"15. Immigration and naturalization.

"16. Apportionment of Representatives.

"17. Measures relating to claims against the United States.

"18. Interstate compacts generally.

"(l) Committee on Labor and Public Welfare, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Measures relating to education, labor, or public welfare generally.

"2. Mediation and arbitration of labor disputes.

"3. Wages and hours of labor.

"4. Convict labor and the entry of goods made by convicts into interstate commerce.

"5. Regulation or prevention of importation of foreign laborers under contract.

"6. Child labor.

"7. Labor statistics.

"8 Labor standards.

"9 School-lunch program.

"10. Vocational rehabilitation.

"11. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.

"12. United States Employees' Compensation Commission.

"13. Columbia Institution for the Deaf, Dumb, and Blind; Howard University, Freedmen's Hospital, and St. Elizabeths Hospital.

"14. Public health and quarantine.

"15. Welfare of miners.

"16. Vocational rehabilitation and education of veterans

"17. Veterans' hospitals, medical care, and treatment of veterans.

"18. Soldiers' and sailors' civil relief.

"19. Readjustment of servicemen to civil life.

"(m) Committee on Public Lands, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Public lands generally, including entry, easements, and grazing thereon.

"2. Mineral resources of the public lands.

"3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

"4. Forest reserves and national parks created from the public domain.

"5. Military parks and battlefields, and national cemeteries.

"6. Preservation of prehistoric ruins and objects of interest on the public domain.

"7. Measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting their revenue and appropriations.

"8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects.

"9. Interstate compacts relating to apportionment of waters for irrigation purposes.

"10. Mining interests generally.

"11. Mineral land laws and claims and entries thereunder.

"12. Geological survey.

"13. Mining schools and experimental stations.

"14. Petroleum conservation and conservation of the radium supply in the United States.

"15. Relations of the United States with the Indians and the Indian tribes.

"16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

"(n) Committee on Public Works, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Flood control and improvement of rivers and harbors.

"2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).

"3. Water power.

"4. Oil and other pollution of navigable waters.

"5. Public buildings and occupied or improved grounds of the United States generally.

"6. Measures relatng to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

"7. Measures relating to the Capitol building and the Senate and House Office Buildings.

"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

"10. Measures relating to the construction or maintenance of roads and post roads.

"(o) (1) Committee on Rules and Administration, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.

"(B) Except as provided in paragraph (n) 8, matters relating to the Library of Congress and the Senate Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

"(C) Except as provided in paragraph (n) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(D) Matters relating to the election of the President, Vice President, or Member of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

"(E) Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; administration of the Senate Office Building and of the Senate Wing of the Capitol; assignment of office space; and services to the Senate.

"(F) Matters relating to printing and correction of the CONGRESSIONAL RECORD.

"(1) Such committee shall also have the duty of examining all bills, amendments, and joint resolutions after passage by the Senate; and, in cooperation with the Committee on House Administration of the House of Representatives, of examining all bills and joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled; and when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate. Such committee shall also have the duty of assigning office space in the Senate Wing of the Capitol and in the Senate Office Building.

"(2) Each standing committee shall continue and have the power to act until their successors are appointed.

"(3) Each standing committee is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, subject to the provisions of section 133 (d) of the Legislative Reorganization Act of 1946.

"(4) Each Senator shall serve on two standing committees and no more; except that Senators of the majority party who are members of the Committee on the District of Columbia or of the Committee on Expenditures in the Executive Departments may serve on three standing committees and no more."

Appropriations

SEC. 103. Rule XVI of the Standing Rules of the Senate is amended to read as follows:

"RULE XVI

"Amendments to appropriation bills

"1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

"2. The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation or any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

"3. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received; in like manner, amendments proposing new items of appropriation to river and harbor bills, establishing post roads, or proposing new post roads, shall, before being considered, be referred to the Committee on Public Works.

"4. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any such amendment or restriction to a general appropriation bill may be laid on the table without prejudice to the bill.

"5. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

"6. (a) Three members of the following-named committees, to be selected by their respective committees, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the annual appropriation bill making appropriations for the purposes specified in the following table opposite the name of the committee is being considered by the Committee on Appropriations:

Name of committee	*Purpose of appropriation*
Committee on Agriculture and Forestry.	For the Department of Agriculture.
Committee on Civil Service.	For the Post Office Department.
Committee on Armed Services.	For the Department of War; for the Department of the Navy.
Committee on the District of Columbia.	For the District of Columbia.
Committee on Public Works.	For Rivers and Harbors
Committee on Foreign Relations.	For the Diplomatic and Consular Service.

"(b) At least one member of each committee enumerated in subparagraph (a), to be selected by his or their respective committees, shall be a member of any conference committee appointed to confer with the House upon the annual appropriation bill making appropriations for the purposes specified in the foregiong table opposite the name of his or their respective committee.

"7. When a point of order is made against any restriction on the expenditure of funds appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order."

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

Standing committees of the House of Representatives

SEC. 121. (a) Rule X of the Rules of the House of Representatives is amended to read as follows:

"RULE X

"Standing committees

"(a) There shall be elected by the House, at the commencement of each Congress, the following standing committees:

"1. Committee on Agriculture, to consist of twenty-seven members.

"2. Committee on Appropriations, to consist of 43 members.

"3. Committee on Armed Services, to consist of 33 members.

"4. Committee on Banking and Currency, to consist of 27 members.

"5. Committee on Civil Service, to consist of 25 members.

"6. Committee on the District of Columbia, to consist of 25 members.

"7. Committee on Education and Labor, to consist of 25 members.

"8. Committee on Expenditures in the Executive Departments, to consist of 25 members.

"9. Committee on Foreign Affairs, to consist of 25 members.

"10. Committee on House Administration, to consist of 25 members.

"11. Committee on Interstate and Foreign Commerce, to consist of 27 members.

"12. Committee on the Judiciary, to consist of 25 members.

"13. Committee on Merchant Marine and Fisheries, to consist of 25 members.

"14. Committee on Public Lands, to consist of 25 Members.

"15. Committee on Public Works, to consist of 27 Members.

"16. Committee on Rules, to consist of 12 Members.

"17. Committee on Un-American Activities, to consist of nine Members.

"18. Committee on Veterans' Affairs, to consist of 27 Members.

"19. Committee on Ways and Means, to consist of 27 Members.

"(b) (1) The Speaker shall appoint all select and conference committees which shall be ordered by the House from time to time.

"(2) At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the Members thereof; in the temporary absence of the chairman, the Member next in rank in the order named in the election of the committee, and so on, as often as the case shall happen, shall act as chairman; and in case of a permanent vacancy in the chairmanship of any such committee the House shall elect another chairman.

"(3) All vacancies in standing committees in the House shall be filled by election by the House. Each Member shall be elected to serve on one standing committee and no more; except that Members who are elected to serve on the Committee on the District of Columbia or on the Committee on Un-American Activities may be elected to serve on two standing committees and no more, and Members of the majority party who are elected to serve on the Committee on Expenditures in the Executive Departments or on the Committee on House Administration may be elected to serve on two standing committees and no more."

(b) Rule XI of the Rules of the House of Representatives is amended to read as follows:

"RULE XI

"Powers and duties of committees

"(1) All proposed legislation, messages, petitions, memorials, and other matters relating to the subjects listed under the standing committees named below shall be referred to such committees, respectively:

"(A) COMMITTEE ON AGRICULTURE

"1. Agriculture generally.

"2. Inspection of livestock and meat products.

"3. Animal industry and diseases of animals.

"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"5. Agricultural colleges and experiment stations.

"6. Forestry in general, and forest reserves other than those created from the public domain.

"7. Agricultural economics and research.

"8. Agricultural and industrial chemistry.

"9. Dairy industry.

"10. Entomology and plant quarantine.

"11. Human nutrition and home economics.

"12. Plant industry, soils, and agricultural engineering.

"13. Agricultural educational extension services.

"14. Extension of farm credit and farm security.

"15. Rural electrification.

"16. Agricultural production and marketing and stabilization of prices of agricultural products.

"17. Crop insurance and soil conservation.

"(B) COMMITTEE ON APPROPRIATIONS

"1. Appropriation of the revenue for the support of the Government.

"(C) COMMITTEE ON ARMED SERVICES

"1. Common defense generally.

"2. The War Department and the Military Establishment generally.

"3. The Navy Department and the Naval Establishment generally.

"4. Soldiers' and sailors' homes.

"5. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.

"6. Selective service.

"7. Size and composition of the Army and Navy.

"8. Forts, arsenals, military reservations, and navy yards.

"9. Ammunition depots.

"10. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.

"11. Conservation, development, and use of naval petroleum and oil shale reserves.

"12. Strategic and critical materials necessary for the common defense.

"(D) COMMITTEE ON BANKING AND CURRENCY

"1. Banking and currency generally.

"2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.

"3. Deposit insurance.

"4. Public and private housing.

"5. Federal Reserve System.

"6. Gold and silver, including the coinage thereof.

"7. Issuance of notes and redemption thereof.

"8. Valuation and revaluation of the dollar.

"9. Control of prices of commodities, rents, or services.

"(E) COMMITTEE ON CIVIL SERVICE

"1. The Federal civil service generally.

"2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

"3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.

"4. Postal-savings banks.

"5. Census and the collection of statistics generally.

"6. The National Archives.

"(F) COMMITTEE ON THE DISTRICT OF COLUMBIA

"1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—

"2. Public health and safety, sanitation, and quarantine regulations.

"3. Regulation of sale of intoxicating liquors.

"4. Adulteration of food and drugs.

"5. Taxes and tax sales.

"6. Insurance, executors, administrators, wills, and divorce.

"7. Municipal and juvenile courts.

"8. Incorporation and organization of societies.

"9. Municipal code and amendments to the criminal and corporation laws.

"(G) COMMITTEE ON EDUCATION AND LABOR

"1. Measures relating to education or labor generally.

"2. Mediation and arbitration of labor disputes.

"3. Wages and hours of labor.

"4. Convict labor and the entry of goods made by convicts into interstate commerce.

"5. Regulation or prevention of importation of foreign laborers under contract.

"6. Child labor.

"7. Labor statistics.

"8. Labor standards.

"9. School-lunch program.

"10. Vocational rehabilitation.

"11. United States Employees' Compensation Commission.

"12. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and St. Elizabeths Hospital.

"13. Welfare of minors.

"(H) (1) COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

"(A) Budget and accounting measures, other than appropriations.

"(B) Reorganizations in the executive branch of the Government.

"(2) Such committee shall have the duty of—

"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the House as it deems necessary or desirable in connection with the subject matter of such reports;

"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

"(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

"(I) COMMITTEE ON FOREIGN AFFAIRS

"1. Relations of the United States with foreign nations generally.

"2. Establishment of boundary lines between the United States and foreign nations.

"3. Protection of American citizens abroad and expatriation.

"4. Neutrality.

"5. International conferences and Congresses.

"6. The American National Red Cross.

"7. Intervention abroad and declarations of war.

"8. Measures relating to the diplomatic service.

"9. Acquisition of land and buildings for embassies and legations in foreign countries.

"10. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

"11. United Nations Organization and international financial and monetary organizations.

"12. Foreign loans.

"(J) (1) COMMITTEE ON HOUSE ADMINISTRATION

"(A) Employment of persons by the House including clerks for Members and committees, and reporters of debates.

"(B) Expenditure of the contingent fund of the House.

"(C) The auditing and settling of all accounts which may be charged to the contingent fund.

"(D) Measures relating to accounts of the House generally.

"(E) Appropriations from the contingent fund.

"(F) Measures relating to services to the House, including the House restaurant and administration of the House Office Buildings and of the House wing of the Capitol.

"(G) Measures relating to the travel of Members of the House.

"(H) Measures relating to the assignment of office space for Members and committees.

"(I) Measures relating to the disposition of useless executive papers.

"(J) Except as provided in paragraph (o) 8, matters relating to the Library of Congress and the House Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

"(K) Except as provided in paragraph (o) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(L) Matters relating to printing and correction of the CONGRESSIONAL RECORD.

"(M) Measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.

"(2) Such committee shall also have the duty of—

"(A) examining all bills, amendments, and joint resolutions after passage by the House; and, in cooperation with the Senate Committee on Rules and Administration, of examining all bills and joint resolutions which shall have passed both Houses, to see that they are correctly enrolled; and when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the House, to the President of the United States in person, and report the fact and date of such presentation to the House;

"(B) reporting to the Sergeant at Arms of the House the travel of Members of the House;

"(C) arranging a suitable program for each day observed by the House of Representatives as a memorial day in memory of Members of the Senate and House of Representatives who have died during the preceding period, and to arrange for the publication of the proceedings thereof.

"(K) COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

"1. Interstate and foreign commerce generally.

"2. Regulation of interstate railroads, busses, trucks, and pipe lines.

"3. Communication by telephone, telegraph, radio, and television.

"4. Civil aeronautics.

"5. Weather Bureau.

"6. Interstate oil compacts.

"7. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.

"8. Public health and quarantine.

"9. Inland waterways.

"10. Bureau of Standards, including standardization of weights and measures and the metric system.

"(L) COMMITTEE ON THE JUDICIARY

"1. Judicial proceedings, civil and criminal, generally.

"2. Constitutional amendments.

"3. Federal courts and judges.

"4. Local courts in the Territories and possessions.

"5. Revision and codification of the statutes of the United States.

"6. National penitentiaries.

"7. Protection of trade and commerce against unlawful restraints and monopolies.

"8. Holidays and celebrations.

"9. Bankruptcy, mutiny, espionage, and counterfeiting.

"10. State and Territorial boundary lines.

"11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.

"12. Civil liberties.

"13. Patents, copyrights, and trade-marks.

"14. Patent Office.

"15. Immigration and naturalization.

"16. Apportionment of Representatives.

"17. Measures relating to claims against the United States.

"18. Interstate compacts generally.

"19. Presidential succession.

"(M) COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

"1. Merchant marine generally.

"2. Registering and licensing of vessels and small boats.

"3. Navigation and the laws relating thereto, including pilotage.

"4. Rules and international arrangements to prevent collisions at sea.

"5. Merchant marine officers and seamen.

"6. Measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

"7. The Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.

"8. United States Coast Guard and Merchant Marine Academies.

"9. Coast and Geodetic Survey.

"10. Except as provided in paragraph (c), the Panama Canal and interoceanic canals generally.

"11. Fisheries and wildlife, including research, restoration, refuges, and conservation.

"(N) COMMITTEE ON PUBLIC LANDS

"1. Public lands generally, including entry, easements, and grazing thereon.

"2. Mineral resources of the public lands.

"3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

"4. Forest reserves and national parks created from the public domain.

"5. Military parks and battlefields, and national cemeteries.

"6. Preservation of prehistoric ruins and objects of interest on the public domain.

"7. Measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting the revenue and appropriations.

"8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects.

"9. Interstate compacts relating to apportionment of waters for irrigation purposes.

"10. Mining interests generally.

"11. Mineral land laws and claims and entries thereunder.

"12. Geological survey.

"13. Mining schools and experimental stations.

"14. Petroleum conservation and conservation of the radium supply in the United States.

"15. Relations of the United States with the Indians and the Indian tribes.

"16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

"(O) COMMITTEE ON PUBLIC WORKS

"1. Flood control and improvement of rivers and harbors.

"2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).

"3. Water power.

"4. Oil and other pollution of navigable waters.

"5. Public buildings and occupied or improved grounds of the United States generally.

"6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal court houses, and Government buildings within the District of Columbia.

"7. Measures relating to the Capitol Building and the Senate and House Office Buildings.

"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

"10. Measures relating to the construction or maintenance of roads and post roads, other than appropriations therefor; but it shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.

"(P) COMMITTEE ON RULES

"1. The rules, joint rules, and order of business of the House.

"2. Recesses and final adjournments of Congress.

"(Q) (1) COMMITTEE ON UN-AMERICAN ACTIVITIES

"(A) Un-American activities.

"(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

"The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

"For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any

member designated by any such chairman, and may be served by any person designated by any such chairman or member.

"(r) Committee on Veterans' Affairs.

"1. Veterans' measures generally.

"2. Pensions of all the wars of the United States, general and special.

"3. Life insurance issued by the Government on account of service in the armed forces.

"4. Compensation, vocational rehabilitation, and education of veterans.

"5. Veterans' hospitals, medical care, and treatment of veterans.

"6. Soldiers' and sailors' civil relief.

"7. Readjustment of servicemen to civil life.

"(s) Commitee on Ways and Means.

"1. Revenue measures generally.

"2. The bonded debt of the United States.

"3. The deposit of public moneys.

"4. Customs, collection districts, and ports of entry and delivery.

"5. Reciprocal trade agreements.

"6. Transportation of dutiable goods.

"7. Revenue measures relating to the insular possessions.

"8. National social security.

"(2) (a) The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Rules—on rules, joint rules, and order of business; the Committee on House Administration—on the right of a Member to his seat, enrolled bills, on all matters referred to it of printing for the use of the House or the two Houses, and on all matters of expenditure of the contingent fund of the House; the Committee on Ways and Means—on bills raising revenue; the Committee on Appropriations—on the general appropriation bills; the Committee on Public Works—on bills authorizing the improvement of rivers and harbors; the Committee on the Public Lands—on bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, bills for the reservation of the public lands for the benefit of actual and bona fide settlers, and bills for the admission of new States; the Committee on Veterans' Affairs—on general pension bills.

"(b) It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last 3 days of the session), and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of. The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7 of rule XXIV shall be set aside by a vote of less than two-thirds of the Members present; nor shall it report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of rule XVI.

"(c) The Committee on Rules shall present to the House reports concerning rules, joint rules, and order of business, within three legislative days of the time when ordered reported by the committee. If such rule or order is not considered immediately, it shall be referred to the calendar and, if not called up by the Member making the report within seven legislative days thereafter, any member of the Rules Committee may call it up as a question of privilege, and the Speaker shall recognize any member of the Rules Committee seeking recognition for that purpose. If the Committee on Rules shall make an adverse report on any resolution pending before the committee, providing for an order of business for the consideration by the House of any public bill or joint resolution, on days when it shall be in order to call up motions to discharge committees it shall be in order for any Member of the House to call up for consideration by the House any such adverse report, and it shall be in order to move the adoption by the House of said resolution adversely reported notwithstanding the adverse report of the Committee on Rules, and the Speaker shall recognize the Member seeking recognition for that purpose as a question of the highest privilege.

"(d) The Committee on House Administration shall make final report to the House in all contested-election cases not later than 6 months from the first day of the first regular session of the Congress to which the contestee is elected except in a contest from the Territory of Alaska, in which case the time shall not exceed 9 months.

"(e) A standing committee of the House shall meet to consider any bill or resolution pending before it (A) on all regular meeting days selected by the committee; (B) upon the call of the chairman of the committee; (C) if the chairman of the committee, after 3 days' consideration, refuses or fails, upon the request of at least three members of the committee, to call a special meeting of the committee within even calendar days from the date of said request, then, upon the filing with the clerk of the committee of the written and signed request of a majority of the committee for a called special meeting of the committee, the committee shall meet on the day and hour specified in said written request. It shall be the duty of the clerk of the committee to notify all members of the committee in the usual way of such called special meeting.

"(f) The rules of the House are hereby made the rules of its standing committees so far as applicable, except that a motion to recess from day to day is hereby made a motion of high privilege in said committees."

Delegates and Resident Commissioner

SEC. 122. Rule XII of the Standing Rules of the House of Representatives is amended to read as follows:

"RULE XII

"*Delegates and Resident Commissioner*

"1. The Delegates from Hawaii and Alaska, and the Resident Commissioner to the United States from Puerto Rico shall be elected to serve as additional members on the Committees on Agriculture, Armed Services, and Public Lands; and they shall possess in such committees the same powers and privileges as in the House, and may make any motion except to reconsider."

Reference of private claims bills

SEC. 123. Paragraph 3 of rule XXI of the Standing Rules of the House of Representatives is amended to read as follows:

"3. No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following committees, namely: To the Committee on Foreign Affairs and to the Committee on the Judiciary."

PART 3—PROVISIONS APPLICABLE TO BOTH HOUSES

Private bills banned

SEC. 131. No private bill or resolution (including so-called omnibus claims or pension bills), and no amendment to any bill or resolution, authorizing or directing (1) the payment of money for property damages, for personal injuries or death for which suit may be instituted under the Federal Tort Claims Act, or for a pension (other than to carry out a provision of law or treaty stipulation); (2) the construction of a bridge across a navigable stream; or (3) the correction of a military or naval record, shall be received or considered in either the Senate of the House of Representatives.

Congressional adjournment

SEC. 132. Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by the Congress.

Committee procedure

SEC. 133. (a) Each standing committee of the Senate and the House of Representatives shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee, and additional meetings may be called by the chairman as he may deem necessary.

(b) Each such committee shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded.

(c) It shall be the duty of the chairman of each such committee to report or cause to be reported promptly to the Senate or House of Representatives, as the case may be, any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(d) No measure or recommendation shall be reported from any such committee unless a majority of the committee were actually present.

(e) Each standing committee shall, so far as practicable, require all witnesses appearing before it to file in advance written statements of their proposed testimony, and to limit their oral presentations to brief summaries of their argument. The staff of each committee shall prepare digests of such statements for the use of committee members.

(f) All hearings conducted by standing committees or their subcommittees shall be open to the public, except executive sessions for marking up bills or for voting or where the committee by a majority vote orders an executive session.

Committee powers

SEC. 134. (a) Each standing committee of the Senate, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures (not in excess of $10,000 for each committee during any Congress) as it deems advisable. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding 25 cents per hundred words. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

(b) Every committee and subcommittee serving the Senate and House of Representatives shall report the name, profession, and total salary of each staff member employed by it, and shall make an accounting of funds appropriated to it and expended by it to the Secretary of the Senate and Clerk of the House of Representatives, as the case may be, at least once every 6 months, and such information shall be published periodically in the Congressional Directory when and as the same is issued and as Senate and House documents, respectively, every 3 months.

(c) No standing committee of the Senate or the House, except the Committee on Rules

of the House, shall sit, without special leave, while the Senate or the House, as the case may be, is in session.

Conference rules on amendments in nature of substitute

SEC. 135. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.

(b) In any case in which the conferees violate subsection (a), the conference report shall be subject to a point of order.

Legislative oversight by standing committees

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

Decisions on questions of committee jurisdiction

SEC. 137. In any case in which a controversy arises as to the jurisdiction of any standing committee of the Senate with respect to any proposed legislation, the question of jurisdiction shall be decided by the Presiding Officer of the Senate, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

Legislative budget

SEC. 138. (a) The Committee on Ways and Means and the Committee on Appropriations of the House of Representatives, and the Committee on Finance and the Committee on Appropriations of the Senate, are authorized and directed to meet jointly at the beginning of each regular session of Congress and after study and consultation, giving due consideration to the budget recommendations of the President, report to their respective Houses a legislative budget for the ensuing fiscal year, including the estimated over-all Federal receipts and expenditures for such year. Such report shall contain a recommendation for the maximum amount to be appropriated for expenditure in such year which shall include such an amount to be reserved for deficiencies as may be deemed necessary by such committees. If the estimated receipts exceed the estimated expenditures, such report shall contain a recommendation for a reduction in the public debt. Such report shall be made by March 1.

(b) The report shall be accompanied by a concurrent resolution adopting such budget, and fixing the maximum amount to be appropriated for expenditure in such year. If the estimated expenditures exceed the estimated receipts, the concurrent resolution shall include a section substantially as follows: "That it is the sense of the Congress that the public debt shall be increased in an amount equal to the amount by which the estimated expenditures for the ensuing fiscal year exceed the estimated receipts, such amount being $."

Hearings and reports by appropriations committees

SEC. 139. (a) No general appropriation bill, other than deficiency appropriation bills, shall be considered in either House unless, prior to the consideration of such bill, printed committee hearings and reports on such bill have been available for at least three calendar days for the Members of the House in which such bill is to be considered.

(b) The Committees on Appropriations of the two Houses are authorized and directed, acting jointly, to develop a standard appropriation classification schedule which will clearly define in concise and uniform accounts the subtotals of appropriations asked for by agencies in the executive branch of the Government. That part of the printed hearings containing each such agency's request for appropriations shall be preceded by such a schedule.

(c) No general appropriation bill or amendment thereto shall be received or considered in either House if it contains a provision reappropriating unexpended balances of appropriations; except that this provision shall not apply to appropriations in continuation of appropriations for public works on which work has commenced.

(d) The Appropriations Committees of both Houses are authorized and directed to make a study of (1) existing permanent appropriations with a view to limiting the number of permanent appropriations and to recommend to their respective Houses what permanent appropriations, if any, should be discontinued; and (2) the disposition of funds resulting from the sale of Government property or services by all departments and agencies in the executive branch of the Government with a view to recommending to their respective Houses a uniform system of control with respect to such funds.

Records of Congress

SEC. 140. (a) The Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed, acting jointly, to obtain at the close of each Congress all of the noncurrent records of the Congress and of each committee thereof and transfer them to the National Archives for preservation, subject to the orders of the Senate or the House, respectively.

(b) The Clerk of the House of Representatives is authorized and directed to collect all of the noncurrent records of the House of Representatives from the First to the Seventy-sixth Congress, inclusive, and transfer such records to the National Archives for preservation, subject to the orders of the Senate or the House, respectively.

Preservation of committee hearings

SEC. 141. The Librarian of the Library of Congress is authorized and directed to have bound at the end of each session of Congress the printed hearings of testimony taken by each committee of the Congress at the preceding session.

Effective date

SEC. 142. This title shall take effect on January 2, 1947; except that this section and sections 140 and 141 shall take effect on the date of enactment of this act.

TITLE II—MISCELLANEOUS

PART I—STATUTORY PROVISIONS RELATING TO CONGRESSIONAL PERSONNEL

Stenographic pool

SEC. 201. The Secretary of the Senate and Clerk of the House of Representatives shall establish a stenographic pool in each of the Senate and House Office Buildings for the use of Members during peak periods when their existing clerical facilities are inadequate to their needs, and shall make its facilities available, within proper limits, to the Members of Congress, under such rules and regulations as they may prescribe.

Increase in compensation for certain congressional officers

SEC. 202. (a) Effective January 1, 1947, the annual basic compensation of the elected officers of the Senate and the House of Representatives (not including the Presiding Officers of the two Houses) shall be increased by 50 percent; and the provisions of section 4501 of the Federal Employees Pay act of 1945, as amended by section 5 of the Federal Employees Pay Act of 1946, shall not be applicable to the compensation of said elected officers.

(b) There is hereby authorized to be appropriated annually for the "Office of the Vice President" the sum of $23,130; and there is hereby authorized to be appropriated annually for the "Office of the Speaker" the sum of $20,025.

(c) The Speaker, the majority leader, and the minority leader of the House of Representatives are each authorized to employ an administrative assistant, who shall receive basic compensation at a rate not to exceed $8,000 a year. There is hereby authorized to be appropriated such sums as may be necessary for the payment of such compensation.

Committee staffs

SEC. 203. (a) Each standing committee of the Senate and the House of Representatives (other than the Appropriations Committees) is authorized to appoint by a majority vote of the committee not more than four professional staff members in addition to the clerical staffs on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office; and said staff members shall be assigned to the chairman and ranking minority member of such committee as the committee may deem advisable. Each such committee is further authorized to discharge by a majority vote of the committee any such professional staff member as it may see fit. Professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them.

(b) The Committee on Appropriations of each House and each subcommittee thereof is authorized to appoint by a majority vote of the committee not more than four professional staff members in addition to the clerical staff on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office; and said staff members shall be assigned to the chairman and ranking minority member of each committee on appropriations and each subcommittee thereof as the committee or subcommittee may deem advisable. Such committee or subcommittee is further authorized to terminate by a majority vote of the committee or subcommittee the services of any such professional staff member as it may see fit. Professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them. In addition to other duties, such professional staff members shall aid the chairmen and ranking minority members in making careful studies of budget requests with a view to eliminating unnecessary expenditures.

(c) The clerical staff of each standing committee, which shall be appointed by a majority vote of the committee, shall consist of not more than six clerks, to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable; and the position of committee janitor is hereby abolished. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work.

(d) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the Congress and all members of the committee and the respective Houses shall have access to such records. Each committee is authorized to have printed and

bound such testimony and other data presented at hearings held by the committee.

(e) The professional staff members of the standing committees shall receive annual compensation, to be fixed by the chairman, ranging from $6,000 to $8,000 and the clerical staff shall receive annual compensation ranging from $2,000 to $6,000.

(f) No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, as the case may be.

(g) No individual who is employed as a professional staff member of any committee as provided in this section shall be eligible for appointment to any office or position in the executive branch of the Government for a period of 1 year after he shall have ceased to be such a member.

Legislative Reference Service

SEC. 204. (a) The Librarian of Congress is authorized and directed to establish in the Library of Congress a separate department to be known as the Legislative Reference Service. It shall be the duty of the Legislative Reference Service—

(1) upon request, to advise and assist any committee of either House or any joint committee in the analysis, appraisal, and evaluation of legislative proposals pending before it, or of recommendations submitted to Congress, by the President or any executive agency, and otherwise to assist in furnishing a basis for the proper determination of measures before the committee;

(2) upon request, or upon its own initiative in anticipation of requests, to gather, classify, analyze, and make available, in translations, indexes, digests, compilations and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress, and committees and members thereof, without partisan bias in selection or presentation;

(3) to prepare summaries and digests of public hearings before committees of the Congress, and of bills and resolutions of a public general nature introduced in either House.

(b) (1) A director and assistant director of the Legislative Reference Service and all other necessary personnel, shall be appointed by the Librarian of Congress without regard to the civil-service laws and without reference to political affiliations, solely on the ground of fitness to perform the duties of their office. The compensation of all employees shall be fixed in accordance with the provisions of the Classification Act of 1923, as amended: *Provided*, That the grade of senior specialists in each field enumerated in paragraph (2) of this subsection shall not be less than the highest grade in the executive branch of the Government to which research analysts and consultants without supervisory responsibility are currently assigned. All employees of the Legislative Reference Service shall be subject to the provisions of the civil-service retirement laws.

(2) The Librarian of Congress is further authorized to appoint in the Legislative Reference Service senior specialists in the following broad fields: Agriculture; American government and public administration; American public law; conservation; education; engineering and public works; full employment; housing; industrial organization and corporation finance; international affairs; international trade and economic geography; labor; mineral economics; money and banking; price economics; social welfare; taxation and fiscal policy; transportation and communications; and veterans' affairs. Such specialists, together with such other members of the staff as may be necessary, shall be available for special work with the appropriate committees of Congress for any of the purposes set out in section 204 (a) (1).

(c) There is hereby authorized to be appropriated for the work of the Legislative Reference Service the following sums: (1) For the fiscal year ending June 30, 1947, $550,000; (2) for the fiscal year ending June 30, 1948, $650,000; (3) for the fiscal year ending June 30, 1949, $750,000; and (4) for each fiscal year thereafter such sums as may be necessary to carry on the work of the Service.

Office of the Legislative Counsel

SEC. 205. There is hereby authorized to be appropriated for the work of the Office of the Legislative Counsel the following sums:

(1) For the fiscal year ending June 30, 1947, $150,000;

(2) For the fiscal year ending June 30, 1948, $200,000;

(3) For the fiscal year ending June 30, 1949, $250,000;

(4) For the fiscal year ending June 30, 1950, $250,000; and

(5) For each fiscal year thereafter such sums as may be necessary to carry on the work of the Office.

Studies by Comptroller General

SEC. 206. The Comptroller General is authorized and directed to make a full and complete study of restrictions placed in general appropriation acts limiting the expenditure of specified appropriations therein, with a view to determining the cost to the Government incident to complying with such restrictions, and to report to the Congress his estimate of the cost of complying with such restrictions and such other recommendations with respect thereto as he deems necessary or desirable.

Expenditure analysis by Comptroller General

SEC. 207. The Comptroller General is authorized and directed to make an expenditure analysis of each agency in the executive branch of the Government (including Government corporations), which, in the opinion of the Comptroller General, will enable Congress to determine whether public funds have been economically and efficiently administered and expended. Reports on such analyses shall be submitted by the Comptroller General, from time to time, to the Committees on Expenditures in the Executive Departments, to the Appropriations Committees, and to the legislative committees having jurisdiction over legislation relating to the operations of the respective agencies, of the two Houses.

Correction of military and naval records

SEC. 208. The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury with respect to the Coast Guard, respectively, under procedures set up by them, and acting through boards of civilian officers or employees of their respective departments, are authorized to correct any military or naval record where in their judgment such action is necessary to correct an error or to remove an injustice.

PART 2—STATUTORY PROVISIONS RELATING TO COMMITTEES OF CONGRESS

Improvement of Congressional Record

SEC. 221. The Joint Committee on Printing is authorized and directed to provide for printing in the daily RECORD the legislative program for the day, together with a list of congressional committee meetings and hearings, and the place of meeting and subject matter; and to cause a brief résumé of congressional activities for the previous day to be incorporated in the RECORD, together with an index of its contents. Such data shall be prepared under the supervision of the Secretary of the Senate and the Clerk of the House of Representatives, respectively.

Joint Committee on Printing

SEC. 222. Section 1 of the act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895 (28 Stat. 601), is amended to read as follows: "That there shall be a Joint Committee on Printing, consisting of the chairman and two members of the Committee on Rules and Administration of the Senate and the chairman and two members of the Committee on House Administration of the House of Representatives, who shall have the powers hereinafter stated."

Joint Committee on the Library

SEC. 223. The Joint Committee of Congress on the Library shall hereafter consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House of Representatives.

Transfer of functions

SEC. 224. The functions, powers, and duties imposed by statute, resolution, or rule of either House of Congress on the effective date of this section on a standing committee of the Senate or the House of Representatives (or the chairman thereof) are, insofar as they are consistent with this act, thereby transferred to that standing committee created by this act (or the chairman thereof) to which is transferred the legislative jurisdiction over the subject matter to which such functions, powers, and duties relate; except that the respective chairmen of the Committees on Civil Service of the two Houses created by this act shall be members of the National Archives Council.

Joint Committee on the Economic Report

SEC. 225. Section 5 (b) (3) (relating to the time for filing the report of the Joint Committee on the Economic Report) of the Employment Act of 1946 is amended by striking out "May 1" and inserting in lieu thereof "February 1."

Economic report of the President

SEC. 226. Section 3 (a) (relating to the time for filing the economic report of the President) of the Employment Act of 1946 is amended by striking out "within 60 days after the beginning of each regular session" and inserting in lieu thereof "at the beginning of each regular session."

PART 3—PROVISIONS RELATING TO CAPITOL AND PAGES

Remodeling of caucus rooms and restaurants

SEC. 241. The Architect of the Capitol is authorized and directed to prepare plans and submit them to Congress at the earliest practicable date for the remodeling (a) of the caucus rooms in the Senate and House Office Buildings to provide improved acoustics and seating facilities and for the presentation of motion pictures or other visual displays on matters of national interest; and (b) of the Senate and House restaurants to provide for more convenient dining facilities.

Assignment of Capitol space

SEC. 242. The President pro tempore of the Senate and the Speaker of the House of Representatives shall cause a survey to be made of available space within the Capitol which could be utilized for joint committee meetings, meetings of conference committees, and other meetings, requiring the attendance of both Senators and Members of the House of Representatives, and shall recommend the reassignment of such space to accommodate such meetings.

Senate and House pages

SEC. 243. (a) The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, are authorized and directed to enter into an arrangement with the Board of Education of the District of

Columbia for the education of congressional pages and pages of the Supreme Court in the public-school system of the District. Such arrangement shall include provision for reimbursement to the District of Columbia for any additional expenses incurred by the public-school system of the District in carrying out such arrangement.

(b) There are hereby authorized to be appropriated such sums as may be necessary to reimburse the District of Columbia in accordance with the arrangement referred to in subsection (a).

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, said page or pages may elect to attend a private or parochial school of their own choice: *Provided, however,* That such private or parochial school shall be reimbursed by the Senate and House of Representatives only in the same amount as would be paid if the page or pages were attending a public school under the provisions of paragraphs (a) and (b) of this section.

Effective date

SEC. 244. This title shall take effect on the date of its enactment; except that sections 203 (a), (b), (c), (e), and (f), 222, 223, 224, and 243 shall take effect on the day on which the Eightieth Congress convenes.

TITLE III—REGULATION OF LOBBYING ACT

Short title

SEC. 301. This title may be cited as the "Federal Regulation of Lobbying Act."

Definitions

SEC. 302. When used in this title—

(a) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(b) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(d) The term "Clerk" means the Clerk of the House of Representatives of the United States.

(e) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House.

Detailed accounts of contributions

SEC. 303.(a) It shall be the duty of every person who shall in any manner solicit or receive a contribution to any organization or fund for the purposes hereinafter designated to keep a detailed and exact account of—

(1) all contributions of any amount or of any value whatsoever;

(2) the name and address of every person making any such contribution of $500 or more and the date thereof;

(3) all expenditures made by or on behalf of such organization or fund; and

(4) the name and address of every person to whom any such expenditure is made and the date thereof.

(b) It shall be the duty of such person to obtain and keep a receipted bill, stating the particulars, for every expenditure of such funds exceeding $10 in amount, and to preserve all receipted bills and accounts required to be kept by this section for a period of at least 2 years from the date of the filing of the statement containing such items.

Receipts for contributions

SEC. 304. Every individual who receives a contribution of $500 or more for any of the purposes hereinafter designated shall within 5 days after receipt thereof render to the person or organization for which such contribution was received a detailed account thereof, including the name and address of the person making such contribution and the date on which received.

Statements to be filed with Clerk of House

SEC. 305. (a) Every person receiving any contributions or expending any money for the purposes designated in subparagraph (a), (b), or (c) of section 307 shall file with the Clerk between the first and tenth day of each calendar quarter, a statement containing complete as of the day next preceding the date of filing—

(1) the name and address of each person who has made a contribution of $500 or more not mentioned in the preceding report; except that the first report filed pursuant to this title shall contain the name and address of each person who has made any contribution of $500 or more to such person since the effective date of this title;

(2) the total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (1);

(3) the total sum of all contributions made to or for such person during the calendar year;

(4) the name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of $10 or more has been made by or on behalf of such person, and the amount, date, and purpose of such expenditure;

(5) the total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under paragraph (4);

(6) the total sum of expenditures made by or on behalf of such person during the calendar year.

(b) The statements required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

Statement preserved for 2 years

SEC. 306. A statement required by this title to be filed with the Clerk—

(a) shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk of the House of Representatives of the United States, Washington, D. C., but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk of its nonreceipt;

(b) shall be preserved by the Clerk for a period of 2 years from the date of filing, shall constitute part of the public records of his office, and shall be open to public inspection.

Persons to whom applicable

SEC. 307. The provisions of this title shall apply to any person (except a political committee as defined in the Federal Corrupt Practices Act, and duly organized State or local committees of a political party), who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

(a) The passage or defeat of any legislation by the Congress of the United States.

(b) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States.

Registration with Secretary of the Senate and Clerk of the House

SEC. 308. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Congress of the United States shall, before doing anything in furtherance of such object, register with the Clerk of the House of Representatives and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. Each such person so registering shall, between the first and tenth day of each calendar quarter, so long as his activity continues, file with the Clerk and Secretary a detailed report under oath of all money received and expended by him during the preceding calendar quarter in carrying on his work; to whom paid; for what purposes; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Congress of the United States in support of or opposition to legislation; nor to any public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical (including any individual who owns, publishes, or is employed by any such newspaper or periodical) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Congress of the United States in support of or in opposition to such legislation.

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

Reports and statements to be made under oath

SEC. 309. All reports and statements required under this title shall be made under oath, before an officer authorized by law to administer oaths.

Penalties

SEC. 310. (a) Any person who violates any of the provisions of this title, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than $5,000 or imprisonment for not more than 12 months, or by both such fine and imprisonment.

(b) In addition to the penalties provided for in subsection (a), any person convicted of the misdemeanor specified therein is prohibited, for a period of 3 years from the date of such conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Congress

in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine of not more than $10,000, or imprisonment for not more than 5 years, or by both such fine and imprisonment.

Exemption

SEC. 311. The provisions of this title shall not apply to practices or activities regulated by the Federal Corrupt Practices Act nor be construed as repealing any portion of said Federal Corrupt Practices Act.

TITLE IV—FEDERAL TORT CLAIMS ACT

PART 1—SHORT TITLE AND DEFINITIONS

Short title

SEC. 401. This title may be cited as the "Federal Tort Claims Act".

Definitions

SEC. 402. As used in this title, the term—

(a) "Federal agency" includes the executive departments and independent establishments of the United States, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the United States, whether or not authorized to sue and be sued in their own names: *Provided*, That this shall not be construed to include any contractor with the United States.

(b) "Employee of the Government" includes officers or employees of any Federal agency, members of the military or naval forces of the United States, and persons acting on behalf of a Federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation.

(c) "Acting within the scope of his office or employment," in the case of a member of the military or naval forces of the United States, means acting in line of duty.

PART 2—ADMINISTRATIVE ADJUSTMENT OF TORT CLAIMS AGAINST THE UNITED STATES

Claims of $1,000 or less

SEC. 403. (a) Subject to the limitations of this title, authority is hereby conferred upon the head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, to consider, ascertain, adjust, determine, and settle any claim against the United States for money only, accruing on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death, where the total amount of the claim does not exceed $1,000, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred.

(b) Subject to the provisions of part 3 of this title, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud, notwithstanding any other provision of law to the contrary.

(c) Any award made to any claimant pursuant to this section, and any award, compromise, or settlement of any claim cognizable under this title made by the Attorney General pursuant to section 413, shall be paid by the head of the Federal agency concerned out of appropriations that may be made therefor, which appropriations are hereby authorized.

(d) The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim by reason of the same subject matter.

Reports

SEC. 404. The head of each Federal agency shall annually make a report to the Congress of all claims paid by such Federal agency under this part. Such report shall include the name of each claimant, a statement of the amount claimed and the amount awarded, and a brief description of the claim.

PART 3—SUITS ON TORT CLAIMS AGAINST THE UNITED STATES

Jurisdiction

SEC. 410. (a) Subject to the provisions of this title, the United States district court for the district wherein the plaintiff is resident or wherein the act or omission complained of occurred, including the United States district courts for the Territories and possessions of the United States, sitting without a jury, shall have exclusive jurisdiction to hear, determine, and render judgment on any claim against the United States, for money only, accruing on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred. Subject to the provisions of this title, the United States shall be liable in respect of such claims to the same claimants, in the same manner, and to the same extent as a private individual under like circumstances, except that the United States shall not be liable for interest prior to judgment, or for punitive damages. Costs shall be allowed in all courts to the successful claimant to the same extent as if the United States were a private litigant, except that such costs shall not include attorney's fees.

(b) The judgment in such an action shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the Government whose act or omission gave rise to the claim. No suit shall be instituted pursuant to this section upon a claim presented to any Federal agency pursuant to part 2 of this title unless such Federal agency has made final disposition of the claim: *Provided*, That the claimant may, upon 15 days' notice given in writing, withdraw the claim from consideration of the Federal agency and commence suit thereon pursuant to this section: *Provided further*, That as to any claim so disposed of or so withdrawn, no suit shall be instituted pursuant to this section for any sum in excess of the amount of the claim presented to the Federal agency, except where the increased amount of the claim is shown to be based upon newly discovered evidence not reasonably discoverable at the time of presentation of the claim to the Federal agency or upon evidence of intervening facts, relating to the amount of the claim. Disposition of any claim made pursuant to part 2 of this title shall not be competent evidence of liability or amount of damages in proceedings on such claim pursuant to this section.

Procedure

SEC. 411. In actions under this part, the forms of process, writs, pleadings, and motions, and the practice and procedure, shall be in accordance with the rules promulgated by the Supreme Court pursuant to the act of June 19, 1934 (48 Stat. 1064); and the same provisions for counterclaim and set-off, for interest upon judgments, and for payment of judgments, shall be applicable as in cases brought in the United States district courts under the act of March 3, 1887 (24 Stat. 505).

Review

SEC. 412. (a) Final judgments in the district courts in cases under this part shall be subject to review by appeal—

(1) in the circuit courts of appeals in the same manner and to the same extent as other judgments of the district courts; or

(2) in the Court of Claims of the United States: *Provided*, That the notice of appeal filed in the district court under rule 73 of the Rules of Civil Procedure shall have affixed thereto the written consent on behalf of all the appellees that the appeal be taken to the Court of Claims of the United States. Such appeals to the Court of Claims of the United States shall be taken within 3 months after the entry of the judgment of the district court, and shall be governed by the rules relating to appeals from a district court to a circuit court of appeals adopted by the Supreme Court pursuant to the act of June 19, 1934 (48 Stat. 1064). In such appeals the Court of Claims of the United States shall have the same powers and duties as those conferred on a circuit court of appeals in respect to appeals under section 4 of the act of February 13, 1925 (43 Stat. 939).

(b) Sections 239 and 240 of the Judicial Code, as amended, shall apply to cases under this part in the circuit court of appeals and in the Court of Claims of the United States to the same extent as to cases in a circuit court of appeals therein referred to.

Compromise

SEC. 413. With a view to doing substantial justice, the Attorney General is authorized to arbitrate, compromise, or settle any claim cognizable under this part, after the institution of any suit thereon, with the approval of the court in which such suit is pending.

PART 4—PROVISIONS COMMON TO PART 2 AND PART 3

One-year statute of limitations

SEC. 420. Every claim against the United States cognizable under this title shall be forever barred, unless within 1 year after such claim accrued or within 1 years after the date of enactment of this act, whichever is later, it is presented in writing to the Federal agency out of whose activities it arises, if such claim is for a sum not exceeding $1,000; or unless within 1 year after such claim accrued or within 1 year after the date of enactment of this act, whichever is later, an action is begun pursuant to part 3 of this title. In the event that a claim for a sum not exceeding $1,000 is presented to a Federal agency as aforesaid, the time to institute a suit pursuant to part 3 of this title shall be extended for a period of 6 months from the date of mailing of notice to the claimant by such Federal agency as to the final disposition of the claim or from the date of withdrawal of the claim from such Federal agency pursuant to section 410 of this title, if it would otherwise expire before the end of such period.

Exceptions

SEC. 421. The provisions of this title shall not apply to—

(a) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(c) Any claim arising in respect of the assessment or collection of any tax or customs

duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

(d) Any claim for which a remedy is provided by the act of March 9, 1920 (U. S. C., title 46, secs. 741–752, inclusive), or the act of March 3, 1925 (U. S. C., title 46, secs. 781–790, inclusive), relating to claims or suits in admiralty against the United States.

(e) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of the Trading With the Enemy Act, as amended.

(f) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

(g) Any claim arising from injury to vessels, or to the cargo, crew, or passengers of vessels, while passing through the locks of the Panama Canal or while in Canal Zone waters.

(h) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation deceit, or interference with contract rights.

(i) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system.

(j) Any claim arising out of the activities of the military or naval forces, or the Coast Guard, during time of war.

(k) Any claim arising in a foreign country.

(l) Any claim arising from the activities of the Tennessee Valley Authority.

Attorneys' fees

SEC. 422. The court rendering a judgment for the plaintiff pursuant to part 3 of this title, or the head of the Federal agency or his designee making an award pursuant to part 2 of this title, or the Attorney General making a disposition pursuant to section 413 of this title, as the case may be, may, as a part of the judgment, award, or settlement, determine and allow reasonable attorneys' fees, which, if the recovery is $500 or more, shall not exceed 10 percent of the amount recovered under part 2, or 20 percent of the amount recovered under part 3, to be paid out of but not in addition to the amount of judgment, award, or settlement recovered, to the attorneys representing the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be subject to a fine of not more than $2,000 or imprisonment for not more than 1 year, or both.

Exclusiveness of remedy

SEC. 423. From and after the date of enactment of this act, the authority of any Federal agency to sue and be sued in its own name shall not be construed to authorize suits against such Federal agency on claims which are cognizable under part 3 of this title, and the remedies provided by this title in such cases shall be exclusive.

Certain statutes inapplicable

SEC. 424. (a) All provisions of law authorizing any Federal agency to consider, ascertain, adjust, or determine claims on account of damage to or loss of property or on account of personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, are hereby repealed in respect of claims cognizable under part 2 of this title and accruing on and after January 1, 1945, including, but without limitation, the provisions granting such authorization now contained in the following laws:

Public Law No. 375, Sixty-seventh Congress, approved December 28, 1922 (42 Stat. 1066; U. S. C., title 31, secs. 215–217).

Public Law No. 267, Sixty-sixth Congress, approved June 5, 1920 (41 Stat. 1054; U. S. C., title 33, sec. 853).

Public Law No. 481, Seventy-fourth Congress, approved March 20, 1936 (49 Stat. 1184; U. S. C., title 31, sec. 224b).

Public Law No. 113, as amended, Seventy-eighth Congress, approved July 3, 1943 (57 Stat. 372; U. S. C., title 31, secs. 223b, 223c, and 223d).

Public Law No. 182, as amended, Sixty-fifth Congress, approved July 1, 1918 (40 Stat. 705; U. S. C., title 34, sec. 600).

Section 4 of Public Law No. 18, Sixty-seventh Congress, approved June 16, 1921 (42 Stat. 63), as amended by Public Law No. 456, Seventy-third Congress, approved June 22, 1934 (48 Stat. 1207; U. S. C., title 31, sec. 224c).

(b) Nothing contained herein shall be deemed to repeal any provision of law authorizing any Federal agency to consider, ascertain, adjust, settle, determine, or pay any claim on account of damage to or loss of property or on account of personal injury or death, in cases in which such damage, loss, injury, or death was not caused by any negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, or any other claim not cognizable under part 2 of this title.

TITLE V—GENERAL BRIDGE ACT

Short title

SEC. 501. This title may be cited as the "General Bridge Act of 1946."

Consent of Congress

SEC. 502. (a) The consent of Congress is hereby granted for the construction, maintenance, and operation of bridges and approaches thereto over the navigable waters of the United States, in accordance with the provisions of this title.

(b) The location and plans for such bridges shall be approved by the Chief of Engineers and the Secretary of War before construction is commenced, and, in approving the location and plans of any bridge, they may impose any specific conditions relating to the maintenance and operation of the structure which they may deem necessary in the interest of public navigation, and the conditions so imposed shall have the force of law.

(c) Notwithstanding the provisions of subsections (a) and (b), it shall be unlawful to construct or commence the construction of any privately owned highway toll bridge until the location and plans thereof shall also have been submitted to and approved by the highway department or departments of the State or States in which the bridge and its approaches are situated; and where such bridge shall be between two or more States and the highway departments thereof shall be unable to agree upon the location and plans therefor, or if they, or either of them, shall fail or refuse to act upon the location and plans submitted, such location and plans then shall be submitted to the Public Roads Administration and, if approved by the Public Roads Administration, approval by the highway departments shall not be required.

Tolls

SEC. 503. If tolls shall be charged for the transit over any interstate bridge of engines, cars, streetcars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

Acquisition by public agencies

SEC. 504. After the completion of any interstate toll bridge constructed by an individual, firm, or corporation, as determined by the Secretary of War, either of the States in which the bridge is located, or any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property for public purposes by condemnation or expropriation. If at any time after the expiration of 5 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual costs of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 percent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

Statements of cost

SEC. 505. Within 90 days after the completion of a privately owned interstate toll bridge, the owner shal file with the Secretary of War and with the highway departments of the States in which the bridge is located, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of a highway department shall, at any time within 3 years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said individual, firm, or corporation, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 504 of this title, subject only to review in a court of equity for fraud or gross mistake.

Sinking fund

SEC. 506. If tolls are charged for the use of an interstate bridge constructed or taken over or acquired by a State or States or by any municipality or other political subdivision or public agency thereof, under the provisions of this title, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing costs, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of constructing or acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be

available for the information of all persons interested.

Applicability of title

SEC. 507. The provisions of this title shall apply only to bridges over navigable waters of the United States, the construction of which is hereafter approved under the provisions of this title; and the provisions of the first proviso of section 9 of the act of March 3, 1899 (30 Stat. 1151; U. S. C., title 33, sec. 401), and the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, shall not apply to such bridges.

International bridges

SEC. 508. This title shall not be construed to authorize the construction of any bridge which will connect the United States, or any Territory or possession of the United States, with any foreign country.

Eminent domain

SEC. 509. There are hereby conferred upon any individual, his heirs, legal representatives, or assigns, any firm or corporation, its successors or assigns, or any State, political subdivision, or municipality authorized in accordance with the provisions of this title to build a bridge between two or more States, all such rights and powers to enter upon lands and acquire, condemn, occupy, possess, and use real estate and other property in the respective States needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Penalties

SEC. 510. Any person who fails or refuses to comply with any lawful order of the Secretary of War or the Chief of Engineers issued under the provisions of this title, or who fails to comply with any specific condition imposed by the Chief of Engineers and the Secretary of War relating to the maintenance and operation of bridges, or who refuses to produce books, papers, or documents in obedience to a subpena or other lawful requirement under this title, or who otherwise violates any provisions of this title, shall, upon conviction thereof, be punished by a fine of not to exceed $5,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

Rights reserved

SEC. 511. The right to alter, amend, or repeal this title is hereby expressly reserved as to any and all bridges which may be built under authority hereof.

TITLE VI—COMPENSATION AND RETIREMENT PAY OF MEMBERS OF CONGRESS

Compensation of Members of Congress

SEC. 601. (a) Effective on the day on which the Eightieth Congress convenes, the compensation of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Puerto Rico shall be at the rate of $15,000 per annum each; and the compensation of the Speaker of the House of Representatives and the Vice President of the United States shall be at the rate of $20,000 per annum each.

(b) The sentence contained in the Legislative Branch Appropriation Act, 1946, which reads as follows: "There shall be paid to each Representative and Delegate, and to the Resident Commissioner from Puerto Rico, after January 2, 1945, an expense allowance of $2,500 per annum to assist in defraying expenses related to or resulting from the discharge of his official duties, to be paid in equal monthly installments.", is hereby repealed, effective on the day on which the Eightieth Congress convenes.

(c) The sentence contained in the Legislative Branch Appropriation Act, 1947, which reads as follows: "There shall be paid to each Senator after January 1, 1946, an expense allowance of $2,500 per annum to assist in defraying expenses related to or resulting from the discharge of his official duties, to be paid in equal monthly installments.", is hereby repealed, effective on the day on which the Eightieth Congress convenes.

RETIREMENT PAY OF MEMBERS OF CONGRESS

SEC. 602. (a) Section 3 (a) of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by inserting after the words "elective officers" the words "in the executive branch of the Government."

(b) Such act, as amended, is further amended by adding after section 3 the following new section:

"SEC. 3A. Notwithstanding any other provision of this act—

"(1) This act shall not apply to any Member of Congress until he gives notice in writing, while serving as a Member of Congress, to the disbursing officer by whom his salary is paid of his desire to come within the purview of this act. Such notice may be given by a Member of Congress within 6 months after the date of enactment of the Legislative Reorganization Act of 1946 or within 6 months after any date on which he takes an oath of office as a Member of Congress.

"(2) In the case of any Member of Congress who gives notice of his desire to come within the purview of this act, the amount required to be deposited for the purposes of section 9 with respect to services rendered after the date of enactment of the Legislative Reorganization Act of 1946, shall be a sum equal to 6 percent of his basic salary, pay, or compensation for such services, together with interest computed at the rate of 4 percent per annum compounded on December 31 of each year; and the amount to be deducted and withheld from the basic salary, pay, or compensation of each such Member of Congress for the purposes of section 10 shall be a sum equal to 6 percent of such basic salary, pay, or compensation.

"(3) No person shall be entitled to receive an annuity as provided in this section until he shall have become separated from the service after having had at least 6 years of service as a Member of Congress and have attained the age of 62 years, except that any such Member who shall have had at least 5 years of service as a Member of Congress, may, subject to the provisions of section 6 and of paragraph (4) of this section, be retired for disability, irrespective of age, and be paid an annuity computed in accordance with paragraph (5) of this section.

"(4) No Member of Congress shall be entitled to receive an annuity under this act unless there shall have been deducted and withheld from his basic salary, pay, or compensation for the last 5 years of his service as a Member of Congress, or there shall have been deposited under section 9 with respect to such last 5 years of service, the amounts specified in paragraph (2) of this section with respect to so much of such 5 years of service as was performed after the date of enactment of the Legislative Reorganization Act of 1946 and the amounts specified in section 9 with respect to so much of such 5 years of service as was performed prior to such date.

"(5) Subject to the provisions of section 9 and of subsections (c) and (d) of section 4, the annuity of a Member of Congress shall be an amount equal to 2½ percent of his average annual basic salary, pay, or compensation as a Member of Congress multiplied by his years of service as a Member of Congress, but no such annuity shall exceed an amount equal to three-fourths of the salary, pay, or compensation that he is receiving at the time he becomes separated from the service.

"(6) In the case of a Member of Congress who becomes separated from the service before he completes an aggregate of 6 years of service as a Member of Congress, and who is not retired for disability, the total amount deducted from his basic salary, pay, or compensation as a Member of Congress, together with interest at 4 percent compounded as of December 31 of each year shall be returned to such Member of Congress. No such Member of Congress shall thereafter become eligible to receive an annuity as provided in this section unless the amounts so returned are redeposited with interest at 4 percent compounded on December 31 of each year, but interest shall not be required covering any period of separation from the service.

"(7) If any person takes office as a Member of Congress while receiving an annuity as provided in this section, the payment of such annuity shall be suspended during the period for which he holds such office; but, if he gives notice as provided in paragraph (2) of this section, his service as a Member of Congress during such period shall be credited in determining the amount of his subsequent annuity.

"(8) Nothing contained in this act shall be construed to prevent any person eligible therefor from simultaneously receiving an annuity computed in accordance with this section and an annuity computed in accordance with section 4, but in computing the annuity under section 4 in the case of any person who (A) has had at least 6 years' service as a Member of Congress, and (B) has served as a Member of Congress at any time after the date of enactment of the Legislative Reorganization Act of 1946, service as a Member of Congress shall not be credited.

"(9) No provision of this or any other act relating to automatic separation from the service shall be applicable to any Member of Congress.

"(10) As used in this section, the term 'Member of Congress' means a Senator, Representative in Congress, Delegate from a Territory, or the Resident Commissioner from Puerto Rico; and the term 'service as a Member of Congress' shall include the period from the date of the beginning of the term for which a Member of Congress is elected or appointed to the date on which he takes office as such a Member."

CONGRESSIONAL REORGANIZATION

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, let me concur in the observations made by the gentleman from Oklahoma [Mr. MONRONEY]. I think we bring you a fairly good bill. We have recognized the difficulties under which we work. We have had a good many conferences. What will be inserted in the RECORD is a committee print and represents a splendid first compromise in an attempt to improve the procedure of the Congress. I hope every Member will take the opportunity tomorrow or the next day to examine all the provisions of the bill. We hope it will be considered very early next week and that we may have favorable action by the House, since it has already been passed by the Senate.

THE LATE JOSEPH M. PRATT

Mr. BRADLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, it is with deep regret that I have to announce to the House the sudden death of a former colleague of ours from the State of Pennsylvania, Joseph M. Pratt, who died this morning at the Statler Hotel as the result of a heart attack.

Mr. Pratt was a constituent of mine and was elected in a special election in January 1944 to fill the unexpired term of our colleague from the Second District at that time, Mr. McGranery. He served well and ably for the balance of that term.

Due to the Reapportionment Act he and I were placed in the same district and were opponents in the congressional election last year. Our campaign was characterized by complete friendliness and amity between us. There was nothing said or nothing occurred which in any way marred the sincere and intimate friendship which had existed and did exist between us up until the time of his death this morning.

I know that I express the sincere sympathy of the delegation from Philadelphia, and I am sure of the State of Pennsylvania, when I say to his family that we were profoundly shocked and grieved by his death. He was active for years in Republican politics. He was a ward leader in the Eighth District, my district. He was nominated this year by his party as the candidate for Senator in my senatorial district. He was a man of sterling worth and great character, who, as a public servant, rendered sincere and conscientious service to his community and who was always active in advancing the civil and business life of our community.

I sincerely pray that God will give him eternal rest and that in His divine mercy He will grant comfort and consolation to the members of his family.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, on the 8th day of February 1944 there stood in the well of this House two new Representatives, Hon. SAMUEL K. MCCONNELL and Hon. Joseph M. Pratt. They were sworn in at that time. Today we mourn the passing of our former colleague. His time here in the House was short, but I never knew a man that had a higher conception of his duties as a Member of this great body than did Mr. Pratt. He was anxious to learn all the details of his work. He was faithful in his attendance. But it was the personal qualities of the man that endeared him to us, particularly on the Republican side, who knew him so intimately. We, of course, associated with him daily. We came to know him as a quiet, modest man; a man of high character, keen sense of humor and yet a man of wonderful character and kindness of heart. We all grew to love him, and the more we saw him, and the larger our contacts, the better we liked him.

So, in speaking for and on behalf of my Republican brethren from Pennsylvania, we will miss him, and we say in deepest sincerity to the bereaved widow and members of his family that our most sincere prayers go out for them, and may Almighty God in His loving kindness and sympathy have mercy on his soul and comfort his bereaved relatives.

Rest assured that his was the heritage of a good man and a Christian gentleman.

Mr. McCONNELL. Mr. Speaker, the announcement of the sudden death of our former colleague Joseph M. Pratt has affected me with particular force.

Mr. Pratt and I were elected to Congress on the same day at special elections to fill vacancies in Congress. We stood together in the well of the House as we were sworn into office February 8, 1944, during the second session of the Seventy-eighth Congress. We often referred to one another as congressional twins.

Former Congressman Pratt was born in Paterson, N. J., and moved to Philadelphia in 1892. He went to work at an early age, and by his own efforts rose from obscurity to success in business and political life.

His pleasing personality, good humor, and unbounded energy won him a host of loyal friends. He will be missed by all of us who knew him. I personally feel that I have lost a real friend, and I feel grateful that circumstances brought us together. Our association here in the House of Representatives will remain a very pleasant memory throughout the future years.

Mr. BRUMBAUGH. Mr. Speaker, the sudden death of Hon. Joseph M. Pratt, formerly a Representative in Congress from Pennsylvania, has grieved me deeply. Shortly after my election to Congress, Representative Pratt became a Member of the House of Representatives and since we were both freshmen we had many things in common.

I enjoyed the almost daily companionship of Joe Pratt as he was affectionately called by those of us who prided ourselves on being regarded as his close personal friends.

It became a frequent custom for both of us to have lunch together and the pleasure derived from such happy occasions is a pleasant memory.

Representative Pratt had the happy faculty of making and holding friends and during his service in Congress he demonstrated this fact by winning the admiration and respect of those of us who were privileged to know him intimately.

His sudden passing is a grim reminder that life is uncertain and that death stalks its prey without any regard to personality or position in life.

I feel a deep personal loss in the death of Joe Pratt whom I regarded as a cherished friend and an able, honest, and courageous colleague.

SUBSIDY RELIEF

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, there is one thing that must be done before the House recesses, and that is to make sure that relief be given to the people in the sum of $2,644,000,000 in taxes that are used for subsidies. Now that the subsidies are off, certainly the people should not pay twice.

EXTENSION OF REMARKS

Mr. DIRKSEN asked and was given permission to extend his remarks in the RECORD and include tables.

Mr. McDONOUGH asked and was given permission to extend his remarks in the RECORD in two instances; in one to extend his remarks on the McMahon bill, and in the other on the British loan.

Mr. COLE of Missouri asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in the Washington News today.

Mr. REED of New York asked and was given permission to revise and extend the remarks he made on the McMahon bill in Committee of the Whole today and include certain printed lists and quotations.

Mr. DWORSHAK asked and was given permission to revise and extend the remarks he made in Committee of the Whole today and include a brief dispatch from the New York Times.

Mr. CLASON asked and was given permission to extend his remarks in the RECORD and to include an editorial.

Mr. CASE of South Dakota asked and was given permission to extend his remarks in the RECORD and include a petition with reference to pending Indian legislation.

Mr. JUDD asked and was given permission to extend his remarks in the RECORD and include certain excerpts.

SPECIAL ORDER GRANTED

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent that tomorrow, at the conclusion of the legislative program of the day and following any special orders heretofore ordered, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PRICE CONTROL

Mr. BRYSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BRYSON. Mr. Speaker, in all the time of my service in the House of Representatives I doubt if we have ever been confronted with a legislative and economic decision as complex and difficult as the decision on price controls. All of

us, of course, realized that the period of reconversion would be a critical one, but I do not believe even the wisest of us realized just how serious the situation would be. Price control has become a national issue of the first magnitude, and it behooves all Americans, whether they work on farms, in factories, in offices, or whether they sit with the lawmaking bodies, to consider seriously all the far-reaching implications of any legislation which is brought up for consideration.

It is generally conceded—even by critics of OPA—that some kind of inflation controls must be maintained in order to curb serious speculative boom prices. How to maintain these controls until the right time, on the right items, and then taper off so as to prevent too rapid a deflation is a problem calling for the highest degree of courage and sagacity. The situation in Congress with regard to price control is, to be perfectly frank, discouraging to those of us who believe that effective controls are essential for a limited period in order to avoid the manifold dangers of inflation.

After a great deal of debate and a series of conferences the Senate and the House finally agreed upon an amended and reamended Price Control Act, which I and my other Democratic colleagues voted for reluctantly, because it was quite apparent that we must accept that act or none at all. Our Democratic leaders in both Houses advised the President that said amended act was the best that could be had. President Truman vetoed the act choosing to allow OPA to die rather than to approve a measure which he believed would have disastrous effects on our national economy.

I have since been criticized for the way that I voted on the OPA question. I should like to take this opportunity to clarify my position for the voters of this district. First, let me state quite emphatically that I believe in effective price control during the period in which there in any danger of uncontrolled inflation. I am anxious, however, as I know all of you are anxious, to terminate these controls just as soon as it is safe and practical. I do not believe that the time has yet arrived when we can safely dispense with price control over the great majority of our consumer goods. However, there is a very peculiar and difficult situation in Congress. Price control has a great deal of strong opposition. It became apparent early in the debate that an attempt was being made to allow OPA to die before any congressional action could be taken. This would leave the Nation, as it is today, under no controls. The friends of price control then faced this dilemma: They could vote against this measure with its amendments and thus eliminate any possibility of obtaining any type of price-control legislation, or they could vote for the measure in the hope of salvaging some small degree of merit and effectiveness. I was one of many loyal Democrats who chose the latter course. I voted to extend price control, not as I would have liked it to be extended but because I realized that it was this bill or nothing. As it developed, we received nothing, since the Congress failed to override President Truman's veto.

I shall continue to fight for effective price control during this period of our reconversion to a stable economy. Nevertheless, I long for the day when we can safely rely upon the law of supply and demand. Free enterprise made our Nation great, but it cannot long survive under a rigidly controlled economy. Eventually, the shackles must be eliminated, our economy must seek a natural level. The essential problem which confronts the country, therefore, is not how to prevent the rise in prices but how to keep the rise moderate and to keep it orderly and free from speculative excesses.

Successful control of prices during the difficult days ahead requires a combination of policies and the cooperation of government, business, and labor. Government price controls need to be continued, though on a progressively more liberal basis, trade unions need to refrain from pressing demands which increase money wages without increasing real wages, and need to do what they can to increase output per man-hour. No one of these policies is sufficient, but all of them together would prevent a disorderly rise in prices. There is a natural temptation on the part of various groups to put special interests ahead of the common interest of avoiding a speculative rise and collapse of prices. Cooperation, however, is essential. The voters, therefore, should expect legislators, public administrators, manufacturers, retailers, and union leaders to do their part toward averting a repetition of the boom and collapse which followed the last war. Failure to do this will have disastrous consequences for the entire country.

Such is my outlook on the price-control issue. My position has been reached after much deliberation and study. I welcome any constructive criticism which any of my constituents have to offer. To the present time, however, I can honestly say that my stand has received the approval of the vast majority of those who have favored me with their comments. I shall continue to reflect in all my actions the manifest will of those whom I represent. This is your Government, your democracy, and I am your representative. I shall continue to speak for you and fight for the ideals which all of us hold dear.

I have been in contact daily with members of the free conference committee now considering price control. Hope is entertained that soon a satisfactory, acceptable bill will be worked out. It is my purpose to vote for any reasonable fair control measure which is presented to the Congress.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2083. An act to amend section 6 of the Classification Act of 1923, as amended; to the Committee on Civil Service.

S. 2085. An act to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purpose," approved October 14, 1940, as amended, to authorize the Federal Works Administrator to provide needed educational facilities, other than housing, to educational institutions furnishing courses of training or education to persons under title II of the Servicemen's Readjustment Act of 1944, as amended; to the Committee on Public Buildings and Grounds.

S. 2125. An act to amend the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto; to the Committee on the District of Columbia.

S. 2220. An act to authorize the United States Park Police to make arrests within Federal reservations in the environs of the District of Columbia; to the Committee on the District of Columbia.

S. 2253. An act to further amend the act of January 16, 1936, as amended, entitled "An act to provide for the retirement and retirement annuities of civilian members of the teaching staff at the United States Naval Academy and the Postgraduate School, United States Naval Academy"; to the Committee on Naval Affairs.

S. 2256. An act to amend the Servicemen's Readjustment Act of 1944; to the Committee on World War Veterans' Legislation.

S. 2260. An act for the relief of Roy M. Davidson; to the Committee on Claims.

S. 2265. An act to make criminally liable persons who negligently allow prisoners in their custody to escape; to the Committee on the Judiciary.

S. 2306. An act to authorize the Secretary of War to grant Georgia Power Co. a 100-foot perpetual easement across certain land in the State of Alabama constituting a portion of the military reservation designated as Fort Benning, Ga.; to the Committee on Military Affairs.

S. 2310. An act to further extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark.; to the Committee on Interstate and Foreign Commerce.

S. 2326. An act to incorporate the Amvets, American Veterans of World War II; to the Committee on the Judiciary.

S. 2348. An act to authorize the continuance of the acceptance by the Treasury of deposits of public moneys from the Philippine Islands; to the Committee on Insular Affairs.

S. 2349. An act to permit the Secretary of the Navy to delegate the authority to compromise and settle claims for damages to property under the jurisdiction of the Navy Department, and for other purposes; to the Committee on Naval Affairs.

S. 2359. An act to close the Office of the Recorder of Deeds on Saturdays; to the Committee on the District of Columbia.

S. 2369. An act for the relief of Col. S. V. Constant, General Staff Corps; to the Committee on Claims.

S. 2375. An act to change the name of the Chemical Warfare Service to the Chemical Corps; to the Committee on Military Affairs.

S. J. Res. 153. Joint resolution providing for the comprehensive observance of the bicentennial of John Paul Jones; to the Committee on the Library.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 31 minutes p. m.), under its previous order, the House adjourned until tomorrow, Saturday, July 20, 1946, at 10 o'clock a. m.

COMMITTEE MEETINGS

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

There will be a meeting of the Committee on World War Veterans' Legislation, on Monday, July 22, 1946, at 10:30 a. m., in executive session, in the committee room, 356 House Office Building.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JACKSON: Committee on Indian Affairs submits a supplemental report on S. 115, an act to modify sections 4 and 20 of the Permanent Appropriation Repeal Act, 1934, with reference to certain funds collected in connection with the operation of Indian Service irrigation projects, and for other purposes; with amendment (Rept. No. 2489, pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. JACKSON: Committee on Indian Affairs submits a supplemental report on S. 1235, an act to authorize the use of the funds of any tribe of Indians for insurance premiums; without amendment (Rept. No. 2490, pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. EBERHARTER: Committee on Ways and Means submits a supplemental report on H. R. 7037, a bill to amend the Social Security Act and the Internal Revenue Code, and for other purposes (Rept. No. 2526, pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALTER: Committee on the Judiciary. S. 1477. An act to authorize relief in certain cases where work, supplies, or services have been furnished for the Government under contracts during the war; with amendments (Rept. No. 2576). Referred to the Committee of the Whole House on the State of the Union.

Mr. HEALY: Committee on the District of Columbia. H. R. 5756. A bill for the retirement of public-school teachers in the District of Columbia; without amendment (Rept. No. 2579). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARRETT of Wyoming: Committee on the Public Lands. H. R. 7038. A bill to provide for the sale of certain public lands in the States for the use and benefit of the State public educational institutions; with amendment (Rept. No. 2580). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs. S. 225. An act to authorize the carrying of Civil War battle streamers with regimental colors; without amendment (Rept. No. 2581). Referred to the House Calendar.

Mr. BYRNE of New York: Committee on the Judiciary. S. 496. An act to make it a criminal offense for certain escaped convicts to travel from one State to another; without amendment (Rept. No. 2582). Referred to the House Calendar.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2587. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CHENOWETH: Committee on Claims. H. R. 4374. A bill for the relief of Rudolph K. Bartels; with amendments (Rept. No. 2566). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims. H. R. 4924. A bill for the relief of Joseph A. Brown; with amendment (Rept. No. 2567). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims. H. R. 5031. A bill for the relief of Ernest C. Heine and Harriet W. Heine; without amendment (Rept. No. 2568). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims. H. R. 5166. A bill for the relief of Raphael Elder; with amendments (Rept. No. 2569). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims. H. R. 5288. A bill for the relief of Warren M. Miller; without amendment (Rept. No. 2570). Referred to the Committee of the Whole House.

Mr. CHENOWETH: Committee on Claims. H. R. 5463. A bill for the relief of Hiram H. Wilson; with amendments (Rept. No. 2571). Referred to the Committee of the Whole House.

Mr. CHENOWETH: Committee on Claims. H. R. 6255. A bill for the relief of Thomas A. Beddingfield and his wife, Opal May Beddingfield; with amendments (Rept. No. 2572). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims. H. R. 6381. A bill for the relief of Thomas L. Brett; with amendments (Rept. No. 2573). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims. H. R. 6399. A bill for the relief of Caeser Henry; with amendments (Rept. No. 2574). Referred to the Committee of the Whole House.

Mr. DURHAM: Committee on Military Affairs. S. 528. An act for the relief of Thaddeus C. Knight; without amendment (Rept. No. 2583). Referred to the Committee of the Whole House.

Mr. MAY: Committee on Military Affairs. S. 1640. An act to provide for the acquisition by the United States of certain real property in the District of Columbia; without amendment (Rept. No. 2584). Referred to the Committee of the Whole House.

Mr. BONNER: Committee on War Claims. H. R. 1144. A bill for the relief of Jesse A. Lott; without amendment (Rept. No. 2585). Referred to the Committee of the Whole House.

Mr. DAUGHTON of Virginia: Committee on War Claims. H. R. 1633. A bill for the relief of Raymond Crosby; without amendment (Rept. No. 2586). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. H. CARL ANDERSEN:

H. R. 7080. A bill to provide for the construction of a highway bridge across the Bois de Sioux River to replace the Blackmer Bridge which was destroyed by fire; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTSON of North Dakota:

H. R. 7081. A bill to provide for the construction of a highway bridge across the Bois de Sioux River to replace the Blackmer Bridge which was destroyed by fire; to the Committee on Interstate and Foreign Commerce.

By Mr. TRAYNOR:

H. R. 7082. A bill to provide for the distribution to hospitals, asylums, or other charitable or reformatory institutions, undeliverable ornamental cards of greeting held by the postal service; to the Committee on the Post Office and Post Roads.

By Mr. CAMPBELL:

H. R. 7083. A bill to amend section 7 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, as amended; to the Committee on the District of Columbia.

By Mr. MANSFIELD of Texas:

H. Res. 716. Resolution directing that the Board of Engineers for Rivers and Harbors prepare a revised edition of a compilation of all preliminary examination and survey and review reports transmitted to Congress prior to July 31, 1946; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEALL:

H. R. 7084. A bill for the relief of Mrs. Della Hogue; to the Committee on Claims.

By Mr. BUCK:

H. R. 7085. A bill for the relief of Evangelos G. Pappadatos; to the Committee on Immigration and Naturalization.

By Mr. EBERHARTER:

H. R. 7086. A bill for the relief of Rudolf K. Weiler, to the Committee on Immigration and Naturalization.

By Mr. JUDD:

H. R. 7087. A bill for the relief of W. A. Chisholm; to the Committee on Claims.

By Mr. KING:

H. R. 7088. A bill for the relief of Ralph Adams; to the Committee on Claims.

By Mr. MARCANTONIO:

H. R. 7089. A bill for the relief of George Pavoloyanis; to the Committee on Immigration and Naturalization.

By Mr. BALDWIN of New York:

H. R. 7090. A bill for the relief of Tsung Tsai Chen; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2110. By Mr. CASE of South Dakota: Petition of Mr. F. G. Wilson, Martin, S. Dak., and 172 other Indian voters and Indian veterans respectfully petitioning both Houses of Congress to press all Indian legislation now pending or hereafter introduced and to concur and support such legislation to early passage during this session of Congress; to the Committee on Indian Affairs.

2111. By Mr. ROWAN: Petition of members of the board of governors of the Metropolitan Housing Council of Chicago regarding rent control; to the Committee on Banking and Currency.

SENATE

SATURDAY, JULY 20, 1946

(Legislative day of Friday, July 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Dr. Ralph D. Smith, Ph. D., district superintendent, Washington West District, Methodist Church, Washington, D. C., offered the following prayer:

Almighty God, unto whom all hearts are open and from whom no secrets are hid, we ask Thy blessing upon our lives as we seek to do Thy will. Cause the light of Thy countenance to shine upon us and upon all mankind. Give us courage to be sacrificial in our living, as so many have been on the battle fronts of the world. Make us worthy of every sacrifice that has been made for us.

May our faith look up to Thee, O God. May real brotherhood prevail everywhere. Let peace again come among all nations.

Bless our President and all who lead in our national life. Above all, make us good servants of our Lord and mankind.

This and every prayer we offer in His name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, July 19, 1946, was dispensed with, and the Journal was approved.

NOTICE OF HEARING ON NOMINATION OF GEORGE D. NEILSON TO BE ASSOCIATE JUDGE, MUNICIPAL COURT, DISTRICT OF COLUMBIA

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Saturday, July 27, at 10:30 a. m., in the Senate Judiciary Committee room, upon the nomination of the Honorable George D. Neilson, of the District of Columbia, to be associate judge of the municipal court for the District of Columbia. At the indicated time and place, all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman; the Senator from Mississippi [Mr. EASTLAND]; and the Senator from Kentucky [Mr. STANFILL].

NOTICE OF HEARING ON NOMINATION OF GERALD R. CORBETT TO BE SIXTH JUDGE, FIRST CIRCUIT, CIRCUIT COURTS, HAWAII

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of that committee, I desire to give notice that a public hearing has been scheduled for Saturday, July 27, at 10:30 a. m., in the Senate Judiciary Committee room, in the Capitol, upon the nomination of Gerald R. Corbett, of Hawaii, to be sixth judge of the First Circuit, Circuit Courts, Territory of Hawaii. This is a new position. At the indicated time and place, all persons interested in the nomination may appear and make such representations as may be pertinent. The subcommittee consists of the senior Senator from Nevada [Mr. McCARRAN], chairman; the junior Senator from Mississippi [Mr. EASTLAND]; and the junior Senator from Kentucky [Mr. STANFILL].

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 346) to amend section 21 of the act of May 28, 1896 (29 Stat. 184; 28 U. S. C., sec. 597), prescribing fees of United States commissioners.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1801) authorizing the appointment of an additional judge for the district of Delaware.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 6372. An act to amend the Federal Credit Union Act; and

H. R. 6983. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in any and all claims which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, or any tribe or band thereof, may have against the United States, and for other purposes.

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 5452) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1947, and for other purposes, and it was signed by the President pro tempore.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on July 19, 1946, he presented to the President of the United States the following enrolled bills:

S. 141. An act to clarify the law relating to the filling of the first vacancy occurring in the office of district judge for the eastern district of Pennsylvania, and to provide for the appointment of an additional United States district judge for the eastern, middle, and western districts of Pennsylvania; and

S. 1516. An act to amend section 12 of the Bonneville Project Act, as amended.

SUSPENSION AND DEPORTATION OF ALIENS

The PRESIDENT pro tempore laid before the Senate a letter from the Attorney General, withdrawing a certain name from a report relating to aliens whose deportation he suspended more than 6 months, heretofore transmitted by him to the Senate pursuant to law, which was referred to the Committee on Immigration.

PETITION AND MEMORIAL

The PRESIDENT pro tempore laid before the Senate a petition and a memorial, which were referred as indicated:

A petition of sundry citizens of Los Angeles County, Calif., praying for the enactment of legislation to continue the Office of Price Administration; ordered to lie on the table.

A letter from the Acting Secretary of State, transmitting a memorial signed by sundry citizens of the Azores, remonstrating against the closing of the American consulate at Horta, Fayal, Azores (with an accompanying memorial); to the Committee on Foreign Relations.

GI SUBSISTENCE ALLOWANCE AT UNIVERSITY OF MISSISSIPPI

Mr. BILBO. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD a letter from Vernon Broom, president, Ole Miss Veterans' Organization, and a resolution signed by GI students at the University of Mississippi, requesting an increase in their subsistence allowance.

There being no objection, the letter and resolution were received, referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

OLE MISS VETERANS' CLUB,
University, Miss., June 26, 1946.

Hon. THEODORE G. BILBO,
United States Senator,
Senate Office Building,
Washington, D. C.

DEAR SIR: Enclosed are photostatic copies of the signatures of veterans currently enrolled at the University of Mississippi who signed the attached resolution, also enclosed.

Veterans at this university and at other institutions have found that the present subsistence allowed veterans by Public Laws 16 and 346 is inadequate to meet the common necessities of life. At a recent meeting of the veterans at Ole Miss the enclosed resolution was adopted by a majority vote; also a motion was passed directing that the resolution be circulated and signed and forwarded to all Mississippi Congressmen and Senators as a petition. We urge you to act accordingly.

As president of the Ole Miss Veterans' Organization I present this matter for your serious consideration. We believe that in the light of present costs of living you will understand the difficulty veteran students are facing. We hope that action you may take will cause subsistence allowed veterans by Public Laws 16 and 346 to be raised according to the enclosed resolution. If such action is not taken many veterans will be forced to withdraw from colleges and universities.

We will greatly appreciate your early consideration of this petition. If we can furnish you with any further information that you may desire, we shall be happy to do so.

Yours sincerely,

VERNON BROOM,
President, Ole Miss Veterans' Organization.

Since the original enactment and revisions of Public Law 346 and Public Law 16 the cost of living has risen to a manifest degree. The recent removal of many OPA restrictions has caused the cost of living to rise to even a higher degree. As a result students enrolled under the above laws in the University of

Mississippi have found that the present subsistence allowance is inadequate to meet the common necessities of life; this inadequacy is forcing many to depend upon their savings or borrow from other sources or withdraw from school.

Now in the light of all the foregoing facts be it resolved by the Ole Miss Veterans Club and all the veterans at the University of Mississippi, that a petition setting forth this general situation be forwarded to the various Mississippi Members of Congress, memorializing them to introduce legislation to increase the subsistence allowance for the veterans attending schools from $65 to $90 per month for single veterans and from $90 to $115 per month for married veterans.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HILL, from the Committee on Military Affairs:

H. R. 6817. A bill to provide for the appointment of additional commissioned officers in the Regular Army, and for other purposes; with an amendment (Rept. No. 1765).

By Mr. ANDREWS, from the Committee on Public Buildings and Grounds:

S. 2286. A bill to amend the act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930; with an amendment (Rept. No. 1766).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted a report thereon pursuant to law.

REPORT OF JOINT COMMITTEE ON INVESTIGATION OF PEARL HARBOR ATTACK (S. DOC. NO. 244)

Mr. BARKLEY. Mr. President, from the Joint Committee on the Investigation of the Attack at Pearl Harbor, I ask unanimous consent to submit a report.

The PRESIDENT pro tempore. Without objection, the report will be received and printed.

Mr. FERGUSON. Mr. President, at the same time I ask unanimous consent to file the views of the two minority Members on the part of the Senate, the Senator from Maine [Mr. BREWSTER] and myself.

Mr. BARKLEY. I have no objection.

The PRESIDENT pro tempore. Without objection, the minority views will be received and printed.

PERMISSION TO FILE A REPORT DURING THE RECESS

Mr. MAYBANK. Mr. President, I ask unanimous consent to file a report on a bill from the Committee on Military Affairs before midnight today. The reason for making the request is in order that the bill and report may be printed, so that every Senator will have a copy on Monday. The bill is S. 1974, to provide for the selection for elimination and retirement of officers of the Regular Army, for the equalization of retirement benefits for members of the Army of the United States, and for other purposes, and I merely ask permission to file it before midnight so it can be printed and be on the desks of Senators on Monday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STANFILL:

S. 2461. A bill to revive and reenact the act entitled "An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.," approved May 18, 1928; to the Committee on Commerce.

By Mr. GUFFEY:

S. 2462. A bill to increase the compensation of postmasters and employees of the postal service; to the Committee on Post Offices and Post Roads.

S. 2463. A bill to increase the rates of compensation of officers and employees of the Federal Government; to the Committee on Civil Service.

By Mr. TAYLOR:

S. 2464. A bill to provide for the uniform administration of efficiency ratings; to the Committee on Civil Service.

S. 2465. A bill for the relief of Lydia Stoner; to the Committee on Claims.

By Mr. FERGUSON:

S. 2466. A bill for the relief of Ghetel Pollak Kahan, Magdalena Linda Kahan (wife), and Susanna Kahan (daughter), 10 years old); to the Committee on Immigration.

PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT 206, ENTITLED "ECONOMIC CONCENTRATION AND WORLD WAR II"

Mr. MURRAY submitted the following concurrent resolution (S. Con. Res. 73), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Senate Special Committee to Study Problems of American Small Business be, and is hereby, authorized and empowered to have printed for its use 5,000 additional copies of Senate Document No. 206, Seventy-ninth Congress, second session, entitled, "Economic Concentration and World War II."

INDIAN CLAIMS COMMISSION

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 4497) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. O'MAHONEY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. O'MAHONEY, Mr. THOMAS of Oklahoma, and Mr. LA FOLLETTE conferees on the part of the Senate.

INFERIOR FEDERAL COURTS—ARTICLE BY JUDGE CURTIS L. WALLER

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an article entitled "These Inferior Federal Courts," written by Hon. Curtis L. Waller, judge of the Fifth Circuit Court of Appeals, and published in the Mississippi Law Journal for December 1945, which appears in the Appendix.]

LOW COMPENSATION OF AMERICAN DAIRY FARMERS

[Mr. WILEY asked and obtained leave to have printed in the RECORD an advertisement from the Washington Post of July 20 entitled "The Dairy Farmer Makes Less Than 53 Cents An Hour," which appears in the Appendix.]

NATIONAL SCIENCE FOUNDATION—EDITORIAL FROM SEATTLE STAR

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD an editorial entitled "A Bill More Important to You Even Than OPA," published in the Seattle Star of July 13, 1946, which appears in the Appendix.]

VOTING RECORDS OF SENATORS—EDITORIAL FROM WASHINGTON POST

[Mr. TAYLOR asked and obtained leave to have printed in the RECORD an editorial entitled "Voting Records," published in the Washington Post of July 12, 1946, which appears in the Appendix.]

SOVIET FOREIGN POLICY—ARTICLE BY SCOTT NEARING

[Mr. TAYLOR asked and obtained leave to have printed in the RECORD an article on Soviet foreign policy entitled "As Others See Us," written by Scott Nearing, which appears in the Appendix.]

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	Overton
Andrews	Hill	Pepper
Ball	Hoey	Radcliffe
Barkley	Huffman	Reed
Bilbo	Johnson, Colo.	Revercomb
Brewster	Knowland	Robertson
Brooks	La Follette	Shipstead
Burch	Langer	Smith
Bushfield	Lucas	Stanfill
Capehart	McCarran	Swift
Capper	McClellan	Taft
Carville	McKellar	Taylor
Connally	McMahon	Thomas, Okla.
Cordon	Magnuson	Thomas, Utah
Donnell	Maybank	Tunnell
Downey	Millikin	Vandenberg
Ferguson	Mitchell	Wagner
Fulbright	Moore	Wherry
George	Morse	White
Gerry	Murdock	Wiley
Green	Murray	Willis
Guffey	Myers	Wilson
Gurney	O'Daniel	Young
Hart	O'Mahoney	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from Montana [Mr. WHEELER] is absent by leave of the Senate.

The Senator from Georgia [Mr. RUSSELL] is absent because of a death in his family.

The Senator from Missouri [Mr. BRIGGS], the Senator from Mississippi [Mr. EASTLAND], the Senator from South Carolina [Mr. JOHNSTON], the Senator from West Virginia [Mr. KILGORE], the Senator from Arizona [Mr. MCFARLAND], the Senator from New York [Mr. MEAD], the Senator from Tennessee [Mr. STEWART], and the Senator from Massachusetts [Mr. WALSH] are detained on public business.

The Senator from Virginia [Mr. BYRD] and the Senator from New Mexico [Mr. CHAVEZ] are absent on official business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Vermont [Mr. AUSTIN], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from New Jersey [Mr. HAWKES] are necessarily absent.

The Senator from Delaware [Mr. BUCK] is absent by leave of the Senate.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The PRESIDENT pro tempore. Seventy-one Senators having answered to their names, a quorum is present.

LEAVES OF ABSENCE

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to be excused from further attendance on the Senate today.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. CAPEHART. Mr. President, I ask unanimous consent to be absent from the Senate on next Monday, Tuesday and Wednesday.

The PRESIDENT pro tempore. Without objection, leave is granted.

DEPARTMENT OF LABOR, FEDERAL SECURITY AGENCY, ETC., APPROPRIATIONS—CONFERENCE REPORT

Mr. MCCARRAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 39 to the bill (H. R. 6739) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1947, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: ": *Provided further*, That no part of the funds appropriated in this title shall be available to organize or assist in organizing agricultural laborers, or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2 (3) of the Act of July 5, 1935 (49 Stat. 450), and as defined in section 3 (f) of the Act of June 25, 1938 (52 Stat. 1060)"; and the Senate agree to the same.

PAT MCCARRAN,
KENNETH MCKELLAR,
WALLACE A. WHITE, JR.,
JOSEPH H. BALL,
STYLES BRIDGES
(by J. H. B.),
Managers on the Part of the Senate.

BUTLER B. HARE,
MATTHEW M. NEELY,
FRANK B. KEEFE,
H. CARL ANDERSEN,
Managers on the Part of the House.

Mr. MCCARRAN. Mr. President, I ask unanimous consent for the immediate consideration of the conference report.

There being no objection, the Senate proceeded to consider the report.

Mr. MCCARRAN. I move that the Senate agree to the report.

Mr. AIKEN. Mr. President, may we have the amendment read?

The PRESIDENT pro tempore. The clerk will read the amendment.

The LEGISLATIVE CLERK. In lieu of the matter stricken out by amendment numbered 39, it is proposed to insert a colon and the following: "*Provided further*, That no part of the funds appropriated in this title shall be available to organize or assist in organizing agricultural laborers, or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2 (3) of the act of July 5, 1935 (49 Stat. 450) and as defined in section 3 (f) of the act of June 25, 1938 (52 Stat. 1060)."

Mr. AIKEN. Mr. President, may we have an explanation of the amendment from the Senator from Nevada? I have no objection to the report.

Mr. MCCARRAN. Mr. President, the Senate and the House were in complete disagreement after vote after vote had been taken in both Houses on what is known as the Elliott rider. The House conferees suggested the language which the conference committee has now agreed to, and which the Senate has heard read to it. That was referred to the National Labor Relations Board. It seemed satisfactory to the Board. I am advised, without having talked to the parties, that it was satisfactory to the Members of the House who had suggested and supported the Elliott amendment. It goes as far as we thought we could go and at the same time carry out the spirit of the law.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MCCARRAN. I yield.

Mr. AIKEN. May I ask, Does it have the effect of removing this group of workers from under the protection of the Wagner Act?

Mr. MCCARRAN. I would say in a sense yes, but principally no, because they can organize in every way; but they are not placed under the National Labor Relations Board to the full extent they otherwise would be.

Mr. BALL. In commenting on the question asked by the Senator from Vermont, I would say that the main change in the amendment as proposed by the House is that instead of using the definition of "agricultural laborer," contained in the Social Security Act, which was a very broad definition, excluding a great number of processing employees, this language uses the definition of "agriculture" contained in the Fair Labor Standards Act.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MCCARRAN. I yield.

Mr. PEPPER. This is a very vital matter and we are all interested in it. I wish we could have order and that Senators would speak loud enough so we could all hear.

Mr. BALL. Instead of using the definition of "agricultural laborer" contained in the Social Security Act the definition is a very broad one, covering, as the Senator knows, a great many processing employees, packing shed workers, and so forth—this change substitutes the definition of "agriculture" contained in the Fair Labor Standards Act, which is a much narrower definition. I believe the Senator from Nevada has before him the exact section referred to. We conferred with one of the members and the counsel of the National Labor Relations Board, who said that it might require a few minor changes in their present procedure and definition, but they would be very minor, and they felt they could get along under it very well.

Mr. PEPPER. Will the Senator from Nevada be good enough to read the language?

Mr. MCCARRAN. Section 3 (f) of the act of June 25, 1938, the Fair Labor Standards Act, provides as follows:

"Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, furbearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

Mr. PEPPER. Mr. President, will the Senator yield for an inquiry?

Mr. MCCARRAN. I yield.

Mr. PEPPER. In the last part of that definition the reference is only to farming or matters incident to a farming operation. In other words, is the preparation for market which is exempted that preparation for market which is carried out on a farm or as an incident to a farming operation? If it is so limited—and we understand it as being so limited—then the vice of the former amendment does not appear, because where a packing house or a packing shed is operated away from the farm and carried on not as a farming operation, but as an independent enterprise, it could well be and I assume would be construed as an industrial operation, and not a farming operation, so as to give the employees the protection of the National Labor Relations Act and the National Labor Relations Board.

Mr. McCARRAN. Mr. President, I will say to the Senator that that is the construction the committee put upon it; that this provision confines itself to operations that are actually on the farm, any farm operation.

Mr. PEPPER. A part of the farming operation.

Mr. McCARRAN. Yes; a part of the farming operation.

Mr. MAGNUSON. I understand that this is a change from the so-called Elliott rider.

Mr. McCARRAN. It is in place of the Elliott rider.

Mr. MAGNUSON. And a clarification of it.

Mr. McCARRAN. That is correct.

Mr. ANDREWS. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. ANDREWS. What effect would this have on large growers, for instance, in any State who own their own farms, and their own packing houses, and who use the same employees to cultivate the ground and do the packing and the picking and everything in connection with the operation?

Mr. McCARRAN. I will give my interpretation as I see it. If the process is on the farm and a part of the production that belongs to the farm, then it is a farm activity. But if it is off the farm, or if an agency even comes on the farm and, acting by itself, processes on the farm, but is separate entirely from the producer, the production, or the farm activity, then it comes in a different category. If the farmer cultivates, produces, and at the same time crates his product on his farm, then he is engaged in a farming activity, in agriculture, and remote from the effect of the National Labor Relations Act.

Mr. ANDREWS. I would say that in nearly half the citrus industry in Florida the man who owns the grove owns his packing house and his men operate as packers and pickers and do all the work incident to the operation. Sometimes the packing and picking is done by the same persons.

Mr. McCARRAN. When the activity has left the farm and is in a packing house remote from the farmer's activity, then it comes under the effect of the National Labor Relations Act.

Mr. ANDREWS. I think what I have said applies also to tomatoes and celery and other products of that kind.

Mr. McCARRAN. That is probably true.

Mr. PEPPER. Mr. President, in view of what my able colleague has said, as one Senator from Florida I desire it to be made clear that I want, and I hope the RECORD will so show, these workers to have the largest possible protection under the National Labor Relations Act and the National Labor Relations Board. I believe, fundamentally, that a worker who is working in a packing house or in a canning factory is an industrial worker. The character of the work he does shows that he is an industrial worker. The habit of the operation, the characteristics of the operation make him in substance an industrial worker. I hope that the definition will not be construed to be so restrictive as to deprive any appreciable number of such workers of the right of redress for their industrial and economic wrongs before any administrative tribunal, such as the National Labor Relations Board, and that they will not be stripped of the protection which I think they are entitled to under the National Labor Relations Act.

Mr. HAYDEN. Mr. President, in the Appropriations Committee the chief complaint was that the definition of "laborer" was that used in the Social Security Act. This gets away from that definition, and provides a much better definition.

Mr. TUNNELL. The change, as I understand it, was made to meet the objection which was raised here on the floor, and the chairman of the committee believes that it has been met.

Mr. McCARRAN. I think it meets it as well as we could possibly meet it.

Mr. HILL. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. HILL. As I understand, it takes the definition of farming as set out in the Fair Labor Standards Act.

Mr. McCARRAN. Yes.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDENT pro tempore. The Chair desires to congratulate each and every member of the Committee on Appropriations for the fine work done by the committee at this session of Congress, and for completing that work today. The Chair thanks the members of the Committee on Appropriations.

Mr. MAYBANK. Mr. President, as one member of the Committee on Appropriations I wish to say that it was the untiring effort, the able leadership, and the devotion to duty of the chairman of the Appropriations Committee which made possible what we have been able to accomplish.

TITLE TO LANDS BENEATH TIDAL AND NAVIGABLE WATERS

The Senate resumed the consideration of the joint resolution (H. J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

Mr. O'MAHONEY. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from Wyoming will be stated.

The CHIEF CLERK. On page 3, after line 21, it is proposed to add the following new paragraph:

The United States excepts from this disclaimer and retains all right, title, and interest claimed and asserted by Presidential Proclamation No. 2667 of September 28, 1945, or otherwise, to the subsoil and sea bed of or the resources in the Continental Shelf lying oceanward from the area described in the first clause (1) of the preceding paragraph.

Mr. O'MAHONEY. Mr. President, there are two questions involved in this debate. The first question has to do with lands beneath the waters within the 3-mile zone. The other question has to do with the Continental Shelf lying beyond the 3-mile limit or the State boundary.

Last year the President of the United States by proclamation assured the sovereignty of the United States over what is known as the Continental Shelf. That is a subsoil area which extends out into the ocean in some places as much as 100 or 200 miles. It has never heretofore been claimed on behalf of the United States or of any State.

Senators know, of course, that the 3-mile limit, of which so much has been said, is merely an outgrowth of the days of warfare involving the old-fashioned cannon, which could shoot only 3 miles.

No one knows what the contents of the Continental Shelf may be. Whatever they may be, they are not involved in the litigation which is now pending in the Supreme Court of the United States. I believe that they are not involved in the joint resolution as reported by the Committee on the Judiciary; but the language of that resolution is such, and the state of the law is such, that, in my judgment, the United States might suffer a most serious loss unless it were made clear in the joint resolution that by any disclaimer of any right, title, or interest to the subsoil within the 3-mile limit the United States is not surrendering the subsoil of the Continental Shelf beyond that limit.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. DOWNEY. When California was admitted to the Union, its constitution, in line with the constitutions of most of the other States bordering on the ocean, asserted the right to land underneath the ocean for 3 miles from the high or low watermark—I do not recall which. So, of course, this amendment is entirely satisfactory to us, and I think it is a very advisable amendment. But I should like to ask the distinguished Senator about this condition: As I understand, the Constitution of Texas at the time it was admitted to the Union had a provision asserting title out into the ocean for a distance of 3 marine leagues, or about 9 miles. May I ask the distinguished Senator, as a matter of information only, and not for the purpose of argument, what would be the effect of his

proposed amendment in relation to a State which, by its constitution or laws, had theretofore asserted title to a greater extent of land than would be covered by 1 league?

Mr. PEPPER. Mr. President, before the Senator answers that question, allow me to interpose that the State of Florida is affected in exactly the same way. Under our constitution of 1868, under which the State was admitted back into the Union after the Civil War, the western boundary of the State of Florida is defined as running from the Dry Tortugas northeastwardly to a point within 3 leagues of the mainland, thence along the shore a distance of 3 leagues from the mainland to the mouth of the Perdido River, defining a strip substantially 10 miles in width off the Gulf coast of Florida. That boundary was recognized by the Congress when the State was admitted into the Union. That territory is within the jurisdiction of Florida, and the State supreme court has recognized criminal jurisdiction over that area.

Mr. O'MAHONEY. Mr. President, I had no intention of becoming involved in a controversy of that kind. Therefore, in drafting this amendment I have confined myself to the language of the joint resolution which is before the Senate. I now read to the Senate the provisions of the last paragraph of the joint resolution as reported by the Committee on the Judiciary, to be found on page 3, beginning in line 8:

As used in this joint resolution, the phrase "lands beneath tidewaters" shall include (1) all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and oceanward to a line three geographical miles distant from the coast line and to the boundary line of each respective State where in any case such boundary line extends oceanward beyond three geographical miles, and (2) all lands formerly beneath tidewaters, as herein defined, which have been filled or reclaimed; the phrase "lands beneath navigable waters" shall include (1) all other lands covered by waters which are navigable under the laws of the United States, and (2) all lands formerly beneath navigable waters, as herein defined, which have been filled or reclaimed.

Having that definition of lands beneath tidewaters in mind, I drafted my amendment as a new paragraph to read as follows:

The United States excepts from this disclaimer and retains all right, title, and interest claimed and asserted by Presidential proclamation No. 2,667 of September 28, 1945, or otherwise to the subsoil and sea bed of or the resources in the Continental Shelf lying oceanward from the area described in the first clause (1) of the preceding paragraph.

The "first clause of the preceding paragraph" is the one I have just read.

So this amendment does not raise any question of boundaries. I will say personally for myself that I am inclined to believe that the claims of States such as Texas and Florida to ownership of the subsoil of the boundary waters beyond the 3-mile limit is not a desirable policy, so far as we are now concerned. But I do not raise the question, because I feel sure that the Senate does not wish to pass upon that point.

I only desire to make clear that this joint resolution will protect the sovereignty of the United States as a nation to the subsoil of the Continental Shelf which comes to us solely because of the assertion of the Federal power.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. PEPPER. Does the Senator think there is any doubt about that being the purpose and effect of the measure as it is now drafted? Does it not merely give a quitclaim from the Federal Government to the several States in respect to the lands underneath tidal waters, as the Senator has read the language from page 3 of the measure?

Mr. O'MAHONEY. I think so.

Mr. PEPPER. So the Senator is offering his amendment out of an abundance of caution, I assume.

Mr. O'MAHONEY. I wish to be completely certain, because I am confident that unless this amendment is adopted, a claim might afterward be asserted that ownership of the subsoil within the submerged area would give a right to the adjoining area beyond. That is the danger.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. BARKLEY. There are three subdivisions of this area, parts of which are involved in the pending measure and in the pending litigation before the Supreme Court. One subdivision is made up of the tidelands, which are that part of the shore subject to the tide and to the rise and fall of the tide.

Mr. O'MAHONEY. That is correct.

Mr. BARKLEY. There is no question, so far as that part of the land is concerned, as between the Government of the United States and any State. The Government of the United States is not asserting title to that little strip of land that is subject to the flow of the tides in and out.

Then there is a so-called 3-mile limit, which is known as the marginal land, and which is involved in the litigation and in the pending legislation.

Beyond that 3-mile limit is what the Senator calls the Continental Shelf, which is the subject of his amendment. That in no way involves the so-called 3-mile limit, which is the strip between the tidelands which are subject to the flow of the tides and the 3-mile limit out from the shore.

Mr. O'MAHONEY. Precisely.

Mr. BARKLEY. So the Senator's amendment only affects, possibly, lands beyond the 3-mile limit.

Mr. O'MAHONEY. The Senator is quite correct.

I offer this amendment, not because it affects in any way the controversy over the lands between the low-tide mark and the 3-mile limit, or whatever the limit may be, and not because it involves the issue now in the Supreme Court, but only because I wish to make clear that this joint resolution does not purport to invade the right of the Government of the United States to the Continental Shelf, which has never been claimed by any State.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. MAGNUSON. The Senator's amendment is also very important and timely for the reason, not that it might involve differences between the States and the Federal Government, but that it involves an international situation. The amendment will be a legislative reassertion of the fact that we have now claimed as American Federal territory the so-called Continental Shelf.

Mr. O'MAHONEY. Precisely.

Mr. MAGNUSON. I point out to the Senator that prior to the war there was much discussion of this matter. The late President Roosevelt took a great interest in it, and he had drawn up a Presidential proclamation declaring the Continental Shelf to be American territory. Due to his untimely death the matter was held up. But President Truman has reasserted that, and has issued the proclamation which the Senator has mentioned.

Moreover, prior to the war there was question as to the Bering Sea. In that region the Continental Shelf extends some 200 miles from shore, and there lies the greatest fishing area in the world. Prior to this proclamation, the Japanese claimed that as open sea, and they fished there and caused a great deal of trouble with American fishermen. But now that we have claimed it as ours, not only is that difficulty taken care of but the area is opened up for American fishermen.

I say this measure is very important because it is a legislative reassurance and reassertion of the fact that the Federal Government claims the Continental Shelf.

Mr. O'MAHONEY. Mr. President, I am very happy the Senator has made that statement, because at the hearings of the Special Committee To Investigate Petroleum Resources, evidence was presented to us by scientists of the Geological Survey and the Coast and Geodetic Survey and by other scientists that the Continental Shelf, which never heretofore has been claimed by or on behalf of any State, may be the last resort of the United States for petroleum. Inasmuch as this area can be defended only by the American Navy and inasmuch as we have burdened ourselves with the largest debt that any nation in the history of the world has ever carried, it seems to me that in acting upon this joint resolution we should make it abundantly clear that the Government of the United States does not intend, either directly or indirectly, to convey away the Continental Shelf, to which there has heretofore been no claim.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. OVERTON. In answer to the question propounded by the Senator from Kentucky, I understood the Senator from Wyoming to state that the purpose of his amendment was, in effect, to assert title to all lands that are distant beyond 3 miles from the coast line. But in his opening statement he said that the amendment was not intended to affect the definition of "lands

beneath tidewaters," as contained in the pending measure.

The definition of tidewater lands, as contained in the pending measure, applies in certain cases to lands which extend beyond the 3-mile limit, and by that definition tidewater lands extend to the boundary line of each respective State, where in any case such boundary line extends oceanward beyond three geographical miles.

Mr. O'MAHONEY. The Senator heard me read that language a few minutes ago.

Mr. OVERTON. Yes. But I should like to make it clear that the Senator's amendment does not affect the last phrase I have read, where the boundary line of a State may extend beyond the 3-mile limit.

Mr. O'MAHONEY. I wish to make the situation as clear as possible. The amendment refers in its terms only to "the subsoil and sea bed of or the resources in the Continental Shelf lying oceanward from the area described in the first clause (1) of the preceding paragraph." That means oceanward from the 3-mile limit and oceanward from any boundary claimed by any State.

Mr. CAPEHART and Mr. PEPPER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Wyoming yield, and if so, to whom?

Mr. O'MAHONEY. If the Senator from Florida will pardon me, I yield to the Senator from Indiana [Mr. CAPEHART], who was first on his feet.

Mr. CAPEHART. Mr. President, I should like to describe a situation and ask the able Senator if his amendment covers the point which I have in mind.

The State of Texas, when admitted to the Union, was given the limit of 3 leagues, which is approximately 9 miles, from the shore. Recently the Texas Legislature passed a law extending the boundary to 31 miles. The State of Louisiana, when originally admitted to the Union, had a limit of 3 miles. That State has likewise recently passed a law extending its limit to 27 miles. Does the Senator's amendment limit Texas to 9 miles and Louisiana to 3 miles, or does it permit those States to go out, in the case of Texas, to 31 miles and, in the case of Louisiana, to 27 miles?

Mr. O'MAHONEY. My amendment does not attempt to settle that disputed question. I doubt very much whether I have sufficient information to attempt such a settlement. So in the amendment we are using the precise language of the measure reported by the Judiciary Committee, and are accepting and retaining for the United States the subsoil oceanward from the boundary line of each respective State.

The question which the Senator propounds to me is a legal question as to whether or not the State legislature, by law, after the admission of the State into the Union, may by its own action, and without the concurrence of the United States, extend its boundaries. I do not propose to settle that question. I could not settle it. It is a legal question to be settled by the courts if and when the question is presented to them.

Mr. CAPEHART. Mr. President, if I may, I should like to ask one of the Senators from California what is the offshore limit of the State of California?

Mr. O'MAHONEY. A moment ago the senior Senator from California asserted that the State of California claims three geographical miles.

Mr. CAPEHART. The State of California claims three geographical miles?

Mr. O'MAHONEY. Yes.

Mr. CAPEHART. The Senator's amendment would have no effect on that situation one way or the other?

Mr. O'MAHONEY. No.

Mr. CAPEHART. The amendment would have no effect on whether Texas is entitled to 9 miles or 31 miles?

Mr. O'MAHONEY. None whatever.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Mr. President, the Senator from Michigan [Mr. FERGUSON] has been trying to speak, and I yield to him.

Mr. FERGUSON. I should like to propound a question to the Senator. I wish to know if the record is clear with respect to a definition of the Continental Shelf, about which we have been speaking. As I understand, the Continental Shelf extends out to different distances at different places.

Mr. O'MAHONEY. Yes.

Mr. FERGUSON. The Senator is attempting to say through his amendment that the proposed quitclaim deed would not cover that land.

Mr. O'MAHONEY. It would not cover it oceanward from the boundary.

Mr. FERGUSON. So, if the amendment is adopted, it will cover only the original 3-mile limit, or whatever the State had claimed.

Mr. O'MAHONEY. It would cover whatever the State had claimed within the boundary, whatever that boundary may be. The term "Continental Shelf," I may say to the Senator, is a scientific term, or a term which has been applied by the scientists to that geologic shelf which extends outward from the seacoast in some cases a hundred miles, and, in the case of Alaska, as the Senator from Washington has said, about 200 miles, where it drops off very suddenly into the depths of the ocean. So "Continental Shelf" is merely a phrase which is used to describe the area under the sea which is at a very shallow depth.

Mr. FERGUSON. And which is considered as a part of the continent rather than as a part of the ocean.

Mr. O'MAHONEY. Yes. If the Senator has seen a map of the Coast and Geodetic Survey of the Atlantic Ocean immediately east of New York City, he has noted that the soundings which were taken by the Coast and Geodetic Survey show clearly that the Hudson River at one time ran out a great distance beyond what is now the coastal line. From the soundings which have been taken, it is clear that that area was at one time above the ocean.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. PEPPER. For the purpose of the question which I am about to propound, I invite the attention of the able chairman of the committee.

Beginning in line 12, on page 3, of the joint resolution, the definition of lands beneath tidewaters reads, in part, as follows:

> And to the boundary line of each respective State where in any case such boundary line extends oceanward beyond three geographic miles—

And so forth. I wish it to be understood that "oceanward," as used in that sentence, also means gulfward, because, while the Gulf of Mexico is not an ocean, I am sure the Senator intends that "oceanward" means a large body of water, as well as what is ordinarily referred to as the ocean.

Mr. O'MAHONEY. When we go into the Gulf we are going oceanward.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. FULBRIGHT. A moment ago I understood the Senator to disclaim any effort of trying to solve the legal question of what the boundary line of a State may be.

Mr. O'MAHONEY. The question which I disclaimed any attempt to solve, because it could not be solved very well without the concurrence of the State, is whether or not a State legislature may, by statute, extend the boundary which it had at the time it was admitted to the Union.

Mr. FULBRIGHT. I believe that the Senator is quite right in his contention, and it seems to me that the same reasoning which he has employed applies to the problem of the ownership of the land within the 3-mile limit. I cannot see any logical distinction between the character of the question there involved and the one in the joint resolution now before the Senate.

Mr. O'MAHONEY. The Senator may be correct in that respect, but I am deliberately not raising that question, because, as the Senator from Kentucky has said, there are three zones which have been in controversy. There is the zone oceanward concerning which this amendment has ben offered. There is the zone which lies within the 3-mile limit of the boundary and low tide, and there is the zone between low tide and the coast.

Mr. FULBRIGHT. I understand that, but it seems to me that the Senator's reasoning with reference to the question being a legal one is also applicable to this instant question, and all we are doing is to usurp the function of the Supreme Court in the first instance.

Mr. O'MAHONEY. Mr. President, that question will arise under another amendment.

Mr. FULBRIGHT. My opinion is that both questions should be settled by the Supreme Court.

Mr. O'MAHONEY. When the question is before the Supreme Court it becomes a legal question. It may be doubted seriously whether the decision of the court will be rendered in favor of the United States as against the State, inasmuch as it can be shown with respect to a certain portion of this area that the

United States apparently acquiesced in the development of the area inside the so-called 3-mile limit.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. MAGNUSON. What the Senator from Wyoming is attempting to do is to nail down a claim of title from the shore to the end of the Continental Shelf for the Federal Government.

Mr. O'MAHONEY. Not from the shore.

Mr. MAGNUSON. From the boundary.

Mr. O'MAHONEY. From the boundary.

Mr. MAGNUSON. Which should have been done a long time ago.

Mr. OVERTON. Mr. President, has the Senator a copy of the Presidential proclamation to which he referred a few moments ago?

Mr. O'MAHONEY. No; I do not have it. It can be obtained. I will get the number and insert it later on. It was a Presidential proclamation issued last year by President Truman, as the Senator from Washington has stated, in which he asserted on behalf of the United States the sovereignty of the United States over this area.

Mr. OVERTON. I have not read the proclamation, but I understand that the Continental Shelf embraces offshore waters where the depth is 600 feet or more. I also understand that off the shore of California there are, in certain areas, depths of as great as 600 feet before the 3-mile limit is reached. But as I interpret the Senator's amendment, even if that be true, his amendment does not affect the claim of California.

Mr. O'MAHONEY. It is made as clear as day that it does not affect that, nor does it affect any claim that the State of Louisiana or the State of Texas may make to this other boundary.

Mr. CONNALLY. I inquire then, Mr. President, what is the purpose of the Senator's amendment.

Mr. O'MAHONEY. The purpose of it is to assert title in the United States to the Continental Shelf beyond these boundaries.

Mr. CONNALLY. It seems to me it is not very clear.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Wyoming.

Mr. McCARRAN. Mr. President, when the Senator from Wyoming first had his amendment printed it was rather in the negative form. He has now changed it, and to my mind it is a very acceptable amendment; to my mind it is a clarifying amendment; to my mind it is an amendment that should go in the bill while it is before the Senate.

Mr. CONNALLY. Mr. President, this whole matter has been before the Congress heretofore. I think it was in 1939 that there was a bill pending before the Committee on Public Lands, introduced in behalf of the Navy Department, in which it was sought to declare that all offshore oil resources were the property of the United States and not of States. After exhaustive hearings before the Public Lands Committee, that bill was rejected.

Mr. President, in the case of my State, Texas, we feel that we are in the strongest position of any of the other States; but we still are willing to maintain the principle involved in the general legislation proposed in order to aid the other States. In the case of Texas, it will be remembered that Texas was a republic from 1836 to 1845 and, as a republic, it owned whatever rights there were from its shores as far as they could extend into the ocean without the intervention of the jurisdiction of any other nation. We do not want those rights disturbed. They were retained when we went into the Union in 1845, and it is our contention that whatever rights anyone has to the offshore oil in the Continental Shelf, or whatever else one may wish to call it, that extends out into the ocean from the boundary of Texas, belong to the State of Texas, and that the Federal Government has no jurisdiction whatever over them. So we are perfectly willing to support the bill, and have the United States relinquish any claim, and give a quitclaim to the offshore oil resources of all the other States.

But the amendment offered by the Senator from Wyoming, it seems to me, is an exception to the usual clear and explicit language employed by the Senator in drafting amendments and legislation which he sponsors.

Mr. O'MAHONEY. The Senator is very kind. I take it he means with a few qualifications, however.

Mr. CONNALLY. I am trying to be just.

Mr. O'MAHONEY. That makes it all the better.

Mr. CONNALLY. The amendment reads:

> The United States excepts from this disclaimer and retains all right, title, and interest claimed and asserted by Presidential Proclamation No. 2667 of September 28, 1945, or otherwise to the subsoil and sea bed of or the resources in the Continental Shelf lying oceanward from the area described in the first clause (1) of the preceding paragraph.

Mr. O'MAHONEY. And clause (1) of the preceding paragraph clearly protects Texas, because it describes the boundary line of each respective State. So all that this amendment does, I will say to the Senator, is to assert the title of the United States to the subsoil and resources of the Continental Shelf oceanward from the boundary of Texas so far as Texas is concerned.

Mr. CONNALLY. I understand that is the contention of the Senator.

Clause (1) to which reference is made reads:

> All lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and oceanward to a line three geographical miles distant from the coast line.

In the case of Texas——

Mr. PEPPER. I suggest to the Senator that the amendment goes on further than that.

Mr. CONNALLY. In the case of Texas her territory extends beyond three geographical miles.

Mr. O'MAHONEY. Will the Senator read the next clause?

Mr. CONNALLY. I am going to read further in just a moment but I want to analyze this provision:

> Three geographical miles distant from the coast line—

In the case of Texas, the Federal Government has already recognized her right to 3 marine leagues which is more than 9 miles out into the sea—

> and to the boundary line of each respective State where in any case such boundary line extends oceanward beyond three geographical miles.

How is that boundary line established? What is the boundary line of all the respective States? It will be strenuously contended regardless of the adoption of the Senator's amendment by the interests adverse to this bill that there can be no boundary line beyond three geographical miles. That contention will be urged.

Mr. O'MAHONEY. The Senator has just said that the Federal Government has recognized the claim of Texas to three marine leagues. That being the case, I do not see how any such question could arise with respect to that boundary.

Mr. CONNALLY. Probably not that particular boundary, but this affects all the States, and I am anxious that the Senate realize its significance and its implications. If we are going to grant this at all we certainly ought to grant it to the States as far as their rights extend into the ocean. I do not know what the power of the State is. The Senator from Indiana referred to a legislative act——

Mr. O'MAHONEY. If the Senator will permit me to interrupt him, I think that is precisely what this language does.

Mr. CONNALLY. I hope it does; I hope that is true. The Senator from Indiana [Mr. CAPEHART] cited an act of the State Legislature of Louisiana, I believe he said, and also of Texas, extending their boundaries 27 and 31 miles, respectively, into the ocean. It will be contended that they had no right to do that. It will be contended that their boundaries ended at the 3-mile limit and that the State legislatures had no authority to extend the boundary. This language would seem to me not to be inconsistent with such a claim. While the boundary lines of the respective States are mentioned, the assumption is that in some cases the line may extend more than three geographical miles, because it says "Where in any case such boundary line extends oceanward beyond three geographical miles." Still, it will be asserted, no doubt, the State also has no power arbitrarily to extend its boundaries more than three geographical miles into the sea.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. OVERTON. I am as much interested in this matter as is the Senator from Texas——

Mr. CONNALLY. I am sure of that.

Mr. OVERTON. Because Louisiana has enacted legislation on the same subject matter. It seems to me, however, that if there be any fault at all the fault does not lie in the phraseology of the

amendment of the Senator from Wyoming, but lies in the wording of the joint resolution reported by the committee. If any change is to be made, it should be made in the language of the joint resolution defining lands beneath tidewaters. The amendment of the Senator from Wyoming does not affect the definition contained in the joint resolution as reported by the committee.

Mr. CONNALLY. In paragraph 1.

Mr. OVERTON. Yes. It does not do so. The Senator might offer an amendment to paragraph 1 which would cover the situation to which he refers.

Mr. CONNALLY. I thank the Senator.

Mr. President, that is all I have to suggest at this time.

Mr. MAGNUSON. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. MAGNUSON. Of course, whatever is decided to be the boundary line of the State—there may be some dispute—whether it is 3 miles or 3 leagues, the Senator from Wyoming has said that the Government of the United States, the people of America, the States and the Federal Government, are between them going to own all the land to the end of the Continental Shelf.

Mr. O'MAHONEY. Beyond the State boundary.

Mr. MAGNUSON. Beyond the State boundary; and I think that is very desirable.

Mr. OVERTON. Mr. President, I do not care to interfere with the adoption of the amendment, but I desire to speak on the joint resolution generally.

Mr. McCARRAN. Mr. President, I should like to have the amendment disposed of.

Mr. O'MAHONEY. I think the amendment can be adopted.

Mr. OVERTON. If I can be recognized as soon as the amendment is acted upon, I shall be glad to yield for action on the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wyoming [Mr. O'MAHONEY].

The amendment was agreed to.

Mr. OVERTON. Mr. President, as a contribution to the discussion of the pending joint resolution, I wish to call attention to certain statements which have come from the General Land Office and from the Department of the Interior in respect to the ownership of the marginal tidewater lands concerned. I think these declarations on the part of this agency and department of the Federal Government dealing with this subject matter are entitled to very grave consideration by the Members of the Senate. They set forth uniformly the policy which has prevailed in the Federal Government.

The letters I am going to read are taken from the Land Office and the archives of the State of Louisiana because they deal with Louisiana marginal lands. Possibly other States have similar letters, but the letters I read announce definitely and clearly the policy and the attitude of the Federal Government in respect to these tidelands.

I quote from a letter dated December 8, 1908, written by the Commissioner of the General Land Office to the United States Surveyor General, as follows:

> You were directed not to report the lands as inuring to the State under the swamp grant, for * * * tidelands belong to the State by its right of sovereignty.

Here is a declaration made back in 1908 by an agency of the Federal Government recognizing the fact that tidelands belong to the State by its right of sovereignty.

The attorney general of Louisiana has supplied me copies of these letters, and I am indebted to him for being able to present them to the Senate.

I give the following excerpts from the published decisions of the General Land Office relating to tidelands:

> It has never been questioned that a State upon its admission to the Union immediately acquires title to and jurisdiction over all lands within its limits below high-water mark. This title and control is not acquired by mere assertion of right and ownership, but by virtue of its sovereignty.

So, Mr. President, it was the statement of the General Land Office that there had never been any question at all with respect to the title and authority of the State over tidelands.

There is in the possession of the Land Office in Louisiana an exemplification of a letter written by C. C. Moore, who was then Commissioner of the General Land Office, in which, among other things, he advised a certain company as follows:

> The State is the owner of all land below the line of ordinary high tide extending seaward coexistensive with its municipal dominion, and in the land-locked bays from headland to headland, and from the line of ordinary high tide on the shore of the open ocean seaward, a distance of 3 miles, or a marine league.

Therefore, so far as the General Land Office is concerned, there has never been any question but that the sovereignty of the State extends 3 miles, or a marine league, from the shore line, and that the title to these lands vests in the State by virtue of its sovereignty.

There are some letters written by the Department of the Interior, and not merely by its General Land Office, on the subject matter to which I wish to call the attention of the Senate. The first of these relates to land in Louisiana and in California, and under date of April 9, 1931, Mr. C. C. Moore, who was then the Commissioner of the General Land Office, wrote as follows:

> I have your letter of March 31, 1931, requesting the status of submerged lands within the limits of territorial waters and off the shores of Louisiana and California.
>
> The title to the beds of the navigable waters is vested in the State by virtue of its sovereignty if the body of water was navigable when the State was admitted into the Union, and the laws of the State will control as to the minerals in the land under the waters. This jurisdiction is, however, subject to the paramount power of Congress to control navigation between the States and with foreign powers.

Of course, there is no dispute as to the authority of the Federal Government in respect to navigation over navigable waters.

> The State is the owner of all land below the line of ordinary high tide extending seaward coextensive with its municipal dominion, and in the land-locked bays from headland to headland, and from the line of ordinary high tide on the shore of the open ocean seaward, a distance of 3 miles, or a marine league. Title to the soil under such tidal waters belonging to the State may be disposed of by the State, provided such disposal and the purposes for which it is made may be accomplished without detriment to the public rights of navigation.
>
> The Mineral Leasing Act of February 25, 1920 (41 Stat. 437), has no application to lands within the 3-mile limit and are, therefore, not under the jurisdiction of this Department.

That is the Department of the Interior.

> As to nonnavigable waters, the rights of the riparian proprietors are determined by the laws of the particular State in which the stream is located.

Here is another letter, dated December 8, 1908, from the Department of the Interior, General Land Office, written to the United States Surveyor General, New Orleans, La., in which this statement is made:

> By office decision G of August 21, 1908, action was taken in the matter of the survey and examination of certain lands—

Describing them—

> Louisiana meridian, made by Warren B. Reed, deputy surveyor, and designed on the maps and plats submitted with the case as Point Au Fur Shell Reef.
>
> You were directed not to report the lands as inuring to the State under the swamp grant, for the reason that Mr. Reed found the lands to be subject to daily tidal overflow, and that tidelands belong to the State by its right of sovereignty. You were directed to advise the State and to allow the usual right appeal.
>
> I am in receipt of your letter of the 23d ultimo, in which you report that, by letter of August 25, 1908, you sent a copy of said office decision to the Governor and informed him that he would be allowed 60 days within which to appeal and that the State has taken no action in the matter.
>
> The case is therefore closed, and you will so note on the records of your office.

That letter is signed by the assistant commissioner.

The following excerpts are taken from a letter dated July 26, 1915, from the Department of the Interior, General Land Office, addressed to the Register of the State Land Office of Louisiana on the subject Tidelands.

> It appears as a result of this examination that the lands in question are entirely overflowed lands and that no agricultural areas exist in the townships under consideration. After a careful study of the character and conditions of these lands, it is our opinion that they constitute lands subject to tidal overflow and, therefore, should inure to the State under her rights of sovereignty.
>
> In view of the facts in the case as shown by the surveyors' report, the lands in these townships—

Describing them—

are hereby decided, subject to all valid adverse claims, if any, to be tidelands, belonging to the State of Louisiana under its right of sovereignty.

I am reading these letters into the RECORD because they show a consistent attitude on the part of the Department of the Interior, representing the Federal Government, that these tidelands belong to the States off the shores of which they are located. There has never been any other policy, so far as I know, on the part of the Federal Government. This joint resolution is merely a legislative recognition, a congressional declaration, of a policy which has always obtained in the Federal Government.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. OVERTON. I yield.

Mr. AIKEN. I notice that the joint resolution provides for the quitclaiming of all lands beneath the navigable waters within the boundaries of each of the respective States. I know the experience which the Senator from Louisiana has had with flood control and other allied matters, and I am wondering if the United States Government claims title to lands beneath the navigable waters that are within the States. I have not understood that the Government makes such a claim. Does the Senator know whether the United States Government does in any case lay claim to the lands beneath the navigable waters?

Mr. OVERTON. There is no case that has been brought to my attention in which the Federal Government has asserted ownership of the beds of streams that were navigable at the time of the admission of the State into the Union.

Mr. McCARRAN. Mr. President, it might with equal emphasis be said that in no case, until Mr. Ickes came along, was there any contention made that the Government owned the tidelands; but that they belonged to the State in each instance. Every expression even, as read by the able Senator from Louisiana, on the part of the Land Office, and indeed by Mr. Ickes himself in his letter prior to the time when he changed his mind, held that these lands in question belonged to the States, including the beds of navigable streams.

Mr. AIKEN. I realize that the definition of "navigable" seems to have become extended considerably in the past 15 years, but I did not know that the Government laid claim to the land beneath any of the small streams which they maintain to be navigable because at some times during the year they will float pulpwood.

Will the Senator tell me what the situation is in regard to the Great Lakes? Are the beds of the Great Lakes a part of the States adjoining them. For example, do Michigan and Wisconsin own the bed of Lake Michigan, or does the Federal Government claim the ownership of the bed of Lake Michigan, or what is the situation in that respect?

Mr. McCARRAN. Mr. President, may I answer the Senator's question?

Mr. OVERTON. I am glad to yield.

Mr. McCARRAN. The cases dealing with the Great Lakes are also direct authority for this proposition. That is because the Great Lakes have been specifically held to be in contemplation of law open seas. In many cases the court has held that the Great Lakes have "all the characteristics of the open sea." The decisions as to the ownership of the beds of the Great Lakes along open coasts is square authority on the question of the ownership of the Atlantic, the Pacific, and the Gulf of Mexico along the open coast. Indeed, in the Great Lakes cases, the Court specifically holds that the same doctrine applies to all these waters regardless of whether they are fresh or salt. The following quotation from the leading case of *Illinois Central Railroad* v. *Illinois* (146 U. S. 387), which deals with Lake Michigan, is conclusive on the point:

> It is the settled law of this country that the ownership of and the dominion and sovereignty over lands covered by tidewaters, within the limits of the several States, belong to the respective States within which they are found, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the waters, and subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States. This doctrine has been often announced by this court (*Pollard's Lessee* v. *Hagan* (3 How. (44 U. S.) 212); *Weber* v. *Harbor Commissioners* (18 Wall. (85 U. S.) 57)).

Mr. AIKEN. Will the Senator yield for one more question?

Mr. OVERTON. I shall be pleased to.

Mr. AIKEN. I will ask what the situation is with regard to Lake Champlain, which, as the Senator knows, is about 100 miles long and from 1 to 13 miles wide. The New York-Vermont line goes up through the middle of the lake. Am I right in assuming that in this case of this very long narrow lake, the bed of the lake properly belongs to the States? I know all the maps show the State line going up through the lake itself.

Mr. OVERTON. It is my understanding that the beds of the lakes belong to the States. I may possibly be in error.

Mr. McCARRAN. The floors of the lakes.

Mr. AIKEN. The floors of the lakes belong to the States.

Mr. OVERTON. Yes; the floors of the lakes belong to the States.

Mr. AIKEN. I wanted to make sure about that. I thank the Senator.

Mr. OVERTON. Mr. President, as I undertook to observe a moment ago, I think the letters I have read have shown a uniform policy of the United States with respect to these tidelands. There never has been any assertion at all of ownership of these tidelands by the Federal Government until recently when the Department of the Interior undertook to claim them in order, as has been pointed out by the Senator from Nevada, at least for one reason, in order to enter into a contract with some oil company with respect to the tidelands or portions of the tidelands off the coast of California.

The purpose of this joint resolution is to carry out the uniform policy of the United States and to settle forever what has now become unnecessarily a controversial matter. It was not controversial until Mr. Ickes, at the head of the Department of the Interior, suddenly and overnight, as it were, undertook to change the policy of the United States and the policy of his own department with respect to these tidelands. In consequence of his attitude the Attorney General, after a joint resolution had been introduced and, I think, had been passed by the House, instituted a suit for the purpose of asserting title by the United States Government to these lands. This joint resolution will settle the matter for all time to come. I hope it will be passed practically unanimously.

Mr. CONNALLY. Mr. President, I ask unanimous consent to have printed in the RECORD in connection with this discussion a statement from the hearings by Hon. Grover Sellers, attorney general of Texas. I think it points out very clearly the position of the State of Texas.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF GROVER SELLERS, ATTORNEY GENERAL OF TEXAS

Mr. SELLERS. On behalf of the people of Texas, permit me to express appreciation to the committee for the opportunity to present the position of our State regarding House Joint Resolution 225.

I also appear before you as the personal representative of the Governor of Texas, Hon. Coke Stevenson, who has asked me to represent him at this hearing. By the committee's leave I should like permission to read into the record the Governor's letter to me of January 25, 1946. It reads as follows:

JANUARY 25, 1946.

Hon. GROVER SELLERS,
Attorney General of Texas,
Austin, Tex.

DEAR GENERAL SELLERS: I find that I will be unable, due to pressing engagements here in Texas, to attend the hearing in Washington, D. C., before the Senate Judiciary Committee, on Tuesday, February 5, 1946, on House Joint Resolution 225, proposing to quiet the title of the several littoral States to the submerged lands off of their respective coasts and within their territorial boundaries.

I therefore request that you represent me at this hearing and present to the committee the claims of Texas with reference to her submerged lands. I am particularly interested in stressing to the committee that the territorial boundaries of Texas as agreed upon by the United States at the time Texas was admitted to the Union, in 1845, have never been questioned, and that the minerals under the submerged lands of Texas have been dedicated to the permanent school fund of this State. Millions of dollars have been, and will be, made available in the future to the permanent school fund through oil and gas leases on these lands, and the loss of such source of revenue to the State would seriously impair our educational program.

All the people of Texas will be tremendously interested in the action taken with reference to this resolution. I most certainly hope that some resolution of this character will be passed by the present Congress.

Sincerely yours,

COKE STEVENSON.

The people of Texas are vitally interested in the passage of this resolution by the Congress. To that end, the attorney general of Texas has joined with the attorneys general of 45 other States in voicing vigorous opposition to the recent claims of the Federal Government to the States' tidelands and lands submerged by the marginal sea. See brief of 46 attorneys general filed with House Judiciary Committee and Special Senate Subcommittee, Seventy-ninth Congress, at hearings held June 18, 19, and 20, 1945, pages 12 to 17 of record. The attorneys general of these States are solidly united in opposition to this claim which the Government has chosen to call "entirely novel." See page 3,

Motion for Leave to File Complaint and Complaint, *U. S.* v. *California*, No. 12 Original, United States Supreme Court, October Term, 1945. This opposition is shared by the American Bar Association which organization has passed a resolution urging the Congress "to take immediate action recognizing and confirming" State ownership of navigable waters, inland, and off-shore, at its 1945 meeting at Cincinnati, Ohio. A similar resolution was passed by the National Association of Attorneys General, at thirty-ninth annual conference at Jacksonville, Fla., November 27, 1945.

This entirely novel claim of the Government, not asserted for 150 years of Federal sovereignty, had its inception in the hopeful speculation of certain persons, who, with a what-is-there-to-lose attitude, applied to the Federal Government for leasing rights under the Federal Leasing Act of February 15, 1920 (41 Stat. L. 437). First, such applications were met with rebuff, the executive department of the Government concerned pointedly informing these individuals that the title to lands beneath the marginal sea was in the respective States, and not the Federal Government. (For example, see letter from Secretary Ickes to Olin S. Proctor, appearing at page 18 of record made before hearings of House Judiciary Committee and Special Senate Subcommittee held June 18, 19, and 20, 1945, on submerged lands resolutions.) Eventually, however, the what-is-there-to-lose psychology began to germinate in the Interior and Navy Departments, resulting in the first steps by responsible Federal officials to assert a claim. (See statements of Capt. H. A. Stuart and Philip Buettner of Navy Department and Harry M. Edelstein of Interior Department, at hearings held before House Judiciary Committee, Seventy-fifth Congress, on S. J. Res. 208, February 23, 24, and 25, 1938.) It is the purpose of the proponents of House Journal Record 225 to renounce and forever put to rest "entirely novel" theories, and quiet the titles of the respective States to their submerged lands inland and offshore.

I have noted that the attorneys general of 46 States, together with the members of the American Bar Association, stand together in opposing this "novel" claim asserted by the Government. It is not our purpose, however, to overwhelm you by force of numbers, but rather to persuade you by the many legal, equitable, and moral reasons for the passage of the resolution.

The legal and equitable grounds asserted by Texas have been offered several times for the consideration of committees of the Congress. First, in 1938 by the Governor, the attorney general, and representatives of the State teachers association; again, in 1939 by the Honorable Tom CONNALLY, United States Senator from Texas, by the attorney general, land commissioner, and representatives of the State teachers association (see record of hearings held before Subcommittee No. 4, House Judiciary Committee, 76th Cong., on H. J. Res. 176 and H. J. Res. 181 on March 22 and 23, 1939); finally, in 1945, by the attorney general, also representing the Governor, and the land commissioner of Texas (see record of joint hearings before House Judiciary Committee and Special Senate Subcommittee, 79th Cong., on a number of joint resolutions regarding submerged lands, June 18, 19, and 20, 1945). It is my purpose to summarize these offerings for the benefit of this committee.

First, however, permit me to call to the attention of the committee what I perceive to be be an underhanded attack upon the purpose and integrity of House Joint Resolution 225. Certain individuals opposing the passage of this resolution have caused the rumor to be circulated that some ulterior motive may lie behind the sponsorship of the resolution, that it is a case of gain for the oil interests as opposed to loss for the Federal Government. Such attacks are, perhaps, to be expected. The committee is well familiar with the ends resorted to in furthering or opposing legislation. It is but natural that those oil companies that have made investments in State submerged lands should be interested in seeing their titles sustained. But make no mistake, the controversy here is the integrity of long recognized and unchallenged State titles as opposed to the claims of certain Federal officials which have served to cloud those titles.

This resolution is sponsored by the States to protect that which is rightfully theirs, and to safeguard those benefits which should rightfully accrue to them in the future. In the case of Texas, the benefits accrue to the permanent school fund of our State (article 5421c–3, Vernon's Annotated Texas Civil Statutes). Each State appeals to you in its proprietary capacity as one whose title has been clouded, and asks that you confirm and quitclaim unto the States that which has long been recognized as rightfully theirs.

What is the basis for this cloud cast by the Government on the States' long recognized titles to their submerged lands? By admission, it is upon a theory "entirely novel"; since the Government has asserted its claim to be based on grounds "never adjudicated" (see p. 3, Motion for Leave to File Complaint and Complaint, *U. S. A.* v. *California*, No. 12 Original in the Supreme Court of the United States, October term, 1945) by the Supreme Court. It is apparently asserted without benefit of legal precedent by that Court. In Texas, the story is told of the young attorney who defended his client charged with horse stealing on the ground that no statute made it illegal to steal a white horse. We accept as true the claim that the Government's contention is "entirely novel." We hold it be untrue that applicable principles of law have never been handed down by the Supreme Court

The States' long recognized and unchallenged titles are grounded upon certain fundamentals of government in this country, the most important consideration being that in its internal sovereignty the rights and powers of the Federal Government are not unlimited or plenary, but strictly circumscribed by those delegations of power set forth in our Constitution. All other rights and powers remain in the States—in the people. That is the plain language of article 10 of the Bill of Rights.

It would seem to be without serious dispute by anyone, that under English law prior to the American Revolution, and under international law generally, a littoral sovereign nation was the owner in the complete, proprietary sense, of the submerged lands bordering its coast line to a distance into the sea of at least three maritime miles (Oppenheim, I International Law, 3d ed., pp. 394–396; Wilson on International Law, pp. 91–92; Hurst, "Whose Is the Bed of the Sea?", British Yearbook of International Law, 1923, 1924, 4th issue; I Wheaton on International Law, 6th ed., p. 368; id, 8th ed., 177; Vattel's Law of Nations; Hall, International Law, 7th ed., p. 157; *Manchester* v. *Mass.* (139 U. S. 240); Story, J. in the Anna, 1 F. Cas. No. 397, I Gall. 62, 63.) The titles of the Original Thirteen States are grounded upon this well-established principle of public law.

How these States came to be the proprietors of their submerged lands, or, indeed, any of their lands, is reflected in the history of the formation of our country, the American Revolution, the Declaration of Independence, and the Constitution of the United States. The American Revolution was not fought by one nation against England, but by individuals from each of the Thirteen Colonies. These colonies perfected their titles by a successful war for independence. Each colony, as a separate nation, retained all of its hard-fought rights and lands, and gave to the new nation they created only those rights and powers expressly delegated by the compact between the States called our Constitution. No surrender of land rights is to be found in the Constitution; all such rights and titles were retained by the States. Each new State was, of course, admitted upon an equal footing with the Original States with identical rights and powers, including submerged land rights, the concept being that the Federal Government held all such lands in trust for the new States until their formation. (*Pollard* v. *Hagan* (3 How. 212); *Hardin* v. *Jordan* (140 U. S. 371); *Shively* v. *Bowlby* (151 U. S. 1, 58); *Port of Seattle* v. *Oregon & W. Rr. Co.* (255 U. S. 56, 63); and many other cases.)

These historic concepts and long established principles of law are implicit in the many decisions of the Supreme Court affirming the titles of the States to their submerged lands, both inland and offshore, which are referred to in the brief of the attorneys general of 46 States in support of the joint resolutions quieting the States' titles, made a part of the record at the hearings held on June 18, 19, and 20, 1945, before the Judiciary Committee of the House of Representatives and a special subcommittee of the Senate Judiciary Committee. (Appearing at pp. 12–17 of record made before House Judiciary Committee and special Senate subcommittee, 79th Cong., at hearings held on June 18, 19, and 20, 1945, on titles to submerged lands.)

In your capacity as members of the Judiciary Committee, we appeal to your judicial temperament that this brief reflects the existing state of the law; in your capacity as Members of the Congress we urge our moral rights to a quitclaim.

It is my duty to emphasize however, that the title of the State of Texas rests not alone on the foregoing principles; but is strengthened by additional considerations, legal and historical. As you know, Texas is unique among the States in having attained statehood by solemn agreement with the United States permitting annexation of the territory comprising the Republic of Texas. After winning its independence from Mexico, Texas was a sovereign among the nations of the world enjoying all the attributes and privileges accorded by international law; a Republic to which the United States, among other nations, had an accredited minister. These two Nations therefore, dealt with each other at arm's length in their sovereign capacities while negotiating for annexation of the Republic of Texas. The proposals, conditions, and guarantees made by the United States to the Republic of Texas on March 1, 1845, include the offer and "guarantee" that, "said State, when admitted into the Union * * * shall lso retain all the vacant and unappropriated lands lying within its limits * * *." (5 Stat. L. 797.) In view of this guaranty, it is pertinent to examine into the territorial limits of the Republic of Texas.

Prior to annexation, Texas declared, by act of her congress, that the civil and political jurisdiction of the Republic of Texas extended to the following boundary along its seacoast:

"Beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico 3 leagues from land, to the mouth of the Rio Grande." (Gammel's Laws 1193; vol. 1, Sayles Early Laws of Texas, art. 257.)

Let there be no dispute that the United States has any claim to the territory of the Republic of Texas other than by the annexation agreement, for by its treaty with Spain of 1819 the United States expressly renounced all claim to the territory which is now the State of Texas, in the following language:

"The United States hereby cede to his Catholic Majesty, and renounce forever, all their rights, claims, and pretensions to the

territories lying west and south of the above described line."

The line referred to was fully described in the treaty as beginning on the Gulf of Mexico, at the mouth of the Sabine River, "in the sea," and continuing north. Whatever rights the Federal Government could claim to Texas' lands must therefore be found in its solemn agreement with the Republic of Texas; but, as pointed out, under its proposal all lands were to be retained by the State.

The Republic of Texas consented to the Federal proposals on June 23, 1845 (2 Gammel's Laws of Texas 1225–1227) and by a convention of delegates authorized to act for the people, by ordinance on July 4, 1845 (2 Gammel's Laws of Texas 1228–1230) did "assent to, and accept the proposals, conditions and guaranties" so offered by the National Government, and the Congress admitted Texas into the Union on December 29, 1845 (9 Stat. L. 797) specially reciting the above-mentioned understanding and guarantee. This national guaranty has never been repealed or set aside but still remains in full force and effect. Since the "limits" of the territory annexed had been defined as extending to a point along Texas' coast 3 leagues out, the title of the State of Texas to the land lying between low-water mark and the 3-league limit is no longer open to question by the express terms of its admission as a State.

Promptly after becoming a State, Texas through her legislature, reaffirmed its "exclusive right to the jurisdiction over the soil included in the limits of the late Republic of Texas" (2 Gammel's Laws of Texas, 1461), and has, to this date, continued to exercise jurisdiction over the territory within those defined limits. The right of Texas to exercise that jurisdiction has never been questioned by the United States. Even if there has been any doubt of its right to do so, that doubt has long since been dissipated, for it is a principle of public law universally recognized that long acquiescence in the possession of territory and the exercise of dominion and sovereignty over it, is conclusive of the title and rightful authority of Texas (*Indiana* v. *Kentucky*, 136 U. S. 479).

We submit, therefore, that whatever may be the title of the other littoral States, the title of the State of Texas to the submerged lands and the minerals under them, situated below low-water mark and within at least three leagues from her coast line, is no longer open to question.

But despite all these reasons which would seem unanswerable, it is apparent that at least some in the executive departments of the Federal Government consider there is even doubt as to Texas' title. For example, the distinguished Attorney General of the United States had the following to say in a press interview as reported in the Dallas News of November 6, 1945:

"We intend to restore all lands to which the Federal Government lays claims, and will prosecute the suit with everything we have. We don't intend to leave out any State. But there are a lot of problems, because of annexations and treaties. Texas has a different situation from the other States. Louisiana's case is a little different, and so is Florida's."

We recognize and respect the earnestness and sincerity of our Attorney General, as well as his obligation to prosecute all meritorious claims of the United States. Not the slightest reflection upon him is here intended. But his unqualified statement leaves no doubt that a multiplicity of suits is intended; that one decision, as the many in the past, will not suffice; that each State will be treated separately. How long must Texas and her sister States suffer their titles to be brought in question and clouded? How long must this impending threat, retarding development, hang over their heads?

Since the introduction of Senate bill 2164 on April 15, 1937, by Senator Nye under which Congress would have declared the States' submerged lands to be a part of the public domain, no ingenuity has been spared in advancing theories, sometimes conflicting, derogatory of the States' titles. All of these have been unburdened upon various committees of the Congress. All have served to undermine confidence in previously unchallenged State titles.

Some laid claim that no sovereign—State or Federal—owned any land beneath the sea from low tide out; that, therefore, the territory beneath the sea from low-water mark was ripe for "appropriation" by the Government. (See remarks of Congressman Hobbs and statement of Mr. Philip Buettner of Navy Department at hearing held before House Judiciary Committee, 75th Cong., on February 23, 24, and 25, 1938, on S. J. Res. 208, pp. 41–57 record.) This theory seems to have beat a hasty retreat when faced with the suggestion that some power other than the United States might be pleased to hear such an assertion by the Congress. The Navy then advanced the theory that while there might be no title to such areas in the proprietary sense; nevertheless, there was latent power in the Federal Government to assume "control" for the purpose of national defense, the maintenance of a navy, and interstate and foreign commerce; that this power of "control" included the right in the Government to take oil underlying submerged lands without compensation when the Congress had declared an emergency. (See statement of Mr. Philip Buettner, Navy Department, referred to in preceding note.)

In justice to the Navy Department, it should be pointed out that the Secretary of the Navy quite frankly stated that there were many adjudicated decisions on the matter when he said:

"Opposition to legislation of this kind is based largely on the belief that the submerged lands belong to the respective States under the well-established and accepted principle of law that is generally expressed in court decisions on the general subject that the several States own the tidelands—that is, the land between high- and low-water marks—and the submerged lands under the navigable waters within their respective territorial limits, subject to the right of the United States to control and use the navigable waters and submerged lands for purposes of commerce and navigation. The principle cases in which this principle of law is announced and reiterated as the basis for the courts' decisions are: (Citing cases). An examination of the cases enumerated and the cases therein cited will disclose that the controversies therein concern submerged lands located under bays, harbors, rivers, or other inland waters within the respective territorial limits of the several States, as referred to in Senate Joint Resolution 208, now under discussion. However, the principle of law referred to is equally applicable, for reasons hereinafter indicated, and the decisions in the cases above cited concerning navigable waters and submerged lands within the respective territorial limits of the States are controlling in the subject matter of this legislation. (From Secretary of the Navy Swanson's letter to chairman, House Judiciary Committee, dated February 2, 1938, set forth at pp. 54–59 of record referred to in note 21, supra.)"

The Interior Department representative was likewise frank to state that although for long past that Department had denied applications for leasing rights on the ground that title was in the States and not the Federal Government; nevertheless,

"For about a year we have been reconsidering the whole question at the instigation of some persons whose applications have been rejected in the past and of new applicants. We are still considering the question. We have not yet decided it. * * * the doubt is with regard to the correctness of our past decisions in view of the insistence of various applicants * * *." (From statement of Mr. Harry M. Edelstein, Assistant Solicitor, Interior Department, at hearing held on S. J. Res. 208 before House Judiciary Committee in 1938; pp. 61–66 of record.)

In 1938 the position taken by a Justice Department representative before the House Judiciary Committee was that—

"We do not know whether title is in the State or whether title is in the United States, or whether there is no title there at all; any fee-simple title or anything in the nature of a property interest." (From statement of Mr. Frank Chambers, Special Assistant to Attorney General, at hearings referred to in note 25, pp. 59–61 record.)

It is well known, of course, that the Justice Department presently asserts that the United States is the owner of the submerged lands within the marginal sea in fee simple; that the States are mere trespassers on these Federal lands. (See pp. 6 and 7, Motion for leave to file complaint and complaint, *U. S.* v. *Calif.*, No. 12 Original, U. S. Supreme Court, October Term, 1945.)

Based on such testimony, the interest of the executive departments of the Government in the matter would seem to be this: that the Navy wants to "appropriate" the oil within the land underlying the marginal sea without compensation for defense purposes; the Interior Department is interested because of recurring claims presented by prospective lessees; and the Justice Department, as attorney for the other departments in prosecuting their claims. To this we answer that the Navy was not without adequate oil during the war emergency and that its failure to effect the desired "appropriation" will not cause it to want for oil in the future; that the Interior Department should cease speculating about novel theories of Federal ownership at the instance of prospective lessees and should return to its long-standing administrative interpretation of the law.

Texas has much to lose by the clouding of her title. For over a hundred years the State of Texas, through its legislature, has claimed the boundary of the State as being at least three leagues out in the Gulf of Mexico. The title to the submerged land within the 3-league limit has been consistently asserted without any protest or objection from the United States and the minerals in the submerged lands have been dedicated to the permanent school fund of the State (art. 5421c–3, Vernon's Annotated Texas Civil Statutes). Leases for oil and gas have been made on these submerged lands by the Commissioner of the General Land Office at a price fixed by the School Land Board, composed of the Governor, the Commissioner of the General Land Office, and the Attorney General (art. 5421c–5, Vernon's Annotated Texas Civil Statutes). Millions in royalties have already accrued and have been deposited to the credit of the permanent school fund of Texas.

Texas has indeed much to lose by the continued clouding of her title. I cannot speak for the other States, but so far as Texas is concerned, the real parties at interest are its million and a half school children whose public free school system over the years has become so dependent upon the mineral development of Texas' lands. Countless acres of these public lands are submerged by navigable waters, both inland and offshore. All of these areas are jeopardized by the Government's claim. True it is, that the Government has limited its claim to the marginal sea, which claim, it says, is to be sharply distinguished from a claim of title to all lands beneath navigable waters. A line may be drawn and the land classified as inland or offshore. Not so lightly cast aside, however,

is the basis of the decided cases, as Secretary of the Navy Swanson concluded when he said that the decisions of the Supreme Court in the matter are controlling as to the lands within the 3-mile limit. (From Secretary of the Navy Swanson's letter to chairman, House Judiciary Committee, dated February 2, 1938, set forth at pp. 54–59 of record referred to in notes 25 and 26, supra.)

I have addressed you at some length upon the legal, equitable, and moral reasons for the passage of House Joint Resolution 225. The policy in this matter, to be determined by the Congress, would seem to be governed by the equitable and moral reasons given. If it be sound policy to confirm to the States these property rights which have been allowed to remain unchallenged for a century and a half; if it be sound policy to say to the executive department of the Government that there shall not be a multiplicity of expensive, interminable litigation with each State, and that that which has been supposed true for so long, based on so many legal and historical principles, shall forever stand affirmed as true in the future; then the Members of this Senate should join in the action taken by Members of the House of Representatives and pass House Joint Resolution 225. We urge that you do so.

The CHAIRMAN. What was your treaty or arrangement with Mexico when you broke away from Mexico?

Mr. SELLERS. That is when we established this boundary I speak of between Mexico and the United States.

The CHAIRMAN. That was acceded to you by Mexico?

Mr. SELLERS. That is right. We came into the United States as an independent nation and we were allowed to keep all of our public lands and the boundaries were recognized as the boundaries then between the United States and Mexico. Since that time two treaties between the United States and Mexico have redesignated the same south boundary at a distance of three marine leagues into the Gulf of Mexico as being the boundary between the United States and Mexico.

It was stated here yesterday by Secretary Ickes that we had no precedent in the submerged land. We do have precedent in the bays and harbors.

What I want to call to the attention of this committee is that the very precedent which gave you the rivers and harbors and bays was the one going out to the 3-mile limit. When he says we do not have precedent, I think all of the cases referred to are just as much a precedent for the 3-mile limit as they are on the rivers, bays, and submerged land. The original cases based it on the fact there was a sovereign right out to the 3-mile limit. The only reason we have not had any determination beyond low-water tide is the fact that we had no actual situation involved prior to this time. I think the cases, and there are many of them, that have decided his question, have decided upon the very ground which we are contending here for today—that the original 13 States came into the Union with their sovereign rights out to the 3-mile limit and every State since then has been admitted at least on an equal footing.

We have continued to exercise jurisdiction over these submerged lands, leasing our lands out into the Gulf of Mexico a distance of 9,000 feet. We have producing wells out in the Gulf of Mexico at this time.

The CHAIRMAN. You have given leases?

Mr. SELLERS. Yes; and have producing wells out there, and have had for years, the farthest out being 9,000 feet. We have received millions of dollars of royalties in the State of Texas from those wells out in that Gulf of Mexico area.

We have possibly more oil development in Texas than in any other State. Our whole Gulf coast has turned into an oil basin, and going out into the Gulf of Mexico. I anticipate that it will be but a few years when they will drill much farther out into the Gulf of Mexico.

The Senator mentioned rights of the State as against the Federal Government. We do not have any uniform royalty return. We receive, I think, as high as 50 percent on some of our mineral-producing lands in Texas from oil companies. We just do not give it to somebody for the value of one-eighth, as a lot of times is the case when you lease before the oil is discovered, but we get as high as 50 percent.

I am a member of the Texas Land Board. This board makes mineral leases on our State lands. These clouds on our title by virtue of this suit are seriously handicapping us in the leasing and developing of our Gulf coast area.

We just simply cannot find any law in the whole jurisprudence of the United States that would sanction taking the lands that are covered by the suit involved.

We hope that this committee will support the quitclaim resolution.

The commissioner of the General Land Office of the State of Texas is here and he would like to make a statement.

Mr. McCARRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SWIFT in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	Pepper
Andrews	Hill	Radcliffe
Ball	Hoey	Reed
Barkley	Huffman	Revercomb
Bilbo	Johnson, Colo.	Robertson
Brewster	Knowland	Shipstead
Brooks	Langer	Smith
Burch	Lucas	Stanfill
Bushfield	McCarran	Swift
Capehart	McClellan	Taft
Capper	McKellar	Taylor
Carville	McMahon	Thomas, Okla.
Connally	Magnuson	Thomas, Utah
Cordon	Maybank	Tunnell
Donnell	Millikin	Vandenberg
Downey	Mitchell	Wagner
Ferguson	Moore	Wherry
Fulbright	Morse	White
George	Murdock	Wiley
Gerry	Murray	Willis
Green	Myers	Wilson
Guffey	O'Daniel	Young
Gurney	O'Mahoney	
Hart	Overton	

The PRESIDING OFFICER. Seventy Senators having answered to their names, a quorum is present.

FEES OF UNITED STATES COMMISSIONERS—CONFERENCE REPORT

Mr. McCARRAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 346) to amend section 21 of the act of May 28, 1896 (29 Stat. 184, 28 U. S. C., sec. 597), prescribing fees of United States commissioners, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same.

PAT MCCARRAN,
JAMES W. HUFFMAN,
W. A. STANFILL,
Managers on the Part of the Senate.

HATTON W. SUMNERS,
EMANUEL CELLER,
LOUIS E. GRAHAM,
Managers on the Part of the House.

Mr. McCARRAN. Mr. President, I ask for the present consideration of the report.

There being no objection, the Senate proceeded to consider the report.

Mr. McCARRAN. I now move the adoption of the report.

Mr. KNOWLAND. Mr. President, may we have an explanation?

Mr. McCARRAN. This report relates to a bill which after it was passed by the Senate was amended by the House of Representatives in certain particulars. I move that a conference be requested, and a conference was had. Upon further examining the bill, it seems that probably I should not have made that motion, but should have moved that the Senate concur in the amendments of the House. The bill fixes the fees for United States Commissioners.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. FERGUSON. Will the Senator explain what change has been made by the conference committee?

Mr. McCARRAN. The following explanation is submitted by the conferees:

Seven amendments were made by the House to the Senate bill, the first two of which were approved, that the increase authorized by the Federal Employees' Pay Act of 1945, as amended by the Federal Employees Pay Act of 1946, should be applied to the Office of Commissioners prescribed by the bill. The other five amendments were made to correct the language of the bill. The Senate disagreed to those amendments and requested a conference, to which the House agreed. Later the House language was agreed to.

Mr. FERGUSON. Will the Senator explain the manner in which the Pay Act of 1945 and the Pay Act of 1946 would apply to the Office of Commissioners?

Mr. McCARRAN. I cannot do so because I do not have the information before me upon which I can base an answer, but I shall have the report temporarily laid aside.

Mr. FERGUSON. I should like to have it temporarily laid aside.

Mr. McCARRAN. Very well.

The PRESIDING OFFICER. The conference report will be temporarily laid aside.

Mr. McCARRAN subsequently said: Mr. President, I ask that the Senate proceed to the consideration of the conference report.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the conference report.

Mr. FERGUSON. Mr. President, I should like to ask the able Senator from Nevada, the chairman of the Committee on the Judiciary, whether or not, as the report is now proposed, the fees of the Commissioners would be increased by the amount of the 1945 and 1946 acts if they are not under $7,500.

Mr. McCARRAN. The salary, or fee, or whatever it may be called, would be increased if it is under $7,500, but not if it is in excess of that amount.

Mr. FERGUSON. Let me take a hypothetical case. If the fee were $6,000, it

would be increased up to but not to exceed $7,500?

Mr. McCARRAN. The Senator is correct.

Mr. FERGUSON. But if the fees regularly amount to $7,500, then there would be no increase?

Mr. McCARRAN. The Commissioners would get no increase.

Mr. FERGUSON. Under those circumstances, I have no objection.

Mr. McCARRAN. I move the adoption of the conference report.

The conference report was agreed to.

ADDITIONAL JUDGE FOR THE DISTRICT OF DELAWARE—CONFERENCE REPORT

Mr. McCARRAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1801) authorizing the appointment of an additional judge for the district of Delaware, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "*Provided*, That the first vacancy occurring in the office of district judge in said district shall not be filled: *Provided further*, That unless the President shall submit a nomination to the Senate or make a recess appointment to fill the office hereby created within ninety days after the effective date of this Act, then in that event this Act shall be of no force and effect."

And the House agree to the same.

PAT MCCARRAN,
ABE MURDOCK,
E. H. MOORE,
Managers on the Part of the Senate.

HATTON W. SUMNERS,
FRANCIS E. WALTER,
JOHN JENNINGS, Jr.,
Managers on the Part of the House.

Mr. McCARRAN. Mr. President, I ask unanimous consent for the present consideration of the conference report.

There being no objection, the conference report was considered and agreed to.

TITLE TO LANDS BENEATH TIDAL AND NAVIGABLE WATERS

The Senate resumed consideration of the joint resolution (H. J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

Mr. DONNELL. Mr. President, I rise in opposition to House joint resolution 225. The resolution resolves two things. First—

The United States of America hereby renounces and disclaims any right, title, interest, or claim, except as hereinafter excepted and retained, in and to all lands beneath tidewaters and all lands beneath navigable waters within the boundaries of each of the respective States.

And secondly—

The United States of America hereby releases, remises, and quitclaims all right, title, interest, claim, or demand of the United States of America in and to all lands beneath tidewaters, and all lands beneath navigable waters within the boundaries of each of the respective States, unto each of such States or the persons lawfully entitled thereto under the law as established by the decisions of the courts of such State, and unto the respective grantees or successors in interest thereof, and under the respective present lawful owners of such lands of which title has been confirmed by official action of the United States of America.

The joint resolution recognizes, by its very terms, a difference between lands beneath tidewaters and lands beneath navigable waters within the boundaries of each of the respective States.

At once, Mr. President, the inquiry is raised as to whether or not the rule, which the report of the Judiciary Committee states has been established by 54 United States Supreme Court decisions, applies not only to navigable waters within the boundaries of each of the respective States but also to tidewater lands alongside and adjacent to such States.

Mr. President, it may well be that the courts have held that, as to navigable waters within the State of Missouri, for illustration, the title to the waters and to the land thereunder resides in the State of Missouri. There may be quite another question as to whether, alongside the State of Georgia the land extending 3 miles into the ocean beyond what is ordinarily shown on the map as the boundary of the State of Georgia, is embraced within the same rule and that the title to that 3-mile extraneous portion rests within the State of Georgia.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. CORDON. Does the Senator believe that his argument would apply in a case where, upon admission of a State into the Union, the boundary line of the State was specifically described as being one marine league into the sea, and around the borders of the State as prescribed?

Mr. DONNELL. Mr. President, in my judgment, in the case which the Senator cites, the boundary line has been recognized, and I think the same rule would apply there that would apply in the State of Missouri, for illustration.

But obviously, from the Federal court decision to which I referred yesterday in the colloquy with the distinguished Senator from Nevada [Mr. MCCARRAN], at least one State has found it advisable and, I judge, necessary, to pass a specific statute extending its boundaries into the ocean in order to make its ocean front a part of the State. I refer to the State of New Jersey which was dealt with in a decision by the Circuit Court of the Southern District of New York in a case entitled *United States* v. *Newark Meadows Improvement Company* (173 Fed. 429). It is my understanding, from reading a citation in 16 Corpus Juris at page 170, that the act by which the State of New Jersey brought a certain area under the ocean within its own jurisdiction, was not enacted until the year 1906. It may well be, Mr. President, that there are other States which have not enacted the legislation which will be necessary in order to bring ocean property, water, and the land thereunder, within the jurisdiction of the State.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. FERGUSON. Does the Senator believe that if the land in question did not belong to the State, by passing a statute extending the State boundary 3 miles, or, as Texas has done, 31 miles or, as Louisiana and Mississippi have done, that the State could take title to the land from the Federal Government?

Mr. DONNELL. Mr. President, I may say to the distinguished Senator from Michigan that precisely that question occured to me when I read the decision of United States against Newark Meadows Improvement Company. I may call the Senator's attention to the language which appears in that decision. The court which handed down the decision was a circuit court, and I do not know whether the decision was ever acted upon by any appellate court. The court, however, did use this language:

Both from the language quoted and from the nature of the decision in the Manchester case—

That refers to the decision in the case of *Manchester* v. *Massachusetts* (139 U. S. 240)—

it seems to me to follow that New Jersey may, in the exercise of its sovereignty, extend its own borders for the space of one marine league from low-water mark and make the region so annexed as much a portion of the State as any other part of its territory.

Mr. President, I may say further to the Senator from Michigan that, to my mind, there occurs a question as to the validity of the statement made by the district jurist. It would seem to me to be permissible to argue that a State may not raise itself by its own bootstraps and create in itself a property right which does not already belong to it.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield to the Senator from Michigan.

Mr. FERGUSON. If the land does not belong to the State, the legal problem, as I see it, is that it cannot extend its jurisdiction over it. If it does belong to the State, then no extension is necessary, and I wondered whether or not the Senator from Missouri had any authority on the point as to why the State could extend its boundary 1 league. Why not out 10 leagues, 50 leagues, or any number of leagues? Is there any reason for the 1-league rule other than the old idea of a 3-mile limit?

Mr. DONNELL. Mr. President, I think the question of the Senator is extremely pertinent and important, and should be passed upon by the Supreme Court of the United States, rather than leaving the matter as decided by a circuit court of the United States. I may say that I know of no indication as to why it is that a State could not extend its ownership for any distance out into the ocean, under the reasoning of the case from which I have read in 173 United States Reports. To my mind the very point the Senator makes illustrates

the doubt as to the validity of the conclusion which was arrived at by the judge in that case.

Of course, as the Senator indicates, there was the old rule with respect to the cannon shot and in that connection I read again, as I did yesterday, from 16 Corpus Juris, at page 169, where it is stated:

It has often been said that the jurisdiction of a nation to punish offenders extends into the ocean to the distance of a cannon shot, which is estimated as one marine league from low-water mark on the shore—

But I call to the attention of the Senate this very significant utterance immediately thereafter in Corpus Juris—

but it is doubtful whether there is any jurisdiction to punish for offenses committed within this marine league limit, if the place of the offense is not an arm of the sea and within the body of a country, unless the jurisdiction is expressly conferred by statute.

Mr. President, I may say that when I read that yesterday the question immediately occurred to me, as it has to the distinguished Senator, as to whether a State statute can have force or validity to extend the border of the State out into the ocean.

With that question largely in mind, I sent for this decision from which I have read, and I have stated accurately and correctly what the holding of the court is. But regardless of that fact, until the Supreme Court of the United States shall have spoken finally upon the question, my judgment is along the line the Senator from Michigan has indicated, that, to say the least, there is the gravest doubt whether a State may by its own act extend its boundary out into the ocean.

Mr. President, I was outlining the fact that the pending joint resolution undertakes to renounce and disclaim any right, title, interest, or claim except as specifically excepted in the measure "to all lands beneath tidewaters." There is a rather extended definition of tidewaters on page 3 of the joint resolution, but for the moment, at any rate, I shall not trespass on the time of the Senate to read it.

I had mentioned the fact that the joint resolution itself in two places, from which I have already read, recognizes a distinction between lands beneath tidewaters and lands which are within the boundaries of each of the respective States. The very authors of the joint resolution realized, obviously, that the meaning of the words "lands under tidewaters," in common acceptance, at any rate, is entirely different from what is meant by lands within the boundaries of a State. So we start with the doubt itself as to whether or not the rule as to navigable waters confined within the boundaries of a State would apply to waters alongside, adjacent, in the ocean, inferentially recognized by the authors of the joint resolution in differentiating between the two.

Mr. President, I was about to say, when the colloquy began, that yesterday I was raising the question, for information, as to whether or not the rule to the effect that the States do own the navigable waters and the lands thereunder applies to the land underneath the ocean adjacent. The Senate will recall perhaps that yesterday I quoted this language from 45 Corpus Juris, at page 540:

Unquestionably it is true that—

And I emphasize the language I am about to read, although it is not italicized in the book—

within its territorial limits a State owns the land underlying tidal waters, including the seashore and the land under a stream or river insofar as the tide ebbs and flows, and its ownership extends to high-water mark, except in some jurisdictions where it extends only to low-water mark.

The Senate will note that in what I have just read is included the seashore, and that, as I understand it, modifies the expression "within its territorial limits." It requires no stretch of the imagination, by looking over the seacoast of our country on the map, to realize that there is a great deal of water adjacent to some of our States which, strictly speaking, and visually, from an inspection of the maps, is not out in the ocean as we ordinarily consider it, but is within the State itself.

Mr. President, the report of the Committee on the Judiciary at page 8 makes one citation under the heading "Coastal waters," and, so far as I have been able to observe, this portion of the report is all that specifically refers to coastal waters, except one sentence, to which I shall refer in a moment, which appears on page 3.

The quotation to which I refer appears on page 8 of the report. It does not appear from the report from what case it comes, but I have learned this morning by inspection that it comes from the case of *Smith* v. *Maryland* (19 How. 71), local citations 74 and 75, which is the next case cited in the next succeeding paragraph of the report. The language reads as follows:

Whatever soil below low-water mark is the subject of exclusive propiety (property) and ownership, belongs to the State on whose maritime border—

And again I emphasize, although it is not italicized in the decision—

and within whose territory it lies, subject to any lawful grants of that soil by the State, or the sovereign power which governed its territory before the declaration of independence.

So, Mr. President, this very quotation, which is cited at page 8 of the report of the committee, itself includes the language substantially as contained in Corpus Juris from which I have read, reading at page 8, "within whose territory it lies."

So, Mr. President, I recur to the question whether or not the rule which has been laid down by the courts, and which is stated in the report to have been supported by 54 United States Supreme Court decisions, applies to land under waters in the ocean adjacent to the States.

Mr. President, I said there was another sentence in the report referring to this subject. That sentence is on page 3 of the report, and I shall read it. It appears, I may say, after the discussion in which it is stated:

In 54 decisions, over a period of 100 years, the Supreme Court of the United States has held that the ownership of lands beneath navigable waters lies in the States and in those to whom the States granted them.

Then a little further down the page occurs this sentence:

And, likewise, it has been decided that lands underlying the bordering oceans within the 3-mile limit belong to the States within their respective boundaries.

The case that is cited in support of that proposition on page 3 of the report is the case of *Martin* v. *Waddell* (41 U. S. 366–410).

I indicated yesterday that I was unable to tell, and I do not think anyone can tell, from the portions of the decision I have read, unless far better acquainted with the geography of this particular neighborhood than am I, whether the waters in question were out in the ocean proper, or whether they were back in some bay or inlet of the ocean. As a matter of fact, the decision itself refers to the fact that the property included in the litigation was that in the Raritan Bay and River, and which, in itself, as I noted this morning from an inspection of the map of New Jersey, would appear to be not out in the open sea, but back in the recess of a bay or portion of the water which is not out in the open sea.

Mr. President, that is the only specifical citation of authority contained in the committee's report in support of the very vital and tremendously important proposition that lands "underlying the bordering oceans within the 3-mile limit belong to the States within their respect boundaries."

Yesterday afternoon the distinguished Senator from Nevada was very courteous and kind in giving me information and statements with respect to these matters, and he said then, very appropriately, as appears at page 9437 of the RECORD:

If the Senator will read the report of the Judiciary Committee he will find there cited a number of cases which will throw much light on the question in the Senator's mind.

Mr. President, I propose in a few minutes to examine those cases. I may say that the only cases I have found—and if I am in error, I am sure the Senator from Nevada will correct me—the only cases I have found in the report which purported to bear upon the question of coastal waters, and the lands underneath coastal waters, are those authorities set forth on page 8 of the report, beginning with the case of Weber against Harbor Commissioners and ending with Mobile Transportation Company against Mobile. Added to that may be the fact that the writer of the report, or of the appendix—for, after all, it is an appendix, and not the report proper—intended to report, and doubtless did, the case of *Smith* v. *Maryland* (18 Howard, 71) from which I have quoted, and in the decision is the language, "within whose territory it lies."

So, Mr. President, I address myself this afternoon to the question as to whether or not it is an open and shut question, one that is settled by 54 or any other number of decisions of the Supreme Court of the United States, that lands underlying the bordering

oceans within the 3-mile limit belong to the States within their respective boundaries.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. CORDON. I take it that the question at issue in the Senator's mind is as to whether or not the State's exterior or coastal-side boundary is in fact 3 miles at sea or at some other place closer to the shore.

Mr. DONNELL. I think I understand the Senator's question. The question as I understand it is, do I understand that the boundaries of a State extend 3 miles out in the ocean? Is that the question?

Mr. CORDON. Yes.

Mr. DONNELL. My point is, Mr. President, that, as I understand, there is no rule of law declaring that ipso facto the boundary of a State extends any distance out into the ocean. There is no such rule. The language as stated in Corpus Juris, from which I have read, with respect to offense, it will be recalled said:

> It is doubtful whether there is any jurisdiction to punish for offenses committed within this marine-league limit, if the place of the offense is not an arm of the sea and within the body of a country, unless the jurisdiction is expressly conferred by statute.

Furthermore, Mr. President, I submit that the question by what jurisdiction the statute must be enacted, to my mind is a very grave question, and as I indicated in my response to the Senator from Michigan [Mr. FERGUSON] notwithstanding the action of the supreme court in New York, an inferior court, the issue so far as I know not having been passed upon by an appellate court, to my mind the question is of great difficulty and of great doubt as to the right of the State itself to bring to itself property which did not otherwise belong to it.

I want in frankness to state that I have this morning located one further decision, namely, that in the case of *People* v. *Stralla* (96 Pac. 2541), decided by the Supreme Court of California, which set out a portion of the Constitution of the State of California, in which the ocean boundary of the State is fixed as running west to the Pacific Ocean and "extending therein three English miles." I have not had the time carefully to study this decision, but from the fact that a conviction, apparently for an offense committed in this particular area, in a State court in California was sustained by its supreme court, I judge that the court understood, and at least tacitly agreed, that the State of California had the right by its constitution to establish its own boundaries.

But may I say to the Senator from Oregon, and to the Senator from Michigan, that this, as I have indicated, is not a decision of a Federal court, not a decision even of a lower Federal court, and certainly not of the Supreme Court. It is a decision of the Supreme Court of California, and to my mind, until there is secured an adjudication by the Supreme Court of the United States upon the question as to whether or not, if the property out in the ocean belongs to the Federal Government it can be taken by the State, either by constitution or statute, we are unable to say with certainty or definiteness what is the status of the respective property rights of the State and the Federal Government.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. CORDON. I take it that the Senator is directing his argument wholly to the question of where the boundary line lies of States which border on the ocean; but that with reference to the States whose boundaries are specifically fixed in the act which admits the States into the Union, there is no question in his mind with reference to the proposition?

Mr. DONNELL. I will say, Mr. President, that there is no question in my mind upon that proposition, but I also add that I have confined my study of the matter, which has been hasty, specifically to the question as to seacoast lands, and I should not want my present impressions as to the law with respect to navigable waters wholly within the boundaries of a State to preclude me from later arriving at a different conclusion, if after further search I should find my present view to be incorrect.

My present judgment, I may say, is as set forth in 45 Corpus Juris:

> Unquestionably it is true that within its territorial limits a State owns the land underlying tidal waters, including the seashore and the land under a stream or river, insofar as the tide ebbs and flows, and its ownership extends to high-water mark, except in some jurisdictions where it extends only to low-water mark.

That is my present opinion.

Mr. CORDON. I thank the Senator. I understand the point to which he is directing his argument.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. FERGUSON. The Senator has quoted a case from California. Is it not true that that was a criminal case, and does not the question of the jurisdiction of the State in relation to crimes present an entirely different question than the qustion of the ownership of the land and the ownership of the minerals under the land?

Mr. DONNELL. I think that is an exceedingly pertinent question, and one which has not occurred to me, and I am very much pleased that the Senator has suggested that thought. I may say that this was a criminal case. It was upon an indictment for the keeping and operation of a gambling ship, and it was evidently determined, by reason of the affirmation that the indictment was properly brought, that the State had jurisdiction to the limit within which the gambling ship was operated.

Mr. FERGUSON. But is it not true that the State might take jurisdiction over crimes within a certain territory when the State is not the owner of the land and is not entitled to the minerals under the land?

Mr. DONNELL. I should say, Mr. President, that that proposition certainly is one which is entitled the most careful thought and consideration, and that before undertaking to release valuable property rights we should have the judgment of the Supreme Court thereon. I am very grateful to the Senator for his comments.

Mr. REVERCOMB. The able Senator from Michigan has raised a very interesting point, and I think the Senator from Missouri will find that criminal jurisdiction and general civil jurisdiction are very distinctly different with respect to land which has been ceded to the Federal Government by the States. Very frequently, with regard to land where, for instance, locks and dams are built by the Federal Government on a navigable stream, the State will cede jurisdiction over the land, convey it to the Federal Government, but will retain power to punish crimes and the right to go in and make arrests on that land. The same is true of reservations.

Mr. DONNELL. May I interrupt the Senator to say that my mind instantly recurs to specific illustrations of the correctness of that statement in my own State, where the governor of the State a few years ago signed legislation ceding to the United States Government jurisdiction over such areas as Fort Leonard Wood and Camp Crowder, and yet the title to the land did not pass under any possible construction.

Mr. REVERCOMB. And very frequently in such cessions of jurisdiction the State will retain the right to serve warrants and make arrests on the lands so ceded.

Mr. DONNELL. The right to serve warrants and make arrests was retained in the instance I cited. In addition, the State of Missouri retained the right to exercise the powers of taxation within that jurisdiction, income taxation, possibly the imposition of sales taxes, but certainly the State retained jurisdiction independent of that which was ceded to the United States Government.

Mr. REVERCOMB. The conclusion upon that point, then, is that there is a difference between strictly criminal jurisdiction over an area which has been ceded by a State and general jurisdiction and control over the land.

Mr. DONNELL. I think the Senator is correct, and I am very greatly obliged to both the Senator from West Virginia and the Senator from Michigan for their very substantial contribution to the question now being discussed.

Mr. President, I was discussing the question as to whether or not this rule with respect to coastwise property has been laid to rest by the 54 decisions of the United States Supreme Court. There is one man in the United States, at any rate, who does not think it has been laid at rest. He was referred to in the statement made in the opening of this debate. The letter written by Mr. Harold L. Ickes, Secretary of the Interior, under date of December 22, 1933, was cited, and later on certain testimony given by him before the Senate Committee on the Judiciary on February 5, 1946, was mentioned. I should like to refer briefly to the contents, both of the original opinion of Mr. Ickes in 1933 and the testimony which he gave before the Senate Committee on the Judiciary, with the Sena-

tor from Nevada [Mr. McCARRAN] presiding, on February 5, 1946. The letter, which is set forth at page 9430 of the RECORD of July 19, 1946, from Mr. Ickes to Mr. Olin S. Proctor, Long Beach, Calif., contains, among other things, the following:

As to the jurisdiction of the Federal Government over lands, bordering on tidewater, the Supreme Court of the United States has held in the case of *Hardin* v. *Jordan* (140 U. S. 371), as follows:

"With regard to grants of the Government for lands bordering on tidewater, it has been distinctly settled that they only extend to high-water mark, and that the title to the shore and lands under water in front of lands so granted inures to the State within which they are situated, if a State has been organized and established there. Such title to the shore and lands under water is regarded as incidental to the sovereignty of the State—a portion of the royalties belonging thereto and held in trust for the public purposes of navigation and fishery—and cannot be retained or granted out to individuals by the United States."

Mr. President, in connection with the decision, in the case of Hardin against Jordan, I undertake to say that it does not remotely decide the question as to the title to lands along the seacoast of a nation.

As a matter of fact, as will be observed from the map at page 373 of the volume in which appears this decision, and as is stated specifically in the body of the decision, which was delivered by Mr. Justice Bradley, the proceeding was an action in ejectment to recover possession of certain fractional sections of land lying on the west and south sides of a small lake in Cook County, Ill., situated about a dozen miles south of Chicago. I call attention to this language, "and 2 or 3 miles from Lake Michigan." So obviously, the case of Hardin against Jordan, which was cited by Mr. Ickes, and which is cited in the CONGRESSIONAL RECORD could not, no matter what its dicta may have been—and there are dicta in it—have been decisive of the question of the ownership of lands or waters along the seacoast, because it related to inland water in Cook County, Ill., which, as nearly everyone will recall, is the county in which Chicago is located, which water was not even connected with Lake Michigan.

That was the case on which Mr. Ickes based his statement. He further stated in the letter set forth at page 9430 of the RECORD:

The foregoing is a statement of the settled law, and therefore no rights can be granted to you—

To Mr. Proctor—

either under the Leasing Act of February 25, 1920 (41 Stat. 437), or under any other public-land law to the bed of the Pacific Ocean either within or without the 3-mile limit. Title to the soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State. A permit would be necessary to be obtained from the War Department as a prerequisite to the maintenance of structures in navigable waters of the United States, but such a permit would not confer any rights to the ocean bed. I find no authority of law under which any right can be granted to you to establish your proposed structures in the ocean outside the 3-mile limit of the jurisdiction of the State of California, nor am I advised that any other branch of the Federal Government has such authority.

That letter was signed—and I assume delivered or caused to be delivered—by Mr. Ickes under date of December 22, 1933, that being the date of the actual execution of the letter.

That was the opinion of Mr. Ickes back in 1933. He based it upon the decision in the case of *Hardin* v. *Jordan* (140 U. S. 371). As I have indicated, that case could not have decided what the law is with respect to coastal properties along the seacoast, because it related to inland waters in Cook County, Ill.

Mr. Ickes, like most Senators—I hope all of us—discovered in time that humanity is fallable, and that he had erred in his conclusion, or, to put it perhaps more accurately, that there was a substantial doubt as to the correctness of the ruling which he had made. So a day or so ago the chairman of the Judiciary Committee, the Senator from Nevada [Mr. McCARRAN] quoted this from the testimony of Mr. Ickes on February 5, 1946:

Until 1937 these applications were denied—

I take it he was referring to applications similar to those made by Mr. Proctor dealing with rights out in the ocean.

Until 1937 these applications were denied by the Commissioner of the General Land Office, and in those cases where appeals were taken to the Department his decisions were affirmed. But applicants and their lawyers continued to insist that the United States does own the land and the oil, and that the Department does have the power to grant them oil and gas leases. So we began to have doubts. Consequently since 1937 action on all those applications, of which there are about 200, has been suspended pending a judicial determination.

So, I say, Mr. President, that although the Committee on the Judiciary lays down categorically the proposition that 54 United States Supreme Court decisions support the resolution, and lays down categorically the proposition that the same rule that applies to navigable waters within a State applies to lands underlying the bordering oceans within the 3-mile limit, nevertheless, the Secretary of the Interior of the United States at least determined that there was such grave doubt as to the proposition and as to the correctness of his previous ruling that in the case of about 200 applications he subsequently declined to issue permits. I believe the very fact that Mr. Ickes had held to one opinion in 1933 and thereafter changed his ruling is significant, because every motive of the pride of opinion would have led him to sustain his own previous ruling, and would have caused him to grant the permits rather than to overturn an official ruling which had been issued under his own hand on December 22, 1933. But Mr. Ickes came to the contrary conclusion. I shall read somewhat more in detail than is set forth in the CONGRESSIONAL RECORD of July 19 from what Mr. Ickes had to say on this subject. I shall omit the portions set out in the RECORD, which I have read.

I invite the attention of the Senate to this language, after that which says that applicants and their lawyers continued to insist that the United States does own the land and the oil. Mr. Ickes said this:

So we began to have doubts. At the same time Congress had before it proposed legislation which would in one way or another have resulted in judicial proceedings to decide the issue. Consequently, since 1937 action on all these applications, of which there are about 200, has been suspended pending a judicial determination. It is true that I have on occasions considered the issuance of a single oil lease on submerged coastal lands as a possible way of precipitating a test suit to settle the issue, but the pending Government suit has made any such device unnecessary.

I should like to have this language noted with care:

So as soon as I realized that there were substantial doubts as to the validity of the States' claim to submerged coastal lands below low-water mark, I stopped all action in the Department which was based on the assumption that the States owned these submerged lands, and began to press for a judicial solution of the debated issue of law. This I most readily concede was a change from the earlier action of myself and of the Department.

I digress to note the fact that he stated that he realized that there were substantial doubts. In the earlier portion of his testimony he had referred to applicants and their lawyers continuing to insist that the United States does own the land. He mentioned the fact that "We began to have doubts." Then he made the further, stronger statement:

As soon as I realized that there were substantial doubts as to the validity of the States' claim to submerged coastal lands below low-water mark, I stopped all action in the Department which was based on the assumption that the States owned the submerged lands and began to press for a judicial solution of the debated issue of law.

Mr. REVERCOMB. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. DONNELL. I yield.

Mr. REVERCOMB. I should like to ask the able Senator from Missouri if Mr. Ickes stated what led him to change his view, or what raised these doubts in his mind as to the rights of the States. Is that stated?

Mr. DONNELL. I do not find it. I shall read rather extensively, however, and I may come to some such statement.

Mr. REVERCOMB. This is the point I make: The very fact that doubt has been raised makes necessary a definite declaration of policy by the Congress. I submit that thought to the Senator.

Mr. DONNELL. Mr. President, I do not agree with the Senator in that statement. To my mind the question as to who is the owner of this property is one of law. To my mind that is a judicial question to be settled by the Supreme Court of the United States. If the United States has any rights the Congress of the United States should not give them away. If it does not have such rights, Congress should not unnecessarily quitclaim rights which the United States does not possess.

Mr. REVERCOMB. The distinguished Senator is an able lawyer. He knows that each case which comes before the Supreme Court must stand on its own basis, and on the single set of facts presented in the given case. When the Court makes its decision in a particular case it decides a principle only so far as that case covers a similar set of circumstances, whereas the Congress in declaring the policy of the Government upon this subject declares it as to all cases, and establishes a basic policy.

It seems to me that this whole question, with respect to which doubt has been raised and expressed by the former Secretary of the Interior, presents a very sound reason why the Congress should act and put the whole subject at rest forever, and not have cases continuing to go to the Supreme Court. We have been told that 54 of them have gone there already. The decision in one case did not settle the other 53; and the decision in the pending case will not settle cases in the future.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. FERGUSON. Is it not likewise true that if we enact the proposed law we shall also find that the question is not settled? Under the new statute cases will be brought before the Supreme Court.

Mr. DONNELL. I think that observation is exactly correct.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. DONNELL. I yield, but I should like to respond to the Senator from West Virginia before he puts another query.

Mr. REVERCOMB. I am not putting another query. I wish to comment on the statement of the Senator from Michigan. If there were a statute, at long last the Supreme Court would have a basic principle upon which to make its decisions.

Mr. DONNELL. Mr. President, I do not agree with that statement. I do not think that that would be a basis for the Supreme Court to make a decision upon. It would be a declaration of law. It is true that the Supreme Court would be called upon to determine the law, but the policy would have been determined by the Congress, under the procedure suggested by the distinguished Senator from West Virginia.

Mr. MORSE. Mr. President, will the Senator yield at this point?

Mr. DONNELL. I yield.

Mr. MORSE. Does the Senator agree with me that, as of now, legal rights to this property do exist either in the States or in the Federal Government?

Mr. DONNELL. I agree.

Mr. MORSE. And does the Senator also agree that, as of now, if I understand correctly the cases the Senator from Missouri has been citing, that particular legal determination has not in fact ever been made by the Supreme Court of the United States?

Mr. DONNELL. I say to the distinguished Senator from Oregon that I cannot categorically say it has not, because I have not examined every decision of the Supreme Court; but I undertake to say that, in my opinion, every case cited in the report of the Judiciary Committee in support of its proposition with respect to coastal waters is subject to distinction, and not one of them, in my judgment, decides the question as to the ownership of coastal lands.

Mr. MORSE. Does the Senator from Missouri also agree that as we as a Senate come tc pass upon the question of what the public policy should be as to the relationship between the Federal Government and the State governments over title to these lands, we do not have any carefully reasoned decision of the Supreme Court of the United States on the legal rights of the respective jurisdictions to guide us in considering and determining that question of public policy?

Mr. DONNELL. That is my opinion, and to the best of my knowledge and belief the Senator's statement is correct.

Mr. MORSE. Does the Senator also agree that conceivably it is to be expected that if we had such a decision before us, we would be in a better position to pass valid judgment on the question of what should be the public policy in the matter?

Mr. DONNELL. I think the Senator is correct.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. DONNELL. I yield to the Senator from Utah.

Mr. MURDOCK. If I correctly recall the Senator's answer to the question of the Senator from Oregon, it was that there is absolutely no question in the mind of the Senator from Missouri that the title to the oils under the tidelands is vested in the United States Government or in the State governments.

Mr. DONNELL. That is correct—unless it has been conveyed by one or the other of them to some grantee.

Mr. MURDOCK. But I was assuming that that has not occurred.

Mr. DONNELL. That is correct.

Mr. MURDOCK. I know that when the question first came up, so far as I was concerned, it was when I was a member of the Judiciary Committee of the House of Representatives. At that time I think the position was taken by a Government attorney that the title to the oil was not vested in either the United States Government or the State governments, and that, therefore, if the United States Government by statute asserted ownership to the oil, that in the opinion of that attorney, would have great weight before any court in regard to the question of the ownership of the oil.

Mr. DONNELL. I may add in that connection that I was not familiar with that opinion of an employee of the United States Government.

Mr. MURDOCK. I was reading it yesterday in some of the old hearings, and I wanted to have the Senator bear that contention in mind in his discussion.

Mr. DONNELL. That is a very interesting contention, and I am glad to have it before me.

Mr. President, I may say that if the title is not vested in either the Government of the United States or the government of a State, but is hanging in nubilous, so to speak, certainly the Government by quit claim would release whatever title might ultimately be determined to belong to it.

Mr. MURDOCK. Yes. I do not wish the Senator to gain the impression that I agree with the theory I have mentioned, but I merely wished to point out that it was discussed before the House committee.

Mr. DONNELL. I appreciate the Senator's position, and I thank him for the information.

Mr. MORSE. Mr. President, will the Senator yield to me?

Mr. DONNELL. I yield.

Mr. MORSE. Do I correctly understand that it is the opinion of the Senator from Missouri that inasmuch as this matter involves a great many legal questions and also is inherently a matter of public policy, the Senate of the United States should first have a decision of the United States Supreme Court as to the pure questions of legal rights and liabilities which are involved with respect to the tidelands, after which the Senate will be in just as good a position as it is now to pass judgment on whether it wishes to change by statute the Federal-State relationship over those lands?

Mr. DONNELL. Precisely.

Mr. President, referring again to the question asked by the distinguished Senator from West Virginia (Mr. Revercomb), let me point out that he referred to the 54 decisions which, as it would appear from the comments which previously have been made in this body, prior to this afternoon, have set this question at rest. Again I wish to say that, to my mind, none of the 54 decisions which I have seen do set this question at rest. They do not pertain to this question. They may contain dicta, but of the ones which are specifically cited in the committee report, which are the only ones I have taken time, thus far, to read—and I refer to the cases mentioned on page 8 of the report and also the case of Martin against Waddell, mentioned on page 3—none of them relates to the ownership of coast land, as I see it.

The Senator suggested that each case will come up upon its own set of facts. I realize that is true. It is true in the event of any litigation. We might very well say that in connection with any matter which might ultimately result in a declaration of policy, the Congress of the United States should first express its policy, before the Supreme Court of the United States should indicate in whom reside the respective rights which are involved in such policy. To my mind, the Senator from Oregon and the Senator from Michigan have clearly indicated what, to my point of view, is the sounder view, namely—and I think I am correctly quoting the Senator from Michigan, and I am quite sure I am correctly quoting the Senator from Oregon—that we should have the benefit of the judgment of the Supreme Court of the United States in respect to the rights of the parties.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. DONNELL. I should like to make one other comment in connection with

the question of the Senator from West Virginia, and then I shall yield to the Senator from Michigan.

I wish to say that I believe that a case can be presented to the Supreme Court of the United States which will enable that body to lay down the law and will enable us to read it, in the same way that the members of the Judiciary Committee in the report claim that the 54 decisions they mention have established the law. I undertake to say that the Supreme Court can lay down a decision which will be understandable and will declare the law, and that everyone in the United States will understand it from beginning to end as declaring the law; and I see no indication that the Supreme Court has attempted to avoid making a decision of a case along that line, or along any other line, for that matter, which would at least be intelligible and would answer the questions which may be presented.

I think I should add that with respect to the Supreme Court decisions, criticisms have been made of the Supreme Court. Perhaps some of them have been just, because the Supreme Court of the United States, like the Senate of the United States, is composed of human beings, and it may be that some of the decisions of the Court have been unsound. I say that the Supreme Court itself has frankly and honestly recognized the fact that it has made errors, in that without manifesting any pride of opinion, it has overruled some previous decisions, and has given us its best opinion.

While this is a digression from the points strictly at issue, I wish to stand here today and announce my confidence in the Supreme Court of the United States. Let me say that, if I am not mistaken, the distinguished Senator from Oregon enunciated—not on the floor of the Senate, but elsewhere—something of confidence in the Supreme Court.

I wish to say that regardless of the frictions or difficulties which may have developed, after all the people of the United States should and can and do look to the Supreme Court as the final arbiter of the questions which under the Constitution are eligible to be submitted to it. I express the hope that there may be no consideration in the Senate of the United States which undertakes in any way to lower the estimation of the Supreme Court of the United States in the minds of the people of the Nation. I rejoice that we have a Supreme Court of the United States. I rejoice in its history. I rejoice at the list of great men who have served upon it. I think great men will serve on it in the future, and I think great men are now serving on it, among them being a former distinguished Member of this body, former Senator Burton of Ohio, who went to the Court just a few months ago.

Mr. MORSE. Mr. President, will the Senator further yield?

Mr. DONNELL. I yield.

Mr. MORSE. I commend the Senator from Missouri for his statement in regard to the United States Supreme Court, because I think that in the troubled days which lie ahead, the great check and balancer of this Government will be the Supreme Court of the United States.

Along the line of the question which I was pursuing a few moments ago, let me inquire whether it is the position of the Senator from Missouri that if, as a matter of law, it should be determined that title to these properties vests in the Federal Government, does that mean that they belong to all the people of the United States?

Mr. DONNELL. That is correct.

Mr. MORSE. And if they belong to all the people of the United States, is it the position of the Senator from Missouri that those people are entitled to have a judicial determination made of the question, before the Senate of the United States acts upon it?

Mr. DONNELL. I think the Senator is precisely correct.

Mr. MORSE. Does the Senator from Missouri believe that the strong movement for a determination of this question legislatively prior to a determination of the legal rights by the Supreme Court of the United States grows out of a motivation of doubt on the part of many State officials that perhaps, after all, these properties do not belong to the States, and therefore they would like to have the matter settled legislatively before the Supreme Court has an opportunity to pass judgment upon legal rights belonging to all the people of the country?

Mr. DONNELL. Mr. President, in answer to the question propounded by the Senator from Oregon, let me state that I am unable to express myself as to the motivation which has induced the filing and presentation of the pending joint resolution. I do not know the motives behind it. But I repeat that in my opinion the Senator from Oregon and the Senator from Michigan have hit the nail on the head when they have pointed out that before the Congress of the United States expresses a declaration of policy with respect to these lands, it should know what the respective legal rights of the parties are.

As the situation is now, Mr. President, if we pass this joint resolution, there will not be a Member of the Senate who will be able to say, in view of the decisions of the Supreme Court, whether we have given away something or whether we have given away nothing. Why should we not first ascertain whether we own the property before we determine whether it is our right to give it away?

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. DONNELL. I will yield in a moment.

In addition to the question of a possible ownership, to which I referred, namely, ownership by the Federal Government or by the State government, we have the very interesting point which was suggested by the distinguished Senator from Utah [Mr. MURDOCK] that perhaps the ownership lies nowhere. Mr. President, I submit that before the Congress undertakes to express itself by irrevocable policy, or if not revocable, at least one which would confer private rights which could not be divested without the passage of further legislation, and probably not without payment to those who had acted on the legislation already passed, it should know in whom ownership lies. It would be, to my mind, the height of unwisdom for Congress to express a policy concerning these valuable rights until it has learned from the Supreme Court of the United States in whom the ownership of the property is vested.

I now yield to the Senator from West Virginia.

Mr. REVERCOMB. Mr. President, a moment ago the able Senator from Oregon suggested that the motive behind this issue might be the doubt in the minds of State officials that the property belongs to the States. I do not know the motive behind this issue, but I might suggest that the real reason for bringing forth the pending joint resolution is the just apprehension that the Federal court may, in rendering the decision in the case now before it, further the program of constantly encroaching on the powers and, in this instance, the properties of the States.

But, Mr. President, that is not the real point which I wish to make in this debate.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. REVERCOMB. With the permission of the Senator from Missouri, I will yield in a minute.

A few minutes ago the able Senator from Missouri said that the opinions which he had read in the 54 cases which had been referred to did not settle the question. No, Mr. President, those opinions did not settle the question. I am gravely in doubt that the case now pending before the Supreme Court will settle the question.

Mr. DONNELL. May I ask the Senator from West Virginia if the issues in any one of those cases involved the question which is here involved?

Mr. REVERCOMB. That is the point I wish to make. So long as we allow this question to go unsettled by not adopting a definite declaration of basic policy, the question will arise continually. The question before us now involves the coastal lands of the State of California. Allow me to read only the title of the joint resolution in order to give a picture of what the joint resolution covers. The joint resolution does not involve only the coastal lands of the State of California. Its title reads:

> To quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

Any decision which may be made in the pending case with respect to the tidal lands of California will not put at rest the question of the ownership of the lands beneath the navigable streams of the State of Missouri or of any other inland State. Therefore, I assert that the statement made during the course of the able Senator's argument that the 54 decisions and the one now pending have not settled this question, and will not settle it, is the very basic reason for passing the joint resolution.

The case now pending involves the California tidelands and will not settle

the question of the ownership of the waters beneath the Missouri River, or the lands beneath the waters of the rivers in my State. For that reason, among others, the pending joint resolution, which covers more than the question pertaining to the tidelands of California, should be passed so that the question may forever be put at rest.

Mr. DONNELL. Mr. President, does the Senator know of any one of the 54 decisions, which have been referred to in the report of the committee, which presented to the court for decision the question as to the ownership of lands along the seacoast?

Mr. REVERCOMB. No; I do not know of any one of the cases having similar facts. That is the very point I am trying to make.

Mr. DONNELL. Mr. President, if the Senator does not know of any one of the 54 cases involving a set of facts embracing questions with reference to coastal lands, I submit that there have been so far no decisions of the Supreme Court on that particular question. So the argument that 54 decisions have already been made on the question falls to the ground. I have not read all the decisions, but I have examined some of them sufficiently to believe that they do not settle the question with reference to coastal waters. I have examined the decisions sufficiently to satisfy my own mind that they do not decide that question. The case involving Cook County, Ill., certainly does not decide the question as to the ownership of land 3 miles out from the seacoast of La Jolla, Calif.

Mr. REVERCOMB. I may say to the Senator that when I said the facts in any one of the 54 cases did not fit the facts of this particular case, I meant to say that I did not recall that they did. I did not say that they did not. Does the Senator believe that if the pending case from California with regard to coastal tidelands is decided one way or the other, it will put at rest the question concerning the ownership of the lands beneath navigable waters within a State?

Mr. DONNELL. Mr. President, in the first place, I have not seen the pleadings in that particular case. In the second place, doubtless the issues would be different because they would pertain to coastal lands. In the third place, I assume that the law is well settled, as stated in 45 Corpus Juris, that within its territorial limits the State-owned land, includes the seashore, and so forth.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. MORSE. I make two comments in reply to the Senator from West Virginia. In the first place, I do not believe that I fully understood the implications of his remarks concerning the fear which he stated State officials may be entertaining with reference to further encroachments upon the rights of the States if this matter goes to a judicial determination by the Supreme Court, instead of being settled by legislative processes in the halls of Congress. Am I to infer that what the Senator from West Virginia means is that the Supreme Court of the United States will not settle the issue on the basis of the law, but will settle it on the basis of some other factor?

Mr. REVERCOMB. No, of course not. I did not mean, and neither do I think that what I said would carry such an implication. I said that the States are interested in this matter because they see an effort on the part of the executive side of the Government—and this effort was instituted through the executive side of the Government and not the Supreme Court—to reach out into the powers of the State, as it has done in the past several years, and seek to control matters which have been within the province of the State governments. I do not know what their motive is, but I say that that could well be their motive. I have not intimated or said anything from which any conclusion could be drawn that the Supreme Court, once having this case before it would not apply the law.

Mr. MORSE. But the fact is that whenever the issue is brought before the United States Supreme Court there will be no justification for fear such as that to which the Senator has referred because, presumably, the Court will decide the case on the basis of the established law.

Mr. REVERCOMB. That is true. As I say, the States are interested. I think they should be considerably interested, and particularly those States in which, as the Senator from Missouri has said, the law in the past has settled the question as to the ownership of land under navigable streams. When the States see an issue of this kind they have a right to come to Congress and say, "Put the question at rest by the adoption of a proper statute."

Mr. MORSE. They would have the right to do that, but I think that if their fear is that the situation may involve greater Federal jurisdiction over matters which they would like to have within the State jurisdiction, it arises out of the fact that they are not sure, as a matter of law, that they now have title to the property in dispute.

Mr. REVERCOMB. They want to be relieved of any possibility arising in the future of the Federal Government, through its executive department, disturbing the rights which they believe to be theirs.

Mr. MORSE. But, they are protected by the Supreme Court if, in fact, the Federal Government seeks to encroach upon the rights which they are entitled to have protected.

Mr. REVERCOMB. Why should the Federal Government step in and say, "We claim this or that"? Why should any doubt be left open with respect to that?

Mr. MORSE. I understand that question is pretty well settled; but the question as to the ownership of tidelands is not well settled. That leads me to my second comment on the Senator's remarks. Although I have not seen the pleadings, the case to which the Senator has referred has been instituted for the specific purpose of securing a legal determination of who does have title to tidelands. It seems to me that is predominantly a legal question.

Mr. REVERCOMB. My point is that as to the question of tidelands in California, the joint resolution covers not only the question of tidelands, but lands under navigable streams.

Mr. FERGUSON. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Missouri yield to the Senator from Michigan?

Mr. DONNELL. I shall yield, but before doing so, let me say that I want it distinctly understood that I did not mean in the slightest to imply that the Senator from West Virginia claimed to have read the 54 decisions, any more than I claim to have read them. I have taken the decisions, which, as I understand from the report, are therein cited, as applicable to the particular matter of coastal waters, and have examined them sufficiently to determine whether or not in my opinion the decisions are in point on the question. I want it perfectly clear that I was not making any statement to the effect that the Senator had done something he had not done.

Mr. REVERCOMB. In other words, that the Senator was claiming there was something in those decisions which would absolutely exclude them from the consideration of this subject. I cannot say that.

Mr. DONNELL. I understand that. I now yield to the Senator from Michigan.

Mr. FERGUSON. I apologize for interrupting the able Senator from Missouri, but I find great difficulty in keeping out of legal arguments.

Mr. DONNELL. I am sure the Senator's participation is always welcome, and it adds valuable contribution to the discussion.

Mr. FERGUSON. I thank the Senator. I should like to comment at this particular moment on the colloquy between the able Senator from West Virginia and the able Senator from Oregon.

It appears to me that the arguments ran somewhat like this, that the Supreme Court is going to decide one issue over one particular area of tidewater land off the coast of California which includes oil deposits, and that as that would not settle the question of the entire border of the United States, the Senate should deed all the oil it has in submerged coastal lands, if it has any, to the State of California.

Mr. REVERCOMB. Mr. President, will the Senator from Missouri yield?

Mr. DONNELL. I am glad to yield.

Mr. REVERCOMB. I am not interested in oil, and I am not interested in California tideland oil in the least. I am principally interested in seeing saved to the States the ownership of the bottom of the navigable streams; and the Senator is leading up to it. Very well. I reiterate, the decision as to the ownership of the land in California, and whatever may be in it, is not a case which would decide the ownership of lands under navigable streams of this country.

Mr. FERGUSON. To continue the thought I had in mind, it was that the mere fact that that case would not settle the ownership of all oil, is no reason why the Senate, without all the facts and all the law, should determine that the Government shall deed that oil.

It would be analogous to Congress saying if litigation involving 1 acre of federally owned land were pending, "We will stop this litigation. We will deed all the federally owned land to the States, merely because there is litigation over 1 acre of land."

In my own time I should like to discuss what this case is before the Supreme Court, but it appears to me that there is one question we have to determine. We have to settle this question: If the United States of America, the Federal Government, owns the oil under the particular tidewater lands in question, should we now, as a matter of public policy, realizing defense necessities, realizing the age in which we are living, without knowing more about it, deed all that oil, all those resources, to the various States, and say we have no interest in them?

I wish to say that the able Senator from Missouri quoted me correctly on the proposition that the Supreme Court, which has the balance of power between the respective branches, the executive and the legislative, should look into this question, and we should trust the Supreme Court—and I do—to settle the legal problems, to determine at the next fall term in October who owns this oil, and then, if Congress wants to deed the oil, it will be a different matter from deeding it today. I believe that if Senators who are now on the floor, and many who are not here present at the moment, deed this oil today, they will not know whether they are deeding oil which belongs to the Government of the United States or are merely allowing it to remain in the States.

Mr. HUFFMAN. Mr. President, will the Senator from Missouri yield?

Mr. DONNELL. In a moment. I trust the Senator from Michigan will have no objection to my referring to a conversation between him and myself, but not during the debate. The Senator from Michigan has been most helpful to me in clarifying my thought along this line. He himself—and I think I quote him correctly—made a suggestion to this general effect, first, that there is at least doubt as to whether Senators would desire to convey away rights if the Federal Government owned them. On the other hand, if the Federal Government does not own them, there is no need of conveying them away. I think that is a correct statement, is it not?

Mr. FERGUSON. That is a correct statement.

Mr. DONNELL. I appreciate very much the succinct, clear statement the Senator has given to me, and which I have thus used, but I trust with appropriate recognition of him.

I now yield to the Senator from Ohio.

Mr. HUFFMAN. Mr. President, I am glad to associate myself with the argument which has been presented by the able Senator from Michigan in this regard. I wish further to state to my able colleague from West Virginia that if all that were involved in the proposed measure were the rights in the lands underneath the navigable streams and lakes of the various States, about which he has so ably presented his views, there would be no difficulty in my supporting the joint resolution. My difficulty lies in the very field in which the Senator from Michigan expresses his doubt, that is, as to the minerals, the oil in particular, underneath the tidewater lands. If that were eliminated from the joint resolution, I would have no difficulty in supporting it.

Mr. DONNELL. I may say, Mr. President, that the report says, among other things:

> The testimony before the committee indicates that there are petroleum deposits in lands under navigable waters in quite a number of States; these include Texas, Louisiana, California, Mississippi, Ohio, Indiana, Pennsylvania, and others.

Mr. REVERCOMB. Mr. President, will the Senator from Missouri yield?

Mr. DONNELL. I yield.

Mr. REVERCOMB. On the point that is made about the ownership of oil, as I have said, I am not interested in oils or other minerals. That is not the question we are here facing. This proposal does not involve holding oil or anything else for governmental use. If the property belonging to the United States, permits to individuals to drill would be granted right here, in the Federal Government, under the Department of the Interior, just as I take it they are granted under the State of California today. I do not know anything about who grants them there. But leases are made. The oil is not kept for defensive purposes. It is a question of a tussle between the Federal Government and the State government in California as to which one has the right to make leases to individuals or companies to drill. That is all there is to it.

As for the navigable streams, let us take my own State, for example. Since the great Northwest Territory agreements, prior to the creation of the Federal Government, the ownership of those streams has been in the States, and whatever minerals were there belonged to the States. We do not want to see a program of the National Government go into effect, first, upon the tidelands and next on the navigable streams, to take over those properties from the States. That is the question. That is the whole gravamen of this issue as I see it.

Mr. DONNELL. I am pleased to have the comment of the Senator from West Virginia.

Mr. HUFFMAN. Mr. President, may I comment on that remark?

Mr. DONNELL. I yield.

Mr. HUFFMAN. It is my understanding that the law is pretty well settled as to the rights beneath navigable streams and lakes of the inland States, and I see no reason why it is necessary to call upon the Federal Government to issue a quit claim deed.

Mr. FULBRIGHT. Mr. President, will the Senator from Missouri yield?

Mr. DONNELL. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Is it the Senator's understanding that the statement just made by the Senator from West Virginia is correct? Is it the Senator's understanding that the Federal Government has no interest in these oil deposits for the purpose of national defense?

Mr. DONNELL. Is the Senator talking about oil deposits in tidelands, in the ocean?

Mr. FULBRIGHT. Yes.

Mr. DONNELL. I do not know whether the Senator from Arkansas was present during the earlier part of the discussion, but the question which was discussed in the earlier portion of the debate was the question whether or not the States owned the lands out in the ocean to any considerable distance, 3 miles, as I understand.

Mr. FULBRIGHT. I think the Senator misunderstood me. If I understood the Senator from West Virginia, the implication of his remarks is that the Federal Government has no interest in reserves of petroleum for national defense, that that is not at all involved here.

Mr. REVERCOMB. Mr. President, will the Senator from Missouri yield?

Mr. DONNELL. I yield.

Mr. REVERCOMB. We have heard the statement of Secretary of the Interior Ickes, who spoke of refusing to issue permits—what was the number, some 200?

Mr. DONNELL. About 200.

Mr. REVERCOMB. Because he did not think that the Federal Government owned the land, he was not going to issue permits for the drilling of the lands for oil. Who would those permits have been issued to had he issued them? To individuals or to companies to drill for and to produce oil. I cannot say that they are not interested in the oil for defense purposes. The Secretary certainly can say "I set aside this part of the land and will not issue any permits on it." But the very fact that Secretary Ickes stated that during the course of years he had turned down 200 permits—and I think they were permits to drill; were they not?

Mr. DONNELL. He calls them applications.

Mr. REVERCOMB. Yes; applications to drill—is indication enough to me to disclose that permits will be issued to individuals to drill.

Mr. FULBRIGHT. I understood the Senator to say that oil was not at all involved in this matter.

Mr. REVERCOMB. I did not mean to say that oil was not involved. The principal tussle here seems to be who is going to issue the permits to drill—the State or the Federal Government. The Federal Government itself could drill for oil on these lands if it wanted to. But the Secretary would not have talked about refusing to issue 200 permits to drill on the land if that was the Department's sole policy.

Mr. FULBRIGHT. I do not think it is all one way or the other in this respect, so far as public lands are concerned. In some of our lands in the Southwest—lands not involving water—certain areas have been set aside for what are called naval reserves, such as Elk Hills. Other areas have been opened for prospecting and for development. So, it seems to

me, in exactly the same way, in some of the oil lands further reserves may be set aside for the Federal Government, such as naval reserves, and in other places the Government has a right to lease the land for prospecting or development. My statement was directed to what I thought was the implication of the Senator's remarks—that this has nothing to do with defense.

Mr. REVERCOMB. If the Federal Government owned the land, it could do with it anything it wanted to do. It could drill on it itself, it could leave the oil in the ground, or it could issue permits to drill. But the evidence of the Secretary of the Interior that he turned down the permits that were applied for, not because he wanted to keep the oil for the Government, but because he did not think the Government owned the oil, certainly is sufficient implication for me that he would let somebody else drill for oil.

Mr. FULBRIGHT. One further point: Could the Senator say about when the present pending case may be decided? Is it anticipated it will be decided this fall?

Mr. DONNELL. I am unable to answer that question. I understood the Senator from Michigan was going to discuss the case which is now in the Supreme Court. Perhaps he has some information as to the state of the pleadings.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. FERGUSON. I am informed that the case is ready for argument in the October term. That will be the first term. That means that the Supreme Court could decide it any time after argument. There is always the question of getting a continuance, amending the pleadings, and so forth, but I am informed that it is ready for argument.

Mr. FULBRIGHT. Mr. President, will the Senator yield further?

Mr. DONNELL. Yes.

Mr. FULBRIGHT. It seems rather curious that we should be in such a hurry to anticipate the decision in that case. I think the Senator's argument in that respect has been very persuasive.

Mr. DONNELL. Mr. President, I think I should say in response to the question from the distinguished Senator from Arkansas that the Committee on the Judiciary evidently feared a very extended period of time yet to elapse before a decision. I think it is only fair to state that that is what is in the report. I quote from page 4 of the report:

> An examination of 26 cases in which the Supreme Court of the United States has taken original jurisdiction reveals that it took that Court an average of over 9 years to decide those cases.

Mr. President, I do not know what the 26 cases are. The report does not indicate whether they are cases on this subject matter. I may say—this is perhaps without due consideration—that to my mind it is inconceivable that on a question of this consequence the Supreme Court of the United States would hold this case, now before it ready for argument, 9 years within its breast before deciding it. I should say that if we give the Supreme Court the presumption of the ordinary good judgment that any Member of the Senate has, we must disregard the fear of 9 years elapsing before there should be a decision.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. FERGUSON. Does the able Senator know of any real need for haste? This situation has, in effect, been in existence since the birth of the Nation. We now find, when for the first time it is brought up in the Supreme Court for decision, a desire for great haste in securing action by the legislative body prior to the judicial decision. I have not been able to find any real reason for such haste.

Mr. DONNELL. I thank the Senator from Michigan for his statement. I think I should quote also from the report another sentence in which I have the greatest difficulty in agreeing even in substance or even remotely, and that is this:

> It is not reasonable to assume that the Supreme Court will decide this, one of the most complicated of cases of original jurisdiction, within its average period of 9 years.

Mr. President, I cannot conceive that the Supreme Court of the United States is going to spend 9 years on it. But may I say that if this case is one which is so complicated as to take nine solid years of thought, certainly we ought not to be called upon to say here that the whole matter has been set at rest and decided, and that the law is decided by 54 decisions.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. KNOWLAND. Just a word relative to the point raised by my distinguished colleague from Michigan, with whom I very seldom disagree on the floor of the Senate.

Mr. DONNELL. The Senator is not intending to indicate that he frequently disagrees with the Senator from Michigan off the floor, I take it?

Mr. KNOWLAND. We very seldom disagree either on or off the floor. I stand corrected. But I wish to say to the distinguished Senator from Michigan that it was not until Mr. Ickes very recently put forth the claim of sovereignty for the Federal Government that the Federal Government has claimed sovereignty over land belonging to the State of California. So far as rushing in with the joint resolution is concerned, the measure was introduced prior to any dispute being tried in the Supreme Court of the United States.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. CORDON. I hope the distinguished Senator from Missouri, before he closes his argument, will give the Senate the benefit of his conclusion as to the meaning of the language used by the United States Supreme Court—and I call attention to the fact that it is the court of last resort—in the case of *Shively* v. *Bowlby* (decided in 1893 (152 U. S. 1, p. 29)), in which the Court said:

> Although the title to the soil under the tidewaters of the bay was acquired by the United States by cession from Mexico, equally with the title to the upland they held it only in trust for the future State. Upon the admission of California into the Union upon equal footing with the original States, absolute property in, and dominion and sovereignty over, all soils under the tidewaters within her limits passed to the State——

Mr. DONNELL. If I may interrupt the Senator, he will note, of course, the words "within her limits."

Mr. CORDON. I shall comment on that, if the Senator will permit me to finish the quotation. I continue to read:

> with the consequent right to dispose of the title to any part of said soils in such manner as she might deem proper, subject only to the paramount right of navigation over the waters, so far as such navigation might be required by the necessities of commerce with foreign nations or among the several States, the regulation of which was vested in the General Government.

I call attention to the fact that that case arose in connection with a contest as to title to property in San Francisco Bay, but, of course, as is known, the tide ebbs and flows in San Francisco Bay just as it does outside the bay, and I do not know who could tell exactly where the bay ends and where the ocean begins. In any event the language used was general.

Referring to the particular matter, which I take it is the major thing of interest to the Senator from Missouri, of where lies the line that bounds territorial limits, in the State of California that would appear to me to be settled by the fact that at the admission of the State it was set at three English miles seaward. If that be the case—and I believe I am correct in saying that the language was three English miles seaward, continuing up the coast three English miles seaward—if that be the line set by the Congress when it admitted the State of California into the Union. I should be interested in the comments of the Senator with reference to the applicability of the language I have read to the proposition which is here under consideration.

Mr. DONNELL. Mr. President, the particular case to which the Senator refers I find is mentioned in the course of the appendix to the report. It is not mentioned in the list of cases that purport to bear upon the subject of coastal waters. I have not read the case to which the Senator refers. I note, however, that he mentioned that it applies to San Francisco Bay, and I pointed out at the outset of the argument that there may very well be a difference in rules with respect to lands underlying the adjacent seacoast outside the boundaries of the State, and the line which is embraced in bays or rivers such as, for example, in New Jersey, Raritan River and Bay which was referred to in connection with the Waddell case earlier this afternoon. I have not read the case referred to by the Senator from Oregon. I shall be glad to study it. But I would not undertake to pass an opinion upon a

statement which may be dictum, or may be in point. Certainly, according to what the Senator has thus far read, it does not pertain to land alongside the seacoast adjacent to the State of California or any other State, but refers to the Bay of San Francisco, as I understand.

Mr. CORDON. The Senator speaks of coastal waters adjacent to the State of California. Does he mean coastal waters outside the established boundary of the State?

Mr. DONNELL. No; I am speaking of lands outside the land of the State, as it is currently considered according to common acceptation. I mean to say the land under the water adjacent to the State itself. That is what I refer to as land under coastal waters.

Mr. CORDON. Does the Senator give any meaning to the line of boundary which was placed around the State of California by the Congress? Did that mean anything?

Mr. DONNELL. I think so. Earlier I referred to that fact in response to a question from the Senator from Oregon, and stated that in my judgment, if the enabling act under which the State of California was admitted to the Union declared that the 3 miles of land under water in the ocean outside the State are part of the State, to my mind it was a part of the State. But in that connection let me say that the very fact that the Federal Government undertook to put into the act of Congress a provision that the land outside the boundary should belong to the State indicated that the Federal Government itself in the first instance, at any rate, had some rights in that land outside the boundary of the State.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. SMITH. To clear up that point, on what theory would the Federal Government have title to such land?

Mr. DONNELL. I think the theory is that the Federal Government is a sovereign, bounded by oceans, and that as a sovereign—just as in the Federal case involving New Jersey from which I read—it has the right to determine what its boundaries are. I think that is the theory of it.

Mr. SMITH. If that theory is sound, would it not be true that the Thirteen Original States, which were independent sovereignties before the Constitution was adopted, would have a different status from that of the States which came in later under the Federal Constitution?

Mr. DONNELL. That sounds logical, and may be correct; yet I invite the attention of the Senator to the fact that his own State of New Jersey, which was one of the original 13 colonies, found it advisable in 1906 to enact a statute declaring that its boundaries were out in the ocean for the particular space, I think, of 3 miles.

Mr. SMITH. I am aware of that fact. It does not necessarily settle the point as to whether or not the sovereign State of New Jersey, prior to the Constitution, had whatever boundaries went with a sovereign State at that time, including the cannon ball 3-mile limit.

Mr. DONNELL. I invite the attention of the Senator to the language which I read from Corpus Juris earlier this afternoon, to this effect:

> It has been often said that the jurisdiction of a nation to punish offenses extends into the ocean to the distance of a cannon shot, which is estimated as one marine league, from low-water mark on the shore; but it is doubtful whether there is any jurisdiction to punish for offenses committed within this marine league limit if the place of the offense is not an arm of the sea—

I take it San Francisco Bay is an arm of the sea—

> and within the body of the country, unless that jurisdiction is expressly conferred by statute.

That would seem to indicate that the Colonies did not ipso facto have jurisdiction out in the ocean, unless they determined it by statute, or unless the Federal Government, as in the case cited by the Senator from Oregon, has by an enabling act vested the State with ownership in the land adjacent to the coast.

Mr. SMITH. Let me ask a further question. If prior to the Constitution the sovereign State of New Jersey did not have such jurisdiction, by what possible authority could the Federal Government have acquired it? Certainly it cannot be claimed that the sovereign State of New Jersey turned that authority over to the Federal Government due to anything contained in the Constitution. There must have been some new origin of power, after the Constitution, which gave the Federal Government some different kind of sovereignty than the independent States had prior to the Constitution.

Mr. DONNELL. An interesting question has been presented by the able Senator from New Jersey, who has distinguished himself not only here, but in his career at Princeton University. The question indicates that we have before us a complex problem, one on which we should have the decision of the United States Supreme Court before we undertake to give away property rights—if the United States Government owns them—which are of tremendous value, as indicated by the State, under waters adjacent to which are petroleum deposits.

Mr. SMITH. I agree with the Senator that there may be some question as to whether the sovereign State of New Jersey had jurisdiction out to the 3-mile limit; but he has in no way answered my question as to the possible source from which the Federal Government could have obtained jurisdiction if it was not conceded to a sovereign State before that time under international usage.

Mr. DONNELL. I have given the best answer I can, namely, that the Federal Government is a sovereign. It has obviously been considered that it has the right to determine the boundaries of its own sovereignty. If the Federal Government were to send forth an explorer it might take land, determine the boundaries of the land, and assert ownership. I may say, however, that this question is one which I think would require far more study than could be adequately given here in the course of a few hours or a few days.

The question of ownership of land, the question of the rights of the Federal Government, the question of the rights of the Colonies, the question of the rights of the States, the question of the necessity for statutes, the question as to whether State statutes or Federal statutes are necessary, the question as to the operation of enabling acts and of State constitutions—all these questions indicate to my mind the great importance of having a decision by the Supreme Court of the United States on the questions involved.

Mr. SMITH. I am very glad to concede to the Senator that those are very important questions, and that they do raise certain doubts. But, because such doubts have been raised, and because in the past many States, acting on the theory that the States have this jurisdiction, have made vast investments in harbor developments, the question becomes extremely important. I have a letter from the Port of New York Authority, which embraces both New Jersey and New York, calling attention to the fact that if some action of this kind is not taken, we shall have complete confusion in the harbor of New York the day after a decision is rendered by the Supreme Court.

Mr. DONNELL. The facts presented by the Senator indicate the importance of Congress ultimately determining its policy. In cases in which States have acted upon that presumption, whether it be well-founded or ill-founded, and whether it be based upon dictum or decision, it may well be that Congress will determine that as a matter of public policy some recognition should be given to the investments which have been made. But to my mind that is entirely different from saying that the United States Government shall, without our knowing what our rights are, what our title is, and whether the title is in the States or in the Federal Government, quitclaim to the States all title which we may have in and to all these properties, without regard to the facts, and without regard to whether individuals have acted in good faith or bad faith. The question is whether we shall by this legislation forever divest ourselves of ownership.

Mr. SMITH. I agree with the fine argument which the Senator is making on this point, and I share his doubts and difficulties. But he has not yet stated how a possible case could be framed upon which the Supreme Court could decide this question as a final matter of law for the entire country. It will ultimately have to be a matter of congressional policy, which we shall have to decide sooner or later.

Mr. DONNELL. It is like the Biblical injunction to "Render to Caesar the things that are Caesar's, and to God the things that are God's." Certainly the Supreme Court of the United States can decide the questions that shall be submitted to it. It would seem to be true that the Attorney General of the United States could frame adequate pleadings to present the important issues involved. I have sufficient confidence in the chief

officer in our legal department to believe that that can be done.

Mr. SMITH. I thank the Senator.

Mr. JOHNSON of Colorado. Mr. President——

Mr. DONNELL. The Senator from Oregon [Mr. CORDON] may wish to pursue his inquiry further.

Mr. CORDON. Mr. President, I thank the Senator from Missouri for this opportunity to make another observation with reference to this very interesting question.

I am still of the opinion that the Supreme Court of the United States has determined this question. I wish to read from what I believe to be the leading case on the subject, which happened to concern tidelands within my own State of Oregon. I refer to the case of Shively against Bowlby, which is found in One Hundred and Fifty-second United States Supreme Court Reports, page 1. I read from page 57 of the opinion, and I call attention to this particular language because this is the conclusion of the Supreme Court after a most exhaustive consideration of the principles involved and the application of those principles to numerous States——

Mr. DONNELL. May I interrupt to ask the Senator if the title to lands was involved in that case?

Mr. CORDON. The title to lands was involved in that case.

Mr. DONNELL. Where were the lands located?

Mr. CORDON. At the mouth of the Columbia River—either in or outside the mouth of the river, depending upon where that is. Again I say I do not know; nor can anyone tell where the river ceases to be a river and becomes an ocean. The same tide ebbs and flows in both.

Mr. DONNELL. It was, however, at the mouth of the river.

Mr. CORDON. Yes.

Mr. DONNELL. And not in some portion of the river extraneous from the mouth of the Columbia River.

Mr. CORDON. I do not know where the mouth stops.

Mr. DONNELL. As I understand it, this was at the mouth of the river, wherever that was.

Mr. CORDON. Near the mouth of the river, and under tidewater. The court said:

> Lands under tidewaters are incapable of cultivation or improvement in the manner of lands above high-water mark. They are of great value to the public for the purposes of commerce, navigation, and fishery. Their improvement by individuals, when permitted, is incidental or subordinate to the public use and right. Therefore the title and the control of them are vested in the sovereign for the benefit of the whole people.
>
> At common law, the title and the dominion in lands flowed by the tide were in the King for the benefit of the nation. Upon the settlement of the Colonies, like rights passed to the grantees in the royal charters, in trust for the communities to be established. Upon the American Revolution, these rights, charged with a like trust, were vested in the original States within their respective borders, subject to the rights surrendered by the Constitution to the United States.
>
> Upon the acquisition of a territory by the United States, whether by cession from one of the States, or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States, for the benefit of the whole people, and in trust for the several States to be ultimately created out of the territory.
>
> The new States admitted into the Union since the adoption of the Constitution have the same rights as the original States in the tidewaters, and in the lands under them, within their respective jurisdictions. The title and rights of riparian or littoral proprietors in the soil below high-water mark, therefore, are governed by the laws of the several States, subject to the rights granted to the United States by the Constitution.

There are two more paragraphs of like tenor appearing on page 58, but that quotation is adequate for my purpose.

Just before the Senator was kind enough to yield to me, the distinguished Senator from New Jersey raised a question with reference to littoral or riparian rights, as the case might be, of the original States. In this case the Court seems to have so completely and directly answered that proposition that I thought it might be valuable to the distinguished Senator from Missouri in his consideration of the matter to have that case brought to his attention.

Mr. DONNELL. Mr. President, I appreciate very much having the Senator call it to my attention.

I may say that the case to which he has referred is cited in the report of the committee, but is not cited with respect to lands underlying the bordering oceans within the 3-mile limit. I call the Senator's attention to the fact that the language of the report reads as follows on page 3, under the heading "Fifty-four United States Supreme Court decisions support the resolution," and following several brief paragraphs:

> This same rule applies to lands under rivers. (See *Shively* v. *Bowlby* (152 U. S. 1); *United States* v. *Utah* (283 U. S. 64).)
>
> And, likewise, it has been decided that lands underlying the bordering oceans within the 3-mile limit belong to the States within their respective boundaries (*Martin* v. *Waddell* (41 U. S. 366, 410).)

In the first place, Mr. President, the distinguished Senator from Oregon has cited this case which is nowhere cited in the committee report in support of the proposition as to the applicability of the rule to coastal waters. This case is cited in the report as applying to lands under rivers.

In the second place, the distinguished Senator from Oregon frankly stated that the land involved was at the mouth of the Columbia River, and then he qualified that statement somewhat, I take it, by saying the land was near there. It may make a considerable difference whether the land is outside, in the ocean, or whether it is a few miles inside.

At any rate, the authors of the majority committee report evidently considered that the case was applicable to lands under rivers. It is equally obvious that they did not consider that the case was in support of the proposition as to the lands bordering the oceans within the 3-mile limit, because the case is not cited in support of it, and the next sentence of the report discriminates between the two, as follows:

> And, likewise, it has been decided that lands underlying the bordering oceans within the 3-mile limit belong to the States within their respective boundaries.

Mr. President, at this point I wish to refer briefly to the testimony of Mr. Ickes, Secretary of the Interior. I desire to read one paragraph on page 7 of his testimony, which I think is of importance, particularly in view of the reading of the decision from which the Senator from Oregon has quoted. Mr. Ickes said:

> The advocates of House Joint Resolution 225—
>
> Which is the measure now before us—
>
> have insisted that many decisions of the Supreme Court have laid the question at rest. This is simply not the case.

Mr. CORDON. Mr. President, let me inquire whom the Senator from Missouri is quoting.

Mr. DONNELL. I am quoting Mr. Harold Ickes. I realize that Mr. Ickes is not the Court, but I point out that the Secretary of the Interior gave us a very categorical statement of his view. His view may have been wrong. The distinguished Senator from Oregon may be quite right. It may well be that the Supreme Court of the United States, basing its action on the two cases cited and on other cases, may ultimately determine that the ownership of these lands is in the States. If so, we shall know where we stand.

I am not arguing this afternoon whether the ownership is in the States or is in the Federal Government. My point is that until the Supreme Court of the United States has passed upon the question under a set of facts which will make its observations more than mere dicta, we are not able to say with finality in whom the title rests or whether, as the Senator from Oregon has said, the title to oil in those lands rests in no one, or, as I expressed it, using the Latin term, whether the matter is in nubibus.

Mr. President, I now quote from Mr. Ickes' statement:

> The advocates of House Joint Resolution 225 have insisted that many decisions of the Supreme Court have laid the question at rest. This is simply not the case. These decisions have dealt with the lands under inland lakes and rivers, and with bays and harbors. No one is claiming these lands on behalf of the United States, and no one doubts that the courts have held that they are owned by the States. California and the oil companies insist that these decisions with reference to the lands beneath inland waters apply to the submerged lands off the coast; the Attorney General says that they do not. This question is the heart of the pending lawsuit, and the advocates of this resolution have not and cannot produce a single decision by the Supreme Court which has settled this question.

Mr. President, perhaps Mr. Ickes is wrong. I do not know whether he is a lawyer. He may be entirely wrong in the matter. But the fact that the Secretary of the Interior and the Attorney General of the United States, according

to the Secretary of the Interior—and the Attorney General of the United States is a lawyer—have said that these decisions with reference to the lands beneath inland waters do not apply to the submerged lands off the coast, to my mind indicates very persuasively that it will be necessary to have a decision by the Supreme Court of the United States before that question can be answered.

Mr. President, the distinguished Senator from Nevada referred to the change of heart or change of opinion of Mr. Ickes. I do not recall that there was the slightest intimation that the change of heart was captious or capricious; but not very much was said in the discussion the other day, as I recall, about the reason for it. At page 9430 in the CONGRESSIONAL RECORD for yesterday, July 19, we find the following statement by the Senator from Nevada [Mr. MCCARRAN]:

Applicants for oil leases "and their lawyers" caused Mr. Ickes to decide that the "settled law" of 1933 had changed by 1937.

Mr. President, I have no doubt that the opinion of lawyers presented to Mr. Ickes had some weight. I have no doubt also that the opinion of the Attorney General, the lawyer for the United States of America, had some weight; and I doubt exceedingly, although I do not know the facts, whether the Secretary of the Interior was moved solely by the counsel for the contending parties who desired to obtain grants from the Federal Government.

Be that as it may, however, I think it is of importance to present to the Senate not merely the statement that—

Applicants for oil leases "and their lawyers" caused Mr. Ickes to decide that the "settled law" of 1933 had changed by 1937.

But I think it well to read at this point in the RECORD what Mr. Ickes said with reference to his own mental attitude. He said this to the Judiciary Committee:

I did not, when I assumed office a good many years ago, take an oath that I would always be right, nor even that I would never change my mind. I did take an oath to do my duty, and I viewed my duty in this matter as plain, once I realized that the ownership of submerged coastal lands had not in fact been settled by the courts. Show me a man who takes stubborn pride in the fact that his mind, once made up, is unchangeable, and I will show you a man who is not fit to be a public servant.

I should point out, however, that I have never attempted, myself, to resolve this difficult question of law, but have simply refused to renounce any claims which the United States might have to these lands. It has always seemed to me to be a legal question, not appropriate for either legislative or executive decision, but exactly the sort of question which the Federal courts were created by the Constitution to decide.

If I may digress, Mr. President, I take it that there is certainly some sound judgment in that view.

I continue reading what Mr. Ickes said:

I have, indeed, been attacked not only by the officials of California, but also by those who disagreed with California because of my insistence that we had created courts to decide questions of law. Two applicants for leases off the California coast, whose applications have been among those held in suspense pending a judicial determination of the issue, commenced proceedings in the courts to compel me to issue leases to them.

I defended those two suits, because, until the title issue was decided in an appropriate judicial proceeding, neither I nor anyone else could say whether the Federal Government or California owned the lands or the oil in them. The courts refused to interfere with my decision to suspend the applications: *Dunn* v. *Ickes* (115 F. (2d) 36, certiorari denied 311 U. S. 698), and *Jordan* v. *Ickes* (143 F. (2d) 152, certiorari denied 320 U. S. 801, 323 U. S. 759).

Mr. Ickes continued:

In 1937, the Senate Committee on Public Lands favorably reported and the Senate passed Senate Joint Resolution 208. It provided that the Attorney General by appropriate proceedings was to establish the title of the United States to the submerged lands along the coast below low-water mark and up to the 3-mile limit.

Mr. President, I call your attention to the fact that although the Senate Judiciary Committee has told us that this matter has been decided by 54 decisions, 9 years ago the Senate Committee on Public Lands favorably reported, and the Senate passed, Senate Joint Resolution 208.

Again reading from the testimony of Mr. Ickes:

It provided that the Attorney General by appropriate proceedings was to establish the title of the United States—

Not the States, Mr. President—

to the submerged lands along the coast below low-water mark and up to the 3-mile limit.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. FERGUSON. The Senator has referred to the decisions as being included in the report of the Judiciary Committee. He has not indicated whether the report was unanimous. I wish to advise him that the report was not unanimous. There were some dissenting opinions with reference to the report and to the statements which it contained.

Mr. DONNELL. I thank the Senator.

Mr. President, Mr. Ickes proceeded to refer to the resolution by which the Senate was asked by the Judiciary Committee to quitclaim to the States all those lands on the ground that 54 decisions of the Supreme Court had set at rest the question, showing that the Federal Government had no title. Nine years ago the Senate Committee on Public Lands reported a resolution providing that the Attorney General was to establish the title to submerged lands along the coast and below the low-water mark up to the 3-mile limit, not in the States—the Judiciary Committee now tells us that, by an unbroken line of 54 decisions, the title is in the States—but in the United States.

Mr. Ickes proceeded as follows:

While the resolution was being considered by the House Judiciary Committee, the Navy Department and the Departments of Justice and Interior drafted and supported an amended version of it. This version would have authorized the President to establish naval petroleum reserves in these territorial water areas and it made similar provision for judicial proceedings to be brought by the Attorney General.

In other words, Mr. President, it is quite obvious, as I infer from this testimony, that the Committee on Public Lands, together with the Navy Department, the Department of Justice, the House Judiciary Committee, and the Department of the Interior drafted a document which would have authorized not the States, which we are told own these lands, but the President of the United States to establish naval petroleum reserves in those territorial water areas, and have judicial proceedings brought by the Attorney General.

I wish to read further from Mr. Ickes, I want it to be in the RECORD because I think it is only fair to Mr. Ickes that his position be known. But, far beyond that, Mr. President, I think that as Senators are about to vote on the matter of quitclaiming title, if any the Government has, and without knowing whether it has them, they should know whether or not this public official acted with reasonable discretion, or acted arbitrarily and captiously in refusing those applications.

Mr. Ickes proceeds as follows:

In 1938 the House Judiciary Committee by a divided vote favorably reported Senate Joint Resolution 208—

That is the resolution to establish title of the United States to the submerged lands—

with certain amendments not now important. (H. Rept. No. 2378, 75th Cong., 3d sess.) The committee said:

"The Departments of the Navy, the Interior, and Justice are one in requesting that this resolution be passed, so that the courts may determine the question involved while fully protecting by their decrees all lawfully vested rights. There seems to be no good reason to deny their reasonable request that they be permitted to have the courts decide whether or not the Nation has a permanent right to take and use the oil in question. The House, however, never acted on this resolution."

In 1939 Senate Joint Resolution 92, containing substantially the same provisions recommended by the House Judiciary Committee, was introduced in the Senate. After extended hearings the Senate Public Lands Committee in 1940 reported a committee version, which in effect merely requested the Attorney General to seek a judicial determination of the rights of the United States in the submerged lands under the territorial waters.

Mr. Ickes then said:

I think that you will find its report a valuable guide to your action now. The committee said:

"The property involved in this conflict of opinion is of very great value. The controversy, in the opinion of the committee, is purely a legal one and its decision of much importance."

Mr. President, I pause in my reading to say that if the matter has already been decided by fifty-odd decisions I cannot see why any other decision would be greatly important. However, this committee said that the decision of the controversy was of much importance. I proceed with its observation.

The committee concluded as a legislative committee that it would not attempt to pass judgment on the legal question involved, and was of the opinion—

By the way, Mr. President, it should be remembered that this was the House Judiciary Committee passing upon a legal question.

I repeat:

The committee concluded as a legislative committee that it would not attempt to pass judgment on the legal question involved and was of the opinion that the matter should be referred to the Attorney General of the United States in order that he might take such action as he thought proper to protect the interests of the United States.

Not of the separate States of the United States.

Mr. Ickes continued as follows:

It is true that no action has ever been taken by both Houses of the Congress on any of these resolutions, yet the Senate and its Public Lands Committee are on record as favoring a judicial determination of this issue with respect to the submerged lands in coastal waters below low tide.

Mr. President, I invite attention to this language of Mr. Ickes:

Obviously, they were not at all certain of the law. But they did recognize that contest over the ownership of property are matters for the courts and not for Congress.

Mr. President, I shall attempt not to weary the Senate by reading much more, but I do wish to read the following language. Mr. Ickes said:

I am not here to argue the law with California or the oil companies; indeed, I could not do so with propriety while the case is pending in the Supreme Court and under the control of the Attorney General. But I do insist that the ownership of the submerged coastal lands below the low-water mark has never been settled and that it is a very difficult question. Two Attorneys General of the United States have taken the position that these submerged lands belong to the United States and not to the States.

I could read considerably more. I wish to read one further sentence from the statement of Mr. Ickes. On page 7 of the hearings, on February 5 of this year, Mr. Ickes said:

The House—

Meaning the House of Representatives—

passed House Joint Resolution 225—

That is the joint resolution which is now before the Senate—

under the mistaken belief that the law was settled beyond any doubt. It also acted after a series of misrepresentations as to what the Federal Government claimed and as to what I proposed to do.

And so forth.

(At this point Mr. DONNELL yielded to Mr. BARKLEY, who asked and obtained unanimous consent that the Senate meet on Monday at 11 o'clock a. m. and that a final vote on the pending joint resolution, H. J. Res. 225, be taken at 3 o'clock on that day; all of which appears at the conclusion of Mr. DONNELL's speech.)

Mr. DONNELL. Mr. President, I was in process of reading certain quotations from the testimony of Mr. Ickes. There are a few further observations made by him in the course of his testimony, to which I should like to address myself. In the first place I made the statement a little while ago that I did not know whether Mr. Ickes is a lawyer. I doubtless should know that, and I find that at page 7 of his testimony he said:

I have no doubt that most of the State attorneys general are thoroughly learned men, but when I was a practicing lawyer I signed briefs only when I had thoroughly studied the problem and never in response to telegraphic solicitation.

I call attention to this statement first, because of the fact that to my mind Mr. Ickes' membership in the legal profession entitles his statements with respect to the law to even greater weight than if he were giving those expressions as a layman who had never studied or practiced law.

In the second place, I cite this observation because of its mention of a very wholesome rule, it appears to me, of thorough study of the problem. He states that he signed briefs only when he had thoroughly studied the problem and never in response to telegraphic solicitation, and I judge from his testimony that he thinks at any rate that he had given thorough study to this problem before he reversed the decision which he had given in writing over his own signature in 1933.

Mr. President, some reference has been made here to the States. I do not see upon the floor the distinguished Senator from West Virginia [Mr. REVERCOMB], but I am confident he would have no objection to my reading this with reference to his remarks. Mr. Ickes said:

In the process of building up support based on emotion, rather than upon fact, I am thus accused of wanting to "seize" these lands and ultimately to complete the "conquest" in all of the States.

I digress, Mr. President, to say that by reading this I do not in any sense mean to imply that the Senator from West Virginia was attempting to play upon emotion or was actuated by anything other than the highest of motives, but I wanted to read this because of the observation Mr. Ickes makes with respect to the respective rights of the States and the Federal Government. He says further:

To the supporters of this resolution, my insistence for 8 years that this troublesome problem should be settled by the courts is the equivalent of a seizure vi et armis, and our doubts about the true ownership of these submerged lands amount to an assault on State's rights. I have been an advocate of legitimate States' rights for well over half a century, but it has never occurred to me that one of the inalienable rights of a State is to escape litigation when it claims land to which the National Government also asserts title.

Then he proceeds:

The committee will note that I persist in viewing this contest as one over oil, and one between the United States and California. This does not mean that I have not heard that the attorneys general of 46 States, to say nothing of the American Association of Port Authorities, and the oil company lessees of California, have joined in supporting this legislation. I have certainly heard of this vocal group, every member of which is opposed to an invasion of State's rights and to overruling settled law, although apparently none of them has troubled to investigate whether either issue is in truth involved.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. AIKEN. I notice that the Senator from Missouri refers to Mr. Ickes' statement that the oil companies support this proposed legislation. Can the Senator tell us whether representatives of the oil companies appeared before the Judiciary Committee in support of the proposed legislation, and what reason they gave for preferring to deal with the States rather than the Federal Government?

Mr. DONNELL. I may say to the distinguished Senator that I am not a member of the Judiciary Committee and cannot answer his question as to who appeared before the committee. I am hastily glancing through the list of witnesses, but I am unable to identify some of the persons mentioned, and do not know their connections.

Mr. AIKEN. Perhaps we will get that information before the debate is concluded.

Mr. DONNELL. I trust so. Then Mr. Ickes a little further on states:

Once California embarked on the united-front tactic—

I want to say to the distinguished Senator from California [Mr. KNOWLAND], whose colleague does not appear to be present, that I mean no disrespect to California in reading this testimony, not in the slightest; but I think it is well for us to understand the views of Mr. Ickes and his comments as to the support which the joint resolution has received. He said:

Once California embarked on the united-front tactic it forced into prominence, not the merits of its case, but the fact that some have refused to go along. The attorneys general of Washington and Arizona never did join up. The attorneys general of Missouri and Georgia, I am informed by the press, took another look and withdrew from the attempt to high-pressure the Congress into deciding a law case in favor of California and the oil companies.

I digress, Mr. President, by reason of the fact that I come from the State of Missouri, to say that until I read this testimony I did not know the attitude of the attorney general of Missouri, and I do not know whether this is a correct statement or not, though I have no doubt of Mr. Ickes' sincerity in stating it. He says this:

If the law is in truth so well settled against the United States, why not permit the court to speak? Is California, or are the oil companies, apprehensive that the Supreme Court cannot find or will fail to apply a rule so thoroughly settled as they claim this to be? Or do they prefer to make their statements about settled law to a legislative body, composed of busy men who have not had both sides of the legal question extensively argued before them and who lack the time to study the case thoroughly themselves? Finally, if the law is so well settled, why did California ask for a delay of 1 month, in addition to the two first allowed by the Supreme Court, in order to file an answer to the complaint? One would have imagined that the brief printed in Los Angeles, and signed in the spaces indicated for their signature by accommodating State attorneys general, would have already proved beyond the peradventure of a doubt what the law is, if it is in fact as well settled as that brief so vigorously and repetitiously asserts.

I call further attention to this language from Mr. Ickes:

Whatever the motives of those who advocate the passage of H. J. Res. 225, without

waiting for orderly judicial procedures, and whatever the strength or weakness of their case before the courts, there is a compelling reason why the Congress should not enact this legislation at this time. Its sole effect would be to give away a claim of the United States which is now pending before the Supreme Court for decision.

The Congress has deprived the Supreme Court of its jurisdiction of a pending case only once in our history. That episode occurred in the heat of the reconstruction passions after the Civil War. Then a Mississippi editor, held for trial by the military authorities, had a petition for a writ of habeas corpus pending in the Supreme Court.

The Congress, fearful of the possible decision, took away the Court's jurisdiction (*Ex parte McCardle* (6 Wall. 318, 7 Wall. 506; 1869)). Despite the veto of President Johnson, the bill was passed. Later generations have considered this to be a "shameful abuse" of the powers of Congress. (Charles Warren, History of the Supreme Court, II, p. 480, quoting John W. Burgess.)

Mr. President, I pass to several pages later in Mr. Ickes' testimony, where he said this:

The United States and California are now litigating in the Supreme Court their opposing claims to ownership. The question has never before been decided, and no one knows the outcome. It would be an almost unprecedented abuse of legislative power if Congress were to take the issue away from the Supreme Court by presenting to the defendant State the Government's claims. The result would be bad government, not only because it would be an invasion by the legislative branch of the judicial function, but because it would constitute the waste of a national asset which might some day be crucial to our survival.

Thus it is that the Department of the Interior has reversed the decision of 1933. As indicated earlier this afternoon, it seems to me that the very fact that it had made a ruling in writing over the signature of the Secretary of the Interior, and the very fact that thereafter there was an overruling of that decision by the refusal on the part of the Department to grant some 200 applications are themselves indicative of the sincerity of the Department in taking the action by which it overruled the former decision. The case is now pending in the Supreme Court of the United States.

Yesterday in the course of the discussion the Senator from Nevada stated:

If the Senator will read the report of the Judiciary Committee he will find there cited a number of cases which will throw much light on the question in the Senator's mind.

He was referring to the question which I had presented, as to whether or not the same rule which has been supported by these various decisions of the United States Supreme Court with respect to title to lands under navigable rivers within the borders of a State applies likewise to coastal lands. I therefore searched the report of the committee to ascertain what decisions were therein cited as bearing on this particular problem. As I indicated a while ago, I found that in the body of the report of the committee the only case cited to the effect that land underlying the bordering ocean within the 3-mile limit belonged to the States within their respective boundaries was that of *Martin* v. *Waddell* (41 U. S. 366, 410). Inasmuch as that case was discussed yesterday to some extent, I shall only say with respect to it that, as indicated twice today, that case referred to lands in the Raritan Bay and River, and therefore to my mind may be very properly distinguished on the ground that it did not involve necessarily, nor in its terms, the title to lands along the coastal region not embraced within bays or rivers.

The first case to which I shall pay attention among those which are cited in the Appendix is that of *Weber* v. *Harbor Commissioners* (18 Wall. 57, 65–66). I point out that at page 65 the Court said this:

The complainant is not the proprietor of any land bordering on the shore—

The word "shore" is italicized—

of the sea in any proper sense of that term. His land is situated nearly half a mile from what was the shore of the bay of San Francisco at the time California was admitted into the Union, and over it the water at the lowest tide then flowed at a depth sufficient to float vessels of ordinary size.

So I submit that that case is one in which the court itself distinctly shows, by the statement which I have just read, that the land involved is not the coastal area to which I have referred in my argument.

The next case to which reference is made in the appendix to the report is that of *St. Clair* v. *Lovingston* (23 Wallace 46, 68). This case almost makes me homesick, because it goes back to Illinois, our neighbor to the east of Missouri. It refers to a piece of land in the county of St. Clair, Ill., which I take it, obviously, notwithstanding the patriotic claims of our Illinois brethren with respect to their State, cannot be claims to be upon an ocean bank.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. CORDON. Am I to understand that it is the Senator's position that some distinction can be made between the law as it may apply to the ocean flowing along, let us say, the shore of my home State of Oregon, and the same ocean in a bay along that coast line?

Mr. DONNELL. I will answer that question by saying two things: In the first place, the decisions themselves, as I read them, are not based on lands outside, alongside, and adjacent to the boundary of a State, as distinguished from lands within bays, and so forth. Secondly, I do not know whether the Senator was in the Chamber when this was read, but it is an observation of Mr. Ickes which I think is entitled to weight, as indicating whether he thinks there is any distinction. He said this:

The advocates of House Joint Resolution 225 have insisted that many decisions of the Supreme Court have laid the question at rest. This is simply not the case. These decisions have dealt with the lands under inland lakes and rivers, and with bays and harbors. No one is claiming these lands on behalf of the United States, and no one doubts that the courts have held that they are owned by the States. California and the oil companies insist that these decisions with reference to the lands beneath inland waters apply to the submerged lands off the coast; the Attorney General says that they do not. This question is the heart of the pending lawsuit, and the advocates of this resolution have not and cannot produce a single decision by the Supreme Court which has settled this question.

Mr. CORDON. Mr. President, will the Senator further yield?

Mr. DONNELL. I yield.

Mr. CORDON. A bay is defined as an indentation in a shore line, or as the water between two headlands. As I think the Senator well knows—and certainly as I know—there are many bays along the Pacific coast which represent little more than the deviation of a shore line from a tangent. If someone did not call them bays they would be a part of the shore line of the Pacific Ocean. That happens frequently. I am at a loss to understand upon what theory or reasoning any claim can be made that a distinction can be drawn between the water within such an indentation and that on either side. Certainly the cases are silent as to any distinction. I have sought information on the subject, and have been unable to find it. The courts truly have not, so far as I have been able to determine, had occasion to pass specifically upon a state of facts the situs of the question of which was somewhere out in the open sea. Of course, there is a practical reason for that. There is no particular purpose in anyone having any question out in the open sea. So I suspect that the Senator is entirely correct in his suggestion that there are no cases involving the open sea. They involve places where men's interests may center. Now for the first time they center in an area which is separated from the shore line itself; but the decisions being, as they are, directed to navigable waters, to tide lands, and to lands flowed by navigable waters which themselves make no distinction, I cannot quite understand how we can create a distinction which never has been previously considered, and make it a matter of importance in an adjudication such as the Senator suggests, or in connection with the passage of such legislation as we now have under consideration.

Mr. DONNELL. Mr. President, I am sure that the observations of the Senator from Oregon [Mr. CORDON] are certainly worthy of respectful thought and consideration, and they carry great weight. I can well understand his position. It may well be that the Supreme Court of the United States will sustain that position. But according to Mr. Ickes testimony, while California and the oil companies insist that these decisions bearing upon inland rivers and bays and harbors apply to the submerged lands off the coast, according to Mr. Ickes, "The Attorney General says they do not."

Regardless of the fact that the distinguished Senator from Oregon or any other Member of the Senate may take a view along the line that he indicates, which is logical, and I can well understand it, and he may well be correct, nevertheless, it would appear to me that in the absence of a decision by the Supreme Court upon the facts relating to coastal lands, and with the Attorney General of the United States taking the contrary view, and with the Secretary of

the Interior taking the contrary view, and with the Supreme Court itself, in the case from which I read a few moments ago, thinking that it was of sufficient importance even to italicize the word "shore" when it said—

> The complainant is not the proprietor of any land bordering on the shore of the sea in any proper sense of that term—

All these facts, Mr. President, it seems to me, point inevitably to the conclusion that in order for us to know with certainty, as distinguished from having an opinion, well based though it may be, we should have a decision of the Supreme Court of the United States as to coastal lands. That would not be a decision as to St. Clair County, Ill., or as to Cook County, Ill., or as to Raritan Bay and River, N. J., or as to property which was not even on the shore, in the city of San Francisco, or as to oyster beds located in a bay or inlet; but until we have a decision of the Supreme Court as to coastal lands, as to which the Attorney General of the United States and the Secretary of the Interior of the United States took the position that the authorities relative to rivers, lakes, and bays do not govern——

Mr. KNOWLAND. Mr. President, will the Senator yield to me?

Mr. DONNELL. I yield.

Mr. KNOWLAND. I should like to ask the distinguished Senator from Missouri, for whose opinion I have a high regard, and who has made a very able presentation here, whether he knows of any case, up until the time when Attorney General Biddle filed the first suit, in which an Attorney General has claimed jurisdiction over these tide lands, which we feel certainly belong in the sovereignty of the State of California.

Mr. DONNELL. I do not. I am not informed of the action taken by the various Attorneys General. But I know that Mr. Ickes testified, as shown at page 6 of the hearings—

> The Attorneys General of the United States have taken the position that these submerged lands belong to the United States and not to the States.

Mr. KNOWLAND. Mr. President, will the Senator further yield?

Mr. DONNELL. I yield.

Mr. KNOWLAND. Is it not a fact that the two Attorneys General to whom the former Secretary of the Interior referred are Mr. Biddle and his successor, Mr. Clark?

Mr. DONNELL. I judge that to be the case by reason of the fact that in the first paragraph preceding the statement to which I have just referred, Secretary Ickes testified as follows:

> On May 29, 1945, Attorney General Biddle filed suit against a lessee of California in the California Federal District Court. On October 19 Attorney General Clark, on my recommendation, filed an original suit against California in the United States Supreme Court and dismissed the district court suit against the State's lessee.

Mr. KNOWLAND. Mr. President, will the Senator further yield?

Mr. DONNELL. I yield.

Mr. KNOWLAND. Does the able Senator from Missouri know of any Secretary of the Interior other than Mr. Ickes who made a claim to territory belonging to the jurisdiction of the State of California?

Mr. DONNELL. I do not. As indicated in the debate, in 1933 Mr. Ickes himself regarded the question as settled, and so stated in his written opinion. He regarded the question as settled in favor of the States.

Mr. KNOWLAND. In other words, during more than 150 years of our existence as a Republic, as well as during the period of life of the Thirteen Colonies as such, and down through the period when the newer States have been admitted into the Union, the question of whether the States have jurisdiction over their adjacent waters out to the 3-mile limit, or, as in the case of Texas, perhaps to the three-league limit, which is 9 miles, has never been raised by an Attorney General of the United States or by a Secretary of the Interior of the United States. Is that correct?

Mr. DONNELL. Mr. President, I am not able to answer that question. I know of no question that has been raised by any official, but I am not informed in particular about the matter. It would require an extensive search of the opinions of the various Attorneys General and of the rulings of the various Secretaries of the Interior.

Let me say in further answer to the question that, as mentioned by the Senator from Oregon a few minutes ago, inasmuch as it has not been until recent years that there has been a question which makes determination with respect to coastal properties necessary, it is entirely possible that there was no occasion, until the matter of oil in land under the coastal waters became of such consequence, to establish the law on the subject. It may well be that the opinion of the attorney general of California is correct. It may well be that the opinion of the distinguished Governor of California, whom I know and highly regard, is correct. But the point I make is that here is a question as to which two Attorneys General of the United States, according to Mr. Ickes, have taken the opposite position. Now we have a situation in which one Secretary of the Interior, at least, has said that an opinion which he previously gave was wrong or, at any rate that it should be disregarded—perhaps I should more exactly state the situation in that way—in view of the doubts which had arisen.

Mr. President, therefore it seems to me that, regardless of whether previous decisions have been obtained or requested, here we have a situation which, so far as I know, has not been passed upon by the courts, and therefore would require and should require a decision by the Supreme Court of the United States, before we can say "Yes" or "No" as to the question of ownership.

Mr. KNOWLAND. Mr. President, I simply say to the distinguished Senator from Missouri, that if the contention of the former Secretary of the Interior is correct, namely, that the Federal Government has jurisdiction and has a legal right to these lands, which we believe belong to the State of California, and if the opinion of Mr. Biddle and Mr. Clark are correct, then it seems to me, as a layman, not as a lawyer, that for 150 years of our national existence all the other Attorneys General and all the other Secretaries of the Interior were asleep on the job.

The fact of the matter is, I may say to my distinguished colleague, that there was no secret about the fact that the State of California has considered these lands to belong to her, since the time of her admission to statehood in 1850. For a period of approximately two decades or more, certain drillings have taken place in the State-owned tidelands of California. During the 13 years that Mr. Ickes was Secretary of the Interior, it was common knowledge that those drillings were taking place. So if there had been any doubt in the minds of the various Secretaries of the Interior or of the various Attorneys General who preceded Mr. Ickes and Mr. Biddle, certainly they should have taken action before 1935 to clarify that point.

However, the fact of the matter is that they, as did all the coastal States, assumed—and I believe they rightfully assumed—that that was a settled question and that there was no doubt that this land out to the 3-mile limit, so far as the State of California was concerned, was just as much a part of the State of California as are her great interior valleys.

Mr. DONNELL. Mr. President, I thank the Senator from California. Of course, as indicated a few minutes ago, it is impossible for me to assure the Senator what have been the opinions of previous Attorneys General. I have taken the evidence presented before the committee by a former Secretary of the Interior, Mr. Harold Ickes; and he has testified that two Attorneys General of the United States did take the position which I indicated, and which I shall not detail to a further extent.

To my mind, what other Attorneys General may have done or may not have done is not established before the Senate; and, also, it is not at all legally conclusive as to the rights of the respective parties.

In the second place, Mr. President, it may doubtless be true that, until recent years, neither California nor any other State has abstractly claimed ownership of the land beneath the 3-mile area; and so it is entirely possible that no litigation has arisen in the case of our country as to whether that position is justifiable.

Mr. KNOWLAND. Mr. President, let me say that both opinions of the Attorneys General who have been mentioned came about as a result of the initiation by the Secretary of the Interior of questioning of the claims of California. So the action of the three parties involved—the two Attorneys General and the Secretary of the Interior—grew out of the original action by Mr. Ickes.

Mr. DONNELL. I may say in that connection, Mr. President, that I am not informed as to what motivated or caused Attorney General Biddle to take the action which he took. The recommendation made by Secretary Ickes, which I

read a few moments ago, was made to Attorney General Clark on October 19. Mr. Ickes said, as shown by the hearings:

On October 19, Attorney General Clark, on my recommendation, filed an original suit—

And so forth. The preceding sentence reads as follows:

On May 29, 1945, Attorney General Biddle filed suit against a lessee of California in the California Federal district court.

Mr. President, I do not know what were the conferences between the Attorney General and the Secretary of the Interior. I do not know whether the Secretary of the Interior was advised by Attorney General Biddle before the reversal of the position taken in 1933 occurred. I have no means of knowing that. So far as I have been able to observe, that point is not brought out in the testimony given by Mr. Ickes before the committee.

The next case referred to in the appendix to the report of the Committee on the Judiciary is the case of *McCready* v. *Virginia* (94 U. S. 391). At page 394 I find the following sentence:

The precise question to be determined in this case is, whether the State of Virginia can prohibit the citizens of other States from planting oysters in the Ware River, a stream in that State, where the tide ebbs and flows, when its own citizens have that privilege.

Obviously, Mr. President, that case did not involve the question of coastwise lands.

I now pass to the next case cited in the appendix, namely, *Hoboken* v. *Pennsylvania Railroad Company* (124 U. S. 656), and I invite attention to the fact that, as I read this case, it involves six actions in ejectment with respect to certain lands on the western shore of the Hudson River where the city of Hoboken—quoting from the decision—"now stands." If my understanding of the decision is correct, it does not pertain to coastwise marginal real estate.

I now pass to the next case cited in the appendix to the report, namely, *Knight* v. *U. S. Land Association* (142 U. S. 161, loc. cit. 193). I find, Mr. President, from the opinion of Mr. Justice Lamar, that it is strenuously insisted that the patent for the San Francisco Pueblo is void to the extent it embraces lands below the ordinary high-water mark of Mission Creek as that line existed at the time of the conquest from Mexico in 1846.

I note also on page 182 of the decision the following language:

The only remaining question in the case, as we understand it, and as we desire to consider it, may be thus stated: Admitting that the Von Leicht survey is correct and follows the decree of confirmation; admitting also that the patent followed the survey and the decree, and that the premises in dispute are embraced in the patent: Was parol evidence admissible to show that these premises were below the ordinary high-water mark—not of the bay of San Francisco, but of Mission Creek, a navigable arm of the bay, as that line existed at the date of the conquest from Mexico in 1846.

So, Mr. President, it would appear that this case is likewise one in which the question of coastal waters, the so-called marginal area, is not involved.

I now pass to the case of *Mann* v. *Tacoma Land Company* (153 U. S., p. 273, loc. cit. 283). I find that this case, as I understand it, relates to property in what is called Commencement Bay, at the head of Puget Sound, in Pierce County, State of Washington, and that it is near the city of Tacoma. I recall the old admonition, "Watch Tacoma grow." However, I do not believe that Tacoma ever grew clear out to the marginal area which is involved here.

The final case cited in the appendix is *Mobile Transportation Company* v. *Mobile* (187 U. S. 479, at p. 482). I observe from a reading of that case that it relates to a portion of the shore and bed of the Mobile River in the city of Mobile. As I understand, the river empties into a bay between Mobile and the ocean.

Mr. President, earlier in the day I referred to a case on which I could not place my hands at the time, but which I now have before me. It is the case of Smith against Maryland, which is the case from which the quotation appears on page 8 of the appendix. The quotation reads:

Whatever soil below low-water mark is the subject of exclusive propiety [property] and ownership belongs to the State on whose maritime border and within whose territory it lies, subject to any lawful grants of that soil by the State or the sovereign power which governed its territory before the Declaration of Independence.

Mr. President, I may say that this case comes about as close to the question as does any other. It relates to the question of the power of the State of Maryland with respect to the owner of a schooner which had been dredging for oysters in the Chesapeake Bay. Because of some violation of a statute of Maryland the owner of the schooner was punished by being required to forfeit his schooner. Yet, Mr. President, in this case it will be observed—quoting from the decision:

The purpose of the law is to protect the growth of oysters in the waters of the State by prohibiting the use of particular instruments in dredging for them. No question was made in the court below whether the place in question be within the territory of the State.

I wish to repeat that sentence.

No question was made in the court below whether the place in question be within the territory of the State.

I digress to say that the very fact that the court emphasized that no question was raised in the court below as to whether the place in question was within the territory of the State, to my mind is very significant as indicating that the court itself thought that the proposition might be of some importance. Indeed, Mr. President, counsel obviously thought so as it will be observed later. The court continued as follows:

No question was made in the court below whether the place in question be within the territory of the State. The law is, in terms, limited to the waters of the State. If the county court extended the operation of the law beyond those waters, that was a distinct and substantive ground of exception, to be specifically taken and presented on the record, accompanied by all the necessary facts to enable the court to determine whether a voyage of a vessel, licensed and enrolled for the coasting trade, had been interrupted by force of a law of a State while on the high seas, and out of the territorial jurisdiction of the State.

To present to this Court—

That is the Supreme Court of the United States—

such a question upon a writ of error to a State court, it is not enough that it might have been made in the court below; it must appear by the record that it was made, and decided against the plaintiff in error.

As we do not find from the record that any question of this kind was raised, we must consider that the acts in question were done, and the seizure made, within the waters of the State; and that the law, if valid, was not misapplied by the county court by extending its operation, contrary to its terms, to waters within the limits of the State. What we have to consider under the writ of error is, whether the law itself, as above recited, be repugnant to the Constitution or laws of the United States.

Mr. President, my recollection is that there are certain dicta in this case which I presume are the reasons for the citation of the case in the appendix of the report of the committee. But the observations of the court show that the court itself did not go into the question of whether or not the action of the defendant took place within the territory of the State, a decided question, as is obvious in the language of the decision which reads, in part:

What we have to consider under this writ of error is, whether the law itself, as above recited, be repugnant to the Constitution or laws of the United States.

So, Mr. President, these are all the cases that are cited on the proposition of coastal waters in the Appendix, and the only other case cited in the report itself on the question of coastal waters is the case of Martin against Waddell which was mentioned previously.

Mr. President, I wish to say only a few words in conclusion. I appreciate the points made today by the distinguished Senators. It may well be that the Supreme Court of the United States will follow their theory. But in light of the contrary view taken by distinguished counsel such as the Attorney General of the United States, and the distinguished Secretary of the Department of the Interior who himself had been a practicing lawyer, I submit that there is at least room for doubt with reference to the proposition.

The Newark case referred to yesterday pointed out that the State of New Jersey had passed a law extending its boundaries into the ocean. Mr. President, we do not know whether—at least I do not know from the evidence which I have read; it may be present somewhere, but I did not read the report until it came into my possession this afternoon—there is anything in the report of the committee as to any other State extending its boundaries into the ocean. I know that the State of California, according to the decision to which reference was made, and which I believe I mentioned earlier in 96 Pennsylvania 2d, at page 941, has a constitutional provision by which its

boundary goes three English miles into the Pacific Ocean. It may well be that all the Pacific Coast States may have been the recipients of enabling acts similar to that to which the senior Senator from Oregon referred. There is no evidence in the report of the committee before the Senate as to whether that is true with respect to all the coastwise States of the Union. There are a great many of them on the Atlantic Ocean, on the Gulf of Mexico, and on the Pacific Ocean. In order for us to know whether in any given case the lands which are sought to be quit-claimed away, given away, by House Joint Resolution 225, are within the boundaries of the States, we must know, first, whether or not any attempt has been made, either by the States themselves or by the Federal Government, respectively, to extend the boundaries of the States out into the ocean adjacent to those several States, each one by itself. We would have to know that.

We would have to know, further, whether or not the States, either by their constitutions or by their statutes, undertook to extend their boundaries.

We would have to know whether they could do it along the line of the inquiry of the Senator from Michigan this afternoon. Whether or not a State can lift itself by its own bootstraps, whether by its own declaration it can vest title in itself to lands is a question which would have to be determined.

Mr. FERGUSON. Mr. President——

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Missouri yield to the Senator from Michigan?

Mr. DONNELL. I yield.

Mr. FERGUSON. As I understand the decisions involving cases where the States did try to extend their boundaries, they were only doing it for the purpose of getting territory or sovereignty to enforce criminal statutes.

Mr. DONNELL. That is a very interesting point, and involves the distinction which was made both by the Senator from Michigan and the Senator from West Virginia this afternoon, namely, as to whether or not, even though it be true that a State shall have acquired jurisdiction for the enforcement of criminal laws out in the coastwise waters, it follows that the State has power to bring to itself property rights in and to real estate which did not belong to it in advance.

Mr. FERGUSON. I think the distinction is that they can do it for one purpose, to extend their criminal-law jurisdiction, but not to add territory to the States.

Mr. DONNELL. That is entirely possible, and it is a proposition which certainly should be placed before the Supreme Court of the United States before we determine the question of the effect of these various statutes, constitutional provisions, and enabling acts with respect to each and all the States of the Union which are adjacent to oceans or the Gulf of Mexico.

Mr. KNOWLAND. Mr. President, will the Senator from Missouri yield so that I may ask a question of the Senator from Michigan?

Mr. DONNELL. I yield.

Mr. KNOWLAND. I should like to ask the Senator from Michigan whether he thinks that a State could extend its criminal jurisdiction outside its own territorial area.

Mr. FERGUSON. I will answer that in this way, that it might extend it out of its territory, out of its land sovereignty, putting it that way, because we have the same situation in connection with public lands, in parks, in military reservations, where the land title and sovereignty is in the United States. The Federal Government sometimes permits a State to extend its jurisdiction.

Mr. KNOWLAND. But that particular military reservation or whatever it may be is within the territorial confines and boundaries of the particular State in question, is it not?

Mr. FERGUSON. I will have something to say about that on Monday, in relation to criminal jurisdiction on the Great Lakes. It was a good many years ago that I had this subject under consideration, but as I understand, criminal jurisdiction might be in either the Federal Government or in a State on the Great Lakes. If the United States desired to take jurisdiction, the jurisdiction of Michigan would not apply, but if the Federal Government did not proceed, the State was allowed to go ahead. We had to give up jurisdiction in case the Federal Government desired to take jurisdiction.

So, I would answer the question by saying that I am of the opinion that with the consent of the Federal Government, a State might extend its criminal jurisdiction outside its physical boundaries. We do that, for instance, in regard to a conspiracy that is committed, with one man in the State and another out of the State, when we make a certain act a crime. I shall be glad to look that matter up specifically, and on Monday answer some of the questions asked.

Mr. DONNELL. Mr. President, I appreciate the patience of the Members of the Senate in listening to my presentation this afternoon, and I conclude with the expression, as I began, that I rose then and I stand now in opposition to the adoption of House Joint Resolution 225.

During the delivery of Mr. DONNELL's speech,

Mr. BARKLEY. Mr. President, will the Senator from Missouri yield?

Mr. DONNELL. I yield.

Mr. BARKLEY. It is obvious that we will not be able to obtain a vote on the pending joint resolution today. I have consulted with the Senator from Nevada, the minority leader, the Senator from Maine, and other Senators, with reference to attempting to fix an hour on Monday when we might vote on the pending joint resolution.

Looking to that end, I ask unanimous consent that the requirement for a quorum call be waived, and I ask that when the Senate conclude its deliberations today it stand in recess until 11 o'clock a. m. Monday, that the Senate proceed at not later than 2 o'clock p. m. on Monday to vote on the pending joint resolution and any and all amendments thereto, and that the time on Monday be equally divided between the Senator from Nevada [Mr. MCCARRAN] and, perhaps, myself.

Mr. DONNELL. Mr. President, I am informed that the Senator from Michigan desires to be heard upon the joint resolution. I think it will take me from 45 minutes to an hour to complete my presentation. I assume that the distinguished majority leader, and possibly others, in addition to the Senator from Nevada, will desire to discuss the matter further. I am wondering whether 3 o'clock would not suggest itself to the Majority Leader as a better hour for a vote.

Mr. BARKLEY. I accept the modification. I will say also that if I control the time in opposition to the joint resolution, I shall be glad to yield to the Senator from Michigan and others, within the limitation.

Mr. FERGUSON. I thank the Senator.

Mr. WHITE. Mr. President, does the proposed agreement contemplate that no other business shall be transacted this afternoon?

Mr. BARKLEY. Yes, I would include that in the request, that the rest of this afternoon be devoted to discussion of the joint resolution, not to be interfered with by other legislation or business.

I should like to make it plain that we are not recessing now. The proposal is that when the Senate concludes its deliberations today it stand in recess until Monday. As it is only 4 o'clock, we may proceed for an hour or two yet.

Mr. WHITE. Still pursuing the subject, of course it has been a pretty long week. We are all anxious to bring this subject to a termination within a reasonable time, but I feel, nevertheless, that if we ran for an hour from this time it would make it a pretty full day for Saturday, and I would hope we might take a recess then.

Mr. BARKLEY. I would suppose that the Senator from Missouri would want to conclude his remarks.

Mr. DONNELL. I am quite willing to abide by the judgment of the distinguished Majority Leader.

Mr. BARKLEY. I think that in view of the fact that it is only 4 o'clock, the Senator might proceed and conclude today if possible.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. FERGUSON. Mr. President, is it the understanding that the Senate will recess when the Senator from Missouri concludes, and there will be no business taken up in the meantime except the pending joint resolution?

Mr. BARKLEY. The order is that no other business shall be considered this afternoon. I suppose that if the Senator from Missouri should consume 45 minutes more, it would be agreeable to the Senate to recess at that time.

Mr. CORDON. Mr. President, I inquire whether a request has been made to have the joint resolution, as amended today, printed for use by the Senate on Monday. If not, I ask unanimous consent that the joint resolution, as amended, be printed.

The PRESIDING OFFICER. Does the Senator refer to the joint resolution as amended on the floor today?

Mr. CORDON. Yes.

The PRESIDING OFFICER. No request of that kind has been made.

Mr. CORDON. I ask unanimous consent that the joint resolution, as amended, be printed for use of the Senate on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAPEHART. Mr. President, I had intended to offer an amendment to House Joint Resolution 225. The purpose of the amendment was to limit the distance any State could go oceanward to 3 miles, excepting in the instances where States were allotted more than 3 miles when they became members of the Union.

I have been told that the amendment which was offered today by the able Senator from Wyoming [Mr. O'MAHONEY], and which was agreed to by the Senate, in substance accomplishes the same purpose. The amendment which the Senate adopted this afternoon, submitted by the Senator from Wyoming, limits, as I understand it, the distance that any State may acquire oceanward, and for that reason I do not believe it will be necessary to offer my amendment. If any Senator feels that the amendment which was adopted this afternoon does not do exactly that, I should appreciate very much his calling it to my attention. I do not wish to take up the time of the Senate in voting upon language which is already covered in a previous amendment. It is my distinct understanding that the amendment which has been adopted does what my amendment proposes. I would appreciate it if any Senator would make a statement to the contrary, if he feels that the statement I have made is not correct.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. CAPEHART. I yield.

Mr. CORDON. I want to talk for a moment on the matter adverted to by the Senator from Indiana. For what it is worth, I should like to state that after a rather careful study of the original joint resolution and of the amendment of the Senator from Wyoming which has now become a part of the measure, there can be no longer any question that the joint resolution is limited to those submerged lands within the boundaries of the several States, with this exception, that if there should be—and there conceivably cannot be a State whose boundary did not go 3 miles at sea—then it would cover 3 miles at sea. But 3 miles at sea plus any additional territory within the legally presently established boundary of the State, is all the territory that can possibly be affected by the joint resolution as it originally was drawn, and as it now is.

Mr. CAPEHART. I thank the Senator.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

H. R. 247. An act for the relief of E. D. Williams;

H. R. 271. An act for the relief of Eleanor McCloskey, also known as Evelyn Mary Mikalauskas;

H. R. 844. An act for the relief of John P. Hayes, postmaster, and the estate of Edward P. McCormack, former postmaster, at Albany, N. Y.;

H. R. 1322. An act for the relief of the Marine Engine Works & Shipbuilding Corp., of Tarpon Springs, Fla.;

H. R. 1331. An act for the relief of the Hatheway Patterson Corp.;

H. R. 1345. An act for the relief of David M. Matteson;

H. R. 1469. An act for the relief of Cox Bros.;

H. R. 1480. An act for the relief of the S. G. Leoffler Operating Co., of Washington, D. C., and for other purposes;

H. R. 1498. An act to correct the naval record of former members of the crews of the revenue cutters *Algonquin* and *Onondaga;*

H. R. 1673. An act for the relief of the Superior Coach Corp.;

H. R. 1797. An act for the relief of Arcadio Saldaña Agosto;

H. R. 1850. An act for the relief of Louise Zerweck;

H. R. 1957. An act for the relief of the Ohio Valley General Hospital, Wheeling Clinic, Rosetta Snyder, Virginia Barron, Dr. Paul H. Cope, and Dr. J. E. Ricketts;

H. R. 2130. An act for the relief of Daniel S. Bagley, Jr., and Daniel S. Bagley, Sr.;

H. R. 2243. An act for the relief of Arthur A. Guarino;

H. R. 2269. An act for the relief of Dr. William A. Schumacher and Magdalen M. Schumacher;

H. R. 2287. An act for the relief of Susan S. Wiseman;

H. R. 2319. An act for the relief of J. B. Shropshire;

H. R. 2423. An act to authorize the exchange of lands acquired by the United States for the Silver Creek recreational demonstration project, Oregon, for the purpose of consolidating holdings therein, and for other purposes;

H. R. 2489. An act for the relief of Gaylon Dhu;

H. R. 2962. An act for the relief of Justin P. Hopkins;

H. R. 3065. An act for the relief of Standard Dredging Corp.;

H. R. 3145. An act for the relief of A. C. McMeans;

H. R. 3158. An act for the relief of Leonard J. Fox and Milford G. Fox, a partnership, doing business as Fox Co.;

H. R. 3341. An act for the relief of J. E. and Minerva Mitchell, and Rosie Monroe;

H. R. 3360. An act for the relief of Mrs. W. H. (Agnes) Holmes;

H. R. 3397. An act for the relief of Claude S Crouse;

H. R. 3400. An act for the relief of Herbert W. Rogers;

H. R. 3420. An act to provide for refunds to railroad employees in certain cases, so as to place the various States on an equal basis, under the Railroad Unemployment Insurance Act, with respect to contributions of employees;

H. R. 3455. An act for the relief of Chatham M. Towers;

H. R. 3480. An act for the relief of Miss Ruth Lois Cummings;

H. R. 3484. An act for the relief of the Poultry Producers of central California;

H. R. 3492. An act to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended;

H. R. 3533. An act to authorize revisions in the boundary of the Hopewell village national historic site, Pennsylvania, and for other purposes;

H. R. 3623. An act for the relief of William A. Pixley;

H. R. 3821. An act to amend sections 4 and 8 of the act of September 2, 1937, as amended;

H. R. 3827. An act for the relief of Fred W. Grant;

H. R. 3848. An act for the relief of the legal guardian of Johnnie Pollock, a minor;

H. R. 3857. An act for the relief of Warren H. Thompson and Madeline Parent;

H. R. 3988. An act for the relief of Decatur County in the State of Indiana;

H. R. 3993. An act to authorize the Secretary of War to sell and convey to the Southern Pacific Railroad Co. a right-of-way and easement for railroad purposes across a portion of Camp Cooke Military Reservation, Calif.;

H. R. 4090. An act for the relief of Roy Hesselmeyer;

H. R. 4180. An act to amend the law relating to larceny in interstate or foreign commerce;

H. R. 4215. An act for the relief of Jane O'Malley;

H. R. 4247. An act for the relief of Jesús Lassalle and Mrs. America Bonet Medina;

H. R. 4357. An act for the relief of the estate of the late Alberto Lopez Ramos;

H. R. 4458. An act for the relief of Rosella J. Masters;

H. R. 4484. An act relating to the construction and maintenance of building and improvements for banking purposes on the Fort Ord Military Reservation, Calif.;

H. R. 4486. An act to abolish the Santa Rosa Island National Monument and to provide for the conveyance to Ecambia County, State of Florida, of that portion of Santa Rosa Island which is under the jurisdiction of the Department of the Interior;

H. R. 4492. An act for the relief of Charles Marvin Smith;

H. R. 4577. An act for the relief of Dolores Joyce;

H. R. 4651. An act to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended;

H. R. 4660. An act for the relief of Mrs. Georgia Lanser and Ensign Joseph Lanser;

H. R. 4673. An act for the relief of Mrs. Minnie Jenkins Ward;

H. R. 4701. An act granting the consent of Congress to the States of Utah, Idaho, and Wyoming to negotiate and enter into a compact for the division of the waters of the Bear River and its tributaries;

H. R. 4834. An act for relief of the estate of Katherine Delores Booth and Agnes Jane True;

H. R. 4862. An act for the relief of Walter R. Newcomb, Sr., Corbin A. Newcomb, and Walter R. Newcomb, Jr.;

H. R. 4917. An act for the relief of the Western Union Telegraph Co.;

H. R. 4919. An act for the relief of Archibald J. Alcorn;

H. R. 4996. An act for the relief of the legal guardian of Joan Esther Hedin, a minor;

H. R. 5026. An act for the relief of the estate of Drury Lee Jordan;

H. R. 5030. An act for the relief of Mrs. Lim Shee Chang;

H. R. 5112. An act to authorize the city of Anchorage, Alaska, to issue bonds in a sum not to exceed $5,000,000 for the purpose of constructing, reconstructing, improving, extending, bettering, repairing, equipping, or acquiring public works of a permanent character, and to provide for the payment thereof, and for other purposes;

H. R. 5178. An act for the relief of Marian Antoinette McCloud;

H. R. 5228. An act for the relief of Stephen Lisay;

H. R. 5324. An act for the relief of Mrs. Mary Francoline and Mrs. Rose Wallace;

H. R. 5351. An act for the relief of Charles Booker;

H. R. 5352. An act for the relief of Joseph Ippolito;

H. R. 5398. An act for the relief of Walter J. Barnes Electric Co. and Maritime Electric Co., Inc.;

H. R. 5510. An act for the relief of Newton William Lowery;

H. R. 5538. An act for the relief of Mae Maxine Stone;

H. R. 5539. An act for the relief of Andrew M. Halvorsen;

H. R. 5541. An act for the relief of F. B. Sweat;

H. R. 5640. An act to reestablish the status of funds of the midshipmen's store, barber shop, cobbler shop, and tailor shop at the United States Naval Academy, and for other purposes;

H. R. 5722. An act for the relief of Charles L. Cannon;

H. R. 5739. An act for the relief of Frances Fitzgerald;

H. R. 5792. An act for the relief of certain postmasters;

H. R. 5800. An act to authorize school districts in Alaska to issue bonds for school construction, and for other purposes;

H. R. 5806. An act for the relief of Etta Yoakam;

H. R. 5820. An act relating to mail service on Lake Winnepesaukee, N. H.;

H. R. 5831. An act to include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930;

H. R. 5840. An act to authorize an exchange of land in Eagle County, Colo.;

H. R. 5872. An act for the relief of Mr. and Mrs. Walter Keaton;

H. R. 5878. An act for the relief of Elsie Elmhorst;

H. R. 5884. An act for the relief of Frances Krzys;

H. R. 5958. An act to amend the Agricultural Adjustment Act of 1938, as amended;

H. R. 6041. An act authorizing the State of Indiana to construct, maintain, and operate a free highway bridge across the Wabash River at or near Montezuma, Ind.;

H. R. 6065. An act authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge or a free bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 6081. An act granting the consent of Congress to the Iowa State Highway Commission to construct, maintain, and operate a free highway bridge across the Des Moines River at or near the town of Eddyville, Iowa;

H. R. 6213. An act for the relief of Bvt. First Lt. Margaret Utinsky;

H. R. 6222. An act to extend the times for commencing and completing the construction of a bridge across the Calcasieu River at or near Lake Charles, La.;

H. R. 6324. An act to amend and supplement the Federal-Aid Road Act of July 11, 1916, as amended and supplemented, to provide for the design and construction of dams so that they will serve as foundations for highway bridges, to provide for the design and construction of highway bridges upon and across such dams, to authorize the granting of easements and rights-of-way in connection therewith, and for other purposes;

H. R. 6442. An act for the relief of Mrs. Elizabeth J. Patterson, Joy Patterson, and Roberta Patterson;

H. R. 6459. An act to extend the period within which the Secretary of Agriculture may carry out the purposes of the Soil Conservation and Domestic Allotment Act by making payments to agricultural producers;

H. R. 6472. An act for the relief of John E. Peterson, James M. Hiler, Vivian Langemo, Floy Sibrie, and Ross Lee Brown;

H. R. 6486. An act to authorize an appropriation for the establishment of a geophysical institute at the University of Alaska;

H. R. 6515. An act to amend the act entitled "An act authorizing the Nebraska-Iowa Bridge Corp., a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa," approved March 6, 1928;

H. R. 6627. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America;

H. R. 6673. An act to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended;

H. R. 6689. An act to extend for an additional year the provisions of the Sugar Act, as amended, and the taxes with respect to sugar;

H. R. 6751. An act authorizing Gus A. Guerra, his heirs, legal representatives, and assigns, to construct, maintain, and operate a toll bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 6889. An act to extend the times for commencing and completing the construction of a toll bridge across the St. Louis River between the States of Minnesota and Wisconsin, and for other purposes;

H. R. 6903. An act to provide benefits for certain employees of the United States who are veterans of World War II and lost opportunity for probational civil-service appointments by reason of their service in the armed forces of the United States;

H. J. Res. 321. Joint resolution to authorize the making of settlement on account of certain currency destroyed at Fort Mills, Philippine Islands, and for other purposes;

H. J. Res. 336. Joint resolution relating to marketing quotas under the Agricultural Adjustment Act of 1938, as amended;

H. J. Res. 359. Joint resolution relating to peanut marketing quotas under the Agricultural Adjustment Act of 1938, as amended; and

H. J. Res. 364. Joint resolution to provide for the establishment of an international animal quarantine station on Swan Island and to permit the entry therein of animals from any country and the subsequent importation of such animals into other parts of the United States, and for other purposes.

EFFECT OF TERMINATION OF OPA ON THE CORN MARKET

Mr. REED. Mr. President, I wish to take a minute of the time of the Senate to call attention to the effect that has been had upon the free movement of corn by virtue of decontrol. There was much discussion in the Senate, particularly by the New England Senators, who are much concerned, about the effect of the continuance of controls on feed for dairy herds and poultry.

I asked the grain people to tell me the effect of decontrol upon corn, and from information furnished me I find that during the month of June the Chicago market, which is the great corn market of the world, received an average of 56.5 cars a day. For the first 17 days of July receipts at Chicago, stated in carloads, amounted to 118.5 cars, a little more than double the number received during June.

Similar figures were collected from eleven large corn markets, which included Chicago, Indianapolis, Kansas City, Milwaukee, Minneapolis, Omaha, Peoria, Sioux City, St. Joseph, St. Louis, and Wichita.

During the 30 days of June the average amount of corn received at these 12 markets was 379,500 bushels a day. In the first 17 days of July the average was 630,000 bushels, again almost double.

Mr. President, I call particular attention to the fact that during the last 3 days shown on this report, namely, July 15, 16, and 17, more than a million bushels of corn went into these 12 primary markets on each of those days.

Up to the time when corn was decontrolled, no corn of any consequence moved, except in the black market, for perhaps 6 or 9 months. Immediately after corn was decontrolled and could be handled in a free market, there began a great flow of corn from the farms through the regular channels to the deficit areas, such as New England, the central Atlantic coast, and the southeast territory.

Mr. President, I ask unanimous consent that the two statements to which I have been referring be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Chicago corn receipts

[Carloads]

Date	June	July
1	56	75
2	Sunday	29
3	130	27
4	50	Holiday
5	88	122
6	104	87
7	117	Sunday
8	88	195
9	Sunday	201
10	159	152
11	49	125
12	74	128
13	50	142
14	76	Sunday
15	52	332
16	Sunday	197
17	123	183
18	45	136
19	44	
20	65	
21	63	
22	25	
23	Sunday	
24	92	
25	24	
26	38	
27	25	
28	39	
29	18	
30	Sunday	
Average daily	56.5	118.5

Receipts of corn at reporting primary markets [1]

[In bushels]

Day	June	July
1	761,000	329,000
2	Sunday	239,000
3	641,000	252,000
4	568,000	Holiday
5	458,000	460,000
6	550,000	610,000
7	558,000	Sunday
8	534,000	1,058,000
9	Sunday	738,000
10	895,000	962,000
11	642,000	946,000
12	484,000	791,000
13	411,000	863,000
14	499,000	Sunday
15	455,000	1,299,000
16	Sunday	1,061,000
17	544,000	1,099,000
18	481,000	
19	353,000	
20	302,000	
21	314,000	
22	329,000	
23	Sunday	
24	361,000	
25	440,000	

[1] Reporting primary markets include Chicago, Indianapolis, Kansas City, Milwaukee, Minneapolis, Omaha, Peoria, Sioux City, St. Joseph, St. Louis, and Wichita.

Receipts of corn at reporting primary markets—Continued

[In bushels]

Day	June	July
26	151,000	
27	217,000	
28	178,000	
29	260,000	
30	Sunday	
Daily average	379,500	630,000

OPA AND THE LIVESTOCK AND GRAIN MARKETS

Mr. WHERRY. Mr. President, I ask unanimous consent to have printed in the RECORD reports from the livestock market, the grain market, and other retail markets which I have collected for today. I ask to have printed also certain telegrams I have received, as well as clippings from newspapers, regarding OPA.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

There are four outstanding facts about cattle prices in the United States Department of Agriculture reports released from Chicago and New York today that I think you should pass along to the proper people:

1. Many medium to average good steers and yearlings sold from $2 to $5 under the week's high.

2. Practically all grades of cows, medium heifers and medium to good steers are selling at prices now well below compliance levels in force up to July 1. This indicates that the market is spreading out and that there are a good proportion of cattle selling at lower prices than the prices that prevailed during the last week in June, the period prior to the removal of OPA controls.

3. Some two-way cattle (cattle that can go either to slaughter or to the feed lot) of the quality that sold to slaughterers earlier in the week at $21 sold to feed-lot buyers today at $17 per hundredweight. This suggests that the market is getting to a point where feed-lot operators will again buy cattle for feeding operations this fall and winter. The result of this action will mean more beef next spring.

Upper limit quotations for beef carcasses at New York City indicate that the wholesale price of choice beef has dropped $13 per hundredweight and for good beef $15 per hundredweight since July 5. This indicates that former black-market price levels are being effectively destroyed by increased volume and by resistance on the part of consumers, under a free economy.

TOLEDO, OHIO, *July 19, 1946.*

Hon. K. S. WHERRY,
Washington, D. C.:

Ohio Farmers Grain Dealers Association, Defiance, Ohio, composed of 400 country and terminal grain and feed dealers, also 75,000 farmers plead that you do not put grain back under OPA and cut across unfilled contracts. It will break all country elevators in the country as they are all filled with high-priced wheat which is sold and cannot be shipped on account of car shortage. Wheat prices have been breaking daily and is now selling at about OPA ceiling prices and oats are now 8 cents under ceiling.

OHIO FARMERS GRAIN DEALERS ASSOCIATION,
C. S. LATCHAW, *Secretary.*

ST. PAUL, MINN., *July 19, 1946.*

Hon. KENNETH S. WHERRY,
Washington, D. C.:

Markets adjusting to supply and demand, gasoline 2 cents down, butter now from 66 to 80 cents, down 5 cents. Hogs and cattle down. Increases now reflect only subsidies which certainly could not be continued indefinitely. Resumption of OPA food controls wholly unjustified and would result in complete chaos in livestock and dairy products. If America is to survive, governmental controls must be eliminated and industry and agriculture given an opportunity to operate in free markets. Bureaucrats would make same arguments if controls were extended whenever any attempt was made to remove them. Now is the time to rid the country of its greatest handicap to production and return to normal supply and demand prices. Your splendid work along these lines greatly appreciated.

TWIN CITY MILK PRODUCERS ASSOCIATION,
W. S. MOSCRIP, *President.*

OMAHA, NEBR., *July 19, 1946.*

Senator KENNETH S. WHERRY,
Senate Office Building,
Washington, D. C.:

Wheat broke sharply again today and few buyers. We are sure it will decline until Government buys. We feel there could never be a better time to drop OPA than now. The wheat crop we think is a record and that corn crop will exceed previous record by over 5 percent.

NEBRASKA CONSOLIDATED MILLS CO.,
R. S. DICKINSON.

CHICAGO, ILL., *July 18, 1946.*

E. B. KIXMILLER,
Mayflower Hotel, Washington, D. C.:

Poultry in New York declined an additional 2 cents today. This makes ice packed chickens under 3 pounds, 37 cents dressed. New York compared 52 cents open market June 29 market continues weak. Chicago November egg futures 39 cents compared to 46 cents 3 or 4 weeks ago. Chicago butter declined 1½ cents today to 69 cents which is 1½ cents under ceiling plus subsidy market weak.

N. R. CLARK,
Vice President, Swift & Co.

THINGS THAT GO UP MUST COME DOWN

[From the Washington Times-Herald of July 20, 1946]

OPENING BID, 77 CENTS—COST OF BUTTER "MELTS" TO 19 CENTS IN ST. PETERSBURG PRICE WAR

ST. PETERSBURG, FLA., July 19.—A butter price war raged between two retail stores on opposite sides of a street here today with the cost dropping from 77 to 19 cents before the day was over.

Figures were posted in large numerals on plate glass store fronts.

Store No. 1 had been selling butter at 77 cents a pound. Thursday morning store No. 2 opened up with an offer of 74. Store No. 1 dropped to 66.

At noon today No. 2 met the 66-cent offer. Fifteen minutes later No. 1 put up a price of 63. This was countered immediately with an offer at 59 at No. 2.

The decline went back and forth all day until 5:45 p. m., when No. 1 offered butter for 25 cents with the No. 2 quotation at 19 cents. At 6 p. m. No. 2 stopped selling butter.

J. H. Willis, general manager of No. 2, said 2,000 pounds of butter were sold at his store. C. W. Bragg, manager of No. 1, said he had disposed of 1,500 pounds.

Mr. WHERRY. Mr. President, if my name were Chester Bowles, and not KENNETH WHERRY, and I was as dishonest in the use of statistics as he has been with his when he claimed that the price of steel plate rose 232 percent and bituminous coal rose 675 percent following World War I, and there were 106,000 business failures in 1920, then I would commandeer the radio networks and inform the American public that the price of butter had gone down to 19 cents.

[From the Washington Daily News of July 19, 1946]

THEY COULD BE WRONG

Back in the intimate recesses of Washington's cocktail lounges the small-fry President-makers speak of long-term strategy. It goes something like this:

Forget about OPA. Let prices skyrocket. Let the consumers get a bellyfull. They will then be in a mood for some real planned economy. That will be the clear-cut issue to elect a President in 1948.

This newspaper will do its best to avoid crystal grazing, but there are signs, however inconclusive, that these serious-minded and self-appointed architects of a new day may have their blueprints balled up.

Such signs as, for instance, strong resistance to rising prices dating from the end of OPA, including Wednesday's break in poultry quotations, Thursday's drop in Chicago livestock prices, reductions in butter prices when mama refused to pay 90 cents to a dollar a pound, a note in the Wall Street Journal that big retailers are beginning to worry about getting stuck with high-cost inventories, ads offering much-wanted goods at less than OPA prices, and so on.

It is basic in the philosophy of one type of "liberal" that the American consumer is a poor, forlorn lug with no spunk and less sense. If you don't hold his hand on the way to the grocery, he'll blow the roll on a pack of gum, with nothing left for such necessities as rent, gin, hamburger, nylon hose and thin little books about the wonderful world of tomorrow.

It could be that these "liberals" are right. If so, they may have something in this argument for a totalitarian planned economy as a desperate measure to save this American fool from his folly.

But even assuming the necessity, there is reason to fear that their cure may be at least as bad as the disease.

For planned economy requires planners—and planners, as well as consumers, may sometimes be mistaken.

Recall, for instance, the assumption that depression would follow the war's end. Unemployment would be eight million up. Disastrous deflation was on the way. So the plan called for wages to be forced up abruptly to provide "purchasing power" in this new 1933. The idea that wages had anything to do with retail prices was brushed aside as a mere detail. Get away boy, you're bothering me.

Instead of deflation we get inflation. Instead of unemployment we actually have labor shortage in many spots, men's clothing for instance.

The tendency toward runaway prices, which started well before the end of OPA, may be attributed, at least in major part, to this just slightly cockeyed plan.

We do not share this liberal low opinion of the American consumer.

We dislike to view this consumer as a digit in a Government book of statistics. We prefer to personify her in the form of mama, pay check in one hand and market basket in the other.

It is risky, we think, to assume that mama is fool enough to pay whatever is asked. In the first place she is limited by papa's pay check. In the second place, even if she had the money, her pride would prevent her from playing sucker.

Mama is the person the Washington storekeeper had in mind when he explained to a reporter why he still didn't have any meat.

"Meat at that price?" said the storekeeper. "I won't fool with it! My customers wouldn't stand for it.'

Multiply mama by a few million and you have what an economist might term a strong antiinflationary influence. Your merchant, your manufacturer, your farmer, are a lot more scared of mama than they ever were of Chester Bowles or Paul Porter.

And if mama and her tribe, who constitute the American people, are such fatheads as these liberals think, how did we ever do so well in the days before planned economy got into the language?

How did we ever cut down the trees, build the homes, farms, and factories which made us big and strong enough to lick Hitler, arm and feed the world?

If the country has lost the spunk and common sense which made it, may the Lord help us. We doubt if these long-term planners can.

We are not, as we said, going into the predicting business, but we think there is some slight justification for the belief, and hope, that these cocktail-room strategists may be wrong—again.

EXECUTIVE SESSION

Mr. GREEN. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. HOEY in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDING OFFICER. Reports of committees are in order. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

CALIFORNIA DEBRIS COMMISSION

The legislative clerk read the nomination of Col. George Mayo, Corps of Engineers, to be a member of the California Debris Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

The PRESIDING OFFICER. Without objection, the Army nominations are confirmed en bloc.

THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

The PRESIDING OFFICER. Without objection, the Navy nominations are confirmed en bloc; and, without objection, the President will be notified forthwith of all confirmations of today.

RECESS

Mr. GREEN. Mr. President, I move that the Senate take a recess until 11 o'clock a. m. on Monday next.

The motion was agreed to; and (at 5 o'clock and 6 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, to Monday, July 22, 1946, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate July 20 (legislative day of July 5), 1946:

CIRCUIT COURTS, TERRITORY OF HAWAII

Gerald R. Corbett, of Hawaii, to be sixth judge of the first circuit, circuit courts, Territory of Hawaii, new position.

MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

Hon. George D. Neilson, of the District of Columbia, to be associate judge of the municipal court for the District of Columbia. (Judge Neilson is now serving in this office under an appointment which expired April 29, 1946.)

UNITED STATES ATTORNEY

Dan B. Shields, of Utah, to be United States attorney for the district of Utah. (Mr. Shields is now serving in this office under an appointment which expired March 23, 1946.)

UNITED STATES MARSHAL

Donald A. Draughon, of Puerto Rico, to be United States marshal for the district of Puerto Rico. (Mr. Draughon is now serving in this office under an appointment which expired July 3, 1946.)

CONFIRMATIONS

Executive nominations confirmed by the Senate July 20 (legislative day of July 5), 1946:

CALIFORNIA DEBRIS COMMISSION

Col. George Mayo, Corps of Engineers, to be a member of the California Debris Commission.

IN THE ARMY

APPOINTMENTS IN THE REGULAR ARMY OF THE UNITED STATES

Brig. Gen. Henry Balding Lewis to be Assistant The Adjutant General, with the rank of brigadier general, for a period of 4 years from the date immediately following that upon which Brig. Gen. Thomas Jefferson Davis, the present incumbent, vacates his appointment as Assistant The Adjutant General.

Roger Gordon Alexander to be the dean of the academic board of the United States Military Academy, with the rank of brigadier general, Regular Army.

IN THE NAVY

APPOINTMENTS IN THE NAVY

To be assistant paymasters in the Navy with the rank of ensign

James E. Brown
William S. Benson 2d
John J. Caporaso
Wesley J. McClaren
Karl W. Fischer, Jr.
Arthur E. Linder
Sherman F. Drake

HOUSE OF REPRESENTATIVES

SATURDAY, JULY 20, 1946

The House met at 10 o'clock a. m.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou who hast revealed Thyself as a prayer-hearing and prayer-answering God, may we now in all simplicity and sincerity invoke Thy blessing and benediction, beseeching Thee that we may pursue and perform our duties with a steadfast and single-hearted devotion.

We pray that our President, our Speaker, and all the Members of this legislative body who have been entrusted with leadership in the life of our Republic may be blessed with capacities and powers equal to the difficult problems and tragic necessities of our generation and equal to the opportunities and responsibilities of lifting and leading humanity into a loftier idealism.

Grant that in our longing and search for a more brotherly world and a nobler social order we may be ready and willing to yield ourselves to the demands and disciplines of that quest. Help us to see more vividly that if this quest is ever to become a glorious conquest then we must surrender our lives to the spirit of self-denial and sacrifice which was the spirit of our Lord and Saviour.

In His name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Gatling, its enrolling clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6885) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1947, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 33, 34, 46, 52½, 62, 69, 81, and 86 to the foregoing bill.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 4497) entitled "An act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. O'MAHONEY, Mr. THOMAS of Oklahoma, and Mr. LA FOLLETTE to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 2192. An act for the relief of Andre Dachany;

H. R. 3543. An act for the relief of the legal guardian of James Thompson, a minor; and

H. R. 5452. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1947, and for other purposes.

The message also announced that the President pro tempore has appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to

provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies:

1. Department of Agriculture.
2. Department of the Interior.
3. Department of the Navy.
4. Department of the Treasury.
5. Department of War.
6. Post Office Department.
7. Alien Property Custodian.
8. Federal Communications Commission.
9. Federal Security Agency.
10. Federal Works Agency.
11. National Archives.

EXTENSION OF REMARKS

Mr. ROBERTSON of Virginia asked and was given permission to extend his remarks in the RECORD and include therewith a brief statement by Mr. Fred P. Myers, of the Sons of Confederate Veterans.

Mr. LANE asked and was given permission to extend his remarks in the RECORD.

Mr. JOHNSON of California asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial.

Mr. PLOESER asked and was given permission to extend his own remarks in the Appendix of the RECORD.

Mr. BUTLER asked and was given permission to extend his remarks in the Appendix of the RECORD and include an address he made last Sunday.

Mr. MUNDT asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial from the Evening Star of last night dealing with the scuttling of the Preemployment Investigating Service of the United States Civil Service.

Mr. RICH. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD an article from this morning's Post entitled, "Seventy-eight Miles per Hour Speed in Auto Costs Woman $175," and add my remarks thereto.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ATOMIC ENERGY ACT OF 1946

Mr. MAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (S. 1717) for the development and control of atomic energy.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill S. 1717, with Mr. MILLS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 42, line 9, after the period, strike out the balance of the line, down to and including the period on line 12.

The committee amendment was agreed to.

The Clerk read as follows:

COMPENSATION FOR PRIVATE PROPERTY ACQUIRED

SEC. 13. (a) The United States shall make just compensation for any property or interests therein taken or requisitioned pursuant to sections 5 and 11. The Commission shall determine such compensation. If the compensation so determined is unsatisfactory to the person entitled thereto, such person shall be paid 50 percent of the amount so determined, and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided by sections 24 (20) and 145 of the Judicial Code to recover such further sum as added to said 50 percent will make up such amount as will be just compensation.

(b) In the exercise of the rights of eminent domain and condemnation, procedings may be instituted under the act of August 1, 1888 (U. S. C., title 40, sec. 257), or any other applicable Federal statute. Upon or after the filing of the condemnation petition, immediate possession may be taken and the property may be occupied, used, and improved for the purposes of this act, notwithstanding any other law. Real property acquired by purchase, donation, or other means of transfer may also be occupied, used, and improved for the purposes of this act, prior to approval of title by the Attorney General.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 45, line 12, insert:

"JUDICIAL REVIEW AND ADMINISTRATIVE PROCEDURE

"SEC. 14. (a) Notwithstanding the provisions of section 12 of the Administrative Procedure Act (Public Law 404, 79th Cong., approved June 11, 1946), which provide, when such act shall take effect, section 10 of such act (relating to judicial review) shall be applicable, upon the enactment of this act, to any agency action under the authority of this act or by any agency created by or under the provisions of this act.

"(b) Except as provided in subsection (a), no provision of this act shall be held to supersede or modify the provisions of the Administrative Procedure Act.

"(c) As used in this section the terms 'agency action' and 'agency' shall have the same meaning as is assigned to such terms in the Administrative Procedure Act."

The committee amendment was agreed to.

The Clerk read as follows:

JOINT COMMITTEE ON ATOMIC ENERGY

SEC. 14. (a) There is hereby established a Joint Committee on Atomic Energy to be composed of nine Members of the Senate to be appointed by the President of the Senate, and nine Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than five members shall be members of the same political party.

(b) The joint committee shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. The Commission shall keep the joint committee fully and currently informed with respect to the Commission's activities. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall be referred to the joint committee. The members of the joint committee who are Members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are (1) referred to the joint committee or (2) otherwise within the jurisdiction of the joint committee.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

(d) The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The provisions of sections 102 to 104, inclusive, of the Revised Statutes shall apply in case of any failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

(e) The joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable, but the compensation so fixed shall not exceed the compensation prescribed under the Classification Act of 1923, as amended, for comparable duties. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government.

Committee amendments: Page 46, line 5, strike out "14" and insert "15."

Page 46, line 6, strike out "nine" and insert "eleven."

Page 46, line 8, strike out "nine" and insert "eleven."

Page 46, line 10, strike out "five" and insert "six."

The committee amendments were agreed to.

The Clerk read as follows:

ENFORCEMENT

SEC. 15. (a) Whoever wilfully violates, attempts to violate, or conspires to violate, any provision of sections 4 (b), 4 (e), 5 (a) (3), or 6 (b) shall, upon conviction thereof, be punished by a fine of not more than $10,000 or by imprisonment for not more than 5 years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by a fine of not more than $20,000 or by imprisonment for not more than 20 years, or both.

(b) Whoever wilfully violates, attempts to violate, or conspires to violate, any provision of this act other than those specified in subsection (a) and other than section 10 (c), or of any regulation or order prescribed or issued under sections 5 (b) (4), 10 (d), or 12 (a) (2), shall, upon conviction thereof, be punished by a fine of not more than $5,000 or by imprisonment for not more than 2 years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by a fine of not more than $20,000 or by imprisonment for not more than 20 years, or both.

(c) Whenever in the judgment of the Commission any person has engaged or is about

to engage in any acts or practices which constitute or will constitute a violation of any provision of this act, or any regulation or order issued thereunder, it may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the Commission that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order shall be granted without bond.

(d) In case of failure or refusal to obey a subpena served upon any person pursuant to section 12 (a) (3), the district court for any district in which such person is found or resides or transacts business, upon application by the Commission, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both, in accordance with the subpena; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Committee amendment: Page 48, line 9, strike out "15" and insert "16."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 49, line 16, strike out "shall" and insert "may"; and strike out the words "without bond."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 50, add a new paragraph as follows:

"(e) All violations of this act shall be investigated by the Federal Bureau of Investigation of the Department of Justice."

The committee amendment was agreed to.

Mr. RICH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have listened to the debate on this bill on atomic energy and have read a great deal of what I did not sit here and listen to during the past 3 or 4 days. I have never been so bewildered in my life or so disillusioned as I am about this legislation. I cannot find in my own mind why the bill has ever been brought here. I do not believe the ones who are sponsoring this legislation are for the legislation.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from New York.

Mr. REED of New York. Was not the gentleman astounded when he heard the gentleman from Ohio [Mr. ELSTON] say that the provision relating to patents was not in accord with our patent laws but was in accord with the Russian patent laws?

Mr. RICH. I was not so much surprised at that statement because of the fact that the legislation has been brought in here without anybody wishing to be the father of it. No one wants to assume the responsibility for the bill. Where did it come from? Who wrote the legislation? Who is back of it now?

There is something rotten in Denmark, if I know anything about it. Why the membership of the House would sponsor legislation that so few Members know anything about is the most perplexing thing I have seen since I have been a Member of Congress.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. RICH. Not for the moment. I want to complete my statement because some of the fellows around this Chamber seem to think they know something about the atomic bomb. I know very little about it and the more I hear you fellows talk the less I know. Some men in the House know so much about the atomic bomb and the rest of us know so little about the atomic bomb that we are not qualified to vote for this bill. You had therefore better send it back to the committee where there will be an opportunity for the people of this country and the Members of the House to study it.

This world is in a terrible state of affairs. We are having uprisings, we are having revolutions, we have had wars. Who is fit to have destructive weapons more deadly than poison? This is supposed to be the most deadly weapon that has ever been presented to the Army of the United States, and no one is supposed to know anything about it but our own Army. The secrets are all supposed to be within our own Army, and that is the place where we ought to keep them. We should let the secrets remain in the hands of our Army until we know more about it, and until the Army is willing to convey information to us as to what the atomic bomb really is and what it will do, because they are experimenting with it and they are trying to find out just exactly what it will do. Certainly we should not give these deadly bombs to every nation to destroy other nations. If you had a deadly poison in your possession, you would not put it where it might harm another person. No, you would hide it so no one could get it. Let us do that with the bomb.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. We have faith in the War Department. That Department has handled this in a very satisfactory manner and until we find what direction world affairs are going to follow, we ought to mind our own business and keep this in the War Department. It belongs there. I agree with the gentleman from Pennsylvania that the proper thing to do is to recommit this bill and leave this matter lie for the time being.

Mr. RICH. I agree with the gentleman from Pennsylvania and I admire him because he and I think pretty much alike in most things. When I find that one thinks as I do I cannot help but take my hat off to him because a great many Members of Congress do not believe that I am right all the time, due to the fact they do not vote like I do. When it comes to this legislation, when I see the conditions that exist in the world today, and when I realize that the bomb and its secrets are held within our own Army, in my opinion, we ought to leave them there until we know more accurately what we are doing. Do not give the bombs to any nation that might use them against us. Do not give them to any other nation for fear they may be used against some other nation. If our Army retains them, then no others need to have them. They cannot harm any other nation. That seems to me to be just plain common sense. I shall vote to recommit the bill to the committee if given an opportunity.

For the best interests of the world in general and the United States in particular at this time, July 20, 1946, put the bill in committee, there to rest for a time, or else vote down the bill from passage at this time.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. RANKIN. Mr. Chairman, a point of order. The Members ought to be here to hear this debate and I make the point of order there is not a quorum present.

The CHAIRMAN. The Chair will count.

Mr. RANKIN. Mr. Chairman, I withdraw my point of order.

Mr. THOMAS of New Jersey. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, as a result of the amendments that have been agreed to here in the last 2 days some of our friends in the world, if we can call them friends, and I hope we can, are beginning to give us some sugar-coated propaganda.

We read in the paper this morning that Andrei Gromyko, Soviet delegate, told the Atomic Energy Commission's scientists yesterday that nobody is asking for secrets; that what Russia wants now is a method of exchange of scientific data for the peaceful use of atomic energy. The chairman of that committee was Prof. Hendrik A. Kramers, of the Netherlands. The good professor had this to say:

With memories of 5 years under Nazi occupation, we are no longer idealists, we are realists.

That is just exactly what we want to be, realists. Irrespective of all the amendments that we have passed, I think we would be taking a tremendous risk if we permitted this bill to go to conference, because if the bill does go to conference we run the risk of having most of our amendments thrown out, opening the door for doing the very thing that we are trying to prevent; that is, opening the door to letting vital defense secrets go out to other nations of the world.

So, I say, irrespective of what amendments have been passed, let us not take a chance. Let us recommit this bill and put it in the safe of the Committee on Military Affairs until such time as that committee feels we have peace in the world, so that there will be no chance of the use of our vital secrets for war purposes.

Mr. DONDERO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DONDERO: Page 50, line 1, as a substitute amendment for the committee amendment, insert the following:

"All persons associated in any capacity with the development and control of atomic energy under the Commission and all violations of this act shall be investigated by the Federal Bureau of Investigation of the Department of Justice."

Mr. DONDERO. Mr. Chairman, the amendment which has just been read at the Clerk's desk perhaps speaks louder than anything I could say from the floor. The bill as written provides that the Federal Bureau of Investigation shall investigate all violations under this act. The purpose of the amendment is that not only all violations should be investigated by the FBI, but that all personnel employed on this particular subject dealing with atomic energy shall have a fair and reasonable screening so that we will know that only Americans are on guard or interested in this mystic power. The national defense is involved in this legislation.

Mr. THOMASON. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Texas.

Mr. THOMASON. Does not the gentleman from Michigan think that the amendment offered yesterday by the gentleman from Virginia [Mr. SMITH], and adopted, covers the entire field?

Mr. DONDERO. I think that amendment covers the field fairly well. I examined the amendment offered by the gentleman from Virginia again this morning, and the word omitted is the word "loyalty." It does speak of character; it does speak of association, and I think the amendment is fairly broad and to a very large degree would do what my amendment intends to do, with that one exception.

Mr. THOMASON. I supported the Smith amendment and I did it in the belief that you could surely trust the FBI about it. We give the FBI wide latitude to examine all personnel.

Mr. DONDERO. I have a very profound respect for the FBI, and I know that they do their work well. My purpose in offering the amendment is as I have stated. I desire to strengthen the hands of this agency. Of course, it was on the Clerk's desk before the amendment of the gentleman from Virginia was offered and adopted. This amendment would protect our Government and the secrets related to this awesome and strange power.

The CHAIRMAN. Does the Chair understand the gentleman to withdraw his amendment?

Mr. DONDERO. Not for the present, Mr. Chairman.

Mr. RANKIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, of course, I do not think that any amendments are going to help this bill. All the perfumes of Arabia would not sweeten it to where I could vote for it.

But if you are going to adopt any amendment at all, you should adopt the amendment offered by the gentleman from Michigan. If you are not going to test the loyalty of these men, how are you going to get rid of the traitors who are spying in every department of the Government? Look at what they caught out here at Aberdeen day before yesterday? What were they there for? Stealing military secrets to give to our enemies. If you are not going to test their loyalty, you might as well wipe out the Smith amendment.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from California.

Mr. VOORHIS of California. We have already provided for that in the amendment adopted yesterday.

Mr. RANKIN. I do not believe you did. Not only that, it is not provided for elsewhere. Everybody knows that when you permitted the commissioning of Communists you packed them into the War Department over the protest of our military leaders. They are packed into every department of this Government, if you want to know the truth of it, and the Committee on Un-American Activities knows it. Let us get rid of these subversive elements that are trying to undermine and destroy America.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Ohio.

Mr. ELSTON. Does not the gentleman feel that it is just as essential that there be the strictest kind of supervision as it is to punish after the crime is committed?

Mr. RANKIN. Certainly. The way to prevent crime is to keep the criminals out.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Kentucky.

Mr. MAY. I call the attention of the gentleman from Mississippi to the fact that the House Committee on Military Affairs participated in the investigation of those things, too, with good results.

Mr. RANKIN. Yes, and the House Committee on Military Affairs has been here all the time these subversive elements have been packed into the War Department. I am not criticizing the members of that committee, but our officials have not been on the alert as they should have been or they would not have had those subversive elements packed into the various departments of this Government.

Mr. MUNDT. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from South Dakota.

Mr. MUNDT. Does the gentleman agree with me that it is equally important to set up a suitable screening process to prevent those engaged in un-American activities from being employed in the first instance?

Mr. RANKIN. It is infinitely more so. What good did it do to arrest John Wilkes Booth after he had shot the President?

Mr. MUNDT. That is correct. For that reason, I called to the attention of the House this week the fact that the Budget Bureau has literally scuttled the whole preemployment investigative service of the United States Civil Service Commission. I think before we adjourn the Congress should take steps to set up that investigative service again.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman saw in the papers yesterday that five people were fired at the Aberdeen Proving Ground.

Mr. RANKIN. Yes; I spoke of that on the floor. I read the names into the RECORD. Not one of them is a real American.

Mr. RICH. If they are Communists, the War Department did the right thing in getting them out.

Mr. RANKIN. I understand, but the thing is they should not have been there in the first place. There has been too much laxity in permitting these subversive elements to crowd into the various departments. That is what I am kicking about. Just as sure as you leave any opening at all they will crowd in, and you will find that they will betray the American people, and the first thing you know if they have their way our people will be blown to pieces with this atomic bomb.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Michigan.

Mr. DONDERO. The amendment I have offered is simply intended to strengthen the enforcement provisions of this bill.

Mr. RANKIN. I know that.

Mr. DONDERO. It seems to me that no harm can be done by adopting it.

Mr. RANKIN. Certainly not.

Mr. Chairman, you have just had an example. If there is a man in this House that does not know that communism is the enemy of everything for which America stands, he ought to drop over to St. Elizabeths and get a mental examination.

If there is a human being in this House that does not know by this time that communism is dedicated to the destruction of our form of government, our economic system, and our American way of life, as well as Christianity itself, then he ought to go over to St. Elizabeths and get a mental examination.

Just the other day one of the greatest crimes in all the history of mankind was perpetrated in Yugoslavia. They murdered Mihailovich. I have a picture here of the American airmen picketing the Yugoslav consulate. That is a picket line of which I approve.

It shows there that they were the ones that were saved by this man that the Communists murdered. And that is the gang that wants to get their hands on the atomic bomb.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

ATOMIC ENERGY INVESTIGATION SHOULD NOT BE LIMITED TO GOVERNMENT EMPLOYEES ONLY

Mr. DOYLE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, on yesterday we turned back to any individual in this Nation the right to purchase secretly or acquire and control atomic energy at its source without regard to our national safety and also the right to manufacture military weapons for private gain. That naturally means that individuals in this country, and companies and corporations, and possibly Communists in this country have been given the right by your

vote on yesterday in adopting the substitute on the section 11 to manufacture atomic energy for military weapons without prior disclosure to the United States Government. In fact, you opened the door by your deletion on yesterday of the patent section of the bill S. 1717 as it came from the Senate to subversive persons who do not wish to disclose their invention to the United States Government, of inventions for military purposes in the field of atomic energy. I challenge anyone to read the amendment you adopted in place of original section 11 as of yesterday, and show if my statement just now made is erroneous in any particular. I estimate that on yesterday, 90 percent of the Members of the House never had previously read the amendment or the substitute on which you voted relating to section 11 because there were not enough copies on the floor so that we could all read them. And, I know you cannot well contradict me when I say that the substitute of over 2 pages was a complete reversal of the policy of the original bill. My point is this: Why do you people keep talking about subversive elements only in the lists of Government employees when on yesterday you turned this over to any one, any place, and at any time to acquire, use, or produce—outside of the United States Government? Why do you not apply the amendment proposed by the gentleman from Michigan to the employees of private industry too? Why do you assume that there will be no subversive or unpatriotic influences in employment in private industry and let all who have anything to do with atomic energy outside Government go without being checked by the FBI? Do you not suppose that some private persons in and out of private industry may possibly be subversive or unpatriotic in their secret and undisclosed use of atomic energy for the purpose of making money? This proposed amendment to have the FBI only investigate employees of the Commission is entirely inadequate. I say to you, if you are going to turn over the control of the manufacture of military weapons as you yesterday voted to do to private industry for the purpose of making money out of war, then you are also under an obligation to have all who work in private industry with atomic power likewise investigated by the FBI. Can anyone tell me why it is sound to apply it to Government employees only?

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. DOYLE. I yield.

Mr. RICH. Do you think for a minute that any employer in the United States would employ a Communist if he knew he was a Communist? There certainly is not an employer in the whole United States who would do that.

Mr. DOYLE. I will say to the gentleman I think there are people in America who would employ most any tactics to make piles of money. Yes, they certainly might.

Mr. RICH. That fellow then is not an American.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DOYLE. I yield to the gentleman from New Jersey, a member of the committee.

Mr. THOMAS of New Jersey. I assume from what the gentleman from California says that he does not approve of the bill. Therefore, are you going to vote to recommit the bill?

Mr. DOYLE. I am not going to vote to recommit the bill even if the patent section is left out of the bill, the way it was originally. I am saying that I am opposed to any subversive influences in Government or in our American life any place. I am opposed to the sabotaging of any part of our American form of government. I am absolutely opposed to un-American activities of any kind anywhere, by anybody. But why do you men limit the FBI investigation for loyalty to Government business relative to atomic energy? You and I know—I know—I have practiced law for 25 years—that some men are said to have been subversive and unpatriotic enough for the purpose of making millions of dollars who have not been Government employees either. Why did you put in the death penalty yesterday if you did not think it was fundamentally necessary to protect all the people of our beloved Nation from unpatriotic treason in the matter of atomic energy? It is necessary to protect the American people against subversive activities regarding this atomic energy, in industry, as it is to protect against it in the departments of Government, when you turn the manufacture of military weapons out of atomic energy over for the purpose of making money. Yes, you voted yesterday to make it so American industry can make more money profits out of war. So thereby it encouraged war.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. DOYLE. I yield.

Mr. VOORHIS of California. We have already seen instances where the patents themselves were the principal elements in cartel agreements whereby we know there was an exchange of information between big corporations.

Mr. DOYLE. Certainly. In other words, by yesterday's vote we turned the manufacture of military weapons, with the element of atomic energy in them, over to the purpose of making money profit, so that they could be manufactured without let or hindrance by anybody subject to the Government buying them at fabulous prices by condemnation or otherwise. By yesterday's vote, the only time that you require disclosure by a man who has invented a military weapon that uses atomic energy, is 60 days after he makes up his mind that it has some military value and then he is only required to file a report with the United States Government. The Government does not even have an exclusive option to acquire the atomic weapon; no, not even for a day.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CASE of South Dakota. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I would like to ask the gentleman from California if he is so concerned about the character of the people to be employed by private industry if he would support an amendment to the Wagner Act to give the private employer a chance to have a little discretion concerning the character of the people he employs.

Mr. DOYLE. I think the gentleman is going far afield in trying to here attack the Wagner Act. I do not think it is pertinent to this matter at all.

Mr. CASE of South Dakota. I am not going far afield. I know that that is one great problem that private industry is faced with in trying to eliminate subversive employees.

Mr. DOYLE. I will answer the gentleman that I am so concerned with the protection of this atomic energy for my beloved Nation in its need for control of it for military purposes, at least, that I am willing, I am anxious, I am insisting, if you please, that if you are going to investigate anybody that is concerned with the manufacture of atomic energy for military purposes, you investigate everybody by the FBI who is involved or associated with development of atomic energy. What are you afraid of? Surely no responsible manufacturer or patriotic businessman is afraid to be himself or have his employees all checked up.

The CHAIRMAN. The time of the gentleman from South Dakota [Mr. CASE] has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Chairman, the purpose is to say to the gentleman from California [Mr. DOYLE] that under the ruling of the National Labor Relations Board in interpreting the National Labor Relations Act, all through the war employers engaged in the manufacture of munitions were violating that act if they even questioned the loyalty or called attention to the criminal or subversive record of any employee who was working for them. Will the gentleman go far enough to support an amendment to the Wagner Act to make it possible for an employer to expose the traitorous activities of his employees?

Mr. DOYLE. Why are you trying to sidetrack the issue in this debate today? Why do you not stick to the subject?

Mr. HOFFMAN of Michigan. I am not trying to sidetrack it. You mentioned the specific instance of the manufacturer of atomic energy. Why do you not include the manufacturers of munitions of war, submarines, and all the rest of the things needed in war? Why do you not go the whole length? Why not protect the Nation from traitors in any and all factories? Are you just trying to raise a smoke screen?

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Mississippi.

Mr. RANKIN. I am of the opinion that the gentleman from California is supporting this crazy FEPC, that would

close the mouth of every businessman when they would go to investigate their employees.

Mr. HOFFMAN of Michigan. The point I am making, and the only point I am making, is this: The gentleman from California [Mr. DOYLE] is deeply concerned, and rightly so, if I understand him correctly, by a condition which he believes exists where employees of private individuals who might be engaged in some phase of work looking toward the construction of the atomic bomb may be disloyal or engaged in subversive activities and might carry on their disloyal schemes without in any way being amenable under this act.

But the danger is not limited to the employees of those who may be engaged on some phase of the work looking toward the production of the atomic bomb.

Let me repeat, under the National Labor Relations Act, as interpreted and administered by the National Labor Relations Board, an employer is guilty of an unfair labor practice if he calls attention to the fact that an employee, or an organizer of the union seeking to organize his employees, or a bargaining agent chosen by the union, is or has been a traitor to our Government; has in the past or is at the moment engaged in disloyal or subversive activities.

Ten years ago attention was called to this situation; to the necessity of amending the National Labor Relations Act. But the Congress, either because of lack of courage or inclination, has refused to accept amendments which I have offered and which would have corrected this dangerous and outrageous situation.

The idea that a convict, a criminal, a man engaged in preventing industrial production, a man representing an organization seeking—not the good of the worker, not the welfare of the union or of the country, but endeavoring to put over a scheme whereby he may force workers to pay tribute for the exercise of their constitutional right to work for a livelihood, is so preposterous that it never would have been accepted had it been clearly understood by our people.

In my opinion, it would never have been permitted to exist and continue if the Members of Congress realized the situation and used their best judgment.

The denial of the right of the employer to tell the truth about one who is carrying on subversive activities, to expose an organizer who has a criminal record, is even more absurd.

Some day the Congress will be forced by public sentiment to rewrite the National Labor Relations Act. Such legislation was offered by me in 1939, and another bill looking toward the same purpose will be introduced by me in the opening days of the next session of Congress, if I am reelected.

It is my purpose to push amendments to this act as vigorously as lies within my power.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

Mr. PHILLIPS. Mr. Chairman, I ask unanimous consent that the amendment again be reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Michigan.

There being no objection, the Clerk again reported the amendment offered by the gentleman from Michigan [Mr. DONDERO].

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Michigan [Mr. DONDERO].

The amendment was agreed to.

The CHAIRMAN. The question recurs on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. ELSTON. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: On page 48, line 22, after the designation "C", strike out the remainder of line 22, and all of line 23 preceding the word "shall."

Mr. ELSTON. Mr. Chairman, I do not know of anything that has been the subject of more complaint in this country during the past few years than the practice of Government agencies in making regulations, and then acting as judge, jury, and executioner with respect to their enforcement. Congress has been largely to blame, because Congress has consistently given to these Government agencies the power and the authority to make such regulations and to enforce them. In a great many cases the agencies have exceeded the power extended by Congress, and in that respect, of course, Congress is not to blame, but we will be at fault if we enact section 16 in its present form. If we do so, we will confer on the Atomic Energy Commission the power to make any kind of order or regulation it sees fit, within the sections of the bill referred to in this section. In subsection (b) of section 15 it is provided:

Whoever willfully violates, attempts to violate, or conspires to violate * * * any regulation or order prescribed or issued under sections 5 (b) (4), 10 (d), or 12 (a) (2), shall, upon conviction thereof, be punished by a fine of not more than $5,000 or by imprisonment for not more than 2 years, or both.

If the act is committed with intent to injure the United States the penalty is much heavier.

This section, in my judgment, is unconstitutional, because the Supreme Court of the United States very definitely decided in the case of *Schechter* v. *U. S.* (295 U. S. 495), that Congress does not have the power to delegate to any agency of the Government lawmaking power unless Congress specifically lays down the policies and fixes the standards under which the regulations may be issued. We have not even attempted to do that. We simply give to this agency the power to make regulations or orders under certain sections of the bill and then provide that there may be prosecution and punishment for the violation of those orders. It is not even specified that the orders have to be in writing. Any kind of order that the Commission may make, within the authority of the sections mentioned, if violated, would subject the alleged offender to punishment. So if we pass this bill in its present form we will witness an extension of that much-criticized and un-American policy of charging American citizens with the violation of orders that they perchance never heard of. This section is a violation of the Constitution if the law as laid down by the Supreme Court of the United States in the Schechter case is still the law of the land.

The fact that we have not laid down the policies and established the standards requisite to conferring lawmaking authority upon the agency is just another reason why this bill should be recommitted to the Committee on Military Affairs for further study. Later on, after full consideration, if we want to confer on any agency the power to punish persons for violations of regulations and orders, we should fix the standards under which those prosecutions can be carried on. This will avoid such criticism as has been incident to prosecutions carried on by OPA and some other governmental agencies for a number of years.

The Military Affairs Committee did not have the time or the opportunity to set up any standards such as would be required if we were to make this act constitutional. This bill came to us from the other body and we were urged to report it out immediately. We were told to read the hearings before the committee. In other words, we were to place a rubber stamp on the bill and bring it to the House for consideration without amendment of any kind and without hearings. Some on the committee insisted that we at least read the bill for amendment. Had that not been insisted upon, there would have been no amendments. I am not criticizing our chairman because he permitted the bill to be read. What I am seeking to point out is that we did not have the opportunity to give this bill the consideration it deserves. If we recommit it, it will have that consideration.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. THOMASON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. THOMASON. Mr. Chairman, this amendment ought not to be adopted unless it is just a part of the general plan to kill or recommit the bill or wreck it with crippling amendments.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. ELSTON. I do not believe the gentleman wants to be unfair. There is no such idea as that in mind. We have offered amendments that have been adopted on the floor of the House time after time and the amendments that have been adopted were adopted because

a majority of the members of the committee voted for them.

Mr. THOMASON. I do not want to be unfair, but I am taking the gentleman at his own word, because after he offered his amendment he said the thing to do is to recommit the bill. In other words, the big objective on the part of some seems to be to recommit the bill. That is all we hear. It seems to me, when it was admitted by those opposed to the bill at the beginning of the debate that it is perhaps the most important bill that has come up during this session of Congress or during the session of any Congress, because it involves the life and death of peoples of the world. It is our duty to meet this issue squarely. We have a solemn duty and should face it.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Louisiana.

Mr. BROOKS. The gentleman is a lawyer and a scholar, too. There is no law on the statute books at the present time regulating the handling of atomic energy. Does the gentleman feel no law is better for handling this matter than some law?

Mr. THOMASON. I disagree with what I am sure is the sincere conviction of my friends, especially those on the left, who want to recommit this bill. I certainly hope that does not happen. This bill ought to go to conference.

I do not know why the Congress of the United States, the House of Representatives and Senate, should not work its will and try to pass adequate legislation on this subject. You do not have to adopt any conference report if one should happen to come back here later. I do not think we should leave a power as tremendous as atomic energy in the hands of a few Army people when we are going to have a peace conference meeting in a few days, when we are having all these experiments out in the Pacific and we are going to have some more. We want to try to get the atomic-energy proposition developed for peacetime pursuits, for the development of electrical energy, power, and medical research. To say that we will not give it some kind of study and make an effort to get some kind of bill into conference is beyond my comprehension.

Mr. Chairman, the gentleman from Ohio is not quite accurate as to what happened in the committee. I am certain that I am well within the truth when I say that for 6 weeks last fall we had hearings on the original so-called May-Johnson bill covering the entire field of atomic energy. Of course, it is a new subject, it is a great subject; nobody knows very much about it. When the Senate bill came to us a month ago, I must admit there was a deliberate filibuster in the committee, but even so, the filibuster succeeded until there developed a quorum. Every line in this bill was read. Amendment after amendment was offered to the bill. The gentleman from Ohio [Mr. ELSTON] and the gentleman from New Jersey [Mr. THOMAS] were always present demanding a quorum and when we lacked a quorum, a point of order was raised. So, nobody can say it has not had full and fair consideration.

The amendment now pending, offered by the gentleman from Ohio, would say that you set up a Commission, yet you will not give that Commission any power to issue regulations or to enforce its orders. I challenge you to go back into the history of this Government and find any department, whether it is the Interstate Commerce Commission, the Treasury Department, the Internal Revenue Department, the Commerce Department, Civil Aeronautics Authority, and many others that does not have the power to issue its own regulations and, also, the law carries with it the power of enforcement; otherwise there is no use having it for the simple reason you cannot write all details into the act itself.

Mr. Chairman, I sincerely hope the pending amendment will be defeated and that this bill will not be recommitted.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. THOMAS of New Jersey. Mr. Chairman, I object.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 5 minutes, to be equally divided between the gentleman from New Jersey [Mr. THOMAS] and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. THOMAS].

Mr. THOMAS of New Jersey. Mr. Chairman, I think at the present time there is a movement on foot to make certain that this bill will go to conference. If it goes to conference, there will be a tremendous difference of opinion between the Senate bill and the House version, and one of two or three things will take place. One is that the conferees will continue to sit almost indefinitely and the adjournment of the House will be delayed probably at least a week, because it is my guess that the Senate conferees, particularly one of them, would never agree to these things in the House version, and that some of the House conferees would never agree to some of the things in the Senate version.

So the only thing to do, as the gentleman stated, is to recommit this bill to the Committee on Military Affairs for continued study and to make certain also that we keep the bill locked up until such time as we see what the world peace picture will be like.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. MAY].

Mr. MAY. Mr. Chairman, I do not care to discuss what a conference may do with respect to this legislation. But I would like to point out in defense of myself and my committee that we held 2 weeks of executive sessions, and I ultimately called a night session for the purpose of trying to get this legislation to the floor of the House, and that session was broken up by a filibuster.

What I want to say about the pending amendment is that section 5 (4) (B), section 10 (D), and section 12 (a) (2) refer to the question of reports relating to source material. They refer to records of activities of the Commission relating to civilian use of atomic energy. They relate to health and safety regulations. If those are not subjects on which the Commission ought to be permitted to write regulations, then the bill ought not to be passed, or anything at all in connection with it, because this is merely a simple, plain authorization of the Commission to do things that every other commission in the Government does without regard to the seriousness of the topic under consideration.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Ohio.

Mr. ELSTON. I know the chairman wants to be fair in referring to the night session he has in mind, in which he said a filibuster occurred. Is not this the fact, that the chairman set the meeting at 7 o'clock and nobody made any move to even make a point of order that a quorum was not present until the time fixed by the chairman? The chairman indicated he would wait until 7:30, and the committee graciously waited until that time, and it was not until that time that the point of order was made that a quorum was not present, and a quorum was not present; is that not correct?

Mr. MAY. We were lacking one member of having a quorum, and about 1 minute before the gentlewoman from Connecticut [Mrs. LUCE] entered the room certain members of the committee got up and walked out.

Mr. ELSTON. There was no assurance that we would have a quorum.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. All time has expired.

The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. ELSTON) there were—ayes 62, noes 45.

So the amendment was agreed to.

Mr. MICHENER. I move to strike out the last word.

Mr. Chairman, this debate has resulted in confusion worse confounded. I think everybody in the House, on the committee and off the committee, know less today about the bill than they thought they knew when debate began. It is a sad condition.

I have heard no one on or off the committee reporting the bill who is satisfied with it. Without any desire to be critical, I do not recall that any member of the committee has attempted to explain all its provisions. The debate has been illuminating but not clarifying. The close attention I have given to the debate has not helped much.

The McMahon bill has been widely propagandized. The average citizen knows little about it other than that it has the approval of certain persons and certain groups, and that it was intended to assure civilian control, rather than military control, of atomic energy. I believe that most of the people in the country prefer civilian control. I am not unmindful of the fact that many of those addressing us within the last few days are convinced that for the present military control is preferable.

The fact that the Secretary of War and the military authorities appeared before the Military Affairs Committee and endorsed the McMahon bill as it came from the Senate is significant and persuasive, although in no sense conclusive.

It would appear that the longer the debate continues, the greater the uncertainty and the doubts arising in the minds of sincere, conscientious Members who want to do that which is best for our country in this crucial matter. Indeed, there is a growing sentiment in the House that the bill should be recommitted. In this case, as a practical matter, that means kill it now. There should be more consideration before the bill as reported, or the bill as amended, is placed on the statute books. That consideration can only be had in the Military Affairs Committee or in a conference committee composed of Members of the Military Affairs Committee of the House and the Military Affairs Committee of the Senate. This is the usual and the orderly procedure; that is, if this bill passes the House it will then go to conference for this needed reconsideration and rewriting. I usually favor such a course unless I want to kill a bill absolutely and put an end to its study.

I shall therefore vote to send the bill on to conference. It would seem that the debate has furnished abundant evidence that we will be doing an idle thing if we recommit the bill and have any serious expectation that it will come back to us in more acceptable form.

Mr. Chairman, it has been forcibly urged that time is not of the essence in disposing of this measure, and that inasmuch as there is so much confusion the wise course is to kill the bill and start all over again at some later date. If one is of that opinion, then a vote against the bill will make his position definite and understandable. The fact that a special committee in the Senate has worked long weeks on the Senate bill, that the House committee has done likewise, and that the Senate as a whole and the House in Committee of the Whole have freely changed and amended the bill, should have some weight in determining the course we are to pursue.

In these circumstances I am constrained to vote to pass the bill on to conference and against killing it. The final vote will then be on the conference report; that is, an opportunity will be given to vote for or against any bill which represents the result of an effort to compose the differences between the House bill and the Senate bill. There are many differences and they are vital. There is argument either way.

Mr. LANHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: On page 48, line 11, after the figure "(3)", strike out "or", and after "6 (b)" insert "or 11 (g)."

Mr. LANHAM. Mr. Chairman, I am sure there will be no conflict about this amendment.

Mr. MAY. No; we have no objection to that amendment.

Mr. LANHAM. It simply makes the enforcement provisions applicable to the pertinent paragraph of the patent section.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The Clerk read as follows:

REPORTS

SEC. 16. The Commission shall submit to the Congress, in January and July of each year, a report concerning the activities of the Commission. The Commission shall include in such report, and shall at such other times as it deems desirable submit to the Congress, such recommendations for additional legislation as the Commission deems necessary or desirable.

With the following committee amendment:

Page 50, line 5, strike out "16" and insert "17."

The committee amendment was agreed to.

The Clerk read as follows:

DEFINITIONS

SEC. 17. As used in this act—

(a) The term "atomic energy" shall be construed to mean all forms of energy released in the course of or as a result of nuclear fission or nuclear transformation.

(b) The term "Government agency" means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government.

(c) The term "person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, the United States or any agency thereof, any government other than the United States, any political subdivision of any such government, and any legal successor, representative, agent, or agency of the foregoing, or other entity, but shall not include the Commission or officers or employees of the Commission in the exercise of duly authorized functions.

(d) The term "United States," when used in a geographical sense, includes all Territories and possessions of the United States.

(e) The term "research and development" means theoretical analysis, exploration, and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(f) The term "equipment or device utilizing fissionable material or atomic energy" shall be construed to mean any equipment or device capable of making use of fissionable material or peculiarly adapted for making use of atomic energy and any important component part especially designed for such equipment or devices, as determined by the Commission.

(g) The term "facilities for the production of fissionable material" shall be construed to mean any equipment or device capable of such production and any important component part especially designed for such equipment or devices, as determined by the Commission.

With the following committee amendments:

Page 50, line 13, strike out "17" and insert "18."

Page 51, line 10, after "States" insert "and the Canal Zone."

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 53, line 2, after "device", insert "peculiarly adapted for and."

Mr. VOORHIS of California. Mr. Chairman, I move to strike out the last word, in order to ask a question of the chairman of the committee.

If I read the text correctly, if the committee amendment on line 2 of page 52 is adopted, facilities for the production of fissionable material will have to be both capable of production of fissionable material and peculiarly adapted for that purpose. In other words, unless I am mistaken—and if I am, I want to be told so—the definition, if the committee amendment is adopted, would not cover a device which was capable of the production of fissionable material but which was not peculiarly adapted for such purpose. I wonder whether the committee did not really mean to say "peculiarly adapted for or capable of such production"? It seems to me that would make for good sense, but as it is, with the word "and" in there, it would not.

Mr. MAY. The committee felt that when it used the language "peculiarly adapted for and capable of such production" that would cover any equipment that was necessary to be used.

Mr. VOORHIS of California. I am afraid it will not.

Mr. MAY. It would not take away from a business concern something that might be made that could possibly be used for that purpose when it is not being so used.

Mr. VOORHIS of California. I think the gentleman is correct in what he just said, that it would not cover some method of producing fissionable material which was not peculiarly adapted for that purpose, but which might have been devised for some other purpose and later found to be capable of producing fissionable material.

Mr. MAY. The committee thought that it did not make any difference at all whether the word "and" was used or the word "or."

Mr. VOORHIS of California. I think it makes a great deal of difference, and I am therefore against the amendment.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, my purpose in rising is to urge that the bill be not recommitted, but that it be sent to conference. The passage of legislation in relation to the control of atomic energy is a matter of vital concern to our country. This bill is taking the regular legislative course

that all legislation takes. It has been passed by the other body. It is now being considered by us and a large number of amendments have been put in the bill as a result of the exercise of the judgment of the majority of the Members of the Committee of the Whole. Of course, that is as it should be, under our form of government. No one can object to that procedure whether they agree with the amendments or not. That is the will of the majority. This is a bill not only of vital interest to the country but with far-reaching effects throughout the world. I hope the Members will not vote to recommit the bill but will send it to conference. I have refrained from saying much on the bill because I realized there were a lot of honest differences of opinion with respect to many aspects of the bill and with reference to many of the amendments that have been offered. I want to talk on what I consider to be the basic proposition involved here, which to me is the most important thing. We must think logically about the situation. This matter has been considered by the Committee on Military Affairs for many months. There were several weeks of hearings on the May-Johnson bill. When that was reported out I can testify as majority leader of the House that every effort was made to have the bill programmed at once. I would not agree to that. My friend, the gentleman from Kentucky, in carrying out the instructions of his committee, did everything he could. But I felt that this was a matter on which we had better hold back a little. I said, "Let us look into it further. A special committee has been appointed by the Senate and they have had extensive hearings on it."

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. MAY. If the bill goes to conference, the House will still have another opportunity to pass on it if a conference report comes back?

Mr. McCORMACK. Absolutely.

I urge the membership not to recommit the bill. It would be an unwise step to take. It would be construed as the defeat of the bill. Technically, of course, we know that that is not so, but actually you and I know when a bill is recommitted, so far as any bill is concerned and so far as this bill is concerned, it is defeated. The passage of the bill is defeated. This bill has taken the ordinary course through legislative processes. It has passed the Senate. It is about to be acted upon in the House with a number of amendments. We all agree that something should be done. We are all in agreement on that basic proposition. Certainly, we must have confidence in the members of the conference committee on this bill the same as we have in the members of conference committees on other bills. All they can do is their best. They are representing both branches of the Congress. Whether I agree with a conference report or not, I have confidence in the men who represent the legislative body of which I am a Member and of the other body. They are doing the best they can. They are following the dictates of their judgment and their conscience. We ought to follow the regular ordinary course with reference to this bill.

Every one of us is in agreement that something should be passed. I hope the bill will not be recommitted.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. COOLEY. I would like the gentleman to tell us some sound reason why it should not be recommitted.

Mr. McCORMACK. That is not the question.

Mr. COOLEY. That is exactly the question.

Mr. McCORMACK. That is not the question. Can the gentleman give me any sound reasons why it should be recommitted?

Mr. COOLEY. Yes.

Mr. McCORMACK. What are they?

Mr. COOLEY. If I had the time I could give you a hundred reasons.

Mr. McCORMACK. You could give me a hundred emotional reasons, but the fact is the country needs this legislation.

Mr. COOLEY. Why?

Mr. McCORMACK. Why? It is of vital importance.

Mr. COOLEY. Why?

Mr. McCORMACK. Oh, why. There are a hundred reasons why it is of vital importance. Oh, it is easy to sit there and ask the question "Why?" I am surprised at the gentleman from North Carolina who ordinarily has better judgment than that. The important fact is that this bill has been considered by this committee for several days. It has been considered by the Military Affairs Committee for weeks. It is a matter of vital importance to send it along to the conference committee.

Is the gentleman opposed to some legislation to control atomic energy?

Mr. COOLEY. At this time; yes.

Mr. McCORMACK. Are you opposed to it at any time?

Mr. COOLEY. No; not at any time.

Mr. McCORMACK. The gentleman admits that legislation is necessary. The gentleman can take his own responsibility.

Mr. COOLEY. That is exactly what I am doing.

Mr. McCORMACK. The gentleman can take his own responsibility. The fact remains that if this bill is recommitted, as far as the country is concerned they will consider it a defeat of the bill, and the people of the country are justified in considering that if the bill is recommitted, the bill has been defeated.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

The question is on the committee amendment.

The committee amendment was agreed to.

Mrs. LUCE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it seems perfectly plain to everyone in this House and in the Nation that there is confusion here about how to vote on this legislation. In passing, I have been reading the newspapers in the past 3 or 4 days, with close attention to their opinions and reporting of this subject, and I have yet to find anything in the papers which clarified the Congress' mind about this legislation, and much calculated further to confuse them.

Mr. RIVERS. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield.

Mr. RIVERS. Will you please give the House the benefit of some of the reasons whereby you think it is so necessary at this time to pass this legislation?

Mrs. LUCE. I shall come to them later, although I have given them repeatedly during the course of this debate. Now the majority of the newspapers and their columnists, just like the Members, are often for or against this legislation, it seems to me in many instances, for altogether wrong reasons.

For example, there is one school that seems largely to advocate this bill as a peacetime measure for the cure of cancer and leukemia. Now, there happens to be a bill, H. R. 4502, on cancer research which has just been reported out of the Committee on Foreign Affairs of this House and I hope will be on the floor of this House today for our consideration, appropriating $100,000,000 for experiments and research in cancer.

The bill concerns an effort wholly devoted to the search to defeat the dread disease. I intend to vote for it, and I hope with all my heart that everyone else will vote for it. But the bill before us is not a medical therapy bill. If its passage does eventually result in further beneficial research in cancer, it will only do so incidentally. The main reason for this bill is the defense of our Nation, and for no other reason should it be considered as urgent.

I intend at the proper place in the bill to offer an amendment providing that this act shall expire at the end of 7 years. Seven years, I believe, is a most generous length of time in which to find out whether this bill will work or whether it will not; whether we need it or whether we do not; whether it will fulfill all the promises for welfare that are made in its name for science; or, most important of all, whether it will operate in a free country in peacetime without constricting both scientific research and our political and economic liberties.

Mr. EATON. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield with great pleasure to our most distinguished colleague.

Mr. EATON. Will the lady please give us her judgment of what will become of the atomic bomb during the 7 years? Who will be in control of it?

Mrs. LUCE. I have first been asked by the gentleman from South Carolina to try to give some reasons for the urgency for the passage of this bill. I would feel in a weak position indeed if all I could say when asked that question was, Why that should be perfectly apparent; anybody ought to see why plainly. I believe that many Members of this House sincerely do not see why it is necessary. I will tell you why I think it is of great

importance that we should pass a civilian-control bill now, although some provisions of the Senate bill have been stricken out that I would have left in and some put in that I would have left out, but the reason I think it is important to pass this bill is that, first, we must maintain and acquire complete control of the raw materials for making atomic bombs. Secondly, that control must be necessarily civilian, because civilian scientists and others who will be needed in a long-range atomic research and experiment plan just will not work in a brass-hat atmosphere. You can like it or not, but they will not work under such conditions.

Mr. HARNESS of Indiana. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield.

Mr. HARNESS of Indiana. Will the gentlewoman tell me why we cannot now obtain the materials for the manufacture of the atomic bomb just as well as if we had this legislation?

The CHAIRMAN. The time of the gentlewoman from Connecticut has expired.

Mrs. LUCE. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes and to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mrs. LUCE. The gentleman's question was why can we not have Government control of raw materials?

Mr. HARNESS of Indiana. No; that was not what I asked. Under the present emergency legislation, war emergency legislation, we are in a position now to get all the materials necessary to manufacture the bomb.

Mrs. LUCE. There are a great many corporations, companies, and businesses which have materials to sell, or mine, in the atomic field. For example, thorium happens to be fissionable material. Today the people producing thorium do not know whether to continue their operations or to stop them; they do not know whether to make contracts with the Army, or to wait and make contracts with some civilian authority, or whether they should make them under the old free-enterprise system; in fact, everybody who has fissionable material, plants, structures, or anything whatsoever to do with atomic energy is exactly in the same position the country is in about OPA now. There is confusion in the entire field owing to uncertainty about this legislation.

Mr. HARNESS of Indiana. That is because of the policy of the administration trying to force this bill through Congress at this time. If they adopted a definite policy I do not know why they could not get it. It must be mined in order to provide the material necessary for the manufacture of atomic bombs. We did it in war. We are still at war.

Mrs. LUCE. Yes; but the war acts must one day expire.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield.

Mr. THOMAS of New Jersey. I wish to make two short observations. One is that we can buy the materials under the law we have on the statute books at the present time, the Strategic Material Stock Pile Act; the other is that if the main purpose of this bill is defense——

Mrs. LUCE. That is what I conceive is its proper purpose—defense; and I want an expiration date to it when there is genuine peace in the world.

Mr. THOMAS of New Jersey. If the main purpose is defense, then 7 years is too long.

Mr. VOORHIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield.

Mr. VOORHIS of California. There is a great deal of difference between the Government being able to buy enough fissionable material to make bombs with on the one hand, and having a commission able to prevent somebody from possessing fissionable material that may prove very dangerous, on the other hand. Is it not the second reason, even more than the first one, with which we should be concerned?

Mrs. LUCE. That is quite correct. There must be a consistent, intelligent, coherent control over the export, ownership, and acquisition of fissionable material, and there also must be freedom to the scientists. I think there are provisions in this bill which are definitely socialistic in character. I consider that my position on this bill, that it is necessary to vote for it, while at the same time, I am concerned to point out its dangers in order to guard against them, is consistent.

The CHAIRMAN. The time of the gentlewoman from Connecticut has again expired.

Mr. BULWINKLE. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I have heard during the debate here much talk about confusion and I have also heard much talk about recommitting the bill. The question was asked just a short time ago, Why the necessity for this bill?

May I not refer those who wish to know of the necessity for this bill to the hearings, and particularly Secretary of War Patterson whose evidence is on page 17:

> In May 1945, in anticipation of the probable success of the atomic bomb and of the prospect of an early end of the war, the Secretary, with approval of the President, took steps to initiate a long-range policy on atomic energy. He appointed the following special committee to survey the subject and to submit it a program: Secretary Stimson, chairman; James F. Byrnes (then a private citizen); Will Clayton, Assistant Secretary of State; Ralph Bard, Under Secretary of Navy; George Harrison, Special Assistant to Secretary of War; Dr. Vannevar Bush, Chairman of the Office of Scientific Research and Development; Dr. Karl Compton, president, Massachusetts Institute of Technology; Dr. James Conant, president, Harvard University.
>
> The special committee was assisted by a scientific panel drawn from the most eminent scientists working on the atomic energy project: Dr. J. R. Oppenheimer, Dr. E. O. Lawrence, Dr. Arthur H. Compton, Dr. Enrico Fermi.

This special committee made findings that are worthy of the attention of any man, the last one, No. 6, I should like to call your attention to, quoting:

> The activities of the commission to be consistent with foreign policy and national defense as communicated to the commission by the President.

Are we, merely by a cursory view or reading of this bill and the hearings, going to stand before the country today and say that we will put up our puny minds on this subject against the great scientists of this country? Are we, who have not studied this problem, for political or other purposes going to stand here today and say that with a matter involving as much as this we will disregard everything that has been said by those who know and cast it all away, and then say we do not need this legislation?

Ah, my colleagues, before you come to your conclusion, let me pray in behalf of this country of ours that we all love that you give serious consideration to the work of the Senate committee, the House committee, and the scientists of this country.

Mrs. DOUGLAS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. I yield to the gentlewoman from Illinois.

Mrs. DOUGLAS of Illinois. Is not one reason why we need at once a long-term program the retention of top-flight scientists and research workers? I had the privilege of visiting Oak Ridge in January, and the officers in charge insisted that the imperative need was to get at once a long-range program, because they were daily losing competent men on their staff, and without a plan they could not keep them.

Mr. BULWINKLE. Certainly, the lady is correct in her statement.

Mr. LANHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offerd by Mr. LANHAM: Page 50, line 16, insert a new subsection, as follows:
>
> "The term 'nuclear fission' shall be construed to mean that process which takes place in nuclei wherein the nucleus is split into fragments, at least two of which contain a substantial fraction of the mass of the original nucleus."

Mr. LANHAM. Mr. Chairman, nuclear fission is referred to all through the bill, and I think there should be a definition of it. This definition is probably correct; if not, it could be changed; but it certainly has the approval of a very distinguished gentleman who from the very beginning has been connected with all of the operations with reference to atomic energy.

Does not the chairman think that there should be some definition of it, since you are giving definitions of the various other terms mentioned in the bill?

Mr. MAY. I have no objection whatsoever to defining the term; and if it is not properly defined in the gentleman's amendment, that is another reason why it ought to go to conference, where we can sit down deliberately and see what the exact, proper definition is or whether this is proper or not.

Mr. LANHAM. But the conference would have no authority unless there was

something in the bill by way of definition.

Mr. MAY. I think that is possibly true, and this will certainly give them an opportunity to do it.

Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. LANHAM].

The amendment was agreed to.

Mr. MILLER of Nebraska. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, mankind has always been afraid of the unknown, Mankind was afraid of influenza when it struck this country during the last war. It has been afraid of all diseases until a remedy has been found. Mankind is today afraid of cancer. Why? Because its cause is unknown. Its cure is not certain.

I think a great deal of the confusion in this House over atomic energy can be placed directly at the door of the unknown quantity. Research is nothing more than reaching out into the unknown, taking something that we have not known about and bringing it down to practical application. The scientists in this age have reached out and tapped the field of atomic energy and the many problems involving it. It seems to me that this House ought to do the thing that will take atomic energy and then use it for the benefit of mankind. How that is going to be done, I do not know, and I do not think this House knows. There are many unknown roads to travel before we reach the ultimate end of what will happen with atomic energy. That is one cause of the confusion today. We cannot pull back the curtain of tomorrow and see just what is to happen with this new-found force. It is a great destructive power. It should be harnessed for the benefit of mankind.

I wish the bill could have more study, but I will not stand in the way of progress represented by this great new discovery.

As Members of Congress we ought to approach this problem with open minds, with the hope of going down a road that will eventually take this great secret that scientists have reached out and brought down to us and use it for the benefit of the world. Perhaps we could outlaw atomic bombs in future wars. That would be ideal. Whether it can be done or not I do not know.

I heard the gentlewoman from Connecticut say that scientists would not work with the brass hats, or something like that, but I do not agree. Of course, scientific knowledge goes on regardless of this bill. I am not worried about whether cancer research will continue if we do not pass this bill. Scientists work, and have been working for years, on what causes cancer. Some day we may find out what causes cancer, we may find a cure for it. Neither do I think the knowledge of the atomic bomb will stay here in America. Science marches on and this knowledge of atomic energy will be universal. Scientists the world over are thinking along the lines of what atomic energy can do today. Other nations will have it, although they may have some difficulty in getting that intricate machinery that goes into the production of atomic bombs. But it does seem to me that with the peace conference to be held next week there perhaps is no hurry about passing this particular atomic-energy bill. What harm is there in waiting until the thing has had time to boil down and simmer a bit. Perhaps in 6 months we will be wiser and confusion will subside. The more you think about the unknown the less fearful you become about the unknown. If the bill is not recommitted for further study, I shall join with the majority and trust that, under the bill, science may march on and the powers and benefits of atomic energy will bring great benefits to the world.

Mr. EATON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have been sitting here through every hour of this debate. I do not claim to have as much intellectual equipment or scientific knowledge as many of my colleagues, but I have managed through the past 22 years once in a while to vote intelligently. That privilege is going to be denied me today.

I have three convictions as a result of these weary days: First, we have created the atomic bomb. It was done with our money and our scientists under military control at the time. That is our responsibility as a people and a government, the gravest responsibility that has ever rested upon a nation in the history of the world.

Second, I am convinced that it is a serious mistake to have kept this legislation until the dying hours of this session of Congress, when we are harassed to death with a thousand claims and calls and are looking to get away from here, and are unable to give the attention and time to it that we ought to.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. EATON. I yield to the gentleman from Kentucky.

Mr. MAY. I call the attention of my friend, when he says it was a mistake to keep the legislation back to this late hour, to the fact that the House Committee on Military Affairs reported a bill on the subject the 7th day of last November and urged its early consideration. I do not think we ought to be blamed for what has happened, in view of the fact that the Senate bill came to us, and we commenced hearings on it immediately.

Mr. EATON. I am not blaming anyone, I am just stating a fact.

Lastly, I join with the very brilliant and beautiful lady from Connecticut, if she will allow me to join with her, in being completely confused. When a mind such as she possesses is confused, what can you expect of a mere man?

So I say today that no matter how I vote I have not the slightest idea whether I am voting wisely or unwisely. I am inclined to cut the Gordian knot by voting to recommit this bill to the committee.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. EATON. I yield.

Mr. HINSHAW. The gentleman has been a very distinguished representative of this body at the San Francisco Conference and at other conferences of an international character. Can the gentleman give us the benefit of his wisdom as to the immediate need for passing this legislation?

Mr. EATON. I am not profoundly acquainted with the reasons to be presented in answer to that question, but I can conceive of no immediate urgency from the point of view of the international organization at this time.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. EATON. I yield.

Mr. WADSWORTH. Speaking of the alleged immediate urgency, the gentleman will recall that the War Department is now entering into contracts with universities for further research in this field so that research will not cease.

Mr. EATON. So you understand, then, that the urgency is not immediate?

Mr. WADSWORTH. It is not immediate; that is correct.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. EATON. I yield.

Mr. CHURCH. The gentlewoman from Connecticut has said that there was much of the socialistic in this bill. Does the gentleman not believe that in the next year there will be less of that trend in the then membership and in the country and that it is better to delay legislation on this question?

Mr. EATON. I do not see any immediate urgency for the passage of the bill.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto do now close.

Mr. WILSON. Mr. Chairman, I object.

Mr. MAY. Mr. Chairman, I move that the debate on this section and all amendments thereto do now close.

The motion was agreed to.

The Clerk read as follows:

APPROPRIATIONS

SEC. 18. (a) There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this act. The acts appropriating such sums may appropriate specified portions thereof to be accounted for upon the certification of the Commission only. Funds appropriated to the Commission shall, if obligated by contract during the fiscal year for which appropriated, remain available for expenditure for 4 years following the expiration of the fiscal year for which appropriated. After such 4-year period, the unexpended balances of appropriations shall be carried to the surplus fund and covered into the Treasury.

(b) Such part as the President may determine of the unexpended balances of appropriations, allocations, or other funds available for expenditure in connection with the Manhattan Engineer District are hereby transferred to the Commission and shall be available for expenditure for the purpose of carrying out the provisions of this act.

Mr. CASE of South Dakota. Mr. Chairman, I make a point of order against subparagraph (b) on page 52, lines 18 to 23, inclusive, on the ground that it constitutes an appropriation and may not be reported by the Committee on Military Affairs, which is without jurisdiction to report appropriations. I am constrained to make this point of order, Mr. Chairman, for two or three reasons. The appropriations now car-

ried in the War Department appropriation bill for $375,000,000 were made in a larger amount than would have been made for 1 year only because the Budget request was for only $200,000,000. The additional $175,000,000 was added in place of contractual authorizations for obligations to mature in fiscal 1948. The total appropriation was made for the military features of the atomic service. It is now proposed that these appropriations be transferred for the purpose of carrying out the provisions of this act, which is much broader, providing for loans, providing for the development of civilian production and licensing, and many other features not contemplated in the appropriations for the Military Establishment. Consequently, this paragraph constitutes an appropriation, and I make the point of order that it may not be reported in this bill.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order?

Mr. MAY. I do not, Mr. Chairman.

The CHAIRMAN (Mr. MILLS). The Chair is ready to rule. In the opinion of the Chair, the language referred to by the gentleman from South Dakota, beginning on line 18, page 52, and extending through line 23, is in violation of clause 4 of rule 21. Therefore, the Chair sustains the point of order.

Mr. MATHEWS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MATHEWS. What was the correct number of the section just read by the Clerk?

The CHAIRMAN. The Clerk had completed the reading of the bill through line 23 on page 52.

Mr. MATHEWS. But what is the correct number of the section just read?

The CHAIRMAN. The Clerk has not yet reported the committee amendment.

The Clerk will now report the committee amendment.

The Clerk read as follows:

Page 52, line 16, strike out "18" and insert "19."

The committee amendment was agreed to.

Mr. VOORHIS of California. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as most Members know, I have opposed the amendments, with one or two exceptions, which have been adopted to this bill.

I rise at this time, none the less, to beg the House not to recommit it. The confusion that has been referred to is largely confusion that has been created—I shall not say deliberately—in the course of debate. The conception of the bill as it came to us from the Senate is absolutely clear to anyone who really wants to understand it.

It was almost a year ago that the first atomic bomb was dropped. A Member of this body, responsible for the welfare of the Nation, who, 1 year after that greatest event since the birth of Christ himself upon this earth, is willing to tell his constituents that he does not understand the over-all problems of it well enough to legislate upon them, strikes a blow at democratic Government itself. We must be able to deal with this our greatest problem if we are to prove that democratic parliamentary legislative Government can justify its continuance in the new and admittedly dynamic and in some respect fearsome age in which we live.

The question is, Do we have the courage to face the world as it is; not as we would like it, but as it is? A vote to recommit this bill means that domestic control over fissionable material and atomic energy will not be adopted at least until the Congress meets next year. Such a vote will be tantamount of cause to defeating the bill and will mean that sporadic possession and sporadic use of this most dangerous element ever to face mankind can go on. Such a vote will mean a repudiation, in effect, of the official position of this Government as laid before the other nations of the world in the Baruch Proposal for the international control of atomic energy, because, unless we here establish domestic control first, we cannot expect other nations to agree with us for international control. And unless that international control be established during the period of America's unquestioned pre-eminence in this field, our chance to get that international control will be minimized immeasurably, and a continuing atomic race becomes inevitable.

Furthermore, the choice and alternative that we face is briefly this, if this legislation is recommitted, this House puts its stamp of approval on a continued armament race in atomic weapons. We would be resting the fate of this Nation in some miraculous stopping of the minds of scientists in every other nation in the world. For we would fail to make provision, as every bit of competent evidence tells us we must, for the continuance of atomic energy development at home. In other words, if we recommit this bill, we fail to say that we will do everything within the power of this House to stop an armament race in atomic weapons, and we will be saying instead that this House will have no part in what other agency of this Government has attempted and is striving to do, namely to get control in the hands of men over this engine of destruction, which otherwise will destroy him.

For my part, I am not willing to sell the future safety of my children and yours for any cheap political effort to save myself in the next few years. This is a matter for the ages. This House cannot turn this legislation down, Mr. Chairman, and be true to our duty.

For if we raise our sights even for a moment above the level of secrets that elementary reason teaches will be secret for only a moment of time, above the level of political slogans, about the level of the desires of some forces in this country for private profit—if we will raise our sights to the great stark facts we face we shall see beyond them but two visions, one is a vision of the four horsemen more terrible in mien than ever a World War I author could possibly paint them. The other is a vision of the stars themselves and the universe whence atomic energy has come, which of these visions will constitute the actual fact of our children and children's children, depends, believe me, on what we do in this solemn hour.

I cannot blame Members in the slightest for feeling this is most difficult; indeed, I cannot even blame them personally for wishing, as by their votes and speeches many of them have indicated they wished that atomic energy had never been released. But I can, and do most earnestly, beg them not to continue to commit their country's course on such a wish which they know is contrary to the basic facts of our life.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. COOLEY. Mr. Chairman, I move to strike out the last word.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. HINSHAW. Will the gentleman tell me if any other nation of the world has transferred its atomic-energy program to the domestic field?

Mr. COOLEY. Not that I know of.

Mr. FOLGER. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. Very briefly.

Mr. FOLGER. What other nation has the atomic bomb besides this Nation?

Mr. COOLEY. I do not know of any.

Mrs. DOUGLAS of California. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield.

Mrs. DOUGLAS of California. The question was asked if any countries had transferred their atomic-energy program underneath civilian control. The English have their entire program underneath civilian control, and the Army or the Navy does not appear anywhere in their program.

Mr. COOLEY. I hope the lady's answer is satisfactory to the gentleman who propounded the question.

I asked the majority leader to give the House one sound reason why this bill should not be recommitted. I did not do that with the idea of bringing about any embarrassing situation to him because he had the floor. In the hours and hours of debate I have listened for some sound reasons to be given by someone as to why it was not wise to recommit this bill.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I do not know whether the gentleman can give us any sound reason or not, but if he can, I am very glad to yield to him.

Mr. WILSON. The chairman of the committee just a few moments ago made the statement that this bill was reported out of the Committee on Military Affairs 8 months ago and had not been acted upon. Can anyone tell me now why there should be such haste to act upon it, when 5 months from now we will be back in session again?

Mr. COOLEY. I agree with the gentleman.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. BLOOM. I merely want to say that the very interesting speech made by the gentleman from California, I

think, gives more than one reason why this bill should not be recommitted.

Mr. COOLEY. No, it does not. The gentleman from California did not give any reason except——

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. VOORHIS of California. The first reason is to make sure that America continues to get fissionable material in the future.

The second reason is to prevent that fissionable material from getting scattered all over the Nation with people using it for all sorts of purposes.

The third reason is to establish a continuous centralized control in the hands of this Commission to prevent that thing from happening.

The fourth reason is that if you are going to talk at all about getting that international control then the first thing you have got first to do is to have domestic control.

The first reason is that the most distinguished people who studied this question, the scientists, the economists, the chiefs of staff, the President of the United States, the State Department, and everybody else who knows anything about it has told you that it was necessary to act now.

Mr. COOLEY. Now, to sum up the reasons that have just been given by the gentleman from California, he apparently is very much afraid at the present time that the secrets of the atomic bomb are being given away or that research in the field is being retarded or will soon be abandoned and that all of the scientists will cease to work on this newly discovered, mysterious, and most terrific of all powers. He recites the fact that others have been giving thought and consideration to the matter, that great scientists have worked on it, that the Military Affairs Committee members have considered it. I believe, and I hope he will agree, that the secret is now being safely guarded; research is continuing and will not be impeded and will not be abandoned.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman has asked why we should pass this? Will the gentleman state precisely why he is opposed to favorable action at this time?

Mr. COOLEY. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COOLEY. Mr. Chairman, I will be very glad to tell the gentleman why I am opposed to it. The secret now is adequately safeguarded, it should be safeguarded, and should remain as a military secret until peace documents have been written and signed. We should hold this weapon of war.

I do not believe it has been recognized or established as a cure for cancer. The gentleman from Minnesota, Dr. JUDD, has not yet established his theory of mutating the species by radioactivity, on which the charming lady from Connecticut commented yesterday.

Mrs. LUCE. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentlewoman from Connecticut.

Mrs. LUCE. I had not at that time read Dr. JUDD's exceedingly brilliant explanation of the processes of mutation as they appear in yesterday's RECORD. You will find there a complete description as to radioactivity in this field and how it may have brought about the creation of dinosaurs and other monsters in prehistoric times.

I want to say also that I welcome this opportunity to say that my own remarks on the subject were a humorous attempt to focus attention on the incredible potentialities of radioactive energy. If we do not control the bomb, it might be a good thing for someone to mutate the species, so we could all escape from it, and change us into groundhogs or moles or, better still, provide us with wings, because I am sure it would be nice to have them here. If we do not stop devising weapons of slaughter, we are not likely to have wings in the hereafter, that is certain.

What is much to be preferred to the mutation of the species is that we should all begin to use the gray matter and the brains with which the Lord so abundantly provided us many millions of years ago. If we will use our brains on this matter, we need not worry about mutation of the species, because we will not take any risks with human life, and we will send this bill to conference.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I want to answer the gentleman's question.

Mr. DINGELL. The gentleman stated that he feared the possible disclosure of secrets if this is placed in the hands of a commission. Is there anything in the bill that threatens any such possibility?

Mr. COOLEY. I do not think we need to take any others in with us to help share the secrets of the atomic bomb. I regard the atomic bomb as one of the greatest instrumentalities of death ever devised by the genius of man. You do not have to guess about it. All you have to do is to go to Nagasaki and Hiroshima and see the results of it there. If we are going to remain strong, if this is an instrumentality of defense, then pray tell me why should we give it up?

Mr. DINGELL. We are not giving it up.

Mr. COOLEY. Why should we be so anxious to let Russia or any other nation on earth know the secrets of this deadly weapon that we have in our hands? I would like to ask a question of the gentleman from California. Does the gentleman believe that if the situation were reversed and Russia had possession of this secret that she would give us full information about it?

Mr. VOORHIS of California. No; and I do not believe that there is a line or a dot in this bill that proposes to give it to anybody, and if there were, I would be against the bill. What there is in this bill is the establishment of the kind of control in the hands of a commission that will make it clear and to prevent that happening until such time as we have international control over it.

Mr. COOLEY. What is the gentleman's objection to the present method of control? What is the gentleman's objection to guarding it with soldiers and controlling it as it is now being controlled?

Mr. VOORHIS of California. The present method of control does not extend at all to development throughout the country. The present method of control, as I explained over and again in the debate, does not reach fissionable material in the hands of any Tom, Dick, and Harry in this Nation. It does not prevent the development of production of any weapon that anybody may want to produce.

Mr. COOLEY. My friend seems to be alarmed over the possibility that fissionable material may fall into the hands of individuals or private corporations and that such individuals or corporations might make greater strides in development and production than will be made under our present set-up, and he seems to be under the impression that this newly created Commission will guard more carefully both the material and its development. This is about the frankest expression that I have heard in support of the bill. Technically, we are still at war, and certainly, no individual or corporation would dare attempt to seize upon fissionable material or undertake experiments which would clash with the plans and programs of the armed forces. This is a deadly instrumentality, and it should be dealt with in deadly fashion. The atomic bomb was the weapon that ended, suddenly, the world's greatest conflict. While it destroyed human life, it likewise saved human life, because it ended the war. It was a climax to cruelty. Certainly it it not unreasonable to argue that atomic energy as a weapon of war or defense should be perfected before diverting our attention and the attention of scientists to a discovery of other peacetime uses in which it may be developed.

Is this bill an act of appeasement? Are we being forced by diplomatic pressure to surrender "the big stick," the atomic bomb, before even our allies will discuss the terms of peace? This country is tired of appeasement. This country is tired of pussyfooting. We should be more determined and insist upon free, frank, and open discussions. What do we know about Russia's postwar programs, demobilization plans, or experiments in the field of atomic energy? Will the passage of this bill cause Russia and other nations to abandon all experiments and discharge all scientists and abandon their exploratory efforts or even to submit to international control the information which they have obtained thus far? Why, Russia will not even permit American military men or civilians into Korea or into certain sections of Manchuria. It is not even safe for Members of this Congress to fly over territory which is now occupied by the Russians. They have not accorded us even the privileges of cooperation and understanding. There is constantly a tense

feeling in China, and especially in the northern portion of that poverty-stricken nation. In China we seem to be playing both ends against the middle. We are told that we are equipping and supplying both armies—the army of the Central Government and the army of the Communists. Our men are still wondering why they are in China. They know that the war is over and they want to know why they are not permitted to return home. General Marshall has been given the world's greatest and most difficult diplomatic assignment, but I venture the assertion that there are areas with which he is dealing into which he would not even be permitted to travel in search of pertinent information. What kind of partnership is this? With what kind of ally are we dealing? Not even the members of our great Military Affairs Committee know anything at all about Russia's postwar programs, and yet we are about to run the risk of surrendering the greatest military secret of all times and even before the terms of peace have been agreed upon. Yes; I am for control of all the secrets of the atomic bomb and will continue to be for the control of such secrets until the terms of peace have been agreed upon and adequate international machinery has been provided for the future control of all phases of the development in the field of atomic energy.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. MAY. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The motion was agreed to.

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota:

Page 52, line 13, strike out "four years" and insert "one year."

Page 52, line 13, strike out "four-year" and insert "one-year."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEPARABILITY OF PROVISIONS

SEC. 19. If any provision of this act, or the application of such provision to any person or circumstances, is held invalid, the remainder of this act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be effected thereby.

With the following committee amendment:

Page 53, line 2, strike out "19" and insert "20."

The committee amendment was agreed to.

Mr. MATHEWS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATHEWS: On page 53, after section 20, insert the following new section:

"PERFORMANCE OF CERTAIN ACTS

"SEC. 21. Whenever by the provisions of this act any license is necessary, any act required or any act prohibited, which license cannot be procured or which act cannot reasonably be done or refrained from for the reason that the Commission is not fully organized, staffed, and functioning, then such license shall not be necessary, or such act required or prohibited until the President, by proclamation, shall declare that the Commission is fully organized, staffed, and functioning."

And renumber the last section to be section 22 accordingly.

Mr. MATHEWS. Mr. Chairman, I conceive this to be a most important and practical amendment. It takes care of the situation which I endeavored to point out to this committee day before yesterday, that the moment you pass the act and the President signs it, no one can do certain acts, possess certain materials or facilities without either the approval of, or a license issued by, the Commission. I pointed out at that time and I repeat emphatically that by the time the President appoints this Commission and it is confirmed by the Senate, and additionally, as I suggested the day before yesterday and as you have now put into this bill by amendment, there might properly be and now must be an investigation by the FBI of all the proposed personnel to be put in this bureau, it will be months and months or a year, perhaps, before this Commission is functioning and can give its approval to anything or issue its license for anything. What happens in the meantime to the people who have produced this atomic bomb and who are working on this thing?

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. MATHEWS. As soon as I have explained the amendment.

Mr. MAY. The gentleman asked what happens in the meantime. I want to tell him what will happen.

Mr. MATHEWS. As soon as I finish my statement I will be glad to yield to the chairman of the committee.

How can these people proceed in an orderly fashion to keep abreast of the development of the uses of these things in industry, which is for the good of mankind, as explained by the proponents of the bill, if they have to have a license from a commission which does not exist or the approval of a commission which does not exist, to continue that very work which it is our purpose to keep up so that we may keep abreast of and, in fact, ahead of the rest of the world?

Perhaps the chairman has an answer, but to my mind if this bill is passed without such an amendment as this you are not only going to throw the industry engaged in this work into terrible confusion, so that they will not know what they can do or cannot do, but you will have subjected them to the punishment of fine and imprisonment for violation of the act. I think an amendment of this kind ought to and must be adopted if you are to save the very people who are developing this industry for you.

Now I yield to the chairman of the committee to answer that question.

Mr. MAY. The answer to the question is that in the interim covered by the gentleman's amendment it may be possible for large industries or small industries or anybody in the world to buy up and corner all the fissionable material in the country and then hold it for a fabulous price from the Government.

Mr. MATHEWS. That does not answer the question I have raised. What about legitimate people who are now using this in their business and who will continue to use it for the benefit of mankind? What about the situation spoken of by the gentleman from New York, the investigation and the possession of these materials in the meantime under contract with the Government? Yet this act, passed later than any other act, says they cannot do it without the approval of or a license from a commission which does not exist and will not exist for some time. You will create the greatest legal difficulties I ever saw, in my opinion, unless you adopt this amendment.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. MATHEWS. I yield to the gentleman from Idaho.

Mr. WHITE. I wonder if the chairman of the committee knows that another committee of the House has reported out a bill to take possession of the ores in the ground wherever they exist?

Mr. MATHEWS. I would not know, but that might or might not be a practical proposition.

Mr. KOPPLEMANN. Mr. Chairman, I rise in opposition to the amendment and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. KOPPLEMANN. Mr. Chairman, if I may have the attention of the gentleman from North Carolina, I would like to give an answer to his question. At the same time, may I say that I am opposed to the amendment that was offered.

Any future inventions will be patterned on the preliminary work already done in the field of atomic research, which has been paid for by about $3,000,000,000 of the public's money. The situation is different than if all the work done so far, all the inventions made, and the applications used, had been developed by private industry, private researchers and inventors, using their own funds. The Government sponsored all atomic research and inventions, paid for it, assigned the personnel to do the work. There is no reason under the sun why private individuals and corporations should now get control through taking advantage of discoveries and research made possible by vast sums of money paid out by the taxpayers.

The bill provides just and adequate compensation for any development which may be contributed through private resources, but we want the public protected against such development being monopolized and withheld from public use until the individual or corporation responsible for the discovery decides it may be released and just how it may be released.

I cannot stress too strongly that since any future invention will be based on work which has already been done by the taxpayers' money that we are fully

justified in demanding that the public's rights be fully protected.

Do not forget that no small company is ever going to be able to afford the research necessary for further development and application of atomic energy. Only the largest corporations with their untold funds will be able to indulge in this research. Unless we are very careful we are likely to encourage the development of private monopolies in atomic application just as we have permitted private monopoly in the development of and use of other public utilities.

Of course private industry wants complete control of the patents, and when I say private industry, I mean large private industry—not the small fry. For years there has been agitation to change our patent laws so that new devices and inventions can be made available to the public more readily. This fight over the patents brings to the front the real fight over this whole atomic energy issue. The insistence on military control under the guise that our secrets must be kept is merely a front for this fight on who will control the patents—private interests or the Government. If the private interests fail in this patent fight, they will depend on the military control angle, and the restriction of atomic energy development for military purposes only, in the hope that the development of atomic energy for civilian purposes will be postponed until such time as a more responsive Congress may enact legislation more suitable to their prime purpose of getting control of all new inventions and uses through the power of controlling the patents.

This Congress has a wonderful opportunity to see that this new power is really developed for and by the people. We were not mature enough as a nation to understand the potentialities of other God-given resources when we permitted private interests to step in and take control. The issue is, Will the atom be used for the profit and benefit of the people or will the benefits to the people be subordinate to the profits of private interests?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KOPPLEMANN. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

Mr. ARENDS. Mr. Chairman, I object.

Mr. McDONOUGH. Mr. Chairman, I move to strike out the last five words.

Mr. Chairman, I have refrained from speaking on the bill during the time that we have debated it because there is evidently a great deal of confusion in the minds of many here as to the advisability of this legislation at all. On the other hand, there is no question about the fact that science is going to stop its experiments and research whether this legislation is passed or not. I am inclined to believe the Senate certainly must have had in mind the protection of the Nation and its natural resources and the dangers of this atomic energy if it were released promiscuously, when they passed this bill. On the contrary, we have amended the bill to such an extent that it is now in such a state that it is doubtful whether we all believe the things that we have added to the bill. One of the amendments which I am particularly concerned about which was adopted here a few moments ago on a voice vote, was the definition of nuclear fission. The gentleman who offered the amendment may have been sincere in his intentions, but the definition of nuclear fission in a bill passed by the Congress will carry a great deal of authority. If it is not properly defined, it is going to be a matter of ridiculousness in the minds of the public, or it is going to be looked upon as the correct definition of nuclear fission, whether it is correct or not. I recommend that this bill go to conference and that the conferees consider the definition of nuclear fission as defined in the Smythe report which is much more scientifically correct, if there is going to be any definition of nuclear fission in the bill at all.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. McDONOUGH. I yield.

Mr. HINSHAW. I think the House should understand that my distinguished colleague from California is a chemical engineer. His words are of value at this time.

Mr. McDONOUGH. I thank the gentleman. I have spent years in chemistry, in metallurgy, in the manufacture of steel and aluminum, and in explosives in the manufacture of nitroglycerin, nitro-starch, and tetra-nitro-anilin before entering public service when atomic energy was revealed as an explosive. I became vitally interested in and have done considerable study on the subject. It is a highly scientific subject. It is difficult to legislate on. Scientific research and development should not be curtailed by legislation. It is an inherent characteristic of men and women of science to use their talent for the good of mankind, not for destructive purposes. Most of the progress we have made in extending life and making living more comfortable has come from scientific research and development.

I do not want to appear as an expert on atomic energy, although I appreciate the reference of my colleague because, although the revolution of atomic energy is new, in science it is as old as the hills. We have only discovered the uses of it. The defense that we are trying to protect against here is a defense for and from destructive purposes. We certainly should do nothing by legislation that would interfere with the development research and uses of atomic energy for the industries, the arts, and sciences.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. McDONOUGH. I yield.

Mr. COOLEY. The gentleman from Texas [Mr. LANHAM], in offering the amendment, confessed that he was not convinced that the definition was accurate, but he merely put it in the bill so that the conferees could discuss it later.

Mr. McDONOUGH. I appreciate that. I am only adding my contribution to it so that the conferees may have it before them. I believe the definition in the Smythe report is as accurate as you can define it. I think we have the framework of a good bill here and I do not think it should be thrown out altogether. It should go to conference. I doubt very much if the secret about which we are all talking—as a matter of fact there is no secret in the creation and formation of atomic energy. There is a secret with reference to the specific destructive force that it produces. No private corporation will get hold of that. They will not spend the amount of money necessary to develop it for that purpose. We are protecting that secret with as much security as we have in the Army and Navy and the FBI.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. McDONOUGH. I yield.

Mr. DINGELL. The gentleman's idea of the Smythe suggestion is an excellent one, but let me ask the gentleman this question: Is there anything in this bill that will disclose the secret to anyone outside of these United States?

Mr. McDONOUGH. I may say to the gentleman, I am concerned about the broad powers that are given to the Commission, and the added personnel that would be developed under the Commission, and the fact that if you allow these things to go through too many minds, they are likely to leak out and get into the wrong channels. As it is now, I have every confidence the Army is protecting the secret.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. TIBBOTT. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TIBBOTT. Mr. Chairman, from the standpoint of my duty as a Member of this body and to justify my position on this bill, it is my conscientious belief that this measure should be returned to the committee for further study and consideration. While I realize that there are many who believe that the committee's bill on atomic energy should be adopted now, nevertheless, it seems to me that we are acting in too much haste. I have arrived at this conclusion after listening carefully to the arguments both for and against the bill. As the situation stands I cannot give the bill my support as there are so many confusing provisions in it that, to my way of believing, do not give our country the protection to which we are entitled. For the time being and until peace is restored throughout the world, I am of the firm belief that the secrets of the atomic bomb should be kept entirely within the confines of our own Nation. Until such time as the committee brings in additional evidence in support of their position, I am compelled to vote against the passage of the bill before us.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROBSION] is recognized.

Mr. ROBSION of Kentucky. Mr. Chairman, we have all watched with interest the efforts of our country to build a just and lasting peace and to set up an organization that would prevent aggression and the horrors and burden of wars in the future. But in that effort backed by our administration and the heart, soul, and mind of the American people we have seen our efforts frustrated from time to time so that we were unable to write a workable charter and we have been unable to bring the countries together to write or agree upon a treaty of peace. The country that has obstructed all the way, all the time, has been Russia. It has created a spirit of alarm in this country and we are continuing to draft teen-agers and keep and maintain 1,600,000 of our boys in foreign lands and in camps here and on the seven seas of the world, at great expense to our Nation. This year with a deficit facing the country the Congress has already voted the enormous sum of $12,000,000,000 for the Army and the Navy. This is one-half of the cost of World War I. The administration says all this is necessary. Why? They claim that there is danger. Russia is the threat. Now, if it is so necessary to draft our teen-agers and keep large armed forces throughout the world and spend $12,000,000,000 this year to strengthen our military and naval power, we must guard zealously our atomic secret today. We must not, while the world is in turmoil, make it possible for any potential enemy to obtain this war secret, the most powerful aggressive and defensive weapon the American people have? I have heard throughout this debate expressions of doubt as to how far we should go. The bill has been greatly amended and I think improved. But it is still not clear what type of men will be appointed on that Commission or the persons who will make up the large number of personnel. There could be a leak. Now, without a peace treaty, with a world still technically at war, shall we give away this mighty secret weapon? I am in favor of recommitting this bill and giving more time for study.

Russia is not surrendering any of her military secrets; she has rejected all plans submitted by us and other peace-loving nations. This secret—know-how—of the atomic bomb is in the safekeeping of our military with other secrets. This is the most priceless of all. We know and the world knows we are a peace-loving Nation and will not use it except in our own defense and to preserve the peace of the world, but what will happen if some other nations get possession of this secret before a treaty of peace is signed and there is still discord throughout the world.

This bill as amended sets up a Commission of civilians and one military man. They do not have the right to give away our atomic bomb secret. The Congress and the American people should be vigilant. Some delay until Congress meets next January would give time to determine if the world's problems can be solved in a peaceful way, and we can know more about Russia's attitude.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

The gentleman from North Carolina [Mr. FOLGER] is recognized for 5 minutes.

Mr. FOLGER. Mr. Chairman, I can hardly understand what is going on in the House. It is the strangest situation from any point of view that the mind can conceive, if one has a mind, as to why a concerted, apparently well-developed campaign should be put on in this body to destroy this legislation. Is it politics? I would not make that accusation. I do not wish even to think that even in the inmost private recesses of my soul.

Mrs. LUCE. Mr. Chairman, will the gentleman yield?

Mr. FOLGER. I yield.

Mrs. LUCE. I do not think anybody in this House would dream of accusing anybody in this House of jeopardizing millions of lives and perhaps civilization itself for political reasons. There is not a man that low in this House. If there were he should be shot.

Mr. FOLGER. The gentlewoman has stated about what I have stated, that not in the inmost recesses of my soul would I think such a thing. Then, is it due to the fact that many of us have failed to inform ourselves on this subject, when the President of the United States, the Secretary of War, the Secretary of the Navy, the State Department, the scientists who discovered atomic energy have asked for this legislation? It was not an invention, it was a discovery, for nuclear energy has been here all the time. We just have discovered it and made ourselves able to apply it.

I want to read you a fine statement, and, as my opinion, the following:

The carefully considered measure for control of atomic energy passed by the Senate has now been warped beyond all recognition. The chance we may have if we subscribe to that view is that in the conference we may unwarp some of these things that have been, in my opinion, thoughtlessly injected into this legislation.

On the pretext of preserving secrecy, the House has voted to void the principle of civilian rule, as though Americans are not to be trusted simply because they do not wear a uniform. And then, by way of making ludicrous even its own pretenses, the House voted to make secrecy impossible by eliminating the Senate provision for a Government monopoly in the atomic field and providing, instead, for private patents to develop the most potent force the world has ever known. This vital legislation must not now be killed. The House has a positive obligation to act, however inadequately. If it does so, perhaps something that makes sense can be worked out in conference with the Senate. It it fails to act the Army will be left in the stultifying control which has already driven the men of science from the field. What is at stake is far too urgent, far too vital to the Nation and to the world, to be settled by craven default.

It is admitted that in this bill it is not expected we can pass a perfect piece of legislation and we may under necessity, from time to time, to offer and adopt amendments to it; but I suggest to the Members of the House that this bill, as it comes to us from the Senate, is as nearly a perfect answer to the obligation of the United States, to its own citizens and the rest of the world, as the mind of man can conceive under the circumstances. A postponement of this would be a likely disaster to the Nation and probably to the world. Men and women, I plead that you may not scuttle this important bill.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

The question is on the amendment offered by the gentleman from New Jersey [Mr. MATHEWS].

The question was taken; and on a division (demanded by Mr. MATHEWS) there were—ayes 32, noes 67.

So the amendment was rejected.

The Clerk read as follows:

SHORT TITLE

SEC. 20. This act may be cited as the "Atomic Energy Act of 1946."

With the following committee amendment:

Page 53, line 9, strike out "20" and insert "21."

The committee amendment was agreed to.

Mrs. LUCE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. LUCE: On page 53, after line 10, insert the following:

"DURATION OF ACT

"SEC. 22. (a) Except as provided in subsection (b), the provisions of this act shall expire 7 years after the date of enactment of this act.

"(b) (1) The provisions of this section shall have no force or effect if, at the expiration of the 7-year period referred to in subsection (a), the United States is then engaged in war with any other nation.

"(2) One day prior to the expiration of this act all property owned by the Commission and described in paragraphs (1) and (2) of section 9 (a) shall be transferred to such agency of the Government as may be designated by act of Congress, and after such transfer no such property shall be disposed of by the agency so designated except pursuant to provisions of law enacted after the date of enactment of this act specifically authorizing such disposition."

Mrs. LUCE. Mr. Chairman, it seems to me that there is little confusion about the character of the Senate bill before amendment. But many are confused about whether or not we should vote for it. We are torn between a distaste for the vast dictatorial domestic powers it confers on the five-man commission, and our fears that without it we shall endanger our national security in a troubled world.

When scientists read the debate on this floor they will no doubt be appalled by our ignorance of the subject of nuclear energy, and the silly unscientific things we have said about it. But when we read some of the things scientists say about the purpose and effect of domestic legislation, they also sound a little silly

to us. We are ignoramuses in their field, but they are not exactly Daniel Websters in ours. If the world were at peace we could each stick to our own last. But it is not, unhappily. The threat of war has combined in this bill the scientists' field and ours. I apologize to the scientists for any of my scientific errors or malapropisms in this debate, which natural ignorance of the subject occasioned. But none of us owe any apology to the scientists for telling them that this bill is pure socialism. Indeed they should thank us for it, for of all men American scientists passionately love liberty. It is the liberty they have enjoyed in the past which has enabled us to grow great as a scientific nation. It is the business of a legislator to point out to them, and all the people, just what effect this law may have on their liberties, when peace comes. Moreover, I do not see why any Member should be criticized for stating a fact which the able Senator from Connecticut, a man of intellectual integrity, stated himself several times—that this bill is unprecedented, unique, and that it should never set a precedent for any other legislation. So, in saying that its unique and unprecedented aspect is precisely its totalitarian aspect, I am only repeating what Senator MCMAHON and his committee developed in their hearings, and in the few hours of debate the Senate had on the matter.

Is it wrong for a legislator to be honest with the people? I have been honest, in any case, about what I thought this bill signified for the Nation's future, if it stays on the books when the long international crisis that brought it into being is past. I have been equally honest in saying that I agree with the Senators, and I agree with our Members who think that although this is very bad medicine—socialistic medicine—indeed, the strongest dose of it that this Congress has ever been asked to take, for the world's ills and our own sins, we must nevertheless take it.

But I am now offering an amendment to this bill which will let it expire at the end of 7 years, in the event that we do not find ourselves in a war at that time with any foreign power.

Mr. Chairman, we need this bill, not to advance scientific research in time of peace, for we could continue to advance science as we have done during our whole history without it, under a free system. Remember, our scientists produced nuclear fission without any such bill as this. The reason we need the bill now, if we will be honest with ourselves, is that we are afraid of dangers from abroad, and need to safeguard and develop our supremacy in atomic weapons until that fear is passed.

Seven years is a very long time. In 7 years all of the questions that concern me, and have concerned the gentleman from California [Mr. VOORHIS], whose reasons for accepting this legislation are the same as I have repeatedly given—will be answered. We will know the answer to whether or not we will have a world authority to control atomic weapons, for example. We will know whether our hopes for peace are well founded, or whether war is inevitable.

Yes; I agree with all those who have said during this debate that they favor a large measure of civilian control while there is the threat of war, and even a certain measure of civilian control even in times of peace to guard against serious accidents in the industrial use of fissionable materials. We must have civilian control, so long as there is any possible threat of war, of raw materials, over-all production of facilities, and the means to induce scientists to continue research; and in peace we must prevent disastrous accidents to our people. But if the dangers of such wide legislation as this in peacetime are now clearly seen by this House, as the result of this debate, then let us give ourselves a chance to get the atomic commissariat we have created, because of our fears about a third world war, off our necks, if those fears should mercifully cease to materialize and peace should come.

Let us not, because of our temporary fears of foreign totalitarianism, plunk for permanent domestic totalitarianism ourselves, when those fears are passed.

We shall regret it if we wed ourselves permanently to this vast and mysterious socialistic enterprise.

Again, please remember why we are passing this bill—it is as a defense measure in a troubled world. When the world subsides into a creative peace we will not need it.

To keep it permanently on our books is to despair of peace in the next decade.

Have we no hope for the future? Do we really believe that war between ourselves and Russia is inevitable? Are we certain, beyond any hope, that the peoples of the world will all be hurling atomic bombs at one another in 5 or 10 years? Are we despairful of the efforts of our statesmen ever to make the UN a going concern, to achieve world control of armaments, or better still, a world in which no nation will desire armaments because they are free, contented, and prosperous?

Are we really committed in our hearts and minds to an unending bomb race? Do we really believe that there is no way out of the dreadful stalemate and impasse we find ourselves in but annihilation between the nations?

If we do believe all these things, if we can see nothing but certainty of war as a solution for the international problems that confront us, then there is a real excuse for making this legislation permanent. But if that is our belief, what you and I do here will not be long remembered, it will be soon forgotten. The very archives in which we place this bill, and this building itself will be destroyed in an atomic war. No, it will not much matter then what we say or do here today. Then those who have shined on this floor will shine in the Milky Way. And none of us will be able to say to the other, "I told you so." For we will all be atomized.

But, if there is a hope for peace—and I dare to believe there is a hope—then let us support this amendment, which would cross this measure off our books in peacetime and allow our people to return to the free development of all our energies, including our atomic energy.

The CHAIRMAN. The time of the gentlewoman from Connecticut has expired.

Mrs. LUCE. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mr. McDONOUGH. Mr. Chairman, will the gentlewoman yield?

Mrs. LUCE. I yield to the gentleman from California.

Mr. McDONOUGH. Does the gentlewoman believe that if atomic energy had been revealed to the world not as a destructive force there would be any necessity for this legislation?

Mrs. LUCE. I doubt if this legislation would ever have been proposed if this form of energy, which can be so very beneficial to humanity had been released in a nondestructive or industrial form. This legislation is the result of atomic energy having first been released before the public in the form of a decisive weapon and because, until our relations with Soviet Russia are free of mutual suspicions, we must take every precaution to safeguard that weapon, and, if need be, develop it.

Mr. McDONOUGH. And we wish to protect ourselves against the use of it on us for destructive purposes.

Mrs. LUCE. That is correct. We are scared of being destroyed by it if other nations get ahead of us in the development of it. The urgent need to prevent that is why I am for this bill.

Mr. McDONOUGH. The gentlewoman believes that is the principal need for this legislation?

Mrs. LUCE. That is the principal need for the bill. And when we are no longer faced with the threat of war, we will not need this bill. War with Russia is not inevitable. If we use half the brains that God gave us we will not have a war with Russia. We do not want a war with Russia. What the nations need is not so much atomic control as self-control. We would not need to worry over the destructive potentialities of nuclear fission if we all worried a little more over the destructive and evil ideas released by the minds and hearts of men. In the final analysis, if the peoples of the Nation will not seek the answers to atomic energy by consulting the authority of God, no world authority will ever be able to prevent its use for the mutual annihilation of nations. But I refuse to despair of the wisdom or piety of our statesmen. I refuse to despair of what may yet be done in the field of atomic and other disarmament in the United Nations organization, based on the achievement of a peace with justice. So, because I do not believe in the inevitability of war, and I do believe in the possibility of peace, I want to see an expiration date in this act.

Mr. DURHAM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not exactly understand the gentlewoman's position in of-

fering this amendment. She states that it is bad legislation, very bad. Still, she is offering an amendment here to make this legislation effective for seven long years. If this is bad legislation, it should not last for 7 years.

In this bill is a provision for a Joint Committee on Atomic Energy, with 11 members from this body and 11 members from the body at the other end of the Capitol. All matters pertaining to fissionable material, nuclear fission, and everything else that has to do with the manufacture of atomic energy, has to be referred to this committee for consideration. This committee can initiate legislation at any time it wants to. Congress is in session or will be in session every 2 years, for how long, we do not know. I feel it is unwise to enact this legislation for seven long years. The first part of the amendment I think is already the law. This spells it out, and there is no objection to it. But the latter part of it setting up the act for seven long years is what I object to.

Miss SUMNER of Illinois. How long does it last under the bill?

Mr. DURHAM. There is no limit to it. The Congress always has the authority to repeal any act it sets up here at any time if they care to repeal it. The gentlewoman says that anyone who is opposed to this amendment either believes in war or believes in some kind of socialistic state. I think my record here will show that I voted for the security of my country on every measure affecting our security. I do not believe in a socialistic state. I hope we do not have a war. That is the reason I am here at the present time and why all during the consideration of this bill I have fought for it as the gentleman from California clearly stated a few minutes ago. I think he has presented one of the best reasons for adopting this measure and sending it to conference than any man who has taken the floor. There is not just one reason, gentlemen, for this measure. I do not like all features of this bill. You never get everything you like in these matters, but it is absolutely necessary, in my opinion. It is one of the ingredients of the prescription that we must hand out to the world in order to come to an agreement and peace. You are not going to get anywhere in the negotiations, in the United Nations organization or the Security Council, until we adopt some domestic program in regard to the atomic energy. I hope the House will send this bill to conference.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this section, and all amendments thereto close in 5 minutes, the last minute to be reserved for myself.

Mr. JUDD and Mr. LAFOLLETTE objected.

Mr. HAYS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentlewoman from Connecticut needs no defense at my hands, but when it was pleasantly stated a while ago that she is confused it seems to me that statement does not conform to the nature of the debate in the last 2 or 3 days. I think the gentlewoman from Connecticut has made it very clear that she entertains a strong conviction on this question of our defense being involved in an assertion of policy at this critical hour. I follow her logical arguments. I am sorry she has emphasized the word "socialism" in referring to the bill, but that is incidental. I doubt it can be supported. But the gentlewoman from Connecticut is absolutely right when she implies and states in fact that it is an attitude of defeatism if we refuse to do anything at all about this tremendous new power that has been turned loose in the world. I, for one, am not going to have less faith in the scientists who uncovered this new force than they had in us when they said it was a good thing—weigh these words—that the thousands of people lost their lives at Hiroshima if as a result of that dramatic happening the people of America in their position of leadership would realize that action is necessary to keep this tremendous new power under control and thus save millions of lives. The scientists said they had faith in the people acting through their representatives to declare a policy on this question. Now, we do not declare a policy and we accomplish nothing if we leave it uncontrolled with no declaration at all on this question. If we believe that the military with no mandate from us are going to exercise some control over the holding of fissionable material, we are in my judgment deluding ourselves.

The first announcement of the discovery was made in an institution in this city, George Washington University. Except for the fact that a war followed in a short time after that, we would not be discussing this problem, and it would be a matter of concern only to those of high technical training.

I wonder if in all history a thing like that has happened; if contemporaneously with the discovery of a dangerous force the people were advised of the terror that its use involved.

So the point is, beginning here in George Washington University and then terminating by the destruction of 60,000 people, the question is, Will the Congress assert a policy and say that that power must be put to use for peace and industrial needs, and that they have faith in the scientists who will be appointed under this bill to properly use that power?

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MAY. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut [Mrs LUCE].

Mr. RANKIN. Mr. Chairman, may we again have the amendment reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There being no objection, the Clerk again reported the amendment offered by the gentlewoman from Connecticut [Mrs. LUCE].

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut [Mrs. LUCE].

The question was taken; and on a division (demanded by Mr. MARTIN of Massachusetts) there were—ayes 49, noes 108.

So the amendment was rejected.

By unanimous consent, the pro forma amendments were withdrawn.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 1717) for the development and control of atomic energy, pursuant to House Resolution 708, he reported the same back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Mr. THOMAS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and sixty-five Members are present, a quorum.

Is a separate vote demanded on any amendment?

Mr. BRADLEY of Pennsylvania. Mr. Speaker, I demand a separate vote on the so-called Lanham amendment dealing with the section regarding patents.

The SPEAKER. Is a separate vote demanded on any other amendment? If not the Chair will put them en grosse.

The question is on the amendments.

Mr. MARCANTONIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. MARCANTONIO. Mr. Speaker, I demand a division.

Mr. HARNESS of Indiana. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARNESS of Indiana. What are we voting on now?

The SPEAKER. The Chair stated twice that we are voting on the amendments en grosse except the Lanham amendment.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 116, noes 114.

Mr. MARCANTONIO. Mr. Speaker, I demand tellers.

Tellers were refused.

So the amendments were agreed to.

The SPEAKER. The Clerk will report the amendment upon which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: Pages 34, 35, 36, 37, 38, 39, 40. Strike out all of the patent provisions commencing with line 5 on page 34 down to and including line 13 on page 40 and substitute in lieu thereof the following:

"SEC. 11. (a) The Commission is authorized to purchase, for the manufacture or use by or for the United States Government, any and all rights in and to any invention or discovery, or application for patent or patents

thereon, relating to research on or the production of fissionable material or the utilization of fissionable material or atomic energy.

"(b) The Commission is authorized to condemn, and to determine and make just compensation for, any and all rights in and to any invention or discovery relating to research on or the production of fissionable materials or the utilization of fissionable materials or atomic energy that affects the national defense and security: *Provided, however,* That upon the determination by the Commission that the national defense or security is no longer involved, any and all rights in and to such invention or discovery shall revert to the owner, subject to a nonexclusive, irrevocable and nontransferable license in favor of the Government.

"(c) When any person who has made an invention or discovery relating to research on or the production of fissionable material, or the utilization of fissionable materials or atomic energy and shall have filed an application for a patent thereon and shall have tendered his invention or discovery to the Government of the United States for its use, he shall, if and when he ultimately receives a patent, have the right to sue for compensation as provided for in this section, such right to compensation to begin from the date of any use of the invention by the Government: *Provided,* That the Commission is authorized to enter into and effect an agreement with said applicant in full settlement and compromise for the use of his invention by the Government.

"(d) If any person is dissatisfied with the determination of the Commission as to just compensation, he may have his remedy by filing a suit in the United States District Court for the District of Columbia, if filed within 6 months after such determination; and such court, on notice to the Commission and other due procedures had, may thereupon determine the amount of the compensation to be paid such person, as the facts in the case may appear: *Provided,* That in any such suit the United States may avail itself of any and all defenses, general and special, that might be pleaded by a defendant in an action for infringement, as set forth in title 60 of the revised statutes, or otherwise. Any final judgment rendered against the Commission under any provision of this section shall have like force and effect as a money judgment rendered against the United States by the Court of Claims in a suit in respect of which the United States has expressly agreed to be sued; and the amount of any such final judgment shall be paid out of any appropriation applicable to the case, if any such there be; and when no such appropriation exists, said judgment shall be paid in the same manner as judgments rendered by the Court of Claims in cases under its general jurisdiction.

"(e) Any party aggrieved by any final judgment in a proceeding under this section may appeal therefrom to the Court of Appeals of the District of Columbia, and upon such appeal said court shall have power to review said judgment and affirm, revoke, or modify the same as upon appeals in other actions at law.

"(f) Attorneys appointed by the Commission may appear for and represent the Commission before any Government agency or judicial tribunal with respect to any and all invention, patent, and research matters in which the Commission is involved.

"(g) Any person who has made, or hereafter makes any invention or discovery utilizing fissionable materials or atomic energy designed or specially adapted for use as or in a military weapon, shall file with the Commission a report containing a complete description thereof. The report covering any such invention or discovery shall be filed on or before whichever of the following is the latest: (1) The sixtieth day after the date of enactment of this act; (2) The sixtieth day after completion of such invention or discovery; or (3) the sixtieth day after such person first discovers, or first has reason to believe that such invention or discovery is specially useful as or in such a weapon."

Mr. LANHAM (interrupting reading of the amendment). Mr. Speaker, this is the amendment with reference to the patent provisions of this bill. It has been spoken on, it has been printed two different times in the RECORD, it is a rather lengthy amendment, and I therefore ask unanimous consent that further reading of the amendment be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. BRADLEY of Pennsylvania) there were—ayes 151, noes 90.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. SHORT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SHORT. At this time I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SHORT moves to recommit the bill (S. 1717) to the Committee on Military Affairs for further study.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. SHORT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 195, not voting 88, as follows:

[Roll No. 228]

YEAS—146

Abernethy	Church	Gillette
Allen, Ill.	Clevenger	Gillie
Andersen, H. Carl	Clippinger	Goodwin
	Cole, Mo.	Graham
Andresen, August H.	Cole, N. Y.	Grant, Ind.
	Cooley	Griffiths
Arends	Corbett	Gross
Arnold	Cunningham	Gwinn, N. Y.
Barden	Curtis	Gwynne, Iowa
Bates, Mass.	D'Ewart	Hagen
Beall	Dondero	Halleck
Bennett, Mo.	Dworshak	Hancock
Bishop	Eaton	Harness, Ind.
Blackney	Elliott	Hess
Bolton	Ellis	Hoeven
Brehm	Ellsworth	Hoffman, Mich.
Brown, Ohio	Elston	Hoffman, Pa.
Brumbaugh	Fellows	Holmes, Mass.
Buffett	Fenton	Horan
Butler	Fulton	Howell
Campbell	Gathings	Jenkins
Carlson	Gavin	Jennings
Case, S. Dak.	Gearhart	Jensen
Chenoweth	Gerlach	Johnson, Ill.
Chiperfield	Gifford	Johnson, Ind.
Jones	Phillips	Simpson, Pa.
Jonkman	Pickett	Smith, Ohio
Kean	Pittenger	Springer
Kelly, Ill.	Plumley	Stefan
Kinzer	Rankin	Stockman
Knutson	Reed, Ill.	Sumner, Ill.
Kunkel	Reed, N. Y.	Sundstrom
Landis	Rees, Kans.	Taber
Lanham	Rich	Talle
Latham	Rivers	Taylor
LeFevre	Rizley	Thomas, N. J.
Lemke	Robertson, N. Dak.	Tibbott
Lewis		Vursell
McConnell	Robsion, Ky.	Wadsworth
McCowen	Rockwell	Weichel
McKenzie	Rodgers, Pa.	White
Martin, Mass.	Roe, Md.	Whitten
Merrow	Rogers, Mass.	Wigglesworth
Miller, Nebr.	Schwabe, Mo.	Wilson
Mundt	Schwabe, Okla.	Winstead
Murray, Tenn.	Scrivner	Winter
Norblad	Shafer	Wolcott
O'Hara	Sharp	Wolverton, N. J.
Pace	Short	Woodruff
Philbin	Simpson, Ill.	

NAYS—195

Almond	Gamble	Mills
Andrews, Ala.	Gardner	Monroney
Angell	Gary	Morgan
Auchincloss	Geelan	Morrison
Baldwin, N. Y.	Gordon	Murdock
Barrett, Pa.	Gore	Murray, Wis.
Barrett, Wyo.	Gorski	Neely
Barry	Granahan	Norrell
Bell	Granger	O'Brien, Ill
Bender	Grant, Ala.	O'Brien, Mich.
Biemiller	Green	O'Neal
Bland	Gregory	Outland
Bloom	Hale	Patman
Bonner	Hall, Leonard W.	Patterson
Bradley, Pa.		Peterson, Fla.
Brooks	Hand	Poage
Brown, Ga.	Harris	Pratt
Bryson	Havenner	Price, Fla.
Buchanan	Hays	Price, Ill.
Buck	Healy	Quinn, N. Y.
Buckley	Hedrick	Rabaut
Bulwinkle	Heffernan	Rabin
Byrne, N. Y.	Henry	Rains
Camp	Herter	Ramey
Canfield	Heselton	Randolph
Cannon, Mo.	Hill	Rayfiel
Carnahan	Hinshaw	Resa
Case, N. J.	Hobbs	Richards
Celler	Hoch	Riley
Chapman	Hook	Robertson, Va.
Chelf	Hope	Rogers, Fla.
Clark	Huber	Rogers, N. Y.
Clason	Hull	Rooney
Clements	Jackson	Rowan
Cole, Kans.	Jarman	Russell
Colmer	Johnson, Calif.	Ryter
Combs	Judd	Sabath
Crosser	Kearney	Sadowski
D'Alesandro	Kee	Sasscer
Davis	Keefe	Savage
Dawson	Kefauver	Sheppard
Delaney, James J.	Kelley, Pa.	Sikes
	King	Smith, Maine
Dingell	Kopplemann	Smith, Va.
Dirksen	LaFollette	Smith, Wis.
Dolliver	Lane	Somers, N. Y.
Doughton, N. C.	Lea	Spence
Douglas, Calif.	LeCompte	Starkey
Douglas, Ill.	Lesinski	Stevenson
Doyle	Link	Stigler
Drewry	Luce	Sullivan
Durham	Lyle	Sumners, Tex.
Eberharter	Lynch	Thom
Elsaesser	McCormack	Thomas, Tex.
Engle, Calif.	McDonough	Thomason
Ervin	McGlinchey	Towe
Fallon	McGregor	Trimble
Feighan	McMillen, Ill.	Voorhis, Calif.
Fernandez	Madden	Vorys, Ohio
Fisher	Maloney	Wasielewski
Flannagan	Manasco	Weaver
Flood	Marcantonio	Whittington
Fogarty	Martin, Iowa	Woodhouse
Folger	Mathews	Worley
Forand	May	Zimmerman
Gallagher	Michener	

NOT VOTING—88

Adams	Boykin	Cravens
Allen, La.	Bradley, Mich.	Crawford
Anderson, Calif.	Bunker	Curley
Andrews, N. Y.	Byrnes, Wis.	Daughton, Va.
Bailey	Cannon, Fla.	De Lacy
Baldwin, Md.	Cochran	Delaney, John J.
Bates, Ky.	Coffee	
Beckworth	Cooper	Domengeaux
Bennet, N. Y.	Courtney	Earthman
Boren	Cox	Engel, Mich.

Fuller	Kirwan	Priest
Gibson	Klein	Reece, Tenn.
Gillespie	Larcade	Robinson, Utah
Gossett	Ludlow	Roe, N. Y.
Hall, Edwin Arthur	McGehee	Sheridan
Hare	McMillan, S. C.	Slaughter
Harless, Ariz.	Mahon	Sparkman
Hart	Mankin	Stewart
Hartley	Mansfield, Mont.	Talbot
Hébert	Mansfield, Tex.	Tarver
Hendricks	Mason	Tolan
Holifield	Miller, Calif.	Torrens
Holmes, Wash.	Norton	Traynor
Izac	O'Konski	Vinson
Johnson, Okla.	O'Toole	Walter
Johnson, Tex.	Patrick	Welch
Keogh	Peterson, Ga.	West
Kerr	Pfeifer	Wickersham
Kilburn	Ploeser	Wolfenden, Pa.
Kilday	Powell	Wood

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Ploeser for, with Mr. Bennet of New York against.

Mr. Fuller for, with Mr. Byrnes of Wisconsin against.

Mr. Mason for, with Mr. Johnson of Texas against.

Mr. Domengeaux for, with Mr. Walter against.

Mr. Kilburn for, with Mr. Bailey against.

Mr. Bradley of Michigan for, with Mr. Klein against.

Mr. Hartley for, with Mr. John J. Delaney against.

General pairs until further notice:

Mr. Hart with Mr. Talbot.

Mr. Keogh with Mr. Holmes of Washington.

Mr. Sheridan with Mr. Adams.

Mr. Hébert with Mr. Edwin Arthur Hall.

Mr. Pfeifer with Mr. Anderson of California.

Mr. Priest with Mr. Gillespie.

Mr. Izac with Mr. Engel of Michigan.

Mr. Holifield with Mr. Andrews of New York.

Mr. Coffee with Mr. Crawford.

Mrs. Norton with Mr. O'Konski.

Mr. Vinson with Mr. Reece of Tennessee.

Mr. Curley with Mr. Welch.

Mr. O'Toole with Mr. Wolfenden of Pennsylvania.

Mr. BUFFETT changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. THOMASON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 265, nays 79, not voting 86, as follows:

[Roll No. 229]

YEAS—265

Allen, Ill.	Brown, Ga.	Clark
Almond	Brown, Ohio	Clason
Andrews, Ala.	Brumbaugh	Clements
Angell	Bryson	Cole, Kans.
Arends	Buchanan	Colmer
Auchincloss	Buck	Combs
Baldwin, N. Y.	Buckley	Corbett
Barrett, Pa.	Bulwinkle	Crosser
Barrett, Wyo.	Butler	Cunningham
Barry	Byrne, N. Y.	Curtis
Beall	Camp	D'Alesandro
Bell	Canfield	Davis
Bender	Cannon, Mo.	Dawson
Biemiller	Carlson	Delaney, James J.
Blackney	Carnahan	
Bland	Case, N. J.	Dingell
Bloom	Case, S. Dak.	Dirksen
Bolton	Celler	Dolliver
Bonner	Chapman	Domengeaux
Bradley, Pa.	Chelf	Dondero
Brooks	Chenoweth	Doughton, N. C.
Douglas, Calif.	Horan	Price, Ill.
Douglas, Ill.	Howell	Quinn, N. Y.
Doyle	Huber	Rabaut
Drewry	Hull	Rabin
Durham	Jackson	Rains
Eaton	Jarman	Ramey
Eberharter	Jennings	Randolph
Elliott	Jensen	Rayfiel
Ellsworth	Johnson, Calif.	Rees, Kans.
Elsaesser	Judd	Resa
Engle, Calif.	Kearney	Richards
Ervin	Kee	Riley
Fallon	Keefe	Robertson, N. Dak.
Feighan	Kefauver	
Fernandez	Kelley, Pa.	Robertson, Va.
Fisher	King	Robsion, Ky.
Flannagan	Kopplemann	Rockwell
Flood	Kunkel	Rodgers, Pa.
Fogarty	LaFollette	Roe, Md.
Folger	Lane	Rogers, Fla.
Forand	Latham	Rogers, N. Y.
Fulton	Lea	Rooney
Gallagher	LeCompte	Rowan
Gamble	LeFevre	Russell
Gardner	Lesinski	Ryter
Gary	Link	Sabath
Gathings	Luce	Sadowski
Gearhart	Lyle	Sasscer
Geelan	Lynch	Savage
Gerlach	McConnell	Sharp
Gifford	McCormack	Sheppard
Gillette	McDonough	Sheridan
Goodwin	McGlinchey	Short
Gordon	McGregor	Sikes
Gore	McKenzie	Smith, Maine
Gorski	McMillen, Ill.	Smith, Va.
Graham	Madden	Smith, Wis.
Granahan	Maloney	Somers, N. Y.
Granger	Manasco	Spence
Grant, Ala.	Marcantonio	Starkey
Green	Martin, Iowa	Stefan
Gregory	Martin, Mass.	Stevenson
Gwinn, N. Y.	Mathews	Stigler
Gwynne, Iowa	May	Stockman
Hale	Merrow	Sullivan
Hall, Edwin Arthur	Michener	Sumners, Tex.
Hall, Leonard W.	Miller, Nebr.	Talle
Halleck	Mills	Taylor
Hand	Monroney	Thom
Harris	Morgan	Thomas, Tex.
Havenner	Morrison	Thomason
Hays	Mundt	Tibbott
Healy	Murdock	Towe
Hedrick	Murray, Wis.	Trimble
Heffernan	Neely	Voorhis, Calif.
Henry	Norrell	Vorys, Ohio
Herter	O'Brien, Ill.	Vursell
Heselton	O'Brien, Mich.	Wadsworth
Hill	O'Hara	Wasielewski
Hinshaw	O'Neal	Weaver
Hobbs	Outland	White
Hoch	Patman	Whittington
Hoeven	Patterson	Wigglesworth
Hoffman, Pa.	Peterson, Fla.	Wolcott
Holmes, Mass.	Philbin	Wolverton, N. J.
Hook	Plumley	Woodhouse
Hope	Poage	Worley
	Pratt	Zimmerman
	Price, Fla.	

NAYS—79

Abernethy	Gillie	Pickett
Andersen, H. Carl	Grant, Ind.	Pittenger
	Griffiths	Rankin
Andresen, August H.	Gross	Reed, Ill.
	Hagen	Reed, N. Y.
Arnold	Hancock	Rich
Barden	Harness, Ind.	Rivers
Bates, Mass.	Hess	Rizley
Bennett, Mo.	Hoffman, Mich.	Rogers, Mass.
Bishop	Jenkins	Schwabe, Mo.
Brehm	Johnson, Ill.	Schwabe, Okla.
Buffett	Johnson, Ind.	Scrivner
Campbell	Jones	Shafer
Chiperfield	Jonkman	Simpson, Ill.
Church	Kean	Simpson, Pa.
Clevenger	Kelly, Ill.	Smith, Ohio
Clippinger	Kinzer	Springer
Cole, Mo.	Knutson	Sumner, Ill.
Cole, N. Y.	Landis	Sundstrom
Cooley	Lanham	Taber
D'Ewart	Lemke	Thomas, N. J.
Dworshak	Lewis	Weichel
Ellis	McCowen	Whitten
Elston	Murray, Tenn.	Wilson
Fellows	Norblad	Winstead
Fenton	Pace	Winter
Gavin	Phillips	Woodruff

NOT VOTING—86

Adams	Bailey	Bennet, N. Y.
Allen, La.	Baldwin, Md.	Boren
Anderson, Calif.	Bates, Ky.	Boykin
Andrews, N. Y.	Beckworth	Bradley, Mich.
Bunker	Hendricks	Patrick
Byrnes, Wis.	Holifield	Peterson, Ga.
Cannon, Fla.	Holmes, Wash.	Pfeifer
Cochran	Izac	Ploeser
Coffee	Johnson, Okla.	Powell
Cooper	Johnson, Tex.	Priest
Courtney	Keogh	Reece, Tenn.
Cox	Kerr	Robinson, Utah
Cravens	Kilburn	Roe, N. Y.
Crawford	Kilday	Slaughter
Curley	Kirwan	Sparkman
Daughton, Va.	Klein	Stewart
De Lacy	Larcade	Talbot
Delaney, John J.	Ludlow	Tarver
	McGehee	Tolan
Earthman	McMillan, S. C.	Torrens
Engel, Mich.	Mahon	Traynor
Fuller	Mankin	Vinson
Gibson	Mansfield, Mont.	Walter
Gillespie		Welch
Gossett	Mansfield, Tex.	West
Hare	Mason	Wickersham
Harless, Ariz.	Miller, Calif.	Wolfenden, Pa.
Hart	Norton	Wood
Hartley	O'Konski	
Hébert	O'Toole	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Bennet of New York for, with Mr. Ploeser against.

Mr. Byrnes of Wisconsin for, with Mr. Fuller against.

Mr. Johnson of Texas for with Mr. Mason against.

Mr. Bailey for, with Mr. Kilburn against.

Mr. Keogh for, with Mr. Bradley of Michigan against.

Mr. Pfeifer for, with Mr. Hartley against.

Additional general pairs:

Mr. Hart with Mr. Holmes of Washington.

Mr. Walter with Mr. Adams.

Mr. Hébert with Mr. Gillespie.

Mr. Izac with Mr. Anderson of California.

Mr. Wood with Mr. Engel of Michigan.

Mr. John J. Delaney with Mr. Crawford.

Mr. Vinson with Mr. Andrews of New York.

Mrs. Norton with Mr. O'Konski.

Mr.. Allen of Louisiana with Mr. Reece of Tennessee.

Mr. Klein with Mr. Welch.

Mr. Curley with Mr. Talbot.

Mr. Bunker with Mr. Wolfenden of Pennsylvania.

Mr. KNUTSON changed his vote from "yea" to "nay."

Mr. CHURCH changed his vote from "yea" to "nay."

Mr. LATHAM changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. THOMASON. Mr. Speaker, I ask unanimous consent that the Clerk in engrossing the amendments be instructed to make the necessary corrections in section and subsection numbers and letters, and in cross-references, and on page 43 strike out lines 8 to 13, inclusive.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. THOMASON. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Koerber, its assistant enrolling clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6739) entitled "An act making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1947, and for other purposes."

RETIREMENT FROM CONGRESS OF HON. JOHN J. COCHRAN

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. CANNON].

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, I am certain the entire membership of the House shares the regret of the Missouri delegation over the announcement just released by JACK COCHRAN of his decision to retire from Congress. He has served since 1926—a fifth of a century—and a large part of that time has represented not only his own congressional district but the territory covered by Greater St. Louis and in fact, to a large degree, the entire State of Missouri. During that time no Member has spoken more authoritatively or more effectively in behalf of his constituency and his State. He is a legislator of indefatigable industry and application and of tireless vigilance. Like the keepers of Israel he neither slumbers nor sleeps when the interests of his people and his section are under consideration. Until his hospitalization he was in attendance upon every session of the House and his committees and the amount of money he saved the Government and the vast amount of bad legislation which he excluded from the statute books, will remain for all time a memorial of his long and distinguished service in this forum.

He is a Jeffersonian Democrat but never a partisan. He represents all parties and all classes in his constituency without distinction or discrimination. He is of inflexible integrity and any plea of expediency when weighed against the merits of a proposition falls on deaf ears. He will have none of it. His decision to retire at a time when he is rapidly returning to normal health, is a testimonial to his high ideal of service and its obligation on this floor. He could have with profit to himself continued his membership here in the next Congress. It was only necessary for him to announce and his nomination and election were assured. And no one values or enjoys the associations here more than he does. But his high standard of service would not permit him to accept renewed responsibility without conviction that he would throughout the coming term be able to fully discharge that responsibility. His letter addressed to his party chairman is an eloquent testimonial to his sense of duty and his determination to retire when there was any question of his ability to continue 100 percent his service to the congressional district and the country. Here is his letter:

DEAR MR. DWYER: With primary day rapidly approaching, I grow increasingly conscious of the fact that I must make a decision as to whether I will again seek election as the representative of the people of the Thirteenth Congressional District.

This decision has been hard to make. My heart is and has been in my work as a Member of Congress, and no written or spoken word of mine can adequately express my gratitude to the people of my district—Democrats as well as Republicans—for their manifestations of confidence in me and their affection for me.

My doctors are united in ordering me to take a complete rest until I have fully recovered from my present illness. The progress I have thus far made has been more rapid than they had hoped for but I realize that their advice is sound and should be taken.

I am not willing to render part-time service to my country as a Member of Congress in this critical period, nor am I willing to let my present illness interfere with full and complete service to my district.

From these declarations you and my good friends at home will understand why I have concluded to notify the secretary of the State of Missouri and the election board of St. Louis that I consider it to be my duty to withdraw my name from consideration in the August primary. This notice is being sent them today.

My withdrawal does not mean the cessation of my interest in the people of the Thirteenth Congressional District, from whose bounty I have received so many and such signal honors. The contrary is true. So true is it that my present great anxiety is to see my district represented by one who is known to me to be qualified in every way to carry on as I would were I well enough to remain in Congress.

With this in mind I requested by secretary, Frank M. Karsten, to file for the position I now hold. Knowing him as I do—his sincerity, his intelligence, and his uniform courtesy, his faithfulness to me and to the duties of his position—I not only give him my unqualified endorsement, but I urge every one who would have voted or worked for my election to do everything for him that they would have done for me.

This is no time to try experiments in the selection of men who must make important decisions in Washington. My secretary is not new to the problems confronting us and nothing will make me happier, as I retire from office, than the privilege of addressing my faithful friend and secretary as Congressman Karsten.

With assurance of my continued warm esteem for you, and asking you to remember me gratefully to all the members of your committee, I am

Most sincerely yours,

JOHN J. COCHRAN.

I have often said, and I am certain the Members here this morning will corroborate that opinion, that if a vote were to be taken as to which one Member of the House was the most popular with his colleagues, that distinction would go to JACK COCHRAN by an overwhelming majority. Friendship begets friendship and Jack had friends because he was a friend—in time of need or otherwise. No man ever turned to him for help or counsel but what he dropped for the time being every other consideration and gave to the problem of his friend his undivided time and attention. I could not personally recompense him for all the kindnesses he has shown me if I had from now to eternity in which to make restitution.

JACK COCHRAN, like many another Member, may be considered as one of the casualties of the war. Work in the House is man-killing at best and in his routine of daily high-speed devotion to his tasks during the extended war period the eventual failure of some part of the overburdened human machine was inevitable. Our regret at his retirement is tempered by the realization that he is entitled to a rest and that he is rapidly being restored to health and his old-time buoyancy and enthusiasm.

His retirement comes at an inopportune time—a time when men of experience and seasoned judgment are perhaps more urgently needed here than during the war. On that account it is particularly fortunate that he is in position to recommend as his successor, his secretary, Frank M. Karsten. Mr. Karsten has been with him for many years and is a man of exceptional ability. He is familiar with Missouri and St. Louis affairs, as well as departmental and congressional procedure. He is in many respects his great chief's alter ego.

But no one can take Jack's place, either in the service of the House or in the hearts of his colleagues, and so we say au revoir and not good-by. You have too deep an interest in the old Ship of State to actually quit us. We expect you to continue to stick around—and represent the forty-ninth State. You will exert a more profound influence around here out of Congress than a lot of us who are in Congress. But wherever you are our good wishes go with you. May you enjoy all the more, from your new position on the side lines, the rich fruition of American progress you have had so large a part in promoting.

The SPEAKER. Without objection, other Members of the House who desire to extend their remarks at this point in the RECORD on the service of Mr. JOHN J. COCHRAN, of Missouri, may do so.

There was no objection.

Mr. SULLIVAN. Mr. Speaker, when the people of St. Louis think of the House of Representatives, they think of JACK COCHRAN. When they speak of Congress, they have JACK COCHRAN in mind. His long service in the House, his experience in the affairs of government, his promptness in answering his mail, his intense efforts to serve the humble, and his devotion to their interests earned him a special place in the affections of his fellow citizens. So great is the esteem in which he is held that he very likely would have been returned to the Eightieth Congress without opposition, as has happened in the past.

However, as the dean of the Missouri delegation, our colleague, Mr. CANNON, has announced to the House JOHN J. COCHRAN has withdrawn his candidacy. Because this is his life and his interest, it must have been a difficult decision to make, as he stated. But because of his interest in his district and his devotion to duty, he was unwilling to give anything but perfection in representation.

I know my colleagues will understand my feelings when I heard the news of his withdrawal. For many years I had the pleasure of being one of his constituents and supporting him. When I came to the Seventy-seventh Congress as a new Member, he was here to greet me. It was my privilege to serve with him. I had the benefit of his unusually active mind, his brilliant intellect, his highly developed legislative sense. Seldom did he miss the opening prayer for guidance in our deliberations.

JACK COCHRAN is the symbol of integrity in public office. Fearless, outspoken, fair, and honest, he has impressed his personality upon the people of Missouri, as well as those who served with him in the House. His courage in the face of his afflictions, I know has been an inspiration to others.

His unusual abilities would be very valuable as a Member of the Eightieth Congress. However, his interest will always lie in the House of Representatives, and his advice will be available to us.

JACK COCHRAN will always have a place in the prayers and affections of St. Louisans. He will always be a source of inspiration to those of us who served with him and seek to emulate him in the performance of a high public trust.

Mr. PRICE of Illinois. Mr. Speaker, I join with the gentleman from Missouri [Mr. CANNON] and my colleague from across the river, Mr. SULLIVAN, in paying well-deserved tribute to the distinguished Representative from the great city of St. Louis who today has announced his retirement upon completion of his present service in this House, the Honorable JOHN J. COCHRAN.

There is sadness in this Chamber as we contemplate the passing from the active scene on Capitol Hill of so great a public servant. He is beloved by Members on both sides of the aisle, and his advice and counsel has been frequently sought by almost every Member of the House. In his many years of service in Washington, first as a secretary to Hon. William L. Igoe and later to Hon. Harry B. Hawes and Senator William J. Stone, and then as a Member of Congress in his own right, by the choice of a constituency that learned to love him, JACK COCHRAN built a reputation for honesty and integrity never excelled by anyone who has held public office.

The name of JACK COCHRAN was legend not only in the Thirteenth Congressional District of Missouri, but throughout his native State and throughout the neighboring State of Illinois. The name and work of Congressman COCHRAN was as well-known in my own congressional district, the Twenty-second Illinois District, as though he might have also represented the district. That's the way people thought of JACK COCHRAN—no matter in which district they may have resided they looked upon him as also being their Representative.

Congressman COCHRAN has been a special inspiration to those of us in this House who, as JACK COCHRAN himself did, began our service on Capitol Hill as secretaries. We have sought to follow his example and I know we all have benefited immensely by his wise counsel.

He demonstrated to his constituency and to his colleagues here the value of training a young man secures in a congressional office—and how that training can equip a man to be of invaluable service to his people back home.

Members of the House have been inspired through the past 3 years by the great courage of their colleague from Missouri—through the years he was beset by serious illness. No one will forget the tremendous ovation he received from his fellow Members when he returned to the floor after a long stay in the Naval Hospital. The welcome was spontaneous and came from the heart of every Member—just as the best wishes of the Members now are extended to him.

We do not like to see JACK COCHRAN leave—but we know the time has come for him to give some concern to his own health, after having given first concern to the welfare of others for so many years.

Mr. WHITTINGTON. Mr. Speaker, I regret that JOHN J. COCHRAN will retire from the House at the close of the present session. His retirement is a distinct loss, not only to Missouri, but to the House and to the country.

I count JACK COCHRAN among my most devoted friends. I esteem him for his integrity and dependability. He is one of the most industrious men who ever served in the House. I know of no Member who is more familiar with the departments of Government and with governmental agencies. He is thoroughly informed as to the proceedings of both the House and the Senate, and he is vigilant in protecting the Public Treasury. The city of St. Louis will miss him. He was efficient in behalf of the interests of the district that he represents.

JACK COCHRAN has endured much physical suffering in the past few years. He is a victim of overwork. I join with his many friends in trusting that he may be restored to health. The House will not be the same without JACK COCHRAN as a Member.

I know of no Member of Congress who has rendered more capable service than JACK COCHRAN. He is able, courageous, honest, and patriotic. He has devoted himself exclusively to the public service. He retires with the satisfaction and consciousness of having served his district and his country well and faithfully.

AMENDMENT OF NATIONAL SERVICE LIFE INSURANCE ACT

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6371) to amend certain provisions of the National Service Life Insurance Act of 1940, as amended, and for other purposes, with a Senate amendment and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That (a) section 601 (f) of the National Service Life Insurance Act of 1940 is hereby amended effective as of October 8, 1940, to read as follows:

"'(f) The terms "parent", "father", and "mother" includes a father, mother, father through adoption, mother through adoption, persons who have stood in loco parentis to a member of the military or naval forces at any time prior to entry into active service for a period of not less than one year, and a stepparent, if designated as beneficiary by the insured.'

"(b) The amendment made by subsection (a) of this section to section 601 (f) of the National Service Life Insurance Act of 1940, as amended, shall not be construed (1) to require the discontinuance, for any period prior to the first day of the third calendar month following receipt of claim by or on behalf of a person brought within the permitted class of beneficiaries by such amendment, of any insurance award made prior to the date of enactment of this act, or (2) to require duplicate payments of benefits in any case.

"SEC. 2. Section 602 (c) of National Service Life Insurance Act of 1940 is hereby amended effective as of October 8, 1940, to read as follows:

"'(c) (1) Any person upon reenlistment or reentrance into or reemployment in active service and before discharge or resignation therefrom and any person in the active service upon discharge to accept a commission and before resignation therefrom, shall be granted such insurance upon application therefor in writing (made within 120 days following such reenlistment, reentrance, reemployment, or discharge to accept a commission), and upon payment of premiums and evidence satisfactory to the Administrator showing such person to be in good health at the time of such application.

"'(2) Subject to the provisions of the first proviso under the caption "Transfer of Appropriations" contained in title II of the First Supplemental Surplus Appropriation Rescission Act, 1946 (Public Law 301, 79th Cong.), any individual who has had active service between October 8, 1940, and September 2, 1945, both dates inclusive, shall be granted such insurance upon application therefor in writing and upon payment or authorization for deduction of premiums and evidence satisfactory to the Administrator showing such person to be in good health at the time of such application. In any case in which application for life or disability insurance or for reinstatement of such insurance is made prior to January 1, 1950, the Administrator shall not deny, for the purposes of this or any other section of this part, that the applicant is in good health because of any disability or disabilities, less than total in degree, resulting from or aggravated by such active service. In any case in which insurance is granted by reason of the immediately preceding sentence, the premiums paid on such insurance shall be credited directly to the national service life-insurance appropriation and any payments of benefits on such insurance shall be made directly from such appropriation. The maximum amount of insurance for which an individual is otherwise eligible to apply under this paragraph shall be decreased by the amount of any insurance which he may have surrendered for its cash-surrender value.

"'(3) Any person in the active service between October 8, 1940, and September 2, 1945, both dates inclusive, who, while in such service, made application in writing for insurance while performing full military or naval duty, which application was denied solely on account of his condition of health, and the applicant thereafter shall have incurred a total and permanent disability in line of duty or died in line of duty, shall be deemed to have applied for and to have been granted such insurance as of the date of such application and such insurance shall be deemed to be or to have been continued in force to the date of death of such person. In any case in

which insurance deemed to have been granted under this paragraph matures or has matured, there shall be deducted from the proceeds of such insurance the premiums payable thereon from the date of application to the date of incurrence of total and permanent disability in line of duty or to the date of death, if permanent and total disability was not incurred. Any payments on such insurance shall be made directly from the national service life-insurance appropriation. The amount of insurance deemed to have been granted under this paragraph, when added to any other insurance in force under the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended, or this part, shall not in the aggregate exceed $10,000.'

"SEC. 3. Section 602 (f) of the National Service Life Insurance Act of 1940 is hereby amended to read as follows:

"'(f) Such insurance shall be issued upon the 5 year level premium term plan, with the privilege of conversion as of the date when any premium becomes or has become due, or exchange as of the date of the original policy, upon payment of the difference in reserve, at any time after such policy has been in effect for 1 year and within the term period, to policies of insurance upon the following plans: Ordinary life, 20-payment life, 30-payment life, 20-year endowment, endowment at age 60, and endowment at age 65: *Provided*, That conversion to an endowment plan may not be made while the insured is totally disabled. All level premium term policies shall cease and terminate at the expiration of the term period. Provisions for cash, loan, paid-up, and extended values, dividends from gains and savings, refund of unearned premiums, and such other provisions as may be found to be reasonable and practicable may be provided for in the policy of insurance or from time to time by regulations promulgated by the Administrator.'

"SEC. 4. Section 602 (g) of the National Service Life Insurance Act of 1940, as amended, is hereby amended by substituting a colon for the period at the end thereof and adding the following: '*Provided*, That the provisions of this subsection as to the restricted permitted class of beneficiaries shall not apply to any national service life-insurance policy maturing on or after the date of enactment of the Insurance Act of 1946.'

"SEC. 5. (a) So much of subsection (h) of section 602 of the National Service Life Insurance Act of 1940, as amended, as precedes paragraph (3) thereof is hereby amended to read as follows:

"'(h) Insurance maturing prior to the date of enactment of the Insurance Act of 1946 shall be payable in the following manner:

"'(1) If the beneficiary to whom payment is first made is under 30 years of age at the time of maturity, in 240 equal monthly installments: *Provided*, That the Administrator, under regulations to be promulgated by him, may include a provision in the insurance contract authorizing the insured or the beneficiary to elect in lieu of this mode of payment and prior to the commencement of payments, a refund life income in monthly installments payable for such period certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the face value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of such beneficiary: *Provided further*, That in any case in which insurance benefit payments were commenced prior to September 30, 1944, the beneficiary, whether or not the first beneficiary, shall have the right to elect to receive a refund life income, as provided in such optional settlement, payable in monthly installments adjusted as of the date of the maturity of such policy, credit being allowed for payments previously made on the insurance. The right of election with respect to cases in which benefit payments were commenced prior to September 30, 1944, shall terminate 2 years after the date of enactment of the Insurance Act of 1946. The Administrator is directed to send, within 1 year after the date of enactment of the Insurance Act of 1946, to each beneficiary of insurance on which payments were commenced prior to September 30, 1944, a notice explaining the right of election. Any such notice shall be sent by registered mail addressed to the last known address of the addressee.

"'(2) If the beneficiary to whom payment is first made is 30 or more years of age at the time of maturity, in equal monthly installments for 120 months certain, with such payments continuing during the remaining lifetime of such beneficiary: *Provided*, That the Administrator, under regulations to be promulgated by him, may include a provision in the insurance contract authorizing the insured or the beneficiary to elect, in lieu of this mode of payment and prior to the commencement of payments, a refund life income in monthly installments payable for such period certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the face value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of such beneficiary: *Provided further*, That such optional settlement shall not be available in any case in which such settlement would result in payments of installments over a shorter period than 120 months: *Provided further*, That in any case in which insurance benefit payments were commenced prior to September 30, 1944, the beneficiary, whether or not the first beneficiary, shall have the right to elect to receive a refund life income, as provided in such optional settlement, payable in monthly installments adjusted as of the date of the maturity of such policy, credit being allowed for payments previously made on the insurance. The right of election with respect to cases in which benefit payments were commenced prior to September 30, 1944, shall terminate 2 years after the date of enactment of the Insurance Act of 1946. The Administrator is directed to send, within 1 year after the date of enactment of the Insurance Act of 1946, to each beneficiary of insurance on which payments were commenced prior to September 30, 1944, a notice explaining the right of election. Any such notice shall be sent by registered mail addressed to the last known address of the addressee.'

"(b) Subsections (i), (j), and (k) of section 602 of the National Service Life Insurance Act of 1940, as amended, are amended by adding at the end of each of such subsections the following: 'The provisions of this subsection shall not be applicable to insurance maturing on or after the date of enactment of the Insurance Act of 1946.'

"SEC. 6. Section 602 (m) of the National Service Life Insurance Act of 1940 is hereby amended, effective as of October 8, 1940, to read as follows:

"'(m) (1) The Administrator shall, by regulations, prescribe the time and method of payment of the premiums on such insurance, but payments of premiums in advance shall not be required for periods of more than 1 month each, and may at the election of the insured be deducted from his active-service pay to be otherwise made: *Provided*, That an amount equal to the first premium due under a national service life-insurance policy may be advanced from current appropriations for active-service pay to any person in the active service in the Army, Navy, Marine Corps, or Coast Guard, which amount shall constitute a lien upon any service or other pay accruing to the person for whom such advance was made and shall be collected therefrom if not otherwise paid: *Provided further*, That no disbursing or certifying officer shall be responsible for any loss incurred by reason of the advance herein authorized: *And provided further*, That any amount so advanced in excess of available service or other pay shall constitute a lien on the policy within the provisions of section 5, Public Law No. 866, Seventy-sixth Congress, approved October 17, 1940.

"'(2) In any case in which the insured provided for the payment of premiums on his insurance by authorizing in writing the deduction of premiums from his service pay, such insurance shall be deemed not to have lapsed so long as he remained in active service prior to the date of enactment of the Insurance Act of 1946, notwithstanding the fact that deduction of premiums was discontinued because—

"'(A) the insured was discharged to accept a commission; or

"'(B) the insured was absent without leave, if restored to active duty; or

"'(C) the insured was sentenced by court martial, if he was restored to active duty, required to engage in combat, or killed in combat.

In any case in which the insured under any insurance continued in force by the provisions of this paragraph died while such insurance was so continued in force, any premiums due on such insurance shall be deducted from the proceeds of the insurance. Any premiums deducted or collected on any such insurance shall be credited to the national service life insurance appropriation and any payments of benefits on any such insurance shall be made directly from such appropriation.'

"SEC. 7. Section 602 (n) of the National Service Life Insurance Act of 1940, as amended, is amended to read as follows:

"'(n) Upon application by the insured and under such regulations as the Administrator may promulgate, payment of premiums on such insurance may be waived during the continuous total disability of the insured, which continues or has continued for six or more consecutive months, if such disability commenced (1) subsequent to the date of his application for insurance, (2) while the insurance was in force under premium-paying conditions, and (3) prior to the insured's sixtieth birthday: *Provided*, That upon application made within 1 year after the date of enactment of the Insurance Act of 1946 the Administrator shall grant waiver of any premium becoming due not more than 5 years prior to the date of enactment of such act which may be waived under the foregoing provisions of this subsection: *Provided further*, That the Administrator, upon any application made subsequent to 1 year after the date of enactment of the Insurance Act of 1946, shall not grant waiver of any premium becoming due more than 1 year prior to the receipt in the Veterans' Administration of application for the same, except as hereinafter provided. Any premiums paid for months during which waiver is effective shall be refunded. The Administrator shall provide by regulations for examination or reexamination of an insured claiming benefits under this subsection, and may deny benefits for failure to cooperate. In the event that it is found that an insured is no longer totally disabled, the waiver of premiums shall cease as of the date of such finding and the policy of insurance may be continued by payment of premiums as provided in said policy: *Provided further*, That in any case in which the Administrator finds that the insured's failure to make timely application for waiver of premiums or his failure to submit satisfactory evidence of the existence or continuance of total disability

was due to circumstances beyond his control, the Administrator may grant waiver or continuance of waiver of premiums: *And provided further*, That in the event of death of the insured without filing application for waiver, the beneficiary, within 1 year after the death of the insured or the enactment of this amendment, whichever be the later, or, if the beneficiary be insane or a minor, within 1 year after removal of such legal disability, may file application for waiver with evidence of the insured's right to waiver under this section. Premium rates shall be calculated without charge for the cost of the waiver of premiums herein provided and no deduction from benefits otherwise payable shall be made on account thereof.'

"SEC. 8. Section 602 (p) of the National Service Life Insurance Act of 1940, as amended, is amended to read as follows:

"'(p) Such insurance may be made effective, as specified in the application, not later than the first day of the calendar month following the date of application therefor, but the United States shall not be liable thereunder for death occurring prior to such effective date. Notwithstanding the foregoing provisions of this subsection, in any case in which prior to the date of enactment of the Insurance Act of 1946 application was made for insurance to become effective subsequent to the date of application and the applicant died in line of duty prior to the date such insurance was to become effective, the United States shall be liable to the same extent as it would have been if such insurance had been in force on the date of death of the applicant. Any payments of benefits made as a result of the enactment of the preceding sentence shall be made directly from the national service life insurance appropriation.'

"SEC. 9. Section 602 of the National Service Life Insurance Act of 1940, as amended, is hereby amended by adding at the end thereof the following new subsections:

"'(t) Insurance maturing on or subsequent to the date of enactment of the Insurance Act of 1946 shall be payable in accordance with the following optional modes of settlement:

"'(1) In one sum.

"'(2) In equal monthly installments of from 36 to 240 in number, in multiples of 12.

"'(3) In equal monthly installments for 120 months certain with such payments continuing during the remaining lifetime of the first beneficiary.

"'(4) As a refund life income in monthly installments payable for such period certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the face value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of the first beneficiary: *Provided*, That such optional settlement shall not be available in any case in which such settlement would result in payments of installments over a shorter period than 120 months.'

"'Unless the insured elects some other mode of settlement, the insurance shall be payable to the designated beneficiary or beneficiaries in 36 equal monthly installments. The first beneficiary may elect to receive payment under any option which provides for payment over a longer period of time than the option elected by the insured, or if no option be designated by the insured, in excess of 36 months. If the option selected requires payment to any one beneficiary of monthly installments of less than $10, the amount payable to such beneficiary shall be paid in such maximum number of monthly installments as are a multiple of 12 as will provide a monthly installment of not less than $10. If the present value of the amount payable at the time any person initially becomes entitled to payment thereof is not sufficient to pay at least 12 monthly installments of not less than $10 each, such amount shall be payable in one sum. Options (3) and (4) shall not be available if any firm, corporation, legal entity (including the estate of the insured), or trustee is beneficiary, or in any case in which an endowment contract matures by reason of the completion of the endowment period.

"'(u) With respect to insurance maturing on or subsequent to the date of enactment of the Insurance Act of 1946, in any case in which the beneficiary is entitled to a lump-sum settlement but elects some other mode of settlement and dies before receiving all the benefits due and payable under such mode of settlement, the present value of the remaining unpaid amount shall be payable to the estate of the beneficiary; and in any case in which no beneficiary is designated by the insured, or the designated beneficiary does not survive the insured, or a designated beneficiary not entitled to choose a lump-sum settlement survives the insured, and dies before receiving all the benefits due and payable, the commuted value of the insurance remaining unpaid shall be paid in one sum to the estate of the insured: *Provided*, That in no event shall there by any payment to the estate of the insured or of the beneficiary of any sums unless it is shown that any sums paid will not escheat.

"'(v) (1) The Administrator is hereby authorized and directed, upon application by the insured and proof of good health satisfactory to the Administrator and payment of such extra premium as the Administrator shall prescribe, to include in any national service life-insurance policy on the life of the insured provisions whereby an insured who is shown to have become totally disabled for a period of six consecutive months or more commencing after the date of such application and before attaining the age of 60 and while the payment of any premium is not in default, shall be paid monthly disability benefits from the first day of the seventh consecutive month of and during the continuance of such total disability of $5 for each $1,000 of such insurance in effect when such benefits become payable: *Provided*, That in any case in which the applicant while not totally disabled and prior to January 1, 1950, furnishes proof satisfactory to the Administrator that his inability to furnish proof of good health is the result of an actually service-incurred injury or disability, the requirement of proof of good health shall be waived, but in such case the extra premium for disability coverage paid by any such insured shall be credited directly to the national service life-insurance appropriation and any disability payments made to such insured shall be made directly from the national service life-insurance appropriation: *Provided further*, That policies containing additional provisions for the payment of disability benefits may be separately classified for the purpose of dividend distribution from otherwise similar policies not containing such benefit.

"'(2) Whenever benefits under the total-disability provision authorized by section 602 (v) (1) hereof become, or have become, payable because of total disability of the insured as a result of disease or injury traceable to the extra hazard of the military or naval service, as such hazard may be determined by the Administrator of Veterans' Affairs, the liability shall be borne by the United States, and the Administrator is hereby authorized and directed to transfer from the national service life-insurance appropriation to the national service life-insurance fund from time to time any amounts which become, or have become, payable to the insured on account of such total disability, and to transfer from the national service life-insurance fund to the national service life-insurance appropriation the amount of the reserve held on account of the total-disability benefit. When a person receiving such payments on account of total disability recovers from such disability, and is then entitled to continue protection under the total-disability provision, the Administrator is hereby authorized and directed to transfer to the national service life-insurance fund a sum sufficient to set up the then required reserve on such total-disability benefit.

"'(w) Subject to the provisions of section 612 of the National Service Life Insurance Act of 1940, as amended, all contracts or policies of insurance heretofore or hereafter issued, reinstated, or converted shall be incontestable from the date of issue, reinstatement, or conversion except for fraud, nonpayment of premium, or on the ground that the applicant was not a member of the military or naval forces of the United States.

"'(x) When an optional mode of settlement of insurance heretofore or hereafter matured is available to a beneficiary who is a minor or incompetent, such option may be exercised by his fiduciary, person qualified under Public Law 373, Seventy-second Congress, February 25, 1933 (47 Stat. 907; 25 U. S. C. 14), or person recognized by the Administrator as having custody of the person or the estate of such beneficiary, and the obligation of the United States under the insurance contract shall be fully satisfied by payment of benefits in accordance with the mode of settlement so selected.

"'(y) (1) Any level premium term insurance which has lapsed may be reinstated within the term upon written application, payment of two monthly premiums, and evidence satisfactory to the Administrator that the applicant, subject to the provisions of the second sentence of section 602 (c) (2), supra, is in good health.

"'(2) Any level premium term insurance which has lapsed may be reinstated within the term upon written application, made within 6 months after the date of such lapse or within 6 months after the date of enactment of the Insurance Act of 1946, whichever is the later, and payment of two monthly premiums, provided such applicant is in as good health on the date of application and tender of premiums as he was on the due date of the premium in default and furnishes evidence thereof satisfactory to the Administrator: *Provided*, That when the insured makes inquiry prior to the expiration of the grace period disclosing a clear intent to continue insurance protection, an additional reasonable period not exceeding 60 days may be granted for payment of premiums due, but the premiums in any such case must be paid during the lifetime of the insured.'

"SEC. 10. Section 602 of the National Service Life Insurance Act of 1940, as amended, is hereby amended effective as of October 8, 1940, by adding at the end thereof the following new subsection:

"'(z) Without prejudice to any other cause of disability, the permanent loss of the use of both feet, of both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the total loss of hearing of both ears, or the organic loss of speech, shall be deemed total disability for insurance purposes.'

"SEC. 11. Section 607 (b) of the National Service Life Insurance Act of 1940, as amended, is hereby amended effective as of October 8, 1940, by inserting after the first sentence thereof the following: 'Where life contingencies are involved in the calculation of the value of such benefits of insurance heretofore or hereafter matured, the calculation of such liability or liabilities shall be based upon such mortality table or tables as the Administrator may prescribe with interest at the rate of 3 percent per annum.'

"SEC. 12. Section 608 of the National Service Life Insurance Act of 1940, as amended, is hereby amended effective as of October 8, 1940, to read as follows:

" 'SEC. 608. The Administrator, subject to the general direction of the President, shall administer, execute, and enforce the provisions of this act, shall have power to make such rules and regulations, not inconsistent with the provisions of this act, as are necessary or appropriate to carry out its purposes, and shall decide all questions arising hereunder. All officers and employees of the Veterans' Administration shall perform such duties in connection with the administration of this act as may be assigned to them by the Administrator. All official acts performed by such officers and employees designated therefor by the Administrator shall have the same force and effect as though performed by the Administrator. Except in the event of suit as provided in section 617 hereof, or other appropriate court proceedings, all decisions rendered by the Administrator under the provisions of this act, or regulations properly issued pursuant thereto, shall be final and conclusive on all questions of law or fact, and no other official of the United States, except a judge or judges of United States courts, shall have jurisdiction to review any such decisions.'

"SEC. 13. Section 616 of the National Service Life Insurance Act of 1940, as amended, is hereby amended by substituting a colon for the period at the end thereof and adding the following: '*Provided*, That assignments of all or any part of the beneficiary's interest may be made by a designated beneficiary to a widow, widower, child, father, mother, grandfather, grandmother, brother, or sister of the insured, when the designated contingent beneficiary, if any, joins the beneficiary in the assignment, and if the assignment is delivered to the Veterans' Administration before any payments of the insurance shall have been made to the beneficiary: *Provided further*, That an interest in an annuity, when assigned, shall be payable in equal monthly installments in such multiple of twelve as most nearly equals the number of installments certain under such annuity, or in 240 installments, whichever is the lesser.'

"SEC. 14. Section 617 of the National Service Life Insurance Act of 1940, as amended, is hereby amended effective as of October 8, 1940, to read as follows:

" 'SEC. 617. In the event of disagreement as to any claim arising under this act, suit may be brought in the same manner and subject to the same conditions and limitations as are applicable to the United States Government life (converted) insurance under the provisions of sections 19 and 500 of the World War Veterans' Act, 1924, as amended.'

"SEC. 15. The World War Veterans' Act, 1924, as amended, is hereby amended by adding thereto a new section 313, to read as follows:

" 'SEC. 313. Whenever benefits under the total disability provision authorized by section 311 become, or have become, payable because of total disability of the insured as a result of disease or injury traceable to the extra hazard of the military or naval service, as such hazard may be determined by the Administrator of Veterans' Affairs, the liability shall be borne by the United States, and the Administrator is hereby authorized and directed to transfer from the military and naval insurance appropriation to the United States Government life insurance fund from time to time any amounts which become or have become payable to the insured on account of such total disability, and to transfer from the United States Government life insurance fund to the military and naval insurance appropriation the amount of the reserve held on account of the total disability benefit. When a person receiving such payments on account of total disability recovers from such disability, and is then entitled to continued protection under the total disability provision, the Administrator is hereby authorized and directed to transfer to the United States Government life insurance fund a sum sufficient to set up the then required reserve on such total disability benefit.'

"SEC. 16. This act may be cited as the 'Insurance Act of 1946'."

Mr. RANKIN (interrupting the reading of the amendment). Mr. Speaker, I ask unanimous consent that further reading of the amendment may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mrs. ROGERS of Massachusetts. Mr. Speaker, reserving the right to object—and I shall not object to the consideration of this and the passage of it—may I say that the Senate has stricken some very important things for the veterans, but I am afraid if the matter goes to conference we may not reach an agreement and the bill will not pass. One thing has been accomplished, and that is the Senate has put in the right to a jury trial for the veterans. As it passed the House there was the right of jury trial for civilians but not for veterans.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, reserving the right to object, I would like to have the gentleman explain what provisions were stricken out of the House bill; and, in particular, will the gentleman advise me if the Senate struck out the provision which provided that the dependents of men who served on Bataan and who lost their lives there may have the benefit of insurance?

Mr. RANKIN. The Senate did not disturb that. Here are the five changes. I will outline the five changes made in the bill.

First. All reference to gratuitous insurance as passed by the House has been stricken by the Senate, including the elimination of existing law with reference to dependency on the part of parents as a basis of entitlement to such gratuitous benefits.

Secondly. A Senate amendment extends from 30 days to 1 year the time within which the Veterans' Administration must give notice to certain beneficiaries who wish to exercise the right of option as to refund life income originally limited to one choice.

The Senate amended subsection 602 (n) of the National Service Life Insurance Act to authorize within 1 year after the date of enactment of the bill application for waiver of any premium becoming due not more than 5 years prior to enactment of the bill. This provision was not contained in the House version.

Personally, I think it is a good provision.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Iowa.

Mr. CUNNINGHAM. Is it not true that the bill in its present form meets with the approval of all the major veterans' organizations?

Mr. RANKIN. Yes. I have also consulted with the Veterans' Administration and they are satisfied to have us concur in the Senate amendments.

Mr. AUGUST H. ANDRESEN. I was asking the gentleman with reference to insurance for men who had not applied but died over there in Bataan.

Mr. RANKIN. Let me read the other two changes. I have already read three changes. There are two more.

The Senate also amended subsection 602 (p) of the National Service Life Insurance Act to provide for the payment of insurance benefits in cases where applicants for insurance signed applications for such insurance to become effective in the future but died in line of duty prior to the dates on which the insurance policies were to become effective. This amendment was likewise not adopted by the House of Representatives though it was sponsored by the joint Veterans Organizations Committee.

I think that covers the individuals to whom the gentleman refers.

Mr. AUGUST H. ANDRESEN. In order to get the benefits of that automatic insurance of $5,000 for the type of boys I am referring to, the beneficiaries had to be dependent upon the veteran at the time when application was made and not at the time of death. I would like to know from the gentleman whether or not that change has been made and also whether or not that automatic insurance was left at the figure of $10,000 or was reduced to $5,000?

Mr. RANKIN. The gentleman from California was chairman of the subcommittee and he probably can answer that.

Mrs. ROGERS of Massachusetts. The Senate took that provision out and it is as it was before. There has to be dependency. It is very unfortunate that the Senate did that. The dependency provision is in there.

Mr. AUGUST H. ANDRESEN. I am surprised that the House conferees would agree to a proposition of that kind.

Mrs. ROGERS of Massachusetts. Mr. Speaker, if the gentleman will yield further, it is a question of whether you will have it or not.

Mr. AUGUST H. ANDRESEN. I think the bill ought to go to conference so that at least that inequity can be straightened out.

Mr. RANKIN. You may not get it straightened out and, furthermore, you may lose some of the provisions that you now have in the bill.

Mr. ENGLE of California. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from California.

Mr. ENGLE of California. We had that in the bill and the Senate took it out; in fact, they took out all reference to gratuities and retroactive insurance, and we decided that the best thing to do was to get this bill out before we lost it altogether, and there are so many things that are of vast interest to the veterans that we did not want to lose it.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Michigan.

Mr. DINGELL. Is it not true that if we insist on sending this bill back to conference we may get none of the benefits which the gentleman brought back to us?

Mr. RANKIN. We may lose the entire bill, as the gentleman from California has just stated.

Mr. SCRIVNER. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Kansas.

Mr. SCRIVNER. As has already been pointed out, the bill as it comes from the Senate contains so many favorable measures beneficial to the veteran that the recommendation of the chairman should be followed. I have studied the Senate bill carefully in detail and compared it to the bill as it passed the House, and while there are some features, possibly, with which we are not in absolute accord, the legislation as it now stands is so much better than existing law that I feel the veterans of this Nation will be vastly benefited by the enactment of this legislation.

Mr. RANKIN. I want to thank the gentleman from Kansas [Mr. SCRIVNER], a member of the Committee on World War Veterans' Legislation, who has worked very diligently on this legislation.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. It is my understanding that the veterans of World War II have a right of trial by jury.

Mr. RANKIN. That is right.

Mr. McCORMACK. I am very glad to know that fact.

Mr. RANKIN. I was going to refer to that section next.

The Senate amended section 617 of the National Service Life Insurance Act so as to authorize trial by jury in the event of denial of any claim for insurance benefits by the Veterans' Administration. It will be recalled that the bill as passed by the House contained a provision which eliminated or restricted trials in Federal court on insurance matter to judicatory review. The Senate has seen fit to restore the right of trial by jury, to which I am proposing that the House agree.

Mr. KEARNEY. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from New York.

Mr. KEARNEY. As a matter of fact, the bill that is now before us is a much better bill than has ever been on the statute books so far as it pertains to national life insurance.

Mr. RANKIN. It is a vast improvement on the present law, as the distinguished gentleman from New York [Mr. KEARNEY] has stated.

Mr. GRANT of Indiana. Mr. Speaker, I have long been interested in these amendments to the National Service Life Insurance Act. The reasons for the enactment of these amendments have been stated several times and are known to all. There are many reasons for their adoption and none for their rejection.

National service life insurance needed to be liberalized to overcome several deficiencies and inadequacies in existing law, and in order that this insurance might be brought more nearly in line with the provisions of standard life insurance policies.

The House Committee on World War Veterans' Legislation is to be commended for getting this job done, as far as it goes. At least we will have this much of the law on the books, and I am certain that we can look forward to further study of the whole matter when Congress again convenes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

GUSTAV BECKER MEMORIAL

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 4, authorizing the erection on public grounds in Springerville, Ariz., of a memorial to Gustav Becker.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain the joint resolution?

Mr. MURDOCK. Mr. Speaker, Senate Joint Resolution 4 would provide authority to set aside a plot of land federally owned in Springerville, Ariz., for the erection of a monument to Gustav Becker, a pioneer of that region. Gustav Becker was one of the founders of the new State of Arizona and a builder of our great West.

The bill requires no expenditure of money, as the funds for the monument have been raised by a citizens committee. It has the unanimous support of the Committee on Public Buildings and Grounds. I have cleared it today with leaders of both sides.

Mr. MICHENER. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That the Commissioner of Public Buildings is authorized and directed to select a suitable site on the grounds of the Federal building in Springerville, Ariz., and to grant permission to any association or committee organized for that purpose to erect upon such site at any time within 2 years after the date of approval of this joint resolution, as a gift to the people of the United States, a memorial to the late Gustav Becker: *Provided*, That the design of such memorial shall be approved by the Commissioner of Public Buildings, and that the United States shall be put to no expense in or by the erection of such memorial.

The Senate joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. KEEFE asked and was given permission to extend his remarks in the RECORD with reference to the Pearl Harbor investigation.

Mr. JENNINGS asked and was given permission to extend his remarks in the RECORD in four instances and in three to include editorials.

Mr. GAVIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial concerning my good and able friend and colleague, the gentleman from Pennsylvania [Mr. SIMPSON].

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SPECIAL ORDER GRANTED

Mr. HOOK. Mr. Speaker, I ask unanimous consent that on Monday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 45 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FIXING THE SALARIES OF CERTAIN JUDGES OF THE UNITED STATES

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 920) to fix the salaries of certain judges of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. RUSSELL. Reserving the right to object, Mr. Speaker, and I shall not object, I opposed this bill in the committee and filed a minority report. I think the bill is ill-timed and ill-advised, and should not be passed, taking into consideration our present financial condition. I still adhere to the views I expressed in my minority report on this measure. However, Mr. Speaker, I believe this House has the right to vote on any measure that is before it on the calendar, and I have no disposition to deprive the House of that right. I did object to the immediate consideration of the bill a few days ago when there were only a handful of Members present, because I thought there ought to be more. There are plenty of Members present now who understand the nature of the bill. Therefore I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MURRAY of Tennessee. I object, Mr. Speaker.

Mr. SUMNERS of Texas. Mr. Speaker, I move to suspend the rules and pass the

bill (S. 920) to fix the salaries of certain judges of the United States.

The Clerk read as follows:

Be it enacted, etc., That the following salaries shall be paid to the several judges hereinafter mentioned in lieu of the salaries now provided by law, namely:

To the Chief Justice of the United States at the rate of $25,500 per year.

To each of the Associate Justices of the Supreme Court of the United States at the rate of $25,000 per year.

To each of the judges of the several circuit courts of appeals, including the chief justice and the associate justices of the United States Court of Appeals for the District of Columbia, at the rate of $17,500 per year.

To the presiding judge of the United States Court of Customs and Patent Appeals, and to each of the associate judges thereof, at the rate of $17,500 per year.

To the chief justice of the Court of Claims, and to each of the judges thereof, at the rate of $17,500 per year.

To each of the judges of the several district courts, including the associate justices of the District Court of the United States for the District of Columbia and the judges in Puerto Rico, Hawaii, the Virgin Islands, and Alaska exercising Federal jurisdiction, at the rate of $15,000 per year. To the chief justice of the District Court of the United States for the District of Columbia at the rate of $15,500 per year.

To each of the judges of the United States Customs Court at the rate of $15,000 per year.

To each of the judges of the Tax Court of the United States at the rate of $15,000 per year.

That all of said salaries shall be paid in monthly installments.

SEC. 2. It is authorized that there be appropriated annually such sums as are necessary to carry out the provisions of this act.

The SPEAKER. Is a second demanded?

If not, the question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

The bill H. R. 2181 was laid on the table.

House Resolution 585 was laid on the table.

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I have no hesitancy in stating where I stand with reference to this bill. My reasons are brief. There is no function more important under our system of Government than that of the judicial. If competent lawyers are to be attracted to the bench, salaries should be attractive enough to draw and keep such men. It has been said, and rightly so in my judgment, that judges should be the intellectual equals of the ablest members of the bar who appear before them. To achieve that end, they must be well paid.

Most certainly, elevation to the bench is a great honor but very few men in these days can accept such an honor which, while great, restricts the accustomed living standards of their families and militates against the education of and provision for their children, and, indeed, precludes even adequate insurance provision for their dependents. Most certainly the Federal bench should not be faced with the necessity of drawing its members only from the wealthy; nor, on the other hand, should the emoluments of that high office be so low as to attract only the incompetent and unsuccessful of the bar.

The passage of this bill will rectify a grave injustice. It has been 20 years since judicial salaries have been increased. At the time of the last increase, in 1926, they were constitutionally tax free, but now they are subject not only to a Federal tax but local taxation as well. Indeed, the present net worth of the Federal judicial salary, and I am speaking of the year 1944, is approximately $7,600 for a district judge, $9,100 for a court of appeals judge, and $12,965 for a Supreme Court Justice. Taking State taxes out they amount to even less.

Some comparisons are important. New York, Pennsylvania and Massachusetts pay larger salaries to the State judiciary than are paid in the Federal system, while judges of the English courts are given salaries commensurate with the grave responsibility of judicial office and the important part it plays in the British governmental system.

From a dollar-and-cents point of view, our courts are not drones in the governmental hive. The entire cost of the judicial establishment for the year 1940 was approximately eleven million; for the legislative, twenty-three million; while that of the Department of Agriculture was approximately one and one-half billion, or, to be exact, $1,404,252,632.81; the Department of Commerce, approximately seventy-one million; Department of the Interior, a little over one hundred million; Department of Justice, approximately fifty-five million; Department of Labor, a little over nineteen million; Department of State, approximately twenty-one million. The total expenditure for the courts on a per capita basis for that year amounted to approximately 8⅓ cents and in 1944 a per capita cost of 9⁹⁄₁₀ cents. And further, by way of comparison, apart from the over-all figures mentioned, and to still more graphically emphasize the point, the per capita expenditure by the people of the State of New York in the year 1940 for their courts was approximately 31 cents.

Again, with reference to the costs of the courts there should be borne in mind the moneys brought into the Treasury through their activities. There is no doubt, and I readily concede, that factually such items are not relevant, strictly speaking, to the subject of judicial salaries, for the courts, being a fundamental branch of the Government and in the same category as the executive and legislative, must be adequately supported no matter what the cost. They are, however, pertinent in the sense that they indicate how moderate the actual cost of the judiciary is when you make comparisons, as I have just done, with other governmental branches. Indeed, it is to be noted that the revenues returned by the courts, if one is interested in outgo and income, exceeds the amounts paid in judicial salaries. Another important and vital consideration is this—the effect of the proposed $5,000 increase in the support of the Federal judiciary is minor. It touches less than 300 judgeships—I think the exact figure is 284. The additional annual gross expenditure would be less than $1,500,000 and that would result in a total annual gross expenditure for judicial salaries of a little over four and one-half million. On the basis of the 1940 census—for those who are interested in per capita apportionment of cost, this would amount to approximately one cent, and would make the total cost of judicial salaries, estimated on the basis of gross expenditure, approximately 3½ cents per capita.

There should be no serious question as to the passage of this bill. The reasons which dictate its passage I have sought to point out in as brief a way as possible. The President of the United States, the Attorney General, the American Bar Association, the Federal Bar Association, local bar groups, and organizations and civic bodies in no way related to the functions of the courts, and the press of the country generally, all realizing the importance of the judiciary as a coordinate branch of the Government, have given their support to the proposed increase.

While the proposed increase amounts to $5,000, the actual net increase is in reality less than three thousand, making the total actual expenditure approximately nine hundred thousand dollars—five hundred thousand being taken away at the source, or withheld, if you will, in taxes.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent that all Members have five legislative days in which to extend their remarks on the bill just passed, and also that such Members as so desire may extend their remarks on the bill at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HANCOCK. Mr. Speaker, the salaries now being paid to our Federal judges were fixed by statute in the Sixty-ninth Congress, nearly 20 years ago. For several years our judges have asked the Judiciary Committee of the House for legislation granting increases but we have been unwilling to accede to the request because we were opposed to a general salary increase and we feared that bigger salaries for the judiciary would result in an avalanche of demands for similar preferment by the other officials of the Government. But salaries and wages have increased all along the line both in and out of Government, and, as we all know, the cost of living has gone up substantially, and is still rising. The time has come to pay our judges salaries commensurate in some degree to their responsibilities and the dignity of the offices they hold.

In the rural sections of the country the $10,000 salary received by the dis-

trict judges of the United States and by other Federal judges is regarded as a very large income. But most of our judges must reside in the big cities because that is where nearly all the business of the courts originates. After paying taxes a judge living in a metropolitan area must live frugally, if he has no independent income, to support and educate his family. It is against sound public policy to compel a judge to seek sources of income outside of his work on the bench. In any city, particularly in the North, a man qualified for the arduous and manifold duties of a Federal judge is capable of earning in private practice several times the amount of the salary which goes with the office.

In New York State we pay the up-State judges of our highest trial court, the supreme court, a salary of $15,000, plus $2,000 for expenses. In New York City they receive over $20,000. The judges of our appellate divisions of the supreme court receive $17,000 and reimbursement for expenses; the salary of the judges of our court of appeals is $22,000, and $3,000 is added for expenses. In my own home city of Syracuse we pay the police judge $10,000 and our municipal court judges get $12,000. And so to a New Yorker, the salaries paid to Federal judges seems grossly inadequate. Their work is fully as difficult, varied, and important as that of our State judges, and their character, legal training, and knowledge meet the standards of the State. Their salary should be comparable. The proposed $5,000 increase is not as generous as it might appear. In the case of judges now receiving $10,000, not less than $2,000 of the increase will be absorbed by higher income taxes.

I am glad to support this bill. I think it does simple justice, long deferred.

Mr. RIVERS. Mr. Speaker, we are today considering H. R. 2181, a bill recently reported from the Committee on the Judiciary to authorize an increase in the annual salary of each member of the Federal judiciary. This increase applies to 275 members of the lower courts, including the courts of appeals, and 9 members of the Supreme Court. Among the 275 members of the lower courts are included the Court of Appeals of the District of Columbia, the judges of the United States Court of Customs and Patent Appeals, of the Court of Claims, of the district courts, including the District Court of the United States for the District of Columbia, the United States Customs Court, and the district courts of Puerto Rico, Hawaii, and Alaska exercising Federal jurisdiction. This provision also applies in effect to the judge of the District Court of the Canal Zone, due to the fact that the law creating this judgeship states that the judge of the said court shall "receive the same salary" as is allowed to the United States district judges. This bill, however, does not apply to the judge of the District Court of the Virgin Islands, in that this judgeship was created by separate statute.

The Committee on the Judiciary is to be highly commended for its diligence in presenting this legislation to the House. This bill is the result of tremendous study and intelligent application by the members of this splendid committee. The report accompanying the bill now under consideration indicates that under Public Law 528, Sixty-ninth Congress, second session (44 Stat. 919), the present salaries of the Federal judiciary were established—more than 18 years ago.

I need not call to the attention of my colleagues the tremendous rise in the cost of living which has come about in the course of these two decades. Prior to 1926, under two decisions in keeping with article III, section 1 of the Constitution, it was held by the Supreme Court of the United States that the salaries of judges were not taxable due to the fact that to do so would constitute a diminution of their compensation during their tenure of office. However, in the 1926 Revenue Act the Congress provided that the salaries of judges appointed subsequent to the passage of the Revenue Act of 1926 would be subject to the provisions of the income-tax statutes. This provision is still in effect and today the salaries of almost all Federal judges are subject to the income-tax laws, and this figure is increasing due to retirements.

By increasing the salaries of Federal judges, as is suggested in the the report accompanying H. R. 2181, in the amount of $5,000 per annum, the amount left, after deduction of taxes at the 1944 income tax rates, would be $10,535 for district judges, $11,805 for circuit judges, and $15,015 for Associate Justices of the Supreme Court. Putting it another way, of the $5,000 increase, only $2,935 would actually be kept by the district judges, due to the fact that the balance of $2,065 would be withheld or paid back to the Treasury. In terms of percentages, the reduction of the salaries of district judges by taxation in 1944 amounts to 24 percent. When this is combined with the decline in the real value of their salaries through increased cost of living since 1933, the amount of total salary reduction is estimated to be in the neighborhood of 45 percent. Under the same estimated scale, the salaries of circuit judges would be 27 percent and the salaries of Associate Justices of the Supreme Court, 35 percent.

Mr. Chief Justice Marshall said:

> The judicial department comes home in its effects to every man's fireside. It passes on his property, his reputation, his life—his all.

Mr. Justice Sutherland said:

> If the political structure erected by the fathers rests upon any one pillar more securely than upon another, it is upon that which upholds the right of the individual to invoke the judgment of the civil courts of the land upon his conduct.

The judiciary protects and defends the rights of every individual in the Nation. It is a great tribute to a lawyer to wind up his legal career as a judge. It is the ambition of a great percentage of our members of the bar. It is the highest honor that can come to an individual at the hands of his Government.

A Federal judge reviews and construes in the courts many statutes affecting every segment of our economy. He is constantly called upon to place a restraining hand on the quasi-judicial bureaucrats who constantly threaten to invade the sacred sanctum of the Federal courts. He is constantly called upon to impede and hinder the insatiable tentacles of the myriads of Federal bureaus who at times endeavor to evade and circumvent the guaranties of the Constitution; all of which vitally touches the activities of individuals and of business enterprise throughout the country. He deals with criminal cases involving life, liberty, and the pursuit of happiness of every single individual under our flag.

The successful administration of receiverships involving our colossal railroad systems rests with the Federal judge. The successful reorganization of public utilities depends upon his ability, honesty, and integrity. With him rests the determination of complicated and important patent litigation, frequently involving international cartels and universal monopolies. He is constantly called upon to pass upon alleged violations of the income-tax statutes. It therefore follows that the Federal judge should be of the highest caliber obtainable—of unimpeachable integrity and unquestioned legal ability. It further follows, as night the day, that the Federal judge should be paid a salary commensurate with the unparalleled responsibility reposed in him and with the astronomical versatility of the abilities required of him.

It is interesting to note that the Lord Chancellor of Great Britain, who compares with our Chief Justice, received approximately $40,000 a year. Of this, approximately $16,000 is applicable to his duties as Speaker of the House of Lords. The Lords of Appeal and Ordinary, who correspond with our Associate Justices of the Supreme Court, receive approximately $24,000 a year. The judges of the high court of justice, corresponding to our district courts, receive an annual salary of approximately $20,000. All of these officials have liberal retirement benefits and none of them is called upon to do the work required of the members of our Federal judiciary.

In our own country the highest appellate court of New York State pays its judge $22,500; Pennsylvania pays $20,000; Massachusetts pays $15,000.

The Congress, it seems to me, should have no hesitancy, with this information at hand, in increasing the annual salaries of our Federal judges in the amount of $5,000. When our Federal judges die their dependents receive no income unless the judge was appointed from an extremely lucrative law practice. It is humanly impossible for a Federal judge to accumulate sufficient money, from his salary alone, to leave his loved ones in good financial circumstances. Unless the Congress grants to our Federal judges proper living salaries, only the wealthy can afford to be Federal judges, thereby shutting the door upon many of unquestioned talent and of proper feeling for every class of American citizen. It is no answer to those who oppose this legislation to say that the Federal judge can always resign if his salary is inadequate. It is a true saying that once a lucrative law practice is abandoned, it

is seldom, if ever regained—after a man has passed the prime of life.

Mr. Speaker, I urge the immediate passage of this legislation. There is no question of its need and its justification. There is no justice in depriving the splendid members of our judiciary of an adequate livlihood. Under our system of government, every man is worthy of his hire.

Mr. HOWELL. Mr. Speaker, the measure now being considered is certainly one which deserves the support of every Member of this body.

As pointed out by the Judiciary Committee in its report accompanying H. R. 2181, the companion to S. 920, adequate salaries are a necessary part of any plan to keep competent men in the courts. The increased cost of living and the added tax burdens have reduced the actual worth of judges' salaries to a low point. Judges, like all others, are obliged to provide for the support of dependents, the education of children, and the protection of the family in the event of death. The importance of judicial work is such that judges ought not to be forced to seek supplemental income in order to augment their salaries, but be in a position to devote their full time and talents to it.

The comparatively small over-all cost involved in granting this salary increase to Federal judges is far outweighed by the many beneficial effects which will be wrought.

As one sincerely convinced of the need for this measure, I urge its favorable consideration by every Member of Congress.

Mr. FELLOWS. Mr. Speaker, this legislation granting increases in the salaries of the Federal judiciary should pass.

Argument against it is that we must practice economy, and that by voting against this bill you will save the Federal Treasury in the neighborhood of $1,000,000 net. Economy is a fine thing practiced in the right place. Economy at the expense of a strong judiciary is the reverse of thrift.

The gross annual appropriation for the proposed salary increase for the 285 judgeships covered by the bill, in view of the taxes to be paid by the judges themselves, will be approximately $1,000,000—less than 1 cent per capita on the basis of the 1940 census. The total gross appropriation for the judicial salaries will be $4,538,000—approximately 3½ cents per capita. The cost of supporting the legislative establishment is $30,894,557. The Attorney General, the American Bar Association, the Federal Bar Association, many State, county, and city bar associations, civic bodies, and organizations, including labor organizations, and the press of the country have given their support to the proposed $5,000 increase. The President has recommended an increase of double this amount in the matter of district, circuit, and Supreme Court judges.

To deny this increase under the circumstances would be the reverse of economy. The ablest and the best of our citizens and those most learned in the law should be attracted to the bench as a permanent career. If the present scale is continued, appointment to the bench will have to be made either from among lawyers of independent means or from among those who have been so unsuccessful that even the present salaries will bear comparison with their earnings. Neither alternative is desirable for the public or the bench.

The future welfare of this country in a large degree will depend upon the ability and character of men who wear the robes of our Federal courts.

The following tabulation comparing judicial salaries in the Federal, English, New York, Pennsylvania, and Massachusetts courts shows Federal salaries the lowest:

	Federal	English	New York	Pennsylvania	Massachusetts
Highest	$20,500	£10,000 ($40,000)	$22,500	$20,000	$15,000
Appellate court	20,000	6,000 (24,000)	22,000	19,500	14,000
Intermediate court	12,500	6,000 (24,000)	17,500	18,500	
		5,000 (20,000)	17,000	18,000	
Trial court	10,000	8,000 (32,000)	14,000	9,000	13,000
		5,000 (20,000)		15,000	12,000

Mr. JENNINGS. Mr. Speaker, as a member of the House Judiciary Committee, I voted to favorably report this bill to the House for passage.

It is a meritorious measure. Especially are the present salaries of the district judges and the judges of the circuit courts of appeal inadequate. In view of the decreased purchasing power of the dollar, and the heavy income taxes the judges must pay to the Federal Government, the present salaries of the Federal judges are not commensurate with the onerous and exacting duties they are called upon to perform.

An able, conscientious, and fearless judiciary is absolutely necessary to the preservation of our free institutions and the protection of the lives, liberties, and property of our people.

The enactment of this measure will help to secure and make certain the appointment and service on the Federal bench of men of the ability, character, and learning that is demanded of our judges.

Mr. Speaker, I take pleasure in supporting and voting for this measure.

Mr. GRANT of Indiana. Mr. Speaker, I am strongly in support of the pending proposal to increase by $5,000 the salaries of members of the Federal judiciary. This proposal has long been urged by leading members of the bar and by bar associations across the length and breadth of the land.

The existing salary schedule for Federal judges was fixed in 1926, some 19 years ago. In those 19 years the cost of living has greatly increased and, further than that, since the decision of the Supreme Court in *O'Malley* v. *Woodrough* (307 U. S. 277) the salaries of Federal judges have been subject to Federal income taxes under the express provisions of the Revenue Act of 1932.

The salaries paid to members of our Federal judiciary are far less than those paid to comparable judges in other English-speaking countries. In fact, our Federal judges receive much less than do the highest judges in the State courts in our more populous States.

As the report of the Judiciary Committee so well points out, adequate salaries are a necessary part of any plan to keep competent men in the courts. True, it is a high honor to sit on the Federal bench, but honor alone is not enough. There must be adequate compensation to attract the high caliber of men required.

If adequate compensation is not provided, then there is danger that appointments to the Federal bench must come from lawyers of independent means, or from the mediocre member of the bar to whom even the present salary schedule would be a great inducement. Neither of these do we want.

The importance of the judiciary in our Federal system could not be overemphasized. As our Federal Goverment has grown, the importance of the Federal courts in the daily lives of all of our people has grown in even greater proportion. We will perform a distinct service to the American system—a government of laws rather than of men—by supporting the pending resolution.

Mr. FISHER. Mr. Speaker, I am opposed to the pending bill, H. R. 2181, which would increase the salaries of Federal judges by $5,000 a year. This appears to me to be an unreasonable increase at this time, especially in view of the fact that the terms of those judgeships are long and full-pay retirement privileges are already provided.

FOREIGN SERVICE OF THE UNITED STATES

Mr. BLOOM. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6967) to improve, strengthen, and expand the Foreign Service of the United States and to consolidate and revise the laws relating to its administration, as amended.

The Clerk read as follows:

Be it enacted, etc.—

TITLE I—SHORT TITLE, OBJECTIVES, AND DEFINITIONS

PART A—SHORT TITLE

SEC. 101. Titles I to X, inclusive, of this act may be cited as the "Foreign Service Act of 1946."

PART B—OBJECTIVES

SEC. 111. The Congress hereby declares that the objectives of this act are to develop and strengthen the Foreign Service of the United States so as—

(1) to enable the Foreign Service effectively to serve abroad the interests of the United States;

(2) to insure that the officers and employees of the Foreign Service are broadly representative of the American people and are aware of and fully informed in respect to current trends in American life;

(3) to enable the Foreign Service adequately to fulfill the functions devolving on

it by reason of the transfer to the Department of State of functions heretofore performed by other Government agencies;

(4) to provide improvements in the recruitment and training of the personnel of the Foreign Service;

(5) to provide that promotions leading to positions of authority and responsibility shall be on the basis of merit and to insure the selection on an impartial basis of outstanding persons for such positions;

(6) to provide for the temporary appointment or assignment to the Foreign Service of representative and outstanding citizens of the United States possessing special skills and abilities;

(7) to provide salaries, allowances, and benefits that will permit the Foreign Service to draw its personnel from all walks of American life and to appoint persons to the highest positions in the Service solely on the basis of their demonstrated ability;

(8) to provide a flexible and comprehensive framework for the direction of the Foreign Service in accordance with modern practices in public administration; and

(9) to codify into one act all provisions of law relating to the administration of the Foreign Service.

PART C—DEFINITIONS

SEC. 121. When used in this act, the term—

(1) "Service" means the Foreign Service of the United States;

(2) "Secretary" means the Secretary of State;

(3) "Department" means the Department of State;

(4) "Government agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States;

(5) "Government" means the Government of the United States of America;

(6) "Continental United States" means the States and the District of Columbia;

(7) "Abroad" means all areas not included in the continental United States as defined in paragraph (6) of this section;

(8) "Principal officer" means the officer in charge of an embassy, legation, or other diplomatic mission or of a consulate general, consulate, or vice consulate of the United States; and

(9) "Chief of mission" means a principal officer appointed by the President, by and with the advice and consent of the Senate, to be in charge of an embassy or legation or other diplomatic mission of the United States, or any person assigned under the terms of this act to be minister resident, chargé d'affaires, commissioner, or diplomatic agent.

TITLE II—GOVERNING BODIES FOR THE DIRECTION OF THE SERVICE

PART A—OFFICERS

Director General

SEC. 201. The Service shall be administered by a Director General of the Foreign Service, hereinafter referred to as the Director General, who shall be appointed by the Secretary from among Foreign Service officers in the class of career minister or in class 1. Under the general supervision of the Secretary and the Assistant Secretary of State in charge of the administration of the Department, the Director General shall, in addition to administering the Service and performing the duties specifically vested in him by this or any other act, coordinate the activities of the Service with the needs of the Department and of other Government agencies and direct the performance by officers and employees of the Service of the duties imposed on them by the terms of any law or by any order or regulation issued pursuant to law or by any international agreement to which the United States is a party.

Deputy Director General

SEC. 202. The Director General shall be assisted by a Deputy Director General of the Foreign Service, herinafter referred to as the Deputy Director General, who shall be appointed by the Secretary. If he is a Foreign Service officer, he shall be selected from among officers in the class of career minister or in class 1. The Deputy Director General shall act in the place of the Director General in the event of his absence or incapacity.

PART B—BOARDS

Board of the Foreign Service

SEC. 211. (a) The Board of the Foreign Service shall be composed of the Assistant Secretary of State in charge of the administration of the Department, who shall be Chairman; two other Assistant Secretaries of State, designated by the Secretary to serve on the Board; the Director General; and one representative each, occupying positions with comparable responsibilities, from the Departments of Agriculture, Commerce, and Labor, designated, respectively, by the heads of such departments. The Secretary may request the head of any other Government department to designate a representative, occupying a position with comparable responsibilities, to attend meetings of the Board whenever matters affecting the interest of such department are under consideration.

(b) The Board of the Foreign Service shall make recommendations to the Secretary concerning the functions of the Service; the policies and procedures to govern the selection, assignment, rating, and promotion of Foreign Service officers; and the policies and procedures to govern the administration and personnel management of the Service; and shall perform such other duties as are vested in it by other sections of this act or by the terms of any other act.

The Board of Examiners for the Foreign Service

SEC. 212. (a) The Board of Examiners for the Foreign Service shall, in accordance with regulations prescribed by the Secretary and under the general supervision of the Board of the Foreign Service, provide for and supervise the conduct of such examinations as may be given to candidates for appointment as Foreign Service officers in accordance with the provisions of sections 516 and 517 or to any other person to whom an examination for admission to the Service shall be given in accordance with the provisions of this or any other act or any regulations issued pursuant thereto, and provide for such procedures as may be necessary to determine the loyalty of such persons to the United States and their attachment to the principles of the Constitution.

(b) The membership of he Board of Examiners for the Foreign Service, not more than half of which shall consist of Foreign Service officers, shall be constituted in accordance with regulations prescribed by the Secretary.

TITLE III—DUTIES

PART A—GENERAL DUTIES

Compliance with terms of statutes, international agreements, and executive orders

SEC. 301. Officers and employees of the Service shall, under the direction of the Secretary, represent abroad the interests of the United States and shall perform the duties and comply with the obligations resulting from the nature of their appointments or assignments or imposed on them by the terms of any law or by any order or regulation issued pursuant to law or by any international agreement to which the United States is a party.

Duties for which regulations may be prescribed

SEC. 302. The Secretary shall, except in an instance where the authority is specifically vested in the President, have authority to prescribe regulations not inconsistent with the Constitution and laws of the United States in relation to the duties, functions, and obligations of officers and employees of the Service and the administration of the Service.

Delegation of authority to prescribe regulations

SEC. 303. In cases where authority to prescribe regulations relating to the Service or the duties and obligations of officers and employees of the Service is specifically vested in the President by the terms of this or any other act, the President may, nevertheless, authorize the Secretary to prescribe such regulations.

PART B—SERVICES FOR GOVERNMENT AGENCIES AND OTHER ESTABLISHMENTS OF THE GOVERNMENT

SEC. 311. The officers and employees of the Service shall, under such regulations as the President may prescribe, perform duties and functions in behalf of any Government agency or any other establishment of the Government requiring their services, including those in the legislative and judicial branches, but the absence of such regulations shall not preclude officers and employees of the Service from acting for and on behalf of any such Government agency or establishment whenever it shall, through the Department, request their services.

TITLE IV—CATEGORIES AND SALARIES OF PERSONNEL

PART A—CATEGORIES OF PERSONNEL

SEC. 401. The personnel of the Service shall consist of the following categories of officers and employees:

(1) Chiefs of mission, who shall be appointed or assigned in accordance with the provisions of section 501;

(2) Foreign Service officers, who shall be appointed in accordance with section 511, including those serving as chiefs of mission;

(3) Foreign Service Reserve officers, who shall be assigned to the Service on a temporary basis from Government agencies or appointed on a temporary basis from outside the Government in accordance with the provisions of section 522, in order to make available to the Service such specialized skills as may from time to time be required;

(4) Foreign Service staff officers and employees, who shall be appointed in accordance with the provisions of section 531 and who shall include all personnel who are citizens of the United States, not comprehended under paragraphs (1), (2), (3), and (6) of this section, and who shall occupy positions with technical, administrative, fiscal, clerical, or custodial responsibilities;

(5) Alien clerks and employees, who shall be appointed in accordance with the provisions of section 541; and

(6) Consular agents, who shall be appointed in accordance with the provisions of section 551.

PART B—SALARIES

Chiefs of mission

SEC. 411. The President shall for salary purposes classify into four classes the positions which are to be occupied by chiefs of mission. The per annum salaries of chiefs of mission within each class shall be as follows: Class 1, $25,000 per annum; class 2, $20,000; class 3, $17,500; and class 4, $15,000.

Foreign Service officers

SEC. 412. There shall be seven classes of Foreign Service officers, including the class of career minister. The per annum salary of a career minister shall be $13,500. The

per annum salaries of Foreign Service officers within each of the other classes shall be as follows:

Class 1, $12,000, $12,400, $12,800, $13,200, $13,500;

Class 2, $10,000, $10,350, $10,700, $11,050, $11,400, $11,750 $11,900;

Class 3, $8,000, $8,300, $8,600, $8,900, $9,200, $9,500, $9,800, $9,900;

Class 4, $6,000, $6,300, $6,600, $6,900, $7,200, $7,500, $7,800, $7,900;

Class 5, $4,500, $4,700, $4,900, $5,100, $5,300, $5,500, $5,700, $5,900;

Class 6, $3,300, $3,500, $3,700, $3,900, $4,100, $4,300, $4,400.

Salaries at which Foreign Service officers may be appointed

SEC. 413. (a) A person appointed as a Foreign Service officer of class 6 shall receive salary at that one of the rates provided for that class by section 412 which the Secretary shall, taking into consideration his age, qualifications, and experience, determine to be appropriate for him to receive.

(b) A person appointed as a Foreign Service officer of classes 1 through 5, inclusive, shall receive salary at the minimum rate provided for the class to which he has been appointed.

Foreign Service Reserve officers

SEC. 414. (a) There shall be six classes of Foreign Service Reserve officers, referred to hereafter as Reserve officers, which classes shall correspond to classes 1 to 6 of Foreign Service officers.

(b) A Reserve officer shall receive salary at any one of the rates provided for the class to which he is appointed or assigned in accordance with the provisions of section 523.

(c) A person assigned as a Reserve officer from any Government agency shall receive his salary from appropriations provided for the Department during the period of his service as a Reserve officer.

Foreign Service staff officers and employees

SEC. 415. There shall be twenty-two classes of Foreign Service staff officers and employees, referred to hereafter as staff officers and employees. The per annum rates of salary of staff officers and employees within each class shall be as follows:

Class 1, $8,820, $9,120, $9,420, $9,720, $10,000;

Class 2, $8,100, $8,340, $8,580, $8,820, $9,120;

Class 3, $7,380, $7,620, $7,860, $8,100, $8,340;

Class 4, $6,660, $6,900, $7,140, $7,380, $7,620;

Class 5, $6,120, $6,300, $6,480, $6,660, $6,900, $7,140;

Class 6, $5,580, $5,760, $5,940, $6,120, $6,300, $6,480;

Class 7, $5,040, 5,200, $5,400, $5,580, $5,760, $5,940;

Class 8, $4,500, $4,680, $4,860, $5,040, $5,220, $5,400;

Class 9, $3,960, $4,140, $4,320, $4,500, $4,680, $4,860;

Class 10, $3,600, $3,720, $3,840, $3,960, $4,140, $4,320, $4,500;

Class 11, $3,240, $3,360, $3,480, $3,600, $3,720, $3,840, $3,960;

Class 12, $2,880, $3,000, $3,120, $3,240, $3,360, $3,480, $3,600;

Class 13, $2,520, $2,640, $2,760, $2,880, $3,000, $3,120, $3,240;

Class 14, $2,160, $2,280, $2,400, $2,520, $2,640, $2,760, $2,880;

Class 15, $1,980, $2,040, $2,100, $2,160, $2,280, $2,400, $2,520;

Class 16, $1,800, $1,860, $1,920, $1,980, $2,040, $2,100, $2,160;

Class 17, $1,620, $1,680, $1,740, $1,800, $1,860, $1,920, $1,980;

Class 18, $1,440, $1,500, $1,560, $1,620, $1,680, $1,740, $1,800;

Class 19, $1,260, $1,320, $1,380, $1,440, $1,500, $1,560, $1,620;

Class 20, $1,080, $1,140, $1,200, $2,260, $1,320, $1,380, $1,440;

Class 21, $900, $960, $1,020, $1,080, $1,140, $1,200, $1,260;

Class 22, $720, $780, $840, $900, $960, $1,020, $1,080.

Salaries at which Foreign Service staff officers and employees may be appointed

SEC. 416. A person appointed as a staff officer or employee shall receive salary at the minimum rate provided for the class to which appointed except as otherwise provided in accordance with the provisions of part E of this title.

Salaries of alien clerks and employees

SEC. 417. The salary or compensation of an alien clerk or employee shall be fixed by the Secretary in accordance with such regulations as he shall prescribe and, as soon as practicable, in accordance with the provisions of section 444 (b). The salary or compensation of an alien clerk or employee fixed on a per annum basis may, notwithstanding the provisions of any other law, be payable on a weekly or biweekly basis. When a one- or two-week pay period of such a clerk or employee begins in one fiscal year and ends in another, the gross amount of the earnings for such pay period may be regarded as a charge against the appropriation or allotment current at the end of such pay period.

Salaries of consular agents

SEC. 418. The salary or compensation of a consular agent shall be fixed by the Secretary in accordance with such regulations as he shall prescribe and, as soon as practicable, in accordance with the provisions of section 445.

PART C—SALARIES OF OFFICERS TEMPORARILY IN CHARGE

As chargés d'affaires ad interim

SEC. 421. For such time as any Foreign Service officer shall be authorized to act as chargé d'affaires ad interim at the post to which he is assigned, he shall receive, in addition to his basic salary as Foreign Service officer, compensation equal to that portion of the difference between such salary and the basic salary provided for the chief of mission as the Secretary may determine to be appropriate.

As officers in charge of consulates general or consulates

SEC. 422. For such time as any Foreign Service officer or any consul or vice consul who is not a Foreign Service officer is temporarily in charge of a consulate general or consulate during the absence or incapacity of the principal officer, he shall receive, in addition to his basic salary as Foreign Service officer or consul or vice consul, compensation equal to that portion which the Secretary shall determine to be appropriate of the difference between such salary and the basic salary provided for the principal officer, or, if there be none, of the former principal officer.

PART D—TIME OF RECEIVING SALARY

Chiefs of mission

SEC. 431. (a) Under such regulations as the Secretary may prescribe, a chief of mission may be entitled to receive salary from the effective date of his appointment to the date of marking his return to his place of residence at the conclusion of the period of his official service as chief of mission or the termination of time spent on authorized leave, whichever shall be later, but no chief of mission shall be entitled to receive salary while absent from his post whenever the Secretary shall find that such absence was without authorization or justification. If a chief of mission in one position is appointed as chief of mission in another position, he shall be entitled to receive the salary pertaining to the new position commencing on the effective date of the new appointment.

(b) The official services of a chief of mission shall not be deemed terminated by the appointment of a successor but shall continue until he has relinquished charge of the mission and has rendered such additional services to the Department as the Secretary may require him to render in the interests of the Government for a period not in excess of 30 days, exclusive of time spent in transit.

(c) During the service of a Foreign Service officer as chief of mission he shall receive, in addition to his salary as Foreign Service officer, compensation equal to the difference, if any, between such salary and the salary of the position to which he is appointed or assigned.

Other officers and employees

SEC. 432. (a) Under such regulations as the Secretary may prescribe, any officer or employee appointed to the Service may be entitled to receive salary from the effective date of his appointment to the date when he shall have returned to his place of residence at the conclusion of the period of his official service, or the termination of time spent on authorized leave, whichever shall be later, but no such officer or employee shall be entitled to receive salary while absent from his post whenever the Secretary shall find that such absence was without authorization or justification.

(b) A Foreign Service officer, appointed during a recess of the Senate, shall be paid salary from the effective date of his appointment until the end of the next session of the Senate, if he has not theretofore been confirmed by the Senate, or until his rejection by the Senate before the end of its next session.

(c) A Foreign Service officer promoted to a higher class shall receive salary at the rate prescribed in section 412 for the class to which he is promoted from the effective date of his appointment to such class. A Foreign Service officer promoted to a higher class during a recess of the Senate shall receive salary at the rate prescribed for the class to which he is promoted from the effective date of his appointment to such class until the end of the next session. If the Senate should reject or fail to confirm the promotion of such an officer during the session following the date of his promotion, the Foreign Service officer shall, unless he has become liable to separation in accordance with the provisions of section 633 or 634, be automatically reinstated in the class from which he was promoted and receive the salary he was receiving prior to his promotion, such reinstatement to be effective, in the event of rejection of the nomination, from the date of rejection; and in the event of the failure of the Senate to act on the nomination during the session following a promotion, from termination of that session.

PART E—CLASSIFICATION

Classification of positions in the Foreign Service

SEC. 441. Under such regulations as he may prescribe, the Secretary shall classify all positions in the Service, including those positions at foreign posts which may be held by career ministers, and shall allocate all positions occupied or to be occupied by staff officers or employees to classes and subclasses established by sections 415 and 442, respectively, and by alien employees and consular agents to such classes as may be established by regulation.

Administrative establishment of new groups of positions for Foreign Service staff officers and employees

SEC. 442. The Secretary may, whenever he deems such action to be in the interests of good administration and warranted by the

nature of the duties and responsibilities of any group of positions occupied or to be occupied by staff officers and employees in comparison with other positions in the same class, establish by regulation for any such group of positions a minimum salary computed at any one of the rates of salary above the minimum for a given class but not in excess of the middle rate provided for that class in section 415. Such groups of positions shall, for the purposes of this act, be known as subclasses.

Administrative establishment of salary differentials

SEC. 443. Whenever the President shall find and declare that the rates of salary provided for Foreign Service staff officers and employees in section 415 are inadequate for any positions allocated to any particular class or subclass, he may, under such regulations as he may prescribe, establish necessary schedules of differentials in the rates of salary prescribed for such classes or subclasses, but the differential in salary of a person holding any such position shall not exceed 25 percent of the salary he would otherwise receive. Such differentials shall be granted only with respect to positions at posts at which extraordinarily difficult living conditions or excessive physical hardship prevail or at which notably unhealthful conditions exist. The Secretary shall prepare and maintain a list of such posts.

Classification of positions of alien clerks and employees

SEC. 444. (a) Upon the basis of the classification provided for in section 441, the Secretary shall, with the advice of the Board of the Foreign Service, from time to time prepare schedules of salaries for classes of positions of alien clerks and employees of the Service, which classes shall be established by regulation, and shall allocate all such positions to the appropriate classes.

(b) All alien employees in an area of comparatively uniform wage scales and standards of living, occupying positions of equal responsibility, shall receive equal pay except as there may be increases provided for length of service in accordance with uniform procedures.

Classification of consular agents

SEC. 445. Upon the basis of the classification provided for in section 441, the Secretary shall, with the advice of the Board of the Foreign Service, from time to time prepare schedules of salaries for classes of positions of consular agents, which classes shall be established by regulation, and shall allocate all such positions to the appropriate classes.

Exemption from the application of the Classification Act

SEC. 446. Title II of the act of November 26, 1940, entitled "An act extending the classified executive civil service of the United States" (54 Stat. 1212; 5 U. S. C. 681), is hereby further amended by deleting paragraph (vii) of section 3 (d) and by substituting in lieu of the present language of paragraph (vi) of section 3 (d) the following language: "Offices or position of officers and employees of the Foreign Service."

TITLE V—APPOINTMENTS AND ASSIGNMENTS

PART A—PRINCIPAL DIPLOMATIC REPRESENTATIVES

Appointments

SEC. 501. (a) The President shall, by and with the advice and consent of the Senate, appoint ambassadors and ministers, including career ministers.

(b) The President may, in his discretion, assign any Foreign Service officer to serve as minister resident, chargé d'affaires, commissioner, or diplomatic agent for such period as the public interest may require.

Lists of Foreign Service officers qualified to be career ministers or chiefs of mission to be furnished to the President

SEC. 502. (a) The Secretary shall, on the basis of recommendations made by the Board of the Foreign Service, from time to time furnish the President with the names of Foreign Service officers qualified for appointment to the class of career minister together with pertinent information about such officers, but no person shall be appointed into the class of career minister who has not been appointed to serve as a chief of mission or appointed or assigned to serve in a position which, in the opinion of the Secretary, is of comparable importance. A list of such positions shall from time to time be published by the Secretary.

(b) The Secretary shall also, on the basis of recommendations made by the Board of the Foreign Service, from time to time furnish the President with the names of Foreign Service officers qualified for appointment or assignment as chief of mission, together with pertinent information about such officers, in order to assist the President in selecting qualified candidates for appointment or assignment in such capacity.

PART B—FOREIGN SERVICE OFFICERS

Appointments

SEC. 511. The President shall appoint Foreign Service officers by and with the advice and consent of the Senate. All appointments of Foreign Service officers shall be by appointment to a class and not to a particular post.

Commissions

SEC. 512. Foreign Service officers may be commissioned as diplomatic or consular officers or both and all official acts of such officers while serving under diplomatic or consular commissions shall be performed under their respective commissions as diplomatic or consular officers.

Limits of consular districts

SEC. 513. The Secretary shall define the limits of consular districts.

Assignments and transfers

SEC. 514. A Foreign Service officer, commissioned as a diplomatic or consular officer, may be assigned by the Secretary to serve in any diplomatic position other than that of chief of mission or in any consular position, and he may also be assigned to serve in any other capacity in which he is eligible to serve under the terms of this or any other act. He may be transferred from one post to another by order of the Secretary as the interests of the service may require.

Citizenship requirement

SEC. 515. No person shall be eligible for appointment as a Foreign Service officer unless he is a citizen of the United States and has been such for at least 10 years.

Admission to class 6

SEC. 516. No person shall be eligible for appointment as a Foreign Service officer of class 6 unless he has passed such written, oral, physical, and other examinations as the Board of Examiners for the Foreign Service may prescribe to determine his fitness and aptitude for the work of the Service and has demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution. The Secretary shall furnish the President with the names of those persons who have passed such examinations and are eligible for appointment as Foreign Service officers of class 6.

Admission to classes 1, 2, 3, 4, and 5 without prior service in class 6

SEC. 517. A person who has not served in class 6 shall not be eligible for appointment as a Foreign Service officer of classes 1 to 5, inclusive, unless he has passed such written, oral, physical, and other examinations as the Board of Examiners for the Foreign Service may prescribe to determine his fitness and aptitude for the work of the Service; demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution; and rendered at least 4 years of actual service immediately prior to appointment in a position of responsibility in the Service or in the Department or both, except that, if he has reached the age of 31 years, the requirement as to service may be reduced to 3 years. The Secretary shall furnish the President with the names of those persons who shall have passed such examinations and are eligible for appointment as Foreign Service officers of classes 1 to 5, inclusive. The Secretary shall, taking into consideration the age, qualifications, and experience of each candidate for appointment, recommend the class to which he shall be appointed in accordance with the provisions of this section.

Admission to the class of career minister

SEC. 518. No person shall be eligible for appointment to the class of career minister who is not a Foreign Service officer.

Reassignment to Foreign Service of former ambassadors and ministers

SEC. 519. If, within 3 months of the date of the termination of his services as chief of mission and of any period of authorized leave, a Foreign Service officer has not again been appointed or assigned as chief of mission or assigned in accordance with the provisions of section 514, he shall be retired from the Service and receive retirement benefits in accordance with the provisions of section 821.

Reinstatement and recall of Foreign Service officers

SEC. 520. (a) The President may, by and with the advice and consent of the Senate, reappoint to the Service a former Foreign Service officer who has been separated from the Service by reason of appointment to some other position in the Government service and who has served continuously in the Government up to the time of reinstatement. The Secretary shall, taking into consideration the qualifications and experience of each candidate for reappointment and the rank of his contemporaries in the Service, recommend the class to which he shall be reappointed in accordance with the provisions of this section.

(b) Whenever the Secretary shall determine an emergency to exist, the Secretary may recall any retired Foreign Service officer temporarily to active service.

PART C—FOREIGN SERVICE RESERVE OFFICERS

Establishment of Reserve

SEC. 521. In accordance with the terms of this act and under such regulations as the Secretary shall prescribe, there shall be organized and maintained a Foreign Service Reserve, referred to hereafter as the Reserve.

Appointments and assignments to the Reserve

SEC. 522. Whenever the services of a person who is a citizen of the United States and who has been such for at least 5 years are required by the Service, the Secretary may—

(1) appoint as a Reserve officer for nonconsecutive periods of not more than 4 years each, a person not in the employ of the Government whom the Board of the Foreign Service shall deem to have outstanding qualifications of a specialized character; and

(2) assign as a Reserve officer for nonconsecutive periods of not more than 4 years each a person regularly employed in any Government agency, subject, in the case of an employee of a Government agency other than the Department of State, to the consent of the head of the agency concerned.

Appointment or assignment to a class

SEC. 523. A Reserve officer, appointed or assigned to active duty, shall be appointed or assigned to a class and not to a particular post, and such an officer may be assigned to posts and may be transferred from one post to another by order of the Secretary as the interests of the Service may require. The class to which he shall be appointed or assigned shall depend on his age, qualifications, and experience.

Commissions

SEC. 524. Whenever the Secretary shall deem it in the interests of the Service that a Reserve officer shall serve in a diplomatic or consular capacity, he may recommend to the President that such officer be commissioned as a diplomatic or consular officer or both. The President may, by and with the advice and consent of the Senate, commission such officer as a diplomatic or consular officer or both, and all official acts of such an officer while serving under a diplomatic or consular commission shall be performed under his commission as a diplomatic or consular officer. In all other cases, appropriate rank and status, analagous to that of Foreign Service officers engaged in work of comparable importance shall be provided to permit Reserve officers to carry out their duties effectively.

Active duty

SEC. 525. The Secretary shall by regulation define the period during which a Reserve officer shall be considered as being on active duty.

Benefits

SEC. 526. A Reserve officer shall, except as otherwise provided in regulations which the Secretary may prescribe, receive all the allowances, privileges, and benefits which Foreign Service officers are entitled to receive in accordance with the provisions of title IX.

Reappointment or reassignment of Reserve officers

SEC. 527. A person who has served as a Reserve officer may not be reappointed or reassigned to active duty until the expiration of a period of time equal to his preceding tour of duty or until the expiration of a year, whichever is the shorter.

Reinstatement of Reserve officers

SEC. 528. Upon the termination of the assignment of a Reserve officer assigned from any Government agency, such person shall be entitled to reinstatement in the Government agency by which he is regularly employed in the same position he occupied at the time of assignment, or in a corresponding or higher position. Upon reinstatement he shall receive the within-grade salary advancements he would have been entitled to receive had he remained in the position in which he is regularly employed under subsection (d), section 7, of the Classification Act of 923, as amended, or any corresponding provision of law applicable to the position in which he is serving. A certificate of the Secretary that such person has met the standards required for the efficient conduct of the work of the Foreign Service shall satisfy any requirements as to the holding of minimum ratings as a prerequisite to the receipt of such salary advancements.

PART D—FOREIGN SERVICE STAFF OFFICERS AND EMPLOYEES

Appointments

SEC. 531. The Secretary shall appoint staff officers and employees under such regulations as he may prescribe and, as soon as practicable, in accordance with the provisions of sections 441, 442, and 443.

Assignments and transfers

SEC. 532. The Secretary may, in accordance with uniform procedures established in such regulations as he may prescribe, assign a staff officer or employee to a position at any post and transfer such a person from a position in one class to a vacant position within the same class, and from one post to another. Upon demonstration of ability to assume duties of greater responsibility, such person may, as provided in section 641, be promoted to a vacant position in a higher class at the same or at a higher rate of salary and he may be transferred from one post to another in connection with such promotion.

Commission as consul or vice consul

SEC. 533. On the recommendation of the Secretary, the President may, by and with the advice and consent of the Senate, commission a staff officer or employee as consul. The Secretary may commission a staff officer or employee as vice consul. Official acts of staff officers or employees while serving under consular commissions in the Service shall be performed under their respective commissions as consular officers.

Citizenship requirement

SEC. 534. No person shall be eligible for appointment as staff officer or employee who is not a citizen of the United States at the time of his appointment.

PART E—ALIEN CLERKS AND EMPLOYEES

Appointments

SEC. 541. The Secretary shall appoint alien clerks and employees at posts abroad under such regulations as he may prescribe and, as soon as practicable in accordance with the provisions of section 444.

Assignments and transfers

SEC. 542. The Secretary may assign an alien clerk or employee to a position at any post, and any such clerk or employee may be transferred from a position at one post to a position at another as the interests of the Service may require.

PART F—CONSULAR AGENTS

SEC. 551. The Secretary may appoint consular agents under such regulations as he may prescribe, and as soon as practicable in accordance with the provisions of section 445.

PART G—ASSIGNMENT OF PERSONNEL BY THE WAR AND NAVY DEPARTMENTS

As couriers and inspectors of buildings

SEC. 561. The Secretaries of War and Navy are authorized, upon the request of the Secretary, to assign or detail military and naval personnel serving under their supervision for duty as inspectors of buildings owned or occupied abroad by the United States or as inspectors or supervisors of buildings under construction or repair abroad by or for the United States, or for duty as couriers of the Department; and when so assigned or detailed they may receive the same traveling expenses as are authorized for officers of the Service, payable from applicable appropriations of the Department. Such assignments or details may, in the discretion of the head of the department concerned, be made without reimbursement from the Department of State.

As custodians

SEC. 562. The Secretary of the Navy is authorized, upon request of the Secretary of State, to assign enlisted men of the Navy and the Marine Corps to serve as custodians under the supervision of the principal officer at an embassy, legation, or consulate.

PART H—ASSIGNMENT OF FOREIGN SERVICE PERSONNEL

Assignments to any Government agency

SEC. 571 (a) Any officer or employee of the Service may, in the discretion of the Director General, be assigned or detailed for duty in any Government agency, such an assignment or combination of assignments to be for a period of not more than 4 years. He may not again be assigned for duty in a Government agency until the expiration of a period of time equal to his proceeding tour of duty on such assignment or until the expiration of 2 years, whichever is the shorter.

(b) A Foreign Service officer may be appointed as Director General or Deputy Director General, notwithstanding the provisions of the last sentence of paragraph (a) of this section, but any such officer may not serve longer than 4 years in such position or positions and upon the completion of such service may not again be assigned to a position in the Department until the expiration of a period of time equal to his tour of duty as Director General or Deputy Director General, or until the expiration of 2 years, whichever is shorter.

(c) If a Foreign Service officer shall be appointed by the President, by and with the advice and consent of the Senate, to a position in the Department, the period of his service in such capacity shall be construed as constituting an assignment for duty in the Department within the meaning of paragraph (a) of this section and such person shall not, by virtue of the acceptance of such an assignment, lose his status as a Foreign Service officer. Service in such a position shall not, however, be subject to the limitations concerning the duration of an assignment or concerning reassignment contained in that paragraph.

(d) If the basic minimum salary of the position to which an officer or employee of the Service is assigned pursuant to the terms of this section is higher than the salary such officer or employee is entitled to receive as an officer or employee of the Service, such officer or employee shall, during the period such difference in salary exists, receive the salary of the position in which he is serving in lieu of his salary as an officer or employee of the Service. Any salary paid under the provisions of this section shall be paid from appropriations made available for the payment of salaries of officers and employees of the Service and shall be the salary on the basis of which computations and payments shall be made in accordance with the provisions of title VIII.

Compulsory service of Foreign Service officers in the continental United States

SEC. 572. Every Foreign Service officer shall, during his first 15 years of service in such capacity, be assigned for duty in the continental United States in accordance with the provisions of section 571 for periods totaling not less than 3 years.

Assignment for consultation or instruction

SEC. 573. (a) Any officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed to any Government agency for consultation of specific instruction either at the commencement, during the course of, or at the close of the period of his official service; and any such detail or assignment, if not more than 4 months in duration, shall not be considered as an assignment within the meaning of section 571.

(b) Any officer or employee of the Service may be assigned or detailed for special instruction or training at or with public or private nonprofit institutions; trade, labor, agricultural, or scientific associations; or commercial firms.

Assignment to trade, labor, agricultural, scientific, or other conferences

SEC. 574. An officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed for duty with domestic or international trade, labor, agri-

cultural, scientific, or other conferences, congresses, or gatherings, including those whose place of meeting is in the continental United States; or for other special duties, including temporary details under commission not at his post or in the Department.

Assignments to foreign governments

SEC. 575. The Secretary may, in his discretion, assign or detail an officer or employee of the Service for temporary service to or in cooperation with the government of another country in accordance with the provisions of the act of May 25, 1938, as amended (52 Stat. 442; 53 Stat. 652; 5 U. S. C. 118e).

Assignments to international organizations

SEC. 576. The Secretary may, in his discretion, assign or detail an officer or employee of the Service for temporary service to or in cooperation with an international organization in which the United States participates under the same conditions as those governing the assignment or detail of officers or employees of the Service to the government of another country in accordance with the provisions of the act of May 25, 1938, as amended (52 Stat. 442; 53 Stat. 652; 5 U. S. C. 118e).

Assignment or detail to the United States not to affect personnel ceilings

SEC. 577. An officer or employee of the Service assigned or detailed to the continental United States in accordance with the provisions of this act shall not be counted as a civilian employee within the meaning of section 607 of the Federal Employees' Pay Act of 1945, as amended by section 14 of the Federal Employees' Pay Act of 1946.

TITLE VI—PERSONNEL ADMINISTRATION

PART A—DEFINITIONS

SEC. 601. For the purposes of this title—

(1) "Efficiency record" is the term which describes those materials considered by the Director General to be pertinent to the preparation of an evaluation of the performance of an officer or employee of the Service.

(2) "Efficiency report" is the term which designates the analysis of the performance of an officer or employee made by his supervising officer or by a Foreign Service inspector in accordance with such regulations as may be prescribed by the Secretary.

PART B—EFFICIENCY RECORDS

Responsibility of the Director General for the keeping of efficiency records

SEC. 611. The Director General, acting under the general direction of the Board of the Foreign Service, shall be responsible for the keeping of accurate and impartial efficiency records. Under his direction there shall be assembled, recorded, and preserved all available information in regard to the character, ability, conduct, quality of work, industry, experience, dependability, and general usefulness of all officers and employees of the Service, including the reports of Foreign Service inspectors and the efficiency reports of supervising officers. The Director General shall undertake such statistical and other analyses as may be necessary to develop the validity and reliability of efficiency reporting forms and procedures.

To whom records shall be available

SEC. 612. The correspondence and records of the Department relating to the officers and employees of the Service, including efficiency records as defined in section 601 (1), but not including records pertaining to the receipt, disbursement, and accounting for public funds, shall be confidential and subject to inspection only by the President, the Secretary, the Under Secretary, the Counselor of the Department, the legislative and appropriations committees of the Congress charged with considering legislation and appropriations for the Service or representatives duly authorized by such committees, the members of the Board of the Foreign Service, the Director General, and such officers and employees of the Government as may be assigned by the Secretary to work on such records. Under such regulations as the Secretary may prescribe and in the interest of efficient personnel administration, the whole or any portion of an efficiency record shall, upon written request, be divulged to the officer or employee to whom such record relates.

PART C—PROMOTION OF FOREIGN SERVICE OFFICERS AND FOREIGN SERVICE RESERVE OFFICERS

Promotion of Foreign Service officers by selection

SEC. 621. All promotions of Foreign Service officers shall be made by the President, in accordance with such regulations as he may prescribe, by appointment to a higher class, by and with the advice and consent of the Senate. Promotion shall be by selection on the basis of merit.

Eligibility

SEC. 622. The Secretary shall, by regulation, determine the minimum period Foreign Service officers must serve in each class and a standard for performance for each class which they must meet in order to become eligible for promotion to a higher class. In event the Director General shall certify to the Foreign Service that a Foreign Service officer has rendered extraordinarily meritorious service, the Board of the Foreign Service may recommend to the Secretary that such officer shall not be required to serve such minimum period in class as a prerequisite to promotion, and the Secretary may exempt such officer from such requirement.

Recommendations for promotion

SEC. 623. The Secretary is authorized to establish, with the advice of the Board of the Foreign Service, selection boards to evaluate the performance of Foreign Service officers, and upon the basis of their findings the Secretary shall make recommendations to the President for the promotion of Foreign Service officers. No person assigned to serve on any such board shall serve in such capacity for any two consecutive years.

Promotion of Foreign Service Reserve officers

SEC. 624. Any Reserve officer may receive promotions from one class to a next higher class in accordance with regulations prescribed by the Secretary.

In-class promotions of Foreign Service officers and Reserve officers

SEC. 625. Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Foreign Service and who shall have been in a given class for a continuous period of 9 months or more, shall, on the first day of each fiscal year, receive an increase in salary to the next higher rate for the class in which he is serving. The Secretary is authorized to grant to a Foreign Service officer or a Reserve officer, in any class, additional increases in salary within the salary range established for the class in which he is serving, based upon especially meritorious service.

PART D—SEPARATION OF FOREIGN SERVICE OFFICERS FROM THE SERVICE

Foreign Service officers who are career ministers

SEC. 631. Any Foreign Service officer who is a career minister, other than one occupying a position as chief of mission, shall, upon reaching the age of 65, be retired from the Service and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine an emergency to exist, he may, in the public interest, extend such an officer's service for a period not to exceed 5 years.

Foreign Service officers who are not career ministers

SEC. 632. Any Foreign Service officer who is not a career minister shall, upon reaching the age of 60, be retired from the Service and receive retirement benefits in accordance with the provisions of section 821 but when the Secretary shall determine an emergency to exist, he may, in the public interest, extend such an officer's service for a period not to exceed 5 years.

Foreign Service officers in classes 2 and 3

SEC. 633. The Secretary shall prescribe the maximum period during which Foreign Service officers in classes 2 or 3 shall be permitted to remain in such classes without promotion. Any officer who does not receive a promotion to a higher class within that period shall be retired from the Service and receive retirement benefits in accordance with the provisions of section 821.

Foreign Service officers in classes 4 and 5

SEC. 634. (a) The Secretary shall prescribe the maximum period during which Foreign Service officers in classes 4 or 5 shall be permitted to remain in such classes without promotion. Any officer who does not receive a promotion to a higher class within that period shall be retired from the Service and receive benefits as follows:

(1) One-twelfth of a year's salary at his then current salary rate for each year of service and proportionately for a fraction of a year, payable without interest, in three equal installments on the 1st day of January following the officer's retirement and on the two anniversaries of this date immediately following; and

(2) A refund of the contributions made to the Foreign Service Retirement and Disability Fund, with interest thereon at 4 percent, compounded annually, except that in lieu of such refund such officer may elect to receive retirement benefits on reaching the age of 62, in accordance with the provisions of section 821. In the event that an officer who was separated from class 4 and who has elected to receive retirement benefits dies before reaching the age of 62, his death shall be considered a death in service within the meaning of section 832. In the event that an officer who was separated from class 5 and who has elected to receive retirement benefits dies before reaching the age of 62, the total amount of his contributions made to the Foreign Service Retirement and Disability Fund, with interest thereon at 4 percent, compounded annually, shall be paid in accordance with the provisions of section 841.

(b) Notwithstanding the provisions of section 3477 of the Revised Statutes (31 U. S. C. 203) or the provisions of any other law, a Foreign Service officer who is retired in accordance with the provisions of this section shall have the right to assign to any person or corporation the whole or any part of the benefits receivable by him pursuant to paragraph (a) (1) of this section. Any such assignment shall be on a form approved by the Secretary of the Treasury and a copy thereof shall be deposited with the Secretary of the Treasury by the officer executing the assignment.

Foreign Service officers retired from class 6

SEC. 635. Any Foreign Service officer in class 6 shall occupy probationary status. The Secretary may terminate his service at any time.

Voluntary retirement

SEC. 636. Any Foreign Service officer who is at least 50 years of age and has rendered 20 years of service, including service within the meaning of section 853, may on his own application and with the consent of the Secretary be retired from the Service and receive benefits in accordance with the provisions of section 821.

Separation for unsatisfactory performance of duty

SEC. 637. (a) The Secretary may, under such regulations as he may prescribe, separate from the Service any Foreign Service officer above class 6 on account of the unsatisfactory performance of his duties; but no such officer shall be so separated from the Service until he shall have been granted a hearing by the Board of the Foreign Service and the unsatisfactory performance of his duties shall have been established at such hearing.

(b) Any Foreign Service officer over 45 years of age, separated from the Service in accordance with the provisions of paragraph (a) of this section, shall be retired upon an annuity computed in accordance with the provisions of section 821 but not in excess of 25 percent of his per annum salary at the time of his separation.

(c) Any Foreign Service officer under 45 years of age, separated from the Service in accordance with the provisions of paragraph (a) of this section, shall at the time of separation receive a payment equal to 1 year's salary or the refund of the contributions made by him to the Foreign Service retirement and disability fund, whichever shall be greater.

(d) Any payments made in accordance with the provisions of this section shall be made out of the Foreign Service retirement and disability fund.

Separation for misconduct or malfeasance

SEC. 638. The Secretary shall separate from the Service any Foreign Service officer or Reserve officer who shall be guilty of misconduct or malfeasance in office, but no such officer shall be so separated from the Service until he shall have been granted a hearing by the Board of the Foreign Service and his misconduct or malfeasance shall have been established at such hearing. Any officer separated from the Service in accordance with the provisions of this section shall not be eligible to receive the benefits provided by title VIII of this act, but his contributions to the Foreign Service retirement and disability fund shall be returned to him in accordance with the provisions of section 841 (a).

PART E—PROMOTION OF FOREIGN SERVICE STAFF OFFICERS AND EMPLOYEES

Class promotion of staff personnel

SEC. 641. Any staff officer or employee may, in accordance with uniform procedures established in regulations prescribed by the Secretary, upon demonstration of ability to assume duties of greater responsibility, be promoted to a vacant position in a higher class at the same or at a higher rate of salary.

In-class promotions of staff officers and employees

SEC. 642. In-class promotions of staff officers and employees shall be granted in accordance with regulations prescribed by the Secretary.

PART F—SEPARATION OF STAFF OFFICERS AND EMPLOYEES

For unsatisfactory performance of duty

SEC. 651. The Secretary may, under such regulations as he may prescribe, separate from the Service any staff officer or employee on account of the unsatisfactory performance of his duties, but no such officer or employee shall be so separated from the Service until he shall have been granted a hearing by the Board of the Foreign Service and the unsatisfactory performance of his duties shall have been established at such hearing.

For misconduct or malfeasance

SEC. 652. The Secretary shall separate from the Service any staff officer or employee who shall be guilty of misconduct or malfeasance in office, but no such officer or employee shall be so separated from the Service until he shall have been granted a hearing by the Board of the Foreign Service and his misconduct or malfeasance shall have been established at such hearing.

PART G—PROMOTION AND SEPARATION OF ALIEN CLERKS AND EMPLOYEES

Promotion

SEC. 661. Alien clerks and employees shall receive promotions from one class to a higher class and in-class promotions in accordance with regulations prescribed by the Secretary.

For unsatisfactory performance of duty

SEC. 662. The Secretary may, under such regulations as he may prescribe, separate from the Service any alien clerk or employee on account of the unsatisfactory performance of his duties.

Separation for misconduct or malfeasance

SEC. 663. The Secretary shall separate from the Service any alien clerk or employee who shall be found guilty of misconduct or malfeasance.

PART H—SEPARATION OF CONSULAR AGENTS

SEC. 671. The Secretary may, under such regulations as he may prescribe, separate any consular agent from the Service on account of—

(a) the unsatisfactory performance of his duties; or

(b) misconduct or malfeasance.

PART I—INSPECTIONS

SEC. 681. The Secretary shall assign or detail Foreign Service officers as Foreign Service inspectors to inspect in a substantially uniform manner and at least once every 2 years the work of the diplomatic and consular establishments of the United States. Whenever the Secretary has reason to believe that the business of a consulate is not being properly conducted and that it is necessary in the public interest, he may authorize any Foreign Service inspector to suspend the principal officer or any subordinate consular officer and to administer the office in the place of the principal officer for a period not exceeding 90 days. The Secretary may also authorize a Foreign Service inspector to suspend any diplomatic officer except a chief of mission. A Foreign Service inspector shall have the authority to suspend any other officer or employee of the Service.

TITLE VII—THE FOREIGN SERVICE INSTITUTE

Establishment of the Institute

SEC. 701. The Secretary shall, in order to furnish training and instruction to officers and employees of the Service and of the Department and to other officers and employees of the Government for whom training and instruction in the field of foreign relations is necessary, and in order to promote and foster programs of study incidental to such training, establish a Foreign Service Institute, hereinafter called the Institute.

The Director of the Institute—appointment, salary, and duties

SEC. 702. The head of the Institute, who shall be known as its Director, shall be appointed by the Secretary. The Director shall, under the general supervision of the Director General and under such regulations as the Secretary may prescribe, establish the basic procedures to be followed by the Institute; plan and provide for the general nature of the training and instruction to be furnished at the Institute; correlate the training and instruction to be furnished at the Institute with the training activities of the Department and other Government agencies and with courses given at private institutions that are designed or may serve to furnish training and instruction to officers and employees of the Service; encourage and foster such programs outside of the Institute as will be complementary to those of the Institute; and take such other action as may be required for the proper administration of the Institute.

Aid to nonprofit institutions

SEC. 703. The Secretary may, within the limits of such appropriations as may be made specifically therefor, make grants or furnish such other gratuitous assistance as he may deem necessary or advisable to nonprofit institutions cooperating with the Institute in any of the programs conducted by the Director by authority of this title.

Appointment, assignment, and detail to the Institute

SEC. 704. (a) The Secretary may appoint to the faculty or staff of the Institute on a full- or part-time basis such personnel as he may deem necessary to carry out the provisions of this title in accordance with the provisions of the civil-service laws and regulations and the Classification Act of 1923, as amended, except that, when deemed necessary by the Secretary for the effective administration of this title, personnel may be appointed without regard to such laws and regulations, but any person so appointed shall receive a salary at one of the rates provided by the Classification Act of 1923, as amended. All appointments to the faculty or staff of the Institute shall be made without regard to political affiliations and shall be made solely on the basis of demonstrated interest in, and capacity to promote, the purposes of the Institute.

(b) The Secretary may, under such regulations as he may prescribe and on a full- or part-time basis, assign or detail officers and employees of the Service to serve on the faculty or staff of the Institute or to receive training at the Institute.

(c) The Secretary may, under such regulations as he may prescribe and on a full- or part-time basis, assign or detail any officer or employee of the Department, and, with the consent of the head of the Government agency concerned, any other officer or employee of the Government, to serve on the faculty or staff of the Institute, or to receive training. During the period of his assignment or detail, such officer or employee shall be considered as remaining in the position from which assigned.

(d) It shall be the duty of the Director to make recommendations to the Secretary with regard to the appointment, assignment, or detail of persons to serve on the faculty or staff of the Institute, and the Secretary shall in each case take such recommendations into consideration in making such appointments, assignments, or details.

Instruction and education at other localities than the Institute

SEC. 705. The Secretary may, under such regulations as he may prescribe, pay the tuition and other expenses of officers and employees of the Service, assigned or detailed in accordance with the provisions of section 573 (b) for special instruction or training at or with public or private nonprofit institutions, trade, labor, agricultural, or scientific associations, or commercial firms.

Endowments and gifts to the Institute

SEC. 706. The Secretary may accept, receive, hold, and administer gifts, bequests, or devises of money, securities, or property made for the benefit of, or in connection with, the Foreign Service Institute in accordance with part C of title X.

Acquisition of real property for the Institute

SEC. 707. The Secretary may, in the name of the United States, acquire such real property as may be necessary for the operation and maintenance of the Institute and, without regard to section 3709 of the Revised Statutes, such other property and equipment as may be necessary for its operation and maintenance.

TITLE VIII—THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

PART A—ESTABLISHMENT OF SYSTEM

Rules and regulations

SEC. 801. (a) The President may prescribe rules and regulations for the maintenance of a Foreign Service Retirement and Disability System, originally established by section 18 of the act of May 24, 1924 (43 Stat. 144), referred to hereafter as the System.

(b) The Secretary shall administer the System in accordance with such rules and regulations and with the principles established by this act.

Maintenance of fund

SEC. 802. The Secretary of the Treasury shall maintain the special fund, known as the Foreign Service retirement and disability fund, referred to hereafter as the fund, originally constituted by section 18 of the act of May 24, 1924 (43 Stat. 144).

Participants

SEC. 803. (a) The following persons, hereafter referred to as participants, shall be entitled to the benefits of the System:

(1) All Foreign Service officers;

(2) All other persons making contributions to the fund on the effective date of this act;

(3) Any chief of mission who is not otherwise entitled to be a participant and who fulfills the conditions of paragraph (b) of this section;

(b) A person to become a participant in accordance with the provisions of paragraph (a) (3) of this section must—

(1) have served as chief of mission for an aggregate period of 20 years of more, exclusive of extra service credit in accordance with the provisions of section 853; and

(2) have paid into the fund a special contribution equal to 5 percent of his basic salary for each year of such service with interest thereon to date of payment, compounded annually at 4 percent.

Annuitants

SEC. 804. Annuitants shall be persons who are receiving annuities from the fund on the effective date of this act, persons who shall become entitled to receive annuities in accordance with the provisions of sections 519, 631, 632, 633, 634, 636, 637, 831, 832, and 833, and all widows and beneficiaries of participants who are entitled to receive annuities in accordance with the terms of this title.

PART B—COMPULSORY CONTRIBUTIONS

SEC. 811. (a) Five percent of the basic salary of all participants shall be contributed to the fund, and the Secretary of the Treasury is directed to cause such deductions to be made and the sums transferred on the books of the Treasury Department to the credit of the fund for the payment of annuities, cash benefits, refunds, and allowances.

(b) All basic salaries in excess of $13,500 per annum shall be treated as $13,500 for the purposes of this title.

PART C—COMPUTATION OF ANNUITIES

SEC. 821. (a) The annuity of a participant shall be equal to 2 percent of his average basic salary, not exceeding $13,500 per annum, for the 5 years next preceding the date of his retirement multiplied by the number of years of service, not exceeding 30 years. In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, shall not be counted.

(b) At the time of his retirement, a participant, if the husband of a wife to whom he has been married for at least 3 years or who is the mother of issue by such marriage, may elect to receive a reduced annuity for himself and to provide for an annuity payable to his widow, commencing on the date following his death and continuing as long as she may live. The annuity payable to his widow shall in no case exceed 25 percent of his average basic salary for the 5 years next preceding his retirement or 66⅔ percent of his reduced annuity. If the age of the participant is less than the age of the wife or exceeds her age by not more than 8 years, the annuity of the participant will be reduced by an amount equal to one-half of the annuity which he elects to have paid to his widow. If the age of the participant exceeds the age of the wife by more than 8 years, the annuity of the participant will be reduced by an amount equal to one-half the annuity which he elects to have paid to his widow plus an additional reduction equal to 2 percent of such widow's annuity for each year, or fraction thereof, that the difference in age exceeds 8. The participant may at his option also elect to have his annuity reduced by an additional 5 percent of the amount which he elects to have paid to his widow, with a provision that, from and after the death of his wife, if the participant shall survive her, the annuity payable to the participant shall be that amount which would have been payable if no option had been elected.

(c) A participant who is not married at the time of his retirement or who is married to a wife who is not entitled to an annuity in accordance with the provisions of paragraph (b) of this section may elect to receive a reduced annuity for himself and to provide for an additional annuity payable after his death to a beneficiary whose name shall be notified in writing to the Secretary at the time of his retirement and who is acceptable to the Secretary. The annuity payments payable to such beneficiary shall be either equal to the deceased participant's reduced annuity payments or equal to 50 percent of such reduced annuity payments and upon the death of the surviving beneficiary all payments shall cease and no further annuity payments shall be due or payable. The combined actuarial value of the two annuities on the date of retirement as determined by the Secretary of the Treasury shall be the same as the actuarial value of the annuity provided by paragraph (a) of this section. No such election of a reduced annuity payable to a beneficiary other than a child of the participant shall be valid until the participant shall have satisfactorily passed a physical examination as prescribed by the Secretary. Annuity payments payable in accordance with the provisions of this section to a beneficiary who is a child of a participant shall cease when the beneficiary reaches the age of 21 years.

PART D—BENEFITS ACCRUING TO CERTAIN PARTICIPANTS

Retirement for disability or incapacity—Physical examination—Recovery

SEC. 831. (a) Any participant who, after serving for a total period of not less than 5 years, becomes totally disabled or incapacitated for useful and efficient service by reason of disease or injury incurred in the line of duty but not due to vicious habits, intemperance, or willful misconduct on his part, shall, upon his own application or upon order of the Secretary, be retired on an annuity computed as prescribed in section 821. If the disabled or incapacitated participant has had less than 20 years of service at the time he is retired, his annuity shall be computed on the assumption that he had had 20 years of service.

(b) In each case such disability shall be determined by the report of a duly qualified physician or surgeon, designated by the Secretary to conduct the examination. Unless the disability is permanent, a like examination shall be made annually until the annuitant has reached the retirement age as defined in sections 631 and 632, and the payment of the annuity shall cease from the date of a medical examination showing recovery. Fees for examinations under this provision, together with reasonable traveling and other expenses incurred in order to submit to examination, shall be paid out of the Fund.

(c) When the annuity is discontinued under this provision before the annuitant has received a sum equal to the total amount of his contributions, with accrued interest, the difference shall be paid to him or his legal representatives in the order of precedence prescribed in section 841.

Death in service

SEC. 832. In case a participant shall die without having established a valid claim for annuity, the total amount of his contributions with interest thereon at 4 percent per annum, compounded on June 30 of each year, except as provided in section 881 and as hereinafter provided in this section, shall be paid to his legal representatives in the order of precedence given under section 841 upon the establishment of a valid claim therefor. If the deceased participant rendered at least 5 years of service, and is survived by a widow to whom he was married for at least 3 years, or who is the mother of issue by such marriage, such widow shall be paid an annuity equal to the annuity which she would have been entitled to receive if her husband had been retired on the date of his death and had elected to receive a reduced joint and survivorship annuity, computed as prescribed in section 821, providing the maximum annuity for his widow, unless prior to the date of his death he shall have elected, in lieu of such widow's annuity, and with the approval of the Secretary, to have his deductions returned with interest as provided in the first sentence of this section covering participants dying without having established a valid claim for annuity. If the deceased participant had had less than 20 years of service at the time of his death, the annuity payable to his widow shall be computed on the assumption that he had had 20 years of service.

Retirement of persons who are participants under section 803 (a) (3)

SEC. 833. (a) Any person who is a participant, has at least 20 years of service to his credit, and has reached the age of fifty years, but is not a Foreign Service officer at the time he is retired in accordance with the provisions of law governing retirement in the position that he occupies, shall be entitled to an annuity computed as prescribed in section 821.

(b) Any person who is a participant in accordance with the provisions of section 803 (a) (3) shall be entitled to voluntary retirement to the same extent and subject to the same conditions as a Foreign Service officer.

PART E—DISPOSITION OF CONTRIBUTIONS AND INTEREST IN EXCESS OF BENEFITS RECEIVED

SEC. 841. (a) Whenever a participant becomes separated from the Service without becoming eligible for an annuity or a deferred annuity in accordance with the provisions of this act, the total amount of contributions from his salary with interest thereon at 4 percent per annum, compounded annually up to the date of such separation, except as provided in section 881, shall be returned to him.

(b) In the event that the total contributions of a retired participant, other than voluntary contributions made in accordance with the provisions of sections 881, with interest compounded annually at 4 percent added thereto, exceed the total amount returned to such participant or to an annuitant claiming through him, in the form of annuities, accumulated at the same rate of interest up to the date the annuity payments cease under the terms of the annuity, the excess of the accumulated contributions over the accumulated annuity payments shall be paid in the following order of precedence, upon the establishment of a valid claim therefor:

(1) To the beneficiary or beneficiaries designated by the retired participant in writing to the Secretary;

(2) If there be no such beneficiary, to the duly appointed executor or administrator of the estate of the retired participant;

(3) If there be no such beneficiary, or executor or administrator, payment may be made to such person or persons as may appear in the judgment of the Secretary to be legally entitled thereto, and such payment shall be a ban to recovery by any other person.

(c) No payment shall be made pursuant to paragraph (b) (3) of this section until after the expiration of 30 days from the death of the retired participant or his surviving annuitant.

PART F—PERIOD OF SERVICE FOR ANNUITIES

Computation of length of service

SEC. 851. For the purposes of this title, the period of service of a participant shall be computed from the effective date of appointment as Foreign Service officer, or, if appointed prior to July 1, 1924, as diplomatic secretary, consul general, consul, vice consul, deputy consul, consular assistant, consular agent, commercial agent, interpreter, or student interpreter, and shall include periods of service at different times as either a diplomatic or consular officer, or while on assignment to the Department, or while on special duty or service in another department or establishment of the Government, or while on any assignment in accordance with the provisions of part H of title V, but all periods of separation from the Service and so much of any leaves of absence as may exceed 6 months in the aggregate in any calendar year shall be excluded, except sick leaves of absence for illness or injury incurred in the line of duty, with or without pay, and leaves of absences granted participants while performing active military or naval service in the Army, Navy, Marine Corps, or Coast Guard of the United States.

Prior service credit

SEC. 852. (a) A participant may, subject to the provisions of this section, include in his period of service—

(1) service performed as a civilian officer or employee of the Government prior to becoming a participant; and

(2) active military or naval service in the Army, Navy, Marine Corps, or Coast Guard of the United States.

(b) A person may obtain credit for prior service by making a special contribution to the fund equal to 5 percent of his annual salary for each year of service for which credit is sought subsequent to July 1, 1924, with interest thereon to date of payment compounded annually at 4 percent. Any such participant may, under such conditions as may be determined in each instance by the Secretary, pay such special contributions in installments during the continuance of his service.

(c) Nothing in this act shall be construed so as to affect in any manner a participant's right to retired pay, pension, or compensation in addition to the annuities herein provided, but no participant may obtain prior service credit toward an annuity under the Foreign Service Retirement and Disability System for any period of service, whether in a civilian or military capacity, on the basis of which he is receiving or will in the future be entitled to receive any annuity, pension, or other retirement or disability payment or allowance.

Extra service credit for service at unhealthful posts

SEC. 853. The President may from time to time establish a list of places which by reason of climatic or other extreme conditions are to be classed as unhealthful posts, and each year of duty subsequent to January 1, 1900, at such posts inclusive of regular leaves of absence, of participants thereafter retired, shall be counted as one year and a half, and so on in like proportion in reckoning the length of service for the purpose of retirement, fractional months being considered as full months in computing such service. The President may at any time cancel the designation of any places as unhealthful without affecting any credit which has accrued for service at such posts prior to the date of the cancellation.

Credit for service while on military leave

SEC. 854. Contributions shall not be required covering periods of leave of absence from the service granted a participant while performing active military or naval service in the Army, Navy, Marine Corps, or Coast Guard of the United States.

PART G—MONEYS

Estimate of appropriations needed

SEC. 861. The Secretary of the Treasury shall prepare the estimates of the annual appropriations required to be made to the fund, and shall make actuarial valuations of such funds at intervals of 5 years, or oftener if deemed necessary by him. The Secretary of State may expend from money to the credit of the fund an amount not exceeding $5,000 per annum for the incidental expenses necessary in administering the provisions of this title, including actuarial advice.

Annual report to Congress

SEC. 862. The Secretary shall submit annually to the President and to the Congress a comparative report showing the condition of the fund and estimates of appropriations necessary to continue this title in full force.

Investment of moneys in the fund

SEC. 863. The Secretary of the Treasury shall invest from time to time in interest-bearing securities of the United States such portions of the fund as in his judgment may not be immediately required for the payment of annuities, cash benefits, refunds, and allowances, and the income derived from such investments shall constitute a part of such fund.

Attachment of moneys

SEC. 864. None of the moneys mentioned in this title shall be assignable either in law or equity, or be subject to execution, levy, attachment, garnishment, or other legal process, except as provided in section 634 (b).

PART H—OFFICERS REINSTATED IN THE SERVICE

SEC. 871. A Foreign Service officer, reinstated in the Service in accordance with the provisions of section 520 (b) shall, while so serving, be entitled in lieu of his retirement allowance to the full pay of the class in which he is temporarily serving. During such service, he shall make contributions to the fund in accordance with the provisions of section 811. If the annuity he was receiving prior to his reinstatement in the Service was based on less than 30 years of service credit, the amount of his annuity when he reverts to the retired list shall be recomputed on the basis of his total service credit.

PART I—VOLUNTARY CONTRIBUTIONS

SEC. 881. (a) Any participant may, at his option and under such regulations as may be prescribed by the President, deposit additional sums in multiples of 1 percent of his basic salary, but not in excess of 10 percent of such salary, which amounts together with interest at 3 percent per annum, compounded on June 30 of each year shall, at the date of his retirement and at his election, be—

(1) returned to him in a lump sum; or

(2) used to purchase an additional life annuity; or

(3) used to purchase an additional life annuity for himself and to provide for a cash payment on his death to a beneficiary whose name shall be notified in writing to the Secretary by the participant; or

(4) used to purchase an additional life annuity for himself and a life annuity commencing on his death payable to a beneficiary whose name shall be notified in writing to the Secretary by the participant with a guaranteed return to the beneficiary or his legal representative of an amount equal to the cash payment referred to in paragraph 3.

(b) The benefits provided by subparagraph 2, 3, or 4 of paragraph (a) of this section shall be actuarially equivalent in value to the payment provided for by paragraph (a) (1) of this section and shall be calculated upon such tables of mortality as may be from time to time prescribed for this purpose by the Secretary of the Treasury.

(c) In case a participant shall become separated from the Service for any reason except retirement on an annuity, the amount of any additional deposits with interest at 3 percent per annum, compounded annually, made by him under the provisions of this paragraph shall be refunded in the manner provided in section 841 for the return of contributions and interest in the case of death or withdrawal from active service.

(d) Any benefits payable to an officer or to his beneficiary in respect to the additional deposits provided under this paragraph shall be in addition to the benefits otherwise provided under this title.

TITLE IX—ALLOWANCES AND BENEFITS

PART A—ALLOWANCES AND SPECIAL ALLOTMENTS

Quarters, cost of living, and representation allowances

SEC. 901. In accordance with such regulations as the President may prescribe and notwithstanding the provisions of section 1765 of the Revised Statutes (5 U. S. C. 70), the Secretary is authorized to grant to any officer or employee of the Service who is a citizen of the United States—

(1) allowances, wherever Government owned or rented quarters are not available, for living quarters, heat, light, fuel, gas, and electricity, including allowances for the cost of lodging at temporary quarters, incurred by an officer or employee of the Service and the members of his family upon first arrival at a new post, for a period not in excess of 3 months after such first arrival or until the occupation of residence quarters, whichever period shall be shorter, up to but not in excess of the aggregate amount of the per diem that would be allowable to such officer or employee for himself and the members of his family for such period if they were in travel status;

(2) cost-of-living allowances, whenever the Secretary shall determine—

(i) that the cost of living at a post abroad is proportionately so high that an allowance is necessary to enable an officer or employee of the Service at such post to carry on his work efficiently;

(ii) that extraordinary and necessary expenses, not otherwise compensated for, are incurred by an officer or employee of the Service incident to the establishment of his residence at his post of assignment;

(iii) that an allowance is necessary to assist an officer or employee of the Service who is compelled by reason of dangerous, notably unhealthful, or excessively adverse living conditions at his post abroad or for the convenience of the Government to meet the additional expense of maintaining his wife and minor children elsewhere than in the country of his assignment;

(3) allowances in order to provide for the proper representation of the United States by officers or employees of the Service.

Allotment for official residence of chief American Representative

SEC. 902. The Secretary may, under such regulations as he may prescribe, make an allotment of funds to any post to defray the unusual expenses incident to the operation and maintenance of an official residence suitable for the chief representative of the United States at that post.

Accounting for allowances

SEC. 903. All such allowances and allotments shall be accounted for to the Secretary in such manner and under such rules and regulations as the President may prescribe. The Secretary shall report all such expenditures annually to the Congress with the budget estimates of the Department.

PART B—TRAVEL AND RELATED EXPENSES

General provisions

SEC. 911. The Secretary may, under such regulations as he shall prescribe, pay—

(1) the travel expenses of officers and employees of the Service, including expenses incurred while traveling pursuant to orders issued by the Secretary in accordance with the provisions of section 933 with regard to the granting of home leave;

(2) the travel expenses of the members of the family of an officer or employee of the Service when proceeding to or returning from his post of duty; accompanying him on authorized home leave; or otherwise traveling in accordance with authority granted pursuant to the terms of this or any other Act;

(3) the cost of transporting the furniture and household and personal effects of an officer or employee of the Service to his successive posts of duty and, on the termination of his services, to the place where he will reside;

(4) the cost of storing the furniture and household and personal effects of an officer or employee of the Service who is absent under orders from his usual post of duty, or who is assigned to a post to which, because of emergency conditions, he cannot take or at which he is unable to use, his furniture and household and personal effects;

(5) the cost of storing the furniture and household and personal effects of an officer or employee of the Service on first arrival at a post for a period not in excess of 3 months after such first arrival at such post or until the establishment of residence quarters, whichever shall be shorter.

(6) the travel expenses of the members of the family and the cost of transporting the personal effects and automobile of an officer or employee of the Service, whenever the travel of such officer or employee is occasioned by changes in the seat of the government whose capital is his post;

(7) the travel expenses and transportation costs incident to the removal of the members of the family of an officer or employee of the Service and his furniture and household and personal effects, including automobiles, from a post at which, because of the prevalence of disturbed conditions, there is imminent danger to life and property, and the return of such persons, furniture, and effects to such post upon the cessation of such conditions; or to such other post as may in the meantime have become the post to which such officer or employee has been assigned;

(8) the cost of preparing and transporting to their former homes in the continental United States or to a place not more distant, the remains of an officer or employee of the Service who is a citizen of the United States and of the members of his family who may die abroad or while in travel status.

Loan of household equipment

SEC. 912. The Secretary may, if he shall find it in the interests of the Government to do so as a means of eliminating transportation costs, provide officers and employees of the Service with household equipment for use on a loan basis in personally owned or leased residences.

Transportation of automobiles

SEC. 913. The Secretary may, notwithstanding the provisions of any other law, transport for or on behalf of an officer or employee of the Service, a privately owned automobile in any case where he shall determine that water, rail, or air transportation of the automobile is necessary or expedient for any part or all the distance between points or origin and destination.

PART C—COMMISSARY SERVICE

SEC. 921. The Secretary may, under such regulations as he may prescribe, and pursuant to appropriations therefor, establish and maintain emergency commissary or mess services in such places abroad where, in his judgment, such services are necessary temporarily to insure the effective and efficient performance of the duties and responsibilities of the Service, such services to be available to the officers and employees of all Government agencies located in any such places abroad. Reimbursements incident to the maintenance and operation of commissary or mess service shall be at not less than cost as determined by the Secretary and shall be used as working funds: *Provided*, That each year an amount equal to the amount of the appropriation for such service shall be covered into the Treasury as miscellaneous receipts not later than 6 months after the close of the fiscal year for which any such appropriation is made.

PART D—LEAVES OF ABSENCE

Annual leave

SEC. 931. (a) The Secretary may, in his discretion and in accordance with such regulations as he may prescribe, grant an officer or employee of the Service who is a citizen of the United States not to exceed sixty calendar days' annual leave of absence with pay.

(b) Where an officer or employee on leave returns to the continental United States, the leave of absence granted pursuant to the provisions of paragraph (a) of this section shall be exclusive of the time actually and necessarily occupied in going to and from the continental United States, and such time as may be necessarily occupied in awaiting sailing or flight.

(c) Any part of the 60 days' annual leave which an officer or employee may receive and which is not used in any 1 year shall be accumulated for succeeding years until it totals 180 days.

(d) The Secretary may in his discretion and subject to such regulations as he may prescribe, grant to an employee of the Service who is not a citizen of the United States thirty calendar days' annual leave with pay each calendar year. Any part of the 30 days' leave not used in any year shall be accumulated for succeeding years until it totals not exceeding 60 days.

Sick leave

SEC. 932. The Secretary may in his discretion and subject to such regulations as he may prescribe, grant an officer or employee of the Service sick leave with pay at the rate of fifteen calendar days each calendar year. Any part of the 15 days' sick leave not used or availed of in any year shall be accumulated for succeeding years until it totals 120 days.

Ordering return of personnel to United States on leaves of absence

SEC. 933. (a) The Secretary shall order to the continental United States on statutory leave of absence every officer and employee of the Service who is a citizen of the United States upon completion of 2 years' continuous service abroad or as soon as possible thereafter.

(b) While in the continental United States on leave, the service of any officer or employee shall be available for such work or duties in the Department or elsewhere as the Secretary may prescribe, but the time of such work or duties shall not be counted as leave.

Reserve officers assigned to the Service

SEC. 934. (a) A Reserve officer, assigned to the Service from any Government agency shall, notwithstanding the provisions of any other law, be granted annual leave of absence and sick leave of absence in accordance with the provisions of part D of this title during the period of his assignment.

(b) Under such regulations as the President may prescribe, a person assigned to the Service as a Reserve officer from any Government agency may, nothwithstanding the provisions of the act of December 21, 1944 (58 Stat. 845; 5 U. S. C. 61b), transfer to the Service any annual or sick leave of absence standing to his credit at the time of his assignment to the Service. On his return to the agency by which he is regularly employed, he may transfer the aggregate of his accumulated and current annual and sick leave to that agency but the amount of leave so transferred shall not exceed the maximum which an officer or employee of the agency to which he is returning may have to his credit on the date of his return.

Transfer of leave of absence

SEC. 935. Under such regulations as the President may prescribe an officer or employee of the Service who resigns from the Service in order to accept an appointment in any Government agency may transfer to such Government agency any annual or sick leave of absence standing to his credit at the time of his resignation from the Service and any officer or employee of any Government agency who resigns from such agency in order to accept an appointment to the Service may transfer to the Service any annual or sick leave of absence standing to his credit at the time of his resignation from the Government agency in which he was employed, but in no event shall the amount of annual or sick leave of absence so transferred exceed the maximum amount of the annual or sick leave of absence which may be accumulated in either the Service or the Government agency to which such person is appointed, as the case may be.

PART E—MEDICAL SERVICES

Expenses of treatment

SEC. 941. The Secretary may, in the event of illness or injury requiring hospitalization of an officer or employee of the Service who is a citizen of the United States, not the result of vicious habits, intemperance, or misconduct on his part, incurred in the line of duty while such person is assigned abroad, pay for the cost of the treatment of such illness or injury at a suitable hospital or clinic.

Transportation to approved hospitals

SEC. 942. (a) The Secretary may, in the event of illness or injury requiring the hospitalization of an officer or employee of the Service who is a citizen of the United States, not the result of vicious habits, intemperance, or misconduct on his part, incurred while on assignment abroad, in a locality where there does not exist a suitable hospital or clinic, pay the travel expenses of such officer or employee by whatever means he shall deem appropriate and without regard to the Standardized Government Travel Regulations and section 10 of the act of March 3, 1933 (47 Stat. 1516; 5 U. S. C. 73b), to the nearest locality where a suitable hospital or clinic exists and on his recovery pay for the travel expenses of his return to his post of duty. If the officer or employee is too ill to travel unattended, the Secretary may also pay the travel expenses of an attendant.

(b) The Secretary may establish a first-aid station and provide for the services of a nurse at a post at which, in his opinion, sufficient personnel is employed to warrant such a station.

Physical examinations and costs of inoculations

SEC. 943. The Secretary shall, under such regulations as he may prescribe, provide for the periodic physical examination of officers and employees of the Service who are citizens of the United States, including examinations necessary to establish disability or incapacity in accordance with the provisions of section 831, and for the cost of administering inoculations or vaccinations to such officers or employees.

TITLE X—MISCELLANEOUS

PART A—PROHIBITIONS

Against uniforms

SEC. 1001. An officer or employee of the Service holding a position of responsibility in the Service shall not wear any uniform except such as may be authorized by law or such as a military commander may require civilians to wear in a theater of military operations.

Against accepting presents

SEC. 1002. An officer or employee of the Service shall not ask or, without the consent of the Congress, receive, for himself or any other person, any present, emolument, pecuniary favor, office, or title from any foreign government. A chief of mission or other principal officer may, however, under such regulations as the President may prescribe, accept gifts made to the United States or to any political subdivision thereof by the government to which he is accredited or from which he holds an exequatur.

Against engaging in business abroad

SEC. 1003. An officer or employee of the Service shall not, while holding office, transact or be interested in any business or engage in any profession in the country or countries to which he is assigned abroad in his own name or in the name or through the agency of any other person, except as authorized by the Secretary.

Against correspondence on affairs of foreign governments

SEC. 1004. (a) An officer or employee of the Service shall not correspond in regard to the public affairs of any foreign government except with the proper officers of the United States, except as authorized by the Secretary.

(b) An officer or employee of the Service shall not recommend any person for employment in any position of trust or profit under the government of the country to which he is detailed or assigned, except as authorized by the Secretary.

Against political, racial, religious, or color discrimination

SEC. 1005. In carrying out the provisions of this act, no political test shall be required and none shall be taken into consideration, nor shall there be any discrimination against any person on account of race, creed, or color.

PART B—BONDS

SEC. 1011. Every secretary, consul general, consul, vice consul, Foreign Service officer, and Foreign Service Reserve officer, and, if required, any other officer or employee of the Service or of the Department before he enters upon the duties of his office shall give to the United States a bond in such form and in such penal sum as the Secretary shall prescribe, with such sureties as the Secretary shall approve, conditioned without division of penalty for the true and faithful performance of his duties, including (but not by way of limitation) certifying vouchers for payment, accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property that shall come to his hands or to the hands of any other person to his use as such officer or employee under any law now or hereafter enacted and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such officer or employee, and such bond shall be construed to be conditioned for the true and faithful performance of all official duties of whatever character now or hereafter lawfully imposed upon him, or by him assumed incident to his employment as an officer or employee of the Government. Notwithstanding any other provisions of law, upon approval of any bond given pursuant to this act, the principal shall not be required to give another separate bond conditioned for the true and faithful performance of only a part of the duties for which the bond given pursuant to this act is conditioned. The bond of an officer or employee of the Service shall be construed to be conditioned for the true and faithful performance of all acts of such officer incident to his office regardless of whether appointed or commissioned as diplomatic, consular, Foreign Service officer, or other officer of the Service. The bonds herein mentioned shall be deposited with the Secretary of the Treasury. Nothing herein contained shall be deemed to obviate the necessity of furnishing any bonds which may be required pursuant to the provisions of the Subsistence Expense Act of 1926, as amended (44 Stat. 688; 47 Stat. 405; 56 Stat. 39; 5 U. S. C. 821–823, 827–833).

PART C—GIFTS

SEC. 1021. (a) The Secretary may accept on behalf of the United States gifts made unconditionally by will or otherwise for the benefit of the Service or for the carrying out of any of its functions. Conditional gifts may be so accepted if recommended by the Director General, and the principal of and income from any such conditional gift shall be held, invested, reinvested, and used in accordance with its conditions, but no gift shall be accepted which is conditioned upon any expenditure not to be met therefrom or from the income thereof unless such expenditure has been approved by act of Congress.

(b) Any unconditional gift of money accepted pursuant to the authority granted in paragraph (a) of this section, the net proceeds from the liquidation (pursuant to paragraph (c) or paragraph (d) of this section) of any other property so accepted, and the proceeds of insurance on any such gift property not used for its restoration, shall be deposited in the Treasury of the United States and are hereby appropriated and shall be held in trust by the Secretary of the Treasury for the benefit of the Service, and he may invest and reinvest such funds in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such gifts and the income from such investments shall be available for expenditure in the operation of the Service and the performance of its functions, subject to the same examination and audit as is provided for appropriations made for the Service by Congress.

(c) The evidences of any unconditional gift of intangible personal property, other than money, accepted pursuant to the authority granted in paragraph (a) of this section, shall be deposited with the Secretary of the Treasury and he, in his discretion, may hold them, or liquidate them except that they shall be liquidated upon the request of the Secretary whenever necessary to meet payments required in the operation of the Service or the performance of its functions.

The proceeds and income from any such property held by the Secretary of the Treasury shall be available for expenditure as is provided in paragraph (b) of this section.

(d) The Secretary shall hold any real property or any tangible personal property accepted unconditionally pursuant to the authority granted in paragraph (a) of this section and he shall permit such property to be used for the operation of the Service and the performance of its functions or he may lease or hire such property, and may insure such property, and deposit the income thereof with the Secretary of the Treasury to be available for expenditure as provided in paragraph (b) of this section. The income from any such real property or tangible personal property shall be available for expenditure in the discretion of the Secretary for the maintenance, preservation, or repair and insurance of such property and any proceeds from insurance may be used to restore the property insured. Any such property when not required for the operation of the Service or the performance of its functions may be liquidated by the Secretary, and the proceeds thereof deposited with the Secretary of the Treasury, whenever in his judgment the purposes of the gifts will be served thereby.

(e) For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted by the Secretary under authority of this act shall be deeemd to be a gift, devise, or bequest to or for the use of the United States.

PART D—AUTHORIZATION TO RETAIN ATTORNEYS

SEC. 1031. The Secretary may, without regard to sections 189 and 365 of the Revised Statutes (5 U. S. C. 49 and 314), authorize a principal officer to procure legal services whenever such services are required for the protection of the interests of the Government or to enable an officer or employee of the Service to carry on his work efficiently.

PART E—DELEGATION OF AUTHORITY

SEC. 1041. (a) The Secretary may delegate to officers or employees holding positions of responsibility in the Department or the Service or to such boards as he may continue or establish any of the powers conferred upon him by this act to the extent that he finds such delegation to be in the interests of the efficient administration of the Service.

(b) The Director General may delegate to officers or employees holding positions of responsibility in the Department or the Service any of the powers conferred upon him by this act to the extent that he finds such delegation to be in the interests of the efficient administration of the Service.

PART F—EXEMPTION FROM TAXATION

SEC. 1051. Section 116 of the Internal Revenue Code, as amended (53 Stat. 48; 53 Stat. 575; 56 Stat. 842; 58 Stat. 46; 26 U. S. C. 116), relative to exclusions from gross income, is further amended by adding at the end thereof a new subsection to read as follows:

"(k) In the case of an officer or employee of the Foreign Service of the United States, amounts received by such officer or employee as allowances or otherwise under the terms of title IX of the Foreign Service Act of 1946."

PART G—INTERPRETATION OF THE ACT

Liberal-construction clause

SEC. 1061. The provisions of this act shall be construed liberally in order to effectuate its purpose.

Provisions that may be held invalid

SEC. 1062. If any provision of this act or the application of any such provision to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

Headings of titles, parts, and sections

SEC. 1063. The headings descriptive of the various titles, parts, and sections of this act are inserted for convenience only and, in case of any conflict between any such heading and the substance of the title, part, or section to which it relates, the heading shall be disregarded.

Provisions of the act of July 3, 1946

SEC. 1064. Nothing in this act shall be construed to affect the provisions of sections 1, 2, 3, and 4 of the act of July 3, 1946 (Public Law 488, 79th Cong.). The "classified grades" within the meaning of that act shall, from and after the effective date of this act, be construed to mean classes 1 to 5, inclusive.

PART H—AUTHORIZATION FOR APPROPRIATIONS

SEC. 1071. Appropriations to carry out the purposes of this act are hereby authorized.

TITLE XI—TEMPORARY PROVISIONS

PART A—TEMPORARY PROVISIONS CONCERNING APPOINTMENTS AND SALARIES OF OFFICERS AND EMPLOYEES OF THE SERVICE

Reinstatement of chiefs of mission who are former Foreign Service officers

SEC. 1101. Any person who on the effective date of this act is a chief of mission and who has previously been a Foreign Service officer may be reinstated as a Foreign Service officer in the class of career minister.

Transfer of Foreign Service officers from old classes to new classes

SEC. 1102. (a) Foreign Service officers on active service on the effective date of this act shall, by virtue of this act, be transferred from the classes in which they are serving on such date to the new classes established by this act as follows: Officers of class I to the new class 1; officers of class II to the new class 2; officers of classes III and IV to the new class 3; officers of classes V and VI, to the new class 4; officers of classes VII and VIII, to the new class 5; officers in the unclassified grade, to the new class 6.

(b) Each officer so transferred shall under such regulations as the Secretary may prescribe receive that salary in the new class which shall as nearly as possible correspond to his relative standing in the Service.

(c) Whenever, in accordance with the provisions of paragraph (a) of this section, the officers in a new class shall be officers who previously served in two former classes that were combined to form the new class, the period of minimum service in class for the purposes of determining eligibility for promotion in accordance with the provisions of section 622, shall commence to run from the date of their promotion to the lower of the two classes from which the new class is composed and from the date of their promotion to the higher of the two classes from which the new class is composed for the purposes of computing the minimum period an officer shall serve in a class before the commencement of the period during which he must obtain a promotion in order to prevent being retired. In all other cases, service in a former class shall be considered as constituting service in the new class for the purposes of section 622.

Transfer of other officers and employees of the Service from their present positions to new positions

SEC. 1103. The Secretary shall, under such regulations as he may prescribe, provide for the transfer of the personnel of the Service, other than persons occupying positions which under the terms of this act constitute them chiefs of mission and Foreign Service officers, to corresponding positions established by the terms of this act or by any regulations issued pursuant thereto.

In-class promotions

SEC. 1104. In making transfers of personnel in accordance with the provisions of sections 1102 and 1103, credit for time served in a previous class or position shall be given for the purpose of determining eligibility for in-class promotions in a new class in the same manner as if such time had been served in the new class.

Rules governing the making of salary determinations in carrying out an initial classification of the Service

SEC. 1105. In making the initial classification of the Service for Foreign Service staff officers and employees in accordance with the provisions of sections 441 and 442 the following rules shall apply:

(1) The principle of equal compensation for equal work, irrespective of sex, shall be followed.

(2) If an officer or employee is receiving basic salary at less than the minimum rate of the class or subclass to which the position he holds is allocated, his salary shall be increased to the lowest basic salary of that class or subclass.

(3) If an officer or employee is receiving a basic salary within the range provided for the class or subclass to which the position he holds is allocated, and at one of the rates within that range, no change shall be made in his basic salary; if his basic salary rate is within the range but does not correspond to any one of the rates prescribed for that range by section 415, his salary shall be adjusted by fixing it at the next higher rate above the rate which he is receiving.

(4) If an officer or employee is receiving basic salary at a rate in excess of the maximum basic salary rate provided by section 415 for the class or subclass to which the position he holds is allocated in accordance with the provisions of section 1103, he shall not suffer a diminution in salary as a consequence of the classification of the position which he holds so long as he continues to occupy that position, but if he is not receiving salary at one of the rates prescribed in section 415, his salary shall be adjusted by fixing it at the next higher rate above the rate which he is receiving.

PART B—TEMPORARY PROVISIONS CONCERNING RETIREMENT

Mandatory retirement

SEC. 1111. (a) Notwithstanding the provisions of section 632 regarding the retirement of Foreign Service officers at the age of 60 years, Foreign Service officers below the class of career minister shall, during the first year after the effective date of this act, be mandatorily retired for age upon reaching the age of 64 unless their services have been extended in accordance with the provisions of section 632; during the second year, at 63; during the third year, at age 62; during the fourth year, at age 61; and thereafter at age 60, but in no event shall any Foreign Service officer be mandatorily retired for age during such 4-year period until he has had 15 years of service.

(b) No Foreign Service officer shall be mandatorily retired in accordance with provisions of section 633 or 634 until 3 years after the effective date of this act.

Rate of annuities to be recomputed

SEC. 1112. The Secretary shall cause annuities of all persons who are receiving annuities from the Foreign Service Retirement and Disability Fund on the effective date of this act to be recomputed in accordance with the provisions of section 821 (a) and annuities payable to such persons shall, commencing on the effective date of this act, be paid at the rates so determined, but no such recomputation or any other action taken pursuant to this act shall operate to reduce the rate of the annuity received by any such person unless such person voluntarily elects to receive a reduced annuity as provided in section 821 (c).

PART C—MISCELLANEOUS TEMPORARY PROVISIONS

Bonds

SEC. 1121. The provisions of this act shall not operate to impair the validity of any existing bond furnished by any officer or employee of the Service.

Use of appropriations

SEC. 1122. Funds appropriated to the Department of State for the fiscal year 1947, under the caption "Foreign Service," are hereby made available for the purposes of this act in accordance with authority granted herein and such regulations as the Secretary may prescribe. The appropriation of such additional funds as may be required to carry out the provisions of this act is hereby authorized.

PART D—REPEAL CLAUSES

Repeal of particular statutes

SEC. 1131. The following statutes or parts of statutes are hereby repealed:

(1) Section 208 of the Revised Statutes, as amended by the act of May 29, 1928 (ch. 901, Public Law No. 611, 45 Stat. 987) (5 U. S. C. 163).

(2) Section 1674 of the Revised Statutes, as amended by section 6 of the act of February 5, 1915 (ch. 23, Public Law No. 242, 38 Stat. 806), and as further amended by that part of the act of July 1, 1916 (ch. 208, Public Law No. 131, 39 Stat. 252), which constitutes the second proviso under the heading "Salaries of Secretaries in the Diplomatic Service" (22 U. S. C. 40 and 51).

(3) Section 1675 of the Revised Statutes, as amended by the act of March 3, 1875 (ch. 153, 18 Stat. 483), and by that part of title I of the act of February 27, 1925 (ch. 364, Public Law No. 502, 43 Stat. 1015), under the heading "Diplomatic and Consular Service" and the subheading "Ambassadors and Ministers" (22 U. S. C. 32).

(4) Section 1685 of the Revised Statutes, as amended by schedule A of the act of March 2, 1909 (ch. 235, Public Law No. 292, 35 Stat. 673), and as further amended by section 3 of the act of February 5, 1915 (ch. 23, Public Law No. 242, 38 Stat. 805), section 17 of the act of May 24, 1924 (ch. 182, Public Law No. 135, 43 Stat. 143), hereinafter referred to as the act of May 24, 1924, and by that part of title I of the act of February 27, 1925 (ch. 364, Public Law No. 502, 43 Stat. 1016), which reads as follows: *"Provided*, That after June 30, 1924, vice consuls while in charge of a consulate general or consulate during the absence of the principal officer shall be entitled to additional compensation in the same manner and under the same conditions as Foreign Service officers as provided in section 17 of the act of May 24, 1924," renumbered as section 25 and further amended by section 7 of the act of February 23, 1931 (ch. 276, Public Law No. 715, 46 Stat. 1210), hereinafter referred to as the act of February 23, 1931 (22 U. S. C. 20).

(5) Section 1686 of the Revised Statutes (22 U. S. C. 36).

(6) Section 1688 of the Revised Statutes (22 U. S. C. 39).

(7) Section 1695 of the Revised Statutes and section 3 of the act of April 5, 1906 (ch. 1366, Public Law No. 83, 34 Stat. 100), which reenacted certain parts of section 1695 of the Revised Statutes without specifically amending such section (22 U. S. C. 51a and 55).

(8) Section 1696 of the Revised Statutes (22 U. S. C. 58).

(9) Section 1712 of the Revised Statutes, as amended by the act of June 18, 1888 (ch. 393, 25 Stat. 186) (22 U. S. C. 80).

(10) Section 1713 of the Revised Statutes, as amended by the act of June 18, 1888 (ch. 393, 25 Stat. 186 (22 U. S. C. 82).

(11) Section 1714 of the Revised Statutes (22 U. S. C. 71).

(12) Section 1738 of the Revised Statutes (22 U. S. C. 105).

(13) Section 1740 of the Revised Statutes (22 U. S. C. 121).

(14) Section 1743 of the Revised Statutes (22 U. S. C. 125).

(15) Section 1744 of the Revised Statutes (22 U. S. C. 33).

(16) Section 1748 of the Revised Statutes (22 U. S. C. 129).

(17) Section 1749 of the Revised Statutes (22 U. S. C. 130).

(18) Section 1752 of the Revised Statutes (22 U. S. C. 132).

(19) That part of section 1 of the act of June 11, 1874 (ch. 275, 18 Stat. 67), which reads as follows: "And the Secretary of State is authorized to allow and pay to the secretary of legation and to the second secretary of legation and to the messenger of the legation in Paris, from the moneys collected at the legation for the transmission of consular invoices, an amount not to exceed in the aggregate $600 in any one year, to be divided and distributed as the Secretary of State may direct, provided that the surplus receipts are sufficient for that purpose" (22 U. S. C. 37).

(20) Section 4 of the act of June 11, 1874 (ch. 275, 18 Stat. 70) (22 U. S. C. 122).

(21) The act of June 17, 1874 (ch. 294, 18 Stat. 77) (22 U. S. C. 124 and 126).

(22) That part of the act of January 27, 1879 (ch. 28, 20 Stat. 273), which reads as follows: "And it shall be the duty of consuls to make to the Secretary of State a quarterly statement of exports from, and imports to, the different places to which they are accredited, giving, as near as may be, the market price of the various articles of exports and imports, the duty and port charges, if any, on articles imported and exported, together with such general information as they may be able to obtain as to how, where, and through what channels a market may be opened for American products and manufactures. In addition to the duties now imposed by law, it shall be the duty of consuls and commercial agents of the United States, annually, to procure and transmit to the Department of State, as far as practicable, information respecting the rate of wages paid for skilled and unskilled labor within their respective jurisdictions" (22 U. S. C. 81).

(23) That part of section 5 of the act of February 14, 1903 (ch. 552, Public Law No. 87, 32 Stat. 827), reading as follows: "And all consular officers of the United States, including consuls general, consuls, and commercial agents, are hereby required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile, from time to time, useful and material information and statistics in respect to the subjects enumerated in section 3 of this act in the countries and places to which such consular officers are accredited, and to send under the direction of the Secretary of State, reports as required by the Secretary of Commerce and Labor of the information and statistics thus gathered and compiled, such reports to be transmitted through the Department of State to the Secretary of the Deparment of Commerce and Labor," as amended by section 3 of the act of April 5, 1906 (ch. 1366, Public Law No. 83, 34 Stat. 100); by the act of August 23, 1912 (ch. 350, Public Law No. 299, 37 Stat. 407); and by the act of March 4, 1913 (ch. 141, Public Law No. 426, 37 Stat. 736) (15 U. S. C. 175).

(24) Section 11 of the act of February 14, 1903 (ch. 552, Public Law No. 87, 32 Stat. 830) (5 U. S. C. 162).

(25) Section 4 of the act of April 5, 1906 (ch. 1366, Public Law No. 83, 34 Stat. 100), as amended by section 10 of the act of May 24, 1924 (43 Stat. 142), and renumbered as section 17 and further amended by section 7 of the act of February 23, 1931 (46 Stat. 1209) (22 U. S. C. 9).

(26) That part of section 8 of the act of April 5, 1906 (ch. 1366, Public Law No. 83, 34 Stat. 101), reading as follows: "but this shall not apply to consular agents, who shall be paid by one-half of the fees received in their offices, up to a maximum sum of $1,000 in any one year, the other half being accounted for and paid into the Treasury of the United States" (22 U. S. C. 99).

(27) That part of schedule A of the act of March 2, 1909 (ch. 235, Public Law No. 292; 35 Stat. 672), which reads as follows: "And hereafter no new ambassadorship shall be created unless the same shall be provided for by act of Congress" (22 U. S. C. 31).

(28) Section 7 of the act of February 5, 1915 (ch. 23, Public Law No. 242, 38 Stat. 807), as amended by section 12 of the act of May 3, 1945 (ch. 105, Public Law No. 48; 59 Stat. 105, hereinafter referred to as the act of May 3, 1945) (22 U. S. C. 38).

(29) That part of the act of July 1, 1916, which, under the heading "Salaries of Secretaries in the Diplomatic Service," authorizes the President to designate and assign any secretary of class one as counselor of embassy or legation (39 Stat. 252), as amended by section 16 of the act of May 24, 1924 (43 Stat. 143), and renumbered as section 28 by section 7 of the act of February 23, 1931 (46 Stat. 1210) (22 U. S. C. 18).

(30) The joint resolution of September 29, 1919 (ch. 72, Public Resolution No. 16, 41 Stat. 291) (22 U. S. C. 34).

(31) That part of the act of June 1, 1922 (ch. 204, Public Law No. 299, 42 Stat. 600), which under the heading "Diplomatic and Consular Service" and subheading "Ambassadors and Ministers" in title I authorizes the appointment of an envoy extraordinary and minister plenipotentiary to Egypt (22 U. S. C. 34c).

(32) Section 1 of the act of May 24, 1924 (43 Stat. 140), renumbered as section 8 by section 7 of the act of February 23, 1931 (46 Stat. 1207) (22 U. S. C. 1).

(33) Section 2 of the act of May 24, 1924 (43 Stat. 140), renumbered as section 9 and amended by section 7 of the act of February 23, 1931 (46 Stat. 1207) (22 U. S. C. 2).

(34) Section 3 of the act of May 24, 1924 (43 Stat. 140), renumbered as section 10 and amended by section 7 of the act of February 23, 1931 (46 Stat. 1207), and as further amended by section 2 of the act of April 24, 1939 (ch. 84, Public Law No. 40, 53 Stat. 583), and by sections 4 and 5 of the act of May 3, 1945 (59 Stat. 102, 103) (22 U. S. C. 3).

(35) Section 4 of the act of May 24, 1924 (43 Stat. 140), renumbered as section 11 and amended by section 7 of the act of February 23, 1931 (46 Stat. 1215), and as further amended by the act of June 29, 1935 (ch. 337, Public Law No. 181, 49 Stat. 436) (22 U. S. C. 4).

(36) Section 5 of the act of May 24, 1924 (43 Stat. 141), renumbered as section 12 and amended by section 7 of the act of February 23, 1931 (46 Stat. 1208) (22 U. S. C. 5 and 6).

(37) Section 6 of the act of May 24, 1924 renumbered as sections 13 and 14, and amended by section 7 of the act of February 23, 1931, and as further amended by section 6 of the act of May 3, 1945 (59 Stat. 103) (22 U. S. C. 7).

(38) Section 9 of the act of May 24, 1924 (43 Stat. 142), renumbered as section 16 and amended by section 7 of the act of February 23, 1931 (46 Stat. 1208), and further amended by section 7 of the act of May 3, 1945 (59 Stat. 103) (22 U. S. C. 11).

(39) Section 12 of the act of May 24, 1924 (43 Stat. 142), renumbered as section 19 and amended by section 7 of the act of February 23, 1931 (46 Stat. 1209), and further amended by section 8 of the act of May 3, 1945 (59 Stat. 104) (22 U. S. C. 12).

(40) Section 13 of the act of May 24, 1924 (43 Stat. 143), renumbered as section 20 and amended by section 7 of the act of February 23, 1931 (46 Stat. 1209) (22 U. S. C. 14).

(41) Section 14 of the act of May 24, 1924 (43 Stat. 143), renumbered as section 21 and amended by section 7 of the act of February 23, 1931 (46 Stat. 1209), and further amended by section 9 of the act of May 3, 1945 (59 Stat. 104) (22 U. S. C. 15 and 16).

(42) Section 15 of the act of May 24, 1924 (43 Stat. 143), renumbered as section 22 and amended by section 7 of the act of February 23, 1931 (46 Stat. 1210), and further amended by the act of March 17, 1941 (ch. 20, Public Law No. 17, 55 Stat. 44) (22 U. S. C. 17 and 17a).

(43) Paragraph 1 of section 17 of the act of May 24, 1924 (43 Stat. 143), renumbered as section 24 and amended by section 7 of the act of February 23, 1931 (46 Stat. 1210) (22 U. S. C. 19).

(44) Section 18 of the act of May 24, 1924 (43 Stat. 144), as amended by section 1 of the act of July 3, 1926 (ch. 798, Public Law No. 519, 44 Stat. 902), renumbered as section 26 and amended by section 7 of the act of February 23, 1931 (46 Stat. 1211), further amended by section 3 of the act of April 24, 1939 (ch. 84, Public Law No. 40, 53 Stat. 584), by the act of July 19, 1939 (ch. 330, Public Law No. 197, 53 Stat. 1067), by the act of August 5, 1939 (ch. 441, Public Law No. 277, 53 Stat. 1208), by section 1 of the act of April 20, 1940 (ch. 118, Public Law No. 464, 54 Stat. 143), by section 4 of the act of October 14, 1940 (ch. 859, Public Law No. 846, 54 Stat. 1118), and by section 1 of the act of May 13, 1941 (ch. 115, Public Law No. 69, 55 Stat. 189) (22 U. S. C. 21).

(45) Section 19 of the act of May 24, 1924 (43 Stat. 146), renumbered as section 27 by section 7 of the act of February 23, 1931 (46 Stat. 1213) (22 U. S. C. 22).

(46) Section 20 of the act of May 24, 1924 (43 Stat. 146), renumbered as section 28 and amended by section 7 of the act of February 23, 1931 (46 Stat. 1213) (22 U. S. C. 23).

(47) Section 31 of the act of May 24, 1924, as added to that act by section 7 of the act of February 23, 1931 (46 Stat. 1214), and as amended by section 10 of the act of May 3, 1945 (59 Stat. 105) (22 U. S. C. 23f and 23g).

(48) Section 32 of the act of May 24, 1924, as added to that act by section 7 of the act of February 23, 1931 (46 Stat. 1214), and as amended by section 5 of the act of July 3, 1946 (Public Law 488, 79th Cong.) (22 U. S. C. 23h).

(49) Section 33 of the act of May 24, 1924, as added to that act by section 7 of the act of February 23, 1931 (46 Stat. 1215), and as amended by section 4 of the act of April 24, 1939 (ch. 84, Public Law No. 40, 53 Stat. 588) (22 U. S. C. 3a and 23i).

(50) Section 34 of the act of May 24, 1924, as added to that act by section 7 of the act of February 23, 1931 (46 Stat. 1216) (22 U. S. C. 23j).

(51) That part of the act of February 27, 1925 (ch. 364, Public Law No. 502, 43 Stat. 1017), which under the heading "Diplomatic and consular service" and the subheading "Allowance for clerk hire at United States consulates" reads as follows: "Clerks, whenever hereafter appointed, shall so far as possible, be appointed under civil-service rules and regulations", and similar provisions in later acts (22 U. S. C. 56).

(52) That part of the act of February 27, 1925 (ch. 364, Public Law No. 502, 43 Stat. 1016), which under the heading "Diplomatic Service" and the subheading "Clerks at Embassies and Legations", reads as follows: "who (clerks at the Embassies and Legations) whenever hereafter appointed shall be citizens of the United States • • • and so far as practicable shall be appointed under civil-service rules and regulations", and similar provisions in later acts (22 U. S. C. 35).

(53) Section 2 of the act of July 3, 1926 (ch. 798, Public Law No. 519, 44 Stat. 903) (22 U. S. C. 21a).

(54) Sections 1, 2, 3, 4, 5, and 7 of the act of March 3, 1927 (ch. 365, Public Law No. 768, 44 Stat. 1394), as amended by the act of April 12, 1930 (ch. 142, Public Law No. 122, 46 Stat 163) (15 U. S. C. 197–197d and 197f).

(55) The joint resolution of January 22, 1930 (ch. 22, Public Res. No. 32, 46 Stat. 57) (22 U. S. C. 34a).

(56) The act of June 5, 1930 (ch. 399, Public Law No. 304, 46 Stat. 497–499) (7 U. S. C. 541–545).

(57) The joint resolution of June 5, 1930 (ch. 404, Public Res. No. 81, 46 Stat. 502) (22 U. S. C. 34b).

(58) The act of January 21, 1931 (ch. 42, Public Law No. 569, 46 Stat. 1040) (22 U. S. C. 32a).

(59) Section 1 of the act of February 23, 1931 (46 Stat. 1207), as amended by section 2 of the act of May 3, 1945 (59 Stat. 102) (22 U. S. C. 23a).

(60) Section 2 of the act of February 23, 1931 (46 Stat. 1207) (22 U. S. C. 23b).

(61) Section 3 of the act of February 23, 1931 (46 Stat. 1207), as amended by section 1 of the act of April 24, 1939 (ch. 84, Public Law No. 40, 53 Stat. 583), and as further amended by section 3 of the act of May 3, 1945 (59 Stat. 102) (22 U. S. C. 23c).

(62) Section 4 of the act of February 23, 1931 (46 Stat. 1207) (22 U. S. C. 23d).

(63) Section 5 of the act of February 23, 1931 (46 Stat. 1207) (22 U. S. C. 23e).

(64) That part of section 209 of the act of June 30, 1932 (ch 314, Public Law No. 212, 47 Stat. 405), as amended, which was added to that act by the act of April 30, 1940 (ch. 172, Public Law No. 499, 54 Stat. 174) (5 U. S. C. 823a).

(65) That part of Reorganization Plan No. II, made effective July 1, 1939, by the act of June 7, 1939 (ch. 193, Public Res. No. 20, 53 Stat. 813), designated as subparagraphs (a), (b), and (c) under section 1 of part 1 (53 Stat. 1431) (note under 5 U. S. C. 133t).

(66) Section 1 of the act of May 3, 1945 (59 Stat. 102) (22 U. S. C. 1a).

(67) Section 12 of the act of May 3, 1945 (59 Stat. 105) (22 U. S. C. 24).

General repeal or amendment provision

SEC. 1132. Any statute that is not repealed by section 1131 but which is inconsistent with any of the provisions of this act shall be considered as having been amended or superseded by such provisions.

Rights and liabilities under statutes that are repealed

SEC. 1133. The repeal of the several statutes or parts of statutes accomplished by section 1131 shall not affect any act done or right accruing or accrued, or any suit or proceeding had or commenced in any civil cause, before such repeal, but all rights and liabilities under the statutes or parts thereof so repealed shall continue, and may be enforced in the same manner as if such repeal had not been made; subject, however, to the provisions of section 1134.

Statutes previously repealed by implication

SEC. 1134. The repeal of the several statutes or parts of statutes accomplished by section 1131 shall not be construed as a revival, up to the effective date of this act, of any statute or part of a statute that may have previously been repealed by implication.

Continuance in force of existing rules, regulations, and executive orders

SEC. 1135. Notwithstanding the provisions of this act, existing rules, regulations of or applicable to the Service, and Executive orders shall remain in effect until revoked or rescinded or until modified or superseded by regulations made in accordance with the provisions of this act, unless clearly inconsistent with the provisions of this act.

PART E—EFFECTIVE DATE OF ACT

SEC. 1141. The effective date of this act shall be 3 months following the date of its enactment.

The SPEAKER. Is a second demanded?

Mrs. ROGERS of Massachusetts. Mr. Speaker, I demand a second.

Mr. VORYS of Ohio. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BLOOM. Mr. Speaker, the legislation we are bringing up now under suspension has been considered for a great number of months. A report made by the subcommittee has been presented to you. That subcommittee consisted of the gentleman from West Virginia [Mr. KEE], the gentleman from South Carolina [Mr. RICHARDS], and the gentleman from Ohio [Mr. VORYS]. They worked very hard on this legislation. It is something that is necessary. I compliment the members of the subcommittee for the great work they have done.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. BLOOM. I am very pleased to yield to the gentleman.

Mr. TABER. Were those items which the gentleman from Michigan and I called to the attention of the committee corrected as we understood they were to be corrected?

Mr. BLOOM. All of the suggestions made of amendments to perfect this bill by the gentleman from New York, the gentleman from Michigan, the General Accounting Office, the Bureau of the Budget, and everyone who brought anything to us which would be of help to our subcommittee of the Committee on Foreign Affairs were incorporated in the bill and I believe now you have a perfect bill. I thank the gentleman from New York for calling that to our attention.

Mr. Speaker, I now yield the balance of the time to the gentleman from West Virginia [Mr. KEE].

Mr. KEE. Mr. Speaker, this is a bill for the reorganization of the Foreign Service of the State Department. The bill is long overdue. There has been no reorganization of that department since the year 1924. During that year a bill was introduced in the House by the then Representative Rogers, the husband of the distinguished Representative from Massachusetts, who is today a member of the Committee on Foreign Affairs. That bill was the first attempt to properly organize the Foreign Service. Since that time there has been no attempt at reorganization, and the Service has been working under the provisions of the Rogers bill for 22 years. There has been much legislation in respect to the operation of the Service, but the legislation made no changes in the classification. There has also been no change in the salaries of those employees, with the exception of the raise recently accorded generally to all Federal employees.

This bill is not the result of the work of one man. No man can take pride of authorship in it because it was drafted within the State Department after long weeks of study and effort of able and experienced men. It might be well for me to here explain why the bill is brought so quickly to the floor of the House after its introduction on July 8. As a matter of fact, a full and complete draft of this bill was brought to the Committee on Foreign Affairs in the early part of April, before its introduction in the House. This draft of the proposed legislation was considered by the Committee on Foreign Affairs. Because of the great importance of the proposed measure it was determined to refer it to a subcommittee.

The chairman of that full committee thereupon appointed a subcommittee consisting of the gentleman from Ohio [Mr. VORYS], the gentleman from South Carolina [Mr. RICHARDS], and myself to take over and examine, with the representatives of the State Department, the full and complete draft of the bill. We started early in April, and worked several weeks with five representatives of the State Department. We examined this bill very carefully, word by word, sentence by sentence, and section by section during eight extensive conferences. Together with these five representatives of the State Department, the subcommittee went through the bill with extreme care, and we made something like 100 changes in the proposed measures. Some of those changes were major and some of them were minor, but they all met with the approval of the State Department.

Early in this month we made our report to the Foreign Affairs Committee, showing the amendments which we had made during the course of our examination of the measure. The Foreign Affairs Committee immediately took up the bill and reported it favorably by a unanimous vote. Incidentally, I might remark here that this same bill, after it was reported from the Foreign Affairs Committee, was introduced in the Senate by Senator CONNALLY, chairman of the Foreign Relations Committee of that body, and has been reported out by that committee.

It is unfortunate, of course, that we do not have sufficient time for a complete and thorough examination of the bill. But I want to say that this committee was furnished by the State Department with all the information that we asked. We were furnished with full and complete reports in every respect. We were given every possible assistance. We went over the measure with them carefully. After we had reported it back to the Foreign Affairs Committee, and after it was introduced in the House, the matter was taken up with all the departments of this Government who had any interest in the measure. It was taken up with the Department of Labor, the Department of Commerce, and the Department of Agriculture, all of those departments being interested in the measure. Each of those departments, I believe suggested some changes in the bill, which changes the committee carefully considered. These suggestions were called to the attention of the representatives of the State Department, and they agreed to such changes and modifications as the other departments suggested. The matter has also been thoroughly discussed with the chairmen and the ranking members of various committees of this House who are interested in the legislation, notably with the chairman of the Subcommittee on Appropriations, the gentleman from Michigan

[Mr. RABAUT], whose committee handles the appropriations for the Foreign Service of the State Department. It has also been discussed with every Member of this body who mentioned the matter to us and announced his interest in foreign affairs. Changes were made wherever necessary to perfect the bill. To the best of my knowledge I believe everyone is satisfied with the bill as it is now presented.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. KEE. I yield.

Mr. SABATH. This is the State Department reorganization bill for which the gentleman applied for a rule before the Rules Committee?

Mr. KEE. It is.

Mr. SABATH. I wish to say that a rule was granted by unanimous vote of the Committee on Rules. Having heard the statement of the gentleman from West Virginia and other members of his committee I express the hope that this bill passes under suspension, for it will save a great deal of the time of the House.

Mr. KEE. I thank the gentleman for his contribution.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. KEE. I yield.

Mr. RABAUT. I wish to say to the membership of the House that the distinguished gentleman from West Virginia has cooperated about this bill in every possible way and manner. He was most anxious that everybody who knew about State Department matters should be informed as to what was in the bill. He came to our committee and took counsel with us about appropriations for the State Department and talked with us about different provisions in the bill. I can really say that the gentleman from West Virginia is to be highly complimented for the fine manner in which he handled this highly important legislation.

It is true that it was thought some changes should be made. I know the gentleman from New York [Mr. TABER] and I thought there should be a change with respect to the 10 percent transferability of funds clause, and that provision is now out of the bill. Several amendments were agreed to and are incorporated in the bill as it is presented under a suspension of the rules.

I commend the gentleman from West Virginia on the fine statesmanlike manner in which he has handled the whole matter.

Mr. KEE. I thank the gentleman and wish to advise him that the changes suggested by the gentleman from Michigan [Mr. RABAUT] and the gentleman from New York [Mr. TABER] have been made, and I am sure the bill is now satisfactory.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. KEE. I yield.

Mr. COLMER. I also would like to pay my respects and compliments to the gentleman from West Virginia and his subcommittee for the splendid work they have done on this bill. As I recall it, a subcommittee of my Committee on Postwar Economic Policy and Planning made a mission for the Congress last fall, visited some 14 of these embassies located in these various foreign countries, particularly in Europe, and recommended that this subject be handled pretty largely in the manner in which it is being handled here at this time.

On behalf of my committee, I wish to express our appreciation to the gentleman and his committee for their work.

Mr. KEE. On behalf of the members of the committee and myself, I express to the gentleman our appreciation of his remarks.

Mr. JARMAN. Mr. Speaker, will the gentleman yield?

Mr. KEE. I gladly yield to my colleague from Alabama, a member of the Committee on Foreign Affairs.

Mr. JARMAN. While I have no authority to speak for the membership of the Foreign Affairs Committee, I can speak personally. I believe every member of the Foreign Affairs Committee will agree with me when I express the opinion to the gentleman that he and the members of his subcommittee have done a magnificent job on this bill. I know he and they worked diligently for weeks and months and took a great load from the full committee. As a member of the committee, I appreciate it very much and wish to thank sincerely the gentleman and the members of his subcommittee. They have done an excellent job indeed for the Foreign Affairs Committee, for the Foreign Service, and especially for the country.

Mr KEE. I thank the gentleman from Alabama.

Mr. CHIPERFIELD. Mr. Speaker, will the gentleman yield?

Mr. KEE. I yield to the gentleman from Illinois.

Mr. CHIPERFIELD. I strongly favor this legislation. I wish to join with the others in congratulating the able chairman of this subcommittee for the wonderful job he has done on this measure.

Mr. KEE. I thank the gentleman from Illinois.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. KEE. I am glad to yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, for a year or more I have had the pleasure of serving on the Foreign Affairs Committee with the distinguished gentleman from West Virginia now addressing the House, and chairman of the subcommittee handling this bill. Although I am now serving on the Appropriations Committee, I can assure the gentleman that I would look with favor upon even a renewal of further interest in this bill at the proper time. I think the subcommittee should be complimented. The Subcommittee on Appropriations having jurisdiction of this matter knows it is a very deserving measure, and I am only too pleased to add my comment to what my colleagues have presented so far.

Mr. KEE. I thank the gentleman.

Mr. Speaker, I regret exceedingly that time will not permit a full explanation of the bill; however, we made a full and voluminous report, in which we included explanation in respect to every phase of the legislation. It is my sincere hope that the bill may have the support of every member of this body.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the subcommittee which considered this matter deserves a great deal of credit for the tireless work that it did in preparing this reorganization bill. Personally, I am sorry that we do not have a longer time to consider the bill, that it is brought up in the closing days of the Congress, because there are certain things I would like to have changed. I do not believe we can change them at this late hour.

Mr. Speaker, all of the changes made in this bill in connection with the reorganization of the Foreign Service will be useless if the Foreign Service officers who go out into the field are not given information as to the policy of whatever administration is in power, if they are not given instructions by the Department of State as to what is expected of them.

In 1944, during the war, I visited four countries and everywhere I found the same condition to exist, namely, that the Foreign Service officers in the various countries did not know what was expected of them. They did not know the policy of the State Department and, if they went ahead themselves and took any initiative they were punished. The legislation now before us will not cure that evil.

I have offered legislation that I hope will be passed which provides for the forming of a permanent secretariat, such as England has, a secretariat to the Cabinet, so that a record of the meetings of the Cabinet may be kept and the State Department, the War Department, the Navy Department, or any other department will know exactly what the policy of the Cabinet is and could go ahead and act accordingly.

A member of the British Embassy told me that during the early days of the British loan they did not want to call back a high representative from England regarding it. They did not know what they should do, so they sent for the minutes of the cabinet meeting. Those minutes came to this country and they then went ahead without making a great stir in England and in the United States by calling a high dignitary back from England. If we had a system such as that I think our Foreign Service and our State Department would be infinitely stronger. Briefly the principal features of the Foreign Service Act of 1946 are:

First. A new Board of the Foreign Service is established to advise the Secretary of State on the administration of the Service. It provides for representation of the Departments of Commerce, Labor, and Agriculture, in planning and development, and for participation by other Government agencies.

Second. Posts held by ambassadors and ministers are classified in 4 grades depending upon their importance. Salaries of ambassadors and ministers, fixed in 1855 at $17,500 and $10,000 respectively, are raised to range from $15,000 to $25,000. These salaries, together

with adequate allowances, will bring compensation closer to that of representatives of other countries.

Third. The number of classes of Foreign Service officers which since 1924 has been 11 is reduced to 6 to increase administrative efficiency. Salaries will range from $3,300 to $13,500 instead of from $3,271.80 to $10,000 as at present.

Fourth. A new class of career minister is established. A Foreign Service officer will enter this class when appointed to one of a group of key positions designated by the Secretary of State. Thus a Foreign Service officer can become a minister while still remaining in the Service instead of resigning at present.

Fifth. A Foreign Service Reserve Officer Corps is established to provide a means of gaining the services of specialists in all fields. Rank, pay, titles, and status will be the same as for Foreign Service officers. These men, who will be drawn both from the Government and from outside it, will serve up to 4 years and will be eligible for transfer to the permanent Service.

Sixth. A Foreign Service Staff Corps is established to include the present American fiscal, administrative and clerical, and auxiliary personnel and some specialists. Salaries will range up to $10,000 instead of to $7,102.20 as at present.

Seventh. The bill provides for the appointment of officers in limited numbers to the middle and upper ranks after examination. Such officers must have had service in the Department of State or the Staff Corps or as a Foreign Service Reserve officer.

Eighth. The "promotion-up or selection-out" system of the United States Navy is adapted to the Service. Foreign Service officers who fail to win promotion within a stipulated period of time will be retired.

Ninth. The retirement system is improved and modified to fit the new promotion system; age of mandatory retirement is 60 instead of 65; voluntary retirement is 50 after 20 years of service.

Tenth. A "Foreign Service Institute" is established, comparable to the Army and Navy Command and for naval staff schools. He will furnish in-service training in all phases of Foreign Service work to officers and employees throughout their careers.

Eleventh. Foreign Service officers are required to serve at least three of their first 15 years of service in the United States and are entitled to home leave in this country after every 2 years abroad. This will permit them to renew their knowledge of the United States.

Twelfth. Existing legislation is codified to increase efficiency in administering the Service.

I do not want to take up any more time because the members of the subcommittee who worked so hard on the legislation want to be heard. I am delighted that there will be this change in the Foreign Service, although I am not satisfied with the salaries or with some other provisions of the bill. They are not large enough or, perhaps, I should say the allowances are not sufficient. If the salaries are made higher, the income tax will eat the increases up.

Mr. Speaker, this is no time to criticize the Foreign Service or make fun of it. By and large our Foreign Service with many handicaps did a fine job during the war in war-torn countries. The criticism of them and lack of appreciation has caused some of the ablest of our Foreign Service officers to resign. It is regrettable and even alarming the reorganization bill will not cure that situation. The men who administer it must be men of character and of vision.

Mr. HINSHAW. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from California.

Mr. HINSHAW. I would like to know what the salary and allowances are that are provided for the ambassadors and ministers from the United States.

Mrs. ROGERS of Massachusetts. Posts held by ambassadors and ministers are classified in four grades depending upon their importance. Salaries of ambassadors and ministers, fixed in 1855 at $17,500 and $10,000, respectively, are raised to range from $15,000 to $25,000. These salaries, together with adequate allowances, will bring compensation closer to that of representatives of other countries.

I think one reason the salaries were not raised and made higher was because, as I repeated before, the income taxes would be higher and the salaries would not be of much value. So, this bill increases the allowance.

Mr. Speaker, I know that the members of the subcommittee who have worked so hard on this bill want to be heard.

Mr. STEFAN. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Nebraska.

Mr. STEFAN. I want to ask the gentlewoman this question. She is talking about increasing the salaries. I think the membership of this House should know that this 106-page bill reorganizing the Department of State is one of the most important bills ever brought before this House.

Mrs. ROGERS of Massachusetts. I realize that, and that is why I am extremely sorry that it is brought up in this way.

Mr. STEFAN. We are given only 40 minutes' debate, without the possibility of reading this bill under the 5-minute rule, and here you are going to increase salaries for Ambassadors from $17,500 to $25,000. In addition, you are giving them considerable increase in allowances.

Mrs. ROGERS of Massachusetts. I will say to the gentleman that I do not begrudge those salaries in the least. There are some other provisions in the bill I am not satisfied with.

Mr. STEFAN. The bill should be debated.

Mrs. ROGERS of Massachusetts. I agree with the gentlemen. Foreign Service officers have been underpaid. I am glad of their pay increase. There are other things in the bill that I would like to debate other than that, but the time is so short. When the Rogers Act for the reorganization bill passed in 1945 there was long debate upon it. For obvious reasons no one is more interested than I in having a strong and effective Foreign Service.

Mr. Speaker, I yield such time as he may desire to the gentleman from Michigan [Mr. JONKMAN].

Mr. JONKMAN. Mr. Speaker, it is my purpose to support this bill. Our position in foreign affairs, especially as compared with our prewar status, makes this legislation imperative.

However, I feel that I owe a duty to the House to disclose the results of an investigation made by me in recent weeks.

This is a bill to improve, strengthen, and expand the Foreign Service of the United States. At the hearings on the bill I called the attention of Under Secretary Acheson, who appeared as a witness, to a speech made on the floor of the House by the gentleman from Georgia [Mr. COX]—see CONGRESSIONAL RECORD, May 2, 1946, page 4350—intimating that under a free hand given the Secretary of State by the President the FBI had been called in and hundreds of the personnel had been screened out and that they were going out daily under investigation and test of loyalty to our form of government and institutions.

I asked Under Secretary Acheson if the State Department was really being improved and strengthened in this way. He denied the assertion, stating that these hundreds "were let go for economy reasons," that "of all the lists submitted by Members of Congress, and other persons, raising the Communist issue—at another point he referred to this as affiliation with progressive organizations—against various permanent Department personnel" he said, "accusations against but one employee have been substantiated, and this person has been discharged."

Shortly after that I was appointed as a subcommittee of one by the Committee on Foreign Affairs to make an investigation of the real facts of the matter.

I have made such an investigation and find that the Under Secretary was much nearer the real facts than was the gentleman from Georgia [Mr. Cox].

It is my well-founded opinion that not a single person has been separated from the Department of State exclusively because of doubts of his loyalty to our Government and its principles. This, notwithstanding that examination of the files in the Security Committee, charged with screening such persons, separation of such persons from the Department was positively recommended in many cases. Some of these held key positions, where they have access to top secret information. The reasons for such recommendation ran all the way from "overt acts on behalf of a Soviet espionage organization" to "belonging to Communist Front organizations and distributing Communist literature."

The machinery for the screening process is found in the Office for Administration, under Assistant Secretary Donald S. Russell. All applicants for positions are first submitted to Chief Special Agent Thomas F. Fitch. The

answers to a comprehensive questionnaire concerning education, previous positions and affiliations are carefully checked with the help of various subagencies, as well as other agencies all over the United States. If nothing is found against the applicant in this branch, he is cleared. However, if anything is found, the Chief Special Agent turns the file over to the Security Committee.

This is a committee consisting of 6 persons, chosen from within the Department of State. They make a further, I think it is called a horizontal check, with the FBI, the G–2, the ONI, the House Committee to Investigate Un-American Activities, and similar sources of information. After examination and consideration of the evidence in the record, this committee makes a written report in each case and recommends separation from the Department if the facts warrant such action.

Up to this point the machinery works excellently. I find that personnel of this committee is sincere and efficient. But right at this point the machinery breaks down completely for want of a definite policy in the Department. In other words, after this "jury" has found a "just and fair verdict," there seems to be no one to pronounce judgment and render execution. And this is true only in these cases involving loyalty and the consequent danger to the interests of the United States.

I was informed that most of these troubles for the Department came in October 1945 after the Presidential decree covering some 4,000 employees from the OWI, the OSS, the FEA, and the Enemy Branch into the Department. Of these some 3,000 have been screened, resulting in 285 adverse reports, of which 79 have been separated from the Department. But when I asked to be shown even one file in which one of these 79 was shown to have been separated for disloyalty only, none could be found.

On the other hand I had secured from other sources outside the Department a list of persons considered to have or have had Communist affiliations, and in nearly every instance I found that the file recommended their dismissal. When I asked for more cases I was readily shown some not on my list, although I was not able to obtain an estimate of their total number so recommended for separation.

It seems to me that the recommendation of the security committee in these cases should be automatically carried into effect by some official in the Department under a definite policy and written directives for such policy. It would seem also that whereas I find that heretofore the security committee has resolved doubts in favor of the employee or prospective employee, all doubt should be resolved in favor of the security of the United States. The vulnerability of the State Department in this respect makes such a rule imperative.

It seems to me that Congress intended such a policy and made its implementation simple by the so-called McCarran rider, included in Public Law No. 490, Seventy-ninth Congress, approved July 5, 1946, which provides:

> Notwithstanding the provisions of section 6 of the act of August 24, 1912 (37 Stat. 555), or the provisions of any other law, the Secretary of State may, in his absolute discretion, on or before June 30, 1947, terminate the employment of any officer or employee of the Department of State or of the Foreign Service of the United States whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission.

Under date of July 18 last I wrote Secretary Byrnes of my findings, substantially as aforesaid, and inquired whether such policy and directives were in existence and if not would he favor such a policy? Unfortunately, Mr. Byrnes was out of the city and my letter did not reach him, but last evening he reached me by telephone. Mr. Byrnes informed me that he was not familiar with the issues having been, as we all know, abroad most of the time, but he assured me that he would, upon his return Monday, immediately examine the before-mentioned files, the facts, and the McCarran rider, and assured me that he would favor and do what is necessary to establish a policy definitely separating disloyal persons from the Department.

I sincerely hope so and again wish to state that in the investigation I found no evidence of any suspicion against personnel in the Foreign Service. It concerns rather the permanent departmental personnel. Nevertheless I felt I owed this statement to the House.

Mr. KEE. Mr. Speaker, will the gentleman yield?

Mr. JONKMAN. I yield to the gentleman from West Virginia.

Mr. KEE. Did not the gentleman discover from his examination that the Foreign Service is singularly free from any accusation of association with communism?

Mr. JONKMAN. Yes. I may say to the gentleman that it was stated at the committee meeting that only one employee had been discharged from the Foreign Service for what might be called Communist affiliations, but I was not able in the records and files of the Security Department to find that one. As far as my report is concerned, it is really collateral to this bill, but the investigation was stimulated by it and I still feel that I owe it to the Members of the House to acquaint them with the investigation I made.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. JONKMAN. I yield to the gentleman from Kansas.

Mr. REES of Kansas. I am deeply interested in this particular subject matter. The fact of the matter is that the whole thing ought to be more carefully examined, and the examination should go into the whole problem of the investigation of personnel throughout the Government. I call the gentleman's attention to a supplementary report that is being filed today by me as a member of a subcommittee of the House Committee on the Civil Service with respect to this problem. The whole problem ought to be carefully examined. I am interested in the gentleman's statement.

Mr. JONKMAN. I quite agree with the gentleman from Kansas. The Department of State because of its vulnerability has been kept more free from this infiltration of subversive influences than other departments of the Government. This is shown by the fact that its real troubles began when the President covered the agencies I have mentioned into the State Department in October 1945. If such an agency as the Security Committee above-mentioned were operating in several of the other agencies of the Government the American people would be amazed at the extent to which Communist personnel is operating in our governmental machinery. It is also true that the screening should be done thoroughly before they enter Government employ because it is far more difficult to dislodge them once they become intrenched in a Government office.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. VORYS].

Mr. VORYS of Ohio. Mr. Speaker, if we had a perfect Foreign Service, or the best possible Foreign Service, this bill would not be needed. Our Foreign Service was caught with its striped pants in the wrong place by World War II. This bill is an attempt to correct the situation; it is based on the idea that from now on we must wage peace with the determined skill that we waged war, and that takes career professionals, not political amateurs.

Under President Coolidge, in 1924, the career Foreign Service on a merit basis was started by the Rogers Act. Since then a lot of things have happened. What do we expect from our Foreign Service? Well, in over 300 posts in 58 countries they must win friends and influence people for the U. S. A. They must look after our interests, and our people, away from home. They must tell the State Department what is going on, and they must be informed by the State Department what is coming off. Our foreign policy is simply the best course for this country in view of the situation here and abroad. The reason many people are saying we have no foreign policy is because what we do seems to ignore part of our situation at home, or to ignore the facts of life abroad. For years the Foreign Service was constantly bypassed by a President who was his own State Department. We know that voluminous reports from Foreign Service officers have laid around the State Department unread; that officers in foreign lands have waited in vain for instructions on our policy. Perhaps, as some say, these officers were not worth listening to; they were certainly worth instructing. At any rate, this bill reflects a determination that from now on we will have a Foreign Service worth using in the determination and execution of our foreign policy.

This bill is a reorganization of the Foreign Service, which is practically a separate branch of the Government. Do not confuse this with reorganization of the State Department, which has been reorganized regularly, and irregularly, every few months in recent years. There have been four different Assistant Secretaries over the Foreign Service in a little over a year. The present one, Mr. Russell, is cooperating 100 percent in this Foreign Service reorganization, but the main man is Selden Chapin, Director of the Foreign Service, a career man, and an excellent one, with a splendid staff. This is no overnight plan. It has been intensively studied for over 2 years. Criticism from inside and outside the Service has been solicited, and every critical thing I have said is reflected in self-criticism from inside the Service. Our subcommittee of three started to study their proposals back in April. This was not all new to us. Our Foreign Affairs Committee had been studying this situation for years; a number of bills from our committee improving the Service have become law in the past few years. All of us were familiar with the work and problems of our Foreign Service abroad from personal experience in other countries. We knew a general overhaul job was needed. We spent days at it and made over 100 changes.

We were going over this bill before it had cleared the Budget Office. We reviewed their suggestions along with those from the State Department. In general, the Budget wanted a streamlined bill, with broad powers given the Secretary to do things by regulations. In general, we insisted upon a detailed bill, spelling out precisely just who was to do what, and when. The bill is drafted our way. That is one reason why it is so long—106 pages. We felt the bill should not be introduced at all until we could have practically a clean bill. That is why it was introduced so late. Additional last-minute changes account for the other amendments we are proposing. They do not change the principles involved in the bill. It is not perfect; time and experience will dictate changes; it still contains discretionary powers that can be abused, as my colleague the gentleman from South Carolina [Mr. RICHARDS] wisely observed, while we were working on it: "John, you can't pass a law to repeal human nature." I believe, however, that it gets a reorganized Foreign Service off to a flying start. I want to pay my respects to the able and courteous and studious chairman of our subcommittee, Judge KEE. His vast experience and his legal mind were invaluable in our work. The gentleman from South Carolina [Mr. RICHARDS], with experience in foreign affairs, legal acumen, and strong common sense, was equally helpful in this long job. I appreciate the attitude of the full committee in the 2 days going-over they gave to our work.

Here is what the bill does:

It makes the Foreign Service hard to get in, and hard to stay in. It provides salaries, allowances, and retirement that should attract and hold good men and keep the diplomatic service from being a rich man's side line. It eliminates political influence in the selection, assignment, and promotion of Foreign Service officers, as thoroughly as this can be done on paper. It provides for continuous training of these officers during their service by a Foreign Service institute. It provides for their re-Americanization by sending them home regularly. It reorganizes the Foreign Service into six classes approximating military and naval ranks. It creates a new class, career ministers, whose main job will be to do the professional work under a noncareer ambassador at, for instance, London or Moscow. It provides that a career man does not have to resign in order to be appointed an ambassador or minister. At present, our law on this is as silly as if a colonel had to resign from the Army in order to be a general. Appointments of ambassadors and ministers are left to the President, as is required by the Constitution, and of course he may appoint Jimmy Cromwells or Ed Flynns, but a very good list of available career men is provided for him by this bill, in case he wants to use it.

The second major arm of the Service is the staff branch, numbering about 3,600, which corresponds roughly to Foreign Service officers, who number just over 800, as would staff specialists and technicians to line officers in the Army or Navy. Congress rewrote the pay and perquisites of this group last year. Their status is still further improved by this bill which creates long overdue incentives and opportunities for this group.

The third branch of the Service is set up as the Foreign Service Reserve. We have had about 640 in the wartime auxiliary which roughly corresponds to the Reserve and which is being liquidated. These are specialists and technical men, either from other departments of the Government or from civil life, who are brought in for not more than 4 years at a time. There will be about 150 of them. Scientists, journalists, businessmen are going to be needed in our missions abroad. They will bring in new ideas to our diplomats, and when they go back to their regular jobs they will take an understanding of our foreign affairs with them. They will ordinarily be working in their specialized lines but provision is made so that those who are "naturals" for the diplomatic service may become Foreign Service officers, upon passing proper examinations. Thus the Foreign Service will obtain new blood from the side as well as from the bottom. This will also create a little bad blood. There will be a little rivalry between the Regulars and the Reserves, and this will be good for the whole organization.

It is possible that the Reserve could be used, by getting around the letter of the new law, to take care of unqualified political favorites of the party in power. If this happens, Congress in general, and certainly this Member in particular, if he is still in Congress, will clear up the situaton with a legislative meat cleaver.

In this bill, aliens in our Foreign Service are transferred to a separate corps for administration. There are about 3,000 of them all over the world, clerks, couriers, interpreters, porters.

In addition to these changes there are many corrections of abuses or red-tape annoyances that have been in our laws for years; and the repeal of a lot of archaic laws that had been almost forgotten until they were dug up by the thoroughgoing research that was part of the preparation of this bill. This is another reason why the bill is so long.

Salaries of ambassadors and ministers have been $17,500 and $10,000, since 1855. This bill increases them to $25,000 tapering down to $15,000. In the six classes of the Foreign Service the top bracket is raised $3,500 to $13,500 and the lowest bracket only $28.20 to $3,300. The reason for this is that we are not considering bare subsistence pay, but pay to attract and hold outstanding men. If the pay and the work in the years ahead is attractive, good men can be obtained at the bottom for $3,500.

Maintenance allowances for our chief representatives are not specified by law, but should range from $25,000 down to $3,000 depending upon the post. Representation allowances are not specified, but should be generous. A traveling salesman has to spend money for entertainment; our representatives abroad have similar expenses, if they are to sell America all over the world.

In general, the whole plan of allowances for dangerous, unhealthy posts, for inflated currency, for travel or other purposes, is to put a man abroad in the same financial position he would be in at home, so that he does not sacrifice financially by his foreign service. In this way, any able Foreign Service officer can afford to take any foreign post, and our Government will not be forced to the un-American expedient of hunting a man with sufficient private income to pay the expense of serving his country.

The additional cost of all of this, the whole bill, is estimated at $4,960,914. This would be about a 9-percent increase in the Foreign Service appropriation of $52,805,900. The biggest increase, $970,000, is in home-leave expense, to get these people back oftener and get them acquainted with their own country, particularly since many of them are overdue under existing law. No. 8 from the top increase is Foreign Service officers' salaries, $312,000. No. 9 from the top is $292,000 for increases in salaries of ambassadors and ministers. The item is small because the numbers involved are few.

The value of these increases, compared with the cost, can be very large. We want these representatives of ours, far from home, to know they are appreciated; we want them working hard to represent us, reporting accurately and intelligently on what is going on; and we want their reports to be considered, receiving instructions on our policies, and we want them instructed—in difficult, dangerous, unhealthy posts, lonesome, homesick at times—and we want them homesick for we want them to know and love their homeland; worried for fear they will not be promoted up, but selected out; and

we want them to worry about that; confident that political finagling against them is not going on behind their backs; and we want them to feel that way; inspired that they represent the greatest, best country on earth; we want them that way, too. We want better men to want to join them. We want to hold the good ones, get rid of the bad ones and the mediocre ones. In the difficult, exciting days that lie ahead, full of worldwide trouble, and problems and opportunities for America, we can secure better service from our Foreign Service under this bill. We need such a service today.

Mr. STEFAN. Mr. Speaker will the gentleman yield?

Mr. VORYS of Ohio. I yield.

Mr. STEFAN. The gentleman should tell the House, however, that while these salaries of ambassadors and ministers have not been raised in a long while you have made a very liberal jump in their salaries. You increase the salary of a man getting $17,000 up to $25,000 and you give them $25,000 a year representation allowance, which is very liberal. In the class 1 officers, you jump a man from $10,000 to $13,500. That is quite a jump, is it not?

Mr. VORYS of Ohio. That is right.

Mr. STEFAN. The House should know what you are doing in this 106-page bill.

Mr. VORYS of Ohio. That is right. I want the House to know. It has been publicized as much as we could publicize it. I think the gentleman would agree with me, having traveled all over the world, that if we had a perfect Foreign Service and the finest officers available we would not need this. It is because we have to compete with business and industry to attract and hold the best men possible that we must increase salaries. Remember, too, that our Foreign Service must compete with the smartest men other countries can secure for this work, and they are well financed. Lord Halifax had a tax-free allowance of $70,000 for representing his country here, when Ambassador Winant was receiving $31,000 above taxes to represent us in England.

Mr. STEFAN. The time will come when the committee of which I am a member must make an appropriation of this $4,000,000 or $5,000,000 which you are increasing here. My argument is that you should have more time to debate an important bill like this. I agree with the gentleman that there should be some increases in salaries in the Foreign Service. You say this bill has been considered very carefully. With reference to the misconduct item, I think you have overlooked a point there.

Mr. VORYS of Ohio. I will be very glad to discuss that with the gentleman.

Mr. STEFAN. In one section you say that a Foreign Service officer who is found guilty of some misconduct will be discharged and lose his entire pension.

Under present legislation he does at least get his pension.

Mr. VORYS or Ohio. The provision we have there was the recommendation of the Foreign Service officers themselves, from all over the world, as are all of such provisions, rewritten only by our subcommittee.

Mr. RICHARDS. Mr. Speaker, will the gentleman yield?

Mr. VORYS of Ohio. I yield.

Mr. RICHARDS. I just want to add that I served on this subcommittee with the gentleman from West Virginia [Mr. KEE] and the gentleman from Ohio [Mr. VORYS]. I never saw two men work harder on any bill considered by a committee of this House upon which I served. The gentleman from Ohio [Mr. VORYS], himself, was dissatisfied with some of the provisions of the bill at first, and to my knowledge he proposed about 40-odd different amendments. We on the Democratic side of the House of Representatives, and of the State Department, got together with him and satisfied him as to his objections. He did great work.

Mr. VORYS of Ohio. I want to say this about our work. On this committee I was the lone Republican. Our distinguished chairman, the gentleman from West Virginia [Mr. KEE], and my beloved friend from South Carolina [Mr. RICHARDS] were Democrats. I want to say that we did not avoid politics. We discussed politics from every angle, and how politics might penetrate the administration of the Foreign Service. Every time there was a practical, workable way to keep politics out of the Foreign Service, all three of us voted to keep the politics out. I want to pay tribute to the other members of this subcommittee.

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

Mr. VORYS of Ohio. I yield.

Mr. BLOOM. I would like to state to the Members why you were selected on this committee of three. If you do not do it, I would like to have permission to do it.

Mr. VORYS of Ohio. Very well, you may state it.

Mr. BLOOM. The gentleman from Ohio [Mr. VORYS] was the principal objector at all times when this bill was under consideration. So, when a subcommittee was appointed to consider this bill, the Chair suggested Mr. KEE and Mr. RICHARDS, and then thought it would be a good idea, so as to be sure to have the right kind of a bill, properly written, everything considered, to place the gentleman from Ohio [Mr. VORYS] on there to represent the kickers.

Mr. VORYS of Ohio. I did more than just kick. Republicans have done more than just kick about our Foreign Service. This idea of a career Foreign Service started in 1924 under President Coolidge when Congressman Rogers, the distinguished husband of our colleague the gentlewoman from Massachusetts [Mrs. ROGERS], put through a bill which has been the cornerstone of the career service. Time and experience have shown the necessity for these changes, which have been studied for 2 years, and reviewed and amended by unanimous action of our subcommittee.

I hope the House accepts our handiwork.

The SPEAKER. The time of the gentleman from Ohio has expired.

All time has expired.

The question is, Will the House suspend the rules and pass the bill as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

The SPEAKER. Without objection, House Resolution 715, providing for the consideration of H. R. 6967, a bill to improve, strengthen, and expand the Foreign Service of the United States and to consolidate and revise the laws relating to its administration, will be laid upon the table.

There was no objection.

EXTENSION OF REMARKS

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD and include an editorial.

INCREASE IN ANNUAL PAY FOR DISTRICT OF COLUMBIA SCHOOL TEACHERS

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I have discussed with the gentleman from Ohio [Mr. FEIGHAN] the prospective annual pay raise of $450 for District of Columbia school teachers which has been unanimously approved by the House District Committee; but I am not satisfied that this horizontal increase in itself meets the situation beyond what might be termed pressing and temporary need, and I suggested when this proposal becomes law that a further and comprehensive plan be presented to the Congress which would be all inclusive and which would make of the District of Columbia school system a model for the entire Nation to follow. It should provide further and substantial increases in pay for all classes of teachers. The amount of increase should be commensurate with the service rendered. There should be established by law a progressive and automatic schedule of promotions and rate of pay. The teaching profession in all its aspects should be made worth while and attractive as a career. Toward that end, remuneration for service in itself is insufficient. We must, I insist, provide generously for retirement. I am one who believes too that provision should be made for health insurance and for ample retirement of disabled teachers.

To this we must add ample provision for the physical plant and equipment of the school system of the District of Columbia. In other words, for the construction and maintenance of healthful and sanitary buildings to house our children during their formative years. When we have attained this objective, we will have provided an educational pattern for the rest of the country to follow. I have always advocated this same course in the city of Detroit and in the State of Michigan. I am not satisfied with our system there. We have not fulfilled our obligation to our children and to those who are giving their lives to their education. I feel that anything we can do here in Washington will aid in a corrective way the manifest deficiencies in Detroit and elsewhere. Mind you, we are not the worst off, but

we are far from what I believe is the necessary level for the welfare of the country.

INTERCHANGE OF PERSONS, KNOWLEDGE, AND SKILLS BETWEEN THE UNITED STATES AND OTHER COUNTRIES

Mr. BLOOM. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4982) to enable the Department of State more effectively to carry out its responsibilities in the foreign field by means of (a) public dissemination abroad of information about the United States, its people, and its policies, and (b) promotion of the interchange of persons, knowledge, and skills between the people of the United States and the peoples of other countries, as amended.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of promoting that mutual understanding between peoples which is one of the essential foundations for durable peace and recognizing that such understanding requires the continuing interchange of persons, knowledge, and skills, and in order that all present and future activities of departments, agencies, and independent establishments of the Government directed to these ends may be most effectively planned and integrated, the Secretary of State (hereinafter called the Secretary) is authorized to develop, maintain, and carry into effect, programs for the interchange of persons, knowledge, and skills between the people of the United States and the peoples of other countries, including the Commonwealth of the Philippines, subject to the limitations contained in the following sections.

SEC. 2. The Secretary is authorized, when he finds it appropriate, to provide for the preparation, and dissemination abroad, of information about the United States, its people and its policies, through press, publications, radio, motion pictures, and other information media, and through information centers supervised by United States missions and consulates abroad. For this purpose, the Secretary is authorized to purchase, rent, construct, improve, maintain, and operate facilities for radio transmission and reception, including the leasing of real property both within and without the continental limits of the United States for periods not to exceed 10 years. In approving international information activities as authorized by this act, it is the sense of the Congress: (1) that the Secretary of State shall promote by appropriate means the dissemination abroad of information about the United States by private American individuals and agencies, shall supplement such private information dissemination where necessary, and shall reduce such Government information activities whenever corresponding private information dissemination is found to be adequate; (2) that nothing in this act shall be construed to give the Department of State a monopoly in the production or sponsorship on the air of shortwave broadcasting programs, or a monopoly in any other medium of information; (3) that the Department of State shall invite outstanding private leaders in American cultural and informational fields to review and advise on the Government's international information activities; and (4) that all printed matter, films, broadcasts, and other materials in the fields of mass media shall, when disseminated by the Government, be identified as to Government or private source.

SEC. 3. The Secretary is authorized, when he finds it appropriate, and within the limitations of such appropriations as the Congress may provide, to make grants of money, services, or property to governmental institutions, public or private nonprofit organizations, and individuals, both in the United States and in other countries, so as to provide for (a) interchanges of students, professors, and outstanding persons in the fields of press, radio, motion pictures, education, science, the arts, agriculture, public health, and other leaders of national affairs; and orientation lectures and services for such students, professors, and persons upon their arrival in the United States; (b) technical projects undertaken and jointly financed by the United States and another government, or by the United States and a private nonprofit organization, for the common benefit of the United States and another country; (c) preparation and dissemination of informational materials abroad; (d) preparation, distribution, and interchange of educational materials; (e) development and demonstration of better methods for teaching the English language abroad; and (f) assistance to American-founded, American-affiliated, and American-sponsored schools, libraries, and community centers abroad: *Provided*, That the Department of State shall exercise no control over the educational policies of schools receiving such grants: *And provided further*, That in making grants of money for libraries, and community centers under subsection (f) of this section, the Secretary shall require that the grantee, during the effective period of the grant, enter into no rental or lease of real property for a period longer than 1 year without prior approval of the Secretary, and in no event shall such lease or rental be for a term exceeding 5 years in duration. The Secretary is also authorized, at his discretion, to furnish, sell, or rent, by contract or otherwise, educational and informational materials and equipment.

SEC. 4. The act of May 25, 1938, entitled "An act authorizing the temporary detail of United States employees, possessing special qualifications, to governments of American Republics and the Philippines, and for other purposes," as amended, is hereby amended to read as follows:

"The Secretary is authorized, when the government of another country is desirous of obtaining the services of a person having special scientific or other technical or professional qualifications, from time to time to detail or authorize the detail for temporary service, to or in cooperation with such government, any person in the employ or service of the Government of the United States who has such qualifications, with the approval of the department, agency, or independent establishment in which such person is employed or serving: *Provided*, That nothing in this act shall authorize the detail of officers or enlisted men of the United States Army, Navy, or Marine Corps for service relating to the organization, training, operation, development, or combat equipment of the armed forces of a foreign government. Any person, while detailed to another government under the authority of this act, shall be considered, for the purpose of preserving his rights and privileges as such, an officer or employee of the Government of the United States and of the department, agency, or independent establishment from which detailed and shall continue to receive therefrom compensation, and, under such regulations as the Secretary may prescribe, he may receive additional compensation from such department, agency, or independent establishment not to exceed 50 percent of the compensation he was receiving as an officer or employee of the United States at the time of detail and allowances and travel and related expenses which a Foreign Service officer or employee of comparable salary is authorized to receive: *Provided*, That the amount of extra compensation shall not exceed the amount which the Secretary determines to be necessary to compensate such individuals for additional expenses resulting from the detail, and not otherwise reimbursed by this Government: *And provided further*, That any such person, while so detailed, may, at the discretion of his department, agency, or independent establishment, and under such rules and regulations as it may prescribe, accept an office under the government to which he is detailed if the acceptance of such an office, in the opinion of such department, agency, or independent establishment, is necessary to permit the effective performance of duties for which he was detailed, or if he performs no duties of such an office other than making or approving on behalf of such foreign government disbursement of funds provided by such government, or receiving from such foreign government funds for deposit and disbursement on behalf of such government, in carrying out programs undertaken pursuant to this act. The authorization of additional compensation, allowances, and travel and related expenses contained in this section and the payment thereof out of any appropriations available therefor, shall be considered as meeting all the requirements of section 1765 of the Revised Statutes."

SEC. 5. In carrying out the purposes of this act, as stated in sections 1 through 4, the Secretary is authorized, in addition to and not in limitation of the authority otherwise vested in him—

(a) To utilize, with their approval, the services, facilities, and personnel of the departments, agencies, and independent establishments of the United States Government, and of State and local governments, and the services, facilities, and personnel of other governments and political subdivisions thereof, of intergovernmental organizations of which the United States is a member, and of private agencies, and the assistance of private individuals.

(b) To furnish for citizens and subjects of other countries such entertainment as the Secretary determines to be advisable for the achievement of the purposes of this act, both in the United States and in other countries.

(c) To establish and maintain in the United States reception centers for foreign students and for visitors representative of the fields listed in subsection 3 (a) above.

(d) To provide for, and pay the expenses of, attendance at meetings or conventions of societies and associations concerned with furthering the purposes of this act.

(e) To provide for printing and binding outside the continental limits of the United States, without regard to section 11 of the act of March 1, 1919, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes" (which prohibits printing and binding, except by the Government Printing Office without advance authority of the Joint Committee on Printing).

(f) To employ aliens within the United States for services related to the translation or narration of colloquial speech in foreign languages; and to employ persons, including aliens, without regard to the civil-service laws and the Classification Act of 1923, as amended, when such employment is on a temporary basis for periods not exceeding 90 days in duration.

(g) To create such advisory committees as in his judgment may be of assistance in carrying out the purposes of this act, but no committee member shall be allowed any salary or other compensation for services: *Provided, however*, That he may be paid his actual transportation expenses, and not to exceed $10 per diem in lieu of subsistence and other expenses, while away from his home in attendance upon meetings within the United States or in consultation with the Department of State under instructions.

SEC. 6. (a) There is hereby authorized to be appropriated such amounts as may be necessary to carry out the purposes of this act.

(b) The Secretary may authorize the transfer to other departments, agencies, and independent establishments of the Government for expenditure in the United States and in other countries, in order to carry out the purposes of this act, any part of any appropriations available to the Department of State for carrying out the purposes of this act, for direct expenditure or as a working fund, and any such expenditures may be made under the specific authority contained in this act or under the authority governing the activities of the department, agency, or independent establishment to which a part of any such appropriation is transferred.

SEC. 7. In carrying on activities which further the purposes of this act, subject to approval of such activities by the Secretary, the departments, agencies, and independent establishments of the Government are authorized—

(a) To place orders and make purchases and rentals of materials and equipment;

(b) To place orders or make contracts with governmental agencies, foreign or domestic, and intergovernmental organizations of which the United States is a member, and private agencies and individuals, including aliens, for services, without regard to the civil-service laws and the Classification Act of 1923, as amended, and, with respect to contracts for services entered into in foreign countries, without regard to section 3741 of the Revised Statutes (requiring that contracts contain a clause that United States Congressmen are prohibited from receiving benefits from a Government contract);

(c) To perform technical services, for the government of another country desirous of obtaining such services, as are within the scope of the established functions of the department, agency, or independent establishment, and upon terms and conditions which are satisfactory to the head of the department, agency, or independent establishment, when it is determined by the Secretary that such services will contribute to the purposes of this act: *Provided*, That nothing in this act shall authorize the performance of services relating to the organization, training, operation, development, or combat equipment of the armed forces of a foreign government and *Provided*, further, that nothing in this act shall authorize the performance at the expense of the other government of technical services requiring substantial United States staff which private United States firms are competent and available to perform, as determined by the Secretary, unless the Secretary determines it to be in the national interest that such services be performed by this Government;

(d) Under such regulations as the Secretary may prescribe, to pay the transportation expenses, and not to exceed $10 per diem in lieu of subsistence and other expenses, of citizens or subjects of other countries, without regard to the Standardized Government Travel Regulations and the Subsistence Expense Act of 1926 as amended;

(e) Under such regulations as the Secretary may prescribe, without regard to the Standardized Government Travel Regulations and the Subsistence Expense Act of 1926, as amended, to provide for planned travel itineraries within the United States by groups of citizens or subjects of other countries, to pay the expenses of such travel, and to detail as escorts of such groups, officers and employees of the Government, whose expenses may be paid out of the general expenses of the itineraries;

(f) To make grants and to pay expenses incident to training and study; and

(g) To defray the expenses of preparing and transporting to their former homes the remains of persons not employed by the United States Government who may die while away from home under the authority of this act.

SEC. 8. (a) The Secretary is authorized, when he finds it in the public interest, to request and accept reimbursement from any cooperating governmental, intergovernmental, or private source for all or part of the expenses of any portion of the program undertaken hereunder, and the amounts so received shall be credited, as determined by the Secretary, to appropriations of the department, agency, or independent establishment which defrayed such expenses, available at the time such amounts are received for carrying out the purposes of this act, and such amounts shall be available for the purposes of the appropriations to which credited.

(b) If any governmental, intergovernmental, or private source shall express the desire to provide funds or other property to be used by this Government, in whole or in part, for the expenses of any part of the program undertaken pursuant to this act, the Secretary is authorized, when he finds it in the public interest, to accept such funds or property, and the funds so received may be established as a trust fund or special deposit account in the Treasury of the United States, to be available for reimbursement of appropriations or direct expenditure for the purposes and under the provisions of this act, any unexpended balance of the trust fund or special deposit account and other property received under this subsection and no longer required for the purposes for which provided to be returned to the government, organization, or person providing the funds or property.

SEC. 9. The Secretary may delegate, to such officers of the Government as the Secretary determines to be appropriate, any of the powers conferred upon him by this act to the extent that he finds such delegation to be in the interest of the purposes expressed in this act and the efficient administration of the programs undertaken pursuant to this act.

SEC. 10. Nothing in this act shall authorize the disclosure of any information or knowledge in any case in which such disclosure is prohibited by any other law of the United States.

The SPEAKER. Is a second demanded?

Mr. MUNDT. Mr. Speaker, I demand a second.

Mr. BLOOM. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLOOM. Mr. Speaker, this bill is designed to promote relations between the people of the United States and the peoples of other countries, in order to build the kind of understanding on which permanent peace must be assured.

This bill has been very carefully considered and the suggestions for amendments made to the committee have all been considered and are embodied in the bill. Every consideration has been given to the amendments, and we consider it now a perfect piece of legislation. Although it is a complicated bill, its purposes can be stated in a very few words.

Ever since George Washington sent Benjamin Franklin to Europe as an Ambassador of the United States, our Government has been carrying on diplomatic relations with other governments. These are government-to-government relationships. Our diplomats deal with foreign offices. They are sometimes criticized for dealing too little with peoples. In the nineteenth century that was the traditional way—in fact, the only way—for conducting international affairs.

But now there is a new concept in diplomacy, a broader approach in the twentieth century. Peoples are taking a growing part in foreign affairs, and in many countries the people exert a very real influence in the making of foreign policy. That is a development which has been supported by your Committee on Foreign Affairs.

Any Member of this House who reviews his mail for the past month will recall letters from constituents about the British loan, about Palestine, Spain, the Paris Peace Conference, about the Soviet Union, atomic energy, and many other international issues.

Throughout most of the world peoples are becoming more concerned about foreign relations, and particularly about the policies of the United States, because decisions made here in Washington—in fact, speeches made here today on the floor of Congress—are of concern to peoples thousands of miles away.

No wonder, therefore, that our twentieth century foreign relations are reaching out not only to governments but also to peoples. Our State Department is concerned not only with the attitudes of kings, and presidents, and foreign offices but also with the man in the street of many foreign countries.

That brings me to the purpose of this bill. This bill is designed to promote relations between the people of the United States and the peoples of other countries, in order to build the kind of understanding on which permanent peace must be based.

This bill would authorize the exchange of students and professors between the United States and other countries, the loan of American technicians to other governments, the training of foreign technicians in this country, and the translation of American scientific books into foreign languages. These are examples of the program.

Let me emphasize that this is not a give-away program. The bill provides that other governments can share in the cost of this program. In Latin America last year, for example, this Government spent about $4,000,000 on this program, and the Latin-American governments contributed more than $6,000,000. In other words, the other governments have contributed $3 to every $2 put up by the United States.

There is one other important aspect of this bill. Our committee believes that peoples cannot understand each other better unless they have accurate information about each other. Accordingly we have written into this bill authority for the dissemination abroad of information about the United States and its policies.

Our committee has written into this bill many amendments proposed by the minority members of the committee, and at the present time I know of no request for an amendment other than those submitted by the committee.

This is an important bill. The United States is the last of the great nations of the world to provide for a permanent program of relations with other peoples. It is a democratic idea. It is characteristically American to believe in the free flow of ideas between nations. That is what this bill is designed to support. It deserves the bipartisan support of this House.

Mr. MUNDT. Mr. Speaker, I demanded a second not because I expect to oppose the legislation, for I shall support it and I hope the House will approve it by the required two-thirds vote. However, if the House is to do that there must be some word of explanation concerning the purpose of the bill and concerning the history of the bill, because it has been before us and before the public through the press for many many months.

When the bill was first reported from the committee last year it was reported on a motion which I made recommending that the bill do pass and at that time it passed the committee almost unanimously, but not quite. During December of last year the gentlewoman from Ohio [Mrs. BOLTON] and I, and I believe the gentleman from Ohio [Mr. VORYS] appeared before the Rules Committee requesting that a rule be granted. Due to the fact that we were nearing the holiday recess, the Rules Committee in its wisdom did not grant a rule at that time.

Between then and the time the bill was again brought before the Committee on Rules, spokesmen for the Associated Press and the United Press engaged in a newspaper debate with Assistant Secretary of State William Benton as to whether this was actually a cultural relations bill or whether it was some kind of propaganda bill in which it was proposed to turn over the dissemination of news to the State Department instead of leaving it with the established news services. That debate in the newspapers lasted some time.

In a desire to arrive at an understanding of the true facts in the case some of us who had been for this rule appeared before the Rules Committee again and then asked the Rules Committee not to grant the rule on the bill until there was an opportunity for the various factions to get together so that the world at large would know that Congress was passing a cultural relations program aimed at peace and not a propaganda bill devised to create and sustain a propaganda war.

I want to express my appreciation personally to the Rules Committee which stood fast at three different times, I think, when we appeared before them, asking that they not grant a rule until we had an opportunity to iron out these differences. As a result of that resistive wall of reason on the part of the Rules Committee we finally reopened the hearings in the House Committee on Foreign Affairs and brought down representatives of the United Press and the Associated Press, and other spokesmen. They appeared before our committee and finally we were able to perfect an amendment which adjusted the small area of disagreement which existed between the proponents of the bill, the State Department and its opponents in the press and radio. I believe the gentleman from Ohio [Mr. VORYS] will read that amendment into the RECORD during the course of my remarks.

Mr. VORYS of Ohio. I wonder if the gentleman would not like to have the amendment read now.

Mr. MUNDT. Yes; I wish the gentleman would read it at this point.

Mr. VORYS of Ohio. This is the amendment which I have prepared with the active cooperation of the Department and Mr. Benton and our colleague in the past few days. This is what we made the long fight for and it provides, you will note, for the prohibition of any Government monopoly in propaganda and provides for the separate identification of Government propaganda and private information, which is the principle for which leaders in radio and the press have been contending.

I will read it:

In approving international information activities as authorized by this act, it is the sense of the Congress: (1) that the Secretary of State shall promote by appropriate means the dissemination abroad of information about the United States by private American individuals and agencies, shall supplement such private information dissemination where necessary, and shall reduce such Government information activities whenever corresponding private information dissemination is found to be adequate; (2) that nothing in this act shall be construed to give the Department of State a monopoly in the production or sponsorship on the air of shortwave broadcasting programs, or a monopoly in any other medium of information; (3) that the Department of State shall invite outstanding private leaders in American cultural and informational fields to review and advise on the Government's international information activities; and (4) that all printed matter, films, broadcasts, and other materials in the fields of mass media shall, when disseminated by the Government, be identified as to Government or private source.

Let me say, Mr. Speaker, that No. 4 is a paraphrase of a resolution of the American Society of Newspaper Editors which they are attempting to promote throughout the world, and it is very proper that we make this a part of the fundamental law of our own land. Of course, there are loopholes in this amendment, and much discretion is still left to the Government, but this amendment establishes the fundamental principles we want followed. If the discretion granted is abused, Congress can act to end the abuses.

Mr. MUNDT. I may say that this amendment has been introduced in this legislation with the unanimous support of our committee. We shall also interest ourselves in guarding against its abuse.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield to the gentleman from Nebraska.

Mr. CURTIS. Has the Rules Committee granted a rule on this matter?

Mr. MUNDT. Yes; under the stipulations the gentleman from Ohio [Mr. VORYS] and I have just discussed. This is being brought up under suspension of the rules, however.

Mr. CURTIS. I understand that. What will this legislation cost?

Mr. STEFAN. I can answer that question. We passed a bill here some time ago appropriating money to carry out this program in the amount of $19,000,000. The bill as it left the House carried $10,000,000. The Senate added $9,000,000, making a total of $19,000,000. This is a program for which the State Department already has authority, in my opinion.

Mr. MUNDT. I may say that this legislation spells out the purposes for which the appropriation can be used rather than giving the State Department a blank check.

Mr. STEFAN. With the amendment of the committee, in addition to the amendment inserted in the appropriation bill regarding short-wave broadcasts, it will leave the matter open to all broadcasts, in my opinion. This is satisfactory to the news-gathering organizations of our country, it is satisfactory to the private low-wave broadcasters, and it is satisfactory to Assistant Secretary Benton of the State Department, who has always been endeavoring to reach such an agreement. I think this amendment is a good compromise and that the bill should pass.

Mr. MUNDT. The Assistant Secretary of State, Mr. Benton, has always been very cooperative in that direction and apparently he is satisfied with this legislation. In all events it now incorporates the principles for which a minority of us on the committee have fought for so long.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield to the gentleman from Minnesota.

Mr. JUDD. As I heard the amendment read it says nothing shall be interpreted to authorize the State Department to conduct a monopoly in foreign broadcasts, and so forth. There is nothing in it that will authorize the State Department to censor broadcasts or the dissemination of information by private agencies; is there?

Mr. MUNDT. No.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. In effect, when the Appropriations Committee presented and the House passed the appropriation for this purpose it was legislation on an appropriation bill?

Mr. MUNDT. It was really a blank check. The language of the Appropriations Committee was very inadequate and did not measure up to a proper legislative standard.

Mrs. ROGERS of Massachusetts. I am worried about certain provisions of the bill. I think the operation of it must be watched extremely carefully.

Mr. MUNDT. That is one of the functions of our committee. We will watch it.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield to the gentleman from California.

Mr. VOORHIS of California. Here the United States is going to try to tell the American story to the world; we are going to try to have an accurate picture of our country put in the minds of people in many parts of the world who at the moment are being bombarded with plenty of information coming from other sources. We are eager to present our side of the picture.

Mr. MUNDT. That is a very important part of this bill. We also hope to bring people from other countries to the United States for educational and observation purposes.

Mr. VOORHIS of California. Yes.

Mr. MUNDT. We want to tell the American story without propaganda because we believe the American story will be convincing in itself. Incidentally, when our subcommittee was overseas studying the various conditions abroad and we found that in places like Athens, and Baghdad, and Cairo, we now have little American workshops with libraries and pictures where the citizens in those areas had the opportunity to learn something about the American spirit.

This makes that type of program universal, expands it, and makes it available to additional countries.

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield to the gentleman from California.

Mr. McDONOUGH. I am seeking information concerning section 2 in which it states:

> The Secretary is authorized to rent, utilize, or lease and operate existing facilities for preparation or dissemination of information, and to purchase, rent, construct, improve, maintain, and operate facilities for radio transmission and reception, including the leasing of real property both within and without the continental limits of the United States for periods not to exceed 10 years.

Does that mean that the effect of this will terminate in 10 years?

Mr. MUNDT. No; that is simply a form of contract.

Mr. McDONOUGH. But he cannot lease these facilities for more than 10 years at a time.

Mr. MUNDT. That is correct.

Mr. McDONOUGH. Another point of information. Since the gentleman says that these facilities are already in these foreign countries to inform the citizens there, why do we need legislation to do that? It is already there.

Mr. MUNDT. The existing program is purely on a tentative basis, a carryover and reformation of the OWI, and it is being continued by appropriations without sustaining legislation. This is legislation which will determine and spell out the manner in which that appropriation is to be spent and which creates and defines a permanent cultural relations program.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield to the gentleman from Nebraska.

Mr. CURTIS. On page 2 of the bill it says that for this purpose the Secretary is authorized to rent, utilize, or lease or operate existing facilities for preparation or dissemination of information and to purchase, rent, construct, improve, maintain, and operate facilities for radio transmission and reception, including the leasing of property, and so on.

How are you going to build radio stations and do all of these things for $19,000,000 a year, and where do they propose to build these radio stations?

Mr. MUNDT. I yield to the gentleman's colleague from Nebraska to answer that.

Mr. STEFAN. We have already voted for the appropriation to carry out the authorization. The money has been appropriated and is already being spent, and the moment that the amendment is approved and this legislation is then passed it will clarify that entire situation. It eliminates all Government monopoly. This $19,000,000 does not only buy radio time, but it also has to do with cultural relations.

Mr. MUNDT. I just want to say in conclusion that I think this is a highly constructive piece of legislation. We, who believe in the American system, want other people in other sections of the world to know something about its benefits and its advantages. We have no desire to sell it to them or to propagandize them, but we have a desire to make a true story of America available. In so many portions of the world the only information people get from America comes from its enemies instead of its friends. This enables the friends of freedom to tell the true story of the American system.

Mr. CURTIS. I have some fear in setting up in the State Department another big bureau, and the gentleman knows our experience with bureaus for disseminating information, how they deteriorate into pure propagandists. I presume, at least, that this bill guards against that.

Mr. MUNDT. We feel that it does, with the amendment which was read by the gentleman from Ohio [Mr. VORYS] and which should be acceptable to the House. We feel we have established every safeguard that we can at the moment. Our committee intends to follow the development of this legislation, and if additional safeguards are necessary in the future we shall be here asking for those safeguards.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield to the gentleman from California.

Mr. HINSHAW. I am very happy that the gentleman and his committee have brought in the bill increasing the pay schedules and allowances for Foreign Service. It is true that our representatives abroad have not had adequate salaries and have had to be wealthy people possessing private resources to accept those positions.

Mr. MUNDT. I thank the gentleman, and I agree with him. That is why I supported the new Foreign Service legislation which the House has just approved while we were writing it and revising it in committee.

I am now urging the House to approve this cultural relations program with an equally substantial majority vote. I feel it to be tremendously important that we begin offsetting some of the detrimental anti-American propaganda which is circulating abroad by making available to people everywhere the true story of our American character, our American freedoms, our American constitutional processes, and our real American zeal to make friends with all peoples and to engage in a nondiscriminatory program of preserving the peace and promoting the prosperity of the world.

Several years ago I introduced in this House legislation designed to carry out many of the features of this legislation insofar as our South American neighbors are concerned. I am delighted that the program has been expanded and that it has been made applicable to every area of the world. America hides behind no iron curtain. We have nothing to conceal. We are proud of our achievements and our ideals. We encourage and welcome inspection trips and visits from every country in the world. We invite students from abroad to attend our colleges and universities. We urge statesmen to study our institutions of government. There is no patent and there is no copyright on the processes of government which have made America great.

This legislation is designed to help others help themselves by becoming better acquainted with the fundamental concepts freedom and equity which have contributed so greatly to the success of freemen in this Republic. It merits your approval. I hope it will have your support. It is just one additional link in the chain of positive and nondiscriminatory steps which America is taking and which it can take to create better understanding among the peoples of the world to the end that a universal political and economic climate may be developed in which wars and intolerance will be things of the past and in which peace and equity shall be the keynotes of both the present and the future. I urge you to vote for this constructive proposal.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

House Resolution 669 was laid on the table.

Mr. MUNDT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MUNDT. Mr. Speaker, in order to make it certain, may I ask if the measure as passed includes the amendment of the gentleman from Ohio?

The SPEAKER. It included whatever amendments were included in the motion. The Chair assumes the amendment of the gentleman from Ohio was included in the motion. The Chair put the ques-

tion on the motion as it was made, and the bill passed with amendments.

Mr. BLOOM. Mr. Speaker, all the amendments are in the bill.

The SPEAKER. The gentleman from New York says all the amendments were included in the motion that was made.

Mr. BLOOM. I repeat, Mr. Speaker, all the amendments are in the bill.

Mr. STEFAN. The gentleman is satisfied that the amendments are in the bill?

Mr. BLOOM. Yes.

Mrs. ROGERS of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentlewoman will state it.

Mrs. ROGERS of Massachusetts. Mr. Speaker, would it be proper to ask that the amendments be read at this time?

The SPEAKER. No. The bill has been passed with amendments.

Mr. VORYS of Ohio. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VORYS of Ohio. Would it be proper for a Member, such as myself, who had an amendment, to state that he has examined the bill and that the amendment is in there? That is the fact.

ESTABLISHING THE OFFICE OF UNDER SECRETARY OF STATE FOR ECONOMIC AFFAIRS

Mr. BLOOM. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6646) to establish the Office of Under Secretary of State for Economic Affairs, as amended.

The Clerk read as follows:

Be it enacted, etc., That there is hereby established in the Department of State for a period of 2 years, following the enactment and approval of this legislation by the President, the Office of Under Secretary of State for Economic Affairs, which shall be filled by appointment by the President, by and with the advice and consent of the Senate. The Under Secretary of State for Economic Affairs shall receive compensation at the rate of $10,000 a year and shall perform such duties as may be prescribed by the Secretary of State. The Under Secretary of State for Economic Affairs shall serve subject to the direction of the Secretary of State and the Under Secretary of State.

The SPEAKER. Is a second demanded?

Mrs. ROGERS of Massachusetts. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BLOOM. Mr. Speaker, with the successful conclusion of the war there were transferred to the Department of State many of the functions of the war agencies related to the foreign economic activities of the Government. To the already numerous responsibilities with which the Assistant Secretary of State for Economic Affairs had been charged, were added additional responsibilities relating to the settlement of the lend-lease accounts with foreign governments, the disposal of surplus property abroad, the settlement of numerous claims between the United States and other countries, the granting of credits to foreign governments and the determination of the Government's economic policy with respect to Germany and Japan.

The United Nations Organization has been created, and soon the economic and social council will be in full operation. The Bretton Woods agreements have been signed by the required number of countries and the International Monetary Fund and the International Bank for Reconstruction and Development have been established. The United Nations Food and Agriculture Organization has been created, and in the fields of aviation, shipping, and telecommunication further international agreements and conferences are in prospect. Only recently this Government published proposals for an international conference on trade and employment.

All of these activities acquired new prominence and importance when the fighting stopped and we were free to turn our best efforts to the building of a lasting peace. With all of them, the present Assistant Secretary of State for Economic Affairs has a close association and attendant heavy responsibilities.

During the next 2 years, the duties now performed by the Assistant Secretary of State for Economic Affairs will be of the greatest significance in the conduct of our foreign relations, and those duties will require the most thoughtful attention to the problems which confront us and the most careful search for appropriate solutions. I believe that the scope of the work requires the complete attention of more than one principal officer of the Department. The task is beyond the capacity or endurance of any single individual. It therefore seems to me proper that there should be created in the Department of State, for a period of 2 years, as provided in H. R. 6646, the office of Under Secretary of State for Economic Affairs.

With the creation of this office, the functions and duties now assigned to the Assistant Secretary of State for Economic Affairs could be transferred to the office of the Under Secretary of State for Economic Affairs, and that officer would perform such additional functions and duties as might be assigned to it by the Secretary of State. The present office of the Assistant Secretary of State for Economic Affairs and such other assistants to the Under Secretary of State for Economic Affairs and such other assistants could then share the burden of the work which now falls too heavily on one officer.

The provisions of the bill which has been introduced will serve to increase the effectiveness of the Department of State in the conduct of foreign relations during the 2 years immediately ahead.

This Under Secretary for 2 years will principally have charge of these different departments and agencies which I have mentioned. It is absolutely necessary at this time to have this legislation.

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. McDONOUGH. Who in the State Department has been performing these services heretofore?

Mr. BLOOM. Mr. Will Clayton is now. But he cannot do it any more. His health will not allow it. He cannot do that and do all the other work he has to do.

Mr. McDONOUGH. In other words, it is necessary to pass this bill in order to create the position?

Mr. BLOOM. Yes.

Mr. McDONOUGH. He could not assign those duties to one of his subordinates?

Mr. BLOOM. No. You have to have another Under Secretary of State to take care of this. May I say to the gentleman in dealing with these different countries you have to have someone of a certain rank who has some standing. He will give up his position as Assistant Secretary of State and there will be appointed another Assistant Secretary to take over some of the work he is doing now.

Mr. McDONOUGH. These duties have not been neglected in the past because an Under Secretary has not been appointed?

Mr. BLOOM. No; I do not think Mr. Clayton would neglect anything.

Mr. McDONOUGH. Will the service of the State Department be augmented if position is created?

Mr. BLOOM. Yes.

Mr. McDONOUGH. The service will be increased?

Mr. BLOOM. Exactly.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. TABER. Is there anything in this bill which provides for the position to be eliminated after 2 years if the work is over?

Mr. BLOOM. Yes; it is limited to 2 years. It specifically states that.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have absolutely no objection to this bill. In fact, I think it is necessary. I do feel very strongly that the House is entitled to know something about it. The creation of this position is important, especially when he happens to be in foreign countries to handle various matters at conferences. He is working with persons of high rank in other countries. They will have a lot more respect for him if he is an Under Secretary. There are certain duties he can perform as Under Secretary when Mr. Acheson is in Washington. He will be Under Secretary in his own right when Mr. Acheson is away. I think it is very important to have this position created. I think we need an Under Secretary to do the work he is now doing. I can see no objection to it and I approve heartily of the measure. It is important to have an Under Secretary when both Mr. Byrnes and Mr. Acheson are away to act as Secretary of State.

Mr. JENKINS. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield.

Mr. JENKINS. How many Under Secretaries of State do we have now?

Mrs. ROGERS of Massachusetts. There is one Under Secretary of State and six Assistant Secretaries of State.

Mr. JENKINS. This bill provides for the appointment of one more Under Secretary of State?

Mr. BLOOM. That is correct.

Mr. JENKINS. But we say that one individual shall perform such duties as may be prescribed for him by the Secretary of State. I assume that the Assistant Secretaries of State already appointed have regular duties and are assigned to regular departments.

Mrs. ROGERS of Massachusetts. Yes. That is correct.

Mr. JENKINS. The Under Secretary of State is Mr. Acheson?

Mrs. ROGERS of Massachusetts. Yes.

Mr. JENKINS. And Mr. Will Clayton is Assistant Secretary of State?

Mrs. ROGERS of Massachusetts. He is now an Assistant Secretary of State. He will be an Under Secretary of State under this bill. Another man will hold his position of Assistant Secretary.

Mr. JENKINS. Then when we pass this bill we will have two Under Secretaries?

Mrs. ROGERS of Massachusetts. Yes; that is correct. Mr. Clayton will be appointed an Under Secretary of State.

Mr. JENKINS. I think we have scrambled this egg worse than ever. It is a new departure and sounds a little fantastic, but I think it will work.

Mrs. ROGERS of Massachusetts. When Mr. Clayton goes abroad and works with people with titles, I think he is entitled to have a good title himself, because foreigners respect position. He can fight for our interests better if he has rank. I also think he needs an assistant secretary to do some of the work he is now doing. He is greatly overworked.

Mr. McDONOUGH. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield.

Mr. McDONOUGH. This bill provides for this position for 2 years.

Mrs. ROGERS of Massachusetts. That is correct.

Mr. McDONOUGH. Is not a position of Under Secretary for Foreign and Economic Affairs of enough importance to last for more than 2 years?

Mrs. ROGERS of Massachusetts. Some members of the Foreign Affairs Committee thought so also, but we can easily legislate after 2 years, to make it permanent if it is satisfactory. I think it is better to have it for 2 years now.

Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. DWORSHAK].

Mr. DWORSHAK. Mr. Speaker, the House, under suspension of the rules, just passed the resolution reorganizing the Foreign Service. I sought to get some time to ask a question as to whether this authorization would permit the expansion of personnel in the Foreign Service. These are only authorization bills, but they will all later be reflected in the appropriation measures which will come before this Congress or the succeeding Congress.

I checked up some figures, and I find there was an increase of 2,000 in the personnel in the State Department from prewar years up to the present time. The President of the United States declares we are going to balance the budget in the current fiscal year; that we are going to cut down civilian personnel from 2,400,000 to 1,600,000—and yet virtually every piece of legislation coming before this body gives specific authority to the Appropriations Committee, at the request of the Bureau of the Budget, to bring in additional appropriations. So with one hand we are legislating authority to build a more extensive personnel and to increase appropriation bills, while with the other hand we are attempting to cooperate with the Chief Executive, who is telling the taxpayers of this Nation that we are going to balance the budget in the current fiscal year. I ask you, my colleagues, how that is going to be accomplished. We seek an alibi by saying that these are merely authorization bills, and yet we have to implement every piece of legislation with an appropriation bill. I wonder how we can consistently claim we are traveling in two opposite directions, and that we are going to get greater efficiency and economy in the Federal Government while we continue to approve expansion of bureaus and their activities.

Mrs. ROGERS of Massachusetts. I would answer the gentleman by saying that it was brought out by the gentleman from Nebraska [Mr. STEFAN] when he stated that the money was appropriated previously for the information bill that we just passed. That was an instance of an authorization for an appropriation in a legislative bill. The Appropriations Committee is constantly doing that. I think the gentleman is a very poor one to criticize us for bringing out an authorization, when a great many authorizations have gone through on appropriation bills.

Mr. DWORSHAK. On several occasions, as a member of the Appropriations Committee, I have made points of order against the inclusion of legislative authority in our appropriation bills, because I think that responsibility devolves upon the legislative committees of the House.

Mrs. ROGERS of Massachusetts. I withdraw my remarks about the gentleman, but I can use them relative to the Appropriations Committee.

The SPEAKER. All time has expired.

The question is, Will the House suspend the rules and pass the bill, H. R. 6646, with amendments?

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

House Resolution 660 was laid on the table.

CANCER CONTROL

Mr. BLOOM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 4502) to authorize and request the President to undertake to mobilize at some convenient place in the United States an adequate number of the world's outstanding experts, and coordinate and utilize their services in a supreme endeavor to discover means of curing and preventing cancer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BULWINKLE. Mr. Speaker, I object.

Mr. BLOOM. Will not the gentleman withhold his objection in order that the author of the bill, the gentleman from West Virginia [Mr. NEELY] may make a short statement about it?

Mr. BULWINKLE. Mr. Speaker, I reserve the right to object.

Mr. NEELY. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. I yield.

Mr. NEELY. How much time does the gentleman yield?

Mr. BULWINKLE. For a short statement.

Mr. NEELY. Mr. Speaker, 17,000,000 people now living in the United States have been branded for death by cancer, the most irresistible, loathsome and agonizing monster that has ever stalked this earth.

The celebrated Charles Dickens, in his thrilling romance "A Tale of Two Cities," says of what, in the days of the author, was the most efficacious mechanical destroyer of human life that brutal and bloodthirsty man had ever invented:

> All the insatiate and devouring monsters imagined since imagination could record itself are fused in the realization—guillotine.

Yet through all the years that have passed away the victims of the guillotine have numbered but a few hundred thousands of the people of France and her neighboring nations. The monster, cancer, is more insatiate than the guillotine. It has been more destructive to life and health and happiness than all the wars that have ever been waged; it has been more irresistible than the mightiest armies that have ever marched to battle; it has invaded and still invades every country; it has preyed and still preys upon every nation; it has fed and feasted and fattened and still feeds and feasts and fattens on the flesh and blood and brains and bones of men and women and children in every land. The shrieks that it has extorted from perishing humanity would, if they were tangible things, make another Rocky Mountain range. The tears that it has wrung from tortured women's eyes would make another ocean. The blood that it has shed would redden every wave that rolls on every sea.

Medical science has conquered yellow fever, diphtheria, typhoid, smallpox, and many other dire afflictions. Medical science has even robbed leprosy and tuberculosis of their terror. But notwithstanding all that physicians, surgeons, chemists, biologists, and numberless other scientists have amazingly accomplished, cancer is still the unconquered, unconquerable and defiant foe of the human race. Surgery, radium, and X-ray are the only means of combating this frightful destroyer that are generally approved by the medical profession. Every passing year adds to the alarming

demonstrations that cancer cannot be eradicated by these or any other means now known, and that it is impossible, with existing facilities and methods, even to check the progressive increase of cancer's appalling destruction.

A recent authority says that in England and Wales the death rate from this dire affliction has increased more than 990 percent in 97 years. Hoffman, one of the great American authorities on mortality from cancer, says in his comprehensive work, which was published a quarter of a century ago, that the death rate from cancer has doubled in the United States in the short space of 40 years.

In May 1928, I passed through the Senate the first bill for the exclusive purpose of authorizing the Government to help solve the cancer problem that was ever approved by either House of Congress. In that year cancer killed 100,558 of our people who were 40 years of age or older.

In 1943, the last year for which I have been able to obtain relevant accurate data, cancer killed, of the people of this country who had passed their fortieth birthday, 156,505—which means an increase of more than 55 percent in fifteen years. In the United States in 1944 cancer sent 171,171 of its victims to the dissolution of the grave. Every 5 minutes and 30 seconds of the year 1928 cancer killed one of our people. Last year every time the clock "ticked off" 3 minutes cancer sent one of this Nation's fathers, mothers, brothers, sisters, husbands, wives or children in unspeakable agony from the alluring land of the living into the silent land of the dead.

It is a distressing fact that the more deadly types of cancer, in their later stages, inflict upon their wretched victims torture more excruciating than any other known to man. And, without fatal consequences, it is impossible to administer anesthetics to these pitiful sufferers in sufficient quantities to render them oblivicus of their agony.

At the moment there are approximately a hundred Members of the House on the floor. If the general death rate should prevail at the expense of the membership of this body, 12 of those before me and around me are doomed to extermination by this frightful scourge, which if it continues to increase in the future as it has in the past, will eventually depopulate the world.

Mr. BULWINKLE. Is the gentleman about through?

Mr. NEELY. Mr. Speaker, I have just begun. But since it was possible for me to obtain the floor in existing parliamentary circumstances only through the courtesy of the gentleman from North Carolina, I shall drastically curtail what I should like to say.

For fear that someone may join the gentleman to whom I am beholding for my time in opposing the pending bill on the ground that the $100,000,000 which it authorizes to be expended for the exterminating and preventing of cancer is excessive, let me invite attention to the fact that Dr. Luis I. Dublin, noted statistician for the Metropolitan Life Insurance Co., pointed out 19 years ago that the total loss sustained by the American people from cancer in 1927 was $800,000,000.

According to Dr. Dublin, the cost of the average necessary medicine and care alone for each patient who dies of this abomination is at least a thousand dollars. Upon this basis, cancer, in 1944, cost the people of the United States for care and medicine more than $171,000,000. When this sum is added to that of the estimated economic value of those who were destroyed, it appears that, year before last, cancer, the absolute monarch of brutal killers and insatiate despoilers, inflicted upon the people of this Nation the staggering financial loss of more than $1,229,000,000.

The average legislator who votes for this bill will, of course, do so for purely humanitarian reasons. But if anyone present should be inclined to listen to the siren voice of economy in this important matter, please let him remember that the hundred million dollars mentioned in the bill will, if appropriated, greatly increase the probabilities of solving the cancer problem and of thereby saving hundreds of millions of dollars to the people of the United States every year until the end of time.

I have been informed that the gentleman from North Carolina [Mr. BULWINKLE] objects to the suspension of the rules and the passage of the bill, on the ground that it should have been referred to the Committee on Interstate and Foreign Commerce instead of to the Committee on Foreign Relations.

Mr. BULWINKLE. That inference is wrong.

Mr. NEELY. If the gentleman says it is wrong, his word on that point is sufficient so far as I am concerned. But I nevertheless venture most respectfully and earnestly to entreat him not to assume the responsibility of preventing the passage of this humanitarian measure.

Of course, no one can guarantee that the expenditure of $100,000,000 or any other particular sum will certainly result in the discovery or invention of a cure or preventive of cancer. But everyone should realize that, since all known methods of attack on this scourge have utterly failed to check its terrifying, deadly advance, some new means as revolutionary as the atomic bomb itself must be devised to destroy this all-devouring foe, or that it will ultimately strip the earth of the last vestige of human life.

In order that this Congress may not adjourn without having made some specific and substantial contribution to the present vigorous, Nation-wide effort to save the 500,000 who are now known to be afflicted with cancer and rescue those who are perishing in unspeakable anguish at the rate of twenty every hour, I entreat the gentleman from North Carolina not to oppose the bill which has the enthusiastic support of the American Cancer Society, the sponsors of Government action against cancer, prominent men and women of every religious denomination, spokesmen for the various veterans' organizations, eminent officials of all legitimate labor unions, spokesmen for various agricultural organizations and other important groups too numerous to mention. And last, but by no means least, according to a recent Gallup poll 87 percent of the people of the Nation are for the bill.

It is my fervent hope that the decisive action that will be taken here in a few moments will be such that no Member of this body will in days to come have reason to feel or fear that he has even one drop of a cancer victim's blood upon his hands, or the sin of having failed to help rescue the perishing of the world from cancer's hideous curse upon his soul. I entreat the gentleman from North Carolina [Mr. BULWINKLE], not to object.

Mr. BULWINKLE. Mr. Speaker, I object.

Mr. HINSHAW. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from North Carolina yield for a parliamentary inquiry?

Mr. BULWINKLE. I yield.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HINSHAW. Is the gentleman from West Virginia going to talk much longer on this subject?

Mr. BULWINKLE. No.

Mr. HINSHAW. Because if he is we are going to be compelled to demand the regular order.

The SPEAKER. The gentleman from North Carolina has the floor under a reservation of objection and he can yield whatever time he desires.

Mr. NEELY. Will the gentleman yield me 5 minutes?

Mr. BULWINKLE. I decline to yield further time, Mr. Speaker.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I wonder if the gentleman objects because it will take work away from the Public Health Service? I myself was against this bill originally but I am tremendously interested in cancer control, as the gentleman from North Carolina knows.

Mr. BULWINKLE. Mr. Speaker, I yielded to the gentlewoman for a question.

Mrs. ROGERS of Massachusetts. Does the gentleman feel like answering the question?

Mr. BULWINKLE. What question?

Mrs. ROGERS of Massachusetts. I asked the gentleman the reason he is objecting.

Mr. BULWINKLE. The gentleman from North Carolina is not stating his objections at this time.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. I yield to the gentleman from California.

Mr. HINSHAW. I think if the gentlewoman from Massachusetts and the Committee on Foreign Affairs would refer to title IV of the Public Health Act of the Seventy-eighth Congress, Public Law 410, which sets up a National Cancer Institute, they will find it makes full provision for all these researches.

Mr. BULWINKLE. Mr. Speaker, I decline to yield further.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BULWINKLE. Mr. Speaker, I object.

Mr. BLOOM. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4502) to authorize and request the President to undertake to mobilize at some convenient place in the United States an adequate number of the world's outstanding experts, and to coordinate and utilize their services in a supreme endeavor to discover means of curing and preventing cancer.

Mr. HINSHAW. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. The Chair will count.

Mr. BLOOM. Mr. Speaker, I withdraw my motion.

Mr. HINSHAW. Mr. Speaker, I withdraw the point of order.

MEMBERSHIP AND PARTICIPATION BY THE UNITED STATES IN UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk House Joint Resolution 305, a joint resolution providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. BLOOM, KEE, and MERROW.

SITE ACQUISITION AND DESIGN OF FEDERAL BUILDINGS

Mr. LANHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6917) to provide for site acquisition and design of Federal buildings, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman give us a thorough explanation of this bill? It is quite a big one.

Mr. LANHAM. Mr. Speaker, judging from the inquiries that have been made of me, perhaps more Members of this body are interested in this particular measure than any other which has come to my notice. It is well known to all of you that there has been no Federal construction, except that relating to our war effort, since before the war began. Federal construction of many kinds is needed, such as post offices and other structures, to carry on the work of the Government.

It is realized that at this time such construction may not be had because it is precluded by the scarcity of materials, by the high cost of labor, and by the desire to use all available material in the construction of homes. However, before any of this Federal construction can begin, it is necessary to have the preliminary work done by drawing the plans and specifications and selecting, insofar as it is practicable and economical to do so, sites for such construction to the extent that they have not been selected.

This measure comes from the Committee on Public Buildings and Grounds with a unanimous report. It was assigned to the calendar for consideration this week, and the Committee on Rules has granted a rule for its consideration. The bill does not provide for the construction of these various buildings, but it does provide for the preliminary preparation of the plans and specifications and the acquisition of necessary sites so that when construction can be begun it can go forward forthwith.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Georgia.

Mr. PACE. Does it cover new post office buildings?

Mr. LANHAM. New post office buildings, which will be distributed to the extent possible in the district of each Member of this body.

Mr. PACE. What other type of building construction is covered?

Mr. LANHAM. It is somewhat conjectural, of course, to just what extent further Federal construction will be required. There will be some Federal office buildings necessary in some places where their construction will practically be paid for in a few years by obviating the present high rental costs. For instance, there are buildings in the District of Columbia on which the total rentals we have paid are considerably more than the appraised value of the buildings themselves. It is the economical thing for the Federal Government to have its own construction and obviate these enormous sums of rent.

In addition to that, the bill provides for certain procedural matters which I think are not controversial, and one or two of the items are such items of procedure as are carried annually in appropriation bills, and here we simply make them a matter of law.

Let me, before proceeding further, say that the other feature of the bill, with reference to title II, is to take care of an intolerable situation in this city with reference to our United States district court and the court of appeals, merely from the standpoint of getting the plans ready. The land is owned by the Government, and it will be perhaps a year and a half before any of this construction will begin. But it is important to be ready to proceed with it when the economic conditions in the country are such that it can be done.

With reference to title II and the necessity for this court building, I may say that we have had what in a lawyer's term would be a jury view of the situation that exists, and it is absolutely intolerable. The committee inspected that situation very thoroughly.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Ohio.

Mr. JENKINS. I see that the bill is divided into two titles and that specific improvements are mentioned. For instance, the gentleman referred to the construction of customhouse buildings, courthouse buildings, and other buildings. I do not find any place here where special reference is made to post-office buildings. Where is that?

Mr. LANHAM. I will say to the gentleman that there is no special reference to post-office buildings because under existing law particular projects are not mentioned except those in the District of Columbia and vicinity, which are carrying on the operations here in Washington. But the first section of the bill provides the funds for preparing the drawings and the plans and the specifications and the acquisition of sites for these post-office buildings and other needed Federal structures out in the country generally. That is the primary and principal appropriation authorized by this measure.

Mr. JENKINS. Does this bill give anybody authority to state which post-office buildings will be constructed, or has there been any previous legislation with reference to that? Has any authority been given so that any Congressman can say, "I feel sure from this legislation a certain number of post-office buildings will be constructed in my district"?

Mr. LANHAM. Let me say in that regard, and I am glad to say this, that I do not believe there is a more able or a more fair public servant operating with the Government than Mr. W. E. Reynolds, the Commissioner of the Public Buildings Administration, who even when before our committee will make statements to his own disadvantage from the standpoint of his operations if it is truthful to make those statements. Naturally each and every Member of the Congress can confer with him, and I can assure you that you will get fair treatment that will meet with your approval.

Mr. JENKINS. I agree with everything the gentleman says about Mr. Reynolds, but at the same time I am sure that no law has been passed giving Mr. Reynolds the power to designate where a post office will be built.

Mr. LANHAM. It is done with the collaboration of the Post Office Department and Mr. Reynolds under the existing law.

Mr. JENKINS. I take it then that they must have certain criteria, such as population, postal receipts, and so forth, that will not only guide them but compel them to make their decisions according to their formula.

Mr. LANHAM. They will naturally take the cases that are most urgent in the judgment of the Members of the Congress, and furthermore they will try to construct these buildings at a time when employment may be slack in the respective districts, and it would thus be

doubly advantageous to have these buildings constructed.

Mr. McGREGOR. Reserving the right to object, Mr. Speaker, there is nothing in this bill that would guarantee the construction of post offices, as I understand. If there is, I certainly am opposed to it.

Mr. LANHAM. There is nothing in the bill that permits the Committee on Public Buildings and Grounds to specify these places.

Mr. McGREGOR. Is not this simply a bill to give authorization in the District of Columbia and without the District of Columbia to prepare plans and specifications and acquire sites for such construction, not post offices? If post offices are in it, I am bitterly opposed to it, because I am one who believes we should build veterans' houses first and let the post offices come last.

Mr. LANHAM. The provision in the first section is for needed Federal construction outside of the District of Columbia. We do not specify those places, and under existing law we have no authority to specify them. And this construction will not be done at a time or in a way to interfere with housing for veterans.

Mr. HOLMES of Massachusetts. Reserving the right to object, Mr. Speaker, I think this confusion in connection with title I has created the impression that we are authorizing the construction of post offices. That is not true. We are providing here authorization for an appropriation to acquire sites and to prepare plans for future authorizations. It will probably be a year and a half or 2 years before any of this construction will take place.

Mr. PRICE of Illinois. Reserving the right to object, Mr. Speaker, the explanation the gentleman has just made is along the line of what I wanted to take up with the gentleman from Texas. I believe it would be helpful to the House if he would point out that this would in no way conflict with any veterans' housing program. It is a future program.

Mr. LANHAM. Not only that, but may I say to the gentleman further that we have held this in abeyance in order that there may be no interruption of housing for the people of this country and for the veterans and the servicemen and their families in particular.

We had before our committee and held 3 weeks of hearings on the bill H. R. 4276, a general Federal buildings bill, that would have authorized very large appropriations for construction. We are not recommending those appropriations here. We are simply trying to provide for the preliminary work to be done in order that when it is feasible and practical and economical to construct these buildings these plans will be ready.

Mr. PRICE of Illinois. I understand that very thoroughly, but I wanted the gentleman to bring it out in his remarks for the information of the House and the public in general.

Mr. LANHAM. I thank the gentleman.

Mr. TABER. As I understand it, this bill authorizes an appropriation for about $30,000,000 to buy land and do other things and lay out a building program?

Mr. LANHAM. That is correct.

Mr. TABER. That is, with the idea that the work will begin 2 years from now. How will we know now what land we ought to buy to build on 2 years from now? That sounds to me as if we were getting ourselves out on a limb. We might buy a lot of sites that would not be desirable. Is that not correct?

Mr. LANHAM. As a matter of fact, it may not be 2 years. It may not be a year and a half. One thing is certain, that this preliminary work must be done before this construction can be carried on. There will be this very practical man in charge, who has been so efficient in his administration of the laws we have passed with reference to Federal building, and no foolhardy mistakes will be made. He is a very sensible, experienced, and forward-looking man in the matter of determining what should be done. He is always endeavoring to be thoroughly practical and save the Government as much money as possible. I have great confidence in him, and so has our committee—to such an extent that after due consideration the committee without a dissenting voice reported this bill.

Mr. MUNDT. There seems to be a lot of confusion still about the impact of this legislation on the future post-office building program in our various districts. Can you in a few words dedicated to that particular part of the legislation clarify that for the Members of the House?

Mr. LANHAM. If I understand the gentleman correctly, he asks if a part of the funds authorized here will be used for the construction of post offices?

Mr. MUNDT. For the purchase of land and the making of plans for post offices.

Mr. LANHAM. That is correct. Part of the funds will be so used.

Mr. MUNDT. How will it be determined as to which particular communities are going to have land purchased in their communities and plans made for potential buildings?

Mr. LANHAM. That will be determined, of course, with reference to the urgencies of the cases, the need of employment, and after conference with each individual Member of Congress who ought to be familiar with the situation in his district.

Mr. RANDOLPH. The approval of this legislation would in no wise change the condition or considerations which have been active in the past in connection with this type of program. Is that not correct?

Mr. LANHAM. To be sure. This is merely a program. We are not asking the appropriation here for construction. We are simply trying to get ready so that when the housing situation is better settled and when materials are more available and contractors may be had at reasonable prices to carry on the work, we will be ready to go forward, because when that time comes, unless we have some such legislation as this, we are still going to have to wait and wait and wait until this necessary Federal planning can be completed.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. LANHAM]?

Mr. BUCK. Mr. Speaker, I object.

Mr. LANHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6917) to provide for site, acquisition, and design of Federal buildings, and for other purposes, as reported from the Committee on Public Buildings and Grounds, with the amendments as set forth in the bill.

The Clerk read the title of the bill.

Mr. BUCK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Will the gentleman from New York withhold his point of no quorum?

Mr. BUCK. Yes, Mr. Speaker.

The SPEAKER. The Chair suggests to the gentleman from Texas that since the House has other business to consider this afternoon it might be best to withdraw his motion.

Mr. LANHAM. Mr. Speaker, in spite of the fact that this bill was on the calendar for consideration this week and that there is a rule on the bill for its consideration, certainly at the request of the Speaker I will withdraw the motion at this time. I was simply trying to conserve the time of the House so that next week the calendar might not be so crowded.

Mr. BUCK. Mr. Speaker, I withdraw the point of order of no quorum.

REORGANIZATION PLAN NO. 1

Mr. MANASCO. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 382, providing for the taking effect of Reorganization Plan No. 1 of 1946, except certain parts thereof.

The Clerk read the title of the House joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. JUDD. Mr. Speaker, reserving the right to object, and I shall not object, I take this time to ask the chairman of the committee to explain this resolution.

Mr. MANASCO. Mr. Speaker, this resolution puts all of Reorganization Plan Numbered 1 of the President, transmitted to Congress on May 16, into effect, except part V dealing with the National Housing Agency. There was no objection in our committee to any of the rest of the plan. I have discussed the matter with all members of the committee and there is no objection to the consideration.

Mr. JUDD. In effect, this amounts to our initiating steps to carry out those parts of Reorganization Plan Numbered 1, except part V?

Mr. MANASCO. That is correct. The Congress itself does the reorganizing here. It must pass both Houses and be passed by the President.

Mr. JUDD. I hope the House accepts this. We have removed the objectionable part. Surely we should support efforts initiated by ourselves to carry out reorganization.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. JUDD. I yield.

Mr. CHURCH. If this bill is passed, then the President's three plans are adopted, except Plan Numbered 1, and it does not include part V?

Mr. MANASCO. That is right.

Mr. CHURCH. I hope the resolution will be passed.

Mr. HENRY. Mr. Speaker, will the gentleman yield?

Mr. JUDD. I yield.

Mr. HENRY. I hope this resolution is passed, because I spoke for the reorganization bill which we considered some months ago. I was objecting to that portion that was voted down, and since that is the only portion to which there was objection on our committee I certainly hope that this measure does pass.

Mr. JUDD. Is it not also true that our passing this resolution today does not put this plan into effect, but we are merely starting the legislative procedure which must be carried through by the Senate and then the bill signed by the President?

Mr. MANASCO. That is correct.

Mr. JUDD. We are beginning with the Congress?

Mr. MANASCO. That is right. The committee objected to that part of the resolution dealing with the National Housing Agency. That does not appear here and cannot appear here.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. TABER. Mr. Speaker, reserving the right to object, I do not think this should be brought up at this time. Perhaps I would not object to it on Monday but a this time I shall have to object.

Mr. MANASCO. Mr. Speaker, I withdraw the request.

LEWISTON ORCHARDS PROJECT, IDAHO

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2372) to authorize the Secretary of the Interior to construct the Lewiston Orchards project, Idaho, in accordance with the Federal reclamation laws.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I understand this is that little Idaho project where we are building water mains out of the reclamation fund.

Mr. MURDOCK. That is correct. It is the Lewiston Orchards project in Idaho.

Mr. MARTIN of Massachusetts. It is supposed to be able to earn its way?

Mr. MURDOCK. It is. Like other reclamation projects by the Government, it is reimbursable. It has been passed unanimously by the House committee as well as the Senate committee, and it has been cleared by the leadership on both sides. It is a worthy measure.

Mr. MARTIN of Massachusetts. I think the legislation is very good, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That for the purposes of irrigating lands and for purposes incidental thereto, there is hereby authorized to be constructed, operated, and maintained the Lewiston Orchards project, Idaho, substantially in accordance with the recommendations of the regional director of the Bureau of Reclamation, region numbered I, in his report dated December 3, 1945, as concurred in by the Commissioner of Reclamation and the Secretary of the Interior: *Provided*, That, notwithstanding any recommendations to the contrary contained in said report, all costs of said project allocated to irrigation and all costs of said project allocated to municipal water supply shall be reimbursable under the Federal reclamation laws but within repayment periods to be fixed by the Secretary of the Interior and not to exceed 50 years.

SEC. 2. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required for the purposes of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

EXTENSION OF TIME FOR FILING PATENTS

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5223) to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. BOYKIN, LANHAM, and HARTLEY.

ANNOUNCEMENT

Mr. FLANNAGAN. Mr. Speaker, I had two bills I desired to ask consent to consider, but the gentleman from Kansas [Mr. HOPE], ranking minority member of the committee is not present, and I shall not submit the requests.

PROGRAM FOR WEEK OF JULY 22

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I take this time to find out from the distinguished majority leader as to the program for Monday. I realize that perhaps he cannot give the program for the week because of changing conditions.

Mr. McCORMACK. Monday is District Day and there are five bills:

S. 223, the hospital center;

S. 1426, the slum clearance bill;

S. 2142, relating to headquarters, I think, for the Department of Military Science and Tactics;

S. 2352, the school-teacher salary increase bill; and

H. R. 5756, the retirement of public-school teachers.

The Reed bill, as it is generally known, the railroad reorganization bill, will be called up on Monday.

Tuesday we will take up the OPA conference report if one has been agreed to.

I cannot give the program for the whole week with any certainty and will have to ask the indulgence of the House for some degree of flexibility because we are doing everything we can to try and get away from here as soon as we can.

Mr. MARTIN of Massachusetts. The OPA bill will have right-of-way on Tuesday?

Mr. McCORMACK. Yes. In connection with the railroad reorganization bill and District Day, any roll call in connection with any of the District bills on Monday will, of course, be had; and if a roll call should develop on the rule providing for consideration of the railroad bill that, of course, will be had. If the bill reaches the point of final passage and a roll call should be demanded on final passage either on the ground that a quorum was not present or on an ordering of the yeas and nays, that particular vote will come on Tuesday.

If the railroad reorganization bill is not disposed of on Monday, it will, of course, be the continuing order of business on Tuesday.

The social security bill from the Ways and Means Committee may be called up on Tuesday.

Wednesday of next week I have put down for Calendar Wednesday.

Thursday: I shall ask that it be in order to call the Consent Calendar and Private Calendar on Thursday. Then there is the La Follette-Monroney bill, the legislative reorganization bill. I understand a rule was reported out on that bill today allowing for 2 hours of general debate. We will bring that up next week.

The RFC: A bill extending the life of the RFC and probably giving it some additional borrowing power, but in any event relating to the RFC, will come up next week.

Then a bill authorizing three Assistant Secretaries of Commerce will probably be called up. I do not know what day I can assign to that bill.

There are a number of other bills, but I can definitely give Monday as District Day and the Reed bill; Tuesday the OPA conference report.

I can definitely state that unless action is taken by the House otherwise, Wednesday of next week will be Calendar Wednesday.

Thursday will be the Consent Calendar and the Private Calendar.

We will meet at 12 o'clock on Monday and I may ask the indulgence of the House to meet at 10 o'clock the rest of the week, but in connection with that, as usual, I will confer with the gentleman from Massachusetts [Mr. MARTIN].

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I would like to ask the gentleman if we can keep Congress in session some days longer so that the amputee bill might be reported. I deplore that it is necessary to place a petition on the Speaker's desk to bring this bill out. Of course, I realize it is late in the session. There are 164 signatures on the petition and 180 have been promised. Various members of the press and representatives of different periodicals have asked me why it is necessary to have a petition in connection with such a worthy cause. This is a matter of rehabilitation, and it is tragic to me that these amputees have to come to the House and the Senate. They appeared before the Senate Finance Committee today because the House has not passed legislation.

Would the gentleman consider remaining in session some days longer if that bill does not come out of the committee?

Mr. McCORMACK. I am very strongly in favor of the bill, and I hope the committee will report it out. If so, I will bring it up as soon as possible. Of course, so far as adjournment of the House is concerned, that rests with the majority of the Members of the House. I am sure that the good lady can make a very effective argument with the membership of the House on that proposition.

Mrs. ROGERS of Massachusetts. It is a question of the amputees. I have argued and argued for the bill. I wish I had the power to get it through. I would give anything if I had. If the Members are not moved by the necessity of rehabilitating the combat injured, nothing will move them. Those who have signed the petition have proved they are the friends of the amputees. They proved that.

The plight of the amputees should be enough for the Congress. We have given $4,000,000,000 to Great Britain and billions to other countries and now it is time to consider our own.

Mr. McCORMACK. I may say also that on some day next week, after conference with the Speaker and the gentleman from Massachusetts [Mr. MARTIN] I shall ask unanimous consent that it be in order for the Speaker to recognize Members under suspension of the rules. We will be able to take care of a number of bills in that way that are not controversial.

Mrs. ROGERS of Massachusetts. Perhaps we could bring up the amputee bill under suspension.

The SPEAKER. The Chair will not be committed on what bills Members will be recognized on at this time.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Georgia.

Mr. PACE. The gentleman has announced that two reorganization bills will come up for consideration next week, one for the railroads and one for the Congress. He has given the railroad bill the right-of-way on Monday. It would appear to me that from the standpoint of the Nation as a whole the bill involving reorganization of the Congress would be the more important of the two. I wonder if it would not be possible to take up the bill having to do with reorganization of the Congress on Monday and let the Reed bill take its chance in the shuffle rather than the reorganization of the Congress bill.

Mr. McCORMACK. The Reed bill has been on the program for some time and I feel obligated to keep the Reed bill in its place. Furthermore, a rule has been reported out longer than seven legislative days and any member of the Rules Committee as a matter of high privilege can call the bill up any time they want to. There is at least one member of the Rules Committee who is very deeply interested in having the bill called up. He has been very considerate and tolerant. So I am constrained to keep the Reed bill in its present position.

Mr. MUNDT. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from South Dakota?

Mr. MUNDT. Mr. Speaker, in considering the calendar for the rest of the week the gentleman said that Tuesday was still in a definitely fluid state. I hope the gentleman will keep in mind H. R. 6024, which was scheduled for action today, but due to the pressure of other activities and the long time it took to dispose of the atom energy bill, it was impossible to take up, and refer to the stream pollution bill.

Mr. McCORMACK. I have it in mind, but if we are ever going to adjourn we will have to make haste.

Mr. MUNDT. I think we can act on that pretty quickly.

Mr. McCORMACK. It came up on Calendar Wednesday and there was a double filibuster.

Mr. MUNDT. During the filibuster we got rid of 2 hours of general debate.

Mr. McCORMACK. No. We would have to start all over again. As I understand it, we would have to start all over again as if it were a new matter.

CONSENT CALENDAR AND PRIVATE CALENDAR TO BE CALLED THURSDAY, JULY 25

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order on Thursday of next week to call the Consent Calendar and the Private Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LOYALTY OF FEDERAL WORKERS AND EMPLOYMENT PROCEDURES OF GOVERNMENT AGENCIES

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, on July 2 your House Committee on the Civil Service approved a study and investigation of loyalty among Federal workers and employment practices within Government agencies. I appointed, as chairman, the gentleman from Texas [Mr. COMBS], the gentleman from Maryland [Mr. FALLON], and the gentleman from Kansas [Mr. REES] to check and report to our committee before the recess. Persons not loyal to the United States Government should not be employed by it, and those now on the Federal pay roll should be removed. We have received a report from that committee, as well as a supplemental report.

Mr. Speaker, believing that this is an important matter for the Members of the House to study, I ask unanimous consent to file in the RECORD at this point those two reports submitted.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. The reports are as follows:

Mr. COMBS, chairman of the subcommittee of the Civil Service Committee, submitted the following report:

The Civil Service Committee was authorized by H. R. 66, January 8, 1945, to, among other things, conduct thorough studies and investigations of the policies and practices relating to civilian employment in the departments and agencies of the Government, including Government-owned corporations.

Pursuant to this authority, the Committee on Civil Service, authorized the creation of a subcommittee "to make such investigation as it may deem proper with respect to employee loyalty and employment policies and practices in the Government of the United States, and to make a report to this committee of its investigation prior to the recess or adjournment, together with such recommendations as it deems advisable."

Pursuant to that authority the chairman appointed a subcommittee of three, consisting of J. M. COMBS as chairman, Mr. GEORGE H. FALLON, and Mr. EDWARD R. REES. The subcommittee limited the scope of the investigation to an inquiry into the practices, procedures, and standards that have been and are now employed by the various departments in screening and investigating the loyalty of employees of the Government. These hearings were concluded July 16, 1946. It heard witnesses from the Civil Service Commission, War Assets Administration, and the State Department, and took statements from certain other departments and agencies concerning the matters under inquiry. It is upon this that the report is based.

The length of the committee's hearing prevented it from making a thorough and exhaustive inquiry into the problems presented by hearing and investigation. The hearing and investigation was, however, of sufficient duration to permit the committee to realize the seriousness and magnitude of the problem and the many facets thereof that require further study and attention. For this reason this report will not attempt an exhaustive analysis of all techniques, standards, and procedures employed by the various agencies of the executive branch of the Government but will only attempt a brief historical statement of the problem and pose certain questions for further study and investigation.

Prior to 1939 the various agencies and departments of the Government did not make inquiry into the question of loyalty. The scope of these investigations was limited to

questions of character and general suitability. It was felt, for example, that the Civil Service Commission could not legally inquire into any question concerning the political opinions of any applicant for employment. In 1939 the Congress passed the original Hatch Act which made it unlawful for any person employed in any capacity by any agency of the Federal Government to have membership in any political party or organization which advocates the overthrow of our constitutional form of government.

Beginning with the fiscal year 1942, Congress added to all appropriation bills a provision providing that no part of any appropriation shall be used to pay the salary or wages of any person who advocates or who is a member of an organization that advocates the overthrow of the Government of the United States by force or violence. Following the passage of these acts, the Civil Service Commission began loyalty investigations and found no difficulty in holding persons that actively associated with groups or organizations whose primary loyalty was to the Nazi, Fascist, or Japanese Government or who were members of the Communist Party were persons who came within these prohibitions. The power of the Civil Service Commission applied only to applicants for a position or person appointed subject to investigation. It did not include those employees whose initial employment to the Federal services may have been approved, in some instances years ago, and concerning whom some question is now raised as to their loyalty to the Government. The reason for adopting this point of view was that after an employee's qualifications for initial employment were cleared it is a recognized and accepted principle of law that the head of a department or agency is the only person who can effectuate removal. (See *Myers* v. *U. S.* (272 U. S. 52, 30, Op. Atty. Gen. 79, 83).)

To fill this gap the Attorney General in October 1941 directed the Federal Bureau of Investigation to investigate complaints which had been made against several thousand permanent employees. The Federal Bureau of Investigation conducted the necessary investigations and reported to the agency in which the employee was working. The reports of the Federal Bureau of Investigation contained no recommendation. Some of the departments to which these reports were sent indicated a desire to receive from a central source some advice in the handling of these reports. In response to this need the Attorney General set up in April 1942, an interdepartmental committee on investigations.

This committee distributed information to the departments and agencies regarding the procedures followed by the Federal Bureau of Investigation and the nature and purpose of its reports and the necessity for establishing sound procedures within the departments and agencies for reaching decisions relative to employees on whom reports were submitted.

On February 5, 1943, the Interdepartmental Committee was replaced by a new Interdepartmental Committee "to consider cases of subversive action on the part of employees" which was set up by President Roosevelt under Executive Order 9300.

This Executive order is still in effect and still provides the legal basis for handling complaints relative to the loyalty of employees now on Federal pay rolls who are no longer subject to the jurisdiction of the Civil Service Commission.

It should be borne in mind that prior to 1939 the executive branch of the Government as a whole was not familiar with nor had any occasion to promulgate standards for testing the loyalty of applicants or employees to their Government. It is now clearly understood that persons who advocate or who belong to organizations advocating the overthrow of our Government work in many subtle ways. It has been extremely difficult to prepare standards that would protect both the Government and the employee. Very few individuals openly advocate the overthrow of our Government by force or violence or belong to organizations that so advocate. If membership exists, it is extremely difficult to prove. For this reason, the Civil Service Commission, for example, in regard to the Communist cause placed primary emphasis on an investigation in determining whether or not the appointee or applicant followed the Communist Party line through one or more of its recent changes from 1919 to and after June 22, 1941, the date of the attack on Russia by Germany.

In considering applicants and employees appointed subject to investigation, the Civil Service Commission used the following general procedure up to 1944:

1. When an individual is authorized for placement in one of the positions to which appointments are subject to investigation, the case is then assigned for investigation. The job of the investigators was to get information; they were not permitted to make recommendations.

2. If derogatory information bearing on loyalty was developed, the regional office having control of the case called in the appointee to permit him to present his side of the case. The case was then referred to a rating unit composed of persons who had no connection with the investigation. These persons studied the evidence and made recommendations which were eventually passed on by the members of the Civil Service Commission.

3. If the decision was to declare the appointee ineligible, the agency was directed to terminate his services.

4. An appeal was permitted to the Commission's Board of Appeals and Review.

5. Following the appeal, the Commissioners acted on the recommendation of the Board of Appeals.

In the spring of 1944 the Commission created a full-time Loyalty Rating Board and put into effect new procedures. The principal difference in the new procedure was that if derogatory information was developed bearing on loyalty, the Civil Service regional office immediately referred the case to the Loyalty Rating Board. The Loyalty Rating Board then analyzed the evidence and prepared a series of interrogatories addressed to the person under investigation which served to acquaint this person with the derogatory information and to permit him, by replying to the questions in writing, and under oath, to present his side of the case to the Commission. The person being investigated was also permitted to appear before the Loyalty Rating Board if he so desired. The Loyalty Rating Board then made recommendations to the Commission.

The Commission has been subjected to certain criticism concerning the above procedure (see CONGRESSIONAL RECORD, vol. 90, pt. 3, p. 3196). However, the Commission feels, and the committee agrees, that it would not be administratively feasible to endeavor to apply standard judicial procedure to a consideration of loyalty cases. Unless it is possible to obtain information under a pledge that the source of information will not be divulged, the Government will not be given adequate protection.

In considering the standards applied by the Civil Service Commission and the standards applied by the Interdepartmental Committee in determining the question of a person's loyalty to his Government, several difficult problems were presented. The Interdepartmental Committee deals only with so-called permanent employees, i. e., those who have passed their provisional period and have been granted permanent tenure. For this reason the Interdepartmental Committee confines itself to enforcement of the statutory provisions of the applicable congressional acts dealing with this problem. The Interdepartmental Committee regards an employee as subject to removal only if it is established that the employee was (1) a member of an organization advocating the overthrow of the Government by force or violence, or (2) personally so advocates the overthrow of the Government by force or violence.

It is thus apparent that the Interdepartmental Committee is using a different and more technical standard than that employed by the Civil Service Commission. The Civil Service Commission, under its regulations, holds employees unqualified for Federal employment if there is "reasonable doubt as to his loyalty to the Government." The Interdepartmental Committee points out that the standard it uses is the one required by existing legislation. It is not authorized to go beyond that standard.

The Interdepartmental Committee is purely an advisory body and has no authority to enforce its findings on any department or agency. The final authority and final decision upon whether to retain an employee or release him is left by existing law to the employing agency (*Myers* v. *United States, supra*). Not all of the agencies have adopted the recommendations made by the committee as to the desirable procedures to be followed. Some agencies continue to regard a loyalty proceeding as a criminal trial and give to it all the protective principles and procedural requirements of the criminal law. Others go to the other extreme and decide cases on the basis of rumor and suspicion with little procedural safeguard for the person affected. There also appears to be a substantial duplication of effort under the existing law. Cases investigated and forwarded by the Interdepartmental Committee are often reinvestigated upon transfers or promotions and redecided by the Civil Service Commission and vice versa. This duplication of effort is apparently an unavoidable consequence of the present division of responsibility.

The foregoing is a brief analysis of the problem and the treatment thereof up to the present time.

Consideration should now be given to what the situation will be during the fiscal year 1947.

The Civil Service Commission appropriation for the fiscal year 1947 will make it possible to maintain only approximately 100 investigators. Many of these investigators will be busy in conducting postmaster investigations, investigations growing out of appeals filed by veterans under section 14 of the Veterans' Preference Act of 1944, and investigations growing out of alleged violations of civil-service rules.

The Civil Service Commission estimates that it will be possible to make only 1,400 character and suitability investigations during this fiscal year.

At the same time the Commission estimates that during the present fiscal year approximately 790,000 placements will be made in the Federal service.

Recognizing the impossibility of adequately protecting the Government from the infiltration of persons whose primary loyalty is to other governments, the Commission has been developing instructions to be issued to departments and agencies designed to utilize to the maximum the resources of such departments and agencies.

Under these proposed instructions, provision was made to have all departments and agencies submit fingerprints and names of appointees to the Federal Bureau of Investigation for the purpose of having the Bureau check the fingerprints against the Bureau fingerprint files and the names against the Bureau investigative index. Finally, provision was made for having the employee's name checked against the Civil Service Commission's own investigative files.

Under these proposed instructions, if the checks brought to light derogatory information, the department or agency concerned, if

it had sufficient resources, could conduct its own investigations. At the outset the Federal Bureau of Investigation advised that such a name-check program would involve approximately 90,000 name checks per month. In view of the fact that the Bureau's budget for the fiscal year 1947 made necessary a reduction of 423 employees it was impossible for the Bureau to render name-check service to the Civil Service Commission and various other agencies. The Bureau further pointed out (and the Civil Service Commission concurred) that, as a result of the reduction in the appropriations for the Civil Service Commission, the requirement that each individual Government agency send fingerprints of persons whom they consider for employment was greatly defective because when responsibility is scattered through many Government agencies, complete compliance cannot be secured. It is further pointed out by both the Federal Bureau of Investigation and the Civil Service Commission that while fingerprint and name checks afford some protection to the Government, the protection cannot be adequate since many individuals who are disloyal to the Government do not have criminal records and often operate under assumed names.

It is obvious to this committee that the only way to afford complete protection to our Government is to require all persons who apply for positions to be thoroughly investigated and fingerprinted in advance of employment. This, of course, during the war period was not possible. It is not now possible due to lack of personnel and funds.

On the basis of the preliminary study of the problems presented, the committee believes it is of vital importance to our country that those employed in all departments of Federal service be of high integrity and unquestioned loyalty to our Government. Employment in the Government of the United States is and should be regarded as a high privilege. It is likewise of the greatest importance to the employee that he shall not have suspicion cast upon him, or that he be unjustly accused in regard to so grave a matter as disloyalty to his country, and the greatest possible safeguard must be provided to avoid this.

Testimony submitted during the hearings is sufficient to indicate the immediate necessity for certain action and to warrant further study and inquiry into the entire problem. A consistent and uniform policy among the agencies of the Federal Government with respect to investigating and removing employees who are known to be disloyal should be placed into effect as soon as possible. Techniques and procedures must be devised that will not permit persons rejected by one agency on loyalty grounds from being accepted in another. The Civil Service Commission, within the limits of its funds and personnel, should speed up its procedures concerning post appointive investigation and action. The lack of funds, together with the tremendous work load placed on the Civil Service Commission during the war years, has caused the Commission to hold loyalty cases in abeyance for long periods of time. This condition should be studied and remedied at the earliest possible time. The reason for comparatively few decisions of eligibility on loyalty grounds resulting in the actual removal of employees from Government service should be given study and the reason therefor clearly stated.

There are many conditions called to the committee's attention that cannot be remedied by mere changes in techniques or by issuances of directives. Adequate protective measures must be adopted to see that persons of questioned loyalty are not permitted to enter into the Federal service. These protective measures should, of course, be absolutely fair and impartial, but doubts must, in the nature of things, be resolved in favor of the Government.

The further study of this problem must consider centralization of ultimate responsibility for employing persons of questioned loyalty, or permitting such persons to remain in the employ of the Government. To permit them to remain is unfair to the hundreds of thousands of loyal, patriotic employees in our Government, and seriously endangers the security of our country.

In this connection the committee believes that the question of giving a single agency the power to investigate the loyalty of Government employees, including both applicants and employees having tenure of office, should be considered. The designation of a single existing agency to review investigative reports, without instigating investigations, concerning Government employees should also be given consideration. This would tend to avoid the present duplication of effort. Your committee also believes that all proceedings for preferring charges against and removing disloyal employees should follow the same standards and rules of procedure and should be decided on the same legal principles. Whether, to achieve this uniformity, it is necessary to take away the power of removal from the respective agencies and place it in a single agency or whether it would be sufficient merely to authorize a single agency to adopt standards and rules of procedure which would be binding on all employing agencies is a matter which requires further study. The legal and practical problems involved in taking from a department head his right to remove employees and vest it in another agency are serious and substantial. Your committee has also considered the question as to whether a single standard of loyalty should be followed for all employees, including both applicants and employees appointed subject to investigation and permanent employeees. Whether a single standard is feasible and what that standard should be are also matters which your committee believes require further study. Such study should include consideration of the rights of permanent employees as well as a more detailed study of experience under the existing standards than your committee has had an opportunity to make.

The existing inadequacies of protection afforded to this Government from disloyal persons employed or to be employed cannot be attributed to any one branch of the Government or to any one cause. Rather it is a series of causes and events.

Congress has not thoroughly studied the problem or provided well-directed and adequate legislation. It has not provided adequate funds, nor has the Bureau of the Budget been willing to approve such funds, to permit the Civil Service Commission, the Federal Bureau of Investigation, and other agencies to conduct full pre-employment investigations.

The tremendous increase and immediate need for individuals in the Government service during the critical war period made it impossible for the executive branch to do more than investigate employees within certain categories. The principal fault of the Executive Department, which can be understood during the recent emergency, was the lack of uniform action together with the presence of certain duplications of effort. It is primary for this reason that the following recommendations are made.

Your committee therefore recommends that a commission be established to be composed of an official of the Department of Justice, the War Department, the Navy Department, the State Department, the Treasury Department, and the Civil Service Commission; these being the departments with the most adequate, experienced investigative staffs. That this commission make a thorough study of existing laws and the adequacy of existing legislation; that it study the problems raised by this report concerning the standards, procedures, techniques, needed funds, and personnel necessary to protect this Government from disloyal employees or prospective employees and present to the Congress at the earliest time practicable and not later than the convening of the Eightieth Congress a complete and unified program that will give adequate protection to our Government against individuals whose primary loyalty is to governments other than our own. In considering this program the commission should firmly keep in mind that no matter how adequate such a program may be, it will always be necessary for the departments and agencies to have an effective internal security program.

In addition to the recommended study, the Commission should be directed to immediately review existing internal security measures, and cause the adoption of effective regulations in all agencies of the Government.

The task of this Commission will not be easy. It must devise methods that will give the Government complete protection and yet protect the employee with reference to our cherished and traditional freedom of conscience and belief. We believe the problem is urgent and therefore suggest prompt and effective action.

Your committee further recommends that the Congress immediately appropriate sufficient funds to permit the Civil Service Commission and the Federal Bureau of Investigation to make fingerprint checks and name checks of all individuals employed by the Government.

Respectfully submitted.

J. M. COMBS.
GEORGE H. FALLON.

SUPPLEMENTAL REPORT BY THE HON. EDWARD H. REES (REPUBLICAN), KANSAS, A MEMBER OF THE SUBCOMMITTEE ON CIVIL SERVICE

I have no objection to the general statements contained in the report submitted by the majority members of the Subcommittee on Civil Service. I did not sign the report for the reason that I do not think it extends far enough into the problem and for the particular reason that I do not think the recommendations therein are sufficient to deal with the serious problem involved.

I, therefore, submit my supplemental report.

I submit the following supplemental report, being pursuant to authority granted July 2, 1946:

The subcommittee did not have sufficient time to give the problem as careful study as ought to have been done.

It is of vital importance to our country that those employed in all departments of the Federal service be of high integrity and unquestioned loyalty to our Government. Employment in the Government of the United States is and should be regarded and respected as a high privilege.

The people of this country are deeply concerned and disturbed when they are informed that we have employees in many departments of the Federal Government, especially in responsible positions, whose loyalty is open to serious questioning. Equally important is the fact that so little is being done about it.

Testimony submitted during the hearings is sufficient to warrant further investigation and inquiry with respect to the following:

1. There is no consistent or uniform policy among the agencies in Federal Government with respect to investigating and removing the employees who are known to be disloyal. In numerous cases persons rejected on loyalty grounds in one agency are accepted in another.

2. The Civil Service Commission is responsible for permitting hundreds of employees to remain on the pay roll for long periods of time after their loyalties have been challenged. In many cases the Commission has not strictly adhered to the principle of "reasonable doubt" on questions of loyalty.

3. In numerous instances the Civil Service Commission has held loyalty cases in abeyance for many months, and in some cases 2, 3, or 4 years, before final decisions are made.

4. There appears to be susceptibility and too much attention given to outside influence in the Civil Service Commission, as well as in some of the other agencies of Government, in completing investigations and making decisions with respect to the fitness of many employees.

5. In a number of cases, employees have been placed on the pay roll subject to investigation when at the time they were employed there was reason to believe there was grave question with regard to loyalty. A number of them are in Federal employment now.

6. Although an array of statistics was presented to the subcommittee by the Civil Service Commission, the fact remains that comparatively few decisions of ineligibility on loyalty grounds have resulted in the actual removal of employees from Government employment by the Commission. The records will also show cases of rejection in cases of employees in one agency and their being employed in another.

This brief statement only scratches the surface. Conditions that are inexcusable, brought to the attention of the subcommittee, that exist in our Government at the present time and especially in a number of important cases, will not be cured entirely by mere changes in technique or issuance of directives. Immediate and thorough housecleaning of all those of doubtful loyalty is what is needed. Of course, we should be absolutely fair, but reasonable doubt as to loyalty to our country must at all times be resolved in favor of the Government.

There must be a determination as to who is responsible for allowing persons of questionable loyalty to remain on the pay roll of our Government. To permit such employees to remain is unfair to the hundreds of thousands of upstanding, patriotic employees in our Government. In the interest of national security it is imperative we follow the policy outlined herein.

In view of the testimony presented to the subcommittee during the past week and considering the importance of the problem involved, I recommend that a full and complete investigation be conducted and further hearings be held under the direction of the House Civil Service Committee, (1) to study the standards, the directives and the methods, and the policies of the Civil Service Commission and other agencies with respect to the question of loyalty in Government and to recommend uniform policies and standards with regard thereto; (2) to study more fully the problem of loyalty among the employees now on the Federal pay roll; (3) to devise by legislation or otherwise, ways and means of eliminating without delay employees in every department or agency of Government where there is reasonable doubt concerning their loyalty.

The problem is a serious one—it is imminent. Congress, through the House Civil Service Committee, should take action and should do it soon.

Respectfully submitted.

BOXCAR SHORTAGE

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CURTIS. Mr. Speaker, for some weeks Representatives and Senators from Nebraska and Kansas and other States have been trying to get more boxcars so that the railroads can move the wheat. A United Press report this week carried the following statement:

> Elevators, granaries, barns, and even chicken houses in the two big wheat-producing States were full to overflowing. The grain left over was being dumped on the ground, and there was some danger of spoilage, particularly in Kansas.

On checking into this matter I am authoritatively told that the boxcar shortage is due, in part at least, to the 5-day week in industry during the reconversion period, material shortages, and trouble with the Office of Price Administration.

Mr. Speaker, if food for a starving world is to be produced and saved, it is necessary that industry and Government work as long and as diligently as the farmers who produce this food. Although the harvest will soon be over, it is highly important that more boxcars be rushed to the area.

PREEMPLOYMENT INVESTIGATION OF FEDERAL EMPLOYEES

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. MUNDT. Mr. Speaker, I am glad to hear the report of the gentleman from West Virginia [Mr. RANDOLPH] that the Civil Service Committee of the House is filing in the RECORD today a report on the loyalty conditions in the civil-service employment rolls. In that connection, I hope the Members will also read, starting at page 9389 of the CONGRESSIONAL RECORD for July 18, a report which I filed at that time showing the conditions existing in the preemployment investigative service of Government.

Due to the recommendations of the Bureau of the Budget, that investigative service has been virtually scuttled; so much so, Mr. Speaker, that only 1,400 complete investigations can be made next year of potential employees of the Federal Government, despite the fact that 700,000 new placements in civil service are expected to be certified. This reflects a condition which should be corrected before Congress adjourns for the summer.

EXTENSION OF REMARKS

Mr. PHILLIPS asked and was given permission to extend his remarks in the RECORD in two instances; to include in one a letter he received from his colleague, the gentleman from Oregon [Mr. ELLSWORTH], and in the other an editorial.

Mrs. DOUGLAS of California asked and was given permission to extend her remarks in the RECORD in five instances.

Mr. KEFAUVER asked and was given permission to extend his remarks in the RECORD in two instances, and in one to include two editorials.

Mr. WASIELEWSKI asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in the Milwaukee Journal.

SPECIAL ORDER GRANTED

Mrs. DOUGLAS of California. Mr. Speaker, I ask unanimous consent that on Thursday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from California?

There was no objection.

VETERANS' HOUSING

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McDONOUGH. Mr. Speaker, I received information from my district yesterday that some 30,000 veterans are without decent shelter and that the Wyatt housing program has bogged down in California to such an extent that practically no advance is being made in providing homes for veterans. Not only are the priorities being given to nonhousing projects but in addition to that they are not giving priorities to veterans for the purpose of building their own homes. I think this requires more than just casual comment; that it requires congressional investigation, and if the other Members of the House have had the same experience as I have had it is about time that somebody find out what Mr. Wyatt is doing with the authority we granted him and why it is not being used by him for the purpose of building homes for veterans as the bill we passed recently provided. He was given ample authority and ample subsidies to do the job. Why is it not being done?

EXTENSION OF REMARKS

Mr. WIGGLESWORTH asked and was given permission to extend his remarks in the RECORD and include a recent address by his excellency, Archbishop Cushing, of Boston.

Mr. GILLIE asked and was given permission to extend his remarks in the RECORD and include an editorial.

COMMITTEE TO INVESTIGATE THE PEARL HARBOR ATTACK

Mr. CLARK. Mr. Speaker, by direction of the special committee appointed to investigate the disaster at Pearl Harbor, I file the report of that committee.

The SPEAKER. The report will be referred to the Committee of the Whole House on the State of the Union and ordered printed.

COMMITTEE ON RULES

Mr. SABATH. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file two privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 247. An act for the relief of E. D. Williams;

H. R. 271. An act for the relief of Eleanor McCloskey, also known as Evelyn Mary Mikalauskas;

H. R. 844. An act for the relief of John P. Hayes, postmaster, and the estate of Edward P. McCormack, former postmaster, at Albany, N. Y.;

H. R. 1322. An act for the relief of the Marine Engine Works and Shipbuilding Corporation, of Tarpon Springs, Fla.;

H. R. 1331. An act for the relief of the Hatheway Patterson Corp.;

H. R. 1345. An act for the relief of David M. Matteson;

H. R. 1469. An act for the relief of Cox Bros.;

H. R. 1480. An act for the relief of the S. G. Loeffler Operating Co., of Washington D. C., and for other purposes;

H. R. 1498. An act to correct the naval record of former members of the crews of the revenue cutters Algonquin and Onondaga;

H. R. 1673. An act for the relief of the Superior Coach Corp;

H. R. 1797. An act for the relief of Arcadio Saldaña Agosto;

H. R. 1850. An act for the relief of Louise Zerweck;

H. R. 1957. An act for the relief of the Ohio Valley General Hospital, Wheeling Clinic, Rosetta Snyder, Virginia Barron, Dr. Paul H. Cope, and Dr. J. E. Ricketts;

H. R. 2130. An act for the relief of Daniel S. Bagley, Jr., and Daniel S. Bagley, Sr.;

H. R. 2243. An act for the relief of Arthur A. Guarino;

H. R. 2269. An act for the relief of Dr. William A. Schumacher and Magdalen M. Schumacher;

H. R. 2287. An act for the relief of Susan S. Wiseman;

H. R. 2319. An act for the relief of J. B. Shropshire;

H. R. 2423. An act to authorize the exchange of lands acquired by the United States for the Silver Creek recreational demonstration project, Oregon, for the purpose of consolidating holdings therein, and for other purposes;

H. R. 2489. An act for the relief of Gaylon Dhu;

H. R. 2962. An act for the relief of Justin P. Hopkins;

H. R. 3065. An act for the relief of Standard Dredging Corp.;

H. R. 3145. An act for the relief of A. C. McMeans;

H. R. 3158. An act for the relief of Leonard J. Fox and Milford G. Fox, a partnership, doing business as Fox Co.;

H. R. 3341. An act for the relief of J. E. and Minerva Mitchell, and Rosie Monroe;

H. R. 3360. An act for the relief of Mrs. W. H. (Agnes) Holmes;

H. R. 3397. An act for the relief of Claude S. Crouse;

H. R. 3400. An act for the relief of Herbert W. Rogers;

H. R. 3420. An act to provide for refunds to railroad employees in certain cases, so as to place the various States on an equal basis, under the Railroad Unemployment Insurance Act, with respect to contributions of employees;

H. R. 3455. An act for the relief of Chatham M. Towers;

H. R. 3480. An act for the relief of Miss Ruth Lois Cummings;

H. R. 3484. An act for the relief of the Poultry Producers of Central California;

H. R. 3492. An act to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended;

H. R. 3533. An act to authorize revisions in the boundary of the Hopewell Village National Historic Site, Pennsylvania, and for other purposes;

H. R. 3623. An act for the relief of William A. Pixley;

H. R. 3821. An act to amend sections 4 and 8 of the act of September 2, 1937, as amended;

H. R. 3827. An act for the relief of Fred W. Grant;

H. R. 3848. An act for the relief of the legal guardian of Johnnie Pollock, a minor;

H. R. 3857. An act for the relief of Warren H. Thompson and Madeline Parent;

H. R. 3988. An act for the relief of Decatur County in the State of Indiana;

H. R. 3993. An act to authorize the Secretary of War to sell and convey to the Southern Pacific Railroad Co. a right-of-way and easement for railroad purposes across a portion of Camp Cooke Military Reservation, Calif.;

H. R. 4090. An act for the relief of Roy Hesselmeyer;

H. R. 4180. An act to amend the law relating to larceny in interstate or foreign commerce;

H. R. 4215. An act for the relief of Jane O'Malley;

H. R. 4247. An act for the relief of Jesús Lassalle and Mrs. America Bonet Medina;

H. R. 4357. An act for the relief of the estate of the late Alberto Lopez Ramos;

H. R. 4458. An act for the relief of Rosella J. Masters;

H. R. 4484. An act relating to the construction and maintenance of building and improvements for banking purposes on the Fort Ord Military Reservation, Calif.;

H. R. 4486. An act to abolish the Santa Rosa Island National Monument and to provide for the conveyance to Escambia County, State of Florida, of that portion of Santa Rosa Island which is under the jurisdiction of the Department of the Interior;

H. R. 4492. An act for the relief of Charles Marvin Smith;

H. R. 4577. An act for the relief of Dolores Joyce;

H. R. 4651. An act to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended;

H. R. 4660. An act for the relief of Mrs. Georgia Lanser and Ensign Joseph Lanser;

H. R. 4673. An act for the relief of Mrs. Minnie Jenkins Ward;

H. R. 4701. An act granting the consent of Congress to the States of Utah, Idaho, and Wyoming to negotiate and enter into a compact for the division of the waters of the Bear River and its tributaries;

H. R. 4834. An act for the relief of the estate of Katherine Delores Booth and Agnes Jane True;

H. R. 4862. An act for the relief of Walter R. Newcomb, Sr., Corbin A. Newcomb, and Walter R. Newcomb, Jr.;

H. R. 4917. An act for the relief of the Western Union Telegraph Co.;

H. R. 4919. An act for the relief of Archibald J. Alcorn;

H. R. 4996. An act for the relief of the legal guardian of Joan Esther Hedin, a minor;

H. R. 5026. An act for the relief of the estate of Drury Lee Jordan;

H. R. 5030. An act for the relief of Mrs. Lim Shee Chang;

H. R. 5112. An act to authorize the city of Anchorage, Alaska, to issue bonds in a sum not to exceed $5,000,000 for the purpose of constructing, reconstructing, improving, extending, bettering, repairing, equipping, or acquiring public works of a permanent character, and to provide for the payment thereof, and for other purposes;

H. R. 5178. An act for the relief of Marian Antoinette McCloud;

H. R. 5228. An act for the relief of Stephen Lisay;

H. R. 5324. An act for the relief of Mrs. Mary Francoline and Mrs. Rose Wallace;

H. R. 5351. An act for the relief of Charles Booker;

H. R. 5352. An act for the relief of Joseph Ippolito;

H. R. 5398. An act for the relief of Walter J. Barnes Electric Co. and Maritime Electric Co., Inc.;

H. R. 5452. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1947, and for other purposes;

H. R. 5510. An act for the relief of Newton William Lowery;

H. R. 5538. An act for the relief of Mae Maxine Stone;

H. R. 5539. An act for the relief of Andrew M. Halvorsen;

H. R. 5541. An act for the relief of F. B. Sweat;

H. R. 5640. An act to reestablish the status of funds of the midshipmen's store, barber shop, cobbler shop, and tailor shop at the United States Naval Academy, and for other purposes;

H. R. 5722. An act for the relief of Charles L. Cannon;

H. R. 5739. An act for the relief of Frances Fitzgerald;

H. R. 5792. An act for the relief of certain postmasters;

H. R. 5800. An act to authorize school districts in Alaska to issue bonds for school construction, and for other purposes;

H. R. 5806. An act for the relief of Etta Yoakam;

H. R. 5820. An act relating to mail service on Lake Winnepesaukee, N. H.;

H. R. 5831. An act to include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930;

H. R. 5840. An act to authorize an exchange of land in Eagle County, Colo.;

H. R. 5872. An act for the relief of Mr. and Mrs. Walter Keaton;

H. R. 5878. An act for the relief of Elsie Elmhorst;

H. R. 5884. An act for the relief of Frances Krzys;

H. R. 5958. An act to amend the Agricultural Adjustment Act of 1938, as amended;

H. R. 6041. An act authorizing the State of Indiana to construct, maintain, and operate a free highway bridge across the Wabash River at or near Montezuma, Ind.;

H. R. 6065. An act authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge or a free bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 6081. An act granting the consent of Congress to the Iowa State Highway Commission to construct, maintain, and operate a free highway bridge across the Des Moines River at or near the town of Eddyville, Iowa;

H. R. 6213. An act for the relief of Brevet First Lt. Margaret Utinsky;

H. R. 6222. An act to extend the times for commencing and completing the construction of a bridge across the Calcasieu River at or near Lake Charles, La.;

H. R. 6324. An act to amend and supplement the Federal-Aid Road Act of July 11, 1916, as amended and supplemented, to provide for the design and construction of dams so that they will serve as foundations for highway bridges, to provide for the design and construction of highway bridges upon and across such dams, to authorize the granting of easements and rights-of-way in connection therewith, and for other purposes;

H. R. 6442. An act for the relief of Mrs. Elizabeth J. Patterson, Joy Patterson, and Roberta Patterson;

H. R. 6459. An act to extend the period within which the Secretary of Agriculture may carry out the purposes of the Soil Conservation and Domestic Allotment Act by making payments to agricultural producers;

H. R. 6472. An act for the relief of John E. Peterson, James M. Hiler, Vivian Langemo, Floy Sibrie, and Ross Lee Brown;

H. R. 6486. An act to authorize an appropriation for the establishment of a geophysical institute at the University of Alaska;

H. R. 6515. An act to amend the act entitled "An act authorizing the Nebraska-Iowa Bridge Corp., a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebraska, and Harrison County, Iowa", approved March 6, 1928;

H. R. 6627. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America;

H. R. 6673. An act to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended;

H. R. 6689. An act to extend, for an additional year, the provisions of the Sugar Act, as amended, and the taxes with respect to sugar;

H. R. 6751. An act authorizing Gus A. Guerra, his heirs, legal representatives, and assigns, to construct, maintain, and operate a toll bridge across the Rio Grande, at or near Rio Grande City, Tex.;

H. R. 6889. An act to extend the times for commencing and completing the construction of a toll bridge across the St. Louis River between the States of Minnesota and Wisconsin, and for other purposes;

H. R. 6903. An act to provide benefits for certain employees of the United States who are veterans of World War II and lost opportunity for probational civil-service appointments by reason of their service in the armed forces of the United States;

H. J. Res. 321. Joint resolution to authorize the making of settlement on account of certain currency destroyed at Fort Mills, Philippine Islands, and for other purposes;

H. J. Res. 336. Joint resolution relating to marketing quotas under the Agricultural Adjustment Act of 1938, as amended;

H. J. Res. 359. Joint resolution relating to peanut marketing quotas under the Agricultural Adjustment Act of 1938, as amended; and

H. J. Res. 364. Joint resolution to provide for the establishment of an international animal quarantine station on Swan Island, and to permit the entry therein of animals from any country and the subsequent importation of such animals into other parts of the United States, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On July 19, 1946:

H. R. 6777. An act making appropriations for Government corporations and independent executive agencies for the fiscal year ending June 30, 1947, and for other purposes.

On July 20, 1946:

H. R. 5452. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1947, and for other purposes.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 56 minutes p. m.) the House adjourned until Monday, July 22, 1946, at 12 o'clock noon.

COMMITTEE MEETING

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

There will be a meeting of the Committee on World War Veterans' Legislation, in executive session, on Monday, July 22, 1946, at 10:30 a. m., in committee room 356, House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1471. A letter from the Attorney General, transmitting a request for withdrawal of the case of Constantine Dimitrius Dintchos from those 42 cases referred to in his letter of April 1, 1946, involving suspension of deportation; to the Committee on Immigration and Naturalization.

1472. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal by various Government agencies; to the Committee on the Disposition of Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MANSFIELD of Texas: Committee on Rivers and Harbors. House Resolution 716. Resolution directing that the board of engineers for Rivers and Harbors prepare a revised edition of a compilation of all preliminary examination and survey and review reports transmitted to Congress prior to July 31, 1946; without amendment (Rept. No. 2599). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs. S. 2020. An act granting a right-of-way at a revised location to the West Shore Railroad Co., the New York Central Railroad Co., lessee, across a portion of the military reservation at West Point; without amendment (Rept. No. 2600). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs. S. 2306. An act to authorize the Secretary of War to grant to the Georgia Power Co., a 100-foot perpetual easement across Fort Benning in the State of Georgia; with amendments (Rept. No. 2601). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs. S. 2375. An act to change the name of the Chemical Warfare Service to the Chemical Corps; without amendment (Rept. 2602). Referred to the House Calendar.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 717. Resolution providing for the consideration of S. 2177, a bill to provide for increased efficiency in the legislative branch of the Government; without amendment (Rept. No. 2614). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 718. Resolution providing for the consideration of S. 191, a bill to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction; without amendment (Rept. No. 2615). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JENNINGS: Committee on Claims. S. 162. An act for the relief of Walter S. Faulkner; without amendment (Rept. No. 2588). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims. S. 1880. An act for the relief of the Crosby Yacht Building & Storage Co., Inc.; without amendment (Rept. No. 2589). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 3209. A bill for the relief of Edward A. Mason; with amendment (Rept. No. 2590). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 5050. A bill for the relief of Minnie P. Shorey; with amendment (Rept. No. 2591). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 5134. A bill for the relief of Clarence W. Ohm; without amendment (Rept. No. 2592). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 5469. A bill for the relief of Bertha Lillian Robbins and Charles Robbins; with amendment (Rept. No. 2593). Referred to the Committee of the Whole House.

Mr. CHENOWETH: Committee on Claims. H. R. 5603. A bill for the relief of Wilford B. Brown; with amendments (Rept. No. 2594). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 5849. A bill for the relief of Mrs. Grace A. Phillips; with amendment (Rept. No. 2595). Referred to the Commitee of the Whole House.

Mr. CHENOWETH: Committee on Claims. H. R. 5851. A bill for the relief of Second Lt. Francis W. Anderson; with amendment (Rept. No. 2596). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims. H. R. 6012. A bill for the relief of Lippert Bros.; with amendment (Rept. No. 2597). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 6161. A bill for the relief of the legal guardian of Samuel Roscoe Thompson, a minor; with amendment (Rept. No. 2598). Referred to the Committee of the Whole House.

Mr. CHENOWETH: Committee on Claims. H. R. 5093. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Albert Whilden; with amendments (Rept. No. 2603). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 6423. A bill for the relief of Mrs. Ivan B. Hofman; without amendment (Rept. No. 2604). Referred to the Committee of the Whole House

Mr. PITTENGER: Committee on Claims. S. 357. An act for the relief of the Forward Columbus Fund, of Columbus, Nebr.; without amendment (Rept. No. 2605). Referred to the Committee of the Whole House.

Mr. COMBS: Committee on Claims. S. 1277. An act conferring jurisdiction upon the Court of Claims to hear, determine, and render

judgment upon the claim of William S. Brown; without amendment (Rept. No. 2606). Referred to the Committee of the Whole House.

Mr. COMBS: Committee on Claims. S. 1549. An act for the relief of the legal guardian of Duane N. Thompson, a minor; without amendment (Rept. No. 2607). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. S. 1573. An act for the relief of James H. Wilkinson; without amendment (Rept. No. 2608). Referred to the Committee of the Whole House.

Mr. COMBS: Committee on Claims. S. 1674. An act for the relief of Michael Joseph Bennett, a minor; without amendment (Rept. No. 2609). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. S. 1731. An act for the relief of Lester A. Dessez; without amendment (Rept. No. 2610). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. S. 1733. An act for the relief of Desmark Wright; the estates of Alberta Wright, Desmark Wright, Jr., and Harold Evans; and the legal guardians of Bobby Dennis Wright and Irvin Lee Wright, minors; without amendment (Rept. No. 2611). Referred to the Committee of the Whole House.

Mr. COMBS: Committee on Claims. S. 1751. An act for the relief of Wayne Parker; without amendment (Rept. No. 2612). Referred to the Committee of the Whole House.

Mr. COMBS: Committee on Claims. S. 1910. An act for the relief of George D. King; without amendment (Rept. No. 2613). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GEARHART:

H. R. 7091. A bill to provide for the incorporation of the National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, organized 1883, 62 years old; to the Committee on the Judiciary.

By Mr. PLOESER:

H. R. 7092. A bill for the refund of income taxes paid by members of the armed forces dying while in active service; to the Committee on Ways and Means.

By Mr. FLANNAGAN:

H R. 7093. A bill to promote the agriculture of the United States by acquiring and diffusing useful information regarding agriculture in the foreign field, and for other purposes; to the Committee on Agriculture.

By Mr. PITTENGER:

H. R. 7094. A bill to repeal the Reorganization Act of 1945; to the Committee on Expenditures in the Executive Departments.

By Mr. LEMKE:

H. R. 7095. A bill to provide assignment of a section of the 50-megacycle band of radio frequencies for frequency modulation (FM); to the Committee on Interstate and Foreign Commerce.

By Mr. HESS:

H. R. 7096. A bill declaring August 14 of each year a legal holiday; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOUGHTON of North Carolina:

H. R. 7097. A bill for the relief of Robert E. Ridenhour, Jr.; to the Committee on Claims.

By Mr. NORBLAD:

H. R. 7098. A bill for the relief of John K. Jackson; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2112. By the SPEAKER: Petition of the City Council of the City of Chicago, petitioning consideration of their resolution with reference to the reduction of personnel of the Chicago Operating Base of the Coast Guard; to the Committee on the Merchant Marine and Fisheries.

2113. Also, petition of the national affairs committee of the National Republican Club, petitioning consideration of their resolution with reference to request for cessation of price controls except for control of rents in those States where there is no State rent control; to the Committee on Banking and Currency.

SENATE

MONDAY, JULY 22, 1946

(Legislative day of Friday, July 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Frederick E. Reissig, D. D., executive secretary, Washington Federation of Churches, Washington, D. C., offered the following prayer:

Thou God of all the yesterdays, of all the tomorrows, and the God of this present day and hour, we pause in this moment of time and history to acknowledge Thee as our God and Father. To remember Thee is to live; to forget Thee is to perish. As the branch cannot bear fruit by itself without remaining on the vine, neither can we except we remain in Thee. Except Thou, O Lord, build the house, the nation, the new world, they labor in vain that build.

Upon the perplexing problems that come to this Hill, shed Thou the light of Thine own wisdom. Add Thou to our limited knowledge, judgment, and understanding some of Thine own unlimited resources. Use Thou us as best Thou canst to bring order out of confusion, harmony out of discord, peace out of strife, understanding and fellowship out of distrust and fear.

Made humble by our responsibilities and dependent on Thee by our impossible tasks, we unashamedly confess today that for the needs of this hour we have no other place to go but to Thee. And we do not pray for lesser tasks, but that Thou wouldst grant us insights, courage, and strength to match them. In the faith that they that wait upon the Lord shall renew their strength, we face another day of service to Thee and our fellow men.

Hear our prayer in the name of Him who is the way, the truth, and the life. Amen.

THE JOURNAL

On request of Mr. HAYDEN, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, July 20, 1946, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 920. An act to fix the salaries of certain judges of the United States;

S. 2372. An act to authorize the Secretary of the Interior to construct the Lewiston Orchards project, Idaho, in accordance with the Federal reclamation laws; and

S. J. Res. 4. Joint resolution authorizing the erection on public grounds in Springerville, Ariz., of a memorial to Gustav Becker.

The message also announced that the House had passed the bill (S. 1717) for the development and control of atomic energy, with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6371) to amend certain provisions of the National Service Life Insurance Act of 1940, as amended, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5223) to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BOYKIN, Mr. LANHAM, and Mr. HARTLEY were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the joint resolution (S. J. Res. 305) providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BLOOM, Mr. KEE, and Mr. MERROW were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4982. An act to enable the Department of State more effectively to carry out its responsibilities in the foreign field by means of (a) public dissemination abroad of information about the United States, its people, and its policies, and (b) promotion of the interchange of persons, knowledge, and skills between the people of the United States and the peoples of other countries;

H. R. 6646. An act to establish the Office of Under Secretary of State for Economic Affairs; and

H. R. 6967. An act to improve, strengthen, and expand the Foreign Service of the United States and to consolidate and revise the laws relating to its administration.

CALL OF THE ROLL

Mr. HAYDEN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hart	Pepper
Andrews	Hawkes	Radcliffe
Ball	Hayden	Reed
Barkley	Hill	Revercomb
Bilbo	Hoey	Robertson
Brewster	Huffman	Russell
Brooks	Johnson, Colo.	Shipstead
Buck	Knowland	Smith
Burch	La Follette	Stanfill
Bushfield	Langer	Swift
Byrd	Lucas	Taft
Capehart	McCarran	Taylor
Capper	McClellan	Thomas, Okla.
Carville	McKellar	Thomas, Utah
Chavez	McMahon	Tobey
Connally	Magnuson	Tunnell
Cordon	Maybank	Vandenberg
Donnell	Mead	Wagner
Downey	Millikin	Walsh
Eastland	Mitchell	Wherry
Ferguson	Moore	White
Fulbright	Morse	Wiley
George	Murdock	Willis
Gerry	Murray	Wilson
Green	Myers	Young
Guffey	O'Daniel	
Gurney	Overton	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from Montana [Mr. WHEELER] is absent by leave of the Senate.

The Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from South Carolina [Mr. JOHNSTON], the Senator from West Virginia [Mr. KILGORE], the Senator from Arizona [Mr. MCFARLAND], and the Senator from Tennessee [Mr. STEWART] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the Commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the Commission appointed to attend the Philippine independence ceremonies.

The Senator from Vermont [Mr. AUSTIN] and the Senator from New Hampshire [Mr. BRIDGES] are necessarily absent.

The PRESIDENT pro tempore. Seventy-nine Senators have answered to their names. A quorum is present.

PRESENTATION OF GAVEL TO THE SENATE BY KIWANIS CLUB OF WESTMINSTER, MD.

The PRESIDENT pro tempore. The Chair lays before the Senate a letter from the Kiwanis Club of Westminster, Md., signed by a committee of distinguished members, presenting to the Senate, through the President pro tempore, a gavel. The Chair asks to have the letter printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

KIWANIS CLUB OF WESTMINSTER, MD.,
July 22, 1946.

The UNITED STATES SENATE,
Washington, D. C.
(Attention Hon. Senator MCKELLAR.)

GENTLEMEN: The Westminster Kiwanis Club wishes to present to the United States Senate, through its president, Senator MCKELLAR, this unique gavel. We call it the Francis Scott Key Gavel. It is made of walnut wood which grew on the farm called Terra Rubra, the birthplace of Francis Scott Key, the author of our National Anthem, the Star-Spangled Banner.

After the British raided the city of Washington and burned our National Capitol, they departed for Baltimore. There a similar raid was frustrated by the alertness of the Maryland Militia and the spirited defense of Fort McHenry before the city on September 12, 1814. It was the sight of our flag still waving on the ramparts of Fort McHenry, after a night's bombardment, that inspired Francis Scott Key to write his immortal words.

Terra Rubra is a beautiful farm in Carroll County, Md., near Westminster, the county seat. It is situated about 6 miles southwest of Taneytown, a town supposed to be named after Chief Justice Taney. The roots that nourished this wood grew in patriotic soil, that lies just 15 miles south of the great Gettysburg battlefield, and the same soil that is called home by thousands of lads who fought, some of them giving their lives, in Europe in 1918, and again in Europe and the Pacific in 1941–45.

When the Senate comes to order at the sound of this gavel may those within its legislative halls be reminded of the noble words of Francis Scott Key:

"Oh, thus be it ever when freemen shall stand
Between their loved homes and the war's desolation!
Blest with victory and peace, may the heaven rescued land
Praise the Power that hath made and preserved us a Nation!
Then conquer we must, when our cause it is just,
And this be our motto: 'In God is our trust!'
And the Star-Spangled Banner in triumph shall wave
O'er the land of the free and the home of the brave!"

And, may they also be reminded of the loyal sons of Carroll who, today, extend their hand of fellowship and wish for you as they do for all Americans an enduring peace and a lasting good will among all the nations of the world.

Sincerely yours,

JOHN R. BROWN,
M. S. REIFOUYDER,
ED. B. MANCHA,
H. R. HOLLINGER,
JOHN R. BYERS,
The Committee, Kiwanis Club of Westminster.

REPORT OF A COMMITTEE FILED DURING THE RECESS

Under authority of the order of the Senate on the 20th instant,

Mr. MAYBANK, from the Committee on Military Affairs, to which was referred the bill (S. 1974) to provide for the selection for elimination and retirement of officers of the Regular Army, for the equalization of retirement benefits for members of the Army of the United States, and for other purposes, reported it on July 20, 1946, with an amendment, and submitted a report (No. 1767) thereon.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMAS of Utah, from the Committee on Military Affairs:

S. 2460. A bill to provide additional inducements to citizens of the United States to make a career of the United States military or naval service, and for other purposes; with an amendment (Rept. No. 1768).

By Mr. DOWNEY, from the Committee on Civil Service:

H. R. 2523. A bill to provide for lump-sum payment of compensation for accumulated annual leave and current accrued annual leave to certain officers and employees, and authorizing the appropriation of funds for that purpose; without amendment (Rept. No. 1769).

By Mr. HUFFMAN, from the Committee on Claims:

H. R. 2222. A bill for the relief of J. L. Harris; without amendment (Rept. No. 1770);

H. R. 2663. A bill for the relief of W. C. Jones, Myrtle M. Jones, and W. W. Tilghman; without amendment (Rept. No. 1771); and

H. R. 3833. A bill for the relief of Viola McKinney; without amendment (Rept. No. 1772).

By Mr. O'DANIEL, from the Committee on Claims:

H. R. 1070. A bill for the relief of Elmer C. Hadlen; without amendment (Rept. No. 1773);

H. R. 1570. A bill for the relief of Edward Pittwood; without amendment (Rept. No. 1774);

H. R. 1788. A bill for the relief of Mr. and Mrs. Conrad Newman; without amendment (Rept. No. 1775);

H. R. 4406. A bill for the relief of Loyal F. Willis; without amendment (Rept. No. 1776);

H. R. 4686. A bill for the relief of the estate of Harry Wright; without amendment (Rept. No. 1777);

H. R. 5198. A bill for the relief of Marjorie B. Marable; without amendment (Rept. No. 1778);

H. R. 5261. A bill for the relief of David Weiss; without amendment (Rept. No. 1779);

H. R. 6248. A bill for the relief of Capital Office Equipment Co.; without amendment (Rept. No. 1780); and

H. R. 6642. A bill for the relief of certain postmasters; without amendment (Rept. No. 1781).

By Mr. O'DANIEL (for Mr. JOHNSTON of South Carolina), from the Committee on Claims:

S. 2147. A bill for the relief of Howard A. Yeager; without amendment (Rept. No. 1782);

S. 2370. A bill for the relief of Edgar F. Russell; Lillian V. Russell, his wife; and Bessie R. Ward; without amendment (Rept. No. 1783);

S. 2440. A bill for the relief of Mrs. Martha P. Matthews; without amendment (Rept. No. 1784);

H. R. 3099. A bill for the relief of Coy C. Brown; without amendment (Rept. No. 1785);

H. R. 4341. A bill for the relief of James B. McGoldrick; without amendment (Rept. No. 1786);

H. R. 5368. A bill for the relief of W. G. Magruder; without amendment (Rept. No. 1787);

H. R. 5414. A bill for the relief of Marie Gorak; without amendment (Rept. No. 1788); and

H. R. 6307. A bill for the relief of Francesco D'Emilio; without amendment (Rept. No. 1789).

By Mr. McMAHON, from the Committee on Claims;

H. R. 1351. A bill for the relief of the estate of Estelle Daniel Boyle, deceased, and E. B. Rosegarten; without amendment (Rept. No. 1790);

H. R. 3197. A bill for the relief of William F. Patchell, Jr.; without amendment (Rept. No. 1791); and

H. R. 6593. A bill for the relief of Milton A. Johnson, and for other purposes; without amendment (Rept. No. 1792).

By Mr. MORSE, from the Committee on Claims:

H. R. 3742. A bill for the relief of Burgess C. Moore, as administrator of the estate of Lela May Tomlinson, deceased, and as legal guardian of Kay Tomlinson and Larry Max Tomlinson, minors; without amendment (Rept. No. 1793);

H. R. 4375. A bill for the relief of Charles Martin; without amendment (Rept. No. 1794);

H. R. 5372. A bill for the relief of Jessie Wolfington; without amendment (Rept. No. 1795); and

H. R. 5874. A bill for the relief of Joseph Maezer; without amendment (Rept. No. 1796).

By Mr. WILSON, from the Committee on Claims:

H. R. 1631. A bill for the relief William Tolar Smith; without amendment (Rept. No. 1797);

H. R. 2850. A bill for the relief of Felix Napiorkowski; without amendment (Rept. No. 1798);

H. R. 4947. A bill for the relief of Ethel Guenther; without amendment (Rept. No. 1799);

H. R. 5725. A bill for the relief of Sadie Frey and the estate of Marie Hviding; without amendment (Rept. No. 1800);

H. R. 6231. A bill for the relief of Frank A. Gorman; without amendment (Rept. No. 1801); and

H. R. 6536. A bill for the relief of Southeastern Sand & Gravel Co.; without amendment (Rept. No. 1802).

By Mr. BILBO, from the Committee on the District of Columbia:

S. 2408. A bill to amend the act of February 9, 1907, as amended, with respect to certain fees; without amendment (Rept. No. 1803);

H. R. 4410. A bill to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939; without amendment (Rept. No. 1804);

H. R. 5928. A bill to name the bridge located on New Hampshire Avenue, Washington, D. C., over the Baltimore & Ohio Railroad tracks the Charles A. Langley Bridge; without amendment (Rept. No. 1805);

H. R. 5970. A bill to permit the members and stockholders of charitable, educational, and religious associations incorporated in the District of Columbia to vote by proxy or by mail; without amendment (Rept. No. 1806); and

H. R. 6859. A bill to amend section 121 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended, to authorize the appointment of three additional deputies for the register of wills; without amendment (Rept. No. 1807).

By Mr. TUNNELL, from the Committee on Pensions:

H. R. 3908. A bill to provide increased pensions to members of the Regular Army, Navy, Marine Corps, and Coast Guard who become disabled by reason of their service therein during other than a period of war; without amendment (Rept. No. 1808); and

H. R. 6900. A bill to grant increased service pensions in certain Spanish-American War cases not included in recent legislation providing increases to other Spanish-American War veterans and their dependents, and for other purposes; without amendment (Rept. No. 1809).

BILL AND JOINT RESOLUTION INTRODUCED

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Colorado:

S. 2467. A bill to amend the National Housing Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. GEORGE:

S. J. Res. 180. Joint resolution granting permission to Thomas Parran, Surgeon General of the Public Health Service; Rolla E. Dyer, Assistant Surgeon General, Public Health Service; Howard F. Smith, Assistant Surgeon General, Public Health Service; Herbert A. Spencer, medical director, Public Health Service; Vance B. Murray, medical director, Public Health Service; and Gilbert L. Dunnahoo, medical director, Public Health Service, to accept and wear certain decorations bestowed upon them by France, Cuba, Mexico, Chile, Finland, and Luang-Prabang; to the Committee on Finance.

EXTENSION OF MATURITY FOR MORTGAGES OF PROPERTY OF WORLD WAR II VETERANS UNDER NATIONAL HOUSING ACT—AMENDMENT

Mr. PEPPER submitted an amendment intended to be proposed by him to the bill (S. 2459) to extend the maturity for mortgages under the National Housing Act in the case of property owned by veterans of World War II, which was referred to the Committee on Banking and Currency and ordered to be printed.

HOUSE BILLS REFERRED OR ORDERED TO BE PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred or ordered to be placed on the calendar, as indicated:

H. R. 4982. An act to enable the Department of State more effectively to carry out its responsibilities in the foreign field by means of (a) public dissemination abroad of information about the United States, its people and its policies, and (b) promotion of the interchange of persons, knowledge, and skills between the people of the United States and the peoples of other countries; and

H. R. 6967. An act to improve, strengthen, and expand the Foreign Service of the United States and to consolidate and revise the laws relating to its administration; ordered to be placed on the calendar.

H. R. 6646. An act to establish the Office of Under Secretary of State for Economic Affairs; to the Committee on Foreign Relations.

PARTICIPATION BY UNITED STATES IN UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the joint resolution (H. J. Res. 305) providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MURRAY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. MURRAY, Mr. TUNNELL, and Mr. BRIDGES conferees on the part of the Senate.

DEVELOPMENT AND CONTROL OF ATOMIC ENERGY

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1717) for the development and control of atomic energy, which were, on page 3, line 19, after the word "members" where it occurs the first time, to insert a comma and "at least one of whom shall be a member of the armed forces"; on page 5, line 23, after "annum.", insert "The Director of the Division of Military Application shall be a member of the armed forces."; on page 8, after line 2, to insert:

"(d) Appointment of Army and Navy officers: Notwithstanding the provisions of section 1222 of the Revised Statutes (U. S. C., 1940 edition, title 10, sec. 576), section 212 of the act entitled "An act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes," approved June 30, 1932, as amended (U. S. C., 1940 edition, title 5, sec. 59a), section 2 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved July 31, 1894, as amended (U. S. C., 1940 edition, title 5, sec. 62), or any other law, not to exceed two active or retired officers of the Army or the Navy may serve at the same time as members of the Commission, and any active or retired officer of the Army or the Navy may serve as Director of the Division of Military Application established by subsection (a) (4) (B) of this section, without prejudice to their commissioned status as such officers. Any such officer serving as a member of the Commission or as Director of the Division of Military Application shall receive, in addition to his pay from the United States as such officer, an amount equal to the difference between such pay and the compensation prescribed in paragraph (2) or (4) (B), as the case may be, of subsection (a) of this section."

On page 8, line 12, to strike out "grants-in-aid,"; on page 10, line 16, after "Commission", insert a comma and "as agent of and on behalf of the United States,"; on page 11, line 18, after "contract", to insert "except as authorized by

the Commission,"; on page 12, line 17, strike out "is" and insert "and persons lawfully producing or utilizing fissionable material are"; on page 14, line 20, after "material", to insert "owned by it"; on page 16, line 21, to strike out all after "deliver" down to and including "to" in line 22, and insert a comma and "receive possession of or title to, or export from the United States"; on page 18, line 25, to strike out all after "States" over to and including "enjoy" in line 5 of page 19, and insert "subject to valid claims existing on the date of the enactment of this act"; on page 19, line 6, to strike out "person" and insert "individual"; on page 19, line 10, to strike out "person" and insert "individual"; on page 19, line 11, after "project", to insert "unless first authorized so to do by the Commission"; on page 21, to strike out lines 17 to 20, inclusive, and insert:

(1) The Commission shall not—

(A) Distribute any fissionable material to (i) any person for a use which is not under or within the jurisdiction of the United States, (ii) any foreign government, or (iii) any person within the United States if, in the opinion of the Commission, the distribution of such fissionable material to such person would be inimical to the common defense and security.

(B) License any person to transfer or deliver, receive possession of or title to, or export from the United States any source material if, in the opinion of the Commission, the issuance of a license to such person for such purpose would be inimical to the common defense and security.

On page 21, to strike out all after line 20, over to and including line 5 on page 22; on page 22, line 20, after "Commission", to insert "(1)"; on page 22, line 21, after "of", to insert "fissionable materials or"; on page 22, line 23, after "defense" to insert "or (2) to authorize the armed forces to manufacture, produce, or acquire any equipment or device utilizing fissionable material or atomic energy as a military weapon"; on page 22, lines 24 and 25, after "person" to insert a comma and "except as provided in section 6 (a)"; on page 25, line 12, to strike out "to exceed" and insert "less than"; on page 26, line 4, to strike out "States or" and insert "States,"; on page 26, lines 4 and 5, after "government" to insert a comma and "or to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security"; on page 26, line 14, after "agreement" to insert "hereafter"; on page 28, to strike out all after line 22 over to and including line 4 on page 29; on page 29, line 5, to strike out "(2)"; on page 29, strike out lines 10 to 14, inclusive; on page 29, line 15, to strike out "(c)" and insert "(b)"; on page 29, line 20, after "Commission" to insert "by unanimous vote"; on page 30, line 8, after "by" to insert "death, or by"; on page 30, line 9, after "not" to insert "less than ten years or"; on page 30, line 23, after "by" to insert "death, or by"; on page 30, line 23, after "not" where it occurs the second time to insert "less than ten years or"; on page 31, line 10, after "by" to insert "death, or by"; on page 31, line 11, after "not" to insert "less than ten years or"; on page 31, to strike out lines 12 to 15, inclusive, and insert:

(5) The Commission shall make no contract under sections 3 or 4; shall issue no license to any person nor employ any person until the Federal Bureau of Investigation shall have first made an investigation of the character and associations of such person and certified that the character of such contractor licensee or employee is such as not to endanger the common defense or security.

On page 31, line 20, to strike out "(d)" and insert "(c)"; on page 32, to strike out all after line 8 over to and including line 25 on page 38 and insert:

SEC. 11. (a) The Commission is authorized to purchase, for the manufacture or use by or for the United States Government, any and all rights in and to any invention or discovery, or application for patent or patent thereon, relating to research on or the production of fissionable material or the utilization of fissionable material or atomic energy.

(b) The Commission is authorized to condemn, and to determine and make just compensation for, any and all rights in and to any invention or discovery relating to research on or the production of fissionable materials or the utilization of fissionable materials or atomic energy that affects the national defense and security: *Provided, however,* That upon the determination by the Commission that the national defense or security is no longer involved, any and all rights in and to such invention or discovery shall revert to the owner, subject to a nonexclusive, irrevocable, and nontransferable license in favor of the Government.

(c) When any person who has made an invention or discovery relating to research on or the production of fissionable material, or the utilization of fissionable materials or atomic energy, and shall have filed an application for a patent thereon and shall have tendered his invention or discovery to the Government of the United States for its use, he shall, if and when he ultimately receives a patent, have the right to sue for compensation as provided for in subsections (d) and (e) of section 11 hereof, such right to compensation to begin from the date of any use of the invention by the Government: *Provided,* That the Commission is authorized to enter into and effect an agreement with said applicant in full settlement and compromise for the use of his invention by the Government.

(d) If any person is dissatisfied with the determination of the Commission as to just compensation, he may have his remedy by filing a suit in the United States District Court for the District of Columbia, if filed within 6 months after such determination; and such court, on notice to the Commission and other due procedures had, may thereupon determine the amount of the compensation to be paid such person, as the facts in the case may appear: *Provided,* That in any such suit the United States may avail itself of any and all defenses, general and special, that might be pleaded by a defendant in an action for infringement, as set forth in title 60 of the Revised Statutes, or otherwise. Any final judgment rendered against the Commission under any provision of this section shall have like force and effect as a money judgment rendered against the United States by the Court of Claims in a suit in respect of which the United States has expressly agreed to be sued; and the amount of any such final judgment shall be paid out of any appropriation applicable to the case, if any such there be; and when no such appropriation exists said judgment shall be paid in the same manner as judgments rendered by the Court of Claims in cases under its general jurisdiction.

(e) Any party aggrieved by any final judgment in a proceeding under this section may appeal therefrom to the Court of Appeals of the District of Columbia, and upon such appeal said court shall have power to review said judgment and affirm, revoke, or modify the same as upon appeals in other actions at law.

(f) Attorneys appointed by the Commission may appear for and represent the Commission before any Government agency or judicial tribunal with respect to any and all invention, patent, and research matters in which the Commission is involved.

(g) Any person who has made, or hereafter makes, any invention or discovery utilizing fissionable materials or atomic energy designed or especially adapted for use as or in a military weapon, shall file with the Commission a report containing a complete description thereof. The report covering any such invention or discovery shall be filed on or before whichever of the following is the latest: (1) The sixtieth day after the date of enactment of this act; (2) the sixtieth day after completion of such invention or discovery; or (3) the sixtieth day after such person first discovers, or first has reason to believe that such invention or discovery is specially useful as or in such a weapon.

On page 40, line 16, to strike out all after "laws." down to and including "court." in line 19; on page 41, line 14, to strike out all after "this" down to and including all of line 20, and insert "Act; and"; on page 41, line 21, to strike out "(9)" and insert "(8)"; on page 43, after line 18 to insert:

JUDICIAL REVIEW AND ADMINISTRATIVE PROCEDURE

SEC. 14. (a) Notwithstanding the provisions of section 12 of the Administrative Procedure Act (Public Law 404, 79th Cong., approved June 11, 1946) which provide when such act shall take effect, section 10 of such act (relating to judicial review) shall be applicable, upon the enactment of this act, to any agency action under the authority of this act or by any agency created by or under the provisions of this act.

(b) Except as provided in subsection (a), no provision of this act shall be held to supersede or modify the provisions of the Administrative Procedure Act.

(c) As used in this section the terms "agency action" and "agency" shall have the same meaning as is assigned to such terms in the Administrative Procedure Act.

On page 43, line 20, to strike out "14" and insert "15"; on page 43, line 21, to strike out "nine" and insert "eleven"; on page 43, line 23, to strike out "nine" and insert "eleven"; on page 44, line 1, to strike out "five" and insert "six"; on page 46, line 2, to strike out "15" and insert "16"; on page 46, line 4, to strike out "or 6 (b)" and insert "6 (b), or 11 (g)"; on page 46, line 10, after "by" where it appears the first time to insert "death or by"; on page 46, line 11, after "not" to insert "less than ten years or"; on page 46, line 15, to strike out "(c)" and insert "(b)"; on page 46, line 15, to strike out all after "(c)" down to and including "(2)" in line 16; on page 46, line 22, after "by" to insert "death, or by"; on page 46, line 23, after "not" to insert "less than ten years or"; on page 47, line 9, strike out "shall" and insert "may"; on page 47, line 9, to strike out "without bond"; on page 47, after line 18, to insert:

(e) All persons associated in any capacity, with the development and control of atomic energy, under the Commission and all viola-

tions of this act, shall be investigated by the Federal Bureau of Investigation of the Department of Justice.

On page 47, line 20, to strike out "16" and insert "17"; on page 48, line 4, to strike out "17" and insert "18"; on page 48, after line 7, insert:

(b) The term "nuclear fission" shall be construed to mean that process which takes place in nuclei wherein the nucleus is split into fragments, at least two of which contain a substantial fraction of the mass of the original nucleus.

On page 48, line 8, to strike out "(b)" and insert "(c)"; on page 48, line 15, to strike out "(c)" and insert "(d)"; on page 48, line 24, to strike out "(d)" and insert "(e)"; on page 49, line 2, after "States" to insert "and the Canal Zone"; on page 49, line 3, to strike out "(e)" and insert "(f)"; on page 49, line 10, to strike out "(f)" and insert "(g)"; on page 49, line 17, to strike out "(g)" and insert "(h)"; on page 49, line 19, after "device", to insert "peculiarly adapted for and"; on page 49, line 23, to strike out "18. (a)" and insert "19."; on page 50, to strike out lines 11 to 16, inclusive; on page 50, line 18, to strike out "19" and insert "20"; and on page 51, line 2, to strike out "20" and insert "21".

Mr. McMAHON. Mr. President, I move that the Senate disagree to the amendments of the House; ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. McMAHON, Mr. JOHNSON of Colorado, Mr. RUSSELL, Mr. VANDENBERG, and Mr. AUSTIN conferees on the part of the Senate at the conference.

Mr. McMAHON subsequently said: Mr. President, earlier in the day the Chair appointed the Senator from Vermont [Mr. AUSTIN] as one of the conferees on Senate bill 1717. I am informed that the Senator from Vermont [Mr. AUSTIN] will find it impossible to be present tomorrow and Wednesday. In view of the exigencies of the situation and the necessity for speedy action, I desire to obtain unanimous consent to have the Senator from Colorado [Mr. MILLIKIN] appointed as one of the conferees, in place of the Senator from Vermont.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Connecticut to have the Senator from Colorado [Mr. MILLIKIN] substituted for the Senator from Vermont [Mr. AUSTIN] as one of the conferees on the part of the Senate in regard to the measure pertaining to the control of atomic energy? The Chair hears none, and, without objection, it is so ordered.

Mr. McMAHON. Mr. President, I also ask unanimous consent to have the bill printed showing the House amendments numbered.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEATH OF WILLIAM STANLEY, FORMER ASSISTANT TO THE ATTORNEY GENERAL OF THE UNITED STATES

Mr. McMAHON. Mr. President, on Saturday last William Stanley, a beloved son of Maryland, was called to final rest. Bill Stanley, as he was affectionately known, had the priceless gift of friendship. His splendid family is today joined by hundreds of people, high and low, in mourning his passing.

I first met Bill Stanley when I went to work for the Department of Justice in 1933. I became his assistant. His was the strong right arm of a great Attorney General, Homer Cummings, in the reorganization of the Department of Justice during the exciting years 1933–1935. The Department at that time was suddenly called upon to meet the changed conditions of the times, and no one gave more valiant and valuable service to his immediate superior, the Attorney General, and to the President, in that work than Mr. Stanley in the post of the Assistant to the Attorney General.

Mr. President, we are now inclined to forget that prior to 1933 the Federal Bureau of Investigation was a comparatively small and unknown division of the Department of Justice. Its agents did not have the power of arrest nor the right to bear arms, and until the Congress defined, at the request of Mr. Cummings, an entirely new area of Federal jurisdiction over criminals who plied their trade across State lines, the Nation was sorely beset with gangs of kidnapers, bank robbers, and bandits who roamed the country, looting and murdering it seemed almost at will. These were the days of the Dillingers and the Van Meters, of the Baby Face Nelsons and the Pretty Boy Floyds, and dozens of others of like ilk.

The Federal Bureau of Investigation, under the efficient and intelligent direction of its leader, Mr. J. Edgar Hoover, brought these criminals to book after the Attorney General had so brilliantly marked and laid out the course and after Bill Stanley had acted as the liaison officer with the Congress in securing the necessary legislative authority. This great unit of the Department of Justice, as did all other units of the Department of Justice, functioned well under the skilled supervision of Mr. Stanley, and the results so splendidly achieved will forever stand as a monument to his memory.

The Assistant to the Attorney General fills a most responsible post. His is the post of general superintendent of the Department of Justice, answerable only to the Attorney General. His is the responsibility for maintaining liaison with the Congress. It was because of this part of his duties that he came into such close and intimate contact with so many Members of this body who learned to respect his ability, fairness, and integrity.

His friendly nature and capacity for service to his country won him the affection of scores of the Members of the Senate.

In 1935 he resigned from the Department of Justice to resume the practice of his profession here in Washington. His fine talents inevitably drew a large clientele. After his beloved chief retired in 1939 as Attorney General it was entirely appropriate and natural that they should form a partnership, which they did under the name of Cummings & Stanley. Their firm has become one of the leading law firms of the country.

And now in the prime of his life, Bill Stanley has left us. His wife and children and his partners and associates will be joined by his ex-fellow workers in the Department of Justice and his hundreds of friends, leaders in the Nation's business and political life, in grief because of his untimely death.

His was a life illuminated by kindness to his fellow men and service to his country.

May his soul rest in peace.

Mr. RADCLIFFE. Mr. President, I have listened with a feeling of deep appreciation to the eloquent tribute paid by the Senator from Connecticut [Mr. McMAHON] to a very distinguished Marylander, Mr. William Stanley, whose friendship I enjoyed throughout his life. Mr. Stanley's years were all too few in number, but they were busy, useful ones. He succeeded in accomplishing in a brilliant manner many things which were most assuredly worth while. The commanding Nation-wide position which he held at the bar and in the confidence and affections of people of our country was in natural recognition of his integrity, his ability, and of the important and highly constructive role which he played in the State of Maryland and in the Nation. His loss is indeed a very serious one.

GENERAL EISENHOWER'S REVIEW OF ACTION OF SUPREME HEADQUARTERS SUSPENDING PRESS CREDENTIAL OF EDWARD KENNEDY

Mr. DOWNEY. Mr. President, I should like to make a matter of record the latest developments in a case which has been a subject of great interest to the public and especially to the newspaper world. I refer to an Associated Press dispatch sent from France by Edward Kennedy on May 7, 1945, which gave the American people the news of the unconditional surrender of Germany.

I requested General Eisenhower to review the action of Supreme Headquarters in suspending the press credential of Mr. Kennedy, which was done on the grounds that he dispatched this news before its sending was authorized. General Eisenhower agreed to do so and I am now happy to have the opportunity to announce that he has removed any bar which might prevent Mr. Kennedy from working with the War Department and the Army in his profession as a writer.

General Eisenhower's action, as I understand it, does not rescind the decision of Supreme Headquarters in the case, which the War Department still believes was justified, but, nevertheless, restores to Mr. Kennedy the opportunity of resuming, without prejudice, his work as a military correspondent should he desire to do so in the future. General Eisenhower also has told me that he wishes Mr. Kennedy every success.

To further clarify the case, I would like to submit for the RECORD several documents some of which have not been previously made public. These are:

First. The text of the official German announcement of the unconditional surrender, broadcast publicly by the

Doenitz government over the radio at Flensburg, Denmark, as monitored and distributed for immediate publication by the British Ministry of Information.

Second. A War Department memorandum in which Lt. Gen. Walter Bedell Smith, who was chief of staff at Supreme Headquarters at the time of the surrender, states that the Flensburg announcement was "made pursuant to orders from Supreme Headquarters that the German troops were to be informed by every possible means of the surrender and directed to cease resistance."

Third. A letter from the War Department's Bureau of Public Relations to Representative ALBERT GORE establishing the fact that the Flensburg announcement was made 1 hour and 54 minutes before the Kennedy story of the surrender appeared on the news wire.

Fourth. A statement by Relman Morin, a member of Kennedy's staff in Paris, that he was present at a conference at which Kennedy informed the chief American censor at Supreme Headquarters that since the surrender had already been made public by the Germans, he considered the story released and intended to send his dispatch.

Mr. President, I ask unanimous consent that there may be printed in the RECORD, following my statement, the documents to which I have referred.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

TEXT OF VON KROSIGK STATEMENT; PLEDGES RESPECT FOR TREATIES

LONDON, May 7.—Following is the text of the broadcast of the German Foreign Minister Ludwig Schwerin von Krosigk as recorded by the British Ministry of Information:

"German men and women: The high command of the armed forces has today at the order of Grand Admiral Doenitz declared the unconditional surrender of all fighting German troops.

"As the leading minister of the Reich Government which the Admiral of the Fleet (Doenitz) has appointed for the winding up of all military tasks, I turn at this tragic moment of our history to the German Nation.

"GERMANY HAS SUCCUMBED

"After a heroic fight of almost 6 years of incomparable hardness Germany has succumbed to the overwhelming power of her enemies. To continue the war would only mean senseless bloodshed and a futile disintegration.

"A government which has a feeling of responsibility for the future of its nation was compelled to act on the collapse of all physical and material forces and to demand of the enemy the cessation of hostilities.

"It was the noblest task of admiral of the fleet and of the government supporting him—after the terrible sacrifices which the war demanded—to save in the last phase of the war the lives of a maximum number of fellow countrymen. That the war was not ended immediately, simultaneously in the west and in the east, is to be explained by this reason alone.

"We end this gravest hour of the German Nation and its Reich.

"GERMANS MUST FACE FATE

"In this gravest hour of the German Nation and its Reich we bow in deep reverence before the dead of this war. Their sacrifices place the highest obligations on us. Our sympathy goes first to our soldiers. It goes out above all to the wounded, the bereaved, and to all on whom this struggle has inflicted blows.

"No one must be under any illusions about the severity of the terms to be imposed on the German people by our enemies. We must now face our fate squarely and unquestionably. Nobody can be in any doubt that the future will be difficult for each one of us and will exact sacrifices from us in every sphere.

"We must accept this burden and stand loyally by the obligations we have undertaken. But we must not despair and fall into mute resignation. Once again we must set ourselves to stride along the path through the dark future. These are the factors guaranteeing the best state: unity, justice, and liberty.

"URGES RECOGNITION OF LAW

"From the collapse of the past let us preserve and save one thing—unity, the ideas of the national community, which in the years of war have found their highest expression in the spirit of comradeship at the front and readiness to help one another in all the distress which has inflicted the homeland.

"Shall we retain this unity and not again split up under the stress? We must make right the basis of our nation. In our nation justice shall be the supreme law and the guiding principle.

"We must also recognize law as the basis of all relations between the nations: we must recognize it and respect it from inner conviction.

"TREATIES TO BE SACRED

"Respect for concluded treaties will be as sacred as the aim of our nation to belong to the European family of nations as a member of which we want to mobilize all human, moral, and material forces in order to heal the dreadful wounds which the war has caused.

"Then we may hope that the atmosphere of hatred which today surrounds Germany all over the world will give place to a spirit of reconciliation among the nations, without which the world cannot recover.

"Then we hope that we will again receive the freedom without which no nation can lead a bearable and dignified existence. Let us devote the future of our nation to the meditation of the innermost and best forces of the German spirit, which has given the world lasting achievements and values.

"To our pride in the heroic struggle of our nation let us link (several words missing) of the Christian western civilization to make to the honest work of peace a contribution which shall be worthy of the best traditions of our nation.

"May God not leave us in our efforts. May He bless our difficult task."

At the conclusion the announcer said: "We will now observe 3 minutes of silence."

The following memorandum was dictated by Lt. Gen. Walter Bedell Smith just before his departure for Moscow in reply to several questions asked by an editor interested in the case.

WAR DEPARTMENT,
WAR DEPARTMENT GENERAL STAFF,
Washington, D. C., March 14, 1946.

Memorandum for Lieutenant Colonel Root.
Subject: German broadcast of surrender.

1. Ludwig Schwerin von Krosigk did officially announce the unconditional surrender of Germany in a broadcast to the German people and to the world from Flensburg. I believe that this announcement was made on May 7. The so-called Doenitz government had not at this time been taken into custody and this announcement was made pursuant to orders from Supreme Headquarters that the German troops were to be informed by every possible means of the surrender and directed to cease resistance, which amounted to a great deal more than "isolated German pockets." At least two German armies were continuing strongly to resist the Russians at the time, and one army commander had indicated that he would not accept the order for surrender. We were surprised at the Krosigk broadcast since we had expected that any such announcement would be made either by a military commander such as Keitel or by Doenitz.

2. I do not know what Mr. McCreary means by disciplinary action. We were much too concerned with disarming and taking into custody as prisoners of war a couple of million German soldiers to pay much attention to individuals. We simply arrested the entire Doenitz government at the first suitable opportunity.

W. B. S.

WAR DEPARTMENT,
BUREAU OF PUBLIC RELATIONS,
Washington, March 15, 1946.

Hon. ALBERT GORE,
United States House of Representatives.

DEAR MR. GORE: In the absence of General Parks, who is at present on a trip overseas, I am replying to your letter relative to the Flensburg surrender broadcast.

Our records reveal the following information:

Count von Krosigk broadcast the surrender announcement from Flensburg, Denmark, on May 7, 1945, at 8:03 a. m. eastern war time. The AP dispatch appeared on the wire on May 7, 1945, at 9:57 a. m. eastern war time.

I have been unable to find any indication that Allied military authorities authorized the broadcast. Although it is the impression here the broadcast was made without the consent of the Allies, I have queried the theater for further information on this point. It may be quite difficult, if not impossible, to obtain accurate information from German military authorities.

If I obtain any additional information from the theater, I shall forward it to you immediately.

Sincerely yours,

JOSEPH F. BATTLEY,
Brigadier General, G. S. C., Acting Director.

STATEMENT OF RELMAN MORIN, A MEMBER OF THE PARIS STAFF OF THE ASSOCIATED PRESS, TO EDWARD KENNEDY

The first indication that we had that the story might break came at noon on Monday when you returned from Rheims. A French correspondent told me he had heard that de Gaulle was going to make an important speech at 3 o'clock, that the speech was already being written, and that it was generally understood it was about the armistice.

It was about 2:30 or 2:45 when you and I returned to the office together. Gudebrod was on the telephone as we came in. He said: "The office (meaning the office in the Incoming Service) has just had a flash from the Flensburg radio about the armistice." He was then getting the transcript of the message. He said: "The German Government has broadcast the fact of the armistice to all its armed forces everywhere, telling them to cease operations and ordering submarines and shipping to the nearest allied ports to surrender."

It was then that you attempted to telephone General Allen at his office and to reach Colonel Warden in his office. Both attempts were unsuccessful.

You then went downstairs to the office of Lt. Col. R. H. Merrick, American chief censor. I stayed in the office until Gudebrod had finished writing down the text of the Flensburg broadcast. I then came downstairs and found you talking to Merrick in his office. I handed Merrick the written text of the German broadcast.

He read it and as I remember his reply, he said: "I can't help it, who is announcing the armistice and when. The SHAEF release

date still stands. There is nothing I can do about it." You replied: "But how can there be any longer question of military security, since the Germans themselves have announced it?" He said: "That may or may not be true, but there is nothing we can do about it."

You then said: "All right, but I give you warning now I am going to release the story, I see no further reason for SHAEF to withhold it."

I don't remember exactly Merrick's reply, but it was something to the effect: "You do as you please."

Merrick later told me that he believed you had already transmitted all or part of the story before you ever came down there, and I assured him that that was not so, that it was only after hearing the Flensburg broadcast and after trying to get in touch with General Allen and Colonel Warden that you had come down to see him, not a word had gone before that time.

We then came upstairs again and you began telephoning.

RELMAN MORIN.

SIDNEY HILLMAN—ARTICLE FROM THE ADVANCE

[Mr. MEAD asked and obtained leave to have printed in the RECORD an article entitled "Labor Statesman," printed in the July 15, 1946, edition of the publication the Advance, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL COMMENT

[Mr. LUCAS asked and obtained leave to have printed in the RECORD the following editorials commenting on the Pearl Harbor report: An editorial entitled "The Last Word," published in the New York Herald Tribune of July 22, 1946; an editorial entitled "Pearl Harbor Findings," published in the Washington Evening Star of July 21, 1946; an editorial entitled "The Congressional Finding on the Pearl Harbor Disaster," published in the Baltimore Sun of July 22, 1946; and an editorial entitled "The Pearl Harbor Report," published in the New York Times of July 21, 1946, which appear in the Appendix.]

FINANCIAL OPERATIONS OF THE WAR SHIPPING ADMINISTRATION — EDITORIAL FROM ST. LOUIS POST-DISPATCH

[Mr. AIKEN asked and obtained leave to have printed in the RECORD an editorial entitled "WSA's Floundering Figures," published in the St. Louis Post-Dispatch of July 19, 1946, which appears in the Appendix.]

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2142. An act to provide for two heads of departments of military science and tactics in the public schools of the District of Columbia; and

S. 2352. An act to authorize increases in the salary rates of teachers, school officers, and other employees of the Board of Education of the District of Columbia whose pay is fixed and regulated by the District of Columbia Teachers' Salary Act of 1945, as amended.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2192) for the relief of Andre Dacharry.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3543) for the relief of the legal guardian of James Thompson, a minor.

The message also announced that the House insisted upon its amendments to the bill (S. 1236) to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PETERSON of Florida, Mr. WHITE, Mr. FERNANDEZ, Mr. LECOMPTE, and Mr. BARRETT of Wyoming were appointed managers on the part of the House at the conference.

The message further announced that the House insisted upon its amendments to the bill (S. 1717) for the development and control of atomic energy, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAY, Mr. THOMASON, Mr. BROOKS, Mr. CLASON, and Mr. THOMAS of New Jersey were appointed managers on the part of the House at the conference.

TITLE TO LANDS BENEATH TIDAL AND NAVIGABLE WATERS

The Senate resumed consideration of the joint resolution (H. J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

The PRESIDENT pro tempore. At this point the Chair reads the following unanimous-consent agreement:

Ordered, That on Monday, July 22, 1946, at not later than 3 o'clock p. m., the Senate proceed, without further debate, to vote upon any amendments that may be pending or that may be proposed and upon the final passage of House Joint Resolution 225, the so-called tidewater land resolution, and that the time for debate be equally divided, to be controlled respectively by the Senator from Nevada [Mr. MCCARRAN] for the proponents, and the Senator from Kentucky [Mr. BARKLEY] for the opponents of the measure.

Mr. WILEY. Mr. President——

Mr. BARKLEY. Mr. President, from now on until 3 o'clock the time is under the control of the Senator from Nevada [Mr. MCCARRAN] and myself.

Mr. WILEY. The Senator from Nevada has yielded me 15 minutes.

Mr. BARKLEY. Very well. The time from now on is charged to someone.

The PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. WILEY. Mr. President, should the Congress take affirmative action in accordance with the joint resolution reported out by the Judiciary Committee, as amended?

My answer is "Yes."

Why?

(A) By passing this joint resolution we are defining a policy which is a legislative matter. Congress has never hesitated to do that.

(B) We are acting upon the petition of a majority of the States in this country, represented by their duly elected officers—in my case, the governor, the attorney general, and officials of the city of Milwaukee.

(C) We are restating in this policy the law of this land which, in my opinion, for over a century has been the accepted and the declared policy of the United States, and upon which the action now in the Supreme Court operates as a trespass.

(D) By passing the joint resolution we are doing away with a multiplicity of litigation. A decision in this case by the Supreme Court would be no more determinative than the decision in the Oregon case of *Shively* v. *Bowlby* (152 U. S. 1), though in my opinion the résumé of the law in that case is applicable to the pending case and states the law of the land.

(E) By declaring this policy we are giving the green light not only to California, but to municipalities and States which have been affected by this cloud upon the titles of reclaimed land and tidal lands.

Until the oil issue came up, neither this Government nor any officer thereof ever made any claim or took any action that indicated that the Federal Government had any title to tidal lands. In fact, in 34 cases the Federal Government dealt with the State of California for land that it needed just as it has done with other States along our entire seacoast.

While the action pending involves the State of California and the Federal Government, it is clear that this is the first attack upon a well-settled policy, and therefore it calls for the action of the policy-making branch of the Government—the legislature.

We should bear in mind that Secretary Ickes stated that if the Government won, the royalty it would charge would be substantially the same as that which the State now gets, so there is no advantage or disadvantage to any oil companies. That takes oil out of the picture. California's royalties amount to approximately $4,000,000 a year.

I repeat, that until oil was found on the land, or until the oil question came up and the Government took the oil, there was never any question throughout our long decades of American Government as to the right of Government in tidal lands.

Montesquieu said:

> The deterioration of every government begins with the decay of the principles upon which it was founded.

The principles involved in this case are stated in *Shively* v. *Bowlby* (152 U. S. 1). That case involved tidal lands in Oregon, not California. The supreme court of Oregon held, as stated on page 52:

> In the case at bar, the lands in controversy are below high-water mark of the Columbia River where the tide ebbs and flows.

Upon the admission of the State into the Union, the tidal lands became the property of the State and subject to its jurisdiction and disposal.

The Supreme Court of the United States, after reviewing every case that it thought had application, summed up its conclusions as follows:

Lands under the tidewaters are incapable of cultivation or improvement in the manner of lands above high-water mark. They are of great value to the public for the purposes of commerce, navigation, and fisheries. We could add oil. Their improvement by individuals, when permitted, is incidental or subordinate to the public use and right. Therefore the title and the control of them are vested in the sovereign for the benefit of the whole people.

At common law, the title and the dominion in lands flowed by the tide were in the king for the benefit of the nation. Upon the settlement of the Colonies, like rights passed to the grantees in the royal charters, in trust for the communities to be established. Upon the American Revolution, these rights charged with a like trust, were vested in the original States within their respective borders, subject to the rights surrendered by the Constitution to the United States.

Upon the acquisition of a Territory by the United States, whether by cession from one of the States, or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States, for the benefit of the whole people, and in trust for the several States to be ultimately created out of the Territory.

The new States admitted into the Union since the adoption of the Constitution have the same rights as the original States in the tidewaters, and in the lands under them, within their respective jurisdictions. The title and rights of riparian or littoral proprietors in the soil below high-water mark, therefore, are governed by the laws of the several States, subject to the right granted to the United States by the Constitution.

The United States, while they hold the counry as a Territory, having all the powers both of a national and of municipal government, may grant, for appropriate purposes, titles or rights in the soil below high-water mark of tidewaters. But they have never done so by general laws; and, unless in some case of international duty or public exigency, have acted upon the policy, as most in accordance with the interest of the people and with the object for which the Territories were acquired, of leaving the administration and disposition of the sovereign rights in navigable waters, and in the soil under them, to the control of the States, respectively, when organized and admitted into the Union.

Grants by Congress of portions of the public lands within a Territory to settlers thereon, though bordering on or bounded by navigable waters, convey, of their own force, no title or right below high-water mark, and do not impair the title and dominion of the future State when created; but leave the question of the use of the shores by the owners of uplands to the soverign control of each State, subject only to the rights vested by the Constitution in the United States.

Mr. President, applying these particular laws to this case, the Court continues as follows:

The donation land claim, bounded by the Columbia River, upon which the plaintiff in error relies, includes no title or right in the land below high-water mark; and the statutes of Oregon, under which the defendants in error hold, are a constitutional and legal exercise by the State of Oregon of its dominion over the lands under navigable waters. (*Shively* v. *Bowlby* (152 U. S. 1) p. 57–58).

Mr. President, in the Shively case, from which I have quoted quite extensively, question arose as to who had the title—the person who got it from the Federal Government when Oregon was a Territory, or the one who got it from the State after it became a State. The Court met that issue squarely, and said that beginning at the point where the tide ebbs and flows, the person who got title from the Government got title to that which was beyond that point, but that the man who got title from the State got title to that which was from that point on in.

Mr. President, as a legislator in an independent branch of this Government, I have no hesitancy in standing by these principles and restating them in this joint resolution—redefining and restating the policy that has obtained in this country for over 100 years. In so doing, I shall be performing one of my legislative functions.

Mr. KNOWLAND. Mr. President, last week we had some discussion relative to the question of title to the land off the shores of California. I stated then, and I reiterate today, that ever since their admission into statehood on September 9, 1850, the people of California have believed that they had as clear a title to the shore lands on out to the 3-mile limit as they had over the great central valleys of the Sacramento and the San Joaquin.

I wish to read from the Constitution of California of 1849 a provision which subsequently was adopted in a later constitution of the State. The constitution of 1849 was the one which furnished a part of the compact between the people of California and the people of the United States, as represented by the Federal Government, at the time when California was admitted to the Union on a coequal basis with every other State of the Union up to that time, including the Original Thirteen States. I quote from the Constitution of California, article XII, section 1:

SEC. 1. The boundary of the State of California shall be as follows:

Commencing at the point of intersection of 42nd degree of north latitude with the 120th degree of longitude west from Greenwich, and running south on the line of said 120th degree of west longitude until it intersects the 39th degree of north latitude; thence running in a straight line in a southeasterly direction to the River Colorado, at a point where it intersects the 35th degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May 30, 1848—

Mr. President, I call attention at this point to the following language:

thence running west and along said boundary line, to the Pacific Ocean, and extending therein 3 English miles; thence, running in a northwesterly direction and following the direction of the Pacific coast, to the 42nd degree of north latitude; thence, on the line of said 42nd degree of north latitude, to the place of beginning. Also the islands, harbors, and bays along and adjacent to the coast.

There is simply no question of doubt whatsoever, Mr. President, but that this compact relative to the boundaries of the State of California included the coastal area of California 3 miles out into the ocean.

Now, after almost 100 years of our existence as a State of this Union, for the first time an administrative official of the Government brings up a doctrine claiming title to our tideland. This action not only affects the sovereignty of California but affects the sovereignty of every other State of the Union. It is something which should not be countenanced by this policy-determining body of the Government of the United States.

Mr. President, let me say that the ownership of the submerged lands beneath the sea within the territorial boundaries of the States is far more than an academic question to the people of the coastal States.

The public interest and welfare of the communities along the seacoast demand jurisdiction over, and control of, the subsoil and sea bed adjacent to their shores.

The regulation and use of that property right is a local affair, so directly affecting the coastal communities that it cannot in any conscience be separated from them. By State constitutions and statutes their interest and control are recognized in innumerable cases.

The doctrine advanced by certain Federal officials would create an intolerable situation. Every coastal community has ordinances controlling the use of its ocean front. Millions of dollars have been spent in development of beaches, recreation centers, parks, highways, and other facilities on the ocean shores for the convenience and enjoyment of their citizens.

It is intolerable to believe that, under strange legal principles, the Federal Government could nullify all the interests of the seaboard communities.

The interests and needs of the local community cannot be regulated from Washington. Time after time it has been argued on the floor of this Senate that the question of local community affairs should not and cannot be controlled by centralized Federal bureaus.

In dozens of coastal States and communities, highways, breakwaters, parks, airports, and other developments have been constructed seaward of the line of low-water mark. Shall those properties, essential to the welfare of the people of the coastal communities and States, be taken over by the Federal Government without compensation?

The great inland States know the vital importance of controlling their water fronts. Those bordering on the Great Lakes—New York, Pennsylvania, Ohio, Indiana, Michigan, Wisconsin, Illinois, Minnesota—insist, and properly so, that they own the bed of the lake out to the center of the lake, or to the international boundary line.

Would Cleveland, Buffalo, Chicago, Detroit, or Milwaukee consent to Federal control of their immediate water fronts? Or would those great cities say that questions of health, sanitation, recreation, commerce, and industry demanded their control, not alone of their immediate ports, but of the waters in front of them?

Would Chicago agree that it should be stripped of its great water front, of its Outer Drive, of Grant Park, and of other areas, because they were constructed beyond the original shore line? Would Chicago agree that the Federal Government should have control of those waters, and the unrestricted right to erect in them any structures it saw fit, with-

out regard to zoning or other laws—structures which might entirely nullify the local uses and needs?

In California, the people, through their legislature, have prohibited drilling for oil from derricks erected on piers over the open sea, claiming that those structures were unsightly, and that oil seeping from them polluted the beaches. Should California be deprived of the right to control such activity as this in the waters immediately adjacent to its coast?

No, Mr. President; the control of the subsoil and sea bed immediately adjacent to the shores of Atlantic City is as important to that community as the control of the bed of the Hudson River is to New York State—and to the city of Albany.

Mr. President, we do not live under a dictatorship where the will of the central power is the only law. We live in a representative republic, a land in which the common needs of the people have for centuries guided and developed the law itself. Our great commonwealth grows directly out of those needs.

The ownership of the submerged lands beneath navigable waters, salt or fresh, is not an accident; it does not grow out of a whim of some departmental executive.

I repeat, Mr. President, that the people of California, the Governor, the legislature, both United States Senators, California's entire delegation in the United States House of Representatives, every municipal body of California, every port authority, and all civic groups up and down the State resent this attack upon her sovereignty just as much as they would resent an attempt to come into the State and seize one of California's great central valleys.

Mr. DONNELL. Mr. President, will the Senator yield in order that I may make an inquiry?

Mr. KNOWLAND. I yield.

Mr. DONNELL. Immediately before the State of California was admitted to the Union, in whom, in the Senator's opinion, was the title to the 3-mile area sea coastwise along the shore of what is now California?

Mr. KNOWLAND. Prior to the time California was seized from Mexico during the Mexican War I assume that the area to which the Senator refers belong to the people of the State, or the Government of Mexico, depending on the constitutional provisions. The question which the Senator has propounded is a legal one and I may say, frankly, that I would not care to try to answer it at this time.

Mr. DONNELL. In the interim between seizure from Mexico and the admission of the State of California to the Union, does the Senator know whether or not the United States Government exercised jurisdiction over what is now the State of California?

Mr. KNOWLAND. It most certainly did.

Mr. DONNELL. Is the Senator at this moment prepared to express an opinion as to whether or not the title to the 3-mile strip coastwise along California, during the interim between the acquisition from Mexico by the United States and the admission of California into the Union, was in the United States Government?

Mr. KNOWLAND. I am not prepared to answer the question. I assume that title was in the United States Government.

Mr. DONNELL. California was admitted to the Union in 1850, was it not?

Mr. KNOWLAND. It was admitted on September 9, 1850.

Mr. DONNELL. By an act of Congress, California was admitted into the Union on September 9, 1850, and approved on that date. I invite the attention of the Senator to the following language which I believe to be a correct statement of the contents of the enabling act.

> Whereas the people of California have presented a constitution and asked admission into the Union, which constitution was submitted to Congress by the President of the United States, by a message dated February 13, 1950, and which, on due examination, is found to be republican in its form of government:
>
> *Be it enacted, etc.*, That the State of California shall be one, and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever—

Mr. KNOWLAND. I wonder if the Senator will permit me to interrupt him right there. In other words, according to the language which the Senator has read, I would assume that California came into the Union on an equal basis with all the rest of the States, including the original 13 States.

Mr. DONNELL. I appreciate the Senator's point, and I desire to invite his further attention to the act of admission, from which I read:

> SEC. 2. And be it further enacted, That until the Representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of California shall be entitled to two Representatives in Congress.
>
> SEC. 3. And be it further enacted, That the said State of California is admitted into the Union upon the express condition that the people of the said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned.

Mr. KNOWLAND. Does the Senator maintain that there are any court decisions which hold that public lands, or the public domain as such, are lands under navigable streams or under tidewaters?

Mr. DONNELL. I am not in position to answer the Senator's question with regard to that point. I cannot say whether the courts have so held. But, to my mind, the language of the section which I have read raises immediately the question of whether or not, when California was admitted on an equal footing with the original States in all respects, she was at the same time so admitted upon a further subsequent express condition mentioned in the act, namely, "that the people of the said State * * * shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law, and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned."

I am not undertaking to say what will be the final decision of the Supreme Court. I was greatly impressed on Saturday last with the points made particularly by the Senator from Oregon [Mr. CORDON] when he read from observations of the Supreme Court of the United States. I can well see how the Supreme Court of the United States may sustain the position taken by the State of California. But the point to which I address myself is that there is room for doubt, and until the question has been decided by the Supreme Court of the United States it would seem to me that the Congress is acting prematurely in giving away such rights as the Government may have in and to these lands. As to whether or not lands under the ocean are to be considered as public lands within the State, raises a delicate legal question. In the first place, the language "within its limits" as applied to the State, would obviously include, according to the very language set forth in the constitution of California, the property extending three English miles into the Pacific Ocean.

Mr. KNOWLAND. So the Senator has no doubt that the geographic limits of the State of California, as set forth in the constitution of 1849, and as a part of the compact by which she came into the Union, do extend out three English miles along the coast line of the State of California.

Mr. DONNELL. I would say to the Senator that the language of the constitution certainly so provides.

Mr. KNOWLAND. So I believe my able colleague, for whom I have the greatest respect, will appreciate the position of the people of California who feel that the pending proposal is an attempt to take something from that State which is as much a part of it as the Sacramento Valley or the San Joaquin Valley.

Mr. DONNELL. I appreciate the Senator's point, and it may well be so determined eventually by the Supreme Court of the United States. A former Secretary of the Interior, and a former and the present Attorney General of the United States do not regard the decisions with respect to submerged lands, as cited by the Judiciary Committee of the Senate, as being decisive of the question with respect to submerged lands lying coastwise against the State of California. I point out to the Senator that the language in the enabling act to the effect that California is declared to be one of the United States of America, states further—

> *Be it further enacted*, That the said State of California is admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned.

I ask the Senator this question: If it be conceded that the instant before the State of California was admitted to the Union the title to the 3-mile strip along the coast of California was public

land of the United States, and belonged to the United States, does not the Senator concede the fact that to be that the language to which I have referred in the act of admission immediately raises the legal question of whether or not the State of California has any right to dispose of those lands which, if the premise which I have indicated is correct, were public lands of the United States. Does the Senator care to express himself on that point?

Mr. KNOWLAND. I think the Senator has raised an intricate legal question. I do believe that Court decisions—I do not have them before me but I believe that they can be produced during the day—are to the effect that lands under navigable waters and under navigable streams are not public lands.

Mr. DONNELL. I should like to read the remainder of the act of admission, if I may. It is not very long.

Immediately following the language I have read is a semicolon, and thereafter follows that language:

And that they—

That is, the people of the State of California—

shall never lay any tax or assessment of any description whatsoever upon the public domain of the United States, and in no case shall nonresident proprietors who are citizens of the United States, be taxed higher than residents; and that all the navigable waters within the said States shall be common highways, and forever free, as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost, or duty therefor: *Provided*, That nothing herein contained shall be construed as recognizing or rejecting the propositions tendered by the people of California as articles of compact in the ordinance adopted by the convention which formed the constitution of that State.

This act of admission appears at page 452 of Ninth United States Statutes at Large.

Mr. KNOWLAND. Mr. President, I should like to say to the Senator at this point—I do not want to take up his time on it—that in my opinion the people of California have very faithfully carried out their part of the bargain of their admission to statehood, as indicated by the distinguished Senator in the passage from which he has just read, and it was not until 1945, over 90 years after the admission of California to statehood, and some 150 years after the existence of the United States as a republic, that Mr. Ickes filed suit and challenged the title of the State to its tidelands out to the 3-mile limit. So the first reneging on the 3-mile agreement came in 1945.

Mr. DONNELL. Mr. President, will the Senator yield for an observation?

Mr. KNOWLAND. Certainly.

Mr. DONNELL. As was mentioned on Saturday, the ruling of the Department of the Interior, by Mr. Ickes, in 1937, was it not, was a direct reversal of his previous decision, was it not?

Mr. KNOWLAND. I may have said 1935. I think it was 1945.

Mr. DONNELL. Possibly 1945. The date is immaterial, and I do not have it before me. At any rate, he made it under the authority of the act set forth in his letter to Mr. Proctor that the United States Government had no title. He wrote that in 1933. Later on he made the express statement to the effect that, in view of the fact that he had found a doubt to exist, he no longer adhered to that position, but thought that it was a matter that should be determined before the policy of the Department should be thereafter carried into effect.

Mr. KNOWLAND. I think that was in 1945.

Mr. DONNELL. That was in 1937, but his testimony, as it was read rather extensively on Saturday, was given in February 1946.

Mr. DONNELL subsequently said: Mr. President, as to the question of date which occurred in the colloquy between the distinguished Senator from California and myself, I should like to quote from page 9430 of the CONGRESSIONAL RECORD of July 19, 1946, this excerpt from the testimony of Mr. Ickes, as follows:

Until 1937, these applications were denied by the Commissioner of the General Land Office and, in those cases where appeals were taken to the Department, his decisions were affirmed * * * but applicants and their lawyers continued to insist that the United States does own the land and the oil and that the Department does have the power to grant them oil and gas leases. So we began to have doubts * * * consequently, since 1937, action on all of these applications, of which there are about 200, has been suspended pending a judicial determination.

ADMISSION OF WOMEN SECRETARIES AND CLERKS TO SENATE FLOOR

Mr. BREWSTER. Mr. President, I desire to bring up a matter possibly of personal privilege or by way of parliamentary inquiry as to the interpretation of the Rules of the Senate. Apropos of our extended discussion last week regarding equal rights, it would seem to me appropriate that before considering the equal-rights amendment the Senate should take the mote out of its own eye before it plucks the beam out of the eye of the States. So I should like to have a ruling of the Chair as to whether, under the rules, female clerks may be allowed the privileges of the floor.

The PRESIDENT pro tempore. Rule XXXIII, on page 38, of the Standing Rules of the Senate provides as follows:

Clerks to Senate committees and clerks to Senators when in the actual discharge of their official duties. Clerks to Senators to be admitted to the floor must be regularly appointed and borne upon the rolls of the Secretary of the Senate as such.

The Chair believes, and the Parliamentarian concurs in the opinion, that a woman clerk to any Senator or to any committee has the same rights as a man clerk, as if she were a man clerk. Therefore, under that ruling, the Chair holds that they are entitled to the floor.

Mr. BREWSTER. I very much appreciate the ruling of the Chair. In view of what the practice of former years has been in general regarding it, I think it would be well if the Senate now should express themselves or else forever after hold their peace.

The PRESIDENT pro tempore. The Chair suggests that if some Senator would appeal from the ruling of the Chair, it could immediately be established.

At any rate, the Chair will ask unanimous consent that that ruling may be the ruling of the Senate. Is there objection? The Chair hears no objection; so the ruling of the Chair is endorsed by the Senate.

Mr. BREWSTER. I very much appreciate it.

Mr. CHAVEZ. Mr. President, a parliamentary inquiry on the ruling of the Chair.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CHAVEZ. Is the Senator from New Mexico correct in understanding that the ruling applies to any female who might be a clerk of a standing committee, or does it apply only to the help in a Senator's office?

The PRESIDENT pro tempore. It applies to both; it applies to clerks to Senators when in the actual discharge of their official duties and clerks to committees.

Mr. BREWSTER. I had immediate business that required the attention of my clerk, and I desired that I should have the facilities afforded.

Mr. WHERRY subsequently said: A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHERRY. Is not this the first time in 160 years that a woman has had the privilege of the floor of the Senate as clerk to a Senator?

The PRESIDENT pro tempore. The Chair is advised that is true.

Mr. WHERRY. I should also like to ask, does not the interpretation placed by the Parliamentarian upon the rule as to who is eligible suggest that there should be no misunderstanding as to borrowed help, whether they are men or women, that is, that to be entitled to the floor one must be carried on the pay roll of the Senate as clerk to a committee or clerk to a Senator?

The PRESIDENT pro tempore. Chief clerk to a Senator and the clerk to a committee.

Mr. WHERRY. In that status, of course, they take the same position as male clerks, but unless they are carried on the rolls as clerks to Senators or clerks to committees, they are not entitled to the privileges of the Senate floor?

The PRESIDENT pro tempore. That is correct.

Mr. BREWSTER. I think it is a well-known fact that the chief clerks of a very substantial minority, if not a majority, of Senators are women, and that is why it seems to me very appropriate that we should now discard the practice which has formerly prevailed.

Mr. MURDOCK. Mr. President, will the Senator from Nevada yield?

Mr. CARVILLE. I yield.

Mr. MURDOCK. I merely call the attention of the Senate to the fact that last week we voted on the question of equality between men and women. The ruling of the President pro tempore of the Senate this morning indicates that certainly, so far as the Senate of the United States is concerned, there is equality between men and women.

Mr. DONNELL. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. DONNELL. I understood the Chair to rule in the light of rule XXXIII. Am I correct in that understanding?

The PRESIDENT pro tempore. The Senator is correct.

Mr. DONNELL. I observe that the language at the conclusion of the rule reads:

> Clerks to Senators, to be admitted to the floor, must be regularly appointed and borne upon the rolls of the Secretary of the Senate as such.

I thought I heard the Chair refer to chief clerks. May I inquire of the Chair whether or not the ruling is confined to chief clerks, or does it apply to any clerk in the office of a Senator?

The PRESIDENT pro tempore. One clerk is carried on the rolls as the clerk of a Senator, usually referred to as the secretary to the Senator; and they must be in the discharge of their duties, as the Senator knows.

The Chair will state that he is very happy that the Senate has sustained the ruling made by the Chair on the question.

Mr. BREWSTER subsequently said: Mr. President, in connection with the episode which occurred a few moments ago, I ask unanimous consent that all the colloquy respecting the interpretation of the rule as to the admission of women clerks be placed together in the RECORD. It has been suggested to me that at this historic moment it might be proper to place in the RECORD the name of the young lady who was admitted to the floor, who happened to be my clerk, Mrs. Frances E. Dustin, who has been associated with me, both while I was Governor and since I have served in the House and in the Senate, for 20 years. I should appreciate having her name incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, the request is granted.

TITLE TO LAND BENEATH TIDAL AND NAVIGABLE WATERS

The Senate resumed consideration of the joint resolution (H. J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

Mr. CARVILLE. Mr. President, when the pending joint resolution, House Joint Resolution 225, first came to my attention, I was disposed to favor its adoption. The matter of legal ownership of submerged and tidelands was one to which I had not heretofore given any serious attention. On reading this resolution, however, I find that it contains an unusual, even a startling, proposal of far-reaching consequences.

It is here proposed to—

> Quitclaim all right, title, interest, claim, or demand of the United States of America in and to all lands beneath tidewaters and all lands beneath navigable waters within the boundaries of each of the respective States.

The serious consequences of a quitclaim deed to either private or public property is too well known to the Members of this Senate to need elaboration by me. There is a finality to such an action which should suggest extreme caution before that step is taken. This is especially true if the quitclaim document is signed without the receipt of any financial consideration.

At this point I should like to observe that if the Government of the United States owns any property in the lands in question it is being given away by this joint resolution.

Mr. WILEY. Mr. President, will the Senator from Nevada yield?

Mr. CARVILLE. I yield.

Mr. WILEY. I ask the distinguished Senator if he is acquainted with the telegram of Alan Bible, the attorney general of Nevada, in which he says:

> I have joined with 45 other attorneys general in brief in support of such resolutions so as to set forth the position of Nevada on this matter before your committee. The resolutions seem the only safe way to prevent the confiscation by administrative or judicial action of lands confirmed to the States over a century of judicial history. While Nevada has no tidelands nor submerged lands on the sea its interest in lands below inland navigable waters is threatened in principle by the theory these resolutions are designed to repudiate.

Mr. CARVILLE. I know of that letter. In fact, I was Governor of Nevada at the time, and discussed this matter with the attorney general. As I stated in the beginning of my remarks, I was disposed to favor the adoption of the pending joint resolution, having talked this matter over, but it seemed there were legal complications which made it dangerous, to my mind, for the resolution to be adopted, or for this matter to be settled, until such time as the Supreme Court could pass upon the question.

Mr. WILEY. I take it the Senator feels that the right of petition is also a right in the States as well as in the citizenry of the Nation, and when some forty-odd States ask the Congress to define a policy in order to remove a cloud to title, these States have a right to be heard, as they were heard by the committee—and have the determination as to such policy.

Mr. CARVILLE. Answering the Senator I would say I do not understand that the States have asked Congress to define a policy in order to remove a cloud to title. This matter was not before the Supreme Court when the States were considering the question and I consider if there is a question of a cloud on the title it is a legal question and should be decided by the Court.

Now, Mr. President, continuing my remarks, referring to the matter of no consideration being contained in the joint resolution for the quit claiming of this land, the distinguished Senator from California [Mr. KNOWLAND] mentioned the ownership of properties along the tidelands by the States.

Another question arises in that connection. If the Federal Government has ownership along the tidelands, and probably extending into the tidelands, that raises a legal question insofar as the tidelands are concerned.

There may be some conflict of opinion as to the value of the property proposed to be quitclaimed by this joint resolution, but there is no dispute as to the fact that that value amounts to billions of dollars, a large part of which consists of proven and potential petroleum deposits.

Under the Constitution the Congress is the trustee for, and has the power of disposing of, under enacted law, the public lands of the United States. Whether that power may legally be exercised to the extent of disposing of these lands without adequate consideration is at least doubtful, but there is no doubt at all that the Congress has no moral right to so dispose of such lands.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. CARVILLE. I yield.

Mr. CORDON. I think the Senator a moment ago stated that the Federal Government had vast sums of money invested in docks or other improvements at different places along the shores of the United States. I should like to call the Senator's attention to the fact that there are uncounted numbers of cases in which the Federal Government, desiring to improve its navigation facilities along one or the other coast, has sought to secure title to the lands which it desired to improve, and in every instance which has come to my attention—and I can furnish the Senator with a great number of instances—the title has come either directly from the State, or by mesne conveyance from the State, and the several attorneys general of the United States have passed upon such titles, and have put their stamp of approval upon them, so long as the titles were clear from the State to the Federal Government.

Mr. CARVILLE. I thank the Senator. I cannot say that I am familiar with that phase, because I have not gone into that particular feature of the matter, but it is an argument in answer to the Senator from California upon the proposition.

Mr. HAWKES. Mr. President, will the Senator from Nevada yield?

Mr. CARVILLE. I yield.

Mr. HAWKES. As I look at the report of the committee, it seems that they say the proposed action would not—

> in the opinion of the committee, give away anything to which the United States has any justifiable claim, but merely removes a cloud from the judicially established title of the States and their grantees, caused by the assertion of claim by certain Federal administrative officials.

The report further states—

> It preserves the title of the United States to such lands where they have been lawfully acquired by donation, purchase, or otherwise.

Does not that protect what the Senator has in mind?

Mr. CARVILLE. If the joint resolution means that, yes; but in answer to the Senator's first question, the Federal Government must feel that it has some ownership in the land or it would never have begun the suit, and if the Federal Government has no ownership in it, it is useless to pass the joint resolution.

Mr. HAWKES. Of course, sometimes when one person claims he owns a thing another person may claim an interest in it, and they have to settle the dispute. As I understand, that is what the joint resolution is intended to do.

If I may read further from the report, it states:

> The resolution does not affect the right of the United States to acquire such lands lawfully in the future for any Federal purpose; nor does it, of course, abridge any constitutional power to regulate and control commerce and navigation.

I desired to interrupt the Senator only to say that it seems to me that the joint resolution very definitely states what is set forth in the report. They seem to be in consonance, so far as my understanding of the situation is concerned, and I think that should satisfy the junior Senator from Nevada that the United States is not giving anything away, but is only attempting to settle the question as to who has the right to the land under the navigable streams.

Mr. CARVILLE. If there is ownership in the land so far as the United States is concerned, then there is ownership in the mineral rights and oil rights which I claim are being given away. I imagine, from the nature of the discussion which has taken place in the Senate, that the very reason this suit has been instituted is to determine that question, and I may say to the Senator from New Jersey that I feel that before Congress takes it upon itself to give the land away, the Supreme Court, to my mind, should decide the question and then we would know whether we had anything to deed away and whether we are entitled to any consideration if we did deed it away.

Mr. HAWKES. I may say to the Senator from Nevada that I view the matter a little differently. I think this is a legislative rather than a judicial question, and I do not think the Supreme Court should enter into legislation when we have a Congress to determine who owns or has rights to this tidewater land. I thank the Senator very much.

Mr. CARVILLE. Mr. President, the very fact that a quitclaim is proposed naturally infers that some claim of title exists in the United States and only a sufficient and considerable tangible consideration or a very great public service would justify this body in giving its approval to such a quitclaim.

On these grounds alone, I find it impossible to give my approval to House Joint Resolution 225.

The joint resolution contains another provision which, it seems to me, is of profound significance. I call to the special attention of the Senators the following language of the joint resolution:

> And excepting therefrom such lands beneath tidewaters and such lands beneath navigable waters, and such interest therein, as the United States is lawfully entitled to under the law as established by the decisions of the courts of the State in which the land is situated.

Senators will note that this paragraph of the joint resolution proposes to limit the possession and ownership of such lands by the United States to such thereof "as the United States is lawfully entitled to under the laws as established by the decisions of the courts of the State in which the land is situated."

Definitely and clearly the joint resolution proposes to divest the Federal courts, and especially the Supreme Court of the United States, of jurisdiction over cases of extreme and fundamental importance in which the United States is a party.

Section 2 of article III of the Constitution provides:

> The judicial power which extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority: * * * to controversies to which the United States shall be a party—

And so forth. I am sure that no one in this Chamber will contend that the United States is not a party to any action affecting the fundamental question of ownership of these lands. The same Constitution which provided for the organization and continued existence of the Senate also equally provided for the existence of the Supreme Court of the United States and other Federal courts and defined and limited the powers of the Senate and of those courts.

It was never intended by the framers of the Constitution that State courts would have the authority to infringe on the zone of jurisdiction of the Federal courts as such zone of jurisdiction was established in the primary law of this Nation.

I submit that for those reasons that portion of the joint resolution is clearly unconstitutional. It would be idle for the Senate to ignore the manifest purpose of the proponents of this joint resolution or to overlook the fact that a case is now pending before the Supreme Court of the United States in which case the United States is plaintiff and the State of California is defendant and which case involves submerged lands which the joint resolution proposes to quitclaim in order to divest the Supreme Court of jurisdiction.

I think it is a self-evident fact that Congress has no power to divest that court of jurisdiction which has been expressly conferred upon it by the Constitution.

In my opinion the passage of the joint resolution instead of ending litigation would increase it. It would also be idle for the Senate to ignore the fact that major oil corporations are tremendously interested in the passage of the joint resolution. It is not my purpose to pass upon the legal merits of their claims under leases from the State of California to extremely valuable oil deposits. Neither do I profess any capacity to foretell what the decision of the Supreme Court will be on this important question.

But on one point I have no doubts and that point is that the controversy herein involved is now before the Supreme Court of the United States, the constitutionally created body for the consideration of such a case, and that the Senate should not, by the passage of the joint resolution, attempt to divest that Court of the jurisdiction under which it is now lawfully functioning.

Let me add in closing that the passage of the joint resolution would create two highly dangerous precedents: (1) the precedent of disposing of the public lands of the United States by what amounts to a quitclaim deed, and (2) an attempt by this constitutional legislative body to curtail by indirection the powers of the equally constitutional judiciary.

Mr. CAPEHART. I send to the desk an amendment to House Joint Resolution 225 which I offer and ask to have stated.

The PRESIDING OFFICER (Mr. MURDOCK in the chair). The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, beginning with line 14, it is proposed to strike out "such boundary line extends oceanward beyond three geographical miles" and in lieu thereof to insert:

> at the time of the admission of such State into the Union, such boundary line extended oceanward beyond three geographical miles, giving due recognition to any changes in such coast line since occasioned by reason of fill-in or natural accretion.

Mr. CAPEHART. Mr. President——

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. How does the time now stand, and whose time have the recent speakers been occupying?

The PRESIDING OFFICER. The clerk will state the time as it now stands.

The LEGISLATIVE CLERK. Mr. MCCARRAN has 72 minutes remaining; and the intervening time since he spoke, 12:27, including the time occupied by Mr. KNOWLAND and Mr. CAPEHART is charged to the time controlled by the opponents.

Mr. DONNELL. Mr. President——

Mr. McCARRAN. Mr. President, how did the proponents lose approximately 40 minutes?

The LEGISLATIVE CLERK. Mr. WILEY began speaking at 11:30 and concluded at 11:42, consuming 12 minutes. Mr. KNOWLAND began at 11:42 and concluded at 12:03, consuming 21 minutes, or a total of 33 minutes, which, deducted from the total time allotted to Mr. MCCARRAN, 105 minutes, leaves 72 minutes.

Mr. McCARRAN. As I understand, the Senator who now has the floor, the able Senator from Indiana [Mr. CAPEHART], is speaking on the time of the opponents.

Mr. DONNELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

M. DONNELL. I do not understand how much time is yet available to the opponents of the joint resolution.

The PRESIDING OFFICER. The clerk will state the remaining time available to the opponents of the resolution, for the benefit of the Senator from Missouri.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. As I understand, the time was to be allotted by the majority leader [Mr. BARKLEY], who is of the opposition, and by myself, in charge of the joint resolution. Has time been allotted to the Senator who now has the floor? What time has been allotted him, and how are we to arrange the time so that the Senator from Kentucky will

have some time at the end of his period for his own presentation?

The PRESIDING OFFICER. The present occupant of the chair is advised that no time has been allotted, but that the time which has been occupied has been occupied by Senators merely rising and claiming recognition.

Mr. McCARRAN. I should like to have the time so arranged that the Senator in charge of the bill will have some time at the conclusion. I am perfectly willing to allocate time. I know that the Senator from Wisconsin [Mr. WILEY], and the Senator from California [Mr. KNOWLAND], were speaking as proponents of the joint resolution; but I should like to be advised as to the time, so that I may allocate to myself a sufficient period of time to meet the problems which have been presented by Senators.

Mr. CAPEHART. Mr. President, I shall require only a minute.

Mr. McCARRAN. It is not my minute.

The PRESIDING OFFICER. The Chair is advised that neither the Senator from Nevada nor the majority leader was present to allocate the time. Hence the time was disposed of to Senators claiming recognition. As the Chair understands, each side has remaining approximately 72 minutes.

Mr. CAPEHART. Mr. President——

The PRESIDING OFFICER. On whose time is the Senator now speaking?

Mr. CAPEHART. The time of the opponents of the joint resolution.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. CAPEHART. Mr. President, the amendment which I have just sent to the desk is very simple. It will take me only a moment to explain it.

The amendment would give to each State in the Union 3 miles oceanward from its shore line unless when admitted into the Union it had more than 3 miles. Texas is an example of a State which had more than 3 miles when admitted into the Union. Its boundary extended 9 miles from shore. My amendment would give to each State 3 miles, and would give to those States which had more than 3 miles when they were admitted into the Union whatever was allocated to them or given to them legally when they entered the Union.

Mr. President, I think that is as far as the Federal Government should go. I do not believe that the Congress wishes to give any State more than 3 miles, or more than it had when it was admitted into the Union. My amendment would estop any State from acquiring in the future more than 3 miles, or more than it was legally given when it was admitted into the Union.

On Saturday, it was felt that possibly the amendment which the able Senator from Wyoming [Mr. O'MAHONEY] offered, which amendment was adopted, would cover this situation; but I now find that it does not. Therefore I hope that this amendment will be adopted, because I feel certain that no Senator wishes to give away mineral rights or oil rights to any State which is not entitled to them.

This controversy seems to have revolved around the State of California. If I correctly understand, the whole problem started as the result of litigation by the Federal Government against the State of California. Under my amendment the State of California would be given 3 miles; the State of Texas would keep its 9 miles; the State of Louisiana would have 3 miles. I do not know to what distance oceanward the boundaries of the New England States go, because when the Thirteen Original Colonies came into the Union they were given a certain distance into the Atlantic Ocean. I do not know what that distance was; but whatever it was, they would keep that territory. That would be their boundary line.

If we do not adopt some such amendment as this, in my opinion—although I am not a lawyer—there would be nothing to prevent a State from doing what Texas recently did. Texas called an extra session of the State legislature and fixed the boundary of that State at 31 miles into the Gulf of Mexico. When Texas came into the Union its boundary extended 9 miles offshore. Recently at a special session of the State legislature the boundary was extended to 31 miles.

Recently the State of Louisiana held a special session of the State legislature and the boundary of the State of Louisiana was extended 27 miles.

If we are to settle the question of boundaries once and for all, let us settle it, and let us say in this proposed act that each State shall be entitled to 3 miles, and that every State which had more than 3 miles when it was admitted into the Union may keep that boundary; but hereafter that shall be the boundary of each State, and it can add no more.

Mr. President, I ask for the yeas and nays on the amendment.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. When the vote is called for, from whose time will the time required for the vote be taken? My judgment is that these amendments should be acted on at the last, after the debate is concluded, so that no one will lose any of his time.

The PRESIDING OFFICER. The position of the present occupant of the Chair is that it was understood at the time when the unanimous-consent agreement was entered into that the votes would be taken on all amendments and on the joint resolution beginning at 3 o'clock. The present occupant of the Chair is disposed to rule at this time that votes will not be in order until the hour of 3 o'clock has arrived.

Mr. CAPEHART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CAPEHART. Do I correctly understand that the ruling of the Chair is that when the hour of 3 o'clock arrives, the amendment will be voted on?

The PRESIDING OFFICER. The Chair is advised that the amendment of the Senator from Indiana is presently the only amendment pending. In the opinion of the Chair, the Senator's amendment will be entitled to be voted upon first when the hour of 3 o'clock arrives.

Mr. CAPEHART. That will be promptly at 3 o'clock; will it?

The PRESIDING OFFICER. Yes.

Mr. CAPEHART. That is perfectly satisfactory to me.

Mr. FERGUSON. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan is recognized. The Chair desires to ascertain in whose time the Senator from Michigan is about to speak.

Mr. FERGUSON. I was about to state that, Mr. President. At the last session, I requested from the able majority leader, the Senator from Kentucky [Mr. BARKLEY], some time on the pending measure. Thirty minutes has been allotted to me from the time of the Senator from Kentucky.

Mr. President, in our consideration of the pending measure, I think we should try to ascertain, first, what we are attempting to do by it. It appears to me that we are trying to give a quitclaim deed to certain property.

The next question is, Who owns the property?

After ascertaining the answers to the two questions I have already stated, the third question would be, naturally, whether the United States should give a quitclaim deed to the property.

Mr. President, there is no doubt that the Congress of the United States can convey the property or assets of the United States. We must begin with that proposition. But I think it is most important that we ascertain, first, who owns the property to which we are about to give a quitclaim.

The joint resolution says that its purpose is to quiet the title of the respective States and others—meaning other property owners holding title under the State—to lands beneath tidewaters. That is one thing as to which the attempt to give a quitclaim is being made.

Second, the attempt to give a quitclaim is being made with respect to lands beneath navigable waters within the boundaries of said States, and to prevent the further clouding of such title.

On the third page of the joint resolution certain language appears which I desire to read. I wish to read what the United States attempts to reserve. I think this is very important. The question is whether we are giving all the title and all the rights to the property in question. On the third page, in line 5, we find that the United States Government is attempting to retain the following: "retaining, however, to the United States of America its present powers of regulation and control for the purposes of commerce, navigation, and the national defense."

Mr. President, its present powers are what the United States is attempting to reserve. I should like to have pointed out what are the present powers which we are trying to reserve. It appears to me that it is very important that we ascertain what those powers are. Are they those which relate to criminal actions? Are they those which relate to taking minerals or vegetable or marine life from the water itself? Do they apply to the subsurface oil and minerals?

All that it is attempted to do here is to retain in the United States its present

powers. I think we should go into that question before we undertake to grant all the rights of the United States Government to the land under the high seas.

Now going down to line 9, we find the following, in connection with the question as to what we are trying to transfer:

As used in this joint resolution, the phrase "lands beneath tidewaters" shall include (1) all land permanently or periodically covered by tidal waters up to but not above the line of mean high tide and oceanward to a line three geographical miles distant from the coast line—

Mr. President, what is the coast line? We have talked about the bays and we have talked about off-shore land. Let us consider the situation in Florida, where there is a line of islands some miles off the main shore. Are we to measure the distance of 3 miles from the coast line from the main shore or from the line of islands? In short, Mr. President, what is the coast line? In the joint resolution, no definition of "coast line" is provided. Is the distance of 3 miles to be measured from the outlying line of islands or is it to be measured from the main coastline? Nothing is said in the joint resolution about what the coast line is.

But let me continue—

and to the boundary line of each respective State where in any case such boundary line extends oceanward beyond three geographical miles.

Mr. President, I can find decisions which indicate that when the Thirteen Colonies came together to form the Federal Union, they were sovereign nations and whatever ownership they had extended as far out as international law would permit. There is a conflict in international law on this question. The Senate is discussing the question of the 3-mile limit insofar as the United States is concerned. We have never said that international law allows the United States to claim rights only 3 miles out into the ocean. During the last war our Government undertook to place the limit hundreds of miles out into the ocean. I am unable to find any place in the law or any authority which establishes the limit as only 3 miles out.

Mr. President, other nations, such as Norway, Sweden, and Russia, have never adopted the 3-mile limit in international law. But here we are trying to legislate upon this great problem which involves not only the United States in its domestic action, but from the international standpoint.

First of all, in my humble opinion, we should try to ascertain what we are attempting to do. Last September the President of the United States undertook to make rules and regulations concerning the continental shelf. Now we understand the continental shelf at places to extend 100 miles and that over it the water ranges up to 600 feet in depth. If the Thirteen Original States owned or had title for a distance of 3 miles, they owned the entire continental shelf, and the United States does not have anything to do with it, under the contention of the proponents of this proposed legislation.

Mr. President, I mention the Thirteen Original States for the reason that I think it is very material that we understand that there are three kinds of States, insofar as this question is concerned. Mr. Edward Borchard, who is professor of international law at Yale University, writes in the American Journal of International Law for the month of January 1946, on page 66, as follows:

Looking first at the State and Federal practice, we find the following evidence: Of the 22 coastal States in the United States, three classes may be distinguished: First, those which were the Original Thirteen Colonies; second, Texas; and third, the States admitted from territories of or cessions acquired by the United States. The first group were independent countries or States and never surrendered to the Federal Government their boundary on the open sea or their common-law jurisdiction over the marginal seas for submarine resources beyond.

I wonder what the Senators who represent the original 13 States think of legislation which would reserve to them only 3 miles and concede to the United States Government all the other area, when we read that the original 13 States never surrendered anything, and, therefore, if they own it, they own to the end of the continental shelf, or at least so far as international law allows them to own or gives them title.

These problems are of an international character. Within the short time which has been assigned to the discussion of the joint resolution, we have not had opportunity to discuss the international problems involved. Those problems were not considered by the Judiciary Committee. They have not been considered in the reports. We are now considering an amendment which would reserve to all coastal States a part of certain lands. The problems I have suggested arise when the Senate endeavors to pass on the question now befor it.

Mr. DONNELL. Mr. President, will the Senator yield for an inquiry?

Mr. FERGUSON. I yield.

Mr. DONNELL. I understand the Senator feels that there are very substantial and important legal questions involved in this matter. Am I correct?

Mr. FERGUSON. Mr. President, my work as a Senator has required me to make a search and study with regard to problems other than the one now confronting the Senate. However, I went into this question immediately when it came to the floor of the Senate. Practically ever since then I have been reading the law on the subject I find that there is a great conflict in the law. No one seems to know exactly what is the law on the question relating to the continental shelf, or on the question relating to the 3-mile limit.

Mr. DONNELL. Mr. President, will the Senator indulge me in order to illustrate the conflicting opinions which prevail among outstanding lawyers in our Nation?

Mr. FERGUSON. I shall be glad to yield.

Mr. DONNELL. On page 304 of the hearings before the Committee on the Judiciary there appears a copy of a resolution which was adopted by the assembly and house of delegates of the American Bar Association at its annual meeting held in Cincinnati, Ohio, the week of December 17, 1945. The resolution reads as follows:

Whereas since the formation of the Union the States have claimed and exercised title to dominion and control over the lands under their navigable waters both inland and offshore upon the coasts, and such titles of the States have been recognized and upheld both by the courts and by the executive departments of the Government for 150 years: Now therefore be it

Resolved by the American Bar Association, That we earnestly urge the National Congress to take immediate action recognizing and confirming this ownership by the several States.

Mr. President, I invite the attention of the Senator from Michigan to the resolution which I have read. I point out also the fact that in the report of the proceedings of the section of mineral law, at the very same Cincinnati meeting to which I have just referred, there appears a report purporting to be over the names of 19 lawyers, headed by Roy W. Johns, chairman, who is a lawyer in Philadelphia. I read the following:

The question of title to submerged oil deposits has been a matter of long-standing controversy. While 8 years ago congressional sentiment appeared to favor the Federal Government's claim to such deposits, today the Congress is being urged to enact legislation recognizing the title of the several States to lands between the low-water mark and the 3-mile limit.

The Federal Government's claim to ownership of submerged lands appears first to have been raised in 1937 when Senator Nye introduced S. 2164 (75th Cong.) for the purpose of establishing title in the United States in lands between the low-water mark and the 3-mile limit, and to set aside such lands containing oil deposits as a naval petroleum reserve. Senator Nye subsequently introduced a substitute bill (S. J. Res. 208, 75th Cong.), which in addition to claiming title to submerged lands in the United States, directed the Attorney General to assert title to such lands and the oil deposits contained therein. This latter bill passed the Senate on August 19, 1937, but no action thereon was taken by the House.

Mr. President, I invite the attention of Senators to the language which I have read.

I should like to trespass for a moment further in order to read the following observations from the same report of the committee in the section of mineral oil of the American Bar Association, as follows:

While these bills were pending in Congress, the Department of Justice, with the approval of the Department of the Interior, filed a suit in the Federal District Court of Southern California seeking to enjoin Pacific Western Oil Corp. from further operations on a lease executed by the State of California, under the State leasing act, on lands between the low-water mark and the 3-mile limit. When this suit was filed on May 29, 1945, Attorney General Biddle issued a statement in which he said:

"The suit filed today at Los Angeles involved a submerged area near Santa Barbara, Calif., from which oil is being taken by the Pacific Western Oil Corp. under lease from the State of California. Pacific Western Oil Corp. is operating oil wells extending beyond low tide about one-third of a mile into the sea. These operations are, therefore, within the so-called marginal sea which is the area from the ordinary low-water mark to the 3-limit limit. This suit is being brought to determine not only the legal rights of the United States and the State of California, but

also the respective rights of the United States and the other coastal States where there are oil deposits.

"The theory of the Government's claim in the present case is that the United States acquired all submerged deposits in the marginal sea by the treaty of cession with Mexico in 1848 and that these deposits did not thereafter pass to the State by virtue of its admission to the Union.

"The suit is designed to settle a problem which has been the subject of genuine controversy and which has overhung titles in the marginal sea. The suit does not involve tidelands or lands under inland waters, though the status of these will no doubt be clarified to some extent by the decision. The suit does not involve lands under the high seas, as to which no drilling operations have been found to exist. Moreover, the suit does not make any claim to an accounting for the past extracting of oil."

I ask the Senator if he does not regard these expressions of opinion by distinguished lawyers on both sides of the question and by the Attorney General of the United States in presenting the view that the Government of the United States acquired the deposits, and that title did not pass to the State of California, as indicating that there is a genuine difference of opinion between lawyers of high standing throughout the Nation.

Mr. FERGUSON. Mr. President, my answer to the Senator is that I agree with him that there is a difference of opinion among outstanding lawyers with reference to the question involved. Not only does the difference exist in the language read by the able Senator from Missouri but I find that throughout all the decisions, and throughout all the textbooks which I have examined, there is a conflict of opinion. No one seems to know and no one seems to be able to obtain decisions which will determine the ownership of the land. Every case which has been decided rests upon its own feet.

Mr. President, I wish to continue with the reading from Professor Borchard's article describing the three classes of States:

These they still retained when acquiring statehood. Texas claimed ownership or jurisdiction over three leagues, or about 10½ miles of marginal sea, and still retained that jurisdiction after admission as a State in 1845. The new States, carved out of Federal territory or acquired, received such jurisdiction over the marginal sea as the Federal Government had theretofore held in trust for the eventual State, which was to be on a common footing with the other States.

All the States, whatever their origin, can legitimately lay claim to the common-law right to exercise sovereignty over the marginal sea, subject to such Federal rights as may be exercised, claimed, or reserved by or to the Federal Government in the Constitution, and common-law jurisdiction to control their natural submarine resources on the continental shelf beyond the marginal sea.

Mr. President, it will be noticed that Professor Borchard is there talking about the exercise of sovereignty. There is more than one kind of sovereignty. There is sovereignty in relation to criminal law. In a case recently decided in Florida a man was prosecuted for taking sponges 7 miles from the shore, not within the 3 miles at all. The conviction was sustained, not on the ground that Florida was the owner of the land or the owner of the sponges, but on the ground that the criminal jurisdiction would extend out that far, and also on the ground that the man was a citizen of Florida. So we find there are different kinds of jurisdiction.

We talk about the exercise of sovereignty over the marginal sea, but we also say subject to the Federal rights "which may be exercised, claimed, or reserved by or to the Federal Government in the Constitution and the common law jurisdiction to control their natural submarine resources on the continental shelf beyond the marginal sea."

Mr. President, that is why I have raised a question, referring to page 3, as to the words "retaining, however, to the United States of America its present powers." We are limiting the amount of power we are reserving to the United States.

As this great Nation develops, Mr. President, we may desire many more powers. We may for the defense of this great land need more powers than the present powers. Back in the 1700's we used 3 miles as the distance because that was the distance cannon shot could be fired from our shores. What are we thinking about today? How far can a cannon now shoot from the shores, if we are to use that as the means of determining how much land we have? Missiles can now be sent hundreds of miles out. And here today we are legislating on this important question without considering these very important matters, not only from the standpoint of our domestic life, but from the standpoint of our international relations.

Mr. President, this matter should certainly go back to the Committee on the Judiciary where all the serious problems which are involved should receive attention.

I continue to read from Professor Borchard's article:

How far this shelf claim extends, whether or not beyond the point where the depth reaches 100 fathoms, as some geologists assert, we need not finally determine. It seems from an announcement published simultaneously with the proclamation that the United States claim is limited to the place where the continental shelf reaches a depth of 100 fathoms or 600 feet. Perhaps "areas controllable from the shore" suffice. Certainly it would be timid not to lay claim to such resources and not to contest the foreign objection should any be raised.

Mr. President, let me state the difficulty with the proposed legislation as I see it. The Attorney General of California has acted. I am not criticizing California's claim to this oil, but my idea is that we should determine first who owns it. The Attorney General of California has seen fit to arouse the attorney general of every other State in the Union. He has brought up the question of navigable streams. He has apparently caused the attorney general of the State of Michigan to believe that if we do not pass this proposed legislation today, every navigable stream in which a small stick of timber could be floated will be taken over by the Federal Government; that the State of Michigan will be ousted from it, and that every navigable lake in the State of Michigan will be taken over by the Federal Government. I know we all fear the encroachment of the Federal Government, but we should know, first, who owns the property about which we are presently to legislate.

Mr. President, I should have no objection to releasing the Federal Government's claims. The Federal Government does not have any claim, it has never exercised any claim, over the navigable streams. I desire to prove that, and I think I can prove it by the petition of the Attorney General of California in the United States Supreme Court. That is what we should be concerned with: What is the litigation; what does it involve? I read:

STATEMENT IN SUPPORT OF MOTION

The purpose of the litigation is to establish the right of the United States in the bed of the Pacific Ocean adjacent to the coast of California beginning at low-water mark and extending seaward to 3 nautical miles. This suit does not involve any bays, harbors, rivers or other inland waters of California, nor does it involve the so-called tidelands, namely those lands which are covered and uncovered by the daily flux and reflux of the tides. It is limited solely to that portion of the open sea embraced within the 3-mile belt, sometimes referred to as the marginal sea.

Mr. KNOWLAND. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Michigan yield to the Senator from California?

Mr. FERGUSON. I yield.

Mr. KNOWLAND. I merely wish to call the attention of the able Senator from Michigan to the point which he raises relative the activity of the Attorney General of California in suggesting to the attorneys general of other States the dangerous precedent which would be established.

The Senator has made reference to the fact that, in his opinion, the same principle would not necessarily apply in the case of navigable streams or inland lakes. I desire to call his attention to the fact that in the leading case of *Illinois Central Railroad* v. *Illinois* ((1892), 146 U. S. 387, at page 435), the Court, in dealing with this precise question, as it pertains to Lake Michigan, said:

The same doctrine is in this country held to be applicable to lands covered by fresh water in the Great Lakes over which is conducted an extended commerce with different State and foreign nations. These lakes possess all the general characteristics of open seas, except in the freshness of their waters, and in the absence of the ebb and flow of the tide. In other respects they are inland seas, and there is no reason or principle for the assertion of dominion and sovereignty over and ownership by the State of lands covered by tidewaters that is not equally applicable to its ownership of and dominion and sovereignty over lands covered by the fresh waters of these lakes.

Mr. FERGUSON. Mr. President, I am glad to have that read into the RECORD at this place, but that does not change what the Attorney General is trying to do in his original proceeding before the United States Supreme Court, and the decision made by the Supreme Court of the United States would not involve Lake Michigan and the other Great Lakes, nor would it involve navigable streams or navigable lakes. It would involve only that which is involved as set out in the petition, and that is what concerns the State of California.

Mr. KNOWLAND. I do not think it has been claimed here, certainly not by the proponents of the pending measure, that the pending suit against the State of California in and of itself is applicable to other States. What we have maintained, and do vigorously maintain at this time, is that the principle which might be established by that suit in taking away from California the sovereignty over these lands will in other similar suits, to be filed later, against other States, establish a principle which will rise up to plague the other States of the Union.

Mr. FERGUSON. Mr. President, that still leads me to the conclusion that we should allow the Supreme Court, the legally constituted body under our Republic, to determine the ownership or title to the land and also to the oil.

Mr. DONNELL. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. I yield.

Mr. DONNELL. Does not the inquiry of the able Senator from California contain peculiar significance? He says the decision of the Supreme Court on the California situation will rise up to plague other States. As I understand, the implication that it would plague them would indicate that the decision would be against the States. Does not the Senator concur in my interpretation?

Mr. FERGUSON. I do concur.

Mr. DONNELL. In the discussion last Saturday mention was made of the fact that the history of the litigation has shown that 9½ years would elapse between the time of the initiation of proceedings and their disposition. I ask the Senator, first, if it is not true that the figures upon that proposition are those which are set forth on page 72 of the hearings, which refer, at least in part, to the examples of a boundary case between New Mexico and Colorado; a water-diversion case between Wisconsin and Illinois; a water-diversion case between New Jersey and New York; a water-rights case between Nebraska and Wyoming; and a boundary case between Kansas and Missouri.

Mr. FERGUSON. The Senator is correct.

Mr. DONNELL. May I take this opportunity to——

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. FERGUSON. Mr. President, will the majority leader assign 15 more minutes to the Senator from Michigan?

Mr. BARKLEY. Yes.

Mr. DONNELL. Mr. President, I should like to make this observation. A little while ago I read from the report of the committee in the section of mineral oil of the American Bar Association, in which reference was made to a suit filed in Los Angeles. I read two or three sentences more:

> Only recently (October 19) the Department of Justice announced the withdrawal of its suit in the district court at Los Angeles and the filing of a new suit for the same purpose in the United States Supreme Court. The Supreme Court's original jurisdiction was invoked—

Said this committee report—

> by naming the State of California as a party defendant. This change of procedure was adopted, according to Attorney General Clark, to secure for all interests concerned the advantage of a prompt decision on the question involved.

Does not that language have significance on the question as to the length of time that will be involved in the litigation?

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. FERGUSON. Yes.

Mr. MILLIKIN. I regret that other duties have kept me from following this very interesting and important debate. I am wondering if it is the distinguished Senator's position that the courts should decide questions affecting the property and territories of the United States.

Mr. FERGUSON. I would say that under these circumstances the court should determine the ownership. I imagine the Senator has in mind boundary line questions, questions of title to land taken in the course of war with another nation. Those are political questions. But the real question as to our ownership is finally settled by the Supreme Court.

Mr. MILLIKIN. What I have in mind is the express provision of article IV of the Constitution which puts the control and the power of disposition of public properties and territories in the Congress of the United States.

Mr. FERGUSON. Mr. President, when I first started my discussion today I stated that the Congress has the absolute power to dispose of all the property belonging to the United States.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. DONNELL. Mr. President, will the Senator yield for an inquiry at that point.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Michigan yield, and if so, to whom?

Mr. FERGUSON. I yield first to the Senator from Colorado, who has not quite completed his questioning.

Mr. MILLIKIN. As I came in I thought I heard the Senator say that in view of the circumstances the Supreme Court should be allowed to decide this question. It seemed to me, without having had the opportunity to go into it very deeply, that when the Constitution puts such a responsibility on us we should make the decision.

Mr. DONNELL. Mr. President, will the Senator yield for an inquiry?

Mr. FERGUSON. I will in a moment, but I want to answer the question asked by the Senator from Colorado by saying that I think so far as the question of the title is concerned, the Supreme Court should be given the opportunity to determine who is the owner; whether it is a State or whether it is the Federal Government or whether it is an individual. But as to the question of transfer, naturally, no one under the Constitution has the power except Congress, and therefore Congress alone has the power to transfer. But as to the right of ownership, the courts should determine that, because I believe they are in a much better position to determine the legal problems of ownership than is the Congress of the United States.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. FERGUSON. Yes, gladly.

Mr. MILLIKIN. I do not for a moment deny that the court has the power to litigate questions in the matter. I was directing my question to the primary responsibility—as to whether we should evade our primary responsibility and pass such questions to the courts, or whether we should act upon them ourselves, at least in the first instance.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. FERGUSON. I should first like to answer the question asked by the Senator from Colorado. I believe we should not shirk our responsibility. I believe we should be ready and willing at all times to assume the responsibility devolving upon us; but in this particular case, where there is doubt as to the ownership, we should reserve our action until we know definitely who is the owner. Then we can come into the Senate and vote definitely on the transfer. I am not now raising the question and have not raised the question of the wisdom of giving California this oil. First, I want to raise the question: Who owns it? And then if we find that the United States Government owns it, we should determine the question whether it is better that we give it to California or to reserve it to the United States Government.

I now yield to the Senator from Missouri.

Mr. DONNELL. Mr. President, the question was asked of the Senator from Michigan as to whether we should evade our responsibility, and as I understood, section 3 of article IV of the Constitution, was cited by the distinguished Senator from Colorado. As I see it, Mr. President, that section not even remotely casts the responsibility upon Congress to determine questions of title. The language to which the Senator refers, I take it, is this:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

I call attention to two facts: First, that, as the Senator from Michigan has indicated, this constitutional provision is a power of disposition; and, in the second place, the very fact that the sentence itself says, that "nothing in this Constitution shall be so construed as to prejudice any claims of any particular State" indicates very clearly that Congress does not have the power, and certainly not the responsibility and duty, of reaching out and determining as against the State, whether the Congress or the State has ownership.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. FERGUSON. I am glad to yield.

Mr. MILLIKIN. Of course the power to dispose of property implies and carries with it the power to quitclaim or release a claim of ownership.

Mr. FERGUSON. That is true.

Mr. MILLIKIN. And so by the same token that we can dispose of the property, we also can exercise our right of quitclaim if we do not think we own the property.

Mr. FERGUSON. There is no doubt about the fact that that is the law.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. DONNELL. Is it not entirely different from the proposition, however, that there is a responsibility on Congress to determine who owns? It is true we have a right to quitclaim, but so far as I know, there is no responsibility in the Constitution or elsewhere devolved upon Congress to determine whether it owns or does not own a particular piece of property.

Mr. MILLIKIN. I suggest that that is precisely the issue now before the Senate, that before we authorize a quitclaim we will as a condition precedent to that determine by our action here that we do not own the property.

Mr. FERGUSON. Mr. President, I think that would be true. I would say that the average Senator who would vote for this measure would do so because he had come to the conclusion that the United States Government did not own this property. I do not see how any Senator could vote for the measure if he believed that the Government of the United States was the sole owner of the soil in question. My humble judgment is that a Senator who believed that the United States was the sole owner would vote as I would vote, to retain it in the United States. But that is the question which is before us: Does the United States Government own the property?

Mr. President, I read from a volume entitled "Digest of International Law," by Green Haywood Hackworth. Mr. Hackworth is now a member of the World Court. I read the following on page 654:

> The preparatory committee for the Hague Conference for the Codification of International Law requested information from the respective governments with regard to the application of the rights of the coastal state to the air above and the sea bottom and subsoil covered by its territorial waters. On March 16, 1929, the United States replied:
>
> "By section 6 of the Air Commerce Act of March 20, 1926, Congress declared that the Government of the United States possessed to the exclusion of all other nations complete sovereignty of the air space over the lands and waters of the United States, including the Canal Zone (44 Stat., 568, 572).
>
> "The section of the act cited finds support in the convention relating to international air navigation signed by certain powers on October 13, 1919, in which it was recognized that every State has complete and exclusive sovereignty above its territory and territorial waters (II L. N. T. S., 173).
>
> "Court decisions.
>
> "The sea bottom and subsoil covered by the territorial waters, including fish and minerals, are the property of the United States or of the individual States where they border (*Smith* v. *Maryland* (18 How. 71, 74); *McCready* v. *Virginia* (94 U. S. 391); *Manchester* v. *Massachusetts* (139 U. S. 240, 259); *Louisiana* v. *Mississippi* (202 U. S. 1, 52); *Messenger* v. *Kingsbury* (158 Calif. 611, 112 Pac. 65, 66).)

That, Mr. President, would indicate that there is a conflict of ownership.

This is what the United States Attorney General said on his application to the Supreme Court to allow the United States to file an original proceeding against the State of California. I read from page 3:

> The rights of the United States in lands under the marginal sea are based on substantial grounds, and have never been adjudicated by this Court. The issue is entirely novel, for this case is sharply to be distinguished from those decisions which are thought to hold that the State has proprietary interests in bays, harbors, rivers, and other inland waters as well as the so-called tidelands (*The Borax, Ltd.* v. *Los Angeles* (296 U. S. 10, 15)). The crucial consideration underlying those decisions is significantly absent here.

It is upon that basis, Mr. President, that I believe, as a representative of the State of Michigan, that we in Congress should wait and not pass this legislation until the Supreme Court of the United States decides the specific instant case before it, which deals with the ownership of the 3-mile marginal sea off the coast of California. It has nothing to do with the Great Lakes. It has nothing to do with the navigable streams in Michigan. It has nothing to do with what the ownership of the Thirteen Original States might be, or what the ownership of Texas might be. It will solve one problem. It will solve the question of the ownership of the lands off the coast of California which were acquired by purchase from Mexico. The whole question involved—and I find no citation of law on it—is: What did we purchase from Mexico? I assume we purchased all the sea or all sovereignty over the sea. I want to know what rights we gave to California. In my judgment the only legally constituted body that can decide this question is not the Congress of the United States, but the Supreme Court of the United States.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. FERGUSON. I am glad to yield.

Mr. KNOWLAND. I wonder if the Senator can inform me as to whether or not the State of Michigan claims jurisdiction, and claims that the lakes which border on Michigan, out to the international boundary, are a part of the State of Michigan.

Mr. FERGUSON. We claim certain rights. Under the criminal law we claim concurrent jurisdiction with the United States. We claim certain rights for fishing. At present the State of Michigan does not require a local license to fish in the Great Lakes. That right is enjoyed by the public generally, without the necessity for obtaining a license. As to the boundary line between Canada and Michigan, while it varies at certain places, ordinarily it is the center of the lake or the river, as the case may be. We have claimed all rights to that land and everything under it. The United States Government has never made any claim to that land; nor does it do so in the original suit before the Supreme Court.

Mr. KNOWLAND. That is just the point. During the entire period of Michigan's statehood the Federal Government has never claimed the land which the Senator rightfully states is considered a part of the State of Michigan; and until a few years ago the Federal Government had never claimed the land which the State of California believes—just as sincerely, and I believe on just as sound legal ground—is a part of the State of California. But I say to my distinguished colleague from Michigan that should there be an adverse decision in this regard it would open up a precedent whereby the jurisdiction of the State of Michigan over the Great Lakes area would be in jeopardy.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. CORDON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon desire to speak in favor of the joint resolution or against it?

Mr. CORDON. The Senator from Oregon will use time allotted by the distinguished Senator from Nevada, in favor of the joint resolution.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. CORDON. Mr. President, it is to be regretted that this question should be before Congress in connection with the oil under land off the coast of California. That represents the occasion for the litigation which is now pending. However, that situation does not exist, so far as is known, in the remaining coastal area of the United States. We cannot say as an affirmative proposition that there is no oil there. However, we can say that no oil is known to exist there.

In connection with what I take to be the zeal of officials of the United States in protecting whatever interest they feel might possibly be in the United States in the oil underlying the coastal waters of the State of California, they initiated the present proceeding, which is an original proceeding, in the United States Supreme Court.

I shall discuss only slightly the legal aspects of this matter. They have been gone into most exhaustively. Voluminous extracts have been read to the Senate from the several opinions, and I feel that no good purpose would be served by a further discussion of the technical legal aspects of the case.

Of all the States in the United States, I believe that my own State of Oregon is as little interested in this litigation as any. Many years ago the Supreme Court of the United States had occasion to pass upon the question of where the title lay to the lands under the navigable waters within the legally established boundaries of the State of Oregon. That decision has been exhaustively quoted here during this debate. The decision was rendered in the case of Shively against Bowlby. After a most exhaustive study of this whole problem I cannot but believe that that case is determinative of the title of the State of Oregon to

all lands beneath navigable waters within the boundaries of the State as the Congress of the United States fixed those boundaries when the State was admitted into the Union. The courts have not distinguished between navigable waters within an indentation of the coast and navigable waters which happen to lap an area of the coast which does not have an indentation. I am unable to furnish the distinction, and I am satisfied that none exists.

I wish to discuss the legal aspects of the case on just two points. Some discussion has been had here with reference to the provision which appears in several acts admitting the so-called land States into the Union, the irrevocable covenants which accompanied or preceded those acts of admission, and so forth, wherein there is a covenant on the part of the State not to interfere with the primary disposition of the lands of the United States within the borders of such State, and reserving such lands and title thereto to the United States.

Those provisions occur in all the covenants, all the acts of admission of all the States which came into the United States after the Nation was established, beginning, I believe, with the State of Michigan, although I am not certain as to that.

Mr. President, it is so generally known, and it has been established so many times by the courts that it would seem to be unduly trespassing on the time of the Senate to call attention to the fact that the lands so referred to are lands above high-water mark in navigable waters within the States. The cases which refer to that question are legion. There are many which specifically so hold. The title to land under navigable waters is something altogether different. As the distinguished Senator from Nevada [Mr. MCCARRAN] has pointed out, there are more than 50 decisions in point on the proposition that title to the land under navigable waters, fresh and salt, navigable waters where there is a tide, and where there is not, resides in the State after its admission to the Union.

That, Mr. President, is in my opinion somewhat beside the point, except only to this extent: Over the years that has been the law of this land, the so-called court-made law. That doctrine has been adopted and followed by the United States Government, by the States which face upon the seas, and by those containing navigable waters other than the two oceans and the Gulf of Mexico, and by court authorities and other subdivisions of Government dealing with shipping or the use of waters in various ways. Over a long period of time a custom has grown up in this country. I can see no reason which can be advanced why the Congress should not approach this question as the Congress and the legislatures of the States have approached like questions throughout our history.

It has long been deemed to the best interests of all the people to confirm titles which have been held, whether legally or by actual occupancy of the property for many years. As a result, we have the doctrine of prescription or adverse possession. We have statutes of limitation, statutes which may be justified only on the ground that the peace and quiet and best interests of the people are served if we do not create dissension, even though we would do it by a prescribed form of litigation. There are statutes of limitation in every State. There are some statutes of limitation by which the United States has limited itself. Generally speaking, of course, statutes of limitation do not operate against the sovereign. But time after time the sovereign has voluntarily either subjected itself to specific limitations or has done the same thing indirectly by a proceeding such as the one in which we are now engaged—by releasing any claim it has or by foregoing any immunity it might have. Mr. President, that is what is being done in the instant matter.

Question has been raised and the assertion has been made here a number of times that there is and must be some very real doubt in the minds of those who favor the joint resolution, or else they would not be supporting it. The thought is advanced that there must be some grave doubt as to whether the ownership in the land under the water off the shore of California extends out to the 3-mile limit. That assertion has been made many times. Mr. President, let us be wholly frank about the matter—although I do not mean to intimate that anyone here has been less than frank. As long as there is a case in a court, with issues presented, there can be some question as to what decision will be rendered. I do not go quite to the extent of those who say that every lawsuit is a horse race, although sometimes I am inclined to that belief. But I realize, as must everyone who has had experience in the law, that some chance is always involved in any case presented. Even though the possibility be most remote, most ephemeral, even though it be nebulous in the extreme, it still is existent. It is existent in the present case. We must not forget that under our system of government the judicial department of Government is not bound by any law passed by any Congress, insofar as its own actions within its constitutional field are concerned. The judicial branch is bound by no restraint except that which is self-imposed. It may make a decision today and it may reverse that decision tomorrow, without let or hindrance insofar as the law is concerned or insofar as any law which the legislature passes is concerned. That power is inherent in the court, because the court is set up as one of the three equal departments of our Government, in respect to the division of powers.

Mr. President, let me say that it is to the everlasting glory of the Bench of the United States that it has adopted its own restraints and has been bound by those restraints, with the result that in this country we have developed a body of court-made law which has been a tower of strength to the American people and their Government. I do not for a moment suggest that the Supreme Court of the United States is going to divest itself of those restraints. I simply say it can be done.

But, Mr. President, in this case, or in any case, the Court must of necessity give full consideration to the issues which are presented. Judges on the bench are, nevertheless, men. They bring to the Bench their political philosophy and their judicial philosophy. As a result, we have seen the philosophy of the law, as it has been enunciated, changed from time to time during the history of our country. I am not critical of that. The elasticity that is so permitted is, I believe, to the ultimate good of the Nation.

I advert to these things, Mr. President, only because they all go to the proposition that today no one can say that there is no possibility that an adverse decision may be rendered in the pending case. I cannot help but believe that the rules of stare decisis or res judicata are going to be applied by the Court. I have no doubt as to what the decision will be. But, Mr. President, the decision must be made by the Court, not by me.

So long as there is any possibility of any change in the established order of things with reference to the land under the navigable waters of the United States, there is a basis and there is a justification and there is a reason for the taking of action by the legislative branch of the Government to determine the matter legislatively, if the legislative branch feels that the matter involved is of sufficient consequence or if it feels that there are compelling reasons why it should intervene legislatively. In my opinion, Mr. President, such reasons exist in the instant matter.

The case in California has to do with certain lands below the low-water mark in the Pacific Ocean. It has been said by the Attorney General that there is no thought, in connection with this problem, of going into bays or into any other navigable waters. However, Mr. President, I am reliably informed that in 1940 the United States Government commenced a suit to determine title to Treasure Island, a man-made island well inside San Francisco Bay, and that it commenced a suit to determine the title to Terminal Island, another man-made island, made out of reclaimed tidelands in the port waters of Los Angeles. Neither of those tracts represents land off the coast, in the main ocean water. In the nature of things, if the officers of the United States Government who are charged with that duty have any doubt in their minds with reference to that title, they should try to determine it. I am not critical of their doing so. I merely wish to call attention to the fact that the suits have been filed and that the problem is not limited to the main ocean below the low-water mark along the coast of California. I point out these things because when principles are established with reference to a given set or state of facts they are applied to all those coming within that category, and we who practice the law know that to be so.

If there were to be established in this matter principles of law which directly affected or which, incidentally, left unsettled the title to any of the lands in any of the bays or in any of the navigable rivers, then chaos indeed would be upon us.

Mr. President, I cannot but believe that the best interests of all the people of the United States will be served if this joint resolution is passed and if the old and

established and settled order of things in our coastal States and in all States containing navigable waters remains in status quo.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Indiana [Mr. CAPEHART].

Mr. BARKLEY. Mr. President, let me inquire how the time stands.

The PRESIDING OFFICER. The Senator from Kentucky has 22 minutes remaining for a discussion of his side of the question.

Mr. BARKLEY. How much has the other side?

The PRESIDING OFFICER. Approximately 50 minutes remains in the control of the Senator from Nevada.

Mr. BARKLEY. Mr. President, I have an amendment to propose. I inquire whether it is in order to offer an amendment to lie on the table so that it may be voted on at 3 o'clock.

The PRESIDING OFFICER. The present occupant of the chair is of the opinion that, if an amendment were presented prior to 3 o'clock, it would be in the spirit of the unanimous consent agreement, to vote on it prior to the action of the Senate on the joint resolution.

Mr. BARKLEY. Mr. President, I have an amendment which I wish to propose. I will read it and send it to the desk. On page 3, at the end of line 22, substitute a semicolon for the period, and insert:

but neither the phrase "lands beneath tidewaters" nor the phrase "lands beneath navigable waters" shall include any lands covered by coastal waters below the line of mean low tide in 1776 or when the State was admitted, as the case may be, and not within a bay or harbor, except to the extent that the United States Supreme Court shall decide that such lands are owned by the several States.

I may say, Mr. President, that I shall now consume a part of my time and perhaps all of it.

The proponents of the House Joint Resolution 225 are concerned mainly about a supposed cloud on the title of the several States to the lands beneath navigable waters, lakes, and harbors, and to the land on the coast between mean high and mean low tide.

The decisions of the courts abundantly establish the ownership of these lands by the several States. The Federal Government makes no claim to them and both the Department of Justice and the Department of the Interor have specifically so stated. If, despite these assurances, the States would like any conceivable cloud on their title to such lands removed by an act of Congress in the nature of a quitclaim deed, there is no objection to that. The proposed amendment would not affect these lands one way or the other. However, House Joint Resolution 225 also proposes to quitclam to the several States the submerged lands below low tide on the open coast, and those under the marginal sea, as to which the situation is entirely different. The question as to the title to such lands has never been decided. That very question is now before the Supreme Court of the United States in an original suit brought by the United States against the State of California. The Court has ordered the case set down for argument and it is expected to be argued and decided this coming fall.

On the eve of the argument and a decision, there is no justification, and it is hardly in the public interest, for Congress to resolve the issue of law adversely to the Federal Government, which this proposed joint resolution seeks to do. In considering that under our system of government we traditionally allow the courts to decide such issues, such action would, in my judgment, be of questionable propriety. The fact that these lands are extremely valuable and contain vast quantities of oil makes it all the more imperative that we act with more than ordinary prudence in determining this matter.

For these reasons, the proposed amendment which I have just sent to the desk would prevent the quitclaiming of the lands below low tide on the open coast, provided, however, that if and when the Supreme Court should decide that they are owned by the several States, the lands would be quitclaimed to the States. The latter provision would avoid any future uncertainty of title based on the possibility that the Supreme Court might at some later time overrule such a decision.

Mr. President, the other day I spoke briefly when the motion to consider the joint resolution was before the Senate. I do not care to reiterate the reasons which I then believed were sufficient to justify the Senate in rejecting the joint resolution, and certainly sufficient to impel me to vote against it.

I wish to discuss for only a moment the question of whether the States, as individuals, had any title to this 3-mile limit which has been discussed. As I have indicated, and I believe it is generally agreed, there are three types of land involved; not in this controversy, but there are three types of land involved along the coast. One type is what is called tidelands where the tide ebbs and flows. It comes up and goes back. That type of land along the coast, which is overrun by the tide, is not involved in any way. The Government of the United States has never laid claim to it, and does not lay claim to it in the suit which has been brought in the Supreme Court.

There is another strip of land beginning at the low tide and extending out into the ocean for three nautical miles, which is in dispute in the lawsuit now pending. It is that 3-mile strip which is involved in the controversy.

Furthermore, the Government of the United States lays no claim to the ownership of the bed of navigable streams within the borders of States, or forming borders between States.

Beyond the 3-mile limit is what is called the Continental Shelf, which is covered by an amendment offered by the Senator from Wyoming a few days ago and adopted by the Senate.

It has been claimed by the proponents of the pending legislation that it would not apply specifically to California because California was not one of the Thirteen Original Colonies, and the theory on which the legislation is based is that there was a time in the history of the Colonies when the title to the 3-mile stretch of land was in the individaul Colony or State. That contention cannot be sustained. When the Colonies declared themselves to be independent, they did not do so as individual States. They declared their independence as the United Colonies of America. They acted in their united capacity. When the Declaration of Independence was adopted it was adopted in the name of the Colonies united. When the treaty with England was made in 1783 it was made between Great Britain and the United States of America acting as a whole and not acting as separate States. So, from the standpoint of sovereignty, which may have been transferred from the Crown as a result of the Revolutionary War, that sovereignty was never transferred from the Crown to any single individual State. It was transferred to the United States as a whole, and not to any individual State. Therefore title or sovereignty over this particular strip of water, or the lands under the water, was never in the States as individual States, but only in the Nation as a nation.

Mr. President, I wish to invite attention to a decision of the Supreme Court. There are many decisions. I do not have time to refer to all of them, but I wish especially to call attention to the case of *U. S.* v. *Curtiss-Wright Corporation,* reported in 299 United States Reports, at page 304. The opinion in that case points out that by "the Declaration of Independence the Representatives of the United States of America declared the United—not the several—Colonies to be free and independent States."

Quoting again:

The powers of external sovereignty passed from the Crown not to the Colonies severally, but to the Colonies in their collective and corporate capacity as the United States of America. Even before the Declaration, the Colonies were a unit in foreign affairs, acting through a common agency.

Quoting still further:

When, therefore, the external sovereignty of Great Britain in respe ' of the Colonies ceased, it immediately passed to the Union.

Then quoting again:

The Union * * * was the sole possessor of external sovereignty. * * * The States were not "sovereigns" in the sense contended for by some.

There is this final quotation, which refutes the contention of the States that the Federal Government did not acquire ownership of the marginal sea because the States did not expressly grant it by the Constitution. Quoting again from the decision—

It results that the investment of the Federal Government with the powers of external sovereignty did not depend upon the affirmative grants of the Constitution.

It was an inherent quality enjoyed by the Federal Government before the Constitution was adopted.

If anything, there, is beyond doubt in this controversy, it is that the princial basis for the creation and the continued recognition of the marginal sea belt theory is the security and defense of the national sovereignty. An examination of

any work on international law, or of the writings of any publicist, will clearly demonstrate the correctness of this statement, and I shall not further develop the idea. I have not the time to do it, and I do not think it is necessary.

Since the development and acceptance of the concept of the marginal sea, meaning the 3-mile strip which is in controversy, it has been continuously identified with the external powers and national interests of the United States.

This is evidenced by the numerous instances in which the Executive branch of the Federal Government, in conducting our external affairs, has had occasion to reconsider the status of the marginal sea, particularly its extent, in relation to questions which have arisen between the United States and foreign nations. That such instances will continue to occur seems certain, especially since, notwithstanding the concern of the United States to maintain the principle of the freedom of the seas, there exist strong reasons for extending our territorial jurisdiction beyond the present 3-mile limit.

The marginal sea having been created, therefore, and continued in the field of international affairs for the reasons stated, it would seem only natural that title to the underlying lands should be in the Nation, recognized by other nations, rather than in the political units making up the sovereign States.

Not only are the powers of our Federal Government supreme in the field of international security and defense, but they are also supreme in the field of international relations, foreign commerce, immigration, and import duties and customs. The only powers which the individual States of our Union may exercise in the marginal sea area are those of a local or municipal character, as distinguished from powers in the field of international affairs. The right of a State to exercise police powers for local regulation over the waters of the three-mile strip does not convey to it any title to the lands beneath these waters. It would seem, therefore, that title to the marginal sea lands would more appropriately follow as an attribute of sovereignty of the Nation rather than as an attribute of sovereignty of the States for local police regulation.

It has been strenuously asserted and urged by the States that the issue of ownership has been determined by the Supreme Court of the United States a great many times. It is the position of the Government of the United States in the litigation now pending in the Supreme Court that the Supreme Court has never decided the question of title to the lands which lie beneath the waters in this three-mile strip.

Practically all the cases cited by the proponents of the joint resolution involve matters of regulation of inland waterways, harbors, bays, and rivers not involved in the three-mile strip of water which is the subject of the controversy now pending in the Supreme Court of the United States

Mr. President, I am firmly convinced, and the Government of the United States which instituted this lawsuit is firmly convinced, that the question of ownership of the lands under the marginal sea, which is only another name for the three-mile area, has never been determined by the Supreme Court of the United States. It was for the purpose of determining that legal question that this litigation was instituted by the Department of Justice. I recall again to the attention of the Senate the fact that in 1937 the Senate passed a joint resolution directing the Department of Justice to bring such a lawsuit, it went to the House of Representatives and was reported by a committee, but for reasons which it is not necessary to discuss, it failed in the House.

In 1939 the Senate again considered a similar joint resolution instructing the institution of litigation by the Department of Justice to settle the question of ownership of the lands, and of course what is under the lands. That joint resolution was not enacted.

I mention that to show, Mr. President, that the lawsuit brought by the Department of Justice by direction of the President was not a whimsical thing whipped up within the last few months. The Senate of the United States 9 years ago thought seriously enough of the matter to pass a joint resolution instructing that such a lawsuit be brought.

The war came on, and of course interfered with practically everything except the war itself, and the present litigation was not instituted until October 1945. Suit had been brought in the District Court of California in May 1945, but when the Attorney General instituted this litigation in the Supreme Court directly, which he had a right to do, the suit in the district court in California was dismissed.

Mr. President, here is a legal question, here is a question properly to be decided by the courts: Who owns this land? And here we are now asked to strip the Supreme Court of jurisdiction to pass on that question, by the passage of the pending joint resolution, giving a quitclaim title to this land and all that lies under it, I suppose in fear that the Supreme Court might decide that it belonged to the people of the United States.

I am unwilling, Mr. President, to do in this case what I was unwilling should be done in a matter of involving the question of insurance, namely, decide in Congress whether it was interstate commerce. I have always believed it was. When I first came to Congress, in 1913, I urged the Attorney General of the United States, then Mr. McReynolds, to take some steps to relieve the people of my own State of a combination which had grown up in the insurance field. He advised me that the Supreme Court had held that insurance was not interstate commerce. I did not believe that that decision was sound. Of course, I had no way of avoiding the decision, but I did not believe the Supreme Court had acted on a sound basis when it held that insurance was not interstate commerce.

A lawsuit was instituted a year or two ago in the Supreme Court to determine whether insurance was in interstate commerce, and a joint resolution was introduced in Congress which proposed to declare that insurance was not interstate commerce, for the purpose of robbing the Supreme Court of its jurisdiction to pass upon that question. I was against that joint resolution.

Mr. KNOWLAND. Mr. President——

The PRESIDING OFFICER (Mr. AIKEN in the chair). Does the Senator from Kentucky yield to the Senator from California?

Mr. BARKLEY. I have but a few minutes.

Mr. KNOWLAND. I wish merely to ask a question.

Mr. BARKLEY. I yield.

Mr. KNOWLAND. Was that joint resolution to which the Senator has just referred introduced after the Supreme Court suit had been filed, or before?

Mr. BARKLEY. I am not certain.

Mr. KNOWLAND. In the California case the joint resolutions were introduced prior to any suit being filed in the Supreme Court.

Mr. BARKLEY. I understand that; but the Senate undertook to have litigation instituted long before this joint resolution or any similar joint resolution was introduced.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. BARKLEY. The Senator from Nevada yields me 10 minutes more.

The PRESIDING OFFICER. The Senator from Nevada yields the Senator from Kentucky 10 minutes more.

Mr. BARKLEY. I am not willing in this case, or in any similar case, where a legal question is involved, to take the right of determination of that legal question away from the courts, and make the Congress of the United States a court to pass upon problems of that sort which are strictly legal.

There is another reason, Mr. President, why I am against this joint resolution. Congress is given the authority not only to regulate commerce but to provide for the common defense. In modern warfare, oil, petroleum, is one of the essential and indispensable means of defense. I do not know whether there will be another war in which the United States may become involved. I hope there never will be one. I look forward with hope to the time when the world will so organize itself for peace and for the preservation of peace, that war may not again come to curse mankind. But we cannot be certain of that, and if we should ever again become involved in war, the supply of oil may determine the question of our victory or our defeat.

Even before the recent war ended, we were negotiating for and cruising around all over the world to get our share of oil reserves. We even authorized the construction of a $135,000,000 pipe line in Arabia in order to transport oil from Arabia and Saudi Arabia and neighboring regions to the Mediterranean Sea for the benefit of our Navy and Army and for all our arms. We are now engaging in international negotiations in order that we may have our share of that oil, not only in the Near East but in the Caribbean Sea also. Our Army and our Navy and our State Department, looking

ahead for a quarter of a century, it may be for a half a century, or for any particular length of time, are undertaking to garner to ourselves enough oil wherever it may be found to guarantee our defense in any future war. Yet, in spite of that fact, we are asked in this joint resolution to give away hundreds of millions of barrels of oil lying just off the shores of the United States, in order that it may be obtained by private oil companies who are anxious to get control of that oil in order that it may be exploited and its supplies diminished.

Mr. President, I have no enmity toward any oil company on earth. I tried unsuccessfully a few years ago to make a little money out of oil myself, but it was a total and dismal failure. It was a very modest little investment in some oil lands in Kentucky which did not turn out so well. I did not have the same luck in Kentucky that some of my friends here have had in other States. I have no prejudice against the oil industry nor against any oil company. But when I am compelled to decide between the conservation of oil that may belong to the United States Government on the one hand and its exploitation and its use by any private oil company or even by any State that may permit a corporation or an oil concern to exploit it, I am compelled to make my decision in behalf of the people of the United States as a whole.

For that reason, Mr. President, I cannot support the joint resolution. I hope it will not be passed by the Senate. I want to go further than that and express the hope that if it is adopted by the Senate and the House and sent to the President of the United States, it will be promptly vetoed by him in the interests of national defense, in the interests of our entire people, looking toward the coming of a day when we may be in desperate need of the very oil which is supposed to lie under the land involved in this 3-mile-limit controversy.

Mr. STANFILL. Mr. President, will the Senator yield to me for a question?

Mr. BARKLEY. I yield to my colleague.

Mr. STANFILL. Referring to lines 6 and 7 on page 2 of the joint resolution, I ask my distinguished colleague to tell me what claim the Government of the United States has ever asserted to the lands beneath the navigable waters within the boundaries of the respective States, and why that language is included in the measure?

Mr. BARKLEY. I cannot say why it is included in the measure. The joint resolution was introduced in the House. Perhaps my colleague was not present when I spoke of it. I stated that the Government of the United States has never asserted any claim and does not now assert any claim to the lands beneath the navigable waters of the United States or the bays or harbors.

Mr. STANFILL. That was the question I wanted to clear up in my own mind. That question is not now in litigation, is it?

Mr. BARKLEY. That question is not in litigation at all.

Mr. STANFILL. The Government has never claimed those lands, has it?

Mr. BARKLEY. The Government has never claimed those lands. All the Government of the United States now claims in the litigation which is now pending in the Supreme Court is the title to the land beneath the 3-mile limit at low tide in the ocean bounding the coastal States of the United States.

Mr. STANFILL. Mr. President, will the Senator yield further?

Mr. BARKLEY. I yield.

Mr. STANFILL. My colleague will appreciate this question. The northern boundary of the State of Kentucky, the State which he and I represent in the Senate, is the low-water mark, as I understand it, on the north bank of the Ohio River.

Mr. BARKLEY. That is true.

Mr. STANFILL. Has the Government of the United States ever claimed or does it now claim or will it ever claim, so far as the Senator knows, any title to the lands beneath those waters?

Mr. BARKLEY. Absolutely not. The reason for that is that Kentucky was the first State carved out of the vast territory west of the Allegheny Mountains, and when the boundaries of Kentucky were fixed they were fixed on the north at low-water mark on the north side of the Ohio River, so that Kentucky has, for police purposes, jurisdiction of the entire Ohio River from low-water mark on the other side. The Government of the United States has jurisdiction over the regulation of that river for commercial purposes. The same is true of the Mississippi River on the west. The Kentucky boundary goes across the Mississippi River to low-water mark on the Missouri side, because Missouri had not been created as a State at that time, neither had Ohio or Indiana or Illinois, and Kentucky simply took jurisdiction of both those rivers to low-water mark on the other side. There has never been any question about it, and the Federal Government has never asserted any title to the land lying beneath the waters of those rivers. I might say that the Department of Justice and the Department of the Interior have both made it clear in all the statements they have made, that the Government has never claimed any title to those lands and does not now claim it, and so far as anyone can foresee will not in the future assert any claim to the land beneath such waters.

Mr. STANFILL. And if oil should be found beneath the waters of the Ohio River or the Mississippi River where they border on the State of Kentucky, that land is within the jurisdiction of the State of Kentucky, is it not?

Mr. BARKLEY. That is true.

Mr. STANFILL. And not within the jurisdiction of the Federal Government, although the Federal Government does have the right of control of the traffic on the rivers?

Mr. BARKLEY. That is correct.

Mr. STANFILL. That is the point I wanted to have cleared up.

Mr. BARKLEY. The Senator is absolutely correct about that. There is no disagreement anywhere on that subject.

Mr. KNOWLAND. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. The additional time of the Senator from Kentucky has expired.

Mr. McCARRAN. Mr. President, I will yield time to the Senator from Kentucky to answer the question which I presume the Senator from California is about to ask him.

Mr. BARKLEY. The Senator from Nevada yields to me to try to answer.

Mr. KNOWLAND. Mr. President, I will say to the Senator from Kentucky on that point, and answering his distinguished colleague from the same State, it was not until the suits were filed in the Supreme Court and in the district court of California that any claim had ever been made of the lands lying off the coasts of the coastal States. Therefore the fact that up to this date no Secretary of the Interior has claimed jurisdiction over the navigable waters is no more guaranty to the State of Kentucky that some future Secretary of the Interior will not attempt to seize those lands than was our assurance that they would not be seized up to the time Secretary Ickes attempted to take jurisdiction.

Mr. BARKLEY. Mr. President, in regard to that I will say that while the Federal Government in no lawsuit ever asserted claim to these marginal lands, they were discussed in numerous decisions, and if I had the time I should like to read from a decision of Justice Field of the Supreme Court, who was himself from California, in regard to the Federal jurisdiction over these marginal lands, although it was not an issue in the litigation that was being decided by the Supreme Court. So while heretofore there has been no claim by any litigation to the marginal lands, they have been discussed in numerous decisions, and in all cases I have been able to find the position of the court revolved around the title to lands under navigable rivers within States or even bays or harbors within States that were not a part of the 3-mile limit about which we are talking.

Mr. President, I hope the joint resolution will not be passed.

Mr. McCARRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hart	Pepper
Andrews	Hawkes	Radcliffe
Ball	Hayden	Reed
Barkley	Hill	Revercomb
Bilbo	Hoey	Robertson
Brewster	Huffman	Russell
Brooks	Johnson, Colo.	Shipstead
Buck	Knowland	Smith
Burch	La Follette	Stanfill
Bushfield	Langer	Swift
Byrd	Lucas	Taft
Capehart	McCarran	Taylor
Capper	McClellan	Thomas, Okla.
Carville	McKellar	Thomas, Utah
Chavez	McMahon	Tobey
Connally	Magnuson	Tunnell
Cordon	Maybank	Vandenberg
Donnell	Mead	Wagner
Downey	Millikin	Walsh
Eastland	Mitchell	Wherry
Ferguson	Moore	White
Fulbright	Morse	Wiley
George	Murdock	Willis
Gerry	Murray	Wilson
Green	Myers	Young
Guffey	O'Daniel	
Gurney	Overton	

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). Seventy-nine Senators have answered to their names. A quorum is present.

Mr. McCARRAN. Mr. President, I yield 10 minutes to the Senator from Texas [Mr. CONNALLY].

Mr. CONNALLY. Mr. President, I invite the attention of the Senate to the amendment offered by the Senator from Indiana [Mr. CAPEHART]. I regret that he is not present. On page 3 of the joint resolution he proposes to strike out the words beginning in line 14, "such boundary line extends oceanward beyond three geographical miles" and insert "at the time of the admission of such State into the Union, such boundary line extended oceanward beyond three geographical miles, giving due recognition to any changes in such coast line since occasioned by reason of fill-in or natural accretion."

It seems to be the purpose of the amendment of the Senator from Indiana to limit the right of the State to the so-called boundary line at the time the State was admitted into the Union. I understand that it is directed particularly at the State of Texas. If that be its purpose, it is certainly very unfair, because Texas was an independent republic for 9 years. It was not dependent on the United States. It was not dependent on any foreign nation. It achieved its own independence through the blood of its own soldiers and through the sacrifices of its people. As a republic it was endowed with all the rights which either a state or a nation could possess in the shelf or the offshore tidewater lands, wherever such rights extended. If they extended to the middle of the Atlantic Ocean, the land belonged to the State of Texas.

When Texas was admitted to the Union in 1845 the joint resolution or enabling act, expressly recognized those rights, and Texas reserved unto itself all rights in all public lands, so that whatever right there is at the moment belongs to the State of Texas. So the Federal Government, according to my view, would have no legal power to legislate that title away from us. But we do not want it clouded. We do not want doubt cast upon it. We do not want an act of Congress which would seem to assert title to lands beyond the boundaries of the State of Texas or the Republic of Texas.

If Senators will consult the report in this case, and particularly the opinion by Dr. Edwin Borchard, Dean of the School of International Law at Yale University, beginning on page 10 of the committee report, it will there be shown that under international law the State owns the lands as far as it undertakes to appropriate them, and insofar as it can make use of them. Professor Borchard says:

> Assuming then that we have established that as a matter of international law, the littoral state may properly claim in ownership or jurisdiction the natural resources of the subsoil in the continental shelf beyond the marginal zone, whatever its width, and even assuming that the United States would not exercise its privilege of claiming more than 3 miles of marginal sea, the question still remains whether in American constitutional law the State or the Nation can legally make this assertion.
>
> Practice and practical consideration must be the determining guides. As Columbia Law Review states, it is now settled that the marginal sea is an integral part of the neighboring State and its counties like any other Territory, subject to the right of innocent passage and the rights over commerce and navigation exercised or reserved by the Federal Government. The Supreme Court has said that "within what are generally recognized as the Territorial limits of the State by the law of nations, a State may define its boundaries on the sea and the boundary of its counties."

Mr. President, I think it would be very unfair to single out the State of Texas and to seek to impair its title and its rights as would be done by the amendment offered by the Senator from Indiana. I very much hope the Senate will reject the amendment. I was very hopeful that the Senator from Indiana, if present, could be prevailed upon to withdraw it.

Mr. President, I observe that the Senator from Indiana has just reentered the Chamber, and I should like to have his attention. Let me say to him that I have been addressing myself to the amendment he has offered. I had to do so in his absence because the time was allotted to me at this moment and I could not do otherwise. I was expressing the hope that the Senator from Indiana might not pursue his amendment, because it is palpably intended as a discrimination against my State, and I think it is a very unfair method of approach to pick out the State of Texas and aim one's sword at her very vitals. I do not mean that it is unfair on the part of the Senator from Indiana, of course.

Whatever Texas has, she earned back in 1836. When Texas came into the Union, and prior thereto, she was an independent republic. She owned her lands and territories, and she had her own army and her own navy, and she had her minister in Washington. So when Texas gave up her independence as a nation, she reserved all rights in her public lands, and that was recognized by the Federal Government in the joint resolution admitting Texas into the Union.

So how can there be any title in the United States, in respect to any of the lands contiguous to our State?

I also pointed out that under the committee report and under the opinion of Dr. Borchard, professor of international law at Yale University, it is clearly within the power of the State to extend its boundary out onto the continental shelf as far as it is able to do so, regardless of the 3-mile limit.

I hold in my hand the joint resolution by which Texas was admitted into the Union. It appears in United States Statutes at Large, vol. 5, page 798. In addition to other clauses of reservation, I find in it the following:

> And shall also retain all the vacant and unappropriated lands lying within its limits to be applied to the payment of the debts and liabilities of said republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct—

And so on. So, Mr. President, it is clear under that act of the Congress of the United States, the Congress recognized the right of Texas to retain all of its public and unappropriated lands, whatever and wherever they might be. So the Federal Government can have no title. It has foresworn title. Now, to have the United States, by act of Congress, assert title could only result in casting a cloud upon the existing title to our lands.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. CAPEHART. The amendment I offered in no way would take away any of the land or water or minerals which were within the boundaries of the State of Texas when it was admitted into the Union. The amendment recognies that the boundary affected extends 9 miles oceanward.

Mr. CONNALLY. Then what is the purpose of the amendment?

Mr. CAPEHART. The amendment prohibits the State of Texas from maintaining title to areas farther out than 9 miles.

Mr. CONNALLY. Under international law, Texas has a right to title to areas farther out than 9 miles.

Mr. CAPEHART. Mr. President, if the State of Texas has the right to title to areas beyond 9 miles out, then every other State does.

Mr. CONNALLY. The other States do.

Mr. CAPEHART. Every other State would then have a right to title to areas 100 miles or 200 miles out.

Mr. CONNALLY. All the States have a right to title to the land out on the continental shelf. They have no right to title to what lies beyond the continental shelf.

Mr. CAPEHART. Then Mr. President, the amendment the Senate agreed to the other day—I refer to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY]—is meaningless, because that amendment limits the distance to which any State can have its title go to 3 miles or to the distance which the State had title to when it was admitted to the Union. So we are running in circles.

Mr. McCARRAN. Mr. President, the Senators are now speaking in the time which we had reserved to close the debate, and I regret that I must intervene.

Mr. CONNALLY. Very well. I thank the Senator very much, and I conclude my remarks at this point.

Mr. McCARRAN. Mr. President, the argument has been made in support of Mr. Ickes' attempt to expropriate the tide and submerged lands from the States that there is no decision of the Supreme Court which deals specifically with lands along the open coast and below low-water mark. It is admitted that there are many cases upholding State ownership of tide and submerged lands, but it is claimed that all of these cases can be distinguished on the ground abovementioned.

There are at least three good answers to the above argument:

First. There are cases dealing with the open sea.

There are numerous cases in which the Supreme Court has held directly that all

submerged lands within the States' boundaries belong to the States. A few of these are *The Abby Dodge* (223 U. S. 166). In this case the Court held that the State of Florida owned the beds of the marginal sea along the open coast out to the limit of the State's territorial jurisdiction. On this point the court said:

> The principle has long been settled in this court, that each State owns the beds of all tidewaters within its jurisdiction, unless they have been granted away. (*Pollard's Lessee* v. *Hagan* (3 How. 212); *Smith* v. *Maryland*, (18 How. 74); *Munford* v. *Wardwell* (6 Wall. 486); *Weber* v. *Harbor Commissioners* (18 id. 66).) In like manner the States own the tidewaters themselves, and the fish in them, so far as they are capable of ownership while running. For this purpose the State represents its people, and the ownership is that of the people in their united sovereignty (*Martin* v. *Waddell* (16 Pet. 410; p. 174)).

The term "tidewaters" in the above quotation is not restricted to the narrow strip between high and low tide, but is used to describe all the lands under the ocean out to the limit of the State's jurisdiction. Tidewaters, as used here, means any water affected by the tide. The court does not define what the territorial limit of the State of Florida is, but the facts in the case show that it was at least 3 miles off the coast in the open sea.

The case of *Manchester* v. *Massachusetts* (139 U. S. 240), also directly holds that the States have full jurisdiction and ownership of the lands along their seacoast at least to the extent of "a marine league from the coast on the open sea"—page 257.

The cases dealing with the Great Lakes are also direct authority for this proposition. That is because the Great Lakes have been specifically held to be, in contemplation of law, open seas. In many cases the Court has held that the Great Lakes have "all the characteristics of the open sea." The decisions as to the ownership of the beds of the Great Lakes along their open coasts is square authority on the question of the ownership of the Atlantic, the Pacific, and the Gulf of Mexico along the open coast. Indeed, in the Great Lakes cases the Court specifically holds that the same doctrine applies to all these waters, regardless of whether they are fresh or salt. The following quotation from the leading case of *Illinois Central R. R.* v. *Illinois* (146 U. S. 387), which deals with Lake Michigan, is conclusive on the point:

> It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tidewaters, within the limits of the several States, belong to the respective States within which they are found, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the waters, and subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States. This doctrine has been often announced by this court (*Pollard's Lessee* v. *Hagan* (3 How. (44 U. S.) 212); *Weber* v. *Harbor Commissioners* (18 Wall. (85 U. S.) 57).)
>
> The same doctrine is in this country held to be applicable to lands covered by fresh water in the Great Lakes over which is conducted an extended commerce with different States and foreign nations. These lakes possess all the general characteristics of open seas, except in the freshness of their waters, and in the absence of the ebb and flow of the tide. In other respects they are inland seas, and there is no reason or principle for the assertion of dominion and sovereignty over and ownership by the State of lands covered by tidewaters that is not equally applicable to its ownership of and dominion and sovereignty over lands covered by the fresh waters of these lakes (p. 435).

The above decision was affirmed and followed by the Supreme Court in *Massachusetts* v. *New York* (271 U. S. 65), in a decision written by the late Chief Justice Stone.

Other cases in point as to the ownership along the open sea are: *Port of Seattle* v. *Oregon R. R. Co.* (255 U. S. 56), the decision written by Mr. Justice Brandeis; *McCready* v. *Virginia* (94 U. S. 391); *Harden* v. *Jordan* (140 U. S. 371); and many other cases.

Second. All departments of the United States have relied on the above decisions as establishing the rule of State ownership along the open coast.

As ably pointed out yesterday by the senior Senator from California [Mr. DOWNEY], the best proof that there are Supreme Court decisions governing the ownership of the open sea within State boundaries is that the Government itself in all its departments for 100 years has construed the above cases as applying to the open sea. As the Senator from California pointed out, there are 27 decisions of the Department of the Interior between 1882 and 1938 which specifically hold that California is the owner of lands below low-water mark and out to the 3-mile limit. These decisions were based on the Supreme Court cases which the proponents of Government ownership now say are not in point.

The United States Congress, as well as all former Secretaries of the Interior and all former Attorneys General of the United States, has always held that these Supreme Court cases applied to the open coast below the low-water mark. The rule has become a rule of property upon which valuable titles are based and enormous investments made. A rule so long followed by so many departments and high officials of the Federal Government cannot now be lightly pushed aside on the flimsy ground that the cases are all distinguishable on some minute differences in the facts. The law of these cases has become a rule of property.

Third. All text writers and all authorities on international law are in agreement that the above-cited decisions establish the rule, not only as to inland waters and ports and harbors, but as to the open sea out to the State's legal boundary which, in practically all cases, is 3 miles.

The excerpt which the able Senator from Missouri read Saturday from Corpus Juris is but one of the many texts which could be cited in support of this rule. Two of the ablest authorities on international law in the world are on record before this very Congress in support of this proposition that these marginal sea lands belong to the States. These two authorities are Prof. Edwin Borchard, dean of the school of international law at Yale, and Manley O. Hudson, professor of international law at Harvard and also former judge of the Permanent Court of International Justice. Professor Borchard's opinion is attached as an exhibit to the Senate Judiciary Committee's report on this very bill. Judge Hudson's opinion is found in the report of the hearings of the Senate Judiciary Committee before which Judge Hudson testified. Both of these high authorities stated unequivocally that the rule of law was settled that lands along the open coast out to the 3-mile limit belonged absolutely to the States. There is absolutely no authority to the contrary.

We have this problem before us now, not because there is any real doubt as to what the Supreme Court has held, but because Mr. Ickes in his unprecedented attempt to centralize power and authority in his department has made claims which cloud titles of all submerged lands.

Mr. BARKLEY. Mr. President, will the Senator yield for a question.

Mr. McCARRAN. I yield for a question.

Mr. BARKLEY. I say there is no controversy so far as the tidelands are concerned—namely, the lands that are affected by the inflow and outflow of the tide.

Mr. McCARRAN. But the Senator places his own definition on that term, and it is not the definition which is understood by the courts in deciding the matter.

The fact is that the tidelands and the lands adjacent to them belonged, under the law, to the sovereign, before this country obtained its independence; and, belonging to the sovereign, the Colonies took, as Great Britain did, all the rights which the sovereign had; and when we became independent, the States took sovereignty to the lands surrounding them or abutting on them.

With regard to the argument made by the junior Senator from Nevada (Mr. CARVILLE)—a fallacy which has been repeated quite often in the Senate during the last few days, namely, that the decision of the Supreme Court will settle the question once and for all—let me say that that argument shows a complete lack of understanding of the problem. The truth is that there is only one way to settle the question permanently, and that is by act of Congress. The suit now pending in the Supreme Court will settle the issues raised on that suit, but it will not settle the problem before the Congress. If the decision should be favorable to California, nothing would stop future public officials who might have ambitions similar to those of Mr. Ickes, from continuing to agitate the same question. If the question could have been settled by the decision of the courts, it would have been settled long ago. Indeed, it would have been settled long before the present suit was instituted, for there are ample court decisions upholding State ownership. There is no reason to believe that public officials in the future will pay any more

attention to another court decision than Mr. Ickes has paid to the previous court decisions. Smart bureaucratic lawyers will always find some way to distinguish previous court decisions, or, if not, they will boldly urge their reversal, regardless of the property interests at stake.

On the other hand, if the decision in the present case is favorable to the Government, the Government will be forced to proceed to attack the titles of all other coastal States, and probably of all inland States. It will have no other alternative. If the Court should, by any unexpected reversal of the basic principle, hold that the lands in issue in the California case belong to the Federal Government, the question will never be settled until there has been litigation which has determined the question in every State in the Union. Such litigation, so far as those of us now living are concerned, would be endless.

The idea that because the California case is set for argument some time next winter, there will be an early decision which will produce the final answers on this entire problem, is completely unrealistic. The argument in the California case, which is set for the next term of the Court, is not the end of the case, but is simply the beginning of the case. It is the first step in the procedure. In that argument, it will be determined whether, and to what extent, it will be necessary to take further evidence. How long it will take to complete even that one case no one can say; but it could easily take several years. Even then, as I have said, the titles of the lands covered by House Joint Resolution 225 will not be cleared, regardless of whichever way the decision should be. But Congress can clear these titles once and for all by passing this joint resolution, and that should be done at the earliest possible moment.

I believe that the junior Senator from Nevada also said that oil companies are interested in this matter. Apparently that is true, because Mr. Ickes never opened his mouth on the matter, never said a word on the subject, except to declare that these lands belonged to the respective States, until an oil company was formed to take over the oil in the lands abutting the State of California. That oil company has floated its stock all over the United States on bogus assets. Innocent men, women, and children purchased that stock on what, Mr. President? On a claim filed with Mr. Ickes which he, if he had done what he did in a former letter to another applicant for a right, would have said that those lands belonged to the State of California. But he did not do that. He allowed the stock to be peddled, as it has been peddled, all over the country, and to the detriment of those who spent their money in purchasing it, and to the disgrace, if you please, Mr. President, of those who sought to peddle it. Yes; there was an oil company involved.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. McCARRAN. I wish first to yield to the Senator from New Hampshire.

Mr. TOBEY. In view of the fact that the Senator made the allegation that the oil companies are interested in this matter——

Mr. McCARRAN. I did not say so.

Mr. TOBEY. The Senator implied it. I wonder if he knows, or has any interest in the fact, that along the corridors and under the dome of this building came lobbyists, such as Kenney, March, and Pauley, seeking out and conferring with Members of Congress to get this legislation passed, and behind them were powerful oil interests in the West. It is a horrid picture.

Mr. McCARRAN. The Senator has not propounded a question.

Mr. TOBEY. Did the Senator know of the fact which I have stated?

Mr. McCARRAN. I did not.

Mr. TOBEY. I am glad to give the Senator that information.

Mr. McCARRAN. I know a lobbyist when I see one, and I am sure that the Senator would know one also.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. HAWKES. Is it not a fact that prior to the formation of the oil company which the Senator has mentioned, other oil companies came to the Federal Government and to the Secretary of the Interior for the purpose of securing certain rights and privileges, and were told that the Federal Government had no right or power to grant them.

Mr. McCARRAN. I do not know about oil companies. I do know about individuals, because Mr. Ickes answered one of them by a letter in which he said—and it is in the RECORD—that he could not grant his request because the lands, by the settled law of the country, belonged to the States.

Mr. HAWKES. That is the point I wanted to make, and I should have used the word "individuals" instead of "oil companies." The fact remains that up until that time the department took the position that it could not grant those requests because the rights belonged to the States.

Mr. McCARRAN. That is correct. That was the position which Mr. Ickes took, and it was the position which every other Secretary of the Department of the Interior has taken from the time the Department was established until the present time.

Mr. President, I wish to speak briefly with regard to the amendment offered by the Senator from Indiana [Mr. CAPEHART]. The amendment proposes to limit the quitclaim to State boundaries as they existed at the date of admission of each State to the Union and also to "give due consideration to changes in the coast line by reason of fill-ins or natural accretions."

The amendment is objectionable for the following reasons:

In the 170 years since the formation of the Union, the boundaries of some States may have been lawfully altered. It is not known whether this is so, and it would be unfair to prejudice that question in this resolution by confining the quitclaim to boundaries as they existed when the State was admitted to the Union. Both the States and the Federal Government are fully protected by the pending resolution as amended by the amendment of the Senator from Wyoming [Mr. O'MAHONEY], which limits the quitclaim to lawfully existing boundaries and preserves the rights of the United States beyond such boundaries. The resolution in this form would not recognize or confirm any unlawful claims which any State may make regarding the location of its boundary.

The Capehart amendment is also objectionable because of the reference to "fill-ins" or natural "accretions." One of the main objects of the resolution is to quiet title to filled tidelands. The Capehart proposal would raise serious doubt as to whether such lands were intended to be included in the quitclaim.

The Capehart amendment was offered to protect certain farmer cooperatives which have filed claims for Federal permits to prospect for oil in the continental shelf "lying beyond recognized State sovereignty." Those interests are fully protected by the O'Mahoney amendment.

A further objection to the Capehart amendment is that, in order to determine the area actually quitclaimed, it will be necessary to ascertain the location of the coast line at the date of the admission of the State to the Union, and then determine the extent of natural and artificial accretions which have occurred since that time. This would be an almost impossible task and would furnish ground for litigation for many years to come.

Mr. President, something was said by the Senator from Michigan [Mr. FERGUSON] with reference to the language of Dean Borchard. Dean Borchard's statement is set forth in appendix B to the report of our committee. Dean Borchard said:

> My answer is that both for legal and practical reasons the riparian State should be deemed to have jurisdictional control of the resources in question. Especially does this include the right either of ownership or jurisdiction of subsoil petroleum under the continental shelf beyond the 3-mile limit. The grounds upon which the conclusion is reached will now be stated. * * *
>
> As Columbia Law Review states, it is now settled that the marginal sea is an integral part of the neighboring State and its counties like any other territory, subject to the right of innocent passage and the rights over commerce and navigation exercised or reserved by the Federal Government. The Supreme Court has said that "within what are generally recognized as territorial limits of the State by the law of nations, a State may define its boundaries on the sea and the boundary of its counties."

Mr. President, with reference to the amendment offered by the Senator from Kentucky [Mr. BARKLEY], I wish to say that the amendment is substantially the same as the amendment suggested by Mr. Ickes in the Senate Judiciary Committee. The committee rejected it because it would constitute an unparalleled act of discrimination against the coastal States and in favor of the inland States. By this amendment the United States would, in effect, be saying, "We are going to waive any claim against the inland States, but we insist on prosecuting the

claims against the coastal States, notwithstanding the fact that never before has any distinction been made either by the courts or by the many departments of the Federal Government as between inland and coastal waters."

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. BARKLEY. The only possible discrimination would grow out of the fact that the inland States would have no marginal sea lands. The question there applied only to coastal States, and there could never be any decision with reference to the 3-mile limit having, by any stretch of the imagination, application to the inland States.

Mr. McCARRAN. The inland States have navigable rivers.

Mr. BARKLEY. Yes; and the coastal States also have harbors, bays, and beds.

Mr. McCARRAN. It applies to them alike, that is correct; but the discrimination would prevail just the same.

The fundamental principles upon which the courts have always held the State's title to be based was the principle of navigation. The courts have said that if the waters were navigable and were within the State boundaries, they belonged to the State, irrespective of whether they are along the coast or are within ports or harbors, or lakes and rivers. The case of Illinois Central Railway against Illinois is a specific ruling by the Supreme Court that—

> The same doctrine in this country is held to be applicable to waters along the open sea and the waters within the fresh-water lakes and that no legal principle exists for any distinction.

This amendment, in effect, would be an attempt by Congress to set up a new legal principle of separability which is contrary to all past precedent and to all previous decisions. Congress should treat all the States alike.

As a practical matter, the proposed amendment is absolutely unworkable, because it attempts to limit the operation of House Joint Resolution 225 to the line of mean low tide as it existed in each of the original States in 1776 and in each of the other States on the date when that State was admitted to the Union. It would be a practical impossibility to locate such a line. Take the case, for example, of the Original Thirteen States. Who knows where the line of mean low tide was located along the coast line of those States 170 years ago. No one knows where that original line existed, but we do know that there have been enormous accretions from natural causes and large areas of artificial filling along these coast lines. There are many ports and harbors which were created by the construction of breakwaters in the open sea. This amendment would amount to an assertion of title on behalf of the United States to all such ports and harbors and to all filled or made lands, and all the improvements thereon below the original low-tide line, which would create a far worse cloud upon the title than now exists. The proposed amendment would also amount to an assertion of title to such natural accretions as might have occurred on the Mississippi River Delta or the mouth of the Columbia River, for example.

Furthermore, the mere mechanical work of having to survey the exact line of mean low tide as it existed generations ago, even if the data existed upon which to predicate such a survey, would take generations to complete. During all that time, titles of immensely valuable property would remain under this cloud and improvements would be impeded and held in abeyance.

An example, with which Congress is familiar, of the difficulties in attempting to locate the line of mean low tide as it existed years ago, is the case of the boundary of the District of Columbia on the Virginia side. As Congress knows, this has been in dispute for over 50 years and the dispute has hinged on the location of this original water boundary. After more than 50 years of engineering effort to determine that boundary, Congress finally had to act and arbitrarily fix it in order to settle the controversy.

How much greater would be the difficulty of having to locate the line of mean low tide in Massachusetts Bay, or along the New York or New Jersey coast as those lines existed on July 4, 1776.

To take a more recent example—if you will drive, Mr. President, along the California Coast Highway you will see that in many places the road is built on filled land that has been built out into the open sea below low tide. You will find, too, that many cities have built parks and recreation beaches by filling out below low tide. These highways and recreation beaches have been created at enormous expense to the people of California Now the Barkley amendment does two things: First, it requires that the line of mean low tide as it existed on September 9, 1850, be located along the entire coast line of California. This, of course, could only be done by a court decision. Then, second, the amendment amounts to an assertion of title to all the land below that line regardless of how much money the State has expended on it and how long the State or its grantees has been in possession.

This same situation exists in every coastal State in the Union. If this amendment were adopted, there would be endless controversy and litigation as to the location of this old original line of mean low tide which Congress eventually would have to settle. It will be better to settle it now for all time.

Another source of future controversy and litigation which would be engendered by this proposed amendment arises from the use of the words "within a bay or harbor". There is no legal definition of those terms. There would be litigation on every large indentation along the coast line around the United States to determine whether it constituted a bay or harbor within the meaning of this resolution. Furthermore, as has been said, there are many harbors which are wholly or partly formed by the construction of artificial breakwaters built out into the open sea along the coast line. Will the claim be made that the construction of an artificial harbor causes a transfer of title from one sovereign to the other? That question is only an example of the many legal problems to which this proposed amendment would give rise.

Also, the amendment is objectionable in the reference to the "extent that the United States Supreme Court shall decide that such lands are owned by the several States". There is only one case pending and that is against the State of California. Presumably, this case will decide the question of title as to California, but to come within the terms of the proposed amendment there would have to be a decision as to the ownership of the lands below low-water mark and a description of the low-water mark in every coastal State in the Union. The result will be that this amendment would be the beginning of litigation between the States and the Federal Government which would last for generations to come, during all of which the title would remain under a cloud.

The amendment is objectionable in fundamental principle and is wholly unworkable in practice.

Mr. President, the time has now arrived for voting. I object to both the amendment of the Senator from Indiana [Mr. CAPEHART] and the amendment of the Senator from Kentucky, and hope that they will be voted down, and that the joint resolution will be passed.

The PRESIDENT pro tempore. The hour of 3 o'clock having arrived, further debate, under the unanimous-consent agreement, is not in order.

The question is on agreeing to the amendment proposed by the Senator from Indiana [Mr. CAPEHART] which will be stated by the clerk.

The CHIEF CLERK. On page 3, beginning with line 14, it is proposed to strike out the words "such boundary line extends oceanward beyond three geographical miles" and in lieu thereof to insert "at the time of the admission of such State into the Union, such boundary line extended oceanward beyond three geographical miles, giving due recognition to any changes in such coast line since occasioned by reason of fill-in or natural accretion."

Mr. McCARRAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. Not knowing how he would vote, I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am not advised how the Senator from Missouri would vote on this question if present. Being at liberty to vote, I vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from Montana [Mr. WHEELER] is absent by leave of the Senate.

The Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from South Carolina [Mr. JOHNSTON], the Senator from West Virginia [Mr. KILGORE], the Senator from Arizona [Mr. MCFARLAND], and the Senator from Tennessee [Mr. STEWART] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Vermont [Mr. AUSTIN] and the Senator from New Hampshire [Mr. BRIDGES] are necessarily absent.

The result was announced—yeas 15, nays 64, as follows:

YEAS—15

Aiken	Cordon	Reed
Bushfield	Donnell	Stanfill
Capehart	Green	Willis
Capper	Langer	Wilson
Chavez	Morse	Young

NAYS—64

Andrews	Hill	Pepper
Ball	Hoey	Radcliffe
Barkley	Huffman	Revercomb
Bilbo	Johnson, Colo.	Robertson
Brewster	Knowland	Russell
Brooks	La Follette	Shipstead
Buck	Lucas	Smith
Burch	McCarran	Swift
Byrd	McClellan	Taft
Carville	McKellar	Taylor
Connally	McMahon	Thomas, Okla.
Downey	Magnuson	Thomas, Utah
Eastland	Maybank	Tobey
Ferguson	Mead	Tunnell
Fulbright	Millikin	Vandenberg
George	Mitchell	Wagner
Gerry	Moore	Walsh
Guffey	Murdock	Wherry
Gurney	Murray	White
Hart	Myers	Wiley
Hawkes	O'Daniel	
Hayden	Overton	

NOT VOTING—17

Austin	Gossett	O'Mahoney
Bailey	Hatch	Saltonstall
Bridges	Hickenlooper	Stewart
Briggs	Johnston, S. C.	Tydings
Butler	Kilgore	Wheeler
Ellender	McFarland	

So Mr. CAPEHART's amendment was rejected.

The PRESIDENT pro tempore. The question now is on the amendment of the Senator from Kentucky [Mr. BARKLEY], which the clerk will read.

The CHIEF CLERK. It is proposed to substitute a semicolon for the period at the end of the last paragraph, in line 21, page 3, and to add:

But neither the phrase "lands beneath tidewaters" nor the phrase "lands beneath navigable waters" shall include any lands covered by coastal waters below the line of mean low tide in 1776, or when the State was admitted, as the case may be, and not within a bay or harbor except to the extent that the United States Supreme Court shall decide that such lands are owned by the several States.

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. Not knowing how he would vote, I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am not advised how the Senator from Missouri would vote on this question if present. Being at liberty to vote, I vote "yea."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because because of illness.

The Senator from Montana [Mr. WHEELER] is absent by leave of the Senate.

The Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from South Carolina [Mr. JOHNSTON], the Senator from West Virginia [Mr. KILGORE], the Senator from Arizona [Mr. MCFARLAND], and the Senator from Tennessee [Mr. STEWART] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent. He has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from Vermont [Mr. AUSTIN] is necessarily absent.

The result was announced—yeas 35, nays 44, as follows:

YEAS—35

Aiken	Hayden	Morse
Barkley	Hill	Murdock
Brewster	Huffman	Murray
Capehart	Johnson, Colo.	Myers
Carville	La Follette	Stanfill
Chavez	Langer	Taylor
Donnell	Lucas	Thomas, Utah
Ferguson	McKellar	Tobey
Fulbright	McMahon	Tunnell
Green	Magnuson	Vandenberg
Guffey	Mead	Wagner
Hart	Mitchell	

NAYS—44

Andrews	Gurney	Robertson
Ball	Hawkes	Russell
Bilbo	Hoey	Shipstead
Brooks	Knowland	Smith
Buck	McCarran	Swift
Burch	McClellan	Taft
Bushfield	Maybank	Thomas, Okla.
Byrd	Millikin	Walsh
Capper	Moore	Wherry
Connally	O'Daniel	White
Cordon	Overton	Wiley
Downey	Pepper	Willis
Eastland	Radcliffe	Wilson
George	Reed	Young
Gerry	Revercomb	

NOT VOTING—17

Austin	Gossett	O'Mahoney
Bailey	Hatch	Saltonstall
Bridges	Hickenlooper	Stewart
Briggs	Johnston, S. C.	Tydings
Butler	Kilgore	Wheeler
Ellender	McFarland	

So Mr. BARKLEY's amendment was rejected.

Mr. BARKLEY. I send an amendment to the desk and ask for its consideration.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. MCCARRAN. A point of order, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MCCARRAN. Under the unanimous-consent agreement all amendments and the joint resolution were to be voted on at 3 o'clock.

Mr. BARKLEY. Mr. President, I make the point that while the debate closed at 3 o'clock, that did not preclude the offering of amendments.

Mr. MCCARRAN. We had a unanimous-consent agreement that all amendments and the joint resolution be voted on at 3 o'clock.

Mr. BARKLEY. It would be impossible strictly to vote on all the amendments and the joint resolution at 3 o'clock.

Mr. MCCARRAN. The question was not on the amendments; the question was only that we vote on the joint resolution.

Mr. BARKLEY. It was impossible to vote on the joint resolution at 3 o'clock.

The PRESIDENT pro tempore. Let the Chair state the unanimous-consent agreement:

Ordered, That on Monday, July 22, 1946, at not later than 3 o'clock p. m., the Senate proceed, without further debate, to vote upon any amendment that may be pending or that may be proposed, and upon the final passage of House joint resolution—

And so forth. The Chair need not read the remainder. The agreement provides that any amendment can be offered and voted upon, but none can be discussed.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHERRY. The Calendar of Business states the unanimous consent as follows:

Ordered, by unanimous consent, that the Senate on Monday, July 22, 1946, at not later than 3 p. m., proceed to vote upon House Joint Resolution 225 and all amendments thereto.

Mr. MCCARRAN. That was the agreement.

Mr. BARKLEY. Mr. President, from time immemorial in the Senate, when the

hour fixed by unanimous consent or otherwise, to vote on a bill and amendments has been reached, it has not been held that amendments could not be offered after the hour of 3 o'clock had arrived or any other hour that was fixed might have arrived. Always it has been in order to offer amendments, though they cannot be debated. There is no unanimous consent of that kind that ever required that all amendments must be offered and pending before we begin to vote.

Mr. McCARRAN. Mr. President, repeatedly the able leader has laid down that very principle that all amendments and the bill be voted on at a given hour.

Mr. LUCAS. Mr. President, I call for the regular order.

Mr. BARKLEY. Of course, the Senate knows that is impossible to vote on more than one question at a time. Debate cannot proceed beyond the hour fixed, but amendments can be voted on. The agreement means that the Senate shall begin voting on the bill and amendments thereto at a given time.

Mr. LUCAS. Mr. President, has not the Chair ruled on this question?

The PRESIDENT pro tempore. The Chair is about to rule. Senators are discussing the point of order, and the Chair is ready to rule whenever the discussion is concluded.

Mr. McCARRAN. A point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McCARRAN. I draw the attention of the Senate to the language of the unanimous-consent agreement as ordered:

Ordered, by unanimous consent, that the Senate on Monday, July 22, 1946, at not later than 3 p. m., proceed to vote upon House Joint Resolution 225 and all amendments thereto.

There were only two amendments pending at 3 o'clock. Those are all the amendments that could possibly be offered to the joint resolution under the unanimous-consent agreement.

Mr. BARKLEY. Mr. President, if the Senator from Nevada wants to be technical about that, the amendment that was voted on a moment ago had not been offered. It had been read for the information of the Senate. It was not pending and could not have been as long as the Capehart amendment was pending. But when the language of the unanimous-consent order provided that the Senate begin to vote at 3 o'clock on the joint resolution and all amendments or any amendments, that meant any amendment that had been offered, and only one amendment was pending at the time, and when 3 o'clock came only the amendment of the Senator from Indiana was pending.

Mr. REVERCOMB. Mr. President, it occurs to me that unless the point of order made by the Senator from Nevada is sustained we will find ourselves in the position now and in the future of having arrived at a time for voting and then permitting amendments to be offered when we are barred from discussion of them. I call that to the attention of the Chair. That certainly would be a fault in any rule we might adopt, if we could not discuss thoroughly any amendment which might be offered. That would be the result unless the point of order should be upheld.

Mr. McCARRAN. A point of order, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McCARRAN. If the rule sought to be invoked by the able majority leader is to be established as the rule of unanimous consent, then I can—and I use myself as illustration—prevent a vote on any measure, from now on, because I will stack up amendments here so fast and furiously that the Senate will never be able to reach a vote on the measure.

Mr. BARKLEY. I do not think the point of order depends upon any threat made by the Senator from Nevada to stack up amendments here.

Mr. McCARRAN. I am not making any threat, and the Senator knows it.

Mr. BARKLEY. Mr. President, from time immemorial always—except under the rule of the Senate as in the case of cloture, when after a certain time there can be no amendments offered—with respect to every unanimous-consent agreement to begin voting at a certain time there has been no instance, that I can recall as having occurred, that amendments could not be offered, though they cannot be discussed.

The PRESIDENT pro tempore. The Chair is ready to rule.

The order, on motion by Mr. BARKLEY, and by unanimous consent is:

Ordered, That when the Senate concludes its deliberations today it stands in recess until 11 o'clock a. m. on Monday next, and that at not later than 3 o'clock p. m. on that date, the Senate proceed to vote on the joint resolution and all amendments thereto.

The Chair is advised by the Parliamentarian that from time immemorial that means—and the Chair is of that opinion—that amendments pending, and amendments that may be offered can be voted on, but that there is to be no debate on any of the amendments after 3 o'clock. There can be no debate, but any amendments may be offered and may be voted on without debate.

The clerk will call the roll.

Mr. BARKLEY. Mr. President, the amendment has not been stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out the period in line 21, on page 3, insert a colon, and add the following: "*Provided, however*, that this definition shall not include lands involved in the case of United States of America against State of California, now pending in the Supreme Court of the United States, and all other lands similarly situated along the coast of the United States of America."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kentucky.

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. Not knowing how he would vote, I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am not advised how the Senator from Missouri would vote on this question if present. Being at liberty to vote, I vote "yea."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from Montana [Mr. WHEELER] is absent by leave of the Senate.

The Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from South Carolina [Mr. JOHNSTON], the Senator from West Virginia [Mr. KILGORE], the Senator from Arizona [Mr. MCFARLAND], and the Senator from Tennessee [Mr. STEWART] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent. He has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from Vermont [Mr. AUSTIN] is necessarily absent.

The result was announced—yeas 31, nays 48, as follows:

YEAS—31

Aiken	Huffman	Murray
Barkley	Johnson, Colo.	Myers
Carville	La Follette	Stanfill
Chavez	Langer	Taylor
Ferguson	McKellar	Thomas, Utah
Fulbright	McMahon	Tobey
Green	Magnuson	Tunnell
Guffey	Mead	Wagner
Hart	Mitchell	Walsh
Hayden	Morse	
Hill	Murdock	

NAYS—48

Andrews	George	Reed
Ball	Gerry	Revercomb
Bilbo	Gurney	Robertson
Brewster	Hawkes	Russell
Brooks	Hoey	Shipstead
Buck	Knowland	Smith
Burch	Lucas	Swift
Bushfield	McCarran	Taft
Byrd	McClellan	Thomas, Okla.
Capehart	Maybank	Vandenberg
Capper	Millikin	Wherry
Connally	Moore	White
Cordon	O'Daniel	Wiley
Donnell	Overton	Willis
Downey	Pepper	Wilson
Eastland	Radcliffe	Young

NOT VOTING—17

Austin	Gossett	O'Mahoney
Bailey	Hatch	Saltonstall
Bridges	Hickenlooper	Stewart
Briggs	Johnston, S. C.	Tydings
Butler	Kilgore	Wheeler
Ellender	McFarland	

So Mr. BARKLEY's amendment was rejected.

Mr. MORSE. Mr. President, I offer the amendment, which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from Oregon will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

That the requirement that a poll tax be paid as a prerequisite to voting or registering to vote at primaries or other elections for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and other elections for said national officers and a tax upon the right or privilege of voting for said national officers.

SEC. 2. It shall be unlawful for any State, municipality, or other government or governmental subdivision to prevent any person from voting or registering to vote in any primary or other election for President, Vice President, electors for President, or Vice President, or for Senator or Member of the House of Representatives, on the ground that such person has not paid a poll tax, and any such requirement shall be invalid and void insofar as it purports to disqualify any person otherwise qualified to vote in such primary or other election. No State, municipality, or other government or governmental subdivision shall levy a poll tax or any other tax on the right or privilege of voting in such primary or other election, and any such tax shall be invalid and void insofar as it purports to disqualify any person otherwise qualified from voting at such primary or other election.

SEC. 3. It shall be unlawful for any State, municipality, or other government or governmental subdivision to interfere with the manner of selecting persons for national office by requiring the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, and any such requirement shall be invalid and void.

SEC. 4. It shall be unlawful for any person, whether or not acting under the cover of authority of the laws of any State or subdivision thereof, to require the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or other election for President, Vice President, electors for President, or Vice President, or for Senator or Member of the House of Representatives.

Mr. OVERTON, Mr. TOBEY, and Mr. RUSSELL addressed the Chair.

Mr. OVERTON. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. OVERTON. I make the point of order that the unanimous-consent agreement contemplated amendments germane to the joint resolution. The present amendment is wholly foreign to the purpose of the joint resolution. That is a fair interpretation of the agreement. The unanimous-consent agreement entered into contemplated amendments which were applicable and germane to the joint resolution, and not amendments dealing with entirely different subjects. I believe that that is a fair construction of the unanimous-consent agreement entered into. A score of Senators would have objected to the unanimous-consent agreement had it been contemplated that it would have applied to amendments such as the poll-tax bill, which are entirely foreign to the joint resolution. They would not have agreed to it.

I am not relying on the rule of germaneness, which I feel has no application to Senate amendments, but I am appealing to the Chair for a fair interpretation of the intention of the Senate in entering into a unanimous-consent agreement.

If this amendment is held to be in order, I assert that there will not be another unanimous-consent agreement to vote on any other question during the present session of Congress, because amendments will be offered which will be extremely obnoxious to at least some Senators, and there will be no opportunity to debate them. An issue of this kind should be subject to debate. The Chair knows that it should be subject to debate.

Mr. TAFT. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TAFT. Is the Senator arguing the merits of the amendments?

Mr. OVERTON. I am arguing the point of order. I contend that a fair interpretation of the unanimous-consent agreement would be that it did not contemplate that an amendment of this character should be proposed and acted upon.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. RUSSELL. If the Chair should overrule the point of order made by the Senator from Louisiana, and an appeal should be taken from the ruling of the Chair, would the appeal be debatable?

The PRESIDENT pro tempore. The Chair will read the order:

Ordered, That when the Senate conclude its deliberations today, it stand in recess until 11 o'clock a. m. on Monday next, and that at not later than 3 o'clock p. m. on that day the Senate proceed to vote on the joint resolution and all amendments thereto, that the time for debate on Monday next be equally divided and controlled, respectively, by Mr. MCCARRAN and Mr. BARKLEY, and that the requirement of the rule for a roll call upon a request for a final vote on the joint resolution be waived.

Nothing is said in the order about the germaneness of amendments, and the Chair is compelled to rule that the amendment is in order.

Mr. BARKLEY. Mr. President, I ask unanimous consent that I may make a statement not longer than 5 minutes with reference to this matter.

Mr. GEORGE. I object. If we are to indulge in this sort of practice, we might just as well suspend all rules.

Mr. BARKLEY. I desire to state——

Mr. GEORGE. I object.

The PRESIDENT pro tempore. Objection is heard.

Mr. RUSSELL. Mr. President, I desire a ruling on my parliamentary inquiry.

Mr. BARKLEY. Mr. President, may I discuss the point of order?

The PRESIDENT pro tempore. The point of order has been overruled.

Mr. RUSSELL. Mr. President, I appeal from the decision of the Chair.

The PRESIDENT pro tempore. The Senator from Georgia has appealed from the decision of the Chair. The question now is, shall the decision of the Chair stand as the judgment of the Senate?

Mr. MCCLELLAN. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MCCLELLAN. I wish to determine whether the appeal from the decision of the Chair is debatable.

Mr. RUSSELL. Mr. President, I have the floor.

Mr. MCCLELLAN. I understand that, and I wish to determine whether the appeal is debatable.

The PRESIDENT pro tempore. Under the rules, an appeal from a decision of the Chair is always debatable.

Mr. MCCLELLAN. I thank the Chair.

Mr. RUSSELL. Mr. President, along with all other Members of the Senate who are interested in regular procedure, I am somewhat surprised that this amendment has been offered in this fashion. However, I cannot say that I am very much surprised that the Senator from Oregon [Mr. MORSE] has offered the amendment in this fashion to the pending measure, unexpected as it was by all Members of the Senate who are opposed to such legislation. The Senator from Oregon, being a great progressive and a great liberal, does not pay much attention to the practices which have obtained in the Senate for many years.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHERRY. I wish to ask whether it is the ruling of the Chair that under the unanimous-consent agreement and order, anything is privileged above the appeal from the ruling of the Chair.

The PRESIDENT pro tempore. The Chair does not understand the question.

Mr. WHERRY. I should like to ask the distinguished occupant of the Chair whether there is any matter—a conference report or anything else—that is privileged and that will take priority over the appeal from the ruling of the Chair, in view of the unanimous-consent agreement which has been entered into in regard to the joint resolution.

The PRESIDENT pro tempore. The Chair will state that the appeal is debatable; and until the appeal is disposed of no other business can be transacted.

Mr. WHERRY. Nothing else can be taken up until the appeal has been determined, as I understand.

Mr. RUSSELL. Mr. President, the Senator from Nebraska is correct. Nothing else can be taken up until the appeal is determined by the Senate.

Mr. TAFT. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TAFT. In view of the unanimous-consent agreement, I make the point of order that the appeal from the decision of the Chair is not debatable, on the ground that it would nullify the unanimous-consent agreement.

Mr. McCLELLAN. Mr. President, I make the point of order that I made that point of order before, and the Chair has already ruled on it, and no appeal was taken in regard to that ruling.

Mr. TAFT. Mr. President, I should like to have a ruling on my point of order.

The PRESIDENT pro tempore. The Chair has already ruled on that point of order: namely, that the appeal from the ruling of the Chair is debatable.

Mr. RUSSELL. Mr. President, such appeals have always been debatable. Despite the desire of some Senators to indulge in a legislative lynching when legislation of this kind is brought forward, there are some rights which still adhere to Members of the Senate. I can assure the Senator from Ohio and other Senators who would like to have this matter brought to an immediate vote that those of us who believe in orderly procedure here will find means and methods of protecting our rights.

Mr. HAWKES. Mr. President, may we have order? I wish to hear what the distinguished Senator from Georgia is saying, regardless of whether anyone else does or not.

The PRESIDENT pro tempore. The Senate will be in order. Senators desiring to converse will retire to the cloakrooms. Senators who remain in the Chamber will take their seats. Let there be order.

The Senator from Georgia may now continue.

Mr. RUSSELL. Mr. President, I have gathered from the reading of the amendment by the distinguished and able clerk of the Senate that the amendment relates to what has been known as the anti-poll tax bill. It brings into a legislative measure which has to do with quieting the titles to certain lands for the purpose of oils and minerals, the question of repealing the poll tax. The Senator who proposed the amendment was, of course, wholly within his legislative rights. It is not in keeping with the usual practice in the Senate to offer amendments of this nature which are not germane to the bill, but the Senator was within his legal rights.

On another occasion, as I have been advised through the columns of the press, when there were only two Senators upon the floor, one being the Senator from North Dakota [Mr. LANGER] and the other being the distinguished Senator from Oregon [Mr. MORSE], the Senator from Oregon rose from his seat and requested unanimous consent that the then pending business be laid aside—only those two Senators were then present, aside from the Senator who occupied the chair at that time—and that the Senate proceed to the immediate consideration of the bill to repeal the poll tax. The bill then would have been given consideration by the Senator from Oregon and the Senator from North Dakota—as the only two Senators on the floor. I must confess that while the Senator from Oregon was fully within his rights in making such a request in that fashion, I did not consider that such a proceeding was in keeping with the amenities which have controlled in the Senate of the United States and in the relations of Senators with each other ever since this body has been established. We managed to escape that ambuscade and that bushwhacking attack.

Now, instead of having that matter brought up as a separate proposition, as had been proposed by some of those who favor that measure, we find that the Senator from Oregon has proposed it in this fashion, as an amendment to the pending joint resolution.

Mr. LUCAS. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a question.

Mr. LUCAS. In view of what has happened today, does not the Senator from Georgia feel that it is about time that the United States Senate considered the adoption of a rule of germaneness.

Mr. RUSSELL. Mr. President, that is a knife that cuts both ways. At this stage of the proceedings I am not prepared to discuss what should be done with respect to a rule of germaneness for the Senate. Before the debate on the appeal from the Chair shall have concluded, I shall endeavor to give some study and thoughtful consideration to that question, and I may possibly be prepared to go at some length into the subject of the adoption of a rule relating to germaneness.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. BARKLEY. I wish the Senator to yield to me so that I may make a brief statement.

Mr. RUSSELL. I yield for any purpose which does not affect my right to the floor.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senator from Georgia may yield to me without affecting his right to the floor.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Kentucky may proceed.

Mr. BARKLEY. Mr. President, when I made a unanimous consent request a moment ago, to which objection was made, I did so with the intention of making a brief statement. I wished to state to the Senate and to the author of this amendment that I have consulted the proponents and the opponents of the anti-poll-tax bill with reference to having it brought up at this session. I have consulted with them to see whether a vote could be obtained upon it on its merits, wholly disconnected from any other subject. It has been the general understanding, although not publicly announced, that an effort would be made to bring it up and to obtain a vote upon it, and that if a vote could not be obtained promptly, then an attempt would be made to apply the cloture rule on that measure, and on that measure alone, wholly disconnected from any other subject.

I am sorry the Senator from Oregon has felt it his duty to offer this amendment to the pending joint resolution. I do not believe it has any relationship to this subject. I do not believe that the joint resolution under consideration, upon which we are about to vote, should be complicated with any extraneous matter so as to prevent the Senate from passing on it on its merits.

I hope the Senator from Oregon, under the circumstances which I have explained, will be willing to withdraw his amendment so that when we do vote on the joint resolution we may do so on its merits wholly disconnected from any other subject. We all understand how controversial and how complicated is the subject. We all understand the emotions which it arouses every time it is brought up. Certainly, at this stage of the legislative program, we should not complicate or prolong the work of the Senate beyond a reasonable time by complicating the pending legislation with an amendment such as that which has been offered.

As I have said, I hope the Senator from Oregon will withdraw his amendment. I hope that he will take his chances on securing action on his proposal independently of the measure now pending. There has not been on my part at any time any disposition not to permit the Senate to pass upon the matter if it could do so before Congress adjourns. We all understand that when the bill has come before the Senate on prior occasions, or may come before the Senate at some time hereafter, opposition to it has arisen and will arise. Prolonged debate will ensue, and in order to obtain a vote on it, the Senate will be required to invoke the rule of cloture which, thus far, has never been successful. But I believe that the question should be determined on its merits. The subject is big enough to justify a disposal of it on its merits.

I had no warning or intimation—and I did not need to have any—that this amendment would be offered to the pending joint resolution. I am sorry that it has been offered, although, as the Senator from Oregon knows, I have always supported anti-poll-tax legislation. I have voted for such measures in the past, and have also voted for cloture whenever I could do so. However, that situation does not blind me to the fact that the Senate although it has no rule of germaneness, should consider to some extent the propriety of germaneness when acting on proposed legislation.

Mr. President, with that brief statement, I urge the Senator from Oregon to withdraw his amendment in order that we may proceed with other essential legislation, and that we take up his proposal at some other time on its merits and dispose of it then.

I thank the Senator from Georgia [Mr. RUSSELL] for yielding to me in order to make the statement which I have made.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. RUSSELL. Mr. President, I yield if by doing so it will not have any effect on my right to hold the floor.

The PRESIDENT pro tempore. Is there objection?

Mr. RUSSELL. I ask unanimous consent that if I yield to the Senator from Florida I will not jeopardize my rights to hold the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PEPPER. Mr. President, I wish to subscribe to the sentiments expressed by our leader with regard to the subject of the FEPC. I believe that I, in the Senate, introduced the first bill on the subject. The House passed three times on the matter of abolishing the poll tax. I am opposed to the poll tax, and I believe that Congress has jurisdiction to legislate on the subject if the States have not legislated satisfactorily on it.

A group of Senators has acted as a sort of a small steering committee composed of Senators interested in legislation of this type, and has consulted with the able leader in an effort to fix the time before the adjournment of Congress when we could bring up, debate, and dispose of the question of the antipoll tax bill.

The bill has been reported favorably three times by the Senate Judiciary Committee, it has three times been passed by the House of Representatives, and it is now on the Senate Calendar with a favorable report of the Judiciary Committee. That being true, the public interest being involved, I feel that the matter is entitled to the consideration of the Senate.

As the able majority leader will confirm, we have been in consultation with him over the past several weeks, with notice to the opposition, concerning a time when we could take this matter up on a straight motion and debate it, have a fair and full discussion of it, and dispose of the subject in the Senate.

The Senator from New York [Mr. MEAD], the Senator from Michigan [Mr. FERGUSON], and I have served as members of a subcommittee which has been in contact with the Senator from Kentucky. In no sense of the word do we want the impression to be gained by the opposition or by other Senators that we do not expect to make an effort, together with the able leader of the majority, to bring up the bill, and we hope that we may obtain approval of the Senate to consider the bill, and at least have a vote on a cloture petition if we cannot reach a vote directly on the merits before the adjournment of the Congress.

Personally, I may say that if no other Senator does so, I shall move to bring up the bill for consideration before the Senate and the House of Representatives adjourn. Those of us who are in favor of considering the matter wish to give assurance, therefore, that if we suggest foregoing debate upon the matter at the present time it does not mean that we are abandoning our determination to see to it that consideration will be given to it before the adjournment of the Congress.

Mr. President, I feel that the matter would be more appropriately considered under a separate resolution and under a separate motion. I believe that the able Senator from Oregon, who I know is very sincere about his interests, will accept the invitation of the majority leader and withdraw his amendment at this time, thereby enabling us to bring up the matter at a later time. We assure him that we will cooperate with him to that end and will support a separate motion when it will not be a part of other legislation.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. RUSSELL. Mr. President, I yield with the understanding that I do not thereby lose the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITE. Mr. President, yesterday afternoon, when the question of the unanimous-consent agreement now in question was under discussion, we came very close to providing that there would be no business transacted, other than the business then before us, until voting time was reached at 3 o'clock today. I believe, however, that a study of the RECORD will disclose that we failed to carry out that intention in the terms of the agreement which was ultimately entered into. I believe that the point of order made by the Senator from Kentucky was justifiable and that the ruling of the Chair was a sound parliamentary ruling.

However, that fact does not change the basic situation. The truth of the matter is—I am joining at this time in the appeal made to the Senator from Oregon by the Senator from Kentucky—that the amendment which has been offered is as far from the subject matter of the legislation to which it has been proposed as the poles are apart. If ever an amendment offered in the Senate came within the category of a rider, the amendment offered by the Senator from Oregon comes within that category. It is clearly a rider to the pending bill. I believe I know enough about the Senator from Oregon to feel sure that he does not approve in principle the attachment of riders to Senate bills. I hope that his zeal in behalf of the amendment will not lead him into the error of supporting an unquestioned rider to an entirely different subject matter.

I join in the hope expressed by the Senator from Kentucky that the Senator from Oregon will withdraw his amendment at this time.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. RUSSELL. Mr. President, I yield to the Senator from Washington with the understanding that I do not thereby lose my right to hold the floor.

The PRESIDENT pro tempore. Without objection it is so ordered.

Mr. MAGNUSON. Mr. President, I merely wish to corroborate what the Senator from Florida has said. Some of us have met many times in connection with the subject of poll-tax legislation. There are many of us who have a vital interest in the matter. A small subcommittee, consisting of the Senator from Florida [Mr. PEPPER], the Senator from New York [Mr. MEAD], and the Senator from Michigan [Mr. FERGUSON], was informally appointed, with the hope that some action might be reached on the FEPC bill at this session of the Congress. Those Senators to whom I have referred have been conferring with the majority leader from time to time, and the results have been fairly satisfactory, at least, according to the reports which we have received.

There are many Members of the Senate who have a deep interest in this matter, and they have had such interest for many years. At one time I personally introduced an FEPC bill in the House and the bill was passed there, bearing my name. I think there is some propriety in the legislation, but I think that the matter should be handled correctly. I hope that it will not be attached to a bill which is not germane, and which would require a conference and other legislative procedures, resulting, perhaps, in a failure to enact it into law. However, if we are going to legislate in connection with this matter, Mr. President, I wish to serve notice at this time that the next amendment which I shall present will be one concerning the FEPC.

Mr. GEORGE. Mr. President, will my colleague from Georgia yield to me with the understanding that he does not lose the floor?

Mr. RUSSELL. Mr. President, I yield to my able colleague with the understanding that by yielding I do not lose my right to the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GEORGE. Mr. President, I wish to say a few words, but perhaps some Senators will listen to them who are interested in getting the OPA, the Railroad Retirement Act, and other pieces of legislation passed by this body.

If some Senators wish perniciously to intermeddle in the affairs of five or six of the Southern States, always to their detriment and of absolutely no service to the remaining States of the Union, they may persist in that course. It will not be one which will help the party, and I assume that the administration should at least be anxious to obtain some OPA legislation and other legislation before the Congress recesses.

Now, Mr. President, with those suggestions—which are no more than suggestions—I wish to conclude by saying that there are those of us who are prepared to stay here all the summer, if necessary, and if legislation wholly distasteful, designedly discriminatory, and offered for the purpose of either getting votes or embarrassing five or six States in the South, is to be pressed upon us, we might as well let the Senator from Oregon persist in his motion and let the matter proceed to some final conclusion.

Mr. MORSE and Mr. BARKLEY addressed the chair.

The PRESIDENT pro tempore. The Senator from Georgia has the floor. Does he yield; and, if so, to whom?

Mr. RUSSELL. I yield to the Senator from Oregon if I may do so without losing the floor. If the Senator wishes to address himself to his amendment, of course I think he should do that in his own time, but I shall be glad to yield to the Senator.

Mr. MORSE. I simply wish to say, if the Senator obtains the unanimous consent for which he asks, that I desire to address myself to some remarks made on the floor of the Senate about the position I have taken on this amendment.

Mr. RUSSELL. I yield with the understanding that it will not affect my right to the floor. I ask unanimous consent that I be permitted to do so.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MORSE. I shall be very brief. I have listened with interest to the request of the majority leader and to the request of the Senator from Florida that I withdraw my amendment. I am very much surprised, to put it mildly, to hear the suggestion come from the lips of the Senator from Florida [Mr. PEPPER].

If the Senator from Florida is really interested in getting the anti-poll-tax bill before the Senate of the United States, I should like to inform him that it is now before the Senate of the United States, and apparently adequate opportunity is going to be given, by way of appeal from the decision of the Chair with regard to a ruling on my amendment, to discuss the merits of the anti-poll-tax amendment. If the Senator from Florida is concerned with playing politics on this issue, then I can understand his suggestion that I withdraw the amendment.

I think it is very important that its merits be discussed here and now. I say it is a very simple matter. I think every Member of this body is pretty well informed as to the pros and cons of the anti-poll-tax bill. I think every Senator is so well informed that he could vote now, if he would, upon the merits of that bill, and under the ruling of the Chair, handed down a few minutes ago, we can have a yea-and-nay vote, and we can get this very troublesome issue settled once and for all. I think it is important before the Congress shall adjourn this summer, that the Members of the Senate by a roll-call vote make a record as to where they stand on this anti-poll-tax bill. I want to see Members of this body face the voters with a record vote behind them on the merits of this issue.

I wish to say that I think this matter presents very clearly to the Senate—and I think it will to a good many other people, too—the great desirability of complete reform of the rules of the Senate. I do not know of any piece of business we could transact that would be of greater importance to democratic government and to the perpetuation of representative government than revising the rules of the Senate so that we could correct, for example, the rule on which the Chair earlier cast his ruling, relating to the amendment which the Senator from Kentucky presented to the Senate this afternoon. If I understood the Senator from Kentucky [Mr. BARKLEY] correctly, he apparently complains, or at least takes note of the fact, that he did not have any notice of the amendment I have offered to the joint resolution. I can assure him that I think that goes for almost every other Member of the Senate in regard to the amendment he offered to the joint resolution after 3 o'clock. We did not know the Senator from Kentucky was going to offer another amendment. Certainly when the Senator from Kentucky obtained the unanimous-consent agreement to vote at 3 o'clock, he did not tell us he intended to offer the amendment. I think it was very well pointed out by the Senator from West Virginia that if the rules of the Senate permit the offering of amendments after a unanimous-consent agreement has been entered into to vote as of a certain hour on a given piece of legislation, and amendments pending thereto, all one has to do, after that hour has been reached, is to offer new amendments, thus forcing a vote on them without debate. That is a very unsound rule and I propose to show it up by this amendment of mine. If that is the rule of the Senate, which I am sure came as a great surprise to many of us in this body this afternoon, we should change the rule.

If that is the rule, then I say that the junior Senator from Oregon has his rights under that rule, as does the majority leader, the senior Senator from Kentucky [Mr. BARKLEY]. All I have done has been to exercise my rights under that rule. I have exercised my rights under the rule in the interest of a great cause. I have exercised my rights under the rule in the interest of giving to all adult citizens in this country the right to vote without having imposed upon them any restriction on their right to vote such as the requirement that they pay a poll tax.

The amendment is one in the interest of the welfare of this country and the preservation of our democratic processes. I know of no amendment or proposal which can be made in the Senate of the United States more vitally concerned with the preservation of this thing we call the American system of representative government. It is basic to the liberties of freemen. Is it possible that some of our fellow citizens are to be allowed to enjoy freedom only in the abstract?

I must be frank about this, too, and we all must be realistic about it. We know that getting such legislation as this anti-poll-tax bill before the Senate in this session of Congress will require parliamentary strategy. Was the junior Senator from Oregon the first one in this session of Congress who used any parliamentary strategy to get legislation before the Senate? He is a babe in the woods compared with some of the strategists in the Senate during the last year and a half who have attached riders to bills, filibustered on the Journal, and demonstrated their mastery of strategy. If the junior Senator from Oregon is learning a little bit about Senate strategy, why criticize him for it? I am perfectly willing, however, to join with the strategists at any time and agree to adopt a set of rules which will completely reform the procedure of the Senate of the United States, so that we can drive from the floor of the Senate once and for all the practice of the filibuster which you and I know is going to be exercised now on this amendment, if necessary to defeat it, by way of an appeal from the decision of the Chair.

I think it is about time that 140,000,000 American people be given a lesson on the effects of the filibuster on legislation once it is introduced on the floor of the Senate. I think the American people need to be awakened as to the importance of reforming the rules of the Senate, and I believe this fight will help that very important cause.

My reply to the majority leader is, therefore, that I will not withdraw the amendment.

Mr. BARKLEY. Mr. President——

Mr. RUSSELL. Mr. President, I should like to yield to the Senator, but I have been yielding, and I should like to address myself to the appeal from the decision of the Chair.

The distinguished Senator from Oregon, whom I now salute as the chief strategist back of the poll-tax bill, referred to strategy. The Senator from Oregon needs no one to instruct him in strategy. I notice that he applies in this case the same strategy he has applied in other cases of legislation of this highly controversial nature. I recall well that when the so-called FEPC bill was brought on the floor of the Senate it was the Senator from Oregon who started talking about there being a filibuster against it, before any of the opponents of the bill had had an opportunity to speak. Now on this appeal, before I have had an opportunity to address myself to the appeal for more than 5 minutes, the Senator from Oregon again charges filibuster.

The Senator knows that a wonderful way to hit the headlines of the daily press in this country is to come in with charges of filibuster, and he knows that when he, with his great liberal reputation, charges a filibuster and makes the headlines he thereby obscures some of the merits of the issue which might be under consideration.

So the Senator is a master of strategy. As the self-chosen chief of staff in this fight he has taken away the lead from men who were fighting for legislation to repeal the poll tax long before the Senator from Oregon came to these halls. The Senator from Florida [Mr. PEPPER] has consistently, in and out of season, brought legislation here seeking to repeal the poll tax. The distinguished majority leader, the Senator from Kentucky [Mr. BARKLEY], has fought since I have been a member of this body for legislation to repeal the poll tax. The Senator from Washington [Mr. MAGNUSON] has been a consistent fighter for legislation to repeal the poll tax. All of them have now been supplanted by the great Senator from Oregon. Their strategy is at fault. They wish to approach this question and face this issue in a straightforward fashion. They wish to follow the practices of the Senate which have obtained for a hundred years when great issues have been involved. They wish to face the issue four-square and on its own merits, as the Senate has always done. The new general who has come in to take over the poll-tax fight, to take over the leadership from men who have been fighting for the legislation to repeal the poll tax for years, does not believe in the direct frontal attack. He is the proponent of the ambush. He seeks to destroy the poll tax by an ambuscade; by coming around surreptitiously and sliding around the corner by offering an amendment after debate is eliminated by unanimous consent to legislation that has nothing remotely to do with the poll tax. So the strategy of the direct approach that the Senate has always considered to be a proper relation between its Members is now being superseded by

the strategy of the ambuscade under the generalship of the Senateor from Oregon.

I heard on the floor not long since a good deal about "ham acting," and when I see, Mr. President, some of the things that are going on here this afternoon I cannot but connect them with statements that have been made here in the past about ham acting. Here we have the Senate sitting in session, the Members' thoughts directed to legislation which has been a subject of contention, which has to do with tidelands and oil. All of a sudden out of a clear sky the leadership of the poll-tax fight is grasped by the Senator from Oregon from the hands of those who have been laying plans, who have been holding conferences, who have been discussing with the majority leader the old-fashioned manner of a direct or straightforward and a forthright approach in normal legislative practice.

I say, Mr. President, that this procedure may indeed endear the distinguished Senator from Oregon to certain groups in this country. It may cause him to have that satisfaction which we feel when we see our name emblazoned in the headlines of the daily press of the country. But I doubt very seriously if it is any substantial contribution to the repeal of the poll tax in the United States to force the issue in any such circuitous, unusual fashion as we see employed here this afternoon.

Of course, appeal was made from the decision of the Chair. The Senator from Oregon talks about necessity for changes in the rules of the Senate. Well there is a regular procedure for the change of rules. There is a method of doing it. But the rules cannot be changed this afternoon while the appeal is pending, and I doubt not that there will be some very illuminating discussion on the issue involved in the ruling of the Chair.

I wish to say, Mr. President, at this juncture that I regret very much that I felt constrained to appeal from the decision of the distinguished Presiding Officer. Since I have been a Member of this body for more than 13 years I have been privileged to serve with the distinguished Senator from Tennessee, on the Committee on Appropriations. I I have great respect for him as a man and as a Senator. He is probably the most effective legislator I have ever known. But feeling as I do that the Senator was in error in the ruling that he made, I felt it my duty to appeal from the decision of the Chair and submit the matter to the Senate.

Mr. President, I wish now to say that so far as I am concerned, this measure does not affect my State. The State of Georgia levied a poll tax from Colonial days down to about 2 years ago. On previous occasions in studying this subject I went back to the meetings of the Colonial Assembly in Georgia, which I believe were held in the year 1743. This is my recollection now. I am sure it was prior to 1750. The Colonial Assembly in Georgia in that year levied a poll tax of 3 shillings per head upon all male citizens of the colony who had passed the age of 21 years. From that day until 2 years ago there was a poll tax in the State of Georgia which it was required that the citizens pay as a prerequisite to voting in elections in the State.

We have heard a charge, Mr. President, that the poll tax was a device to disfranchise the Negro. Never has there been a more fallacious or untrue charge made by those who had any knowledge of the facts. In the tragic days of reconstruction, when most of the members of the Georgia Legislature were members of the colored race, the legislature met in session and wrote an entirely new constitution, the reconstruction constitution. That constitution made tremendous changes in the legal system and in the social order, yea, in the economic order in the State of Georgia. But that legislature, composed as it was of a majority of members of the colored race, wrote again in the constitution a poll-tax provision making it a prerequisite of voting in elections in my State.

Mr. President, that bit of history shows how unreasonable is this charge that the poll tax is a device to disfranchise the Negro. We have no poll tax today in my State, and I am glad that we do not have one. I think the poll tax is outmoded. I hope that our sister States will see fit to repeal the poll-tax provisions which are in existence today.

But, Mr. President, believing as I do that the question of franchise is one which is delegated by the Constitution of the United States to the several States, I shall oppose with all the power of my being, any effort, whether it be by direct, flank, frontal, rear, or ambush attack, to take over the affairs of the several States and tell them the system they shall employ.

Mr. President, if Senators would but take the Constitution of the United States once every 2 years and read it over, and then follow the dictates of untrammeled and fearless conscience, we would not have such legislation as this make its appearance in this Chamber.

It so happens, Mr. President, that the only provision in the Constitution of the United States which appears twice in the same language is the language which preserves to the several States the right to determine the qualifications of electors. If Senators would read the Constitution and then clearly follow the dictates of their own conscience, we might not be afraid to have this matter come to a vote, whether it comes by way of this amendment to the pending measure or in the usual parliamentary procedure which those who have the right to stand in the forefront of this fight have sought to follow in presenting the issue to the Senate.

I know, Mr. President, that in some quarters the Constitution of the United States is not a very popular document today. It has become the custom of some people to try to find ways and means to gloss over its clear terms or provisions, and I must say that that desire has not been confined to the laity, but we have members of our judiciary who seem to think that instead of it being their duty to follow the Constitution as it has been written, that they should use the test of expediency and seek to circumvent the clear provisions of the Constitution they are sworn to uphold.

Mr. President, this country is today facing a condition of uncertainty. We know there is a spirit of unrest abroad in the land. We know there is a spirit of restlessness such as always follows in the wake of every war. This war from which we have just emerged is the greatest in which our country has ever engaged. As the absolute corollary this spirit of restlessness is greater today than it has ever been before in our history. Certainly, Mr. President, at this time, when the tides of discontent are rumbling, when we can hear the beating of the waves against our institutions of Government, it behooves us to cling closer to the Constitution of the United States as the great charter of our individual rights than we have ever done before. Certainly we should do nothing that would encourage those who take the position that the Constitution should be abolished and stricken down, that we should depend for our right to a livelihood, for our right to enjoy the blessed liberties that are now vouchsafed to us, upon the whim of some dictator, rather than having the Constitution as the citadel of refuge to which all of our people may repair when their rights are threatened or in any manner jeopardized. If there has ever been a time in this Nation when we should respect and follow the letter, the spirit, and intent of the Federal Constitution, that time is today.

Mr. President, distasteful as it may be to Senators who do not place much credence in the Constitution of the United States, I feel it my duty to read those sections of the Constitution which relate to the qualifications of the electorate in this land.

Section 2 of article I of the Constitution reads as follows:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Mr. President, I submit that the English language could not be used by any master of any period to more clearly confine to the several States the power of prescribing the qualifications of electors than is done in the clear language of section 2 of article I. It does not say that if the States prescribe qualifications which do not appeal to the majority of the Members of the Senate, then the Congress can strike down the State law and write its own qualifications. It does not say that if, forsooth, the State of Arkansas has a requirement that the electors shall be able to read and write, the Senator from Oregon may introduce a bill which will tell the State of Arkansas, "You cannot apply a literacy test for voting." The clear letter of the Constitution says that the electors in the States shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

That provision clearly establishes that if the State of Illinois, for example, prescribes a qualification for electors in that State to vote for members of the lower house in the State legislature, the same provision shall apply to those who are

permitted to vote for Members of the National House of Representatives. There is absolutely nothing in the constitutional provision which gives to the National Congress the right to prescribe the requirements for those who shall be permitted to vote for Members of the State legislature. Yet it is proposed here in all seriousness—I shall not say in all seriousness, but in all serious politics—that the Congress of the United States has the right to prescribe qualifications of the voters for the lower house of the legislature in each of the 48 States of the Union. If the Congress of the United States can wipe out this section by statute, we have the right to repeal the Constitution of the United States by a simple statute.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. EASTLAND. One of the principal arguments of the proponents of the bill is that the payment of a tax is not a qualification for voting. Does not the Senator think the test would be what the qualifications for voting were at the time the Constitution was adopted? At that time practically all the States had the requirement of payment of a poll tax as a prerequisite for voting.

Mr. RUSSELL. The Senator is undoubtedly correct. That is one reason for this clear and direct reference in the Constitution to the qualifications for voters voting within the State. As a matter of fact, at the time of the adoption of the Constitution of the United States every one of the 13 States had either some form of poll tax, or some qualification that the elector hold title to property before he could vote. This clause of the Constitution was drawn with the background in every one of the 13 States of a poll tax or the requirement that the voter be a freeholder.

Mr. EASTLAND. Mr. President, will the Senator further yield?

Mr. RUSSELL. I yield for a further question.

Mr. EASTLAND. Does not the Senator think that if the Congress of the United States should attempt by legislation to say that the payment of a poll tax is not a qualification for voting, we should be performing a judicial act, and usurping the prerogatives of the judiciary, and that for that reason the bill is bound to be unconstitutional?

Mr. RUSSELL. The bill is clearly unconstitutional; but I do not think we would be usurping any function of the judiciary, because in my judgment the Federal judiciary has nothing whatever to do with any qualification which might be imposed by a State upon those who are to vote for members of the lower house of the State legislatures in the several States. The present Supreme Court thinks it is the greatest parliament that has ever assembled. It undertakes to write law on every subject that comes before it. If it encounters a void where the Congress has not legislated, the present Supreme Court undertakes to fill it by writing the law as it thinks the Congress should have done.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. CONNALLY. Let me ask the Senator from Georgia if section 2 of article I not only recognizes the power of the States to fix the qualifications for members of the legislature, but in effect makes the standard fixed by the States the Federal qualification.

Mr. RUSSELL. Undoubtedly.

Mr. CONNALLY. It makes it a part of the Constitution of the United States.

Mr. RUSSELL. There is no question that this clause of the Constitution was written because of the fact that the members of the Constitutional Convention did not wish to undertake to write a uniform requirement for the qualifications of all the voters. They did not even undertake to write such a requirement.

Mr. President, I have already pointed out that the only provision of the Constitution which appears in identical language twice in that immortal document, which, despite its detractors and despite those who would strike it down, is still the greatest statement of a system of governmental principles that has ever been penned by the hand of man, is the provision which confers upon the States, and upon the States alone, the power to prescribe the qualifications of voters. I have read from article I, section 2, which appears at the very beginning of the Constitution, immediately following the magnificently worded preamble which, of course, reads as follows:

> We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Mr. President, I have often thought of the significance of the fact that the founding fathers, with their faith in representative government, immediately after the preamble in section 1 of article I, established the Congress of the United States. They conceived that the Congress was to be their bulwark in defending the specific provisions of the Constitution which were to "establish justice, insure domestic tranquillity," and to carry out the other objectives of the preamble. To establish the Congress of the United States, to be composed of the representatives of the people, was the first task to which the framers of the Constitution addressed themselves.

Mr. President, we see today an effort being made to pervert the functions of the Congress by using it for the repeal, by a simple statute, of a specific provision in the Constitution that, "electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. OVERTON. While it has been frequently said, and correctly so, that the qualifications of the electors are fixed by the State, as described by the Constitution, yet, as a matter of fact, it is not true that the Constitution itself prescribes the qualifications of the electors by declaring that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature"? Is it not true that when the Constitution was written it prescribed the qualifications of the electors, and stated that those qualifications shall be qualifications for the most numerous branch of the State legislature?

Mr. RUSSELL. That was the specific description of the qualifications, but, of course, in the last analysis, it was left to the States specifically to determine the qualifications under the mandate written in section 2 of article I. There is no question that it was written in that form in order to prescribe the qualifications within the several States because of the differences in the laws within the several States at the time. I believe it was the State of New York which at that time had a requirement that the voter had to be a freeholder of lands or own 50 pounds in sterling, which was a tremendous sum at that time, before he would be eligible to vote for a member of the New York Assembly. When the Constitution of the State of New York was written it fixed that qualification. In my own State, where we once had a poll tax, it was much easier to vote. All that a voter was required to do was to pay 2 shillings, and after having done so, if literate, he thereby became qualified as an elector.

Mr. OVERTON. What the Senator has said is entirely true, and therefore the framers of the Constitution felt that they could not prescribe a rule for qualification, because there was no uniformity of requirement in the various States. But nevertheless, Mr. President, the framers of the Constitution did prescribe, and I think it is very important, the qualifications of the voters by declaring that the qualifications shall be the same as those prescribed for the most numerous branch of the State legislature.

Mr. RUSSELL. The qualifications were described as clearly as it was possible for the English language to describe them.

Mr. President, the time to which reference was made was when the Constitution was adopted and promulgated. It related to the qualifications of electors for the lower House of Congress.

When the seventeenth amendment, providing for the election of Senators by the people of the United States, was submitted to the States, in submitting that amendment the Congress recognized the qualifications of the electorate as set forth in section 2 of article I of the Constitution, and reiterated them in the second sentence of the seventeenth amendment providing for the popular election of Senators. I will read the language. Senators who have heard me read it in section 2 of article I of the Constitution will note that it is exactly the same language as that of the seventeenth amendment. After providing for the election of Senators by the people, the language continues:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of State legislatures.

That language is identically the same as that contained in section 2 of article I which gives to the States the right to

prescribe the qualifications of their electorate in voting for Members of the House of Representatives.

Mr. President, as I have already stated, my State has no poll tax. Within the past 10 days a primary election was held in the State of Georgia. For the first time in its history an election was held without disqualification being imposed. I am glad to know that the poll tax in my State has been removed. I hope that my sister States will soon remove theirs so that they may see 700,000 or 800,000 of their citizens move in a solid phalanx to the polls and cast their votes. But to me, Mr. President, the Constitution of the United States is something more sacred and more important than to be considered as merely a document which we may seek to circumvent and defeat, even though its language is as clear as is set forth in the constitutional provision for the qualifications of voters. I shall not sanction or lend my aid to any proposal which seeks to wipe out, by a simple statute, two clauses of the Constitution.

Mr. President, if the Congress of the United States has a right to repeal these two constitutional provisions relating to the poll tax or the qualifications of voters, and repeal them by a simple statute, as is here being proposed, then the Congress has a right to pass a law requiring that in the State of South Dakota only red-headed men with green eyes may have the right to vote.

Why was the matter left to the several States in such clear and specific language as I have read? It was to protect the rights of the States to control their own elections.

Mr. President, if we can strike down this provision of the Constitution by a simple statute, we can pass a law which will say that every election held in the several States shall be presided over by a Federal agent and thereby take away from the States every particle of control which it exercises at the present time over the elective processes within the State.

Mr. President, it has never been contended until later years that the Federal Government had any right to prescribe qualifications of the voters or to strike down any qualifications which had been prescribed by the several States.

I once had occasion to look into the history of this matter. I went back to some of the debates which were held in this body during the trying days of reconstruction when the fourteenth and fifteenth amendments were being proposed to the Constitution. I do not have the references before me at the present time, but I shall obtain them for use tomorrow. I did not expect this matter to come up today. Senators will be interested in reading the debates which took place in the Senate back in 1866, 1867, and 1868, and see how all Senators at that time agreed to the proposition that the fourteenth amendment and the fifteenth amendment did not in anywise interfere with the rights of the several States to prescribe the qualifications of the electors in those States so long as they were uniform. There was no dissent in this body to the theory that the States still had the right to prescribe the qualifications of its voters.

Mr. President, the first reference which I was able to find touching any proposal that the Congress could abolish——

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield for a question.

Mr. OVERTON. Was it not for that reason that the constitutional amendment was proposed and adopted at that time? Otherwise, Congress could have passed a simple statute providing that there should be no discrimination on account of race, creed, color, or previous condition of servitude.

Mr. RUSSELL. Yes. I thank the distinguished Senator for making that point clear.

Mr. OVERTON. I thank the Senator.

Mr. BARKLEY. Mr. President, will the Senator yield to me without losing the floor?

Mr. RUSSELL. Yes; I shall be glad to yield if I do not lose the floor.

Mr. BARKLEY. Earlier in the afternoon I made the statement that it had been part of the program of the Senate to take up the poll-tax bill before we adjourned. I recall that a month or so ago the Senator from Nevada [Mr. McCARRAN] asked me on the floor when that bill might be taken up, and I stated that it could not be taken up until certain legislation with a time limit was disposed of, because of the probability of lengthy discussion of the bill.

I wish to state now that, so far as I am concerned, it is the purpose of the majority leader himself to move to consider the poll-tax bill before we adjourn, if no one else makes the motion.

Under those circumstances I feel that we should not delay the consideration of the pending joint resolution or any other proposed legislation which is essential, such as the conference report on the OPA, terminal pay for soldiers, and other legislation which might be taken up.

Therefore, Mr. President, with that understanding, I am assuming the responsibility, as I have to assume it now and then, of undertaking to guide the course of legislation, and believing that the particular amendment just presented should not have been offered as an amendment to the pending measure, that it is wholly extraneous to the subject, that it can and will be taken up and considered on its merits under the parliamentary rules of the Senate, I feel it my duty, if the Senator will yield to me for that purpose, to move to table the amendment offered by the Senator from Oregon [Mr. MORSE], which I do.

Mr. RUSSELL. I yield for that purpose.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Kentucky.

Mr. McCLELLAN. A parliamentary inquiry.

Mr. MORSE. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator from Arkansas will state his inquiry.

Mr. McCLELLAN. If the Senator from Georgia yields for that purpose and the motion to table is made, I understand that the motion will not be debatable.

The PRESIDENT pro tempore. That is correct; the motion is not debatable.

Mr. McCLELLAN. In the event the motion shall fail to carry, what then will be the pending question before the Senate?

The PRESIDENT pro tempore. It will recur on the appeal from the decision of the Chair.

Mr. McCLELLAN. Then the question on the appeal would be debatable?

The PRESIDENT pro tempore. It would still be debatable.

Mr. McCLELLAN. Very well.

Mr. MORSE. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MORSE. I wish to explain the point. We entered into an agreement to vote at 3 o'clock this afternoon on a pending joint resolution and all amendments thereto. That was a unanimous-consent agreement. The junior Senator from Oregon takes the position that that having been a unanimous-consent agreement, there was implied in it the understanding that we would vote on amendments and vote on the joint resolution, I suggest——

Mr. LUCAS. A point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LUCAS. I make the point of order that the Senator is not stating a point of order.

The PRESIDENT pro tempore. The Senator is making an inquiry within his rights.

Mr. MORSE. I submit that a motion to lay on the table is not a vote on the amendment within the meaning and intention of the unanimous-consent agreement.

Mr. RUSSELL. A motion to table——

The PRESIDENT pro tempore. The Chair is advised by the Parliamentarian that under the precedents of the Senate the motion to lay the amendment on the table is in order.

Mr. TAFT. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TAFT. Has the appeal from the decision of the Chair been withdrawn?

Mr. RUSSELL. It has not.

Mr. BARKLEY. It has not been withdrawn, and under the rules and the precedents a motion to lay on the table is in order notwithstanding the pendency of a point of order. If the motion to lay on the table carries, it carries with it also points of order made on the amendment on which the vote is taken.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the amendment of the Senator from Oregon [Mr. MORSE].

Mr. TAFT. I ask for the yeas and nays.

Mr. MORSE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hart	Overton
Andrews	Hawkes	Pepper
Ball	Hayden	Radcliffe
Barkley	Hill	Reed
Bilbo	Hoey	Revercomb
Brewster	Huffman	Robertson
Brooks	Johnson, Colo.	Russell
Buck	Knowland	Shipstead
Burch	La Follette	Smith
Byrd	Langer	Stanfill
Capehart	Lucas	Swift
Capper	McCarran	Taft
Carville	McClellan	Taylor
Chavez	McKellar	Thomas, Okla.
Connally	McMahon	Thomas, Utah
Cordon	Magnuson	Tobey
Donnell	Maybank	Tunnell
Downey	Mead	Vandenberg
Eastland	Millikin	Wagner
Ferguson	Mitchell	Walsh
Fulbright	Moore	Wherry
George	Morse	White
Gerry	Murdock	Wiley
Green	Murray	Wilson
Guffey	Myers	Young
Gurney	O'Daniel	

The PRESIDENT pro tempore. Seventy-seven Senators having answered to their names, a quorum is present.

Mr. AIKEN. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. AIKEN. If the motion to lay the amendment on the table shall prevail, will another vote on the so-called anti-poll-tax bill be in order at this session?

The PRESIDENT pro tempore. It would be, on the regular anti-poll-tax bill, yes.

Mr. TAFT. I ask for the yeas and nays on the motion to lay the amendment on the table.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. Not knowing how he would vote, I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am not advised how the Senator from Missouri would vote on this question if present. Being at liberty to vote, I vote "yea."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from Montana [Mr. WHEELER] is absent by leave of the Senate.

The Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from South Carolina [Mr. JOHNSTON], the Senator from West Virginia [Mr. KILGORE], the Senator from Arizona [Mr. MCFARLAND], and the Senator from Tennessee [Mr. STEWART] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

If present and voting, the Senator from North Carolina [Mr. BAILEY], the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Tennessee [Mr. STEWART] would vote "yea."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent. He has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from Vermont [Mr. AUSTIN] is necessarily absent.

The result was announced—yeas 54, nays 23, as follows:

YEAS—54

Andrews	Hart	Murdock
Barkley	Hawkes	Murray
Bilbo	Hayden	Myers
Buck	Hill	O'Daniel
Burch	Hoey	Overton
Byrd	Huffman	Pepper
Capehart	Johnson, Colo.	Radcliffe
Carville	Knowland	Reed
Connally	Lucas	Revercomb
Cordon	McCarran	Robertson
Donnell	McClellan	Russell
Downey	McKellar	Smith
Eastland	McMahon	Swift
Fulbright	Magnuson	Thomas, Okla.
George	Maybank	Thomas, Utah
Gerry	Millikin	White
Green	Mitchell	Wiley
Gurney	Moore	Young

NAYS—23

Aiken	La Follette	Tobey
Ball	Langer	Tunnell
Brewster	Mead	Vandenberg
Brooks	Morse	Wagner
Capper	Shipstead	Walsh
Chavez	Stanfill	Wherry
Ferguson	Taft	Wilson
Guffey	Taylor	

NOT VOTING—19

Austin	Gossett	Saltonstall
Bailey	Hatch	Stewart
Bridges	Hickenlooper	Tydings
Briggs	Johnston, S. C.	Wheeler
Bushfield	Kilgore	Willis
Butler	McFarland	
Ellender	O'Mahoney	

So Mr. BARKLEY's motion to lay Mr. MORSE's amendment on the table was agreed to.

The PRESIDENT pro tempore. If there be no further amendment to be offered, the question is on the engrossment of the amendment and the third reading of the joint resolution.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDENT pro tempore. The question is, Shall the joint resolution pass?

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. THOMAS of Utah (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. BRIDGES]. Not knowing how he would vote, I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am not advised how the Senator from Missouri would vote if present. Being at liberty to vote, I vote "nay."

The roll call was concluded.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from Montana [Mr. WHEELER] is absent by leave of the Senate.

The Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from South Carolina [Mr. JOHNSTON], the Senator from West Virginia [Mr. KILGORE], the Senator from Arizona [Mr. MCFARLAND], and the Senator from Tennessee [Mr. STEWART] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

On this question the Senator from North Carolina [Mr. BAILEY] is paired with the Senator from West Virginia [Mr. KILGORE]. If present and voting, the Senator from North Carolina would vote "yea," and the Senator from West Virginia would vote "nay."

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent. He has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from Vermont [Mr. AUSTIN] is necessarily absent. If present he would vote "yea."

The Senator from South Dakota [Mr. BUSHFIELD] is unavoidably detained.

The result was announced—yeas 44, nays 34, as follows:

YEAS—44

Andrews	Cordon	Maybank
Ball	Downey	Millikin
Bilbo	Eastland	Moore
Brooks	George	O'Daniel
Buck	Gerry	Overton
Burch	Gurney	Pepper
Byrd	Hawkes	Radcliffe
Capehart	Hoey	Reed
Capper	Knowland	Revercomb
Connally	McCarran	Robertson

Shipstead	Thomas, Okla.	Wiley
Smith	Vandenberg	Willis
Stanfill	Walsh	Wilson
Swift	Wherry	Young
Taft	White	

NAYS—34

Aiken	Hill	Morse
Barkley	Huffman	Murdock
Brewster	Johnson, Colo.	Murray
Carville	La Follette	Myers
Chavez	Langer	Russell
Donnell	Lucas	Taylor
Ferguson	McClellan	Thomas, Utah
Fulbright	McKellar	Tobey
Green	McMahon	Tunnell
Guffey	Magnuson	Wagner
Hart	Mead	
Hayden	Mitchell	

NOT VOTING—18

Austin	Ellender	McFarland
Bailey	Gossett	O'Mahoney
Bridges	Hatch	Saltonstall
Briggs	Hickenlooper	Stewart
Bushfield	Johnston, S. C.	Tydings
Butler	Kilgore	Wheeler

So the joint resolution (H. J. Res. 225) was passed.

Mr. TOBEY. Mr. President, I am under a very deep conviction about the lack of wisdom in passing the legislation which has just passed the Senate. I wished to speak for about 10 minutes on it, but I was engaged in the OPA conference committee when the time was being allotted, and failed to receive time. In order that the RECORD may contain a statement of my convictions, I ask unanimous consent to have printed in the RECORD at this point a statement bearing on House Joint Resolution 225.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CHARLES W. TOBEY ON HOUSE JOINT RESOLUTION 225

This legislation is violative of the basic principles of good government, and sound national policy, in three fundamental respects.

First, this is a final act of prodigality in disposing of the public lands and interests in public lands which are vested in the people of the United States. This policy was long ago abandoned by Congress after deeding vast grants to the Union Pacific Railroad Co. in 1860, a veritable empire of 40,000,000 acres to the Northern Pacific Railroad Co. in 1864, still another to the Texas Pacific in 1877, and numerous other public grants historically justified for the purpose of extending transportation and settling up the country.

There is no longer a shadow of justification for such a policy. Furthermore, all of the States were fairly and equally treated in the granting of school lands from the public domain to aid in subsidizing education in each and every State, but the grant here contemplated is partial to the seaboard States only, in conveying to them whatever interest the United States Government has in the submerged oil lands which would properly belong to all of the people in all of the States. Great as the school land grants were, and however fabulous the wealth which they have produced and are producing for the States from oil, minerals, timber, and other resources, all of the States had a fair and equitable distribution of those public lands, but here fabulous fortunes in oil are being conveyed to a few States only, and largely because of pressure from vested interest groups which have to a large extent dominated the policies of those States in respect to the exploitation of natural resources. In many cases off the coast of California those oil companies have actually usurped rights in the tidelands before even the State adopted a tideland leasing act in the belated exercise of the ownership which it now claims over the tidelands.

Secondly, in vacating whatever right, title and interest the Federal Government has in the submerged oil lands, the Senate abandons on behalf of the people, ownership, and control of billions of barrels of oil just as vital to the defense of the Nation as munitions. Oil is the principal motivative power of modern warfare, as well as of industry. Hitler invaded Rumania—for oil. Japan invaded the Dutch East Indies—for oil. The Italian fleet and the French fleet were tied up at the docks—for lack of oil

Does this Senate know that our fleet may some day remain helplessly at anchor for lack of adequate oil? Does it know of the waning oil resources in the United States? Does it know that much of the world's diplomatic struggle now revolves around oil? If it knew these things, it could not fail to assert whatever title the Federal Government may have in these vast resources. It could not possibly give away these vast resources beyond the control of the Federal Government for national defense purposes, for haphazard exploitation, so that in time of need this oil will have to be bought back from private companies with the taxpayers' money.

Thirdly, there is very real disorder and impropriety in taking this action at a time when the legal title to these lands is about to be determined in the proper constitutional process by the Supreme Court of the United States where the case of *United States* v. *State of California* is at issue and ready to be argued.

Did no Senator here note the irony—even the comedy—of the scene presented when this legislative body sought to decide matters of legal principle and intricate questions of title dating back to treaties under which the lands of the United States were acquired when all of those questions are now pending before the Supreme Court of the United States, where they should properly be heard and determined?

Of course, it is within the power of Congress to pass this act, but wisdom in a legislative body consists as much in the restraint of power as it does in its exercise. There is no excuse in principle and there is no defense in history for the use of this power in order to deprive the Supreme Court of the United States from exercising its constitutional function on this issue which so vitally affects the welfare of the people of the United States.

I oppose the passage of this measure with all the earnestness at my disposal and urge conscientious colleagues to do likewise.

Mr. KNOWLAND. Mr. President, I move that the vote by which House Joint Resolution 225 was just passed be reconsidered.

Mr. McCARRAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TEMPORARY CONTINUATION OF PAY TO CLERICAL ASSISTANTS OF SENATOR AUSTIN

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, without amendment, Senate Resolution 302, and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The resolution (S. Res. 302) submitted by Mr. AUSTIN on July 11, 1946, was read as follows:

Resolved, That the clerical assistants in the office of Senator WARREN R. AUSTIN, appointed by him and carried on the pay roll of the Senate when his resignation from the Senate takes effect, shall be continued on such pay roll at their respective salaries for a period not to exceed 60 days, to be paid from the contingent fund of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

INVESTIGATION OF CENTRALIZATION OF HEAVY INDUSTRY

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report favorably, without amendment, Senate Resolution 301, and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore The resolution will be read for the information of the Senate.

The resolution (S. Res. 301), submitted by Mr. McCARRAN on July 9, 1946, was read, as follows:

Resolved, That the limit of expenditures of the special committee appointed pursuant to Senate Resolution 190, Seventy-eighth Congress, agreed to December 21, 1943, to investigate the effect upon interstate commerce of the centralization of heavy industry in the United States, hereby is increased by $2,352.70 in addition to the amount of $5,000 originally authorized.

Mr. LUCAS. Mr. President, the Committee on Interstate Commerce, which in investigating the question of the centralization of heavy industry, incurred obligations to the extent of $2,352.70 in excess of its fund, and the resolution is for the purpose of meeting those obligations.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. WHERRY. Mr. President, as I understand, the resolution is to cover a deficit of $2,352.70.

Mr. LUCAS. The resolution provides for the approval of the obligations incurred by the Committee on Interstate Commerce when it had no money in its fund.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

LIVESTOCK PRICES IN THE PRINCIPAL MARKETS

Mr. WHERRY. Mr. President, I have tried all afternoon to place the livestock market report before the Senate. The report, which has come to me by telegraph, reads as follows:

The market supply of both cattle and hogs today was somewhat less than for the comparable day a week ago and prices were steady to moderately higher. However, marketings of cattle were still substantially larger than at this time a year ago and reports from large meat-consuming centers indicate that the meat-distribution pipe lines are being filled up and that there will be even more meat available for consumers this week than there has been in many, many weeks.

Cattle receipts at 12 midwestern markets today amounted to 92,300 head, which is about 8 percent less than the receipts at these markets on Monday a week ago, but 17 percent larger than the corresponding Monday a year ago.

The Chicago office of the United States Department of Agriculture comments on the sharp drop in cattle prices on Thursday and Friday of last week as follows: "Augmented by a liberal carry-over from Thursday, burdensome supplies of common, medium, and good grassy and shortfed steers and yearlings sold 50 cents to $1 lower than Thursday, when buyers could be found, but many loads and lots carried bids which suggested an even greater decline. The break, meanwhile, has operated to throw increased numbers of yearlings and typical 'two-way cattle'—

They are cattle that can either be fed or slaughtered—

with weight into feeder channels, but at prices $3 to $4 or more lower than packers were paying for the same kind of cattle early this week. Insofar as cows are concerned, a large part of the sharp advance scored over the last 2½ weeks has been all but wiped out in the last 2½ days. Many distress sales today were as much as $1 lower than Thursday, with the general market on all grades $1.50 to $3 under the recent high time. Canners and cutters bulked at $7.25 to $10 and most common to low-good beef cows went at $10.50 to $14.50."

The cattle market opened at Chicago this morning at steady levels for steers and yearlings, with cows 25 cents to 50 cents lower than at the close of last week. The early top was reported to be $24.75 per hundredweight for a few loads of fancy steers, which compares with $24.50 last Friday and with the extreme top, reached early last week, of $26.35. Only a relatively small number of cattle sell for these so-called top prices; most cattle sell at much lower levels.

Receipts of calves at 12 markets this morning amounted to 18,000 head, up 4 percent from a week ago and up 59 percent from the same day a year ago.

Sheep and lamb receipts at 12 markets also were up today, amounting to 60,200 head, 8 percent larger than a week ago and up 59 percent from a year ago.

Receipts of hogs at 12 markets this morning amounted to 34,200, off 29 percent from the market supply of last Monday and 12 percent less than receipts for the comparable Monday a year ago.

The early top on the hog market at Chicago this morning was $20.50 about $1 per hundredweight higher than the practical top of $19.50 paid last Friday, but still $1.50 per hundredweight below the top of $22 reached the early part of last week.

In a review of the general market conditions for the week, the United States Department of Agriculture report for western dressed meats at New York indicated since July 1 outside prices (upper limit quotations) have dropped as follows: Beef $5 to $11 with good and choice grades off most; commercial to choice vealers $6 to $11 with good and choice off most; commercial to choice lamb $3 to $5 with good and choice off most; $5 to $7; Boston butts, $4." The Department of Agriculture concludes that "Since the bulk of dressed meats have been selling at near or outside price ranges for many months," average prices are considerably lower in spite of the price advances shown by the established meat prices. On Friday last week, the Department of Agriculture reported another drop in the upper limit quotations for beef carcasses at New York City so that choice beef by the end of last week had dropped $13 per hundredweight and good beef $15 per hundredweight from the peak reported on July 5 and representing the black-market price at which the Department of Agriculture states that the bulk of dressed meats has been selling for many months. This indicates that former black-market price levels are being effectively destroyed under free economy by increased volume and by resistance on the part of consumers.

The situation at the week end proves that without OPA controls beef cattle, on which prices had been run up well above ceilings by black-market operators, are seeking reasonable levels, both in price and supply. It also proves, as the meat industry has contended all along, that without the protection of artificial price barriers set up by OPA regulations, black-market operators cannot compete with the established meat industry and its know-how in economical and efficient operation.

AMERICAN MEAT INSTITUTE.

Mr. O'DANIEL. Mr. President, will the Senator from Nebraska yield to me?

Mr. WHERRY. I yield.

Mr. O'DANIEL. Mr. President, in connection with the market report which has been read by the distinguished Senator from Nebraska, I desire to announce that I have had word from San Antonio, Tex., which is a great cattle market, that the market there last Saturday went below the maximum OPA prices, taking into consideration the subsidies. I also received word that the hog market did the same.

Mr. WHERRY. I thank the distinguished Senator for that contribution.

Mr. President, I should also like to say that a moment ago I was called to the telephone, and informed that the Kansas City market had 15,000 head of cattle today; that among them were a lot of grass-fat cattle coming from the bluestem region of Kansas, and that the market there was considerably lower at its close today.

Mr. President, I hold in my hand an editorial which was published in the Washington News. It is one of the finest editorials I think I have written——

Mr. BARKLEY. Mr. President, did the Senator write it?

Mr. WHERRY. I thank the Senator from Kentucky for giving me an opportunity to make a further comment, as well as a correction. Of course, I did not write the editorial; but if I had had the opportunity to write it, I would have done so, because it is one of the best editorials on the subject which I have read. If I inadvertently used the word "written," I meant to say that the editorial is one of the best of its kind I have read. It is a most excellent one, and I recommend it to all Senators, especially to the Senator from Kentucky, because it is very enlightening about the black market for meat.

Mr. BARKLEY. Mr. President, let me say to the Senator that I read that newspaper at breakfast every morning.

Mr. WHERRY. Did the Senator from Kentucky read the editorial to which I am referring?

Mr. BARKLEY. I did.

Mr. WHERRY. It is a good one; is it not?

Mr. BARKLEY. I thought it was pretty good.

Mr. WHERRY. I thank the Senator. He is very amicable, especially today, and I appreciate his participation in connection with this matter.

Mr. President, I desire to read the editorial. It is as follows:

THE BLACK MARKET, HAIL AND FAREWELL

Unhappiest of all about what's happened since July 1 is the black-market operator, and who can blame him? The black market in meat alone was caught short for $10,000,000, according to one conservative estimate.

This loss occurred when the supply of suckers disappeared with the end of OPA. Hoarded stocks had to be disposed of. Once on a free market they couldn't stand competition with legitimate business for several reasons, mainly wasteful methods.

The great modern packing plant uses up everything but the squeal and is working on that. Hides go for shoes. Odd edible bits make puddings and sausages. Pharmaceutical houses get the glands. Even the last scraps are swept up and processed into animal foods.

That means tankage.

I continue to read:

The black-market slaughterhouse passed up a generation of meat-packing progress. It often consisted of a dirty knife and a tree from which to hang a carcass. It had no facilities for using up the whole steer or pig, and wouldn't have dared use them if it had.

Hides, for instance, can be traced, so most were burned. A leather shortage developed in consequence of large illicit slaughtering.

The black-market meat butcher just ripped out the steaks and roasts, destroying the rest. His customers had to pay him for the wasted parts. Sometimes they had to pay something extra for the fines he was risking if he got caught, but this was balanced, more or less, by the taxes he avoided.

The prohibition speak-easy lingered in form of many a fancy saloon. The black market can't be reconverted since it wasn't a room in a back alley but just an awkward and wasteful means of doing business.

You didn't get into a black market by knocking twice and asking for Charlie. You found it everywhere. Many of its promoters came from the class of shiny-pants chiselers who thrive in times of unaccustomed legal restraints and would rather make a shady dime than an honest dollar. But many others were normally respectable merchants, tempted by extra profits or driven by force of circumstance to this risky means of making a living.

And so, to paraphrase the news-reel announcer, we say goodby to the black market, a monument to waste and to the stubborn cussedness of the free American citizen who will eat a steak if it chokes him, as often as someone tries to tell him he can't.

Hail, black market, and farewell. And we can't say it was very nice knowing you.

We say goodby, and not just au revoir, because there is not, in our opinion, the remotest chance that any reborn OPA will be stout enough to fix prices in a way that will prevent legitimate processors and dealers from doing business competitively.

The new compromise OPA bill which Congress probably will send to the White House this week contains the threat to reimpose arbitrary ceilings at some future time, but the threat probably won't be taken seriously. The new bill, to state it mildly, is no better than the one the President vetoed, and has less chance of succeeding because it means trying to put Humpty Dumpty together again

As we see it, it won't make much difference whether the President signs or vetoes this bill—provided something is done to salvage rent controls. The only thing that can get us out of this mess is for us to go to work and produce enough goods to satisfy pent-up demand, and thereby keep prices within the limits the American consumer—Mama by name—will tolerate.

In any event, it's the best means open to us now.

TERMINAL LEAVE FOR ENLISTED PERSONNEL OF THE ARMED FORCES

Mr. BARKLEY. Mr. President, I move that the Senate proceed to the consideration of House bill 4051, Calendar No. 1739.

The PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Kentucky.

Mr. REED. Mr. President, I desire to offer a motion.

The PRESIDENT pro tempore. The motion will be stated.

The Chief Clerk read as follows:

Following the conclusion of the consideration of House bill 4051 the Senate will proceed to the consideration of House bill 2536, reported June 18, 1946, Order of Business No. 1539.

Mr. BARKLEY. Mr. President, I make the point of order that the only motion now in order is the motion I have made to proceed to the consideration of House bill 4051.

The PRESIDENT pro tempore. The motion of the Senator from Kansas is not in order at this time. It can be made later.

Mr. REED. Mr. President, I have no objection at all to the Senate voting upon the motion of the Senator from Kentucky. Immediately that is done, I desire that this motion be in order, and I desire to have it available to be called up.

Mr. TOBEY. Mr. President, is that the Bulwinkle "bull"?

Mr. REED. That is the Bulwinkle bill.

Mr. TOBEY. I said the Bulwinkle "bull." I object.

Mr. BARKLEY. Mr. President, the ordinary procedure is to move to take up one bill at a time, and when that bill is disposed of, it is in order to take up other bills.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That this act may be cited as the "Armed Forces Leave Act of 1946."

SEC. 2. As used in this act—

(a) The term "member of the armed forces" means any member of the Army of the United States, United States Navy, United States Marine Corps, or the United States Coast Guard.

(b) The term "discharge" means (1) in the case of enlisted personnel, discharge or release from active duty, including expiration of an enlistment or reenlistment, under honorable conditions, retirement, or appointment as a commissioned officer or warrant officer; and (2) in the case of commissioned or warrant officers, release from active duty under honorable conditions, retirement, or resignation other than for the good of the service.

(c) The term "spouse" means a lawful wife or husband.

(d) The term "child" includes—

(1) a legitimate child;

(2) a child legally adopted;

(3) a stepchild, if, at the time of death of the member or former member of the armed forces, such stepchild is a member of the deceased's household;

(4) an illegitimate child, but in the case of a male member or former male member of the armed forces only if he has been judicially ordered or decreed to contribute to such child's support; has been judicially decreed to be the putative father of such child; or has acknowledged under oath in writing that he is the father of such child; and

(5) a person to whom the member or former member of the armed forces at the time of death stands in loco parentis and so stood for not less than 12 months prior to the date of death.

(e) The term "parent" includes father and mother, grandfather and grandmother, stepfather and stepmother, father and mother through adoption, and persons who, for a period of not less than 1 year prior to the death of the member or former member of the armed forces, stood in loco parentis to such member or former member: *Provided*, That not more than two parents may receive the benefits provided under this act and preference shall be given to the parent or parents, not exceeding two, who actually exercised parental relationship at the time of or most nearly prior to the date of the death of such member or former member of the armed forces.

(f) The term "Secretary" means in the case of personnel of the Army, the Secretary of War; in the case of personnel of the Navy and Marine Corps, the Secretary of the Navy; and in the case of personnel of the Coast Guard, the Secretary of the Treasury, and the designated representatives of each such Secretary.

(g) The term "cash" includes a check upon the Treasurer of the United States.

SEC. 3. (a) Each member of the armed forces shall be entitled to leave at the rate of two and one-half calendar days for each month of active service, excluding periods of (1) absence from duty without leave, (2) absence over leave, and (3) confinement as the result of a sentence of court martial. Except as provided in subsection (b) of this section, such leave may be accumulated in an amount not to exceed one hundred and twenty calendar days. Any leave so accumulated shall not, however, survive death occurring during active military service. Enlisted members or former enlisted members of the armed forces shall be considered to be entitled to such leave from and after September 8, 1939. Except in the case of leave to be settled and compensated for under section 6 of this act, leave may be taken by a member on a calendar-day basis as vacation or absence from duty with pay, annually as accruing or otherwise, in accordance with regulations to be issued by the several Secretaries. Such regulations shall provide equal treatment for officers and enlisted men, shall establish to the fullest extent practicable uniform policies for the several branches of the armed forces, and shall provide that leave shall be taken annually as accruing to the extent consistent with military requirements and other exigencies. In the case of members who reenlist or who are appointed to warrant or commissioned grades after June 1, 1945, leave accrued during any prior continuous active service immediately preceding such reenlistment or appointment may be carried over to the subsequent period of service. Members who reenlist after the date of enactment of this act may be authorized reenlistment leave in the discretion of the Secretary, for a period not exceeding 90 days, and such leave shall be deducted from leave accrued during active service prior to reenlistment or charged against any leave which may accrue during future active service or both. In the case of members who are retired after the date of enactment of this act and after retirement are continued on or recalled to active duty, leave accrued during service prior to retirement may be carried over to the period of service after retirement. Leave taken prior to discharge before or after the enactment of this act shall be considered as active military service; but leave settled and compensated for under section 6 of this act shall not be considered as active military service.

(b) Notwithstanding any other provision of this act or of any other law or regulation, no member of the armed forces (other than a member on terminal leave on September 1, 1946) shall be permitted to accumulate or to have to his credit, at any time after August 31, 1946, accumulated or accrued leave aggregating in excess of 90 days.

SEC. 4. All leave to be settled and compensated for under section 6 of this act shall be compensable on the basis of the base and longevity pay and allowances applicable to a member of the armed forces on August 31, 1946, or to a former member at the time of discharge if prior to such date: *Provided*, That with respect to enlisted members or former enlisted members, such allowances shall be computed at the rate of 70 cents a day for subsistence, plus $1.25 a day for quarters in the case of enlisted members of the first three grades with dependents on August 31, 1946, or former enlisted members of the first three grades with dependents at the time of discharge if prior to such date. In the case of all other leave provided under this act, members shall be entitled during such leave to the same pay and allowances they would receive if not on leave and to any additional or other allowance or allowances otherwise authorized or provided by law for members while on leave. Determination of the number of calendar days of leave to which a member or former member is entitled, including the number of calendar days of absence from duty or vacation to be counted or charged against such leave, shall be made in accordance with regulations to be prescribed by the respective Secretaries, which regulations shall provide equal treatment of officers and enlisted men and shall establish to the fullest extent practicable uniform policies for the several branches of the armed forces. In the case of the leave of enlisted members or former enlisted members attributable to the period prior to the date of enactment of this act, the Secretary may in the determination of the number of calendar days of absence from duty or vacation to be counted or charged against such leave rely on such records and evidence, including applicants' sworn statements as to the material facts, as he may determine proper. All decisions by the Secretary under this section shall be final and conclusive and shall not be subject to review by any court or by any officer of the United States.

SEC. 5. (a) Leave to which enlisted members of the armed forces discharged prior to September 1, 1946, and former enlisted members of the armed forces discharged prior to the date of enactment of this act, are entitled under the provisions of section 3 of this act shall, to the extent not taken, be settled and compensated for only in the manner provided in section 6 of this act and if application is made to the Secretary not later than September 1, 1947, or, in the case of any such member or former member whose record is corrected after the date of enactment of this act to show discharge under honorable conditions, not later than September 1, 1947, or within 1 year after the date on which such record is corrected, whichever is later.

(b) In any case in which a member of the armed forces on active duty on September 1, 1946 (other than a member on terminal leave on such date) has to his credit on August 31, 1946, accumulated or accrued leave aggregating in excess of 90 days, such leave in excess of 90 days shall be settled and compensated for only in the manner provided in section 6 of this act and if application is made to the Secretary not later than September 1, 1947.

SEC. 6. (a) Leave by this act provided to be settled and compensated for under this section shall be settled and compensated for as follows:

(1) Settlement and compensation shall be made entirely in cash—

(i) when the amount due is less than $50;

(ii) in the case of any enlisted member of the armed forces discharged prior to January 1, 1943; or

(iii) in any case covered by subsection (b) or (c) of this section.

(2) In all other cases settlement and compensation shall be made in bonds of the United States to the highest multiple of $25 and in cash to the extent of the full amount of any difference. Any such bond issued pursuant to an application made under subsection (a) of section 5 shall be dated as of the 1st day of January, the 1st day of April, the 1st day of July, or the 1st day of October, whichever next follows the date of discharge, and any such bond issued pursuant to an application made under subsection (b) of section 5 shall be dated as of October 1, 1946. Each such bond shall mature 5 years from the date thereof. The bonds issued under this act shall be issued by the Secretary of the Treasury under the authority and subject to the provisions of the Second Liberty Bond Act, as amended, and through such agencies as he may designate. Such bonds shall be nonnegotiable and shall not be transferable by sale, exchange, assignment, pledge, hypothecation, or otherwise. Such bonds shall be issued only to and in the names of living members or living former members of the armed forces. In the event of the death of any holder of any such bond payment shall be made by the Secretary of the Treasury prior to, upon, or after maturity upon application at the option of such holder's survivors, as follows: To such holder's surviving spouse and children, if any, in equal shares; and if such holder leaves no surviving spouse or child or children, then in equal shares to such holder's surviving parents, if any. If there is no such survivor, the bond shall be retired, and the amount thereof covered into the general fund of the Treasury. Payment of any such bond to any holder, or any survivor entitled thereto under the provisions of this subsection, between 17 and 21 years of age shall constitute a complete discharge of the obligations of the United States under this act. Where the Secretary of the Treasury is of the opinion that any holder of any such bond or any survivor entitled to payment under the provisions of this subsection is, by reason of being either under 17 years of age or under mental disability, incapable of satisfactorily looking after his own interests, payment of such bond may be made in the same manner, and with the same effect, as settlement and compensation made under the provisions of subsection (c). Interest on each bond issued under this act shall accrue at the rate of 2½ per cent per annum from the date of such bond to the date of maturity or payment of the principal of the bond, whichever is earlier, and shall be paid with such principal. All decisions by the Secretary of the Treasury under this section with respect to the issuance and payment of bonds shall be final and conclusive and shall not be subject to review by any court or by any officer of the United States. The provisions of this section with respect to the issuance and payment of bonds shall be carried out subject to regulations of the Secretary of the Treasury.

(b) Leave by this Act provided to be settled and compensated for under this section shall, in the case of any member or former member of the armed forces who dies after discharge, or on or after September 1, 1946, if not discharged prior to such date, and before settlement and compensation has been effected, be settled and compensated for, on application therefor, with such member's or former member's survivors, as follows: To such member's or former member's surviving spouse and children, if any, in equal shares; and if such member or former member leaves no surviving spouse or child or children, then in equal shares to his surviving parents, if any. If there is no such survivor, no settlement and compensation shall be made under this act. Settlement and compensation under this subsection with any such survivor between 17 and 21 years of age shall constitute a complete discharge of the obligations of the United States under this act.

(c) Where the Secretary is of the opinion that any member or former member of the armed forces or any survivor of any such member or former member is, by reason of being either under 17 years of age or under mental disability, incapable of satisfactorily looking after his own interests, such Secretary may settle and compensate under this section with a proper person selected by him for the use and benefit of such member, former member or survivor, without the necessity of resorting to judicial proceedings for the appointment of a legal representative. Settlement and compensation made under the provisions of this subsection shall constitute a complete discharge of the obligations of the United States under this act. The provisions of this subsection shall not apply when a legal guardian or committee has been judicially appointed for any such member, former member, or survivor, except as to any settlement and compensation made prior to the receipt of notice of appointment: *Provided*, That no fee, commission, or charge shall be demanded or accepted by any representative of any member, former member, or survivor appointed in accordance with the provisions of this subsection and the exaction or acceptance of any such fee, commission, or charge shall be deemed a misdemeanor punishable by a fine of not exceeding $500 or imprisonment for not exceeding 6 months, or both.

SEC. 7. All amounts paid or payable under section 6 of this act, in cash, bonds, or both, shall not be assignable, shall be exempt from claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever. All such amounts (except interest in the case of bonds) shall be exempt from taxation.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act. Amounts expended hereunder shall be included in the annual reports to the Congress by the departments concerned.

SEC. 9. The act approved May 8, 1874 (18 Stat. 43), as amended by the act approved July 29, 1876 (19 Stat. 102; 10 U. S. C. 842), is hereby repealed. Such repeal shall not affect any unused leave credited or accumulated prior to the date of enactment of this act.

Mr. BARKLEY. Mr. President, it is not desired that the Senate proceed to the consideration of this bill this evening. Therefore I move——

Mr. REED. Mr. President, I want the motion which I have offered submitted to the Senate.

The PRESIDENT pro tempore. The Senator can file his motion at any time he desires.

Mr. REED. I am filing it now, Mr. President. I am trying to keep from being foreclosed by the Senator from Kentucky.

Mr. BARKLEY. I do not think the Senator has the right, when a bill is taken up for consideration, to foreclose or to attempt to foreclose other Senators by moving to take up some other bill, or by moving now that when the pending bill is disposed of some other bill be taken up.

Mr. REED. Mr. President, I call attention to the fact that the motion I have made is now in order.

Mr. BARKLEY. I make the point of order that it is not in order.

The PRESIDENT pro tempore. The Senator from Kentucky has the floor. Does he yield to the Senator from Kansas for that purpose?

Mr. BARKLEY. I do not yield for that purpose. As I announced, it is not the intention to proceed until tomorrow with the consideration of the bill just made the unfinished business.

I now move that the Senate take a recess until 12 o'clock noon tomorrow.

Mr. JOHNSON of Colorado. Mr. President, will the Senator withhold his motion for a moment?

Mr. BARKLEY. I withhold the motion, and yield to the Senator from Colorado.

Mr. JOHNSON of Colorado. Some of the officers of the Navy have just submitted to me three amendments to House bill 4051. They are clarifying amendments. I wish to submit them and have them lie on the table.

Mr. BARKLEY. I yield for that purpose.

Mr. JOHNSON of Colorado. I submit the amendments and ask that they lie on the table and be printed.

The PRESIDENT pro tempore. The amendments will lie on the table and be printed.

Mr. McCLELLAN. Mr. President, will the Senator yield to me to submit an amendment?

Mr. WHERRY. Mr. President, may we have order?

The PRESIDENT pro tempore. The Senate will be in order. Senators will take their seats.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senate will be in order. Business cannot be transacted in this way.

Mr. WHERRY. Mr. President, a parliamentary inquiry

The PRESIDENT pro tempore. The Senator can state it in a moment, but not until the Senate is in order. Senators will take their seats.

The Senator from Nebraska will state his parliamentary inquiry.

Mr. WHERRY. I should like to inquire of the President of the Senate what the ruling was as to whether or not the motion made by the distinguished Senator from Kansas was in order or not in order. As I understand, no ruling was made; at least I did not hear the Chair make a ruling.

The PRESIDENT pro tempore. The Senator from Kentucky [Mr. BARKLEY] had the floor, and refused to yield for that purpose.

Mr. WHERRY. If the distinguished majority leader had yielded, would the motion have been in order?

The PRESIDENT pro tempore. The Parliamentarian advises the Chair that it would not be in order at this time, but only when there is no other business pending. Moreover, the motion should be to make the bill a special order for a specific hour and day.

Mr. REED. Mr. President, surely the Parliamentarian could not give the Chair

that line of advice, after what he told me.

The PRESIDENT pro tempore. The Chair does not know anything about private conversations; but the Parliamentarian is advising the Chair, and the Chair is taking the Parliamentarian's advice and giving it to the Senator.

Mr. REED. Let me read the rule——

Mr. BARKLEY. Mr. President——

Mr. REED. I wish to make a point of order; and if necessary I shall take an appeal from the ruling of the Chair.

Mr. BARKLEY. I have not yielded to the Senator from Kansas for the purpose of making a motion.

Mr. REED. The RECORD shows that the motion was made.

Mr. BARKLEY. The Senator from Nebraska [Mr. WHERRY] asked a hypothetical question a while ago, which did not take me off the floor. He asked whether, if I had yielded to the Senator from Kansas for the purpose of making a motion, the motion would be in order. The Chair held that it would not be in order. But a point of order against a motion cannot be made until the motion itself is made; and that has not been done.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Senator from Kentucky may yield to me for the purpose of submitting an amendment to the pending bill, without losing the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCLELLAN. I submit an amendment to the pending bill.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

May the Chair see the proposed motion of the Senator from Kansas?

Mr. REED. Certainly.

Mr. BALL. Mr. President, I send to the desk two proposed amendments to the pending bill, and ask that they lie on the table and be printed.

The PRESIDENT pro tempore. The amendments submitted by the Senator from Minnesota will be received, printed, and lie on the table.

INVESTIGATION OF ACTIVITIES OF COL. THEODORE WYMAN, JR.

Mr. MAGNUSON. Mr. President, will the Senator from Kentucky yield to me for about 2 minutes to make a statement?

Mr. BARKLEY. If I may do so without losing the floor.

Mr. MAGNUSON. With that understanding, Mr. President, I may say that I have just read a portion of the report of the Joint Committee on the Investigation of the Pearl Harbor attack. That report has been made public. One of the recommendations in that report, on page 253, reads as follows:

> That the activities of Col. Theodore Wyman, Jr., while district engineer in the Hawaiian Department, as developed by the Army Pearl Harbor Board, be investigated by an appropriate committee of the Senate or the House of Representatives.

Mr. President, I was somewhat familiar—not personally familiar with the facts, but with many of the goings-on of Colonel Wyman while he was district engineer in the Hawaiian Department, having been out there at that time. If the reports are correct, his activities were somewhat scandalous, and surely should be investigated by the present Mead committee, which is doing an able job investigating war contracts. His connections with aliens and alien German contractors, not only in Hawaii, but in the building of the Canol project in the Yukon, and portions of the contracts on the so-called Alaskan Military Highway, certainly should be looked into. At this time I hope that my suggestion that the Mead committee place on its agenda as soon as possible the activities of this man will be accepted not only by the Senate, but by the committee itself.

CONGRESSIONAL REORGANIZATION

Mr. MORSE. Mr. President, will the Senator yield to me?

Mr. BARKLEY. For what purpose?

Mr. MORSE. For the purpose of placing certain material in the RECORD.

Mr. BARKLEY. I yield for that purpose.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "Criticizing Congress," written by Thomas L. Stokes and published in the Washington Daily News of July 9, 1946. I wish to associate myself with his remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CRITICIZING CONGRESS

(By Thomas L. Stokes)

There has been some resentment in Congress lately over criticism of that body.

Criticism of Congress is not exactly new. It comes and goes periodically. It is likely to become louder and more insistent in times of stress and strain, such as during depressions, or after a war, when personal lives and the general economy are disturbed by readjustments. That is because government, in such times, affects the lives of people more closely.

So Congress naturally would come in for criticism now.

The usual frustrations of such a time, however, are intensified by the frustrations of the average citizen when he tries, as we say, to "dope out" Congress.

The involved processes of Congress make this difficult, and they are much more involved now than need be because of ancient customs and procedures that may be hallowed by tradition but certainly are not blessed by it. Congress needs an overhauling, not only so that it can cope more efficiently with the complicated problems of today, but so that it can be a more responsible body and more responsive to the public. The public is entitled to know why things happen in Congress.

Congress, itself, has recognized the need of an overhauling. The Senate already has done something about it, under the able leadership of Senator LA FOLLETTE (Progressive, Wisconsin), by passing the La Follette-Monroney bill to reorganize congressional procedures.

Congress can do much to restore public confidence and respect by doing this overhauling job on itself. The reorganization bill is awaiting action by the House.

Among many needed changes already widely publicized are a reduction in the number of committees to avoid duplication and wasted time and effort and additional expert assistance for committees and individual members. This will give members more time for major national problems and more information for important decisions. Long overdue, too, are the increase in salary and a retirement pension system to provide greater personal security in public service.

Equally important among other provisions, too, is the plan to get more party responsibility in Congress by the creation of policy committees in both parties in each branch. They would formulate a general party program at the beginning of Congress, the party in power in cooperation with the President. The public thus would know each party's proposed program of legislation, and thus could fix responsibility for deviations or omissions, both by the party and by the individual member.

Some of the confusions in the present Congress might have been avoided had such a system been in operation, and likewise some of the crossing of wires between White House and Congress and some of the conflicts within the Republican Party. Certainly it would have been easier for the voter, both in the primary elections now going on, and in the very important general election in November, in making his selections.

There is another important reason now, too, for more party responsibility. If the Republicans should capture the House in November, they would become the responsible party in the House. This would require wise and skillful handling, since there would be divided control, with a Democrat in the White House and Republican management of one branch of Congress. The public certainly would be entitled to a declaration of Republican policy in that eventuality.

It would help to have Congress formalize such a declaration of intentions.

Mr. MORSE. I also ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "Events Raise Cry for Congress Reform," written by Richard L. Strout and published in the Christian Science Monitor of July 9, 1946. I wish to associate myself with Mr. Strout's remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EVENTS RAISE CRY FOR CONGRESS REFORM

(By Richard L. Strout)

WASHINGTON.—Recent spectacular events in Washington raise the cry anew for congressional reorganization.

There is the President's veto of OPA: This resulted from a typical break-down of liaison between executive and legislative branches of the Government. Efforts should be made to bridge the chasm between these two departments.

Then the curious mix-up of Representative ANDREW J. MAY, Democrat, of Kentucky, with the unsavory Garsson munitions scandal. Mr. MAY is chairman of the powerful House Military Affairs Committee. The incident shows again the need of reform in the congressional committee structure: Mr. MAY got his power to harass the War Department through his chairmanship of a committee which virtually controls the Army's funds.

Why is he chairman of this committee? Simply because of legislative longevity; the vicious seniority system promoted Mr. MAY to the chairmanship on length of service, not necessarily ability.

Take another instance, one close to the hearts of Congressmen. They want to go home. Oh; how badly they want to go back to constituencies now, to prepare for election. They had planned to quit Washington July 20. With the OPA rumpus, and other sudden crises, they will be lucky to get out by mid-August.

And why? Largely because Congress as at present organized is terribly inefficient. It can't get through its modern load of work.

Often, furthermore, it has to do its work twice over. The present system doesn't allow adequate liaison with the White House. The President vetoes a half-disgusted bill like the OPA extension measure, or the debatable Case bill. Then Congress spends weeks of time doing the whole job a second time, resulting in a new price-control bill, and the Hobbs bill, salvaged from the Case omnibus. Obviously, something is wrong with this system somewhere.

Meanwhile, the La Follette-Monroney bill to streamline Congress and make at least a beginning in reform, reposes on the desk of Speaker RAYBURN of the House. It passed the Senate, quite unexpectedly. Will the House pass it? That is not really the issue; the question is, will the House ever have a chance to vote on it at all? The obstacles to getting such a piece of legislation before the House are among the very obstacles to which the bill addresses itself.

The odd thing about the present stalemate is that Congress is penalizing itself. With the La Follette-Monroney reforms in effect, there would be a lot bigger chance of Congress quitting Washington on subsequent July 20 and of having a happier, smoother, more productive time than there is under its present disorganized, wobbly, haphazard procedure.

Under the LaFollette bill, a joint committee would be set up in Congress to consult periodically with the President. It would, in effect, be a "legislative cabinet." Ultimately, the heads of joint committees, who are the opposite numbers of Cabinet heads, could meet with the regular Cabinet, with the President presiding. They could work out policies together. Then, when a big bill came to the White House, there would be no more chance that it would be signed. It would be the result of common administration policy.

The same bill would also attempt to cut through the thicket of overlapping and conflicting congressional committees, although it does not strike directly at the vicious method of picking chairmen by "seniority." The May case illustrates the power which this preposterous system confers. How did JACK MAY have "pull" to enforce his will in Washington in behalf of the Garssons on the dour Army generals—who are not usually timid men? Because he stood at the cross roads of power as chairman of his little satrapy, the Military Affairs Committee.

He has recently shown his force. Almost alone he succeeded in blocking Mr. Truman's desire to draft 18-year-old boys, under the Universal Service Extension Act. He can influence the proposed merger of the Army and Navy services. He has vast power to secure military rather than civilian control of atomic energy, as against the Senate McMahon bill.

Whence does a man like this get his power—which in its lesser manifestations enables him to grant the coveted Army E (for excellence) to a questionable munitions outfit like the Garssons, over the protests of Army officers at the scene? It comes from the fact, not that he is necessarily abler, but that he has been in Congress longer than his colleagues. The fantastic Garsson empire is very largely the story of congressional seniority.

PROCEDURE IN RELATION TO HANDLING ANTI-POLL-TAX LEGISLATION

Mr. MORSE. Mr. President, will the majority leader yield to me for not more than 2 minutes to make a comment on procedure?

Mr. BARKLEY. I yielded to the Senator in order to place something in the RECORD.

Mr. MORSE. I am now asking if the majority leader will yield to me for not more than 2 minutes to comment upon his proposed procedure in the handling of legislation before the Senate.

Mr. BARKLEY. I yield for that purpose.

Mr. MORSE. Mr. President, in view of the statements made by the Senator from Florida [Mr. PEPPER] this afternoon, and also by the majority leader, in regard to plans on the other side of the aisle for handling the anti-poll-tax bill before Congress adjourns, I wish to say that unless the motion to take up House bill 7 is made before there is final disposition of some of the important legislation which the majority leader intends to bring up before this session adjourns, any agreement to consider the anti-poll-tax bill at the end of the session will be worthless. I say that because it is perfectly clear that if the poll-tax legislation is to be the last item reached on the calendar there will be difficulty in keeping a quorum here. I think it is clear that the proposal announced by the Senator from Florida [Mr. PEPPER] and the Senator from Kentucky [Mr. BARKLEY] is empty strategy. It may help the other side of the aisle make a political record on this issue but it will never result in a vote on the issue and I think the gentlemen know it. I gave the Democrats and the Republicans their chance to vote on it this afternoon and I am willing to let the RECORD speak for itself.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of James Clement Dunn, of New York, now an Assistant Secretary of State, to be Ambassador Extraordinary and Plenipotentiary to Italy, which was referred to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. McCARRAN, from the Committee on the Judiciary:

George Thomas Washington, of the District of Columbia, to be Assistant Solicitor General of the United States, vice Harold William Judson, resigned;

Fay L. Bentley, of the District of Columbia, to be judge of the juvenile court for the District of Columbia;

James M. Carter, of California, to be United States attorney for the southern district of California, vice Charles H. Carr, resigned;

Frank J. Hennessy, of California, to be United States attorney for the northern district of California;

Neale D. Murphy, of Rhode Island, to be United States marshal for the district of Rhode Island;

Gilbert Mecham, of Utah, to be United States marshal for the district of Utah;

Ford S. Worthy, of North Carolina, to be United States marshal for the eastern district of North Carolina; and

Albert A. Sanders, of Wyoming, to be United States marshal for the district of Wyoming.

By Mr. FERGUSON, from the Committee on the Judiciary:

Raymond W. Starr, of Michigan ,to be United States district judge for the western district of Michigan, vice Fred M. Raymond, deceased.

By Mr. CHAVEZ, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

RECESS

Mr. BARKLEY. Mr. President, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, July 23, 1946, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate July 22 (legislative day of July 5), 1946:

DIPLOMATIC AND FOREIGN SERVICE

James Clement Dunn, of New York, now an Assistant Secretary of State, to be Ambassador Extraordinary and Plentipotentiary of the United States of America to Italy.

HOUSE OF REPRESENTATIVES

MONDAY, JULY 22, 1946

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, whose love never fails, never forgets, and never forsakes, we are again seeking to draw near unto the throne room of the Most High and to enter the holy of holies, whence cometh our help and our strength.

Grant that we may be receptive and responsive to some new revelation of Thyself that will lift our minds to a larger outlook and a clearer vision as we face the duties of another day.

Deepen within us the confidence that Thou art our companion and counselor in every experience, and that in Thee we may find the meaning of life and the majesty of living nobly and victoriously.

We pray that Thy servants, who have been given a commission of high and heroic service, may be courageous and God-fearing men and women, inspired and equipped with abilities and capacities to match the challenge of overwhelming obligations and glorious opportunities.

In the name of Christ we bring our petitions. Amen.

The Journal of the proceedings of Saturday, July 20, 1946, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the Senate of the following titles:

S. 346. An act to amend section 21 of the act of May 28, 1896 (29 Stat. 184; U. S. C., sec. 597), prescribing fees of United States commissioners; and

S. 1801. An act authorizing the appointment of an additional judge for the district of Delaware.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the Committee on World War Veterans' Legislation may sit during the sessions of the House for the balance of this week during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, is that agreeable to the minority members of the committee?

Mr. RANKIN. Yes; it is.

Mr. RICH. Reserving the right to object, Mr. Speaker, I would like to ask the chairman of the committee if that committee should not consider some of the mistakes that have been made in legislation which was passed for the good of ex-servicemen, particularly in the payment of $20 a week. That is doing more injury to a great many ex-servicemen than it is doing good. I hope that committee will give some consideration to that and require that if an ex-serviceman can get a job he should accept that job, rather than loaf around and do nothing, and thus injure himself and take money out of the Treasury that should be left in the Treasury. Men should take jobs when they are offered to them.

Mr. RANKIN. I will say to the gentleman that it is in the law now.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ANDRE DACHARRY

Mr. JENNINGS submitted the following conference report and statement on the bill (H. R. 2192) for the relief of Andre Dacharry:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2192) for the relief of Andre Dacharry, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the sum inserted by the Senate, to-wit: "$7,923.44", insert "$9,923.44"; and the Senate agree to the same.

J. M. COMBS,
JOHN JENNINGS, Jr.,
Managers on the Part of the House.

ALLEN J. ELLENDER,
KENNETH S. WHERRY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on amendment of the Senate to the bill (H. R. 2192) for the relief of Andre Dacharry, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The bill as passed the House appropriated the sum of $14,923.44 to Andre Dacharry, of Los Angeles, Calif., in full settlement of all claims against the United States for personal injuries, medical and hospital expenses, and property damage sustained on January 19, 1944, when he was struck by a United States Coast Guard truck, on the Coast Highway near Malibu Beach, Calif.

The Senate reduced the sum to $7,923.44, and at the conference the amount of $9,923.44 was agreed upon.

J. M. COMBS,
JOHN JENNINGS, Jr.,
Managers on the Part of the House.

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 2192) for the relief of Andre Dacharry.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the conference report.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

LEGAL GUARDIAN OF JAMES THOMPSON, A MINOR

Mr. JENNINGS submitted the following conference report and statement on the bill (H. R. 3543) for the relief of the legal guardian of James Thompson, a minor:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3543) for the relief of the legal guardian of James Thompson, a minor, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill, and agree to the same with an amendment as follows: On line 6, page 1, strike out the figures "$1.118.75" and in lieu thereof insert "$118.75"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

J. M. COMBS,
W. A. PITTENGER,
Managers on the Part of the House.

ALLEN J. ELLENDER,
KENNETH S. WHERRY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3543) for the relief of Elmer D. Thompson and the legal guardian of James Thompson, of Gurley, Ala., in full settlement of all claims against the United States for personal injuries, medical and hospital expenses, sustained by the said James Thompson, as a result of being struck by a United States Army vehicle on February 2, 1944, on United States Highway No. 17, in front of Crofts Grocery Store, in Windermire, Charleston, S. C., submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The bill as passed the House appropriated the sum of $1,118.75 to the legal guardian of James Thompson. The Senate amended the bill striking out certain sections and inadvertently left in the bill the sum of $118.75 which should have been deleted. At the conference the bill as passed the House as to the amount was agreed upon.

J. M. COMBS,
W. A. PITTENGER,
Managers on the Part of the House.

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 3543) for the relief of the legal guardian of James Thompson, a minor.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the conference report.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EMERGENCY PRICE CONTROL ACT, 1942

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report and statement on House Joint Resolution 371 extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

ATOMIC ENERGY LEGISLATION

Mr. KOPPLEMANN. Mr. Speaker, on Saturday, July 20, I addressed the committee on S. 1717 on atomic energy. The reporter gave me my statement for correction and revision. I did not return it in time for insertion in the RECORD. I now ask unanimous consent that it be placed in the permanent RECORD at the point where I spoke, as well as in the Appendix of today.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

EXTENSION OF REMARKS

Mr. PRICE of Illinois asked and was given permission to extend his remarks in the RECORD on three subjects and in two instances to include newspaper articles.

GEN. R. M. LITTLEJOHN

Mr. RICHARDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RICHARDS. Mr. Speaker, this morning Gen. R. M. Littlejohn was sworn in as War Assets Administrator and the country is to be congratulated on the President's choice for this difficult position.

General Littlejohn, a South Carolinian, has had a distinguished military career and we are proud of him. His over-all service in Europe in the quarter-

master and supply branch of General Eisenhower's army was a major factor in our overwhelming victory in that theater. While the nature of his work did not bring the public acclaim and recognition he deserved, General Eisenhower has been first to acknowledge and commend General Littlejohn's leadership and gigantic achievements.

The people of the United States, some of whom have been disturbed by some phases of the handling of our war assets, may be assured of an honest, fearless, and able policy under the new Administrator. General Littlejohn will do his duty as he sees it regardless of the devil, high water, and those who would profit at the expense of the taxpayers of the United States.

HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADDITIONAL FUNDS FOR COMMITTEE INVESTIGATING DISPOSAL OF SURPLUS PROPERTY

Mr. ELLIOTT. Mr. Speaker, I offer the following privileged resolution (H. Res. 719) from the Committee on Accounts and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the further expenses of conducting the study and investigation authorized by House Resolution 385 of the Seventy-ninth Congress, incurred by the select committee appointed to study and investigate the operation of the program for the disposition of surplus property, acting as a whole or by subcommittee, not to exceed $15,000 in addition to funds heretofore made available, including expenditures for the employment of experts, investigators, clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee or any subcommittee thereof conducting such investigation, signed by the chairman of the committee, and approved by the Committee on Accounts.

SEC. 2. The official committee reporters may be used at all hearings held in the District of Columbia unless otherwise officially engaged.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman explain how much money we gave them previously?

Mr. ELLIOTT. We previously gave them $45,000. Due to the fact that Congress will soon recess or adjourn it is necessary for them to have more money to carry on their work during the balance of the year. The committee in making this investigation will be here in Washington most of the time, as they are just getting under way now with the surplus property disposal investigation. I understand the entire committee, both Republicans and Democrats, have agreed on this additional increase.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. I yield.

Mr. HOFFMAN of Michigan. The gentleman says they are going to be here all summer. Are they also going to investigate as to property which has been disposed of? Are they going to endeavor to learn anything as to why certain classes or items of property should not be offered as surplus?

Mr. ELLIOTT. I may say to the gentleman from Michigan that I understand the committee is going to make a thorough investigation of all phases of surplus property, off sales as well as on sales, and urge immediate sales of property which is now available and badly needed but not being sold.

Mr. HOFFMAN of Michigan. Will the gentleman tell me why the Committee on Expenditures in the Executive Departments which wrote the law did not make any investigation about it?

Mr. ELLIOTT. The gentleman is a member of the committee. He can answer his own question.

Mr. HOFFMAN of Michigan. The trouble is the gentleman is on the majority side and I am on the minority. I cannot get any information out of you fellows.

Mr. ELLIOTT. I think the gentleman did pretty well; he was there doing most of the talking.

The SPEAKER. The question is on the resolution. The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL SCIENCE FOUNDATION

Mr. MILLS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, during the month of May hearings were conducted by a subcommittee of the Committee on Interstate and Foreign Commerce of the House of Representatives on the question of establishing a national science foundation. A bill, H. R. 6448, which I introduced on May 15, 1946, was used as the basis for the hearings. Following these hearings the subcommittee in executive session adopted several amendments to the bill and reported it, as amended, to the full committee.

On last Friday it was the concensus of opinion of the members of the committee, a quorum being present, that H. R. 6448 and the Senate bill, S. 1850, be not considered before the adjournment or recess of the Congress.

I desire to state that I am in accord with the decision of the full committee and to advise that I do not believe the committee could have taken any other action under the circumstances.

The gentleman from West Virginia [Mr. RANDOLPH] who is coauthor of the House proposal and who has been interested in the subject for many years, advises me that he also is in accord with the thinking of the committee on the point involved.

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[Mr. VOORHIS of California addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in three instances and include certain newspaper excerpts.

Mr. KNUTSON asked and was given permission to extend his remarks in the RECORD and include two letters.

Mr. MASON asked and was given permission to extend his remarks in the RECORD and include a short editorial entitled "Whose Inflation Is It?"

Mr. ELLIS asked and was given permission to extend his remarks in the RECORD.

Mr. ROBERTSON of North Dakota asked and was given permission to extend his remarks in the RECORD and include a statement made before the Committee on Agriculture.

Mr. GRANT of Indiana asked and was given permission to extend his remarks in the RECORD in two instances, to include in one a newspaper article, and in the other a resolution.

Mr. McDONOUGH asked and was given permission to extend his remarks in the RECORD and include a statement from the State Chamber of Commerce in California.

Mr. FARRINGTON asked and was given permission to extend his remarks in the RECORD and include an essay on food.

Mr. PITTENGER asked and was given permission to extend his remarks in the RECORD in three instances, in one to include an editorial, and in the other two newspaper items.

PERMISSION TO ADDRESS THE HOUSE

Mr. HARNESS of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

[Mr. HARNESS of Indiana addressed the House. His remarks appear in the Appendix.]

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[Mr. McDONOUGH addressed the House. His remarks appear in the Appendix.]

AVIATION

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I was greatly interested in the remarks made by the gentleman from California [Mr. VOORHIS] dealing with the problem of the veterans in connection with the development of the business of aviation in this country. I think the Civil Aeronautics Board is now considering the adoption of policies that can either spell failure or progress for the future development of aviation. In my section of the country we have the same problem as has been described by the gentleman from California. We have the problem of the World War veterans who want to engage in the business of carrying passengers and freight, and they have got to have some new regulations or changes in the present regulations of the Civil Aeronautics Board if they are to succeed.

NORTHERN MINNESOTA INTERESTED

I have in my office files now, Mr. Speaker, correspondence from my section of Minnesota, which indicates that the people at Hibbing, Minn., Virginia, Minn., Eveleth, Minn., and other towns are very much concerned about air transportation service. They want scheduled trips possible and applications are on file with the Civil Aeronautics Board to accomplish those results. We know that we need a sound system of air transportation, but I have investigated conditions in the northern territory and I know that nonscheduled air carriers should be permitted to continue their operations. There should be no delay in acting on applications which will bring about these results.

If the Civil Aeronautics Board needs additional employees so that applications can be promptly investigated and acted on promptly, then Congress should appropriate the money for that purpose.

AVIATION IS IN ITS INFANCY

There can be no question about the need of making possible the development of airplane service both for the carrying of passengers and transportation of certain types of freight. I have a letter from a prominent resident of Hibbing in which he discusses the need for airplane service in his vicinity. He says in substance that a new air line, operated by ex-servicemen, has endeavored to supply Hibbing and the entire Iron Range territory with inexpensive and rapid service to Milwaukee and Chicago. He points out that other transportation types are wholly inadequate to give this service and that an air line from Hibbing to Milwaukee and Chicago is the solution of the problem.

This party also calls attention to the fact that the suspension of service heretofore rendered has caused great inconvenience to the traveling public and that there is much criticism. He says directly that the action of the Civil Aeronautics Board in a recent ruling limiting the existing air-line service to 10 round trips a month has resulted in much criticism. He further points out that the existing air-line company which has been rendering this service is composed of ex-servicemen. He asks me to do what I can to have this service restored.

WORLD WAR II VETERANS ARE INTERESTED

It should be noted, Mr. Speaker, that the veterans of World War II are directly interested in the regulations which are to be promulgated by the Civil Aeronautics Board in connection with this question. As I have indicated, protests are coming into the office right along against the proposal to restrict charter air lines to 10 trips a month between any two points. If we believe in the future of aviation and if we want to help the thousands of World War veterans who were connected with the Air Forces during World War II, then we will encourage rather than restrict the development of air transportation for passenger purposes. We should use these former military pilots, as well as other former veterans who were in our Army Air Forces and who are now available, to develop in the United States a great aviation program with unlimited possibilities.

Congress should examine immediately into the question of the formation of the right kind of policies and regulations so that no mistakes will be made. I realize that some of the established air carriers that have a monopoly on air transportation will not be in favor of this program which I am here advocating. They will undoubtedly feel that it will hurt their business. This is just the old story of selfish opposition putting itself in the way of progress. As matters stand at the present time, the existing aviation lines do not reach into northern Minnesota territory. They probably have all they can do to take care of their own existing systems. The establishment of proper regulations to permit charter air lines to open up this new territory will not only not hurt the existing major air carriers, but will, in the long run, furnish them with more passengers than they have at the present time.

Back in January I became interested in this question of having young men who were in the Army and Navy Air Forces in World War II engage in the development of civil aeronautics following their discharge from service. I expressed my views on that subject to the Civil Aeronautics Board and urged that an application for a certificate to operate a passenger air line between Chicago and Duluth should be granted. I pointed out that we had an opportunity regardless of the clear duty, to show some appreciation to returning World War II veterans by taking favorable action along these lines.

NORTHERN MINNESOTA AIRPORTS ALL WANT AVIATION EXPANDED

In this connection I would point out, Mr. Speaker, that through my efforts northern Minnesota has been helped by the Federal Government in the building of splendid airports at Duluth, Hibbing, International Falls and Eveleth. All of these airports started a number of years ago as WPA projects. When World War II came along they were abandoned for the time being. Following the close of World War II, I secured additional appropriations from the Federal Government and charter airline service is now demanded by these different villages and cities. Failure to encourage charter airline service will be a step backwards and we cannot permit it to take place.

CIVIL AERONAUTICS BOARD HAS BEEN RENDERING FINE SERVICE

In connection with the foregoing, I think I should say frankly that the Civil Aeronautics Board is confronted with many difficult problems. It has an industry that is almost entirely new and like all new lines of endeavor, unexpected conditions are developing which require study and considerable time in arriving at proper conclusions. The Civil Aeronautics Board is charged, so far as our Government is concerned, with the responsibility for looking after the safety of passengers on the airlines. It must establish regulations and set standards for the safety of the public. No one wants the Civil Aeronautics Board to do otherwise. We do, however, want them to realize that Members of Congress are intensely interested in aviation and that we want to be helpful in connection with the work of this valuable and important Government agency.

EXTENSION OF REMARKS

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD relative to the present situation facing the Medical Division of the Army due to the delay of legislation covering permanent commissioned ranks for nurses.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mr. JOHNSON of Indiana and Mr. AUGUST H. ANDRESEN asked and were given permission to extend their remarks in the RECORD.

RANK FOR NURSES

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, in World War I nurses in the Army were given what was known as relative rank in order to assure them adequate authority on the wards. In this war, in order to attract the type of women that were necessary to care for our men, Army nurses were given commissioned rank "for the duration of the war and 6 months thereafter. Last November a bill expressing the unanimous opinion of the Medical Division of the Army was sent to G–1 for study and approval.

This bill should have reached us weeks and months ago. Its delay has created a most unfortunate situation. The nurses would be fully justified should they be unwilling to enlist and reenlist in a corps which has been an integral part of the Army for over 50 years but which has not been given the permanently dignified status that is its due. Because I believe the country has the right to know something of the thorny path which a bill has to go through when it comes from a department, is batted

around and finally gets to the Budget, is lost there for some time and then comes back to the House as this bill does at a moment when the committee has announced it will hold no further hearings, I have secured unanimous consent to extend my own remarks in the Appendix of the RECORD giving in some detail the history of the proposed Army Nurse Corps legislation.

THE MIDWEST PURGE

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, I hold in my hand a newspaper article carrying a release from London by the Associated Press saying that in Bulgaria and Yugoslavia the Communist leaders are carrying on a great purge. Here we cry out against that procedure, yet the same thing is going on out in the Middle West, and the President threatens to carry it on all through the country. While their actions here are similar to those in Bulgaria and Yugoslavia, I hope their objective is not the same.

CONDITION OF OUR TRUST FUND

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I hold in my hand the statement of the Treasury of July 15. I note that we have in the trust fund $7,640,427,571.95. If the bankers of this country would invest their trust funds the same as Congress invests its trust funds, they would all be behind the bars. The situation is this: We have a debt of $268,000,000,000. We went into the red $21,000,000,000 last year. You are going into the red at the rate of $1,000,000,000 a month now. What are you going to do at the end of the year to protect these trust funds if you are permitted to make investments such as you have at the present time? It is not right, it is not honorable, and it is not just. You cannot remedy this situation until you spend less than you take into the United States Treasury. If you do not do that you make our bonds worthless, you will wreck every bank and insurance company in our land. You are dissipating the funds in trust for all agencies of your Government. Balance the budget, stop squandering, or go broke.

AMENDMENT OF MINERAL LEASING ACT

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1236) to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. PETERSON of Florida, WHITE, FERNANDEZ, LECOMPTE, and BARRETT of Wyoming.

MINIMUM-WAGE BILL ACTION NEEDED

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, there are more than 4,000,000 individuals who are working in the United States in manufacturing industries who are receiving less than 60 cents an hour. It is believed about 330,000 receive less than 50 cents an hour; 1,560,000 receive less than 60 cents; and 2,380,000 make less than 65 cents an hour. The House Committee on Labor reported many weeks ago legislation to amend the Wages and Hours Act of 1938. The Senate had previously taken affirmative action by the passage of such a measure. We attempted to get a rule from the Committee on Rules to bring this legislation to the House floor but, to date, it has been denied. The petition on the Speaker's desk, to bring the proposal to the floor, contains approximately 130 names. I regret there has not been a debate in this body on the matter. I believe it is the duty of the House of Representatives to take appropriate action, voting this legislation either up or down before we recess. Personally, I am vigorously for it, and I believe the House should speak its will.

COMMITTEE ON EDUCATION

Mr. BARDEN. Mr. Speaker, I ask unanimous consent that the Committee on Education may meet this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

CONGRESSIONAL ELECTIONS

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, when the Atlantic Charter, written by Roosevelt and Churchill and heralded by their worshipers as a charter of world-wide freedom, was given out, many understood that it meant not only that the "four freedoms" were to be established throughout the world but thought that all people were to have the privilege of establishing their own form of government. Some of us even thought the administration did not intend to interfere in elections in this country.

If the press carries the correct information, the President is not disposed to permit the people of a congressional district to follow the constitutional method of selecting their Representative without interference from Federal officials now running for two offices. I see the majority leader here on the floor, and I should like to have him tell us how they get that way. The President is running for renomination as President, and he is also running, you might say, by proxy, for Congressman down in a Missouri district. That is to say, he wants a rubber stamp and a mouthpiece here in Congress in place of a man, the gentleman from Missouri [Mr. SLAUGHTER] who thinks and then acts on his own judgment instead of blindly following the party line of the New Deal.

ADDITIONAL EDUCATIONAL FACILITIES

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlemen from West Virginia?

There was no objection.

Mr. BAILEY. Mr. Speaker, I call the attention of my colleagues to the need for early and favorable action on the bill (S. 2085) carrying out recommendations of President Truman for added educational classroom and other facilities at the universities and colleges now carrying out the educational program under the GI bill of rights. The other body has acted favorably on this legislation, and a companion bill is now pending in the House Committee on Public Buildings and Grounds, where an effort will be made to report it out this week. I plead with my colleagues to take favorable action on this legislation.

GOVERNMENT FINANCES

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, the gentleman from Pennsylvania, who is always worried about taxes, spoke about how banks would be criminally prosecuted if they did the same thing as the Government. What about the series of times up to 1928 when the banks and the business interest of this country owed not $270,000,000,000 but $300,000,000,000, and the banks and business went down. I would rather have us in our present financial condition where we owe this debt cooperatively.

EXTENSION OF REMARKS

Mr. DONDERO asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. JUDD asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. LECOMPTE asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial from the Oskaloosa (Iowa) Herald.

DISTRICT OF COLUMBIA LEGISLATION

The SPEAKER. This is District of Columbia day. The Chair recognizes

the gentleman from California [Mr. HEALY].

REBUILDING SLUM AREAS

Mr. HEALY. Mr. Speaker, I call up the bill (S. 1426) to provide for the replanning and rebuilding of slum, blighted, and other areas of the District of Columbia and the assembly, by purchase or condemnation, of real property in such areas and the sale or lease thereof for the redevelopment of such area in accordance with said plans; and to provide for the organization of, procedure for, and the financing of such planning, acquisition, and sale or lease; and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HEALY. Mr. Speaker, I ask unanimous consent that debate on this bill be limited to 1 hour, the time to be equally divided between myself and the ranking minority member of the Committee on the District of Columbia, the gentleman from Illinois [Mr. DIRKSEN].

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Speaker, I am opposed to the bill S. 1426. It has been advertised as a private-industry measure. It is nothing of the sort. I want to go over a few of its important provisions. The bill defines a housing project to mean any low-rent housing as defined in the United States Housing Act of 1937. It is important to realize this because this measure ties in directly with the old USHA, all protests to the contrary notwithstanding. Low-rent housing is defined as housing that shall not be rented for more than $13 per month per room, excluding utilities. Public low-rent housing is defined as housing constructed for families of low income, at rentals which, including the value or cost to tenants of heat, light, water, cooking fuel, shall not exceed one-fifth of the highest net family income of families eligible for tenancy in such housing, as herein provided. Dwellings in public low-rent housing shall be available solely for such families of low income whose net family income does not exceed the maximum net family income falling within the lowest 20 percent by number of all family incomes in the District of Columbia.

It then provides that this definition shall be reexamined by the Commissioners for the District of Columbia and a public hearing shall be held thereon to determine whether administrative or interpretive difficulties or unsatisfactory progress in the provision of low-rent housing requires modification thereof. Upon the conclusion of such hearing the Commissioners shall forthwith make recommendations to Congress whether said definition should be modified and, if so, to what extent.

In other words, we place a definition in this measure, and then provide specifically that such definition may be altered at the end of 1 year. Specific direction is provided for making it possible to alter the definition. That is the substance of this provision.

Now, it is important, I think, that the Congress do everything within its power to prevent this continual expansion of bureaucracy and entrenchment of Government upon private enterprise. This opens a way to the violation of both of those things.

This sets up what is known as the District of Columbia Redevelopment Agency, and such agency shall have the power to acquire and assemble real property by purchase, exchange, gift, dedication, or eminent domain, and including the power to rent, maintain, manage, operate, repair, clear, transfer, lease, and sell such real property, but excluding the power to build new structures thereon, other than the improvements mentioned in 7 (i) or the power to enlarge, extend, or make major structural improvements of existing buildings.

It sets up a commission and appropriates funds for its administration—another Federal agency, another addition to our bureaucracy. When, I ask, in the name of heaven, are we going to stop this thing of adding to and enlarging bureaus, boards, and commissions, and enhancing their power?

It appropriates $20,000,000 for the project. The argument has been made that this is a private-enterprise venture, yet the Federal Government appropriates $20,000,000. It is said it is not for the purpose of building houses. What is the $20,000,000 for? What are you going to build on this land? Of course, it is a building project. It is for the purpose of constructing and repairing homes, and the Federal Government puts in $20,000,000.

This bill lays down a pattern for the whole country, just as was done with respect to the Alley Dwelling Authority. Here is one of the main objections to this measure, and, if for no other reason, it should be defeated.

Mr. RICH. Will the gentleman yield?

Mr. SMITH of Ohio. I yield.

Mr. RICH. Is it not a fact that if they have dwellings that are unsanitary and are not up to the proper standard, the people who own the real estate and own those properties can either be made to fix it up or have the property razed, so that if they are not fit to be used for dwellings, why should the Federal Government do everything for the people of the District or any other city?

Mr. SMITH of Ohio. The gentleman, of course, is absolutely correct about that.

Now, this matter of fixing maximum rent that must be charged for these houses, gives the Federal Government complete jurisdiction and control over this whole matter. What is the difference between controlling and owning?

That is the way Hitler did it. I think it was Dorothy Thompson who said that in Russia they take your cow and milk, too; that in Germany they let you keep your cow, but take the milk. That is about what this proposition means. At any rate if the Federal Government can control the rents in these buildings it might just as well own them and I say that the objections to this measure are so great that it ought to be defeated.

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Ohio. I yield.

Mr. McDONOUGH. Insofar as fixing rentals for the projects is concerned, does not the gentleman agree that a rental has to be fixed in order to liquidate the project if the Federal Government put any money into it? If there were no set rental there would be no assurance of returning the funds.

Mr. SMITH of Ohio. The argument I make is that there should be no project at all, the Federal Government ought to stay out of this kind of business.

Mr. McDONOUGH. Will not the gentleman agree that for a period of years in this Nation, long before the war, private enterprise was given a full opportunity to correct some of the insanitary living conditions but did not do it?

Mr. SMITH of Ohio. I have more faith in private enterprise in America, and I feel if these things were left alone, if the Government did not interfere, that the conditions mentioned would be solved and solved right.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. DIRKSEN. Mr. Speaker, I yield the gentleman one additional minute.

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Ohio. I yield.

Mr. McDONOUGH. I know the experience we ran into in the city of Los Angeles, where on a small lot hardly large enough for one family, four or five were permitted to live, for the man who owned the property wanted to get all he could out of it. When you consider the fact that these people could not have satisfactory living conditions it had to be corrected, something had to be done to overcome it.

Mr. SMITH of Ohio. It may be true that something has to be done, but I doubt whether this is the way to do it.

Mr. McDONOUGH. Something has to be done.

Mr. DIRKSEN. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I hope I can bring to the attention of the House the reason why we have an alley dwelling problem in Washington.

In the days of the Civil War we had fine large homes in the city and people moved in along with their servants, their slaves; they had quarters for them. They had fine stables, they had a place to quarter their horses, and so Washington flourished as a very fine southern town; but as the trend to modernism began to touch Washington these stables were vacated; sometimes they were converted into garages when an automobile was acquired. But the fact of the matter is that we had a lot of fine brick structures—at least they were fine at one time—along the alleys of Washington, and when they were no longer in use for the original purpose, itinerant families moved right in and continued to live there in squalor and in poverty and in filth. The result is that we have thou-

sands of alley structures in Washington today. We realize, of course, that we have to have some correction, that some curative power had to be applied, and back in 1934 we set up the Alley Dwelling Authority. Because it had limited power it could deal only with limited parcels at a time, and the progress made in a period of 12 years has been rather disappointing to me; and yet I do not blame the Alley Dwelling Authority because they were operating under an act into which the Congress wrote restrictions and limitations to such extent that they could not get results.

The amazing thing is that in this year of our Lord and this year of grace 1946 that kind of situation should still prevail in what we are pleased to regard as the Nation's Capital, the finest city in the United States, and we hope, the finest city in the whole wide world; but anybody who goes to the trouble of cruising around Washington, examining the alleys and alley dwellings at times necessarily hangs his head in shame that so many thousands of families are occupying such squalid property.

As a member of the District Committee, and this is my fourteenth year on that committee, I made it my business on many occasions to start out and devote portions of afternoons and evenings to an investigation and an examination of a good many of these dwellings. It makes you really heartsick at times. But I go back to the fact that the Alley Dwelling Authority does not have authority enough to cope with this problem. This is going to be a continuing problem for 50 or 100 years to come unless we address ourselves to it with vigor and provide some kind of an agency that is to be empowered to deal with the problem.

The bill now before you seeks to create a redevelopment authority and the reason it does so is because you have to assemble areas of terrain, you have to move in and take over a generous portion, let us say, and redefine it, rezone it, replan it; then make it available, not to a governmental agency to build necessarily but to a private corporation that will agree by contract to carry out that plan. My good friend and brother the gentleman from Ohio [Mr. SMITH] said that we are creating a planning commission in this bill. We do nothing of the kind. The Capital Park and Planning Commission has existed ever since I can remember, was authored by a Republican Senator, Senator CAPPER, of Kansas, and it has been functioning for a long time to beautify the Nation's Capital in order to give us more spacious areas and parks and to make it a city that is truly befitting the prestige of a great city in the United States. So we do not create a planning commission. That Planning Commission has been authorized and has been receiving appropriations I expect for 20 or more years. It is doing a reasonably good job.

Mr. Speaker, a block of blighted property in an area is assembled so that it becomes a project area. It must first have the approval of the Park and Planning Commission; then this property may be sold to a private corporation for the building of homes if the corporation will agree to abide by the plan. That is a very sensible proposition, in my judgment.

My good friend and brother referred, of course, to the $20,000,000 involved here. To be sure there is authorized here an appropriation for $20,000,000, but before you comment on it too much you want to reexamine the language of the bill. I know that the Members as such serving on busy committees do not have time to always measure and explore this legislation, but you should not attack too lightly legislation that has received the sustained attention of the District Committee for more than 2 years. I am in Mr. SMITH's corner when it comes to private enterprise and I can say to you that this bill has the endorsement and support of the private-housing people in Washington.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. I believe I am correct in making the statement that the people who are interested in private enterprise and private building in Washington offered this measure as a means of stopping the United States Housing Authority from further extension and has not offered the bill on its merits.

Mr. DIRKSEN. Does the gentleman say that with authority?

Mr. SMITH of Ohio. I believe I do.

Mr. DIRKSEN. Does the gentleman say he states that with authority?

Mr. SMITH of Ohio. I believe I do.

Mr. DIRKSEN. I beg to differ with the gentleman because I do not believe there is any authority for the statement. These people come to my office rather than to other offices and they come to the offices of members of the District Committee. They give you all the literature, they give you their own viewpoint. We have had the public housers, we have had the slum clearance group; we have had the private-enterprise group; and I can say on my own responsibility, as a Member of this House and as a member of the District Committee, that I know this bill begets the support of the private-enterprise group in Washington.

Mr. SMITH of Ohio. I believe I know something about the background for the development of this program, too. I want to say to the gentleman that I have been consulted about it, so that I am fully aware of the development of the program from its inception to its present state, and I reassert, what I said before, that the objective of this particular program is to defeat further extension of the United States Housing Authority Act in the District of Columbia.

Mr. DIRKSEN. Well, the gentleman is fully entitled to share that view and graciously do I accord him that privilege. But I say on my responsibility as a Member, with authority—and I can go to that room and call up and get that authority verified within the next 5 minutes—that this bill has the support and the endorsement of private-enterprise groups here in Washington.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. RICH. With what vigor should they prosecute the work under this bill? Are they supposed to go ahead and take the $20,000,000 and try to contract for as much property as they can and change it as fast as possible, or do they have years in which to complete it?

Mr. DIRKSEN. I hope they will prosecute this program with genuine vigor, because they have a job that must be done. We provide $20,000,000 out of the Federal Treasury, and that $20,000,000 becomes a trust fund, so you are expending out of the trust fund in proportion as slum property is assembled and then resold or leased to private parties, whether it be a development corporation or otherwise, and the proceeds then go into that trust fund. We operate for a period of 10 years, and after that time whatever the balance is in that fund is covered into the miscellaneous receipts of the Treasury of the United States. Consequently this is in the nature of an advance. We hope it will be self-liquidating. I am not prepared now to say whether it will be self-liquidating or not; it may be. But if we get back the principal without interest involved, I would be very happy about it.

But the point is that the accrual of income, in the form of rent and the increment from sales of property, is to be covered into this trust fund, and at the end of 10 years, whatever is the balance—if it is $20,000,000, all right; if it is $10,000,000, all right; if it is $15,000,000 or $25,000,000 all right—whatever it is, it goes into the miscellaneous receipts of the Treasury. In the event of a deficit, the District of Columbia and the United States would share the deficit.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. DIRKSEN. Mr. Speaker, I yield myself five additional minutes.

Mr. RICH. Mr. Speaker, if the gentleman will yield further, my own belief would be this: Personally I am interested in getting rid of a lot of these properties that we have in the District. I think they are a disgrace. I would not have them in my town; I just would not be a party to a town that would have such a disgraceful place where people live. But if you are going to spend $20,000,000 and then purchase these properties and then sell them to real-estate agents, and they, in turn, build properties, you are not going to make anything out of it. You are going to lose. Well, that is all right, too; I am not interested in that. But I am interested in whether or not you are going to prosecute this job as fast as possible and if the bill aims to do that, for this reason: There are so many places in this country today where things have to be and ought to be done. This is one thing that could be delayed a little while, and only in case we have workers who need these jobs should this be prosecuted, in my judgment. I do not think we ought to try to start something here now when there are so many other things that are so important for this Nation to do, and this is not one that ought to be given the right-of-way above many others.

Mr. DIRKSEN. I submit to my friend, as a very successful businessman, and all the world knows that he is, that when you undertake to assemble——

Mr. RICH. I am one step ahead of the sheriff.

Mr. DIRKSEN. When you undertake to assemble blanket property and you work out a plan, you try to lay out the streets, whatever parking is necessary, whatever park areas are necessary, and children's playgrounds, if they are to be included. You know it takes a long time to do that. Some folks believe you can start out from scratch and show great results at the end of a year. If this program gets decently under way with most of its preliminary work inside of 1 year I should be very happy about it, and that is the reason it ought to be resolved on the basis of a 10-year program, because of the preliminary steps that have to be taken; the negotiation for and acquisition of property, examination of titles, clearances, and whatever else is involved.

Mr. RICH. I agree with the gentleman on that that it will take time to get the preliminary drawings and plans and specifications ready. But we are short of houses in this country, and we are constantly talking about veterans' houses. If you displace people and tear down these houses you will have to use a lot of material that should go into veterans' houses and help the country generally. This does not have to be prosecuted at the earliest possible moment, we might say, because we can delay it for a term of 2, 3, 4, 5, or 6 years, if necessary.

Mr. DIRKSEN. On the item of displacing people whose homes may be torn down, there is a provision in this bill on page 20 relating to housing of displaced people. The Commissioners must first be satisfied that decent standard dwellings are available before you shove somebody in the street. This bill represents the best efforts of every group that I know anything about in Washington that has an interest in this matter for a period of 2 years for the purpose of reconciling and harmonizing these difficulties. We finally got into that stage, and the last real difficulty was in connection with the definition of low-rent housing, to which my friend from Ohio alluded a moment ago. There are lots of people, even private-enterprise people, who would like to modify that definition to make it apply to the lower 40 percent of people. We tried to make it apply to the lower 20 percent of the people and then see what comes out of it. After a year the definition can be reexamined. The Commissioners will hold a public hearing. They will then recommend or suggest to the Congress any modifications that might be made. But the authority to translate the modification into law still reposes in the hands of the Congress, where it very properly belongs. So, when all is said and done, this is an excellent piece of work in bringing these divergent groups together. I sincerely hope this bill will pass without a dissenting vote.

Mr. RICH. We are going to tell the ones in authority that they are not to throw people out in order to get these properties, and that they must take their time because of the scarcity of materials, until the whole country gets the benefit? If they do that, then I would be in sympathy with this legislation.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. DIRKSEN. Mr. Speaker, I yield myself two additional minutes.

There is a proviso here for an annual report. Do not forget that constantly these people are coming back before the House Committee on Appropriations, and there is always an opportunity to examine into their operations and to call them to account.

Mr. RICH. You are going to give them $20,000,000 now?

Mr. DIRKSEN. Yes; but the District Commissioners, who have an integral part in this whole business, are coming up before Congress every year on their annual budget. Of course, while their budget may not be involved, the whole operation of the District of Columbia is involved when they justify their expenditures before our committee.

Mr. RICH. When the District budget comes before you, and they want to have these child day-care centers continued, I think that matter should be looked into carefully. In many cases in the District the father and the mother are both working, making $10,000 a year. They leave their children for some maid to take care of, and we appropriate money for that care. I do not want any more of that. I want you to keep those women at home. Let them take care of their children as ordinary mothers would do and as mothers should do. If you appropriate any money for that, then I would be against a lot of legislation the District wants and ought to have.

Mr. DIRKSEN. My friend has a great and swelling heart that beats in sympathy with the needy veterans. Suppose a soldier has been killed overseas and his widow lives here in Washington and has two children. She finds herself a $1,620 job in the Government. What happens to the children if she cannot farm them out to anybody? That is what we have done.

Mr. RICH. I think we ought to help that woman whose husband has been killed.

Mr. DIRKSEN. That is what we have been doing.

Mr. RICH. However, I do not think we ought to do it that way. That mother has a greater desire to care for those children than anybody else. If the condition in which she finds herself is the fault of the Government, then we ought to take care of her and the children, and let that mother stay at home with her children.

Mr. HEALY. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Speaker, this legislation is meritorious. A measure somewhat different, but in essence the same as the bill now presented for your consideration, passed the Senate of the United States on October 18, 1945. There was no disposition within the House District Committee to act hurriedly on an important problem of this type. A subcommittee therefore was appointed and the members of that group went thoroughly into the subject matter of the Senate bill and developed many ideas in the testimony which were helpful not alone to the subcommittee but to the full committee in considering the bill S. 1426, which has been reported from the House District Committee to the floor for your consideration and I trust favorable action this afternoon.

The gentleman from Illinois, Representative DIRKSEN, the ranking minority member of the House District Committee, has given a very concise and very fair statement of the purposes involved in the legislation and of the details of the administration and the agency, if it is created, which would be established through the passage of this measure. I desire once again to reiterate what the gentleman from Illinois, Representative DIRKSEN, said during his discussion—that it is not contemplated that this new land agency shall build or operate housing on the land that it acquires here or elsewhere. It is believed that private parties will be encouraged to undertake such building and that, therefore, the program will be one which in essence combines the best features of public and private housing.

If, however, private capital should fail to meet this opportunity then, and only then, would public redevelopment corporations be given an opportunity to build and operate projects.

This it is to be noted will be only after private enterprise as represented through a responsible private development company, individual, or partnership shall have been given a preference over any public redevelopment company. Certainly this proposed legislation seeks to provide private enterprise in the District of Columbia with an opportunity to meet the need here for low-rent housing.

I think it is important to say to my colleagues once again that we are not passing legislation for the city of Washington, D. C.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to my friend, the gentleman from Ohio.

Mr. SMITH of Ohio. I must take sharp exception to that because of your low real-estate tax rate in the District of Columbia. You have a rate of $1.75, which is way below the rate of other cities of the same size. I feel the District of Columbia is in a position to take care of this situation without calling upon the rest of the country to finance the program.

Mr. RANDOLPH. I realize the contention of the gentleman from Ohio. He is in sharp disagreement with me and I am in sharp disagreement with him. I repeat, we are not passing legislation today, if this bill receives your approval, for the city of Washington. We are acting in our capacities, individually and collectively, for the District of Columbia, which is the Capital—our Federal Government, our United States, as it were, from the standpoint of this tremendously important city. The questions raised today in the minds of several gentlemen, including the gentleman from Pennsylvania [Mr. RICH], are questions which have a right to be discussed on this floor. I have felt on many occasions that not

the criticisms but the constructive viewpoints expressed by the gentleman from Pennsylvania are helpful to the Committee on the District of Columbia and to others who attempt to legislate for this jurisdiction. He has pointed out many times the fears that he has and he has asked us, who have an interest with you, of course, in the passage of this type of legislation, to embrace logical thinking as we carry forward any such agency as would be created by this bill.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman.

Mr. RICH. I am inclined to be very sympathetic about this because of the conditions in these alleys. They are not fit to live in. But I want it to be done at a rate that is not going to discommode the rest of the country. I want the ex-service men and women to have an opportunity first to get what they need and then to have this work done gradually, which will benefit both the District of Columbia and the country at large.

Mr. RANDOLPH. The gentleman is correct.

The displacement of the slum areas in the District of Columbia is a matter of prime importance and this Congress, acting not for the city of Washington but for the National Capital has a responsibility to eliminate insofar as possible the disgraceful living conditions which we all know exist at the present time.

Mr. HEALY. Mr. Speaker, I yield the gentleman one additional minute.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. SMITH of Ohio. I would like to ask this question On page 30, line 9, does this not lay down a pattern for the country?

Mr. RANDOLPH. No; I do not believe there is any pattern laid down for the country by the passage of this legislation. It deals with the District of Columbia, with the elimination of slum areas within this jurisdiction. I cannot see why any plan or any set procedure, which later may or may not be followed by the Federal Government, would be involved.

Mr. SMITH of Ohio. But it says, "legislation authorizing Federal assistance to localities for purposes of land assembly." What localities?

Mr. RANDOLPH. Well, here we are dealing with the District of Columbia.

Mr. SMITH of Ohio. But general legislation authorizing Federal assistance.

Mr. RANDOLPH. Yes; but we are not passing general legislation.

Mr. SMITH of Ohio. But it speaks about passing general legislation later.

Mr. RANDOLPH. I believe the gentleman's fear is not well founded. Perhaps the gentleman desires to offer an amendment.

The SPEAKER. The time of the gentleman from West Virginia has again expired.

Mr. HEALY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. BATES].

Mr. BATES of Massachusetts. Mr. Speaker, with so much to do in the House this week, I know we should give consideration to matters of such importance as embraced in this bill. However, this bill is not being brought in during the closing hours under suspension of the rules or with any idea of rushing it through or in any way having it appear that haste has been entered into in the proper consideration of this bill.

This bill was filed in October 1945. It has been under consideration by the Senate and House Committees on the District of Columbia over that long period of time. I well recall in the early part of this year this bill came to the House Committee on the District of Columbia and we were not satisfied with the Senate bill. We wanted very definite changes made in the construction of the bill, in order that proper slum clearance could be carried out in the District of Columbia, as the House committee felt it should be.

It has been thoroughly considered, and it now comes here with the unanimous support of the membership of the House Committee on the District of Columbia, and we do hope that the House in the closing hours of this Congress will see fit to enact it into law.

This bill simply creates another agency for the purpose of clearing property within the District of Columbia, thereby hoping that private industry, through the procedure set up, will take hold of the local housing projects and develop it along private housing lines.

We have seen a lot of public housing and we have been very, very much disappointed with the way much of it has been carried on. The purpose of this bill is not to rush the program, but is for the purpose of setting up this agency so that they can make a thorough study, survey, and estimate of the costs, and then, in cooperation with the Planning Commission, have this community lay out a sensible, well-developed program of housing.

When I came to this Congress 10 years ago, it was uppermost in my mind, as it probably is uppermost in the mind of every Member who comes here for the first time, or many of the citizens who come here for the first time, how thoroughly disgusted we were with the housing and the character of dwellings in which the people of this community lived. Here we are in the Capital City of the Nation, in the greatest Nation of the world, with the most blighted areas that can be found anywhere from one end of this country to the other. It seems to me that we as Members of Congress have a great responsibility in this matter, where we control, by legislation at least, the municipal activities within the confines of this District.

I want to say just these words in support of this bill irrespective of what my friend from Pennsylvania may think of some other project which I agree with him on that recently passed, this is a bill that I can support with a great deal of pride and satisfaction; and I hope the members of the House will approve it.

Mr. BUCK. Mr. Speaker, will the gentleman yield?

Mr. BATES of Massachusetts. I yield.

Mr. BUCK. I gather from page 29 that it is contemplated the Federal Government will stand 50 percent of the deficits. Is that correct?

Mr. BATES of Massachusetts. That is if there is any deficit existing at the end of the accounting period then the District must supply 50 percent of that and the Federal Government 50 percent.

Mr. BUCK. And a deficit is contemplated, is it not? Because on page 22 is mentioned a price of one-third of the resale value of the real estate acquired.

Mr. BATES of Massachusetts. It was brought about because of the impossibility of foretelling what the actual operating expenses or revenue might be. We are very hopeful that this will be a self-liquidating proposition. If it is not then the District will be compelled to pay 50 percent of the deficit and the Federal Government the other half.

Mr. BUCK. If it is contemplated to be self-liquidating why is that one-third provision on page 22?

Mr. BATES of Massachusetts. In order to take care of any deficiency that might develop. In a tremendous program of this sort it is impossible to know just what all the circumstances will be and we believe that the Congress of the United States has a very definite interest in the District of Columbia. With all the ramifications of governmental activities here it would take a good many hours to discuss. We think there is sufficient interest on the part of the Congress of the United States to cooperate with the District in this tremendous undertaking which will mean so much to the welfare of this great city of ours.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. HEALY. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. McDONOUGH].

Mr. McDONOUGH. Mr. Speaker, as a member of the committee I am here to say that I favor the passage of this bill.

It is unfortunate that private enterprise has not done the job over the years with the opportunity they have had to do it. I am very much in favor of private enterprise doing the job. If they had done it this bill would not be necessary. I think for the benefit of those who have any doubts about it that the general purposes as a whole in the bill should be read, and I am going to proceed to read part of section 2:

SEC. 2. It is hereby declared to be a matter of legislative determination that owing to technological and sociological changes, obsolete lay-out, and other factors, conditions existing in the District of Columbia with respect to substandard housing and blighted areas, including the use of buildings in alleys as dwellings for human habitation, are injurious to the public health, safety, morals, and welfare; and it is hereby declared to be the policy of the United States to protect and promote the welfare of the inhabitants of the seat of the Government by eliminating all such injurious conditions by—

By creating the development authority this bill sets up.

It certainly cannot be a matter of pride to any of the Members of the House or to the Congress or to the people of the Nation to realize that there exists in the capital of the United States places of improper habitation which affect the

public health, safety, morals and welfare of the people here. I think the history which was reviewed by the gentleman from Illinois [Mr. DIRKSEN] a few minutes ago is a pretty good background of the reason for this bill. Places that were suitable for habitation 25, 30, or 50 years ago are still being used for human habitation. If private enterprise does not do something about it then it is up to the Congress or some authority to do something about it just the same as we found it necessary to build highways in order to prevent the necessity for the continuation of toll roads across the Nation which were controlled by private enterprise in those years.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. McDONOUGH. I yield.

Mr. SMITH of Ohio. Why cannot the District of Columbia raise its real estate tax rate and derive funds from that source to do this job?

Mr. McDONOUGH. That is a matter of consideration, possibly; but I do not know how much the rate would have to be raised in order to create sufficient funds.

I doubt whether a tax rate necessary to raise this amount of money would be a fair proposition to the people of the District of Columbia to relieve a situation of this kind.

Mr. SMITH of Ohio. It is something that ought to be solved locally. If we are going into these matters all over the country, where will we be in the end?

Mr. McDONOUGH. The gentleman is a medical man. Does he have any answer to the question of public health, the morals, safety, and welfare of the people if private enterprise does not do something to provide suitable habitations in a congested city like Washington?

Mr. SMITH of Ohio. There is nothing in the history books which indicates that private enterprise has failed. So far as the matter of health is concerned, there is nothing on record to indicate that governments have ever done anything in the long run to improve the health of the people by the building of houses.

Mr. McDONOUGH. I do not agree with the gentleman's statement. Insofar as private enterprise alone or public participation doing this job, as I said before, if they had done it this bill would not be necessary.

This bill gives private enterprise every opportunity. If we take these blighted areas by condemnation and allow proper value for the land and the buildings, setting up an area in which they will agree to build suitable habitations for the people who are now living in unsuitable habitations, what can be the objection to that if private enterprise does not do it?

The SPEAKER. The time of the gentleman from California has expired.

Mr. HEALY. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, in reading the title of this act one would suppose that it is entirely for the District of Columbia. However, I would like to refer to page 30 of the bill. It seems to me that lines 9 to 18, inclusive, should be eliminated from the bill. This subsection reads as follows:

(d) In the event that, subsequent to the passage of this act, Congress enacts general legislation authorizing Federal assistance to localities for purposes of land assembly and preparation for redevelopment, any Federal agency allocating such assistance shall, in extending such assistance to the District of Columbia, take into consideration the assistance of similar nature authorized under this act, with a view to assuring that other localities may be equitably treated with respect to Federal aid for land assembly and preparation for redevelopment.

It seems to me that the House should strike that section from the bill. I can see no reason why it would injure the bill for the District of Columbia if that section is eliminated and I shall offer an amendment at the proper time to that effect. There is no reason why we should not eliminate that provision applying to other cities. They can come in and ask for an appropriation and have this committee go into it if they want to. They are all in better financial condition than the Federal Government, every one of them.

I want to do what I can for the District of Columbia because I have visited some of these streets and I have observed some of the residences in the District of Columbia. People live in some places here that people back in my community would not live in. They are in a badly dilapidated condition, unsightly, unsanitary, and in need of repair. I want to help the District of Columbia but I do not believe we should bite off more than we can chew and extend it to other cities of this great country of ours. It is not sound business for the Congress to do.

The fact of the matter is that the Federal Government is worse off financially today than any community in the United States or any State in the United States. Therefore you should not assume any more burdens if you are going to take care of this country and see that we remain solvent.

I hope that the membership will eliminate section (d) on page 30 of this bill.

Mr. HEALY. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this bill, S. 1426, was passed by the Senate on October 18th of last year. Since that time the House Committee on the District of Columbia has given most careful consideration to the problem of the eradication of slum areas in the District of Columbia. Any of you who have taken the trouble to drive around this city must be convinced of the fact that some redevelopment program must be put into effect for this fine city of Washington. It seems to me that the city of Washington should be the show place of the entire United States. Unless action along the line proposed in this bill is taken by the Congress, we will continue to have such slum area as we find at the present time in the District of Columbia.

The bill does not completely meet the desires of those who believe in public housing, nor does it meet the desires of those who are strong advocates of exclusive private housing programs. However, in my opinion, it is a compromise bill which will do a great deal of good for the District of Columbia, one which was finally worked out in the House committee, and I wish to strongly urge the passage of this bill.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the "District of Columbia Redevelopment Act of 1945."

GENERAL PURPOSES

SEC. 2. It is hereby declared to be a matter of legislative determination that owing to technological and sociological changes, obsolete lay-out, and other factors, conditions existing in the District of Columbia with respect to substandard housing and blighted areas, including the use of buildings in alleys as dwellings for human habitation, are injurious to the public health, safety, morals, and welfare; and it is hereby declared to be the policy of the United States to protect and promote the welfare of the inhabitants of the seat of the Government by eliminating all such injurious conditions by employing all means necessary and appropriate for the purpose; and control by regulatory processes having proved inadequate and insufficient to remedy the evils, it is in the judgment of Congress necessary to acquire property in the District of Columbia by gift, purchase, or the use of eminent domain to effecuate the declared policy by the discontinuance of the use for human habitation in the District of Columbia of substandard dwellings and of buildings in alleys and blighted areas, and thereby to eliminate the substandard housing conditions and the communities in the inhabited alleys and blighted areas in such District; and it is necessary to modernize the planning and development of such portions of such District. The Congress finds that the foregoing cannot be accomplished by the ordinary operations of private enterprise alone without public participation in the planning and in the financing of land assembly for such developmet; and that for the economic soundness of this redevelopment and the accomplishment of the necessary social and economic benefits, and by reason of the close relationships between the development and uses of any part of an urban area with the development and uses of all other parts the sound replanning and redevelopment of an obsolescent or obsolescing portion of such District cannot be accomplished unless it be done in the light of comprehensive and coordinated planning of the whole of the territory of the District of Columbia and its environs; and that this comprehensive planning and replanning should proceed vigorously without delay; and to these ends it is necessary to enact the provisions hereinafter set forth; and that the acquisition and the assembly of real property and the leasing or sale thereof for redevelopment pursuant to a project area redevelopment plan, all as provided in this act, is hereby declared to be a public use.

DEFINITIONS

SEC. 3. The following terms, whenever used or referred to in this act, shall, for the purposes of this act and unless a different intent clearly appears from the context, be construed as follows:

(a) The term "agency" means the District of Columbia Redevelopment Land Agency established by section 4 of this act.

(b) "District Commissioners" means the Board of Commissioners of the District of Columbia.

(c) "Housing" includes housing, dwelling, habitation, and residence.

(d) "Housing project" means any low-rent housing (as defined in the United States Housing Act of 1937, U. S. C., title 42, ch. 8), the development or administration of which is assisted by the United States Housing Authority.

(e) "Land" includes bare or vacant land, or the land under buildings, structures, or other improvements; also water and land under water. When employed in connection with "use," as for instance "use of land" or "land use," "land" also includes buildings, structures, and improvements existing or to be placed thereon.

(f) "Low-rent housing" means safe and sanitary housing within the financial reach of families of comparatively low income and, as a guide for the standard of rental to be used as a maximum at the time of the enactment of this law but not necessarily thereafter, it is specified that such housing shall be rented at not more than $13 per room per month, excluding utilities.

(g) "Lessee" includes the successors or assigns and successors in title of any lessee.

(h) "Planning Commission" means the National Capital Park and Planning Commission.

(i) "Proceeds" means the money proceeds of sales or transfers by the Agency; and "net proceeds" means the gross proceeds after deducting commissions or other expenses of the sales or transfers.

(j) "Project area" is an area of such extent and location as may be adopted by the Planning Commission and approved by the District Commissioners after public hearing as an appropriate unit of redevelopment planning for a redevelopment project separate from the redevelopment projects for other parts of the District of Columbia. In the provisions of this act relating to lease or sale by the Agency, for abbreviation "project area" is used for the remainder of the project area after taking out those pieces of property which in accordance with section 7 (a) of this act shall have been or are to be transferred for public uses.

(k) "Public low-rent housing" means low-rent housing constructed by a public agency for families whose net family income does not exceed the income level (as determined, or from time to time redetermined, after public hearing, by the District Commissioners) at which a family of comparable size may be reasonably able to afford to pay the lowest rental at which private enterprise is providing an adequate supply of decent, safe, and sanitary housing.

(l) "Purchaser" includes the successors or assigns and successors in title of any purchaser.

(m) "Real property" includes land; also includes land together with the buildings, structures, fixtures, and other improvements thereon; also includes liens, estates, easements, and other interests therein; and also includes restrictions or limitations upon the use of land, buildings, or structures other than those imposed by exercise of the police power.

(n) "Redevelopment" means replanning, clearance, redesign, and rebuilding of project areas, including open-space types of uses, such as streets, recreation and other public grounds, and spaces around buildings, as well as buildings, structures, and improvements, but not excluding the continuance of some of the existing buildings or uses in a project area. For the purposes of this act, "redevelopment" also includes the replanning, redesign, and original development of undeveloped areas which, by reason of street layout, lot lay-out, or other causes, are backward and stagnant and therefore blighted and for which replanning and land assembly are deemed necessary as a condition of sound development.

(o) "Redevelopment company" means a private or public corporation or body corporate, whether organized under the District of Columbia Code or the laws of the United States or any State, or an unincorporated association, trust, or other legal entity, which, by virtue of the statutes, charter, articles of incorporation, instruments of trust, or other instrument defining its powers, has the power to become a lessee or purchaser of a project area and to conform to the provisions of this act and to perform fully and comply with the terms of the lease or sale of such area or part thereof to it.

(p) "Rentals" means the rents specified in a lease to be paid by the lessee to the Agency; "net rentals" means gross rentals after deducting taxes payable by the Agency.

(q) "Revenues" means the revenues or income received by the Agency from real property while held by it and operated or temporarily let by it and not yet leased, transferred, or sold by it; and "net revenues" means the gross revenues after deducting repair, management, maintenance, insurance, and other operating expenses and taxes paid or payable by the Agency.

(r) "Substandard housing conditions" means the conditions obtaining in connection with the existence of any dwelling, or dwellings, or housing accommodations for human beings, which because of lack of sanitary facilities, ventilation, or light, or because of dilapidation, overcrowding, faulty interior arrangement, or any combination of these factors, is in the opinion of the Commissioners detrimental to the safety, health, morals, or welfare of the inhabitants of the District of Columbia.

ESTABLISHMENT AND POWERS OF THE AGENCY

SEC. 4. (a) The District of Columbia Redevelopment Land Agency is hereby established and shall be composed of five members. Two members shall be appointed by the President and three members shall be appointed by the District Commissioners, subject to confirmation by the Senate. One of the Presidential appointees may be an official of the United States Government; one appointee of the District Commissioners may be an official of the District of Columbia Government. Each nonofficial appointee shall have been a resident of the District of Columbia for at least the five next preceding years, and shall have been engaged or employed during such time in private business or industry, or the private practice of a profession, in the District of Columbia. The terms of members shall be for 5 years, except that the first appointment of one of the Presidential appointees shall be for 3 years and the other for 5 years; one of the first appointments of the District Commissioners shall be for 4 years, one for 2 years, and one for 1 year: *Provided*, That in the event any member shall cease to hold the official position held by him at the time of his designation or appointment, such cessation shall be deemed to create a vacancy in his membership on the Agency, such vacancy, as well as all vacancies from other causes, to be filled by designation or appointment by the President or District Commissioners for the unexpired term. The members shall receive no salary as such, but those members who hold no other salaried public position shall be paid a per diem of $20 for each day of service at meetings or on the work of the Agency.

(b) The said District of Columbia Redevelopment Agency is hereby made a body corporate of perpetual duration, the powers of which shall be vested in and exercised by the board of directors thereof, consisting of the five members thereof appointed as above set forth. It shall have the power to adopt, alter, and use a corporate seal which shall be judicially noticed; to make contracts; to sue and be sued, to complain and defend in its own name in any court of competent jurisdiction, State, Federal, or municipal; to make, deliver, and receive deeds, leases, and other instruments, and to take title to real and other property in its own name; to adopt, prescribe, amend, repeal, and enforce bylaws, rules, and regulations for the exercise of its powers under this act or governing the manner in which its business may be conducted and the powers granted to it by this act may be exercised and enjoyed, including the selection of its chairman and other officers, together with provisions for such committees and the functions thereof as it may deem necessary for facilitation of its work; to protect and enforce any right conferred upon it by this act, or otherwise acquired including any lease, sale, or other agreement made by or with it; and in general to exercise all the powers necessary or proper to the performance of its duties and functions under this act.

POWER TO ACQUIRE AND ASSEMBLE REAL PROPERTY

SEC. 5. (a) Subject to and in accordance with the procedures, conditions, and other provisions of this act, the Agency is hereby granted the power to further the redevelopment of blighted territory in the District of Columbia, and the prevention, reduction, or elimination of blighting factors or causes of blight, and for that purpose to acquire and assemble real property by purchase, exchange, gift, dedication, or eminent domain, and including the power to rent, maintain, manage, operate, repair, clear, transfer, lease, and sell such real property, but excluding the power to build new structures thereon (other than the improvements mentioned in section 7 (i) or the power to enlarge, extend, or make major structural improvements of existing buildings).

(b) Condemnation proceedings for the acquisition of real property for said purposes shall be conducted in accordance with the procedural provisions of the act entitled "An act to provide for the acquisition of land in the District of Columbia for the use of the United States," approved March 1, 1929 (45 Stat. 1415), or acts which may amend or supplement said act. The title to properties acquired under this present act shall be taken by and in the name of the Agency and proceedings for condemnation or other acquisition of property shall be bought by and in the name of the Agency.

GENERAL AND PROJECT AREA REDEVELOPMENT PLAN

SEC. 6. (a) The Planning Commission is hereby directed to make and, from time to time, develop a comprehensive or general plan of the District of Columbia, including the appropriate maps, charts, tables, and descriptive, interpretative, and analytical matter, which plan is intended to serve as a general framework or guide of development within which the various project areas may be more precisely planned and calculated, and which comprehensive or general plan shall include at least a land-use plan which designates the proposed general distribution and general locations and extents of the uses of the land for housing, business, industry, recreation, education, public buildings, public reservations, and other general categories of public and private uses of the land.

(b) For the exercise of the powers granted to the Agency by this act for the acquisition and disposition of real property for the redevelopment of a project area, the following steps and plans shall be requisite, namely:

(1) Adoption by the Planning Commission of the boundaries of the project area proposed by it, submission of such boundaries to the District Commissioners, and approval thereof by said Commissioners.

(2) Adoption by the Planning Commission and submission to, and, after a public hearing thereon, approval by the District Commissioners, of the redevelopment plan of the project area which shall contain a site and use plan for the redevelopment of the area, including the approximate locations and extents of the land uses proposed for and within the area, such as public buildings, streets, and other public works and utilities, housing, recreation, business, industry, schools, public and private open spaces, and

other categories of public and private uses. Such plan shall also contain specifications of standards of population density and building intensity. Any such plan may also specify, by means of specification of maximum rentals or other basis, the amount or character or class of any low-rent housing for which the area or part thereof is proposed to be redeveloped.

(c) In relation to the location and extent of public works and utilities, public buildings, and other public uses in the general plan or in a project area plan, the Planning Commission is directed to confer with the Federal and District public officials, boards, authorities, and agencies under whose administrative jurisdictions such uses respectively fall. In the project area planning, the Planning Commission is directed to consult from time to time with the Agency, and the Agency shall be free at all times to submit to the Planning Commission suggestions regarding both the location and extent of project areas and the use and site plans of project areas.

(d) After a project-area redevelopment plan shall have been adopted by the Planning Commission and approved by the District Commissioners, the Planning Commission shall forthwith certify said plan to the Agency, whereupon said Agency shall proceed to the exercise of the powers granted to it in this Act for the acquisition and assembly of the real property of the area. Following such certification, no new construction shall be authorized by the District Commissioners in such area, including substantial remodeling or conversion or rebuilding, enlargement or extension or major structural improvements on existing buildings, but not including ordinary maintenance or remodeling or changes necessary to continue the occupancy.

TRANSFER, LEASE, OR SALE OF REAL PROPERTY IN PROJECT AREA FOR PUBLIC AND PRIVATE USES

SEC. 7. (a) After the real property in the project area shall have been assembled by the Agency, the Agency shall have the power to transfer to and shall at a practicable time or times transfer by deeds to the United States or to the District of Columbia, or to the appropriate Federal or District public body, department, or agency, those pieces of real property which, in accordance with the approved project area redevelopment plan, are to be devoted to public uses (other than public housing) falling within the construction or administrative jurisdiction of Federal or District agencies, such as streets and other utilities and works, Federal and District public buildings, public recreational spaces, and schools. The Federal agencies and the public agencies of the District of Columbia are hereby empowered, respectively, to acquire real property from the Agency for the uses respectively specified in the project area plan and to pay for same out of their funds duly appropriated for such acquisition. Excepting for such property as may be transferred by dedication, gift, or exchange, the transferee agency shall pay to the Agency such sum as may be agreed upon or, in the absence of agreement, as may be fixed by the Attorney General.

(b) The Agency shall have the power to lease or sell the remainder of the project area as an entirety to a redevelopment company or to an individual or a partnership. Said remainder may include streets or parts thereof which in accordance with the plan are to be closed or vacated or other than publicly owned properties; and the Federal and District departments and agencies are empowered to transfer said spaces or properties to the Agency for such sums or other consideration as may be agreed upon.

(c) Any such lease or sale may be made without public bidding but only after a public hearing, after 10 days' public notice, by the agency upon the proposed lease or sale and the provisions thereof.

(d) The term of any such lease shall be fixed by the Agency and the instrument of lease may provide for renewals upon reappraisals and with rentals and other provisions adjusted to such reappraisals. Every such lease or sale shall provide that the lessee or purchaser shall carry out or cause to be carried out the approved project area redevelopment plan or approved modifications thereof and that no use shall be made of any land or real property included in the lease or sale nor any bidding or structure erected thereon which does not conform to such approved plan or approved modifications thereof. In the instrument, or instruments, of lease or sale, the Agency may include such other terms, conditions, and provisions as in its judgment will provide reasonable assurance of the priority of the obligations of the lease or sale and of conformance to the plan over any other obligations of the lessee or purchaser and also assurance of the financial and legal ability of the lessee or purchaser to carry out and conform to the plan and the terms and conditions of the lease or sale; also, such terms, conditions, and specifications concerning buildings, improvements, subleases, or tenancies, maintenance and management, and any other related matters as the Agency may reasonably impose or approve, including provisions whereby the obligations to carry out and conform to the project area plan shall run with the land. In the event that maximum rentals to be charged to tenants of housing be specified, provision may be made for periodic reconsideration of such rental bases, with a view to proposing modification of the project area plan with respect to such rentals.

(e) Until the Agency certifies that all building constructions and other physical improvements specified to be done and made by the purchaser of the area have been completed, the purchaser shall have no power to convey the area, or any part thereof, without the consent of the Agency; and no such consent shall be given unless the grantee or mortgagee of the purchaser obligates itself or himself by written instrument to the Agency to carry out that portion of the redevelopment plan which falls within the boundaries of the conveyed property, and also that the grantee, his or its heirs, representatives, successors, and assigns, shall have no right or power to convey, lease, or let the conveyed property or any part thereof or erect or use any building or structure erected thereon free from the obligation and requirement to conform to the approved project area redevelopment plan or approved modifications thereof.

(f) In lieu of the lease or sale of a project area as an entirety, the Agency shall have the power to lease or sell parts of such area separately to individuals, partnerships, or redevelopment companies. Any such sale or lease of a part or parts of a project area shall be fully subject to the provisions of subsections (c), (d), and (e) of this section.

(g) No lease or sale of any project area or portion thereof shall be made by the Agency to any public redevelopment company unless the terms of such lease or sale shall provide greater compensation to the Agency than any offer or combination of offers based on substantially the same area and substantially the same redevelopment plan which shall be received from any responsible private sources (eligible as purchasers or lessees under this act) within a reasonable announced period of time (not less than 30 days) after the public hearing on such proposed lease or sale. It is the intent of this provision that private enterprise as represented through a responsible private redevelopment company, individual, or partnership shall be given a preference over any public redevelopment company in such lease or sale provided such preference can be given, in the judgment of the Agency, consistently with the protection of the public interest and consistently with a purpose to resort to a public redevelopment company only in the event that private enterprise shall not reasonably be available for the development of the project area or the part thereof under consideration.

(h) The Agency may itself demolish any existing structure or clear the area or any part thereof, or may specify the demolition and clearance to be performed by a lessee or purchaser within a reasonable time after such lease or purchase. The Agency may specify a reasonable time schedule and reasonable conditions for the construction of buildings and other improvements by a lessee or purchaser: *Provided*, That any such time schedule or condition shall be specified prior to the offering of the area or part thereof for lease or sale, and shall be equally binding upon any purchaser or lessee, public or private. The cost of demolition or clearance made by the Agency pursuant to this subsection shall be treated as an item of cost of the acquisition of the area.

(i) In order to facilitate the lease or sale of a project area or, in the event that the lease or sale is of parts of an area, then to facilitate the leases or sales of such parts, the Agency shall have the power to include in the cost payable by it the cost of the construction of local streets and sidewalks within the area or of grading and other local public surface or subsurface facilities necessary for shaping the area as the site of the redevelopment of the area. The Agency may arrange with the appropriate Federal or District agencies for the reimbursement of such outlays from funds or assessments raised or levied for such purposes.

HOUSING FOR DISPLACED FAMILIES

SEC. 8. (a) Prior to approval by the District Commissioners, pursuant to subparagraph (2) of subsection 6 (b), of any redevelopment plan, the District Commissioners shall satisfy themselves (and shall so state at the public hearing required by such subparagraph) that decent, safe, and sanitary housing, substantially equal in quantity to the number of substandard dwelling units to be removed or demolished within the project area, under the proposed redevelopment plan, are available or will be provided (by construction pursuant to the redevelopment plan, or otherwise) in localities, and at rents or prices, within the reach of the low-income families displaced or to be displaced (temporarily or permanently), pursuant to the redevelopment plan, from the project area.

(b) Families displaced by slum clearance or redevelopment under this act shall be given preference as tenants to fill vacancies occurring in housing owned or operated within the District of Columbia by Federal or District of Columbia governmental agencies until appropriate housing is available to such families.

ACQUISITION OF PROPERTY FROM PROSPECTIVE LESSEE OR PURCHASER

SEC. 9. As an aid in the acquisition of the real property of a project area, the Agency may accept a fund or, at an agreed value, any parcel or parcels of property within such area, from any redevelopment company or partnership or individual, subject to a provision that in the event the supplier of any such fund or the conveyor of such property shall become the purchaser of the project area or any part or parts thereof such fund or the agreed value of such property shall be credited on the purchase price of such area or part thereof and if there be an excess above the cost of acquisition of the area such excess shall be returned, and that in the event that such supplier or conveyor does not become the purchaser of such area or any part thereof, the amount of the fund or the agreed value of such property (as the

case may be) shall be paid to such supplier or conveyor.

USE-VALUE APPRAISALS

SEC. 10. After the Agency shall have assembled and acquired the real property of a project area, it shall, as an aid to it in determining the rentals and other terms upon which it will lease or the price at which it will sell the area or parts thereof, place a use-value upon each piece or tract of land within the area which, in accordance with the plan, is to be used for private uses or for low-rent housing, such use-value to be based on the planned use; and, for the purpose of this use valuation, it shall cause a use-value appraisal to be made by two or more land-value experts employed by it for the purpose; but nothing contained in this section shall be construed as requiring the Agency to base its rentals or selling prices upon such appraisal.

The aggregate use value placed, for purposes of lease or sale, upon all land, within a particular project area, leased or sold by the Agency pursuant to this act shall be not less than one-third of the aggregate cost to the Agency of acquiring all such land (excluding the cost of old buildings destroyed and the demolition and clearance thereof).

PROTECTION OF REDEVELOPMENT PLAN

SEC. 11. (a) Previous to the execution and delivery by the Agency of a lease or conveyance to a redevelopment company or previous to the consent by the Agency to an assignment or conveyance by a lessee or purchaser to a redevelopment company, the articles or certificate of incorporation or association or charter or other basic instrument of such company shall contain provisions so defining, limiting, and regulating the exercise of the powers of the company that neither the company nor its stockholders, its officers, its directors, its members, its beneficiaries, its bondholders, or other creditors or other persons shall have any power to amend or to effect the amendment of the terms and conditions of the lease or the terms and conditions of the sale without the consent of the Agency or, in relation to the project area redevelopment plan, without the approval of any proposed modification in accordance with the provisions of section 12 of this act; and no action of stockholders, officers, directors, bondholders, creditors, partners or other persons, nor any reorganization, dissolution, receivership, consolidation, foreclosure, or any other change in the status or obligation of any redevelopment company, partnership, or individual in any litigation or proceeding in any Federal or other court shall effect any release or any impairment or modification of the lease or terms of sale or of the project area redevelopment plan unless such consent or approval be obtained.

(b) Redevelopment corporations may be organized under the provisions of subchapter 4 of chapter XVIII of the Code of Law for the District of Columbia approved March 3, 1901, as amended (title 29, ch. 2 of the District of Columbia Code, 1940 edition); and said corporations shall have the power to be redevelopment companies under this act and to acquire and hold real property for the purposes set forth in this act and to exercise all other powers granted to redevelopment companies in this act subject to the provisions, limitations, and obligations set forth in this act.

(c) A redevelopment company, individual, or partnership to which any project area or part thereof is leased or sold under this act shall keep books of account of its operations of or transactions relating to such area or part thereof entirely separate and distinct from its or his accounts of and for any other project area or part thereof or any other real property or enterprise; and no lien or other interest shall be placed upon any real property in said area to secure any indebtedness or obligation of the redevelopment company, individual, or partnership incurred for or in relation to any property or enterprise outside of said area.

MODIFICATIONS OF REDEVELOPMENT PLANS

SEC. 12. An approved project area redevelopment plan may be modified at any time or times: *Provided*, That any such modification as it may affect an area or part thereof which has been sold or leased shall not become effective without the consent in writing of the purchaser or lessee thereof: *Provided further*, That such modification may be effected only through adoption by the Planning Commission and subsequent submission to and approved by the District Commissioners, as hereinafter provided. Before approval, the District Commissioners shall hold a public hearing on the proposed modification, notice of the time and place of which shall be given by mail sent at least 10 days prior to the hearing to the then owners of the real properties in the project area and of the real properties immediately adjoining or across the street from the project area. The District Commissioners may refer back to the Planning Commission any project area redevelopment plan, project area boundaries, or modification submitted to it, together with their recommendation for changes in such plan, boundaries, or modification, and, if such recommended changes be adopted by the Planning Commission and be in turn approved by the District Commissioners, the plan, boundaries, or modification as thus changed shall be and become the approved plan, boundaries, or modification.

LIMITATION UPON TAX EXEMPTION

SEC. 13. Nothing contained in this act shall be construed to authorize or require the exemption of any real property from taxation. No real property acquired by the Agency under this act shall be exempt from taxation by reason of such acquisition or by reason of the holding thereof by the Agency; and, in the case of any piece of real property, which, under the project area redevelopment plan, is designated to be used for Federal or District or other tax-exempt uses, the exemption of such real property from taxation granted by or in the act entitled "An act to define the real property exempt from taxation in the District of Columbia (Public Law 846, 77th Cong.)," or other statute, shall not commence until title thereto shall have been transferred from the Agency to the United States or the District of Columbia or to a Federal or District public agency as provided in section 7 of this act or sold or leased to a public redevelopment company or other public corporation or tax-exempt agency and may thereby become exempt from taxation by reason of the provisions of statutes other than this present act; the intention being that ownership or operation by the Agency in the exercise of its power under this present act shall not, in and of itself, produce tax exemption.

ADMINISTRATIVE EXPENDITURE AND EMPLOYMENT

SEC. 14. The Agency is hereby authorized and empowered—

(a) to procure services or make any purchase without regard to the provisions of section 3709 of the Revised Statutes, provided the aggregate amount involved is not more than $100;

(b) to secure planning, land economics and valuation services, and other expert services related to the acquisition and disposition of real property, by contract or otherwise, at rates of pay or fees not to exceed those usual for similar services elsewhere, and without regard to the Classification Act of 1923, and to section 3709 of Revised Statutes, as amended: *Provided*, That this exemption shall not apply to persons employed by the Agency on a permanent basis;

(c) to appoint and employ such officers and employees as it may find necessary for the proper performance of its duties under this act and to prescribe their authorities, duties, responsibilities, and tenures and fix their compensations; such appointments and employments to be made in conformance with the civil-service laws and the Classification Act of 1923, as amended; and

(d) to make such expenditures, subject to audit under the general law, for the acquisition and maintenance of adequate vehicles, furnishings, equipment, supplies, books of reference, directories, periodicals, newspapers, printing and binding, and for such other expenses as may from time to time be found necessary for the proper administration of this act.

ANNUAL REPORT

SEC. 15. On or before the last day of September of each year the Agency shall make an annual report to Congress of its operations and expenditures for the immediately preceding fiscal year, said report to include a financial balance sheet of its entire operations hereunder, and a recital in such particularity as is feasible of what the Agency proposes to do during the next succeeding fiscal year. The Agency shall make such other and further reports, in such form and at such times as the Congress by concurrent resolution shall require.

APPROPRIATIONS AUTHORIZED

SEC. 16. (a) There is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, whatever amounts are necessary to the Planning Commission, in addition to other funds which may be appropriated to it or private funds made available to it (the acceptance of which is hereby authorized), for the making or modification of a general or comprehensive plan and the making or modification of project area redevelopment plans and for surveys as authorized in this act, and other administrative expenses in connection therewith. The Commission is also authorized to receive any grants that the Congress may appropriate for said purposes to the various States and municipalities and the District of Columbia.

(b) There is further authorized to be appropriated out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $20,000,000, which sum shall be placed to the credit of a special trust fund to be established for the purposes hereinafter set out. There shall be deposited in the Treasury of the United States and credited to said special trust fund all revenues, rentals, proceeds, and other funds received by the Agency. The said special trust fund is hereby made available to the Agency for the purpose of acquiring real property and performing any act required or authorized by this act. The Agency shall from time to time submit to the District Commissioners estimates of amounts for the reasonable and necessary expenses of the Agency, including personal services, and such amounts as may be approved by the District Commissioners shall be available from the said special trust fund for such expenses.

(c) As of the last day of the tenth fiscal year beginning after approval of this act, or as of such later date as may be fixed by the Congress, there shall be transferred and credited to miscellaneous receipts of the United States the balance in the said special trust fund after deducting (a) such amount as may be necessary for the completion of any approved project the acquisition of which has been begun and (b) such amount for operating expenses of the Agency for 1 year as may be approved by the District Commissioners. If the balance so transferred and credited be insufficient to reimburse the United States for appropriations made pursuant to paragraph (b) of this section, then an amount equal to 50 percent of the deficit shall be payable to the United States from

revenues of the District of Columbia in installments of equal amounts for each of 10 years. The District Commissioners shall include in their annual estimates of appropriations items for the payment of such installments. The aforesaid deficit shall be determined by deducting from the total of said appropriations an amount equal to (a) the fund transferred and credited to miscellaneous receipts of the United States, (b) the cost to the Agency of the real property owned by it on said date, and (c) the reserve for completion of approved projects. All subsequent proceeds, revenues, and rentals from said real property shall be credited to the said special trust fund, to be disposed of as the Congress may direct.

(d) In the event that, subsequent to the passage of this act, Congress enacts general legislation authorizing Federal assistance to localities for purposes of land assembly and preparation for redevelopment, any Federal agency allocating such assistance shall, in extending such assistance to the District of Columbia, take into consideration the assistance of similar nature authorized under this act, with a view to assuring that other localities may be equitably treated with respect to Federal aid for land assembly and preparation for redevelopment.

ACQUISITION UNDER DISTRICT OF COLUMBIA ALLEY DWELLING ACT

SEC. 17. From and after the termination of the period of 3 years, beginning with the date of the approval of this act, all authority granted by the act known as the District of Columbia Alley Dwelling Act, approved June 12, 1934, as amended, to acquire, by purchase, condemnation, or gift, lands, buildings, and structures, or any interest therein, is hereby transferred to and vested in the Agency created by this act. During said 3-year period said authority may be exercised by the National Capital Housing Authority only for projects that shall have been approved by the Planning Commission and the District Commissioners: *Provided, however,* That failure of the Planning Commission or the District Commissioners to approve or disapprove in writing within 60 days after the submission by the National Capital Housing Authority shall be equivalent to a formal approval. Nothing contained in said Alley Dwelling Act or in this act shall be interpreted as precluding the inclusion at any time of any alley or inhabited alley or alley dwelling or dwelling or square containing an inhabited alley in a project area to be planned, acquired, and disposed of under the provisions of this act. Any real property acquired by the Agency under the authority of the Alley Dwelling Act may be transferred or may be sold or leased by the Agency as provided in this act for real property acquired for a project area redevelopment. The National Capital Housing Authority is hereby declared to be a redevelopment company and is hereby granted the power to purchase or lease redevelopment areas or parts thereof from the Agency in accordance with the provisions of this act.

CRIMINAL PROVISIONS

SEC. 18. (a) On and after July 1, 1955, it shall be unlawful for any owner of such property to use or occupy, or to lease or rent, or permit occupancy of any alley building or alley structure as a dwelling in the District of Columbia.

(b) No alley dwelling shall be constructed in the District of Columbia, nor shall any building or structure be moved, altered, or converted for use as an alley dwelling.

(c) Any person violating any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not more than $500 or by imprisonment for not more than 6 months or both. Each week of 7 days of the continuance of any such violation shall constitute a separate offense.

ENCOURAGEMENT AND AID TO PRIVATE LENDING INSTITUTIONS

SEC. 19. (a) To provide for and to facilitate the improvement of housing and other improved real estate in the District of Columbia, Federal savings and loan associations of the District of Columbia and building associations and building and loan associations operating under the laws of the District of Columbia are authorized, notwithstanding any other provision of law, to make loans for the improvement of homes or other improved real estate in the District of Columbia without security: *Provided,* That no such loan without security shall be made in a sum in excess of $2,000.

(b) Any financial institution or other lending organization operating under the laws of the United States or the District of Columbia is authorized, notwithstanding any other law or regulation, to make loans to redevelopment corporations to finance the improvement of any project area as provided in this act.

EFFECT UPON EXISTING STATUTES

SEC. 20. (a) In the making and approval of project area redevelopment plans, the Planning Commission and the District Commissioners shall not be limited or bound by the provisions of sections 7-108, 7-117, 7-122, and 7-301 of the District of Columbia Code (1940 edition) (act of March 2, 1893, 27 Stat. 532, ch. 197, sec. 1; act of May 31, 1900, 31 Stat. 248, ch. 599, sec. 2; act of March 4, 1913, 37 Stat. 949, ch. 150; act of March 3, 1901, 31 Stat. 1429, ch. 854, sec. 1608, as amended) relating to width, location, and length of streets and highways. No department, instrumentality, agency, or official of the Federal Government or of the District of Columbia shall have any power to release or modify or depart from any feature or detail of any approved redevelopment plan or part thereof unless such release, modification, or departure be adopted by the Planning Commission and approved by the District Commissioners in accordance with the provisions of section 12 of this act or unless the modification or departure be approved by act of Congress.

(b) Any power granted the District Commissioners or any District or Federal agency by the District of Columbia Code or by any statute may, in addition to the purposes now specified, be exercised in furtherance of the protection or carrying out of any redevelopment plan or modification made and approved under this act.

SEPARABILITY OF PROVISIONS

SEC. 21. If any provisions of this act or the application thereof to any body, agency, situation, or circumstances be held invalid, the remainder of the act and the application of such provision to other bodies, agencies, situations, or circumstances shall not be affected thereby.

SEC. 22. This act shall take effect 90 days after the date of its approval.

With the following committee amendments:

Committee amendments: Page 5, beginning on line 14, strike out all of section (k) and insert:

"(k) 'Public low-rent housing' means low-rent housing constructed by a public agency for families of low income, at rentals which (including the value or cost to tenants of heat, light, water, and cooking fuel) shall not exceed one-fifth of the highest net family income of families eligible for tenancy in such housing, as herein provided. The dwellings in public low-rent housing shall be available solely for such families of low income whose net family income does not exceed the maximum net family income falling within the lowest 20 percent by number of all family incomes in the District of Columbia, as such maximum net family income shall have been determined, or from time to time redetermined after public hearing, by the District Commissioners. At the end of 1 year after the enactment of this act this definition shall be reexamined by the Commissioners for the District of Columbia and a public hearing shall be held thereon to determine whether administrative or interpretive difficulties or unsatisfactory progress in the provision of low-rent housing requires a modification thereof. Upon the conclusion of such hearing the Commissioners shall forthwith make recommendations to Congress whether said definition should be modified and, if so, to what extent."

Page 15, line 16, strike out "Attorney General" and insert "Chief Justice of the District Court of the United States for the District of Columbia."

Page 30, line 22, strike out "3 years" and insert "1 year."

Page 31, line 3, strike out "3-year" and insert "1-year."

Page 31, line 25, after the period insert the following: "The National Capital Housing Authority shall keep regular books of account in accordance with standard auditing practices, covering all properties operated by it, showing detailed construction costs, management costs, repairs, maintenance, other operating costs, rents, subsidies, grants, allowances, and exemptions; such books shall be subject to annual audit by the General Accounting Office, and the annual report of the National Capital Housing Authority shall include a summary of all transactions covered by such books and shall be made available to the public upon request."

Page 2, strike out all of lines 10 to 22, inclusive, and insert the following:

"AMENDMENT TO DISTRICT OF COLUMBIA ALLEY DWELLING ACT

"SEC. 18. (a) Section 4 (b) of the act known as the 'District of Columbia Alley Dwelling Act,' approved June 12, 1934, as amended, is further amended to read as follows:

"'(b) On and after July 1, 1955, it shall be unlawful to use or occupy any alley building or structure as a dwelling in the District of Columbia.'

"(b) Section 6 of such act, as amended, is further amended by striking out '1947' and inserting in lieu thereof '1955.'"

Page 34, line 1, after the period insert the following: "Any life-insurance company organized under the laws of the District or formed or organized under an act of Congress is authorized, notwithstanding any other provision of law, to make loans or advances for the purpose of making repairs, alterations, additions, or improvements to homes or other buildings on improved real estate upon which it then holds a first lien to secure a loan previously made, without additional security: *Provided,* That no such loan or advance shall be made in a sum in excess of $2,000: *And provided further,* That the amount of such loan or advance when added to the balance due on the original indebtedness shall not exceed the amount originally secured by the first lien."

The committee amendments were agreed to.

Mr. RICH. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: On page 30, strike out lines 9 to 18, inclusive.

Mr. HEALY. Mr. Speaker, the committee has no objection to this amendment.

The amendment was agreed to.

Mr. VURSELL. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I noted in the press recently that President Truman told the

National Youth Conference at the White House yesterday that the United States had furnished to date 417,000,000 bushels of food grains to famine relief in foreign countries.

He said it would require much food supplies and aid for the next 2 or 3 years before the job was finished.

Mr. Speaker, as a member of the Republican Food Study Committee for the past 3 years, we have pointed out to the administration in power that more machinery should be turned over to the farmers so that the production of farm products could be increased to take care of the famine areas at the end of the war. We have insisted for 3 years that the War Production Board give priority for the manufacture of farm machinery. Not until July 1 of this year, after 4 years of our pleading, did they place farm machinery on the priority list.

Obviously, this will get very little machinery during the remainder of the year because it takes time to get the materials worked into the finished product.

Mr. Speaker, I want to point out, however, that while our farmers have the know-how to use farm machinery and the ability to get from it the greatest production of food of any people in the world, they have been handicapped by a lack of it. But the matter I want to point out is that during 1945, $163,569,902 worth of farm machinery was shipped abroad of which more than $132,000,000 was in tractors.

I understand that the Civilian Production Administration has ordered 7½ percent of all tractors made in America set aside for exportation to Russia and her satellite nations and that they have directed the exportation of 14,500 tractors to Europe within the next 6 months. Unfortunately, instead of these tractors being exported to wheat countries like Australia, Canada, Brazil, and others, where they can use them, they are going to the rocky and barren countries like Greece, Albania, Czechoslovakia, and Poland. They are going to countries where they cannot be used to any advantage because most of the farms in those countries consist of from 1 to 5 to 10 acres. What they need over there are Missouri mules and horses instead of these fine motor-driven tractors which really are a waste on the part of this country.

Mr. Speaker, the disturbing news comes also that about one-third of these tractors are to be delivered to countries that lie behind the iron curtain and which are controlled by Russia. On the other hand press reports indicate that Russia has made a deal to furnish tractors to Argentina in return for other products. Yet we ship and practically give tractors to these countries which cannot use them which are controlled by Russia. Of course, they are taken from these nations back into the breadbasket country of Russia for use.

To show you that Poland does not know how to use tractors and does not need them, may I point out that during the past 5 years Poland only bought 25 American tractors, Yugoslavia 7, and Albania 1. Yet, today, big-hearted Uncle Sam, or rather the administration representing Uncle Sam which has shipped millions of bushels of wheat to these countries overseas, gives our tractors away while our farmers here who know how to use tractors and need them cannot get them in sufficient quantities, or even enough repairs for such machinery as they may now have. Yet, we ship the tractors we need here by the thousands to those countries over there. Someone may say that they are not given, they are purchased by UNRRA. My answer to that is that of the nations which have put the money in the pool to buy everything that UNRRA buys, the United States has furnished 72 percent and is still giving under UNRRA 72 American dollars of every hundred that is used in purchasing any materials from the United States or any other country.

Mr. Speaker, I hope the administration, which controls the Civilian Production Board, will stop the waste of the people's money by giving these tractors to the countries that cannot use them. We have given them the wheat through UNRRA. In the name of common sense if we must give them the wheat and food stuffs, certainly we should not give away the tractors and farm machinery with which we must produce such grains and foods.

May I point out that weeks ago, before OPA restrictions were lifted and the people of this country could not get meat, that under the direction of the Administration 100,000,000 pounds of the choicest pork cuts were being canned in this country for shipment to Russia through UNRRA. Assuming these choicest cuts were worth 50 cents a pound there, you have $50,000,000 worth of pork being sent to Russia, a nation which has admittedly shown the most unfriendly spirit toward our country and which doubtless is using this food, in part, to extend its political control by subjugating and extending its control over smaller bordering nations.

I understand that meat is being canned according to a recipe provided by the Russian Government. In this connection, may I point out that I received a letter yesterday from an influential citizen of Clinton County, in my district in Illinois, who confirms this statement, and I quote from his letter, as follows:

> On Tuesday of this week I was in St. Louis and had an order from one of our local meat markets to pick up a ham from one of the St. Louis packing houses. I was told there is no ham available, and the party with whom I talked showed me several large portable vats containing choice cuts of pork which he said is being packed for Russia.

He said further:

> Of all the nations in the world, this country is packing choice pork for Russia in spite of the fact that the American people have been clamoring for meat.

Mr. Speaker, no doubt this meat and food is being used for the sole purpose of spreading communism over the nations of Europe which are in urgent need of food. I urge that a committee be empowered to investigate this matter and make a report to the Members of the House at the earliest possible date.

Mr. BUCK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BUCK: On page 29, line 20, after "to" strike out "50 percent of."

Mr. BUCK. Mr. Speaker, we are told that this is supposed to be a self-liquidating project. It is not genuinely intended to be self-liquidating when it contains provision that the real estate may be sold at a third of its value. It seems to me there is very little inducement here to the men administering the project to buy reasonably and to sell advantageously. On the other hand, if my amendment is adopted, what would otherwise be cost to the United States Government will be distributed over a period of 10 years to the District of Columbia instead, thereby relieving the Federal Government of this cost and not assessing the rest of the country for improvements to the District of Columbia. I hope my amendment will be approved.

Mr. DIRKSEN. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I trust that the amendment just offered will not be adopted. We hope this will be self-liquidating. We hope that in the acquisition of land in the assembling of these blanket areas that finally can be sold to redevelopment corporations it can be developed to the point where the money will be finally returned to the trust fund and at the end of the 10-year period all of the $20,000,000 will be reimbursed into the miscellaneous receipts of the Treasury. But we do not know for sure whether that will be the case. If it is not the case, and there is some little deficit, the bill provides that the deficit shall be shared by the District of Columbia and the United States. I sincerely hope, in view of the fact this matter has been so carefully projected in the hope it will be self-liquidating but not being sure that it will be, that the original language in the bill will not be disturbed by the amendment. I hope the amendment will be voted down.

The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. BUCK].

The question was taken; and on a division (demanded by Mr. BUCK) there were—ayes 8, noes 27.

Mr. BUCK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 114, nays 153, not voting 163, as follows:

[Roll No. 230]

YEAS—114

Abernethy	Brehm	Crosser
Allen, Ill.	Brown, Ohio	Cunningham
Allen, La.	Buck	Curtis
Andersen, H. Carl	Buffett	Dolliver
Andresen, August H.	Butler	Dondero
Arnold	Cannon, Mo.	Doughton, N. C.
Barden	Carlson	Dworshak
Barrett, Wyo.	Case, S. Dak.	Elliott
Bell	Chiperfield	Ellis
Bennett, Mo.	Church	Ellsworth
Bolton	Clason	Elsaesser
	Cole, Mo.	Elston
	Colmer	Fellows

Fisher	Latham	Rodgers, Pa.
Gamble	Lea	Roe, Md.
Gavin	LeCompte	Schwabe, Mo.
Gibson	Lewis	Schwabe, Okla.
Gifford	McGregor	Scrivner
Goodwin	Martin, Iowa	Sharp
Gwynne, Iowa.	Mason	Smith, Ohio
Hall, Edwin Arthur	Miller, Nebr.	Smith, Wis.
	Mills	Stevenson
Hancock	Murray, Tenn.	Taber
Harris	Murray, Wis.	Talle
Henry	Norblad	Tarver
Hess	Norrell	Taylor
Hobbs	Phillips	Tibbott
Hoeven	Pickett	Towe
Holmes, Mass.	Pittenger	Wadsworth
Hope	Plumley	Wasielewski
Horan	Poage	Welchel
Jenkins	Price, Fla.	Whitten
Jennings	Rankin	Whittington
Jensen	Reed, N. Y.	Winstead
Johnson, Ill.	Rees, Kans.	Winter
Jones	Rich	Wolcott
Jonkman	Rizley	Woodruff
Kearney	Robertson, N. Dak.	Zimmerman
Knutson		
Lanham	Robsion, Ky.	

NAYS—153

Andrews, Ala.	Grant, Ala.	O'Brien, Ill.
Angell	Grant, Ind.	O'Brien, Mich.
Arends	Gregory	O'Hara
Auchincloss	Griffiths	O'Neal
Bailey	Gross	Outland
Bates, Mass.	Hagen	Pace
Bishop	Harness, Ind.	Patman
Blackney	Havenner	Patterson
Bland	Hays	Peterson, Fla.
Bloom	Healy	Pratt
Bonner	Hedrick	Price, Ill.
Brooks	Herter	Rabaut
Brown, Ga.	Heselton	Rains
Buchanan	Hinshaw	Ramey
Byrne, N. Y.	Howell	Reed, Ill.
Byrnes, Wis.	Huber	Resa
Camp	Hull	Richards
Carnahan	Jarman	Riley
Case, N. J.	Johnson, Calif.	Robertson, Va.
Chapman	Johnson, Ind.	Rogers, Fla.
Chelf	Judd	Rogers, Mass.
Clements	Kee	Rogers, N. Y.
D'Alesandro	Keefe	Rowan
Davis	Kelley, Pa.	Ryter
D'Ewart	Kelly, Ill.	Sadowski
Dirksen	King	Sasecer
Domengeaux	Kinzer	Savage
Douglas, Calif.	Kirwan	Shafer
Douglas, Ill.	Kopplemann	Sheppard
Eberharter	Kunkel	Sikes
Engle, Calif.	Landis	Simpson, Ill.
Ervin	Lane	Smith, Maine
Fallon	Larcade	Smith, Va.
Feighan	LeFevre	Spence
Fenton	Lemke	Springer
Fernandez	Lesinski	Starkey
Flannagan	Link	Stefan
Fogarty	Lyle	Sullivan
Folger	McConnell	Sumners, Tex.
Forand	McCormack	Thom
Fulton	McCowen	Thomas, Tex.
Gardner	McDonough	Thomason
Gathings	Madden	Trimble
Gearhart	Manasco	Voorhis, Calif.
Geelan	Martin, Mass.	Vorys, Ohio
Gillette	Mathews	Vursell
Gillie	May	Walter
Gore	Michener	Weaver
Gorski	Monroney	Wilson
Graham	Murdock	Wolverton, N. J.
Granger	Neely	Woodhouse

NOT VOTING—163

Adams	Campbell	De Lacy
Almond	Canfield	Delaney, James J.
Anderson, Calif.	Cannon, Fla.	
Andrews, N. Y.	Celler	Delaney, John J.
Baldwin, Md.	Chenoweth	
Baldwin, N. Y.	Clark	Dingell
Barrett, Pa.	Clevenger	Doyle
Barry	Clippinger	Drewry
Bates, Ky.	Cochran	Durham
Beall	Coffee	Earthman
Beckworth	Cole, Kans.	Eaton
Bender	Cole, N. Y.	Engel, Mich.
Bennet, N. Y.	Combs	Flood
Biemiller	Cooley	Fuller
Boren	Cooper	Gallagher
Boykin	Corbett	Gary
Bradley, Mich.	Courtney	Gerlach
Bradley, Pa.	Cox	Gillespie
Brumbaugh	Cravens	Gordon
Bryson	Crawford	Gossett
Buckley	Curley	Granahan
Bulwinkle	Daughton, Va.	Green
Bunker	Dawson	Gwinn, N. Y.
Hale	Lynch	Rivers
Hall, Leonard W.	McGehee	Robinson, Utah
	McGlinchey	Rockwell
Halleck	McKenzie	Roe, N. Y.
Hand	McMillan, S. C.	Rooney
Hare	McMillen, Ill.	Russell
Harless, Ariz.	Mahon	Sabath
Hart	Maloney	Sheridan
Hartley	Mankin	Short
Hébert	Mansfield, Mont.	Simpson, Pa.
Heffernan		Slaughter
Hendricks	Mansfield, Tex.	Somers, N. Y.
Hill	Marcantonio	Sparkman
Hoch	Merrow	Stewart
Hoffman, Mich.	Miller, Calif.	Stigler
Hoffman, Pa.	Morgan	Stockman
Holifield	Morrison	Sumner, Ill.
Holmes, Wash.	Mundt	Sundstrom
Hook	Norton	Talbot
Izac	O'Konski	Thomas, N. J.
Jackson	O'Toole	Tolan
Johnson, Okla.	Patrick	Torrens
Johnson, Tex.	Peterson, Ga.	Traynor
Kean	Pfeifer	Vinson
Kefauver	Philbin	Welch
Keogh	Ploeser	West
Kerr	Powell	White
Kilburn	Priest	Wickersham
Kilday	Quinn, N. Y.	Wigglesworth
Klein	Rabin	Wolfenden, Pa.
LaFollette	Randolph	Wood
Luce	Rayfiel	Worley
Ludlow	Reece, Tenn.	

So the amendment was rejected.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. Hart with Mr. Short.

Mr. Sparkman with Mr. Simpson of Pennsylvania.

Mr. Dingell with Mr. Ploeser.

Mr. Vinson with Mr. Talbot.

Mr. Keogh with Mr. Stockman.

Mr. Izac with Mr. Thomas of New Jersey.

Mr. Boykin with Mr. Holmes of Washington.

Mr. Sheridan with Mr. Fuller.

Mrs. Norton with Mr. Hoffman of Michigan.

Mr. Roe of New York with Mr. Eaton.

Mr. Barrett of Pennsylvania with Mr. Hill.

Mr. Mansfield of Montana with Mr. Cole of Kansas.

Mr. Wood with Mr. Hartley.

Mr. Pfeifer with Mr. Clevenger.

Mr. Lynch with Mr. Brumbaugh.

Mr. McGlinchey with Mr. Adams.

Mr. Rooney with Mr. Bradley of Michigan.

Mr. Priest with Mr. Anderson of California.

Mr. Celler with Mr. Bender.

Mr. Almond with Mr. Halleck.

Mr. Powell with Mr. Gillespie.

Mr. Granahan with Mr. Engel of Michigan.

Mr. John J. Delaney with Mr. Mundt.

Mr. Heffernan with Mr. Kilburn.

Mr. Kefauver with Mr. Canfield.

Mr. Bradley of Pennsylvania with Mr. Reece of Tennessee.

Mr. Green with Mr. Leonard W. Hall.

Mr. Quinn of New York with Mr. Clippinger.

Mr. Wickersham with Mr. Bennet of New York.

Mr. O'Toole with Mr. Corbett.

Mr. Flood with Mr. Merrow.

Mr. Rabin with Mr Cole of New York.

Mr. Hébert with Mr. McMillen of Illinois.

Mr. Barry with Mr. Chenoweth.

Mr. Morrison with Mr. Rockwell.

Mr. Somers of New York with Mr. Crawford.

Mr. Doyle with Mr. Wigglesworth.

Mr. Randolph with Mr. Gerlach.

Mr. Hook with Mr. Welch.

Mr. Buckley with Mr. Gwinn of New York.

Mr. Rayfiel with Mr. Campbell.

Mr. Johnson of Texas with Mr. Wolfenden of Pennsylvania.

Mr. Klein with Mr. Hand.

Mr. James J. Delaney with Miss Sumner of Illinois.

Mr. Cooper with Mrs. Luce.

Mr. Jackson with Mr. Hale.

Mr. De Lacy with Mr. Kean.

Mr. Gordon with Mr. Hoffman of Pennsylvania.

Mr. Miller of California with Mr. O'Konski.

Mr. BLAND, Mr. THOM, and Mr. GEARHART changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. SMITH of Ohio) there were—ayes 115, noes 9.

So the bill was passed.

A motion to reconsider was laid on the table.

BILLIONS FOR BRITAIN—NONE FOR AMPUTEES

Mr. HOFFMAN of Michigan. Mr. Speaker, Tuesday there came to the Capitol a group of fine-looking, intelligent young Americans, every one mentally alert, in fine physical condition except that every one of them had in the service of his country lost a limb or a part of a limb. And what were they here for?

They were here asking that the Federal Government, which has spent hundreds of billions of dollars upon schemes conceived by the fuzzy-brained New Dealers, aid them in procuring especially equipped vehicles which would enable them to get to and from their homes and the jobs which they either had secured or had prospects of securing, thus rendering the task of supporting themselves and their dependents more certain.

It is strange indeed that it should be necessary for any group of young Americans who had sacrificed so much to come to Washington on a mission so meritorious. There has been no organized newspaper propaganda spent to further the legislation for which they were asking. The internationalists and one-worlders do not seem interested.

Britain, prior to and during the last war, spent some $12,000,000 convincing Americans they should fight that war and, after it was over, give her other billions in order to establish world trade from which she was the principal beneficiary.

No one knows how many millions or billions were spent prior to, during, and subsequent to this war to extract other billions of dollars from the American taxpayer and divert it into channels which we are told promote foreign trade.

"Foreign trade" are wonderful words and, so far as the average citizen can see, foreign trade means dollars and millions of dollars for a few engaged in commercial enterprise. It means more postwar millionaires.

There is naturally and rightly a great deal of sympathy for these young men who are suffering handicaps because of sacrifices made in the service of our country and it is more than passing strange that those who were so intent upon propagandizing us into the war failed prior to the war to count the cost, if the cost of such a war can be counted, and to make provision for the Americans who were certain to be ruined by it, or whose chances of success have been

lessened by the sacrifices they made to win it.

Billions for Britain; billions for Russia; billions for France and China—for every nation and every cause that may be suggested by the internationalists—but a strange lassitude and inaction when it comes to taking care of Americans here at home who were so fortunate as to return; who were so unfortunate as to have left behind in foreign lands a limb or a part of a limb, the loss of which prevents them from competing with the rest of us upon an equal footing.

It is my hope that the internationalists and the "one world" advocates who always remind us we are dependent upon Britain; who are always telling us that England is our first line of defense; who always insist that without England we as a Nation would be wiped out, turn their attention, now that the real fighting is over, just for a moment from their international schemes and do justice to these young men whose representatives appeared here yesterday, and to the other young men and women who served us so faithfully, so courageously, and at such tremendous sacrifice in the war which saved the British Empire from destruction.

War was the goal of the internationalists. They have had it. Now let them come forth and assist in passing legislation which will, in part at least but in very small part, meet the needs of those who assisted in winning that war.

I was one of those who had faith in America and in her ability to defend herself and her institutions from any enemy, from any combination of enemies. I am one of those who today believe that the interests of America and her people should be given first consideration and, had I my way, I would have our country first take care of every unfortunate, needy American before alining ourselves with the group which in the Old World is playing power politics; establishing once more a balance-of-power alinement.

The gift of approximately $4,000,000,000 to Great Britain means either that we take our place by her side as her ally, join her in every quarrel and every war in which she may become involved or that, if we intend to hold ourselves out as fair and impartial, we give proportionate sums to Russia, France, China—to every other country which may be persuaded to ask us for aid. Either course means a surrender of a part of our sovereignty, a loss of our freedom; of national independence and action; a partnership and military alliance with the British Empire; committed to follow her in all her imperialistic policies or if she so decides, give support to her socialistic schemes.

Why not retain our own form of government; our own independence in international affairs; keep ourselves invincible; maintain ourselves in a position where as the most powerful Nation we can determine the course of world events by our ability to decide world issues which concern us by calling the attention of would-be aggressor nations to our power.

Here at home let us first take care of our own and, when caring for our own, let us first give consideration to those young men and young women who have returned either with mind affected or physically handicapped.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Koerber, its assistant enrolling clerk, announced that the Senate insists upon its amendments to the joint resolution (H. J. Res. 305) entitled "Joint resolution providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MURRAY, Mr. TUNNELL, and Mr. BRIDGES to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1717) entitled "An act for the development and control of atomic energy," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCMAHON, Mr. JOHNSON of Colorado, Mr. RUSSELL, Mr. VANDENBERG, and Mr. AUSTIN to be the conferees on the part of the Senate.

ATOMIC ENERGY ACT OF 1946

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1717) for the development and control of atomic energy, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. MAY, THOMASON, BROOKS, CLASON, and THOMAS of New Jersey.

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA

Mr. HEALY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (S. 2142) to provide for two heads of departments of military science and tactics in the public schools of the District of Columbia, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Board of Education is hereby authorized to establish in the public schools of the District of Columbia two positions, each with a title "head of department of military science and tactics." Persons shall be appointed or promoted to such positions in accordance with the provisions of the District of Columbia Teachers' Salary Act of 1945, as amended, and shall be entitled to receive salaries at the same rate as heads of departments assigned to salary class 17 of the salary schedules set forth in title I of said act.

SEC. 2. That the act entitled "An act to provide for the payment of a military instructor for the high-school cadets of Washington, District of Columbia," approved June 4, 1935, is hereby repealed.

Mr. HEALY. Mr. Speaker, at the present time instruction in the high schools of the District of Columbia in military science is being given by teachers in the high-school system. In the colored schools as well as in the white schools one teacher is acting as head of the department of military science and receiving no additional pay therefor. This bill provides for the establishment of a department of military science and tactics in the high schools and creates two positions, each with the title of head of that department. This would mean that the teacher, who is given the responsibility for formulating and directing the program, would receive compensation comparable to that received by heads of other departments in the school system.

The bill meets with the approval of the local board of education as well as the District Commissioners. The Committee on the District of Columbia unanimously recommends its adoption.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. HEALY. I yield.

Mr. O'HARA. Is there anything compulsory about the military training?

Mr. HEALY. This does not change the features of the military-training program in the high schools. It merely provides for the creation of a Department of Military Science and two department heads.

Mr. O'HARA. Is the military training optional with the students?

Mr. HEALY. That is left the way it is now. I am not acquainted with whether it is optional or compulsory.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCREASING SALARIES OF EMPLOYEES OF BOARD OF EDUCATION

Mr. HEALY. Mr. Speaker, I call up the bill (S. 2352) to authorize increases in the salary rates of teachers, school officers, and other employees of the Board of Education of the District of Columbia whose pay is fixed and regulated by the District of Columbia Teachers' Salary Act of 1945, as amended, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the fiscal year commencing July 1, 1946, all employees of the Board of Education whose salaries are fixed and regulated by the District of Columbia Teachers' Salary Act of 1945, as amended, except the Superintendent of Schools, shall receive, in addition to the compensation already provided for under such act, as amended, additional compensation at the rate of $450 per annum.

SEC. 2. There is authorized to be appropriated, out of any moneys in the Treasury of the United States to the credit of the District of Columbia not otherwise appropropriated, such sums as may be necessary

to carry out the purposes of this act, and any appropriations for the public schools of the District of Columbia for personal services are hereby made available for the payment of the increased salaries authorized by this act.

SEC. 3. The Board of Education is hereby directed to make a study of the pay scales and classifications of the employees of the said Board whose salaries are fixed and determined by this District of Columbia Teachers' Salary Act of 1945, as amended, for the purpose of determining what salary and classification adjustments, if any, may be necessary or desirable, and to make a report, including its findings and recommendations, to the respective chairmen of the Senate and House District Committees not later than February 1, 1947.

SEC. 4. This act shall take effect as of July 1, 1946.

Mr. DIRKSEN. Mr. Speaker, will the gentleman from California briefly explain the bill?

Mr. HEALY. Mr. Speaker, Members of the House will recall that in recent months we have passed bills providing for increases in pay for the employees of the postal department of the United States as well as a 14-percent increase for all other Federal workers. This bill is to provide for a flat $450 annual increase for all employees of the Department of Education in the District of Columbia. The amount of the increase is in line with the increases granted to all other Federal employees.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RETIREMENT OF PUBLIC-SCHOOL TEACHERS IN THE DISTRICT OF COLUMBIA

Mr. HEALY. Mr. Speaker, I call up the bill (H. R. 5756) for the retirement of public-school teachers in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That beginning as of the 1st day of September following the effective day of this act, there shall be deducted and withheld from the annual salary of every teacher in the public schools of the District of Columbia an annual amount computed to the nearest tenth of a dollar equal to 5 percent of the teacher's annual salary. The Commissioners of the District of Columbia shall cause to be filed with the Board of Education on September 10 of each year a certificate showing the amount of deduction to be made from the salary of each teacher during the year, said deduction to be made in equal amounts, one to be deducted for each school month. A similar certificate shall be filed not later than the 15th day of each calendar month to cover cases of new entrants. No deduction shall be made from less than an entire month's salary. The amounts deducted and withheld from the annual salary of each teacher, including amounts so deducted and withheld prior to the effective date of this act under the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920 (41 Stat. 387), as amended, shall be credited to an individual account of the teacher from whose salary the deduction is made, together with interest at 4 percent per annum, compounded annually up to the effective date of this act and thereafter at 3 percent per annum, compounded annually from June 30 of the year in which the deductions are made. These individual interest-bearing accounts shall be kept by the Auditor of the District of Columbia.

Any teacher may at his option and under such regulations as may be prescribed by the Commissioners of the District of Columbia deposit with the Collector of Taxes, District of Columbia, additional sums in multiples of $25 but not to exceed 10 percent per annum of his annual salary, pay, or compensation, for services rendered since March 1, 1920, which amount together with interest thereon at 3 percent per annum compounded as of June 30 of each year, shall, at the date of his retirement, be available to purchase an annuity as he shall elect in accordance with such rules and regulations as may be prescribed by the Commissioners of the District of Columbia, in addition to the annuity provided by this act; the purchase price of such annuity shall be based upon an interest rate of 3 percent per annum compounded annually and upon such table of mortality as shall from time to time be prescribed by the Commissioners of the District of Columbia. In the event of death or separation from the service of such teacher before becoming eligible for retirement on annuity, the amounts so deposited with interest at 3 percent compounded annually from June 30 of the year in which the deposits are made shall be refunded in accordance with the provisions of sections 9 and 10, respectively, of this act. A separate individual account shall be kept by the Auditor of the District of Columbia with respect to the voluntary deposits and interest of each teacher.

SEC. 2. The amounts so deducted and withheld from the annual salary of every teacher, and the amounts of additional voluntary deposits, shall be deposited in the Treasury of the United States to the credit of the teachers' retirement and annuity fund. As of the effective date of this act, there shall be transferred and credited to such fund the balances of funds held for the retirement of teachers under the provisions of sections 2 and 7 of the act of January 15, 1920, as amended. The fund thus created shall be held and invested by the Secretary of the Treasury until paid out as hereinafter provided, and the income derived from such investments shall constitute a part of said fund for the purpose of carrying out the provisions of this act. Separate accounts shall be maintained by the Treasury with respect to (1) the regular operations of the retirement system, exclusive of those incident to the voluntary deposits; and (2) the voluntary deposits and the supplementary annuities and refunds resulting from such deposits.

SEC. 3. (a) Any teacher to whom this act applies who shall have attained or shall hereafter attain the age of 60 years and has rendered at least 30 years of service computed as prescribed in section 8 of this act, or shall hereafter attain the age of 62 years and has rendered at least 15 years of service computed as prescribed in section 8 of this act, may voluntarily retire and shall be eligible for retirement on an annuity computed as provided in section 5 of this act.

(b) Any teacher to whom this act applies who shall have attained or shall hereafter attain the age of 55 years and has rendered at least 30 years of service computed as prescribed in section 8 of this act, may voluntarily retire and shall be paid an immediate life annuity beginning on the first day of the month following the date of separation from the service having a value equal to the present worth of a deferred annuity at the age of 60 years computed as prescribed in section 5 of this act.

(c) Any teacher who shall have attained or shall hereafter attain the age of 62 years and is eligible for retirement under the provisions of this act, may be retired by the Board of Education upon written recommendation of the Superintendent of Schools. Any teacher who shall have attained, or shall hereafter attain the age of 70 years shall be retired unless upon written recommendation of the Superintendent of Schools two-thirds of the members of the Board of Education vote to retain such teacher in the public schools for the good of the service. No sum shall be paid to any teacher upon his retirement unless he shall have been employed as a teacher on active duty in the public schools of the District of Columbia for a total period of not less than 10 years.

SEC. 4. Any teacher to whom this act applies who shall have served on active duty in the public schools of the District of Columbia for a total period of not less than 10 years, and who, before becoming eligible for retirement under the conditions defined in the preceding sections hereof, becomes physically or mentally disabled and incapable of satisfactorily performing the duties of his position, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the teacher, shall upon his own application or upon order of the Board of Education as provided later in this section be retired on an annuity computed in accordance with the provisions of sections 5 and 6 hereof: *Provided,* That proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than 5 years next prior to becoming so disabled for useful and efficient service shall not be required in any case. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within 6 months thereafter. No teacher shall be retired under the provisions of this section unless examined under the direction of the Health Officer of the District of Columbia, and as a result of said examination, in his judgment, or in the judgment of the Superintendent of Schools concurred in by two-thirds of the members of the Board of Education, shall have been found to be physically or mentally incapacitated for efficient service.

Every annuitant retired under the provisions of this section, unless the disability for which retired be permanent in character, shall at the expiration of 1 year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 3 hereof, be examined under the direction of the Health Officer of the District of Columbia in order to ascertain the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching retirement age and be restored to an earning capacity which would permit him in the discretion of the Superintendent of Schools and the Board of Education to be reappointed as a teacher in the public schools of the District of Columbia or permit him to secure some other appropriate position, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding 1 year from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examination as required under this section payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. Upon written recommendation of the Superintendent of Schools the Board of Education may order or direct at any time such medical or other examination as it shall deem necessary to determine the facts relative to the nature and degree of disability of any teacher retired on an annuity under this section.

In all cases where the annuity is discontinued under the provisions of this section,

the annuity payments made under (1) of section 5 hereof shall be charged against his individual account and, unless he shall become reemployed in a position under the purview of this act, he shall be considered as having been separated from the service for other than retirement purposes and entitled to the benefits of section 9 hereof: *Provided, however,* That if such teacher were also receiving an annuity because of voluntary deposits made under the provisions of section 1 hereof, such annuity may be continued or, at the option of the teacher, the actuarial reserve value of such annuity may be withdrawn in cash unless the teacher is reemployed in a position within the purview of this act, in which case the amount of such reserve value shall be treated as a voluntary deposit under the provisions of section 1 hereof.

SEC. 5. That following the effective date of this act every teacher who shall be retired under the provisions of section 3 or section 4 of this act shall receive an annuity composed of (1) a sum equal to 1 percent of his average annual salary received during any five consecutive years of allowable service in the public schools of the District of Columbia, at the option of the teacher, for each year of his whole term of service; and (2) an additional sum of $15 for each year of his whole term of service, not exceeding 40. The total annuity shall be fixed at the nearest multiple of 12 cents, and shall be payable monthly. Annuities payable to any retired teacher who has become eligible for retirement because of age as defined in section 3 of this act shall be payable during the lifetime of the annuitant. Annuities payable to any teacher retired on account of disability shall be subject to the conditions set forth under section 4 of this act.

Any teacher retiring under the provisions of this act may, at the time of his retirement, elect one of the following options: (1) He may elect to receive in lieu of the life annuity described herein a reduced annuity of equivalent value providing that, in the event the annuitant shall die without having received in annuities purchased by his contributions accumulated with interest to the date of his retirement an aggregate sum equal to the total amount to his credit at time of retirement, the difference shall be paid in accordance with the provisions of section 10 of this act; or (2) he may elect to receive in lieu of the life annuity as described herein a reduced annuity of equivalent value providing for a life-insurance benefit payable in a lump sum at the time of the annuitant's death. The face amount of such life insurance may be in any amount which the retiring teacher shall designate at the time of retirement but shall not exceed his contributions accumulated with interest to the date of retirement. Payment of such insurance shall be made in accordance with the provisions of section 10 of this act. Any annuitant who elects to receive the reduced annuity with fixed life-insurance benefits may reconvert the value of the life insurance to an additional annuity of equivalent value on any anniversary of the retirement date of said annuitant prior to reaching age 70.

SEC. 6. That in calculating, as provided in section 5, the second part of the annuity of a teacher retired under the provisions of section 4 of this act, a minimum credit of 20 years shall be used in determining the sum allowable to a teacher with less than 20 years of service: *Provided,* That such minimum credit shall not exceed the total number of years of service which the teacher might have served if continuously employed as a teacher in the public schools of the District of Columbia to age 60.

SEC. 7. The amount of each year's appropriation shall be calculated, on an actuarial basis, as a level percentage of the pay roll of all participants which shall be adequate to cover the liability normally accrued plus a further level amount computed to be sufficient to liquidate the unfunded accrued liability within a period of approximately 20 years after the effective date of this act.

SEC. 8. The whole term of service which forms the basis for determining the amount of the annuity provided in section 5 of this act shall be computed from the date of original employment as a teacher, other than temporary, in the public schools of the District of Columbia. In computing the length of service of retiring teachers credit may be given, year for year, for (a) public-school service or its equivalent outside of the District of Columbia but not to exceed 10 years; (b) continuous temporary service in the public schools of the District of Columbia immediately prior to probationary appointment; (c) service in the government of the District of Columbia or the Government of the United States allowable under the Civil Service Act of 1920, as amended; (d) periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States in time of war; (e) all educational leaves of absence with part pay authorized by the Board of Education in accordance with the act of June 12, 1940 (54 Stat. 349); and (f) all other leaves of absence authorized by the Board of Education for purposes or services not heretofore enumerated in this section but not to exceed a total of 2 years within any 10-year period of active service as a teacher in the public schools of the District of Columbia, the first 10-year period to begin on the date of the first probationary appointment as a teacher in the public schools of the District of Columbia: *Provided, however,* That that portion of the annuity which results from credit for service allowable under (a) and (c) of this section shall be reduced by the amount of any annuity which the retired teacher is entitled to receive under any Federal, State, or municipal retirement or pension system in respect to such service, except that such portion of the annuity after reduction shall not be less than the annuity purchasable with the deposit which the teacher is required to make under the provisions of this section in order to obtain credit for such service: *Provided further,* That no credit for service prescribed in this section, with the exception of educational leave with part pay, shall be given to any teacher entering the said public schools after June 30, 1926 until he shall have deposited to the credit of the teachers' retirement and annuity fund of the District of Columbia a sum equal to the accumulated contributions and interest which he would have had credited to his individual account if such service had been rendered on active duty in the public schools of the District of Columbia, said contributions to be based on the average annual salary of the class to which the teacher is appointed: *Provided further,* That all contributions to the retirement fund made by any teacher on educational leave with part pay shall be determined in accordance with the provisions of section 1 of this act, but otherwise no provision of this act shall be interpreted to deprive any teacher employed by the Board of Education of any rights or benefits allowable under the act of June 12, 1940 (54 Stat. 349): *Provided further,* That if the teacher so elects, he may deposit the required sum in the fund in any number of monthly installments not exceeding 50 with interest at 3 percent per annum compounded annually, upon making claim with the Auditor, District of Columbia, within 1 year of the effective date of this act, or within 1 year after the original probational appointment or reinstatement in the school service, or within 2 years after the date of honorable discharge from the military service: *And provided further,* That nothing contained herein shall be construed to allow any teacher more than 1 year's credit for all services rendered in any 1 fiscal year.

SEC. 9. Should any teacher to whom this act applies, after having served in the public schools of the District of Columbia for a total period of not less than 10 years and before becoming eligible for retirement, became separated from the service, such teacher may elect to receive a deferred annuity beginning at the age of 62 years computed as provided in section 5 of this act: *Provided,* That any teacher who becomes separated from the public schools of the District of Columbia for other than retirement purposes and who does not elect to receive a deferred annuity as provided for in this section, shall receive as soon as practicable after separation the refund of deductions, deposits, or redeposits with interest thereon, or any voluntary contributions made under the provisions of section 1 of this act, with interest: *Provided further,* That no teacher who shall withdraw the amount of his deductions, deposits, or redeposits under this section shall, after reinstatement, be entitled to credit for previous service unless he shall deposit in the fund the amount so withdrawn by him: *And provided further,* That the amount required to be so deposited may be paid by the teacher, if he so elects, in any number of monthly installments, not exceeding 100, with interest at 3 percent compounded annually.

SEC. 10. Any teacher from whose salary retirement deductions are made in accordance with this act may designate in writing a beneficiary or beneficiaries to whom the amount of his deductions, together with interest then credited thereon, shall be payable, as hereinafter provided, in the event of the death of the teacher before or after retirement.

In the event any teacher shall die before retirement the total amount of his deductions with interest thereon shall be paid, upon the establishment of a valid claim therefor, provided the claim be filed with the Auditor of the District of Columbia within 3 years after the death of such teacher, to the beneficiary or beneficiaries, if a beneficiary or beneficiaries be designated in writing by the teacher and recorded on his individual account, or, if there be no such beneficiary or beneficiaries designated, then to the duly appointed executor or administrator of the estate of the teacher, or, if the amount payable be less than $1,000 and no executor or administrator is appointed, to such person or persons as the auditor, in his judgment, may determine is or are legally entitled thereto.

On the death of a retired teacher who elected to receive a reduced annuity with death benefits, the amount payable, if any, shall be determined according to the terms of the option so elected, and such amount shall be paid upon the establishment of a valid claim therefor, provided the claim be filed with the auditor of the District of Columbia within 3 years after the death of such teacher, to the beneficiary or beneficiaries, if a beneficiary or beneficiaries be designated in writing by the teacher and recorded on his individual account, or, if there be no such beneficiary or beneficiaries designated, then to the duly appointed executor or administrator of the estate of the teacher, or, if the amount payable be less than $1,000 and no executor or administrator is appointed, to such person or persons as the auditor, in his judgment, may determine is or are legally entitled thereto.

SEC. 11. That every teacher who shall continue in the service of the public schools of the District of Columbia after the passage of this act, as well as every person who hereafter may be appointed to a position as teacher in the public schools of the District of Columbia, shall be deemed to consent and agree to the deductions made and provided for herein; and the salary, pay, or compensation, which may be paid monthly or at any other time, shall be full and complete discharge and acquittance of all claims and demands whatsoever for all services rendered by such teacher during the period covered by such payment, except his claim for the benefits to which he may be entitled under the provisions of this act, notwithstanding

the provisions of the act of June 20, 1906 (34 Stat. 316), and of any other law, rule, or regulation affecting the salary, pay, or compensation of the teachers employed in the service of the public schools of the District of Columbia.

SEC. 12. That nothing in this act shall be construed to prevent the discharge of any teacher at any time in the discretion of the Board of Education of the District of Columbia under the provisions of law.

SEC. 13. That the term "teacher", under this act, shall include all teachers permanently employed by the Board of Education in the public day schools of the District of Columbia, including other educational employees whose salaries are established in the act of June 20, 1906, and acts amendatory thereof, except the employees of the Department of School Attendance and Work Permits; whenever the pronoun "his" occurs in this act it shall be construed to mean both male and female; and the term "annual salary" shall be construed to mean the total annual income received during the fiscal year for service rendered in the public day schools (not including summer schools) of the District of Columbia, including basic salary, automatic increases, and longevity allowances, provided for in the act of June 20, 1906, as amended, and this definition of "annual salary" shall not be construed to affect any deductions which have been made prior to the effective date of this act from any teacher's "annual salary" as defined in the act of January 15, 1920, as amended.

SEC. 14. That the Commissioners of the District of Columbia shall prepare and keep all needful tables, records, and accounts required for carrying out the provisions of this act. The records to be kept shall include data showing the mortality experience of the teachers in the service of the public schools of the District of Columbia and the rate of withdrawal from such service, and any other information pertaining to such service that may be of value and may serve as a guide for future valuations and adjustments of the plan for the retirement of teachers. The Commissioners of the District of Columbia shall make a detailed comparative report annually to Congress showing all receipts and disbursements under the provisions of this act, together with the total number of persons receiving annuities and the amounts paid them. And the Treasury Department shall prepare the estimates of the annual appropriations required to be made to the teachers' retirement and annuity fund, and shall make actuarial valuations of such fund at intervals of 5 years, or oftener if deemed necessary by the Secretary of the Treasury.

SEC. 15. That the Commissioners of the District of Columbia shall include in their annual estimates of appropriations a sum sufficient to carry out the provisions of this act and acts amendatory thereof. Appropriations made for the purposes of this act shall be transferred to the credit of the teachers' retirement and annuity fund established under section 2 hereof.

SEC. 16. That the Commissioners of the District of Columbia are hereby authorized to perform, or cause to be performed, any or all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

SEC. 17. That none of the money mentioned in this act shall be assignable, either in law or equity, or be subject to execution or levy by attachment, garnishment, or other legal process.

SEC. 18. The provisions of this act shall apply to all teachers on the rolls of the public schools of the District of Columbia for the month of June 1945, or thereafter, if otherwise eligible: *Provided*, That nothing in this act shall require the reduction of any annuity any teacher on the rolls of the public schools of the District of Columbia for the month of June 1945, would be entitled to receive, under the provisions of the act of January 15, 1920, as amended, upon retirement. The said act of 1920, as amended, shall not otherwise apply to teachers on the rolls of the public schools of the District of Columbia for the month of June 1945, or thereafter, but such act shall remain in force and effect with respect to teachers retired prior to the effective date of this act, subject to the provisions of section 19.

SEC. 19. The annuities of all teachers retired prior to the effective date of this act shall be recomputed in accordance with the provisions of section 5 of this act: *Provided*, That the average annual salary during any five consecutive years, specified in section 5, upon which the annuity is based shall be within the last 10 years of allowable service in the public schools of the District of Columbia: *Provided further*, That the increased amount of the annuity resulting therefrom shall be a straight life annuity without any insurance or death benefits of any kind.

SEC. 20. The provisions of this act shall take effect July 1, 1946.

Mr. HEALY. Mr. Speaker, I offer a number of committee amendments.

The Clerk read as follows:

Committee amendments:

Page 5, line 5, after the word "act", strike out the period and insert the following: "or may elect to receive a deferred annuity beginning at the age of 60 years computed as prescribed in section 5 of this act."

Page 5, line 16, after the word "retirement", add the following: "under the provisions of this section."

Page 7, lines 4 to 14, strike out "if an annuitant shall recover before reaching retirement age and be restored to an earning capacity which would permit him in the discretion of the Superintendent of Schools and the Board of Education to be reappointed as a teacher in the public schools of the District of Columbia or permit him to secure some other appropriate position, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding 1 year from the date of the medical examination showing such recovery." and insert the following: "If an annuitant shall recover before reaching retirement age, he shall be reappointed by the Board of Education in accordance with such rules and regulations as the said Board may prescribe to the first position, equal or similar to any position in the public schools occupied by the annuitant before retirement, which becomes vacant after the date the Board of Education receives written notification from the health officer of the District of Columbia that the annuitant has recovered and is able to discharge his duties as a teacher in the public schools of the District of Columbia. Payment of the annuity shall be continued until the date of reappointment by the Board of Education. In the event that the annuitant refuses to accept the employment prescribed in this section, no annuity shall be paid after the date of such refusal."

Page 8, line 21, after the word "service", insert a comma and add the following: "but in no event shall the amount of the average annual salary used to determine this portion of the annuity be less than the maximum salary for class 1, group A, established by the District of Columbia Teachers' Salary Act of 1945, as amended."

Page 8, line 21, strike out "$15" and insert "$20."

Page 11, line 1, after the word "Columbia" strike out the period and add the following: ", plus any service credit that may be allowed under the provisions of this section."

Page 11, line 17, after the word "of" strike out "2" and insert "5."

Page 12, lines 7 and 8, strike out "education leave with part pay," and insert the following "periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States in time of war and all educational leaves of absence with part pay authorized by the Board of Education in accordance with the act of June 12, 1940 (54 Stat. 349)."

Page 16, lines 19 and 20, strike out "act of June 20, 1906, and acts amendatory thereof" and insert the following: "District of Columbia Teachers' Salary Act of 1945, as amended."

Page 17, lines 3 and 4, strike out "act of June 20, 1906" and insert the following: "District of Columbia Teachers' Salary Act of 1945."

Page 17, line 4, after the word "amended" add the following: ", and all wartime additional compensation or bonus."

Page 18, line 22, strike out "1945" and insert "1946."

Page 19, line 1, strike out "1945" and insert "1946."

Page 19, line 5, strike out "1945" and insert "1946."

Page 19, line 11, after the word "act" insert the following: "within 90 days after the approval of this act retroactive to the effective date of this act, and no recomputation shall be made which will reduce the annuity received by any retired teacher."

The committee amendments were agreed to.

Mr. GRIFFITHS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRIFFITHS: On page 11, line 14, after the word "and", strike out the remainder of the line, all of lines 15, 16, 17, and 18, and to and including the comma in line 19.

Mr. GRIFFITHS. Mr. Speaker, this bill as a whole, of course, follows the retirement for civil-service employees. However, the civil service does not have any leave for maternity care. If this section is left in the bill, you will allow a teacher to take 5 years out of a 10-year period, and then, of course, she is allowed to add that 5 on the length of teaching for retirement purposes. In other words, if she has had 25 years, then you add the 5 years' sick leave for maternity, that would make 30 years. It seems to me it is absolutely unfair. It does not follow the retirement in the civil service, because there they can take the regular sick leave and advance leave, but the advance leave is not considered in the retirement. I do not have so much objection to that but I do object to it when they add it on to the retirement.

I hope the amendment is agreed to.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOSPITAL CENTER FOR THE DISTRICT OF COLUMBIA

Mr. HEALY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 223) providing for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia.

Pending that motion, I ask unanimous consent that general debate be limited to 1 hour, to be equally divided and con-

trolled by myself and the gentleman from Illinois [Mr. DIRKSEN].

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on the motion.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 223, with Mr. TRIMBLE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HEALY. Mr. Chairman, inasmuch as the gentleman from Illinois has been a member of the subcommittee which has given consideration to this bill over a long period of time, I believe that, for the benefit of the membership, we should have a full explanation of the bill as passed by the Senate, as well as the substitute bill reported out by the House District Committee by the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the bill now before the House authorizes a project that might be known as a municipal hospital center for the District of Columbia.

If ever there was a scandal under the canopy of heaven it is the hospital situation here in Washington. When the authorities who administer some of the hospitals in the District of Columbia appear before the Committees of Congress and there file a statement of facts indicating rats scampering in the hallways of the hospitals; when they state that the facilities have deteriorated to the point where they are certainly far below the equivalent hospital facilities in other areas of comparable size, then certainly it is a situation of affairs that calls for attention.

Everybody has been on the alert about the hospital situation here in Washington for a long time.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. DIRKSEN. I yield.

Mr. TABER. I understand this bill provides Federal contributions up to about 70 percent.

Mr. DIRKSEN. That would be not quite correct. If the gentleman will permit me to proceed further I will explain what the contribution is.

Mr. TABER. I do not know why the Federal Government should do that.

Mr. DIRKSEN. If the gentleman will permit, I will seek to make that clear to the Members of the House.

A great many organizations and associations of individuals in the Nation's capital have given this matter attention for a long time.

In addition thereto, there has been a hospital association that has been engaged for a number of years in a survey of the facilities and the adequacy of the facilities of hospital beds, hospital equipment, hospital structures and so forth. No one can examine that report without just sort of hanging his head in shame that such a condition is permitted to exist in the Nation's Capital. Out of this combined effort over a long period of time there eventuated a bill introduced in the United States Senate by Senator TYDINGS, of Maryland. When they came to see about getting action on the bill in the House, I asked for a little time to examine it, after which I protested that I could not go along with the bill in that form. The bill as it passed the Senate authorized money to a private agency, over which there was no Federal control. In addition thereto, there was no participation by the authorities of the District of Columbia. Well, obviously if they are going to use the benefits of any hospital center here there is no reason why the people in the District of Columbia should not participate in the expenditure to a reasonable extent.

I quite approve the idea of setting up a municipal hospital center, particularly when you have hospitals that are willing to become components of such center and dispose of their present facilities, throwing the proceeds from the sale of such facilities into a common fund for the purpose of developing that center, then leasing the facilities from such center. My contention was if you are going to do this job there must be a Federal agency that has authority over the fund, over the plans, over the leasing, and that will give the supervision that is so necessary where Federal funds are involved. The bill bounced around for a long time and no action was taken for two reasons. In the first place, no suggestion had been made as to what Federal agency might assume responsibility for such supervision and direction; secondly, the Commissioners of the District of Columbia came in all humility and said that the District is stone broke. At one time it had an unearmarked balance of $35,000 in the general fund. That is the low level to which the unobligated revenues and finances in the District of Columbia had been permitted to deteriorate, not because of any misfeasance or nonfeasance on the part of the Commissioners or the authorities here, but simply because in the last few years the District budget has jumped from $42,000,000 to approximately seventy-one million. I still insisted there ought to be a Federal agency in this picture if you are going to have a hospital center and, second, there should be District participation.

As a result the Federal Works Agency, at my invitation, came into the picture. There was meeting after meeting for a long period of time. We worked out what we thought was a reasonably acceptable formula. In the case of the private hospitals that want to join in the center there is a provision that their facilities will be evaluated, perhaps they will be sold, and that is their contribution to the over-all fund required to construct such a center; second, we had to derive some factor, some participating factor for the District of Columbia. My own notion was perhaps we ought to pay at least 30 percent of the over-all cost, estimated to be $35,000,000. This, then, is predicated upon a formula whereby 20 percent of the cost will be derived from the component hospitals that will join in the center, an additional 30 percent will be derived from the District of Columbia, and the remaining 50 percent will be taken out of the Federal Treasury.

You may wonder why $17,500,000 out of a total of $35,000,000 should be taxed against the people of the United States. There is one reason at least and I do not assign it as a reason for taxing that amount, but I do assign it as a reason for having the Federal Treasury participate in this kind of an enterprise.

There are probably 270,000 Federal workers in the District of Columbia at the present time. Most of them have come from other jurisdictions. There are people here from Missouri, from the district represented so ably by the gentleman from Missouri [Mr. CANNON]; there are people from my district in Illinois who are working in the confines of Washington at the present time; people from every State of the Union, working here on a formula worked out by the Civil Service Commission many years ago, are on duty at the present time. Unless there are adequate hospital facilities in Washington, we are not only denying the people of Washington adequate facilities, we are denying the facilities to the people from your home district who come here to work as servants of the Federal Government who in moments of illness, in moments of accidents, have no adequate place to which they can repair for proper kind of hospitalization. So there is a very definite benefit that accrues to people from every State in the Union who are domiciled here in the employ of the Federal Government, and whether it should be $17,500,000 or a smaller amount or a larger amount is a matter that I shall not labor particularly, but the best formula we have been able to devise over a long period of time is 20 percent from those who lease these facilities and pool their own fiscal and balance-sheet resources, 30 percent from the District of Columbia, and 50 percent out of the Federal Treasury.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from New York.

Mr. TABER. It is not 30 percent out of the District of Columbia as long as it is a matter that they are not paying any interest.

Mr. DIRKSEN. The point is that we tried to meet a very difficult situation that obtains at the present time. I said a moment ago that the District of Columbia is broke. I say now on my own authority that the District of Columbia is stone broke, and it is not an easy matter for the District Commissioners to appear day after day before the Legislative Committee of the District of Columbia with their hats in their hands wondering what kind of relief the Congress is going to provide. It is up to us, after all, to provide a revenue system for the District of Columbia to make it possible for adequate revenues to drift into the District's coffers whereby these facilities can properly be acquired, can be constructed, and the District can assume its full share. So we have a revenue difficulty here, and the bill that is before you, first of all, recites the obligations and makes it a firm obligation which the District shall assume, and then leaves it for a future Congress to

determine what kind of revenue system shall be provided here in the District of Columbia with which to finance their 30 percent participating interest.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. There is no question about the need for more hospital beds. What about Columbia Hospital that is presently in existence? Will they get some assistance from this?

Mr. DIRKSEN. It depends on what hospitals undertake to participate in this medical center.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DIRKSEN. Mr. Chairman, I yield myself five additional minutes.

Mr. MILLER of Nebraska. Is it anticipated that the surrounding territory will have the advantage or use of the hospital, or just the District of Columbia citizens?

Mr. DIRKSEN. I am quite sure that there will be no effort to restrict, because in the report that was filed in connection herewith it was pointed out that there were only meager facilities in some of the outlying areas, and it is anticipated that people living in the suburbs or over in Arlington, Alexandria, Falls Church, Lyons Park, Chevy Chase, will have some of the benefits.

Mr. MILLER of Nebraska. After the building of the hospital, will it be self-supporting or self-liquidating?

Mr. DIRKSEN. We only hope that it will be self-liquidating, but that is rather one of these fine and specific features on which you cannot provide a pontifical answer. I only hope that more and more hospitals will share in these facilities, that it will become a great medical center, and the fees will be reasonable and also commensurate with a program that will make itself self-liquidating.

Mr. MILLER of Nebraska. I think it is important in the building of a hospital center that it be put on a sound financial basis so that they will not be coming back to Congress every year and saying "We need $1,000,000." It should show a balance in the treasury.

Mr. DIRKSEN. That matter will be administered by the Federal Works Agency, and I have enough confidence in that Agency, from past performances, to feel that it will do its utmost in the matter of establishing fees or rentals, lease costs and so forth on the basis of previous experience with these hospitals to establish a somewhat nearly self-liquidating basis.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I share with the gentleman his feeling of the need for better hospital facilities and a lot of other improvements in the city of Washington. However, I declare I have never seen a situation which so greatly invited the imposition of a sales tax and thereby a simple solution to a great city's revenue problem as in the case of the city of Washington.

Mr. DIRKSEN. Open confession is good for the soul. I publicly now confess my own sins and derelictions in that respect. When the District of Columbia Commissioners and the special taxing committee recommended a sales tax a number of years ago, it was the gentleman from Illinois who opposed it here and elsewhere and finally kept it from being included in a balanced revenue system. I have tried to make amends for my sins in that respect, however, and I said to them very recently that it ought to be included. I hope when next we tackle the question of adequate revenues for the District of Columbia a sales tax will be included. Insofar as my own feeble talent can be devoted to that matter, it will be included in such a tax structure.

Mr. CASE of South Dakota. I think that is a splendid statement. I believe that is the way out.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. How are you going to raise the 30 percent from the District, by taxation?

Mr. DIRKSEN. By taxation.

Mr. KUNKEL. Will not the outlying towns that will have the benefit of this service be expected to contribute in proportion?

Mr. DIRKSEN. Not in the construction, but that you can get on the basis of fees charged the people who use the hospital.

Mr. KUNKEL. It seems to me they should contribute to the construction also.

Mr. DIRKSEN. There is no way in which the Congress or the Committee on the District of Columbia can reach them, because they lie outside the constitutional jurisdiction of the District of Columbia.

Mr. KUNKEL. Is there going to be any kind of campaign in Washington for the people to try to help out on this themselves, the way they have been doing in so many cities throughout the country? I know in Harrisburg they raised $2,000,000, and a good portion of it in Carlisle and Lebanon, in collecting funds to build increased hospital facilities.

Mr. DIRKSEN. If the gentleman has observed around town these cards in store rooms "Make It a Million," that refers to the campaign now being conducted in behalf of the Children's Hospital, to raise $1,000,000. So far as I know, that fund is only 15 percent complete at the present moment, notwithstanding the zeal and crusading effort that has been put behind it.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. Some years ago we were told that the real-estate tax rate in the District was practically the lowest in the Nation. Has that real-estate tax been boosted to any extent in the last few years?

Mr. DIRKSEN. If the gentleman will take a house of a certain kind, design, and size in the District of Columbia and measure all the charges against it, and then get a comparable estimate from any other jurisdiction in the country, he will find that for 30 cities of a size comparable to Washington, D. C., that house will be about fifteenth down in the list, which means that the taxes in 14 cities will be a little bit higher than Washington and in 15 cities will be just a little bit lower.

Mr. Chairman, this is the best we could do with this bill. I recommend it to the House for favorable action.

Mr. HEALY. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman, I shall endeavor in my humble way to explain the various features of this bill section by section. It so happens that I was the only member of the committee who voted against reporting the bill, although several members were absent who would have voted likewise.

Speaking of subsidies, this is unquestionably the most liberal subsidy that has been proposed in this Chamber in the 3½ years I have been here.

I appreciate the fact that hospitals are needed in the District of Columbia. I agree with everything the gentleman from Illinois [Mr. DIRKSEN] had to say about the deplorable situation in the local hospitals. But as we review this bill I want you to bear in mind that you may have some hospitals in your own States and your own towns which also need improvement, but under this bill they do not get it.

The bill provides first that the program shall be put under way by the Federal Works Administrator. In subsection (a) of section 1 the Administrator is authorized to acquire land. In subsection (b) he is authorized to make plans and surveys looking to the construction of a medical center. In subsection (c) he is authorized to make grants—and they are 100-percent grants—to such private hospitals located in the District of Columbia as do not come into the medical center for the purpose of rebuilding, renovating, extending, equipping, and so forth, their present facilities.

I will pass over section 2.

Section 3 provides for the construction of the hospital center.

Section 4 provides that the Federal Works Administrator may utilize the services of the United States Public Health Service, the Federal Security Agency, and the Federal Works Agency in effectuating this program.

Section 5 provides as follows:

That 30 percent of the net amount expended by the Federal Works Administrator under this act shall be charged against the District of Columbia and shall be repaid to the Government by the District of Columbia—

When will they repay? Listen to this—

at such time—

Not now, not next week, not next month, and not next year, but—

at such time and in such amounts without interest as the Congress of the United States shall hereafter—

At some time in the future—

determine.

So the manner, means, and time of repayment is most indefinite.

This is a $35,000,000 program. Incidentally, $35,000,000 is not hay. It is proposed that $15,000,000 or more will be required in the construction of the Medical Center and that three hospitals in the District of Columbia—the Garfield Memorial, Emergency, and the Episcopal Eye, Ear, Nose, and Throat—will surrender their properties to the Government and come into and participate in the operation of the Medical Center. The properties of these three hospitals have been valued at $5,000,000, which will be credited against the cost of the Medical Center, leaving a net cost of $10,000,000. Then the District of Columbia will contribute 30 percent of the $10,000,000—not of the $15,000,000, not of the $35,000,000, but 30 percent of the $10,000,000, which means that the District of Columbia will expend only $3,000,000 on a $35,000,000 program. Can you conceive of a more liberal program? I am just as much interested in the improvement of hospitalization in the District of Columbia as any member of the District Committee or any Member of the House of Representatives or of the Congress. I realize and appreciate the fact that there are about 250,000 or 260,000 Federal workers in the District of Columbia. This alone does not justify such liberal Federal participation. The approach to this problem is not the making of a direct grant to the District of Columbia earmarked for the specific purpose of building a certain project. The District of Columbia needs school facilities. Would this not set a pattern for the Federal Government to build schools in the District of Columbia? The District of Columbia needs streets. It needs other facilities. Would this not set a pattern for the Federal Government to bear about 77.5 percent of the costs of other facilities and improvements? The only approach to this problem is through a direct Federal grant to the District of Columbia, justified after full and free hearings. Then when that grant is delivered over to the Commissioners the Commissioners will then determine for themselves how the money should be expended, whether for hospitals, schools, or something else. I do not think the Congress should come in piecemeal fashion and say that we are going to contribute about 77.5 percent of the cost of the District's hospital facilities unless similar contributions are made to all States. And even then I say that grants to that extent are unreasonable.

We have lost track of the remaining $20,000,000. We have only covered $15,000,000 of the $35,000,000 authorization. Follow me now as we discuss the remainder. The hospitals in the District of Columbia which do not come into Medical Center will receive the $20,000,000 absolutely scot free, without one single dime of it being returned to the Federal Government. Not a dime. I confess they may need it, but when you go back home to your constituents and they inquire of you as to why you have not secured a 100-percent grant for your own hospitals, what are you going to say? This bill provides that a District hospital whose facilities are valued at a million dollars may receive a Federal grant of a million dollars and make no return whatsoever to the Federal Government. I understand that the Rules Committee this morning reported out the Burton-Hill bill providing Federal aid for hospitals. I am not as familiar with the bill as I should be, but as I understand it every State in these United States will be treated alike, including the District of Columbia. It is fair to everyone.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield.

Mr. CHURCH. You spoke of people being here from the various States getting the use of these hospitals. Do they pay for those services, and on what basis?

Mr. ABERNETHY. They pay the usual rates in the hospital that other people pay.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. ABERNETHY] has expired.

Mr. HEALY. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. CHURCH. There is no subsidy there? Is there any subsidization that gives them the benefit of reduced rates?

Mr. ABERNETHY. There is no subsidy, to my knowledge. The Federal worker, entering a local hospital, does and should pay the same rate as any other resident of the District of Columbia.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield.

Mr. COLMER. My attention was diverted, but I believe the gentleman did call attention to the fact that Senate bill 191 will come up shortly, and under that bill the District of Columbia could come in just like your State or my State.

Mr. ABERNETHY. Absolutely.

Mr. COLMER. And pay on the same footing.

Mr. ABERNETHY. Absolutely.

Mr. COLMER. That is only fair; and I want to congratulate the gentleman from Mississippi on the splendid and meritorious fight he is making. I favor Federal aid for hospitalization; but I want to see the District of Columbia come in on the same footing as other communities in your State and mine.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. DIRKSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. BATES].

Mr. BATES of Massachusetts. Mr. Chairman, I regret very deeply that I find myself in disagreement with the majority membership of the District Committee, of which I have been a member for the last 10 years. I am in accord, in general, with the statement made by the other member of the committee, the gentleman from Mississippi [Mr. ABERNETHY] only a moment ago. I want it thoroughly understood at the outset, as I said during the discussion of the slum clearance bill, that I do sincerely believe that the Congress of the United States has a very definite responsibility in the affairs of the District of Columbia. After all, we are the legislative body of this District. It is through the legislative body, the Congress of the United States, that authorization is given to the District to carry on many of its administrative works. I have voted for some bills for the improvement of conditions in the District when they were good bills, but I am opposed to this bill. This bill originated in the Senate many months ago. It came out of the Senate with an authorization estimated to be about $20,000,000. We have had many, many meetings and hearings during the intervening period of time in order to see if we could not lay a sound foundation for the determination of a very critical problem which I agree does exist within the District of Columbia. I do not quite agree with my friend from Illinois, who recently said there was a condition of rats running around hospital corridors or any other such condition in these hospitals is any argument for this bill. That is complete dereliction of responsibility on the part of those who have charge of the hospitals to permit a condition of that kind to exist. Certainly if rats, mice, or vermin of any kind exist in the hospitals, proper steps should be taken to exterminate those conditions by those in charge of the administration of those hospital buildings. It is nothing but dereliction of duty and certainly those who are responsible for that kind of administration ought not to have anything to do with the administration of a fine medical center which I believe, under certain conditions, should be established within the District.

This bill is not for $20,000,000; it is now a $35,000,000 bill, and there is no telling what the ultimate cost will be.

It may interest the Members of the House to know that the Commissioner of Public Health in the District, the man who is responsible for the health conditions in the District of Columbia, is opposed to this bill. The District Commissioners themselves are not in favor of the bill as it now stands, but probably because the District will have to pay part of the cost. I also concur with the District Commissioners that if the District is to be compelled to pay part of the cost the District should be represented on the governing board.

What does this bill provide? This measure provides that the Public Works Administration shall construct these buildings, acquire all the land, even equip the hospitals, and then lease them out to other agencies which in this instance would probably be three hospitals in the District. Three of the hospitals would dispose of their property and turn over the assets to the Public Works Administration estimated to be about $5,000,000 as part of the total cost of $35,000,000 or $40,000,000. Those three hospitals would control the new hospital center.

There is no provision in this bill under which the District Commisisoners or the District itself would have representation on this Board of Governors of this new hospital center.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. DIRKSEN. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. BATES of Massachusetts. On a matter of such magnitude as this it seems to me more study is needed. I have discussed the matter even with the medical

experts inside the District and outside the District. It seems to me that while there is a crying need in the District for hospital facilities, there are so many intangibles associated with the greater problem of administration of this great hospital center that more time and study ought to be given by this committee and by the Congress to a study of the facts before we authorize the appropriation of thirty-five to forty million dollars. Another factor that disturbs me, as I say, is the fact that the District of Columbia or even the Federal Government itself, is not represented on the Board of Governors to maintain and carry out this project.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. BATES of Massachusetts. I yield.

Mr. ABERNETHY. I wish also to point out that although it is anticipated that these three main hospitals will participate in this hospital center no mention is made specifically in this bill as to the names of those hospitals, and there is nothing in the bill that would bind them to go into the program.

Of course, they could come into the program by contract; but no mention is made in the bill of these three hospitals who are to participate in the program. So far as I know they may decide they are not interested.

Mr. BATES of Massachusetts. Not only that, but section C on page 10 provides that the Public Works Administration could make grants to private agencies upon such terms and in such amounts as the Administrator may deem to be in the public interest to enable such private agencies to make surveys and investigations, to plan, design, construct, remodel, relocate, rebuild, renovate, extend, equip, furnish, or repair hospital facilities in the District of Columbia. This provision opens the door wide for every hospital, however large or small, to make application for Federal funds, and secure the same. That was not the original purpose of this bill.

Mr. Chairman, this bill ought to be deferred until the next session of Congress so that in the meantime we may give it further study.

Mr. HEALY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio [Mrs. BOLTON].

Mrs. BOLTON. Mr. Chairman, may I thank the distinguished gentleman on the other side of the aisle [Mr. HEALY] for his courtesy in permitting me to have a few moments of the time of the committee to discuss this matter. I am not going to speak at all about the various sections of the bill or to go into it in any detail. However, I do wish to present to you for your consideration the deplorable conditions that exist in the District of Columbia so far as hospital facilities are concerned.

There are a great many people living in the District of Columbia who do not pay taxes but who expect to be taken care of in hospitals. Take our own secretarial staffs; none of our secretaries are permitted to go to Army or Navy hospitals. When they are ill they have to go to the hospitals of the District. If you know anything at all about the conditions that exist in these hospitals you would be reluctant to have any of your secretaries go to most of these hospitals.

The winter gave me one very heartening experience, however. I could have asked for no better care, no greater consideration than one of my staff received. It was very costly but it was excellent and both she and I are grateful. Unfortunately this is not the general experience.

I laid before the House not very long ago a picture of Gallinger Hospital. I sincerely hope I shall not feel called upon to give you a vivid picture of the other hospitals, the so-called private hospitals, of the District of Columbia that so many hundreds of thousands of people have to use today. I could make that just as dramatic and just as unpleasant.

Let me digress for a moment and tell you that since I brought the situation at Gallinger Hospital to the attention of this body, and the Commissioners found I was serious in my intent to force some improvement in that institution, they have begun to make changes in the department of psychiatry. Raising of civil-service ratings has been requested so that more adequate salaries can be offered not only to the physicians but to the attendants and others down the line. This, Mr. Chairman, is at least a beginning of what we shall hope will be better days for the unfortunates who have to be cared for at the great municipal hospital of the District of Columbia.

Whatever consideration this House today gives to the bill as presented, I think it is imperative for us to realize that the groups who are trying their best to provide adequate care in the hospitals of the District of Columbia for the many patients whose work makes them residents but not taxpayers, it seems to me reasonable that Federal money should play a certain specified part in the picture.

Mr. Chairman, the committee has done an immense amount of work on the bill, and I congratulate and thank them for their conscientiousness in the work that they have done. I sincerely hope that if the bill is at all reasonable it may be considered favorably.

Mr. DIRKSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. O'HARA].

Mr. O'HARA. Mr. Chairman, I sincerely hope that none of the Members of Congress or their families will have to use some of the hospital facilities in the District of Columbia. If you do you will be impressed as you will never be impressed by anything that I can say of the need for improvement of the conditions existing in those facilities.

As I stand here, I know that some of you are going to vote against this bill with the idea that you are saving the taxpayers some money. But I cannot help but think that just the other day, in the passage of the British loan, I am sure that you provided something for the British to improve their hospital facilities over in England, and I hope that perhaps you might give a little thought and consideration to the city of Washington which needs improved facilities of hospitals so badly.

Mr. Chairman, I agree with some remarks made on both sides of this debate. I agree to this extent, that there must be an improved condition in hospitals here which cannot be given either by the private institutions who operate them or by the District of Columbia, without some means of getting some money. What are we going to do? Are we going on in the way that we have been with the inadequate facilities, with facilities which are a tragedy and a shame to a city of this size in the way of conditions that exist in our hospitals, or are we going to try to do something for the people of the city of Washington?

As the gentleman from Illinois has pointed out, every one of you have people from your district employed here who at some time will be in need of hospital care. The District cannot provide them. Some fifty-odd percent of the land area of the city of Washington is taken over by Government buildings which are off the tax roll. True, there should be some further means of taxation, a sales tax, or whatever it is, but let us not approach this subject with the idea that here is a bad bill because it gives some money and the District is only taxable with 30 percent of it.

The committee that had to deal with this bill worked for months and months upon it. We were subjected to criticism from some of the newspapers. We were subjected to some criticism from some of the protagonists of a hospital program without giving any consideration to the responsibilities that the committee had for providing means to pay for it, and this is the best bill that could be brought out of the Committee on the District of Columbia. I do not think there is anything to the question of putting it off, as the gentleman from Massachusetts said, and let it come back next year and look at it again. I say it is the best bill that the District of Columbia Committee can bring out, and a much better bill from a dollars-and-cents viewpoint for the taxpayers than the bill sent over to us from the Senate.

The simple question is this, as the gentlewoman from Ohio told you. She told us something of the conditions that existed here. We have to meet the situation. Are you going to go on and subject the people of the city of Washington, which includes the people from your district who are working for the Government, and your own families, to the conditions that exist, or are you going to try to do something to improve that situation? This is the best job that the Committee on the District of Columbia can do in bringing to you the kind of a bill that we have. I state that advisedly, and I think the gentleman from Illinois will agree with me that it is the best bill that we can bring out of our committee.

Mr. Chairman, the simple question is this: Are you going on the way you have been going? Do you want to kill this bill? If you do, all right; that is your responsibility. Personally I am going to support it and I am going to urge you to support it, because I think it is something that we need in the city of Washington.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. DIRKSEN. Mr. Chairman, I yield two additional minutes to the gentleman from Minnesota.

Mr. O'HARA. What kind of condition would exist in this city if we had one of these terrible epidemics which come along occasionally? Even without these epidemics our hospital facilities are overcrowded.

There may be criticism of the proportionate basis upon which we pay on this, of 30 percent for the District of Columbia, the balance to be contributed by the three private institutions which expect to go into the hospital center, but these other hospitals are not in position to contribute, and they have the right to get whatever the Federal Works Administrator allows.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Is it not a fact that progress is being made on this program now, that George Washington University and Georgetown University and Doctors Hospital have either under way or have programed 700 additional beds for the District?

Mr. O'HARA. Yes; but that is just a drop in the bucket, as anyone who knows anything about this matter knows. Those two institutions got aid, they got grants under special bills passed by this Congress.

Mr. DIRKSEN. And they got 70 percent out of the Federal Treasury.

Mr. O'HARA. They got 70 percent out of the Government. That was true of George Washington Hospital and that was true of Georgetown Hospital. Let us not discriminate against the other hospitals of the District who also serve those in need of hospital services.

Mr. DIRKSEN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GAVIN].

Mr. HEALY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania.

Mr. GAVIN. Mr. Chairman, I want to thank the gentleman from Illinois [Mr. DIRKSEN] and the committee for giving me the opportunity to speak out of order at this time.

All the Members of the House recall a few short months ago on VE-day and VJ-day the thankfulness that was in our hearts when the war was brought to an end.

We can recall how a war-torn world turned back to peace with thanks to Almighty God for the great victory, and thanks to our boys who paid for this victory with their lives, and to the thousands of other veterans who returned to us with service-incurred disabilities. These veterans have gone through the horror and hardships of war, the cold and the heat, the filth and fatigue, the misery, mud, and torture of mechanized warfare. These battle-scarred veterans have earned through combat, and deserve every consideration that a grateful Nation can bestow upon them.

So, I am appealing to my colleagues to sign petition No. 32 to discharge the committee from further consideration of H. R. 6304, so that this legislation may be given immediate consideration and acted upon in the House during this session of the Congress.

To the gracious, kind, and thoughtful gentlewoman from Massachusetts [Mrs. ROGERS] we are greatly indebted for bringing this proposed legislation to our attention. I know the veterans are most grateful, and fully appreciate her interest and efforts in their behalf. I know that the Members of the House are not unmindful of the sincere and thoughtful interest she has taken in all veteran matters and the world would be a better place to live in if we had more EDITH ROGERS, so I urge my colleagues to sign this petition so that early action can be taken on this legislation.

There is little that we can do for these boys who have made so great a sacrifice, but let us indicate to them, by signing this petition, that we are interested in all of their problems and will leave nothing undone to be helpful to them in any way that we possibly can.

Mr. HEALY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. BLOOM].

Mr. BLOOM. Mr. Chairman, I have been interested in this legislation for a long, long time. I have spoken about it privately before the committee and I have listened to the arguments. I do hope and make the plea not to allow our thoughts with reference to money, if any, enter into the consideration of this matter. This is a matter of life and death. I think if any of the Members had gone through this terrible trial that we have gone through in the hospitals in the District, they would come to the same conclusion that we have reached. This is a most necessary thing. There are no votes involved here. It is just a humanitarian thing. It would be terrible to put this over until the next session because during that time many, many lives would be lost. I do hope the membership will give proper consideration to this and look at it from a humanitarian point of view.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HEALY. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Chairman, it is my hope that the Members, as they listen this afternoon to the discussion, both pro and con on this proposal, will find it in the interest of proper voting to pass favorably upon this legislation which has been presented by your District of Columbia Committee. I remember well the arguments within the committee itself during the taking of testimony and the dissecting of the Senate bill, and as well as the executive sessions when we attempted to bring the viewpoints of the Senate and House into compromise so that this legislation might receive approval here and concurrence by the committee of conference and thus become law. I have a very genuine regard for the viewpoint of my colleague, the gentleman from Mississippi [Mr. ABERNETHY], a member of the committee. I do, however, differ with him when he speaks this afternoon and says that the addition of 700 beds will go far toward alleviating the need for improvement and expanded hospital facilities in the District of Columbia. I differ with him for the reason that I believe the facts are otherwise. There are now in the District of Columbia hospital beds, possibly making a number of 3,850. We believe additional beds are needed to the extent of 1,150. That would make an over-all figure of 5,000 as a hospital-bed requirement But this is important—we also find upon examination that there are approximately 2,000 beds which are today in use but are obsolete, unsafe, and unsanitary. Then when we use that figure and add it to the figure of 1,150, we have a total necessary bed improvement program of 3,150 as against the 700 beds which the gentleman from Mississippi says will become available within the next few months. We have a deficit, and the facts prove it, of 2,750 beds within the hospitals of the District of Columbia. I am not saying this is good or bad. But I am saying to you that the population in the District of Columbia, and the metropolitan area that is included, has been growing steadily year by year.

We have reason to believe that this growth will continue and the Capital City will have a population of approximately 1,200,000 or 1,500,000 individuals. This does not mean that the population will come into being because there is a Democratic or a Republican Administration. It only means that increasingly Washington, as the National Capital and as a world metropolis, will retain this substantial number of citizens. I believe this House will act properly by approving the legislation requested.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. CHURCH. Will there be private hospitals that will not benefit by this arrangement?

Mr. RANDOLPH. It will be possible for any hospital, which comes into this program, to participate. We do not know just what hospitals will embrace the program, but they will have an opportunity to do so.

Mr. CHURCH. Is it a part of the commitment to say that Doctors' Hospital will be incorporated in this so-called hospital center?

Mr. RANDOLPH. There can be participation.

Mr. CHURCH. You say it is possible. Do they contemplate coming into it?

Mr. RANDOLPH. I am not sure. I do not believe they will at the present time. There has been some testimony that they might at a later date.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. HEALY. Mr. Chairman, I yield the gentleman four additional minutes.

Mr. CHURCH. Is it not a fact that this so-called arrangement will compete with the privately owned hospitals?

Mr. RANDOLPH. No; I do not believe so. I believe the testimony will show that none of the hospitals, including the one that the gentleman has mentioned, is in opposition to this legislation. I believe the officials of Doctors' Hospital are just as much in favor of this legislation as are the other hospitals.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentlemen yield?

Mr. RANDOLPH. I yield.

Mr. BATES of Massachusetts. I know the great amount of time the gentleman from West Virginia has put in on this legislation. In fact, many of us on the committee have done the same. But in answer to the gentleman from Illinois about Doctors' Hospital, I do not think they will come in under the provisions of this bill for the reason that whatever hospital participates must dispose of whatever holdings they have and turn over the assets to the new Hospital Center. It is not very likely that the Doctors' Hospital, with the fine building they have and the one they are going to erect, has any idea of doing so.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. ABERNETHY. To elaborate a little on what the gentleman from Massachusetts [Mr. BATES], has said about Doctor's Hospital, that they might not come in to the Hospital Center, it will participate in a grant to the extent of 50 percent of the value of its facilities after they are improved. So certainly every hospital in the city is favored.

Mr. BATES of Massachusetts. Every hospital in the city. It is wide open.

Mr. CHURCH. Will it not have to come in in order to compete with the others?

Mr. RANDOLPH. No; I do not think so.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. HANCOCK. The gentleman from Massachusetts said a moment ago that the Health Commissioner of the District was opposed to this bill.

Mr. RANDOLPH. I do not think he was opposed to it so much as that he demurred from giving it his enthusiastic endorsement. Does the gentleman from Illinois [Mr. DIRKSEN] say that was the viewpoint of the health official of the District of Columbia? Would you agree that it was a demurrer rather than active opposition on the part of the health official?

Mr. DIRKSEN. Yes. I was entirely on the theory that they were appointed officials and they did not want to go beyond the confines of their authority. The Commissioners of the District said, "We are broke. What shall we do? You want us to have hospitals. What will we use for money?" So we wrote a firm obligation into this bill, the details of which can be spelled out at a later time.

Mr. RANDOLPH. I have already said that there would be rules to adjust the hospital situation if this legislation became law.

Mr. BATES of Massachusetts. If the gentleman will yield; I asked that question many times, myself, of the Commissioner of Public Health of the District of Columbia, whether or not he was in favor of the Hospital Center, as set forth in this bill. He said he was not. He believed in decentralizing the hospital facilities and spreading them throughout the District. That was the real reason he was opposed to this bill.

The CHAIRMAN. The time of the gentleman from West Virginia has again expired.

Mr. HEALY. Mr. Chairman, I yield the gentleman one additional minute.

Mr. RANDOLPH. The Commissioner of Public Health of the District of Columbia did say to the committee that the conditions within our hospitals were deplorable.

Mr. BATES of Massachusetts. That is right.

Mr. RANDOLPH. That is the word he used in his statement, as I recall it.

Mr. BATES of Massachusetts. And I think I agree with that.

Mr. RANDOLPH. I am sure the gentleman from Massachusetts, an earnest member of the committee, agrees it is the problem here today that we must solve. As to the proper approach to this problem, there is a difference of interest, a difference of opinion. I feel that the legislative proposal is merited. There is a 55-percent deficiency today in proper hospitalization, from the standpoint of beds throughout the District of Columbia, and a large number of the other beds are, as I have said earlier, obsolete and insanitary and do not fit into a proper medical program.

I hope the House will approve the action of the District Committee in reporting favorably this legislation.

The CHAIRMAN. The time of the gentleman from West Virginia has again expired.

Mr. HEALY. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from California is recognized for 3 minutes.

Mr. HEALY. Mr. Chairman, in answer to the question raised on the floor I wish to point out that the three local hospitals which are planning to come in to this medical center if this plan is approved, are Emergency, Garfield, and Episcopal. Another section of the bill provides that any other private hospital may make application for a grant from the Federal Government.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. HEALY. I yield.

Mr. CHURCH. Would it not be a fact that those private hospitals not coming under this plan would be competing against the hospitals that would come under the plan and therefore would it not discourage the activity and jeopardize the success of the other private hospitals?

Mr. HEALY. There is a possibility of competition arising. But in view of the fact that this legislation will authorize a total appropriation of $35,000,000 it would seem to me that this sum is adequate to cover all of the hospital needs of the District of Columbia.

I wish to speak briefly on one or two other points which were raised in opposition to the bill, particularly the point that the aid granted in this bill to the privately owned hospitals is quite generous. I concede that point, I admit that it is. The hospital situation in the District, however, is so serious that it must be remedied in one way or another. The situation has been deplorable for a great many years. Drives have been put on to raise funds by private subscription from the citizens of the District of Columbia but such drives have not, up to this time, resulted in securing sufficient funds for adequate, decent, modern hospitals in the District. When we are faced with such a situation it seems to me that, not having any other alternative, the problem becomes a responsibility of the Congress.

The CHAIRMAN. The time of the gentleman from California has expired. All time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That (a) the board of trustees selected in accordance with subsection (b) of this section, and their successors, are hereby incorporated and made a body politic and corporate, by the name of "The Washington Hospital Corporation" (hereinafter referred to as the "Corporation"), and by that name may contract and be contracted with, sue and be sued, plead and be impleaded in any court of law or equity of competent jurisdiction, and may have and use a common seal.

(b) The business and affairs of the Corporation shall be conducted by a board of trustees, which shall be composed of nine members, unless otherwise increased as hereinafter provided, one of whom shall be appointed by the Surgeon General of the United States Public Health Service, one by the Board of Commissioners of the District of Columbia, one by the Community Chest of Washington, District of Columbia, two by the board of directors of Garfield Memorial Hospital, two by the board of directors of Central Dispensary and Emergency Hospital, two by the board of directors of Episcopal Eye, Ear, Nose, and Throat Hospital, and two by the board of directors of any other participating hospital as described in section 2, all of such hospitals being in the District of Columbia. Each of such trustees shall be appointed for a term of 5 years and the original appointments shall be made within 60 days after the date of enactment of this act; and such Corporation shall have power to make bylaws not inconsistent with this act for the conduct of its affairs. Any vacancy on the board of trustees shall be filled by appointment made in the same manner as in the case of the original appointment. If any of those entitled to make appointments shall fail at any time to appoint any trustee, then such appointment shall be made by the Surgeon General of the Public Health Service for service temporarily until such trustee shall be appointed in the regular manner.

(c) The board of trustees first appointed shall meet within 90 days after the date of enactment of this act and elect a president, vice president, secretary, and treasurer, and such additional officers as the bylaws may provide, and also transact such other business as may properly come before them, including the adoption of bylaws for the proper conduct of the Corporation. Thereafter the meetings of the trustees shall be held at such times and places as may be provided in the bylaws. The Corporation shall not be conducted for profit, and it is hereby declared to be a charitable and benevolent institution and all of its funds and property shall be exempt from taxation.

(d) The Corporation shall have perpetual succession and shall have power to acquire, hold, and dispose of real and personal property, and generally to do all lawful acts necessary to carry out the functions vested in it by this act and to provide for the operation of the hospital center established in accordance with the provisions of this act.

SEC. 2. The Corporation is authorized to enter into agreements with Garfield Memorial Hospital, the Central Dispensary and Emergency Hospital, Episcopal Eye, Ear, Nose, and Throat Hospital, and any other hospital

in the District of Columbia desiring to come under the provisions of this act on a fully participating basis (hereinafter referred to as "participating hospitals") providing for the establishment, maintenance, and operation of a modern, adequate, and efficient hospital center in the District of Columbia, with a capacity of not more than 1,500 beds and with all necessary parking space, appurtenances, equipment, and other facilities, such as operating rooms, laundries, laboratories, X-ray machines, heating plant, nurses' school and home, and the like. Such agreements may be conditioned upon a suitable site, buildings, and equipment for such hospital center being provided in accordance with section 3 of this act; and shall provide that when a suitable site, buildings, and equipment are so provided, the participating hospitals will undertake to maintain and operate the hospital center, under the supervision and control of the board of trustees of the Corporation and in accordance with the provisions of this act, and that the participating hospitals will devote their full resources to this purpose: *Provided*, That no part of the funds of one hospital shall be required to be employed for the maintenance or operation of any part of the center used exclusively by another hospital. Such agreements shall provide for the payment by the participating hospitals of one-third of the initial cost of establishing and equipping the hospital center, such amount to be allocated among the participating hospitals as may be agreed upon by the participating hospitals and the Corporation, as nearly as may be upon the basis of the space in the hospital center operated and maintained by the respective participating hospitals and paid in accordance with the provisions of section 6.

SEC. 3. (a) After the Corporation has entered into agreements with the participating hospitals in accordance with section 2, the board of trustees of the Corporation shall select, with the approval of the National Capital Park and Planning Commission, a suitable site within the District of Columbia for such hospital center.

(b) Within the limits of appropriations made therefor pursuant to section 6 of this act and subject to the approval of the board of trustees of the Corporation, the Federal Works Administrator is authorized and directed, as promptly as may be upon the termination of the war—

(1) to acquire, by purchase, condemnation, or otherwise, the site selected by the board of trustees for the hospital center, together with such real property as may be situated thereon;

(2) to provide buildings (either by new construction, or alteration and renovation of existing structures), additional improvements and appurtenances, and such equipment and machinery as may be necessary for the proper operation and maintenance of such hospital center; and

(3) upon completion of such hospital center, to convey, on behalf of the United States, all right, title, and interest therein to the Corporation.

(c) All plans, designs, and specifications for buildings and equipment for such hospital center, and for improvements upon its site, shall be subject to the approval of the board of trustees of the Corportation.

SEC. 4. When the hospital center has been conveyed to the Corporation, it shall be maintained and operated by the participating hospital under the supervision and control of the Corporation. Each of the participating hospitals shall be entitled to the exclusive use of such part or parts of the hospital center as may be determined by agreement between such hospital and the Corporation, for the purpose of conducting its operations as a hospital within such part or parts of the hospital center. The participating hospitals jointly, under the supervision and control of the Corporation, shall maintain and operate within the hospital center such central heating, laundry, and other facilities and services necessary to the proper and efficient operation and maintenance of such center as the participating hospitals and the Corporation agree may best be operated or performed by such hospitals jointly. The cost of maintaining such joint facilities and services shall be paid by the participating hospitals in such manner and proportion as the Corporation determines to be appropriate and equitable.

SEC. 5. (a) The Corporation may, in its discretion, enter into agreements with any voluntary hospital in the District of Columbia rendering service for indigent or semi-indigent patients and may allocate to such hospital, from appropriations made pursuant to section 6, such sums as may be available upon completion of the hospital center, for the replacement, enlargement, renovation, or modernization of any part of such hospital's buildings as said Corporation may determine to be in the public interest, having in view the most economical and effective use of available funds for hospitalization and to the end that the facilities of such hospital may be utilized to the best advantage. Such sums so allocated for affiliating hospitals shall be paid to such hospitals by the Secretary of the Treasury upon certification by the Corporation, and shall be paid at such time or times as may be specified in such certificate: *Provided*, That before entering into any such agreement, the Corporation shall be satisfied that such hospital is prepared to undertake such responsibilities of management and maintenance as may be necessary to conduct its operations as an affiliate of the hospital center. Such affiliation shall obligate such hospital to coordinate its facilities with the hospital center in such manner and subject to such conditions as may be determined by the Corporation in the public interest.

(b) The board of trustees of the Corporation shall have power, in its discretion, to increase its membership for the purpose of giving appropriate representation to participating and/or affiliating hospitals.

SEC. 6. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

(b) Out of amounts appropriated pursuant to the authorization in subsection (a), the Federal Works Administrator is authorized and directed to advance the shares of the cost allocated to the respective participating hospitals upon agreement by such hospitals to repay the amounts so advanced over a period of 50 years from the date of completion of the hospital center with interest at the rate of 2 percent per annum upon any unpaid balance. The first payment of interest and principal shall be made 5 years after the date of completion of the hospital center, and shall cover amounts accrued up to that time.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. HEALY (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert:

"That in order to provide more adequate hospital facilities in the District of Columbia the Federal Works Administrator is authorized to acquire land and construct buildings and to make grants to nonprofit private agencies and to these ends is empowered:

"(a) to acquire prior to the approval of title by the Attorney General (without regard to secs. 1136, as amended, and 3709 of the Revised Statutes) improved or unimproved lands or interests in lands in the District of Columbia by purchase, donation, exchange, or condemnation (including proceedings under the acts of August 1, 1888 (25 Stat. 357), March 1, 1929 (45 Stat. 1415), and February 26, 1931 (46 Stat. 1421)) for such hospital facilities;

"(b) by contract or otherwise (without regard to secs. 1136, as amended, and 3709 of the Revised Statutes, and sec. 322 of the act of June 30, 1932 (47 Stat. 412)), prior to approval of title by the Attorney General, to make surveys and investigations, to plan, design, and construct hospital facilities in the District of Columbia on lands or interests in lands acquired under the provisions of subsection (a) hereof or on other lands of the United States which may be available (the transfers of which for this purpose by the Federal agency having jurisdiction thereof are hereby authorized notwithstanding any other provision of law), provide proper approaches thereto, utilities, and procure necessary materials, supplies, articles, equipment, and machinery, and do all things in connection therewith to carry out the provisions of this act; and

"(c) to make grants to private agencies upon such terms and in such amounts as the Administrator may deem to be in the public interest to enable such private agencies to make surveys and investigations, to plan, design, construct, remodel, relocate, rebuild, renovate, extend, equip, furnish, or repair hospital facilities in the District of Columbia: *Provided*, That in no event shall the amount of the grant exceed 50 percent of the value of the hospital plant of the private agency as improved with the aid of such grant. As used in this act, the term 'private agencies' shall mean any nonprofit private agencies in the District of Columbia.

"SEC. 2. Notwithstanding any other provision of law, whether relating to the acquisition, handling, or disposal of real or other property by the United States or to other matters, the Federal Works Administrator, with respect to any hospital facilities acquired or constructed under the provisions of this act, is authorized to enter into leases with private agencies for the operation and maintenance of such hospital facilities or usable separable portions thereof upon such terms, including the period of any such leases, annual rentals, provision for joint use of facilities, provisions for operation, maintenance, repair, and replacement of buildings, equipment, machinery, and furnishings and appropriate security to assure the performance of any such leases, and to sell for cash or credit or to convey in exchange for other properties any such hospital facilities or usable separable portion thereof to private agencies on such terms as may be deemed by the Administrator to be in the public interest: *Provided*, That all hospitals participating in such center shall be required either to convey to the Government, free and clear of all incumbrance, the land and buildings now held by them or to sell the same at such prices as is agreed to and approved by the Federal Works Administrator and to pay the proceeds thereof to the Government at the option of the Federal Works Agency.

"SEC. 3. In carrying out the purposes of this act, the Federal Works Administrator shall provide a hospital center of such size and design as he shall deem feasible and economical of operation.

"SEC. 4. In carrying out the provisions of this act the Federal Works Administrator is authorized to utilize the services of or to act through the United States Public Health Service in the Federal Security Agency, the Federal Works Agency, and any other department or agency of the United States, and

any funds appropriated pursuant to this act shall be available for transfer to such department or agency in reimbursement thereof.

"SEC. 5. Thirty percent of the net amount expended by the Federal Works Administrator under this act shall be charged against the District of Columbia and shall be repaid to the Government by the Commissioners of the District of Columbia at such times and in such amounts, without interest, as the Congress shall hereafter determine. The District of Columbia shall be entitled to 30 percent of the sale price of any of the properties sold by the Federal Works Administrator under section 2 of this act, other than properties the value of which is deducted from the gross amount expended to determine the net amount upon which the 30 percent to be charged against the District of Columbia is computed, and the District of Columbia shall also be entitled to receive 30 percent of any rentals received from the leasing of any of the hospital facilities acquired or constructed by the Federal Works Administrator under this act. The amounts which may be due the District hereunder shall be credited on the amount owed the Government by the District of Columbia until such obligation of the District is discharged in full.

"SEC. 6. For carrying out the purposes of this act, including administrative expenses, there is hereby authorized to be appropriated during the period ending June 30, 1952, the sum of $35,000,000 to be appropriated at such times and in such amounts as the Congress shall determine."

Mr. HEALY (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that further reading of the committee amendment be dispensed with.

Mr. TABER. Mr. Chairman, reserving the right to object, will the bill be open for amendment at any point?

The CHAIRMAN. It will be.

Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ABERNETHY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ABERNETHY: On page 8, after the word "buildings", strike out the remainder of line 25 and all of line 1, page 9, down to and including the word "agencies" and all of subsection (c) on page 10.

Mr. ABERNETHY. Mr. Chairman, the purpose of this amendment is to restore the bill to the original objective, that being the construction of a hospital center in the District of Columbia in which three certain hospitals propose to participate, therefore eliminating from the bill grants to private institutions which were not originally considered and which do not participate in the hospital center.

Mr. Chairman, originally it was proposed that this would be an $18,000,000 program. It was proposed that a hospital center would be constructed at that cost. The three hospitals which I have mentioned earlier in the day would participate.

During the hearings other private hospitals of the District of Columbia came in, and I cannot blame them, and said, "We want to get into this too." That was the substance of their testimony. "We do not want to participate in the hospital center, but since you are giving money to these three hospitals to come into a center why can you not give us a little money?" So provisions were written into the bill, being subsection (c) of section 1 as well as other language appearing earlier in the section, that propose to make grants to these private hospitals to the extent of 50 percent of the "improved" value.

Now, that is a catchy phrase. That is the way the bill reads and I wish you would follow me and see just how liberal it is. Let us suppose there is a private hospital that is not participating in the center whose buildings and real estate and other properties are worth $5,000,000. The Government will make them a grant of $5,000,000, bringing the total value of the plant to $10,000,000. Therefore they use the words "50 percent as improved." So, to turn it around and put it in plain English, it is simply a 100-percent grant.

If that is what you want, it is all right with me. But I submit it is entirely too liberal. I might be willing to make reasonable grants to our States for the improvement of hospital facilities, but I shall refuse to support 100-percent grants to the States as well as the District of Columbia. I hope you will support this amendment.

Mr. BATES of Massachusetts. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Mississippi. He has been a member of the District Committee for a number of years. I have been a member of that committee for 10 years. Both of us have given some thought to this problem. I thoroughly concur with the sentiments he expressed here today that the language in this bill providing for a grant to every hospital in the District is something new. It was not thought about at all when the Senate bill came over to us for a hospital center. But when it appeared that these hospitals mentioned would come into the hospital center by selling their own property and making their assets available, of course, the other hospitals throughout the District said, "Well, we ought to be given a lift, too." They further stated, "That they were not in a position where we can make much of a contribution by way of selling our property and then making our assets available to the hospital center, but we feel we are doing a very noteworthy work in the District and we feel that we ought to be assisted." That was the plea of every representative of every hospital that came before the Committee on the District of Columbia in support of or in the discussion of this bill. Some of those hospitals had 25 patients, some 35; some were convalescent homes, all doing splendid work that we ought to endorse, but the same kind of work we see done in every community in this country by public spirited and patriotic citizens of our communities.

The question is, Are we interested in hospital centers as such? Are we interested, as the Commissioner of Public Health in the District of Columbia is, in a decentralization of hospital facilities, or are we interested in opening up the purse strings of Uncle Sam, as I said in the committee when these representatives of the hospitals appeared before us, so that everybody can come and reach into the grab bag, running into perhaps millions of dollars? There you have it in today's bill. The door is open and the coffers of Uncle Sam are ready for anybody who wishes to make application. That is something new. That was put in the bill by the House Committee on the District of Columbia. How far removed it is from the original hospital center bill that was called to our attention.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. BATES of Massachusetts. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. The original bill, called to the attention of the House Committee on the District of Columbia, as it came from the Senate was a 100 percent Federal contribution to this program, was that not correct?

Mr. BATES of Massachusetts. That is right. The gentleman from West Virginia was opposed to it and I think every member of the House committee opposed it and down through these many weeks we have consistently opposed it.

The important thing in this connection, Mr. Chairman, is the administration of this hospital. How are you going to administer it? Three hospital representatives, with $5,000,000 out of $40,000,000, want to run the hospital without any representation from the District at all.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. DIRKSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, when General Bradley appeared before the Committee on Appropriations some months ago and first indicated he, on the advice of General Hawley, Chief of the Medical Division, was going to let some of the Army and Navy hospitals go to surplus, there was considerable protest, largely because we felt that a good many of those hospitals were necessary if the construction was adequate and the location was decently good and that they were usable for veterans' purposes. Subsequently I offered a resolution through the Committee on Appropriations, and the committee staff then made an investigation. General Bradley and General Hawley stood by their original preannounced plan. The thing that directed my attention to it at the time was this. You are going to take some Army and Navy hospitals out of circulation, put them on the discard list, and sell them if you can find a buyer, and at the same time you are going to continue to build 250- and 300-bed hospitals over the country. So I raised the question at once with General Hawley. I said, "What is the idea?" He said, "Obviously, after veterans come into the medical centers that we contemplate, there will be a convalescent period later, so we will farm them out to these little hospitals that are strategically located." So under that proposal hospitals are going to be built.

In the same sense a medical center in the District of Columbia is not going to meet all the physical and hospital needs of the District. For instance, if one of these hospitals now in a state of disrepair can be improved, can be reno-

vated, can be repaired and be made useful, and beds and new equipment and facilities installed, that is the thing we want to do, but to do it there must be some grant money, not to exceed 50 percent.

What my friend, the gentleman from Mississippi [Mr. ABERNETHY] proposes to do is to strike that out entirely, and there will be no way of renovating those structures if they should be useful in the future, even after such a hospital has signified its intent to share in the facilities of this medical center. I do not want to see all those facilities now existing, if they are useful and if there is a value there to be recaptured, blotted out of existence to stand there until the clammy hand of time shall have effectuated a complete ruin. Money here, however, is necessary, and there is a limitation of not to exceed 50 percent on the grant money for that particular purpose. That is what we had in mind. If we are going to adopt this amendment, then we might just as well forget about the hospital program for the District of Columbia, that is all. For all practical purposes it is a death stab to this program, and that is the end of it for the Seventy-ninth Congress. If you are going to adopt that amendment, it is as simple and just as short as that.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Is it not a fact that if this amendment is adopted the hospital center will still be left in the bill?

Mr. DIRKSEN. Possibly so.

Mr. ABERNETHY. Definitely so.

Mr DIRKSEN. But what about the facilities that must be repaired in order to meet this maximum number of beds that you have to have for an area of this size, including metropolitan Washington?

Mr. ABERNETHY. Is it contemplated that they will never be able to make these repairs unless they get a grant from the Government to do all the work?

Mr. DIRKSEN. My friend knows what the fiscal situation is with respect to all of these hospitals. They are reaching up to touch bottom. It is like the little hospital out in my home town, which puts on a drive for funds every so often, because you have so many indigent patients, you have so many impoverished patients who cannot pay; yet what a cruel and distasteful thing it would be to deny them hospital accommodations simply because they did not have money in their pockets. We have to make allowances in a situation of this kind because hospitals are after all institutions to provide service to the public. If a person does not have the money, you have to take him in anyway.

Mr. ABERNETHY. I agree with what the gentleman says in a way, but the object of the bill is not to take care of charity patients, it is to take care of everybody in the District of Columbia that is able to pay.

Mr. DIRKSEN. The very purpose of this section the gentleman proposes to strike out is to make grant money available, not to exceed 50 percent, so that those institutions can be renovated and repaired and a number of beds added to the total we have now, so that finally the case load will not be beyond the bed capacity of all the hospitals in the District of Columbia.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Minnesota.

Mr. O'HARA. The gentleman will recall that in the hearings these smaller and outlying hospitals, which probably give the greater service to the city of Washington, had the greatest desire and expressed the desire to serve their communities. They said they wanted to serve their communities and that their people would go only to these neighboring hospitals.

Mr. DIRKSEN. Precisely so. It follows out the pattern that General Bradley and General Hawley have commenced, that you have a medical center, but you have to have small hospitals in strategic areas for the purpose of taking care of the convalescents and the normal medical cases that may arise.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RANDOLPH. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois be permitted to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Texas.

Mr. SUMNERS of Texas. Will the gentleman give us some information on this point: If this is necessary to be done in this community, what is to be considered as necessary in the communities over the country where they have hospitals that also are up against it?

Mr. DIRKSEN. There is no doubt that a similar service can be purveyed to other communities. The Hill bill, which has already passed the Senate, and which probably will be reported here, on the basis of per capita income and population seeks to make grants through hospital authorities to all the States of the Union. I agree thoroughly, of course, that the amount of money available under that bill for other jurisdictions will not be comparable with what we are making available here to the District of Columbia. The only argument we can adduce in behalf of an additional and larger percentage of funds here is that people from all the States of the Union have gravitated here, and we have to provide some kind of medical service, which is not now decently available, may I say. So we look upon it as an institution in the Nation's Capital where we can err on the generous side. That is the only argument I can make for it.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield with pleasure to the gentleman.

Mr. SUMNERS of Texas. Does this proposition rest upon the theory that the Federal Government should go into the various communities of the country and into the States and make an appropriation to aid them in their hospital work?

Mr. DIRKSEN. That is precisely the theory upon which the Hill hospital bill proceeds. That bill passed the Senate and will come up in this body this week, as I understand.

Mr. SUMNERS of Texas. This bill is part of that general scheme?

Mr. DIRKSEN. The theory is there. The amount of money involved here is somewhat larger.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, it seems to me that Washington ought to be the model for the entire country insofar as hospitals are concerned. It is a very direct responsibility of the Congress and we must make sure that that is accomplished. Many persons were not allowed to go into the hospitals during the war because there were no beds. There were not even enough doctors to take care of the patients at home. You will have an increased patient load for that reason. I hope everything will be done to make sure that Washington has proper buildings, good doctors, good hospital staffs, and nurses and attendants and insist that high standards be maintained. Some of Washington's hospitals are a national disgrace. Then I feel Congress will have done its duty.

Mr. SUMNERS of Texas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to try to find out what we are doing here. I gather from the statements made in this discussion that this is a part of a general scheme for Federal aid to private hospitals all over the country. I so understand the statements just made by my distinguished friend the gentleman from Illinois [Mr. DIRKSEN] under this bill which is just like this one. The Federal Government will be going into the various communities making surveys to determine community needs as though the people in these communities do not have intelligence enough to determine those needs. Of course, the people of the country have to pay the bill. Then the Federal Government is to make appropriations for these hospitals and incur expenses which the people have to pay.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. DIRKSEN. Just for the sake of clarity, under the bill which passed the Senate, the State must set up a hospital authority and it must comply with certain minimum standards which are set out in the bill. When that is done, then, of course, it is funneled from the Federal Government to the States for distribution among the communities.

Mr. SUMNERS of Texas. That is just a part of the general pattern which is bankrupting the Federal Government, helping to build up and maintain an army of Federal employees, destroying the sense of responsibility of the States, communities, and individuals. I do not like to continue to talk about these things. It is not pleasant to oppose these groups of public-spirited people

who want to go the easy way to get what is needed. But I cannot pretend not to know what this rushing off up here for money and thereby relieving people of the necessity to do the job themselves, is doing to the people themselves, and doing to the States and smaller units of government. It is bad enough to persist in a policy certain to bankrupt the Federal Government, but that result is insignificant compared with the bankrupting of these sterling qualities of self-reliance and of capacity which can be preserved only by doing difficult things.

Mr. CHURCH. Mr. Chairman, if the gentleman will yield, the gentleman from Illinois is not talking about the bill pending, but is discussing the bill which is still in the Senate.

Mr. SUMNERS of Texas. We are discussing a bill which is before us, but that is not all we are discussing. The thing involved is much bigger than this bill, as I understand the statement made. All over the United States public-spirited people have heretofore dug down into their pockets and taken care of the situation in their own communities. It has not been easy. Meetings are held, committees are formed, leaders developed. Real democracy gets into motion. Community solidarity is strengthened. Community fitness is developed. That mythical magnificent thing is done to character which comes only to those who do for others with their own, for others in need, from whom they expect nothing in return.

Mr. Chairman, our people have built up strength of character and self-reliance during the periods of our pioneer experiences. We, of my generation, are destroying it with a profligacy more reckless than that with which we are squandering our great governmental heritage. One of the many ways by which we are doing it is by having a great centralized paternalistic government rob them of the necessity of doing the things which would help them to keep strong and fit to govern in a great democracy. My generation is doing this with borrowed money which other generations must pay, generations whose stamina our policy makes less fit to carry on. Every dollar of the some hundreds of billions of dollars that have been invested in the obligations of this country, some of it to help carry on the war, but some of it to pay the current governmental expenses of this generation, must be paid by those who are to come after us in responsibility. Up from communities where there is more money than ever before, in great waves of political power, people who do not realize what they are doing through our help are raiding the Federal Treasury for the money to meet current community needs. That is the bankruptcy which hurts; deep down in the people it hurts. These drafts upon a busted Federal Treasury are serious but, my colleagues, are nothing to compare with the hurt resulting from this dependence these drafts place upon the strength of our people, strength built up among a great people during the centuries of their independent self-reliance as to these matters of intimate duty and responsibility, before they ever heard of this Uncle Sam business—doing things for everybody. It does not make sense. Weakening the base—the self-reliance and capacity of the people while piling up the burden of our own expenses upon the generations of children which are to come after us. They are helpless. We are their guardians. They have no vote. There is not a State in the United States that is not in a better financial condition than the Federal Government, and not many communities or municipalities. These hospitals in all the States are to come here to the Federal Government, and the Federal Congress is to vote an appropriation of Federal money to help the hospitals in the various communities. Back with those dollars goes Federal power. There is not a Member of the Congress who does not realize that where the Federal dollar goes Federal power follows, and adds to the number of Federal employees who are administering the thing.

We have another group that wants an appropriation to help develop the libraries all over the country. We have already voted some money to pay for the lunches for school kids. If this thing keeps up, what will be the justification or excuse for the maintenance of State government or the community government, or how can they be maintained as sovereign efficient agents of local government?

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. BATES of Massachusetts. This bill sets the pattern for the Federal Government to step into every community in this country and make a direct contribution or grant for hospital purposes. Under the provisions of this bill every hospital in this District, no matter how large or small, can come in and make application and be granted 50 percent of the hospital facilities if the improvement is carried through.

Mr. SUMNERS of Texas. We know that the total of governmental power now concentrated here in Washington is beyond human capacity to understand. That is what is happening here at this end.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. We had the atomic bomb under consideration the other day. That is something that the individual Member of Congress should devote a week or 10 days to. We came here and did the best we could and took a chance on it and we voted on that proposition. There was not a chance for the individual Member properly to study it. The same thing was true with regard to the British loan. It is utterly impossible, and every Member of Congress knows it, for a Member of Congress to give that degree of examination necessary to deal with the business of this Government from the standpoint of how a statesman should deal with it. That is no reflection on the Congress. And yet we are piling up more duties here. We are developing a condition under which it is impossible for Members of Congress to develop that degree of statesmanship required by the circumstances of this country. We are doing it largely because of the fact that the communities, the States, and the individuals are coming up here to the Federal Government to get money out of the Federal Treasury. If we would help them to understand that they are not getting something for nothing, that every dollar must be paid back in dollars, that the cost of double administration must be paid in dollars, that interest must be paid in dollars and that the loss of local control over local matters and popular control over government and that somewhere down the line there must be travail and bitter struggle to regain that which all are now throwing away they would not insist. Mr. Chairman, if this explanation by the advocates of the bill that it is a general pattern of the bill recently passed by the Senate under which everybody in all communities come up here and get money out of the Federal Treasury, for community hospitals, the bill ought to be defeated.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. RABAUT. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, some time ago my daughter-in-law was confined in this city. Her husband was a member of the armed forces. She was in the hospital for 3 days and then they ushered her out.

Now, let us be sensible about hospitalization. This is the situation as it actually exists now. If a person who has some influence can stay only 3 or 4 days in a hospital in a maternity case, what will the family do who are without influence? There are private institutions in this town that have served the community for a hundred years. What do we propose? Abandon the old and grab the new? I am a little surprised at the debate as it goes on here today. No one has more respect for the gentleman from Texas [Mr. SUMNERS] than I. Did anybody raise a voice against the British loan last week? This is for our own people. This, I repeat, is for our own people. Every time we attempt to do something for our own we start talking about economy. This is something which deals with the general welfare, and dealing with the general welfare it is the function of the Federal Government to help. We have the example of the war period. The boys who were rejected—rejected because they were unfit to serve. But that is forgotten today. We avoid the issue. The issue is, Are we interested in the health of our people?

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. SUMNERS of Texas. I have tremendous respect for my distinguished friend, but this institution he speaks of has been operating without this kind of bill for a hundred years.

Mr. RABAUT. And it has been operating in poverty, the strictest kind of poverty. If you do not believe it, appoint a commission to investigate. Serving,

serving in poverty in the Capital of the greatest nation in the world.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield.

Mrs. BOLTON. The understanding I have of this is that the point at issue is not that we are setting up something which is going to serve all the cities in the country. It is serving Washington, the Federal city, which is entirely different from our going into other cities, is it not?

Mr. RABAUT. Yes; some are looking for bridges to cross which have not yet been erected, glancing over the wide horizon, supposing things might happen—if, when and why. Let us cross those bridges when we reach them.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. ABERNETHY. I offered the amendment and I presume the gentleman is talking to the amendment. The question is not whether we are interested in taking care of the sick and injured in the District of Columbia who are unable to take care of themselves, the question is whether or not it is the duty and responsibility of the Federal Government to take care of everyone in the District of Columbia.

Mr. RABAUT. No; that is not the question. I have not referred to it nor have I mentioned it.

Mr. ABERNETHY. That is the issue.

Mr. RABAUT. I said there is an institution in this city that has operated in poverty for a hundred years; and I wonder if it is necessary for an institution that serves humanity, serves it for a pittance, to operate in poverty for a hundred years?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. RABAUT. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. RANDOLPH. I said earlier today that the hospital facilities within the District of Columbia are deplorable for the task they are called upon to meet. The gentleman has said that in other words, and he is correct.

Mr. RABAUT. I thank the gentleman from West Virginia.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield to the gentleman from Texas.

Mr. SUMNERS of Texas. I wish to say to my friend that I agree that the situation with regard to Washington is different from the situation over the country generally. What I was trying to do was to direct to his attention the thought as to whether this bill would operate as a pattern with reference to areas outside the District.

Mr. RABAUT. I am talking only about the District of Columbia and the matter that is before us today. I think we certainly ought to remember institutions that serve for so long a period and not jump to conclusions and take on a new situation, forgetting institutions that have service for over a century.

Mr. D'ALESANDRO. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. D'ALESANDRO. I have made an investigation of the welfare institutions of the District of Columbia. I agree that the gentleman is absolutely correct and commend him for his statement.

Mr. RABAUT. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. LAFOLLETTE. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, there are several things to be deduced from what has been said here today as to whether we are going to look forward and show an understanding of these health problems.

The gentleman from Texas, eminently respected by all Members and my myself, has talked about the inability of the Members of Congress to deal with these questions. In large respect I am in agreement with him, but for some reason within the last few days those people who are trying to put through a bill for the report of congressional procedure in order to strengthen Congress and make it possible for the people to be adequately represented, as the gentleman wants them to be, have taken out a provision for an executive or administrative assistant to Congressmen. You cannot turn the clock back. The problems which confront America are no longer eighteenth or nineteenth century problems. To me you have to strengthen this institution which is the bulwark of this country and which, in my opinion, is the most important branch of government. You cannot vote to take out an administrative assistant for a Member of the Congress on the idea that it costs maybe $350,000, then vote millions of dollars for attorneys and advisors in all of the executive branches of the Government and come here, finally, and say that you cannot handle the problems of government. Why, you have got to prepare yourselves by assistants so that you can solve the problem and look forward. That is the intelligent approach to it. You cannot go back to the eighteenth and nineteenth century or its simple problems. You cannot get rid of these twentieth century problems. Do not say to the people that you are capable of handling these problems without assistance; some one to take off the load of incidental things, but say to the people "I will not be able to give study to all the problems of government; therefore I need an assistant and I am explaining to you why I need an assistant." I will not come here and yell for help and then deny myself the help which I only have the power to give myself. Something has been said here about taking care of all the people of the country. Well, there are only two classes of people who get really expert medical service in the United States—those who have the money, in this particular community, to a large extent those who have some position, and the very poor, who are operated on and taken care of as charity cases.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. LAFOLLETTE. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. I would like to challenge that statement. My 30 years of experience in the practice of medicine completely refutes that statement.

Mr. LAFOLLETTE. That is a very direct challenge. It almost comes to saying I am a liar, which I do not think the gentleman means to say. I also have lived for 45 years in a community about the size of the gentleman's community, or a little larger, and I know myself that the middle class of people, the people with $150 a month, who have to skimp and save in order to get medical attention, do not get adequate medical attention. So we hear all this talk about why do we have to take care of all the people. Well, all the people happen to be citizens, and it is an obligation of the Government of the United States to provide hospital facilities at least, so that those people, if they can pay, may find a hospital and get into it.

Mr. HEALY. Mr. Chairman, I move that all debate on the perfecting amendment to the committee amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

Mr. CANNON of Missouri. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, as the gentleman from Texas, the distinguished chairman of the Committee on the Judiciary, has just said there is a great deal more in this proposition than the enactment of this bill. All over the country there is a general impression that the Federal Government is about to resume the old WPA handouts. In every section there is the hope that now that the war is over we will go back to the good old days before the war and the local communities will build hospitals, libraries, schools, airfields, and public construction of all kinds, and the United States Treasury will foot the bill. The fact that we are staggering under an unprecedented national debt of $275,000,000,000 seems to make no impression on them. And it seems to have made no impression on the sponsors of this bill. This is the beginning of a program the end of which no man now living can foresee. There is not a county or a municipality in the United States which does not have plans to build a new hospital or revamp and enlarge an old one, as well as water and sewage systems and public utilities of every character. The passage of this bill, the provision of this gratuity, will be the signal for them to descend on Congress for similar largess from the public purse. And there is not money enough to do it. There is not money enough to make a payment on the national debt. There is not money enough to pay legitimate expenses without a bond issue. We have had a good deal of talk here the last few days about

enacting OPA regulations to prevent inflation. Here is the place to control inflation. It is such gratuitous expenditures as these that render it impossible to balance the budget, prevent payments on the national debt, prevent reduction in tax rates, and bring down the purchasing power of the dollar.

There is not a State or major city in the Nation that is not in better financial condition than the Federal Government. And that is particularly true of Washington. Without indebtedness, with a low tax rate, and with the largest average earned income per capita of any city in the world, it is amply able to take care of its own ill and indigent.

They say the Washington hospitals are congested. Of course, they are congested. The hospitals of every city are congested—New York, San Francisco, Chicago, and St. Louis. That is not an exceptional situation. But no one is going without hospitalization here in Washington—as they are in many sections of the country where there are no hospitals at all. Why should not Washington, like the rest of the country, take care of her own?

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. Why should not Britain take care of their own, too? We just donated billions of dollars to them.

Mr. CANNON of Missouri. What has that to do with the price of oranges, or the height of Christmas trees? The gentleman cannot see straight. He cannot think straight. We are talking about hospitals—in Washington, D. C.—not something on the other side of the Atlantic.

And while we are talking about Washington, let me quote from a recent editorial from a Washington newspaper:

WORTH REMEMBERING

In this age of hand-outs and a growing demand for them, it might be a good idea to remember the quotation in Plutarch's life of Coriolanus: "The man who first ruined the Roman people was he who first gave them treats and gratuities."

That is a Washington comment. Let us take it to heart.

Let us go ahead and in a legitimate way take care of the hospital needs of this city, but let us not start a spending program which will spread throughout the country and which will saddle upon us obligations which will disorganize the national budget and delay indefinitely the liquidation of the national debt and the reduction of Federal taxation.

Mr. Chairman, this amendment ought to be agreed to.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Chair recognizes the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Chairman, I yield to no man in this House or in the Nation in my sincere desire to see that our poor and needy people have proper hospitalization, but as I see this legislation it is simply an opening wedge, as has already been explained so ably by the distinguished gentleman from Texas [Mr. SUMNERS], to have the Federal Government contribute great sums to every village, town, and city in the United States for hospitals. It has come to a pretty pass if the people of the District of Columbia and of other municipalities in this Nation have lost so much of their benevolence toward their suffering neighbors that they refuse to take care of them when they are sick and must look to a paternal Government to take care of their neighbors, their friends, and their families. There is not a hamlet, a town, or a city in this country today that is not better fixed financially than the Government of the United States. Certainly with the large income the people of Washington, D. C., always have, if they are unwilling to take care of their suffering friends, neighbors, and families, then I think things have certainly come to a pretty pass here in our Nation's Capital.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. O'HARA].

Mr. O'HARA. Mr. Chairman, the amendment offered by the gentleman from Mississippi of course strikes out the heart of this bill. It strikes out the small neighborhood hospitals that are involved in the bill. I call your attention to the fact that this medical center is only a part of the program. We have the small hospitals which serve their particular communities, and I venture to say serve more of the charity type of patients than would a medical center. They serve their communities because the people living in the communities want to be treated in their neighborhood hospitals. If you want to sabotage the bill you might as well vote for the amendment offered by the gentleman from Mississippi.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. It has been said that this is a precedent for some general program. I do not understand it that way.

Mr. O'HARA. Of course it is not. The situation entirely is that the Congress is responsible for the District of Columbia. This is a red herring that they are dragging in here, this talk about an entering wedge. Either turn the government of the District of Columbia back to the people of the District and let them run it or do a fair and decent job of running it as the Congress of the United States, one of the two.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Iowa.

Mr. JENSEN. The gentleman knows that if we do anything for the District of Columbia every village, town, and hamlet in the United States will say, "Certainly you want to treat us as fairly as you do the people of the District of Columbia."

Mr. O'HARA. The gentleman from Iowa comes from a fine, wealthy part of the country where every town has a hospital.

Mr. JENSEN. And we are going to take care of our own sick and suffering people.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. COLMER].

Mr. ABERNETHY. Mr. Chairman, will the gentleman yiueld?

Mr. COLMER. I yield.

Mr. ABERNETHY. In answer to my friend, the gentleman from Minnesota, I disagree with him that this amendment strikes the heart out of the bill. The fact of the matter is that the bill originally was for the construction of a hospital center and after we got the hospital center in, then they decided to bring in all the hospitals. So we are just striking out the end of the bill. That is all it amounts to.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I yield.

Mr. BATES of Massachusetts. As a matter of fact, the title of the bill only refers to the establishment of a modern, adequate, and efficient hospital center.

Mr. COLMER. That is right.

Mr. BATES of Massachusetts. There is no reference whatever to helping any smaller hospitals.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I yield.

Mr. RABAUT. What constitutes a hospital center if it is not an association of hospitals which will go into the medical center?

Mr. BATES of Massachusetts. But under the provisions of the bill they cannot go into the medical center.

Mr. RABAUT. I just asked you what constitutes a medical center.

Mr. COLMER. Mr. Chairman, I cannot yield further.

In a few days the House is going to be called upon to vote upon a bill which has already passed the Senate, known as S. 191, which would give every community in the United States, including the District of Columbia, an equal chance to share in Federal funds for the construction of hospitals that the communities need. I do not think it is fair that the District of Columbia should be set aside to receive preferential treatment over your community and my community. They all ought to share alike. I know there is a lot being said about this being the seat of government. Now, how many communities in the United States would not be glad to have that burden thrown upon them of being the seat of government? I am in favor of defeating this bill and considering S. 191 when the time comes.

The CHAIRMAN. The Chair recognizes the gentleman from Nebraska [Mr. MILLER].

Mr. MILLER of Nebraska. Mr. Chairman, I am vitally interested in seeing that the District has proper hospital facilities. I do understand that the three hospitals to be absorbed or abolished in this bill have been doing right well financially. Their physical property is old. Some District hospitals are a disgrace. They need repairs and new equipment. The Speaker of the House appointed me as a member of one of the hospital boards here in the city. I attended a number of their meetings. They are always asking for some money

from the Federal Government. The hospital has money in the bank and assets sufficient to make improvements. I believe it is the duty of Congress to assist with new buildings just as we did in the case of the George Washington and Georgetown Hospitals. It is my understanding these two universities received an outright grant. Washington needs better hospital facilities. I understand the three hospitals included in this bill have no debts at all. They have been able to go along and serve the community and are out of debt. They may have made some money and they may have money in the bank. I am not sure about that. At least, they are not running in the red but are on the right side of the ledger. A hospital center appeals to me. I would like to see a large medical center here. I do think the administrative difficulties are very great. This does appeal to me also because I am interested in hospitals. I ran a hospital for some 20 years. I know that hospitals can make a little money if they want to. It does seem to me that if we are going to build hospitals now, they ought to be built under the RFC or some fund like that. Thus the hospitals might be self-liquidating. I believe it can be done. The people using hospitals who are able to pay should pay enough to meet all expenses and have a sinking fund to retire the debt and keep up the repairs.

The other thing I am reminded of is the Hill-Burton bill that will soon come before the Congress. I understood the gentleman to say that all communities would be treated alike in this bill. It is my understanding of the Hill-Burton bill that these funds will be available to those communities where there is a shortage of hospital and public-health facilities. Unless this bill is amended, I think that condition still prevails. I doubt if Washington, D. C., can qualify under the Hill-Burton bill.

I am also reminded of the fact that in the city of Washington, while living costs are high, the people living here get more money on the average than any other individuals in cities of comparable size.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. MILLER] has expired.

The question recurs on the amendment offered by the gentleman from Mississippi [Mr. COLMER] to the committee amendment.

The question was taken; and the Chair being in doubt, on a division there were—ayes 53, noes 30.

Mr. HEALY. Mr. Chairman, I ask for tellers.

Tellers were refused.

So the amendment to the committee amendment was agreed to.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 12, line 3, strike out all of the language beginning with the word "thirty" in line 3 and ending with the word "determine" in line 8, and substitute therefor the following: "The net amount expended by the Federal Works Administrator under this Act shall be charged against the District of Columbia and shall be repaid to the Government by the Commissioners of the District of Columbia in equal installments annually over 20 years, with interest on unpaid items at the rate of 2½ percent per annum."

Mr. TABER. Mr. Chairman, I recognize the need for hospital facilities in the District of Columbia. On the other hand, there is no occasion in the world for the United States of America to pay perhaps the whole cost. That is what it could be under the language that I have attempted to strike out, because they are not required to pay it at any particular time and they are not required to pay interest. It could be put off forever.

I have provided here that the District of Columbia should pay the whole bill and pay it over 20 years in equal annual installments. That would require a contribution out of the District of Columbia treasury of only about $2,000,000 a year. Can anyone say that the District of Columbia, the richest city in the world, without any bonded indebtedness whatever, should not pay the bill for fixing up its hospital situation? I cannot understand how anyone can come here and say that the people in our districts back home should pay the hospital bills of the District of Columbia. Let them raise the tax rate 60 cents a thousand if they have to. What hurt would it do?

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. JENSEN. They pay less tax, less millage, than any city anywhere in the United States, right here in the District of Columbia.

Mr. TABER. They do and there is no excuse for it.

This is not a Federal responsibility, we are dealing with a responsibility which is local and which has always been made local; and there is no excuse whatever for trying to make it a Federal responsibility. Let us be honest, let us be honest with the people back home, let us provide for this hospital situation as will be done if my amendment is adopted, but let the District of Columbia pay for it as they should. They charge plenty for rent, they charge plenty for hotel rooms, they charge plenty for everything you buy here; and the folks who come in here who have to be hospitalized, directly and indirectly pay any charge that the District itself would have to pay out of its tax revenues. There is absolutely no excuse for approaching this problem on any other basis. It is not meeting responsibility to those who are sick and in distress, but when you provide that the Federal Government shall do this whole job as this might result, you are simply failing to meet your responsibility to your own districts back home and at the same time be fair to the District of Columbia.

Mr. BUCK. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. BUCK. Mr. Chairman, I spent 20 years as a member of the board of trustees of a hospital. I know what hospitals mean to any community; but I do not believe the hospital need of the community is the factor at issue in connection with this bill.

Earlier in the afternoon, the gentleman from New York [Mr. BLOOM] said that costs should have no consideration in our action on this bill. That unfortunately is the daily attitude of this Congress on almost any bill. It was not long ago that the matter of the Federal contribution to the District of Columbia was before us, and at that time the District Committee spoke to us very eloquently as to the bad state of District finances. Why has not the District Committee come in to us meanwhile with some measures to increase taxation? I have not seen or heard of any such bill. On the other hand we have in the report on the bill now before us the statement:

> The District budget is not in balance, or is so close to the red that additions to the expenditure side cannot be made until more revenue is in sight.

Much more revenue is in sight. It just is not being utilized.

My home State and city have what I think are the finest hospitals in the country. How have those hospitals been acquired? They have been acquired by taxes. Our real-estate taxes in the city of New York are at least twice as high as in the city of Washington. We have sales taxes, gasoline taxes, public-utility taxes, and real-estate-use taxes; and in addition the city is bonded to the hilt. Through such means have we been able to build these hospitals to take care of our people. Washington, as has been said, is not taxed heavily. Why on earth should the people of my district be taxed on top of their already high taxes to build hospitals in the city of Washington when the people who live in the city of Washington do not bear an adequate tax burden?

Mr. Chairman, this bill should be defeated.

Mr. DIRKSEN. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, the adoption of the pending amendment means there will be no hospital program for the District of Columbia. That is not an overstatement, that is not motivated by any endeavor to scare you; it is just a plain, simple, unembellished, unadorned statement of fact. Thirty-five million dollars at accrued interest, amortized over a period of 20 years, as proposed by the gentleman from New York, means that every dollar of the $2,000,000 that you added to the lump-sum estimate by the Federal Government by vote of this House a few weeks ago will be sponged out and will have to be devoted to this one exclusive purpose if you are going to have a hospital program.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from New York.

Mr. TABER. The gentleman knows that they can raise the tax levy 60 cents a thousand or they could put on a sales tax and have plenty of money to meet their obligations. Why do they not do it?

Mr. DIRKSEN. Before you can propose a revenue system for the District government, in addition to what you have, it becomes necessary, first of all, to hold hearings before the District Committee. That results in long, arduous, and painful labor. Everybody will have to be represented. At long last you seek

to develop a revenue program; then you bring in a balanced revenue program before this House.

Mr. TABER. That might not be the fact.

Mr. DIRKSEN. You remember the difficulty we had in imposing an income tax on the District of Columbia. You remember the difficulty we had even considering a sales tax before. I was one of the antagonists rather than one of the protagonists. The District of Columbia has got to wait until this Congress acts, and it is anybody's guess as to what will happen on this floor.

We started today at 12 o'clock. It is now 4:20 in the afternoon and we have not gotten through District business yet. The members of our committee have worked earnestly early and late, they have given diligently of their time and attention and have studied the bills. Yet Members will come over here, pick up a bill they have not seen until the calendar starts, and find something they can attack. Get me straight, I am not lecturing. Goodness knows, I have been here too long to want to lecture anybody. But it does not make one feel too good deep down to give so freely of his time on these matters, then have the thing kicked around unless there is a pretty good reason. You know, I tried for years to get off the District Committee. The District Commissioners came down and saw the minority leader and said, "Keep Mr. DIRKSEN on the District Committee." It is a labor of love, of course. I do not mind when you come down here and kick out a bill, but I would like to have you have a good reason, based upon a careful analysis of the bill, before you do that.

Mr. FOLGER. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from North Carolina.

Mr. FOLGER. I am inclined to go along with the gentleman and the committee, but I am wondering why the matter should be handled as an exclusive need here. Why should not a general hospital bill be passed for the United States, including the District of Columbia?

Mr. DIRKSEN. There is a general hospital bill to come on which will make available for that purpose between $400,000 and $700,000 a year to the District of Columbia from a very limited amount that is provided. You could not begin to build 10 wards in a hospital with the money that the District would get out of the Hill hospital bill. That is the difficulty today.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. I reply to the observation made by my friend the gentleman from New York [Mr. TABER] when he speaks of the people here putting into effect a sales tax, that that must be done by the action of this Congress. On several occasions, when I was chairman of the House Committee on the District of Columbia, we brought legislation here for Congress to approve a sales tax, but it was defeated.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent to proceed for four additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Michigan.

Mr. RABAUT. I just rise to say that I want to congratulate the people of the District of Columbia in the decision of the minority leader in placing the gentleman on the Committee on the District of Columbia and keeping him there, because I think he is doing a very good job.

Mr. DIRKSEN. Well, we just labor at it as best we know how.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Pennsylvania.

Mr. WALTER. If the people of the District of Columbia would do what the people in my own city did recently, namely, solicit subscriptions for a new hospital, they could achieve the same goal.

Mr. DIRKSEN. And may I say to my distinguished friend from Pennsylvania that here in Washington they have attempted to raise $1,000,000 for a Children's Hospital. That has been in progress for weeks and weeks and weeks and the best they have been able to get is 50 percent of that goal.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Iowa.

Mr. JENSEN. As the distinguished gentleman knows, I have served on the subcommittee of the Committee on Appropriations for some time.

Mr. DIRKSEN. And the gentleman has done a great deal of labor, too.

Mr. JENSEN. I thank the gentleman. I have listened to these do-gooders from every welfare organization in this District, and when you talk about Congress attempting to put on any kind of a tax on the people in the District of Columbia, boy, they send hoards of lobbyists up there to tear you to pieces. The gentleman knows that.

Mr. DIRKSEN. I have not seen that, I am sorry to say.

Mr. JENSEN. The gentleman has not?

Mr. DIRKSEN. I do not think that a person who openly represents himself in favor of a measure before the committee is a professional lobbyist, if he is doing it on his own and not for any particular group or for pay.

Mr. JENSEN. They may be amateurs, but they are pretty good.

Mr. DIRKSEN. In closing, let me affirm that I meant no impertinence to anybody. It is all in the best of grace, and may I say that the Committee on the District of Columbia does the best job it knows how.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Massachusetts.

Mr. BATES of Massachusetts. I have labored on the Committee on the District of Columbia with the gentleman from Illinois longer than any other Member here.

Mr. DIRKSEN. And he is a valiant Member.

Mr. BATES of Massachusetts. And I think I can agree with the gentleman from Pennsylvania [Mr. WALTER] that in every community in this country of ours this is taking place. We find drives on almost every year. The same thing is true in my city. And, I know that when the gentleman and I worked out the income-tax law here a few years ago we observed that the income that was going untaxed in this city amounted to $300,000,000 a year in personal income. I wonder why that source could not be taxed.

Mr. DIRKSEN. Let me make this observation. It is pretty easy to bandy a lot of general assertions on this floor that will not stand up in the light of day. The gentleman from Missouri, chairman of the Committee on Appropriations, said a moment ago that they have the largest per capita earned income in Washington of any jurisdiction in the United States. That is certainly true. But earned income is one thing. Income that remains in the District of Columbia to be taxed is another. Why, an old attorney who has lived in the District of Columbia for 40 years, has always voted in Pennsylvania and never paid an income tax in this jurisdiction. It is one thing to leave the income here to be taxed, and it is another thing to take it away.

The other thing is this: With an area having 270,000 people from the outside, the interest and abiding loyalties are back home, just like my loyalties are back there. Manifestly, this does not become a jurisdiction where colossal incomes, like those in Hollywood, are taxed. If you can find those sources, you are a better man than the assessor, Ed Dent, or your humble servant who is addressing you at the present time.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Michigan.

Mr. RABAUT. When they are sick in the District of Columbia, whether their affiliations are back home or not, they seek out a District of Columbia hospital.

Mr. DIRKSEN. Of necessity that is true.

I hope the amendment will not prevail, but it is wholly within the grace of the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER] to the committee amendment.

The question was taken; and the Chair being in doubt, the Committee divided; and there were—ayes 36, noes 45.

So the amendment to the committee amendment was rejected.

Mr. ABERNETHY. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. ABERNETHY moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. ABERNETHY. Mr. Chairman, I endeavored as best I could and as fairly

as I could to explain this bill in my opening statement. I said at the time that I appreciate the fact that additional hospital facilities are needed in the District of Columbia.

I live in a little town of 2,700 people. We do not have an adequate hospital there. I should like to have one. But if I had dropped a bill into the hopper authorizing only a $10,000 federally financed hospital for my little city it would never have received a hearing, much less been reported to the floor for consideration.

I appreciate the fact that this is the seat of government and probably deserves some special treatment, but my opinion, as I stated before, is that that treatment should be in the form of additional Federal contributions to the District of Columbia.

I think the House has made up its mind. The day is pretty well spent. The amendment offered by the gentleman from New York [Mr. TABER], which I supported, having been defeated, you now have before you a bill which authorizes about $20,000,000 for a hospital center which will cost the people of the District of Columbia, according to the estimates laid before the committee, only about $3,000,000 of that $20,000,000. The bill does not spell out when or how the District share will be repaid. We have the cart before the horse. I think this bill ought to go back to the committee; in fact, I think it ought to go out completely. In order to bring the issue to a head, I have offered the motion to strike out the enacting clause. My purpose in so doing is to defeat the bill.

Mr. DIRKSEN. Mr. Chairman, I rise in opposition to the motion.

Mr. Chairman, the committee submitted language which is just as definite as any language can be to impose a firm obligation upon the District of Columbia, and it leaves it to a future time to determine how and when it shall be done; in other words, it is still in the hands of Congress.

Let me read you this language. It is section 5 on page 12:

SEC. 5. Thirty percent of the net amount expended by the Federal Works Administrator under this act shall be charged against the District of Columbia and shall be repaid to the Government by the Commissioners of the District of Columbia at such times and in such amounts, without interest, as the Congress shall hereafter determine.

There is no money that you can get at the moment. It would be foolish to write in that kind of proposal here saying that so much is to be taken out of such and such a fund when there is nothing in it, or so much to be taken out of another fund when there is nothing in it. There is, however, developing at the present time, if you please, a completely integrated tax structure, a matter to which we are all giving our attention, and we hope to revamp the whole tax system. Some additional funds may develop and then at the earliest date Congress, under this power having fixed a firm obligation upon the District, will have to determine how that debt shall be amortized. What more can we do under the circumstances? There would be no virtue in passing this preferential motion. The function of a preferential motion is to test the sentiment of the House early in debate to find how the Members feel about a matter. We are about to finish the consideration of the bill in the Committee of the Whole. There are no more amendments. Therefore, there is no virtue in striking out the enacting clause at this hour of the afternoon. The matter will shortly be determined in the House. So why not let the matter go on as it is now and then determine the question by a record vote. That would be the sensible thing to do. I, therefore, implore you very respectfully to vote down the preferential motion.

The CHAIRMAN. The question is on the motion offered by the gentleman from Mississippi [Mr. ABERNETHY].

The question was taken; and on a division (demanded by Mr. ABERNETHY) there were—ayes 39, noes 66.

Mr. ABERNETHY. Mr. Chairman, I demand tellers.

Tellers were refused.

So the motion was rejected.

Mr. KEEFE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to have the answer to one or two questions so that I might with some degree of intelligence vote upon the pending legislation. I hope the chairman of the committee and my distinguished friend, the gentleman from Illinois, will correct me if I am in anywise in error in what I shall say.

I understand that the District of Columbia government is generally in charge of the Congress of the United States. It is run by Commissioners appointed by the President and confirmed by the Senate. So far as the conduct of its municipal affairs is concerned, it is conducted almost the same as any other municipality with the exception that it does not have a board of aldermen. In effect, the Congress acts as the board of aldermen. Who fixes the tax rates for the District of Columbia?

Mr. DIRKSEN. Congress fixes the tax rates for the District of Columbia. It can write the tax rates in legislation at any time or change them at any time.

Mr. KEEFE. Does the Congress actually fix the tax rate?

Mr. DIRKSEN. Yes. When we brought in the last omnibus tax bill we spelled out all the different rates.

Mr. KEEFE. Who levies the assessment? Who approves the assessment?

Mr. DIRKSEN. They have an assessor here just as they have in any other jurisdiction.

Mr. KEEFE. Is the assessment made by that assessor approved by the Commissioners or approved by the Congress?

Mr. DIRKSEN. The Assessor's conduct is under the Commissioners, but obviously the Commissioners could not approve the assessment of every parcel of land or real estate in the District of Columbia.

Mr. KEEFE. They approve the equalization of the assessment, perhaps.

Mr. DIRKSEN. I would say it is submitted to the Board of Equalization.

Mr. KEEFE. So that we have this situation, that the Congress actually levies the tax rate. The assessments that are placed are made by the Assessor under the jurisdiction and direction of the Commissioners. Is that right?

Mr. DIRKSEN. Yes. The District Assessor is a hired man.

Mr. KEEFE. Exactly, just as in any other place. If there is any responsibility for failing to impose additional taxes upon real estate in the District of Columbia, that responsibility rests squarely with the Congress of the United States. Is that right?

Mr. DIRKSEN. Precisely so.

Mr. BATES of Massachusetts. I do not agree with that.

Mr. DIRKSEN. In the last bill we recited in dollars and cents what the tax rate should be. There was an opportunity for anyone to increase it or decrease it or modify it or do anything they wanted to do with it.

Mr. BATES of Massachusetts. I do not agree with that.

Mr. KEEFE. I yield to the gentleman from Massachusetts who says he does not agree with the gentleman from Illinois.

Mr. BATES of Massachusetts. We determine what the rate shall be, but the assessment of the property is made by the Board of Assessors, and values are determined by the Board of Assessors. So that the tax bill itself is modified by the rate we set.

Mr. KEEFE. That is true in every community. We all know that. The rate is fixed by the Congress.

Mr. DIRKSEN. Precisely.

Mr. KEEFE. But as far as the actual taxpayer is concerned, he is interested in the application of that rate to the assessment, and if the commissioners have charge of the assessments and the assessments are made on the basis of true value, then, of course, the dereliction is with the Board of Commissioners and not with the Congress. May I ask the former chairman of the committee the gentleman from West Virginia [Mr. RANDOLPH] whether or not the assessments on real and personal property in the District of Columbia are made on a basis of fair values or otherwise.

Mr. RANDOLPH. I wanted to make an observation on the tax situation and then would be glad to reply.

Mr. KEEFE. Will the gentleman answer the question, if he can, please?

Mr. RANDOLPH. I desired to make an observation and then answer the question, but I will do it the other way if the gentleman prefers. I was on my feet when the gentleman from Illinois [Mr. DIRKSEN] was speaking and hoped to comment on tax matters in reference to District levying procedure.

Mr. KEEFE. Very well. I yield to the gentleman.

Mr. RANDOLPH. The gentleman from Masachusetts spoke about the Congress levying the taxes. Congress decides the taxes to be levied and the type of taxes to be used here. The Congress has had an opportunity to vote for a sales tax and has voted it down.

Now, will the able gentleman state the question again?

Mr. KEEFE. The charge has been made repeatedly on this floor that this is the least-taxed community in the United States. Now, if it is, the first responsibility, that of fixing the rate,

falls squarely on the Congress. Secondly, the application of that rate, which in effect determines the actual amount of taxes, is upon the assessment as made by the Assessor, his assessment being approved not by the Congress but by the Commissioners. The question I ask the gentleman is whether or not the assessed valuation of properties in the District of Columbia is upon a reasonable and equitable basis, comparable with other cities of similar character, and on a full basis of value.

Mr. RANDOLPH. It is my feeling that valuations are reasonable and equitable, and I believe that is the viewpoint shared by most persons who have studied the problem.

Mr. KEEFE. Of course, the tax rate means very little if the assessment is at full value.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. KEEFE. Mr. Chairman, I ask unanimous consent to proceed for four additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mr. DIRKSEN. I have not checked specific parcels in the last year or two. I expect it is 2 years or 3 years ago, but I had them certify to me the rate and the application and the net taxes paid on perhaps several hundred parcels of real estate, just picked at random in Washington. I tried as best I could, from people who were skilled in that field, to find out whether it was fair, whether it was too low, or whether it was too high. I think the consensus of judgment was that in many cases it was fair, and in many cases the actual taxes paid were higher, proportionate to the actual value of the property.

Mr. KEEFE. May I ask the gentleman whether or not his committee has made any study or investigation of the relationship of sales to assessment? In my State, for example, every single sale is recorded and it goes into the hands of the assessor. Is that done here in the District of Columbia? Is there any relationship between sales value and assessed value?

Mr. DIRKSEN. I am sure that the best of assessment technique is employed here; at least that has been my experience over a great many years. There is not the slightest reason to believe that there is any deviation from a sound assessment technique and a sound collection system.

Mr KEEFE. If there were not a sound assessment technique and if there were not a sound assessment today it clearly lies within the province and prerogatives of the Congress of the United States summarily to make correction. Is not that true?

Mr. DIRKSEN. That is correct.

Mr. KEEFE. So, after all is said and done, it seems to me, Mr. Chairman, after listening to all this debate and not pretending to know too much about it, that while we are doing a lot of squawking about the District of Columbia, the District of Columbia under the law and the Constitution is apparently our child and it is our responsibility as Members of Congress. We cannot just lightly brush that responsibility aside and say that because we do not have a hospital down in some town in Wisconsin or Mississippi, we, as Members of Congress charged with the responsibility for legislating for the District of Columbia are going to let this miserable condition prevail that does prevail in the District of Columbia. I personally hope that we can use some judgment this afternoon in passing legislation for the District of Columbia and not just brush it aside as you would some stranger. It is our child, it is our responsibility, and we must exercise and carry out that responsibility.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mr. BATES of Massachusetts. Does the fact it is our responsibility justify providing up to 70 percent of the cost with Federal funds?

Mr. KEEFE. That is not a fair statement.

Mr. BATES of Massachusetts. The bill itself provides that 70 percent of the funds shall be spent by the Federal Works Administration and it further provides that the cost——

Mr. KEEFE. Just a moment, please. The thing sums up to just this in my feeble opinion: It is admitted that the hospitals are in a deplorable condition. It is admitted that there are only two ways in which to improve the situation, one through public subscriptions—and you are not getting them—and the other through Federal aid to the municipality, if you may call it such. There seems to be no other way to get the money. You say the District of Columbia does not have the money in its till. The only way to put it there is to levy taxes then on the people of the District of Columbia; and if we need hospitals, if they are as deplorable as they say they are, let us build the hospitals, and if the Congress has the power let us levy the taxes to pay for them.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I do not like to oppose this measure. I do not like to oppose the Members of Congress who have good purpose in advocating it. But I have made examination of this policy, this dependence upon the Federal Government, and its effect. I give to you for whatever it may be worth, the certainty of judgment that if we continue to recognize that when a community fails to do that which is within its responsibility and power that the Federal Government ought to step in, we will create such a lack of sense of duty and eventually lack of fitness to do things that the Federal Government will not only have to step in but will have to stay in. By its nonuse the communities will have lost the ability to do for themselves. Totalitarian government will have been established. By this policy, which hides the destination, we move along the only road that would be permitted taking the people toward a totalitarian system of government. If we would state boldly to the people of the United States that we want to do this they would defeat every one of us. We do not tell them that. But if we continue to have the Federal Government entering those fields of service that lie within the interest of the private citizen and smaller communities of the Nation, and the State, we move as definitely toward a totalitarian system of government as if it were our admitted and intended destination. If the people are relieved by the Congress from the necessity of doing the things that are within their capacity, their capacity is reduced, and in proportion as their capacity is reduced the excuse for Federal intervention with Federal dollars is increased. After a while there will be the real necessity because that power not used is lost. That is the road we are traveling.

The distinguished gentleman from Illinois [Mr. DIRKSEN], who is the ranking minority member of the District Committee, stated that this bill is in line with another bill that has been passed by the Senate under which the Federal Government is expected to make appropriations in the several communities of the United States to aid in building hospitals.

The people in my community are asking me to support that bill. It is not a pleasant thing not to do it. I know something about the difficulty that the people have in raising money for things in their communities, but I declare to you, Mr. Chairman, those difficulties, as much as we would like to be rid of them, are not without their compensation. People never develop any ability by doing things that are easy. I have seen people in my community get together, have meetings, work up sentiment and have a hard time of it. But such things make a great people. They feel responsibility. The individual who does that which pinches him to help his fellow man in difficulty gets just as much benefit out of it as the individual whom he is serving.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Illinois.

Mr. DIRKSEN. Does not the gentleman make a distinction in the case of the District of Columbia?

Mr. SUMNERS of Texas. I do. I do recognize a definite difference between the responsibility of the Congress for conditions in the District of Columbia and its responsibility for conditions outside the District because the Congress must act for the District as its local governing body. If this Committee had a bill which definitely recognized that difference and went no further, then I would be in favor of that bill, but, as I understood the statement, and as I understand the arguments that have been made and the reasons asserted here, this bill is an entering wedge. I understand this bill is an entering wedge for the bigger bill that passed the Senate and I understood from the statement of the gentleman who favors this bill that he favors it on the same basis he would favor the bigger bill when it gets here.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Iowa.

Mr. JENSEN. The gentleman believes then as I do. I am sure, that certainly when the big bill comes here before the House that we who vote against that bill will be in a bad position if we vote for this little bill?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HEALY. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close in 10 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Chairman, I am always interested and attentive when our distinguished colleague the gentleman from Texas [Mr. SUMNERS] speaks to this body. I am sure that I join with the Members on both sides of the aisle in saying that when we lose a Member of the caliber of the gentleman from Texas, who is to retire voluntarily, that not only we but the country are the losers.

The gentleman says that we treat this problem as a local problem. I think he is in error. I feel it wrong to say that this is a local problem, or even Washington, D. C.'s, problem. I believe, as he later said, that it is a national problem. Mr. Chairman, it is a District of Columbia problem in that here is the seat of government for the people of his State of Texas, in a certain sense, and for the citizens of West Virginia also. We embrace this challenge in an approach country-wide in character. That is why we believe this hospital condition, deplorable as it is, must be attended to by the Congress of the United States sitting as the guardian not only of this city, or of this District, but of the Federal structure of the United States.

Does the able gentleman agree?

Mr. SUMNERS of Texas. I recognize this problem.

Mr. RANDOLPH. I trust the gentleman will finally be persuaded to join with those of us who will vote for the passage of this legislation. We must assume a responsibility to act for Washington—but in a larger sense to provide for adequate hospital facilities for the Capital City of this Republic.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. BATES].

Mr. BATES of Massachusetts. Mr. Chairman, just a word. I think I have some knowledge of the provisions of this bill. I have given it a good deal of time, as have the other members of the committee. I just want to reiterate what I had to say in the early part of the afternoon that what I am concerned about as much as anything else is the administration of this hospital when it is completed. There are no provisions in this bill for the administration of this tremendously large hospital center, and we are given to understand that under its provisions three of the large hospitals presently operating in the District will sell their buildings and their assets and turn over those assets to the Public Works Administration. The estimated cost of this hospital center is anywhere from twenty to thirty million dollars. It was originally estimated at $20,000,000 when it came from the Senate. There are no other hospitals in the District, apparently, that want to go into this hospital center. So with the $5,000,000 of assets that they will turn over to the Federal Works Administration, the Federal Works Administration with the other twenty to thirty million dollars will construct the hosptal and the representatives of these three hospitals will go in and operate this huge medical center. There is not a representative of the District of Columbia to be on the board. There is not a representative of the United States Department of Health or the Federal Government to be on the board. We will have no control whatever over the administration and the expenses of that hospital when it is completed. If you want to do that sort of a job, why, go ahead.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ABERNETHY: Page 13, line 1, strike out "$35,000,000" and insert "$17,500,000."

Mr. ABERNETHY. Mr. Chairman, this bill originally authorized an appropriation of $35,000,000, about $15,000,000 to $18,000,000 of which would be utilized in the construction of a hospital center and the remainder to be disbursed in grants to hospitals which do not participate in the center. The Committee having earlier in the day in adopting my amendment stricken from the bill the grants to private hospitals, it therefore follows that the Committee should limit the authorization to the estimated cost of the hospital center. It was estimated before the Committee that the hospital center would cost anywhere from $15,000,000 to $18,000,000. The adoption of this amendment would leave sufficient authorization for the hospital center while reducing the over-all authorization.

Mr. BATES of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Massachusetts.

Mr. BATES of Massachusetts. Has the gentleman any figures to substantiate what I had to say about the Federal Government assuming about 70 percent of the cost of this program?

Mr. ABERNETHY. I have. The bill as reported by the Committee on the District of Columbia provides, according to estimates made during the hearings, that the District of Columbia and the hospitals participating in the Center would contribute about 22½ percent of the entire cost; and when eliminating that portion which the private hospitals would contribute, it leaves the District of Columbia actually contributing only 8.6 percent of the cost of the entire program.

Mr. BATES of Massachusetts. What about the Federal Government?

Mr. ABERNETHY. The Federal Government would contribute 77.5 percent.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. FOLGER].

Mr. FOLGER. Mr. Chairman, the reason I ask for this time is that I asked the gentleman from Illinois [Mr. DIRKSEN] a question and its implications might have an effect I do not wish it to have. I realize there are hundreds of thousands of people in the city of Washington who come from the States of this Union who will require and receive the benefit of hospital facilities here in the District, and that the comparable amount that should be allocated to the ordinary city or town does not apply to the District of Columbia, where we have so many people who are not taxpayers but who would be given the benefit of these facilities. I am afraid that we will make a mistake if we vote this bill down. As far as the administration of it is concerned, that can be attended to by the Congress by a provision later on. I have come to the conclusion that we ought not to defeat this measure.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. FOLGER. I yield to the gentleman from Iowa.

Mr. JENSEN. May I point out that the people coming from the States to live in Washington pay for their care in the hospitals just as they pay for their food and their clothing, and they pay well for hospital service.

Mr. FOLGER. If the facilities were not here, they might die and not have the opportunity to pay for their treatment. It is a preparation for the people not only taxpayers here but people from all the States.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. FOLGER. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. May I point out that we are constantly decreasing the taxable property in the District of Columbia, year by year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi to the committee amendment.

The amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. HEALY. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. TRIMBLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 223) to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, had directed him to report the bill back to the House with an amendment, with the recommendation that the

amendment be agreed to and that the bill as amended do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

Mr. HEALY. Mr. Speaker, I demand a separate vote on the so-called Abernethy amendment.

The SPEAKER. As the Chair understands the situation, the gentleman cannot demand a separate vote on an amendment to an amendment adopted in the Committee of the Whole.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BATES of Massachusetts) there were—ayes 75, noes 42.

Mr. BATES of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 162, nays 106, not voting 162, as follows:

[Roll No. 231]

YEAS—162

Allen, Ill.	Gavin	Martin, Mass.
Allen, La.	Geelan	Mathews
Andersen, H. Carl	Gifford	Michener
	Gillette	Monroney
Andresen, August H.	Gordon	Murdock
	Gorski	Neely
Andrews, Ala.	Granger	O'Brien, Ill.
Angell	Grant, Ala.	O'Brien, Mich.
Arends	Hagen	O'Hara
Auchincloss	Hall, Edwin Arthur	Outland
Bennett, Mo.		Patman
Biemiller	Hancock	Peterson, Fla.
Bishop	Havenner	Pittenger
Blackney	Hays	Plumley
Bland	Healy	Pratt
Bloom	Hedrick	Price, Fla.
Bolton	Henry	Price, Ill.
Brehm	Herter	Rabaut
Brooks	Heselton	Rains
Brown, Ga.	Hinshaw	Ramey
Brumbaugh	Hook	Randolph
Buchanan	Hope	Reed, Ill.
Bulwinkle	Horan	Reed, N. Y.
Byrne, N. Y.	Howell	Resa
Byrnes, Wis.	Huber	Richards
Carnahan	Hull	Riley
Case, N. J.	Jackson	Robertson, N. Dak.
Chapman	Jarman	
Chiperfield	Jenkins	Robsion, Ky.
Crosser	Johnson, Calif.	Roe, Md.
D'Alesandro	Judd	Rogers, Fla.
Davis	Kearney	Rogers, Mass.
Dingell	Kee	Rogers, N. Y.
Dirksen	Keefe	Rowan
Douglas, Calif.	Kelley, Pa.	Ryter
Douglas, Ill.	Kelly, Ill.	Sabath
Doyle	King	Sadowski
Drewry	Kirwan	Sasscer
Elliott	Kopplemann	Savage
Ellis	LaFollette	Simpson, Ill.
Ellsworth	Larcade	Smith, Maine
Elsaesser	Latham	Smith, Va.
Engle, Calif.	LeFevre	Spence
Fallon	Lemke	Starkey
Feighan	Lesinski	Stefan
Fogarty	Lewis	Stevenson
Folger	Link	Stigler
Forand	McCormack	Sullivan
Fulton	McDonough	Taylor
Gallagher	McGregor	Thomas, Tex.
Gardner	Madden	Thomason
Gathings	Manasco	Towe
Trimble	Walter	Woodruff
Voorhis, Calif.	Wolcott	Zimmerman
Vorys, Ohio	Wolverton, N. J.	
Wadsworth	Woodhouse	

NAYS—106

Abernethy	Flannagan	Mundt
Arnold	Gamble	Murray, Tenn.
Barden	Gearhart	Murray, Wis.
Barrett, Wyo.	Gillie	Norblad
Bates, Mass.	Goodwin	Norrell
Bell	Gore	Pace
Bonner	Graham	Pickett
Brown, Ohio	Grant, Ind.	Poage
Buck	Griffiths	Rankin
Buffett	Gross	Rees, Kans.
Butler	Gwynne, Iowa	Rizley
Camp	Harness, Ind.	Robertson, Va.
Cannon, Mo.	Harris	Rodgers, Pa.
Carlson	Hess	Schwabe, Mo.
Case, S. Dak.	Hobbs	Schwabe, Okla.
Chelf	Hoeven	Scrivner
Church	Holmes, Mass.	Smith, Ohio
Clason	Jennings	Smith, Wis.
Clevenger	Jensen	Springer
Cole, Mo.	Johnson, Ill.	Sumners, Tex.
Colmer	Johnson, Ind.	Taber
Cooley	Jones	Talle
Cunningham	Jonkman	Tarver
Curtis	Kinzer	Thom
D'Ewart	Knutson	Tibbott
Dolliver	Kunkel	Vursell
Domengeaux	Landis	Wasielewski
Dondero	Lanham	Weichel
Doughton, N. C.	LeCompte	Whitten
Durham	McConnell	Whittington
Dworshak	McCowen	Wilson
Eberharter	McMillen, Ill.	Winstead
Elston	Martin, Iowa	Winter
Ervin	Mason	Worley
Fenton	Miller, Nebr.	
Fisher	Mills	

NOT VOTING—162

Adams	Gerlach	Morgan
Almond	Gibson	Morrison
Anderson, Calif.	Gillespie	Norton
Andrews, N. Y.	Gossett	O'Konski
Bailey	Granahan	O'Neal
Baldwin, Md.	Green	O'Toole
Baldwin, N. Y.	Gregory	Patrick
Barrett, Pa.	Gwinn, N. Y.	Patterson
Barry	Hale	Peterson, Ga.
Bates, Ky.	Hall, Leonard W.	Pfeifer
Beall		Philbin
Beckworth	Halleck	Phillips
Bender	Hand	Ploeser
Bennet, N. Y.	Hare	Powell
Boren	Harless, Ariz.	Priest
Boykin	Hart	Quinn, N. Y.
Bradley, Mich.	Hartley	Rabin
Bradley, Pa.	Hébert	Rayfiel
Bryson	Heffernan	Reece, Tenn.
Buckley	Hendricks	Rich
Bunker	Hill	Rivers
Campbell	Hoch	Robinson, Utah
Canfield	Hoffman, Mich.	Rockwell
Cannon, Fla.	Hoffman, Pa.	Roe, N. Y.
Celler	Holifield	Rooney
Chenoweth	Holmes, Wash.	Russell
Clark	Izac	Shafer
Clements	Johnson, Okla.	Sharp
Clippinger	Johnson, Tex.	Sheppard
Cochran	Kean	Sheridan
Coffee	Kefauver	Short
Cole, Kans.	Keogh	Sikes
Cole, N. Y.	Kerr	Simpson, Pa.
Combs	Kilburn	Slaughter
Cooper	Kilday	Somers, N. Y.
Corbett	Klein	Sparkman
Courtney	Lane	Stewart
Cox	Lea	Stockman
Cravens	Luce	Sumner, Ill.
Crawford	Ludlow	Sundstrom
Curley	Lyle	Talbot
Daughton, Va.	Lynch	Thomas, N. J.
Dawson	McGehee	Tolan
De Lacy	McGlinchey	Torrens
Delaney, James J.	McKenzie	Traynor
	McMillan, S. C.	Vinson
Delaney, John J.	Mahon	Weaver
	Maloney	Welch
Earthman	Mankin	West
Eaton	Mansfield, Mont.	White
Engel, Mich.		Wickersham
Fellows	Mansfield, Tex.	Wigglesworth
Fernandez	Marcantonio	Wolfenden, Pa.
Flood	May	Wood
Fuller	Merrow	
Gary	Miller, Calif.	

So the bill was passed.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Beckworth with Mr. Sundstrom.
Mr. Combs with Mr. Sharp.
Mr. Boren with Mr. Rich.
Mr. Fernandez with Mr. Phillips.
Mr. Bryson with Mr. Shafer.
Mr. Gossett with Mr. Fellows.
Mr. Bunker with Mr. Andrews of New York.
Mr. Gary with Mr. Baldwin of New York.
Mr. Coffee with Mr. Beall.
Mr. McGehee with Mr. Marcantonio.
Mr. Roe of New York with Mr. Wigglesworth.

Mr. SMITH of Wisconsin changed his vote from "yea" to "nay." The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

COMMITTEE ON BANKING AND CURRENCY

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may sit during general debate while the House is in session for the remainder of the session, for the purpose of considering the bill S. 1592, the Wagner-Ellender-Taft bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MILLER of Nebraska. I object, Mr. Speaker.

Mr. KNUTSON. I object, Mr. Speaker. They have already done enough harm.

WAGNER-ELLENDER-TAFT BILL

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SPENCE. Mr. Speaker, there has been a general request coming from all over the country that the Committee on Banking and Currency proceed with the hearings on the Wagner-Ellendar-Taft bill. We started hearings some time ago, but because of dilatory motions made by some of the Members we were unable to proceed with expedition. I believe if we were permitted to sit during the sessions of the House while general debate is being held we could make some agreement to limit the hearings and be able to report out a bill at this session. Certainly this bill deserves consideration where so much general interest has been expressed in it. I regret exceedingly that there has been objection to the request that the Committee on Banking and Currency be permitted to sit during the sessions of the House.

ANNUITIES FOR CERTAIN OFFICERS AND EMPLOYEES WHO HAVE RENDERED AT LEAST 25 YEARS OF SERVICE

Mr. FORAND (at the request of Mr. JACKSON) submitted a conference report and statement on the bill (H. R. 4718) to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for certain officers and employees who have rendered at least 25 years of service.

EXTENSION OF REMARKS

Mr. VOORHIS of California asked and was given permission to extend his remarks in the Appendix of the RECORD and to include a letter from the Department of Justice and certain material having to do with the National Petroleum Council.

GEN. JOHN J. PERSHING

Mr. LARCADE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 3944) authorizing the President of the United States to award a special Congressional Medal of Honor to General John J. Pershing, United States Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States of America is authorized to award, in the name of Congress, a special Medal of Honor to General John J. Pershing, General of the Armies of the United States of America, in recognition of his peerless leadership, heroic achievements, and great military victories, as Commander in Chief of the American Expeditionary Forces in Europe in World War I, and for his gallant and unselfish devotion to the service of his country in his contribution to the preparation for, and the prosecution of, World War II.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"The President of the United States is requested to cause a gold medal to be struck, with suitable emblems, devices, and inscriptions to be presented to Gen. John J. Pershing, General of the Armies of the United States of America, in recognition of his peerless leadership, heroic achievements, and great military victories, as Commander in Chief of the American Expeditionary Forces in Europe in World War I, and for his gallant and unselfish devotion to the service of his country in his contribution to the preparation for, and the prosecution of, World War II.

"SEC. 2. When the medal, provided for in section 1 of this act, shall have been struck, the President shall cause the same to be presented to General Pershing in the name of the people of the United States of America.

"SEC. 3. A sufficient sum of money to carry this act into effect is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated."

The committee amendment was agreed to.

Mr. LARCADE. Mr. Speaker, this bill has the unanimous approval of the Military Affairs Committee. I have taken the matter up with the leadership on both sides of the House, as well as the Speaker of the House. There is no opposition to it. I ask that the House pass the bill as amended.

Mr. CURTIS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I shall support the pending resolution.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the President of the United States to award a special medal to General of the Armies of the United States John J. Pershing."

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. TOLAN (at the request of Mr. DOYLE) was given permission to extend his remarks and include a letter.

Mr. DOYLE asked and was given permission to revise and extend his remarks and include a sermon by Reverend Anderson, of Long Beach, Calif.

Mr. McKENZIE (at the request of Mr. LARCADE) was given permission to extend his remarks in the RECORD in two instances.

AMENDING THE NATIONALITY ACT OF 1940

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 388) to amend section 201 (g) of the Nationality Act of 1940 (54 Stat. 1138–1139; 8 U. S. C. 601), with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That section 201 of the Nationality Act of 1940 (54 Stat. 1138–1139; 8 U. S. C. 601) is hereby amended by adding the following subsection to be known as subsection (i):

"'(i) A person born outside the United States and its outlying possessions of parents one of whom is a citizen of the United States who has served or shall serve honorably in the armed forces of the United States after December 7, 1941, and before the date of the termination of hostilities in the present war as proclaimed by the President or determined by a joint resolution by the Congress and who, prior to the birth of such person, has had 10 years' residence in the United States or one of its outlying possessions, at least five of which were after attaining the age of 12 years, the other being an alien: *Provided*, That in order to retain such citizenship, the child must reside in the United States or its outlying possessions for a period or periods totaling 5 years between the ages of 13 and 21 years: *Provided further*, That, if the child has not taken up a residence in the United States or its outlying possessions by the time he reaches the age of 16 years, or if he resides abroad for such a time that it becomes impossible for him to complete the 5 years' residence in the United States or its outlying possessions before reaching the age of 21 years, his American citizenship shall thereupon cease.'"

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. LESINSKI]?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the Senate amendment?

Mr. LESINSKI. Yes. When the House passed the original bill H. R. 388 an error was made so that the privileges ran to other than service people and excluded service people directly. The present amendment passed by the Senate merely adds a new section to section 201 of the Nationality Act of 1940 and limits the benefits to service people only.

Mr. MARTIN of Massachusetts. It now only includes service people?

Mr. LESINSKI. Just service people.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

EDNA RITA SAFFRON FIDONE

Mr. BUFFETT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 5047) for the relief of Edna Rita Saffron Fidone.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain this bill?

Mr. BUFFETT. The bill is to enable a serviceman now located in this country to bring his wife from Australia. She was heretofore kept out by a technicality. This bill will simply mean that the wife can come here now instead of 6 months from now.

Mr. MARTIN of Massachusetts. It was favorably reported by the committee?

Mr. BUFFETT. Yes. It was favorably reported by the committee, and it has been approved all along the line.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the immigration laws, relating to the issuance of immigration visas for admission to the United States for permanent residence and relating to admissions at ports of entry of aliens as immigrants for permanent residence in the United States, the provisions of section 3 of the Immigration Act of 1917 (39 Stat. 875), as amended (U. S. C., title 8, sec. 136 (e)), which exclude from admission into the United States "persons who have been convicted of or admit having committed a felony, or other crime or misdemeanor involving moral turpitude", shall not hereafter be held to apply to Edna Rita Saffron Fidone, on account of a conviction in Australia for having been involved in the stealing of certain merchandise. If she is found otherwise admissible under the immigration laws, an immigration visa may be issued and admission granted to Edna Rita Saffron Fidone under this act upon application hereafter filed.

With the following committee amendments:

Strike out all after the enacting clause and insert "That notwithstanding the provisions of eleventh category of section 3 of the Immigration Act of 1917 (8 U. S. C. 136 (c)), Edna Rita Saffron Fidone, the wife of a citizen of the United States who served honorably in the armed forces of the United States during World War II, may be admitted to the United States for permanent residence under the act approved December 28, 1945 (Public Law 271, 79th Cong.), if she is found otherwise admissible under the provisions of the immigration laws."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. HAGEN asked and was given permission to extend his remarks in the RECORD and include a magazine article.

Mr. GOODWIN asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mrs. SMITH of Maine asked and was given permission to extend her remarks in the RECORD and include an article on the making of Maine, from the Maine Publicity Bureau.

Mrs. WOODHOUSE asked and was given permission to extend her remarks in the RECORD and include a newspaper article on price control.

SPECIAL ORDER GRANTED

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent that on tomorrow, following the regular business and any other special orders, I may address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

LEGISLATIVE PROGRAM FOR TOMORROW

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I take this time to inquire of the majority leader as to the program for tomorrow.

Mr. McCORMACK. The first order of business will be the rule on the Reed bill, after which the OPA conference report will be taken up. Following the OPA conference report, consideration of the Reed bill under general debate. Following the Reed bill will be the amendments to the Social Security Act.

Mr. MARTIN of Massachusetts. The social-security bill will follow the Reed bill in that order, no matter whether it is reached tomorrow or not?

Mr. McCORMACK. Exactly.

Mr. KUNKEL. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. KUNKEL. How much time is there on the social-security bill?

Mr. McCORMACK. One hour, I think. There are 2 hours' general debate on the Reed bill.

The SPEAKER. Under previous order of the House, the gentleman from Wisconsin [Mr. MURRAY] is recognized for 1 hour.

SOME FACTS ABOUT OUR DOMESTIC AND FOREIGN AGRICULTURAL SITUATION

Mr. MURRAY of Wisconsin. Mr. Speaker, I have observed the expansion of the farm industry of my State and also of the Nation. I have observed the improvements in quality of food produced. I have for many years made an effort to keep up to date in the scientific progress made in the study of the production and marketing of agricultural products and in the local, State, National and international exchange of all products.

I have hesitated to present the results of the study I have made because they reveal facts which are revolutionary and which are most contrary to the propaganda disseminated by the present administration.

First of all, I wish to call your attention to the fact that the figures and charts which were utilized in my study were obtained from official Government agencies. At this point I wish to quote statements by G. L. Shores, of the Bureau of Agricultural Economics of the Department of Agriculture, which appear on pages 404 of the Journal of Farm Economics, volume 26:

We—

Meaning United States—

were consistently a net exporting Nation in these products—

Meaning food products—

during the period 1912 through 1924 and a net importer during the period 1925 through 1941.

The above comparisons point to the significant but not too widely recognized fact that the United States foreign trade in foodstuffs during the past three decades has been small relative to production and that except for the two war periods, the country—

Meaning United States—

has been a net importer of foodstuffs.

I have used three charts and many tables from the Agriculture and the Commerce Departments. I have also used the Carl H. Wilken chart on factory pay rolls and national farm income in this study. Chart No. I indicates the total agricultural exports and imports. Chart No. II shows the exports and imports of foodstuffs. These charts were obtained from the Department of Commerce, which Department also furnished a break-down of the food items used in the charts. The imports and exports of foodstuffs include meat products, dairy products, fish, animal edible fats, grains and preparations, vegetables and preparations, fruits and preparations, edible vegetable oils, sugar, glucose, fruit juices, tapioca, nuts, and feeds. Most of the noncompetitive foodstuffs imported were bananas, spices, coffee, tea, and cocoa.

THE TOTAL AGRICULTURAL PRODUCTS CHART

First we will consider chart No. I and tables showing the total agricultural exports and imports. What conclusions can we arrive at from this information?

First. That in 1925 the United States changed from an agricultural export nation to an agricultural import nation.

Second. That from 1925 to 1945 the United States has been an agricultural import nation.

Third. That in 1928 to 1930 large amounts of agricultural imports were made. Did the world-wide depression encourage this dumping of huge amounts of agricultural products on the United States markets for the dollars needed? Was the United States the best market to be found in the world? How much influence did the agricultural imports of these 3 years have on the depressed agricultural prices of 1931, which continued until 1940? And what effect did these agricultural imports of 1928–30 have on the factory pay rolls of the United States?

Fourth. That imports and exports of agricultural products dropped to a low point in the early 1930's because of low prices.

Fifth. That since 1933, when the New Deal era began, the agricultural imports rose very rapidly and the exports of agricultural products went suddenly down.

During the 1935 to 1940 period the exports were being subsidized. Even in 1939, when the whole domestic agricultural program had bogged down and when farmers rceeived as low as 54 cents per bushel for their wheat, a 25 to 30-cent subsidy was being paid to encourage wheat exports. Is it common sense to pay a subsidy to United States farmers for not producing a crop and at the same time pay another subsidy to get rid of it? Is it common sense that for 3 years of the 7 prewar New Deal years we imported twice as much wheat as we exported?

Sixth. The agricultural exports of 1941 to 1944 were largely lend-lease. However, the reverse lend-lease and the direct purchases are not reflected in these charts or tables as imports, inasmuch as these products never were actually imported into this country.

Even in 1944 the imports exceeded the exports.

Seventh. In 1945 the United States exports and imports were about equal. This indicates that the United States can be self-sustaining and self-sufficient agriculturally. The long hours put in by farmers in their efforts to go all out for production for the war effort, coupled with above-average weather conditions, made the years 1940 to 1946 the most productive in the history of our Nation insofar as the raising of food was concerned.

Nevertheless, the United States, with 500,000,000 acres of farm land and with 350,000,000 of those acres in crops, together with the ever-changing methods of progress in crop, soil, and livestock improvement, could easily produce additional agricultural products. The farmers of the United States can, with justifiable incentives, double the present agricultural production. However, they will not work toward that end if conditions continue to prevail as indicated by the chart, wherein tremendous amounts of agricultural products were imported at the same time that American farmers were being paid billions of dollars for not raising the same crops.

Eighth. A careful consideration of this chart by some Members of Congress should prevent them from advocating the school-lunch program as a program to remove agricultural surpluses. The justification of school lunches is in the benefits derived for the children who

need the nourishment the lunches provide. It is ridiculous to try to deceive the farmers about the project, and the appropriation should be made for use by the Federal Security Administration. This appropriation does not belong in the agricultural appropriation bills. Any amount of food used for school lunches has been insignificant in comparison to food imports.

I now would like to consider chart No. II and tables from the Commerce Department indicating the exports and imports of foodstuffs and the conclusions that can be drawn from same.

First. In 1925 the United States changed from a food export country to a food import country—from a self-sustaining agricultural country, to a non-self-sustaining agricultural country. From 1925 to 1942, more competitive products—that is, those competing with foods already produced in the United States—were imported than were exported.

Second. The exports of agricultural products as a percentage of our total exports have gradually dwindled from 20 to 35 percent, down to 6 percent in 1940.

Third. The importation of huge amounts of competitive food products in 1927, 1928, 1929, and 1930 indicates that the United States agricultural market prices attracted the foods of the world in spite of the duty.

I would like to call attention to the seriousness of our present policy wherein the United States agricultural floor price, according to law as embodied in the Steagall amendment, is 90 percent of parity, and this 90 percent parity legal lawful floor price is greater than the world price plus the proposed duty on the most important agricultural products.

The economic situation created by subsidizing exports presents a problem for consideration and evaluation. Cotton is being subsidized now with an export bounty of $20 per bale or 4 cents per pound. I do not want to discuss the merits or demerits of such a procedure. The point I wish to make is this: If the United States has to pay a subsidy of 4 cents per pound to have United States cotton in a position to be placed on the world cotton market, what is in the offing? If there is the same corresponding difference between the world price and the United States price on other agricultural products, what will the import situation be in 1947, 1948, 1949, and 1950? We will soon be subsidizing imports unless some forward thinking is done now.

Fourth. The official figures indicate that in 1942 and 1943 the United States was self-supporting so far as food was concerned, although in 1944 our imports exceeded our exports. In fact, during the first 3 months of 1946, more food was exported than was imported. While some of the food exported in 1945 and 1946 might have been obtained from our normal stock piles, the fact remains that the United States can easily feed itself if given the American market and the opportunity. The figures and chart for the war period, indicate the imports of food, but like the agricultural products mentioned above, they do not take into account reverse lend-lease and direct purchases as this food never actually came into the United States. We must also realize that some of the exports of food during the war period were for the purpose of feeding other peoples in addition to lend-lease and UNRRA. This includes the food distributed by the Army.

Fifth. From 1910 to 1945, the percentage of foodstuffs imported in relation to United States production of food for the year has ranged from 4 to 10 percent of the United States production. The exports of foodstuffs ranged from 2 percent of our national food production in 1936; 7 to 12 percent during World War I; and from 4 to 9.1 percent during the World War II period. It is recognized that a small percentage of exports can and does have a marked influence on the prices in the American markets. By the same token, a small amount of imports can likewise have a marked influence on the prices in the American market places. With a stepped-up domestic production, you will realize the effect the imports can have on the prices in the United States markets on food and other agricultural products.

Sixth. Imports classed as competing (those produced in the United States) exceed the imports of noncompetitive foods during all the years from 1909 to 1946. The imports of competing food products have been greater than the total food exports each year from 1925 to 1942, although less during 1942, 1943, 1944, and 1945. Let us not be misled about foreign agricultural markets so far as the United States crops are concerned. To obtain world markets the present administration has subsidized these exports. The situation was serious from 1925 to 1932, the situation was made still more serious by the New Deal. We cannot give a market away and have it here at the same time.

Seventh. With the critical demands for food by the world, it is most distressing and irritating to see food wasted in our country. Why have not Irish potatoes been canned in order to furnish food for the hungry people of the world? Why is not a "potato stamp" plan put into operation to furnish potatoes to certain groups of our society? Surely the support price for potatoes should be maintained in accordance with the law and the Steagall amendment, but why use the millions for losses when the potato stamp plan could be used to help our own citizens?

Why were thousands of acres of cabbage permitted to spoil in the fields in 1945? Why were untold acres of cabbage plowed under in North Carolina, as recently reported by our colleague, Hon. GRAHAM A. BARDEN? We never had a food program during the war or before the war which was based on common sense. It appears that the left hand of this administration does not know what the right hand is doing. While food is wasted, $234,000,000 worth of tobacco has been sent out of the country via lend-lease—including $5,000,000 worth to India.

GENERAL AGRICULTURAL OBSERVATIONS

The New Deal agricultural program is upside down. It discourages production of livestock and livestock products which are associated with soil conservation and soil fertility, while at the same time it subsidizes the production of soil-depleting crops as well as pays export bounties in order to dispose of them. The New Dealers are vocal about soil conservation but continually subsidize soil-depleting crops. The New Deal subsidizes cotton exports while the sheep industry is being gradually ruined.

Here are some examples of partisan legislation which have been passed for the benefit of certain agricultural products:

First. The Flannagan bill, wherein tobacco is accorded a 150-percent parity loan, while other agricultural commodities may obtain the 90-percent parity loan or floor price.

Second. The embargo on cotton imports, wherein only 135,000 bales can be imported yearly, an insignificant amount in comparison to our United States production.

Third. The Executive order which increased the duty on crab meat by 50 percent.

Fourth. The Kerr bill which put an embargo on tobacco seed exports. When was this legislation passed? When Mr. Cordell Hull from the tobacco State of Tennessee was Secretary of State and when Henry Wallace was Secretary of Agriculture. Why was this legislation passed? I wrote the Secretary of Agriculture about this legislation and asked why and received the following reply from his office:

DEPARTMENT OF AGRICULTURE,
Washington, January 22, 1945.

Hon. REID F. MURRAY,
House of Representatives.

DEAR MR. MURRAY: This is in reply to your letter of January 2, inquiring about the act of Congress prohibiting the exportation of tobacco seed and live plants. This law was enacted to protect the foreign market for American tobacco growers. It was felt that the large quantities of tobacco seed being exported annually to China and other countries which normally imported large quantities of tobacco from our flue-cured districts were contributing to the decrease in these tobacco exports.

The act forbids the exportation of tobacco seed except for experimental purposes, and the officials of the Department concerned with plant breeding stated that one-half ounce of seed is more than ample for planting a regulation-size experimental plot. This, therefore, was adopted as the maximum quantity of seed that could be exported for any one variety. However, under an approved application, a permit may be issued to cover several varieties. Permits are issued only for seed to be used in the course of scientific experiments as conducted by governmental agencies. During the past 4 years, the total quantity of seed authorized to be exported has been slightly under 11 pounds. A copy of the regulations governing the administration of this act is enclosed.

Congressman KERR, of North Carolina, was instrumental in securing the enactment of this law, and you may wish to discuss it further with him.

Sincerely yours,

CHARLES F. BRANNAN,
Assistant Secretary.

The following official table shows the pounds of tobacco shipped to various countries under lend-lease and the dollar value of the same:

United States lend-lease exports of unmanufactured tobacco

[2601.00 through 2618.00]

Country	In pounds				
	1941	1942	1943	1944	January–June 1945
Total unmanufactured	88, 526, 652	183, 183, 870	232, 663, 524	82, 107, 946	46, 077, 505
United Kingdom	79, 558, 033	165, 676, 325	197, 904, 410	75, 420, 646	38, 049, 242
Australia	8, 288, 593	10, 083, 491	24, 252, 030	127, 765	4, 005, 577
New Zealand	680, 026	2, 050, 835	5, 048, 270	2, 333, 519	2, 178, 722
India	----------	4, 722, 268	2, 776, 435	4, 215, 928	1, 542, 128
Other countries	----------	650, 904	2, 682, 379	10, 089	301, 836
	In dollars				
Total	23, 030, 999	51, 213, 743	101, 771, 475	42, 684, 546	25, 012, 933
United Kingdom	21, 111, 283	47, 026, 865	88, 092, 558	39, 443, 713	20, 822, 681
Australia	1, 786, 191	2, 185, 592	9, 642, 721	46, 127	2, 108, 471
New Zealand	133, 525	597, 118	1, 907, 383	1, 097, 627	607, 853
India	----------	1, 236, 254	969, 973	2, 091, 779	1, 336, 396
Other countries	----------	167, 914	1, 158, 840	5, 300	137, 532

Source: Official table, Appendix of the RECORD, vol. 91, pt. 13, p. A4341.

If India needed food from 1941 to 1945, and all evidence showed she did, do you really think these tobacco shipments make sense? If the world now needs and has needed food, does it make sense to you to ship them tobacco at a cost to the American taxpayers of $243,000,000 during wartime? Such are the devious ways of the New Deal.

The following information is from official tables which appeared in the CONGRESSIONAL RECORDS of June 27 and October 16, 1945:

Shipments under lend-lease from Mar. 11, 1941, to Jan. 1, 1946

Product:	*Value of shipment*
Tobacco [1]	$243, 714, 000
Cheese	224, 080, 000
Butter	94, 928, 000
Dried milk	104, 468, 000

[1] Mar. 11, 1941, to June 1945.

The information given indicates the amounts of tobacco exported under lend-lease in comparison to dairy products. Even the war did not change the formula of "tobacco first."

Fifth. The domestic cartel, wherein the tobacco allotment determines the value of the land. Even a veteran who wishes to farm and raise tobacco cannot do so unless he can purchase a farm which already has a tobacco allotment. What is your name for this kind of a set-up? Is it a feudal set-up?

LIVESTOCK AND LIVESTOCK PRODUCTS IMPORTED

Except during the World War I period, the United States has been on a beef import basis from 1913 and the Underwood Tariff Act, until 1943. Is it surprising that the beef supply for domestic consumption has been limited? The United States with its world renowned Corn Belt is the greatest pork-producing country in the world. From 1921 to 1930, the United States exported an average of over 500,000,000 pounds of pork per year. From 1930 to 1940, the United States exported an average of only 156,000,000 pounds per year. In fact, the 1931 to 1940 net average beef imports of 229,000,000 pounds exceeded the pork exports. In two of the eight prewar New Deal years, the United States had net imports even of pork which amounted to 236,000,000 pounds in 1935 and 234,000,000 pounds in 1937. Think of the scarcity program with the expenditures of millions and billions of dollars which was in operation during these years of high imports.

When the United States converted from an agricultural export to an agricultural import nation in 1925, and when we began to be agriculturally insufficient, it was the danger signal for our economic security. There was never an economic excuse for the sufferings of the 1932 depression.

The rural people purchase 40 percent of the manufactured goods of the Nation, and as a class are the largest group of consumers. The New Deal, by its policies of giving away still more of the American market, added to the distress of the rural population of our country as well as adding to the unemployment rolls of our cities.

Chart No. III shows that the factory pay rolls correspond to and with the national farm income. If the national income is seven times the national farm income, the direct interrelationship between all groups—labor, business, and the farmer—is surely apparent, regardless of whether the hen or the egg was first to appear. It has been stated many times by many people that when the rural population becomes less than the urban population in any country the economic conditions do not become as stable as when there is the proper balance.

In the world, 80 percent of the people are rural people; in the United States less than 25 percent are rural people.

This is not a partisan problem. If it is more desirable to make the United States a still greater and greater industrial Nation, and the United States a smaller and smaller agricultural Nation in comparison, there could be no objection to such an approach. The objection I make is that this position should be so stated. But has it been? There should not be the effort to deceive the rural people of America. People are deceived enough and we should not be putting people on the public pay roll for that purpose.

There is no reason to have groups issuing propaganda telling people what they are doing for them while they are doing something against and to them. Many Republicans did see this picture in the 1925 to 1930 period and tried to do something about it. The New Dealers came along and made the problem still worse by their policies. They gave away still more of the farm market and gave factory jobs away at the same time. The New Deal formula used was to give more of the wrong medicine. They ended up in 1939, the seventh year "of the more abundant life" with 10,000,000 unemployed, with wheat as low as 54 cents per bushel, cotton 8 cents per pound, pork 5 cents per pound, milk $1.13 per hundredweight in the butter and cheese sections to the farmer. The war changed this picture, of course, but what wealth has been added to the United States since 1930, may I ask?

The whole reciprocal-trade-treaty approach whereby you trade a horse for a horse with one man, but afterward you find you also have to give 20 to 50 horses to some other more favored man, never made sense in any language. The fellows doing the trading do not have anything to lose unless it would be their jobs if they did not give enough away to enough people.

The reciprocal-trade program was not economically sound. Certain bureaucrats who were never elected by anyone to anything, controlled the incomes of the people and these incomes were reduced and no man can justify the administration of these so-called treaties so far as agriculture is concerned. The New Dealers themselves do not believe in them. Why do I say this? The New Deal erected embargoes to live behind and then told the rest of the country the wonders of the treaties. The New Deal erected more trade barriers in the form of embargoes than any administration in the history of our country.

THE WAGE PER HOUR FOR AGRICULTURE

The hourly wages of all the workers in the United States have been receiving much consideration of late. The 16-year study made by the Bureau of Agricultural Economics under Dr. Wiley Goodsell, reveals undisputed facts as to the hourly returns for farm labor in different States and different sections of some States. The records were kept for selected farms and are of course, above the average hourly labor returns for a State. What are some of the facts revealed by this study?

First. From 1930 to 1940, the hourly returns for labor expended on selected family-operated dairy farms in central New York State varied from 10 cents per hour in 1932 to 33 cents per hour in 1940, with an average of 22 cents per hour.

Second. From 1930 to 1940 on selected southern Wisconsin dairy farms, the

hourly returns varied from 4 cents per hour to 20 cents per hour, with an average of 19 cents per hour.

Third. In 1939, the hourly labor return was 20 cents per hour for southern Wisconsin farms and the average hourly return for all the selected farms in the various sections of Wisconsin was 14 cents per hour.

Fourth. In the cash grain farms, on the hog-beef fattening farms, on the hog-beef-raising farms, on the hog-dairy farms of the Midwest, the hourly gross labor returns were from a minimum of 4 cents per hour to a maximum of 37 cents per hour. In 1939 when a Georgia cotton farmer went to town on Saturday night, he had 3 cents per hour in his pocket for the labor he had performed during the week. Out of this 3 cents, 2 cents came out of Government checks.

Fifth. During the war, the hourly returns increased rapidly and with the subsidies, made the hourly labor return very comparable to the hourly returns of labor in industry in some sections.

Eighth. I mention the hourly labor return of the farmer because this, no doubt, accounted for the drift of 5,000,000 rural people to the cities during the war period.

The correlation and the close relationship between the factory pay rolls and the national farm income again presents itself and their interdependence is ever apparent. This also brings out again the fact that the national income is 7 times the amount of the national farm income.

A high national income is supposed to be maintained in order to provide funds for the seven- to eight-billion-dollar service charge on the two hundred and seventy-five- to three hundred-billion-dollar public debt. If this is to be accomplished, forward thinking will be required. The American workmen in certain industries are in danger of losing jobs. Because of the encouragement by the Administration of the importation of competitive material, the paper and pulp workmen, the glass makers, and the pottery makers will most assuredly be faced with a job problem. Auto workers, machinery workers, and so forth, may not be in such jeopardy so far as their jobs are concerned. This same situation applies so far as agriculture is concerned. It should be apparent that if desirable domestic industrial jobs are not available, the city man will not be in a position to buy the farmers' product. Then again, when and if we do not make foreign food shipments and shipments of industrial products through UNRRA and lend-lease, what will be the effect on our domestic prices of industrial goods and of agricultural products?

Please keep in mind that even in 1944 we imported more food than we exported. What if imports continue and increase because the United States has the highest market in the world? I do not wish to be pessimistic, but it is evident that if this should happen, certain agricultural products, including nonlivestock products, might quickly face lower price markets.

The time has come when we should be doing something constructive about the machinery to operate the Steagall amendment, which provides the 90 percent parity floor.

WHAT TO DO ABOUT IT?

We are faced by two problems—the immediate one and the long-range one.

The immediate problem is to see that the Steagall amendment is adhered to. Let there be a common-sense approach. A reading of the Steagall amendment will show any man what the responsibilities are and what the approach should be. I have tried since November 23, 1945, to find out what the floor price of milk is to be for the 2 years after the January 1 following the declared end of the war. It must be a secret. Is it to be $1.47 per hundredweight based on butterfat used for butter? Or $2.70 per hundredweight for milk based on whole milk? The answer affects every business of many communities and the economic life of thousands of villages and cities in our land.

The long-range problem is a tough one to face. Think of the various interests which will try to block a fair, sensible, and just arrangement. The world's International Institute of Agriculture at Rome has been replaced by the FAO. This world Food and Agricultural Organization has been set up to acquire facts and statistics and act as a clearing house for information. It was and can be a forward step. It no doubt is dominated by consumer interest. The FAO was a result of the World Food Conference held at White Sulphur Springs.

Right here and now let us pause long enough to again consider the fact that 80 percent of the people of the world are rural people, while less than 25 percent of the United States is classed as rural. Can you not see the temptation to give still more of the American market for farm products away? Are not American jobs also given away as well? Why should the farmers of one country allow their products to be used to depress the farmers of another country? Could this be avoided by a world agricultural pool?

I dislike Britain's announced nationalization of the land. The British land policy may produce soil tillers that are not too far ahead of economic slaves. I talked many times with many people about this British land policy. The more I hear of it, the more I feel that it is most contrary to the modern conception of American farm ideals and aspirations. My life-long experience with American farmers long ago convinced me that the American farmer does not demand nor expect to obtain consideration out of line with the other groups of our United States society. They do not, however, want to be saddled and required to compete with an economic system of some other country whose farmers are exploited by a few people. It does not make any difference whether the big governments are exploiting these people or whether a few individuals are doing the job—the American farmer does not want his Government to make him accept this competition.

THE WORLD POOL FOR AGRICULTURAL PRODUCTS

There are two approaches to a world pool for agricultural products, wherein the surplus agricultural products of the world can be funneled to the spots of the world which need that particular agricultural product.

The first approach is the one now being used by England, wherein the government takes over and becomes the distributor. Certain administration leaders of the present administration are advocating the same program here and now for the United States. Russia is evidently operating on a somewhat similar basis.

How this project can be handled by governments without getting into power politics is difficult to understand.

The second approach is the one whereby the farm organizations of the world form a pool to work with the commodities of producer groups of each country. Such a preliminary conference has already been held in London, and the Farmers Union, the Farm Bureau, the National Council of Cooperatives, and the National Grange represented the United States. Such an organization which would necessitate the cooperation of these farm organizations may at this moment appear visionary. It should not be much of a problem for the United States to dispose of its agricultural surpluses because, in the first place, we have been a food-deficit country since 1925 and could be again soon. If there are any agricultural shortages or surpluses in the future they will be man-made and there is no economic need for either. The 1946 cotton acreage indicates a change of attitude on the part of the cotton people. It would be necessary to eliminate the sectional and crop favoritism which is so dear to the political heart of the present administration. Once more please allow me to mention that this is a national problem and not necessarily one that affects the rural people. In fact, all people are affected and millions of jobs at American wage scales are involved.

I believe that the Farm Bureau, the National Grange, the National Association of Cooperatives, and the Farmers Union should be encouraged in their attempt to meet the problem. I congratulate these forward-looking organizations and wish them well. I not only wish them well so far as their own groups are concerned, but for the beneficial effects of their efforts on the peace, happiness, and well-being of every citizen in the world.

THE EXPORTS AND IMPORTS OF FOODSTUFFS

For anyone who wishes to be doubly assured of the food imports—both competitive and noncompetitive—and of the food export situation, I include a table made up from page 400 of the Journal of Farm Economics, volume 26. This table and article in the Journal of Farm Economics is by G. L. Shores, of the BAE of the United States Department of Agriculture.

Food products: Volume of production for sale and for use in the farm home, and volume of exports and imports, 1909–45

Year	Food production (1935–39=100)	Exports and shipments	Imports		
			Total	Competing: Grains, meats, dairy products, etc.	Noncompeting: Bananas, cocoa, tea, coffee, etc.
		Percent of food production			
1909	76	4.8	6.0	4.3	1.7
1910	75	3.7	5.7	4.4	1.3
1911	78	4.4	6.0	4.6	1.4
1912	80	6.0	6.2	4.8	1.4
1913	78	5.8	6.4	5.0	1.4
1914	81	8.4	7.2	5.7	1.5
1915	84	9.9	6.6	5.1	1.5
1916	81	9.0	7.4	5.8	1.6
1917	82	7.3	8.8	7.1	1.7
1918	90	12.2	9.6	8.0	1.6
1919	90	11.4	10.3	8.8	1.5
1920	87	10.3	9.3	7.6	1.7
1921	84	10.1	8.7	6.9	1.8
1922	92	7.3	8.7	7.0	1.7
1923	95	7.1	7.8	6.0	1.8
1924	97	7.8	8.8	7.0	1.8
1925	93	5.5	9.3	7.5	1.8
1926	97	6.4	9.2	7.4	1.8
1927	97	6.2	8.4	6.6	1.8
1928	100	6.1	8.5	6.8	1.7
1929	97	5.5	8.5	6.5	2.0
1930	98	5.2	8.2	6.3	1.9
1931	100	4.7	7.6	5.6	2.0
1932	96	3.4	6.8	4.9	1.9
1933	97	3.2	6.9	5.0	1.9
1934	100	2.7	7.3	5.5	1.8
1935	93	2.2	8.3	6.0	2.3
1936	97	2.0	8.0	5.8	2.2
1937	101	3.2	7.6	5.6	2.0
1938	103	3.7	6.4	4.3	2.1
1939	106	2.9	6.4	4.2	2.2
1940	111	2.1	5.7	3.6	2.1
1941	115	4.0	6.4	4.2	2.2
1942	125	6.8	4.0	2.8	1.2
1943	133	9.1	5.4	3.7	1.7
1944	138	8.4	5.2	3.3	1.9
1945	137	7.1	5.1	3.3	1.8

This table gives in general the same facts as the Department of Commerce. The Commerce Department figures and chart include fish which is not included in the United States Department of Agriculture chart. From this table you have conclusive evidence as to both competing and not competing food imports. You can see for yourself how much of the imports is represented by noncompeting foods like coffee, bananas, spices, and so forth. You can see for yourself that all these imports of bananas, coffee, spices, cocoa, and so forth are not of the importance that many would have you believe, and would prefer to have you believe.

What does this table indicate?

It shows:

First. That every year from 1922 to 1942 the food imports exceeded the food exports.

Second. That every year from 1925 to 1942 we imported more competitive agricultural foods—the kind grown in our own country—than we exported.

Third. The gradual loss of agricultural exports during the present administration and the marked increase in imports of foodstuffs.

Fourth. That during a 5-year period of the prewar New Deal years the imports of competing foodstuff products were between two and three times as great as were our exports of all agricultural products.

Fifth. That the food produced in the United States has in 1943, 1944, and 1945 reached a point where it is one-third greater than it was in the drought and low-prevailing food price years in the 1935–39 base period.

This table should also bring out the fact that the United States food production has been stepped up. The increase in population must have consideration however. There have been many causes and reasons for this step-up in production. There has been the patriotic desire to produce; there has been the natural desire on the part of the farmer to produce; there has been the above average favorable weather conditions that are apparently to continue into 1946; and there has been a satisfactory price and an export outlet for any surpluses.

What will be the economic picture when UNRRA and lend-lease are discontinued? What will be the economic and price picture if and when food imports should be continued at the present level or increased? These are serious questions. The answer means jobs in both field and factory.

I wish to repeat that I have not undertaken to make a partisan or political speech. I do, however, want to bring out what to me is one of the most important problems that faces our country today and will continue to face it tomorrow.

I wish to read from the first page of the July 8 report of small businessmen's committee in which this statement appears:

> Despite all efforts, the competitive position of small business deteriorated during the war. Present policies are not reversing that trend.
>
> An economy without small business as its backbone is no more competitive than the cartels of Germany and the large industrial trusts of Russia.

I say this for the reason that it might appear that I was just trying to present this from the farmer's standpoint. That is not my intention, because having been born and raised in a rural section, I realize that not only is it the farmer, but it is every man in business in all the small towns that make our food-producing machine operate. In many of our districts there are very fine industries that are not dependent upon the agriculture of the community.

I have hesitated to present the results of this study, if you please, that I have made because it reveals the facts that are so revolutionary and so contrary to the propaganda disseminated by the present administration.

First I wish to call your attention to the fact that the figures on the charts which I utilized in my study were obtained from official Government agencies.

At this point I wish to quote a statement from G. L. Shores, Bureau of Agricultural Economics of the Department of Agriculture:

> We—
>
> Meaning the United States—
>
> Were constantly a net exporting Nation in these products—
>
> Meaning food products—
>
> During the period from 1912 through 1924, and a net importer during the period of 1925 to 1941—
>
> When this article was written.
>
> The best comparisons point to the significant but not too widely recognized fact that the United States foreign trade in foodstuffs during the past three decades has been small relative to production—
>
> In the United States—
>
> And that except for the two war periods the country—
>
> Meaning the United States—
>
> has been a net importer of foodstuffs.

The Commerce Department has prepared these two charts to which I call your attention, one showing total agricultural production and the other the total food. You can see beginning with total agricultural production for the year 1925 just exactly what the situation was. You will find that year the imports and the exports and you can follow it down through the series of years. I may say that during the early period of the present administration when they were going to cure all our agricultural ills as well as the rest of our ills we had the greatest importation of agricultural products we had ever had in the history of the country. We had a program of scarcity in our own country but we were still importing ever greater quantities from other lands.

I want to make it clear at this time that it is far beyond me to say whether it is a good thing or a bad thing to make the United States of America still more and more an industrial country and less and less an agricultural country. The only point I wish to make and I do not want to be deceived myself nor for anyone else to be deceived—if it is for the best welfare of the United States I think everyone would subscribe to it. History has recorded that in any country in which the rural population gets much below the urban population there is not a stable economy as there is in countries where they are more nearly balanced. As you all know, in our country the rural people are not over 25 percent of all the people of the United States. That is one of the reasons we are faced with the situation we have today.

Mr. PHILLIPS. Mr. Speaker, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield to the gentleman from California.

Mr. PHILLIPS. The gentleman from Wisconsin is making a very important contribution, but do I understand this correctly? Does the gentleman say that during the period of 1933 to 1942 we were plowing under the third row and supposed to have a surplus, we were actually importing food into the United States?

Mr. MURRAY of Wisconsin. Yes; I said that, and I also call attention to the fact that we had large imports in the years 1928, also 1929 and 1930. You may see for yourselves what the imports are that came in during the late twenties and just exactly what effect they had on the farm economy and the business economy of this country. You can be your own judge.

Let me again call attention to chart No. I. This shows food and also other agricultural imports regardless of duty which happened to be in operation in the late twenties did not stop the imports from coming into this country.

Is history going to repeat itself? That is the question I want answered.

The result was, as you know, we went through 10 years of pretty severe conditions in all our rural sections. It did not make much difference whether on the farm or in the village, or in the factory. The only people who were able to improve their condition during that time were the people who were able to get special legislation for their benefit.

Mr. DOLLIVER. Mr. Speaker, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield to the gentleman from Iowa.

Mr. DOLLIVER. I would like to add my commendation to what has been said by the gentleman from California and to call the attention of the gentleman from Wisconsin to an episode reported to me recently about some butter purchases by the United States Army from New Zealand. It seems that the New Zealand butter producers agreed to sell all of their butter to the British Government at 32 cents a pound. There is a contract in existence which provides for that. The United States Army, not being able to buy butter on the American market due to the administration of certain agencies which is too familiar to require any comment, the United States Army sought to buy butter for the armed forces in the far Pacific from New Zealand. They were quoted a price, not of 32 cents, which the British Government had to pay for the butter from New Zealand, but were quoted a price by the British Government of 55 cents a pound to furnish the armed forces of the United States with butter that cost the British Government only 32 cents a pound. They wanted 55 cents a pound from us for that same butter.

I wonder if the gentleman has any comment to make on that or knows anything about the episode and as to its factual veracity. I may add that through the very good bargaining powers of our armed forces, specifically the Quartermaster General, a million pounds of butter were actually bought at 44 cents a pound.

Mr. MURRAY of Wisconsin. I answer the gentleman by saying that I heard the same thing. I checked the figures presented by the gentleman from Iowa. He comes from the leading butter State of the Nation, so one can realize why he has such a direct interest in it.

The figures are correct and his conclusion is correct. When I did check the matter the thought came to my mind that it must be from now on we are going to have a world OPA and that Johnnie Bull is going to be administrator of the world OPA the same as Chester Bowles was Administrator of the domestic OPA.

Mr. DOLLIVER. Does the gentleman see any significance in that situation as connected with the $25,000,000,000 of lend-lease and the $4,500,000,000 recently lent to Great Britain?

Mr. MURRAY of Wisconsin. Well, I could answer the gentleman but I would rather confine this discussion to the situation we are in at the present time. We might become engaged in another discussion.

On both of these charts it shows that the United States can feed itself any time it wants to, and that has been demonstrated very clearly here in 1942, 1943, and also over here in 1945, when our exports were more than our imports. It is going to be a problem. I do not care whether it is in the factory or on the farm, the people of the United States must face that situation, and it is a serious one to face.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield to the gentleman from Iowa.

Mr. CUNNINGHAM. I want to ask the gentleman from Iowa, before he leaves the room, if the incident he refers to was before the loan to Britain.

Mr. DOLLIVER. Yes; it was.

Mr. CUNNINGHAM. Would the gentleman say that the situation would be any different since we made the loan to Britain?

Mr. DOLLIVER. I cannot answer that. I do not know.

Mr. PHILLIPS. Mr. Speaker, if the gentleman will yield further, it seems to me that the gentleman from Wisconsin whose analysis and whose figures have always been found accurate with respect to our food problem, is making one of the most important speeches that I have ever heard. If it is a fact that we were importing foodstuffs during the time when we were destroying food in this country, then I would like to ask the gentleman if further along in his speech he is going to tell what commodities they were. We were plowing under rows of field crops; we were drowning little pigs; we were letting deciduous fruits fall on the ground and rot because they could not be sold. During this period what foodstuffs were we importing?

Mr. MURRAY of Wisconsin. I have it all broken down, and anybody can see it. We were importing wheat, pork, beef, and other competing agricultural products in large amounts. As far as these charts are concerned, they are plentifully favorable to the export situation. I will give you an example. Right here in 1942 and 1943 it shows that our exports were more than our imports. While most all of these imports were lend-lease or UNRRA, which I am not criticizing, reverse lend-lease and the direct purchases like the gentleman from Iowa just pointed out in the case of butter are not reflected as imports because they may never have come into this country. There was not an attempt to deceive anybody. The direct purchases and reverse lend-lease foods never reached our shores and were never imports. With 500,000,000 acres of land in this country and with 350,000,000 acres of the most fertile land in the world, we could easily be an agricultural-export nation. I am not contending that we should be one, but I do say that food is a strategic material; and if we are going to have this ever-normal granary for the chickens and the pigs, it might be a pretty good idea to have an ever-normal granary for the people of the United States. They are entitled to this protection, and we should be at least an agriculturally sufficient country. That is my own personal opinion.

Mr. PHILLIPS. I was not referring to the time during the war when lend-lease was in existence but to the time before that when the gentleman said we were also importing foods.

Mr. MURRAY of Wisconsin. I will answer the gentleman from California by reading the statement here. "In 1925 the United States changed from a food-export country to a food-import country; from a self-sustaining agricultural country to a non-self-sustaining agricultural country."

During most of the New Deal prewar years more competitive products were imported than were our total agricultural exports. In other words, not bananas, coffee, or tea, because these are classed as noncompetitive, but wheat, beef, and other competitive products.

Mr. H. CARL ANDERSEN. Mr. Speaker, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. A good example of those competitive imports, I believe, were the huge amounts of starches brought in to compete with our corn production, and at the very same time we were told that we had to limit our corn production in the great Midwest of these United States; in fact, we were paid for doing it.

Mr. MURRAY of Wisconsin. I presume the gentleman refers to the big tapioca imports.

Mr. H. CARL ANDERSEN. That is right.

Mr. MURRAY of Wisconsin. The gentleman from Minnesota is correct, as tapioca imports were very large in volume.

We have to face the fact that we have an American agricultural economy that has speeded up, with more production.

Mr. H. CARL ANDERSEN. Mr. Speaker, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. May I say this in reference to the gentleman from Wisconsin who is now addressing the House. I believe it is a fact that there is not a Member of the House who is considered to be more of an expert as to the agricultural problem, generally speaking, than the gentleman from Wisconsin.

Mr. MURRAY of Wisconsin. I thank the gentleman. This present problem challenges every Member of Congress.

Mr. H. CARL ANDERSEN. I feel that you have done a wonderful service to the Nation by bringing out all these various phases of agriculture in this series of speeches you have made to the House.

Mr. MURRAY of Wisconsin. I again thank the gentleman.

Since November 1944, we have been paying $20 a bale, or 4 cents a pound, to export cotton in order to place cotton on the world market. If we have to pay 4 cents a pound in order to get on the world market with our cotton it should be evident what price situation we must face as to other agricultural products. In other words, if we are not very careful in our operation, we will soon find ourselves not subsidizing exports but subsidizing imports. Someone must do some forward thinking. We should avoid mixing politics and economics together. I do not want to mix them, so far as I am concerned.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. The gentleman mentioned these statistics of imports from 1925 to 1942, inclusive. Of course, in 1941 and 1942 our imports of foods rose. Prior to that, however, our imports were larger than our exports. Is that not true?

Mr. MURRAY of Wisconsin. Yes; we were on an import basis from 1925 to 1942 and in 1944. I may say that I have obtained from the Commerce Department a break-down for the crude and the processed foods also.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield to my colleague, who lives only a few counties away from me out in Michigan. You would think he and I were a long way apart, but there are only a few counties between us.

Mr. HOOK. During this period we are talking about we have had a war. I wonder how we account for the fact that the farm income of this Nation has risen from about $11,000,000,000 to somewhere around twenty-six or twenty-seven billion.

Mr. MURRAY of Wisconsin. I have not approached the problem from that standpoint. In order to get a decent farm price, I do not like to think that this country has to get into a war. If anyone wants to take credit for the war in order to pay their debts, they are welcome to, but I do not want to have any part of that as far as I am concerned, because that has nothing to do with the facts in connection with this problem.

You remember in 1939, which was the seventh year of the more abundant life, we had settled back to just about where we were in 1932. The only difference in the prices was that in 1932 they put them out of their misery a little quicker, but prices were so low they were in misery and the misery just dragged along that long. I do not believe the consideration of the dollar farm income of 1932, 1934, 1928, 1936, or 1944 is any approach to what we have to face.

If we can maintain our own present agricultural production, I would like to have someone tell me what we are going to do with our imports if and when UNRRA and lend-lease shipments are discontinued. I would like to have them tell me what we are going to do if we maintain a price structure in this country of 90 percent of parity. When are we going to start building the granaries and warehouses to store our imports? The chairman of the Committee on Agriculture, the gentleman from Virginia [Mr. FLANNAGAN], pointed out in the RECORD last year, that the world price, plus the proposed duty on all major agricultural products, is less than the 90 percent parity, guaranteed under the Steagall amendment. I am not going to take up very much more time, except to say that there are two approaches to it. Most of us here, I know, voted for the FAO, the Food and Agricultural Organization. This organization is probably a little partial to the consumer. We have supported these measures with the hope that some plan could be worked out where the rural people in one country are not pitted against the rural people of another country. So far as free trade is concerned, I do not think anyone can say that just because you have free trade with another country you are benefitting that country. All you may be doing is to provide a small group of people in our country or in the other country with a chance of exploiting the people of that country and perhaps further impoverishing the people of our own country. So, there are two approaches: One is the approach through Government control. That, of course, is the way the British are approaching it. They control a couple of billion pounds of wool. Evidently, they are going to control the dairy products in their different countries so that any time they want to they can put butter in San Francisco at 32 cents, plus whatever the duty is after the World Economic Conference is held. I understand the World Economic Conference will not be held in Washington before election.

I believe in the approach made by our farm organization within the last couple of months is constructive. The Farm Bureau, the Grange, the Farmers Union, and the National Council of Cooperatives, met with the farm organizations of many countries in London. The purpose of that conference will probably be to protect the interests of the producer. It may be a visionary approach but at least it is a constructive approach. An effort could be made to keep the agricultural products of one nation from being shifted from one country to another to impoverish the rural people of the other country. When you realize that only 25 percent of our people and 75 to 80 percent of the people of the world are rural people, you can actually see what the tendency is going to be to funnel agricultural products to the United States. As long as we maintain as high a price level as has been maintained, not only during the war, but for 2 or 3 years after the war, because of the Steagall amendment, we can expect more and more imports.

I now yield to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. I, too, want to join my other colleague in extending my appreciation to the gentleman for his splendid statement. The gentleman from Wisconsin [Mr. MURRAY], is an authority on agricultural matters. But before he buries all the dead, may I remind him that along with this matter of killing pigs and plowing corn under and things like that, just prior to the war our Government saw fit to penalize our farmers for raising what they said was too much wheat, so they took away some twenty-two or twenty-three million dollars from our farmers on the ground that they were raising more wheat than a certain program allowed.

A little later on, of course, they were glad to have the use of that wheat.

The gentleman has discussed many times the question of subsidizing the wheat farmers of the Middle West and has told us many times about how they had benefited by reason of premiums. I appreciate his views with regard to that question, but I take this opportunity to have him also observe that there was a time when they went so far as to penalize our farmers because they appeared to raise too much. That is, under the Government program.

Mr. MURRAY of Wisconsin. The gentleman is correct. As nearly as I can figure out, we have shifted the top-notchers in the Department of Agriculture over to the political field. They are more interested in the vote crop than any other crop in the United States.

We had a scarcity program carried on for years and years. They did not or could not turn around from a scarcity program to a production program without much pressure. They did not want to give up their control. It was not until August of 1943 that they took the straitjacket off the wheat farmers. Then they fined them for cutting volunteer wheat. These little things crop up in any country that is not run by an iron hand. I am willing to try to correct them and just hope that they do not happen again.

Mr. LEWIS. Mr. Speaker, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield.

Mr. LEWIS. As a solution to this thing, what would the gentleman say about a war price? All products of agriculture and manufacture, and it should be guaranteed that the foreign imports shall not be sold at less than cost of production, plus a reasonable profit, to the American producer.

Mr. MURRAY of Wisconsin. The answer to that, of course, is that we have full employment in agriculture. We hear criticism about the full-employment bill, but the farm people of this country have full employment. You can go out tomorrow and raise all you want. So you have full employment so far as agriculture is concerned. The pay per hour would be or will be based on the 90-percent parity floor provided by the Steagall amendment.

Mr. LEWIS. Well, why not do it with manufactured products?

Mr. MURRAY of Wisconsin. I will leave that to you people in the big manufacturing centers. I want to see your government and my government live up to every commitment it has made in the Steagall amendment. I do want to see a little forward thinking. There may not be as much flour in the bottom of the old flour barrel as there is now, and there is no use wasting money even in supporting the Steagall amendment. It should require some common sense and a practical approach.

Now, I want to again call attention to this chart No. III to show you the relationship that exists between factory pay rolls and the national farm income. The 1932 depression is shown here. You can see the effect on the pay rolls the same as you see it on the farm income. The 1938 recession is shown here. It shows on the factory pay rolls as well. Then in 1940 you know what happened. The pay roll increased a little faster than agricultural prices. That is the reason why 5,000,000 men left the rural areas and went to the cities and got jobs in war plants. Mr. Carl Wilken has used this chart ever since I have been in Washington, and it has not been questioned in any way.

I put it up there to show the absolute interdependence between the business interests and the farm interests, yes; between the farm interests and the factory pay rolls.

Mr. H. CARL ANDERSEN. Mr. Speaker, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield.

Mr. H. CARL ANDERSEN. For the record at that point, is it not a fact that for every billion dollars that is taken off the agricultural income there is also a billion dollars taken away from the factory workers of America?

Mr. MURRAY of Wisconsin. The gentleman is correct; that is shown in this chart No. III. Mr. Wilken further contends that the national income for any year is always seven times the national farm income. That fact is significant.

I think that the relationship that exists between farm income and total national income should be thrown into the picture at this time.

Mr. H. CARL ANDERSEN. In further reference to the gentleman's statement about the national income always being seven times the agricultural income, that has been proven, has it not, by statistics gathered since 1900, if I remember?

Mr. MURRAY of Wisconsin. I thank the gentleman from Minnesota, though I do not remember the exact period.

Mr. PHILLIPS. Mr. Speaker, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield.

Mr. PHILLIPS. That is a remarkable chart that shows the relationship between farm income and factory pay rolls.

Mr. MURRAY of Wisconsin. This line represents the factory pay rolls and the other national farm income. They always run together.

Mr. PHILLIPS. Over how long a period were those statistics gathered?

Mr. MURRAY of Wisconsin. This particular chart runs back to 1925.

Mr. PHILLIPS. In other words, for about 21 years they have been almost identical.

Mr. MURRAY of Wisconsin. Yes; and it shows the absolute interdependence of the two. You will notice how closely the lines run together in both the periods of recession and in the periods of peak prosperity.

It should be remembered too that 40 percent of the manufactured products of this country are purchased by the rural people of America. These relationships cannot be separated. We can listen to all the bedtime stories we want to and to all the campaign promises but these are facts that cannot be changed and they present a challenge to every Member of Congress.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Michigan [Mr. HOOK] is recognized for 45 minutes.

CONSERVATION OF OUR FOREST RESOURCES

Mr. HOOK. Mr. Speaker, I was very much interested in the discussion of the farm situation by the estimable gentleman from Wisconsin. He always makes a very brilliant speech.

There is one thing that we must remember and that is that agriculture in this country is in a very healthy condition today. I believe we have established a farm and agricultural program that has brought about that healthy condition. The farm program tackled and I think solved most farm problems. I think our soil conservation program in particular has been a wonderful one. Under that program farm income increased from $11,000,000,000 to $29,000,000,000. I think that speaks very well for the program. From my observation I believe that the only way to approach the forestry problem is to apply to forestry the program that was applied to agriculture. Trees are a crop the same as any other agricultural crop. The forestry program should be approached by the same scientific methods that are applied to agriculture through the AAA program. For that reason I have introduced H. R. 6221.

I can go into statistics as to what happened to our timber and forests, especially in the last 35 years.

Mr. MURRAY of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HOOK. I yield to the gentleman from Wisconsin.

Mr. MURRAY of Wisconsin. In your proposal does the gentleman make any effort to coordinate organizations like trees of tomorrow, farm forestry and all the different possibilities that are in trees, or does the gentleman apply it to national forests only?

Mr. HOOK. Oh, no. It is applied to the whole forestry industry, to the lumber industry as a whole. One of the main things, in my opinion, in the forest conservation program is the farm wood lot, the small logger and operator. The farm wood lot, especially in our section in a great many instances, and I believe in the prevailing number of instances, is that it is as large if not larger than the farmer's land crop and from the combined working of both he makes his living.

Mr. MURRAY of Wisconsin. As the gentleman expands that idea he will find other units of Government. I know I have observed that in my own State where the other units, like counties as well as individual farms, will take an active interest in promoting these smaller lots which, added together, make a pretty large total for a State like Michigan or Wisconsin.

Mr. HOOK. That is right. From the studies I have made I have found that about 60 percent of all the timbered land is on the farm wood lots and the small logging operators. The large operator owns about 40 percent.

The thing that surprised me is that the large operator is not cutting. He is holding his 40 percent and they are going into the small wood lots and the small jobbers, having them clear-cut the land, working out the small wood lots, slashing the timber clean without regard for the future so that in the end you will have one monopoly. Big industry will control all of the timber in the United States unless we set up a program to assist the small logging operator and the farmer who works his own wood lot.

Under the present logging methods it is surprising to find that two-thirds of the timber cut is wasted and only one-third of the tree is actually utilized.

This bill provides for the utilization of the whole tree, every bit of it, not the one-third.

Mr. MURRAY of Wisconsin. The other day we passed the agricultural resources bill. If it passes the other body and becomes law, I am sure the gentleman from Michigan could present a good case showing where some of these research funds could be used to get the most benefit out of some of the wood materials that up to the present time have been waste materials.

Mr. HOOK. That is right.

Mr. MURRAY of Wisconsin. And I think the gentleman from Michigan can well afford to contact the Secretary of Agriculture and insist that a certain amount of those funds be used especially in the different wood territories in an effort to try to make the best use of these byproducts.

Mr. HOOK. I certainly will. Up in my area, at least, it is said that it is a very simple problem; that they have done it in Europe. A good many of the people in my area came from the Scandinavian countries, Finland, Norway, and Sweden, democratic nations which we all admire. Many of those people know the value of the practical kind of governmental regulation of forest cutting that has been in effect there for many years, and it is common to hear remarks like these from those people: "We ought to have a plan like they have in Sweden, where a forester has to go into the woods ahead of the logging crew and mark the trees that may be cut or those which must be left to grow."

Then there are the outdoor-loving people that look to the forest not only for wood production but for a place to go for outings and to hunt and fish. I believe that many of our privately owned forests would be developed and opened up far more if there was a healthful forest program for recreation through a practical plan of cooperation between forest owners and the Government.

This bill is quite extensive. It covers practically every problem that we have to face in forestry. It contains some 93 pages. We have given it very thorough and complete study, and I trust that we will be able to put into operation something that will save our forests, our trees if you please, for ourselves and for our posterity. What surprises me is that our forests are dwindling away while in Europe they are exporting timber to the United States. Sweden and Finland are exporting timber to the United States.

Mr. MURRAY of Wisconsin. I noticed an account in the Washington Star a week ago Sunday where the Secretary of Commerce sent a commission to Russia to procure lumber and pulp.

I presume the reason is that they feel we are not able to supply those to ourselves. I do not think the gentleman would want to include paper and paper products in that field at this time, but I think it shows the interest there is in the northern countries in the paper and pulp and lumber business.

Mr. HOOK. That is right. I have not been acquainted with any commission that has gone to Russia. I know nothing of such a commission. I do not believe that such a commission has anything to do with a forest conservation program. Of course, Russia is a vastly different country than Sweden or Finland or any of those democratic nations. Russia's vast territory covers practically half the continent. In certain sections of Russia, as I understand, it is cold and the trees take longer to mature and thus have a finer grain. It may be that certain woods factories and furniture factories may be interested in Russian timber from the cold sections of Siberia.

What I want to emphasize is that in Sweden and Finland over the centuries they have had the lumber industry as one of their chief industries. They are cutting each year as much as they did a century ago, and they continue through good logging practices. There is no reason why this Nation could not follow along the same practices and preserve our forests as they have preserved them over there.

Mr. MURRAY of Wisconsin. The gentleman is right.

Mr. HOOK. Of all our great natural resources, I suppose, none is closer to the hearts of most Americans than our forests. But despite our love of the forests, and despite our knowledge of how important forests are to our security and life we have permitted clear-cutting, high-grading and fires, insects and tree diseases to gradually wear out this rich heritage.

I hear talk, "Yes, that has been true, but times have changed. The lumber industry is interested in forestry today. It has a program of 'tree farms' and its spokesmen support State legislation and State appropriations to promote forestry. With the lumber industry taking so much initiative on the forestry problem, do ordinary citizens have any need to do more than support the efforts of the lumber industry itself?"

I wish I could honestly make the easy and reassuring answer to that question, "Just follow the lead of lumber-industry lobbyists and everything will be O. K. with our forests, our national lumber supply, and with all the other benefits which properly managed forests can yield."

But, I have observed what is happening to the forests, the forest industries and the communities which depend upon forest industries in my own district. I have also studied official reports which indicate the conditions of forests and forest industries throughout the Nation, and accounts of what is being done about the problem.

In these studies, I have found much that is encouraging. In fact, it is precisely because I have found heartening and encouraging developments in forestry and in industry, labor, and public attitudes toward forestry, that I introduced the forestry conservation and development bill, H. R. 6221. Those developments in forestry, and the active interest in it make it possible, perhaps for the first time in our history, to chart a long-term national forest policy and program which will build on all these fine developments and on the healthy attitudes toward the problem, to actually increase lumber production for today and at the same time build up our forests for the future. But I am convinced that cannot be accomplished without a national forestry program along the lines of H. R. 6221.

Therefore, I want to tell you what I found in my studies, what H. R. 6221 would do and give you my observations concerning the opposition which is being voiced against that bill.

In brief, the most pertinent facts about the condition of our forests and forest industries are these:

As a general trend the quality and quantity of lumber production has declined over the past 35 years, a period in which our other basic industries have increased both the quality and the volume of their production.

The poorer quality of lumber today, as compared with earlier years, is well known to people who have long been users of lumber in construction. Unfortunately, it is not something that can be measured and reported by statistics.

The declining volume of lumber production, however, is a matter of record in official Government surveys. The figures speak for themselves. All-time record was in 1909 when production was 44,000,000,000 feet. Best years since that period were 1923 and 1925. In each of those years production was 41,000,000,000 feet.

Next best year was 1941, with 37,800,000,000 feet. From that year on through the war, despite being almost continuously on the Government's urgent and critical lists—and hence favored in obtaining equipment and other production aids—output declined each year to only 32,600,000,000 feet in 1944, the last full year of the war. The 1945 production was only 27,400,000,000 feet, and CPA officials are now hopeful that between 30,000,000,000 and 32,000,000,000 feet will be produced this year. Say 32,000,000,000 against CPA's official estimate that 36,000,000,000 feet are needed.

There has been talk in the past that lumber production went down because demand declined and substitutes took the place of lumber. But if that were true lumber production would have been up while the demand was up during the war and since the war. The reduced quality of lumber on the market today, as compared with earlier years, likewise cannot be explained by a shrinking market.

While lumber production declined, lumber prices have zoomed upward out of all reason in relation to the general trend of prices. I find no official figure on prices in the peak production year of 1909. But in 1925, when production was 41,000,000,000 feet, the average wholesale price of lumber stood at 100.6 percent of the 1926 average. In 1941, when production was 7.8 percent less than in 1925, the average wholesale price of lumber was 21.8 percent higher than in 1925. Last year, 1945, when production was a third less than in 1925, lumber prices were 54 percent higher than in 1925.

To clearly see the symptoms of something having gone wrong with our national lumber situation, however, we must compare lumber prices with the general trend of prices. In brief, the story is told by these figures which, again, are computed from the official reports of the Bureau of Labor Statistics: Average wholesale price of all commodities in 1945 was only 5.8 percent higher than the 1926 average, compared to lumber's 55.1 percent. And even that is not the whole of the story, because lumber prices began their scarcity trend before 1926 and were already out of line at that time. In 1945 lumber prices were more than 200 percent higher—more than three times as much—as in the period just prior to World War I. All commodities, in contrast, were up in 1945 only 55 percent above the prices prevailing before World War I.

Lumber prices are still increasing faster than the general price trend. By May, latest month for which figures are available, lumber prices had risen to 172.5 percent of the 1926 average.

Despite the fantastic increase in lumber prices, the wages of lumber workers are next to the bottom of the ladder. Of our 17 principal manufacturing industries in June 1945, lumber was second only to tobacco in the proportion of workers receiving less than 65 cents an hour as compared with 19.5 percent for the 17 industries as a group. From these figures, it is obvious that the high price of lumber is not caused by high wages in the industry.

What then is the cause of high prices, short supplies, and reduced quality of lumber? One of the hard facts that we have to face is that misuse and neglect has been gradually wearing out our forests. I have yet to see an official report of any Government agency analyzing the current lumber problem which does not mention scarcity of suitable trees as one of the reasons for inadequate production.

The same sort of thing has been happening to our timber as was happening to the precious layer of topsoil on our farm and range lands before the present national farm program got started.

We were wearing out our soil partly because soil conservation is a technical job, and many of our farmers had not had a chance to learn the techniques of contour farming, nor the best use of soil-building and soil-saving crops and fertilizers. There was another reason, too. Many farms were so small, so poorly financed, or so heavily burdened with debt and other costs that "mining" the land with soil-depleting crops seemed to be the only way that the farmer could keep ahead of the sheriff.

The farm program tackled those problems, by providing both technical and financial assistance to the farmer.

As a result of farmers and Government working together, under the national farm program, we have gone a long way toward nailing our soil down for the future. At the same time, we have learned that good soil-conservation practices mean increased production for today as well as good soil conditions for next year's crops. During the war our farm production smashed all previous records and we achieved that record without a dangerous plow-up of grasslands and excessive soil waste such as

occurred during and immediately after World War I.

Many people very naturally might ask, "But, why bring that up? What has that to do with the lumber and forestry problem?" That is a very natural question to ask, because we have been accustomed to think of lumber production and forestry in terms of large companies owning huge tracts of timberland, and of forestry operations on big areas of Government-owned lands, like the national forests. I confess that was my impression, too, when the national lumber shortage and the wearing out of forest resources in my own district first impelled me to have a closer look at the conditions of our forests and forest industries.

The facts which I found—and which anyone can find who takes time to look—show a striking similarity between forestry and farming. Both are made up chiefly of small owners and operators. We have roughly 6,000,000 farms in the United States. We have almost as many forest owners, about 5,000,000. In the neighborhood of four-fifths of our timber is privately owned. Around 70 percent of this is held in tracts of 5,000 acres or less. Five thousand acres is a big farm, but it is only a modest size forest. Most of these small owners cannot be expected to go in for tree farming unless they get help.

But it is not merely in widespread forest land ownership that forestry is similar to farming. While no specific figures have come to my attention, it is commonly admitted by every authority with whom I have discussed the matter, that by far the greater part of the logging—taking the Nation as a whole—is done by small operators. Their operations are on a scale quite similar to typical farm operations. Father and son combinations, and small operators employing from 5 to 15 or 20 men are extremely common. Taking all of commercial logging—for pulpwood, veneer logs, railway ties, mine timbers, poles, chemical wood and specialty bolts as well as logs for ordinary lumber—these small logging operations cut by far the greater part of the trees that go into commerce.

These small logging operators are hard-working Americans, endeavoring to make a living under conditions which frequently are difficult and hazardous. Most of them buy timber on the stump, actually own and manage very little forest land. Unlike the larger companies, who own extensive timber tracts, and who can hire staffs of experts, such as logging engineers, marketing specialists, cost analysts, timber appraisers, and foresters, the typical small logging operator, like a farmer, has to be a jack-of-all-trades. His operation simply cannot support an overhead of specialists. He is in the same position as the farmer, unless government provides technical assistance, he gets little of it.

Well, with farming, the Government does provide technical assistance, and financial aid as well. It has done so for years, helping the farmer to learn the most modern production methods, helping him to understand the market, helping him with low-interest loans, and sharing with him the expense of conserving our valuable soil resources.

In contrast, there is very little assistance available to the logging operator or to the small forest owner, except is widely scattered forestry demonstration areas.

Without the benefit of technical assistance it is inevitable that the small logging operators should do just what they are doing. And what is that? They are clear-cutting and high-grading forests for the material which they know how to sell. Many of their practices are extremely inefficient when measured by the efficiency of operations which can afford to employ staffs of experts and to obtain good modern equipment. Most of them waste far more wood than they use, because they have not had the opportunity to learn what all the different parts of a tree can be used for, or to solve the complex problem of marketing all the usable parts of the tree. Most of them get logs or bolts for only one, or at most two or three, of the specialized industries which require wood as a raw material.

What all this amounts to is a series of uncoordinated raids on our timber lands. The woods are combed over and over again that will yield the particular kind of log or bolt needed for a certain use. When such trees are found, it is very common practice to leave a great deal of usable material to rot or burn in the forest, merely because the particular operator either does not know its value, or if he does he lacks any working contact with its market.

Thus logging is over-specialized. To illustrate how wasteful it is, just imagine a specialized meat packing industry. One plant would buy hogs for pork chops, throwing all other parts of its hog away. Another would do the same in producing bacon, another for ham, and so on. It would be ridiculous. But that is just about how wasteful we are in a huge part of our logging.

Waste of wood in the trees which are harvested is only part of the story of waste, however, in our forest industries. Our forests themselves are being wasted away by failure to observe sound practices of forest conservation in most logging operations. That is because cutting is done—in a great majority of cases—with an eye only to the present and usually without knowledge of scientific forestry, which means, primarily, wise selection of which treees to cut and which to leave for future growth.

There is still more to the story of waste in the woods. While some of our timber stands are being over-cut with no thought of the future, other areas of forest are left too long with no cutting. Unless a forest is selectively logged every few years many valuable trees die and rot in the woods, because of old age or overcrowding.

Many small forest owners hesitate to permit any cutting in their woods because they do not understand scientific forestry, or because they have no means of seeing to it that a good selective cutting job is done, rather than clear-cutting or high-grading by the logger to whom they might sell a cutting right. So they simply hold their timber as a "savings account" or for sentimental reasons, oftentimes not realizing that scientific forestry would enable them to save their forest and at the same time get some income from it.

In other cases valuable trees die or rot in the woods because roads have not been built for logging. To prevent this waste, we should develop a permanent logging road system comparable to our farm-to-market roads.

If we can substantially reduce the three kinds of woods waste which I have just described—and also provide better protection against fire, insects, and disease—we should be able to produce more woods products for today's needs than we are doing, and at the same time build up our timber stands for the future, instead of further tearing them down. That means, first, fuller utilization of the trees that are cut. Second, it means spreading the cut to cover all of our commercial timberlands with selective logging every few years, instead of overcutting in some places and permitting valuable trees to die and rot in others.

In this way a practical program to increase production of wood products for today and at the same time build up our forests for the future is possible. There is no serious conflict between short-term and long-term goals if we tackle the problem in this way.

I believe our millions of small forest owners and operators need and deserve financial as well as technical aid to do that kind of a job, just as the farmer gets financial help in doing the soil-conservation job. It will cost money, but it will pay rich dividends as the soil program has.

The lumber trade associations, however, and the lumber lobby in Washington are not asking for such help for the industry. I believe the reason is that they do not represent the millions of small owners and operators who own most of the forest land and who do most of the logging. Instead, they seem to be controlled by the big land-owning timber companies, those who own less than 30 percent of the private timberland. Imagine the situation we would have in the farm lobby if the small and medium farmers were unorganized and the few big farm land-owning corporations—like Del Monte, Bank of America, Schenley's, and so forth—made up the farm lobby. That seems to be just about the situation we have in lumber and forestry. But is not it just good common sense, once we understand that our forests and our basic wood industry—logging—are in the main the property of many millions of individual American citizens, that we go about the lumber production and forest conservation problem in the same way that we have already learned to deal with the farm problem, regardless of whether the millions of small owners and operators have a lobby of their own or not? Obviously, they must have help if our lumber production is to be increased and our forests built up instead of further torn down.

In recommending action similar to the farm program I do not mean to imply that I consider that program perfect. It can stand much improvement. But results have proved that it is basically sound, at least when measured by the

yardsticks of increased production and the rapid extension of scientific soil conservation during the past 12 years.

There are just two respects in which, I believe, the forestry problem really differs from the farm problem, when you are thinking in terms of what the Government's policy should be.

One is the temptation to clear-cut and high-grade forests for private profit. That is a matter of common knowledge. If a poll could be taken of American citizens, I venture, it would show a majority of them not only aware of the problem, but firmly convinced that the only solution to it is Government regulation. Many doubtless would oversimplify the problem by saying the lumbermen should be required to plant one or two trees for every one he cuts down. Many probably would add "like they do in Europe."

In the district which I represent, many of the people or their parents came from the Scandinavian countries; Finland, Norway, and Sweden, democratic nations which we all admire. Many of those people know the practical kinds of government regulation of forest cutting that has been in effect there for many years. It is common to hear remarks like this from those people, "We ought to have a plan like they have in Sweden where a forester has to go into the woods ahead of the logging crew and mark the trees which may be cut, or those which must be left to grow."

Second, is that as outdoor-loving people, we look to forests not only for wood production but as a place to go for outings, and to hunt and fish. I believe many of our privately owned forests could be developed and opened up for more of that kind of healthful recreation, through a practical plan of cooperation between forest owners and Government.

Well, after studying these problems—and talking them over with some of the Nation's outstanding experts on the problem—H. R. 6221, "a bill to further the conservation and proper use of publicly and privately owned forest lands and for other purposes," was the result. It amounts to a national forestry program. It combines pertinent features of the national farm program with a plan of Government forest regulation similar to the Swedish plan, and a new basis for financing and for making payments in lieu of taxes on forest land purchases for the national forests.

Specifically, the several parts of the bill provide as follows:

Title I declares forestry to be a national problem and an integral part of our national agricultural problem.

Title II provides for Government regulation of commercial logging under a plan similar to that long used in Finland and Sweden—does not apply to cutting of trees for farm and home use.

Title III provides for payments to forest owners and operators for forest conservation practices, such as tree planting, thinning young stands, selective logging, planting game food and cover plants, and developing recreation areas for public use—patterned after and in effect amounts to broadening the Agricultural Conservation Act to make it apply to forests; contains same limitation on payments to large operators and for higher proportionate payments to small operators.

Title IV provides technical assistance in management of woodlands and in marketing and utilizing forest products, and expanded research in wood utilization.

Title V broadens the Federal farm-credit program to include forest owners and operators.

Title VI extends the coverage of the Bankhead-Jones Farm Tenant Act to finance small operators in the purchase of forest tracts for timber production.

Title VII to provide forest seeds and planting stock at cost for forest conservation planting.

Title VIII strengthens present system of protection against forest insects and tree diseases.

Title IX amends Federal Crop Insurance Act to include forest crops.

Title X provides for research and education to reduce the excessive accident rates in the forest industries.

Title XI provides a permanent basis for planning and carrying out public works on forest lands, including the development of permanent logging roads.

Title XII provides assistance to forest cooperative asscciations.

Title XIII provides for cooperation of farm organizations, forest operators, labor in forest and farm industries, sportsmen and Government agencies in each community in deciding which lands shall be considered forest land and in deciding how the various land use and related parts of the National Agricultural program shall be carried out in the local community.

Title XIV provides a long-term basis for purchasing forest lands to block in existing national forests and establish new ones where agreed to by the States concerned.

Title XV provides regular payments to counties in lieu of taxes on national forest lands, in place of the present plan of sharing national forest receipts, which is unsatisfactory to local governments because it is not a dependable source of revenue.

Title XVI requires that Government timber lands be managed for sustained yield and that mature and overcrowded trees on such lands be harvested, wherever feasible.

Title XVII routine clauses governing administration of the program.

Having introduced this practical, constructive legislation in Congress on April 30, I have been amazed to receive a number of vigorous protests against it, and to see editorial denunciations of it in certain lumber trade journals. It is being charged that the bill is communistic, socialistic, and fascistic. It is said, among other things, that regulation of commercial logging is the first step toward nationalization. To me that is as ridiculous as say that auto traffic regulation is the first step toward nationalizing the ownership of all automobiles. History has proved, in nations like Finland and Sweden, that sensible forestry regulation in commercial logging is the way to preserve private enterprise in forestry, because it prevents overeager individuals from destroying the forests.

Others have said subsidies—which H. R. 6221 proposes—are the first step toward nationalization. To see how silly that is, let us look again at the industry which is more subsidized than any other. I refer, of course, to farming. Government assistance, including subsidy payments for soil-conservation work, has strengthened rather than weakened private farm ownership. Our farming industry today is less subject to either monopoly control by huge corporations or to threats of nationalization than any other major industry.

Those are silly charges that are being made against H. R. 6221. I am sure that some who have voiced opposition to the bill have not read it, or even seen a factual summary of it. I say this because I am sure some of those same people will be in favor of it, once they get a clear picture of what it is, and the actual facts which make such a program desirable. That is why I have gone into so much detail explaining our forestry situation, and summarizing the provisions of the bill.

Yet another kind of argument has been raised against H. R. 6221. That is the States' rights argument. Some people say, yes, I agree more needs to be done about our forests, but it should be left to each State to work out a program to meet its own needs. That makes no more sense than to say we should abandon our national farm program, and leave it to the States to develop 48 separate farm programs. Forestry, like farming, is a national problem. Leaving it to the 48 States simply means that the job will not be done. Lumber would grow scarcer and scarcer. Our forests would dwindle and dwindle, as each State hesitated for fear of imposing stricter regulation than a neighboring State, or as it wrestled with the problem of financing a suitable program.

I want to point out, right here, that many of the areas most in need of a forestry program are least able to pay for it. Many of those areas are impoverished because their forests have been so badly misused in the past.

That is true of the Lake States cut-over region in which my district is located. There is much young second-growth timber up there, but it will take scientific forestry to build it up into good commercial forests again. The same is true through much of New England, the Appalachians, the Ozarks, and the southern coastal plain regions. In the far West they have a problem of building back forests on cut-over lands and also saving virgin forests from destruction by placing them under scientific forest management.

Gentlemen, if anyone thinks the States are going to solve those problems without the aid of a national-forestry program, their heads should be examined.

Frankly, the arguments thus far offered against H. R. 6221 make it appear that a deliberate campaign of misrepresentation is being carried on to stir up opposition. If it were confined to my own district, I would suspect that it was purely personal politics, carried on by some group interested in discrediting me with my constituents. But the opposition is more widespread than that.

Therefore, I can only conclude that some group—or groups—are interested in letting timber get scarcer and scarcer, so that those fortunate enough to own some timber, will be able to ask and get their own price for it.

One thing is clear. The opposition to H. R. 6221 cannot possibly represent the producer who wants a dependable supply of reasonably priced raw material, nor the communities who want to escape the curse of cut-out and get-out logging which dooms them to become ghost towns, nor the public which wants an abundance of reasonably priced wood products, nor the many who want forests properly managed for all the benefits which forests can yield. I point no finger of blame. Each individual can judge for himself who the opposition is and the kind of people they are. Shall we permit them to dictate our public forest policy?

ENROLLED BILLS SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1151. An act for the relief of the legal guardian of James Lemuel Muzzall, a minor;

H. R. 1754. An act for the relief of Edwin Doyle Parrish;

H. R. 4590. An act to authorize the use by industry of silver held or owned by the United States, and for other purposes;

H. R. 4616. An act for the relief of the Maryland Sanitary Manufacturing Corp., of Baltimore, Md.;

H. R. 5025. An act for the relief of Mrs. Opal Riley and Robert R. Riley;

H. R. 5053. An act for the relief of the estate of Jasper A Mealer;

H. R. 5508. An act to authorize the return of the Grand River Dam project to the Grand River Dam Authority and the adjustment and settlement of accounts between the Authority and the United States, and for other purposes;

H. R. 6371. An act to amend certain provisions of the National Service Life Insurance Act of 1940, as amended, and for other purposes;

H. R. 6372. An act to amend the Federal Credit Union Act;

H. R. 6532. An act to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes;

H. R. 6739. An act making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1947, and for other purposes;

H. R. 6885. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1947, and for other purposes;

H. R. 6983. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in any and all claims which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, or any tribe or band thereof, may have against the United States, and for other purposes; and

H. R. 7052. An act to amend the Internal Revenue Code, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 346. An act to amend section 21 of the act of May 28, 1896 (29 Stat. 184; 28 U. S. C., sec. 597) prescribing fees of United States commissioners;

S. 920. An act to fix the salaries of certain judges of the United States;

S. 1801. An act authorizing the appointment of an additional judge for the district of Delaware;

S. 2372. An act to authorize the Secretary of the Interior to construct the Lewiston Orchards project, Idaho, in accordance with the Federal reclamation laws; and

S. J. Res. 4. Joint resolution authorizing the erection on public grounds in Springville, Ariz., of a memorial to Gustav Becker.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 247. An act for the relief of E. D. Williams;

H. R. 271. An act for the relief of Eleanor McCloskey, also known as Evelyn Mary Mikalauskas;

H. R. 844. An act for the relief of John P. Hayes, postmaster, and the estate of Edward P. McCormack, former postmaster, at Albany, N. Y.;

H. R. 1322. An act for the relief of the Marine Engine Works & Shipbuilding Corp., of Tarpon Springs, Fla.;

H. R. 1331. An act for the relief of the Hatheway Patterson Corp.;

H. R. 1345. An act for the relief of David M. Matteson;

H. R. 1469. An act for the relief of Cox Bros.;

H. R. 1480. An act for the relief of the S. G. Leoffler Operating Co., of Washington, D. C., and for other purposes;

H. R. 1498. An act to correct the naval record of former members of the crews of the revenue cutters *Algonquin* and *Onondaga*;

H. R. 1673. An act for the relief of the Superior Coach Corp.;

H. R. 1797. An act for the relief of Arcadio Saldaña Agosto;

H. R. 1850. An act for the relief of Louise Zerweck;

H. R. 1957. An act for the relief of the Ohio Valley General Hospital, Wheeling Clinic, Rosetta Snyder, Virginia Barron, Dr. Paul H. Cope, and D. J. E. Ricketts;

H. R. 2130. An act for the relief of Daniel S. Bagley, Jr., and Daniel S. Bagley, Sr.;

H. R. 2243. An act for the relief of Arthur A. Guarino;

H. R. 2269. An act for the relief of Dr. William A. Schumacher and Magdalen M. Schumacher;

H. R. 2287. An act for the relief of Susan S. Wiseman;

H. R. 2319. An act for the relief of J. B. Shropshire;

H. R. 2423. An act to authorize the exchange of lands acquired by the United States for the Silver Creek recreational demonstration project, Oregon, for the purpose of consolidating holdings therein, and for other purposes;

H. R. 2489. An act for the relief of Gaylon Dhu;

H. R. 2962. An act for the relief of Justin P. Hopkins;

H. R. 3065. An act for the relief of Standard Dredging Corp.;

H. R. 3145. An act for the relief of A. C. McMeans;

H. R. 3158. An act for the relief of Leonard J. Fox and Milford G. Fox, a partnership, doing business as Fox Co.;

H. R. 3341. An act for the relief of J. E. and Minerva Mitchell, and Rosie Monroe;

H. R. 3360. An act for the relief of Mrs. W. H. (Agnes) Holmes;

H. R. 3397. An act for the relief of Claude S. Crouse;

H. R. 3400. An act for the relief of Herbert W. Rogers;

H. R. 3420. An act to provide for refunds to railroad employees in certain cases, so as to place the various States on an equal basis, under the Railroad Unemployment Insurance Act, with respect to contributions of employees;

H. R. 3455. An act for the relief of Chatham M. Towers;

H. R. 3480. An act for the relief of Miss Ruth Lois Cummings;

H. R. 3484. An act for the relief of the Poultry Producers of Central California;

H. R. 3492. An act to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended;

H. R. 3533. An act to authorize revisions in the boundary of the Hopewell Village National Historic Site, Pa., and for other purposes;

H. R. 3623. An act for the relief of William A. Pixley;

H. R. 3821. An act to amend sections 4 and 8 of the act of September 2, 1937, as amended;

H. R. 3827. An act for the relief of Fred W. Grant;

H. R. 3848. An act for the relief of the legal guardian of Johnnie Pollock, a minor;

H. R. 3857. An act for the relief of Warren H. Thompson and Madeline Parent;

H. R. 3988. An act for the relief of Decatur County in the State of Indiana;

H. R. 3993. An act to authorize the Secretary of War to sell and convey to the Southern Pacific Railroad Co. a right-of-way and easement for railroad purposes across a portion of Camp Cooke Military Reservation, Calif.;

H. R. 4090. An act for the relief of Roy Hesselmeyer;

H. R. 4180. An act to amend the law relating to larceny in interstate or foreign commerce;

H. R. 4215. An act for the relief of Jane O'Malley;

H. R. 4247. An act for the relief of Jesús Lassalle and Mrs. America Bonet Medina;

H. R. 4357. An act for the relief of the estate of the late Alberto López Ramos;

H. R. 4458. An act for the relief of Rosella J. Masters;

H. R. 4484. An act relating to the construction and maintenance of building and improvements for banking purposes on the Fort Ord Military Reservation, Calif.;

H. R. 4486. An act to abolish the Santa Rosa National Monument and to provide for the conveyance to Escambia County, State of Florida, of that portion of Santa Rosa Island which is under the jurisdiction of the Department of the Interior;

H. R. 4492. An act for the relief of Charles Marvin Smith;

H. R. 4577. An act for the relief of Dolores Joyce;

H. R. 4651. An act to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended;

H. R. 4660. An act for the relief of Mrs. Georgia Lanser and Ensign Joseph Lanser;

H. R. 4673. An act for the relief of Mrs. Minnie Jenkins Ward;

H. R. 4701. An act granting the consent of Congress to the States of Utah, Idaho, and Wyoming to negotiate and enter into a compact for the division of the waters of the Bear River and its tributaries;

H. R. 4834. An act for relief of the estate of Katherine Delores Booth and Agnes Jane True;

H. R. 4862. An act for the relief of Walter R. Newcomb, Sr., Corbin A. Newcomb, and Walter R. Newcomb, Jr.;

H. R. 4917. An act for the relief of the Western Union Telegraph Co.;

H. R. 4919. An act for the relief of Archibald J. Alcorn;

H. R. 4996. An act for the relief of the legal guardian of Joan Esther Hedin, a minor;

H. R. 5026. An act for the relief of the estate of Drury Lee Jordan;

H. R. 5030. An act for the relief of Mrs. Lim Shee Chang;

H. R. 5112. An act to authorize the city of Anchorage, Alaska, to issue bonds in a sum not to exceed $5,000,000 for the purpose of constructing, reconstructing, improving, extending, bettering, repairing, equipping, or acquiring public works of a permanent character, and to provide for the payment thereof, and for other purposes;

H. R. 5178. An act for the relief of Marian Antoinette McCloud;

H. R. 5228. An act for the relief of Stephen Lisay;

H. R. 5324. An act for the relief of Mrs. Mary Francoline and Mrs. Rose Wallace;

H. R. 5351. An act for the relief of Charles Booker;

H. R. 5352. An act for the relief of Joseph Ippolito;

H. R. 5398. An act for the relief of Walter J. Barnes Electric Co. and Maritime Electric Co., Inc.;

H. R. 5510 An act for the relief of Newton William Lowery;

H. R. 5538. An act for the relief of Mae Maxine Stone;

H. R. 5539. An act for the relief of Andrew M. Halvorsen;

H. R. 5541. An act for the relief of F. B. Sweat;

H. R. 5640. An act to reestablish the status of funds of the midshipmen's store, barber shop, cobbler shop, and tailor shop at the United States Naval Academy, and for other purposes;

H. R. 5722. An act for the relief of Charles L. Cannon;

H. R. 5739. An act for the relief of Frances Fitzgerald;

H. R. 5792. An act for the relief of certain postmasters;

H. R. 5800. An act to authorize school districts in Alaska to issue bonds for school construction, and for other purposes;

H. R. 5806. An act for the relief of Etta Yoakam;

H. R. 5820. An act relating to mail service on Lake Winnepesaukee, N. H.;

H. R. 5831. An act to include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930;

H. R. 5840. An act to authorize an exchange of land in Eagle County, Colo.;

H. R. 5872. An act for the relief of Mr. and Mrs. Walter Keaton;

H. R. 5878. An act for the relief of Elsie Elmhorst;

H. R. 5884. An act for the relief of Frances Krzys;

H. R. 5958. An act to amend the Agricultural Adjustment Act of 1938, as amended;

H. R. 6041. An act authorizing the State of Indiana to construct, maintain, and operate a free highway bridge across the Wabash River at or near Montezuma, Ind.;

H. R. 6065. An act authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge or a free bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 6081. An act granting the consent of Congress to the Iowa State Highway Commission to construct, maintain, and operate a free highway bridge across the Des Moines River at or near the town of Eddyville, Iowa;

H. R. 6213. An act for the relief of Brevet First Lt. Margaret Utinsky;

H. R. 6222. An act to extend the times for commencing and completing the construction of a bridge across the Calcasieu River at or near Lake Charles, La.;

H. R. 6324. An act to amend and supplement the Federal-Aid Road Act of July 11, 1916, as amended and supplemented, to provide for the design and construction of dams so that they will serve as foundations for highway bridges, to provide for the design and construction of highway bridges upon and across such dams, to authorize the granting of easements and rights-of-way in connection therewith, and for other purposes;

H. R. 6442. An act for the relief of Mrs. Elizabeth J. Patterson, Joy Patterson, and Roberta Patterson;

H. R. 6459. An act to extend the period within which the Secretary of Agriculture may carry out the purposes of the Soil Conservation and Domestic Allotment Act by making payments to agricultural producers;

H. R. 6472. An act for the relief of John E. Peterson, James M. Hiler, Vivian Langemo, Floy Sibrie, and Ross Lee Brown;

H. R. 6486. An act to authorize an appropriation for the establishment of a geophysical institute at the University of Alaska;

H. R. 6515. An act to amend the act entitled "An act authorizing the Nebraska-Iowa Bridge Corp., a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa," approved March 6, 1928;

H. R. 6627. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America;

H. R. 6673. An act to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended;

H. R. 6689. An act to extend for an additional year the provisions of the Sugar Act, as amended, and the taxes with respect to sugar;

H. R. 6751. An act authorizing Gus A. Guerra, his heirs, legal representatives, and assigns, to construct, maintain, and operate a toll bridge across the Rio Grande, at or near Rio Grande City, Tex.;

H. R. 6889. An act to extend the times for commencing and completing the construction of a toll bridge across the St. Louis River between the States of Minnesota and Wisconsin, and for other purposes;

H. R. 6903. An act to provide benefits for certain employees of the United States who are veterans of World War II and lost opportunity for probational civil-service appointments by reason of their service in the armed forces of the United States;

H. J. Res. 321. Joint resolution to authorize the making of settlement on account of certain currency destroyed at Fort Mills, Philippine Islands, and for other purposes;

H. J. Res. 336. Joint resolution relating to marketing quotas under the Agricultural Adjustment Act of 1938, as amended;

H. J. Res. 359. Joint resolution relating to peanut marketing quotas under the Agricultural Adjustment Act of 1938, as amended; and

H. J. Res. 364. Joint resolution to provide for the establishment of an international animal quarantine station on Swan Island, and to permit the entry therein of animals from any country and the subsequent importation of such animals into other parts of the United States, and for other purposes.

ADJOURNMENT

Mr. HOOK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 27 minutes p. m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 23, 1946, at 10 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ELLIOTT: Committee on Accounts. House Resolution 719. Resolution providing additional funds for study and investigation regarding disposal of surplus property authorized by House Resolution 385 of the Seventy-ninth Congress; without amendment (Rept. No. 2619). Referred to the House Calendar.

Mr. BELL: Committee on Insular Affairs. S. 2348. An act to authorize the continuance of the acceptance by the Treasury of deposits of public moneys from the Philippine Islands; without amendment (Rept. No. 2620). Referred to the Committee of the Whole House on the State of the Union.

Mr. BELL: Committee on Insular Affairs. S. 2210. An act to provide for the return of certain securities to the Philippine Commonwealth Government; with amendments (Rept. No. 2628). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COMBS: Committee on Claims. S. 2260. An act for the relief of Roy M. Davidson; without amendment (Rept. No. 2621). Referred to the Committee of the Whole House.

Mr. COMBS: Committee on Claims. S. 2369. An act for the relief of Col. S. V. Constant, General Staff Corps; without amendment (Rept. No. 2622). Referred to the Committee of the Whole House.

Mr. STIGLER: Committee on Claims. H. R. 6215. A bill for the relief of the Yellow Cab Transit Co., of Oklahoma City; without amendment (Rept. No. 2623). Referred to the Committee of the Whole House.

Mr. MAY: Committee on Military Affairs. S. 881. An act authorizing the President of the United States to award posthumously in the name of Congress a Medal of Honor to William Mitchell; with amendment (Rept. No. 2625). Referred to the Committee of the Whole House.

Mr. PATTERSON: Committee on War Claims. H. R. 957. A bill for the relief of Margaret Dunn; without amendment (Rept. No. 2626). Referred to the Committee of the Whole House.

Mr. MAY: Committee on Military Affairs. H. R. 3944. A bill authorizing the President of the United States to award a special Congressional Medal of Honor to Gen. John J. Pershing, United States Army; with amendment (Rept. No. 2627). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATES of Massachusetts:

H. R. 7099. A bill relating to the disposal of old landmarks, historic sites, and certain other real property under the Surplus Property Act of 1944, as amended; to the Committee on Expenditures in the Executive Departments.

By Mr. BROOKS:

H. R. 7100. A bill to provide additional inducements to citizens of the United States to make a career of the United States mili-

tary or naval service, and for other purposes; to the Committee on Military Affairs.

By Mr. ELLIOTT:

H. R. 7101. A bill to protect American agriculture, horticulture, livestock, and the public health by prohibiting the unauthorized importation into, or the depositing in the territorial waters of the United States of garbage derived from products originating outside of the continental United States, and for other purposes; to the Committee on Agriculture.

By Mr. BELL:

H. R. 7102. A bill to provide annuities for persons who have served as President of the United States; to the Committee on the Judiciary.

By Mr. JOHNSON of Illinois:

H. R. 7103. A bill to amend the Second War Powers Act, 1942, as amended, to limit the powers of the Secretary of Agriculture; to the Committee on the Judiciary.

By Mr. ROBERTSON of Virginia (by request):

H. R. 7104. A bill to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. DIRKSEN:

H. Res. 720. Resolution authorizing the printing as a House document of the manuscript of a documented study and analysis of communism in operation in the Soviet Union; to the Committee on Printing.

By Mr. JOHNSON of Illinois:

H. Res. 721. Resolution requesting the Secretary of Agriculture to submit to the House of Representatives a list of all commodities rationed or allocated under his jurisdiction; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EATON:

H. R. 7105. A bill for the relief of Joao Fernandes Magueijo; to the Committee on Immigration and Naturalization.

By Mr. FOGARTY:

H. R. 7106. A bill for the relief of Dora M. Barton; to the Committee on Claims.

By Mr. HANCOCK:

H. R. 7107. A bill for the relief of Arlindo Neves; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2114. By Mrs. NORTON: Petition of the United States Junior Chamber of Commerce, advocating that remedial legislation be adopted providing adequate salaries for Members of Congress, Cabinet officers, members of the Supreme Court, bureau and other key department heads; to the Committee on Expenditures in the Executive Departments.

2115. By Mr. THOMASON: Petition of Earl S. Bailey Post, American Legion, of Odessa, Tex., urging that terminal leave pay for enlisted men be made in cash in lieu of bonds; to the Committee on Military Affairs.

2116. Mr. VOORHIS of California: Petition of Mattie Brumfield and 17 others, all citizens of Winchester, Ind., urging passage of legislation by Congress (H. J. Res. 325), which would authorize the President and Secretary of Agriculture to issue directives preventing the use of grain for beverage purposes until the world's food shortage is relieved; to the Committee on Agriculture.

2117. Also, petition of Grace Mathisen and 18 others, citizens of Staten Island, N. Y., urging passage of legislation by Congress (H. J. Res. 325), which would authorize the President and Secretary of Agriculture to issue directives preventing the use of grain for beverage purposes until the world's food shortage is relieved; to the Committee on Agriculture.

2118. Also, petition of Annie P. Congdon and 406 others, all citizens of Rhode Island, urging passage of legislation by Congress (H. J. Res. 325), which would authorize the President and Secretary of Agriculture to issue directives preventing the use of grain for beverage purposes until the world's food shortage is relieved; to the Committee on Agriculture.

2119. By Mr. HANCOCK: Petition of Polish American Citizen Club of Syracuse, N. Y., signed by 50 members, protesting against the reduction in the amount of grain allocated to the brewing industry; to the Committee on Agriculture.

SENATE

TUESDAY, JULY 23, 1946

(Legislative day of Friday, July 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Dr. Horace E. Cromer, superintendent of the Washington East District of the Methodist Church, Washington, D. C., offered the following prayer:

O Thou who are eternal God and Father of us all, whose quality is always to have mercy, whose delight is ever to grant wisdom, have mercy on us and unto us here grant wisdom. Forgive us our sins, our errors, our faults, and grant unto us wisdom that through Thine overruling providence we shall do that which is good in Thy sight, that which shall best serve all men.

Grant unto us strength—strength to resist, strength to achieve. Grant a perfection of purpose that shall be proved in the destinies of all men and nations. And now, O Lord, we Thy servants humbly seek the knowledge of Thy will and guidance to do Thy work. Let the words of our mouths and the meditations of our hearts be acceptable in Thy sight.

Through Jesus Christ our Lord. May the Lord bless you and keep you. Amen.

THE JOURNAL

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday be approved without reading.

Mr. REED. I object.

Mr. BARKLEY. I move that the Journal of yesterday be approved without reading.

The PRESIDING OFFICER. The Senate having met this morning after a recess, under the rule, the Journal does not have to be approved.

Mr. BARKLEY. It does not have to be approved?

The PRESIDENT pro tempore. No; it does not have to be approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on July 23, 1946, the President had approved and signed the act (S. 752) to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 223) to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1426) to provide for the replanning and rebuilding of slum, blighted, and other areas of the District of Columbia, and the assembly, by purchase or condemnation, of real property in such areas and the sale or lease thereof for the redevelopment of such area in accordance with said plans; and to provide for the organization of, procedure for, and the financing of such planning, acquisition, and sale or lease; and for other purposes, with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 388) to amend section 201 (g) of the Nationality Act of 1940 (54 Stat. 1138–1139; 8 U. S. C. 601).

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 3944. An act authorizing the President of the United States to award a special medal to General of the Armies of the United States John J. Pershing;

H. R. 5047. An act for the relief of Edna Rita Saffron Fidone; and

H. R. 5756. An act for the retirement of public-school teachers in the District of Columbia.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 346. An act to amend section 21 of the act of May 28, 1896 (29 Stat. 184; 28 U. S. C., sec. 597), prescribing fees of United States commissioners;

S. 920. An act to fix the salaries of certain judges of the United States;

S. 1801. An act authorizing the appointment of an additional judge for the district of Delaware;

S. 2142. An act to provide for two heads of departments of military science and tactics in the public schools of the District of Columbia;

S. 2352. An act to authorize increases in the salary rates of teachers, school officers, and other employees of the Board of Education of the District of Columbia whose pay is fixed and regulated by the District of Columbia Teachers' Salary Act of 1945, as amended;

S. 2372. An act to authorize the Secretary of the Interior to construct the Lewiston Orchards project, Idaho, in accordance with the Federal reclamation laws;

H. R. 1151. An act for the relief of the legal guardian of James Lemuel Muzzall, a minor;

H. R. 1754. An act for the relief of Edwin Doyle Parrish;

H. R. 4590. An act to authorize the use by industry of silver held or owned by the United States, and for other purposes;

H. R. 4616. An act for the relief of the Maryland Sanitary Manufacturing Corp., of Baltimore, Md.;

H. R. 5025. An act for the relief of Mrs. Opal Riley and Robert R. Riley;

H. R. 5053. An act for the relief of the estate of Jasper A. Mealer;

H. R. 5508. An act to authorize the return of the Grand River Dam project to the Grand River Dam Authority and the adjustment and settlement of accounts between the Authority and the United States, and for other purposes;

H. R. 6371. An act to amend certain provisions of the National Service Life Insurance Act of 1940, as amended, and for other purposes;

H. R. 6372. An act to amend the Federal Credit Union Act;

H. R. 6532. An act to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes;

H. R. 6739. An act making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies for the fiscal year ending June 30, 1947, and for other purposes;

H. R. 6885. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1947, and for other purposes;

H. R. 6983. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in any and all claims which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, or any tribe or band thereof, may have against the United States, and for other purposes;

H. R. 7052. An act to amend the Internal Revenue Code, and for other purposes; and

S. J. Res. 4. Joint resolution authorizing the erection on public grounds in Springerville, Ariz., of a memorial to Gustav Becker.

DISPOSITION OF EXECUTIVE PAPERS

The PRESIDENT pro tempore laid before the Senate a letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

DECONTROL OF LIVESTOCK AND MEAT

Mr. CAPPER. Mr. President, I have received a telegram from Robert M. Owthwaite, vice president of John Morrell & Co., packers, Topeka, Kans., relative to the decontrol of livestock and meat. I ask unanimous consent that it may be printed in the RECORD and appropriately referred.

There being no objection, the telegram was ordered to lie on the table, and to be printed in the RECORD, as follows:

TOPEKA, KANS., *July 17, 1946.*

Hon. ARTHUR CAPPER,
United States Senate,
Washington, D. C.:

In view of the possibility that House conferees may ask for specific instruction in reference to pending OPA bill I am wiring you as I believe the decontrol of livestock and meat is most important to the well-being of this country.

No doubt you have been concerned over the increase in livestock and meat prices during the past 2 weeks. I, too, am concerned, but there are factors which have effected this which I believe you are interested in knowing.

1. Prior to the expiration of price control it was an admitted fact that a great percentage of cattle and a smaller percentage of hogs were going to black-market operators. This group is interested in reimposing price control as it needs their continued existence. This group has in the first instance been responsible for the upsurge in livestock prices. They will continue to bid prices so as to bring about recontrol of livestock.

2. Elimination of subsidies has also contributed to the increase in wholesale and retail prices but this is a wholesome effect as it brings into the open the hidden taxes that have heretofore been paid.

3. Under OPA legitimate packers have been unable to purchase livestock with the result that there has been an unequal and poor distribution of meat. There exists a pent-up demand by the American people for meat and with the elimination of price control people are determined to have this demand satisfied. With the return of livestock to legitimate channels it means a return to normal distribution of meat in relatively short time. The law of supply and demand will force prices to a lower level. Buyers' resistance, as is now developing in the country, will greatly aid in the restoration of lower prices for livestock. This is clearly illustrated in the pattern set following the close of World War I when in July 1919 hog prices reached a then all-time high of $21.85. By October there occurred a substantial decline and this can be attributed to buyers' resistance, satisfaction of the American public for meat, and the operation of the law of supply and demand.

The reimposition of price control will make certain not only the continuation of black-market operations but their enlargement.

I am confident that if livestock and meat are permitted to remain free of price control that within a relatively short time the legitimate packers of this country will drive the so-called black-market operators out of business and the pattern set following the First World War will again operate. During all of these months you have been most cooperative and I am deeply appreciative. I again urge that if the conference committee ask for instructions with reference to the decontrol of livestock and meat you vote for decontrol, and when the conference bill finally reaches the floor you likewise insist on the decontrol of livestock and meat.

JOHN MORRELL & CO.,
ROBERT M. OWTHWAITE,
Vice President.

PETITION

Mr. CAPPER presented a petition of sundry citizens of Redfield and Phillipsburg, Kans., praying for the enactment of the joint resolution (H. J. Res. 325) to prevent the use of grain for the manufacture of liquor or for any other nonessential purposes during the period of shortage, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOEY, from the Committee on Immigration:

S. 1992. A bill for the relief of Pedro Ugalde; without amendment (Rept. No. 1811); and

S. 1993. A bill for the relief of Simon Fermin Ibarra; without amendment (Rept. No. 1812).

By Mr. RUSSELL, from the Committee on Immigration:

H. R. 1402. A bill for the relief of certain Basque aliens; with an amendment (Rept. No. 1813).

By Mr. DOWNEY, from the Committee on Military Affairs:

S. 1931. A bill for the relief of Robert E. Lauritzen; without amendment (Rept. No. 1814).

By Mr. O'DANIEL, from the Committee on Claims:

S. 1911. A bill for the relief of Mrs. Ida Elma Franklin; with amendments (Rept. No. 1815); and

S. 1969. A bill for the relief of Mr. and Mrs. Andrew Evans; without amendment (Rept. No. 1816).

By Mr. HUFFMAN, from the Committee on Claims:

S. 1341. A bill for the relief of T. H. Allen and others; with amendments (Rept. No. 1817); and

S. 2117. A bill for the relief of Mrs. Irma M. Pierce and Charles Z. Pierce; with amendments (Rept. No. 1818).

By Mr. MORSE, from the Committee on Claims:

H. R. 2161. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Algernon Blair, his heirs, or personal representatives, against the United States; without amendment (Rept. No. 1819).

By Mr. McMAHON, from the Committee on Claims:

H. R. 1088. A bill for the relief of the Eastern Contracting Co., Inc.; without amendment (Rept. No. 1820).

By Mr. ANDREWS, from the Committee on Public Buildings and Grounds:

S 2419. A bill relating to the authority of the Secretary of the Treasury to exchange sites at Fort Lauderdale, Broward County, Fla., for Coast Guard purposes; with amendments (Rept. No. 1821).

By Mr. GUFFEY, from the Committee on Mines and Mining:

H. R. 4562. A bill to insure the preservation of technical and economic records of domestic sources of ores of metals and minerals; without amendment (Rept. No. 1822).

By Mr. WAGNER, from the Committee on Banking and Currency:

H. R. 6528. A bill to authorize the coinage of 50-cent pieces to commemorate the life and perpetuate the ideals and teachings of Booker T. Washington; without amendment (Rept. No. 1823).

RELIEF FROM LIABILITY FOR ACTS DONE OR OMITTED UNDER SELECTIVE SERVICE REGULATIONS—REPORT OF A COMMITTEE

Mr. GURNEY, from the Committee on Military Affairs, to which was referred the bill (H. R. 6035) to provide that there shall be no liability for acts done or omitted in accordance with regulations of the Director of Selective Service, and for other purposes, reported it with amendments and submitted a report (No. 1810) thereon, together with the individual views of Mr. MURRAY and the views of the minority, which were ordered to be printed.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MEAD:

S. 2468. A bill to establish the Castle Clinton National Monument, in the city of New York, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. MYERS:

S. 2469. A bill authorizing the construction of flood-control work on the Lackawaxen River, Pa.; to the Committee on Commerce.

By Mr. WAGNER:

S. J. Res. 181. Joint resolution to authorize the Secretary of the Treasury to render financial aid to the Republic of the Philippines, and for other purposes; to the Committee on Banking and Currency.

PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT NO. 244, REPORT OF JOINT COMMITTEE ON INVESTIGATION OF PEARL HARBOR ATTACK

Mr. BARKLEY submitted the following concurrent resolution (S. Con. Res. 74), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 8,000 additional copies of Senate Document No. 244, being the report of the Joint Committee on the Investigation of the Pearl Harbor Attack pursuant to Senate Concurrent Resolution 27, a concurrent resolution to investigate the attack on Pearl Harbor on December 7, 1941, and events and circumstances relating thereto, including the additional views of Mr. KEEFE and the minority views of Mr. FERGUSON and Mr. BREWSTER, of which 6,000 copies shall be for the use of the said joint committee, 1,000 copies for the use of the Senate document room, and 1,000 copies for the use of the House document room.

INVESTIGATION OF MILITARY DISCIPLINE AND JUSTICE

Mr. KILGORE submitted the following resolution (S. Res. 305), which was referred to the Committee on Military Affairs:

Resolved, That the Committee on Military Affairs, or any duly authorized subcommittee thereof, is hereby authorized and directed to make a full and complete investigation of military discipline and military justice, with particular attention to the Lichfield trials.

The committee shall report to the Senate, as soon as practicable, the results of its investigation, together with its recommendations, if any, for legislation.

For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-ninth Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL COMMISSIONED OFFICERS IN THE REGULAR ARMY—AMENDMENT

Mr. WILSON submitted an amendment intended to be proposed by him to the bill (H. R. 6817) to provide for the appointment of additional commissioned officers in the Regular Army, and for other purposes, which was ordered to lie on the table and to be printed.

TERMINAL LEAVE FOR ENLISTED PERSONNEL OF THE ARMED FORCES—AMENDMENTS

Mr. JOHNSTON of South Carolina submitted amendments intended to be proposed by him to the bill (H. R. 4501) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave, which were ordered to lie on the table and to be printed.

PRINTING OF REVIEW OF REPORTS ON YAQUINA BAY, RIVER, AND HARBOR, OREG. (S. DOC. NO. 246)

Mr. OVERTON. Mr. President, I present a letter from the Secretary of War transmitting a report dated June 13, 1946, from the Chief of Engineers, United States Army, together with accompanying papers and an illustration, on a review of reports on Yaquina Bay, River, and Harbor, Oreg., and I ask unanimous consent that it be referred to the Committee on Commerce and be printed as a Senate document, with an illustration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORT TO DETERMINE NEED FOR FLOOD CONTROL AT OLEAN, N. Y. (S. DOC. NO. 245)

Mr. OVERTON. Mr. President, I present a letter from the Secretary of War, transmitting a report dated April 12, 1946, from the Chief of Engineers, United States Army, together with accompanying papers and illustrations, on a review of report submitted in House Document No. 306, Seventy-fourth Congress, first session, with a view to determining the need for flood control at and in the vicinity of Olean, N. Y., and I ask unanimous consent that it be referred to the Committee on Commerce and be printed as a Senate document, with illustrations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H. R. 3944. An act authorizing the President of the United States to award a special medal to General of the Armies of the United States John J. Pershing; to the Committee on Military Affairs.

H. R. 5047. An act for the relief of Edna Rita Saffron Fidone; to the Committee on Immigration.

H. R. 5756. An act for the retirement of public-school teachers in the District of Columbia; to the Committee on the District of Columbia.

RAILROAD RETIREMENT AND INSURANCE BENEFITS—EDITORIAL FROM THE INDIANAPOLIS STAR

[Mr. WILLIS asked and obtained leave to have printed in the RECORD an editorial entitled "For the Favored Few," published in the Indianapolis Star of July 22, 1946, which appears in the Appendix.]

COTTON—A WORLD FORCE—ADDRESS BY BURRIS C. JACKSON

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD an address entitled "Cotton—a World Force," delivered by Burris C. Jackson, chairman, State-wide Cotton Committee of Texas, at the seventh annual cotton congress, Dallas, Tex., on July 8, 1946, which appears in the Appendix.]

THE LICHFIELD TRIALS—EDITORIAL FROM HUNTINGTON (W. VA.) ADVERTISER

[Mr. KILGORE asked and obtained leave to have printed in the RECORD an editorial entitled "The Lichfield Trials," published in the Huntington (W. Va.) Advertiser of July 10, 1946, which appears in the Appendix.]

ACTIONS SPEAK LOUDER THAN WORDS

[Mr. HAWKES asked and obtained leave to have printed in the RECORD a story entitled "Actions Speak Louder Than Words," which appears in the Appendix.]

NATIONAL HEALTH INSURANCE

Mr. BARKLEY. Mr. President——

Mr. DONNELL. Mr. President, is the Senator about to suggest the absence of a quorum?

Mr. BARKLEY. I was, but I withhold it.

Mr. DONNELL. I should like to have the floor immediately after the quorum call, or I can make my remarks now, whichever is preferable to the Senator.

Mr. BARKLEY. It does not matter to me, but we have an unfinished business before the Senate which I should like to have considered.

Mr. DONNELL. If agreeable, I ask unanimous consent that immediately after the quorum call I may have the floor.

Mr. BARKLEY. It is agreeable to me that the Senator proceed now.

Mr. DONNELL. Very well. Mr. President, I rise to express a protest against the issuance of a certain publicity release which is reported in yesterday's newspapers. I read the following excerpt from the release:

SENATOR PEPPER REPORTS ON STUDY OF HEALTH INSURANCE

A 2-year health insurance study issued today by the Senate Subcommittee on Health and Education (Senator CLAUDE PEPPER, Democrat, Florida, chairman) finds national compulsory health insurance the most economical and efficient way to assure complete medical care to all. It urges support of a national health program. The report states that financing through "required contributions to the social-security fund by payments from general tax revenues" can accomplish what private medical insurance plans have not been able to accomplish in their 100 years of existence, namely, provision of high-quality medical care for all. The Senate report also shows that tax-assisted private plans are not the answer to the problem. The subcommittee finds that only 3 percent of the population gets complete prepaid medical and three-quarters of the population have no medical-care insurance at all.

The report represents the substantial approval of President Truman's health message of November 1945 and the Wagner-Murray-Dingell national health bill by a bipartisan group of Senators, but neither are specifically endorsed. These Senators are members of the full Committee on Education and Labor, before which hearings on S. 1606, the Wagner-Murray-Dingell bill started on April 2 and have continued until July of this year.

In releasing the report Senator CLAUDE PEPPER (chairman) stated that the false accusations of "socialized medicine" and "restriction of free choice" against the President's health program are "red herrings" and called for a constructive attitude toward its adoption. Stressing the importance of health to national defense and welfare, he asked full support of the recommendations in the report.

The subcommittee report calls for immediate action because of the urgency of our health needs as shown by selective service and Army data, and substantial evidence that we are not the healthiest country in the world.

There then follow a number of paragraphs upon the general subject. The final paragraph reads:

Signers of the report are: CLAUDE PEPPER, Democrat, Florida, chairman; GEORGE D. AIKEN, Republican, Vermont; ELBERT D. THOMAS, Democrat, Utah; JAMES E. MURRAY, Democrat, Montana; Senators ROBERT A. TAFT, Republican, Ohio; H. ALEXANDER SMITH, Republican, New Jersey, dissent from some of the findings and conclusions of the report. Senators LISTER HILL, Democrat, Alabama; JAMES M. TUNNELL, Democrat, Delaware; and WAYNE MORSE, Republican, Oregon; because of the pressure of other business, have not completed their study of the subject of this report.

Mr. President, this release was obviously given very wide publicity at least in the city of Washington. There appeared yesterday on page 7 of the Washington Post an article which is headlined in three different lines as follows:

Report favors United States health-insurance law.

The first paragraph of the article reads:

Enactment of a national compulsory health-insurance plan would be "the most economical and efficient way to assure complete medical care to all," a majority report of a Senate Education and Labor Subcommittee said yesterday.

I ask unanimous consent, Mr. President, that the entire article which appears in the Washington Post be incorporated in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

REPORT FAVORS UNITED STATES HEALTH INSURANCE LAW

Enactment of a national compulsory health-insurance plan would be "the most economical and efficient way to assure complete medical care to all," majority report of a Senate Education and Labor Subcommittee said yesterday.

"Health insurance is often erroneously called socialized medicine or State medicine," the report said, and added:

"As President Truman pointed out in his health message, such a system is one in which the doctors are employed by the Government. We do not advocate this.

"National health insurance—which we do advocate—is simply a logical extension of private group health insurance plans to cover all the people.

"It will guarantee free choice of doctor or group of doctors and free choice of hospital by the patient, and free choice of patient by the doctor."

The report was signed by Chairman PEPPER, Democrat, Florida, and Senator THOMAS, Democrat, Utah; MURRAY, Democrat, Montana, and AIKEN, Republican, Vermont.

It said Senators TAFT, Republican, Ohio, and SMITH, Republican, New Jersey, dissent from "some of the findings and conclusions of the report" but these were not specified and no minority report was filed.

PEPPER said in a statement that the report represents "substantial approval" of President Truman's health message of November 1945.

Mr. DONNELL. In addition, Mr. President, in the Times-Herald of yesterday there appears an article on page 13 headed as follows:

Senate group backs health insurance.

The opening paragraph of the article reads:

Results of a 2-year survey which heartily indorses expansion of national health insurance were made public yesterday by Senator PEPPER, Democrat, of Florida, chairman of the Subcommittee on Health and Education.

Mr. President, I ask that this entire article be set forth at this point in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

SENATE GROUP BACKS HEALTH INSURANCE

Results of a 2-year survey which heartily endorses expansion of national health insurance were made public yesterday by Senator PEPPER, Democrat, of Florida, chairman of the Subcommittee on Health and Education.

The report details the needs and shortcomings of medical insurance throughout the country.

CHARGES "RED HERRINGS"

Required contributions to the social-security fund by payments from general tax revenues can accomplish what private medical insurance plans have been unable to achieve in 100 years, PEPPER's statement said.

The report, while failing to endorse them specifically, represents approval of President Truman's health message last November and of the Wagner-Murray-Dingell national health bill.

Chairman PEPPER said false accusations of socialized medicine and restriction of free choice against the President's health program are "red herrings." He called for a constructive attitude toward its adoption.

ONE HUNDRED DOLLARS YEARLY FOR MEDICAL CARE

High medical costs is the greatest single reason why people seek charity, and why people borrow from small loan companies, the report stated. Average families, even those with large incomes, now spend approximately $100 yearly for medical care, but most families are unable to purchase adequate care, the Senator added.

About 5,000,000 persons are now members of prepayment plans for medical care, nearly half of them patronizing group clinics, the report disclosed. Medical society plans, which usually cover only surgical and obstetrical aid without home or business care, benefited less than 2 percent of our population in 1945, the report revealed.

Membership in the Blue Cross hospitalization plan was estimated at 18,000,000 persons in October 1945, said PEPPER's report which commended this plan. It pointed out, however, that the plan covers only one-sixth of the average family's medical outlay.

HEALTH STUDY INCOMPLETE

The report estimated that commercial group insurance offers cash payments to another 9,000,000 persons for prolonged illness or hospitalization, but fails to provide preventive or day-to-day medical care.

Senator PEPPER's report stated that the health study has not been completed yet. Other signers of the report are: Senators AIKEN, Republican, of Vermont; THOMAS, Democrat, of Utah; MURRAY, Democrat, of Montana; TAFT, Republican, of Ohio; SMITH, Republican, of New Jersey; HILL, Democrat, of Alabama; TUNNELL, Democrat, of Delaware; and MORSE, Republican, of Oregon.

Mr. DONNELL. Mr. President, in yesterday's Washington Evening Star there appeared in section B an article headlined as follows:

National health insurance urged by Senate unit—committee supports compulsory plan to cover medical fees.

The first paragraph of the article reads:

A Senate Subcommittee on Health and Education today issued a report urging a national health program to be carried out through compulsory health insurance to provide complete medical care at reasonable cost.

I ask unanimous consent, Mr. President, that this entire article may be printed at this point in my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

NATIONAL HEALTH INSURANCE URGED BY SENATE UNIT—COMMITTEE SUPPORTS COMPULSORY PLAN TO COVER MEDICAL FEES

A Senate Subcommittee on Health and Education today issued a report urging a national health program to be carried out through compulsory health insurance to provide complete medical care at reasonable cost.

The report of the subcommittee which is headed by Senator PEPPER, Democrat, of Florida, said:

"* * * To cover everyone, the adverse as well as the good risks, the young and the old, the sick and the well, the rural and the city dwellers, the low- and the high-income groups, the poor and the rich areas, all this takes a mechanism as representative and all-inclusive as a national health program, built around a system of prepaid medical care.

SEES EQUAL HEALTH FOR ALL

"It must be financed by required contributions to the social-security fund and by payments from general tax revenues. Such a program will * * * make possible the achievement in the foreseeable future of our goal of high quality health care for all."

The report represents substantial approval of President Truman's health message of November 1945, and of the Wagner-Murray-Dingell health bill, but neither is endorsed specifically. The Wagner-Murray-Dingell bill is based on the President's proposal but makes no provision as to the manner in which the health-insurance program would be financed.

The subcommittee's report is signed by Senator PEPPER and Senators AIKEN, Republican, of Vermont; THOMAS, Democrat, of Utah, and MURRAY, Democrat, of Montana. Senators TAFT, Republican, of Ohio, and SMITH, Republican, of New Jersey, dissent from some of the findings and conclusions. It was announced that Senators HILL, Democrat, of Delaware, and MORSE, Republican, of Oregon, have not completed their study of the subject of the report.

STUDY LASTED 2 YEARS

Issued after a 2-year study of health insurance, the report found that only 3 percent of the population gets complete prepaid medical care and three-quarters of the population have no medical-care insurance at all.

Senator PEPPER said that the "false accusations of socialized medicine and restriction of free choice against the President's health

program are red herrings" and called for a constructive attitude toward adoption of Mr. Truman's national health plan.

The report called for immediate action because of the "urgency of our health needs as shown by selective service and Army data and substantial evidence that we are not the healthiest country in the world."

CALLED AMERICAN METHODS

The report called insurance "the well-tried American way of meeting the hazards of life." It declared that the plan would represent "primarily an increase in existing tax-supported health services," adding that "no one need be horrified since more than 20 percent of our medical expenditures are already tax supported.

"Free care does not fill the gap," the report contends, "because little public money is spent for such care for rural, small town, and urban areas."

Mr. DONNELL. Mr. President, the document which is described in the press release from which I have read as a 2-year health-insurance study, and is stated in the release to be issued today, namely, July 22, 1946, is in fact a reprint dated July 1946, of Subcommittee Report No. 5, which was printed and dated March 1946, a copy of which I hold in my hand.

I have not read every word of both these reports—they are quite extensive, some 30 printed pages in each—but as I have made spot checks, apparently the report issued under date of July 1946, is the same as that of March 1946, with only some very minor changes, the changes observed, and the only changes thus far observed, being in the insertion of titles above certain pictorial illustrations.

I call attention to the fact that it is my understanding and belief that no meeting of the Subcommittee on Health and Education has been held to authorize the issuance in July of said March report, which, in fact, was made in March 1946.

I see upon the floor of the Senate at least one member of the subcommittee, namely, the Senator from New Jersey [Mr. SMITH], and I should like to ask him, if he does not mind, to state whether my understanding is correct.

Mr. SMITH. Mr. President, I am very much interested in the comments of the distinguished Senator from Missouri, and I regret very much to have to say that no meeting was ever held of the subcommittee, of which I have been a member for some time, to consider this report, and pass on it, either one way or the other. What happened was that back in March, before the hearings began on S. 1606—I think it was prior to the beginning of the hearings—the draft of this report was circulated in the subcommittee, and the Senator from Ohio [Mr. TAFT] and I both told the chairman that we regretted very much that we were unable to concur in the conclusions.

The issue presented by the conclusion was that the report endorsed compulsory health insurance. All the hearings we have had on S. 1606 have raised the issue whether this country should embark upon a national compulsory health insurance plan or should seek an alternative such as a plan of grants-in-aid to States.

What troubles me with the report now is that is appears as though the subcommittee of which I am a member had endorsed this report and had released it just now to the press, when back last March, when it first came out, we said we could not concur in the conclusion, and we hoped that the matter would be thoroughly aired in the hearings on S. 1606.

I, therefore, concur in the suggestion of the Senator from Missouri without question that it was inappropriate for a subcommittee, without knowledge of either all of the members of the subcommittee, or without knowledge of the whole Committee on Education and Labor, to publish such a report as this in the press. I can confirm what the distinguished Senator from Missouri has said. It appeared in the New York Herald Tribune, in the New York Times, and in the New Jersey newspapers. I have been called up about it. It gave the impression that I was opposed to a national health program, and all I have been opposed to is the particular approach to the program. It puts us in an embarrassing position with our constituents and with the country. What the Senator from Ohio [Mr. TAFT] and I tried to do was merely to seek to offer the alternative of a program of grants-in-aid to the States. The release to the press of this report treats the case as though the committee had already decided on the compulsory insurance plan.

I thank the Senator for having brought the matter to the attention of the Senate.

Mr. DONNELL. The Senator from New Jersey referred to the fact that he stated last March, I believe to the chairman, that he and the Senator from Ohio [Mr. TAFT] were not able to concur. To whom does the Senator refer when he uses the term "chairman"?

Mr. SMITH. To the Senator from Florida [Mr. PEPPER], the chairman of the subcommittee. This report shows that the Subcommittee on Health and Education consists of Senator CLAUDE PEPPER, chairman; and the Senators THOMAS of Utah, MURRAY, HILL, TUNNELL, TAFT, AIKEN, and SMITH. When this report was submitted to us in draft form, I think I stated that I felt that the conclusions drawn from the statistics were unwarranted, and that we had had no hearings. About that time the hearings began. Now it appears that the committee had approved a compulsory health insurance plan.

Mr. DONNELL. I should like to ask the Senator one or two other questions. He has mentioned the personnel of the subcommittee. Does he know whether or not the junior Senator from Oregon [Mr. MORSE] is also a member of the subcommittee?

Mr. SMITH. The name of the Senator from Oregon [Mr. MORSE] does not appear here on the report which I hold, but I think at a later date than the early printed report the Senator from Oregon [Mr. MORSE] was put on the subcommittee.

Mr. DONNELL. I find that in the release which was put out in July 1946, just yesterday, I think, the name of the Senator from Oregon [Mr. MORSE] is placed thereon in typewriting in one copy, and in pen and ink in other copies I have.

Let me ask the Senator also, Is the Senator from Florida [Mr. PEPPER] also a member of the subcommittee?

Mr. SMITH. He is chairman of the subcommittee.

Mr. DONNELL. And also a member of it, as well as chairman?

Mr. SMITH. Yes.

Mr. DONNELL. Let me ask the Senator also how long he, the Senator from New Jersey, has been upon this particular subcommittee.

Mr. SMITH. I think I was appointed on the subcommittee in February or March a year ago, 1945.

Mr. DONNELL. Let me ask the Senator further whether at any time since his appointment as a member of the subcommittee to which reference has been made, so far as he knows, a meeting of the subcommittee has ever been held.

Mr. SMITH. I think there was one meeting, but this subject was not brought up at all. There has been only one meeting which I have been invited to attend since I have been on the subcommittee.

Mr. DONNELL. Does the Senator recall approximately when that one meeting occurred?

Mr. SMITH. I think it was early this year.

Mr. DONNELL. But it did not have reference to the subject matter of this particular legislation?

Mr. SMITH. It did not. It considered some other legislation at the time.

Mr. DONNELL. Mr. President, I understand the fact to be, therefore, that not only was there no meeting of the subcommittee to authorize the present issuance of the health insurance study, but, so far as the recollection of the distinguished Senator from New Jersey goes, it would appear that there has been no meeting of the said subcommittee since approximately February or March, 1945, except on another subject matter, and therefore there has been no authority, as I see it, for a subcommittee report to be issued other than by the Committee on Education and Labor itself.

I call attention to the fact that in the volume which is on the desk, I presume of all Senators, a copy of the Senate Manual, there appears Jefferson's Manual, which, though doubtless not legally a portion of the Rules of the Senate, nevertheless sets forth very wholesome and well-recognized principles. I call to the attention of the Senate on page 277 of the Senate Manual, the edition of 1944, this language from Jefferson's Manual:

> A committee meet when and where they please, if the House has not ordered time and place for them (6 Grey 370), but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

Mr. President, as I see it, in the case which we now have before us we have a very striking illustration of a 30-page printed report having been issued and given out to the press, with a lengthy

press release. By the way, I ask that the entire release be printed at this point as a part of my remarks.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the release was ordered to be printed in the RECORD, as follows:

SENATOR PEPPER REPORTS ON STUDY OF HEALTH INSURANCE

A 2-year health insurance study issued today by the Senate Subcommittee on Health and Education (Senator CLAUDE PEPPER, Democrat, Florida, chairman) finds national compulsory health insurance the most economical and efficient way to assure complete medical care to all. It urges support of a national health program. The report states that financing through "required contributions to the social-security fund by payments from general tax revenues" can accomplish what private medical insurance plans have not been able to accomplish in their 100 years of existence, namely, provision of high-quality medical care for all. The Senate report also shows that tax-assisted private plans are not the answer to the problem. The subcommittee finds that only 3 percent of the population gets complete prepaid medical and three-quarters of the population have no medical-care insurance at all.

The report represents the substantial approval of President Truman's health message of November 1945 and the Wagner-Murray-Dingell national health bill by a bipartisan group of Senators; but neither are specifically endorsed. These Senators are members of the full Committee on Education and Labor, before which hearings on S. 1606, the Wagner-Murray-Dingell bill, started on April 2 and have continued until July of this year.

In releasing the report, Senator CLAUDE PEPPER (chairman) stated that the false accusations of socialized medicine and restriction of free choice against the President's health program are "red herrings" and called for a constructive attitude toward its adoption. Stressing the importance of health to national defense and welfare, he asked full support of the recommendations in the report.

The subcommittee report calls for immediate action because of the urgency of our health needs as shown by Selective Service and Army data, and substantial evidence that we are not the healthiest country in the world. Citing the opposition of the "standpatters who 15 years ago were attempting to block" the growth of voluntary medical care prepayment plans, the signers say that leaders who built the voluntary plans now want to go on to something more comprehensive. The report emphasizes the strengthening of voluntary group practice plans which would occur within the framework of a national health insurance system.

The report points out that no foreign country has abolished, or is considering abolishing, a compulsory health insurance system once adopted. It calls attention to the fact that the United States Public Health Service started administering a national compulsory health insurance program for merchant seamen in 1798. The Senators call insurance against risk the "well tried American way." They come out for the application of this principle now on a nation-wide scale. In their opinion the plan would represent primarily an increase in existing tax-supported health services. No one need be horrified, they say, since over 20 percent of our medical expenditures are already tax-supported.

Only half of all families have serious sickness in the course of a year, the subcommittee finds, but many of these are hit so catastrophically that they are bankrupted. The study shows that sickness and medical costs are the largest single cause for people to seek charity, and the greatest single reason for borrowing from small loan companies. The average family (including those with large incomes) spends about $100 a year now for medical care, but most are adjudged unable to purchase adequate care. Free care does not fill the gap, the report holds, because little public money is spent for such care for rural, small-town, and urban areas as indicated in recent Government studies. Concluding that a prepayment system is necessary to break down existing financial barriers to medical care, the report goes on to summarize the status of the existing private voluntary plans.

Some 5,000,000 people are now members of medical care prepayment plans, almost half of them obtaining their medical care through group practice clinics, the report states. While increasing in number, such clinics are still only very spottily available, and usually only to employed groups, it states. Medical society plans, which usually cover only surgical and obstetrical care, but not the hospital bill or home and office care, had about 2,200,000 members, or less than 2 percent of the population, in 1945.

The membership of Blue Cross hospitalization plans is estimated at 18,000,000 people as of October 1945. While commending these plans for their accomplishments, the subcommittee calls attention to the fact that they cover only the hospital bill and such bills comprise only a sixth of the average family's medical costs. Thus, they hold, these plans do not meet anywhere near fully the medical care needs of even those enrolled.

It is estimated that commercial group medical-insurance plans offer cash payments to another 9,000,000 people to cover the costs of hospitalized or prolonged illness, but not preventive or day-to-day medical care. Individual commercial health and accident insurance policies are cited as having high administrative and overhead costs.

Many people are not eligible for any plans. Many others cannot afford to join. Still others feel they do not need medical insurance, many drop out after a year or so because they "didn't use the plan last year and don't think it worth while to stay in." Other defects of private medical insurance are: Tendency to adverse selection of risk, overlapping and duplication of plans, high promotional and administrative costs, and unsuitability to the needs of an increasingly migrant population.

Assistance to voluntary plans through public funds would not overcome these defects, the subcommittee states, citing its study of the United States Department of Agriculture's experimental health plans as supporting evidence. These plans were open to all farm families in selected rural counties and subsidized by the Government, so the cost to the individual family was reduced to $20 a year for relatively complete medical care. They still attracted less than half those eligible to join, and turn-over was considerable. The subcommittee concludes that tax-assisted plans represent an improvement over the present, but they have the key drawbacks of voluntary medical insurance and cannot be recommended as the pattern for a nation health program.

Signers of the report are: CLAUDE PEPPER, Democrat, Florida, chairman; GEORGE D. AIKEN, Republican, Vermont; ELBERT D. THOMAS, Democrat, Utah; JAMES E. MURRAY, Democrat, Montana; Senators ROBERT A. TAFT, Republican, Ohio; ALEXANDER H. SMITH, Republican, New Jersey, dissent from some of the findings and conclusions of the report. Senators LISTER HILL, Democrat, Alabama; JAMES M. TUNNELL, Democrat, Delaware, and WAYNE MORSE, Republican, Oregon, because of the pressure of other business, have not completed their study of the subject of this report.

Mr. DONNELL. Mr. President, I call attention to the fact that in the instant case we have an illustration of a subcommittee report presented to the press, widely publicized, containing, as I shall undertake to show in a moment, certain implications which I do not think are justified by the facts. Yet, the fact is that this subcommittee has never met since at least February or March, and then not with respect to the subject matter at hand, so far as the recollection of the distinguished Senator from New Jersey [Mr. SMITH] is concerned.

Let me say, Mr. President, that this is but an illustration of a practice which it seems to me the Senate should not countenance in the future. It would seem to me that committees should meet, that they should have, as Jefferson points out, meetings of the committee, and as he himself states, "nothing being the report of the committee but what has been agreed to in committee actually assembled."

The practice of the circulation of reports or documents among Members of the Senate as action of the committee, outside the legally called and held meetings of the committee, is most unfortunate.

I appreciate, however, the very practical situation we have had in the Senate, the fact that we have had so many committees, so many conflicting engagements, that it has frequently been impossible for Senators to attend upon the meetings of the committees.

To my mind, one of the very salutary provisions of the so-called La Follette legislation, which I trust will be enacted ere long, is the provision which looks to the lessening of the number of committees, and looks with disfavor, generally speaking, as I understand, with respect to the matter of proxies at meetings, and also has in mind holding meetings, so far as possible, at which to effectuate the business of the committee.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. AIKEN. I should like to add a little bit to what the Senator from Missouri is saying. I was somewhat surprised and disturbed at reading the newspaper reports to which the Senator from Missouri has referred, because those reports give the impression that the so-called Murray-Wagner-Dingell bill is approved by the committee. As I recall the situation, some 4 or 5 months ago a clerk of the committee came to me with a report which, I presume, is the report the Senator speaks of, which I now hold in my hand, and asked if I would approve having it placed before the Senate or giving it out. As I looked it over it appeared to me to contain a good deal of valuable information, as the Senator from Missouri probably will agree it does contain.

Mr. DONNELL. I have no doubt that it does.

Mr. AIKEN. But I wish to say that I did not realize that it contained a recommendation for compulsory health insurance at this time. I do not want to blame anyone except myself and I presume it was my own carelessness that caused me

to overlook that recommendation. But I did call up the committee and say that it was all right with me to issue this report, because it contained a great deal of valuable information which I thought probably the public ought to have, and I think the public should have it.

This report was issued before the hearings began on the so-called compulsory health bill. I do not want it understood that I am at this time endorsing that bill or voting in favor of it, because, as the Senator from Missouri well knows, there have been volumes and volumes of testimony taken on that measure. I do not want to have anyone gain the impression that I committed myself on a bill of that kind before having an opportunity to study the testimony.

The Senator from Missouri and the Senator from Montana [Mr. MURRAY] have been very diligent in attending those committee meetings. But it has been impossible for myself and the other members of the committee to attend many of the hearings. When the time comes to act on that bill, if it comes this year—I do not expect it will come very soon, from all appearances—then I should try to vote for or against approving it according to the evidence of the testimony which has been presented.

I should like to say further, if the Senator from Missouri will permit me, that I feel that this over-all bill, or omnibus bill, covering all features of national health, has done a great deal of good, because it has made the public conscious of the need for better health programs than we have had up to this time. It has brought out a great mass of worth-while information, and without this bill being before the committee, and without the hearings, I dare say we would have been unable to effect passage of other health bills which have been vitally necessary to the public welfare. So I think the bill has done a great deal of good already, merely by calling public attention to the need for better health programs. But I do not want it understood that I am approving the Murray-Wagner-Dingell bill or any particular bill until the time comes when the committee meets in regular order and we vote on the bill according to the testimony which has been given, and which, as I have said, comprises so many hundred thousand words that it simply has been impossible to digest it up to this time.

Mr. DONNELL. I thank the Senator for his remarks. I desire to take this opportunity, as I have before the Committee on Education and Labor, to concur in the view which the Senator has suggested to the effect that the presentation of the bill, S. 1606, has had a very wholesome effect in centering the attention of the people of this Nation upon this problem, and I think doubtless the predecessor bill, S. 1050, served a similar good purpose. I do not mean, however, to imply by a concurrence in this respect that I am approving either of those bills, but I think that they have centered the attention of the medical profession and of the general public upon the importance of health problems, and personally I feel that a wholesome purpose has been subserved already by the presentation of those bills.

As to whether or not either of them should be enacted into law, however, is quite another question, as to which—and, as I understand this is also the attitude of the distinguished Senator from Vermont—I do not care to place myself in the position of endorsing either bill until after full and complete consideration shall have been given by the entire Committee on Education and Labor in the light of the testimony which has been taken so voluminously.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. AIKEN. I think the enactment of the hospital-construction bill, the passage of the dental-research bill, the passage of the psychiatric bill, so-called, and other bills, are steps which have been taken toward the objective of the omnibus bill, which was introduced by the Senator from Montana [Mr. MURRAY], the Senator from New York [Mr. WAGNER] and Representative DINGELL. I think this Congress has made great progress toward promoting better health conditions in the United States. I want to give credit in a large measure to this omnibus bill, which we might say has been held as a threat over those who are opposed to it, and has perhaps prompted them to work harder to take steps toward the main objective than they otherwise would have done. I think the report, although it was not adopted by a vote at a formal meeting of the committee itself, contains information which everyone should read. I simply rose to state that I do not intend to vote for or against the omnibus health bill until I have had a chance to study and digest the testimony more than I have had up to this time.

Mr. SMITH. Mr. President, will the Senator yield for a comment?

Mr. DONNELL. I yield to the Senator from New Jersey.

Mr. SMITH. I want, of course, to identify myself with the Senator from Missouri and the Senator from Vermont in the over-all feeling that this discussion of the health of our people has been most valuable. I have welcomed the fact that we have had these hearings on this health bill. What I object to, and I am joining with the Senator from Missouri in objecting, is that a report of the subcommittee, which should have gone, if it went anywhere, to the whole committee, and never did, should have been given to the press as though it were the conclusion of the committee; and the impression was created that those who favor this particular program of compulsory health insurance are the ones advocating the general health program, and the rest of us who questioned that particular item and who appeared as questioners, are against it. That is the unfairness of this method of treatment. I do not think any reports of this sort should go out which seems to prejudge the case which is now pending after hearings, and on which we will all have to act as to whether we believe the omnibus bill is desirable or whether we will be satisfied with the bills as they have come out step by step, as the Senator from Vermont has suggested.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. AIKEN. I wish to reiterate the statement which I made a few minutes ago, that this report was submitted to me. I was given an opportunity by the clerk of the committee to read it. I cannot say that I had time to study it thoroughly. But it did have my approval; that is, in placing it before the full committee, or before the Senate, and if I inadvertently and prematurely passed judgment on a compulsory health bill, that is purely my own fault and not the fault of anyone else.

Mr. DONNELL. May I ask the Senator when the report was presented to him for his word as to whether or not he approved it,

Mr. AIKEN. I should say in the late winter or early spring.

Mr. DONNELL. Was it presented to the Senator during the month of July 1946?

Mr. AIKEN. No; I have not seen it since. I have not read it since it has been printed.

Mr. DONNELL. As I understand, the Senator has not seen it since late winter or 1945 or early spring of 1946?

Mr. AIKEN. That is correct.

Mr. DONNELL. Hearings on Senate bill 1606 began on April 2, 1946.

Mr. AIKEN. That is correct.

Mr. DONNELL. Has the Senator ever seen the report which was given out on July 22, 1946, on or after April 2, 1946?

Mr. AIKEN. No. So far as I can recall, no one has spoken to me about a reprint, or reissue, or a new release of the report since the hearings started in April on the Murray-Wagner-Dingell bill.

Mr. DONNELL. The distinguished Senator from Vermont referred to the fact that in his judgment the inference to be drawn from newspaper articles which were published pursuant to this release is that those who had agreed to the report were approving the Wagner-Murray-Dingell bill. I take it that the inference so drawn by the newspapers was perhaps based upon some contents of the report, but certainly upon this sentence from the report:

> The report represents the substantial approval of President Truman's health message of November 1945 and the Wagner-Murray-Dingell national health bill by a bipartisan group of Senators, but neither are specifically endorsed.

The report continues:

> These Senators—

I may say again that the only Republican member is the Senator from Vermont [Mr. AIKEN]—

> are members of the full Committee on Education and Labor, before which hearings on S. 1606, the Wagner-Murray-Dingell bill, started on April 7, and have continued until July of this year.

So this report, redated and republished in July 1946, and given out to the press on July 22, 1946, is substantially the same, so far as I have been able to observe, as the one which I hold in my

hand, bearing date of March 1946. The report was issued in March 1946, before a single solitary syllable of testimony had been taken in the hearings on Senate bill 1606, beginning April 2, 1946.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. TAFT. I wish to associate myself with the Senator in protest against the way in which the report of the subcommittee has been handled. My attention has been called to a report in the Washington Post of Sunday, in which it was stated that the report, signed by four Senators, favors a National Health Insurance Act. There is some statement of a general conclusion to that effect. The article continues:

It said Senators TAFT, Republican, Ohio, and SMITH, Republican, New Jersey, dissent from "some of the findings and conclusions of the report," but these were not specified, and no minority report was filed.

PEPPER said in a statement that the report represents "substantial approval" of President Truman's health message of November 1945.

Strictly speaking, the statement that I dissented from some of the findings and conclusions of the report is true; but all I dissented from was the main conclusion of the report. I think that fact is not sufficiently brought out.

Furthermore, it is stated that no minority report was filed, as though there had been no substantial dissent, whereas, of course, there was no opportunity to file a minority report. We did not even know that the subcommittee's report of last March was to be revived and published. It is not usual to make a minority report from a subcommittee when the committee itself is considering the entire measure. So the general impression given by the newspaper report is wholly and completely erroneous.

I wish to invite the Senator's attention to the fact that the Committee on Education and Labor is issuing a good many reports, not exactly from the committee, but under the sponsorship of the committee, all of which are propaganda in favor of national health insurance—notably Senate committee print No. 5, entitled "Medical Care Insurance; Social Insurance Program for Personal Health Services." When we read further, we find that it is a report from the Bureau of Research and Statistics of the Social Security Board to the Committee on Education and Labor, United States Senate, but it is published under the sponsorship of the committee. I do not know how many thousands are being distributed throughout the United States.

Mr. DONNELL. That is a 185-page document, is it not?

Mr. TAFT. Yes. It consists of 185 pages. So what the committee is doing, before the committee has acted, is in effect conducting a national propaganda for national health insurance. I do not think that is the proper function of the committee, certainly until it has reached a final decision.

Mr. DONNELL. I thank the Senator.

I read from the Times-Herald of yesterday, in the article which has already been offered for the RECORD, as bearing on the construction which the press has placed—and I think very properly—upon the release which was issued, from which I have read:

The report, while failing to endorse them specifically, represents approval of President Truman's health message last November and of the Wagner-Murray-Dingell national health bill.

Chairman PEPPER said, "False accusations of socialized medicine and restriction of free choice against the President's health program are red herrings." He called for a constructive attitude toward its adoption.

It will be recalled that I read the expression "red herring" earlier from the release which is now incorporated in the RECORD.

Mr. President, I wish to mention a few further facts about this release. In the first place, I invite attention to the fact that according to the document itself, which has been released by the distinguished Senator from Florida [Mr. PEPPER], the names of only four of the members of the subcommittee appear below it as approving it—CLAUDE PEPPER, ELBERT D. THOMAS, JAMES E. MURRAY, and GEORGE D. AIKEN. The total number of members of the subcommittee, as given in the copies which I have before me, is nine, consisting of those whose names I have read, and in addition the names of the Senator from Alabama [Mr. HILL], the Senator from Delaware [Mr. TUNNELL], the Senator from Ohio [Mr. TAFT], the Senator from New Jersey [Mr. SMITH], and the Senator from Oregon [Mr. MORSE], the name of the Senator from Oregon being appended in typewriting on one copy, and in pen and ink on others.

I invite attention to the fact that according to this very document itself, which was handed out in the press release of July 22, the membership of the subcommittee consists of nine members, of whom only four are represented as approving it. According to my arithmetic, four is less than a majority. How can it be said that the action of four of nine members of the subcommittee amounts to approval by the subcommittee itself?

I call attention to the fact that among the rules of the Senate is a very wholesome one referring to the matter of submission of reports by committees to the Senate. Rule XXV provides in part as follows:

Nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

Emphasizing what the Senator from Ohio has stated, let me say that the committee which has issued the document referred to in the press release is not the Committee on Education and Labor. It is a subcommittee of the Committee on Education and Labor. As I see it, it is but an arm of the Committee on Education and Labor. Its duty is to report back to the Committee on Education and Labor. There are 18 members of the Committee on Education and Labor; and under the rules of the Senate before the opinion of the Committee on Education and Labor can be submitted to the Senate, at least 10 of those 18 must concur in the expression of opinion.

I do not see the distinguished Senator from Florida [Mr. PEPPER] in the Chamber. Yesterday I notified him in person that I intended to make a protest in this matter. I do not recall whether I used the term "protest," but I informed him that I intended to bring this matter up on the floor of the Senate immediately following the vote on the measure which was before us yesterday. That proved to be impracticable, whereupon, being unable to locate the Senator this morning, I personally gave word over the telephone to his secretary, Mr. Fokes, at about a quarter before eleven, that I expected to bring this matter up on the floor of the Senate.

The release to which I have referred states that the report represents the substantial approval of the Wagner-Murray-Dingell national health bill by a bipartisan group of Senators. I take it that technically, inasmuch as there is one Republican in that list, perhaps had the group constituted a majority of the subcommittee, the statement might be correct. But since there is only one Republican Senator in the group, and since the report itself was signed by less than a majority of the subcommittee, I take it that it is somewhat extravagant to indicate that it is an expression of approval by a bipartisan group of Senators of the Wagner-Murray-Dingell national health bill.

Mr. President, reference has been made to the fact that the report which has now been given out under the release which has been issued, as I have indicated, under the headline "Senator PEPPER reports on study of health insurance," indicates that it is a substantial approval of the Wagner-Murray-Dingell health bill, and further indicates that the hearings began on April 2, which was before the issuance of the report. But I should like to call attention to one or two facts about the hearings.

In the first place, the Wagner-Murray-Dingell bill hearings have not been held by the subcommittee which has undertaken to issue this literature, and the chairman of which has issued the release. The Wagner-Murray-Dingell bill hearings have been held, not by the subcommittee, but by the entire committee. I call attention to the further fact that 35 hearings have been held on the Wagner-Murray-Dingell bill, and the first hearing was held on April 2. In respect to the four Senators, members of the subcommittee, whose report is referred to in the release given out by the Senator from Florida; namely, the Senator from Florida [Mr. PEPPER], the Senator from Utah [Mr. THOMAS], the Senator from Montana [Mr. MURRAY], and the Senator from Vermont [Mr. AIKEN], the fact is that the Senator from Montana attended all the hearings. I realize that the other members of the committee are extremely busy, just as the Senator from Montana is, of course; and I do not mean this comment in the slightest as a criticism of them. But the fact is that one member of that group of four attended but two of the 35 hearings, and the two remaining members of that group attended nine of the 35 hearings. Yet, here comes this report, backed up by a press release, indi-

cating that it represents approval of the Wagner-Murray-Dingell health bill by a bipartisan group of Senators, although the group by which the report is issued in the first place is not the group which is considering the bill, for the group which is considering it is the entire committee.

In the second place, as I have said, not even a majority of the subcommittee approved the report.

In the third place, two of the four members of the group referred to have attended but nine of the 35 hearings held by the committee, and one member of that group has attended but two of the hearings, although the Senator from Montana [Mr. MURRAY] has, as I have indicated, attended all the hearings.

As a matter of fact, Mr. President, it would require a great deal of industry for any man to acquaint himself up to this time with the contents of the record of those 35 hearings, without giving extensive study and time to the task. Actually, only eight of the hearings have been printed, although it is true that mechanically reproduced copies of the stenographic transcript have been prepared. I do not know whether they have been distributed. I have in my office, pursuant to request, received all or substantially all of them, I think.

But I call attention to the fact that the eight hearings which have been printed involve 549 pages of printed matter, and there yet remain 27 of the 35 hearings to be printed.

Aside from these matters, Mr. President, it seems to me there is a further fundamental matter at issue here, namely, the conception of what is a subcommittee. In the first place, I submit that this subcommittee has the distinction of having been distinctly authorized by a Senate resolution. I hold in my hand Senate Resolution 74, of the Seventy-eighth Congress, first session, which provides—

That the Committee on Education and Labor, or a subcommittee thereof, to be appointed by the chairman of the Committee on Education and Labor, be authorized and directed to make a full and complete study and investigation, in cooperation with such public and private agencies and such persons as it might see fit to consult regarding the distribution and utilization of medical personnel, facilities, and related health facilities.

I call attention to the fact, too, that by the terms of Senate Resolution 62, of the Seventy-ninth Congress, first session, the authority granted by Senate Resolution 74, to which I have just referred, was continued in full force and effect during the Seventy-ninth Congress. I also call attention to the fact that while Senate Resolution 74 contains authority for the appointment by the chairman of the Committee on Education and Labor of a subcommittee, nevertheless the provision with respect to the report to the Senate says that—

The committee shall report to the Senate, as soon as practicable, the results of its study and investigation, together with its recommendations.

It will be noted that at various places in Senate Resolution 74 mention is made either of the committee or of the subcommittee. For instance, in the paragraph from which I have read, which contains provision for the committee to report to the Senate, the opening sentence reads as follows:

Resolved, That the said committee or subcommittee be authorized and directed to study and investigate—

And so forth. But the obligation of making the report rests, not upon the subcommittee but upon the entire committee. It would seem to me that a subcommittee is an agent of the entire committee and is appointed to report back to the committee, for its information and advice, rather than to issue, either as the entire subcommittee, or, as in this case, apparently only as the chairman thereof, statements and reports. I say that if it is advisable to issue the valuable information which is contained in this report, and I assume it is of value, as the Senator from Vermont has indicated, nevertheless, certainly the subcommittee is going far beyond its scope in issuing this report without authority first having been derived from the Committee on Education and Labor, by means of the chairman, by whom the subcommittee was appointed.

So, Mr. President, I submit that in this case we have a situation in which an improper procedure has been adopted, a procedure which permits a body which was not considering the hearings upon Senate bill 1606, through its chairman to give out to the public a statement as a result of which a misapprehension would readily occur, and, in fact, must directly flow from the language used in the release to which I have referred, namely, that—

The report represents the substantial approval of * * * the Wagner-Murray-Dingell National Health bill by a bypartisan group of Senators.

Mr. President, the Senator from Vermont [Mr. AIKEN] has just handed me a copy of the report. Upon its very face and subsequently in the opening sentence of the report, it is shown that it is a report to the Senate Committee on Education and Labor from the Subcommittee on Health and Education: I quote:

Interim report from the Subcommittee on Health and Education to the Committee on Education and Labor, United States Senate, pursuant to Senate Resolution 62 (extending S. Res. 74, 78th Cong.)

Then at the outset of the report itself the further language appears:

Report to the Senate Committee on Education and Labor from the Subcommittee on Health and Education.

Mr. President, I take it that this practice should not be indulged in. I take it that the practice of subcommittees should be to report to the full committees, and that the full committees then can make up their own minds as to what should be the expression of the committees, and that in accordance with the rules of the Senate the committees themselves, not subcommittees, unless authorized by the committees, can then make adequate and proper report to the Senate itself.

Mr. HUFFMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hart	O'Daniel
Andrews	Hawkes	Overton
Ball	Hayden	Pepper
Barkley	Hill	Reed
Bilbo	Hoey	Revercomb
Brewster	Huffman	Robertson
Brooks	Johnson, Colo.	Russell
Buck	Johnston, S. C.	Shipstead
Burch	Kilgore	Smith
Bushfield	Knowland	Stanfill
Byrd	La Follette	Swift
Capehart	Langer	Taft
Capper	Lucas	Taylor
Carville	McCarran	Thomas, Okla.
Chavez	McClellan	Thomas, Utah
Connally	McKellar	Tobey
Cordon	McMahon	Tunnell
Donnell	Magnuson	Vandenberg
Downey	Maybank	Wagner
Eastland	Mead	Walsh
Ferguson	Millikin	Wherry
Fulbright	Mitchell	White
George	Moore	Wiley
Gerry	Morse	Willis
Green	Murdock	Wilson
Guffey	Murray	Young
Gurney	Myers	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from Montana [Mr. WHEELER] is absent by leave of the Senate.

The Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

The Senator from Maryland [Mr. RADCLIFFE] is attending the meeting of the Maryland Democratic State Convention, and is, therefore, necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from Arizona [Mr. MCFARLAND], and the Senator from Tennessee [Mr. STEWART] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER], and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine Independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The Senator from Vermont [Mr. AUSTIN] is necessarily absent.

The PRESIDENT pro tempore. Eighty Senators have answered to their names. A quorum is present.

TERMINAL LEAVE FOR ENLISTED PERSONNEL OF THE ARMED FORCES

The Senate resumed consideration of the bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumlated leave.

Mr. JOHNSON of Colorado. Mr. President, I wish to address myself to House bill 4051, which provides for terminal leave pay for enlisted men of the armed forces. The purpose of the measure is to correct inequalities between enlisted men and officers.

As the Senate well knows, an enlisted man and an officer serving during the war, let us say in the southern Pacific, might have been on the same ship, in the same land forces, or in the same marine establishment. They served together during the war, undertook the same objectives, and underwent the same hardships. When they returned home the officer was given terminal leave and the enlisted man was given nothing. That inequality has caused considerable dissatisfaction among the enlisted men and has had much to do with the controversy which has taken place over the caste system. Not only do officers receive terminal leave, but civil-service employees receive terminal leave. During the war civil-service employees were attached to the armed forces throughout the world, and when they returned to the United States they received accumulated leave amounting to 90 days. The officers received accumulated leave amounting to 120 days. That left only the enlisted men without any terminal leave.

Many bills have been introduced on this subject. I have sent to the Military Affairs Committee for a list of bills which I will receive in a moment, and after receiving it I shall wish to have it placed in the RECORD together with the names of the introducers of the bills. Many bills on this subject have been introduced also in the House. The subject is one which calls for correction. I am in hope that House bill 4051, which is now before the Senate, will be enacted into law.

I recall that I introduced Senate bill 721 on March 12, 1945. While it was discussed on several occasions by the Military Affairs Committee, it was not approved immediately by the committee. It did not come forth from that committee with a favorable report until the House bill was sent to the Senate. When that was done we were able to get the bill out of the committee.

First, we discovered that the Bureau of the Budget was opposed to the measure. I undertook the problem of reconciling the War Department, the Navy Department, the Bureau of the Budget, and the Treasury Department in an effort to get them to support the bill and not disapprove it.

A great many conferences were held, and finally a bill was agreed upon. The most radical change made in the House bill is that the payments to be made to both men and officers will be in bonds instead of in cash. The Treasury and the Bureau of the Budget deem that matter of extreme importance, because, as they said, it lessened the inflationary effect of the measure. This bill is estimated by its sponsors in the House of Representatives to cost $2,000,000,000; the War and Navy Departments estimate that it will cost the Treasury $2,750,000,000; and the subcommittee of which I was chairman estimated that the cost might very well be $3,000,000,000. So it is quite a sum of money, and, distributed as it would be under the terms of the bill it would immediately move into the economy of the country; it would immediately become spending money, and its inflationary effect would be extreme. That is the reason why the Army and the Navy and the Treasury and the Budget Bureau advocated the bond-payment system.

The bonds draw interest at 2½ percent; they will run for 5 years and are nonnegotiable, so that the person receiving the bonds cannot spend them until the end of the 5-year period. That acts as a great advantage to the men receiving the bonds, because it is well understood at the present time that we are in an inflationary cycle. In the 5 years perhaps we will not be in that inflationary cycle; at least it is hoped that we will not be; so a dollar will be worth more, and it will not be difficult for the Treasury to finance the proposal.

Mr. REVERCOMB. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SWIFT in the chair). Does the Senator from Colorado yield to the Senator from West Virginia?

Mr. JOHNSON of Colorado. I yield.

Mr. REVERCOMB. I thought it might be well at this time to point out that the able Senator from Colorado, who now has the floor, was the chairman of the subcommittee on this bill. I served with him on that subcommittee. The action with reference to the bond feature of the bill was taken by the full committeee after the bill had been reported by the subcommittee favorable to allowing the terminal leave pay for the enlisted men.

Mr. JOHNSON of Colorado. That is correct.

Mr. REVERCOMB. After discussion in the full committee, with the recommendations before it from the President, the War Department, the Navy Department, and, as I recall, from the Bureau of the Budget, the bill, which, when reported by the subcommittee, provided for payment in cash, was changed in the full committee to the form in which the bill was reported to the floor and as it now appears on the calendar. I believe that is correct, is it not?

Mr. JOHNSON of Colorado. Yes; that is correct. The subcommittee, in other words, did not recommend payment in bonds, but that change in the bill was agreed to by the full committee at the insistence of the departments mentioned.

Mr. LUCAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. JOHNSON of Colorado. I yield.

Mr. LUCAS. I should like to ask the Senator if I am correct in my understanding of the bill that the enlisted men who will get this pay will be in the same category as officers.

Mr. JOHNSON of Colorado. They will be in exactly the same category after September 1. There will be a slight difference between the time the bill is enacted and September 1, in that during that period the officer can still take terminal leave; but after September 1 they are put exactly in the same category.

Mr. LUCAS. That was my understanding. In other words, after September 1 of this year, the officers and enlisted men, so far as terminal-leave pay are concerned, are on exactly the same basis.

Mr. JOHNSON of Colorado. They are on the same basis.

Mr. LUCAS. As I understand, there are approximately 11,000,000 claims to be paid under this measure.

Mr. JOHNSON of Colorado. It is anticipated that 11,000,000 claims will be paid under the provisions of this bill.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. JOHNSON of Colorado. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Let us keep the record straight. The bill does not give pay to the enlisted man, but the officers were given pay. Is not that true?

Mr. JOHNSON of Colorado. It does not give them cash, but pays them in bonds. Under the old law an officer actually took his terminal leave. After he was discharged from the Army and went home he wore his uniform and remained on the pay roll for the amount of his terminal leave and got cash.

Mr. JOHNSTON of South Carolina. So, to be fair with the enlisted man, we should pay him in cash, as we paid the officer. Is not that true?

Mr. JOHNSON of Colorado. Of course, we have to be fair to the enlisted man and we want to be as fair to him as we can; but, as I see it, it is a great advantage to the enlisted man to be paid in bonds, and they are not objecting to that. The American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and other veterans' organizations have no objection to the bond proposal.

Mr. HUFFMAN. If the amount involved is less than $50, they can be paid in cash under this plan, can they not?

Mr. JOHNSON of Colorado. If the amount is less than $50 it is to be paid in cash under this provision; and if the veteran dies after he is discharged from the Army it is paid in cash; or if he were discharged prior to January 1, 1943, it is paid in cash. Take the man who was discharged early in 1943. His bond will be payable in 1948, and he will get 2½ percent interest during that 5-year period; so it is quite an advantage to him.

Mr. LUCAS. Mr. President, will the Senator yield further for one more question?

Mr. JOHNSON of Colorado. I yield to the Senator from Illinois.

Mr. LUCAS. As I understand the situation, a law at present on the statute books gives to officers terminal leave pay, but there is no comparable law so far as enlisted men are concerned.

Mr. JOHNSON of Colorado. That is correct.

Mr. LUCAS. The law as originally passed gave to the officers cash pay. Now the Congress proposes to pass a bill which gives to the enlisted men bonds. The

point I want to have made clear is this: Will the officers who are now coming out of the Army be in the same category with the enlisted men so far as the bonds are concerned, or will officers continue to get cash?

Mr. JOHNSON of Colorado. For the time being they can take their terminal leave as they have been doing, but after September 1, 1946, they will be on exactly the same basis. Officers are coming out of the service all the time; some of them are half way through their terminal leave vacation, and it is very difficult to make a retroactive law taking away something from someone who has had it; and that is not the object of the law.

Mr. LUCAS. I agree with the Senator on that point.

Mr. JOHNSON of Colorado. But after September 1, 1946, the enlisted man and the officer will be on precisely the same basis. The difficulty, I may say to the Senator, is that we are making this bill retroactive until September 8, 1939. We are paying for something that occurred in the past and of course we are making it apply to all the armed forces. As a matter of fact, we refer to the armed forces from now on. After September 1 it is the armed forces terminal leave pay bill, and that is its title.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield to the Senator from West Virginia.

Mr. REVERCOMB. I believe a question was addressed to the Senator from Colorado a moment ago as to whether heretofore there was any law dealing with the enlisted men similar to the law providing terminal-leave pay for officers. I wish to recall to memory that when the mustering-out pay bill came to the floor of the Senate it applied only to enlisted men and was so reported by the Committee on Military Affairs, but after it got on the floor it was amended on motion of a Member of the Senate to apply to three grades of officers. Therefore we had the situation of those three grades of officers receiving not only terminal-leave pay, but mustering-out pay. That, as much as anything else, created a situation which made it almost necessary to pass a bill giving terminal-leave pay to the enlisted man.

Had that bill applied only to the enlisted man as originally intended, so far as mustering-out pay was concerned, there would be far less reason to apply terminal-leave pay to the enlisted man today, but, as I have said, it was amended on the floor of the Senate.

Mr. JOHNSON of Colorado. The Senator is correct about that. The first three pay grades of the commissioned officers receive mustering-out pay and receive terminal-leave pay.

Mr. REVERCOMB. That is correct.

Mr. JOHNSON of Colorado. The whole purpose of the pending bill is to establish equality in the armed forces, and, of course, we could not do it in any other way.

I wish to be certain that the Senator from Illinois understands the following point, which I do not think my answers cleared up entirely: After September 1, 1946, no one will get bonds or payments of any kind. The men are going to take their vacations, they are going to take their terminal leave. Everyone is going to do that. The bond issues are to apply only up until September 1, 1946, but they are made necessary because of this accumulated amount of money, this $3,000,000,000, which the Treasury felt they could not stand at this time, and that the economy of the country could not stand. So payments in bonds were advocated by them.

The sole theory of granting a man a vacation is that he will render better service. For too long a time terminal leave has been used as a vehicle for increasing salaries. It was not intended to work that way. A man was supposed to take his vacation and come back from his vacation refreshed, with perhaps a new viewpoint, so that he could get out of the rut and render better service because of the vacation that was provided. But it has not been working that way. The men accumulated the terminal leave instead of taking a vacation, and what it has really amounted to was an increase in their pay.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield first to the Senator from Illinois to see whether I have cleared up the point he raised.

Mr. LUCAS. I think I clearly understood my distinguished colleague in his statement, but I am not sure I know what happens in the way of payments after September 1. Are the payments then to be made in cash to all officers and enlisted men, or in bonds? How do they get it?

Mr. JOHNSON of Colorado. They are all to have vacations with pay after September 1. No bonds are to be issued after September 1.

Mr. LUCAS. I desire to make one further observation. I doubt if there is any piece of veterans' legislation which has had more attention on the part of the men in the armed services, the enlisted men, at least, than this terminal pay bill. I think Congress is justified in doing what it is doing. It will eliminate any thought of discrimination between the enlisted man and the officer. Of course, anyone who knows what the officer is getting under the old law would have to say that the enlisted man is being discriminated against, unless the Congress of the United States takes such action as that it is about to take today.

Mr. JOHNSON of Colorado. Of course, that is the only basis for the enactment of the proposed legislation.

I now yield to the Senator from South Carolina.

Mr. MAYBANK. Mr. President, officers above the rank of captain did not receive the terminal leave pay and the mustering-out pay. It went only to three grades originally, that is, warrant officers, first and second lieutenants, and captains.

Mr. JOHNSON of Colorado. Three grades in the Army and corresponding grades in the other services.

Mr. MAYBANK. As the Senator is well aware, for many months we labored diligently in the committee on this matter. What the Senator has said about the bonds is eminently correct. We had the testimony not only of the Treasury Department, but also of the Army, the Navy, and the Budget Bureau as to the shock to our economy this terminal leave pay might cause. I think it is unfortunate we held the bill up so long, and it is unfortunate we could not have adjusted the matter before, but I think the Senator will agree with me that for months we have tried to do something. Even with the provision for bonds, if the veteran dies, then the family is paid in cash immediately.

Mr. JOHNSON of Colorado. Yes; and if the amount is under $50, it is also paid in cash. The men will be paid in multiples of $25. For instance, if a man had coming to him $224, we will say, he would be paid $200 in bonds and $24 in cash. If he had coming to him $62, he would be paid a $50 bond and $12 in cash. If $49 were coming to him, he would be paid $49 in cash.

Mr. MAYBANK. In addition to that, where death overtakes a veteran, his family will be paid immediately the total amount in cash. That seemed to me to be very important, that in the event of a soldier dying, from this time on—I do not speak of those who have already passed on—the widow facing the strain of hardship of such a tragedy would be paid immediately in cash, whether it be $100, $200, $500, or a thousand dollars. That is correct, is it not?

Mr. JOHNSON of Colorado. Whatever the amount may be, it would be paid in cash on the death of the person in the service.

Mr. MAYBANK. The survivors merely would have to apply to the Treasury for the cash?

Mr. JOHNSON of Colorado. That is correct. In addition, there is one more category, that is, so-called incompetents for whom guardians are appointed. In such cases payment is made in cash.

Mr. MAYBANK. Mental cases?

Mr. JOHNSON of Colorado. Yes.

Mr. MAYBANK. Therefore the Senator, in this bill, tried in every way possible to get away from the bond payments when there was a tragedy making a cash payment necessary?

Mr. JOHNSON of Colorado. Yes; we tried to get as far away from the bond payment as possible, and yet provide sufficient payments in bonds so that the inflationary tendency would be reduced to the lowest possible minimum.

Mr. MAYBANK. I thank the Senator.

Mr. REVERCOMB. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I yield.

Mr. REVERCOMB. I believe the Senator stated a few moments ago, in reply to a question, that after September 1, 1946, all vacation pay would be in cash.

Mr. JOHNSON of Colorado. It would be in vacations. I think that is a better way to put it. The men would be on vacation on full pay.

Mr. REVERCOMB. On full pay?

Mr. JOHNSON of Colorado. Yes.

Mr. REVERCOMB. In other words, as the officer gets his terminal leave pay today?

Mr. JOHNSON of Colorado. That is correct.

Mr. REVERCOMB. I think it well to point out that a limit of 90 days is placed upon it after September 1, 1946, to induce men actually to take their vacations, both officers and men, so that there would be no accumulation. The limitation of 90 days is made for the benefit of men who serve abroad. Often in the service men are out of continental United States for as long a period as 3 years, and the 30-day accumulation each year for leave with pay over a 3-year period being 90 days, a 90-day accumulation can be permitted, but no longer than 90 days for those in the armed services. That is correct, is it not?

Mr. JOHNSON of Colorado. That is correct. We changed it from 120 days. The total accumulation of 120 days is now reduced to 90 days.

As the Senator knows, we put this language in the bill on page 10, line 21:

> And shall provide that leave shall be taken annually as accruing to the extent consistent with military requirements and other exigencies.

Mr. MAYBANK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. JOHNSON of Colorado. I yield.

Mr. MAYBANK. It was the contention of some members of the committee, as I remember, that perhaps there should not be more than a 30-day leave, taken each year while in actual service, so that the soldiers would be physically more fit and better prepared to carry on their work. However, as the Senator from West Virginia said, a great deal of testimony was heard, which showed that in the armies of occupation, in foreign service, in the Navy, and so forth, it was customary to keep the men in foreign service for 2 or 3 years, and if they were on foreign duty for 2 or 3 years, with the situation as it now exists in Europe, and if they should take a 30-day period of leave, and would have to convert their dollars in which we would pay them, into francs or liras or marks to use on their vacation, the money would be practically worthless, because there is so little to buy in Europe, and the law provides that our men must use the money of the country. Therefore the funds which would be available to them during their vacations would be extremely limited. That was also one reason why we extended the period from 30 days to 90 days.

Mr. JOHNSON of Colorado. Yes. The subcommittee recommended that the men take their vacations each year, but the whole committee overruled that when the Army and Navy came forward and made such a good case for accumulated pay in instances where the men had to serve abroad. The Army, however, assured us that they would endeavor—and we put language in the bill to encourage that all we could—to give the men current vacations so that they would receive benefits from their vacations.

Mr. MAYBANK. They assured us that they would do that, except in the case of men in foreign service.

Mr. JOHNSON of Colorado. Yes.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield to the Senator from West Virginia.

Mr. REVERCOMB. I want to bring up a point so that there may be no misunderstanding in the RECORD about it, and that is that even when men are serving abroad outside continental United States, they are still entitled each year to the 30 days of leave, and they can elect whether or not they will take it. But it does permit them when they are abroad, and have not been back to their homeland, to accumulate leave over a period of 3 years, up to 90 days, if they themselves choose to do so. In other words, we encourage their taking the leave period if they will do it, but we do not compel them to do so. Is not that the situation?

Mr. JOHNSON of Colorado. Yes; that is correct. If they want to take their vacation abroad, they are encouraged to do it, but if they do not want to do it, they can wait and accumulate it until they get home, and take 90 days.

The law is changed in that particular. As the Senator recalls, the law of 1874—it went back that far—provided for an accumulation of 120 days. We have cut it down to 90 days, however, for both officers and men, because we want to encourage vacations to the fullest extent possible.

A moment ago I mentioned that a good many bills on this subject were introduced in the Senate. I have a list of them now which I just received from the Senate Committee on Military Affairs. They are Senate bill 721, by Senator JOHNSON of Colorado; Senate bill 827, by Senator MCFARLAND; Senate bill 904, by Senator MCCARRAN; Senate bill 1552, by Senator FULBRIGHT; Senate bill 1624, by Senator SHIPSTEAD; Senate bill 1693, by Senator PEPPER; Senate bill 2091, another bill by Senator MCFARLAND and other Senators, which seeks to work out a compromise satisfactory to everyone; and finally Senate bill 2193, by Senator WHEELER. There were more than that number of bills introduced in the House, and as I already stated, the subject is one of considerable interest in both Houses of Congress.

That completes my general statement on the bill. I shall be very glad to answer any questions so far as I can. I have some amendments of a clarifying nature that I desire to offer to the bill.

Mr. OVERTON. Mr. President, before the Senator submits his amendment will he yield to me to ask a question?

Mr. JOHNSON of Colorado. Yes, gladly.

Mr. OVERTON. What is the estimated cost of the bill?

Mr. JOHNSON of Colorado. Representative ROGERS who sponsored the bill in the House, said it would not cost more than $2,000,000,000. The Navy Department made a test on 2,000 men, and estimated that the cost would be around $2,000,000,000 for the Army and $750,000,000 for the Navy, making a total of $2,750,000,000. The estimate of the subcommittee—and of course that is largely speculative—was that it might cost as much as $3,000,000,000.

Mr. OVERTON. Has there been a more recent estimate of the cost by the Bureau of the Budget?

Mr. JOHNSON of Colorado. No. The most recent estimate by the Bureau of the Budget is $2,750,000,000. Because of the fact that we do not have the experience of each man, it is difficult to estimate the amount of vacation he has already had. We do not have that information. Under the bill he is to make his application. He has a year in which to do so. He makes a sworn statement of the terminal leave he has coming to him. We do not know, of course, just the amount of leave that is due to the 11,000,000 men who are entitled to some terminal leave. We know they are entitled to some terminal leave, but we do not know how much.

Mr. OVERTON. I understand estimates have been made of the total cost varying from $3,000,000,000 to $8,000,000,000.

Mr. JOHNSON of Colorado. Bills have been introduced which are more liberal than the pending bill, and the estimates were as high as $8,000,000,000 under the provisions of one of the bills introduced in the House. I am sure that the total limit of $3,000,000,000 is a very conservative estimate, and I am almost certain—as nearly certain as a person can be after a long study of the matter—that the cost will not exceed $3,000,000,000.

Mr. OVERTON. I wish to say to the Senator that I received information from what I consider the best authority I could obtain it from today, that it is now estimated the bill will cost $4,000,000,000.

Mr. JOHNSON of Colorado. Of course I cannot dispute that statement. I do not think anyone can. As I said, it is a matter which is speculative in the extreme. But whatever the amount, it seems to me that it is justified, since an inequality exists which must be corrected. We give civil-service employees a vacation with pay. We gave civil-service employees the right to accumulate their leave during wartime. It seems to me that when we single out the enlisted man, and the enlisted man only, and deny to him terminal leave, we are not doing right by him.

Mr. OVERTON. Of course, it is to be noted, however, that we do give to veterans many advantages, pecuniary and otherwise, that the civil-service employees do not obtain.

Mr. JOHNSON of Colorado. We give civil-service employees advantages, too, and I do not think we are through giving civil-service employees advantages. I do not think we give the civil-service employees all the advantages that we should, but those things are being corrected from time to time. At least we give terminal leave to officers serving with the men, undergoing no greater hardships; we give them terminal leave, and it is pretty hard for an enlisted man to understand why it should be denied him and given to another man who served with him simply because the other man happens to be an officer.

Mr. OVERTON. I do not suppose that it occurred to any member of the committee that they might rectify that by abrogating terminal leave in favor of officers.

Mr. JOHNSON of Colorado. The committee did undertake a study of that kind, but the difficulty with that is that officers have received their pay, and it is pretty hard to go out and tap them on the shoulder and say, "Mister, you owe the

Treasury $1,000. We want that money paid back." He has already spent the money, and it is impossible to adjust the matter in that way. So about the only way we could correct the inequality was in the way in which we have attempted to correct it in this bill.

Mr. OVERTON. Mr. President, if the Senator will further yield to me, I should like to have printed in the RECORD, either at the conclusion of the Senator's remarks or at this point, a brief summary of the major benefits extended to veterans of World War II by Federal legislation. The summary was prepared for me by the Library of Congress.

Mr. JOHNSON of Colorado. I shall be very glad to have it printed in the RECORD at this point.

Mr. OVERTON. I ask unanimous consent to have the summary printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

BRIEF SUMMARY OF MAJOR BENEFITS EXTENDED TO VETERANS OF WORLD WAR II BY FEDERAL LEGISLATION

MONETARY

Mustering-out payments from $100 to $300 are automatically made to tide over the period immediately following discharge (58 Stat. 8-10, Feb. 3, 1944).

Government insurance, which is provided during service, may be converted into ordinary life, 20-payment life, or 30-payment life (54 Stat. 1008-14, Oct. 8, 1940).

The Government guarantees 50 percent of loans up to $2,000 for the purchase, construction, or improvement of homes, farms, and business property (58 Stat. 291, sec. 500; June 22, 1944).

An additional exemption up to $1,500 is allowed for income-tax purposes in the case of compensation received by commissioned officers for active military service; all compensation received for active service by persons below the grade of commissioned officer is exempt from tax (59 Stat. 571-572, Public Law 214, 79th Cong., sec. 141, Nov. 8, 1945).

(See also unemployment allowance under Employment and subsistence allowances under Education.)

EMPLOYMENT

Former jobs whether with the Federal Government or in private employ must be held for the veteran, if applied for within 90 days after discharge or after release from hospitalization (if such release occurs not more than 1 year from date of discharge) (54 Stat. 886, sec. 8 (b), Sept. 16, 1940, as amended by 58 Stat. 798-799, Dec. 8, 1944).

An unemployment allowance of $20 a week is provided up to 52 weeks depending on length of service (58 Stat. 205, title V, June 22, 1944).

A Veterans' Placement Service Board is created to assist the United States Employment Service so as to provide veterans the maximum opportunty in the field of gainful employment (58 Stat. 293-295, title IV, June 23, 1944).

Preference is given to veterans in employment in the Federal civil service (58 Stat. 387-391, June 27, 1944).

EDUCATION

Education or training is available for 1 year plus the period of active service to all persons discharged or released under conditions other than dishonorable. This benefit covers tuition, library fee, etc., books and other necessary expenses, up to a total of $500 for an ordinary school year.

A subsistence allowance of $65 per month if without a dependent, and $90 per month if he has a dependent, is paid to a person while pursuing a course of training hereunder (58 Stat. 287-291, June 22, 1944, as amended by 59 Stat. 624-625, Public Law 268, 79th Cong., Dec. 28, 1945).

Vocational rehabilitation is provided for disabled veterans, and during such training and for 2 months after his employability is determined the veteran is paid a subsistence allowance of $105 if without dependents, $115 with a dependent, plus $10 for one child, $7 for each additional child and $15 for a dependent parent (57 Stat. 43-45, Mar. 24, 1943, as amended by 59 Stat. 626, Public Law 268, 79th Cong., Dec. 28, 1945).

HOSPITALIZATION

Domiciliary or hospital care, including medical treatment, is furnished to all honorably discharged veterans (48 Stat. 8-12, Mar. 20, 1933, and Veterans Regulations thereunder).

Any person entitled to prosthetic appliances shall be given the necessary fitting and training in the use of such appliance, including necessary travel expenses to and from their homes to a hospital or training institution. (58 Stat. 285, sec. 104, June 22, 1944, as amended by 59 Stat. 623, Public Law 268, 79th Cong., sec. 2, Dec. 28, 1945.)

PENSIONS

Disability pensions ranging from $11.50 a month to $115 a month, depending upon the degree of disability, are allowed. (48 Stat. 8-12, Mar. 20, 1933 and Veterans Regulations as modified or amended.)

MISCELLANEOUS

Seeing-eye dogs trained to aid blind persons are furnished to blind veterans (58 Stat. 226 ch. 203, May 24, 1944).

The period of service up to 2 years is allowed to be deducted from the 3 years' residence required under the homestead laws. (58 Stat. 747-748, Sept. 27, 1944.)

An additional appropriation of $160,000,000 is authorized under the Lanham Act for reuse of existing structures and facilities so as to provide temporary housing for distressed families of servicemen, for veterans and their families or for single veterans attending educational institutions. (59 Stat. 674, Public Law 657, 79th Cong., Dec. 31, 1945.)

By a joint resolution approved April 12, 1946 (Public Law 341, 79th Cong.) Congress appropriated an additional $253,727,000 for veterans' housing and related expenses.

In order to enable veterans to establish and maintain their own business, professional or agricultural enterprises, priority is given them in disposals of surplus property over all other disposals under the Surplus Property Act except to Government agencies. (Public Law 375, 79th Cong., May 3, 1946.)

The Veterans' Emergency Housing Act approved May 22, 1946 (Public Law 388, 79th Cong.) has for its purposes the making available of housing for veterans by expediting production and allocation of materials and by curbing excessive prices of new housing.

Mr. OVERTON. I should be very glad if necessary, to read the summary for the information of the Senate. I simply wish to make the observation that it shows very wide and extensive benefits extended to veterans of World War II. When I say that, I do not mean to say that I am going to vote against the bill. The probability is that I shall vote for it. But the United States is doing more for its veterans than any other nation in the world is doing for its soldiers. It is doing more for its veterans now than ever before in the history of the United States. I think we take care of our veterans in a very magnificent way.

Mr. JOHNSON of Colorado. I think we can all concur in what the Senator has said. However, we have the best veterans on earth, and the best soldiers.

Mr. OVERTON. That is true; but we do not want to convert them into mercenary or Hessian troops.

Mr. JOHNSON of Colorado. Of course not. However, we wish to reward them generously because they have performed magnificently for us. They have done a wonderful job.

In connection with the statement inserted in the RECORD by the Senator, I wish to thank him for offering that information for the RECORD. The Senate Committee on Finance has instructed its staff to prepare such a report for the Senate. We wished to have such a report prepared for this reason: Senators and Representatives constantly receive letters—I know I receive such letters, and I am sure that other Senators receive them—from veterans telling us that they are the forgotten men, that Congress has neglected them. Of course Congress has not done anything of the kind. Congress has been very generous with the veteran, but the veteran may not understand the cost of the provisions which we are making in his behalf. We thought that we would issue a report showing the total of all the benefits, so that the information could be furnished to veterans when they complain about the ungenerous treatment of the Congress, and so that the country may know that Congress has been very generous with the veteran, as it should be. The figures which the Senator has provided for the RECORD will be very helpful to the Finance Committee, the committee which handles veterans' problems. On behalf of that committee I thank the Senator for his efforts to make the facts known.

Mr. OVERTON. I thank the Senator from Colorado.

Mr. MURDOCK. Mr. President, will the Senator yield to me?

Mr. JOHNSON of Colorado. I yield.

Mr. MURDOCK. I have not been able to give this subject the study which I should have liked to give it. On page 15 of the bill this language appears:

> Such bonds shall be nonnegotiable and shall not be transferrable by sale, exchange, assignment, pledge, hypothecation, or otherwise.

Can the bonds be exchanged for cash, in the same way that bonds in existence today may be exchanged?

Mr. JOHNSON of Colorado. They cannot. They must be held. The purpose behind that provision is to take the immediate burden off the Treasury. That is the whole purpose of the bonds. We cannot pour $3,000,000,000 into the economy of the country without upsetting it. It is badly upset at the present time. Inflation exists today. But by issuing these bonds and having them mature a few at a time we shall lessen the burden on the Treasury. The Senator understands that a man discharged, we will say, in March, 1943, would receive bonds predated to April 1, 1943, maturing after 5 years, and bearing interest at 2½ percent. So his bonds would become payable in 1948. The bonds would be staggered through the whole experience up to the present time. They would not all be payable at once. They

would not all enter the economy of the country at once and cause inflation, which would be the result if we made payments in cash.

Mr. MURDOCK. What is meant by this provision:

Interest on each bond issued under this act shall accrue at the rate of 2½ percent per annum from the date of such bond to the date of maturity or payment of the principal of the bond, whichever is earlier, and shall be paid with such principal.

Mr. JOHNSON of Colorado. The bond would be paid earlier only if the man should die. If the man who holds the bond dies, the bond is paid in cash, together with accrued interest up to the time of his death. If he does not die, the interest is not paid currently. The interest which the bond earns is not paid each year. The interest is held with the bond, and the interest and the bond are paid at the same time.

Mr. MURDOCK. So this provision would be applicable only in case of the death of a veteran. Otherwise, if I have followed the distingushed Senator, the bonds must be held to maturity.

Mr. JOHNSON of Colorado. That is correct.

Mr. MURDOCK. Unless death occurs prior to maturity, in which case the principal of the bond plus accrued interest to the date of death would be paid?

Mr. JOHNSON of Colorado. That is correct. The bonds would be paid also to guardians of incompetents.

Mr. MURDOCK. Was there any objection on the part of veterans to this type of compensation?

Mr. JOHNSON of Colorado. There was no objection from the veterans' organizations. They were all consulted before this provision was approved by the committee, and they approved it. They argued that this was an advantage to the veteran himself, because today a dollar is not worth as much as it is hoped it will be worth in 5 years. If the distinguished Senator from Oklahoma [Mr. THOMAS] were present he could tell us what a dollar is worth today and what it is likely to be worth 5 years from now. I am unable to do so. At any rate, it is likely—at least we hope so—that 5 years from now a dollar will be worth more than it is today.

Mr. MURDOCK. I assume that it was pointed out to the veterans that if we were to dump into the volume of money which is now in circulation and held in our banks an amount between $2,000,000,000 and $4,000,000,000, which are the amounts which have been mentioned as the total, the result certainly would be inflationary. As I look at the picture, such a course would certainly contribute to devaluing the dollar which we paid to the veteran.

Mr. JOHNSON of Colorado. That is true. What we gave him would be decreased in value, because the goods are not here for him to buy. We would increase the buying power of the country tremendously, but we would not increase the supply of goods. It would be better for the veteran to get his money when there was a supply of goods available to purchase. If we were to turn over the money in small amounts to 11,000,000 men, we know that it would move into the economy of the country almost overnight. There would be nothing to stop it. It would become an immediate buying power. But under the bond provision the money would come in month by month over a long period, beginning in 1948.

Mr. MURDOCK. I am inclined to think that the action taken is a wise one. I am rather comforted by the statement made by the distinguished Senator that there was no objection on the part of the veteran himself.

Mr. JOHNSON of Colorado. I would not say that there is no objection on the part of veterans, because some veterans may object.

Mr. MURDOCK. I mean from the veterans' organizations.

Mr. JOHNSON of Colorado. The veterans' organizations wholeheartedly endorsed the provision.

Mr. MURDOCK. It occurs to me that it probably would not be inflationary to allow the veteran who is entitled to bonds under the terms of this bill to exchange such bonds with the present holder of bonds which may be cashed at once. Was that plan given any consideration?

Mr. JOHNSON of Colorado. No; we did not given it any consideration, because we wanted to keep these bonds out of the buying power of the country.

Mr. MURDOCK. I know that; but I was just wondering if consideration had been given to such a suggestion. As I view the question, the present law under which bonds are issued would have to be amended. But if the veterans were in a position to arrange with someone who wished to hold them for 5 years, to exchange the bonds for bonds which are now in existence and can be cashed, some of the veterans might prefer to do that and to obtain the cash. By such an exchange the amount of money in circulation would not in any way be increased, and of course that would afford a veteran who needed the money immediately an opportunity to get it in that way.

Mr. JOHNSON of Colorado. If an exchange of that sort were made I think the money would be spent immediately, and thereby the good effects of the bond issue would be lost. Of course, we could pay cash to the men, and we could sell bonds in order to get the cash with which to pay them. But if we did that we would be placing a terrific burden not only upon the Treasury but upon the economy of the country, and we would be increasing the buying power without increasing the supply of available goods.

Mr. MURDOCK. I thank the Senator.

Mr. AIKEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BURCH in the chair). Does the Senator from Colorado yield to the Senator from Vermont?

Mr. JOHNSON of Colorado. I yield.

Mr. AIKEN. I have received several protests from ex-servicemen in regard to the provision that they shall accept bonds for their terminal leave pay and that they must wait 5 years to get the money. Of course, I understand the purpose for which that provision was made.

Mr. JOHNSON of Colorado. It was to overcome a very serious objection on the part of the Treasury, the Bureau of the Budget, the War Department, the Navy Department, and the President of the United States. They seriously objected to paying cash to the veterans for that purpose. The only way we could obtain their approval at all was by including the provision in regard to bonds.

Mr. AIKEN. I am not objecting to that provision.

Mr. JOHNSON of Colorado. Of course. I know that some veterans have objected.

Mr. AIKEN. I should say that 15 or 20 who have written to me have protested about that provision.

Mr. JOHNSON of Colorado. But the veterans' organizations have approved it.

Mr. AIKEN. I understand.

Mr. JOHNSON of Colorado. Mr. President, I wish to read one paragraph from a letter sent to me by Paul H. Appleby, Acting Director of the Bureau of the Budget. It shows the position of the administration in regard to this matter. He says:

I have discussed with the President the provisions of H. R. 4051 and the amendatory provisions thereof as projected in the committee print of the bill. While such provisions would not be considered as being in accord with the program of the President, he would find acceptable a measure along the lines of the draft attached hereto.

Sincerely yours,

PAUL H. APPLEBY,
Acting Director.

In other words, as the bill came from the House, it was not acceptable to the administration or to the Bureau of the Budget or to the Treasury.

Mr. AIKEN. Mr. President, let me quote from the bill.

Mr. JOHNSON of Colorado. At what page is the Senator about to quote, please?

Mr. AIKEN. At page 10:

Enlisted members or former enlisted members of the armed forces shall be considered to be entitled to such leave from and after September 8, 1939.

They will be entitled to such leave "from and after September 8, 1939," until what time?

Mr. JOHNSON of Colorado. It will be from now on. This bill is permanent legislation. The law of 1874 was amended in 1876, and it is now to be amended by this measure.

Mr. AIKEN. I understand that the officers who have been separated up to this time have been paid their terminal leave. They have not had to accept bonds. Does this bill provide that officers, as well as enlisted men, who are separated from now on shall receive their terminal leave pay in the form of bonds?

Mr. JOHNSON of Colorado. No bonds will be issued to anyone after September 1, 1946, for terminal leave after September 1946. We have not included in the bill a provision relative to the time between the date of enactment of the bill and September 1, insofar as officers would be affected, inasmuch as the period of time is too short and the complications are too great. So the answer to the Senator's question is "No."

Mr. AIKEN. But after the 1st of September all will be treated alike; will they?

Mr. JOHNSON of Colorado. After the 1st of September everyone will be treated alike. All will receive terminal leave, and will take it currently, so far as possible.

Mr. AIKEN. The provisions of this bill may mean that 5 years later the enlisted men will have money in their pockets, whereas some of the officers will not have anything left.

Mr. JOHNSON of Colorado. I hope the enlisted men will have money in their pockets. As a matter of fact, during the war the enlisted men have made a most surprising record in regard to the amount of bonds they have held. I saw an estimate the other day—I think it came from the Navy—that the ratio was 500 to 1, as compared with the situation in regard to World War I; that is to say, 500 veterans of World War II are holding Federal bonds now, as compared to 1 veteran who held them following World War I.

Mr. AIKEN. I wholly agree with the Senator, because I know that a great many of the enlisted men have saved their money. I think an unusually large percentage of them have saved money. They have been thrifty during the war, and now they have some money with which to help get started.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. MURDOCK. I fully agree with what has been done here, and I believe we are actually protecting the value of the veteran's dollar by making this compensation payable in bonds.

I wish to call one matter to the Senator's attention, namely, that today we have, to all intents and purposes, full employment. There is already plenty of money in existence, so that most veterans readily find employment at good wages. But during the course of years, during the time when these bonds will be outstanding, if any appreciable unemployment develops among veterans or if a depression overtakes us, then at that time Congress in its wisdom can make the bonds payable at any time it sees fit to have them payable.

Mr. JOHNSON of Colorado. That is correct.

Mr. MURDOCK. Let me make a further observation: Although a large amount of money is involved in this measure—regardless of whether it is $2,000,000,000 or $3,000,000,000 or $4,000,000,000, it is a tremendous amount of money—nevertheless, I call the attention of the Senator to the fact that if the war were still going on, if the veterans to whom this will be paid were on the battlefields, and if some of them were being killed in the service of their country, we in the Congress would not hesitate for 30 minutes to appropriate $2,000,000,000 or $3,000,000,000 or $4,000,000,000 or even $10,000,000,000 to keep the war going until a final victory for us was at hand.

Mr. JOHNSON of Colorado. As I recall, the war expenditures reached a figure of about $8,000,000,000 a month.

Mr. MURDOCK. Yes.

So in my opinion we can very well afford to take that matter into consideration in arriving at the proper decision in respect to this measure. I am hopeful that the bill will pass.

Mr. JOHNSON of Colorado. I thank the Senator for his contribution.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. BARKLEY. I wish to say a word to congratulate the committee and the Senator upon the promptness with which this legislation has been brought to the floor of the Senate. I recall that after World War I, in both Houses of Congress we fought around for years and years for the bonus. We passed several bills providing for bonuses for veterans of the war, and they were vetoed by various Presidents. But we finally succeeded in enacting bonus legislation in 1932 or 1934, I think—approximately 15 years after the war had ended.

The present measure is not a bonus bill, and I am not confusing the two. We provided for the payment of $60 to every soldier who was discharged after World War I, and then of course we provided for compensation under the jurisdiction of the Veterans Administration, which then was known as the Bureau of War Risk Insurance. However, it required a long time to obtain legislation which approached doing justice to the soldiers in regard to any compensation for their services, compensation beyond their pay and the benefits to which they might be entitled under the War Risk Insurance Act.

Therefore, Mr. President, I feel that we are indebted to the committee and to the Senator from Colorado, especially, for the promptness and diligence with which he and the other members of the committee have brought this legislation before the Senate. Of course, it could not be claimed that the legislation is perfect. No legislation is perfect. All legislation is a matter of give and take. I feel, however, that we have attempted, insofar as information was available to us, and as promptly as possible, to do justice to our brave servicemen in all branches of the armed forces who served during the late war. I am happy to support the bill, and I feel that the committee has worked out as wise a solution as is humanly possible to accomplish.

Mr. JOHNSON of Colorado. I thank the distinguished majority leader for what he has said.

I may say, Mr. President, that the committee consulted the executive departments in regard to the matter. As the Senator from Kentucky has said, following World War I Congress passed several bonus laws which were vetoed by the President. I do not say this law will or will not be vetoed by the President if it is passed by the Congress in its present form. I know that the Treasury Department and the Bureau of the Budget are satisfied with the bill in the form in which it is now before the Senate, and that they were not satisfied with the bill in the form in which it came from the House.

Mr. WALSH. Mr. President, if the Senator will yield, I may say that I can confirm his last statement. I introduced a bill last fall which provided for cash payments. The reports of both the Army and the Navy, as well as the Bureau of the Budget, were against the bill in the form in which I had prepared it. No action was taken at that time because of their opposition, based on what the Senator has said.

Mr. JOHNSON of Colorado. I thank the Senator from Massachusetts for verifying what I have said. Our committee felt that it would be wise to work out the problem with the executive departments so that we would not walk into stormy weather.

Mr. WALSH. Mr. President, I personally thought that there should be a provision for a cash payment. I still believe so, but I recognize the difficulty which the committee has experienced. I have never been able to see why the same treatment should not be accorded to enlisted men as that which is accorded to officers. Possibly, a mistake was made in the first instance by granting terminal leave to officers, but I believe there should be no discrimination.

Mr. JOHNSON of Colorado. I am glad to hear the Senator say that. Under the pending bill the members of the armed forces, whether in the Coast Guard, in the Marines, in the Navy, or in the Army, would be treated on an exact basis of equality.

Mr. President, I have several amendments which I wish to call up at this time. They are clarifying amendments. They do not affect the operation of the bill. I send forward to the desk an amendment which I ask to have read.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 14, after line 4, it is proposed to insert the following new subsection:

(c) No member or former member of the armed forces shall be entitled to settlement and compensation under section 6 of this act for leave aggregating in excess of 120 calendar days, and no member of the armed forces on active duty on September 1, 1946, shall be entitled to settlement and compensation under section 6 of this act for leave aggregating in excess of 30 calendar days, No member or former member who, as a commissioned or warrant officer, has received or is, on the date of enactment of this act, receiving terminal leave shall be entitled to settlement and compensation under section 6 of this act for leave aggregating in excess of the difference between 120 calendar days and the number of calendar days of such terminal leave.

Mr. JOHNSON of Colorado. Mr. President, this amendment was proposed yesterday by the Navy, and it is designed to prevent double payments where more than one period of service is involved, thus making certain that no person will receive pay for more than 120 days. The amendment makes certain a period of 120 days.

Mr. REVERCOMB. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Colorado. I yield.

Mr. REVERCOMB. Would the amendment in any way change that part of the bill which now affords terminal pay of 90 days?

Mr. JOHNSON of Colorado. No; the amendment merely limits the amount of terminal pay to not more than 120 days of service.

Mr. REVERCOMB. After September 1 terminal leave pay is limited to 90 days?

Mr. JOHNSON of Colorado. The Senator is correct, and the amendment does not affect that provision of the bill.

The PRESIDING OFFICER (Mr. BURCH in the chair). The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. JOHNSON of Colorado. Mr. President, I send forward another amendment which I ask to have read.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 8, in lieu of lines 4 to 11, inclusive, it is proposed to insert the following:

(b) The term "discharge" means (1), in the case of enlisted personnel, separation or release from active duty under honorable conditions or appointment as a commissioned officer; and (2), in the case of commissioned or warrant officers, separation or release from active duty under honorable conditions.

On page 10, line 24, strike out the words "who reenlist or."

On page 11, line 2, strike out the words "reenlistment or."

Mr. JOHNSON of Colorado. Mr. President, the amendment would prevent the necessity of separate computations for separate periods of enlistment. It would also eliminate language in the bill which would require the War Department to reverse its present practice of not granting terminal leave to officers who are permitted to resign in lieu of being reclassified. I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. JOHNSON of Colorado. Mr. President, I send forward another amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 12, line 2, after the word "or", it is proposed to insert "on the basis of the base and longevity pay and allowances applicable."

Mr. JOHNSON of Colorado. Mr. President, the amendment is merely to provide for a correction. It does not change anything in the bill except to improve the grammar.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. JOHNSON of Colorado subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum received from the Acting Secretary of the Navy, Mr. John L. Sullivan, in regard to certain amendments to House bill 4051.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE UNDER SECRETARY OF THE NAVY,
Washington.

Memorandum for: Senator JOHNSON, on H. R. 4051.

I have three changes in H. R. 4051, as reported, which I would like to commend to your consideration. Two are clarifying changes considered necessary partly as a result of efforts on the part of the Army, Navy, Coast Guard, and Marine Corps to draft regulations. The third change eliminates a distinction between commissioned and warrant officers, on the one hand, and enlisted personnel, on the other, which I consider impossible to justify. The first clarifying change takes the form of the addition of a new subsection (c) to section 5, reading as follows:

"(c) No member or former member of the armed forces shall be entitled to settlement and compensation under section 6 of this act for leave aggregating in excess of 120 calendar days, and no member of the armed forces on active duty on September 1, 1946, shall be entitled to settlement and compensation under section 6 of this act for leave aggregating in excess of 30 calendar days. No member or former member who, as a commissioned or warrant officer, has received or is, on the date of enactment of this act, receiving terminal leave shall be entitled to settlement and compensation under section 6 of this act for leave aggregating in excess of the difference between 120 calendar days and the number of calendar days of such terminal leave."

In substance, the above language guarantees equal treatment for members of the armed forces who have served the same number of years. Under H. R. 4051, as reported, a possibility exists that two members who have served the same number of years, one entirely in one service and in one status (i. e., commissioned or warrant, on the one hand, and enlisted, on the other) and the other in two services or in one service partly in an enlisted status and partly in a commissioned or warrant status may receive different treatment. To illustrate:

Case I. Each of two members of the armed forces served 6 years between September 8, 1939, and their return to civilian life, without taking any leave, terminal or otherwise: Member A served 3 years in an enlisted status in the Army, was honorably discharged from the Army, and then served 3 years in an enlisted status in the Navy; Member B served 6 years in an enlisted status in the Army. On this state of facts Member A would arguably be entitled to compensation for 180 days leave; whereas, Member B would be entitled to compensation for 120 days only.

Case II. Member A served 2 years in an enlisted status in the Army and received no leave. He was then commissioned in the Army as an officer and served 4 years, and upon his release from active duty he received 120 days terminal leave. He would arguably be entitled, in addition, to compensation for 60 days leave on account of his service in an enlisted status. Member B served the same aggregate period of time in either an enlisted or an officer status, becoming thereby entitled only to 120 days of leave.

The above change also simplifies the administrative problem. As will be seen, it precludes the possibility of a member's receiving compensation for more than 120 days leave.

The second clarifying change takes the form of revising subsection (b) of section 2 (the definition of the term "discharge") to read: "The term 'discharge' means (1) in the case of enlisted personnel, separation or release from active duty under honorable conditions or appointment as a commissioned officer or warrant officer; and (2) in the case of commissioned or warrant officers, separation or release from active duty under honorable conditions"; and the deletion of the words "who reenlist or", in line 24, on page 10, and the words "reenlistment or" in line 2 of page 11. The second clarifying change has two effects.

The Navy, as you know, unlike the Army, accepted enlistments and reenlistments during the war. The existing definition of "discharge," which expressly includes the expiration of an enlistment or reenlistment, would require the Navy to settle with a given enlisted member who served more than one enlistment on the basis of each separate enlistment. This would mean, moreover, that if such enlisted member advanced in rating during his second enlistment, he would not be entitled to the benefit thereof for purposes of determining his compensation for the leave applicable to his first enlistment. This unfairly discriminates against Navy enlisted personnel and increases the administrative burden of the Navy.

Second, the existing definition in the case of Army officers would require a reversal by the Army of its previous policy of not granting terminal leave where an officer is permitted to resign in lieu of reclassification. An Army officer so resigning, the resignation not being "for the good of the service," would become entitled to terminal leave, which would further operate as a discrimination against enlisted personnel who must be separated under honorable conditions.

The third change, eliminating a distinction between officers and enlisted personnel, consists of the deletion of the word "enlisted", in line 9, on page 13, and the addition of the following after "1946" in line 10, on page 13: "(other than commissioned or warrant officers on terminal leave as a result of processing for separation prior to the date of enactment of this act)"; and the addition of a new sentence at the end of subsection (a) of section 5, reading as follows:

"No member (other than a member on terminal leave on the date of enactment of this act) shall receive terminal leave between the date of enactment of this act and September 1, 1946."

I feel very strongly that from the date of enactment of the act distinctions between officers and enlisted personnel should be entirely eliminated. Under H. R. 4051, as reported, the possibility existed that members processed for separation after the date of enactment and before September 1, 1946, could claim terminal leave, rather than payment as provided in section 6. To repel this possibility the committee report had the following language inserted in it:

"Although the provisions of section 3 (a) will be in effect and will govern the taking of leave by enlisted men from and after the date of enactment of the bill, it is the intent of the committee that the dates of separation of enlisted men who would otherwise be discharged between the date of enactment and September 1, 1946, are not to be deferred for the purpose of circumventing the method of payment prescribed under section 6."

This would have the effect of entitling officers processed for separation during the period in question to receive terminal leave while enlisted personnel processed for separation during the same period would receive payment as provided in section 6. I recognize that the period in question may be only a month. Nevertheless, in the case of the Navy alone, it is estimated that approximately 35,000 officers and 265,000 enlisted personnel will be processed for separation during the period in question. These figures include the Marine Corps. Similar estimates furnished me by the Army indicate that 25,000 officers and 140,000 enlisted personnel will be involved.

JOHN L. SULLIVAN.

Mr. JOHNSON of Colorado. Mr. President, I do not see the Senator from Arkansas [Mr. MCCLELLAN] present, but he has an amendment on the desk which I wish to call up. I ask that it be stated.

Mr. WALSH. Is the Senator going to present the amendment for the Senator from Arkansas, or accept it?

Mr. JOHNSON of Colorado. I am calling it up for the Senator from Arkansas.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

Nothing in sections 109 and 113 of the Criminal Code (U. S. C., title 18, secs. 198 and 203) or in section 190 of the Revised Statutes (U. S. C., title 5, sec. 99) shall be deemed to prevent any person (other than a member of the regular component of the Army, Navy, Marine Corps, or Coast Guard) on terminal leave from the armed forces from acting as counsel, agent, or attorney (1) in any matter or thing in which the United States is a party or directly or indirectly interested or (2) for prosecuting any claim against the United States: *Provided*, That such person shall not prosecute any claim against the United States, or act as counsel, agent, or attorney in any matter in which the United States is a party or has an interest, involving any subject matter with which such person was directly connected during the period of his service and prior to entering upon terminal leave.

Mr. JOHNSON of Colorado. Mr. President, this amendment would exempt members of the armed forces on terminal leave, other than regulars—it is important to remember that—from the prohibition against acting as attorneys, and so forth, in prosecuting claims against the United States except claims "involving any subject matter with which such person was directly connected during the period of his service." The committee has no objection to the amendment, and we are glad to accept it.

Mr. CORDON. Mr. President, a question arises in my mind in connection with the amendment. The purpose of the section is to exempt from the operation of the criminal statutes certain classes of persons. The proviso is merely a prohibition against any such person prosecuting certain claims, but it does not in itself carry any penalty. The purpose of the proviso is to leave persons in the class mentioned subject to the provisions of the criminal law. I am wondering whether the language does that.

Mr. JOHNSON of Colorado. I am glad to see the Senator from Arkansas now present in the Chamber. I am sure the language does exactly what the Senator has stated.

Mr. McCLELLAN. Did the Senator from Oregon inquire about the proviso?

Mr. CORDON. Yes.

Mr. McCLELLAN. As to repealing any penalty which now exists under the law, the amendment would not repeal any penalty with respect to what is contained in the proviso. An exception is made to the authority granted by the amendment. With this exception made, any act which would violate this exception would come under the existing law, and if there is a penalty, the person affected would be penalized.

Mr. CORDON. Will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. CORDON. As a suggestion to the Senator, would it clarify the amendment if that portion of it beginning with the word "Provided", in line 1, on page 2, and going down to and including all of line 4, were deleted, and instead of that the amendment were to read—and I am beginning with line 1 on page 2—"prosecuting any claim against the United States, except claims involving subject matter with which such person was directly connected?"

Mr. McCLELLAN. How does the Senator think that would improve the amendment? I do not think it would improve it. The purpose of the proviso is to not permit such persons to participate, during their terminal leave, in any activity, in which the Federal Government is interested, with which they were concerned while on duty in the service.

Mr. CORDON. I understand.

Mr. McCLELLAN. In other words, they could take no advantage of the fact that they had been in the service, or were still in the service, to engage in any activity in which the Government's interest was involved. I do not believe this language could be greatly improved upon. The purpose of it is to make an exception.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. MURDOCK. I always have a very profound respect for any opinion of the Senator from Oregon, but it seems to me that the exception here provided for has nothing whatever to do with any penalty clause now in existence. In other words, if a claim were prosecuted by someone on terminal leave, and came within this proviso, certainly the person prosecuting it would be subject to whatever penalty he would incur if the bill were not passed at all.

Mr. McCLELLAN. If the amendment were not agreed to at all. That is why I wanted to leave that way.

I appreciate the action of the Senator from Colorado in calling up the amendment. I happened to be absent from the Chamber at lunch, and am very grateful to him.

Mr. JOHNSON of Colorado. The committee has no objection to the amendment, and is glad to accept it.

Mr. McCLELLAN. I am very grateful to the Senator, and I hope the amendment will be agreed to.

Mr. THOMAS of Utah. Mr. President, before the Senator from Colorado accepts the amendment I am wondering if it would not be well to ask a question or two, so that we will be clear about the matter.

I am assuming that sections 109 and 113 are those sections of the criminal code which require that persons who have served the Government of the United States shall not leave the Government service and take part in suits against the United States.

Mr. McCLELLAN. That is a part of the provision, but is not all of it.

Mr. MURDOCK. Within a limited time.

Mr. THOMAS of Utah. Within a limited time of course. They are not barred forever, but they might be barred forever, if they acted in collusion in some way, and that does not happen very often in the Government service. When we remove the requirement from any person who has served in the armed forces, and permit any such person to prosecute cases, do we not make it so broad that probably the whole effect of the restraining influence of sections 109 and 113 is taken away from the persons on terminal leave? I am sure the Senator does not want it to go that far.

Mr. McCLELLAN. I see the point the Senator has raised. There may be some merit in the suggestion. Of course, it is not the purpose of the amendment to make it so broad. We are dealing with men in the military service, and of course I did not have in mind repealing the statutes, but only to make this exception.

Mr. THOMAS of Utah. The men referred to are lawyers.

Mr. McCLELLAN. And accountants.

Mr. THOMAS of Utah. If they have served in the Navy Department, under sections 109 and 113 they cannot immediately begin to bring suits in some action involving the Navy.

Mr. McCLELLAN. Not only that, but they cannot work on a Government account or anything else in which the Government has an interest. If a man is an accountant, he cannot work for a firm, cannot take a position and work on accounts in which the Government is interested, without violating these sections of the law.

Mr. THOMAS of Utah. No one wants those provisions of law to extend to the little fellows, such as accountants and the like, but surely we do not want to waive this requirement.

Mr. McCLELLAN. No; we do not.

Mr. THOMAS of Utah. For instance, a man, although in uniform, and therefore entitled to terminal leave, may have been responsible for millions of dollars of contracts, on which there might be some contract settlement, which might be the basis of a suit.

Mr. McCLELLAN. Under the proviso they cannot engage in such activity if they have had any connection with the matter in their Government service.

Mr. THOMAS of Utah. I am asking these questions because this amendment did not come before our committee.

Mr. McCLELLAN. I did not have the amendment ready when the bill was in the committee. I have had some complaints about this matter from men on terminal leave.

Mr. THOMAS of Utah. It has not had the scrutiny of as many persons as the bill itself has had.

Mr. McCLELLAN. The Senator can certainly take it to conference, and if any modification is actually needed, of course the conference can make it. I should appreciate their doing that.

Mr. THOMAS of Utah. I am not criticizing anyone. I am trying to make it clear to the Senate that in this proposed terminal leave legislation our committee has been as careful as any group of men in the history of the Congress could have been to see that no injustice should be done. The money involved is an immense sum, and it has had due consideration. Perhaps I am taking myself too seriously, but I feel personally responsible to see that no loopholes are afforded by amendments which might be offered from the floor, which might open up to a person who is not too scrupulous—we

will not call him unscrupulous, but to a person who is not too careful—opportunity to take advantage of the knowledge which he has gained while in the service to make himself valuable to a litigant after he leaves the service.

We know Mr. President, that after the last war persons who, for example, were engaged in contract adjustments for the Government, left the service and immediately became active in litigation against the Government, and in favor of the very persons whose contracts they were reviewing when they were in the Government service. Such a thing must not happen again.

Mr. MURDOCK. Mr. President, will the Senator yield to me?

Mr. McCLELLAN. I yield.

Mr. MURDOCK. I think the distinguished Senator from Utah has called to our attention a very important matter, especially in connection with the proviso. If I correctly understand the senior Senator from Utah he takes the position that if an Army or a Navy official who has been very intimately connected with some contract during the course of his service leaves the service and is on the terminal leave, he should not serve in connection with a suit involving the contract, notwithstanding the fact that he has no private financial interest whatever in the outcome of the suit, because the fact that he was intimately connected with the matter while he was in the service would place him in a position to take advantage of that connection while he was in the service of his country. The Senator wants to avoid such a contingency. It seems to me the proviso as now drawn fails to take care of that situation, and the exception limits it to the person being a party or having an interest in the matter.

In my opinion the proviso can very well be extended to prohibit persons from acting as attorneys or agents, and so forth, against the Government, if they were intimately and directly connected with the subject matter of the suit. If the amendment is taken to conference, Mr. President, I hope the suggestion of the senior Senator from Utah will be taken into consideration. I am in agreement with the position he takes.

Mr. McCLELLAN. As I have said, I have no objection to having the matter worked out if it is felt that the proviso is not adequate. We are not seeking to do anything here except to do justice, as I see it, so as not to leave certain individuals in the position where, by law, they would be somewhat penalized.

Mr. MURDOCK. I am sure the Senator's intention is just as he has stated it, but I believe that the point raised by the Senator from Utah is well taken and should be given most serious consideration.

Mr. McCLELLAN. I thought the proviso was adequate. I did not have the matter in mind in time to submit it to the committee. I conferred with the chairman of the committee about the amendment before I submitted it. I discussed the matter with him. I did not have an opportunity to discuss it with each member of the committee. I hope the amendment may be taken to conference and let the conferees and the able Senator from Utah study the proviso and make any corrections in it or modifications in it necessary fully to protect the Government's interests.

Mr. THOMAS of Utah. The Senator from Utah makes his point primarily on the theory of sections 109 and 113 of the Criminal Code, which are based on very homely notions.

Mr. McCLELLAN. They are based on very sound policy, which ought to be observed.

Mr. THOMAS of Utah. They are based on the very sound policy that a man cannot serve two masters. That is the basis of it.

Mr. McCLELLAN. That is correct.

Mr. THOMAS of Utah. And we do not want to invite anyone to get himself into such a position that discredit may be brought on what we are doing at this time.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield to me for one observation?

Mr. McCLELLAN. I yield.

Mr. JOHNSON of Colorado. In the closing hours of the session there is always the danger that we may not have a conference. The House may agree to the amendments and accept them. The House may insert the amendment which the Senator now proposes. So we want to be very careful that we are not accepting an amendment which needs further clarification or perfecting language. We want to be very certain that whatever we put in the bill is what we want to have in it, and in the way we want it.

Mr. McCLELLAN. I should like to have Senators point out to me the exact objection to the proviso, and wherein it fails to cover the situation. I think it does cover the situation. If it does not, I should like to modify it so as to protect the Government. I certainly do not want to open the doors to anything they should not be opened to.

Mr. JOHNSON of Colorado. We are going to have a quorum call in a few minutes, and then the Senator from Minnesota [Mr. BALL] will take probably 10 or 15 minutes on some amendments, and during that time the Senators can perhaps get together and see if they can agree on language which would accomplish what the Senator from Arkansas wants to accomplish. I hope, therefore, the amendment will not be agreed to at this time. I hope it can be passed over for the time being, and perhaps the language may be changed.

Mr. McCLELLAN. I will be very happy to have the amendment passed over for the present.

Mr. MEAD. Mr. President, will the Senator yield to me for a moment?

Mr. McCLELLAN. I am glad to yield.

Mr. MEAD. The able chairman of the Military Affairs Committee a few moments ago spoke of the thought and study that was given by the Military Affairs Committee, to the pending subject matter and to other matters related to military pay and personnel. I heartily concur in his observations. But it occurred to me that this was an injustice which was discovered after the war was over, when we found that terminal pay was being given to officers while no similar pay was given to enlisted personnel. Upon the discovery of that obvious injustice, the committee proceeded to provide correctional legislation, and that is the bill we have before us.

I was wondering if the committee, in view of the fact that this apparent injustice was the result of the many changes that had been made in military pay matters over a long period of years, was going to go into the matter again in the very near future to be sure that there were no further injustices which had to do with pay, with allowances, with expense money, or anything of that sort.

The reason I ask that question is this: We have discovered in the current hearings which are now being conducted by our committee that a number of men in high responsible military positions have left the service in the midst of the war or in the midst of the emergency and immediately found employment with the war contractors who were doing business with the particular branch of the service with which the officers were connected, and their civilian pay was usually 3 or 4 times as much as it was when they were in the military service. It occurs to me that in going over this matter legislation could be enacted which would prevent such practices, which would punish that sort of thing and make it impossible for men to profit as the result of an emergency. I am sure our committee will be very happy to turn over the testimony on that subject which is now being presented to us, to the end that it will be studied by the Military Affairs Committee, and such corrective legislation as the committee deems proper may be considered and reported to the Senate, I think the whole matter should be reviewed. I know that our committee does not have the power to do it, but we will make our report to the Senate and submit such information as we have to the Military Affairs Committee.

Mr. McCLELLAN. The Senator from New York is speaking of the special committee headed by him?

Mr. MEAD. I am speaking of the special committee and of its investigation into the affairs of men in the military service who have acted in violation, I believe, of the law, if not of the army regulations.

Mr. McCLELLAN. In violation of the basic law.

Mr. MEAD. Yes. A study should be made of their actions, and preventive legislation eliminating all possible loopholes should be enacted.

Mr. McCLELLAN. I think that is desirable, and I hope the Senator and his committee are successful in correcting the evils which exist. My proposal will not affect a large number of individuals. It affects those whose profession is the practice of the law, or men who are accountants, and certain others. They go on their terminal leave. They cannot take any business in which the Government has any interest or to which the Government is a party. They cannot work on any job, even in a clerical capacity, in which there is an interest on the part of the Government. It seems unfair to make them forego such employment, when they are given the op-

portunity, when they can take employment anywhere else in the world. My purpose is to relieve them from that handicap and restriction, but at the same time to provide that they cannot give to a private employer the benefit of anything with which they have had a direct connection during the time they were in the service. Of course, after their terminal leave expires, they can take such employment as we have discussed. The provision only helps some of the veterans who are in certain categories to get started, instead of having to sit around and wait 2 or 3 months, as the case may be.

Mr. MEAD. Of course, we must be reasonable in all matters, and I think that with the ample safeguards which the Senator has suggested, an amendment of that kind may be worked out.

Mr. McCLELLAN. Is the Senator from Minnesota ready to proceed with another amendment?

Mr. BALL. Yes.

Mr. McCLELLAN. If so, I withdraw my amendment temporarily in an effort to discuss the proviso with some Senators who have expressed an interest in it and who want to clarify the language, and then I will reoffer it when the Senator from Minnesota has concluded.

The PRESIDING OFFICER. Without objection, the amendment is temporarily withdrawn.

Mr. MURRAY. Mr. President, I should like to ask the distinguished Senator in charge of the bill a question.

Mr. JOHNSON of Colorado. I yield.

Mr. MURRAY. Do I correctly understand that the veterans' organizations, after a study of the bill and a full understanding of it, are supporting the bill, and the issuance of the bonds in the form in which they are proposed to be issued?

Mr. JOHNSON of Colorado. That is correct. They have studied that point specifically, and after studying it they have even stated that they believe that that is a great advantage to the veteran himself.

Mr. MURRAY. I suppose every Senator has received letters and telegrams from veterans. I have received a great many from veterans in my State urging that they be paid in cash, or that the bonds be negotiable. Does the Senator believe that if the veterans were well informed as to the economic factors involved, which have been discussed here today, they too would be likely to agree with the veterans' organizations, that the bonds should be issued in this form?

Mr. JOHNSON of Colorado. I think they would be overwhelmingly of that opinion. Of course there may be exceptions. Possibly some of the veterans will be dissatisfied. If one were to walk down Pennsylvania Avenue and hand out $5 bills to everyone he met on his way, some would be dissatisfied because they were not $10 bills. We have that sort of thing to contend with. But I believe that veterans would overwhelmingly approve the proposed policy if they understood the necessity for it.

Mr. MURRAY. I am sure that many of the veterans from whom I have received letters are intelligent and patriotic men. But not having attended the hearings or given careful study to the economic consequences of the issuance of bonds which would be negotiable in such tremendous amounts, it may be possible that if they had a correct understanding of the situation they would agree with the committee.

Mr. JOHNSON of Colorado. The Bureau of the Budget and the Treasury Department are bitterly opposed to making a cash payment. It does not seem to me that the Senate would be using very good judgment in going against the administration in this matter. What we want to get through is a bill which is satisfactory to everyone. The committee has framed a bill which is satisfactory to the departments, and I hope it may be enacted without any change in the manner of making payments.

Mr. MURRAY. I thank the Senator.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. LANGER. Was the American Legion or any other service organization consulted when the change was made from a cash payment to payment in bonds?

Mr. JOHNSON of Colorado. The veterans' organizations were all consulted. The American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans were consulted. I do not know whether the American Veterans were consulted or not, but all the organizations which were consulted agreed to the plan. They were entirely satisfied with it. In some instances they said that they thought it was much better for the veterans.

As a matter of fact, at the present time we are in an inflationary cycle. When these bonds are payable there may be goods on the shelves in which the veterans can invest their money. At the present time we are troubled by too much buying power and too few goods. In a few years, as these bonds become payable, perhaps the reverse will be the situation. Perhaps goods will be plentiful and buying power will be somewhat reduced. That is the reason, as I understand, why the veterans' organizations are supporting the present bond plan. The plan is necessary also for a very practical reason. As the Senator knows, even though the Congress may pass the bill, it will not become law until signed by the President. The President, the Bureau of the Budget, and the Treasury Department are all very much opposed to the bill as it came from the House, with the cash payment provision.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield,

Mr. MEAD. While I favor the cash payment plan rather than payment by bonds, I appreciate the fact that there is no better friend of the veteran and serviceman than the able Senator in charge of the bill. I am sure that everyone realizes that throughout the emergency he has advocated the rights of the veteran and the serviceman. We know that the Senator from Colorado is the staunch friend of the veteran. I appreciate the fact that the Senator has one desire, and that is to obtain the enactment of legislation. He realizes, as a result of his studies, that passage of the bill and approval by the President would be jeopardized if the bill provided for cash payment. In that connection, I am anxious to go along with the Senator. A great many servicemen in my State would like the cash. The distinguished Senator from Montana has explained that situation. Is it not true that collectively, so far as the organizations are concerned, the veterans favor the bond proposal contained in the pending measure?

Mr. JOHNSON of Colorado. That is correct.

Mr. MEAD. There may be some individuals who are in need of cash, and who are seeking to secure the cash payment rather than the payment provided for in the bill. However, through their organizations the veterans favor the more economic approach, which is the approach provided for in the bill. Considering the inflationary spiral that may be upon us, and considering the economic situation which confronts us, the veterans' organizations realize that collectively the veterans would be injured by a cash payment. I can sympathize with the individual who is short of funds, and who is unable to establish a home or a business. Therefore we can readily see the two different approaches—the approach of the organization which favors the proposal which is before us, and the approach of the individual who may be hard pressed for cash at this time.

As I previously stated, while I favor the cash payment, I realize that those who are concerned with the bill, including the able Senator from Colorado, have taken the question up with the various departments and agencies which are interested, and whose approval we require; and in the interest of having a bill enacted before the session adjourns, the Senator is proposing this method as the best—and only—possible chance of obtaining legislation now.

Mr. JOHNSON of Colorado. I appreciate the Senator's realistic approach to the problem which we are facing.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. MAYBANK. After the Senator and the committee had worked diligently, the Senator held another hearing with officials of the Navy Department, the Treasury Department, and other departments, to make certain that the best method was adopted; and it was decided that the bond method would be best. Is it not correct that after the bill was ready to be reported the committee held a hearing on Tuesday before last?

Mr. JOHNSON of Colorado. That is correct. After the hearings had been closed, the Navy Department stated that it had some further suggestions to make. We invited officials of the Navy Department to appear before the committee and make suggestions. Even yesterday the Navy Department submitted four amendments. I agreed to three of them. They were clarifying amendments. So we have worked very carefully with the executive departments. After all, this bill is so comprehensive and so tremendous in its effects that we must not

ignore the situation of the Departments and their interest in the matter.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. TUNNELL. I should like to ask the Senator as to the nature of the hearings which were held. Were they numerous or lengthy?

Mr. JOHNSON of Colorado. Many bills had been introduced. We held hearings, and everyone was invited to present whatever suggestions he had. For the most part those who attended the hearings were representatives of the departments and of the veterans' organizations.

Mr. TUNNELL. Was there any opposition to the general purpose? I can see that there might be differences of opinion as to whether payments should be in bonds or in cash; but was there any opposition to some sort of payment?

Mr. JOHNSON of Colorado. There was no opposition whatever. No one appeared in opposition to the measure.

Mr. TUNNELL. As I understand, this is a payment for time which belonged to the men.

Mr. JOHNSON of Colorado. That is correct. It is retroactive to September 8, 1939, and it is a payment to the men for vacations which they should have had, but which they did not have.

Mr. TUNNELL. If they had their vacations, they will not get the money. Is that true?

Mr. JOHNSON of Colorado. If they had their vacations they will not get the money. They must file applications and affidavits stating the amounts due them. Anyone can understand that with 11,000,000 applications it would be almost an endless task for the War and Navy Departments to determine the amount due each individual if it were necessary to go through the records in each case. The method of escaping that burden is to require an affidavit with the application. Of course, the applications can be checked if there is any reason for suspecting fraud. The departments will probably check a certain number of sample cases, so as to be sure that they are not being defrauded. That method will save a tremendous amount of money. Otherwise it would require an army to work out the details. Under the present terms of the bill it is estimated that 2,500 man-years will be required to carry out the purposes of the bill. Two thousand five hundred men working 1 year will be required to handle all the payments by the War and Navy Departments.

Mr. TUNNELL. The payment under the terms of the bill is not a bonus or a gift, but simply a payment for time which belonged to the men in the service.

Mr. JOHNSON of Colorado. That is correct. As I previously stated, officers and civil-service employees are paid for leave time. Only enlisted men are denied that privilege.

Mr. TUNNELL. According to the law as it now is, the officers have been permitted to receive pay for terminal leave, but the enlisted men have not. Is that correct?

Mr. JOHNSON of Colorado. The enlisted men were denied it, but the officers were granted it.

Mr. TUNNELL. Yes. I thank the Senator.

Mr. BALL obtained the floor.

Mr. TAFT. Mr. President, will the Senator yield to me, for the purpose of permitting me to suggest the absence of a quorum?

Mr. BALL. I yield.

Mr. TAFT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MAGNUSON in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hart	O'Daniel
Andrews	Hawkes	Overton
Ball	Hayden	Pepper
Barkley	Hill	Reed
Bilbo	Hoey	Revercomb
Brewster	Huffman	Robertson
Brooks	Johnson, Colo.	Russell
Buck	Johnston, S. C.	Shipstead
Burch	Kilgore	Smith
Bushfield	Knowland	Stanfill
Byrd	La Follette	Swift
Capehart	Langer	Taft
Capper	Lucas	Taylor
Carville	McCarran	Thomas, Okla.
Chavez	McClellan	Thomas, Utah
Connally	McKellar	Tobey
Cordon	McMahon	Tunnell
Donnell	Magnuson	Vandenberg
Downey	Maybank	Wagner
Eastland	Mead	Walsh
Ferguson	Millikin	Wherry
Fulbright	Mitchell	White
George	Moore	Wiley
Gerry	Morse	Willis
Green	Murdock	Wilson
Guffey	Murray	Young
Gurney	Myers	

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present.

Mr. BALL. Mr. President, I send to the desk an amendment, which I offer and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 18, between lines 7 and 8, it is proposed to insert a new subsection as follows:

(d) In the settlement and compensation for leave under this section, there shall be deducted from the amount found to be due the member of the armed forces or his survivors under section 5, the amount of any mustering-out payment which has been paid or is payable in the case of such member under the provisions of the Mustering-Out Payment Act of 1944, as amended.

Mr. BALL. Mr. President, before discussing the amendment, I should like to discuss the bill generally.

I am disturbed about several points in the bill, particularly the proposal that we make a change in the employment contract of the Federal Government with these enlisted men retroactive for 7 years. As I understand the situation, the Army and the Navy have kept no records of furloughs granted to enlisted men, so in the computation of this so-called terminal leave due to enlisted men, they will have to rely entirely upon the affidavits furnished by the men. The effect probably will be to allow 1 month for every year of service.

I wonder how many Senators could remember today how many weeks of vacation they took in 1939 or 1940 or 1941. It seems to me that it is obvious that these men will not be able to recall with any degree of accuracy how much furlough time they had, and the tendency will inevitably be for every man filing an application under this measure to claim the full month for every year he was in service.

But if this principle of making retroactive a change in the employment contract of the Federal Government is sound and just, then it seems to me that we made a terrible blunder a few weeks ago when we increased the pay of enlisted men about 20 percent. I cannot see much justice in paying the enlisted men 20 percent more for serving in the Army in peacetime than we paid enlisted men for fighting in the war. If this retroactive principle is sound as to terminal leave, why did not we make that change in the employment contract retroactive, so that the boys who actually fought the war would have received some advantage from the change?

Of course, we all recognize that in reality there are innumerable injustices in the armed forces in the course of fighting a war. They are inevitable. For instance, nearly all the boys who were drafted or who went into the service in the early days—1939, 1940, and 1941—had a chance to go to officers' training schools. Nearly all of them had an opportunity to take specialized training and receive ratings which would increase their base pay in some instances as much as 100 percent. On the other hand, those young men who became 18 years of age and were drafted in 1943 or 1944, when the need for replacements on the fighting fronts was desperate, received only a few weeks of training in the United States and then were shipped to the various fronts for replacements and many times the ranks of those replacements suffered tremendous casualties. Can we correct those injustices? Of course not. We cannot correct the injustice of assigning one soldier to a billet where he does not have to be under fire, and another one who, by chance, is selected for an infantry company which goes directly to the front line.

Mr. President, it seems to me that the principle of making a change retroactively in an employment contract can lead us into many difficulties. If, every time we find some small injustice in connection with the Federal service, we attempt to make a correction of it retroactively so that every person who has ever suffered under such injustice will receive consideration of some kind to compensate him, we will wind up in tremendous volumes of red tape, and the cost to the Government will be overwhelming.

Mr. President, I realize that many Senators, in considering this bill, have concentrated their entire attention on the fact that officers receive terminal leave while enlisted men do not. While mustering-out payments were provided for enlisted men, the Military Affairs

Committee unfortunately made the mistake of extending those mustering-out payments to lieutenants and captains. For that error of the committee, we are now called upon to appropriate $3,000,000,000 to be distributed among 11,000,000 men.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. THOMAS of Utah. I am wondering if the statement of the Senator is entirely correct. As I recall it, the mustering-out pay amendment, which extended payments to the junior officers, was the result of conference and not the result of committee action. I am pretty sure that that was the situation.

Mr. BALL. If the amendment was inserted on the floor of the Senate, the fault lies with the Senate rather than with the committee. However, the error took place, and, in the final analysis, it was committed by the Congress. It seems to me that it was an extremely expensive way of correcting an error of that nature.

Mr. President, I have been concerned with the pleas which have come to me for early passage of this bill. These appeals often partake of the current propaganda which has been circulated against officers in the Army and in the Navy. I refer to the so-called caste system. It seems to me that the retroactive feature of this bill, particularly, is a part and parcel of the current attempt to blow up out of all proportions the relatively minor abuses of officers' privileges in the armed services. It is part of a campaign to prove that all the officers in the Army and in the Navy were heels who had special privileges while all the enlisted men had hearts of gold and fought the war all by themselves. We all know that is not true, and we all recognize the distorted propaganda which has been circulated in an effort to overemphasize the situation about which there have been complaints.

Mr. President, this entire issue arises, as I have said, from the fact that lieutenants and captains—I have not been able to ascertain how many are concerned, but I do not believe that more than 300,000 or 500,000 are concerned—received mustering-out pay of from $100 to $300, as well as terminal leave. I think there has been too much concentration on that particular phase of the picture. There are other inequalities in connection with pay and allowances of officers and men, some of which are in the other direction. For example, enlisted men are furnished all their clothing and replacements. Lieutenants and captains receive a $250 initial allowance to be used in buying uniforms. In almost all cases the allowance is not sufficient, and those men are required to pay out of their own money for necessary replacements. Enlisted men are furnished all their food at the regular Army messes. Officers are granted 70 cents a day as subsistence allowance. From the best information I have been able to obtain, the mess bill of a lieutenant or a captain at a normal Army post ran about $1.30 to $1.50 a day, and the man's deficit at the end of each month was approximately $20 to $25. That is another differential between the officers and enlisted men which ran in the other direction. The discrimination in that case was against the officers.

In connection with dependency allowances, the discriminations were far greater. A lieutenant or captain who was married could obtain a dependency allowance of not to exceed 70 cents a day, or $21 a month, regardless of how many dependents he had. On the other hand, if married, the enlisted man was entitled to an allowance, in addition to his pay, of $28 a month for a wife, $30 a month for the first child, and $20 a month for each additional child. When an enlisted man had a wife and three children he was entitled, above his regular pay to an allowance of $98 a month. A lieutenant with three children was entitled to only $21 a month.

In connection with class B dependents, such as parents, brothers, and sisters, if the officer was married he was able to obtain no allowance. If he was not married and had a dependent mother, for example, the most he could obtain was $15 a month. The enlisted man, for class B dependents, could receive an allowance of $45 a month if the dependent was totally dependent, and if partially dependent, the enlisted man was allowed $32.50 a month. The enlisted man could obtain both class A and class B dependency allowances, whereas the officer could receive only one. If the officer received $15 for a dependent mother, he could not get $21 in the event that he was a married man.

Mr. President, what I have stated represents a pretty strong discrimination in pay scales and allowances in favor of enlisted men. When we are talking about justice between enlisted men and officers, I think we should recognize the fact that there are clearly two sides to the story. As a matter of fact, I have been told many times by both officers and enlisted men that some of the petty officers in the enlisted ranks would not even consider making application for admission to officers' training schools, because they could not afford to be officers. They had families, and the pay and allowances of second lieutenants did not permit the enlisted men, if they became such, to receive as much for the support of their families as they received for being top-grade enlisted men.

Finally, Mr. President, is there any need at this time for passing out to 11,000,000 men some $3,000,000,000 in Federal checks? Only recently the Senate completed action on the third deficiency appropriation bill in which there was a deficiency appropriation for the 1947 fiscal year for veterans of nearly $2,000,000,000 on top of a previous appropriation of approximately $1,000,000,000 for the purpose of paying for benefits available to all veterans under the GI bill of rights. A few minutes ago the Senator from Louisiana [Mr. OVERTON] inserted in the RECORD a three-page list, compiled by the Legislative Reference Service of the Congressional Library, of the various benefits to which veterans are entitled under acts of Congress. Among those benefits is $20 a week which any unemployed veteran is entitled to receive for 52 weeks. That amounts to $1,040 which is available to any veteran in need, as compared with approximately the $240 check or bond which it is proposed to give under the pending bill. Those who take advantage of the educational and training features of the GI bill of rights receive $65 a month subsistence if single, and $90 a month if married.

I think, incidentally, that is the one benefit to veterans which is going to pay the biggest dividends to the country. They can also, of course, borrow, with a Government guarantee of half the loan up to $2,000 with which to buy a home or business or a farm.

There is no need for the concealed bonus in this bill today. Any veteran who wants it can get a job today. These checks will go mainly to able-bodied young men who are in the age bracket from 20 to 30 years. If there is any group in our whole population who should be able, in the full employment economy of today, to stand on their own feet and make their own way, without hand-outs from the Government, it is that group.

Mr. President, I should like to read the last paragraph of a letter from Paul Appleby, Acting Director of the Budget, with regard to the bill. The letter appears in the committee report, and after discussing amendments which are incorporated in the pending bill, reads as follows:

> I have discussed with the President the provisions of H. R. 4051 and the amendatory provisions thereof as projected in the committee print of the bill.

I call attention to this:

> While such provisions would not be considered as being in accord with the program of the President, he would find acceptable a measure along the lines of the draft attached hereto.

It is not in accord with his program, but he will find it acceptable in an election year to pass out $3,000,000,000 to 11,000,000 men and women, most of them voters. That is the most honest and courageous example of double talk I have noted around here in quite a while.

Mr. President, I have read many hundreds of letters and telegrams I have received in regard to the bill. The American Legion, the Veterans of Foreign Wars, and all the other veterans' organizations are putting on a great drive to get it passed. I have received more than my share, I suppose, because a few days ago, on the call of the Consent Calendar, I objected to the passage of the bill now pending by unanimous consent under the rule permitting only 5-minute speeches. We have already discussed it 3 hours today. I had a call from the legislative representative of one of the veterans' organizations, who protested very vigorously because I had not let the bill go through on a call of the Consent Calendar.

Mr. President, not all but many of the letters from veterans' organizations, unfortunately, and various posts, as well as letters from individuals, contain threats

of political reprisals if I do not support the legislation. In other words, they say, "If you want my vote in the next election, you had better vote for this bill."

I do not blame the individuals who sign those letters or telegrams. I do not blame the American Legion, the Veterans of Foreign Wars, or individual posts which adopt resolutions endorsing the legislation, because it is perfectly obvious they have heard only one side of the story. They have swallowed the allegations of rank discrimination between officers and men. They have not heard it all. They think an injustice has been done, and that it should be corrected.

I am sorry that apparently in so many of the posts there is no veteran who knows the facts and has courage enough to get up and tell them in meeting. Obviously it is because the boys who want the checks would be a little hostile to that kind of procedure.

Mr. CORDON. Mr. President, will the Senator yield for a question?

Mr. BALL. I yield.

Mr. CORDON. The Senator read the last paragraph of the Appleby letter found on page 3 of the committee report. I call the Senator's attention to the last sentence, which reads as follows:

> While such provisions—

Referring to the provision in a proposed bill—

> While such provisions would not be considered as being in accord with the program of the President, he would find acceptable a measure along the lines of the draft attached hereto.

Is the Senator familiar with the terms of the draft which was attached to the letter?

Mr. BALL. I assume it is the bill now pending.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. JOHNSON of Colorado. The Senator is correct in his assumption. The bill now before the Senate is the draft which was referred to by Mr. Appleby.

Mr. CORDON. Will the Senator further yield?

Mr. BALL. I yield.

Mr. CORDON. Am I to understand, then, that the provisions which were sent to the President were provisions for cash payments?

Mr. JOHNSON of Colorado. The bill as it came from the House provided for cash payments. The Treasury Department and the Budget recommend bond payments, and that is the matter to which Mr. Appleby referred.

Mr. CORDON. I thank the Senator.

Mr. BALL. Mr. President, the point to which I referred in reading the letter was that the statement is made that while the bill is not in accord with the program of the President, nevertheless he finds it acceptable.

I think it is perfectly clear, at least it seems so to me, that this is not an attempt to correct a serious injustice, but rather a little bonus to be paid out to 11,000,000 men in an election year.

I intend to vote against the bill. I fear for the future of this country if these great veterans' organizations, with their millions and millions of members, start out again on a program, not to develop a sound economy in this country, a government that is operated on a balanced budget, so that he will not head straight for bankruptcy, but purely and simply on a "gimme" basis, out to get everything they can bludgeon the Congress into giving for veterans.

Mr. President, if that is the direction down which these great and powerful veterans' organizations are going to travel and take their millions of members in the next few years, then God help these United States of America. In my opinion we will not long preserve the kind of a country and system for which these boys fought, and we will do them a greater disservice than any favor we could do them through the enactment of such a bill.

Mr. President, the amendment I have offered is very simple. It provides for the deduction from this terminal leave pay, as computed, of mustering-out payments made to these individuals.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. KILGORE. Is there any way of going back and ascertaining the terminal leave pay that has been paid to officers who have been discharged?

Mr. BALL. I do not think there is any practical way.

Mr. KILGORE. That has gone on for some time. I wondered if any provision had been made to treat all the discharged men alike, regardless of grade.

Mr. BALL. Perhaps the Senator would like to go back to the First World War and the Spanish-American War. The same system prevailed then, I understand.

Mr. KILGORE. I beg the Senator's pardon. I happen to have served in the First World War, and I did not receive any terminal leave, as I well remember.

Mr. BALL. The acts which are repealed in the pending bill date back before the First World War.

I realize the difficulty arises because three grades of officers, lieutenants and captains, as well as enlisted men, receive this mustering out payment. Of course, the fact is that the great majority of the lieutenants and captains started out as enlisted men, and, as I understand, under the bill, they would be entitled to terminal leave for the months or years when they were enlisted men. Is that correct?

Mr. JOHNSON of Colorado. That is correct; but in no case a total of more than 120 days.

Mr. BALL. That is correct. So that if they had received 30 or 60 days of terminal leave as officers, and can go back and show 2 years of service as enlisted men, they would be entitled to a lump sum of 60 days' terminal leave. Is that correct?

Mr. JOHNSON of Colorado. They would be entitled to the amount they did not get.

Mr. BALL. In my opinion, that would cover the great bulk of the lieutenants and captains, most of whom came up through the ranks. If we deduct the mustering-out payments from this computed terminal leave, that in large part corrects the injustice. It would not correct it completely, but I do not think there is any possibility of ever eliminating completely these minor injustices. I see no reason for a $3,000,000,000 raid on the Treasury merely because a few hundred thousand lieutenants and captains, most of whom came up through the ranks themselves, received terminal leave payments as well as mustering-out payments, while the enlisted men got only the mustering-out payments.

Mr. REVERCOMB. Mr. President, will the Senator from Minnesota yield?

Mr. BALL. I yield.

Mr. REVERCOMB. Since the able Senator has raised this question, of course he realizes that even today the lieutenants and the captains receive their mustering-out pay, plus this terminal leave. The bill does not create a situation in which they would get any more.

I may say to the Senator that the very point he raises was discussed in the committee. He has spoken about the credit that might be received for mustering-out pay. But, as has been brought out in the discussion, many thousands upon thousands of the veterans have received both the mustering-out pay and the terminal leave. I further point out to the able Senator that when the original mustering-out bill came from the Committee on Military Affairs to the floor of the Senate, it applied only to the enlisted man, but an amendment was inserted on the floor which included the first three grades following, with the result that perhaps those officers received both terminal-leave and mustering-out pay. We cannot go back and collect from them a credit for mustering-out pay. So the bill is reported on what seems to me the only fair basis—it is costly; I realize that—but it is reported on the only fair basis on which it could be framed, and that is that the men in the ranks should receive their terminal pay.

Mr. BALL. Mr. President, let me ask the Senator this question. On that basis would he be in favor of going back and granting to officers the same allowances for dependents which were granted to enlisted men? The enlisted man received much higher and more liberal allowances for dependents than did officers.

Mr. REVERCOMB. I have not given study to that subject. It has not been raised in committee. I certainly would be willing to study it. I was trying to make plain to the Senate that unless we take a position of this kind we shall have made a discrimination which we cannot avoid correcting, and we do not want to avoid correcting it.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. JOHNSON of Colorado. I do not think it is quite fair to make the point that all the men in the three lower officer grades came up from the enlisted ranks with any long service in the enlisted ranks. Many of the younger officers did come up from the rank of private, but they served only a very few months as privates. Most of them came from the ROTC, from West Point, from Annapolis, and from the other schools. Very few of them came up to the commissioned ranks after long service in the enlisted grades. Very few men had long service in the grades of noncommissioned officers and then became commissioned officers.

Mr. BALL. I think it is probably true that very few of them served more than a year or year and a half, on the average, in the ranks before being commissioned, most of them, I believe, coming through OCS. I do know, myself, however, of individuals who served as much as 3 years in the ranks before they were commissioned.

Mr. MAYBANK. Mr. President, will the Senator yield for an observation?

Mr. BALL. Yes.

Mr. MAYBANK. My observation is made in connection with what was brought out by the Senator from Colorado earlier in the debate, that there seemed to exist in the minds of some Senators the belief that paying enlisted men in bonds, whereas officers have been paid in cash, involved discrimination. I must agree with the Senator from Minnesota and say that most of the officers who received the mustering-out pay certainly came up from the ranks. Many of them were in the ranks a very long time.

What I wanted to bring out was that most of the officers are going to be paid in bonds because their terminal leave as enlisted men in many instances will be far greater than it was as officers, for which they were paid in cash. The point has been made that all the officers are going to be paid in cash and the enlisted men in bonds. As a matter of fact most of the officers' payments will probably be in bonds, because in the case of officers the mustering-out pay was limited to captains, lieutenants, and second lieutenants, and certainly 90 percent of them came up from the ranks. Large numbers of them served for a long, long time in the ranks, and will receive credit for 2 or 3 years' service in computing terminal pay in the form of bonds for the time they served as enlisted men, although they are now officers. I am heartily in favor of the legislation. The argument that officers are being paid in cash and the enlisted men in bonds has no force at all, because I believe it will be found that most of the payments will be made in bonds, by reason of the fact that the officers involved were enlisted men for long periods of time.

Mr. BALL. I thank the Senator. I think he has made a good argument for the pending amendment, which would deduct mustering-out payments from the terminal leave provided under this bill. If 90 percent of the officers who receive both mustering-out pay and terminal leave will be entitled to benefits under this bill, then we will correct, through my amendment 90 percent of the so-called injustice which this bill supposedly is aimed at, and we will do it at about one-tenth of the cost to the Federal Government.

Mr. MAYBANK. I merely wish to add that I am opposed to the Senator's amendment for the reason previously stated, that is, that the committee tried in every way possible for a period of more than a month to draft a bill which would do justice to those who have already been paid, and we were unable to do it.

Mr. TAFT. Mr. President, I am opposed to this bill because I feel it is an utterly unjustifiable expenditure of a huge sum of money. Congress passed the GI bill of rights. We knew when we did that that enlisted men did not get terminal leave. For that reason we gave them $300 mustering-out pay. At that time it was not contemplated they were going to get terminal leave. We then knew that they did not get it.

Mr. JOHNSON of Colorado. But we did pay mustering-out pay and terminal leave also to certain officers.

Mr. TAFT. I am coming to that. But I say, as to the enlisted men we knew that when we passed the GI bill of rights. I am in favor of a very liberal treatment of veterans. The GI bill of rights treated the veterans liberally in a constructive way. The various provisions of that bill, it seems to me, provided a program on which we could stand. It was a generous program, and from time to time it can and should be improved to make it better and more fitting for the needs of the veteran.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield further?

Mr. TAFT. I yield.

Mr. JOHNSON of Colorado. The GI bill of rights makes no distinction between officers and enlisted personnel.

Mr. TAFT. Now it is said that because by mistake—and so far as I am concerned it certainly was a mistake to give mustering-out pay to lieutenants and captains who also happened to have terminal leave pay—because by mistake 500,000 men perhaps received something more than they were entitled to, now we must give it to 11,000,000 men at a cost of $3,000,000,000. That seems to me to be an utterly fantastic and illogical argument.

The Senator from Minnesota [Mr. BALL] has pointed out that there were many other inequalities. The officers receive less allowance for food and less allowance for clothing and less allowance for dependents than does the enlisted man. That cannot be equalized. Because we perhaps made a mistake and were too generous with captains and lieutenants, five hundred thousand of them, it is now contended we must extend that to 11,000,000 men. I think it is an utterly fantastic and illogical and unjustifiable argument.

Mr. President, we have come to the time when we cannot spend Federal money in the way it is proposed to spend it. I pointed out the other day that for the next year apparently there will be a deficit of from ten to twelve billion dollars. It does not make it better to pay the amount of money involved in this bill in bonds. Those who receive them are a little less likely to spend them than if they receive the money in cash, but, if they need the money, friends will loan them money on their bonds, or banks will loan them money on their bonds. The provision for bonds simply covers up the fact that we are paying out $3,000,000,000, and paying it out at a time when we have more purchasing power than we need, when there is no necessity on the part of the men who are receiving the payments, no justification to take care of them in hard times, because we have been very generous with them both in unemployment compensation, and fortunately the economic condition of the country had been such as to provide jobs for the men who want them. So it seems to me that we have no justification for this proposal.

I have here a schedule by months of the expenditures of government, which is very interesting because it shows the direction in which we are going. We were spending at the height of the war about $10,000,000,000 a month. By VJ-day we had gotten down to $6,500,000,000 a month. Then it came down until February of this year it reached $3,500,000,000. That is the lowest point in Federal expenditure in any month since that time. From that time on expenditures went upward. In March the Federal expenditures were in excess of $4,500,000,000; in April more than $4,250,000,000; in May $3,500,000,000; in June $5,500,000,000.

Mr. President, all this talk about economy does not mean anything if we are willing to pass bills which provide for the expenditure of vast sums, of billions of dollars of money. We have done it in other respects, I agree. I voted against the Bretton Woods agreement and the British loan, which cost about $10,000,000,000. I think we have succeeded in reducing subsidies from $2,000,000,000 to $1,000,000,000, and perhaps a little more. But unless we deal with the large sums the small amounts we argue about in the appropriation bills for the departments mean nothing. Certainly we have reached a time when we must regard expenditures of the Federal Government in large sums with great care and with great criticism.

I recognize the argument that a mistake was made in connection with mustering-out pay, and so forth, but it seems to be a superficial argument, and I do not think that at the present time there is any justification for trying to correct a mistake which we made. Maybe a few officers did receive a little more than they were entitled to. Perhaps some of the men who will receive this terminal pay will receive a little less. There will be inequalities. All inequalities cannot be corrected. Some men suffered injuries for which they cannot be compensated. War is a great leveler. Equality cannot be achieved between men and men, between officers and men, or between different officers. I believe the program which we adopted of $300 mustering-out pay was fair. When we did it we did not contemplate that we would go back and

pay what amounts to another mustering-out pay, because that, in effect, is what it is, amounting to approximately the same as the mustering-out pay provided in the GI bill of rights.

Mr. President, I do not like to vote against the bill, but in case there is not a yea-and-nay vote I should like to be recorded as opposed to it.

Mr. KNOWLAND. Mr. President, I think the members of the Committee on Military Affairs are to be commended for writing a fair and reasonable bill in relation to terminal-leave pay, and I wish particularly to commend the able Senator from Colorado, who is in charge of the bill.

I served for 3 years in the Army, a part of the time as an enlisted man and a part of the time as an officer. Frankly, I could not see then, and I cannot see now, any equity in providing payment for terminal leave in the case of an officer and not providing the same terminal-leave pay for enlisted personnel.

Some statements have been made to the effect that perhaps this is a raid on the Treasury of the United States. I do not think that is so. At one time there were 15,000,000 men in the armed services of the United States. Some served in this country and some served overseas. Some have returned and some have not. Some have come back in such condition that they can once more take their places in the lives of their communities; and some have come back in such condition that they cannot take their old places in the lives and activities of their communities.

Mr. President, we took those men away from their families, their businesses, and their jobs. We put them into the Army of the United States and told them that they would be compensated to a certain extent. For the most part that compensation was far below the compensation paid those who did war work and engaged in other forms of activity in the United States during that period.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. MAYBANK. The Senator might add that their compensation was far below the present compensation of members of the armed forces.

Mr. KNOWLAND. The Senator is absolutely correct.

Mr. President, we are not giving something to these men. We are compensating them for time which they spent in the Army of the United States, working for the Government of the United States. During that period of time, under Army regulations and under the laws of the country, they were entitled to have a certain furlough period, in the case of enlisted men, or a leave period in the case of officers. Because of the very serious situation with which our armies as a whole and the various components of the armies were confronted overseas, in innumerable cases it was not possible for the commanders to let their men take the furlough time to which they were entitled. Therefore they were, in effect, donating the time which they were entitled to have as leave or furlough time, and for which they were entitled to be paid. It seems to me, Mr. President, that we are merely carrying out an equitable principle. If an officer is entitled to be paid for the time which he did not take, but to which he was entitled, then as a matter of principle an enlisted man is entitled to the same treatment. There is no doubt whatsoever in my mind on this question.

The point has been raised that this measure may add to the inflationary situation facing the country. I believe that the committee has framed a reasonable amendment, providing for payment in bonds which will be cashable over a period of years. But it seems to me that it would be a gross inequality today for the Senate not to pass this amended bill, as proposed by the Committee on Military Affairs.

Mr. JOHNSON of Colorado. Mr. President, I most earnestly hope that the pending amendment will not be approved by the Senate. I do not wish to take much time to reply to the arguments made by the Senator from Minnesota [Mr. BALL] and the Senator from Ohio [Mr. TAFT]. I wish to read into the RECORD, however, a complete reply to their arguments from two former sergeants. This is in the form of a memorandum addressed to me:

Memorandum to: Senator EDWIN C. JOHNSON.
Subject: Terminal leave for enlisted men.

1. On return to the States for discharge, it appeared as though the end of unpleasant experiences of partiality and privilege for officers had come. Apparently the country felt as well disposed toward the enlisted men who had served as toward the officer and that there would be no prerogatives for the officer group.

2. However, at our separation center we discovered there was a distinction. The golden eagle worn on the lapel of an ex-officer implies he is receiving money for the furloughs he has not had whereas that same eagle worn on the lapel of an ex-enlisted man means he is not receiving money for the furlough time the service owes him. Terminal leave, or payment for unobtained furloughs, is due only ex-officers under present arrangements.

3. All veterans are entitled to equal benefits from the GI bill of rights; we all wear the same discharge button. Why, then, are not enlisted men also entitled to accrued leave with the pay of their discharge rank? Why doesn't our Nation realize that ex-enlisted men need and are entitled to the financial compensation as much as ex-officers; that we demand an equal policy in all veterans' legislation, and that we want veteran discrimination erased?

Ex-Sgt. CLYDE WENDELKEN, Jr.
Ex-Sgt. CHARLES N. HILL.

Mr. President, this seems to me to be a complete reply to the arguments to which the Senate has just listened. I have received hundreds of letters on the same subject. I shall not burden the RECORD with them.

Mr. GEORGE. Mr. President, I am not speaking directly to the pending amendment. However, I wish to bring to the attention of the Senate facts which I think ought to be in the RECORD and in the minds of Senators.

Earlier in the day the senior Senator from Louisiana [Mr. OVERTON] placed in the RECORD a summary of major benefits extended to veterans of World War II by Federal legislation. That was a list of legislative enactments for the benefit of veterans of World War II. The statement does not indicate the amount of money expended for the veterans.

At this time I wish to read into the RECORD a list of laws enacted by the Seventy-ninth Congress only, for the veterans of World War II.

The act of April 27, 1945, amended the Code of Laws of the District of Columbia by adding new sections and providing for the recording of veterans' discharge certificates without payment of fees.

The act of May 4, 1945, amended section 2 of Public 140, Seventy-seventh Congress, making benefits apply to former enlisted men of the Regular Army and Philippine Scouts who have served 20 years or more and who were honorably discharged with a disability incurred in line of duty.

Under the act of May 9, 1945, we extended the date of the Selective Training and Service Act of 1940, and provided that inductees under 19 years of age be given 6 months' training for combat.

Under the act of June 1, 1945, Congress provided for enlistments in the Regular Army during the period of the war.

Under the act of June 23, 1945, the Congress amended Public 849 of the Seventy-sixth Congress by adding a new title to provide housing of temporary nature to distressed families of servicemen and veterans with families.

By the act of June 30, 1945, the Congress amended the Federal Farm Loan Act, the Emergency Farm Mortgage Act of 1933, the Federal Farm Mortgage Corporation Act, and the Servicemen's Readjustment Act of 1944, all of which amendments created additional benefits for veterans.

Also by the act of June 30, 1945, Congress enacted the Federal Employees Pay Act of 1945. Section 608 of that act carries exemptions for purposes of veterans' laws and regulations on income restrictions.

By the act of July 2, 1945, the Congress amended the National Life Insurance Act to extend 5-year level-premium term policies for an additional 3 years.

By the act of July 6, 1945, the Congress provided for a medal for services in the armed forces of the United States or of the Government of the Philippine Islands, beginning December 7, 1941.

By the act of July 6, 1945, the Congress amended section 100 of Public 346 of the Seventy-eighth Congress to grant certain priorities to the Veterans' Administration for the benefit of veterans.

By the act of September 20, 1945, Congress amended Veterans' Regulation 1 (a) parts I and II, as amended, to provide additional rates of compensation or pension and render inequalities as to specific service-incurred disability in excess of total disability.

Mr. President, in addition to the laws I have already enumerated, the Seventy-ninth Congress has enacted the following laws in aid of veterans:

Public Law	Subject	Approved
190	Armed Forces Voluntary Recruitment Act of 1945	Oct. 6, 1945
216	Amends Civil Service Retirement Act of 1930, as amended, to protect retirement rights of persons who leave service to enter armed forces of United States	Nov. 9, 1945
226	Provides that members or former members of armed forces who reenter civilian employment while on terminal leave, shall be paid for accumulated or accrued leave (officers)	Nov. 21, 1945
228	Provides for appointment of midshipmen and cadets of U. S. Military and Naval Academies, from among sons of persons awarded Congressional Medal of Honor	Nov. 24, 1945
229	Amends act of June 8, 1926, as amended, increasing cadet and midshipmen appointments to 40 from United States at large, selectees to be sons of certain veterans who died in line of duty or from service-connected causes	Do.
230	Amends Pay Readjustment Act of 1942 to include "stepparents" under classes for benefits under sec. 4	Do.
241	Provides that veterans may obtain copies of public records in District of Columbia without payment of fees, for use in presenting claims to Veterans' Administration	Dec. 3, 1945
244	Adjusts pay and allowances of members of the Navy Nurse Corps	Do.
247	Grants travel pay and other allowances to certain soldiers of the War with Spain and the Philippine Insurrection who were discharged in the Philippine Islands	Dec. 5, 1945
265	Amends sec. 5, Civil Service Retirement Act, May 29, 1930, to provide that leaves of absence for active military or naval service shall be included in computing length of service	Dec. 21, 1945
268	Amends titles I, II, III, and IV of Servicemen's Readjustment Act of 1944, liberalizing the provisions thereof	Dec. 28, 1945
271	Expedites admission to the United States of alien spouses and alien minor children of citizen members of the United States armed forces	Do.
288	Provides for transfer of appropriation for continuing the Navy's V-12 program to the end of June 1946	Do.
292	Amends Public, 849, 76th Cong., to authorize additional appropriation to provide housing for distressed families of servicemen, veterans, and their families ($160,000,000)	Dec. 31, 1945
293	Establishes a Department of Medicine and Surgery in the Veterans' Administration	Jan. 3, 1946
295	Amends sec. 2 (b), Public, 880, 76th Cong., to count military services of legislative branch employees as continuous	Feb. 12, 1946
298	Amends Public, 490, 77th Cong. (and other acts) providing for payment on a commuted basis of costs of transportation of dependents of certain persons entitled to such	Do.
301	First Supplemental Surplus Appropriation Rescission Act, 1946. Contains appropriation for the Army of the Philippines, for national service life insurance and pension	Feb. 18, 1946
306	Permits settlement of accounts of deceased officers and enlisted men of Army, Navy, Marine Corps, and Coast Guard; and of deceased commissioned officers of Public Health Service without administration of estates	Feb. 26, 1946
318	Amends sec. 9, Boulder Canyon Project Act, 1928, to include members of armed forces during World War I and II, Spanish War, and Philippine Insurrection, in preference rights to land and employment	Mar. 6, 1946
336	Amends Public, 849, 76th Cong., as amended by Public, 292, 79th Cong., to authorize appropriation for additional temporary housing units for distressed families of servicemen and for veterans and their families ($410,000,000 in lieu of $160,000,000)	Mar. 28, 1946
341	Makes additional appropriation of $253,727,000 for veterans' housing and related expenses, under title V, Public, 849, 76th Cong., as amended by Public, 87, 79th Cong., subject to provisions of Public, 336, 79th Cong	Apr. 12, 1946
348	To facilitate voting by members of the armed forces and certain others absent from the place of their residence, and to amend Public, 712, 77th Cong., as amended by Public, 277, 78th Cong	Apr. 19, 1946
365	Amends par. 8 of pt. VII, Veterans Regulation 1 (a), as amended (Public, 16, 78th Cong.), to authorize, in lieu of $500,000 now authorized, an appropriation of $1,500,000 as a revolving fund for advancements to persons undertaking courses of vocational rehabilitation	Apr. 24, 1946
368	Provides payment of travel allowance and transportation and transportation of dependents and shipment of household effects, of members of naval forces who are separated from active service under conditions other than honorable	Apr. 27, 1946
372	District of Columbia Servicemen's Readjustment Enabling Act of 1945. Removes disability of minority in District of Columbia in connection with loans under Public, 346, 78th Cong., and makes other provisions with respect to loans to effectuate the purposes of that act	May 1, 1946
375	Amends certain sections of Public, 457, 78th Cong., giving veterans priority in acquiring surplus property, except transfers to Government agencies	May 3, 1946
376	Amends Public, 373, 77th Cong., as amended by Public, 699, 77th Cong., and Public, 145, 78th Cong., "An act to authorize black-outs in the District of Columbia"; to authorize Commissioners of District to provide services to veterans and war workers	May 9, 1946
379	Extends the Selective Training and Service Act, 1940, as amended, until July 1, 1946	May 14, 1946
383	Provides for the evacuation and return of the remains of certain persons who died and are buried outside the continental limits of the United States	May 16, 1946
385	Authorizes the Commissioners of the District of Columbia to provide necessary utilities for veterans' housing furnished and erected by the National Housing Administrator	May 18, 1946
388	To expedite the availability of housing and production and allocation of materials for housing purposes for veterans of World War II and by curbing excessive pricing of new housing. Veterans' Emergency Housing Act of 1946	May 22, 1946
405	Authorizes payment of additional uniform gratuity to Reserve officers commissioned from the status of aviation cadets	June 11, 1946
424	Amends sec. 100 of Servicemen's Readjustment Act of 1944 to authorize Administrator of Veterans' Affairs to enter into leases or renewals of leases of property for periods not exceeding 5 years	June 22, 1946
425	Removes existing limitation on number of associate members of the Board of Veterans' Appeals in the Veterans' Administration	Do.
440	Amends sec. 1, Public, 434, 78th Cong., to provide that World War II veterans shall not be disqualified from making homestead entries or from other benefits of the act by reason of not having reached the age of 21 years	June 25, 1946
444	Modifies the time limitations governing the award of certain military and naval decorations for acts performed during World War II	June 26, 1946
454	"Republic of the Philippines Military Assistance Act." Provides military assistance to the Republic of the Philippines in establishing and maintaining national security and to form a basis for participation by that Government in such defensive military operations as the future may require	Do.
458	Governs the effective dates of ratings and awards under the Veterans' Administration revised schedule for rating disabilities, 1945	June 27, 1946
471	Makes provision for facilitating the admission into the United States of the alien fiancées or fiancés of members of the armed forces of the United States	June 29, 1946
473	Reenacts all provisions of the Selective Training and Service Act of 1940, as amended, except certain provisions which are amended or repealed	Do.
474	Amends the Pay Readjustment Act of 1942, as amended, so as to provide an increase in pay for personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service	Do.
494	Provides that under laws administered by the Veterans' Administration monetary benefits, other than retirement pay, for service-connected disability or death shall be designated "compensation," and not "pension"	July 9, 1946
499	Authorizes the Administrator of Veterans' Affairs to furnish upon a reimbursement basis certain benefits, services, and supplies to discharged members of the military or naval forces of any nation allied or associated with the United States in World War II in consideration of reciprocal services extended to the United States	July 11, 1946

Mr. President, let us look at some of the benefits which have actually been paid to the veterans under some of the laws to which I have made reference. The amounts to which I now refer were payments actually made up to July 1, 1946, as pensions for World War II veterans:

Under Public Law 2, Seventy-third Congress, March 20, 1933, which is an amendment of an old act of Congress applicable to World War I veterans—Veterans Regulation 1 (a), of June 6, 1933, as amended by Public Law 144, Seventy-eighth Congress, of July 13, 1943, and by Public Law 313, Seventy-eighth Congress, of May 27, 1944, the amount paid out up to July 1, 1946, under these acts, as amended, was $897,869,000.

Under the Servicemen's Readjustment Act of 1944, Public Law 346, Seventy-eighth Congress, June 22, 1944, as amended by Public Law 268 of the Seventy-ninth Congress, the amounts actually paid out to July 1, 1946, are as

follows: Educational benefits, $410,000,000; readjustment allowances, $1,105,000,000; loan guaranties, $6,746,000.

Vocational rehabilitation under Public Law 16 of the Seventy-eighth Congress, act of March 24, 1943: amount of costs to July 1, 1946, $120,000,000.

National Service Life Insurance Act of 1940, as amended, $2,634,487,000.

Hospitalization under Veterans Regulation 6 (a) as amended, $135,000,000.

The total cost to July 1, 1946, was $5,309,102,000.

What I read are the amounts paid out by the Veterans' Administration. Mr. President, let us look at benefits not administered by the Veterans' Administration:

Housing for veterans, to which I have already referred in Public Law 336, $410,000,000.

Public Law 341, Seventy-ninth Congress, $253,727,000.

To this should be added, perhaps, a $160,000,000 additional appropriation, under the Lanham Act, but I am not quite sure what that appropriation would absorb in the larger appropriation of $410,000,000, and I am therefore not including it. But the total benefits not administered by the Veterans' Administration, but for veterans nevertheless, amounted to $663,727,000 up to July 1, 1946.

Mr. President, benefits administered by the Army are as follows:

Payment of 6 months' death gratuity, which I regret to say I am not able to supply, but is, of course, quite an item.

Mustering Out Payment Act of February 3, 1944, $2,368,691,405. No figures are available, to me at least, from the Navy, Marine Corps, or Coast Guard. That is to say, I have no information with regard to expenditures made on this account by any one of those services.

Let us look briefly at the benefits proposed by pending legislation. By the term "pending legislation," Mr. President, I mean legislation which has been passed by one House or the other of the Congress, or has actually gone to the White House, as I believe is the case in one or two instances.

Under House bill 6811 of the Seventy-ninth Congress, increased payments during hospitalization of veterans, $13,148,000; 20 percent increase in pensions and compensation, $285,450,000, or a total under this bill of $298,598,000. That is also an annual expenditure. In other words, the obligation of the Government is not discharged in 1 year, but the payments continue from year to year, although perhaps in varying amounts.

House bill 6371, Seventy-ninth Congress, increased benefits under national service life insurance, $1,600,000,000.

Under a bill which has not yet been passed by either House, but is on the Speaker's desk awaiting the signature of a sufficient number of petitioners to discharge the committee, House bill 6304, Seventy-ninth Congress, provides for automobiles for veterans who have lost their limbs or have sustained a loss in the use of their limbs, $30,000,000.

The cost of the pending bill, House bill 4051, the terminal-pay bill, is estimated to run between $2,000,000,000 and $4,000,000,000.

In making a computation which is not entirely accurate, perhaps, but in the main is accurate, there has been listed the cost of the pending bill, the terminal-pay bill, at only $2,000,000,000. Actually, it may run, as the distinguished Senator from Colorado has said, to $3,000,000,000. So, under the benefits proposed by pending legislation, in dollars and cents, under House bill 3908, Seventy-ninth Congress, the first year's increase in pensions to veterans will be $3,445,000.

Under House bill 5148, which is at the White House awaiting the signature or the action of the President, the pensions withheld from persons in foreign countries in World War II, will be $10,164,061.13.

House bill 6900, Seventy-ninth Congress, 20-percent increase in pension, Spanish-American War, first year, $1,394,000.

Payments to 70-day cases, age 65, $254,000.

Increase to 70-day cases, regular aid and attendance, $12,600.

Increased payments to widows, $4,860,000. The total is $6,520,600.

Mr. President, another bill which is now at the White House, Senate bill 706, Seventy-ninth Congress, provides for increases in burial allowances totaling $4,290,000.

Under Senate bill 2204, Seventy-ninth Congress, which has already passed the Senate and will be passed by the House perhaps today or tomorrow, social-security benefits to survivors of veterans of World War II, $175,000,000.

I have tabulated the estimated cost of pending legislation, and the total is $4,098,281,600, including the pending bill at $2,000,000,000, as I have already stated.

A recapitulation is as follows:

Veterans' housing, $823,727,000.

Benefits not administered by Veterans' Administration, $2,378,691,405.

Pension, World War II veterans and GI bill, costs to July 1, 1946, $5,309,102,000.

Pending legislation, $4,098,281,600.

That represents a total, Mr. President, of $12,609,802,005, or more than twelve and one-half billion dollars.

Mr. HAWKES. Mr. President, will the Senator yield for a moment?

Mr. GEORGE. I am glad to yield to the Senator. I was about to conclude.

Mr. HAWKES. I know the Senator was about to conclude, and I merely wanted to ask him why he uses the figure $2,000,000,000 as representing the cost of the pending measure?

Mr. GEORGE. Because it was estimated to cost from $2,000,000,000 to $4,000,000,000, and I took the smaller of the two amounts. I am quite sure it will amount approximately to $3,000,000,000, as the Senator from Colorado himself has estimated.

Mr. HAWKES. I should like to say to the Senator that I have talked with a number of persons who have told me that the cost of the bill will run as high as $5,000,000,000. No one in the world knows what the furloughs for which compensation is to be paid will cost. I do not see how anyone can estimate the cost.

Mr. GEORGE. I am prepared to agree with the Senator, but I was taking the minimum as estimated by any responsible source of which I know.

Mr. HAWKES. I invite attention of the Senator to the fact that, in the report which is before the Senate, the Undersecretary of the Navy, Mr. Sullivan, when he submitted to the hearings a draft which he said would be acceptable to the President—and I understand the bill now before the Senate is a draft which will be acceptable to the President—stated as follows:

> The figures I have been using in my own discussions and thinking are $2,000,000,000 for the Army and three-quarters of a billion for the Navy. It is a very difficult figure on which to get a reliable estimate, but I think this is as close as we can come in giving you an opinion.

The only purpose I have in bringing this to the notice of Senators is that I do not think we should continue to fool ourselves any longer about how much these payments are going to amount to.

I think there is no one in the world who can pay the veteran for what he has done. In other words, it seems to me that any man who is willing to accept an unnecessary dollar in return for the service he has rendered this country over and above his established rate of pay is losing his fine position in the world. I told a fine group of veterans a few nights ago something which I should like to repeat here. I said that every veteran of this war, from my point of view, will be found in one of four classes. First, there are those who went abroad and will never return; they are buried on foreign soil, and we cannot do anything for them except to honor and respect them. My own son is one of them, as is the son of the distinguished Senator from Georgia, who has permitted me to interrupt him.

The next class consists of those who have been wounded, many of them blown nearly to pieces, and who have come back mutilated. My office was full of them today. There is no one in this world who can do the things necessary to replace what has been taken away from those boys. If I had my way about it, this Nation would pay many times more to the fellow who has had his arms, his legs, or his eyes taken away from him, or his health ruined, and has come back incapacitated for life, than we have ever done thus far.

There is a third class, the men who were wounded but who have recovered, and are now perfectly able to stand on their own feet with temporary help from the Government.

There is a fourth class, the fellows to whom God has been kind, who have come back well and strong after having the wonderful experience of fighting for their Nation.

I said to those veterans the other night that if a man who has come back whole is going to try to raid the United States Treasury for something he does not need, and thus wreck this country, then he lost the war to preserve the principles of American life; he did not win it.

Mr. President, I say that to the distinguished Senator from Georgia today. If we can teach the veteran who has returned whole that all he needs and all he is entitled to under the American way of life, is a chance to get on his feet—and we should willingly give him that and help him in every way necessary—after that he should with pride carry his load as an American citizen. Al Smith, one of the greatest real liberal Democrats who ever lived, entertained those views, and I always agreed with him.

Mr. GEORGE. Mr. President, I thank the Senator from New Jersey. I have a purpose in making this statement, showing that benefits heretofore provided, and those provided in pending bills, some of which are already at the White House, as I have said twice before, and all of the rest of which will reach the White House before we finish this session, even though we adjourn this week or early next week, reach the high total of approximately twelve and one-half or thirteen billion dollars.

There are other items which are continuing, to which I have not referred. The veterans' unemployment compensation, of course, is being enjoyed by all veterans who do not find suitable employment for the 52 weeks after their discharge, and that is a considerable daily and monthly item.

I have made no reference to the Pay Adjustment Act, which has already passed the Congress and which, of course, affects officers as well as the enlisted personnel. That itself will add several additional billions of dollars, perhaps, to the figures which I have given here today.

I am bringing these facts before the Senate and before the country because there are influences which apparently are endeavoring to persuade the veterans that Congress has not met its obligation to the veteran, and has been unwilling to display toward the veteran the generosity of a great country.

I am doing it for another purpose, however. Fifteen million men and women were enlisted in the armed services during World War II. Those 15,000,000 men and women constitute, for tomorrow, fully one-half of all the taxpayers of the United States. So what we are doing here is to provide benefits for the veteran sometimes without any scrutiny or without much thought, and at the same time passing to him a bill which he must meet as the taxpayer of tomorrow.

There were about 50,000,000 taxpayers, in round numbers, on our Federal tax rolls before the passage of the last tax act. That act removed entirely from the rolls 12,000,000 taxpayers in the lowest brackets. So it can be seen about how many taxpayers there are now on the rolls. The 15,000,000 men and women who were called into the armed services will next year and the year after that become the great taxpaying group in the United States, and they will pay the bill which the Congress is now placing upon their shoulders.

We are overgenerous, perhaps, or at least we are fully generous, especially when we consider that the veteran himself is going to pay a great part of the money which we are expending for his benefit, because every dime of it is borrowed money. It is true we are raising about $40,000,000,000 in tax revenues at the present time, under existing law, which is a pretty heavy burden on the American people, but that is not adequate to meet the current costs of government, including such part of the costs, of course, as include veteran benefits.

There will be a deficit for the next fiscal year, so we are borrowing money. We can do the veteran a great service by saying to him frankly, "This debt is being passed on to you, and the real interest of the veteran, along with every other American citizen, is in having an economy under which men can live and prosper."

Mr. President, I make these observations, not in opposition to the particular bill now pending, because it does contain many elements of justice, but I make the observations for the purpose of indicating to the veterans that Congress has not been remiss in meeting their problems, and that at least we here are fully conscious of the fact that the benefits we are giving to the veteran now are simply deferred obligations which he will have to bear in the future.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. BALL] which will be stated.

The CHIEF CLERK. On page 18, between lines 7 and 8, it is proposed to add a new subsection, as follows:

(d) In the settlement and compensation for leave under this section, there shall be deducted from the amount found to be due the member of the armed forces or his survivors under section 5, the amount of any mustering-out payment which has been paid or is payable in the case of such member under the provisions of the Mustering-Out Payment Act of 1944, as amended.

Mr. LANGER. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. Not knowing how he would vote, I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am not advised how the Senator from Missouri would vote on this question if present. Being at liberty to vote, I vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from Montana [Mr. WHEELER] is absent by leave of the Senate.

The Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

The Senator from Florida [Mr. PEPPER] is unavoidably detained. If present, he would vote "nay."

The Senator from Missouri [Mr. BRIGGS], the Senator from Arizona [Mr. MCFARLAND], and the Senator from Tennessee [Mr. STEWART] are detained on public business.

If present and voting, the Senator from Tennessee would vote "nay."

The Senator from Maryland [Mr. RADCLIFFE] is attending a meeting of the Maryland Democratic State Convention, and is therefore necessarily absent.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent. He has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from Vermont [Mr. AUSTIN] is necessarily absent.

The result was announced—yeas 12, nays 67, as follows:

YEAS—12

Ball	Hart	Reed
Buck	Hawkes	Taft
Capper	Hayden	White
Fulbright	Moore	Willis

NAYS—67

Aiken	Hill	O'Daniel
Andrews	Hoey	Overton
Barkley	Huffman	Revercomb
Bilbo	Johnson, Colo.	Robertson
Brewster	Johnston, S. C.	Russell
Brooks	Kilgore	Shipstead
Burch	Knowland	Smith
Bushfield	La Follette	Stanfill
Byrd	Langer	Swift
Capehart	Lucas	Taylor
Carville	McCarran	Thomas, Okla.
Chavez	McClellan	Thomas, Utah
Connally	McKellar	Tobey
Cordon	McMahon	Tunnell
Donnell	Magnuson	Vandenberg
Downey	Maybank	Wagner
Eastland	Mead	Walsh
Ferguson	Millikin	Wherry
George	Mitchell	Wiley
Gerry	Morse	Wilson
Green	Murdock	Young
Guffey	Murray	
Gurney	Myers	

NOT VOTING—17

Austin	Gossett	Radcliffe
Bailey	Hatch	Saltonstall
Bridges	Hickenlooper	Stewart
Briggs	McFarland	Tydings
Butler	O'Mahoney	Wheeler
Ellender	Pepper	

So Mr. BALL's amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 371) extending the effective period of the Emergency Price

Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended.

TERMINAL LEAVE FOR ENLISTED PERSONNEL OF THE ARMED FORCES

The Senate resumed consideration of the bill (H. R. 4951) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave.

Mr. McCLELLAN. Mr. President, I call up the amendment, which I previously offered and temporarily withdrew.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

SEC. —. Nothing in sections 109 and 113 of the Criminal Code (U. S. C., title 18, secs. 198 and 203) or in section 190 of the Revised Statutes (U. S. C., title 5, sec. 99) shall be deemed to prevent any person (other than a member of the regular component of the Army, Navy, Marine Corps, or Coast Guard) on terminal leave from the armed forces from acting as counsel, agent, or attorney (1) in any matter or thing in which the United States is a party or directly or indirectly interested or (2) for prosecuting any claim against the United States: *Provided*, That such person shall not prosecute any claim against the United States, or act as counsel, agent, or attorney in any matter in which the United States is a party or has an interest, involving any subject matter with which such person was directly connected during the period of his service and prior to entering upon terminal leave.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield to me?

Mr. McCLELLAN. I yield.

Mr. JOHNSON of Colorado. There is no objection to the amendment as now stated.

Mr. McCLELLAN. If the Senator will pardon me, I have not yet asked to modify the amendment. I wish to modify my amendment.

Mr. JOHNSON of Colorado. I wish to withdraw my statement then. However, I have no objection to the amendment as I know the Senator proposes to modify it.

Mr. McCLELLAN. I thank the Senator from Colorado.

Mr. President, I ask to modify the amendment as offered by striking out, beginning in line 2 with the word "or" through line 3 and line 4 to the close of parenthesis, and to strike out the word "for" in line 9, and insert in lieu thereof the word "from."

Mr. President, as the amendment is modified or perfected it eliminates the objection that was raised to it in its original form, and I believe the modifications are proper. I ask that the amendment, as modified, be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the modified amendment offered by the Senator from Arkansas [Mr. McCLELLAN].

The amendment, as modified, was agreed to.

Mr. BALL. Mr. President, I had printed another amendment——

The PRESIDENT pro tempore. The amendment will be stated.

Mr. BALL. No, Mr. President, I am not calling it up. The amendment would extend the benefits of this terminal-leave pay for enlisted men to the living veterans of World War I. It seems to me no more wrong in principle to make it retroactive to World War I than to go back to 1939. I did not propose the amendment seriously. I would not want to offer it now. I am a little afraid that if I did it might be adopted and make the bill worse than it is.

Mr. HART. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to add the following new section:

SEC. 9. That for all purposes of this section the term "prisoner of war" shall include each officer and nurse and enlisted person of the Army, Navy, Marine Corps, and Coast Guard, and of the Reserve components thereof, whether living or deceased, who, by reason of his or her capture by an enemy, escape or evasion from an enemy, or, because of his or her being in an internee status, is, was, or may be separated from the jurisdiction of the United States at any time after December 7, 1941, and prior to August 16, 1945.

(a) Prisoners of war shall be promoted in accordance with regulations prescribed by the President. Promotions of prisoners of war may be made without regard for the needs of the service.

(b) Any increases of pay and allowances to which prisoners of war may become or have become entitled by reason of promotion pursuant to this section or otherwise, shall be held and considered to have accrued retroactively to the credit of and to be payable to the prisoners of war beginning on the date prescribed by the President in each case. Each appointment or entry in service records issued or made under this section shall indicate the effective date thereof for purposes of pay and allowances.

(c) Nothing within this Section shall be construed as preventing the promotion of any person pursuant to other provisions of law as reducing the pay or allowances to which any person may be entitled under other provisions of law, or as authorizing the promotion of officers to ranks above those of captain in the Navy or Coast Guard or colonel in the Army or Marine Corps.

(d) Each enlisted person and nurse not entitled to a subsistence allowance at the time he or she became a prisoner of war shall be credited with a subsistence allowance at the rate of 70 cents per day during such period as he or she was a prisoner of war and not otherwise entitled to be credited with a subsistence allowance.

(e) Within the scope of the authority granted by this section, the determination by the President, or by such person as he may designate, of the date of termination of a prisoner of war status in any case shall be final and conclusive.

(f) The appropriations for pay and allowances of personnel of the services concerned currently available at the time payment is made shall be available for the payment of all sums which accrue by reason of the retroactive provisions of this section.

Mr. HART. Mr. President, this amendment is essentially the same as a bill which passed both Houses and was vetoed by the President. That bill, Senate bill 1805, referred only to the Navy, the Coast Guard, and the Marine Corps. One of the reasons which the President gave in his message for his veto was that it did not apply to the Army. That has been changed, and the amendment as now offered includes all the armed forces.

This section is very largely in the interest of the enlisted man. The provision with respect to a subsistence allowance of 70 cents a day applies only to enlisted men, and that feature constitutes the larger part of the cost which would be involved in reimbursing the men who were starved in prison camps, particularly those who spent 3½ years in Japanese prison camps, at a cost to the Japanese of about 1 cent a day.

The promotion feature, which is the other objection which the President had to the bill, also largely concerns enlisted men rather than officers. So far as the Navy and Marine Corps are concerned, what is possible or just has, in the main, already been accomplished. There are a number of cases in which, under the law, the Navy Department was unable to do what it really thought should be done in the way of promotions. The case is quite similar as regards the Army.

The President stated that his third objection was the indefiniteness of the bill. That part of the amendment which reads "shall be promoted in accordance with regulations prescribed by the President" puts the administration directly in the hands of the President. My own study of the subject, and that of both the House and Senate Committees on Naval Affairs, led to the conclusion that a law which would cover all cases would be extremely intricate and quite likely would be wholly impracticable. Therefore I thought that the best way would be to put it entirely in the hands of the President. He will be enabled to write regulations to cover the great variety of cases which may arise.

To my mind the men who are still with us who suffered most in this war are the prisoners, particularly those who were captured early in the war and who endured 3½ years in Japanese prison camps. The casualties were high. Those who came back have not all recovered.

The President stated in his veto message that one of his objections was the uncertainty as to cost. I have no over-all estimate which I can submit to the Senate. However, I obtained figures from the Navy Department which were to the effect that the cost in the case of naval prisoners alone would be between $5,000,000 and $10,000,000. If Army prisoners are included, the cost will be considerably more. Of course, many more Army personnel than naval personnel were captured. The highest costs will be involved in the cases of those who were captured early in the war. It is entirely certain that if this amendment is accepted the difference in the total cost involved in the bill will be a very small fraction of 1 percent.

I hope the amendment will be accepted.

Mr. JOHNSON of Colorado. Mr. President, I sincerely hope that this amendment will be rejected, not particularly on its merits. If this proposal were to come before us in the proper way, in the form of a bill, I would support it. However, it seems to me that it is not fair to the pending legislation to bring in an amendment of this kind at the last minute, in the form of a rider consisting of a

bill which the President vetoed only recently.

The Senator from Connecticut is one of the very valuable members of the Senate Committee on Military Affairs. He was present at the hearings. He was present when officers of the Navy appeared before the committee, and he heard their testimony in regard to this bill. But, so far as I am concerned, this is the first time that I have heard anything about his proposed amendment. I do not think that is the proper way to legislate. I am not criticizing the Senator. He has the right to do as he sees fit. If he were not a member of the committee, if he had not been invited to participate in framing the bill which we reported, and if he had not had a full opportunity to advocate before the committee the amendment which he is bringing before us now, the case might be different. As I say, if his proposal were brought before the Senate in the form of a bill—and it is really a bill—instead of as a rider, I think I would support it, because I believe it has merit.

But we are in the closing hours of the session. There may not be time for conferences to consider all the points which should be considered. If I were sure that we could have time for full consideration of the amendment in conference, I would not object to taking this rider to conference. It is not germane to the pending measure. I would not object to taking it to conference and trying to reach an agreement if we had time; but that is not the situation facing us. So I earnestly hope that the Senate will reject the amendment which has just been offered.

Mr. HART. Mr. President, I am well aware that the Senator from Colorado is not charging me with unfairness; but I invite his attention to the fact that there was before the Senate Committee on Military Affairs a bill introduced by the senior Senator from Oklahoma [Mr. THOMAS] in the interest of the Army. That bill was quite similar to the bill applying to the Navy which passed both Houses. The Military Affairs Committee of the Senate never had time to consider that bill, and although I mentioned it in the committee, it was never taken up. A companion bill which was passed went through the Naval Affairs Committees of both Houses, and consequently did not automatically come before the committee of which the Senator is a member.

Mr. JOHNSON of Colorado. Mr. President, at this stage of the pending bill I hope that the amendment will not be agreed to by the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. HART]. [Putting the question.] The Chair is in doubt.

Mr. JOHNSON of Colorado. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The CHIEF CLERK called the roll, and the following Senators answered to their names:

Aiken	Brewster	Byrd
Andrews	Brooks	Capper
Ball	Buck	Carville
Barkley	Burch	Chavez
Bilbo	Bushfield	Connally
Cordon	La Follette	Russell
Donnell	Langer	Shipstead
Downey	Lucas	Smith
Eastland	McCarran	Stanfill
Ferguson	McClellan	Swift
Fulbright	McKellar	Taft
George	McMahon	Taylor
Gerry	Magnuson	Thomas, Okla.
Green	Maybank	Thomas, Utah
Guffey	Mead	Tobey
Gurney	Millikin	Tunnell
Hart	Mitchell	Vandenberg
Hawkes	Morse	Wagner
Hayden	Murdock	Walsh
Hill	Murray	Wherry
Hoey	Myers	White
Huffman	O'Daniel	Wiley
Johnson, Colo.	Overton	Willis
Johnston, S. C.	Pepper	Wilson
Kilgore	Revercomb	Young
Knowland	Robertson	

The PRESIDENT pro tempore. Seventy-seven Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from Connecticut [Mr. HART].

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HART. Mr. President, for the benefit of the few Senators who were not in the Chamber a few minutes ago, let me say that this amendment is in all respects similar to a bill which passed both Houses of Congress and was vetoed by the President. It is in the interest of the prisoners of war, somewhat as regards their retroactive promotions and somewhat as regards money. I do not know the total cost of it. I had a fairly good estimate of the cost as regards the Navy prisoners. That would have been between $5,000,000 and $10,000,000. In any case, I think the cost is an extremely small percentage of what is likely to be the total cost of the bill.

Mr. JOHNSON of Colorado. Mr. President, inasmuch as additional Senators have entered the Chamber since I made my statement a moment ago, I wish to repeat something I have already said.

If Senators wish to kill the pending legislation, the adoption of this amendment is an easy way to do it. It will be rather a bloodless way of killing the bill. It will not involve the use of a dagger to stab it in the back or to cut its throat visibly; but this amendment, if adopted, will be a neat, nice little way to kill the legislation. If Senators wish to do that, very well. The President has already vetoed the corresponding measure. I do not think it is proper to bring it in at this time and attach it as a rider to the bill.

If the proposal were before the Senate on its own merits, it would have my support. But coming as it does, I cannot regard it as anything else but a mischievous amendment. I hope it will be rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. HART]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES], who, if present, would vote "yea." I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am not advised how the Senator from Missouri would vote on this question if present. Being at liberty to vote, I vote "nay."

Mr. WAGNER. I have a general pair with the Senator from Kansas [Mr. REED]. Not knowing how he would vote, I transfer that pair to the Senator from Idaho [Mr. GOSSETT]. I am not advised how the Senator from Idaho would vote on this question if present. Being at liberty to vote, I vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from Montana [Mr. WHEELER] is absent by leave of the Senate.

The Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from Arizona [Mr. MCFARLAND], and the Senator from Tennessee [Mr. STEWART] are detained on public business.

The Senator from Maryland [Mr. RADCLIFFE] is attending a meeting of the Maryland Democratic State Convention, and is therefore necessarily absent.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent. He has a general pair with the Senator from Utah [Mr. THOMAS]. If present, the Senator from New Hampshire would vote "yea."

The Senator from Kansas [Mr. REED] is unavoidably detained. He has a general pair with the Senator from New York [Mr. WAGNER].

The Senator from Vermont [Mr. AUSTIN] is necessarily absent.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The result was announced—yeas 33, nays 44, as follows:

YEAS—33

Ball	Ferguson	Robertson
Brewster	Fulbright	Shipstead
Brooks	Gurney	Smith
Buck	Hart	Taft
Bushfield	Hawkes	Vandenberg
Capper	Hayden	Walsh
Chavez	McCarran	Wherry
Connally	McMahon	White
Cordon	Millikin	Wiley
Donnell	Morse	Willis
Eastland	O'Daniel	Wilson

NAYS—44

Aiken	Johnson, Colo.	Myers
Andrews	Johnston, S. C.	Overton
Barkley	Kilgore	Pepper
Bilbo	Knowland	Revercomb
Burch	La Follette	Russell
Byrd	Langer	Stanfill
Carville	Lucas	Swift
Downey	McClellan	Taylor
George	McKellar	Thomas, Okla.
Gerry	Magnuson	Thomas, Utah
Green	Maybank	Tobey
Guffey	Mead	Tunnell
Hill	Mitchell	Wagner
Hoey	Murdock	Young
Huffman	Murray	

NOT VOTING—19

Austin	Gossett	Reed
Bailey	Hatch	Saltonstall
Bridges	Hickenlooper	Stewart
Briggs	McFarland	Tydings
Butler	Moore	Wheeler
Capehart	O'Mahoney	
Ellender	Radcliffe	

So Mr. HART'S amendment was rejected.

Mr. PEPPER. Mr. President, I wish to offer an amendment and address myself briefly to it. On page 15, in line 5, after the words "shall be", I offer to amend by striking out "nonnegotiable and shall not be transferable for sale, exchange, assignment, pledge, hypothecation, or otherwise" and insert "negotiable." The language, beginning in line 5, would then read: "Such bonds shall be negotiable."

Mr. President, if that amendment is clear in its effect, I wish to address myself briefly to it.

Senators will recall, of course, that the essential difference between the bill in the form in which it was reported by the Senate committee, and the form in which it was passed by the House, is that the House version provided for cash payments to veterans in the form of terminal-leave benefits, while the Senate committee version provides that payments shall be made only in nonnegotiable bonds payable in 5 years. The language which I propose to strike out would limit the bonds strictly to nonnegotiable bonds, as provided in the following language:

> Such bonds shall be nonnegotiable and shall not be transferable by sale, exchange, assignment, pledge, hypothecation, or otherwise.

Mr. President, that language means, in the first place, that while we say that enlisted men who would be beneficiaries under the bill have a right to the benefits which have been described, yet, we also say that they may not enjoy those rights or benefits for 5 years, either directly or indirectly. Many of the boys who would benefit from this bill will be dead within 5 years, and will never be able personally to enjoy the benefits which the Senate is seeking to provide for them.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. PEPPER. I am glad to yield.

Mr. JOHNSON of Colorado. The fact is that under the present provisions of the bill, if a veteran dies his benefits will be immediately payable to his family.

Mr. PEPPER. That is true, but if he dies he personally will not be able to enjoy the benefit which the Congress is endeavoring to provide for him.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CHAVEZ. Any benefits which are to be provided under the bill should go to the veteran and not to his heirs.

Mr. PEPPER. The Senator is entirely correct. After all, as the able Senator from New Mexico has suggested, it is the veteran who won the war.

Mr. CHAVEZ. The theory of providing assistance under the bill is that veterans may be benefited personally.

Mr. PEPPER. The Senator is correct.

Mr. CHAVEZ. What good would the benefits provided by the bill do the veteran after he had died?

Mr. PEPPER. They would, of course, do him no good whatever.

Mr. CHAVEZ. The veteran needs the money now.

Mr. PEPPER. Yes; he does.

Mr. President, one of the principal reasons why we are endeavoring to provide these benefits is to bring the enlisted men up to an equality with officers in the benefits which they have already received, not in 5-year nonnegotiable bonds, but in cash. Yet, according to the present language of the bill now pending before the Senate we are saying to those boys, "We will not give you what the officers received in cash; we will give you in principal the equivalent of what they received, and it will be in the form of 5-year nonnegotiable Government bonds."

Mr. President, I am not one of those who believe that the American veteran needs a guardian. He was not accompanied by a guardian into the jungles, into the depths of the sea, or into the upper reaches of the air. Yet, he went forth to battle for his country in order to save democracy for mankind.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WALSH. It seems to me that another argument which could be advanced is that the enlisted man is not being treated, under the pending bill, in the way that officers were treated. The officers received cash.

Mr. PEPPER. Yes; and the enlisted man would receive a 5-year bond. He would not be able to take the bond to a bank and pledge it, or hypothecate it as security, or discount it. No matter how great his emergency might be, he would not be able to use the bond for collateral.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MURDOCK. If the Senator really wants to place cash in the hands of the veteran, or wants to place the veteran in a position where he can obtain cash in the event that he needs it, why not make the bond the same as the Government bonds which the Senator may hold or which I may hold? The Senator says that the veteran does not need a guardian. I do not believe that the veteran needs a guardian, but during the war we learned from the Federal Reserve System that our bonds were the same as cash. Under that theory, the holder of any savings bond today can go to the Treasury and receive the amount of money he paid for the bond, plus accrued interest. If the Senator really wants to help the veteran in obtaining cash, I suggest that instead of making the bond negotiable so the veteran could then be made the victim of some broker in bonds, the language of the bill should be made such that the veteran would be in position, if necessary, to go to the Treasury and get cash for his bond. If the Senator wants cash to be delivered to the veteran at the veteran's election, then the veteran should be allowed to go to the Treasury, just as the Senator or I am allowed to go to the Treasury at the present time and receive cash for any Government bonds which we may hold.

Mr. PEPPER. Mr. President, I quite agree with the Senator and I thank him very much. But allow me to say that I had to be out of the city until 1 o'clock today and was not able to be present earlier. I have been trying to figure out the best method by which to accomplish what several of us had in mind, namely, to give veterans the right to obtain their money if they wanted it and needed it. The first thought which came to my mind was that the Senate should provide the same as the House provided, namely, that veterans should be entitled to receive their benefits in a lump sum. The next thought which came to my mind was to give them an option to take cash, or in lieu thereof, the kind of bonds provided for in the Senate amendment, whichever they choose. Yet I knew that if, on the one hand, they were offered cash and, on the other hand, a 5-year negotiable bond, they would in all probability take the cash. So when the matter was proceeding to a conclusion, in order to achieve what some of us had in mind I thought of the amendment which I have proposed, namely, to strike out the language to which I have referred and make the bonds negotiable. However, I will gladly accept an amendment by the Senator from Utah. I would prefer somewhat having the veteran go to the Treasury and there receive his cash if he needed it. I want him to be in position to obtain the money if he needs it. If the Senator from Utah will suggest the proper language through an amendment, or a modification of my amendment, I shall gladly accept it.

Mr. MURDOCK. I had the same thought in mind as that which the Senator from Florida has expressed. I took the matter up with the distinguished Senator from Colorado, and other Senators. We must remember that when we give the veteran a dollar we do not want to destroy the dollar he already has, nor depreciate too much the dollar which he may receive as compensation under this bill. The committee looked into the matter very thoroughly. If we add $2,000,000,000, $3,000,000,000, or $4,000,000,000 to the present volume of money which already is in circulation, we will run a very serious chance, in my opinion, of destroying the value of the bonds which the veteran already owns. We may tell him that we are giving him a dollar, but it must be remembered that if inflation overtakes us, instead of giving him a dollar it may turn out to be only half a dollar, or only a quarter.

So I hope the Senator will think very seriously with regard to the question of whether it might not be wise at the present time to do what the committee has suggested. In the event of unemploy-

ment, or in the event of a depression when we will all, perhaps, need financial assistance, the Congress can very readily make the bonds negotiable at the Treasury. I believe that the committee has perhaps selected the wisest course which we could take. However, I certainly wish to emphasize that if the Senator insists on making the bonds negotiable, they should be negotiable at the Treasury of the United States for their face amount plus any accrued interest. If we do it any other way, if we make them negotiable, I predict that instead of the veterans getting benefit under the bill, bond brokers will get it.

Mr. PEPPER. Mr. President, will the Senator from Utah suggest how he thinks the language should be drafted?

Mr. MURDOCK. I really have not drawn any language, but I know that every one of us who has Government bonds can walk down to the Treasury and get cash. It may be well to make the bonds negotiable, but I think that one of the most forward steps we took in financing the war was to say to the people of the United States, "When you buy a Government bond, and the time comes when you want to obtain cash for it, you can take it to your own Treasury and cash it for the exact amount you paid for it, plus the interest." But when we make Government bonds negotiable, and make them subject to traffic and trade by the expert brokers, we do not do a service to the veteran, we do a disservice to him.

Mr. LANGER. Mr. President——

Mr. PEPPER. I thank the Senator from Utah very much, and after I yield to the Senator from North Dakota, I shall modify my amendment to embody the suggestion of the Senator from Utah.

Mr. LANGER. Mr. President, I took the matter up on the floor, in the absence of the Senator from Florida, with the distinguished Senator in charge of the bill, and was advised by him that the language now contained in the bill was inserted at the request of the American Legion and various other veterans' organizations. The Senator was not in the Chamber at the time.

Mr. PEPPER. I thank the Senator very much.

Mr. JOHNSON of Colorado. Will the Senator from Florida yield for a minor correction?

Mr. PEPPER. I yield.

Mr. JOHNSON of Colorado. The Senator in charge of the bill did not say it was inserted at the request of the American Legion. It was inserted at the request of the Treasury and the Bureau of the Budget. They took it up with the veterans' organizations, the American Legion, the Veterans of Foreign Wars, the DAV, and I do not know what other veterans' organizations, and it met with their entire approval.

I do not know whether the Senator wants to run the risk of losing the hoped for benefits by insisting on cash payments. If he does, of course, that is his privilege. I will say to the Senator that the bill as it came from the House provided for cash payments.

Mr. PEPPER. And it passed the House unanimously, did it not?

Mr. JOHNSON of Colorado. The Bureau of the Budget and the Treasury, and, as I understand, the President himself, strenuously objected to that because of its inflationary aspect, and they suggested the system of payment found in the bill as reported by the Senate committee, so that the burden on the Treasury would be staggered, that is, that the payments would be made month by month over a period of time, and would not be so inflationary. At the present time if the veteran should be paid in cash, there are few goods on the shelves which he can buy, the supply of money is great, and the supply of goods is small. It is hoped production will get under way soon, and that in a few months, or a very short time, at least, there will be goods to purchase, and the dollar will return to its normal value. If the veteran does not spend his money now, but holds in reserve what he receives, when the goods come on the shelves he can buy them. If the benefits provided by the bill are paid in cash now, he is going to compete with everybody else who is trying to buy, and, of course, prices will rise.

I am sure the Senator from Florida will agree that we cannot dump $3,000,000,000 into the economy of this country and not have inflation immediately. The Senator knows that this money would be paid out in small amounts all over the country. There would be immediately a buying demand, and the money would be converted into purchases almost overnight. That will do something to an economy which is already staggering under the load of undersupply and overdemand.

Mr. PEPPER. Mr. President, let me modify my amendment.

Mr. MAYBANK. Mr. President, will the Senator permit me to say a word in connection with what the Senator from Colorado has said?

Mr. PEPPER. I yield.

Mr. MAYBANK. Under the bill all the smaller payments are made in cash, and the privilege is accorded anyone who wishes to be paid in cash. It is a privilege for those who have obligations otherwise to have them paid in cash. A good portion of the money paid out in the next few years will be paid in cash, because of provisions already made in the bill.

Mr. CHAVEZ. Mr. President, I am sorry to disagree with the Senator from Colorado and the Senator from South Carolina. Now that the soldier is out of the Army, some appear to be worrying about inflation in figuring benefits to the veterans. Did any Senator worry about inflation when the officer was getting terminal leave? Who wants to receive a benefit after he is dead? We were all for the soldier when he was on the battlefield. If we are to do something for him, let us do it while he is alive. How many thousands will be dead 5 years from now, and what are they to get? Nothing but worry about inflation by the United States Senate? There are many ways to stop inflation. One of them is to set up a good OPA, but the Senate though differently. Now Senators are worried about the benefits the poor soldier is going to get. We were singing his praises just a few months ago, and we said nothing about the officer receiving terminal pay. I think it is unfair and unjust to give the officer pay for his terminal leave, and to say to the soldier, "You might be alive 5 years from now, and if you are, you will get it."

Mr. MAYBANK. Mr. President, in fairness to the Committee on Military Affairs, and to those who serve on the committee, let me say that this is not a terminal leave pay bill for soldiers. A large proportion, probably the largest part, will go to officers, because the largest proportion of the officers, second lieutenants, first lieutenants and captains, all of whom were privates in some instances, will receive their terminal pay as enlisted men through the bill. I merely want to keep the record straight, and I know the Senator from New Mexico and I both want to do everything for the privates, but this is not a privates' bill. A large number of the beneficiaries will be officers, who are awaiting the passage of the bill.

Mr. CHAVEZ. Why should the colonel and the major get terminal leave, and not the second lieutenant? If the second lieutenant gets some benefit under the bill, it is about time he was getting something.

Mr. PEPPER. Mr. President, I wish to modify my amendment in the following respect, to strike out, as I said, "Such bonds shall be nonnegotiable and shall not be transferable by sale, exchange, assignment, pledge, hypothecation, or otherwise", and insert in lieu thereof, "Such bonds shall be subject to liquidation by the Government of the United States in the same manner as War Saving bonds of World War II."

Mr. President, does that meet the objection the Senator from Utah had in mind?

Mr. MURDOCK. I have conferred with our legislative counsel, and they suggest that the proper way to reach what the Senator has in mind is to insert a comma after the word "thereof" in line 25, page 14, in lieu of the period, and the words, "but shall be redeemable for the face value, plus accrued interest, at any time prior to maturity."

Mr. PEPPER. And then strike out——

Mr. MURDOCK. No; leave the language on page 15, lines 5 and 6, exactly as it is.

Mr. PEPPER. Will not the Senator read the suggestion again? I hope Senators interested will listen to the language so that they will see what the effect would be.

Mr. MURDOCK. The proposed amendment is on page 14, line 25, after the word "thereof," to strike out the period and insert a comma and the words, "but shall be redeemable for the face value, plus accrued interest, at any time prior to maturity."

Mr. PEPPER. Mr. President, if I may have the indulgence of the Chair to modify my amendment further, I withdraw the amendment as I have stated it and offer the amendment in the language just given by the Senator from Utah at the place indicated on page 14. I will ask the clerk to state the amendment as it is now offered.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. On page 14, line 25, after the word "thereof", it is proposed to strike out the period and insert a comma and the words "but shall be redeemable for the face value, plus accrued interest, at any time prior to maturity."

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. KNOWLAND. Mr. President, relative to the suggestion made by the Senator from Utah—which I understand the Senator from Florida is accepting——

Mr. PEPPER. That is correct.

Mr. KNOWLAND. It seems to me that there is a direct conflict there, because, as I understand it, the language will be: "Each such bond shall mature 5 years from the date thereof," or such sooner date, and then we go to the next sentence, which provides: "The bonds issued under this act shall be issued by the Secretary of the Treasury—subject to the provisions of the Second Liberty Bond Act," and the next sentence provides: "Such bonds shall be nonnegotiable and shall not be transferable by sale, exchange, assignment, pledge, hypothecation, or otherwise."

Mr. PEPPER. No. In the first place, the Senator no doubt heard the able Senator from Utah say that the legislative counsel of the Senate said that to accomplish the purpose we have in mind it was not necessary to strike out the last part of the language just read. The prohibition which the Senator has just read would limit the holder of the bond in respect to transfer to another person, but under the language I have just inserted in the bill at the suggestion of the Senator from Utah, the holder would have the right to go to the Treasury and get his money from the Treasury at any time he chose to do so.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MURDOCK. I suggested to the legislative counsel the same question which the able Senator from California has suggested, and they say that the language on page 15 deals with an entirely different question, and that if the bonds are made redeemable in the language they have suggested, then the language on page 15 should remain as it is.

Mr. PEPPER. Very well. Now, Mr. President, we have a clear-cut issue before the Senate. Does the Senate believe that the holders of these bonds should have the right which the holders of other war bonds have, to cash them in when they decide to use the money? We have been issuing war bonds all through the war to the American people, and we have left it up to the people to determine whether they would cash in those bonds. If they had chosen to do so they could have cashed in every one of them. They have not chosen to do so. But many people have cashed in their bonds because they had to do so.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. The privilege of cashing these bonds is limited somewhat in the case of E and F bonds.

Mr. PEPPER. Yes; that is true.

Mr. BARKLEY. E bonds are redeemable at the end of 60 days I believe, and F series bonds are redeemable at the end of 6 months.

Mr. PEPPER. Yes.

Mr. BARKLEY. There is that difference between the bonds we have bought and the bonds which would be issued under the Senator's amendment. He would made them redeemable at once.

Mr. PEPPER. Mr. President, I am perfectly willing to modify the amendment again, and insert the words "three months," limiting it still further so a man could not cash the bonds for 3 months. I am willing to provide that at any time following a date 3 months after the issuance of the bonds they may be cashed by the holder thereof, the serviceman.

Mr. MURDOCK. Mr. President, will the Senator yield.

Mr. PEPPER. Yes.

Mr. MURDOCK. I am wondering if it would not be better to make the period 6 months? That would allow at least 3 additional months in which to get production back to normal. In my opinion if the payment can be delayed 6 months instead of 3 months, then certainly we could be farther away from inflation. I suggest that the Senator make the period 6 months.

Mr. PEPPER. I thank the Senator from Utah. I should like to modify the amendment again, and make the date when redemption is possible a period six months after the receipt of the bonds by the service man or woman, a member of the armed services, as defined in the bill.

Mr. President, that brings up the suggestion made by the able leader. These bonds would then be subject to redemption in the same way as to bonds owned by the American public, and we would have the same protection that the veterans would not all cash their bonds at one time, that we had that the American people would not cash their bonds all at one time, and have not done so as a matter of practical experience.

Mr. President, Senators have talked about inflation, and I know they have done so sincerely and very earnestly. None of us want inflation, and I think I have tried in my voting on price control and measures of that kind about as hard as any other Senator to prevent a dangerous inflation. But the Senator from New Mexico was absolutely correct in saying that in connection with an OPA measure which proposed to confer upon a few of the people billions of dollars which were to be taken from the masses, some Senators were not too excited about inflation.

The estimate as to the cost of this bill, according to the testimony of Mr. John L. Sullivan, Under Secretary of the Navy, which is carried in the committee report, is about $2,750,000,000. At the outside I think the estimate is that the measure would cost not over $3,000,000,000. The OPA bill, even as it is now brought out, according to the OPA, will cost the American people a good deal more than $4,000,000,000. Yet it looks like Congress is going to have to take that bill if it is to get any price control at all. I am not willing to add to the profits of the corporations of this country, that generally are already making large profits. I am not willing to enrich the man who is already rich, at the expense of the masses of the people and then deny to the veterans who won this war for us the right to redeem their bonds the way other bondholders can redeem theirs, if they think they need the money and they wish to redeem the bonds they hold.

Mr. President, I want to tell the Senate, if I may, who these veterans are. Nine hundred and some odd thousand are GI's in school. I got those figures from the Veterans' Administration a few days ago. So, nearly 1,000,000 of them are in school. Senators know how much they are receiving. They are receiving $65 a month if they are single and $90 a month if they have dependents. Case after case has come to my personal attention of boys who are taking advantage of the GI Bill of Rights who have said that it looks like they will have to drop out because they do not have sufficient money to stay in school. The increased cost of living has shrunk their $65 in case they are single, and their $90 in case they have dependents, to the point where that is not enough money to keep them, or in case of dependents, to keep them and their dependents, and continue in school.

Mr. President, those boys can stay in school longer if they are able to redeem these bonds, and hundreds of thousands of them will use their bonds so that they may be enabled to stay in school. Yet if my amendment, or some similar amendment, is not adopted by the Senate, not a single boy will be able to get a dollar out of this bill to help him stay in school during the next 5 years. Do we want to deprive a boy or a young lady of the right to stay in school with the terminal leave money which he or she may obtain?

Mr. President, if I may say so, I never have believed that inflation came from increasing the wage of the worker who was at the bottom of the economic ladder. I do not believe we will have appreciable inflation by making it possible, after 6 months have elapsed from the time they receive their bonds, for the GI's to redeem their bonds in the United States Government in whole or in part.

It will be remembered that these bonds are in denominations of $25. I dare say, the veterans are not going to dump all their bonds in at the window of the post office on the day they are eligible to be redeemed. They will feed these bonds into the Treasury as they are obliged to have the money. There may be sickness in a man's family. Here he has bonds of some hundred dollars or a few thousand dollars in his box somewhere, but he cannot legally borrow a dime on them. He could not pay a doctor's bill, he could not buy a pound of groceries, he could not contribute to his child's education, he could not buy a home, he could not do anything at all until 5 years have elapsed, unless the bill as reported by our able committee is amended.

Mr. President, I said that nearly 1,000,000 GI's are in school under the GI bill. More than 1,000,000 are now receiving

unemployment compensation benefits. There are a million GI's out of jobs in the United States today, and they are being paid by the Federal Government the money on which they live. We know that that payment in no case is in excess of $80 a month. How can a veteran, who has a wife and children and no job, live on $80 a month, with inflation facing him from day to day as we have let it come to grips. Yet, Mr. President, the Senate would say to that veteran, "We are proud of your service to your country during this war. We are going to give you your terminal leave because primarily you privates did not get your leave as the officers did. Yet, although you have a bond in your box which is worth several hundred dollars or two or three thousand dollars, and although you do not have a job, we are not going to let you receive a penny's worth of pecuniary benefit out of that bond for a period of 5 years." What do Senators think that veteran would say to us if we would make him a proposal of that kind?

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. JOHNSON of Colorado. I know what the veteran would say. He would say, "Well, that is not according to the bill that you had before you in the Senate." There are no thousand dollar amounts available under the bill. In the second place, the bonds are predated, that is, they are dated back. Some of them will be payable in 1948. So the veteran would say, "Well, that kind of argument does not click with me, because it is not the way the situation is at all." That is what he would say.

Mr. PEPPER. Mr. President, if I may ask the Senator who is handling the bill, just what are the provisions of the bill? The one who will be paid in 1948 is the one who was discharged in 1943.

Mr. JOHNSON of Colorado. That is correct.

Mr. PEPPER. The veterans will know how many were discharged as early as 1943. I venture to suggest that the majority of the servicemen have been discharged since 1943. Would the Senator agree with that?

Mr. JOHNSON of Colorado. I would say that a good many of them were discharged before 1943.

Mr. PEPPER. Would the Senator say that a majority of the servicemen were discharged before 1943 or since 1943?

Mr. JOHNSON of Colorado. I would say that more have been discharged since 1943 than were discharged before 1943. A great many of them have been discharged since the beginning of the war, and that is one of the merits of the measure, as the Bureau of the Budget looks upon it. The Senator must recognize that a measure such as this places a tremendous burden upon the Treasury. I am surprised that he has not more consideration for the Budget and for the Treasury than he has exemplified in asking that the bill be amended at this time. The Committee on Military Affairs, did not write in the bond provision on its own initiative. We were asked to do it by the administration. In my opinion—and it is only my opinion—unless the bill contains this bond provision, I do not believe it will be approved. So if the Senator wishes to run the risk of destroying this legislation, of course that is his privilege.

Mr. PEPPER. Let me clarify one further point. What are the maximum benefits, in terms of dollars, that the Senator would estimate any veteran would receive under this bill?

Mr. JOHNSON of Colorado. One hundred and twenty days is the maximum time for which he can be paid. A first sergeant probably would receive the maximum amount. He would receive pay for 120 days plus 70 days, and if he had dependents he would receive $1.25 a day for housing.

Mr. PEPPER. What would be the maximum amount which the Senator would expect anyone to receive?

Mr. JOHNSON of Colorado. The average amount would be between $200 and $300. It would not run into the thousands.

Mr. PEPPER. What would be the maximum amount which any one would receive?

Mr. JOHNSON of Colorado. I should say $500 or less; and only a very few would receive that much.

Mr. PEPPER. A maximum of $500, and an average of $200 or $300.

Mr JOHNSON of Colorado. Yes.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. DONNELL. I understood the Senator from Florida to say that the bonds are to be issued in denominations of $25. Is that a correct statement?

Mr. JOHNSON of Colorado. That is not quite correct.

Mr. PEPPER. I was referring to lines 15 and 16 on page 14. The language there is "bonds of the United States to the highest multiple of $25." But perhaps the payment was intended to be in one lump sum.

Mr. DONNELL. The report of the committee states:

> In all other cases such payments will be made in bonds issued by the Secretary of the Treasury. The bonds will be issued in multiples of $25, with any remainder being paid in cash.

If I may address myself to the Senator from Colorado, if a man had a claim of $208.50, I take it the committee report indicates that he would receive a $200 bond and $8.50 in cash. Is that correct?

Mr. JOHNSON of Colorado. That is correct.

Mr. DONNELL. He would not receive eight $25 bonds and $8.50 in cash?

Mr. JOHNSON of Colorado. He would probably receive one bond of $200.

Mr. DONNELL. I understood that to be the meaning of the report, rather than that he would receive eight bonds of $25 each.

Mr. PEPPER. I am glad to have that point clarified. The bill was drawn in that way when it was contemplated that there could be no redemption of the bonds until 5 years had elapsed, and that they would all be redeemed at the end of that time. I will not take the time of the Senate on that point, but it would be an easy matter, if the amendment were adopted, for the conferees to provide that the bonds should be issued in $25 denominations, so that the holder could cash a part of his bonds without cashing all of them, in the same way that a holder of War Savings bonds can cash a part of his bonds without cashing all of them. It would be within the realm of the conferees, in view of the fact that the House provided for a cash payment and the Senate committee provided some other form of payment, to provide that the bonds should be in smaller denominations.

Mr. DONNELL. I agree with the statement that it would be within the power of the conferees, but as I see it the language now contained in the bill does not contemplate the issuance of bonds solely in denominations of $25.

Mr. PEPPER. I accept the interpretation of the able Senator from Colorado that the bill contemplates that the amount due the veteran will be paid to the nearest $25 multiple, in one bond, but again I emphasize that the conferees could provide for payment in denominations of $25.

Mr. MORSE. Mr. President, will the Senator yield to me so that I may ask the Senator from Colorado a question?

Mr. PEPPER. I yield.

Mr. MORSE. I was interested in the remark which the Senator from Colorado made to the Senator from Florida, which I interpreted to mean that the Senator from Colorado has cause to believe that if we should pass the bill in the form in which it came from the committee the President would sign it, but that if we were to pass the bill in the form suggested by the Senator from Florida there is a possibility that the President would not sign it.

Mr. JOHNSON of Colorado. I can only give the Senator my own opinion. That is my opinion. If the bill is amended as suggested by the Senator from Florida, it will not be acceptable. We might just as well pay cash. Why have bonds at all? It would be much simpler to pay the amount in cash, instead of preparing bonds. That only increases the work. We would not get any results from it. The reason for issuing bonds is to stagger the load on the Treasury, so that it will come in month by month over a period of 5 years.

Mr. MORSE. I wonder if the Senator from Colorado has had the same experience which the junior Senator from Oregon has had. I have received a great deal of mail from veterans who object to the nonnegotiability of the bonds, and who insist that payments ought to be in cash. Has the Senator from Colorado received a considerable quantity of such mail?

Mr. JOHNSON of Colorado. I did not quite understand the Senator's question.

Mr. MORSE. I am asking the Senator from Colorado if his mail from veterans indicates that a great many of them desire to have these amounts paid in cash rather than in nonnegotiable bonds.

Mr. JOHNSON of Colorado. I have had very little mail on the subject. The veterans' organizations, including the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and other veterans' organizations, have stated through their representatives that they prefer the plan which

has been suggested by the Bureau of the Budget and by the Treasury. They believe that it is in the interest of the veteran. They believe that the dollar is at a low value today, and that as months go by and production comes in and goods appear on the shelves the dollars which we are giving to the veteran will be worth more. For that reason they say that they favor the plan proposed in the bill.

Mr. MORSE. I have received a great deal of mail to the effect that the veterans desire payments in cash; but I wished to satisfy myself that the Senator from Colorado, who is in charge of the bill, entertains the belief that unless we vote for the bill as it came from the committee we run the very serious risk of having no bill at all.

Mr. JOHNSON of Colorado. That is my opinion.

Mr. MORSE. That means that each of us is in the position of having to make up his mind whether to vote for the bill as it is now written, in order to have a bill, or to vote for an amendment such as the Senator from Florida is offering, even though we might believe that such an amendment is to be preferred if we could get it and at the same time have the bill approved.

Mr. JOHNSON of Colorado. That is my opinon. I arrived at that opinion after discussing the matter with Treasury officials and officials of the Bureau of the Budget. I am strongly of the opinion that if the bill goes to the President as it came from the House, or as the Senator from Florida is suggesting that it be amended, it will not be approved. By the way, the suggestion of the Senator from Florida would make a much worse bill than the bill as it came from the House, which provided for cash payments. The amendment of the Senator from Florida would make it a much more unacceptable bill. It is my opinion that if the bill goes to the White House in that form it runs a grave risk of being vetoed; and that if it is enacted in the form in which it is now before the Senate it will be acceptable to the President. The President has not told me what he would do about it.

Mr. MORSE. I may say to the Senator from Florida that I have two more questions which I should like to ask the Senator from Colorado. With his indulgence, I should like to ask them.

Mr. PEPPER. I yield.

Mr. MORSE. I should like to ask the Senator from Colorado the following question: Is it his opinion that the risk is very great that the bill would be vetoed if it were sent to the White House containing the amendment proposed by the Senator from Florida, based also upon newspaper stories, which I assume he has read, as has the junior Senator from Oregon, to the effect that either at a press conference or by way of a statement made somewhere else, the President indicated his opposition to legislation of this type which included within it a cash payment arrangement?

Mr. JOHNSON of Colorado. I have read such statements in the press; but the basis for my opinion is a conversation which I have had with Mr. Paul H. Appleby, Acting Director of the Bureau of the Budget, as well as something which he put in black and white in a letter to me dated July 8. I wish to read one short paragraph. It has been read previously, and it is in the RECORD. This is the closing paragraph of his letter:

> I have discussed with the President the provisions of H. R. 4051 and the amendatory provisions thereof as projected in the committee print of the bill. While such provisions would not be considered as being in accord with the program of the President, he would find acceptable a measure along the lines of the draft attached hereto.

The draft attached hereto to which he refers is the bill now before the Senate.

Mr. MORSE. The Senator from Colorado draws the conclusion, as does the junior Senator from Oregon, that the officials of the Bureau of the Budget and of the Treasury speak the administration policy with regard to this legislation.

Mr. JOHNSON of Colorado. That is my opinion. I will say to the Senator that the Bureau of the Budget and the Treasury Department are greatly concerned over cash payments in such vast amounts, widely distributed over the country. They are taking the matter very seriously, and they are very much opposed to such a measure because of its tendency toward inflation.

Mr. MORSE. One further question and I am through. Does the Senator from Colorado urge Members of the Senate to vote for the bill as it came from the committee because of his belief that if we should vote for a bill containing the amendment offered by the Senator from Florida such a bill would be vetoed, and if in the meantime the Congress had adjourned there would be no possibility whatever of obtaining any legislation until the Congress reconvenes, supposedly next January?

Mr. JOHNSON of Colorado. Mr. President, the Senator has correctly stated the position of the Senator from Colorado.

Mr. MORSE. I thank the Senator.

Mr. PEPPER. Mr. President, this is not the first time I have heard the threat of a Presidential veto mentioned in the Senate. I remember there was a threat of a Presidential veto when we had the Russell amendment offered to the minimum-wage bill. The President had recommended the minimum-wage bill, and the Russell amendment was offered, to provide that the parity base be changed. As I recall, the President sent to the able majority leader a letter advising that if the Senate passed the bill with that amendment in it, he would have to veto the bill. Yet the Senate passed the bill in that form, in aid of the farmers, with respect to the parity formula.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. KNOWLAND. Will not the Senator from Florida admit that there is a vast difference between the situation with reference to the so-called Pace amendment and the situation with respect to the bill now before us? When that measure was before the Senate, we knew we were going to be in session for some months in the future. At the present time, as the distinguished Senator from Oregon has pointed out, we are probably within a week or even days of adjournment; and if we pass a bill which will not receive Presidential approval, after it is vetoed neither the Senate nor the House of Representatives will have an opportunity to pass the bill over the veto of the President, whereas we did have such an opportunity in connection with the Pace amendment.

So I think the distinguished Senator from Oregon has rendered a very useful service, because it seems to me that we are faced with a situation in which the enlisted personnel either will receive terminal-leave pay by the method proposed by the Military Affairs Committee or else they will not receive any at all.

Mr. PEPPER. Mr. President, I am glad the Senator has asked that question. In reply, I say that there is a great difference between this amendment and the Russell amendment. The principal difference is that not even the farmers are entitled to receive what the veterans are entitled to enjoy. The second difference is that we do not have to go back home the middle of next week unless we choose to do so. But if the Congress wishes to tell the veterans that it will adjourn and will go home, leaving on the President's desk a terminal-leave bill undisposed of, and that the Congress will go home before the bill is returned to the Congress for its further consideration, let the Congress do that. The Congress has a right to do it, but it does not have to do it. I do not believe the Congress would do that. As a matter of fact, I doubt very seriously whether we shall get away from here at as early a date as the able majority leader has suggested, namely, the middle of next week.

So I do not think there is any practical reason why in this case we should deal any differently with a Presidential veto than we did in the other case.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. PEPPER. Mr. President, I ask the Senator to permit me to make one more point, and then I shall yield.

I also doubt the accuracy of the comparison of the possibility of a veto of this bill with the threat of a Presidential veto of the OPA bill, the purpose of which was to take from the poorer Peters of this country to provide a profit for the richer Pauls, which is what it provided, for it would have added, as the OPA estimated, over $4,000,000,000 to the food bills of the housewives of America. The President indicated then that he would veto it, or at least it was quite generally known. Yet the Senate passed the OPA bill. The President did veto it, and we have stayed on here to try to work out something, after the bill was vetoed.

So, Mr. President, those are two recent instances in which the Senate has not been deterred from doing what it chose to do, merely because there was an intimation that the President might not agree with the action taken by the Senate.

I am sorry to have delayed yielding to the Senator from Kentucky, but I was quite anxious to complete my statement in regard to the comparison.

Mr. BARKLEY. Mr. President, I wish to propound an inquiry to the Senator from Florida, whose sincerity in this matter I do not question. Inasmuch as the bill follows the suggestion contained in the correspondence which has been referred to by the Senator from Colorado, and inasmuch as it states the views of the Treasury Department, the Bureau of the Budget, and, assumedly, the President, and inasmuch as the plan proposed in the bill seems to have been endorsed and approved by the organizations of veterans who speak for them here in Washington in respect to legislation, does not the Senator from Florida think that, regardless of any adjournment of Congress or any veto possibility, in view of those facts we can very well satisfy ourselves by supporting a proposal upon which all those elements have agreed?

Mr. PEPPER. Mr. President, I shall answer the able majority leader, because I know the seriousness with which he has asked the question. Let me answer it in this way: I do not recall when I have seen so much deference shown to the Treasury Department and the Bureau of the Budget as I see shown now that we are trying to give the GI's a few hundred dollars which they should have had earlier. I do not know when I have heard Senators place such great store on what the Bureau of the Budget and the Treasury Department tell us we should do. Time after time when lesser issues have been at stake, their views have been spurned by the Congress. So in connection with the present issue, I do not think we have to defer to the Bureau of the Budget or the Treasury Department, because, after all, although they are the executive and administrative agencies, we in Congress have the authority and the responsibility of enacting legislation. Although we take their opinions and value them and often observe them, I am not willing to let the Treasury Department or the Bureau of the Budget be my excuse for not doing what I believe to be partially fair to the GI's who served in the recent war.

Mr. BARKLEY. Mr. President, I do not intend to lead the Senator from Florida into invidious comparison between our attitude toward the views of the Treasury Department or the Bureau of the Budget in regard to this matter and our attitude in regard to their views with respect to other matters. However, I do not think the Senator's answer was entirely responsive to my question. I propounded the question whether, not only in view of the position of the Treasury Department and the Bureau of the Budget, but also in view of the apparent concurrence of opinion of all the veterans' organizations which speak in Washington for the veterans, the Senator from Florida thought we might well be satisfied with the consensus of that opinion, which apparently has resulted in this bill.

Mr. PEPPER. Mr. President, I shall try to be more responsive in my answer to the able majority leader.

In the first place, I remember what the Treasury and the Bureau of the Budget said about paying the soldiers' bonus back in the 1930's. They said it would ruin the country if we paid the bonus. The Government did not pay it then. Subsequently there was a depression. But that instance was not the first time the Treasury Department and the Bureau of the Budget have been wrong.

Mr. BARKLEY. Mr. President, if the Senator will yield there, let me say that I happened to be a Member of the House of Representatives at that time. I voted for every bonus bill which was vetoed by any President, either Democratic or Republican, and I voted to pass them over the vetoes. When the Congress finally passed the bonus bill of 1932 or 1934 the Congress did not provide that the bonus should be paid in cash. We provided the bonus in the form of certificates, as I recall, which were to be given to the veterans on the basis of their length of service. The payments were not cash payments. They were extended over a period of years.

Mr. PEPPER. Were not those certificates redeemable, or was it not possible for the veterans to get some money on the certificates?

Mr. BARKLEY. As I recall, under some special circumstances the certificates might be redeemed. But aside from those special circumstances they were not redeemable until maturity.

Mr. PEPPER. Yes.

But what I am saying is that the Treasury and, I imagine, the Bureau of the Budget advised in the previous case that the bonus would be inflationary. But later a bonus bill was passed, and I do not believe the country sustained any great shock as a result.

Mr. BARKLEY. The attitude of the Treasury Department and of the Bureau of the Budget was wholly nonpartisan, because the bonus bills were vetoed by Presidents Coolidge, Hoover, and Roosevelt. We finally passed one over the veto of President Roosevelt, and I voted to do it.

Mr. PEPPER. That is what I am talking about. We finally passed the bill over the President's veto.

Mr. BARKLEY. But the point is that at that time we did not provide for cash payments.

Mr. PEPPER. The point is, Mr. President, that the Treasury Department was opposed to that step, but we finally passed the bonus bill, just the same.

Now, Mr. President, the President and some of the executive agencies of the Government have been shouting about the necessity for continuing the OPA. But the Congress has not paid much attention to that. This very week we shall vote on the question of having another OPA; and we shall vote for the conference report, if we are going to have any price control at all. In part, that proposal will enrich certain persons. I understand that one provision is that producers or manufacturers shall be guaranteed the prices they received for their goods in 1940, with all price increases since that time allowed for, without any regard to whether they need the price increases in order to make a profit in their individual businesses at this time.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. PEPPER. I yield.

Mr. BARKLEY. I do not care to discuss at this time the conference report on the OPA bill. I had hoped that we would be able to take it up this afternoon, but time is fleeting, and we shall not be able to consider that conference report today.

However, the Senator from Florida is not accurate in the statement he has made. On the other hand, I shall not go into that subject at this time. Tomorrow, when the conference report on the OPA is under consideration, I shall discuss what it provides.

Mr. PEPPER. Very well. I realize that national levels are taken into consideration in connection with that measure; but under the conference report someone will get more out of the OPA than he would have gotten under the original law, or else it never would have been amended. I think that is obvious.

Mr. President, I am talking about allowing within a few months $200 or $300 in cash to the men who fought the recent war. Now we are told that such a step will be inflationary, in fact, so inflationary, it is claimed, that we dare not place that dagger in the heart of the proposal.

Mr. GUFFEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. GUFFEY. What was the indebtedness of the country at the time the last bonus for veterans was voted for by Congress?

Mr. PEPPER. I do not know. It was perhaps between $16,000,000,000 and $20,000,000,000. I do not know exactly what the indebtedness was at that time.

Mr. GUFFEY. What is it at the present time?

Mr. PEPPER. It is in the neighborhood of $300,000,000,000.

Mr. GUFFEY. Does the Senator believe that the country can stand to have more money in circulation? Does he not believe that it would develop inflation?

Mr. PEPPER. No; I do not believe that an appreciable inflation would be developed.

Mr. GUFFEY. According to the Treasury, there is a debt of approximately $300,000,000,000, and the Senator would add $3,000,000,000 more.

Mr. PEPPER. I do not believe that $2,000,000,000 or $3,000,000,000 in relation to an outstanding debt of $300,000,000,000 is a larger percentage than a billion or two billion dollars was in relation to the debt of the country at the time the bonus bill was passed.

Mr. GUFFEY. That was during an inflationary period.

Mr. PEPPER. I do not believe that the benefits under this bill would represent a greater percentage of increase in relation to our present national debt than did the bonus in relation to the debt existing at the time to which the Senator refers.

Mr. MAGNUSON. Mr. President, I believe it should be pointed out that the impression is that this bill will put the GI on an equal basis with the officer who receives terminal leave. In justice to truth, it should be kept in mind that the GI received his mustering-out pay which was $300. The average terminal leave pay of the officer, as I recall the figure—I will get it later for the RECORD—was approximately $350 or $400. A high

ranking officer received more. Therefore, so far as the GI is concerned, we are asking that he be given an additional amount. The average GI will be receiving more than the average officer received when mustered out with mustering-out pay plus additional considerations.

Reference has been made three or four times while I have been sitting in my chair to the possibility that the President will veto the bill. The truth of the matter is that the President is perhaps following, as he should, the advice of the Treasury and the Bureau of the Budget. They have no doubt told him that the Budget this year will run, for the normal expenditures of the Government, approximately six billion or seven billion dollars more than the $39,000,000,000 which the Government will receive in the form of taxes. It has been said that it would probably be better for the country and the future of the GI himself if the course to be followed were the one suggested in the bill as reported by the committee. I wish that we could pay the GI in cash. In doing so the additional financial burden on the country would amount to very little in the long run, but the benefit to the GI at the present time would be considerable.

Mr. PEPPER. Mr. President, the Senator is absolutely correct. We are asked to tell the GI that the country is in such precarious condition that his Government cannot afford to let him have his $250 for 5 years. What will the average GI think about that? Yes, Mr. President, it makes but very little difference to many persons how little is the amount of money which the GI has. I have pointed out already that millions of GI's are living on $80 a month. What will he think if his Government tells him that he may not have his $250 for 5 years? What will it mean to tell him that he will receive a $250 bond which he may cash 5 years from now? We might just as well not give him anything so far as help is concerned at a time when he is passing through reconversion from a soldier to a civilian.

Mr. TAYLOR. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAYLOR. The able Senator discussed his amendment with me before he offered it, and I was rather sympathetic toward it. After hearing the arguments which have been made on the floor of the Senate, and in view of the situation which has developed, and in view of the fact that the Senator from Florida has accepted the suggestion that the bonds be not redeemable for a period of 6 months, I might suggest that if the Senate passes the bill in its present form, thereby not taking the risk of a veto, after the Congress returns 6 months from now, if the inflationary pressures have eased and we feel that the veterans should be permitted to cash their bonds, we can pass further legislation to make it possible for the veterans to surrender their bonds and receive cash.

Mr. PEPPER. I doubt that the general condition of the country will be any more favorable 6 months from now than it is at the present time. Perhaps I erred in adopting the suggestion of the able Senator from Utah, but I was trying to make these bonds like other War Savings bonds which are outstanding. We have had practical experience which has demonstrated that the people who needed money cashed their bonds, but those who did not need money did not cash their bonds, and I wanted to give the veteran the right to make a choice.

Mr. TAYLOR. Inasmuch as a postponement for 6 months has been suggested in the date in which the bonds may be cashed by that time we could look over the situation and determine what further course we should pursue.

Mr. PEPPER. Mr. President, perhaps instead of trying to have two votes taken, one on the 6 months provision and one on the cash-payment provision, if the Senator from Colorado believes that a 6-months bond is worth as much as the cash, we might as well vote first on the question of paying the veteran in cash.

Mr. CHAVEZ. Mr. President, I think the issue should be decided on the basis of whether or not we believe we should now treat the veterans in the manner which has been suggested by the Senator from Florida. I become annoyed with attempts to pass legislation on the basis of what might happen in the executive departments. No one has greater respect for the President of the United States, whether he be the present President, or some other President, than have I. But we should not legislate on the basis of what the President will do with a bill after it has reached him. It is his right and his duty to veto a bill if, in his judgment, he believes it should be vetoed. But why should we legislate on the basis of what we believe the President will do? We have heard it said again and again by someone who happened to be at the head of a department, "Unless Congress does this or does that I will resign." Well, let him resign. It has been said that we should not pass the pending bill because of the possibility of a veto. I am willing to let the President of the United States do what he believes is correct with reference to vetoing or signing the bill. The question before us is whether the amendment of the Senator from Florida is a correct and proper amendment.

Mr. PEPPER. Does the Senator from New Mexico believe that it would be better to have the money payable immediately in cash, or preserve the 6-month provision? In view of the statement of the Senator from Colorado that he regards it as worse to have the 6-month limitation in the bill, I should like to have the opinion of the Senator from New Mexico.

Mr. CHAVEZ. My opinion is that if we paid the colonel, the major, and the captain in cash we should pay in cash the man who actually did the fighting.

Mr. PEPPER. I thank the Senator.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MURDOCK. In answer to the argument that a cash bill would be preferable to the amendment of the Senator from Florida, I invite his attention and the attention of the Senator from Colorado to the fact that the GI's now hold a large percentage of the War Savings bonds. They have not had them redeemed at the Treasury any more than has any other segment of the population. They are holding their bonds just as the rest of us are holding ours. They have done so in the interest of the welfare of the United States, and because they have faith in the value of the bonds.

Mr. President, my answer to the Senator from Colorado is that we can depend on the GI's to hold their bonds for 6 months unless they are confronted with some dire emergency and are compelled to cash them.

I hope the Senator will not eliminate the 6-months provision. I stated earlier in the day that I was willing to go along with what the committee had reported to the Senate. I said that I did not believe we should say to the veteran that his bonds are not redeemable while the bonds of everyone else are redeemable. In my opinion, we are not taking any very great chance if we say to the veteran, "In 6 months from now you can redeem your bonds."

Mr. PEPPER. We will have a vote on the first amendment, and I wish to say now that as soon as the vote is had, whenever it is, on this amendment, if the amendment does not prevail, I am going to offer an amendment providing that the bonds be paid to the servicemen in cash or in bonds at their option.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. I wonder if the Senator from Florida would be agreeable to shortening the discussion in the hope that we may finish the consideration of the bill before we recess? There are other matters, very important matters, I desire to have taken up.

Mr. PEPPER. I am ready to conclude now, but I am going to offer the other amendment if the pending one does not prevail.

Mr. President, I wish to say a word in conclusion. I said I did not think this amendment would be very inflationary, and I was using the testimony of Mr. Chester Bowles in respect to the minimum wage bill which we had before us a little while ago. Senators will recall that the minimum wage bill contemplated raising the minimum wage from 40 cents an hour to 65 cents an hour. It was estimated that that would add some $2,000,000,000 to the wage bill of the country. The objection was made that that would be inflationary. But Mr. Bowles said that, distributed as it would be amongst the people at the bottom of the ladder, the money would be spent generally in such a way that he did not consider it would be appreciably inflationary. So I do not think the pending amendment will be appreciably inflationary, and I ask for the yeas and nays on it.

Mr. LUCAS. Mr. President, I wish to consume a little time on the amendment, notwithstanding the hour is somewhat late.

I have great respect for Chester Bowles, and I admire him as a man, as an economist, and as a patriot, but I am fearful that the Senator from Florida used the wrong individual in his attempt to prove his case on the floor of the Sen-

ate with respect to his argument about inflation.

Mr. President, who is behind the amendment which is offered by the Senator from Florida to change the committee bill into practically a cash proposition by making the bonds negotiable after a period of 6 months?

The great organizations of veterans have their representatives in Washington constantly attempting to bring to the committees of the United States Senate what they believe the rank and file of their members want. So, when the able Senator from Colorado had the hearings on the pending bill, he called before him the legislative counsel of the American Legion and other veterans' organizations to ascertain from them what they thought about the bill which is now before the Senate.

I read now what John Thomas Taylor, the director of the national legislative committee of the American Legion, testified. In reply to a question propounded by the Senator from Colorado, he said:

I sincerely hope that it will be gotten through before the recess of the Congress. It is one thing that is of most interest to the members of the armed forces during this war. It is the one thing that has caused the greatest dissatisfaction, and its elimination will go far toward satisfying the men who are presently in the armed forces, together with the vast population—certainly one in his family in the United States—and will eliminate distinctions and discriminations. I think it is a splendid piece of legislation.

Then, turning to the Disabled American Veterans, we find that William E. Tate, their representative, said:

It seems that perhaps it would be of more benefit to the men to get it that way——

That is, the way now proposed—

than it would in cash.

Then John C. Williamson, assistant legislative representative of the Veterans of Foreign Wars, said:

I have been instructed by the director, national legislative service, Veterans of Foreign Wars, that our great organization interposes no objection to this new proposal. We recognize the danger coincident with the release of a huge sum of liquid cash at this particular time of sending the Nation into an inflationary spiral. Veterans, particularly those living on pensions, compensation, and retirement pay, would be the greatest sufferers from such a debacle.

Mr. President, those were the statements of representatives of the three great veterans' organizations. Moreover, they agreed with the Treasury and the Bureau of the Budget upon the proposition.

No one who testified before the committee believed in the proposal which has been submitted by the able Senator from Florida. The Senator from Colorado is correct, in my opinion, in stating that if we do not pass the bill in the form in which it has been reported by the committee the veterans will get nothing at this particular time in the way of legislation on this important subject, because the President of the United States has a program involving the finances of the Nation, and he is not going to take this bill, in my humble judgment, if it provides for payment in cash or payment in negotiable bonds.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. PEPPER], which the clerk will state.

The CHIEF CLERK. On page 14, line 25, after the word "thereof", it is proposed to strike out the period and insert a comma and the word, "and shall be redeemable for the face value, plus accrued interest, at any time not less than 6 months after the issuance of such bonds."

The PRESIDENT pro tempore. The question is on agreeing to the amendment. [Putting the question.] The noes appear to have it. The noes have it, and the amendment is rejected.

Mr. CHAVEZ. Let us have a yea-and-nay vote.

Mr. PEPPER. Mr. President——

Mr. JOHNSON of Colorado. A point of order.

Mr. PEPPER. That is all right. Mr. President, I wish to offer another amendment, on page 14, line 15, after the word "compensation", to insert the words "shall, at the option of the member of the armed services, be in cash."

The effect of that would be that the member of the armed services should have the option to determine whether he would receive cash or whether he would receive bonds, as provided for in the bill itself.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Florida.

Mr. CHAVEZ. I ask for the yeas and nays.

Mr. WHITE. Mr. President——

Mr. PEPPER. I yield.

Mr. WHITE. I wish to call the attention of the majority leader to what he already knows, that most, if not all, Senators on this side have a 7 o'clock engagement this evening, and we would like very much to keep it. Unless the pending matter can be disposed of promptly, I was going respectfully to suggest that it go over until tomorrow.

Mr. BARKLEY. Mr. President, I am hoping the matter can be disposed of promptly and without further debate. I had in mind the engagement of those on the Republican side of the Senate at 7 o'clock, and I had hoped the bill would have been out of the way long ago. I hope we may now dispose of the amendment.

Mr. PEPPER. Mr. President, the Senator from Florida does not propose to take more than 2 or 3 minutes, but he does want to have the right to say a word before the vote, and he expects to say it.

The Senator from Illinois made a pertinent observation a few minutes ago, quoting the opinions of the leaders of the veterans' organizations. I found I had inadvertently failed to refer to the same suggestion made by the Senator from Kentucky.

Again to review history for our comparison, Mr. President. The Senate adopted the Russell amendment to another bill over the unfavorable and adverse recommendations of all the major farm organizations. The Farmers' Union, the Farm Bureau Federation, and the National Grange, all recommended that the Senate not adopt the Russell amendment. But the Senate adopted the Russell amendment, because the Senate judged, if I recall correctly, that that was the proper course for it to pursue. I remember my able friend, the Senator from Georgia, saying he would be found by what his judgment led him to believe to be the right course, rather than by what the recommendations of the farm organizations were.

Mr. President, that is what I believe in this matter, that while the veterans' leaders may have said they had no objection, I do not know that they had any specific authority to speak for the millions of veterans involved. At least, that is not binding authority on the Senate, unless we choose to make it binding.

Mr. RUSSELL. Mr. President, I may say that I feel exactly the same way with respect to this amendment. I propose to vote for the Senator's amendment.

Mr. PEPPER. I thank the Senator from Georgia very much. That is characteristic of his usual courageous attitude. I did not insist on the yeas and nays on the amendment a moment ago, but I think the pending amendment is deserving such a vote. I am willing to desist, but I do ask for the yeas and nays on the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Florida, who has asked for the yeas and nays. Is the demand sufficiently seconded?

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Florida. [Putting the question.] The noes appear to have it. The noes have it, and the amendment is rejected.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, as amended.

The amendment, as amended, was agreed to.

The PRESIDENT pro tempore. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 4051) was read the third time and passed.

The title was amended so as to read: "An act to grant to personnel of the armed forces equal treatment in the matter of leave, and for other purposes."

AMENDMENT TO RAILROAD RETIREMENT ACTS, RAILROAD UNEMPLOYMENT INSURANCE ACT, AND RELATED PROVISIONS OF LAW

Mr. BARKLEY. I move that the Senate proceed to the consideration of House bill 1362, to amend the railroad retirement acts, and so forth.

The motion was agreed to; and the Senate proceeded to consider the bill

(H. R. 1362) to amend the railroad retirement acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes.

EXTENSION OF PRICE CONTROL—CONFERENCE REPORT

Mr. BARKLEY. I submit the conference report on extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and ask for its present consideration, with the understanding that it will not be taken up until tomorrow.

There being no objection, the Senate proceeded to consider the report.

(For conference report, see page 9754 of the House proceedings of today.)

REPORT OF THE SENATE DELEGATION ON THE BERMUDA MEETING OF THE EMPIRE PARLIAMENTARY ASSOCIATION

Mr. GREEN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. GREEN. I desire to submit a report of the Senate delegation sent to the Bermuda meeting of the Empire Parliamentary Association. I would prefer to make the report orally so as to have it printed in the body of the RECORD, because similar reports have been made in Ottawa and in London. If I may read just a few sentences from it, and obtain permission to include the whole of it in the body of the RECORD as a part of my remarks, I shall be glad to do so.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREEN. Mr. President, this is the report of the Senate delegation sent to the Bermuda meeting of the Empire Parliamentary Association. I shall read some parts of it, and ask that the remainder be placed in the body of the RECORD.

Mr. LA FOLLETTE. Mr. President, I did not understand the Senator's request. I have no objection to the Senator printing the report in the RECORD. I do object to its being printed in the type which would indicate that the Senator had read it in the RECORD, because he does not intend to read all of it.

Mr. GREEN. Then I shall read it.

Mr. BARKLEY. How much is there of it?

Mr. GREEN. There is not much.

Mr. BARKLEY. Cannot the Senator wait until tomorrow?

Mr. GREEN. No, Mr. President; I have waited the whole afternoon, since 1 o'clock.

Mr. BARKLEY. We have all waited the whole afternoon on something.

The PRESIDENT pro tempore. The report has already been ordered to be entered in the RECORD.

Mr. JOHNSON of Colorado. A point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Colorado. I understood the Senator from Rhode Island to ask unanimous consent of the Senate to have the report printed in the RECORD, and that the President of the Senate had announced that consent had been granted.

The PRESIDENT pro tempore. The consent was agreed to, and that ends the matter. The objection of the Senator from Wisconsin came too late.

Mr. GREEN. The report has been ordered to be printed in the RECORD.

Mr. LA FOLLETTE. Mr. President, I did not understand the Senator's request until he repeated it as he got up to read the document. I understood him to ask unanimous consent to have the report printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Rhode Island asked that the report be printed in the body of the RECORD, and his unanimous-consent request was agreed to.

Mr. GREEN. I shall read the report.

Mr. President, on last February 14, the President of the Legislative Council and joint president of the Bermuda branch of the Empire Parliamentary Association, sent to the President pro tempore of the United States Senate, a cordial invitation for four Members of the Senate to visit Bermuda for a period of about 10 days beginning June 10 as guests of the Bermuda branch of the association. A similar invitation for four Representatives was sent to the Speaker of the House of Representatives.

On March 27, the chairman of the Foreign Relations Committee reported a concurrent resolution accepting this invitation, which was referred to the Committee To Audit and Control the Contingent Expenses of the Senate, was reported favorably without amendment, considered and agreed to on April 1. The concurrent resolution read as follows:

Resolved by the Senate (the House of Representatives concurring), That the Senate and the House of Representatives hereby accept the invitation tendered by the President of the Legislative Council of Bermuda and joint president of the Bermuda branch of the Empire Parliamentary Association, to have four Members of the Senate and four Members of the House of Representatives attend a meeting to be held in Bermuda, beginning June 10, 1946, at which the Bermuda Branch of the Empire Parliamentary Association will be host to delegations from the Parliaments of the United Kingdom and the Dominion of Canada, and at which it is hoped also to have representatives of the Parliaments of the Australian Commonwealth, New Zealand, and the Union of South Africa, and possibly a representative of the Central Legislature of India. The President of the Senate and the Speaker of the House of Representatives are authorized to appoint the Members of the Senate and the Members of the House of Representatives, respectively, to attend such meeting and are further authorized to designate the chairmen of the delegations from each of the Houses. The expenses incurred by the members of the delegations appointed for the purpose of attending such meeting, which shall not exceed $5,000 for each of the delegations, shall be reimbursed to them from the contingent fund of the House of which they are Members, upon the submission of vouchers approved by the chairman of the delegation of which they are members.

On June 6, in accordance with said resolution, the President pro tempore of the Senate appointed the following Members as delegates from the Senate: Senator THEODORE FRANCIS GREEN, of Rhode Island; Senator J. WILLIAM FULBRIGHT, of Arkansas; Senator ALEXANDER WILEY, of Wisconsin; Senator HOMER FERGUSON, of Michigan.

The Senator from Rhode Island was appointed chairman of the delegation.

The Speaker of the House appointed the following Members for the House of Representatives: Representative LUTHER A. JOHNSON, of Texas; Representative JAMES P. RICHARDS, of South Carolina; Representative ROBERT A. GRANT, of Indiana; Representative D. EMMERT BRUMBAUGH, of Pennsylvania.

Representative JOHNSON acted as head of the House delegation.

On June 8 the delegation flew to Bermuda, where they were cordially welcomed and taken to the Mid Ocean Club, where they were put up as guests of the Bermuda branch of the Empire Parliamentary Association. The American delegation decided that it was desirable to make it plain at the outset that they were attending the Conference merely as guests and observers. So, although members of the delegation participated in all the sessions of the Conference and all took part in the discussions, yet they did so informally, and without decision or commitment on the part of the American Congress or even of the delegation itself. Each delegate expressed only his own personal views. When matters of procedure arose on which action had to be taken I, as chairman, in behalf of the delegation, declined to take part, stating that we would abide by any decision reached by the association itself.

The first of such sessions was convened at 10 o'clock on the morning of Tuesday, June 11, in the House of Assembly Chamber, Hamilton, Bermuda, with the honorable, the Chief Justice, Sir Brooke Francis, K. C., of Bermuda, presiding. Those attending the opening meeting, in addition to the representatives from the United States, were the following delegates:

For the United Kingdom: The Right Honorable John Wilmot, Member of Parliament, chairman; the Right Honorable Anthony Eden, Member of Parliament; the Honorable A. J. P. Howard, Member of Parliament; Mr. E. M. King, Member of Parliament; Mr. Alfred Robens, Member of Parliament; Mr. J. J. Robertson, Member of Parliament; Wing Comdr. J. R. Robinson, Member of Parliament; Mr. Tom Smith, Member of Parliament.

For the Dominion of Canada: Mr. Gordon Isnor, Member of Parliament, chairman; Senator C. B. Howard; Mr. Elie O. Bertrand, Member of Parliament; Mr. G. H. Castleden, Member of Parliament; Mr. J. G. Diefenbaker, Member of Parliament; Mr. Mark Senn, Member of Parliament.

For the New Zealand Parliament: Mr. K. J. Holyoake, Member of Parliament.

For the Council and Assembly of Bermuda: The Honorable Sir Stanley Spurling; the Honorable F. G. Gosling, *MLC*; The Honorable W. E. S. Zuill, *MLC*; Mr. H. St. G. Butterfield, MCP; Mr. A. C. Down, MCP; Mr. Hereward T. Watlington, MCP.

Also in official attendance were the Honorable Sir Howard D'Egville, secretary of the British-American Parliamen-

tary Group in the Parliament of the United Kingdom, Prof. J. Eastman Sheehan as observer, and Darrell St. Claire, observer for the Department of State, Washington, D. C.

Discussions were held on Tuesday morning, June 11, again on the morning and on the afternoon of Wednesday, June 12, and on the morning and afternoon of Friday, June 14. The Conference had been scheduled to end on Tuesday of the week following, but because the American delegation felt obliged to make an earlier return, the meeting on Friday afternoon, June 14 had to be made the final session and the American delegation flew back from Bermuda on Saturday, June 15.

The subjects discussed ranged from aspects of international peace and security to the practical relationships existing between the United States and the British Commonwealth in the matter of trade. An interchange of views was had on these topics leading to expressions from all points of the council chamber by members present. The talks were completely unofficial and resulted in no affirmative or negative action on the part of any delegation.

Apart from the formal meetings, the opportunity was presented for members of the attending delegations to know one another and to learn of their respective national attitudes. This was particularly fortunate in view of the close military and naval collaboration between the United States and the British Empire in the war just closed, and was the first chance which many had had to meet together since the beginning of that struggle.

The visiting delegations were entertained extensively and most hospitably by public officials and private citizens. Receptions were given them by His Excellency the Governor and Lady Leatham, by Vice Adm. Sir Irvine and Lady Glennie, by the President of the Legislative Council of Bermuda, Sir Brooke and Lady Francis, by the Brigadier H. Dunbar McConaghey, the mayor of Hamilton and Mrs. Butterfield, and the American consul general and Mrs. Clay Merrill. These occasions, as well as others still more informal, gave occasion for the members of the respective delegations to get to know each other much better and to talk more freely than they otherwise could have done.

The American congressional delegation returned to the United States on Saturday, June 15. The Canadian, New Zealand, and United Kingdom delegations followed to the United States on Tuesday, June 18, and were greeted that morning at the Capitol by Chairman GREEN and Chairman JOHNSON and the members of the American delegation. At noon of the same day the visiting delegations were taken to the Senate floor and to the House of Representatives by the American participants. For the visit to the Senate that body stood in recess and all were greeted by Senators in attendance. The visitors at the time and since expressed high appreciation of the exceptional honor thus done them. The extract from the CONGRESSIONAL RECORD of that date follows:

RECEPTION TO MEMBERS OF THE EMPIRE PARLIAMENTARY CONFERENCE

Mr. BARKLEY. Mr. President, the Senate will recall that several months ago an official invitation was received by the two Houses of Congress to send delegations to the Empire Parliamentary Conference which was to be held in Bermuda. By appropriate resolutions the Senate and House accepted the invitation, and sent delegations from the two Houses, which attended the conference in Bermuda all of last week.

The representatives from the Senate were the Senator from Rhode Island [Mr. GREEN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Michigan [Mr. FERGUSON], and the Senator from Wisconsin [Mr. WILEY].

The delegation from the House of Representatives consisted of Mr. LUTHER A. JOHNSON, Mr. JAMES P. RICHARDS, Mr. ROBERT A. GRANT, and Mr. D. EMMERT BRUMBAUGH.

The members of the conference from the British Empire are on their way home from the conference, and they have come by way of Washington. They include the delegations from the British House of Commons, from the Canadian Parliament, and from the Parliament of New Zealand.

Among these gentlemen who attended the conference, and have honored us with their presence this morning, is Mr. Anthony Eden, with whom we are all very pleasantly acquainted, and of whose many visits to Washington we have very happy memories.

In order that the Members of the Senate may meet these gentlemen in person, and assure them of our appreciation of the courtesy they have shown us by calling upon us on their way to their respective homes, I ask unanimous consent that the Senate stand in recess for a few minutes, and that the members of the three Parliaments be kind enough to come to the front of the Senate so that Members of the Senate may greet them in person.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Thereupon (at 12 o'clock and 15 minutes p. m.) the Senate took a recess.

During the recess, the visiting members of the Empire Parliamentary Conference, took positions in the well of the Senate in front of the desk and were greeted by the Members of the Senate who were presented by Senator BARKLEY and Mr. Anthony Eden.

The following is the list of the delegates to the Empire Parliamentary Conference:

United Kingdom delegates: The Right Honorable R. Anthony Eden, Member of Parliament; the Honorable A. J. P. Howard, Member of Parliament; Lt. Col. E. M. King, Member of Parliament; Mr. Alfred Robens, Member of Parliament; Mr. J. J. Robertson, Member of Parliament; Wing-Comdr. J. R. Robinson, Member of Parliament; Mr. Tom Smith, Member of Parliament; Prof. Eastman Sheehan; Sir Howard d'Egville.

Canadian delegates: Mr. Gordon Isnor, Member of Parliament, chairman; Mr. Elie O. Bertrand, Member of Parliament; Mr. G. H. Castleden, Member of Parliament; Mr. J. G. Diefenbaker, Member of Parliament; Senator C. B. Howard; Mr. Mark Senn, Member of Parliament.

New Zealand delegate: Mr. K. J. Holyoake, Member of Parliament.

American Delegates: Senators THEODORE FRANCIS GREEN, J. WILLIAM FULBRIGHT, HOMER FERGUSON, ALEXANDER WILEY; Representatives LUTHER A. JOHNSON, JAMES P. RICHARDS, ROBERT A. GRANT, D. EMMERT BRUMBAUGH.

At 12 o'clock and 30 minutes p. m., the Senate reassembled, when called to order by the President pro tempore.

Mr. President, the same day the members of the visiting delegations were entertained at luncheon at the Senate by the American delegation and also later at the Blair Lee House by the Department of State. The delegations departed for their homes the next day.

This meeting between Members of the American Congress and members of the various parliamentary bodies of the British Empire was not the first of its sort. The last previous meeting had been held in June 1943 in Ottawa, Canada. It is believed that these meetings served a useful purpose in paving the way for better understanding between the respective lawmaking bodies. These meetings were not of the heads of states or of appointed officials, but meetings of officials elected by the people themselves, and in the discussions about the problems of the different countries, the views of the people themselves could be more readily ascertained.

There is one further comment to add to this report. As chairman of the committee, I at various times took occasion to emphasize the fact, and this was also emphasized by other members of the delegation, that we were very glad indeed to meet with these representatives of the various parliaments of the British Empire and that we would be glad also to meet with similar representatives of other foreign countries under similar conditions.

There is added to this report an extract from the London Times of July 5, giving an account of the Bermuda Conference and the common interests of Britain and the United States:

BERMUDA CONFERENCE—COMMON INTERESTS OF BRITAIN AND UNITED STATES

Mr. Attlee, answering Mr. Grenfell (Gower, Laborite), said: I am very glad to have the opportunity of telling the House something about the conference which, at the invitation of the Bermuda branch of the Empire Parliamentary Association, took place in Bermuda between June 10 and June 19 between delegations from the branches of the association in the United Kingdom, Canada, and New Zealand, and Bermuda. For the second time in the history of these conferences, a notable feature of the meeting was the presence of delegations of four Members from the American Senate and four Members from the American House of Representatives, who, by appropriate resolutions in both Houses of the American Congress, were selected to attend the conference. The discussions in Bermuda afforded an invaluable opportunity of close personal contacts and exchanges of well considered, if necessarily unofficial, opinions on matters of common interest to the great family of English-speaking peoples.

This is the second occasion on which there has been this close association between delegations from both Houses of the American Congress and from the United Kingdom Parliament and Parliaments of the oversea Empire, and I think it would be difficult to exaggerate the good effect on mutual understanding between the American people and the peoples of the British Commonwealth of Nations which may be expected to flow from what, I hope, will be a progressive expansion of these interparliamentary contacts. After the discussions in Bermuda, the delegates went on to Washington, and from there to Ottawa. In Washington the delegates from the British House of Commons, the Canadian Parliament, and the Parliament of New Zealand were invited onto the floor of the Senate, and the Members of that House stood in recess for a few minutes in order that Mr. Eden and the leader of the Canadian delegation might present them personally to each Member of the Senate.

BUSY DAYS IN OTTAWA

In Ottawa three busy days were spent in the forming of contacts, the acquisition of invaluable information, and the mutual strengthening of friendships which proceeds, as so many members of this House are aware, from the generous hospitality which in Canada is invariably accorded to visiting members from the United Kingdom and other parliaments of the commonwealth.

I should like to express our thanks to all those, alike in the United States, in Bermuda, and in Canada, who accorded such ready hospitality to their parliamentary visitors. I hope that, with the progressive resumption of peaceful conditions, opportunities for such meetings will increase, and that we in this House may have our opportunities of returning the cordial hospitality afforded to members of the House both in the United States and the British Empire. [Cheers.]

Mr. Eden (Warwick and Leamington, Conservative): In associating myself with every word of the Prime Minister's answer, might I ask in relation to the very generous gesture extended to members of this House and of the Canadian and New Zealand Parliaments by the United States Senate, which, so far as I know is quite unprecedented, whether he proposes in conjunction with you, sir, to consider sending some message of appreciation to the Senate from this House for their attitude? [Cheers.]

Mr. Attlee: I should like to do that very much if it is the general view of the House and of Mr. Speaker. [Cheers.]

PARTICIPATION BY UNITED STATES IN UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION—CONFERENCE REPORT

Mr. MURRAY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 305) providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 to 6, inclusive, and agree to the same.

JAMES E. MURRAY,
JAMES M. TUNNELL,
Managers on the Part of the Senate.

SOL BLOOM,
JOHN KEE,
CHESTER E. MERROW,
Managers on the Part of the House.

Mr. MURRAY. I ask unanimous consent for the present consideration of the conference report.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the report was considered and agreed to.

RIGHT OF FORMER OWNERS OF COMMERCIAL REAL ESTATE UNDER THE SURPLUS PROPERTY ACT OF 1944

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. I may say that I too have waited long today.

Mr. President, there is on the calendar a bill which merely amends the Surplus Property Act. I am speaking on behalf of the Senate Military Affairs Committee. The Senator from Wyoming [Mr. O'MAHONEY], who is ill, and who is chairman of the subcommittee, would have made this request and would have originally reported the bill from the committee. A very serious situation exists with reference to the disposal of some real property. The bill in question is House bill 6702. I ask unanimous consent for its present consideration. It will not take long, because I do not think there will be any possible objection to it. I am asking for unanimous consent, Mr. President, for immediate consideration at this time with the hope of disposing of the bill immediately.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BARKLEY. I have no objection, if it is considered without prejudice to the unfinished business.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 6702) to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That section 23 (a) (1) of the Surplus Property Act of 1944 is amended to read as follows:

"(1) The term 'real property' means property consisting of land, together with any fixtures and improvements thereon (including hotels, apartment houses, hospitals, office buildings, stores, and other commercial structures) located outside the District of Columbia, but does not include (A) commercial structures constructed by, at the direction of, or on behalf of any Government agency, (B) commercial structures which the Administrator determines have been made an integral part of a functional or economic unit which should be disposed of as a whole, and (C) war housing, industrial plants, factories, airports, airport facilities, or similar structures and facilities, or the sites thereof, or land which the Administrator determines essential to the use of any of the foregoing; and."

SEC. 2. Section 23 (c) of the Surplus Property Act of 1944 is amended by adding at the end thereof the following:

"The classification of property by the Administrator (including the determination of whether property is 'real property' as defined in this section) shall be based on the highest and best use of the property at the time it is reported as surplus property regardless of its former character or use."

SEC. 3. The Secretary of War and the War Assets Administration are authorized and directed to take such action as may be necessary (A) to reinstate the leasehold covering the Chamberlin Hotel, Fort Monroe, Old Point Comfort, Va., and its appurtenant land, buildings, utilities, and facilities, which leasehold, with all the furnishings and equipment used in connection therewith, was acquired on December 30, 1941, by the Department of the Navy, and on December 20, 1945, declared by the Department of the Navy to be surplus to its needs and responsibilities; and (B) to convey and sell, to the former owner or owners authorized under this section to be the lessee under the reinstated leasehold, all of the right, title, and interest in and to such hotel, land, buildings, utilities, furnishings, and equipment, which existed in the person who was the lessee prior to such acquisition by the Department of the Navy. The former owner or owners for the purposes of this section shall be either (i) those persons who on December 30, 1941, owned bonds to secure payment of which the property was then held by a trustee, and who, within 60 days after the date of first publication of notice is a newspaper of general circulation in the county in which the property is situated, as hereinafter provided, commit themselves in such manner as the War Assets Administrator may prescribe, to participate in the acquisition of the property, the participation by each such person to be in the porportion which the face amount of the bonds owned by such person on December 30, 1941, is of the aggregate face amount of such bonds owned by all of the participants, or (ii) a corporation all of the shares of which (except qualifying shares) are owned in like proportion by the persons making such commitments. Notice of the right of such persons to have the benefits of this section shall be given by publication in the Federal Register, publication in a newspaper of general circulation in the county in which the property is situated, and by any other means which may be deemed appropriate by the War Assets Administrator. The leasehold shall contain the same terms and conditions as that which was in effect immediately prior to the acquisition of the property by the Department of the Navy, and upon the reinstatement thereof shall be subject to all of the provisions of Public Resolution 71, Sixty-seventh Congress (42 Stat. 843), as if such acquisition by the Department of the Navy had not taken place. The consideration to be paid to the United States for reinstating such leasehold and for such conveyance and sale to the former owner or owners shall be a price not greater than that for which the property was acquired by the United States. Such acquisition price being properly adjusted to reflect any increase or decrease in the value of the property resulting from action by the United States, or a price equal to the market price at the time of sale, whichever price is the lower. This section shall cease to be in effect unless, within 6 months from the date of the enactment of this act, the former owner or owners pay or tender the consideration prescribed in this section for the reinstatement of the leasehold and for such conveyance and sale.

Mr. TAFT. Mr. President, may we have an explanation of the bill?

Mr. REVERCOMB. I shall be very glad to explain it briefly.

The Surplus Property Act permits prior owners of land taken over by the Government, when such land is declared surplus, to have priority of repurchase. Priority of repurchase is for the original purchase price plus any improvements which may be placed upon the land, or less any reduction in its value. Under the construction placed upon it by the War Assets Administration that provision of the act has been applied only to grazing lands, farming lands, and lands of that type. The purpose of the bill is to clarify the act, so as to apply to other real property, as defined in the bill, and to extend the definition of real property to include hotels and other business properties which have not been built by the Government itself or by agencies of the Government. That is the first part of the bill.

The second section, put in at the request of the War Assets Administration, simply provides that the classification of property by the Administrator shall be based on the highest and best use of the property at the time it is reported as surplus.

The third section deals with the specific instance of the Chamberlin Hotel, which is built upon the Government reservation at Fort Monroe. It had to be dealt with in a separate section because, as the War Assets Administrator pointed out, it is not salable property, but must be leased.

That is a very general explanation of the bill. It must be passed now if it is to become effective at all, and if the War Assets Administrator is to sell the property and give priority to former owners.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. REVERCOMB. I yield.

Mr. HAWKES. How long is the priority right to continue?

Mr. REVERCOMB. The former owners are to have 60 days within which to exercise their priorities, except in the case of the Chamberlin Hotel, which involves former bondholders. They are allowed a little more time to assert their right to exercise their priority.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H. R. 6702) was read the third time and passed.

Mr. REVERCOMB. Mr. President, I move that the Senate insist upon its amendment, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on behalf of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. O'MAHONEY, Mr. MURRAY, Mr. MAYBANK, Mr. REVERCOMB, and Mr. WILSON conferees on the part of the Senate.

Mr. REVERCOMB subsequently said: Mr. President, as a part of my remarks upon House bill 6702, which I discussed a few moments ago, I ask unanimous consent to have the report of the committee printed in the body of the RECORD.

There being no objection, the report (No. 1722) was ordered to be printed in the RECORD, as follows:

Your committee, to whom were referred the bills (S. 2329, S. 2380, and H. R. 6702) to clarify the rights of former owners of commercial real property under the Surplus Property Act of 1944, after considering the same, unanimously reports favorably the bill H. R. 6702 with an amendment, and recommends passage of the bill as amended.

NEED FOR CLARIFYING LEGISLATION

The purpose of the bill is to permit former owners of commercial real property, such as hotels, apartment houses, hospitals, office buildings, stores, and other commercial structures, which have not been constructed by the Government or made an integral part of a facility or installation, to reacquire their property when it is declared surplus by any Government agency. The need for clarification arises out of the interpretation, placed by the War Assets Administration through its regulations, upon section 23 (a) (1) of the Surplus Property Act of 1944, as amended. Under this interpretation preference to reacquire is not extended to former owners of commercial real estate. Section 3 of the bill deals with a special situation involving the Chamberlin Hotel at Old Point Comfort, Va., which, owing to an involved leasehold, cannot be disposed of without the benefit of additional legislation, and which cannot be satisfactorily handled by means of general legislation.

Your committee, through its subcommittee on surplus property, held hearings on the bills. Representatives of War Assets Administration appeared at these hearings and testified with respect to the interpretation placed by that agency upon section 23 of the Surplus Property Act of 1944.

This section gives to the former owners of real property a preference to reacquire their property following its declaration as surplus by an owning agency. Real property, as defined in the act, excludes "war housing, industrial plants, factories, or similar structures and facilities," thus precluding a former owner of property falling within these categories from exercising a preference to reacquire. It was the contention of the representatives of War Assets Administration that since the legislative history of the Surplus Property Act contains no references to property other than agricultural, forest, grazing, and mineral land, commercial structures such as hotels, apartment houses, office buildings, and stores fall within the category of "similar structures" and are thus excluded from the term "real property." Hence, under the War Assets Administration interpretation, former owners of this type of property are not entitled to preference.

The amendment made by your committee to the first two sections of the bill are designed to safeguard the interests of the Government in real property which has been substantially modified or extended. With these amendments, the War Assets Administration has no objections to the bill. The safeguards added by your committee provide that no priority to former owners shall exist for commercial structures constructed by, at the direction of, or on behalf of any Government agencies, or for commercial structures which the Administrator determines have been made an integral part of a functional or an economic unit which should be disposed of as a whole. These qualifications were added to the bill in view of the large number of instances where the Government has made extensive additions, alterations, or betterments to a property or where the breaking up of a large installation by the sale of portions of the installation to former owners would substantially decrease the over-all value of such property or installation to the Government.

Section 2 of the proposed bill further clarifies the basis upon which property shall be classified in order to assure the highest and best use of the property at the time it is declared surplus, thus assuring the highest return to the Government.

Section 3 of the proposed bill deals exclusively with the Chamberlin Hotel at Old Point Comfort, Va. This hotel was constructed on the military reservation at Fort Monroe, Va., pursuant to a joint resolution passed by Congress in 1922 which authorized the Secretary of War to permit private persons to construct and to operate a hotel on the reservation under a leasehold for a period of 50 years renewable for a further period of 50 years. In December 1941, the Department of the Navy acquired the leasehold through condemnation. At the time, the hotel was in receivership and the bondholders were in effect the owners of the leasehold interest. At the time of the Navy's condemnation of the Chamberlin, the question arose, and is still pertinent, as to whether the leasehold would not become merged in the fee title and thereby become extinguished. There was further question as to whether the joint resolution passed by Congress in 1922 would authorize the Secretary of War to reinstate the leasehold interest. In addition, the State of Virginia had originally ceded the land comprising Fort Monroe on the condition that the land be used exclusively for military purposes. On February 17, 1922, the General Assembly of Virginia enacted a statute which had the effect of preventing the land comprising Fort Monroe from reverting to the State of Virginia if a hotel should be constructed thereon.

Questions arose as to whether this act of the General Assembly of Virginia was still in effect following the condemnation by the Navy and hence whether the reinstatement of the leasehold on the hotel Chamberlin would not cause Fort Monroe to revert to the State. The purpose of section 3 is to reestablish the leasehold and to authorize the return of the property to persons who were bondholders of record on December 30, 1941. In reinstating the original leasehold, the bill avoids further difficulties arising out of these problems.

The bill as passed by the House provides that the leasehold shall be disposed of to a majority of the former bondholders. The amendment added by your committee extends the right to reacquire this property to all former bondholders who may wish to participate, on a proportional basis.

Mr. REVERCOMB. Mr. President, in addition, I wish to call attention to something which I should have explained at the time; namely, that section 3, on page 5, in line 16 of the bill, as printed, requires the publication by the War Assets Administration of a notice giving the bondholders an opportunity to commit themselves to participate in the acquisition of the Chamberlin Hotel.

It is intended that the newspaper notice shall set forth in detail the terms and conditions under which such commitments are to be made. I am advised that the committee is to receive from the head of the War Assets Administration a statement that this construction will be placed upon the language of the bill.

JOSEPH E. BENNETT—CONFERENCE REPORT

Mr. HUFFMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2091) for the relief of Joseph E. Bennett, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the title of the bill.

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: Restore the matter stricken out by the Senate amendment with the figures in line 7, page 1, namely, *$39,129* stricken out and the figures "$30,000" inserted in lieu thereof; and the Senate agree to the same.

JAMES W. HUFFMAN,
GEO. A. WILSON,
Managers on the Part of the Senate.

E. H. HEDRICK,
JOHN JENNINGS, Jr.,
Managers on the Part of the House.

Mr. HUFFMAN. Mr. President, I ask unanimous consent for the present consideration of the conference report.

There being no objection, the Senate proceeded to consider the report.

Mr. WHERRY. Mr. President, I should like to ask the distinguished Senator if this is a private claim bill?

Mr. HUFFMAN. It is a private claim bill.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

MEAT AND LIVESTOCK MARKET REPORT

Mr. WHERRY. Mr. President, in the cattle market today there were just a few head less than 50,000. The prices were from 25 cents to a dollar cheaper per hundred on most of the classes. The prices of cows went even lower.

Hog receipts totaled 51,000 head, and the market was about steady with yesterday's close.

Calf receipts for the first 2 days of this week were up 1 percent from a week ago, and 49 percent larger than for the comparable 2 days a year ago. Sheep and lamb receipts for the first 2 days this week were 17 percent above receipts for the comparable 2 days a year ago.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks the entire market report, together with an article from the New York Times of July 23 entitled "Meat Black Mart Feared Under OPA."

There being no objection, the report and article were ordered to be printed in the RECORD, as follows:

The continued uncertainty as to whether price controls are kept off livestock and meats is causing wide fluctuations in market supplies and in prices than otherwise would exist. This situation may be expected to continue if the conference committee report is adopted by Congress and approved by the President, since nothing definite will be known for another month while a decontrol board is appointed and has attempted to conduct hearings on a complex and involved problem.

Adequate factual information already has been made available to Congress that proves unmistakably that price ceilings on meats and livestock not only are impracticable and unenforceable but also are not needed. Increased production, which is the only answer, can be achieved only if the industry is kept free of artificial, unworkable, and impractical regulations. The country needs increased production of meat and the industry is in a position to achieve it if restrictive legislation can be avoided. For example, the Department of Agriculture announced in a special report yesterday that an all-time record corn crop of 3,500,000,000 bushels and a record wheat crop of well above a billion bushels is in prospect. This prospect of a record production of feed and food grains undoubtedly will cause many American cattle and hog farmers to make every effort to increase and expand their production. Their decisions, however, must be made within the next 30 days or so. The continuing uncertainty, as a result of the pending legislation, however, will continue to confuse them and make it difficult for them to make any positive plans for increasing production.

The unmistakable evidence of what freedom from impractical and unenforceable price regulations will bring is shown by the fact that meat production in each of the past 3 weeks in which no price controls have existed has exceeded production of the preceding week. The increase has been tremendous. For example, meat production under Federal inspection in the week ended July 20 is estimated to have amounted to about 392,000,000 pounds, which was the largest for any week since last February, 224 percent larger than that in the week ended June 29, the week in which OPA controls were eliminated, and 49 percent larger than that for the corresponding week of July 1945. The following table shows estimates of meat production under Federal inspection for the third week in July this year and last year, and for the last week in June, when OPA controls ended.

	Week ended July 20, 1946	Percent change from—		Week ended—	
		Last week of June	Year ago	June 29, 1946	July 21, 1945
	Mil. lb.			*Mil. lb.*	*Mil. lb.*
Beef	184	+283	+43	48	129
Veal	16	+129	Same	7	16
Lamb and mutton	18	−10	+6	20	17
Pork, excluding lard	174	+278	+72	46	101
Total meat	392	+224	+49	121	263

The foregoing increase in production under Federal inspection has resulted not only from increased marketings of livestock, but also from the ability of long established operators once more to compete with the black market under the free and open competitive natural laws of supply and demand.

A report on the livestock market this morning is summarized as follows: Receipts of cattle at 12 important markets all over the country today amounted to 49,300 head, off 32 percent from the large run of cattle at these markets a week ago, and about 4 percent less than market receipts a year ago. Total cattle supplies at these markets for the first 2 days of this week were 18 percent less than those of a week ago, but 9 percent above the supply for the comparable days a year ago. The United States Department of Agriculture reported yesterday's supply situation as follows: "Last week's late price declines on all classes and grades of slaughter cattle held fresh receipts to moderate dimensions with unloads including a smaller percentage of strictly good and choice fed steers and yearlings. But fresh receipts of grass cows and low-grade steers and heifers piled in on top of a sizable carry-over from late last week when the trade on such cattle hit new low levels for the season."

The Department of Agriculture reported the cattle market in Chicago yesterday as follows: "Compared with last Friday, top, good, and choice slaughter steers sold fully steady, with lower grades still draggy, but at prices about in line with scattered sales made at the recent full decline.

"Good and choice fed heifers held dependably steady at last week's low close, but medium to low-good grass heifers and heiferettes dragged in sympathy with another very dull trade on all grades of cows. Compared with last Friday, canners and cutters fared the best, selling steady to 25 cents lower, while better grade cows and heiferettes suffered additional 25 to 50 cents downturns. Consequently, cows sold at a new low on the crop and as much as $5 under the season's high time. Bulls ruled slow and steady to 25 cents lower following last week's crack-up in prices, and vealers sold about steady with Friday but 50 cents to $1 under the recent high time."

The cattle market in Chicago this morning was reported steady with yesterday's close. The early top paid on a few loads of cattle was $25 per hundredweight which compared with the top of $25.25 paid for only 5 loads yesterday, and with an extreme top of $26.35 last week.

Receipts of hogs at 12 markets this morning, which amounted to 51,000 head, were off 21 percent from a week ago but up 40 percent for the comparable day a year ago. This makes total receipts at those markets this week 24 percent less than a week ago, but 13 percent larger than for the same day a year ago.

A striking example of how uncertainty and fear of price restrictions being reimposed can have on the flow of livestock to market is reflected in the comment made by the Department of Agriculture yesterday in a report of the hog market.

This statement is as follows: "The severe price break in hog values late last week, coupled with the news over the week end that price restrictions may not be replaced for another 30 days, reduced the hog run to the smallest number since July 1."

As a result of this sharp curtailment of supplies over the week end, hog prices today advanced somewhat. The top price yesterday at Chicago was $20.75 for a few selected lots, but the practical top was $20.50, as compared with the top last week of $22. The hog market this morning at Chicago opened slow with an early top of $21.25. Good and choice sows opened at $19.25 to $19.50 per live hundredweight.

Sheep and lamb receipts for the first 2 days this week were off 2 percent from a week ago but up 17 percent for the comparable 2 days a year ago.

Calf receipts for the first 2 days of this week were up 1 percent from a week ago and 49 percent larger for the comparable 2 days a year ago.

Reinstatement of controls on meat and livestock, as threatened by the terms of the conference report on the OPA bill, simply will mean that the wasteful black market which flourished under the OPA again will prevail to undermine public morals, waste vital foods and materials, endanger public health, discourage production, ruin legitimate business, create shortages, and gouge American consumers.

AMERICAN MEAT INSTITUTE.

[From the New York Times of July 23, 1946]

MEAT BLACK MARKET FEARED UNDER OPA—SPOKESMEN FOR RESTAURANTS, HOTELS, AND CLUBS FORECAST ILLEGITIMATE DEALS AGAIN

Restaurant and hotel men of the city and representatives of the meat industry forecast yesterday an immediate return of the black market if Federal controls again were put on meat through revival of Office of Price Administration regulations.

Spokesmen for leading restaurants, chains, cafeterias, Broadway night clubs, and hotels were agreed that in the open and competitive market beef and other meat cuts were becoming plentiful at prices far below those that prevailed in the black market.

Although prices are higher than former OPA ceilings, these spokesmen contend those ceilings were fictional and meant nothing because it was virtually impossible to buy meat legitimately at OPA prices. S. Ernest, assistant to the president of the Hotel Commodore, said that under OPA no hotels were able to obtain more than 5 percent of the meat they needed through legitimate channels.

BLACK MARKET SEEN ON WAY

"If meat controls are restored conditions will be the same as they were before with the black market back and black-market operators doing business at the same old stand," Mr. Ernest said. "At the present time we can buy all the meat we want legitimately."

Robert K. Christenberry, president of the Hotel Astor, said that with the end of OPA controls his hotel was able to serve a variety of meat cuts, something that was impossible under price regulations because we can't and won't compete by paying black-market prices. He also forecast a reblossoming of the lush black market if meat controls were restored.

Butter took another drop of 2¼ cents a pound wholesale on the New York Mercantile Exchange yesterday with Grade AA selling for 68¼ cents a pound, compared with Friday's closing price of 70½ cents. Score 93 or A butter was down to 66¾ cents a pound; grade B, 90 score, was selling at 64½ cents, and class C, 89 score, at 63½ cents. Retail supermarkets were selling butter at 75 cents.

According to Claude B. Rader, assistant manager of the exchange, the market is weak at the moment because the trade is agitated over the final outcome of the new OPA bill

on which a Senate and House conference committee has agreed. The bill is expected to be acted upon today by Congress. Many in the trade were of the opinion that if butter again went under price control it would skyrocket in the black market, where it was bringing $1 a pound and up before June 30.

The demand for meat in the wholesale market dropped off sharply yesterday. This was accounted for by the fact that few retailers, with the exception of chains, sold out over the week end as consumers became more discriminatory in their purchases and balked at high prices. Consequently, comparatively few retailers were buying, and trading was described by C. F. House, market news analyst of the United States Department of Agriculture, as very slow, except for lamb. The beef supply, he said, was very liberal.

MORE MEAT IN REFRIGERATORS

With meat in wholesalers' refrigerators increasing daily, there will be an attendant decrease and a general readjustment in prices along the line unless the Government injects itself into the picture again by imposing strangling price controls, representatives of the restaurants and hotels said.

"If meat goes back on an OPA ceiling formula we will have a resurgence of the black market and a return of the same conditions that existed before June 30, when we had to go into the black market if we hoped to get any variety of meat cuts," Paul Henkel, president of the Society of Restaurateurs, said. "This was necessary because our own purveyors could not supply us at ceiling prices."

The same opinion was shared by Samuel Koenigsberg, president of the Affiliated Restaurateurs, composed of cafeterias, and Simon Linz, chairman of the board of the Allied Food and Entertainment Industries, Inc., an organization of restaurants and Broadway and East Side night clubs. Carl Erbe, another spokesman for Allied, said that, generally speaking, all the better-known night clubs were charging the same prices on their menus that they did under OPA and were contemplating no immediate increases.

"The illicit dealers, who mushroomed under OPA ceilings and flourished in the black market, are champing at the bit to get back in business," Mr. Linz said. "They are hoping for a return of the OPA because they know they cannot compete with the legitimate packers and remain in business. Wholesale prices on meat today were down 10 cents a pound. This morning I was offered prime ribs of choice beef at 49¾ cents a pound for the first time in years. The same cut would have cost me 90 cents a pound in the black market.

"If the OPA keeps out of the picture we will be back in business again. Let supply and demand take care of things."

The American Meat Institute, representing 350 companies in the industry, asserted that a return of price ceilings was the only hope for black-market operators to recoup their reported $10,000,000 loss since July 1, with the end of OPA.

Mr. BARKLEY. Mr. President, I ask the Senator if this is his final hog and cow report.

Mr. WHERRY. I will say to the distinguished Senator that if OPA comes up for consideration tomorrow, I am afraid that this will be the last market report on meat and livestock, but if the Senator wishes, I can start with weather reports. [Laughter.]

Mr. BARKLEY. I am sure the Senator would be as accurate with weather reports as he has been with the market reports.

REPORTS BY SENATORS ON SOURCES OF OUTSIDE INCOME

Mr. MORSE. Mr. President, I ask unanimous consent to submit a resolution and make a brief statement in connection therewith.

The PRESIDENT pro tempore. Without objection, the resolution will be received and appropriately referred.

There being no objection, the resolution (S. Res. 306) was received and referred to the Committee on Banking and Currency, as follows:

Resolved, That every Member of the United States Senate shall, not later than 30 days following the date of agreement to this resolution, and on the 2d day of January of each year thereafter, file with the Secretary of the Senate a report containing a full and complete statement of—

(1) the amount and sources of all income received by such Member during the preceding year, including all fees, salaries, income from trusts or estates, and dividends received or credited to his account, and, if such income is derived from a law firm or partnership, the names of the clients of such firm or partnership from whom fees were received; and

(2) all dealings in securities or commodities by such Member, or by any person acting on behalf of, or pursuant to the direction of, such Member during the preceding year.

SEC. 2. As used in this resolution—

(1) The term "person" includes an individual, partnership, trust, estate, association, corporation, or society.

(2) The term "security" means security as defined in section 2 of the Securities Act of 1933, as amended (U. S. C., title 15, sec. 77b).

(3) The term "commodity" means commodity as defined in section 2 of the Commodity Exchange Act, as amended (U. S. C., title 7, sec. 2).

(4) The term "dealings in securities or commodities" means any acquisition, holding, withholding, use, transfer, disposition, or other transaction involving any security or commodity.

Mr. MORSE. Mr. President, I should like to make a few brief points in support of the resolution.

First. I may say that my resolution is bottomed upon the very sound philosophical principle enunciated by Plutarch that Caesar's wife must be above suspicion. Likewise, I feel that, so far as the public's evaluation of Members of the Senate is concerned, they must be above suspicion. Hence, I think my resolution which calls for the filing with the Secretary of the Senate of all sources and amounts of senatorial income is in keeping with the public's right to know what influences may possibly be brought to bear upon Members of the Senate in the performance of their legislative duties.

Second. I know that Members of the Senate are sometimes criticized because they supplement their salaries with income from other sources. For example, I have been subjected to some criticism from constituents in Oregon because occasionally I deliver speeches for an honorarium. However, I have found that to be necessary in order to take care of a campaign deficit, all of which was not paid by the Republican Party organization.

Third. So long as such compensation is not received in connection with Government contracts or proceedings before a Government agency, it is perfectly legal and, of course, does not violate the criminal code.

It seems to me it is perfectly legal and proper for a Member of the Senate to receive supplementary income; but I also think it is perfectly proper that the voters of the country should know the source of his income.

Fourth. Compensation for outside activities is also, in most cases, entirely ethical and proper; but I believe that a record of such income of Members of this body should be on file with the Secretary of the Senate. Such a record would relieve Members of the Senate from being subjected to unjust criticism.

Fifth. I think it is clear that there is a growing feeling, especially in view of certain charges daily being made in the newspapers with regard to sources of income of certain Members of Congress, that perhaps it is common practice for Members of the Senate to receive income from such sources as are being discussed these days in the public press. I know that that is not true; nevertheless, I feel that the people of the country are entitled to have a record made of such income.

It is for this reason, I understand, that veterans attending the Des Moines convention of the American Veterans Committee inserted the following plank in the domestic platform of this young veterans' organization:

> We urge the registration by Members of Congress of their sources of income, and the registration of all dealings in securities and commodities by Members of Congress and members of their immediate families.

Mr. President, I feel that there is ample precedent for my resolution. After all, existing law requires the filing of information by Members of the Senate so far as campaign contributions are concerned, and the so-called Wherry resolution requires Senate committees to file full information with respect to borrowed personnel being paid by executive agencies. I heartily endorse and support such a requirement. We also have the practice of the Reconstruction Finance Corporation and other Government agencies, of having their directors file with the agency any outside financial connections, or any outside contributions or sources of income.

Mr. President, I believe that the resolution is essentially sound on this major premise, namely, that the voters of the country are entitled to know and to have made available to them this fundamental information to help them judge whether their representatives in the Senate are serving the public interest, and whether, insofar as their official acts are concerned, they are in any way influenced or dictated to by the sources of their income.

WORLD CONTROL OF ATOMIC ENERGY—ADDRESS BY W. A. HIGINBOTHAM

Mr. McMAHON. Mr. President, on the 16th of July I offered for insertion in the Appendix of the RECORD an address delivered by William A. Higinbotham, chairman of the Federation of American Scientists, before the Institute on World Control of Atomic Energy. This was a most thoughtful address on a most important and pressing problem. The address was delivered at a meeting in the Interior Department over which I had the honor to preside as chairman. I received the address back from the Public

Printer with the statement that it would cost $165 to print it, and calling attention to regulation No. 10 of the Joint Committee on Printing which requires the consent of the Senate in a case involving more than two printed pages. Inasmuch as atomic energy research has thus far cost us about $3,000,000,000, I think that the expenditure of $165 is well warranted. In view of the importance of the address, I now request that it be printed in the body of the RECORD, immediately following my remarks, instead of in the Appendix of the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

INSTITUTE ON WORLD CONTROL OF ATOMIC ENERGY—NATIONAL COMMITTEE ON ATOMIC INFORMATION

(Address by Mr. W. A. Higinbotham, chairman, Federation of American Scientists, to be delivered at morning session Tuesday, July 16, 1946, auditorium, Department of Interior)

I can think of no meeting I would rather attend on the anniversary of the Alamogordo test shot, than this Institute on World Control of Atomic Energy.

A year ago today I attended that other meeting—the gathering of scientists and military men in the New Mexico dawn. We all felt very lonely there, very special, very remote. With the world what it is and human nature what it is, we were afraid we might be bringing into being forces which the world might never master. So it is with heartfelt sentiments that I speak for my fellow scientists to welcome you here. I hope we will be able, each of us, to contribute something to this meeting. I hope at its conclusion we can all feel that the institute has contributed something to our understanding of the world in which we live—this strange new age in which we must live, or die.

It seems to me from this first year of confusion in which we did not know which way to turn, this year in which we hesitated between one course or another, that American policy must soon turn decisively down one of two roads.

As a scientist, I know that there is no foreseeable defense in science against the atomic bomb. I also know that the bomb is powerful enough and cheap enough to destroy the cities of the world. Our security must be found outside the field of invention and gadgets. To me there seem to be only two courses offering even partial hopes of security for America in the atomic age.

1. We shall ardently seek and secure a system of world cooperation under law, or

2. We must retreat as a nation into a policy of defense and decentralization.

This is the basic message of the scientists, the basic fact which brought us out of our laboratories and universities, into the political arena, which led some of us to become advisers to Senate committees, to work with diplomats in the State Department and in the councils of the United Nations. There is no foreseeable defense to stop atomic bombs and certain other weapons of mass destruction, weapons which in future wars could in a single night do as much damage to Europe's capitals as was done in 6 years of the last war.

Against such appalling facts the world cries out in wishful thinking for some easy solution. But we scientists add another basic fact to be considered in the problem, and that is that America has no lasting monopoly of atomic bomb production. In 4 years other powers can have these bombs. Our cities may be exposed to sudden death from the sky just as surely as Coventry and Berlin were exposed. Then the average man in the street will not be discussing what a bomb can do to a naval fleet, but what an atomic bomb can do to him, and to his house and to his city.

America must quit kidding itself about defenses. It must choose between a world cooperative security or drastic efforts to minimize the consequences of an atomic war.

Dr. Harold Urey, Nobel prize winner in chemistry, compared the two roads before us when he said: "There never will be a Maginot line against the limitless powers of the universe as developed by the limitless imagination of man. * * * our defense is in control * * * the safety of countries in the future, like our personal safety in cities, must rest on the law and conscience of man."

And Professor Einstein chose the same alternative: "Rifle bullets kill men, but atomic bombs kill cities. A tank is a defense against a bullet, but there is no defense in science against the weapon which can destroy civilization. Our defense is not in armaments, nor in science, nor in going underground. Our defense is in law and order."

Today, to the word of the atomic scientists has been added the word of many others. Many see the facts leading to world peace or world destruction, including military men themselves. According to a story by two well-known writers in the Saturday Evening Post, the experts of the War Department General Staff share this gloomy but realistic conclusion.

Joseph and Stewart Alsop, Washington commentators, write the amazing story of a top War Department board of experts assigned to study the implications of atomic energy. Their final conclusion was summed up in one statement, "The only sure defense of this country is now the political defense." This is one revolution in human thinking already brought about by the irresistible forces of the atomic age. The best professional soldiers now admit that adequate armed forces and military preparations, however well equipped and lavishly financed, cannot provide security for such a large and powerful Nation as the United States. "The only sure defense of this country is now the political defense."

The War Department report also discusses the possibility of dispersing our cities, of placing wartime industries underground or in caverns like Mammoth Cave. This report is not made public. However, there is made public from the White House another War Department report which does discuss these same questions of the road we must take if we do not prove successful upon the road to world cooperation and control. It is obvious that no nation can gain anything by an atomic war, even in victory, for it will be crippled for generations. But it is likewise impossible today for America to throw away her Army and Navy and say that force has disappeared as an instrument of national policy because force has now become catastrophic.

I think it is sensible realism to discuss now the questions which must be raised if attempts to secure world control fail. Furthermore, I believe this realism will show us that ideas of world cooperation which used to be considered idealism are now the coldest realism. Again I quote Einstein, world controls "are not just desirable in the name of brotherhood, they are necessary for survival."

If we do not have political and technical controls against nations of the world making bombs, we could have the largest army in the world and still not protect our cities against atomic attack.

We could have the largest air forces and the largest naval fleets in the world and still not protect our cities against atomic attack.

We shall breathe easily in an atmosphere of world trust and safety, or else we must scatter ourselves against the powers now set loose in the world. We shall give up the concept of separate nations in an atomic arms race or we shall be forced to give up the concept of cities.

This is exactly what is now proposed in the official report of the United States strategic bombing survey issued from the White House just 2 weeks ago. The average man was preoccupied that week end with the termination of OPA or the Bikini test, but the study made by the strategic bombing survey of the damage to Hiroshima and Nagasaki may ultimately mean even more to him than the removal or maintenance of price controls.

This report admits that in any case no defense could prevent appalling damage to our cities, but suggests measures which would permit the Nation to continue fighting after that first terrible surprise destruction. To this end the report speaks of "dispersal, concealment, protection, and constant readiness of * * * forces * * *."

The report states: "Though a reshaping and partial dispersal of the national centers of activity are drastic and difficult measures, they represent a social and military ideal toward which very practical steps can be taken once the policy has been laid down."

The report also suggests that "a national civilian-defense organization can prepare now the plans for necessary steps in case of crisis."

These are not the words of a hysterical fear monger. We are not dealing with astounding fiction. We are dealing with astounding fact. Failing to protect our cities, we may to a large extent have to give up our cities. This is the considered opinion of War Department experts making a survey for the guidance of the Secretary of War and the President of the United States.

Besides the civilian-defense organization, an unheard of proposal for times of peace, the report continues, two complementary programs which should be worked out in advance are those for evacuation of unnecessary inhabitants from threatened urban areas, and for rapid erection of adequate shelters for people who must remain.

This prospect of running for cover and burrowing like moles is so fantastic as to seem almost unbelievable. But it has been repeatedly discussed in private and in the bulletin of the atomic scientists. It was well brought out in the testimony of scientists before the Senate committee—but last December the public's attention was on the inquiry into Pearl Harbor and not on the prospects of a future Pearl Harbor. Again it must be discussed today as a background to a sincere and impassioned effort to bring the world to an understanding of atomic issues.

Particularly must we appreciate what such mass movements of population would mean to the free American way of life. They could not be accomplished without regimentation and discipline such as Americans have never yet tolerated. If we are to go that road, there must be intelligent planning. This would require giving up our freedom.

Our defensive frontiers are gone. So, when this report speaks of evacuation of citizens from "threatened urban areas" they are speaking of every major city in the United States. The threat will exist and will seem very real when other countries have the bomb—and the consensus of scientists places that time as about 5 years after the publication of the Smyth report. The last hours of the first year are slipping away. Four years is little time to plan any such civilian evacuations, which will bring to America larger problems than London found in shipping its children to the country.

There is no sane way of estimating the cost of such a project, for it would mean relocation of industry and disruption of our economy beyond imagination. But we had better begin to evaluate the cost. And our Government owes it to its people, having brought this bomb into existence to make

clear just what it means. Do our leaders fully appreciate the alternative to world control? When Senators attack Bernard Baruch for suggesting an abrogation of our sovereignty, do they realize what failure in his mission would mean to the proud sovereignty of our cities?

Do our Government officials realize the psychological factors involved? One may dismiss as the fears of nervous people those who are now going to fortune tellers—and, according to Newsweek magazine, asking "Where can I go to be safe?" Perhaps one may dismiss the opinions of the economist Roger Babson, a man who makes his living out of studying economic trends, who is alarmed about the future of our cities, and actually now recommends investments based on property in rural areas. Perhaps one can dismiss the gloomy potentialities discussed in his newsletter for businessmen, "Atomic Service." But who can dismiss the testimony of General Arnold that the world must give up war? Who can ignore the bill recently introduced in Congress to completely replace the Government should its members be destroyed overnight? What diplomat doubts Cordell Hull's statement that peace is now as essential to civilization as air is to individual life? And what military commentator dares to question the cold-blooded recommendation of this latest report from the White House?

Even were these fears not fully confirmed by others, as an atomic scientist I watched the growing fears of scientists through the years of darkness, when the rest of the world did not know of this coming peril. I know that the longer we lived with this problem the more alarmed we became. In this case, familiarity does not breed contempt. It breeds respect.

The men who calmly watched the Bikini test changed their minds when they came close to the heart of the explosion. As men come ever closer to the heart of this problem they will share the scientists' respect for the atomic bomb. So if our international course continues along the path of an atomic arms race, we shall see a war of nerves such as history does not record. Unless we succeed in establishing world control, Government officials must plan defense and decentralization measures beyond description. I have no hesitation in predicting that if they do not, in a few years metropolitan real estate values will topple, as the average man realizes the disadvantages of living in exposed cities in an atomic age without world law. This is realism.

Viewed in contemplation of that dark road to insecurity and revolution, the road to international cooperation does not seem so dark and forbidding as before. The basic step is not to start with thinking in terms of international relations in the past. The League of Nations is gone but the world of the League of Nations is also gone. Instead of staring at the end—which is international cooperation and diplomacy, I believe we will be more successful if we start with the problem. Then we do not ask what can be done with existing machinery and the traditions and rivalries inherited from the past, from the preatomic era. We must start with atomic energy, and consider, not what would be desirable or easy of achievement or acceptable * * *, we start with the facts, and we follow the facts. In that case, I think we and the other nations of the world will find that their conclusions will consider not what might be done, but what must be done. The bomb has caused many controversies. But essentially the issues of atomic energy are the least controversial issues in the world. In the details will be endless conflicts. But they can be worked out if one looks at the clear alternatives with a clear mind.

The May-Johnson bill for control of atomic energy started at the wrong end—not with the beginners of the problem, but with the circumstances then prevailing. The Senate, however, created a special committee at the suggestion of Senator McMAHON, which decided to begin with the atom and devote itself to a thorough study of the problem in order to draft the best possible legislation.

They began with all the competent authorities on the scientific and political implications. They finished with volumes of testimony. Even today the full story of atomic energy is told in this testimony as nowhere else except in the secret archives of the Manhattan district project. When they reported out the bill, they sent with it a book which concisely gives the story behind the bill. It is interesting to note that outside of a few professor's libraries, there is nowhere in existence a bibliography such as is appended to the McMahon committee report. It is an amazing thing to come from a group of Senators. If the scientists have tried to learn something about politics, certainly they must pay great credit to those politicians who have honestly tried to learn something of science.

* * * * *

The McMahon bill is a good bill, and endorsed by scientists although there are some things in it which we think could be improved. But we are told that judged by legislative standards it is not merely good, it is a miracle. We will have many such miracles as men become familiar with the necessities of our situation.

In the field of world control, the most hopeful single step in the first year was the publication of the Acheson-Lilienthal report. It is particularly significant because of the way in which the five men composing the Lilienthal committee approached their problem. They were five men of different backgrounds and experience who had never worked together before. A Government official, a physics professor, a chemist, and two industrialists. But they realized from the start the importance of the job they had to do and the revolutionary character of the thinking before them. Instead of immediately starting with airing their opinions, they decided first to study the subject of committees. They studied the techniques of committee work because they thought it important to understand why committees so often fail.

Their conclusion was "fairly well agreed that most committees break down because many members come to their job with fully former conclusions, having almost property rights in their own ideas, and spend all their time proposing and exhorting rather than listening and considering. It was inevitable that the old system would make for a clash of personalities even more than for a clash of ideas.

"Our first joint decision, then, was to liberate all our discussions from idea-possessiveness. No point would be argued down; we agreed that we would attack the problem inductively, working from the ground up, assembling all facts pertinent to the problem as a basis for conclusions. * * * We agreed that all questions coming up were to be considered as being brought up by the group rather than by any single member."

According to one member of the Acheson-Lilienthal committee, the aim was to try to create a "collective wisdom." He said that at first it was hard to do this. "Every now and then the discussions would break down just because one of us found it difficult to get used to the science of joint thinking, and would lapse into the role of prosecutor or defendant. But little by little, the preconceived ideas dropped out; the clash of conflicting personalities became less and less apparent."

Now today in the United Nations we are seeing the clash of personalities and preconceived ideas. But if there is one message in our atomic problems which is quite clear, it is that this is a question beyond old ideas and preconceptions, a question far above personalities and even above nations. The staggering complexity of the problem of the State Department Board of Consultants is the problem of the whole world. We shall fail in the United Nations if we do not keep our minds devoted to the central facts and the main issues. But I cannot believe that the whole world and all the peoples of the world cannot be brought to the same conclusions if they are given the proper facts to consider.

We are in a revolution even more far-reaching that the industrial revolution of the early nineteenth century, and it is not possible to determine policy according to established political precepts, nor is it possible to wait and hope that a policy will form itself. We do not have that much time given to us.

Today the atomic arms race is already well under way. This is officially admitted in the report of the State Department Board of Consultants. And daily the newspapers carry stories of yet more deadly weapons being brought to perfection, of missiles traveling faster than sound, of rockets piercing the stratosphere.

International maneuvering to control sources of raw materials for bombs is hidden from view but we may be sure that behind the scenes the search for uranium is being carried out on a scale surpassing that of the Gold Rush of '49. All nations realize there is no substitute for uranium. To scientists, it is plain that the first object of the United Nations Atomic Energy Commission must be to stop the atomic arms race before it is too late. Only then will we be able to go about solving the other major problems.

But if fear beyond description grips the world, it will be impossible for peoples or nations to act with reason.

To date there has been too much emphasis on the difference between the various national proposals for world control. What is most promising is that the Big Three and the Security Council have already declared they believe atomic energy should be controlled on a world scale through the United Nations. The comparison chart recently issued by Mr. Baruch indicates the very wide area of agreement among the great powers. It is heartening, for such agreement was by no means to be taken for granted. It took a year to bring them to this meeting and our time is short, but after meeting they have sketched out an area of agreement very rapidly. Scientists believe their technique should be to build piece by piece, on common agreement, rather than to try to force each other to conclusions. The facts are forceful enough, in themselves.

It will take several years to put into operation any such organization as the Atomic Development Authority proposed by the United States. We should try to realize how complicated are the problems which must be solved. For example, it is clear that some adequate control of mines and raw materials is necessary to any plan. Before this can be fully understood, it is necessary to know where the ores of uranium and thorium can be found; how rich ores must be to be profitably mined now or in the future; how often those ores occur with other ores that are being mined by private companies, and what effect any control scheme will have on them.

There are few problems which so quickly involve so many collateral issues. The atomic bomb is a problem for everyone, and is a life and death problem for everyone. The solution of the main problem should not be obscured by the fact that it involves delicate military and diplomatic questions, and raises many issues concerning freedom of science, freedom of private enterprise, the role of science and government in society, and the problems of the machine age and technology in general. The problems are not just technical. There must be innovations and revolutionary changes in economics, international law, politics, industry, and public administration. As negotiations proceed in the United Nations, we will be quite conscious of the great gap between scientific progress and social progress.

But while we must be patient with the negotiations, and while we have a right to be hopeful because there is already so much common agreement, most scientists believe we must judge all proposals and suggestions in the light of certain definite things which must be accomplished. In the main these criteria of judgment, or standards of the minimum basic action called for in this world emergency, are to be found as the standards listed in the Acheson-Lilienthal report.

Restating the aims which the Acheson-Lilienthal report worked upon, they are essentially simple.

1. The plan must reduce to manageable proportions the problem of enforcement of an international policy against atomic warfare. In this connection they absolutely rejected the idea of a treaty outlawing the bomb, followed up by a simple inspection system to enforce the treaty. The problems of inspection of that kind are too difficult to provide real assurance.

2. The plan must provide clear and unambiguous danger signals if a nation takes steps which indicate the beginning of atomic armament. These danger signals must flash early enough to permit other nations to take appropriate action.

3. The plan must if carried out provide security, but of such a nature that if it fails it does not put any single nation in too disadvantageous position compared to other nations.

4. The plan must not be merely negative, suppressive, and police-like. The plan must be one that will tend to develop the beneficial possibilities of atomic energy, stirring the constructive and imaginative impulses of men rather than merely concentrating on the defensive and negative.

5. The plan must be able to cope with new dangers as they arise—the international atomic authority must be flexible and readily capable of extension or contraction.

6. The plan must minimize national rivalry between nations in the dangerous aspects of atomic development.

These points are stressed again and again in the Acheson-Lilienthal report, and I believe them to be extremely important. When one thinks of the beneficial powers of atomic energy which could be developed for all men's good, it does not seem that the old whipping boy of "human nature" can stand as an insuperable obstacle. They say that you cannot do this or that, because of human nature. But there is no race of human beings in the world which would not prefer the peacetime benefits of atomic energy to being vaporized in an atomic explosion. There may be something in human nature which makes some people want to engage in fist fighting and there may be a lot of personal satisfaction in a duel. But what does this have to do with dying of lingering radioactive illness a mile away from a bomb sent by an enemy 3,000 miles away? What is heroic about pushing a button? We have not changed human nature, but we have changed war. The attitude of humanity to war will therefore change.

The Atomic Development Authority, operating throughout the world, bringing peaceful uses, power plants, medical and biological research, to all people, would be the first world university, the first world industry run for the benefit of all.

What makes us think that human nature, when it understands the facts, will reject such prospects as are offered by these new powers for good, and use them only for evil? Our great concern must be to get the facts to the people, the world over, and to make an honest effort to assist all men to an understanding of the danger to all the world.

Some of what I have said must sound fantastic to the people of our own country, and some of it will sound even more fantastic to those of other countries not sharing our information. Likewise, it seemed fantastic in 1933 that Hitler would overrun all of Europe; who would have predicted Pearl Harbor? But the handwriting was on the wall.

Then we had the refugees who had seen firsthand the potentialities of fascist terror. We did not listen to them. Today I am proud to say that we have at hand the repeated warnings of the scientists, who have seen firsthand the potentialities of this terror.

For the love of humanity, help the scientists and their allies carry to the world this message of fear and this message of hope. Both the fear and the hope are based on the great realities of today.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. BARKLEY, from the Committee on Interstate Commerce:

Ewin Lamar Davis, of Tennessee, to be a Federal Trade Commissioner for a term of 7 years from September 26, 1946. (Reappointment.)

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the calendar.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of George Thomas Washington, of the District of Columbia, to be Assistant Solicitor General of the United States.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

UNITED STATES DISTRICT JUDGE

The legislative clerk read the nomination of Raymond W. Starr to be United States district judge for the western district of Michigan.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

JUVENILE COURT FOR THE DISTRICT OF COLUMBIA

The legislative clerk read the nomination of Fay L. Bentley, of the District of Columbia, to be judge of the Juvenile Court for the District of Columbia.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

UNITED STATES ATTORNEYS

The legislative clerk read the nomination of Frank J. Hennessy to be United States attorney for the northern district of California.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of James M. Carter to be United States attorney for the southern district of California.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

UNITED STATES MARSHALS

The legislative clerk proceeded to read sundry nominations of United States marshals.

Mr. BARKLEY. I ask unanimous consent that the nominations of United States marshals be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the postmaster nominations are confirmed en bloc; and without objection, the President will be notified of all confirmations of today.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 39 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, July 24, 1946, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 23 (legislative day of July 5), 1946:

DIPLOMATIC AND FOREIGN SERVICE

Harry F. Hawley, of New York, now a Foreign Service officer of class 2 and a secretary in the diplomatic service, to be also a consul general of the United States of America.

FEDERAL TRADE COMMISSION

Ewin Lamar Davis, of Tennessee, to be a Federal Trade Commissioner for a term of 7 years from September 26, 1946. (Reappointment.)

IN THE MARINE CORPS

The following-named officers for appointment in the United States Marine Corps in the ranks hereinafter stated:

TO BE A CAPTAIN

Rathvon M. Tompkins

TO BE A FIRST LIEUTENANT

Theodore M. Sheffield

TO BE SECOND LIEUTENANTS

Emanuel R. Amann	William H. Costello
Charles B. Armstrong, Jr.	Richard W. Crispen
	Adlin P. Daigle
Wade W. Atkins	Jefferson A. Davis, Jr.
William L. Atwater, Jr.	Harry C. Dees
Webster J. Bachelot, Jr.	Antonio E. deGrassi
	Merritt J. DesVoigne
William E. Barber	Frank L. Dixon, Jr.
William L. Batchelor	Ivan A. Dorey
George Bezbezian	Dewey F. Durnford, Jr.
Joseph L. Boll	Elmo S. Falzarano
Raymond N. Bowman	Golden L. Faris
John R. Brodrick	John J. Fischer
Williams P. Brown	Joseph R. Fisher
Ronald L. Bruce	Paul G. Graham
Jack D. Burton	David W. Graybeal
Alfred G. Carlson	Thomas A. Gribbin II
Harry D. Carrubba	Lester G. Harmon
Junior B. Clark	Henry Hart
Guy Maurice Cloud	Arden O. Hinderaker
Denton P. Clyde	Wilmer W. Hixson
Herschel G. Connell	Joseph J. Holicky
Leon H. Copeland	Fred C. Houser
Thomas H. Hughes	Charles H. Bradley 3d

Barney D. Jones
George P. Jones
Harold O. Jones
Harold F. Keller
Robert J. Larsen
John LeMay, Jr.
Ralph E. Lower
William R. Lucas
Fletcher B. Maddox
Mildridge E. Mangum
John M. McLaurin, Jr.
Henry D. Menzies
Frank J. Michel
Jack A. Miller
Vivian M. Moses
John W. Murphy
Glenn W. Nelson
Charles M. Nettles
LaVern J. Oltmer
Walter E. Ottmer
William M. Peek, Jr.
Donald G. Petersen
Mervin B. Porter
J. Bruce Powers
Eugene L. Reinstein
James F. Roberts
Gene Robertson
Fred B. Rogers
Thomas J. Ross
Carroll D. Rowe
Vincent A. Rutherford
Angelo J. Sammartino
James A. Sawyer
Benjamin B. Selvitelle, Jr.
Richard K. Sheridan
Emmett W. Skinner, Jr.
Ardath C. Smith
Leland R. Smith
Edward P. Stamford
Earnest H. Stone, Jr.
Harry D. Stott
Frank L. Stranieri
William T. Taylor, Jr.
Lawrence C. Switzer, Jr.
David W. Thomson
Marion G. Truesdale
Charles A. Turpin
Gerald A. Valeske
John W. Walker
William M. Watkins, Jr.
Don E. Wegley
Norman C. Wiley
Dwain Wise
George P. Wolf, Jr.
Richard M. Woodard
Robert E. Young
Nicholas Zabitchuck
William A. Affleck, Jr.
William C. Airheart
Robert W. Allen
Lonnie B. Baites
Thomas C. Billings
Harry J. Blackwelder
Ralph E. Bowen
Martin Capages
Walter E. Carr
Henry N. Carrier, Jr.
George M. Carter
William G. Carter
Benjamin E. Cole 3d
Ralph D. Coplan
Robert D. Cullison
Leslie L. Davenport
Raymond R. Davis
Thomas B. Dewett, Jr.
Joseph DiFrank, Jr.
John F. Driftmier
William R. Duncan
Stanley G. Dunwiddie, Jr.
Robert C. Evans
Ernest P. Freeman, Jr.
David P. Graf
Jack R. Grey
Willis L. Gore
Malcom C. Hagan
William A. Harper
William F. Harrell
Robert G. Hayton
Wesley W. Hazlett
Alvin T. Hess
James D. Hill
John Hockman
Roy J. Irwin
John J. Jarvis, Jr.
Philip W. Kelly
Roy J. Leite, Jr.
William R. Lobell
Kenneth A. Matheson
Samuel "I" McElhoes
Perry P. McRobert
Eugene W. Meyer
Dan L. Mills
James G. Moffat
Paul R. Nugent
Thomas J. O'Mahoney
Richard H. Peacock
David D. Peppin
Raymond H. W. Pett
John T. Pritchard, Jr.
Leonard D. Reid
Robert V. Reilly
Gerald F. Schultz
Frederick P. Schweithelm
Gene P. Scott
Leroy A. Seipp
Beryl B. Sessions
William E. Shea
Marvin R. Stout
Walter E. Sullivan, Jr.
Justin C. Tobias
Dwight W. Trowbridge
Raymond L. Valente
William G. "G" Van-Buskirk
Leo G. Wears
Alexander Wilson
Raymond M. Windon
Robert D. Winn
William T. Witt, Jr.
Harry R. Wortham

CONFIRMATIONS

Executive nominations confirmed by the Senate July 23 (legislative day of July 5), 1946:

DEPARTMENT OF JUSTICE

George Thomas Washington to be Assistant Solicitor General of the United States.

UNITED STATES DISTRICT JUDGE

Raymond W. Starr to be United States district judge for the western district of Michigan.

JUVENILE COURT FOR THE DISTRICT OF COLUMBIA

Fay L. Bentley to be judge of the juvenile court for the District of Columbia.

UNITED STATES ATTORNEYS

Frank J. Hennessy to be United States attorney for the northern district of California.

James M. Carter to be United States attorney for the southern district of California.

UNITED STATES MARSHALS

Ford S. Worthy to be United States marshal for the eastern district of North Carolina.

Neale D. Murphy to be United States marshal for the district of Rhode Island.

Gilbert Mecham to be United States marshal for the district of Utah.

Albert A. Sanders to be United States marshal for the district of Wyoming.

POSTMASTERS

ALABAMA

Denzil G. Dorrill, Banks.
William A. Parr, Landersville.
Walter R. Warrick, Marbury.
Kathryn M. Hodges, Mount Olive.
Luther B. Sprott, Sprott.
Lucy Vance, Vance.
Mamie K. Gunlock, Wilton.

ALASKA

Jennie Ferne Hollis, Healy Fork.
Frank Shotter, Hoonah.

ARIZONA

Jesse P. Hamilton, Morristown.
Anna M. Hall, San Simon.

ARKANSAS

William C. Mayfield, Hindsville.
Foster B. Dowell, Tuckerman.

CALIFORNIA

Edith C. McCright, Highgrove.
Marian C. Milligan, Hinkley.
Geraldine R. Ferry, Milpitas.
Laura B. Huglin, Pescadero.
Arthur Couillard, Soda Springs.
Elijah A. Russell, Yolo.

CONNECTICUT

Marian E. Ryan, Plymouth.

FLORIDA

Robert A. Swain, Anthony.
Lee Rutledge, Polk City.
Ward S. Estey, Tangerine.
Norma M. Knotts, Yankeetown.

GEORGIA

John A. Johnson, Bowersville.
Robert J. Singleton, Clayton.
Silas W. Nicholson, Esom Hill.

ILLINOIS

James E. Pollard, Cerro Gordo.
Frances E. O'Connor, Wataga.

IOWA

Ferdinand J. Huff, South Amana.

KENTUCKY

Thelma C. Nixon, Luretha.
Harry Greene, Milburn.

LOUISIANA

Marie Carmadelle, Barataria.

MASSACHUSETTS

Stanley E. Chase, Caryville.
Otis H. Barton, Eastham.
Albert G. Sharrock, East Freetown.
Jean R. Raymond, East Sandwich.
Raymond Scrivens, North Eastham.
Charles H. Baldwin, Norwell.
Charles G. Starratt, Ocean Bluff.

MISSISSIPPI

John A. Gerard, Bude.
Hugh R. Varnado, Pickens.

MISSOURI

Eugene Edgar Plemmons, Brumley.
William E. Sisk, Henrietta.

MONTANA

Esther M. Evans, Colstrip.
Thomas S. Walshe, Pompeys Pillar.
Cecil F. MacDonald, St. Regis.

NEW YORK

Chapman A. Miller, Cross River.
Margaret E. Owen, Newcomb.
Erma A. King, Portageville.
Alice B. McGee, South Bethlehem.

NORTH CAROLINA

Mildred C. Finley, Cedar Grove.
Dillon C. Peel, Everetts.
W. Raymond Deal, Little Switzerland.

OREGON

Enid M. McAboy, Deer Island.
Laurie K. Marriott, Goshen.
Margaret E. Sheehan, Lakeside.
George E. Edmiston, Rieth.
Arden S. Jordan, Rufus.
Bessie M. Hopper, Wolfcreek.

SOUTH CAROLINA

Sybil H. Pate, Dorchester.
Willie Mae Arant, Fort Motte.
Ruth C. Cox, Rowesville.
Homer Griffith, Salem.
Russell F. Jones, Wedgefield.

TEXAS

Eula J. Aiken, Chriesman.
Robert B. Truett, Franklin.
Edgar A. Rummel, Ledbetter.
J. Maxwell Holder, Nolan.
Robert M. Carson, Reklaw.
Rufus E. Maze, Rock Island.
Benedicta B. Madrid, San Elizario.
Minnie D. Moore, San Perlita.

VIRGINIA

Walter A. Blane, Alton.
Ada R. Fristoe, Bentonville.
Pearl J. DeBord, Chatham Hill.
Effie L. Godman, Coles Point.
Marion C. Sowder, Elberon.
Augustus M. Raney, Freeman.
Brondell L. Larrick, Gore.
Annie L. Barton, Hardy.
Milton L. Albert, McCoy.
Hiram H. Vermillion, Mendota.
Albert S. Will, Quicksburg.
Arthur W. Somner, Skippers.
William T. Brittingham, Temperanceville.

WASHINGTON

Georgia I. Clark, Twisp.

HOUSE OF REPRESENTATIVES

TUESDAY, July 23, 1946

The House met at 10 o'clock a. m.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Most merciful and gracious God, in these turbulent and anxious days may we have a more radiant vision of the presence and power of the eternal Christ, who alone can redeem our humanity and reconcile all differences and discords and merge them into a joyous harmony.

Grant that we may feel the thrill and throb of a new world in the making. Give us the unconquerable assurance that there will be the dawning of a new day when men everywhere shall be bound together by the same spirit of service and sacrifice and united in one solemn and holy aspiration to fulfill the will of God.

We pray that we may count it our highest wisdom to enthrone Thy will in our own lives and our highest calling to incarnate and reproduce the spirit of our blessed Lord.

To Thy name we ascribe all the praise. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Gatling, its enrolling clerk, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H. J. Res. 225. Joint resolution to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

The message also announced that the President pro tempore had appointed Mr. MILLIKIN a conferee on the part of the Senate to the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1717) entitled "An act for the development and control of atomic energy," vice Mr. AUSTIN, excused.

LAWS RELATING TO THE PHYSICALLY HANDICAPPED

Mr. JARMAN. Mr. Speaker, from the Committee on Printing, I report (Rept. No. 2630) a privileged concurrent resolution (H. Con. Res. 160) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the handbook entitled "Laws Relating to the Physically Handicapped" be printed as a House document, and that 12,000 additional copies shall be printed for the use of the Committee on Labor of the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HANDBOOK FOR SERVICEMEN

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 722.

The Clerk read the resolution, as follows:

Resolved, That a revised edition of House Document No. 134, Seventy-ninth Congress, first session, entitled "Handbook for Servicemen and Servicewomen of World War II and Their Dependents, Including Rights and Benefits of Veterans of World War I and Their Dependents," with corrections restricting it to rights, benefits, and privileges of veterans of wars and their dependents, be printed as a public document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REVIEW OF REPORTS ON PORTLAND HARBOR, MAINE

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 723.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on May 4, 1943, including a report from the Chief of Engineers, United States Army, dated October 26, 1942, together with accompanying papers and an illustration, on a review of reports on Portland Harbor, Maine, with a view to determining whether the removal of Soldier Lodge in Hussey Sound and certain additional shoal areas in Casco Bay, Maine, is advisable requested by resolutions of the Committee on Rivers and Harbors, House of Representatives, adopted on December 3, 1941, and March 12, 1942, and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CHANNEL FROM PASS CAVALLO TO PORT LAVACA, TEX.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 724.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on February 11, 1944, including a report from the Chief of Engineers, United States Army, dated December 10, 1943, together with accompanying papers and an illustration, on a review of reports on channel from Pass Cavallo to Port Lavaca, Tex., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on January 21, 1942, and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SACKETS HARBOR, N. Y.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 725.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on February 10, 1944, including a report from the Chief of Engineers, United States Army, dated January 6, 1944, together with accompanying papers and an illustration, on a review of reports on Sackets Harbor, N. Y., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on December 8, 1941, and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BOSTON HARBOR, MASS.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 726.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on October 11, 1943, including a report from the Chief of Engineers, United States Army, dated April 28, 1943, together with accompanying papers and an illustration, on a review of reports on Boston Harbor, Mass., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on December 10, 1941, and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DETROIT RIVER, MICH.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 727.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on August 4, 1943, including an interim report from the Chief of Engineers, United States Army, dated October 26, 1942, together with accompanying papers and an illustration, on a review of reports on the Detroit River, Mich., concerning only that portion known as the American Channel north of Belle Isle between Windmill Point and Fairview Slip, Detroit, Mich., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on May 20, 1941, and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ERIE HARBOR, PA.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 728.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on June 17, 1943, including a report from the Chief of Engineers, United States Army, dated October 26, 1942, together with accompanying papers and an illustration, on a review of reports on Erie Harbor, Pa., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on October 13, 1941, and subseqpent correspondence in relation thereto, be printed, with an illustration, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALOOSAHATCHEE RIVER AND LAKE OKEECHOBEE DRAINAGE AREAS, FLA.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 729.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on October 15, 1943, including a report from the Chief of Engineers, United States Army, dated June 5, 1943, together with accompanying papers and an illustration, on a review of reports on, and a preliminary examination and survey of, the Caloosahatchee River and Lake

Okeechobee Drainage Areas, Fla., with a view to the construction of side channels, requested by resolutions of the Committee on Rivers and Harbors and also authorized by the River and Harbor Acts, approved on August 26, 1937 and June 20, 1938, and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUSTON SHIP CHANNEL, TEX.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 730, authorizing that the report from the Chief of Engineers, United States Army, dated August 21, 1943, on a review of reports on Houston Ship Channel, Tex., and subsequent correspondence in relation thereto, be printed, with five illustrations, as a House document.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on February 5, 1944, including a report from the Chief of Engineers, United States Army, dated August 21, 1943, together with accompanying papers and five illustrations, on a review of reports on Houston Ship Channel, Tex., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on April 24, 1941, and subsequent correspondence in relation thereto, be printed, with illustrations, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HONOLULU HARBOR, HAWAII

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 731, authorizing that the report from the Chief of Engineers, United States Army, dated October 24, 1941, on a review of reports on Honolulu Harbor, T. H., and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on February 9, 1942, including a report from the Chief of Engineers, United States Army, dated October 24, 1941, together with accompanying papers and an illustration, on a review of reports on Honolulu Harbor, T. H., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on June 20, 1941, and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MOBILE HARBOR, ALA.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 732, authorizing that the report from the Chief of Engineers, United States Army, dated October 26, 1942, on a review of reports on Mobile Harbor, Ala., and subsequent correspondence in relation thereto be printed, with two illustrations, as a House document.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on June 12, 1943, including a report from the Chief of Engineers, United States Army, dated October 26, 1942, together with accompanying papers and two illustrations, on a review of reports on Mobile Harbor, Ala., requested by a resolution of the Committee on Rivers and Harbors of the House of Representatives, adopted on June 20, 1941, and subsequent correspondence in relation thereto, be printed, with illustrations, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INTRACOASTAL WATERWAY FROM JACKSONVILLE, FLA., TO MIAMI, FLA.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 733, authorizing that the report from the Chief of Engineers, United States Army, dated October 26, 1942, on a review of reports and a preliminary examination and survey of the Intracoastal Waterway from Jacksonville, Fla., to Miami, Fla., and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on June 9, 1943, including a report from the Chief of Engineers, United States Army, dated October 26, 1942, together with accompanying papers and an illustration, on a review of reports on, and a preliminary examination and survey of the intracoastal waterway from Jacksonville, Fla., to Miami, Fla., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on June 8, 1938, and a resolution of the Committee on Commerce, United States Senate, adopted on June 17, 1942; and also authorized by the River and Harbor Act approved on June 20, 1938, and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BALTIMORE HARBOR AND CHANNELS, MD.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 734, authorizing that the report of the Chief of Engineers, United States Army, dated June 30, 1942, on a preliminary examination of and review of reports on Baltimore Harbor and Channels, Md., and subsequent correspondence in relation thereto, be printed with two illustrations, as a House document.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on March 11, 1943, including a report from the Chief of Engineers, United States Army, dated June 30, 1942, together with accompanying papers and two illustrations, on a preliminary examination and survey of, and review of reports on, Baltimore Harbor and Channels, Md.; Curtis Creek, Md.; and Cut-Off Channel to inland waterway from Delaware River to Chesapeake Bay, requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on January 11, 1932, and August 21, 1937; and also authorized by River and Harbor Acts approved on August 26, 1937, and June 20, 1938, and subsequent correspondence in relation thereto, be printed with two illustrations, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WATERWAY FROM MIAMI TO KEY WEST, FLA.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 735, authorizing that the report from the Chief of Engineers, United States Army, dated October 26, 1942, on a review of reports on the waterway from Miami to Key West, Fla., and subsequent correspondence in relation thereto, be printed, with three illustrations, as a House document.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on June 9, 1943, including a report from the Chief of Engineers, United States Army, dated October 26, 1942, together with accompanying papers and three illustrations, on a review of reports on the waterway from Miami to Key West, Fla., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on August 1, 1940, and subsequent correspondence in relation thereto, be printed, with illustrations, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PENSACOLA HARBOR, FLA.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 736, authorizing that the report from the Chief of Engineers, United States Army, dated April 3, 1943, on a review of reports on Pensacola Harbor, Fla., and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Acting Secretary of War, transmitted to the Speaker of the House of Representatives on July 31, 1943, including a report from the Chief of Engineers, United States Army, dated April 3, 1943, together with accompanying papers and an illustration, on a review of reports on Pensacola Harbor, Fla., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on June 10, 1941, and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SITKA HARBOR, ALASKA

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 737, authorizing that the report from the Chief of Engineers, United States Army, dated March 14, 1944, on a review of reports on Sitka Harbor, Alaska, and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on April 17, 1944, including a report from the Chief of Engineers, United States Army, dated March 14, 1944, together with accompanying papers and an illustration, on a review of reports on Sitka Harbor, Alaska, requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on October 24, 1941, and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PONCE HARBOR, P. R.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 738, authorizing that the report from the Chief of Engineers, United States Army, dated May 21, 1942, on a review of reports on Ponce Harbor, P. R., and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on July 22, 1942, including a report from the Chief of Engineers, United States Army, dated May 21, 1942, together with accompanying papers and an illustration, on a review of reports on Ponce Harbor, P. R., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on March 9, 1939, and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SKAGWAY HARBOR, ALASKA

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution (H. Res. 739) which I send to the Clerk's desk.

The Clerk read the resolution, as follows:

Resolved, That the letter from the Secretary of War, transmitted to the Speaker of the House of Representatives on June 15, 1942, including a report from the Chief of Engineers, United States Army, dated April 11, 1942, together with accompanying papers and an illustration, on a review of reports on the Skagway Harbor, Alaska, with a view to determining if the existing project should be modified in any way, requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on May 20, 1941, and subsequent correspondence in relation thereto, be printed, with an illustration, as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LANE asked and was given permission to extend his remarks in the RECORD and include a resolution relating to Palestine adopted at a convention at Boston, Mass., by the Italian World War Veterans.

Mr. BIEMILLER asked and was given permission to extend his remarks in the RECORD concerning a bill which the gentleman from Tennessee [Mr. KEFAUVER] and he introduced and include the text of the bill and various statements concerning it.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD and include an editorial which appeared in the Washington Post and a resolution offered by the gentleman from New Hampshire [Mr. MERROW].

Mr. DONDERO asked and was given permission to extend his remarks in the RECORD.

Mrs. LUCE asked and was given permission to extend her remarks in the RECORD and include two newspaper editorials.

Mr. ABERNETHY asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a set of the finest editorials I have ever read, from the Memphis Commercial Appeal, exposing the dangers of communism in America.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

RAILROAD REORGANIZATION

Mr. SABATH. Mr. Speaker, I call up House Resolution 687 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5924) to enable debtor railroad corporations, whose properties during a period of 7 years have provided sufficient earnings to pay fixed charges, to effect a readjustment of their financial structure without further proceedings under section 77 of the Bankruptcy Act, as amended. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of the bill H. R. 5924 it shall be in order in the House to take from the Speaker's table the bill S. 1253 and to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H. R. 5924.

CALL OF THE HOUSE

Mr. COLE of Missouri. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. LANE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 232]

Adams	Domengeaux	Maloney
Anderson, Calif.	Douglas, Calif.	Mankin
Andrews, N. Y.	Durham	Mansfield, Mont.
Baldwin, Md.	Earthman	Mansfield, Tex.
Bates, Ky.	Engel, Mich.	May
Bates, Mass.	Fellows	Miller, Calif.
Beckworth	Gallagher	Morrison
Bell	Geelan	Norton
Bender	Gillespie	O'Konski
Bennet, N. Y.	Gossett	Peterson, Ga.
Boren	Gwinn, N. Y.	Ploeser
Boykin	Halleck	Priest
Bradley, Mich.	Hancock	Reece, Tenn.
Bunker	Hart	Robinson, Utah
Cannon, Fla.	Hébert	Rockwell
Celler	Hendricks	Roe, Md.
Chenoweth	Hill	Russell
Chiperfield	Holifield	Sadowski
Clippinger	Holmes, Wash.	Sasscer
Cochran	Hook	Shafer
Coffee	Horan	Short
Cole, Kans.	Izac	Simpson, Pa.
Combs	Johnson, Okla	Slaughter
Cooper	Johnson, Tex.	Sparkman
Courtney	Kefauver	Stewart
Cox	Kerr	Tolan
Cravens	Kilburn	Torrens
Crawford	Kilday	Vinson
Curley	LaFollette	Voorhis, Calif.
Curtis	Ludlow	Welch
Daughton, Va.	McDonough	West
Dawson	McGehee	Wickersham
De Lacy	McKenzie	Wolfenden, Pa.
Delaney, John J.	McMillan, S. C.	Wood
	Mahon	

On this roll call 324 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RAILROAD REORGANIZATION

Mr. SABATH. Mr. Speaker, I yield myself 7 minutes and later on I shall yield 30 minutes to the gentleman from Illinois [Mr. ALLEN].

Mr. Speaker, this rule makes in order the Reed railroad reorganization bill, which is intended to adjust the differences between the Hobbs bill, which we passed with only one dissenting vote, but on which the Senate did not act until a few months ago, when the Senate substituted the Wheeler bill. To adjust the differences between the Hobbs bill, passed by the House, and the Wheeler bill, passed by the Senate, the gentleman from Illinois [Mr. REED] introduced his bill, H. R. 5924, which was approved by the Committee on the Judiciary by an almost unanimous vote.

SAFEGUARDS INVESTORS' INTERESTS

Application for a rule on the Reed bill was made some time ago, but there were unfortunate delays until about a month ago. The bill is now before us. Evidence presented to the Rules Committee shows that this bill is absolutely necessary to safeguard the interests of thousands upon thousands of American citizens, mostly small investors, men and women who in good faith, in the belief they were following the approval and recommendation of the Interstate Commerce Commission, purchased and paid for stocks and bonds, and now have been appealing for justice because in 1934 or early 1935 shrewd railroad lawyers succeeded in obtaining from the Interstate Commerce Commission a ruling which permitted second and third mortgages and the old preferred and common stocks, which the Interstate Commerce Commission itself had authorized to be issued, to be wiped out, and completely ignored, under the guise of strengthening the mortgages.

RULING BENEFITED POWERFUL INTERESTS

This not only gave big security holders, far better able to withstand any losses than the small independent investor, preferential status, by eliminating second and third mortgage bonds and nonvoting stocks, but directly inured to the speculative benefit of railroad stock manipulators and the Wall Street financial gamblers.

This ruling was made at a time when the railroads were not in good financial position, shortly after the crash of 1929–1932, and before the country and its industries and business had begun to recover from the great crash and depression.

Today, however, conditions have changed. For the last 4 or 5 years nearly all of the railroads still in the hands of receivers or trustees have made money; they have been able not only to pay up back interest charges and declare dividends but to accrue large surpluses—in one case as much as $100,000,000.

ENACTMENT OF THIS BILL NECESSARY TO KEEP ROADS OUT OF MONOPOLISTIC CONTROL

The junior bondholders and the holders of the old common and preferred stocks feel, and I think justly, that their equities have been unfairly wiped out, and that the Interstate Commerce Commission today would not act as the Commission did in 1935.

These thousands upon thousands of small investors have appealed to us for redress, and they urge the adoption of this bill to give them an opportunity of participating in the present prosperity of the railroads—a prosperity due to the high level of business activity and not to any management brilliance by the courts and receivers and trustees.

I am informed, and the evidence shows, that if this bill should fail a few life insurance companies and Wall Street financial manipulators would acquire from a fifth to a fourth of all the railroad mileage in the United States, at the expense of the small people who sank their all in these securities at the urging of the railroads themselves.

REED BILL MERITORIOUS

Mr. Speaker, if ever there was a meritorious bill, deserving the support and vote of every well-intentioned Member, it is this bill. It takes away nothing from the railroads or anyone else. It only restores to thousands of thrifty Americans their life savings, arbitrarily erased by the Interstate Commerce Commission in earlier proceedings. In that light it is not to be wondered at that the railroads, through their lobbies, have been working for weeks trying to misinform and to prejudice Members of the House. Proponents of the bill, without vast financial resources and scores of scurrying minions, have naturally been unable to cope with that vast lobby; and the only way the rights and interests of junior bondholders and stockholders has been protected has been by the stalwart work of the gentleman from Illinois [Mr. REED] and the gentleman from Alabama [Mr. HOBBS]. I want to congratulate both of these gentlemen on the tireless energy and the endless time and study they have given the problem. I know they will shortly explain more thoroughly than I possibly can the need, the urgent necessity, for this legislation.

PART OF OVER-ALL PROBLEM OF RECEIVERSHIPS

I have in my possession hundreds upon hundreds of letters from men and women, many of them widows and pensioners and retired employees who had counted upon their investments in railroad bonds and stocks to sustain them in their old age, who bought these devalued stocks and bonds. Could Members read only 1 in 20 of these touching letters they would conclude that it is their duty to vote for this bill, and disregard the clever misstatements and misrepresentations that have been made by the railroad representatives and lobbyists here.

I myself became thoroughly familiar with this problem as chairman of the special committee investigating the so-called bondholders protective committees, which, instead of protecting the rights and interests of the bondholders, used their powers of attorney for their own special interests, and for the interest of those whom they secretly represented, and against the interest of those that entrusted to them the protection of their equities. In June 1936, the Internal Revenue Service informed me in a letter that more than $11,000,000 had been recovered in taxes as a result of the investigations of my committee; and we knew that a large portion of the more than $20,000,000,000 worth of properties in the hands of "protective" committees, which might better have been called milking committees, was restored to the rightful owners.

RECEIVERS OPPOSE BILL

Naturally, the receivers of some of the railroads are opposed to this bill. I suppose they cannot be blamed, if you take into consideration the thousands and thousands and thousands of dollars the lawyers and the receivers and trustees have been milking from the railroads; they want to hold on to the teats.

If there is anything in the bill that might single out one road for special help, I want it taken out. I am not given to helping out the special interests of any railroads or receivers or trustees. In fact, I strongly urged and advocated enactment of a law that would provide one United States receiver, or conservator of bankruptcies, in all bankruptcy cases. That bill, had it been enacted, would have operated to take the railroads out of the hands of these professional receivers and trustees and their retinue of high-fee lawyers, and it is bound to come eventually. I recollect that our present Speaker helped to pass the Securities Exchange Act and to amend it since; but it still has not proved effective in really ending the unfair manipulations of the securities gamblers and the resulting losses to the public.

We passed an earlier railroad reorganization bill; but unfortunately under section 77 (b) the receivers remained; the trustees remained; and the railroads remained in the courts. Now we must pass the Reed bill, and restore these vast railroad properties to their rightful owners.

Mr. Speaker, I now yield 30 minutes to the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN of Illinois. Mr. Speaker, I yield 7 minutes to the gentleman from Illinois [Mr. REED].

Mr. REED of Illinois. Mr. Speaker, the rule under consideration is, I think, one that is easy to understand. It is the usual rule except that after conclusion of debate and the perfection of the bill it will then be in order to take up the Senate bill, which deals with the same subject matter, and substitute this bill in its place.

The reason for this kind of legislation lies in the financial difficulties in which the railroads found themselves during the depression. For many years Congress has had upon its statute books laws relating to bankruptcies, but Congress found it necessary years ago to enact a statute that pertained particularly to bankruptcies as they affect railroads.

We all understand that in the ordinary case of a bankruptcy, the person who has been declared a bankrupt surrenders his property to some trustee or officer appointed by the court. That trustee or that officer collects the estate of the bankrupt. If it was a business, the trustee continues with the business, liquidates it, winds it up, and at the conclusion of his administration pays over

to the creditors in the order of their priority, the proceeds which have accumulated, and if anything is left it goes to the bankrupt himself.

A little different situation naturally must obtain as regards railroads. You cannot pull a railroad apart and sell the parts. It would not be in the public interest to do such a thing. Therefore, the Bankruptcy Act as it relates to railroads provides that when a railroad is unable to meet its current obligations it can file a petition in the district court, and the court then turns that railroad over to trustees who manage the railroad during the bankruptcy proceedings.

Now here is how the injustice develops:

After the railroad has come into the district court a plan of reorganization is promulgated, proposed by the railroad itself or by any interested parties. The Interstate Commerce Commission considers this plan and then sends that plan back to the district court for approval. In its plans so far, the Commission has drastically cut the capitalization of the railroads. And the Supreme Court has stated that the limit of capitalization, as fixed by the Commission, is in effect a determination of the value of the properties of the railroad, and that the courts have no authority to redetermine or pass judgment on that valuation. In short, we have "valuation" without judicial determination.

Let us for just a moment consider that we have here all the classes of parties interested in the reorganization of a railroad. Let us say, for instance, that those who sit on these two left sections of the House represent the common stockholders of a railroad; those who sit in these next two sections of the Chamber represent the preferred stockholders of a railroad; here, in the center sections, sit the unsecured creditors; there toward the right sit the creditors who have second-mortgage bonds; and on the extreme right are the creditors who have first-mortgage bonds and have a prior lien upon the properties of the company.

When the Interstate Commerce Commission reduces the capitalization, invariably it draws the line not down this aisle between the common and preferred stockholders; not down the center aisle, but over a little to the right. This means that all on the left of that line are wiped out. It means that all the common stockholders, the preferred stockholders, and a large part of the creditors are wiped out of the picture and from that time on have no participation in the plan. They are not given any opportunity to vote upon the plan, and they receive none of the assets.

I have in mind a particular instance that is very clear to me because the railroad in question goes through my home town. I know men and women, neighbors of mine, who for years cherished their stock in the Chicago & North Western Railway, a railroad that since 1864 never missed paying dividends to its stockholders. Then when the depression came on, this railroad, like most of the large systems, was unable to meet is current interest charges.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield five additional minutes to the gentleman from Illinois.

Mr. REED of Illinois. The North Western went into bankruptcy, and as a result the common and the preferred stockholders were entirely wiped out, $40,000,000 of unsecured creditors were wiped out, and the railroad itself was turned over to the senior and junior creditors, who now own the railroad. At the time when it was turned over, it had in its treasury over $100,000,000 in cash that had accumulated during the time that it was in the hands of a trustee. The $100,000,000, like all the other assets, went with the railroad, and as a result within 6 months after that railroad had been reorganized and the new owners had taken charge a dividend was authorized, and each of the new preferred stockholders received $20 for each share of stock, and every share of common stock received a dividend of $5—a total sum sufficient to have allowed for a settlement with all the old preferred stockholders and still leave something in the pot for the common stockholders.

I want to prevent that sort of thing, which has happened over and over again.

Let me give you just one example: Let us look at the Cotton Belt Railroad. The Commission valued that railroad at $75,000,000. It found all the securities of this railroad in excess of this valuation to be worthless and not entitled to receive any of the new securities. The old securities, held to be valueless, and thus wiped out, were $19,000,000 of preferred stock, $17,000,000 of common, and $8,000,000 of creditors' claims. The road went into reorganization under section 77. Then what happened? In the 4½ years from 1941 to June 1945, it earned interest on all the old bonds each year and a total of $30,000,000 besides—almost half what the Commission said the whole railroad was worth. That money is in the till. These earnings amounted to $148 a share on the wiped-out preferred stock and $146 a share on the wiped-out common stock. This was after the railroad had paid $21,398,000 in excess-profit taxes in 1944 and $14,000,000 in excess-profit taxes in 1945. These taxes alone, the excess-profit taxes, equaled $175 per share on the preferred stock, or $200 a share on the common stock. In other words, after one arm of the Government declared the stocks of the St. Louis-Southwestern Railroad worthless in 1941, another arm took out this property in cash, for excess profits alone, an amount equal to the entire par value of the stocks declared to be worthless. That is just one example.

What is the reason for this? Well, the Supreme Court some years ago, in construing a statute passed by this Congress, said that the Interstate Commerce Commission had the sole function of determining the value of any of these railroads and that a court could not review the Commission's estimate of the value. When courts have attempted to review these valuations, the Supreme Court has said, quoting from its former decision, that that is the law and that only Congress can change the law.

The SPEAKER. The time of the gentleman has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. REED of Illinois. Only 2 or 3 weeks ago, in the Denver & Rio Grande Western case, Mr. Justice Reed, speaking for the majority of the Supreme Court, reversed the circuit court of appeals, which had ordered sent back to the Commission the plan of reorganization of the Denver & Rio Grande Western Railroad because it was unfair and inequitable.

Mr. Justice Reed said:

> Our constructions of the chief provisions of the section were handed down in March 1943. Although the results of reorganizations under the section, as thus construed, have been criticized as unfortunate and changes have been suggested, no different legislation has been enacted.

And there he gives in a footnote to his opinion, quotations from the very report that you have in your hands on this particular bill. The Justice also refers to the fact that the McLaughlin Act, which was passed by Congress in 1939, was allowed by this Congress to lapse, and Congress has not extended it. "This situation," says Justice Reed, "leaves clear the duty of the agencies of the Government entrusted with the handling of reorganizations under section 77, including this Court, to administer its provisions according to their best understanding" as previously given.

So he throws the ball right back into the hands of Congress, and he says you are the only persons who can relieve this situation. You have attempted to do so already. Some time ago, in 1939, you passed the McLaughlin Act. Last fall the Kefauver bill to renew the McLaughlin Act was passed in this House by unanimous vote. You passed the Hobbs bill in February 1945 with only one dissenting vote. The Senate has passed the Wheeler bill unanimously. If this legislation is passed, and it goes to conference, all four of those bills will come before the conferees, and it will give them an opportunity to pick the very best parts of each of them and bring back to this House and to the Senate a bill that will effectively relieve this intolerable situation.

The SPEAKER. The time of the gentleman from Illinois [Mr. REED], has again expired.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker, I assume that, in the main, the mechanics of this bill and of the whole reorganization procedure are generally understood. I believe it was in 1933, legislation emanated from the Committee on the Judiciary, seeking to deal with bankrupt railroads somewhat differently from the way ordinary bankrupts are dealt with. That bill became known as section 77. In 1939 there was the Chandler Amendatory Act, and in 1942 the McLaughlin Act. Later there came the bills by Mr. HOBBS, Mr. KEFAUVER, and Mr. REED. It is the Reed bill which is being submitted for your consideration. The security holders are opposed to this proposed legislation. At least very largely.

The earnings of the railroad companies during the past 7 years have been very much higher than they were during the years which resulted in most of these railroads going into receivership.

This bill is for the purpose of submitting to the judgment of the House whether the processes of reorganization be suspended while a reexamination be made with regard to railroads which have made the net earnings specified in the bill during the period specified. The Committee on the Judiciary has the bill here, the rule is pending, and I appear here as chairman of the committee under a rule which obtains in our committee, asking the House to vote up this rule so that it may consider this proposed legislation.

I believe that is about all that is to be said with reference to this rule which the House is respectfully being asked to approve.

Mr. ALLEN of Illinois. Mr. Speaker, I yield such time as he may desire to the gentleman from Connecticut [Mr. TALBOT].

Mr. TALBOT. Mr. Speaker, I am opposed to the rule in the Reed bill and to the bill itself.

This bill attempts to protect railroad stockholders, no matter how worthless the stock may be at the expense of bondholders and creditors who are to go partially unpaid for their benefit.

This legislation is class legislation which can make fortunes for fly-by-night speculators in worthless railroad stock.

In the case of the New York, New Haven & Hartford Railroad Co. the company has approximately $64,000,000 to pay a total indebtedness to creditors and bondholders of more than $102,000,000. Already a plan has been submitted in reorganization, which plan has been approved by the Interstate Commerce Commission and also by the Federal District Court for the District of Connecticut.

After 11 years under bankruptcy the New Haven Railroad was about to come out of bankruptcy under its reorganization plan. The present bill will hold up these proceedings for an additional number of years; in any event, at least an additional 18 months. No possible good can come from this bill so far as the New Haven Railroad is concerned. It will simply delay reorganization for another long period of time.

Mr. Speaker, a vast amount of stock in these railroads is now in the hands of Wall Street, Boston, and Chicago brokerage houses. In the event this bill passes they are the ones who will benefit and they will benefit at the expense of our savings banks and our insurance companies who have invested in the bonds of these railroads. If this is, as claimed, a question and fight between Wall Street and Main Street, it would be well to see which end of the tail Wall Street is holding.

In my opinion, this bill should be defeated.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Speaker, let us not have any misunderstanding about what is proposed to be done here today. This rule makes in order the consideration of a bill that was reported by the Judiciary Committee weeks before the completion of the final work on the bill. Nobody has seen this committee print. As a matter of fact, members of the Judiciary Committee were told that they could not see it. People vitally interested in the securities held by savings banks and insurance companies were informed that this measure was never printed 3 days after it was printed.

I just do not like this atmosphere of suspicion around this measure. If you will remember the provisions of the rule, you will find that it is in order to substitute the Wheeler bill for this bill, a bill that was never considered by any committee of the House of Representatives, and, significantly enough, the rule was granted on this bill a day or two after the Senate passed the Wheeler bill.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield.

Mr. SABATH. Is it not a fact it will make in order the House bill in lieu of the Senate bill? And the rule provides that we should consider——

Mr. WALTER. Oh, yes; I know exactly what the rule provides.

Mr. SABATH. It is a substitute for the House bill.

Mr. WALTER. I understand that.

Mr. Speaker, this is what will happen if the rule is adopted and this bill is passed. A conference committee composed of members of the Judiciary Committee of the House and the Commerce Committee of the Senate will write the bill. It just seems to me to be wrong to permit that to happen because, after all, the bill that will be finally considered by this House contains two other measures referred to the Committee on the Judiciary of the Senate and because of what that committee considered good and valid reasons it refused to consider the House bill.

We are going to find ourselves in the anomalous position of being called upon to act on a conference report in the closing few days of this Congress that will contain a law that we must either vote up or down. Who will know what is in that? Frankly, I do not know what is in this judiciary bill right now and it seems to me that if we are going to do those things that the gentleman from Illinois [Mr. REED] and the gentleman from Illinois [Mr. SABATH], talked about, we ought to introduce the kind of a bill and consider it in its entirety so that these insurance companies and savings banks may have the right to be heard.

The gentleman from Illinois [Mr. REED] talked about the earnings of these railroads. In the past seven lush years of the operation of these roads they have been in default $1,240,000,000 in interest and carrying charges. There is nothing to be gained by enacting this legislation today. These roads are in receivership at the present time. The gentleman from Illinois [Mr. SABATH], spoke about the cost of the receiverships, but let me say to you that in the case of the Missouri Pacific, for example, the salary of the president was $150,000 a year before receivership. When the receivers took over that salary was reduced to $35,000 and the salaries of all the other officials were reduced accordingly. So that it cost less in receivership to operate that road than it did before.

It cost less to operate the New York, New Haven & Hartford Railroad in receivership than it did before. Our committee was told that the New York, New Haven & Hartford had about $64,000,000 in cash. Yes, certainly they did, but they owe $102,000,000. What is going to happen to the $64,000,000 if the debts of the road are paid?

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. WALTER. Mr. Speaker, who are these little stockholders that the distinguished gentleman from Illinois has been shedding tears over? I do not know who they are in the case of all the roads affected, but let me read to you a certified list of the stockholders of the New York, New Haven & Hartford, the people who will take over the ownership and operation of that road:

Pennsylvania Railroad, 205,900 shares.

Pennroad, 14,700 shares.

Francis I. du Pont Co., 32,750 shares.

Merrill Lynch, Pierce, Fenner & Beane, 27,300 shares.

Then we come to this very significant fact:

Frederick Hatch Co., 63 Wall Street, New York City, 20,180 shares bought this year.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from New York.

Mr. MARCANTONIO. Will the gentleman state to the House just how many subsidiaries of Kuhn, Loeb & Co. have been cornering and garnering the shares during the last year?

Mr. WALTER. One of the members of the Interstate Commerce Commission told me on yesterday that Kuhn, Loeb & Co. bought, either for themselves or for somebody else, every share of stock that has been sold this year in the New York, New Haven & Hartford.

Mr. Speaker, there is nothing to be lost by deferring action on this hybrid legislation. I do not feel like entrusting the writing of a bill to conferees when, after the conference report has been filed, nobody will know what it does to the investments of the savings banks and of the insurance companies of this Nation.

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

Mr. SABATH. Mr. Speaker, I yield 15 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Speaker, our esteemed colleague on the Committee on the Judiciary who voted for the favorable report of the Reed bill says he does not know what is in it now. The same thing is in it now that was in it when it was unanimously reported favorably by the Committee on the Judiciary except that there have been nine committee amendments approved by the committee which have been set forth in the committee print.

The gentleman from Pennsylvania [Mr. WALTER] says it was a "hush-hush" document. Well, it was debated for hours in the full Committee on the Judiciary and there was not a single vote against any one of the nine amendments.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I will be happy to yield.

Mr. WALTER. The gentleman is mistaken, because most of those amendments were adopted by a majority of one.

Mr. HOBBS. I refer to the record. I stand on the statement I made, and I challenge any proof whatsoever of the statement just made by the gentleman from Pennsylvania.

It is true that the New Haven, that railroad that has $64,000,000 in the till to the credit of the common and preferred stockholders which is utterly wiped out by the plan of reorganization—at the instance of the trustees of the New Haven who, under their oaths of office are supposed to be neutral and represent all classes of investors including the common and preferred stockholders that were wiped out completely, now come in with an amendment that they wrote and have introduced in the Committee on the Judiciary to leave them out. They do not want to be reorganized, because if the reorganization plan that has been promulgated stands, then every dollar of the poor folks' investment in their common and prefererd stock goes, with all else, to the bondholders.

I think the gentleman from Pennsylvania said that there were 47 of them, and he read here a certified list of the stockholders, common and preferred, of the New Haven, but he neglected to tell you that that was taken from the report which the Interstate Commerce Commission requires ever so often, I think annually, from every railroad, which report only requires the first 30 large stockholders. They do not require and never saw the list of people we are talking for.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I will be delighted to yield.

Mr. WALTER. The gentleman has stated it contained but 30 names. This is the certified record, not from the Interstate Commerce Commission, but from the New York, New Haven & Hartford Railroad, of the 50 principal stockholders of that road.

Mr. HOBBS. I beg the gentleman's pardon. I thought it was the report they were required to make to the ICC of the first 30. They now have 50. But it does not say a word about the 21,000 little folks, some 7,000 of them widows or orphans, that we are speaking for. Of course, they have 50 stockholders, and they have been buying up more. It is one of the grandest steals that this country has ever seen. Railroad reorganization that we have been fighting for for 12 years, since Walter Chandler became chairman of this subcommittee on bankruptcy has become prostitued for purposes of private gain.

They are selling now every day stocks that have no value, for which nothing is paid, and which they please to call "when issued" new stock under the plan of reorganization. Of course, none of the favored few who are let in on the ground floor have paid anything for this "when issued" stock.

Mr. ERVIN. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I gladly yield to the gentleman from North Carolina.

Mr. ERVIN. May I ask the gentleman from Alabama if keeping a railroad in receivership instead of turning it back to the common stockholders for operation does not make it possible for the big bankers to gobble up the stock of the small stockholders?

Mr. HOBBS. Of course, that is exactly what is happening, and I am explaining how. They are selling what they call "when issued" stocks. Some of these reorganizations will not stand the light of day. The big manipulators know that when they wipe out every dollar of common stock, every dollar of preferred stock, when they wipe out the holdings in the New Haven of 21,000 stockholders of that kind plus the 50 Mr. WALTER is talking about, they cannot stand the light of day, so what do they do? They said, "We will give you a bonus. We will let you in on a sure thing. You pay nothing unless you win. Our free warrant will entitle you to buy 'when issued' stock if and when the plan of reorganization becomes effective. If you cannot 'make a killing,' you do not have to exercise your option. It is just that simple—you cannot lose."

The members of the Interstate Commerce Commission are able and estimable, gentlemen. They are expert. They are honest. But they are not infallible. They guessed wrong back in the booming twenties when stock and bond prices knew no upward limits, and when the boom burst, they got scared. The Honorable SAM RAYBURN, now the beloved Speaker of this House, as a Member, in 1920 stood in this well—and we frequently quote in our committee the speech he then made—saying that under 20 (a) of the bill then being sponsored by him, the Interstate Commerce Commission was required to certify before a dollar of any kind of stock or bonds could be issued that the issuance would be in the interest of the public. Every single share in reorganization today has been issued under that certificate from the Interstate Commerce Commission. Now, in their plans of rail reorganizations, they seem to be as sure of the worthlessness of that stock as they were, in the predepression era, of its value and public benefit.

Of course the Interstate Commerce Commission is honest. They believe what they certify. No one questions that, but we plead with those gentlemen: "For God's sake, if you mean to restore railroad credit, and we will need it in the years to come, do not wipe out the little fellows, do not arbitrarily say that the stock that they hold is worthless. You once thought it was good, and that its issuance would be in the public interest. Please let them hold what they have, though it may not be worth as much now as it once was. It may come back. If there be a chance, please let them have it."

As has been truly said before, this is the same old fight of the unscrupulous in Wall Street against Main Street. The rule applies that Portia pleaded in the case that she tried in the Merchant of Venice. Paraphrasing: "You shall have your bond. Your bond gives you a pound of flesh but not one drop of blood." So what we say to the opponents of this bill: "You shall have your bond. Your bond guarantees your loan—principal and interest. That is your due, your right. The preservation of railway credit requires no less. But you should not get that and the railway, too." What does the Reed bill say? The Reed bill says that no road can come under it that has not produced average annual earnings during the preceding 7 years sufficient to pay the fixed charges during those years.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I am delighted to yield to the gentleman.

Mr. GIFFORD. I am greatly interested in one of the roads that the gentleman has mentioned. I wish I were in proper fettle to talk about it. But I would remind the House with reference to the profits that are made by going into bankruptcy that there ought to be a clause such as you and I might have if we were going into business that when we fail we should share the profits equally.

Mr. HOBBS. The gentleman may be right—he frequently is.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I would be delighted to yield to the gentleman for a question.

Mr. WALTER. The gentleman has indicated the small stockholders of these roads can get something out of these earnings. Can the gentleman tell me how, if the New York, New Haven & Hartford owes $102,000,000 and had $63,000,000 in cash, how the small stockholder or any other stockholder is going to get a cent? And if that is the fact, then is not the only thing in issue here the control of the road?

Mr. HOBBS. I wish we could base this fight on the New York, New Haven & Hartford Railroad. I am glad to answer the gentleman's question. Of course, we do not have the time now to go into details, but I am glad to answer the gentleman's question. When the Interstate Commerce Commission certified that the holders of common and preferred stock—and there are 1,500,000 shares of stock involved there that are being wiped out and not 300,000—you are still talking about your 50 big holders—they do not hold the majority of the stock; it is the little fellow, the men who have gone in the cabs of those engines and who have invested every dollar of their savings for years in that prime stock of the New York, New Haven & Hartford that has paid dividends for 50 years—they are the ones who own it. Now I will answer your question as to how they hope to get anything out of it. When the ICC declared worthless every dollar invested in common and preferred stock of the New York, New Haven & Hartford Railroad, there was $4,000,000 in the till at that time.

Mr. WALTER. Yes; but I would like to call attention to the fact that $4,000,000 was not enough to pay even the liabilities because of accidents on the road.

Mr. HOBBS. If the gentleman will excuse me, I want to make my own speech.

There was at that time $4,000,000 to the credit of the stock in the till of the New York, New Haven & Hartford Railroad after paying every bondholder who had a due date and every bondholder was paid every dollar of interest and having paid all the increased operating costs and everything else. They said it was worthless and that it had no hope of coming back and that the earnings of the war years were unusually and abnormally high and could not be considered although by the law we wrote in the Chandler Act we said they should do so as our experts.

Now, after 7 years and more, when the New Haven, that was worthless, certified worthless in 1940, has paid 3.4 times over all of the fixed charges and has accumulated in that till to the credit of the common and preferred stockholders $64,000,000, they still say it is worthless. I say that they were wrong then, they are wrong now, and if they do not owe but $102,000,000, they are lucky, because this case history gives them a guaranty of payment if you enact the pending bill into law.

The SPEAKER. The time of the gentleman from Alabama [Mr. HOBBS] has again expired.

Mr. SABATH. Mr. Speaker, I yield the gentleman one additional minute.

Mr. HOBBS. If you enact this bill into law with the amendments added, the Hobbs bill and the McLaughlin bill, under which the Baltimore & Ohio has been reorganized twice, we will write a bill taking the best of the four, and if you, like the gentleman from Pennsylvania [Mr. WALTER] do not want to trust the conferees to do that job, then do not give us the rule. Vote down the rule and kill the bill, and who is hurt? Not any member of our subcommittee, not any member of our full committee. They have investigated us through private detectives for seven long years, and we do not own a dime's worth of stock. It will be "no skin off of our backs," but it would kill railway credit and cost Main Street $2,000,000,000.

The SPEAKER. The time of the gentleman from Alabama has again expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 2½ minutes to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Speaker, I rise in support of this rule. The Committee on the Judiciary of this House, considered this bill, H. R. 5924, word by word, line by line, and paragraph by paragraph.

I am somewhat amazed at the rather excited manner in which the gentleman from Pennsylvania voiced his opposition to the granting of this rule and to the provisions of this bill. A change seems to have come over the spirit of his dreams since we considered this bill in committee, of which he and I are members. He was as unruffled and as placid as a summer sea when we considered it as members of the Judiciary Committee. No such vehement objection was voiced by him to this bill or to any provision of the bill.

This bill simply provides with reference to these railroads that are in the hands of receivers, in the hands of trustees in bankruptcy, if upon the enactment of this measure any one of them can show to a United States district court judge that for a period of 7 years that railroad has been operated by a trustee in bankruptcy and has met all of its obligations in the ordinary course of business as they have accrued and become due, then, for a period of 18 months, and a longer period, if necessary, under the supervision of a United States district judge, the various security holders, stock holders, and parties in interest may submit a plan of reorganization.

If the plan proposed meets the approval of the court as just and fair to all interested parties, then it goes to the Interstate Commerce Commission to pass upon the sort of securities with which it is refinanced.

I say to you that I am in accord with the gentleman from Alabama [Mr. HOBBS], on this matter. In my opinion this is a fight between Main Street and Wall Street, and this proposed measure will restore these railroads to their owners and to operation by their owners. I believe the rule should be adopted and the measure considered on its merits.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. BROWN].

The SPEAKER. The gentleman from Ohio is recognized for 5½ minutes.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to proceed out of order and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I asked and obtained unanimous consent to speak out of order because I want to take this opportunity to express myself on the conference report on price control legislation which will be before this body in a short time, in the space of an hour or so.

In the very beginning I wish to take this opportunity to congratulate my colleagues on the conference committee, the gentleman from Michigan [Mr. WOLCOTT] and the gentleman from Ohio, Dr. SMITH, for having the good judgment, the common sense, and the courage to refuse to sign this conference report which contains, of course, the administration's compromise price control bill.

No one should vote for this legislative monstrosity blindly or without giving careful thought and consideration as to what is offered him.

A vote for this mongrel bill is a vote to put American free enterprise back into the shackles and strait-jackets of bureaucracy and regimentation, for it gives broad and complete dictatorial powers to a few individuals who are in no way directly responsible to the American people.

A vote for this conglomeration of legislative errors means a vote to put 30,000 political pap-suckers back on the pay roll and into the coming fall campaign.

A vote for this ill-conceived legislative measure is a vote for the return of scarcity, a vote for higher prices next November and December, a vote for the return of the black market, and a vote for fattening the pocketbooks of the favored few.

A vote for this compromise price control bill is a vote against reconversion, a vote for inflation, and a vote in favor of a bigger and quicker "bust."

A vote for this bill is a vote to confound confusion and to bring on greater chaos. It is a vote against the American way of life and another step toward state socialism.

I hope that when the time comes this body will have the courage—and will demonstrate its faith in the free enterprise system—to vote this conference report down.

Mr. PHILLIPS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. PHILLIPS. One of the most difficult problems under this bill will be the control committee. What kind of people will administer this order?

Mr. BROWN of Ohio. I have heard it suggested that probably this special decontrol committee to be set up under this bill may be comprised of Chester Bowles, Leon Henderson, and someone from the Political Action Committee, or, perhaps, even less qualified appointees.

Mr. SABATH. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. BRADLEY].

Mr. BRADLEY of Pennsylvania. Mr. Speaker, I do not know yet how I am going to vote upon this rule or bill because frankly I have not had sufficient time to study the bill. However, I would like to know why in the closing days of this Congress legislation of this character is brought to the floor when such bills as the Wagner-Ellender housing bill and the wage-hour bill are still bottled up in committees. I think it is a sad commentary upon this Congress when there is so little interest displayed in legislation which is really for the benefit of the majority of the American citizens and we are adjourning without doing anything to implement those measures into law.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. SABATH. Mr. Speaker, the two bills referred to by the gentleman are still in committee and the Rules Committee cannot bring in a rule on either of them. I assure the gentleman from Pennsylvania [Mr. BRADLEY] I would be more than pleased to bring in rules on both of those bills.

Mr. Speaker, all I want to say on the rule is that the Interstate Commerce Commission authorized the issuance of these bonds and stocks. Then back in 1935 or thereabouts some gentlemen came in and said, "This is the time to wipe them out because it is suitable to us and can be done easily," and so on the clever misrepresentations of the railroad spokesmen, on the pretense they were wringing out the watered stock, but actually to benefit the big insurance companies and the railroad banking

magnates by reducing the liabilities, these bonds and stocks were simply struck out of consideration by a callous bookkeeping entry.

I am not speaking for the railroads or the receivers or the lawyers who have drawn hundreds of thousands of dollars in fees. I am speaking for the hundreds of thousands of small investors who bought their stock on the implied recommendation of the Interstate Commerce Commission, which is now trying to wipe them out. As I remember this matter, the ICC has a formula for determining the financial status of railroads that is not satisfactory to many. It holds that past earnings are not a safe guide as to financial ability, because they have been too low, and present earnings are not a safe guide as to financial ability, because they are abnormally high.

The SPEAKER. The time of the gentleman from Illinois has expired. All time has expired.

The question is on the resolution.

The question was taken, and the Speaker being in doubt, the House divided; and there were—ayes 120, noes 79.

Mr. HOOK. Mr. Speaker, I object to the vote on the ground there is not a quorum present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and fifty-three Members are present, a quorum.

Mr. DIRKSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EMERGENCY PRICE CONTROL ACT, 1942

Mr. SPENCE. Mr. Speaker, I call up the conference report on the joint resolution (H. J. Res. 371) extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, as I understand, the situation is such that under the rules there would ordinarily be 1 hour of debate on the conference report. In view of the fact that the House has never considered this measure and that the conference report has been made available to the Members only this morning, I wonder if we could not agree upon perhaps 3 hours of debate before a vote is taken.

Mr. SPENCE. Mr. Speaker, this subject has been debated at length. I think the issue is very clear and I certainly do not see any reason for 3 hours of debate.

Mr. McGLINCHEY. Mr. Speaker, I object to any extension of time.

The SPEAKER. There has been no request for an extension of time. The question before the House is the request of the gentleman from Kentucky that the statement of the managers on the part of the House be read in lieu of the report.

Mr. WOLCOTT. Do I correctly understand, Mr. Speaker, that if objection is made to the reading of the statement in lieu of the report, that in that case the joint resolution will be read and then the statement will be read?

The SPEAKER. If the request made by the gentleman from Kentucky is objected to, then the conference report will be read.

Mr. WOLCOTT. If objection is made to that request, will the resolution be read and then the statement be read?

The SPEAKER. The conference report will be read. The only thing before the House now is the conference report.

Mr. WOLCOTT. In view of the fact that there is no additional time, and it is apparent that no additional time will be granted, I think the Members should have an opportunity to read the joint resolution or hear it read. For that reason, I object.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 371) extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That section 1 (b) of the Emergency Price Control Act of 1942, as amended, is amended by striking out 'June 30, 1946' and substituting 'June 30, 1947'.

"SEC. 2. Section 6 of the Stabilization Act of 1942, as amended, is amended by striking out 'June 30, 1946' and substituting 'June 30, 1947'.

"SEC. 3. Title I of the Emergency Price Control Act of 1942, as amended, is amended by inserting after section 1 thereof a new section as follows:

"'PURPOSES AND POLICIES IN THE TRANSITION PERIOD

"'SEC. 1A. (a) OBJECTIVES.—The Congress hereby affirms—

"'(1) that because of abnormally excess spending power in relation to the presently available supply of commodities, rapid attainment of production equal to the public demand is one of the necessary and urgent objectives for the prevention of inflation and for the achievement of a reasonable stability in the general level of prices and rents, cost of living and costs of production (including labor costs), for the purposes set forth in section 1 of this Act and for the further purposes of protecting the real value of benefits provided by law for veterans and their dependents, of keeping faith with purchasers of United States War Bonds, and of making possible a successful transition to a peacetime economy of maximum employment, production, and purchasing power under a system of free enterprise;

"'(2) that unnecessary or unduly prolonged controls over prices and rents and use of subsidies would be inconsistent with the return to such a peacetime economy and would tend to repress and prevent the attainment of this and the other goods herein declared; and

"'(3) that adequate prices are necessary stimulants to the production thus desired and the expeditious attainment of said goals.

"'(b) Declaration of decontrol policy: Therefore, it is hereby declared to be the policy of the Congress that the Office of Price Administration, and other agencies of the Government, shall use their price, subsidy, and other powers to promote the earliest practicable balance between production and the demand therefor of commodities under their control, and that the general control of prices and the use of subsidy powers shall, subject to other specific provisions of this Act, be terminated as rapidly as possible consistent with the policies and purposes set forth in this section and in no event later than June 30, 1947, and on that date the Office of Price Administration shall be abolished.

"'(c) Recommendations by the President to the Congress: (1) As soon as practicable after the enactment of this section and in any event on or before January 15, 1947, the President shall recommend to the Congress such further legislation as in his judgment is needed to establish monetary, fiscal, and other policies which are adequate to supplement the control of prices and wages during the balance of the fiscal year 1947, and to insure that general control of prices and wages can be terminated by the end of that fiscal year without danger of inflation thereafter.

"'(2) On or before April 1, 1947, the President shall report to the Congress what, if any, commodities or classes of commodities, including housing accommodations, are in such critically short supply as to necessitate, in his judgement, the continuance of the powers granted by this Act as to them after June 30, 1947, together with his recommendations as to esablished departments or agencies of the Government (other than the Office of Price Administration) which should be charged with the administration of such powers.

"'(d) Decontrol of nonagricultural commodities: (1) On or before December 31, 1946, the Administrator shall decontrol all nonagricultural commodities not important in relation to business costs or living costs, and prior to that date shall proceed with such decontrol as rapidly as, in his judgment, will be consistent with the avoidance of a cumulative and dangerous unstabilizing effect. In no event shall maximum prices be maintained after December 31, 1946, for any nonagricultural commodity or class of commodities unless the same has been expressly found by the Administrator to be important in relation to business costs or living costs.

"'(2) The Administrator shall provide for the prompt removal of maximum prices in the case of any nonagricultural commodity whenever the supply thereof exceeds or is in approximate balance with the demand therefor (including appropriate inventory requirements).

"'(3) Whenever, after a reasonable test period, it appears that the supply of a nonagricultural commodity which has been decontrolled is no longer consistent with the applicable decontrol standard, the Administrator, with the advance consent in writing of the Price Decontrol Board established under subsection (h), shall reestablish such maximum prices for the commodity, consistent with applicable provisions of law, as in his judgment may be necessary to effectuate the purposes of this Act. The supply of a nonagricultural commodity shall

be deemed inconsistent with the applicable decontrol standard in any case where the prices of the commodity have risen to and after a reasonable test period remain at unreasonable and inflationary levels.

"'(4) Nothing contained in this Act shall be construed to authorize the Administrator to impose or maintain price controls with respect to petroleum or petroleum products processed or manufactured in whole or substantial part from petroleum, except that, after August 20, 1946, maximum prices with respect thereto may be reestablished pursuant to the provisions of paragraph (3) of this subsection (d), but only under the standards prescribed in paragraph (8) (C) of subsection (e).

"'(e) AGRICULTURAL COMMODITIES.—(1) On the first day of the first calendar month which begins more than thirty days after the date of enactment of this section, the Secretary of Agriculture shall certify to the Price Administrator each agricultural commodity which such Secretary determines to be in short supply. Thereafter, on the first day of each succeeding calendar month the Secretary shall certify modifications of such certification by adding other agricultural commodities which have become in short supply and by removing from such certification such commodities which he determines are no longer in short supply. No maximum price shall be applicable with respect to any agricultural commodity during any calendar month which begins more than thirty days after the date of enactment of this section, unless such commodity is certified to the Price Administrator under this paragraph as being in short supply.

"'(2) (A) Whenever the Secretary of Agriculture determines that maximum prices applicable to any agricultural commodity which is in short supply are impeding the necessary production of such commodity, he may recommend to the Price Administrator such adjustments in such maximum prices as the Secretary determines to be necessary to attain the necessary production of such commodity.

"'(B) The Secretary of Agriculture by December 31, 1946, shall recommend to the Price Administrator the removal of maximum prices on all agricultural commodities, whether or not in short supply, not important in relation to business costs or living costs, and prior to that date shall make such recommendations as rapidly as, in his judgment, will be consistent with the avoidance of a cumulative and dangerous unstabilizing effect.

"'(C) Within ten days after the receipt of any recommendation under this subsection for the adjustment of maximum prices applicable to any agricultural commodity, or for the removal of maximum prices on agricultural commodities not important in relation to business costs or living costs, the Price Administrator shall adjust or remove such maximum prices in accordance with such recommendations.

"'(3) Whenever the Secretary of Agriculture determines that an agricultural commodity with respect to which maximum prices have been removed is in short supply and that the reestablishment of maximum prices with respect thereto is necessary to effectuate the purposes of this Act, the Secretary, with the written consent of the Price Decontrol Board, may recommend to the Administrator, and the Administrator shall establish, such maximum prices with respect to such commodity, consistent with applicable provisions of law, as in the judgment of the Secretary are necessary to effectuate the purposes of this Act.

"'(4) For the purposes of this section (except subparagraph (6) of this subsection (d))—

"'(A) an agricultural commodity shall be deemed to be in short supply unless the supply of such commodity equals or exceeds the requirements for such commodity for the current marketing season;

"'(B) the term "agricultural commodity" shall be deemed to mean any agricultural commodity and any food or feed product processed or manufactured in whole or substantial part from any agricultural commodity; and

"'(C) the term "subsidy" means any subsidy or purchase and sale operations described in the last paragraph of section 2 (e) of this Act.

"'(5) Notwithstanding any other provision of this or any other law, except as provided in subsection (h), the Secretary of Agriculture, in exercising his functions under this Act, shall not be subject to the direction or control of any other appointive officer or agency in the executive branch of the Government, and no such officer or agency shall undertake to exercise any direction or control over the Secretary of Agriculture with respect to the exercise of such functions. The Secretary of Agriculture may at any time withdraw his approval of any action with respect to which his approval is required under this Act, and upon the withdrawal of his approval such action shall be rescinded.

"'(6) No maximum price and no regulation or order under this Act or the Stabilization Act of 1942, as amended, shall be applicable with respect to any agricultural commodity, or any service rendered with respect to any agricultural commodity, unless a regulation or order establishing a maximum price with respect to such commodity had been issued under this Act prior to April 1, 1946.

"'(7) No maximum price and no regulation or order under this Act or the Stabilization Act of 1942, as amended, shall be applicable with respect to poultry or eggs or food or feed products processed or manufactured in whole or substantial part therefrom, or in the case of leaf tobacco or tobacco products processed or manufactured in whole or substantial part therefrom, except that, after August 20, 1946, maximum prices with respect thereto may be reestablished pursuant to the provisions of paragraph (3) of this subsection (e), but only under the standards prescribed in paragraph (8) (C) of this subsection (e).

"'(8) (A) No maximum price and no regulation or order under this Act or the Stabilization Act of 1942, as amended, shall be applicable prior to August 21, 1946, with respect to livestock, milk, or food or feed products processed or manufactured in whole or substantial part from livestock or milk; with respect to cottonseed or soybeans, or food or feed products processed or manufactured in whole or substantial part from cottonseed or soybeans; with respect to grains for which standards have been established under the United States Grain Standards Act, as amended, or any livestock or poultry feed processed or manufactured in whole or substantial part therefrom.

"'(B) The Price Decontrol Board shall proceed forthwith to consider whether the commodities listed in subparagraph (A) shall continue, after August 20, 1946, to be free from regulation under this Act and the Stabilization Act of 1942, as amended. Such Board, after due notice of a public hearing and full opportunity for representatives of affected industries and consumers to present their views orally or in writing, shall have power to determine whether or not any commodity listed in subparagraph (A) shall be regulated after August 20, 1946, under this Act and the Stabilization Act of 1942, as amended. Such Board shall direct that any such commodity shall not be so regulated unless it finds:

"'(i) that the price of such commodity has risen unreasonably above a price equal to the lawful maximum price in effect on June 30, 1946, plus the amount per unit of any subsidy payable with respect thereto as of June 29, 1946, and

"'(ii) that such commodity is in short supply and that its regulation is practicable and enforceable, and

"'(iii) that the public interest will be served by such regulation.

"If in the case of any commodity listed in subparagraph (A) such Board fails to direct, on or before August 20, 1946, that such commodity shall not be regulated under this Act and the Stabilization Act of 1942, as amended, maximum prices and regulations and orders under such Acts shall be applicable with respect to such commodity without regard to this paragraph (8).

"'(C) If in the case of any commodity listed in subparagraph (A) such Board, on or before August 20, 1946, does direct that such commodity shall not be regulated under such Acts, the Board may at any subsequent time direct that such commodity shall be so regulated if it finds:

"'(i) that the price of such commodity has risen unreasonably above a price equal to the lawful maximum price in effect on June 30, 1946, plus the amount per unit of any subsidy payable with respect thereto as of June 29, 1946; and

"'(ii) that such commodity is in short supply and that its regulation is practicable and enforceable; and

"'(iii) that the public interest will be served by such regulation.

Thereafter, the provisions of such Acts and regulations and orders thereunder shall be applicable with respect to such commodity without regard to this paragraph (8).

"'(D) In the case of milk, the Board may consider and determine decontrol or recontrol on a regional basis.

"'(9) The Price Decontrol Board shall also have power to determine, when maximum prices are in effect with respect to any commodity listed in paragraph (8) (A), whether any subsidy or any part thereof in effect prior to June 30, 1946, shall be reestablished in whole or in part; and the powers of the Administrator, the Commodity Credit Corporation, and the Reconstruction Finance Corporation to pay subsidies in connection with such commodity shall be limited in accordance with any order of the Board.

"'(10) Whenever maximum prices are in effect for any commodity processed or manufactured in whole or substantial part from any commodity listed in paragraph (8) (A) with respect to which maximum prices are not in effect, no maximum price, and no margin, mark-up, or discount, shall be maintained with respect to such processed or manufactured commodity which does not return to the processors, manufacturers, and distributors thereof (A) the raw material cost (which must be computed at least once every 60 days at not less than the current cost), (B) the conversion or distribution cost, and (C) a reasonable profit.

"'(f) SAVING PROVISION.—Nothing in this section shall limit the Administrator's authority to remove maximum prices for any nonagricultural commodity, or any agricultural commodity with the approval of the Secretary of Agriculture, at an earlier time than would be required by this section, if in his judgment or in the judgment of the Secretary of Agriculture, as the case may be, such action would be consistent with the purposes of this section.

"'(g) PETITIONS FOR DECONTROL.—(1) If in the judgment of the industry advisory committee appointed by the Administrator in accordance with section 2 (a) of this Act to advise and consult with respect to a commodity, the standards set forth in this section require the removal of maximum prices for such commodity, it may file a petition for the removal of such maximum prices. In the case of any nonagricultural commodity, such petition shall be filed with the Administrator in accordance with regulations prescribed by him. In the case of agricultural commodities, such petition shall be

filed with the Secretary of Agriculture in accordance with regulations prescribed by him and shall request that he make an appropriate certification or recommendation to the Price Administrator. The petition shall specifically state the grounds upon which the committee believes such action to be required and shall be accompanied by affidavits or other written evidence in support thereof.

"'(2) Within fifteen days after receiving a petition filed in accordance with the provisions of this subsection, the Administrator or the Secretary of Agriculture, as the case may be, shall either grant the petition or inform the committee in writing why in his judgment the standards for decontrol stated in subsections (d) and (e) have not been satisfied with respect to the commodity involved. If the petition is not granted in full, the Administrator or the Secretary, as the case may be, shall, within ten days after the receipt of a request by the committee for further consideration of its petition, hold a hearing before himself or before a deputy administrator (or, in the case of the Secretary, before such officer as he may designate) at which the committee may present its argument in support of the petition. The Consumers Advisory Committee and the Labor Advisory Committee appointed by the Administrator shall be given notice of any such hearing and an opportunity to present their views with respect to the petition and may, not later than five days prior to such hearing, present in writing evidence relating thereto. Within fifteen days after such hearing, the Administrator or the Secretary, as the case may be, shall either grant the petition in full or furnish the industry advisory committee with a statement in writing of his reasons for denying it in whole or in part together with a statement of any economic data or other facts of which he has taken official notice in connection with such denial.

"'(3) At any time within thirty days after the denial in whole or in part, following a hearing, of a petition filed under this subsection, the petitioning industry advisory committee may petition the Price Decontrol Board established under subsection (h) for a review of the action of the Administrator or the Secretary of Agriculture. If the Administrator or the Secretary, as the case may be, fails to act upon a petition within the time prescribed by paragraph (2), the industry advisory committee may, at any time within thirty days after the expiration of the time so prescribed, petition the Price Decontrol Board for the removal of maximum prices on the commodity involved.

"'(4) Nothing in this section shall be construed to take away or impair any right of any person to protest, in accordance with the provisions of sections 205 and 204 of this Act, the further maintenance of maximum prices for a commodity under the standards of subsection (d) or (e): *Provided*, That the filing of such a protest or of a petition under paragraph 3 of this subsection shall not be grounds for staying any proceeding brought pursuant to section 205 of this Act or section 37 of the Criminal Code, and no retroactive effect shall be given to any judgment setting aside a provision of a regulation, order, or price schedule under the standards set forth in this section.

"'(h) PRICE DECONTROL BOARD.—(1) There is hereby established as an independent agency in the executive branch of the Government a Price Decontrol Board, to be composed of three members appointed by the President by and with the advice and consent of the Senate. Not more than two members of the Board shall be members of the same political party. Two members of the Board shall constitute a quorum, and a vacancy in the membership of the Board shall not impair the power of the remaining members to exercise its functions. Members of the Board shall receive compensation at the rate of $12,000 a year.

"'(2) The Board shall appoint and fix the compensation of a secretary for the Board and such other officers and employees as may be necessary to enable it to perform its functions. The Board may make such expenditures as may be necessary for performing its functions. The Board may, with the consent of the head of the department or agency concerned, utilize the facilities, services, and personnel of other agencies or departments of the Government. The Board shall maintain an office in charge of its secretary in the District of Columbia, which shall be open on all business days for the receipt of petitions for review and the transaction of other business of the Board. The Board shall prescribe regulations and procedures for the conduct of its business which will provide for summary disposition, with the utmost expedition consistent with sound decision, of petitions filed with the Board.

"'(3) A petition made under subsection (g) (3) shall specifically state the grounds upon which the petitioning industry advisory committee believes that maximum prices on the commodity involved should be removed. A copy of such petition shall forthwith be served on the Administrator or the Secretary, as the case may be, who shall within such time as may be fixed by the Board certify and file with the Board a transcript of such portions of the proceedings in connection with the petition under subsection (g) as are material. Such transcript shall include a statement in writing of the Administrator's or Secretary's reasons for believing that maximum prices on the commodity involved should not be removed together with a statement of any economic data or other facts of which he has taken official notice. At the earliest practicable time the Board shall conduct a hearing upon the petition, at which the Administrator or the Secretary, as the case may be, and the committee shall be given an opportunity to present their views and argument orally or in writing. If application is made to the Board by either party for leave to introduce additional evidence, the Board may permit such evidence to be introduced or filed with it if it deems it material and determines that such evidence could not reasonably have been offered or included in the proceedings under subsection (g). At the earliest practicable time after the hearing on any petition, the Board shall make and issue an order specifying the extent, if any, to which maximum prices on the commodity involved shall be removed. The Board shall order the removal of such maximum prices if and to the extent that in its judgment the standards of decontrol stated in subsection (d) or (e) have been satisfied with respect to the commodity involved. The Administrator shall remove maximum prices with respect to the commodity in question within such time and to such extent as shall be specified in the order of the Board. Orders of the Board shall not be subject to modification or review by any other department or agency or by any court.

"'(4) No petition may be filed with the Board with respect to any commodity within a period of three months after the issuance of an order of the Board with respect to the same commodity.

"'(5) The members of the Board may serve as such without regard to the provisions of sections 109 and 113 of the Criminal Code (18 U. S. C., secs. 198 and 203) or section 19 (e) of the Contract Settlement Act of 1944, except insofar as such sections may prohibit any such member from receiving compensation in respect of any particular matter which is within the jurisdiction of the Board.

"'(6) If the number of petitions filed with the Board should at any time become so great as to prevent the Board from promptly conducting hearings upon such petitions, the Board shall appoint such hearing commissioners as it deems necessary in order to expedite the transaction of its business. The Board may authorize one or more of the hearing commissioners so appointed to conduct the hearing upon any petition under this subsection and to exercise the authority of the Board with respect to such hearing. After a hearing conducted before a hearing commissioner, the commissioner shall make recommendations consistent with this subsection to the Board concerning its action with respect to the petition. If the Board approves such recommendations, it shall issue an order in conformity therewith. If the Board does not approve such recommendations, the Board may issue such order as it deems proper upon the record or may conduct a new hearing upon the petition before the Board.'

"SEC. 4. Section 2 (a) of the Emergency Price Control Act of 1942, as amended, is amended by adding at the end thereof the following new sentence: 'In administering the provisions of this subsection relating to the establishment of industry advisory committees, the Administrator, upon the request of a substantial portion of the industry in any region, shall promptly appoint a regional industry advisory committee for such region.'

"SEC. 5. Section 2 (b) of the Emergency Price Control Act of 1942, as amended, is amended by adding at the end thereof the following new paragraphs:

"'After the date upon which this paragraph takes effect, the Administrator, when establishing rent ceilings on hotels or when passing upon applications for adjustments of rent ceilings on hotels, is authorized to take into consideration the distinction between transient hotels and residential or apartment hotels, including the difference in the investment, operation, expenses, and mechanical details of operation between the transient hotels and the residential and apartment hotels, and is directed to classify separately by regulation (1) transient hotels, (2) residential and apartment hotels, and (3) tourists' courts, rooming houses, and boarding houses.

"'While maximum rents are in effect under this Act with respect to housing accommodations in any defense-rental area, such housing accommodations shall not be subject to rent control by any State or local government.'

"SEC. 6. (a) The last paragraph of section 2 (e) of the Emergency Price Control Act of 1942, as amended by the Stabilization Extension Act of 1944, shall not apply with respect to operations for the fiscal year ending June 30, 1947, of the Commodity Credit Corporation and the Reconstruction Finance Corporation: *Provided*, That with respect to such corporations and such operations, the making of subsidy payments and buying for resale at a loss shall be limited as follows:

"Payments and purchases may be made with respect to operations for the fiscal year ending June 30, 1947, which involve subsidies and anticipated losses, as follows:

"(1) With respect to rubber produced in Latin America and Africa for which commitments were made before January 1, 1946, $31,000,000.

"(2) With respect to copper, lead, and zinc, in the form of premium price payments, $100,000,000: *Provided*, That (A) premiums shall be paid on ores mined or removed from mine dumps or tailing piles before July 1, 1947, though shipped and/or processed and marketed subsequently thereto; and that (B) the premium price plan for copper, lead, and zinc shall be extended until June 30, 1947, on terms not less favorable to the producer than heretofore and (i) adjustments shall be made to encourage exploration and development work, (ii) adequate allowances shall be made for depreciation and depletion, and (iii) all classes of premiums shall be noncancelable unless necessary in order to make

individual adjustments of income to specific mines.

"(3) With respect to purchases by the Reconstruction Finance Corporation, of such tin ores and concentrates as it deems necessary to insure continued operation of the Texas City tin smelter.

"(4) With respect to noncrop programs, 1946 crop program operations and the 1947 crop program operations relating to sugar, flour, petroleum, petroleum products, and other domestic and imported materials and commodities, $869,000,000: *Provided*, That the operations authorized under this subparagraph (4) shall be progressively reduced, shall be terminated not later than April 1, 1947, and shall not cost more than $629,000,000 during the last six months of the calendar year 1946. Operations shall not be carried out under authority of this subparagraph (4) with respect to any commodity for any period occurring after the date of the enactment of this Act during which maximum prices on such commodity are not in effect under the Emergency Price Control Act of 1942, as amended, or the Stabilization Act of 1942, as amended: *Provided*, That subsidies with respect to petroleum produced from stripper wells shall be continued at not to exceed the existing rates. No subsidy or purchase and sale operation shall be undertaken under authority of this subparagraph (4) with respect to any commodity unless a subsidy or purchase and sale operation with respect to such commodity was in effect on June 29, 1946; and no such operation shall be undertaken under authority of this subparagraph (4) which will increase the rate of subsidy paid or the rate of loss incurred with respect to any commodity above that which would be paid or incurred if the operations in effect on June 29, 1946, had been continued on the same basis.

"(b) When any direct or indirect subsidy to an industry is reduced or terminated, or upon recontrol is not restored or is restored only in part, any maximum price applicable to the product affected shall be correspondingly increased, except in the case of transportation subsidies, differential subsidies to high-cost producers, and premium payments under authority of the Veterans' Emergency Housing Act of 1946.

"(c) Where roll-back subsidies have previously been or presently are in effect, and have been discontinued, or shall hereafter be discontinued, the industries which have received such subsidies shall be permitted to increase their ceiling prices at least an amount equivalent to the amount of the discontinued roll-back subsidy. Such price increase shall become effective either upon discontinuance of the roll-back subsidy or upon passage of this Act, whichever date is the later. For the purposes of this paragraph, the term 'roll-back subsidies' means subsidy payments, or purchases and sales of a commodity at a loss by the Government of the United States (including any Government-owned or controlled corporation), or contracts therefor, which resulted directly or indirectly in the lowering of ceiling prices below the maximum price levels established by the Office of Price Administration prior to the institution of the subsidy payments or purchases and sales at a loss, or the execution of the contracts therefor, whichever date is the earlier.

"(d) Nothing in this section shall be construed to affect the provisions of Public Laws 30, 88, 164, and 328 of the Seventy-ninth Congress, or to prevent the use of the sums authorized in such laws to fulfill obligations incurred prior to July 1, 1946, with respect to operations prior to such date.

"(e) Notwithstanding any of the foregoing provisions of this section 6, 1946 and 1947 crop program operations with respect to sugar, may, while maximum prices are in effect with respect to sugar, be continued until such crops are processed and distributed, and the cost of 1946 crop program operations with respect to sugar may be charged to the funds authorized by Public Law 30, Seventy-ninth Congress, as amended by Public Law 328, Seventy-ninth Congress. For the purpose of this section 6, no subsidy program operation on sugar shall be considered to be a new subsidy: *Provided*, That Commodity Credit Corporation or any other Government agency shall not absorb any increase in the price paid for Cuban sugar over 3.675 cents per pound, raw basis, f. o. b. Cuba, as being paid for such sugar, in Cuba, on June 30, 1946.

"(f) Nothing in this section shall be construed as a limitation upon operations authorized by the Veterans' Emergency Housing Act of 1946; and nothing in this act or in any other act shall prohibit the establishment of maximum sales prices or maximum rents for housing accommodations for which materials of facilities are allocated, or priorities for delivery thereof issued, under said Veterans' Emergency Housing Act of 1946.

"SEC. 7. Section 2 (i) of the Emergency Price Control Act of 1942, as amended, is amended to read as follows:

"'(i) For the purposes of this act and the Stabilization Act of 1942, as amended, fish and other sea food shall be deemed to be agricultural commodities, and commodities processed or manufactured in whole or substantial part from fish or other sea foods shall be deemed to be manufactured in whole or substantial part from agricultural commodities: *Provided*, That the provisions of section 3 of the Stabilization Act of 1942, as amended, shall not be applicable with respect to fish and other sea foods and commodities processed or manufactured in whole or substantial part therefrom, but the maximum price established for any fish or sea food commodity or for any commodity processed or manufactured in whole or substantial part therefrom shall not be below the average price therefor in the year 1942.'

"SEC. 8. Section 2 (j) of the Emergency Price Control Act of 1942, as amended, is amended by inserting before the period at the end thereof a semicolon and the following: 'or (5) as authorizing any regulation or order of the Administrator to fix a quantity or percentage of any product which any seller may sell to the buyer.'

"SEC. 9. Section 2 (k) of the Emergency Price Control Act of 1942, as amended, is amended by inserting the words 'or any operator of any service establishment after the words 'seller of goods at retail.'

"SEC. 10. Section 2 of the Emergency Price Control Act of 1942, as amended, is amended by adding at the end thereof the following new subsections:

"'(o) No maximum price shall be applicable to any item served in any restaurant or other eating establishment if such item consists in whole or major part of a commodity to which no maximum price is applicable with respect to sales to restaurants and other eating establishments, unless the maximum price of such item, when sold by such restaurant or other eating establishment, is determined, under the applicable maximum price regulation or order, by the addition of a customary margin to the acquisition cost of such item.

"'(p) After July 1, 1946, no maximum price regulation or order shall be issued or continued in effect requiring any seller to limit his sales by any weighted average price limitation based on his previous sales.

"'(q) In the case of any retail industry, the principal sales of which consisted during the calendar years 1939 to 1941, inclusive, of sales of a commodity or commodities the production or retail distribution of which has been reduced, for a period of three years beginning on or after March 2, 1942, by 75 per centum or more below such production or retail distribution for the calendar years 1939 to 1941, inclusive, as a result of the operation of any governmental regulation or restriction, the Administrator shall not, in establishing maximum prices under this section, reduce established peacetime retail trade discounts or mark-ups or dealer handling charges for any such commodity before the retail unit sales of such commodity for a period of six months shall have reached the average annual retail unit sales thereof for the calendar years 1939 to 1941, inclusive.

"'(r) In the case of any wholesale industry, the principal sales of which consisted during the calendar years 1939 to 1941, inclusive, of sales of a commodity or commodities, the production or wholesale distribution of which has been reduced for a period of three years beginning on or after March 2, 1942, by 75 per centum or more below such production or wholesale distribution for the calendar years 1939 to 1941, inclusive, as the result of the operation of any governmental regulation or restriction, the Administrator shall not in establishing maximum prices under this section reduce established wholesale trade discounts or normal wholesale markups for any such commodity prevailing on March 2, 1942, before the wholesale unit sales of such commodity for a period of six months shall have reached the average annual wholesale unit sales thereof for the calendar years 1939 to 1941, inclusive.

"'(s) No maximum price regulation or order shall require the reduction of the established peacetime discounts or mark-ups for the sale of any manufactured or processed commodity (treating as a single commodity for the purposes of this paragraph all commodities in a line of related commodities which, for the purpose of establishing manufacturers' and processors' maximum prices, have been placed by the Office of Price Administration under a single regulation) if the retail, wholesale, or other distributive trade selling such commodity shows that the commodity constituted approximately one-half or more of the gross sales incomes of a majority of the persons engaged in such trade in 1945 and that, in the first quarter of 1946, the deliveries of such commodity to such distributive trade were less than 100 per centum of the deliveries thereof in the corresponding quarter of 1945.

"'(t) In establishing maximum prices applicable to wholesale or retail distributors, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discount or markup as was in effect on March 31, 1946.

"'(u) After the date upon which this subsection takes effect, no maximum price shall be established or maintained, under this Act or under any other provision of law, with respect to any new commodity when the Administrator upon application finds that its use, in the production, manufacturing, or processing of any commodity or commodities, without increasing the cost to the ultimate user, either increases the life or reduces the cost of production, manufacture, or processing of the commodity or commodities produced, manufactured or processed. As used in this subsection the term "new commodity" means a commodity which was not commercially or industrially available prior to January 30, 1942.

"'(v) In the case of softwood logs and lumber, the maximum prices shall be established at a level which will permit producers of at least 90 per centum of the production of softwood logs and lumber to recover their current costs of production.

"'(w) In establishing maximum prices for sales of finished woven or knitted fabrics made primarily of cotton fiber or for the sales of apparel made therefrom it shall be unlawful for the Administrator to establish or maintain differentials in the method of determining the basic grey-goods cost or the

finished-woven-fabrics or finished-knitted-fabrics cost to which a mark-up is to be applied based on the degree of integration of the seller.

"'(x) Whenever the world price of a commodity essential to the economy of the United States (average price at which such commodity could be purchased when landed duty paid at any United States port of entry) exceeds the maximum purchase price established by the Administrator, and results in—

"'(e) an actual reduction of the importation of such commodity into the United States in an amount substantial in relation to the total consumption of the commodity in the United States; or

"'(2) the substantial curtailment or restriction of the domestic trade in such commodity or products processed directly therefrom,

the Administrator shall, in order to maintain and increase domestic production and employment and to make possible the balancing of supply and demand, promptly remove maximum purchase prices from imports of such commodity and maximum prices from products processed directly therefrom, or increase the maximum prices of imports of such commodity and of products processed directly therefrom to the extent necessary to prevent such reduction in importation or curtailment of domestic trade.'"

"SEC. 11. The Emergency Price Control Act of 1942, as amended, is amended by inserting after section 5 thereof the following new section:

"'SEC. 6. (a) For the purposes of this section the base period shall be the calendar year 1940, or in the case of an industry customarily keeping its accounts on a fiscal year basis, the industry's fiscal year 1940.

"'(b) In order that adequate general price levels shall be established for all commodities to bring about maximum production and employment, no maximum prices shall be established or maintained for any product of a producing, manufacturing, or processing industry (including any industry furnishing service or transportation the charges for which are subject to the Administrator's control) which do not return on the average to the industry not less than the average dollar price of such product during the base period, plus the average increase in cost of producing, manufacturing, or processing the same accruing since the base period, but the maximum prices for a product shall be deemed in compliance with this standard if such prices on the average are equal to the average current total cost of the product plus the industry's average over-all profit margin on sales in the base period.

"'(c) For the purpose of determining costs under this section, currently or for the base period, the Administrator shall ascertain the costs of a reasonable number of typical producers, manufacturers, or processors and shall follow accepted methods of accounting and such fair and reasonable methods of calculation as he shall establish by regulation, including adjustments for temporary cost abnormalities which may be reasonably anticipated to be eliminated within the three months following the Administrator's determination, and adjustments for increases in the volume of production which may be reasonably anticipated to be experienced within such three-month period.

"'(d) Maximum prices established hereunder shall not be held invalid on account of their failure to return his costs to any particular member of any group involved.

"'(e) Nothing herein shall nullify the power of the Administrator to make reasonable adjustments and exceptions in individual cases under the provisions of section 2 (c) of this Act.

"'(f) If the maximum prices of a product on the average equal its average current total cost plus a reasonable profit, nothing herein shall require any further adjustment of such maximum prices for any period with respect to which it appears that a substantial expansion in the production or use of the product would not be practicable or would be practicable only by reducing the production of at least equally needed products.

"'(g) As used in this section, "product" shall mean any major item, or any article different in character from other products of the industry; but all the styles, models, or other varieties of any such item or article shall be considered as one product.

"'(h) The provisions of this section shall not apply with respect to any maximum price applicable to manufacturers or processors in the case of products made in whole or major part from cotton or cotton yarn or wool or wool yarn.

"'(i) Nothing in this section shall be construed to require any adjustment in maximum prices except pursuant to an application filed under this paragraph, or be construed to invalidate any maximum price unless there is a failure to make adjustments, in accordance with the procedure prescribed in this paragraph, to such extent as may be required to comply with the standards set forth in this section. Any industry advisory committee may apply to the Administrator for the adjustment of the maximum prices applicable to any product in accordance with the standards set forth in this section, and shall present with the application comprehensive evidence with respect to costs and prices. The Administrator shall consider the evidence so presented and all evidence otherwise available to him and, within 60 days after the receipt of such application, he shall make the adjustments in maximum prices required by this section, or, if he finds that no such adjustments are required, he shall deny the application. If the Administrator neither makes the adjustments in the maximum prices for any product required by this section, nor denies the application for such adjustments, within the 60-day period prescribed in this paragraph, the industry advisory committee concerned may petition the Emergency Court of Appeals, created pursuant to section 204, for relief; and such court shall have jurisdiction by appropriate order to require the Administrator to make such adjustments or deny such application within such time, not to exceed 30 days, as may be fixed by the court. If the Administrator fails to make such adjustments or deny such application within the time so fixed, no maximum price shall thereafter be applicable with respect to any sale of such product by any seller.'

"SEC. 12. (a) The second sentence of section 205 (e) of the Emergency Price Control Act of 1942, as amended, is amended to read as follows: 'In any action under this subsection, the seller shall be liable for reasonable attorney's fees and costs as determined by the court, plus whichever of the following sums is greater: (1) Such amount not more than three times the amount of the overcharge, or the overcharges, upon which the action is based as the court in its discretion may determine, or (2) an amount not less than $25 nor more than $50, as the court in its discretion may determine: *Provided, however,* That such amount shall be the amount of the overcharge or overcharges if the defendant proves that the violation of the regulation, order, or price schedule in question was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation.'

"(b) Section 205 (e) of the Emergency Price Control Act of 1942, as amended, is amended by adding at the end thereof the following new paragraphs:

"'The Administrator may not institute any action under this subsection on behalf of the United States, or, if such action has been instituted, the Administrator shall withdraw the same—

"'(1) if the violation arose because the person selling the commodity acted upon and in accordance with the written advice and instructions of the Administrator or any regional administrator or district director of the Office of Price Administration; or

"'(2) if the violation arose out of the sale of a commodity to any agency of the Government, or to any public housing authority whose operations are supervised or financed in whole or in part by any agency of the Government, and such sale was made pursuant to the lowest bid made in response to an invitation for competitive bids.

"'The Administrator shall not institute or maintain any enforcement action under this subsection against any manufacturer of apparel items where the Administrator shall determine (1) that the transactions on which such proceeding is based consisted of the manufacturer's selling such an item at his published March 1942 price list prices instead of his March 1942 delivered prices, and (2) that the seller's customary pricing patterns for related apparel items would be distorted by a requirement that his ceilings be the March 1942 delivered prices. The Administrator's determinations under this paragraph shall be subject to review by the Emergency Court of Appeals in accordance with sections 203 and 204.'

"SEC. 13. The third sentence of paragraph (2) of section 205 (f) of the Emergency Price Control Act of 1942, as amended, is amended to read as follows: 'If any such court finds that such person has violated any of the provisions of such license, regulation, order, price schedule, or requirement after the receipt of the warning notice, such court shall issue an order suspending the license to the extent that it authorizes such person to sell the commodity or commodities in connection with which the violation has occurred, or to the extent that it authorizes such person to sell any commodity or commodities with respect to which a regulation or order issued under section 2, or a price schedule effective in accordance with the provisions of section 206, is applicable; but no suspension shall be for a period of more than twelve months, and if the defendant proves that the violation in question was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation, then in that event no suspension shall be ordered or directed.'

"SEC. 14. Section 3 of the Stabilization Act of 1942, as amended, is amended by adding at the end thereof the following new paragraph:

"'On and after the date of the enactment of this paragraph, it shall be unlawful to establish, or maintain, any maximum price applicable to manufacturers or processors, for any major item in the case of products made in whole or major part from cotton or cotton yarn or wool or wool yarn, unless the maximum price for such major item is fixed and maintained at not less than the sum of the following:

"'(1) The cotton or wool cost (which must be computed at not less than the parity price or the current cost, whichever is greater, of the grade and staple of cotton or wool used in such item, delivered at the mill);

"'(2) A weighted average of mill conversion costs; and

"'(3) A reasonable profit (which shall not be less than a weighted average profit for each unit of such item equal to the weighted average of the profit earned on an equivalent unit of such item during the period 1939 to 1941, both inclusive.'

"SEC. 15. The Secretary of Agriculture, through the Commodity Credit Corporation or otherwise, is hereby authorized to allocate feed which he controls to feeders of livestock and poultry in domestic areas which he may determine to be in an emergency shortage condition with respect to animal and poultry feed.

"SEC. 16. (a) In the event producers of wheat are required by an order issued pursuant to the Second War Powers Act, 1942, as amended, to sell all or any part of wheat delivered to an elevator prior to April 1, 1947, the Commodity Credit Corporation shall offer to purchase the wheat so required to be sold at a price determined as follows: The purchase price paid for the wheat shall be the market price at the point of delivery as of any date the producer may elect between the date of delivery and March 31, 1947, inclusive: *Provided, however,* That only one election may be made for each lot of wheat: *And provided further,* That the producer may not elect a date prior to the date on which he mails a written notice to Commodity Credit Corporation of his election. In the event the producer does not notify Commodity Credit Corporation in writing by March 31, 1947, of his election of a date for determining the market price, such date shall be deemed to be March 31, 1947.

"(b) Any producer of wheat who, prior to the date of enactment of this Act, has sold any wheat pursuant to the requirements of paragraph (ee) (1) of War Food Order Numbered 144, may, at any time within thirty days after the date of enactment of this Act, pay to the Commodity Credit Corporation a sum equal to the amount for which he sold such wheat. Any producer paying any such sum to the Commodity Credit Corporation shall be deemed to have sold and delivered to the Commodity Credit Corporation as of the date he pays such sum a quantity of wheat equal in grade and quality to the quantity sold by him pursuant to such requirements and the purchase price to be paid to him for such wheat shall be determined in the same manner as in the case of a sale of wheat to the Commodity Credit Corporation pursuant to the provisions of subsection (a) of this section.

"SEC. 17. This Act may be cited as the 'Price Control Extension Act of 1946.'

"SEC. 18. (1) The provisions of this Act shall take effect as of June 30, 1946, and (2) all regulations, orders, price schedules, and requirements under the Emergency Price Control Act of 1942, as amended (except regulations or requirements under section 2 (e) thereof relating to meat, flour, or coffee), and the Stabilization Act of 1942, as amended, which were in effect on June 30, 1946, shall be in effect in the same manner and to the same extent as if this Act had been enacted on June 30, 1946, and (3) any proceeding, petition, application, or protest which was pending under the Emergency Price Control Act of 1942, as amended, or the Stabilization Act of 1942, as amended, on June 30, 1946, shall be proceeded with and shall be effective in the same manner and to the same extent as if this Act had been enacted on June 30, 1946: *Provided,* That in any case in which the Emergency Price Control Act of 1942, as amended (except sections 204 and 205), or the Stabilization Act of 1942, as amended (except sections 8 and 9), or any regulation, order, or requirement under either of such Acts, prescribes any period of time within which any act is required or permitted to be done, and such period had commenced but had not expired on June 30, 1946, such period is hereby extended for a number of days equal to the number of days from July 1, 1946 to the date of enactment of this Act, both inclusive: *Provided further,* That no act or transaction, or omission or failure to act, occurring subsequent to June 30, 1946, and prior to the date of enactment of this Act shall be deemed to be a violation of the Emergency Price Control Act of 1942, as amended, or the Stabilization Act of 1942, as amended, or of any regulation, order, price schedule, or requirement under either of such Acts: *Provided further,* That insofar as the provisions of this Act require the Administrator to make any change in any maximum price, such provisions shall not be deemed to require such change to be made before the thirtieth day following the date of enactment of this Act."

And the Senate agree to the same.

BRENT SPENCE,
PAUL BROWN,
WRIGHT PATMAN,
WILLIAM B. BARRY,
RALPH A. GAMBLE,
Managers on the Part of the House.

ROBERT F. WAGNER,
ALBEN W. BARKLEY,
GEORGE L. RADCLIFFE,
SHERIDAN DOWNEY,
CHAS. W. TOBEY,
ROBERT A. TAFT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 371) extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

THE JOINT RESOLUTION PASSED BY THE HOUSE

The joint resolution as passed by the House contained only four sections, and its purpose was to provide retroactively for a brief extension of the Price Control Act and the Stabilization Act, without other change, in order to give time for Congress to work out further legislation on the subject.

Sections 1 and 2 provided for continuing the Price Control Act and the Stabilization Act until July 20, 1946.

Section 3 provided for authority in the Commodity Credit Corporation and the Reconstruction Finance Corporation to continue subsidy and purchase and sale operations until July 20, 1946, subject to the limitation that no new operations should be undertaken, and subject to the further limitation that no change should be made in the basis of operations existing on June 29, 1946, which would increase the rate of any subsidy or the rate of loss incurred with respect to any commodity.

Section 4 provided that the joint resolution should take effect as of June 30, 1946, the purpose being to insure that the provisions of the two acts and the regulations, orders, and other actions issued or taken thereunder should be considered as not having ceased to be in effect on June 30, 1946; but the section contained an exception to insure that no person would be subject to any suit, action, or prosecution on account of offenses committed subsequent to June 30, 1946, and prior to the date of the enactment of the joint resolution.

THE SENATE AMENDMENT

The Senate amendment is a substitute for all after the resolving clause of the joint resolution passed by the House.

The Senate amendment differs from the joint resolution as passed by the House in that, instead of providing for a temporary extension with a view to working out further legislation, it proposes extension until June 30, 1947, and proposes numerous substantive changes to govern the operation of price controls during the period of extension. Since the substitute agreed to in conference follows the pattern of the Senate amendment, with exceptions, hereinafter explained, the provisions of the Senate amendment are outlined in detail below:

Sections 1, 2, and 16—extension of Price Control Act and Stabilization Act

Sections 1 and 2 of the Senate amendment amend the Price Control Act and the Stabilization Act so as to continue such acts in effect until June 30, 1947. By section 18 these amendments, as well as the other amendments proposed, are made effective as of June 30, 1946, so as to insure that the provisions of these acts will not be considered to have ceased to be in effect on June 30, 1946, and it is provided in section 18 that all regulations, orders, price schedules, and requirements under the Price Control Act and the Stabilization Act which were in effect on June 30, 1946, shall be in effect in the same manner and to the same extent as if this legislation had been enacted on June 30, 1946; but a saving provision is included that no act or transaction occurring after June 30, 1946, and prior to the date of enactment of this legislation shall be deemed to be a violation of the Price Control Act or the Stabilization Act, or of any regulation, order, price schedule, or requirement under either of such acts. A provision is also included in section 18 to preserve the status of proceedings, petitions, applications, and protests which were pending on June 30, 1946, but providing, in appropriate cases, that where any period of time was prescribed within which any act was required or permitted to be done, and such period had commenced but had not expired on June 30, 1946, such period shall be extended for a number of days equal to the number of days from July 1, 1946, to the date of enactment of this legislation.

Section 3—Decontrol of commodities; price adjustments and administration in case of agricultural commodities

The Senate amendment (by sec. 3) proposes to add after section 1 of the Price Control Act a new section 1A containing declarations of congressional policy regarding termination of price controls and related controls, and prescribing particular standards or requirements with respect to termination of price controls. In addition to its decontrol provisions, it relates to price adjustments and price administration in the case of agricultural commodities. The proposed new section 1A is explained below.

Objectives: Subsection (a) of this new section states that the rapid attainment of production equal to the public demand is one of the necessary and urgent objectives for the prevention of inflation and for the achievement of a reasonable stability in the general level of prices and rents, cost of living, and costs of production; that unnecessary or unduly prolonged controls over prices and rents and use of subsidies would be inconsistent with the return to a healthy peacetime economy and would tend to repress and prevent the attainment of the goals stated in the act; and that adequate prices are necessary stimulants to the desired production and the expeditious attainment of said goals.

Declaration of decontrol policy: Subsection (b) of the new section declares the policy of Congress that the Office of Price Administration, and other agencies of the Government, shall use their price, subsidy, and other powers to promote the earliest practicable balance between production and demand in the case of commodities under their control, and that the general control of prices and the use of subsidy powers shall be terminated as rapidly as possible consistent with the policies and purposes set forth in this section and in no event later than June 30, 1947, and that on that date the Office of Price Administration shall be abolished.

Recommendations by the President: Subsection (c) of the new section provides, in paragraph (1) thereof, that the President shall recommend to the Congress as soon as practicable and in any event on or before January 15, 1947, such further legislation as in his judgment is needed to establish monetary, fiscal, and other policies which are adequate to supplement the control of prices and wages during the balance of the fiscal year 1947, and to insure that general control

of prices and wages can be terminated by June 30, 1947, without danger of inflation thereafter. Paragraph (2) of this subsection provides that on or before April 1, 1947, the President shall report to the Congress what, if any, commodities or classes of commodities, including housing accommodations, are in such critically short supply as to necessitate, in his judgment, the continuance of price control or rent control as to them after June 30, 1947, together with his recommendations as to established departments or agencies of the Government which should be charged with the administration of such control.

Decontrol in case of nonagricultural commodities: Subsection (d) of the new section 1A relates to the decontrol of nonagricultural commodities. First, paragraph (1) of this subsection provides for the removal of maximum prices on nonagricultural commodities not important in relation to business costs or living costs. The Price Administrator is directed to proceed with the decontrol of these commodities as rapidly as, in his judgment, will be consistent with the avoidance of a cumulative and dangerous unstabilizing effect. Maximum prices on all such commodities are to be removed on or before December 31, 1946, and after that date no maximum price may be maintained for any nonagricultural commodity or class of commodities unless the same has been expressly found by the Administrator to be important in relation to business costs or living costs.

Paragraph (2) of subsection (d) states a general rule for the removal of maximum prices in the case of nonagricultural commodities, whether or not such commodities are important in relation to business costs or living costs. This rule is that maximum prices shall be promptly removed whenever the supply of a commodity exceeds or is in approximate balance with the demand therefor (including appropriate inventory requirements). Under this subsection, it is the duty of the Administrator to remove maximum prices upon his own initiative when the applicable decontrol standards are satisfied; however, provision is made in the later parts of this section for industry advisory committees to petition the Administrator for decontrol when such committees believe that the applicable decontrol standards have been satisfied and, in case of adverse action by the Administrator upon such a petition, further provision is made for an appeal to an independent Price Decontrol Board which may order the Administrator to remove maximum prices.

Paragraph (3) of subsection (d) provides that the Price Administrator, with the advance consent in writing of the Price Decontrol Board, may reestablish maximum prices for a nonagricultural commodity which has been decontrolled, if the supply of such commodity is no longer consistent with the applicable decontrol standard.

Paragraph (4) of subsection (d) prohibits the imposition or maintenance of price controls with respect to petroleum or petroleum products processed or manufactured in whole or substantial part from petroleum unless the Price Decontrol Board first determines and certifies in writing to the Administrator that the supply of crude petroleum, or the particular product on which controls are to be imposed or maintained, is insufficient to meet the domestic demand therefor.

Decontrol and other requirements in case of agricultural commodities: Subsection (e) of the proposed new section 1A contains provisions relating to the removal of maximum prices on agricultural commodities, the adjustment of such maximum prices, and other provisions relating to the administration of maximum prices on agricultural commodities.

Paragraph (1) of this subsection provides that the Secretary of Agriculture shall certify to the Price Administrator each agricultural commodity which the Secretary determines to be in short supply. An agricultural commodity will be in short supply for the purposes of this section, unless the supply of such commodity equals or exceeds the requirements for such commodity for the current marketing season. No maximum price may be applicable to any agricultural commodity during any calendar month which begins more that 30 days after the enactment of this section, unless such commodity is certified by the Secretary of Agriculture as being in short supply.

Paragraph (2) of subsection (e) provides that whenever the Secretary of Agriculture determines that maximum prices on any agricultural commodity which is in short supply are impeding the necessary production of such commodity, he may recommend to the Price Administrator such adjustments in such maximum prices as the Secretary determines to be necessary to attain the necessary production of such commodity; and the Price Administrator is required to adjust such maximum prices in accordance with such recommendations. This paragraph (2) also contains a provision relating to the decontrol of agricultural commodities not important in relation to business costs or living costs. The Secretary of Agriculture is directed to recommend to the Price Administrator the removal of maximum prices on such commodities as rapidly as, in the judgment of the Secretary, will be consistent with the avoidance of a cumulative and dangerous unstabilizing effect, and he is to recommend the removal of maximum prices on all such unimportant commodities by December 31, 1946. The Administrator is required to remove maximum prices in accordance with such recommendations.

Paragraph (3) of this subsection provides that whenever the Secretary of Agriculture determines that an agricultural commodity with respect to which maximum prices have been removed is in short supply and that the reestablishment of maximum prices with respect thereto is necessary to effectuate the purposes of the Price Control Act, the Secretary, with the written consent of the Price Decontrol Board, may recommend to the Administrator, the reestablishment of price controls with respect to such commodity, and that the Administrator shall reestablish such controls upon such recommendation.

Paragraph (4) of this subsection defines the term "agricultural commodity" to mean (except for purposes of subsection (d) (6)) any agricultural commodity and any food or feed product processed or manufactured in whole or substantial part from any agricultural commodity.

Paragraph (5) of this subsection (e) provides that the Secretary of Agriculture, in exercising his functions under the Emergency Price Control Act, shall not be subject to the direction or control of any other appointive officer or agency in the executive branch of the Government, except to the extent that a review of his decisions by the Price Decontrol Board is provided for in this section, and that no such officer or agency shall undertake to exercise any direction or control over the Secretary of Agriculture with respect to the exercise of such functions. This paragraph also provides that the Secretary of Agriculture may at any time withdraw his approval of any action with respect to which his approval is required under the Emergency Price Control Act, and that upon the withdrawal of his approval such action shall be rescinded. This provision is related to section 3 (e) of the present law, which requires that written approval of the Secretary of Agriculture be obtained for actions taken under the Price Control Act with respect to agricultural commodities and with respect to regulations, orders, price schedules, and other requirements applicable to processors with respect to food or feed products processed or manufactured in whole or substantial part from agricultural commodities.

Paragraph (6) of this subsection (e) provides that no maximum price and no regulation or order under the Price Control Act or the Stabilization Act shall be applicable with respect to any agricultural commodity, or any service rendered with respect to any agricultural commodity, unless a regulation or order establishing a maximum price with respect to such commodity had been issued under the Price Control Act prior to April 1, 1946. This provision will not prevent the restoring of maximum prices in the case of a commodity upon which maximum prices had been in effect prior to April 1, 1946, even though maximum prices upon such commodity had been removed and were not in effect on April 1, 1946, nor will it prevent the maintenance of maximum prices upon a commodity if a regulation or order establishing maximum prices upon such commodity had been issued prior to April 1, 1946, even though such regulation or order did not take effect until after that date. On the other hand, the provision will prohibit other types of regulations and orders as well as maximum prices in the case of any agricultural commodity unless a regulation or order had been issued prior to April 1, 1946, establishing a maximum price on such commodity. Thus, in the case of cotton, the recent order relating to margin requirements for futures trading, although not a maximum price regulation or order, will be made inapplicable because maximum prices with respect to cotton were not established prior to April 1, 1946.

Paragraphs (7) to (11), inclusive, of such subsection (e) specifically decontrol certain specified commodities. They provide that no maximum price and no regulation or order under the Price Control Act or the Stabilization Act shall be applicable with respect to the following commodities:

(1) Livestock, poultry, or eggs, or food or feed products processed or manufactured in whole or substantial part from livestock, poultry, or eggs.

(2) Cottonseed, soybeans, or products processed or manufactured in whole or substantial part from cottonseed or soybeans.

(3) Milk or food or feed products processed or manufactured in whole or substantial part from milk.

(4) Grains for which standards have been established under the United States Grain Standards Act, and any livestock or poultry feed processed or manufactured in whole or substantial part therefrom.

(5) Leaf tobacco and tobacco products processed or manufactured in whole or substantial part therefrom.

Paragraph (12) of such subsection (e) makes it unlawful for the Administrator, in establishing maximum prices for sales of finished woven fabrics made primarily of cotton fiber or of apparel made therefrom, to establish or maintain differentials in the method of determining the basic grey-goods cost or the finished-woven-fabrics cost to which a mark-up is to be applied based on the degree of integration of the seller.

Saving provision: Subsection (f) of the proposed new section 1A provides that nothing in this section shall limit the authority to remove maximum prices at an earlier time than would be required by the section.

Petitions for decontrol: Subsection (g) of the proposed new section provides that the industry advisory committee appointed under the Price Control Act with respect to a commodity may file a petition for the removal of maximum prices on such commodity, if in the judgment of the committee the standards set forth in this section

require the removal of maximum prices for such commodity. Such petitions are to be filed with the Price Administrator in the case of nonagricultural commodities and with the Secretary of Agriculture in the case of agricultural commodities. The petition is to state the grounds upon which the committee believes the removal of maximum prices to be required and is to be accompanied by written evidence in support of the petition. The Administrator or the Secretary of Agriculture, as the case may be, must act upon the petition within 15 days after it is filed. If the petition is not granted in full, the Administrator or the Secretary, as the case may be, must, upon the request of the industry advisory committee, hold a hearing for the further consideration of the petition, and must within 15 days after the hearing make a decision upon the petition. If the petition is denied in whole or in part, such decision must be accompanied by a written statement of the reasons for denying the petition in whole or in part. If the Administrator or the Secretary has not granted the petition after the hearing, the petitioning industry advisory committee may petition the Price Decontrol Board, established under this section, for a review of the action of the Administrator or the Secretary. The special method which is provided in this section for the consideration of petitions for decontrol made by industry advisory committees does not take away or impair any right of any person subject to a maximum price regulation to protest the continued maintenance of maximum prices in accordance with the regular protest provisions of the Price Control Act.

Price Decontrol Board: Subsection (h) of the proposed new section establishes a Price Decontrol Board as an independent agency in the executive branch of the Government. The Board is to be composed of three members appointed by the President by and with the advice and consent of the Senate. This Board is to have jurisdiction to review decisions of the Price Administrator and the Secretary of Agriculture in cases where those officers have failed or refused to remove price controls upon the petition of industry advisory committees. Upon such review the Board is to order the removal of maximum prices if and to the extent that in its judgment the standards of decontrol stated in subsections (d) and (e) have been satisfied with respect to the commodity involved. Also, as indicated above, price controls may be reestablished with respect to a commodity from which price controls have been removed only if the Price Decontrol Board gives its written consent to reestablishing such controls. This subsection contains provisions giving the Board such authority as is necessary to enable it to perform its functions and prescribing procedure to be followed with respect to petitions made to the Board.

Section 4—Establishment of regional industry advisory committees

Section 4 of the Senate amendment amends section 2 (a) of the Price Control Act by adding a new sentence requiring that in administering the provisions of such section 2 (a), relating to the establishment of industry advisory committees, the Price Administrator, upon the request of a substantial portion of the industry in any region, shall promptly appoint a regional industry advisory committee for such region.

Section 5—Rent ceilings in case of hotels

Section 5 of the Senate amendment proposes to add a new paragraph to section 2 (b) of the Price Control Act authorizing the Administrator, when establishing rent ceilings on hotels or when passing upon applications for adjustment of rent ceilings thereon, to take into consideration the distinction between transient hotels and residential or apartment hotels, including the difference in investment, operation, expenses, and mechanical details of operation. The provision contains a requirement that the Administrator classify separately by regulation (1) transient hotels, (2) residential and apartment hotels, and (3) tourist courts, rooming houses, and boarding houses.

Section 6—Subsidy operations

Section 6 of the Senate amendment contains provisions relating to subsidy operations (including buying for resale at a loss) in the case of the Commodity Credit Corporation and the Reconstruction Finance Corporation.

Subsection (a) provides that the last paragraph of section 2 (e) of the Price Control Act, as amended, shall not apply with respect to such operations for the fiscal year ending June 30, 1947, but such operations are limited as to purpose, amount, and duration by the following provisions:

"Payments and purchases may be made with respect to operations for the fiscal year ending June 30, 1947, which involve subsidies and anticipated losses as follows:

"(1) With respect to rubber produced in Latin America and Africa for which commitments were made before January 1, 1946, $31,000,000.

"(2) With respect to copper, lead, and zinc, in the form of premium price payments, $100,000,000: *Provided*, That (A) premiums shall be paid on ores mined or removed from mine dumps or tailing piles before July 1, 1947, though shipped and/or processed and marketed subsequently thereto; and that (B) the premium price plan for copper, lead, and zinc shall be extended until June 30, 1947, on terms not less favorable to the producer than heretofore and (i) adjustments shall be made to encourage exploration and development work, (ii) adequate allowances shall be made for depreciation and depletion, and (iii) all classes of premiums shall be noncancelable unless necessary in order to make individual adjustments of income to specific mines.

"(3) With respect to purchases by the Reconstruction Finance Corporation, of such tin ores and concentrates as it deems necessary to insure continued operation of the Texas City tin smelter.

"(4) With respect to noncrop programs, 1946 crop-program operations and the 1947 crop-program operations relating to sugar, flour, petroleum, petroleum products, and other domestic and imported materials and commodities, $869,000,000: *Provided*, That the operations authorized under this subparagraph (4) shall be progressively reduced, shall be terminated not later than April 1, 1947, and shall not cost more than $639,000,000 during the last 6 months of the calendar year 1946. Operations shall not be carried out under authority of this subparagraph (4) with respect to any commodity for any period during which maximum prices on such commodity are not in effect under the Emergency Price Control Act of 1942, as amended, or the Stabilization Act of 1942, as amended: *Provided*, That subsidies with respect to pertoleum produced from stripper wells shall be continued at not to exceed the existing rates. No new subsidy or purchase and sale operations shall be undertaken under the authority of this subparagraph (4), and no change shall be made in the basis of any existing operations for which funds are made available under this subparagraph, which will increase the rate of any subsidy or the rate of loss incurred with respect to any commodity."

The premium price plan for copper, lead, and zinc, and the stripper well subsidies on petroleum would be retroactive to June 30, 1946.

Subsection (b) provides that when any direct or indirect subsidy to an industry is reduced or terminated, any maximum price applicable to the product affected shall be correspondingly increased, except in the case of transportation subsidies and differential subsidies to high-cost producers.

Subsection (c) provides that when rollback subsidies have been in effect, and have been or shall be discontinued, equivalent price increases shall be permitted.

Subsections (d) and (f) contain saving provisions to make it clear that nothing in the section is to affect the operation of certain provisions of law, previously enacted, granting authority to engage in subsidy operations. These are Public Laws 30, 88, 164, 328, and 388 of the Seventy-ninth Congress.

Subsection (e) provides that notwithstanding other provisions of the section, 1946 and 1947 crop program operations with respect to sugar may, while maximum prices are in effect with respect to sugar, be continued until such crops are processed and distributed, and the cost of 1946 crop program operations with respect to sugar may be charged to the funds authorized by Public Law 30, Seventy-ninth Congress, as amended by Public Law 328, Seventy-ninth Congress. It is provided that for purposes of the section no subsidy program operation on sugar shall be considered to be a new subsidy. A proviso is included that neither the Commodity Credit Corporation nor any other Government agency shall absorb any increase in the price paid for Cuban sugar over 3.675 cents per pound, raw basis, f. o. b. Cuba, as being paid for such sugar, in Cuba, on June 30, 1946.

Section 7—Fish and sea-food commodities

Section 7 of the Senate amendment amends section 2 (i) of the Emergency Price Control Act of 1942, as amended, which now provides that no maximum price shall be established for any fishery commodity below the average price of such commodity in the year 1942. Under the proposed amendment, this subsection will provide that for the purposes of the Price Control Act and the Stabilization Act, fish and other sea foods shall be deemed to be agricultural commodities, and commodities processed or manufactured in whole or substantial part from fish or other sea foods shall be deemed to be manufactured in whole or substantial part from agricultural commodities. However, instead of making applicable to fish and other sea foods the provisions of section 3 of the Stabilization Act of 1942, which establishes for agricultural commodities pricing standards based on parity or the highest price prevailing between January 1, 1942, and September 15, 1942, the amendment provides that the maximum price for any fish or sea-food commodity or for any commodity processed or manufactured in whole or substantial part therefrom shall not be below the average price therefor in the year 1942. The amendment will have the effect of making applicable to fish and other sea foods the provisions of section 3 (e) of the Price Control Act relating to securing the written approval of the Secretary of Agriculture, and will also have the effect of making applicable to fish and other sea foods the decontrol standards which are provided for agricultural commodities.

Section 8—Limiting quantity of products sold to any buyer

Section 8 of the Senate amendment adds to section 2 (j) of the Price Control Act a provision to the effect that nothing in such Act shall be construed as authorizing any regulation or order of the Administrator to fix a quantity or percentage of any product which any seller may sell to any buyer. This provision would have the effect of discontinuing and prohibiting such limitations as that contained in Maximum Price Regulation 602, which provides that a manufacturer of nylon hosiery may not distribute a larger percentage of his product to wholesale outlets than he did in the base year, 1941.

Section 9—Highest price line in service establishments

Section 9 of the Senate amendment amends section 2 (k) of the Price Control Act so as

to make applicable with respect to service establishments the provisions of that subsection which provide that no seller of goods at retail shall be required to limit his sales with reference to any highest price line offered for sale by him at any prior time.

Section 10—Subsections added to section 2 of the Price Control Act

Section 10 of the Senate amendment proposes to add new subsections (o) to (u), inclusive, at the end of section 2 of the Emergency Price Control Act of 1942.

Control of certain items in restaurants: The new subsection (o) provides that no maximum price shall be applicable to any item served in any restaurant or other eating establishment if such item consists in whole or major part of a commodity which is not under price control with respect to sales to such restaurant or other eating establishment, unless the maximum price of such item, when sold by such restaurant or other eating establishment, is determined by the addition of a customary margin to the acquisition cost of such item.

Maximum average price plan: The new subsection (p) provides that no maximum price regulation or order shall be issued or continued in effect requiring any seller to limit his sales by any weighted average price limitation based on his previous sales. This provision will have the effect of eliminating the maximum average price plan under which manufacturers subject to it are restrained from delivering for sale in any quarter goods averaging in price more than the weighted average price of the goods which he delivered for sale in a corresponding previous quarter.

Discounts in certain retail industries: The new subsection (q) provides that the Administrator shall not reduce established peacetime retail trade discounts or mark-ups or dealer handling charges in the case of certain commodities whose production was discontinued or restricted during the war. This restriction would apply in the case of any retail industry whose principal sales during the calendar years 1939 to 1941, inclusive, consisted of sales of a commodity or commodities whose production or retail distribution was reduced for a period of 3 years beginning on or after March 2, 1942, by 75 percent or more below such production or retail distribution for the calendar years 1939 to 1941, inclusive, as a result of the operation of any governmental regulation or restriction. The restriction contained in this subsection would no longer apply after the retail unit sales of an affected commodity for a period of 6 months have reached the average annual retail unit sales thereof for the calendar years 1939 to 1941, inclusive.

Discounts for certain wholesale industries: The new subsection (r) makes the same kind of provision, except as to dealer handling charges, for wholesalers dealing in the commodities described above in subsection (q) as that subsection makes for retailers dealing in such commodities.

Discounts for certain commodities: The new subsection (s) provides that no maximum price regulation or order shall require the reduction of the esablished peacetime discounts or mark-ups for the sale of any manufactured or processed commodity if the retail, wholesale, or other distributive trade selling such commodity shows that the commodity constituted approximately one-half or more of the gross sales income of a majority of the persons engaged in such trade in 1945 and that, in the first quarter of 1946, the deliveries of such commodity to such distributive trade were less than the deliveries thereof in the corresponding quarter of 1945. For the purposes of this subsection, all commodities in a line of related commodities which, for the purpose of establishing manufacturers' and processors' maximum prices, have been placed under a single regulation are to be treated as a single commodity. The effect of this provision is to require the dealers in farm implements and farm machinery, or in any other commodities to which the subsection may be applicable, be given maximum prices which will allow them the same discounts or mark-ups which they enjoyed during peacetime.

Maximum prices applicable to wholesale or retail distributors: The new subsection (t) provides that in establishing maximum prices applicable to wholesale or retail distributors, the Administrator shall allow the current cost of acquisition of any commodity, plus such percentage discount or mark-up as was in effect on June 29, 1946.

Certain new commodities: The new subsection (u) provides that no maximum price shall be established or maintained with respect to any new commodity the use of which, in the production, manufacturing, or processing of any commodity or commodities, without increasing the cost to the ultimate user, either increases the life or reduces the cost of production, manufacture, or processing of the commodity or commodities produced, manufactured, or processed, but the exemption provided for in this subsection is to apply only when the Price Administrator upon application finds that the standards prescribed in the subsection are met. The term "new commodity" is defined to mean a commodity which was not commercially or industrially available prior to January 30, 1942.

Section 11—Maximum prices in the case of products of a producing, manufacturing, or processing industry

This section of the Senate amendment proposes to add a new section 6 after section 5 of the Price Control Act, as amended.

Subsection (a) of the new section provides that for purposes of the section the "base period" shall be the calendar year 1940, or, in the case of an industry customarily keeping its accounts on a fiscal year basis, the industry's fiscal year 1940.

Subsection (b) prescribes the basic pricing standard to be applicable, in those cases where the procedure specified in subsection (i) is complied with, in the case of any product of a producing, manufacturing, or processing industry (including any industry furnishing service or transportation the charges for which are subject to the Administrator's control). This standard requires that no maximum prices shall be established or maintained for any such product which do not return on the average to the industry not less than the average dollar price of such product during the base period, plus the average increase in cost of producing, manufacturing, or processing the same accruing since the base period. It is provided, however, that the maximum prices for a product shall be deemed in compliance with the standard if such prices on the average are equal to the average current total cost of the product plus the industry's over-all profit margin on sales in the base period. A proviso is included requiring, in the case of logs, lumber, and lumber products, that maximum prices shall be established at a level which will permit producers of at least 90 percent of the production of such logs, lumber, or lumber products to recover their current costs of production. It is provided that the ceiling price of timber used or the current market price shall be considered the cost of such timber.

Subsection (c) provides that for purpose of determining costs the Administrator shall ascertain the costs of a reasonable number of typical producers, manufacturers, or processors and shall follow accepted methods of accounting and such fair and reasonable methods of calculation as he shall establish by regulation, including reasonable adjustments for conditions resulting from abnormal volume of production.

Subsection (d) provides that maximum prices established under the section shall not be held invalid on account of failure to return his costs to any partciular member of any group involved.

Subsection (e) is included to insure that nothing in the section will nullify the power of the Administrator, under section 2 (c) of the Price Control Act, to make reasonable adjustments and exceptions, in individual cases, to prevent undue hardship.

Subsection (f) specifies circumstances under which the section is not to be deemed to require adjustment of maximum prices in accordance with the basic pricing standard set forth in subsection (a). It provides that where the maximum prices of a product on the average equal its average current total costs, adjustment of maximum prices to accord with the standard shall not be required for any period during which it appears that a substantial expansion in the production or use of the product would not be practicable or would be practicable only by reducing the production of at least equally needed products.

Subsection (g) defines "product" to mean any major item, or any article different in character from other products of the industry; but all styles, models, or other varieties of any such item or article shall be considered as one product.

Subsection (h) provides that the provisions of the section shall not apply with respect to any maximum price applicable to manufacturers or processors in the case of products made in whole or major part from cotton or cotton yarn or wool or wool yarn.

Subsection (i) prescribes the procedure to be followed before the section, in any particular instance, is to require any adjustment in maximum prices or invalidate any maximum price. Any industry advisory committee is authorized to apply to the Administrator for the adjustment of maximum prices applicable to any product in accordance with the standards set forth in the section, and must present with the application comprehensive evidence with respect to costs and prices. The Administrator, on the basis of all evidence available to him, must within 60 days either make the adjustments in maximum prices required by the section or, if he finds that no adjustments are required, deny the application. If within the time specified the Administrator neither makes the adjustments nor denies the application, the industry advisory committee may petition the Emergency Court of Appeals for relief, and such court is given jurisdiction by appropriate order to require the Administrator to make the determination and announcement within such time, not to exceed 30 days as may be fixed by the court. It is provided that if the Administrator fails to make the determination and announcement within the time fixed no maximum price shall thereafter be applicable with respect to any sale of such product by any seller.

Section 12—Enforcement amendments

Section 12 of the Senate amendment relates to the enforcement provisions of section 205 (e) of the act. Subsection (a) prevents the cumulation of the Administrator's claims, except for three times the actual overcharges, where he brings a treble damage action based on overcharges to a number of buyers. Under the present law the Administrator might sue a grocer for $5,000 because of 100 overcharges of 10 cents each to 100 different buyers. Under the amendment the maximum recovery in that lawsuit would be $50. Had the overcharges been 20 cents each, the maximum recovery would be three times the overcharges, or $60.

This subsection also provides that if the defendant in a treble damage action proves that his violation was neither willful nor the result of failure to take practicable precautions against its occurrence the damages assessed shall be the amount of the overcharge. The effect of the amendment is to

eliminate in such cases the $25 minimum prescribed by the present law.

Subsection (b) forbids the Administrator from instituting or maintaining an action if (1) the violation arose because the seller acted upon and in accordance with the written advice and instructions of the Administrator or any regional administrator or district director of the Office of Price Administration or (2) if the violation arose out of a sale to an agency of the Federal Government or to any public housing authority supervised or financed by such an agency if the sale was made pursuant to the lowest bid made in response to an invitation for competitive bids.

The last paragraph of this subsection is designed to forbid the institution or maintenance of an action by the Administrator in a situation like that which has arisen in the work-glove industry. The amendment forbids enforcement action where the Administrator determines (1) that the violation consisted of an apparel manufacturer's selling an item at his published March 1942 price list prices instead of his March 1942 delivered prices, and (2) that his customary pricing patterns for related apparel items would be distorted by a requirement that his ceilings be the March 1942 delivered prices.

Section 13 of the Senate amendment amends section 205 (f) of the Emergency Price Control Act, relating to suspensions for violations of the act. The amendment made by this section provides that no suspension of a license shall be ordered or directed if the person charged with the violation proves that the violation in question was neither willful nor the result of failure to take proper precautions against the occurrence of the violation.

Section 14—Products made from cotton and wool

Section 14 of the Senate amendment proposes to add a new paragraph to section 3 of the Stabilization Act of 1942, as amended. This paragraph relates to maximum prices applicable to manufacturers or processors of products made in whole or major part from cotton or cotton yarn or wool or wool yarn. Under existing law the price standards established in the law must be applied separately to each major item in the case of products made in whole or major part from cotton or cotton yarn. This amendment makes it clear that when the current cost of cotton is higher than parity, the current cost must be used in applying such price standards separately to each major item. The amendment also specifies that as to each such major item there shall be added to the cotton cost the weighted average of mill conversion costs and a reasonable profit. This amendment also provides that the pricing standards applicable to major items made in whole or major part from cotton or cotton yarn under this paragraph shall also be applicable to major items made in whole or major part from wool or wool yarn. It contains a provision defining the reasonable profit as not less than a weighted average profit for each unit of the item in question equal to the weighted average of the profit earned on an equivalent unit of such item during the period 1939 to 1941, both inclusive.

Section 15—Relief of feed shortages

Section 15 of the Senate amendment provides that the Secretary of Agriculture, through the Commodity Credit Corporation or otherwise, is authorized to allocate feed which he controls to feeders of livestock and poultry in domestic areas which he determines to be in an emergency shortage condition with respect to animal and poultry feed.

Section 16—Government purchases of wheat

Section 16 of the Senate amendment provides that when producers of wheat are required by the Government, pursuant to the Second War Powers Act of 1942, as amended, to sell all or any part of the wheat delivered to an elevator prior to April 1, 1947, the Commodity Credit Corporation shall offer to purchase the wheat which the producers are required to sell. The purchase price to be paid by such corporation in these cases is to be the market price at the point of delivery as of any date the producer may elect between the date of delivery and March 31, 1947. The producer may not elect a date which has occurred prior to the time he makes his election. In this manner the producer is given an opportunity to decide whether or not he wishes to retain the right to profit from any increases which may occur in the market price of wheat before April 1, 1947; but, if he does so, he must assume the risk of loss which will result from any decrease in the market price of wheat prior to such date. Subsection (b) of this section in effect makes the provision described above retroactive until May 24, 1946, when the Government's present wheat purchase program was put into effect. Producers who have sold their wheat under that program prior to the date the provision above described takes effect may, by returning or paying to the Commodity Credit Corporation the sum which they received for their wheat when it was sold, place themselves in the same position as if the provisions of subsection (a) of this section had been in effect at the time when the wheat was sold.

Section 17—Short title

Section 17 of the Senate amendment contains a short title for the proposed legislation.

Section 18—Saving provisions

The provisions of section 18 of the Senate amendment have for the most part been explained hereinbefore in the discussion of sections 1 and 2 of such amendment. This section contains, in addition to the provisions there explained, a provision to the effect that in cases where the provisions of this legislation require the Price Administrator to make or permit changes in maximum prices, the Administrator shall have a period of 30 days from the date of enactment within which to comply with such requirements.

Section 19—Rent control under State law

Section 19 of the Senate amendment provides that whenever a State has established or establishes provisions for control and regulation of the rent of housing accommodations and the governor of the State notifies the Price Administrator that such regulation and control are in effect, no provision of the Price Control Act or regulations, orders, or requirements thereunder (except as to offenses previously permitted) relating to the establishment and maintenance of maximum rents under such act shall be applicable within the State. The section also directs the Administrator to cooperate with any such State to the fullest extent, and directs him to make available to the proper officials of the State records and other information requested by the State to enable it to effectively control and regulate such rents.

Section 20—Maximum prices in the case of pulpwood

Section 20 of the Senate amendment proposes to add a proviso at the end of section 3 (a) of the Price Control Act providing that no maximum price shall be imposed on pulpwood in any State at a price less than 100 percent of the highest maximum price established for pulpwood derived from trees of the same genus in any other State, zone, or region; but it is provided that fair and equitable differentials may be established between peeled and rough pulpwood.

THE SUBSTITUTE AGREED TO IN CONFERENCE

The substitute agreed to in conference amends the Price Control Act and the Stabilization Act, as of June 30, 1946, so as to provide for extension of such acts until June 30, 1947, and the provisions included in the conference substitute are similar, in general, to the provisions of the Senate amendment. The conference substitute differs from the Senate amendment in a number of respects, however, and these differences, except for minor and clarifying changes, are explained below:

Decontrol: As has been explained above, the Senate amendment provided for specific decontrol in the case of certain commodities. Except in the case of petroleum and petroleum products, there would have been no authority for the reestablishment of controls in the case of these commodities. While specific decontrol of all these commodities is retained in the conference substitute (except for products of cottonseed and soybeans other than feed or food products), the standard for recontrol in the case of petroleum and petroleum products is changed, and provisions have been included which would permit the reestablishment of controls in the case of the other named commodities under specified circumstances.

A special provision is included with respect to the following commodities: (1) Livestock, milk, or food or feed products thereof, (2) cottonseed and soybeans, and food or feed products thereof, and (3) grains for which standards have been established under the United States Grain Standards Act, and livestock or poultry feed produced therefrom. This special recontrol provision is contained in paragraph (8) of subsection (e) of the proposed new section 1A of the Price Control Act. Subparagraph (A) of this paragraph provides that price controls shall not be applicable to such commodities prior to August 21, 1946, but it directs the Price Decontrol Board to proceed forthwith to consider whether such commodities shall continue, after August 20, 1946, to be free from price controls. The Board, after opportunity for hearing to affected industries and consumers, is empowered by subparagraph (B) to determine whether or not any such commodity shall be subject to price controls after August 20, 1946. The Board is to direct that such commodity shall not be so regulated unless it finds (1) that the price of such commodity has risen unreasonably above a price equal to the lawful maximum price in effect on June 30, 1946, plus the amount per unit of any subsidy payable with respect thereto as of June 29, 1946, and (2) that such commodity is in short supply and that its regulation is practicable and enforceable, and (3) that the public interest will be served by such regulation. If in the case of any such commodity the Board fails to direct, on or before August 20, 1946, that such commodity shall not be subject to price controls, it is provided that maximum prices and regulations and orders under the Price Control Act and the Stabilization Act shall be applicable with respect to such commodity. If the Board directs, pursuant to subparagraph (B), that any such commodity shall not be so regulated, the Board may, pursuant to subparagraph (C), subsequently direct that the commodity shall be subject to price controls upon a finding on the basis of a standard similar to that which governs the Board's determination under subparagraph (B). Subparagraph (D) contains a provision permitting the exercise of the Board's decontrol and recontrol powers on a regional basis in the case of milk.

In the case of petroleum and petroleum products, poultry and eggs and food or feed products thereof, and leaf tobacco and products thereof, dealt with in subsection (d) (4) and subsection (e) (7), recontrol is not permissible until after August 20, 1946, and then only under the recontrol standards provided in paragraph 8 (C) of subsection (e).

By paragraph (9) of subsection (e) the Price Decontrol Board is empowered, where maximum prices are in effect with respect to a commodity listed in paragraph (8) (A), to

determine whether any subsidy or any part thereof in effect prior to June 30, 1946, shall be reestablished in whole or in part.

Paragraph (10) of subsection (e) provides that whenever maximum prices are in effect for a commodity processed or manufactured in whole or substantial part from any commodity listed in paragraph (8) (A) with respect to which maximum prices are not in effect, no maximum price, and no margin, mark-up, or discount, shall be maintained with respect to such processed or manufactured commodity which does not return to the processors, manufacturers, and distributors thereof (a) the raw material cost (which must be computed at least once every 60 days at not less than the current cost), (b) the conversion or distribution cost, and (c) a reasonable profit.

Maximum prices in the case of products of a producing, manufacturing, or processing industry: Section 11 of the conference substitute adds a new section 6 to the Price Control Act establishing standards applicable with respect to maximum prices for any product of a producing, manufacturing, or processing industry. This section 6 as included in the conference report is in general similar to the section 6 which the Senate amendment proposed to add to the Price Control Act, but certain important modifications have been made.

An explanation is made elsewhere in this report of the disposition made of the proviso contained in the Senate section relating to maximum prices in the case of logs, lumber, and lumber products.

Subsection (c) of the section in the Senate amendment relating to the determination of costs would have authorized the Administrator to make "reasonable adjustments for conditions resulting from abnormal volume of production." In the conference substitute this authority is modified so that in lieu thereof the Administrator would be authorized to make "adjustments for temporary cost abnormalities which may be reasonably anticipated to be eliminated within the three months following the Administrator's determination, and adjustments for increases in the volume of production which may be reasonably anticipated to be experienced within such three-month period."

Subsection (f) of the section as it appeared in the Senate amendment specified certain circumstances under which the Administrator would not be required to apply the general pricing standard established by the section. It provided that if the maximum prices of a product on the average equal the average current total costs, nothing in the section should require the adjustment of maximum prices for the product for any period during which it appears that a substantial expansion in the production or use of the product would not be practicable or would be practicable only by reducing the production of at least equally needed products. In the conference substitute this subsection has been modified so that failure to make the adjustments required by the general pricing standard of the section would be permitted, under the circumstances specified, only in cases where the maximum prices of a product, on the average, equal its average current total cost plus a reasonable profit.

Distributor discounts and mark-ups: The new subsection (t) of section 2 of the Price Control Act added by section 10 of the conference substitute, instead of requiring, as did the Senate amendment, that maximum prices applicable to wholesale or retail distributors shall allow the current cost of acquisition of any commodity plus such percentage discount or mark-up as was in effect on June 29, 1946, requires that such maximum prices shall allow the average current cost of acquisition plus such average percentage discount or mark-up as was in effect on March 31, 1946.

Subsidy operations: Except for clarifying changes the only differences between section 6 of the Senate amendment and section 6 of the conference substitute, which relate to subsidy and purchase and loss operations of the Commodity Credit Corporation and the Reconstruction Finance Corporation for the fiscal year ending June 30, 1947, are as follows:

(1) The last sentence of section 6 (a) (4) has been rewritten so that instead of expressing the limitations contained therein in terms "new" operations and "existing" operations it provides that "no subsidy or purchase and sale operation shall be undertaken under authority of this subparagraph (4) with respect to any commodity unless a subsidy or purchase and sale operation with respect to such commodity was in effect on June 29, 1946; and no such operation shall be undertaken under authority of this subparagraph (4) which will increase the rate of subsidy paid or the rate of loss incurred with respect to any commodity above that which would be paid or incurred if the operations in effect on June 29, 1946, had been continued on the same basis."

(2) In subsection (b), relating to price increases required in case of reduction or termination of subsidies, an additional exception is made with respect to subsidies in the form of premium payments under the Veterans' Emergency Housing Act of 1946. Also, the requirement as to increases in maximum prices is made applicable to the case where a commodity is recontrolled and subsidies are not restored or are restored only in part.

(3) A new clause has been added at the end of subsection (f), as follows: "and nothing in this Act or in any other Act shall prohibit the establishment of maximum sales prices or maximum rents for housing accommodations for which materials or facilities are allocated, or priorities for delivery thereof issued, under said Veterans' Emergency Housing Act of 1946."

Section 6 of the conference substitute, by imposing limitations on the amounts which may be used for the fiscal year ending June 30, 1947, for the operations referred to therein, prescribes maximum amounts which will be controlling over any other provision of law which might be construed to authorize the use of funds for such operations.

It is intended, and it is believed to be clear, that the provisions of section 6 shall not limit or affect payments or losses incident to such of the operations of the Commodity Credit Corporation as sales of commodities for export at competitive world prices pursuant to section 21 (c) of the Surplus Property Act of 1944, sales of farm commodities for new or byproduct uses pursuant to section 2 of the act of April 12, 1945 (59 Stat. 50), sales of commodities pursuant to section 2 of the act of April 12, 1945 (59 Stat. 50), which have substantially deterioriated in quality, or of nonbasic perishable commodities where there is danger of loss through waste or spoilage, and loans, purchases, or other price support operations which do not involve supporting prices to producers of agricultural commodities at levels above those reflected by price ceilings, or prevent parity payments or soil conservation payments under existing law or benefits under title III of the Sugar Act of 1937.

That part of the saving provisions of section 18 of the conference substitute providing that regulations, orders, and other requirements under the Price Control Act shall be in effect as though this legislation had been enacted on June 30, 1946, contains a provision, not included in the Senate amendment, to make clear that the Reconstruction Finance Corporation is not required to pay subsidies with respect to meat, flour, or coffee for the period between June 30, 1946, and the date of enactment of this legislation.

Maximum prices in case of woven fabrics of cotton fiber: Paragraph (12) of subsection (e) of the proposed new section 1A of the Price Control Act, in the Senate amendment, relating to maximum prices in the case of woven fabrics made primarily of cotton fiber, and apparel made therefrom, has been modified to apply also to knitted fabrics made primarily of cotton fiber and apparel made therefrom, and has been placed in section 10 of the conference substitute as new subsection (w) of section 2 of the Price Control Act.

Maximum prices in the case of logs, lumber, and lumber products: In section 6 of the Price Control Act as proposed to be added to present law by section 11 of the Senate bill there was a proviso requiring, in the case of logs, lumber, and lumber products, that maximum prices shall be established at a level which will permit producers of at least 90 percent of the production thereof to recover their current costs of production. At the end of this provisio was a sentence providing that the ceiling price of timber used or the current market price shall be considered the cost of such timber. The sentence has been omitted from the conference substitute. The remainder of the provisio has been placed in section 10 of the conference substitute as new subsection (v) of subsection 2 of the Price Control Act, and it has been modified so that it applies only in the case of softwood logs and lumber.

Maximum prices in the case of pulpwood: Section 20 of the Senate amendment, relating to maximum prices in the case of pulpwood, has not been included in the conference substitute.

Maximum prices in case of certain imported commodities and products processed therefrom: There has been included in section 10 of the conference substitute, as new subsection (x) of section 2 of the Price Control Act, a provision making it the duty of the Price Administrator, under specified circumstances, to remove or increase maximum prices in the case of certain imported commodities and products processed directly therefrom. This action is required to be taken, in order to maintain and increase domestic production and employment and to make possible the balancing of supply and demand, whenever the world price of a commodity essential to the economy of the United States (average price at which such commodity could be purchased when landed duty paid at any United States port of entry) exceeds the maximum purchase price established by the Administrator, and results in (1) reduction of importation in an amount substantial in relation to the total consumption of the commodity in the United States, or (2) the substantial curtailment or restriction of the domestic trade in such commodity or products processed directly therefrom.

State rent control: Section 19 of the Senate amendment, intended to provide for discontinuance of Federal rent controls in any State prepared to operate under its own rent control law, has not been included in the conference substitute.

In the amendment to section 2 (b) of the Price Control Act made by section 5 of the conference substitute a new paragraph has been included providing that while maximum rents are in effect under the Price Control Act with respect to housing accommodations in any defense-rental area, such housing accommodations shall not be subject to rent control by any State or local government. One effect of this provision is to make it clear that in any case where, since June 30, 1946, any State has put its own rent control law into operation, the rent provisions of the Price Control Act and the orders and regulations thereunder, within the field of their operation, will supersede such State law.

BRENT SPENCE,
PAUL BROWN,
WRIGHT PATMAN,
WILLIAM B. BARRY,
RALPH A. GAMBLE,
Managers on the Part of the House.

Mr. O'NEAL (interrupting the reading of the conference report). Mr. Speaker, I ask unanimous consent that further reading of the conference report be dispensed with.

Mr. COLE of Missiouri. Mr. Speaker, I object.

(The Clerk concluded the reading of the conference report.)

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House be read.

Mr. SPENCE. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

Mr. SPENCE. Mr. Speaker, I yield myself 5 minutes.

CALL OF THE HOUSE

Mr. KUNKEL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 233]

Adams	Delaney,	Morrison
Anderson, Calif.	John J	Norton
Andrews, N. Y.	Earthman	O'Konski
Baldwin, Md.	Engel, Mich.	Pace
Bates, Mass.	Gillespie	Patterson
Beckworth	Gore	Peterson, Ga.
Bell	Halleck	Priest
Bennet, N. Y.	Hébert	Rains
Boren	Hendricks	Reece, Tenn.
Boykin	Hill	Robinson, Utah
Bradley, Mich.	Holifield	Rockwell
Bryson	Izac	Roe, Md.
Bunker	Johnson, Okla.	Russell
Cannon, Fla.	Kefauver	Sasscer
Chenoweth	Kerr	Short
Clippinger	Kilburn	Simpson, Pa.
Cochran	Kilday	Slaughter
Coffee	Ludlow	Sparkman
Cole, Kans.	McGehee	Stewart
Combs	McKenzie	Tolan
Cooper	McMillan, S. C.	Torrens
Courtney	Mahon	Vinson
Cox	Maloney	Welch
Cravens	Mankin	West
Crawford	Mansfield,	Wickersham
Curley	Mont.	Wolfenden, Pa.
Daughton, Va.	Mansfield, Tex.	Wood
Dawson	May	
De Lacy	Miller, Calif.	

The SPEAKER. On this roll call 345 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EMERGENCY PRICE CONTROL ACT, 1942

The SPEAKER. The gentleman from Kentucky [Mr. SPENCE] is recognized.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. SPENCE. I yield to the gentleman from Michigan.

Mr. WOLCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WOLCOTT. Mr. Speaker, would a motion be in order that the time be extended beyond the time allowed under the rule?

The SPEAKER. That motion would not be in order at this time.

There was no objection.

Mr. SPENCE. Mr. Speaker, the issues are so clear in this matter that there is no room for any extended debate. The question is whether or not we shall extend the Price Control and Stabilization Acts for another year from June 30, 1946. We had a clear-cut issue on July 1 as to whether the House wanted to continue the Price Control and Stabilization Acts, and by a vote of 219 to 155 expressed the view that these acts should continue in force and passed the resolution which bears the same number as the present resolution we are considering. This resolution extended the time to July 20 in an endeavor—and it was solely for that purpose—that the Senate and the House might enact a bill that would serve the purposes which we are struggling to achieve. We are considering a resolution which I think in many respects is an improvement upon the first bill passed by the Congress and vetoed by the President. The issue is clear whether you want to continue price control and rent control or whether you want to abandon them.

It would be highly impracticable to continue rent control if you did not continue effective price control. There are so many elements of price and cost that enter into rents that it would be unjust to regulate one without the other. It seems to me there is a very great responsibility and a great burden upon the Congress at this time.

I heard the gentleman from Ohio this morning call the resolution a mongrel bill. Unfortunately price control is something that is not in accordance with the general views and convictions of the American people. It is restrictive in its nature. It compels the people to give up some rights in order that they may obtain more important ones. It is a shining mark for ridicule and derision. The gentleman called it a mongrel bill.

Eleven of the fourteen conferees signed the conference report. They signed it after long and laborious activity and study. It is a highly involved matter. I do not profess to be an expert in the intricacies and technicalities of price control, but we have brought a resolution back here which I think expresses in many ways the desires of the Congress. There is a Decontrol Board. That is a separate agency of the Government, entirely independent of the price-control organization.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. SPENCE. Mr. Speaker, I yield myself two additional minutes.

It has within it the power and the authority of the Decontrol Board to decontrol products for which ceilings have been set by the Price Administrator. It has been stated that the price control agencies, being jealous of their authority, did not abandon their control even though it was justified, but certainly that will not be applicable to the Decontrol Board.

I want you to approach this in the light of the importance of the question and the responsibility that is yours. This is an important issue to all the people of America. Looking alone to the interests of my party, I wish you would make it a political issue.

Of course, it is hard to arrive at a just conclusion between the producer and the consumer. The producer knows what he wants, he knows how to obtain it, and he ought to be considered. But there is an unorganized and nonvocal majority of the American people, the consuming public. If you fail to enact this law, they will rise up, I think, in their wrath if prices go where we may expect them to go.

I hope price control may soon be abandoned. I hope we may go back to the old ways of life and that we will need none of these emergency measures. But while we need them, let us maintain them and let them have an opportunity to keep the prices in such a state that the dollar of the American laborer and those who earn their living in the sweat of their brow may buy what they expected to buy, and will prevent in that way labor unrest and an indescribable train of evils.

Mr. SPENCE. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. WOLCOTT].

Mr. WOLCOTT. Mr. Speaker, we started out some weeks ago to correct a situation which was disrupting and very harmful to the economy of the Nation. It was our objective then to get full production as the only panacea for economic chaos. We succeeded in the bill which the President vetoed in providing that price controls be continued, and provided also that even though price controls were continued we would get a maximum amount of production of all commodities. When the President vetoed that bill, he, of course, eliminated all price controls which were in existence at that time or would have been put into effect under the bill which he vetoed.

I objected to the immediate consideration of a continuing resolution for 20 days, thinking that the Committee on Banking and Currency might have an opportunity to sit and do something with it. That was objected to. The Committee on Banking and Currency was bypassed and a rule was granted for the consideration of that bill. It passed and went to the Senate, and the Senate wrote in not only the specific decontrols which were deleted from the original bill but many others. So the bill has gone to conference and has come back to us. It is my studied opinion that this bill which is before the House today cannot be administered without very serious consequences to our economy generally. For that reason I did not sign the conference report. Prices cannot be controlled under this bill and production cannot be assured under the bill. I might say that briefly it may be put this way.

This is a bill not to control prices but to continue the control of our economy. I do not want to have any part of the inevitable economic confusion which will result from even an attempt to put this law into effect. In 10 minutes I cannot begin to cover one-third of the points which could be brought out in proof of the statement I have made. But I sat up rather late last night trying to get some things together which I thought might be helpful to the House. I found that in respect to recontrol there were three different standards. I do not have the time to name them. You can read

them in the bill. The bill was read and you probably picked them out as the Clerk was reading. I found there were six standards in the bill for the fixation of prices. I do want to call your attention to some of these, but before I do so for fear that my time will run out I want to say that one of the most disrupting influences in our economy is the uncertainty under which agriculture and industry will be forced to operate if this bill is signed by the President. First, the agricultural prices can be adjusted every 30 days so that no farmer and no processor of an agricultural commodity and no wholesaler or distributor will know from one 30-day period to another what the prices of any agricultural commodity are going to be. The prices of agricultural commodities and the supplies of agricultural commodities have a direct bearing upon whether the wheels of industry turn. If industry does not know from one month to the next what they have to pay for their raw materials which go into the finished products, then, of course, industry will hesitate to buy, and you confuse further the economy of our country by confusing the man in industry on what he may expect in raw material prices.

Then as August 20 approaches you are bound to dry up your sources of supply for all of the agricultural commodities which have been decontrolled by the Senate and which automatically go back under control by August 20 unless the decontrol board acts to the contrary. Who is going to buy meat and dairy products and the other things mentioned in the categories starting with meat on August 10 or August 5 without any assurance that he is going to empty his shelves of that commodity at a higher price before August 20? Of course, you cannot expect them to buy and fill up their shelves and fill out their inventories under a high price unless they are absolutely sure they are going to be able to get rid of them by the 20th of August. Those are just a couple of things. Let me tell you what has been done with respect to the confusion incident to the fixation of prices. Products manufactured and processed from meat, if the meat is not controlled, are determined by the current raw material price plus conversion and distribution costs plus a reasonable price. That is the formula we wanted to apply right straight across the board, but which they have applied to processed articles, meat, and so forth, provided the meat is not under control. The fact as to whether a processed article is a major item or not does not make any difference. In respect to the major items of cotton and woolens, we apply another price—the current cost or parity, whichever is higher, plus a weighted average of mill conversion costs, plus a reasonable profit. That applies to only the major items.

That is the formula which was contained in the original Wolcott amendment, but it is applied now to cotton, and it is applied to woolens. It is not applied to industrial commodities, which will result, of course, in a great deal of confusion, because the fabrics, in some instances, upon which certain phases of our industry are wholly dependent are included. But when meat, and commodities in the categories of meat, is under control, then those processed commodities manufactured from such products shall have still another formula. That is the formula under the so-called Barkley amendment, of the average cost of production plus the average increase in production costs and, in some cases, plus the average mark-up on top of that.

I wish I might have time to explain that the Administrator, nothing to the contrary notwithstanding, is given discretion as to whether he shall apply the Barkley standard, and it, therefore, gives him discretion to wholly nullify the standards contained in the so-called Barkley amendment.

Then we have another one in respect to restaurants, the price of meals to be fixed by adding the customary margin to the acquisition cost.

Next is the Barkley formula for all commodities not included in the items decontrolled in the Senate bill. To the average dollar price during the basic period you add the average increase in cost of production. You have to do that, or you add the average current total cost to the industry and thereafter the profit margin on sales in the base period. What are you going to apply? Industry does not know. Industry has no way of knowing which of these formulas will be applied by the Administrator.

Then, in the case of soft wood logs and lumber you apply another formula for price fixation. That price must be above the current cost of production. Nothing in respect to profit; nothing in respect to anything else except cost of production, as determined by the Price Administrator.

If I had time I would like to point out one of the very basic points in dispute in section (f) on page 13 of the conference report. That is in the application of the so-called Barkley amendment. If you read the first three lines and then stop, you may be reasonably satisfied, but if you read the last three lines in connection with the first three lines you would surely come to the conclusion that that language gives the Administrator of the OPA new and unusual powers to determine the quantity of production in every industry in the United States.

I think this conference report, in fairness to the American public, should be voted down.

The SPEAKER. The time of the gentleman from Michigan [Mr. WOLCOTT] has expired.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. BROWN].

Mr. BROWN of Georgia. Mr. Speaker, we had a very difficult task in the conference, but we brought back to the House the best bill that we could obtain. As a matter of fact, I think we ought to have control on food for a while longer. Many of you members who do not want control on food ought to be pretty well satisfied with this report. We set up a decontrol board that is supposed to be fair. The members of the board will be appointed by the President and confirmed by the Senate. They are to go into the facts relative to each commodity and comply with the formula set out in the conference report. They must follow the formula and find that the facts justify a recontrol under the formula before putting control on.

We set up standards and a yardstick, so to speak, which the decontrol board must follow in decontrolling or recontroling commodities. I prefer this board, who will have plenty of time to go into the merits of each commodity to have controls taken off, than for Congress to act without having all the facts.

Here is a bill that will do that.

I am for this report and for this bill chiefly for this reason: I have always maintained that the producers in this country were entitled to cost and a reasonable profit. I say today that this is the spirit of the original act, and if OPA had carried out the spirit of the law you would have had more production and less complaint. I say to you, and I will prove it before I take my seat, that we have accomplished for all the producers of this country in this bill cost of production, current cost, and a reasonable profit. I say this will increase production. It may increase prices a little in some instances but it will increase production, the very thing that kills inflation.

Suppose it does increase prices a little bit, that is much better than turning everything loose with people bidding against each other and running commodities sky high.

The Bankhead-Brown amendment, as you know, was passed in 1944. The reason it was passed at that time was because cotton was bringing only 92 percent of parity while other commodities were bringing much more than parity. The Bankhead-Brown amendment said to the OPA that they must place a ceiling on textile items to reflect parity on cotton, because cotton was one of the basic crops and therefore you could not under the then existing law place ceilings so low as not to reflect parity on this commodity.

No one doubts the fairness and justice of the Bankhead-Brown amendment. The OPA did not, because in 1945 they had it in the bill they prepared, and in 1946 they had it in the bill they prepared. That is just exactly what we have done for practically everybody else. Let me show you how, and this will interest the gentleman from Michigan [Mr. WOLCOTT] who just preceded me.

We have modified the two provisions which the President said caused him to veto the original bill. One was the Taft amendment and the other was the Wherry amendment. We do not have the Taft amendment but we do have the Barkley amendment and an amendment introduced by me to the Barkley amendment which produces the same results, and at the same time makes it workable and unobjectionable to the President and OPA; that is, producers must have the cost of production plus a reasonable profit. Who wants more? Why should anybody object to control in wartime—and this is still war, because the war has not been brought to an end, only the shooting has stopped—who wants more than a reasonable profit during this emergency?

Senator TAFT and the other Senate conferees accepted it. I subscribe to it.

The gentleman from Michigan [Mr. WOLCOTT] objected to it. Senator TAFT signed the report, and he knows the amendment accomplishes the purpose which the Taft amendment undertook to accomplish but in such form as not to be objectionable but workable.

In the new section 6 of the Price Control Act added by section 11 of the bill, providing a general pricing standard in the case of products of any producing, manufacturing, or processing industry, except products covered by the revised Bankhead-Brown amendment, the principle of assuring an average price at least equal to the average costs of a product plus a reasonable profit has been included in subsection (f), in place of the provision as it appeared in the Senate amendment.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. SPENCE. Mr. Speaker, I yield one additional minute to the gentleman from Georgia.

Mr. BROWN of Georgia. Section F of the Barkley amendment was hotly contested in the conference, and it looked as if we would never reach an agreement on account of the wording of section F.

The amendment which I offered as a compromise giving cost of production and a reasonable profit satisfied Mr. TAFT and the other Senate conferees. It is the thing I have been fighting for and had we had this principle heretofore we would have had more production.

Also, in paragraph 10 of subsection (e) of the new section 1A added to the Price Control Act, the standard of costs plus a reasonable profit has been made specifically applicable in the case of products produced from livestock, milk, cottonseed, soybeans, and grains, and certain products thereof, when these latter items are not themselves under price control.

The question is, Shall we take a reasonable attitude? This is the best bill we can now obtain and I think it will be helpful and bring on production, and still be fair to the producer, giving him a reasonable profit and at the same time be helpful to the consumer as it will prevent the price of certain commodities going sky-high. It is either this or nothing. I cannot believe that Members in this Chamber are going to turn down this report.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Speaker, for several years the average citizen was deprived of meat. Then came the President's veto June 29 of H. R. 6042, which snapped the bureaucratic chains that had been binding the meat industry hand and foot, and almost overnight that citizen could again supply himself with meat.

What is this august body, the Congress of the United States, doing now? Nothing less than contriving to again take meat away from that citizen, or at least the power to do so.

Why? Surely not because the price has risen so high that the public in general cannot afford to buy meat. The volume of sales belies any such conception.

The public in general abhors black markets, or at least the necessity for them. The OPA pronounced a malediction upon them. Black markets disappeared into the thin void when the dead hand of OPA was removed from the economy.

Yet, here is the National Legislature deliberating on a measure which will, if it passes, as surely as the sun rises in the east and sets in the west, restore the great mass of black markets that prevailed before the President's veto, or certainly vest in the President the power to do this.

Suddenly OPA and black-market operators find themselves in full agreement on the issue now before this body. Both want the OPA restored with full power to control all prices. Strange bedfellows, you may say, but not so when we look at the record. We had it in prohibition days, when we saw bootleggers striving with all their might for the retention of prohibition. The story is as old as corrupt government, which goes back to the birth of government itself.

Why does the OPA want controls put back on meat and other food products? There is but one answer, namely, control for control's sake. A power-mad political machine might be hampered by competition, the liberty of the individual to use his own brain, to plan, to choose, to judge, to compare. As Bastiat would put it, the New Deal seeks nothing less than to annihilate intelligence, thought, and man himself. Fascism under Hitler had, and communism under Stalin has, the same end in view. Basically, New Dealism identifies itself with both of these regimes.

This bill restores all the powers to the OPA which it had before the President's veto. Make no mistake about that. The OPA will possess power to order the economy at will. Some relief, such as that given to the automobile dealers, is provided but by and large this bill provides no relief whatever for American industry. It introduces and makes operative the most vicious policy conceivable, that of alternately removing ceiling prices and reestablishing them without end.

Industry will be without a base. It will be unable to program its activities from one day to the next.

Disorder of the economy will progress at an accelerating tempo and dictatorship continue in its march.

I am against collectivism in any form or degree. That is why I withheld my sanction to the conference report.

I refused to sign this death decree for free enterprise and liberty.

Mr. SPENCE. Mr. Speaker, I yield such time as he may desire to the gentleman from Connecticut [Mr. KOPPLEMANN].

Mr. KOPPLEMANN. Mr. Speaker, the provisions of this bill are thoroughly inconsistent with its purposes. The only reason for continuing price control through law is to have the machinery for orderly control of, or resistance to, a higher price trend which is inevitable in a period when the supply of goods is short of the demand. Prices are higher; there are no if's but's, or and's about that. Undoubtedly prices will go even higher, but the question that we must answer is whether prices will go up so far out of reach that economic disruption of all kinds will ensue—first in labor unrest because current wages will not be sufficient to purchase even the minimum necessary things that millions of families need; second in a disruption of markets which can cause a deflation to result and prices to go through the floor instead of through the ceiling. And so we would have boom and bust.

This bill is not the answer. We need effective control through law, and adequate authority to the agency—in this case the OPA—administering the law to apply the controls as needed or to remove them as conditions permit.

No law is any better than its administration. Obviously the provisions of this bill, in assigning to a decontrol board and to the Secretary of Agriculture the power to veto or overrule the decisions of the OPA, say very definitely that there is no confidence in the OPA, that its decisions are not to be taken seriously, that another authority must be called on to decide whether the OPA is right or wrong. That in itself makes for confusion. It ridicules the OPA and this law itself. If there is no confidence in the OPA, then cut it out. Under this bill opponents of inflation and price control would divide and conquer.

The proponents of this bill are attempting to make two wrongs equal a right. They are with one hand decrying the OPA, withdrawing authority from the OPA to make and enforce its decision; on the other hand they are continuing its existence, retaining its thousands of employees on the public pay roll, while to all intents and purposes this conferees' bill says out with the OPA.

Is any other agency of the Government subject to the veto of another agency of the Government? Is any other agency of the Government trussed up, able to speak, but not to act?

I speak as one who is for effective and full control of prices, so long as that control is needed—and this surely is no time to abandon the controls. But there will be no effective control if we give authority to the OPA with one hand and take it away simultaneously with the other.

How long the consumers will continue to battle against higher prices by refusing to buy depends on how long can they continue to do without necessary commodities. There has been sincere effort on the part of some retailers to hold their prices down to June 30 levels, but they cannot hold down those prices to June 30 levels much longer. Retail stocks on hand as of that date have been about exhausted, and as the stocks are replenished the retailers must pay the higher wholesale price. Consequently prices to the consumer must go up.

Now, what does this bill do. It says that until August 20 there may be a further holiday on price ceilings for essential meats, dairy products, grains, and so forth. If the price ceilings are restored by then, they will be put back but not by the OPA. It will be up to the Decontrol Board to decide whether the ceilings will be put back on these essential commodities—and when and how much.

In the meantime what is going to happen? Prices have risen considerably on these commodities since the paralysis of OPA on June 30. The report just issued by the Commerce Department indicates that the prices would have risen higher had there not been a deliberate effort to hold them down. Despite that effort prices on essential market-basket goods have gone up. With this further holiday decreed at least until August 20, the lid will be completely blown off. Prices will spurt up, and when the ceiling is clamped down, if it is, the price level to be set will not be that of June 30, nor of today, July 23, but somewhere between today's price and whatever price will have been reached by August 20 or whenever they may decide to restore the ceilings.

Ceilings on other essential commodities are lifted indefinitely. If they are to be put back, it will not be on authority of OPA, but on the decision of the Decontrol Board. OPA may say ceilings should be restored; the Decontrol Board can say no. OPA may recommend a protective ceiling. The Decontrol Board can fix another ceiling.

The intent is obvious. OPA has taken the brickbats because of its insistence on protecting the consumer. This bill would remove from OPA its authority to protect the consumer, if the consumer protection should conflict with the profit opportunities of private interests.

The rank and file of the people are complaining now that they cannot meet the higher cost of living with their wages. People of fixed incomes are complaining. People working in the shops and factories are complaining. Numerous letters have come to me from people who relate while their wage scale is higher, their wages are lower because they are working shorter hours. So with this provision the purpose of the bill to continue price control on essential commodities is negated.

The one saving provision of the bill is the rent-control feature. But it is inconceivable that the landlords will stand for their commodity being under control while the ceilings are relaxed or abandoned on all other commodities. They will indulge in wholesale violations of the law, and if the violations come before the courts, the courts will be compelled to uphold them, on the grounds that class legislation has been enacted against the landlords.

For the purpose of continuing price control as a lever against inflation this bill is no better than the one that was vetoed on June 29. It legalizes inflation just as surely as did that one. The public will be lulled into thinking that they are being protected by a price-control law, and will wonder why prices jump.

Where a commodity is properly entitled to an increase, the discretion, or authority for granting that increase should rest in the hands of the agency supposed to administer the law. I strongly oppose that authority being taken from the OPA and transferred to either the Department of Agriculture or this Decontrol Board. For again the OPA will be the goat, and innocently take the blame for higher prices which it protested but which will have been put over on the people by these two vetoing authorities.

Passage of the bill in this form will result in greater confusion, higher prices and will subject the needs of the people to the profit desires of the special interests which have already played so large a part in scuttling the entire price-control program.

This conference bill is neither agreeable nor satisfactory. I cannot in all honesty by my vote say to the people that we have given them price control with this measure. I cannot compromise with principle.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Speaker, this resolution does not satisfy the proponents of an OPA bill or an effective price-control law. Although it is not good enough for the proponents of an effective price-control law, it is not bad enough for opponents of price control. Any Member who wants an excuse for voting against this conference report can very easily find it, whether he is for price control or against it.

It is not a perfect resolution by any means. It is not intended to be perfect. It represents a compromise. It is typical of major legislation that passes the Congress. Practically every major law represents a compromise of view or a sacrifice of opinion on the part of almost every Member of Congress.

You conferees, seven from the House and seven from the Senate, spent 6 hard days and sometimes at night trying to iron out the differences between the resolutions passed by the two Houses. We have done the best that we could. As evidence of the fact that we satisfied most of the conferees, all except one of the seven conferees of the other body signed the report and all but two conferees on this side signed the report. We did the best that we could.

Now then, let us see what this resolution actually does. No. 1, it preserves the wage stabilization program and it permits the Wage Stabilization Board to function as it has in the past. It is worth preserving. It is not going to hold prices down; I do not claim that. Some prices will be increased in order to get increased production. Other prices will be increased in order to remove inequalities. They are perfecty justified, but I believe that the prices will be held down sufficiently to where another run of strikes will be unjustified and will not occur. It we turn prices loose, we know that then the working people will want more wages, and they will be entitled to more wages, and after they get more wages then prices will have to be increased and then we will have a race between wages and prices which brings on ruinous or runaway inflation in any country in the world. So this bill will not hold prices down to where they were, no, yet it is sufficient to prevent runaway prices. Therefore, I believe the bill is justified.

It provides for effective rent control.

The gentleman from Michigan mentioned the fact that there are six formulas for determining the prices on different commodities and products under this bill. I think he is correct, and I think it is amazing that we could deal with 8,000,000 different prices and have only 6 formulas. I think it is a most amazing thing that the conferees would have so few formulas in arriving at and determining the millions of prices in our economy.

This bill means much to the American people. We have duties and obligations to many people in the United States. The Members of Congress have obligated the Congress that Congress would extend certain benefits and privileges and opportunities to certain people who have made a great sacrifice for our country in time of war. We are paying them a certain amount of money. Will that money buy a dollar's worth? No, we know it will not. It will buy only 76 cents' worth on today's market. Will it buy 50 cents' worth tomorrow or next week, or 25 cents' worth? It is a matter of what this Congress does with price-control legislation. If we do not have price control on scarce commodities, commodities that are in short supply, the dollars we are paying out will be worth very, very little. So the question of the value of the dollar is here. Let us vote for this conference report. It is 50 percent better than the bill the President recently vetoed.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. LEA].

Mr. LEA. Mr. Speaker, the compromise bill before us proposes two main things. One is to establish new policies to govern the OPA in fixing prices, and the other is to reestablish price control and provide for its liquidation partially by the 31st of December and completely by next July.

I do not find particular fault with the standards set up by the bill for the control of prices. Generally speaking, I think they reflect the desire of Congress. The administration of this act, however, is left to those who are not in sympathy with the policies this bill establishes. To that extent it will have unfriendly administration.

One important phase of this bill as proposed by the conferees, is the uncertainty it creates, the difficulties of administration, the confusion, and the instability that may result. Complaints from producers to me have been particularly directed at the instability and uncertainty, including the difficulty of financing operations where the investment is susceptible to such uncertain hazards.

What is the present situation as to price control? The war has been over nearly a year. During the war period price control was necessary. The country pretty generally so regarded it. Now most of our military forces have been demobilized. America has regained a strong productive capacity for peacetime purposes. We have reached a situation where we may well question if price control has in the main ceased to be useful or necessary to this country. We can inquire whether its benefits outweigh its burdens.

We have had difficulties, it is true, in reconversion but those difficulties have been primarily artificial.

Yesterday the Department of Agriculture reported that we have the greatest corn crop in the history of this Nation, 3,487,000,000 bushels, and the greatest wheat crop of all time, 1,090,000,000 bushels. These two crops provide our basic food and feed supplies. They now offer us a very cheering prospect for both food and feed supplies for the coming year. They forecast improvement in our livestock supply. That means more meat and less reason for price control. It means less black market.

We have a tremendous crop of fruits and vegetables. The largest canned pack ever in the history of this country is now contemplated. Sixty million crates of fruit are now in prospect of being canned for the coming year. We have an abundance of poultry and eggs. We have a great supply of beef. All these things testify to the fact that the time is near if not already here when in the main price control is no longer necessary.

I voted for the continuance of price control in June. Now the situation is different. Price control has ended and the question as to what extent, if at all, should we revive it. It is not a question of continuance, but of revival. It has been off for 3 weeks. It is proposed by this bill to keep the basic agricultural products without control until the 21st of August. That means 7 weeks without price control.

Some day we must readjust ourselves from a price-control economy to the natural economy of competition. In my judgment, that time has in the main arrived. The productive capacity of America is such that it can meet the future on a competitive basis and I believe to the betterment of every segment of our population. Of course, it is inevitable whenever we make that change from a controlled to a competitive basis we are going to have some trouble. There will be great differences in the economy of the United States when you change from a system of almost universal price control to a system of free competition.

It involves a release from the rules and regulations of a central controlling body exercising its power over innumerable activities of the American people. It returns our people to the freedom, the initiative, and the conflicts of free competition. Business will respond to the impulse of its new-found freedom. Changes and fluctuating prices will create some hardships, but as long as we have our normal productive capacity we need not long fear those hardships. These fluctuating prices are simply a natural accompaniment of the adjustment period. We must count that adjustment period not so much as one to be welcomed as, rather, one to be certainly endured. We have now been passing through 3 weeks of a readjustment period. Here is a proposal that by the 21st of August we shall resume price control in full. To do that means that later we must go through another adjustment period and suffer its consequences until we can reach normal adjustments.

Now that we have already embarked upon an adjustment period, are the conditions such that we should revert to control and then later face the necessity of another adjustment period? It may be more convenient to delay than to meet the issue today, but in the end the aggregate disadvantages of delay may be greater.

Price control should be maintained only as a necessity. It is an expensive remedy. Its full subsidy program would cost the Treasury $2,000,000,000 a year. We have its expense of administration. We have the expense, the time, burdens, and annoyances of complying with the rules and regulations of the OPA. The full extent of that burden cannot be measured, but I dare say that no responsible person would estimate the burden of compliance to the American people in time and expense as less than a billion dollars a year.

Price control has incited the black market as almost a natural accompaniment where there is, naturally or through artificial means, a shortage of supply. Meat and lumber are two notable examples.

The administration of the OPA carries difficulties that are beyond the capacity, perhaps, of any man or organization to cope with without resulting hardships.

During the war the country was under the necessity of restricted production for civilian purposes in order to centralize on supplying our war needs. As soon as the war was over the great economic need of the country was to secure production in abundance. It seems as if the Office of Price Administration was so geared to the control of scarcity that it was unable to adjust itself to the country's need of abundance.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. KUNKEL].

Mr. KUNKEL. Mr. Speaker, when the last conference report on OPA was before the House, I strongly favored its adoption. It contained some weaknesses and some objectionable features. There was such strong opposition to so many phases of price control that I was absolutely convinced it was the most workable and effective bill that could be obtained under the circumstances. No one could expect to secure a price control bill exactly according to his own wishes. We were confronted with a practical situation, not a theoretical one. Similarly, when the vote came up on the President's veto I urged the Members to override that veto for the same reasons. I also pointed out that the overriding of the veto was the only way we could insure continuous control over prices and create certainty throughout the country. In view of the long period of service spent by Mr. Truman in the United States Senate, it is difficult to understand how he could veto the bill and throw the country into the consequent confusion. He must have known that just what did occur, would occur.

This bill is not as effective and workable a one as that which the President vetoed. Nevertheless, in my opinion it is still necessary to keep as much control over prices as we can so as to prevent any complete run-away. If we do not approve this conference report, then there is no control at all under any circumstances whatever unless and until new legislation should be enacted. So I intend to vote in favor of this conference report. If the President vetoes it, I will do my best to work out some new bill which may satisfy him. If he adheres to the statements in his last veto message he certainly will veto this one. It is worse than the other bill in the loopholes it leaves. It will be far more difficult to administer. Apparently it is this or nothing.

The greatest harm to the price levels in this country has been caused by the more than 3 weeks' gap when there was no price-control law at all. The dislocation of prices during this period and the uncertainty existing in the minds of producers and consumers during that time will make it most difficult to reinstitute controls at the levels formerly existing. That, of course, could not be helped after the President destroyed OPA by his veto. It was an inevitable consequence of the veto.

Our problem here today is to do the best we can to create some method of keeping a checkrein on prices. Unless we do so, we may well drift into an extremely serious situation. While I feel this bill is much less desirable than the previous one, I recognize the great difficulties faced by the conferees. I am sure they did the best they could under the circumstances.

There is a good deal of difference of opinion on just what this bill does. The lack of price control for more than 3 weeks presents an added problem. I do not wish to put myself in the position of urging anyone to vote for this conference report as I did in connection with the last one and in connection with voting to override the veto. I am not as certain of the future course of events now as I was then. I did want to give briefly the reason for my support of it. My support is not based on any particular approval of the way this bill handles this problem but purely on the ground that it is the most practical step at present available to safeguard the welfare of the country and the great majority of its citizens.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. MURRAY].

Mr. MURRAY of Wisconsin. Mr. Speaker, this bill today adds frustration to confusion. I was interested in hearing our distinguished colleague from Georgia assure us that all the benefits we could expect to have under the Taft amendment are provided in this bill. If that is true, I am sure that President Truman's veto speech was a political veto speech. There is a very marked tendency all through all these discussions and these debates and the assumption of responsibilities that go with such legislation, to note that when it is all said and done we are right back where we started. Under the Second War Powers Act and under this act we are going to tell the small businessmen of this country that we are going to put them right back into the same straitjacket where they have always been; that the war may be over but it is not over as far as they are concerned.

As far as the farmers of this country are concerned, I am pretty sure they will be able to take care of this situation in

their own way and I think they will do so when the time comes.

I yield back the remainder of my time.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. CORBETT].

Mr. CORBETT. Mr. Speaker, in a government of the people perfection is seldom or ever possible. We can only seek the best attainable as a result of discussion and compromise.

As we recall the conflicting economic, sectional, political, and selfish producers' and consumers' interests seeking to affect the price situation and as we recall the sharp and honest differences of opinion regarding price control it is somewhat surprising that the conferees could have presented us with as good a report as the one before us.

Perhaps the best general proof that it is a fair compromise is the fact that it is unsatisfactory to extremists on all sides. It apparently gives no one a sufficient advantage to arouse their enthusiasm.

In fact the bill before us now is not exactly as any one of us would have it if we were to write it alone. But it does provide some of the objectives of most everyone concerned and most important it provides in the decontrol-recontrol provisions a two-way safety valve on the siamese twin boilers of supply and demand. To me it seems the most sensible thing possible that a body of legislators lacking the ability to accurately predict the future and preparing to leave their posts would set up such a board to protect the public and themselves against the dangers of inflation and shortages.

To the degree that the Decontrol Board functions as it is intended, to that degree prices will be kept within bounds and shortages will be reduced. It is my studied opinion that under the terms of this bill we can settle down to a period of sound price regulation that will definitely point the way to an orderly elimination of all price controls as production and demand reach a normal balance.

Oh, I know that some of you are fearful that the restrictions placed upon the decontrol-recontrol powers of the new board permit too much discretion, and I know that some of you are sincerely concerned about the economic philosophy of the yet-to-be appointed Board members. I share that concern, but once this bill is law the responsibility is the President's. If he elects to appoint anyone to the board who does not inspire the confidence of the public, labor, and management—if he fails to remove any Board member who does not administer the law according to its letter and spirit he will be held accountable by the American people. And I am quite sure that the President is smart enough to know that, particularly after hearing the storm of protest that howled around the ears of the late unlamented OPA, and after witnessing the sound thrashing it received at the hands of the people's representatives.

I am confident that the need for price regulation has not ended; I know it is desirable to most of the people; and I believe that this bill before us will result in the kind of price regulation we need and desire, not the arbitrary, unrealistic kind we remember so vividly. I sincerely hope this bill is agreed to by a big majority on both sides of the aisle.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire [Mr. MERROW].

Mr. MERROW. Mr. Speaker, I hope the House will be courageous today, will exercise the leadership so needed in this country and vote down the conference report on OPA.

I began voting against OPA on the 17th of last April and I have continued to do so ever since. At that time I supported every crippling amendment and then opposed the passage of the bill. I voted against OPA in April and I have continued to vote against it ever since for three reasons. First, by killing OPA we will kill the black market. Second, OPA has retarded production. Third, I have no confidence in those who have been administering OPA.

What has happened since the 1st of July? We have had freedom in the United States and we ought to continue this freedom. Prices have not risen as rapidly as many expected. In New Hampshire I am glad to report that the butter lines are now gone. There is plenty of meat in the stores throughout the State. We are able to buy the grain to feed our livestock and poultry. People are again beginning to breathe the air of freedom.

I hope we vote down this conference report and return to the system of free enterprise which has made America great.

The SPEAKER. The time of the gentleman from New Hampshire has expired.

Mr. SPENCE. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN].

Mr. AUGUST H. ANDRESEN. Mr. Speaker, President Truman killed price control on June 29, when he vetoed the price-control bill sent to him by the Congress. His veto of price control, which was done at the demand of leaders in the Political Action Committee, did away with rent control and other controls over scarce commodities. It also set forces in motion to restore a free economy in this country. His veto was the beginning of the end for the black-market operators. But when the President asked Congress to pass another price control, which resulted in the measure being considered in the House today, he gave encouragement to the black-market operator, who has spent millions of dollars during the past 3 weeks to bid up prices on meat and other commodities in order to create a public demand for the renewal of price control.

If this conference report is approved by Congress, we will again return to a period of scarcity, the black-market operator will resume his nefarious operations, and the country's economy will be thrown into chaos. It is estimated that black marketers in meat have spent at least $10,000,000 to bid up cattle and hog prices during the past 3 weeks to make a showing for the renewal of price control, but primarily to keep themselves secure in this criminal business. In this effort they have worked hand in hand with Washington bureaucracy that seeks to retain permanent control over the lives and business of every American citizen. Your vote today on this conference report will determine if the Nation's economy is to be permanently controlled from Washington, or if the people are to remain free to work and produce in abundance for the general welfare of all.

Let us examine the bill when it comes to the matter of prices. The bill provides that meat, dairy products, and grains be automatically placed under control at midnight on August 20, 1946, and section 18 of the bill definitely reinstates all regulations, orders, price schedules which were in effect on June 30, 1946. While some prices may be out of line and too high, facts disclose that most prices on meat, milk, butter, and grains, at the wholesale level, are either at or below the former OPA ceiling plus the subsidy. Of course, if it is to be a permanent proposition that the Government shall spend nearly two billions a year to help pay on everyone's grocery bill, we had better find out about it soon, and before we go bankrupt. As of July 1, 1946, the Government paid 14.58 cents subsidy on every pound of butter sold, $1.03 on every hundred pounds of flour which amounted to from 1 cent to 2 cents on each loaf of bread, and from 6 cents to 10 cents on every pound of meat sold to each consumer. No doubt, before long, some New Deal bureaucrat will propose that the Government pay the entire grocery bill for every citizen as a reward for the sale of individual freedom to a permanent bureaucracy in Washington.

The Department of Agriculture has today estimated that we will have the largest wheat and corn crop in all history. Our livestock population is greatly in excess of normal times. Corn is the main food for beef cattle, dairy cattle, hogs, and poultry. With an abundance of feed in prospect, we should have an abundance of meat, dairy products, and poultry. But, with the threat of rolling back prices on these vital products to June 30 schedules when control is automatically resumed on August 20, I am convinced that within a week or 10 days from now, as a result of the chaos created by the reenactment of this type of legislation, meat, butter, and scarce grains will disappear from legitimate channels of distribution, and the black market will take over. In other words, the sources of supply will dry up, unless the Secretary of Agriculture, in his wisdom, with the aid of a competent Decontrol Board promptly announces that controls will not be resumed on August 20. The Secretary and the Decontrol Board are given this power in the bill before us.

Most intelligent individuals are fully aware of the fact that certain policy makers in the OPA and the Office of Economic Stabilization have sought to create a scarcity of vital foods and goods. They succeeded very well in their effort up to the time President Truman vetoed the price control law on June 30 and, mark you, if this bill is approved the same forces will again go to work to create a scarcity situation unless they are stopped by the Secretary of Agriculture and the Decontrol Board. I trust that the Secretary will use the power conferred upon him by this bill without interference from sources outside of his department. He can save the country

from collapse and chaos, if he will make up his mind to let farmers and industry produce food for the people at reasonable prices and without subsidies from a nearly bankrupt Treasury.

Of course, if our social world planners decide to ship another 100,000,000 pounds of canned pork and other foods to Russia, it will not take very long before an actual scarcity will exist in this country. This is especially true, when one considers that the Truman administration has directed the shipment of 14,000 tractors to Russian areas this year, at a time when American farmers are unable to buy tractors with which to till the soil for the production of food on our farms.

I do not claim to be a prophet, but I venture to predict that before October 15 of this year, a few weeks before the congressional elections, all vital foods and most civilian goods will be removed from controls as an appeasement to the people, solely with the expectation that grateful citizens will cast their votes for PAC-endorsed candidates for Congress. Do not forget that the PAC and all New Dealers want to gain control over your Congress, so they can continue to direct the destiny of the American people.

I am urging that this conference report be returned to the conference committee. It is against the interests of the American people. It will cause scarcity of supplies in vital foods and civilian goods. It will create economic chaos for all legitimate producers in agriculture, industry, and business. It will reinstate the black market and cause suffering for law-abiding citizens who are unable or refuse to pay black-market prices. Above all, it will destroy the faith of our people in their Government. Given a little time, under a free economy, all vital foods will be available for the consumers in abundance at reasonable prices.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois [Miss SUMNER].

Miss SUMNER of Illinois. Just take a look at the vacant seats up in the gallery where there used to be a crowd. They are running out on you. They are home eating meat and butter. Give them two more weeks of freedom and they will love you so much they will want to send you back to Congress.

This bill is going to be hated more than people have ever hated any other bill, and I will tell you why: It has much more drastic controls. For instance, it gives this recontrol board or decontrol board, which is OPA under a new facade, the power to take these people into jail again any time that the board decides: "That public interest will be best served."

In other words, you are delegating to this board the general-welfare clause of the Constitution which has been stretched all around the world and back again. And then what is on page 13? I want you to know that you never passed a law that gives fuller Hitlerish power to one board than this one. It will be run by some little bureaucrat. And the smaller the bureaucrat the more he thinks he is God or Goering. On page 13, section 11, subsection (d), it deliberately states that a man does not even have to get his cost under his price ceiling. This new OPA does not have to give a man his cost, and it even says of lumber that not even 90 percent of the industry have to have cost. With this thing you can just run a complete Hitlerian economy and get no production at all.

The SPEAKER. The time of the gentlewoman from Illinois has expired.

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks on this bill at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MICHENER. Mr. Speaker, I voted for the original OPA, for a limited time, as a war measure. I have voted for each extension and on each occasion for more specific direction to the Administrator.

On June 30 last, price-control law expired. Preceding that, the President had asked for 1 year's extension. After months of committee hearings and study, the Congress passed and sent to the President a bill which in no way changed rent control but which did contain needed amendments to existing law. This was a compromise on the part of everybody interested. However, the President vetoed the bill, thereby killing all price and rent control, and insisted that he be given a whole loaf or none at all. In other words, he made it clear that he would not accept any bill extending price or rent control which attempted to limit the power of Chester Bowles, or any Administrator, as provided in the compromise bill. He asked for a 20-day extension of the OPA law in order that the Congress might reconsider, and in the hope that it would give to him the authority which he demanded.

The House granted this request and voted the 20-day extension. However, the Senate, after deliberate consideration, passed a new bill which is now before the House. In many respects this bill is like the bill which the President vetoed. In some particulars, it is certainly more obnoxious from his standpoint. If he meant what he said when he vetoed the first bill, certainly he cannot consistently approve this bill. The majority leadership in the House has been unable to give any assurance that the President wants this bill, and this notwithstanding their conference with him on yesterday after its terms were made public.

The compromise has been spectacularized in the press. The high lights of this new bill are about like this:

First. Restores price and rent control until June 30, 1947, but with sharply curtailed OPA discretion, and divided authority.

Second. Sets up a new three-man Decontrol Board, which will have powers to reestablish controls. The Board could override OPA and the Secretary of Agriculture to remove controls on any commodity. It could restore controls on any of the basic foods and other items previously exempted by the Senate.

Third. Ceilings on five of these commodities—meat, dairy products, grains, cottonseed, and soybeans—will go back August 21 unless the Board decides otherwise. These items must remain ceiling-free until that date.

Fourth. No controls can be imposed on poultry, eggs, petroleum, or tobacco unless the Board orders. In no event can the Board recontrol these before August 21.

Fifth. In addition, the Board has the same broad powers to order removal of ceilings on other commodities it was granted in the recently vetoed bill.

Sixth. Subject to the Board's final say, the Secretary of Agriculture, rather than OPA, would decide what farm commodities can be controlled.

Seventh. OPA's rent control authority is continued unchanged.

Eighth. Subject to the Decontrol Board's over-all orders, OPA would continue to set ceilings on industrial goods. But its discretion would be sharply curtailed by the bill's new pricing formula.

Ninth. Both rent controls and industrial price ceilings would be restored on the day the President signs the bill. OPA is expected to issue interim regulations covering the 30 days allowed for working out the higher ceilings required by the new pricing formula.

Tenth. This formula requires OPA to set ceilings for manufacturers on an industry-wide basis, reflecting their average 1940 price for each product, plus increases in cost since. OPA could refuse the increase to manufacturers already receiving cost plus a reasonable profit if the increase would not aid production, or if it would reduce production of equally needed items.

Eleventh. OPA still would retain considerably more discretion than under the Taft amendment. For example, it could make "reasonable adjustments for conditions resulting from abnormal volume of production."

Twelfth. OPA would have to give wholesale and retail distributors ceilings reflecting their "current cost of acquisition of any commodity plus such average percentage discount or mark-up as was in effect March 31, 1946."

Thirteenth. Subsidies largely for holding down food prices trimmed from the $2,000,000,000 asked by OPA to about $1,000,000,000. No food subsidies could be paid after next April 1.

Mr. Speaker, can you conceive of our farmers, our businessmen, our manufacturers, and all the rest, being compelled to conform to the new swarm of rules, regulations, and directives following the passage of this law?

Even if the President does have the temerity to sign this monstrosity, it is impossible of administration. A three-man Board, selected by the President, is brought into the picture. Now, if these were supermen, or were all practical, common-sense businessmen, and functioned as such, possibly this new proposal could be made to work. If they were all men like Chester Bowles the confusion would be just three times as bad as it was when he had a one-man Administration. Under this new bill there will not only be uncertainty, but the chances are a hundred to one that there will be chaos. Imagine the task of going back

to June 30 and starting all over again. Who would know what or when?

Mr. Speaker, the very idea of controlling the price of agricultural products, for instance, with a declaration in the beginning that there can be, which means that there probably will be, a readjustment of these prices every 30 days. What in the world is the farmer going to do if he knows that some bureau in Washington may change his selling price every 30 days? Will this get food and the things we need and the production we must have? Surely, no one familiar with agriculture can entertain any such belief. This is just one of the many incongruous possibilities inherent in this conference report.

Today there is no price-fixing control at all. Under this bill there will be selective control, entirely in the discretion of the new three-man bureau set up. On some commodities there cannot be any control before August 21. On other commodities there can be no control at all. The words control and decontrol are used carelessly and promiscuously. It is a case of going and coming at the same time. The old story about "on again, off again, gone again, Finnegan," has nothing on this bill.

Mr. Speaker, I have received literally hundreds of letters and telegrams from constituents demanding that the price-control law which was in effect be continued without any crippling amendments. These groups and individuals protested bitterly about the action of the House in passing the bill which the President vetoed. Certainly they do not want this pending bill with these additional crippling amendments.

Because I voted for the bill which the President vetoed, I was severaly condemned by these advocates of OPA. If I follow their instructions today, I certainly cannot vote for this bill. In short, I doubt if a single Member of the House has been asked by one of his constituents or one group from his district to support this proposal now before us. I shall, therefore, vote to recommit the bill to the conference committee in the hope that the glaring inequalities, impossibilities, and inequities may be eliminated if price control is to be continued. If the majority of the House refuses to make such request, then I shall be constrained to vote against this conference report.

I have taken the position from the beginning that OPA control should be eliminated just as soon as the economy of the country would permit. However, I have felt that the best interests of a majority of the people required that it be removed gradually. When the President permitted wages and the cost of production to rise, then the line was broken. When he purposely discontinued all price control, the result on our economy was not at all as he had predicted. Yes; there were increases in some prices. When subsidies were removed and the consumer paid his own grocery bill, he necessarily paid about 12 cents more a pound for round steak and about 18 cents a pound more for butter, if the producer was to get the same price he received when the Federal Government paid the producer these amounts in subsidies; that is, the taxpayer paid the subsidy, or a part of the consumer's grocery bill. Few of our people expect these subsidies to be continued permanently. Yes; prices in many instances are much higher and there are profiteers, but not nearly so many as we who believed in the efficacy of OPA, as a war measure, anticipated.

If this conference report is not accepted, it will mean the conferees must work out a bill not so intricate, not so involved, and one that has a possibility of accomplishing the purpose for which the original OPA law was enacted. There is no hope of such benefits coming from the bill now before us. Its enactment will but add to the uncertainty.

Mr. SAVAGE. Mr. Speaker, we cannot have free enterprise without a public to patronize it. Unless we control inflation the public's purchasing power will be wiped out. Some of this Republican talk about free enterprise, while completely ignoring the welfare of the people, reminds me of Mr. Chesty D. Breathedeep in this article from the Southern Teamster of July 3, as follows:

ONLY ENTERPRISE IS FREE

(By John Payne)

Congressman Stumblebum loudly cleared his throat. "The meeting will come to order," he said.

"We are privileged to have appearing before our committee today," the Congressman continued, "Mr. Chesty D. Breathedeep, who is national president of the Fresh Air Supply Corp. of America. Mr. Breathedeep will now do our committee the honor of answering whatever questions you gentlemen may care to ask him."

Mr. Breathedeep looked expectantly around the room.

"Ask me any questions at all, gentlemen," he invited. "The Fresh Air Supply Corp. of America keeps no secrets from the public."

"Is it true, Mr. Breathedeep," asked Congressman Gravestone, "that your corporation plans to sell air for breathing to the people of America?"

"Yes," said Mr. Breathedeep, wiggling with pride. "The Fresh Air Supply Corp. aims to be of service to each and every American from the cradle to the grave. We will sell air suitable for breathing to young and old at moderate rates, payable on the first of every month."

"Does this mean, Mr. Breathedeep," asked Senator Foghorn, "that everybody will henceforth have to purchase his or her supply of air from your corporation?"

"Quite so," answered Mr. Breathedeep, continuing to wriggle. "Our corporation will render service to the American people in much the same manner as the water companies do when they sell water or the power companies when they sell electricity. In other words, we plan to operate in the true spirit of free enterprise."

"But doesn't the Fresh Air Supply Corp. expect competition from other companies?" asked Congressman Frogface.

"No," answered Mr. Breathedeep. "Our corporation has taken the trouble to buy up exclusive rights to the invention which rations the air. And the original inventor, poor chap, died of a mysterious ailment a short time ago."

"Isn't your corporation operating in violation of antitrust laws, Mr. Breathedeep?" asked Congressman Fishcake.

"No, indeed," answered Mr. Breathedeep quickly. "Our corporation is not a monopoly. We merely are the only business enterprise in our own particular field. We take pride in serving the public. Why, in addition to providing our customers with pure, unadulterated air without gasoline fumes, obnoxious odors, and flying insects, we also supply each and every client with a free air meter which locks easily to the nose and shows at a glance how much fresh air each person has consumed for a given period."

"But, Mr. Breathedeep," asked a Congressman from the far end of the room, "wasn't the air we breathe meant to be free just like the sunshine?"

An angry murmur spread through the room. Congressman Stumblebum rapped for order.

"You don't have to answer that question, Mr. Breathedeep," advised Congressman Stumblebum with an apologetic look.

Mr. Breathedeep ran a finger between his collar and his perspiring neck.

"Gentlemen," he said, "the Fresh Air Supply Corp. is proud that it is ending the wasteful practice of careless breathing of air. If air and water and electricity were free to everybody, gentlemen, I ask you, what would happen to our system of free enterprise?"

Mr. BUCK. Mr. Speaker, this bill will bring neither price control nor full production. Instead it will bring utter chaos, black markets, scarcities, higher prices, inflation. I will vote against the bill, and in doing so, I am voting in the interest of people of small means.

Mr. RABIN. Mr. Speaker, I have often stated that I am for a strong OPA. I voted against the last conference report because I did not think that under the bill then proposed, price ceilings could have been enforced. I believe the Congress would do best if it would extend the OPA for 1 year without change, leaving it to the OPA to lift controls in the meantime on such commodities when it deems it safe to do so. The majority of the Congress, it seems, does not wish to do that.

The present conference report proposes the passage of an OPA bill which I am informed can be enforced. To be sure, it is not as good a bill as I would like to see enacted. However, it is the best that we can possibly get from this Congress, and much as I do not like it, I think it is in the best interests of our country that it be passed. I shall, therefore, vote for it.

Mr. MADDEN. Mr. Speaker, in considering the present conference report on price control, the membership is required to accept this legislation or nothing. When this bill was before the House several months ago, I opposed the crippling amendments which were adopted. I later upheld the President's veto of the emasculated bill which he was called upon to sign or veto.

This legislation is a slight improvement over the bill which the President vetoed, but it is the only protection the consuming public can expect, to keep down the cost of living.

Since OPA was discontinued on July 1, slightly over 3 weeks ago, prices have risen rapidly. This increase has taken place in spite of the fact that manufacturers, wholesalers, retailers, and so forth, through propaganda and otherwise, urged everybody to keep prices down. One would infer that their campaign was carried on for the purpose of holding down prices until Congress recessed with the hope that no price control legislation would be enacted.

According to a survey conducted on over 900 commodities, the following index reveals:

First. In all of 1945 the general price index rose 2.4 points, from 104.6 to 107. That is a 2.3 percent increase.

Second. In 6 months of 1946 before OPA died the index jumped from 107 percent to 112.7 percent of the 1926 base. That rise was at a rate five times as great as in 1945.

Third. In 1946 after OPA, in the first two control-free weeks, prices of these 900 commodities at wholesale shot up from 112.7 to 120.7—4.5 points in the first week and 3.5 in the second. That rise was at a rate more than 80 times as fast as the 1945 rate.

Food prices lead the increase. One can easily understand the effect this will have on over 9,000,000 families in America whose income is under $1,000 a year—12,000,000 families whose income is under $2,000 a year—10,000,000 families whose income is under $3,000 a year.

I hope this legislation will be sufficiently effective to revert to the July 1 prices on rents, food, clothing, and other necessary commodities.

OPA NOT NEEDED

Mr. MILLER of Nebraska. Mr. Speaker, the American people have had 3 weeks without price control. The shackles have been removed from industry and the food-producing sections of our economy. It is interesting to note just what has happened during these 3 weeks without OPA.

It is only natural that some foods in short supply, because of previous OPA actions, should go up in price. The price increases have not been as much as the Bowles-Porter administration machine said they would be. In the case of poultry and eggs, the price has actually declined under the original OPA prices. Butter today is slightly below the OPA ceiling of 3 weeks ago. It should also be remembered that there was a subsidy of 12 to 17 cents a pound on butterfat. Many people in the country did not realize that they were not paying their entire grocery bill when they bought meat and butter over the counter.

In the case of meat, we have seen the largest run of cattle and hogs since the pig-killing days of 1934 and the drought years for cattle in 1936. Yesterday the stockyards of Kansas City and other leading markets had the largest run of cattle that they have had in a quarter of a century. The supply of cattle surpassed the all-time high in the Kansas City market, which was in 1920. Meat, under a free market, is filling up the supply lines, the cooling rooms, and the lockers of the country. No longer do we see meat and butter lines. These products are abundant in all stores of the country.

It is interesting to note, Mr. Speaker, that all of the large metropolitan stores of the country are having clearance sales on many staple articles. Many other items in the stores are priced far below the original OPA price. For the first time it is possible to buy white shirts and many articles that were formerly not to be found. It is true that there are some merchants that have boosted the price of meat and butter and other necessary items of living. They have taken advantage of a public hungry for meat and butter. They have found, as have the black-market boys, that free competition soon asserts itself and prices come down. It is estimated that the black-market operators have lost more than $10,000,000 in meat alone since the 1st of July.

It is only natural that there will be some maladjustments and some shock to our economy by the immediate termination of OPA. This would happen whenever the Congress decided to stop OPA and the subsidies involved.

Mr. Speaker, I have listened to the reading and the discussion of the conference report on the OPA. It is my considered opinion that the bill as written is unworkable. It will add chaos to confusion. It is a Frankenstein monstrosity that cannot be administered. The people already have nullified OPA as they did the old NRA and national prohibition when they were in effect. The bill is confusing and will cause more and more unrest not only in the agricultural section but the industrial sections of the country.

It is only natural that the black-market boys are now lobbying in the halls of Congress asking that OPA be continued. They know that with the passage of this bill that the legitimate market will dry up and they again will come into their lush untaxable profits.

I am certain, Mr. Speaker, that if the controls are placed back upon cattle, dairy and other products that the market will dry up and these products can only be found at black-market prices.

How can you expect the man who feeds cattle, for instance, to buy and place in the feed lot cattle when the price can be changed every 30 days? The provisions for a Decontrol Board would require the employment of thousands of decontrol boards in order to handle the requests for price changes. The prices are subject to change every 30 days. This is an impossible situation.

I note, Mr. Speaker, that there is a section of the bill which provides that the Decontrol Board can operate on a regional basis. I am wondering if we might expect this Board, controlled by the administration, just a few weeks before election to remove all the controls on meat, butter, and agricultural products in the areas that produce them, but at the same time keep price controls to satisfy the CIO and other radical groups, in the large industrial centers. Controls were removed first before the elections in 1944 and I would expect the same maneuvering again.

If I were selfish, I would secretly hope that OPA would continue because I am satisfied it will make more Republicans than the National Republican Committee or any other group could possibly make. If this bill is enacted, it will certainly mean that the Republicans will control this House after January 1947.

I am convinced, Mr. Speaker, that this bill will cause so much confusion in the agricultural and industrial centers that production will drop and food and scarce articles will again be hard to find in the legitimate markets of the country.

Mr. Speaker, I shall vote for rent controls in areas where needed, but I cannot support a bill which places the shackles of bureaucracy back upon a free enterprise which to date has demonstrated beyond the question of a doubt that it can produce and sell items needed by a hungry public below the original OPA ceilings and without the bureaucratic regimentation and red tape which must follow the enactment of this bill.

Mr. GARDNER. Mr. Speaker, the present bill which is under consideration at this time and sent to us under a parliamentary situation which prohibits amendments on the floor of the House is in my opinion much worse from an administrative standpoint than the price control bill which was sent to the President and which received his veto on June 29. Mr. Speaker, his action in vetoing the previous OPA extension bill places me in a position for the first time of voting to permit controls to be taken off specific items for any length of time. My voting record on the amendments to the bill which he vetoed June 29 will show that I voted against the elimination of controls on any specific items such as meat, poultry, dairy products, and so forth. However, this bill permits these items to remain uncontrolled until August 20, 1946.

The controversy over the extension of price control has never been a question of what Senator TAFT wanted or what Chester Bowles wanted, but it has been a question of whether or not a law enacted by Congress and signed by the President can be ignored by those who are placed in charge of its administration and their own judgment substituted for the terms of law.

As of July 15, 1946, I wired the President as follows:

Present OPA controversy calls for frank statement from you to the American public as to whether you condone the administrative disregard for statutory law in substituting discretion and expediency for fairness and equity. OPA law since June 1942, required administration "to control price in a fair and equitable manner." Zenas Potter, Congressional Information Director, advised me in March 1945 that OPA could not stand an investigation as to fairness and equity because OPA had not been fair and equitable. Chester Bowles in June 1945 advised 50 Congressmen in the Labor Committee meeting room that if OPA was extended for 1 year without amendments he would personally guarantee a fair and equitable administration. July 7, 1945, Chester Bowles advised Congress in a mimeographed letter that it was impossible for him to conduct the OPA in a fair and equitable manner because his assistants insisted on discretion and expediency for their guide. This condition continues under Paul Porter and is the cause of congressional dissatisfaction at this time. The controversy is on the question of whether the retreat to natural economic law shall be gradual or abrupt. A statement from you to the public that you will not appoint to the Price Decontrol Board anyone who has been or is connected with the OPA at any policy making or supervisory level in the district, regional, or national offices, will go far to restoring confidence of the American people in the possibility that laws as enacted by Congress will be carried out by the administrative officials for whom you are responsible. Failure on your part to issue such a statement would justify the presumption that you condone the illegal position of Chester Bowles and Paul Porter as well as all officials charged with writing the price control regulations of OPA and would justify complete statutory elimination of these controls as the only method of assuring equal justice to all.

He has not seen fit to issue a public statement concerning his position on the administrative disregard for statutory law by both Zenas Potter and Chester Bowles who have left the Office of Price Administration. He has not seen fit to publicly announce whom he will select for the Decontrol Board or whether he will attempt to reestablish some of those who were guilty of malfeasance in office by disregarding the text of existing law or whether he will look further for members of this Decontrol Board.

Mr. Speaker, I have consistently fought for administrative respect for the statutory law, and I shall continue to fight to see that the laws as passed by Congress are administered in accordance with their terms. I have always felt that the laws passed by Congress should contain the exact wording and the exact philosophy intended by Congress and that nothing should be left to the discretion of the Administrator by reason of skeleton law.

The bill we have under consideration here complies with that fundamental view of mine and for that reason I intend to vote for it at this time.

The bill extends the life of the Office of Price Administration until June 30, 1947, and states that on that date the Office of Price Administration shall be abolished. It requires the President of the United States to make recommendations by January 15, 1947, concerning needed legislation to establish monetary, fiscal, and other policies which are adequate to supplement the control of prices and wages during that balance of the fiscal year 1947, and to insure that general prices and wages can be terminated by the end of that fiscal year without danger of inflation thereafter.

My affirmative vote in favor of the passage of this legislation cannot be construed as a vote in favor of all the contents of this bill. But because of the legislative parliamentary predicament in which we find ourselves at this time which prohibits amendments to the bill in the House of Representatives, there will be some features in this bill permitted to become law which are much worse than any provision contained in the bill that was vetoed June 29.

I hope that the President of the United States in fulfilling the requirement of this bill by appointing the members of the Price Decontrol Board will make it a mandatory consideration for his appointment that members shall act on the law as written by Congress and shall not bring into consideration of their duties any personal philosophy such as dominated the Office of Price Administration during the term of Chester Bowles when Mr. Bowles advised that he was not fair and equitable, had no intention of being fair and equitable at the beginning of his administration, and, therefore, could not stand an investigation of his administration as to fairness and equity.

Mr. VORYS of Ohio. Mr. Speaker, I voted for the bill extending OPA over the President's veto. I believe that bill would have worked, if it had passed, to stabilize rents and prices, to encourage production. But OPA is dead, as a result of the President's veto. This bill is an attempt, not to continue and taper off a live operation, but an attempt to revive and build up something that is very dead. It would take a very good bill to do this. I have attempted to analyze this long complicated, compromise presented here. It is full of exceptions, duplications, decontrols, recontrols, subcontrols, demicontrols, sleepers, and words and phrases that mean different things to different people. The compromise apparently consisted of putting in everything anybody wanted, and then taking it out again by interpretations and exceptions. I would vote for a workable and effective price control bill. I cannot see how this bill will work, or be effective for any purpose except political purposes; to keep 37,000 OPA employees on the pay roll, so as to spend the seventy-five millions appropriated for them, and add a billion dollars to the public debt for subsidies.

A majority of this House has never before voted in favor of consumers' subsidies. We repeatedly showed by our votes that we thought consumers' subsidies were unsound and immoral. All we ever did was to vote limitations on subsidies which the President had already put into effect. Today is the first time we have ever voted on this question when there were no subsidies in effect. I cannot see how we are justified in reinstating subsidies, now that the country has weathered the shock of removing them. It is as if a cripple who had learned to get along without crutches deliberately took to wearing them again. My guess is that if this bill becomes law you will see a subsidized price rollback just before election, and that will be the only price reduction ever accomplished by this bill.

I am voting to continue rent controls, although I believe this can be done better by the States.

I have thought about voting for this bill as a gesture to show that I wish we had effective price control. I know that many of my colleagues, who share my pessimism about this bill, are voting for it on this basis. I cannot bring myself to do it. I believe it is almost as phony as the 20-day bill the House passed July 1, and time has already demonstrated that that bill was a 100-percent phony.

Nothing will happen under this bill until August 20. The country will then have been without price control for 7 weeks. It would be difficult to reinstate price control under such circumstances with any bill. It would be almost impossible to do it with this bill. It will be completely impossible to do it with this bill under an administration that has already demonstrated its impotence under past OPA laws, and already confessed its impotence to administer a law like this. The confusion, uncertainty, and exasperation that will be caused by the deluge of new regulations and orders under this bill will hamper production and dislocate our economy, but will not keep prices down for long, if at all. Meanwhile, the black markets will flourish once more.

I think this bill should go back to conference for another try. If not, then it should be sent to the President by those who have confidence in the administration that will put it into effect. I am voting "no" on this conference report.

EXTENSION OF PRICE CONTROL

Mr. HINSHAW. Mr. Speaker, I have listened to the reading of House Report No. 2629, being the conference report on the extension of the Emergency Price Control and Stabilization Acts, and meanwhile have read it to myself. I have supported the extension of price-control and stabilization legislation and all necessary appropriations, but this conference report is something I cannot support. If the provisions of this conference report become law, it will not prove effective in the control of prices, while its administrative features are strong enough to permit the OPA to crucify everyone concerned, and the bill itself is so balled up as to confuse everyone and anyone who may attempt to abide by it. The American people have a faculty for ignoring laws which they feel to be unjust, and I believe that will be the course of action taken with this extension of price-control and stabilization legislation.

My colleague the gentleman from California [Mr. LEA] has stated that he intends to move to recommit the bill with instructions to strike out everything but the rent-control provisions. I intend to vote against that motion for two reasons: First, because it is unjust to remove price controls on everything else but rents, and then expect rental property owners to be able to maintain their premises and pay taxes. Rents are the only prices that have not been increased since the Price Control Act went into effect, but property owners must pay double and treble the prices for their maintenance and repairs, and taxes have increased from 25 to 40 percent. Furthermore, the legislative bodies in Los Angeles County and in the city of Los Angeles and Glendale, Calif., have instituted rent controls, allowing a 15-percent increase in rents as an interim measure, and it is my firm belief that to cause the roll-back of such rentals will serve only to decrease the number of rental units that would be made available at a time when housing is short enough. I have long taken the position that if the OPA Rent Control Division were as considerate of the owners of rental property as they have been with certain suppliers of needed merchandise, that many thousands of rental units would be made available for rent in the Los Angeles area. That assumption has been proved by the investigation of an interim committee of the California State Legislature. That committee reported earlier this summer to the effect that in the city of Los Angeles alone, such consideration would result in making available rental units that would house more than 125,000 people.

When the vote comes on the question of agreeing with the conference report, I must vote against it, because I am convinced that it will create utter confusion, create more black markets, and dry up the supply of more goods, thereby accentuating shortages, than the bill which I voted for and which the President vetoed on July 29 last.

My vote against the conference report does not mean that I am opposed to proper price control, for my position in that matter has been clearly indicated in the recent past by my votes in favor of extending price control. The pending measure, however, borders on being a legislative monstrosity, as I read it.

A BILL TO LEGALIZE CHAOS

Mr. CASE of South Dakota. Mr. Speaker, the new OPA bill, in my judgment, will be a bitter disappointment and I cannot vote to approve it in the form now before us.

This bill will legalize chaos and establish uncertainty by statute.

Until the 20th of August, producers and processors of the major food items such as meat, milk, grains, and soybeans, will not know whether they are to be placed under control again or not. They may expect to be, but until the decontrol board speaks, they will not know. They will be in the state of mind of the man in the death cell who has taken an appeal.

And the other group of food producers who deal with poultry and eggs will be in the position of the convict who is out on parole. They will never know when the parole will be forfeited.

Both groups will be on a 30-day basis.

If business in this country can operate on a 30-day basis, it will be something to see. Dealers will be forced to speculate on inventories. Producers and manufacturers will either gamble or go out of business.

How can you feed, how can you buy livestock to feed, unless you know whether normal and seasonal factors will govern the price when you sell?

The ideas of three men, whose whims and tendencies are not known, will determine the capricious course of prices and production.

I have voted consistently to give price control a chance, Mr. Speaker when there was a chance. I have voted as consistently against fooling the people by giving them an unworkable act. That is why I voted against sending to the President the bill he vetoed and I shall certainly vote against sending him this bill although he and his spokesmen apparently are asking for it.

To be specific, I voted to send to the Senate the first bill because it was necessary that the other body have a whack at it if any bill was to develop, but I could not see anything but futility in the Senate amendments and voted against concurrence in them. And, of course, I voted to sustain the veto.

I voted for the 20-day temporary extension, in the belief that time should be provided for getting a workable bill if that was possible. If the bill now before us is the best bill obtainable, then I must conclude that a satisfactory general price control bill is impossible to get at this time.

I shall vote for continuing rent control alone if we are given an opportunity to do so, because there is a serious shortage of housing and it cannot be ended overnight. With most foods and clothing, it is possible to get along or find something else that will do. Supply will respond to the demand, in most things, but it will take time for housing to do so.

It is interesting to note, Mr. Speaker, that tobacco and petroleum are decontrolled by the bill now presented to us. I am reminded of the remark credited to a distinguished gentleman, the other day, when another body had completed its work on the bill. It was to the effect that there must be some sore backs around because there had been so much back scratching.

The history of price-control efforts in World War II is the story of an attempt to control the other fellow.

The first stabilization bill put a ceiling on farm products but left the lid off wages and things the farmer had to buy. The second act continued the ceiling on farm products and propped up wages with a floor—the so-called Little Steel formula of a 15-percent boost.

When the fighting war ended, wage controls were abandoned and the President said, in effect, that any group which called a strike for it could get an 18 percent increase, and to insure the increase in Big Steel, he approved a $5-per-ton increase for steel across the board.

Farm machinery was needed by the farmer to produce food. Higher steel and higher wages force higher prices for machinery. The average farmer would gladly pay more if he could but get the machinery. For the average farmer is just too trusting; he simply cannot believe that the powers that be will actually put a lid on what he has to sell while pushing up the price of what he has to buy. Or is he?

This bill, if it becomes law, will teach him.

Sooner or later, Mr. Speaker, this country and all the people in it will have to learn that we cannot have our cake and eat it, too. You cannot permanently put prices in a strait-jacket and let costs run wild. The taxpayers of this Nation will dig up over $6,000,000,000 to foot the bill for consumer subsidies paid out of the Treasury between 1940 and 1945—that with interest for the part of the grocery bill passed on to the future.

We have been deluded by the talk about prices and goods. Men have forgotten that in this country we have another way to control the value of money. That is the use of our gold reserves.

We really do not need OPA to guard against a runaway inflation as long as we have a gold supply and can readily convert the value of our paper currency to its original basis or to any other gold ratio basis that Congress may see fit to adopt. Paper money can be given a real value whenever we want to do it; that is where our situation is unlike that of China or Germany or Austria.

To be sure, I do not know how long it would take some of the current controllers to accept the idea that gold talks an international language and has a real value independent of rules and regulations. Some day, however, the chips will be down and gold will be admitted to be what it is.

It is hard to kick against the stubborn law of supply and demand. Eventually, artificial decrees on prices must cease and the country must fit prices to costs and let demand inspire or check production as the case may be. During the past 3 weeks we had begun to do that. Why now try to decree artificial prices by fiat and have to adjust all over again? And, especially, why do it by requiring uncertainty and confusion as this bill does?

Mr. SPENCE. Mr. Speaker, I yield the remainder of my time to the gentleman from Massachusetts [Mr. McCORMACK].

The SPEAKER. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. McCORMACK. Mr. Speaker, several days ago when we sent this bill to conference my good and valued friend the gentleman from Michigan [Mr. WOLCOTT], whom I admire very much, expressed serious doubt, in fact I think he probably expressed himself more frankly, as to the inability of the conferees to get together and agree upon a bill. Respecting his views, as I always do, I could not agree with him, and I expressed optimism and confidence that if the bill went to conference the conferees would be able to get together and adopt an acceptable bill. A majority, the great majority, of the conferees have done that. The bill before us, in my opinion, constitutes an acceptable bill. It is a bill which, in my opinion, and I am expressing my opinion only, will become law. As I confidently expressed my opinion several days ago about the ability of the conferees to get together and agree upon a bill, I now express with equal confidence the statement that this bill is acceptable, and if the conference report is adopted by both branches it will become law.

This bill enables control, a control sufficient under the circumstances, to meet the national interests of our country and the best interests of our people. It possesses something that was lacking in the last bill which was sent to the President and which he vetoed. The gentleman from Wisconsin [Mr. MURRAY] in commenting upon the remarks made by the gentleman from Georgia [Mr. BROWN] misconstrued, as I understand it, what the gentleman from Georgia said. The gentleman from Georgia [Mr. BROWN] said that his amendment in the present conference report covering reasonable profits, and so forth, is workable and will be workable, whereas the provisions of the Taft amendment were such that if they had been incorporated into law they would not have been workable. I will ask the gentleman from Georgia [Mr. BROWN] if my understanding of his statement is correct?

Mr. BROWN of Georgia. That is practically true. I think reasonable profit was the goal Mr. TAFT was shooting at, but in his language it would have been most difficult to enforce. On my amendment Mr. TAFT has agreed with me by voting for it.

Mr. KUNKEL. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. There is a similar amendment in the OPA Act and has been since 1944.

Mr. McCORMACK. Yes, I understand that.

. Mr. KUNKEL. It has been administered since that time by the OPA.

Mr. McCORMACK. Yes.

Mr. MURRAY of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Wisconsin.

Mr. MURRAY of Wisconsin. The last page of the original bill that came from the Banking and Currency Committee shows that cotton was taken care of just as much as the Taft amendment took care of all the rest of the businesses in the United States.

Mr. McCORMACK. I think I have corrected any misunderstanding the gentleman from Wisconsin in good faith had about the remarks made by the gentleman from Georgia [Mr. BROWN]. Certainly the gentleman from Georgia has clarified it and the gentleman from Wisconsin ought to accept the statement made by the gentleman from Georgia [Mr. BROWN].

Mr. MURRAY of Wisconsin. If the gentleman from Georgia leaves his remarks in the RECORD as he made them, then we may find out.

Mr. McCORMACK. I am surprised at the gentleman from Wisconsin making an observation of that kind. He amazes me.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Michigan.

Mr. WOLCOTT. Getting back to the statement made by the gentleman from Georgia, subsection (f) starts out by saying:

> If the maximum prices of a product on the average equal its average current total cost plus a reasonable profit,

No further adjustment must be made.

One of the alternate standards under the Barkley amendment is almost exactly the same language where it says that the maximum prices for a product shall be deemed in compliance with this standard if such prices on the average are equal to the average total cost of the product plus the industry's average over-all profit margin on sales in the base period.

What is the reason for bringing in there that repetition if the words following that do not control, and if the words following that do control then the Administrator is given authority to control production.

Mr. McCORMACK. Mr. Speaker, we have before us a bill that we will have to vote up or down. The bill constitutes, in my opinion, the most acceptable bill that the conferees could arrive at. We are in a legislative situation where amendments cannot be offered.

The gentleman from California [Mr. LEA] has served notice that if he is recognized he is going to offer a motion to recommit. In order for the gentleman from California to be recognized, the Republican Members who have the prior right to be recognized, and this means anyone of them, will not offer such a motion to recommit. No Member of the Republican Party will offer a motion to recommit.

The gentleman says he is going to offer a motion to recommit to strike out everything but rents. How does he think rents are going to be stabilized or frozen if everything else goes sky high? That would not be fair to the owners of property if we do not control prices on other things that people eat and which they have to buy, and then freeze rents. On the other hand, if you let this condition exist it would not be fair to the public where you confine it to rents only, because you cannot in practical operation freeze rents only. It would not be fair all along from that angle. It would not be fair to the tenant, and it would not be fair to the owner. Certainly it would not be fair to the man who wore the uniform in the last war and came back and expected to buy something for the dollar he receives either as a pension or the salary he now receives from private employment.

This is an acceptable bill. I use the word "acceptable" and not the word "agreeable." It is the best bill, I think, we could obtain. I think the conferees did a remarkable job. Those who did not sign the report exercised their conscience and their judgment, and I respect them deeply in disagreement. But, a great majority of the conferees in both bodies signed the report. With the difficulties that confronted them, I think the conferees on both sides rose to the heights of statesmanship. They agreed upon a bill under the most difficult conditions. That bill is now before us. We cannot very well adjourn Congress without passing under the present conditions some kind of price-control legislation. There ought to be some kind of price-control legislation on the books in the interest of the American people. If we adjourn Congress and prices go pyramiding as they are likely to—because they rose over 75 percent on an average in the 9 months after controls were taken off following the first World War, and we are going to undergo some additional experiences because there are more shortages now than after the first World War—and if prices increase now, coupled with no price control, I am inclined to think that the people of the United States in November, particularly in close districts, no matter who represents that district, Republican or Democrat, are likely to exercise some control of their own.

But, we ought to have the interest of the people at heart. This is an acceptable bill, and I hope the conference report will be agreed to.

The SPEAKER. The time of the gentleman from Massachusetts has expired. All time has expired.

The question is on the conference report.

Mr. LEA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The Chair will recognize the gentleman if no Member on the minority side desires to offer a motion to recommit.

Is the gentleman from California opposed to the conference report?

Mr. LEA. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion.

The Clerk read as follows:

Mr. LEA moves to recommit House Joint Resolution 371 to the Committee on Conference with instructions to the conferees on the part of the House to insist on striking out all of the provisions of the Senate amendments other than those relating to rent control.

Mr. SPENCE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. WADSWORTH) there were—ayes 120, noes 159.

Mr. COLE of Missouri. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 219, answered "present" 2, not voting 74, as follows:

[Roll No. 234]

YEAS—135

Allen, Ill.	Gillette	Miller, Nebr.
Andersen, H. Carl	Gillie	Mundt
	Goodwin	Murray, Wis.
Andresen, August H.	Graham	Norblad
	Griffiths	O'Hara
Arends	Gross	Phillips
Arnold	Gwinn, N. Y.	Pickett
Barden	Gwynne, Iowa	Plumley
Beall	Hagen	Rankin
Bennett, Mo.	Hale	Reed, Ill.
Bishop	Hall, Edwin Arthur	Reed, N. Y.
Blackney		Rees, Kans.
Brehm	Hancock	Rich
Brown, Ohio	Harness, Ind.	Rizley
Brumbaugh	Henry	Robertson, N. Dak.
Buck	Hess	
Buffett	Hoeven	Robsion, Ky.
Butler	Hoffman, Mich.	Rodgers, Pa.
Byrnes, Wis.	Hoffman, Pa.	Schwabe, Mo.
Cannon, Mo.	Hope	Schwabe, Okla.
Carlson	Howell	Scrivner
Case, S. Dak.	Jenkins	Shafer
Chiperfield	Jennings	Sharp
Church	Jensen	Simpson, Ill.
Clevenger	Johnson, Ill.	Simpson, Pa.
Cole, Mo.	Johnson, Ind.	Smith, Ohio
Cole, N. Y.	Jones	Smith, Wis.
Cunningham	Jonkman	Springer
Curtis	Kelly, Ill.	Stefan
D'Ewart	Kinzer	Stockman
Dirksen	Knutson	Sumner, Ill.
Dolliver	Landis	Taber
Dondero	Lanham	Talle
Dworshak	Larcade	Tarver
Eaton	Lea	Thomas, N. J.
Elliott	LeCompte	Tibbott
Ellis	LeFevre	Towe
Ellsworth	Lemke	Vorys, Ohio
Elston	Lewis	Vursell
Fellows	McConnell	Wadsworth
Fenton	McCowen	Weichel
Fisher	McGregor	Wilson
Fuller	McMillen, Ill.	Winter
Gavin	Martin, Iowa	Wolcott
Gearhart	Mason	Woodruff
Gibson	Merrow	
Gifford	Michener	

NAYS—219

Abernethy	Camp	Douglas, Ill.
Almond	Campbell	Doyle
Andrews, Ala.	Canfield	Drewry
Angell	Cannon, Fla.	Durham
Auchincloss	Carnahan	Eberharter
Bailey	Case, N. J.	Elsaesser
Baldwin, N. Y.	Celler	Engle, Calif.
Barrett, Pa.	Chapman	Ervin
Barrett, Wyo.	Chelf	Fallon
Barry	Clark	Feighan
Bates, Mass.	Clason	Fernandez
Bell	Clements	Flannagan
Bender	Colmer	Flood
Biemiller	Cooley	Fogarty
Bland	Corbett	Folger
Bloom	Crosser	Forand
Bolton	D'Alesandro	Fulton
Bonner	Davis	Gallagher
Bradley, Pa.	Dawson	Gamble
Brooks	Delaney, James J.	Gardner
Brown, Ga.		Gary
Buchanan	Dingell	Gathings
Buckley	Domengeaux	Geelan
Bulwinkle	Doughton, N. C.	Gerlach
Byrne, N. Y.	Douglas, Calif.	Gordon

Gore	LaFollette	Resa
Gorski	Lane	Richards
Granahan	Latham	Riley
Granger	Lesinski	Robertson, Va.
Grant, Ala.	Link	Roe, N. Y.
Grant, Ind.	Luce	Rogers, Fla.
Green	Lyle	Rogers, Mass.
Gregory	Lynch	Rogers, N. Y.
Hall, Leonard W.	McCormack	Rooney
	McDonough	Rowan
Hand	McGlinchey	Ryter
Hare	Madden	Sabath
Harless, Ariz.	Manasco	Sadowski
Harris	Marcantonio	Sasscer
Hart	Mathews	Savage
Hartley	Mills	Sheppard
Havenner	Monroney	Sheridan
Hays	Morgan	Sikes
Healy	Murdock	Smith, Maine
Hedrick	Murray, Tenn.	Smith, Va.
Heffernan	Neely	Somers, N. Y.
Hendricks	Norrell	Spence
Herter	O'Brien, Ill.	Starkey
Heselton	O'Brien, Mich.	Stevenson
Hinshaw	O'Konski	Stigler
Hobbs	O'Neal	Sullivan
Hoch	O'Toole	Sumners, Tex.
Holmes, Mass.	Outland	Sundstrom
Holmes, Wash.	Pace	Talbot
Hook	Patman	Taylor
Horan	Patrick	Thom
Huber	Patterson	Thomas, Tex.
Hull	Peterson, Fla.	Thomason
Jackson	Pfeifer	Traynor
Jarman	Philbin	Trimble
Johnson, Calif.	Pittenger	Voorhis, Calif.
Johnson, Tex.	Ploeser	Walter
Judd	Poage	Wasielewski
Kean	Powell	Weaver
Kearney	Pratt	White
Kee	Price, Fla.	Whitten
Keefe	Price, Ill.	Whittington
Kelley, Pa.	Quinn, N. Y.	Wigglesworth
Keogh	Rabaut	Winstead
King	Rabin	Wolverton, N. J.
Kirwan	Rains	Woodhouse
Klein	Ramey	Worley
Kopplemann	Randolph	Zimmerman
Kunkel	Rayfiel	

ANSWERED "PRESENT"—2

Martin, Mass. Rivers

NOT VOTING—74

Adams	De Lacy	Mansfield, Tex.
Allen, La.	Delaney, John J.	May
Anderson, Calif.	Earthman	Miller, Calif.
Andrews, N. Y.	Engel, Mich.	Morrison
Baldwin, Md.	Gillespie	Norton
Bates, Ky.	Gossett	Peterson, Ga.
Beckworth	Halleck	Priest
Bennet, N. Y.	Hébert	Reece, Tenn.
Boren	Hill	Robinson, Utah
Boykin	Holifield	Rockwell
Bradley, Mich.	Izac	Roe, Md.
Bryson	Johnson, Okla.	Russell
Bunker	Kefauver	Short
Chenoweth	Kerr	Slaughter
Clippinger	Kilburn	Sparkman
Cochran	Kilday	Stewart
Coffee	Ludlow	Tolan
Cole, Kans.	McGehee	Torrens
Combs	McKenzie	Vinson
Cooper	McMillan, S. C.	Welch
Courtney	Mahon	West
Cox	Maloney	Wickersham
Cravens	Mankin	Wolfenden, Pa.
Crawford	Mansfield, Mont.	Wood
Curley		
Daughton, Va.		

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Short for, with Mr. Andrews of New York against.

Mr. Bradley of Michigan for, with Mr. Bennet of New York against.

Mr. Roe of Maryland for, with Mr. Kerr against.

Mr. Chenoweth for, with Mr. Martin of Massachusetts, against.

Mr. Cole of Kansas for, with Mr. Morrison against.

Mr. Wood for, with Mr. John J. Delaney against.

Mr. Wolfenden of Pennsylvania for, with Mr. Izac against.

Mr. Clippinger for, with Mr. Welch against.

Mr. Rivers for, with Mr. Bryson against.

General pairs until further notice:

Mr. Kefauver with Mr. Halleck.

Mr. Maloney with Mr. Adams.

Mr. Wickersham with Mr. Hill.

Mrs. Norton with Mr. Crawford.

Mr. McKenzie with Mr. Gillespie.

Mr. Daughton of Virginia with Mr. Andrews of California.

Mr. De Lacy with Mr. Rockwell.

Mr. Vinson with Mr. Kilburn.

Mr. Priest with Mr Reece of Tennessee.

Mr. BUTLER and Mr. ROBSION of Kentucky changed their votes from "nay" to "yea."

Mr. RIVERS. Mr. Speaker, I have a live pair with the gentleman from South Carolina, Mr. BRYSON. If he were present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

Mr. MARTIN of Massachusetts. Mr. Speaker, I have a live pair with the gentleman from Colorado, Mr. CHENOWETH. If he were present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the conference report.

Mr. SPENCE and Mr. WOLCOTT demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 210, nays 142, answered "present" 2, not voting 76, as follows:

[Roll No. 235]

YEAS—210

Almond	Eberharter	Huber
Andrews, Ala.	Elsaesser	Jackson
Angell	Elston	Jarman
Auchincloss	Engle, Calif.	Johnson, Calif.
Bailey	Ervin	Johnson, Tex.
Baldwin, N. Y.	Fallon	Judd
Barrett, Pa.	Feighan	Kean
Barrett, Wyo.	Fenton	Kearney
Barry	Fernandez	Kee
Bates, Mass.	Flannagan	Kelley, Pa.
Bell	Flood	Kelly, Ill.
Bender	Fogarty	Keogh
Biemiller	Folger	King
Blackney	Forand	Kirwan
Bland	Gallagher	Klein
Bloom	Gamble	Kunkel
Bolton	Gardner	LaFollette
Bonner	Gary	Lane
Bradley, Pa.	Gathings	Latham
Brooks	Geelan	Lesinski
Brown, Ga.	Gerlach	Link
Buchanan	Gifford	Luce
Buckley	Gordon	Lyle
Bulwinkle	Gore	Lynch
Butler	Gorski	McCormack
Byrne, N. Y.	Graham	McDonough
Camp	Granahan	McGlinchey
Canfield	Granger	Madden
Cannon, Fla.	Grant, Ala.	Manasco
Carnahan	Green	Marcantonio
Case, N. J.	Gregory	Mathews
Celler	Hall, Edwin Arthur	Monroney
Chapman		Morgan
Chelf	Hall, Leonard W.	Murdock
Clark		Murray, Tenn.
Clason	Hand	Neely
Clements	Hare	O'Brien, Ill.
Colmer	Harless, Ariz.	O'Brien, Mich.
Corbett	Harris	O'Neal
Crosser	Hart	O'Toole
D'Alesandro	Hartley	Outland
Davis	Havenner	Patman
Dawson	Hays	Patrick
Delaney, James J.	Healy	Patterson
	Hedrick	Pfeifer
Dingell	Heffernan	Philbin
Domengeaux	Hendricks	Ploeser
Dondero	Herter	Poage
Doughton, N. C.	Heselton	Powell
Douglas, Calif.	Hess	Pratt
Douglas, Ill.	Hobbs	Price, Fla.
Doyle	Hoch	Price, Ill.
Drewry	Holmes, Wash.	Quinn, N. Y.
Durham	Hook	Rabaut
Eaton	Horan	Rabin
Rains	Sadowski	Thomas, Tex.
Ramey	Savage	Thomason
Randolph	Sharp	Tibbott
Rayfiel	Sheppard	Traynor
Resa	Sheridan	Trimble
Richards	Smith, Maine	Voorhis, Calif.
Riley	Smith, Va.	Walter
Robertson, Va.	Somers, N. Y.	Wasielewski
Roe, N. Y.	Spence	Weaver
Rogers, Fla.	Starkey	White
Rogers, Mass.	Stigler	Whittington
Rogers, N. Y.	Sullivan	Wigglesworth
Rooney	Sundstrom	Wolverton, N. J.
Rowan	Talbot	Woodhouse
Ryter	Taylor	Worley
Sabath	Thom	Zimmerman

NAYS—142

Abernethy	Gross	O'Hara
Allen, Ill.	Gwinn, N. Y.	Pace
Andersen, H. Carl	Gwynne, Iowa	Peterson, Fla.
	Hagen	Phillips
Andresen, August H.	Hale	Pickett
	Hancock	Pittenger
Arends	Harness, Ind.	Plumley
Arnold	Henry	Rankin
Barden	Hinshaw	Reed, Ill.
Beall	Hoeven	Reed, N. Y.
Bennett, Mo.	Hoffman, Mich.	Rees, Kans.
Bishop	Hoffman, Pa.	Rich
Brehm	Holmes, Mass.	Rizley
Brown, Ohio	Hope	Robertson, N. Dak.
Brumbaugh	Howell	
Buck	Hull	Robsion, Ky.
Buffett	Jenkins	Rodgers, Pa.
Byrnes, Wis.	Jennings	Schwabe, Mo.
Campbell	Jensen	Schwabe, Okla.
Cannon, Mo.	Johnson, Ill.	Scrivner
Carlson	Johnson, Ind.	Shafer
Case, S. Dak.	Jones	Sikes
Chiperfield	Jonkman	Simpson, Ill.
Church	Keefe	Simpson, Pa.
Clevenger	Kinzer	Smith, Ohio
Cole, Mo.	Knutson	Smith, Wis.
Cole, N. Y.	Kopplemann	Springer
Cooley	Landis	Stefan
Cunningham	Lanham	Stevenson
Curtis	Larcade	Stockman
D'Ewart	Lea	Sumner, Ill.
Dirksen	LeCompte	Sumners, Tex.
Dolliver	LeFevre	Taber
Dworshak	Lemke	Talle
Elliott	Lewis	Tarver
Ellis	McConnell	Thomas, N. J.
Ellsworth	McCowen	Towe
Fellows	McGregor	Vorys, Ohio
Fisher	McMillen, Ill.	Vursell
Fuller	Martin, Iowa	Wadsworth
Fulton	Mason	Weichel
Gavin	Merrow	Whitten
Gearhart	Michener	Wilson
Gibson	Miller, Nebr.	Winstead
Gillette	Mills	Winter
Gillie	Mundt	Wolcott
Goodwin	Murray, Wis.	Woodruff
Grant, Ind.	Norblad	
Griffiths	Norrell	

ANSWERED "PRESENT"—2

Martin, Mass. Rivers

NOT VOTING—76

Adams	De Lacy	Mansfield, Tex.
Allen, La.	Delaney, John J.	May
Anderson, Calif.	Earthman	Miller, Calif.
Andrews, N. Y.	Engel, Mich.	Morrison
Baldwin, Md.	Gillespie	Norton
Bates, Ky.	Gossett	O'Konski
Beckworth	Halleck	Peterson, Ga.
Bennet, N. Y.	Hébert	Priest
Boren	Hill	Reece, Tenn.
Boykin	Holifield	Robinson, Utah
Bradley, Mich.	Izac	Rockwell
Bryson	Johnson, Okla.	Roe, Md.
Bunker	Kefauver	Russell
Chenoweth	Kerr	Sasscer
Clippinger	Kilburn	Short
Cochran	Kilday	Slaughter
Coffee	Lud'ow	Sparkman
Cole, Kans.	McGehee	Stewart
Combs	McKenzie	Tolan
Cooper	McMillan, S. C.	Torrens
Courtney	Mahon	Vinson
Cox	Maloney	Welch
Cravens	Mankin	West
Crawford	Mansfield, Mont.	Wickersham
Curley		Wolfenden, Pa.
Daughton, Va.		Wood

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Andrews of New York for, with Mr. Short against.

Mr. Bennet of New York for, with Mr. Bradley of Michigan against.
Mr. Kerr for, with Mr. Roe of Maryland against.
Mr. Martin of Massachusetts for, with Mr. Chenoweth against.
Mr. Morrison for, with Mr. Cole of Kansas against.
Mr. John J. Delaney for, with Mr. Wood against.
Mr. Izac for, with Mr. Wolfenfen of Pennsylvania against.
Mr. Welch for, with Mr. Clippinger against.
Mr. Bryson for, with Mr. Rivers against.

Additional general pairs:

Mr. Priest with Mr. Reece of Tennessee.
Mr. Vinson with Mr. Kilburn.
Mr. De Lacy with Mr. Rockwell.
Mr. Daughton of Virginia with Mr. Andrews of California.
Mr. McKenzie with Mr. Gillespie.
Mrs. Norton with Mr. Crawford.
Mr. Wickersham with Mr. Hill.
Mr. Maloney with Mr. Adams.
Mr. Kefauver with Mr. Halleck.
Mr. Sparkman with Mr. Engel of Michigan.

Mr. RICHARDS changed his vote from "nay" to "yea."

Mr. RIVERS. Mr. Speaker, I am paired with the gentleman from South Carolina, Mr. BRYSON. If present he would vote "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. MARTIN of Massachusetts. Mr. Speaker, I am paired with the gentleman from Colorado, Mr. CHENOWETH. If he were present he would vote "nay." I voted "yea." I withdraw my vote of "yea" and vote "present."

The result of the vote was announced as above recorded.

House Resolution 670 was laid on the table.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. GORE. Mr. Speaker, in view of the pressure of time in the closing days of the Congress, and due to the importance of certain bills to come before the Congress, including social-security amendments, the reorganization of Congress, and other important pending matters, and since there is no particular point to be served in the preservation of Calendar Wednesday tomorrow, I move that Calendar Wednesday business be dis-dispensed with.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 192, noes 34.

Mr. MARCANTONIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So (two-thirds having voted in the affirmative) the motion was agreed to.

Mr. McCORMACK. Mr. Speaker, in view of the motion just adopted, I ask unanimous consent that when the House adjourns today it adjourn to meet tomorrow at 11 o'clock.

Mr. MARCANTONIO and Mr. POWELL objected.

COMMITTEE ON EDUCATION

Mr. BARDEN. Mr. Speaker, I ask unanimous consent that the Committee on Education may be permitted to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

Mr. BLOOM submitted a conference report and statement on the Resolution (H. J. Res. 305) providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor.

RAILROAD REORGANIZATIONS

Mr. SUMNERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5924) to enable debtor railroad corporations, whose properties during a period of 7 years have provided sufficient earnings to pay fixed charges, to effect a readjustment of their financial structure without further proceedings under section 77 of the Bankruptcy Act, as amended.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 5924, with Mr. FORAND in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HANCOCK. Mr. Chairman, I am not as familiar with the pending bill as the members of our subcommittee on bankruptcy who have given it a great deal of close study, but I have read enough of the hearings to convince myself that it is a meritorious measure.

As has been explained, a great many, if not most of the railroad systems of the country were thrown into bankruptcy during the dark decade between 1930 and 1940, and reorganization plans were made and approved under section 77 of the Bankruptcy Act based on the depressed values and low earnings of the thirties. Under those plans the holders of junior securities and the stockholders were completely wiped out. Since those plans were approved the railroads have enjoyed several lush years. A number of them have made their fixed charges and have accumulated large reserves, sufficient to pay fixed charges, rehabilitate the properties, pay defaulted interest, and provide working capital. Railroads which had no equity values in 1939 and 1940 are now entirely solvent.

This bill merely provides that in the case of bankrupt railroads which have made fixed charges for 7 years and whose reorganization plans have not been consummated, the Court may return the management and properties to the former owners for a period of 18 months within which they may have the opportunity of working out compositions with their creditors. They may not be successful but I feel that the stockholders should have a chance to save some of their investments from the wreckage.

During the depression New York State passed a law declaring a moratorium on mortgage foreclosures for nonpayment of principal when due. Thousands of home owners were losing their life's savings because of their financial difficulties and the unwillingness or inability of banks and other financial institutions to lend money for refinancing mortgages when they fell due. This law has saved thousands of homes and has caused comparatively trivial losses to mortgagees. Congress took cognizance of a similar situation in the Dust Bowl States where thousands of thrifty, hard-working farmers were losing their properties because of a succession of poor crop years. We passed the Fraser-Lemke bill to give these unfortunate men a chance to save their farms.

If final orders are now made to put the reorganization plans of railroads, made 6 or 7 years ago, into effect, it would be equivalent to depriving a Dakota farmer of his property after the rains have come and crops are abundant.

If the humane principle underlying the New York mortgage moritorium act and the Fraser-Lemke Act is sound, then the Reed bill we are considering is sound, and so far as I am concerned I see no reason why there should be any exceptions.

I believe this bill should be passed to protect thousands of small investors in railroad stocks against total loss of their investments. I want them to have a chance for their white alley.

If this bill is not passed the ownership and management of the railroads of the country will fall into the hands of the holders of the senior securities who are a comparatively small group of banks and insurance companies. The passage of the bill can cause them no loss, but it may have the effect of preventing their unjust enrichment at the expense of many little men.

With a few powerful financial institutions owning the railroads it is a short step to Government ownership.

In my judgment, and that of many others more competent than I to judge, the passage of the bill will do much to restore the credit of the railroads. Investors will be far more willing to buy railroad stocks if they know their equities will have some measure of protection.

It seems to me that the passage of this bill is in the interest of hundreds of thousands of good, thrifty, hard-working American citizens, and that it is in the interest of the railroads themselves.

ONLY CONGRESS CAN SAVE RAILROAD INVESTORS FROM BUREAUCRATIC EXECUTION

Mr. REED of Illinois. Mr. Chairman, the purpose of this legislation is to halt as quickly as possible the further destruction of over $2,000,000,000 of railroad securities that represent the savings of hundreds of thousands of American men and women distributed throughout the Nation.

To fully understand the present problem it is necessary to review briefly the reorganization proceedings under section 77 of the Bankruptcy Act which produced the lamentable condition which this bill seeks to remedy.

When our railroads were struck by the inescapable fury of the unprecedented national depression of the early 1930's, augmented by serious drought and other adverse conditions, there existed in the law only the equity receivership

procedure for foreclosing the lien of obligations which defaulted in payment of either interest or principal or both. That procedure had theretofore resulted in such wanton losses of railroad investments, that Congress hastily passed a new law in 1933 to grant relief to these financially imperiled railroads. That law, now known as section 77 of the Bankruptcy Act, was intended by Congress to avoid the enormous sacrifices of investments and the tremendous cost of railroad receiverships.

In actual practice, however, as construed and applied by the Interstate Commerce Commission and the courts, section 77 has proved to be a procedure whereby over $2,000,000,000 of railroad investments, both bonds and stocks, either have been or will be needlessly wiped out unless Congress acts promptly to prevent it.

To understand how this has happened and how it will continue to occur unless Congress halts it requires a brief review of the procedure under section 77. Under that statute, when a debtor railroad corporation is unable to meet its obligations as they mature, it files a petition in the Federal district court in which it seeks to be reorganized. The court then appoints trustees to take over and manage the railroad's property. The debtor railroad is required to file a plan of reorganization with the Interstate Commerce Commission, which then holds hearings, in which all parties in interest, including creditors and mortgage trustees, are permitted to intervene and be heard. Other parties are also allowed to submit plans of reorganization. After such hearings, the Commission issues an approved plan of reorganization which may be one of the plans submitted, or a modification or combination of any such plans, or it may be the Commission's own plan. In any event the Commission issues an approved plan which thereby becomes the Commission's plan regardless of how it originated. Section 77 also provides a procedure under which the district court may first approve and later confirm a plan of reorganization theretofore approved by the Commission.

However, the Supreme Court has held repeatedly that the courts cannot independently review the Commission's valuation or pass upon whether the plan unjustly or inequitably limits the proposed capitalization of the new company, with the consequent elimination of old securities in excess of such limit of capitalization, but the courts are restricted to determining merely whether the Commission's findings of value and of capitalization are supported by some evidence and whether the Commission complied with the procedure and standards specified in the act. After the district court has approved a plan, section 77 provides that the Commission shall submit the plan to a vote of the old security holders to accept or reject it. But stockholders and creditors whose interests have been found by the Commission to be of no value, and hence have been wiped out, are not entitled to vote on the plan at all. Moreover, even if those voting on the plan reject it, the plan nevertheless may be made binding upon them. This was done, for example, in the Denver & Rio Grande Western reorganization where 90 percent of the $43,000,000 claim of the general mortgage bondholders is wiped out, even though the plan was overwhelmingly rejected by them. The result has been that as a practical matter the Commission exercises complete and final authority over the revaluation and recapitalization of these railroads, including the determination of which investments in bonds and stocks should be wholly wiped out or drastically reduced.

Pursuant to this broad and conclusive power, the Commission, in 1939 and 1940, revalued and fixed the capitalization in approved plans of reorganization for almost all of these distressed railroads. Under these plans the capitalizations were cut so drastically that over $2,500,000,000 in the bonds and stocks of those railroads were completely wiped out and in addition many senior securities were harshly treated.

To understand clearly the procedure by which the Commission's plans wipe out these investments it is necessary to keep in mind that the financial structures of railroads consist generally of five classes or kinds of security holders; namely:

First. First or prior lien bondholders, whose bonds are secured by first mortgages on the whole or major portions of the railroad. Their claims must be satisfied ahead of all others.

Second. Second or junior lien bondholders, whose bonds are secured by second or other junior mortgages on property covered by the first and prior claim of the first group or sometimes just on less important mileage.

Third. Unsecured bondholders or other creditors to whom the railroad owes money but who do not hold mortgages on the railroad to secure the payment of their claims.

Fourth. Holders of preferred stock, whose interests in the railroad are subject to and inferior to the claims of all creditors in each of the prior groups, but whose claims usually come ahead of those of the holders of common stock.

Fifth. Holders of common stock whose interests are below and subject to all of the above groups.

Under the law the claims of these security holders must be fairly and equitably provided for in the order of their priority. If there are not sufficient assets to satisfy all these interests, then the common stockholders must make the first sacrifice, then the preferred stockholders, then the unsecured creditors if any, and finally if necessary even the junior bondholders.

The procedure by which the Commission wiped out investments is very simple. It estimated the value of the railroad, basing that value primarily upon its guesses as to future average earnings, and those guesses were in turn based largely upon the extremely low earnings of the depression years. That estimated total value of the railroad was then taken as the limit of its new capitalization, and the Commission's approved plan provided for the issuance of new bonds and stocks only to the total amount of that estimated value. In the case of every one of these railroads the value so estimated by the Commission was drastically less than the old capitalizations of the roads as represented by outstanding bonds and stocks, the issuance of almost all of which had been previously approved by the Commission itself before those old securities had been sold and distributed. The Commission then made a finding that the old securities in excess of the new valuation were without value, and the holders thereof were denied any participation whatever in the new company. They were simply wiped out.

In other words, under such plans of reorganization, there were just not enough new securities for distribution among the holders of all of the old securities, and hence the plans provided for the distribution of the new securities in the order that the old security holders were entitled to priority. That is, the senior or first lien bondholders are entitled to have their claims covered before the junior or second lien bondholders' claims are covered, and then, if there are any new securities left, the preferred stockholders are entitled to receive them, and if there still remain any new securities the common stockholders are entitled to them. But since the Commission's valuations were so drastically less than the total of old bonds and stocks outstanding, the new securities—limited to the amount of that low valuation—were in practically all cases not sufficient to reach down to even the old preferred stock, and in no case, I believe to the common stockholders. These preferred and common stockholders simply receive nothing under the plans, consistently with the Commission's finding that their interests are without value, because those securities are in excess of the Commission's estimate of the total value of the railroad which limits the total permissable capitalization. Thus, such stockholders are wiped out.

Moreover, the Commission's valuations—based primarily, as I said, on the depression earnings—were so extremely low in most cases, that in addition to the interests of stockholders the claims of unsecured creditors and second-lien bondholders also were not fully covered by new securities and a great many creditor claims were likewise wiped out. Indeed, even the senior first-lien bondholders were sometimes very harshly treated. There is hardly a major security issue in any reorganization before the Commission that was not diluted by being offered, at least in part, a new security inferior in character to the old.

Then a great, unexpected change occurred. Beginning in 1940 and continuing at an accelerated rate, the earnings of these railroads rose by leaps and bounds. The 1939–40 guesses of the Commission as to future earnings were proved to be grossly wrong year after year for five full years. The accumulation of large cash surpluses by these railroads and the expenditure, year after year, of huge amounts in the vast improvement of their properties, resulted in a complete transformation of their financial and physical status.

Two examples will suffice to illustrate this change:

During the period from January 1, 1941, to January 1, 1946—5 years—the earnings on the wiped-out stocks of the St. Louis-Southwestern Railroad, after allowing full interest on all bonds, amounted to $149.89 per share of preferred and $144.45 per share of common, an aggregate of $29,801,000. On December 31, 1940, the St. Louis-Southwestern System had a deficit in net current assets of $1,778,894 and its cash on hand at the beginning of 1941 was only $1,448,484, but at the close of 1945, it had net current assets of $21,240,000 and cash and cash items of $31,383,000. On March 31, 1946, net current assets amounted to $23,018,000 and cash and cash items were $32,086,000.

For the year 1944 alone, the St. Louis-Southwestern paid Federal Excess Profit Taxes of $21,398,441—over $124 per share of common stock. Even after the payment of all fixed charges and taxes, including these enormous excess-profits taxes, this railroad earned in this single year over $41 per share of common stock. The earnings per share of preferred stock were, of course, greater still. These are the same stocks that the Commission in its plan of March 9, 1942 declared to have no value.

The Gulf Coast Lines—New Orleans, Texas & Mexico—for the 5-year period 1941–45, inclusive, after allowing full interest on all bonds, earned $103.82 per share of common stock, an aggregate of $15,392,000. On December 31, 1940, net current assets of the Gulf Coast Lines were but $1,585,481, with cash of only $609,901. By December 31, 1945, net current assets of this system had risen to $13,839,490, while cash and cash items had mounted to $18,905,464. On March 31, 1946, net current assets of the Gulf Coast Lines were $15,489,774, with cash and cash items of $21,907,207. For the year 1944 alone the Gulf Coast Lines paid Federal excess profits taxes of $1,522,611—over $67 per share of common stock. Even after the payment of all fixed charges and taxes, including these excess profits taxes, this railroad earned more than $27 per share of common stock in this single year. This is the same common stock that under the Commission's latest plan will receive a mere pittance for each share, namely, one-quarter share of class A stock, and one-half share of class B stock, plus thirty-seven one-hundredths purchase warrants, of the proposed reorganized Missouri Pacific Railroad.

And so it goes with all the rest of these great railroad systems.

The corresponding figures on the Denver & Rio Grande Western Railroad are contained in my remarks made before the House on June 11 and appear in the RECORD at page 6702.

In spite of these changes the Commission has persistently refused to revise its original 1939–40 plans of reorganization except to an almost negligible extent.

Take the New York, New Haven & Hartford Railroad. This railroad in 4½ years—1941 to June 1945—earned $140.91 in its wiped-out preferred stock—and that is after covering all of its interest and fixed charges—and earned $34.14 on its wiped-out common. The total amount earned in these 4½ years on its wiped-out stocks was $69,097,592.

Mr. TALBOT. Mr. Chairman, will the gentleman yield?

Mr. REED of Illinois. I yield.

Mr. TALBOT. I notice the statement is made in the report accompanying the bill that the New York, New Haven & Hartford earned all its fixed charges and $46,000,000 more. I assume the gentleman is aware of the fact that the New York, New Haven & Hartford Railroad Co. owes to its creditors over $102,000,000 and that even if it earned another $50,000,000 it still would not have enough to pay its creditors.

Mr. REED of Illinois. And at the present time the New York, New Haven & Hartford has in its till in cash $63,691,780, which it can pay to its creditors without having to give them the railroad as well.

Mr. TALBOT. It can do nothing of the kind. If the gentleman will yield again, it owes the Federal Government in taxes, it owes the State government in taxes, it owes every municipality in the State of Connecticut, and the same in Massachusetts in taxes more than $30,000,000 of that $60,000,000; and until the United States District Court orders the New Haven Railroad to make those payments it cannot.

Mr. REED of Illinois. It paid the Federal Government itself in excess profits taxes alone $8,458,123 in 1944.

The earnings of the Chicago, Rock Island & Pacific Railway over this 4½-year period from January 1, 1941, to June 30, 1945, on its wiped out preferred stock was $121.45, and on its wiped-out common stock $67.52. The total amount earned by this railroad in the 4½-year period on its wiped out stocks amounts to $71,291,766.

The St. Louis-San Francisco Railroad earned in this 4½-year period on its wiped out stock $36,321,158, amounting to $67.04 on the preferred and $34.53 on the common. It paid an excess profits tax of $9,829,000 in 1944 alone.

The Missouri Pacific earned in the 4½-year period on its wiped-out preferred stock $107.58 on each share, and on its wiped-out common stock it earned $73.74.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HANCOCK. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. REED of Illinois. The Chicago, Milwaukee, St. Paul earned $52.95 on its wiped-out preferred stock in this 4½-year period, and its wiped-out common stock $31.32. This railroad paid an excess-profits tax on $11,146,146 in the single year of 1944.

On June 28, less than 3 weeks ago, Judge Michael L. Igoe a former distinguished Member of this House, and now judge of the district court in Chicago, handed down an opinion in the case of the Chicago, Rock Island & Pacific Railway proceedings in which he said:

It must be remembered, in fairness, that practically all of the major plans of reorganization were worked out by the Commission in the year 1940 or prior thereto. Hence they do not and cannot reflect the extensive strengthening of cash resources, the important retirement of debt, and the very considerable improvements to road and equipment made possible by the huge revenues received during the ensuing war years.

* * * * * *

In the present case we have a plan that, except for slight modifications, was prepared by the Commission in 1940 and rests on studies of earnings, etc., going back to 1937 and even beyond.

Against that we find the debtor today with cash or equivalent of over $70,000,000; with an RFC loan aggregating, principal and interest, in excess of $18,000,000, paid in full; with the entire first mortgage of the Peoria Terminal Co., to all intents and purposes paid in full; with over 20 percent of the Choctaw & Memphis first mortgage retired; and with an amazing reduction in the interim of equipment debt. Three classes of creditors set up in the original plan have disappeared—the banks, the RFC, and the Peoria Railway Terminal Co.

The above recital does not take into account the tremendous sums expended over the period on improvement of road and equipment, nor does it include the retirement of debt on jointly owned facilities such as the Joliet and Denver terminals.

Judge Igoe refused to confirm the Commission-approved plan which wiped out seventy-four million of common stock, fifty-four and one-half million of preferred stock, and tens of millions of dollars of junior mortgage bond claims as well. He sent the case back to the Commission for the consideration of modifications to the present plan or the proposal of a new plan.

Of course, his action in that respect will probably be appealed. It will go to the Supreme Court, but, as I stated this morning, Justice Reed in his opinion rendered on behalf of the Supreme Court in the Denver & Rio Grande case said that it was up to Congress, that legislation had already been introduced in the Congress, and he actually referred in his opinion to the report of the committee on this particular bill. He threw the ball to Congress and said, "It is up to you." Now before the order of the court goes into effect a mandate must issue from the Supreme Court to the lower court. It is a significant fact that, after the Supreme Court decided the Denver & Rio Grande case by sustaining the district court and reversing the Circuit Court of Appeals, Justice Reed stayed that mandate. He stayed it until August 1, and it is significant that he, as well as the other Members of the Supreme Court, knew that Congress would be in session until August 1; knew that this bill was pending; knew that the Wheeler bill had already passed the Senate; and that legislation might be passed which would relieve that situation.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. REED of Illinois. I yield to the gentleman from Nebraska.

Mr. CURTIS. Is H. R. 5924 the bill that is now before us?

Mr. REED of Illinois. Yes.

Mr. CURTIS. I understood there was an additional section added.

Mr. REED of Illinois. There were some committee amendments added.

Thus section 77 of the Bankruptcy Act, which was enacted in 1933 for the relief of railroads in financial distress, unwittingly placed within the jurisdiction of a Federal bureau the power to destroy the very financial and corporate structures Congress intended it to conserve. Congress no less unwittingly gave that bureau the power to determine the future financial and corporate existence of the Nation's railroads; to choose the individuals who were to control those roads; and to decree the forfeiture of $2,500,000,000 of the invested savings of American citizens.

Everyone agrees that it would be wrong to base a plan of reorganization primarily upon earnings during the war years, just as it is wrong to base such plans primarily upon earnings during the depression years. But the demonstrated earning capacity of these railroads and their present improved properties and financial condition as compared with the situation which existed when the Commission's plans were formulated in 1939–40, have conclusively proved those plans to be grossly unfair and inequitable and the shocking sacrifice of hundreds of millions of dollars of railroad investments wholly unwarranted and unnecessary.

The point is that the cash is in the till, and the properties have been actually rehabilitated and improved by huge cash expenditures out of earnings. Whatever may be the source of these great changes in the financial conditions of these railroads, those changes have actually occurred. The old plans of the Commission are completely outmoded.

It is noteworthy that even under the abnormal conditions resulting from the steel strike, the automobile strike, and other strikes this year, many of these railroads made good showings. Take, for example, the two railroads to which I have already referred. In the first 4 months of 1946, the Gulf Coast Lines earned $16.18 per share on the wiped-out common stock, even though gross revenues fell from $17,000,000—for the corresponding period in 1945—to $14,000,000. The St. Louis Southwestern, in the same 4 months of 1946, earned $5.51 on the wiped-out preferred stock and $4.45 on the wiped-out common stock despite a drop in gross revenues during the same period from $25,000,000—for 1945—to $14,000,000. This ability thus to meet unexpected and abnormal situations is proof of the resiliency which has been built into our railroads by their rehabilitation programs.

Now note that these showings were made under extremely difficult conditions. Not only did the Nation-wide strike situation cause drastic declines in gross earnings, but the declines came suddenly, erratically and were hard to meet. Think what these railroads can do when the present uncertainties are resolved and our national economy is functioning smoothly in the vast production program that lies ahead—when we are actually producing steel to the limit of our capacity, building millions of homes, automobiles, refrigerators, and myriads of other products to fill the enormous pent-up demands, and after that the normal demands, of the Nation. We have a prospect of a national income of 2½ to 3 times the 1930-40 average. A special committee of this House is now in the process of making an extensive study of our prospective period of industrial expansion and prosperity. Mr. Chairman, under those conditions the Nation will need these wiped-out, private-enterprise investors in our railroads—will need all their loyalty, ingenuity, acumen, energy, and resourcefulness that gave this Nation the greatest transportation system in the world.

In essence, the situation which exists with reference to these railroads may be readily illustrated by a simple example. Let us assume a man owned and operated a successful, profitable hardware store before the depression. To equip and stock his store he had borrowed funds from a bank, giving a chattel mortgage on his store fixtures to secure the loan. Then, for necessary working capital, he had borrowed some money from a friend who loaned it merely on general credit. Then came the depression and his trade was so reduced that he was unable to earn enough to pay the installments due on his loan to the bank. He was forced into bankruptcy. Let us then assume that all his store property and assets were decreed to be turned over to the bank to satisfy their secured claim. But before this decree becomes finally effective his business picks up. Indeed, his profits soar. He earns enough cash year after year to install new fixtures and equipment and otherwise completely modernize his store and pay for it all with cash out of earnings—and still accumulates a large cash surplus. His present assets are much more than sufficient to fully satisfy his bank's secured claim, leave ample to satisfy the unsecured claim of his friend, and also salvage a substantial value and the going business for himself. Would it be just or equitable to allow the bank to take all this greatly improved property, plus the cash in the till, and to completely wipe out the unsecured claim of the friend who loaned money on credit as well as the owner's interest in his again-profitable business? Obviously not. Yet this is exactly analogous to what will happen with these railroads if Congress does not promptly prevent it by passing a law such as H. R. 5924.

H. R. 5924 is designed to grant relief and to quickly halt these useless sacrifices of investments.

The simple procedure by which this bill proposes to accomplish this purpose is as follows:

When a Federal judge finds that a railroad corporation, a debtor in pending proceedings under section 77 of the Bankruptcy Act, has had average annual earnings during the latest period of seven preceding calendar years sufficient to pay its fixed charges during those years, he shall, upon application by any party to the proceedings, direct the return of the possession of the properties, their management and operation, to the debtor railroad, in order that it may proceed to effectuate a voluntary adjustment of its financial obligations and through such adjustment secure its dismissal from bankruptcy proceedings. To accomplish such a voluntary adjustment the bill provides a period of 18 months or such additional time as the judge may allow. It permits the debtor railroad to effect its financial readjustment under any Federal statute that makes provision for the relief of railroad corporations or under which its financial structure may be readjusted without resort to section 77 of the Bankruptcy Act.

Certain amendments, unanimously approved by the Committee on the Judiciary, will be offered in due course to further improve the effectiveness of the bill in accomplishing its main purposes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Chairman, during the course of the discussion on the rule we heard a lot of talk about this being a fight between Wall Street and Main Street. Well, if it is that, then I want to assure all of you that Main Street must be interested in the defeat of this hybrid legislation. I say that for this reason: The depositors in the savings banks on both sides of Main Street, the residents on both sides of Main Street, are interested in the security of their insurance policies. If this bill did what the distinguished gentleman from Illinois claims it would do, I am quite certain that every Member of this House would be for it. But, do not forget this, that when we enacted the original railroad reorganization law we did it because we realized full well that the capital structure of our railroads could not be maintained, and in the enactment of that legislation we knew that somebody's interest, in whatever piece of paper they held, was going to be affected.

I want to say very frankly to the committee that I was for the Hobbs bill. I do not think that the Reed bill is a bad bill, but bear this in mind, that neither the Reed bill nor the Hobbs bill will be the law when we are called upon for final action. We have adopted a rule that is the most unusual rule that this House has ever adopted. I say that because it makes in order the consideration of the Wheeler bill which would never have been reported out of the Committee on the Judiciary or of the committee to which it would properly have been referred.

Mr. HOBBS. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Alabama.

Mr. HOBBS. I want to call the gentleman's attention to the fact that it is proposed also by committee amendment to engraft also into the body of the Reed bill the McLaughlin or the Kefauver bill.

Mr. WALTER. May I ask the gentleman from Alabama this question? Would the gentleman have urged the Committee on the Judiciary to have reported favorably the Wheeler bill?

Mr. HOBBS. No.

Mr. WALTER. No; of course not.

What is the practical situation? We are going to enact something here today, perhaps, and that will go to the Senate under a Senate number, under the number of a bill that the gentleman from Alabama [Mr. HOBBS], one of the sponsors of this bill, says would never have been reported by the Committee on the Judiciary, and then a group of conferees will write a bill, a bill that is of the utmost importance, because it very vitally affects the economy of this Nation. Thousands of savings banks have invested the depositors' money in what they call gilt-edged rail securities.

Insurance companies have invested their money in this form of security. Do you not think that in all fairness whatever is done by the committee of conference ought to be submitted to the representatives of the insurance companies and to the representatives of the savings banks so that they can determine whether or not they can properly and safely continue to invest their money in this form of security?

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Wisconsin.

Mr. KEEFE. Will the gentleman make some further statement that will give me some light as to just how I as a banker and the owner and purchaser of the bonds I am permitted to purchase of railroad securities, or representing an insurance company that owns the first-mortgage bonds on any railroad company, or a savings bank that owns the first-mortgage bonds, which it has bought and put into its portfolio, will be affected as to the securities held, which are senior securities, in any proposal that may come up for reorganization?

Mr. WALTER. I am glad my distinguished friend asked that question because I have the same interest for the same reasons in the securities investments of a national bank. This is the reason why banking groups and insurance groups are opposed to the bill and are worrying about the action we will take here today.

The roads that are now in receivership have had plans for their reorganization studied for periods of upward of 11 years. A great deal of time and money has been expended in the preparation and submission of those plans. If we should suddenly remove the control of the court, then, of course, the operation and management of those roads will revert to those people who were in control at the time the road went into bankruptcy, or those people who have been speculating in the last several years and who will gain control of the roads. These people feel that the inevitable result of turning the roads back to the stockholders will be another bankruptcy and another expensive reorganization, with the resultant whittling down of the securities in any plan that may be adopted, assuming, of course, that we will have on the books the same sort of railroad reorganization legislation that is on the books today.

Mr. KEEFE. I understand the gentleman complains that if the Reed bill is passed the stockholders will be given absolute control of the management of the railroads.

Mr. WALTER. Of course. Who is it that controls the roads? It is the stockholder, it is not the bondholder, after all.

Mr. KEEFE. I understand the voting stock, of course, does the operating.

Mr. WALTER. That is right.

Mr. KEEFE. I understood the gentleman from Illinois to say that, these roads being subject at the present time to the jurisdiction of the court, that period of management is limited to a period of 18 months, I believe I heard him say, and that the district court still has some supervisory power. If that is true, I should like to have the gentleman say something about it, because I do not want to be misled in the matter of voting on this bill.

Mr. GEELAN. Mr. Chairman, will the gentleman yield for a question right along the same line?

Mr. WALTER. I yield to the gentleman from Connecticut.

Mr. GEELAN. Does not the plan also have to be approved by the Interstate Commerce Commission before going to the court?

Mr. WALTER. The plan is approved by the Interstate Commerce Commission, of course. The plans have all been approved by the Interstate Commerce Commission. Bear this in mind: Under this proposed procedure the Commission would have to take into consideration their earnings during the last 7 years, 1946, 1945, 1944, 1943, 1942, 1941 and 1940, years during which the earnings of the roads were way beyond anything anybody by the wildest stretch of the imagination could conceive for the next 7 years. Of course, they made some money, But they have not done as well as Mr. Reed would have you believe. For example, in the case of the New York, New Haven & Hartford Railroad, he talks about the $64,000,000 that they have in the till, as he puts it. But while they were accumulating this $64,000,000, they incurred an indebtedness of $1,200,000,000. So, Mr. Reed, you cannot very well argue that there would be $64,000,000 for the benefit of stockholders unless the new management should decide, if they got control, to declare a stock dividend and ignore the creditors. Conceivably, that could happen. Let me point out to you some things about this legislation that worry me. In the first place, all of us have received telegrams this morning signed by a member of a protective organization. I think they call it the National Conference of Investors. Those telegrams came from a man who in 1936 was found to have been engaged in some vicious lobbying by the Black committee. That man sent to every common stockholder a request for funds. That request contained a little pledge as follows:

> I enclose check for blank dollars as my subscription for defraying expenses connected with legislation which will protect my railroad stock in reorganization.

I do not know what these common stockholders who were solicited expect. But I think it is cruel to make people believe—the few little people who have stock, and they are not many—as I say, I think it is cruel to make them believe that at some time or other, somehow or other, the Congress is going to pump some breath into a dead horse. We must be realistic about this. We must recognize the fact that the capital structure of the railroads cannot be carried forever. Sooner or later somebody is going to have to be wiped out.

I want to say one thing more about the man who has been making these stockholders believe that at some time or other they will benefit through the enactment of this legislation. In the opinion of Judge Hinks, of Connecticut, in approving the New York, New Haven, and Hartford plan, he said concerning this group:

> The National Conference of Investors was an organization engaged in the business of forming and servicing protective committees for companies in reorganization. A reading of the record underlying the pending petition can leave little doubt that the dominant motive underlying the formation of this committee was the desire of the national conference and * * * its chairman, to obtain a gainful retainer, rather than any spontaneous desire on the part of stockholders generally to be represented by such a committee. The national conference paid a salary to * * * as its chairman, to his son-in-law as an office manager and furnished occasional secretarial work to his daughter.
>
> The work of the conference was confined, as he himself testified, to "all the secretarial, managerial, solicitation, and correspondence with authorizing and nonauthorizing stockholders."

That is the group who are urging the enactment of this legislation. I would like to say something further about the legislation that they are urging our favorable action on. In the Washington Post of May 8 there appeared this article:

> Railroad reorganizations have long been a happy hunting ground for financial adventurers, and for political maneuvers in Washington, but a bill now pending in Congress (the so-called Wheeler bill, S. 1253)—

That is the bill which this rule proposes to substitute for the bill that the House committee reported—

> comes close to setting a high-water mark in vicious finance since the days when the Goulds and the Fisks plundered the Erie. Unless some attention is paid to it, another financial scandal will be added to the checkered history of railroad finance.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. WALTER. Under date of July 12, 1946, there appeared this editorial in the Journal of Commerce:

> Congress is being asked to bail out the stockholders who took a flier in junior securities of railroads in receivership.

Now, let us not deceive ourselves. That is exactly what the enactment of the Wheeler bill would do. There is no question about that. It seems to me—and I say this will all seriousness at my command—that before we take action on a bill as far-reaching as will be the conference report, I think we ought to have a bill introduced containing all of these provisions so that we know what we are

acting on. Nothing can be gained by speedy action today. These roads are all under the jurisdiction of the courts. No money can be spent without a court order. Even the $64,000,000 that Judge Reed talks about cannot be expended without permission from the courts. So what is there to be gained? There is nothing to be saved, because in every one of these railroads the cost of administration under the receivers is less than was the cost of operation before the receivership. That is the truth. It being the truth, what can be gained by taking a chance on having the finger of suspicion pointed to Congress? I do not like these two editorials from which I just read.

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. THOM. The gentleman concedes that under the trustees these railroads made money in increasing amounts. Now the gentleman says that if they are returned to the original owners there is danger that loss would be sustained. Does the gentleman mean to imply that the owners of the railroads would be less efficient in the management of the railroads, and is it not a fact that business is on the uptrend now and the earnings that were made during the period of trusteeship would continue under private ownership?

Mr. WALTER. I will try to answer the gentleman's questions seriatim. In answer to the last question I noticed in the Wall Street Journal the other day where the Pennsylvania Railroad had paid dividends out of surplus. They did not earn their dividend the last quarter. If the Pennsylvania Railroad cannot earn its dividend, then what railroad can?

Mr. THOM. Will the gentleman yield there?

Mr. WALTER. No. You have asked me 95 questions and I only have a minute in which to answer them. I would like to answer the other questions which the gentleman has asked.

During the lush years, as I said during the debate on the rule, the railroads that will be affected by this legislation lost over $1,240,000,000. If the railroads lost that much money or lost any money during that period, how could they possibly make money during the period ahead of us?

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. WALTER. Yes; I yield.

Mr. THOM. In your report on the Pennsylvania Railroad you failed to take into consideration the fact that the country was plagued with strikes and that business was away down in the first 3 months of the year.

Mr. WALTER. I do not know as that materially affected the car loadings of the Pennsylvania Railroad.

There is just one thing more I want to say: The enactment of this bill will instanter turn over to Robert Young, who acquired the Van Sweringens' interest, 14,000 miles of railroad.

Let me call your attention to the part of the testimony that was adduced in the hearings on the bill in the Senate.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. WALTER. This is part of the testimony of the vice president of the Prudential Life Insurance Co., Mr. Stedman. He stated:

> Having in mind Mr. Young's well-publicized record, the bitter vindictiveness he displayed before this committee with respect to his defeat in the Pullman Co. case, and the inferential identification of himself with the former railroad magnates, whom he mentioned by name, Messrs. Hill, Harrison, Gould, Vanderbilt, Van Sweringen, et al., may it not be reasonably inferred that his aim and purpose are actually personal dominance of as many as possible of the American transportation systems? Alleghany Corp. owns a majority of the common stock of the Missouri Pacific; Missouri Pacific owns 50 percent of the common stock of the Denver & Rio Grande; 74 percent of the preferred and common stocks of Texas & Pacific; 93 percent of the common stock of New Orleans, Texas & Mexico, which in turn owns 100 percent control of International-Great Northern. If this bill passes, Mr. Young will at one stroke, without any effort on his part, extend his railroad empire to include an additional 14,000 miles of railroad. Furthermore, as introduced, this bill would leave control in Mr. Young indefinitely, pending the negotiations of a readjustment agreement with the creditors of those roads. In view of the attitude displayed by Mr. Young last Thursday before this committee, what chance would the creditors of any of those roads have in a proceeding in which all the cards were stacked in favor of Mr. Young and his Alleghany Corp.?

Mr. Chairman, I say that the only thing involved in this legislation is the control of the railroads; that is all. Do you want to leave the control where it is until the plans are worked out, plans made in accordance with provisions of the law that we enacted? Plans that have been approved by the Interstate Commerce Commission after hearings over a period of months and years? Plans that contemplate the interest of every kind of stockholder? Or do you want to wipe out at one fell swoop all of that work and turn the railroads back to the people who, in all probability, will find themselves unable to carry this terrific financial structure and we will again find the railroads in reorganization?

Mr. RABIN. Mr. Chairman, will the gentleman yield?

Mr. WALTER. Gladly.

Mr. RABIN. Once we return the railroads to the owners is there anything to prohibit those in control from declaring a dividend before the financial reorganization is effected?

Mr. WALTER. Of course not, and that is what happened with one of the railroads which was turned back. I forget the name of it, but the first thing that the directors did was to declare a dividend on the common stock, leaving the bonds in default. Now, that may happen with any one or all of these roads; I do not know; but conceivably it could happen.

Mr. RABIN. Actually, a dividend may be declared before creditors are protected.

Mr. WALTER. Of course, they may be.

Mr. GEELAN. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. GEELAN. And do the various plans of reorganization which have already been submitted to the courts, and in some instances approved if not in all instances, protect the bondholders for whom you are now speaking 100 percent, and the rights of savings banks and insurance companies which have money invested in these bonds?

Mr. WALTER. Of course not. Some of the bonds have been scaled down.

Mr. GEELAN. That is an answer to the question.

Mr. WALTER. None of the plans provide for payment in full, or at least to value of the bonds; and under some of the plans stock is issued to bondholders and creditors of every degree. They will become the owners of the railroads, not the insurance companies, as the gentleman from Connecticut, Mr. Rabin, has stated. That is not the fact. The ownership will go to those people who are creditors in any sense of the word of the railroad property.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Nebraska.

Mr. CURTIS. In reference to some of those roads it is highly important that they be operated as neutral in their dealings with other roads. Will that be promoted by this bill?

Mr. WALTER. I am sure that just the opposite will happen.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. REED of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. TALBOT].

Mr. TALBOT. Mr. Chairman, I wish we had more time to talk over this bill and its consequences. I do not know how any member of this committee can thoroughly understand the bill in the few minutes that we have to discuss it. I doubt if the members of the Judiciary Committee understand it wholly.

In the few moments at my disposal I want to go over the background and the reasons for these reorganizations. In the twenties and in the thirties the railroad companies of this country lost money and continued to lose money. Why? Because new competition came in. The trucks started operating for the first time and we had cross-country competition against the railroads. It is also true that the railroads in the beginning were overcapitalized. We had to cut that overcapitalized structure out. We had to cut the cancer out and that is what we have been trying to do for the last 15 years under section 77 of the Bankruptcy Act.

The railroads are faced, and I say this in answer to the question raised by the gentleman from Ohio, with another kind of competition, that of the airplane,

which will come on us in the years to come.

Mr. Chairman, the New Haven Railroad, with which I am particularly acquainted, in the month of May of this year had a net deficit of $1,500,000, showing that the pendulum has begun to swing the other way.

What is this bill? Frankly, it is a crap-shooter's bill. That is the only term I can apply to it. Many statements have been made here today that this is a fight between Wall Street and Main Street. I say, yes, it is a fight between Wall Street and Main Street, but be sure you know which end of the tail Wall Street holds in this matter.

I have here a list of the 50 principal stockholders of the New Haven Railroad. I mention this to you because for some years in the position I held as treasurer of the State of Connecticut I was closely associated with the workings of the New Haven Railroad, then in bankruptcy, and was an ex-officio trustee of that railroad. I know the struggle that it has been going through since 1935. It will be 11 years next month that they have been going through section 77. They are now all but out of it except for the bill before us.

Who owns the stock of the New Haven Railroad? Eighty-five percent of it is owned by the Pennsylvania Railroad and a group of Wall Street, Chicago, and Boston brokerage houses. Those are the people who own it. Of the 50 largest stockholders 47 of them are brokerage houses. There is not a brokerage house in New York of any size that is not on this list with thousands and thousands of shares of New Haven Railroad stock, bought up, mind you, at 25 and 50 cents a share.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. TALBOT. I yield to the gentleman from Pennsylvania.

Mr. WALTER. What value has the Pennsylvania placed on the 209,000 plus shares of stock it has?

Mr. TALBOT. I do not know, but I imagine it has a book value of exactly nothing. If it were not for the Hell Gate route that allows us to go from Washington through to Boston without changing in New York, we would not have that set-up. It has no book value. None of this stock has a book value. What we wanted to see was something entirely different. The New Haven Railroad has gone through all this thing for 11 years. This is not a 1940 plan as the gentleman from Illinois [Mr. REED] would have you believe. This plan was approved by the Interstate Commerce Commission in 1945, last year. Judge Hincks of the United States district court approved this plan in August 1945, and again in April of 1946, this year.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. TALBOT. The plan has already been approved by the Interstate Commerce Commission. It has been approved by the United States district court, and the New Haven Railroad would not be affected by this bill today, except that on the day after the Reed bill was filed, the stockholders, or the stockholders' committee, took an appeal to the circuit court of appeals, and the case is now pending in that court.

I think that what the gentleman from Pennsylvania said is true, when he said that the railroads were being operated cheaper under the reorganization system, and again, in answer to the gentleman from Ohio, said that practically every official from the president down of these railroads has voluntarily allowed his salary to be cut in half, and again in half. In some cases the salaries have gone from $150,000 down to $30,000.

Mr. RAMEY. Mr. Chairman, will the gentleman yield?

Mr. TALBOT. I yield to the gentleman from Ohio.

Mr. RAMEY. I am not concerned with the courts here but I am concerned about what some Members of the House and some members of the Committee on the Judiciary have been troubled about. When the bill came over from the Senate known as the Wheeler bill, and after this bill was filed, they said there would be a meeting of the Committee on the Judiciary, and you could get in. When you asked about it they said it was in executive session. When you further asked about it, they said it was not held, and when you asked about the report they said there was none, but they had one 3 days before. Can the gentleman clear up the mystery of the confusion, caused, evidently, by the folks in charge of the bill? Can the gentleman help me out?

Mr. TALBOT. I could clear it up, but I do not think this is the place to do it.

Mr. RAMEY. Why should they send out a bill with mist on it?

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. TALBOT. I yield to the gentleman from Wisconsin.

Mr. KEEFE. I am interested in having the gentleman discuss the question as to what is the present value of this worthless stock that is now held by the brokers, in the event that this bill passes. Just how by that process of legerdemain, does that stock which is considered worthless by the Interstate Commerce Commission, and which, as the gentleman says, these brokers have brought up for 25 cents a share—just how, by the passage of this bill, does that stock achieve value? That is what I would like to have the gentleman explain.

Mr. TALBOT. The stock actually achieves no value and never can and never will, but the minute this bill is passed by both Houses and signed by the President, every brokerage house in this country will have an advertisement in the newspapers telling you of the enhancement or the possible or probable enhancement of this stock, and they will then unload on the American public millions and millions of shares of stock that they bought in at practically no value at all. They will unload at a price of $10 a share, $20 a share, $30 a share, or even some people believe $100 a share.

Mr. KEEFE. Of course, that is rather an unusual prophecy in view of the controls that are exercised today. I understand that these stocks have been taken off their listings on the boards; that they are no longer listed. Does the gentleman mean to tell me that in this enlightened age these brokers can go out willy-nilly and peddle worthless stock to the people of this country without being subjected to the controls of SEC or somebody else? I am seeking information on this subject.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. TALBOT. I yield to the gentleman from Pennsylvania.

Mr. WALTER. I would like to call the gentleman's attention to the fact that a Philadelphia newspaper is conducting a very strong drive now to educate the people in my State against buying of the kind of stock that the gentleman is talking about.

Mr. KEEFE. I still do not have an answer to my question as to how you would get value out of money that is not worth anything.

Mr. TALBOT. I might answer the gentleman this way, that I might say to my friends from the South that they might just as well put an amendment on this bill making Confederate money worth the value printed on its face. They have more right to do that, I say to them, because they certainly had 100 percent of its value taken away by some of us northerners up here. I think it would be more equitable to pay the outstanding currency of the Confederacy than to put life into this stock that is absolutely dead.

Mr. REED of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, this bill is an involved bill. It first came before us as H. R. 5924, which is known as the Reed bill, and that bill was composed of 4 pages. That is the bill that went before the Committee on Rules, and it was upon that abbreviated bill, which I now hold in my hand, that the rule was granted. But the bill which is before the Committee this afternoon is a bill which consists of 32 pages. It contains the Reed bill, it contains the so-called Hobbs bill, and it contains portions at least of the so-called Kefauver or McLaughlin bill. And what have you?

I do not happen to be a member of the Subcommittee on Bankruptcy but I happen to be a member of the Committee on the Judiciary, and I know I was never satisfied about what this bill which is now before the Committee would do or what the repercussions would be if it were enacted into law.

Mr. RAMEY. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Ohio.

Mr. RAMEY. I wonder if the gentleman can make clear to some of us why we could not find out about it from the subcommittee of the Committee on the Judiciary and could not get reports and hearings, in line with what I asked the gentleman from Connecticut. Will the gentleman clear up why that confusion started the thing off?

Mr. SPRINGER. I can clarify it in part. I know the Subcommittee on

Bankruptcy held hearings, at least on the original Reed bill to which I have referred. Those hearings are entitled "Railroad Reorganization." They were rather extensive and rather voluminous. It was several days before I could get a copy of those hearings. I finally secured such copy late last week on the same day that the gentleman from Pennsylvania [Mr. WALTER] was able to secure a copy of the hearings, although he and I are both members of the Committee on the Judiciary.

Mr. REED of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Illinois.

Mr. REED of Illinois. Did the gentleman from Indiana ask for any hearings from the committee prior to that time?

Mr. SPRINGER. I had not personally asked, but I had received information that members of the Committee on the Judiciary had asked for them and had been refused copies of the hearings.

Mr. REED of Illinois. Did the gentleman know the hearings were at each Member's desk when we voted on the various committee amendments?

Mr. SPRINGER. I had no hearings at my desk. The only copy I have had access to and the only copy I have studied is the one that I received late last week.

This bill, at least the portion of the bill which is now before the Committee, which is the so-called Reed bill, contains on the first page the provision that if the properties of any railroad corporation shall have produced annual earnings during the period of the seven preceding calendar years sufficient to pay its fixed charges, then it has the right to come within the provisions of this bill.

This bill, as I understand, will apply insofar as its provisions are concerned to either seven or eight railroads. Four of those railroads are now and have been for many years in the process of reorganization under section 77 of the Bankruptcy Act. Reference was made to the New Haven Railroad. That road has been under reorganization for approximately 11 years. They have spent tremendous sums of money. They have gone through all the processes of reorganization. Finally, as provided by law, they filed a petition with the Federal court in which it was first necessary that they obtain the consent of the majority—60 percent to be exact—for the petition to be filed and for this proceeding of reorganization to go forward. Sixty percent of the stockholders and the creditors joined in that petition. The petition was filed and they started the program of reorganization.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REED of Illinois. Mr. Chairman, I yield 2 additional minutes to the gentleman.

Mr. SPRINGER. They started through the process of reorganization. The court submitted it to the Interstate Commerce Commission and the Interstate Commerce Commission approved it and submitted a plan for such reorganization. It came back to the court and the court made the necessary orders. Then, a stockholders' committee, as has been explained, took an appeal, and that appeal is now pending in the circuit court of appeals. I understand indirectly that the circuit court of appeals has not confirmed the reorganization plan, awaiting to see what Congress will do in these very bills now pending in the House. Then, if this measure is enacted into law, these roads which have gone through the process of reorganization will be brought back under the provisions of this bill and will have to start all over again, because this measure provides that if within 18 months, or such extended period as the judge may grant, they work out a plan of reorganization, then they have a right to go ahead and perfect it. If they do not, then they still are in the throes of bankruptcy. These roads want to get out and they want to have an opportunity to go forward and make some progress. They desire to operate their roads without any court supervision, and they desire to make progress in the future.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 8 minutes to the gentleman from Illinois [Mr. GORSKI].

Mr. GORSKI. Mr. Chairman, in supporting H. R. 5924 and endorsing the able presentation of this bill by my colleagues, I want to bring out to the House some excerpts of the decision of the courts which have a bearing on this legislation.

In the recent decision of the Supreme Court in the Denver & Rio Grande Western case. This is a case appealed by the general mortgage bondholders—a creditor class. They were practically wiped out by the Interstate Commerce Commission plan. They voted against the plan. The district court under the provisions of section 77 confirmed the plan over their protest. The circuit court of appeals upheld their appeal, but the Supreme Court denied it.

In this opinion, denying their appeal, the Supreme Court actually noted that they might have some justice on their side, but the law was against them. The Court quoted extensively from report No. 1838, which reports this very bill to this House, setting forth a great many of the complaints of small investors about the results of section 77 reorganization. Then the Supreme Court said, and I quote:

> Although the results of reorganization under this section, as thus construed, have been criticized as unfortunate and changes have been suggested, no different legislation has been enacted. Indeed, a different method for reorganization, enacted in 1939 and designed to meet the requirements of railroads not in need of financial reorganization of the character provided by section 77 but only of an opportunity for voluntary adjustments with their creditors, terminated on July 31, 1940. This was the Chandler Act, and a comparable provision made in 1942 was allowed to lapse on November 1, 1945. This was the McLaughlin Act. This situation leaves clear the duty of the agencies of the Government entrusted with the handling of reorganizations under section 77, including this Court, to administer its provisions according to their best understanding of the purposes of Congress as expressed in the words of section 77 read in the light of the contemporaneous discussion in Congress. Changes in economic conditions cannot affect the powers of the reorganization agencies even though such changes may require a reexamination into the present fairness of the former exercise of these powers.

Mr. Chairman, there is hardly any more comment necessary. The Supreme Court has said it. They say, "We must construe the law in accordance with the ideas prevailing in 1935, unless and until Congress changes the law." The Court even admits that this may be unfair but that nothing can be done about it until Congress acts. We must, therefore realize that the decrees of the Interstate Commerce Commission have a deadly finality. Under existing law as construed by the Supreme Court there is no appeal from those decrees except to the Congress itself. And it has taken 3 years to get this appeal where it is today.

Now let us look at one or two other decisions. Justice Phillips of the Circuit Court of Appeals for the Tenth Circuit, in the same case of the Denver & Rio Grande Western, remarked:

> It is my conclusion that only through corrective legislation or a more liberal attitude of the Commission can junior security holders obtain relief.

But what does the Commission think? In the North Western case, the Commission said:

> We are deeply sympathetic with the attempt to find some method by which the present stockholders might be lawfully afforded a continuing interest in this property • • • (but) we reluctantly express the view that this is impossible, for the law as it stands is inexorably against such a course.

Judge Evans, of the Circuit Court of Appeals for the Seventh Circuit, in the Rock Island case, said:

> I had quite a little part in the St. Paul Railroad, and it was always shocking to think that there should be such an absolute denial of any right for any stockholder, notwithstanding that money was just rolling into the St. Paul and the North Western Railroad, but notwithstanding that, it was decided, "You are out." That don't set very well on your conscience. If you did wrong, it is about time you correct it.

Now all these judges and Commissioners knew something was wrong. Maybe their legal feelings were not jarred but their consciences were. And when the administrators of the law are compelled, by what they believe the law to be, to act against their consciences, it is time to change the law.

The Reed bill is intended to give relief to stockholders and junior bondholders, who would otherwise be wiped out and lose their investments. The bill provides that railroads who are in trusteeship under section 77 of the Bankruptcy Act, whose average earnings for a period of 7 years have been sufficient to pay their fixed charges shall have 18 months to complete a plan to adjust their financial structure without further proceedings under section 77 of the Bankruptcy Act.

The passage of this bill would enable the management of the railroads which can qualify, to adjust and settle between

the debtors of the railroad, whatever outstanding obligations there may be. The passage of this bill would not take away any right of the senior bondholders, but because of improved economic conditions would create a better market for railroad securities, would enable the railroads to reduce their fixed charges, by borrowing at lower rates of interest and would in many other ways bring about savings for the railroad, where the entire management is in the hands of experienced officials who have conducted its affairs for many years and who are best qualified to operate it.

Because of improved economic conditions and a large backlog of purchasing power, we can look forward to several years of prosperity. The railroads will do a large part of this business and will share in the prosperity. Their earnings should be maintained in the next 5 or 6 years at about the same level as the past few years. They should be able to operate more efficiently because of experienced help which they could not obtain during the war. The reduction in the cost of operation will result in savings which will inure to the benefit of the stockholders.

The need for relief here is thus clearly shown. But I want to emphasize the fact that unless this remedial legislation is finally passed at this session, it will be too late to save these investments.

To make sure of enactment at this session, we must pass this bill now.

Mr. SUMNERS of Texas. Mr. Chairman, may I inquire how the time stands?

The CHAIRMAN. The gentleman from Texas has 22 minutes remaining, the gentleman from Illinois, 21.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. GEELAN].

Mr. GEELAN. Mr. Chairman, I am vitally interested in this bill. I have been trying for some time to resolve my thinking so that I would know just exactly whether if I voted in favor of the bill I might be doing an injury to the railroads or if I voted against it might be doing an injury to the stockholders. I have heard many statements made on this floor which I have difficulty in understanding. Inasmuch as I happen to represent that particular district in Connecticut which is the home city of the New Haven Railroad and contains its general offices, and inasmuch as that road has been referred to here a number of times, the last by my colleague from another district in Connecticut, I, too, shall refer to this same road. I understood him to state that 85 percent of the stock of the road was in the control of Wall Street. In answer to that statement and using the same set of figures which he used in making the statement, I assume, the total outstanding preferred stock in round numbers amounts to 490,000 shares. Of that amount of outstanding preferred stock 160,000 shares are owned by these 50 Wall Street corporations referred to, leaving a balance of 329,000 shares of preferred stock not owned by Wall Street.

In the common stock the picture is that there are 586,000 shares owned by these 50 corporations or Wall Street brokers out of a total issuance of 1,571,000 shares, leaving 984,000 shares obviously in the hands of small investors.

It has also been stated on this floor that the promotion activities on the part of certain investment companies behind this bill was the main pressure for the passage of this bill. That I can state from my mail is not the case. Thousands of small investors, people of small income who have been dependent for years past upon the return from the proceeds of the stock in the New Haven and other roads live in my district and they are not necessarily represented. They do not write me that they are represented by any protective company.

I think that the bill is fair and I cannot for the life of me see the argument against its adoption. When a company or a railroad has been in receivership for 10 or 11 years I cannot see how an additional delay of 18 months would harm them. It seems that whatever plan is perfected has to be submitted ultimately to a judge and to the Interstate Commerce Commission for approval. What harm can result if there is a delay? The stock value is based upon the formula set up in this bill, and in the case of those roads which have earned their fixed charges during the past 7 years, why should not the stockholders in those companies have it even though at the same time it should happen that some brokerage houses in Wall Street owned some of this stock might be potential gainers in any plan of reorganization which may be submitted now? What harm is there to that? How can you prevent it? The fact is that more than two-thirds of the stock of this particular road is still owned and controlled not by Wall Street but by small individual stockholders. I submit that the Reed bill is fair. I do not like the parliamentary situation that we find ourselves in. I would like to have the full bill before us as a result of complete hearings on the part of the committee, together with a report so that we could review it. However, I am in favor of the Reed bill. You cannot have the Reed bill by voting down the motion to make the Wheeler bill in order. I think we should give that consideration in view of the past earnings during the last several years of these roads when most reorganization plans have been approved on the basis of adverse operating experience in the depression period. I think this is a fair and equitable bill, and I shall support it.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. REED of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Chairman, fundamentally I am opposed to the Government being in business and I am also opposed to the idea that the purpose and function of courts is to take charge of any business and run it. It is about the most expensive method of operating a business that I know of.

I presided over a court of equity, the chancery court, in Tennessee, with jurisdiction over 11 counties for 5 years. That court in Tennessee is the court that appoints receivers. In all my practice of the law and in all my experience as a court I have never seen but two profitable receivership operations. It is the most costly operation of a property in the world.

As proof of the pudding I have here a list of 13 railroads that have been in the hands of trustees under the Bankruptcy Act as it now is and during the period of their operation by these trustees in their present status they have taken in about $21,000,000. Here is what has become of that money, according to the records furnished by the Interstate Commerce Commission:

To creditors and representatives, 40 percent of the $21,000,000.

To bankruptcy trustees and their counsel, 35 percent.

To reorganization managers, 18 percent.

To debtor corporation for their expenses, 5 percent.

To stockholders and their representatives, 2 percent.

The small sum the stockholders got reminds me of the story of the damage-suit lawyer. He would take personal injury cases, generally on the basis of the Dutchman's 10 percent, which was half. On one occasion he represented a fellow who had lost his leg on a railroad. The lawyer finally wrangled $500 out of the railroad company. He gave his client only $5. The fellow took the money and went home to his wife. In a few days he and his wife came back to the lawyer and he said, "Jim, my wife and I do not think we got enough out of this case. We only got $5. My leg is gone. Can you not do a little better by me?" Jim said, "Well, now, how would $2.50 more strike you?" The fellow says, "That is all right." Then his wife spoke up and said, "Bill, I told you Jim would treat you right."

The truth about the matter is there is just one way to handle this thing and that is to end this operation of railroads through the courts. Take these railroads that have earned enough money each year for the past 7 years to meet all of their current obligations as they mature and give those who are interested in them a chance to work out a reorganization plan. When a corporation meets its obligations in the due course of business, as they mature, it is considered to be a solvent, going concern.

Pray, when will we stop this trusteeship business? Just listen to this. I can understand why there are people who do not want this operation by these trustees to end.

Just listen to this. I am reading from a statement furnished by the Interstate Commerce Commission. Chicago & North Western Railway bankruptcy, trustees' compensation, $262,125.

Chicago, Milwaukee & St. Paul, $306,300 compensation to the trustees.

C. M. & S. St. M. Railway Co., $666,000 to the trustees and $180,000 to their counsel, and then when we get to the indenture trustees they get $192,050; other expenses, $113,517. Counsel fees for the debtor corporation $80,000. Other expenses $14,025. Counsel fees, creditor

groups, $337,550. Other expenses $103,-145. Counsel fees, $10,000. Other expenses $860,656.

Now, that is a bonanza for the counsel and the trustees.

Miss SUMNER of Illinois. What about the OPA?

Mr. JENNINGS. Well, the OPA might come in yet under that picture, I think. But really, I think these trustees and attorneys have a monopoly on it.

Let us pass this bill and turn these properties over to their owners and stop these excessive fees.

Mr. REED of Illinois. Mr. Chairman, I yield 7 minutes to the gentleman from Wisconsin [Mr. KEEFE].

Mr. KEEFE. Mr. Chairman, it has been said that this is a bill that vitally affects all the banks and savings banks and trust companies and insurance companies of America. If that is true I should think that it would excite a little interest on the part of Members of Congress so that we would have a little more than a mere corporal's guard out here to hear the debates on this bill that is described as being of such vital importance.

I have had the privilege of sitting here during the period of the debate on this bill and I am going to vote for it because I think the arguments that have been adduced in its favor have not been answered by any of those who oppose it. It seems to me that the situation is very simple.

In the reorganization plans under which these railroads are in bankruptcy under section 77 of the Bankruptcy Act, the Interstate Commerce Commission submits a plan to the district courts for reorganization and scaling of indebtedness. The statement has been made, and I think it has escaped the attention of a great many Members of Congress, that under the law as it now exists a finding of valuation made by the Interstate Commerce Commission—back in 1939 and 1940—if there is any evidence at all to support it, becomes final and is binding on the court. None of the creditors or stockholders of any kind or character in the reorganization proceedings in the district court can successfully challenge the findings of the Interstate Commerce Commission in the matter of values.

As a result we have this situation, as I understand it. A railroad is embarrassed. It is compelled to seek relief under the provisions of section 77 of the Bankruptcy Act. It comes before the district court and asks for relief. What happens? The district court appoints trustees and refers the matter to the Interstate Commerce Commission for a plan of reorganization. The Interstate Commerce Commission decides that the assets of that railroad company—and I am thinking of one—are worth $450,-000,000. They send that back to the court and the court in effect is told, "Now, you scale down the indebtedness and capital structure of this company so as to bring it down to $450,000,000. The new securities to be issued shall not exceed $450,000,000."

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Ohio.

Mr. THOM. Does not the gentleman mean to say the capital is scaled down, instead of the indebtedness?

Mr. KEEFE. The gentleman is essentially correct. Usually the capital structure consists of first mortgage bonds, junior mortgage bonds, debentures of various classes, preferred stock and common stock; all told this represents the capital structure. In addition there is the unsecured indebtedness of the company. In bankruptcy the latter may be classified as to priority.

So what happens is this: Here is this company with so many outstanding first mortgage bonds, so many second mortgage bonds, so many debenture bonds, so much preferred stock, and so much common stock, and so much of unsecured creditors, as against a valuation of $450,000,000 set by the Interstate Commerce Commission. This value is binding and conclusive upon the court.

What happens? The court adopts or at least suggests a plan—perhaps all of the capital structure and unsecured debts total $650,000,000. Clearly then, if new securities are to be issued under the plan the total cannot exceed the $450,-000,000 value set by the Commission. This means scaling the capital structure and perhaps the unsecured debt. The secured bondholders come first and then the unsecured creditors in order of priority. Thus the common stockholders and in many cases the junior bondholders and unsecured creditors are wiped out. The plans usually take care of the voting arrangements by issuing no-par common stock. Thus the bondholders come into possession of the property and its operation. This legislation simply proposes that in those cases where the company has met its fixed charges for 7 years, the court shall turn the company back to its stockholders and give them 18 months in which to work out a plan with the creditors and bondholders. If this is done and operating income permits perhaps something can be saved for the stockholders. If such a plan is worked out it must be approved by the court and the Commission. If no plan can be worked out it must go back under section 77 for further proceedings. It is at this point that the Hobbs amendment comes into play and gives a little further opportunity for the little fellow to save something.

As the situation stands now, the stockholders are out. They were kicked out in the Milwaukee Road case, they were kicked out in the Chicago & North Western case, they will be kicked out in all these cases. The ones that are going to get the ax in every one of these proceedings are the little stockholders, the men and women out in my country that for 60 years invested their money in these railroad stocks that were considered to be gilt-edge securities.

As far as I am concerned, I have no fears whatsoever that the bonds that the banks have in their portfolios will be adversely affected in any way, shape, or manner by the Reed bill. Such bonds might possibly be worth more money than they are today after the reorganization is complete, but any accretion that will come to those bonds will come as a result of cutting off any interest that these stockholders may have in their own property.

I think this bill is an equitable bill.

Mr. REED of Illinois. Mr. Chairman, I yield the balance of the time to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, this bill primarily affects seven important railroads. None of them penetrate my district. Our railroads have always been honestly and efficiently managed and prosperous. None of them have gone into bankruptcy. Therefore, I think I can look at this matter in a very fair and impersonal way. There is no provision in this bill that will hurt the bondholders in any way. It matters not what may happen under this bill—it cannot hurt the bondholders. I am trying to find some relief for those who put up the money and created the property and made it possible for these men who had money to invest their money in the securities of these railroads.

Seven railroads are very similarly situated as the New York, New Haven & Hartford Railroad, and since the New York, New Haven & Hartford has been discussed most I shall discuss that railroad. Incidentally, it grieves me very much to oppose the amendment that will be offered by our good friend, the gentleman from Connecticut [Mr. TALBOT]. The New York, New Haven & Hartford for 7 years has been paying every dime of operating costs and charges, taxes and interest to the bondholders. It has met and paid each and every bond that matured for the last 7 years. To whom does that property belong? To the men and women, yes; railroad workers, who bought the stock at par. The Interstate Commerce Commission declared at that time that the loan of that money to the railroad company was necessary and that the investment was a valid investment and the stock worth par. After they invested their money and created a property, now come the money lenders and take a first mortgage on all of that property.

The Interstate Commerce Commission and some other folks propose to fix the value of the property as of 1939 and 1940, when the Commission fixed its value, and they say that there is nothing left now for the junior stockholders, the preferred stockholders, the common stockholders, and the common creditors. The value was fixed as of 1939 and 1940—at $75,000,000, when it turns out it was of much greater value. The first-mortgage bonds amount to approximately $62,000,000. For the last 7 years this railroad has paid all fixed charges, operating expenses, excess-profits taxes, retired bonds as they matured, paid interest charges, and now has a surplus of $64,000,000—more than enough to pay off in full all of these first-mortgage bonds. Yet these bondholders insist

that the junior securities, preferred stockholders, common stockholders have no interest in their railroad—and they must be cleaned out without a dollar on a valuation made by the Commission in 1939 and 1940, which valuation cannot be reviewed by the courts in the present law. Unless this is passed, the first-mortgage bondholders will be able to gobble up this railroad for less than the surplus now in the railroad company's treasury.

When they do take over, what do they get according to this record?—$64,000,000 of surplus in the treasury and all the physical property of this great railroad. What for, if this bill does not pass? To help these professed creditors, who put nothing in. They have been putting nothing in, but they have been taking out all these years, standing back and clipping coupons with absolute safety, while these other folks have been receiving nothing, and they will be destroyed if this bill is not passed.

I would not want to take away any right of a preferred bondholder. That is a contract. I believe in carrying out contracts, but I am opposed to cutting down with one fell swoop the people who furnished the money that helped to make possible the construction and operation of that great property, the New Haven Railroad.

What does this bill do? And it does that and no more. You cannot touch any reorganization program unless for seven consecutive years the road has earned on an average sufficient money to cover all of the charges against the railroad, discharge the bonds when matured, paid the interest, taxes, and costs as the New Haven and the other seven railroads have been doing for seven long years. Yet, the New Haven has $64,000,000 in the till. They have been paying dividends and excess-profit taxes. Now, you tell me that the junior bondholders and the preferred stockholders and the common stockholders and the common creditors have no equity in the property that they have created and helped to maintain. It is not right. Therefore this bill is before us to correct that injustice to junior bondholders, preferred and common stockholders of these railroads. If you do not pass this bill this property will be taken over by the preferred bondholders who have enjoyed the profits and benefits for the last 7 years—the people who live on Wall Street.

I agree with the statements of my friend from Connecticut, who lives in the city of the headquarters of this great railroad system. He knows something about it. He knows that engineers, conductors, firemen, and, if you please, section men, bought stock. They will be wiped out, as well as hundreds of thousands of other stockholders in this and the seven other railroads all over the country in receiverships.

What harm can come to the preferred bondholder? I am anxious that the equities of those who toil, those who put their savings into the junior securities, preferred stock and common stock, shall be protected. There are many thousands of these. I am interested in them. This law will give them at least a rain check. And it does something else—the courts will have something to say about whether the Interstate Commerce Commission back in 1939 and 1940 made a finding that must control in 1946, when we know that values have gone up. We want to give the folks who put up the money a chance. Let us get the railroads out of the hands of the preferred bondholders and restore these railroads to the owners and give them a chance to get a piece of the pie. They had nothing for 11 or 12 years. Of course these first-mortgage bondholders will get theirs. Get these railroads out of the hands of expensive receiverships.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. ROBSION] has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield the remainder of the time on this side to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. I would appreciate very deeply, Mr. Chairman, the attention of the Members present to some documentary proof in answer to some of the charges that have been made. I think my dear friend, one of the most valuable members of our committee, the gentleman from Indiana [Mr. SPRINGER] is slightly mistaken between the copy of the hearing and the copy of the committee print. I believe he meant to say he was unable to get until recently a copy of the committee print, which sets out the nine amendments to the Reed bill approved by the full Judiciary Committee; and it is true that that was available only from the day the committee approved those nine amendments or 2 or 3 days later, when the prints came out.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I shall be delighted to yield.

Mr. SPRINGER. When I made my request I asked for a copy of the bill and also the hearings, and finally obtained them, but I understood they had not been available before that time.

Mr. HOBBS. They were available since December 1945, and they were mailed to every member of the committee. Whether or not they were delivered to the member or were held in his office by some of his secretaries we do not know, but the hearings were concluded in December 1945, and the hearings were printed and distributed at least quite widely at that time.

Let me now give you a little information as to the history of this reorganization. It was a sincere attempt on the part of the Subcommittee on Bankruptcy and Reorganization in the rewrite to complete revision of the Bankruptcy Act, the only one ever attempted in the history of that act, under the leadership of that distinguished gentleman and scholar, Walter Chandler, who became chairman of that subcommittee some 12 years ago. We rewrote the whole Bankruptcy Act with the aid of 12 of the best brains in bankruptcy who sat here at their own expense and worked with us and for us for 2½ years. One of the chapters in that bill was the railroad-reorganization chapter; another was corporate reorganization; another was what was called a poor man's bankruptcy composition; and so on. It was found in 1935 that we were on the toboggan and that the depression was not over as we had hoped it would be.

The Interstate Commerce Commission came before us and asked us to amend the chapter on railroad reorganization. We did so and we worked for nearly a year over it with the experts who volunteered again; and the Interstate Commerce Commission by its counsel who was the Honorable Leslie Cravens, at that time one of the outstanding lawyers in this field, told us that what we feared might be the result of the amendments they proposed could not possibly happen, that no court would hold that that abolished judicial review; and yet in the cross-examination of the witnesses from the Interstate Commerce Commission when we found out after the two decisions in the Western Pacific and the Milwaukee cases, that that which they had assured us could not happen had happened and that they had held in those two suits that the creature, the Interstate Commerce Commission, the creature of Congress, was superior to its creator and superior to the courts, even to the Supreme Court of the United States.

So we had to do something about that situation. We reported unanimously the so-called Hobbs bill which passed the House with only one dissenting vote. It has been in the Senate ever since and nothing has happened, as is true of several other bills. But that was unanimously reported and we came then to the question of the treatment of those railroads that were not insolvent and under an amendment which was sponsored by the then chairman of bankruptcy subcommittee, the Honorable Charles McLaughlin, another great man, a great expert in this field as was his predecessor, the Honorable Walter Chandler, who had gone back to his knitting in Tennessee to become mayor of Memphis, which he still is and has only recently given notice of his retirement, we amended it so as to give those roads that were not insolvent a chance to escape the prodigious cost of bankruptcy and reorganization in that line.

We gave them the voluntary composition of their debts, under which maturities were postponed and interest rates reduced, but without missing a single run of either freight or passenger train. The B. & O. reorganized under that bill and it was the law for several years until the Kefauver bill which this House passed to extend and make permanent the McLaughlin Act failed to pass the Senate after it had been passed here, until under its terms the McLaughlin Act ceased to be. Then we came to the proposition of what we should do. The Hobbs bill was stymied, the McLaughlin bill was dead, and the Kefauver bill was stymied. So the Reed bill was drawn up by another distinguished member of our committee who has been with us all the time, the gentleman from Illinois [Mr. REED], who proposed this bill which was also unanimously approved after full hearings by the Judiciary Committee. That was to take the best of the roads that were in reor-

ganization, that had made all of their fixed charges for 7 years, and give them a chance in a situation similar to that created by the McLaughlin Act. That is all it does, sit around the table with your creditors and make up a new plan of reorganization that will not wipe out $2,000,000,000 of invested capital by the little people of this country if the financial conditions changed for the better and warranted such treatment. That is all it does.

In the meantime there was conducted a thorough investigation of this business of railroad reorganization over in the Senate, and eventually the Wheeler bill, S. 1253, I believe it is, came forward. It was not reported until April. It was not acted on until June. So we did not even know what the bill would provide, nor what amendments would be necessary to the House bill then pending. Then, and then only, did we begin to study it, because we had not seen it before, and we found that it was in our judgment necessary to amend the Reed bill by nine amendments. We proposed it to the committee. We had a committee print made which, of course, was confidential until the committee adopted those amendments and authorized us to print them, and since that good day they have been available to everybody, and we are proud of them, and they, in substance, amend the Reed bill by adding the Hobbs bill and the Kefauver bill, which was the extension of the McLaughlin bill. So they, with the Reed bill, according to the rule adopted and given us by the Committee on Rules, will enable us to substitute these bills for the Wheeler bill and work out of the four the best bill possible.

I want to say just a word or two about the New Haven. I hold in my hand copies, year by year, certified by the Interstate Commerce Commission, of the reports as to the New Haven stockholders, and they show year by year how they run.

There has never been a stockholding in the New Haven averaging more than $97 per stockholder, speaking of the common stock, and $61.32 average for the preferred stock. The gentleman from Connecticut [Mr. GEELAN] has very kindly given us a synopsis of the situation with regard to the New Haven. When in 1940 the plan for the reorganization of the New Haven was approved as I told the committee this morning, they found that the common stock, which was held by more than 21,000 stockholders, above the 50 that Mr. WALTER read a few from, was completely wiped out, and so were all of the preferred stockholders. At that time there was only $4,000,000 to the credit of those 21,000 stockholders in the financial structure of that road. They said it was worthless; that it could not possibly come back, and the gentleman from Connecticut [Mr. TALBOT] told us it has had no chance to produce anything in the way of a profit since, nor will it in the future, he said this afternoon, and yet since they said it was worthless and did not have a chance to earn anything more than the fixed charges, it has made a net over-all profit of $60,000,000. So instead of having $4,000,000 they have got now $64,000,000 in the till. What would become of it if you kill our efforts to give a chance to those whose stock interests earned that money which is in the till now? Of course, it would go to the only ones left, which are the bondholders, 47 of them, I believe.

Mr. KEAN. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I gladly yield to the gentleman from New Jersey.

Mr. KEAN. If there is so much equity in the stock that has been mentioned by the gentleman and others, why is it that the New Haven bonds are selling on the Stock Exchange so far below par? I see here that the New Haven first mortgage 3½'s are selling at $54, first mortgage 6's selling at $63, and New Haven 4's $57, selling at $39?

Mr. HOBBS. I do not know, sir. I am just a country boy from Alabama.

Mr. KEEFE. The reason is that there is no equity in the common stock.

Mr. HOBBS. I know very little about stock equities. All I know is that whether there is any advantage to be gained by the bondholders, that millions of "when issued" stock is being bought by those same bondholders every day! I know that millions of "when issued" stocks are being bought by those same bondholders today, and I know they are paying nothing for it.

Mr. KEAN. Of course the people who are trading in this "when issued" stock are the chief opponents of this bill.

Mr. HOBBS. Yes, sir. You are exactly right in that statement.

Mr. KEAN. They have a gamble in this thing, and if the bill is passed all their profits are wiped out.

Mr. HOBBS. I appreciate the gentleman's contribution, and I challenge him to show me a single proponent of this bill or a single person that favors this bill who has been allowed to buy a single share of "when issued" stock.

Mr. KEAN. I do not mean people here, of course.

Mr. HOBBS. I am talking about people anywhere.

Mr. KEAN. Yes.

Mr. HOBBS. You could not get into that circle with a crowbar or a jimmy. That is a real closed shop. It is only the favored few, who can get on this "gravy train" and buy this "when issued" stock. They do not want their ride interrupted and so are fighting this bill.

Mr. JENNINGS. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am delighted to yield to the gentleman from Tennessee.

Mr. JENNINGS. Is it not an indisputable fact that the bondholders whose bonds are secured by first mortgages on these properties cannot be hurt by this bill, but that on the other hand this is the only method suggested by which the common stockholders and the junior creditors can get anything?

Mr. HOBBS. Yes, sir. If they get anything the preferred stockholders and the bondholders will, too. We want to protect railroad credit from top to bottom, from the first mortgage bondholder on down. We are fighting for fairness to all. None can be safe, nor sure, unless all are treated fairly.

The CHAIRMAN. The time of the gentleman from Alabama has expired. All time has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That if the properties of any railroad corporation, debtor in a proceeding pending under section 77 of the Bankruptcy Act, as amended, shall have produced average annual earnings during the period of the preceding seven calendar years sufficient to pay the fixed charges of the said debtor in the said years, and the judge shall so find, the judge upon application therefor by the debtor or by any other party in the proceedings shall enter an order directing the return of the possession of the said properties and the management and operation thereof to the debtor upon the following condition:

1. That the debtor shall proceed immediately to effect such readjustment of its financial structure as in the light of the present prospective earnings and of other relative facts and circumstances may be consistent with sound financial practice;

2. That if within a period of 18 months, or such extended periods as the judge upon application therefor may approve, following the entry of such order, (a) the several classes of security holders shall provide a plan for readjustment of such financial structure, and (b) such readjustment provides for such reduction in fixed charges as may be consistent with sound financial practice, and (c) the Interstate Commerce Commission shall authorize the issuance of such new securities as may be required by such readjustment, and (d) the judge shall so find, the judge upon application therefor by the debtor or by any other party in the proceedings, shall enter an order dismissing the proceedings under section 77 of the Bankruptcy Act, as amended, and providing for or requiring, the transfer by the trustees or any other party or parties in possession of the properties of the debtor pursuant to order of the court of all their right, title, and interest in and to the properties to the debtor, and the Interstate Commerce Commission, shall dismiss the proceedings before that Commission for the reorganization of the debtor under section 77 of the Bankruptcy Act, as amended.

3. That if upon termination of the said period of 18 months or such extended period as the judge may approve, an order shall not have been entered by the judge as provided in the foregoing subdivision 2, the judge shall enter an order providing for the return of possession of the properties to the trustees or to such successor trustees as may be appointed pursuant to the provisions of section 77 of the Bankruptcy Act, as amended, or to any other party or parties previously in possession of the properties of the debtor pursuant to order of the court, and directing that the proceedings under section 77 of the Bankruptcy Act, as amended, shall be resumed and brought to a conclusion, subject to the provisions and requirements of said section.

Mr. SUMNERS of Texas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 5924) to enable debtor railroad corporations, whose properties during a

period of 7 years have provided sufficient earnings to pay fixed charges, to effect a readjustment of their financial structure without further proceedings under section 77 of the Bankruptcy Act, as amended, had come to no resolution thereon.

TITLE TO LANDS BENEATH TIDAL AND NAVIGABLE WATERS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H. J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 3, after line 21, insert:

"The United States excepts from this disclaimer and retains all right, title, and interest claimed and asserted by Presidential Proclamation No. 2667 of September 28, 1945, or otherwise to the subsoil and sea bed of or the resources in the Continental Shelf lying oceanward from the area described in the first clause (1) of the preceding paragraph."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HOBBS. Mr. Speaker, I have an amendment which I intend to offer to the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. SUMNERS]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, I understood from the chairman that the Committee on the Judiciary was unanimously in favor of the Senate amendment. If we are going to take up other amendments, then I believe it had better be done in the regular way. If other amendments are going to be offered to the Senate amendment, I do not think it ought to be brought up at this time.

The SPEAKER. Does the gentleman from Alabama intend to insist on offering an amendment to the Senate amendment if unanimous consent is granted for the consideration of the Senate amendment?

Mr. HOBBS. Mr. Speaker, I have no intention of inconveniencing the House or anything of that kind, but I feel very deeply that this amendment to the Senate amendment should be offered in order to protect the interests of our Government.

The SPEAKER. If amendments other than the Senate amendment are to be considered, the Chair would prefer that the gentleman withdraw his request at this time.

Mr. SUMNERS of Texas. Mr. Speaker, I withdraw my request.

CIVIL SERVICE RETIREMENT ACT

Mr. JACKSON. Mr. Speaker, I call up the conference report on the bill (H. R. 4718) to amend the Civil Service Retirement Act of May 29, 1930, as amended, and ask unanimous consent that the reading of the report be dispensed with.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4718) to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for certain officers and employees who have rendered at least twenty-five years of service, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That section 1 of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by adding at the end thereof the following new subsection:

"'(e) Any officer or employee to whom this Act applies who, after having attained the age of fifty-five and after having rendered at least twenty-five years of service computed as prescribed in section 5 of this Act,

"'(1) shall have been involuntarily separated from the service not by removal for cause on charges of misconduct or delinquency between July 1, 1945, and June 30, 1947, both dates inclusive; or

"'(2) shall have been voluntarily separated from the service between such dates if such officer or employee had accepted a position with a lower rate of basic salary, pay, or compensation after having been involuntarily separated (not by removal for cause on charges of misconduct or delinquency) between such dates from a position with a higher rate of basic salary, pay, or compensation, and was receiving less than such higher rate at the time of his voluntary separation, shall be paid an immediate life annuity beginning on the first day of the month following the date of final separation from the service. Such annuity shall have a value equal to an annuity computed as provided in section 4 of this Act reduced by one-sixth of 1 per centum for each full month any such officer or employee is (A) under the age of sixty years if he has rendered at least thirty years of service computed as prescribed in section 5 of this Act, or (B) under the age of sixty-two years if he has rendered less than thirty years of service computed as prescribed in section 5 of this Act.'"

And the Senate agree to the same.

HENRY M. JACKSON,
CARTER MANASCO,
LEO RAYFIEL,
EDWARD H. REES,
JOHN W. BYRNES,
Managers on the Part of the House.

SHERIDAN DOWNEY,
WALTER F. GEORGE,
HARRY F. BYRD,
WILLIAM LANGER,
THOS. C. HART,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4718) to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for certain officers and employees who have rendered at least 25 years of service, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment strikes out all of the House bill after the enacting clause. The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment, and that the Senate agree to the same.

The House bill added a new subsection to section 1 of the Civil Service Retirement Act of May 29, 1930. The Senate amendment adds a new proviso to section 7 (a) of such act. An employee retiring under section 1 of such act may elect to receive, in lieu of the full annuity to which he is entitled, a reduced annuity and an annuity after his death payable to his beneficiary. Employees retiring under section 7 (a) of such act have no such right of election. The conference substitute is the same as the House bill.

The Senate amendment provides that an officer or employee must have attained the age of 55 and have completed at least 25 years of service prior to involuntary separation from the service in order to be eligible for the retirement benefits of the proposed legislation. The House bill had no such age requirement; but extended the benefits of the bill to officers and employees who are voluntarily separated from the service if they have accepted positions with lower rates of basic compensation after having been involuntarily separated from positions with higher rates of basic compensation and were receiving less than such higher rates at the time of their voluntary separation. The conference substitute adopts the provisions of the Senate amendment with respect to the age requirement, but retains the language of the House bill with respect to voluntary separations.

The benefits of the House bill were limited to officers and employees separated from the service between August 14, 1945, and August 14, 1947, while the Senate amendment included officers and employees separated from the service between July 1, 1945, and June 30, 1947, both dates inclusive. The conference substitute adopts the Senate provision.

The House bill provided that annuity shall be paid beginning on the 1st day of the month following the date of separation from the service or the 1st day of the month following the date of enactment of the proposed legislation, whichever date is the later. The Senate amendment prescribes that the annuity shall, in every case, be paid beginning on the 1st day of the month following the date of separation from the service. The conference substitute follows the Senate amendment.

HENRY M. JACKSON,
CARTER MANASCO,
LEO RAYFIEL,
EDWARD H. REES,
JOHN W. BYRNES,
Managers on the Part of the House.

Mr. JACKSON. Mr. Speaker, this report simply modifies the bill as it passed the House. The House version provided for no age minimum on retirement. The Senate had a retirement age of 55. The Senate insisted on that and the House yielded. The report is unanimous. There are no requests for time and, therefore, Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

TRAINING OF OFFICERS IN THE NAVAL SERVICE

Mr. DREWRY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2304) providing for the training of officers in the naval service, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. COLE of New York. Mr. Speaker, I reserve the right to object.

Mr. DREWRY. Mr. Speaker, there is no objection to this bill except that there is an agreement by the members of the Committee that the gentleman from New York [Mr. COLE] be allowed to offer an amendment to section 16.

Mr. COLE of New York. Mr. Speaker, my purpose in reserving the right to object was to point out that the Senate bill being called up is identical to the bill which was reported by the Committee on Naval Affairs of the House except in some minor instances. The bill as reported by the House committee contains a section which was controversial. With the understanding that that section will be omitted from the Senate bill, there will be no objection to the consideration of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. DREWRY]?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a naval and Marine Corps officer candidate training program, supplementary to existing programs, is hereby established, which shall be administered by the Secretary of the Navy in accordance with the provisions of this act and with such regulations as the President may prescribe.

SEC. 2. No individual shall be enrolled in the training program which this act establishes unless (a) he be a male citizen of the United States; (b) with the consent of his parent or legal guardian in the case of a minor, he shall have entered into a contractual agreement with the Secretary of the Navy, acting for and on behalf of the United States, in which said individual obligates himself to the United States for such periods as may be necessary to effectuate the purposes of this act; and (c) he signs an agreement to accept a commission in the Navy or Marine Corps if offered and, having accepted such commission, he will, in the event of termination thereof, accept such commission in the organized Naval or Marine Corps Reserve that may be offered him and thereafter will not resign from the Reserve prior to the sixth anniversary of the date of rank stated in his original commission in the Regular Navy or Marine Corps. The Secretary of the Navy may release any individual from such obligation and separate the individual from the training program at any time that, in the opinion of the Secretary of the Navy, the best interest of the naval service requires such action.

SEC. 3. The Secretary of the Navy is authorized to enroll in the training program—

(a) any person (1) who, on May 1, 1946, was a member of the Naval Reserve Officers' Training Corps or (2) who subsequent to such date may be admitted to such corps and who will not be more than 25 years of age on July 1 of the calendar year in which eligible for appointment to commissioned ranks pursuant to subsection 6 (a). Upon enrollment such persons shall be appointed midshipmen in the Naval Reserve.

(b) as a naval aviation officer candidate (1) any high-school graduate or person of equivalent educational level, or any person who has completed satisfactorily less than two scholastic years' work in an accredited college or university, and who will not be more than 21 years and 6 months of age on July 1 of the calendar year of his appointment as midshipman as hereinafter prescribed; each such candidate shall be enlisted as an apprentice seaman, United States Naval Reserve, and shall, following enrollment, be required to attend such accredited college or university as may be authorized by the Secretary of the Navy as a regular student until he shall have satisfactorily completed not less than two scholastic years of work and in addition shall be required to participate in such military or civil aviation training activities as may be prescribed by the Secretary of the Navy; following the satisfactory completion of such scholastic work and aviation-training activities, such candidates shall be appointed midshipmen in the Navy and ordered to duty for flight training; (2) any member of the Naval Reserve Officers' Training Corps who has satisfactorily completed two scholastic years' training in such corps and any other person who shall have satisfactorily completed not less than two scholastic years' work in an accredited college or university, and any enlisted man of the Navy or Marine Corps who shall demonstrate by a test the attainment of an educational level equivalent to that of two scholastic years of work in an accredited college or university; such candidates shall be not more than 21 years and 6 months of age on July 1 of the calendar year of enrollment as an aviation officer candidate and, upon enrollment, shall be appointed midshipmen in the Navy and ordered to duty for flight training.

SEC. 4. Except as otherwise provided in this section, each midshipman appointed pursuant to part (a) of section 3, while continuing in such status, and each apprentice seaman enlisted pursuant to part (b) of section 3, until the completion of scholastic instruction, shall, except while on active duty, receive retainer pay at the rate of $600 per year and shall, in addition, be entitled to the benefits provided for him by section 10: *Provided*, That such benefits and retainer pay may be received by midshipmen appointed pursuant to part (a) of section 3 for a period not exceeding four academic years. Each midshipman and apprentice seaman enrolled pursuant to this act shall be entitled to an allowance for (a) initial travel to the college or university in which matriculated, (b) travel while under orders, and (c) travel upon discharge while in a noncommissioned status, in the manner and to the same extent provided for midshipmen at the United States Naval Academy: *Provided further*, That no allowance for travel upon discharge shall be paid if the dischargee continues his scholastic instruction at other than Government expense in the same college or university in which matriculated. While in flight training or on other flight duty midshipmen appointed under part (b) of section 3 shall be entitled to the pay and allowances now or hereafter provided by law for midshipmen under instruction at the United States Naval Academy and to the same percentage increases of their pay as are now or hereafter provided by law for officers of the Navy assigned to duty involving flying, and shall be issued at Government expense necessary uniforms and equipment as directed by the Secretary of the Navy.

SEC. 5. All midshipmen appointed under part (b) of section 3 may, upon satisfactory completion of flight training, be designated naval aviators and assigned to duty involving flying.

SEC. 6. (a) Midshipmen appointed pursuant to section 3 (a) may be commissioned as ensigns in the line of the Navy, second lieutenants in the Marine Corps, or with the rank of ensign in the appropriate commissioned grade in such staff corps of the Navy in which the rank of ensign is now or may hereafter be authorized, following the satisfactory completion of all the academic and naval science requirements of the established 4-year Naval Reserve Officers' Training Corps course.

2. Midshipmen appointed pursuant to section 3 (b) may be commissioned as ensigns in the line of the Navy or second lieutenants in the Marine Corps following the satisfactory completion of 2 years' flight training and flight duty as midshipmen as prescribed in part (b) of section 3 and in section 5.

(b) There may also be commissioned as ensign in the line of the Navy or second lieutenant in the Marine Corps, or with the rank of ensign in the appropriate commissioned grade in such staff corps of the Navy in which the rank of ensign is now or may hereafter be authorized, any male citizen of the United States who is not more than 25 years of age on July 1 of the calendar year in which appointed: (1) Who shall have satisfactorily completed a 4-year course at an accredited college or university, or (2) who is an enlisted man of the Navy or Marine Corps who shall demonstrate by a test the attainment of an educational level equivalent to that of an individual who has satisfactorily completed a 4-year course at an accredited college or university.

(c) Officers commissioned pursuant to this act in the rank of ensign in a staff corps shall be selected for appointment by a board of commissioned officers of the staff corps concerned.

(d) The date of rank stated in the commissions of officers commissioned in any year pursuant to the foregoing subsections of this section shall be the date of graduation of midshipmen from the Naval Academy in that year and all ensigns of the line of the Navy and second lieutenants of the Marine Corps of the same date of rank, upon being commissioned, shall have precedence among themselves in such order as may be determined by the Secretary of the Navy to insure that the precedence of the officers shall be in accord with their demonstrated performance regardless of the source from which prescribed, and giving due consideration to whatever differences may exist in the methods of assigning grades between the various education institutions at which the officers have been educated. Each officer commissioned in a staff corps of the Navy pursuant to the foregoing subsections of this section shall, upon being commissioned, have assigned as his running mate such line officer of the same rank and same date of rank as the Secretary of the Navy may determine.

SEC. 7. Any officer commissioned under subsection 1 of subsection 6 (a) or under subsection 6 (b) may, upon his own application, after not less than 15 months or 2 years, respectively, of satisfactory service as a commissioned officer, have his commission in the Regular Service terminated and be commissioned in the Naval Reserve or the Marine Corps Reserve and in the discretion of the Secretary of the Navy be released from active duty. The date of rank in such commission in a reserve component shall be the same as that of the commission previously held in the regular service.

SEC. 8. The Secretary of the Navy shall in each calendar year cause to be examined (a) the records of all ensigns of the line of the Navy and second lieutenants of the Marine Corps commissioned pursuant to subsection 2 of section 6 (a) who apply for retention in the Regular Service as permanent officers and who in the then current calendar year will reach the first anniversary of the date of rank stated in their respective commissions, selecting from among such officers the number that he may determine necessary for

retention, and (b) the records of all other officers appointed pursuant to this act who apply for retention in the Regular Service as permanent officers and who in the then current calendar year will reach the third anniversary of the date of rank stated in their respective commissions, selecting from among such officers the number that he may determine necessary for retention.

SEC. 9. (a) The commission of each officer commissioned pursuant to subsection 2 of section 6 (a) who, prior to June 1 of the calendar year following that in which commissioned, shall not have applied for retention in the regular service and of each officer not selected for retention under clause (a) of section 8 shall be terminated on June 30 of the appropriate calendar year. Upon termination of commission, each such officer who thereupon accepts appointment to commissioned rank in the Naval or Marine Corps Reserve may apply for and receive retainer pay at the rate of $100 for each calendar month or part thereof during which, while an officer of the Naval or Marine Corps Reserve, he pursues full-time instruction in an accredited college or university but not to exceed a total of $2,000, such instruction to commence not later than a date to be determined by the Secretary of the Navy; in addition, each such officer shall be entitled to the benefits provided for him by section 10 of this act.

(b) The commission of each officer commissioned pursuant to subsection 1 of section 6 (a) and pursuant to section 6 (b) who, prior to June 1 of the third calendar year following that in which commissioned, shall not have applied for retention in the regular service and of each officer not selected for retention under clause (b) of section 8 shall be terminated on June 30 of the appropriate calendar year. Upon termination of commission, each such officer may be commissioned in the Naval or Marine Corps Reserve in the grade of lieutenant (junior grade) or first lieutenant, as the case may be (if in a staff corps, with the rank of lieutenant (junior grade) in the grade appropriate to that rank) and to rank from a date 3 years after the date of rank stated in his original commission in the Regular Navy or Regular Marine Corps.

SEC. 10. The Secretary of the Navy may provide, by contract or otherwise, for payment of all expenses incident to the administration of this act, including but not limited to, payment for tuition, fees, books, and laboratory expenses of midshipmen in the Naval Reserve Officers' Training Corps, naval aviation officer candidates, and of officers released under subsection 9 (a) of this act.

SEC. 11. The Secretary of the Navy may, in his discretion, give to any enlisted man in the naval service or any male citizen who has had active military or naval service such advance standing in any program provided by this act as the previous education and training of such person justifies.

SEC. 12. The Secretary of the Navy, under such regulations as he may prescribe, may revoke the commission of any officer of the Regular Navy or the Regular Marine Corps who at the date of revocation has had less than 6 years of continuous service as a commissioned officer, and each officer whose commission is so revoked shall be discharged from the service without advance pay or allowances.

SEC. 13. National service life insurance in the amount of $10,000, the premiums for which shall be paid at Government expense, shall be issued to the following persons: (a) Apprentice seamen, United States Naval Reserve, enrolled as aviation officer candidates, at the commencement of flight-training activities and until the termination of their status as aviation officer candidates; (b) midshipmen, United States Navy, upon enrollment as aviation officer candidates and until the termination of that status; (c) midshipmen at the United States Naval Academy, at the commencement of flight-training activities and until the termination of their status as midshipmen. Upon being commissioned in the Regular Navy or Marine Corps such persons shall have the option of continuing such insurance at their own expense.

SEC. 14. In the event that the quota of midshipmen authorized by law to be appointed annually to the Naval Academy from (1) enlisted men of the United States Navy and Marine Corps, (2) enlisted men of the Naval Reserve or Marine Corps Reserve, or (3) by the President at large, is not filled, the Secretary of the Navy may fill the vacancies in such quota by appointing other candidates from any other of such sources who were found best qualified on examination for admission into the Academy and not otherwise appointed.

SEC. 15. Each midshipman hereafter appointed to the Naval Academy shall be required to sign an agreement that, in the event of the acceptance of his resignation from a commissioned status in the Regular Navy or Marine Corps prior to the sixth anniversary of his graduation from the Naval Academy, he will accept such commission in the Organized Naval or Marine Corps Reserve to which he may be appointed and will not resign from the Reserve prior to such sixth anniversary.

SEC. 16. (a) The act of December 20, 1917 (40 Stat. 430), as amended, is hereby further amended to read as follows: "There shall be allowed at the United States Naval Academy eight midshipmen for each Senator, Representative, Delegate in Congress, and Resident Commissioner from Puerto Rico, and from the District of Columbia, 160 appointed annually from enlisted men of the Navy and Marine Corps and 160 appointed annually from enlisted men of the Naval Reserve and Marine Corps Reserve by the Secretary of the Navy under similar conditions so far as applicable as prescribed by law for appointments from enlisted men of the Navy."

(b) Until the necessary additional physical facilities and teaching personnel at the Naval Academy are available in the opinion of the President, the latter may, in each year, specify the number and sources, of additional appointments as midshipmen herein authorized which may be made for the ensuing academic year.

SEC. 17. The President may appoint annually 75 midshipmen to the United States Naval Academy from among the sons of Army, Navy, and Marine Corps personnel.

SEC. 18. There are hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this act.

SEC. 19. (a) Subsection (a) of section 22 of the act of March 4, 1925 (43 Stat. 1276), as amended by the act of February 13, 1945 (Public Law No. 1, 79th Cong.), is hereby further amended by substituting for the words "fourteen thousand" in the last proviso thereof the words "fifteen thousand four hundred."

(b) Of the number of Naval Reserve Officers' Training Corps members authorized by subsection (a) of this section, not more than 14,000 shall at any one time be enrolled in the training program established by this act.

SEC. 20. No person shall be appointed assistant paymaster in the Navy who, on July 1 of the calendar year in which appointed will not be less than 21 or more than 25 years of age, nor until his physical, mental, and moral qualifications have been established to the satisfaction of the Secretary of the Navy.

SEC. 21. The following acts and parts of acts are hereby repealed:

(a) Section 2 of the act of May 6, 1932 (47 Stat. 149).

(b) Subsection (a) of section 14 of the act of June 23, 1938 (52 Stat. 951).

(c) Section 307 of the act of June 25, 1938 (52 Stat. 1182).

(d) Sections 2 and 3 of the act of January 30, 1941 (55 Stat. 4).

(e) Section 8 of the act of February 28, 1925 (43 Stat. 1082).

(f) Section 1379 of the Revised Statutes.

Mr. DREWRY. Mr. Speaker, S. 2304 is a bill to provide for the training of officers for the naval service, and for other purposes. The need for this legislation arises from the fact that the authorized line officer strength of the Navy has been established by the Congress at 35,000. The annual increment of junior officers to maintain this strength will be approximately four times the number that can be graduated from the United State Naval Academy. It is therefore essential that additional sources of officers be developed immediately.

The plan proposed in this bill is that the additional officers be educated at civilian colleges and universities under programs which make full use of the experience gained before and during World War II. We would utilize the NROTC, which is now firmly established in 52 colleges and universities throughout the country. We would continue, in a slightly modified form, the naval aviation preparatory program and the aviation cadet program, which have proved highly successful during the war. And we would permit the commissioning in the Navy and Marine Corps of certain other college graduates and enlisted men with comparable education who have special qualifications.

These three groups would supplement the output of the 4-year course at the Naval Academy, which would remain unchanged. Candidates from all four sources would be given identical commissions in the Regular Navy or Marine Corps, and would serve together on active duty for a period of from 15 months to 3 years. At the end of that time, the Navy would select, from those who desire to continue in the service, the number necessary to meet requirements. The others would be placed on inactive duty for an extended period of service in the Organized Reserves.

This plan is definitely practical. It can be operated without any expansion of the Navy Academy, although the Naval Affairs Committee believes with the Navy Department that it would be desirable to increase the size of the Academy to the point where Academy graduates would constitute approximately one-half of the junior officers joining the fleet. It utilizes the facilities of accredited colleges and universities throughout the United States, thus avoiding the great expense of attempting to duplicate such facilities at the Naval Academy or elsewhere. And by using these facilities, it permits flexibility in the size of the program. We avoid the risk of building an enormous educational plant at Government expense and finding at some later date, that a substantial portion of it is no longer required.

The evidence presented to the Naval Affairs Committee in extended hearings also proves conclusively that the plan as a whole will effectively meet its objectives. Although there was some skepticism at the beginning, the committee

now agrees with the Navy Department that the principle of procuring officers from several sources, and merging them into the Regular Navy through a period of common service experience, is sound. Fleet Admiral Chester W. Nimitz has made a striking statement on this point. He says:

> A team is strengthened rather than weakened by having members with different qualifications and different aptitudes. A graduate of the University of California or Princeton can be quite as valuable to the Navy as a graduate of the Naval Academy, and the Navy as a whole will benefit by having both on the same team.
>
> The peacetime Navy, as it is now being reorganized under recent legislation, will be such a team. We are now in the process of transferring to the Regular Navy thousands of Reserve officers who have proved their competence in the war. I believe it will be a strong Navy, carrying forward with undiminished vigor the high tradition of the past, and approaching new problems with flexibility of mind that comes from variety of experience and of outlook. The Holloway Board plan, embodied in this bill, will perpetuate the advantages of bringing into the Navy men with civilian as well as strictly naval backgrounds.

The committeee concurs in this view, which has also been expressed by the Secretary of the Navy, the Chief of Naval Personnel, the members of the Holloway Board which was composed of both civilian and naval members and which drew up the plan for the Navy Department, and a number of distinguished educators who appeared before the committee.

In brief, H. R. 5426 contains the following provisions:

First. Members of the Naval Reserve Officers' Training Corps, to a maximum number of 14,000, will be given free tuition, fees, books, and uniforms while pursuing a 4-year college course, including 24-semester hours of instruction in naval science, at one of the 52 NROTC colleges. They will also receive retainer pay at the rate of $50 per month. In return for these advantages, they will agree to serve three full summers on active duty on ships or at naval shore establishments before graduation, and then to serve not less than 6 years in the Navy or Marine Corps, of which at least 15 months will be on active duty immediately after commissioning. Candidates for the NROTC will be selected on the basis of a Nation-wide examination and approval by State or regional selection boards similar to those established for the V–12 program during the war. The number from each State will be proportional to the number of high-school graduates in that State. Special quotas will also be established for enlisted men of the Navy and Marine Corps.

Second. Aviation candidates will attend accredited colleges of their own choice for 2 years, with free tuition, fees, books, and $50 a month retainer pay. At the end of that time, they will enter flight training, since they will be approximately 20 years old, by far the best age to enter such training. After 3 years of service in the Regular Navy or Marine Corps, they will be selected to continue in the Navy or to go into the Naval Reserve. If they remain in the Navy, they will receive 2 years of college-level education at the Naval Academy or a similar school; if they go into the Reserve, they will be aided in completing their college education at civilian institutions of their own choice to the extent of free tuition, fees, and books, and $100 per month. Aviation candidates, like NROTC candidates, will be selected by a Nation-wide examination and by regional selection boards, which will take into consideration their aptitude for flight. Quotas will be established for enlisted men of the Navy and Marine Corps.

Third. Civilian graduates of colleges and universities, and enlisted men of the Navy and Marine Corps who have the equivalent of a college education, may be commissioned to meet special requirements established by the Navy and Marine Corps.

As I have said, this bill makes no change in the 4-year course at the Naval Academy or in the method of congressional appointments. The committee felt it wise, however, to insert a provision that the number of congressional appointments will be increased if and when the facilities of the Naval Academy are expanded.

The Navy Department has estimated that the proposed plan, including an increase in the size of the Naval Academy, if approved in subsequent legislation, will cost approximately $49,000,000 per year. This figure is misleading, however, when applied directly to the programs authorized in this bill and not covered or paralleled in previous legislation. The only new items not authorized for previous peacetime programs are the college training of the aviation candidates, a portion of the college expenses of NROTC candidates, and the expense of indoctrination for men commissioned directly from college. The annual cost of these portions of the program, when all provisions of this bill are in effect, will be approximately $24,500,000. Because the number of trainees entering the program with full financial aid during the year beginning July 1, 1946, will be well below the authorized total, the Navy Department has informed us that no additional funds will be required in the budget for the next fiscal year. The Congress will be called upon merely to authorize the shifting of certain funds among authorized appropriations.

This bill, in the view of the committee, has several outstanding merits. It is thoroughly democratic, in that it broadens the base from which future officers of the Navy will come. Every qualified young man in the United States will have an opportunity through this program to become a naval officer. It also offers the opportunity to every accredited college and university of the Nation to contribute toward the education of naval officers. For this reason, the bill has the support of the American Council on Education, which officially represents the colleges, and has been strongly advocated before the committee by such distinguished college presidents as Frank P. Graham, of the University of North Carolina; James P. Baxter II, of Williams College; Frederick A. Middlebush, of the University of Missouri; Edmund E. Day, of Cornell University; Leonard Carmichael, of Tufts College; Henry T. Heald, of the Illinois Institute of Technology; and Father Edward V. Stanford, rector of Augustinian College, in Washington.

The committee believes, with the Navy Department, that the bill will meet the Navy's needs without resorting to any untried measure. Every element in the plan has been tested and found successful. Through the Naval Academy, NROTC, the aviation program, and the commissioning of specially qualified college graduates, the Navy will secure a continuing supply of fully qualified officers from sources sufficiently varied to insure flexibility adequate to meet any emergency. These programs will also provide a constantly replenished reservoir of young, vigorous Reserve officers. Furthermore, the Navy will always have a large number of qualified junior officers for short-term service, thus permitting promotions in reasonably short times without building up an unduly large retired list. All these advantages will accrue at a minimum cost to the Government.

After extended hearings and thorough investigation, the Naval Affairs Committee has concluded that there is no satisfactory alternative to the program embodied in this bill. We urge approval by the House. Furthermore, we urge immediate action, in order that this plan may be put into effect in the fall of this year for the 10,000 officer candidates now under instruction. We must avoid any interval of confusion and disruption between the Navy's wartime officer candidate programs, which end this summer, and a comprehensive peacetime program which will protect our national security in the future. As the Secretary of the Navy said a few days ago:

> There may never be another opportunity, such as we have had twice in the last generation, to train officers after an emergency has come.

Mr. COLE of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. COLE of New York: On page 13, strike all of section 16.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 5426) was laid on the table.

OFFICE OF NAVAL RESEARCH IN THE DEPARTMENT OF THE NAVY

Mr. DREWRY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5911) entitled "An act to establish an Office of Naval Research in the Department of the Navy," with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 4, after "initiation", insert "and."

Page 2, line 5, strike out "and control."

Page 2, line 5, strike out "all."

Page 2, lines 23 and 24, strike out "in addition, report to the Chief of Naval Operations, and shall."

Page 4, line 17, after "5", insert "(a)."

Page 5, after line 5, insert:

"(b) Any funds appropriated to enable the Office of Naval Research to carry out its functions as provided for herein shall, if obligated during the fiscal year for which appropriated, remain available for expenditure for 4 years following the expiration of the fiscal year for which appropriated. After such a 4-year period, the unexpended balances of appropriations shall be carried to the surplus fund and covered into the Treasury."

Page 5, lines 9 and 10, strike out "(acting through and under the Chief of Naval Research)."

Page 6, after line 3, insert:

"SEC. 7. The Secretary of the Navy is authorized to transfer to the Office of Naval Research, as in his judgment may be necessary and appropriate, such research and development functions as are now assigned to the various bureaus and other agencies and offices of the Navy Department, together with any or all personnel, buildings, facilities, and other property used in the administration thereof, including without limitation the Special Devices Division and the Naval Research Laboratory."

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. DREWRY]?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, this bill as amended by the Senate is in substantially the same form as passed by the House and the Senate amendments are acceptable.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. DREWRY]?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

REHABILITATION ON THE ISLAND OF GUAM

Mr. DREWRY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1466) authorizing rehabilitation on the island of Guam.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, the House committee reported a bill covering the same subject matter, authorizing $15,000,000. The Senate bill which it is now asked to be considered, authorizes $6,000,000 for the same purpose, to rehabilitate the island of Guam. It is our purpose to accept the Senate authorization of $6,000,000 and to yield on the $15,000,000.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. DREWRY[?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to construct such permanent facilities for the civil populace of the island of Guam as he may deem necessary for their economic rehabilitation at a cost not to exceed $6,000,000 in aggregate amount.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to effectuate the purpose of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

ACQUISITION OF CERTAIN LANDS ON THE ISLAND OF GUAM

Mr. DREWRY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2246) to authorize the Secretary of the Navy to acquire in fee or otherwise certain lands and rights in land on the island of Guam, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, as indicated by the title, the purpose of the bill is to authorize the Secretary of the Navy to acquire additional lands in Guam for two purposes. One, to make available for the Navy lands which can be exchanged for lands confiscated under private ownership because of the war operations, and also to make available to the Navy lands which can be used for the construction of naval establishments and military works on the island.

I should like to point out that this is the first time the Navy Department has requested of Congress authority to fortify the island of Guam. This grant of authorization to acquire lands is the initial step to that end.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to acquire in the name, and for the use, of the United States, by purchase or otherwise, land and rights pertaining thereto situated on or within the island of Guam, including interests in fee, leasehold interests with or without option to purchase interests in fee, and rights-of-way and easements both temporary and perpetual for highways, drainage system, water supply and water distribution facilities, power lines, communication systems, and communication distribution facilities, upon conveyance of title acceptable to him or to such other officer as he may designate without regard to and notwithstanding section 355 of the Revised Statutes, as amended (U. S. C. A., title 40, sec. 255), or any other provision of law requiring approval of title by the Attorney General of the United States. The authority contained herein may include, but shall not be limited to, acquisitions for the purpose set forth in Public Law 225 of the Seventy-ninth Congress, approved November 15, 1945.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,630,000 to effectuate the purposes of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 6547) was laid on the table.

EXTENSION OF REMARKS

Mr. BARRY asked and was given permission to extend his remarks in the RECORD and include a short letter written by himself.

Mr. SAVAGE asked and was given permission to extend his remarks in the RECORD and include a column from the Southern Teamster in the remarks he made on the OPA conference report.

UNIFORM ADMINISTRATION OF EFFICIENCY RATINGS

Mr. JACKSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5590, an act to provide for the uniform administration of efficiency ratings, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

After line 15, insert:

"SEC. 2. The provisions of this act shall be effective upon enactment, except that, with respect to employees in the field services whose positions are not subject to the Classification Act of 1923, as amended, such of the provisions of section 9 of the Classification Act of 1923, as amended, as require the Civil Service Commission to approve reductions in compensation and dismissals for inefficiency, or confer the right to a hearing and review of efficiency ratings by boards of review, shall not become effective until such boards of review in the field services are established as provided in section 7 of the act of November 26, 1940 (54 Stat. 1215), under regulations prescribed by the Civil Service Commission, with the approval of the President."

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

RESOLUTION LAID ON THE TABLE

The SPEAKER. Without objection, House Resolution 638 will be laid upon the table.

There was no objection.

EXTENSION OF REMARKS

Mr. WASIELEWSKI asked and was given permission to extend his remarks in six separate instances and to include a newspaper article in each.

Mr. SOMERS of New York asked and was given permission to extend his remarks and include a short editorial.

Mr. WOODRUFF (at the request of Mr. MICHENER) was given permission to extend his own remarks in the RECORD and include an editorial.

Mr. KNUTSON (at the request of Mr. MICHENER) was given permission to extend his remarks in two instances and include articles.

Mr. PITTENGER (at the request of Mr. MICHENER) was given permission to extend his remarks in the RECORD and include newspaper items.

Mr. McDONOUGH asked and was given permission to extend his remarks

in the Appendix of the RECORD and include a Nation-wide survey of the veterans' housing program.

Mr. WEICHEL (at the request of Mr. REED of Illinois) was given permission to extend his remarks in the RECORD and include newspaper articles.

Mr. D'EWART asked and was given permission to extend his remarks in the Appendix of the RECORD and include certain remarks he made in connection with REA.

Mr. McCORMACK asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial recently appearing in the Boston Globe.

EXPLANATION

Mr. BRYSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BRYSON. Mr. Speaker, I have been in my district over the week end. I started back in ample time to be here to vote for House Joint Resolution 371. Unfortunately, the plane on which I was to have traveled was grounded south of my city and there was no other way to travel, so I was a bit late. I arranged by wire, however, for a live pair with my distinguished colleague the gentleman from South Carolina [Mr. RIVERS].

Had I been present I would have voted for the passage of the measure.

SPECIAL ORDERS GRANTED

Mr. GORE. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today at the conclusion of the other special orders.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes today following the other special orders and to include a telegram from the Federation of Labor regarding the bill to provide cars for amputees.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, I have a special order of 10 minutes today. I ask unanimous consent that it may be vacated and transferred to tomorrow, following the legislative business of the day and special orders heretofore granted.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. RAMEY. Mr. Speaker, I ask unanimous consent that the special order I had to address the House for 30 minutes today may be transferred to a week from today, following the legislative business of the day and other special orders heretofore entered for that day.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. Under the previous order of the House, the gentleman from Indiana [Mr. MADDEN] is recognized for 30 minutes.

LEGISLATIVE PROBLEMS FACING THE CONGRESS

Mr. MADDEN. Mr. Speaker, the American people are more interested in congressional legislation today than at any time in our history. Two generations of Americans now living have suffered and endured the sacrifice and grief of two World Wars. The veterans, their families, and all other Americans are concerned with discussions and agreements between nations which will guarantee to their children and future generations a permanent peace.

The Seventy-ninth Congress has been in session almost continually since January 3, 1945. This Congress has been called upon to solve unprecedented domestic and international problems which are the natural aftermath of a world war.

It is the duty of every citizen to give serious thought to the problems which confront our Government. After all, the decisions of Congress is a reflection of public opinion back home.

PERMANENT PEACE

It is my belief that our people have not forgotten the sad and costly lesson they learned by following the pathway of isolation after World War I. This fact was demonstrated over a year ago when 51 nations sent delegates to San Francisco to write a United Nations Charter for a new world organization to insure future peace. From now on the one supreme task not only of America but of every nation is to build a new world relationship on a foundation of just social, economic, and spiritual principles. Law must take the place of brute force everywhere. Understanding and mutual helpfulness must gradually smother the fires of class and racial hate, suspicion, and fear.

We stand at this moment in the dark dawn of a new age. For the first time in the long and tragic history of man we face a task which only the entire human race, working together, can finish.

Every brave boy who paid the supreme sacrifice in war did so with the thought that the future generations would not be called upon to repeat the destruction and slaughter of another world conflict.

In the preliminary meetings already held by the United Nations delegates difficult problems have been solved, but we must realize that we are pioneering in the art of world arbitration—the road will not be smooth. Time and experience will gradually educate the nations of the world as to the necessity of compromise and mutual understanding.

Our greatest obligations to the World War II veteran and future generations is to do everything possible to construct barriers against the possibility of World War III. Our Government has already assumed its rightful place of world leadership, and it would be a calamity if we retreated at this time.

TRADE AND COMMERCE

Last week the Congress passed the resolution ratifying the British loan. One of the prime reasons for favorable action on this loan was that international trade, on a sound and nondiscriminatory basis among nations is the best preventative of an economic war which might be the seed for future armed conflict.

The A. F. of L., CIO, chambers of commerce of the United States, American Bankers Association, several Farm Bureau groups, and about 50 other outstanding national organizations ratified the British loan proposal as not only good business for America, but a forward step in international cooperation.

The testimony of witnesses, experienced in finance and international commerce, who appeared before the Banking and Currency Committee, revealed the necessity of reestablishing Britain and her colonies so they can resume their former export and import business with America. Furthermore, without England as a member of the Bretton Woods financial agreement, it would be impossible for America to support a world bank alone. Financial isolation would cripple American industry, destroy the hope of full employment, and our much-needed, after-war prosperity.

DOMESTIC PROBLEMS

Many people recollect the period of inflation and industrial strife which our country endured after World War I. This abnormal condition threw our economy off its equilibrium and brought us the fabulous years of real estate and stock market speculation which led us to the crash of October 1929, and four sad years of panic and depression. That was truly the "boom and bust" period. I am fearful that the unfortunate policies of the 1920's may be reestablished. We must not set into motion the forces of inflation as there will be but one result—the most chaotic depression this country has ever known. The American people are entitled to a firm assurance from Congress that rents and the prices of food, clothing, and other essentials will be held in line. These controls should not be removed until this war emergency has passed and the supply can meet the consumers' demand.

Unfortunately sufficient Members on the Democratic side of the House joined the great majority of the Republicans to pass crippling amendments to the price control bill.

In 1945 the Federal Reserve Board and the Bureau of Agricultural Economics made a survey to determine the annual income levels of the Nation's families. Their report follows:

One out of five families (approximately 9,300,000 families), under $1,000 a year.

One out of two families (12,400,000 families), under $2,000 a year.

Two out of three families (10,300,000 families), less than $3,000 per year.

Seven million families, less than $4,000 per year.

Three million one hundred thousand families, less than $5,000 per year.

Two million two hundred thousand families, less than $7,500 per year.

The study showed that savings, to an even greater extent than incomes, were concentrated in relatively few hands. In the first low-income group set out above, the report showed that these families

spent more than they earned in 1945, thus dipping into their past savings to make both ends meet. Their liquid assets, on the average, were $20 per family. This group offers little market for anything except the bare necessities of life; and a sharp rise in prices would eliminate approximately 30,000,000 families as possible purchasers for automobiles, refrigerators, washing machines, and so forth.

The above should convince the average manufacturer and retailer that an effective OPA is their greatest insurance policy for prosperity.

It is amusing to observe that individuals and pressure groups who oppose price control have in the past consistently fought the demand for increased wages. It is fundamental that higher wages to the workers of America is of no value if living costs continue to rise. This would create a vicious cycle which will end only in industrial ruination and chaos.

MINIMUM WAGE

The minimum-wage legislation which we are now trying to bring on the floor of the House by a discharge petition should have been passed by this Congress long ago. This legislation would have given millions of our citizens the right to earn enough to provide adequate food, clothing, recreation, and security for themselves and their families. It would add to national contentment and prosperity.

FEPC

Two years ago both political parties incorporated in their platforms a program calling for the abolition of discrimination in employment. This legislation outlawed the injection into our economy of racial or religious prejudice as a yardstick for the right to secure a job.

It is my firm belief that had Congress enacted President Truman's legislative recommendations on full employment, minimum wages, FEPC, social security, and other progressive measures, most of our industrial and management's disputes of the last year would have been averted.

VETERANS

This Congress can indeed be proud of the legislation is has passed in behalf of the war veteran. Although legislation of this magnitude is not perfect, nevertheless, Congress has willingly amended and revised parts of this legislation whenever the necessity arises or requested by the Veterans' Administration. It is indeed a difficult task to properly administer to over 12,000,000 veterans without mistakes and inequalities. Time does not permit me to review the extended provisions of veterans' legislation passed by this Congress.

Owing to curtailment of building material to civilians during the war period, home building was suspended almost 5 years. When the war ceased, millions of veterans returned to their homes to face the problem of an already acute housing shortage. The Congress has made every effort to bring about mass production of houses in the shortest possible time to provide homes for the veterans and their families. The accomplishment of this task will require patience and sacrifice, not only on the part of the veterans, but also civilians, and industrial management.

Unfortunately the veterans' housing legislation was sadly crippled by the defeat of the provisions for ample subsidies for building materials. In spite of the above mentioned handicaps, surprising progress is being made in the difficult task of providing homes for veterans.

Our greatest housing problem and bottleneck today is the lack of low-priced houses now under construction. Bankers and government officials have had to tell many veterans that a man who cannot afford more than $40 a month rent, is ill-advised to buy a house costing more than $5,000. The original goal of building half of the new houses to sell for $5,000 or less, has been abandoned as building costs have gone up. Instead of $5,000, the price of what is called low-cost housing has been raised to $8,000 or $9,000.

I hope the Congress does not recess for the summer without acting favorably upon the pending Wagner-Ellender-Taft housing bill. At present, construction is being channeled into speculative building for quick sale and most of the houses will meet a minimum standard of quality.

LABOR

Over 2 years ago, Congress enacted the so-called Smith-Connally bill for the purpose of curbing industrial difficulties and strikes. This legislation proved to be a great mistake and a failure. Its sponsors have openly admitted that it was ill-advised and impractical. Recently during the confusion and frenzy incident to numerous labor-management disputes, the Congress passed the so-called Case bill. This legislation would practically nullify the National Labor Relations Act and the Norris-LaGuardia Anti-Injunction Act. If this bill became a law, labor would lose almost all the gains it has made during the last 15 years. President Truman vetoed the Case bill and the Congress sustained his veto by only a margin of 5 votes. The Case bill was overwhelmingly supported—152 to 16—by Republican Members of the House. Had this legislation become a law, it would have haunted its sponsors, contributed to industrial strife, and postponed reconversion and peacetime prosperity indefinitely.

SOCIAL SECURITY

The Committee on Ways and Means has, for a number of weeks, been holding hearings on legislation calling for the expansion of our social-security program. Numerous witnesses from all parts of the country testified, urging the necessity for an expansion and complete revision of our social-security laws. Unfortunately the committee has reported out a bill which fails to deal with the most important aspects of social-security expansion. It is my firm hope that one of the first acts of the new Congress will be to pass comprehensive and broad legislation dealing with social security.

Our democracy can thrive only when it adequately respects and preserves the dignity of the common people. Only by strengthening and upholding the economic freedom, independence, and self-respect of the aged, the individual and the family, can we guard democracy against the world-wide challenge of communism and socialism.

AGRICULTURE

For the first time in our history, farm income has risen more rapidly than the income of any other group in our economy. The farmers of America should not forget the deplorable 1920's when they paid a great penalty for governmental misrule.

In 1932, corn was selling for 8 cents a bushel, wheat for 32 cents, and milk for $1.08 per hundredweight. We will recollect in the Middle West farmers gathered in certain localities and defied judges and lawyers against foreclosure proceedings on their farms. Since March 4, 1933, our Government has cooperated in every way with the farm organizations in America to enact laws and inaugurate policies which has placed agriculture on its present high pedestal of prosperity.

UNITED NATIONS

The future of modern civilization is dependent upon the success of the United Nations organization. This experiment in world government to prevent war must function carefully until firmly established.

The United Nations eventually must enforce the principles of the Atlantic Charter. There can be no permanent peace unless liberty and self-government is given to all nations, great and small. Freedom's greatest ally is the truth. One of the future tasks of United Nations organization is to give the world true information on freedom and self-government in Poland, Czecloslovakia, Italy, Romania, Hungary, Yugoslavia, Lithuania, Greece, and other Balkan areas where oppression might furnish the seed for future conflict. This equally applies for the necessity to establish a permanent Jewish homeland in Palestine.

This organization must start to enforce the provisions of the Atlantic Charter. Aggression on the part of any nation will eventually culminate in another terrible war.

The United Nations must exercise vision, courage, and world leadership now to establish respect and permanence. It must succeed or America, the world, and future generations will live under the dark cloud of fear, suspicion, world insecurity, and the constant threat of war.

The SPEAKER. Under the previous order of the House, the gentleman from Tennessee [Mr. GORE] is recognized for 10 minutes.

AMENDMENTS TO SOCIAL SECURITY ACT

Mr. GORE. Mr. Speaker, on tomorrow, as I understand the present plans, it is anticipated that we shall consider a resolution, or rule, determining the manner of considering a bill amending the Social Security Act. The mere fact that Congress is to consider amending the Social Security Act and to consider the question of increasing direly needed benefits to the needy old people of the country and the blind and the dependent children must gladden the hearts, mus

kindle a flame of hope in the hearts of these unfortunate people; but, Mr. Speaker, that hope will be dimmed in the hearts of those needy people in a great many States and turned into disappointment, disillusionment, and despair if the rule which is proposed is not amended because it is a closed rule, closed tight, airtight, closed so tight that, if adopted unamended, the membership will foreclose themselves from offering amendments or even considering amendments. Indeed, they will foreclose themselves from any opportunity to give adequate consideration to the needs of the millions of these unfortunate of our citizens.

These people who have reached the evening shadows of life and face stark want, these people with unseeing eyes, these dependent children, unable now to speak for themselves, deserve better treatment at our hands. Shall we, by our own votes, put upon ourselves a yoke of impotency to give succor to the wants of the poor old, blind, and dependent children? Not I, Mr. Speaker.

Mr. RAMEY. Mr. Speaker, will the gentleman yield?

Mr. GORE. I yield to the gentleman from Ohio.

Mr. RAMEY. I agree in toto with what the gentleman says. However, is there any need for the Congress having to shackle itself? Have we not an opportunity to take the shackles off and enact proper legislation?

Mr. GORE. We will be afforded the opportunity of determining the manner in which we will consider this bill. The Congress is the master of itself tomorrow on this question. The issue will be between adequate consideration of a problem vital to millions of American people and an inadequate consideration, indeed, a denial of an opportunity to consider. It is also a denial of the rights of these needy old people, the dependent and blind, to have their problems considered by the Congress.

An effort will be made to vote down the previous question on the rule which, if voted by a majority of the Congress, will make the rule subject to amendment and thereby the Congress itself can determine how we will consider this question. The issue is plain. It is an issue between a careful, full consideration of the country's social security needs by Congress on the one hand and a hasty go-home, quick abandonment of our responsibility on the other. It is an issue between tying our own hands or keeping them free to work our majority will on questions affecting the millions of American citizens concerned with social security. It is an issue between fair and more equitable treatment of the country's needy old, the blind, the dependent children, or in increasing the existing discrimination and unequal treatment. Indeed, Mr. Speaker, it is an issue between giving adequate consideration to a vital question and a self-imposed denial of an opportunity to do so.

Even if we, the Members of this body, were willing to deny ourselves the right of full consideration of this question, I say we should not deny the right of these millions of needy old people, the dependent children, and the helpless sightless to have their problems considered by the Congress. This is their problem as well as ours, and I dare say more pressing to them.

Mr. WASIELEWSKI. Mr. Speaker, will the gentleman yield?

Mr. GORE. I yield to the gentleman from Wisconsin.

Mr. WASIELEWSKI. The bill that comes before the House tomorrow provides for an increase in the grants that the Federal Government will make from $20 to $25 and the State is to match the payments made by the Federal Government. There are many States, however, that have not been taking advantage of the full amount that the Federal Government is contributing today.

Mr. GORE. And for that reason it is a snare and a delusion to hold out this hope to the needy old people in those States where the State governments cannot even match that which is already available. How does it cperate? It operates only to bring increased benefits to those people who live in States that have already qualified, or in the future qualify, to meet the matching requirements. The program would begin October 1. Only a few States are now qualified to take advantage of the increased benefits and a great many States simply cannot qualify. The bill results in 90 percent of the new Federal expenditures under present circumstances going to five States; in fact nearly half going to one State; while the increase for 17 States is exactly zero.

Mr. WASIELEWSKI. Early in the first session of the Seventy-ninth Congress $50,000 was appropriated by the House for the Ways and Means Committee to make a comprehensive study of the social-security structure.

A committee of experts has been working on this matter for over a year and a half. Last January they brought in a comprehensive study under the leadership of Commander Calhoun, and the committee then went into hearings on this matter late in February and concluded its hearings, I think, early in June. But we were interrupted repeatedly with other important legislation, and as a result the committee has not had adequate time to make a full evaluation of the recommendations of its experts. This legislation is merely temporary to carry us over into the next session when it is expected that a comprehensive social-security study will be made by the committee and a total revision of the whole act will be made. We did not feel that it would be proper for us to do this job in a piecemeal fashion, and for that reason this bill will probably, on its face, seem inadequate and probably is inadequate but was introduced because this was all that could be brought out at this time without getting into an extended controversy.

Mr. GORE. The gentleman is a member of the great Committee on Ways and Means which is headed by a great citizen, a gentleman who is held in the highest esteem, love, and respect by this body, the gentleman from North Carolina, the Honorable ROBERT L. DOUGHTON.

It is true that the Congress authorized this committee to expend $50,000 for the employment of a technical staff to study the social-security program and to make recommendations for needed changes. The gentleman says that this staff of experts gave to the committee a comprehensive report away back last January. And yet, the gentleman pleads inadequate time for consideration. I do not wish to criticize the gentleman's committee; I think it is one of the great committees of the House; but the Congress and the country have a right to expect of the committee expeditious consideration of a problem so pressing as the need for amendments to the Social Security Act. The record of the gentleman's fine committee, however, is not as laggard as this colloquy thus far would indicate, because on July 1 his committee reported a bill much more comprehensive than the one for which a closed rule will be proposed tomorrow. This was H. R. 6911 and, although it did not go far enough, it was a great improvement over the bill which his committee reported on July 15. For reasons unknown to me, the gentleman's committee reversed its position within this 2-week period which, incidentally, shows that the gentleman's committee can act with dispatch under certain circumstances. I think the first bill which the gentleman's committee reported received the most careful consideration. Indeed, according to the gentleman's statement, his committee considered the question for 5 months and then after this diligent consideration reported H. R. 6911, so this bill must have represented the best judgment of the Ways and Means Committee. I am not acquainted with the executive sessions of the gentleman's committee, but I have heard it said several times that H. R. 6911 was reported by the Ways and Means Committee by the overwhelming vote of 17 to 8. On the other hand, the last bill reported by the committee on which a closed rule is now reported of necessity must have been conceived rather hastily.

So, Mr. Speaker, the Ways and Means Committee has reported two bills amending the Social Security Act within a 2-week period. It is unreasonable, then, to ask that the House be allowed to consider the contents of both of these bills? This seems entirely reasonable. And, yet, by the rule we would not only be denied the right to consider both bills but we would not even be allowed to select the bill which must have represented the best judgment of the Ways and Means Committee after an unusually long period of consideration.

If the rule is amended so as to permit it, I propose to offer H. R. 6911, the better and more comprehensive of the two bills reported by the Ways and Means Committee, as a substitute for the hastily contrived, inadequate bill, H. R. 7037, which only worsens the existing unfairness and inequity.

H. R. 7037 is wholly inadequate. It gives more to those who need it less, and nothing to those who need help most.

It increases the present inequity and discrimination in treatment of the country's needy citizens.

It increases rather than diminishes the disparity in the amount of Federal grants for old-age assistance, aid to the blind, and aid for dependent children.

It will do nothing to help raise the admittedly inadequate assistance payments in those low-income States which are unable to match Federal funds already available.

It but beguiles the majority of our old citizens and the blind by showing them the promised land which they can never reach because they live in the wrong State.

It is contrary to every sound principle of social justice, equality of treatment, public finance, and national policy.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. GORE. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. GORE. I yield to the gentleman from Kansas.

Mr. REES of Kansas. I am in accord with the gentleman's view that this legislation should not come before the House under a closed rule. I have at other times objected or found fault with the Committee on Ways and Means for bringing legislation to the floor under a closed rule. But I think that this legislation, of all legislation that we have had, ought to come out on the floor and be fully and completely discussed, and above all things, the Members ought to certainly have a right to offer amendments. As the gentleman has suggested, the only way to get at it now is to vote down the previous question on the rule. I think also that it is extremely unfortunate that this great committee of ours, for whose members we have the highest respect, should bring this legislation to the floor at this late hour. It should have come up before now so that we would have had a chance to get at it and discuss it and know what it contains, because as I view it, in looking at the tables already placed in the RECORD it is certainly inequitable.

Mr. GORE. The able gentleman is eminently correct. You know, when I hear it said here that this great House of Representatives cannot consider by an open rule a bill dealing with the Social Security program, I wonder how the great august body on the other side of the Capitol ever manages to pass a Social Security bill. They have no gag rules. They have open debate. Cloture is only voted about once every decade. They can consider any and all amendments that any Member offers. And yet, by some legislative miracle I suppose, they succeed in passing every bill that becomes law. I resist the suggestion that this House is incapable of giving adequate consideration to a measure so vitally affecting millions of people.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GORE. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Can the gentleman tell me, is there a provision in the bill that would allow the widows of veterans to collect the sums that would be due their husbands if they had lived?

Mr. GORE. I yield to the gentleman from Wisconsin.

Mr. WASIELEWSKI. Yes; it gives them the same rights as would go to anyone under the Social Security Act.

Mrs. ROGERS of Massachusetts. I mean that if the veteran had lived he probably would have had certain moneys coming to him. This bill takes care of that? Up to now the widow could not collect that money.

Mr. WASIELEWSKI. It takes care of his social-security credit for 3 years after he leaves the Army.

Mrs. ROGERS of Massachusetts. Then it accrues to her?

Mr. WASIELEWSKI. That is right.

Mr. GORE. Both H. R. 6911 and H. R. 7037 contain these provisions. And I understand that a separate bill embodying those features of this bill which affect veterans passed the Senate. It could be called up by the Chairman and I am sure passed by unanimous consent.

Mrs. ROGERS of Massachusetts. I have introduced a bill myself for that purpose, in connection with the accrued money.

Mr. GORE. I congratulate the gentlewoman.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. GORE. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Do I correctly understand this bill will not be subject to amendment under the rule?

Mr. GORE. If the rule is adopted unamended, but I propose that we vote down the previous question in order that we can offer amendments to this bill, which is vital to our people. Even if we ourselves are willing to foreclose our own rights, we ought not to be willing to foredoom the right of these needy people to have the problem of increasing their benefits considered in the House.

Mr. SMITH of Ohio. I am not defending a closed rule, but it is a fact that this whole problem of social security is extraordinarily intricate and complicated. It is not an easy matter to understand unless you make a special study of it. Is not that a fact?

Mr. GORE. It certainly is, but I think the gentleman from Ohio and every Member of this House have made a special study, because it affects so vitally the people whom they represent. I know the gentleman, for instance, has given long hours of study to the whole question of social security in order that he can represent the best interests of the many elder citizens in his district who need assistance and also the best interests of his blind and dependent children constituents.

Mr. SMITH of Ohio. Yes, but the gentleman from Ohio does not claim to understand it.

Mr. GORE. The gentleman is modest.

Mr. HOBBS. Mr. Speaker, will the gentleman yield?

Mr. GORE. I yield to the gentleman from Alabama.

Mr. HOBBS. I simply wish to voice my appreciation, both personally and officially, for the leadership which the distinguished gentleman from Tennessee is giving us in this matter. I hope that he may rally the support which I am sure his zeal and his knowledge of this subject challenge and demand.

Mr. GORE. I thank the distinguished gentleman from Alabama. His great State, for instance, would receive only a measly $4,000 increase over the 1943–44 rate of Federal expenditure for old age assistance for the entire State. This might be a nickel apiece.

Before going further I would like to insert a table which shows the actual amount of increased Federal expenditure provided for each State by H. R. 7037 for old age assistance.

State:	*Increase over 1943–44 rate of expenditure*
Alabama	$4,000
Alaska	25,000
Arizona	355,000
Arkansas	----------
California	13,031,000
Colorado	1,496,000
Connecticut	200,000
Delaware	----------
District of Columbia	5,000
Florida	----------
Georgia	----------
Hawaii	----------
Idaho	14,000
Illinois	271,000
Indiana	----------
Iowa	146,000
Kansas	302,000
Kentucky	----------
Louisiana	126,000
Maine	8,000
Maryland	2,000
Massachusetts	4,969,000
Michigan	72,000
Minnesota	40,000
Mississippi	----------
Missouri	----------
Montana	10,000
Nebraska	----------
Nevada	82,000
New Hampshire	6,000
New Jersey	$250,000
New Mexico	155,000
New York	2,810,000
North Carolina	----------
North Dakota	32,000
Ohio	32,000
Oklahoma	60,000
Oregon	71,000
Pennsylvania	58,000
Rhode Island	85,000
South Carolina	----------
South Dakota	----------
Tennessee	----------
Texas	----------
Utah	326,000
Vermont	----------
Virginia	----------
Washington	2,200,000
West Virginia	----------
Wisconsin	34,000
Wyoming	6,000
Total	27,289,000

Source: Social Security Board.

Mr. Speaker, I submit that this is wrong; that by this bill the gross inequity now prevailing is only made worse.

I am not opposed to providing an increased Federal grant to the more favored States, nor am I trying to defeat it. Indeed, I favor a greater increase than is provided in H. R. 7037. H. R. 6911 provides larger increases in benefits for all States than H. R. 7037, but recognizes, also, differences in the ability of

the States to finance their share of public assistance.

I object, and I think my objection is reasoned, to any bill which further increases the disparity, inequity, and unfair discrimination by the Federal Government between its citizens. Already the Federal Government is paying more than three times as much in assistance grants to citizens of one State as to citizens of some other State. Under the 50–50 matching system the Federal Government grants most assistance to the States which need it least and grants least to the States which need it most. Both the Social Security Board and the committee's technical staff recommended that the formula be modified so as to correct these gross inequities. After long and diligent consideration, the Ways and Means Committee itself said in its report on July 1, 1946:

Increase in Federal share in low-income States: Federal grants-in-aid for public assistance are intended to help in aiding needy aged and blind persons and dependent children in all parts of the country and to some extent to equalize the financial burden throughout the Nation. The present system of equal matching, however, has not adequately fulfilled these objectives. The present 50-percent basis for Federal participation does not recognize differences in the ability of States to finance public assistance, nor does it recognize the greater incidence of poverty in States with low economic resources. To assist their needy people, the low-income States must make greater tax effort than States with larger resources where relatively fewer persons are in need. This is illustrated by the fact that, in 1942, the latest year for which complete information is available, two-thirds of the States with less than average per capita income appreciably exceeded the average for all States in tax effort to finance the special types of public assistance. In contrast, only one-sixth of the States with per capita income above the national average exerted above-average tax efforts for this purpose.

The variable matching formula is not a perfect method for allocation of Federal funds for old-age assistance, but, at least, it is an improvement over the present method, and an even greater improvement over the provision of H. R. 7037. It is a step in the direction of equality of treatment.

I would like to quote an explanation of the variable matching formula from the Ways and Means Committee report of July 1:

For States with per capita income below the average for the Nation, the committee proposes an increase in the proportion of assistance costs borne by the Federal Government. The share of the cost to be paid by each low-income State will depend upon how its per capita income compares with that for the country as a whole. The State proportion will be equal to one-half the percentage which its per capita income is of the national per capita income. For example, a State whose per capita income is only 80 percent of the national per capita income would contribute 40 percent of its expenditures for assistance; the Federal share would be 60 percent in this State. All States whose per capita income falls below two-thirds of the national per capita income will pay 33⅓ percent of assistance costs from State and local funds and will receive 66⅔ percent of such costs from Federal funds.

No change in relative State and Federal shares of assistance payments is proposed for the States with per capita income equal to or greater than that for the Nation. In no State will the increased Federal share apply to individual payments in excess of $60 in old-age assistance and aid to the blind, and, in aid to dependent children, in excess of $27 for the first child in the home and $18 for each additional child. Though the Federal Government stands ready to pay a larger percentage of the cost of individual payments in low than in high-income States, it will not contribute a larger sum to any payment in low-income States than in those with relatively more resources.

The bill provides that the relative State and Federal shares shall be published by the Social Security Board in even-numbered years, to take effect the following July, so that the public-assistance agencies and State legislatures will have ample time to plan their requirements and to make appropriations. Legislatures in 39 States meet only every other year in odd-numbered years. Such shares shall be determined on the basis of the per capita income figures determined by the Department of Commerce and shall be computed from figures for the three most recent years for which data are available. The percentages of Federal and State participation, based on per capita income data for the 3 years 1941 to 1943, are given for each State in table 1.

The variable matching formula would give additional Federal funds, varying in amounts, to 31 States. These States and the proportion of Federal assistance funds under H. R. 6911 are as follows:

Federal proportion under H. R. 6911

Alabama	66⅔
Arizona	59
Arkansas	66⅔
Colorado	53
Florida	60
Georgia	66⅔
Idaho	55
Iowa	53
Kansas	54
Kentucky	66⅔
Louisiana	66⅔
Maine	53
Minnesota	56
Mississippi	66⅔
Missouri	56
Nebraska	57
New Hampshire	58
New Mexico	66⅔
North Carolina	66⅔
North Dakota	57
Oklahoma	66⅔
South Carolina	66⅔
South Dakota	60
Tennessee	66⅔
Texas	62
Utah	52
Vermont	57
Virginia	59
West Virginia	66
Wisconsin	52
Wyoming	52

Both H. R. 6911 and H. R. 7037 contain provisions relating to World War II veterans and unemployment compensation for maritime workers.

There is another big difference, however, between H. R. 6911 and H. R. 7037. H. R. 6911 provides an increase in the Federal contribution of from $20 to $30 to those States which will match same, while H. R. 7037 increases the Federal contribution to $25. In order that the Members may see just how H. R. 6911 would apply to each State, I am inserting below the amount of Federal expenditures for old-age assistance to each State in the 1943–44 period, and the amount which would be provided by H. R. 6911:

Old-age assistance from Federal funds in 1943–44 and under H. R. 6911

State	1943–44	H. R. 6911	H. R. 6911 increase to each State
Total	$326,870,000	$428,444,000	$101,574,000
Alabama	2,325,000	4,650,000	2,325,000
Alaska	253,000	273,000	20,000
Arizona	2,185,000	3,153,000	968,000
Arkansas	2,470,000	4,944,000	2,474,000
California	36,522,000	52,038,000	15,517,000
Colorado	8,907,000	11,390,000	2,482,000
Connecticut	2,798,000	3,090,000	292,000
Delaware	139,000	139,000	0
District of Columbia	497,000	501,000	4,000
Florida	4,272,000	6,414,000	2,142,000
Georgia	4,412,000	8,827,000	4,415,000
Hawaii	171,000	171,000	0
Idaho	1,683,000	2,055,000	373,000
Illinois	24,609,000	25,706,000	1,097,000
Indiana	8,601,000	8,601,000	0
Iowa	8,268,000	9,446,000	1,177,000
Kansas	4,617,000	5,706,000	1,089,000
Kentucky	3,408,000	6,816,000	3,408,000
Louisiana	4,633,000	9,457,000	4,824,000
Maine	2,273,000	2,564,000	291,000
Maryland	1,884,000	1,919,000	35,000
Massachusetts	16,261,000	20,236,000	3,975,000
Michigan	14,742,000	15,179,000	437,000
Minnesota	9,658,000	12,299,000	2,638,000
Mississippi	1,462,000	2,922,000	1,461,000
Missouri	13,382,000	17,031,000	3,648,000
Montana	1,886,000	1,946,000	60,000
Nebraska	3,948,000	5,236,000	1,283,000
Nevada	457,000	528,000	72,000
New Hampshire	1,082,600	1,496,000	414,000
New Jersey	4,003,000	4,203,000	200,000
New Mexico	920,000	1,846,000	926,000
New York	20,205,000	22,458,000	2,253,000
North Carolina	2,276,000	4,549,000	2,273,000
North Dakota	1,380,000	1,865,000	485,000
Ohio	21,390,000	21,710,000	320,000
Oklahoma	11,409,000	22,812,000	11,403,000
Oregon	3,525,000	3,731,000	206,000
Pennsylvania	14,872,000	15,250,000	378,000
Rhode Island	1,271,000	1,339,000	69,000
South Carolina	1,667,600	3,336,000	1,668,000
South Dakota	1,796,000	2,695,000	899,000
Tennessee	3,693,000	7,380,000	3,686,000
Texas	22,357,000	36,509,000	14,153,000
Utah	2,828,000	3,452,000	625,000
Vermont	627,000	831,000	204,000
Virginia	1,185,000	1,706,000	521,000
Washington	13,537,000	15,582,000	2,045,000
West Virginia	1,741,000	3,380,000	1,639,000
Wisconsin	7,743,000	8,383,000	641,000
Wyoming	640,000	694,000	53,000

While H. R. 7037 provides a freezing of the social security tax rate, H. R. 6911 provides that the social security tax rate be modestly increased. That, too, was recommended by the supporting staff which the Ways and Means Committee employed. Along with the recommendations of the committee's technical staff and of the social security order, I hold it imperative that the social security tax rate undergo a gradual increase. Other Members, however, may feel differently about this question. Surely this simple question of whether the social security tax rate should be increased is not too complicated for the Congress to pass judgment upon it. I see no reason why we should deny or shield ourselves the responsibility of reaching a decision upon the question apart from other considerations. If the rule is amended so as to permit it, the majority could easily determine this question. That is our right and that is our responsibility.

Mr. Speaker, I see no reason why we should be asked to delegate all responsibility for righting the country's social-security laws to one committee and then gag our own selves out of an opportunity to represent the will of our constituents on so vital a subject.

EXTENSION OF REMARKS

Mr. VOORHIS of California asked and was given permission to extend his remarks in the RECORD and include a letter and a petition.

Mr. WHITE. Mr. Speaker, on June 13, at page 6882 of the RECORD, and on June 14, at page 6971 of the RECORD, I was given permission to extend my remarks. I ask unanimous consent to extend that permission granted previously.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER. Under previous order of the House, the gentlewoman from Massachusetts is recognized for 3 minutes.

DISABLED VETERANS

Mrs. ROGERS of Massachusetts. Mr. Speaker, the following telegram has come to me from Mr. W. C. Hushing, chairman, national legislative committee, American Federation of Labor:

Because of the fact that many of our million and a half members who served in the armed services are amputees and as a humanitarian act of justice to all amputees the American Federation of Labor approves H. R. 6304 now before the House Committee on World War Veterans legislation and hopes that you will use every effort possible to secure enactment by Congress.

Mr. Speaker, the American Federation of Labor has endorsed this measure a number of times and, as was stated, has done a great deal of work for it just as have members of the CIO. Mr. Speaker, the chairman of the Committee on World War Veterans' Legislation said that he is going to call the members of the committee together and has received permission from the House for the committee to sit while the House is in session in order to consider legislation for the amputees and paraplegics.

Mr. Speaker, while we were at war these halls rang and rang and rang with speeches about our love and gratitude to our veterans we promised so much. Mr. Speaker, today, these halls ring, ring, and ring with speeches about loans to England and loans to other countries and gifts to other countries, about our debt to other countries, and there are hours and hours and hours of debate upon those measures and the benefits that should be given to other countries. What about the debt to our own? Even our Committee on World War Veterans' Legislation spent an entire morning 2 days ago on legislation to help the Filipino. That was administration "must" legislation. What is being done for our own amputees? The administration should make that "must" legislation.

Mr. Speaker, our disabled are being forgotten during this past year. We are doing very little in the way of benefits for them. We spend no time in debate upon them. Comparatively, we have done so much more for the able-bodied than for the disabled. They are our first duty and our great and endless responsibility. They ought to be our first privilege and not just a duty or an obligation. Mr. Speaker, I hope this will be the last speech I will have to make in appealing for help for the amputees and the paraplegics, the men whom it will be too late to help as they should be helped. These men need proper conveyances at once in order to get to and from their work. Many of these boys are not going to be able to wear their artificial legs for 2 years.

The Veterans of Foreign Wars have suggested a bill which I introduced today and which they call the VFW's bill for amputees and which they endorse. Its objective is the same as 6304 only they leave out the cash payment provision of 6304. The bill reads as follows. They are forward looking as always:

A bill to authorize the Administrator of Veterans' Affairs to furnish funds for the purchase of an automobile by certain disabled veterans and for other purposes

Be it enacted, etc., That there shall be available to any veteran having a service incurred disability due to loss, or loss of use of, one or more limbs, a credit not to exceed $1,500 toward the purchase price of an automobile, which amount shall be payable to the seller by the Veterans' Administration upon the submission of evidence as to the value of the automobile involved, the terms of the sales agreement, and evidence that a good title will pass to the veteran upon complete settlement of the purchase price: *Provided*, That the Administrator may issue such rules and regulations as may be appropriate to accomplish the purpose of the act which is to facilitate the rehabilitation of such veterans by enabling them to purchase an automobile for their own use: *And provided further*, That only one such payment on the purchase price on an automobile shall be made for the benefit of any one veteran.

SEC. 2. The penal provisions under Public Law No. 2, Seventy-third Congress, as amended, shall be for application under this act.

The SPEAKER. The time of the gentlewoman from Massachusetts has expired.

Mrs ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for another minute.

The SPEAKER. Without objection, the gentlewoman may proceed for an additional minute.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I hope I will not have to ask for any more time upon this subject after this.

Mr. RAMEY. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Ohio.

Mr. RAMEY. Is the Committee on World War Veterans' Legislation going to meet tomorrow morning? I have not been notified, but I understand that the committee is going to meet tomorrow morning.

Mrs. ROGERS of Massachusetts. I hope so, in order that a bill may be brought up and passed. A bill for this purpose has been before the committee for months. May I say to the gentleman from Ohio that it is incredible to me that something should not be done to rehabilitate these veterans. In 2 years the stumps of their legs will be in better condition and they may then perhaps be able to walk to their jobs. By then they may have better artificial legs. Many can never walk. It is just a matter of rehabilitation, a matter of their treatment. The condition of the servicemen's amputations are different from that of civilian amputations. Their injuries are different and last longer. Many doctors and many persons in the armed services have expressed a great hope that this bill will pass. It is just a question of giving the men prosthetic appliances, an added crutch for awhile. I do not and cannot believe that the Congress will adjourn sine die without doing justice or at least a measure of justice to these men. Persons stop me and ask, Has Congress a heart? This is not a matter of just the heart. It is a matter of the head. But has Congress a heart? Has it?

The letter referred to is as follows:

JUNE 26, 1946.

Representative EDITH NOURSE ROGERS,
House Office Building,
Washington, D. C.

MY DEAR MRS. ROGERS: Regarding your bill now before Congress which would provide, at Government expense, specially equipped automobiles for amputees and paralyzed veterans of World War II.

As delegate to the county convention on the Democratic Party ticket to represent ward 1, district 44 here in Detroit, I speak not only for myself but for all the people in my ward and district, when I say that we heartily approve of this bill.

I have, at various meetings, asked the people of my county to write to their Congressmen in favor of your bill. Naturally, I have also written personally to my own Congressman, GEORGE D. O'BRIEN, pleading for the passage of this bill.

Inasmuch as I feel that you did an unusually fine thing to introduce this bill, I wish to give you all the support I can. Please advise in what manner I can further help.

Sincerely,

DOROTHY SCHOENBRUN.

DETROIT, MICH.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2142. An act to provide for two heads of departments of military science and tactics in the public schools of the District of Columbia; and

S. 2352. An act to authorize increases in the salary rates of teachers, school officers, and other employees of the Board of Education of the District of Columbia whose pay is fixed and regulated by the District of Columbia Teachers' Salary Act of 1945, as amended.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 1151. An act for the relief of the legal guardian of James Lemuel Muzzall, a minor;

H. R. 1754. An act for the relief of Edwin Doyle Parrish;

H. R. 4590. An act to authorize the use by industry of silver held or owned by the United States, and for other purposes;

H. R. 4616. An act for the relief of the Maryland Sanitary Manufacturing Corp. of Baltimore, Md.;

H. R. 5025. An act for the relief of Mrs. Opal Riley and Robert R. Riley;

H. R. 5053. An act for the relief of the estate of Jasper A. Mealer;

H. R. 5508. An act to authorize the return of the Grand River Dam project to the Grand River Dam Authority and the adjustment and settlement of accounts between the Au-

thority and the United States, and for other purposes;

H. R. 6371. An act to amend certain provisions of the National Service Life Insurance Act of 1940, as amended, and for other purposes;

H. R. 6372. An act to amend the Federal Credit Union Act;

H. R. 6532. An act to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes;

H. R. 6739. An act making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1947, and for other purposes;

H. R. 6885. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1947, and for other purposes;

H. R. 6983. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in any and all claims which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, or any tribe or band thereof, may have against the United States, and for other purposes; and

H. R. 7052. An act to amend the Internal Revenue Code, and for other purposes.

ADJOURNMENT

Mr. GORE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 3 minutes p. m.) the House adjourned until tomorrow, Wednesday, July 24, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10 a. m. on Wednesday, July 24, 1946, for consideration of H. R. 6952.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1473. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1947 in the amount of $600,000 for the Department of Commerce (H. Doc. No. 712); to the Committee on Appropriations and ordered to be printed.

1474. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 17, 1946, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of McCraney Creek, Hadley Creek, Kiser Creek, Six Mile Creek, and Bay Creek, and their tributaries in Pike County, Ill., authorized by the Flood Control Act approved on June 28, 1938 (H. Doc. No. 713); to the Committee on Flood Control and ordered to be printed, with two illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JARMAN: Committee on Printing. House Concurrent Resolution 160. Concurrent resolution authorizing the printing of the handbook entitled "Laws Relating to the Physically Handicapped" as a House document, and providing for additional copies thereof; without amendment (Rept. No. 2630). Referred to the House Calendar.

Mr. D'EWART: Committee on the Public Lands. H. R. 6896. A bill to grant to the city of Miles City, State of Montana, certain land in Custer County, Mont., for industrial and recreational purposes and as a museum site; with amendment (Rept. No. 2631). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs. H. R. 5361. A bill to permit the city of New York to maintain a road over Federal land; with amendments (Rept. No. 2633). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs. H. R. 5692. A bill to relinquish the mineral rights of the United States under certain lands in the country of Santa Barbara, Calif.; with amendments (Rept. No. 2634). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs. H. R. 7063. A bill to provide for the selection for elimination and retirement of officers of the Regular Army, for the equalization of retirement benefits for members of the Army of the United States, and for other purposes; with amendments (Rept. No. 2635). Referred to the Committee of the Whole House on the State of the Union.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2637. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. PETERSON of Florida: Committee on the Public Lands. H. R. 5125. A bill to establish the Castle Clinton National Monument, in the city of New York, and for other purposes; with amendment (Rept. No. 2638). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on World War Veterans' Legislation. S. 2235. An act to provide a system of relief for veterans, and dependents of veterans, who served during World War II in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the armed forces of the United States pursuant to the military order of July 26, 1941, of the President of the United States, and for other purposes; with amendments (Rept. No. 2640). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on the Merchant Marine and Fisheries submits a report pursuant to House Resolution 38 (79th Cong., 1st sess.), investigation of the Colonial Navigation Co. (Rept. No. 2643). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLOOM: Committee on Foreign Affairs. House Joint Resolution 387. Joint resolution granting permission to Thomas Parran, Surgeon General of the Public Health Service; Rolla E. Dyer, Assistant Surgeon General, Public Health Service; Howard F. Smith, Assistant Surgeon General, Public Health Service; Herbert A. Spencer, medical director, Public Health Service; Vance B. Murray, medical director, Public Health Service; and Gilbert L. Dunnahoo, medical director, Public Health Service, to accept and wear certain decorations bestowed upon them by France, Cuba, Mexico, Chile, Finland, and Luang-Prabang; without amendment (Rept. No. 2632). Referred to the Committee of the Whole House.

Mr. MAY: Committee on Military Affairs. H. R. 1471. A bill for the relief of Nicholas Sevaljevick, now known as Nicholas Hornacky; without amendment (Rept. No. 2639). Referred to the Committee of the Whole House.

Mr. MAY: Committee on Military Affairs. H. R. 976. A bill for the relief of Chet Walker; without amendment (Rept. No. 2641). Referred to the Committee of the Whole House.

Mr. MAY: Committee on Military Affairs. H. R. 2622. A bill for the relief of George N. Cox, Jr.; without amendment (Rept. 2642). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIEMILLER:

H. R. 7108. A bill to promote the general welfare of the people of the United States by establishing a publicly supported labor extension program for wage and salary earners, and for other purposes; to the Committee on Labor.

By Mr. CHAPMAN:

H. R. 7109. A bill to amend section 6 of Public Law No. 516 of the Seventy-ninth Congress, approved July 16, 1946; to the Committee on Interstate and Foreign Commerce.

By Mr. KEFAUVER:

H. R. 7110. A bill to promote the general welfare of the people of the United States by establishing a publicly supported labor extension program for wage and salary earners, and for other purposes; to the Committee on Labor.

By Mr. WHITE:

H. R. 7111. A bill to provide for the protection of forests against destructive insects and diseases, and for other purposes; to the Committee on Agriculture.

By Mr. FARRINGTON:

H. R. 7112. A bill to amend section 307 of chapter XV, Public Law No. 299, of August 7, 1939, providing for the administration of the United States courts (53 Stat. 1223; title 28, sec. 449, U. S. C.); to the Committee on the Judiciary.

By Mrs. DOUGLAS of California:

H. R. 7113. A bill to promote the general welfare of the people of the United States by establishing a publicly supported labor extension program for wage and salary earners, and for other purposes; to the Committee on Labor.

By Mr. SMITH of Virginia:

H. R. 7114. A bill to amend the act entitled "An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925; to the Committee on the District of Columbia.

By Mrs. ROGERS of Massachusetts:

H. R. 7115. A bill to authorize the Administrator of Veterans' Affairs to furnish funds for the purchase of an automobile by certain disabled veterans, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. JARMAN:

H. Con. Res. 163. Concurrent resolution authorizing the printing of a revised edition of the Biographical Directory of the American Congress up to and including the Eightieth Congress; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOLLIVER:

H. R. 7116. A bill for the relief of the Garner Auto Co.; to the Committee on Claims.

By Mr. FARRINGTON:

H. R. 7117. A bill for the relief of Mrs. Lo Chin Shee; to the Committee on Immigration and Naturalization.

By Mr. KING:

H. R. 7118. A bill for the relief of Mrs. Helen Almond; to the Committee on Claims.

By Mr. ROGERS of New York:

H. R. 7119. A bill for the relief of Mrs. Shizuye Mayemura and Atsuko Mayeda; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2120. By Mr. VOORHIS of California: Petition of Frances Muir Pomeroy and 23 others, all citizens of California, urging passage of legislation by Congress (H. J. Res. 325), which would authorize the President and Secretary of Agriculture to issue directives preventing the use of grain for beverage purposes until the world's food shortage is relieved; to the Committee on Agriculture.

2121. Also, petition of Mae Robinson and 43 others, all citizens of Kansas, urging passage sage of legislation by Congress (H. J. Res. 325), which would authorize the President and Secretary of Agriculture to issue directives preventing the use of grain for beverage purposes until the world's food shortage is relieved; to the Committee on Agriculture.

SENATE

WEDNESDAY, JULY 24, 1946

(Legislative day of Friday, July 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Edward Gardiner Latch, D. D., minister, Metropolitan Memorial Methodist Church, Washington, D. C., offered the following prayer:

O eternal God, who art man's rock of refuge in every age, without whom no one is strong and no one is secure, we pray that our lives may be built not upon the shifting sands of those who hear Thy word and do it not but upon the eternal rock of those who hear Thy word and do it daily. So we dedicate ourselves to Thee in body, in mind, and in spirit.

Keep our hearts, O God, in the realm of the spirit where love abides, where wisdom abounds, where insight is inspiration, and where desire is devotion to the highest. Help us courageously to contend against all evil, to make no peace with oppression, to be just to all men, and to so use our freedom that men everywhere may be free. By Thy spirit may we learn to love mercy, do justly, and walk humbly with Thee.

We pray in the name of Him who ever summons us to life that is noble and true and just, our Lord and Master, Jesus Christ. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar days Monday, July 22, and Tuesday, July 23, 1946, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1466. An act authorizing rehabilitation on the island of Guam; and

S. 2246. An act to authorize the Secretary of the Navy to acquire in fee or otherwise certain lands and rights in land on the island of Guam, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5590) to provide for the uniform administration of efficiency ratings.

The message further announced that the House had severally agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 5311. An act to amend Revised Statutes, 4921 (U. S. C. A., title 35, Patents, sec. 70), providing that damages be ascertained on the basis of compensation for infringement; and

H. R. 5911. An act to establish an Office of Naval Research in the Department of the Navy; to plan, foster, and encourage scientific research in recognition of its paramount importance as related to the maintenance of future naval power, and the preservation of national security; to provide within the Department of the Navy a single office, which, by contract and otherwise, shall be able to obtain, coordinate, and make available to all bureaus and activities of the Department of the Navy, world-wide scientific information and the necessary services for conducting specialized and imaginative research; to establish a Naval Research Advisory Committee consisting of persons preeminent in the fields of science and research, to consult with and advise the chief of such office in matters pertaining to research.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 78) for the relief of the estate of William Edward Oates.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2091) for the relief of Joseph E. Bennett.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4718) to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for certain officers and employees who have rendered at least 25 years of service.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 305) providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 6702) to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MANASCO, Mr. WHITTINGTON, Mr. HART, Mr. HOFFMAN of Michigan, and Mr. BENDER were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAY, Mr. THOMASON, Mr. BROOKS, Mr. ARENDS, and Mr. CLASON were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 160) authorizing the printing of the handbook entitled "Laws Relating to the Physically Handicapped" as a House document, and providing for additional copies thereof, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on July 23, 1946, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 346. An act to amend section 21 of the act of May 28, 1896 (29 Stat. 184; 28 U. S. C., sec. 597) prescribing fees of United States commissioners;

S. 920. An act to fix the salaries of certain judges of the United States;

S. 1801. An act authorizing the appointment of an additional judge for the district of Delaware;

S. 2142. An act to provide for two heads of departments of military science and tactics in the public schools of the District of Columbia;

S. 2352. An act to authorize increases in the salary rates of teachers, school officers, and other employees of the Board of Education of the District of Columbia whose pay is fixed and regulated by the District of Columbia Teachers' Salary Act of 1945, as amended;

S. 2372. An act to authorize the Secretary of the Interior to construct the Lewiston Orchards project, Idaho, in accordance with the Federal reclamation laws; and

S. J. Res. 4. Joint resolution authorizing the erection on public grounds in Springerville, Ariz., of a memorial to Gustav Becker.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

AMENDMENT TO INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the International Organizations Immunities Act (with an accompanying paper); to the Committee on Finance.

PERSONNEL REQUIREMENTS

A letter from the President of the United States Civil Service Commission, transmitting, pursuant to law, an estimate of personnel requirements for that Commission for the second quarter of the fiscal year 1947 (with accompanying papers); to the Committee on Civil Service.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Association of Commerce, Paducah, Ky., relating to the approval by the Civil Aeronautics Board of schedules of intrastate air-line service by the Bluegrass Airline, Kentucky; to the Committee on Commerce.

A letter in the nature of a petition from E. C. Morrow, of Portland, Maine, relating to civil-service regulations governing the employment of substitutes in place of veterans of World War II; to the Committee on Civil Service.

A petition of sundry citizens of Los Angeles County, Calif., praying for the enactment of legislation to continue the Office of Price Administration; ordered to lie on the table.

A letter in the nature of a petition from Paul A. Strachan, president, American Federation of the Physically Handicapped, Inc., relating to Public Law 176, providing National Employ the Physically Handicapped Week; ordered to lie on the table.

A telegram in the nature of a memorial, from the National Retail Furniture Association, by Leo J. Heer, vice president, Washington, D. C., remonstrating against the averaging provisions of section 10, paragraph T, of House Joint Resolution 37, providing for the continuation of price control; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CONNALLY, from the Committee on Foreign Relations:

H. R. 6646. A bill to establish the Office of Under Secretary of State for Economic Affairs; without amendment (Rept. No. 1824).

By Mr. MURRAY, from the Committee on Foreign Relations:

H. R. 2871. A bill to create a commission to be known as the Alaskan International Highway Commission; without amendment (Rept. No. 1825).

By Mr. McCARRAN, from the Committee on the Judiciary:

S. 1650. A bill to provide for the incorporation of the National Women's Relief Corps, Auxiliary to the Grand Army of the Republic, organized 1883, 62 years old; with an amendment (Rept. No. 1826);

S. 2127. A bill to create an Evacuation Claims Commission under the general supervision of the Secretary of the Interior, and to provide for the powers, duties, and functions thereof, and for other purposes; without amendment (Rept. No. 1827); and

S. 2442. A bill to supersede the provisions of Reorganization Plan No. 3 of 1946 by reestablishing the offices of registers of land offices, and providing for appointment of the Director and Associate Director of the Bureau of Land Management, and for other purposes; with amendments (Rept. No. 1828).

By Mr. RADCLIFFE, from the Committee on Banking and Currency:

H. R. 4428. A bill to adjust the rate of dividends paid by the Federal Savings and Loan Insurance Corporation on its capital stock and to decrease the premium charge for its insurance; with amendments (Rept. No. 1829).

By Mr. BUSHFIELD, from the Committee on Indian Affairs:

S. 2426. A bill providing for the conveyance to the city of Canton, S. Dak., of the Canton Insane Asylum, located in Lincoln County, S. Dak.; without amendment (Rept. No. 1830).

PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT NO. 244, REPORT OF JOINT COMMITTEE ON INVESTIGATION OF PEARL HARBOR ATTACK

Mr. HAYDEN. Mr. President, from the Committee on Printing, I ask unanimous consent to report favorably, without amendment, Senate Concurrent Resolution 74, submitted by the Senator from Kentucky [Mr. BARKLEY] on July 23, 1946, and I request its immediate consideration.

There being no objection, the concurrent resolution was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 8,000 additional copies of Senate Document No. 244, being the report of the Joint Committee on the Investigation of the Pearl Harbor Attack pursuant to Senate Concurrent Resolution 27, a concurrent resolution to investigate the attack on Pearl Harbor on December 7, 1941, and events and circumstances relating thereto, including the additional views of Mr. KEEFE and the minority views of Mr. FERGUSON and Mr. BREWSTER, of which 6,000 copies shall be for the use of the said joint committee, 1,000 copies for the use of the Senate document room, and 1,000 copies for the use of the House document room.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted a report thereon pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MEAD:

S. 2470. A bill for the relief of Elizabeth Krebs; and

S. 2471. A bill for the relief of Mrs. Jacinta Santos Harn, Dr. Charles S. Harn, Helen Harn, Winifred Mary Harn, and James Harn; to the Committee on Immigration.

By Mr. GEORGE:

S. 2472. A bill to amend Public Law 291, the so-called International Organizations Immunities Act, approved December 29, 1945; to the Committee on Finance.

By Mr. BYRD:

S. 2473. A bill to authorize the acquisition of land for addition to the Fredericksburg National Cemetery; to the Committee on Military Affairs.

By Mr. THOMAS of Utah:

S. 2474. A bill to create the Medical Service Corps in the Medical Department of the Army, and for other purposes; and

S. 2475. A bill to establish the Women's Army Corps in the Regular Army, in the Officers' Reserve Corps, and in the Enlisted Reserve Corps, and for other purposes; to the Committee on Military Affairs.

By Mr. MAGNUSON:

S. 2476. A bill granting the consent of Congress to the State of Washington to construct, maintain, and operate a free highway bridge across Port Washington Narrows between Bremerton, Wash., and Manette, Wash., and for other purposes; to the Committee on Commerce.

By Mr. MORSE (for himself, Mr. GEORGE, Mr. JOHNSON of Colorado, Mr. FULBRIGHT, Mr. CORDON, Mr. STEWART, and Mr. HILL):

S. 2477. A bill to authorize the Veterans' Administration to reimburse State and local agencies for expenses incurred in rendering services in connection with the administration of certain training programs for veterans, and for other purposes; to the Committee on Finance.

INVESTIGATION OF CONTROL BY FEDERAL COMMUNICATIONS COMMISSION OF RADIO BROADCASTING PROGRAMS

Mr. TOBEY submitted the following resolution (S. Res. 307), which was referred to the Committee on Interstate Commerce:

Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation with respect to (1) the exercise of control by the Federal Communications Commission over radio broadcasting programs and the extent to which said Commission claims to have the right, and exercises the right, to censor or control the operating and program policies of radio broadcasting stations, and the extent to which such censorship or control has restricted or may restrict freedom of speech in radio broadcasting as guaranteed by the Constitution of the United States; (2) the effect upon the public interest of such censorship and control or attempted censorship or control; (3) the manner in which the Commission has administered the matter of allocation of frequencies to broadcasting stations; (4) the effect which the Commission's order transferring frequency modulation from its former position in the radio spectrum would have on the rural population of our States and whether there is not involved discrimination against the farmers of America in the matter of facilities for radio reception; (5) the matter of allocation of frequencies to that type of broadcasting known as frequency modulation, and the effect of the recent reallocation of frequencies to such type of broadcasting stations, and the reasons therefor, together with the matter of the effect of such reallocation on the public and the radio and

broadcasting industries and also the effect thereof on the measure or extent of control generally of radio broadcasting by said Federal Communications Commission; and (6) the administration generally by the Federal Communications Commission of those provisions of the Communications Act of 1934, as amended, which relate in any manner to radio communication. The committee shall report to the Senate, at the earliest practicable date, the results of its investigation, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-ninth and succeeding Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such records, transcripts, correspondence, books, papers, rules and regulations, orders, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of —— cents per hundred words. The expenses of the committee, which shall not exceed ——— dollars, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

INVESTIGATION OF SENATORIAL CAMPAIGN CONTRIBUTIONS AND EXPENDITURES—INCREASE IN LIMIT OF EXPENDITURES

Mr. JOHNSON of Colorado submitted the following resolution (S. Res. 308), which was referred to the Committee To Audit and Control the Contingent Expenses of the Senate:

Resolved, That the special committee authorized by Senate Resolution 224, Seventy-ninth Congress, to investigate senatorial campaign contributions and expenditures in the 1946 elections is authorized to expend from the contingent fund of the Senate $40,000 in addition to the amount heretofore authorized for the same purpose.

INVESTIGATION OF NATIONAL DEFENSE PROGRAM—INCREASE IN LIMIT OF EXPENDITURES

Mr. MEAD submitted the following resolution (S. Res. 309), which was referred to the Committee To Audit and Control the Contingent Expenses of the Senate:

Resolved, That the limit of expenditures under Senate Resolution 71, Seventy-seventh Congress, first session, agreed to March 1, 1941; Senate Resolution 6, Seventy-eighth Congress, first session, agreed to January 25, 1943; and Senate Resolution 55, Seventy-ninth Congress, first session, agreed to January 29, 1945 (relating to the investigation of the national defense program) is hereby increased by $65,000.

AUTHORIZATION FOR SPECIAL COMMITTEE INVESTIGATING NATIONAL DEFENSE PROGRAM TO FILE ADDITIONAL REPORTS AFTER ADJOURNMENT

Mr. MEAD submitted the following resolution (S. Res. 310), which was ordered to lie on the table:

Resolved, That the Special Committee Investigating the National Defense Program be authorized to file additional reports with the Secretary of the Senate following the sine die adjournment of the Senate and that they be printed as parts of Senate Report No. 110.

AMENDMENT OF RAILROAD RETIREMENT ACTS, ETC.—AMENDMENT

Mr. HAWKES submitted an amendment intended to be proposed by him to the bill (H. R. 1362) to amend the railroad retirement acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code, and for other purposes, which was ordered to lie on the table and to be printed.

PRINTING OF REPORT ON LEWISTON ORCHARDS PROJECT, IDAHO (S. DOC. NO. 247)

Mr. OVERTON. Mr. President, I present a report on the Lewiston Orchards project, Idaho, by the regional director of the Bureau of Reclamation, region 1, concurred in by the Commissioner of Reclamation and the Acting Secretary of the Interior, and I ask unanimous consent that it be printed as a Senate document, with illustrations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO SENATOR WHEELER—ARTICLE BY GEORGE E. SOKOLSKY

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an article on Senator WHEELER, by George E. Sokolsky, published in the Washington Times-Herald of July 24, 1946, which appears in the Appendix.]

THE ARMY AND PUBLIC OPINION—ADDRESS BY MAJ. GEN. FLOYD L. PARKS

[Mr. JOHNSTON of South Carolina asked and obtained leave to have printed in the RECORD and address on the subject, The Army and Public Opinion, delivered by Maj. Gen. Floyd L. Parks, United States Army, Chief of the Public Relations Division, War Department, at the State American Legion Convention at Greenville, S. C., July 22, 1946, which appears in the Appendix.]

TRADE WITH GREAT BRITAIN—ARTICLES FROM THE NEW YORK TIMES

[Mr. BREWSTER asked and obtained leave to have printed in the RECORD two articles from the New York Times of July 24, 1946, the first entitled "Britain To Relax Policy on Imports," the second entitled "Would Drop Order To Ship Tractors," which appear in the Appendix.]

PEARL HARBOR REPORT PLAINLY FIXES BLAME—ARTICLE BY DAVID LAWRENCE

[Mr. WILLIS asked and obtained leave to have printed in the RECORD an article by David Lawrence entitled "Pearl Harbor Report Plainly Fixes Blame," published in the Washington Star of July 23, 1946, which appears in the Appendix.]

THE KU KLUX KLAN—ARTICLE BY VICTOR RIESEL

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD an article by Victor Riesel, dealing with the Ku Klux Klan, published in the July 22, 1946, issue of the New York Post, which appears in the Appendix.]

ASCERTAINMENT OF CAUSE AND CURE OF CANCER—STATEMENT BY REPRESENTATIVE MATTHEW M. NEELY

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a statement made by Representative NEELY, of West Virginia, on the bill authorizing expenditures by the Federal Government for the purpose of finding the cause and cure of cancer, which appears in the Appendix.]

RECOGNITION OF SERVICES OF CERTAIN CIVILIAN OFFICIALS AND EMPLOYEES ENGAGED IN CONSTRUCTION OF PANAMA CANAL

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 3748) to amend an act entitled "An act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal," approved May 29, 1944, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STEWART. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. STEWART, Mr. MAGNUSON, Mr. HAWKES, and Mr. BUSHFIELD conferees on the part of the Senate.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Overton
Andrews	Hayden	Pepper
Austin	Hill	Radcliffe
Ball	Hoey	Reed
Barkley	Huffman	Revercomb
Bilbo	Johnson, Colo.	Robertson
Brewster	Johnston, S. C.	Russell
Brooks	Kilgore	Shipstead
Buck	Knowland	Smith
Burch	La Follette	Stanfill
Bushfield	Langer	Stewart
Byrd	Lucas	Swift
Capehart	McCarran	Taft
Capper	McClellan	Taylor
Carville	McFarland	Thomas, Okla.
Chavez	McKellar	Thomas, Utah
Connally	McMahon	Tobey
Cordon	Magnuson	Tunnell
Donnell	Maybank	Vandenberg
Downey	Mead	Wagner
Eastland	Millikin	Walsh
Ferguson	Mitchell	Wheeler
Fulbright	Moore	Wherry
George	Morse	White
Gerry	Murdock	Wiley
Green	Murray	Willis
Guffey	Myers	Wilson
Gurney	O'Daniel	Young
Hart	O'Mahoney	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from Missouri [Mr. BRIGGS] and the Senator from Arizona [Mr. MCFARLAND] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the Commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the Commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The PRESIDENT pro tempore. Eighty-six Senators having answered to their names, a quorum is present.

TIDELAND PLUNDER—EDITORIAL FROM THE WASHINGTON POST

Mr. TOBEY. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a very strong editorial entitled "Tideland Plunder," which appeared in the Washington Post this morning. I commend it to the Members of the Senate.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TIDELAND PLUNDER

The Senate's concurrence in the joint resolution to renounce all Federal claim to the mineral resources of the tidelands amounts almost to a direct demand for a Presidential veto. The sponsors of this raid upon the national heritage could scarcely have supposed that any President of the United States would acquiesce in it. The question at issue here is not whether the rich oil deposits lying off the shores of this country belong to the separate States or to the Nation as a whole. That is a question for the courts to decide. The question here is simply whether the judiciary should be circumvented by legislative action. We think there is only one answer which the President can give.

The whole history of the tideland oil issue has been one of circumvention and evasion. When Harold L. Ickes as Secretary of the Interior instituted legal proceedings to determine if there is any valid Federal claim to this oil, the attorney general of California at once sought to evade a court test by having Congress renounce a title which he insists it does not possess. If he is right in his contention, and if the title of the States is indisputable, then he has nothing to fear from a verdict of the Supreme Court which now has the case before it, and the action taken by Congress would be altogether meaningless. But if there is validity to the Federal claim, then the action taken by Congress is irresponsible and profligate.

Under State control, the tidelands have been extensively leased for private exploitation. The most conspicuous of the private exploiters, Mr. Edwin W. Pauley, was recently denied confirmation as Under Secretary of the Navy on the ground that his private interests were in conflict with those of the Navy and the Nation. This was transparently the case. It is ironic, however, is it not, that the same Senate which so sanctimoniously blocked his appointment has now put its stamp of approval on the very piece of plunder he advocated? There is irony, too, perhaps, in the sudden return of Mr. Pauley to Washington from his reparations duties abroad at the precise moment when this slick legislative deal is being passed on to the President. There is now a splendid opportunity for him to exhibit the disinterestedness with which Mr. Truman has credited him.

By obfuscation and delay, the attorney general of California has managed to prevent a Supreme Court ruling on the tideland issue prior to the action by Congress. The Supreme Court should be heard, nevertheless. The President has it within his power, by a simple veto, to afford the Supreme Court an opportunity to speak. It was precisely for the purpose of checking irresponsible legislative acts of this character that the prerogative of the veto was conferred upon the President by the Constitution.

REPORT OF THE SENATE DELEGATION ON THE BERMUDA MEETING OF THE EMPIRE PARLIAMENTARY ASSOCIATION

Mr. FULBRIGHT. Mr. President, last evening near the end of the session the Senator from Rhode Island [Mr. GREEN] made his report on the Bermuda meeting of the Empire Parliamentary Association. I intended to follow his remarks, but due to the confusion at the end of the session, I did not do so.

Mr. President, in view of the fine report on the Conference to the Senate by the chairman of our delegation, the distinguished and able Senator from Rhode Island [Mr. GREEN], there is not much that I can say. We were very fortunate in having as our Chairman the Senator from Rhode Island. The dignity and wisdom of his remarks at the Conference and at the informal meetings in every respect upheld the finest traditions of the Senate of the United States.

The discussions at the Conference being informal, off-the-record meetings were much more informative and interesting than is usually the case. I feel that the delegates stated exactly what they had on their minds, and I came away from the Conference with a much better conception of the points of view of the other countries than I had when I arrived in Bermuda. It was very interesting to me to find how similar to our own are the problems, the trials, and tribulations of the legislators of other countries.

Within the past few days we have had reports from the recent Conference of Foreign Ministers at Paris. They met for the purpose of reaching definite agreements on urgent controversies now disrupting the orderly return to peace. At Bermuda we did not meet for the purpose of making decisions on anything. We met for an exchange of ideas, for the development of understanding among the representatives who in turn will undoubtedly carry that understanding back to their people. It is my belief that from such meetings as we had at Bermuda conditions may be developed which will make it possible for our foreign ministers to reach more progressive and enlightened decisions in the future.

Quite often the decisions of the diplomats are predetermined by conditions which have been developing over the course of many years. I believe that meetings such as the one at Bermuda will tend to create conditions favorable to the conclusion of rational agreements among the various nations concerned.

I think these meetings of elected representatives of the people can do a great deal to dissipate the silly and ridiculous prejudices which plague the world today and which contribute so greatly to the recurrence of war and strife and consequently to the misery and wretchedness of the people.

I realize that in matters of human relationships and government it is not easy to prove definitely and conclusively the causal connection between conferences and specific results, but I cannot help believing that regular meetings of the legislators of democratic countries will contribute to more effective cooperation among these peoples, and therefore to a strengthening of democracy and the preservation of peace.

I hope such conferences will be held annually from now on, and that the various Members of both the House and the Senate will be permitted to participate.

THE LEGISLATIVE PROGRAM

Mr. BARKLEY. Mr. President, before I begin a very brief statement concerning the conference report on the OPA legislation, I wish to state to the Senate that I think it desirable that beginning tonight we hold some night sessions, in order that we may clear our program, looking forward to a sine die adjournment next week. We have two or three matters which will consume some time, and I think it is the general feeling that there is no need for Congress to be in session any longer than next week, and I hope not longer than Wednesday or Thursday. Therefore I am sure Senators will be willing to remain at night a reasonable length of time in order that we may clear up the program, looking toward an adjournment.

Mr. BREWSTER. Mr. President, could the Senator give us any indication as to what will be the program for the remainder of today?

Mr. BARKLEY. For the remainder of today the program is to consider and dispose of the conference report on the OPA as soon as possible, and then proceed with the bill to amend the railroad retirement acts, which is the unfinished business.

Mr. WILEY. That means night work.

Mr. BARKLEY. Perhaps so. That is what I suggested, that we begin tonight to hold some night sessions in order to clean up our business.

THE MEDITERRANEAN FRUITFLY

Mr. ANDREWS. Mr. President, our distinguished leader will recall that I addressed a letter to him, together with a partial report, on the Mediterranean fruitfly reimbursement bill. That question has been before the Senate for about 7 years, and we have spent a good deal of money making inquiries into the justice of the claims of the people of Florida arising out of that situation. The Department of Agriculture has gone into the subject thoroughly, and, although it seems comparatively very trivial, has determined on the basis of computing the amounts, on each class of fruit and vegetables what should be allowed in the way of damages.

A joint committee went to Florida in 1940, held several hearings and made a report, in which they recommended reimbursement for certain damages, which were caused by the Federal Government, and they gave their reasons why they thought the Federal Government should pay the claims.

Citizens of Florida, myself among others, and of owners in 25 other States, suffered damages to the extent of millions of dollars. The bill now on the calendar authorizes the appropriation of only $10,000,000, and I do not know how much of that would be required to settle the claims. Many of those who suffered losses have died or moved away in the meantime, and probably only the larger proportion of the $10,000,000 will be required.

The bill is S. 1250, Calendar No. 494. Inasmuch as I do not know whether the Senate will reconvene again before January next, after we adjourn in a few days, and inasmuch as I do not expect to be a Member of the Senate after January 1 next, I should like very much indeed to have the bill considered on its merits. In addition to the letter and report which I have recently sent to various Senators, I should like to give notice now that I wish to call up the bill either some day the latter part of this week or early next week. I want to be fair about the matter. I wanted Senators to know what was in the bill; therefore I submitted to all of them information respecting it. I should not ask for consideration of the bill on its merits if I did not feel that the bill represented justifiable claims.

Mr. BARKLEY. I appreciate the Senator's statement. He has written me a letter and also spoken to me in person about it. There are several odds and ends in the way of legislation that the Senate will no doubt want to consider on their merits before we conclude our work. So far as I am personally concerned, I certainly should have no objection to the bill referred to by the Senator from Florida being brought before the Senate at some convenient time before we finish, and let it be passed upon on its merits.

Mr. ANDREWS. I thank the distinguished leader. The reason I have made this statement, Mr. President, is that I did not want the bill to be brought up suddenly and Members of the Senate not know what it contained. I wanted to be sure that Members of the Senate would be advised about it. The older Senators, Senators with longer periods of service, know about the subject. Senators now have an up-to-date report on the subject. It happens that the chairman of the Claims Committee, the Senator from Louisiana [Mr. ELLENDER], who introduced the bill, is away in the Pacific, and I have been waiting for him to return. Let me state the reason why we have not brought up this claim during the past 5 years. The reason for delay was because the question always arose, "Will it help win the war?" We delayed bringing it up because we believed the war should be won first. We have waited now a year after the war is over, and I have waited the last few days for the Senator from Louisiana to return from the Pacific. I do not know whether he will return before we adjourn, but if he does not, I should like to call up this measure. I thought I should make that explanation.

Mr. BARKLEY. I thank the Senator.

Mr. ANDREWS. Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks copy of a letter which I sent to Senators, and a statement by the Special Committee on Claims on the subject under discussion, for the further information of the Senate. I hope the Senators will read it.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

JULY 10, 1946.

Re: S. 1250, Report 492, Mediterranean Fruitfly.

Hon. ALBEN W. BARKLEY,
United States Senate.

DEAR SENATOR BARKLEY: The attached statement is being called to your personal attention at this time for the reason that I plan to call up S. 1250 within the next few days and I wanted you to be informed on the facts involved. Attached also is copy of Senate Report 491 which sets forth all the essential facts upon which I recommend the payment of this long-delayed and just claim, and I will appreciate your using whatever spare time you may have in looking into this matter.

I am retiring from the Senate on January 3, 1947, and if we adjourn sine die during July or August, we may not meet again until I am no longer a Member of the Senate.

I am vitally interested. I made a pledge when I was elected to the Senate, to the people who were damaged, many of whom lost all they had, that I would do everything in my power to see that they were compensated and justly treated for the damage done them in the effort to save the whole Nation from what might have been a terrible catastrophe. I was a rather extensive fruit grower and was also at the time vice president and general counsel of the Florida Citrus Growers Association and personally experienced these damages first-hand. Thus my knowledge of these facts is neither hearsay nor guesswork.

Your assistance will be personally appreciated by me.

Most sincerely yours,

CHARLES O. ANDREWS.

STATEMENT BY SENATOR CHARLES O. ANDREWS ON S. 1250 WITH ACCOMPANYING SENATE REPORT NO. 491, WHICH IS A BILL TO REIMBURSE FLORIDA GROWERS FOR DAMAGES WHICH THEY SUFFERED IN THE CAMPAIGN FOR THE ERADICATION OF THE MEDITERRANEAN FRUITFLY

Senate bill 2020 was introduced in the Seventy-seventh Congress for the relief of certain claimants who suffered loss and sustained damages as a result of the campaign carried out by the Government for the eradication of the Mediterranean fruitfly in the State of Florida.

Before the Senate Claims Committee would pass on the matter, a joint resolution was adopted by the House and Senate in March and April, of 1940, authorizing and directing a special committee of the Senate and House to make a full and complete investigation with respect to the losses sustained by the campaign and quarantine conducted by the United States in 1929 and 1930 with a view to determining, among other things, the circumstances under which such losses occurred, the nature, character and amount of such losses and the persons by whom such losses were sustained; and that the committee should report to the Congress the result of its investigation, together with its recommendations if any, for necessary legislation. The special committee was composed of Senators Swartz, Ellender, and Wiley, on the part of the Senate, and Congressmen Ramspeck, Thomas, and Kennedy, on the part of the House.

The committee held hearings in Florida in several locations from December 4 to 7, 1940, taking the testimony of approximately 114 witnesses. After consideration of the facts and the extent of the methods pursued with consequent unnecessary damages to those engaged in the citrus and vegetable industries, the joint committee in its Report No. 491, Seventy-ninth Congress, found that obligation rested upon the Congress to compensate those who suffered losses under certain circumstances and among others for reasons set forth, as follows:

(a) That the Mediterranean fruitfly eradication campaign, carried out in Florida during 1929 and 1930, was a Federal Government undertaking, and that the Federal Government has accepted full and complete responsibility for everything that was done at its direction in carrying out the eradication program.

(b) That the Mediterranean fruitfly is not and never was indigenous to Florida, and that under the Constitution the Federal Government has exclusive jurisdiction of foreign commerce and inspections at all receiving ports and therefore the responsibility for the original infestation is theoretically Federal.

(c) That the unnecessary damage suffered by fruit and vegetable growers was due mainly to failure of the Federal Government to formulate a safe and effective plan of eradication and prevention, as in the case of other insect pests which have heretofore threatened crops in other parts of the United States.

(d) That some of the damage suffered was due to direct infestation but the greater portion of the damage was due to the drastic method and manner of eradication.

(e) That the records show that official statements were made to growers at the time the eradication program was being carried out that they would be entitled to compensation for the losses suffered.

The committee further finds:

1. That the agricultural program of the Federal Government and particularly the policies of the present administration furnish ample precedent for reimbursing the losses sustained as a result of the fruitfly-eradication program.

2. That the citizens of Florida suffered other losses much larger than the damages claimed which they have from the beginning expressed a willingness to absorb, but it is the opinion of the committee that morally, if not strictly legally, they are entitled to be compensated by the Federal Government for losses they sustained for the protection of the fruit and vegetable industry of the other States of the Union.

In addition, the price measure of damages for fruits, vegetables, and field crops were made through the Department of Agriculture (H. Doc. No. 290), transmitted May 10, 1939, to the Senate and House by the Secretary of Agriculture containing carefully tabulated report made by Dr. Ben Galloway, then connected with the United States Plant and Quarantine Commission. His report was made from the records of the Department of Agriculture, together with a personal examination of all other pertinent records available which would aid in securing definite data and figures on the price measure of damages for fruits, vegetables, and field crops destroyed.

Dr. Galloway's report shows the number of commercial crates and boxes of oranges and bushels of vegetables and other fruits destroyed, together with prevailing prices; also other losses caused by poison spray and other

damages set out in Report No. 491, Calendar No. 494, which accompanies Senate bill 1250, reintroduced by Senator ELLENDER early in this session.

This matter has been postponed from 1940 to the present date because of war conditions. We were advised and so agreed that every dollar we could afford should be devoted to the winning of the war. The war is now over and although many of the original claimants, being elderly people, have passed on and many are living in other States of the Union, I feel that the matter should now be acted upon.

EXTENSION OF PRICE CONTROL—CONFERENCE REPORT

The Senate resumed consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 371) extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended.

Mr. BARKLEY. Mr. President, the conference report now before the Senate on the OPA extension does not call for any lengthy explanation, in my judgment, and I hope it will not elicit lengthy debate before it is finally acted upon.

I might say in a general way that the joint resolution which is before us, with two or three exceptions, is in substance the measure which Congress passed previously and which the President vetoed. The general pricing formula and the general provisions for decontrol of agricultural products on initiation of the Secretary of Agriculture, and also on his initiation with reference to the adjustment of prices of agricultural products, remain practically as they were in the original bill, and as it was in the bill which I submitted in the committee as a substitute for the House joint resolution extending the price-control law until the 20th day of July.

The provisions of the original bill setting up the Decontrol Board are retained, with some minor differences, practically as contained in the original bill and in the joint resolution which the Senate passed the other day. It will be recalled that the Board is created as a Decontrol Board; that industrial committees may make application to the Administrator for the decontrol of nonagricultural products, and they can go from him to the Decontrol Board. The Decontrol Board has the authority to direct the Administrator with respect thereto, and give him not to exceed 30 days in which to act, at the expiration of which time, if he does not act, the product involved in the application becomes automatically decontrolled. That is practically what was in the original bill. It is practically what was in the joint resolution we passed the other day, so far as the general powers of the Decontrol Board are concerned.

The two main problems before the conference committee involved the specific decontrols in the joint resolution, some of which were put in by the committee, some of which were added here on the floor, and the so-called Barkley substitute to the original Taft amendment involved in section 11 of the joint resolution which would set up a new section 6 of the Price Control Act.

I think I shall discuss the specific decontrols first. When the joint resolution was passed by the Senate and went to the House, and the House disagreed to the amendment of the Senate, and accepted our invitation to a conference, the conferees met, and the House conferees took the same position in this conference that they had taken in the previous conference, that they would not agree to specific decontrols. The Senate conferees felt it their duty, although some of them had not supported the specific decontrols either in committee or on the floor, to represent the Senate viewpoint as long as it was reasonably expected that they would, recognizing that one side or the other, or both sides, must make some concessions if we were to get any bill at all.

The House conferees voted a number of times in their capacity and separately as House conferees, with reference to decontrols, and at each session of the House conferees separately they declined to yield with respect to decontrols. So it became necessary to work out some basis on which the two Houses could get together.

The Senate had specifically decontrolled livestock, and food and feed products processed therefrom; poultry and eggs, and food and feed products processed therefrom; milk and dairy products, and food and feed products processed therefrom; grains as a whole that come under the Grain Stabilization Act, and in addition to that feed products produced from grain for livestock and poultry purposes. It did not specifically decontrol the products of grain for human food. So that the Senate rather split the situation in regard to grains. It decontrolled all grains coming under the Grain Stabilization Act, but did not go beyond that, except as to livestock and poultry feed processed from grain.

The Senate also decontrolled specifically petroleum, tobacco, cottonseed, and soybeans. I think that is the list of products which the Senate specifically decontrolled.

The conferees finally arrived at this sort of compromise, which I think is fair, in view of the fact that the OPA law and price control had lapsed during the period from the 30th of June, and in view of the fact that in these categories it was recognized that it was impossible overnight to slap on the ceilings with reference to some of these products, especially meats, and put them back under control.

The conferees divided these specially decontrolled items into two categories. They put grain, livestock, and meat, dairy products, cottonseed, and soybeans in one category, and provided that they could not be decontrolled prior to the 20th day of August 1946; and that the Decontrol Board was authorized and directed in the meantime to consider whether, at the expiration of that period, any or all of those five commodities should be recontrolled. The Board would have no power to recontrol them prior to August 20, although it is expected to go into the question immediately as to whether they should be recontrolled on that date.

I may say that August 20 was fixed because of the situation existing in the cattle industry. The conferees first considered a period of 30 days after the enactment of the law, but that might take the period beyond the time when feeders are beginning to assemble cattle in the feed lots for feeding purposes. That activity begins around the 10th of August, or the 15th. So there would be a period of uncertainty in which those who engage in the feeding of cattle for market, and who begin that process about the middle of August, would not know what to do until they knew what to expect. The 30-day period might extend beyond a reasonable date for that activity, so we agreed on the 20th of August as a suitable date. Assuming that the President will appoint the Decontrol Board promptly, which he has indicated that he would do, and that the Senate will promptly confirm the Decontrol Board, it would have from the day on which the bill was signed until the 20th of August to go into the question of whether these five commodities should be recontrolled on that date or whether they should be left free from control.

The conference measure provides that if the Decontrol Board takes no action by the 20th of August these items automatically go back under control; but they are subject later to be decontrolled under a formula and a category of requirements set out in the joint resolution and which I shall read later.

As to the other specifically decontrolled items, such as tobacco, petroleum, and poultry, they do not automatically go back under control until the 20th of August, nor at any other time unless they are affirmatively put back under control, under the same formula applicable to the other five commodities which I have just mentioned.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. AIKEN. I should like to ask a question with regard to the recontrol of dairy products. In permitting the Board to recommend reestablishment of maximum prices for milk on a regional basis, is it intended that that provision shall apply to the so-called marketing agreement areas, as well as areas where no marketing agreement is in effect?

Mr. BARKLEY. I think the language of the joint resolution merely authorizes decision on a regional basis. The Board can consider the marketing agreements; or in regions where there is no marketing agreement I think the Board would have the authority to decide whether dairy products should come under control on a regional basis.

Mr. AIKEN. If price ceilings are reestablished for milk in specific marketing areas, does that mean that products derived from milk, produced in the particular area, would also automatically come under control?

Mr. BARKLEY. The Board would have discretion in that regard, and so would the Administrator. They are not required automatically to put everything made from milk under control if they put milk in any given region under control and fix ceiling prices.

Mr. AIKEN. I think the Senator's interpretation is correct, but I wished to make it clear.

Mr. BARKLEY. That is my idea about it.

The provision with respect to decontrol is subdivision (B) of paragraph (8), on page 4 of the conference report:

(B) The Price Decontrol Board shall proceed forthwith to consider whether the commodities listed in subparagraph (A) shall continue, after August 20, 1946, to be free from regulation under this act and the Stabilization Act of 1942, as amended. Such Board, after due notice of a public hearing and full opportunity for representatives of affected industries and consumers to present their views orally or in writing, shall have power to determine whether or not any commodity listed in subparagraph (A) shall be regulated after August 20, 1946, under this act and the Stabilization Act of 1942, as amended. Such Board shall direct that any such commodity shall not be so regulated unless it finds—

(i) that the price of such commodity has risen unreasonably above a price equal to the lawful maximum price in effect on June 30, 1946, plus the amount per unit of any subsidy payable with respect thereto as of June 29, 1946, and

(ii) that such commodity is in short supply and that its regulation is practicable and enforceable, and

(iii) that the public interest will be served by such regulation.

If, in the case of any commodity listed in subparagraph (A), such Board fails to direct, on or before August 20, 1946, that such commodity shall not be regulated under this act and the Stabilization Act of 1942, as amended, maximum prices and regulations and orders under such acts shall be applicable with respect to such commodity without regard to this paragraph (8).

In other words, if the Board fails to act by the 20th, either to leave them out of control following the 20th, or to take them in on the 20th, they automatically go back under control for such period as would be determined, but they would be subject to decontrol thereafter, as other products are subject to decontrol.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. I think the Senator should point out in connection with that statement, however, that under subparagraph (8) (B) the Price Decontrol Board is directed to proceed forthwith to consider whether those commodities shall be controlled or decontrolled, and shall have public hearings and shall determine whether they shall be decontrolled after August 20, which I think is a direction by Congress that the Decontrol Board shall give consideration and shall make determination one way or the other as to what is to be done on August 20.

Mr. BARKLEY. Yes. I have just read subparagraph (8) (B), which specifies that the Price Decontrol Board shall proceed forthwith to consider the situation in regard to the five commodities that are listed in subparagraph (A). The Board is to give affected industries and consumers an opportunity to be heard, and this subparagraph is a direction to the Board to proceed forthwith to consider these matters, in order that it may come to a conclusion not later than the 20th of August as to whether any of them or all of them shall remain under control or shall be taken out from under control. But if for any reason the Board fails to act either way, those commodities go back under control on that date.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CORDON. Do I correctly understand that in case the Price Decontrol Board fails to act, the several classes of commodities listed go back under price control, without reference to whether or not any of the conditions set out in subparagraphs (i), (ii), and (iii) of subdivision (8) (B) obtain? In other words, the Price Decontrol Board does not need to find that those conditions obtain, if it fails to find them. Is that correct?

Mr. BARKLEY. Mr. President, will the Senator propound that question again, please? I was examining some of the provisions of the report, and I may not have correctly understood the import of his question.

Mr. CORDON. On the 21st day of August, if no action has been taken by the Price Decontrol Board, the five commodities mentioned by the Senator from Kentucky will go back under control, without any necessity for anyone's finding that the several conditions exist, namely, the conditions under which the Price Decontrol Board would act. Is that correct?

Mr. BARKLEY. That is true.

Mr. CORDON. In other words, if the Board goes into this matter, in case the conference report becomes law, and if by the 20th day of August for any reason the Board has been unable to make up its mind, then on the 21st day of August all these commodities will be back under control, and will remain under control, unless under the succeeding subdivision (C) the Price Decontrol Board thereafter finds that these several conditions exist. Is that correct?

Mr. BARKLEY. That is correct. In other words, if the Board takes no action at all and makes no finding of any kind up until the 20th of August, all five commodities will automatically go back under control. As to the conditions to apply thereafter, subdivision (C) goes on to say that—

If in the case of any commodity listed in subparagraph (a)—

Which are these same ones—

such Board, on or before August 20, 1946, does direct that such commodity shall not be regulated under such acts, the Board may at any subsequent time direct that such commodity shall be so regulated if it finds:

(i) that the price of such commodity—

Practically the same three categories which I mentioned in regard to their finding prior to the 20th of August with respect to whether they should go back under control.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. TAFT. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield first to the Senator from California.

Mr. KNOWLAND. I should like to ask the distinguished majority leader if it is his understanding in reference to the Board that the members of the Board will be appointed prior to the adjournment of Congress, so that the Senate will have an opportunity to act upon the nominations.

Mr. BARKLEY. Oh, yes. I may say that I have conferred with the President about that; and if the conference report is signed and becomes law, he is as anxious as anyone that the Board shall be set up as promptly as possible and that that will be done before the Congress adjourns, so that the Senate will have an opportunity to pass upon the nominations.

Mr. YOUNG. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield.

Mr. YOUNG. What would happen in the case of a contract for the delivery of grain? Frequently farmers contract with their local elevators, millers, and others to deliver grain at a future date, perhaps 30 days in the future, perhaps in September. Will those contracts be voided if controls are restored?

Mr. BARKLEY. I may say to the Senator that this morning I talked with the Price Administrator about that very problem, because it presents a serious situation. In the case of grain, I think, probably as much as, if not more than, in the case of any other commodity, elevators and other purchasers of grain were compelled, if they bought any grain at all, to pay the current price for grain, which was greater than the ceiling prices existing on the 30th day of June. The Administrator feels, and I think properly and wisely so, that in such a situation as that, efforts will have to be made to work out an adjustment of those matters that will not require elevators or other purchasers of grain who are legitimately in the market to suffer by reason of that transaction.

Of course, if the transaction had been completed, if the elevators had bought grain and had sold it during the interim, that would present no problem. But where they have bought grain at increased prices and where those commodities automatically go back under control on the 20th of August and the purchasers have on hand a large amount of grain for which they have paid during the interim more than the ceiling price, I have the very positive assurance and statement on the part of the Administrator that an effort will be made to work out and to adjust prices in such cases, so as to go as far as possible toward bailing out people who are caught in that situation. Of course, they naturally have until the 20th of August to dispose of such grain as they may have purchased under such circumstances, and I imagine they may do so in many cases.

Mr. YOUNG. I come from a State where most of the grain is marketed in September and October. There may be a rush now for farmers to contract for September and October delivery of their grain.

Mr. BARKLEY. I think I can say that the Administrator thoroughly understands that situation and is disposed to adjust the matter in order to be fair to everyone, under those conditions.

Mr. TOBEY. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield.

Mr. TOBEY. Does not the Senator agree with me that when, as, and if the authorities of the OPA start to roll back and make the adjustments to which the Senator has been referring, the natural result and the expected result will be a number of severe headaches?

Mr. BARKLEY. There will be, obviously. Yet under the new pricing program and formula contained in the conference report, the administrator will be required to adjust prices in such a way as to take account of possible increases above the ceilings which existed on June 30, because the very formula itself would require the consideration of elements not theretofore necessarily considered.

Mr. GURNEY. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield.

Mr. GURNEY. At the time when the Price Control Act was before the Senate on the previous occasion, I called to the attention of the Senator the fact that operators could not make delivery of grain which they had purchased from the farmers. As the Senator knows, in Kansas there is much grain on the ground. The same condition prevails in the States farther north, all because there are not sufficient railroad boxcars to move the grain. Therefore, an elevator man purchasing at the interim prices has not been able to make delivery to the terminal elevators. He has not been able, through no fault of his own, to make delivery and sale of grain; and he surely will not be able to deliver all of it by August 20. In fact, new grain is coming in every day. The farmers must get rid of it. They cannot pile it up on their farms. The elevators are compelled to take it and to spread it out on the ground, to await arrival of empty boxcars with which to make shipments to the terminal markets. Therefore, as I see the situation, unless some exact provision is made in the conference report in order to save the elevator men, they will be liable to have an extremely large loss.

Mr. BARKLEY. I will say to the Senator in that regard that we discussed before, and we discussed in the conference, the question of what constituted a completed contract. It was the consensus of opinion, and I think as a matter of law it would hold, that where the purchaser takes title to the grain, regardless of whether it has been delivered, it is a completed transaction within the meaning of the statute. In other words, if he purchases grain at a certain price per bushel and has paid for it, or has entered into a contract with the owner of the grain so that the purchaser takes title to it, it is just as much his grain out in the field as if it had been delivered to the elevator.

Mr. GURNEY. The Senator has given a different answer than he gave to me when I propounded a similar question about 2 weeks ago when the price-control matter was before the Senate.

Mr. BARKLEY. I am not so sure.

Mr. GURNEY. At that time the Senator said that delivery must be made.

Mr. BARKLEY. I may have been under that impression at that time. It was a perfectly sincere answer, but it was a mistaken answer. If the title is taken by the purchaser, that fact controls the question of whether the transaction has been completed.

Mr. GURNEY. Let us assume, then, that the transaction is supposed to be completed. The flour mill has bought the grain and will receive it later when the boxcars are available. In what position does that place the millingman?

Mr. BARKLEY. While flour is still retained under control, regardless of what happens to grain, the Price Administrator will have to take into consideration, in fixing ceilings on flour and other products of grain, the conditions under which the grain was bought. If grain is decontrolled, flour will not necessarily go out from under control. But in determining the price of flour and in determining the ceiling to be placed on flour and flour products, the Price Administrator will, of course, be required to take into consideration the increased price of the grain which the miller had purchased, out of which he ground the flour.

Mr. GURNEY. The Senator says that the Price Administrator will, of course, be required to do that. Is he required to do it under the conference report? Will he do it?

Mr. BARKLEY. There is no specific requirement to that effect in the language of the conference report, but I believe, as a matter of equity, fair dealing, and good administration, he would be required to do it. I think that the Administrator would expect to do it.

Mr. AIKEN. Mr. President, while we are on the subject of grain, I should like to have the majority leader clear up one other point.

As is well known, in certain parts of the country there was a grain famine during June. When controls were removed the commercial feed mixers found that they were able to obtain corn and other grains, but in the case of corn, in particular, they were required to pay much higher than the ceiling price in order to obtain the corn. I understand from what has been said here that if the feed mixers have taken title to the corn at a price, say, of $2 or $2.20 a bushel, even though it has not been delivered to their own feed-mixing establishments in the East, and if on August 20 the price of corn is rolled back, they would not be required to absorb the loss which might be incurred by paying the higher price for the grain, after the grain is received, and is put into the dairy and poultry feed which they will later sell.

Mr. BARKLEY. I believe that the same rule would apply where they have direct title to the grain, no matter where it is, that would apply if the grain had actually been delivered into the bin, elevator, or whatever the receptacle may be that is used for storing the grain.

Mr. AIKEN. Then, if they have already taken title to the grain they will not be required to take a loss on the grain by reason of prices being rolled back at a later date. It would amount to some $8 to $10 a ton in the case of dairy feed. They bought the grain while they could get it. Now they are apprehensive lest they will be required to take a loss on it.

Mr. BARKLEY. The price of mixed feeds is now fixed on a cost-plus basis. So under that situation they would not be required to absorb the cost.

Mr. AIKEN. It is apparent, then, that the committee believes those persons are protected from being required to sustain an abnormal loss on this commodity.

Mr. BARKLEY. Yes.

Mr. DONNELL. Mr. President, will the Senator be kind enough to explain his interpretation of the concluding sentence of paragraph 8 (B) on page 5 of the conference report? The sentence there reads:

> If in the case of any commodity listed in subparagraph (A) such Board fails to direct, on or before August 20, 1946, that such commodity shall not be regulated under this act and the Stabilization Act of 1942, as amended, maximum prices and regulations and orders under such acts shall be applicable with respect to such commodity without regard to this paragraph (8).

Mr. BARKLEY. From what page is the Senator reading?

Mr. DONNELL. From page 5, beginning at about line 14.

Mr. BARKLEY. Is the Senator reading the paragraph which provides as follows:

> If in the case of any commodity listed in subparagraph (A) such Board fails to direct, on or before August 20, 1946, that such commodity shall not be regulated under this act and the Stabilization Act of 1942, as amended, maximum prices and regulations and orders under such acts shall be applicable with respect to such commodity without regard to this paragraph (8)?

Mr. DONNELL. Yes; that is the language to which I have reference.

Mr. BARKLEY. What is the Senator's question?

Mr. DONNELL. My inquiry relates particularly to the last two lines of the paragraph which has just been read.

Suppose that the Decontrol Board waits until the 20th day of August to make its determination and then fails to direct that some commodity embraced under this paragraph shall not be regulated. I understand that maximum prices and regulations and orders, under this act and under the Stabilization Act of 1942, shall then be applicable. Suppose that up until and including August 20, 1946, the Office of Price Administration shall not have taken any action toward revising the maximum prices of a given commodity, so that on the morning of August 21 no action has been taken by the Office of Price Administration with respect to the price of that commodity; does this language, in the opinion of the Senator from Kentucky, mean that the price of that commodity would be the price prevailing on June 30, 1946, or would it be necessary to wait until the Office of Price Administration had thereafter fixed a new maximum price in order to determine what maximum price shall be applicable with respect to the said commodity?

Mr. BARKLEY. In that case my opinion is that the price would be the price which prevailed on June 30. The conference report provides that maximum prices and regulations and orders in effect on that date shall be regarded

as being in effect thereafter. Of course, I may say to the Senator that what this language does is to put these commodities back under control. If there is any failure to act on the part of the Board those commodities go back under control under the same standards as those pertaining to other commodities, just as if the paragraph was not in the bill.

It may be that some institutions or persons may be caught for a brief period of time by reason of the fact that prices go back to those of June 30. But in the interim it is provided that the Price Administrator shall not institute or maintain maximum prices except under the standards of this act, and the Office of Price Administration would be compelled to reconsider the price structure of any such commodity so as to work it out under the more liberal standards which are contained in the bill, although for a brief period of time it might be possible that some prices would go back to where they were on June 30.

Mr. DONNELL. As I understand, then, if there has been no fixation of a price by the Office of Price Administration after the conference report goes into effect, and up to and including August 20, it is the opinion of the Senator that the price which prevailed under the orders in effect on June 30, 1946, would still prevail.

Mr. BARKLEY. Of course, the paragraph which the Senator has read pertains to the commodities referred to in paragraph (8). The Office of Price Administration is out of that picture until after the 20th of August, because the Decontrol Board moves in to consider whether any of them shall go back under control or shall be allowed to remain free of control. So there is nothing the Price Administrator can do between the enactment of this legislation and the 20th of August; and there would not be anything the Price Administrator could do after that if the Decontrol Board decided that any or all of the commodities set out in paragraph (A) should remain out from under control. In that event the Price Administrator would have no function to perform.

Mr. DONNELL. Might there not, then, in some cases be an interim at any rate after August 20 during which the prices which prevailed on June 30 as to any given commodity might not accord with the standards set up in this bill, and would it not be impossible for the price of such commodity to be made to accord with the standards of this bill until the Board or the Office of Price Administration had adequate time to investigate and determine?

Mr. BARKLEY. In a case where one of these commodities went back under control automatically as of August 21, we will say, it is possible that for a brief interval, until the Price Administrator could work out a new price for the commodity, there might be a brief hiatus during which the price prevailing on June 30 would have to be enforced.

Mr. DONNELL. I thank the Senator.

Mr. TAFT. Mr. President——

Mr. BARKLEY. I yield to the Senator from Ohio.

Mr. TAFT. I merely want to say on the subject that has been raised as to elevators and also processors there are certain provisions of the bill which protect them. In other words, even under the abbreviated Wherry amendment, they are entitled to cost plus a reasonable margin. The bill now provides:

> In establishing maximum prices applicable to wholesale or retail distributors, the Administrator shall allow the average current cost of acquisition of any commodity.

People who bought in this interval bought legally and whatever they paid in this interval, it seems to me, is clearly cost. So, I believe the provisions of the act require both in the case of distributors and processors that that cost be recognized as an actual cost and that they shall be allowed a margin on that cost in the disposition of those goods in such a way as to return them a reasonable profit and the prewar mark-up.

So, while it is true, as the Senator says, that these rules are automatically effective when recontrol is established, there certainly is a direction to the Price Administrator to change them immediately and to recognize the increased costs that have occurred by reason of paying more during the interval.

Mr. BARKLEY. I think that is generally true. I do not think it would go to the extent of requiring the Administrator to add increases in labor costs not approved by the Wage Stabilization Board, or to include black-market prices paid indiscriminately for products during the interim or at any other time.

Mr. TAFT. There were no black-market prices during the interval because there was no law.

Mr. BARKLEY. What I mean is I do not think there is anything in this bill to require the Administrator to add in all costs to the price which he must take into account, such as unauthorized increases in wages, not approved by the Wage Stabilization Board, or black-market prices or what is equivalent to black-market prices, since there was no such thing as black-market prices during the interval because no ceilings were fixed.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Missouri.

Mr. DONNELL. I desire to ask a further question. Is it not possible that considerable confusion might arise in this interim? If, for example, the price of a given commodity were, we will say, $5 as of June 30, and in the meantime, between then and August 20, the cost of that article had gone up, so that its actual cost was $5.50, and yet there had been no order made by the Office of Price Administration in the interim in accordance with the standards set forth in this act, Would it not be true that a reversion must be had to the price as of June 30? Would there not be very great confusion in the mind of the person who had such a commodity as to what price he could charge, namely, that of June 30 or that which would be defined subsequently?

Mr. BARKLEY. Undoubtedly there would be a few days in which there would be some confusion but the conferees of the two Houses had to determine whether to revert back to June 30 in the orders and regulations as to prices or to equalize the prices prevailing now, which have increased in many cases 50 percent. The conferees felt—and I think the two Houses of Congress felt—that we could not justify undertaking to freeze present prices, which have gone up in many cases since the 30th of June, and that the fairest and best thing to do, recognizing that there would be some confusion for a period, was to make the law effective as of June 30, just as if it had been enacted on that date. We thought less injustice would result by adopting that course than by undertaking to legalize the prices prevailing on the day when this law becomes effective.

Mr. DONNELL. Mr. President, will the Senator yield for a brief observation?

Mr. BARKLEY. I yield.

Mr. DONNELL. In making this observation I am not at all critical but am simply seeking information.

Mr. BARKLEY. I understand.

Mr. DONNELL. The thought in my mind at this moment is whether or not there is any assurance that the interim between August 20 and the time when the Office of Price Administration can fix new maximum prices will be brief or whether, if great numbers of commodities will be embodied and embraced within these categories, a very considerable period may be necessary before the Office of Price Administration can accommodate itself to the changes made by the bill.

Mr. BARKLEY. Of course, the number of applications or of such situations would necessarily have some effect on the promptness with which the Administrator could adjust them, but I think I may say with assurance, after conferring with the Administrator about this very problem, that he fully appreciates it and realizes that there is bound to be a brief period—as brief as it can be made—after the enactment of this bill in which adjustments must be made. It is his purpose to facilitate and expedite the consideration of all those questions as promptly as possible so that whatever confusion may arise will be as brief as possible. It is impossible to say on what day or how many days after the enactment of this legislation that can be done. If we could say that the bill would be signed tomorrow, tomorrow being the 25th of July, it would be impossible to say whether by the 30th of July or any other day these problems could be considered by the Administrator and adjusted; but I think the Administrator thoroughly understands the difficulties growing out of this hiatus between the 30th of June and the effective date of the enactment of the law, and he will, to the fullest extent possible, facilitate the consideration and the termination of those matters, so as to work as little injustice as possible.

Mr. DONNELL. I appreciate the very courteous and helpful response of the Senator from Kentucky.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Oregon.

Mr. CORDON. I am somewhat concerned with reference to a reconciliation of the provisions of the conference re-

port, appearing on page 3, subsection (e), entitled "Agricultural commodities." This subsection provides authority to the Secretary of Agriculture within 30 days to certify prices to the Administrator agricultural commodities which are in short supply. Succeeding provisions provide for decontrolling unless the commodities are certified to be in short supply.

Referring to those provisions, and then to the provisions beginning on page 4 which refer to the five commodities which were decontrolled, and with reference to which there is provision for continuing decontrol to the 20th day of August, and for action in the interim by the Decontrol Board, or for the application of price control on the articles on the 20th of August, with reference to those five agricultural commodities after the 20th day of August, what authority does the Secretary of Agriculture have, under the report, to certify them in short supply, and if he does so certify them, in what position is the Decontrol Board with reference to such certification under the provisions which seem to give it exclusive control of those commodities?

Mr. BARKLEY. I would say to the Senator that in my judgment no matter what the Decontrol Board does up to the 20th of August, these commodities thereafter are subject to the certification of the Secretary of Agriculture, just as they are under the general provisions of the agricultural sections of the bill. In other words, if the Decontrol Board should decide by August 20 that these items should return under control, and they do return under control, or if the Board does nothing and they go back under control, they are subject to certification later by the Secretary of Agriculture under this provision, as if the Board had taken no action at all.

Mr. CORDON. Then would they not be subject to certification by two different authorities, the Secretary of Agriculture on the one hand and the Decontrol Board under paragraph (C) on the other?

Mr. BARKLEY. No. In case the certification is made by the Secretary of Agriculture to the Administrator that they are not in short supply, then it is the duty of the Administrator, under the provision, to decontrol them. If he does not do so, then, of course, the matter can be taken to the Decontrol Board. It is the same Decontrol Board which may or may not have decided on the 20th of August to return them to control. That is my interpretation of the provision, that these five commodities are not taken out of the authority of the Secretary of Agriculture after the 20th of August to certify to the Administrator that they are not in short supply, in which event it is his duty to decontrol them.

Mr. CORDON. The reason which prompted my inquiry was the fact that poultry and tobacco, two products which the Senator discussed as being in a different category with reference to decontrol——

Mr. BARKLEY. They are in a different category in this respect, that they do not go back under control unless ordered.

Mr. CORDON. And that is up to the Secretary of Agriculture?

Mr. BARKLEY. That is up to the Secretary of Agriculture.

Mr. TAFT. Mr. President, I am sorry to say that I differ with the Senator's interpretation as to the conflicting powers of the Secretary of Agriculture and the Price Decontrol Board. My understanding is that, so far as these special products, both kinds, are concerned, they are absolutely placed under the jurisdiction of the Price Decontrol Board until the Price Decontrol Board determines that they shall be regulated again, or until, in the case of some commodities, they return to regulation on August 20. So long as they remain decontrolled, I do not think the Secretary of Agriculture has any power whatever to recontrol them. However, if the Decontrol Board returns them to control, then I think the ordinary operation of the act becomes effective, and the Secretary of Agriculture may at a later date certify that they are not in short supply, and thereby decontrol them. But I do not think there is any machinery in the act for recontrol of any of these commodities except that stated in paragraph (8).

Mr. BARKLEY. Mr. President, I wish to state that my answer to the Senator's question was based on the assumption that these articles had been placed under control, had been recontrolled.

Mr. CORDON. If they once have been recontrolled——

Mr. BARKLEY. Then they come under the jurisdiction of the Secretary of Agriculture. So long as they are out of control, of course, there is no occasion for him to take jurisdiction, unless he should certify, under the general provisions of the act, that they are in short supply.

I was assuming that the Senator from Oregon had in mind the fact that all these 8 articles, the 5 in one category and the 3 in another, had come under recontrol, in which event the Secretary of Agriculture would have the same right to certify to the Administrator with reference to their short supply that he would regarding other agricultural products.

Mr. TAFT. I was speaking of meat and other items. The Senator is more interested, perhaps, in poultry and eggs, and I agree that under paragraph (7) on page 4—

> No maximum price and no regulation or order under this act or the Stabilization Act of 1942, as amended, shall be applicable with respect to poultry or eggs or food or feed products processed or manufactured in whole or substantial part therefrom, or in the case of leaf tobacco or tobacco products processed or manufactured in whole or substantial part therefrom, except that, after August 20, 1946, maximum prices with respect thereto may be reestablished pursuant to the provisions of paragraph (3) of this subsection (e), but only under the standards prescribed in paragraph (8) (C) of this subsection (e).

Mr. BARKLEY. That is correct.

Mr. CORDON. Then, if I have the correct understanding of the legal effect of these provisions with reference to poultry and eggs and products manufactured therefrom, and leaf tobacco and products manufactured therefrom, there will be no control until the Secretary of Agriculture affirmatively finds—

> (i) That the price of such commodity has risen unreasonably above a price equal to the lawful maximum price in effect on June 30, 1946, plus the amount per unit of any subsidy payable with respect thereto as of June 29, 1946; and
>
> (ii) that such commodity is in short supply and that its regulation is practicable and enforceable; and
>
> (iii) that the public interest will be served by such regulation.

In other words, those findings must be made by the Secretary of Agriculture with reference to these two major products and these two only?

Mr. BARKLEY. That is true, these two, speaking of tobacco and poultry. The Secretary of Agriculture would have to be governed, as to those, by the formula set out in provisions (i), (ii), and (iii), which the Senator has just read. I might say also that the finding has to be concurred in by the Board itself.

Mr. CORDON. The next question, then, is with reference to livestock, cottonseed, soybeans, and so forth, the products mentioned in paragraph (8) (A). Is it the Senator's view that the direct intervention of the decontrol board into this price picture, authorized and directed to be made on or before the 20th day of August, under which, let us assume, prices are again authorized to be fixed, is not exclusive authority after that date, and that thereafter the general provisions of subparagraph (e) being the provision fixing authority in the Secretary of Agriculture, will attach to not only these agricultural products, but all agricultural products, and they will remain under control or without control, depending upon the finding of the Secretary of Agriculture that they are or are not in short supply?

Mr. BARKLEY. That is my interpretation of those provisions.

Mr. YOUNG. Mr. President——

The PRESIDING OFFICER (Mr. MCMAHON in the chair). Does the Senator from Kentucky yield to the Senator from North Dakota?

Mr. BARKLEY. I yield.

Mr. YOUNG. I am not quite clear on the matter of the validity of the grain contracts. Would a contract for grain be valid if made after the date of the going into effect of the proposed law, or would it be valid until August 20, whether delivery was made or not?

Mr. BARKLEY. A contract under which title has been taken and ownership has been transferred would be valid either before or after August 20. I mean that if title had been taken by a purchaser there is in my judgment no time limit as to the existence of that title.

Mr. YOUNG. That contract would be valid until August 20?

Mr. BARKLEY. If it is a contract in which the title has passed, it would not only be valid up to the 20th of August, but it would be valid after the 20th of August.

Mr. TAFT. If title has passed before the 20th of August.

Mr. BARKLEY. Yes; if title has passed before the 20th of August.

Mr. YOUNG. I imagine that with respect to at least half the grain contracts delivery is not made until 30 days afterward.

Mr. BARKLEY. I do not think the date of delivery has anything to do with the legality of title. If purchasers have bought the grain and have taken title to it, it is their grain, although it is still in the granary of the farmer who produces it, or is in the possession of someone else.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CORDON. I find it necessary to come back again to this question. I cannot get my thinking clarified.

Mr. BARKLEY. If the Senator from Oregon cannot get his clarified, I wonder what he thinks is going to happen to mine?

Mr. CORDON. Assuming, Mr. President, that the Decontrol Board does not act until the 20th day of August, and livestock, grain, and so forth, should come again under price control, then assuming that 30 days elapsed thereafter with no other action excepting that the prices are fixed, and the OPA goes forward with its controlling of prices, what happens with reference to the sentence which I am now reading from subsection (e), paragraph (1), about the middle of page 3:

> No maximum price shall be applicable with respect to any agricultural commodity during any calendar month which begins more than 30 days after the date of enactment of this section, unless such commodity is certified to the Price Administrator—

I interpolate "by the Secretary of Agriculture"—

> under this paragraph as being in short supply.

Mr. BARKLEY. I think this sentence would apply. This would be the law by which the Secretary of Agriculture would be governed.

Mr. CORDON. Then it would operate substantially in this way: If the Decontrol Board does not function before the 20th of August, and these commodities go back under price control, they remain under price control for 30 days, and no longer, unless the Secretary of Agriculture certifies they are in short supply.

Mr. BARKLEY. Yes. It might be longer than 30 days. It might be 10 days beyond the 1st of September.

Mr. CORDON. Yes; I understand.

Mr. BARKLEY. But this provision would apply, that at the end of the 30 days beginning on the first of the month following the enactment of this legislation, if the secretary should certify that these commodities are no longer in short supply, they would be released from control, and at another date subsequent to that 30-day period, if the Secretary certified, they would be released, although they came back under control automatically on the 20th of August.

Mr. CORDON. I suggest that I do not envy the Secretary.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WILEY. It would appear that the processor and distributor and manufacturer and wholesaler and retailer are in some way protected under the measure by having their margins and mark-ups protected. I am asking if there is any such protection for the livestock producer, the milk producer, the farmer? Is he part of an industry, or is his cost guaranteed?

Mr. BARKLEY. There are two cost formulas in the joint resolution, and they have not been changed materially except by the addition of the words "plus a reasonable profit" in subsection (f) of the so-called Barkley substitute for the previous Taft amendment. We put in the words "producer, manufacturer, and processor," so as to include the farmers, the producers of whatever they produce. Originally the measure did not carry the word "producer." It carried the words "manufacturer and processor." We added "producer" in order to be sure to cover the situation which the Senator from Wisconsin has in mind.

Mr. WILEY. Then it is clear in the mind of the Senator that the livestock producer, the milk producer, the farmer, is covered so that he is more or less guaranteed his cost?

Mr. BARKLEY. He is put on the same basis and under the same formula as manufacturers and processors.

Mr. WILEY. There is one other question, and that relates to rent. I understand the general proposition is that the OPA rent control authority continues unchanged.

Mr. BARKLEY. Yes.

Mr. WILEY. Since this measure may become law, it might be well to obtain the Senator's own idea as to the power to do equity, as the law provides, in case of rents. Putting it concretely, in communities such as Washington, when OPA began to operate rents were relatively high. In other communities rents were very low because they had not felt the impact of war. I think it is important that the people generally should know, and especially that the OPA officials should realize their obligation, if this measure should become law, as to what they should do by way of seeking to do equity in the low-rent areas; what the function of the Administrator is in such cases.

Mr. BARKLEY. The rent control law is not changed. There is no formula in this measure for rent, like there is for producers, manufacturers and processors. Of course, in cases where rents have been raised since the 30th of June and the increased rent has been paid, I take it for granted that the Rent Administrator cannot compel a refund of that money, because it was a legal transaction, especially if agreed to and the increased rent was paid by the lessee. But in the District of Columbia of course rents are not controlled under the OPA. For the District of Columbia there is a special law, and rent control has continued without any hiatus at all. But in the other areas which are described as defense areas, where provision is made for rent control, rents revert to the rates of the 30th of June. The Administrator of course has the same power, in view of what has taken place, to consider whether increases should be allowed from now on, whether there has been an increase in rent, or whether there has not been an increase in rent, and in determining that question he has of course the perfect right, if not the duty, to consider any increased cost in the operation of the apartment house, if it happens to be an apartment house, or whatever increases in outlay have been necessary. He has a right to consider such factors, and no doubt would consider them on any application for an increase in rent in any given community where the law operates, but it does not operate in the District of Columbia.

Mr. DONNELL. Mr. President——

The PRESIDING OFFICER (Mr. TAYLOR in the chair). Does the Senator from Kentucky yield to the Senator from Missouri?

Mr. BARKLEY. I yield.

Mr. DONNELL. The Senate amendment which provided that "whenever a State has established or establishes provisions for control and regulation of the rent of housing accommodations," and so forth, does not appear in the conference report.

Mr. BARKLEY. No; the conferees eliminated that, because it was the general feeling that even in States which had temporarily undertaken to take over during the hiatus, on the theory that a Federal law might not be enacted, it was the feeling and information of the conferees that the States and communities really preferred the National Government to handle this matter from now on during the remainder of the year, until the time of the expiration of the law. At any rate, only four States had acted to undertake to control rents within their boundaries. Under all the circumstances the conferees felt that it was better for the next year to pursue the course we had pursued during rent control, and allow it to be exclusively a Federal function. Therefore it was eliminated from the bill.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CORDON. What happened to petroleum under the conference report?

Mr. BARKLEY. Petroleum is in the same category as tobacco and poultry.

Mr. CORDON. It is not mentioned in that paragraph.

Mr. BARKLEY. No. Petroleum was mentioned in another paragraph, and we left it there—like Niobe, in all her solitude. Was not Niobe the mythological character who stood alone?

Mr. CORDON. I think perhaps she had something to do with crying; and I suspect there will be a great deal of that before we are through.

Mr. BARKLEY. At any rate, petroleum occupied a special paragraph in the bill, and we left it in its special situation, but fixed for it the same standard and the same requirement with regard to recontrol which applied to tobacco and poultry.

Mr. CORDON. What was done with reference to price control of raw cotton?

Mr. BARKLEY. There has never been any ceiling on raw cotton, and under one of the paragraphs of the bill which pre-

viously passed the Senate, and which was in the bill which the President vetoed, and is now in this joint resolution, there can be no ceiling put on raw cotton, because that paragraph provided that no regulation, order, or anything else that had not been in effect prior to April 1, 1946, could have any application with reference thereto. So raw cotton is still king.

Mr. CORDON. What about wool?

Mr. BARKLEY. If there has been a price ceiling on wool it will, of course, come under the same provisions as other commodities. If there has been no price ceiling on wool it will come within the terms of the same paragraph to which reference has been made.

Mr. CORDON. I merely wondered if any special action was taken.

Mr. BARKLEY. I should like to say a brief word with reference to the much-disputed and controversial Taft-Barkley-Taft amendment.

Mr. WILEY. Which comes first?

Mr. BARKLEY. I think the name "TAFT" comes first. I was rather squeezed in the middle.

The provision in the joint resolution which is now before the Senate is precisely the same as the bill passed by the Senate, with the exception that in subdivision (f) on page 13 the words "reasonable profit" were added. The provision reads as follows:

> If the maximum prices of a product on the average equal its average current total cost—

The conference added "plus a reasonable profit"—

> nothing herein shall require any further adjustment of such maximum prices for any period with respect to which it appears that a substantial expansion in the production or use of the product would not be practicable or would be practicable only by reducing the production of at least equally needed products.

That is the language as it was in the joint resolution when it passed the Senate, with the exception of the addition of the four words "plus a reasonable profit." The conferees felt that under the circumstances that was not out of harmony with other provisions of the joint resolution and of the law which expired on June 30, when the Administrator was required to consider increases and decreases in cost, profits, and other factors. We have never eliminated from the joint resolution consideration of profits, so we felt that it was not inconsistent with the general provisions of the joint resolution to add those four words in the formula. Otherwise the provision is just as it was when it passed the Senate.

After we had finished our work in the conference on Saturday night I was asked by representatives of the press whether this was a better or worse measure than the one which the President vetoed. I said I did not know. That was a perfectly honest answer. We had been in session for 8 or 10 hours, and I was in no mood to try to assess the advantages or disadvantages as between this measure and the bill which the President vetoed. However, on the whole, I believe that this is a better measure than the bill which the President vetoed. In the bill which the President vetoed no decontrol of anything was stipulated by Congress, and therefore he was under no obligation to discuss the question of decontrol. It was not in the bill. He did not have to pass upon it. He did not discuss it, and he did not pass upon it. To the extent that there are decontrols in the joint resolution, or were decontrols in it when it was passed by the Senate, I should say that from the standpoint of the President and the Price Administrator, that is a disadvantage and a defect as compared to the bill which the President vetoed. But inasmuch as the law expired, and inasmuch as there has now been a period of nearly 4 weeks during which there has been no law at all, and inasmuch as the Senate added eight specific items of decontrol, it was necessary for the conferees to recognize the situation and to deal with it in a practical and realistic way. I think we have done so by providing a period up to the 20th of August, which gives time to the Decontrol Board to give consideration to all the items and elements involved. I felt that that provision was necessary because price controls could not be slapped back on overnight with respect to things which had been specifically decontrolled. This provision is better than the outright decontrol of specific items by the Congress, without any right to recapture control unless later there should be some provision under the existing law or the general provisions for recapture which might make it possible. So I believe that so far as the decontrolled items are concerned, the joint resolution is better than it was when it left the Senate. That is one category.

On the question of the price formula involved in the dispute as between section 11 of the bill which the President vetoed and the joint resolution as it now stands, I think there is a distinct advantage in the present joint resolution over the bill which the President vetoed 3 or 4 weeks ago.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. BARKLEY. I yield.

Mr. MORSE. It may be that the Senator has already answered the question. If so, I apologize. I was not able to be present to hear the beginning of the Senator's remarks.

In considering paragraph 8 (B) on pages 4 and 5 of the conference committee report, was it the intention of the committee that the Price Decontrol Board could force certain commodities back under price control simply by failure to act? Or was it the intention that the Board should be required to make a definite finding or determination before milk, for example, could be recontrolled? To put it another way, would those who would be affected by failure of the Board to act be given an opportunity to present their case before August 20?

Mr. BARKLEY. With respect to the five items which automatically go back under control on August 20 or 21 in the event the Board fails to do anything, the committee felt that the Board was given a direction to give priority to the consideration of those matters, because the Board is directed promptly to consider whether, on the 20th of August, those commodities shall go back under control. The Board is ordered to hold a public hearing to give interested parties, both producers and consumers, an opportunity to be heard. We recognized that it might possibly turn out that there would be such a demand or request for hearings on the part of both sides that in some cases the Board might not be able to make a finding by August 20. That provision was not inserted for the purpose of encouraging the Board to do nothing. But the situation was that if, for good and sufficient reasons, the Board should not take action by August 20, we had to decide whether those commodities should go back under control or should be decontrolled until recaptured by some other conditions. So we had to take one of two alternatives. The conference committee felt that, even with all the diligence which the Board might exercise in arriving at a decision and making a finding, after giving the interested parties an opportunity to be heard, it might not be able to reach its decision or make its findings by that time, and in that case the commodities would go back under control.

Mr. MORSE. I think I understand the Senator's explanation, but I should like to restate it in my own words, if I may, in order to make sure that I correctly understand.

Mr. BARKLEY. Certainly.

Mr. MORSE. It is my understanding that in case the Price Decontrol Board does not decide or is unable to decide by August 20 that dairy commodities shall not be regulated under the Price Control Act, such commodities will automatically come under control on August 20 I further understand that it is the intention of the committee that if that should be the situation on August 20, the Price Decontrol Board shall proceed as soon as possible thereafter to hold hearings as to those commodities.

Mr. BARKLEY. The Board is required to do that before August 20. All these items are held in suspense and are held out from under price control until August 20. In the meantime the Board is charged with the duty of giving priority of consideration to those matters and to hold hearings, if they are requested, and to reach a finding, and by August 20 to determine whether any of these items shall come back under control or whether any or all of them shall remain out from under control.

Mr. MORSE. Then, it is the intention that the parties affected by the decontrol of such items on August 20 shall have a right and an opportunity to be heard before August 20?

Mr. BARKLEY. Oh, yes; that is true.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. AIKEN. I wish to ask a question in this connection. Rather large subsidies have been paid for the production of milk, during recent years. Of course, the subsidies were to have been increased on July 1, but actually they simply went out of existence, instead.

However, on July 5, the Department of Agriculture issued a release in which

Secretary Anderson asked all the dairymen to hold the line and not increase their prices. He stated that he would urge the Congress to provide funds to cover dairy production subsidy payments during the period when milk producers held the line pending settlement of the price control and subsidy issues.

Dairymen in some parts of the country did not hold the line more than 2 days. Dairymen in other parts of the country held the line for 10 days, before they increased the price of milk. In large sections of the country, strange as it may seem, the dairymen are still holding the line and are still receiving for their milk the same price which they received on June 30. Is there any provision at all in the conference report that if the subsidies are restored, those who held the line in accordance with the request of the Department will not be severely penalized for doing so?

Mr. BARKLEY. I may say that the conference report contains provision for payment of the same amount of subsidies—namely, a billion dollars' worth—and it requires that the subsidies shall end by the 1st of next April, just as was required before. The Secretary will have authority to retain the subsidies until April 1. He is not required to do it, but he has authority to do it.

Mr. AIKEN. On page 9, paragraph (4) of subsection (a) of section 6 provides in part that—

Operations shall not be carried out under authority of this subparagraph (4) with respect to any commodity for any period occurring after the date of the enactment of this act during which maximum prices on such commodity are not in effect under the Emergency Price Control Act of 1942, as amended, or the Stabilization Act of 1942, as amended.

It would seem that that is a directive for him not to pay the subsidies between the time of the adoption of this conference report and August 20, when they might be restored again. This was in the non-crop-subsidy program. But I believe some of the subsidies on cheese and butter have been paid out of the noncrop subsidies.

Mr. BARKLEY. That applies to the situation after the enactment of this joint resolution. They have the right to go back to June 30 and to pay those subsidies in any case in which a milk producer has not increased the price of his milk, under the advice of the Secretary of Agriculture or the request of the Secretary of Agriculture or if for any other reason he has not done so. In other words, it is optional with the Secretary whether those subsidies shall be paid retroactively. He has the power to do that.

Mr. AIKEN. Is the Senator sure about the situation?

Mr. BARKLEY. The subsidy appropriation in the amount authorized is sufficient to enable him to do it.

Mr. AIKEN. But I wish to be sure that this is not a directive for him not to pay subsidies on cheese, let us say, between the date of the enactment of this measure and August 20.

Mr. BARKLEY. Is the Senator from Vermont referring to cheese alone?

Mr. AIKEN. I refer to any commodity.

Mr. BARKLEY. No; I do not think he could, in that case, pay subsidies as between June 30 and the date of the enactment of this measure.

Mr. AIKEN. I did not mean that.

Mr. BARKLEY. Perhaps I did not understand the Senator's question.

Mr. AIKEN. I mean that paragraph (4), with respect to the noncrop subsidy program, states that—

Operations shall not be carried out under authority of this subparagraph (4) with respect to any commodity for any period occurring after the date of the enactment of this act—

Which may be tomorrow—

during which maximum prices on such commodity are not in effect under the Emergency Price Control Act of 1942, as amended, or the Stabilization Act of 1942, as amended.

Mr. BARKLEY. According to my judgment, that provision means that after this measure is enacted, subsidies shall not be paid upon any of these commodities upon which maximum prices are not in effect from now on.

Mr. AIKEN. That would mean that the man who has held the line up to now will be penalized for the next 3 weeks if he continues to hold the line.

Mr. BARKLEY. If there is no price on his product, it is one of those little hiatuses where someone will be burnt. There is no way to avoid that. Because of the fact that there has been a hiatus, it is simply impossible to write any law which will take care of every human being who gets caught during that period.

Mr. AIKEN. But the Senator from Kentucky does feel, does he not, that in regard to the milk subsidies, at least, the subsidy payments could be retroactive until June 30?

Mr. BARKLEY. Yes; I feel sure that the Secretary can have authority to do that, although he is not required to do so.

Mr. DONNELL. Mr. President, I appreciate the fact that the Senator from Kentucky has been on his feet a considerable length of time, and I shall make the question I have as brief as possible.

I call the Senator's attention to subsection (f) of section 6 on page 13 of the conference report, which, in turn, is a new section incorporated under section 11 of the conference report. As I understand the Senator's explanation, subsection (f), to which I have referred, is the same as the one which was in the previous bill, except that the words "plus a reasonable profit" have been added. Is that correct?

Mr. BARKLEY. If the Senator means the previous bill, the bill which the President vetoed, the answer would be "No." This is the same provision as the one which was in the bill passed by the Senate the other day.

Mr. DONNELL. That is what I should have said.

Mr. BARKLEY. With the exception of the addition of the words "plus a reasonable profit."

Mr. DONNELL. I am not quite clear as to the purpose of the inclusion of those words. Under the bill which was recently passed by the Senate, there appeared the following language:

If the maximum prices of a product on the average equal its average current total costs, nothing herein shall require the adjustment of such maximum prices for such period, if any, as it appears that a substantial expansion in the production or use of the product would not be practicable or would be practicable only by reducing the production of at least equally needed products.

In other words, that provision, as I understand, was designed to cover the situation in which the prices reached a point equivalent to total costs and in the particular situation described in that subsection there was no obligation to raise the price. As the language now reads, it provides that if the maximum price equals its average current total cost plus a reasonable profit, nothing herein shall require a further adjustment of such maximum prices for certain specific periods. That would seem to imply, would it not, that there are periods other than those mentioned in this subdivision as to which the law at some place requires a further adjustment of the maximum price even though the maximum price already equals the cost plus a reasonable profit? My inquiry of the Senator is: Is there, to his knowledge, anything in the conference report which requires a further adjustment of the maximum price where the maximum price already equals the current total cost plus a reasonable profit?

Mr. BARKLEY. The Senator will recall that this subsection is a part of section 11 which added section 6 to the existing law. This is the substitute which I proposed in the committee to the original Taft proposal which was the subject of some critical comment on the part of the President. This was a new section designed to take the place of the other, and creating a new formula. We went on to fix the base period as 1940. Then, in order to undertake to tie in price increases with production and employment, we provided that:

(b) In order that adequate general price levels shall be established for all commodities to bring about maximum production and employment, no maximum prices shall be established or maintained for any product of a producing, manufacturing, or processing industry (including any industry furnishing service or transportation the charges for which are subject to the Administrator's control) which do not return on the average to the industry not less than the average dollar price of such product during the base period, plus the average increase in cost of producing, manufacturing, or processing the same accruing since the base period, but the maximum prices for a product shall be deemed in compliance with this standard if such prices on the average are equal to the average current total cost of the product plus the industry's average over-all profit margin on sales in the base period.

In other words, we said that an industry is entitled to its over-all average current costs plus its margin of profit during the base period; that is, 1940.

Subsection (f) is a part of the section to which I have referred. The language reads:

If the maximum price of a product on the average equals its average current total costs, plus a reasonable profit—

And so forth. That may be a little different from what is stated in the paragraph above, which is based on the average price in 1940, the base period. The words "plus a reasonable profit" were not in the joint resolution as it passed the Senate. The House conferees insisted that they be put in. What the language says is that if the maximum price of a product on the average equals its average current total cost, and in addition to that there is reasonable profit allowed, nothing here shall require any further adjustments. That is, any additional adjustment unless the chances are that it will not bring about increased production. So we tried to tie in not only the current total cost of the product, but also the reasonable profit.

Mr. DONNELL. There might be contingencies under which, even though there was a reasonable profit on a certain commodity, there would be an obligation on the part of the OPA authorities to authorize the higher maximum price.

Mr. LA FOLLETTE. Mr. President, with regard to the provisions of subsections (A) and (B) of section (8) on pages 4 and 5 of the conference report, as the Senator will recall, the Director of Economic Stabilization on April 15 announced a program for increasing the level of the return to dairy farmers in order to offset higher costs. In that statement he repeated the assurance that the returns to the producers would either be by subsidy or by price. He announced, effective during May and June, an increase of 20 cents per hundredweight for milk and 5 cents per pound for butterfat over the subsidy rates paid in the same months of last year. If the Senator will recall, the Director of Economic Stabilization then announced there was to be further increases of subsidy rates of 20 cents and of 5 cents, respectively, over last year's levels after July 1 and that these subsidies were to be 40 cents per hundredweight for milk and 10 cents a pound for butterfat higher than during the same months in 1945.

On May 29 he announced another 20-cent increase in dairy returns in order to compensate for higher feed costs resulting from increases in feed-price ceilings. This increase, together with the increase of 20 cents on July 1, was made effective by price-ceiling adjustments during June. As I understand, the Administrator of Economic Stabilization had, by July 1 committed himself to a program of subsidies or price ceiling increases of 60 cents per hundredweight for milk and 15 cents a pound for butterfat over last year's seasonal levels of ceiling prices, plus subsidies.

The question which arises in my mind is this: Since the date inserted in subsection (1) of section 8 (B)——

Mr. BARKLEY. What page does the Senator refer to?

Mr. LA FOLLETTE. Page 5. I refer to the following language:

That the price of such commodity has risen unreasonably above a price equal to the lawful maximum price in effect on June 30, 1946, plus the amount per unit of any subsidy payable with respect thereto as of June 29, 1946.

My question is this: Could those commitments which were made by the Office of Economic Stabilization to go into effect on July 1, be taken into consideration, or would the date fixed in the conference report preclude their consideration? In other words, the program had been announced. Of course the OPA law died, and the program did not go into effect. Could the Board, in taking into consideration the subsidies, consider that what had been in effect was really an order which was put into effect 2 days after its date?

Mr. BARKLEY. Those were orders which were to become effective on July 1, but because of the lapse of the law did not.

Mr. LA FOLLETTE. That is correct.

Mr. BARKLEY. I have no doubt that they would be taken into consideration in determining the reasonableness or unreasonableness of any price under that subparagraph.

Mr. LA FOLLETTE. In other words, any order that was to go into effect, but which was cut off because of the fact that the law expired, could be put into effect, even though it was to go into effect on July 1 instead of June 29?

Mr. BARKLEY. I think undoubtedly it could be taken into consideration in regard to the reasonableness or unreasonableness of any price, and also in regard to any moral obligation which might grow out of the fact that there was an order which was to go into effect on a day when it could not take effect.

Mr. LA FOLLETTE. I thank the Senator.

Mr. BARKLEY. Mr. President, I shall not consume any more time. A while ago I was attempting to say what I thought as to whether the present bill, on the whole, is a better bill than the one which the President vetoed. I had said that, insofar as there were no decontrols at all in the bill which the President vetoed, and inasmuch as there were decontrols put into this joint resolution by the Senate, which are still retained in a modified way, subject to action on the part of the board, from the standpoint of the President and from the standpoint of the Administrator I would say that the fact that the joint resolution contains any specified decontrols at all would be a defect as compared with the other bill, because it contained none. But inasmuch as these decontrols were put into the joint resolution by the Senate and inasmuch as nearly a month has elapsed since there has been no law at all, I think the provisions which the conferees wrote into the joint resolution with reference to these decontrolled items, and the requirements of the board, constitute a decided improvement over the bill as it passed the Senate in respect to those matters.

Now in regard to the original Taft amendment, with which the President found himself in disagreement, and the provision of this particular joint resolution, I think that from the standpoint of the President, and from the standpoint of the administration of the act, and from the standpoint of the general public, the provision in the pending measure, from my viewpoint, is decidedly better and more workable, as compared with the similar provision of the bill which was vetoed by the President.

I shall not go into details to analyze the original Taft amendment or the present Barkley amendment. They speak for themselves. I am sure this provision can be administered. I know it is workable. I feel that the Administrator of the OPA feels himself that it is workable and that it can be administered.

As I have said, I have not been told by the President whether he will sign the bill. I have not asked him to tell me whether he would sign it. I have every reason to believe he will, and I certainly express the fondest hope that he will.

On the whole, as a completed piece of legislation I state without reservation that in my judgment the conference report bill is an improvement over the bill which the President vetoed.

Mr. AIKEN. Mr. President, before the Senator concludes, I should like to make one thing perfectly clear in my own mind; I would go back to the colloquy we had regarding the purchase of grain by the feed mixers at higher than ceiling prices, in order to break the feed famine which existed in the Northeast.

The Senator expressed the opinion that if the title to the grain had been passed and a contract completed, the feed mixers would not be penalized, but would be permitted to pass on the additional cost of the grain in the price which they would charge for the dairy and poultry feed.

What I should like to make sure of is this: Would any contracts completed between the date of the passage of the act and the 20th of August be subject to the same interpretation? In other words, can the purchasers continue to buy on the open market, without fear of being caught in a squeeze if prices are rolled back on that date?

Mr. BARKLEY. I think similar contracts made between now and the 20th of August and those heretofore entered into since the 30th of June would be on a parity.

Mr. AIKEN. I thank the Senator.

Mr. BARKLEY. I apologize to the Senate for taking so much time, but my remarks have been made in an effort to elucidate the bill so far as I could do so, and I appreciate the patience of the Senate.

Mr. TAFT. Mr. President, I intend to vote for the conference report, although I am not very well pleased with it. The main reason why I am not pleased with the report is that it has become interminably complicated, to such an extent that it is very difficult to understand exactly the meaning of the compromises which have been made. I do not think it is anything like as satisfactory, from the

standpoint of straightforwardness, as the original bill passed by the Senate and the House and vetoed by the President, nor is it as clear as the joint resolution passed by the Senate.

I should like to explain what I think the conference report means, because, as I have said, it is certainly extremely complicated.

First, I should like to deal with section 11, which, is the Barkley amendment, proposed by the distinguished majority leader in lieu of the amendment which the Senate adopted, and which I offered in the Senate when the original bill was passed.

Under the formula as originally passed it was required that the cost of each product of an industry should be figured as of 1941, and that the industry should be entitled to add to the price which it received in 1941 the increased costs since that date. That was a fairly simple idea. The OPA contended that it was difficult to administer, but the formulas contained in the pending conference report, or some of them at least, are just as difficult of administration. In fact, the basic theory of the Barkley amendment is almost exactly the same as that of the Taft amendment.

I think it is fair to say that, as an over-all proposition, the Barkley amendment, like the Taft amendment, destroys the over-all industry standard which the OPA has used and insisted upon for the last 3 years. That was the standard under which they said that, if an industry was making a profit on one or two things, it could be made to sell some other product at a loss or at cost. The principal purpose of the amendment I offered was to destroy that standard and to provide that every product had to stand on its own feet, and had to return to the industry, on the average, at least, the cost of production, plus a reasonable profit; although I made the exception that, if the industry had never sold a product at a profit, it was not entitled to do so now.

Under the Barkley amendment three different formulas are applicable at the discretion of the OPA, either this way or that way or some other way. Each of those standards is different. All of them destroy the over-all industry standard. All of them for the first time put the pricing of products on a product basis under all circumstances. So that I think they accomplish the main purpose of the Taft amendment, and are in every way similar to it.

The differences are rather minor and complicated, and also difficult to explain. The basic Barkley formula, contained in section 11 (6) (B), provides that—

> No maximum prices shall be established or maintained for any product of a producing, manufacturing, or processing industry * * * which do not return on the average to the industry not less than the average dollar price of such product during the base period—
>
> Which is 1940—
>
> plus the average increase in cost of producing it since the base period.

That formula is exactly the same as that of the Taft amendment, except that 1940 is used instead of 1941, and that the costs, instead of being added to the individual manufacturer's price of 1941, are added to the average price of 1940. I do not think that is very important, but so far as it has any effect, it discriminates against the smaller manufacturer. The smaller manufacturer is usually getting more for his product, his costs are somewhat higher, and by reason of his being closer to his customers, or furnishing some special service, or having friends over a long period, he got little more than the regular large-scale manufacturer, and had to get a little more in order to pay his increased costs. The Barkley formula abolishes that difference and says the two must sell at exactly the same price.

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. WILLIS. I have been very much disturbed about that feature of the conference measure. As I interpret it, we are going to do business on an average in America under this plan. We are going to have average production, are we not? Will we get the production out of the bill that we need to supply the quantity of things America needs, and will it be necessary to bring the prices down in competition?

Mr. TAFT. I do not think it is quite so promising as the Taft formula, but I think it does something, because it does away with that iniquitous practice of the OPA to make a producer sell an article at a loss. It makes the OPA allow the manufacturer a profit at least. Now that profit is on the average.

Mr. WILLIS. What happens to the man who can not make it on the average?

Mr. TAFT. It is true that for various reasons, the small producer often received a higher price, and when everything is reduced to a standard such as this, he loses that advantage. While it may encourage production for the large manufacturer, it is not so effective to accomplish that purpose for the small manufacturer, or for the encouragement of the establishment of a great many smaller manufacturers. I think that is unfortunate. As to the total overall production, I think probably it would have the same effect, but I believe we ought to encourage the small business instead of the large business.

Mr. WILLIS. It is likely to work a hardship on the small producer.

Mr. TAFT. Yes.

Mr. WILLIS. Who has suffered under OPA during the 4 years of its existence.

Mr. TAFT. Yes. The small producer suffers under price regulation. He can not adjust himself as well as can the large manufacturer.

There was put in at the end of paragraph (b) an alternative standard for OPA. This language was inserted:

> but the maximum prices for a product shall be deemed in compliance with this standard if such prices, on the average, are equal to the average current total cost of the product plus the industry's average over-all profit margin on sales in the base period.

That means it must be done on a product basis. But the OPA can say every product must be sold on the basis of its present cost, but there must be added a profit margin, and that profit margin may be the average profit margin the manufacturer had on all his product in 1940, instead of the profit margin he had on the particular product. That, Mr. President, is another average. But I do not think it changes substantially the net result, except that every one will have to figure both ways, and the OPA will have to figure both ways before they can apply the standard. It simply makes the work more complicated.

The joint resolution as it passed the Senate contained two provisions which practically gave the OPA power not to apply the standard if it did not want to do so. Both provisions have been changed by the conference committee on the insistence of the conferees on the part of the House of Representatives. So, in effect, to a large extent, we have accomplished what I was attempting to accomplish when I tried to strike out those three provisions. The first provision was one which said that after the Administrator had figured these costs he could then say, "Well, that is all very well. You are figuring that on the basis of a million and a half automobiles this year, but I think a normal production, say next year, will be four or five million automobiles. So I am going to give you this year's profit on the basis of what you are going to do next year in the way of costs, which will be lower, I think, than the cost you are going to have this year with a smaller volume." That is changed so that in figuring cost they can only look 3 months ahead. I think that met entirely the objections which I had.

Subparagraph (f) provided originally that if maximum prices of a product equal its costs, and if the Administrator found that increased production was not necessary in his opinion, or would interfere with some other production, then he did not have to apply the formula. Instead of that he could simply say "Here are your costs without any profit at all," and perhaps even without overhead. As changed by the conference committee it is now required that, even if the Administrator finds that increased production is not practical or necessary, still he must apply a formula on the product basis. He must still say that every product must return its costs, plus a reasonable profit.

That is a third formula in section 11. But again it preserves the principle that it must be figured on a product basis; that every product must stand on its own feet, and that the OPA cannot force a product to be sold at cost or at a loss. The only change is that if increased production is not practical the Administrator may then say "This is a reasonable profit," instead of having to apply the 1940 profit. As a matter of fact, the Administrator in many cases has held that the 1940 profit was reasonable. He might chisel 1 or 2 percent off the formula by making the finding that increased production is not possible, but the total result, I think, Mr. President, of the change in this formula, when we get all through, is that possibly there might be a 4 percent lower price on manufactured goods than there would be under the Taft formula as originally proposed.

That is certainly not of tremendous importance to the people of the United

States, and while I do not think it is as encouraging to production, or as fair, I believe that this formula, like the other formula, abolishes the over-all industry standard and forces the OPA to price every product so that there will be an encouragement to people to produce, and fill up the shelves, which in so many respects today are completely empty.

So, I would say that the net result of this change over the former measure meets in some respects the criticism of the President, but substantially carries out the principle of the amendment which I offered. Apart from the complication of 3 different formulas, the chief difference is that it is based on 1940, instead of 1941. I chose the 1941 date, because that was in the price control law, but it is true that the margin before taxes was about 3 percent higher in 1941 than in 1940. The margin after taxes was less. Both those matters have to be taken into consideration. So that while this basis is somewhat slightly lower on manufactured goods, it is not very much different.

Mr. HAWKES. Mr. President——

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. TAFT. I yield.

Mr. HAWKES. Was it not a fact that under the Senator's amendment in the original bill the Office of Price Administration was forced to do certain things in respect to which it is now left very substantially, in my opinion, to their option or judgment as to what is reasonable under certain conditions? I think that is a very important change.

Mr. TAFT. No, that is not entirely true. It is true of the measure passed by the Senate, but the changes made in conference result in this, that OPA must apply a cost plus formula, and they must apply it to every product. That is not in their discretion. They do have discretion to vary the profit, and instead of being forced, as they were under my amendment, to apply the 1941 profit, if you please—that was the effect of the formula, to state it backward really—they now may apply the formula of a reasonable profit. A reasonable profit is a profit, but it is not so adequate as the provision of my amendment. They can only do that if they find that increased production is not practicable, but they can always find that.

Mr. HAWKES. The distinguished Senator from Ohio has done a tremendous amount of work in this connection, and I believe it has been in the interest of the welfare of the ordinary people of the United States. But I cannot help feeling, from what I have heard here today, and from what I have read and seen in connection with the conference report, that the Office of Price Administration has a power in connection with determining what is a reasonable profit that it was never the intention of the Senate should be left to the judgment of one man. I know the Senator feels that there are certain instructions given to the Decontrol or the Control Board, or whatever one has in mind to call it. I wonder whether we will know what those instructions will be when we get through with the measure. I know the Senator feels there are certain definite instructions in the report, but I contend that when it gets down to the point where it says that the Price Administrator does not have to do this thing, or that he can determine what is a reasonable profit, and, under certain conditions which are left entirely in his discretion and control, he can reach a decision from which there is only an appeal to the Emergency Court of Appeals, the result will be to stymie business throughout the United States and very seriously interfere with the production we are all seeking to obtain in order to get the prices down where they belong and thereby to give the people what they need.

Mr. TAFT. Of course, the decontrol matter has nothing to do with this, and the discretion given with respect to decontrol has no relation whatever to the question of what price shall be fixed if an article is recontrolled. As I have stated before, the respect in which this is completely similar to the Taft formula is that it destroys the over-all industry standard once and for all. It requires every product to be priced on a product basis, on the basis of the cost of the particular product, and to the cost of that product must be added a reasonable profit. I agree that the difference is that the Price Administrator is given some discretion and power to say that he is going to apply the formula, with a reasonable profit, instead of the 1941 or 1940 profit which formerly existed. But as I say, I do not think that that will make a tremendous difference. I know it will not make much difference in prices. I do not think the President has gained a great deal by that particular concession, and it still forces every product to be priced in such a way as to bring about greater production of it.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. McMAHON. I assume the Senator is discussing section 11?

Mr. TAFT. Yes.

Mr. McMAHON. I have received an inquiry with respect to roofing material. The particular concern I have in mind is engaged in roofing, siding, and insulating work. Is it the Senator's interpretation as to the meaning of the language that those engaged in doing this kind of work come within the meaning of subparagraph (e) and are protected the same as producers, manufacturers, and processors?

Mr. TAFT. The Senator is referring to a company which repairs roofs, is he not?

Mr. McMAHON. That is correct.

Mr. TAFT. Such a company is subject to control as a service industry; and service industries are included in the provisions of section 6 (b). After referring to the product of a producing, manufacturing, or processing industry, that paragraph contains the following language in parentheses:

(including any industry furnishing service or transportation the charges for which are subject to the Administrator's control.)

So the general formula of section 6 (b) applies to such a concern. In other words, initially it is permitted to charge what it charged in 1940 plus increased costs since that date. But the Administrator may apply another formula which provides, in effect, that it must get his present costs plus a reasonable profit.

Mr. McMAHON. I thank the Senator.

Mr. TAFT. The part of the joint resolution which I like least, and the change with which I most completely disagree, and against which I voted at every point, is the change in the Wherry amendment, in paragraph (t) on page 12. In the joint resolution as it passed the Senate the provision was as follows:

In establishing maximum prices applicable to wholesale or retail distributors, the Administrator shall allow for the current cost of acquisition of any commodity, plus such percentage discount or mark-up as was in effect on June 29, 1946.

The date in the bill which originally passed the Senate was January 1, 1946. The Senate passed the joint resolution with the date June 29, 1946, and the conference made it March 31. It so happens that very few of the distributors' margins were cut before January 1, so the original bill in effect provided that the distributor should not be forced to absorb increases made since January 1, when prices began to increase. From the 1st of January to the 1st of July there were approximately 650 general price increases made for manufacturers. Of those, about 150 were prior to March 1, and approximately 250 prior to April 1. About 400 were made since April 1. The result is that those who were required to absorb before March 31 are still required to absorb. Those who were required to absorb after March 31 may now return to their original margin. That is a discriminatory provision. It was said that it was discriminatory when the date was made January 1. It was, but there were very few price increases prior to January 1, so that was a rather minor fault. But it seems to me that this date is very unsatisfactory. I think it is unfair to the distributors who were forced to absorb prior to March 31, and now must continue to absorb forever, or as long as price control lasts.

The decontrol section is the most important section of the joint resolution. Under the terms of the bill originally passed by the Congress and presented to the President, the only substantial change that was made was with respect to the requirement for the pricing of manufactured products. I do not believe that in any event the increase could have amounted to more than 10 percent over present prices. In many cases there would be no increase at all. In many cases increases had already been granted. The President chose to veto the bill because of the threatened increase, which, incidentally, would not have occurred until 90 days after the passage of the measure, and in most cases not until the first of the year, when we would have been in sight of the end of price control anyway. Because he chose to object to that particular provision, he decontrolled everything, and everything is now decontrolled. Particularly he decontrolled foods and rents, and by his veto he brought about an

increase in the price of food which is general and which undoubtedly it will be almost impossible to reverse. He decontrolled foodstuffs and rents.

My general impression is that, so far as the people are interested in continuing OPA, the great majority of them are interested only in food and rents. One of the newspapers in Cincinnati conducted a poll on the basis of the general question, "Do you think OPA ought to be continued?" The vote was perhaps 2 to 1 in favor of it. Another question was, "Do you think it ought to be confined to food and rents?" A slight majority were in favor of confining it to food and rents. In general, the people are interested only in food and rents. So far as manufactured goods are concerned, they are willing to wait. If they think the price is too high today, the will waft until the price is lower. In many instances they do not have to buy clothing. Suits and other things can be made to last a great deal longer than we thought possible before the war. But we must have shelter and must eat food every day. Those are the things with respect to which it was important to continue price controls. The President, by his veto, has decontrolled food, and has permitted increases in the price of food which may or may not be justifiable, but which in any event it will be almost impossible to reverse.

We have the problem of what we are going to do. Personally, I feel that the things which have been decontrolled had better stay decontrolled. We have had the shock. I feel that in time the law of supply and demand will bring prices into line, particularly in the case of grain. We have large grain crops. Other conditions will take care of grain prices. In the case of meat I feel that it is almost impossible to control or recontrol meat. I think it is unfortunate that we could not obtain the provisions of the joint resolution as it passed the Senate. What we have is an unsatisfactory compromise, but it is a compromise; and, if carried out in good faith, in my opinion, it must result in the decontrol of a great many products.

The decontrol provisions have been described. We took the commodities which were decontrolled by the Senate and divided them into two categories. By this measure, poultry, eggs, tobacco, and petroleum are decontrolled. In the case of tobacco, poultry, and eggs the Secretary of Agriculture is given the power, with the approval of the Price Decontrol Board, to put those controls back at any time when prices appear to be getting out of line. But he must find three things——

Mr. MOORE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MOORE. That is an entirely different formula from what was provided as to decontrol of petroleum in the other bill. The other bill provided that if there were a short supply, if supply did not equal demand, it could be recontrolled. Nothing was said about profits.

Mr. TAFT. That is correct; but the pending measure would make it more difficult to recontrol petroleum than would the original bill. The provision with respect to petroleum in the pending measure is as follows:

> Nothing contained in this act shall be construed to authorize the Administrator to impose or maintain price controls with respect to petroleum or petroleum products processed or manufactured in whole or in substantial part from petroleum, except that, after August 20, 1946, maximum prices with respect thereto may be reestablished pursuant to the provisions of paragraph (3) of this subsection (d), but only under the standards prescribed in paragraph (8) (C) of subsection (e).

That means that the Administrator, with the consent in writing of the Price Decontrol Board, may reestablish control, but only under the standards prescribed in paragraph (8) (C) of subsection (e).

In order to recontrol, the Price Administrator and the Price Decontrol Board must find, first, that the price of such commodity has risen unreasonably above a price equal to the lawful maximum price in effect on June 30; and second, that such commodity is in short supply. In other words, they must make the finding which they had to make under the Senate provision, and in addition they must find that the price has risen unreasonably. In the third place, they must find that the regulation is practicable and enforceable.

Mr. MOORE. Does the word "supply" mean supply for world needs, or supply for domestic demand?

Mr. TAFT. My impression is that it is exactly the same as in the original amendment offered by the Senator from Oklahoma.

Mr. MOORE. Under the former amendment it was confined to the domestic demand.

Mr. TAFT. The commodity must be found to be in short supply. That means supply in this country. As I understand, we do not export any substantial amount of petroleum. So I do not think that makes any difference. I should say without question that the provision with respect to recontrol of petroleum is better than it was in the original amendment offered by the Senator, which permitted recontrol. I believe that petroleum is treated better under the terms of this measure than is any other commodity, when we compare the present measure with that which was previously passed.

As to the commodities to which reference has been made, there must be a finding that the price has gone up unreasonably. In the case of dairy products, as suggested by the Senator from Wisconsin [Mr. LA FOLLETTE], an increase already granted by the Price Administration, and which did not go into effect because the Price Control Act expired, must be admitted by the Price Administrator to be a reasonable increase. So unless the prices of dairy products go up more than the subsidy plus the granted increase, there could be no claim that prices had risen unreasonably.

As to the other three commodities, the provision is less satisfactory. It depends upon action by the Price Decontrol Board before August 20. If the Board does not act at all, controls are restored. I think that would be a gross breach of faith on the part of the Board and a failure to follow the instructions, which are that—

> The Price Decontrol Board shall proceed forthwith to consider whether the commodities listed in subparagraph (A) shall continue, after August 20, to be free from regulation under this act and the Stabilization Act of 1942, as amended.

The Board will be considering a question which will become a moot question on August 20. So it seems to me perfectly clear that the Board is directed to make a finding before August 20.

The report also contains the following provision:

> Such Board after due notice of a public hearing and full opportunity for representatives of affected industries and consumers to present their views orally or in writing.

In other words, we do not want the Board to be permitted to say, "Well, these people want to be heard; and since they want to be heard, we cannot decide it."

The Board may shut off oral hearings, as we considered, 3 weeks before August 20, and in the time intervening between then and August 20 they will be able to consider the matter and to arrive at their decision. That situation would apply to all categories of commodities mentioned at this point in the report—namely, grain, wheat, dairy products, feed, and meat. So I believe the Board must act before August 20 one way or the other. The Board might not have as much information as it would like to have, but the problem is a very definite one. The decision is not dependent upon the collection of a great many statistics. It is a decision which, I think, the Board will be able to reach—namely, whether the price has risen unreasonably and whether the commodity is in short supply. Those matters can be determined. The Secretary of Agriculture can give the Board figures on those matters overnight.

As I have said, the report provides that—

> Such Board shall direct that any such commodity shall not be so regulated unless it finds—

Not only that the price has risen unreasonably above the price on June 30 and that the commodity is in short supply, but—

> That its regulation is practicable and enforceable, and
>
> (iii) that the public interest will be served by such regulation.

In other words, even though the Board may find that there is a short supply and that there is an increase in price, the Board still may find that the public interest does not require control.

I personally do not see how the Board can find, particularly as to meat, and certainly as to beef, that such a regulation is practicable and enforceable. Certainly it will be much less practicable and enforceable after the period of freedom from OPA, which by that time will have amounted to 7 weeks.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. WHERRY. Then why did not the Senate conferees adhere to the Senate's provision for the specific decontrol of meat, as provided for in the joint resolution as passed by the Senate.

Mr. TAFT. I was in favor of it, and I voted for it every time I could.

Mr. WHERRY. The Senator from Ohio may have been in favor of it, but the conference report does not provide for the decontrol of meat.

Mr. TAFT. That is obvious, and we have so stated.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. RADCLIFFE. I should like to emphasize that the Senate conferees made repeated efforts to have the conference report include the decontrol of meat, as provided by the joint resolution as passed by the Senate. The point of divergence is that the provision now under consideration was not accepted by all of the conferees until the conferees on the part of the House took the attitude that they would not accept the proposal originally submitted by the Senate. We were in deadlock for days. We had reached a stalemate, and both groups of conferees were about to report a disagreement. Then my first proposal of compromise was made by me, in the hope that an agreement could be reached. This was rejected but my modified proposition was eventually adopted with some slight change. But I think the conferees on the part of the Senate pressed their points and emphasized the position of the Senate about as far as they could with any prospect of success.

Mr. WHERRY. Mr. President, will the Senator yield to me?

Mr. TAFT. I do not yield for the moment, Mr. President.

Let me say that this amendment providing this formula for decontrol or recontrol was offered by the distinguished Senator from Maryland, who throughout the conference stood out against giving up provision for decontrol. As I have said, I thought that one night we were going to reach a disagreement. Then the Senator offered this amendment. It was somewhat better in the form in which he offered it than it was in the form in which the conference finally wrote it in. But in substance the formula is here, and it still governs all action under the amendment. I think the Senator was justified in trying to reach a compromise. I say frankly that my only doubt is whether this amendment will be carried out in perfectly good faith from a judicial standpoint, applying this formula, and not from an ideological standpoint, as I fear it may be carried out.

I was very much pleased, indeed, to have the assurance of the distinguished Senator from Kentucky, which I may say we also had in the conference committee, that the Decontrol Board will be immediately appointed, before the Congress adjourns, and that the Senate will have an opportunity to pass on the members who are appointed to the Board. I think that is the most important key to the whole question of decontrol.

I have stated that under this formula I do not see how meat can be recontrolled, because I do not think any reasonable man can maintain that its regulation is practicable or enforceable under present-day conditions.

As to the matter of unreasonable price, I myself do not think wheat can be reasonably recontrolled. Wheat has gone up about 5 percent. There is every prospect for the largest wheat crop we have ever had in this country. There is a prospect that wheat will be received from other countries. I hold in my hand a telegram which I have received from the president of the New York Produce Exchange, who is well informed, although of course I do not vouch for the facts that are stated in the telegram. He says:

NEW YORK, N. Y., *July 19, 1946.*

Hon. ROBERT A. TAFT,
Senate Office Building,
Washington, D. C.:

I hope you will stand firm for the decontrol of grain and grain products as well as meat, poultry, and dairy products, especially in view of the fact that I today learn that Russia is now soliciting the various European governments seeking buyers for one and a half million tons of wheat, rye, and barley and of course it is possible that they have larger stocks available for export than these figures would indicate. Certainly in view of the prospects of large crops of grain in this country according to the most recent figures issued by the Department of Agriculture and the necessity to export some of this grain in order to enable the American farmer to obtain good prices for his products it now seems possible that Russia is about ready to disrupt the entire world price structure as far as grains are concerned. If I am correct in my assumption regarding this situation so much more reason for releasing controls on meat, poultry, and dairy products since the farmer will necessarily have to look to the feeding of animals for the disposal of a good part of his crops which in turn will naturally mean a tremendous production of meat and other dairy products. I am more concerned about the prospective decline in farm prices than I am of the possibility of sharp advances above former OPA ceiling prices. For your further guidance oats declined 5 cents per bushel today in the leading markets of the country and are now selling 16 cents per bushel under the previous ceiling established by OPA. For your guidance I have also wired Senators GEORGE L. RADCLIFFE and CHARLES W. TOBEY.

CHARLES B. CROFTON,
President, New York Produce Exchange.

That is a fair indication that if the Board acts according to the facts, it will be wholly unable to find that wheat, in any event, is in short supply or that its price has risen unreasonably above a price equal to the price in effect on June 30.

Corn is in a somewhat different status, because the old corn crop has gone, and corn is selling at a very high price. I assume there would be justification for the recontrol of corn and perhaps for the recontrol of hogs. But I certainly see none for the recontrol of wheat or the recontrol of meat, after the Board is set up.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. CAPEHART. I should like to have the Senator from Ohio explain why he thinks corn and hogs should be recontrolled?

Mr. TAFT. I did not say I think they should be recontrolled. I said I think they might be recontrolled. Corn is now selling at $2.25 a bushel on the Chicago market, because there is very little corn left. That is the reason for that price. With a three and one-half billion bushel crop of corn coming in, I suppose that strictly speaking, the Board should take that into account and should find that corn is not in short supply. But I do not think that is a perfectly clear case, or as clear as the others are.

Mr. CAPEHART. I think the records show that there is a 550,000,000 bushel carry-over of corn, and that there is the possibility of the largest corn crop in the history of the Nation—approximately 3,500,000,000 bushels, as against a previous high mark of 3,200,000,000 bushels.

Mr. TAFT. I am in favor of decontrolling corn. I was then discussing whether under this formula the Board would have to recontrol it. I do not think it would have to. Of course, today corn is selling for more per bushel than wheat is selling. Certainly that shows an abnormal condition, insofar as corn is concerned. As the Senator from Indiana knows, corn always sells for probably 30 percent or 40 percent less per bushel than wheat sells for.

Mr. CAPEHART. Let me ask this question: Suppose that when the corn crop is harvested in October and November, we find that we have a crop of 3,500,000,000 bushels, which in normal times would be a crop which would reduce the price of corn approximately 50 percent; in normal times, if corn had been selling for 80 cents a bushel, with a crop of that size corn would automatically drop to a price of 40 cents a bushel. Does not the Senator think that decontrol is justified under those circumstances?

Mr. TAFT. As I understand the matter, if the Board decides not to control on August 20, its powers to recontrol then cease. But thereafter the Secretary of Agriculture, with the consent of the Decontrol Board, may decide that the short supply justifies control, and then control may be placed on the commodity. The sole question is whether corn is in short supply. It could be decontrolled by the Secretary of Agriculture later, even though the Board should refuse to decontrol it.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. VANDENBERG. The Senator has repeatedly referred to the necessity for good faith in the administration of this compromise proposal, if it is to succeed. I have always been under the impression that the fundamental reason why there has been a long stalemate between Congress and the OPA in respect to this whole problem has been the stubborn and often stupid refusal of the OPA to recognize the congressional desire for maximum decontrol at the earliest possible safe moment, and a complete refusal to cooperate with that point of view.

I now ask the Senator whether we are confronting a similar situation in respect to the conference report? Does not the Senator agree with me that the conference report and the system created by it will not succeed, either to the satisfaction of the country or the Congress, if it continues to be administered

by an OPA and an associated authority which undertakes to see how long and how much control can be maintained, instead of undertaking to see how soon and how safely decontrols can be made permanently effective?

Mr. TAFT. I agree entirely with what the Senator has said, and the success of this measure will depend on the Decontrol Board. Of course, that Board, so far as we can make it so, will be completely independent of the OPA and the Price Administrator. It will be appointed directly by the President. It will set up its own organization and will be, therefore, a new body. Provision for it was made in the original bill. It did not have the extensive powers that it will have under the present measure, but it did have considerable powers. The OPA is dominated by what I believe to be an ideology instead of common sense, and unless we get away from it I do not believe we will accomplish what we want to accomplish in respect to petroleum, tobacco, poultry, and eggs. If we mean what we have said we mean, we are starting to decontrol. What I have strenuously objected to heretofore is that we were only renewing controls. We are now actually starting to decontrol, but, in my opinion, we have not gone far enough.

Mr. VANDENBERG. Is it not true that, even from the point of view of those who will support the conference report, it would be better not to adopt this compromise if it is to be administered in the same old spirit of total opposition to the congressional point of view that maximum decontrol should be brought about as soon as it can be safely obtained?

Mr. TAFT. I agree with the Senator.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. CAPEHART. Does the Senator care to comment on the statement which the former OPA Director, Mr. Porter, made, namely, that the present measure is much better than the one which the President vetoed?

Mr. TAFT. Mr. Porter will have to say that if the President signs this measure; otherwise the President will be made ridiculous.

Mr. CAPEHART. I do not know how we can have much confidence in a man who makes a statement that the measure which we are now considering is a better one than the one which the President vetoed a few weeks ago.

Mr. TAFT. What is a good bill and what is a better bill depends on from what point of view the bill is looked at. I would say that the present measure will hold down by a few percent the price of manufactured products, which is not important in connection with inflation. But, at the same time, the bill increases prices in the case of some foodstuffs, which is important from the standpoint of inflation. The President certainly has succeeded in getting considerable decontrol of a great many food products which will be almost impossible to roll back to the point where they previously were. Any attempt to roll meat back under control would simply result in a complete elimination of the supply of meat. There would not be any. The President, by his veto, has, himself opened the door to a condition with which he can no longer interfere. We are asking that some of the decontrols be continued. Therefore, I should think that the net result, from the standpoint of inflation, if that be a danger, is that the pending measure will be far more inflationary than was the bill which the President vetoed.

Mr. CAPEHART. Mr. President, I questioned the sincerity of the former OPA Director when he made the statement to which I have referred. It seems to me that any 6-year-old child should know that the measure which is now before the Senate is, from the President's standpoint, a much worse measure than the bill which he vetoed a few weeks ago. The pending measure decontrols many things which the former measure did not decontrol. The pending measure decontrols many products until August 20. Unless the President dictates to the Decontrol Board—of course he will appoint the members of the Board—they will keep under decontrol livestocks, grains, and other commodities which are in long supply. So I question the sincerity of the former Administrator of the OPA, just as I have questioned it for many months, ever since I became a Member of the Senate.

Mr. TAFT. Mr. President, I think the Senator from Indiana is entirely correct in what he has said. The measure now before the Senate is more inflationary than was the bill which the President vetoed. So, I would think that it is a worse bill from the President's standpoint. I do not think that it will result in an increase in prices greater than will be absolutely required because of increases in costs and wages which have already taken place, and largely as a result of the policy of the Administration itself. But, from the standpoint of higher prices, the pending measure undoubtedly is more inflationary than was the one which the Senate passed a few weeks ago and which the President vetoed.

Mr. MOORE. Mr. President, what commodities does the conference report operate to decontrol except at the discretion of the Decontrol Board and the Administrator?

Mr. TAFT. The joint resolution, which is the subject of the conference report now before the Senate, decontrols many commodities from now until August 20, or a period of several weeks. That alone will be a substantial freeing of the market for a while. In the second place, formulas have been laid down on which recontrols may be imposed, and I have tried to explain to the Senate that, in my opinion, if the act is administered in good faith, almost all the decontrols will continue in effect. That is my answer to the Senator from Oklahoma.

Mr. MOORE. Does the measure permit the Decontrol Board and the Administrator to recontrol every commodity produced in the country?

Mr. TAFT. Yes, if they find first, that a commodity is in short supply; second that the price has risen unreasonably; third, that control is practicable and enforceable, and fourth, that it is in the public interest—which, I agree, does not mean very much. But those requirements are laid down by the Congress, and certainly we have the right to believe that some attention will be paid to them.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. LANGER. I have been attending a very important meeting of the Judiciary Committee and therefore was not able to be present in the Chamber during the entire time the conference report has been under discussion. I should like to ask one or two questions.

The threshing season in South Dakota and Nebraska will be over by August 20, whereas in North Dakota and Montana the grain will be coming in. Just how will the law affect that situation?

Mr. TAFT. The Senator is talking about wheat primarily?

Mr. LANGER. Yes; and also flax.

Mr. TAFT. In my opinion, as I stated before the Senator came into the Chamber, those commodities are to be decontrolled until August 20, in any event. If the grower of wheat can dispose of it by August 20, he may charge whatever price he can receive for it. Of course, that depends somewhat on whether the grower can get his wheat to the market. If wheat is recontrolled, the present measure will result in the cancellation of contracts for wheat after August 20. The Board of three, as provided for under the measure, will decide whether wheat will be decontrolled, or recontrolled. I do not think the Board will be able to find that wheat is in short supply; but if it refuses to make that finding and permits recontrol, the situation thereby created will be very complicated. Then the OPA may roll back the price. If they are wise they will not roll back the price on wheat. They will accept a new price which will not be unreasonable, as the Senator knows. On the other hand, they have the power to roll back the price and thereby leave many persons holding the bag, they having paid more for wheat than they could sell it for. Legally, I believe they would have a right to go to the OPA and insist that what they had paid for wheat was a legitimate transaction, was therefore a legitimate cost, and must be reflected in their prices. Whether they would be able to obtain favorable action from the OPA I cannot assure the Senator.

Mr. LANGER. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. TAFT. I yield.

Mr. LANGER. Where a local elevator has purchased wheat and actually has it on hand, and bought at a higher price, how would that be affected in case the bill should be enacted?

Mr. TAFT. The elevator may have paid a higher price and since it has not disposed of the wheat and still owns it, it may, under the ceiling price which will be imposed, be unable to sell except at a loss. I think the distinguished Senator from Kentucky made the statement, which I think the Senator might examine in the RECORD, that the Price

Administrator assured him that that situation would be taken care of in a higher price for wheat, which could be obtained by the elevator. But that is not required by the conference bill.

Mr. LANGER. I was going to say that if it is not required, it might break nearly every elevator in the Northwest.

Mr. TAFT. That is correct.

Mr. STANFILL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. STANFILL. Let me ask the Senator from Ohio a question about subsidies. How much does the Government subsidize meat, for instance, and poultry? How much has it subsidized dairy products and the other products?

Mr. TAFT. The subsidy on meat has run about 5 or 6 cents a pound. It has cost the Federal Treasury $720,000,000 a year.

Mr. STANFILL. On meat alone?

Mr. TAFT. On meat alone. The subsidy on dairy products runs 2 cents a quart on milk, 12 cents a pound on butter, and I think 7 or 8 cents on cheese. In a good many places it runs 3 cents a quart on milk. The increases in the prices of the milk and butter and cheese, which have taken place recently, have been almost equivalent to the subsidy; very little more. The actual increase in the price of butter from 57 cents to 69 or 71 cents wholesale has just about reflected the amount of the subsidy which was removed. That cost the Government about $515,000,000, and was going to cost it around $750,000,000 if the OPA had gone on with the plans they had for increasing the subsidy instead of increasing the price.

Mr. STANFILL. Approximately how much, in all, during the period just prior to June 30, 1946, did the Government pay out in subsidies in order that OPA might say it was holding the line on prices?

Mr. TAFT. The total subsidy program submitted, which was in force in June, was at the rate of $2,000,000,000 a year. That $2,000,000,000 was reduced by the committee to $1,000,000,000, and the conference report measure requires that subsidies be eliminated, with a few exceptions, on April 1 of next year. So all subsidies will have to be reduced, even if there is recontrol. No subsidy can be paid on a commodity which is not controlled. If the commodity is controlled, the subsidy may be paid, but not in the volume in which subsidies have been paid in the past. They have to be gradually reduced.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. Is there any way to estimate, with a degree of accuracy, the difference between the subsidies paid in the past, per annum, by the OPA, and the subsidies which will be paid if the joint resolution shall be enacted?

Mr. TAFT. The difference is just one-half.

Mr. REVERCOMB. It will reduce it 50 percent?

Mr. TAFT. It will reduce it 50 percent, with the requirement that subsidies will end on the 1st of April. Because of the President's action subsidies were taken off all at once, and the increases in the price of food which are widely advertised are largely the result of the removal of the subsidies, which were brought about by the President's veto, not gradually, as we contemplated, but all at once. Of course, the increase in the price of food is not a real increase. It simply means that the increase is paid by the citizen as a consumer instead of as a taxpayer. We now pay more for food, but it should be reflected in a decrease in the percentage of the income tax that is taken off consumers, or most of the consumers.

Mr. SHIPSTEAD. Mr. President, I did not get the figure as to the total subsidies which had been paid on food during the period of the war.

Mr. TAFT. I do not think I can give the Senator that figure. In the year ended, on the first of July, it was about $2,000,000,000. It had been an increasing amount. It started in 1943, I think, and probably built up gradually from $500,000,000 to about $2,000,000,000 a year. Now we have reduced it to $1,000,000,000.

Mr. SHIPSTEAD. That means that the population was eating food and was to pay for it on a deferred basis in the future?

Mr. TAFT. At a time when the consumer was well off and wages were high, I never could see why the consumer should not have paid the real cost of what he ate. I always thought the policy adopted was unsound. I was always fighting to limit subsidies. The only question now is how fast we can get rid of them. I think it is generally agreed they should be brought to an end.

Mr. SHIPSTEAD. But they will have to be paid for out of taxes in the future?

Mr. TAFT. They will have to be paid for out of taxes in the future, and at the present moment they have to be paid for out of bonds, and that is, therefore, to my mind, more inflationary than increasing the price of food to take care of them.

Mr. ROBERTSON. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. ROBERTSON. In connection with what the able Senator from Ohio said to the able Senator from North Dakota regarding wheat, I should like to ask if there is any means provided in the conference report of protecting the feeder or producer of livestock. At the moment probably 50 percent of the lambs have been contracted, in my State certainly, and many of the feeder beef steers have been contracted. Is there any paragraph or clause which would protect the feeder who purchased that livestock for feeding, if the conference report should be agreed to and be signed by the President, and the prices were reduced?

Mr. TAFT. The feeder who bought them for feeding?

Mr. ROBERTSON. Who contracted for them, which they do generally months ahead.

Mr. TAFT. The feeder would have made a mistake, I think, to make a contract at the higher price. I doubt if many feeders made contracts at higher prices than the ceiling prices, if there were ceiling prices.

Mr. ROBERTSON. About 50 percent of the lambs in Wyoming have been contracted for September and October delivery.

Mr. TAFT. The feeders are not protected under the joint resolution.

Mr. ROBERTSON. In no way?

Mr. TAFT. In a general way, yes; in that there are a good many provisions all through the joint resolution that the Administrator must recognize actual costs, and of course what the dealers pay are actual costs. But whether they can succeed in getting that change made before they lose money I do not want to promise, because that has not been the history. The history has been that the delay in securing the adjustments is material. I think the Senator might propound his inquiry to the Senator from Kentucky. The Senator from Kentucky gave assurance that the Administrator was going to take care of grain bought at higher prices, but whether that related to livestock I do not remember. I do not remember the exact wording of his statement.

Mr. ROBERTSON. I shall try to seize the opportunity to ask the Senator from Kentucky.

Mr. STANFILL. Mr. President, will the Senator from Ohio yield again?

Mr. TAFT. I yield.

Mr. STANFILL. The sum of $2,000,000,000, which the Senator from Ohio says was paid out by OPA in subsidies during the year just ended, June 30, 1946, is so staggering to me that I can hardly conceive of that amount of money. I heard the Senator from Ohio some days ago, when we were considering the price-control bill in the Senate, speak about OPA propaganda. Did the Senator ever find any part of their propaganda in which they said that they paid out $2,000,000,000 of the taxpayers' money in order to try to hold down prices?

Mr. TAFT. I think the Senator is correct in his implication. I think that subject was avoided in the propaganda. Subsidies were referred to in a general way. They said they should be continued, but I do not think the sums paid were ever mentioned, certainly not emphasized.

Mr. WILLIS. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. WILLIS. I ask for information, because I have not observed the subject covered in the bill. There was a practice on the part of OPA, which was very detrimental to industry, of making a new price on current costs to a new producer of an article, while the old producer, whose costs were based on those of 1941, which, as I recall, was the base period, was obliged to hold to his old price, and he could not meet the competition of the new article. Is there any provision of the bill which requires that when a price is fixed for a new producer it shall also apply to all the industry?

Mr. TAFT. No; there is no such provision.

Mr. WILLIS. There is nothing done to remedy that discrimination?

Mr. TAFT. The only remedy is that we have forced them to let the old producer obtain a more reasonable price. That is the general effect of section 11, but it is not quite so good as the original Taft amendment in that regard.

Mr. WILLIS. It does not require that the old producer be taken care of?

Mr. TAFT. There is a general provision in the original act that the Administrator may treat anybody as a hardship case and give him the right to charge a higher price. In the long run, that is not going to do him much good. He is not going to be able to get a higher price, as in the case of the larger manufacturer who is manufacturing in quantity. The difficulty has been that the established manufacturer has been forced to sell his goods at a loss, and the new manufacturer is able to get a much higher price. The general effect is to raise the price of the whole product. If the old established manufacturer is given a fair price, computed on his present costs with a reasonable profit, his production will soon reach such a point that the new manufacturer is not going to be able to get away with the higher price granted by the OPA.

Mr. WILLIS. But there has been a great divergence, a widespread difference, in the prices. The prices allowed to the old producer are low when compared with those allowed to the new producer.

Mr. TAFT. Yes.

Mr. WILLIS. And great hardships have been worked on old established producers. Some have been obliged to reduce their production. Some have refused to continue to produce.

Mr. TAFT. That comes about more from the fact that they have not been given any return at all, rather than from the fact that someone else was given a higher price. The average businessman under ordinary circumstances does not mind having a competitor who charges 50 percent more. He marks him off the book. He is not afraid of him.

Mr. WILLIS. And the old established producer would have been willing to produce at a higher price than that fixed by OPA, and produce a better article, than if he were allowed merely enough to take care of his current costs.

Mr. TAFT. Yes.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. DONNELL. I should like to ask the Senator if he deems the period between the time of the passage of this measure and August 20 to be an adequately long period within which the Decontrol Board can perform the various duties required of it? May I indicate the particular illustration I have in mind. Under subparagraph (B) of paragraph (8), on pages 4 and 5, it is provided, as I understand, that if the Price Decontrol Board shall fail to direct on or before August 20, 1946, that the respective commodities therein mentioned shall not be regulated, such commodities go back under maximum prices, regulations, and orders, under the two acts. That is correct, is it not?

Mr. TAFT. That is correct.

Mr. DONNELL. Therefore, if the Price Decontrol Board shall find that the task of determining whether or not all types of livestock, milk, food or feed products, processed or manufactured in whole or in substantial part from livestock, from milk, cottonseed, soybeans, or food or feed products processed or manufactured in whole or in substantial part from cottonseed or soybeans, and grains which have been established under the United States Grain Standards Act, or livestock or poultry feed processed or manufactured in whole or substantial part therefrom—if the Board during the period between the time of the enactment of this law, or rather the time of the appointment of the Board, and August 20, shall find it impossible to ascertain whether any of those commodities should or should not be decontrolled, then they go back under the control. That is correct, is it not?

Mr. TAFT. Yes.

Mr. DONNELL. Now may I ask the Senator: Is there any provision in the conference report which designates how long a time the President has within which to appoint the Decontrol Board?

Mr. TAFT. If the Senator was present at the time, he heard the distinguished Senator from Kentucky assure the Senate that the Board would be appointed immediately before the adjournment of the Senate. As we expect to adjourn on the 1st of August, I take it that the Board will be appointed before that time. I covered this question when the Senator was not in the Chamber. I stated that the Board would have presumably 3 weeks, and I estimated that it might take them a week to get organized, and they may have a week for the public hearings, which would have to be short. We placed in the measure language providing that the views of those interested would have to be presented in writing, so it was clear that the Board did not have to let everyone talk indefinitely. The Board could assign 2 or 3 days, we will say, to hearing the industries, and the OPA, and would then have a week to decide. Of course the Board may say, "We cannot decide." But I notice the Senate did not have any trouble in deciding for instance, on cottonseed and soybeans in 10 minutes the other day when that question arose, without previous notice. I see no particular reason why a group of intelligent men, after spending a week in listening to the two sides, should not make a decision yes or no on these questions. But it does depend, as I have pointed out, upon the President's action in appointing the Board immediately, which he has assured us he will do.

Mr. DONNELL. May I add to the Senator's comment, with his permission, this statement: As I see it, under the wording of lines 7 and 8 on page 7 of the conference report the Decontrol Board is to be composed of three members appointed by the President, by and with the advice and consent of the Senate. It seems to me that with the tremendous importance attached to this particular Board, the Senate of course will desire to use at least reasonable care in giving its advice and consent. Now, suppose, for illustration, that the President shall make his appointments, as we will estimate, on next Monday, and the Senate desires to adjourn on Wednesday or Thursday, we will say. It is entirely possible, is it not, that the personnel which he might select might be men comparatively unknown to the Senate, or with respect to whose views the Senate might desire to make very considerable investigation? Suppose, for illustration, that the appointments are made on Monday; that the action of the Senate with respect to them is not taken until, we will say, Thursday. There would only remain approximately 20 days within which the Board could exercise the various functions under the act prior to August 20? That is correct, is it not?

Mr. TAFT. That is correct.

Mr. DONNELL. Now returning to the first question I asked the Senator, Does he regard that length of time as sufficient to enable the Decontrol Board adequately to make the various findings of fact contemplated by subparagraph (B) on pages 4 and 5 of the conference report?

Mr. TAFT. I think the Board can do it just as I think the Senator could do it if he were a member of the Board. I think he could make up his mind and come to a decision on the basis of the evidence presented to him, and I think he could do so in 2 weeks.

I may say that there is this difficulty about making the time longer, namely, that while that time lags the country is in a state of uncertainty and indecision. In fact, I think it is a very proper criticism of the measure that we are not making this decision ourselves now instead of leaving it to the board. But it seemed to be impossible to have a measure which contained such a provision. It is important, for instance, in the livestock industry that the feeders know by August 20 whether they can go ahead. Cottonseed is now being brought in in Texas, and no one knows what can be paid for cottonseed. No one has the faintest idea of what can be paid for cottonseed. In fact, it probably will result in there not being any purchases made of cottonseed until the question is settled as to whether or not it shall be controlled, and what the price shall be. So we have a balancing of convenience. The longer we put it off the longer we keep the country in uncertainty. And also the shorter the time is, the more difficult it is for the Board to decide. But I see no reason at all why the Board should not decide. It is directed to do so. Its decision may not be correct, but certainly I see no reason why it should not make a decision.

Mr. DONNELL. I well understand the Senator's position, and I thank him for his statement.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. RADCLIFFE. I should like to say to the Senator from Missouri that this date was not reached casually or without most careful consideration. The first suggestion was that the moratorium be fixed at 30 days. The Senate conferees felt that even such a period would

be too short a time, but the House conferees insisted upon 15 days. Reluctantly they then agreed to the date of August 15. The point was made that the problem was so complicated and there was so much for the Board to do, that it would be almost physically impossible for it to move efficiently in that time. After further consideration, the date of August 18 was proposed and was acceptable. It was considered by some, including myself, that the concession of 1 day or 2 days more on the part of the House conferees would be of real value. I felt very strongly that every day was exceedingly vital, because there was so much to be done that even a day's grace would be very helpful. Then with considerable reluctance the House conferees finally agreed to move the date to August 20. That was as far as they would go, and that date was fixed only after the various stages to which I have just referred had been gone through.

Mr. DONNELL. I thank the Senator.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. CORDON. My inquiry goes to the question of whether if the conference report is adopted, the provision found on page 16, section 18, that all orders, price schedules, and so forth, in effect on the 30th day of June shall be deemed in effect under this extension of the act or reenactment of the act, or whether under the terms of that section, the several industry advisory committees which were appointed under the Price Control Act which expired on June 30 will be continued as advisory committees.

I ask the question because the provisions of section 11, beginning on page 12, limiting the authority of the Office of Price Control in the fixing of prices and providing certain standards, with the requirement that such standards shall be followed, also carries the provision that the only way that the action can be tested is by an application by an industry advisory committee. If there are no industry advisory committees there is no way by which to test it.

Mr. TAFT. I would suppose that the words "all regulations, orders, price schedules, and requirements under the Emergency Price Control Act of 1942, as amended, in effect on June 30, shall be in effect in the same manner," and so forth, would be broad enough to cover the appointment of advisory committees. Such committees are appointed under section 2 (a) of the Price Control Act. It says that "the Administrator shall, at the request of any substantial portion of the industry subject to such maximum price," and so forth, "appoint an industrial advisory committee or committees, consisting," and so forth.

I would think such appointments would be under an order of the Administrator and would be continued in effect under the provisions of section 18.

Mr. CORDON. I think the construction placed upon the act with reference to that matter is very important, because if industry advisory committees must be appointed again, and perhaps appointed with a different personnel, all the value that could come from the experience of the committees which have acted through the war period, will have been lost, and any action taken by the new committees would be so delayed that any opportunity to test the action of OPA with reference to the standards would be delayed so long as to make the committees almost worthless.

Mr. TAFT. I agree with the Senator; and I think my opinion is correct.

Mr. President, I wish to conclude by saying that I have felt from the beginning that it was somewhat too soon to take off all controls. It is unfortunate that this law expired on the 1st of July. I think if it had expired at the end of the year, by that time we would have reached a point at which all serious danger would have been removed. I have been afraid, however, that if all controls were removed we might find speculative increases in goods with respect to which there are still serious shortages. The principle of that statement is illustrated by rents. In the case of rents everyone admits that rents would probably double if controls were completely removed. The same thing is true with respect to a certain number of commodities, in my opinion. I have always felt that there should be a renewal of controls. Unfortunately we were faced in the beginning, as we have always been faced, with the choice between no control at all and control by an organization which in my opinion is completely wrong in many applications of the principles of the Price Control Act, and principles seem to have been adopted which are not in the Price Control Act. I had that problem in connection with the last bill. I have it now. I do not like controls. I do not like the discretion given to the Price Administrator. I would prefer to have a better measure. But in the final analysis my own conclusion is that it would still be dangerous entirely to remove controls; and rather than have no bill at all, I intend to support the conference report.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 1253. An act to enable debtor railroad corporations expeditiously to effectuate reorganizations of their financial structures; to alter or modify their financial obligations; and for other purposes; and

S. 2304. An act to provide for the training of officers for the naval service, and for other purposes.

EXTENSION OF PRICE CONTROL—CONFERENCE REPORT

The Senate resumed consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 371) extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended.

Mr. WHERRY. Mr. President, anyone who has listened to the questions which have been asked since noon relative to the provisions of the conference report on the pending joint resolution, the faltering answers which have been given, and the conjecture as to what may happen, has ample evidence that the conference report is not clear. Members of the Senate, and particularly the Senate conferees, do not know what provisions of this measure might be interpreted by a board in a manner which would be unfavorable to a decontrol program.

If there was any doubt in my mind as to whether I would oppose the conference report, it was entirely removed by the very pertinent questions asked by the distinguished Senator from Michigan [Mr. VANDENBERG]. In view of the history of OPA officials in the past and their stubborn resistence to constructive price legislation, I think it would be impossible for a thinking person to vote for the conference report. Every Senator knows that this measure is no better than the interpretation of a board, which in my opinion will be averse to a decontrol program, averse to a program which would bring about maximum production. The truth of that statement has been demonstrated during the past 4 years.

The questions propounded to the majority leader reveal a pitiful situation. There are to be three decontrol agencies and six pricing formulas. Senators have asked whether certain businesses or individuals would be included under the provisions of the joint resolution. We do not know. I expect to touch on that subject. But first I wish to stress that we do not know what is in this measure.

I remember the words of the distinguished Senator from Ohio [Mr. TAFT] when he spoke on this subject recently over the radio. He stated that this measure would give the Price Administrator more power than ever before. Yet in all this confusion——

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WHERRY. I will gladly yield when I am through with my speech. I asked the Senator to yield a while ago, but he was unable to do so.

Senators speak against this report, but say that they intend to vote for it. Under its terms we are granting more power to the OPA. We are granting power to a Board. If the experience of the future proves to be anything like the experience of the past, we shall be giving power to a Board which will be averse to free enterprise, a Board which will not decontrol, a Board which will not permit profit in industry. We shall destroy maximum production. That is the kind of a Board we shall have.

This morning I received a clipping from a New York newspaper. It reads in part as follows:

> A Wall Street rumor that Chester Bowles may return to the revived OPA as a member of the Decontrol Board touched off heavy selling in the stock market today and prices cracked 1 to 5 points.

What would Senators think of him on this Board? Would they like it? Then add to that Board Leon Henderson, and down would go stock-market prices another 15 or 20 points. Then if a fellow-traveler were added to the Board, business in this country would have absolutely no confidence in such a Board.

I am not saying that the President would appoint such men.

Mr. PEPPER rose.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Nebraska yield to the Senator from Florida?

Mr. WHERRY. I should like to complete my statement. After I have concluded I shall be glad to yield to any Senator.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield at this time.

Mr. WHERRY. Mr. President, I call to the attention of Members of the Senate the fact that they are voting for something in the dark, something they do not understand, something which will have a terrific impact on the economy of this country. And we are to rely upon a Decontrol Board. I wish Senators could know the problems which have come before those of us who have worked with various complaint committees. There have been many orders which have been absolutely impracticable. Many have not been understandable. Since 1936 more than 107,000 orders have been issued requiring 90,000,000 words to write them. And yet we expect to do business under the orders and directives of a decontrol board which I, for one, feel will not be in full sympathy with maximum production, which is the American way.

OPA officials are here taking notes. I think they ought to take notes. They will have a headache when they get this measure. I do not know how they are going to interpret it.

Last night there was published in the Washington Evening Star a cartoon depicting a certain many-headed animal being presented at the White House.

The comment of the President was, "There ain't no such animal." This is a conglomeration of compromises put together in a so-called Price Control Act which is not a price control act at all.

Mr. President, we are not extending the old act. The old act is dead. Not very long ago the Senator from Texas [Mr. O'DANIEL] told us time and time again that the old act was dead. The OPA act is dead, and we are now writing a new price stabilization act for the coming year. The proposed new act contains many loopholes. It is a surrender of power to the bureaucrats to a greater extent than ever before, even in time of war. Our entire trust must be placed in a board, which I think will be no more friendly than the OPA has been in the past. So I am against it. If we are to have a new price-control act, we ought to have an act which will control every factor entering into prices. This measure does not do so. There is no control over wages. There is no control over half a dozen items which enter into the cost of acquisition. Yet in the closing hours of the session we say, "We have done the best we can. We have made every effort we could. We will pass this act and give it to the businessmen, the farmers, the producers, and the processors of the country under the theory that it will stop inflation."

If we are to write a new price stabilization act, let us write one which is clear. Let us write one which is capable of interpretation. Let us write one in which Congress sets down the principles, rather than delegating congressional authority to a board.

Time and time again I have heard Senators say that we should overthrow bureaucracy, and that we should not delegate congressional power to bureaus and boards; yet it is proposed by this measure to grant to a board greater power than was given to any similar agency during the war.

The conference report submitted to the Senate presents an unparalleled departure from the legislative processes which this honorable body has heretofore employed in the discharge of its duties. It is so serious a matter that it challenges the very foundations upon which this segment of the legislative branch of our Government rests.

If the Senate condones what is here presented and what the report plainly reveals as having been done, it may just as well permanently delegate its legislative authority to the conferees who have signed the report.

By its action the Senate authorized an appointed number of Senators to meet with Members of the House for the purpose of ironing out the differences between the legislative enactments of the Senate in the Price Control Extension Act and those of the House.

The conference report submitted to the Senate, however, plainly establishes that our conferees, instead, proceeded to substitute a new bill in place of the one which had so painstakingly been adopted by the Senate. In so doing, our conferees not only disregarded all the proper limits of their authority, but plainly frustrated the purpose and intendment of their appointment.

Thus, there emerges a new legislative technique—at least it is new to me—brought forth by an ill-conceived stratagem which can find sanction only in the philosophy that the end to be attained thereby justifies the means.

Such a philosophy, if approved as a rule of conduct for the guidance of this Senate, can only result in the subservience of the Senate to the will of the Executive, and the disruption and disorganization of the balance which our Government was intended to have. We simply will not have that any more. If there is any doubt about whether the Executive has had something to say about the writing of the conference report, if the conferees will tell the truth, and I think they will, it will be found that he had something to say about the writing of the report, and so did the OPA authorities, insofar as the conference committee was concerned.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. WHERRY. If the Senator will permit me, I prefer not to yield at this point. I think I should not do so, inasmuch as I have already refused to yield when other Senators have requested that I yield to them.

Mr. HAWKES. I shall take only a moment or two.

Mr. WHERRY. I appreciate that and I appreciate the enthusiasm of the Senator in regard to this matter and the contributions he has made; but I should like to complete my statement first, and then if the Senator will ask me to yield to him, I shall be glad to do so.

Mr. HAWKES. Very well.

Mr. WHERRY. Mr. President, our conferees did not proceed to iron out differences or to compromise on the matter of price control. In one fell swoop, they abjectly surrendered the principles which the Senate has time and again established by overwhelming affirmative votes.

I am speaking about the decontrol of meat and the decontrol of milk. The Senate voted overwhelmingly to decontrol them. The vote was 2 to 1 in favor of decontrolling them. Legislative integrity demanded that the distinguished majority leader, as well as our other conferees who were designated to represent the Senate, should have carried out the will and the mandate of the Senate which appointed them.

Our conferees, however, did not even report an impasse in their deliberations, and request further instructions from the Senate, before yielding the principles which this Senate established after countless hours of debate and effort. Neither did the Senate conferees disagree and demand that the conferees on the part of the House take the question of specific decontrols before the House and have the House vote upon them, as should have been done before the Senate conferees made any compromise, and came back with this report.

What I have just suggested is the usual procedure. The House had not acted upon that matter. So the conferees on the part of the Senate could have and should have stood their ground. They should have demanded that the conferees on the part of the House take back to the House the question of the specific decontrols as provided by the Senate, and have those matters voted upon by the House. But our conferees did not do that. They compromised before they reported to the Senate that there was a total disagreement, if there was. They now say, "Here is the conference report; take it."

In the report they have deleted the provisions for the decontrol of meat. That provision was adopted by the Senate by a vote of 49 to 26, almost 2 to 1, and the Senate also had voted for the decontrol of milk and dairy products by a vote of 51 to 27. But the conferees have omitted such provisions from the conference report. So all this talk about whether these commodities will be decontrolled or will be controlled is just so much poppycock, because, as I said, it is left to the Board. If we give the Board authority to control, it will control. There is no question about what the result will be.

Mr. President, reasonable men uninfluenced in their tasks could have readily resolved the differences between the Senate's views on this all-important legislation and those of the House, and reasonable minds—and if the conferees are not reasonable, they should resign—are always open to compromise on debatable

issues; but I rise in protest against the manifest prostitution of the Senate's recorded position on the legislation which we all recognize as so vital to the sound economy of this Nation.

Let me quote what the Senator from Ohio [Mr. TAFT] said during the debate in the Senate, that he would do if he were made a conferee on the proposed legislation. The debate to which I now refer occurred when the distinguished Senator from New Hampshire and the distinguished Senator from Kentucky were attempting to resolve their differences about writing in a provision about grain. Someone suggested to the Senator that he accept a compromise and that the compromise be taken to conference and worked out there. The distinguished Senator from Ohio said this:

If I am one of the conferees I shall insist upon every provision the Senate places in the joint resolution. We are not going to rewrite the joint resolution in conference. In my opinion the conferees should stick by whatever the Senate places in it, unless the House is willing to vote on the measure and turn it down for some particular reason, because the House has taken no action. I dissent from the theory that we are going to put something in the joint resolution and then rewrite the whole measure in conference. (CONGRESSIONAL RECORD, July 12, 1946, p. 8755.)

That is exactly the position which I thought the distinguished Senator from Ohio would take. But the conference report comes back to us with those provisions deleted. Meat is not decontrolled; milk is not decontrolled. All this talk about letting the matter go to August 20, and then perhaps meat will be decontrolled and perhaps it will not be decontrolled is just so much window-dressing. No one can put his faith in a proposal such as this. No feeder will put his faith in it; no manufacturer will put his faith in it; and no one at all will put his faith in it. Such an arrangement will simply stymie production in the United States. Yet, in the face of this statement, which is more than an assurance; it is a positive representation made to the Senate upon the basis of which he was made a Senate conferee, the distinguished Senator from Ohio, has signed the report and now says he is going to vote for it, although I think it wrecks the decontrol provisions which were written into the joint resolution by the overwhelming vote of the Senate. Moreover, he agreed to delete from the joint resolution the specific exemptions which were written into it by the Senate, and by which he agreed to abide.

The technique which was employed by our colleagues on the other side of the aisle to subvert the will of the Senate is revealed in the remarks of the distinguished Senator from Connecticut [Mr. MCMAHON].

It will be recalled that after he had turned to the majority leader and had said, "What about this," and after the majority leader replied, the Senator from Connecticut then said:

I may say to the Senator [Mr. BARKLEY] that I have decided to vote against the amendment because I am relying on the strong right arm of the Senator from Kentucky in the conference to do away with the meat decontrol amendment, and also the poultry decontrol amendment. Therefore I have decided, after considerable thought, to support the Senator's position so far as this amendment is concerned, and shall so vote. I believe that the seed which has been sown by the other side of the aisle will be harvested in November to their intense disappointment. (CONGRESSIONAL RECORD, July 10, 1946, p. 8573.)

Our distinguished majority leader performed exactly as some of our colleagues relied upon him to do. His strong arm is plainly evident in the language of the conference report. Those who expected him to ignore the express will of this Senate in rewriting the bill the Senate passed were in no wise disappointed. Their expectations were overwhelmingly fulfilled.

It would also have been more appropriate if the will of this body had been carried out, instead of the will and wishes of advisers to the Chief Executive. We have reached the point in this legislation where the will and views of individuals associated with the executive branch of the Government have been superimposed upon the Senate, and that is more dangerous a condition and more threatening to the security of our Nation than the absence of any price-control law at all.

This man Porter and this man Bowles think they can write the legislation which will apply to 130,000,000 people, and now an attempt is being made to have the Congress give them the authority to do so, without attaching any strings at all. What else will the Senate mean if it approves the conference report? Do we wish to have the Executive govern us? If so, there is no need for price control and no need to take such a long time in discussing and debating it, if we are then to let some representative of the White House tell us what the White House will accept, and make us feel that we must follow that dictation, for fear the White House will veto the measure. Mr. President, such leadership as that is weak-kneed, spineless, and does not meet the need of the legislative authority and the legislative branch of Government in passing upon legislation.

Nevertheless, it is significant to note that the Senator from Kentucky [Mr. BARKLEY] got tobacco decontrolled; that the Senator from Maryland [Mr. RADCLIFFE] got poultry decontrolled; and that the Senator from Ohio [Mr. TAFT] did succeed in getting somebody's version of the Taft amendment written into the surrender. And the cotton boys were untouched. I refer to it as a surrender because it is not a compromise. The rest of us, however, I presume, are supposed to take what is left. And, mind you, Mr. President, we are supposed to take it in good grace. We are supposed to take the rest of it as the hindermost part of the whip.

Mr. President, this legislation is not a party question, nor are the charges I have made matters for party or partisan consideration. This legislation is as important to the economy of the Nation as the legislative process, which the conference report has swept away, is to the stability of our Government. I trust that the votes Senators will cast will reflect due appreciation of that fact.

Mr. President, the conference report is a complete abdication of legislative authority. I think there are other reasons why it should not be adopted. The conferees have rewritten section (e), eliminating specific exemptions of meat, poultry, poultry products, eggs, milk, dairy products, and butter. It reads as follows:

(e) (7) No maximum price and no regulation or order under this act or the Stabilization Act of 1942, as amended, shall be applicable with respect to poultry or eggs or food or feed products processed or manufactured in whole or substantial part therefrom, or in the case of leaf tobacco or tobacco products processed or manufactured in whole or substantial part therefrom, except that, after August 20, 1946, maximum prices with respect thereto may be reestablished pursuant to the provisions of paragraph (3) of this subsection (e), but only under the standards prescribed in paragraph (8) (C) of this subsection (e).

(e) (8) (A) No maximum price and no regulation or order under this act or the Stabilization Act of 1942, as amended, shall be applicable prior to August 21, 1946, with respect to livestock, milk, or food or feed products processed or manufactured in whole or substantial part from livestock or milk with respect to cottonseed or soybeans, or food or feed products processed or manufactured in whole or substantial part from cottonseed or soybeans; with respect to grains for which standards have been established under the United States Grain Standards Act, as amended, or any livestock or poultry feed processed or manufactured in whole or substantial part therefrom.

Mr. President, it is significant that the conferees have provided for the decontrol of poultry, unless the Board decides to put poultry back under control. The conferees have taken affirmative action, and they have provided for the decontrol of poultry, and it is out of the picture unless the Decontrol Board puts it back under control.

But in paragraph (8) the situation is entirely different; the provision is stated in the reverse. The conferees say we are not going to provide for the decontrol of meat, and we are not going to provide for the decontrol of milk; no—unless there is a hearing and unless various other things are done and unless all of that is completed by August 20, and then the Decontrol Board decides whether controls should be left off. In one place the conference report provides affirmative action. In the other there is negative action or, rather, a failure to act. There is a reversal of position as between the two amendments.

The Senate had overwhelmingly voted to exempt these and a group of interrelated farm commodities from price control. Indeed all commodities under (7) and (8) were exempted, and they did not come in that order, and that decision was not made by the Senate.

The vote to exempt meat, poultry, and eggs was 49 to 26.

The vote to exempt milk and dairy products was 51 to 27.

The conference report completely wrecked the decontrol of these commodities and reestablished controls in this area of our economy which is so vital to the stability of our entire economic structure.

Our colleague, the able and respected Senator from Wisconsin [Mr. LA FOLLETTE] made the point on July 10, page 8551 of the CONGRESSIONAL RECORD, that very serious potential repercussions would result from the decontrol of meats without the decontrol of milk.

The distinguished Senator from Vermont [Mr. AIKEN], and the distinguished senior and junior Senators from New Hampshire [Mr. BRIDGES and Mr. TOBEY] pointed out on July 12, pages 8752, 8753, and 8754 of the CONGRESSIONAL RECORD, that economic necessity demanded similar treatment for meats, poultry, milk, and grain.

The distinguished Senator from Mississippi [Mr. EASTLAND] in his speech on July 10, at page 8535 of the CONGRESSIONAL RECORD, in arguing for the decontrol of cottonseed and soybeans as a necessary incident to the decontrol of meat, pointed out the poor logic and unsoundness of anything less than consistent action in this area of our economy, and no one disputed his statement.

Our conferees, however, not only deleted some of these categories of products but pulled out others for separate treatment, and, in so doing, they opened the door for further discriminatory treatment by giving discretionary authority to the executive branch to recontrol these fields.

The Members of the Senate have a right to know just why its mandate was ignored, and particularly why such inconsistent and illogical action was taken. What factors did the conferees consider? What wisdom did they have with which the body of the Senate had not been endowed? What facts had they which the Senate did not know? What arguments did they consider in reaching a decision to give separate treatment to meats as compared to poultry products?

To argue that tobacco, and poultry products, meats, milk, cottonseed and feed grains can be variously dealt with is to deny what even a farm boy knows.

Let me remind the Members of the Senate that the Decontrol Board which will be established by the Chief Executive under the provisions of this legislation, will, in fact, be a Recontrol Board to the precise extent that the Senate and the House grant the Board discretionary authority in any field. The members of the Board will be appointed by the President, and will be responsible to the President, not to the Congress.

I dare say that not even the distinguished majority leader would seriously take issue with me on the proposition that it is evident from the entire course of the President's action, and from his every public utterance, that the administration's policy is to retain control rather than to restore to the Nation the benefits of free enterprise as rapidly as that may be done consistent with safety.

So, I have no hesitancy in predicting that the Decontrol Board will, in fact, be a Recontrol Board in every sphere in which such action is authorized as a matter of discretion in the legislation under consideration. As it is proposed in the conference report, the Recontrol Board will even have authority beyond anything which has heretofore been envisioned by the Congress, and it will be authorized to employ a new technique which has never been authorized before.

It will have the power to regulate and control profits, and will have the power to decide and determine what is and what is not a reasonable profit in connection with any nonagricultural commodity.

This is the first time Congress has ever made such provision. Chester Bowles has placed cost absorption on the shoulders of industry—and I shall later put the figures in the RECORD—but we have never ratified it by Congressional authorization. However, under the pending measure, it would be done, for in subsection (t)—the so-called Wherry amendment which was not only modified but wrecked—there is laid down a provision whereby the Congress authorizes the practice of cost absorption. So the newly proposed act, about which we boast as being a price stabilization act, turns out not to be that at all, but to be a profit control act. One man out of 140,000,000 is to be allowed to determine what profit the rest of us shall receive. There can be no doubt about that. If history repeats itself, that is exactly what will happen during the coming months of the life of this so-called OPA extension act.

The new criterion and the unparalleled standard which the Decontrol Board will be authorized to employ, when it is functioning in its decontrol capacity, would authorize the Board to reimpose ceiling prices notwithstanding we might have an abundant oversupply of the commodity. To me, that is very silly.

Subsection (d) (3) of section 1 (A) provides as follows:

(3) Whenever, after a reasonable test period, it appears that the supply of a nonagricultural commodity which has been decontrolled is no longer consistent with the applicable decontrol standard, the Administrator, with the advance consent in writing of the Price Decontrol Board established under subsection (h), shall reestablish such maximum prices for the commodity, consistent with applicable provisions of law, as in his judgment may be necessary to effectuate the purposes of this act. The supply of a nonagricultural commodity shall be deemed inconsistent with the applicable decontrol standard in any case where the prices of the commodity have risen to and after a reasonable test period remain at unreasonable and inflationary levels.

What does that mean? It means that the question of supply is to be determined by the price and, still worse, it is to be such price as the Decontrol Board finds to be unreasonable. That is the standard. Yet, because of economic conditions or factors beyond our control, if a man puts cattle in the feed lot and his labor costs and the cost of corn increased to such an extent that, by all rules of equity and fairness, he should be allowed an increase in the price of his product comparable to the increased costs which he has been compelled to pay, and if he charges more than the June 30 price range, it can be determined that the price is unreasonable, and even though there were 20,000,000 surplus head of cattle in the United States, cattle could not be decontrolled. That was the interpretation placed on that section by one of the ablest attorneys I have ever known, a man in whom I have the utmost confidence. I assert that if that section is examined it will be seen that the interpretation I have placed upon it is a very reasonable one.

It will be noted that under this provision of the act, the supply is to be determined by the price, and still worse, it is to be such price as the Price Control Board finds to be unreasonable. It seems obvious that although we may have an abundance or oversupply of any commodity, if the cost of production or replacement, because of other economic forces, was greater than the previously controlled price, it would readily be held to be unreasonable and automatically, under the bill, the commodity would be in short supply and subject to be recontrolled.

It should be perfectly evident to all Senators that not even the strong right arm of the distinguished majority leader authorized or penned this formula.

The one thing which manufacturers, processors, farmers, and other producers have asked of us is that we give them legislation which will enable them to deal with reasonable certainty in the realm of prices.

Mr. President, I wish to say to all Members of the Senate that recently I returned to my State, and the next day I went to my own home town. I asked some of those cattle feeders there what they wanted and what was bothering them. I asked, "Why do you not have cattle in the feed lots?" They replied, "Why, we don't know what the Government is going to do from one day to another. One day corn is $1.02 a bushel. The next day it is $1.32 a bushel, and the next day the price is still higher. How can we operate under those conditions?"

Mr. President, what is true with regard to the producer of meat is also true with regard to the producer of petroleum, the producer of milk, the processor, and the miner. The uncertainty of the effect of a measure such as this will not result in maximum production. It will stymie production because of the confusion which will be bound to result in interpreting the act.

The Senate proposed to restore to the Nation that reasonable certainty without which there can neither be progress nor stability. But, the conferees took it back. They have said and proposed that we too shall say to the producers of livestock, "you may have price control again on August 20; we do not know yet." They have said and they propose that we too say, "Poultry may not be under price control, but you, as a livestock producer may be controlled."

Mr. President, what do you think of that? Here is a man who buys feed, and who might engage in the production of milk, or who might engage in the production of beef. He is not controlled as to his poultry, but the man dealing in meat and the man who produces milk is controlled, in different areas, different segments of industry. It is proposed that we say, "However, probably, there will be no ceilings on dairy products or on feed; we do not know; but please go ahead and produce lots of hogs and beef

cattle, because we must have production in order to lick inflation."

I will yield to any Senator who desires to speculate on the kind of answer such a statement would evoke from anyone concerned therewith.

The joint resolution in the form in which it has been brought back by the conferees is the worst possible threat to production. How can it be called sound in the face of unanimous opinion that volume production is the real answer to preventing run-away inflation? It will be worse in this respect than the monstrous control we have endured these past 12 months. We voted in the Senate to correct this problem, and remove this uncertainty. We must now reaffirm that conviction by turning down the report.

So much has been said before this Senate in recent weeks and months about black markets that one hesitates to bring the subject up again. The almost certain rebirth of widespread black markets, however, is unavoidably a major consideration in this matter. If we want to properly name the joint resolution, it should be called the "black-market extension bill."

Extending the black market is exactly what it will do between now and August 20. That is what it should be named, because when we control meat we are going along hand in hand with the black-market operators. The testimony before the committee, of those who know, is that 80 percent of the meat handled up to June 30, 1946, went through the black market. That is understood. That is admitted. Yet what are we going back to with controls? We are not going back to legitimate competition. We are going back to dealing hand in hand with the black-market operators and are going to again promote wholesale disrespect for law.

Before June 30, black markets had grown so bad in meats and butter—and previously they had been as bad or worse in poultry and eggs—that the United States Department of Agriculture was forced to begin open reporting of black-market prices in order to cover the markets.

Just think of that. That is an open admission by a department of the Government of the black markets operating so extensively.

This type of situation is bad, Mr. President, bad for public morale, bad for honest producers, bad for honest manufacturers and processors. It breeds disrespect for Government. It is dangerous from a public health standpoint. It breeds violation of income-tax laws. Above all, it penalizes directly all the virtues in business and among the public, which we must encourage in order to move forward toward a better Nation and a better world.

How does a black-market operator react to regulations which are on one day, off the next, back on the next, and maybe off again the next, and with an ever-decreasing force to control black-market operators? If he is human—and he is—he will figure that the chances are even greater than before not only that the public will keep him in business and protect him, but that OPA will not get around to catch up with him before the regulation is off again.

Mr. President, in order to save time, because I do not intend to detain the Senate a minute longer than is necessary, I should like to have printed in the RECORD at this point a letter from the Grange, which I offered nearly 3 weeks ago. The Grange says we should decontrol meat because law enforcement has broken down and is completely out of control. They conclude the letter by saying that anything that is completely out of control should be decontrolled in order to obtain respect for law on the part of citizens of the United States. I ask that the letter be printed in the RECORD at this point.

THE GRANGE VIEW

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR WHERRY: You have asked in regard to the position of the National Grange on the present Senate bill extending the life of OPA. You pointed out that the Grange recommended that unless the OPA could give Congress adequate assurance that it would adjust its price-ceiling program so as to assure recognition of production costs, the agency should be abolished.

You ask if "in the light of the failure of OPA to give any such assurance with reference to meat, dairy, and poultry products" we would support abolishment of the agency, or would prefer to see its control over these particular products abolished.

Our position in regard to the extension of OPA has not changed. We believe some types of controls should be continued where, because of war-created or other abnormal shortages, production has not yet caught up with demand. Where production is being hindered by controls, we believe in an early and orderly removal of those controls.

The Grange had hoped that the Congress would develop a formula which would compel the OPA to comply with the spirit and the letter of the law and encourage maximum production as the most effective means of combating inflation. No such provision has been included in the measure as it passed the House or has been reported to the Senate.

We have sought assurances from the OPA of a price policy which would encourage rather than discourage production and have had no satisfactory assurances that such a policy would be followed. It is, therefore, our conclusion that Congress should remove from control those items:

1. Where control has hopelessly broken down or is retarding production.

2. Where the OPA has given no adequate assurance that it can restore workable controls.

3. Where the black markets resulting from such break-down are resulting in unsanitary conditions or loss of needed products.

4. Where producers are forced either to patronize black markets or go out of business.

In considering the amendment for decontrol of livestock, dairy, and poultry products, we must forego wishful thinking and be realistic. Conviction that controls on those items have hopelessly broken down should carry with it the courage to act decisively.

Sincerely yours,

ALBERT S. GOSS,
Master, the National Grange.

Mr. WHERRY. Mr. President, I realize that these remarks by me may be heard by someone who is encouraged thereby to go "black" on his operations. I hope, though, that it influences Senators as statesmen to reassert their considered judgment that we must wipe out these black markets once and for all by insuring decontrol, instead of practically legalizing them by this weak and uncertain aproach.

With respect to decontrol and recontrol there are other questions we need to have answered for us here by the gentlemen who bring back this report for adoption. At what levels will price ceilings be put back on? What will be the timing of recontrol in the various channels of distribution? It takes 2 weeks or more to fill up these channels. A great host of small dealers in meat, grain, butter, eggs, and countless other commodities now own high-priced inventories. Are we to slap roll-back prices on them and force them to go bankrupt in order to absorb the inventory losses? Sure, some of them made inventory profits, but we do not know who they were. Are we going to entertain claims against the Government for all the small cooperative grain elevators in the corn and wheat States?

And what about subsidies? Do we go back to milk and meat subsidies? If so, at what rates? If we do not plan to do so, why do we provide a billion dollars? Last year we, here in Congress, practically set the subsidy rates, and thereby removed a major uncertainty. This new proposal does neither. It does not get rid of subsidies, although definite proof is before us that subsidies are false economy, and do not encourage production.

Frankly, I do not know what this report calls for in respect to these matters. I do not think producers will know, and I do not think that processors and dealers will know. In my opinion there can only be one set of results from our enacting a measure such as this into law. It will be the most serious demoralization and disruption of our agricultural economy that any of us have ever known. Trade will be stagnated for an extended period.

Beginning immediately no one will purchase goods they cannot be sure of selling before August 20, for fear of the inventory losses. And after August 20, the same condition will prevail as long as the Board delays action. Even if the Board acts promptly, it will take another 2 to 3 weeks for the trade channels to fill up again. Thus, at a minimum we will have 4 to 6 weeks of stagnated trade in our leading agricultural products.

We have been so bombarded with scare propaganda on price rises in recent weeks that it is difficult for a layman to appraise properly just what has taken place. The broad outlines are clear, however. All dairy products have gone up to just about the amount of the subsidy.

That is a general statement, and of course there are exceptions to it in localities, there are exceptions to it in areas, but if the figures for the different areas throughout the United States are taken, and the price is averaged, it will be found that the general statement is approximately correct. I do not want to say one thing in my remarks that is excessive, in pleading for votes against the conference report.

Butter, for example, was selling for 56 cents a pound on the wholesale markets

at the end of June. The same wholesale price has settled off at around 69 cents during the last few days. This new price is less than the old price of 59 cents, plus the subsidy of slightly more than 14 cents a pound of butter.

Fluid milk prices in most markets have gone up by just about the amount of the subsidy, including, in some markets, the subsidies to milk distributors. The production reports on butter are more favorable than they have been for several months. Reports are coming in that butter is available in such markets as Boston and New York for the first time in many months.

At this point I should like to insert the very latest figures, given to me by the Milk Producers Cooperative Association, which summarize the price today compared with what it was the last week in June, and summarize the price by areas throughout the country. If Senators will read this it will prove to them that the general statement I made about milk and dairy products is approximately correct.

I ask unanimous consent that the statement be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

EXHIBIT A

Butter prices—Chicago, grade A (92 score), wholesale

	Cents per pound
Price, June	56.5
Subsidy (butter equivalent of payments on butterfat sold by farmers):	
June	12.0
July	14.4
Total returns at wholesale:	
June (actual price plus subsidy)	68.5
July (expected price plus subsidy)	70.9
July (actual price, July 23)	65.75

Source: USDA Market News Service. Subsidy calculations based on announcement of Office of Economic Stabilization.

EXHIBIT B

Prices of milk to producers and consumers, June and July, 1946

Market	Prices paid to producers—June	Subsidy rates		Total returns to producers			Retail prices (delivered to homes)	
		June	July	June (actual price plus subsidy)	July (expected price plus subsidy)	July (actual price)	June	July
	Cents per quart	*Cents per quart*	*Cents per quart*	*Cents per quart*	*Cents per quart*	*Cents per quart*	*Cents per quart*	*Cents per quart*
Akron, Ohio	8.2	1	1.4	9.2	9.6	9.5	16.0	18.0
Chicago, Ill	7.8	1	1.4	8.8	9.2	[1] 9.4–9.7	18.0	20.5
Dayton, Ohio	8.4	1	1.4	9.4	9.8	9.5	16.0	18.0
Duluth-Superior, Minn.-Wis.	8.2	1	1.4	9.2	9.6	[1] 10.0	14.5	16.5
Indianapolis, Ind	7.4	1	1.4	8.4	8.8	8.6	15.0	17.0
Louisville, Ky	8.2	1	1.4	9.2	9.6	[1] 9.4	17.0	19.0
Omaha, Nebr	8.0	1	1.4	9.0	9.4	[1] 9.4	12.0	15.0
Sioux City, Iowa	8.0	1	1.4	9.0	9.4	[1] 9.4	14.5	16.0
St. Paul, Minn	7.3	1	1.4	8.3	8.7	[1] 9.2	[2]	[2]

[1] Estimated, as minimum prices are not determined until after the close of the month by formulas.
[2] Not available.
Source: Reports of producers' marketing associations.

Mr. WHERRY. Mr. President, as I came into the Senate Chamber this afternoon an editorial was handed to me which came from the Daily Mirror of New York City. I shall not take the time to read it, but it compares the OPA range of prices the last week in June, it gives the black-market range of prices on the same date, it gives yesterday's priees, and it gives the prices on butter, sirloin steak, round steak, rib roast, chuck roast, veal rib chops, and a list of others.

Let us turn to the first item, butter. In New York City the last week in June butter cost 67 cents a pound, if it could be procured. That was the fiction price. It could not be obtained. The black-market price was 95 cents. Yesterday's price of butter in New York City—and it could be gotten—was 74 cents, and today's price in New York City is 73 cents.

The market report has just come in. Butter is pouring into the market every day. Every housewife in America knows that for the first time in 6 months the counters are filled with butter, and if the controls remain off the price of butter will go much lower than the black-market price or the OPA price that was in vogue the last week in June.

The meat story should be familiar to all of us by now. I hope it is. I hope I have not worn out my welcome this afternoon. I have done my level best to bring this subject to the attention of the Senate on numerous occasions. I come from the Middle West. Eighty-five percent of the people of Nebraska are farmers. I know that percentage does not hold true in all States; but a large percentage of the people in the Middle West are farmers. They produce meat, they produce milk, they produce the staff of life. There is no group on earth that works longer hours or harder and receives less money for its labor than the group composed of the farmers. Do not ever forget that. If anyone does not believe so let him go out and operate a farm. He will get up earlier in the morning than most of our Government workers do and stay on the job much later at night. He will spend less time in bed and on holidays than do Government workers. I make that statement conservatively. People in the city of Washington have little conception of what a farmer has to go through in the raising of a crop. The Senator from Wisconsin [Mr. WILEY] placed in the RECORD several days ago a statement to the effect that the man who produces milk, who enables it to be brought to everyone's door, who feeds and milks his cows, receives for all his work about 53 cents an hour. Yet we complain about the price of milk.

Mr. President, I am interested in meat, because I am interested in those who produce meat. I am also interested in the consumer, because if we can obtain maximum production we can lick inflation, and we can get meat for the consumer cheaper than he will ever get it under OPA. Oh, if I could simply get that fact over to the country. If it could be proclaimed over the radio. But what do we get? We get poisoned propaganda that prices are skyrocketing, that they have risen to new heights today in the central markets. That is all fear propaganda. We have fear peddlers everywhere preaching the scare propaganda.

Mr. President, a few moments ago I said I would not read an editorial which I have from the New York Mirror. I shall now ask the Senator's indulgence and patience, and shall read the editorial, because if fits right in with the matter I have just discussed.

The Phony Prophets.

That is the headline in an editorial in the New York Daily Mirror of Wednesday, July 24, 1946.

The American people belied the prophets of doom after President Truman vetoed the first revised OPA bill.

Prices did not spiral. They went up, with few exceptions, only in the amount of subsidy removed.

How I wish the people would understand that when subsidies are taken off, naturally the price must go up the amount represented by the subsidy. That is all there is to that. If we have had to pay more temporarily for our meat or butter, it was because we have had to absorb the subsidy which was formerly paid by the Government. But the price did not rise. What happened was that the subsidy was withheld and the consumers paid it directly; that is all.

Prices did not spiral. They went up, with few exceptions, only in the amount of the subsidy removed.

The American people did not go on an "inflation spree."

The American storekeeper did not gouge his neighbors and customers.

Buyer and seller behaved with admirable self-restraint. They gave the laugh to Red-inspired "buyers' strikes."

The angry warnings of the President, the breast beating of Chester Bowles, the screaming of the Communists and their stooges seemed pretty silly.

This is the Daily Mirror of New York City.

The Truman administration's score for wrong guesses remained perfect. Remember when it guessed there would be 8,000,000 to 10,000,000 unemployed?

Do Senators remember that? We had to pass an unemployment bill immediately, right away, without any delay.

CEILING WAS JUST A WORD

Food prices during the past year were not the published ceiling prices.

By one device or another, the black markets prevailed.

Without exception, food prices in New York yesterday were under black-market prices. They were higher than the ceiling price, which was always unrealistic.

I call them "fiction prices."

Ceilings, particularly as regards meats, produced a nominal price for an unobtainable commodity.

But goods were plentiful in the black market.

If to the ceiling is added the subsidy, which was paid out of taxes and is realistically part of the price, the cost of foods, particularly meats and dairy products, was always higher than the OPA ceiling price.

Yesterday, these were typical prices, as published in the New York Sun's box score.

Butter 67 cents under OPA the last week in June. The price in the black market was 95 cents. Yesterday's price 74 cents. Today's price 73 cents.

Sirloin steak. The consumers can get sirloin steak now for the first time in 6 months. Sirloin steak. OPA price—and this is the fiction price, when consumers could not even get a mouthful of meat—the range was 40 to 46 cents. The black market price—oh, meat could be gotten on the black market all right—the price range was 95 cents to $1.25. Yesterday's prices 63 cents. I am quoting from the Daily Mirror of New York of today. Sirloin steak, today's price 55 cents a pound.

Round steak, 40 cents to 46 cents under the OPA for the last week in June. The black market price $1. Yesterday's price 49 cents. Today's price 49 cents.

Rib roast. The OPA price the last week in June, 32 cents to 36 cents. The black market price 90 cents to $1.10. Yesterday's price 45 cents. Today's price 45 cents.

Chuck roast. OPA price, 27 cents to 32 cents. The black market price range 85 cents to $1. Yesterday's price 38 cents. Today's price 45 cents.

Ground beef—Senators know what that is. I have had a great deal of it in the last 6 months or a year. OPA price 28 cents. Black market price 75 cents to $1. Yesterday's price 35 cents. Today's price 40 cents.

Veal loin chops: OPA price 41 cents—when it could be obtained. Black market price 85 cents to 95 cents. Yesterday's price 55 cents. Today's price 60 cents.

Veal rib chops. OPA price the last week in June, 38 cents to 43 cents. Black market price 80 cents to 95 cents. Yesterday's price 47 cents. Today's price 52 cents.

This is from the editorial published in today's issue of the New York Mirror. I continue to read the editorial:

What was the reason?

No matter how one looks at it, this does not represent a spiral inflation. It does not represent gouging. It does represent self-restraint.

I agree with that statement thoroughly.

It also proves that two economic laws were functioning truly: The law of supply and demand and the law of diminishing returns.

OPA "liberal" and communistic—

This is printed in bold type.

OPA, "liberal" and Communist propaganda was designed to frighten the American people into believing that a run-away inflation was actually occurring.

This was a lie!

I am quoting, Senators, understand.

Government spending and Government borrowing plus increased wages without increased production are the causes of such inflation as is present in our economy today.

Passing of the "denatured" OPA bill won't cure it.

What it will do is secure some 34,000 OPA bureaucrats in their jobs for another year—to continue the process of Government spending and Government borrowing!

That is the end of the editorial from the Daily Mirror of New York, today's issue.

Mr. President, as I have said, the meat story should be familiar to all of us by now. Receipts of cattle and hogs at the principal markets have been unusually heavy and a full variety of the different cuts of meat have become available to consumers in the eastern markets during the last week or so for the first time in several months.

Everyone is quite agreed on that. Every time one passes a grocery store he sees great big streamers saying "Beef today." "Veal today." Everyone has to agree that today we have meat on the meat counters. That was not the case under OPA.

Naturally there has been some indecision and preliminary uncertainty with respect to prices. No one knew just how much meat consumers would buy or what prices they would be willing to pay after 2 or 3 years of subsidized prices and wholly inadequate supplies.

There is evidence in the last day or two that prices are settling off with trade becoming more normal every day. It is not at all unreasonable that there has been some degree of price fluctuation during this trial period of free markets. I admit that. I believe that the facts will show that livestock producers, the meat industry, and the public have demonstrated a statesmanlike attitude during these last 3 weeks and have demonstrated that the black markets can be licked quickly and effectively and that honest people can buy honest grades of meat at honest prices if livestock and meats are left free of control. I think the last 3 weeks have demonstrated the correctness of that statement. Senators must remember that we have a wheat crop of 1,100,000,000 bushels. The Senator from Kansas [Mr. REED] is my authority for that figure which he has received from the Department of Agriculture.

Mr. REED. One billion one hundred and forty-five million bushels.

Mr. WHERRY. One billion one hundred and forty-five million bushels, which is the second largest wheat crop in the history of the United States. The estimate released a few days ago by the Department of Agriculture is that the corn crop will reach a figure in excess of 3,000,000,000 bushels.

Mr. REED. Three billion four hundred and seventy-five million bushels.

Mr. WHERRY. I thank the Senator. I do not want to make an extravagent statement. It is 3,000,000,000——

Mr. REED. Three billion four hundred and seventy-five million bushels.

Mr. WHERRY. I did not want to give any New Deal figures to the Senate. Three billion and how many million?

Mr. REED. Three billion four hundred and seventy-five million bushels.

Mr. WHERRY. Three billion four hundred and seventy-five million bushels of corn. That I believe is the second largest corn crop in the history of the United States.

Mr. REED. It is the largest crop we have ever had.

Mr. WHERRY. My statement is subject to change without notice. I will revise my statement and say it is the largest corn crop we have had.

Mr. REED. And one and one-half billion bushels of oats.

Mr. WHERRY. One and one-half billion bushels of oats. God has blessed us. We have tremendous crops of wheat, corn, and oats, and we have feed. There is no shortage of feed. We have 10,000,000 more cattle than the average for the 10-year prewar period. Is it not a pity that we cannot feed them the grain and give the people the meat? That is all there is to it. If the Senator from Ohio means what he says—and I am sure he does—there is no excuse in the world for not decontrolling meat. The surplus is here; the feed is here. Why hang on to controls? Why control meat? Why cause black markets? I appeal to Senators. That is not the American way. Let us get rid of controls when there is a surplus. Let us use the feed. It is here. There is nothing to worry about. If we will do as we have been doing for the past 3 weeks, my prediction is that there will be a wholesale—and wholesale means more than retail; it means unusual liquidation of cattle. The counters will be full of meat. That will be the quickest way to get prices down to meet the family income. The best feature about it is that we shall have meat, and we did not have it under OPA.

On the whole, it is highly significant to me that the editorial policies of most of the newspapers have shown a gradual shift in the past few days toward a feeling that these important food products should be left free of control, not as an experiment, but because producers and distributors have proved during the past 22 days that they can and will operate in the public interest if they are free from the entangling and burdensome restrictions and uncertainties imposed by subsidies and price ceilings.

I believe that is a statement that meets with general acceptance. There is no doubt about it. We have demonstrated it. It has been my position since I became a Member of the United States Senate that under the Price Stabilization Act the way to combat inflation was to get maximum production. It has been demonstrated in the past 3 weeks that we can get maximum production when the price impediments which have been imposed under the Bowles price-fixing program are removed. Certainly if we can retain all the advantages in the way of greater production with less Government expenditures for subsidies and more adequate supplies, which we have had in the past 3 weeks, then we should continue

without price ceilings and give the farmers, the processors, and the American distributors their chance under a free enterprise system to help combat inflationary forces. That is the tried and true American way.

To keep faith with agriculture and agricultural industry the Senate must voice its firm disapproval of the hodge-podge of uncertainty which is presented to us today in the form of a conference surrender—not a compromise, but a surrender. It settles none of the problems which have been of such serious concern to us, and leaves those most affected by price regulations in a greater state of uncertainty than they have been at any time since OPA was started. I sincerely hope that those who joined with me in voting for the exemption amendments on the floor of the Senate 2 weeks ago will stand by their convictions and refuse to approve the conference report.

With respect to the so-called Wherry amendment, it is not pride of authorship which prompts me again to call it to the attention of the Senate. I ask that the simplicity of the Wherry amendment be considered in contrast to the magnificent compendium of averages proposed in the conference report, and which take the place of subsection (t) of the original Wherry amendment.

The legislation which this body authorized used the calendar or fiscal year 1940 as the base period for the structure of the prices authorized for the next 12 months. One of the reasons for selecting 1940 as the base period was that in that prewar year, when competition existed at all levels of our economy, discounts and mark-ups prevailing at every level were competitively established, and it was generally recognized that prewar discounts and prewar mark-ups, having been competitively established, were not inflationary and would not be inflationary in the future. But the conferees propose that we abandon that standard in a tremendous realm of price control and that we sanction the very evil which was practiced when Chester Bowles brought the Nation to the economic chaos with which we are now obliged to cope.

I referred to cost absorption in my opening remarks. If Senators believe that cost absorption is not advocated by the conferees, I assure them that they are misled and beguiled.

Paragraph (t) provides:

> In establishing maximum prices applicable to wholesale or retail distributors, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discount or mark-up as was in effect on March 31, 1946.

With respect to Chester Bowles' cost absorption theory I quote from exhibit D. Exhibit D shows that there were 514 price increases from December 31, 1945, to and including June 30, 1946. Of those 514 increases, 302 had to be completely absorbed by the little retailer, the corner grocer, the baker, and candlestick maker throughout the country. There were also partial absorptions of price increases. What do we do when we establish the date of March 31, 1946? While it is true that we permit current costs, yet we freeze the mark-ups, with those absorptions in them. That means, for example, that furniture dealers who get their furniture from Michigan and other Northern States or from Southern States must absorb 12 percent of the cost. That is frozen in the 1946 price list as of March 31. If we had gone back to 1940, it would not have been frozen.

For the first time the Congress is authorizing the cost absorption program and policies of Chester Bowles, which we have never previously authorized.

I ask unanimous consent to have printed in the RECORD at this point the table known as exhibit D.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Summary of cost absorption required by OPA of retailers

GENERAL PRICE INCREASES PERMITTED MANUFACTURERS

1. Apr. 22, 1942–Dec. 31, 1945	268
2. Jan. 1–Apr. 17, 1946	115
3. Apr. 18–June 30, 1946	131
Total	514

TOTAL ABSORPTION OF INCREASES REQUIRED OF RETAILERS

1. Apr. 22, 1942–Dec. 31, 1945	201
2. Jan. 1–Apr. 17, 1946	70
3. Apr. 18–June 30, 1946	31
Total	302

INSTANCES WHERE COST ABSORPTION WAS NOT REQUIRED

1. Apr. 22, 1942–Dec. 31, 1945	14
2. Jan. 1–Apr. 17, 1946	5
3. Apr. 18–June 30, 1946	31
Total	50

PASS THROUGH TO CONSUMER OF DOLLAR INCREASES IN PURCHASE COST

1. Apr. 22, 1942–Dec. 31, 1945	36
2. Jan. 1–Apr. 17, 1946	16
3. Apr. 18–June 30, 1946	52
Total	104

PASS THROUGH TO CONSUMER OF LESS-THAN-DOLLAR INCREASES IN PURCHASE COST

1. Apr. 22, 1942–Dec. 31, 1945	17
2. Jan. 1–Apr. 17, 1946	21
3. Apr. 18–June 30, 1946	17
Total	55

JULY 11, 1946.

Mr. WHERRY. To approve the provision as it is now written in the joint resolution would be to perpetuate the evils of cost absorption and give legislative sanction to the continued disruption of the distributor segments of our economy. When Senators go to various towns and meet the retailers they will find that Congress will be blamed for authorizing for the first time the cost absorption policy throughout the whole United States.

As I previously stated, this is not a price stabilization act. It is a profit control act; and the Congress never intended it to be such. We shall again be confronted with the spectacle of all business being obliged and compelled to find means to evade and avoid the application of such folly. This will further tend to destroy respect for law, which is the foundation of a sound American society.

If I may return to the prices of meat as of today, certain information has just been handed to me. This information comes from a compilation of figures from the American Meat Institute and the Department of Agriculture. This table shows today's prices on all classes of beef on the hoof, the feeder realization, and the percentage change as compared with the last week of June 1946, under OPA price control.

With respect to choice steers, from 1,100 to 1,300 pounds, the average price on July 22 at the 12 principal markets was $23.50 a hundred. Those cattle furnish the best meat that can be obtained. We are not getting many of them today. Senators will have to take my word for that. According to the figures of the Department of Agriculture, for last year the percentage of prime cattle sold in the market was 14 percent. Bear that in mind. Those are the double A cattle, the choice steers, the prices of which hit the top. Those are the prices about which the fear peddlers are talking. The Department of Agriculture did not have the figures for this year. That class of cattle, constituting only 14 percent of all the cattle sold in the 12 principal central markets last year, the double A prime grade, brought an average price on July 22 at the 12 principal markets of $23.50 a hundred. The feeder received a subsidy of 50 cents a hundred. The processor got a subsidy of $4.50, but the feeder received only 50 cents. So if we subtract 50 cents from the price of $23.50 on July 22, the feeder realized $23 on the average, for 14 percent of all cattle sold, if the percentages are the same as for last year.

How does that compare with the price for the last week in June? The average price during the last week in June for that class of cattle which, as we know, were not on the market, was $17.80. In percentage, that represents an increase of 29 percent, on only 14 percent of all the cattle sold.

The next grade is what are called good to choice. Last year this class constituted 31 percent of all the cattle sold. That is where we get the good steaks which we take home. On Monday, July 22, the average price for that 31 percent of cattle sold on the 12 markets was $19. The subsidy was 50 cents, so the feeder realized $18.50.

What was the average price under the Bowles system?—$17.12. So actually there is an increase of only 8 percent on 31 percent of the meat sold on the meat counters of the country. That is an 8-percent increase. It is only eight-tenths of 1 cent a pound. That is all the increase there has been in the price received by the men who have fed the cattle. I wish the Senate to understand that.

Medium grade cattle constitute 27 percent of the total number of cattle graded. They are classed as the commercial grade. That is where we get the lower-grade cuts of beef, and that grade constitutes 27 percent of the total supply that is graded.

On Monday, July 22, at the 12 principal markets the price was $15.25 a hun-

dred. The subsidy was 50 cents. The feeder realized $14.75. Now let us consider what the average price under Bowles was. It was $15.12. So this price is a decrease in the amount of 2 percent for 27 percent of the meat that is sold on the hoof today.

What about the Common grade of meat—and many of us are eating Common-grade meat today, regardless of whether we know it. On Monday the price was $13. There is no subsidy on that class of meat, so the feeder realized $13. The average price under Bowles was $13.78. So there has been a decrease of 5 percent from the Bowles price, as compared to the price on last Monday. Some persons have said that the prices on meat are skyrocketing, but there is a comparison of the prices on all grades of beef.

Mr. WILEY. And 80 percent of it was sold on the black market, under the Bowles system.

Mr. WHERRY. I thank the Senator from Wisconsin for that comment, which is entirely correct. Of course, I am comparing present prices with the theoretical price under Bowles. But if we wish to make the actual comparison, as the Daily Mirror did, we should compare present prices with the black-market prices, because last year 80 percent of the meat was sold in the black market. So we must remember that when we consider the conference report.

Now let us look at the market report. I have given the prices. I think this is a revelation. It shows that we now have what we were waiting for. This is the proof. Here is what is being done without price control. If I remember correctly, one of the fine statements made by the senior Senator from Michigan [Mr. VANDENBERG] before he went to Paris was—although I cannot quote his exact words—"Let us have an experiment on meat." I think he used the words "trial and error," and he said, "Let us see whether we can decontrol meat." So the Senate voted to do that. But now, under the conference report, we shall not have a chance to do it. It is obvious that under the provisions of the conference report, no one will be able to justify the removal of controls from meat. Under the report, it will not be possible to do that.

Mr. President, I submit the comparative statement of prices, and ask that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Prices of beef steers, heifers, cows at Chicago

[Dollars per hundredweight]

	Monday, July 22	Feeder subsidy	Feeder realization	Percent change	Average of range week ending June 29
Steers:					
Choice, 1,100 to 1,300 pounds	$23.50	$0.50	$23.00	+29	$17.80
Good, 900 to 1,100 pounds	19.00	.50	18.50	+8	17.12
Medium, 700 to 1,100 pounds	15.25	.50	14.75	−2	15.12
Common, 700 to 1,100 pounds	13.00		13.00	−5	13.68
Heifers:					
Choice, 600 to 800 pounds	20.75	.50	20.25	+16	17.40
Medium, 500 to 900 pounds	14.25	.50	13.75	−6	14.62
Cows:					
Good	14.25		14.25	−3	14.71
Cutter and common	9.63		9.63	−7	10.30
Canner	7.75		7.75	+3	7.50

Source: U. S. Department of Agriculture.

Mr. President, what about the receipts of meat? I read from the market report. It shows that—

Salable receipts at 12 markets for first 3 weeks of July on cattle amounted to 771,000 head, compared with 411,000 head, last 3 weeks in June, and 552,000 in 1945.

What do you think of that, Mr. President? Yet we are told that meat must be controlled. We should give these people a chance to liquidate.

The report also states:

Calf receipts at 12 markets, same periods, as follows: 154,000—

For the 3 weeks just ended, as compared with 103,000 under Bowles, and 109,000 a year ago.

Mr. President, rather than read the remainder of the report, I submit the entire report for printing in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Salable receipts at 12 markets for first 3 weeks of July on cattle amounted to 771,000 head compared with 411,000 head last 3 weeks in June and 552,000 in 1945. In other words, cattle receipts for first 3 weeks in July up 88 percent from last 3 weeks in June, and up 40 percent for comparable 3 weeks a year ago. Calf receipts at 12 markets, same periods, as follows: 154,000, 103,000, 109,000. In other words, calf receipts up 50 percent from last 3 weeks in June and up 42 percent from comparable 3 weeks in July year ago. Sheep receipts for same periods, 385,000, 664,000, 414,000, off 42 percent from last 3 weeks in June (marketings were encouraged by the ending of subsidies) and off 7 percent from comparable 3 weeks in July. Hog receipts first 3 weeks in July amounted to 930,000, compared with 313,000 last 3 weeks in June and 554,000 for comparable 3 weeks in July a year ago. In other words, hog receipts were up nearly 3 times, 197 percent from last 3 weeks in June, and up double from year ago, 105 percent.

Market supplies of cattle and hogs this morning continued to exceed substantially supplies for the comparable period of a year ago. Larger livestock receipts mean increased meat production, and increased meat production has resulted in the largest supply of meat available for consumers since last January.

Salable receipts of livestock for the first 3 weeks in July have shown tremendous increases over the last 3 weeks in June and the comparable 3 weeks in July 1945. During both latter periods impractical and unenforceable price-control regulations were in effect.

Cattle receipts at 12 markets for the first 3 weeks in July totaled 771,000 head, up 88 percent from the last 3 weeks in June and up 40 percent from the comparable 3 weeks in July 1945. Hog receipts for the first 3 weeks in July were at record levels for this time of the year, being nearly 3 times the receipts for the last 3 weeks in June, when OPA controls were still in effect, and more than twice the receipts received at 12 markets for the comparable 3 weeks in 1945.

Reinstatement of controls on livestock and meat may have the effect not only of drying up immediately these large supplies of livestock coming to market but also discourage any future production thus jeopardizing the meat situation for the spring and summer of 1947 especially in view of the indicated all-time record corn crop of 3,500,000,000 bushels.

A report on the livestock market this morning is summarized as follows:

Cattle receipts at 12 important markets today amounted to 53,400 head, off 39 percent from the large receipts of a week ago but still 28 percent larger than a year ago. Receipts for the first three days at 12 markets amounted to 192,600 head, up 12 percent from the same three weeks of a year ago.

The Chicago office of the USDA comments on the cattle market yesterday as follows:

"The actual top on steers mounted to within 35 cents of the recent all-time record peak, as one load of Choice to Prime 1,177 pounds. Iowa fed offerings commanded $26. These cattle stood head and shoulders above the average run of Choice steers as indicated by the fact that the next highest price was $25.35. Most Good and Choice fed steers and yearlings brought $21.50, including 1,025 pounds. Yearlings up to the latter price. Common and Medium native and southwest straight grass steers in loadlots cleared unevenly from $12.50 to $17.50, including Medium 950 pounds. Missouri offerings at $17 on which the best bid was $16.25 at the recent low point. Quite a few loads of steers fed grain on grass and grading Medium to Good found outlet from $18.50 to $21."

The cattle market opened active at Chicago this morning up 25 to 50 cents when compared with yesterday's close. Early top was reported to be $26.25 per hundredweight for only 7 loads of fancy cattle, which compares with an extreme top yesterday of $26 brought by one load of Choice to Prime fed steers and with the top of $26.35 paid last Wednesday. A large number of cattle are still selling at prices well below last week's peak, in spite of sharply decreased receipts.

Receipts of calves at 12 markets this morning amounted to 12,400 head, off 19 percent from the comparable receipts a week ago but were 49 percent larger than receipts for the comparable Wednesday a year ago. Calf receipts for the first three days of this week were up 47 percent for the comparable three days a year ago.

Sheep and lamb receipts at 12 markets of 40,200 head, were off 22 percent from the large receipts on Wednesday a week ago but were 6 percent larger than the receipts for the comparable day a year ago. For the first three days of this week sheep and lamb receipts were off 11 percent from a week ago but were up 11 percent from the comparable 3 days a year ago.

Receipts of hogs at 12 markets this morning amounted to 48,300 head, which were 34 percent less than receipts for the large receipts on Wednesday a week ago but were 65 percent larger than receipts for the comparable Wednesday a year ago. For the first 3 days hog receipts have amounted to 128,800 head, up 23 percent from the comparable 3 days a year ago.

Hog prices at the Chicago market this morning were reported steady 25 to 50 cents higher than yesterday's close, with a top of $22 per hundredweight. Sows, which now comprise one-third, or 40 percent of the supply, are also selling at 25 to 50 cents

higher prices, with a top of $20 per hundredweight.

The effect of liberal increased supplies of all meats and consumer resistance to the extremely high prices charged by black-market operators is shown by the fact that upper limit quotations on the key New York market have dropped from $13 to $15 per hundredweight. The Government wholesale meat trade report today indicates that some in-between sales of beef on the New York market are under $1 to $2 per hundredweight lower than yesterday. They report the supply of beef and veal very liberal, pork around normal but more than sufficient. Demand is very slow and prices for beef and veal and pork are weak.

Mr. WHERRY. Now let us consider the situation as to hogs, which supply fats. The poor people need fats. They must have fats as a part of their diet, and they must get fats either from butter or bacon. Such meat is a necessary part of their diet. We find that for the 3 weeks just ended, hog receipts amounted to 930,000 head, as compared with 313,000 head for the last 3 weeks of June, and as compared with 554,000 head for the corresponding 3 weeks a year ago. So three times as many hogs come in during the last 3 weeks as came in during the same 3 weeks in the month of June, and yet we are told that meat must be controlled.

I think the figures I have submitted are positive evidence that meat should be decontrolled. I think we should not wait. I think we should decontrol it now. I think the feeders of hogs and the feeders of cattle should have assurance from the Senate that it will not keep them in a state of confusion and in all this uncertainty.

Mr. ROBERTSON. And remember that 80 percent was sold in the black market.

Mr. WHERRY. Yes.

Mr. President, as the distinguished Senator from Wyoming said a short time ago, in Wyoming 50 percent of the lambs are contracted for now. So those people are not going to take the chance. There is plenty of grain and there is plenty of livestock. All that it is necessary to do is to bring them together, and meat will be produced. But the producers are not able to do that because of the impediment of price control.

Mr. President, I should like to have printed at this point in the RECORD further memoranda relative to the livestock and meat situation.

There being no objection, the memoranda were ordered to be printed in the RECORD, as follows:

MEMORANDUM FURNISHED BY AMERICAN MEAT INSTITUTE TO MEMBERS OF CONGRESS, JULY 12, 1946, REGARDING CURRENT LIVESTOCK AND MEAT SITUATION

Market receipts of cattle at twelve of the principal livestock markets of the country today amounted to 17,300 head, which is about one-third smaller than the unusually large marketings of last Friday, but more than double cattle receipts for the corresponding Friday a year ago.

A summary of the week, however, shows the total cattle receipts at the same 12 markets this week amounted to 277,000 head, which is 87 percent larger than receipts at those markets for a week earlier, 36 percent larger than the market supply in the corresponding week a year earlier, and almost twice as large as receipts in those markets in the same period of the last week in June, which was the last week of the life of OPA.

Even more striking is a comparison of the market supply for the 2-week period since price controls were eliminated on livestock and meats. Total cattle receipts at the 12 markets for the first 2 weeks of July, which amounted to 425,000 head, was 53 percent larger than receipts at those markets in the last 2 weeks of June, and 19 percent larger than those in the corresponding period in July last year.

The Chicago cattle market opened this morning slightly higher than prevailing yesterday. The top this morning was $23.25 per hundredweight, for only 11 head. This compares with a top of $23 for the two previous days. However, since this price is paid for only an exceptionally small proportion of the total cattle market supply (frequently less than 5 loads out of a 100 or more loads), such exceptional sales should not be considered as the real trend or level of the prevailing cattle market because such quotations really are misleading as a measure of the cattle market. Most of the cattle sell substantially below this so-called premium level and cattle prices for most classes and grades at the end of this week were only slightly higher than prices prevailing at the end of the preceding week.

The behavior of the cattle market during the past 2 weeks is about what would be expected in view of the abnormal and dislocated conditions that naturally prevailed after 4 years of artificial and restrictive controls imposed by OPA, and the substantially curtailed market supply of cattle available in recent weeks, especially in the last 2 weeks of June.

As soon as more normal conditions are restored and the distributive pipe lines have filled up to reasonable normal levels, an orderly supply of livestock may be expected to be shipped to market and prices will become adjusted to such normal and natural circumstances. This situation, however, cannot be expected to happen instantly. It must take some time.

The hog market yesterday reflected increased available supplies, especially for the heavier-weight hogs and sows. Although the market top yesterday at Chicago was $17.75, most of the heavier weights of barrows and gilts declined about 25 cents per hundredweight and sows were from 25 to 50 cents lower yesterday than in the preceding day. Approximately one-third of the hog marketings at this time of the year consist of sows. Some hogs were carried over unsold yesterday at Chicago.

The hog market today opened stronger with an early extreme top of $18.25, but the more typical price was around $18. The top price at the beginning of last week was $18.50.

Receipts of hogs today at the 12 markets, amounted to 44,000 head, were substantially smaller than receipts earlier this week, although larger than the market offerings on Friday a year ago.

Total marketings of hogs for the current week at the 12 markets and also at a number of important market centers in Iowa and Minnesota were 52 percent larger than the market supply in the same period a week ago and 79 percent larger than the market supply in the corresponding period a year ago. Total hog marketings for the first 2 weeks of July at 12 market centers have amounted to 615,000 head, which is double the market supply in the corresponding 2-week period a year ago, and almost four times as large as marketings in the last 2 weeks of June—the period immediately preceding the demise of OPA.

A spot check of retail meat prices as advertised this week end in various cities of the country shows meat being offered at prices well below old black-market prices. For example, consumers in Chicago were being offered rib roasts at 41 cents, sirloin steaks at 49 cents, round steaks at 48 cents, and roasts at 35 cents and pork loin roasts at from 35 to 37 cents. In St. Louis, top grade rib roasts were being offered at 50 cents. In Kansas City, hamburger was offered at 20½ cents with lamb legs and rib lamb chops at 39 cents and lamb stew at 25 cents. Philadelphia had AA sirloin steak (bone-in) at 49 cents, ham at 48 cents, and spring leg of lamb at 45 cents.

A forecast of the probable supply of meat for civilian consumption this summer, which was made recently by the United States Department of Agriculture, may be of interest at this time. This review of the prospective meat situation reads as follows:

"Supplies of meat for civilian consumption this summer will continue quite short of consumer demand at present ceiling prices. If the general level of food prices were to rise only moderately and controls on meat prices were removed, retail meat prices might be expected to rise sharply for a few weeks. By fall, when production increases seasonally, retail prices would be likely to settle to an average perhaps 15 to 20 percent above present ceilings. If subsidies to processors are removed, a substantial increase in retail prices would be necessary before any increase would be received by farmers. With tight feed supplies, meat production would not increase much from the rate expected under present prices."

MEMORANDUM FURNISHED BY AMERICAN MEAT INSTITUTE TO MEMBERS OF CONGRESS, JULY 19, 1946, REGARDING CURRENT LIVESTOCK AND MEAT SITUATION

The free play of the natural law of supply and demand, unincumbered by unnecessary and restrictive price control regulations, resulted in sharp price declines in yesterday's livestock market, with the United States Department of Agriculture reporting a "general cattle trade collapse" and hog prices dropping $3 per live hundredweight from the previous day's top "in one of the sharpest price reactions in trade history."

The beneficial effect of increased meat supplies, coupled with strong consumer resistance to former black-market prices, is shown by the fact that upper limit beef price quotations in New York City, as reported by the United States Department of Agriculture, yesterday dropped $11 per hundredweight from the peak for good grade beef carcasses. The United States Department of Agriculture reports, in an early flash from the New York market today, that another $4 to $6 drop in wholesaler dressed beef quotations has occurred from yesterday's close.

A spot check of retail meat prices, as advertised in newspapers in different parts of the country yesterday, indicates prices to consumers were well below old black-market prices. For example, consumers in Chicago were being offered ground beef at 35 cents a pound, beef short ribs at 25 cents, beef pot roast at 39 cents, bacon at 50 cents, and sirloin steak at 49 cents. In Cleveland, pork loins were offered at 36 cents and beef rib roast at 40 cents. In St. Louis, newspaper advertisements listed rolled beef sirloin at 45 cents, lamb stew at 20 cents, rib roasts at 42 cents, ground beef at 39 cents, and whole or half hams at 49 cents. In Cincinnati, legs of lamb were advertised at 41 cents, sirloin steak at 47 cents, and hamburger at 33 cents.

A report on the livestock market this morning is summarized as follows: Cattle receipts at 12 markets today continued large for Friday, amounting to 24,900 head, up 53 percent from a week ago and more than three times the receipts for the same day a year ago. Total cattle supplies at these markets for the week were 25 percent larger than re-

ceipts a week ago and 77 percent larger than for the same period a year ago. This is the third consecutive week that cattle marketings have exceeded those of the preceding week. This confirms the contention made right along that, with price controls removed from livestock and markets, meat would become increasingly available for American consumers.

The extent of the collapse of cattle prices yesterday is summarized by the United States Department of Agriculture for the Chicago market as follows: "Today's general trade collapsed. Even the top on Choice steers dropped to $25.65, with the practical top at $25. However, none of these steers had the beef yielding merits of the several loads at $26.25 and $26.35 paid Wednesday. Nevertheless, it was a 50 cents to $1 lower market on Choice yearlings and weighty steers; with Common, Medium, and low-Good kinds not only $1 to $1.50 lower but many Medium to low-Good grassy and short-fed light kinds without bids at the close. Much of the same condition featured Medium and low-Good heifers; the supply that sold standing $1 or more lower, with even strictly Good and Choice kinds 75 cents to $1 down. Average Choice heifers sold at $21.50 and high Choice mixed offerings stopped at $24. Strictly Good beef cows and heiferettes lost 50 cents on top of crumbling declines on Wednesday. But this proved to be a relatively small loss compared with the $1 to $1.50 break on cutters and common and Medium beef cows, a liberal proportion of which were without bids at the close. Most beef bulls dragged at $2 lower prices than last week, with sausage offerings $1.50 lower."

Cattle prices this morning again dropped sharply with most grades quoted from 50 cents to $1 lower than the substantially reduced prices prevailing yesterday. The early top on cattle in Chicago this morning was $24, which was off $2.35 from the extreme top paid here for a few head Wednesday. The Government also reports this morning that indications are that there may be a considerable hold-over of cattle today unless further price reductions occur in the market.

Receipts of calves and sheep and lambs also were unusually large this week. Calf receipts were 18 percent larger than last week and 73 percent above a year ago.

Hog receipts at 12 markets today amounted to 34,000 head, which is a reduction from last Friday but is 75 percent larger than Friday a year ago. The large salable supply of hogs today, however, will be augmented with a heavy carry-over from yesterday at a number of markets. At Chicago, 4,000 hogs were reported carried over from yesterday. Total hog receipts for the week were slightly smaller than the large receipts of the preceding week but were more than double the supply for the corresponding week a year ago.

Hog prices at Chicago this morning opened slow, steady with yesterday's close, with sows selling about 50 cents lower. The top today at Chicago was $19.65 which compares with the top earlier this week of $22 per live hundredweight. The toboggan in hog prices yesterday was described by the United States Department of Agriculture as follows: "In one of the sharpest price reactions in trade history, hog values were off $1.50 to $2.50 today. The comparison is with the general trading Wednesday. Even at the decline buyers refused to take all offerings and at the close approximately 4,000 hogs remained unsold carrying bids at least $2.50 or more lower. The practical top of the market dropped to $20 after having reached $22 on Wednesday, similar weight hogs had to sell late in the day at $19.

The following table compares the price of the upper limit quotations for each grade of dressed beef at New York City on Thursday, July 18, with upper limit quotations for Friday, July 5 (largely representing prices charged by former black-market operators).

Beef carcass prices New York City

[Dollars per hundredweight, dressed]

	Thursday, July 18, 1946	Friday, July 5, 1946	Decrease
Choice	$46	$55	−$9
Good	44	55	−11
Common	42	50	−8
Utility	38	40	−2

Upper limit quotations reported by the United States Department of Agriculture.

These upper limit quotations, of course, do not reflect the selling price of the bulk of sales, but they do illustrate strikingly the extent of the slash of the black-market prices since price control was removed in the major meat consuming center of the country.

The experience of the first 3 weeks without price controls on livestock and meats is convincing proof that a tremendous increase in supplies of meat is being made available on a much more equitable basis and at reasonable, competitive prices which are lower than black-market prices prevailing prior to the elimination of price controls. The industry is well on its way to returning to stable conditions notwithstanding the fact that it had to recover from "famine conditions" prevailing at the time controls were eliminated at the beginning of the month. Meat distribution pipe lines, which were almost exhausted in the closing days of price controls, had to be replenished. This takes time, but it is being done.

MEMORANDUM FURNISHED BY AMERICAN MEAT INSTITUTE TO MEMBERS OF CONGRESS, JULY 22, 1946, REGARDING CURRENT LIVESTOCK AND MEAT SITUATION

The market supply of both cattle and hogs today was somewhat less than for the comparable day a week ago and prices were steady to moderately higher. However, marketings of cattle were still substantially larger than at this time a year ago and reports from large meat consuming centers indicate that the meat distribution pipe lines are being filled up and that there will be even more meat available for consumers this week than there has been in many, many weeks.

Cattle receipts at 12 midwestern markets today amounted to 92,300 head, which is about 8 percent less than the receipts at these markets on Monday a week ago but 17 percent larger than the corresponding Monday a year ago.

The Chicago office of the United States Department of Agriculture comments on the sharp drop in cattle prices on Thursday and Friday of last week as follows: "Augmented by a liberal carry-over from Thursday, burdensome supplies of common, medium, and good grassy and short-fed steers and yearlings sold 50 cents to $1 lower than Thursday, when buyers could be found, but many loads and lots carried bids which suggested an even greater decline. The break, meanwhile, has operated to throw increased numbers of yearlings and typical two-way cattle with weight into feeder channels, but at prices $3 to $4 or more lower than packers were paying for the same kind of cattle early this week. * * * Insofar as cows are concerned, a large part of the sharp advance scored over the last 2½ weeks has been all but wiped out in the last 2½ days. Many distress sales today were as much as $1 lower than Thursday with the general market on all grades $1.50 to $3 under the recent high time. Canners and cutters bulked at $7.25 to $10 and most common to low-good beef cows went at $10.50 to $14.50."

The cattle market opened at Chicago this morning at steady levels for steers and yearlings with cows 25 cents to 50 cents lower than at the close of last week. The early top was reported to be $24.75 per hundredweight for a few loads of fancy steers which compares with $24.50 last Friday and with the extreme top reached early last week of $26.35. Only a relatively small number of cattle sell for these so-called top prices. Most cattle sell at much lower levels.

Receipts of calves at 12 markets this morning amounted to 18,600 head, up 4 percent from a week ago and up 59 percent from the same day a year ago.

Sheep and lamb receipts at 12 markets also were up today, amounting to 60,200 head, 8 percent larger than a week ago and up 29 percent from a year ago.

Receipts of hogs at 12 markets this morning amounted to 34,200, off 29 percent from the market supply of last Monday and 12 percent less than receipts for the comparable Monday a year ago.

The early top on the hog market at Chicago this morning was $20.50, about $1 per hundredweight higher than the practical top of $19.50 paid last Friday, but still $1.50 per hundredweight below the top of $22 reached the early part of last week.

In a review of the general market conditions for the week, the United States Department of Agriculture report for western dressed meats at New York indicated since July 1 outside prices (upper limit quotations) have dropped as follows: "Beef, $5 to $11 with good and choice grades off most; commercial to choice vealers, $6 to $11 with good and choice off most; commercial to choice lamb, $3 to $5 with good and choice off most; pork loins, $5 to $7; Boston butts, $4."

The Department of Agriculture concludes that "since the bulk of dressed meats have been selling at near or outside price ranges for many months," average prices are considerably lower in spite of the price advances shown by the established meat packers. On Friday, last week, the Department of Agriculture reported another drop in the upper limit quotations for beef carcasses at New York City so that Choice beef by the end of last week had dropped $13 per hundredweight and Good beef $15 per hundredweight from the peak reported on July 5 (and representing the black-market price, at which the Department of Agriculture states, that the bulk of dressed meats has been selling for many months). This indicates that former black-market price levels are being effectively destroyed under free economy by increased volume and by resistance on the part of consumers.

The situation at the week end proves that, without OPA controls, beef cattle, on which prices had been run up well above ceilings by black-market operators, are seeking reasonable levels, both in prices and supply. It also proves, as the meat industry has contended all along, that without the protection of artificial price barriers set up by OPA regulations, black-market operators cannot compete with the established meat industry and its know-how in economical and efficient operation.

Average weekly livestock prices at Chicago

Item	July 23d	Percent change	June 29th
Hogs:			
Barrows and gilts:			
Good Choice, 180-200	$21.38	+43	$14.85
Good Choice, 220-240	21.25	+43	14.85
Good Choice, 270-300	20.95	+41	14.85
Sows:			
Good Choice, 300-330	19.63	+39	14.10
Good Choice, 360-400	19.50	+38	14.10
Good, 450-550	19.38	+37	14.10
Sheep and lambs:			
Spring lambs, Good Choice	19.50	+21	[1] 16.15
Ewes: Good Choice	9.00	+5	[2] 8.54

[1] Plus price subsidy, $2, equals $18.15.
[2] Plus price subsidy, $1, equals $9.54.

Mr. WHERRY. Mr. President, I am sorry to have taken this much time. I believe what I have said from the bottom of my heart. I want to help this administration. I want to help get meat on the table. I want to help the consumers. There is no politics insofar as my position is concerned. There is no selfishness about it. It has been demonstrated that the situation will be taken care of if the administration will give us just half a chance.

Now let us consider section 18. Remember all the questions that have been asked about it. We recall the question which was asked by the Senator from New Hampshire [Mr. TOBEY], who ended his statement by saying that there will be a lot of headaches as the result of section 18. The question, "What will happen under section 18?" is one of the $64 questions involved in this matter.

We find that under section 18, the conferees are asking the Senate of the United States, as I think, to bankrupt every grain elevator in the United States.

Mr. President, please note what subsection (2) of section 18 provides. I read it:

All regulations, orders, price schedules, and requirements under the Emergency Price Control Act of 1942, as amended—

Except what, Mr. President?

(except regulations or requirements under section 2 (e) thereof relating to meat, flour or coffee)—

Those three—

and the Stabilization Act of 1942, as amended, which were in effect on June 30, 1946, shall be in effect in the same manner and to the same extent as if this act had been enacted on June 30, 1946.

Mr. President, all the Senators who asked questions about what will happen to the men who have grain under contract just as soon as this conference report is signed by the President should realize that it will make it mandatory that the Price Stabilizer put into effect the prices which were in effect on the last day of June, under the OPA, and that those who have the grain must sell it at the legal price or else they will be black-market operators. Those persons will not have a chance to clean up. They will have to sell the grain and take a loss, if they are to keep within the law. That is exactly what the conference report will require. It cannot be interpreted in any other way.

Mr. President, in the face of the intent of the Senate, why should the Senate go back to the price levels as of June 30, 1946, and the prices which were in effect on that day? The consequences of the enforcement of the provisions of section 18 are so plain that no Senator requires any elaboration upon it.

Insofar as the provisions of the proposed legislation require the Price Administrator to make any change in any maximum price, such provisions "shall not be deemed to require such change to be made before the thirtieth day following the date of enactment of this act."

In other words, after the conference report is agreed to, no one can apply to the Price Administrator for a change of price, for the conference report will preclude the Administrator from doing anything about it before 30 days have elapsed. So the elevator men will not be able to obtain relief; they will simply have to sell at the OPA price which was in effect on the last day of June.

What difference will a contract make? Of course, if someone has a contract which he will agree to maintain, and if title to the grain has passed and if the man who is subject to the contract will pay for the grain in accordance with the provisions of the contract, that will be all very well. But every grain operator and every small elevator man who bought grain at present prices will be compelled by the conference report, if it is enacted, to charge the legal price which was in effect on the last day of June 1946. Do not let anyone tell you otherwise, Mr. President. That is exactly what that provision of the conference report means. But our conferees would, nevertheless, have the Senate of the United States roll back all prices to those which prevailed on June 30, 1946, except those relating to meat, flour, or coffee, as soon as the President signs this measure.

It is contended by the attorneys for OPA that section 2 (e) of the original Price Stabilization Act of 1942, as amended, relating to meat, flour, or coffee, is put in this measure so that the subsidies will not be paid after June 30, 1946, and that that is the intention of this provision. But I ask anyone in the Senate Chamber whether this measure can be interpreted differently than the way I have interpreted it, namely, that the minute this bill is signed it will require that all segments of industry so affected shall immediately comply with the regulations and the orders and the price ceilings that were in effect on June 30, 1946.

If anyone has a different interpretation, he should be quite sure about it. It was said, "Oh, they can authorize them to change it." But the conference report authorizes the imposition of every order and price structure and regulation which was in effect from the last day of June. It authorizes the imposition of a great many regulations that I do not even know about. I shall not give my approval. The OPA shall not have my consent to restore every regulation which it previously had in effect on the 30th of June. I do not know what other Senators will vote for, but what I have just stated is what will be done under authority of section 18 of the conference report. If that is not the intent, subsection 2 (e), relating to meat, flour, or coffee should be stricken from the bill, and the Price Administrator should issue new regulations and new orders that comply with section 8 of subsection (e) of the proposed measure, so as to provide that controls shall not be established on meat or milk or products related thereto until after August 20.

Our conferees would, nevertheless, have the Senate of the United States, as soon as the President signs the bill, roll back all prices to those which prevailed on June 30, 1946, except those relating to meat, flour, and coffee.

There is another reason why subdivision (2) of section 18 ought not to be incorporated into the law.

I am advised that the language of the subdivision may conceivably validate every OPA regulation which was then in effect, not as an OPA regulation but as a regulation which has all the effect of congressional enactment or congressional approval.

Certainly the Senate has no such intention. It has never scrutinized all of such regulations nor does it have any intention of so doing.

In conclusion, I wish to ask the Senate if we are ever to get back to a free economy. Are we ever to get back? If so, when will we have decontrol? Will we have it next year? There will be another emergency just like the one asserted today. There will be the same inflationary forces at work then that are at work now, whether the Congress passes the present OPA measure or not. And whether they are at work then will not make any difference. The fact that we have had OPA off our backs for 3 weeks does not in any sense counteract the inflationary forces which are at work today. The Nation now faces a $285,000,000,000 debt, greater than we ever thought we could possibly carry. So long as the Government continues to depreciate the value of the dollar inflationary forces will be at work.

Mr. President, why do we want to be permanently regimented? Do we want to have shackled upon our backs a permanent price-control program? Is America afraid to go back to her traditional free-enterprise system? Have we not demonstrated that, without these price impediments, we can obtain maximum production? Has it not been admitted by all of us that if we obtain maximum production it will be the best way, under a price-control program, to fight inflation?

Mr. President, I conclude with the reading of an editorial. I am not sure from what newspaper it has come, but I should like to give the newspaper credit for it, and would if I knew its name. The editorial reads as follows:

THE AGONY GOES ON

A Senate-House conference committee has decided to prolong the OPAgony for another year, with remedies to ease the pain of its final demise.

The measure is expected to get congressional approval this week.

And I suppose it will receive it.

President Truman is reported ready to sign it, reluctantly, as the best bill he can get.

Paul Porter, the harried head of OPA, says a lot of damage has been done. He says many of the eggs in the price-control basket have been smashed. He says some of the eggs that have just rolled out of the basket can be recovered.

Mr. President, if it is such a poor Price Control Act why do the OPA officials want it? Why do they want it if it will not do them any good?

It is unfortunate that OPA is getting a new lease on life in any form.

OPA died a Lazarus-like death June 30, and since then the good sense of American housewives, the good sense of American businessmen, and the forces of a free, competitive economy have operated—as they always do—to check and balance the markets.

What a wonderful statement. The truth of it has been proven by the figures

which I have already read into the RECORD.

I read the remainder of the editorial:

Butter went down 4 cents a pound last week. Poultry fell off 6 cents. The black market virtually went out of business.

Organized buyers' strikes were a flop, according to a survey of the New York Times. But the shopping skill of housewives, coupled with the end of hoarding, was extremely effective.

The housewife learned during the war how to turn to substitutes. She varied her family's fare with many beneficial, low-priced items. Her experience is a valuable family asset today and a potent weapon against inflation.

Now the new OPA bill again will substitute artificial controls for the natural laws of supply and demand over much of the Nation's economy.

And we will probably have to go through the agony all over again next year—if, indeed, the habit of control-by-Washington has not by that time become permanently entrenched.

One thing, and one alone, as we see it, can cut the Nation free of all these controls: Production.

Production such as we haven't had since war's end.

Production which has been held back by strikes, greed, selfishness, ceilings.

Sometimes one wonders what America is afraid of. America, the giant, lagging along like a pygmy.

America worrying first about deflation and then inflation.

America talking about depression when there is enough pent-up demand in our own country alone to keep every factory chimney spouting smoke for 5 years.

America, afraid of its own strength.

America, still toying with the phony idea of an economy of scarcity.

America, suspicious of its mighty productive capacity—when every other country in the world, including Communist Russia, is striving and straining to emulate our production methods.

We hold in our hands the cure for all our economic ills—and we turn supinely to Washington.

We cry for help. We cry for protection. And how the bureaucrats love it. How it puffs up their sense of self-importance.

We need a new definition of freedom from fear. Freedom from fear of ourselves.

We need a reaffirmation of faith and self-reliance. They were the virtues of our forefathers. They made this country great. Their opposites, fear and dependence, can drag this country down.

Mr. President, I thank the Senate for the time which I have been allowed to consume. If any Member of the Senate wishes to ask me a question, I shall be glad to try and answer it.

Mr. VANDENBERG. Mr. President, I should like to say to the Senator that I think he has presented a very masterful argument in behalf of the viewpoint which he sustains.

I wish to ask a question for my own information. The Senator has presented figures respecting meat production and meat prices. Under the terms of the pending conference report, if a decontrol board honestly and sympathetically administered the proposal, would it not be the Senator's conclusion that there would be no renewal of meat controls?

Mr. WHERRY. First, Mr. President, I wish to say to the distinguished Senator from Michigan that I appreciate his complimentary remarks.

In answer to his question, I may say that I believe the machinery necessary to control the situation is at hand. If the statute is honestly administered by the OPA, and if it views the situation in the light in which it has been presented, it will be compelled, under the formula, to decontrol meat.

Mr. VANDENBERG. Permanently?

Mr. WHERRY. Permanently, or within a 30-day period.

Mr. VANDENBERG. I thank the Senator.

Mr. WHERRY. Mr. President, again I wish to say that the distinguished Senator from Michigan has placed his finger on the crucial question. He did it this afternoon before any other Senator did it. I should like to have the honor of having done so myself.

If we judge the future by the past, we will not obtain the kind of an administration as that to which the Senator and I have referred. My theory is that the pending measure is a control measure, and control will be in effect for another year. One more reason for it being in effect is that the OPA wants to pay subsidies because—well, I shall not say why. Senators can figure it out for themselves.

Mr. REED. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. REED. I wish to say that I subscribe to the statement which was made by the able Senator from Michigan with respect to the magnificent and effective address which the Senator from Nebraska has made this afternoon. He has covered the subject completely and thoroughly.

I wish to inquire of the Senator from Nebraska whether in his opinion, with a 3,500,000,000 bushel corn crop almost assured, with a winter wheat crop almost harvested, with a spring wheat crop now being harvested, the aggregate of which will be 1,140,000,000 or 1,150,000,000 bushels and with a billion and a half bushels of oats available for human food, animal feed, and for famine relief, there is the remotest need for the restoration of controls on grain?

Mr. WHERRY. Mr. President, I say to the distinguished Senator from Kansas that I wish to thank him also for his remarks.

In my opinion, there is not the slightest need for control of grain. I was informed recently by one of the top flight men in agriculture that if the controls had been left off, and the buying countries were compelled to buy on the world's markets instead of under ceiling prices, the only thing we would have to worry about in this country would be the placing of floors under grain instead of establishing ceiling prices by the 15th day of September.

Mr. REED. I agree with what the Senator from Michigan has said. I agreed in a conversation with the Senator from Maryland, who is on his feet, and who is one of the conferees who has done at least a conscientious job, that if the Decontrol Board provided for by the pending measure honestly administers it in good faith, it will probably be the best way by which to handle the problem.

I think the Senator from Nebraska will agree with that statement. But I ask him if there is a single page in the history of the administration of the OPA, and in any utterance of Paul Porter or Chester Bowles, which would give Congress any right to assume for a moment that the pending measure, if enacted into law, would be administered in good faith.

Mr. WHERRY. Mr. President, in answering the distinguished Senator's question, I answer from my own experience. There is not. I just do not have faith.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. WHERRY. I yield. If the distinguished Senator from Ohio were on the floor, I should be glad to yield to him. I am through with my statement, and I should be glad to give him an opportunity to ask me any question he desired to ask.

Mr. RADCLIFFE. We will all agree, of course, that we cannot draft any legislation which can be guaranteed to prevent malfeasance or nonfeasance. When the provisions in regard to the Decontrol Board were under consideration and were being drafted, we tried to throw every reasonable safeguard around the plan we could think of. We tried to insist that the Board should be an independent Board. We endeavored to make such provision as would set forth unmistakably that principle, and, as far as possible for us to do in a legislative way, to lay down that requirement.

Mr. WHERRY. I do not know whether the Senator was on the floor when I made my opening remarks, but I shall always believe to my dying day that when the conferees on the part of the Senate went into the conference, after the experience we had had with the first bill, and after the instructions given the Senate conferees, after the remarks made by the distinguished Senator from Ohio that the Senate conferees could not have kept meat decontrolled and milk decontrolled, the Senate conferees should have come back to the Senate for further instructions. Furthermore, they should have demanded from the House conferees, because they had reached an impasse, that they take those two provisions back and have a vote in the House. If our conferees had done that and had then come back and said, it could not be effected, that it was not possible, that the House conferees voted the Senate conferees down, I would say our conferees had some justification for bringing this compromise measure back to the Senate. But they did not do that.

Mr. RADCLIFFE. Of course, some things you can do in conference and some things you cannot do. We did suggest to the House conferees again and again that they go back and get an expression of opinion from the House, but we were not in a position to demand that course of them.

Mr. WHERRY. I fail to understand. If I had been on a conference committee and found that I could not retain decontrols, after the Senate had put them in by a vote of 2 to 1, and after it was the second bill we had sent to them, I would have come back for further instructions, or resigned as a conferee.

Mr. RADCLIFFE. Mr. President, all those were, theoretically speaking, possible actions, and it may be that a return for fresh instructions would have been desirable.

Mr. WHERRY. That is my opinion.

Mr. RADCLIFFE. We could not, however, demand that the House conferees go back, but we did insist on our own views. Then, when this Board was being set up by law, we did try to see to it that, so far as possible, it would be an independent board, that the members would be men of high standing, men of independence, men who would be more or less independent, not connected with the operations in the past of the OPA.

Furthermore—and I think this is a matter of considerable importance—we also tried to see to it that these men would have nothing else to do. If members of such a board, or any other kind of administrators, have general administrative duties, and in addition have powers to decontrol or recontrol, it can readily be seen they have a combination of duties which causes some to be slighted or deferred in order of precedence. So we did see to it that these men would be charged with one thing only, that is powers of decontrol and recontrol.

Let me ask the Senator from Nebraska, would the Senator have preferred that there be a roll-back of meat as of the date of the passage of the bill? I assume not.

Mr. WHERRY. I should like to answer the Senator's question. I am not in favor of a roll-back; I am not in favor of control of meat at all. I think that is what the Senate conferees should have stood for, because the Senate voted 49 to 26, nearly 2 to 1, that meat should be decontrolled.

Mr. RADCLIFFE. I voted that way on the floor, and I voted that way in conference as long as I had a chance of success.

Mr. WHERRY. The Senator should have kept on voting that way.

Mr. RADCLIFFE. It was not possible to put over the Senate's position, and we reached the stage when we decided on a disagreement. Possibly the thing to have done was to disagree and come back for instructions. But from my experience as a conferee, when a bill comes back because of disagreement, no one knows what will happen, and therefore, whether our judgment was wise or not in seeking a return is a matter of risky speculation. We thought it our duty to try to get the best bill we could in conference. I happened to make the suggestion in regard to the 30 days, which later was changed to August 20, because that provided something of a turnaround period. Then, when we set up our standards, as we did, these standards are so definite and so far-reaching that no recontrol or decontrol board could put the controls back, if the conditions were met, unless they violated their oath of office. I think there is a considerable amount of weight to be attached to the fact the program laid down for the new board is a very specific one, going about as far as legislation could outline.

Mr. WHERRY. I have a high regard for the Senator from Maryland. He did a good job, especially for poultry. The vote to decontrol meat in the Senate was 49 to 26. I will always believe that if the House conferees would not accept that, the Senate conferees should have had the House vote on it. If they had voted on it, they might have concurred, and it would not have been a subject for compromise. It was so far reaching, and we had had so much debate about it, there was such an understanding about it the last time we passed the bill, I think it was the duty of the conferees to come back to the Senate, if they could not get it agreed to, and ask for further instructions, whether they should compromise or stand by the specific decontrols adopted in the Senate.

Mr. President, I think I am absolutely sound in that position. If that is not to be done, what is the use debating a bill for 30 days, what is the use of taking the time of the Senate, if the conferees are going into the conference and wreck the bill?

Mr. TAFT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. WHERRY. I yield.

Mr. TAFT. Is the Senator aware of the fact that when we passed the joint resolution we provided for recontrol?

Mr. WHERRY. I will answer the Senator from Ohio in this way: When we passed the joint resolution, there was a specific exemption for decontrolling meat and poultry, there was a specific exemption for decontrolling milk and butter.

Mr. TAFT. Let me read to the Senator what the bill contained when it passed the Senate:

> Whenever the Secretary of Agriculture determines that an agricultural commodity with respect to which maximum prices have been removed is in short supply and that the reestablishment of maximum prices with respect thereto is necessary to effectuate the purposes of this act, the Secretary, with the written consent of the Price Decontrol Board, may recommend to the Administrator, and the Administrator shall establish, such maximum prices with respect to such commodity, consistent with applicable provisions of law, as in the judgment of the Secretary are necessary to effectuate the purposes of this act.

When we had the bill before us on the floor of the Senate, I asked the distinguished Senator from Kentucky whether in his opinion that applied to commodities which were specifically decontrolled, and he replied that in this opinion it did. The Senator from Nebraska was here. No one raised any question as to that interpretation of the Senator from Kentucky. So that as a matter of fact the bill has always provided for recontrol, and the modifications made in the conference committee were not in fact substantial changes in the effect of the joint resolution as it was passed by the Senate.

Mr. WHERRY. I wish to say, just as forcefully but as courteously as I can, that the bill does not provide that; and I have just as much right to my interpretation as the distinguished Senator from Ohio has to his. There are two specific decontrols in the joint resolution, just as specific as decontrolling cotton is in it. I guarantee cotton will never be controlled. If the conferees had stood fast by the meat decontrol amendment and the milk decontrol amendment, regardless of how the Senator may interpret it, they would never recontrol it under the joint resolution as it passed the Senate. That is my answer.

Mr. TAFT. The Senator says so, but it is not so.

Mr. WHERRY. I have just as much right to my opinion as the Senator has to his.

Mr. TAFT. It says "agricultural commodity with respect to which maximum prices have been removed"——

Mr. WHERRY. Yes; the Senator is trying to read in from another section.

Mr. TAFT. "Is in short supply, and that the"——

Mr. WHERRY. Mr. President, I have the floor. The Senator is trying to read into the decontrol of meat, which was passed in the Senate by a 2 to 1 vote, a section which is outside of the specific decontrols. I do not care whether the Senator from Ohio or the distinguished majority leader interpret it that way or not. Every man who voted to decontrol milk and butter understood and voted to decontrol milk and butter, and Senators voted to decontrol meat, and the Senator from Ohio knows it, and so does the Senator from Kentucky. I think it is a very poor defense now to back up a conference report by saying that there are not decontrols in the measure, regardless of the fact that we put them in.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. WHERRY. I yield. But I want to say another thing. We thought when we decontrolled meat we had it decontrolled. We did not have it decontrolled at all, according to the Senator from Ohio.

Mr. TAFT. Will the Senator yield?

Mr. WHERRY. What are they going to do with this? How are they going to interpret this measure? How can they interpret an act about which the Senator from Ohio and the Senator from Kentucky do not even agree now? I guess they did finally get together, but they did not agree on what the decontrol provisions were. How will they interpret it? They will do just what they want to do. The Board will do just what they want to do, and will do just what the President tells them to do.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. HAWKES. I wish to say that I agree that the Senator's last statement sums up the whole thing he has been discussing for 2 hours, that when all is said and done they are going to do exactly what they want to do in administering controls.

Let me say to the Senator from Nebraska that I have had letters on this subject from some of the ablest men in the United States, and I should like to suggest to Senators that in a period of 30 days plans cannot be made which will produce the results which are necessary in the United States. There is not a man in this Chamber who would put his money into a production enterprise for 30 days, not knowing what the Decontrol Board and the Administrator of OPA are going to do.

Mr. WHERRY. That is true.

Mr. HAWKES. Without even raising the question of good faith, I say to the Senate that the uncertainty represented by the language of this measure will retard production, it will injure the American people, and they will go right back to the same black market and all that we were in when we passed a bill which really meant something.

May I go one step further and say while I am on my feet that I read to the Senate on the night of the vote on the last OPA bill the story of what happened in France in 1793 and 1794, when they even got to the point where they cut the heads off the citizens by the dozen, and there is a list of them in the RECORD, for going into the black market and refusing to produce and abide by the price regulations. I want to say to the Senate that today at this minute a new bill is ready for introduction in the legislative body of France pronouncing the death sentence upon anyone who deals in the black market or who fails to abide by the laws in regard to the production and sale of foods and necessities of life. Think of that, Senators! They are back to the same thing again. And why are they back to it? Because they are failing to obtain production through the control and the regulation of the individual.

Mr. WHERRY. I thank the distinguished Senator from New Jersey.

Mr. President, I have sent for the record. I did not have it before me when the distinguished Senator from Ohio read what he said he thought was a provision in the former bill to decontrol meat and milk. I wish to call the attention of the Senate to page 10, sections 7 and 8 of the bill, which the Senate passed. I read section 7 as follows:

(7) No maximum price and no regulation or order under this act or the Stabilization Act of 1942, as amended, shall be applicable with respect to livestock, poultry, or eggs, or food or feed products processed or manufactured in whole or substantial part from livestock, poultry, or eggs.

Section 8 is as follows:

(8) No maximum price and no regulation or order under this act or the Stabilization Act of 1942, as amended, shall be applicable with respect to cottonseed, soybeans, or products processed or manufactured in whole or substantial part from cottonseed or soybeans.

Section 9 makes the same provision respecting milk and food and feed produced in the processing of milk.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. RADCLIFFE. I can realize that for the period of 30 days until August 20 is a very short time. No one questions that fact for a moment, but we were seeking to secure the best terms available.

Mr. WHERRY. The Senator asked me a question——

Mr. RADCLIFFE. Let me suggest first——

Mr. WHERRY. The Senator asked me a question and I will answer him now. What is proposed to be done will lead all the elevator men in the country to believe that they have until August 20 to get rid of the grain at the price at which they bought it. That is not what we have done at all. By section 18 there are put into effect immediately all the orders, prices and regulations that OPA had in effect in the last week in June, and that means that if today a man has grain which he bought at the price at which the Senator from Ohio said he bought it for, and the President signs this measure tonight, he will have to take the ceiling price of the last week in June until he gets relief and he can obtain relief in 30 days if I understand the procedure with respect to application for relief. So it will cause the elevator owners and the feed merchants to become involved in a chaotic market which will force many of them into bankruptcy.

Mr. RADCLIFFE. I do not follow the interpretation of the Senator.

Mr. WHERRY. No two individuals would interpret the measure the same, I presume. There are 96 men in the Senate who would no doubt interpret it in different ways.

Mr. RADCLIFFE. May I be permitted to comment for just a moment?

Mr. WHERRY. Yes; I will be glad to yield to the distinguished Senator from Maryland.

Mr. RADCLIFFE. Much stress has been laid on the fact that the members of the Decontrol Board may not do their duty. How can we guarantee that they will do their duty? How can we guarantee that any official in an administrative office will always perform satisfactorily all of his duties? But what have we done by way of direction? We have set up standards, and we require findings of fact. It purely would not be within the caprice and the discretion of the Decontrol Board to do whatever they wanted to do, if in conflict with the standards set up and without the necessity for making of findings as to facts. If the members of this Board determine upon findings and follow out the standards which are set up for them, then they must be doing what ought to be done. It does seem to me that it is very much better to require findings and to require standards than not to have any such requirement. That is what we have attempted to arrange for in this particular matter. I do not see how, when we attempt to make provisions as to the performance of duties by public officials, that we can do better than set up standards, require findings, or do otherwise than set forth requirements. What else can the legislative branch do?

Mr. WHERRY. I will answer that question. Congress ought to decontrol meat and milk. We ought to tell the OPA officials that that is what they are to do, and not leave it up to them. The provision in that respect should be made by statute.

Mr. RADCLIFFE. I voted that way.

Mr. WHERRY. I am not complaining. The Senator asked me the question, and I answered him.

Mr. RADCLIFFE. It was not possible to secure full approval of the Senate's position.

Mr. WHERRY. I think it was.

Mr. RADCLIFFE. That adherence to the Senate's position was not possible if the conferees disagreed, and then no one could tell what would eventually result, that is, whether the Congress would ever agree upon a bill, and, if so, what would be its provisions and what would happen to industry because of such delay and confusion.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. DONNELL. I was very greatly interested in the Senator's comments respecting section 18, and it is with reference to that that I desire to ask him his judgment. I note the language in that section:

SEC. 18. (1) The provisions of this act shall take effect as of June 30, 1946, and (2) all regulations, orders, price schedules, and requirements under the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, which were in effect on June 30, 1946, shall be in effect in the same manner and to the same extent as if this act had been enacted on June 30, 1946.

I wanted to ask the Senator two or three questions to enable me to understand clearly his position. Am I to understand that the Senator construes the language I have read, particularly the reference to price schedules, to mean that if the conference report is approved and becomes law, the prices we will say of grain and of livestock and of poultry and of milk products which prevailed on June 30, 1946, will go into effect immediately?

Mr. WHERRY. That is my understanding of the conference report.

Mr. DONNELL. That leads me to the further question. Back on page 4 of the report, paragraph 8, subparagraph (A) contains the following language:

(8) (A) No maximum price and no regulation or order under this act or the Stabilization Act of 1942, as amended, shall be applicable prior to August 21, 1946, with respect to livestock, milk, or food or feed products processed or manufactured in whole or substantial part from livestock or milk; with respect to cottonseed or soybeans, or food or feed products processed or manufactured in whole or substantial part from cottonseed or soybeans; with respect to grains for which standards have been established under the United States Grain Standards Act, as amended, or any livestock or poultry feed processed or manufactured in whole or substantial part therefrom.

The question I wish to ask the distinguished Senator from Nebraska is this: Obviously there appears to be a conflict between the two sections. Section 18 would seem to put into effect all price schedules in effect June 30, 1946. On the other hand, the section I have last read would indicate, as I have quoted from it, very clearly that no maximum price and no regulation or order under this act or the Stabilization Act of 1942, as amended, shall be applicable prior to August 21, 1946.

Now I want to ask the Senator, Is it not a general rule of statutory construction that a court will endeavor to harmonize all portions of the act?

Mr. WHERRY. Yes.

Mr. DONNELL. Would it not be true, therefore, that it would be a permissible construction for the court to hold the language in section 18 to be a generalization, and the portion on page 4 to be a particularization, to quote substantially

from my distinguished friend the Senator from Oregon [Mr. CORDON]? Would it not be permissible therefore for the court to hold that while section 18 provides generally for a reduction of price schedules, as to the particular things stated, from which I have quoted on page 4, there shall be no reduction of maximum prices until August 21, 1946, and would not that, under the settled rules of statutory construction, be the normal construction for a court to place on this legislation?

Mr. WHERRY. In answer to the distinguished Senator I will say that we are the ones who are called upon to pass upon that when we vote upon this report. I agree that there is that provision on page 4 which the Senator read. I agree that section 18 provides for a general price control, that is, it is general in that it puts into effect all the prices of June. But whether it is controlling, or whether the other portion is controlling, or whether the time will come when we have to pass upon it, it is my theory that in the next 20 days the act will be construed in such a way that section 18 will be controlling, and that the only relief that can be obtained is through some court action, and if it shall be construed that the language on page 4 is controlling, then section 18 should be stricken from the measure entirely. Does the Senator see what I mean?

Mr. DONNELL. I see the Senator's point, and I can well understand it. I can see where there is obviously an apparent contradiction between the two sections. On the other hand while it devolves on the Senate to decide now at this time what this measure means and whether we are going to support it, yet it seems to me that in deciding it we should employ the well-established rules of statutory construction, and that if it be possible to harmonize the two sections along the lines I have indicated, namely, that section 18 is a generalization which, as to particular matters embraced in earlier portions of the measure would not apply, it would seem to me that the Senate would be justified in assuming that that is the correct meaning of the proposed legislation.

Mr. WHERRY. I submit to the distinguished Senator from Missouri that, even though we accept his premise and his conclusion, what the Senate should do is to write into the act what we mean, and only what we mean. We should not make it impossible for any segment of industry to rely upon a court for a judicial decision to determine whether section 18 is applicable, or whether the section on page 4 is applicable. The proposed law will create complete confusion. My experience, in the light of section 18, leads me to believe that OPA will say that not only did Congress intend that price control should be reestablished, but that it intended to validate every price regulation and order written by OPA, when we make the act effective as of June 30, 1946.

Mr. DONNELL. If OPA were to take the position that section 18 would restore the prices on grain, livestock, milk, soybeans, and so forth, mentioned on page 4, how could OPA explain away the provision on page 4? I see the Senator's point, but does it not follow that in determining whether to approve the proposed act which is now before us for consideration we should take into consideration, not the apparent conflicts, but the well-established rules of statutory construction, under which it would appear that both the provisions of section 18 and the provisions on page 4 can be harmonized?

Mr. WHERRY. This brings up the very thing mentioned by the Senator from Ohio. There were two specific exemptions in the former bill, and yet in another section in the bill there was a provision that no maximum price should be established. The distinguished Senator says that there can be recontrol. What is controlling? Is the general section controlling, and can recontrol be established regardless of the two special exemptions, or are the two special exemptions controlling? My opinion is that if we leave section 18 in the joint resolution, that is exactly how the OPA will construe it. It will establish prices as of June 30, and they will involve everyone who operates in the grain market or in the livestock market. Those will be the prices at which they will have to sell between now and August 20. That is my opinion. The OPA will go to court and will have every reason in the world why its interpretation of section 18 should be controlling.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. CORDON. I find myself in agreement with the Senator from Missouri with reference to the question of statutory construction. But I wish to make this point with reference to the practical situation which will be faced by those who have purchased grain in the markets since price control was removed. Let us assume that the Senator's construction is correct. Let us assume that there is no legal objection to any man who has made grain purchases going into the open market and selling the grain for any price he can get. As a practical matter, where will he find a buyer after this provision becomes law? Who would undertake to pay a price above what may be expected to be the ceiling in the period between the time this act becomes law and the time when the Decontrol Board may operate? This seems to me to be the only possible answer—and if the distinguished Senator from Ohio agrees with me, I hope he will give me his opinion on this point: The only answer I can see will rest in the power—if there be power—in the Government, by another subsidy or the equivalent of a subsidy, to make up to those people the difference between the price they paid in an open, uncontrolled market, and the price at which they could have bought the product later in a controlled market. If that cannot be done, I can see no alternative to taking a heavy loss, directly attributable to this legislation.

Mr. WHERRY. I thank the distinguished Senator.

Mr. TAFT. Mr. President, will the Senator yield in connection with this matter?

Mr. WHERRY. I yield.

Mr. TAFT. No subsidy can be imposed unless it was formerly imposed. The joint resolution specifically so provides. So the only way the OPA could take care of the situation would be by increasing the price which may be charged. That is what I understood the Senator from Kentucky [Mr. BARKLEY] to say would be done in the case of grain. But I do not find that assurance in the case of other commodities. The problem today is no different from what it was a week ago. It is exactly the same. People have been buying commodities, although they knew that Congress might restore price control. The situation on the 10th of August will be no different from that on the 20th of August. The situation is very undesirable, but it is no different in kind from what has been the case during the entire intermission.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. CORDON. I am in accord with the Senator from Ohio. Everyone who has made a purchase or sale in this period has been on notice that the Congress could not make up its mind to come to any conclusion as between the two Houses, or any conclusion that it felt 1600 Pennsylvania Avenue would approve. After all, that was the trouble. In my opinion the conference report is not a meeting of minds on the basis of compromise between the two Houses of Congress. It is a face-saving device for 1600 Pennsylvania Avenue.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. FERGUSON. After listening to the arguments as to the interpretation of section 18 and the provisions on page 4, it seems to me that we are called upon to vote on something with respect to which there is a conflict of opinion which can be settled only by a court in the application of a statutory rule of construction. We are in a position where something must be done by August 20.

Mr. WHERRY. That is correct.

Mr. FERGUSON. It is impossible to have a construction by any court within that period of time. So we say to the people, "Allow the construction of the OPA board to take effect. You will deal at your peril. We in the Senate cannot agree as to what the law means. Go ahead and act, and if you are wrong you will be sued by the United States Government." Is not that exactly the position in which we find ourselves?

Mr. WHERRY. I think that states the position exactly.

Mr. TAFT. Of course, these provisions were in the original law. This question could have been debated fully at the time the original law was enacted. Exactly the same problem rose at the very beginning in connection with the original bill. It may be an objection to the entire joint resolution, but the problem existed at that time, and was discussed to some extent.

Mr. FERGUSON. The fact that it was in the original bill does not make any difference now. We now find ourselves confronted with this question, and we are saying to the people of the United States, "Make your choice at your peril."

Mr. WHERRY. That is correct.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. WHERRY. I yield to the distinguished Senator from Colorado.

Mr. MILLIKIN. If the Senator will permit me, I should like to make this observation: There is a great deal of talk to the effect that those who have been making purchases and forward orders, and who have been filling the pipe lines with goods were doing so at their peril. I think that is an utterly fallacious and completely dangerous doctrine. From the moment of time when the President vetoed the bill there was no presumption that there would be another bill; and under my view no American citizen should suffer for what he did during the interim.

Mr. WHERRY. I thank the Senator from Colorado. That is exactly the way I tried to put it. He has done it forcefully, and his suggestion is crystal clear as to the position which I take.

Mr. President, I yield the floor.

TERMINAL LEAVE FOR ENLISTED PERSONNEL OF THE ARMED FORCES

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. THOMAS of Utah. I move that the Senate insist upon its amendments, agree to the request of the House for a conference and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. THOMAS of Utah, Mr. JOHNSON of Colorado, Mr. HILL, Mr. GURNEY, and Mr. REVERCOMB conferees on the part of the Senate.

LEAVE OF ABSENCE

Mr. ROBERTSON. Mr. President, I ask unanimous consent to be absent from the Senate for 1 week.

The PRESIDENT pro tempore. Without objection, leave is granted.

EXTENSION OF PRICE CONTROL—CONFERENCE REPORT

The Senate resumed consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 371) extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended.

WHY OPA SHOULD NOT BE REVIVED

Mr. WILEY. Mr. President, I shall not detain the Senate long. First of all, I ask unanimous consent that there be printed an article entitled "High Lights of Compromise for Price Control Revival," as set forth in one of the Washington newspapers.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

HIGH LIGHTS OF COMPROMISE FOR PRICE CONTROL REVIVAL

Here's what the price control compromise does:

1. Restores price and rent until June 30, 1947, but with sharply curtailed OPA discretion, and divided authority.

2. Sets up a new three-man Decontrol Board, which will have powers to reestablish controls. The Board could override OPA and the Secretary of Agriculture to remove controls on any commodity. It could restore controls on any of the basic foods and other items previously exempted by the Senate.

3. Ceilings on 5 of these commodities—meat, dairy products, grains, cottonseed and soybeans—will go back August 21 unless the board decides otherwise. These items must remain ceiling-free until that date.

4. No controls can be imposed on poultry, eggs, petroleum or tobacco unless the Board orders. In no event can the Board recontrol these before August 21.

5. In addition, the Board has the same broad power to order removal of ceilings on other commodities it was granted in the recently vetoed bill.

6. Subject to the Board's final say, the Secretary of Agriculture, rather than OPA, would decide what farm commodities can be controlled.

7. OPA's rent-control authority is continued unchanged.

8. Subject to the Decontrol Board's overall orders, OPA would continue to set ceilings on industrial goods. But its discretion would be sharply curtained by the bill's new pricing formula.

9. Both rent controls and industrial price ceilings would be restored on the day the President signs the bill. OPA is expected to issue interim regulations covering the 30 days allowed for workng out the higher ceilings required by the new pricing formula.

10. This formula requires OPA to set ceilings for manufacturers on an industry-wide basis, reflecting their average 1940 price for each product, plus increases in cost since. OPA could refuse the increase to manufacturers already receiving costs "plus a reasonable profit" if the increase would not aid production, or if it would reduce production of equally needed items.

11. OPA still would retain considerably more discretion than under the Taft amendment. For example, it could make "reasonable adjustments for conditions resulting from abnormal volume of production."

12. OPA would have to give wholesale and retail distributors ceilings reflecting their "current cost of acquisition of any commodity plus such average percentage discount or mark-up as was in effect March 31, 1946."

13. Subsidies largely for holding down food prices trimmed from the $2,000,000,000 asked by OPA to about $1,000,000,000. No food subsidies could be paid after next April 1.

Mr. WILEY. Mr. President, I wish to compliment the "Nebraska Bomber" [Mr. WHERRY]. He has done a great job today, just as the second bomb at Bikini did this afternoon at 4:30. The report from Bikini is that it destroyed practically everything, and those who heard the sound over the radio sensed something almost uncanny.

I think it was the senior Senator from Michigan [Mr. VANDENBERG], who was absent in Europe while we were living through the period of readjustment between the demise of OPA and the present, who asked a question which indicated to me that he had a sense of fear as to what the consequences might be of not continuing OPA.

As I listened to that discussion there came to my mind the illustration of an eaglet which was captured when only a few days old. A chain was fastened around its leg. Through the months it would go as far as the chain would permit. Eventually the eaglet grew into a mature eagle, but it had lived through a long period when it was chained. One day the chain, which had rusted, broke. It made no difference. The eagle had been chained. It did not know how to fly. In recent times we have seen nation after nation chained in its thinking by government action. Never before have we in America permitted ourselves to be chained. We never permitted it until the war came. Then we said, "It is a war necessity."

But, Mr. President, month after month has passed since the war ended. I call attention to the fact that the question involved in the pending conference report may not necessarily seem of such great importance to those of us here, because we are not merchants, we are not farmers, we are not producers, we are not manufacturers. We have not had to deal with the 107,000 directives of OPA, which took 90,000,000 words to write. We have only had them thrown at us from time to time, as we have had to take them up with various members of the OPA or before our constituents.

So, Mr. President, I say that if we consider the understandings which were had at the time when the OPA came into being, we find that it was strictly understood that the OPA would not operate after the cessation of hostilities. There were other understandings which it would be very interesting for us to review, but I shall not take time to do that now. I shall simply state briefly my own conclusions.

I have lived through these 4 weeks during which we have had no OPA, and I have heard the Bowles and the Porters and their political kinfolk, as all America has heard them. I wish that everyone in America could have heard the distinguished young Senator from Nebraska [Mr. WHERRY] today, when he gave us the facts of the case. I shall not restate them now.

During the war we found that our great people were willing to be chained during that period of time in order to produce for the 15,000,000 men who were fighting our battles. However, just as soon as the war ended, thank God, the inherent American spirit manifested itself, and our people no longer wanted to be chained. When the chains came off, as a result of the President's veto of the OPA extension bill, the men who were supposed to be the leaders of thought, psychologically and otherwise, did nothing but plug the radios with expressions of their thoughts of fear and of the inadequacy of the American people, the American merchant, the American farmer, the American producer. I wonder what President Roosevelt would have thought if he could have heard his political kinfolk preaching the doctrine of fear. He said to us, "The only thing we have to fear is fear itself."

Mr. President, I have made these remarks in leading up to a submission of my own reasons for opposing the conference report, this compromise measure for

price-control revival. Unless I am convinced to the contrary by what is said on the floor of the Senate, I shall vote against the conference report. What I have heard thus far today does not convince me to the contrary.

Indeed, the word "compromise" is a good word to use to describe the conference report. It would compromise the American system of private enterprise. I believe it would create chaos in industry and agriculture and would place the strangle hold of state socialism upon us. I do not say that idly. State socialism means what was so well described to the Senate by the Senator from New Jersey [Mr. HAWKES], when recently he referred to the historical incident in France. Under state socialism, the state regulates every activity of the human family. Thank God, we in America revolted against such a system when the war was over. But now it is proposed that we have it again. The real question now is whether there is any need for it. Mr. President, has the need been demonstrated? During the debate, Senators have been arguing about technicalities of this "compromise." But the question is whether there is any need at all for the system proposed by the pending measure.

After listening to the undisputed facts which have been presented today by the Senator from Nebraska, I ask you, Mr. President, Is there any need for what the conference report proposes? Is there still an element of fear, caused by fear propagandists, lurking in us? If there is, let us cast it out. Let us remember how we were able to get along very nicely before we had OPA.

Mr. President, I desire to present, point by point, my own conclusions and my own reasons for opposing this hodgepodge, patchwork legislative proposal.

1. OUR EXPERIENCE DURING FREE PERIOD

What has happened during more than 3 weeks of freedom from OPA has proved the soundness of Americans and the American system of free enterprise. Our experience during the time since the OPA has been out of existence has strengthened me in the conviction that, in spite of the hamstringing effects of OPA in the past, we have enough strength, honor, and integrity in the American economy for a complete revival of private enterprise and all-out production. During this time of more than 3 weeks Americans have breathed the free air of genuine competition.

Mr. President, let me say, to digress for a moment, that since the OPA went out of existence, I have talked to merchants in my own State. Today an important milk producer telephoned to me. I say that we of the Senate personally have lived without the clutch of government gestapo on our shoulders, without having the price of every commodity fixed by Government, without the storekeeper being compelled to pay a fine of $25 if even one commodity in his store was sold for a fraction of a cent above the so-called legal price, without the threat hanging over him of being haled into court.

We personally can scarcely realize what has happened since we have been free from OPA control. Our merchants and our storekeepers and our farmers and our producers are again breathing the free atmosphere of what is rightfully theirs. Let us remember that they are the sound, clear-thinking segment of American society.

Mr. President, there has been a sigh of relief and joy throughout our whole economy, throughout industry, commerce, and agriculture, as private enterprise has gotten into production in the American way. Today my son-in-law came to Washington from Boston, where he has been teaching. He said that not until the OPA went out of existence were he and his family able to get meat, and that since the OPA has ended they have been able to get meat—at the prices shown today by the Senator from Nebraska.

Mr. President, the price rises which have occurred in the free period following the death of OPA have been negligible. Generally speaking, the increases in prices since OPA ended have amounted to approximately the subsidies which formerly were paid by the Government.

Let me say that I wish that the statement which has been made today by the Senator from Nebraska could have been heard by all our people, so that they might understand what he has said, namely, that by getting along without the OPA we are avoiding the diabolical practice of paying $2,000,000,000 a year in subsidies, as we did last year.

In this connection, let me ask this question, With American purchasing power at $170,000,000,000, with production coming into its own in every line, unhampered by Government directives and restrictions, with the Government debt mounting so tremendously because of Government spending, is it not just common sense, as well as good economics, that we do away with all subsidies except in the few cases, such as copper, lead, and zinc mining, where it is imperative to provide an incentive to stimulate production?

2. DANGER OF RENEWED BLACK MARKET

Mr. President, not only should we end the OPA because the American economy has ample strength to get along without it and because we must stop paying useless subsidies, but also because the OPA, if continued or extended by the pending conference report, will reintroduce the terrible black market. We in Washington knew about the black market. Here in the capital of the United States black markets ran rampant. Eighty percent of the meat sold in the United States was sold on the black market, until the OPA went out of existence. All of us realize what the black market has meant to the morals and health of the people.

No one can estimate what it means to the rejuvenation of America to get rid of something that produced such a crime wave, for that is what the OPA and the black market produced. It caused some of our best citizens to become criminals, and they set a horrible example for the rising generation, the youth of our country. It has been an extremely bad influence for them to see respectable men, who have to live, violate the law.

However, in recent weeks, as a result of the death of the OPA, that situation has changed. The importance of doing away with those conditions cannot be minimized. Once before we learned that lesson, namely, when the bootlegger operated during prohibition. It is reliably reported that the black marketeers who profited so much from OPA maladministration and ineptitude are using their influence to have OPA reinstated, just as the bootleggers strove to prevent the repeal of the prohibition amendment.

Mr. President, we must realize the importance of these matters and influences which I have been discussing, these evil influences upon the future life of America. We must consider them.

3. TESTING THE AMERICAN PEOPLE

Mr. President, my third reason for opposing the conference report and for wanting a further breathing spell for America is that during this further free period, we shall be able to test further our great American people.

I have faith in our people, although the Bowles and Porters and their economic kinfolk do not.

Mr. President, go to your merchant. I do not care who he is, or what line he handles. Ask him how he feels about the situation. Talk with him. If the subject is groceries, meat, hardware, or clothing, find out how he feels. You will note that the fear which was formerly in his eye has now gone. Previously he thought that he might be in danger of making a petty mistake, and if he made one, he would be held up as a criminal to the people of the community. On the other hand, he would be told to pay. And, Mr. President, how many thousands of merchants were required to pay when they made an unintentional mistake.

Senators, the OPA gestapo came as close in its operations to the gestapo of Europe as any gestapo ever came. If Congress had an opportunity to investigate in some of the States, it would find conditions which smell to high heaven—and I know whereof I speak. Do we wish to return to that condition in free America? Think it over!

Mr. President, I have faith that the American people will be proved not to be a bunch of gougers and chiselers. It will be proved that they will be satisfied with a reasonable profit. It will be proved that they can meet the challenge of production, unhampered and unchained. It will be proved that they can get all the goods they need at fair prices, and of good quality, by allowing the law of supply and demand to operate in a free, competitive economy.

4. CURB BUREAUCRATIC POWER

My fourth reason for opposing the conference report is that, by rejecting it, we will be thwarting the power-drunk ambitions of many of the OPA hirelings who want to remain in office indefinitely, with their stranglehold on the American people undiminished. Those are strong words.

I wish to pay a compliment to many of the men in the OPA who have proved themselves to be real servants of the people, and real honest hard-working persons. However, I could present a list of other persons who have shown utter disregard of a servant's position and have possessed the master complex which was

demonstrated at every turn of the road. We will prove that we do not intend to be the blind foils or tools of collectivist superplanners.

Mr. President, how did other nations go down? They went down by disregarding the mandate of the legislative branch. When the administrative branch became super, when it began to rule the lives and the actions of the people, the nation then started to sink.

Controls like OPA are justified in war. In peace, however, they are never justified in a free America.

We will prove that we will not be stampeded by terrorist propaganda of the OPA fear-mongers. When the OPA goes out of existence, with it will go thirty-odd thousand employees and America will be saved an expense of $150,000,000 a year. Thirty-odd thousand employees of the OPA will be turned back into the private economy of the country.

5. ADEQUACY OF FREE ECONOMY NOW

Mr. President, my fifth reason for opposing the OPA extension measure is that there never was a better time than now to test our free economy. It will be remembered how fear was injected into the minds of the people throughout the country by the use of every possible means, such as the radio, the newspapers, and others. If we kill the OPA we will wipe out chaos.

It will also be remembered how the dairy industry and all manufacturing industries were compelled to resort to the press and to tell the American people that they would keep faith. They have kept faith. The retailers, the wholesalers, the small businessmen and the big businessmen have kept faith, and they will continue to keep it.

Mr. President, at what other time than the present will we be better situated to test our free enterprise system? The time is here to rid ourselves of the dampening influence of OPA. Never will we be better situated than we are at the present time?

I inquire again, When will the time come which will find us better situated to test our free enterprise system? Like the eagle, we have been chained, but we know now what to do. We will walk out to the end of the chain and beyond. Mr. President, the OPA situation is one which the American people will not long stand. We are freemen. We are not like the eagle even though we agreed to be chained temporarily during the war. But when the war was over we broke those chains. We are once again freemen, and we desire to continue on our way as freemen.

I accepted in full the implication of the Senator from Nebraska who inquired, If we put ourselves under the influence of OPA, what will be the situation a year from now? Consumers who are listening should ask themselves the same question. What will be the situation then? If we submit to OPA for another year it will result in weakening our resistance to OPA.

It is not idle fancy to say that that is what some folks want. I am not saying that all of them want it. But any one among us who has his eyes open knows what is taking place throughout the world. At the present time two great ideologies are in conflict. One is represented by Russia and the other is represented by America. Russia tells us plainly that the two ideologies are in conflict, and that only one can endure. Two methods have always been found; one, to conquer the territory ouright; the other, to weaken the enemy and create a division. So perhaps there is something more involved than the mere question of whether the small extra amount which we pay for our meat or our butter is to be paid by us for those commodities or paid indirectly by the Treasury as a subsidy.

6. LATER OPPORTUNITY FOR RESTORATION OF CONTROLS

Mr. President, my sixth reason for opposing the OPA extension measure is that later there will be ample opportunity after a further breathing spell period, for Congress to take care of any undue price rises which may occur during the coming months. It is now just 3½ months or so before the November elections. If Congress were to adjourn late this week, or by the middle or the end of next week, it would give our free economy a minimum of about 15 weeks to demonstrate its soundness without the exercise of Government controls. At any time thereafter, between the middle of November and the end of December, Congress could, if necessary, be called back into session in order to meet any case of inflationary prices which may possibly have developed in the meantime.

7. NEED FOR UNDERSTANDING NOW

My seventh reason for opposing the present OPA extension measure is that it is imperative that an understanding be reached between the various groups of America and that the distrust, the suspicion, and the hatred which has been bred by OPA be eliminated.

If we get into the picture a proper understanding, we will dispose of those men who profited by OPA-created misunderstandings, and by class differences. When men work in harmony, the greatest results are attained. In any office, in any home, in any manufacturing plant, if men are at sixes and sevens the result is the impairment of efficiency. On the other hand, if harmony prevails, results increase.

Mr. President, I have given a simple analysis of what is wrong in America today. It is time that we awakened to the challenge and ask ourselves who is begetting this condition.

8. NEED FOR JUSTICE FOR FARMERS

Mr. President, in no single sphere is there greater need for more understanding than there is for understanding between farm and city folks. OPA has perverted the idea of economic justice to the farmer by imposing on him orders and directives which deny him his cost of production plus a reasonable profit.

In the last 13 years, 10,000,000 people have left the farms. Why? Because the hourly wage on farms did not compare favorably with the hourly wage of the city laborer, to name one reason.

In my State, farmers have been averaging approximately 50 cents an hour for their labor. Consider how unfavorably that compares with the compensation on an 8-hour-day basis that town folks get. Does that sound like chiseling or gouging—if the farmer gets a mere 50 cents an hour for his labor?

If we get rid of OPA, we shall be restoring the basis for economic justice for the farmer, as well as for the small businessman, the factory owner, the retailer, the distributor.

But, Mr. President, simply getting rid of OPA will not do it. We have to get into the picture the understanding of what is involved in this whole matter, understanding the 50 cents an hour to the farmer for farm labor as compared with $1, $1.25, or $1.50 paid to city labor. So now we will come to a little appreciation of why OPA propagandists were able to get this fury of fear started throughout the land, and get big editorials written in the newspapers and articles by columnists exploding fear like the atomic bomb in Bikini today.

Almost 4 weeks have gone by since OPA expired. Have any of these folks acknowledged they were wrong? Has Bowles or has Porter? We have heard the editorials read today by the distinguished Senator from Nebraska. Some of them are coming through. We told them that America would be adequate, but we were unheeded.

By eliminating OPA we shall be laying the basis for understanding between the farmer and the city man. We know that if the farmer ever stopped producing and went on a strike, the situation would be grave indeed for the welfare of America. We shall make such a strike completely impossible and unnecessary if we have the courage of our convictions now and rid the country at least for a breathing spell of OPA.

I want to cite the example of butter as an instance wherein the farmer is simply getting his cost of production plus a reasonable profit. It takes 10 quarts of 4 percent butterfat milk to produce a pound of butter. Out in my State farmers have been getting from 6 to 7 cents a quart for milk. At 6 cents a quart, that adds up to 60 cents a pound for butter. The Government subsidy on butter, when OPA was in effect, was 14½ cents per pound. Add that sum to the farmer's return—60 cents plus 14½ cents—and you get 74½ cents per pound of butter.

To the average citizen, that may seem like a high price. Why? Go downtown and buy a box of Fanny Farmer candy or some other candy and pay $1.50 or $2 a pound for it. Buy any drink of liquor, and it will be 60 or 65 cents.

Some may say they used to buy butter at about 45 or 50 cents. That was before the farmer's feed prices and everything else went up. Now the price of butter has risen to approximately 70 cents. I think that today it was below that. Immediately, someone wants to hit the fellow who produces it. I want to get rid of that idea right here, because that presents the opportunity for all the "leftist" thinkers, for all the "Reds," for the Communists, to put in a wedge, and that is what I want to get rid of. The only way to do that is to have an understanding of the situation.

Rumor has it that some of the labor leaders have been here telling the Government again what should be done. They should get an understanding of this butter situation, the meat situation, the

cheese situation. They should collaborate with those who produce them.

I said the other day, in speaking about conditions, that people should ask how much butter we eat. I suppose there is not a man in this Chamber who eats half a pound of butter a week. If the subsidy is 14 cents, that means 14 cents, over and above what was paid, before, for two weeks, or 28 cents a month, and 12 times that is the increase for a year.

But you have been paying that into the Treasury, and the Treasury has been paying it to the farmer. That is why the argument of the distinguished Senator from Nebraska today was so illuminating. I hope it added light, and that the facts can go out to all our people. I should like to see this fine group of newspapermen who sit in the press gallery take hold of this and be enthused with the thought that they are "bringers of light" to the people of this country, so that the people can get the real truth. We are told it is the truth that makes men free.

9. NEED FOR ADEQUATE LABOR POLICY

A ninth and concluding reason for opposing the OPA extension bill is that we shall be laying the basis for a sound labor policy in America. So long as the employer is denied his cost of production plus a reasonable profit, he lacks an adequate basis for insuring fair and correct returns for labor. That again some might question, Mr. President, but it is fundamental.

If a manufacturing plant cannot get cost of production plus a reasonable return, it cannot pay labor reasonable wages. We have heard the discussion today indicating how that arrangement could be interfered with under the present compromise joint resolution, if it were to become law.

If I were in the councils of labor, I would not come to Washington to pressure the Government and the President to keep a stranglehold on the producers of goods. I would urge my national representatives to give the green light to private enterprise—to give the food producers and the machinery producers and the appliance producers of America the chance to get into all-out production, free of Government directives, so as to produce a vast supply of goods for our own Nation and for all other nations of the world.

If I were in the councils of labor, I would not aid and abet the poisonous fear propaganda of OPA's minions—questioning the integrity and the character of the farmers, the wholesalers, the distributors of America.

By opposing this OPA extension bill, I believe we are paving the way for a return to a natural economy under which labor and management can bargain collectively while management gets its cost of production plus a reasonable profit.

These, then, are nine reasons for opposing the OPA extension resolution.

Mr. President, because the subject has already been so fully covered, I ask unanimous consent that a brief statement coming from the meat packers in the Western States asking that the Senate reject the conference report, be printed following my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The meat packers in the Western States hope the Senate will reject the conference report on the OPA extension bill and send it back for the purpose of decontrolling livestock and meat.

We feel the proposed Price Control Act restoring price controls to livestock and meat August 20 will only create confusion and chaos in the industry.

For the next month the industry will have to be on a day-to-day basis as far as purchases of livestock and sales of meat are concerned. This would particularly apply to many meat products which it takes time to process and in which time is required either in aging, freezing, pickling, or other methods before meat is used in the final product.

With such a sword hanging over the head of the industry who would buy with prospects of reduced price at time of sale. This present bill would not allow the industry to operate on a practical basis but only to operate in a confused manner which would deny the industry the opportunity that it now has to get its operations back on a law of supply-and-demand basis.

Also livestock will be rushed to market to beat the August 20 deadline causing disruption of orderly marketing and many immaturely finished livestock will be sent to market. This will tend to create a shortage in future months when they normally would have been marketed.

Meat markets over the whole western country are becoming filled with meat, prices are dropping, and if this industry was allowed to go ahead without such a threat over it, we are sure there would never be any reason for placing controls back on livestock and meat in the future.

We hope the Senate will reject the conference report and insist that the controls be taken off livestock and meat and the industry given an opportunity to demonstrate that it can furnish meat to the people at reasonable prices. If the bill goes through in the form recommended by the conference committee, we consider it a victory for the black market.

It is time for all of us to realize and admit that the actual cost of living is on the black-market prices and not the fictitious ceiling prices posted by the OPA. The Senate vote on the floor of 49 to 26 in favor of decontrolling of livestock and meat indicated that the Senate took this into consideration.

Legitimate packers of the nine Western States cannot operate another year under the intolerable and restricted conditions imposed upon the industry by the offices of the OPA and Economic Stabilization.

Is the Senate willing to assume the responsibility of the return of the black market with all of its evils and under the OPA cause practically every retail market in the country to be again converted into a speakeasy?

WESTERN STATES MEAT PACKERS ASSOCIATION, INC.,
By E. F. FORBES, *President.*
JULY 23, 1946.

Mr. WILEY. Mr. President, following what I have already had inserted in the RECORD, I ask unanimous consent to have printed in the RECORD a statement in relation to production and distribution of butter, showing the improved condition since July 1.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PRODUCTION AND DISTRIBUTION OF BUTTER IMPROVED SINCE JULY 1

According to official reports from the United States Department of Agriculture the production of butter for the week ending July 11 was 23 percent lower than the same week 1 year ago. Carefully prepared statistics from the American Butter Institute, after a study of production reports from 211 member companies in various States, reveal that production during the second week of July was 20 percent less than 1 year ago. During the first 6 months of 1946 the production of butter, as revealed by official documents from the United States Department of Agriculture and from reports from members of the American Butter Institute, was 30 percent to 35 percent under the same week in 1945. Thus over-all production has improved at least 10 percent, even during this brief period and at a time when total milk production in the United States is below that of a year ago.

Telegraphic reports dated July 17 from two large butter processing companies operating in several Midwestern States follow:

"Our butter production week ending the 13th increased 10 percent over week ending July 6 in normal years these 2 weeks would be about even production everything indicates that butter production will continue to grow under a free economy and still sell at ceiling plus subsidy or under."

"Production of butter through diversion from other channels into butter showing substantial increase in our production plants. Assembly operations in Minnesota and Iowa which have been at a standstill due to higher markets for cream and other products converting back to butter in substantial way. Butter values around the country already showing effect of greater supply; prices moving down."

Practically unlimited consumer supplies of butter are available in all principal cities. Retail prices for butter have ranged from 69 cents to 85 cents in most every instance, with the average retail price being considerably less than the legal OPA price on June 30 plus the 15-cent Government subsidy paid directly to dairy farmers and canceled by the expiration of OPA on July 1. Consumers formerly paid these subsidies through taxes. Since the farmer has received the direct price in lieu of subsidies, butter production has been increased.

The consumer price for butter on the free market has been considerably less than that charged on the black market and supplies are distributed equitably to all consumers in all parts of the United States. The black market in butter, which handled more than 50 percent of the supplies prior to June 30, has been almost entirely eliminated.

Mr. WILEY. I also ask to have placed in the RECORD a telegram from D. K. Howe, president, American Butter Institute, respecting increase in butter production.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *July 22, 1946.*

RUSSELL FIFER,
Washington, D. C.:

With price controls removed butter production increased 10 percent in four large creamery groups second week July. Contrary to customary seasonal trend this indicates natural economic forces correcting unbalanced dairy situation which existed under OPA. Please note average dairy prices to date not above OPA prices plus subsidies. These conditions prove wisdom of decontrol of dairy products with resulting sane price situation and elimination of confusion and uncertainty and stimulation of production which was goal of postwar planning.

D. K. HOWE,
President, American Butter Institute.

Mr. WILEY. Mr. President, we have heard many times that the OPA measure

was a compromise measure, and that it will do the job it has been hoped it would do. I remember clearly that American industry was quoted over the radio as stating, as I have said heretofore, that the disposal of OPA would not start a ruinous price raising spiral; that it would give a chance for America to be renewed and strengthened in its vitals. Mr. President, almost 4 weeks of free economy have definitely proved that industry was correct. I believe firmly that it would be a mistake once more to strangle the economy of our country by putting into operation any kind of an OPA set-up.

Economic common sense demands that if we want production we must let the people of this country be free as they pursue their course in the same manner as they did before the war. Economic common sense and fair play demand that the Government must not play favorites with its citizens when, under the guise of an emergency it interferes with the production of its citizens. That is just what happened time after time under OPA. Economic common sense demands that subsidies must be done away with. We can save $2,000,000,000 a year by not paying subsidies.

Mr. President, for the reasons I have stated I shall vote against the conference report.

Mr. CAPPER. Mr. President, I am strongly opposed to the conference report. The sentiment of the farmers of my section of the country is overwhelmingly in opposition to the OPA measure as it comes to us at this time. That is true especially of the farming area. I have received word from Kansas that the people think this would be a destructive measure. I am glad to say that the Representatives from the State of Kansas in the House of Representatives voted solidly against adoption of the conference report yesterday, and they reflected the sentiment and wishes of the great body of the agricultural producers of the State.

I hope the conference report will be rejected.

MODIFICATION OF RAILROAD FINANCIAL STRUCTURES

The PRESIDING OFFICER (Mr. BURCH in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1253) to enable debtor railroad corporations expeditiously to effectuate reorganizations of their financial structures; to alter or modify their financial obligations; and for other purposes.

Mr. WHEELER. Mr. President, I move that the Senate disagree to the amendments of the House, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WHEELER, Mr. JOHNSON of Colorado, Mr. TUNNELL, Mr. REED, and Mr. MOORE conferees on the part of the Senate.

REPLANNING AND REBUILDING OF SLUM, BLIGHTED, AND OTHER AREAS OF THE DISTRICT OF COLUMBIA

Mr. O'DANIEL obtained the floor.

Mr. McCARRAN. Mr. President, will the Senator from Texas yield to me so that I may ask that the amendments of the House to Senate bill 1426 be laid before the Senate?

Mr. O'DANIEL. I yield.

Mr. McCARRAN. Mr. President, I ask that the Chair lay before the Senate the amendments of the House of Representatives to Senate bill 1426.

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina) laid before the Senate the amendments of the House of Representatives to the bill (S. 1426) to provide for the replanning and rebuilding of slum, blighted, and other areas of the District of Columbia and the assembly, by purchase or condemnation, of real property in such areas and the sale or lease thereof for the redevelopment of such area in accordance with said plans; and to provide for the organization of, procedure for, and the financing of such planning, acquisition, and sale or lease, and for other purposes, which were on page 5, strike out lines 16 to 23, inclusive, and insert:

(k) "Public low-rent housing" means low-rent housing constructed by a public agency for families of low income, at rentals which (including the value or cost to tenants of heat, light, water, and cooking fuel) shall not exceed one-fifth of the highest net family income of families eligible for tenancy in such housing, as herein provided. The dwellings in public low-rent housing shall be available solely for such families of low income whose net family income does not exceed the maximum net family income falling within the lowest 20 percent by number of all family income in the District of Columbia, as such maximum net family income shall have been determined, or from time to time redetermined after public hearing, by the District Commissioners. At the end of 1 year after the enactment of this act this definition shall be reexamined by the Commissioners for the District of Columbia and a public hearing shall be held thereon to determine whether administrative or interpretive difficulties or unsatisfactory progress in the provision of low-rent housing requires a modification thereof. Upon the conclusion of such hearing the Commissioners shall forthwith make recommendations to Congress whether said definition should be modified and, if so, to what extent.

On page 14, lines 17 and 18, to strike out "Attorney General" and insert "Chief Justice of the District Court of the United States for the District of Columbia"; on page 29, line 22, to strike out "3 years" and insert "1 year"; on page 30, line 3, to strike out "3-year" and insert "1-year"; on page 30, line 25, after "Act", to insert "The National Capital Housing Authority shall keep regular books of account in accordance with standard auditing practices, covering all properties operated by it, showing detailed construction costs, management costs, repairs, maintenance, other operating costs, rents subsidies, grants, allowances, and exemptions; such books shall be subject to annual audit by the General Accounting Office, and the annual report of the National Capital Housing Authority shall include a summary of all transactions covered by such books and shall be made available to the public upon request."; on page 31, strike out lines 1 to 13, inclusive, and insert:

AMENDMENT TO DISTRICT OF COLUMBIA ALLEY DWELLING ACT

SEC. 18. (a) Section 4 (b) of the act known as the "District of Columbia Alley Dwelling Act," approved June 12, 1934, as amended, is further amended to read as follows:

"(b) On and after July 1, 1955, it shall be unlawful to use or occupy any alley building or structure as a dwelling in the District of Columbia."

(b) Section 6 of such act, as amended, is further amended by striking "1947" and inserting in lieu thereof "1955."

On page 32, line 6, after "Act.", to insert "Any life-insurance company organized under the laws of the District or formed or organized under an act of Congress is authorized, notwithstanding any other provision of law, to make loans or advances for the purpose of making repairs, alterations, additions, or improvements to homes or other buildings on improved real estate upon which it then holds a first lien to secure a loan previously made, without additional security: *Provided*, That no such loan or advance shall be made in a sum in excess of $2,000: *And provided further*, That the amount of such loan or advance when added to the balance due on the original indebtedness shall not exceed the amount originally secured by the first lien."

Mr. KNOWLAND. Mr. President, will the Senator explain the bill?

Mr. McCARRAN. Yes. There is but one controversial amendment made by the House. It will be recalled that the slum-clearance bill was passed by the Senate several months ago. It has been under study by the House for a long time. The question has been with respect to the definition of low-cost public housing. The House refused to accept the Senate language on that subject and inserted language which in reality was the language of the committee of the Senate when the committtee reported the bill, which language was stricken from the bill on the floor of the Senate. The House took the Senate committee's language rather than the language of the Senate.

If we were to send this bill back to conference, in all probability we should lose the bill. There is so much of value in the bill, generally speaking, that I have conferred with the Senator from New York [Mr. WAGNER], who has been very much interested in this particular phase of the subject. He joins with me in the thought that it is best for us to take the bill as amended, with the idea that before the amendments would come into operation we should have ample time in which to amend the law.

I, therefore, move that the Senate concur in the House amendments.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. FERGUSON. Who signed the conference report?

Mr. McCARRAN. There is no conference report. There was no conference. The House studied the bill which came from the Senate and amended it in certain particulars. It passed the House day before yesterday, and has been messaged to the Senate. I could move to send the bill to conference, which I do not propose to do. I am moving that the Senate concur in the House amendments.

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

Mr. O'DANIEL. Mr. President, I did not yield for that purpose.

Mr. McCARRAN. I hope the Senator will not insist on his point of no quorum, because I did not wish to take the time of the Senator from Texas for that purpose.

Mr. KNOWLAND. Would the Senator be willing to defer consideration of his motion until some of our Members can be present?

Mr. McCARRAN. Certainly.

I thank the Senator from Texas.

Mr. O'DANIEL. I am glad to accommodate the Senator.

Mr. McCARRAN subsequently said: Mr. President, I have conferred with the Senator from Ohio, the Senator from Wisconsin, and the Senator from New York, all of whom in times past have been interested in this line of legislation. The language of the House amendments is not exactly the same as the language of the measure as passed by the Senate, but in my judgment it is language which the Senate can well afford to accept now, with the view of amending the bill at a later time if it does not work out. So much of value in the way of slum clearance is provided for by the bill that I am forced to conclude that we had better accept the House amendments.

Therefore, I move that the Senate concur in the amendments of the House.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. TAFT. I understand that it is the Senator's opinion that if the bill were sent to conference, in the first place the House conferees probably would insist upon the House amendments, and, in the second place, the effect might be to kill the bill entirely.

Mr. McCARRAN. That is my judgment; I believe it would kill the bill.

Mr. TAFT. If that is the Senator's opinion, I think the House amendments should be concurred in.

Mr. WHITE. Mr. President, let me ask the Senator from Nevada if I correctly understand that he has moved that the Senate concur in the amendments of the House?

Mr. McCARRAN. I have.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada [Mr. McCARRAN] that the Senate concur in the amendments of the House to the bill.

The motion was agreed to.

EXTENSION OF PRICE CONTROL—CONFERENCE REPORT

The Senate resumed consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 371) extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended.

Mr. O'DANIEL. Mr. President, I do not intend to detain the Senate very long, because I have discussed the subject of OPA heretofore and tried to make my position well known and clear that I am unalterably opposed to OPA in any way, shape, manner, or form. About 4 weeks ago, just before June 30, I recognized the fact that there might be some reason for extended remarks to be made concerning this measure because OPA was scheduled to expire or to die a natural death at midnight on June 30, and, while it seemed hopeless to be able to delay extension of that legislation long enough to cause OPA to die, I took a chance and did speak. I am not wholly responsible for the death of OPA, but I do claim credit for what little part I did play in causing OPA to die a natural death at midnight on June 30.

In taking the floor at that time it seemed to give renewed hope to many of our American citizens who had lost faith in their Government and lost hope of ever getting rid of OPA and some other New Deal bureaucrats and bureaucracies. The telegrams began to pour in from every nook and corner of this grand old Nation of ours, from those citizens. The telegrams came from citizens who did not belong to organizations which maintained lobbies in Washington and paid representatives to defend their interests or protect their interests. They did not come from those who had sufficient money to buy railroad tickets and come here and ask that OPA be abolished. They came from the rank and file of what I like to call the common citizens of this great Nation, because I am a common citizen myself; was born in the direst poverty, and was brought up rubbing shoulders with the common folk of this great Nation. I know their honesty, their hopes, their aspirations, their desire to do their part in maintaining our Government and protecting our Nation. Those telegrams came from families that had given their sons and their fathers and other relatives to the great cause of freedom in the recent war.

So I took occasion to read part of those telegrams on the Senate floor. I termed those telegrams the voice of the people. For a few hours I read those telegrams. Since then telegrams have continued to pour in to me, and I have many thousands of telegrams from the rank and file of the citizens of this great Nation expressing their disapproval of OPA, their hope that it would be killed, and their great joy in its death. They express the hope that it will never be revived.

Mr. President, I see no reason at this time to engage in lengthy debate, because there is at this time no deadline to meet. June 30 has passed. OPA died and is still dead. Lengthy debate can do no good now. It looks like it is simply taken for granted that this Nation must have a new OPA. I do not think anything can save us now from the infliction of that great calamity on this Nation by the reenactment of OPA. Nothing can save us but God Himself. I do not see for the life of me, Mr. President, why God would want to save us from that fate in view of the way Congress acts. He may have pity on us anyhow. I hope so. I pray that He will provide some means whereby this law will never be reenacted. That would have to be a miracle, however.

Before discussing the bill in detail I want to state again that I am a Democrate—not a New Deal Democrat, but a Jeffersonian Democrat. I come from the State of Texas, where we have many good Jeffersonian Democrats who are sick and tired of the New Deal dynasty which has almost ruined our Nation. I have always been a Democrat. I was born a Democrat. I lived in Republican States where I had to take the abuse which was hurled at me by a majority of the people because I was a Democrat. But I survived that. I finally wound up in the great State of Texas, which is Democratic. I found that my views on democracy coincided with those of the majority of the citizens of Texas. The good citizens of the great State of Texas in large numbers requested that I abandon my life in private enterprise, that of farming and ranching, and become their governor. They made good. We straightened out a few of the political kinks in the State of Texas while I was governor, and then I was sent to the Senate. So my record is complete as a Democrat, from the time I was born up to the present time.

I do not intend at this time to eulogize the Republican Party, but I do wish publicly to congratulate a young statesman on the other side of the aisle, the Senator from Nebraska [Mr. WHERRY], who rose above political affiliations today in the delivery of a statesmanlike message on the floor of the Senate, proving conclusively that he places his country above his political party. I think we shall hear more from that young statesman, because it requires a great deal of courage for a man in his capacity to stand up against great odds and contend for what he knows is absolutely right and best for the American people, even though he may not be supported by certain other members of his party.

The Senator from Nebraska made clear in his discussion today many points, two of which were outstanding. He made clear that it made little or no difference what was written into this measure if it should become law, because we know from past experience that those who administer the legislation pay absolutely no attention to what is written in the law. They are above the law, in their own estimation, and they administer OPA according to the way they think it should be administered. The Senator from Nebraska made that point perfectly clear, and I concur in his opinion.

He inadvertently brought out another fact, not specifically stating it as such, but making it perfectly clear that the issue before the Senate at the present time is purely and unequivocally a political issue. I do not know that every Member of the Senate would interpret OPA, as the conference report stands be-

fore us now, as a political issue. Each Senator has the right to interpret it as he pleases; but I interpret it as purely a political issue.

Regardless of how much I dislike to see it, OPA is recognized as a Democratic bureau, because the Democrats are supposed to be the controlling factor in our Government. The OPA monkey is on the back of the Democratic Party. Everyone should know that if he does not. I know it. I do not know that any Republican Senators have ever thought about it. I have not talked to them about it, but I consider that the political thing for the Republicans to do until the next election is keep the OPA monkey on the backs of the Democrats, because it will be a great factor in the coming elections. Consequently Republican Senators who have not given this question much consideration may be seriously thinking in favor of OPA, but it is my contention that whether they are serious or not, they are certainly doing their party no injustice in trying to reinstate OPA.

I would not accuse them of trying to sell out their Nation for the sake of their party. I do not think they would do that. But political strategy—and I do not believe anyone has accused Republican Senators of being entirely lacking in political strategy—would dictate that course. On the other hand, as I have stated, it is our baby, and we cannot turn it loose without losing the votes of all the Communists, Reds, radicals, black marketers, labor-leader racketeers, and a horde of other undesirable citizens who have swarmed into our party and are trying not only to ruin our Nation but entirely to destroy the democracy handed down to us by the great founder of the Democratic Party, Thomas Jefferson.

That is the situation. It has become a political situation in my opinion whether anyone else so interprets it or not. That is the way I interpret it. That is the reason why we have this fight, which has gone on for many weeks. We have the OPA, and the Republicans want us to keep it. That is the reason why I publicly congratulate and commend the young statesman from Nebraska. I will not go into details by naming other Senators on that side of the aisle. I am doing pretty well when I congratulate one Republican.

Apparently the situation is so political that the people of the Nation will have to put up with it. We shall have to endure the destructive influence of OPA. We shall have to go without meat and butter, and get along with very few clothes. We shall have to do without a thousand and one things which the citizens of this Nation want now, the production of which has been thwarted or entirely stopped by the machinations of the OPA and other New Deal bureaus of this Government. It is bound to come. There is no way to stop it that I can see, except by a miracle. That was what almost stopped it before—that and President Truman's veto. I shall never understand why he vetoed the bill. It is not necessary that I understand it. I am glad that he did so. He certainly was either purposely or inadvertently doing everything he could to save the Democratic Party when he vetoed it. I hope that he vetoes the OPA measure the next time it comes before him, because I think it will get there. I do not see any way to stop it.

Mr. President, I do not know why nearly every Member of the Senate seems to think that we must have an OPA. There is no reason to have it at all. We got along without it for 150 or 160 years. Then we had it for a little more than 4 years, and it got us into a terrible condition. Now we are without it, and slowly and gradually returning to the American way of life. Slowly and gradually—yes, but gloriously. Down in east Texas the lumber industry is beginning to operate again. I have received word from Mr. T. G. Tilford down at Nacogdoches, and Mr. W. L. Johnson and Mr. Willard W. Johnson, over at Palestine, and what they say is borne out by a telegram I have received from Mr. Gene Ebersole of the Lumbermen's Association of Texas. Without OPA the lumber for housing was beginning to come through. On Monday, I rose to ask the Senator from Nebraska [Mr. WHERRY] if he knew of the situation in livestock on the San Antonio markets. I was reliably informed that cattle sold Saturday on that market were slightly under the maximum livestock ceiling prices of the former OPA, which meant that the Government has been wrong in their position, for this not only saves the payment of subsidies but makes it possible for retailers to sell their product at former ceiling prices. Today I have a telegram from the manager of the Fort Worth Stockyards, Mr. W. L. Pier, who advises me that meat prices are dropping steadily due to supply and demand. The St. Louis Butter, Egg, and Poultry Exchange advises me, by telegram, that prices are steady and that supply and demand are beginning to operate. From down Florida way, the secretary of the Florida Feed Dealers Association, Mr. R. D. Jackson, informs me that meat, milk, poultry, eggs, and feed are all related and have been adjusting their prices since the death of OPA and he expresses grave fears if this new legislation is enacted. The same thought is echoed by Mr. Victor C. DeWein, president of the Illinois Feed Association. And the Texas Grain and Feed Dealers Association have expressed their continued opposition to any continuation of OPA policies and practices.

So we do not need OPA at all. But there seems to be a general impression that we ought to have it. Some Senators will perhaps say, "It is all right to have it if we can write an amendment into the law with our names attached to it." Some persons think it is all right if they can administer it, but that it is all wrong if the law is amended, or if someone else gets the credit for it.

So we now have before us an OPA measure. As was stated on the floor of the Senate a little while ago, there are 96 Senators, and 96 different interpretations of OPA.

Mr. President, as I was saying, it has been said on the floor of the Senate that this measure might have 96 different interpretations by 96 Senators. It is just a mass of words and a mass of confusion. But that will make no difference to the OPA, because the OPA will interpret it just as it wishes to do, and will go merrily on its way. The present situation reminds us something of the folks who, in ancient times, thought they could build a tower that would take them to heaven, so that they could go to heaven without being good while they were on earth. But they got so confused that they simply could not understand one another, and so they could not go ahead with that work. So that project was never completed.

This legislative project resembles that building project. There is so much confusion about it that no one understands anyone else, and we have another Tower of Babel. I hope the result will be that this legislation will never be completed and will never go to the President for his signature.

The OPA was first established by the late President Roosevelt. Shortly after the New Deal decided to strip the United States in order to supply foreign nations, through lend-lease, the theory of price control was brought into the picture. Executive Order 8734, which established the Office of Price Administration and Civilian Supply in the Executive Office of the President, was issued April 11, 1941. Now that the New Deal is still determined to strip the United States of the foodstuffs and other things essential to our economy, in order to give those things to foreign nations, we are still faced with price control. On March 11, 1941, the lend-lease bill was signed. One month later, on April 11, 1941, President Roosevelt issued the Executive order which set up price control.

As long as the New Deal stays in power, Mr. President, in my judgment we shall have a constant effort to take away from the American people the things they should have and the things which our country can provide, and to give them away, and in that way to attempt to justify control of the American people in all their activities, and in that way to deprive them of the things that are produced in the United States. If the attempt is successful, those things will be given for the benefit of other people who not only do not appreciate them, but who abuse our Nation and our people.

As I have said, that Executive Order—No. 8734—was issued by President Roosevelt on April 11, 1941. The first paragraph of the order says:

> By virtue of the authority vested in me by the Constitution and the statutes, and in order to define further the functions and duties of the Office for Emergency Management with respect to the national emergency—

Note that, Mr. President—

> as declared by the President on September 8, 1939, for the purpose of avoiding profiteering and unwarranted price rises, and of facilitating an adequate supply and the equitable distribution of materials and commodities for civilian use, and finding that the stabilization of prices is in the interest of national defense and that this order is necessary to increase the efficiency of the defense program, it is hereby ordered:

Then the Executive order continues. That shows very conclusively, Mr. President, that the only reason for ever thinking about controlling prices in the United

States was that we were in a state of national emergency preceding a war which most of those in authority knew would come.

Later, after the President instituted price control, he sent a message to Congress, on July 30, 1941, requesting the Congress to enact legislation stabilizing the prices of various commodities and rents. In that message he specifically stated that—

> We are now spending more than $30,000,000 a day on defense.

That is the way he characterized the request, and it was understood to be in its entirety a request for legislation on account of the national emergency which existed and the war which was to follow.

When that message reached the Congress, it was debated on the floor of the Senate. No one ever mentioned or even suggested on the floor of the Senate, to my knowledge, that it was to be an all-time affair, that we were to have the OPA and price fixing forever. It was understood and it was considered to be a war measure, and was so stated by many of the Senators on this floor. It was particularly stated by the then Senator from Missouri [Mr. Clark]. Senator Clark of Missouri said on January 10, 1942, as shown at page 237 of the CONGRESSIONAL RECORD:

> Mr. CLARK of Missouri. Mr. President, I will detain the Senate only a moment on this matter, but I feel that I should like to express my opinion about the amendment of the Senator from Ohio, and, incidentally, on the present state of the bill.

Listen to this, Mr. President. Senator Clark, of Missouri, was stating, I think, the opinion of every Senator on this floor:

> Mr. President, this is a bill which is absolutely, or should be absolutely and peculiarly, a war measure. As I see it, the only justification for the Government of the United States ever to authorize a policy such as price fixing, which is entirely alien and antagonistic to our whole theory of government and of business and of our way of life, is as a war measure.

No one ever thought at that time that after our brave soldiers, both men and women, fought in all the different fields of battle and whipped every one of the Axis powers and every one of our foreign enemies, and drove them to their knees in absolute, unconditional surrender, we would still have fastened upon us, long after the war ended, this iniquitous price-control measure.

I have many other quotations which I am prepared to read to the Senate, but I think I shall not take the time of the Senate to read everything which was said, so far as I could find it, with reference to the fact that the OPA was entirely foreign to our American way of life in peacetime, and that it was adopted only as a war measure.

Mr. President, on previous occasions I have called attention to the wisdom of the Members of this great body, the Senate of the United States. There is no doubt that we have wise men here. But in discussing this OPA, they get involved in the details of a great many words and sentences and paragraphs and language that has various meanings. They discuss all that around and around, until, as I have said, they get so confused that no one knows what the provisions mean.

Mr. President, the issue today is not the further salaries of some 33,000 OPA political job-holders. The issue is not one between the President and the Congress, or between Republicans and Democrats. Today, we stand facing two possible courses of action, and the issue we face today is which of these two courses shall our Nation pursue. For the vote that we cast in this matter will commit our Nation and its people and our children and their children to an economic policy which shall determine the lives of those citizens yet unborn. The issue in this vote is, therefore, between two theories of economy; private endeavor or collectivism.

By our actions on this issue we shall determine if this Nation is to continue under the system of free enterprise or under a program of collectivism. For the economic forces of the past decade have brought us to a position where we must now restore our system of individual freedoms or virtually deny our form of constitutional democracy and take, along with economic planning and direction by Government, the revision of all our system of political and ethical philosophy.

For individual freedom of action in the economic field cannot be suppressed except by suppressing it also in those fields of human interest which are not economic, which otherwise would be used as a medium for nullifying the control sought for in the economic field. Religious and social freedom cannot exist in association with economic collectivism. History has yet to show a single instance of economic concurrently or subsequently by suppression of every form of freedom of action and individual liberty.

Therefore, Mr. President, the issue today is whether we shall continue to live under the system that has given us freedom and dignity—or whether we shall vote to overthrow our system of government. For when we vote to pursue a course of economic collectivism, we inevitably cast our vote for a departure from democracy and toward political collectivism as well. Such a political collectivism in the other nations has been identified by various labels. In Russia it is called communism, in Italy it was called fascism, and in Germany it was called nazism. It existed in feudal form in Japan. Today it has become a sort of materialistic credo for the credulous who permit their wishes to overcome their knowledge. In the United States it became the New Deal, and the citizen gave way to the platitudes of political promises nor heeded the rumble of the distant drum. And today we are at the day of decision; today we have reached what the navigator has come to call the point of no return. We must embark on a course of collectivism or we must correct our course to regain the safe passage of democratic free human endeavor. Our vote on this issue will decide. The men in this Chamber today will become either the heroes of future generations or the forgotten pallbearers of personal liberties.

Collectivism is that form of social organization that creates dependence upon government and discourages individual initiative and self-reliance. In its economic aspects it is characterized by either control or ownership of the facilities of production and distribution. In its final form the facilities of living also are owned and controlled by Government. It substitutes for the voluntary division of labor and assigned or allocated division of labor, this being an essential concomitant of controlled production, for the control of production necessarily carries with it the allocation of employment. And because production cannot be controlled unless distribution is also controlled, collectivism also substitutes for the free exchange of goods a controlled exchange involving rationing, quotas, and allocations. And for the institution of private property, guaranteed under our charter of authority, the Constitution of the United States, collectivism substitutes the concept of publically owned property or privately owned property politically controlled.

Briefly, Mr. President, let us examine the implications of such a departure from democracy. Such a political control over economy is basically a question of ownership of production facilities. It involves the question as to whom shall it be who will furnish the capital resources required by the economy? Shall it be private citizens through the accumulation and investment of their savings in private enterprise, or shall it be the Government through the accumulation of capital resources by taxation for the creation of public and political ownership? Private ownership secures the investments of citizens through the hope for gain, through the hope for private improvement. Returns are based on the investment of capital necessarily thrift and conservation of the fruits of their labors. Government ownership demands the investments of citizens through compulsory taxation. Returns are based on public services determined by the political bosses in power. These private earnings of the citizens are used, theoretically, for the benefit of the collective citizenry, but such a theory must be tempered by the realism of political expediency. Thus, governmental control or ownership is inexorably based upon the taxation of the citizens for the benefit of various politically potent minorities.

How shall this departure from democracy effect our production of goods and services for the citizen? We need not look to the records of Germany or Italy or Russia or Japan, for the answer—for here in America we have the example of the New Deal for examination. The question must be answered: Shall we work toward economic production or politically controlled production? The size and complexity of present-day production units are already so great as to tax the intellectual capacity of man to grasp, assimilate, and deal with. If these characteristics of size and complexities have become so marked under our system of private enterprise, what would be the effect upon them of public

enterprise or of national economic control?

Prior to the New Deal, our people had moved toward the regulation and decentralization of our economic patterns. Regulation and control are two very different functions. Regulation functions from the outside and fixes in advance the rules of procedure impartially and applicable to all. Control penetrates into the interior and becomes a part of managerial authority. Regulation and decentralization was achieved through the Sherman Antitrust Act, the Clayton Fair Trade Practice Act, the regulatory laws for public utilities, rail rates, and certain periodic attempts to peg agricultural prices. Collectivism is achieved through the control granted under the old NIRA, the Wagner Act, the OPA, and the proposed bills for Federal control of our educational systems, for nationalized medicine, for federally subsidized and directed housing program, and through the various restrictions on investment capital in production work.

The question to be answered, Mr. President, is whether we shall secure production through regulation and private endeavor or through politically controlled work and Government ownership? Will proper understanding and a healthy development of our economic life come from massing the control of these activities together into ever-larger aggregates under centralized governmental bureaus politically organized, or by diffusion of this control throughout the entire social group of our citizenry by continued emphasis upon decentralization? If the business activity consists of thousands of individual transactions, each subject to separate judgment and decision, the composite judgment is likely to be in the right direction. Being diverse, there will only be individual failures amply compensated for by many individual successes. Those individuals, free to exercise their own judgment, can overcome potential failure by responding to environment and circumstances and following the correct course. For the flexibility of free independent endeavor not only permits but encourages such action. If, however, these individual transactions are enclosed within the frame of rigid governmental control, based on a national economic plan enforced by the coersion of law, progress will be in the right direction only so long as the small central bureaucracy who conceives and directs the plan is right. When the bureaucracy is wrong, the resulting error will be of such magnitude and intensity as to be catastrophic in effect upon the economy and the safety of the entire Nation.

Mr. President, the resulting error of the OPA is evidence in support of this analysis. Never before have our people been so close to real hunger. Never before has actual shortage of food and goods threatened our people and their security.

And as the production of goods is controlled under a collective system, so also is the distribution of those goods and services to be controlled by governmental experts. The question that must be answered in the vote to be taken is, then, who shall determine the character and quantity of goods and services to be consumed by each citizen? Who shall determine the food or the clothing necessary to the citizen? Shall it be the citizen himself and the members of his immediate family—or shall it be a bureaucratic Government by means of coercion, quotas, ration stamps, and allocations?

Under the American system of enterprise the distribution of goods and services was moving toward a correction of earlier discriminations. Antitrust laws and fair trade practices were adopted. Regulatory bodies were created to prevent debased standards in food products, dilutions, and freight rate inequities. Action was in the direction of the elimination of unfair distribution.

Under political collectivism the distribution of goods and services is controlled by political consideration. Antitrust laws and fair trade practice laws are abrogated. Food standards are debased and lowered, dilutions are ordered, and freight rate inequities are retained. Political considerations replace economic principles.

Therefore, I repeat, Mr. President, the question involved in the vote on this issue is who shall determine the character and the quantity of goods and services to be consumed by each citizen. Who shall determine the food or the clothing necessary to each person? Shall it be the citizen himself and the immediate members of his family or shall it be a little algebraic tribe of neo-economists ensconced in a governmental bureau, empowered with the authority of coercive regulations—of quotas, ration stamps, and allocations?

And as the production and the distribution of all goods must be earned by the labors of the citizen, the individual as a worker must fully understand his status in a collective economy. For the two great motivating impulses of man in the economic field are hope and fear. In America man's labors are stimulated through hope of acquiring, owning, and enjoying the fruits of his individual accomplishment. Collectivism cannot employ hope in similarly stimulating effort, because by its very nature it deprives the individual of the right to acquire and own the products of endeavor. Under collectivism the stimulation of labor has been through fear of starvation and punishment. Labor becomes compulsory. The voluntary division of labor attained under the American system of free enterprise is replaced by an assigned or allocated division of labor. Collectivism produces compulsory labor and the citizen becomes a slave.

Therefore, Mr. President, I desire to repeat the statement I made when I began these remarks: The issue involved in this vote is not the further salaries of some 33,000 OPA political jobholders. The issue is not one between the President and the Congress, nor between Republicans and Democrats. The issue is between two theories of economics—collectivism or free endeavor.

By the vote of the Senate, we shall be determining if we are to have a system of economy in America that will guarantee the citizen a right to own property or if he will be deprived of this constitutional right. We shall be determining whether we have political production or economic production. We shall be deciding if we are to have a free determination of the food and clothing necessary for our citizens or whether that selection and amount shall be determined for the citizen by a politically chosen bureau. We shall be determining if the working men and women of this Nation shall earn and retain the fruits of their labors or if they shall become compulsory servants in a politically controlled economic kingdom.

The decision to be made by the vote in the Senate on this question will determine if we shall condone the departure from democracy and acquiesce in anarchy. This vote may do to our Republic what all the legions of Hitler could never do—this communistic, cockeyed philosophy of government may, in fact, it eventually will, unless stopped, overthrow our system of constitutional government.

But to boil the thing right down to the common language of America, it simply means that the public officials who dominate this Government have lost confidence in the wisdom and ability of the rank and file of American citizens to conduct their own business.

I, for one, have not lost that confidence. I still have it in the rank and file of the American people, and I think they have done a swell job in carving out of the wilderness the greatest Nation the world has ever known. They did it without the benefit of the wisdom of the New Deal bureaucrats which, for the past 13 years, have been endeavoring to destroy this great Nation and overthrow our American form of government. I will cling to the rank and file of the American people.

Mr. President, I have always considered that an American citizen had the right to own property. After we complete the discussion of all the details and confused paragraphs of this monstrosity which is now pending before us, we will get back to the question of whether Mrs. O'Leary has lost her right to own a cow, milk it, skim the milk, take the cream and churn it into butter, and take the butter to town and sell it. That is a right we are about to give away. We are about to deprive Mrs. O'Leary of her right to own that cow, and sell the butter which she may make from the milk which the cow produces. We are taking that right away through this pending legislation.

Mr. President, when we take Mrs. O'Leary's rights away from her, at the same time we take away many other rights. Mrs. O'Leary, out on the plains, does not belong to any organization which has high-power representatives in Washington for the purpose of protecting her rights, so I am standing here on the floor of the Senate in an endavor to protect those rights for her. If she owns that cow and works hard and wishes to sell the products from that cow, she should have the right to do so.

I know what it means to live in the country and work hard. I lived on a ranch when I was a boy. I know how hard my father worked on that ranch in

feeding thousands of head of livestock and in planting and harvesting the feed which the livestock consumed. During those 17 years of hard work which, in the end, netted nothing except a debt which grew greater and greater as time went on, my mother had a cow and some chickens. The milk which the cow furnished, together with the eggs, the butter, and the chickens, represented the only sources of revenue which the family had for use in buying books and clothes for the children so that they could go to school. My mother was poor and she worked out her life in poverty and hard drudgery for her children. But she had American freedom, American liberty, and the American right to work and to own property, and sell whatever she had for any price she could obtain for it.

Mr. President, these great men of wisdom in the United States Senate are right on the verge of taking rights away from the American people so that when Mrs. O'Leary takes that pound of butter to town, as well as the eggs which her chickens produce, she will not be able to get for them the price which purchasers might be willing to pay. She may meet the banker or someone whom she knows well, with wealth but with no butter, and she will be in a position to sell the butter to him. Every penny that she can get for that pound of butter means something to her. The banker says, "Well, that is a beautiful pound of butter." She has put it in a mold and it came out of the mold with a flower on top of it. It was 1 pound of butter. The banker says, "I will give you a dollar for it." He has a dollar and she needs it. She has the butter and he does not have any. But the Congress of the United States says, "No, Mrs. O'Leary, you cannot take that dollar, you must take only 52 cents, or 62 cents, or 78 cents." She may take only the amount which some bureaucrat in Washington says that she may take. And yet, Mr. President, it is said that that bureaucrat is trying to protect Mrs. O'Leary from inflation. The only inflation we have in this country is the inflation which is in the minds and hearts of the bureaucrats in Washington. I hope that they may become more inflated. I hope that they will become inflated to the busting point, and then perhaps the Congress will turn this Government back to the people and will recognize the fact that Government officials and employees are servants of the people of this country and not their masters.

We are not satisfied at this time, Mr. President, with having a bureaucrat as the Administrator of the OPA. It is proposed to have a board to consist of three members. Mr. President, you cannot change a bureaucrat by putting three of them in a pen together any more than you can change a hog or a bull on the farm by putting three of them together. They are still hogs or bulls or bureaucrats. [Laughter.] The only reason I can discover, Mr. President, for setting up this board of three members—to consist of three big fat bureaucrats—is the way the elections have been going throughout the country. The elections apparently will result in the New Dealers being turned out of office throughout the country. Bureaucrats must be taken care of, and defeated candidates must be given new berths when the New Deal is defeated.

Mr. President, we are getting back to the political phase of the situation. Yesterday, in Oklahoma, three incumbent Democrats were turned down by the voters en masse. They were candidates for the office of Representative in the United States Congress. I know one of them. He is a mighty nice fellow, and my sympathies are with all of them because they are Democrats. I do not know whether they were in favor of the New Deal or opposed to it, but I assert that the Democratic Party has the stamp of the New Deal on its forehead, and the people back home do not ask whether a candidate has been in favor of the New Deal or opposed to it; they defeat him anyway. As I have said, three candidates were defeated in Oklahoma. The people had the record of those candidates who were already in Washington, and they decided to nominate some new Democrats. It is now proposed to establish a Decontrol Board to consist of three. After a while the Board will be increased to 6, or 9, or 12, or 15 in order to take care of the defeated Democrats who are loyal adherents of the New Deal.

Mr. President, we must look at both sides of the situation. Some of the more optimistic Senators have been talking about how nice this measure will be. I will not call any names or cast any insinuations. I will not impugn the motives of any person, especially a United States Senator. I will not do that, I assure Senators. It would be against the rule. But I do assert that while some of the Senators have said we can expect this Board will do the right thing and be perfectly honest, we must not place our confidence in them. I will stand square on the basis of the philosophy of Thomas Jefferson. I shall not trust bureaucrats to do the right thing. I shall always go on the theory that they will do the wrong thing. Thomas Jefferson said:

> Do not put any confidence in men. Bind them down by the chains of the Constitution.

There are many honest men and many honest women in this country, but I am not willing to completely put my trust in the ones who will be appointed on this board of bureaucrats which will run the OPA. I may say further, Mr. President, that it is my honest opinion that no honest man would accept appointment on the Board. At least, he would not accept appointment on the Board if he had sense enough to know what would be his responsibilities. He will be placed on the Board for the express purpose of destroying our American form of government. I have already made the statement that the OPA was established as a machine for that express purpose, and the record shows that my prophecy was correct.

They have done more to overthrow our American form of Government than any other department of the New Deal. These three members of this Board, according to the new bill, which has not been passed but it looks as if it is going to be, do not even have to be confirmed by the Senate until a considerable period of time has elapsed should the Congress adjourn before the appointments are made. The President can appoint them. The President may try to get some honest men, but he is going to have difficulty because an honest man will not take the job. It is an impossible job. I do not care how smart anyone is; he may have the wisdom of Solomon, but he cannot administer OPA under our form of Government. If there is anything that is impossible, that is it. It just cannot be done, because by it the Government would take away from Mrs. O'Leary the right to say what she will take for her pound of butter. That is not Americanism. No honest man would take the administrative task of administering a dishonest law like that.

We might absolve ourselves of any bad intention by saying we are passing this law and we believe it will be honestly administered. Men may say that if they so desire. I believe it will be dishonestly administered, and I say that because it has been dishonestly administered.

I am not going to place the blame on Chester Bowles or Leon Henderson. I said from the start, and it is right there on the book, January 8, 1942, when I was talking about the first OPA bill before we enacted it, that I did not know who the Administrator was going to be, but thought that possibly before we got through with it we would have many different Administrators. There is no use blaming them. They are hired for a purpose, and if they do not perform, they are fired. They did not keep Senator Brown there very long. Senator Brown was an honest man, in my opinion. He did not stay with them very long. Some of the boys who are hired in these bureaus have to make a living, I suppose. Do not blame them. Let us look at the law, and see what kind of a law we passed.

I said in 1942 that the law laid the door open for the biggest racketeering and biggest black marketing and gambling we ever had in this country, the most terrible outbreak of lawlessness. It will be much worse under the new board. You can put the blame on one Administrator, but get three, and then on whom will you lay the blame? They are going to dodge the issue. It is not going to be a Decontrol Board, but it will decontrol, recontrol, uncontrol, control, anything they want to do.

What are they going to do? They might act themselves, and they may do so, but they are going to have a few friends around who go out to a big party and get loved up by the women, who like to speculate. They are going to have a swarm of these speculators who will know in advance when they will raise the price on a commodity, and they will get in there and buy the commodity and get the benefit of the advance. They will get a tip-off and take the profit, and this Decontrol Board will say, "We are going to control it again, we are going to put it back down." They will have the prices running up and down faster than a squirrel running up and down a tree.

It will make possible the most crooked administration of any bureau that was ever set up. It is placing the control of

prices on everything in America in the hands of three men. Not only that, but it is in my judgment going to become a great scandal and instrument of corruption. I am making this as a prophesy, and if you do not believe I know how to prophesy—and I am not bragging about it, but I am glad I said it—go back and see what I said on January 8, 1942, would happen if we passed the OPA bill. Everything I said would happen did happen. Everything I prophesied was something bad, and everything that has happened has been bad, but things are going to get a lot worse.

Set up this board and give them the power and the opportunity to dodge responsibility, give them the power to run the cotton market up, to run the wheat market up, and the prices of hogs and cattle up, and run them back down again, and you destroy production, and you are going to make possible a lot of corruption. There is already a lot of it, but I think conditions can get worse and, under a law such as this, certainly will.

I believe another thing will happen. Some folks may not believe this, but I have a right to believe it, and I am a Senator and have a right to say it. I am not making any accusations at all, but I say, based on what I know, that I am firmly convinced that when the cold steel pen of the unbiased historian writes the record of the New Deal Administration, it will go down in the pages of history as the most corrupt government that ever governed any nation on the face of the earth at any time. We are seeing some signs in the newspapers of what has been done, but to use a colloquial expression you ain't seen nothing yet.

OPA is bad. That is what I am trying to tell the Senate. It is bad because it is unconstitutional, it is un-American, it is communistic, it is socialistic, and it is destroying everything Americans hold dear.

I know there are some good Americans citizens who favor OPA, and I am not going to criticize the good ones, but I am going to ask them to look into this thing a little further. You do not have to be a fool to be fooled. Some of the wisest people are fooled, and some very wise people and some mighty good citizens are fooled about this thing.

Mr. President, a Socialist could not be elected President of the United States. One never has been elected. The people simply do not believe in socialism—at least not very many of them do—to the extent of going to the polls and voting the Socialist ticket, but whenever you say you believe in OPA, you are advocating socialism in America; you are advocating that your great Government use the arm of the law to go down into the pocket of Mrs. O'Leary and open it and take out the money from her pocket and give it to some rich man on Wall Street in the price of butter. That is pure socialism, issuing some bonds and taking the proceeds of the bonds and spending them for subsidies, giving them away.

To whom are they to be given? The subsidies are given to many people, but it is my belief that most of the subsidies go to the friends of the New Dealers, the black-marketeers. How do they get to those black-marketeers? They do not write out a check and give it to them. No; they do not do anything on the level. They pay the subsidy check to the processor, which is supposed to represent the difference between what he paid for the commodity and what he sells it for; in other words, to represent his loss, so that he can sell it for less than what he paid for it.

Let us say it is 17 cents a pound on butter, for illustration. The processor gets that 17 cents a pound, he sells the butter for 17 cents less than it cost him. To whom does he sell it? He sells some to legitimate merchants, but it is believed by many that he sells the most of it to the black marketeers. How are you going to know who they are? Go to any of the grocery stores in Washington and walk in. You would not have argued with them before OPA died. If you could get a little bit of a quarter of a pound of butter, you were not going to argue about 25 cents. The merchant did not look like a black marketeer. Some of them are, we all know. Therefore, a large part of the subsidy that is paid out—most of it, I believe; I do not know the percentage, there is no way to check it, but I would say most of it—goes indirectly into the profits of the black marketeers. That is where it goes. No one can deny that. After all, a survey showed that, shortly before OPA died, 80 percent of all the meat was sold in the black market.

Many of those fellows do not make out any income tax returns. So the whole bill is just something to encourage lawlessness, and, inadvertently, to make a potential lawbreaker out of every American citizen.

Talk about juvenile delinquency. Why would we not have juvenile delinquency when the children go with their mothers and fathers to do the shopping and know that mother and dad are dealing in the black market contrary to law? What are they going to think about them when they see that disregard for law? Some do not think it amounts to anything, but it does.

I know that there are many honest citizens in this country who have simply been fooled by the laws which have been passed by the New Deal administration. You get in your automobile and start down the street, the speed limit being 30 miles an hour, and you hear the putt-putt-putt of the motorcycle police coming down the street behind you, and old fear takes hold of you right then, and you look at your speedometer and you find that you are exceeding the speed limit, and you slow down kind of gradually, not too fast so it will be noticeable, but you are violating the law, and you have respect for the law in your heart. That respect, however, is disappearing. The more you violate the law the more callous your conscience becomes. Morality appears to be at a low ebb today in this country. Lawlessness is increasing. So is juvenile delinquency. It is all nurtured and brought about largely by the corrupt leadership of this New Deal gang.

Before that, Mr. President, we had a wonderful country. We want to get it back again. But we are not going to get it back again by going in the wrong direction and passing laws like this. We do not need this law. We can get along all right without it.

Mr. President, in the heat of debate and haste to destroy our Government today by rushing through this monstrosity of a bill, it might be well to remember the signs of hysteria that gripped this body yesterday while we were considering the means of paying off an honest debt to the soldiers who saved us from foreign foes and who had been overlooked while others in the services had been paid. I became fearful as I heard Senators discuss the terrible and deplorable condition of our voluntary system. We are on the verge of going to the bow wows. The Secretary of the Treasury and the Bureau of the Budget and the big boys in the administration say our money is getting so low that we cannot pay these boys in money. No, we cannot pay them in money. We have to pay them in I O U's. We are out of money. We have to pay the boys with autographed pictures of our United States Treasury Building. Yesterday we were simply in a terrible fix. It is a good thing that the hysteria did not grab the Congress a few days earlier when John Bull, the British Government, was pounding at the teller's window here for $3,750,000,000. We had plenty of money then. If we had just been notified by the Secretary of the Treasury and the Bureau of the Budget before we passed the British loan measure, we might have paid Britain off with Confederate currency, or autographs of bureaucrats, or anything except money. Oh, no; we had plenty of money when it was going to be given away to some foreign country.

Now, Senators, look at what we have before us today. We have another measure before us today and it requires money. What are we going to do? Yesterday we did not have any. It was all gone. The printing presses had broken down. We were entirely out of money. Just after we had paid John Bull $3,750,000,000, then the boys come along and want to get the little balance that we owe them, the boys who went overseas and fought for us, and were lucky enough to get back alive. They wanted to get their money. But then it was said "Oh no, boys, we are out of money. We will take these pieces of paper with pictures on them and have bureaucrats' autographs put on them and give them to you." It was said that that measure would be inflationary. But now we have a measure before us today which requires $1,000,000,000 to be expended. The OPA admits it will require $1,000,000,000, and that means of course that it will require two or three billion dollars, because they never admit to as much as will be required. Mr. President, with what are we going to pay these subsidies? With potatoes? We have to look around and find something else to use for money. I heard someone say we had a surplus of potatoes. Perhaps we can pay subsidies with potatoes.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SWIFT in the chair). Does the Senator from Texas yield to the Senator from Minnesota?

Mr. O'DANIEL. I shall be delighted to yield for a question.

Mr. SHIPSTEAD. Does not the Senator realize that there will never be a shortage of money so long as the poplar and the spruce lasts in northern Minnesota, Wisconsin, and Canada? They make good paper.

Mr. O'DANIEL. I recognize that, Mr. President, but I am not going to let the Senator from Minnesota get away with the suggestion that pulp from Minnesota provides all the paper that is used, because we produce wood pulp in Texas.

Mr. SHIPSTEAD. Well, that adds to the supply of money.

Mr. O'DANIEL. That adds to the supply. It took a great deal of the supply of pulp and paper for OPA propaganda, and we ran short of paper. We cannot print any more money. We are out of currency.

Mr. SHIPSTEAD. Short on paper?

Mr. O'DANIEL. Yes; that is what is said. It was contended that we cannot pay the boys in currency because we are short on money. I guess they have some kind of paper down there on which to print the autographs. We now have a measure before us which is going to require a great deal of money if we pass it.

Mr. President, there is a way to prevent all this, to keep out of all this trouble I am talking about, and that is to vote down the conference report.

When I discussed this matter after OPA expired, when we received the House joint resolution and amended it, and it had to go to conference, I expressed the pious hope that the conference committee would not make a farce out of our legislative machinery. Well, in my opinion, the conferees tried their best to do it, but they did not quite make the grade. If our legislative machinery is going to turn out to be a farce, it is we ourselves in Congress who will conduct that operation. What the conferees labored and brought forth is now back in the Senate. It is now up to us to act. We cannot lay the blame on the conferees. We have a right to turn down the conference report. Whether it is good or whether it is bad, we have that right. So we cannot blame the conference committee for making a farce out of our legislative machinery. It is like the old man who got mad at his wife, and was talking to her. He said, "You are trying to make a fool out of me." She kind of smiled and said, "No; I am too late. You did that yourself." So that is the way with this matter. The conference committee cannot make a farce out of our legislative machinery. If a farce is to be made of it, we ourselves must do it, and in my opinion we will be doing it if we pass this OPA legislation.

Mr. President, it was brought out on the floor of the Senate today and has been brought out every day by the Senator from Nebraska [Mr. WHERRY] that an enormous number of cattle and hogs, and other livestock, were being rushed into the market when the farmers found out that OPA was dead. They then began to pour their livestock into the market. The meat has now seeped through the usual channels and is coming to the meat market now. But what I want to point out is that dead cows do not eat grain, and dead hogs do not eat grain. We have been talking about a grain shortage. Part of that grain shortage was caused by the livestock backing up in the feed lots because the feeders were not willing to sell them at OPA prices, and they had to feed that livestock. That required a great deal of grain. As soon as those animals are slaughtered it stopped that much feeding of grain. That is going to give us a more abundant supply of grain to take care of the poultry in those sections of the United States where the shortage of poultry feed has been discussed on the floor of the Senate. If we permit the law of supply and demand to prevail we will do well.

Mr. President, we do not hear of the housewife paying exorbitant prices for anything. She has common sense. I wish the housewives were in the Senate and we were out there doing their work. They would fix this OPA measure. I think they have more sense than we have. They have kept prices under control. The housewives and other buyers have kept the prices of this Nation under control for 150 years. We have had 2½ years of OPA, and everything got out of joint, everything got out of line. Now we have been free of OPA control for 24 days, and a pretty good job has been done under the old law of supply and demand. The farmer and the stock raiser is satisfied because he has an open market. That is what he wants. If he simply has the hope of receiving more for his produce he will produce. He will be disappointed this year under the normal market of supply and demand, but that will not stop him. He will try it another year. But when we set down definitely what he is going to get, and he knows he is not going to get his cost of production, he is not going to plant.

The farmer is the most independent individual in the whole country. That is the reason why the New Deal is trying to destroy agriculture in this country—because the farmers are independent. They think for themselves. When I said the New Deal is trying to destroy them, I mean all the New Deal has done is to run 5,000,000 of them off the farms. First, they put them under OPA, and if they did not starve them to death, then, after the war came, they put them in the Army, and 5,000,000 or more are off the farms.

I do not know whether everyone listening to me knows of the plans of the New Deal or not. They have various ramifications, but one function of the New Deal is to destroy agriculture, and for two purposes. The first purpose is to run the independent farmers off the farms where they have control of themselves and they feel like they are masters of the situation out there, and run them into the cities where they can regiment them, and get them into certain communistic labor unions, and tell them when to get up, and when to go to work, and what wages they will get, and what store they will buy at, and how much of that they can have and how much of this they can have. They can control them—and control their votes, too. That is the reason why they are trying to destroy agriculture and run the farmers off the farms.

When we were speaking here the other day about paying the boys off with autographed pictures instead of money it was said that that was recommended by the Treasury Department and the Bureau of the Budget. It was said that we must do that or have inflation, because there is so much money in the country. I looked up the figures. There is a great deal of money in circulation—approximately $23,000,000,000. The Bureau of the Budget says, "We cannot turn the boys loose with this money. They would start spending it right and left, and bring on more inflation. We must pay them off in autographed pictures."

Then one Senator started to explain that that was what the Bureau of the Budget and the Treasury Department had said in 1933. I looked up the figures showing the amount of money in circulation when we paid the bonus in bonds. There was only about $6,000,000,000. We had deflation then, and we have inflation now. Both extremes are used as an argument against paying the boys off in cash. That shows how the New Deal bureaucrats in the Treasury and the Bureau of the Budget work both sides of the street.

I could say a great deal more, but I do not see any use in delaying this game. I wished to make these few remarks so that the RECORD would show that there is at least one Senator on this side of the aisle who is against this skulduggery. There may be more, but there is at least one.

Mr. President, I believe that the conference report should be rejected. I do not believe that we need OPA. I think we could get along better without it. If we do not reject it now, how are we ever going to get rid of OPA? As one man wrote me, you cannot sober up a drunk by continuing to pour whiskey down his throat. We cannot get rid of OPA by continually renewing, extending, or reinstating it.

We are having a very pleasant time in this country now. Even some of the newspapers which favored OPA are trying to outdo each other by writing editorials showing how pleasant it is since we got rid of OPA, and how everything is going along all right. One can go to the butcher shop and get butter, meat, and eggs. The people can buy clothes, and many other things at prices no higher than they were under OPA, taking into consideration the subsidies.

Of course, many persons do not understand subsidies. The name "subsidy" is a very pleasant sounding word. It sounds almost good enough to eat, but we cannot eat it. When one buys a pound of butter the Government helps to pay for it. That means that he gets the bill from the Government, not only for what it paid, but for compound interest, because everyone knows that we shall never be able to pay the debt. All the money which is borrowed and paid out in the form of subsidies is added to the huge public debt we already have. It immediately begins to draw interest, and there are handling charges and other expenses. So we are paying part

of the price at the grocery store and part of it at the Treasury Department in income taxes, and all paid as income tax also carries a substantial overhead charge.

There may be some who do not realize just what subsidies are, but their children and grandchildren will find out what they are. When you are dead and gone and a big tombstone marks your final resting place, your children will throw rotten eggs at that tombstone every time they receive a bill from the Treasury Department for taxes to pay subsidies on the butter and meat which you ate and charged up to them. Our grandchildren will not have the same love of their forefathers that we have for our forefathers. One should remember that. He had better not have a tombstone erected over his grave, so that there will be no means of identification to enable his posterity to find him.

We talk about fickle financing. There never was a stock promotion or blue-sky financing in any part of the world which in any way compares with the New Deal fickle financing. So far the New Dealers have made it stick. But the people are getting wise. Yesterday I received a telegram from a man living in Chicago. His name is Robert A. Stough and he lives at 608 South Dearborn. Mr. Stough posed the question: "If living unearned income caused 1929 crash, what kind of crash will continued Government deficit spending cause? Why not save expense OPA and black market costs?" Yes, the people are getting wise to the New Deal. But they still have support. Of course the New Deal has support. It does not get it by logic, eloquence, or common sense. It gets it by buying it, the only way it ever got anything. It prints the money or borrows it, charges it up to us, and gives it back to us, and says, "Please vote for me." The people put the New Deal in power, and it is still in power. But it is going out fast. I do not see any way to save this country until every New Dealer is run out of Washington. I should like to place a great chain and padlock on every one of the bureaus. Before closing them up I would throw in some DDT, after giving those inside an opportunity to get out and go back home and enjoy themselves. We do not want any casualties.

Let us close these great mausoleums and lock them up. Let us make this city look like the Deserted Village. Anyone who came here and wanted to know where America was could be told, "It is back there on the broad acres where the people live, and not here in this international city." That is what I should like to see. But we are not going to accomplish it by putting three bureaucrats in the place of one.

I had some additional material to read, to show that OPA does not know that it is out of business. It is still doing business at the same old stand. The people of Texas still receive letters, regulations, rules, and instructions from OPA, telling them how to operate their businesses. The OPA does not know that it is out of business. It is still on the telephone calling up housewives and saying, "Be sure to wire your Congressman to put us back in business." To use an expression of President Truman's, they are at the "battle stations." Perhaps that is the reason why Congress does not know that the war is over. Everyone knows it but Congress, and here we are in a state of war—a war with OPA, I suppose.

I have received a letter from Paul Porter, OPA Administrator, dated July 22. He is still in business. Until the OPA went out of business it was difficult to get replies from him. I wrote him a letter on June 14, and he answered it on July 22. He is catching up with his correspondence during this breathing spell.

Here is a letter from a lady in Austin, Tex. I shall not read her name, because the OPA would pounce on her and put her in jail if I were to read her name. The letter is dated July 11. It reads in part as follows:

> I am enclosing two items I received in the mail this morning, although the OPA expired on June 30, 1946. We must be paying the wages of the 68,000—

I do not know whether that number is correct, but that is what she says in the letter—

> We must be paying the wages of the 68,000 snoopers, and the taxpayers are paying for the printing and mailing of the forms and circulars. Why should we be forced to even open mail that has not any meaning?

Here are all the instructions, telling us how to operate a grocery store. There is an envelope full of material. I will wager that Paul Porter would be mad if he knew that that material was sent up here without reading. That lady was so glad to get rid of it that she spent 15 cents to send it to me.

The OPA does not know that it is out of business. Perhaps it is not. It does not seem so, judging from the way this measure is going through Congress. The OPA will be back on the job.

Mr. President, here is another letter. It comes from Oceanside, Calif., and is written on stationery of the Office of Price Administration. It reads in part as follows:

> OFFICE OF PRICE ADMINISTRATION,
> *Oceanside, Calif., July 8, 1946.*
> Senator O'DANIEL,
> *Washington, D. C.*
>
> DEAR SENATOR O'DANIEL: Will you please take time to read the enclosed cases that actually happened in the OPA office that I managed for a year in Oceanside, where I had 3,000 rent registrations.

She goes on to record what she did while she was there.

Mr. President, I have a number of other letters and a number of advertisements. One of them reads:

> Throw out OPA, and give America back to the people.

Well, we did it. That is one thing we accomplished. We did it the hard way. I introduced a resolution, a long time ago, to abolish the OPA, but it got hid under a rug in some committee, or it fell down behind a desk, or something else happened to it. At any rate, it never got back to the Senate. However, it got passed anyhow, with the help of God and Mr. Truman.

A great many of these telegrams have come from people who seem to appreciate what I have done up here in prolonging this thing until the OPA expired, and they have sent me some mighty fine letters.

Here is one of them that I shall read, because it comes from the dean member of the Texas House of Representatives. He was in the House of Representatives when I was Governor of Texas. We did not always see eye to eye, but it is nice to get converts, and I wish to read his letter. I prize it highly. It just came to me. It is dated July 17; and it is marked "Personal and Confidential," so I do not want any of you folks to tell anybody. [Laughter.]

Mr. President, here is the letter:

> PORT NECHES, TEX., *July 17, 1946.*
> Hon. W. LEE O'DANIEL,
> *United States Senate, Washington, D. C.*
>
> DEAR SENATOR O'DANIEL: Though we may have privately differed at times in the matter of methods, I have never had reason to complain about your courage; or about your loyalty to the heritage which national and State constitutions sought to bequeath to the people of America.
>
> While your efforts against the trend into chaos, as symbolized by the term "New Deal," might be said to be opposed to the wishes of the majority, their separate spheres of selfishness, lack of responsibility, levels of inertia and ignorance considered, you have earned the self-respect and peace of conscience that associates with certainty that you have fought in behalf of the right, and the best interests of a Nation and its people.
>
> I want you to know that as far as I am concerned, your dimensions are singularly impressive in a field where little other is to be seen, than the yielding of convictions and character to the emoluments of office and the stress of mob rule.
>
> Thinking of America as it was—the framework of implements, principles, and practices upon which it ascended to the pinnacle of accomplishment—and thinking of the America of today, thrown back generations by a shameful catalog of governmentally imposed interferences and restraints, the excuses of those who stay the death of OPA, the Wagner Labor Act, and the other implements of chaos and decay, no longer, to my mind partake even of appeasement the sorriest of substance.
>
> I congratulate you, Senator, upon your dimensions as a statesman.
>
> Yours very truly,
> C. E. NICHOLSON,
> *Dean, Member of the Texas House of Representatives.*

Mr. President, I know something about the destruction wrought by the OPA, because citizens of my State engaged in practically every line of industry have written to me and have explained how they have been penalized and put out of business. I have talked to officials in the OPA offices in Washington, where I have found very little sympathy toward private enterprise, but where I could detect a smile of satisfaction whenever the OPA officials received definite assurance or proof that they were putting somebody out of business. I know what the attitude down there is; no one need tell me that.

I wish to read a letter which shows the extent to which a citizen in my State went to try to provide some houses, and how he was blocked at every turn of the road. It is almost unbelievable that we would have an organization of power in Washington that would do the things

that are stated in this letter. The letter comes from Amarillo, Tex., and it reads as follows:

AMARILLO, TEX., *April 23, 1946.*
Senator W. LEE O'DANIEL,
Washington, D. C.

MY DEAR SENATOR O'DANIEL: What with all the uproar about the housing situation and the House action last week, you no doubt are receiving a lot of letters from your constituents telling you what you should do and shouldn't do. This letter contains neither of the above, but it is a right interesting commentary on how the various rules and regulations are working in the housing situation.

From July 1941 to early in 1942 I built approximately 75 low-cost homes on some lots I owned in North Amarillo. I didn't build them through FHA, but arranged to carry the paper through banking connections, and really sold these houses at a very low price strictly because I wanted to sell the lots. Believe it or not, I sold a house and lot, four rooms and bathroom, for $1,825, water, lights, and gas. This didn't include a garage or sidewalk or the tub installed in the bathroom. The idea was to sell these houses to men who were making a reasonable salary and had a lot of time after 5 o'clock to do what improving they wanted to around the home and later on to put up another hundred dollars to finish the bathroom. Of the 75 houses, which we sold at from $150 to $300 cash down and $19.75 per month, more than a third have paid out in full, and nobody is in arrears. The $19.75 monthly payment includes taxes and simple interest at 6 percent with no fixed charges of any kind for deed, abstract, loan, et cetera. I didn't go into this as a philanthropic enterprise, but it has been gratifying to know everybody has been happy in their purchase.

We closed down our operations when the freeze came in early 1942 and prepared to open up again in January of this year, inasmuch as there was a crying demand for houses, and the Government was asking for homes and more homes, especially of the low-cost type. I found that in order to furnish the same kind of house on the same lot, it would have to sell for $2,750, which is approximately $750 less than anybody else can or does build a house of this type. The reason for our economy is that we had our own lumber yard, bought everything wholesale, sublet the carpentering, painting, and electrical work, but furnished the material ourselves. I merely wanted to sell the lots and get a house there that would be paid for without any burden to the purchaser. I am still not a philanthropist; I merely want to sell the lots.

The first thing I had to do was to get a priority before I could buy lumber.

He was in the lumber business, but first he had to get a priority.

I read from the letter:

I took this up with the local authorities and was referred to Fort Worth where I received priority without any delay. I submitted the complete information on the house and they gave me a base of $3,500, which is $750 more than we expect to charge for the house. So far so good. The next step was that Mr. Frank Hardin, my associate and the man who handles this entire business, started through east Texas and southern Louisiana armed with a priority ready to bring back several carloads of lumber, sash and doors and other building material. He was gone 2 weeks and couldn't buy one single dollar's worth of material. The big mills merely said "nothing to sell" and the little mills offered to sell at black market in which we were not interested.

After contacting some twenty or twenty-five sources of supply I came back empty handed and with the same answers.

A man with any sense would have stopped right there, but by that time I was determined we were going to overcome the obstacles and my next move was to go into Arkansas to try to get in with some sawmill outfit where we would have a permanent source of supply. The story was the same kind, and I wound up by buying some $30,000 of standing timber, a big sawmill, kiln and manufacturing plant capable of turning out several carloads of lumber a week.

Mr. President, this letter is somewhat long, but very interesting because it explains how a patriotic American citizen was trying to construct some houses in order to help out the housing-shortage situation.

I continue reading from the letter.

This would take care of everything but the sash and doors and roofing. The sash-and-door people gave us the same answer as the lumber people, so I went to Albuquerque, N. Mex., and put a man in the sash-and-door manufacturing business.

The writer of this letter was bound to build those houses. He had the lumberyard and went out to buy a forest and a sawmill. Then he had to go to New Mexico and put a man in the sash-and-door manufacturing business.

I continue reading from the letter.

This gives us our sash and doors. I was able to maintain hardware and nails from local sources, but it still left me without roofing. Up to the present time I am still without roofing because a priority seems to mean nothing whatever to roofing manufacturers, any more than it did to lumber mills, when it comes to actually selling you what you need, but we can buy it from Sears, Roebuck one at a time if no other way.

Understand, I want to finish 2 houses a week until I have built 311 houses, which covers all the lots we own, and I have already got the deal financed through a bank in St. Louis. Now here I am with timber and a sawmill in Arkansas, a retail lumberyard in Amarillo, and the next thing that comes up is OPA says I can't own them both.

Mr. President, was not that man in a terrible fix? OPA said that he could not own a lumberyard in Amarillo, but could own a sawmill and a forest over in Arkansas.

To overcome this obstacle I get out of the retail business in Amarillo, but am allowed to sell the lumberyard by lots, although I have to help this company finance the building, "this company" being owned by some other member of my family but which, of course, is entirely legal.

He had to get the family all mixed up in organizing the different companies in order not to have them owned by the same persons.

I continue reading:

I think everything is all set and yesterday comes out the ruling that 25 percent of the houses must be built for rent, which means that out of the first 100 houses we build in Amarillo, 25 will be for rent and will require a permanent investment on my part of $68,750 (25 houses at $2,750 each) per year for 3 years and I simply am not in financial condition to go into the business of building houses for rent, which means that if this is really the final word there will be 311 houses less built in Amarillo than otherwise.

I have been a pretty strong supporter of OPA until I have noticed how the black market works in the lumber business. It isn't going to affect me if I continue building, because my mill can sell at ceiling prices to the lumberyard in Amarillo and make expenses, the lumberyard will have sufficient lumber to build and I can still dispose of my lots, but I have found the following to be the case. All over the lumber-producing States of the South there are a number of large mills which must adhere to the ceiling prices, which for example on softwood we will say averages $48 a thousand and on which price they cannot make any money. As a result they have cut down their production. In all these States small outfits have put in portable sawmills turning out 4,000 to 6,000 feet of lumber a day and the trucks from Texas, Illinois, Indiana, Missouri, and other States are filling the highways in the South backing up to the small sawmills and paying $75 black market for green lumber sawed yesterday. The truckers take this load and sell it to a contractor or some black-market source for $100 or more per thousand and when it gets into the house it has cost the home buyer $150 a thousand and it's green lumber which in 6 months will curl up and the house owner has a poorly constructed home at the price which should have given him a good home.

If the big sawmills were allowed a price that they could make money on, say the price that the black market is charging, $75 a thousand, they would go into the woods and cut down the timber, increase their production 100 percent, run the lumber through their planing mills, through their kilns, and furnish high-grade lumber for $75 a thousand. When it reaches the ultimate consumer in a home it has cost him no more than through the black market and he has gotten good lumber. The big mills will furnish so much good lumber that the black-market operators will have no customers and then it is a scrap between the big mills, and if they are allowed to furnish enough lumber competition will arise among them and prices will take care of themselves without any OPA control.

I don't know why I wrote this letter, because I don't seem to be able to find any moral to the story. Maybe I just wanted to let you know how hard it is to build homes with all the restrictions which we have to overcome, and to cry on somebody's shoulder.

Mr. President, that concludes the reading of the letter. Every time this man turned the corner with a hammer or a saw or something which indicated he wanted to build a house, the OPA sicked the dogs on him.

Yes, Mr. President, that man had trouble because of the OPA in getting houses built for the returned servicemen. But a man like that will, somehow, succeed. Then, those veterans will have to furnish those houses, and the OPA, if we recreate it, will have them again. For, in this bill, under section 10, paragraph T of the bill, the entire furniture business is placed between a "rock and a hard place." Let me read a brief telegram sent to me by Mr. Leo J. Heer, vice president of the National Retail Furniture Association:

WASHINGTON, D. C., *July 23, 1946,*
Hon. W. LEE O'DANIEL,
United States Senate, Washington, D. C.:

Representing 7,000 merchants doing 80 percent of annual furniture-store sales we protest the averaging provisions of section 10, paragraph T of House Joint Resolution 37 extending price control. If objectionable paragraph becomes law it could distort entire pricing structure creating serious margin depressing result for those above average and providing windfall for those below average. Total outlay by consumers as a whole for any commodity would remain exactly same with or without the averaging technique. We urge no parliamentary situation be permitted interfere with correcting the prospective gross inequity. From OPA administrative viewpoint substitution of actual individual cost of acquisition plus actual in-

dividual discounts or mark-ups is tremendously more practicable and workable in contrast to highly intangible, artificial, and discriminatory nature of averages derived in varied types of retail stores. Our consistent record of sincerity and objectivity on problem of price control as reflected in committee hearings of House and Senate evidences this has been our position from the inception of price control.

NATIONAL RETAIL FURNITURE ASSOCIATION,
By LEO J. HEER, *Vice President.*

I wish to read something about what other people think the new OPA bill will do. But, Mr. President, before doing so I wish to say in connection with the subject of the letter which I completed reading a moment ago, which had been written by the person at Amarillo, Tex., who tried to build some houses, that I have found the same situation in connection with every other line of industry in my State. We have large acreages of fertile soil in the Magic Valley of Texas, where we raise an abundance of vegetables, such as cabbage, spinach, onions, radishes, and so forth.

Mr. MOORE. Mr. President, will the Senator yield for a question?

Mr. O'DANIEL. I yield to the distinguished Senator from Oklahoma.

Mr. MOORE. I assume from what the Senator has been saying that he must agree with what the Senator from Nebraska [Mr. WHERRY] said today, namely, that to enact this measure into law would be to stymie production of every kind and character.

Mr. O'DANIEL.. I sincerely believe that that is the purpose of the OPA. I agree with the Senator from Nebraska, and earlier in my speech I said what I thought about his statesmanship.

But what I was about to say in connection with the destruction of private enterprise in this country is that it is to be seen how the OPA prevented the writer of the letter which I read from building houses. I have been in the Rio Grande Valley when the farmers there were plowing under hundreds of acres of the finest cabbages—I have photographs of it—spinach and other vegetables. Why? Those vegetables had matured and were ready for harvesting. Men with great large tractors were plowing under that food. Why were they doing it, Mr. President? Because the OPA had established ceiling prices on those vegetables and the farmers were able to save money by plowing the vegetables under rather than by harvesting them and putting them into crates and shipping them to the market where they could be consumed by the American public. No wonder there has been a shortage of food.

In the region near San Antonio, Tex., where there used to be a great poultry industry, farmers bought baby chicks by the thousands and took them out to the farms. In a few weeks those baby chicks would grow into broilers and fryers for the market. What did the OPA do when they found out that those farmers were raising those chickens for food? They figure out a price by which the farmers would be unable to get back their cost of purchasing the baby chicks, raising them and feeding them. Most of those families were put completely out of business. A large number of these poultrymen were returned service men, many of whom had financed their enterprise through the GI bill of rights.

I went down to interview the OPA and asked them why they wanted to put those poultry raisers out of business. They said, "Why, we don't want to put them out of business, but we want to hold the price of the poultry down so that the consumer will not have to pay so much for it." Some of those farmers in Texas received statements from various stores to the effect that they would pay more for the poultry and would not increase the price to the consumer. Did that result in the OPA saying to those farmers that they would allow them to increase their price to the dealer provided that he did not increase the price to the consumer? No. The OPA was not interested in anything of that kind. The OPA was interested only in putting the poultrymen out of business. That was their objective. Putting businessmen out of business is what the OPA was created to do. That is what the OPA was set up to do. That is what they did. Not only that, Mr. President, but throughout all Texas wherever there were little dairies the farmers were unable to obtain a sufficient price for their milk to pay for the cost of feeding the cows. There were mothers with children who wanted to buy milk and were perfectly willing to pay an additional penny or two for a quart of milk. Were those farmers allowed to increase the price of their milk? They were not.

Many of those farmers were compelled to drive their cows to the slaughter pens and have them butchered. They were put out of business. That happened in many instances all over the State of Texas. I know of one case, because I know the man involved. He received a check for $25,000 and gave up the operation of his business. He had been in the dairy business for a long time and had built up a wonderful business. He required a great deal of feed in order to maintain his dairy. He would go to the feed dealer who would sell him 100 sacks of feed but would not allow him to take home more than 25.

Then he had to come back, whenever they specified, on a certain day. He had to drive 35 or 40 miles with his truck. The tires were blowing out, gasoline was rationed, there was difficulty in getting help, and he had to make all those extra trips, when he could have bought a hundred sacks at one time; but OPA regulations would not permit it, is it surprising that I receive telegrams such as—and I quote:

NEW YORK, N. Y., *July 23, 1946.*
Hon. W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.:

You and 50 other Senators voted to adopt Wherry amendment decontrolling dairy products. You did this because you realized that impractical administration of controls over dairy products was rapidly curtailing production and denying to the consumer the right to purchase dairy products he wanted. We have now had 3 weeks with free markets and dairy products are readily available and prices are leveling. To again impose regulations on dairy industry would cause a chaotic condition, tremendous losses to dairy industry, and irreparable damage to small manufacturers of dairy products. We ask you to kindly continue your support in permanent elimination of dairy products from any revamped OPA legislation.

MIDLAND COOPERATIVE DAIRY ASSOCIATION,
WALTER PAGE,
Converters for more than 25,000 farmers located in 9 Middle Western States.

HOUSTON, TEX., *July 24, 1946.*
Senator W. LEE O'DANIEL,
Senate Office Building:

Since termination of hostilities milk production has declined consistently. Under OPA farmers have had no particular incentive to produce milk and many herds are being sold. Since OPA expiration interest has picked up; sales prices reflect increase only about amount equal to subsidy, in some cases lower. Cannot urge too strongly your favorable action toward decontrol of dairy products if the dairy industry is to continue to produce the milk and milk products so critically needed the world over today.

A. F. C. KENNEKOHL.

CORPUS CHRISTI, TEX., *July 23, 1946.*
W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.:

Urge defeat conferees OPA bill. Include decontrol on livestock, dairy, poultry, and eggs as written by Senate. No runaway prices in local dairy market.

HENRY F. NEW,
Manager, Coastal Bend Milk Producers Association.

HOUSTON, TEX., *July 23, 1946.*
Hon. W. LEE O'DANIEL,
Washington, D. C.:

Dairy industry settling down to substantial program. Please do not put us back under OPA with all the confusion and unreasonable restrictions they will place on our industry. Urge you vote against conferees' report.

B. E. STALLONES,
Manager, South Texas Producers Association.

Not only that, but in the meat industry, truckload after truckload of cattle were hauled to market. They had quotas, and the buyer would say, "Our quota has all been filled, we cannot take the cattle." Then the farmer would have to haul the cattle back home, and given them some more feed, which was needed so badly, just to keep them alive until some time when the OPA would give them a quota so that they could get their cattle sold. That ran through all lines of business.

Talk about the shortage of butter. There was a man in Texas who was manufacturing churns so that the housewife could churn butter. The OPA would not let him manufacture churns. They stopped the manufacture. They stopped the manufacture of hundreds of articles that were made in Texas, when all the raw material was there for the manufacture. The farmers were unable to buy parts for their farm machinery. Did they want to save the metal, or stop the farmer from producing? Let us see what happened.

A big skyscraper was being built in Texas when the metal and other materials that entered it were sorely needed by the farmers in Texas for replacements for machinery and parts. It is my opinion they showed that the sole intent was

to destroy production in America and not only to do that, but to destroy our American form of government, bring us to communism and totalitarianism; and that is what they have almost succeeded in doing. It was said that when Congress passed this bill the OPA was going to expire on June 30, 1946, and, thank God, it did. But they did just everything within their power to keep it from expiring.

They passed another bill and sent it to the White House, and it did not suit the President. He thought he would get a better one, I suppose.

Mr. President, that is the history of OPA. As if it were not bad enough, under the domination of one bureaucrat, they want to set up three of them, three in one. When they get those three set up, then you will see some high financing in this country. That is when you are going to see speculation rampant. I have no doubt that the information will leak out through different sources to the faithful of the New Deal. They will say, "We are going to take the ceilings off oats" or "We are going to take it off barley" or something else, "on a certain date." You had better get in and buy something.

There will be need of more investigating committees to investigate these scandals, if they keep on increasing the bureaus three to one. They will need more investigators than they can find in Washington; and there are many people here. Then they are going to need a lot of investigators to investigate the investigators. [Laughter.] It is just one of those cancers that grows and grows and grows, and will keep on growing until our great Republic, that was founded by our forefathers and handed down to us as a gracious heritage, is destroyed; or the American people take proper steps at the polls to cure the political cancer by defeating all those who adhere to the philosophy of the New Deal.

Why is there so much more prosperity in this country than in some of the other countries of the earth where there are natural resources and more people than we have? It is because of the system of free private enterprise that was connected with our system of free democracy, that was devised and written by our wise forefathers, and inscribed in the Constitution of the United States, the greatest document ever penned by the hand and brain of civilized man outside of the Holy Bible. We followed it as honest citizens and built this great Nation, and now it is being destroyed and torn down.

We passed a price-control bill, and then all we heard on the floor of the Senate and in other places was "There is a great big corporation making too much money." They are talking about controlling profits instead of controlling prices. With the graduated income-tax law on the books, I do not think anyone needs to be excited about any big corporation or anyone else making too much money and keeping it because they have to make a great deal in order to keep a very small amount. We have that safeguard to level things off and bring the excess profits back. If we think it is not severe enough, we can make it more severe.

If you want to control prices, adopt a 100-percent excess-profits tax. You are not going to find very many merchants or manufacturers or businessmen in this country who are going out to rob their customers for the purpose of putting the loot into the United States Treasury through the system of profits taxes.

Mr. President, that is not what this crowd wants. They do not want to control prices. They want to ruin our free economy. If they wanted to control prices, we have a lawmaking body here which could act. Why do we fool around and set up an administrative power to regulate every turn of the wheel—to regulate everything that is done—when all we have to do is to pass a law making it a felony for anybody to buy or sell any product in the United States above the price at which it was sold on a certain date? Then we would have price control. They do not want that. That is not what the New Deal dynasty wants. If they wanted it, they could get it more quickly because they control Congress. They could put prices on everything—set the price of wages, set the price of salaries, set the prices of all commodities—everything—as of December 6, 1941, or any other date—June 30, 1946, for instance. If you want to hold prices, all you have to do is pass a law. We already have the enforcement officers all over the country, in every little district and every State—State police, county police, city police, Federal police.

As I have said, that is not what they want. They want to destroy our Government. If they want to control prices, it is easy to do that. I recommended it back on January 8, 1942. What I said is right in the RECORD. I said then, "If you want to control prices, all you have to do is to pass a tax law, or amend the present tax law. You already have the Internal Revenue Bureau set up, with employees. They would not have to handle any more papers, just different figures on the papers. Pass a tax law. Let everybody go back and pick the schedule he wants to choose, or the one Congress chooses for him, before the national emergency." Then say, "You will be permitted to make this wage, this salary, this profit, to the extent you made it before we got into the war. But of everything above that your Government is going to take 100 percent."

Mr. President, that would have been easy. But there were some who did not want that passed. Although our late President, Mr. Roosevelt, said, "There are not going to be any war millionaires," we have them. He said there would not be any war millionaires, but did Congress back him up with a tax law that would prevent that? No. Many war profiteers got their profits, and got them in big gobs. Some of them did and some of them did not. It depended on whether they belonged to the New Deal or not.

That is what OPA has already done to us. We are in a bad fix. We have a deficit. The way it adds up, it is more than $276,000,000,000. But we have so many bureaus and departments and corporations, and so many hip pockets in old Uncle Sam's pants, that I do not believe there is any way for anyone to know how much we owe or how much we have, or anything else. There are some figures, but I do not believe they reflect the true situation. You see a big expenditure of money, and even though you are a United States Senator and try your very best, you cannot find out where the money is coming from, or what department is spending it. We are just throwing it around loosely and wildly, not only in the United States, but all over the world.

As I have said before, there are two positive ways of destroying an individual economically or of destroying a business concern or of destroying a government. One of those ways is to destroy productive capacity. The other is to squander or destroy or get rid of the accumulated savings.

When you have done that you will put anybody out of business, and OPA and the New Deal have been practicing and doing both ever since March 4, 1933. They have the people of this Nation now in debt in an amount of approximately $300,000,000,000. It will not be paid off in 100 years, if it is ever paid off.

I started to read what the meat packers have to say. This is a report which came to me, and I will read it for what it is worth. I have confidence in it. I read as follows:

> The meat packers in the Western States hope the Senate will reject the conference report on the OPA extension bill and send it back for the purpose of decontrolling livestock and meat.
>
> We feel the proposed Price Control Act restoring price controls to livestock and meat August 20 will only create confusion and chaos in the industry.
>
> For the next month the industry will have to be on a day-to-day basis as far as purchases of livestock and sales of meat are concerned. This would particularly apply to many meat products which it takes time to process and in which time is required either in aging, freezing, pickling, or other methods before meat is used in the final product.
>
> With such a sword hanging over the head of the industry who would buy with prospects of reduced price at time of sale. This present bill would not allow the industry to operate on a practical basis but only to operate in a confused manner which would deny the industry the opportunity that it now has to get its operations back on a law of supply-and-demand basis.
>
> Also livestock will be rushed to market to beat the August 20 deadline causing disruption of orderly marketing and many immaturely finished livestock will be sent to market. This will tend to create a shortage in future months when they normally would have been marketed.
>
> Meat markets over the whole western country are becoming filled with meat, prices are dropping and if this industry was allowed to go ahead without such a threat over it, we are sure there would never be any reason for placing controls back on livestock and meat in the future.
>
> We hope the Senate will reject the conference report and insist that the controls be taken off livestock and meat and the industry given an opportunity to demonstrate that it can furnish meat to the people at reasonable prices. If the bill goes through in the form recommended by the conference committee, we consider it a victory for the black market.
>
> It is time for all of us to realize and admit that the actual cost of living is on the black-market prices and not the fictitious ceiling

prices posted by the OPA. The Senate vote on the floor of 49 to 26 in favor of decontrolling of livestock and meat indicated that the Senate took this into consideration.

Legitimate packers of the nine Western States cannot operate another year under the intolerable and restricted conditions imposed upon the industry by the offices of the OPA and Economic Stabilization.

Is the Senate willing to assume the responsibility of the return of the black market with all of its evils and under the OPA cause practically every retail market in the country to be again converted into a speak-easy?

WESTERN STATES MEAT PACKERS ASSOCIATION, INC.,
By E. F. FORBES, *President*.
JULY 23, 1946.

That is the opinion of the people engaged in the meat industry, and that is the opinion of people in other industries. Certain items were picked out here, and, because those interested in those items were able to convince a sufficient number of Senators that certain products should receive special consideration in the OPA measure, amendments were added to the measure and those products and commodities received what we thought was special consideration, until we found out that the Senate does not have much voice in these conference committees. It appears that some consideration should be given to the judgment of Senators as expressed by the votes on the floor of the Senate. But while some commodities were excluded from price control, why should some be excluded and others be included in the measure? If we are going to have price control, why should we decontrol prices on certain commodities when the producers or processors or manufacturers of those commodities are of sufficient size and financial strength to employ representatives to come here and explain their case? If it is right to exclude meat and butter, why not exclude everything else? Why should we include anything?

It is the old socialistic system under which everyone thinks it is right to take everything away from the other fellow, providing he does not have anything of that particular commodity, but when it comes to taking his stuff away, he says, "Leave me alone." So we have been adopting amendments which were favorable to some people and not favorable to others. There is no doubt that there was justification for those amendments. But I claim there was justification for amendments covering other articles in which people who could not come here were interested and in which the citizens of this great land who sent telegrams to me, who are "the voice of the country," are interested. There were thousands of them. The telegrams I have received from them would cover two or three of the Senators' desks. There was no concerted drive for these telegrams. The telegrams were not inspired. They came from people who received a little hope when some of us got up on the floor of the Senate in an effort to kill OPA. They wanted to let us know that they appreciated our efforts. They wanted to get back to the American form of government. That is what is wanted by every American citizen who understands the true situation. I place myself squarely on the side of the rank and file of the common people. That is where I belong. That is where I was raised, that is where I still am, and that is where I shall remain. I am perfectly satisfied to take the judgment of the rank and file of the American citizens, providing the American citizens are in possession of the truth, the whole truth, and nothing but the truth.

But I am satisfied that wise people can be misled, and I am satisfied that some of our best citizens have been misled by the propaganda that has been put out by OPA at Government expense, and by the bureaucrats in Washington and in other places. They swarm all over the Nation. They are to be found at every cross road, in every city and village, telling the people what to do.

Mr. President, I say it is time to call a halt, and I am trying to call the halt. We may not be successful in doing so. This measure may be crammed down the throats of the American people. I am not criticizing any Senator who takes a part in cramming it down by voting for it, because he has a right to vote for it. He has a right to do anything he wants to do respecting legislation in the Senate. He may be right and I may be wrong. But I tell you I am not wrong. [Laughter.] I am just as right as can be on this subject. I was not schooled in politics, but I was schooled in American industry and in American life. I came up the hard way on the ladder of success, and I came a long way up until I reached the Senate. No one thought when I was a little boy on the ranch that I would become a Member of this great body of United States Senators. Some of my enemies claim it was a mistake. But I am here. That is the American system, and every other little boy on a ranch or in a small town or in any other place in the United States should have the same opportunity. I want to keep the road clear all the way up so that he does not have to obtain the approval of a bureaucrat in Washington before he can have a chance to go to school or start a grocery store or run for office or do anything else. I want to keep the ladder of success open from the bottom rung clear up to the top. It can be done. It has been done. I am not holding myself up as any example. I am merely telling the Senate that every American citizen has that right.

But if we trade our American citizenship for a mess of New Deal communistic pottage our children and our children's children will never have that opportunity. It will be taken from them. They will be reduced to wearing shackles by a government which has gone down into the depths of socialism, communism, and totalitarianism. Our Nation stands today as the greatest Nation on the face of the earth, but we are at the crossroads. There are some people—I shall not mention anyone in the House or even in the United States Senate, but some people in Washington, public officials, have the idea that they are the masters instead of the servants of the people. They tell the people what to do. I am pleading the case of the common man. Most of these demagogs get up and holler and say that the taxes are all going to be paid by the rich people and by the big corporations. They are not going to fool very many persons who know the truth, because it is the man on the street, the man who labors, who pays the taxes. We have had some taste of it in the withholding tax, but I say that the taxes come from the hidden places. Mr. President, when you buy a pair of shoes, when you buy a railroad ticket, when you use the telephone, when you ride the street car, when you buy a pair of stockings or a suit of clothes or a necktie, whatever you buy, the taxes are hidden in that purchase, and it is the American people, 140,000,000 of them, who have to pay the national debt of $275,000,000,000 or $300,000,000,000 if it is to be paid.

Let the demagogs cry and shout from the housetops that the large corporations are going to be taxed and pay this great debt. The large corporations are merely the tax gatherers for the American Government. An examination of the income-tax reports of any corporation in America will disclose that back in the old days after the taxes were paid, and the taxes were very small, the net income remaining for distribution as dividends was a certain amount. As the taxes were raised the corporation simply added them on to the price of the commodities they were selling and after they collected the increased taxes from the purchasers they paid them to the Treasury. After they had collected those hidden taxes from the purchaser they paid them to the United States Treasury, and they still had practically the same amount of profit left with which to pay dividends. That certainly did not do any harm. I am not pleading the cause of the great corporations, but I believe in being honest. The records of the large corporations show that they have many stockholders who have only small amounts invested in the stock. The stock is not all owned by the great moneyed interests, as the demagogs would have us believe. There are more than 65,000,000 life-insurance policies in effect in America, with an average face value of $1,500. Women are beneficiaries of more than 80 percent of these, and these women realize as never before that the assets behind these policies should not be subject to political trends or whims. They are, in the last analysis, the stockholders who make up the "bonded interests" the demagogs scorn.

It is the individual, the citizens of the country who have to pay. When public officials and politicians, especially when they advance so far as to be bureaucrats, get into trouble, it is the citizens who have to pay. When they get us into war it is the individual citizen who goes in and fights the war. The common people are the ones who clean up the mess after the politicians get us into trouble, and they are the ones who have to clean up the mess in connection with the public debt of $275,000,000,000 or $300,000,000,000. We are still making appropriations by the billions of dollars. We are passing out to Great Britain $3,750,000,000.

When it comes to the soldier boys we have to give them autographed pictures of the Treasury. We are "out" of money when it comes to paying the boys. Only today the President signed the third deficiency bill, which included $75,000,000 for OPA's operation in the current fiscal year, and there is another $1,000,000,000 involved in this measure. Some Senators say they are against subsidies, but will vote for the joint resolution. It contains $1,000,000,000 worth of subsidies. It is time to call a halt. It is time to quit this business. It is time to get back to our American system of free enterprise and our American system of government. After appropriating billions of dollars during the war, when we ease off and get out of the war we do not seem to be appropriating very much, although we are appropriating seven or eight times as much as we appropriated before we get into the war. It is a matter of relativity. Those large sums are added to the public debt, and the public debt is drawing interest.

I have received a letter containing an analysis of this measure. It comes from the Women Investors Research Institute, of Washington. Cathrine Curtis is the president. I do not know a thing about this organization. I do not vouch for the authenticity of the information contained in this letter, or the facts stated. I read it simply as it is. I have an inbred confidence in almost everything the women do. I have great respect for the women. This letter is from a women's organization. If it had not been for the women, there would not be very many of us here.

This is an analysis of the conference report reinstating OPA. It is dated dated July 22.

Acceptance by Congress of the price control bill recommended by the report of the Senate and House OPA conferees apparently means reinstatement of all original price control powers with additional more far-reaching controls over the production of agriculture and industry than existed under the price-control system that was ended June 30 by Presidential veto.

In my opinion, the OPA measure which we have before us is one of the most vicious pieces of legislation that has ever been introduced in the Congress. The New Deal propaganda outfit has sent word over the country that the joint resolution does not involve very much control; that so far as they are concerned it is a rather bad measure; and that the President will sign it very reluctantly. They are doing so to fool the people, because this is the strongest control measure that we have ever had before us. It will permit the OPA to do anything under the shining sun that it wishes to do to destroy America; and there will be three bureaucrats to do it instead of one. They can do three times as much damage as they have done.

In my opinion this is the worst measure that has ever been put before us. Whenever the American people are told that Mr. Truman is going to sign this measure very reluctantly, indicating that it does not grant as much power as he would like to have, someone is trying to fool the people. Unless Mr. Truman wishes to save this Nation and save the Democratic Party he will break his leg to get a pen and get to the desk to sign it before it can be jerked away from him. He will be anxious to sign it. He vetoed a previous measure and got into trouble. It seemed for a time that he might never get another one. So if he ever gets anything on his desk again that has the semblance of an OPA measure, let no one worry about his not signing it—unless he suddenly reaches the conclusion that by vetoing it he can save the Nation and save the Democratic Party. He may do so. I hope he does. I have never been able correctly to forecast what President Truman may do. But he has that power. We cannot kill the measure. I am afraid that too many Senators will vote for it. I do not know, but I am afraid that we shall pass it. Then it will be up to God and Mr. Truman to decide whether or not it shall be killed. It is my prediction that if the President listens to the advice which he receives from the OPA and all those connected with it, and from the Communists, Reds, and Socialists who are supporting it, he will sign it in a hurry. They would not care if the measure contained nothing except the name OPA and an appropriation of a billion dollars. They would not care if the Holy Bible were printed in it. We can print anything in it, good or bad. They do not care. They will operate this agency to suit themselves. They have proved that. Senators need not rely exclusively upon my word for that. I have heard Senator after Senator make the same statement about maladministration and disregard for the will of Congress on the part of the OPA officials, who operate the agency to suit themselves. It has been operated in that way before.

How do we expect to bring about a change or to purify the OPA simply by providing for the appointment of a board? We do not know who will constitute the Board. The Board does not even have to be approved by the United States Senate. Of course, theoretically it does; but if we pass the joint resolution and then adjourn and go home, leaving it on the President's desk, he can sign it and make his appointments. We cannot confirm his appointees until Congress reassembles. That may not be for a long time. I hope so. The longer we can stay in recess the better off the country will be. We have been in session entirely too long, passing the wrong kind of laws, according to my opinion. I think they are wrong. They may not be, but that is what I think; and I have a right to think that way, and to express my opinion. However, I do not criticize any Senator for the way he votes. There is nothing to prevent a Senator from voting for bad legislation if he wishes to do so.

I was reading from the report of the Women Investors Research Institute. The report continues:

Congressional approval of this report also evidently will mean that all future business, industrial and agricultural programs must be planned on the assumption that price control will be a permanent part of our economy.

There you are:

Analysis of advance copies of this report indicates that if accepted without change by Congress—

It has not yet been changed; under the Senate rule, we cannot amend it—

it will grant greater control powers to the "economic planners" than they were able to obtain under the original OPA bill enacted in 1942.

New board all powerful.

If the conferees' proposals are accepted by Congress without change, they will:

1. Give complete control over our economy to three individuals (the Decontrol Board) who will be unknown to Congress when it votes on this legislation.

Mr. MOORE. Mr. President, will the Senator yield?

Mr. O'DANIEL. I gladly yield to the Senator from Oklahoma.

Mr. MOORE. The Senator knows, does he not, that in the consideration of the conference report—which is only a conference report, and not an act of either House—we have no opportunity to amend it or change it in any way? We must either vote it up or down.

Mr. O'DANIEL. I will say to the Senator from Oklahoma that it is my understanding that this view is correct, because even if the Senate should give unanimous consent to amending the conference report it would have no effect unless the House should agree also as conference reports are handled on the basis of what is practically a joint rule of the two Houses.

Mr. MORSE. Is it not true from the parliamentary standpoint that the only way we can change this report is to recommit it to the conference?

Mr. O'DANIEL. From a practical standpoint I believe that is correct. But as to the conference report before us, gazing at us in all its ugly viciousness, we must take it as it is or turn it down. I do not see much use in my standing here talking about it any longer. I simply wish to make my position clear. I am against it.

I continue reading from the report:

2. Compel business, industry, and agriculture to operate on 30-day schedules.

A man operating a manufacturing or processing plant, planning crops, or manufacturing anything, could not figure ahead more than 30 days. On the basis of present prices, with a Decontrol Board and a Recontrol Board, as the Senator from Nebraska [Mr. WHERRY] so aptly termed it, one would not wish to stock up with merchandise from which to manufacture the finished product at a certain price, if he thought the price would be lowered about the time his storage house was filled. If a manufacturer cannot fill his storage house he cannot process or manufacture the things which his customers urgently need, because he does not have the stock. So what is he to do? Everything is thrown into confusion. Time is required to manufacture finished products. It takes time to harvest a crop of wheat, haul it to the country elevator, grade it, load it into cars, and ship it to terminal markets. It must go through all the processes of grading, storage, and resale to the flour millers or

the corn processors. Millions of bushels of grain must be owned by someone, and it is usually owned by those who do the processing to make the flour which is shipped to bakers all over the country.

Some of the bakers want to keep their flour in storage, because it improves with age if it is stored for a certain length of time. The corn-product manufacturers want to manufacture corn syrup and hominy and breakfast foods and all the other corn-product foods we need, and it takes more than 30 days to do that.

Who in the world is going to lay in a supply of raw material when he does not know what he will be able to charge for the finished products? So the producers simply will have to go on a hand-to-mouth basis.

Mr. President, I read further from the report:

3. Make it extremely difficult—if not impossible—for medium and small business to obtain current production costs;

4. Give OPA legal authority to control both profits and production; and

5. Cause continuing shortages in both durable and consumer goods that can only result in perpetuating price control within the specific provisions of this legislation.

The compromise bill does include the specific Senate decontrols of livestock, dairy products, petroleum, tobacco, poultry, eggs, grain, cottonseed, and soybeans, and their byproducts.

BROAD RECONTROL POWERS

It grants the Decontrol Board power to put any or all of these products again under control by August 20—or at any time thereafter—when, in the Board's opinion—

1. The price of any of these products has risen unreasonably above former ceilings;

2. The product in question is in "short supply"; or

3. The "public interest will be best served" by reinstating controls.

Those decisions will be up to the three bureaucrats in the decontrol or recontrol board. They will have to decide whether the public interest will best be served. They might guess wrong, and they might manipulate prices in such a way as to let their friends get in on the grain and cotton exchanges and make a lot of money.

I continue to read from the report:

Therefore, under the compromise provisions, it is evident that these presently unknown three individuals will have sole power to determine whether products decontrolled by Congress will be bought and sold in free or OPA-controlled markets.

The bill also provides that—on the application of any industry advisory committee—the Board may decontrol any product when it finds that the supply of that product approximates demand. However, it also stipulates that the Board may—any time after 30 days following the issuance of such decontrol order—reinstate controls whenever it finds that any of the three rules cited above apply.

It would seem evident that this presently unknown three-individual Board—having sole power to determine from month to month what products are and are not under control—will have practically complete control over our economy.

Since agriculture, business, and industry can know only from month to month what products will be subject to price control, it is difficult to see how such activities can be planned on other than a month-to-month basis.

BRAKE ON MASS PRODUCTION

OPA officials—in testimony before both Senate and House Banking and Currency Committees—have repeatedly stated that the only way present shortages and price control can be ended is by a steady flow of products from our mass-production machine operating in high gear.

Business and industry may be able to operate on a month-to-month basis—but it is extremely doubtful that any mass production schedules can be planned on such a basis. It is highly improbable that our great mass production machine will be able to run in better than "low gear" under such restrictions and uncertainties.

This can only result in low production, continued shortage, and price control becoming permanent under section 1A (c) (2) of the bill, which provides for the transfer—to established departments or agencies of the Government—price control over "commodities or classes of commodities, including housing accommodations * * * in such critically short supply as to necessitate in his (the President's) judgment, the continuance of the powers granted by this act beyond June 30, 1947."

Just how agriculture can plan crops and production on a month-to-month basis is a problem beyond the solution of all except perhaps the present crop of OPA "book farmers."

There is only one apparent restriction placed on the powers of the presently unknown Decontrol Board to control, decontrol, and recontrol any or all products. That is when supply approximates demand, they must decontrol.

It generally is conceded that the supply of any given product can be estimated with some degree of accuracy. But estimating demand for that product is a complex problem—at least under OPA interpretation of "demand."

WHAT IS "DEMAND"?

If the question of demand is limited to domestic demand and prices are normal, then it is possible to estimate that domestic demand with some accuracy, according to OPA Administrator Porter in testifying before the Senate committee May 10.

But, according to Mr. Porter's testimony, if prices are kept below normal, as he admitted has been the OPA policy, it is impossible then to estimate domestic demand against the subnormal price.

By eliminating the word "domestic" from the supply-demand formula, as this bill does, then a number of additional factors must be considered before demand can be estimated, according to Mr. Porter's testimony.

These factors include actual foreign demand (demand by foreign countries in the course of normal trade), demand created by commitments—known and unknown, made and to be made—of the administration to feed and rehabilitate the entire world, plus the demand that will result from foreign purchases due to the administration's foreign loan policy just approved by Congress.

Considering that the Decontrol Board will have power to recontrol any decontrolled product whenever it is in short supply or in the public interest—it should be remembered the present acute feed shortage in the poultry industry is the result of the administration's foreign food and feed policy, which is being carried forward in the public interest.

LEGALIZES PROFIT AND PRODUCTION CONTROLS

Two of the principal charges placed against OPA during Senate and House committee hearings—charges that were thoroughly substantiated by a mass of unrefuted evidence—were:

1. That the OPA pricing system and policies prevented manufacturers from obtaining production costs and, thereby, retarded production, created and increased shortages in durable and consumer goods; and

2. Prevented old line, well known producers from obtaining production costs—thereby preventing production—while new manufacturers were given production costs plus profits, enabling them to cash in on the present abnormal consumer demand, while making the consumer pay high prices for inferior products.

It was this mass of evidence that caused Congress to adopt the so-called Taft and Wherry amendments in the bill vetoed by the President. These amendments were intended by Congress to protect and assure continuance of the profit system in this country, and, when selected by the President as the chief target of his veto message, placed him and those supporting that portion of his message on record as being opposed to the profit system in this country.

It is apparent—under the conferees' compromise proposal of the revision of the Barkley-Porter substitute for the Taft amendment—that OPA will be permitted to continue its old pricing policies and practices.

Subsection (e) of section 11 of the bill will permit OPA to continue its preferential treatment of new manufacturers against old producers. That is, it can continue the practice—expressly forbidden by Congress in past amendments to OPA law—of banishing the well-known brand products of old producers from the market in favor of the unknown products of the new manufacturer—with added expense to the consumer.

Subsection (f) of section 11—even as amended by the conferees—will permit OPA to evade granting needed price increases for many, many months. It is known that Mr. Porter has said of this section, "I don't care what they do with the first few lines, as long as they don't change the language after 'nothing herein' in the second line of the section."

OPA officials admit that this language will make it almost impossible for a manufacturer to obtain any price increase, as long as they—OPA—can show that a price equals the industry-wide cost average, plus what they consider a reasonable profit. As one OPA official put it—"If industry doesn't like what we do to them under this section, they can take us to court—the Emergency Court of Appeals."

It also has been repeatedly charged that OPA has usurped power, under old OPA law, to control profits and production. OPA officials originally denied this charge, but—as unrefuted evidence piled up in committee hearings to support it—OPA officials then took the position that Congress knew of these policies and had taken no legislative action to forbid them. The record of OPA debate in both Houses of Congress now denies such powers to OPA.

However, under subsection (c) of section 11, the power for OPA to control both profits and production will be written into law, if enacted into law without change in the language of the bill. OPA officials admit that the language "including reasonable adjustments (in prices) for conditions resulting from abnormal value of production" can be interpreted as granting power to adjust prices downward whenever increased production tends to increase profits. Under such an interpretation, there would be no incentive for any manufacturer to increase his production.

As to the compromise revision of the so-called Wherry amendment, it is doubtful if this will prove helpful to wholesalers and retailers. The original OPA extension bill vetoed by the President directed no cost-absorption discount cutbacks after

January 1, 1946. The Senate bill changed this to June 29 and the compromise sets the date back to March 31. It is not surprising that OPA officials raised no objection to this compromise since the majority of cost-absorption discount cutbacks were ordered by OPA prior to March 31.

RESPONSIBILITY RESTS WITH HOUSE

In view of the foregoing, there seems little doubt that if the conferees' proposed report is accepted without change by Congress, our economy can be placed under tighter controls by September 1 than it was on June 30, and the road back to a free economy, free markets, and the profit system in this country will be more difficult than at any time since December 8, 1941.

Under the rules for considering conferees' reports, the House has the only opportunity to amend such a report. Senate rules compel that body either to accept or reject a report in its entirety. House rules permit that body to amend portions of a report by instructing its conferees to return to the conference and insist on certain changes.

This means that Senators are in the position of being compelled to vote either for or against reinstatement of price controls. But House Members can vote for reinstatement of price controls while insisting on changes in the report that will assure speedy termination of such controls.

It, therefore, seems evident that in this instance entire responsibility for determining whether this country will function on either a free or a planned economy rests entirely on the Members of the House of Representatives.

Mr. President, that report comes from the Women Investors Research Institute, of Washington, and it condemns this OPA measure as being worse than any OPA law we have ever had before, and it says it will place all of the business of the country on a month-to-month basis. The report might just as well have said that it will place all American business on a hand-to-mouth basis, because it will simply stymie and stall business and will obstruct, curtail, and stop production, and thereby create more shortages.

In fact, the situation will be just like the situation described in the letter which I read a few minutes ago which came from a man in Amarillo, Tex., who had a lumber yard and some lots, and who went to great lengths to try to build some houses at $750 less than the Government ceiling; but the Government bureaucrats put so many rocks in his way that he could not operate, and the 311 houses which he was ready to build could not be built. At every turn in buying the lumber, or selling the lots, or financing the building of the houses, the OPA and other Government bureaus and departments were impeding his progress.

If we had had the OPA years ago, when this country was growing, we never would have had any Henry Ford. If Henry Ford had wanted to build an automobile, back in the days when he started, and if we then had had an OPA, the OPA would have said, "Oh, no; you can't be engaged in the business of building a wheel for an automobile, and at the same time be in the business of building a steering gear and a windshield and a cushion for the seat and a door and a crankshaft. You cannot do all those things. You must organize separate companies to build every part of your automobile"—in the same way that the OPA required the man whose letter I read to organize separate companies to produce every part that was needed for the 311 houses he wanted to build at Amarillo, Tex.

Mr. President, Henry Ford never would have gotten started in building automobiles if he had had to battle with the OPA. I wish to point out that we have a great many potential Henry Fords, in the little boys all over the United States. Very likely some of them will develop into men who can be just as big or bigger than Henry Ford or any other great man of this country. They are just waiting for their opportunity. If we tie them down with restrictions so that they will not have an opportunity, they will not develop, and we shall never hear about them, because they will not be able to get going, simply because the OPA will not let them start.

But, Mr. President, in this connection, Mr. Henry Ford, or even Mr. Henry Kaiser, could do little without the wonderful achievements of the petroleum industry. Petroleum is the lifeblood of our economy. And the OPA boys certainly did not overlook their opportunity for a little bloodletting. In this connection, I wish to read a telegram received from Mr. Walter G. Hallanan, of Pittsburgh, Pa.:

PITTSBURGH, PA., *July 20, 1946.*

Hon. W. LEE O'DANIEL,
United States Senate,
Washington, D. C.:

May I respectfully urge that another year of OPA meddling and confusion will mean not only another year of black markets and chaos in production, but it means the destruction of our American economy. Why not terminate these wartime emergency controls now before it is too late? Regardless of all the OPA communistic propaganda the people are sick and tired of it and want to be freed from it once and for all. With regard to the petroleum industry the compromise bill makes that industry half slave and half free with a Damocletian sword in the hands of another bureaucratic board that will be chosen of the Bowles-Porter type hanging over it. I hope you will not approve this so-called compromise to perpetuate OPA as an economic monstrosity. If Congress approves this compromise it thereby gives approval to policies which OPA has arbitrarily imposed upon the country and which it will expect to continue.

WALTER G. HALLANAN,
President, Plymouth Oil Co.

So the Nation is on the down grade, and it will continue to be on the down grade so long as the bureaucrats in Washington stymie and throttle the brain power and ability of 140,000,000 American citizens. That is what happens under the OPA. We do not know what boy will have an idea today or what little girl will have an idea tomorrow that will revolutionize some phase of our social or industrial life. The OPA will throttle our people. Our progress depends upon freedom. The OPA is now denying our people that freedom. First we were told that we must let our freedom be taken away by the OPA because we were faced with a national emergency and we were going to get into a war. Then, later, we were told that the OPA was necessary because we were in the war. Now we are told that we must have the OPA because we won the war. Just think of it, Mr. President. We have whipped all our foreign enemies and put them entirely out of business. But still some of the bureaucrats want to control the American people and to dictate what the American people shall do. They want to write it all down into a law. The Lord only knows who wrote this bill, but here it is; it is before us now. Here is our majority leader, who has just returned to the Chamber. I have been hoping he would come back.

Mr. BARKLEY. What did the Senator say about me?

Mr. O'DANIEL. I did not say a bad thing about the distinguished Senator—not one word. I cannot say a bad word about the Senator. I was just praying all the time that the Senator from Kentucky would change his mind about the OPA, but I am afraid I cannot persuade him to change it. I have been killing time until the Senator from Kentucky returned to the Chamber, and I am ready to stop now if the Senator from Kentucky will decide to kill the OPA.

Mr. BARKLEY. I can appreciate the Senator's willingness to have the OPA killed, and I shall be glad to have him stop.

Mr. O'DANIEL. Well, I hope something will happen to kill the OPA, because I am heartbroken about the present situation.

Mr. BARKLEY. I am anxious to have a vote taken.

Mr. O'DANIEL. There did not seem to be anyone who was willing to say anything very much about the OPA, so I got up to say a few words about it.

Mr. BARKLEY. I am sure the country is not under any delusion about the Senator's attitude toward the OPA.

Mr. O'DANIEL. If I have accomplished that much, that is something gained. I am sure I want to cooperate with the Senator, and so I shall yield the floor.

Mr. BARKLEY. I thank the Senator very much.

NATIONAL HEALTH INSURANCE

Mr. PEPPER. Mr. President, I feel that it is necessary, even at this late hour, to take 5 or 10 minutes to comment upon an extraneous subject, because I wish the RECORD to show that on the day following that on which the remarks to which I shall refer were made by various of my able colleagues, I responded to the comments they made. I address myself to the statements which were made yesterday by the able Senator from Missouri [Mr. DONNELL] and to comments which were made by other Senators, to wit, the Senator from New Jersey [Mr. SMITH], the Senator from Vermont [Mr. AIKEN], and the Senator from Ohio [Mr. TAFT], relative to a report of the subcommittee of the Senate Committee on Education and Labor, known as the Subcommittee on Wartime Health and Education, of which I have had the honor to be chairman.

That committee, Mr. President, was authorized by a resolution of the Senate in 1943. The resolution authorized, in substance, a study of the health conditions of the people of this country, particularly because of disclosures with respect to selective service that some 40

percent of the selectees were rejected because of mental and physical disability.

The committee consisted of five Senators appointed by the chairman of the Committee on Education and Labor, and the junior Senator from Florida was named as chairman. That subcommittee was continued by resolution of the Senate in February 1945 and was further extended and additional funds were provided for its use in March of this year.

It was also provided in March of this year, when the last appropriation was made, that the committee's services should be terminated on the 1st of August—all by agreement of the chairman and the members of the committee.

The committee has held many hearings and has published five reports. The first report was published in the second session of the Seventy-eighth Congress and dealt with the general subject of the margins of living of the people and the desirability of improving their economic status in order that their health conditions might also be improved.

The second report was issued in the second session of the Seventy-eighth Congress, particularly in September 1944, dealing with the subject of juvenile delinquency.

The third report was issued in January 1945 and dealt with general health conditions throughout the country.

Mr. President, I do not like to suggest anything which might be related to self-praise of the members of the committee, but I will mention the fact that the American Medical Journal commented editorially upon the report in the following language:

> The report, in general, would seem to be a more scientific, carefully considered document than has heretofore been available as a result of previous hearings in this field. The committee emphasizes that its findings are preliminary and that the subcommittee expects to continue its work with further hearings and with studies of the various aspects of the health problem, such as rural, industrial, and school health, the health needs of veterans, medical research, and medical education.

Editorials from the Washington Post, the Washington Evening Star, the New York Times, the Philadelphia Record, the Tampa Morning Tribune, and other newspapers commented favorably on the report.

General Kirk, the Surgeon General of the United States Army, was gracious enough to write some words of commendation on the report. The report dealt, as I have said, with the general health conditions of the people, but it made no suggestion as to what method should be employed by the Government in meeting the challenge of poor health conditions.

The subcommittee proceeded to make a study of whether or not the private fee for medical service system prevailing in the country, and the volunteer health systems which had been growing in strength and usefulness throughout the United States, were adequately meeting the challenge of the poor health conditions of the people. About the latter part of March that report had been prepared by the subcommittee staff, and was sent to the members of the subcommittee.

Mr. President, I have referred to the committee as the committee, although it was a subcommittee. However, it was authorized by a Senate resolution. It was generally known in the press and in common parlance as the Senate Committee on Wartime Health and Education.

As I say, Mr. President, the staff of the subcommittee prepared the report and a draft of it was submitted to the members of the subcommittee. The desire was that the study which had been made by the staff should be made available to the full Committee on Education and Labor, to the Senate and to the public for such value as it might have. Let the Senate remember, that this committee was an investigating committee, and that it had a staff for the purpose of ascertaining data which might be of some public interest.

As I have already said, the proposed report was submitted to the members of the subcommittee. That was in March of this year. Immediately a response was received from the chairman of the full committee, the Senator from Montana [Mr. MURRAY], indicating his complete agreement with the proposed findings of the subcommittee. A report in complete conformity with the findings of the staff was also submitted by the Senator from Utah [Mr. THOMAS] and, of course, I as chairman of the subcommittee had already given the report my complete approval. That makes three members of the subcommittee who gave immediately their unqualified approval to the publication of the proposed report.

I then received the following letter from the able Senator from Vermont [Mr. AIKEN]:

UNITED STATES SENATE,
COMMITTEE ON EDUCATION AND LABOR,
March 11, 1946.

Hon. CLAUDE PEPPER,
Chairman, Subcommittee on Health and Education,
United States Senate,
Washington, D. C.

DEAR CLAUDE: I must confess that I haven't had time to study the proposed Interim Report from the Subcommittee on Health and Education on Health Insurance. Neither did I have an opportunity to hear the testimony which was presented at the hearings.

However, I am in hearty sympathy with an effort to provide medical care for those who cannot afford it and even though I may later find cause to disagree with some of the recommendations which we as a committee make, I, nevertheless, feel that the publication of this report will serve to call public attention to the dire needs of our low income people.

Therefore, reserving the right to disagree with any detailed portions of this report, I am in favor of submitting it to the full Committee on Education and Labor.

Sincerely yours,

GEORGE D. AIKEN.

On page 9705 of the CONGRESSIONAL RECORD of July 23, the Senator from Vermont [Mr. AIKEN] said as follows:

> I wish to reiterate the statement which I made a few minutes ago, that this report was submitted to me. I was given an opportunity by the clerk of the committee to read it. I cannot say that I had time to study it thoroughly. But it did have my approval; that is, in placing it before the full committee, or before the Senate, and if I inadvertently and prematurely passed judgment on a compulsory health bill, that is purely my own fault and not the fault of anyone else.

Mr. President, I received also the following letter from the able Senator from New Jersey [Mr. SMITH] dated March 19, 1946:

UNITED STATES SENATE,
COMMITTEE ON MILITARY AFFAIRS,
March 19, 1946.

Hon. CLAUDE PEPPER,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: A short time ago I received a subcommittee report entitled "Health Insurance" and I have been trying to get an opportunity to make a real study of it ever since. With the other matters pending it has not been possible to make the study of it I wanted to before commenting on the report. However, I note it seems to approve a compulsory insurance plan. I do not want to approve the report until I have had time to give it further study.

In the event you feel that the report must be made immediately to the Committee on Education and Labor, I would like to have it appear in the record that I dissent from some of the conclusions of the report.

I will try to get at the detailed study immediately and advise you further of the specific points I have in mind.

Always cordially yours,

H. ALEXANDER SMITH.

I received also on March 18, 1946, the following letter from the senior Senator from Ohio [Mr. TAFT]:

UNITED STATES SENATE,
Washington, D. C., March 18, 1946.

Hon. CLAUDE PEPPER,
United States Senate,
Washington, D. C.

DEAR CLAUDE: I regret the delay in reading the interim report of the Subcommittee on Health and Education to the Committee on Education and Labor covering the subject of health insurance.

While there are a good many statements in the report with which I agree, there are others, including the recommendation of national health insurance, with which I emphatically disagree. Unfortunately I cannot at the present moment prepare a minority report. I should be obliged, therefore, if you would simply note at the end of the report that I dissent from some of the findings and conclusions reached in the report.

Sincerely yours,

ROBERT A. TAFT.

Mr. President, there were three members of the committee, the Senator from Delaware [Mr. TUNNELL], the Senator from Alabama [Mr. HILL], and the Senator from Oregon [Mr. MORSE], who had not responded and had not had an opportunity to complete their study of the report or of the subject. The staff was desirous of making the report public and submitting it to the full committee in view of the fact that an agreement had been reached that the subcommittee would go out of existence on the 1st of August. So in view of the fact that only a few days remained between the last week end of July and the 1st of August, we were desirous of getting the report before the full committee and before the public before the 1st of August. Therefore I personally approached the Senator

from Delaware [Mr. TUNNELL], the Senator from Oregon [Mr. MORSE], and the Senator from Alabama [Mr. HILL], and it was agreed between them and me, as chairman of the subcommittee, that at the end of the report there should be added the following language:

Senators HILL, TUNNELL, and MORSE, because of the pressure of other business, have not completed their study of the subject of this report.

I am sure those Senators will agree that that was the understanding.

Also at the end of the report appears the following:

Senators TAFT and SMITH dissent from some of the findings and conclusions of the report.

The report was signed by CLAUDE PEPPER, ELBERT D. THOMAS, JAMES A. MURRAY, and GEORGE D. AIKEN.

Mr. President, while only four members gave their assent to the publication and filing of the report, it has been shown that only four of the nine had given their assent in that way, and it was shown that two of the Senators said that they dissented from some of the conclusions contained in the report, and it was shown that three of the Senators said they had not had time to complete their study of the subject. So it certainly was not intended to lead anybody into the conclusion that all members of the subcommittee had agreed to everything that was contained in the report.

Mr. President, there was some slight inaccuracy in the press release which, although prepared by the staff, I take full responsibility for. In one paragraph it was said that:

The report represents the substantial approval of President Truman's health message of November 1945 and the Wagner-Murray-Dingell national health bill by a bipartisan group of Senators, but neither are specifically endorsed.

As a matter of fact, the Wagner-Murray-Dingell bill is not mentioned in so many words in the report. All the report purports to do is to make a study of the various voluntary insurance plans in existence in the country, to conclude that they serve only by complete coverage in all about 3 percent of the people, that only about 25 percent of the people, if I remember the figures correctly, have any kind of insurance, and that we can never provide adequate medical care for the people unless we have a plan supported by taxation levied by the Federal Government and perhaps in addition to that, Federal appropriations to supplement it. But the Wagner-Murray-Dingell bill is not specifically mentioned in the report and it was not intended to commit anybody to any particular piece of legislation but to emphasize the necessity of there being some kind of compulsory insurance system for the country.

Inasmuch as there was only one member on the other side of the aisle, the Senator from Vermont [Mr. AIKEN] who had given his assent to making public for whatever value they had, the facts the committee report discloses, perhaps it was not proper to say "bipartisan," when only one member of the minority party had given his assent. If that is an inaccuracy it certainly is an unintentional one.

In no sense of the word am I minimizing the value of the comment made by the able Senator from Missouri or any other Senator. All the other reports were prepared by the staff under my direction as chairman. They were from time to time discussed on occasion, individually, with some members, perhaps not all, and finally the report was submitted before it was ever filed with the full committee to every member of the committee and the assent of the members of the committee was given before the report was filed with the full committee.

As I said, that was done with the previous four reports since 1943, as well as with report No. 5, which happens to have been the occasion of the comment.

So, Mr. President, while there may be some technical delinquencies—there no doubt are—on the part of the chairman, not in any sense attributable to other members of the committee, the chairman certainly thought that the Senators had given their assent either to say that the report might be published, though they had not had an opportunity to finish their study, but the report might be filed and data the staff had gathered after many months of tedious labor might be made available to the full committee and to the public for such value as they had.

If any Senator's position has in any way been incorrectly stated, it certainly was unintentional, and I am exceedingly sorry that inadvertently such a thing may have occurred.

I wish to say further that the Senator from Missouri was most gracious in calling my office yesterday to advise me that he expected to make some criticism on the issuance of the report. I happened to be unavoidably detained from the Senate at the time he made his remarks, or I should have been here to hear them. The Senator has been most courteous. He has indicated that there was not anything personal in what he said, and I have tried to give this explanation of what occurred.

Mr. President, I regretted to take the time of the Senate at this late hour to make this explanation, but since the able Senator from Missouri had made his remarks yesterday, and I had had no previous opportunity, I thought that, in justice to myself, if not to the committee, I was duty bound to make some statement on the matter.

Mr. DONNELL rose.

Mr. PEPPER. I wish now to address myself to the conference report for a few minutes, but I gladly yield to the Senator from Missouri if he desires that I do so.

Mr. DONNELL. Mr. President, I thank the Senator for yielding. I shall endeavor to make my remarks as brief as possible.

First, I wish to say that we have here a situation in which a subcommittee, without even a majority of the committee approving its report, gives out to the press, through its chairman, a release, which was referred to yesterday.

In the first place, the able Senator from Florida has referred to the subcommittee as being known as a committee. Yet Senate Resolution 74, by which authorization is granted for the creation of the subcommittee, distinctly terms it a subcommittee:

Resolved, That the Committee on Education and Labor or a subcommittee thereof appointed by the chairman of the Education and Labor Committee be authorized and directed to make investigation.

And so forth. It then provides that the committee—not the subcommittee, but the committee—shall report to the Senate as soon as practicable the results of its study and investigation, together with its recommendations.

Mr. President, as I see it, what has happened is that, without the subcommittee itself authorizing the issuance of a report, there has been given out to the press of the country a very important report, the importance of which I shall emphasize in a very few minutes, and the report which goes out to the public actually contains the names of less than a majority of the members of the subcommittee as signers of the report.

The distinguished Senator from Florida referred to the fact that there might be a slight error, and I do not in any sense undertake to impugn either the sincerity or the motives of the Senator, but when he terms what appears on the release given out on the twenty-second of this month as a "slight error", I must most respectfully disagree with him.

In the first place, Mr. President, the study which is referred to in the release as being given out is stated to be "issued today." As a matter of fact, the study to which reference was made was issued back in March of this year, and bore at that time in heavy black type the words "Subcommittee Print."

Under a date in July 1946—I think only a day or so ago—the document was reprinted under a July date, the only changes I find in it being certain headings above certain tabular or pictorial illustration.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. PEPPER. I am sure the able Senator does not mean that it was given to the press for publication on that date.

Mr. DONNELL. I do not know, Mr. President.

Mr. PEPPER. What the Senator means is that the chairman appeared at the hearings on S. 1606 and stated that that had been prepared and would be published if agreed to by the subcommittee.

Mr. DONNELL. Mr. President, the point to which I address myself will become more evident in a moment. I quoted from the release of July 22 in which the document which now comes forth under date of July 1946, is referred to as having been "issued today" by the Senate subcommittee. That document is stated to represent, quoting from the release, "the substantial approval of President Truman's health message of November 1945 and the Wagner-Murray-Dingell national health bill by a bipartisan group of Senators, but neither are specifically endorsed."

Then the release states:

These Senators are members of the full Committee on Education and Labor, before which hearings on S. 1606, the Wagner-Murray-Dingell bill started on April 2 and have continued until July of this year.

So, Mr. President, this document, which was originally prepared and dated March 1946, described upon its exterior as a "subcommittee print," now appears under date of July 1946 according to the release, as representing the substantial approval of the Wagner-Murray-Dingell national health bill by a bipartisan group of Senators, though not one word of testimony in the 35 hearings that have been held, involving hundreds and hundreds of pages, has yet been taken with respect to the Wagner-Murray-Dingell health bill.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. PEPPER. I stated a moment ago that this was a study which had been conducted by the committee during 2 or 3 or 4 years, at least 3 years, a study of the subject whether the voluntary health plans in existence were adequate to meet the needs of the people. It concluded that the voluntary plans were not adequate, and that there would have to be some kind of compulsory plan. It was prepared and ready for publication before the hearings were begun on S. 1606.

Mr. DONNELL. Mr. President, the point I make is that here in July there comes both a document, consisting of 30 pages, presented to the public with a release entitled "Senator Pepper Reports on Study of Health Insurance," stating that the report represents the substantial approval of the Wagner-Murray-Dingell health bill. Yet, Mr. President, the document had been prepared and printed before one word of testimony had been taken with respect to the Wagner-Murray-Dingell health bill.

Mr. PEPPER. Will the Senator yield?

Mr. DONNELL. I yield.

Mr. PEPPER. The Senator said a while ago—and I am sure he would not want to omit it now—that the press release immediately added, after the words he has quoted, "but neither are specifically endorsed."

Mr. DONNELL. I read that, I will say to the distinguished Senator.

Mr. PEPPER. In fact, neither was mentioned. The Wagner-Murray-Dingell bill was not mentioned in the report, was it?

Mr. DONNELL. I do not know whether it was or not. But the point I make, Mr. President, is that the release goes out as representing the substantial approval of the Wagner-Murray-Dingell national health bill, although the testimony on that bill had not been taken when the release itself was prepared.

But, Mr. President, there is a more fundamental question involved than this. As I see it, the statute to which I have referred authorized the creation of this subcommittee by the chairman of the Committee on Education and Labor. And, secondly, the report of the subcommittee should have been given to the Committee on Education and Labor, rather than to the press at large. The Committee on Education and Labor would have had the right then to determine whether it should be given out. Without authority emanating from the Committee on Education and Labor, as I see it, the subcommittee had no right to give out publicity.

Mr. OVERTON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. OVERTON. What is the status of this report?

The PRESIDENT pro tempore. The Chair is not familiar with the report.

Mr. OVERTON. Perhaps the Senator from Missouri can tell us. What is the status of this report?

Mr. DONNELL. Of which report?

Mr. OVERTON. The report which the Senator from Missouri and the junior Senator from Florida are discussing so extensively?

Mr. DONNELL. The status of it, so far as I know, Mr. President, is that the report has been printed without authority even from the subcommittee, for there are only four out of nine members of the subcommittee who have authorized their signatures to it. Three members of the subcommittee, because of pressure of other business, have not completed their study of the subject matter of the report, and two of them have dissented from some of the findings of the report.

Mr. OVERTON. Has it been reported to the Senate?

Mr. DONNELL. It has not.

Mr. OVERTON. Why this discussion now? We are now waiting to act upon a very important matter which concerns the whole Nation, and Senators are now discussing a matter which is not even before the Senate. With all due respect to my colleagues I wish we could proceed with the regular order of business.

The PRESIDENT pro tempore. The Chair will state to the Senator that under the rules of the Senate Senators can talk about anything they wish.

Mr. OVERTON. I understand that. I merely am expressing a pious hope.

Mr. PEPPER. I know that is the wish of the whole Senate, and perhaps I should not at all have responded, but at the same time I felt that inasmuch as the Senator from Missouri had mentioned the matter yesterday, I should offer a word of explanation, and if the Senator might feel disposed that we might carry the matter forward to a future date for further discussion, I am sure we will oblige the Senate very much by addressing ourselves directly to the conference report.

Mr. DONNELL. Mr. President, I shall be very glad to follow that course of procedure, except to utter a very few concluding words, although I should like at a later date, probably tomorrow, to emphasize certain thoughts that are in my mind.

I want to say, Mr. President, that the issuance of this release has gone from one end to the other of the United States. It has been treated as outstanding, highly important news. In the New York Times of Monday of this week it appears as one of the 12 items of world news summarized on the first page of the newspaper, and on a subsequent page, namely page 18, there appears a very extensive signed article entitled "Senate Body Backs Health Insurance. Educational Subcommittee Endorses a Federal System Based on Contributions."

I shall not impose further on the time of the Senate at this moment save only to say that I have upon my desk newspapers from St. Louis, the Chicago Tribune, the Herald-Tribune, also of New York City, with an extended article entitled "Federal Health Bill Backed By Subcommittee." Yet, Mr. President, the fact is, as has been noted here upon the RECORD, that, in the first place, the subcommittee itself has not met, has not authorized the issuance of the release, and has not authorized the issuance of the report. The report should have been made to the committee itself, and not to the public, and not even a majority of the subcommittee had signed the alleged report.

I may say, Mr. President, that the press understands that the report does apply to the Wagner-Murray-Dingell health bill.

I shall not impose further upon the time of the Senate tonight, but I think a very great principle is involved, namely, whether or not a subcommittee should report to the committee itself, whether the subcommittee could act without a majority of its own members concurring, and whether or not the subcommittee should itself, or rather through one member of the subcommittee, the chairman of the subcommittee, undertake to give out officially to the public letters which can easily be misapprehended, and have been very much misapprehended, as they are, by the press.

I thank the Senator.

Mr. PEPPER. I thank the able Senator from Missouri very much.

EXTENSION OF PRICE CONTROL—CONFERENCE REPORT

The Senate resumed consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 371) extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended.

Mr. PEPPER. Mr. President, I just want to comment briefly upon the conference report.

We all know that it would set up a 3-man Decontrol Board, appointed by the President, with the approval of the Senate. The Board could remove the controls on any commodity. Price ceilings on meats, dairy products, grains, cottonseed, and soybeans would be restored on August 21, but would remain ceiling free until that day. No controls would be placed on poultry, eggs, petroleum, or tobacco, unless the Board recontrols them after August 21. Subject to the Decontrol Board the OPA could set price ceilings on industrial goods. The OPA would be required to set ceilings for manufacturers on an industry-wide basis for each product to reflect the average

1940 price plus cost increases to manufacturers. It would have to give wholesalers and retail distributors price ceilings reflecting their current cost of purchases plus their average percentage discount or mark-up in effect March 31, 1946. Subsidies largely designed to hold down food prices are trimmed from $2,000,000,000 to about $1,000,000,000.

There were being paid in subsidies about a billion and a half dollars a year to keep the cost of living down about 8 percent. So if we take away that billion and a half dollars in subsidies I estimate that the cost of living will go up in some proportion comparable to that. So inevitably there will be a price rise due to the removal of subsidies.

Mr. President, a laudable provision of this bill is the fact that it retains rent controls as they were on the 30th day of June, and I commend those who have made the report possible in that respect.

The consumer will pay for this measure out of his own pay envelope and savings. The cost to the consumer of the decontrol of poultry, eggs, fish, and petroleum would be $1,200,000,000, of tobacco $250,000,000, of the elimination of low-cost clothing $800,000,000. The effect of the guaranty to wholesalers and retail distributors and the guaranty of 1940 average prices plus cost increases to manufacturers is incalcuable.

I do not know, nor has the OPA any information to indicate the effect of restoration of controls on August 21, on meats, dairy products, grains, cottonseed and soy beans. But the OPA estimates that, if controls on these products were removed on August 21 by the Decontrol Board, the consumers of the United States would have to pay out of their pockets a total of at least $4,300,000,000. A recent report of the Department of Commerce to the President on increases in prices since July 1 states that the daily spot market prices for 28 commodities have risen 25 percent since the lapse of OPA. These prices increased despite the fact that many selfish groups lobbying against price control have attempted to hold the line by informal agreements. In other words, price changes might have gone higher if this had not been done.

It should also be noted that wholesale prices rose 35 percent since VJ-day, whereas, in the 11 months after World War I, wholesale prices rose only 22 percent.

A part of the recent rise in prices is attributable to the elimination of subsidies. However, livestock prices have increased to such an extent as to reflect more than a removal of the subsidy.

Mr. President, who is going to be affected by what has been done? The profits of all corporations in 1945 before taxes were $20,000,000,000 as compared to $5,300,000,000 in 1936–39. The profits after taxes in 1945 were about $9,800,000,000 as compared with about $4,000,000,000 in 1936–39. It is estimated that 1946 earnings after taxes for many corporations, particularly in the retail field, will be above 1945 profits.

Who are the people who have to worry and struggle because of the lapse of OPA? First the wives of wage earners. Average weekly earnings of workers in manufacturing industries in April 1946 were about $42 in comparison with about $47.50 in March 1945. So it will be seen, Mr. President, there was an average weekly reduction of $5.50 in March 1946 as related to March 1945 against the worker.

In the same period consumers' food prices rose as much as 3 percent, and all items which are a part of their cost of living rose about 2 percent.

Mr. President, what is going to be the effect of these price increases on the 1,700,000 persons receiving various types of old-age insurance from the Federal Government ranging from an average of about $23 to $81 a month? What is going to happen to the 2,100,000 aged persons receiving an average of about $31.50 for old-age assistance per month? What is going to happen to the 310,000 families with children getting aid for them at about $54 a month.

And, lest we forget the veterans, Mr. President, how are they going to exist, the 926,000 veterans going to school under the GI bill of rights, who are getting $65 a month without dependents and $80 a month with dependents? And what is going to happen to our 2,000,000 heroes of all our wars who have undergone some horrible disablement in the fight for freedom and democracy, who are getting an average of $45.50 a month?

In addition there are millions of school teachers, college professors, clergymen, and great masses of millions of white-collar workers who also are going to have the cost of living increased without any increase in their annual compensation.

How are all these millions going to live under the proposed legalizing of inflation which would be brought about by the conference report? In 1945, 47 percent of our families had total incomes of less than $40 a week, and had only 20 percent of the total liquid assets of the country. Families with annual incomes of less than $1,000 a year had only $20, on the average, in liquid assets.

A very large percentage of the population of this country—I am speaking of families, not individuals—live on less than $1,000 a year. Those families, according to a survey which has been made, have savings of less than $20. How are they going to weather the inflation storm? Those having incomes between $1,000 and $2,000 per family have $230 in average savings. Actually more than 50 percent of those with yearly income of less than $1,000 were unable to save anything in 1945. Twenty percent of those having incomes between $1,000 and $2,000 failed to save in 1945.

So, Mr. President, when we are speaking of profits to some, we must remember that we are dealing also with the livelihood of many milions of the people of this country who happen to be poor.

That leads me to say, in summary of the effect of this measure, that the measure was intended to increase the profits of a portion of our population. No one wants any producer, manufacturer, or processor to furnish his goods or services to the public without fair compensation.

But, Mr. President, we are going through a period of reconversion. We are just getting out of the aftermath of the war, and upon the tableland of peace. That is a peculiar condition, and not a normal condition. Therefore we cannot afford to strike down all the wartime controls applicable to wartime conditions until we have more nearly and completely approximated peacetime conditions, under which we do not need wartime controls.

Mr. President, the effort here has been precipitate, in my opinion. The effort on the part of the administration to remove wartime price controls was precipitate with the end of the war. It was a grievous mistake, and I am sure the Government realized that it was a grievous mistake, in view of what has happened, because when the disastrous results of a precipitate effort to remove controls appeared to the Government it almost frantically tried to restore those controls. But I must say that the Government has not had all the help which the Government and the people might have expected from the Congress of the United States.

We knew that price control was going to expire on the 30th of June, because the law so provided. We could have started months ago to thrash out our differences with respect to the price-control bill, but we let the time drag along until we almost reached the date of expiration of the law. Then congressional disagreement could not be resolved without the price-control program going out of effect entirely. Even though we tried to bring about some kind of reenactment of the program, it is now the 24th day of July, and price control went out of existence on the 30th of June, and we have left the American people to be the victims of this abnormal condition, and to be tyrannized by a few of our citizens who would take advantage of the people for profit, even almost to the point of extortion. So while we have debated and tried to reconcile our differences the American people have been robbed of any kind of price control with respect to commodities, services, or rents. As every housewife knows better than any statistician can tell her, prices have gone up to a very great extent, in relation to nearly all the essential items which are identified with the cost of living throughout the land.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from California.

Mr. KNOWLAND. The distinguished Senator from Florida will admit, I am sure, that the country would not have been without controls from the 30th of June to the 24th of July, including controls over rentals and other commodities, if the President had not vetoed the former bill.

Mr. PEPPER. Mr. President, in law school I took a very interesting course on the subject of proximity of causation. I do not know of any subject which is more delicate and interesting than speculating as to who is the proximate and efficient cause of the country not having price control—whether it was the Congress, which passed an insufferable law or whether it was the President, who would not give his approval to a bad law. That

is a subject of almost metaphysical, if not legal, speculation.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. I merely desire to express a pious hope that we will not, at this stage of the legislative procedure, indulge in speculative debate over who killed Cock Robin, and whether he is thoroughly dead, since we are now trying to use a pulmotor to revive him.

Mr. PEPPER. That is correct. However, Cock Robin should have the right to say whether the adequacy of the pulmotor has been established or not. Unfortunately, that is what I am afraid we are not able to demonstrate here.

In my opinion the President was absolutely correct in vetoing the last bill that was sent to him, because it was better to have no control at all, and let the people do their own policing, than to have legalized inflation when the Government has the responsibility to police, but cannot effectively discharge that obligation. So in my opinion, the President not only correctly, but courageously, vetoed the last bill that went to him.

I commend the efforts of the able Senator from Kentucky, our distinguished leader, and all those who cooperated with him in trying to secure price control for this country. I believe that every poll which has been taken indicates that the people of the country favor price control. I respect those who have a different opinion and different information; but every poll I have seen indicates that the people of the country—and by the people I mean exactly what we intimate when we say the "peepul"—the people of America, the men, women, and children who constitute the masses of America's millions, and especially the housewives, who, with limited budgets, have the responsibility of feeding, clothing, and sheltering families, favor price control. So I commend the efforts of those who have tried to preserve price control. I think they have not only tried to do social, political, and economic justice, but they have been serving the rich as well as the poor in the efforts which they have made.

But now we are faced with another measure; and however commendable may be the efforts of those who brought it forth, I have grave doubts as to whether this measure is better than the bill which the President vetoed. I say that because, for all practical purposes, I am afraid it decontrols permanently, as it does until August 21, price controls on the essential items of the family diet—meat, and meat products, dairy products, and other items which constitute the essentials of the family diet. I realize that the conference report provides that the Decontrol Board may put those prices back into effect after the 21st of August; but we are legislating here as a Congress, and I think the essential responsibility is the responsibility of the Congress to determine whether or not we are to have price control.

We are not giving the OPA authority to put these controls back. The authority goes to a Decontrol Board. We do not know what the personnel of that Board will be. While we have laid down general policies, in the third paragraph of the standards which are set out to govern the Decontrol Board we have allowed an absolutely untrammeled authority in the Board to determine whether or not it is in the public interest to put the controls back. So we are practically saying that we take them off and then leave it up to the Board to put them back if it thinks they should be put back after August 21.

What will be the situation on the 21st of August? What is it now? I realize the application of the old saw that while figures do not lie, sometimes liars figure. I realize also that there are statistical differences among statisticians. Yet, Mr. President, I do not believe that we could convince the housewives of America that there has not been a very substantial and burdensome increase in the family cost of living because of OPA going out at midnight on the 30th of June. That has occurred in the face of the prospect that any day the Congress may restore price control. None of us imagined when we debated this question that it would be the 24th of July before we would finally be ready to vote upon the conference report. In spite of all the haste and effort which has been exerted on the part of our leadership and our colleagues in this body and in the House, it is now 24 days—nearly a month—since the country was suddenly deprived of price control.

Not only that, Mr. President, but we give to the country the punishment and we deprive the people of the country of the protection of price controls for substantially another month; for today is the 24th of July, and controls cannot in any case go back into effect on these essential food items until the 21st of August, which lacks 3 days of being another month. That means that for practically 2 months the people will have been deprived of price controls on the things which today are essential to their diet.

I do not believe that will be in the public interest. I do not believe it will be to the permanent, long-range advantage of anyone. I should have preferred very much to see a clear-cut issue made in the Senate on the question whether we would continue price control as it was on June 30 and have effective price enforcement or whether we would have no control at all. I think I have been consistent in taking that position, because, as Senators will recall, when we had this subject up the first time, when the bill was passed, 17 of us voted favorably on the amendment which I had the honor to offer, which would have provided, as a substitute for the then pending bill, a simple resolution continuing OPA as it then was.

Later on, after the Banking and Currency Committee reported the joint resolution which is the basis of the pending measure, the present conference report, and when it was under consideration on the floor of the Senate, again there were 23 of us who, on an amendment bearing my name, voted for a substitute to continue price control as it was on the 30th of June. I should much prefer to see a clear-cut issue made in the Senate on the question, "Do you want effective price control or do you not want any control at all," and let the Senate vote on that issue. I believe it would have been more in accord with the right course and more to the benefit of the people of the Nation.

Mr. HAWKES. Mr. President, will the Senator yield to me?

Mr. PEPPER. I yield.

Mr. HAWKES. I wish to say that I am entirely in accord with the statement the Senator from Florida has just made. If I could have had my way, the issue before the Senate would have been whether we wanted any price-control bill or no price-control bill. The measure we have received from the conference committee is neither fish nor fowl, and, in my opinion, it will do more to befuddle the Nation and keep down production than anything else we might do.

Mr. PEPPER. Mr. President, I must say that I am in accord with what the able Senator from New Jersey has said.

Prices are already out of line, according to various estimates, anywhere from 25 percent on the general level to 35 percent on wholesale prices. Imagine how difficult it would be, if we were to adopt the pending conference report and it were to be put into effect tomorrow, for the OPA or the Decontrol Board or any other Government agency to put prices back to where they were on the 30th of June. But how much more difficult it will be to do that after waiting until the 21st of August. Where will prices be then? What will the situation be then? How difficult will it be then for an administrative agency to try to pick up the broken pieces of OPA and put them into a pattern that will make sense of any consequence?

So, Mr. President, to do anything effective at all, it would have seemed desirable for the conferees to have brought from the conference a report which would have provided that OPA be put back into effect immediately—at least, as to the essential food products.

For instance, let us consider grain. I assume that grain will be affected because it is in the same category with other essential food products which I have mentioned, namely, livestock and dairy products. When we consider grain and livestock and dairy products most of the essential food items are included.

So, Mr. President, it seems to me that what we have done is to give further license and encouragement to the further disarrangement of the economy of the country, and, not only that, but by the pending measure itself we provide that that situation shall continue for another month.

What are the people to do? In the first place, what will the manufacturers do in respect to making commitments for the purchase of commodities with which to manufacture finished products? They must buy raw materials and manufacture them into finished products, and they must hire labor and must make contracts. If they make contracts on the present market for delivery after the 21st of August, when prices may be pushed back, how are they to know how to buy or how to price the things they will manufacture for sale?

Furthermore, what are the laboring people going to do? We know that a little while ago contracts of a year's duration were made by labor engaged in the

essential industries, such as railroads, mining, the electrical industry, the meatpacking industry, the petroleum industry, and several other of the major industries. We had relative stability in the labor situation because of the yearlong contracts which had been executed, the first peacetime contracts which had been executed between management and labor. What will labor do? We already have a general increase of 25 percent and a wholesale commodity increase of 35 percent, at least, and we have a prospect of a further increase in the cost of living. So what are these working people to do about their contracts? Are they going to give notice to their employers that conditions have been changed by act of Congress and that they have a right to obtain redress of their wrongs by a renegotiation of their contracts? If they are going to do that, what will management say? Suppose management should say, "No; you are bound by your contract. You cannot change this wage scale." Suppose labor then says, "Yes, but we thought we had a stable economy. The Government said it would hold the line, except for slight bulges and bends. We had a right to believe that Congress would back up the Government and would hold the line except for those bulges and bends. But the Congress has gone back on both the Government and the people." If management then says, "Nevertheless, we are not going to renegotiate these contracts," what redress will labor have? Will labor be able to go into court and secure a change in the wage scale? Of course not. If no relief or redress is permitted them, it is natural that they will think of strikes. Strikes will bring about a recurrence of the situation which existed a few months ago, a situation which almost struck a death blow to the reconversion program.

So, Mr. President, what shall we have obtained? We have disarranged the Nation's economy and we have burdened a great many of our people. What have we gained, except to profit a minority of the people at the expense of the great majority. As I have said, of course we know that some people were experiencing hardship under the former situation. But I submit that it would have been better to go on under that situation and to have let those few people suffer some hardships, rather than to disrupt and disarrange the entire American economy, and indirectly, perhaps, the economy of the whole world, because what this measure will do in my opinion, to the price of wheat and the price of other grains and commodities will affect the loans we have made, and indirectly will affect the economies of the countries to which we have already given financial assistance, and I believe it will take food out of the mouths of the starving millions of people of the world, whom we have been generously trying to help.

So, Mr. President, it seems to me that the proposed step would be a mistake in regard to public policy. If only this one measure would do that, the step might be forgivable. But I say these few words because I find that the step now proposed is symbolic and symptomatic of a point of view which is becoming dominant in the Congress; and there lies the danger to the future. I believe that when we turn our eyes from the greatest good to the greatest number, and begin to legislate for the few, at the expense of the many, that is a danger to the security and strength of the Republic. I think that is what we are doing; and I think what we have done in connection with this OPA bill is paralleled in many other instances by the action or omissions of this Congress of which we have the honor to be Members.

Mr. President, that point of view will inevitably lead to economic disaster for the Nation, and it may disastrously affect the economies of other countries of the world. That tendency is essentially isolationist in character; and if it is allowed to continue it will inevitably lead us back to the situation which existed after the First World War, when the symbol of this country was isolationism and a lack of concern for the situation of the rest of the world. The history of these matters tells us, Mr. President, that the sequence of events in such circumstances is, first, inflation, then deflation, then depression, and then war. Believe me, Mr. President, for a long time men have been saying that history repeats itself.

As we look down the calendar of this Congress and find bills which have been passed and the bills which have not been passed, it will be seen that my statement can be confirmed. The housing bill is still in the sister body. The health legislation has never come out of the committee. The full employment bill was so loaded down with amendments that it was not meaningful. The minimum wage bill is doomed to defeat in this session of the Congress. Yesterday it was decided not to allow terminal leave benefits in cash to millions of veterans of the country, and, generally speaking, many persons feel that during the reconversion program we have put more emphasis on the money interests involved than on the humanitarian interests which are related to this period and this problem.

So, Mr. President, we are in a dilemma as to what to do about this particular measure. We do not know whether we should vote for the conference report or not. We all want to contribute as much as we can to price control, and yet we have grievous doubts as to whether we can effectively have price control by voting for the conference report. One of the things it will do is that it will act as an opiate and cause the people to believe, perhaps, that their Government will protect them, but only to be disillusioned later when they find that the Government does not have the power to protect them. On the other hand, if they knew in the beginning that their Government had abandoned them, they would be able to rely on self-help. I have sufficient confidence in the character of the American people to believe that in any crisis they can defend themselves just as did the Minute Men of another period in the Nation's history against another tyranny. I fear we would do the people an injustice by leading them to believe that their Government can protect them.

Mr. President, I have petitions signed by 7,500 persons. The petitions happened to be brought to me one day. I believe those who signed them reside in the city of St. Louis.

We have seen throughout the country a spreading protest on the part of the American people who are going on a buyers' strike. I should like to see the consumers of this country put a sign over certain places or certain industries reading, "This place is unfair to the consumer." We know that labor sometimes puts signs in front of industries or stores or places of one kind or another, or puts pickets in front of them who carry signs reading "Unfair to labor." I do not know but what it would be a good thing for consumers to follow that pattern and in some proper way, and in cases where it was justified, to express public indignation by putting up an appropriate sign reading, "This dealer or manufacturer is unfair to the public of the United States."

It seems now, Mr. President, that, after all, this Congress having abandoned them to the profiteers, we shall have to rely on the people to protect themselves. For that reason, with extreme reluctance and grievous misgivings as to whether it is the right thing to do, although I have tried to do what I could in my own individual way to preserve effective price control, I am disposed to vote against the conference report. I think that if we are to cause the people the irritation, vexations, and annoyances of governmental control, we should give them governmental control which will mean something. If we are not going to do that, I think the people should know it in the beginning so that they may plan accordingly. I realize that the poor people will be in more desperate straits in protecting themselves than will be people who are in other classes. The poor people cannot go on a buyers' strike very long without hearing children cry and seeing them receive an inadequate diet.

They know, Mr. President, that they cannot weather an inflationary storm with less than $20. Two out of five of the families of this country have less than $40 saved up, and millions have no savings at all. I do not know what such persons will do. But I believe that we are going to hear from them in the future. I believe that we will receive many protests from them. They feel that we have not courageously stood up against the profiteer. They believe that we have come too readily to the rescue of a few and overburdened the many through the program which we are about to present to the President and to the country.

Mr. President, I believe it is the opinion of the majority of the people that they either want price control which will be meaningful, or none whatever, so that they may plan accordingly. I would rather let the people know that they must rely on their own strength than to lead them to believe that they may rely on the Government and later realize that the Government is not in position to protect them. Once the people know that they can rely only upon their own strength, it will be seen that

they will rise to another glorious victory over that which challenges their security. We shall hear from the people, Mr. President. Count upon it.

Mr. SHIPSTEAD. Mr. President, with the exception of sugar, there was no shortage of any commodity following World War I, and there was no black market at that time with the exception of a black market in sugar. I believe that the greatest cause of the shortages and black markets is lack of production. Certainly the OPA has been the cause of a shortage of production in the case of many commodities.

I believe it was in the fall of 1942 that the President served notice on the Congress that unless the Congress fixed a price on farm products he would do so himself. The Congress passed a bill containing a formula for the fixing of farm prices. The President signed it. Mr. Henderson was made head of the OPA. Mr. Byrnes was appointed as some kind of adviser. Prices were fixed by fiat. The arrogance of such an act should be sufficient to repudiate the OPA.

The OPA was called before the Committee on Agriculture and Forestry and asked upon what basis and upon what authority they had changed the formula for fixing farm prices which had been established by the Congress and approved by the President. They replied that they did so by higher authority than that of Congress, or the law of the land. They were asked by what authority they had done what they did, and they replied that their authority was an Executive order of the President. They were asked by what authority the President of the United States could issue an Executive order overriding the Congress. The committee was told that the President had issued the order. I asked, "May we have a copy of the Attorney General's approval?" I was told, "I do not know whether the Attorney General wrote an opinion. He does not have to. All he needs to do is to approve or disapprove."

Mr. President, I have had experience with the OPA. In the textile industry 10,000,000 bales of cotton were lying unused more than a year ago. The OPA had raised wages of textile workers, and I am not here to say that they should not have done so. But the OPA refused to permit the textile manufacturer to add the increased wages to the price of the product, and therefore he could not afford to buy cotton. For more than a year the textile industry was idle and practically no textiles were manufactured.

In the dairy industry the OPA fixed a ceiling on butter and not on cream. It drove cream into the black markets and closed creameries. The result was that butter cost 90 cents a pound on the black market.

Last winter, rye in the markets of America was worth $2.07 a bushel. The OPA issued an order on January 1 to the effect that the ceiling on rye should be $1.35 a bushel. Under that arrangement, speculators in the United States could buy rye for $1.35, pay to Canada the import duty, and receive $2.81 a bushel. That ceiling remained in effect until a short time ago when the OPA ceased to operate.

I have here the market report for rye in Winnipeg on July 19, which shows the price to be $2.81, and the cash price for rye at Minneapolis on that date was $2.51, showing that the speculators who could buy rye here for $1.35 reaped a profit by shipping it to Canada, and, after paying the import duty, selling it for $2.81, where it stayed in the Canadian market.

Mr. President, these are merely a few items, and because of the lateness of the hour I shall not go into more than one or two details. Perhaps it has been explained to the Senate how the juggling of the price of corn prevents cattle raisers feeding corn to their beef. It is possible to put 500 pounds on a steer by feeding it corn, but there was a shortage because of lack of feed. There was a shortage not only of butter, but of meat, because there was no corn to feed to the animals.

To mention just one other instance, the OPA put a ceiling on muskrat skins. I do not know what the ceiling was. There was none on mink. That resulted in another black market. The black marketeers would go to a man raising muskrats—and it is a large industry—and if he had some muskrat hides the producer might refuse to sell for more than the ceiling. But the black marketeers, if the man had a mink, perhaps worth $20, in order to get the muskrat hides away from the competitor might bid on the mink fur, or the skin of the mink, from $150 to $200 or $300 in order to get the muskrat hides.

These are a few examples of what was going on under the administration of OPA. I called these things to their attention time and time again, but was met only with arrogance.

I could take up the time of the Senate for another hour giving any number of instances of this kind. In my opinion, the only excuse for voting for the conference report at all would be to keep rents from being used for profiteering purposes.

Mr. TAFT. Mr. President, I shall detain the Senate for only a few moments. The fundamental difference between those who are in favor of the report and those opposed is that those who are in favor of it feel that there should be an OPA of some kind, some price control, during the next 6 months to 9 months. Those who are opposed to the report are really those who believe there should be no price control. I certainly recognize the strength of that position, and the fairness of it. But it seems to me that all the talk about the conference report and the details of the joint resolution is really by the way.

We are up against the same proposition we have faced before. If anyone thinks there should be some control other than rent control—which perhaps might be provided for by special resolution—it seems to me there could be no choice except to vote for the report. If one thinks there should be no control, except in the case of rents, he should oppose the report.

I feel very strongly that the criticism made of the conference report and the conferees is wholly and completely unjustified. In the first place, it was said that I had said that the joint resolution gave Mr. Porter more power than he had ever had before. I never said anything of the kind. In fact, every provision, every section of the bill, is a restriction on the power of the Office of Price Administration. There is no section which does not reduce the power which that office enjoyed until the 30th of June. That is true of decontrol.

Without the elaborate provisions, the OPA would have complete power to control or decontrol, control one day and decontrol the next, and recontrol the following day, if they wished to do so. All the decontrol provisions are restrictions on the power of OPA.

Nor is the bill in any sense, as was alleged, a surrender to the President. Looking at his veto message, we find that he makes a number of stipulations as to what the bill should contain. He says in his veto message:

> The bill should authorize the continuance of stabilization subsidies on a scale sufficient to avoid serious increases in food prices during the next 6 months and to permit the orderly termination of subsidies during the first half of 1947. In my judgment, an authorization for the expenditure of a billion and a quarter dollars during the year as a whole is the minimum necessary for these purposes.

We are giving him the same billion dollars which we gave in the first bill, which he criticized.

He says further in his message:

> The bill should lay down a congressional policy with respect to the termination of price controls and subsidies. I approve the provisions of paragraphs (a), (b), and (c) of the proposed new section 1A of the Price Control Act contained in section 3 of the present bill. These provisions call for the orderly removal of all price controls and subsidies during the course of the coming year, with the exception only of those commodities which, on or before April 1, 1947, the President finds to be still in critically short supply and for which he asks and secures authority for continued control to be administered by some established department or agency of the Government other than the Office of Price Administration.
>
> I would not oppose the formulation of standards for the decontrol of particular commodities, as provided in H. R. 6042, or the establishment of an independent Price Decontrol Board to review these applications—provided that the standards were modified to make sure that, during the next crucial 6 months, ceilings do not have to be lifted where it is clear that serious price rises would result.

Yet we require in this report that ceilings must be lifted in the case of most of the commodities if supply is equal to demand, regardless of what happens to price. In other words, we turn down the President's formula for decontrol.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. PEPPER. Does the Senator mean by that statement to say that the price of the commodity is not to be taken into consideration in determining the relationship between supply and demand?

Mr. TAFT. Correct. It says the Decontrol Board shall not decontrol any

agricultural commodities unless, first, they are in short supply, no matter what may happen to the price. Then it must be found, in addition to that, that the price has already increased substantially. Then it must also be found that the commodity is one which can be effectively controlled, as obviously meat cannot be.

Mr. PEPPER. If the Senator from Ohio will allow one further question, does he think it is possible to establish any relativity between supply and demand without any price criteria?

Mr. TAFT. I think it is a proper thing to be introduced into the formula, but the formula in the bill which was passed by the Senate, the formula in the joint resolution, and the formula in the conference report, all say that there shall be decontrol if supply equals demand, regardless of the price. The President wanted to have the right to say, "I think the price may go up even though supply equals demand, and therefore I want control." We do not give him that power. He said further:

I ask the Congress also, if it gives me responsibility for carrying out a measure of the kind I am urging, to permit me to do this through a unified or effectively coordinated administrative organization and not to handicap me by legislating an unsound split of authority.

In other words, he objects to the independent powers given to the Secretary of Agriculture, and we have added to that the additional separate power of a price decontrol board, with very considerable discretion taken away from the Price Administrator.

The President says further:

I would not object to a provision which expressly requires the adjustment of price ceilings wherever this is necessary and would be effective to increase the total production of needed goods.

We disregard entirely his formula, and state that there must be a formula regardless of whether production is needed or not. The formula is not quite so strong, but it is substantially the same formula.

So I think the charge that the conferees have yielded to the President is entirely and utterly unwarranted, and one which those who make it cannot sustain.

Mr. President, I wish to point out, further, that the conferees sat, I think, for 5 days. We met a situation in which four of the House conferees absolutely refused to agree to the permanent decontrol of anything. Those four conferees were appointed by the House. The House had the joint resolution back, and had an opportunity to instruct their conferees. The matter was considered in the House, and that was not done. Knowing who the conferees were, the House voted to them absolute power to take any position they desired to take, and they took the position that there should be no decontrol expressly and permanently provided in the joint resolution.

There was no way I could see to change that situation. I do not know how many votes we took, but at least a majority of the Senate conferees voted to insist upon decontrolling specific commodities, exactly as provided in the joint resolution as it passed the Senate.

Mr. CORDON. Mr. President, I understand the Senator to say, and I understand the majority leader to say, that in their respective opinions this is the best compromise that could come out of the conference. I accept their statement. However, I want to get my mind clear on this point: The Senator from Ohio just stated that the House conferees absolutely refused to go along with any provision for decontrol of specific items on a permanent basis. Were they as adamant on the proposition of decontrol of specific items with the right of the Secretary of Agriculture to recontrol? Would they have gone along on that?

Mr. TAFT. I think they might have gone along with that, yes. The appointment of the members of the Decontrol Board, however, was more satisfactory to me than to give the power to the Secretary of Agriculture.

Mr. CORDON. The reason I make that inquiry, if the Senator will yield further, is that with reference to the items of livestock, and so forth, found in 8 (A), on page 4 of the report, the Congress knows that as to those items they are not in scarce supply. They are now in boom supply. All the hearings which have been held by all committees have given us that information and impression. As to grain and livestock, we have the Department of Agriculture itself on record as to the fact. In other words, as I view it there can be no dispute about that fact. The supply is available to fill the demand, and in some instances there is a greater supply than there is demand, which will continue, not for a month or so, but will be available for the full year for which it is proposed to extend price control. In view of the fact that there can be no question about the adequacy of that supply, how can we justify turning over to the Decontrol Board the responsibility of determining a fact, which we ourselves know, as the result of months of hearings, is a fact?

Mr. TAFT. The Senator makes a very good argument, an argument which was made by the Senator from Colorado and myself and the Senator from New Hampshire in the conference committee. I am not arguing with him. I stated earlier my views on the subject of supply, which are not unlike those stated by the Senator. I am only trying to answer briefly the charge that the conferees gave away something that they did not have to give away. My only desire is to point out that the House Members, four of them, refused to do anything in the way of specific decontrol. And I think Friday night, if I remember correctly, the Senator from New Hampshire [Mr. TOBEY] moved that the conferees agree to disagree.

Mr. TOBEY. I did.

Mr. TAFT. We attempted to report back a disagreement to both Houses, which was the only possible way to bring about a vote in the House. We were unable to obtain a majority in favor of any efforts to agree to disagree. So then we were faced with the problem of simply sitting there and having the conferees say, "The conferees on the part of the two Houses have reached a disagreement, and consequestly there is no OPA bill."

Personally I would rather have those who do not want a bill vote it down. I do not object if Senators vote it down. If that is the sentiment they entertain, they ought to vote it down. But I certainly do not desire to go to the country with the statement that the conferees had broken down in their efforts to do anything about OPA because the House and the Senate conferees could not agree. It seemed to me that when we reached that point, the Senator from Maryland [Mr. RADCLIFFE] was entirely justified in offering the compromise which was offered and which I think was not an unreasonable compromise. I think before the conference committee got through with it they got it into such a complicated state that it is difficult to understand, but I think the basic idea of the compromise was a reasonable one. It had been contained in the various bills from the time we began to consider them, because if we go back to the first bill which was introduced and reported from the Banking and Currency Committee, the amendment offered by the Senator from Arizona [Mr. MCFARLAND] to decontrol meat and decontrol dairy products, which was adopted by the Banking and Currency Committee, provided expressly that they could be recontrolled.

On the Senate floor it was stated that it was at that time intended that they should be subject to recontrol. No one tried to change it on the Senate floor. It was in the former bill until it went to conference, and decontrols came out entirely. Then when the measure came back to the Senate, when we were discussing it here before, I do not think it was as clearly set forth in the new bill that there was to be recontrol. Certainly it was ambiguous. I read the section in the Senate at that time to the Senator from Kentucky, and said this on July 12:

The question I want to ask the Senator is whether he thinks that applies not only to the commodities which have been decontrolled by the Secretary, but also those which have been specifically decontrolled.

Mr. BARKLEY. That question arose, as the Senator from Ohio no doubt recalls in the committee while the Decontrol Board provision was under consideration, and also while the provision of the bill putting the authority and responsibility on the Secretary of Agriculture to recommend decontrol was being considered. My recollection is that it was the consensus of opinion of the members of the committee that that provision of the law would authorize the recontrol of articles taken out from under control, whether by the Administrator or by the Congress itself.

I read only part of the discussion—

Mr. TAFT. It occurs to me it is a point of great importance, and one that should be clearly settled.

Mr. BARKLEY. It is a matter of great importance, because if there is any theory upon which we would assume that an article decontrolled by the Secretary of Agriculture could be recontrolled under conditions which might subsequently exist, the same reason for a recontrol with the written consent of the Decontrol Board, without which it cannot be

done, ought to apply to any decontrolled article, regardless of the process by which it was decontrolled.

The Senator from Vermont then asked the same question.

Mr. AIKEN. Then the purpose of this section of the measure is this: If after certain agricultural commodities are decontrolled the price rises temporarily, and then settles back to a level perhaps a little higher than it was before the decontrol, under such conditions the Secretary of Agriculture would not have any power to restore controls over those commodities. However, if the price rises after decontrol and does not stop, but keeps right on rising and appears to be going to a dangerous height, then the Secretary would have the power to recommend that controls be replaced on such agricultural commodities, and the Administrator would be required to do that.

Mr. BARKLEY. That is correct. But the Secretary of Agriculture would have to have the written consent of the Decontrol Board in any event.

We had that discussion. No one questioned it. I myself thought it was somewhat ambiguous, and that when we went into conference we at least would have to clarify it. But certainly no one in the Senate objected. No one rose on his feet and said, "It is outrageous that you should give the Board power to recontrol when we have given specific power to decontrol." When we came to compromise that was a very sound ground, it seemed to me, on which to make a compromise, and that was the basis of the compromise proposed by the Senator from Maryland. I may say this discussion related to the measure which went to conference, and which is now back in the Senate. It did not relate to the former bill.

Mr. CORDON. My question goes not to the power to recontrol by affirmative action upon the establishment of any given state of facts, such as too high a price, if it is based upon price alone, or scarcity, but to recontrol being authorized negatively by nonaction upon the part of the Decontrol Board, without any finding of fact. I wish to ask the distinguished Senator from Ohio whether in his opinion, if this conference report were rejected and the matter were sent back to another conference by reason of insistence upon the Senate's amendments, that incongruity could be taken out of the measure. It would be rational legislation with that out; and it is senseless with it in.

Mr. TAFT. I do not agree with the Senator. I admit that it is awkward, but all I have to say is that the Board is directed to make that finding and consider the important commodities with respect to which decision should be made at the earliest possible moment. The Board is directed to take that question into consideration and decide it. If it acts in good faith, it makes no difference what happens on August 20, when it does not act, because I am quite satisfied that it must act on these commodities by August 20.

Mr. BARKLEY. Mr. President, will the Senator yield to me with reference to the attitude of the House conferees, which he was discussing a moment ago?

Mr. TAFT. I yield.

Mr. BARKLEY. The House conferees were adamant with respect to decontrol. They took a separate vote after a long conference by themselves. They came back and reported that they would not accept decontrol. My recollection is that they did so more than once. They never yielded on that subject until the Senate conferees offered this compromise with respect to the Decontrol Board. I am certain that the House conferees never indicated any willingness to yield on the question of decontrols until this proposal had been made, which resulted in the provisions of the joint resolution as they now appear, not only giving the Decontrol Board authority, but directing it to consider the prior importance of decontrolled items, and to take action by the 20th of August.

Mr. TAFT. The compromise offered by the distinguished Senator from Maryland [Mr. RADCLIFFE] simply provided that there would be a recontrol board which might recontrol any of the articles at any time. The House refused to accept that provision.

Mr. BARKLEY. That is correct.

Mr. TAFT. They then introduced the idea of going backward and providing that action must be taken on these commodities within 15 or 20 days.

Mr. BARKLEY. Until the Senate conferees indicated a willingness to give the Decontrol Board the power to deal with the subject the House conferees indicated no intention, desire, or willingness to yield on the decontrolled items.

Mr. TAFT. That is correct.

I have only one further point to make. In effect charges have been made that members of the conference committee looked after their own interests and paid no attention to the interests of the Senate. That charge related to a number of members of the committee. It was suggested that the distinguished Senator from Kentucky [Mr. BARKLEY] took care of cotton, and therefore cared about nothing else. As a matter of fact, the situation with respect to cotton has been the same in all the bills. Cotton has never been controlled. All the joint resolution provides is that a commodity which has not heretofore been controlled shall not hereafter be controlled. Certainly this is no time to extend regulation to include controls which were never imposed during the war. That seemed to me to be a reasonable provision. The subject was never a matter of discussion in the committee, and so far as I know, that provision was never objected to by anyone.

In the second case it was suggested that the distinguished Senator from Maryland took care of his poultry and eggs. I can testify that the Senator from Maryland was always more interested in the decontrol of meat than he ever was in the decontrol of poultry and eggs. If I remember correctly, the suggestion regarding poultry and eggs came from the House members, who, in a way, sorted out the group of meat, dairy products, and grain, which must go together. They felt that poultry and eggs could be handled separately. The Senator from Maryland had nothing whatever to do with the proposal.

As to the decontrol of tobacco, that has always been agreed upon if there were to be any specific decontrols at all.

With respect to petroleum, the formula for recontrol is more difficult in the joint resolution as it now stands than it was in the measure as it passed the Senate. That subject was certainly of no particular interest to any member of the committee.

So far as my amendment is concerned, my amendment was insisted upon by a majority of the House conferees. They made it a condition of any action; and the changes which were made, which strengthened the amendment, were made at the suggestion and insistence of the House conferees, without suggestion from me. The House conferees took the curious position, from the standpoint of the Senate, of insisting that we must have a proper price formula, but that we must have no decontrol—a more or less logical position, perhaps, but opposite to that of the Senate in both respects, so it was not easy to agree. Both that amendment and the amendment formerly called the Wherry amendment were strengthened in the committee at the insistence of the House conferees, to which, of course, I was perfectly willing to yield. As a matter of fact, I believe the Senator from Kentucky was not unwilling to yield.

So, Mr. President, I believe that the charge that the conferees have in any way given away anything to the President, or given away anything to the House, or have tried to feather their own nests, is utterly and completely unsupportable.

Mr. WHERRY. Mr. President, I should like to answer the distinguished Senator from Ohio briefly. Some of the things which I said this afternoon seem to have got under his hide. He is excitable. Let us get the record straight. The Senator from Ohio stated that I said that the majority leader took care of cotton. If the Senator will look at the record, he will find that I did not say that. I said that he took care of tobacco. Is not that correct?

Mr. TAFT. No; I heard the Senator.

Mr. WHERRY. The Senator can look at the record.

Mr. BARKLEY. Mr. President——

Mr. WHERRY. Just a moment. I have the floor. I wish to answer the Senator from Ohio.

Mr. BARKLEY. I do not deny that the Senator has the floor. I merely wish to ask the Senator to yield.

Mr. WHERRY. I am glad to yield.

Mr. BARKLEY. The Senator can go ahead.

Mr. WHERRY. It is perfectly all right. Apparently I got under the hide of both the Senator from Ohio and the Senator from Kentucky.

Mr. TAFT. Why not, if my motives are impugned?

Mr. WHERRY. Mr. President, my motives have been impugned. The Senator from Ohio says that the conferees did not give away anything. They did give away something. They deleted meat control from the joint resolution. They

gave that away. They deleted milk control from the joint resolution. They gave that away. They did not come back to the Senate and say that there was a disagreement. They did not offer to resign. They did not come back for further instructions. They gave those things away after the Senate voted 49 to 26 to decontrol meat, and 51 to 27 to decontrol milk.

It is a pretty weak defense for the Senator from Ohio to rise on the floor and try to prove by some theory that the conferees did not give away something. I wish to read the words of the Senator from Ohio:

> Mr. TAFT. Mr. President, in the first place, I wish to express violent opposition to the idea that we are going to put in something which is to be rewritten in conference, or that the joint resolution is going to be rewritten in conference.

I do not have time to look up all the references in the RECORD to show whether or not the senior Senator from Ohio stated that Paul Porter would have more power. I distinctly remember his statements—and I shall produce the RECORD—wherein the Senator from Ohio stated that Paul Porter would have the right to determine what could be produced in this country, what the price should be, and what the profit should be. If that is not more power than any Price Administrator ever had, then I should like to be shown where it can be found. I wish to quote from the RECORD showing what the Senator from Ohio said he would not do. The Senator from Ohio said:

> Mr. President, in the first place, I wish to express violent opposition to the idea that we are going to put in something which is to be rewritten in conference, or that the joint resolution is going to be rewritten in conference.

That is exactly what was done.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. TAFT. The statement was made in connection with the proposal that an amendment be put in to be taken to conference—that is, not to be taken seriously by the Senate, but to be taken to conference.

I was objecting very strenuously to the theory that we would accept something with the understanding in advance that we would rewrite it. That statement had nothing to do with what might necessarily result from a conference.

Mr. WHERRY. In reply to that statement, I wish to say that I had a talk with the distinguished Senator from Ohio. I had a motion prepared to instruct the conferees not to recede from the Senate amendments. He stated, "I think this matter has been clearly taken care of by the statement which was made on the floor of the Senate." He told me personally, "I am going into that conference, and we are not going to rewrite this measure. We are going to stand by the things we wrote into it."

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WHERRY. Certainly, I yield.

Mr. TAFT. Let me state what the situation was. At the time when the conferees were to be appointed the Senator from Nebraska was thinking of offering a motion to instruct the conferees not to recede from the specific decontrol provisions adopted by the Senate. I advised him that I was very much afraid that the motion would be defeated and that then we would be in a weaker position than if we let the matter alone.

Mr. WHERRY. Mr. President, let me say——

Mr. TAFT. Mr. President——

Mr. WHERRY. Mr. President, do I have the floor?

Mr. TAFT. But let me say that I still believe that if that motion had been offered it would have been defeated.

Mr. WHERRY. Mr. President, do I have the floor?

The PRESIDENT pro tempore. The Senator from Nebraska has the floor.

Mr. WHERRY. I wish to read what was said at that time, and then I shall conclude. It is not necessary for anyone to break in on the reading. Of course, I realized that when I read the Senator's statement about how he would defend the amendments in the conference, he probably would not like to have that statement read. But what he said then is what I relied on and it is what other Senators relied on:

> If I am one of the conferees I shall insist upon every provision the Senate places in the joint resolution.

He said he would insist on every one of them. He further said:

> We are not going to rewrite the joint resolution in conference. In my opinion, the conferees should stick by whatever the Senate places in it, unless the House is willing to vote on the measure and turn it down for some particular reason, because the House has taken no action.

But the conferees did not do that. They did not disagree. They did not come back and report on the situation. I relied upon that statement, and I think every other Senator relied upon it.

The Senator from Ohio said further as I have just stated:

> The House has taken no action.

That was true, and the House never did take any action in that respect before the conference report was brought back by the conferees. We did not give the House an opportunity to vote on those matters before the conference report discontinuing the specific decontrols, as provided for by the Senate, was brought back from the conference.

I read further from the statement made at that time by the Senator from Ohio:

> I dissent from the theory that we are going to put something in the joint resolution and then rewrite the whole measure in conference.
>
> In the second place, so far as the proposal of the Senator from Kentucky is concerned, I think it is utterly and completely impracticable. We cannot control the price of wheat for one purpose and not for another purpose.

And so forth. Mr. President, I appeal again to the Members of the Senate that, as one of the Members of this body, I depended entirely upon the good faith of the Senator from Ohio, when those words were spoken and placed in the CONGRESSIONAL RECORD. I say now, on this very night, that if the conferees had disagreed, and if the conferees on the part of the Senate had come back to the Senate for instructions, and if we had forced the House to take a vote on the specific decontrols, I think we probably might not have had the difficulty with some of the controls that we now have.

Mr. TAFT. Mr. President, will the Senator yield to me? I should like to make one statement.

Mr. WHERRY. Very well.

Mr. TAFT. As I have stated before, we found that there was no choice except either to agree or to continue to disagree and do nothing. There was no way in which we could come back for instruction. There was no way, over the opposition of the House, by which the House could be made to vote.

Consequently, the question is a very simple one. This conference report provides the best terms we could make. The Senate is free to reject the report. Personally, I had great doubt whether to vote for it myself, but I decided to do so. That is the way the Senator from Nebraska can obtain the decision. If a majority of the Senate does not like the report, it has authority to vote it down. Under those circumstances, the conference report will be defeated, but we can request a further conference with the House of Representatives and can ascertain whether we can do better in working out the matter with the House.

Mr. WHERRY. I am in agreement with the Senator.

Mr. TAFT. So that is the question. After all, the question is not whether the conferees should or should not have done what was done, although, as I have stated, I think we did all that we possibly could do unless we wanted to present to the country and to the Congress a picture of the efforts breaking down entirely.

So if the Senate does not like this compromise, the Senate can vote against it, and can send it back for a further conference with the House.

Mr. TOBEY. Mr. President, will the Senator yield to me?

Mr. WHERRY. I yield.

Mr. TOBEY. The Senator from Nebraska has, if I understand the English language, impugned the good faith of the Senator from Ohio [Mr. TAFT]. I wish to say that I have been associated in the Senate with the Senator from Ohio since 1938. I have not always agreed with him. We have had different viewpoints on legislation, both national and otherwise. But I wish to pay tribute to him today. I do not rise in his defense, but I do rise to pay tribute to my colleague the Senator from Ohio as a man of great ability and a man of intellectual honesty. Whenever he takes a position, he is sincere in it, and he goes through with it.

I have served with him on two conference committees. I sat with him on hearings which lasted 5½ weeks. I say that BOB TAFT, of Ohio, has measured up to the highest standards of American citizenship and of statesmanship and of service in the Senate and in the conference committees. I resent the imputations which have been made against the work of BOB TAFT. He did his very best. I worked with him. We have

worked together on many matters. I affirm that he did the best job that it was possible to do.

I am very earnest in saying with all the sincerity of which I am capable that we did the best we could do, going through to the limit with no strings on us, trying earnestly to maintain the position of the Senate on the specific decontrols it voted.

Mr. WHERRY. Mr. President, I thank the Senator from New Hampshire for his contribution.

Mr. MILLIKIN. Mr. President, let me say that I did not sign the conference report. For a number of reasons, I did not do so. One of them was that I thought the House conferees outsat us and outmaneuvered us.

Another reason was that the result which we were asked to bring back to the Senate, and which we did bring back to the Senate, was, in my opinion, a complete reversal of the strongly expressed sentiment of the Senate on price decontrol.

I am not interested in these charges regarding personal motives, nor am I interested in whether the President will or will not be pleased with what we have done. But I did not sign the report because I thought we were outsat and outmaneuvered and that the report reversed the sentiment of the Senate.

Mr. WHERRY. I thank the Senator from Colorado dearly for those words.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. WHERRY. I shall be glad to yield the floor, unless the Senator wishes to ask me some questions.

Mr. RADCLIFFE. Mr. President, I most certainly am not going to trespass on the time of the Senate at this late hour. I merely wish to state what has previously been stated: namely, that the Senate and the House disagreed, and there was no possibility of having one yield to the other. Of course, the conferees on the part of both Houses could have disagreed, and the disagreement could have been reported to the respective Houses. But such a delay would have caused distress or, at least, confusion.

Then we tried to do what people usually try to do under such circumstances. We tried to ascertain some basis of agreement. That is what conferees are expected to do, and that is what they usually try to do.

I had the pleasure of offering an amendment by which each side made some concessions. I do not know how we can measure exactly whether the points the conferees on the part of the Senate yielded were larger than the points the conferees on the part of the House yielded; but there were substantial concessions by both sides, and then we agreed on the report. That seemed to be the orderly way to proceed. It seemed to be the only way we could proceed, and under the circumstances it was the best measure we could bring out.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BARKLEY. Mr. President, I do not care to delay a vote, but in view of the controversy which has arisen with reference to the conferees and the result of the conference, I wish to make a very brief statement.

We will all recall that in the first bill which the Senate passed, and which the President vetoed, there were inserted, on the floor of the Senate, certain decontrols, including decontrols over livestock, meat, poultry, dairy products, tobacco, and petroleum. They were practically the same decontrols as those which were contained in the bill which was passed later, except with reference to cottonseed and soybeans.

That bill went to conference. The House conferees would not yield on any of those specific decontrols, and in order to reach an agreement the Senate conferees yielded on them. When the conference report came to the Senate, all the specific decontrols in that bill had been eliminated. The conference report was adopted. There was some objection to the elimination of the decontrols, but there was nothing like the fuss which has been made over the provisions in the pending conference report. When House Joint Resolution 371, the pending measure, went to conference it had, in addition to the decontrols of the former bill, decontrols of cottonseed and soybeans.

When we got into conference we recognized, of course, that we could not ask the House conferees to yield on everything. They would not ask us or expect us to yield on everything. It must also be recalled that when the House passed House Joint Resolution 371 it merely continued price control as it existed on June 30, until July 20. That is practically all there was to it. So the measure that went to conference was the joint resolution as passed by the Senate which contained everything in the previous bill which had been passed by the Senate, except as to soy beans and cottonseed. It changed section 11 involving the so-called Taft and Barkley amendment.

When we reached the conference we met with the same situation as that which existed in the previous conference. The House conferees would not yield on the question of decontrols. They stood adamant. They held a private conference of their own and returned to us and reported that they would not yield to us. We sat from Tuesday until Saturday. We made no progress. We discussed whether we should report a disagreement to the respective Houses. In any event, whatever we did had to go back first to the House and be voted upon there. We had no power to compel the House conferees to take the matter back to the House for a vote. We recognized that, after all the efforts we had made, and after all the discussion we had had on the question of price control, it would somewhat discredit the Congress for the conferees to break up and admit that they could not get together on any kind of an agreement.

Late Friday afternoon a suggestion was made with respect to a compromise with regard to decontrol. We adjourned with the understanding that we would think it over. The next day we assemlbed at 10 o'clock in the morning and remained in session until 8 o'clock Saturday night and worked out this compromise. To say that the Senate was out-maneuvered or outplayed is not accurate, because practically everything in this conference report is the Senate measure which was a substitute for the joint resolution passed by the House.

Mr. MILLIKIN. Mr. President, will the Senator yield.

Mr. BARKLEY. I yield.

Mr. MILLIKIN. On the Friday night to which the Senator refers, the distinguished Senator from Maryland came in with a full compromise for decontrol which, had it stopped there, so far as I am concerned, would have been acceptable. But we were reversed in that formula, and in suffering that reversal we suffered a complete defeat in the view of the Senate so far as decontrol is concerned.

Mr. BARKLEY. Mr. President, I do not agree with the Senator from Colorado. We presented a formula to the House conferees which they would not accept, and then the two sets of conferees worked out what is now in the conference report.

Mr. MILLIKIN. Mr. President, will the Senator yield further to me?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. I have no crystal globe, and I cannot say it with certainty, nor can the Senator rebut with certainty what I am about to say, but it seemed to me that had we sat a little longer and remained adamant a little longer, or at least had we come back to the Senate for instructions, or had provoked a situation wherein the House conferees found it necessary to go back to the House for instructions, we could have come back to the Senate and said, "Gentlemen, we have done the best we can do and this is the best compromise we could reach."

I do not believe that we handled ourselves in such a way as to produce either a clean-cut expression of opinion on the part of the House, or a clean-cut expression of opinion on the part of the Senate.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. BARKLEY. Mr. President, whether we handled ourselves according to the standards by which the Senator from Colorado would like to have seen us handle ourselves, is a speculative question.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLIKIN. I did not sign the report.

Mr. BARKLEY. I understand that. Evidently we did not handle ourselves in a way which suited the Senator from Colorado.

Mr. MILLIKIN. Precisely.

Mr. BARKLEY. The Senator is correct.

Mr. MILLIKIN. Precisely.

Mr. BARKLEY. If we had handled ourselves as the Senator desired——

Mr. MILLIKIN. I would have signed the report.

Mr. BARKLEY. Yes; and I would not. [Laughter.]

Mr. RADCLIFFE and Mr. TAFT addressed the chair.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield, and if so to whom?

Mr. BARKLEY. I yield first to the Senator from Maryland.

Mr. RADCLIFFE. Mr. President, I wish to call attention to a matter which may not be of importance, but it is one of chronology.

The proposition which I brought forward was not brought forward on Friday, but 2 days previously. The first proposition submitted to the House was earlier in the week. It was turned down and another was tendered, which was modified, but the proposition which I suggested did not become acceptable. I want to emphasize that the conferees did not consider only one proposition for a few hours and then stop. The proposition which I presented was before the conferees in various forms for several days.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. I have studied considerably the parliamentary situation. We could not get the House to agree to disagree.

Mr. BARKLEY. No.

Mr. TAFT. We must first agree to disagree before the conferees will go back to the House. All we could do was to sit there and continue disagreeing day after day and throughout the week, and finally, as many conference committees have done, just pick up and quit. I do not know what we could have done except to agree on something and bring it back to the Senate. We had no other choice. We could not come back for instructions. There was no provision for it, nor could the House conferees return for instructions.

Therefore, Mr. President, I do not know what we could have done except to agree on something and bring it back to the Senate for the Senate to say yes or no. The Senate is now in position to do that. The Senate can say no and ask for another conference. But, because of the position which the majority of the House conferees took, we could have sat there until doomsday without accomplishing anything. I may say that I do not believe they were particularly anxious to get a bill. In fact, if the Senators want to know it, I am not at all sure that the President wants a bill. I want a bill. I think there should be controls to a certain extent, and, so far as I was concerned, I was willing to pursue the policy which would have made it possible for the Senate, at least, to get a bill or not get one. I think that the conferees on the part of the Senate took the only right course which they could have taken, namely, by submitting the best amendment we could get the House conferees to agree to.

Mr. BARKLEY. Mr. President, I agree with what has been said by the Senator from Ohio except that I disagree with his statement that the President does not want a bill. I do not believe that what the Senator has said is an accurate statement of the President's viewpoint. I know the President wanted a bill and still wants one. I still maintain, as I did in the beginning when I urged him to sign the other bill, that I have not changed my mind. But that is a different matter. The President exercises his authority under the Constitution, and we are here now with another bill. As I said a moment ago, we could not compel the House conferees to disagree.

Mr. MOORE. Mr. President, will the Senator yield?

Mr. BARKLEY. I will yield in a moment.

SEVERAL SENATORS. Vote! Vote!

Mr. MOORE. Mr. President, I wish the Senator to yield so that I may ask a question.

Mr. BARKLEY. I yield.

Mr. MOORE. The Senator from Kentucky has said that he believes the President will sign this bill. Does the Senator believe that this is a better price control bill than the one which the President vetoed?

Mr. BARKLEY. Mr. President, I said this morning, in my explanation of the conference report, that in my judgment, on the whole, it is a better measure than the bill the President vetoed.

I do not know that any word of commendation from a Democratic Senator would be welcomed by the Senator from Ohio, or would be of any value to him. Nevertheless, I wish to state for the benefit of his colleagues, if it is worth anything, that during these 5 days no man stood out more firmly and more vigorously for the terms of the Senate joint resolution than did the Senator from Ohio. But the Senator from Ohio, as all other Senators, must recognize the fact that when there is a fundamental disagreement between the House and Senate on important legislation, somebody must step forward at least a little in order that the two Houses may get together, and the Senator from Ohio, in working out this compromise, was constructive and broadminded, and he contributed to the possibility of an agreement of any kind on the legislation which now presents itself.

Now just one further word——

Mr. WILSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I am not going to yield any further to any Senator at the moment.

The PRESIDENT pro tempore. The Senator from Kentucky declines to yield.

Mr. BARKLEY. The Senate has a right to reject the conference report if it desires to do so, but I wish to state that if it should do so, it would take a great risk of there not being any legislation whatever.

It is a peculiar situation we face. Those who do not want any control at all are going to vote against the conference report, and apparently some of those who want more control than the joint resolution contains are going to vote against the conference report.

Mr. President, that presents a very grotesque bedchamber scene. It reminds me, if I may illustrate what I have in mind, of a story I heard not long ago, of an elderly unmarried lady who went into a furniture store and said to the clerk, "I have an old-fashioned double-bed, and I want to trade it in for twin beds."

"Well," he said, "that is an unusual request. What is the object?"

"Well," she replied, "I am an old maid, and I live alone, and every night before I retire I look under the bed to see if there is a man there. If I have two beds, my chances will be double." [Laughter].

Mr. President, I wish to say a word about the Decontrol Board. In the language of the joint resolution, we have set up what we describe as an independent board, a bipartisan board. Not more than two of the three members can be members of the same party. When we wrote into the proposed legislation the provision that it should be an independent Board, we meant independent; we meant that it was not to be an appendage of any other department.

The members of the Board are to be confirmed by the Senate. I feel certain that I speak the sentiments of the President, because, without quoting him, he has indicated his desire to appoint the best possible board that can be obtained, a board which will be independent, a board which cannot be charged with being a stooge of any department of the Government of the United States. It may depend upon the independence and integrity and ability and character of the Board, in the next period, whether the Board will be successful in operation or not.

Therefore, I am going to take the liberty to say that I do not believe anybody should be appointed to the Board who has at any time had any connection with the OPA, because no matter how outstanding or able or independent such a man might really be, if one were appointed who had had any connection in the past with the OPA, he immediately would be under the suspicion that in some way or other he had been appointed to carry out the policies of the old OPA.

I have no doubt that the President will appoint the best Board he can appoint. It is not easy to find men who will give up their business for a year, even under patriotic impulses, but I know the President will seek to find such men, and I hope he will find them, and will send their names to the Senate for confirmation before the Congress adjourns.

Mr. President, I hope the conference report will be agreed to because we need legislation, and if the report is not agreed to there is a grave risk we may have no legislation on the subject at all.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MOORE. Mr. President, I realize that we have been here considering this matter for 11 hours, and that is entirely too long. I think the exertion of such pressure is not justified, because of the importance of the matter under consideration. I could not let this opportunity go without expressing my views to the Senate as to what I think the legislation is going to do. I do not believe this question should be voted upon tonight, but I think it is going to be.

Mr. President, I am not conscious of ever in my life wanting anything more than that the American people be relieved from the reimposition of price control on them. I have no consideration whatever for the political repercussions in reference to it. As the Senator from Nebraska has said, I believe that this measure will strangle production. I believe that it is my duty to do everything I can to prevent the adoption of this proposed legislation, yet I am not naive enough to expect I can change any votes of the Senate, but I am going to do everything I can to that end.

I think, Mr. President, that the speech made today by the Senator from Nebraska [Mr. WHERRY] was one of the finest that has been made on this floor since I have been a Member of the Senate. If it does not change any votes, it will at least make those more uncomfortable who vote for the conference report. I hope at least it will have that effect.

I do not expect to devote very much time to my remarks, because I know that what I may say will not be welcome, but I wish to read, with my full approval, a statement made today by Arthur Krock as a special contribution to the New York Times. The article reads:

FACE SAVING ON OPA—SECOND CONTROL COMPROMISE POSES ACADEMIC AND POLITICAL ARGUMENT

(By Arthur Krock)

WASHINGTON, July 23.—There will be an argument, partly for face-saving purposes, as to whether the second legislative compromise on price controls is nearer to or further from the administration's position than the first one, which President Truman vetoed. The argument is academic as well as political because only the second can be put to the test of operation. But what is certain and demonstrable, if the bill becomes law, is that the administration will retain mechanical control of such price fixing as remains. And this means that, subject only to popular opinion and compliance, the measure can be used to supervise the national economy to the uttermost limits obtainable by elastic interpretations of its text.

This mechanical control is retained through the provision that over the Office of Price Administration there shall be a Board of Decontrol appointed by the President, who already has his own nominee, Paul Porter, at the head of the OPA. The Senate must consent to those chosen by Mr. Truman to be the three members of the Board before they can serve during a session of Congress. But in the event the Senate should reject one or all of those appointees, the President would still hold the upper hand for these reasons:

SENATE ACTION A KEYSTONE

Congress wants to adjourn next week or as soon thereafter as possible. If the Senate adjourns without acting on the nominations, or after rejecting one or more of them, Mr. Truman can then invest the same persons with the same duties by making recess appointments, which would be valid until the Senate meets again. In that period the administration could manage price control as it chose, subject only to the limitations of the act as construed by Government attorneys, also executive appointees.

The Senate, if a controversy over nominees should arouse its majority to that extent, could sit out a contest with the President, during which there would be no Board of Decontrol. But the will to adjourn makes this improbable. And then also, automatically, on August 21, controls would go back on meats, dairy products, grains, cottonseed and soybeans and their products, and the administration has been fighting hard for this restitution. The Senate might also, by rejecting one or more of the nominees for the board, persuade the President to substitute other names before adjournmnt. But that is about the only possibility that congressional influence can play any part in the mechanical control of price fixing for the remainder of the life of the OPA, and this part would be indirect.

PRESIDENT'S POWERS A FACTOR

This situation, which arises from the constitutional power given to the President to administer the laws passed by Congress, may explain why the new measure is being called acceptable by executives who opposed the first extension bill. It contains many of the sections which Chester Bowles called "crippling" and "booby-traps." It removes, for a period at least, controls on meat and other articles for which the administration fought long and uncompromisingly. Senator ROBERT A. TAFT, whose price-control ideas the President singled out for the major part of his attack on the former comprise, says that in large measure the latest version meets two of his most important objectives: Profit margins sufficient to restore production, and a single industry standard instead of an over-all standard. Moreover, the bill sets up the Board of Decontrol against the original wishes of the Administration.

But it leaves operation to the Executive and the power to appoint those who will do the operating. The discretion it does not invest in the Board it leaves to the OPA, another executive arm. If the President signs this measure, a part of the explanation is to be found in those provisions, for section by section the bill, as Senator ALBEN W. BARKLEY, the majority leader, prophesied is no better (from the administration standpoint) than that vetoed by the President. And, comparing these sections with various statements by Mr. Bowles, it is worse, as Mr. BARKLEY said it might be.

ECONOMIC CONTROL MAINTAINED

However, control over the national economy is maintained as a principle, and this condition is dear to the hearts of the New Deal social economists and the labor leaders with whom they are in political alliance. They appear also to have persuaded the President that, if after this bill becomes law, production spurts and price levels stabilize—even if they are higher—he can claim and get public credit for these results and for having prevented inflation by vetoing the former measure.

On the other hand, they have advised Mr. Truman, if the consequences are near the Executive predictions of what would follow any modification of the old law, he can hedge sufficiently in his message of reluctant approval so that Congress will get all the blame.

Mr. President, I have read that article with full approval. Notwithstanding that the majority leader the Senator from Kentucky [Mr. BARKLEY], has stated to the press today that the opposition to this OPA measure has broken down and that there will not be more than a few speeches made against it, we are here now until 11 o'clock tonight. Notwithstanding that the Senator from Ohio [Mr. TAFT] has said that there will not be more than 25 votes cast against it, I am still here urging the Senate to reject this measure.

Before I close, Mr. President, I am going to give the honor and the credit to a few people, from a diversified number of places in the country, by reading into the RECORD the statements contained in their telegrams which I have recently received. The first telegram I shall read comes from San Francisco, Calif. I have picked telegrams from various communities and dealing with various subjects:

SAN FRANCISCO, CALIF., *July 22, 1946.*

Hon. E. H. MOORE,
Washington, D. C.:

Understand that compromise bill makes no provision for rent relief. Without the Knowland amendment this industry is greatly prejudiced. Either rent should be included with all other commodities to cover increased costs or there should be a general 15-percent increase as has been allowed in most States and municipal remedial bills.

OWNERS AND LESSEES APARTMENT HOUSE ASSOCIATION,
CHARLES A. CHRISTIN, *President.*

Here is one from Minneapolis, Minn.:

MINNEAPOLIS, MINN., *July 23, 1946.*

Hon. E. H. MOORE,
Washington, D. C.:

OPA conference bill setting up super control board to be followed by Truman appointment of left wingers as members is a double-crossing trick repeating the board of review set-up in the 1944 amendments and would leave manufacturing industries subject to same illegalities and vicious practices as before. This is Paul Porter's evident reason for favoring conference bill. I urge rejection.

JOHNSTON MFG. CO.,
W. E. JOHNSTON, *President.*

Here is one from St. Louis, Mo.:

ST. LOUIS, MO., *July 23, 1946.*

Hon. E. H. MOORE,
Senate Office Building,
Washington, D. C.:

Dressed beef prices continuing considerably lower. This leveling of prices applies to wholesome federally inspected meats. Ample supplies available. Reenactment of any type of meat control provisions may prove official blessing to black market operators.

ST. LOUIS LOCAL MEAT PACKERS ASSN.,
A. F. CERSEN, *Secretary.*

Here is one from Columbus, Ohio:

COLUMBUS, OHIO, *July 22, 1946.*

Hon. E. H. MOORE,
United States Senate,
Washington, D. C.:

The new OPA bill is about the most muddled thing ever devised. If passed will leave the country in more confusion, just what is wanted by Socialists and Communists. If a business wants decontrol it will take four or five months or more to get a decision. No business can operate successfully under these conditions. Rent control should rest with the State, if national should contain a clause, local boards must make decisions within 30 days.

W. S. TAYLOR.

Here is one from my State of Oklahoma:

CHICKASHA, OKLA., *July 22, 1946.*

Senator ED H. MOORE,
Senate Office Building,
Washington, D. C.:

We hope conference OPA report will be defeated. Think the people should not be forced under a government by presidential appointees. We are entitled to a free market under a government of law.

M. E. HUMPHREY.

And here is a telegram from New York:

NEW YORK, N. Y., *July 23, 1946.*

Hon. E. H. MOORE,
Senate Office Building,
Washington, D C.:

You and 50 other Senators voted to adopt the Wherry amendment decontrolling dairy

products. You did this because you realized that impractical administration of controls over dairy products was rapidly curtailing production and denying to the consumer the right to purchase dairy products he wanted. We have now had 3 weeks with free markets and dairy products are readily available and prices are leveling. To again impose regulations on dairy industry would cause a chaotic condition, tremendous losses to dairy industry, and irreparable damage to small manufacturers of dairy products. We ask you to kindly continue your support in permanent elimination of dairy products from any revamped OPA legislation.

MIDLAND COOPERATIVE DAIRY ASSOCIATION,
WALTER PAGE.

Here is one from Oklahoma City:

OKLAHOMA CITY, OKLA., *July 23, 1946.*

Senator ED MOORE,
Senate Office Building,
Washington, D. C.:

It doesn't make sense that the cost of maintaining 35,000 OPA'ers for precinct workers in November will reduce prices. They should be fired now so they can find jobs producing something other than chaos and confusion.

W. E. AMEND.

Here is one from Fredericksburg, Va.:

FREDERICKSBURG, VA., *July 23, 1946.*

Hon. E. H. MOORE,
United States Senate, Senate Office Building, Washington, D. C.:

You and I both know food prices will level off quickly if Congress keeps OPA dead. A dead OPA means a dead black market. Revive OPA and you revive the black market. You cannot expect the producer of meat and food to expand while at the mercy of unreasonable controls, and most people know they have been unreasonable in the past. OPA sings a nice song that they will reform but we all doubt it. America was free. Do your duty and keep it free.

O. C. ZEICHEL.

Here is one from Chicago, Ill.:

CHICAGO, ILL., *July 21, 1946.*

Hon. E. H. MOORE,
United States Senate,
Washington, D. C.:

From what I read of compromise on OPA bill it looks like a "half slave and half free" proposition on commodities which should be completely free from price control. So far as petroleum industry is concerned it would retain power to restore price control in hands of Control Board and OPA, and certainly would deprive the industry of being restored to any semblance of running its own business under competitive principles of free economy as well as holding continual threat of recontrol. Another year of OPA price control under authority granted in compromise will in my judgment lead to utter chaos. It has been shown we can get along without OPA regimentation, and the longer it survives the more difficult it will be for the country to get back to an even keel. If they do not intend to reassert price-control powers, why give to this power-seeking group the authority which you know they seek to retain over our whole economy. I hope you will oppose this compromise as an economic monstrosity.

WALTER S. HALLANAN.

I have read these statements coming from men with whom I have slight, if any acquaintance. I assume that they represent the interests which they purport to represent.

Mr. President, the adoption of the conference report would reimpose complete price control and at the same time decontrol the price controllers. The conference report is a complete victory for the regimenters and a socialistic-minded administration, which is bent on giving the American people a permanent controlled economy. Through the press and by innuendo the President has thrown up a thin and obvious smoke screen to the effect that the bill will be signed reluctantly. The fact is—and any child knows it to be true—that the administration and its gang of regimenters are tickled to death with the legislation. They have far more latitude under this bill than they ever had under the original Price Control Act. It is a travesty upon justice, an insult to the legislative body, and a double-cross of the American people. When a small group of administration-controlled conferees can force through both Houses of the Congress a piece of legislation that neither House would have originally passed, then the legislative branch of our Government has broken down. Through scare propaganda, the threat of purges, and the threat of a veto, of which some Members of Congress are politically fearful, the conference report will be pushed through Congress, probably with a substantial majority, and the economy of this country will be held in the palm of the administration's hand, to manipulate as whim or fancy may dictate.

The standards set up in the act are no standards at all and would be immediately stricken down by any bona fide court. The tragedy of the situation, however, is that we do not have a court to which an appeal may be made. The present Supreme Court would find the unlimited authority delegated to the price controllers in this act a perfectly legitimate legislative act. The fatal day is put off until August 20, which simply means more and greater confusion in the meat and dairy industries and all allied business. Likewise the uncertainty and confusion will continue in the petroleum and tobacco industries. If we are to submit to a controlled economy, then why do we not frankly put the controls back on now and end the uncertainty, because everybody knows, under the standards set up, what will happen?

The administration is to appoint a Decontrol Board under this act that will have complete freedom of action, according to their own whim or fancy. What type of man do Senators think will be appointed to this Decontrol Board? If Chester Bowles and Leon Henderson are not proposed as members of the board, then others of the same type, character, and thinking will be proposed, and the Senate, as in the past, will approve them on the theory that they are personal appointees of the President; and if they have not actually been convicted of crime they will be confirmed.

Meat, poultry, and dairy products were relieved from price control by one vote less than a 2-to-1 majority. That was the considered judgment of the Senate, after long and careful deliberation. It was the considered judgment of the Banking and Currency Committee when the bill that the President vetoed was written. It was the judgment of the Senate Committee on Agriculture and Forestry. It was the unanimous judgment of the meat, cattle, dairy, and poultry industries. It was the judgment of an overwhelming majority of the people of the United States. But, of course, it was not the judgment of the regimenters and the administration which, as I have said before, is a captive of the CIO-Communist front. Yet I anticipate that a majority of the Senate will meekly and humbly submit to the demand of an administration that has already proved itself wholly incompetent in every respect.

The standards by which these industries are to be returned to the black marketeers are:

First. That prices have risen "unreasonably" above the unfair and unreasonable prices that were in effect on June 30, 1946. What is "unreasonable"? "Unreasonable" is anything that the administration decontrol board may say it is.

Second. When the commodity is in short supply and its regulation is "practicable and enforceable." What does that mean? Can the majority leader or any other Member of the Senate say what is meant by "short supply" or what the administration decontrol board will determine is short supply?

Does it mean domestic consumptive demand? Does it mean the backlog of supplies that are on the farms, in the warehouses, and on the counters of the country? Is our obligation that we have assumed to feed Communist Europe and Asia to be included in this consideration? Then what is "practicable"? The practicability of price control, and we all know this to be true, will depend upon the whim or fancy of this administration-dominated Board; and is there anyone who does not believe the administration is in full sympathy with the idea of having a permanently controlled economy?

Third, that the public interest will be served by recontrols. Has this Senate forgotten that it is the constitutional duty and obligation of the Congress to determine what is in the public interest? Are we now to delegate that exclusively legislative function to an appointive Board that we know will be made up of starry-eyed crackpots like Henderson, Bowles, and Porter, or perhaps Rosenman?

Who is this fellow Porter who is to run our controlled economy? He is a young advertising man who managed the publicity campaign for the New Dealers in the last campaign and was paid off by being given a job in the Federal Communications Commission. Now, because of his knowledge of publicity propaganda and mass-selling tactics, he is given the job of managing the economy of the whole country. What industrial experience has this fellow ever had that would qualify him to understand the mechanism of free enterprise?

In the first place, he does not believe in the principles of free enterprise. He does not believe in the law of supply and demand, and he frankly told the Senate committee that he was in the business of causing the law of supply and demand not to work. His predecessor, from whom he took lessons in the art of regimenting the people, has frankly said that

we can no longer depend upon traditional methods in this country, and that we must return to and continue the controls imposed upon the people during the emergency of war.

Mr. President, let no one be fooled by this act. It is exactly what the price controllers want. The President is tickled to death with it, and he will sign it the minute it hits his desk; and then the New Deal will be back in partnership with the black market, just as it has been in partnership with the labor racketeers, and just as some of the New Dealers went into partnership with the war-contract crooks during the war. And then the American people will again be shackled with the chains of regimentation, and our country will continue on the same road that brought ruin and destruction to Germany and Italy.

Now is the time for liberty-loving Americans who cherish the Constitution and believe in our form of government to take a stand. We have taken many steps down the road to destruction. A few more steps such as this will be fatal, not only to those who resisted it, but to all those who supported it, as well, because when collapse does come and production bogs down and the inflation spiral gets out of hand because of lack of production, the regimenters and the controllers will be consumed, just the same as the other people.

Some of the supporters of OPA point to the inflation in China and the inflation in the Communist-dominated countries of Europe as examples of the inflation that threatens us. Do they not know that the inflation that is consuming those countries has been brought on because of the kind of government under which those countries labor? Do they not know that it is the stoppage of production that has caused it? Do they not realize that the inflation is the direct result of regimentation of the people in those countries? The same people who now support a controlled economy for the United States have been the beneficiaries of our form of government. Their standards of living have been raised above those of all other peoples of the world because of the constitutional freedom of our business enterprise. They should understand that these principles, and only these principles, will bring back to America the stability of economy that means the happiness and the well-being of all of our people, and incidentally, of all the other peoples of the world.

Mr. BALL. Mr. President, I wish to take just a few moments to read an editorial which appeared in the Washington News of July 19. The editorial expresses very well and a little humorously my own good faith in the American consumer's ability to take care of himself without having Paul Porter or Chester Bowles hold his hand 24 hours a day. I have not been greatly concerned over the controversy as to whether the conference report is good, bad, or indifferent, because I am against the continuation of OPA in any form, shape, or manner. So regardless of whether the conference report is good or bad, I am against it.

The editorial reads as follows:

THEY COULD BE WRONG

Back in the intimate recesses of Washington's cocktail lounges the small-fry President-makers speak of long-term strategy. It goes something like this:

Forget about OPA. Let prices skyrocket. Let the consumers get a bellyfull. They will then be in a mood for some real planned economy. That will be the clear-cut issue to elect a President in 1948.

This newspaper will do its best to avoid crystal gazing, but there are signs, however inconclusive, that these serious-minded and self-appointed architects of a new day may have their blueprints balled up.

Such signs as, for instance, strong resistance to rising prices dating from the end of OPA, including Wednesday's break in poultry quotations, Thursday's drop in Chicago livestock prices, reductions in butter prices when Mama refused to pay 90 cents to a dollar a pound, a note in the Wall Street Journal that big retailers are beginning to worry about getting stuck with high-cost inventories, ads offering much-wanted goods at less than OPA prices, and so on.

It is basic in the philosophy of one type of liberal that the American consumer is a poor, forlorn lug with no spunk and less sense. If you don't hold his hand on the way to the grocery, he'll blow the roll on a pack of gum, with nothing left for such necessities as rent, gin, hamburger, nylon hose, and thin little books about the wonderful world of tomorrow.

It could be that these liberals are right. If so, they may have something in this argument for a totalitarian planned economy as a desperate measure to save this American fool from his folly.

But even assuming the necessity, there is reason to fear that their cure may be at least as bad as the disease.

For planned economy requires planners—and planners, as well as consumers, may sometimes be mistaken.

Recall, for instance, the assumption that depression would follow the war's end. Unemployment would be 8,000,000 up. Disastrous deflation was on the way. So the plan called for wages to be forced up abruptly to provide "purchasing power" in this new 1933. The idea that wages had anything to do with retail prices was brushed aside as a mere detail. Get away boy, you're bothering me.

Instead of deflation we got inflation. Instead of unemployment we actually have labor shortage in many spots, men's clothing for instance.

The tendency toward runaway prices, which started well before the end of OPA, may be attributed, at least in major part, to this just slightly cockeyed plan.

We do not share this "liberal" low opinion of the American consumer.

We dislike to view this consumer as a digit in a Government book of statistics. We prefer to personify her in the form of Mama, pay check in one hand and market basket in the other.

It is risky, we think, to assume that Mama is fool enough to pay whatever is asked. In the first place she is limited by Papa's pay check. In the second place, even if she had the money, her pride would prevent her from playing sucker.

Mama is the person the Washington storekeeper had in mind when he explained to a reporter why he still didn't have any meat.

"Meat at that price?" said the storekeeper. "I won't fool with it. My customers wouldn't stand for it."

Multiply Mama by a few million and you have what an economist might term a "strong anti-inflationary influence." Your merchant, your manufacturer, your farmer are a lot more scared of Mama than they ever were of Chester Bowles or Paul Porter.

And if Mama and her tribe, who constitute the American people, are such fatheads as these liberals think, how did we ever do so well in the days before planned economy got into the language?

How did we ever cut down the trees, build the homes, farms, and factories which made us big and strong to lick Hitler, arm and feed the world?

If the country has lost the spunk and common sense which made it, may the Lord help us. We doubt if these long-term planners can.

We are not, as we said, going into the predicting business, but we think there is some slight justification for the belief and hope that these cocktail-room strategists may be wrong—again.

SEVERAL SENATORS. Vote! Vote!

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. WILLIS. Mr. President, I cannot allow this issue to come to a vote without associating myself, at least for the RECORD, with the Senators who have this day fought so valiantly for the restoration and preservation of the American free way of life.

Only 3 weeks ago we got out from under the baneful influence of the OPA. A great deal of relief was felt throughout America, and for the 3 weeks, during which we got along without the OPA, I must say that we did a very good job. We have seen returned to our tables those things which had been missing for a long time, and we have seen evidences of a feeling of great relief on the part of the American people. Tonight we are deciding the issue of whether, on the 20th day of August, we are automatically to return under the same controls, and under the same system of regimentation and restrictions on the American people which has existed so long.

Mr. President, I am opposed to the adoption of the conference report because of several reasons. First, by adopting the report we will tell the people of America that we have lost faith in their ability to discipline themselves, despite the fact that for 3 weeks they have demonstrated that they can discipline themselves in a very creditable manner.

Second, the conference report provides for an average productivity ability in America. We are asked to see that the American people shall be placed on an average economy instead of telling them to go ahead and produce at full speed the things which are needed in order to stop inflation and meet the needs of the American way of life.

Mr. President, I am opposed to the conference report because it freezes again upon the National economy the inequities, the injustices, and the uneconomic practices which have stymied production, hindred business, and denied the American people goods which they so much need and to which they are entitled.

I am also opposed to the conference report because, under it, in 3 weeks we will again be forced to live not under the institution of law but under the rule of boards and bureaus, a procedure which

is poison to the American way of life and which we must get rid of if we ever wish to restore the well-balanced economy which has made America prosperous and happy.

I am further opposed to the conference report because it says, in effect, to the people of the Nation that they are not able to discipline themselves, and must put themselves under the guardianship of men who have given no demonstration of ability to conduct the business and affairs of the American people better than they themselves can conduct them.

Mr. President, in the few words which I have uttered, I want the RECORD to show my reasons why I shall vote to return this report to the conference committee and ask that they bring back one which is consonant with the wishes of the American people.

Mr. McCLELLAN. Mr. President, tonight the Senate is confronted with the necessity of making a very difficult and a very serious decision. This is no occasion for us to try to favor this one or that one, or someone else. But, as we vote tonight we must try in all seriousness and sincerity to do, under the circumstances and under the issue which is presented to us, what is best for the great group of Americans whom we strive to represent.

Mr. President, from the time the issue arose I have felt that during the transition and reconversion period there was the need for authority in connection with the establishment of ceiling prices which would serve the best interests of America. For that reason, I have favored a measure of controls.

The price-control law, under which we operated during the war was to terminate and did terminate on June 30. With that fact confronting us, there developed in America two divergent viewpoints. There were those who thought that all the rigid controls of the war should be continued for some time at least, and I believe that some thought such controls should be continued indefinitely. There were those who thought that there should be no controls whatever, and that we should immediately revert to the American system of free enterprise without any controls.

Mr. President, between these two extremes I have tried to find a sound course, and I believe there is one. Without any controls at all during the reconversion period there would be those who would take full advantage of the situation. If I wanted to be specific I could cite rents. If we take off all controls from rents there are many persons who will take advantage of the free opportunity to impose intolerable hardships upon tenants by raising rents to extortionate levels in order to get rid of tenants who were undesirable, or purposely for the opportunity to gain and to make profit.

Mr. President, there are many issues before us in connection with the pending joint resolution which might very well lead us to vote for no controls at all and yet serve the interests of the country, but, in my judgment, we cannot abolish controls over rents and allow rents to go unchecked so that any landlord who may desire can raise them to any level he wishes.

There are many things which, if the prices go too high or become unreasonable, the consumer or user can do without. But that is not true with reference to shelter. Today there is not an adequate supply of shelter, of housing, of facilities for living quarters for Americans. We all know that to be so. It does not exist, and I know, as every other Member of the Senate knows, that it will not exist tomorrow. Supplying housing is a program which will take perhaps a year, and when I say a year, I think I am being most conservative. I think it will take possibly 3 or 4 years, under favorable conditions, to supply the housing and living quarters needed to meet the demand. That is a reality. It is not an exaggeration or an extreme statement. During that period, in justice to every American, and certainly in justice to our servicemen who went away and fought the battles of democracy and made the sacrifices on foreign soil, there should be a continuation of rent controls.

I do not believe that rent controls should be held at the level at which they were originally established in every case. I think that the increased cost of maintenance and other conditions warrant some allowance, and I would feel we were fully justified in enacting a provision of law which would authorize the making of some allowance for the changed conditions with respect to rental values.

I have no interest in landlordship. The only buildings I owned did not have the rents raised during wartime. They were commercial buildings, and I might have raised the rent at any time. The point I am trying to make is that, although there may be the authority in this instance to raise rents, we are not justified in doing it simply because there is the authority. Though we may not be justified, there are many who, with or without justification, would take advantage of the opportunity to do it.

Therefore one of the principal reasons why I shall vote for the conference report is that rent control is involved. I shall vote for the conference report, but passing from that, I wish to comment about some other features of the measure.

Throughout the tortuous course of this legislation there has been a great fight to decontrol certain commodities and certain foods and other things which are essential to the life of the individual citizen. In the past in the case of most of the basic foods of the country we have always operated on the basis—and it is true of any democracy—of the law of supply and demand. Today we are trying to regulate and control and place ceilings on many commodities which are vital to the life and to the existence of Americans.

At the time price control ended, at the time the law expired, and at the time Americans, as many would say, were set completely free to proceed under the law of independent enterprise and free enterprise and the law of supply and demand, there were a great many supplies, a great many food products, which were not on the market for the average citizen. People might walk into the grocery store and ask for butter, or they might ask for steak, or they might ask for bacon, or something else, but under the ceiling prices it was not available to the legitimate buyers; it was not available in the legitimate market. Since controls have been removed and since OPA died, as every Member of the Senate knows, the truth is, and it cannot be refuted, that as the opportunity was given the markets were supplied. The goods were there. They were at a little higher price, and everybody knows that, because we had to take into consideration the fact that subsidy ceased, and that prices of foods which had been subsidized would naturally rise at least to the point of the subsidy.

Mr. President, I shall support the conference report, and I hope the results flowing from it will not be as bad as some seem to fear. What we are trying to do is to prevent inflation and prevent prices of the necessities of life from getting out of control. Under OPA we had rigid controls. We had controls which were arbitrary and under which the average man—and we hear a great deal about the common citizen—did not have butter on his table and could not buy steak. The common citizen was the one who was handicapped. But, Mr. President, the millionaire, the man who had plenty of cash, could go into any night club anywhere in America, in Washington, D. C., or any place else, and get the choicest steak, and it was not a steak which was bought at OPA ceiling prices, and everyone knew it.

In the war period we all agreed that controls were necessary. Although they caused injustices, yet we were fighting a war which we were determined to win, and controls were fully justified. But in that transition period back to something like normalcy, I feel there should be practical sense applied to any sort of controls. When I say that I mean that I believe—and want to make the statement emphatic for the record—that under the Price Control Administration as it existed at the time the OPA expired, price control was not responsive to practical application at all, but was absolutely arbitrary and was never used or administered to bring about decontrols, but instead was operated and administered for the sole purpose of perpetuating eternally economic controls in America. For that reason, Mr. President, I have not agreed with Mr. Bowles, who was the Administrator of OPA and later Stablization Administrator. I believe that his philosophy was directed toward the perpetuation of OPA and not towards decontrol.

This measure provides for a Decontrol Board. I am voting for it in the hope—and I emphasize the statement—that decontrol means decontrol. I do not mean decontrol without justification, but I mean decontrol where justification is manifest and the reason for it establised.

Mr. President, I believe the administration owes to the American people simple honesty. If we can have simple honesty, and let decontrols as they are justified become operative and established, I predict, Mr. President, that in

less than a year, we will be back to the system under which Americans are Americans; that we will have free enterprise, that fair prices will be fixed by those who want to sell which will be accepted by those who want to buy, and if prices are too high and if those who have goods to sell want to sell them at prices that the public will not pay, they will encounter such sales resistance as will compel them to reduce their prices. That is the American system, and I hope we will return to that system.

Mr. President, there is one compelling need for control—if I did not think so I would vote against the conference report—but I think it is compelling because I think the home is the most important thing we have to consider in connection with this measure, a place in which to live, in which to find shelter. That is something we cannot ignore in considering the measure. We cannot brush that point aside. If the conference report is defeated there will be no controls over rent, there will be no controls over housing. I believe we ought to have some controls over rent and housing. I do not say that the present ceiling is right. I think it is wrong. I think many injustices are done to landlords and I think such injustices ought to be corrected, and that we ought to legislate to correct them. I voted for an amendment to the previous bill which would make some allowances and increases. It was not the kind of amendment I would prefer to see adopted, but it was one which gave some consideration to this subject. Yet at the same time, I am not taking up the cudgels for the landlord as such, or as a group, because I know many landlords who, if we should throw the doors wide open, would become extortionists and use their position, and their power and their ownership to become exacting, to be almost cruel to many of their tenants, and I do not want such a thing to occur. I want to keep reasonable controls over this absolute necessity of life.

Mr. President, we are trying tonight to reenact some form of a price-control law. The success of this law and the efficacy of it in the end will not be determined by the vote we cast here tonight. We may pass the measure, and I assume we shall do so, but, the test of this law is not in what Congress does. The test of it is in how it is interpreted and construed, and administered. I want the RECORD to show that, because this measure is so complicated, there is not a Senator on the floor who knows exactly what it means. I challenge any Senator to stand up and to tell me and the American people that he knows exactly what the measure means.

So it will have to be interpreted. We are hoping. We are trusting. We are trying to do something right. We are trying to do the best we can under the circumstances for the American people. I know that to be true as I vote for it. I know that in its interpretation by the administrative agency of the Government, and in its actual application after we pass it, it may prove to be not a boon to our economy, not a measure which may bring order out of chaos, but an implement which may be used to produce greater chaos and more disrespect for OPA and for price control. There is a great deal of disrespect today for OPA, and it is the result of arbitrary powers and unreasonable and irrational construction placed upon the Price Control Act.

Mr. President, I am a Democrat. I want my party to endure and to be successful. But whether a Senator be a Democrat or a Republican, I believe that any Member of this body owes conscientious expression to those whom he represents.

Mr. LUCAS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. McCLELLAN. I yield.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LUCAS. I have been in and out of the Senate Chamber during the day. Is there any understanding as to the time when we shall vote upon the conference report?

The PRESIDENT pro tempore. None whatever. We have passed the hour of 12 o'clock; and if the Senator wishes to know what the Chair thinks, in the opinion of the Chair we have only started.

Mr. McCLELLAN. Mr. President, in conclusion let me say that I realize that the Members of the Senate are weary. They have very diligently and honestly sought a solution to this serious and trying problem. The hour is late. I regret that I have spoken for so long; but, I am sincere. The efficacy of the measure we are about to adopt will depend—and I say it with all the emphasis in my soul—upon the integrity, honesty, and intelligence of those who administer it. I hope that ultimately it will be administered for the best interests and welfare of America.

The PRESIDENT pro tempore. The question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REVERCOMB (when his name was called). I have a pair with the Senator from Wyoming [Mr. ROBERTSON]. If he were present and voting, he would vote "nay." If I were at liberty to vote I would vote "yea."

Mr. THOMAS of Utah (when his name was called). I have a general pair with the Senator from New Hampshire [Mr. BRIDGES], who if present would vote "nay." I transfer that pair to the Senator from Montana [Mr. WHEELER], who if present would vote as I intend to vote. Being at liberty to vote, I vote "yea."

The roll call was concluded.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Montana [Mr. WHEELER] are necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from Arizona [Mr. McFARLAND] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

On this question the Senator from Wyoming [Mr. O'MAHONEY], who would vote "yea" if present, is paired with the Senator from Iowa [Mr. HICKENLOOPER], who would vote "nay" if present.

If present and voting, the Senator from Florida [Mr. ANDREWS], the Senator from Missouri [Mr. BRIGGS], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from Idaho [Mr. GOSSETT] would vote "yea."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent. He has a general pair with the Senator from Utah [Mr. THOMAS]. If present he would vote "nay."

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine Independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Wyoming [Mr. ROBERTSON] is absent by leave of the Senate.

The Senator from Iowa [Mr. HICKENLOOPER] has a pair on this question with the Senator from Wyoming [Mr. O'MAHONEY]. If present the Senator from Iowa would vote "nay," and the Senator from Wyoming would vote "yea."

The result was announced—yeas 53, nays 26, as follows:

YEAS—53

Aiken	Hayden	Morse
Austin	Hill	Murdock
Barkley	Hoey	Murray
Brewster	Huffman	Myers
Burch	Johnson, Colo.	Overton
Byrd	Johnston, S. C.	Radcliffe
Carville	Kilgore	Russell
Connally	Knowland	Smith
Cordon	La Follette	Stanfill
Donnell	Lucas	Stewart
Downey	McCarran	Swift
Eastland	McClellan	Taft
Fulbright	McKellar	Taylor
George	McMahon	Thomas, Utah
Gerry	Magnuson	Tunnell
Green	Maybank	Wagner
Guffey	Mead	Walsh
Hart	Mitchell	

NAYS—26

Ball	Bushfield	Gurney
Bilbo	Capehart	Hawkes
Brooks	Capper	Langer
Buck	Ferguson	Millikin

Moore	Thomas, Okla.	Wiley
O'Daniel	Tobey	Willis
Pepper	Vandenberg	Wilson
Reed	Wherry	Young
Shipstead	White	

NOT VOTING—17

Andrews	Ellender	Revercomb
Bailey	Gossett	Robertson
Bridges	Hatch	Saltonstall
Briggs	Hickenlooper	Tydings
Butler	McFarland	Wheeler
Chavez	O'Mahoney	

So the conference report was agreed to.

Mr. BARKLEY. Mr. President, I move that the vote by which the conference report was adopted be reconsidered.

Mr. CONNALLY. I move to lay that motion on the table.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

AMENDMENT TO RAILROAD RETIREMENT ACTS, ETC.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, being the bill (H. R. 1362) to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes.

ADDITIONAL REPORT OF A COMMITTEE

Mr. FERGUSON, from the Committee on the Judiciary, to which was referred the bill (S. 2456) to provide for the reestablishment of the United States Employees' Compensation Commission with the same functions which it had prior to the time reorganization plan No. 2 became effective, reported it without amendment, and submitted a report (No. 1831) thereon.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. CONNALLY, from the Committee on Foreign Relations:

James Clement Dunn, of New York, now an Assistant Secretary of State, to be Ambassador Extraordinary and Plenipotentiary to Italy;

Harry F. Hawley, of New York, now a Foreign Service officer of class 2 and a secretary in the diplomatic service, to be also a consul general;

The following-named persons to be representatives of the United States to the second part of the first session of the General Assembly of the United Nations to be held in New York City, September 1946:

Warren R. Austin, United States Senator from the State of Vermont;

Tom Connally, United States Senator from the State of Texas;

Arthur H. Vandenberg, United States Senator from the State of Michigan;

Mrs. Anna Eleanor Roosevelt, of New York; and

Sol Bloom, a Member of the United States House of Representatives from the State of New York.

The following-named persons to be alternate representatives of the United States to the second part of the first session of the General Assembly of the United Nations to be held in New York City, September 1946:

Charles A. Eaton, a Member of the United States House of Representatives from the State of New Jersey;

Helen Gahagan Douglas, a Member of the United States House of Representatives from the State of California;

John Foster Dulles, of New York; and

Adlai E. Stevenson, of Illinois.

Sundry persons to be Foreign Service officers, unclassified, vice consuls of career, and secretaries in the diplomatic service.

By Mr. McCARRAN, from the Committee on the Judiciary:

Harry E. Kalodner, of Philadelphia, Pa., to be judge of the United States Circuit Court of Appeals for the Third Circuit, vice Charles Alvin Jones, resigned; and

Donald A. Draughon, of Puerto Rico, to be United States marshal for the district of Puerto Rico.

By Mr. McCARRAN (for Mr. O'MAHONEY), from the Committee on Public Lands and Surveys:

Mastin G. White, of Texas, to be Solicitor of the Department of the Interior.

By Mr. FERGUSON, from the Committee on the Judiciary:

Theodore Levin, of Michigan, to be United States district judge for the eastern district of Michigan, vice Edward J. Moinet, retired.

By Mr. MURDOCK, from the Committee on the Judiciary:

Dan B. Shields, of Utah, to be United States attorney for the district of Utah.

CONFIRMATION OF FEDERAL TRADE COMMISSION NOMINATION

Mr. BARKLEY. Mr. President, there is only one nomination on the Executive Calendar, namely, that of Ewin Lamar Davis to be a Federal Trade Commissioner. As in executive session, I ask unanimous consent for the confirmation of the nomination; and if it is confirmed, I ask unanimous consent that the President be notified forthwith of the confirmation.

The PRESIDENT pro tempore. The nomination will be stated.

The legislative clerk read the nomination of Ewin Lamar Davis, of Tennessee, to be Federal Trade Commissioner for a term of 7 years from September 26, 1946.

The PRESIDENT pro tempore. Without objection, as in executive session the nomination is confirmed; and, without objection, the President will be notified forthwith.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon today.

The motion was agreed to; and (at 12 o'clock and 12 minutes a. m.) on Thursday, July 25, 1946, the Senate took a recess until 12 o'clock meridian the same day.

NOMINATIONS

Executive nominations received by the Senate July 24 (legislative day of July 5), 1946:

DIPLOMATIC AND FOREIGN SERVICE

Louis G. Dreyfus, Jr., of California, now Envoy Extraordinary and Minister Plenipotentiary to Iceland, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Sweden.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Lyde Houston Kelley, Black, Ala., in place of C. A. Austin, resigned.

Alice P. Prowell, Faunsdale, Ala., in place of A. M. Chambers, resigned.

ARIZONA

James N. Caretto, Bisbee, Ariz., in place of John Campbell, retired.

ARKANSAS

Gratia M. Vinson, Armorel, Ark. Office became Presidential July 1, 1946.

Thomas A. Morris, Tupelo, Ark. Office became Presidential July 1, 1946.

CALIFORNIA

Esther R. Globin, Al Tahoe, Calif. Office became Presidential July 1, 1946.

Cora A. Richardson, Camp Richardson, Calif. Office became Presidential July 1, 1946.

Maudelene M. Cleveland, Camptonville, Calif. Office became Presidential July 1, 1946.

Dorothy M. Barnes, Cazadero, Calif. Office became Presidential July 1, 1946.

Bettie B. Malcom, Cedar Glen, Calif. Office became Presidential July 1, 1946.

Hazel E. Gill, Costa Mesa, Calif., in place of H. E. Wilcox, removed.

Stella Sprague, Fulton, Calif. Office became Presidential July 1, 1946.

Mae L. Nowlan, Marshall, Calif. Office became Presidential July 1, 1946.

Gertrude A. Reilly, Philo, Calif. Office became Presidential July 1, 1946.

COLORADO

Ethel Dunn, Hesperus, Colo. Office became Presidential July 1, 1946.

CONNECTICUT

Herman W. Smith, Redding, Conn. Office became Presidential July 1, 1946.

FLORIDA

Theron J. Griffin, Bronson, Fla., in place of F. B. Marshburn, resigned.

James C. Russell, Islamorada, Fla. Office became Presidential July 1, 1946.

Lena R. Estell, Lady Lake, Fla. Office became Presidential July 1, 1946.

Jennie D. White, Rattlesnake, Fla. Office became Presidential July 1, 1946.

GEORGIA

Emma L. Johnson, Allentown, Ga. Office became Presidential July 1, 1946.

Helen W. Johnson, Denton, Ga. Office became Presidential July 1, 1946.

Effie L. Joines, Hartsfield, Ga. Office became Presidential July 1, 1946.

IDAHO

Hugh E. Detwiler, Stites, Idaho. Office became Presidential July 1, 1946.

ILLINOIS

Edith J. Hudson, Manchester, Ill. Office became Presidential July 1, 1946.

KANSAS

Sarah Elizabeth Belford, Andover, Kans. Office became Presidential July 1, 1946.

Vesa C. Bitner, Manter, Kans. Office became Presidential July 1, 1946.

Hazel M. Hedge, Oketo, Kans. Office became Presidential July 1, 1946.

KENTUCKY

Bessie Cundiff, Beech Creek, Ky., in place of R. M. McPherson, removed.

W. Everett Burdette, Lebanon, Ky., in place of S. J. Spalding, deceased.

LOUISIANA

Stella B. Wells, Benson, La. Office became Presidential July 1, 1946.

Esther S. Mistric, Leonville, La. Office became Presidential July 1, 1946.

MAINE

Blanche D. Lizotte, Fort Kent Mills, Maine. Office became Presidential July 1, 1946.

Donald L. Needham, Hebron, Maine. Office became Presidential July 1, 1946.

Herbert H. Hanscom, Ocean Park, Maine, in place of C. E. Hamlen, removed.

Hilda M. Bishop, St. Albans, Maine. Office became Presidential July 1, 1946.

Archie J. Laliberte, Stillwater, Maine. Office became Presidential July 1, 1946.

Jessie F. Greenleaf, West Boothbay Harbor, Maine. Office became Presidential July 1, 1946.

MARYLAND

Edward P. Ganley, Derwood, Md. Office became Presidential July 1, 1946.

MISSISSIPPI

Etta M. Huttenlocher, Fayette, Miss., in place of B. D. Corban, declined appointment.

MISSOURI

Gizella B. Homolos, Ilasco, Mo. Office became Presidential July 1, 1946.

Lorraine A. Luesse, Portage Des Sioux, Mo. Office became Presidential July 1, 1946.

Rosa L. Miller, Trimble, Mo. Office became Presidential July 1, 1946.

NEBRASKA

Forrest G. Pool, Colon, Nebr. Office became Presidential July 1, 1946.

NEVADA

Helen C. Thrasher, Gerlach, Nev. Office became Presidential July 1, 1946.

Helen Barnum, Logandale, Nev. Office became Presidential July 1, 1946.

NEW JERSEY

Mary M. Thorp, South Seaville, N. J. Office became Presidential July 1, 1946.

NEW YORK

Mildred E. Colegrove, Leonardsville, N. Y., in place of F. A. Howland, resigned.

Harry J. Pimstein, Loon Lake, N. Y. Office became Presidential July 1, 1946.

Ernest Beesmer, Olivebridge, N. Y. Office became Presidential July 1, 1946.

Betsy Vonder Osten, Shokan, N. Y. Office became Presidential July 1, 1946.

NORTH CAROLINA

Richard A. Job, Hatteras, N. C. Office became Presidential July 1, 1945.

John W. Bradshaw, Relief, N. C. Office became Presidential July 1, 1946.

OHIO

Anna L. Ward, Richmond Dale, Ohio. Office became Presidential July 1, 1946.

Pearl Guillozet, Yorkshire, Ohio. Office became Presidential July 1, 1946.

OREGON

Edith Dica Smith, Elmira, Oreg. Office became Presidential July 1, 1946.

PENNSYLVANIA

Earl K. McDaniel, Cooperstown, Pa. Office became Presidential July 1, 1945.

Carolina R. Mrowca, Oliver, Pa. Office became Presidential July 1, 1945.

George W. Lauck, Pine Grove Mills, Pa. Office became Presidential July 1, 1946.

PUERTO RICO

Rafael Carrillo Maldonado, Palmer, P. R. Office became Presidential July 1, 1946.

SOUTH CAROLINA

Ray C. Page, Sellers, S. C., in place of N. B. Watson, transferred.

TEXAS

Maud Swanner, Scroggins, Tex. Office became Presidential July 1, 1946.

WASHINGTON

Minnie S. Willms, Bridgeport, Wash., in place of T. M. Livingston, deceased.

Anna M. Stone, Dishman, Wash., in place of J. A. Bush, deceased.

June M. Kincaid, Elk, Wash. Office became Presidential July 1, 1946.

Mary J. Vanhoy, Glenwood, Wash. Office became Presidential July 1, 1946.

WYOMING

Mary M. Stanga, Diamondville, Wyo. Office became Presidential July 1, 1946.

CONFIRMATION

Executive nomination confirmed by the Senate July 24 (legislative day of July 5), 1946:

FEDERAL TRADE COMMISSION

Ewin Lamar Davis, to be a Federal Trade Commissioner for a term of 7 years from September 26, 1946.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 24, 1946

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, who art of all friends the nearest and of all teachers the wisest, we rejoice that when our minds are baffled and bewildered, and we wander in doubt and in darkness, we may find our refuge from fear and foreboding in the glad assurance of Thy continuing love and care.

Enrich our souls with a greater faith in Thee from whom nothing can ever separate and estrange us. Grant that with increasing tenacity of purpose we may lay hold of the glorious promise that they who wait upon the Lord shall mount up with wings as eagles, they shall run and not be weary, they shall walk and not faint.

We pray that we may also have a greater faith in one another. May human hearts become more sympathetic and enlarge with attitudes and feelings of good will toward all mankind. Hasten the day when the sinister forces and influences which create bitterness and strife among men and nations shall be submerged and supplanted by the kind and gentle spirit of our Lord and Saviour.

In His name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 4051. An act to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 74. Concurrent resolution providing for the printing of additional copies of the report of the Joint Committee on the Investigation of the Pearl Harbor Attack.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6702. An act to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944.

The message also announced that the Senate insists upon its amendment to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. O'MAHONEY, Mr. MURRAY, Mr. MAYBANK, Mr. REVERCOMB, and Mr. WILSON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 3748) entitled "An act to amend an act entitled 'An act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal,' approved May 29, 1944," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEWART, Mr. MAGNUSON, Mr. HAWKES, and Mr. BUSHFIELD to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to a bill and a joint resolution of the House of the following titles:

H. R. 2091. An act for the relief of Joseph E. Bennett; and

H. J. Res. 305. Joint resolution providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor.

The message also announced that the President pro tempore has appointed Mr. BARKLEY and Mr. BREWSTER, members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies:

1. Department of the Navy.
2. Department of the Treasury.
3. Department of War.
4. General Accounting Office.
5. National Archives (general schedule No. 4).
6. National Archives (general schedule No. 5).
7. Selective Service System.
8. Veterans' Administration.

EXTENSION OF REMARKS

Mr. PLUMLEY asked and was given permission to extend his remarks in the RECORD.

Mr. PLUMLEY. Mr. Speaker, a week or 10 days ago I was granted permission to include an article which I am advised by the Public Printer exceeds the limit allowed by the Joint Committee on Printing and will cost $240 to

print. Notwithstanding the cost, I ask unanimous consent that the extension may be made.

The SPEAKER. Notwithstanding the cost, without objection, the extension may be made.

There was no objection.

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include therein certain excerpts of speeches I have previously made. I understand there will be a slight excess beyond the limit allowed by the Joint Committee on Printing. Notwithstanding, I ask unanimous consent that the extension may be made.

The SPEAKER. Notwithstanding the excess, without objection, the extension may be made.

There was no objection.

Mrs. SMITH of Maine. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a speech I made before the National Federation of Business and Professional Women's Clubs in Cleveland, Ohio, on July 8, 1946.

The SPEAKER. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Mr. McCOWEN asked and was given permission to extend his remarks in the RECORD on the bill H. R. 6304.

Mr. CHIPERFIELD asked and was given permission to extend his remarks in the RECORD and include a short statement by William Green.

Mr. CARLSON asked and was given permission to extend his remarks in the Appendix of the RECORD.

Mr. CARLSON asked and was given permission to revise and extend the remarks he expects to make in the Committee of the Whole on the social-security bill and to include certain tables.

Mr. GRIFFITHS asked and was given permission to extend his remarks in the Appendix of the RECORD.

Mr. RICH asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial from the Bristol Courier of Tuesday, July 23, entitled "More Federal Jobs."

MORE FEDERAL JOBS

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, this article I insert in the Appendix, More Federal Jobs, I think it would be well for all to read. It certainly is timely now when we consider the fact that we have 2,848,000 or more people on the Federal pay roll. We have been adding to the Federal pay roll ever since the end of the war, when we should be releasing employees. We have been taking them off the Army and the Navy but adding them to the various departments of the Government. This is something the Federal taxpayers have got to stand. They must pay the bill; this will increase their taxes.

We have more people on the pay roll that are not necessary than any other organization with which I have had any association. If the Congress is going to continue to permit these bureaucrats to build up these organizations for expediency and political purposes rather than to fill honest needs for Government operation, it is about time the people of this country recognize that fact and send others here to look after their interests. They changed some in Oklahoma yesterday.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

PERMISSION TO ADDRESS THE HOUSE

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[Mr. McDONOUGH addressed the House. His remarks appear in the Appendix.]

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent to include certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MY VOTE ON THE ATOMIC ENERGY BILL

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, there are a few people who have been questioning my vote on the atomic control bill the other day. I voted "nay." The reason for that was simply this. I followed earnestly as I could and as intently as I could the debates here and after listening to them for two whole days I could not get any light on the subject. I did not hear anyone talking about it who did not admit that they knew little or nothing about the matter. The hearings indicated that every man who appeared before the committee had a different idea, and they came from the Army, Navy, and State Department. You no doubt remember each witness recalled changed their minds from day to day.

As a matter of fairness to myself perhaps I should have voted "present"; at the same time I thought it was better to retain control in the Army where it is located now, than to delegate it to a board appointed by some one and not knowing who might be appointed on the board. Then, too, the war has not been declared at an end. So I feel all right about my vote.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

THE HOUSING SITUATION IN CALIFORNIA

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, the housing situation in California is nothing short of desperate, especially for the thousands of veterans in our State. It is my belief Mr. Wyatt and the people working with him are doing an earnest, conscientious job. But evidently the program is not going forward as fast nor as smoothly as the needs demand. Material bottlenecks remain serious and in some instances at least veterans have not been given priorities which they need. Therefore I suggest that in the interest of seeing this housing program expedited with all possible speed it might be very well for the Special Committee of the House To Investigate Executive Agencies to conduct an investigation into this matter in the next few weeks.

Furthermore, Mr. Speaker, so far as I am concerned I am quite willing to see us stay in Washington as long as may be necessary to pass any legislation in this field that may be helpful. I believe that the Wagner-Ellender-Taft bill should have been passed long ago and that it would help materially in this whole housing problem.

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from California.

Mr. McDONOUGH. I thoroughly agree with the gentleman, but I do not know for certain whether there is an earnest effort being made because too many veterans have been denied priorities where there was every reason for them to be given priorities.

Mr. VOORHIS of California. Under such circumstances veterans never should be denied priorities in my opinion.

The SPEAKER. The time of the gentleman from California has expired.

GI TERMINAL PAY BILL

Mr. LYNCH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, to revise and extend my remarks, and include a letter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LYNCH. Mr. Speaker, yesterday the Senate passed the GI terminal pay bill, providing that payment shall be made in nonnegotiable bonds due 5 years hence. Some days ago we passed a similar bill providing that payment shall be made in cash, immediately.

Within the next day or two we will take up the legislative reorganization bill, which provides for a salary increase of $5,000 for Senators and Members of the House. If we finally adopt the Senate version of the GI terminal-pay bill—and I hope we do not—I suggest that serious consideration be given to the proposition that any salary increase of Senators or Members of the House be paid in nonnegotiable bonds due 5 years after the salary has been earned, just as the Senate has done to the GI's.

The SPEAKER. The time of the gentleman from New York has expired.

THE PALESTINE SITUATION

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I deplore the terrorism that killed and maimed the British as well as Jews in Palestine. The perpetrators must be punished. But it is important to understand the setting for the violence of a few fanatical desperadoes.

Britain left the suffering Jews nothing but despair and terrorism as its symbol. Britain seized the Jewish leaders, imprisoned 3,000 Jews, and raided the Jewish agency. The people became enraged and confidence was destroyed.

Britain dare not go down the slippery path of vindictive reprisals. Force only begets force.

It would be tragic if Britain used this catastrophe as a pretext to deny entrance of 100,000 Jews into Palestine. That would be visiting punishment upon the innocent. President Truman must continue to press for the admission of the 100,000. His plea is as just now as it was a year ago.

EXTENSION OF REMARKS

Mr. KOPPLEMANN asked and was given permission to extend his remarks in the RECORD and include an address by Hon. CLAUDE PEPPER.

Mr. BUCKLEY asked and was given permission to extend his remarks in the RECORD.

Mr. KLEIN asked and was given permission to extend his remarks in the RECORD and include a platform adopted at a convention of the Affiliated Young Democrats of New York State.

Mr. PATTERSON asked and was given permission to extend his remarks in the RECORD.

Mr. OUTLAND asked and was given permission to extend his remarks in the RECORD and include an editorial from the Washington Post of July 23, 1946.

Mr. TRAYNOR asked and was given permission to extend his remarks in the RECORD and include newspaper articles.

AMENDMENTS TO THE SOCIAL SECURITY ACT

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, the House consumed nearly 4 hours in the consideration of the railroad reorganization bill yesterday. The House will consume several more hours today on that same bill with opportunity to amend it. Promptly after that the House will consider the Social Security Act. This measure, Mr. Speaker, will affect 10,000 times the number of persons that the railroad reorganization bill will affect. It will have 10 times the effect on the economy of this country that a railroad organization bill will have, and yet they ask us to decide this issue without an opportunity to amend, with only 1 hour of debate on a "take it or leave it" basis.

Mr. Speaker, I hope the Members of this House will vote down the previous question and give us an opportunity to consider the social-security amendments, a measure of the most vital importance to all of the people of this country.

TERMINAL LEAVE PAY

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, I am very much delighted that the Senate passed H. R. 4051, known as the Rogers bill, granting terminal leave pay to enlisted personnel. The Senate amended the House bill by providing, instead of cash as we passed it here, for the payment in bonds. I hope that this House will not get into a tangle, even though we might want to make payment in cash, and in that way defeat this legislation. It is possible that the President might not be in a position to approve the bill if we absolutely insist on cash payment. I favor cash payment but will accept bonds rather than nothing.

I hope that the House will look at it in a reasonable way and pass this measure. The boys deserve it. Let us pass it.

EXTENSION OF REMARKS

Mr. GAVIN asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. ANGELL asked and was given permission to extend his remarks in the RECORD and include a short article.

Mr. PITTENGER (at the request of Mr. MICHENER) was given permission to extend his remarks in the RECORD and include three editorials and a newspaper article.

Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. CARNAHAN asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

ACTION ON WAGES AND HOURS ACT—DESIRED HOUSING LEGISLATION SHOULD BE ACTED ON NOW

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, on day before yesterday I called attention to the necessity, as I understood it, for this House to act in voting either up or down the amendment to the Wages and Hours Act of 1938, keeping in mind the fact that the Senate acted on this matter several months ago. The Senate has also passed general housing legislation, and I feel we should not recess or adjourn until both these matters are considered here.

Inadvertently the gentleman from Illinois [Mr. SABATH] said yesterday in a colloquy with the gentleman from Pennsylvania [Mr. BRADLEY] that the wages-and-hours legislation was still in committee. This measure is not in the Labor Committee. It was reported from the committee June 19, and a request was made on June 26 of the Committee on Rules to bring this legislation to the floor. I appeared with other members and urged that the bill be sent to the House. It is important to remember that at least 25 to 30 percent of our workers in manufacturing receive less than 65 cents per hour. With high living costs these citizens can barely meet obligations of existence. I just want the facts to be known to the Members of the House.

JOSEPH E. BENNETT

Mr. FERNANDEZ submitted the following conference report and statement on the bill (H. R. 2091) for the relief of Joseph E. Bennett:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2091) for the relief of Joseph E. Bennett, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the title of the bill.

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: Restore the matter stricken out by the Senate amendment with the figures in line 7, page 1, namely, "*$39,129*" stricken out and the figures "$30,000" inserted in lieu thereof, and the Senate agree to the same.

E. H. HEDRICK,
JOHN JENNINGS, Jr.,
Managers on the Part of the House.

JAMES W. HUFFMAN,
GEO. A. WILSON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2091) for the relief of Joseph E. Bennett, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The bill as passed the House appropriated the sum of $39,129 to Joseph E. Bennett, of Boston, Mass., in full settlement of all claims against the United States for losses sustained under contract (DAW 175–eng–22, dated September 5, 1941) in the construction of certain temporary buildings at the airport at Presque Isle, Maine, beginning in September 1941.

The Senate amended the bill conferring jurisdiction upon the United States Court of Claims, and at the conference the sum of $30,000 was agreed upon.

E. H. HEDRICK,
JOHN JENNINGS, Jr.,
Managers on the Part of the House.

Mr. FERNANDEZ. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 2091) for the relief of Joseph E. Bennett.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. FERNANDEZ. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Clerk read the statement.

Mr. FERNANDEZ. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

WILLIAM EDWARD OATES

Mr. FERNANDEZ submitted the following conference report and statement on the bill (S. 78) for the relief of William Edward Oates:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 78) entitled "An act for the relief of the estate of William Edward Oates," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the sum passed by the House, insert "$5,953"; and the House agree to the same.

J. M. COMBS,
E. H. HEDRICK,
W. A. PITTENGER,
Managers on the Part of the House.

W. LEE O'DANIEL,
GEO. A. WILSON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 78) entitled "An act for the relief of the estate of William Edward Oates," submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The bill as passed the Senate appropriated the sum of $6,453 to the estate of William Edward Oates, late of Birmingham, Ala., in full settlement of all claims against the United States for the death of the said William Edward Oates, who was killed when the motorcycle which he was riding was struck by a United States Army truck on United States Highway No. 31, near Montgomery, Ala., on December 2, 1943.

The House reduced the sum to $5,453, and at the conference the sum of $5,953 was agreed upon.

J. M. COMBS,
E. H. HEDRICK,
W. A. PITTENGER,
Managers on the Part of the House.

Mr. FERNANDEZ. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill S. 78.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Clerk read the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

[Mr. SABATH addressed the House. His remarks appear in the Appendix.]

TERMINAL LEAVE FOR ENLISTED PERSONNEL OF THE ARMED FORCES

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. MAY, THOMASON, BROOKS, ARENDS, and CLASON.

HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GEN. ALEXANDER PAPAGOS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a splendid telegram received by the Speaker from Gen. Alexander Papagos, whom the House honored recently when it took a recess in order that the Members might have the opportunity to meet him personally.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The telegram is as follows:

NEW YORK, N. Y., *July 24, 1946.*

The Honorable SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D. C.:

I wish to assure you, and through you all and each one of the honorable Members of the House of Representatives, that the high honor bestowed upon me in the glorious hall of the House of Representatives will never be forgotten. I am most grateful to you and to the honorable Members of the House. I will always treasure in my heart the cordial reception and welcome extended to me by you Mr. Speaker, as well as by your eminent colleagues and I assure you, that the Greek people hold in their hearts the glorious and great American Nation, which you so worthly and ably represent. The honors so generously bestowed by you and the House belongs exclusively to the Greek people and armed forces who are proud of having fought side by side with the gallant American forces in the two World Wars.

The Greek people will not forget the assistance given to them since their war of independence in the 1820's and the voice of the great congressmen and all the great Americans still ring in their heart. They also do not forget the help they received from the United States at any time, and during this last World War. Now on the occasion of the next Paris Conference, my countrymen cherish the hope, that the United States delegation led by an outstanding American, who already has defended the liberation of the Dodecanese Islands, will also insist for the award to Greece of northern Epirus, recognized as Greek since 1920 by your Senate's resolution of May 17, 1920, as well as for the ratification of the Greek-Bulgarian border line, to make Greece safe from any further Bulgarian invasion.

An invasion which was undertaken three times in the last 30 years. The Greek people are grateful and have faith in the glorious American Nation, champion of world liberty, and expects that its great leadership will inspire justice, throughout the world. Please accept my grateful thanks and highest regards.

Gen. ALEXANDER PAPAGOS,
Royal Greek Army.

PERMISSION TO ADDRESS THE HOUSE

Mr. BIEMILLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

[Mr. BIEMILLER addressed the House. His remarks appear in the Appendix.]

MINIMUM-WAGE LEGISLATION

Mr. SAVAGE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SAVAGE. Mr. Speaker, I hope we will stay in session long enough to pass some of the important legislation that is now pending that will help the people. We have taken care of almost every special interest in the country. The minimum-wage bill is badly needed. A person who gets only 40 cents an hour, $16 a week, cannot live and keep a family in decency with prices as they are now. We will probably raise our salaries by passing the reorganization bill; we have already raised the judges' salaries, the ambassadors' salaries, and servicemen's pay. I am not saying these raises should not have been granted, in fact I supported these raises, but what I am saying is that we should not stop raising wages until we raise these lowest-paid workers who naturally need it most. Let us be consistent and pass the minimum-wage bill. We need a few more signatures on discharge petition No. 34 to bring this bill out on the floor as the Rules Committee refuses to bring it out. The Rules Committee should have brought the bill out because that committee brought out the other salary raises. If this bill passes, it will create, it is estimated, as much as $12,000,000,000 additional purchasing power per year in America, and that will go a long way toward stabilizing our economy and maintaining prosperity. The Government would not have to do so much for the people if Congress would see to it that they have wages enough to do things for themselves. We should also pass the housing bill before we leave

here. We should not quit and go to our homes until we do the things necessary that will eventually provide other people, especially veterans, with homes to go to. These two bills have passed the Senate and it would be almost a crime to adjourn without passing them through the House.

SPECIAL ORDER GRANTED

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that after the disposition of business on the Speaker's desk and the conclusion of special orders heretofore granted I may address the House for 1 hour today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. MONRONEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial from the St. Louis Post-Dispatch on the able and distinguished services of the gentleman from Missouri, Representative JACK COCHRAN.

PATENT INFRINGEMENTS

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H. R. 5311, an act to amend Revised Statutes, 4921 (U. S. C. A., title 35, Patents, sec. 70), providing that damages be ascertained on the basis of compensation for infringement, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 1, strike out "decree" and insert "judgment."

Page 2, line 4, strike out all after "reasonable" down to and including "occurred" in line 7 and insert "royalty therefor, together with such costs, and interest, as may be fixed by the court. The court may in its discretion award reasonable attorney's fees to the prevailing party upon the entry of judgment on any patent case."

Page 3, line 9, strike out "decree" and insert "judgment."

Page 3, line 15, strike out all after "wrapper" down to and including "suit" in line 18.

Page 3, line 21, after "concluded", insert ": *Provided, however,* That pending causes of action in which the taking of the testimony has been concluded are to be governed by the statute in force at the time of approval of this act as if such statute had not been amended."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the amendment?

Mr. LANHAM. Mr. Speaker, this is a bill providing that damages be ascertained on the basis of compensation for infringement of patents. The bill was introduced by our colleague the gentleman from Wisconsin [Mr. HENRY] a minority member of the Committee on Patents. The Senate amendments do not interfere with the purport of the bill. There is a provision with reference to attorney's fees and how they shall be paid.

Mr. MARTIN of Massachusetts. It really is decreasing the attorney's fees?

Mr. LANHAM. It provides how they shall be awarded by the courts. It is purely a procedural amendment.

Mr. RICH. Mr. Speaker, reserving the right to object, may I ask the gentleman if the Committee on Patents is going to bring out the bill which was introduced extending the time of patents for servicemen who are in the Army so that they will have an opportunity to take advantage of their patent rights?

Mr. LANHAM. The chairman of the committee is absent from the city at this time. In spite of the many official matters demanding my attention, I am very anxious that a meeting of the committee be held and a bill along that line be reported.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. LANHAM]?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

SPECIAL ORDER GRANTED

Mr. REES of Kansas. Mr. Speaker, I have a special order for today. I ask unanimous consent that it be vacated and the time be granted me for tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ACCEPTANCE OF GRATUITIES BY EMPLOYEES OF WAR ASSETS ADMINISTRATION

Mr. FULTON. Mr. Speaker, I ask uanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FULTON. Mr. Speaker, I want to discuss briefly the War Assets Administration and the final order put out by the previous Administrator of the War Assets Administration on July 15. This order says, in part:

Officials and employees in all grades of the WAA are forbidden to accept social entertainment or other special favor from persons with whom they may transact business * * *. Every offer of such entertainment or favor to a War Assets employee will be declined with a courteous explanation that it is forbidden by these instructions—

Then the order also says:

though without any unfavorable implication with respect to the offer—

Now, rather than just have the refusal of any offered favor or bribe refused by the WAA employee, "without any unfavorable implication with respect to the offer," I think there should be a specific instruction in the order to turn such offer over to the Department of Justice for an investigation. Therefore, I ask the new War Assets Administrator who is just taking office to change this order quickly. Instead of such caution to avoid injuring the feelings of proposed law breakers, he should instruct the employees that it be turned over to the Department of Justice for investigation. The people will have greater respect for the departments of the Government if an uncompromising stand is taken in such orders.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

Mr. BLOOM. Mr. Speaker, I call up the conference report on the joint resolution (H. J. Res. 305) providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor, and I ask unanimous consent that the statement be read in lieu of the report.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. BLOOM]?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 305) providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 to 6, inclusive, and agree to the same.

SOL BLOOM,
JOHN KEE,
CHESTER E. MERROW,
Managers on the Part of the House.

JAMES E. MURRAY,
JAMES M. TUNNELL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 305) providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendments 1 and 6 relate to citizenship requirements. As the bill passed the House, it contained a restriction on citizenship, requiring that representatives and alternates to UNESCO must be American citizens and must have been such for at least 15 years. The bill also contained a restriction that members of the National Commission must have been American citizens for at least 5 years. The Department of State asked that these two provisions on citizenship be eliminated. The Department pointed out that it is extremely unlikely—probably impossible—that a recently naturalized citizen would ever be selected by this Government or by his fellow citizens as a spokesman for American education or culture. It was also pointed out

that any law which implies that a native-born citizen is superior to a foreign-born citizen, or that a citizen naturalized for 15 years is better than one naturalized for 5 years, is unsound law and is an unnecessary reflection on all citizens of foreign birth. In its present form the bill simply specifies that representatives, alternates, and members of the Commission be American citizens. The House recedes.

The second, third, fourth, and fifth amendments relate to the organization of the National Commission on Educational, Scientific, and Cultural Cooperation, as provided for in section 3 of the bill. It is felt that the changes made by the Senate represent a compromise between different plans presented and considered which are believed by many of the sponsors of the bill to be an improvement. The House recedes.

SOL BLOOM,
JOHN KEE,
CHESTER E. MERROW,
Managers on the Part of the House.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. RICH. How much appropriation are you going to ask for to carry this out?

Mr. BLOOM. Well, that has not been decided yet. I do not know exactly what it will cost.

Mr. RICH. Is Great Britain going to be a partner in this?

Mr. BLOOM. There are 14 nations that have already signed. There are 20 yet to sign before it goes into effect.

Mr. RICH. Is the money to be paid Great Britain to be paid out of the loan we gave them?

Mr. BLOOM. Oh, no. That has nothing to do with this.

Mr. RICH. They are going to have to raise the money somehow.

Mr. BLOOM. Then, they will try to raise it.

Mr. RICH. The money is going to come out of the taxpayers of America for our share.

Mr. BLOOM. Yes; and I will say they will get a great deal back in return.

Mr. RICH. I do not know what you will get except promises.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. MILLER of Nebraska. I would like to be clarified as to who can serve on the committee, as to citizenship.

Mr. BLOOM. There were many different plans proposed. Some wanted 20 organizations, some wanted 100, and some wanted 50. This is a compromise, and left it up to the State Department.

Mr. MILLER of Nebraska. Must they all be American citizens? Citizens of this country?

Mr. BLOOM. Citizens of this country. The limit of time of citizenship has been changed. That is all.

Mr. MILLER of Nebraska. What is the change in that regard?

Mr. BLOOM. The change is that they must be citizens but not for any specific number of years.

Mr. MILLER of Nebraska. I am very much concerned about the amount of foreign interference with our domestic economy. It seems to me the economy at home is being directed by people who are not citizens of America.

Mr. BLOOM. I think the gentleman is right. The committee has gone into that very thoroughly.

Mr. MILLER of Nebraska. I hope that is taken care of in this particular resolution.

Mr. BLOOM. It is.

Mr. MATHEWS. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. MATHEWS. Following the remarks by the gentleman from Pennsylvania [Mr. RICH], is it not a fact that the amount of this appropriation is entirely within the control of this body and is fixed?

Mr. BLOOM. Oh, no. The amount of the funds required is to be prorated, the same as with other organizations of the kind.

Mr. MATHEWS. But the proration is determined by a body outside of this Congress.

Mr. BLOOM. But there is a form and custom that has been followed for years.

Mr. MATHEWS. Whether it be form and custom, it is the fact, is it not?

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. Certainly.

Mr. RICH. If it is prorated, will we have to pay a third of the cost, the same as we did with Bretton Woods and the stabilization fund? Are we going to have to pay one-third of this?

Mr. BLOOM. No, no; not at all. It is a different situation entirely.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

RIGHTS OF FORMER OWNERS UPON REACQUIRING PROPERTY FROM THE GOVERNMENT

Mr. MANASCO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6702) to clarify the rights of former owners of real property who reacquired such property under the Surplus Property Act of 1944, with Senate amendments, disagree to the Senate amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. MANASCO, WHITTINGTON, HART, HOFFMAN of Michigan, and BENDER.

RAILROAD REORGANIZATION

Mr. SUMNERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 5924) to enable debtor railroad corporations, whose properties during a period of 7 years have provided sufficient earnings to pay fixed charges, to effect a readjustment of their financial structure without further proceedings under section 77 of the Bankruptcy Act, as amended.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 5924, with Mr. FORAND in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the first section of the bill had been read. It is now open to amendment.

Mr. KEEFE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I expressed my views in reference to this legislation yesterday, but I would like to have the attention of the sponsor of the bill, the gentleman from Illinois [Mr. REED], and the attention of the gentleman from Alabama [Mr. HOBBS] because I desire to ask a question which I wish to have answered in the RECORD as a matter of legislative reference when this matter is ultimately construed.

As I understand the situation, there was a reorganization of the Chicago & North Western Railroad Co., full and complete; also a reorganization of the Chicago, Milwaukee, St. Paul & Pacific Railroad, known as the Milwaukee road, full and complete, and the road turned back to its new security holders and new managers.

Under those circumstances, is there anything in this bill that in any way interferes with or changes the status of the present management of those two roads? I will ask the gentleman from Alabama first.

Mr. HOBBS. My answer is, sir, that my understanding of the status of the two reorganizations is that there is no hope for the North Western. There is for the Milwaukee. The gentleman from Illinois [Mr. REED], the distinguished author of this bill, is more familiar than I am with the details of those two plans.

Mr. KEEFE. I would like to have that question kept pretty clearly in mind because I understand that the plan of reorganization which reorganized the Chicago & North Western Railway Co. has been approved by the court, new securities issued, and the road is now being operated by the new security holders, is that correct?

Mr. REED of Illinois. The gentleman from Wisconsin is absolutely correct.

Mr. KEEFE. So far as that railroad is concerned this bill nor any of the proposed amendments do not in any way change the established and present status so far as the North Western is concerned?

Mr. REED of Illinois. It does not, and I do not know of any manner in which any legislation could be enacted which would change the status of the North Western.

Mr. KEEFE. As to the Milwaukee road I understand that the reorganization there has been completed, the order has been executed and signed by the district court, and that company is likewise back in the hands of the new security owners.

Mr. REED of Illinois. That company has been turned over to the new security holders. I understand there is a matter pending in the Supreme Court on a writ of certiorari in connection with some matters having to do with that reorganization, but the road has been turned

over to the new owners and new securities have been issued.

Mr. KEEFE. In connection with the writ of certiorari which has gone up to the United States Supreme Court in a matter involving this reorganization so far as the Milwaukee road is concerned, if the Supreme Court does not review and set aside the findings of the district court, then there is nothing in this bill that will in any way interfere with the management or the securities that have been issued, is that right?

Mr. REED of Illinois. That is correct.

Mr. KEEFE. And the stockholders of the Milwaukee road, like the stockholders of the Chicago & North Western, can look for no hope so far as this particular legislation is concerned?

Mr. REED of Illinois. That is right.

Mr. KEEFE. We find nothing in this legislation that will throw any glimmer of light to the stockholders of those two roads now that the reorganization plans have been approved and the roads have been turned back to their stockholder management under those plans?

Mr. REED of Illinois. That is right.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HOBBS. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with and that amendments may be considered at any point in the bill to which they are addressed. I make this request solely in the interest of economizing in time.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The balance of the bill follows:

SEC. 2. In effecting any such readjustment of financial structure, the debtor may proceed under any Federal statute or statutes providing for the relief of railroad corporations or under which such financial structure may be readjusted without resort to the provisions of section 77 of the Bankruptcy Act, as amended, and for jurisdictional or other purposes under any such statute or statutes, the debtor shall be considered as though it had not been involved in any proceeding or proceedings under section 77 of the Bankruptcy Act, as amended.

SEC. 3. The provisions hereof shall not limit or affect any rights which the debtor or any party in any such proceedings under section 77 of the Bankruptcy Act, as amended, may otherwise have to effect a voluntary readjustment of financial structure, or to a dismissal or discontinuance of proceedings pending under section 77 of the Bankruptcy Act, as amended.

SEC. 4. The provisions hereof shall not apply if at the time of filing the petition for reorganization under section 77 of the Bankruptcy Act, as amended, more than 90 percent of the outstanding voting stock of the debtor railroad corporation shall have been owned or controlled by another railroad corporation.

Mr. HOBBS. Mr. Chairman, after conferring with the gentleman from Pennsylvania [Mr. WALTER] and gentlemen on the other side, I would like to make this additional request: Since there is no opposition, as I understand it, to the nine committee amendments which had the unanimous approval of the Judiciary Committee and the authorization that they be offered as amendments to the Reed bill, I ask unanimous consent that these amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HOBBS. Mr. Chairman, I offer the nine committee amendments and I ask unanimous consent that the reading of them be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. CASE of New Jersey. Mr. Chairman, reserving the right to object, I do not know what these amendments are.

Mr. HOBBS. If the gentleman will allow me to make a very brief synopsis of them, it will answer his question.

In the first place, one committee amendment approved unanimously by the full Committee on the Judiciary would add as section 7 to the Reed bill, what we know as the Kefauver bill, in its entirety. That was the original McLaughlin Act which had been approved by the House, approved by the Senate, signed by the President, and had been the law for some years until, according to its terms, it expired by reason of the fact that the Senate did not enact as we did the Kefauver bill which extended the operation of that act. This engrafts it as section 7 into the Reed bill.

Similarly, the eighth amendment, to be known as section 8 of the Reed bill, adds the first seven sections of the Hobbs bill, which was passed by the House 350 to 1, and has been pending in the Senate for more than a year.

I believe there can be no possible objection to those two amendments, since the House is merely now engrafting them into the body of the Reed bill, and they are the two bills that have had unanimous approval or practically unanimous approval of the House, but both of these amendments incorporate the full bill as passed by the House except section 8 of the Hobbs bill does not now have application to the needy situation that has arisen because of the progress of reorganization in some of these roads we have left out section 8 of the Hobbs bill.

Aside from those two lengthy amendments the others are very short. There can be no objection at all, of course, after a most thorough study. For instance, the first amendment merely adds "within 60 days from the effective date of this act" meaning that application to proceed under the Reed bill should be filed within a reasonable time. They have 60 days after the adoption of this act.

The second amendment merely strikes out a comma, for the sake of proper punctuation.

Amendment No. 3 strikes out three lines on page 3 and inserts new provisions referring the case back to the Commission, that is, the ICC, in case no adjustment is effected within the 18 months allowed here. In other words, we do not want to leave the reorganization up in the air so far as the ICC is concerned if the remedial provisions of the Reed bill fail.

Amendment No. 4 strikes out section 4 and inserts a new provision to restrict holding companies, such as the Allegheny Corp.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The committee amendments are as follows:

Page 2, line 1, after "therefor", insert "within 60 days from the effective date of this act."

Page 3, line 3, after "Commission", strike out the comma.

Page 3, line 16, after "directing that the", strike out "proceedings under section 77 of the Bankruptcy Act, as amended, shall be resumed and brought to a conclusion, subject to the provisions and requirements of said section," and insert the following: "most recent plan of reorganization certified to the court by the Commission and the proceedings shall be retired back to the Commission for such further proceedings under said section 77, as amended, as would be had if an order was thereupon entered by the judge refusing to confirm such plan and referring the case back to the Commission under the applicable provisions of subsection (e) of said section 77, as amended."

Page 4, line 12, after "SEC. 4", strike out all of section 4 and insert the following:

"No holding company, individual, group, partnership, association, corporation, or other entity (excluding any operating common carrier subject to part I of the Interstate Commerce Act, but not excluding any holding company or other nonoperating corporation which has been held or which may be held to be a common carrier within the meaning of said act)—

"(A) which exercises direct or indirect control of one or more railroad corporations the properties of which are not in the custody of a court in proceedings under section 77 of the Bankruptcy Act; and

"(B) which also owns shares of voting stock of any railroad corporation to which this act is applicable, in sufficient number to enable the owner thereof to control such carrier, shall, during the period the debtor shall be in possession of its properties and in control of the management and operation thereof under this act, vote such shares for the election of more than a minority of the directors of any railroad corporation to which this act is applicable.

"SEC. 5. With respect to any debtor railroad corporation of which at the time of filing the petition for reorganization under section 77 of the Bankruptcy Act, as amended, the outstanding voting stock of the debtor railroad corporation shall have been owned or controlled, directly or indirectly, by voting trust or otherwise, by another railroad corporation and by a corporation owning or controlling the outstanding voting stock of another railroad corporation, the Interstate Commerce Commission is hereby invested with plenary power and authority to require the maintenance and operation of the properties of such controlled debtor railroad corporation (including solicitation by its traffic organization) to be without discrimination in favor of one route over any other route or in favor of one connecting carrier over any other connecting carrier, to the end that the neutrality of such controlled debtor railroad corporation with respect to the solicitation and interchange of traffic with competing connecting carriers shall be assured. The term 'corporation' as used in this paragraph shall be deemed to include its trustees appointed under the aforesaid section 77 of the Bankruptcy Act, as amended.

"SEC. 6. The provisions hereof shall not apply if at the time of filing the petition for reorganization under section 77 of the Bankruptcy Act, as amended, more than 90 percent of the aggregate number of the outstanding shares of all classes of stock of the debtor railroad corporation shall have been

owned or controlled by another railroad corporation which had not on the same day nor prior thereto filed a petition for reorganization under said section 77.

"SEC. 7. The act of July 1, 1898, entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' as amended, is hereby further amended by inserting after chapter XIV the following:

"'CHAPTER XV—RAILROAD ADJUSTMENTS

"'ARTICLE I—JURISDICTION

"'SEC. 700. In addition to the jurisdiction otherwise exercised, courts of bankruptcy shall exercise original jurisdiction, as provided in this chapter, for postponements or modifications of debt, interest, rent, and maturities or for modifications of the securities or capital structures of railroads.

"'ARTICLE II—DEFINITIONS

"'SEC. 705. The following terms, as used in this chapter, unless a different meaning is plainly required by the context, shall be construed as follows:

"'(1) "Petitioner" means any carrier as defined in section 20a of the Interstate Commerce Act, excluding any corporation in equity receivership or in proceedings for reorganization under section 77 of this act, petitioning for a plan of adjustment, as hereinafter defined, or any corporation filing a petition under the provisions of section 711 of this chapter.

"'(2) "Claims" includes debts whether liquidated or unliquidated, certificates of deposits of securities (other than stock and option warrants to subscribe to stock), including demands and obligations of whatever character made, assumed, or guaranteed by the petitioner.

"'(3) "Debt" shall be considered to include all claims held or owned by "creditors" as herinafter defined.

"'(4) "Creditors" shall include all holders of claims, demands, and obligations of whatever character against the petitioner or its property, whether or not such claims would otherwise constitute probable claims in bankruptcy, including the holders of claims, made, assumed, or guaranteed by the petitioner.

"'(5) "Securities" shall include those defined in section 20a of the Interstate Commerce Act, as amended, also securities in respect of which any carrier, as defined in section 20a, has assumed any obligation or liability as lessor, lessee, guarantor, endorser, surety, or otherwise and also certificates of deposit and all other evidences of ownership of or interest in securities.

"'(6) "Commission" refers to the Interstate Commerce Commission.

"'(7) "Adjustment" shall include postponements or modifications of debt interest, rent, and maturities and modifications of the securities or capital structures.

"'SEC. 706. No creditor shall be deemed to be "affected" by any plan unless such plan proposes a modification of the evidence of debt or other instrument defining the rights of such creditor, or a modification of the security, if any, for the claim of such creditor.

"'ARTICLE III—PETITION AND POWERS OF COURT

"'SEC. 710. Any railroad corporation not in equity receivership or in process of reorganization under section 77 of the Bankruptcy Act at the time of filing its petition hereunder, and which has not been in equity receivership or in process of reorganization under said section 77 within 10 years prior to the filing of such petition, which shall have—

"'(1) prepared a plan of adjustment and secured assurances satisfactory to the Commission of the acceptance of such plan from creditors holding at least 25 percent of the aggregate amount of all claims affected by said plan of adjustment (including all such affected claims against said corporation, its parents, and subsidiaries); and

"'(2) thereafter obtained an order from the Commission (but not of a division thereof) under section 20a of the Interstate Commerce Act authorizing the issuance or modification of securities (other than securities held by, or to be issued to, Reconstruction Finance Corporation) as proposed by such plan of adjustment as filed, or as modified by, or with the approval of, the Commission, such order of the Commission to include also specific findings—

"'(a) that such corporation is not in need of financial reorganization of the character provide for under section 77 of this act;

"'(b) that such corporation's inability to meet its debts matured or about to mature is reasonably expected to be temporary only; and

"'(c) that such plan of adjustment, after due consideration of the probable prospective earnings of the property in the light of its earnings experience and of such changes as may reasonably be expected—

"'(i) is in the public interest and in the best interests of each class of creditors and stockholders;

"'(ii) is feasible, financially advisable, and not likely to be followed by the insolvency of said corporation, or by need of financial reorganization or adjustment;

"'(iii) does not provide for fixed charges (of whatsoever nature including fixed charges on debt, amortization of discount on debt, and rent for leased roads), in an amount in excess of what will be adequately covered by the probable earnings available for the payment thereof;

"'(iv) leaves adequate means for such future financing as may be requisite;

"'(v) is consistent with adequate maintenance of the property; and

"'(vi) is consistent with the proper performance by such railroad corporation of service to the public as a common carrier, will not impair its ability to perform such service:

Provided, That in making the foregoing specific findings the Commission shall scrutinize the facts independently of the extent of acceptances of such plan and of any lack of opposition thereto: *Provided further*, That an order of the Commission (or of a Division thereof) under section 20a of the Interstate Commerce Act, made prior to the effective date of this chapter, authorizing the issuance or modification of securities as proposed by a plan of adjustment (other than securities held by, or to be issued to, Reconstruction Finance Corporation), shall be effective for the purpose of this subparagraph (2) of the first sentence of section 710, notwithstanding failure to include therein the foregoing specific findings, if such order did include the specific findings that such proposed issuance or modification of securities is compatible with the public interest, is consistent with the proper performance by the railroad corporation of service to the public as a common carrier, and will not impair its ability to perform such service; and

"'(3) secured assents to such plan of adjustment, or such plan of adjustment as modified by, or with approval of, the Commission, by creditors holding more than two-thirds of the aggregate amount of the claims affected by said plan, which two-thirds shall include at least a majority of the aggregate amount of the claims of each affected class,

may file in the United States district court in whose territorial jurisdiction such railroad corporation has had its principal executive or principal operating office during the preceding 6 months or a greater period thereof, its petition averring that it is unable to meet its debts, matured or about to mature, and desires to carry out the plan of adjustment.

"'A copy of the order obtained from the Commission, as above provided, shall be filed with the petition and made a part thereof.

"'SEC. 711. Any corporation which has complied with subparagraphs (1), (2), and (3) of the first sentence of section 710, and in which corporation the majority of the capital stock having power to vote for the election of directors is owned directly, or indirectly through an intervening medium by any railroad corporation which has filed a petition hereunder, or any corporation which is a lessor of the petitioning corporation and which has complied with the aforesaid subparagraphs (1), (2), and (3) of section 710, or any corporation which is liable or obligated, contingently or otherwise, on securities issued by or on which the obligation or liability has been assumed by, the petitioning carrier corporation and which has complied with the aforesaid subparagraphs (1), (2), and (3) of section 710, may file its petition in the same court in which the petition first aforesaid shall have been filed, and such petitions shall be heard and disposed of in a single proceeding. Any corporation liable or obligated, contingently or otherwise, upon the securities of a carrier shall, with respect to such securities and any securities issued in lieu thereof and for the purposes of this chapter, be deemed a carrier within the intent and meaning of section 20a of the Interstate Commerce Act, as amended, and if such corporation is a holding company, controlling two or more carriers, it shall, to the extent provided by the Commission in its order, be subject to such of the provisions of the Interstate Commerce Act as, under the provisions of paragraph (3) of section 5 thereof, are applicable to a person, not a carrier, authorized by an order entered under paragraph (2) of that section to acquire control of any carrier or two or more carriers.

"'SEC. 712. The petition shall be accompanied by payment to the clerk of a filing fee of $100, which shall be in addition to the fees required to be collected by the clerk under other sections of this act or any other act.

"'SEC. 713. Immediately following the filing of the petition, there shall be convened a special court of 3 judges in the manner provided by section 266, as amended, of the Judicial Code, and thereafter all proceedings relative to such plan or any modification thereof shall be conducted before such court. Such 3-judge court shall be vested with and shall exercise all the powers of a district court sitting in equity and all the powers as a court of bankruptcy necessary to carry out the intent and provisions of this chapter, including the classification of claims at such time and in such manner as the court may direct: *Provided, however*, That any one of the 3 judges constituting the special court who may be designated by the special court, may perform all functions, conduct all proceedings, and enter all orders, except that such single judge shall not hold a hearing for approval of a plan as provided in section 720 or for confirmation of a plan as provided in section 725 or enter the final decree. Any act of a single judge hereby permitted shall be subject to review by the special court on application by any party in interest filed within 30 days after said act or by order of such court on its own motion made within such period of 30 days.

"'SEC. 714. The special court, after hearing, promptly shall enter an order approving the petition as properly filed under this chapter if satisfied that such petition complies with this chapter and has been filed in good faith, or dismissing such petition if not so satisfied.

"'SEC. 715. If the petition is approved by the special court, the said court, during the pendency of the proceedings under this chapter, shall have exclusive jurisdiction of the petitioner and of its property wherever located to the extent which may be necessary to protect the same against any action which might be inconsistent with said plan of adjustment or might interfere with the effective execution of said plan if approved by the court, or otherwise inconsistent with or contrary to the purposes and provisions of this

chapter: *Provided, however,* That nothing herein contained shall be construed to authorize the court to appoint any trustee or receiver for said properties or any part thereof, or otherwise take possession of such properties or control the operation or administration thereof.

"'ARTICLE IV—HEARINGS

"'SEC. 720. The special court shall fix a date for a hearing to be held promptly after the filing of the petition and notice of such hearing or hearings shall be given to all persons in interest in such reasonable manner as the court shall direct. In such proceeding, the court may allow such interventions of persons in interest as it may deem just and proper, but any person in interest shall have the right to present evidence and be heard thereon, in person or by attorney, with or without intervention. Any person or persons in interest who shall be permitted to intervene or who shall present evidence and be heard thereon, in person or by attorney, with or without intervention, proposing any modification of the plan of adjustment, which modification shall be adopted and which shall be found by the court to be of benefit to the petitioner or to any class of creditors of petitioner or to be in the public interest, may be allowed actual and reasonable expenses (including reasonable attorneys' fees), which expenses may be entered as a part of the decree approving and confirming the plan and the adjustment provided thereby pursuant to the provisions of section 725 of this chapter.

"'SEC. 721. After such hearing, the special court may approve the plan as filed or propose to modify such plan and as hereinafter provided approve the same as so modified. If the court shall propose to modify the plan, then: (a) if such modification substantially alters the basis for the specific findings included in the order made by the Commission under section 20a of the Interstate Commerce Act, the plan as so proposed to be modified shall be resubmitted to the Commission and shall not be finally approved by the court until the Commission (but not a division thereof) has authorized the issuance or modification of securities as proposed by the plan as so modified (other than securities held by, or to be issued to, Reconstruction Finance Corporation) making the findings required by clause (c) of subparagraph (2) of the first sentence of section 710, even in a case where the original order of the Commission under said section 20a was made prior to the effective date of this chapter; and (b) if such modification substantially or adversely affects the interests of any class or classes of creditors, such plan shall be resubmitted, in such manner as the court may direct, to those creditors so affected by such modification and shall not be finally approved until after (1) a hearing on such modification, to be held within such reasonable time as the court may fix, at which hearing any person in interest may object to such modification, and (2) a reasonable opportunity (within a period to be fixed by the court), following such hearing, within which such affected creditors who have assented to the plan may withdraw or cancel their assents to the plan, and failure by any such creditor to withdraw or cancel an assent within such period shall constitute an acceptance by such assenting creditor of the plan as so modified. After such authorization and finding by the Commission, where required hereby, and after such hearing and opportunity to withdraw or cancel, where required hereby, the court may make the proposed modification, and as provided in section 725 finally approve and confirm the plan as so modified.

"'SEC. 722. If the United States or any agency thereof, or any corporation (other than the Reconstruction Finance Corporation) the majority of the stock of which is owned by the United States, is a creditor or stockholder, the Secretary of the Treasury is hereby authorized to act in respect of the interests or claims of the United States or of such agency or other corporation. If in any proceeding under this chapter the United States is a creditor on claims for taxes or customs duties (whether or not the United States has any other interest in or claim against the debtor as creditor or stockholder), no plan which does not provide for the payment thereof shall be approved or confirmed by the court except upon the acceptance of a lesser amount or of a postponement by the Secretary of the Treasury certified to the court: *Provided,* That if the Secretary of the Treasury shall fail to accept or reject such lesser amount or such postponement for more than 60 days after receipt of written notice so to do from the court, accompanied by a certified copy of the plan, the consent of the United States insofar as its claims for taxes or customs duties are concerned shall be conclusively presumed.

"'ARTICLE V—PROCEEDINGS SUBSEQUENT TO APPROVAL OF PETITION

"'SEC. 725. If the special court shall find—

"'(1) that, at the time of the filing of said petition as provided in article III hereof, the proposed plan of adjustment had been assented to by not less than two-thirds of the aggregate amount of all claims of the petitioner affected by such plan, including at least a majority of the aggregate amount of claims of each such class;

"'(2) that the plan of adjustment as submitted or as modified by the court has been accepted as submitted or, if modified, then as modified by or on behalf of creditors affected by such plan holding more than three-fourths of the aggregate amount of the claims affected by said plan, including at least three-fifths of the aggregate amount of the claims of each affected class;

"'(3) that the plan meets the requirements of clause (c), and the petitioner meets the requirements of clauses (a) and (b) of subparagraph (2) of the first sentence of section 710, and that the plan is fair and equitable as an adjustment and as such will: (a) afford due recognition to the rights of each class of creditors and stockholders and fair consideration to each class adversely affected and (b) will conform to the law of the land regarding the participation of the various classes of creditors and stockholders: *Provided,* That in making the findings required by this clause (3), the court shall scrutinize the facts independently of the extent of acceptances of such plan, and of any lack of opposition thereto, and of the fact that the Commission, under section 20a of the Interstate Commerce Act, has authorized the issuance or modification of securities as proposed by such plan, and of the fact that the Commission has made such or similar findings;

"'(4) that all corporate action required to authorize the issuance or modification of securities pursuant to such plan shall have been duly taken either before or since the enactment of this chapter;

"'(5) that the petitioner has not, in connection with said plan or the effectuation thereof, done any act or failed to perform any duty which act or failure would be a bar to the discharge of a bankrupt, and that the plan and the acceptance thereof are in good faith and have not been made or procured by any means, promises, or acts forbidden by this act;

"'(6) that, after hearings for the purpose, all amounts or considerations, directly or indirectly paid or to be paid by or for the petitioner for expenses, fees, reimbursement, or compensation of any character whatsoever incurred in connection with the proceeding and plan, or preliminary thereto or in aid thereof, together with all the facts and circumstances relating to the incurring thereof, have been fully disclosed to the court so far as such amounts or considerations can be ascertained at the time of such hearings, that all such amounts or considerations are fair and reasonable, and to the extent that any such amounts or considerations are not then ascertainable, the same are to be so disclosed to the court when ascertained, and are to be subject to approval by the special court as fair and reasonable, and except with such approval no amounts or considerations covered by this clause (6) shall be paid; and—

"'(7) that the provisions of sections 722, 736, and 737 of this chapter have been complied with.

Said court shall file an opinion setting forth its conclusions and the reasons therefor and shall enter a decree approving and confirming such plan and the adjustment provided thereby, which decree shall be binding upon the petitioner and upon all creditors and security holders of the petitioner; and thereafter the petitioner shall have full power and authority to and shall put into effect and carry out the plan and the orders of the special court relative thereto and issue the securities provided by the plan without further reference to or authority from the Commission or any other authority, State or Federal, except where required by any law relating to the Reconstruction Finance Corporation, and the rights of all creditors and security holders with respect to claims and securities affected by the plan shall be those provided by the plan as so approved and confirmed: *Provided, however,* That the title of any owner, whether as trustee or otherwise, to rolling-stock equipment leased or conditionally sold to the petitioner, and any right of such owner to take possession of such property in compliance with the provisions of any such lease or conditional sale contract, shall not be affected by the provisions of this chapter.

"'No plan shall be approved under this chapter unless the special court finds that with respect to the continuation of, or any change in, the voting rights in the petitioner, control of the petitioner, and the identity of, and the power and manner of selection of the persons who are to be directors, officers, or voting trustees, if any, upon the consummation of the plan and their respective successors, the plan makes full disclosure, is adequate, equitable, in the best interests of creditors and stockholders of each class, and consistent with public policy.

"'SEC. 726. After the special court shall have approved as properly filed a petition pursuant to article III hereof, the special court from time to time during the pendency of the proceedings hereunder, may enjoin the institutions of, or stay, for a reasonable time, any action or proceeding to enforce any right against the petitioner or its property based upon claims affected by the proposed plan of adjustment in any court, State or Federal, whether for the enforcement of any such claim or for the appointment of receivers in equity or of the institution or prosecution of a proceeding under section 77 of the Bankruptcy Act or otherwise: *Provided, however,* That no such stay shall affect any proceeding based on or to enforce any claim which would be required to be paid if the plan of adjustment proposed by the petitioner were then in effect.

"'SEC. 727. Unless the plan of adjustment as submitted or as modified shall have been confirmed by the special court within 1 year from the date of filing the petition, the proceedings shall be dismissed unless, for good cause shown, on motion of any party in interest, the court, if satisfied that confirmation of a plan is in immediate prospect, shall determine otherwise.

"'SEC. 728. Without prejudice to existing rights of all creditors, including those affected by the plan, and as a condition to the approval of any plan by the special court, the

petitioner, from and after the filing of the petition with the court and until the making of a final order by the special court approving a plan or dismissing the petition, shall continue to make or tender payments to all creditors affected by the plan of sums currently payable to such creditors equal to the amounts proposed to be paid to such creditors under the plan: *Provided*, That the making of such payments shall not constitute a preference within the meaning of the Bankruptcy Act, nor shall acceptance of such payments constitute an acceptance of a plan. If, from and after the filing of the petition with the special court, there shall be any failure to make or tender such payments, the special court, unless there is good cause shown for the failure, shall dismiss the proceedings. In finally approving any plan, the court may make or require to be made such adjustments with respect to said payments or any of them as may be necessary to make the same conform to the provisions of said plan as finally approved.

" 'SEC. 729. In providing for any such payments the petitioner may require any bond or other security, including interest coupons affected by such payments to be presented to or deposited with a paying agent or depositary named by the petitioner for appropriate stamping to show the amounts of such payment.

" 'ARTICLE VI—TAX PROVISIONS

" 'SEC. 735. The provisions of sections 1801, 1802, 3481, and 3482 of the Internal Revenue Code and any amendments thereto, unless specifically providing to the contrary, shall not apply to the issuance, transfer, or exchange of securities or the making or delivery of conveyances to make effective any plan of adjustment confirmed under the provisions of this chapter.

" 'SEC. 736. In addition to the notices elsewhere expressly provided, the clerk of the court in which any proceedings under this chapter are pending shall forthwith transmit to the Secretary of the Treasury copies of—

" '(1) every petition filed under this chapter;

" '(2) the orders approving or dismissing petitions;

" '(3) the orders approving plans as filed or as modified, together with copies of such plans as approved;

" '(4) the decrees approving and confirming plans and the adjustments provided thereby, together with copies of such plans as approved;

" '(5) the injunctions or other orders made under section 726 of this chapter;

" '(6) the orders dismissing proceedings under this chapter; and

" '(7) such other papers filed in the proceedings as the Secretary of the Treasury may request or which the court may direct to be transmitted to him.

" 'SEC. 737. Any order fixing the time for confirming a plan which affects claims or stock of the United States shall include a notice of not less than 30 days to the Secretary of the Treasury.

" 'SEC. 738. The special court shall have power to determine the amount and legality of claims of the United States for taxes or customs duties, and to order payment thereof; and the order of the special court (provided for in sec. 714) approving the petition shall have the effect of an adjudication of bankruptcy of the petitioner for the purposes of section 274 of the Internal Revenue Code and the corresponding provisions of prior and subsequent revenue acts. The running of the statute of limitations on the assessment or collection of any internal-revenue tax shall be suspended while a proceeding under this chapter is pending and until it is finally dismissed.

" 'ARTICLE VII—INTERSTATE COMMERCE COMMISSION

" 'SEC. 740. If, in any application filed with the Commission pursuant to section 20a of the Interstate Commerce Act for authority to issue or modify securities, the applicant shall allege that the purpose in making such application is to enable it to file a petition under the provisions of this chapter, the Commission shall take final action on such application as promptly as possible, and in any event within 120 days after the filing of such application, unless the Commission finds that a longer time, not exceeding 60 days, is needed in the public interest.

" 'ARTICLE VIII—FINAL DECREE AND REVIEW

" 'SEC. 745. Any final order or decree of the special court may be reviewed by the Supreme Court of the United States upon application for certiorari made by any person affected by the plan who deems himself aggrieved within 60 days after the entry of such order or decree, pursuant to the applicable provisions of the Judicial Code.

" 'SEC. 746. In the decree approving and confirming the plan the court may require such reports of the action taken by the petitioner thereunder in the execution of the plan as may be necessary to a final disposition of the cause, and in its final decree disposing of the cause the court shall retain jurisdiction in the district court to the extent necessary to protect and enforce the rights of the parties under said plan and the orders of the court thereon.

" 'ARTICLE IX—FILING RECORD WITH COMMISSION

" 'SEC. 750. The clerk of the court in which any proceedings under this chapter are pending, shall forthwith transmit to the Interstate Commerce Commission copies of all pleadings, petitions, motions, applications, orders, judgments, decrees, and other papers in such proceedings filed with the court or entered therein, including copies of any transcripts of testimony, hearings, or other proceedings that may be transcribed and filed in such proceedings together with copies of all exhibits, except to the extent that the court finds that compliance with this section would be impracticable.

" 'ARTICLE X—TERMINATION OF JURISDICTION

" 'SEC. 755. The jurisdiction conferred upon any court by this chapter shall not be exercised by such court after November 1, 1950, except in respect to any proceeding initiated by filing a petition under section 710 hereof on or before November 1, 1950.'

"SEC. 8. Section 77 of the act of July 1, 1898, entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' as amended, is amended as follows:

"1. Subsection (b) of such section is amended by adding at the end thereof the following:

" 'The capitalization of the reorganized company shall not be less than the capitalization existing on the date on which the debtor's petition to the court was approved as properly filed, with such adjustment therein as may result from the issue or retirement of securities during the reorganization proceedings: *Provided*, That such existing capitalization does not exceed either—

" '(i) the actual investment in the debtor's properties; or

" '(ii) the valuation found by the Commission under section 19 (a) of part I of the Interstate Commerce Act, as amended (together with investments), plus expenditures for additions and betterments less retirements since the date of such valuation, whichever is the lower: *And provided further*, That any part of such capitalization in excess of the value of all of the debtor's property as certified by the Commission pursuant to subsection (e) shall be represented by shares of stock without par value of the reorganized company at the rate of 1 share of such stock for each $100 of such excess.'

"2. That so much of subsection (d) of such section as reads as follows: 'After the filing of such a plan, the Commission, unless such plan shall be considered by it to be prima facie impracticable, shall, after due notice to all stockholders and creditors given in such manner as it shall determine, hold public hearings,' is hereby amended to read as follows: 'After the filing of such a plan, the Commission shall name one of its members to confer with the parties in interest and to endeavor as a mediator to reconcile differences which may exist between them and unless such plan shall be considered by it to be prima facie impracticable, shall, after due notice to all stockholders and creditors given in such manner as it shall determine, hold public hearings.'

"3. That so much of subsection (e) of such section as reads as follows: 'After such hearing, and without any hearing if no objections are filed, the judge shall approve the plan if satisfied that (1) it complies with the provisions of subsection (b) of this section, is fair and equitable, affords due recognition to the rights of each class of creditors and stockholders, does not discriminate unfairly in favor of any class of creditors or stockholders, and will conform to the requirements of the law of the land regarding the participation of the various classes of creditors and stockholders;", is hereby amended to read as follows: "After such hearing, and without any hearing if no objection is filed, the judge shall make full and independent judicial reexamination and review of the plan and of the evidence presented at such hearing, in the event of such hearing, and thereafter shall approve the plan if, in the exercise of his independent judgment based upon such judicial reexamination and review, he is satisfied that (1) the plan complies with the provisions of subsections (b) and (d) of this section, is fair and equitable, affords due recognition to the rights of each class of creditors and stockholders, does not discriminate unfairly in favor of any class thereof, and will conform to the requirements of the Constitution and statutes of the United States; (2) the determination of value made by the Commission and certified to the court under the provisions of this subsection is supported by substantial evidence, adequately reflects the true value of the property at the time of hearing, or at the time of certification of the plan by the Commission, in the event no hearing is had before the court, and does not omit consideration of any relevant facts;'

"4. Subsection (e) of such section is amended by redesignating clauses '(2)' and '(3)' as '(3)' and '(4)', respectively.

"5. So much of the first proviso of subsection (e) of such section as reads as follows: '*Provided*, That submission to any class of stockholders shall not be necessary if the Commission shall have found, and the judge shall have affirmed the finding,' is amended by striking out 'shall have affirmed the finding,' and inserting in lieu thereof 'in the exercise of his independent judgment, after consideration of the evidence presented at the hearing before the court, in the event of such hearing, shall also find.'

"6. So much of the second proviso of subsection (e) of such section as reads as follows: '*Provided further*, That submission to any class of creditors shall not be necessary if the Commission shall have found, and the judge shall have affirmed the finding,' is amended by striking out 'shall have affirmed the finding,' and inserting in lieu thereof 'in the exercise of his independent judgment, after consideration of the evidence presented at the hearing before the court, in the event of such hearing, shall also find.'

"7. So much of the fourth paragraph of subsection (e) of such section as reads as follows: 'The value of any property used in railroad operation shall be determined on a basis which will give due consideration to the earning power of the property, past, present, and prospective, and all other relevant facts. In determining such value only such effect shall be given to the present cost of reproduction new and less depreciation and

original cost of the property, and the actual investment therein, as may be required under the law of the land, in light of its earning power and all other relevant facts,' is amended by striking out 'as may be required under the law of the land' and inserting in lieu thereof 'as will conform to the requirements of the Constitution and statutes of the United States.'"

Amend the title as follows: After "as amended", insert a comma and the following: "and to further amend said act, as amended."

The committee amendments were agreed to.

Mr. WALTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am certain the colloquy that took place a moment ago between the gentleman from Wisconsin [Mr. KEEFE] and the gentleman from Alabama [Mr. HOBBS] has set at rest once and for all any idea that any common stockholders anywhere at all will ever get a dime out of the properties. The enactment of this legislation is just going to provide a field day for speculators. The biggest stockholder in the New York, New Haven & Hartford is the Pennsylvania Railroad, with about 209,000 shares of stock. On yesterday I was informed by a member of the Interstate Commerce Commission that that stock was carried on the books of the Pennsylvania Railroad as being of no par value.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Pennsylvania.

Mr. RICH. I understand from the colloquy between the gentleman from Wisconsin and the gentleman from Alabama that it applied only to those railroads whose reorganization plans have already been approved by the court.

Mr. WALTER. That is right; those who have gone through the wringer.

Mr. RICH. But I did not think that it applied to any whose plan has not been approved.

Mr. WALTER. The earnings of other roads where the plans have not been finally approved are even lower than the earnings of the roads where the plans were approved, and in the case of which the gentleman from Alabama [Mr. HOBBS] stated that the stockholders will not profit to any extent at all.

I am very much in favor of the amendment that the committee adopted unanimously, and I am certain that my distinguished friend from Tennessee had that in mind when he said on yesterday that I sat quietly by in the committee discussions on this legislation and did not raise my voice. Yes, I am very much in favor of making section 15 of section 77 of the Bankruptcy Act permanent legislation.

Bear in mind that the roads that are now in reorganization are there under the provisions of an act known as the McLaughlin Act, which the Congress approved, for the purpose of trying to squeeze the water out of the financial structures of our railroads. That was temporary legislation. But the Reed bill proposes to change the method the Congress determined was proper in order to reach that most desirable end. The committee, the gentleman from Alabama [Mr. HOBBS] offering the amendment, makes this section permanent legislation. I say that that is very significant and a very impelling reason for voting for the motion to recommit that I intend to offer, for this reason: The mere fact that the proponents of this legislation want to provide a method of reorganization which will be permanent proves conclusively to me that they know that within a very few years, perhaps months, these roads that are now in the process of being reorganized will again find themselves in reorganization. I do not want to see the kind of inequitable receiverships that existed before the enactment of the McLaughlin law, so I think that this amendment is most important, because just so sure as we are in the House of Representatives today, the railroads will, if their plans that have already been approved do not become effective, all find themselves in the process of reorganization again.

Mr. HOBBS. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, we all love the gentleman from Pennsylvania, FRANCIS WALTER, in our committee, but we cannot go along with him on things of this kind when he makes a statement such as the one he just made. For instance, he says that one of the reasons he is going to move to recommit this bill is because we make the Kefauver bill permanent legislation signifying that we know these roads will go back into reorganization. Well, I read from page 28, which is the section he is talking about:

The jurisdiction conferred upon any court by this chapter shall not be exercised by such court after November 1, 1950, except in respect to any proceeding initiated by filing a petition under section 710 thereof on or before November 1, 1950.

In other words, just as the other McLaughlin Act had, there is a derailing switch and it is not permanent. It is strictly limited to the emergency in which we are now still wallowing. We want to make it possible for these railroads to get on their feet and get out of bankruptcy. We limit the act strictly to November 1, 1950. I think that is enough on that subject.

I want to call attention to another mistake of our good friend. I will read from yesterday's RECORD—Mr. MARCANTONIO speaking to Mr. WALTER:

Will the gentleman state to the House just how many subsidiaries of Kuhn, Loeb & Co. have been cornering and garnering the shares during the last year?

They are talking about the New York, New Haven & Hartford Railroad.

Mr. WALTER replied:

Mr. WALTER. One of the members of the Interstate Commerce Commission told me on yesterday that Kuhn, Loeb & Co. bought, either for themselves or somebody else, every share of stock that has been sold this year in the New York, New Haven, & Hartford.

Of course, the gentleman from Pennsylvania [Mr. WALTER] would not make that statement on his own authority. He gave his authority. But whoever gave it to him was simply mistaken. So I wired Kuhn, Loeb & Co. and asked them about it. They say:

Replying to your telegram, during 1944, 1945, and 1946, we did not purchase nor offer to buy any shares of the common or preferred stock of the New York, New Haven & Hartford Railroad for the account of customers or for our own account.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am delighted to yield to the gentleman.

Mr. WALTER. I have in my hand a sworn statement from the secretary of the New York, New Haven & Hartford Railroad showing that during this year Kuhn, Loeb purchased 15,940 shares of stock. In 1945 they had but 450 shares. This is a sworn statement of the secretary of the railroad and shows the purchases that have been made.

Mr. HOBBS. Yesterday you quoted as your authority "one of the members of the Interstate Commerce Commission." Today you shift your ground.

I also wired because of the argument on the floor here with reference to the Pennsylvania Railroad, and I have this reply:

Your message yesterday. Neither directly nor indirectly has Pennsylvania Railroad purchased any common or preferred stock of New York, New Haven & Hartford Railroad since 1944.

The same answer comes from the Pennroad Corp. saying that they had actually sold 10,000 shares of their holdings and had acquired none.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. HOBBS] has expired.

Mr. ROGERS of Florida. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Florida: On page 6, line 24, substitute for the period a semicolon, and all the following: "nor shall the provisions hereof apply to any debtor railroad corporation, which did not have more than five stockholders (exclusive of directors holding only qualifying shares) none of whom is a railroad corporation, at the time of filing the petition for reorganization under said section 77."

Mr. ROGERS of Florida. Mr. Chairman, I have submitted this amendment to the gentleman from Illinois [Mr. REED], the author of the bill, and also to the gentleman from Alabama [Mr. HOBBS]. It is satisfactory to them and I will not take time to discuss it.

Mr. REED of Illinois. The amendment is satisfactory.

Mr. WALTER. Well, Mr. Chairman, my confusion over what we are acting on grows by the minute. We have adopted three laws. They are incorporated in the Reed bill. Now an amendment is offered that neither the gentleman from Illinois [Mr. REED] nor the gentleman from Alabama [Mr. HOBBS] objected to. I would like to know what effect that will have on the McLaughlin bill. Will the gentleman explain that?

Mr. REED of Illinois. That amendment will have no effect upon the McLaughlin Act. It merely provides that the provisions of this entire act will not apply in the case mentioned by the gentleman from Florida.

Mr. WALTER. By the entire act do you mean the act as amended or the act as reported by the Judiciary Committee?

Mr. REED of Illinois. Oh, no. It would not apply to the McLaughlin Act, because the McLaughlin Act is merely tied on to this, giving the railroads that come in under this act and can qualify within 60 days, the opportunity to come in under the provisions of the McLaughlin Act. If a road in this particular instance does not apply, it would not be able to qualify anyway.

Mr. WALTER. Mr. Chairman, may we have the amendment again reported?

There being no objection, the Clerk again reported the amendment offered by the gentleman from Florida [Mr. ROGERS].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. ROGERS].

The amendment was agreed to.

Mr. PICKETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKETT: On page 4, after line 17, add a new section:

"SEC. 5. No readjustment of financial structure or other proceeding under this act and no order of the court or Commission in connection therewith shall relieve any carrier from the obligation of any final judgment of any Federal or State court rendered prior to January 1, 1929, against such carrier or against one of its predecessors in title, requiring the maintenance of offices, shops, and roundhouses at any place, where such judgment was rendered on account of the making of a valid contract or contracts by such carrier or one of its predecessors in title."

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes on his amendment.

Mr. PICKETT. Mr. Chairman——

Mr. HOBBS. Mr. Chairman, will the gentleman yield?

Mr. PICKETT. I yield.

Mr. HOBBS. Mr. Chairman, I rise to voice my personal conviction that this amendment is all right and in order, and wish to make this word of explanation: This amendment would simply guarantee to Palestine, Tex., rights which have been held by the Supreme Court to be covenants running with the land. Many years ago that covenant was made. This is simply to reenact the same amendment which was included in the act of 1935, so there is no harm that could come from reenacting that saving clause which the attorneys representing Palestine, Tex., asked us to put in, to be abundantly cautious.

Mr. PICKETT. I thank the gentleman from Alabama for that statement, analysis, and explanation.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. PICKETT. I yield.

Mr. WALTER. In view of the fact that this amendment is designed obviously to meet just a local situation, can the gentleman tell me whether or not the roundhouse at Thayer, Pa., is affected because of the language to which the gentleman from Alabama referred?

Mr. PICKETT. I regret to say to the gentleman from Pennsylvania that I have no knowledge of the situation to which he addresses his inquiry.

Mr. WALTER. But the gentleman will admit that the language is so broad that it might affect literally hundreds of situations throughout the United States similar to the one that he is attempting to legislate for.

Mr. PICKETT. I believe if the gentleman from Pennsylvania would study the history of the case he would see that the amendment is directed probably to only one type of situation and that is where the validity of a contract entered into by the parties in the beginning was sustained in a final judgment of the Supreme Court of the United States prior to June 1, 1929.

I have submitted this amendment to the gentleman from Alabama [Mr. HOBBS], and to the gentleman from Illinois [Mr. REED]. They are familiar with it and other members of the committee are familiar with it. I do not care to take the time of the Committee to discuss it unless there is some objection to it. But I say this to the members of the committee that the amendment is designed to preserve the integrity and maintain the status quo of a situation that was created as far back as 1872 when the original railroad, on one hand, contracting with the county of Anderson and the city of Palestine in the State of Texas on the other, agreed to maintain the shops, general offices, and roundhouses of that railroad in the city and county in perpetuity. Adequate consideration in keeping with the contract was paid on behalf of the city and county in the sum of $150,000 in bonds, which were subsequently paid in full. A successor in title to the original contracting railroad company, for an additional consideration in the form of lands which were granted and buildings which were constructed, resulted in a continuation of the validity of that contract. The status was not changed until in 1911 litigation was started by the action of the railroad company which was not resolved finally until 1918 by the Supreme Court of the United States sustaining the court and views of the city and county. Notwithstanding that judgment, time and again the railroad company has sought to mitigate the effect of that contract and move the shops, general offices, and roundhouses out of Palestine, and to do that under the authority of the railroad reorganization provisions in the Bankruptcy Act. It has been necessary to have further litigation since the Supreme Court decision in 1918 was effectuated. It has been necessary for representatives of the city and county to appear before the Interstate Commerce Commission when the railroads sought permission for reorganization and adoption of a reorganization plan in which their announced intention was to abrogate the validity of the Supreme Court decision and the contract upon which it is based. An amendment to the same effect was adapted by the Seventy-fourth Congress in its consideration of H. R. 6249.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. PICKETT. I yield to the gentleman from Texas.

Mr. SUMNERS of Texas. All the gentleman is seeking to do by this amendment is to prevent the legislation now in process from disturbing the situation that has been established by decisions of the court?

Mr. PICKETT. That is entirely correct. I may say that there can be no possible reasonable objection to the amendment to maintain the status quo of a situation that the Supreme Court of the United States said in 1918 was a proper status based upon a valid contract.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. PICKETT. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Is the gentleman fearful if this legislation be enacted that the decision of the Supreme Court might be affected?

Mr. PICKETT. It might possibly be, and I base that statement upon the fact that in 1933 after that Supreme Court decision the railroad company sought the adoption of a reorganization plan in which it expressly stated at that time that if adopted it would be its intention to abrogate the decision based upon that contract and move the facilities.

Mr. SUMNERS of Texas. To get back to the kernel in the shell, all the gentleman wants to do is for Congress not to change by legislation the status of any existing contract?

Mr. PICKETT. That is all my amendment will have the effect of doing.

Mr. Chairman, I ask the adoption of this amendment by the Committee at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. PICKETT] to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. CURTIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, a number of claims have been made by both the proponents and opponents of this legislation. Certainly I want all parties treated with fairness. It must be very clear, however, that one of the things involved in this legislation is the control of certain railroad companies and lines. Whenever we approach that problem we must approach it with due consideration for the public interest.

The situation with the railroads in the United States today and their relation to the Government, as well as the Government's relation to the railroads, is not of our making. It is something that has grown up over the years. You will realize that it is not exactly on a par with other business transactions in the Nation.

I want to call attention to section 5 of this proposal in H. R. 5924. It does not do what it purports to do. Section 5 would indicate that the Interstate

Commerce Commission would have authority to see that these roads that are now operating as a neutral with respect to other railroads will continue to do so. This language is very misleading. We should have the Johnson amendment that is contained in the Senate bill.

Section 5 is not self-executing. There are no penalties provided. The Interstate Commerce Commission has no setup whereby it can police a railroad and its solicitation of traffic. In the Senate bill there was exempted from the provisions of the bill the D. & R. G. Railroad, which means much to the territory I represent. The First Congressional District is about 400 miles long and is traversed from east to west by the Burlington Lines. If those lines are going to share in transcontinental freight shipments it will mean much to every town on their line from Chicago to Denver. It means much to all of the railroad workers, and I have heard from some of them. But it cannot continue to do that, and Denver cannot continue to be a gateway to the West unless the Moffat Tunnel Line of the D. & R. G. is operated as a neutral. If this bill passes without the Johnson amendment the control of the D. & R. G. for all practical purposes will go to the Missouri Pacific. The Missouri Pacific has another gateway and the Moffat Tunnel Line will not be used.

I do not stand here and profess to be an expert on railroad finance, but I am thoroughly convinced that it is in the public interest to have the D. & R. G. operate as a neutral, and that it will serve the country better and it will be in line of efficient operation. I urge the Johnson amendment of the Senate bill.

Mr. WALTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER:

Page 27, line 3, after the word "court", strike out the word "may" and insert "shall."

Page 27, line 4, strike out the words "application for certiorari" and insert "upon appeal."

Mr. WALTER. Mr. Chairman, I endeavored during the course of the discussion of this bill in our committee to ascertain the need for a special method of taking an appeal to the courts. That was just because recently we passed, and the President signed, an administrative procedure bill which provides a uniform method of appealing from decisions of all agencies. However, for some reason unknown to me, and a reason I cannot understand, a special court of appeals is provided for. From that court there may or may not be an appeal to the Supreme Court of the United States, so that the effect of the language in one of the bills, in the one I happen to have before me, will be to have a three-judge-court judgment substituted for that of the Interstate Commerce Commission.

It is contrary to every precept to give to any court original and final jurisdiction, and the effect of the amendment that the Clerk has just read will be to provide an appeal from the decision of that three-judge court to the Supreme Court of the United States.

Mr. TALBOT. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Connecticut.

Mr. TALBOT. In other words, this is the only place in American jurisprudence where at least one right of appeal is not given.

Mr. WALTER. This is the only instance in any statute where there is no right of appeal from the decision of the court having original jurisdiction, and it just adds to the suspicion that I have about this whole picture.

Mr. KOPPLEMANN. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Connecticut.

Mr. KOPPLEMANN. I am concerned about a great many people that I know personally who have had in their families for generations common stock in these railroad companies. I am wondering why at this time, when railroads are beginning to get on their feet and are earning dividends, those folks, who have held these bonds in the hope that someday they will get some return, are to be frozen out entirely, and why this bill does not have a concern for them.

Mr. WALTER. I will say to my distinguished friend, who is always so solicitous of the welfare of the little fellow, that if they are smart, if the people the gentleman is talking about are wise, they will today dump on the market whatever shares of common stock they have, while there is some speculation in that stock, because there is nothing behind any of the stock about which the gentleman has talked. I think those who arouse in the breasts of these unfortunate investors the feeling that they are going to get something are working a cruel hoax on them.

Mr. HOBBS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in answer to the last statement of the distinguished gentleman, I call attention of the Members, the few of you who were not present yesterday afternoon, to the fact that I produced here then and showed and read to the House part of the certified copy made by the Interstate Commerce Commission showing that there are 21,000 individual stockholders, none of whom own an average of more than 97 shares of the common or preferred stock of the New Haven Railroad, who have been absolutely wiped out in that reorganization, because the stock was certified as being absolutely worthless, common and preferred, whereas since then—and that was 1940—they have made over and above all fixed charges a net profit of $60,000,000, and instead of having only $4,000,000 in the till they now have $64,000,000.

Mr. TALBOT. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. The gentleman can smile all he pleases, but the sworn affidavit of his own people, whom he represents, proves it, the Interstate Commerce Commission certifies it, and there is not a shadow of a doubt about it. I know he is going to say they are now running at a loss, but I can wreck any railroad I run if I want to. I know what the proposition has been.

I will be delighted to yield to the gentleman.

Mr. TALBOT. I just want to bring to the gentleman's attention that during the years they have accumulated that $62,000,000——

Mr. HOBBS. $64,000,000. What is $2,000,000 among friends?

Mr. TALBOT. During that time they have also accumulated $102,000,000 of debts that are owed today to the bondholders, to the United States Government, and to others.

Mr. HOBBS. I challenge that statement. I do not believe it is true. I think that is the aggregate indebtedness of the road in its whole lifetime. Mark you, for 50 years it never missed a dividend, and when the squalls come up, and the storm broke, they missed a few dividends, and then merciless creditors had the stockholders completely wiped out.

Mr. KOPPLEMANN. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. May I first go ahead and finish my statement with regard to the amendment offered by the gentleman from Pennsylvania [Mr. WALTER]? I hate to quarrel with my dear friend.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am glad to yield to the gentleman, a distinguished member of the Judiciary Committee.

Mr. CHELF. Assuming they do owe $102,000,000, the fact that they have $64,000,000 in the till means that they have an indebtedness of approximately $38,000,000.

Mr. HOBBS. Of course, that is true.

Mr. CHELF. If I owe a debt of $102 and I have $64, I do not figure that I owe but $38.

Mr. HOBBS. That is right.

Mr. KNUTSON. How about the assets?

Mr. HOBBS. The whole thing runs over $500,000,000, according to the certificate of the Interstate Commerce Commission.

May I answer the gentleman from Pennsylvania [Mr. WALTER], about his amendment. We did not care particularly about that amendment. We are perfectly willing if the Congress sees fit to upset the law that it has already written to give anybody the right of appeal to the Supreme Court. But our policy has been since the enactment of the general appellate law that we have made the decisions of the circuit court of appeals final, except in those cases in which the Supreme Court has granted a writ of certiorari. We do not have any objections to writing that amendment into the bill, and I told the gentleman from Pennsylvania [Mr. WALTER] so, provided he could show me any basis in law to justify that change from the general law. I will be glad to accept his amendment insofar as I am concerned if he can show me any authority for it.

Mr. WALTER. In every one of the three-judge courts that have been established, the appeal to the Supreme Court is an appeal as a matter of right and not on certiorari. In every single special court, even in some of the antitrust cases that go to the three-judge court. the case can be appealed to the Supreme Court as a matter of right.

Mr. HOBBS. I would be delighted to accept the gentleman's amendment if

there is any authority for that statement. If the gentleman wants that amendment in, it does not matter to me.

Mr. CELLER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I believe the amendment is well taken. The proposed statute is unque among the statutes creating special district courts in that no review is granted as a matter of right to the party seeking redress. Under our Anglo-Saxon jurisprudence we always have the right to appeal. Using the word "may" does not give the litigants the right of appeal as a matter of right. It becomes then only a matter of discretion. As has been stated, in all these special courts and in all the laws creating the special courts there is specifically given the right to an appeal, not by sufferance, but as a matter of right. I believe it would be highly unjust to deny the right of appeal in this particular instance. The right of appeal should always be safeguarded by the Congress. We should never take that right away. If you gentlemen use the word "shall" instead of the word "may," then the disgruntled litigant or the defeated litigant has no right to go to a court higher than that court which rendered the adverse decision. To my mind, that would be eminently unfair. I hope the amendment will be approved.

Mr. GRANGER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, a great deal has been said about the small stockholder who owns stock in these railroads that are now under reorganization, and that this bill contemplates to return to their original owners. I think everyone here knows there is no small stockholder who owns stock in the road we are talking about who is going to ever realize a dime for his stock. In that case, it seems to me we should start to think about the public interest. What is going to happen to the communities that are served by these railroads? I want to speak especially about the Denver & Rio Grande Western Railroad Co. which was mentioned by the gentleman from Nebraska, [Mr. CURTIS]. I happen to know something about that railroad. During its lifetime it has either been in receivership or in trusteeship four times. To say the least, it is a marginal railroad. It always has had to struggle to exist.

Under this bill it would be compelled, now that it has its reorganization almost perfected, to start all over again.

I was a member of the Public Service Commission of my State of Utah, and as late as 1940 when this railroad, the Denver & Rio Grande, had to borrow for operating expenses. Then they come along now and say, "We are going to take the last 7 years of their operation, and if they have made operating expenses they will be returned to their owners." That is so ridiculous, in my opinion, that it should not be considered, because this railroad never has made operating expenses for many years except during the time of the war when all railroads have had all they could do to assist in the prosecution of the war. It has probably made expenses during this war period, and it will come under the provisions of this bill and will be set back 18 months in its reorganization. I am here to tell you if it goes back to its original owners it will be in reorganization again within 2 years.

The poor little stockholder is all washed out. It will be the public that will suffer, because this railroad has rendered a great community service to the West, because it has tried to serve the people.

I am going to vote against this bill. I am going to vote for its recommittal. If that fails, I am going to urge that the conference committee keep in the Senate bill the Johnson amendment which will take care of this railroad. It will be an injustice to the people that this railroad serves if this bill is passed and the reorganization is not allowed to be perfected. I am told it can be perfected within the year if you just let it alone.

I was hopeful the committee would accept the Johnson amendment and take this railroad out from the provisions of this bill. The author has refused to accept the amendment and says there is language in section 5 covering it, but in my opinion it does not meet the situation at all. In fact, it goes to the point where it sets up the Interstate Commerce Commission as the operator of a railroad, which is not the function of the Interstate Commerce Commission, as you all know.

I hope this bill will be either recommitted or defeated.

The CHAIRMAN. The time of the gentleman from Utah [Mr. GRANGER] has expired.

Mr. JONES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there is some indication the proponent of the amendment presently before the Committee of the Whole apparently wants to cast suspicion upon those who are the proponents of this measure which he hopes to amend.

I have a slogan in mind that the country was taught to remember in 1898. It was "Remember the Maine." In connection with this bill I would have you "Remember the North Western."

There has been discussion that the hearings did not come to the membership in time. I sent a page boy to the Judiciary Committee last Friday, almost a week after the majority leader said this bill would be on the calendar last week for consideration, and I had no trouble getting the hearings. I have had 4 or 5 days to read the entire hearings and the report of the Judiciary subcommittee reporting the bill presently before you. That is 4 or 5 days to consider a bill that does not cost the Federal Government anything. For years we have voted for billions of dollars and we had to vote up or down legislation appropriating as high as $75,000,000,000 in one bill, and with only one night to read several thousand pages of testimony. I find no merit in the claim of the opponents of the bill, that they have not had an opportunity to read the hearings. Last night and the night before I read, studied and underscored the hearings on the present bill.

So, "remember the North Western" case. I want to point out some of the facts in the hearings because this bill brings back stark realities and injustice to people in my home community. I know a little stockholder there who owned a few shares of stock in the old North Western—before reorganization. The difference between the estates of many of these little stockholders, in my opinion, being solvent and insolvent, depends upon whether these railroads are reorganized with or without the enactment of the Reed bill.

Let us look at what the ICC did in the North Western case. They promulgated a plan in 1940. At that time the North Western Railroad had $12,000,000 of surplus. Let us see what the counsel for the stockholders tried to do. By May 15 of 1943, the railroad had $83,000,000. Let me say again when the reorganization plan of the ICC was conceived they had $12,000,000. You will find that on page 57 of the hearings. At page 58 the amount on hand had increased to $83,000,000.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. JONES. I yield.

Mr. WALTER. If the gentleman will look at page 169 of the hearings he will find a letter from Commissioner Mahaffie concerning the North Western plan outlining this increase. The average earnings of the North Western during this 10-year period were far from sufficient to service even the debt provided for in the new capitalization.

Mr. JONES. I saw page 169 of the hearings, but the fact still remains the counsel, Mr. Walter, for the North Western stockholders' group attempted to have a large part of this $83,000,000 used to pay off the RFC loan and he did not get permission. That was in April 1943.

Just to show you the extent of injustice of the present law without the Reed bill, counsel for the small stockholders went to the court and asked for a change of the reorganization plan in view of the increased earnings. The court denied his petition. I will call to your attention that when this reorganization plan of the ICC was conceived the national income of the country was much lower than it is today. You will find in the hearings that the average annual income of the Nation, which is some key to carloadings and railroad earning power, was less than $60,000,000,000 a year. There has not been an economist inside or outside of the Government who thinks today that the national income will be less than $125,000,000,000 a year. That should be reflected in the reorganization plan of the railroads. Without the Reed bill the enlarged national income will not be considered. The stockholders will be wiped out.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. JONES. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JONES. Changed and improved conditions in the Nation should be reflected in the reorganization plan, because it means that much more goods will be hauled over these railroads. Now, the proponents of this amendment stand

here in the well of the House and say to the public, to the small stockholders who invested $100 par for each and every share, that their stock is valueless, when you look at the record of the North Western, and remember that the reorganization plan was conceived in 1940 by the Interstate Commerce Commission. When the national income was low the reorganization plan allowed the North Western capitalization of $660,000,000 for rate making purposes to be reduced to $440,000,000. When you take off the RFC loan the reorganized capitalization is somewhat lower than that. The ICC 1940 reorganization plan washed out all of the common and preferred stockholders, gave it to a closed group, the insurance and banking group, the first and second bondholders, and let them take the $100,000,000 nearly all earned during bankruptcy operations and declare a dividend with it of $15-plus per share in the reorganized company. Is that honest? Is that fair dealing with the common and preferred stockholders who invested their $100 a share in this old corporation? At least there should have been a reflection in that reorganization plan amended as of 1944 so that at the very least that $15 a share in the reorganized company that went exclusively to the insurance companies and to the investment banks should have gone to the old company junior security holders, the common and preferred stockholders and the unsecured creditors of the old company who were washed out by the ICC 1940 plan.

That would have been the decent thing to do. But the insurance and banking groups did not do the decent thing. They washed out the common and preferred stockholders and passed among themselves the $15-per-share dividend from the $100,000,000, approximately, earned during bankruptcy proceedings. "Remember the North Western."

The opponents of the Reed bill do not want to return the railroads to the stockholders of the unreorganized companies. They have no confidence in the stockholders' management. The insurance and banking groups however bought the bonds when the stockholders managed the railroads. That makes the issue crystal clear. The insurance and banking groups want to run the railroads and run the stockholders out. "Remember the North Western."

The insurance companies and the investment bankers today say, "Close out the small stockholders; wipe them out; their interest is valueless." Oh, their memories are so short. Do you remember when the bankers were running to the State legislatures asking for a moratorium on the repayment of demand deposits or authority to put a limit on the amount that could be withdrawn from deposit accounts. Banking groups said to legislatures, "Do this so that we will not have to close our doors." Do you remember the march of the insurance companies to the insurance commissioners of the 48 States to save them during the depression? Did you try in 1933 to get the cash surrender value of your life insurance policy? You could not get it because insurance commissioners gave them moratoriums. Now these same folks come before you when the small stockholders are up against the 1939 and 1940 reorganization plans, conceived when the national economy was $60,000,000,000, compared with the present-day estimates of $125,000,000,000, in effect advocating now when the drought is over, when the old mortgaged farm has fields full of grain, the livestock are fat, that they will foreclose the old homestead and dispossess the farmer. Now they say, "We will confiscate stock of the common and preferred stockholders of the railroads and give the property, lands, and rolling stock to the insurance companies, free of their investment, and with it whatever cash increment during bankruptcy we pass among ourselves as a dividend to the banks and insurance companies."

Why are they so deficient of the milk of human kindness?

No; I shall not vote for this amendment because I feel that the proponent of the amendment is against the bill. He has already announced he is going to file a motion to recommit. Before this pending amendment is acted upon he announces he is going to try to recommit the bill, kill it, wipe out, as he says, the thousands of stockholders, advise them to sell that stock on the market for the present market value of 3, 4, and 5 cents on the dollar.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WALTER. Mr. Chairman, before there is a vote on the pending amendment, which, of course, the gentleman from Ohio did not discuss at all, I ask unanimous consent that the amendment be rereported.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk reread the Walter amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALTER] to the committee amendment.

The question was taken; and on a division (demanded by Mr. WALTER) there were—ayes 65, noes 4.

So the amendment to the committee amendment was agreed to.

FIGHT ON RAILROAD REORGANIZATION BILL SIMILAR TO FIGHT ON SPECIAL COMMITTEE INVESTIGATING BONDHOLDERS' PROTECTIVE COMMITTEES

Mr. SABATH. Mr. Chairman, the gentleman from Pennsylvania [Mr. WALTER] in his first speech opposing the bill stated that a good many bankers bought a large quantity of these stocks. Later on he said that they are worthless and the holders will not get a dollar for them. Now, I do not know which of his contradictory statements is correct. I do not think these bankers would have bought them had they considered them valueless.

REALTY BOND IN SIMILAR SITUATION

In the next place, I do not quite agree that these securities are worthless. I well remember, Mr. Chairman, how in 1934 the House created a special committee, of which I was chairman, to investigate the so-called bondholders' protective committees, the receivers, trustees, and so on of defaulted real-estate securities. At that time there were outstanding, in the hands of people throughout the United States, some $20,000,000,000—$20,000,000,000, which is twenty thousand millions—of defaulted bonds outstanding, selling for the most part, at 2, 3, or perhaps 5 cents on the dollar.

BONDS ROSE AFTER INVESTIGATION

After that committee began its investigation, and showed the market prices had been beaten down by milking and manipulation by the bondholders' protective committees themselves, within only a few months many of these worthless securities reached 25 cents or more of par, and many of them eventually reached full face value on the market. I believe if this railroad reorganization bill becomes law, many of the junior security holders will realize some fair consideration on their investments which they made on the tacit approval of the Interstate Commerce Commission which permitted issue of these bonds and stocks. Railroad financiers lost no time in unloading them on the public, just as the houses of issue made the American people believe, in the lush boom days of the twenties, that real-estate bonds were gilt-edged securities.

JUNIOR OWNERS SQUEEZED OUT

In 1934 and 1935, however, the smart railroad lawyers and stock manipulators, taking advantage of the loopholes in the law and the depressed conditions, applied to the Interstate Commerce Commission, for the benefit of the first mortgagees, the insurance companies, and big banks, for reorganization and for declaration of repudiation of the secondary securities. The ICC permitted these shrewd lawyers to influence them, and the junior securities were wiped out.

Even at that time I considered such action unfair and unjustified, and soon thereafter the railroads began coming back by improved business rather than because of any great relief through repudiation, and have continued to increase their earnings so that they have been able to repay most of their indebtedness, have paid back interest on the first securities, and have accumulated vast surpluses.

Mr. HOBBS. Mr. Chairman, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Alabama.

Mr. HOBBS. Mr. Chairman, I just want to say that the committee appreciates the leadership of the gentleman from Illinois [Mr. SABATH], who back in the dark days of 1932 began this movement to clean up and stamp out the racket of prodigious attorneys' fees, receivers' fees, and trustees' fees in the reorganization of corporations and railroads. He was the trail blazer in this movement.

Mr. SABATH. I think the gentleman from Alabama, an outstanding member of the Committee on the Judiciary, with whom I may have differed on some legislation, but who aided me in obtaining the passage of the so-called Chandler Act to protect the interests of real-estate

bondholders and who materially assisted me in obtaining favorable action in the House on a second measure which I had introduced which provided for a Conservator in Bankruptcy in real estate and other business reorganizations, and the placing of receivers and referees on a salary basis with the elimination of excessive fees allowed by the courts. Unfortunately this second bill died in the Senate in the closing days of the Seventy-fourth Congress.

QUOTATIONS FROM DEBATE

While I am satisfied that many thousands of bondholders at that time appreciated what was done for them, I regret the failure of the legislation, which would have put to an end the allowance by the courts of excessive fees to the committees, and to receivers, trustees, and lawyers. I wish to say to the gentleman from Alabama that while I appreciated the many commendatory letters which I received from bondholders for my efforts I appreciate more today his laudatory statement than those complimentary letters. In this connection, I shall take the privilege of inserting in the RECORD excerpts from speeches of Members who served on the Select Committee To Investigate Real Estate Bondholders Reorganizations bearing on the work and accomplishments of the committee, and made some 6 months after the committee had concluded its work and ceased its functions.

First I shall quote from the remarks of the Honorable Thomas O'Malley, of Wisconsin, who served on that committee, and who, since leaving the House, has made a wonderful record as an administrator of the Wages and Hours Act in the western district, and in that capacity has recovered millions of dollars in wages for employees; this is quoted from the CONGRESSIONAL RECORD, volume 81, part 3, at page 2906:

Mr. O'MALLEY. The last report of our committee, which I have before me, shows that we have forced reduction of fees in over 600 cases, and in the Paramount-Publix case alone we forced a reduction of a fee, when the judge was ready to grant it, of $3,000,000, and that money went back into the assets of the bondholders, and the bondholders will eventually receive it in interest and dividends.

This last report of our committee gives a comprehensive summary of the work we have performed. More than 20 public hearings have been held, extending over 56 full days. We have forced reductions in scores of cases by submitting to the judges sitting on these cases facts which our investigators produced in the course of the hearings. Many of the judges have written our committee praising us for the aid we have been to their courts in seeing that justice was done the bondholders.

I am going to conclude by saying this about the chairman of the committee, under whom I have been proud to serve: He has conducted this committee without fear or favor to anyone * * * I am proud to stand on the side of our dean.

I now quote from the speech of the Honorable Francis D. Culkin, Republican, of New York, who served on the Select Investigating Committee for over 2 years, who ably worked in ferreting out the machinations of many of the unscrupulous bondholders protective committees, and whose aid and counsel I always sought. Excerpts from his remarks are from the CONGRESSIONAL RECORD, volume 81, part 3, at page 2908, as follows:

Some months ago at the request of the distinguished minority leader I went upon the Sabath committee for the purpose of investigating the issue of real estate bonds and the maladministration of the committees that had been in charge. I did so unwillingly, but under the urge of the distinguished minority leader I entered upon that task.

The situation in America then was appalling. Approximately $10,000,000 of these bonds were in default. These bonds were not held by the conventional stock market gambler but by people who had reached the evening of life, people who had invested their little all for old-age security, retired school teachers, retired businessmen, under the high-powered salesmanship of that group that peddled those bonds. They were assured that these bonds rested upon the soil, upon the land, and that in their values they were eternal.

So this investment reached to the life savings, to the life earnings of some 4,000,000 people of America, who, as I said, had reached the evening of life.

Mr. Speaker, what did we find in this investigation? We found that bonds totaling some twelve to fourteen billion dollars had in fact been issued on deliberately inflated values. These bonds were predestined to default. When the dark hours of 1929 and subsequent years came they did default.

Then what happened? Protective committees were formed by the houses of issue, which called the bonds in and obtained powers of attorney from these far-scattered bondholders.

* * * * *

The bonds were then turned over by these houses of issue to the real estate sharks who usually bought the property at 15 cents on the dollar or less. The mortgage was foreclosed, and then another pilgrimage was made to the court and another division of proceeds was made. Thus, the bondholders were wiped out.

Mr. Speaker, this is what was occurring when the committee came into the picture.

* * * * *

I was impressed when I saw these bondholders who were cursing, if you please, the impotence of the Federal and State Governments. When this bond committee came into being we stopped that sort of performance. We were not always polite. We called a spade a spade. We were vigorous, but we stopped the performance. Mr. Speaker, we saved these bondholders at least $2,000,000,000 as a result of our labors.

* * * * *

Now in the conduct of the affairs of this committee, I have been greatly impressed with the sound character and absolute decency of the distinguished chairman, Judge SABATH. I am going to stay on the side of Judge SABATH in this controversy. I have not always agreed with Judge SABATH on the proceedings of the committee. We have differed. * * * I insist that, working with the tools it had, this committee has done a splendid job; not always, perhaps, entirely formal in its methods, but ever on the side of the bondholders, and ever against these oppressive, high-powered groups, these ghouls who were picking the carcasses of those properties even as did the carpetbaggers that of the fallen Confederacy.

Mr. Chairman, I now include excerpts from a speech by another Republican who was a member of that committee during its entire life, and has established a splendid record of constructive legislation, who said in part, as shown in the CONGRESSIONAL RECORD, volume 81, part 3, at page 2910:

Mr. DIRKSEN. Mr. Speaker, I have served on the Sabath committee from its inception. I have attended every hearing in Chicago, every hearing in Detroit and in Milwaukee, and some of the hearings in New York and Philadelphia. I could speak an hour upon the accomplishments of the distinguished chairman of the committee, and when it was all over it could be boiled down into these words: I have found him to be of unimpeachable integrity ever since he has been a member of the committee and ever since he has been a Member of this House.

I shall allude to only one thing that may be of interest. This committee delved into a situation in one of the Northeastern States, where men who it is alleged bore my own party label, had been dipping into the treasury of a defunct corporation long after it had gone into insolvency, and dissipated the money of the stockholders to the extent of several million dollars. It came to our attention just shortly before election day, 1934. The distinguished chairman of this committee, who is a Democraat, out of respect for any sensibility that the minority members might have and to repel the faintest breath of suspicion that the committee was being used as an instrument for political advantage, said to us that he would let the matter ride until election day was over. * * * It is only added evidence of the great and fine spirit with which the chairman conducted this committee and how solicitious he was about the interest of the minority members.

He has labored early and late, in season and out, at the expense of his own health to achieve an excellent piece of work.

I could quote at length from many other Members of that Congress—from Republican Leader Bertrand Snell, of New York, from former Congressman Claude Fuller, of Arkansas, and from many others—but I shall not encumber the RECORD with so many remarks lauding the work of the committee and, if I may be permitted to say so, its chairman.

Mr. Chairman, coming back to the railroad reorganization legislation now before us, I have in my possession hundreds upon hundreds of letters from aged men and women from every section of the United States pleading for the passage of this legislation to enable them to recover at least a portion of what was, in many instances, their life savings invested in these railroad securities.

Some of the railroads have been in receivers' hands many times and for many years, and I feel that the bondholders who are the rightful owners should have the right to eliminate the receivers, trustees, and lawyers who have been growing fat from the exorbitant fees which they have been receiving to the detriment of thousands of junior security holders. Just a few days ago it came to my notice that a judge had approved the payment of $850,000 or $860,000 in fees to receivers, trustees, and lawyers in a railroad reorganization proceeding. That is a fair example of the allowance of unconscionably high fees paid in other railroad reorganizations.

Had my "conservator in bankruptcy" been enacted, receivers and referees in bankruptcy would have been placed on a fixed salary, and these exorbitant and unjustified fees would have been prohibited, and railroads and other corpora-

tions and real estate would have been kept out of the clutches of receivers and self-appointed trustees.

In conclusion, Mr. Chairman, let me say that the bill before us aims to replace the roads in the hands of the actual owners who, it is believed, will deal fairly and decently with the thousands of junior security holders, and I believe that the bill should pass.

Mr. REED of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, statements were made yesterday and today by opponents of this bill that the New York, New Haven & Hartford Railroad now owes Federal, State, and municipal governments various taxes to the total of $30,000,000. I hold in my hand a certified copy dated the 24th day of July 1946 of the title page and pages 200 and 201 of the 1945 annual report of the New York, New Haven & Hartford Railroad Co. as filed with the Secretary of the Interstate Commerce Commission. In the balance sheet on page 201, taxes accrued at the beginning of the year 1945 are shown as $20,251,665, but at the end of 1945 they are shown to be only $4,813,101, so practically all of the taxes had been paid.

The gentleman from Ohio [Mr. JONES] spoke about the North Western. Your Committee on the Judiciary had that in mind several years ago. We foresaw what would happen to the North Western, and discussed it many times in our Subcommittee on Bankruptcy and Reorganization. In the Seventy-eighth Congress the gentleman from Alabama [Mr. HOBBS] introduced his bill, which we believe would have taken care of the North Western and would have saved the preferred and common stockholders and the unsecured creditors from being eliminated. But the thing that defeated us in the Seventy-eighth Congress was delay, delay, delay, and more delay. We held extensive hearings upon that bill. All the persons who were interested appeared before our subcommittee. They asked for additional time to file briefs, statements, and so on, and we allowed it to them, but we allowed it once or twice too often. We came to the end of the session just as we are coming to the end of this session, and we were unable to get that bill onto the floor of the House.

In the next session the Hobbs bill came to the floor of the House early and was passed with only one dissenting vote. But in the meantime the North Western case was disposed of. The preferred and common stocks of that great railroad were wiped out, as well as $40,000,000 of unsecured claims.

By the time this reorganization was completed, there was over $100,000,000 in the treasury, all of which was turned over to the new organization. It is a significant fact that when this new company elected its directors—who were these directors elected by the new owners of the Chicago & North Western? And who were the voting trustees selected? Three of those directors and voting trustees were men who had appeared before the subcommittee—men who did everything in their power to defeat the Hobbs bill in the Seventy-eighth Congress. They were successful. Delay was what defeated us in the Seventy-eighth Congress, and they are hoping that the same tactics will be able to defeat this legislation today.

Willful men with the same purposes in mind appeared a few months ago before the Senate committee which was considering legislation similar to that now before the House. The same technique was employed. If by any chance this legislation should not be enacted into law, I suggest a perusal of the list of witnesses opposing the Senate bill, for candidates for future directorships on these other roads that are held in captivity by section 77 of the Bankruptcy Act.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 5924) to enable debtor railroad corporations, whose properties during a period of 7 years have provided sufficient earnings to pay fixed charges, to effect a readjustment of their financial structure without further prceeedings under section 77 of the Bankruptcy Act, as amended, pursuant to House Resolution 687, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WALTER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WALTER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALTER moves that the bill, H. R. 5924, be recommitted to the Committee on the Judiciary.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. WALTER) there were—ayes 41, noes 83.

Mr. WALTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 94, nays 229, answered "present" 2, not voting 105, as follows:

[Roll No. 236]

YEAS—94

Bailey	Jackson	Price, Ill.
Bates, Mass.	Johnson, Calif.	Rabin
Biemiller	Johnson, Ind.	Ramey
Bishop	Kean	Rankin
Brown, Ga.	Kee	Rizley
Bulwinkle	Keogh	Roe, Md.
Canfield	King	Rogers, Mass.
Carnahan	Klein	Rooney
Case, N. J.	Lane	Schwabe, Okla.
Chapman	Lanham	Smith, Va.
Cole, Mo.	LeCompte	Spence
Colmer	Lewis	Springer
Curtis	Lyle	Starkey
Douglas, Calif.	McGregor	Stigler
Douglas, Ill.	Madden	Sullivan
Doyle	Marcantonio	Sundstrom
Durham	Martin, Iowa	Talbot
Flannagan	Martin, Mass.	Thomason
Fuller	Mills	Traynor
Gillie	Monroney	Trimble
Goodwin	Neely	Vorys, Ohio
Granger	Norblad	Walter
Grant, Ind.	Norrell	Wasielewski
Harness, Ind.	Outland	Wigglesworth
Harris	Pace	Wilson
Havenner	Patman	Winstead
Hays	Patterson	Winter
Hoch	Philbin	Wolcott
Holmes, Wash.	Pickett	Woodhouse
Horan	Ploeser	Zimmerman
Howell	Poage	
Huber	Pratt	

NAYS—229

Abernethy	Elliott	Johnson, Ill.
Allen, La.	Ellis	Jones
Andersen, H. Carl	Ellsworth	Jonkman
Andresen, August H.	Elsaesser	Kearney
Andrews, Ala.	Elston	Keefe
Angell	Engle, Calif.	Kelley, Pa.
Arnold	Ervin	Kelly, Ill.
Baldwin, N. Y.	Fallon	Kinzer
Barden	Feighan	Kirwan
Barrett, Pa.	Fellows	Knutson
Barrett, Wyo.	Fenton	Kopplemann
Barry	Fernandez	Kunkel
Beall	Fisher	LaFollette
Bell	Flood	Landis
Bender	Fogarty	Larcade
Bennett, Mo.	Folger	Latham
Blackney	Forand	LeFevre
Bloom	Fulton	Lemke
Bolton	Gallagher	Lesinski
Bonner	Gamble	Link
Bradley, Pa.	Gardner	Lynch
Brehm	Gavin	McConnell
Brown, Ohio	Gearhart	McCowen
Brumbaugh	Geelan	McDonough
Bryson	Gerlach	McGlinchey
Buchanan	Gibson	McMillen, Ill.
Buck	Gifford	Manasco
Buckley	Gillette	Mason
Butler	Gordon	Mathews
Byrne, N. Y.	Gore	Michener
Byrnes, Wis.	Gorski	Miller, Nebr.
Campbell	Graham	Morgan
Cannon, Fla.	Granahan	Mundt
Cannon, Mo.	Grant, Ala.	Murdock
Carlson	Green	Murray, Tenn.
Case, S. Dak.	Gregory	Murray, Wis.
Celler	Griffiths	O'Brien, Ill.
Chelf	Gross	O'Brien, Mich.
Chiperfield	Gwinn, N. Y.	O'Hara
Church	Gwynne, Iowa	O'Neal
Clark	Hagen	Peterson, Fla.
Clason	Hale	Phillips
Clements	Hall, Leonard W.	Pittenger
Clevenger	Hancock	Price, Fla.
Cole, N. Y.	Hand	Rains
Cooley	Hare	Randolph
Corbett	Harless, Ariz.	Rayfiel
Crosser	Hartley	Reed, Ill.
Cunningham	Healy	Reed, N. Y.
D'Alesandro	Hedrick	Rees, Kans.
Davis	Heffernan	Resa
De Lacy	Hendricks	Richards
Delaney, James J.	Henry	Riley
D'Ewart	Heselton	Rivers
Dirksen	Hess	Robertson, N. Dak.
Dolliver	Hinshaw	Robertson, Va.
Domengeaux	Hobbs	Robsion, Ky.
Dondero	Hoeven	Rodgers, Pa.
Doughton, N. C.	Hoffman, Mich.	Rogers, Fla.
Drewry	Hoffman, Pa.	Rogers, N. Y.
Dworshak	Hope	Rowan
Eaton	Hull	Ryter
Eberharter	Jarman	Sabath
	Jenkins	Sasscer
	Jennings	Savage

Schwabe, Mo.	Stevenson	Towe
Shafer	Stockman	Voorhis, Calif.
Sharp	Sumner, Ill.	Vursell
Sheppard	Sumners, Tex.	Wadsworth
Sikes	Taber	Weaver
Simpson, Ill.	Talle	Weichel
Simpson, Pa.	Tarver	White
Smith, Maine	Taylor	Whitten
Smith, Ohio	Thom	Whittington
Smith, Wis.	Thomas, N. J.	Wolverton, N. J.
Somers, N. Y.	Thomas, Tex.	Woodruff
Stefan	Tibbott	Worley

ANSWERED "PRESENT"—2

Auchincloss Rabaut

NOT VOTING—105

Adams	Engel, Mich.	Mansfield, Tex.
Allen, Ill.	Gary	May
Almond	Gathings	Merrow
Anderson, Calif.	Gillespie	Miller, Calif.
Andrews, N. Y.	Gossett	Morrison
Arends	Hall,	Norton
Baldwin, Md.	Edwin Arthur	O'Konski
Bates, Ky.	Halleck	O'Toole
Beckworth	Hart	Patrick
Bennet, N. Y.	Hébert	Peterson, Ga.
Bland	Herter	Pfeifer
Boren	Hill	Plumley
Boykin	Holifield	Powell
Bradley, Mich.	Holmes, Mass.	Priest
Brooks	Hook	Quinn, N. Y.
Buffett	Izac	Reece, Tenn.
Bunker	Jensen	Rich
Camp	Johnson, Okla.	Robinson, Utah
Chenoweth	Johnson, Tex.	Rockwell
Clippinger	Judd	Roe, N. Y.
Cochran	Kefauver	Russell
Coffee	Kerr	Sadowski
Cole, Kans.	Kilburn	Scrivner
Combs	Kilday	Sheridan
Cooper	Lea	Short
Courtney	Luce	Slaughter
Cox	Ludlow	Sparkman
Cravens	McCormack	Stewart
Crawford	McGehee	Tolan
Curley	McKenzie	Torrens
Daughton, Va.	McMillan, S. C.	Vinson
Dawson	Mahon	Welch
Delaney,	Maloney	West
John J.	Mankin	Wickersham
Dingell	Mansfield,	Wolfenden, Pa.
Earthman	Mont.	Wood

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rabaut for, with Mr. Judd against.

Mr. Izac for, with Mr. John J. Delaney against.

Mr. Rich for, with Mr. Hart against.

Mrs. Luce for, with Mr. Holmes of Massachusetts against.

Mr. Powell for, with Mr. Quinn of New York against.

Mr. Miller of California for, with Mr. Boykin against.

General pairs until further notice:

Mr. McCormack with Mr. Halleck.

Mr. Sparkman with Mr. Short.

Mr. Camp with Mr. Edwin Arthur Hall.

Mr. Hébert with Mr. Scrivner.

Mr. Roe of New York with Mr. Adams.

Mr. Hook with Mr. Clippinger.

Mr. Wood with Mr. Allen of Illinois.

Mr. Morrison with Mr. Jensen.

Mr. Dingell with Mr. Hill.

Mr. Holifield with Mr. Engel of Michigan.

Mr. McGehee with Mr. Herter.

Mr. Sheridan with Mr. Cole of Kansas.

Mr. Vinson with Mr. Buffett.

Mr. Pfeifer with Mr. Chenoweth.

Mr. Almond with Mr. Bradley of Michigan.

Mr. Priest with Mr. Kilburn.

Mr. O'Toole with Mr. Merrow.

Mr. Maloney with Mr. Crawford.

Mr. Kefauver with Mr. Anderson of California.

Mr. Mansfield of Montana with Mr. Bennet of New York.

Mrs. Norton with Mr. Arends.

Mr. Gathings with Mr. Gillespie.

Mr. Cooper with Mr. Auchincloss.

Mr. Johnson of Texas with Mr. Plumley.

Mr. Mahon with Mr. Reece of Tennessee.

Mr. Gary with Mr. Welch.

Mr. Courtney with Mr. Rockwell.

Mr. Bunker with Mr. Andrews of New York.

Mr. McMillan of South Carolina with Mr. O'Konski.

Mr. McKenzie with Mr. Wolfenden of Pennsylvania.

Mr. JENKINS and Mr. MCCOWEN changed their votes from "yea" to "nay."

Mr. ROONEY changed his vote from "nay" to "yea."

Mr. RABAUT. Mr. Speaker, I have a pair with the gentleman from Minnesota, Mr. JUDD. If he were present he would vote "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the rule, the Chair lays before the house the bill (S. 1253) to enable debtor railroad corporations expeditiously to effectuate reorganizations of their financial structures; to alter or modify their financial obligations; and for other purposes, for immediate consideration.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That it is hereby declared to be the policy of the Congress, in order to promote the public interest in avoiding the deterioration of service by railroads and the interruption of employment which inevitably attend the threat of financial difficulties and which follow upon financial collapse and in order to promote the public interest in increased stability of values of railroad securities with resulting greater confidence therein of investors, to assure, insofar as possible, continuity of sound financial condition of said common carriers, to preserve the investments of security holders to the fullest possible extent, to prevent forfeitures of investments, and to enable said common carriers, insofar as possible, to avoid prospective financial difficulties, inability to meet debts as they mature, and insolvency. To assist in accomplishing these ends and because certain classes of the obligations of such carriers are in the usual case held by a very large number of holders, and further to enable modification and reformation of provisions of the aforesaid classes of obligations and of provisions of the instruments pursuant to which they are issued or by which they are secured in cases where such modification and reformation shall have become necessary or desirable in the public interest in order to avoid obstruction to or interference with the economical, efficient, and orderly conduct by such carriers of their affairs, it is deemed necessary to provide means, in the manner and with the safeguards herein provided, for the alteration and modification, without the assent of every holder thereof, of the provisions of such classes of obligations and of the instruments pursuant to which they are outstanding or by which they are secured.

SEC. 1. It shall be lawful (any express provision contained in any mortgage, indenture, deed of trust, or other instrument to the contrary notwithstanding), with the approval and authorization of the Interstate Commerce Commission (hereinafter referred to as the Commission), as provided in paragraph (2) hereof, for a carrier as defined in section 20a of part I of the Interstate Commerce Act (1) to alter or modify (a) any provision of any class or classes of its bonds, notes, debentures, or other evidences of indebtedness (whether secured, unsecured, matured, or unmatured), issued under any mortgage, indenture, deed of trust, or other instrument of like nature, such bonds, notes, debentures, or other evidences of indebtedness being hereinafter in this section sometimes called "obligations"; (b) any provision of any mortgage, indenture, deed of trust, or other instrument pursuant to which any class of its obligations shall have been issued or by which any class of its obligations is secured: *Provided*, That the provisions of this section shall not apply to any equipment-trust certificates in respect of which a carrier is obligated, or to any evidences of indebtedness of a carrier the payment of which is secured in any manner solely by equipment, or to any instrument, whether an agreement, lease, conditional-sale agreement, or otherwise, pursuant to which such equipment-trust certificates or such evidences of indebtedness shall have been issued or by which they are secured.

(2) Whenever an alteration or modification is proposed under paragraph (1) hereof, the carrier seeking authority therefor shall, pursuant to such rules and regulations as the Commission shall prescribe, present an application to the Commission. Upon presentation of any such application, the Commission may, in its discretion, but need not, as a condition precedent to further consideration, require the applicant to secure assurances of assent to such alteration or modification by holders of such percentage of the aggregate principal amount outstanding of the obligations affected by such alteration or modification as the Commission shall in its discretion determine. If the Commission shall not require the applicant to secure any such assurance, or when such assurances as the Commission may require shall have been secured, the Commission shall set such application for public hearing and the carrier shall give such notice of such hearing in such manner, by advertisement or otherwise, as the Commission may find practicable and may direct, to holders of such of its classes of securities and to such other persons in interest as the Commission shall determine to be appropriate and shall direct. If the Commission, after hearing, in addition to making (in any case where such alteration or modification involves an issuance of securities) the findings required by paragraph (2) of said section 20a, shall find that, subject to such terms and conditions and with such amendments as it shall determine to be just and reasonable, the proposed alteration or modification—

(a) is within the scope of paragraph (1);

(b) will be in the public interest;

(c) will be in the best interests of the carrier and of the holders of each class of its obligations affected by such modification or alteration; and

(d) will not be adverse to the interests of the holders of any other class of the carrier's securities or to the interests of any creditor of the carrier not affected by such modification or alteration,

then (unless the applicant carrier shall withdraw its application) the Commission shall cause the carrier, in such manner as it shall direct, to submit the proposed alteration or modification (with such terms, conditions, and amendments, if any) to the holders of each class of its obligations affected thereby, for acceptance or rejection. All letters, circulars, advertisements, and other communications, and all financial and statistical statements, or summaries thereof, to be used in soliciting the assents or the opposition of such holders shall, before being so used, be submitted to the Commission for its approval as to correctness and sufficiency of the material facts stated therein. If the Commission shall find that as a result of such sub-

mission the proposed alteration or modification has been assented to by the holders—

(i) of at least 66⅔ percent of the aggregate principal amount outstanding of each class of obligations affected thereby; or

(ii) of less than 66⅔ percent but not less than 51 percent of any particular class or classes of securities affected, and the Commission, after hearing, finds that such reduction in percentage will be just and reasonable and in the public interest; or

(iii) in any case where 66⅔ percent thereof is held by fewer than 25 holders, of such larger percentage, if any, as the Commission, after hearing, finds will be just and reasonable and in the public interest;

the Commission shall enter an order approving and authorizing the proposed alteration or modification upon the terms and conditions and with the amendments, if any, so determined to be just and reasonable. Such order shall make provision as to the time when such alteration or modification shall become and be binding, which may be upon publication of a declaration to that effect by the carrier, or otherwise, as the Commission may determine. Any alteration or modification which shall become and be binding pursuant to the approval and authority of the Commission hereunder shall be binding upon each holder of any obligation of the carrier of each class affected by such alteration or modification, and upon any trustee or other party to any instrument under which any such class of obligations shall have been issued or by which it is secured, and when any alteration or modification shall become and be binding the rights of each such holder and of any such trustee or other party shall be correspondingly altered or modified.

(3) For the purposes of this section a class of obligations shall be deemed to be affected by any modification or alteration proposed only (a) if a modification or alteration is proposed as to any provision of such class of obligations, or (b) if any modification or alteration is proposed as to any provision of any instrument pursuant to which such class of obligations shall have been issued or shall be secured: *Provided*, That in any case where more than one class of obligations shall have been issued and be outstanding or shall be secured pursuant to any instrument, any alteration or modification proposed as to any provision of such instrument, which does not relate to all of the classes of obligations issued thereunder, shall be deemed to affect only the class or classes of obligations to which such alteration or modification is related. For the purpose of the finding of the Commission referred to in paragraph (2) of this section as to whether the required percentage of the aggregate principal amount outstanding of each class of obligations affected by any proposed alteration or modification has assented to the making of such alteration or modification, any obligation which secures any evidence or evidences of indebtedness of the carrier or of any company controlling or controlled by the carrier shall be deemed to be outstanding unless the Commission in its discretion determines that the proposed alteration or modification does not materially affect the interests of the holder or holders of the evidence or evidences of indebtedness secured by such obligation. Whenever any such pledged obligation is, for said purposes, to be deemed outstanding, assent in respect of such obligation, as to any proposed alteration or modification, may be given only (any express or implied provision in any mortgage, indenture, deed of trust, note, or other instrument to the contrary notwithstanding) as follows: (a) where such obligation is pledged as security under a mortgage, indenture, deed of trust, or other instrument, pursuant to which any evidences of indebtedness are issued and outstanding, by the holders of a majority in principal amount of such evidences of indebtedness, or (b) where such obligation secures an evidence or evidences of indebtedness not issued pursuant to such a mortgage, indenture, deed of trust, or other instrument, by the holder or holders of such evidence or evidences of indebtedness; and in any such case the Commission, in addition to the submission referred to in paragraph (2) of this section, shall cause the carrier in such manner as it shall direct to submit the proposed alteration or modification (with such terms, conditions, and amendments, if any, as the Commission shall have determined to be just and reasonable) for acceptance or rejection, to the holders of the evidences of indebtedness issued and outstanding pursuant to such mortgage, indenture, deed of trust, or other instrument, or to the holder or holders of such evidence or evidences of indebtedness not so issued, and such proposed alteration or modification need not be submitted to the trustee of any such mortgage, indenture, deed of trust, or other instrument, but assent in respect of any such obligation shall be determined as hereinbefore in this section provided. For the purpose of any such assent the evidences of indebtedness issued and outstanding under any such mortgage, indenture, deed of trust, or other instrument shall be determined by the Commission.

(4) (a) Any authorization and approval hereunder of any alteration or modification of a provision of any class of obligations of a carrier or of a provision of any instrument pursuant to which a class of obligations has been issued, or by which it is secured, shall be deemed to constitute authorization and approval of a corresponding alteration or modification of the obligation of any other carrier which has assumed liability in respect of such class of obligations as guarantor, endorser, surety, or otherwise: *Provided*, That such other carrier consents in writing to such alteration or modification of such class of obligations in respect of which it has assumed liability or of the instrument pursuant to which such class of obligations has been issued or by which it is secured, and such consent having been given, any such corresponding alteration or modification shall become effective, without other action, when the alteration or modification of such class of obligations or of such instrument shall become and be binding.

(b) Any person who is liable or obligated contingently or otherwise on any class or classes of obligations issued by a carrier shall, with respect to such class or classes of obligations, for the purposes of this section, be deemed a carrier.

(5) The authority conferred by this section shall be exclusive and plenary and any carrier, in respect of any alteration or modification authorized and approved by the Commission hereunder, shall have full power to make any such alteration or modification and to take any actions incidental or appropriate thereto, and may make any such alteration or modification and take any such actions, and any such alteration or modification may be made without securing the approval of the Commission under any other section of the Interstate Commerce Act or other paragraph of this section, and without securing approval of any State authority, and any carrier and its officers and employees and any other persons, participating in the making of an alteration or modification approved and authorized under the provisions of this section or the taking of any such actions, shall be, and they hereby are, relieved from the operation of all restraints, limitations, and prohibitions of law, Federal, State, or municipal, insofar as may be necessary to enable them to make and carry into effect the alteration or modification so approved and authorized, in accordance with the conditions and with the amendments, if any, imposed by the Commission. Any power granted by this section to any carrier shall be deemed to be in addition to and in modification of its powers under its corporate charter or under the laws of any State. The provisions of this section shall not affect in any way the negotiability of any obligation of any carrier or of the obligation of any carrier which has assumed liability in respect thereto.

(6) The Commission shall require periodical or special reports from each carrier which shall hereafter secure from the Commission approval and authorization of any alteration or modification under this section, which shall show, in such detail as the Commission may require, the action taken by the carrier in the making of such alteration or modification.

(7) The provisions of this section are permissive and not mandatory and shall not require any carrier to obtain authorization and approval of the Commisssion hereunder for the making of any alteration or modification of any provision of any of its obligations or of any class thereof or of any provision of any mortgage, indenture, deed of trust, or other instrument, which it may be able lawfully to make in any other manner, whether by reason of provisions for the making of such alteration or modification in any such mortgage, indenture, deed of trust, or other instrument, or otherwise: *Provided*, That the provisions of paragraph (2) of said section 20a, if applicable to such alteration or modification made otherwise than pursuant to the provisions of this section, shall continue to be so applicable.

(8) The provisions of paragraph (6) of said section 20a, except the provisions thereof in respect of hearings, shall apply to applications made under this section. In connection with any order entered by the Commission pursuant to paragraph (2) hereof, the Commission may from time to time, for good cause shown, make such supplemental orders in the premises as it may deem necessary or appropriate, and may by any such supplemental order modify the provisions of any such order, subject always to the requirements of said paragraph (2).

(9) The provisions of subdivision (a) of section 14 of the Securities Exchange Act of 1934 shall not apply to the solicitation by or on behalf of a carrier of assents (or assurances of assents) by holders of its obligations to a proposed alteration or modification pursuant to this section.

(10) The Commission shall have the power to make such rules and regulations appropriate to its administration of the provisions of this section as it shall deem necessary or desirable.

SEC. 2. (1) All proceedings under section 77 of the Bankruptcy Act, whether before the Interstate Commerce Commission or United States courts, relating to the preparation or effectuation of plans of reorganization of each carrier by railroad as defined in said section 20a (1) whose properties on the effective date of this section or at any time thereafter are in the custody of the United States courts, and—

(a) whose gross railway operating revenues for any of the calendar years 1942 to 1944, inclusive, were in excess of $50,000,000; or

(b) if its gross railway operating revenues were not in excess of such amount, such carrier is a debtor in any such proceeding, or is a party defendant in any proceeding ancillary thereto, with another such carrier whose revenues were so in excess;

shall be forthwith suspended and discontinued as of the effective date of this section.

(2) Carriers to which paragraph (1) of this section is applicable shall institute proceedings and file application under section 1 of this act as expeditiously as possible but in no event later than 6 months after the effective date of this section, of such longer period as the Commission, on application, may approve.

(3) The properties of any carrier specified in paragraph (1) of this section shall continue in the custody of the United States courts having custody of them; except that, the following portions of said section 77 shall not be applicable in any such case:

(a) The first two paragraphs of subsection (b).

(b) Subdivision (1) of subsection (c).

(c) The first five sentences and the first seven words of the sixth sentence of subdivision (2) of subsection (c).

(d) Subsections (d), (e), (f), and (k).

In addition to the foregoing exceptions and for the purpose of applying to such carriers in the cases in which and during the period for which such custody is held under said section 77, and pending the consummation of proceedings under section 1 of this act, the word "debtor" shall be substituted for the words "trustee or trustees" wherever such latter words occur in subdivisions (3), (5), (9), and (10) of subsection (c), and subsections (i) and (o), of said section 77. The final determination heretofore or hereafter made in the United States courts with respect to the relative priorities as between the respective classes of security holders, the subordination of the interest of a creditor or security holder of the debtor to the interest of other creditors or security holders, or the validity, amount and priority of any claim shall continue in full force and effect. Nothing herein is intended or shall be construed to modify or rescind any such determination or to prevent or delay the prosecution to final determination of any such issue now pending, and not yet finally determined, in the United States courts.

(4) The proceedings with respect to any such carrier specified in paragraph (1) of this section under section 77 of the Bankruptcy Act shall be dismissed upon consummation of proceedings affecting such carrier under section 1 of this act, or upon payment of its matured, unpaid obligations, or the making of other arrangements with reference to such obligations satisfactory to the owners of the claims therefor, and such proceedings may be dismissed under the conditions and in the manner prescribed in subsection (g) of section 77 of the Bankruptcy Act.

(5) The appointment, term of office, powers, authority, compensation and fees of each trustee appointed by the court, and of each counsel of such trustee, shall be terminated on or before 30 days after the effective date of this section. The United States court having custody of the properties of any carrier specified in paragraph (1) of this section shall have the power, in its discretion, to require the carrier to appoint the present trustee or trustees in a managerial or lesser capacity, for the performance of such duties in behalf of such carrier as the court may specify, for such period or periods during said proceeding and under such terms and conditions as the court may specify; the court shall also have the power to terminate such services and appointment.

(6) If the United States of America, or any agency thereof, or any corporation (other than the Reconstruction Finance Corporation) the majority of the stock of which is owned by the United States of America, is a creditor or stockholder of any such carrier, the President of the United States or any officer or agency he may designate, is hereby authorized to act in respect of the interest or claims of the United States or of such agency or other corporation.

(7) The Commission shall designate one or more qualified members of its staff to serve as mediator or mediators in each of the proceedings under section 1 with respect to carriers specified under paragraph (1) of this section for the purpose of bringing the different classes of creditors and other security holders together, of being available to advise with them, of assisting in the effectuation of changes, compromises, arrangements, negotiations, and dealings with the various classes of creditors and other security holders and with individuals, groups, and committees representing creditors or other security holders, of assisting in expediting all stages of the proceedings and the early termination and the consummation of all transactions hereunder, including all steps requisite for the effectuation thereof.

(8) In proceedings under section 1 with respect to a carrier specified in paragraph (1) of this section the Commission shall have the power, in its discretion, to submit to holders of obligations, any proposed alteration or modification affecting them which the Commission has caused the carrier to submit to such holders under the provisions of the fourth sentence of paragraph (2) of section 1 hereof; in the event that it is satisfied that such alteration or modification has been accepted by or on behalf of creditors of each class to which submission is required under section 1 holding more than two-thirds in amount of the total of the allowed claims of such class which have voted on said alteration or modification, the Commission shall enter an order approving and authorizing the proposed alteration or modification as provided in said paragraph (2) of section 1 hereof: *Provided*, That it shall enter such order in any case in which such alteration or modification has not been so accepted by the creditors of any class or classes if it finds, after hearing, that such rejection is not reasonably justified in the light of the respective rights and interests of those rejecting them and all the relevant facts.

(9) If after having submitted a proposed alteration or modification to holders of affected obligations as provided in paragraph (8), the Commission shall not have entered an order approving and authorizing such proposed alteration or modification within a period of 12 months following the date of the filing of an application in accordance with paragraph (2) of this section, or such extended periods as the Commission on application therefor may approve, then the Commission, after hearings, shall formulate and submit to holders of affected obligations such alteration or modification as in its opinion meets the standards set forth in section 1 above; in applying such standards of section 1 for the purpose of any such alteration or modification under this paragraph, the Commission shall give full effect to all changes, facts, and developments since 1940, including, without limitation, for such period total railway operating revenues, operating expenses and other charges, net earnings, the full effect of amortization deductions on earnings of past and future years, improvements to the property, the effect of the released collateral through past or future payment of loans, cash and net current assets, retirements and purchases of debt, including retirements and purchases at a discount that have been made or that can reasonably be made, adjustment and reduction of interest rates on outstanding debt that may be made including the adjustment and reduction of interest rates for prior years. In the event the Commission is satisfied that such alteration or modification has been accepted by the percentages required for acceptance under the provisions of section 1 or of paragraph (8) of this section (or, if not so accepted, its finds after hearing as provided in paragraph (8) that such rejection is not reasonably justified) it shall enter an order approving and authorizing such alteration or modification, unless it finds that, prior to the entry of such order, the alteration or modification submitted under paragraph (8) has been accepted by the percentages required by the provisions of that paragraph or of section 1, in which event it shall enter an order approving and authorizing such alteration or modification submitted under paragraph (8).

(10) No holding company, individual, group, partnership, association, corporation, or other entity (excluding a common carrier subject to part I of the Interstate Commerce Act)—

(A) which exercises direct or indirect control of one or more carriers the properties of which are not in the custody of a court in proceedings under section 77 of the Bankruptcy Act; and

(B) which also owns shares of voting stock of any carrier to which paragraph (1) of this section is applicable, in sufficient number to enable the owner thereof to control such carrier,

shall, during the proceedings under section 1, vote such shares for the election of more than a minority of the directors of such carrier to which paragraph (1) of this section is applicable.

(11) The provisions of this section shall not apply if at the time of filing the petition for reorganization under section 77 of the Bankruptcy Act as amended, more than 90 percent of the outstanding voting stock of the debtor railroad corporation shall have been owned or controlled, directly or indirectly, by voting trust or otherwise, by another railroad corporation and/or by a corporation owning or controlling more than 90 percent of the outstanding voting stock of another railroad corporation. The term "Corporation" as used in this paragraph shall be deemed to include its trustees appointed under the aforesaid section 77 of the Bankruptcy Act.

SEC. 20d. If any provision of section 1 or 2, or the application thereof to any person or circumstances, is held invalid, the remainder of such sections and the application of such provision to other persons or circumstances, shall not be affected thereby.

Mr. HOBBS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Mr. HOBBS moves to strike out all after the enacting clause of the bill S. 1253, and insert the provisions of the bill H. R. 5924, as amended, as follows:

"That if the properties of any railroad corporation, debtor in a proceeding pending under section 77 of the Bankruptcy Act, as amended, shall have produced average annual earnings during the period of the preceding seven calendar years sufficient to pay the fixed charges of the said debtor in the said years, and the judge shall so find, the judge upon application therefor within 60 days from the effective date of this act by the debtor or by any other party in the proceedings shall enter an order directing the return of the possession of the said properties and the management and operation thereof to the debtor upon the following condition:

"1. That the debtor shall proceed immediately to effect such readjustment of its financial structure as in the light of the present prospective earnings and of other relative facts and circumstances may be consistent with sound financial practice;

"2. That if within a period of 18 months, or such extended periods as the judge upon application therefor may approve, following the entry of such order, (a) the several classes of security holders shall provide a plan for readjustment of such financial structure, and (b) such readjustment provides for such reduction in fixed charges as may be consistent with sound financial practice, and (c) the Interstate Commerce Commission shall authorize the issuance of such new securities as may be required by such readjustment, and (d) the judge shall so find, the judge upon application therefor by the debtor or by any other party in the proceedings, shall enter an order dismissing the proceedings under section 77 of the Bankruptcy Act, as amended, and providing for or requiring, the transfer by the trustees or any other party or parties in possession of the properties of the debtor pursuant to order of the court of all their right, title, and interest in and to the properties to the debtor, and the Inter-

state Commerce Commission shall dismiss the proceedings before that Commission for the reorganization of the debtor under section 77 of the Bankruptcy Act, as amended.

"3. That if upon termination of the said period of 18 months or such extended period as the judge may approve, an order shall not have been entered by the judge as provided in the foregoing subdivision 2, the judge shall enter an order providing for the return of possession of the properties to the trustees or to such successor trustees as may be appointed pursuant to the provisions of section 77 of the Bankruptcy Act, as amended, or to any other party or parties previously in possession of the properties of the debtor pursuant to order of the court, and directing that the most recent plan of reorganization certified to the court by the Commission and the proceedings shall be referred back to the Commission for such further proceedings under said section 77, as amended, as would be had if an order was thereupon entered by the judge refusing to confirm such plan and referring the case back to the Commission under the applicable provisions of subsection (e) of said section 77, as amended.

"SEC. 2. In effecting any such readjustment of financial structure, the debtor may proceed under any Federal statute or statutes providing for the relief of railroad corporations or under which such financial structure may be readjusted without resort to the provisions of section 77 of the Bankruptcy Act, as amended, and for jurisdictional or other purposes under any such statute or statutes, the debtor shall be considered as though it had not been involved in any proceeding or proceedings under section 77 of the Bankruptcy Act, as amended.

"SEC. 3. The provisions hereof shall not limit or affect any rights which the debtor or any party in any such proceedings under section 77 of the Bankruptcy Act, as amended, may otherwise have to effect a voluntary readjustment of financial structure, or to a dismissal or discontinuance of proceedings pending under section 77 of the Bankruptcy Act, as amended.

"SEC. 4. No holding company, individual, group, partnership, association, corporation, or other entity (excluding any operating common carrier subject to part I of the Interstate Commerce Act, but not excluding any holding company or other nonoperating corporation which has been held or which may be held to be a common carrier within the meaning of said act)—

"(A) which exercises direct or indirect control of one or more railroad corporations the properties of which are not in the custody of a court in proceedings under section 77 of the Bankruptcy Act; and

"(B) which also owns shares of voting stock of any railroad corporation to which this act is applicable, in sufficient number to enable the owner thereof to control such carrier.

shall, during the period the debtor shall be in possession of its properties and in control of the management and operation thereof under this act, vote such shares for the election of more than a minority of the directors of any railroad corporation to which this act is applicable.

"SEC. 5. No readjustment of financial structure or other proceeding under this act and no order of the court or Commission in connection therewith shall relieve any carrier from the obligation of any final judgment of any Federal or State court rendered prior to January 1, 1929, against such carrier or against one of its predecessors in title, requiring the maintenance of offices, shops, and roundhouses at any place, where such judgment was rendered on account of the making of a valid contract or contracts by such carrier or one of its predecessors in title.

"SEC. 6. With respect to any debtor railroad corporation of which at the time of filing the petition for reorganization under section 77 of the Bankruptcy Act, as amended, the outstanding voting stock of the debtor railroad corporation shall have been owned or controlled, directly or indirectly, by voting trust or otherwise, by another railroad corporation and by a corporation owning or controlling the outstanding voting stock of another railroad corporation, the Interstate Commerce Commission is hereby invested with plenary power and authority to require the maintenance and operation of the properties of such controlled debtor railroad corporation (including solicitation by its traffic organization) to be without discrimination in favor of one route over any other route or in favor of one connecting carrier over any other connecting carrier, to the end that the neutrality of such controlled debtor railroad corporation with respect to the solicitation and interchange of traffic with competing connecting carriers shall be assured. The term 'corporation' as used in this section shall be deemed to include its trustees appointed under the aforesaid section 77 of the Bankruptcy Act, as amended.

"SEC. 7. The provisions hereof shall not apply if at the time of filing the petition for reorganization under section 77 of the Bankruptcy Act, as amended, more than 90 percent of the aggregate number of the outstanding shares of all classes of stock of the debtor railroad corporation shall have been owned or controlled by another railroad corporation which had not on the same day nor prior thereto filed a petition for reorganization under said section 77; nor shall the provisions hereof apply to any debtor railroad corporation, which did not have more than five stockholders (exclusive of directors holding only qualifying shares) none of whom is a railroad corporation, at the time of filing the petition for reorganization under said section 77.

"SEC. 8. The act of July 1, 1898, entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' as amended, is hereby further amended by inserting after chapter XIV the following:

"'CHAPTER XV—RAILROAD ADJUSTMENTS

"'ARTICLE I—JURISDICTION

"'SEC. 700. In addition to the jurisdiction otherwise exercised, courts of bankruptcy shall exercise original jurisdiction, as provided in this chapter, for postponements or modifications of debt, interest, rent, and maturities or for modifications of the securities or capital structures of railroads.

"'ARTICLE II—DEFINITIONS

"'SEC. 705. The following terms, as used in this chapter, unless a different meaning is plainly required by the context, shall be construed as follows:

"'(1) "Petitioner" means any carrier as defined in section 20a of the Interstate Commerce Act, excluding any corporation in equity receivership or in proceedings for reorganization under section 77 of this act, petitioning for a plan of adjustment, as hereinafter defined, or any corporation filing a petition under the provisions of section 711 of this chapter.

"'(2) "Claims" includes debts whether liquidated or unliquidated, certificates of deposits of securities (other than stock and option warrants to subscribe to stock), including demands and obligations of whatever character made, assumed, or guaranteed by the petitioner.

"'(3) "Debt" shall be considered to include all claims held or owned by "creditors" as hereinafter defined.

"'(4) "Creditors" shall include all holders of claims, demands, and obligations of whatever character against the petitioner or its property, whether or not such claims would otherwise constitute provable claims in bankruptcy, including the holders of claims made, assumed, or guaranteed by the petitioner.

"'(5) "Securities" shall include those defined in section 20a of the Interstate Commerce Act, as amended, also securities in respect of which any carrier, as defined in section 20a, has assumed any obligation or liability as lessor, lessee, guarantor, endorser, surety, or otherwise, and also certificates of deposit and all other evidences of ownership of or interest in securities.

"'(6) "Commission" refers to the Interstate Commerce Commission.

"'(7) "Adjustment" shall include postponements or modifications of debt, interest, rent, and maturities and modifications of the securities or capital structures.

"'SEC. 706. No creditor shall be deemed to be "affected" by any plan unless such plan proposes a modification of the evidence of debt or other instrument defining the rights of such creditor, or a modification of the security, if any, for the claim of such creditor.

"'ARTICLE III—PETITION AND POWERS OF COURT

"'SEC. 710. Any railroad corporation not in equity receivership or in process of reorganization under section 77 of the Bankruptcy Act at the time of filing its petition hereunder, and which has not been in equity receivership or in process of reorganization under said section 77 within 10 years prior to the filing of such petition, which shall have—

"'(1) prepared a plan of adjustment and secured assurances satisfactory to the Commission of the acceptance of such plan from creditors holding at least 25 percent of the aggregate amount of all claims affected by said plan of adjustment (including all such affected claims against said corporation, its parents, and subsidiaries); and

"'(2) thereafter obtained an order from the Commission (but not a division thereof) under section 20a of the Interstate Commerce Act authorizing the issuance or modification of securities (other than securities held by, or to be issued to, Reconstruction Finance Corporation) as proposed by such plan of adjustment as filed, or as modified by, or with the approval of, the Commission, such order of the Commission to include also specific findings—

"'(a) that such corporation is not in need of financial reorganization of the character provided for under section 77 of this act;

"'(b) that such corporation's inability to meet its debts matured or about to mature is reasonably expected to be temporary only; and

"'(c) that such plan of adjustment, after due consideration of the probable prospective earnings of the property in the light of its earnings experience and of such changes as may reasonably be expected—

"'(i) is in the public interest and in the best interests of each class of creditors and stockholders;

"'(ii) is feasible, financially advisable, and not likely to be followed by the insolvency of said corporation, or by need of financial reorganization or adjustment;

"'(iii) does not provide for fixed charges (of whatsoever nature including fixed charges on debt, amortization of discount on debt, and rent for leased roads), in an amount in excess of what will be adequately covered by the probable earnings available for the payment thereof;

"'(iv) leaves adequate means for such future financing as may be requisite;

"'(v) is consistent with adequate maintenance of the property; and

"'(vi) is consistent with the proper performance by such railroad corporation of service to the public as a common carrier, will not impair its ability to perform such service;

Provided, That in making the foregoing specific findings the Commission shall scrutinize the facts independently of the extent of acceptances of such plan and of any lack of opposition thereto: *Provided further*, That

an order of the Commission (or of a division thereof) under section 20a of the Interstate Commerce Act, made prior to the effective date of this chapter, authorizing the issuance or modification of securities as proposed by a plan of adjustment (other than securities held by, or to be issued to, Reconstruction Finance Corporation), shall be effective for the purpose of this subparagraph (2) of the first sentence of section 710, notwithstanding failure to include therein the foregoing specific findings, if such order did include the specific findings that such proposed issuance or modification of securities is compatible with the public interest, is consistent with the proper performance by the railroad corporation of service to the public as a common carrier, and will not impair its ability to perform such service; and

"'(3) secured assents to such plan of adjustment or such plan of adjustment as modified by, or with approval of, the Commission, by creditors holding more than two-thirds of the aggregate amount of the claims affected by said plan, which two-thirds shall include at least a majority of the aggregate amount of the claims of each affected class.

may file in the United States district court in whose territorial jurisdiction such railroad corporation has had its principal executive or principal operating office during the preceding 6 months or a greater period thereof, its petition averring that it is unable to meet its debts, matured or about to mature, and desires to carry out the plan of adjustment.

"'A copy of the order obtained from the Commission, as above provided, shall be filed with the petition and made a part thereof.

"'SEC. 711. Any corporation which has complied with subparagraphs (1), (2), and (3) of the first sentence of section 710, and in which corporation the majority of the capital stock having power to vote for the election of directors is owned directly, or indirectly through an intervening medium by any railroad corporation which has filed a petition hereunder, or any corporation which is a lessor of the petitioning corporation and which has complied with the aforesaid subparagraphs (1), (2), and (3) of section 710, or any corporation which is liable or obligated, contingently or otherwise, on securities issued by or on which the obligation or liability has been assumed by, the petitioning carrier corporation and which has complied with the aforesaid subparagraphs (1), (2), and (3) of section 710, may file its petition in the same court in which the petition first aforesaid shall have been filed, and such petitions shall be heard and disposed of in a single proceeding. Any corporation liable or obligated, contingently or otherwise, upon the securities of a carrier shall, with respect to such securities and any securities issued in lieu thereof and for the purposes of this chapter, be deemed a carrier within the intent and meaning of section 20a of the Interstate Commerce Act, as amended, and if such corporation is a holding company, controlling two or more carriers, it shall, to the extent provided by the Commission in its order, be subject to such of the provisions of the Interstate Commerce Act as, under the provisions of paragraph (3) of section 5 thereof, are applicable to a person, not a carrier, authorized by an order entered under paragraph (2) of that section to acquire control of any carrier or two or more carriers.

"'SEC. 712. The petition shall be accompanied by payment to the clerk of a filing fee of $100, which shall be in addition to the fees required to be collected by the clerk under other sections of this act or any other act.

"'SEC. 713. Immediately following the filing of the petition, there shall be convened a special court of three judges in the manner provided by section 266, as amended, of the Judicial Code, and thereafter all proceedings relative to such plan or any modification thereof shall be conducted before such court. Such three-judge court shall be vested with and shall exercise all the powers of a district court sitting in equity and all the powers as a court of bankruptcy necessary to carry out the intent and provisions of this chapter, including the classification of claims at such time and in such manner as the court may direct: *Provided, however,* That any one of the three judges constituting the special court who may be designated by the special court, may perform all functions, conduct all proceedings, and enter all orders, except that such single judge shall not hold a hearing for approval of a plan as provided in section 720 or for confirmation of a plan as provided in section 725 or enter the final decree. Any act of a single judge hereby permitted shall be subject to review by the special court on application by any party in interest filed within 30 days after said act or by order of such court on its own motion made within such period of 30 days.

"'SEC. 714. The special court, after hearing, promptly shall enter an order approving the petition as properly filed under this chapter if satisfied that such petition complies with this chapter and has been filed in good faith, or dismissing such petition if not so satisfied.

"'SEC. 715. If the petition is approved by the special court, the said court, during the pendency of the proceedings under this chapter, shall have exclusive jurisdiction of the petitioner and of its property wherever located to the extent which may be necessary to protect the same against any action which might be inconsistent with said plan of adjustment or might interfere with the effective execution of said plan if approved by the court, or otherwise inconsistent with or contrary to the purposes and provisions of this chapter: *Provided, however,* That nothing herein contained shall be construed to authorize the court to appoint any trustee or receiver for said properties or any part thereof, or otherwise take possession of such properties or control the operation or administration thereof.

"'ARTICLE IV—HEARINGS

"'SEC. 720. The special court shall fix a date for a hearing to be held promptly after the filing of the petition and notice of such hearing or hearings shall be given to all persons in interest in such reasonable manner as the court shall direct. In such proceeding, the court may allow such interventions of persons in interest as it may deem just and proper, but any person in interest shall have the right to present evidence and be heard thereon, in person or by attorney, with or without intervention. Any person or persons in interest who shall be permitted to intervene or who shall present evidence and be heard thereon, in person or by attorney, with or without intervention, proposing any modification of the plan of adjustment, which modification shall be adopted and which shall be found by the court to be of benefit to the petition or to any class of creditors of petitioner or to be in the public interest, may be allowed actual and reasonable expense (including reasonable attorneys fees), which expenses may be entered as a part of the decree approving and confirming the plan and the adjustment provided thereby pursuant to the provisions of section 725 of this chapter.

"'SEC. 721. After such hearing, the special court may approve the plan as filed or propose to modify such plan and as hereinafter provided approve the same as so modified. If the court shall propose to modify the plan, then: (a) if such modification substantially alters the basis for the specific findings included in the order made by the Commission under section 20a of the Interstate Commerce Act, the plan as so proposed to be modified shall be resubmitted to the Commission and shall not be finally approved by the court until the Commission (but not a division thereof) has authorized the issuance or modification of securities as proposed by the plan as so modified (other than securities held by, or to be issued to, Reconstruction Finance Corporation) making the findings required by clause (c) of subparagraph (2) of the first sentence of section 710, even in a case where the original order of the Commission under said section 20a was made prior to the effective date of this chapter; and (b) if such modification substantially or adversely affects the interests of any class or classes of creditors, such plan shall be resubmitted, in such manner as the court may direct, to those creditors so affected by such modification and shall not be finally approved until after (1) a hearing on such modification, to be held within such reasonable time as the court may fix, at which hearing any person in interest may object to such modification, and (2) a reasonable opportunity (within a period to be fixed by the court), following such hearing, within which such affected creditors who have assented to the plan may withdraw or cancel their assents to the plan, and failure by any such creditor to withdraw or cancel an assent within such period shall constitute an acceptance by such assenting creditor of the plan as so modified. After such authorization and finding by the Commission, where required hereby, and after such hearing and opportunity to withdraw or cancel, where required hereby, the court may make the proposed modification, and as provided in section 725 finally approve and confirm the plan as so modified.

"'SEC. 722. If the United States or any agency thereof, or any corporation (other than the Reconstruction Finance Corporation) the majority of the stock of which is owned by the United States, is a creditor or stockholder, the Secretary of the Treasury is hereby authorized to act in respect of the interests or claims of the United States or of such agency or other corporation. If in any proceeding under this chapter the United States is a creditor on claims for taxes or customs duties (whether or not the United States has any other interest in or claim against the debtor as creditor or stockholder), no plan which does not provide for the payment thereof shall be approved or confirmed by the court except upon the acceptance of a lesser amount or of a postponement by the Secretary of the Treasury certified to the court: *Provided,* That if the Secretary of the Treasury shall fail to accept or reject such lesser amount or such postponement for more than 60 days after receipt of written notice so to do from the court, accompanied by a certified copy of the plan, the consent of the United States insofar as its claims for taxes or customs duties are concerned shall be conclusively presumed.

"'ARTICLE V—PROCEEDINGS SUBSEQUENT TO APPROVAL OF PETITION

"'SEC. 725. If the special court shall find—

"'(1) that, at the time of the filing of said petition as provided in article III hereof, the proposed plan of adjustment had been assented to by not less than two-thirds of the aggregate amount of all claims of the petitioner affected by such plan, including at least a majority of the aggregate amount of claims of each such class;

"'(2) that the plan of adjustment as submitted or as modified by the court has been accepted as submitted or, if modified, then as modified by or on behalf of creditors affected by such plan holding more than three-fourths of the aggregate amount of the claims affected by said plan, including at least three-fifths of the aggregate amount of the claims of each affected class;

"'(3) that the plan meets the requirements of clause (c), and the petitioner meets the requirements of clauses (a) and (b) of subparagraph (2) of the first sentence of section 710, and that the plan is fair and equitable as an adjustment and as such will: (a) afford due recognition to the rights of each class of creditors and stockholders and fair consideration to each class adversely

affected and (b) will conform to the law of the land regarding the participation of the various classes of creditors and stockholders: *Provided*, That in making the findings required by this clause (3), the court shall scrutinize the facts independently of the extent of acceptance of such plan, and of any lack of opposition thereto, and of the fact that the Commission, under section 20a of the Interstate Commerce Act, has authorized the issuance or modification of securities as proposed by such plan, and of the fact that the Commission has made such or similar findings;

"'(4) that all corporate action required to authorize the issuance or modification of securities pursuant to such plan shall have been duly taken either before or since the enactment of this chapter;

"'(5) that the petitioner has not, in connection with said plan or the effectuation thereof, done any act or failed to perform any duty which act or failure would be a bar to the discharge of a bankrupt, and that the plan and the acceptance thereof are in good faith and have not been made or procured by any means, promises, or acts forbidden by this act;

"'(6) that, after hearings for the purpose, all amounts or considerations, directly or indirectly paid or to be paid by or for the petitioner for expenses, fees, reimbursement, or compensation of any character whatsoever incurred in connection with the proceeding and plan, or preliminary thereto or in aid thereof, together with all the facts and circumstances relating to the incurring thereof, have been fully disclosed to the court so far as such amounts or considerations can be ascertained at the time of such hearings, that all such amounts or considerations are fair and reasonable, and to the extent that any such amounts or considerations are not then ascertainable, the same are to be so disclosed to the court when ascertained, and are to be subject to approval by the special court as fair and reasonable, and except with such approval no amounts or considerations covered by this clause (6) shall be paid; and—

"'(7) that the provisions of sections 722, 736, and 737 of this chapter have been complied with.

Said court shall file an opinion setting forth its conclusions and the reasons therefor and shall enter a decree approving and confirming such plan and the adjustment provided thereby, which decree shall be binding upon the petitioner and upon all creditors and security holders of the petitioner; and thereafter the petitioner shall have full power and authority to and shall put into effect and carry out the plan and the orders of the special court relative thereto and issue the securities provided by the plan without further reference to or authority from the Commission or any other authority, State or Federal, except where required by any law relating to the Reconstruction Finance Corporation, and the rights of all creditors and security holders with respect to claims and securities affected by the plan shall be those provided by the plan as so approved and confirmed: *Provided, however*, That the title of any owner, whether as trustee or otherwise, to rolling-stock equipment leased or conditionally sold to the petitioner, and any right of such owner to take possession of such property in compliance with the provisions of any such lease or conditional sale contract, shall not be affected by the provisions of this chapter.

"'No plan shall be approved under this chapter unless the special court finds that with respect to the continuation of, or any change in, the voting rights in the petitioner, control of the petitioner, and the identity of, and the power and manner of selection of the persons who are to be directors, officers, or voting trustees, if any, upon the consummation of the plan and their respective successors, the plan makes full disclosure, is adequate, equitable, in the best interests of creditors and stockholders of each class, and consistent with public policy.

"'SEC. 726. After the special court shall have approved as properly filed a petition pursuant to article III hereof, the special court, from time to time during the pendency of the proceedings hereunder, may enjoin the institution of, or stay, for a reasonable time, any action or proceeding to enforce any right against the petitioner or its property based upon claims affected by the proposed plan of adjustment in any court, State or Federal, whether for the enforcement of any such claim or for the appointment of receivers in equity or of the institution or prosecution of a proceeding under section 77 of the Bankruptcy Act or otherwise: *Provided, however*, That no such stay shall affect any proceeding based on or to enforce any claim which would be required to be paid if the plan of adjustment proposed by the petitioner were then in effect.

"'SEC. 727. Unless the plan of adjustment as submitted or as modified shall have been confirmed by the special court within 1 year from the date of filing the petition, the proceedings shall be dismissed unless, for good cause shown, on motion of any party in interest, the court, if satisfied that confirmation of a plan is in immediate prospect, shall determine otherwise.

"'SEC. 728. Without prejudice to existing rights of all creditors, including those affected by the plan, and as a condition to the approval of any plan by the special court, the petitioner, from and after the filing of the petition with the court and until the making of a final order by the special court approving a plan or dismissing the petition, shall continue to make or tender payments to all creditors affected by the plan of sums currently payable to such creditors equal to the amounts proposed to be paid to such creditors under the plan: *Provided*, That the making of such payments shall not constitute a preference within the meaning of the Bankruptcy Act, nor shall acceptance of such payments constitute an acceptance of a plan. If, from and after the filing of the petition with the special court, there shall be any failure to make or tender such payments, the special court, unless there is good cause shown for the failure, shall dismiss the proceedings. In finally approving any plan, the court may make or require to be made such adjustments with respect to said payments or any of them as may be necessary to make the same conform to the provisions of said plan as finally approved.

"'SEC. 729. In providing for any such payments the petitioner may require any bond or other security, including interest coupons affected by such payments to be presented to or deposited with a paying agent or depositary named by the petitioner for appropriate stamping to show the amounts of such payment.

"'ARTICLE VI—TAX PROVISIONS

"'SEC. 735. The provisions of sections 1801, 1802, 3481, and 3482 of the Internal Revenue Code and any amendments thereto, unless specifically providing to the contrary, shall not apply to the issuance, transfer, or exchange of securities or the making or delivery of conveyances to make effective any plan of adjustment confirmed under the provisions of this chapter.

"'SEC. 736. In addition to the notices elsewhere expressly provided, the clerk of this court in which any proceedings under this chapter are pending shall forthwith transmit to the Secretary of the Treasury copies of—

"'(1) every petition filed under this chapter;

"'(2) the orders approving or dismissing petitions;

"'(3) the orders approving plans as filed or as modified, together with copies of such plans as approved;

"'(4) the decrees approving and confirming plans and the adjustments provided thereby, together with copies of such plans as approved;

"'(5) the injunctions or other orders made under section 726 of this chapter;

"'(6) the orders dismissing proceedings under this chapter; and

"'(7) such other papers filed in the proceedings as the Secretary of the Treasury may request or which the court may direct to be transmitted to him.

"'SEC. 737. Any order fixing the time for confirming a plan which affects claims or stock of the United States shall include a notice of not less than 30 days to the Secretary of the Treasury.

"'SEC. 738. The special court shall have power to determine the amount and legality of claims of the United States for taxes or customs duties, and to order payment thereof; and the order of the special court (provided for in section 714) approving the petition shall have the effect of an adjudication of bankruptcy of the petitioner for the purposes of section 274 of the Internal Revenue Code and the corresponding provisions of prior and subsequent revenue acts. The running of the statute of limitations on the assessment or collection of any internal-revenue tax shall be suspended while a proceeding under this chapter is pending and until it is finally dismissed.

"'ARTICLE VII—INTERSTATE COMMERCE COMMISSION

"'SEC. 740. If, in any application filed with the Commission pursuant to section 20a of the Interstate Commerce Act for authority to issue or modify securities, the applicant shall allege that the purpose in making such application is to enable it to file a petition under the provisions of this chapter, the Commission shall take final action on such application as promptly as possible, and in any event within 120 days after the filing of such application, unless the Commission finds that a longer time, not exceeding 60 days, is needed in the public interest.

"'ARTICLE VIII—FINAL DECREE AND REVIEW

"'SEC. 745. Any final order or decree of the special court shall be reviewed by the Supreme Court of the United States upon appeal made by any person affected by the plan who deems himself aggrieved within 60 days after the entry of such order or decree, pursuant to the applicable provisions of the Judicial Code.

"'SEC. 746. In the decree approving and confirming the plan the court may require such reports of the action taken by the petitioner thereunder in the execution of the plan as may be necessary to a final disposition of the cause, and in its final decree disposing of the cause the court shall retain jurisdiction in the district court to the extent necessary to protect and enforce the rights of the parties under said plan and the orders of the court thereon.

"'ARTICLE IX—FILING RECORD WITH COMMISSION

"'SEC. 750. The clerk of the court in which any proceedings under this chapter are pending, shall forthwith transmit to the Interstate Commerce Commission copies of all pleadings, petitions, motions, applications, orders, judgments, decrees, and other papers in such proceedings filed with the court or entered therein, including copies of any transcripts of testimony, hearings or other proceedings that may be transcribed and filed in such proceedings together with copies of all exhibits, except to the extent that the court finds that compliance with this section would be impracticable.

"'ARTICLE X—TERMINATION OF JURISDICTION

"'SEC. 755. The jurisdiction conferred upon any court by this chapter shall not be exercised by such court after November 1, 1950, except in respect of any proceeding initiated

by filing a petition under section 710 hereof on or before November 1, 1950.'

"SEC. 9. Section 77 of the act of July 1, 1898, entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' as amended, is amended as follows:

"1. Subsection (b) of such section is amended by adding at the end thereof the following:

" 'The capitalization of the reorganized company shall not be less than the capitalization existing on the date on which the debtor's petition to the court was approved as properly filed, with such adjustment therein as may result from the issue or retirement of securities during the reorganization proceedings: *Provided*, That such existing capitalization does not exceed either—

" '(i) the actual investment in the debtor's properties; or

" '(ii) the valuation found by the Commission under section 19 (a) of part I of the Interstate Commerce Act, as amended (together with investments), plus expenditures for additions and betterments less retirements since the date of such valuation, whichever is the lower: *And provided further*, That any part of such capitalization in excess of the value of all of the debtor's property as certified by the Commission pursuant to subsection (e) shall be represented by shares of stock without par value of the reorganized company at the rate of one share of such stock for each $100 of such excess.'

"2. That so much of subsection (d) of such section as reads as follows: 'After the filing of such a plan, the Commission, unless such plan shall be considered by it, to be prima facie impracticable, shall, after due notice to all stockholders and creditors given in such manner as it shall determine, hold public hearings,' is hereby amended to read as follows: 'After the filing of such a plan, the Commission shall name one of its members to confer with the parties in interest and to endeavor as a mediator to reconcile differences which may exist between them and unless such plan shall be considered by it to be prima facie impracticable, shall, after due notice to all stockholders and creditors given in such manner as it shall determine, hold public hearings.'

"3. That so much of subsection (e) of such section as reads as follows: 'After such hearings, and without any hearing if no objections are filed, the judge shall approve the plan if satisfied that (1) it complies with the provisions of subsection (b) of this section, is fair and equitable, affords due recognition to the rights of each class of creditors and stockholders, does not discriminate unfairly in favor of any class of creditors or stockholders, and will conform to the requirements of the law of the land regarding the participation of the various classes of creditors and stockholders;', is hereby amended to read as follows: 'After such hearing, and without any hearing if no objection is filed, the judge shall make full and independent judicial reexamination and review of the plan and of the evidence presented at such hearing, in the event of such hearing, and thereafter shall approve the plan if, in the exercise of his independent judgment based upon such judicial reexamination and review, he is satisfied that (1) the plan complies with the provisions of subsections (b) and (d) of this section, is fair and equitable, affords due recognition to the rights of each class of creditors and stockholders, does not discriminate unfairly in favor of any class thereof, and will conform to the requirements of the Constitution and statutes of the United States; (2) the determination of value made by the Commission and certified to the court under the provisions of this subsection is supported by substantial evidence, adequately reflects the true value of the property at the time of hearing, or at the time of certification of the plan by the Commission, in the event no hearing is had before the court, and does not omit consideration of any relevant facts;'.

"4. Subsection (e) of such section is amended by redesignating clauses '(2)' and '(3)' as '(3)' and '(4)', respectively.

"5. So much of the first proviso of subsection (e) of such section as reads as follows: '*Provided*, That submission to any class of stockholders shall not be necessary if the Commission shall have found, and the judge shall have affirmed the finding,' is amended by striking out 'shall have affirmed the finding,' and inserting in lieu thereof 'in the exercise of his independent judgment, after consideration of the evidence presented at the hearing before the court, in the event of such hearings, shall also find.'

"6. So much of the second proviso of subsection (e) of such section as reads as follows: '*Provided further*, That submission to any class of creditors shall not be necessary if the Commission shall have found, and the judge shall have affirmed the finding,' is amended by striking out 'shall have affirmed the finding,' and inserting in lieu thereof 'in the exercise of his independent judgment, after consideration of the evidence presented at the hearing before the court, in the event of such hearing, shall also find.'

"7. So much of the fourth paragraph of subsection (e) of such section as reads as follows: 'The value of any property used in railroad operation shall be determined on a basis which will give due consideration to the earning power of the property, past, present, and prospective, and all other relevant facts. In determining such value only such effect shall be given to the present cost of reproduction new and less depreciation and original cost of the property, and the actual investment therein, as may be required under the law of the land, in light of its earning power and all other relevant facts,' is amended by striking out 'as may be required under the law of the land' and inserting in lieu thereof 'as will conform to the requirements of the Constitution and statutes of the United States.' "

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill to enable debtor railroad corporations, whose properties during a period of 7 years have provided sufficient earnings to pay fixed charges, to effect a readjustment of their financial structures without further proceedings under section 77 of the Bankruptcy Act, as amended, and to further amend said act, as amended."

The proceedings by which the bill (H. R. 5924) was passed were vacated and that bill laid on the table.

The SPEAKER. Without objection, the Clerk will correct the section numbers of the bill.

There was no objection.

EXTENSION OF REMARKS

Mr. TABER asked and was given permission to extend his remarks in the Appendix of the RECORD and include several tables which he prepared.

COMMITTEE ON EDUCATION

Mr. BARDEN. Mr. Speaker, I ask unanimous consent that the Committee on Education may have until midnight tonight to file a report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. CASE of South Dakota asked and was given permission to extend his remarks in the Appendix of the RECORD and include a table showing the loans to the Export-Import Bank.

Mr. HOFFMAN of Michigan asked and was given permission to extend his own remarks in the RECORD and include certain newspaper articles and letters.

Mr. GEARHART. Mr. Speaker, I previously was granted permission to extend in the RECORD a certain document as part of my remarks. I am informed by the Public Printer that the extension will comprise two and one-third pages of the RECORD, at a cost of $140. Notwithstanding the cost, I ask unanimous consent that the extension may be made.

The SPEAKER. Notwithstanding the cost and without objection, the extension may be made.

There was no objection.

Mr. BENDER asked and was given permission to extend his remarks in the RECORD in four instances and to include articles from the Cleveland Plain Dealer.

Mr. CHURCH asked and was given permission to extend his remarks in the Appendix of the RECORD and include a brief letter and a petition.

Mr. JENNINGS asked and was given permission to extend his own remarks in the Appendix of the RECORD.

Mr. FEIGHAN asked and was given permission to extend his remarks in the RECORD and include an editorial from the Cleveland Plain Dealer.

SOCIAL-SECURITY LEGISLATION

Mr. CLARK. Mr. Speaker, I call up House Resolution 710 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but such amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. CLARK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

I now yield myself 5 minutes.

Mr. Speaker, I have a very poor disposition for speaking to people who do not want to be spoken to and try not to do it. I thought there might be some interest in the legislative situation that confronts the House now.

This rule, if adopted, will make in order consideration of social-security legislation and is what is frequently referred to as a gag rule. It is a closed rule, that permits amendments to be offered only by members of the legislative committee, which in this instance is the Ways and Means Committee.

As a matter of fact, there is not any power that can gag this House except a majority of the House itself. On this rule you can pursue one of three courses. You can accept the rule as written, you can vote down the rule, or you can vote down the previous question and amend the rule to suit your own taste. That is true in every case. I have never seen an instance in which the majority of this House could not work its will in a matter presented here, if it is of a mind to do so.

The Ways and Means Committee at first sharply divided on the original bill that was reported. They felt that the situation was so complicated and the legislation in question was so involved that it should be considered on the floor under a closed rule. The Rules Committee was reluctant, with a divided legislative committee, to grant a closed rule. Eventually, the Ways and Means Committee was able to get together and unanimously asked us to grant a closed rule on this particular legislation. The House does not have to accept that, but if you do not accept the judgment of your Ways and Means Committee, which is certainly one of the great committees of this House, you will then yourselves undertake to write legislation on the floor; legislation of a very involved and complicated nature. I think practically all the Members have seen that in the Congress and know what confusion and poor results were arrived at in that way.

It may be suggested by some who are opposed to the adoption of this rule that they only want to substitute a bill adopted by the Ways and Means Committee prior to this bill and that on that they want a closed rule. Either we must have a closed rule for the consideration of this bill or the previous bill or we must throw the whole situation open to any kind of amendment that anybody may wish to offer.

I cannot see how it is logical for Members to oppose this rule because it is a closed rule on this particular bill and then advocate substituting the other bill under a closed rule, for exactly the same situation would prevail.

Mr. McGREGOR. Mr. Speaker, will the gentleman yield?

Mr. CLARK. I yield.

Mr. McGREGOR. Does not the gentleman feel that it would be logical, though, to vote against any closed rule so we could all be given an opportunity to vote our sincere opinions on legislation?

Mr. CLARK. My own opinion is, sir, if you do that and open up this subject under present conditions we will not be able to accomplish much of anything.

Mr. EBERHARTER. Do you not think it would be better to let the House vote on the matters that are in controversy in the committee?

Mr. CLARK. That is entirely up to the House.

The SPEAKER. The gentleman from North Carolina has consumed 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. BROWN of Ohio. Mr. Speaker, as has been explained by the gentleman from North Carolina, this resolution makes in order H. R. 7037 under a closed rule which would prohibit any amendments to the measure being considered. The Rules Committee was very reluctant, as it always is, to grant a closed rule on this legislation, and the rule was granted simply because of the realization that this legislation is very complicated. It deals with the whole field of social security, and if a closed rule is not adopted and an open rule becomes in order, then all sorts of amendments and substitute measures could be considered in the most controversial fields. In fact, when this bill was first presented to the Rules Committee there was a controversy existing within the Ways and Means Committee over some of the provisions of the bill, and the Rules Committee, feeling that a controversial measure, on which the great Ways and Means Committee itself could not agree, should not be sent to the floor under a closed rule, held several hearings and discussed this matter rather fully. In the meantime the Ways and Means Committee had subsequent meetings and reached an agreement on H. R. 7037, as it now appears before us, whereby the committee eliminated the controversial sections of the original bill so as to permit the Congress to give certain very necessary relief under the social security laws at this time. In these closing days of the session I believe it is often necessary for us to compromise our differences and try to work out some sort of a program upon which all of us can agree. I, therefore, compliment the Ways and Means Committee of the House for the manner in which they met this particular problem, worked out their differences, and presented to the House agreed legislation of this type. For that reason the Rules Committee has granted a closed rule so that this matter can be decided quickly by passing a bill that I believe is not controversial.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. EBERHARTER. I want the gentleman to name one single controversial section that has been eliminated in the bill reported by the House. Every section that was in the previous bill is still in this bill in a different form.

Mr. BROWN of Ohio. No. The gentleman is a member of this great committee, but he will find that the section providing for variable grants is not in this bill.

Mr. EBERHARTER. You change the formula, that is all.

Mr. BROWN of Ohio. The provision is not the same. I am sorry that the gentleman has not given more careful study to a bill that has been reported by his own committee.

Mr. EBERHARTER. I would like to reply to that. The section is still in the bill.

Mr. BROWN of Ohio. It certainly is not in the bill in the same form, and the controversy over that provision has been eliminated.

Mr. DOUGHTON of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from North Carolina.

Mr. DOUGHTON of North Carolina. In response to the statement of the gentleman from Pennsylvania may I say there are many controversial matters in the bills which were worked out in the committee. It was a matter of give and take. There are other amendments that are still in controversy.

Mr. BROWN of Ohio. The gentleman is correct.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. MICHENER. May I ask the gentleman from Ohio if this is not the situation: An effort will be made to vote down the previous question. If the previous question is voted down, the gentleman from Tennessee [Mr. GORE] may offer a motion to amend the rule, if he is recognized by the Speaker. He will then have 1 hour. The Rules Committee will lose control. Then the next gentleman who is recognized will have 1 hour. This procedure will continue until the previous question is ordered. We might be here indefinitely if the previous question is voted down.

Mr. BROWN of Ohio. I thank the gentleman for his comment. That is exactly the thing as I expected to say in connection with this measure. If the previous question is voted down and this bill is considered under an open rule, then we will have before the House, immediately, all sorts of controversial legislation on the general subject of social security. We will be endeavoring to consider such important matters on the floor of the House where technical and intricate legislation cannot be considered logically and properly.

Mr. LYNCH. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from New York.

Mr. LYNCH. It was brought out before the Rules Committee that there were some eighty-odd bills introduced into the present Congress with respect to social security. If this is considered under an open rule all of these eighty-odd bills may be offered as amendments?

Mr. BROWN of Ohio. The gentleman from New York is entirely correct, and let me go one step further and say to the House that the presentation of this bill by the Ways and Means Committee does not mean that that great committee has completed its work on social security, but instead is only presenting to the House legislation which it can approve and recommend at this time. In the

next session it will continue the study of social security legislation.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Carrying the suggestion of the gentleman from New York one step further, if the rule is voted down the chances are we will turn out a legislative Mother Hubbard that will cover everything and produce nothing.

Mr. D'ALESANDRO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point and include a letter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. D'ALESANDRO. The letter by J. Milton Patterson, director, State Department of Public Welfare of Maryland, is as follows:

Re H. R. 6911: Amendments to Social Security Act.

STATE DEPARTMENT OF PUBLIC WELFARE,
Baltimore, Md. July 3, 1946.

Hon. THOMAS D'ALESANDRO,
House Office Building,
Washington, D. C.

DEAR CONGRESSMAN D'ALESANDRO: The Ways and Means Committee has reported H. R. 6911, which is a bill prepared to cover amendments to the Social Security Act, including some amendments to our public assistance program.

While it does not cover all of the things that the public welfare people have been recommending, it does include provision for raising ceilings that will make it possible for us to provide more adequately for those people who receive public assistance.

I notice that there has already been some attack upon the bill on account of the variable grant provision that would make additional funds available to the low-income States. Maryland, of course, would not be the beneficiary under this provision, but it is a philosophy that we believe in within the State, whereby we make funds available to the low-income counties to enable them to meet their actual need.

The point has been raised that if something isn't done to make available funds to these low-income States and we get into an emergency situation, we will have another WPA where the Federal Government pays the entire bill.

I am sure that you will give this matter your serious consideration when you have the opportunity to act on it.

Kindest regards.

Sincerely,

J. MILTON PATTERSON,
Director.

Mr. CLARK. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Michigan.

Mr. RABAUT. The way this strikes me is this: We had the OPA bill and it was considered under a wide-open rule. It was of interest to the whole of the Nation. Now, every time we get a bill from the Ways and Means Committee the House is prevented from offering any amendment. We can just take it or leave it. Then we go before the country and brag that the House writes this type of legislation. We have been handing it to the Senate and that body amends it as it pleases. For one, I am tired of such procedure.

Mr. COLMER. Mr. Speaker, this question of the adoption of the rule as granted by my distinguished Committee on Rules is most important. It affects the lives of many thousands of our aged needy and the blind.

This rule was granted by the Rules Committee at a time when I was unfortunately detained in Mississippi in a primary election contest. Had it been possible for me to have been here and in attendance at the Rules Committee, as I should like to have done, when this rule was granted, I would have exercised myself to see that a different type of rule was granted. For, Mr. Speaker, I am most concerned about this matter of increasing the amounts paid to the aged needy of this great country of ours. Particularly am I interested in seeing the inequalities which now exist in the Federal contributions to this worthy cause righted.

For several years, in fact from the time that the first social-security bill was passed, I have vigorously opposed this formula by which the several States are required to match dollar for dollar the amount contributed by the Federal Government. In fact, when that bill was first considered by the Ways and Means Committee, I appeared before that committee and pointed out with all of the logic and force that I could command that such a formula was unjust and unfair to the so-called poorer States. I emphasized that States like Mississippi in the deep South, where agriculture predominated and where the State revenue was small as compared with the industrial States, that these less wealthy States could not match the amount then proposed of $15 per month. I emphasized that the result would be that the aged of the wealthier States would receive larger pensions than the needy aged in the southern or agricultural States.

When my efforts did not prevail before the committee and when the bill reached the floor of the House, I offered an amendment there to equalize these payments by requiring the Federal contribution of $15 to be paid in all States regardless of State contribution. Had my amendment prevailed those qualified to receive pensions in these so-called poorer States then would have received $19 as against $8 which they received under the bill as finally passed.

Again, Mr. Speaker, when this matter was up in 1939 I appealed to the Ways and Means Committee to adopt a more just and equitable program so that the pensioners throughout the country would have received a more uniform pension. At that time I asked that the States only be required to contribute $1 for every $4 that the Federal Government put up, up to the Federal Government's limit of $20, as proposed in the 1939 bill.

Under this formula thus proposed by me, if adopted, in a State that was only able to put up $5 the Federal Government would have put up $20 and the aged needy of States like mine would have received a pension of $25. Moreover, under this formula every other State that was unable to match the $20 Federal contribution would have benefited. At that time there was only one State, California, that was fully matching the Federal contribution. But again the powerful Ways and Means Committee of the House rejected my amendment.

Thereupon, I issued an invitation to all Members of the House interested in this worthy subject to meet with me and join with me in the fight that I then proposed to make upon the floor of the House. At that meeting there were some 86 Members present and others expressed sympathy with our efforts. At this point, Mr. Speaker, I quote from an extension of my remarks in the Appendix of the CONGRESSIONAL RECORD, volume 84, part 13, at page 2489, as follows:

Mr. COLMER. Mr. Speaker, under leave to extend my remarks, I desire to call the attention of the Members of the House to the developments that have taken place in the last 24 hours with reference to the concerted effort that is being made by those of us who are interested in seeing benefits for the aged needy liberalized.

Mr. Speaker, there is a disposition upon the part of this Congress to liberalize these benefits to the aged needy. The bill as reported out by the powerful Ways and Means Committee, with all due deference to the distinguished gentleman of that committee, does not in any sense liberalize these pensions over and above that provided in the existing law. The increase granted from $15 of Federal contribution to $20 is at the most a gesture. The truth of this statement can readily be verified by glancing at the chart which I placed in the RECORD on June 6, showing that at present there is only one State in the Union that matches the present $15. So far as the aged needy are concerned, the Ways and Means Committee could just as well have provided a Federal contribution of $100 provided the States matched it.

The membership realizing this status of affairs, and desiring to see these benefits increased for these aged people, is giving this matter considerable thought and study. In response to a few hours' notice which I gave from the floor yesterday, and by letter this morning, there were 86 Members who met in the caucus room of the Old House Office Building this morning to consider this proposition of liberalizingf the old-age pensions. In spite of the short notice and the fact that Their Majesties the King and Queen of England were expected on the Capitol Grounds this morning, this large number appeared and discussed this momentous question.

After a discussion thereof the following things were done. The group—

First. Adopted a resolution favoring the Colmer amendment.

Second. Resolved itself into a steering committee to foster a liberal amendment.

Third. Elected a chairman and a secretary. WILLIAM M. COLMER (Mississippi) and John J. Dempsey (New Mexico), respectively.

Fourth. Authorized the chairman to appoint a committee of not less than 15 members from the steering committee to serve as an executive committee.

The following Members of the House were present and constituted the steering committe:

Alabama: Sam Hobbs, Pete Jarman, John J. Sparkman, Joe Starnes.

Arizona: John R. Murdock.

Arkansas: W. F. Norrell, David D. Terry, Wade Kitchens, E. C. Gathings, Clyde T. Ellis.

California: Lee E. Geyer, Richard J. Welch, H. Jerry Voorhis, Harry R. Sheppard, Thomas

F. Ford, Thomas M. Eaton, Leland M. Ford, Albert E. Carter.

Connecticut: Thomas R. Ball.

Florida: Millard F. Caldwell.

Georgia: Robert Ramspeck, Paul Brown, Stephen Pace.

Illinois: Frank W. Fries, Anton J. Johnson.

Indiana: Gerald W. Landis.

Iowa: Henry O. Talle.

Kansas: John M. Houston.

Kentucky: John M. Robsion.

Louisiana: René L. DeRouen, A. Leonard Allen, Overton Brooks, John K. Griffith.

Maine: James C. Oliver.

Michigan: Clarence J. McLeod.

Minnesota: H. Carl Andersen.

Mississippi: John E. Rankin, Aaron Lane Ford, Dan R. McGehee, Will M. Whittington, William M. Colmer, Ross A. Collins, Wall Doxey.

Missouri: C. Arthur Anderson.

Montana: James F. O'Connor.

Nevada: James G. Scrugham.

New Hampshire: Foster Stearns.

New Mexico: John J. Dempsey.

New York: Pius L. Schwert, Caroline O'Day.

North Carolina: Harold D. Cooley.

North Dakota: William Lemke.

Ohio: John F. Hunter.

Oklahoma: Jed Johnson, Phil Ferguson, Sam Massingale, Jack Nichols, Will Rogers, Wilburn Cartwright, Mike Monroney.

Oregon: James W. Mott, Homer D. Angell.

Pennsylvania: Guy L. Moser, Ivor D. Fenton, Charles L. Gerlach.

South Carolina: Hampton P. Fulmer, Butler B. Hare, Joseph R. Bryson, James P. Richards.

South Dakota: Karl E. Mundt.

Tennessee: J. Will Taylor, Joseph W. Byrns, Jr., Herron Pearson.

Texas: Wright Patman, W. R. Poage, Clyde L. Garrett.

Utah: J. W. Robinson, Abe Murdock.

Virginia: Howard W. Smith.

Washington: Charles H. Leavy, Knute Hill.

West Virginia: Jennings Randolph, A. C. Schiffler.

Wisconsin: Merlin Hull, Lewis D. Thill.

Wyoming: Frank O. Horton.

Many others who did not have an opportunity to attend due to the shortness of the notice and other unavoidable circumstances have expressed a desire to foster this legislation and be considered on the steering committee. Their names will be added to the list and will appear in a future issue of the RECORD.

Unfortunately, we have not been able to get an accurate figure as to what the additional cost to the Federal Government would be if this amendment is adopted. The best figures obtainable upon the basis which the Social Security Board is now operating indicate that the additional cost to the Federal Government would be $114,000,000. Of course, if more people qualified it would cost more, just as it would cost more if more people qualified under the bill as reported out by the Ways and Means Committee. But in no event will the additional cost amount to more than the additional cost of the present bill under consideration, providing for a $20 Federal contribution, if the several States matched that $20 Federal contribution. In fact, it would not amount to nearly as much.

Mr. Speaker, for the benefit of the membership and the country at large, I have secured a statement, which was prepared by an officer of the Federal Social Security Board, which shows how our amendment would affect the aged who qualify under the bill. This chart discloses that upon the present basis, with the adoption of our amendment, the aged needy of every State of the Union would be benefited and their pensions increased, as follows:

Average amount of old-age assistance per aged needy individual for April 1939, by States, compared with maximum possible average amount under a revised plan of four-fifths Federal matching on $25 per month per aged individual

[Based upon assumption that States continue to expend as much as they now expend and use all the additional Federal funds for increased grants to the aged]

	Average amount paid for April 1939	Maximum possible amount payable under revised four-fifths plan
Region I:		
Connecticut	$25.88	$32.94
Maine	20.54	30.27
Massachusetts	28.57	34.29
New Hampshire	25.54	31.77
Rhode Island	18.85	29.43
Vermont	15.04	27.52
Region II: New York	24.20	32.10
Region III:		
Delaware	10.89	25.45
New Jersey	19.52	29.76
Pennsylvania	17.65	28.83
Region IV:		
District of Columbia	25.62	32.81
Maryland	17.28	28.64
North Carolina	9.55	23.90
Virginia	9.64	24.10
West Virginia	13.89	26.95
Region V:		
Kentucky	8.67	21.70
Michigan	16.64	28.32
Ohio	22.55	31.28
Region VI:		
Illinois	18.97	29.49
Indiana	17.01	28.51
Wisconsin	21.09	30.55
Region VII:		
Alabama	9.38	18.76
Florida	13.83	26.92
Georgia	8.55	21.40
Mississippi	7.22	18.05
South Carolina	7.79	19.50
Tennessee	13.22	26.61
Region VIII:		
Iowa	19.85	29.93
Minnesota	20.65	30.33
Nebraska	15.72	27.86
North Dakota	17.66	28.83
South Dakota	18.98	29.49
Region IX:		
Arkansas	6.05	15.15
Kansas	18.71	29.36
Missouri	18.67	29.34
Oklahoma	19.79	29.90
Region X:		
Louisiana	10.46	25.23
New Mexico	11.80	25.90
Texas	14.02	27.01
Region XI:		
Arizona	26.26	33.13
Colorado	28.12	34.06
Idaho	21.31	30.66
Montana	16.99	28.50
Utah	20.66	30.33
Wyoming	21.85	30.93
Region XII:		
California	32.46	36.23
Nevada	26.57	33.29
Oregon	21.32	30.66
Washington	22.16	31.08
Territories:		
Alaska	27.50	38.75
Hawaii	12.69	26.35

NOTE.—The average payments shown for the revised plan are made on the assumption that each State maintains the number of recipients as at present and uses all the additional Federal funds for increased grants to the aged. Those States which wish to put additional individuals on the rolls and also raise the payment somewhat would have different averages than shown above.

In conclusion, allow me to say that there are many who favor a larger pension. There are some who do not favor as much. All legislation is a compromise. Many Members who have bills pending and who are prepared to offer amendments have, out of their very fine and broad spirit, seen fit to subjugate their own private opinions and bills on the theory that this is the best that we can hope to do. In other words, they have realized that this is a common ground upon which we who favor a more adequate pension can all get together. They are willing to lay aside pride of opinion and authorship. Moreover, they are willing to agree upon the principle that this is an opportunity to render some real service to the aged needy of this country rather than to render lip service. We respectfully submit our views to the House Members as a whole and ask you to go along with us.

Again, Mr. Speaker, on June 6, 1939, when the social-security bill was under consideration on the floor of the House, I addressed the House in support of my amendment, in part, as follows (CONGRESSIONAL RECORD, vol. 84, pt. 6, at p. 6683):

Mr. COLMER. The gentleman is entirely correct. This bill does not help the needy of his State one dollar.

Mr. DEMPSEY. In other words, the people who need help most are to receive no benefits by it.

Mr. COLMER. Quite so.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. COLMER. Yes.

Mr. RANKIN. Not only will this not benefit the old people in those States, what are called the poor States, but the poor States off which the other States have grown rich are agricultural States, where the social-security part of this bill and the social-security part of the original bill left the farmers out of it entirely.

Mr. COLMER. Quite so.

Mr. RANKIN. So the only thing the people in the farming States get is the privilege of paying the bill?

Mr. COLMER. I thank my colleague for his contribution. When this bill is considered under the 5-minute rule—and we have an open rule on this bill and will have an opportunity to legislate, as we did not have the other day—I will offer an amendment on page 3, line 9, strike out "one-half" and insert "four-fifths"; on page 4, line 6, strike out "one-half" and insert "fourth-fifths"; and in line 15, strike out the word "forty" and insert the words "twenty-five."

That would do simply this: That would say that for every dollar that the States put up the Federal Government would match it by $4 up to the $20 limitation of the Federal Government. In other words, it would not cost the Federal Government one cent more as far as those States that are able to match it are concerned; but it would benefit the aged needy of the less wealthy States by increasing their present pittance by $4 for every dollar their State now contributes. The need of the aged in New Mexico is just as great as it is in California or Massachusetts.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield.

Mr. VOORHIS of California. Since I come from California, I would like to say that I would be glad to support the gentleman's amendments.

Mr. COLMER. I appreciate the gentleman's statement. He is always fair and broad-minded.

Mr. LEAVY. Mr. Speaker, will the gentleman yield?

Mr. COLMER. In just a moment. Not only that but let me call the attention of the gentleman from California to the fact that if my amendment is adopted the aged people of his State, which now matches the full $15 that the Federal Government puts up, will get $5 more per capita than they are now getting. In other words, they would get $20 for the $15 contributed where they are now getting $15 from the Federal Government.

I now yield to the gentleman from Washington.

Mr. LEAVY. Under the gentleman's plan, as I understand it, if a State matched fully the $20, the maximum pension would be $25 per month.

Mr. COLMER. Oh, no, not at all. The maximum pension would be $40, as it is now

written in the bill, where the State puts up $20.

Mr. LEAVY. But in order to get $20 from the Federal Treasury a State would only be required to put up $5?

Mr. COLMER. That is correct.

Mr. LEAVY. And that would make a $25 pension?

Mr. COLMER. Quite so.

Mr. O'CONNOR. Will the gentleman yield?

Mr. COLMER. I yield.

Mr. O'CONNOR. In my State of Montana where the State and counties put $10, under the gentleman's amendment, how much pension would go to my qualified people in Montana, assuming that they continue to put up the amount of money they are now advancing, namely, approximately $10?

Mr. COLMER. If they put up $10 they would get a maximum of $20 from the Federal Government. That would make a $30 pension.

Mr. O'CONNOR. That is, under your proposed amendment?

Mr. COLMER. Under my proposed amendment; yes.

Now, let me say that we had before this House the other day a utopian scheme that would give people as much as $200 a month; $400 for an aged couple. This House, by an overwhelming vote, turned down that proposition, as was expected. Aged pensions are something new in our governmental scheme. I think it is cruel to attempt to lead these old people to believe that a $200 or $300 pension is an attainable goal. But I say to you that this question of pensions for the aged is one of the most pertinent questions, one of the most pressing questions that confronts this country today. I want to say to you further, you people from Massachusetts and California, if you think you are getting something out of this and the other States are not, let me remind you that if this continues you are going to have the same proposition in pensions for the aged that you now have in the WPA and these other relief agencies.

You are going to have the aged and needy from those States that cannot match this proposition coming to your State to live with you, and you are going to have to take care of them. That is what is being done in the WPA. That is what is being done in the other relief agencies. We ask by this amendment that you treat the aged needy of these so-called less wealthy States not as well as they are treated in Massachusetts and California and some of the other States, but to give them a break; give them an opportunity to get something. They should in justice all receive the same treatment. In my own State of Mississippi it would require more money than all of the money that is now collected for general revenue purposes in the State of Mississippi, to match the proposition of $20 with $20. It is therefore apparent that it is impractical and not feasible for them to match it on an equal basis.

I want you to think seriously about this proposition, which I am advocating. It is something this House ought to consider and correct.

[Here the gavel fell.]

Mr. CLARK. Mr. Speaker, I yield the gentleman one additional minute.

Mr. COLMER. Mr. Speaker, I would like to call attention, in conclusion, to the fact that the Senate committee on relief and unemployment recognized the justice of this cause which I am advocating, in its Report No. 2, part 1, submitted by Senator Byrnes on January 4, 1939, wherein it is stated:

"In certain States this grant is so inadequate as to be of little value. It is recommended that the contribution of the United States for public assistance to the aged, the blind, and dependent children be 50 percent of the amount paid, but that in those States where the average per capita income is less than the average per capita income of the United States, the Federal contribution be increased in proportion to such differences, and that a provision of the grant should be the guaranty of certain minimum payments, as follows: To the aged, $15; to the blind, $15; to the dependent children, $20."

For the benefit of the membership and for their consideration between now and the time that we vote on the bill, I want to quote the amendment again, as follows:

"Amendment: On page 3, line 9, strike out 'one-half' and insert 'four-fifths'; and in line 15 strike out the figure '40' and insert the figure '25', and on page 4, line 6, strike out 'one-half' and insert 'one-fifth.'"

This report recommends a minimum to the aged of $15, to the blind $15, and to dependent children $20 as the Federal Government's contribution.

The President's Board recognized this principle in its report to the President which the President sent to this Congress with this statement:

"The Board believes it is essential to change the present system of uniform percentage grants to a system whereby the percentage of the total cost in each State made through a Federal grant would vary in accordance with the relative economic capacity of that State."

Mr. Speaker, the following table graphically describes the unjust discrepancies in the amount received under the present set-up which this amendment would tend to equalize:

Region and State	Number of recipients	Amount of obligations incurred for payments to recipients	Average per recipient
Total	1,641,151	$31,173,700	$19.00
Region I:			
Connecticut	15,122	402,252	26.60
Maine	12,182	253,560	20.81
Massachusetts	73,212	2,058,656	28.12
New Hampshire	3,856	88,336	22.91
Rhode Island	6,296	118,283	18.79
Vermont	5,273	76,177	14.45
Region II: New York	105,644	2,615,043	24.07
Region III:			
Delaware	2,581	27,901	10.81
New Jersey	26,971	514,883	19.09
Pennsylvania	88,958	1,891,833	21.27
Region IV:			
District of Columbia	3,241	81,898	25.27
Maryland	17,205	301,282	17.51
North Carolina	31,193	288,806	9.26
Virginia	4,770	39,848	8.35
West Virginia	17,925	246,711	13.76
Region V:			
Kentucky	43,128	380,003	8.81
Michigan	68,889	1,192,436	17.31
Region VI:			
Illinois	123,078	2,252,393	18.30
Indiana	49,139	805,562	16.39
Wisconsin	42,482	867,860	20.43
Region VII:			
Alabama	15,599	149,803	9.60
Florida	31,908	444,025	13.92
Georgia	35,176	310,654	8.83
Mississippi	17,996	121,381	6.74
South Carolina	22,306	160,371	7.19
Tennessee	22,599	299,040	13.23
Region VIII:			
Iowa	49,879	988,714	19.82
Minnesota	64,462	1,305,075	20.25
Nebraska	26,631	411,883	15.47
North Dakota	7,720	132,782	17.20
South Dakota	16,010	321,339	20.07
Region IX:			
Arkansas	17,731	74,832	4.22
Kansas	21,172	396,818	18.74
Missouri	73,142	1,329,955	18.18
Oklahoma	64,949	987,382	15.20
Region X:			
Louisiana	27,082	273,122	10.08
New Mexico	3,763	41,816	11.11
Texas	113,342	1,560,540	13.82
Region XI:			
Arizona	6,598	171,510	25.99
Colorado	37,417	1,081,663	28.91
Idaho	8,741	188,286	21.54
Montana	12,415	253,430	20.41
Utah	13,281	270,098	20.34
Wyoming	2,940	63,345	21.55
Region XII:			
California	123,734	4,008,326	32.39
Nevada	2,053	54,438	26.52
Oregon	18,603	395,890	21.28
Washington	36,946	816,705	22.11
Territories:			
Alaska	1,045	28,546	27.32
Hawaii	1,766	22,208	12.58

In conclusion, Mr. Speaker, let me say that I have given much thought and consideration to this subject. I was never more convinced of anything in my life than I am of the injustice of this set-up. Pensions for the aged needy will eventually be recognized as a national problem. We are not going that far here. We are merely asking for a little better treatment for those aged, needy people who live in the less densely populated areas of the country. This is by no means as far as I would like to see the Congress go, but this is as far as I have any assurance or the right to feel that the Congress will go at this time. And so far as I am concerned, I would prefer to get something tangible like this than to render lip service to these poor, aged people, as has been such a popular pastime with so many of our public people, and especially candidates for office. [Applause.]

[Here the gavel fell.]

Mr. Speaker, I have referred to this past history of this legislation to impress upon the membership here today that this fight is not a new one. Today we are faced with the practical proposition of an effort to give this House an opportunity to pass upon this question again. The learned Ways and Means Committee, as has already been pointed out, first reported H. R. 6911 of the so-called variable grant provision which is in effect and principle the same system for which I have been fighting for these past 6 or 7 years.

But something happened in that Committee which is not clear to the House. It is charged that our Republican brethren brought sufficient pressure to change the minds of some gentlemen on the Committee, and as a result the Ways and Means Committee reported out H. R. 7037, which embodies the old principle of requiring the States to match the Federal Government's contribution dollar for dollar. It is true that H. R. 7037 increases the Federal Government's contribution from $20 to $25, but this is purely an idle gesture so far as those States, like my own, are concerned where they are unable because of the lack of revenue to match the $20 now provided.

Under the provisions of H. R. 6911 all of the States would benefit, whereas under provision of H. R. 7037, which the Committee is now trying to jam down our throats under a closed rule, only one or two States who are now able to match the present Federal contribution of $20 would benefit.

The following table, computed by the Social Security Board, illustrates how the Federal expenditures for old age assistance to each State in the 1943–44 period would be provided by H. R. 6911. I quote:

Old-age assistance from Federal funds in 1943–44 and under H. R. 6911

State	1943–44	H. R. 6911	H. R. 6911 increase to each State
Total	$326,870,000	$428,444,000	$101,574,000
Alabama	2,325,000	4,650,000	2,325,000
Alaska	253,000	273,000	20,000
Arizona	2,185,000	3,153,000	968,000
Arkansas	2,470,000	4,944,000	2,474,000
California	36,522,000	52,038,000	15,517,000
Colorado	8,907,000	11,390,000	2,482,000
Connecticut	2,798,000	3,090,000	292,000
Delaware	139,000	139,000	0
District of Columbia	497,000	501,000	4,000
Florida	4,272,000	6,414,000	2,142,000
Georgia	4,412,000	8,827,000	4,415,000

Old-age assistance from Federal funds in 1943–44 and under H. R. 6911—Continued

State	1943–44	H. R. 6911	H. R. 6911 increase to each State
Hawaii	$171,000	$171,000	0
Idaho	1,683,000	2,055,000	$373,000
Illinois	24,609,000	25,706,000	1,097,000
Indiana	8,601,000	8,601,000	0
Iowa	8,268,000	9,446,000	1,177,000
Kansas	4,617,000	5,706,000	1,089,000
Kentucky	3,408,000	6,816,000	3,408,000
Louisiana	4,633,000	9,457,000	4,824,000
Maine	2,273,000	2,564,000	291,000
Maryland	1,884,000	1,919,000	35,000
Massachusetts	16,261,000	20,236,000	3,975,000
Michigan	14,742,000	15,179,000	437,000
Minnesota	9,658,000	12,299,000	2,638,000
Mississippi	1,462,000	2,922,000	1,461,000
Missouri	13,382,000	17,031,000	3,648,000
Montana	1,886,000	1,946,000	60,000
Nebraska	3,948,000	5,236,000	1,283,000
Nevada	457,000	528,000	72,000
New Hampshire	1,082,000	1,496,000	414,000
New Jersey	4,003,000	4,203,000	200,000
New Mexico	920,000	1,846,000	926,000
New York	20,205,000	22,458,000	2,253,000
North Carolina	1,276,000	4,549,000	2,273,000
North Dakota	1,380,000	1,865,000	485,000
Ohio	21,390,000	21,710,000	320,000
Oklahoma	11,409,000	22,812,000	11,403,000
Oregon	3,525,000	3,731,000	206,000
Pennsylvania	14,872,000	15,250,000	378,000
Rhode Island	1,271,000	1,339,000	69,000
South Carolina	1,667,000	3,336,000	1,669,000
South Dakota	1,796,000	2,695,000	899,000
Tennessee	3,693,000	7,380,000	3,686,000
Texas	22,357,000	36,509,000	14,153,000
Utah	2,828,000	3,452,000	625,000
Vermont	627,000	831,000	204,000
Virginia	1,185,000	1,706,000	521,000
Washington	13,537,000	15,582,000	2,045,000
West Virginia	1,741,000	3,380,000	1,639,000
Wisconsin	7,743,000	8,383,000	641,000
Wyoming	640,000	694,000	53,000

Mr. DOUGHTON of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from North Carolina.

Mr. DOUGHTON of North Carolina. I am reliably informed that those figures the gentleman now alludes to are statistics for 1943 and that later statistics for the last part of 1945 would not support those figures.

Mr. GORE. Mr. Speaker, if the gentleman will yield, the source of that information was the Social Security Board.

Mr. DOUGHTON of North Carolina. I still stand by my statement.

Mr. COLMER. It will be noted that under this provision the aged needy of my State would receive as a Federal contribution $2,922,000 if H. R. 6911 is adopted, whereas under the present system it receives only $1,462,000, just a little more than double. Now, I am convinced that if this House is permitted to work its will, it will adopt H. R. 6911 with the variable grant provision and not H. R. 7037 as finally voted out of the Ways and Means Committee.

Mr. Speaker, there is only one thing for the House to do if it wants to do that, and that is to vote down the previous question on the rule. If this is done, as a member of the Rules Committee, I propose to offer H. R. 6911 as an amendment in lieu of H. R. 7037. Then if this is adopted, the aged needy and the blind of all States will benefit rather than just those in a few States. This is simple justice. It should be done. Need is not confined to States. It should not be hampered by State lines. All aged needy citizens should receive equal and fair treatment at the hands of their Federal Government, regardless of State lines.

Mr. Speaker, should we fail in this, I have reason to believe that the Senate will make the correction. In fact, I have already contacted that distinguished and able southern Senator, Senator WALTER F. GEORGE, of Georgia, who has promised me that he would use his best efforts to that end.

Mr. CLARK. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. ROBERTSON].

Mr. ROBERTSON of Virginia. Mr. Speaker, as the distinguished gentleman from Ohio has said, this is a compromise bill. A compromise seldom suits anyone in toto. This bill does not completely suit any member of our committee, and we would not expect it to completely suit any Member of the House. But I tell you in all sincerity that after we have spent nearly 6 months in hearings and study and then were unable to bring you a complete bill on the subject of social security, those of you who so far have spent no time on it need not expect that you can write a bill on the floor. It cannot be done.

There are two practical things you can do. If you do not like this bill, vote the rule down. If you do like this bill, vote the rule up, which will mean that you are going to vote for the bill.

The bill does three things that most people will like to see done. It freezes the social-security tax for another year at 1 percent. Otherwise on January 1 it goes up to 2½ percent on both industry and the employees.

It covers maritime workers, and everybody has conceded for the past 2 or 3 years that they are richly entitled to be covered by unemployment compensation benefits.

It covers veterans for 3 years on the same basis as if they had been in covered industry during their war service.

Those three things I think everybody would like to see done. Bear in mind that when you vote this bill down you take a chance on whether or not on January 1 the tax goes up to 2½ percent.

The controversial matter is the $25 maximum, which benefits a few States. It will benefit more than 5; it will benefit about 39 States on the basis of 1945 figures. In the case of dependent children it will benefit all except five States. Virginia, for instance, will gain about $153,000 and more as State contributions are increased. I asked the distinguished chairman of the Finance Committee of the Senate about 10 days ago what would be the action in the Senate if we sent them a bill with variable grants. He said, "It is so highly controversial we will not even consider it." We will be engaging in a futility to debate variable grants on this floor, and no one knows, if you vote the previous question down, whether the only amendment that will be adopted will be one dealing with variable grants. I tell you, if you have a lot of amendments added to this bill, the chairman of our committee will never, with my consent, ask for the bill to be called up for any action at all.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. ROBERTSON of Virginia. I yield to the gentleman from Minnesota.

Mr. KNUTSON. In the event we do not get legislation, the pay-roll tax goes up to 2½ percent on the worker as well as the employer?

Mr. ROBERTSON of Virginia. That is true.

Mr. KNUTSON. Better remember that when you vote.

Mr. ROBERTSON of Virginia. It is up to you whether you want that to go up or not, but we thought it was of sufficient importance to bring a compromise measure out which does not satisfy us and does not satisfy you, but it was the best we could do in a limited time.

Mr. LYNCH. Mr. Speaker, will the gentleman yield?

Mr. ROBERTSON of Virginia. I yield to the gentleman from New York.

Mr. LYNCH. The increase to $25 carries only for the period up until December 31, 1947.

Mr. ROBERTSON of Virginia. That is correct. Next year we expect to go into the full subject of proper treatment for the aged, for the blind, for dependent children, for increased coverage, and the other things we did not have time to go into now. It was just too big a subject for the few days we had in executive session.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. ROBERTSON of Virginia. I yield to the gentleman from Nebraska.

Mr. CURTIS. I call the attention of the gentleman to the fact that this does increase the allowance for the blind and for dependent children.

Mr. ROBERTSON of Virginia. Yes; and more, if you match it.

Mr. CURTIS. It will benefit them in a good many States.

Mr. ROBERTSON of Virginia. Yes; in all except five.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Speaker, naturally I am of the minority side. We are trying to cooperate with the majority side, and we have gone a long way in an endeavor to do that. I say to you, and I think every man on the floor will agree with me, that we hold your chairman in the highest admiration, respect, and esteem. I marvel at the work he has been able to do. It has been no easy matter to work out this bill, for this very reason, that we have had 157 witnesses who were heard during the last 6 months. Here is a book that is literally a textbook for everybody in this country who is interested in social legislation. It is so comprehensive and has so many problems in it that for us to attempt, even after the completion of the hearings and a study of this book with the aid of the experts, to frame a bill is utterly impossible. What we have done is to bring forth a few essential things that could be passed by this House and eventually be passed in the Senate in the short period which remains of this Seventy-ninth Congress. Every man on this floor knows from his experience here that you just cannot write a bill of this character on

the floor of the House. This bill lends itself naturally to the heart throbs of every man in the House.

Another thing: At this season of the year when people are interested in politics there is a great temptation to offer every type of amendment that will bring some of this money to the deserving blind, the children, the aged, and what not. If this bill is opened up to amendment and we start in on that kind of a program, we will not only render the committee ridiculous but render the House of Representatives ridiculous before the country. Here is a great study by experts. It is only a question of time when each one of the problems brought forth by this intensive study will be brought to the floor. They have broad implications because they relate to the financial ability and stability of this country to meet all these problems. Every one of us knows that the social security bill is a bill of discriminations. There are large groups of people which would like to be covered under social security. I would like to see them covered.

Well, now is the time when pressure groups are very effective, but under an open rule you will load the bill down with provisions which have not been thought out. The result will be that if amendments are permitted you may work an injury to the whole social-security plan. We have lined up here to help your distinguished chairman and the majority to bring in a bill that can be passed and which will accomplish great good to a large number of people. It will accomplish some good for the elderly people, the veterans, and for the blind and dependent children. All of us would like to do more. Each of us would like to go home and say, "I offered an amendment to the social security bill to pay you a large pension." We would love to do that. We would be champions of the unfortunate. We would get their votes. There would not be any question about that, but let us be realistic about this and let us realize that our job here is to treat the people fairly who are covered in the bill. Let us look forward to the time when we can take this study that has been brought out here and frame a bill that will work justice, equality, and equity to those folks who should eventually be covered. I hope the rule as brought in will be supported by the House in the interest of just legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. SIMPSON).

Mr. SIMPSON of Pennsylvania. Mr. Speaker, I hope very much that this rule is adopted. I fear, that if it is not adopted we will not have any Social Security Act amendments during the present session of Congress. If we adopt this rule and pass the bill as it is before us, we will accomplish a great deal of good. We will not do the best we could have done if at the beginning of the session we had available the information that we now have, but I suggest to you that as the committee found, as we studied this legislation, it is too late for us today to attempt to write in detail the full amendments needed to properly amend the Social Security Act.

By adopting this bill we will settle for another year the question of social security taxes. We will temporarily provide some benefits to the survivors and heirs of deceased soldiers, men who died in action during the war just closed or die within 3 years of its close. I hope very much that we may give that benefit to those people in the near future. We will provide unemployment compensation for that great mass of maritime workers who are today without unemployment-compensation coverage, and we will increase, under certain conditions, the old-age and survivors' assistance payments.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. SIMPSON of Pennsylvania. I yield.

Mr. COOLEY. Will the gentleman explain to the House how it happened that on July 1 the great Ways and Means Committee reported one bill and then on July 15 they reported another bill substantially different? Under the first bill the State of North Carolina would have received in excess of $2,250,000 and under the bill before the House the old-age people of the State of North Carolina do not receive a dime.

Mr. SIMPSON of Pennsylvania. If I might suggest to the gentleman, if the State of North Carolina saw fit to increase by its own legislative action pensions payable to its old-age citizens who are eligible for old-age assistance, the State of North Carolina would under this bill, and under existing law today, receive from the Federal Government the amount of money the gentleman suggests.

Mr. COOLEY. The fact is that our legislature does not meet until January.

Mr. SIMPSON of Pennsylvania. The fact is that your legislature, when it met in years past, saw fit to overlook what you now suggest are the needs of the citizens of your State.

Mr. COOLEY. This bill goes into effect on October 1. That is right, is it not?

Mr. SIMPSON of Pennsylvania. The bill goes into effect on October 1; yes.

Mr. COOLEY. So it means that North Carolina gets not a dime under this bill, whereas it would have gotten $2,250,000 under the former bill.

Mr. SIMPSON of Pennsylvania. It means specifically that those States which in the past have seen fit to recognize the needs existing in those States for old-age citizens will immediately receive benefits. It means further that in the gentleman's State, if your legislature either in October, or subsequently, sees fit to increase the benefits to the aged citizens of your State, they will then receive increased benefits from the Federal Government.

Mr. COOLEY. Is it not unreasonable for the General Assembly of North Carolina to anticipate the acts of the Ways and Means Committee, when they change their minds in a 15-day period?

Mr. SIMPSON of Pennsylvania. Let me suggest that under the bill as it was on the 1st day of July, there would have been required in many States legislative acts before they would have received any benefits. May I also say that the gentleman's State, and any of the States which do not begin to receive benefits under this bill immediately on its passage, may if the demand within that State is sufficiently great, call its legislature together and change their law and immediately, on a matching basis, begin to receive benefits under this law. It is the States obligation to declare the needs of its citizens.

Mr. GORE. Mr. Speaker, will the gentleman yield?

Mr. SIMPSON of Pennsylvania. I yield.

Mr. GORE. But the difficulty is there are many States in the Union which are simply not financially able to match the Federal funds already available. So this merely holds a delusion and an empty snare before the people, promising them something they can never obtain.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. SIMPSON] has expired.

Mr. CLARK. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee [Mr. GORE].

Mr. GORE. Mr. Speaker, this is a very unusual situation. After 5 months of study and after the employment of a fine technical staff and deliberate consideration extending over this entire year, on July 1 the great Ways and Means Committee reported a bill embodying some of the recommendations of this expert technical staff which the Congress had authorized them to employ. Then 2 weeks later, for some reason unknown to me, the committee has completely changed its mind on two very important matters and now it is said that we shall put upon ourselves a yoke, self-imposed, to deny ourselves even the right and privilege of considering the two bills which the Ways and Means Committee has reported. What manner of men are we? I resist the suggestion that this House is incapable of giving consideration to the problems of the old and needy people of this country, of the blind, and of the dependent children. I do not know how it ever happens, unless it is by some legislative miracle, that the body at the other end of the Capitol, with no gag rule, ever succeeds in passing a social security bill. Mr. Speaker, we considered a bill on the OPA applying to 8,000,000 commodities and yet no closed gag rule was requested. The issue here is whether this Congress wants to dodge its responsibility or whether they want to keep their hands free to work their majority will on fundamental questions of social security.

The question is—the issue is—between adequate consideration, on the one hand, of a problem vital to millions of people in this country or a go-home-quick abandonment of our responsibility, on the other. Why hold up this empty delusion to the millions of old people and dependent children who cannot speak for themselves and to those with sightless eyes—this delusion that we will increase the Federal appropriation if it is matched? The fundamental fact stands—and the committee in their report of July 1 gave eloquent recognition of the fact—that in many States the program is operating inequitably, unjustly, and unfairly, for the simple reason that many States cannot match Fed-

eral funds already available, though the record shows that the poor States are making a relatively greater effort than the rich States. How does it operate? The proof of the pudding is in the eating. The Federal Government is now paying more than three times as much to a needy old man or woman or a blind person in one State as in another, and this bill would but worsen that inequity. Need cannot be measured by State lines.

Mr. Speaker, the issue here is whether the Congress wants to stay on the job long enough to give adequate consideration to a pressing human problem and to consider giving succor to the wants of the people who so direly need assistance or shackle our ability and right to do so.

Mr. CASE of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GORE. I yield.

Mr. CASE of New Jersey. If the previous question is voted down would the amendment suggested by the gentleman from Tennessee permit the bill to be amended so as to require equal treatment for persons who receive aid on the basis of no discrimination on account of race, creed, or condition of servitude?

Mr. GORE. I understand the gentleman's question. The Congress, as pointed out by the distinguished gentleman from North Carolina, has three choices: One is to vote down the previous question. If the previous question is voted down then the rule by which this bill will be considered is within the hands of Congress. We can then amend it as majority desires.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. CLARK. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. EBERHARTER].

Mr. EBERHARTER. Mr. Speaker, it is ironic that a member of the committee gets but 2 minutes in which to discuss this very important measure under this proposed gag rule. Mr. Speaker, how can the Committee on Ways and Means after sending a report to you on July 1 recommending the adoption of a bill and asking for a closed rule, come to you 2 weeks later and ask for a closed rule on a bill that reverses the position it took 2 weeks before? It reversed itself after 6 months of study and now wants you to accept, and ram it down your throats, an entirely different proposition without having an opportunity to amend it. If this House accepts that proposal, Mr. Speaker, it might as well adjourn right this minute. It is a proposition of take it or leave it. What are you going to do, stand up or lay down?

Mr. Speaker, if we are going to legislate on matters in that way we better quit. We appropriated $50,000 to study this subject. In 2 weeks the committee reverses itself. Let it report a bill here on which there was unanimous agreement in the committee, those provisions on which there was a unanimous agreement. I dare them to do that, then let them ask for a closed rule.

Mr. GORE. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Tennessee.

Mr. GORE. Does not this mean that the increased Federal expenditures to the extent of about 90 percent will go to five States?

Mr. EBERHARTER. It means, according to the figures I have, that 76 percent will go to 3 States; 84 percent will go to the 10 richest States and the 10 poorest States will not get one cent. Are we going to legislate that way under a gag rule?

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. CLARK. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS of California. Mr. Speaker, I shall vote against the previous question so as to try to secure an open rule on this bill for the following reasons:

In the first place, because the cost of living has risen and many of us believe that the old-age provisions of this bill ought to be more generous than they are. We believe the House should have an opportunity to vote on amendments that would give this Nation a true national old-age-pension system.

In the second place, the freezing of the taxes in this bill is wrong from an economic standpoint and unsound from every point of view. I think these taxes ought to have been allowed to go up at the beginning of the war. I believe with economic conditions as they are now the taxes should to be allowed to go up at this time.

Further I believe the coverage of the act should be extended to those groups not now covered, farmers, agricultural workers the self-employed and others.

In the next place I should like to see a provision in the bill so that the blind people will be encouraged to make earnings besides their pension. I have introduced such a bill.

I come from a State that would benefit under the provisions of the bill as written and I am certainly for the bill with the exception of the tax provisions. However, I believe the variable grant feature is a sound feature and is socially desirable.

In the next place I want to say that several States in the Union have passed disability insurance laws. California is one of them. I believe those States ought to be able to recover their own tax money so that they may make those disability payments.

I fully realize I cannot have my way about all the things. But I do think the House should have a chance to consider them.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. CLARK. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may desire to the gentleman from Oregon [Mr. ANGELL].

Mr. ANGELL. Mr. Speaker, I regret that the social-security bill now under consideration was brought up under closed rule. I will vote against the rule and against the previous question. This is putting a gag upon all the Members of the House who desire to offer amendments to the bill and particularly those of us who are urging modification of the social-security program in order to provide a reasonable allowance for our elderly citizens who are now denied a sufficient income to keep body and soul together. I urge that this rule be voted down so that we may then offer amendments to the social-security legislation, providing for increased allowances to the old people of our country who are in dire need.

On February 16, 1945, I introduced H. R. 2230 which was a companion bill to H. R. 2229 and which had for its purpose the providing of monthly annuities to the aged as well as to certain disability and hardship cases. These bills were referred to the Ways and Means Committee. Eighty-seven Members of this House filed a petition with the Ways and Means Committee urging that a hearing be granted on these bills and the legislation reported out for consideration on the floor. The hearing was granted and extensive testimony was taken on the merits of the legislation. However, the Ways and Means Committee has taken no action to date on the bills, and with the imminent recess of the Congress, we will not have an opportunity to pass upon the legislation.

At the hearings I exhibited petitions signed by citizens throughout the United States in almost every State of the Union, aggregating 14,000 petitions requesting that legislation of this type be passed. In my own State alone an excess of 35,000 citizens signed the petition. These petitions show the widespread interest throughout the Nation for the enactment of old age security legislation. If this rule is voted down and the social-security bill is thereupon considered under an open rule, it is our purpose to offer this legislation as an amendment so that the House may have an opportunity to express its will on this most important legislation.

The Social Security Board reports that for August 1945 the average monthly allowance for aid to the aged in all the States of the Union was $29.97. It ranged from the high of $49.25 to the low of $12.79. In these postwar days, with high costs prevailing for the necessities of life, it does not require argument to demonstrate that such a niggardly payment for the care of our old folks is not only indefensible but a blot upon the good name of America which is presumed to be foremost in providing care for its citizens. We are expending billions from the Federal Treasury for relief in foreign countries, but we permit our old people to eke out an existence in this land of plenty on the miserly sum of $29.97 a month, which is wholly insufficient to maintain an old person in decency and health.

Under the provisions of these proposed bills, all of our people would contribute

in proportion to their income in providing funds to meet these monthly payments, and every citizen, on attaining the age of 60 years and not gainfully employed, would be entitled to share on equality with every other citizen in like circumstances in the fund. Furthermore, it would replace many elderly citizens with younger men in the industrial and commercial work of our country and thereby give additional jobs to those on the unemployed rolls.

Before our entry into the war, it was estimated that in 1941 of the persons 60 years of age and over in the United States, 54.9 percent were supported wholly or partially by public or private social agencies or were dependent on children, relatives, or friends for their subsistence and care. A considerable proportion of the remainder received part or all of their support from various pension systems—Federal, State, municipal, industrial, or private.

Mr. Speaker, it is not my intention or purpose in this brief statement to discuss the merits of this or similar legislation, but merely to call the attention of my colleagues to the necessity of action now upon this important legislation which was sidetracked during the war. As a result of our ingenuity and accomplishments in adapting scientific processes and power machinery for mass production, our workers have not only been able to produce a much greater volume and variety of goods than heretofore to provide food, clothing and shelter, as well as a higher standard of living for our people, but in the process we have eliminated a large segment of our population from participation in the processes. As a result, together with other contributing factors, from 1929 to the beginning of our national defense program, some 10,000,000 or more of our workers were unable to find employment in productive enterprise, and even now with the increased demand for manpower in postwar production, we still have many unemployed workers. These calculations in the main do not take into consideration that larger group of unemployed who are 60 years of age or over, most of whom are denied the right to participate in productive enterprise. It is interesting to note that the United States census for 1890 shows at that time 75 percent of all our people over 65 years of age were gainfully employed. At the present time, 80 percent of our citizens 60 years of age or over are unable to obtain the minimum for decency and health.

The science of production has submerged the science of distribution. The very achievement of our goal, maximum of production with minimum of employment, has undermined our economy by reason of our failure to provide that distribution shall keep pace with production.

If we are to preserve the American way of life and protect our own democracy from disintegration and collapse, we must find a solution for our unemployment problems as well as providing a decent living for those of our citizens who under our economy are unable to be provided with remunerative employment in our system of production. The severest indictment that has been lodged against us is that while we are the richest and most favored Nation on earth, and while we have developed the greatest and most effective productive enterprise the world has ever known for providing the necessities of life—more than sufficient for all—we have failed miserably to provide a method by which the fruits of our industry may be shared equitably by all groups of our people.

National recovery without inflation in the United States is entirely dependent upon full production and an adequate and sustained purchasing power in the hands of the American people. If business and industry are to be assured of opportunity for the steady production of goods with reasonable profits, and if labor is to be assured stable and sufficient employment, with fair wages, purchasing power must keep pace with production. Economic stability depends today almost entirely upon the expansion of demand balanced with full production. With the adequate purchasing power available, demand for commodities and services will come naturally, and this demand will force increased production and in turn stabilize employment and make more work available.

The aged, through no fault of their own, cannot take part in production. In this age it is almost impossible for a man to get a job after he reaches the age of 60. This group over 60 years of age, who have toiled the longest, should not be deprived of taking part in the consumption of goods. They are the victims of an industrial system for which they are not responsible. We owe a duty to our old folks, and we can perform this duty by establishing a national annuity system on a pay-as-you-go basis.

Mr. Speaker, the present bill, as finally reported by the Ways and Means Committee, provides only $5 per month increase to our elderly citizens in the way of Federal help. This is a ridiculously low sum and with the existing allowances, will be wholly insufficient to provide for the bare necessities of life. We must not overlook the fact that they, too, must pay the high and inflated prices now prevailing for their needs and to provide a roof over their heads. I hope the rule will be voted down and an opportunity given to do justice to our elderly citizens. I am willing to forego our recess and stay in session until we pass legislation along the lines of H. R. 2230 and do justice to our old people who are in dire need.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, I am sorry that my distinguished colleague on the Ways and Means Committee, the gentleman from Pennsylvania [Mr. EBERHARTER] was not able to be present at the last session of the Ways and Means Committee, when this bill was reported out.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. JENKINS. I am glad to yield to my distinguished friend, the gentleman from Pennsylvania.

Mr. EBERHARTER. I may say to the gentleman that I was present and voted on every proposition before the committee up until the time it reported the first bill. It is too bad that the committee reversed its position on the other proposition.

Mr. JENKINS. Yes; I know that the gentleman was there quite regularly at first but the gentleman was not there when the bill was finally passed on by the committee. That is the only point I want to establish.

Mr. Speaker, the Ways and Means Committee is made up of 15 Members from the Democratic side and 10 Members from the Republican side. That committee is usually set up so as to give the party in power in the House a good working majority, for the Ways and Means Committee is considered the most important committee of the House.

The committee has worked for months on these social-security matters. It became evident a few weeks ago that we were not going to be able to bring out a bill that would deal with all phases of the social-security laws, so we decided to bring out a bill covering the most pressing matters and those that were noncontroversial. We went along pretty well and agreed on the first four sections of this bill. Then we decided that we should do something for the aged who draw old-age assistance and for the blind and for the dependent children. Of course I was strong for this plan as I had always voted for assistance for the aged and the dependent children, and if you will pardon me, I am proud to say that I am generally considered as having been the author of the blind pension. We decided to raise the Federal contribution to the aged by $5 per month and the blind by the same amount, and to raise the allowance for dependent children by a proportionate amount, when we had gotten this far, some members sought to adopt a new plan for distributing these amounts to these recipients. The plan is known as variable grants. This means that they would abandon the principle that has obtained from the beginning which was the principle of requiring the States to match every dollar that the Government paid. The new principle would require the Government in many instances to put up $2 while the State was only putting up $1. This precipitated a terrific battle in the committee which finally ended by the advocates of the new principle giving up the fight. We agreed unanimously to bring in the present bill and to ask for a closed rule. Many members of the committee today who are supporting this rule were on a different side, as it were, previously.

One of my colleagues who has preceded me made a remark or asked the question, "Why did the Ways and Means Committee change its mind?" The Ways and Means Committee changed its mind because there was involved in this proposition that some were advising a departure from any principle ever before announced in any social-security legislation. I think that the social-security legislation is one of the most comprehensive pieces of legislation that has

ever been passed since the Constitution was adopted. Frequently the Ways and Means Committee is criticized for asking for closed rules. It may be that the Ways and Means Committee should be criticized for asking for a closed rule. But it does not request closed rules only when a complicated bill is being considered. When the original social-security bill was before the House no closed rule was requested. It took the House 2 weeks to write that bill that the committee had considered for 9 weeks.

As I have said this is not a gag rule. Here is what happened. Some members of the committee sought to inject a new principle, a principle we call the variable grant theory. That is the principle that the gentleman from Tennessee wants incorporated in this law. He wants to beat the previous question and then have the right to offer his new plan as a part of the bill. He in his own power wants to supplant in a few minutes here this afternoon what 24 members of the committee declined to ask for after months of study. Many of you who would like to offer the Townsend plan or any one of about 80 amendments that might be made, all of which are sensible and right proper, you have been led to believe that you could have that right if the rule is voted down, will not get a chance to put your plans before the House. You may think that you will have the chance, but may I say neither time nor expediency will permit as we are nearing the close of this session. You know how things move here. It is not the intention of those who are most active in their attempt to defeat this rule to permit the Townsend leaders to get a vote on their bill. I say this because all of you who know the history of Doctor Townsend and his efforts to get hearings before this House know that these hearings were had more because of the insistence of Republicans than that of the New Dealers. You well remember the flippant remarks made by Mrs. Roosevelt when Dr. Townsend first came to Washington in behalf of his plan. I know and the Townsend leaders of the early days will know what the Republican Members on the Ways and Means Committee did to procure hearings for him and his friends. I know because I did my humble part in securing complete hearings for them.

Now, Mr. Speaker, let me devote a minute or two to the matter of the Ways and Means Committee changing its mind—I refer to the remarks made by the gentleman from Tennessee [Mr. GORE].

Do you mean that our good friend, the gentleman from North Carolina [Mr. DOUGHTON] did not have a right to change his mind? Do you mean to say that the gentleman from North Carolina had to come to you and ask you if he could change his mind? I say to you that we Republican members of the committee are defending the action of the gentleman from North Carolina and the 13 other Democratic members of this committee. They saw that if any legislation was to be passed it must be legislation without any new-fangled doctrines.

Now then, let us talk about this social-security section of this bill. Some are disappointed because of a table of figures that has been passed around and placed in the RECORD by the gentleman from Tennessee [Mr. GORE]. It shows that if this bill is passed some States will receive more Government funds than others—that is only natural. The States with larger populations should have more than the small States. But, my friends, do not forget that no State will get this $5 increase from the Government unless and until that State has matched it with a $5 contribution.

The State that will receive little or nothing are those that have declined to pay the aged and blind the limit of $20 that is now paid by the Government. If those States only want to pay $8 or $10 to their recipients then they cannot complain if the Government only pays $8 or $10. The Government stands ready to match up to $20 per month and under this bill, if passed, the Government is willing to raise its matching up to $25. If the State will do the same the recipient will then receive $25 per month from the Government and $25 from the State.

Mr. Speaker, if the gentleman from Tennessee will go down to his State and have his State legislature raise the State payments up to $25 and will pay $25 then he will get as much for his State per capita as any other State. This chart of figures shows that Ohio will receive a certain sum from this law. Let me say to my good friend from Tennessee that Ohio will not receive $1 from this law unless the legislature of our State meets and raises the State contribution from $20 to $25. In order to receive we must first be ready to pay.

What are you complaining about? Do you want to get something for nothing? Do you expect the people in my State to provide for the people of your State? Why does not your legislature get together and act? As I have heretofore said several times, the great commanding principle of social security is that the State determines who is entitled to receive benefits and how much he is to receive; that the Government will then pay one-half of that amount if the State will pay the other half. Your distinguished floor leader was a member of the Ways and Means Committee when the original social-security bill was written, and he knows what I am saying is true. The very basic principle of it is matching. The Federal Government said to every State, "If you want to get money out of the Federal Government, you go back to your State and you pass a law meeting the requirements prescribed by the Federal law and when you come forward with $5 we will come forward with $5, and if you will come forward with any sum up to $20 we will do the same.

I appreciate that some States are not as wealthy as others, but it is not expected that those States will pay as much as some others, but it is left to the people of each State to determine for themselves. It is strictly a home rule local matter to decide how much they want to pay to those people.

Somebody referred to California. California having so many visitors has a very difficult problem and that State pays an allowance to its aged and blind and certainly is entitled to a larger contribution from the Government. They have more social-security problems than we have in many of these States in the interior.

In conclusion to you who say you will not get anything let me say that you should throw the responsibility on the shoulders of the members of the legislatures of your respective States. You may not know it, but it is to the credit of all of your States that gradually year by year your States are becoming more liberal to your aged and blind and unfortunates. The passage of this bill will encourage them to increase their contribution in order to secure the amount which the Government is ready to pay under this matching system.

Mr. BROWN of Ohio. Mr. Speaker, I yield the remainder of my time to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, the gentleman from Tennessee is trying to get us all into an old skin game; you know the old game of put one and take two, and he is grousing because we reported out a bill that will not permit him to get away with it. He has not been entirely fair with the House in presenting the figures that he did. He presented figures for 1943 to 1944. If he had called up the Social Security Board and asked for the figures for 1945, he would have found a considerably different picture presented.

Mr. GORE. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I do not yield. The gentleman has had his time.

We might just as well face this thing frankly. It is either this bill or nothing. From a political angle, if I wanted to play politics, I would join the gentleman from Tennessee and help kill this legislation, but there is too much involved. You are taking care of the soldiers in this bill; you are taking care of the seamen in this bill; you are taking care of the aged in this bill, the blind, and the dependent children. It is either this bill or nothing. The gentleman is willing to sacrifice everything in order to play the old skin game of put one and take two.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Ohio.

Mr. JENKINS. Is it not true that the Senate has already passed the provision with reference to the soldiers, and we must do this out of justice to ourselves?

Mr. KNUTSON. Certainly.

Mr. GORE. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. No; I do not yield.

Mr. WASIELEWSKI. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Wisconsin.

Mr. WASIELEWSKI. Is it not true that prior to 1935 the Federal Government made no contribution to old-age assistance, and it is only since 1935 that the Federal Government has stepped into the picture? It stepped in then at a time when the States were practically broke; but today the picture is reversed;

it is the Federal Government that probably needs some help from the States.

Mr. KNUTSON. Of course. As usual, the gentleman is right. When I say that I mean it. He is a valuable member of the Committee on Ways and Means.

Mr. GEARHART. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from California.

Mr. GEARHART. The point that seems to be overlooked by everybody who has talked on the other side of this question is that the amount of money that should be paid to every oldster is fixed by the State Legislature of the State and not by the Congress of the United States.

Mr. KNUTSON. That is absolutely true.

Mr. GEARHART. The only thing is that they want the Federal Government to come in and reimburse the State for one-half of what the State fixed by its own legislature. Every State would get the same if they fixed the maximum that is now allowed by law.

Mr. KNUTSON. That is right. I may say to the gentleman from North Carolina that our great chairman would not have consented to bring in a bill that would work an injustice on his own State. If the gentleman will also call up the Social Security Board and ask for the 1945 figures instead of juggling around with a lot of old chestnuts, the gentleman will be better informed.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. No; I cannot, my time is so limited. I think I have been pretty generous.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I am going to yield to my good friend from Pennsylvania.

Mr. BRADLEY of Pennsylvania. Is there any truth to the report that the Committee on Rules refused a rule on the original recommendation of the Committee on Ways and Means and said they would not give a rule unless this bill embodied such provisions?

Mr. KNUTSON. I do not know. I am not a member of the Committee on Rules, neither am I in the confidence of the great Committee on Rules.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. As a member of the Committee on Rules, may I advise the gentleman from Pennsylvania that that report is absolutely false.

Mr. KNUTSON. I thought it was but I could not speak authoritatively. I try to be careful with my facts.

Mr. LYNCH. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from New York.

Mr. LYNCH. May I say that the Committee on Rules heard us on four or five different occasions, I think, and gave us every consideration.

Mr. KNUTSON. The committee was most generous.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. Why did they not grant you a rule on the bill on which you requested a rule? Why did they refuse?

Mr. KNUTSON. The gentleman is asking a leading question and the speaker is not informed.

Mr. BROWN of Ohio. If the gentleman will yield, I can answer the gentleman from Pennsylvania by saying that the Committee on Rules did grant the rule that was requested by the Committee on Ways and Means, and we are now asking for the adoption of that rule.

Mr. KNUTSON. I think that is the reason we have all this griping.

There is another thing I want to say in the brief time that is left. If we do not pass this legislation the pay-roll tax automatically goes up to 2½ percent on the worker and the employer. Personally, I strongly feel that we now take altogether too much in the way of taxes out of the toiler's pay envelope. They already have a surplus of $7,000,000,000 in the fund. The committee took that into consideration when they reversed themselves and arranged to freeze the present rate of 1 percent on both employer and employee for another year.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I must yield to the gentleman, of course.

Mr. COOLEY. If the Committee on Ways and Means exercises their right to change their mind why does the committee want to prevent the House from exercising the right to change its mind and adopt the first bill that you approved in committee? I assume the committee did that.

Mr. KNUTSON. If the gentleman would give the matter some study he would know that we cannot write tax legislation on the floor of the House.

Mr. COOLEY. The committee reported the bill out on July 1 and said it was a good bill.

Mr. KNUTSON. Your party came into power in 1931. You then tried to pass a tax bill with an open rule. The result was so disastrous that the bill had to be recommitted to the Ways and Means Committee.

Mr. COOLEY. You reported the bill out after 5 months' study.

Mr. KNUTSON. Yes; but I cannot yield further.

Mr. Speaker, I hope the rule will be adopted. I may say that there is less friction and less politics in the Committee on Ways and Means than any other committee in the House with the possible exception of the Committee on Banking and Currency, which seems to think along with its chairman on any and all questions. But in our case, it is a matter of meeting of minds. There is no politics. We went before the Committee on Rules and both majority and minority members joined in asking for the rule. I do not recall a single vote had on this measure in the Committee on Ways and Means that was along party lines. Majority and minority members were found voting on both sides of each question. So when I appear before you today and urge you to adopt this rule I am merely carrying on the spirit of nonpartisanship that is always practiced among ourselves when we are in committee.

The SPEAKER. The time of the gentleman has expired.

Mr. CLARK. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina, the distinguished chairman of the Committee on Ways and Means, my colleague [Mr. DOUGHTON].

Mr. DOUGHTON of North Carolina. Mr. Speaker, we are dealing today with a condition and not with an opinion. It is a question of either this bill which the Committee on Rules has reported for the consideration of the House or it is no legislation or worse than none. That is my honest opinion about the situation. I yield to no one so far as my physical and mental track goes in my desire to do everything that is reasonably possible for the blind, dependent children, and needy old people. I have lived with this subject of social security since 1935 and I am acquainted with all its ups and downs. I know something about it. I tried to have something provided in this bill that would do more to help my State and other States similarly situated in providing more adequate help to needy old people, the blind, and dependent children. I found that it was impossible to go further at this time than is provided in the bill and that we would fail to do anything and the other desirable provisions of this bill would be lost and the work of the committee for months and months would be lost unless this bill were accepted.

The House was good enough to allow us $50,000 for expenditures for a technical study. We secured as good a staff as we could have obtained for twice this sum but spent less than $20,000. We have more to show for our work than any other committee that I have ever known. We have a report by the staff that will be an invaluable asset to the future work on this subject. The gentleman from Tennessee [Mr. GORE] with great zeal and enthusiasm has been going around here buttonholing Members for 3 days and has made two long speeches in the RECORD. I should like to ask where he was when we were laboring and holding public hearings on this subject? Why did he not appear before our committee and state his position then? We were doing all we could. He was as absent as the dead. We never heard from him.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON of North Carolina. No; I do not yield at this time.

After reporting H. R. 6911 on July 1 on a divided vote, we encountered a minority report, signed by six members of the Committee, and when we applied to the Rules Committee for a rule, those who had signed the minority report appeared in opposition to the type of rule we had agreed from the outset would be necessary if any legislation on the subject were to be adopted before the recess or adjournment of Congress.

In fact, owing to the long time required by our special staff studying social security, and the lengthy hearings, beginning February 25 and running until June 7, it was recognized and agreed by all, I think, at least that was the under-

standing in our committee that it would be impossible to enact a bill which was controversial and for the consideration of which a special rule could not be obtained and adopted. Those of the majority had hoped and expected that we would be able to reach an agreement with the minority on the type of rule which we could operate under, but failing in this after three different appearances before the Rules Committee, and the opposition apparently more and more determined that a rule should not be granted that would make possible the enactment of the bill, we then realized that we were dealing with a stubborn condition and not with an opinion or a hope.

Those of us who were so anxious to have some legislation before Congress adjourned realized that unless a compromise was reached, it was futile to attempt to go ahead with an effort to pass the bill. So, after different conferences, the committee unanimously reported the bill under consideration, H. R. 7037, and the Rules Committee granted the type of rule we requested.

I believe if those who are opposing the bill in its present form and the adoption of the rule had been present in our efforts to agree on a bill which we could hope to have enacted, that they would have been convinced that the bill now under consideration was the best that could possibly be secured at this time. Unfortunately, the gentleman from Pennsylvania [Mr. EBERHARTER] who has submitted a minority report, was not to be found and did not attend the various meetings and conferences from that time until after the bill now under consideration was agreed upon and a rule secured for its consideration. The trouble with the position taken by the gentleman from Pennsylvania [Mr. EBERHARTER] is that he is dealing with things as he would like to have them and not as they actually are. He is at least one Congress ahead of what it is possible to do. We have not finished our work, and the provisions of the bill to which he so strenuously objects in the minority report are only temporary and for 1 year, 1947, until the committee can have time and opportunity to go into the matter more fully and until the House could have time to debate and consider a bill containing the objectives which not only the gentleman from Pennsylvania [Mr. EBERHARTER] but many of us earnestly favor and for which we fought as long as there was hope of success. To consider this bill under a rule other than the one under consideration would mean I plan no legislation or worse than no legislation. There are now before our committee some 87 bills dealing with changes in the social-security law, and if the previous question should be voted down and the rule open to amendments, then every one of these 87 bills could be offered as an amendment, and perhaps others might be, requiring days of debate.

Of course I would not take the responsibility of calling up the bill or giving the matter further consideration if the House should take this action. There are many good provisions in the bill concerning which there were no objections and upon which we all agreed, and if the House wants to take the responsibility of having no legislation whatever rather than what is contained in the bill, that is its responsibility.

Those of us who have struggled with the matter day in and day out for months have done the best we could. We do not claim the bill is perfect nor contains all we would like for it to contain. We know it does not. Neither is our task completed, as it will be the duty and responsibility of the Committee on Ways and Means, either in the present or in the new Congress, to take up this legislation where we left off and to consider the subjects which we did not have time to deal with and to legislate permanently on the controversial provisions omitted from the bill.

No one could possibly more strongly favor more than is being done for the old people than myself.

The SPEAKER. The time of the gentleman from North Carolina [Mr. DOUGHTON] has expired.

Mr. CLARK. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. MCCORMACK. Mr. Speaker, the gentleman from North Carolina [Mr. DOUGHTON] made an observation in relation to legislation of this kind that those of us who have served on the Ways and Means Committee and lived through the development of the original Social Security Act, as he and I and the Members in 1935 did, know merits the deep consideration of the House, that "we are confronted with a condition and not a theory." I served on the Ways and Means Committee for 10 years before I was elected by my Democratic colleagues as majority leader. I served on that committee when we drafted the original Social Security Act which is the keystone of social reform in America. The members of the committee at that time and later when we made the important changes in 1938 or 1939, both Republicans and Democrats, have made marked contributions to the best interests of the average person in America.

Now, this is a condition and not a theory. There are important matters in this bill whereby people will be benefited. I think it is either this bill or nothing. The gentleman from Tennessee [Mr. GORE] has exercised his rights under the rules. There is no finer Member than he, in my opinion. He is exercising his rights, but I think he took the wrong course. If I were in his position, I would have taken the course of action that while I regretted the closed rule, I would not oppose it, and then I would state in debate what I thought should be done and that I hoped when the bill went to the Senate, an amendment along such lines would be incorporated in the bill and then the House could either agree or the bill could go to conference.

In 1938, when changes were made, I took the position then, not departing from the matching system, which I would not want to do, that this should not be taken away from local control. We do not want to get away from local control in the handling of applications, and in the determination of the amounts that the aged applicant should receive and leaving it to the local people to handle the problems. I suggested that two-thirds of the first $15 should be contributed by the Federal Government, without regard to the States. I considered it favorably as a member of the Ways and Means Committee. At that time I could not see my way clear to support this variable plan. If that bill came up with the variable plan, this House would be engaged in debate for a long while.

Under the circumstances I doubt very much if we would get any legislation through. As I understand it, the committee did not change its course, but they adopted the practical course that any legislators would, wanting to get the best they could through in the closing days of the session, eliminated the controversial features of the bill first reported out and then reported this bill knowing that there is no controversial feature in it.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. MCCORMACK. I yield.

Mr. JENKINS. Is it not a fact that all through the social-security theory runs the matching basis?

Mr. MCCORMACK. You cannot get away from it. If you get away from it you get into the Federal Government with its vast machinery in absentia, away from the fellow who gets the benefit and whom we want to have the benefit. The local people must administer it. That is the basis of the social-security system.

I hope the rule will be adopted and then if in the Senate an amendment is put in somewhat along the lines consistent with the matching system we can consider it when it comes back from the Senate.

Mr. HAND. Mr. Speaker, it is regrettable that on such a very important matter as the social-security bill the debate on the rule has been limited to 1 hour, which means that even members of the committee are extremely limited in time, and other Members of the House have little or no opportunity to discuss the question.

This rule is, of course, a closed rule, and it provides that no amendments may be offered to the pending social-security bill, except those offered by the Committee on Ways and Means. Two arguments are advanced in favor of such a procedure: One is that the House is unable to properly write this bill on the floor, and the other is, as I understand it, that it would take too long.

Now, Mr. Speaker, I am certainly as anxious as any other Member to close this session of Congress at the earliest possible time, but I am not willing to sacrifice social-security legislation for that purpose. The truth is that the bill unamended—as has been admitted by members of the committee—is a very little approach to a very big problem.

The bill only attempts to make a few minor changes. Title I freezes the rate of contribution at 1 percent instead of permitting it to go up to 2½ percent. Title II provides some benefits for deceased veterans, but gives no consideration to veterans who are fortunately alive as contemplated by my bill, H. R. 5487, which was referred to the Committee on Ways and Means on February 14, 1946. Title III includes maritime

workers, but continues to leave out millions of other workers in the United States. Title IV makes a number of technical and miscellaneous provisions. Title V makes a few minor increases in grants for old-age assistance, dependent children, and aid to the blind.

Mr. Speaker, it can be truly said of this legislation that the mountain has labored and brought forth a mouse. Granting the difficulty and complexity of the subject, the present bill, as I have said, is an inconsequential approach to a very great social problem. That such a bill has to be either passed or rejected without the opportunity of any one of our 435 Members to offer the important amendments it needs is a position which I cannot subscribe to, and I, therefore, must oppose this gag rule.

I can only say, in conclusion, that this is one more piece of unfinished business which I hope the Eightieth Congress will dispose of in its earlier days instead of putting it off for haphazard and brief consideration at the end of the session.

Mr. REES of Kansas. Mr. Speaker, this legislation providing for amendments to the Social Security Act came to the floor this afternoon under what is known as a closed rule—a better name is gag rule. I realize it is rather unpopular to criticize the action of the great Ways and Means Committee of the House with respect to legislation it has proposed as well as the manner in which it is submitted. I have the highest regard for every member of that committee. It is composed of leading Members from both sides of the aisle. But, Mr. Speaker, I think it is unfortunate, I think it is wrong that the committee has seen fit to bring this important bill comprising more than 60 pages to the floor of the House under a rule whereby no amendments, no changes, no substitute measures are permitted to be offered. We are told by the leadership of this committee that we must either vote for or against this bill exactly as written or there will be no legislation dealing with social security this year.

Mr. Speaker, it is unfair to the people of this country, and especially to the millions affected by this legislation, that this bill should come to the House during the last few days of the session with only 2 hours during which to consider and debate it. The bill affects the welfare of millions of needy people. It ought to have been presented several months ago instead of being brought to the floor at the eleventh hour with a demand that we either pass it or have no legislation. The rule should be voted down and opportunity given to offer amendments. Why should the Members of this House surrender their right to amend legislation if they see fit to do so? This is no ordinary measure. It is entitled to full and complete discussion.

Only a few weeks ago this House spent many hours discussing legislation whose importance did not begin to compare with this proposal. If the Membership of the House is not in favor of amendments that may be offered, then it could vote them down but it ought not to foreclose itself by failing to permit a right to which it is entitled. Now I want to call your attention somewhat briefly to some of the inequities in this legislation. There are four titles. I call especial attention to the grants for old-age assistance. At the present time expeditures for old-age assistance amount to $327,000,000. These funds are, of course, matched by the States. This bill provides for an increase of Federal old-age assistance in the sum of $27,000,000. Now let us see how it is divided. Under the present bill, Kansas will receive an increase of $302,000. Colorado, with no more population than our State, will get four times as much or $1,496,000. Massachusetts has a population of three times that of Kansas but she will get 15 times as much money or $4,960,000. The State of Washington, which compares in size with my State, will get $2,200,000 which is seven times as much as my State will receive. Now take a look at California. Of course, it is a big State. It is larger than Kansas but not so much larger that it should receive over $13,000,000 which is almost one-half of all the increase under this bill. You are giving 90 percent of all of the increased funds to 10 States. Mr. Speaker, I submit that this is wrong. The bill is a gross inequity and absolutely unfair. It is not right that the people of Kansas and other States should receive small allocations but are required to pay Federal taxes in order to take care of the allowances in the favored States. The formula in this bill is wrong. It ought to be corrected.

I was given to understand that the membership of the Ways and Means Committee at the beginning of this year were going to give careful study to the whole problem of old-age assistance and aid to dependent people. Fifty thousand dollars was appropriated to furnish advice and information to this committee so it could be carefully studied, but at this late hour we are handed a piece of legislation that is wholly inadequate, inequitable, and disappointing.

Mrs. DOUGLAS of California. Mr. Speaker, here again we have another tragic case where the mountain has labored and brought forth a mouse. H. R. 7037, presented to us under a closed rule today, is totally inadequate from any point of view.

I happen to come from one of the 10 richest States in the country whose aged would get 90 percent of the increase in old-age-assistance money we are asked to vote on today. Of course, I will vote for the bill. Naturally I want our needy old people in California to get $50 a month instead of $40 a month. But I cannot help thinking of the old people in Georgia whose average monthly grant is $11.81 and will remain there under this bill. Or the old people in Kentucky who can look forward to no improvement in their present average of $11.67, or in North Carolina with $13.78, or Alabama with $15.86.

The Ways and Means Committee reported to this House a bill, H. R. 6911, which, while far from adequate, at least was equitable in that it gave some benefit to all States through a larger Federal contribution to the pocrer States and was reasonably realistic in recognizing the increase in cost of living by raising ceilings in old-age assistance and aid to the blind to $60 a month.

But where is H. R. 6911? Why do we have to vote today on this miserable substitute?

Even H. R. 6911 was a pitiful answer to the crying need of our people for security. Last year we appropriated $50,000 to the Ways and Means Committee for a comprehensive social-security study so that never again would we have to be confronted with a last-minute expedient on the ground that our time was too short, our knowledge too inadequate. The committee produced an excellent technical survey, 742 pages of analyses, statistics and graphs, all going to show—so that even a child could scarcely be confused—the inadequacy of our whole social-security system; the need for broader coverage and more adequate benefits in the insurance programs, the need for new kinds of benefits and the need for a comprehensive assistance program which would really put a floor under poverty in this country. The committee held hearings that lasted for months. Group representatives of every interest in this country—business, labor, churches, welfare administrators, women's clubs, veterans, assistance recipients and dozens of others plead with the committee for a more liberal social-security program.

And what did they get? A modest little bill, H. R. 6911, which was so inadequate that many of those interested in a real social-security program ignored it. It's one real contribution to an improvement in our total situation was the recognition of the need for more equitable distribution of Federal assistance funds. But now it appears that we in the House are not to be permitted to vote even on this modest improvement in our social-security program.

I have never been an advocate of any pension system other than the social-security program. I have felt that we must protect the interest of those who have contributed to our old-age and survivors' program and make that program adequate both as to coverage and benefits. I want to see everybody under that system, even—if it is humanly possible—those elder citizens who have already retired from the labor market. I want them to get benefits which are adequate to live on in decency, dignity and health and to get them as a matter of legal right. I want the assistance program to take its rightful role as the comprehensive, residual program to take care of the unusual situation, to put a safety net under the insurance program and a floor under poverty as contemplated in H. R. 5686, the Forand bill.

But what are we who want a reasonable progressive liberalization of our social-security program to do? Where are we to turn for action if even the majority of the Ways and Means Committee cannot bring us a bill in which to express the wishes of our people?

Mr. CLARK. Mr. Speaker, I move the previous question on the resolution.

The question was taken; and on a division (demanded by Mr. GORE) there were—ayes 163, noes 82.

Mr. EBERHARTER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. DOUGHTON of North Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of H. R. 7037, to amend the Social Security Act and the Internal Revenue Code, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 7037, with Mr. THOMASON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. DOUGHTON of North Carolina. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I appreciate very much the action of the House in making possible the consideration of this bill reported by the Ways and Means Committee, and that is said with no criticism whatever of those who took a different view. The matter of changing the social-security law and amending it is a controversial subject. As I stated previously, I have lived with this subject ever since 1935. I had the honor and privilege of being chairman of the Committee on Ways and Means when that committee reported to the House the first bill ever reported by any committee on social security and I have always felt very proud of that. At that time we set up the social-security system and, while the law has been amended from time to time since, while not yet perfect, it still retains its original framework as that has been tested and found sound. The present bill is the best we can get under the conditions that obtain today, the conditions under which we were compelled to work.

Mr. Chairman, we held lengthy hearings on this matter from the 25th of February to about the 5th of June. It is said that we had months and months. Of course, there were months and months occupied in the consideration of this matter, but most of that time was used by our staff, a very competent and efficient staff, which we selected as the result of the generosity of the House in implementing our committee with funds to make the study. I think we had the most competent staff I have ever known.

After the staff had completed their work and made their report, which has been mentioned here today, we began then an extensive consideration of the subject. The reason we got at it rather late was not because we were slow in getting out a report. While our committee is not perfect, it does work. Our committee would have been able to report a bill earlier had it not been for the fact that we had to consider the Reciprocal Trade Act and that took quite a lot of time. It was a very controversial subject. Then we had the Philippine Independence Act, on which we worked for months. We found when we went to work on it that it was not as simple as we at first thought. Then we found that the departments were not in agreement, so we took a little time to work that out, in order to report a bill that we could truly be responsible for.

We began work on the social-security bill as early as we could and worked as continuously as it was reasonably possible. We realized that due to the early adjournment of Congress, the limited time, and the importance of the subject that it would be impossible to get anything enacted during the remainder of this session of the Congress that was of a controversial nature or upon which disagreement could not be reconciled by members of our committee. We proceeded all the way with that understanding; that is, that we would have to leave controversial matters for future study and future determination. We proceeded that way until we had completed our work, completed our hearings, completed our executive sessions, and got ready to report out our bill, and when we did that we found that there was a difference of opinion as to what we could get through, as to what should go in the bill. When we reported the bill out after extended executive sessions we had a minority which was unyielding and inflexible, but just as sincere as the majority. They believed that certain provisions the majority wanted should not go into the bill. But we reported the bill with these provisions. We thought perhaps we could reconcile those differences. The minority submitted a very strong minority report, so we could not reach an agreement on the bill as reported. Finally, to make possible enactment of legislation, we made changes in two titles of the bill. If we had not done this it would have been impossible to get through any legislation and we could not assume responsibility for it.

I should like to explain briefly the provisions of H. R. 7037. At the outset, I want to make it plain that this bill does not represent the final consideration of social-security legislation by the Committee on Ways and Means. Instead, it should be regarded largely as a temporary measure designed to freeze the old-age and survivors' insurance tax rate and to somewhat liberalize old-age assistance, aid to dependent children, and aid to the blind for the next year while permanent changes in both the insurance and assistance programs are being perfected. The legislation also takes care, for the time being, of old-age and survivors' insurance protection of families of veterans who die within 3 years after discharge.

I share with many of you the feeling that both the insurance and the assistance provisions in the bill fall far short of what is desirable for permanent legislation. Public assistance recipients, particularly those in low-income States, receive inadequate assistance under existing law and there should be some basic changes to remedy this situation.

The bill does, however, contain several permanent provisions which are worthy of note.

For many years coverage of maritime service for unemployment compensation has been a troublesome issue before the Congress. Numerous bills have been introduced on the subject, and there has been a great division of opinion as to what would be appropriate legislation in this field. Your committee believes that the problem is effectively solved by the provisions of H. R. 7037, which have been cooperatively worked out among the several interested groups. Enactment of these provisions has been recommended by representatives of the State unemployment compensation agencies, ship owners, maritime employees, the social-security administration, and the chairman of the subcommittee of the Committee on the Merchant Marine and Fisheries who has long and faithfully endeavored to perfect legislation in this field.

The bill also has amendments which would extend child welfare services to the Virgin Islands, thus placing them on a par under the Social Security Act with Puerto Rico.

In addition, the legislation contains a substantial number of perfecting amendments which correct anomalies and inequities in the old-age and survivors' insurance system.

Thus H. R. 7037 attains valuable permanent changes as well as temporary provisions, and is a bill which should be speedily enacted.

I might summarize the pending bill very briefly by titles. Title I amends the Federal Insurance Contributions Act so as to fix employer and employee contribution rates at 1 percent each for the calendar year 1947. It also repeals a section added to the Social Security Act in 1943 authorizing the Congress to make any necessary appropriations to the old-age and survivors' insurance trust fund.

Title II amends the old-age and survivors' insurance provisions by adding provisions with respect to veterans who die within 3 years after their discharge. In general, it guarantees survivors of veterans within its purview the same old-age and survivors' insurance benefit rights they would have enjoyed had the veteran died fully insured under old-age and survivors' insurance with $160 per month average wage and as many years of covered employment as the calendar years in which he had military service after September 16, 1940.

Title III amends the Unemployment Compensation Tax Act so as to include maritime employment and authorizes the States to subject maritime employment to their State unemployment compensation laws. It also provides during a temporary period ending June 30, 1949, credit for maritime service with the Federal Government on vessels operated by the Maritime Commission, and provides for using this credit for benefits under State unemployment compensation laws.

Title IV extends title V of the Social Security Act, Child Welfare Services to the Virgin Islands, and contains technical changes facilitating payments and adjusting certain minor anomalies and

inequities under old-age and survivors' insurance.

Title V, for the last quarter of this year and for next year, raises the ceiling on old-age assistance and aid to the blind from the present $40 maximum to a $50 maximum. It also raises the ceiling for aid to dependent children from the present $18 for the first child in a family to $27 and the $12 ceiling for other children in the family to $18.

The estimated costs for providing social-security benefits for families of deceased servicemen through the year 1959 would amount to some $175,000,000, according to estimates of the Social Security Board. The cost of extending title V of the Social Security Act to the Virgin Islands would be some $65,000 per year. The cost of the temporary protection extended to maritime employees should not exceed $3,000,000 if the general rate of maritime and nonmaritime unemployment gets no higher than at present. This amount would, of course, be substantially increased in case unemployment gets higher than at present during the reconversion period.

The cost of raising the ceilings on public assistance may be estimated roughly as from $47,000,000 to $50,000,000. The actual cost, of course, will depend upon the State expenditures under the public-assistance programs. The cost to the Federal Government would be substantially greater if the States increase the amount of State and local expenditures much beyond the expenditures for the fiscal year 1943–44, upon which the estimates are based.

I should like at this point to report briefly on the investigation of the Social Security Act which has been made by the Committee on Ways and Means pursuant to House Resolution 204, adopted on March 26, 1945.

The committee was very careful in its selection of a technical staff which was employed to review and report on operations under the act and problems of coverage, benefits, and taxes related thereto. This staff filed a comprehensive report in January of this year, covering all these matters, and extensive hearings have been held subsequently. There hearings were started toward the end of February of this year and completed on June 7. As I stated on the concluding day, the committee worked with reasonable regularity during the entire period and heard each and every witness who asked to appear. The hearing was in three parts—the first part on old-age and survivors' insurance, the second on public assistance, and the third on unemployment compensation. The printed report of these hearings is 1,510 pages in length and covers the testimony of 157 witnesses, some of whom appeared more than once. In addition to the witnesses who appeared a large number submitted statements to the committee.

As a result of the investigation and hearings, the Congress now has available a body of information essential to making needed changes in the various social-security programs. The Committee on Ways and Means is impressed with the importance of very careful and painstaking consideration of many types of permanent changes such as fixing an appropriate tax schedule, extension of coverage, the benefit formulas, the improvement and extension of benefits, and other matters which will improve the system, all of which are found to be most closely interrelated.

The committee has, of course, from time to time been faced with pressing matters other than social security, such as the Philippine Trade Act, which required extended consideration and necessarily interrupted the work on social-security legislation. The committee was also faced with the fact that an early adjournment of the Congress is in prospect. Accordingly, the time for consideration of social-security legislation has been quite limited and the committee has been in full agreement that it would be unwise to effect any basic changes on a piecemeal basis. Consequently, as I have above outlined, H. R. 7037 is limited in scope and deals only with comparatively simple and noncontroversial legislative changes which could be speedily considered and enacted by the Congress.

All of us know that basic changes must and will be made in the programs and many of us wish that the pending legislation could contain those permanent changes. However, we are faced with an actuality of limited time and the necessity for noncontroversial legislation if its passage is to be secured within that time. Each member of the Committee on Ways and Means gave up insistence on some provisions which he felt important so as to insure that the legislation would be unanimously reported by the committee. I feel certain that each Member of the House will likewise be relinquishing consideration of provisions which he feels to be important. But members of the Committee on Ways and Means—and, I am sure, Members of the House as well—feel that it is highly important that the provisions of H. R. 7037 should be speedily enacted into law and will vote accordingly.

While there is hardly a State in this Union, in my opinion, that is not able to do more for the needy old people than it is doing, they are very inadequately provided for in many States. Many of us wanted to change the law to make it so that low-income States, under a variable grant formula, would not have to put up 50 percent but the matching would be done on a more liberal basis than the 50 percent. This would have given the needy old people additional benefits. I shall continue to fight for this more liberal approach in Federal grants.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. DOUGHTON of North Carolina. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Is it not a rather peculiar thing that the Members who want to rewrite the bill on the floor of the House failed to come before us and give us the benefit of their wisdom while we were considering this legislation?

Mr. DOUGHTON of North Carolina. Of course, that would have been equally as appropriate and possibly more helpful, but they did not do it. Those that are making the greatest noise about it now and have been exercising themselves so strenuously for the last few days, we did not hear a word from them. But now it is close to the election. I do not impugn anybody's motives; I do not do that. But if they had been as anxious and as much interested and as zealous then, and if their zealousness had been accompanied by knowledge, and they had appeared before our committee, possibly they could have converted the members of the committee.

Mr. KNUTSON. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. GEARHART].

Mr. GEARHART. Mr. Chairman, the instant bill does not satisfy any member of the Committee on Ways and Means. Every one of us, upon whatever side of the aisle we sit, would like to have brought in a more comprehensive measure. The party conventions of both political parties in 1940 declared in favor of an expanded and a more generous old-age security program. But the time consumed in the preparatory investigations—the preliminary studies which would make it possible for us to formulate that kind of legislation—was so great that there simply was not enough time left when we commenced our labors—our efforts to write the kind of a bill which every one of us hoped we would be able to write at the beginning of the year. However, we have done pretty well. We have brought in some constructive amendments which, when added to the social-security law, will greatly improve the system, I am quite sure. A great deal of dissatisfaction has been expressed today because a few States—among them my own—will be allotted much more money by increasing the Federal contribution from $20 to $25 than others. Every State in the Union can get just as much as the States which now get more money if they are willing to contribute more themselves. In other words, the amount to be paid to each individual oldster under our social-security scheme is determined not by the Congress but by the legislature of the particular State. California has decreed that pensions can be paid up to $50 per month to each oldster. That sets in motion the Federal law. Depending, therefore, on what the State does, the Federal Government will contribute to the extent of 50 percent up to a maximum of $25. The point I make is simply that the amount to be paid every State is not to be determined by the Congress of the United States but is determined by the legislature of each particular State, and that is the way it ought to be.

I yield to my colleague the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. My colleague has studied this problem for a number of years. May I inquire from his knowledge of the subject, whether he believes the principle of matching contributions on a 50–50 basis should be retained permanently or whether it should be abandoned at this time, as some advocate?

Mr. GEARHART. I think that it can be said after all these years that we have had a Federal Social Security System, this, insofar as old-age assistance is concerned, that the matching principle is sound, since it has worked so well all

these years it ought to be adhered to, at least until a better system is devised, and, certainly, the variable grant, with all of its inequities, cannot be so regarded.

Mr. JOHNSON of California. Also, is it not a good principle to keep that contributory system close to the people who get the benefits? They know what the local conditions are. California has one condition. Tennessee has another. By adhering to this matching principle, we leave the problem to each State to solve in its own way, this as they understand their own problems.

Mr. GEARHART. Each individual State under this system reserves the right to determine for itself just how much is to be paid to its own oldsters in the form of old-age assistance. And this, it would seem to me, is the way it should be, at least until we embark upon a Federal system which is supported by a Federal tax based upon the principle of pay as you go.

I yield to the gentleman from Virginia [Mr. ROBERTSON].

Mr. ROBERTSON of Virginia. I believe, in view of the fact that previous figures were printed in our report and we now have the figures based on 1945, it should be brought out and stressed that with respect to dependent children all the States in the Union except five will receive benefits. With respect to old-age assistance, 39 of the States will receive benefits under the pending bill.

Mr. GEARHART. I thank the gentleman from Virginia [Mr. ROBERTSON] for that contribution.

Under the aid-to-the-blind system, that, too, is based upon equal contributions by the Federal Government and the States, a just system which leaves to each of the States the privilege of determining for itself what it thinks should be paid to its blind citizens. It is a form of decentralization of which we have too little these days. It is State's rights at its best, establishing a balance in State and Federal relationships which is highly desirable.

So let us go a little slow when it comes to taking from the individual States the right to determine what shall be done within the boundaries of the States, especially in respect to a subject matter so intimately related to the general welfare and the ability of the State to operate within the limitations of its own economy.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. REED of New York. Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas [Mr. CARLSON].

Mr. CARLSON. Mr. Chairman, I think it is most unfair to consider this legislation under a closed rule. We must remember this legislation affects, directly or indirectly, the present and future welfare of every citizen of our Nation. This legislation should be considered under an open rule where every Member has an opportunity to offer amendments. There are many who believe we should have a Federal old-age insurance program that is federally supported. Under the rule their proposal cannot be voted on by the House.

We have had 10 years' experience with a social-security program—a program that so vitally affects every citizen that in future years it might become more powerful and influential in our national economy than the Government itself.

A social-security program must be geared to the national economy. It cannot remain static. Benefit payments made either under the contributory title or under the Federal-State matching provisions of the law must meet changing economic conditions. Social security based on conditions of 10 years ago may not only be impractical but may be insolvent. The retired worker, the needy aged, the dependent children and the blind of our Nation must buy the necessities of life with present-day purchasing power of the dollar, not the dollar of 10 years ago. Every other group in the Nation has received pay increases and the beneficiaries of this program must have the same consideration. There are many features of this bill that I do not approve but as Congress is going to recess within the next few days, it is this legislation or nothing. Personally, I am disappointed.

The Members of the House of Representatives, realizing the great importance of this legislation, adopted, on March 26, 1945, House Resolution No. 204, which authorized the Ways and Means Committee to hire a technical staff and make a complete study of the present social-security program. The committee was fortunate in securing the services of Leonard J. Calhoun, who, together with other members of his staff, have made a complete study and report to the committee. With this background the Ways and Means Committee began open hearings on proposed changes in the legislation. These hearings were concluded on June 7 of this year. Our committee heard 157 witnesses and their testimony covers over 1,500 printed pages.

It had been my hope that Congress would, as a result of this study and committee hearings, enact legislation which would correct inequities and injustices to millions of our people who qualify or who fail to qualify under the provisions of this act.

OLD-AGE ASSISTANCE

While our present social-security program is recognized as national in scope, it is, in reality, national in theory only. For instance, the payments to over 2,000,000 needy aged persons under title I averaged in 1945 $31.20. These average payments ranged from $11.64 in Kentucky to $52.86 in the State of Washington. Not only do the payments vary among the States of the Nation, but they vary among counties within States. In one State, for example, the average old-age-assistance payment varied from a low of $13 in one county to a high of $36 in another county.

While it is true that economic conditions and costs of living vary in different sections of the Nation and in different States, surely no one would contend that the difference is as wide as is demonstrated by the above figures. The ability of the richer States to provide more adequately for their aged and needy brings about another glaring discrimination among the aged of the different States. While a number of States are able to take advantage of the full 50 percent matching of the $20 per person under existing law, low-income States are unable to do so. The average Federal contribution for old-age assistance in the States ranges from $5.80 to $19.45. One State alone drew nearly three times as much from the Federal funds for old-age assistance as five poorer States which had about the same aged population.

The pending bill increases from $40 to $50 the maximum State expenditure for old-age assistance to any individual on the basis of equal matching by the Federal Government. The increase in Federal contribution for the entire Nation is some over $27,000,000. As many States are unable to take advantage of this increased Federal contribution the inequalities in distribution is further exemplified. For instance, of this total amount California will receive $13,000,000, or approximately one-half of the entire amount carried in the bill. The pending bill increases the Federal contribution for dependent children by 50 percent and increases the payments to the blind on the same basis as the aged. Under the bill as drawn Kansas will receive a total for the three programs of approximately $1,000,000.

Under unanimous consent, I include the following tables:

TABLE 1.—*Old-age assistance: Recipients and payments to recipients, by State, April 1946*

State	Number of recipients	Payments to recipients	
		Total amount	Average
Total	2,088,025	$65,444,935	$31.34
Alabama	37,763	638,987	16.92
Alaska	1,357	55,164	40.65
Arizona	9,617	372,623	38.75
Arkansas	26,578	448,385	16.87
California	160,811	7,640,809	47.51
Colorado	40,537	1,681,219	41.47
Connecticut	14,525	598,646	41.21
Delaware	1,198	22,558	18.83
District of Columbia	2,308	77,561	33.61
Florida	44,611	1,347,755	30.21
Georgia	68,643	869,896	12.67
Hawaii	1,467	36,375	24.80
Idaho	9,828	321,865	32.75
Illinois	124,834	4,211,859	33.74
Indiana	54,162	1,426,508	26.34
Iowa	48,378	1,622,805	33.54
Kansas	29,140	896,409	30.76
Kentucky	44,832	524,919	11.71
Louisiana	37,264	782,664	21.00
Maine	15,097	464,561	30.77
Maryland	11,455	323,569	28.25
Massachusetts	78,729	3,638,808	46.22
Michigan	88,618	2,959,507	33.40
Minnesota	54,308	1,807,246	33.28
Mississippi	27,038	443,224	16.39
Missouri	103,857	2,863,602	27.57
Montana	10,759	349,777	32.51
Nebraska	24,158	775,835	32.12
Nevada	1,940	75,170	38.75
New Hampshire	6,583	204,188	31.02
New Jersey	22,938	758,458	33.07
New Mexico	6,475	202,104	31.21
New York	103,868	3,972,291	38.24
North Carolina	32,703	451,647	13.81
North Dakota	8,695	301,800	34.71
Ohio	116,355	3,668,799	31.53
Oklahoma	84,984	3,006,691	35.38
Oregon	20,782	814,224	39.18
Pennsylvania	85,345	2,633,205	30.85
Rhode Island	7,503	263,179	35.08
South Carolina	22,540	361,078	16.02
South Dakota	12,678	341,816	26.96
Tennessee	38,026	618,301	16.26
Texas	178,806	4,399,652	24.61
Utah	12,792	499,539	39.05
Vermont	5,199	123,282	23.71
Virginia	14,889	226,608	15.22
Washington	64,794	3,443,361	53.14
West Virginia	18,669	319,207	17.10
Wisconsin	46,093	1,420,930	30.83
Wyoming	3,496	136,269	38.98

TABLE 2.—*Aid to dependent children: Recipient and payments to recipients, by State, April 1946* [1]

State	Number of recipients		Payments to recipients	
	Families	Children	Total amount	Average per family
Total	300,936	772,570	$16,195,053	$53.82
Total, 50 States [2]	300,885	772,472	16,193,465	53.82
Alabama	6,566	18,257	185,746	28.29
Alaska	84	240	4,338	51.64
Arizona	1,749	5,084	70,112	40.09
Arkansas	4,277	11,422	119,027	27.83
California	7,582	19,289	674,750	88.99
Colorado	3,674	10,034	227,774	62.00
Connecticut	2,607	6,486	235,946	90.50
Delaware	272	782	20,320	74.71
District of Columbia	733	2,344	48,796	66.57
Florida	6,563	16,214	223,958	34.12
Georgia	4,500	11,355	120,296	26.73
Hawaii	610	1,922	42,950	70.41
Idaho	1,380	3,738	85,025	61.61
Illinois	21,564	52,176	1,450,997	67.29
Indiana	6,416	15,431	243,695	37.98
Iowa	3,526	9,054	118,962	33.74
Kansas	3,422	8,776	195,953	57.26
Kentucky	5,656	14,910	121,293	21.45
Louisiana	9,324	24,414	330,179	35.41
Maine	1,589	4,514	115,730	72.83
Maryland	3,687	10,619	139,696	37.89
Massachusetts	8,105	20,208	693,825	85.60
Michigan	16,281	39,012	1,122,839	68.97
Minnesota	5,077	12,876	272,445	53.66
Mississippi	3,275	8,623	86,138	26.30
Missouri	14,070	37,145	509,035	36.18
Montana	1,457	3,852	80,380	55.17
Nebraska	2,487	5,916	162,072	65.17
Nevada	*51*	*98*	*1,588*	*31.14*
New Hampshire	920	2,363	65,440	71.13
New Jersey	3,520	8,945	226,077	64.23
New Mexico	2,781	7,338	102,790	36.96
New York	27,632	67,023	2,265,167	81.98
North Carolina	6,404	17,326	178,318	27.84
North Dakota	1,476	4,135	88,774	60.14
Ohio	8,154	22,324	468,217	57.42
Oklahoma	18,395	44,902	644,168	35.02
Oregon	1,377	3,421	116,988	84.96
Pennsylvania	30,474	80,304	2,004,819	65.79
Rhode Island	1,713	4,373	116,740	68.15
South Carolina	4,144	12,102	96,907	23.38
South Dakota	1,642	3,998	64,496	39.28
Tennessee	11,648	30,780	358,042	30.74
Texas	8,290	20,325	232,682	28.00
Utah	2,048	5,522	154,775	75.57
Vermont	607	1,616	21,874	36.04
Virginia	3,812	10,891	130,624	34.27
Washington	4,880	12,020	448,010	100.00
West Virginia	7,733	21,543	243,096	31.44
Wisconsin	6,384	15,646	404,618	63.38
Wyoming	318	882	19,166	60.27

[1] Italic figures represent program administered without Federal participation. Data exclude programs administered without Federal participation in Florida, Kentucky, and Nebraska, which administer such programs concurrently with programs under the Social Security Act; see the Bulletin, April 1945, p. 26. All data subject to revision.

[2] Under plans approved by Social Security Board.

TABLE 3.—*Aid to the blind: Recipients and payments to recipients, by State, April 1946* [1]

State	Number of recipients	Payments to recipients	
		Total amount	Average
Total	72,738	$2,462,533	$33.85
Total 47 States [2]	56,796	1,856,212	32.68
Alabama	841	14,764	17.56
Arizona	512	23,961	46.80
Arkansas	1,162	21,814	18.77
California	5,743	333,121	58.00
Colorado	446	16,314	36.58
Connecticut	137	5,224	38.13

[1] Italic figures represent programs administered without Federal participation. Data exclude program administered without Federal participation in Connecticut which administered such program concurrently with program under the Social Security Act; see the Bulletin, April 1945, p. 26. Alaska does not administer aid to the blind. All data subject to revision.

[2] Under plans approved by the Social Security Board.

TABLE 3.—*Aid to the blind: Recipients and payments to recipients, by State, April 1946*—Continued

State	Number of recipients	Payments to recipients	
		Total amount	Average
Delaware	40	$1,221	(3)
District of Columbia	198	7,294	$36.84
Florida	2,325	73,031	31.41
Georgia	2,060	31,820	15.45
Hawaii	63	1,688	26.79
Idaho	200	7,004	35.02
Illinois	5,016	175,750	35.04
Indiana	1,920	56,534	29.44
Iowa	1,212	46,302	38.20
Kansas	1,065	36,020	33.82
Kentucky	1,552	20,542	13.24
Louisiana	1,382	33,567	24.29
Maine	789	25,054	31.75
Maryland	446	14,191	31.82
Massachusetts	1,049	49,314	47.01
Michigan	1,320	47,567	36.04
Minnesota	941	37,411	39.76
Mississippi	1,533	34,909	22.77
Missouri	*2,786*	[4] *83,580*	[4] *30.00*
Montana	344	12,231	35.56
Nebraska	435	14,136	32.50
Nevada	*27*	*1,252*	(3)
New Hampshire	285	9,119	32.00
New Jersey	550	19,155	34.83
New Mexico	244	6,900	28.28
New York	3,066	131,641	42.94
North Carolina	2,543	53,399	21.00
North Dakota	116	4,047	34.89
Ohio	3,087	87,004	28.18
Oklahoma	1,963	71,712	36.53
Oregon	369	17,605	47.71
Pennsylvania	*13,199*	*521,489*	*39.72*
Rhode Island	107	3,685	34.44
South Carolina	1,001	21,018	21.00
South Dakota	216	5,214	24.14
Tennessee	1,549	30,941	19.97
Texas	4,775	125,100	26.20
Utah	140	5,828	41.63
Vermont	164	5,192	31.66
Virginia	969	18,382	18.96
Washington	629	36,753	58.43
West Virginia	824	15,997	19.41
Wisconsin	1,354	41,964	30.99
Wyoming	114	4,772	41.86

[3] Not computed. Average payment not calculated on base of less than 50 recipients.

[4] Represents statutory monthly pension of $30 per recipient; excludes payments for other than a month.

OLD-AGE AND SURVIVORS' INSURANCE

Title II of the Social Security Act is the contributory section on which employers and employees contribute equal amounts toward a fund for payments to aged workers. It has been supported for the past few years by a contribution of 1 percent by the employee and 1 percent by the employer. Under this program over 30,000,000 of our workers are in covered employment and over 20,000,000 in uncovered employment. In other words, it extends coverage to about three jobs out of five.

This program is most unfair to millions of our citizens and is especially unfair to the agricultural sections of the Nation. The employer's contribution to this fund is no doubt passed on to the purchasers of the commodities manufactured. This means that those in the agricultural States who purchased tractors, automobiles, farm machinery, and other items manufactured by those under covered employment must pay into an insurance fund for which they can receive no benefit. This situation should be corrected.

The average benefit payment under this program is now $24 to $25 per month. As these payments are less than payments made under the old-age assistance program, 10 percent of the beneficiaries of this insurance are receiving additional support from the old-age assistance section. Many are asking: Why should we contribute a percentage of our income to this fund when at the age of 65 we will receive less in the form of a monthly annuity than those who receive benefits under the old-age assistance? In my opinion, this differential in payments between these two programs may have far-reaching effects on the entire social-security program in years to come.

The pending bill does not increase the benefit payments under title II but it does freeze the present 1 percent rate on employer and employee for one more year.

There has been much discussion on the future effects of this low rate in view of the accruing liabilities for future years. We must remember that when Congress enacted this title of the Social Security Act it in reality wrote $50,000,000,000 worth of annuity insurance. Every actuary will admit it is not a 1 percent program. Rates will have to be increased.

During the hearings I discussed this with Dr. Altmeyer and am including his testimony:

Mr. CARLSON. Doctor, I would like to ask a question. Let us assume now that we do not change this coverage, nor do we change the present 2-percent tax, and using as a basis an annual average wage of $1,500 for men and $900 for women, which is one of the low estimates submitted to this committee, in what year will the benefits catch up with the receipts on the basis of that income?

Mr. ALTMEYER. Would you repeat that question, please? I don't know whether I got it all.

Mr. CARLSON. I probably didn't express it correctly. My thought is this: Using the low estimate submitted on average income of $1,500 for men, and $900 for women, and following through with the present tax, 1 percent on employer, and 1 percent on employee, in what year will the benefit payments catch up with the receipts?

Mr. ALTMEYER. You mean if no changes were made in benefits at all?

Mr. CARLSON. No changes at all.

Mr. ALTMEYER. Well, I would assume probably in 10 years.

Mr. CARLSON. That would be 1955.

Mr. ALTMEYER. Yes.

Mr. CARLSON. Could you give me an estimate as to how much the reserve fund would be at that time?

Mr. ALTMEYER. I made an estimate running 5 years, and it would be about $11,000,000,000 at the end of 5 years, as I recall, at the present rate.

Mr. CARLSON. Then we can legislate on the basis that if we do not increase the coverage, do not change the rates, that we will have in reserve in 1955, or approximately then, $11,000,000,000?

Mr. ALTMEYER. I said 5 years from now. That would be 1952.

Mr. CARLSON. In 1952?

Mr. ALTMEYER. Yes.

Mr. CARLSON. Is it your thought then that the line would cross the benefits?

Mr. ALTMEYER. The lines would not cross, as I say, until possibly 10 years from now at the very earliest, so that the reserve would be higher than $11,000,000,000 before the lines crossed.

Mr. CARLSON. What will it be, then, in 1955, if that is when the lines cross?

Mr. ALTMEYER. I haven't made any calculations beyond 5 years, but it probably might increase another two to three billion, between 1952 and 1955.

Mr. CARLSON. Let us assume $12,000,000,000——

Mr. ALTMEYER. I would say it would be close to $13,000,000,000 to $14,000,000,000 in about 10 years.

Mr. CARLSON. All right. Then if the lines cross in 1955, the benefits equal the receipts, when will we dissipate this $14,000,000,000 reserve we anticipate will accrue

Mr. ALTMEYER. I will have to make some calculations on that basis.

Mr. CARLSON. In other words, anyone who follows it closely can plainly see——

Mr. ALTMEYER. Excuse me, you mean on a 1-percent basis?

Mr. CARLSON. The present rates.

Mr. ALTMEYER. It might run at least 20 years, if you exhausted the reserve in the meantime.

Mr. CARLSON. That is the problem we are facing then, if we are going to keep the program solvent. There must be, in my opinion, either increased taxes or Federal contribution.

Mr. ALTMEYER. If we keep the present taxes, yes; there is no question about it.

VETERANS' BENEFITS

Title II of the pending bill provides benefits in case of deceased World War II veterans. This provision is very limited in scope and is of no benefit to dependents of veterans until after the death of the veteran. This is a step in the right direction but in my opinion the act should be extended so as to give full coverage to men and women for the time they spent in the military service. These credits should be added to credits they had previously earned or credits they are building up after their return from the service.

CONCLUSION

I have endeavored to point out the injustices and inequities in the present social-security program. Changes must be made in it from time to time and we will not have a program that is fully accepted by our people until we make changes that provide equal consideration for all. Need and payments for aged people are not a matter of geography but security should be provided on a national basis. It can only be done with many important amendments to the law. It is unfortunate we did not have an opportunity to write them into this bill.

Mr. DOUGHTON of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. EBERHARTER].

Mr. EBERHARTER. Mr. Chairman, those who are present, of course, know I am not going to make any prepared statement right now. During the several minutes that have elapsed since I made any remarks, my mind has been in a rather confused state.

I will say it is my considered judgment that I believe every Member of this House should have at least respect for the other Members of the House. I believe it has been the rule of this House for many years that what transpires in executive sessions of the committee is confidential. That rule is not always adhered to, but in the 10 years that I have been a Member of this House, and I have been in attendance at a great portion of the sessions of this House, I have never heard the chairman of any committee of this House vilify another Member by calling attention to the fact that he was not present at a meeting or two that was held, or try to emphasize that a particular certain named Member did not perform his duties as he should have performed them. Naturally, when that circumstance happened to me I resented it. Nothing that I have said in my colloquy today will I change in the RECORD. The RECORD will stand just as I made the remarks.

This is a body in which I think we earn the respect of each other. We want to have the respect of the country. We all try to do our duty as we see it. I need not enter any defense of my conduct and my attendance at committee hearings. The record will show that. My constituents know whether I work faithfully in their interests; whether I follow their wishes, or whether I try to chart a course which is in the best interest of the Nation at large.

I may say that on June 27 I voted for various provisions that appeared in the bill which was reported out by this committee. I am only saying that to correct any impression that the membership may have gotten from the remarks heretofore made that I was not present. I do not think I was absent from a single executive session of the committee from January 1946 until June 27, 1946, except perhaps—I will change that word "single," I will say not more than two or three times. I am just saying this to emphasize my belief that the attack that was made upon me was not justified by the facts, was contrary to the rules of the House, and was not in consonance with the customs of this House; and I leave it to the membership to draw whatever conclusions they may under the circumstances.

Mr. Chairman, I yield back the balance of my time.

Mr. DOUGHTON of North Carolina. Mr. Chairman, the amendments extend the present rates for employer and employee contributions under the Federal Insurance Contributions Act for a period of 1 year beginning January 1, 1947. It would appear desirable that the present rate should be continued a year pending decision as to various proposed basic changes in the old-age and survivors' insurance program.

BENEFITS IN CASE OF DECEASED WORLD WAR II VETERANS

The amendments bridge temporarily the gap in survivorship protection which a serviceman experiences when he shifts from wartime military service to established civilian employment. It provides survivors' insurance protection for a period of 3 years following discharge from the armed forces to veterans of World War II.

In general, an individual must fulfill one of two requirements in order to be insured for survivors' benefits under the old-age and survivors' insurance program. Either he must have worked in employment under the program for approximately half of the time elapsing after 1936, or after age 21, and prior to the time of his death or he must have worked in covered employment for one-half of the 3 years immediately preceding his death. Since service in the armed forces is not credited for old-age and survivors' insurance purposes, many veterans, upon discharge from service, will have lost whatever protection they may have acquired under the program or by reason of their military service will have failed to gain the protection they might otherwise have acquired. Moreover, in computing a veteran's average monthly wage upon which old-age and survivors' insurance benefits are based, it is usually necessary under present law to include in the computation the months in which the veteran was in service, even though wages are not credited for 3 months. Consequently, even where the veteran does not lose his protection entirely by reason of his military service, his average wage and the benefits based on it will be reduced.

The veteran who engages in covered employment after discharge will have old-age and survivors' insurance protection after gaining the necessary amount of coverage. It is thought that 3 years is a reasonable time within which the veteran may be expected to acquire or reacquire old-age and survivors' insurance protection. In consequence, this section provides survivorship protection to the veteran's family for 3 years after discharge from service.

The veteran who meets the requirements and who dies, or who has died within 3 years after separation from active military or naval service, is deemed insured. His survivors will be eligible for any of the various types of benefits provided under old-age and survivors' insurance. The benefits will be the amount based on the $160 average monthly wage. The basic amount will be increased for each year of military service by 1 percent. Enactment of H. R. 7037 thus assures the survivors of veterans covered by the measure of a guaranteed minimum level of benefits. In the event of death within 3 years, if no compensation or pension is payable by the Veterans' Administration, his widow, if she has a child of the veteran in her care or upon attainment of age 65, will be eligible to receive a monthly benefit amounting to around $24 a month. His children under age 18 will each be eligible for around $16 a month; and his dependent parents, in the absence of a wife or child surviving the veteran, will each be eligible to receive the same amount. The maximum amount of benefits payable in any month on the basis of any one veteran's death would be around $64 a month.

In concluding this brief description of benefits for the deceased World War II veterans, I should like to add that further study will be given to the problem of crediting military service for old-age and survivors' insurance purposes. Unquestionably there will be cases where death occurs more than 3 years after discharge where benefits will depend whether or not military service is credited for old-age and survivors' insurance. The amount of benefits will also depend upon whether military service has been credited. The 1946 amendments do not cover situations like this, nor do these amendments cover cases of retirement in the years to come. Thus, the present amendments, while affording satisfactory temporary solution, do not afford a permanent solution to the problem arising because of military service.

UNEMPLOYMENT COMPENSATION FOR MARITIME WORKERS

The amendments are designed, first, to effect permanent coverage of maritime employment under State unemployment-compensation systems; and, second, to provide temporary protection for persons whose maritime employment has been with general agents of the War Shipping Administration and thus has been technically Federal employment.

To accomplish the first of these purposes the Federal Unemployment Tax Act is amended to extend coverage to private maritime employment—with the same definition of maritime employment as was used in extending old-age and survivors' insurance to maritime employment in 1939.

In addition the bill authorizes the State in which operations of a vessel are regularly supervised, managed, directed, and controlled, to extend its unemployment-compensation law to, and require contribution with respect to employment of, seamen on such vessel.

To accomplish the second purpose of the title, immediate protection is provided seamen whose employment could not have been covered by State laws because they were employed on behalf of the United States by general agents of the War Shipping Administrator. This protection in no event would extend beyond June 30, 1949.

The bill provides in general that these seamen shall receive the same benefits as would have been payable had their Federal maritime employment been under the State unemployment compensation law. Payments normally would be made pursuant to agreements between the State and the Federal Security Administrator, the States being reimbursed for additional costs incurred in making payments under the agreement. Only in case of failure of such an agreement would a direct payment be made the seaman by the Administrator, and in such case the terms, conditions, and amount of the payment would follow the State law.

CHILD HEALTH AND WELFARE

The amendments extend the provisions of title V of the Social Security Act—child health and welfare services—to the Virgin Islands. The amendments also authorize increased appropriations for maternal and child welfare. The authorization for maternal and child health service grants is increased from the present amount of $5,820,000; services to crippled children from the present amount of $3,870,000; child welfare grants are increased from $1,510,000 or a total of $11,200,000 to a total of $23,000,000.

PUBLIC ASSISTANCE

The amendments increase the existing ceilings on the Federal share of old-age assistance payments from $20 to $25, make the same change in the case of aid to the blind, and in the case of aid to dependent children increase the Federal share from $9 for the first child in the home and $6 for additional children to $13.50 and $9, respectively. The amendments also provide a formula under which the Federal share will be two-thirds of the first $15 of monthly payments of old-age assistance or aid to the blind and one-half the remainder of the payment up to the over-all Federal maximum share of $25. Similarly, in the case of aid to dependent children, the Federal share would be two-thirds of the first $9 of the payment and one-half of the balance up to the over-all Federal maximum share of $13.50 or $9.

I will not at this point go further than to say that the temporary provisions for public assistance I have above referred to will be found very helpful during the period ending December 31, 1947, during which it is in effect. I shall outline later the practical effect of this provision on grants which States such as my own State, North Carolina, will receive. I shall also point out the principal of the variable grant provision, and the advantages of that approach as a permanent solution of the problem.

HISTORY OF THE SOCIAL SECURITY ACT

To many of us who are members of the Committee on Ways and Means, the Social Security Act represents much labor, including three major hearings, one in 1935, one in 1939, and one which we have just concluded.

On January 17, 1935 I introduced H. R. 4120, which was the administration bill on social security, and beginning January 21, 1935, as chairman of the Committee on Ways and Means, I presided over the first hearings ever held by Congress on social security. The committee held extended hearings from January 21 to February 12, at which more than 1,100 pages of testimony was taken. At the conclusion of the hearings the measure had received the constant attention of the committee and numerous changes in the content and form were agreed upon. These changes required a complete revision of the original bill and introduction by me of H. R. 7260 on April 4, 1935. H. R. 7260 was enacted as the Social Security Act.

The committee had worked, literally night and day, for 3 months when this bill was reported out by it. The measure was practical, workable, and met a situation which in those times of unemployment and destitution was particularly pressing. What is more important the measure set up a permanent program for dealing with the problems of old-age security, security for the needy blind, and for dependent children. This program is so sound that during the decade it has been in operation there has been no departure from its basic principles.

At this point I should like to quote from our 1935 report to the Congress which accompanied our bill H. R. 7260, the Social Security Act.

We said this about old-age assistance:

To encourage States to adopt old-age-pension laws and to help them carry the burden of providing support for their aged dependents, this bill proposed that the Federal Government shall match the expenditures of the State and local governments for old-age pensions, except that the Federal share is not to exceed $15 per month per individual. A few standards are prescribed which the States must meet to entitle them to Federal aid, but these impose only reasonable conditions and leave the States free of arbitrary interference from Washington.

We also said:

Experience, both in this country and in other lands, has demonstrated that the best way to provide for old people who are dependent upon the public for support is through old-age-assistance grants, more commonly called old-age pensions. Twenty-nine States and the Territories, Alaska and Hawaii, have old-age pension laws. Approximately 200,000 old people are now in receipt of old-age assistance under these laws, and while the grants are often inadequate, the lot of the pensioners is distinctly less hard than that of old people on relief. But due in part to restrictive provisions in the State laws, and still more to the financial embarrassment of many State and local governments, the old-age pension laws are limited in their application and do not provide adequately for all old people who are dependent upon the public for support.

Since enactment of the Social Security Act in 1935, old-age-assistance laws have been enacted by every State, and despite the fact that times are much better now, destitution in old age is such that there are now more than 10 times as many old-age recipients on the rolls as there were prior to the Social Security Act. The report showed that the average pension of the 200,000 on the rolls was $16.48, while figures for April 1946, show that the average pension for the 2,088,025 now on the rolls is $31.54, or almost twice that figure.

North Carolina had no old-age assistance in 1935, but with the encouragement of Federal grants under the Social Security Act, soon enacted one. Today, under the North Carolina plan about 32,700 needy old people are receiving assistance. Unfortunately, their benefits average only $13.81, according to the figures for April of this year. This is less than the $16.48 average paid in States with systems in 1935 and less than half of the present national average of $31.54, and less than a fourth of the $47.51 paid by California.

It might be mentioned at this point that payments to recipients of assistance for the blind for North Carolina are also substantially below the average paid in the entire United States. The national average is $32.50, while payments in North Carolina average $21. North Carolina is also far below the national average per family in the case of dependent children. The national average is $53.32, while in North Carolina the April 1946 payments were $27.84 per family.

Under all of these programs the State and not the Federal Government determines the amount which will be paid. Even prior to the amendments the Federal Government was prepared to match Federal expenditures up to $40 per month per recipient in the case of both the aged and the blind. The figures I have given for North Carolina are typical for a very great number of the States whose per capita income is less than the per capita income of the United States as a whole. Studies conducted by the technical staff of the Committee on Ways and Means indicated clearly that a large percentage of total public expenditures of the State which goes for public assistance in these States is as large if not larger than the percentage of public revenue in States which paid much larger benefits. The

study also indicated rather clearly that from the viewpoint of tax effort the States with low per capita income were making at least as much effort in raising more as were the more wealthy States.

There were many of us on the Committee on Ways and Means who felt and still feel that the only equitable solution is for the Federal Government to match a larger part of the public assistance expenditures of the low per capita income States than is matched for the high per capita income States. In furtherance of this belief, the committee reported out by a large majority of the committee H. R. 6911, which provided for grants varying from half of the expenditures to two-thirds of the expenditures, depending upon the per capita income of the State as measured by the National per capita income. If it were possible to have this bill enacted North Carolina would receive two-thirds of its public assistance costs from Federal grants. I fought for this principle and will continue to do so.

The legislative situation was such that no rule could be obtained on the bill I have just mentioned, and in an effort to get the necessary social-security legislation covering protection of persons who had been discharged from military service, maritime employment and other important aspects of social security, as well as to prevent the tax rate from rising to 2½ percent on employer and on employee, it was found necessary by our committee to scrap the variable grant provision in the original bill and to report out a new bill which could be unanimously agreed upon by the members of the Committee on Ways and Means.

This new bill, H. R. 7037, was enacted by the House and, as I had hoped, was amended by the Senate by providing for variable grants taken from the original House bill. The amended bill, however, was returned to the House only 3 days prior to adjournment and it was impossible to get a rule without compromising the variable grant provisions, as the legislative situation permitted the entire legislation to be blocked unless a rule could be won permitting a conference with the Senate and a vote on the conference report.

In order to obtain a conference report, a temporary provision effective for 1 year was agreed upon as a temporary compromise on the question of variable grants. Under the temporary provision, the State of North Carolina will get for the coming year almost as much as would have been obtained under the variable-grant proposal. If the State of North Carolina continues to spend from its own funds for public-assistance expenditures the same monthly amounts that were spent from State funds the last half of 1945, the State of North Carolina will receive an increase in Federal funds of some $2,682,000. About $1,969,000 of this would be an increased amount for the aged, about $570,000 an increase in assistance for children, and about $143,000 an increase in assistance for the blind. In the case of the aged and blind, this increase will amount to almost the 66⅔ percent which would have been obtained under the variable-grant formula for the same period.

I do not believe the principle of the temporary proposal which was adopted is as satisfactory as the variable-grant principle. For example, so long as assistance payments for the aged do not exceed $15 under the temporary proposal, the State of North Carolina would receive two-thirds of its old-age-assistance payments from the Federal Government, but to the extent that the average assistance payments exceed $15 the State of North Carolina would receive only a 50–50 matching on the excess. I do not believe that it is a good principle for the Federal Government by this matching approach to put a premium, so to speak, on the assistance payments down to a $15 level. It would seem equitable and fair that the Federal Government should pay two-thirds of the cost in the lower-income States so long as the total Federal share for those States does not exceed the $25 maximum put on the Federal contribution per recipient and applicable to the several States. I do feel particularly happy, however, that with the recent change in the law it will be possible to increase very substantially the benefits payable to our old people. The average increase can be $5 per case without requiring additional expenditures of State funds over the amount which is being currently spent. I am also happy for the similar increases in the case of children and the needy blind people.

The comments I have made with respect to the recent changes in the provisions relating to old-age assistance are in general applicable to the temporary liberalization in the case of needy blind people. The ceiling is similarly raised to $25 and the first $15 of assistance payments is matched two to one by Federal grants.

Similarly in the case of aid to dependent children the ceilings are raised by 50 percent over those existing prior to the amendments, and the first $9 of assistance payments is subject to matching on a two for one basis.

I have consistently fought for and will continue to fight for a permanent change in the law which will give more liberal and equitable treatment for the blind, for dependent children, and for the needy old people of my State and of the United States as a whole. I believe that the approach of variable grants is a suitable and equitable approach to this end, and it is my hope that the Congress will adopt this approach permanently correcting the inequities which have existed since the inauguration of these Federal-State programs.

OLD-AGE AND SURVIVORS' INSURANCE

Inasmuch as the 1939 amendments to the Social Security Act made no substantial changes as to old-age assistance, aid to the needy blind, and aid to dependent children except changes raising the ceiling for Federal participation, I have not so far referred to the 1939 amendments to the Social Security Act. However, in 1939 very substantial changes were made in the old-age and survivors' insurance, and I should like at this point to refer briefly to those changes.

In January 1939, the President transmitted to the Congress a report of the Social Security Board recommending changes in the old-age and survivors' insurance program. The basic changes recommended were along the lines unanimously recommended by the Advisory Council on Social Security consisting of some 25 outstanding representatives of employees, employers, and the general public. These recommendations included proposals for increasing early benefit payments and the establishment of survivors' benefits. Hearings commenced the first of February 1939, and witnesses were heard on some 50 separate days.

The report of the hearings covered over 2,500 pages and contained the statements of nearly 200 witnesses.

Following the hearings the Committee on Ways and Means basically modified old-age and survivors' insurance, changing the basis of benefits from a formula based on the total amount of wages in covered employment to a formula basing benefits on average wages, with a 1 percent increase for each year of coverage.

Further, the system was changed from one which provides benefits only for retired wage earners to one which provided in addition benefits payable to wives and children of retired wage earners and to widows, orphans, and parents of deceased wage earners.

Under the system so changed, at present more that a million of the aged are eligible for benefits under old-age and survivors' insurance. A large part of these are presently working and accordingly are not receiving benefits, but will receive benefits at any time they cease gainful employment. This number will be enormously increased within the next few years as a larger and larger portion of our working population is becoming eligible for old-age and survivors' insurance on reaching retirement age.

One of the most important effects of the 1939 amendments is the protection offered children. At the present, over a third of a million children are receiving benefits under the system and an increase in this number will likewise occur in later years. Rough estimates are that even if coverage of gainful employment is not extended some million four thousand children will be receiving benefits in the year 1960.

A most important question presented to the committee at the hearings held this year is the question of extending the scope of employment covered under old-age and survivors' insurance. Under the existing limited coverage of the system, it is possible for people to make substantinal contributions without becoming eligible for monthly benefits in case of their retirement or without their widow, parents, or orphans becoming eligible in case of death. The present restrictive eligibility requirements were established because otherwise benefits in large amounts might be payable in the case of persons who had been under and contributed to the system only a small part of the period since the system was established. It is apparent that broadly extending coverage would permit modification in the present eligibility requirements. It would also permit other equitable changes to be made in the system. Extending coverage to some employment

not now covered of course likewise raises many very important and controversial questions. Due to the short period elapsing after the hearings and before the adjournment of the Congress, it was accordingly felt that it would be unwise to make substantial changes in the old-age and survivors insurance system.

It is my hope that early in the next Congress legislation can be perfected by the Committee on Ways and Means which will greatly improve old-age and survivors' insurance, as well as permanently improve old-age and assistance aid to the blind and aid to dependent children.

The social-security program is of great importance to all the people of the United States. It is a program which requires intense and long-continued study prior to making basic changes. The Committee on Ways and Means has learned through the years that the system is far from perfect and doubtless will be much improved as time goes on. It is important that it be improved. It is also of great importance that changes be made only after long and careful consideration. Often changes which, when first viewed, seem highly desirable may be found undesirable after careful study. That is why the committee insists upon such careful consideration before taking action. I believe that this cautious procedure is the only safe procedure to follow.

The people of this country may rest assured that while the system upon which they rely for their protection will be from time to time improved, any changes which may be made will be given careful consideration so as to avoid jeopardizing the integrity and soundness of the system.

Mr. REED of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Chairman, I ask unanimous consent to revise the remarks I made earlier this afternoon and to revise and extend the remarks I am about to make at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JENKINS. Mr. Chairman, I hope I shall not take 5 minutes but I should like to take just a little time to impress on you what this bill really does. In the heat of debate over the rule I am afraid we may have forgotten some things that we ought to know about. I am glad that the rule passed, because it is very evident from the debate on the rule what would happen if we had failed to pass a rule and tried to legislate on the floor of the House.

There are five sections in this bill. I am not going to talk about all five of them but just want to touch on them.

Two of these sections we were just almost morally and parliamentarily bound to do something about, and one of these is a subject that has been discussed but very little. The Senate of the United States passed a bill with reference to benefits to veterans. Here is what it does—and when I say soldiers, I mean servicemen. Here is what it does. It gives a serviceman who was away in the service the right to come under social security. He gets a chance to come under social security. The veterans are very much interested in this, and all the different veterans' organizations, we understand, have agreed on it. All agree on it. Therefore we must do something about it.

Let us take title I, that refers to freezing the pay-roll tax for another year. The law now provides that the employer pays 1 percent and the employee pays 1 percent. If we had increased this to 1½ percent for each that would mean that the employers and the employees would each pay an additional $250,000,000. If we do not do anything with reference to this matter then next year at the beginning of January the employer would pay 2½ percent, and so would the employee. This would be more than is necessary at this time. It would not be wise to increase the contributions of the employers or the employees unless we are going to include more persons under the coverage of the law. When we decide to increase coverage then we will be compelled to increase the amount of money collected. As I said in my remarks when I spoke on the rule there are some Members here very much interested in the Townsend program and I am sorry they were deluded into a belief they might have a chance this afternoon; they did not have a chance at all, and I hope that they may have a chance when we take up the social security laws for general amendments. Mr. Chairman, this social security that we talk so much about and that we take pride in does not provide as much in benefits as we generally think. It is actually rather pitiful. For example, a man who starts in working when he is 20 years old would have to earn $3,000 a year until he is 65 in order that he might be entitled to draw $85 a month retirement. Suppose a man without children pays in 20 years, what does his wife get? Very little. Just enough to bury him, and then she must wait until she is 65 before she can secure her benefits. I am not trying to give exact figures here but I am just trying to state the principle. We have a long way to go before we have this matter worked out completely. If we were to increase the amount of contribution to 2½ percent by each party we would have to provide more adequate benefits. We could not do that here on this floor today.

I may say to you that we have taken only one new group under the coverage of the law in this bill. That is the group known as maritime workers. I shall not discuss this further. I am sure my good friend from New York [Mr. LYNCH] will discuss that proposition. Here is what I would have done this afternoon if this bill had been thrown open for consideration under a wide open rule. I would have been bound to ask that the nurses of the country be covered under social security; also this large group of girls and men who work in the canning factories as agricultural employees; I would have been bound to ask that the State and city employees who want to come in be taken in. Many of them want to come in. There are literally thousands if not more than a million additional persons who want to come in. If we had thrown this bill open for amendments whom would you leave out and whom would you take in? This is a very important matter and cannot be handled on the floor. There are many groups that I have not mentioned that would deserve consideration.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. JENKINS. I was sorry that I could not yield to the gentleman earlier today, and I gladly yield to the gentleman from North Carolina.

Mr. COOLEY. I would like to ask the gentleman to tell the committee why it was that the Ways and Means Committee abandoned the bill that was reported on July 1 and now seems to be unanimously supporting the one reported on July 15?

Mr. JENKINS. I think I told the gentleman. At least I tried to answer this question when I spoke earlier today.

Mr. COOLEY. No one has answered it.

Mr. JENKINS. I will give you my opinion. Of course, I cannot speak for the other 24 members of the committee. Here was the problem: We went along in the beginning to include within the bill only those matters that were noncontroversial. This variable-grants matter was a controversial matter and we decided not to include it. Then there was the 1½-percent matter. When we were giving consideration to increasing this contribution to 1½ percent we were considering bringing additional groups under coverage. When we decided not to bring in these additional groups we decided not to raise the contribution to 1½ percent. These are some reasons why the committee changed its mind.

Further I might say to the gentleman that the first bill that the committee discussed did not contain any pension for the aged and the blind or the dependent children. But this bill does do something for these groups. This bill provides $5 more for the old people in every State that will match it. It provides for the blind and it provides for the dependent children. That was not in the original bill. Our distinguished chairman has worked hard on this matter. Everybody knows how he feels toward these groups, as do all of us. If an open rule had been adopted here this afternoon with the result that this bill would not pass, somebody would have had to answer to the people of this country why we declined to do anything for the aged, and the blind, and the dependent.

As the gentleman well knows that the relief heretofore accorded these deserving groups has always been on a matching basis; any attempt to change this basis that would have resulted in no bill being passed would have called for an explanation to these groups.

When the variable grants principle was first suggested some of us made it clear that we would oppose it vigorously on the floor, we also stated that we would oppose a closed rule. Thus the issue was well defined and we prepared for the fight. We threshed that out for days in the committee. The final decision was to abandon this variable grants system from consideration in this legislation.

What is the basis of this variable grants proposition? It is a new theory. It is based on income. The States in which the people have a large total income will be compelled to assist the aged and blind in the States which have a small average income. They will take the national income as the basis and then will average the income of the various States and then determine how much each State should pay. Some States would pay in $2 and get out $1, and some States would pay in $1 and take out $2. This would inevitably result finally in the Government paying the whole amount and then the Government would have the full control of all relief to the aged, the blind, and the dependents. This is in line with the socialistic trend of the country under the New Deal.

Let me speak about the South for a minute, without saying that there is anything wrong about it at all. Why is it that in the South they do not pay as much as they do in other States? I do not unduly criticize them for that. They do not need to pay as much. It is not as cold down there, it does not cost so much to live down there; conditions are not the same down there. Take an aged couple living in Milwaukee for instance on the fifth floor of a big apartment house. They must have to pay for electric lights, and to pay for water. And in the winter their coal bill is heavy. They must wear heavy clothes. But a couple that live in the South do not have to pay so much. There is a difference. We must recognize that difference. It will always be there. You cannot solve it on the basis of earnings. You have to solve it on some other basis. If the States in the warm sections of the country do not desire to pay their aged and blind as much as the people in other States want to pay to their aged and blind then why should the Federal Government seek to coerce them? And if these States fix a sum that they think is adequate why do they try to force the passage of a law that will compel the Government to pay them more than what they think is adequate?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KNUTSON. Mr. Chairman, I yield the gentleman one additional minute.

Mr. COOLEY. I want to get it clear. I understand that the proposal has merit and I can understand that it might have some evils, as the gentleman has stated.

Mr. JENKINS. That is right.

Mr. COOLEY. But the proposition before the House is why did the Ways and Means Committee change its mind? Nobody has answered that.

Mr. JENKINS. I am surprised at the gentleman's persistence when I think I have answered his question several times. How can I speak for the other 24? I can assure the gentleman that I did not change my mind.

Mr. COOLEY. I know, but the gentleman convinced the others. Some changed their minds.

Mr. JENKINS. As far as this is concerned, I did not change my mind. I stand where I always stood. It is true that this variable grant theory is provocative of much discussion and I am glad that those who sought to inject it into the discussion this afternoon failed miserably.

Mr. DOUGHTON of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. JENKINS. I yield to my chairman the distinguished gentleman from North Carolina.

Mr. DOUGHTON of North Carolina. I will fight for variable grants as long as there is a reasonable possibility of getting them.

Mr. JENKINS. Certainly, and the gentleman from North Carolina put out a magnificent fight to get it.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KNUTSON. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. JENKINS. I yield to my friend, the gentleman from Georgia.

Mr. PACE. The gentleman from Ohio said that if the opportunity presented itself he would include the cannery workers and agricultural workers under the coverage. Would not the gentleman want to go further and include those who produce the commodities that are canned, the farmers of this Nation, so that they might have some hope for the future?

Mr. JENKINS. The gentleman is asking another question, that is very controversial. His question is a very appropriate one that shows how broad this problem of coverage really is. In his question he takes in all the farm help. Maybe that is the right thing to do. I am not attempting to decide that. Agriculture labor includes a large number of people. This large group and the domestics, the girls that work in the homes at house work are also to be considered as needing social-security coverage.

Mr. PACE. Does not the gentleman think that the man that works in the sun, and by the sweat of his brow produces food, is entitled to the same protection as the girl that works in a place that cans food?

Mr. JENKINS. That makes me think of the days when I used to walk up and down the long corn rows behind a cultivator, and it makes me think of how hard it was on a hot day to drive three or four horses hitched to a wheat binder. I am sure that then I would have thought that I was a very useful individual.

Mr. DOUGHTON of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. JENKINS. I yield to the gentleman from North Carolina.

Mr. DOUGHTON of North Carolina. Is it not a fact that there were a lot of things that we would have considered if we had time? It is left as unfinished business, and we will continue it in the future.

Mr. JENKINS. Surely. Nobody says that this is the last day. We will have social security with us for a long time.

Mr. CLASON. Mr. Chairman, will the gentleman yield?

Mr. JENKINS. I yield to the gentleman from Massachusetts.

Mr. CLASON. Do I understand from the gentleman's remarks, which are also backed up by the words of the Chairman, that in another year the Congress will pursue this matter further and report further legislation to extend coverage under this particular bill and further to increase payment to those persons who are covered, and that ultimately all persons will be covered?

Mr. JENKINS. I cannot make any promises, but I said in the committee if this was an open rule I was going to go on this floor and ask that many more groups be included under coverage.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. JENKINS. I yield to my distinguished friend, the gentleman from New York.

Mr. REED of New York. The question was raised by the gentleman from North Carolina [Mr. COOLEY], I believe, in regard to the difference between this bill and the other bill. There was a principle involved. We had always with us the matter of 50–50 matching. Then there was advanced the variable grants, and that created a very serious controversy among the Members, so the bill was finally compromised on the present formula which is 50–50. That is the answer to that question.

Mr. JENKINS. The gentleman is correct.

Mr. Chairman, I hope the bill is speedily passed.

Mr. DOUGHTON of North Carolina. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. JACKSON].

Mr. JACKSON. Mr. Chairman, I am not satisfied with many of the provisions in this bill. I do not think it has gone far enough, but I do want to compliment the committee for the fine job it did in connection with the amendment to title III, namely, unemployment compensation for maritime workers. I want to compliment the chairman, and particularly the gentleman from New York [Mr. LYNCH] who introduced the original bill providing for unemployment insurance for seamen.

The bill reported out by the committee in my opinion is inadequate in many respects.

It continues freezing the social-security contributions when everyone knows that the present 1-percent contributions will not be sufficient in the long run to pay even the existing low level of benefits.

The bill does nothing to improve the old-age and survivors insurance system either by broadening coverage, increasing the amount of benefits, reducing the retirement age, or extending insurance protection to cover permanent total disability.

The public assistance provisions in title V of the bill are grossly inadequate. Nothing is done to help raise assistance payments in the States which now make payments of $10, $12, or $15 a month. How can anyone live on such inadequate amounts?

Many months ago I introduced a social-security bill, H. R. 4551, which was referred to the Ways and Means Committee. The bill improved and extended the

insurance program. The following is a statement I presented some time ago to the Ways and Means Committee on H. R. 4551:

STATEMENT BY HON. HENRY M. JACKSON, REPRESENTATIVE IN CONGRESS FROM THE SECOND DISTRICT OF WASHINGTON, BEFORE THE HOUSE COMMITTEE ON WAYS AND MEANS IN SUPPORT OF H. R. 4551, A BILL TO AMEND THE SOCIAL SECURITY ACT

I appreciate this opportunity to present to the Committee on Ways and Means the reasons why I am urging the broadening and liberalization of the Federal old-age and survivors' insurance provisions of the Social Security Act as provided in the bill which I have introduced, H. R. 4551.

The Social Security Act was signed by President Roosevelt on August 14, 1935. The passage of the act was a historic milestone in social legislation in this country. It marked the beginning of a new era in our concern for the welfare of human beings; it established the fundamental principle that the Federal Government has a basic responsibility for providing for the general welfare through social insurance.

We now have had 10 years of experience in the administration of the present law. Much experience has been gained and ways have been worked out to overcome difficulties which seemed insurmountable in 1935. The time has come, therefore, to revise, amend, and extend the law so as to better meet the needs of the American people.

The bill which I have introduced provides for extending the coverage of the existing Federal old-age and survivors' insurance program, liberalizing the benefits, and providing insurance benefits in case of permanent disability. I am attaching a summary of the major provisions of the bill to the end of this statement.

I believe that it is essential that we take the present insurance program as a starting point and improve it as much as possible. The American people are the most insurance-minded people in the world. I believe that they want a system of social insurance which will give substantial protection to the aged, to widows and dependent children, and to the disabled. I believe they want insurance protection as a matter of right—not charity, nor a dole.

SURVIVORS' INSURANCE BENEFITS

Few people appreciate that the existing Federal old-age and survivors' program provides very valuable life-insurance benefits in the form of monthly survivors' benefits to the widow and children of a deceased insured worker. These survivors' benefits under the existing law already have a face value totaling in excess of $50,000,000,000. This is more than any private life insurance in the world. The bill which I have introduced would increase the life-insurance protection to survivors so that the total face value of protection to all policyholders would probably be in excess of $75,000,000,000.

Even under the present law if a worker earning $200 a month should die leaving a widow and two children after being in the insurance system for 10 years the monthly benefit payable to the family would be $67.38 per month. This amount would be equivalent to $808.56 per year. If the children were 8 years old the benefits would continue for 10 years, making a total of over $8,000. If the children were still younger and the payments continued for 15 years, the total payable to the family would be $12,000. These calculations of the life-insurance protection available to the family do not include any amount for the old-age benefit payable to the widow when she becomes 65.

The bill which I have introduced increases these benefits so that in the case cited above the family would receive $82.25 per month or $987 per year, making a total payment of nearly $10,000 in the case of payments lasting for 10 years, and $15,000 in the case of payments lasting 15 years.

The bill provides for maximum family benefits of $120 per month in which case the maximum total family payments could be more than $25,000.

OLD-AGE INSURANCE

The present level of old-age and survivors' insurance benefits as provided in the existing law was enacted in 1939. Since that time the cost of living has increased by at least one-third. The cost of food and clothing, the basic elements in the cost of living for most low-income groups, has increased at least 50 percent. Various studies made by the Social Security Board have shown present benefits were inadequate even before the increase in cost of living took place. It is essential, therefore, that the present system be amended to provide more adequate benefits.

The bill which I have introduced provides for a general modification of the method by which the insurance benefits will be determined so that all insured persons would receive higher benefits than those provided under the existing law. In addition, my bill provides that the minimum benefit for a retired worker is increased from $10 to $40 a month and for a man and his wife from $15 to $60 a month. Similarly, minimum benefits for the child and parent are increased to $20 per month and for the widow to $30 a month. The maximum amount which may be paid on one worker's record is increased from $85 a month to $120. There is attached to this statement two tables which show illustrative benefits which would be paid under the bill which I have introduced.

The bill also provides that retirement benefits would be payable at age 60 instead of age 65 as is provided in existing law. This would enable many workers who cannot now keep up with the pace of modern industry to retire on a modest, guaranteed insurance benefit. The bill does not require an individual to retire at age 60 but merely gives the individual the opportunity to do so if he wishes. Thus, persons who wish to continue to work will be able to do so while those persons unable to continue working will be eligible for benefits.

The bill also extends coverage to several million persons now excluded from the insurance system. The new groups included in the bill would be self-employed persons, lay employees of religious organizations, persons employed by nonprofit and educational institutions, and States and local governments. The latter would be permitted to cover their employees by voluntary compacts with the Social Security Board.

Several States have already enacted legislation which would enable them to take advantage of the opportunity to cover State and local employees. The State of Washington enacted legislation in 1941 (ch. 205, laws 1941) to permit the State and local subdivisions to participate in the program in the event the Social Security Act is amended to permit such participation. In addition Bellingham, and King County enacted resolutions in 1941 favoring the extension of the insurance program to public employees.

State employees who have talked to me are anxious to obtain the protection afforded by the Federal insurance program since it gives them substantial protection at a minimum cost. In the first place the cost of administering the Federal insurance program is very low because of its broad and compulsory coverage. At the present time administrative costs for the entire program are less than 2 percent of premiums collected. State and local employees as well as other employees brought into the insurance system will gain the advantage of the low administrative costs as compared with the administrative costs of other forms of insurance, public and private, which are now available to them.

Nothing in the bill would prevent State or local employees or any other group from having supplementary pension plans of their own to provide more adequate benefits than those of the Federal program. At the present time it is estimated there are over 8,000 companies which have private pension plans which supplement the benefits provided under the Federal system. There is no reason why the same arrangement cannot apply to State and local employees as well as to other groups covered by the insurance program.

In addition credit for military service is given in my bill, the cost to be borne entirely by the Federal Government. Thousands of families of deceased servicemen would receive insurance benefits under this provision. Many servicemen lost their insurance protection by going into military service. It is only fair and proper that the Federal Government should safeguard the social-security rights of those who served our country.

DISABILITY INSURANCE

At the present time the United States is the only industrial country in the world which has an old-age insurance plan which does not include disability benefits. Disability is among the most important causes of insecurity. According to the Social Security Board 3,500,000 persons are suffering from disability for 6 months or more, and 1,500,000 are in the ages of 15 to 65 and but for their disability would have been engaged in productive work. In general all groups are in favor of the addition of disability-benefit provisions to the existing program. The AFL and the CIO, the United States Chamber of Commerce, and the American Medical Association, as well as a number of other groups, have recommended that permanent disability insurance be included under the existing law.

At the present time if a person becomes disabled prior to age 65 he not only does not receive any benefits during his period of disability but his old-age benefits may be reduced or even completely lost. The bill which I have introduced corrects all of these defects not only by providing insurance benefits to the individual and additional benefits to his family, but also safeguards the old-age and survivors rights during the entire period of disability. The only alternative for a disabled person without other resources at the present time is to apply for general relief when he has exhausted any savings he might have. The amendment to the present law to provide permanent disability benefits would, therefore, provide benefits to an individual as a matter of right without having to take a means test. At the same time it would reduce the cost of relief which now must be borne entirely by States and localities which in many parts of the country fall on the small home owner and the farmer.

COSTS

Much has been said about the costs of a broad and comprehensive system of social insurance such as is contained in my bill. During the course of the hearings before the Committee on Ways and Means, it has been pointed out that actuaries have estimated that the annual cost of the present insurance program will reach about 10 percent of pay roll in about 50 years. I believe that these actuarial estimates are unrealistic and much too high for the simple reason that they assume a static wage for all employees for the next 50 years. This is an assumption contrary to all historic fact. If we are going to maintain an economy of continually increasing productivity per worker, then wages must—and will—increase. Mr. Altmeyer, Chairman of the Social Security Board, has

already stated to this committee that "as the average wages of insured persons increase, the relative costs of the present benefits will decrease as a percentage of pay roll."

I believe, therefore, that the long-run annual cost of the present law will not be 10 percent of pay rolls but will be closer to 6 percent of pay rolls.

Mr. Altmeyer has also pointed out:

"In addition, comprehensive coverage would cover all the wages of many individuals who are already under the insurance system part of the time, thus increasing their taxable wages and reducing the relative cost of the insurance plan."

In my opinion, the long-run eventual annual cost of the present law if amended to provide comprehensive coverage—would be closer to 5 percent than to 10 percent.

Under the bill that I have introduced the contributions would be 2 percent each on employer and employee, self-employed persons would pay the total 4 percent on their net income. Provision is made in the bill, as under the existing law, for the Government to make contributions to the system if the pay roll contributions from employer and employee are not sufficient to finance the benefits under the system. With the broad coverage provided it is entirely possible and logical for the Government to contribute to the cost of the insurance system since a comprehensive insurance plan reduces the cost of assistance and relief which would otherwise have to be borne by Federal, State, and local governments. Most foreign systems provide for Government, employer, and employee contributions to the system.

Thus, when the cost of the benefits provided in my bill reach 6 percent of pay rolls, employers, employees, and the Federal Government would each be contributing 2 percent. The bill provides, as does existing law, for the Board of Trustees of the Insurance Fund to make annual reports to the Congress on the status of the fund. In this way the Congress can have all the information to make any necessary changes in the financing of the program as experience indicates may be desirable.

SUMMARY OF MAJOR PROVISIONS OF THE JACKSON BILL

The bill which I have introduced modifies title II of the Social Security Act and related provisions. The following major changes in the Federal old-age and survivors insurance program would result from the enactment of the bill.

1. Disability benefits would be payable to insured permanently disabled workers and their dependents.

2. Retirement benefits would be payable to all insured workers at age 60, and old-age dependents' benefits to wives, widows, and parents would be payable at age 60.

3. The amount of money a beneficiary can earn without deduction from benefits would be increased to $25 a month.

4. Benefits would be computed on the basis of a liberalized formula with the following minima:

(a) Benefit for the insured worker, $40.

(b) Wife, child, parent, $20.

(c) Widow, $30.

5. Maximum family benefits would be $120 a month, or 80 percent of average monthly wage, but the 80 percent maximum would never operate to reduce benefits below $60 monthly.

6. Coverage would be extended to self-employed persons, to lay employees of religious organizations, and to persons employed by nonprofit or educational institutions. State and local governments would be permitted to cover their employees by voluntary compacts with the Social Security Board. Changes in eligibility and average monthly wage provisions would remove the handicap of late entrance for persons covered under the program after 1926.

7. Credit under the program would be given for military service.

8. Technical and minor changes would be made to liberalize and simplify the program and to remove, insofar as possible, any existing anomalies and inequities.

DETAILED SUMMARY OF PROVISIONS OF THE BILL

Disability

The bill provides protection against disability which lasts 6 months or more, in addition to the protection for death and retirement now provided under the Federal old-age and survivors' insurance program. Benefits for disabled workers would be figured in the same way as benefits for retired workers, and dependents would receive the same proportionate amounts whether the worker was disabled or retired.

Benefits increased

Changes proposed by the bill in the benefits formula and method of determining the average monthly wage would result in benefits that are in general higher than those now provided under the existing insurance program. The minimum benefit for the disabled or retired worker is increased from $10 to $40, and for his wife from $5 to $20, and benefits under the retirement program will be payable at age 60, rather than at age 65, as at present. The maximum amount which may be paid on one worker's wage record is increased from $85 a month to $120, or 80 percent of his average monthly wage, if that is less. However, the maximum of 80 percent would not apply if it would make the benefits for a family less than $60. The minimum and maximum provisions apply to old-age, survivors', and disability benefits.

In death cases, a lump-sum payment equal to six times the amount computed as the worker's primary insurance benefit would be paid to the widow or widower of the worker. If there is no widow or widower, the payment would be made to the person or persons paying the burial expenses. Under the present law, lump-sum payments are made only if no one survives who is eligible in the month of death for monthly benefits. Under the bill, the payment would be made whether or not monthly benefits are paid.

Eligibility liberalized

The bill would change the provisions for determining eligibility of an individual, so that all persons engaged in Government arsenals, or any other type of work not covered by the insurance program would not have the period before the effective date of the bill count against them in determining their eligibility for retirement, survivors, and extended disability insurance benefits.

Under the present act, beneficiaries may not receive their benefits for any month in which they earn more than $14.99. Under the bill, this amount is raised to $25.

Credit for military service

Men and women in the armed service would receive credit for wages of $160 a month for the entire period of their military service, but there would be no deductions from their pay during military service. The cost of this insurance protection would be borne by the Federal Government out of general revenue.

Coverage of insurance system

In addition to the workers now covered by the insurance program the bill would bring into the insurance system all persons in industry and commerce (except railroad workers), seamen, and employees of nonprofit institutions (except ministers and members of religious orders), and self-employed individuals (persons owning small businesses, farmers, and professional persons). Employees of State or local governments may come into the program by a voluntary compact made between the appropriate State or local governmental unit and the Social Security Board. Federal employees, except hourly employees of the Tennessee Valley Authority, are not covered by the bill.

Social insurance contributions

The bill provides for contributions of 2 percent of wages on employees and 2 percent of wages paid on employers. Self-employed individuals would pay the total 4 percent on their net income.

TABLE 1.—*Illustrative monthly old-age retirement or total disability benefits under the bill*

Number of years of coverage	Insured person	Insured person and wife	Insured person, wife, 1 child	Insured person, wife, 2 children
	Average monthly wage, $100			
10 years' coverage	$40	$60.00	$80	$80.00
20 years' coverage	40	60.00	80	80.00
30 years' coverage	43	64.50	80	80.00
40 years' coverage	46	69.00	80	80.00
	Average monthly wage, $200			
10 years' coverage	$47	$70.50	$94	$117.50
20 years' coverage	51	76.50	102	120.00
30 years' coverage	56	84.00	112	120.00
40 years' coverage	60	90.00	120	120.00
	Average monthly wage, $300			
10 years' coverage	$58	$87.00	$116	$120.00
20 years' coverage	63	94.50	120	120.00
30 years' coverage	69	103.50	120	120.00
40 years' coverage	74	111.00	120	120.00

TABLE 2.—*Illustrative monthly survivors benefits under the bill*

Number of years of coverage	Widow	Widow and 1 child	Widow and 3 children	1 child or 1 parent
	Average monthly wage, $100			
10 years' coverage	$30.00	$50.00	$80.00	$20.00
20 years' coverage	30.00	50.00	80.00	20.00
30 years' coverage	32.25	53.75	80.00	21.50
40 years' coverage	34.50	57.50	80.00	23.00
	Average monthly wage, $200			
10 years' coverage	$35.25	$58.75	$105.75	$23.50
20 years' coverage	38.25	63.75	114.75	25.50
30 years' coverage	42.00	70.00	120.00	28.00
40 years' coverage	45.00	75.00	120.00	30.00
	Average monthly wage, $300			
10 years' coverage	$43.50	$72.50	$120.00	$29.00
20 years' coverage	47.25	78.75	120.00	31.50
30 years' coverage	51.75	86.25	120.00	34.50
40 years' coverage	55.50	92.50	120.00	37.00

Mr. DOUGHTON of North Carolina. Mr. Chairman, I yield such time as he may desire to the gentleman from Massachusetts [Mr. LANE].

Mr. LANE. Mr. Chairman, we now have under consideration a measure which is domestic, one which is clearly related to our national welfare and the welfare of our own citizens, whose intent is the elimination of want, of insecurity and fear. H. R. 7037, the bill which proposes strengthening amendments to the Social Security Act and the Internal Revenue Code, is concerned with the extension of further assurances of security to our own people.

We Americans have accepted the responsibility of mitigating the world's suffering after having shared the responsibility of eliminating the world's oppressors. We have recognized the necessity of participating with the other nations of the world in an international organization, the United Nations, in a common effort to secure peace, to assure international harmony and to promote international welfare. We have added our resources, talents, and efforts to those of other nations politically, economically, scientifically, and culturally. We have responded to our duty to bring relief to the war-ravaged, suffering peoples of the world through UNRRA and through countless private relief organizations. We have proposed to share the weapon of the atomic bomb with the other nations in an effort to forever outlaw its use as a weapon of destruction. And we have loaned great sums of money to other nations to enable them to rescue their economies from the shattering impact of war. The people of the United States have renounced isolationalism and have resolved henceforth to share with the other nations of the world the mutual responsibility of seeking peace and international welfare. For without the participation of the world's wealthiest nations, peace would surely be but a fool's dream, world relief merely a bitter token and the "four freedoms" would surely be overthrown by the Four Horsemen of the Apocalypse.

But what a harsh anomaly it would be if we crusaded for the "four freedoms" around the globe and let them perish, any one of them, at home. How incongruous it would be if the hope of many millions throughout the war-scarred globe should be the despair of her people at home. What a mockery it would be if the richest Nation in the world were again to be stricken by a depression in which she could not assure her own people the minimum requirements of subsistence. The most destructive weapon the world has known we possess and have used for destruction. But in our productive capacity, our inventive skill, our natural resources, and our democratic respect for the dignity of the common people we possess the elements required for the greatest instrument for hope and peace to be gained, in the words of Franklin D. Roosevelt, "by so ordering society as to assure the masses of men and women reasonable security and hope for themselves and their children."

Yet we have no assurance sufficient to dispel grave doubts and fears that the possession of these elements guarantees security for all our people. The memory of the depression of the last decade sticks relentlessly with us and casts its shadow before us. For our productive capacity was great then, as were our resources, our inventive genius, yes, and our democratic respect for the dignity of the common people. Yet we suffered in those days and many people went without the primary needs of life and more than a few even gave up the very life itself.

We have made no conclusive changes in our economy or way of life to assure that such a depression shall not occur again, and certainly the great majority of our people are not a little apprehensive that such a stagnation of our vitality with its accompanying privations may strike again. We are resolved, it is true, that however crippled our economy may be, that none of our people will be bereft of all security nor denied the essentials of life again. We know that our economy cannot be permanently crippled nor our national vitality permanently impaired.

Our reconversion from the total-war economy to the peacetime economy has been, despite dire predictions and great difficulties, remarkably rapid and reassuring. An accurate measure of the speed and vigor of that reconversion is evident in the national employment figures. Early in 1947 we will have achieved the goal of 60,000,000 employed, which was regarded as a courageous but daring and optimistic challenge when first set by President Roosevelt. By the first part of 1947 there will be 13,000,000 more employed in civilian jobs than in 1939. Here is the measure of what we can achieve. However, we now must face simultaneously a sharp rise in prices—so sharp that unless we can control them they threaten to wipe out within a relatively short period the savings of 60 percent of our people—and ultimately we will again face the uncomfortable dilemma of full production and inadequate purchasing power to consume what we produce. The consequences, as we know, are a sharp curtailment in production, the exodus of goods and capital to foreign markets and investment, unemployment, and depression. This is the over-all picture. It is not an inevitable result and we have, in fact, taken some steps to prevent the recurrence or to lessen its impact.

Not the least of these are the Social Security Act and the Federal Unemployment Tax Act, which give some measure of security to our people. But we know, or we should recognize, that present social-security provisions are not sufficient. They need strengthening and integrating Our great need is a comprehensive, basic national system of social security, covering all major risks to economic independence and all workers and their dependents to whom such risks apply, and as Franklin D. Roosevelt said in his message to Congress on social security in June 1934:

> This seeking for a greater measure of welfare and happiness does not indicate a change of values. It is rather a return to values lost in the course of our economic development and expansion.

H. R. 7037 does not provide for the comprehensive, basic national system of social insurance of which I spoke. It fails, primarily, to initiate comprehensive insurance protection against the leading cause of poverty and dependency in our country, the costs and losses occasioned by sickness and disability. It fails to extend coverage for unemployment insurance and old-age and survivors insurance to great numbers of our people who are still without such fundamental protection. It does not recommend increases in benefits which are now inadequate, particularly as measured by current prices.

But the amendments which are proposed to the Social Security Act by H. R. 7037 are designed to strengthen the provisions of the original act, to remedy existing inequities and provide another progressive step toward the full security of our people which must be the goal of all believers in democracy. While I continue to look forward to the day when all our people will be protected against the vicissitudes of our money economy in a coordinated program of national social security, I endorse the present measure as a step forward and urge its passage.

The provisions of H. R. 7037 are specific, if inadequate. None will deny, I think, the necessity of the provision which would guarantee survivors of veterans within the purview of the Social Security Act the same old-age and survivors' insurance benefit rights they would have enjoyed had the veteran died fully insured under old-age and survivors' insurance, this with respect to veterans who die within 3 years after discharge. Since service in the armed forces is not credited for such purposes, many veterans upon discharge will have lost whatever protection they may have acquired under the program or by means of their military service will have failed to gain the protection they would otherwise have acquired. In 3 years the veteran may reasonably be expected to acquire protection since he need only work during one-half of the 3 years immediately prior to death in order to have survivorship protection. An average monthly wage of $160 is provided to insure a certain minimum level of benefits. Certainly this provision is not as liberal as it might be, yet it corrects an inequity immediately consequent on military service. Yet, as a reminder of the over-all inadequacy of present rates it should be noted that the maximum amount of benefits payable in any month on the basis of any one veteran's death would be, if he had no other covered employment, for a widow and child, $64.48 a month. Perhaps by approaching the problem of security for all our people through the sympathetic attention we are more likely to give to the veteran, we may realize more forcibly the pressing need for the extension and increase of benefits.

The bill further provides for the permanent coverage of maritime employment under State employment-compensation systems and temporary protection for persons whose maritime employment has been with general agents of the War Shipping Administration and thus has been technically Federal employment. The substantial increase in wartime employment heightened the necessity of including merchant mariners in the scope of social security. I have frequently in the past introduced and endorsed legislation to accord equivalent benefits to these men, for the nature of their employment and service has often caused them to be overlooked. The possibility of a permanent decline in employment in the maritime labor force enforces our present decision to extend insurance coverage to them. And the technicality of Federal service of the men who were nominally under the War Shipping Administrator is prevented from being a deterrent to proper protection by this provision. The extension of social-security coverage to merchant seamen should be a precedent which would

lead us eventually to completely correct the present inequity under which less than 2 out of every 5 of our workers are included and under which one-half of the 72,000,000 who have been covered are not now insured against old age. It should be pointed out, however, that this provision can only grant permission to State legislatures to include maritime workers. It remains for the several States to carry out the intent of Congress in this matter.

Other provisions of H. R. 7037 include the Virgin Islands within the purview of the Social Security Act and provide an increase in the Federal share of assistance payments in States with per capita income below the average of the Nation and an increase in the Federal matching maximums. The Ways and Means Committee has deemed it necessary to extend the provisions of the Social Security Act to the Virgin Islands for reasons similar to those which earlier dictated the inclusion of Puerto Rico. And in order to guarantee help in aiding needy aged and blind persons and dependent children in States with low economic resources where the need is greater, it is provided that there shall be an increase in the Federal share of assistance payments in such States.

Once again dispute has arisen over the necessity of increasing the contribution rates under the Federal Insurance Contribution Act. The bill originally provided that the rate during the calendar years 1947 to 1951 should be 1½ percent and that after December 31, 1951, the rate should be 3 percent for both employees and employers. Although there has been a substantial increase in the balance in the trust fund, it is even more pertinent to note that there has been a substantial increase in prospective benefits which must be paid from the fund. It seems manifest that orderly and sound financing of the insurance system makes appropriate an immediate increase in the present contribution rates. Contributions levied under social security represents a method of distributing the burden of already existing costs. And it is significant to note that the average age of our people is increasing. By 1950 more than 30 percent of our population will be over 45 years of age and almost 15 percent over 60. We must be ready with an adequate insurance plan for our older people before mounting social and economic tensions create a new and disruptive minority.

Of more immediate concern with reference to our older people is the present and pressing necessity of reducing the age requirements for old-age assistance from 65 to 60 years. Such a reduction is a matter of practical necessity, first because it guarantees protection for the older worker when his productive capacity is impaired and when it is near impossible for him to obtain employment when he is out of work. For a great number of men and women who were employed in defense plants during the war have been replaced by veterans. Not only because of their valuable service during our period of peril, but because of their inability to gain employment now we should lower the age for their protection.

Such a reduction would work the further advantage of relieving many thousands more of older men who continue working only because they are not now eligible for public assistance. If the security provisions were extended to them now by reducing the age to 60 the further advantage would accrue of opening employment opportunities to a corresponding number of veterans. Such a plan, which would benefit the aged worker and the veteran seeking employment would have the further merit of increasing our productive capacity and efficiency. It would be in harmony with our common desire to provide security for the old and opportunity for the young.

These are the provisions of the present proposal to amend the Social Security Act. Each amendment has merit, furthers our policy of extending security and should be voted. But as I have stated before, and here repeat, we are still far from the goal of a comprehensive, basic national system of social insurance. Toward that goal we shall continue to strive, warned by the grim experience of the past and not content with the achievements thus far obtained. For an antidote to social disease, by which I mean privation, malnutrition, insecurity, and fear, which applies only to a limited number of our people is not sufficient. Medical science would never be content with an antidote, a remedy to disease which could but counteract the effects of a death-dealing disease in a few organs of the body, leaving the other vital organs susceptible to its deadly effect.

Unprotected by social security today are 1,000,000 domestic servants, 4,000,000 farm workers, excluding farm owners; 9,000,000 self-employed persons; 1,000,000 employees of nonprofit organizations; 3,000,000 State and local government employees; and 2,000,000 Federal employees.

More than 20,000,000 workers including many whose employment conditions are most uncertain, whose pay is lowest, who are least able to safeguard themselves, are presently deprived of a fundamental right to security.

Moreover, we have not yet provided against the major cause of poverty in American families, except for mass unemployment, namely, sickness and disability. On an average day there are 7,000,000 disabled by sickness or injury and unable to work. The loss of earnings each year from temporary disability amounts to between 3 and 4 billion dollars. One half of the 7,000,000 disabled are so disabled for more than 6 months. It is not necessary for me to remind my colleagues that such disability not only cuts off the income of the victim but is paralleled by the extraordinary medical and hospital expenses.

It is against such gross impacts on our people that we must build defenses. Even in prosperous times insecurity haunts our country in the persistence of sickness and death, old age, and sporadic employment. We cannot afford to be without complete and adequate social security. We must more than match our record of wealth with one of deep respect for the dignity and worth of each of our citizens. If we are to be called the world's hope, let us be at least the citizen's safeguard. If we are to stump for democracy, let us apply it unequivocally at home.

Mr. DOUGHTON of North Carolina. Mr. Chairman, I yield such time as he may desire to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, many of my constituents have appealed to me in recent days and weeks, asking that I exert my influence in this body toward incorporating in any social-security legislation proposed either the principles of H. R. 2229 and H. R. 2230 for the benefit of our elderly citizens; or legislation so broadened in its scope as to include some large group of labor now excluded under existing law; or more aid to dependent children; or some special legislation favoring the blind; or at the least some improvement of the Social Security Act benefits for old age assistance. I am pleased to note that H. R. 7037, which is before us today, on pages 32 and 33 contains these latter provisions. I know it will be regarded by many as not enough, but after listening carefully to the debates today, I do know that it is all we may expect to get at this session of Congress.

I do not know when I have heard, during the 10 years of my membership in the House, more bitter argument than we have heard this afternoon. I have refrained from engaging in it. I simply hope that I may be able to explain to the elder citizens who have appealed to me why it is impossible to expect more than title V of this bill provides for them. Not being a member of the Ways and Means Committee, I can only surmise the heated arguments and struggle which must have gone on in the committee's executive sessions by what I have heard on the floor this afternoon.

I am personally not well pleased with this bill, but I know it is the best we can get. I want my constituents to know that it is brought to the House under a closed rule, which permits of no amendment. We must either vote for it or against it, and I propose to vote for it. Of course, a half loaf is better than no loaf at all, and I might expand that simile by saying that a quarter loaf, or even a slice, is better than no bread at all.

Naturally, many of our citizens, especially the old folks, will demand to know why we cannot amend this bill to make it more liberal. That of course is a long explanation, too long to be gone into here. The parliamentary situation is such that with the ending of the session so near we cannot hope for a broader and more generous social-security measure at this time.

The first provision under title V of this measure amends section III (a) of the Social Security Act, by striking out $40 and inserting in lieu thereof $50. In a State like Arizona, that will mean a substantial increase in old age assistance. My State has been more generous than the average among the 48, in matching the Federal allowance, and while Arizona now, by law, provides for

only $20 to match the Federal $20 as a maximum for the individual, I feel sure that soon after the enactment of this Federal law, Arizona will modify her law so as to match $25 for the Federal $25 contribution.

While the increase of aid for dependent children and aid to the blind may be heartily approved in this measure, we cannot overlook the fact that there are some serious omissions in this bill. We have been assured by more than one speaker that it will take time to work out some of the other provisions we have hoped for and which are needed, and we may confidently hope that early action in the next Congress may be had in remedying the defects and omissions of this bill. With that understanding I shall vote for this measure.

Mr. KNUTSON. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman, of course, I shall support this bill. If it does nothing else, the fact that it freezes the social-security tax at present rates for another year is ample justification for its enactment.

Additional benefits are provided in case of deceased World War II veterans. Marine workers receive unemployment compensation. There are additional grants for old-age assistance and aid to dependent children and the blind. Numerous miscellaneous provisions in the bill clarify present law and are most salutary in their effect.

In short, the bill is most commendable so far as it goes, but candor compels me to say that there is disappointment because the Ways and Means Committee has not found it possible to develop the field of social security as had been contemplated by the committee and earnestly anticipated by the people.

Mr. Chairman, present provisions of law providing assistance to our elderly people are entirely inadequate. I supported social security when it was initiated, and I have continued to support its expansion down through the years. As an experiment, it has worked well. It is necessary, if social security is to serve the purposes for which it was intended, that it be kept financially and actuarially sound. The Ways and Means Committee is to be congratulated on its insistence upon this fundamental principle.

The past several months have been given by that committee to an intensive study of the possibilities of expanding the coverage under the law so that additional groups of our people may enjoy its benefits. This must and will be done; therefore, if eventually, why not now? I do not mean that literally because I know this committee has worked hard and long, and I am not unmindful of the obstacles in its way. While there is disappointment, yet I entertain fervent hope that in the next Congress a more comprehensive law can and will be written, and that these groups now outside of the social-security fold will be covered or that other provisions be made for their old-age security. This is simple justice. Yes; it is more than that. It is necessary if all of our people are to be treated alike.

Many of our elderly people are being neglected. Times have changed. The cost of living has skyrocketed. Old-age benefits and old-age assistance, which were adequate a few years ago, will not furnish the necessities of life at the moment. It seems strange to me that in the view of some we have plenty of money to spend for other things, but the cupboard is bare when we look for anything for the aged. These people are not asking charity. They should not be made to feel that they are receiving alms, and the sooner our legislatures and our people in general appreciate that more reasonable allowances must be made for this worthy group the sooner we will be doing our duty and paying off an obligation which we rightfully owe.

The fact that there have been lobbyists and exploiters of some of these groups should not militate against them. Too many false hopes and extravagant promises have been made by promoters and selfish interests. Our job is to do something about this condition in a fair, reasonable and adequate fashion. I believe and hope that when Congress reconvenes one of the first things embarked upon should be proper consideration for those aged people who have been so long neglected.

Mr. DOUGHTON of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. LYNCH].

Mr. LYNCH. Mr. Chairman, it may appear to some that this bill is not as extensive as it might be, yet it should be borne in mind that after all it is what might really be called a temporary expedient. The committee intends to go further next year with respect to coverage of various classes of people, particularly those referred to by the gentleman from Georgia, the agricultural workers, and domestic workers and the self-employed. There appeared to be some controversy during our executive sessions with respect to whether or not it is feasible or possible to cover agricultural workers and whether or not it is desirable to cover agricultural workers. For my own part I feel that as many people as possible should be covered, but not being very familiar with the agricultural situation I was willing to defer voting upon that question until next year.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. LYNCH. I yield to the gentleman from Georgia.

Mr. PACE. All the millions who process the farm commodities are covered by the law, but the people who work in the fields, who produce the commodities that provide the jobs and the security for the other fellow, are left out. Certainly I believe the distinguished gentleman from New York can find some way to overcome the administrative difficulties in order that they, too, may have some hope for security in their old age.

Mr. LYNCH. I think it is to the advantage not only of the agricultural workers but of the entire social-security system that agricultural workers and all other workers, including the self-employed, be covered under this law. I can assure the gentleman that every effort will be made to cover them next year if I have anything at all to say with respect to them.

Mr. PACE. I am delighted with the response of the gentleman from New York.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. LYNCH. I yield to the gentleman from North Carolina.

Mr. COOLEY. Can the gentleman tell the House why it was the committee changed its mind and abandoned the bill of July 1? I still have not had an answer.

Mr. LYNCH. Yes. The answer is that we got our tail in a crack and we had to get out of it. The only way we could get out of it was by coming in here with a bill that would not be controversial. I think that answers the question as fairly as it can be answered.

Mr. COOLEY. It does.

Mr. LYNCH. Let me say further that there are things in this bill with which I do not agree. I do not agree with title I, but rather than have everything go overboard, especially the maritime workers, in whom I am particularly interested, I was willing to go along for 1 year to carry this tax at 1 percent. As to the variable grants, that involves a new procedure or departure, as the gentleman from Ohio so aptly described it. Instead of a 50–50 matching it involved a 66⅔ percent contribution, which likewise was controversial.

Mr. COOLEY. I know that, but if the gentleman thinks the Committee on Ways and Means had a perfect right to change its mind on this fundamental proposition, why is it that the committee is unwilling for me to change my mind or the other members to change their minds and elect between the two bills?

Mr. LYNCH. I do not think the committee has any objection to your changing your mind.

Mr. COOLEY. I cannot change it. I cannot do anything about it. That is all.

Mr. LYNCH. As a matter of fact, we would like you to change your mind and vote for this bill.

Mr. COOLEY. I probably will, but that still does not give me a chance to elect as between the two propositions.

Mr. LYNCH. I appreciate that very much.

Now, with respect to the maritime workers, there are two problems involved with respect to these seafaring men. The first has to do with permanent unemployment compensation. For some 9 years the maritime workers have been without unemployment compensation. Thanks to the splendid cooperation of the members of the committee, both Democrats and Republicans, we were finally able to get title III in this bill which was, strangely enough, unanimously agreed upon. I might further state that these provisions with respect to maritime workers met with the approval of the labor unions, the ship operators, and the State agencies.

There is in this bill also a temporary feature with respect to those maritime

workers who for the past 3 years have been in reality employed by the War Shipping Administration. The Federal Government agrees to reimburse the State agencies for payments made by them to the maritime workers who earned credits as employees of the War Shipping Administration.

I regret that time does not permit me to go into more detailed elaboration of the maritime provisions of this bill. However, I cannot let this opportunity pass without a word of thanks to my colleagues on the committee, to the technical staff, and to Mr. Jackson, of Washington, for their splendid cooperation and assistance.

Mr. KNUTSON. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. CURTIS].

Mr. CURTIS. Mr. Chairman, I am not very happy about this legislation. There is merit in the variable-grant proposal. Neither am I very happy about everything that has taken place preliminary to bringing legislation on the floor of the House. I shall vote for it, however. It covers some things that must have attention. It will bring to the State of Nebraska, according to the figures of the Social Security Board, based upon the last half of 1945, an additional amount of approximately $334,000. The greater share of this $270,000 will go to our fund for aid for dependent children. It raises the ceiling to $27 for the first child and $18 for each additional child on a Federal 50–50 matching basis. It also will give some help to old people and to the blind. It raises the ceiling to $50 for both programs. However, my State happens to be one of those States that has a fixed ceiling on old-age assistance of $40 and probably nothing can be done until the legislature meets. In reference to this bill, there are a few things that I would like to point out. We are doing something for the soldiers here but not all that should be done. Under the provisions of the old age and survivors insurance section, there are two parts—one pays a benefit when the wage earner reaches 65 years of age, and another one takes care of the situation when he dies while covered. We extend to the veterans 3 years' coverage of the survivors' insurance only. If there is anything Congress needs to revamp, revise, and restudy, it is our treatment of the aged. In most of our communities you can find about four categories of old people. First, there is the individual over 65 who is covered and who is paid benefits regardless of need. Then you find another group who have paid in and have had the deductions made from their pay checks but they have not been in covered employment long enough to get any benefit and they do not even get the taxes back. They may have the pay-roll deductions for 8 or 9 years and still they do not even get the taxes back. They are paid nothing. Then you have the other group who because of a needs test can be paid under old-age assistance. Then you have the fourth group that are not covered and are never paid anything. It is full of discrimination throughout. I certainly want to see a better and more equitable deal for our older citizens. Today we are dealing only with the old-age assistance. The ceiling is raised from $40 to $50, one-half of which is paid by the Federal Government if the State can match it.

Our social-security program is not sound. It is class legislation and it will be costly. It has been stated that if the tax goes up some of the Members will insist on increased benefits. If you do not increase the benefits but leave them as at present levels, 50 years from now your pay-roll tax will equal 10 percent—5 percent on employer and 5 percent on employees. This whole matter of the care for our aged must be treated at one time and a program worked out that is fair to the individual who is covered and who is not covered, and that is fair to the public. At the present time that is not the situation. Under our social-security program the president of the greatest corporation in the United States is covered. The cobbler, or the individual merchant in your home town, or the farmer is not covered. Perhaps the farmers do not want it.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. CURTIS] has expired.

Mr. DOUGHTON of North Carolina. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I am not disposed to strongly defend the pending bill (H. R. 7037) amending the Social Security Act, because I am obliged to make apologies for it. The bill is not altogether bad and it does contain some good provisions. In fact, according to the study made by the experts, it never should have provided for the freezing of the social-security tax at 1 percent. The grants-in-aid for old-age assistance, aid to dependent children, and aid to the blind should have been more liberal.

The benefits under title II for World War II veterans are, in my estimation, insufficient. They should have been provided at least on a permanent, not a temporary, basis. It seems to me that the veteran, in order to obtain the benefit for his dependents, must die to conform with the objectives contained in the bill.

The freeze of the tax, if kept at 1 percent, weakens the fund and makes it, as the actuaries would say, actuarially unsound.

We tried to put into the bill what is known as a variable grant, which should be of particular assistance to the aged and needy pensioners, and which would do most good in the States where the wealth of the citizens is below the average. This was stricken out because it was said to be a new departure and unfair to the more fortunate States which are able to carry their own full load. But according to actual figures, the provisions of this bill, supposedly, without a variable grant to the States does in fact give the bulk of the aid of Federal moneys to a very few privileged and wealthy States. The amount of assistance to be granted to Michigan, on the other hand, is ridiculously low, as pointed out in the supplemental views submitted to the House by our distinguished colleague, Mr. EBERHARTER, of Pennsylvania, to which I subscribe in principle and which I desire to make a part of my remarks:

SUPPLEMENTAL VIEWS

[To accompany H. R. 7037]

The undersigned member of the Committee on Ways and Means is deeply disappointed at the inadequacies of the provisions of the social-security bill reported out by the committee, H. R. 7037.

It is recognized that the bill contains some provisions which are desirable, such as title II: Benefits in Case of Deceased World War II Veterans, and title III: Unemployment Compensation for Maritime Workers.

However, I feel it my duty to point out particular provisions which are not only inadequate, but unfair; and the failure of the committee to include in the bill amendments of pressing and vital national importance.

By House Resolution 204 passed on March 26, 1945, the House authorized the expenditure of $50,000 for the Committee on Ways and Means to make a study of "the need for the amendment and expansion of the Social Security Act, with particular reference to old-age and survivors insurance and the problems of coverage, benefits, and taxes related thereto." Pursuant thereto, the committee selected a competent staff of experts which presented a complete and well documented report early in 1946 on all aspects of the present social-security program, and a future comprehensive expanded program. The committee held executive sessions early in February, and held numerous public hearings beginning on February 25 and continuing over a period of several months.

Numerous witnesses came from all parts of the country to testify, on the expectation that the committee was making a complete revision of our social-security laws. After all this expenditure of time, money, and effort, the committee has reported out a bill which fails to deal with the most important aspects of social security, as covered either in the staff's report of the hearings before the committee.

INADEQUACY AND INCONSISTENCY OF TITLE I: SOCIAL-SECURITY TAXES

Title I of the bill freezes for the eighth consecutive year the social-security contributions for the year 1947 at the present rate of 1 percent each on employers and employees. Just 2 weeks before this bill was reported out, the committee voted for an increase in the contributions to 1½ percent. In the committe report on the earlier bill (H. R. 6911) filed July 1, 1946, the committee stated:

"It would appear to be for the best interests of all concerned if the rate could be fixed at this time for a reasonable period rather than that the matter should come up each year (p. 3)."

No reasonable explanation for the change in the views of the committee on this important issue has been advanced. The change is contrary to both the previous action of the committee and recommendation No. 10 at the bottom of page 122 of the committee's social-security technical staff in its report, "Issues in Social Security."

The reasons given by the committee's technical staff for an increase in the social-security contribution rates are as follows:

"It is a foregone conclusion that social-security taxes must increase in the future if they are to pay a substantial part of the benefit totals which we know are going to increase in a major way; that we want no irregularities or sudden breaks in our social-security tax schedule and that anything that may be undesirable about a modest further growth in the trust fund during favorable economic conditions is far less important than the painful processes of meeting unusually high benefit loads in years of economic depression after we have been somewhat lulled into complacency by an unusually low benefit load and unusually high contribution totals, due to unheard-of employment conditions (top of p. 122)."

In addition to freezing the contribution rate, section 103 of the bill provides for repeal of the provision added to the law in 1943, which was inserted for the purpose of guaranteeing the payment of old-age and survivors insurance benefits, in case the contributions to the fund should be inadequate because of the continued freezing of the contribution rates. The repeal of this proviso by the committee bill is absolutely inconsistent with the action taken in freezing the contribution rate.

INADEQUACY OF TITLE V: STATE GRANTS FOR OLD-AGE ASSISTANCE, AID TO DEPENDENT CHILDREN, AND AID TO THE BLIND

Title V of the bill increases Federal contributions to States for aid to the needy aged, blind, and dependent children. The maximum Federal contribution to the aged and the blind would be increased from $20 to $25 a month, and for aid to dependent children from $9 to $13.50 for the first child, and from $6 to $9 for each additional child.

Originally the committee voted to increase the Federal contribution from $20 to $30 for the aged and the blind and to provide additional Federal funds to States with low per capita incomes, which would permit a graduated increase in the Federal contribution up to 66⅔ percent of the amount paid to the recipient. These provisions reported out by the committee in H. R. 6911 are omitted from H. R. 7037. We feel this omission is a grave mistake.

The variable matching formula originally adopted by the committee in H. R. 6911 would have given additional Federal funds to 31 States. The 31 States which will lose Federal funds because of the omission from H. R. 7037 of the variable matching formula, and the Federal proportion of the amounts paid to recipients which they would have received under H. R. 6911 are as follows:

Federal proportion under H. R. 6911	
Alabama	66⅔
Arizona	59
Arkansas	66⅔
Colorado	53
Florida	60
Georgia	66⅔
Idaho	55
Iowa	53
Kansas	54
Kentucky	66⅔
Louisiana	66⅔
Maine	53
Minnesota	56
Mississippi	66⅔
Missouri	56
Nebraska	57
New Hampshire	58
New Mexico	66⅔
North Carolina	66⅔
North Dakota	57
Oklahoma	66⅔
South Carolina	66⅔
South Dakota	60
Tennessee	66⅔
Texas	62
Utah	52
Vermont	57
Virginia	59
West Virginia	66
Wisconsin	52
Wyoming	52

The provisions of title V of H. R. 7037 will cost the Federal Government an additional $47,538,000. Many States will not get one single additional cent of this money from the Government. This is so because at the present time one-half of the States do not make payments to needy aged persons in amounts greater than the maximum of $40 per month for which Federal matching funds are available. Among these States are Arizona, Arkansas, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin.

While some States may amend their laws at their next regular session or at a special session of their State legislatures, many States undoubtedly will be discouraged from making such an important permanent change since section 504 of the bill provides that the additional Federal contribution is only for a temporary period—up through December 31, 1947.

The provisions of title V of the bill do nothing to help raise the admittedly inadequate assistance payments in the low-income States such as Kentucky where the average payment was $11.71 in April; in Georgia, $12.67; in North Carolina $13.81; in Virginia, $15.22; in Mississippi, $16.39, etc.

One State, California, will get 48 percent of the additional Federal funds for the aged. Three States, New York, Massachusetts, and California, will get 76 percent of the additional Federal funds for the aged.

Under the bill 86 percent of the additional Federal funds for old-age assistance will go to the 10 richest States with 29 percent of the aged population, while the 10 poorest States with 14 percent of the aged population will get only 1 percent of the additional Federal funds.

This rank discrimination against the neediest States is shocking. It is unwarranted and unsound.

It results in the Federal Government using revenue raised from persons in the low-income States to help finance assistance in the richest States.

It is a soak-the-poor plan.

It increases the disparity in the amounts of assistance payments between States.

It is a policy of neglecting to improve conditions where the need is the greatest.

It is contrary to every sound principle of public finance, social policy, and justice.

It is contrary to the policy of this country since its establishment—that we are a Nation indivisible; that Congress should enact laws for the benefit of all the people.

The very minimum which should be acceptable at this time is the restoration of the provisions of title V as contained in H. R. 6911, as originaly reported out by the committee.

IMPORTANT PROVISIONS COMPLETELY OMITTED FROM THE BILL

The bill does not contain any provisions whatsoever on such vital matters covered by the committee's technical staff report or included in the hearings before the committee as:

1. Broadening the coverage of the old-age and survivors insurance program to include at least those groups which it is universally recognized are entitled to inclusion.

2. Increasing the amount of insurance benefits. The amount of insurance benefits was fixed in 1939, and are now inadequate. There has been about a 50-percent increase in the cost of living since 1939, while at the same time the total premiums paid into the fund have increased due to increased employment.

3. Increasing the amount of earnings which a beneficiary is permitted to earn while drawing an insurance benefit.

4. Providing a more flexible retirement age by establishing insurance protection in case of permanent total disability.

Some provisions on each of these matters could and should have been included in the bill. Each year of delay in enacting these provisions into law means hardship and privation for thousands of Americans in every State in the Union.

SUMMARY

Further delay is unjustified. The proper approach to this entire program is to strengthen and broaden the insurance features, and from that base proceed to improve the assistance and related features, and only in that manner can a comprehensive, intelligent, and workable program be evolved.

The hearings before the committee conclusively prove that the American people want the Social Security Act broadened and expanded now. The bill reported out by the committee does very little to carry out this objective.

The bill in its present form is a sad disappointment.

HERMAN P. EBERHARTER.

The figures, however, are somewhat deficient and are subject to slight corrections.

Later and more authentic figures were made available by the Social Security Board and I desire to make these figures a part of my remarks.

Public assistance: Annual cost to Federal Government under Federal-matching maximums [1] proposed in H. R. 7037 with 50-50 matching and increase over current expenditure rate

[Based on operation in July-December 1945]

State	Amount from Federal funds under 50-50 matching							
	All programs		Old-age assistance		Aid to dependent children		Aid to the blind	
	Amount from Federal funds	Increase over current expenditure rate [2]	Amount from Federal funds	Increase over current expenditure rate [2]	Amount from Federal funds	Increase over current expenditure rate [2]	Amount from Federal funds	Increase over current expenditure rate [2]
Total	$464,258,000	$56,179,000	$384,943,000	$37,136,000	$68,703,000	$17,877,000	$10,611,600	$1,166,000
Alabama	3,984,000	37,000	3,069,000	7,000	841,000	30,000	74,200	0
Alaska	342,000	70,000	331,000	68,000	11,000	2,000		
Arizona	3,030,000	392,000	2,547,000	354,000	346,000	8,000	137,300	29,700
Arkansas	3,315,000	3,000	2,567,000	0	621,000	3,000	126,700	0
California	51,270,000	11,717,000	47,542,000	10,568,000	2,110,000	738,000	1,617,800	411,300
Colorado	12,280,000	2,655,000	11,148,000	2,315,000	1,023,000	330,000	109,100	10,000
Connecticut	4,199,000	805,000	3,482,000	552,000	686,000	249,000	31,100	4,200
Delaware	216,000	25,000	127,000	0	89,000	25,000	400	0
District of Columbia	802,000	122,000	648,000	66,000	203,000	47,000	51,500	8,800
Florida	9,078,000	147,000	7,411,000	105,000	1,239,000	30,000	428,300	11,900
Georgia	5,411,000	3,000	4,640,000	0	597,000	3,000	173,900	0

See footnotes at end of table.

Public assistance: Annual cost to Federal Government under Federal-matching maximums [1] proposed in H. R. 7037 with 50-50 matching and increase over current expenditure rate—Continued

State	Amount from Federal funds under 50-50 matching							
	All programs		Old-age assistance		Aid to dependent children		Aid to the blind	
	Amount from Federal funds	Increase over current expenditure rate [2]	Amount from Federal funds	Increase over current expenditure rate [2]	Amount from Federal funds	Increase over current expenditure rate [2]	Amount from Federal funds	Increase over current expenditure rate [2]
Hawaii	$383,000	$55,000	$209,000	$7,000	$164,000	$48,000	$9,600	0
Idaho	2,352,000	294,000	1,924,000	159,000	385,000	130,000	43,200	$4,800
Illinois	32,083,000	3,963,000	24,576,000	1,453,000	6,419,000	2,443,000	1,088,200	67,100
Indiana	10,270,000	360,000	8,461,000	40,000	1,458,000	315,000	351,000	5,300
Iowa	10,556,000	728,000	9,722,000	688,000	562,000	9,000	271,600	31,500
Kansas	6,347,600	800,000	5,206,000	422,000	929,000	354,000	211,700	23,500
Kentucky	3,980,600	0	3,220,000	0	638,000	0	122,400	0
Louisiana	7,834,000	871,000	5,122,000	113,000	2,488,600	747,000	223,600	10,800
Maine	3,295,600	193,000	2,701,000	57,000	439,000	130,000	155,000	6,200
Maryland	2,730,000	48,000	1,975,000	31,000	674,000	14,000	80,700	3,000
Massachusetts	25,145,600	7,408,000	22,512,000	6,484,000	2,339,000	847,000	294,400	76,800
Michigan	21,167,000	2,110,000	16,624,000	494,000	4,262,000	1,597,000	280,800	18,500
Minnesota	12,181,000	1,032,000	10,460,000	450,000	1,479,000	523,000	241,900	50,000
Mississippi	3,223,000	[3]	2,563,000	[3]	463,000	0	196,800	0
Missouri	17,528,600	88,000	15,068,000	33,000	2,460,000	55,000	73,700	5,100
Montana	2,554,000	197,000	2,070,000	44,000	410,000	148,000	81,600	1,400
Nebraska	5,116,000	334,000	4,345,000	63,000	689,000	270,000	52,000	1,600
Nevada	522,000	80,000	522,000	80,000	256,000	92,000	116,900	17,800
New Hampshire	1,515,000	122,000	1,207,000	28,000	1,032,000	389,000	42,000	600
New Jersey	5,760,000	795,000	4,611,000	288,000	659,000	159,000	839,800	228,200
New Mexico	1,869,000	263,000	1,168,000	103,000	7,023,000	2,621,000	275,400	0
New York	32,819,000	7,467,000	24,956,000	4,618,000	942,000	5,000	23,700	3,800
North Carolina	3,786,000	5,000	2,569,000	0	450,000	154,000	503,200	6,400
North Dakota	2,363,000	450,000	1,889,000	292,000	2,389,000	804,000	445,500	37,900
Ohio	24,222,000	990,000	21,330,000	180,000	3,371,000	107,000	112,700	30,100
Oklahoma	21,522,000	1,017,000	17,705,000	872,000	396,000	144,000	7,656,000	2,518,000
Oregon	5,411,000	802,000	4,902,000	628,000	442,000	160,000	21,800	3,500
Pennsylvania	23,123,000	2,950,000	15,467,000	432,000	518,000	0	117,600	0
Rhode Island	2,077,000	382,000	1,613,000	218,000	380,000	106,000	30,100	100
South Carolina	2,647,000	0	2,011,000	0	2,025,000	14,000	183,600	0
South Dakota	2,385,000	108,000	1,975,000	2,000	1,367,000	0	653,900	0
Tennessee	5,857,000	14,000	3,648,600	0	589,000	196,000	34,500	7,100
Texas	26,819,000	0	24,798,000	0	121,000	3,000	31,800	1,500
Utah	3,788,000	537,000	3,164,000	334,000	747,000	155,600	107,100	0
Vermont	871,000	4,000	718,000	0	1,219,000	422,000	175,600	38,700
Virginia	2,155,000	153,000	1,301,000	0	1,223,000	3,000	89,000	0
Washington	19,955,000	4,610,000	18,560,000	4,149,000	1,780,000	704,000	249,000	4,200
West Virginia	3,067,000	3,000	1,755,000	0	91,000	27,000	29,700	4,700
Wisconsin	10,141,000	850,000	8,112,000	142,000				
Wyoming	911,000	116,000	790,000	84,000				

[1] $50 for old-age assistance and aid to the blind; for aid to dependent children, $27 for first child in family and $18 for each additional child.
[2] Based on operation in July–December 1945 of current provisions of titles I, IV, and X.
[3] Less than $500.

At any rate, I shall have to vote for the bill because it provides unemployment compensation for the maritime workers and limited benefits for World War II veterans, and the additional financial assistance under title V to the aged, to the dependent children, and to the blind. I want to say, Mr. Chairman, that I have been advocating and fighting for the inclusion of maritime workers from the time the Social Security Act was proposed.

The disappointment of the bill comes to me through the fact we have not included other deserving elements of our people in the Social Security Act, such as casual employees, domestics, those employed in charitable and institutions of the church, and various other classifications, not to forget the farmer, who may well have been included under the beneficent provisions of the act. So I shall vote for the bill because it does provide some additional coverage and some additional benefits for certain limited classes of our people. I hope that in the new year we shall be able to increase the number of our people who insist upon their rights as citizens and who should not be discriminated against by exclusion because they are unorganized, or because in their particular classification there may be some little difficulty in levying and collecting the premium or tax, for certainly there never will be any trouble granting them the benefits to which they are entitled.

Mr. DOUGHTON of North Carolina. Mr. Chairman, I yield such time as he may desire to the gentleman from Louisiana [Mr. LARCADE].

Mr. LARCADE. Mr. Chairman, I wish to join my colleagues who have spoken in opposition to some of the provisions of the bill under consideration.

Speaking for my State, I wish to quote from a telegram which I have received in regard to the amendment proposed in regard to the social-security law, as follows:

> The Louisiana State Board of Public Welfare has considered the most recent proposal of the House Ways and Means Committee to amend the social-security law by merely increasing maximum grants for Federal participation without including variable grant feature. The board considers this proposal as being detrimental to the interests of Louisiana since it would obviously increase the amount of Federal money to the wealthier States without making any material change in amount of Federal funds available to Louisiana. The board has instructed me to request you to oppose such an amendment unless variable grant formula can be included.

Mr. Chairman, the rule granted for the consideration of this H. R. 7037 is a closed rule—closed tight, airtight—closed so tight that it is not possible under the rule to offer any amendment or amendments, and therefore, the membership of the House is precluded from any opportunity to give consideration to amendments which would give proper consideration to the needs of thousands of unfortunate people who are desperately in need of consideration.

Mr. Chairman, since my time is limited it is impossible for me to discuss the subject any further; however, I think that the reason for my opposition, and the opposition of others from the South is fully covered in the discussion on yesterday by my colleague, the gentleman from Tennessee [Mr. GORE].

Mr. Chairman, I regret exceedingly that the House granted this closed rule and as a result makes it impossible for me and others to offer amendments, and I am sorry that more consideration was not given by the committee to this important and serious matter; however, we hope that when the bill reaches the Senate that this bill will be given further consideration and the inequities and discrimination of which we complain will be adjusted.

Mr. MILLS. Mr. Chairman, I yield such time as he may desire to the gentleman from Arkansas [Mr. HAYS].

Mr. HAYS. Mr. Chairman, I shall support this bill although I regret very much that under the rules we are not free to consider amendments to provide a more equitable allocation of funds to the respective States. It is obviously unfair that States with a higher per capita income should receive a greater amount from the Federal Treasury than the States that are less able to take care of their aged citizens. There is a discrimination against the agricultural States growing out of the higher incomes enjoyed by industrial States. The difficulties are not altogether limited to the South although if Texas and Florida are

left out of consideration the Southern State making the highest payment for old-age assistance is still unable to pay as much as the State outside the South making the lowest payment. This should not be regarded as a sectional issue since three States in the Northeast, Vermont, New Hampshie, and Maine—all agricultural States—are confronted with the same difficulties and there are Western States equally discriminated against. As stated in the debate, sooner or later the Congress must decide this issue and I insist that if full justice is accorded the States with low per capita incomes there must be a new formula for social-security payments.

Mr. MILLS. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. KELLEY].

Mr. KELLEY of Pennsylvania. Mr. Chairman, I have for some time hoped that the Congress would seize the opportunity to broaden the scope of the Social Security Act in order to provide ample funds for the aged, as well as lower the age limit from 65 to, supposedly, 55. While this bill, H. R. 7037, has made some needed improvements, in general it falls far short of providing for the needs of the aged.

The Congress could do nothing more beneficial for the vast group of our citizens than to think seriously of the dependency of the aged people, and in many, many cases their destitution. Since the bill as enacted will carry for a year, my efforts shall be directed toward having the committee grant serious recognition to the interests of the aged. The time will come when the Congress must enact legislation to keep these people in decency and comfort when they have passed the age of physical usefulness.

Mr. KNUTSON. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, relative to the social security legislation, I am just going to discuss one point, because I am vitally interested in it. I think when the country thoroughly understands it, the people of this country will demand a great reform in the social security legislation. We are simply following the example that was set by Louis XVI of France. When they were very hard pressed for finances and facing bankruptcy, his Minister of Finance devised a plan, with his collaborators, to put in an annuity system to raise money. The people of France went wild over the idea of buying annuities for their babies and for other members of the families. The result was that the government took this money and spent it. So that after a time when the government faced bankruptcy and the King let his Finance Minister go, the people realized that their fund was bankrupt. That, in many respects led to the French Revolution and the ultimate removal of the head of Louis XVI.

Under our social security program that is precisely what we have been doing. We have a fake reserve. It has taken a long time for the people to realize it, and there are still millions of people who do not realize that the money that has been collected, some $7,000,000,000 or more, has been spent. All there is of the reserve are some certificates or bonds. But when the benefits have to be paid the people will be taxed again to pay them. Of course that will be another group of persons than have paid the pay-roll taxes. But if our country should face another war, if it should face bad crops and insolvency, then the trouble would begin. It might ultimately weaken this Republic or even destroy it.

It did that to France where they finally in desperation confiscated the church property and then went the complete limit of fiat money and ultimately bloody revolution. The point here is we must put the finances of social security in order. If you read the report now of the tax foundation in New York you will find that its experts point out very clearly that this money has been spent and that the people will have to be taxed over again. So there is great work ahead for the Ways and Means Committee to do to put this social security on a sound fiscal basis. It is actuarially sound now, but it must be made actuarially sound so as not to cause trouble in the future.

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. I yield.

Mr. THOM. The Bell Telephone Co. has a private pension system and its funds collected from workmen and employees are invested in United States bonds; so it has the same base as the social security funds; it is a first charge against the country's income.

Mr. REED of New York. That does not make any difference because these moneys which went into the Treasury of the United States have been spent on boondoggling, war, and a lot of other things, whatever they wanted to appropriate it for. It is the laborers and the manufacturers who have to pay this tax. I just want to make that point perfectly clear as to why you should not increase this social security payroll tax, because there is enough there to pay the benefits. There is no reason to collect one dollar more to pour into the ratholes and the wild program of spending that has been carried on here over a long period of time.

I present the findings of the Tax Foundation of New York:

The so-called reserve in both the Federal old-age and the Federal unemployment-compensation accounts is obviously nothing except the Government's debt to these funds. What actually is happening is: (a) taxes in excess of current benefit payments are being collected; (b) these excess receipts are borrowed from the fund and spent for general governmental purposes; and (c) if and when the reserve must be drawn upon through liquidation, funds to meet the draft must be obtained by selling to the public some of the fund assets. This would result in transferring the Government's debt from the fund to the public. If the traditional policy with respect to that debt should be followed, namely, to retire it at maturity, it would, therefore, become necessary to levy taxes for amortization as well as for interest. Hence, the taxation whereby the reserve had been created originally would have been in vain, for a second tax levy would eventually become necessary in order to provide the money for the future social-security payments. This second levy would be, directly, for interest and amortization of the bonds taken from the reserve. But the existence of these bonds is evidence that someone had already contributed the money to buy them and is supposed to be proof that no further taxation would be required to pay the benefits represented by the bonds.

The plain truth is that the program which is now operative in the United States involves, for a considerable period, a tax levy used in part for general purposes and in part for bona fide security payments. The taxes now being collected are principally devoted to general purposes and only in minor degree to genuine social-security purposes. (Social Security, the Tax Foundation.)

Public assistance: Cost to Federal Government under Federal matching maximums [1] proposed in H. R. 7037 with 50-50 matching and increase over current expenditure rate

[Based on operation in July to December 1945]

State	Amount from Federal funds under 50-50 matching							
	All programs		Old-age assistance		Aid to dependent children		Aid to the blind	
	Amount from Federal funds	Increase over current expenditure rate [2]	Amount from Federal funds	Increase over current expenditure rate [2]	Amount from Federal funds	Increase over current expenditure rate [2]	Amount from Federal funds	Increase over current expenditure rate [2]
Total	$464,258,000	$56,179,000	$384,943,000	$37,136,000	$68,703,000	$17,877,000	$10,611,600	$1,166,000
Alabama	3,984,000	37,000	3,069,000	7,000	841,000	30,000	74,200	0
Alaska	342,000	70,000	331,000	68,000	11,000	2,000		
Arizona	3,030,000	392,000	2,547,000	354,000	346,000	8,000	137,300	29,700
Arkansas	3,315,000	3,000	2,567,000	0	621,000	3,000	126,700	0
California	51,270,000	11,717,000	47,542,000	10,568,000	2,110,000	738,000	1,617,800	411,360
Colorado	12,280,000	2,655,000	11,148,000	2,315,000	1,023,000	330,000	109,100	10,003
Connecticut	4,199,000	805,000	3,482,000	852,000	686,000	249,000	31,100	4,203
Delaware	216,000	25,000	127,000	0	89,000	25,000	400	0
District of Columbia	802,000	122,000	548,000	66,000	203,000	47,000	51,500	8,800
Florida	9,078,000	147,000	7,411,000	105,000	1,239,000	30,000	428,300	11,900
Georgia	5,411,000	3,000	4,640,000	0	597,000	3,000	173,900	0
Hawaii	383,000	55,000	209,000	7,000	164,000	48,000	9,600	0

Footnotes at end of table.

Public assistance: Cost to Federal Government under Federal matching maximums [1] proposed in H. R. 7037 with 50-50 matching and increase over current expenditure rate—Continued

[Based on operation in July to December 1945]

State	Amount from Federal funds under 50-50 matching							
	All programs		Old-age assistance		Aid to dependent children		Aid to the blind	
	Amount from Federal funds	Increase over current expenditure rate [2]	Amount from Federal funds	Increase over current expenditure rate [2]	Amount from Federal funds	Increase over current expenditure rate [2]	Amount from Federal funds	Increase over current expenditure rate [2]
Idaho	$2,352,000	$294,000	$1,924,000	$159,000	$385,000	$130,000	$43,200	$4,800
Illinois	32,083,000	3,963,000	24,576,000	1,453,000	6,419,000	2,443,000	1,088,200	67,100
Indiana	10,270,000	360,000	8,461,000	40,000	1,458,000	315,000	351,000	5,300
Iowa	10,556,000	728,000	9,722,000	688,000	562,000	9,000	271,600	31,500
Kansas	6,347,000	800,000	5,206,000	422,000	929,000	354,000	211,700	23,500
Kentucky	3,980,000	0	3,220,000	0	638,000	0	122,400	0
Louisiana	7,834,000	871,000	5,122,000	113,000	2,488,000	747,000	223,600	10,800
Maine	3,295,000	193,000	2,701,000	57,000	439,000	130,000	155,000	6,200
Maryland	2,730,000	48,000	1,975,000	31,000	674,000	14,000	80,700	3,000
Massachusetts	25,145,000	7,408,000	22,512,000	6,484,000	2,339,000	847,000	294,400	76,800
Michigan	21,167,000	2,110,000	16,624,000	494,000	4,262,000	1,597,000	280,800	18,500
Minnesota	12,181,000	1,032,000	10,460,000	459,000	1,479,000	523,000	241,900	50,000
Mississippi	3,223,000	[3]	2,563,000	[3]	463,000	0	196,800	0
Missouri	17,528,000	88,000	15,068,000	33,000	2,460,000	55,000		
Montana	2,554,000	197,000	2,070,000	44,000	410,000	148,000	73,700	5,100
Nebraska	5,116,000	334,000	4,345,000	63,000	689,000	270,000	81,600	1,400
Nevada	522,000	80,000	522,000	80,000				
New Hampshire	1,515,000	122,000	1,207,000	28,000	256,000	92,000	52,000	1,600
New Jersey	5,760,000	795,000	4,611,000	388,000	1,032,000	389,000	116,900	17,800
New Mexico	1,869,000	263,000	1,168,000	103,000	659,000	159,000	42,000	600
New York	32,819,000	7,467,000	24,956,000	4,618,000	7,023,000	2,621,000	839,800	228,200
North Carolina	3,786,000	5,000	2,569,000	0	942,000	5,000	275,400	0
North Dakota	2,363,000	450,000	1,889,000	292,000	450,000	154,000	23,700	3,800
Ohio	24,222,600	990,000	21,330,000	180,000	2,389,000	804,000	503,200	6,400
Oklahoma	21,522,000	1,017,000	17,705,000	872,000	3,371,000	107,000	445,500	37,900
Oregon	5,411,000	802,000	4,902,000	628,000	396,000	144,000	112,700	30,100
Pennsylvania	23,123,000	2,950,000	15,467,000	432,000	7,656,000	2,518,000		
Rhode Island	2,077,000	382,000	1,613,000	218,000	442,000	160,000	21,800	3,500
South Carolina	2,647,000	0	2,011,000	0	518,000	0	117,600	0
South Dakota	2,385,000	108,000	1,975,000	2,000	380,000	106,000	30,100	100
Tennessee	5,857,000	14,000	3,648,000	0	2,025,000	14,000	183,600	0
Texas	26,819,000	0	24,798,000	0	1,367,000	0	653,900	0
Utah	3,788,000	537,000	3,164,000	334,000	589,000	196,000	34,500	7,100
Vermont	871,000	4,000	718,000	0	121,000	3,000	31,800	1,500
Virginia	2,155,000	153,000	1,301,000	0	747,000	153,000	107,100	0
Washington	19,955,000	4,610,000	18,560,000	4,149,000	1,219,000	422,000	175,600	38,700
West Virginia	3,067,000	3,000	1,755,000	0	1,223,000	3,000	89,000	0
Wisconsin	10,141,000	850,000	8,112,000	142,000	1,780,000	704,000	249,000	4,200
Wyoming	911,000	116,000	790,000	84,000	91,000	27,000	29,700	4,700

[1] $50 for old-age assistance and aid to the blind; for aid to dependent children, $27 for first child in family and $18 for each additional child.
[2] Based on operation in July-December 1945 of current provisions of titles I, IV, and X.
[3] Less than $500.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. WASIELEWSKI].

Mr. WASIELEWSKI. Mr. Chairman, when the Social Security Act was adopted in 1935 about one-third of the States had old-age assistance provisions in their laws. In 1935, as we all recall, we were in the middle of a depression and many of the States had considerable financial difficulties. Today the situation is in reverse. In order to help the States along, the Federal Government stepped into the picture by offering to match the State payments of benefits, dollar for dollar, up to $20, thus making it possible in very needy cases to pay up to $40. Individual States might pay more if they so desired, but the matching runs only up to a total of $40. The bill before the committee increases this sum to $50.

Old-age assistance is on a sound basis. For example, in the State of Wisconsin any citizen 65 years of age may make application by applying to the county court of the county in which he resides. The county court holds hearings, investigates the needs of the individual, and checks to see whether his family can contribute to his support. If the individual members of the family cannot contribute, the State determines the needs of the individual applicant and sets the benefits. If the family members are able and willing to contribute to the support of the applicant, the court authorizes a supplementation of the amounts that are contributed by members of the family as the situation warrants.

Early last session the Committee on Ways and Means was authorized to make a complete study of the social-security structure in order to determine whether it was actuarially sound and also to determine what liberalizing steps were warranted. In January of 1946 a report was prepared under the guidance of Mr. Calhoun. It consists of over 700 pages and is about as complete a study of this subject matter as can be found anywhere.

Subsequently, your committee conducted hearings over a period of 4 or 5 months. These hearings, however, were interrupted intermittently by consideration of other legislation such as the Philippine Trade Act, reciprocal trade agreements, and a number of other important measures. In the hearings over 157 witnesses testified and the hearings numbered some 1,160 printed pages.

These hearings were completed early in June. Your committee appreciated that a comprehensive bill on this subject could not be worked out in the time remaining in the session. It was therefore agreed that at this time we would only deal with those phases of the subject as were urgent and noncontroversial, thus leaving to future consideration those matters involving a change in policy and practical mechanics that required further study. It is important because of the interrelation of the various phases of the subject that it be dealt with in the whole rather than piece-meal fashion.

The bill before the committee is not a perfect one, it falls short in several respects as I see it, but a majority of the committee members have agreed on its separate provisions and I am willing to go along in view of the fact that this is mere stopgap legislation and not intended to be the last word of your committee on this subject.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time has expired.

Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMASON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 7037) to amend the Social Security Act and Internal Revenue Code, and for other purposes, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

House Resolution 348 was laid on the table.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. REED of New York asked and was given permission to extend as a part of the remarks he made in the Committee of the Whole a table on social security.

Mr. THOM asked and was given permission to extend his remarks in the RECORD and include an editorial from the St. Louis Post-Dispatch reviewing the record of the gentleman from Missouri, Mr. JOHN COCHRAN.

SPECIAL ORDER GRANTED

Mr. DE LACY. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes on Friday next, after disposition of business on the Speaker's desk and at the conclusion of any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

SPECIAL ORDER

The SPEAKER. Under special order previously granted by the House, the gentleman from Ohio [Mr. RAMEY] is recognized for 40 minutes.

Mr. RAMEY. Mr. Speaker, I ask unanimous consent that the special order granted me for today may be transferred to Wednesday, July 31.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. FLOOD] is recognized for 1 hour.

YALTA CONFERENCE

Mr. FLOOD. Mr. Speaker, at this time when millions of words recorded during the congressional investigation of the greatest military disaster our beloved United States has yet suffered—and I speak of the calamity of Pearl Harbor—at this time, when millions of recorded words of testimony presented to our committee investigating the circumstances of the Pearl Harbor disaster are being digested and the report has reached the Senate and the House and the world—at this time I wish to draw the attention of the Members of this House to another disaster we suffered during the war.

It is a disaster which, although it involved no immediate military losses, will bear upon the whole future of this country and of the entire world. I might call it "the diplomatic Pearl Harbor" were it not more than a diplomatic defeat for, in reality, it is a defeat of our policy and of our American principles and ideals fraught with danger for our entire future.

Mr. Speaker, I have in mind the event known as the Crimea Conference or the Conference at Yalta held in February 1944, on Soviet Russian territory in the summer resort of Yalta, on the Crimean Peninsula projecting into the Black Sea.

It is my intention today to prove that this conference, which brought together our late President, Franklin D. Roosevelt, the Prime Minister of Great Britain, Mr. Winston Churchill and the dictator of the Soviet Union, Marshal Joseph V. Stalin, placed upon the United States responsibilities which by far exceed all that this Nation can take if it wants to preserve a clear conscience, to maintain its prestige abroad and to safeguard its most vital interest of national security.

On March 1, 1945, we had the honor of listening in this very hall to President Franklin D. Roosevelt making a report on the Yalta Conference. At that time he disclosed to us, in adidtion to a press release which was published at the conclusion of the meeting, several details of different agreements and arrangements arrived at by the participants of the Big Three caucus. I call this conference a caucus because it was kept from the eyes and ears of the press, of the politicians, and no one in the whole world has ever been informed of what really went on in the sumptuous rooms of the Tsarist palace at Yalta.

On this March 1, 1945, we learned only a fraction, and a very small fraction only, of what was agreed upon and decided at the Crimea Conference. We did not like this fraction and the late President himself admitted that he did not like it. The tone of his speech was apologetic. He termed many of the Yalta decisions a "compromise" and particularly he referred to the decisions concerning our most faithful ally—Poland—as a "compromise." He said, "I did not agree with all of it by any means."

As time went on we learned more about the Crimea decisions. The more we learned about them the less we liked them. Our apprehension grew and we became more and more uneasy with each new disclosure.

We learned that in order to buy Russia's adhesion to the United Nations organization we had to give her three votes instead of one. By implication we thus recognized two Soviet Republics completely subservient to the Moscow Government—Soviet Ukraine and Soviet White Ruthenia—as independent states entitled to their own representation in the international organization. It was clear to everybody at that time, and it is still more clear today, that the two puppet republics as independent states meant only an increase of Soviet Russia's power within the United Nations. In fact, it means more, because by agreeing to treat these two Soviet republics as if they were independent states, we were in fact admitting a dangerous precedent of recognizing as independent and sovereign states countries bordering on Russia, governed by Soviet sponsored puppet governments and political police, which in reality are totally deprived of any vestige of independence and sovereignty.

Every American almost instinctively rejected this deal, but there appeared to be nothing we could do about it.

We were shocked again when it was disclosed that at Yalta it was agreed virtually to condone Soviet Russian looting and robbery of every country upon which Stalin's Red legions set their foot. We could do nothing about this calamity which will make European nations suffer for generations to come and there was nothing else for us to do but accept at Potsdam this other Yalta deal.

We were most profoundly shocked when we learned that at Yalta also the Soviet Russian Government was granted the right to annex the chain of the Kurile Islands and the southern half of the Sakhalin Peninsula. I want to stress, Mr. Speaker, that this permission has been granted to Russia in flat violation of our obligations toward another of our faithful allies, the Republic of China.

But more than that—the disposition of insular and peninsular territory in the Pacific, as provided by the Yalta agreement, constitutes a direct threat to our American security by the fact that it brings Russian military, naval, and air bases dangerously close to Alaska and to our northwestern Pacific Coast cities and establishments.

I purposely avoid further consideration of the military aspect of this issue, but I would like to hear about it from our military, naval, and air experts at a closed session of one of our House committees, and I am sure that their testimony will be startling to many of my colleagues who were not in a position to give this problem all the study it not only deserves, but requires.

Let us turn our eyes now toward Europe and let us face squarely the results of the Yalta Conference projected upon our own security and the security of the British Empire. Let us, however, look first and foremost at the terrible havoc which the Yalta decisions brought upon Europe—its nation, its culture, and its centuries-old ties with western Christian civilization.

Speaking at Fulton, Mo., a short time ago, Mr. Winston Churchill said that an iron curtain has fallen upon the eastern half of Europe and he specifically outlined where this iron curtain was placed. From Stettin in the north to Trieste in the south, a line has been drawn behind which Soviet Russia firmly established its totalitarian reign of terror. What Mr. Churchill did not say is that he is one of the coauthors of the Yalta agreements which have in fact drawn that line and which have in fact helped build this iron curtain behind which over a dozen Christian countries are locked in a mass prison called the Soviet sphere of security by people who deal in understatements.

It has been long agreed that the fate of Poland is the test case of our dealing with postwar problems.

I do not need to stress before this body Poland's record as a fighting member of the United Nations during the war. The magnificent resistance put up by the Poles to German aggression in 1939, the heroism of the Polish Army, Navy, and Air Force displayed in every campaign the United Nations had to fight in the war, and the truly fabulous deeds of Poland's underground home army, found recognition many times in this House. I cannot refrain, however, from mentioning that Poland was the only country of Europe which had no quisling, which has never collaborated with the Germans, and which paid the highest price for having stood on our side during the entire war. The graves of Polish soldiers in Norway, in France, at Tobruk in Africa, at Monte Cassino in Italy, in Normandy, in Belgium, in Hol-

land, and in Germany, alongside of the uncounted graves of victims of the German barbarism in Poland itself, and particularly the graves of the Polish fliers who saved Great Britain in 1940—these graves and not my words testify to the magnificent role played by the Polish Nation in this war.

It was Poland that President Roosevelt called the inspiration to liberty-loving people, and it was Poland that our friend, Frank C. Walker, then a member of President Roosevelt's Cabinet, publicly described as "the mother of the United Nations."

While the war lasted Poland's war effort was appreciated by all the United Nations and declarations of admiration and encouragement were heaped upon the Polish Nation. This noble nation took all the words it heard at their face value. The Poles believed in the sincerity of the words spoken and the pledges given to them on behalf of the United States.

And then came Yalta. Scrapping the Atlantic Charter and all provisions of international law, the agreement on Poland reached at Yalta made the United States a party to the deal which, first, incorporated into the Soviet Union 46 percent of Poland's territory; second, forcibly deprived the constitutional government of Poland of the possibility of performing its duties on the liberated territory of Poland; third, handed over the administration of Poland to a handful of puppets subservient to a foreign power; and fourth, unleashed the dreaded and vindictive Soviet secret police known as the NKVD.

Last fall members of a subcommittee appointed by the House Committee on Foreign Affairs went to Poland and submitted to us a most appalling report of conditions prevailing there. I wish at this point, Mr. Speaker, to quote briefly from a report made by my distinguished colleague, the gentleman from Illinois, Mr. THOMAS S. GORDON:

The Russian Occupation Army is behaving very badly. We saw their arrogance in taking advantage of the poor people (of Warsaw). We saw the nearby highways jammed with hundreds of heads of cattle, horses, and farming implements being taken out of Poland by the Russians. Pillaging of the shops on the streets was going on most freely, and the snatching of purses from Polish women is a daily occurrence. There is also wholesale raping of Polish women. When resistance is offered, the Russian soldiers kill. The Poles do not speak openly about their troubles. They whisper in one another's ears. Public meetings are run and controlled by the Communists and there is no free discussion in the press, despite the fact that newspapers are numerous. There is a very strict censorship. There is no self-rule anywhere—even in the villages. All officials are appointed by the government. Any reported anti-Soviet talk subjects one to immediate arrest and a word uttered against Stalin is fatal. There is the general belief that 90 percent of the population are against the present dictatorship.

I wish to quote also briefly at this time from a report submitted officially to our military authorities by a lieutenant colonel of the United States Army, attached to General Eisenhower's headquarters in Frankfurt-on-the-Main in Germany. This officer traveled extensively all over Poland in his official capacity and I wish to read a few passages of his report:

The liberation of Poland by Russian armies brought with it pillage, loot, rape, mass arrests, executions and deportations. The first phase of this—the inexpert handling—died down, only to be replaced by the dreaded systematic NKVD (Russian gestapo) methods. Now only leaders of every category are arrested and executed. Those deported are deprived of their Polish identification and given German papers on their trip eastward. The Russians are moving all machinery and rolling stock eastward. Farm tractors and farm horses are confiscated and moved to Russia. Large estates are divided up into tracts of approximately 12 acres and given to former farm laborers, but no implements with which to improve that land are given the new owners, compelling them to conclude that those 12 acres are not their private property but part of collectivism.

While there is a considerable movement of Russian armies eastward, Poland contains a very large Russian army. But the worst factor of this army of "liberation" is that large elements of it are being demobilized in Poland and the individuals given Polish citizenship, creating for the future either a troublemaking minority or flooding the country with NKVD members.

* * * There is no self-rule anywhere, even in villages and small towns. All officials are appointed by the government, who regardless of political party affiliation must take oath of loyalty to the government and to Russia. The actual ruler of Poland is the Soviet Ambassador sitting in Warsaw.

The name of the officer who is the author of this report is known to me, but I am not at liberty to use it at this time.

I may, however, use the name of another eye-witness of conditions prevailing in Poland, and he is Mr. Ivan H. (Cy) Peterman, a very able and responsible newspaperman who recently published in the Philadelphia Inquirer a series of articles on Poland. With your permission I want to quote again from one of his articles the following brief passages:

Among all the countries Hitler conquered, Poland may have suffered most. Of its 35,000,000 people, at least 7,000,000 were exterminated, killed in battle, in the resistance, worked to death as slaves impressed into Nazi divisions, tortured in concentration camps.

The capital Warsaw, is 90 percent destroyed. The Warsaw ghetto massacre constitutes the sadistic low in the Nazi book of crimes. Poland's clergy, its Jewry, its landed class and its peasants have in turn suffered, lost their property, died.

The persecution of Poland began with the September march of the panzers, increased with their 1945 rout by the Russians, continues under the Red-garrisoned occupation beside a puppet Polish provisional government of Charley McCarthys for Stalin.

But the territorial losses, the degradation of its populace and the mass suffering of World War II are not the end of Poland's tragedy. Today of all the liberated nations in Europe, least happy, least settled, least liberated, in fact, is Poland.

Why should this be? Why has one of Europe's oldest, bravest, most patient peoples been kicked around both by enemy and ally?

Why, with friends like Great Britain, France, and America, must Poland live amid a terror little different in some areas from that which its wartime underground resisted? Why, during December-January just passed, were approximately a million Poles, including many of the surviving Jews, thrust from their homes, cast adrift, and pushed toward the Anglo-American zones of occupation? Why did the Poles have to make room for a million homeless Russians?

The answer is again twofold: Realistic Russianism, and Anglo-American appeasement. Nobody has been able or willing to say "No!" to the Soviets. They've done as they wished with helpless Poland.

Following the imperialistic tradition of the Czarist regime, the power-conscious Soviets let position and possession dictate policy toward neighboring lands.

All this is a direct result of the agreements reached at the Yalta Conference. It was there that we disclaimed all ties and obligations with and toward the constitutional Polish government-in-exile under whose leadership the Polish Nation fought in the war on our side, the constitutional legality of which our Government had fully recognized and which had been represented here in Washington throughout the war by its duly appointed Ambassador accredited to our President. It was that Government which continued Poland's gallant fight after the initial Polish defeat in 1939. It was that Government which, despite German and Soviet hindrance and with Anglo-American blessing smuggled out of Poland thousands of young Poles, trained them as parachutists, tankers, infantrymen, and the hottest fighters of the Royal Air Force. It was that Polish Government which kept in constant touch with the Polish underground, which provided us with most valuable information about the situation behind the German fronts, which directed all the sabotage, thus helping the Soviet Russian armies in their drive westward. It was under the guidance of that Polish constitutional government that the heroes of the Polish underground fought for 63 days in the Battle of Warsaw, tying up considerable German forces and thus helping once again the Russian offensive.

It is true that President Roosevelt wanted this Government to participate in the formation of a new government in liberated Poland. Some of the members of that Polish Government who spent the entire war in Poland miraculously performing their duties as an underground cabinet, agreed to reveal themselves to the Russian authorities in the hope of coming to terms. They revealed themselves with full knowledge of our own and British authorities but they were caught in a trap and were shipped to Moscow where one of the typical Bolshevik show trials was arranged at which they were sentenced and put in prison. Our Secretary of State, Mr. Stettinius, and the British Secretary of Foreign Affairs, Mr. Eden, raised their voices at the San Francisco Conference on behalf of these true leaders of the Polish Nation, but soon we abandoned their case. The late Harry Hopkins, accompanied by a minor official of our State Department, Mr. Charles E. Bohlen, went to Moscow and promptly agreed to the creation of a government which all available evidence describes as a group of Moscow-trained Communist agents, Soviet citizens, adventurers, and social engineers who, with Mr. Hopkins' and Mr. Bohlen's blessing embarked on the adventure of sovietizing Poland.

The Yalta agreement kept our hands tied. There was nothing we could do at that time and we had to recognize this hand-picked group of foreign agents as a government of Poland. No shame was spared us, and the President of the United States had a most unpleasant duty to perform: At the White House he had to accept credentials from a man posing as the Ambassador of Poland, a man who only 2 years earlier disclaimed all allegiance to foreign princes and potentates and took the oath of allegiance to the United States, accepting the high honor of becoming a citizen in our country. It is the same man who, while a citizen of the United States, traveled to Moscow, went into a huddle with Joseph V. Stalin and emerged as a champion of the cause of enslavement of his former country by a foreign country. I do not want to mention his name speaking before this distinguished body. But I want to say this, the acceptance of the appointment of a naturalized American citizen as ambassador of a foreign country is unique in our history, and, in my opinion, Soviet Russia purposely selected him in order to humiliate us and to prove to the world that Americans would take anything.

Having thus delivered Poland into the hands of its oppressors, and having our hands tied by the secret deals made at Yalta, we are now witnessing the onward march of Soviet Russian forces and making only a few futile gestures of dissatisfaction, and we have to accept the virtual incorporation into Russia of states like Yugoslavia, Rumania, Hungary, Bulgaria, Austria, Finland, Lithuania, Latvia, and Estonia.

It seems indeed superfluous to repeat what every honest American newspaperman who had the opportunity of visiting Europe recently is saying to his readers: Our prestige among European nations has sunk below any mentionable level. But our material losses are equally appalling. Over 160,000,000 slave workers have been added to the Soviet state-controlled economy. I want at this point to draw the attention of the House to a magnificent report, No. 1527, submitted to the House on February 7, 1946, by our Special Committee on Postwar Economic Policy and Planning, headed by the distinguished gentleman from Mississippi, Mr. WILLIAM M. COLMER. This report analyzes—on page 37 and subsequent—the economic meaning of the acquisition by Russia of tremendous new resources of manpower, raw materials, industrial equipment, and so forth. It is clear that both free world trade and our American ability to trade freely our raw materials and our manufactured goods have been endangered by the situation created in Europe, and every American worker, wage earner, and businessman, as well as our industry, will feel the most dangerous impact of Soviet economy enriched by blood and sweat of the enslaved nations—very soon.

The American people rightly shudder when they look today at the results of our "Second Pearl Harbor," as the Yalta disaster has rightly been termed, and I think, Mr. Speaker, that it is within our responsibility to the American people to:

First. Try to find remedies in order to save American prestige, American interests, and American security, all three greatly endangered as a result of the Crimea Conference.

Recently several authoritative voices were raised expressing grave apprehensions which the American people have about Yalta. The leading newspaper, the Washington Post, had an editorial, and I wish to quote its most pertinent passages:

It is clear from the revelation of the secret Yalta agreement to give the whole of the Kuriles to the Russians that Mr. Roosevelt proceeded to the Crimea in January 1945, not only a sick man but also with an imperfect grasp of the situation in the Pacific. Perhaps the sickness and the lack of grasp went together. At any rate, Mr. Roosevelt seems to have labored under two misapprehensions. One was that the struggle with Japan would be protracted, and the other was that, either because of the prospect of a long conflict with Japan or because of uncertainty about Russia, it was necessary to buy Russia's entry. The misapprehensions combined to make the conference at Yalta a monumental blunder.

* * * It looks as if the President was neither as well served in the Pacific nor so well equipped to evaluate or to understand the forces in operation. * * *

* * * The blunder at Yalta shows that the President counted on the long and sanguinary struggle for which the American people were prepared.

* * * Evidently, however, the conferees at Yalta sought to persuade the Russians to come in, the price being all the Kuriles and two extra seats for the Ukraine and White Russia respectively in the United Nations. In return the United States got a mess of pottage in the form of promises of a democratic eastern Europe and a frontier line in Poland which never materialized. The clumsiness and mistake of the Yalta proceedings yielded nothing but unnecessary headache over eastern Europe, a legacy of trouble at San Francisco, and the jeopardization of a sensible and cooperative trusteeship system in the Pacific. It was a tragedy for the United States that Mr. Roosevelt was sick at Yalta and his advisers asleep.

A man best qualified to tell us about the secrets of the war, Maj. Gen. William H. Donovan, former head of the Office of Strategic Services, said publicly in New York City on February 28, that—and I quote him:

At the time of the Yalta Conference it had been estimated that in Manchuria, Japan had its Kwantung Army, highly trained and well led. * * * It may not be known that the American forces in China had been forbidden to send intelligence agents into that area either openly or clandestinely. The bargain struck at Yalta with the Soviet Union in return for her entry against Japan was based upon the estimate of the Kwantung Army in the absence of intelligence reports.

In truth, the Kwantung Army had been largely depleted by the transfer of most of its strength to the Philippines and Okinawa. So that in Manchuria there was a far weaker force than had been previously reported which offered little or no resistance to the Russian troops.

Did we pay Russia too much for the risk and sacrifice she made?

* * * There was an impression among many Americans, rightly or wrongly, that at a critical moment in the war we were so fearful—unjustifiably as it now appears—that Russia would lessen in its resistance to Germany that we went on our knees, and Russia has kept us there ever since.

That is not a very self-respecting posture for any nation. * * * And the sooner the people of this country are made certain we are squarely on our feet the better it will be for ourselves, for the Soviet Union, and for the world.

Mr. Speaker, the time has come to find out who is responsible for the fact that the United States has been dealing on its knees with Soviet Russia. Mr. Speaker, I take the liberty of introducing to the House the following resolution:

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a special committee of investigation of the circumstances, proceedings, and results of the Crimea Conference.

(1) It shall be the duty of the special committee to conduct a comprehensive study of all phases of the preparation, conduct, and execution of the agreements reached at the Crimea Conference, and particularly of agreements dealing with rights of foreign countries, territorial changes, and changes in existing obligations of the United States toward foreign countries.

(2) For the purpose of carrying out this resolution a special committee or any subcommittee thereof is authorized to sit and act during the present Congress at such times and places within or outside the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony as it deems necessary. Subpenas may be issued over the signature of the chairman of the special committee or any member designated by him, and may be served by any person designated by such chairman or member.

(3) The findings and recommendations of the special committee shall be embodied in a report to the House (or to the Clerk of the House if the House is not in session).

(4) The first interim report of the special committee should be made within 60 days after the date of passage of this resolution and the final report should be made on or before December 31, 1946.

This desperate situation in Poland continues. Now the much discussed referendum has been held. If it were not so tragic I would call it a farce. Why do I speak? What concern is it of a Member of the House of Representatives of the United States Congress? Ah, Mr. Speaker, who should be more concerned than a Member of this House? Every fiber in my being cries out against this shameful treatment of Poland and at every opportunity I shall keep this matter before the Congress and the American people.

So now we have the latest scene played in this fantastic pageant of current history.

Vice Premier Stanislaw Mikolajczyk has charged in an address that the Warsaw regime was trying to destroy his Polish Peasant Party through force, armed bands and secret police.

Mikolajczyk, who formerly was premier of the Polish Government in exile, spoke before the general council of his party, but the text has not been published here because of censorship.

He declared that the government railroaded the June 30 referendum, charging that Peasant Party members were rejected as polling clerks in all but 3 of Poland's 17 provinces.

The vice premier charged that the government was using secret police to

plant evidence purporting to show the Polish Peasant Party was linked with terrorist bands.

"This is nothing but a political fight which tries to make our work impossible and perhaps wipe us off the face of the earth," Mikolajczyk said.

He declared that instructions had been issued that Polish citizens of German descent and even Germans be supplied with counterfeit Peasant Party memberships "so that it will be possible to say after the referendum that our party is not only antidemocratic but pro-German."

"The breaking up of our party is to be accomplished through the citizens militia reserve organization, special courts, and through gangs," he said, adding that gangs were often recruited from the Communist-backed Workers' Party and outcast Poles of German descent.

The peasant leader charged that the recent action of the security police in padlocking and suspending activities of six peasant district headquarters violated the 1921 constitution. He questioned the legality of the government's formation of the reserve militia, which had placed guns in the hands of 30,000 in the last 60 days.

"There are those who ask what we the unarmed can do, although there are millions of us, when brutal force attacks us?" he said. "I told Gomulko, the Workers' Party leader: 'You will not be able to break the freedom of every person in Poland.'"

He predicted the 50-year-old party would continue, despite threats.

Mikolajczyk said Stanislaw Radzkiewicz, minister of public security, admitted in parliament that his own secret-police organization contained armed bandits from the forest.

Diplomatic informants tell me that political conditions in Poland are approaching a critical, perhaps explosive point. Terrorism is widespread and the possibility of a bloody upheaval is not discounted.

The State Department, as the latest in a series of moves reflecting concern over the situation, has asked Ambassador Arthur Bliss Lane at Warsaw for a full report on action of the Polish Government in closing six district offices of the Polish Peasant Party in the last 6 weeks.

The Peasant Party is the political support of Vice Premier Stanislaw Mikolajczyk, who is a member of the Communist-dominated coalition government because the United States and Britain insisted that he should be there. Russia, on the other hand, backs in general the other members of the government.

Poland had the trick referendum June 30 on a Communist-supported proposal to create a unicameral legislature. Mikolajczyk fought this change.

Next fall Mikolajczyk's power will be directly at issue in general elections.

Whatever happens in Poland is certain to be of direct concern to the United States, Britain, and Russia. London and Washington are particularly interested in seeing that Mikolajczyk's power is not smashed by repressive police measures deliberately designed to wreck his leadership.

There are in the country an estimated 350,000 Russian troops, officially to protect supply lines to the Soviet zone in Germany. There is a small but powerful underground army known as the "NSZ" which has a disciplined force of an estimated 50,000 or more. There are uncounted hundreds if not thousands of ordinary bandits of no political significance.

Officials here contend that popular political thinking in Poland is against the government, that the Peasant Party could carry a free election without difficulty and that all the anti-government elements try to attach themselves to the Peasant movement.

Thus, they say, Mikolajczyk may find himself backed by persons whose support is not solicited and with whom he has no direct connection.

Yet if the government is seriously trying to break him it could use any evidence of such backing for that purpose. Ambassador Lane's job evidently is to find out just what is the Warsaw government's purpose.

The communiqué of the Potsdam Conference, signed by Premier Stalin, President Truman, and Prime Minister Attlee, declared:

> The three powers note that the Polish Provisional Government, in accordance with the decisions of the Crimea Conference, has agreed to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot, in which all democratic and anti-Nazi parties shall have the right to take part and put forward candidates.

Eleven months have passed since Potsdam, and no Polish elections have been held. Instead the Communist-dominated Provisional Government has just staged a national referendum which was conceived in fraud, carried through under terror, and is therefore productive of fraudulent results. Created by alien Polish people, and afraid to submit itself to their judgment, the Provisional Government has sought to gain strength by appealing to both national and individual greed sharpened by the national and individual losses of the war.

In this referendum the government asked approval of the extension of Poland's western frontier to include all the German territory placed at Potsdam under Polish administration, though international frontiers obviously cannot be fixed by national plebiscites. It asked approval of the nationalization of industry and the partition of larger farms into subsistence lots which, as in the early stages of the Russian revolution, promises land to landless peasants but is merely the sure preliminary to ultimate collectivization. Finally, it asked approval of something which would permit the Communists to maneuver themselves into permanent control of the country—a proposal which the French people voted down for that reason.

Fortunately, the Provisional Government could not evade one part of its Potsdam pledge: it had to admit representatives of the allied press who have told the truth about this referendum. And the truth, concurred in by correspondents most favorably disposed toward leftist regimes, is that while the vote itself took place without excessive violence, nevertheless the referendum itself was a farce and a sham. The electorate had been terrorized by the security police, against whose brutality the American and British Governments protested. The Peasant Party, representing the majority of the Polish people, had been virtually suppressed, many of its leaders arrested, and its campaign inhibited by strong-arm methods. Finally, the government's own henchmen took charge of most polling places.

The Government could not lose. Yet in the larger sense the Government has already lost, irrespective of the vote, for it has lost in the confidence of the Polish people and of the outside world.

This is all part of the general picture of a country in a state of simmering revolt. Opposition to the hand-picked, Communist-controlled regime is so fierce that despite the suppression of its newspapers and the arrests and disqualification of many of its candidates, the Peasant Party polled 40 percent of the vote in the recent election. The strongest indictment of the repressive and unpopular character of the Government is that so much of the opposition has been forced to go underground. Today the Poles are caught in the dilemma of all countries on the Soviet border. If they elect the kind of government which reliable reports indicate they want, the present four-party front, backed by Moscow, will resist its assumption of power. And if there is resistance from the other side, Russia will certainly intervene and the people will lose the nominal independence they now possess.

The choice is to be or not to be—to settle for a modicum of self-rule or to risk subjugation—and encouraging words from the western powers cannot change the situation. It becomes more and more apparent, indeed, that the only hope of solution for every problem of this kind lies in perseverance against every set-back in building up the international structure which will render "cordons sanitaires" absurd and guarantee security and freedom to nations in every neighborhood of the world.

Despite the referendum returns counted by and announced by the governmental majority composed of four Leftist parties, Stanislaw Mikolajczyk's Peasant Party leaders are still confident that they would get an overwhelming majority in the parliamentary elections this fall if the vote should be free and unfettered and the counting honest.

In any event Poland's course in the next few months is not an easy one and is one that requires the continuing and closest study of all available evidence.

Some persons say there is very little actual Soviet interference in its conduct of Bierut government. That is because the Russians do not have to intervene—they are well satisfied with President Boleslaw Bierut, Premier Edward B. Osubka-Morawski, Vice Premier Wladyslaw Gomutka, Marshal Michal Rola-Zymerski and Industry Minister Hilary Minc, who are loyal followers of the Moscow line.

On Mr. Mikolajczyk's part, he asserts he is not unfriendly to the Soviet Union and is willing to cooperate with it as

well as Britain and the United States for the future peace and prosperity of Poland, Europe, and the whole world.

In government quarters there is increasing criticism of the United States and British policy favoring Mr. Mikolajczyk.

Sources close to Stanislaw Mikolajczyk, Agriculture Minister and leader of the opposition, asserted today that he might ask Russia, the United States, and Britain to supervise the Polish parliamentary elections scheduled for November, unless the present electoral laws were basically amended to prevent a repetition of the experience in the referendum which, he said, was a fraud.

As outlined, Mr. Mikolajczyk's first strategy will be a vigorous campaign to amend the present law so as to insure that his party will have representation at each voting and counting place—which it did not have in the referendum—so that candidates and election commissioners will receive immunity from the security police, and that internal censorship of the Polish press and the ban on political meetings be relaxed so as to insure that the Polish Peasant Party program shall be put before the populace on an equal opportunity with the left-wing bloc that controls the present government.

If better election laws are denied and international supervision is refused, it is not unlikely that Mikolajczyk and his party will refuse to put up candidates for parliament and will boycott the election itself.

As Mr. Mikolajczyk sees it, this is a step to be taken only as a last alternative because the Polish people must not lose faith in orderly democratic balloting as a way to settle a political quarrel. If they do, he fears civil war.

These few weeks must decide whether Poland is to be a genuine democracy, with the people receiving the free right to choose their own leaders, or whether it will continue to be ruled by one party.

The proposal for Anglo-Soviet-American election supervision is justified on the grounds that they were the three parties to the Yalta and Potsdam agreements, in which free and unfettered elections were promised, and they all have equal responsibility with the present interim, nonelected Polish Government to insure to the Polish people that such an undertaking will be carried out.

Mr. Speaker, all during this session of the Seventy-ninth Congress, which will go down into history known as the Victory Congress, I have been the spokesman for the brave people of the true Poland and of their millions of friends in the United States, in whose veins flows the proud blood of Polish ancestry. I felt that coming from one who is not of Polish blood, these pleas and these arguments of mine would receive closer and more widespread attention since they could not be branded as prejudice. I speak only from the bottom of my heart, because of my deep concern in behalf of downtrodden peoples and minority groups everywhere. But, Mr. Speaker, I was born and raised in the hard-coal fields of Pennsylvania, in the County of Luzerne, with men and women of Polish ancestry as my friends, schoolmates, and neighbors since childhood. I know how deep in their hearts is the deep and abiding love and affection for the land of their ancestors, which is exceeded only by their great patriotism as 100-percent American citizens.

A great injustice has been done to Poland. A great injustice has been done to these Americans of Polish ancestry. I know how they think and I know how they feel. They are sad and disillusioned and becoming bitter. I do not dwell upon the horrors that occurred in Poland—words cannot describe the full extent of those tragic events. But as an American citizen and as a Member of this honorable body, I feel that this is the proper forum to use, for this is the sounding board of the last great democratic and free assemblage on earth. Where, if not here, can I plead the cause of Poland and the cause of the "four freedoms" and the rights of man.

Mr. Speaker, may I paraphrase the words eloquently spoken in behalf of another much abused people and let me say—if I were a sculptor I would chisel from the marble my ideal of a hero. I would make it a Pole sacrificing his life and his liberty upon the altar of his homeland. If I were a poet I would melt the world to tears with the pathos of my song; I would wring the heart of humanity with my sad and mournful tale. But if I were a painter, ah, Mr. Speaker, I would make the canvas eloquent with the deeds of as brave a race as ever lived, whose proud spirit no power can ever conquer; and whose loyalty and devotion to the hopes and dreams of a free and independent government no tyrant can ever crush; and I would call that picture "Poland."

EXTENSION OF REMARKS

Mr. MURRAY of Wisconsin asked and was given permission to extend his remarks in the RECORD.

ADJOURNMENT

Mr. RABIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House, under its previous order, adjourned until tomorrow, Thursday, July 25, 1946, at 10 o'clock a. m.

COMMITTEE HEARINGS

COMMITTEE ON BANKING AND CURRENCY

The Banking and Currency Committee will begin hearings on House Joint Resolution 341, to extend the succession, lending powers, and functions of the Reconstruction Corporation, at 10:30 a. m., Thursday, July 25, 1946, in the Banking and Currency Committee room, room 1301, New House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1475. A letter from the Secretary of State, transmitting a draft of a proposed amendment to the International Organizations Immunities Act, approved December 29, 1945; to the Committee on Ways and Means.

1476. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1947 in the amount of $265,000 for the War Department for the Alaska communication system (H. Doc. No. 715); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KEOGH: Committee on Revision of the Laws. H. R. 7124. A bill to revise, codify, and enact into law title 28 of the United States Code entitled "Judicial Code and Judiciary" with amendments (Rept. No. 2646). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'TOOLE: Committee on the Library. Senate Joint Resolution 153. Joint resolution providing for the comprehensive observance of the bicentennial of John Paul Jones; without amendment (Rept. No. 2647). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLMES of Massachusetts: Committee on Interstate and Foreign Commerce. S. 2036. An act granting the consent of Congress to the State of Rhode Island to construct, maintain, and operate a free highway bridge across the Sakonnet River between the towns of Tiverton and Portsmouth in Newport County, R. I.; without amendment (Rept. No. 2648). Referred to the House Calendar.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. S. 2310. An act to further extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark.; without amendment (Rept. No. 2649). Referred to the House Calendar.

Mr. BROWN of Ohio: Committee on Interstate and Foreign Commerce. H. R. 6899. A bill to authorize the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge, or a free bridge, across the Ohio River at or near Lawrenceburg, Dearborn County, Ind.; without amendment (Rept. No. 2650). Referred to the House Calendar.

Mr. CHAPMAN: Committee on Interstate and Foreign Commerce. H. R. 6953. A bill authorizing the city of East St. Louis, Ill., its successors and assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near a point between Delmar Boulevard and Cole Avenue in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.; with amendments (Rept. No. 2651). Referred to the House Calendar.

Mr. CROSSER: Committee on Interstate and Foreign Commerce. H. R. 7030. A bill granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Allegheny River, between a point in or near the borough Tarentum, in the county of Allegheny, and a point near the boundary of the city of New Kensington and Lower Burrel Township in Westmoreland County in the Commonwealth of Pennsylvania; without amendment (Rept. No. 2652). Referred to the House Calendar.

Mr. CHAPMAN: Committee on Interstate and Foreign Commerce. H. R. 7046. A bill to revive and reenact the act entitled "An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.," approved May 18, 1928; with amendments (Rept. No. 2653). Referred to the House Calendar.

Mr. CHAPMAN: Committee on Interstate and Foreign Commerce. H. R. 7109. A bill to amend section 6 of Public Law No. 516 of Seventy-ninth Congress, approved July 16, 1946; with amendments (Rept. No. 2654). Referred to the House Calendar.

Mr. MANASCO: Committee on Public Buildings and Grounds. S. 2085. An act to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended, to authorize the Federal Works Administrator to provide needed educational facilities, other than housing, to educational institutions furnishing courses of training or education to persons under title II of the Servicemen's Readjustment Act of 1944, as amended; with amendments (Rept. No. 2657). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARDEN: Committee on Education. S. 619. An act to amend the act of June 8, 1936, relating to vocational education, so as to provide for the further development of vocational education in the several States and Territories; with amendment (Rept. No. 2658). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KEOGH: Committee on Claims. H. R. 6683. A bill for the relief of Agricultural Insurance Co., and others; with amendments (Rept. No. 2655). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 6112. A bill for the relief of Petrol Corp.; without amendment (Rept. No. 2656). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. O'BRIEN of Michigan:

H. R. 7120. A bill to amend the act of July 6, 1945, relating to the classification and compensation of employees of the postal service, so as to provide proper compensation to supervisors in the largest post offices and in other postal services; to the Committee on the Post Office and Post Roads.

By Mr. PLUMLEY (by request):

H. R. 7121. A bill to provide gold-star medals for widows and parents of members of the armed forces who lost their lives in World War II; to the Committee on Military Affairs.

By Mr. WHITE:

H. R. 7122. A bill relating to the application of State grazing and fencing laws with respect to public lands; to the Committee on the Public Lands.

By Mr. LaFOLLETTE:

H. R. 7123. A bill to promote the general welfare of the people of the United States by establishing a publicly supported labor extension program for wage and salary earners, and for other purposes; to the Committee on Labor.

By Mr. HAGEN:

H. R. 7125. A bill providing direct Federal old-age assistance at the rate of $60 per month to needy citizens 60 years of age or over; to the Committee on Ways and Means.

By Mr. HEALY:

H. R. 7126. A bill to amend section 2 of the act of July 16, 1946 (Public Law 514, 79th Cong.), relating to the establishment and operation in the District of Columbia of nurseries and nursery schools, so as to permit payment of compensation for services rendered after June 30, 1946, and prior to the enactment of such act; to the Committee on the District of Columbia.

By Mr. PITTENGER:

H. R. 7127. A bill to provide a preference for veterans in the purchase of new automobiles; to the Committee on World War Veterans' Legislation.

By Mr. FARRINGTON:

H. R. 7128. A bill to remove the racial restrictions upon naturalization and to amend the immigration laws, and for other purposes; to the Committee on Immigration and Naturalization.

By M . CLASON:

H. R. 7129. A bill to provide certain benefits for civilian flying instructors of personnel for the armed forces in World War II; to the Committee on Military Affairs.

By Mr. RANKIN:

H. R. 7130. A bill to authorize the Veterans' Administration to reimburse State and local agencies for expenses incurred in rendering services in connection with the administration of certain training programs for veterans, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mrs. ROGERS of Massachusetts:

H. R. 7131. A bill to enable veterans pursuing courses of vocational rehabilitation or courses of education and training under the Servicemen's Readjustment Act, as amended, to obtain medical and dental care and treatment from the Veterans' Administration while pursuing such courses; to the Committee on World War Veterans' Legislation.

By Mr. JACKSON:

H. R. 7132. A bill to promote the general welfare of the people of the United States by establishing a publicly supported labor extension program for wage and salary earners, and for other purposes; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENDER:

H. R. 7133. A bill for the relief of Raul Pereira Dias; to the Committee on Immigration and Naturalization.

H. R. 7134. A bill for the relief of Manuel Leite Silva Brandao; to the Committee on Immigration and Naturalization.

H. R. 7135. A bill for the relief of Agostinho Pereira de Souza; to the Committee on Immigration and Naturalization.

H. R. 7136. A bill for the relief of Cipriano Margues Fraqueia; to the Committee on Immigration and Naturalization.

H. R. 7137. A bill for the relief of Joao Maria Garganta; to the Committee on Immigration and Naturalization.

By Mr. ROE of Maryland:

H. R. 7138. A bill for the relief of Fred O. Greenwood; to the Committee on Claims.

By Mr. WASIELEWSKI (by request):

H. R. 7139. A bill for the relief of Harry Emanuel Varelakis; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2122. By Mr. COLE of Missouri: Petition of Mrs. O. B. Salisbury and 51 other citizens of Stewartsville, Clarksdale, and Easton, Mo., to pass the Voorhis resolution (H. J. Res. 325), which provides that as long as famine conditions exist no grain shall be allowed for the manufacture of liquor or other nonessential purposes; to the Committee on Agriculture.

2123. By Mr. HANCOCK: Petition of Mrs. Genevieve J. Spadaro and other residents of Onondaga County, N. Y., protesting against the reduction in the amount of grain allocated to the brewing industry; to the Committee on Agriculture.

SENATE

THURSDAY, JULY 25, 1946

(Legislative day of Friday, July 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. C. Leslie Glenn, D. D., rector, St. John's Episcopal Church, Washington, D. C., offered the following prayer:

Most gracious God, we humbly beseech Thee, as for the people of these United States in general, so especially for their Senate in Congress assembled, that Thou wouldst be pleased to direct and prosper all their consultations, to the advancement of Thy glory; the good of Thy church; the safety, honor, and welfare of Thy people; that all things may be so ordered and settled by their endeavors, upon the best and surest foundations that peace and happiness, truth and justice, religion and piety may be established among us for all generations.

These and all other necessaries, for them, for us, and Thy whole church, we humbly beg in the name and mediation of Jesus Christ, our most blessed Lord and Saviour. Amen.

THE JOURNAL

On request of Mr. GEORGE, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, July 24, 1946, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on July 24, 1946, the President had approved and signed the following acts:

S. 141. An act to clarify the law relating to the filling of the first vacancy occurring in the office of district judge for the eastern district of Pennsylvania, and to provide for the appointment of an additional United States district judge for the eastern, middle, and western districts of Pennsylvania;

S. 661. An act for the relief of Harold H. Rhodes;

S. 706. An act to amend Veterans Regulation No. 9 (a), as amended, so as to increase the limit of amounts payable thereunder in connection with the funeral and burial of deceased veterans;

S. 1801. An act authorizing the appointment of an additional judge for the district of Delaware; and

S. 2291. An act to authorize the Secretary of the Navy to transfer a vessel to the American Antarctic Association, Inc.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed a bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, in which it requested the concurrence of the Senate.

CLAIM OF STEPHEN S. PLAUT AND EDITH ANDERSON

The PRESIDENT pro tempore laid before the Senate a letter from the Administrator of the National Housing Agency, transmitting a draft of proposed

legislation for the relief of Stephen S. Plaut and Edith Anderson, which, with the accompanying paper, was referred to the Committee on Claims.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the National Retail Credit Association in annual conference assembled at Cleveland, Ohio, praying for the enactment of House bill 2647, providing for reduction in first-class mail for local delivery to 2 cents; to the Committee on Post Offices and Post Roads.

By Mr. CAPPER:

A petition of sundry citizens of Millington, Md., praying for the enactment of Senate bill 599, to prohibit the advertising of alcoholic beverages in periodicals and newspapers and over the radio; to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McMAHON, from the Committee on Claims:

H. R. 1002. A bill for the relief of Marvin Sachwitz; without amendment (Rept. No. 1833).

By Mr. HAYDEN (for Mr. McKELLAR) from the Committee on Post Offices and Post Roads:

H. R. 5560. A bill to fix the rate of postage on domestic air mail, and for other purposes; without amendment (Rept. No. 1834).

By Mr. THOMAS of Utah:

From the Committee on Military Affairs:

H. R. 3944. A bill authorizing the President of the United States to award a special medal to General of the Armies of the United States John J. Pershing; without amendment (Rept. No. 1832).

From the Committee on Foreign Relations:

S. Res. 196. Resolution proposing acceptance of compulsory jurisdiction of International Court of Justice by United States Government; with an amendment (Rept. No. 1835).

By Mr. O'DANIEL, from the Committee on Claims:

H. R. 2480. A bill for the relief of Wesley A. Mangeisdorf; with an amendment (Rept. No. 1836).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MEAD:

S. 2478. A bill to amend section 22, subdivision (b), paragraph (2), of subparagraph (B) of the Internal Revenue Code; to the Committee on Finance.

By Mr. BILBO:

S. 2479. A bill to amend the act entitled "An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925; to the Committee on the District of Columbia.

(Mr. HUFFMAN introduced Senate bill (S. 2480) authorizing the appointment of Robert Sprague Beightler as permanent brigadier general of the line of the Regular Army, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

AMENDMENT OF SOCIAL SECURITY ACT AND INTERNAL REVENUE CODE—AMENDMENTS

Mr. DOWNEY (for himself, Mr. O'MAHONEY, Mr. MURDOCK, Mr. MAGNUSON, and Mr. MITCHELL) submitted amendments intended to be proposed by them, jointly, to the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

PROMOTION OF CONSERVATION OF WILDLIFE, FISH, AND GAME—AMENDMENT

Mr. OVERTON submitted an amendment intended to be proposed by him to the bill (H. R. 6097) to amend the act of March 10, 1934, entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes," which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

AMENDMENT OF SOCIAL SECURITY ACT AND INTERNAL REVENUE CODE—AMENDMENT

Mr. PEPPER. Mr. President, I ask unanimous consent to submit for reference to the Committee on Finance an amendment intended to be proposed by me to the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, and I request that an explanatory statement of the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the amendment will be received and referred to the Committee on Finance, and the explanatory statement will be printed in the RECORD.

The explanatory statement is as follows:

EXPLANATION OF PROPOSED AMENDMENT TO H. R. 7037

TITLE VI. INCREASE IN AMOUNT OF INSURANCE BENEFITS

The amendment adding a new title VI to the bill increases the primary Federal old-age and survivors' insurance benefits under title II of the Social Security Act by an average of about $7 or $8 per month.

At the present time these insurance benefits average about $24 a month for an aged retired worker, $38 for a retired worker and wife, $20 for a widow, and $13 for a child.

The basis for computing these amounts was established in the law in 1939. Although the cost of living has incresed at least 40 to 50 percent since then, the insurance benefits have not been increased.

The amendment increases the average primary benefit of $24 a month by about $8, or one-third. The other benefits are increased proportionately.

Under the present law, the primary benefit is calculated by taking 40 percent of a person's average monthly wage up to $50 per month and 10 percent of the next $200 of average monthly wage. The amendment increases the benefit by allowing the full 40 percent on the first $75 instead of only $50. All other provisions in the law remain as they are now.

This amendment has been recommended by the Social Security Administration. Since the wages upon which contributions are paid under the insurance system have increased since 1939, there would be no relative increase in cost by this amendment based upon the 1939 actuarial estimates.

Under title V of the bill, provision is made for increasing the maximum payment for assistance to the aged, upon which Federal funds are available, from $40 to $50 a month. In this connection it should be noted that assistance payments to the aged have increased over 60 percent since 1939 while the insurance payments have not been increased.

It would seem only just to take account of these facts and increase the insurance benefits by the modest amount provided in the amendment.

TITLE VII. TOTAL DISABILITY INSURANCE BENEFITS

Title VII provides insurance benefits for total permanent disability under title II of the Social Security Act. The payment of such benefits would remove an anomaly in the existing old-age and survivors' insurance program. Benefits are now paid when the family's income is discontinued owing to the breadwinner's death or retirement after age 65, but not when the loss of wages is due to permanent total disability. Disability insurance would also remove a handicap under which the disabled worker is now placed under the present system. Prolonged disability impairs or destroys the rights he has accumulated under old-age and survivors' insurance, so that when he attains age 65 or dies his insurance benefits will be reduced or may not even be payable. With disability insurance this could not occur. His old-age and survivors' benefits could not lapse or diminish during his disability.

PRESENT LACK OF DISABILITY PROTECTION

Insurance against the loss of wages when the individual is incapacitated for work is the most common form of social insurance. At this time the United States is the only nation which insures workers against old age but not against permanent disability.

Disability insurance has long been available in this country through fraternal organizations and labor unions, commercial insurance carriers and pension plans instituted by employers for their employees. A very small proportion of workers, however, are covered by these schemes. Public permanent disability programs are at present limited to Federal and certain State and municipal employees and to work-connected accidents and injuries. For most wage earners in the United States, disability insurance exists only for work-connected disabilities under State and Federal workmen's compensation laws. Permanent disabilities of work-connected origin constitute not more than 5 percent of all permanent disabilities.

THE EXTENT OF PERMANENT TOTAL DISABILITY

On any day approximately 1,500,000 persons between the ages of 16 and 64 who would normally be in the labor force have been disabled 6 months or longer. Were it not for their long-continued disability, they would presumably be employed or seeking work. There is ample evidence that permanent total disability occurs more frequently and is more severe among families of very low incomes than among those with higher incomes. The burden of invalidity falls most heavily on those least able to bear it.

THE ECONOMIC BURDEN OF EXTENDED DISABILITY

To the worker the cost of extended disability is likely to be fourfold—the cessation of income, the cost of medical care and related items, the reduction or complete loss of his old-age and survivors' insurance protection, and, in many instances the constant services of an attendant, usually the wife or some other member of the family. Therefore, the threat to income security resulting from permanent disability is more catastrophic than that from old age or even premature death of the breadwinner. Disability, unlike old age, is unpredictable. It comes often prior to the termination of the productive years of life, even long before the individual has had a chance to make any substantial savings. Its victims are, by and large, individuals in the prime of life, often with family responsibilities, including young children. Its economic consequences, especially at present when there is no benefit protection, are much more burdensome than even death. At present, when the insured worker dies, the family with young children can look forward to some aid from social insurance, but in case of disability there is no

such aid, yet the family has the added burden of caring for the disabled breadwinner, meeting his medical costs, and frequently providing constant attendance to the disabled.

DESIRABILITY OF THE INSURANCE METHOD FOR DISABILITY

The insurance method is a desirable one for dealing with the risk of permanent disability. The cost of such disability falls with overwhelming effect on most families who are so unfortunate as to have the wage earner incapacitated for work. The unpredictability of the incidence of permanent disability and sometimes the suddenness of its onset make it an emergency for which individual foresight and saving are inadequate except through insurance. Only by this means can extended disability become a budgetable expense for the vast majority of wage earners. The risks of old age and death have been made a budgetable expense for these workers through the Federal old-age and survivors' insurance program, whereby they, with the help of their employers, can provide an income for themselves and their dependents after they have retired from gainful work, and for their survivors in the event of their death. The social insurance method is as applicable to the risk of disability as to that of old age or of death. Cash benefits paid in the event of total, permanent disability would enable the disabled wage earner and his family to live on income from his insurance and avoid resort to relief and public assistance. Thus, by enacting disability insurance the Congress would substitute dignified insurance benefits for relief based on a means test.

PUBLIC SUPPORT FOR PERMANENT DISABILITY INSURANCE

The need for partial wage replacement when the breadwinner is incapacitated and the reasonableness of social insurance as a method of dealing with the risk of permanent disability has been generally recognized. The Social Security Administration has long recommended such a program. The Advisory Council on Social Security, appointed by Congress in 1938, agreed unanimously on the social desirability of insurance protection against permanent disability.

The major labor groups—American Federation of Labor and the Congress of Industrial Organizations—have continuously urged the establishment of a program giving social insurance protection to permanently disabled wage earners.

The Chamber of Commerce of the United States, through a membership referendum of 1944, went on record in favor of a public system of cash insurance benefits for permanently disabled workers. Approval of a social-insurance program for workers forced to retire from work prematurely owing to total and permanent disability was expressed in 1945 by the Social Security Committee of the American Life Convention, the Life Insurance Association of America, and the National Association of Life Underwriters.

The American Medical Association, through its House of Delegates, in 1938 expressed unreserved endorsement of the principle of cash compensation for loss of earnings owing to disability. This was reaffirmed in recent years.

Representatives of agriculture, business, and labor, under the auspices of the National Planning Association, stated in 1944 that income losses attributable to disability should be provided against by social insurance. Many other religious, civic, fraternal, professional, and other organizations, such as the Council for Social Action of the Congregational Christian Churches; National Conference of Catholic Churches; National Council of Jewish Women in Washington, D. C.; National Farm Labor Union; National Farmers' Union; National Veterans' Committee; American Public Welfare Association; Fraternal Order of Eagles; National Federation of Settlements; and New York Academy of Medicine have endorsed a Federal insurance program against permanent disability. Experience under old-age and survivors' insurance has revealed to workers a serious gap in their protection left by lack of disability benefits, and an illogical distinction between provision for two similar economic risks of their employees—retirement owing to age and retirement owing to disablement.

DISABILITY PROVISIONS OF TITLE VII

Insurance protection against permanent total disability is provided in title VII by adding a new section at the end of title II of the Social Security Act. Disability insurance is thereby linked with old-age and survivors' insurance and fitted into the framework of that system. A primary insurance benefit would be payable to the insured wage earner who is determined to be incapable of work by reason of disability, and who has been disabled for at least 6 months. The amount of the primary benefit payable for disability will be calculated by the identical formula which applies in calculating the primary benefit payable for retirement, i. e., in relation to the average monthly wage of the insured person and his length of time under the insurance system. The individual's wife and child, and, in the event of his death, his survivors, would also receive benefits based on the primary insurance benefit. To be eligible the claimant must have both fully insured status, which assures his having had substantial attachment to covered employment, and currently insured status, which assures recent attachment. The disability benefit will terminate when the beneficiary recovers or when he dies. Thus, insurance protection will be available and benefits will be payable partially to replace the wage income which is discontinued owing to disability as well as owing to death or old age.

The bill, furthermore, provides for the continuation of old-age and survivors' insurance protection for the disabled person. The period of his disability is excluded in determining his average monthly wage and his insured status. Thus the absence of wage credits during the period of disability will not impair the rights of his survivors, should he die, nor his own rights to old-age benefits, should he recover and later reach retirement age.

The disability benefits provided in title VII are estimated to cost an average of about one-half of 1 percent of pay rolls to 1 percent of pay rolls over the long run of the insurance system. The actual disbursements in the early years would be less while they would be somewhat more 20 to 30 years from now.

HOUSE BILL REFERRED

The bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

INVESTIGATION OF TEXTILE INDUSTRY

Mr. McMAHON. Mr. President, I ask unanimous consent to submit a resolution providing for an investigation to be made by the Federal Trade Commission of the textile industry, and I request that following the resolution a statement I have prepared be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the resolution will be received and appropriately referred, and the statement presented by the Senator from Connecticut will be printed in the RECORD following the resolution.

The resolution (S. Res. 311) was referred to the Committee on Interstate Commerce, as follows:

Resolved, That the Federal Trade Commission is hereby directed to inquire into and report to the Senate, by filing with the Secretary thereof, within each 30 days after the passage of this resolution and finally on the completion of the investigation (such inquiry before the Commission to be open to the public and due notice of the time and place of all hearings to be given by the Commission, and the stenographic report of the evidence taken by the Commission to accompany the partial and final reports) upon (1) the extent to which manufacturers of textiles and persons controlling or under common control with such manufacturers have, by the purchase of securities, physical assets or any other means, acquired control, direct or indirect, of facilities for the manufacture of clothing and other textile end products for sale in interstate commerce; (2) the extent to which manufacturers of clothing and other textile end products for sale in interstate commerce and persons controlling or under common control with such manufacturers have, by the purchase of securities, physical assets or any other means, acquired control, direct or indirect, of facilities for the manufacture of textiles; (3) whether the integration under common control, direct or indirect, of facilities for the manufacture of textiles and facilities for the manufacture of clothing and other textile end products adversely affects the ability of nonintegrated manufacturers of clothing and other textile end products for sale in interstate commerce to secure adequate supplies of textiles for such manufacture for their own account; (4) the effect, if any, of such integration on the volume of production of clothing and other textile end products for sale in interstate commerce and the number of persons and man-hours employed in such manufacture; (5) any regional industrial dislocations caused, directly or indirectly, by such integration; and (6) the value or detriment to the public of such integration under common control, direct or indirect, of facilities for the manufacture of textiles and facilities or the manufacture of clothing and other textile end products for sale in interstate commerce, with the extent of such integration, and particularly what legislation, if any, should be enacted by the Congress to correct any evils that may result from such integration.

The Commission is hereby further directed to report particularly whether the integration heretofore referred to in this resolution tends to create a monopoly or to restrain trade or constitutes a violation of the Federal antitrust laws.

The statement presented by Mr. MCMAHON is as follows:

Mr. MCMAHON. Mr. President, the textile and apparel industries are of the greatest importance to the economy of the United States and the welfare of its people. Employing millions of people in mills and factories in many parts of the Nation, these industries contribute substantially to the support, directly and indirectly, of huge segments of our population, both in rural and urban areas and in all parts of the country. The welfare, prosperity, and effectiveness of the textile and apparel industries are the direct concern of cotton growers, sheep raisers, and lumber growers, to millers of cotton, woolen goods, and rayon, the chemical and dye industries, manufacturers, wholesalers, and retailers of under and outer clothing, and the countless millions who earn their livelihoods in such pursuits.

The well-being of our economy, both agricultural and industrial, is thus intimately bound in with the prosperity of these industries. For this reason, we must be prepared

to gage the consequences of any major changes in their organization and in the relationships of their component parts.

Traditionally, cotton mills wove or knit their fabric from yarn made by spinners, placed it with converters, who had it processed by bleachers and dyers and sold it to independent manufacturers of end-products and dealers in yard goods. Rayon, although usually spun in the same mill which later wove or knit it, was normally made available to independent manufacturers and dealers in yard goods through similar means. Today, however, there is a strong tendency toward the formation of what are called vertical organizations. These enterprises buy out existing facilities for production and distribution for the purpose of combining in one organization the spinning of the yarn, the weaving and knitting of the fabric, and, finally, the manufacture and distribution of the end-products themselves. This development is having the effect of limiting the sources of supply and the supply of goods available to independent manufacturers.

Thus, an apparel manufacturer who for 20 or 30 years has been purchasing the fabric of a particular mill, suddenly finds that his source of supply has vanished, unless he is prepared to manufacture his product under contract for the mill. This means that unless he can secure another source of supply—almost an impossibility particularly in these days—he must either go out of business and abandon his employees, or become a mere contractor, supplying only distributors selected by the mill, and abandoning the customers whose good will and trade he has secured by years of effort. If this tendency continues, the independent manufacturers, as such, will be faced with extinction. Thus, the apparel industry, which traditionally has been comprised of small businesses, may soon be added to the growing list of industries dominated by three or four large concerns, which can swallow up at will any threatening competitor.

One of these integrated organizations has already bought control of 12 southern mills and 13 mills in New England; it is integrated from raw yarn to the finished product; it covers the field of house furnishings and clothing, employs its own designers, and chooses its own retail outlets. At one end, it has eliminated 24 competing purchasers of agricultural raw material; at the other end it has eliminated an equal number of sources of supply for independent manufacturers.

It may be that integration in the textile field has its virtues. At the moment, however, they are not apparent. It is the object of the resolution I offer, to instruct the Federal Trade Commission to conduct a thoroughgoing investigation of this trend, its consequences and legality, and to recommend legislation, if any be deemed necessary, to correct any evils that may result from such integration.

ADDRESS BY SENATOR CONNALLY TO THE PEOPLE OF TEXAS ON NATIONAL AND INTERNATIONAL AFFAIRS

[Mr. HILL asked and obtained leave to have printed in the RECORD a radio address delivered by Senator CONNALLY to the people of Texas on July 23, 1946, dealing with national and international affairs, which appears in the Appendix.]

EDITORIAL COMMENT ON SENATOR WILEY'S EFFORTS ON BEHALF OF WISCONSIN AND AMERICA

[Mr. WILEY asked and obtained leave to have printed in the RECORD a series of newspaper editorials and articles relating to his efforts on behalf of his State and the country during the Seventy-ninth Congress, which appear in the Appendix.]

FEDERAL AID FOR EDUCATION—LETTER BY SENATOR SMITH

[Mr. SMITH asked and obtained leave to have printed in the RECORD a letter dated July 25, 1946, written by him to Dr. John H. Bosshart, commissioner of education of New Jersey, on the subject of Federal aid for education, which appears in the Appendix.]

INVESTIGATION OF WAR CONTRACTS—INTERVIEW WITH SENATOR MEAD

[Mr. MEAD asked and obtained leave to have printed in the RECORD an interview with himself by Albert Warner, dealing with the investigation into war contracts, broadcast over the Mutual Broadcasting System on July 24, 1946, which appears in the Appendix.]

WAR PROFITEERING—INTERVIEW WITH SENATOR MEAD

[Mr. MEAD asked and obtained leave to have printed in the RECORD an interview with himself by Leif Eid, dealing with the subject of war profiteering, which was broadcast over the National Broadcasting System on July 19, 1946, which appears in the Appendix.]

LINCOLN DAY ADDRESS BY SENATOR MORSE

[Mr. MORSE asked and obtained leave to have printed in the RECORD a Lincoln Day address delivered by him at the Lincoln Day Republican banquet at Vale, Oreg., on February 12, 1946, which appears in the Appendix.]

EQUAL PAY FOR EQUAL WORK—EDITORIAL FROM NEW YORK HERALD TRIBUNE

[Mr. MORSE asked and obtained leave to have printed in the RECORD an editorial entitled "A Universal Principle," published in the New York Herald Tribune of June 27, 1945, which appears in the Appendix.]

CENTENNIAL CELEBRATION OF RAISING OF THE AMERICAN FLAG AT MONTEREY—ADDRESS BY SENATOR KNOWLAND

[Mr. KNOWLAND asked and obtained leave to have printed in the RECORD an address delivered by him at a celebration commemorating the centennial of the raising of the American flag at the old Custom House at Monterey, which appears in the Appendix.]

PROPOSED MERGER OF THE ARMY AND NAVY

Mr. LANGER. I suggest the absence of a quorum.

Mr. HART. Mr. President, will the Senator withhold the suggestion for a few moments?

The PRESIDENT pro tempore. Does the Senator from North Dakota withhold his suggestion of the absence of a quorum?

Mr. LANGER. Very well, I withhold it.

Mr. HART. Mr. President, I came to the Senate with the intention of taking no active part in any business connected with my former profession. At the beginning it was proposed that I might be assigned to the Committee on Naval Affairs. The distinguished chairman of that committee expressed a cordial invitation, but I advised against that assignment. Now, near the close of my incumbency, I am impelled to discuss the affairs of the Navy by speaking against the merger of the two services.

I use the word "merger" not as meaning anything invidious, but because there is too much uncertainty about the other words, "unity" and "unification." While cooperation and collaboration by the Army and Navy are of course essential, and the word "unity" is descriptive, the controversy of the past few months has been so disruptive of unity of spirit that its derivatives are not descriptive.

I shall not take much of the Senate's time on the points and arguments about which so much has been said and written concerning the Army and Navy merger. My endeavor is to set forth other and, I hope, new considerations, particularly on various intangibles which are more abstract than concrete; features on which not enough thought has been given, and which, to my mind, are fully as important as anything to be gained by studying organization blueprints and discussing advantages and disadvantages which are more theoretical than real.

I first heard of the merger project during the spring of 1942 from an Army officer with whom I had long been associated in work and otherwise. His was one of the best minds I have ever known, and had he not been very seriously handicapped in health, I think he would have been a prominent figure in World War II. That officer told me in April or May 1942, that a merger project was brewing, and gave me the reasons, roughly, as follows:

He said that, during the war, the Army Air Corps would separate more and more from the rest of the Army and work toward its cherished idea of a fully separate air force, against which movement the Army ground forces would make little or no effort. He thought that such separation would not occur within the Navy, which would stay closely integrated in all its elements. Moreover, that the Marine Corps, being the specialists in amphibious war, would be very successful and would come into greater prominence before the Nation than ever before. Consequently, the trend would be such that, after we won the war, the Navy would have a powerful force, complete in all elements—sea and air—and with a very efficient and very mobile body of troops. As thus constituted, the Navy alone would be entirely ready for quick action anywhere outside our continental limits, for policing or any other activity which did not require ground forces on a large scale.

Facing that probable development, the Army ground forces would foresee that after the war there was great danger that their activities would be confined to this continent, and that the prospect for them was not much better than as a rather glorified training service. Consequently my Army friend thought that in order to retain their traditional part in the national picture, the ground army would join up with the Air Corps in some sort of a merger project, under which it would have a better chance of retaining its power and prominence. Whether his reasoning was correct or not, my friend back in the spring of 1942, was a true prophet as regards events.

I suspect, Mr. President, that a certain amount of conversations along that line was going on at that very time, but the Navy was not apprised of it until some time had elapsed. We now see that all

components of the Army found time during the war to discuss and evolve the merger project. Even when they learned of it, the Navy seems not to have taken the project very seriously, at least not to the extent of taking time out from the war to give it much consideration. The energy of the Navy remained engaged in preparing for and fighting through the greatest achievement on the sea in the entire history of the world; that was fighting the way to the enemy's heartland, at long distances across the oceans. Perhaps the Navy should have given adequate time and thought to the merger project during the war, but the fact is that they did not. For instance, Admirals Nimitz and Halsey, while very busy out in the middle of the Pacific, were called upon to advise concerning the merger project. Each took a stand which he, when he had time for study, found to be incorrect, and each of them reversed his advice. That was most unfortunate. Both of those admirals have been criticized for shifting their positions, but anyone who realizes the conditions and circumstances under which their first advice was given should understand it.

That is an illustration of the state of mind of the entire Navy during the war years. They were extremely busy in doing something which had never been done before, and all their thought and effort went into the work at hand. Consequently, the Navy did not obtain a general realization of what was happening until the merger had acquired great momentum.

Now, Mr. President, the men in the Army and in the Navy, in all components in both services, are originally just the same kind of material. They come from all over the country, from all elements of our population, and in the beginning they average exactly alike. After spending some years in the respective armed services, those men are found to have developed rather differently and that is largely because of the different circumstances of work and of living. The Army lives in contact with the people during peace. The Navy does not. Naval personnel are outside the country much of the time; and, even when on our coasts, they are at sea on ships and are denied the contacts with the people which are normal for everyone else. Despite that detachment, their loyalty to their country and their observance of the traditional words, "service before self," are not excelled by any other body of this Nation.

From the circumstances of their lives, I think naval personnel tend to view the affairs of their own Nation somewhat more objectively than they would otherwise do. However that may be, the processes of thought and the outlook upon various questions do become different, because of their restricted association with their fellow countrymen, and the effect becomes manifest in various ways. One difference which has resulted is that development under which the Navy has become known as the silent service. They are just that, and Navy personnel has been so for generations. Navy men do not talk very much. Consequently, they cannot talk well and they are not good at stating the case. Strangely enough, there is a tendency among Navy men toward some suspicion of the glib talker; and, though they eventually come to appreciate the value of the ability for ready expression, their effort to acquire it is much too sparse.

The result is that the Navy's case often suffers because it is not well stated. That is a rather normal situation. Since, as I have said, the Navy was quite inarticulate about the merger while the movement was acquiring so much momentum, there is a decided difference in the way the respective viewpoints have been set forth to the country. I think it is common knowledge that, as far as so-called publicity is concerned, the Navy is comparatively inept. In fact, it is years behind in the development of what has become so considerable and important a feature in this Nation's activities.

On the other hand, the Army, which does live in contact with the people, has developed quite differently in those respects. The Army seems to have its fair proportion of those well able to state the case and many of them are very good speakers indeed. Similarly, the Army has always been laps ahead of the Navy in its flair for publicity, and that portion of the Army which became the Army Air Corps certainly does stand out above the rest of the Army in its advertising ability.

In setting forth the merger project before the country, the men of the Army Air Corps have found time to be very active, and they have often gone rather far in publicity—so far that, to my own mind, they have become decidedly out of order. I shall take some time on that angle of the situation.

A few weeks ago the distinguished junior Senator from Wyoming told the Senate of one instance of Army Air Corps publicity, and he thought it propaganda, which emanated from a post in southern California. That instance was in a lower echelon, and it is an example and cross section of what has been going on generally in promoting the merger idea, and particularly the idea of the so-called autonomy of the Army Air Corps, which really means the separate Air Force.

Mr. President, at a somewhat higher level I will, in illustration, mention the activities of one Major de Seversky. He is a Russian, a very brave man, and was a splendid flyer during World War I, in which he was seriously wounded. Since coming to this country, he has engaged in various commercial activities, mostly in connection with aircraft, but with little success. He turned into a writer and publicist and for years, has been prominent in publicity and promotion, as we all know.

Last spring Major de Seversky published an article in the Reader's Digest comparing the damage which he, himself, had observed at Hiroshima and Nagasaki caused by the atomic bombs, as against the accomplishments in mass destruction by Army Air Corps planes using ordinary high explosives. De Seversky also testified before the Senate Special Committee on Atomic Energy and repeated the extravagant statements of his article, a salient one of which was that practically the same damage caused by either of the atomic bombs would have been matched by one 10-ton block buster loaded with ordinary explosives. He also went into some detail, such as, for instance, saying that the Mitsubishi torpedo plant at Nagasaki had, previous to the explosion of the atomic bomb over Nagasaki, been very seriously damaged by ordinary air attack of Army bombers. The Mitsubishi works were ruined all right, but the detailed investigation by proper authorities disclosed that the Army's bombing attacks had resulted in only three small bomb hits into the torpedo factory. In consequence, it was only lightly damaged thereby, and suffered no interruption in production. The really authoritative testimony before the Senate committee presided over by my colleague, the senior Senator from Connecticut [Mr. McMAHON], disproved all statements made by Major de Seversky in his Reader's Digest article and in his testimony.

Mr. President, Major de Seversky stated that he was at Hiroshima and Nagasaki as an official representative of the Secretary of War, sent out there to examine and make an official report on the damages in the capacity of an expert. He presented no evidence to show that he was an expert in the effects of high explosives and, in fact, he is without experience in that field. His qualifications as an expert are those of a high-pressure propagandist, and that alone. However, it is to be noted that he went to Japan and back in an official capacity, according to his own statements, and naturally at Government expense.

I submit, Mr. President, that such action is very much out of line with proper ethics and the entire incident is such that anyone who fostered and furthered Major de Seversky's mission to Japan has something to explain. We have heard of propaganda in other fields for which the Federal Treasury has footed the bills and, although Major de Seversky's exploits probably did not cost much, such a procedure is not in order. The objective is very clear. The effects of the atomic bomb were clouding the destruction caused by ordinary bombing and whoever was behind Major de Seversky was interested in changing that impression no matter what distortion of fact might result. Major de Seversky's widely circulated argument was that the Army Air Corps won the war before the atomic bomb was used.

Mr. President, this part of my subject is distasteful to me but I must mention the activities of the Air Power League. During the war years that organization was building up by representing itself as nonpartisan and interested solely in promoting the interest of all kinds and phases of American aviation. Its original name was the Air Force League, but it was changed to the Air Power League to prevent any implication that it was partisan to the Army Air Corps. The Air Power League received naval endorsement, many naval aviators joined it, and it embarked on a drive for members and funds, and it seemed to have

accumulated an ample supply of both, particularly of funds.

In its drive for funds, the Air Power League informed prospective contributors that funds contributed to it would be tax-exempt and, in proof thereof, used a letter from the Treasury Department, of which I have a copy. That letter, which is an official letter from the Commissioner of Internal Revenue, states:

> It has been stated in your behalf, (in the Air Power League's behalf), that you will not engage in propaganda or otherwise attempt to influence legislation. It is the opinion of this office, based on the information furnished and outlined above, that if you are operated strictly in accordance with your stated purposes, you will be exempt from Federal income tax. Contributions made to you will be deductible by the donors in arriving at their taxable net income.

Some months after the date of the Treasury Department's letter, from which I have quoted a few sentences, the executive committee of the Air Power League adopted the following resolutions:

> *Resolved*, That the Air Power League unqualifiedly endorse the establishment of a Department of National Defense with coequal status for Army, Navy, and Air Force.
>
> It was directed that telegraphic approval of this resolution be requested of the directors and that any statement of the League's position be announced after consultation with the Army Air Forces.
>
> On motion duly made and seconded, the executive vice president was directed to serve on any committee of strategy that General Spaatz might designate.
>
> On motion duly made and seconded, it was *Resolved*, That up to $50,000 would be spent in support of the campaign for a Department of National Defense.

I shall not quote further from the resolutions. That was the beginning. As far as I know, not more than $50,000 has been appropriated to this purpose, but I doubt that that is the case.

The Air Power League is in the hands of gentlemen who have been in or closely connected with the Army Air Corps. In the beginning, one naval aviator served as a vice president for a short time, and resigned when the executive vice president said that once the League finished its program of widespread organization over the country, it would have control of one of the most powerful and virile political organizations in the country. After the naval contingents learned that the Air Power League was far from a nonpartisan organization, they drew out of it. The definitive action in that withdrawal was semiofficial, because on the 10th of December last the leader of the naval aviators, who had been the Assistant Secretary for Air and had just become the Under Secretary of the Navy, wrote a letter formally drawing out of the League. His letter asked for the same publicity that had been given to the Navy's original endorsement which was spread widely over the country. That request, I find upon inquiry, has never been complied with.

Mr. President, it is going very far when an organization, controlled by men who held positions of honor, obtains money and memberships under false representations. The propaganda activities, which seem to head up in this Air Power League, have been extensive and, to great extent, those activities have been, to my mind, just as misrepresentative of facts as was the misrepresentation in the financial field.

I hold in hand a photostat of a clip sheet which was sent in by a somewhat irate editor who does not like to receive so many propagandizing hand-outs. The sheet is called the Air Power News and, as was published some months ago, the employed publishing agency is known as the Hal Leyshan Associates—a high-pressure advertising firm of New York City. The clip sheet indicates that it is widely circulated and this number boasts that the Air Power League is supplying material to 2,000 women's clubs. Another boast concerns financing scholarships for education along air promotion lines. I have made mention of the finances of the League—this clip sheet clearly indicates what the money which was collected is going into.

The only name for these representations which go all over the country is propaganda—it is propaganda to promote legislation for the merger and for separating the Army Air Corps in any case. It is clever propaganda. It uses pictures. One picture shows the new executive vice president of the Air Power League. It shows him in civilian clothes, calls him a veteran and intends to convey that he is in civil life. Mr. President, the facts are that he is on the Regular Army list and pay roll as a field officer of the Army Air Corps attached to General Eaker's office, and carried as on duty with the Air Power League. I wonder if the officer is drawing flying pay for his propagandizing activities.

I greatly dislike to handle dirty linen, and it is far from pleasant to bring out these illustrations. I do it because it is a menacing situation when extreme misrepresentation is spread over this land concerning anything so vital as the common defense. President Truman has reproved the Navy for certain publicity which some of its individuals gave out. I hold that it was entirely right that the President should do so if he became convinced that the Navy was out of order. I have not heard that the President has taken any action whatever about the Army Air Corps' propagandizing activities. There appears to be ample ground for such action.

All of these factors go back many years, when, between wars, there was so much agitation for a separate Air Department per se. During much of the period between wars a considerable number of Navy aviators believed in the separated air force. Probably more than a majority were for it. But such is not now the case, Mr. President, for the Navy's aviators want none of it and are just as much opposed to the merger project as is any other part of the Navy. I mentioned intangibles, Mr. President. An important one is the resentment which the clever but false propaganda has caused in the Navy. We all will grant that a unification which does not unify is not going to improve the Nation's security. This propaganda does not unify.

I cannot see that the Navy has been resistive to change and improvement in economy, cooperation, and collaboration. There is a considerable area of agreement and, without new legislation, agencies have been set up—or existent ones improved—to that very end. After Senate bill 2044 was placed on the calendar, further negotiations occurred between the Secretaries of War and Navy, during which the areas of agreement were further defined. The President took on himself the settlement of the remaining differences, then addressed a letter to the committees of the Senate and House, and the Senate Committee on Military Affairs resumed work. In that work, and, indeed, in the President's very presentation of the problem, I venture to submit that there is an initial defect: There is no defining of the functions with which the various arms are charged, or should be charged. There is no clear and specific defining of fields of action. Many things are nebulous, and the future of the Navy is most unclear.

For instance, as the merger project now stands, the Marine Corps is neither abolished nor absorbed, but there is no assurance that the Navy will continue to have the closely integrated and highly efficient amphibious corps which has so well proven its value in every war we have ever had. In fact, all indications are that future development would be exactly the reverse. The Navy is particularly disquieted and worried by the proposed limitation against its possession and control of certain types of aircraft. That would be a first step toward squeezing the Navy into the British mold and breaking up the sea-air team which, with small bodies of splendid troops, performed so splendidly.

Now, the Navy appears not to have opposed setting up the Army Air Corps as a separate force. Since the Air Corps has always been a part of the Army, the Navy feels that it should leave that question to the Army. And so that so-called autonomy has been part of the project all along. However, Mr. President, in behind all the merger arguments along specific lines lies the Navy's concern that under any of the arrangements proposed the Navy will be a numerical minority. The Army and the Army Air Force, spread over the country, will always be in a stronger political position than will the Navy. Despite any probable good will of the Army and an Air Force split off from the Army, the political position of those services will be used toward the disadvantage of the Navy. That disadvantage would be coupled with the other of being the numerical minority of 1 to 2. Is there any wonder that, in that situation and in the climate which has existed, the Navy fears for its future under an organization in which it would no longer have free and direct access to the President and to the Congress?

Now, Mr. President, wholly apart from any Navy considerations, I wish to put forward some views which concern that old question of simple separation of Army's air components from the rest of the Army. That separation was the subject of much inquiry, investigation, and report between the two wars. Most

of the reports—and certainly the most authoritative ones—were against the separation. I submit that the events and developments of the art of war since 1940 strongly tend to prove rather than to disprove the correctness of the prewar decisions.

It is absolutely certain—to my mind at least—that the Navy's experiences are the strongest possible proof that, in amphibious war and the projection of our power over the sea areas of this world, air components must be most closely integrated with the rest. There is success when the various components live and work in contiguity, when they know each other's minds and appreciate each other's part in the common tasks.

The situation on land should be closely parallel, in the case of those ground and air components which likewise must work closely together. That necessity, that essential, will not be met if there is a separation of ground and air personnel into separate watertight compartments. The men will not know each other, there will be a trend toward ignorance of each other's qualities and difficulties, a lack of appreciation of each other's functions, and a drift toward antagonism and jealousy. It is being admitted that special attention and precaution against that trend must be taken so far as the tactical air forces are concerned—those air groups which are to work with the ground army, though belonging to the separated Air Force. Then, Mr. President, why separate them? Why organize into a separation and create difficulties in cooperation, cohesion, and nearly everything else?

The argument for the separate air force—autonomy for the air—which constitutes much of the motivation for the entire merger project, is mostly based on the so-named strategic part of the Army Air Corps. That means the large planes of heavy cargo capacity and with long range. The planes and their personnel have amply demonstrated their high quality. They can cover great distances at high speed. They can observe things on the land or on the sea from some distance—at as low an altitude as circumstances permit—but they definitely cannot examine anything on the land or sea. Where the planes of the strategic air force see something wrong on the surface, or find something suspicious, the only possible next step open to them is to drop bombs. That is the built-in limitation of the strategic air force. It is a war weapon, and it is nothing else. Mr. President, as a part of the international negotiations looking to outlawry of atomic bombs, we ourselves have included other weapons of mass destruction. Well, strategic bombing is mass destruction, the results in Germany and Japan certainly show that very clearly. So in the existing situation, while the international negotiations are in progress, the necessities of the strategic air force provide a poor argument for setting up an air force separated from the rest of the Army. All logical reasoning points to close integration, just as in the Navy, where sea and air team together so well. Any other course means, at least to me, taking grave chances with the power of our forces on the land. Furthermore, if the Navy's position is not menaced by that prospective 1-to-2 minority status, a considerable part of its present concern and objections to merger should die out. So, from all aspects, Army and Navy, I think the separate Army Air Force is the least defensible feature of the merger project.

The idea was originally British, Mr. President, and the visit of the RAF Lancasters brings it to mind. It has been stated that in the 30-day tour of our country the Lancasters are on "operation good will." I thought that we had well demonstrated our good will toward the British. We certainly do not know of any lack of British good will toward us. If one asked what is the real, possibly the hidden, purpose of the visit of the Lancasters, some interesting speculations come to mind. I will not speculate, but one thing is certain—the 30-day tour is not in the interest of the Navy's aviation.

The Lancasters are good planes, and very charming gentlemen will be found in the crews. They will make fine impressions, and a good show will be put on over our country. Many civilians will get rides. Our Army Air Corps planes will participate, will compare splendidly, and will add much to the show. It will cost something, but no doubt we can stand it. One circumstance is unfortunate; this show comes at a time of shortage in the Army Air Corps, a time when it has insufficient personnel to man the planes of the Transport Command. In consequence, that organization has to give contracts for much of its work, at least its overseas work, to the commercial companies. I understand that $49,000,000 have been set aside to pay for that service. When Army personnel is used, the cost is about one-half.

To get back to the British separated air force idea, I hold in my hand an article by an officer of the British Ground Army who had 6 years' combat experience. The article has been printed and reprinted in reputable British magazines, and it is rather authoritative. It is somewhat technical, and it is too long for inclusion in the RECORD. I shall only say that the article goes very far toward proving that the British Army was not at all satisfied with the history of the cooperation that was obtained from the RAF during World War II. The article makes out a very good case on the necessity for close integration of all planes, except defensive fighters and strategic bombers, with the ground army. The writer states that the American record was much better, and he seems to think that our existent organization is better than is theirs.

I think it is already known that the British Navy was in a bad plight throughout the war because of the failure to build up the same kind of a sea-air team which we had. However, another article I have before me, which is by a British naval officer, is brief; and I ask to have it printed at the end of my remarks.

There being no objection, the article was ordered to be printed in the RECORD.

(See exhibit A.)

Mr. HART. I also ask consent to have an editorial from the New Haven Register printed at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD.

(See exhibit B.)

Mr. HART. The general picture, Mr. President, is that British experiences do not afford good reasons for our copying their separate air force.

In closing, Mr. President, I submit that we made a wrong start in the Congress in our approach to this subject. The idea of unification, or merging, of organizations of certain similarity has a strong appeal to us; it is in our blood. We started with the idea of first effecting that separation of the Army's air component, and then tying three services, thus given coequal status, together at the top. The thought was that all the consequent and extremely variant problems would somehow be shaken down and solved within the rough framework of the proposed law. Starting with those broad premises, exceedingly able Senators of the Committee on Military Affairs have spent many arduous days in framing legislation. As the situation has unfolded, more and more difficulties are seen by those most affected, and the only net result at this moment lies in much damage to the unity of spirit without which any unification will in the end be a failure.

There undoubtedly are defects in the organization of our defenses. A portion of those defects are within, rather than without, the War and Navy Departments themselves. Other defects do lie in the relationships of these two departments with each other and with other departments and organizations of the executive branch of the Government which also have war functions. There is a considerable area of agreement covering improvements which can and undoubtedly must be made to remedy those defects.

I think, Mr. President, that a new start should be made; and at the very outset, it seems to me, the task should be to lay out the functions which are to be met. That means fixing upon the responsibilities and activities to be covered in the various fields of action, and then making decisions on the best agencies for their fulfilment. When the proper overall functions are defined, the field of overlapping interests of the armed services can be adjusted to improve real unity of administrative and strategic effort. Then we shall have begun to formulate the heart of the new legislation. In that way we can avoid such an error, as, for instance, restricting the Navy on the types of airplanes which it may operate. The Navy's weapons of the future will automatically develop to conform to the functions assigned to the Navy.

The Navy will be found in a cooperative attitude, as, in fact, it usually is. If anything, that arm sometimes gives way too far in cooperation. In the first Bikini experiment—and we had a second Bikini experiment yesterday—the atomic bomb was dropped from an Army Air Corps bomber from so high that the overadvertised pinpoint accuracy was bound to be a delusion. It has always been a delusion. The bomb exploded several hundred yards off center, which naturally affected results and the quantity of

scientific data obtained. The proper method—the way to insure that the explosion would be right where it was wanted—would have been to suspend the bomb from an anchored kite balloon. That method would have been sure, would have eliminated great difficulties in the timing of the entire operation, and made it simpler and cheaper all around. Those facts are so evident that anyone would ask, Why did not the Navy use a kite balloon? The answer is just as evident, and is that the Army Air Corps insisted on being in the show. It could not be left out and thus miss the chance for publicity. We all remember that much of the mass of publicity was about the Army Air Corps participation, and the flying generals gave out many words. So the Air Corps succeeded. The Navy cooperated and is open to the charge of having overcooperated and thus needlessly imperiling the results of an expensive experiment.

Mr. President, it has been announced that the unification project is to be taken up anew by the next Congress. I shall not have the satisfaction and pleasure of being here, to my very great regret. I hope I am not too presumptuous in offering suggestions for the future. One of those suggestions is that the Senate work on the subject with a joint committee and not one of the standing committees alone. I think the task should begin with that delineation of functions to be fulfilled which has been mentioned. I do not think that we should start with the thesis that the Army Air Corps is to be autonomous, coequal, or anything else which will disintegrate the Army's air from its ground forces. That proposal needs a reexamination, and it should be as thorough as was the work of the Morrow Board of some years ago.

Whatever may be the decisions on these points, I think the case for reducing the armed forces departments from two to one would have to be very amply proven because thus far that has failed wherever it has been tried on a large scale. We all hope that we may, in the years to come, safely reduce our armed forces to very small dimensions. When that time comes it will be much more feasible to combine our forces under one Cabinet officer. Those forces are large now and there are many complexities because of the dimensions alone. There are certain improvements which can be effected under the traditional two-department set-up which, after all, has done pretty well in two big wars.

Lastly, Mr. President, I most earnestly request that the deliberations in this body give due attention to those imponderables of spirit and morals which are so essential to a military service. Those are intangibles which are priceless and, once lost, they may never be regained.

EXHIBIT A

In the British magazine the Naval Review for August 1945, in an article entitled "The Naval Air Fleet," there appear the following paragraphs:

"It was possible to make out a good case for a single air force, with all its advantages in regard to standardization and supply of equipment, with specialized branches for naval cooperation and army support. The case was made. The history of exactly how it was put over has never, so far as the writer knows, been authoritatively presented to the public, particularly the Admiralty side. In the official histories the subject will be found to be very lightly skated over, from which fact anyone is entitled to draw his own conclusions. It must, however, be remembered that the Prime Minister was to all intents and purposes a dictator. The Board of Admiralty appears to have been somewhat supine, but it was probably subjected to very severe pressure. The Board was in any case extremely preoccupied with the antisubmarine war, then just beginning to be brought to a victorious conclusion after months of terrible peril. Sir John Jellicoe had been succeeded as First Sea Lord by Sir Rosslyn Wemyss. Whatever the cause, the Board of Admiralty seems to have been either unable or unwilling to put up any effective opposition to the proposal to rob the Royal Navy of its air force.

"Service with the fleet air arm was usually for 2 years. It was allowed to count as foreign service, even in home waters. Officers lost many of their shore allowances while serving in it, thus assuring its unpopularity among them. Having once served his 2 years, it was unusual for even a long-service officer ever to serve in it again, so that the time and effort spent in training him was lost to the Navy forever. Under this system it was obviously impossible for the Navy ever to train younger officers in naval aviation to fill the higher positions; later this became obvious when the Air Ministry had to nominate officers as wing commanders of carriers who were without previous sea experience. This is in no way to belittle the excellent work done by many wing commanders and squadron leaders, RAF, who served as senior air officers in aircraft carriers, but there was not sufficient continuity, there were divided loyalties, and no provision was being made for the future. Few, if any, air force officers would be prepared to jeopardize their careers by continuous service with the Navy, even if the Air Ministry would allow it.

"The Admiralty, continually prodded by the successive commanders in chief of the principal fleets, made several attempts to have the whole question reviewed, but without success. The Prime Minister eventually ordered that the subject was not again to be broached. Naturally, the situation was not hidden from the ambitious young naval officer, who, having selected the Navy as his career, became doubtful of the wisdom of specializing in a branch whose future appeared shaky."

EXHIBIT B

[From the New Haven Register of June 17, 1946]

DEFINITE MILITARY POLICY

President Truman once more has called upon the Congress to enact legislation providing this Nation with unification of its armed forces. His action follows a so-called compromise on vital Army-Navy differences over previously offered merger proposals. Despite high-sounding words and assurances that the plan as now presented by the President carries the support of the military and civilian chiefs of the Army and Navy, cold analysis forces the conclusion that little or nothing has been changed in the current unification plan.

It carries features as unsound and as objectionable as those which made it clear that neither Congress nor the American people would bless it with their approval. In its present form, Congress can serve the best interests of the Nation and of its security only by rejecting the President's plea for adoption. Mr. Truman's unification offering reveals insular rather than global thinking. It must be placed in the discard for this reason, if for no other, until such time as unification thinking can be placed upon a world-wide security basis, which is the only method which will give this country the well-balanced striking force necessary for national protection in an age of fearsome weapons and swift-striking threat.

It is unfortunate indeed that the President's insistence in this program has brought about a situation in which our Army appears as opposing our Navy. The American people have great pride, and rightfully so, in both branches of the service, and in our Air Forces. They should not, in so vital an issue, be arrayed in even an appearance of being on opposite sides, or of pulling and hauling against each other. Despite Mr. Truman, it should not be permitted to escape public attention that the services have now reached accord on 8 of the 12 unification objectives. Only four remain to be cleared away into acceptable form. Congress, if bullheadedness is removed, should be able to clear these away in sensible and satisfactory fashion and give us the definite military policy for which the President makes such eloquent plea. This should be accomplished by calm and careful consideration, not by attempts to foist a hasty and ill-conceived plan down the national throat.

Mr. Truman calls this compromise. If so, it is one vastly more satisfactory to the Army than to the Navy or to the American idea of actual security. It should be noted by Congress that Mr. Truman consistently has taken his stand on the so-called Army side. As far back as last December 19, he urged Congress to adopt the Army plan, without a second look. He followed this up by an attempt to crack down and silence what he chose to term Navy lobbyists. Fortunately for the Nation, this backfired. Now Mr. Truman, by bowing to realism and accepting retention of the Joint Chiefs of Staff, rather than the Army-proposed single Chief of Staff, has in actuality admitted the weakness of the single civilian secretary proposal.

National security must not be made the subject for "trade." It is a subject for long and deep thought. Congress must provide this thought. The call is to make haste slowly.

CALL OF THE ROLL

Mr. LANGER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hart	O'Daniel
Andrews	Hawkes	O'Mahoney
Austin	Hayden	Overton
Ball	Hill	Pepper
Barkley	Hoey	Radcliffe
Bilbo	Huffman	Reed
Brewster	Johnson, Colo.	Revercomb
Brooks	Johnston, S. C.	Russell
Buck	Kilgore	Shipstead
Burch	Knowland	Smith
Bushfield	La Follette	Stanfill
Byrd	Langer	Stewart
Capehart	Lucas	Swift
Capper	McCarran	Taft
Carville	McClellan	Taylor
Connally	McFarland	Thomas, Okla.
Cordon	McKellar	Thomas, Utah
Donnell	McMahon	Tobey
Downey	Magnuson	Vandenberg
Eastland	Maybank	Wagner
Ferguson	Mead	Walsh
Fulbright	Millikin	Wheeler
George	Mitchell	Wherry
Gerry	Moore	White
Green	Morse	Wiley
Guffey	Murdock	Willis
Gurney	Murray	Young

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from Missouri [Mr. BRIGGS], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Pennsylvania [Mr. MYERS], and the Senator

from Delaware [Mr. TUNNELL] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Wyoming [Mr. ROBERTSON] is absent by leave of the Senate.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The PRESIDENT pro tempore. Eighty-one Senators having answered to their names, a quorum is present.

SENATOR FROM NORTH DAKOTA

Mr. BARKLEY obtained the floor.

Mr. LANGER, Mr. WILEY, and Mr. DONNELL addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from North Dakota?

Mr. BARKLEY. For what purpose?

Mr. LANGER. So that I may present the credentials of the junior Senator from North Dakota [Mr. YOUNG].

Mr. BARKLEY. I yield.

Mr. LANGER. Mr. President, on the death of our late colleague, John Moses, approximately a year and a half ago, Governor Aandahl, of North Dakota, appointed Mr. MILTON R. YOUNG, one of our foremost citizens, to the office of United States Senator. Mr. YOUNG has now been our distinguished colleague for approximately a year and a half. To show the esteem in which he is held by the citizens of my State, I wish to announce that in the last election in North Dakota he carried every county in the State. I now present to the Senate his certificate of election.

The PRESIDENT pro tempore. The credentials will be read.

The credentials were read by the legislative clerk and ordered to be placed on file, as follows:

To the PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE:

This is to certify that on the 25th day of June 1946, MILTON R. YOUNG was duly chosen by the qualified electors of the State of North Dakota, a Senator from said State, to fill the vacancy in the term ending January 2, 1951, caused by the death of Hon. John Moses.

Witness: His Excellency our Governor, Fred G. Aandahl, and our seal hereto affixed at Bismarck, N. Dak., this 23d day of July in the year of our Lord 1946.

By the Governor:

FRED G. AANDAHL,
Governor.

[SEAL] THOMAS HALL,
Secretary of State.

The PRESIDENT pro tempore. If the Senator-elect will come forward to the desk, the oath will be administered to him.

Mr. YOUNG, escorted by Mr. LANGER, advanced to the desk, and the oath prescribed by law was administered to him by the President pro tempore.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, the unfinished business before the Senate is the railroad retirement bill, which was laid aside temporarily in order to take up the conference report which was disposed of last night. We are anxious to move on with that legislation, and with all the other legislation which we must dispose of before the adjournment of Congress. In order that we may do that, I am compelled to ask the Senate to indulge in the luxury of night sessions until we have been able to clean the calendar up and are in such a position that we may be able to adjourn.

At the moment there is a treaty on the Senate calendar known as the aviation treaty. There have been some controversies with reference to it but the controversies have been resolved, so that the treaty is now in a position to be considered. I think it will take only an hour or so to dispose of it, and it is necessary to do it now in order that the action of the Senate may harmonize with a release from the State Department today with reference to the matter.

Therefore, Mr. President, I move that the Senate proceed to the consideration of executive business. I think it will take not more than an hour to dispose of the treaty, upon the conclusion of which we will resume consideration of the railroad retirement bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kentucky that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

PROTOCOL AMENDING THE INTERNATIONAL AGREEMENT FOR THE REGULATION OF WHALING—REPORT OF A COMMITTEE

Mr. CONNALLY. Mr. President, from the Committee on Foreign Relations, I ask unanimous consent to report favorably Executive I, Seventy-ninth Congress, second session, a protocol signed at London on November 26, 1945, for the United States of America, the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, the Provisional Government of the French Republic, the United Mexican States, the Netherlands, New Zealand, Norway, and the United Kingdom of Great Britain and Northern Ireland, amending in certain particulars the international agreement for the regulation of whaling signed at London on June 8, 1937, as amended by the protocol signed at London on June 24, 1938, and I submit a report (Ex. Rept. No. 9) thereon.

The PRESIDENT pro tempore. Without objection, the report will be received, and the protocol will be placed on the Executive Calendar.

CONVENTION ON INTERNATIONAL CIVIL AVIATION

Mr. GEORGE. Mr. President, I ask unanimous consent for the present consideration of Executive A, Seventy-ninth Congress, first session, a convention on international civil aviation, concluded at the International Civil Aviation Conference at Chicago on December 7, 1944.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive A, Seventy-ninth Congress, first session, a convention on international civil aviation, concluded at the International Civil Aviation Conference at Chicago on December 7, 1944, which was read as follows:

CONVENTION ON INTERNATIONAL CIVIL AVIATION

(Preamble)

Whereas the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security; and

Whereas it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends;

Therefore, the undersigned governments having agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically.

Have accordingly concluded this convention to that end.

PART I. AIR NAVIGATION

Chapter I. General principles and application of the convention

Article 1. Sovereignty

The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

Article 2. Territory

For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.

Article 3. Civil and State Aircraft

(a) This Convention shall be applicable only to civil aircraft, and shall not be applicable to State aircraft.

(b) Aircraft used in military, customs and police services shall be deemed to be State aircraft.

(c) No State aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization by

special agreement or otherwise, and in accordance with the terms thereof.

(d) The contracting States undertake, when issuing regulations for their State aircraft, that they will have due regard for the safety of navigation of civil aircraft.

Article 4. Misuse of Civil Aviation

Each contracting State agrees not to use civil aviation for any purpose inconsistent with the aims of this Convention.

Chapter II. Flight over territory of contracting States

Article 5. Right of Nonscheduled Flight

Each contracting State agrees that all aircraft of the other contracting States, being aircraft not engaged in scheduled international air services shall have the right, subject to the observance of the terms of this Convention, to make flights into or in transit non-stop across its territory and to make stops for non-traffic purposes without the necessity of obtaining prior permission, and subject to the right of the State flown over to require landing. Each contracting State nevertheless reserves the right, for reasons of safety of flight, to require aircraft desiring to proceed over regions which are inaccessible or without adequate air navigation facilities to follow prescribed routes, or to obtain special permission for such flights.

Such aircraft, if engaged in the carriage of passengers, cargo, or mail for remuneration or hire on other than scheduled international air services, shall also, subject to the provisions of Article 7, have the privilege of taking on or discharging passengers, cargo, or mail, subject to the right of any State where such embarkation or discharge takes place to impose such regulations, conditions or limitations as it may consider desirable.

Article 6. Scheduled Air Services

No scheduled international air service may be operated over or into the territory of a contracting State, except with the special permission or other authorization of that State, and in accordance with the terms of such permission or authorization.

Article 7. Cabotage

Each contracting State shall have the right to refuse permission to the aircraft of other contracting States to take on in its territory passengers, mail, and cargo carried for remuneration or hire and destined for another point within its territory. Each contracting State undertakes not to enter into any arrangements which specifically grant any such privilege on an exclusive basis to any other State or an airline of any other State, and not to obtain any such exclusive privilege from any other State.

Article 8. Pilotless Aircraft

No aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of a contracting State without special authorization by that State and in accordance with the terms of such authorization. Each contracting State undertakes to insure that the flight of such aircraft without a pilot in regions open to civil aircraft shall be so controlled as to obviate danger to civil aircraft.

Article 9. Prohibited Areas

(a) Each contracting State may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other States from flying over certain areas of its territory, provided that no distinction in this respect is made between the aircraft of the State whose territory is involved, engaged in international scheduled airline services, and the aircraft of the other contracting States likewise engaged. Such prohibited areas shall be of reasonable extent and location so as not to interfere unnecessarily with air navigation. Descriptions of such prohibited areas in the territory of a contracting State, as well as any subsequent alterations therein, shall be communicated as soon as possible to the other contracting States and to the International Civil Aviation Organization.

(b) Each contracting State reserves also the right, in exceptional circumstances or during a period of emergency, or in the interest of public safety, and with immediate effect, temporarily to restrict or prohibit flying over the whole or any part of its territory, on condition that such restriction or prohibition shall be applicable without distinction of nationality to aircraft of all other States.

(c) Each contracting State, under such regulations as it may prescribe, may require any aircraft entering the areas contemplated in subparagraphs (a) or (b) above to effect a landing as soon as practicable thereafter at some designated airport within its territory.

Article 10. Landing at Customs Airport

Except in a case where, under the terms of this Convention or a special authorization, aircraft are permitted to cross the territory of a contracting State without landing, every aircraft which enters the territory of a contracting State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination. On departure from the territory of a contracting State, such aircraft shall depart from a similarly designated customs airport. Particulars of all designated customs airports shall be published by the State and transmitted to the International Civil Aviation Organization established under Part II of this Convention for communication to all other contracting States.

Article 11. Applicability of Air Regulations

Subject to the provisions of this Convention, the laws and regulations of a contracting State relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of all contracting States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

Article 12. Rules of the Air

Each contracting State undertakes to adopt measures to insure that every aircraft flying over or maneuvering within its territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations relating to the flight and maneuver of aircraft there in force. Each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention. Over the high seas, the rules in force shall be those established under this Convention. Each contracting State undertakes to insure the prosecution of all persons violating the regulations applicable.

Article 13. Entry and Clearance Regulations

The laws and regulations of a contracting State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of that State.

Article 14. Prevention of Spread of Disease

Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which the contracting States may be parties.

Article 15. Airport and Similar Charges

Every airport in a contracting State which is open to public use by its national aircraft shall likewise, subject to the provisions of Article 68, be open under uniform conditions to the aircraft of all the other contracting States. The like uniform conditions shall apply to the use, by aircraft of every contracting State, of all air navigation facilities, including radio and meteorological services, which may be provided for public use for the safety and expedition of air navigation.

Any charges that may be imposed or permitted to be imposed by a contracting State for the use of such airports and air navigation facilities by the aircraft of any other contracting State shall not be higher,

(a) As to aircraft not engaged in scheduled international air services, than those that would be paid by its national aircraft of the same class engaged in similar operations, and

(b) As to aircraft engaged in scheduled international air services, than those that would be paid by its national aircraft engaged in similar international air services.

All such charges shall be published and communicated to the International Civil Aviation Organization: provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the State or States concerned. No fees, dues or other charges shall be imposed by any contracting State in respect solely of the right of transit over or entry into or exit from its territory of any aircraft of a contracting State or persons or property thereon.

Article 16. Search of Aircraft

The appropriate authorities of each of the contracting States shall have the right, without unreasonable delay, to search aircraft of the other contracting States on landing or departure, and to inspect the certificates and other documents prescribed by this Convention.

Chapter III. Nationality of aircraft

Article 17. Nationality of Aircraft

Aircraft have the nationality of the State in which they are registered.

Article 18. Dual Registration

An aircraft cannot be validly registered in more than one State, but its registration may be changed from one State to another.

Article 19. National Laws Governing Registration

The registration or transfer of registration of aircraft in any contracting State shall be made in accordance with its laws and regulations.

Article 20. Display of Marks

Every aircraft engaged in international air navigation shall bear its appropriate nationality and registration marks.

Article 21. Report of Registrations

Each contracting State undertakes to supply to any other contracting State or to the International Civil Aviation Organization, on demand, information concerning the registration and ownership of any particular aircraft registered in that State. In addition, each contracting State shall furnish reports to the International Civil Aviation Organization, under such regulations as the latter may prescribe, giving such pertinent data as can

be made available concerning the ownership and control of aircraft registered in that State and habitually engaged in international air navigation. The data thus obtained by the International Civil Aviation Organization shall be made available by it on request to the other contracting States.

Chapter IV. Measures to facilitate air navigation

Article 22. Facilitation of Formalities

Each contracting State agrees to adopt all practicable measures, through the issuance of special regulations or otherwise to facilitate the expedite navigation by aircraft between the territories of contracting States, and to prevent unnecessary delays to aircraft, crews, passengers and cargo, especially in the administration of the laws relating to immigration, quarantine, customs and clearance.

Article 23. Customs and Immigration Procedure

Each contracting State undertakes, so far as it may find practicable, to establish customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. Nothing in this Convention shall be construed as preventing the establishment of customs-free airports.

Article 24. Customs Duty

(a) Aircraft on a flight to, from, or across the territory of another contracting State shall be admitted temporarily free of duty, subject to the customs regulations of the State. Fuel, lubricating oils, spare parts, regular equipment and aircraft rtores on board an aircraft of a contracting State, on arrival in the territory of another contracting State, and retained on board on leaving the territory of that State shall be exempt from customs duty, inspection fees or similar national or local duties and charges. This exemption shall not apply to any quantities or articles unloaded, except in accordance with the customs regulations of the State, which may require that they shall be kept under customs supervision.

(b) Spare parts and equipment imported into the territory of a contracting State for incorporation in or use on an aircraft of another contracting State engaged in international air navigation shall be admitted free of customs duty, subject to compliance with the regulations of the State concerned, which may provide that the articles shall be kept under customs supervision and control.

Article 25. Aircraft in Distress

Each contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to control by its own authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances. Each contracting State, when undertaking search for missing aircraft, will collaborate in coordinated measures which may be recommended from time to time pursuant to this Convention.

Article 26. Investigation of Accidents

In the event of an accident to an aircraft of a contracting State occurring in the territory of another contracting State, and involving death or serious injury, or indicating serious technical defect in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident, in accordance, so far as its laws permit, with the procedure which may be recommended by the International Civil Aviation Organization. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

Article 27. Exemption From Seizure on Patent Claims

(a) While engaged in international air navigation, any authorized entry of aircraft of a contracting State into the territory of another contracting State or authorized transit across the territory of such State with or without landings shall not entail any seizure or detention of the aircraft or any claim against the owner or operator therof or any other interference therewith by or on behalf of such State or any person therein, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is an infringement of any patent, design, or model duly granted or registered in the State whose territory is entered by the aircraft, it being agreed that no deposit of security in connection with the foregoing exemption from seizure or detention of the aircraft shall in any case be required in the State entered by such aircraft.

(b) The provisions of paragraph (a) of this Article shall also be applicable to the storage of spare parts and spare equipment for the aircraft and the right to use and install the same in the repair of an aircraft of a contracting State in the territory of any other contracting State, provided that any patented part or equipment so stored shall not be sold or distributed internally in or exported commercially from the contracting State entered by the aircraft.

(c) The benefits of this Article shall apply only to such States, parties to this Convention, as either (1) are parties to the International Convention for he Protection of Industrial Property and to any amendments thereof; or (2) have enacted patent laws which recognize and give adequate protection to inventions made by the nationals of the other States parties to this Convention.

Article 28. Air Navigation Facilities and Standard Systems

Each contracting State undertakes so far as it may find practicable, to:

(a) Provide, in its territory, airports, radio services, meteorological services and other air navigation facilities to facilitate international air navigation, in accordance with the standards and practices recommended or established from time to time, pursuant to this Convention;

(b) Adopt and put into operation the appropriate standard systems of communications procedure, codes, markings, signals, lighting and other operational practices and rules which may be recommended or established from time to time, pursuant to this Convention;

(c) Collaborate in international measures to secure the publication of aeronautical maps and charts in accordance with standards which may be recommended or established from time to time, pursuant to this Convention.

Chapter V. Conditions to be fulfilled with respect to aircraft

Article 29. Documents Carried in Aircraft

Every aircraft of a contracting State, engaged in international navigation, shall carry the following documents in conformity with the conditions prescribed in this Convention:

(a) Its certificate of registration;

(b) Its certificate of airworthiness;

(c) The appropriate licenses for each member of the crew;

(d) Its journey log book;

(e) If it is equipped with radio apparatus, the aircraft radio station license;

(f) If it carries passengers, a list of their names and places of embarkation and destination;

(g) If it carries cargo, a manifest and detailed declarations of the cargo.

Article 30. Aircraft Radio Equipment

(a) Aircraft of each contracting State may, in or over the territory of other contracting States, carry radio transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the contracting State whose territory is flown over shall be in accordance with the regulations prescribed by that State.

(b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purpose, issued by the appropriate authorities of the State in which the aircraft is registered.

Article 31. Certificates of Airworthiness

Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

Article 32. Licenses of Personnel

(a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.

(b) Each contracting State reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another contracting State.

Article 33. Recognition of Certificates and Licenses

Certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the contracting State in which the aircraft is registered, shall be recognized as valid by the other contracting States, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to this Convention.

Article 34. Journey Log Books

There shall be maintained in respect of every aircraft engaged in international navigation a journey log book in which shall be entered particulars of the aircraft, its crew and of each journey, in such form as may be prescribed from time to time pursuant to this Convention.

Article 35. Cargo Restrictions

(a) No munitions of war or implements of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State. Each State shall determine by regulations what constitutes munitions of war or implements of war for the purposes of this Article, giving due consideration, for the purposes of uniformity, to such recommendations as the International Civil Aviation Organization may from time to time make.

(b) Each contracting State reserves the right, for reasons of public order and safety, to regulate or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph (a): provided that no distinction is made in this respect between its national aircraft engaged in international navigation and the aircraft of the other States so engaged; and provided further that no restriction shall be imposed which may interfere with the carriage and use on aircraft of apparatus necessary for the operation or navigation of the aircraft or the safety of the personnel or passengers.

Article 36. Photographic Apparatus

Each contracting State may prohibit or regulate the use of photographic apparatus in aircraft over its territory.

Chapter VI. International standards and recommended practices

Article 37. Adoption of International Standards and Procedures

Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.

To this end the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with:

(a) Communications systems and air navigation aids, including ground marking;

(b) Characteristics of airports and landing areas;

(c) Rules of the air and air traffic control practices;

(d) Licensing of operating and mechanical personnel;

(e) Airworthiness of aircraft;

(f) Registration and identification of aircraft;

(g) Collection and exchange of meteorological information;

(h) Log books;

(i) Aeronautical maps and charts;

(j) Customs and immigration procedures;

(k) Aircraft in distress and investigation of accidents; and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate.

Article 38. Departures From International Standards and Procedures

Any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard. In the case of amendments to international standards, any State which does not make the appropriate amendments to its own regulations or practices shall give notice to the Council within sixty days of the adoption of the amendment to the international standard, or indicate the action which it proposes to take. In any such case, the Council shall make immediate notification to all other States of the difference which exists between one or more features of an international standard and the corresponding national practice of that State.

Article 39. Endorsement of Certificates and Licenses

(a) Any aircraft or part thereof with respect to which there exists an international standard of airworthiness or performance, and which failed in any respect to satisfy that standard at the time of its certification, shall have endorsed on or attached to its airworthiness certificate a complete enumeration of the details in respect of which it so failed.

(b) Any person holding a license who does not satisfy in full the conditions laid down in the international standard relating to the class of license or certificate which he holds shall have endorsed on or attached to his license a complete enumeration of the particulars in which he does not satisfy such conditions.

Article 40. Validity of Endorsed Certificates and Licenses

No aircraft or personnel having certificates or licenses so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered. The registration or use of any such aircraft, or of any certificated aircraft part, in any State other than that in which it was originally certificated shall be at the discretion of the State into which the aircraft or part is imported.

Article 41. Recognition of Existing Standards of Airworthiness

The provisions of this Chapter shall not apply to aircraft and aircraft equipment of types of which the prototype is submitted to the appropriate national authorities for certification prior to a date three years after the date of adoption of an international standard of airworthiness for such equipment.

Article 42. Recognition of Existing Standards of Competency of Personnel

The provisions of this Chapter shall not apply to personnel whose licenses are originally issued prior to a date one year after initial adoption of an international standard of qualification for such personnel; but they shall in any case apply to all personnel whose licenses remain valid five years after the date of adoption of such standard.

PART II. THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

Chapter VII. The organization

Article 43. Name and Composition

An organzation to be named the International Civil Aviation Organization is formed by the Convention. It is made up of an Assembly, a Council, and such other bodies as may be necessary.

Article 44. Objectives

The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to:

(a) Insure the safe and orderly growth of international civil aviation throughout the world;

(b) Encourage the arts of aircraft design and operation for peaceful purposes;

(c) Encourage the development of airways, airports, and air navigation facilities for international civil aviation;

(d) Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;

(e) Prevent economic waste caused by unreasonable competition;

(f) Insure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines;

(g) Avoid discrimination between contracting States;

(h) Promote safety of flight in international air navigation;

(i) Promote generally the development of all aspects of international civil aeronautics.

Article 45. Permanent Seat

The permanent seat of the Organization shall be at such place as shall be determined at the final meeting of the Interim Assembly of the Provisional International Civil Aviation Organization set up by the Interim Agreement on International Civil Aviation signed at Chicago on December 7, 1944. The seat may be temporarily transferred elsewhere by decision of the Council.

Article 46. First Meeting of Assembly

The first meeting of the Assembly shall be summoned by the Interim Council of the above-mentioned Provisional Organization as soon as the Convention has come into force, to meet at a time and place to be decided by the Interim Council.

Article 47. Legal Capacity

The Organization shall enjoy in the territory of each contracting State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

Chapter VIII. The Assembly

Article 48. Meetings of Assembly and Voting

(a) The Assembly shall meet annually and shall be convened by the Council at a suitable time and place. Extraordinary meetings of the Assembly may be held at any time upon the call of the Council or at the request of any ten contracting States addressed to the Secretary General.

(b) All contracting States shall have an equal right to be represented at the meetings of the Assembly and each contracting State shall be entitled to one vote. Delegates representing contracting States may be assisted by technical advisers who may participate in the meetings but shall have no vote.

(c) A majority of the contracting States is required to constitute a quorum for the meetings of the Assembly. Unless otherwise provided in this Convention, decisions of the Assembly shall be taken by a majority of the votes cast.

Article 49. Powers and Duties of Assembly

The powers and duties of the Assembly shall be to:

(a) Elect at each meeting its President and other officers;

(b) Elect the contracting States to be represented on the Council, in accordance with the provisions of Chapter IX;

(c) Examine and take appropriate action on the reports of the Council and decide on any matter referred to it by the Council;

(d) Determine its own rules of procedure and establish such subsidiary commissions as it may consider to be necessary or desirable;

(e) Vote an annual budget and determine the financial arrangements of the Organization, in accordance with the provisions of Chapter XII;

(f) Review expenditures and approve the accounts of the Organization;

(g) Refer, at its discretion, to the Council, to subsidiary commissions, or to any other body any matter within its sphere of action;

(h) Delegate to the Council the powers and authority necessary or desirable for the discharge of the duties of the Organization and revoke or modify the delegations of authority at any time;

(i) Carry out the appropriate provisions of Chapter XIII;

(j) Consider proposals for the modification or amendment of the provisions of this Convention and, if it approves of the proposals, recommend them to the contracting States in accordance with the provisions of Chapter XXI;

(k) Deal with any matter within the sphere of action of the Organization not specifically assigned to the Council.

Chapter IX. The Council

Article 50. Composition and Election of Council

(a) The Council shall be a permanent body responsible to the Assembly. It shall be composed of twenty-one contracting States elected by the Assembly. An election shall be held at the first meeting of the Assembly and thereafter every three years, and the members of the Council so elected shall hold office until the next following election.

(b) In electing the members of the Council, the Assembly shall give adequate representation to (1) the States of chief importance in air transport; (2) the States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation; and (3) the States not otherwise included whose designation will insure that all the major geo-

graphic areas of the world are represented on the Council. Any vacancy on the Council shall be filled by the Assembly as soon as possible; any contracting State so elected to the Council shall hold office for the unexpired portion of its predecessor's term of office.

(c) No reperesentative of a contracting State on the Council shall be actively associated with the operation of an international air service or financially interested in such a service.

Article 51. President of Council

The Council shall elect its President for a term of three years. He may be reelected. He shall have no vote. The Council shall elect from among its members one or more Vice Presidents who shall retain their right to vote when serving as acting President. The President need not be selected from among the representatives of the members of the Council but, if a representative is elected, his seat shall be deemed vacant and it shall be filled by the State which he represented. The duties of the President shall be to:

(a) Convene meetings of the Council, the Air Transport Committee, and the Air Navigation Commission;

(b) Serve as representative of the Council; and

(c) Carry out on behalf of the Council the functions which the Council assigns to him.

Article 52. Voting in Council

Decisions by the Council shall require approval by a majority of its members. The Council may delegate authority with respect to any particular matter to a committee of its members. Decisions of any committee of the Council may be appealed to the Council by any interested contracting State.

Article 53. Participation Without A Vote

Any contracting State may participate, without a vote, in the consideration by the Council and by its committees and commissions of any question which especially affects its interests. No member of the Council shall vote in the consideration by the Council of a dispute to which it is a party.

Article 54. Mandatory Functions of Council

The Council shall:

(a) Submit annual reports to the Assembly;

(b) Carry out the directions of the Assembly and discharge the duties and obligations which are laid on it by this Convention;

(c) Determine its organization and rules of procedure;

(d) Appoint and define the duties of an Air Transport Committee, which shall be chosen from among the representatives of the members of the Council, and which shall be responsible to it;

(e) Establish an Air Navigation Commission, in accordance with the provisions of Chapter X;

(f) Administer the finances of the Organization in accordance with the provisions of Chapters XII and XV;

(g) Determine the emoluments of the President of the Council;

(h) Appoint a chief executive officer who shall be called the Secretary General, and make provision for the appointment of such other personnel as may be necessary, in accordance with the provisions of Chapter XI;

(i) Request, collect, examine and publish information relating to the advancement of air navigation and the operation of international air services, including information about the costs of operation and particulars of subsidies paid to airlines from public funds;

(j) Report to contracting States any infraction of this Convention, as well as any failure to carry out recommendations or determinations of the Council;

(k) Report to the Assembly any infraction of this Convention where a contracting State has failed to take appropriate action within a reasonable time after notice of the infraction;

(l) Adopt, in accordance with the provisions of Chapter VI of this Convention, international standards and recommended practices; for convenience, designate them as Annexes to this Convention; and notify all contracting States of the action taken;

(m) Consider recommendations of the Air Navigation Commission for amendment of the Annexes and take action in accordance with the provisions of Chapter XX;

(n) Consider any matter relating to the Convention which any contracting State refers to it.

Article 55. Permissive Functions of Council

The Council may:

(a) Where appropriate and as experience may show to be desirable, create subordinate air transport commissions on a regional or other basis and define groups of States or airlines with or through which it may deal to facilitate the carrying out of the aims of this Convention;

(b) Delegate to the Air Navigation Commission duties additional to those set forth in the Convention and revoke or modify such delegations of authority at any time;

(c) Conduct research into all aspects of air transport and air navigation which are of international importance, communicate the results of its research to the contracting States, and facilitate the exchange of information between contracting States on air transport and air navigation matters;

(d) Study any matters affecting the organization and operation of international air transport, including the international ownership and operation of international air services on trunk routes, and submit to the Assembly plans in relation thereto:

(e) Investigate, at the request of any contracting State, any situation which may appear to present avoidable obstacles to the development of international air navigation; and, after such investigation, issue such reports as may appear to it desirable.

Chapter X. The Air Navigation Commission

Article 56. Nomination and Appointment of Commission

The Air Navigation Commission shall be composed of twelve members appointed by the Council from among persons nominated by contracting States. These persons shall have suitable qualifications and experience in the science and practice of aeronautics. The Council shall request all contracting States to submit nominations. The President of the Air Navigation Commission shall be appointed by the Council.

Article 57. Duties of Commission

The Air Navigation Commission shall:

(a) Consider, and recommend to the Council for adoption, modifications of the Annexes to this Convention;

(b) Establish technical subcommissions on which any contracting State may be represented, if it so desires;

(c) Advise the Council concerning the collection and communication to the contracting States of all information which it considers necessary and useful for the advancement of air navigation.

Chapter XI. Personnel

Article 58. Appointment of Personnel

Subject to any rules laid down by the Assembly and to the provisions of this Convention, the Council shall determine the method of appointment and of termination of appointment, the training, and the salaries, allowances, and conditions of service of the Secretary General and other personnel of the Organization, and may employ or make use of the services of nationals of any contracting State.

Article 59. International Character of Personnel

The President of the Council, the Secretary General, and other personnel shall not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the Organization. Each contracting State undertakes fully to respect the international character of the responsibilities of the personnel and not to seek to influence any of its nationals in the discharge of their responsibilities.

Article 60. Immunities and Privileges of Personnel

Each contracting State undertakes, so far as possible under its constitutional procedure, to accord to the President of the Council, the Secretary General, and the other personnel of the Organization, the immunities and privileges which are accorded to corresponding personnel of other public international organizations. If a general international agreement on the immunities and privileges of international civil servants is arrived at, the immunities and privileges accorded to the President, the Secretary General, and the other personnel of the Organization shall be the immunities and privileges accorded under that general international agreement.

Chapter XII. Finance

Article 61. Budget and Apportionment of Expenses

The Council shall submit to the Assembly an annual budget, annual statements of accounts and estimates of all receipts and expenditures. The Assembly shall vote the budget with whatever modification it sees fit to prescribe, and, with the exception of assessments under Chapter XV to States consenting thereto, shall apportion the expenses of the Organization among the contracting States on the basis which it shall from time to time determine.

Article 62. Suspension of Voting Power

The Assembly may suspend the voting power in the Assembly and in the Council of any contracting State that fails to discharge within a reasonable period its financial obligations to the Organization.

Article 63. Expenses of Delegations and Other Representatives

Each contracting State shall bear the expenses of its own delegation to the Assembly and the remuneration, travel, and other expenses of any person whom it appoints to serve on the Council, and of its nominees or representatives on any subsidiary committees or commissions of the Organization.

Chapter XIII. Other international arrangements

Article 64. Security Arrangements

The Organization may, with respect to air matters within its competence directly affecting world security, by vote of the Assembly enter into appropriate arrangements with any general organization set up by the nations of the world to preserve peace.

Article 65. Arrangements With Other International Bodies

The Council, on behalf of the Organization, may enter into agreements with other international bodies for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, may enter into such other arrangements as may facilitate the work of the Organization.

Article 66. Functions Relating to Other Agreements

(a) The Organization shall also carry out the functions placed upon it by the International Air Services Transit Agreement and by the International Air Transport Agreement drawn up at Chicago on December 7,

1944, in accordance with the terms and conditions therein set forth.

(b) Members of the Assembly and the Council who have not accepted the International Air Services Transit Agreement or the International Air Transport Agreement drawn up at Chicago on December 7, 1944, shall not have the right to vote on any questions referred to the Assembly or Council under the provisions of the relevant Agreement.

PART III. INTERNATIONAL AIR TRANSPORT

Chapter XIV. Information and reports

Article 67. File Reports with Council

Each contracting State undertakes that its international airlines shall, in accordance with requirements laid down by the Council, file with the Council traffic reports, cost statistics and financial statements showing among other things all receipts and the sources thereof.

Chapter XV. Airports and other air navigation facilities

Article 68. Designation of Routes and Airports

Each contracting State may, subject to the provisions of this Convention, designate the route to be followed within its territory by any international air service and the airports which any such service may use.

Article 69. Improvement of Air Navigation Facilities

If the Council is of the opinion that the airports or other air navigation facilities including radio and meteorological services of a contracting State are not reasonably adequate for the safe, regular, efficient, and economical operation of international air services, present or contemplated, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose. No contracting State shall be guilty of an infraction of this Convention if it fails to carry out these recommendations.

Article 70. Financing of Air Navigation Facilities

A contracting State, in the circumstances arising under the provisions of Article 69, may conclude an arrangement with the Council for giving effect to such recommendations. The State may elect to bear all of the costs involved in any such arrangement. If the State does not so elect, the Council may agree, at the request of the State, to provide for all or a portion of the costs.

Article 71. Provision and Maintenance of Facilities by Council

If a contracting State so requests, the Council may agree to provide, man, maintain, and administer any or all of the airports and other air navigation facilities, including radio and meteorological services, required in its territory for the safe, regular, efficent and economical operation of the international air services of the other contracting States, and may specify just and reasonable charges for the use of the facilities provided.

Article 72. Acquisition or Use of Land

Where land is needed for facilities financed in whole or in part by the Council at the request of a contracting State, that State shall either provide the land itself, retaining title if it wishes, or facilitate the use of the land by the Council on just and reasonable terms and in accordance with the laws of the State concerned.

Article 73. Expenditure and Assessment of Funds

Within the limit of the funds which may be made available to it by the Assembly under Chapter XII, the Council may make current expenditures for the purposes of this Chapter from the general funds of the Organization. The Council shall assess the capital funds required for the purposes of this Chapter in previously agreed proportions over a reasonable period of time to the contracting States consenting thereto whose airlines use the facilities. The Council may also assess to States that consent any working funds that are required.

Article 74. Technical Assistance and Utilization of Revenues

When the Council, at the request of a contracting State, advances funds or provides airports or other facilities in whole or in part, the arrangement may provide, with the consent of that State, for technical assistance in the supervision and operation of the airports and other facilities, and for the payment, from the revenues derived from the operation of the airports and other facilities of the operating expenses of the airports and the other facilities, and of interest and amortization charges.

Article 75. Taking Over of Facilities From Council

A contracting State may at time discharge any obligation into which it has entered under Article 70, and take over airports and other facilities which the Council has provided in its territory pursuant to the provisions of Articles 71 and 72, by paying to the Council an amount which in the opinion of the Council is reasonable in the circumstances. If the State considers that the amount fixed by the Council is unreasonable it may appeal to the Assembly against the decision of the Council and the Assembly may confirm or amend the decision of the Council.

Article 76. Return of Funds

Funds obtained by the Council through reimbursement under Article 75 and from receipts of interest and amortization payments under Article 74 shall, in the case of advances originally financed by States under Article 73, be returned to the States which were originally assessed in the proportion of their assessments, as determined by the Council.

Chapter XVI. Joint operating organizations and pooled services

Article 77. Joint Operating Organizations Permitted

Nothing in this Convention shall prevent two or more contracting States from constituting joint air transport operating organizations or international operating agencies and from pooling their air services on any routes or in any regions, but such organizations or agencies and such pooled services shall be subject to all the provisions of this Convention, including those relating to the registration of agreements with the Council. The Council shall determine in what manner the provisions of this Convention relating to nationality of aircraft shall apply to aircraft operated by international operating agencies.

Article 78. Function of Council

The Council may suggest to contracting States concerned that they form joint organizations to operate air services on any routes or in any regions.

Article 79. Participation in Operating Organizations

A State may participate in joint operating organizations or in pooling arrangements, either through its government or through an airline company or companies designated by its government. The companies may, at the sole discretion of the State concerned, be state-owned or partly state-owned or privately owned.

PART IV. FINAL PROVISIONS

Chapter XVII. Other aeronautical agreements and arrangements

Article 80. Paris and Habana Conventions

Each contracting State undertakes, immediately upon the coming into force of this Convention, to give notice of denunciation of the Convention relating to the Regulation of Aerial Navigation signed at Paris on October 13, 1919 or the Convention on Commercial Aviation signed at Habana on February 20, 1928, if it is a party to either. As between contracting States, this Convention supersedes the Conventions of Paris and Habana previously referred to.

Article 81. Registration of Existing Agreements

All aeronautical agreements which are in existence on the coming into force of this Convention, and which are between a contracting State and any other State or between an airline of a contracting State and any other State or the airline of any other State, shall be forthwith registered with the Council.

Article 82. Abrogation of Inconsistent Arrangements

The contracting States accept this Convention as abrogating all obligations and understandings between them which are inconsistent with its terms, and undertake not to enter into any such obligations and understandings. A contracting State which, before becoming a member of the Organization has undertaken any obligations toward a noncontracting State or a national of a contracting State or of a non-contracting State inconsistent with the terms of this Convention, shall take immediate steps to procure its release from the obligations. If an airline of any contracting State has entered into any such inconsistent obligations, the State of which it is a national shall use its best efforts to secure their termination forthwith and shall in any event cause them to be terminated as soon as such action can lawfully be taken after the coming into force of this Convention.

Article 83. Registration of New Arrangements

Subject to the provisions of the preceding Article, any contracting State may make arrangements not inconsistent with the provisions of this Convention. Any such arrangement shall be forthwith registered with the Council, which shall make it public as soon as possible.

Chapter XVIII. Disputes and default

Article 84. Settlement of Disputes

If any disagreement between two or more contracting States relating to the interpretation or application of this Convention and its Annexes cannot be settled by negotiation, it shall, on the application of any State concerned in the disagreement, be decided by the Council. No member of the Council shall vote in the consideration by the Council of any dispute to which it is a party. Any contracting State may, subject to Article 85, appeal from the decision of the Council to an *ad hoc* arbitral tribunal agreed upon with the other parties to the dispute or to the Permanent Court of International Justice. Any such appeal shall be notified to the Council within sixty days of receipt of notification of the decision of the Council.

Article 85. Arbitration Procedure

If any contracting State party to a dispute in which the decision of the Council is under appeal has not accepted the Statute of the Permanent Court of International Justice and the contracting States parties to the dispute cannot agree on the choice of the arbitral tribunal, each of the contracting States parties to the dispute shall name a single arbitrator who shall name an umpire. If either contracting State party to the dispute fails to name an arbitrator within a period of three months from the date of the appeal, an arbitrator shall be named on behalf of that State by the President of the Council from a list of qualified and available persons maintained by the Council. If, within thirty days, the arbitrators cannot agree on an umpire, the President of the Council shall designate an umpire from the list previously referred to. The arbitrators and the umpire shall then jointly constitute an arbitral tribunal. Any arbitral tribunal

established under this or the preceding Article shall settle its own procedure and give its decisions by majority vote, provided that the Council may determine procedural questions in the event of any delay which in the opinion of the Council is excessive.

Article 86. Appeals

Unless the Council decides otherwise, any decision by the Council on whether an international airline is operating in conformity with the provisions of this Convention shall remain in effect unless reversed on appeal. On any other matter, decisions of the Council shall, if appealed from, be suspended until the appeal is decided. The decisions of the Permanent Court of International Justice and of an arbitral tribunal shall be final and binding.

Article 87. Penalty for Non-Conformity of Airline

Each contracting State undertakes not to allow the operation of an airline of a contracting State through the airspace above its territory if the Council has decided that the airline concerned is not conforming to a final decision rendered in accordance with the previous Article.

Article 88. Penalty for Non-Conformity by State

The Assembly shall suspend the voting power in the Assembly and in the Council of any contracting State that is found in default under the provisions of this Chapter.

Chapter XIX. War

Article 89. War and Emergency Conditions

In case of war, the provisions of this Convention shall not affect the freedom of action of any of the contracting States affected, whether as belligerents or as neutrals. The same principle shall apply in the case of any contracting State which declares a state of national emergency and notifies the fact to the Council.

Chapter XX. Annexes

Article 90. Adoption and Amendment of Annexes

(a) The adoption by the Council of the Annexes described in Article 54, subparagraph (l), shall require the vote of two-thirds of the Council at a meeting called for that purpose and shall then be submitted by the Council to each contracting State. Any such Annex or any amendment of an Annex shall become effective within three months after its submission to the contracting States or at the end of such longer period of time as the Council may prescribe, unless in the meantime a majority of the contracting States register their disapproval with the Council.

(b) The Council shall immediately notify all contracting States of the coming into force of any Annex or amendment thereto.

Chapter XXI. Ratification, adherences, amendments, and denunciations

Article 91. Ratification of Convention

(a) This Convention shall be subject to ratification by the signatory States. The instruments of ratification shall be deposited in the archives of the Government of the United States of America, which shall give notice of the date of the deposit to each of the signatory and adhering States.

(b) As soon as this Convention has been ratified or adhered to by twenty-six States it shall come into force between them on the thirtieth day after deposit of the twenty-sixth instrument. It shall come into force for each State ratifying thereafter on the thirtieth day after the deposit of its instrument of ratification.

(c) It shall be the duty of the Government of the United States of America to notify the government of each of the signatory and adhering States of the date on which this Convention comes into force.

Article 92. Adherence to Convention

(a) This Convention shall be open for adherence by members of the United Nations and States associated with them, and States which remained neutral during the present world conflict.

(b) Adherence shall be effected by a notification addressed to the Government of the United States of America and shall take effect as from the thirtieth day from the receipt of the notification by the Government of the United States of America, which shall notify all the contracting States.

Article 93. Admission of Other States

States other than those provided for in Articles 91 and 92 (a) may, subject to approval by any general international organization set up by the nations of the world to preserve peace, be admitted to participation in this Convention by means of a four-fifths vote of the Assembly and on such conditions as the Assembly may prescribe: provided that in each case the assent of any State invaded or attacked during the present war by the State seeking admission shall be necessary.

Article 94. Amendment of Convention

(a) Any proposed amendment to this Convention must be approved by a two-thirds vote of the Assembly and shall then come into force in respect of States which have ratified such amendment when ratified by the number of contracting States specified by the Assembly. The number so specified shall not be less than two-thirds of the total number of contracting States.

(b) If in its opinion the amendment is of such a nature as to justify this course, the Assembly in its resolution recommending adoption may provide that any State which has not ratified within a specified period after the amendment has come into force shall thereupon cease to be a member of the Organization and a party to the Convention.

Article 95. Denunciation of Convention

(a) Any contracting State may give notice of denunciation of this Convention three years after its coming into effect by notification addressed to the Government of the United States of America, which shall at once inform each of the contracting States.

(b) Denunciation shall take effect one year from the date of the receipt of the notification and shall operate only as regards the State effecting the denunciation.

Chapter XXII. Definitions

Article 96

For the purpose of this Convention the expression:

(a) "Air service" means any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo.

(b) "International air service" means an air service which passes through the air space over the territory of more than one State.

(c) "Airline" means any air transport enterprise offering or operating an international air service.

(d) "Stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail.

Signature of Convention

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having been duly authorized, sign this Convention on behalf of their respective governments on the dates appearing opposite their signatures.

Done at Chicago the seventh day of December 1944, in the English language. A text drawn up in the English, French, and Spanish languages, each of which shall be of equal authenticity, shall be open for signatures at Washington, D. C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign or adhere to this Convention.

For Afghanistan:

A. HOSAYN AZIZ.

For the Government of the Commonwealth of Australia:

ARTHUR S. DRAKEFORD.

For Belgium:

——— ———.

For Bolivia:

TCNL. AL. PACHECO.

For Brazil:

——— ———.

For Canada:

H J SYMINGTON.

For Chile:

R SÁFNZ.
G. BISQUERT.
R MAGALLANES B.

For China:

CHANG KIA NGAU.

For Colombia:

——— ———.

For Costa Rica:

——— ———.

For Cuba:

——— ———.

For Czechoslovakia:

——— ———.

For the Dominican Republic:

C. A. MCLAUGHLIN.

For Ecuador:

J. A. CORREA.
FRANCISCO GOMEZ JURADO.

For Egypt:

M HASSAN.
M ROUSHDY.
M. A. KHALIFA.

For El Salvador:

——— ———.

For Ethiopia:

——— ———.

For France:

M. HYMANS.
C. LEBEL.
BOURGES.
P. LOCUSSOL.

For Greece:

D NOTI BOTZARIZ.
A. J. ARGYROPOULOS.

For Guatemala:

——— ———.

For Haiti:

EDOUARD ROY.

For Honduras:

E. P. LEFEBVRE.

For Iceland:

THOR THORS.

For India:

G BEWOOR.

For Iran:

M. SHAYESTEH.

For Iraq:

ALI JAWDAT.

For Ireland:

ROBT. BRENNAN.
JOHN LEYDON.
JOHN J. HEARNE.
T. J. O'DRISCOLL.

For Lebanon:

C CHAMOUN.
F EL-HOSS.

For Liberia:

WALTER F WALKER.

For Luxembourg:

——— ———.

For Mexico:

PEDRO A CHAPA.

For the Netherlands:

COPES.
F. E. ARONSTEIN.

For the Government of New Zealand:

DANIEL GILES SULLIVAN.

For Nicaragua:

R. E. FRIZELL.

For Norway:

——— ———.

For Panama:

The Delegation of the Republic of Panama

signs this Convention *ad referendum*, and subject to the following reservations:

1. Because of its strategic position and responsibility in the protection of the means of communication in its territory, which are of the utmost importance to world trade, and vital to the defense of the Western Hemisphere, the Republic of Panama reserves the right to take, with respect to all flights through the air space above its territory, all measures which in its judgment may be proper for its own security or the protection of said means of communication.

2. The Republic of Panama understands that the technical annexes to which reference is made in the Convention constitute recommendations only, and not binding obligations.

For Paraguay:

——— ———.

For Peru:

A REVOREDO.
J. S. KOECHLIN.
LUIS ALVARADO.
F ELGUERA.
GUILLERMO VAN OORDT.

For the Philippine Commonwealth:

J HERNANDEZ.
URBANO A. ZAFRA.
J. H. FOLEY.

For Poland:

ZBYSLAW CIOLKOSZ.
Dr. H. J. GORECKI.
STEFAN J. KONORSKI.
WITOLD A. URBANOWICZ.
LUDWICK H. GOTTLIEB.

For Portugal:

MÁRIO DE FIGUEIREDO.
ALFREDO DELESQUE DOS SANTOS CINTRA.
DUARTE DE GUMAO.
VASCO VIEIRA GARIN.

For Spain:

E. TERRADAS.
GERMÁN BARAIBAR.

For Sweden:

R. KUMLIN.

For Switzerland:

——— ———.

For Syria:

KAHALE.

For Turkey:

S. KOCAK.
F. SAHINBAS.
ORHAN H. EROL.

For the Union of South Africa:

——— ———.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

SWINTON.

For the United States of America:

ADOLF A. BERLE, Jr.
ALFRED L. BULWINKLE.
CHAS. A. WOLVERTON.
F. LAGUARDIA.
EDWARD WARNER.
L. WELCH POGUE.
WILLIAM A. M. BURDEN.

For Uruguay:

CARL CARBAJAL.
Col. MEDARDO R. FARIAS.

For Venezuela:

——— ———.

For Yugoslavia:

——— ———.

For Denmark:

HENRIK KAUFFMANN.

For Thailand:

M. R. SENI PRANOJ.

I CERTIFY THAT the foregoing is a true copy of the Convention on International Civil Aviation dated December 7, 1944, concluded at the International Civil Aviation Conference at Chicago, Illinois, in the English language, the signed original of which is deposited in the archives of the Government of the United States of America.

IN TESTIMONY WHEREOF, I, E. R. Stettinius, Jr., Secretary of State, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by an Assistant Chief, Division of Central Services of the said Department, at the city of Washington, in the District of Columbia, this twenty-second day of January, 1945.

E. R. STETTINIUS, Jr.,
Secretary of State.
M. L. KENESTRICK,
Assistant Chief, Division of Central Services.

Mr. GEORGE. Mr. President, I do not intend to enter into a prolonged discussion of this treaty. I merely wish to call attention to certain facts.

Mr. President, at the Chicago Convention the four agreements regarding international civil aviation were drawn up. It was the opinion of the Foreign Relations Committee of the Senate that the particular convention which is now before the Senate is independent of the other three agreements; that is to say that its provisions are not dependent upon the provisions of the other agreements and the Nation which becomes a party to the convention does not thereby become a party to any of the other agreements.

The interim agreement, one of the other three documents drafted at Chicago, provides for a provisional organization, the principal function of which is the preparation of aviation standards for the consideration of the permanent organization envisaged by the convention. The provisional organization, known as PICAO, is now functioning in Montreal. This provisional organization, under the terms of the interim agreement, can exist for only about two more years, or until the coming into force of the convention establishing the permanent International Civil Aviation Organization.

The other two agreements which were drawn up at Chicago are the international air-service transit agreement, known as the "two freedoms" agreement, and the international air-transport agreement, referred to as the "five freedoms" agreement. The first agreement exchanges the rights to fly over and make nontraffic stops in the territory of the other signatories, and the second agreement grants, in addition to the rights included in the "two freedoms" agreement, commercial traffic rights to all signatories.

It was the opinion on the Senate Foreign Relations Committee that the so-called "five freedoms" agreement as well as the "two freedoms" agreement were separate and apart from this convention; but a controversy arose, particularly respecting the so-called "five freedoms" agreement. That controversy has been resolved by a press release issued today by the Department of State. I shall read the release into the RECORD. It is dated July 25, 1946, and reads as follows:

On February 8, 1945, the United States Government accepted as binding upon it the international air transport agreement (commonly known as the "five freedoms" agreement) which was one of the documents drawn up at the international civil aviation conference held at Chicago from November 1 to December 7, 1944.

This multilateral agreement provides that each contracting state grants to the other contracting states, not only the privileges of flight over its territory without landing and the privilege to land for nontraffic purposes (which are included in the international air transit agreement and known as the "two freedoms"), but in addition the privileges of taking on and discharging passengers, mail and cargo destined for or taken on in the territory of the state whose nationality the aircraft possesses and the privilege of carrying passengers, mail and cargo between the territories of any of the contracting states. The agreement also sets forth the conditions under which the above-mentioned privileges may be exercised.

Only 15 countries have accepted the international air transport agreement and of this number, only 2 besides the United States, have developed international air services to any extent. The failure of the nations principally concerned with the operation and development of air-transport services, generally to accept the agreement, and the dissatisfaction with it as reflected at the meeting of the assembly of the provisional international civil aviation organization held at Montreal have made it clear that the agreement cannot be relied upon as an effective medium for the establishment of international air routes for operation by United States carriers. Consequently, the United States has decided to withdraw from this agreement.

In accordance with article 5 of the agreement, any contracting state may withdraw from it on 1 year's notice. It is the duty of the United States at once to inform all other contracting States of this decision. This Government, therefore, will at once inform all the other states which have accepted the international air transport agreement of its intention to withdraw from the agreement dating from today in accordance with article 5.

Mr. President, I may say that this release was issued at 11 o'clock, and official notice of the withdrawal has been transmitted to the Committee on Foreign Relations.

It was the view of the Committee on Foreign Relations, although there were differences of judgment upon the point, that it was unnecessary to determine whether or not the so-called "five freedoms" agreement was a proper and valid exercise of executive authority, it having been executed as an executive agreement and not having been submitted to the Senate as a treaty. But aside from that fact, the committee was of the opinion that the convention now before the Senate was independent of the so-called "five freedoms" agreement or the "two freedoms" agreement. However, the action taken by the Department of State today goes far to relieve the present situation, and it is hoped and believed that the Senators who were quite directly interested in this matter will no longer press active opposition to the convention itself.

In that connection, Mr. President, I should say that the Committee on Commerce of the Senate has been very seriously concerned about the so-called "five freedoms" and other executive agreements, believing that these agreements were in fact treaties, or rose to the dignity of treaties, and should have been treated as such. But so far as the "five freedoms" agreement is concerned, the notice given today removes that question from the consideration of this convention.

Mr. BREWSTER. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I yield to the Senator from Maine.

Mr. BREWSTER. In that connection, the acting chairman of the Committee

on Commerce, the Senator from Louisiana [Mr. OVERTON], asked that there should be presented at some proper time—perhaps the Senator from Nevada has it in contemplation—the resolution of the Committee on Commerce dealing with the much broader question of bilateral agreements. If the Senator from Nevada is going to present it, that will take care of the situation, but I think it should be in order to keep the record straight in the matter.

Mr. McCARRAN. Mr. President, I am not prepared to present it. I thought the acting chairman of the Committee on Commerce, the Senator from Louisiana [Mr. OVERTON], would present it. I do not see him in the Chamber at present.

Mr. BREWSTER. Would it be in order to offer it at this time in order to complete the RECORD?

Mr. GEORGE. Is that the report which was submitted to the Senate sometime ago?

Mr. BREWSTER. Yes; and copies were sent to the President, presenting what the Committee on Commerce considered to be the applicable law under the Civil Aeronautics Act, of which the Senator from Nevada, I think, was the father.

Mr. GEORGE. I shall have no objection to it being offered for the RECORD at this point, and it can be supplied if it is not presently available.

Mr. BREWSTER. I have a copy of it here, and I shall read the resolution. It is as follows:

Whereas there has recently been announced and presented by the State Department to the Senate Committee on Commerce the so-called Bermuda agreement, between the United States and the United Kingdom, regarding international commercial aviation; and

Whereas the Committee on Commerce has held extended hearings on the subject of commercial air transport agreements between the United States and foreign nations; and

Whereas witnesses and counsel representing major American transportation interests, including organized labor, have testified as to the prejudicial effect of such agreements to the United States and especially to the interests they represent, as well as the illegality of such agreements unless approved as treaties as prescribed by the Constitution; and

Whereas the Congress provided in sections 402 and 801 of the Civil Aeronautics Act of 1938 (1) that no foreign-flag air line be allowed to engage in air transportation to and from United States territory unless such foreign-flag air line has obtained a permit issued by the Civil Aeronautics Board and approved by the President; and (2) that no such permit should be issued unless the Civil Aeronautics Board found, after public hearing, that the foreign-flag air line was fit, willing, and able properly to perform the air transportation sought and that such service would be in the public interest; Now, therefore, be it

Resolved, That the Committee on Commerce advise the Senate that it is the opinion of this committee—

1. That no agreements of this character should be made except in the form of treaties to be considered and ratified by the Senate; that any executive agreement which purports to grant to any foreign country the right to have an air line or air lines nominated by it operate to or from United States territory without public hearing in advance and the determination of public interest by the Civil Aeronautics Board called for under section 402 of the Civil Aeronautics Act is inconsistent not only with the Constitution but with the letter and spirit of said act, and therefore illegal and void; and that any and all proceedings thereunder should be forthwith terminated by appropriate notice to the governments concerned.

2. That notwithstanding the international air transport agreement and the bilateral agreements above mentioned this Government is not bound by such agreements so long as the same have not been ratified as treaties, but the Civil Aeronautics Board and the President continue to have the duty and the obligation of passing, without prejudgment, upon the question whether any proposed operation by a foreign-flag air line is in the public interest, as defined in the Civil Aeronautics Act.

This resolution was adopted by the Committee on Commerce on April 15, 1946, by a majority of 17 to 1. The chairman of the committee, the Senator from North Carolina [Mr. BAILEY], concurred, and the acting chairman, the Senator from Louisiana [Mr. OVERTON], concurred, as did all the other members of the committee, with one exception, the Senator from Florida [Mr. PEPPER].

As I understand, Mr. President—and I should like to know whether the Senator from Georgia agrees—this is not a matter which comes directly in question here, that is, there is nothing in the treaty before us which has a bearing on the question one way or the other. The ratification of the treaty will in no way imply or involve an expression of opinion by the Senate as to whether or not the bilateral approach is legal or illegal, void or valid.

Mr. GEORGE. It does not; it has no bearing upon it whatever. That was the view taken by the Committee on Foreign Relations when it reported favorably upon the treaty.

Mr. BREWSTER. I concur in that view.

Mr. GEORGE. And the formal report, which I submitted as the acting chairman of the Committee on Foreign Relations, in the absence at the recent Paris Conference of the distinguished chairman of the committee, the senior Senator from Texas [Mr. CONNALLY], expressly states that the committee is not approving or disapproving any of these bilateral agreements, or implying that they are in any way involved in the ratification of the convention which is now before the Senate.

Mr. BREWSTER. The reference is possibly pertinent, because, as the Senator will observe in the President's letter to the Senator, he called attention to that, but said that he was going ahead with the other arrangements. So, unless the Senate took cognizance of that statement, and indicated very clearly that our ratification of the treaty would not involve any approval of the Presidential action in other respects, there might possibly seem to be an implication of accepting the present executive viewpoint with regard to bilateral agreements. I gather that is clearly not the case.

Mr. GEORGE. Before yielding to the Senator from Nevada, I wish to read from the committee report.

The committee has taken due note of the objections raised to certain aspects of the other three agreements concluded at the Chicago Aviation Conference. Due consideration has also been given to the resolution of the Senate Committee on Commerce, which questioned the authority of the executive branch to enter into such important agreements as the international air-transport agreement without submitting them to the Senate in the form of treaties. In the discussion which took place in the Foreign Relations Committee it was made clear that the committee's approval of the convention in no way constituted approval, either directly or indirectly, of any of the other agreements. However, the committee concluded that the ratification of the pending convention should not be held in abeyance because of disagreements relating to matters independent of the convention.

I now yield to the Senator from Nevada.

Mr. McCARRAN. Mr. President, I thank the Senator from Georgia. I desire at the outset of this discussion to express my personal appreciation for the wholehearted, fine, clear-minded assistance and support which I have received during all this controversy from the able junior Senator from Maine [Mr. BREWSTER]. The Senator and I have seen eye to eye on this matter from the very beginning. I say this is a day of rejoicing in that we are in receipt of the release from the State Department in which the Department definitely withdraws the so-called "five-freedoms" agreement.

Mr. President, the news is still fresh that the United States has denounced the international air transport agreement, which was agreement No. 4 negotiated at the International Civil Aviation Conference in Chicago late in 1944. This is the so-called "five-freedoms" agreement which the United States accepted as a so-called executive agreement.

Briefly described, the purport of this agreement was to extend to foreign-flag aircraft the right to transport air traffic, including passengers, freight, and mails, between United States cities and foreign countries without securing a specific permit or franchise from the United States, as required by the Civil Aeronautics Act.

Mr. President, news of the action which has been taken in denouncing this agreement is good news. It is encouraging news to all of us who are interested in seeing the United States maintain its rightful position of leadership in the field of international air transportation.

Before I discuss this matter further, it might be well to recount a little history. Four separate and distinct air agreements were drawn up at the Chicago Aviation Conference. Agreement No. 1 provided for the creation, during an interim period, of a temporary organization known as the International Civil Aviation Organization, with a maximum life of 3 years. Agreement No. 2 provided for the organization on a permanent basis of the International Civil Aviation Organization, along the same lines as the provisional organization covered by agreement No. 1. Agreement No. 3, the so-called international air services transit agreement, extended to foreign flag aircraft of nations signing the agreement the right to fly on regular schedules across the United States and to land for

refueling and traffic purposes without securing a specific permit or franchise from the United States. Agreement No. 4 I have already described.

Mr. Adolph Berle, who was chairman of the American delegation at the Chicago Conference, announced at the close of the Conference that agreements No. 1, No. 3, and No. 4 would be accepted by the United States as executive agreements, and that agreement No. 2 would be submitted to the Senate for consideration as a treaty. As might have been expected, by those who knew that Mr. Berle ran the Chicago Conference almost single-handed, and had his way in virtually everything that was done there, his prediction was promptly carried out. Agreements No. 1, No. 3, and No. 4 were accepted by the United States as executive agreements, and agreement No. 2 was submitted to the Senate for consideration as a treaty. That agreement is the so-called convention on international civil aviation which is now before the Senate.

Mr. President, in my opinion, and I think in the opinion of a substantial majority of the transportation industry of this country, as well as in the opinion of organized labor, agreements No. 3 and No. 4 were bad. They were agreements exceedingly favorable to the "cheap labor" trading nations. They were agreements which inherently were opposed to the best interests of the United States because they embodied a fundamentally new policy. Furthermore, adherence to these agreements by the United States, under purported executive authority, was illegal, in the opinion of a majority of the authorities on international and constitutional law, since they violated statutory provisions and could, therefore, properly be accepted by the United States only as treaties, and with the approval of the Senate.

Mr. President, I have called both of these agreements bad. Of the two, however, agreement No. 4, the so-called five-freedoms agreement, was by far the worst. Under this agreement, if a domestic air line were authorized to operate to a particular country abroad—for example, to Soviet Russia—all competing domestic lines would be driven into traffic alliances with the Soviet air line monopoly, operating the reciprocal international service to the United States.

Mr. President, the Chicago conference was where the United States took the first step down a path leading, deviously but surely, away from United States supremacy in international air transportation, and toward rule of the air by Great Britain and the international cartels which Great Britain controls.

We have taken other steps down that path, Mr. President. One of the longest steps we took was when we entered into the so-called Bermuda agreement with Great Britain. That agreement, like agreements No. 3 and No. 4 of the Chicago Conference, was entered into by the United States as an "executive agreement," in spite of the fact that there was no authority to do so. I shall mention the Bermuda agreement further in just a moment.

This path that we have been following, Mr. President, toward international cartelization of air transportation, has been so far afield from the best interests of the United States that I am vastly relieved and greatly encouraged by the announcement that we are abandoning it—at least, to the extent of denouncing the five-freedoms agreement.

I am led to hope, Mr. President, that perhaps in the near future our State Department may also take a more realistic view of the Bermuda agreement. At the Bermuda conference, where Mr. Berle again pulled the strings, the United States again got the short end of a very bad bargain, and the extremely able diplomatic negotiators of Great Britain won another victory.

Mr. President, I have so fully expressed my views with regard to the Bermuda agreement, both on the floor of this body and before the Commerce Committee of the Senate, that I will not take time now to repeat them. In passing, however, I wish to mention that I have read with great interest the letter from the Attorney General to the Secretary of State, dated June 18, 1946, which is printed as a part of the report of the Foreign Relations Committee on the aviation treaty which is now before the Senate. That letter from the Attorney General is a very interesting document. It repeats, almost verbatim, arguments advanced earlier by the State Department in support of the authority of the President to enter into the Bermuda agreement as an "executive agreement," in spite of the fact that it violated provisions of the Civil Aeronautics Act of 1938. Mr. President, I have great respect for the present Attorney General, and perhaps I should be chagrined because he has expressed a view so directly contrary to that which I have previously taken, and which I still hold. However, I am comforted by the knowledge that my views are supported by the leading authorities on the question. I am also comforted, Mr. President, by the conviction that Mr. Clark is too good a lawyer to have signed the letter which he sent to the Secretary of State on June 18, if he had previously consulted the authorities, or even if he had read the explanation of the law which I made before the Commerce Committee of the Senate. The arguments of the State Department, which Mr. Clark repeats, had already been advanced, and were completely answered during the Commerce Committee hearings on my bill—Senate bill 1814. Obviously, Mr. Clark did not have time to read these hearings or to consult the authorities on this question. Apparently he consulted only the State Department. I hope, Mr. President, that the Attorney General may find time, in the near future, to go into this matter more thoroughly and obtain a deeper understanding of it.

Mr. President, what was done at the Chicago conference was not done blindly. Cogent warnings were sounded by the representatives of the United States Senate who attended that conference—the senior Senator from North Carolina [Mr. BAILEY], who is chairman of the Committee on Commerce, and the junior Senator from Maine [Mr. BREWSTER]. These Senators pointed out where the path was leading and warned against entering upon it, but their warnings went unheeded. Mr. Welch Pogue, then Chairman of the Civil Aeronautics Board, who as counsel for that Board had clearly recognized the principles which demonstrate the complete illegality of doing by executive agreement what was done at Chicago, and what was done at Bermuda, gave sound advice to Mr. Berle and to others, but he, too, was unheeded.

Ever since the Chicago conference the junior Senator from Maine and the senior Senator from Nevada [Mr. MCCARRAN] in the Senate, and many others outside the Senate, who are also interested in seeing this country fulfill its destiny in the field of international aviation, have been hammering away at the defects and dangers of the five-freedoms agreement. The news that this agreement has been denounced will be widely welcomed all over this country. It will not be so welcomed on the other side of the Atlantic because this action may, perhaps, be considered as an indication that the United States is at last waking up. I pray that may be so. It is time we woke up. I earnestly hope that this action is the forerunner of other and further actions which will free us from commitments against our own best interests. I even venture to hope, Mr. President, that before it is entirely too late the United States may wake up to the fact that in order to preserve our place of leadership in international aviation we must present a united front against the competition of the European cartelists, the empire statesmen, and the big-business diplomats, by adopting the principle of a single, privately controlled but Government-regulated air line to carry the American flag across the oceans and through the skies of the world.

Mr. President, so long as the United States was an adherent to the five-freedoms agreement, I felt—and I know that other Members of this body held the some view—that the convention on international civil aviation, which is now before us, providing for the setting up of the permanent international civil-aviation organization, held dangers so great that it would be my duty to oppose it. Even with the five-freedoms agreement denounced by the United States, I still have grave doubts about the wisdom of entering into this treaty. I think the time will come—perhaps so soon as the early part of next year—when we shall regret having entered into it. However, Mr. President, I am so greatly relieved that we have pulled out of the five-freedoms agreement that I shall not now oppose the treaty. If I could have any assurance that we would similarly denounce the Bermuda agreement I might even, with good conscience, cast my vote in favor of the treaty. The proposed convention has much in it which is good. If we are to be realistic from now on, recognize our own interests, and act accordingly, the Permanent International Civil Aviation Organization can perhaps be made a vehicle for the advancement of international aviation consistent with the interests of the United States. It is in the hope that we shall be realistic from now on, shall recognize where our

interests lie, and shall not again be misled into a course opposed to our own interests, that I shall withdraw my opposition to the pending treaty.

Mr. President, in regard to the opinion of the Attorney General, in regard to the attitude of the Committee on Commerce, of which I have the honor of being a member, and in regard to the question of Executive agreements, I desire now, at the conclusion of my remarks, to have inserted in the RECORD my remarks and my statement before the Committee on Commerce when this matter was pending, and before the Committee on Commerce arrived at the statement which has been referred to so ably by the junior Senator from Maine. I ask unanimous consent that the statement made by me before the Committee on Commerce on the subject may be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Members of the committee have asked me to make some comment on the authority by which the Bermuda agreement was consummated and implemented.

This question divides itself into two parts. First, the authority by which the State Department entered into the agreement. Second, the authority under which the Civil Aeronautics Board approved the IATA conference procedure agreement. There are some other questions of authority, such as the apparent commitment of the Civil Aeronautics Board under the Bermuda agreement to review rates of United States air carriers in international air transportation; but since, so far, there has been no attempt by the Civil Aeronautics Board to exercise authority in these other fields I speak of, the question of authority narrows down to the two points I have just mentioned.

With respect to the authority of the State Department to negotiate the Bermuda agreement, the State Department's position was made clear in a memorandum read by Mr. Blake, which members of the committee will recall Mr. Blake said was in answer to an anonymous memorandum which he said had been circulated among Members of Congress. In the State Department memorandum which Mr. Blake read, the following statement was made:

"Under the Civil Aeronautics Act of 1938 the President is empowered to grant air transport rights to foreign nations through the CAB by means of agreements negotiated by the Department of State in consultation with the Board. These agreements must be within the framework of the existing statute. The State Department believes that the air transport agreement with Great Britain was negotiated within these powers and conditions."

Mr. Chairman, I have already pointed out that the State Department did not contend that its authority to negotiate an executive agreement at Bermuda was derived from the constitutional powers of the President, but that it was statutory authority. The quotation I have just made from the State Department memorandum sums the Department's position up quite clearly; and since Mr. Blake told us that memorandum was prepared in answer to criticism on this point of authority, I think we may quite properly take this statement from the State Department memorandum as the basis for discussion of this point.

Let me read it again:

"Under the Civil Aeronautics Act of 1938 the President is empowered to grant air transport rights to foreign nations through the CAB by means of agreements negotiated by the Department of State in consultation with the Board. These agreements must be within the framework of the existing statute. The State Department believes that the air transport agreement with Great Britain was negotiated within these powers and conditions."

Mr. Chairman, section 801 of the Civil Aeronautics Act provides that:

"The issuance, denial, transfer, amendment, cancellation, suspension, or revocation of, and the terms, conditions, and limitations contained in, any certificate authorizing an air carrier to engage in overseas or foreign air transportation, or air transportation between places in the same territory or possession, or any permit issuable to any foreign air carrier under section 402, shall be subject to the approval of the President. Copies of all applications in respect to such certificates and permits shall be transmitted to the President by the Authority before hearing thereon, and all decisions thereon by the authority shall be submitted to the President before publication thereof. This section shall not apply to the issuance or denial of any certificate issuable under section 401 (e) or any permit issuable under section 402 (c) or to the original terms, conditions, or limitations of any such certificate or permit."

Section 802 of the Civil Aeronautics Act reads as follows:

"The Secretary of State shall advise the Authority of, and consult with the Authority concerning, the negotiation of any agreements with foreign governments for the establishment or development of air navigation, including air routes and services."

Section 1102 of the Civil Aeronautics Act reads as follows:

"In exercising and performing its powers and duties under this act, the Authority shall do so consistently with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any foreign country or foreign countries, shall take into consideration any applicable laws and requirements of foreign countries and shall not, in exercising and performing its powers and duties with respect to certificates of convenience and necessity, restrict compliance by any air carrier with any obligation, duty, or liability imposed by any foreign country: *Provided*, That this section shall not apply to any obligation, duty, or liability arising out of a contract or other agreement, heretofore or hereafter entered into between an air carrier, or any officer or representative thereof, and any foreign country, if such contract or agreement is disapproved by the Authority as being contrary to the public interest."

Now, gentlemen of the committee, each of these three sections of the Civil Aeronautics Act has at one time or another been cited by one or more proponents of the Bermuda agreement as the basis for the authority to negotiate that agreement. Let us consider them one by one.

Section 801 comes closest to meeting the statement of the State Department that "under the Civil Aeronautics Act of 1938 the President is empowered to grant air-transport rights to foreign nations through the CAB by means of agreements negotiated by the Department of State in consultation with the Board." Actually, of course, both sections 801 and 802 must be considered together to get any such concept. And, if we examine these sections very, very perfunctorily, it might appear that they do grant such authority. A somewhat closer examination, however, reveals several interesting facts.

First, section 801 does not grant the President the right to give air-transport rights to foreign nations. It does provide that the CAB can act in this regard only subject to the approval of the President. That may sound like a technical distinction, but it is a very important one. It is important because, on the one hand, you have an assumption that the President may do whatever he pleases about granting rights to foreign air lines, and merely use the CAB as an implement for his actions. On the other hand—and this, gentlemen of the committee, is what the Civil Aeronautics Act provides—the President is given only what amounts to a veto power over the actions of the CAB in connection with rights granted to foreign air carriers, or to United States air carriers to engage in overseas or foreign air transportation. I believe it is going entirely too far to assume that this veto power implies the power of the President to go ahead, after he has disapproved a CAB finding, and make whatever agreement or grant whatever rights he may see fit to make or grant. The President does not have that power under the Civil Aeronautics Act. Let me point out further that section 801 requires that copies of all applications in respect to certificates and permits for overseas or foreign air transportation shall be transmitted to the President before hearing. That portion of the section was not complied with in the case of the Bermuda agreement. As a matter of fact, as we all know, the Bermuda agreement granted rights to foreign air carriers without any hearing whatsoever. Gentlemen of the committee, it is axiomatic in the law that he who seeks to invoke a statute must himself comply with it. I do not see how the State Department or the Civil Aeronautics Board can claim any authority under section 801 of the Civil Aeronautics Act unless the authority in question was exercised in full compliance with that section.

Now let us consider section 802. This section does not, as the State Department memorandum would lead us to believe, convey any authority to the State Department to negotiate agreements granting air-transport rights to foreign nations. Let me read the language of section 802 again, at the hazard of your patience:

"The Secretary of State shall advise the authority of, and consult with the authority concerning, the negotiation of any agreements with foreign governments for the establishment or development of air navigation, including air routes and services."

All that section says is that when the Secretary of State is about to negotiate or is negotiating any agreements with foreign governments for the establishment or development of air navigation, including air routes and services, he shall advise the Civil Aeronautics Board of the negotiations and shall consult with the Board concerning them. This is not a grant of power; it is a restriction upon the authority of the State Department. The authority to negotiate agreements with foreign governments for the establishment or development of air navigation, including air routes and services, lies outside this section; it lies outside the Civil Aeronautics Act. All this section does is say that in exercising whatever authority he may have for the negotiation of such agreements, the Secretary of State shall advise the Civil Aeronautics Board of, and consult with the Board concerning, the negotiation of agreements of the type specified. If the Secretary of State has authority to negotiate a certain agreement by treaty, and only by treaty, then section 802 of the Civil Aeronautics Act says that if that agreement concerns establishment or development of air navigation it can be negotiated only after advice to and consultation with the Civil Aeronautics Board.

The State Department complied with section 802 of the Civil Aeronautics Act in negotiating the Bermuda agreement, since the representatives of the Civil Aeronautics Board were present in Bermuda and, in fact, we are told, actually negotiated the agreement, the State Department representative only signing what had been negotiated by

the CAB. However, the fact that the department complied with the provisions of this section has no bearing on the question of whether the Department had any authority in law to negotiate the agreement.

Now, Mr. Chairman, let us look at section 1102 of the Civil Aeronautics Act. This is the other side of the coin. Whereas section 802, as we have seen, put a limitation on the power of the State Department, namely, that in negotiating agreements with foreign governments for the establishment or development of air navigation, whether by treaty or otherwise, it should advise and consult with the Civil Aeronautics Board, section 1102 provides that the Board, in exercising and performing its powers and duties under the Civil Aeronautics Act, shall have due regard for obligations assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any foreign country or foreign countries. Section 1102 does not convey any authority to the Civil Aeronautics Board. It is a restriction upon the board. It refers to the powers and duties of the board "under this act." That is, the powers and duties granted by sections of the act other than section 1102. It provides that in exercising and performing its powers and duties under the act, the Board shall do so consistently with any obligation of the United States that may be in force between the United States and any foreign country or foreign countries. Note the language of the section:

"Any obligation assumed by the United States in any treaty, convention, or agreement that may be in force." This clearly contemplates that treaties, conventions, or other agreements may be entered into; and it provides that when they have been entered into, the Civil Aeronautics Board shall exercise and perform its powers and duties consistently with any obligations thus assumed by the United States. I think members of the committee will agree with me that a treaty, convention, or agreement is not in force between the United States and any foreign country unless it has been negotiated and entered into under existing constitutional or statutory authority. Thus, the question of whether the Bermuda agreement was entered into under proper authority, and is therefore binding on the United States, is a question preliminary to determination of whether the Civil Aeronautics Board, under the provisions of section 1102 of the Civil Aeronautics Act, must exercise and perform its powers and duties under that act consistently with the Bermuda agreement. Since it is necessary to show conclusively that the agreement is in force before we can apply to the Civil Aeronautics Board the restriction imposed by section 1102, certainly we may not put the cart before the horse and say that section 1102 makes the Bermuda agreement good, regardless of whether it was negotiated and consummated under proper authority.

So much for the question of the authority under which the Bermuda agreement was entered into. Now, Mr. Chairman, let us consider the question of the authority of the Civil Aeronautics Board to approve the IATA conference procedure.

Members of the committee will recall that Mr. Pogue took issue with Senator BREWSTER when the Senator made reference to the "legal validity of the Board's assumption of jurisdiction here."

Mr. Pogue said, at that time, and I quote, "The authority to decide on this specific kind of a set-up is in section 412, and it specifically mentions this kind of thing on rates."

Section 412 of the Civil Aeronautics Act provides as follows:

"(a) Every air carrier shall file with the authority a true copy, or, if oral, a true and complete memorandum, of every contract or agreement (whether enforceable by provisions for liquidated damages, penalties, bonds, or otherwise) affecting air transportation and in force on the effective date of this section or hereafter entered into, or any modification or cancellation thereof, between such air carrier and any other air carrier, foreign air carrier, or other carrier for pooling or apportioning earnings, losses, traffic, service, or equipment, or relating to the establishment of transportation rates, fares, charges, or classifications, or for preserving and improving safety, economy, and efficiency of operation, or for controlling, regulating, preventing, or otherwise eliminating destructive, oppressive, or wasteful competition, or for regulating stops, schedules, and character of service, or for other cooperative working arrangements.

"(b) The authority shall by order disapprove any such contract or agreement, whether or not previously approved by it, that it finds to be adverse to the public interest, or in violation of this act, and shall by order approve any such contract or agreement, or any modification or cancellation thereof, that it does not find to be adverse to the public interest, or in violation of this act."

Gentlemen of the committee, I was intimately concerned with the framing and enactment of the Civil Aeronautics Act of 1938. I spent a good deal of my time for many weary years laboring with this subject. We tried as best we could to anticipate every possible contingency, and to phrase the language of the act so carefully as to cover every such contingency. I am sorry if we failed. But I want to say, here and now, that if we had anticipated that any such interpretation would have been placed upon section 412 as has been placed upon it by the Civil Aeronautics Board in connection with the Board's approval of the IATA conference procedure, we should certainly have amended the language. This is one contingency we did not foresee. This section was intended to require the filing of tariffs by United States air carriers engaged in air transportation within the United States, over whose rates and fares the Board has jurisdiction. It was intended also to require the filing of agreements for joint rates and fares, for divisions of such fares, for pooling of equipment, and for various other matters which might be the subject of agreements between air carriers, whether foreign or domestic. It was also intended to require the filing of any agreements between an air carrier and any other carrier—rail or steamship, for instance; to the end that all such fares and agreements might be scrutinized by the Board before becoming effective. In writing the provisions of the act with respect to agreements between air carriers and other common carriers—those provisions are contained in section 1003 of the act—we used language which makes it clear that the rates, fares, and charges referred to were joint rates, fares and charges. In writing the language of section 412, we were not, perhaps, quite so careful. But I submit to you that the intent of the Congress in this connection is readily ascertainable from a reading of the act as a whole, even though it is not spelled out in the section cited. In fact, it is my belief that a reading of section 412 as a whole, without tearing any single phrase out of its context, makes it clear what the Congress intended. I am happy to say that at least one member of the Civil Aeronautics Board understood well enough what the Congress intended. I hope every member of the committee will read carefully, if he has not already done so, the minority opinion of Mr. Josh Lee in connection with the CAB decision on the IATA case. Let me quote one paragraph from Mr. Lee's opinion:

"I further recognize that it will be necessary for the carriers to arrive at understandings in order to facilitate the establishment of through service and joint rates. The Board can, therefore, at its discretion look favorably upon the agreements between connecting carriers for the interchange of traffic, for the coordination of schedules, for the establishment of through services, and for the fixing of joint rates. If these agreements are worked out directly between the connecting carriers themselves without involving other carriers, such agreements should have no adverse effects upon the reservation of competitive incentives and the determination of competitive rates by the action of each carrier. That is, I believe, the type of agreement which Congress anticipated might receive the Board's approval under section 412 (b) of the act."

Gentlemen of the committee, I have spent perhaps too much time on the question of the intent of Congress in enacting section 412 of the Civil Aeronautics Act. I have done so because I feel particularly well qualified to express an opinion as to that intent, and because it is my belief the committee is entitled to whatever light I may be able to throw on that question. The real crux of the situation, however, is whether the Civil Aeronautics Board has acted within the authority conveyed by section 412, whatever that authority may be.

On this point, I can do no better than to again quote Mr. Lee:

"The IATA traffic conference resolution or agreement is admittedly intended to facilitate rate fixing and other joint action with regard to the kind and amount of service to be furnished by international air carriers. Such negotiations or agreements would constitute violations of the antitrust laws of the United States unless the basic agreement providing for this concerted action is approved by the Board, which approval will, pursuant to section 414 of the act, relieve the persons affected from the application of the antitrust laws.

"Section 412 of the act directs that the Board disapprove any contract or agreement submitted to it that it finds to be adverse to the public interest. In my opinion"—and I want to say there, Mr. Chairman, that is not only Mr. Lee's opinion, it is my opinion as well—"the traffic conference agreement submitted to us herein is adverse to the public interest for the reason that it is incompatible with the carefully established international air policy of the United States, and no sound reasons have been advanced why we should abandon this policy, permanently or temporarily."

Mr. Chairman, it has been stated at this hearing that the IATA conference procedure for fixing rates in international air transportation is a cartel agreement. I do not wish to labor this point, but so that members of the committee may ponder the matter for themselves, I want the RECORD to contain a statement of what a cartel is.

Broadly speaking, a cartel is an agreement beween companies, nominally competitive, to eliminate competition between them. Most cartel agreements contain provisions for the limitation of output, Divison of Markets, and often for the fixing of prices. The word is often used interchangeably with the word "monopoly," although such use is probably not technically correct since the word "monopoly" also connotes the control of an industry by a single company as well as control by many companies operating through agreements. The word "cartel" does not apply to single company domination, but rather applies to the understandings and agreements between companies for the joint control and private regulation of production and marketing. Cartel agreements are not necessarily formal or in writing.

The encyclopedia of the social sciences describes a cartel as an association based upon a contractual agreement between enterprises in the same field of business, which, while retaining their legal independence, associate themselves with a view to exerting a monopolistic influence on the market.

In common parlance the word more often refers to agreements between companies of different countries (sometimes cartels have been called private international economic governments), but the term does not necessarily refer merely to international agreements. It has also sometimes been used to refer to agreements between domestic companies, to regulate domestic production and marketing.

Now, Mr. Chairman, let me call the attention of the committee to a paragraph from the statement made by Mr. L. Welch Pogue, before this committee, on February 27. Mr. Pogue said, and I quote: "In addition to air transport rights in * * * strategic United Kingdom territories, it is also essential to obtain rights in several other strategic areas whose governments are guided by the United Kingdom in their policy and attitude toward air transport. Although obviously this agreement could not award landing rights in the territories of these sovereign countries, there is little doubt that the manifested willingness of the United Kingdom not only to cooperate with the United States but in large part, to embrace its basic air-transport policy, will be of great assistance in obtaining the necessary traffic rights in these other countries." Mr. Chairman, Mr. Pogue was talking about the Bermuda agreement. I submit that the language which I have just quoted means only one thing: That, in negotiating the Bermuda agreement, we were dealing with Great Britain as the head of a cartel, and that we recognized that fact.

Gentlemen of the committee, I promised to discuss the question of the difference between a treaty and an executive agreement. We have had considerable difficulty with that question during the course of these hearings.

The letter of the Secretary of State, which was read to the committee by Mr. Miller, reporting on this bill, refers to numerous agreements with foreign countries respecting aviation, and declares that "in all of these cases the agreements have been consistent with and could be carried out under the terms of existing legislation." A little later in that statement, the Secretary of State points out that "throughout the history of this country, there have been numerous instances where foreign negotiations have been concluded through agreements authorized or approved by acts of Congress in one of the fields of congressional responsibility under the Constitution. So long as these agreements remain within the scope of declared congressional policy, there would appear to be no objection whatever to this procedure."

In other words, Mr. Chairman, the Secretary of State recognizes the principle that executive agreements must be carried out consistent with and under the terms of existing legislation, and within the scope of declared congressional policy. The authority for executive agreements, therefore, is statutory. Now, that being the case, certainly Congress can withdraw that authority, either with respect to specific statutes or with respect to any particular field of negotiations. That should dispose of any contention that S. 1814 is either unconstitutional or improper. The authority for making executive agreements comes from Congress; and Congress can take it away or modify it or circumscribe it, as Congress will.

In that connection, I call the attention of the committee to the statement made by Mr. Miller on the occasion of his appearance before the committee on March 7, that the Bermuda agreement "was only deemed to be within the power of the Executive because of the existing authority vested in the Executive by virtue of previous legislation in Congress."

I am rather inclined to approve the definition of executive agreement offered by our chairman, who said that "an executive agreement is an agreement entered into by the executive department with another country, on behalf of the United States, founded upon an existing treaty or derived from an act of Congress and existing only so long as the authority of the Congress exists."

While Mr. Miller, of the State Department, in his discussion of executive agreements, contended that one source of authority whereby foreign agreements may be concluded, other than as treaties, is the inherent constitutional power of the President as the Chief Executive and diplomatic officer of the Government and Commander in Chief of the armed forces, to conclude agreements with foreign countries within the scope of his constitutional responsibilities, Mr. Miller went on, as I have pointed out, to make it clear that he does not consider the authority for making the Bermuda agreement, or similar agreements, to stem from this source. In fact, Mr. Miller cited what he referred to as—and I quote—"The various so-called executive agreements in the field of international civil aviation," as examples of agreements "concluded by the executive branch in conjunction with legislative action by the Congress under one of its delegated powers." And Mr. Miller went on to say that "while for want of a better term such an agreement is customarily referred to as an 'executive agreement,' it might with equal correctness be called a 'congressional agreement'," since in the nature of this type of instrument its provisions could not be binding upon, or carried out by, the United States without legislative action by the Congress." Pointing out that there may be several different methods in which action by the legislative and executive branches may be combined to bring into being an agreement of this nature, Mr. Miller said that "in the first place, an agreement may be entered into with a foreign country under general powers vested in the executive branch through previous action by Congress." He then cited "the various so-called executive agreements in the filed of international civil aviation" as examples of this type of agreements.

On this question of treaties versus executive agreements, I am somewhat inclined to agree with William Ephraim Mikel, who wrote, in his book, Limitations on the Treaty-Making Power, that "something has been written on the extent of the treaty-making power of the President and the Senate. Little has been decided."

Article II of the Constitution, section 2, clause 2, gives the President the power to make treaties by and with the advice and consent of two-thirds of the Senate present at the time, and such treaties are the supreme law of the land. These constitutional provisions contain no definition of the word "treaty" or the words "executive agreements."

It has long been recognized that a treaty is not immutable, but rather is subject to acts of Congress. In 112 U. S. 580, the Supreme Court, back in 1884, declared that: "We are of opinion that, so far as a treaty made by the United States with any foreign nation can become the subject of judicial cognizance in the courts of this country, it is subject to such acts as Congress may pass for its enforcement, modification, or repeal."

Bouvier's Law Dictionary, third revision, volume 2, page 3312, defines a treaty as "a compact made between two or more independent nations with a view to the public welfare." Bouvier's continues: "Treaties are for a perpetuity, or for a limited time. Those matters which are accomplished by a single act and are at once perfected in their execution are called agreements, conventions, and pactions, but the distinction in name is not always observed."

Here is another pertinent quotation from Bouvier's: "A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty." And again: "When a treaty is inconsistent with a subsequent act of Congress, the latter will prevail; the Constitution does not declare that the law established by a treaty shall never be altered or repealed by Congress; and while good faith may cause Congress to refrain from making any change in such law, if it does so, its enactment becomes the law. No person acquires any vested right to the continued operation of a treaty. Although the other party to the treaty may have ground of complaint, still everyone is bound to obey the latest law passed."

In the case of *Altman and Co.* v. *U. S.* (224 U. S. 583) the question was raised but not decided, as to whether under the provisions of the Constitution of the United States an agreement is a treaty unless made by the President and ratified by two-thirds of the Senate.

Black's Law Dictionary, third edition, page 1752, defines a treaty as "an agreement, league, or contract between two or more nations or sovereigns, formally signed by commissioners properly authorized, and solemnly ratified by the several sovereigns or the supreme power of each state."

Mr. Charles Cheney Hyde's textbook on international law, volume 2, page 1405, carefully points out that the Constitution contains "no definition of a treaty and no statement declaring under what circumstances a conventional arrangement purporting to bind the United States must be dealt with according to the procedure that is mandatory in the case of treaties."

Mr. Green Haywood Hackworth, in his Digest of International Law, volume 5, page 390, cites with approval a memorandum prepared by a former solicitor of the Department of State, classifying agreements made by the Executive and not submitted to the Senate as (1) "agreements made pursuant to authority contained in acts of Congress", and (2) "agreements entered into purely as executive acts without legislative authorization."

On page 402 of the same volume, Mr. Hackworth quotas under Secretary of State Grew, as follows:

"In addition to the authority of the President under the Constitution to negotiate and sign treaties with foreign governments and by and with the advice and consent of the Senate to ratify them, the Executive is empowered without legislative sanction to conclude with foreign governments certain classes of agreements which are not classified as treaties in the sense in which that term is used in the Constitution. These agreements are concluded by virtue of the authority inherent in the Chief Executive under the Constitution, and are confined to subject matter within the purview of his constitutional authority."

Mr. Wallace Mitchell McClure, in his book International Executive Agreements, at page 277, says: "Perhaps there is no exact definition possible of the expression 'Executive agreements.' It is doubtless used to include international agreements made by the Executive (whether under statutory authority or not), but excluding those made by and with the advice and consent of the Senate. In this sense it is obvious that the term comprises agreements and acts of a quite varied nature; for while such an agreement may finally be made by the President or under his direction, it may in some cases have a very different basis of authority from others; it may rest on a statute; it may follow a treaty; it may be an exercise of the power of the President under the Constitution and without the aid of statute or treaty, such as a modus vivendi or an agreement for the determination of claims of American citizens against another country; or it may, as in the case of an armistice, be his act as commander in chief."

An article in the Illinois Law Review, volume 35, page 375, expresses the opinion that executive agreements "are not the supreme law of the land," that they "cannot invalidate conflicting previous legislation," and "that they are not binding on individual citizens," but then expresses the final conclusion that

they are "nonetheless binding on the Nation as a whole."

The article in the Yale Law Journal, which was quoted approvingly to this committee by Mr. Miller, of the State Department, appears in volume 54. The committee might be interested to know that Mr. Miller deleted a phrase from the passage which he quoted. The full passage is as follows: "Despite many attempts to make distinctions between treaties and executive agreements in terms of form, subject matter and legal, practical consequences, and however surprising or even shocking the conclusion may be to any who have not examined the record, this common usage is the only distinction that the facts of our constitutional law and practice will sustain." This article continues: "There are no significant criteria, under the Constitution of the United States or in the diplomatic practice of this Government, by which the genus 'treaty' can be distinguished from the genus 'Executive agreement' other than the single criterion of the procedure or authority by which the United States consent to ratification is obtained. More explicity, agreements with other governments, when consummated pursuant to congressional authorization or when subsequently sanctioned by Congress, have the identical legal and practical consequences both under the municipal law of the United States and under international law, as treaties, consented to by two-thirds of the Senate. Agreements with other governments made pursuant to the President's authority alone, when within the scope of his independent powers, has, furthermore, substantially the same status as treaties, except in some cases where there is contradictory legislation." Mr. Chairman, although the writer there states definitely his opinion that everything which is not a treaty is an executive agreement, he certainly implies by his choice of language that Executive agreements fall into two classes, namely, agreements with other governments consummated pursuant to congressional authorization or subsequently sanctioned by Congress, and agreements with other governments made pursuant to the President's authority alone and within the scope of his independent powers. That is, to my way of thinking, coming a good deal closer to a definition than Mr. Miller led us to believe.

This same article in the Yale Law Journal contains a very interesting comparison between treaties and executive agreements. It is printed in parallel columns. I believe the distinctions made are so important, particularly in view of the fact that the State Department has quoted this article with approval, that it is worth while to take up the time of the committee to call attention to at least some of them.

A treaty, this article points out, is like a constitutional amendment. It car deal with any subject appropriate to international negotiations. On the other hand, the article states, an executive agreement is strictly limited. It can deal only with subjects especially delegated by Congress or, if made independently by the President, can deal only with normal powers vested in the Commander in Chief and principal diplomatic officer.

A treaty, says this article which the State Department regards as authoritative, can do what Congress cannot. It confers legislative power on Congress. On the other hand, the article declares, an executive agreement cannot do what Congress cannot. It cannot confer on Congress powers of legislation it did not have before.

A treaty, says this article, must be ratified to be binding. An executive agreement, on the other hand, "need not be ratified by the United States." Mr. Chairman, that language is interesting and the reason for it is explained in the next distinction which the article makes between treaties and executive agreements.

A treaty, says the article, binds the United States for its duration. It cannot be repealed by act of Congress except for domestic purposes only. The international obligation remains binding. An executive agreement, on the other hand, this article points out—and I quote—"binds only as long as it suits both sides. It morally binds only the signing executive, not his successors. If they wish it to continue, it is by voluntary act. An executive agreement is subject to repeal by act of Congress domestically and internationally. Unilateral indication of desire to terminate suffices. Repeal of authorizing statute suffices."

Mr. Chairman, it surprised me somewhat to find this comparison in the article from which the State Department representative was quoting. If Mr. Miller read this comparison, I cannot understand why he did not bring it to the attention of the committee. Perhaps he did not have time to read the whole article. The portion which he quoted was from about page 181. The comparison from which I am now quoting begins on page 628.

"A treaty," says this article, "has a special significance in constitutional law. It can repeal an act of Congress. An executive agreement is unmentioned in the Constitution and has grown only through the necessity of making agreements of a character not to warrant submission to the Senate. It can be repealed by Congress at any time, but cannot repeal an act of Congress. It can, of course, be nullified or abrogated by treaty, prior or subsequent."

The article points out that a treaty, under the Constitution, is the supreme law of the land, whereas an executive agreement, "with a few exceptions as to contrary State law or when made pursuant to act of Congress" is not supreme law of the land.

The article then points out that a treaty lasts, with unimportant exceptions, as long as its terms provide. On the other hand, the article states, an executive agreement—and I quote—"is terminable at any time at the unilateral wish of one of the parties. This is true even if it purports to run for a given number of years. No successor to the President is bound by the latter's agreement, although he may consent to permit it to stand."

Mr. Chairman, this comparison concludes with what I consider to be something of a masterpiece of understatement. Pointing out that "no secret treaty can be made by the United States," the article states that: "An executive agreement invites secrecy since the President can make it without notifying anybody. Several secret agreements are now known."

Now, Mr. Chairman, I have just one more matter to discuss and I shall be through.

It has been loosely stated that S. 1814 would prohibit the executive branch of the Government from making any agreements respecting aviation. That is not so. The bill merely requires that certain types or kinds of agreements, in the field of international aviation, shall be made in the form of treaties if they are to be made at all. The kinds and types of agreements to which this requirement would be applied are carefully delineated in the bill. I know the committee will wish to consider this point, so let me paraphrase the bill to make this point clear.

One of the kinds of agreements which the bill would require to be made by treaty is an agreement with any foreign government restricting the right of the United States or its nationals to engage in air transport operations. That seems to me a perfectly proper provision. Restrictions on the right of American citizens to engage in international air transportation should not be made effective by this Government except through the orderly and constitutional processes which guarantee an opportunity for the persons affected by the proposed restrictions to have their day in court.

The next kind of agreement which the bill would require to be made by treaty is an agreement with any foreign government generally granting to such government or its nationals, or to any air line representing such government, any right or rights to operate in air transportation or air commerce other than as a foreign air carrier in accordance with the provisions of the Civil Aeronautics Act of 1938.

The Civil Aeronautics Act sets up a specific procedure and method for granting to foreign air lines operating rights in the United States. It provides for notice and opportunity for hearing. It provides for findings with respect to public convenience and necessity. It provides for Presidential approval. That is the pattern laid down by the Congress. Nothing in S. 1814 would change that pattern. On the contrary, enactment of S. 1814 would insure that the procedure set forth by the Congress shall be followed. Since this procedure is laid down by an act of Congress, it cannot legally be changed by an executive agreement. If it is to be changed, it must be changed by treaty or by a subsequent act of Congress. Therefore, the provision of S. 1814 that no attempt may be made to change this procedure except by treaty certainly does no violence either to the Constitution or to the principles of international law.

One other kind of agreement would be required, under S. 1814, to be made by treaty, if at all. That is, agreements with foreign governments respecting the formation of, or the participation of the United States in, any international organization for regulation or control of international aviation.

Mr. Chairman, participation of the United States in an international organization for regulation or control of international aviation necessarily involves giving up some part of the sovereignty of the United States. No such waiver of sovereignty should ever be made by the mere action of the executive branch. Here, if anywhere, is a proper field for the exercise of treaty powers. Here, again, is a matter of vital interest to the public; a matter upon which all interested persons should have an opportunity to be heard, and upon which the will of the people, expressed through their elected representatives, should be listened to.

Participation by the United States in an international organization for regulation or control of international aviation is a continuing matter, of considerable permanency. By any accepted definition, arrangements for such participation must be regarded as properly the subject of a treaty, rather than an Executive agreement.

Those are the provisions of S. 1814. It does not usurp any powers of the President. It does not take away from the executive branch of the Government any powers which it legally has or can lawfully exercise. In a very large degree, this bill is only an attempted assertion of what is already the law.

This bill is an effective vehicle for the expression of the will of the Congress on this subject. A mere resolution by the Senate would not be effective.

This is a matter which cries out for assertion by the Congress of its rights to form and control the policy of the United States. This bill is a means for asserting that right effectively and unequivocally, in the present instance. If the Congress, with all the evidence before it, refuses to assert its rights now, it will by its silence assume responsibility for what the executive agencies of the Government have done and may do; and if the result is loss by this country of its rightful place in world aviation, the fault will lie, in the eyes of the future, not with any official or department in the executive branch, but at the door of Congress, where it will then belong.

Mr. McCARRAN. Mr. President, I yield the floor at this point.

RECOGNITION OF SERVICES OF "BILLY" MITCHELL

Mr. WILEY. Mr. President, I think it will not be out of order for me to say a few words of commendation of the Senator from Nevada [Mr. McCARRAN] and the Senator from Maine [Mr. BREWSTER] for the valiant fight they have made through the months and years, which has culminated today in at least 80 percent success for their side. The Senate is made up of men who have strong convictions, and these two Senators have stood out for a long time, almost alone, until they have been able to sell their ideas, on the merits, to other members of the committee. So I congratulate them and I congratulate the country for having such able public servants who have waged a valiant and most successful fight.

However, Mr. President, probably it will not be out of order, when we are considering this aviation treaty, for me to say a few words about a great birdman of the past, "Billy" Mitchell. I am making this statement because today the House has passed Representative ROBERTSON'S bill conferring a special medal upon "Billy" Mitchell, and that bill is coming to the Senate.

Mr. President, can men never forgive and forget? Three times the Senate of the United States has passed the joint resolution conferring posthumously upon "Billy" Mitchell the rank of major general. Three times now it has died in the House, because of blind brass-hat revenge.

Today, the House passed Representative ROBERTSON'S bill conferring a special medal upon "Billy" Mitchell—not the Congressional Medal of Honor. I want to point out, Mr. President, that on "Billy" Mitchell's record it still appears that he was "busted" from a brigadier general to a colonel because he had the same kind of courage that has been manifested by the two Senators I have referred to, the Senator from Nevada and the Senator from Maine, in their fight on the aviation treaty.

Mr. President, under the provisions of my joint resolution, "Billy" Mitchell's military record would be corrected, and instead of having his former rank of brigadier general restored, he would be elevated, in accordance with the Senate's wishes, to the rank of major general. Three times the Senate has spoken on this matter, and three times now the House of Representatives has turned down the Senate request.

As a military man, Mitchell is entitled to this minimum military honor, namely a major general's commission.

I call attention again to the fact that General MacArthur, the greatest administrator of this age, wrote me in November 1945, commending my joint resolution. I had written to him, respectfully asking him to confirm the long unconfirmed report that he had voted against the court-martial verdict that had cashiered "Billy" Mitchell. This is what General MacArthur said in his reply:

DEAR SENATOR WILEY: Thank you very much for the many kind and generous expressions contained in your letter which has just reached me.

I was one of "Billy" Mitchell's most intimate and devoted friends from the beginning to the end. Our families came from the same spot, Milwaukee, and enjoyed the most cordial intimacy for many decades. Your recollection of my part in his trial is entirely correct. It was fully known to him and he never ceased to express his gratitude for my attitude. It would be ridiculous for anyone to say that any posthumous honors that might be granted him would be embarrassing to me. He was a rare genius in his profession and contributed much to aviation history.

I know nothing of the discussion involved in your resolution, but do know that any part I played in his career should have no bearing whatsoever on the matter.

Out here we are making excellent progress. With renewed expressions of thanks and appreciation.

Very faithfully,

DOUGLAS MACARTHUR.

As will be observed in that letter General MacArthur said I was absolutely correct, namely, that he voted against the report of the majority when "Billy" Mitchell was court-martialed. Today we find that in connection with the matter we are considering the majority has been reversed. So I think the House of Representatives might well take heed.

Now the Robertson bill is coming over from the House. I ask that the chairman of the Military Affairs Committee and the committee immediately report it to the Senate, so that we can do this little bit for the memory of a great American.

BRASS-HAT REVENGE

In talking with Members of the House I have tried to find out why the deliberate, three-time action of the United States Senate has been set at naught. The answer is that the brass hats cannot forget or forgive "Billy" Mitchell for being so decidedly right. It appears, too, that there are those in the Congress who cannot forgive and forget "Billy" Mitchell for being so decidedly right.

My bill, Senate Joint Resolution 34, in its most recent excursion, was passed unanimously by the Senate on April 25, 1945. I have had written commital from Representative MAY, chairman of the House Military Affairs Committee, that favorable action on the bill in that committee would be speeded. But nothing has been done.

I have contacted both Democratic and Republican members on the committee and they have promised action. But nothing has been done. Mr. President, who owns the House Military Affairs Committee? Who owns the House of Representatives? Do the brass hats own it?

Some sinister influence has blocked that action three times now, and my resolution for "Billy's" major general commission is apparently going to die again in the House Military Affairs Committee.

I can assure my associates in the Senate that when we convene again they will have a chance to pass my resolution once more and send it to the House. I hope that by that time the people of this country will have spoken in no uncertain terms in relation to the vital issues before the country. If they do they will speak emphatically as to the rotten manner, the unmilitary manner, the begrudging manner with which this great American of Wisconsin origin has been treated by blind brass-hat influence.

CONVENTION ON INTERNATIONAL CIVIL AVIATION

The Senate, as in Committee of the Whole, resumed the consideration of Executive A, Seventy-ninth Congress, first session, a convention on international civil aviation, concluded at the International Civil Aviation Conference at Chicago on December 7, 1944.

Mr. BREWSTER. Mr. President, I wish to express my appreciation of the kind and generous comments of the Senator from Wisconsin regarding the Senator from Nevada [Mr. McCARRAN] and myself.

Mr. WILEY. The Senator from Maine admits they are true, does he not?

Mr. BREWSTER. I shall not deny them.

Mr. President, I rise to speak regarding this treaty and the situation in regard to international air transportation, because it seems to me of importance that the records of the Senate at this milestone in our progress should indicate very clearly the considerations which have affected the action of at least some of the Members of the Senate. First, I wish to pay a tribute of gratitude for the leadership of my associate, the senior Senator from Nevada [Mr. McCARRAN], the nestor of the Senate in air matters, and under whose leadership I have been happy to carry on my education in a field which is coming to be recognized as being of increasing significance. Not only in connection with the development of commercial aviation in America's future, but in regard to the security of the Nation, it stands in the same relationship as the merchant marine stands to our Navy, for it has long been recognized as a vital factor in the national defense. That is a very small parallel in regard to the significance of international aviation of a commercial character to the defenses of America in this aerial age. As American international aviation goes, so eventually must go the defenses of America, so far as concerns making the air secure.

Having but recently returned from observing from the air the explosion at Bikini, it seems to me that as we contemplate the narrowing of this globe as a result of aerial communication, as we establish weather obesrvation posts in the Arctic in order to enable us to overfly the poles, as will be easily feasible and as we shall demonstrate perhaps within the coming months, it becomes evident that a new day has dawned. While everyone agrees with these statements and while they seem trite because they are so true, yet I regret to say that there is also abundant evidence that the United States as a whole and that even the Members of Congress have not appreciated sufficiently the significance of the international commercial operations of this country and other countries in regard to the future progress and security of our land. So I rise to make clear in the RECORD that in the Senate, as we consider the International Convention on Aviation which was concluded at Chicago

a year ago last November, there shall be no doubt as to how some of us, at least, feel regarding the significance of these steps and their profound importance to the future of our country.

I share the gratification expressed by the Senator from Nevada as to the announcement by the State Department this morning that notice is being served upon the other countries, parties to the agreement, that the so-called five-freedoms agreement is not one to which the United States will longer subscribe. From the inception of that agreement, proposed to the nations of the world at Chicago under the sponsorship of Adolph Berle, Under Secretary of State, I have firmly opposed it as being nicely calculated to wreck the future of American international aviation. And so it is with profound gratification that I read this morning the announcement of the State Department that approval given by executive action, without reference to this body, and, as most of us who are Members of the Commerce Committee believe, utterly without legislative or constitutional warrant, has now been withdrawn. That action marks a long step in the direction of the recognition of the policies which have seemed to many of us as being vital if America is to progress.

So I am prepared, along with the Senator from Nevada and other Senators who have been and are interested in the matter, not at this time actively to oppose the ratification of this convention, although I wish to suggest reasons why I think it would be much better if action were deferred for another 6 months.

I am ready to withdraw active opposition to the ratification of this treaty, first, because of the elimination of the five-freedoms agreement by the announcement of the State Department; and, second, because of the confidence which I have developed over an association of many years with two of the gentlemen who have recently entered the executive department with primary responsibility for aeronautics. I refer first, of course, to Mr. Edwin A. Locke, now special adviser to the President on aviation matters, who has come into this picture fresh from his experience with Donald Nelson of the War Production Board, where he was the liaison man with the Truman Committee, as it was then known, and where we formed a most favorable impression of his talents for public service, and his devotion to the public interest. Our favorable impression of him is also based on his subsequent association with Mr. Donald Nelson on his trip to China and the high responsibilities which he bore there, and later, after Mr. Nelson retired as active representative of America, in liquidating the remaining responsibilities of Mr. Nelson in that area. Since coming to the White House last spring as Special Assistant to the President on aviation matters, he has devoted himself to the single purpose of becoming informed with regard to this great field. While I cannot speak with regard to his influence, I cannot resist the impression that it is the result of the point of view which he has brought to this matter, and the advice which he has given, that we have had a new orientation of executive policy in this regard.

Mr. President, another reason for my willingness to withdraw my opposition to the ratification of this treaty is the recent appointment to the chairmanship of the Civil Aeronautics Board of Mr. James M. Landis, dean for many years of Harvard University Law School, whom I have known for 20 years, of whose devotion to the public service we have had great evidence in his former public services and particularly in his activities in the Middle East as representative of the United States in that very difficult area during recent years where he had an opportunity at first hand to be educated regarding the implications of international diplomacy, and where he accumulated a background which cannot but be of inestimable service not only to his Board but to the country in the position of great responsibility which he now occupies.

It is too early to expect that either of these gentlemen, coming so recently to this field, should have completed studies of policy which would enable them to go forward on lines which meet with the complete concurrence of members of the Senate who have studied the matter, but it is, at any rate, with profound gratification that we welcome this evidence of progress. During the recess of the Congress for the next few months, studies of these men who have so much authority and responsibility in the executive department, in association with whomever shall come to bear the responsibility in the State Department, will guarantee that American interests will be far more carefully considered than it has seemed to us hitherto has been the case.

When I speak regarding the State Department I wish it to be made clear that my statement contains no questioning with reference to the talents or capacity of Mr. Will Clayton, who, as Assistant Secretary, bears the primary responsibility in connection with this matter. But I think that Mr. Clayton has been the first to admit that, on account of a vast variety of other responsibilities which rest upon him, particularly in connection with the economic developments of recent years and months, it has not been possible for him to give but a very modicum of his time to the consideration of matters affecting aviation. Meanwhile, in the remainder of the State Department we have had a procession of men concerned with the matter since the early days when Mr. Adolph Berle, as Under Secretary, called the Chicago Conference and conducted it to which, by the designation of the President of the United States the senior Senator from North Carolina [Mr. BAILEY], the chairman of the Committee on Commerce, and myself were designated as delegates and served there as advisers in connection with the international efforts, and came away from there—I believe I am speaking for the Senator from North Carolina because he has publicly so expressed himself—profoundly concerned over the consequences of the United States adhering to the third, fourth, and fifth freedoms contained in the five freedoms we are considering today. The Senator from North Carolina went so far as to say that he thought it might be disastrous to American aviation interests if that policy continued to be the policy of the United States. In that behalf he expressed, I believe, the grave conclusion of the members of the Commerce Committee charged with the responsibility and discussion of this matter.

Mr. Berle was precipitately removed 4 days before the conclusion of the International Aviation Conference in Chicago, constituting one of the most amazing reversals in the history of our diplomatic relations. While Mr. Berle was permitted to go on and sign the agreement for this country, he obviously was discredited by the President on the very eve of consummating the negotiations which had been taking place at Chicago for 4 weeks. Thereafter Mr. Berle retired and went to South America as Ambassador, where, it seemed to me, his unfortunate influence on aviation policy was still apparent.

Following that time, Mr. Morgan, who was counsel in aviation matters, Mr. Baker, and other representatives of the State Department carried on, but there has been throughout the past 18 months, I believe, a feeling that the State Department, at any rate, preoccupied with all the other problems incident to the war, had utterly failed to grasp the profound significance of international aviation so far as America was concerned.

I would not say that it reflected the influence of any foreign countries, but certainly some of our foreign competitors in this field could have wished nothing more than that change of personnel and the relegation of the problem to the lower echelons of the State Department should be the policy we followed, while the number 1 man, and some of our leading authorities in this field were giving this problem some of their attention. Men of the first rank in diplomacy, commerce, and international affairs, were guiding the course against our competitors, while our problems were being resolved by men holding very humble positions in the State Department, and with practically no knowledge whatever, rather than by those in the upper echelons, such as the Assistant Secretary of State, or those in the position of Cabinet officers, or others in responsible places.

So it was in that atmosphere that a year ago last February it was announced that the "five freedoms" had been accepted by the President of the United States, and were going into effect without reference to the Senate, which is presumably, along with the House, the policy-making body of the country.

Thus the "five freedoms," which completely reversed the entire course of American policy so far as international operations were concerned, were declared in effect.

Mr. WHERRY. Mr. President——

The PRESIDING OFFICER (Mr. MCFARLAND in the chair). Does the Senator from Maine yield to the Senator from Nebraska?

Mr. BREWSTER. I yield.

Mr. WHERRY. I am one of a group here that is trying to get the facts before us so that we can intelligently act on the treaty. As I recall, in Chicago four documents were signed.

Mr. BREWSTER. That is correct.

Mr. WHERRY. I think I understand that the first two were what we call executive agreements.

Mr. BREWSTER. No. The first one was the provisional convention. The second one is the treaty we now have before us. The third and fourth were the two transit and transport arrangements.

Mr. WHERRY. The other two were made by executive agreement?

Mr. BREWSTER. There were three which the Executive purported to accept, the first, which was the provisional, the third, which was the transit, and the fourth, which was the "five freedoms." Those three were accepted by executive agreements, or purported to be.

Mr. WHERRY. What we call the transport agreement is the treaty——

Mr. BREWSTER. It is No. 4.

Mr. WHERRY. And No. 4 is the one to which the Senator has reference today, as to which we are serving notice that we are going to withdraw?

Mr. BREWSTER. That is correct.

Mr. WHERRY. The treaty now under consideration is the one in which we participated in the set-up?

Mr. BREWSTER. It is primarily concerned with technical problems, as we shall point out, to complete technical arrangements regarding our operations, but not committing us to the freedoms of the third.

Mr. WHERRY. Why do we have one of these documents come in as a treaty, for the Senate to act upon, and the other documents made apparently as executive agreements, which the Senate was not asked to ratify?

Mr. BREWSTER. That presents a problem which has been troubling a good many of us for 2 years, and it involved a very heated discussion in the Committee on Commerce, and in the committee we finally came to the conclusion, by a vote of 17 to 1, that it was illegal.

The Committee on Foreign Relations considered the matter, and, so far as I know, they never passed upon it. The three executive agreements have never been submitted to the Committee on Foreign Relations for ratification.

A very interesting constitutional question is presented as to how such a thing can be brought about. Assuming that the President makes executive agreements of any character, and does not submit them to the Foreign Relations Committee or to the Senate, how will the Senate take cognizance of such a situation? How will we bring the President to account? If it involved congressional action, appropriations, or designation of ambassadors, we would come into the picture, but otherwise we are presented with a very difficult problem.

Mr. WHERRY. Then, we are involved in this particular treaty because there is an appropriation connected with it?

Mr. BREWSTER. The State Department has from the beginning taken the position that this convention, or treaty, is a matter upon which the Senate must act, because it would run for a considerable period of time, and because it contains other obligations, for appropriations, as the Senator suggests, and other things, which require Senate consideration.

Mr. McCARRAN. Mr. President, in that regard I think it might be well, together with what is so ably said by the Senator from Maine, to state that, with regard to the first one, that could well be handled by executive agreement, because it is only temporary in duration anyway.

Mr. BREWSTER. Running for 3 years .

Mr. WHERRY. For 3 years?

Mr. BREWSTER. Yes.

Mr. FERGUSON. Mr. President, will the Senator from Maine yield to me?

Mr. BREWSTER. I yield.

Mr. FERGUSON. How did we get notice of the executive agreement concerning the "five freedoms"?

Mr. BREWSTER. All we got was through the press. We read it in the newspapers. A press announcement was issued stating that the President had accepted the "five freedoms."

Mr. FERGUSON. For how long a period was the agreement which contained the "five freedoms" to run?

Mr. BREWSTER. There was no limitation on its duration, and it could be denounced on 1 year's notice; and that is the action which is being taken today.

Mr. FERGUSON. So that it will continue for 1 year?

Mr. BREWSTER. Even now; yes.

Mr. FERGUSON. The executive agreement will actually continue for another year?

Mr. BREWSTER. It will be as valid for the next year as it is today. Some of us do not believe it is valid today; but that is a matter which is still being argued.

I might point out that in connection with the treaty the situation is different; and that is one reason why I feel that it would be wiser to defer action on the treaty until next January, and for other reasons I shall point out. The treaty obligates us for 3 years, and thereafter we may retire on 1 year's notice. So that we are committed by this treaty for 4 years.

Mr. FERGUSON. Has the Senator ever seen the agreement containing the "five freedoms"?

Mr. BREWSTER. Oh, yes; we have a copy of it here. We formulated that at Chicago.

Mr. FERGUSON. Does that in any way conflict with the treaty we are considering today?

Mr. BREWSTER. It is called an appendix to it. It makes reference to it. Only those who are members of the international convention may become subscribers to the "five freedoms." You have to join the club before you can come into the "five freedoms." But you do not have to give the "five freedoms" because you are a member of the club.

Mr. FERGUSON. But the "five freedoms" conflict with the present treaty?

Mr. BREWSTER. No; they are entirely in accord with it. They are supposed to be a related part. It was all developed at Chicago, and the idea was that we would set up this international tribunal, and then all the countries that wanted to would accord the "five freedoms," and if they subscribed to them, would be obligated by them.

Mr. FERGUSON. I thank the Senator.

Mr. BROOKS. Mr. President, in the Senator's judgment, if the "five freedoms" agreement is adhered to, is it not far more important than the treaty we are considering?

Mr. BREWSTER. By all odds. That is the whole gravamen of the thing. The "five freedoms" were the things that gave away America's air to all the world. Fifty-four nations could come here and do about as they pleased.

Mr. BROOKS. That was agreed to, and it started to be adhered to by the United States, without any consultation with the Senate at all?

Mr. BREWSTER. The President, in February 1945, announced our adherence, and notified the countries of the world that we were subscribers.

Mr. BROOKS. Now let me ask about the treaty. Does not that in effect set up an international board to deal with regulations and techniques?

Mr. BREWSTER. Yes.

Mr. BROOKS. And are we not by the pending treaty obliged to take the know-all of American aviation, which is by all odds superior to any aviation in the world, and put it in a common pot, so that any country can see it and use it?

Mr. BREWSTER. It goes further than that, because we are not only obliged to contribute American know-all, but also obliged to continue to contribute publicly all the agreements which United States air lines have with any foreign countries, or any foreign air lines, regarding operations. So that the complete story of how we built American international aviation to the position of preeminence, which it occupied before the war, has to be fully disclosed. That is one of the aspects of the agreement which I would wish could be further considered, and why I would prefer that we wait until next January before we ratify the treaty.

Mr. BROOKS. Is there any immediate necessity for ratification of this treaty?

Mr. BREWSTER. It has been urged by the Committee on Foreign Relations, I think I may say, on the ground that we needed to go forward, although the provisional arrangement has a year and a half to run—a year from next November. I cannot speak for the Committee on Foreign Relations, but I, at any rate, was not clear in my thought about the resolution at Montreal, which it seems to me has a very pertinent bearing on this matter. I refer to the resolution recently adopted at the conference in Montreal by the Provisional Assembly looking to its ratification, and seeming to me to make it very clear that we need be in no hurry. I shall read the first article of the resolution. It is an extract from the minutes of the fifth plenary meeting of the First Assembly, Appendix B, held at Montreal this spring, entitled "Article 18, Preparation of the International Civil Aviation Organization."

Resolved: 1. That all member states be urged to ratify the Convention on International Civil Aviation as soon as possible that the Interim Council be requested, as ratification progresses, to recommend to member states the procedure for depositing their instruments of ratification so that—

That is what to me is profoundly significant. I do not recall that our attention was called to it in the hearing before the Committee on Foreign Relations—

so that all states which have not yet done so may deposit simultaneously their ratifications on the 1st of March 1947.

There are seven more articles, which I shall not read, but I ask that the entire excerpt be inserted in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

EXCERPT FROM MINUTES, FIFTH PLENARY MEETING, FIRST ASSEMBLY (APPENDIX B)

XVIII. PREPARATION OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

Resolved:

1. That all member states be urged to ratify the Convention on International Civil Aviation as soon as possible and that the Interim Council be requested, as ratification progresses, to recommend to member states the procedure for depositing their instruments of ratification so that all states which have not yet done so may deposit simultaneously their ratifications on the 1st March 1947.

2. All member states should notify the Interim Council as early as possible, and if possible, during the present session of the Assembly, whether they are prepared or expect to conform to the preceding resolution.

3. That all member states should notify the Interim Council as and when they have accomplished the necessary preliminary legislative and other measures to enable them to deposit their instruments of ratification and that the Interim Council should notify all states of the progress of these measures.

4. That the Assembly, recognizing the necessity of continuity between the provisional and permanent organizations, directs that on the coming into force of the Convention the Interim Council, its officers, the secretariat, and other organs of the provisional organization shall continue to function under existing rules and regulations until they are replaced by corresponding organs of the permanent organization, or until the permanent Assembly or Council shall otherwise direct.

5. That on the coming into force of the Convention, the Interim Council shall call the first session of the Assembly, fix the time and place of its meeting and prepare its draft agenda, and that the president of the Interim Council shall open the Assembly and preside over it until a president has been elected.

6. In fixing the date for the convening of the first permanent Assembly, the Interim Council shall have regard to the importance of ensuring the widest representation of states on the Council of the permanent organization.

7. That the Interim Council shall prepare recommendations for the first permanent assembly with respect to the general organization of its work, basing such recommendations on the experience of PICAO, the development of international civil aviation and the powers conferred on the permanent organization by the Convention; and that the Interim Council shall prepare draft rules of procedure for the conduct of work in the Assembly, Council, commissions, and committees of the International Civil Aviation Organization.

8. That the first Assembly of the permanent organization shall be authorized to approve the statements of accounts of the last fiscal year of the provisional organization.

Mr. BREWSTER. The significance of that is that it is clearly indicated that the permanent convention is not to go into effect until March 1 under that resolution, which makes it very clear that if we should wait until January, when I think we will know a great deal more about this situation, because of the speed with which it is developing, we could ratify this treaty with equal effect, and we should be prejudiced in no way, and meanwhile there is functioning the provisional organization, to the support of which America is contributing most of the funds and most of the personnel that has carried on its activities.

Mr. GEORGE. Mr. President, may I interpose to say that some nine countries have already ratified this convention, and they are necessarily building up an organization. When a sufficient number of countries have ratified they will form the council, and if we have not ratified we will have no part in it. If there is anything that is of supreme importance to this country it is to have some say-so in planning and mapping aviation standards for commercial aviation throughout the earth during the immediate future ahead of us. The extreme importance of it lies in the fact that we should become an early ratifying member so that we may have some opportunity of asserting our not inconsiderable influence in a field in which we have made so great progress.

Mr. BREWSTER. Mr. President, I think the Senator from Georgia did not appreciate the significance of the resolution which I read.

Mr. GEORGE. Yes, I think I do appreciate its significance. I saw it in the newspapers at the time. The Foreign Relations Committee considered it.

Mr. BREWSTER. On what does the Senator base the suggestion then that other countries may move in, when the resolution clearly provides that all remaining countries shall deposit ratifications simultaneously on March 1, and only nine have so far ratified out of the 26 that are required.

Mr. GEORGE. That simply means, as I take it, that the countries which do not ratify, so as to give life and validity to this treaty, are invited to be ready to deposit ratifications by March 1. If there are 26 countries which should ratify, 9 having already ratified, many of them now being ready to ratify, and we are not among the ratifying countries, we will naturally have no voice in the setting up of this technical international organization which will fix standards that will be so important in the general picture of commercial civil aviation in the future.

Mr. BREWSTER. I am sure the Senator at any rate does not interpret this language as I do, which clearly contemplates that—I read again:

Resolved, That all member states——

Mr. GEORGE. The Senator is entirely overlooking the first and early statement in which they urge immediate ratification of the identical convention which is now before the Senate. Then they proceed to say that the nations which do not ratify, however, are invited—that is the effect of it—and urged to be ready to deposit evidences of their ratification by next March.

Mr. BREWSTER. I shall read the language again.

Mr. GEORGE. Will the Senator read the first part?

Mr. BREWSTER. Yes. I shall read the entire resolution.

Resolved, That all member states be urged to ratify the Convention on International Civil Aviation as soon as possible.

Mr. GEORGE. Yes. That does not say anything about March 1. March 1 relates to a different category.

Mr. BREWSTER. Let us go on. The only trouble is that there is no period and no semicolon there.

Mr. GEORGE. I do not know from what the Senator is reading. Is he reading from a newspaper article?

Mr. BREWSTER. I am not. I regret that the Senator from Georgia was compelled to obtain his views regarding this matter from the newspapers, as I was, until from Montreal—not from our State Department—I secured a copy of the entire resolution, which completely demolished the foundation upon which the State Department had urged this ratification, I am happy to hand to the Senator from Georgia a copy of this excerpt from the minutes, so that he may be informed regarding it, as I think the State Department should have furnished it to him when this matter was under consideration.

I now proceed to read. After the initial statement—

That all member states be urged to ratify the Convention on International Civil Aviation as soon as possible—

It continues—

and that the Interim Council be requested, as ratification progresses—

Mark that language, "as ratification progresses"—

to recommend to member states the procedure for depositing their instruments of ratification so that all states which have not yet done so may deposit simultaneously their ratifications on the 1st of March, 1947.

Now I should like to make it clear why in my judgment that was adopted. It was adopted so that there should be no danger that the permanent convention, which would come into effect on the ratification by 26 states, should happen inopportunely. In other words, the interim council clearly contemplated that it should continue to function until next March 1, and meanwhile if they could secure the necessary 26 states they wanted them to come in at that time and file their instruments of ratification so that the permanent convention could then go into effect.

Mr. GEORGE. The Senator's interpretation of the resolution cannot be correct, because the convention does come into being, into life, and does supersede the interim agreement when 26 nations sign. This obviously refers only to those who have not previously——

Mr. BREWSTER. Who have not "yet."

Mr. GEORGE. Very well, who have not yet.

Mr. BREWSTER. Who have not yet done so, meaning all the states except nine.

Mr. GEORGE. Who have not yet done so on the 1st of March next year.

Mr. BREWSTER. No; who have not yet done so, referring to the present time.

Mr. GEORGE. In my opinion, the resolution is not subject to such interpretation. I read:

That all member states be urged to ratify the Convention on International Civil Aviation—

The convention which is now before the Senate—

as soon as possible, and that the Interim Council be requested, as ratification progresses, to recommend to member states the procedure for depositing their instruments of ratification so that all states which have not yet done so may deposit simultaneously their ratifications on the 1st of March 1947.

It clearly contemplates that if all states can be persuaded to ratify or see fit to ratify even before March 1, that they will proceed, because the convention itself is controlling, and it comes into being, and the Council is set up when 26 states actively ratify. If we are not among the ratifying states, we will not have any voice in setting up the international organization.

Mr. BREWSTER. I think the difficulty of the Senator is because he does not distinguish between "ratification" and "deposit of ratification."

Mr. GEORGE. Oh, yes; I do. The deposit of ratification is simply——

Mr. BREWSTER. We are going to, we hope, ratify it. That is ratification. But not until its deposit with the named government does it become effective and the convention go into effect, and this resolution is obviously drawn with that distinction clearly in mind. The Senator will notice that the next section, section 2, reads:

That all member states should notify the Interim Council as early as possible, and, if possible, during the present session of the Assembly, whether they are prepared or expect to conform to the preceding resolution.

SEC. 3 That all member states should notify the Interim Council as and when they have accomplished the necessary preliminary legislative and other measures to enable them to deposit their instruments of ratification and that the Interim Council should notify all states of the progress of these measures.

In other words, they draw clearly and all the time, the distinction between the ratification by the competent constitutional tribunal, and deposit of the instruments of ratification in order that the convention may not go into effect until the 1st of March 1947, when it will then proceed.

Mr. BROOKS. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. BROOKS. Will the Senator explain the Interim Council? In the meantime, what organization is set up?

Mr. BREWSTER. That council was set up under what was called the Interim Convention for 3 years from November 1944 at Chicago, and has been functioning. It is a council of 21 members, and they have been doing a great deal of preliminary ground work on technical arrangements as to international aviation.

Mr. BROOKS. Is it the Senator's understanding that the 21 individuals constituting the Interim Council will continue to act?

Mr. BREWSTER. Yes, until on the first of March the ratifications are deposited, and then the new arrangement is set up. Then they will form the permanent convention or the permanent assembly and council.

Mr. BROOKS. Do we, as in connection with almost everything else, contribute the major portion of the fund to this Interim Council?

Mr. BREWSTER. Under the provisions of both the interim and the permanent organization the Assembly determines the assessments. That was one thing the executive department recognized it could not do, and so in the announcement of adherence the executive department stipulated that so far as the payment of the assessment was concerned the United States could not be committed without action of the Congress. That was reserved in respect to the interim organization. With respect to the permanent organization of course it will be covered by the ratification by the Senate, if that takes place.

Mr. BROOKS. I desire to join in the Senator's view that this could very well be left until the next Congress, when we shall have ample time, before the 1st of March, to consider it in the light of events occurring between now and then.

Mr. BREWSTER. The discussion regarding the situation in Montreal is one of the major reasons why I felt it would be very well to defer action on the treaty until January, without incurring any possibility of confusion in the functioning of the permanent council.

I desire now to discuss the permanent treaty, which is the matter we are considering today. At the time of the Chicago conferences there was a proposal by New Zealand that all international air services should be operated by one world air line. That was the proposal of New Zealand, which, however, was rejected.

Subsequent to the agreement, Mr. Berle in a magazine article outlining his views, indicated that the world air line was the ultimate solution. That was a world air line in which all nations should participate, and no nation should be allowed to maintain any international air service of its own, either privately or publicly.

Mr. GEORGE. Mr. President, may I interrupt the Senator again?

Mr. BREWSTER. I yield.

Mr. GEORGE. This seems to be a matter that is troublesome to some Senators. The convention itself which we are now called upon to consider provides that it shall be subject to ratification by the signatory states. I read from the convention:

The instruments of ratification shall be deposited in the archives of the Government of the United States of America, which shall give notice of the date of the deposit to each of the signatories and adhering states.

When 26 states adhere the permanent organization goes into effect, and we shall have no part in it unless we shall have adhered to it by the time of the organization of the permanent council. What the interim council in Canada was trying to do was undoubtedly to stimulate an interest in the early ratification, and asking those who had not ratified to get ready to do so, to take the preliminary steps, and finally to make the deposit of their notices of ratification by at least March 1. The document is here before the Senate. There is no doubt that when 26 nations ratify it and notify the United States Government in Washington that they have ratified, the international organization will go into effect; and if we are not then a party to it, we shall be on the side lines.

Mr. BREWSTER. I have had no disposition at any time to dispute the position of the Senator in that regard. That is clearly the provision of the convention which we are considering. But I am also entirely clear that the resolution of the international provisional group will undoubtedly control, because the 21 states which are most interested were meeting at Montreal——

Mr. GEORGE. I do not care to argue the matter with the Senator now, but the interim organization itself is purely temporary. When this convention is ratified it will take the place of the interim organization. That is the whole purpose of the program.

Mr. BREWSTER. Mr. President, if the Senator will permit me to conclude what I was saying, the resoution of the 21 states meeting at Montreal will be conclusive, not on the matter of the interpretation of the agreement, but on the matter of the policy of the adhering states, because those 21 states are the ones most concerned with aviation. I believe that my interpretation of their resolution is correct, but I shall not seek further to labor the point. It seems to me that nothing could be clearer than that the 21 states meeting at Montreal desired that the deposit of the ratifications should be delayed for the very purpose of bringing the whole thing into operation on March 1, 1947. That was the first reason why I felt it would be wiser to wait.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. AIKEN. How many States have already ratified?

Mr. BREWSTER. Nine.

Mr. AIKEN. If we ratify, we shall be the tenth.

Mr. BREWSTER. Yes.

Mr. GEORGE. Let me add that nine have already ratified, and we have notice that several other States are now taking steps to ratify.

Mr. WHERRY. Mr. President, will the Senator yield, in the light of what the distinguished Senator from Georgia has said?

Mr. BREWSTER. I yield.

Mr. GEORGE. Let me correct the last statement. I am informed that 11 States have now ratified.

Mr. WHERRY. If we were not to ratify this convention today, and were to proceed under the theory that if we ratified it by March 1 we would come under the provisions of the permanent international body, is it the Senator's position that we would not jeopardize our rights,

that we could operate under the Interim Council up until March 1, and that at any time we might ratify the convention, up until that time, we would become a member of the international organization?

Mr. BREWSTER. Again it is apparently entirely a question of construction of language, and of procedure. The Senator from Georgia is quite correct when he says that if 26 States should deposit their instruments of ratification with this Government the convention would go into effect.

Mr. WHERRY. Would that foreclose us?

Mr. BREWSTER. No. We could then ratify. The argument has been that the convention might go into effect during the next 4 months, while the Congress was in recess. My position is that the resolution at Montreal clearly indicated that the deposit of instruments of ratification would be deferred until March 1, for what I think are very good and sufficient reasons. I have no concern whatever that there will be any premature action; but that is a matter which I presume honest men may argue.

Mr. GEORGE. Mr. President, will the Senator yield for one further observation?

Mr. BREWSTER. I yield.

Mr. GEORGE. It does not seem to me that the point is even arguable. Here is a convention which provides expressly that it shall go into effect when 26 states have ratified it by depositing in Washington, with our Government, their instruments of ratification. They are not to be deposited with the interim council. The interim council has no power on earth to change or modify the convention; and if the convention is ratified by 26 states, then under the terms of the convention itself those 26 states must set up the permanent organization. The interim council has no authority or power to change the treaty. We could thereafter come into the organization. We could wait until March of next year, or longer if we so desired. We could then come into the international organization. But the first 26 nations ratifying it will set up the permanent organization, and will, of course, have a voice with respect to many important matters which affect our interest. We now have a considerable influence in the control of the existing organization; but if 26 other states should precede us in ratification the permanent organization would go into effect, and we would have no voice in the matter. We might subsequently join and become a party to the convention. That is true; but the interest of the United States undoubtedly is to have some voice in the establishment of the organization itself commensurate with the considerable influence which we have in the field of commercial international aviation.

Mr. BREWSTER. Mr. President, will the Senator from Georgia advise the Senate whether or not he has any assurance that, assuming that we ratify this convention, the instrument of ratification will be duly deposited with the United States Government immediately, rather than being deferred until March 1, 1947?

Mr. GEORGE. According to the information which I have, it will be deposited immediately with the United States Government. Eleven states have already deposited their instruments of ratification.

Mr. BREWSTER. Can the Senator say who has given him that information?

Mr. GEORGE. It has come to me from the State Department, from the Assistant Secretaries who have appeared before the committee.

Mr. BREWSTER. So the Senator, acting for the Committee on Foreign Relations, is entirely confident that our instrument of ratification would be immediately deposited?

Mr. GEORGE. Undoubtedly, if we should ratify the convention.

Mr. BREWSTER. Mr. President, the convention which we are considering runs for 3 years, with the right of denunciation on 1 year's notice after that time. It commits us for 3 years.

When I was interrupted, I was speaking of the world air line which was advocated by New Zealand, which Mr. Berle, in his magazine article, advocated as the ultimate solution of this whole problem, eliminating all international air transport except that of one international service—a most interesting indication of the internationalization of one of the most important functions in the world of transportation. It is very interesting to note that subsequently, at Montreal, Great Britain indicated that it was giving serious consideration to a plan of that character which might result from the pooling arrangements which it has had under consideration.

As has been previously stated, the convention has no direct relation to the bilateral arrangements under which American policy has been carried on. The Committee on Commerce has expressed itself 17 to 1, and has filed with the Senate its opinion, that the bilateral arrangements are beyond the executive power under the Civil Aeronautics Act which was recommended to the Senate by the Commerce Committee, and which all those responsible for its formulation agree was to be interpreted as requiring a quasi-judicial hearing before the Civil Aeronautics Board, exactly as is required in the case of domestic air lines, before a foreign air line should be granted a permit to operate in the United States.

All the legal opinions previously have been to the same effect—not only the opinion of the Members who sponsored this measure in the Congress in 1938, but the opinion of Mr. L. Welch Pogue, who, as general counsel of the Civil Aeronautics Board, was asked this question, and who filed an extended opinion on October 18, 1939, in which he laid down very clearly his views on the subject. Subsequently Mr. Pogue was chairman of the Civil Aeronautics Board and served until very recently. He is still actively identified with aeronautics. I have before me the memorandum opinion of Mr. Pogue, filed with the Civil Aeronautics Board in response to this question. I ask unanimous consent to have the opinion printed in the RECORD at this point as a part of my remarks.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

OCTOBER 18, 1939.

OPINION MEMORANDUM

To: The Authority.

From: The General Counsel (Hon. L. Welch Pogue).

Subject: Relation between sections 402, 1102, and other pertinent provisions of the Civil Aeronautics Act of 1938.

This opinion memorandum is submitted in response to your request of August 15, 1939, submitting the difficulties introduced into international negotiations by section 402 of the Civil Aeronautics Act of 1938, hereinafter generally referred to as the "Act," if it must be held to prevail over all other provisions of the act dealing with problems of foreign air transportation; and pointing out the impossibility (if that section must be so interpreted) of giving a foreign government any specific assurance that one of its air carriers will be admitted to the United States on a particular international route as a consideration for the granting by such foreign government to American air carriers of an appropriate reciprocal right of admission to the country concerned. Acting upon your request, I have reviewed the pertinent provisions of the act and a memorandum on this question, a copy of which is attached, has been prepared for me by Mr. Barber of my staff.

I. CONCLUSIONS

In reply to the specific question which you submitted to me I submit the following general conclusions:

1. A self-executing treaty,[1] of the type described below between the United States and any foreign country or countries would, if properly worded, legally supersede any provision of section 402 which might be inconsistent therewith so that, for example, foreign air carriers could enter the United States under the terms set forth in such treaty. The term "self-executing treaty" when used herein means a treaty complete in itself, and which requires no further action by Congress to clarify it or render its provisions operative, such as a treaty specifically providing, among other things, that foreign air carriers, certified or otherwise identified by the foreign government, be admitted to the United States, notwithstanding and without regard to the provisions of section 402 which requires notice and hearing and the exercise of the Authority's judgment in the premises, and providing means by which any permits (or other specified authorization) should be issued.

2. No international agreement, as distinguished from a treaty, can be made between the United States and any foreign country or countries which will have the legal effect of dispensing with the notice and hearing, and the exercise of the Authority's judgment, called for by section 402 of the act; and the provisions of any such agreement designed to accomplish such an end could not be enforced in our courts. Thus, in the absence of any self-executing treaty, section 402 must be observed in the issuance of permits to foreign air carriers and in the alteration, modification, amendment, suspension, cancellation, or revocation thereof.

II. DISCUSSION

A brief statement of my reasons for the above-mentioned conclusions follows, and a

[1] The word "treaty" as used herein means a treaty ratified by the Senate of the United States, and includes any convention (i. e., an agreement between the United States and foreign countries) when so ratified. The word "agreement" when used herein includes all other forms of agreement between the United States and a foreign country or countries.

detailed review of the various authorities on the legal questions involved appeared in Mr. Sarber's above-mentioned memorandum.

A. SECTION 402

Section 402 of the act not only requires notice and hearing upon an application before a permit may be issued to a foreign air carrier but also requires the Authority to exercise its judgment upon the question of whether or not the particular applicant should receive a permit. The test on this matter is couched in the following language in clause (b) of section 402:

"(b) The Authority is empowered to issue such a permit if it finds that such carrier is fit, willing, and able properly to perform such air transportation and to conform to the provisions of this act and the rules, regulations, and requirements of the Authority hereunder, and that such transportation will be in the public interest."

It should be noted particularly that section 402 contains an absolute prohibition against any foreign air carrier engaging in foreign air transportation without a permit. The pertinent part of clause (a) of section 402 dealing with this point reads as follows:

"No foreign air carrier shall engage in foreign air transportation unless there is in force a permit issued by the Authority authorizing such carrier so to engage."

It should also be noted that in connection with altering, modifying, amending, suspending, cancelling, or revoking any permit, a notice and hearing and the exercise of the Authority's judgment are likewise required by clause (g) of section 402.

But even though section 402 seems clear in terms, the question arises as to whether or not the control, particularly and specifically granted to the Authority by section 402, has been in whole or in part superseded or modified by any other statutory provision. The first of the other statutory provisions to be considered in this connection is section 1102 of the act.

B. RELATION OF SECTIONS 402 AND 1102

Does section 1102 require the issuance of permits pursuant to the terms of any agreement (as distinguished from a treaty) without regard to the provisions of section 402? Section 1102 provides as follows:

"SEC. 1102. In exercising and performing its powers and duties under this act, the Authority shall do so consistently with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any foreign country or foreign countries, shall take into consideration any applicable laws and requirements of foreign countries and shall not, in exercising and performing its powers and duties with respect to certificates of convenience and necessity, restrict compliance by any air carrier with any obligation, duty, or liability imposed by any foreign country: *Provided*, That this section shall not apply to any obligation, duty, or liability arising out of a contract or other agreement, heretofore or hereafter entered into between an air carrier, or any officer or repesentative thereof, and any foreign country, if such contract or agreement is disapproved by the Authority as being contrary to the public interest."

Deferring for a moment a consideration of the authority necessary for the creation of a valid treaty, convention, or agreement, let us assume that an international argeement is made on behalf of the United States by the President with a foreign country, providing that any person designated by the competent air authorities of the foreign country should be permitted to fly over a designated route into the United States, to a named point, on a stated frequency in exchange, let us say, for certain reciprocal privileges granted to the United States by such foreign country. The question then arises as to whether or not such person would be required to file an application and secure a permit under the provisions of section 402; and, if so, whether or not the Authority in passing upon any such application so filed would be required to hold a public hearing but, because of the provisions of section 1102 (requiring the Authority to exercise its powers and duties consistently with the obligations assumed in such agreement), merely to go through the form of exercising its judgment in a perfunctory manner and without giving effect to the standards established in section 402.

It will be remembered that certain provisions of clause (a) of section 402 prohibit any foreign air carrier from engaging in foreign air transportation unless there is in force a permit issued by the Authority authorizing such air carrier so to engage. There is no express provision in section 1102 that the Authority shall disregard any other express requirements or prohibitions of the act, or that the Authority shall fail to exercise any of its powers and duties to be performed under any of the other provisions of the act. On the contrary, the provisions of this section clearly assume that such other powers and duties will, in general, be performed. Accordingly, it seems clear that an application would have to be filed and a permit issued under section 402 before the carrier could engage in foreign air transportation.

As to the question of whether or not the Authority would have to hold a hearing but merely go through the form of exercising its judgment in a perfunctory manner, a difficult question of statutory construction arises. In a situation of this kind where provisions of the same act are apparently inconsistent, it becomes necessary to resort to means other than the use of the plain meaning of the language to ascertain the underlying legislative intent. In this connection, it is important to bear in mind certain fundamental principles of statutory construction. It will not be presumed that Congress has done a vain thing and every effort must be made to give each provision of the statute its intended meaning and effect so that each provision will, insofar as possible, harmonize with other provisions of the statute, thus permitting each provision to be effective. Accordingly, it will not be presumed that Congress has done a vain thing in providing in section 402 for notice and hearing and the exercise of the Authority's judgment, and, therefore, if the operation of the provisions of that section comes in conflict with the operation of the provisions of section 1102, established principles of statutory construction require that the more particular and specific provisions of section 402 must prevail over the broader and more comprehensive provisions of section 1102 and that the latter must be limited to cases not within the language of the particular or specific provisions. As indicated above, section 1102 refers to "powers and duties under this act," i. e., all powers and duties in general, whereas section 402 confers upon the Authority the power and duty to take action for the accomplishment of objectives specifically set forth in that section pursuant to standards therein established.

Entirely apart from the statutory construction problem with respect to the relationship of section 402 and 1102, is the question of whether or not there is in the statutory or nonstatutory law a basis for making of a treaty or agreement which could have the legal effect of superseding or modifying some or all of the provisions of section 402. This question will now be considered.

It is clear that a self-executing treaty made after the enactment of the act, if properly worded, would legally supersede any provisions of section 402 which might be inconsistent therewith. This result follows because by article VI of the Constitution of the United States, the Constitution, the laws of the United States made in pursuance thereof, and all treaties made under the authority of the United States, are the supreme law of the land. Thus, treaties and laws of the United States are placed on the same plane and a treaty would supersede any provisions inconsistent therewith contained in a law of the United States theretofore enacted; and any treaty would in turn be superseded by provisions inconsistent therewith contained in any later law of the United States. It should be noted, however, that no provisions of either a law of the United States or a treaty will be superseded by any later treaty or law, respectively, except pursuant to express language or pursuant to necessary implication such as would exist if a provision of a treaty were inconsistent with a provision of a law of the United States theretofore enacted so that it would be impossible to give effect to both provisions. The vital importance of careful draftsmanship is, therefore, apparent.

However, as to an agreement made on behalf of the United States by the President (and not ratified by the Senate) as distinguished from a treaty, a different problem is presented.

The legal status of such agreements deserves notice. In the absence of authorizing legislation, agreements made by the President (and which have never attained the status of a treaty) cannot be regarded as creating law which our courts are called upon to recognize or enforce because that would involve the approval of an improper delegation of the treaty power. However, certain agreements may, in the absence of authorizing legislation, be made by the President, which are legal and enforceable in our courts (to the extent of their power to enforce them). Thus, if the act had not been enacted and if there were no other applicable statute dealing with the matter, the President would have power to make agreements with foreign countries relating to the access to this country of foreign aircraft. His right to do this flows from the general power of the Executive to prohibit physical contact with our territory in a manner prejudicial to the interests of the United States; but the exercise of that power would be subject to subsequent action of Congress. However, it seems to be well established that where Congress has acted with respect to the method or means of permitting or prohibiting physical contact with our territory the President alone has no power to make agreements on the same subject, but must carry out the provisions of the statute. In the case before us, Congress has acted specifically with reference to the way in which foreign air carriers may obtain permission to enter the United States. Accordingly (unless there exists specific statutory authorization for the Executive to make such agreements), no executive agreement can legally be made based on the Executive's general nonstatutory power, referred to above, which would have the effect of interfering with the operation of the provisions of section 402.

We next turn to see whether or not there exists specific statutory authorization for the Executive to ener into agreements concerning the entry of foreign air carriers into the United States which is clear enough to authorize the making of agreements which would supersede or modify the provisions of section 402. Section 1102 contains no language specifically authorizing the making of such agreements, but merely states, among other things, that the Authority shall perform its powers and duties consistently with the obligations assumed by the United States in any agreements. No such specific statutory authorization has been found, but the provisions of section 802 should be noted in this connection.

C. SIGNIFICANCE OF SECTION 802 IN ITS RELATION TO SECTIONS 402 AND 1102

The provisions of section 802 harmonize with the principles and conclusions heretofore reached with respect to the status of the provisions of section 402. Section 802 provides as follows:

"SEC. 802. The Secretary of State shall advise the Authority of, and consult with the Authority concerning, the negotiation of any agreements with foreign governments for the establishment or development of air navigation, including air routes and services."

The legislative history of the Civil Aeronautics Act reveals that in a bill considered on the floor of the Senate this section authorized the Secretary of State to negotiate with foreign countries with a view to entering into such agreements and to conclude such agreements "as may be satisfactory to the Authority and to the President." This proposal provoked considerable debate in the Senate, the objection being that it was an improper attempt to curtail the power of the President and his agent, the Secretary of State, to conduct foreign negotiations and enter into agreements and treaties. After this debate, the section was changed to its present form, leaving it very difficult to ascertain the exact effect which Congress intended by the change. However, the Committee hearings indicate the general understanding to have been that the agreements referred to would be of a nature dealing generally with such matters as the freedom of innocent passage from one country to another, the honoring by each country of pilot certificates issued by the other, and the recognition by each country of certificates of air worthiness for export issued by the other country; and that any specific operation by an individual carrier to a foreign country would be authorized by permit issued to such carrier by the foreign country concerned.

Whatever may be the exact scope of section 802 in recognizing by implication that agreements may be made with foreign countries for the "establishment and development of air navigation, including air routes and services", it is clear that the thrust of section 802 is merely that the Secretary of State shall advise the Authority at some time of, and consult the Authority at some time concerning, the negotiation of agreements of the kind specified. Section 802 contains no affirmative grant of power but, as just indicated, imposes certain responsibilities and obligations upon the Secretary of State in connection with the negotiation of the agreements therein mentioned. In any event, it seems clear that this section with its very general language cannot be deemed to have authorized the President to make agreements inconsistent with the provisions of section 402.

D. THE PRESIDENT'S SUPREME POWER UNDER SECTION 801 DOES NOT ELIMINATE THE AUTHORITY'S DUTY UNDER SECTION 402

Finally, it must be observed that the issuance, denial, transfer, amendment, cancellation, suspension or revocation of, and the terms, conditions and limitations contained in, any certificate authorizing an air carrier to engage in overseas or foreign air transportation "shall be subject to the approval of the President" with the result that he is the final and supreme judge of these matters. Section 801 of the act provides as follows:

"SEC. 801. The issuance, denial, transfer, amendment, cancellation, suspension, or revocation of, and the terms, conditions, and limitations contained in any certificate authorizing an air carrier to engage in overseas or foreign air transportation, or air transportation between places in the same Territory or possession, or any permit issuable to any foreign air carrier under section 402, shall be subject to the approval of the President. Copies of all applications in respect of such certificates and permits shall be transmitted to the President by the Authority before hearing thereon, and all decisions thereon by the Authority shall be submitted to the President before publication thereof. This section shall not apply to the issuance or denial of any certificate issuable under section 401 (e) or any permit issuable under section 402 (c) or to the original terms, conditions, or limitations of any such certificate or permit."

From this section it appears that it was the intent of Congress to make the President the final and supreme judge of whether affirmative or negative action should be taken with respect to the matters specified, including the question of whether or not a permit should be issued in any given case. As illustrating the power of the President under this section, let us consider the result where the President disapproves of the issuance by the Authority of an application for a permit filed with it under section 402. Section 1006 (a) specifically exempts orders of the Authority which are subject to the approval of the President from judicial review, and here, again, is indicated the intent of Congress to give the President the power to take final action with respect to the matters specified in section 801. In case the President should disapprove a denial by the Authority of an application for a permit, it is assumed for the purposes of this opinion memorandum that a court, upon petition by the appropriate party, would, by some applicable legal action, compel the Authority to issue a permit in accordance with the decision of the President.

Under these circumstances, the question arises as to why it is not possible, if the President is the final judge of such matters, for the President to enter into commitments in advance with respect to the disposition ultimately to be made by the President of applications filed under section 402. In the first place, as has already been pointed out, there would be no legal authorization for the making of such an agreement and consequently it might be difficult to persuade a particular foreign government to become a party thereto. In the second place, such moral obligation as might be created by such an agreement could not possibly be binding upon any President other than the one making it and this, again, would be a factor presumably making it difficult to persuade a foreign government to become a party to the agreement. Thus it may be assumed that no such agreement can be depended upon to accomplish the desired result because of its legal invalidity and, as a result of that fact, of the impossibility of giving the foreign country the assurances which it will presumably require.

Furthermore, no valid implication of an intent on the part of Congress to authorize the President to enter into such agreements is contained in the provisions of section 801. It seems clear that questions of international relations and national defense may well be of overruling importance so that the Executive should have the right to make the ultimate decision as to whether or not a permit should be issued in a particular case. It appears to have been the intent of Congress to require a public hearing for the disclosure of such facts as may be made thereat by the applicant and other interested persons so that the President would have the advantage both of the record and of the Authority's judgment (exercised under the standards established in sec. 402) before he is called upon in connection with reaching a final decision to superimpose his judgment formed after he has analyzed such additional facts relating to international relations and national defense as he, alone, may have. The disclosure of facts at a public hearing, referred to above, would presumably include facts bearing on questions of public interest, including (a) the carrier's fitness, willingness, and ability properly to perform the air transportation service in question, and to conform to the provisions of the act and the rules, regulations, and requirements of the Authority thereunder; (b) relevant information concerning the effect of the proposed operation upon the operations of American air carriers serving the point within the United States proposed to be served by an applicant for a permit, or serving points competitive therewith; (c) relevant information concerning foreign air carriers from whatever country desirous of serving the same or competitive points; and (d) relevant facts to be used as a basis for attaching to the permit by the Authority of such reasonable terms, conditions, or limitations as the public interest may require involving various questions of safety, competition, and the proper coordination of the air transport system.

My conclusion, therefore, is that except with respect to self-executing treaties (which, by appropriate language might not only supersede the provisions of sec. 402 but also those of sec. 801), no agreements can be made, while the act retains in its present form unamended, which will eliminate the necessity for compliance with the provisions of section 402.

Mr. BREWSTER. I shall quote only one passage from the opinion, as affirming the position which I take. In response to the question as to whether this subject could be handled by executive agreements, Mr. Pogue stated, in paragraph 2 on page 2 of the opinion, in a summary:

No international agreement, as distinguished from a treaty, can be made between the United States and any foreign country or countries which will have the legal effect of dispensing with the notice and hearing and the exercise of the Authority's judgment—

Subsequently the Board's judgment—

called for by section 402 of the act; and the provisions of any such agreement designed to accomplish such an end could not be enforced in our courts. Thus, in the absence of any self-executing treaty, section 402 must be observed in the issuance of permits to foreign air carriers, and in the alteration, modification, amendment, suspension, cancelation, or revocation thereof.

Mr. Pogue discusses the legal reasons for that opinion at some length, with arguments which are completely compelling.

Subsequently, the Civil Aeronautics Board asked the Congress to amend the Civil Aeronautics Act so as to authorize the President to develop our foreign air routes by bilateral executive agreements in the broad fashion which now is being done without the amendment of the law, inasmuch as the Congress had never seen fit to adopt the recommendation of the Civil Aeronautics Board in its annual report of 1942. Here again was controlling evidence that at that time the Board considered that it was utterly beyond its powers to carry out such an arrangement without a further statutory amendment of the law. Subsequently, Mr. Wiprud, who at that time was in charge of the Transportation Division of the Department of Justice, retiring therefrom about a year ago, wrote an extended opinion, which was published in the George Washington Law Journal of April 1945, with the permission of the Department of Justice, although that does not necessarily imply the Department's acceptance of his views. But he was the man then counseling with the Depart-

ment in regard to its transportation matters, and he wrote a most extensive and authoritative exposition of the law and the precedents in this case, showing his complete agreement with the opinion of Mr. Pogue.

I say all this, not because it is directly related to our problem here but because the President in submitting the treaty to the Senate stated that he was carrying on the matter in the same fashion—a fashion which the Committee on Commerce had found to be utterly beyond his powers.

Assuming the ratification of the treaty, which, as the Senator from Georgia has said, in no way implies approval or disapproval of that procedure, I hope that the executive department may exercise the greatest self-restraint in regard to the assumption of powers in this regard and in the execution of bilateral agreements, either pending the time when the Congress accepts the recommendation of the Civil Aeronautics Boad to amend the law and to confer upon the President such additional powers, which have been allocated by the Executive, or until there is a further determination of policy by the Congress.

I think we have fully discussed the general matter of delay, and I shall not discuss it further. It is an interpretation of the language of the Interim Council, at Montreal. It seems to me it is very definite as to what their plans are, and I shall be very much surprised if the construction which I have placed upon this instrument is not confirmed by those immediately concerned with this matter and by Mr. Wanner, who was the representative of the United States at Montreal.

There are two other provisions of the agreement which I think the Senate should at least understand thoroughly in connection with the question of ratification of the treaty. One is as to the nonschedule operations. This is a field which is developing increasing significance.

Mr. WHITE. Mr. President, will my colleague yield to me?

Mr. BREWSTER. I yield.

Mr. WHITE. Some time since either the Senator from Illinois [Mr. BROOKS] or the Senator from Nebraska [Mr. WHERRY] asked a question as to which of these instruments namely, the Convention or the other arrangements embodying the "five freedoms," was of the greater importance. I should like to have the Senator's comment on that point. The message which the President sent to the Senate in connection with the transmittal of this convention to the Senate contains the following statement:

> The convention makes no attempt to cover controversial questions of commercial aviation rights. It leaves these questions to be settled by other international agreements, which are entirely independent of the convention, and which provide for the reciprocal exchange of commercial air transport rights. Under authority vested in me, I have actively undertaken to consummate such agreements, in order to assure the most favorable development of international civil aviation. Naturally, agreements of this nature to which the United States is a party are consistent with the requirements of the Civil Aeronautics Act, are valid under its terms, and fully protect the public interest. Under these agreements, before foreign air-carrier permits are issued by the United States to foreign airlines, they must qualify under the provisions of the Civil Aeronautics Act.

Mr. President, I pause at this point in reading the President's letter of transmittal to say that I take it from the discussion which I have heard in part that the Senator has the view that the other agreements, so-called, are of greater importance and deal with matters of more concern to the United States in the aviation field than does the convention itself, and that the President in his message to the Foreign Relations Committee recognizes that distinction. Am I correct about that?

Mr. BREWSTER. That is correct, and that is why it has given us so much concern that the major determinations on our foreign air policy were being made by executive action, whereas the comparatively minor phases as to technical developments are being submitted to the Senate.

Mr. WHITE. Yes. Then, up to this time, at least, the President's proposal has been to leave the matters of moment or controversy or consequence to himself, and he was proposing to deal with them by executive agreements, whereas he was proposing to leave to the Senate only the matters of lesser consequence.

Mr. BREWSTER. Yes; matters of far lesser consequence.

Mr. WHITE. This matter has bothered me greatly. I had the feeling that we were ready to go forward with ratification of the treaty if—and I shall read from the hearings—

> If the convention or treaty which is considered here—

In other words, the treaty now before us—

> could be entirely separated from the implications of the other agreements which are proceeding, I do not think anyone would have any question about the desirability of immediately going forward.

I suppose that means going forward with the ratification of this treaty.

I have not heard read the statement which comes from the State Department, and I do not know its terms. But I should like to have my colleague's opinion as to whether this treaty is separated from the implications of the other agreements which are proceeding, or whether it is not separated.

Mr. BREWSTER. I think it was a little unfortunate as to the terminology which was used in the so-called five freedoms, as characterized in the document submitted by the State Department and in the official agreements as appendix 4 of the convention which we are considering.

However, I think the action of the United States Government this morning in denouncing that agreement makes it perfectly clear that we are in no way committed under it. While it is certainly interwoven, and while it is true that no one may be a party to appendix 4 who is not a party to the convention, the reverse is not true, namely, that we are now committed to appendix 4 because we signed the permanent convention.

Mr. WHITE. Taking all the factors into consideration, I wonder, then, whether those of us who had indicated our disapproval of the other arrangements, but had found no great fault with the treaty itself, are in a position in good faith to vote to ratify the treaty or whether we are free, under the circumstances, to exercise our judgment and to express our fears by casting an adverse vote.

Mr. BREWSTER. I certainly should not undertake to dictate the course of my colleague's vote.

Mr. WHITE. The Senator has never undertaken to do so, but the senior Senator from Maine usually feels much safer when he follows his colleague.

Mr. BREWSTER. I have indicated that in view of the denunciation of the "five freedoms," I was not prepared actively to oppose—I think those were the words which were used—the ratification of the treaty at this time, although I did preserve in all the preliminary discussions the right to state fully the situation so that there would be no misapprehension on the part of the Senate as the considerations which were involved, and I did indicate clearly to those in the executive department with whom I discussed the subject that I thought it would be very much better judgment for them to defer action on this treaty until January. If, however, they force action at this time, I hesitate to take the very serious responsibilities involved in indicating such dissension on matters of our foreign policy and on a matter which is rendered of very much less moment because of the denunciation of the "five freedoms." So if I vote for the treaty today, I shall do so with reluctance and with an indication that I believe the Executive is unwise in pressing for it.

Mr. GEORGE. Mr. President, if I may intervene at this point, let me say that confusion has arisen in the minds of some Senators, I think, regarding the exhibit or appendix 4, which is the "five freedoms" agreement. It is not an exhibit to this treaty at all. The treaty, too, is an appendix. That is simply an appendix to the Chicago Convention—the International Convention which was assembled at Chicago for quite a time.

Number 2 is the treaty upon which we are passing, No. 4 is not directly connected with it in any manner. It is not an appendix to the treaty, but it is merely an appendix to the work of the Convention as a whole.

Mr. BREWSTER. Mr. President, the Senator from Georgia is quite correct, namely, that these various matters are appendices to the Chicago agreement. Whether appendix 4 has any relation to appendix 2, is a question which I shall have to leave to the authorities on anatomy. I think it is unfortunate terminology. I think it would have been better if they had called them something else than appendices.

However, in connection with the Senator's statement and the statement in the President's letter that, under these agreements, before foreign air carrier permits are issued to foreign air lines, they must qualify under the Civil Aeronautics Act, Mr. Pogue, the predecessor to Mr. Landis, has testified before the Commerce Committee that he would consider

the President's agreement controlling; that while they might be permitted to pass upon technical problems concerning the safety of the foreign air lines, they could not enter into the question of public interest, since that would be considered as concluded by the President's agreement, which we believe to be in violation of the law requiring quasi-judicial determination by the Civil Aeronautics Board, and I think the statute is clearly opposed to this procedure. I think it is a very small hole out of which they crawl in the justification of that procedure.

Mr. WHITE. Mr. President, I think the Senator is perfectly sound in what he has said in that respect. I recall very definitely, following the line of thought of my colleague, that the Senator from North Carolina [Mr. BAILEY], when he appeared before the committee, clearly stated as his opinion, and I believe the opinion of the members of the Commerce Committee which have been studying this matter for 2 years or more, that what was being proposed in this agreement was a clear violation of the civil aeronautics authority law, and being a violation of the law it was wholly without Presidential authority.

Mr. BREWSTER. I think that has been the opinion of most Senators who have considered the matter.

Mr. GEORGE. Mr. President, may I say that I think a careful reading of the testimony of the Senator from North Carolina [Mr. BAILEY] will show that his statement was confined to the so-called "five freedoms." I do not think he questioned the validity of the other agreements which were reached at Chicago. But he did question the authority of the executive branch to enter into the agreement with respect to the "fifth freedom."

Mr. BREWSTER. I think the third, fourth, and fifth freedoms were concerned in his final statement of the matter. I think he questioned very seriously the legal authority of the third, the fourth, and fifth freedoms. The transit arrangements, 1 and 2, were the subject of much less doubt in his mind.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a letter which I wrote on November 26, 1944, to the Assistant Secretary of State, Mr. Berle, regarding the Chicago agreements, in which I stated the reasons why I found myself unable entirely to go along with the agreements. I will read two paragraphs from that statement in order to indicate a position which I think is still as persuasive as then. One paragraph of the letter indicates the supreme importance of our guarding our air. The paragraph reads as follows:

> Air power treacherously mobilized at Pearl Harbor on December 7, 1941, brought us one of the greatest disasters in our history and set back our war potential in the Pacific for at least a year.

I have always been concerned with the fact that under the "five freedoms" we were opening up the possibility of any foreign power, friendly or otherwise, flying freely over Pearl Harbor, the doing of which in this atomic age might mean the destruction of all the instruments which we may assemble there.

The other paragraph to which I refer reads as follows:

> For these reasons, among others, I earnestly hope that this present conference may be adjourned without generalizing to the world either the right of nontraffic transit or the right of commercial access to the United States, continuing for the present to rely upon the policies of service to other countries that proved so successful before the war.

That paragraph stated my position then and now. The repudiation of the "five freedoms" has enabled us to be much nearer to that ideal.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

NOVEMBER 26, 1944.

The Honorable ADOLPH A. BERLE, JR.,
Assistant Secretary of State.

DEAR MR. BERLE: I have deeply appreciated the opportunity to see at first-hand the operations of an international conference and I have accumulated a very wholesome respect for those charged with the responsibility of conducting a gathering of this character.

As a Member of a body with certain concurrent responsibilities in the conduct of our foreign relations, I am sure I shall have a far more sympathetic understanding hereafter of the difficulties that face our State Department in these unsettled times. I hope it may not be felt that my education has been secured at too high a price.

I regret that prior engagements of long standing prevent my remaining beyond the 3 weeks originally planned.

Somewhat to my regret all that I have learned here has only tended to confirm my conviction that at this time I could not assent to a plan that proposes to give to the world 51 franchises to fly into the United States—the richest potential market for air travel in the world since it seems generally expected that Americans will furnish perhaps 75 percent of international air travel in the decade following the war.

The Committee on Commerce of the United States Senate has had under study for the past year the postwar policy of the United States in international air transport and on August 19, 1944, addressed a letter through its chairman, Senator JOSIAH W. BAILEY, to the President as the one finally responsible in the conduct of our foreign relations. Copy of this letter is attached, but I quote certain paragraphs that seem pertinent.

"The question of whether or not the United States should now modify its historic position as to sovereignty of the air above its borders and to what extent the United States may wisely go in subscribing to the various doctrines being proposed that contemplate general agreements with another nation or group of nations concerning freedom of the air or freedom of innocent transit seem to the committee to invite the most careful consideration by both the executive and legislative branches of the Government and particularly of those concerned with the determination of policy.

"Whether or not operating franchises in foreign countries should in general continue to be secured by direct application of the American flag airline concerned or through governmental negotiations is also pressing for a decision. Prior to the war, operating franchises in approximately 50 foreign countries and colonies had been granted to the American flag airlines system by the foreign governments concerned. The advantages or disadvantages of any change in this previously prevailing practice may well be weighed carefully.

"The committee will appreciate continuing to be kept advised, and meanwhile would request that no action be taken regarding international air transport applications for new routes or acquisition of existing services outside the continental United States and Canada until full consideration of Government policy can be had by Congress.

"In view of this time lag, the committee feels no prejudice to the national interest would be involved in deferring definitive decision on international applications until the Congress shall have reassembled and had opportunity for considering all phases of the situation and for taking such legislative action as might then seem wise."

The suggestion or insistence of other countries that now was the time to fix the pattern for postwar aviation does not seem to have been justified by events.

The very prudent provision in the call of the conference for division into three main objectives in the agenda affords appropriate opportunity for deferring for the present the most difficult of these objectives in the light of the present unsettled condition of affairs.

Without adequate knowledge of the diplomatic discussions that preceded the calling of this conference, I was not in a position to judge its necessity but in the light of what has now transpired I feel more strongly than ever that now is not the time to freeze our position in the postwar aeronautical world for the indefinite future.

There will never be any difficulty in giving away franchises to fly into the United States. There will be very grave difficulty in recalling these franchises once they are granted.

If 10 Americans fly to Europe for every single European that flies to the United States, the American people will never be able to understand the equity of a plan that proposes to start us out on a 50–50 basis or that reckons Americans embarked in Europe as credits to European air lines.

America has been very generous in its relations with the world. In a matter of this character that is not directly connected with the conduct of the war, it would seem well for our country to proceed with the prudence in postwar matters that characterizes the other great nations of the world and reserve such assets as are not essential to the successful prosecution of the war until we can see a little more clearly the shape of things to come.

Air power treacherously mobilized at Pearl Harbor on December 7, 1941, brought us one of the greatest disasters in our history and set back our war potential in the Pacific for at least a year.

The right of nontraffic transit of the Pacific by way of Hawaii or Alaska in the possession of 50 nations of varying ideals and ideologies may well furnish the stage setting for another disaster of even greater magnitude in the aerial world of tomorrow.

Hawaii is the strategic key of the Pacific that we are now securing at a terrific price. Why give this pearl to the world in the very hour of its reestablishment as our guardian of the Pacific when there can be no guarantee at present that other aggressors may not rise in the cloak of at present friendly, or at least neutral, nations, that may once again threaten the peace of the world?

Is it asking too much of the world that we shall not at present be expected to throw away this key to the Pacific that we are securing at such a price?

In future decades with world order well established America may well liberalize its policy, but in the present a proper concern for the lives lost in the Pacific argues very persuasively for not at once relinquishing this heritage.

The world may well have more confidence in American altruism than in its own capacity to prevent aggression once again rearing its ugly head in some corner of the world and moving with devilish ingenuity to use the tools that may be available—among which one of the most dangerous to peace-

loving nations may be the complete freedom of commercial transit envisioned in the current discussions.

In the past 2 decades 50 nations have welcomed American air transports without suggestion of requiring reciprocal rights. Certainly this experience would argue very strongly for continuing a tested policy that has demonstrated such a success that American air transportation was the leader in the international field.

All the world is looking to America for aid in reestablishing a sound economic order and one of the greatest contributions America can make to world understanding and world order is the establishment of an all-American system of air transport that shall enable America to see and sell the world on the things that have enabled America in a century to become one of the great powers of the earth and one that undoubtedly outweighs in human happiness and material comforts all the nations of the earth.

For these reasons among others I earnestly hope that this present conference may be adjourned without generalizing to the world either the right of non-traffic transit or the right of commercial access to the United States continuing for the present to rely upon the policies of service to other countries that proved so successful before the war.

One further consideration may also perhaps properly be urged.

Particularly is it of the higest importance at this time to avoid so far as practicable controversy within our country or with foreign countries over subsidiary matters while our major relationships in the postwar world are still in process of formulation. Nothing must be permitted to distract American thought from this all-important objective.

The turn of events in the past week has seemed to make it rather easily possible without serious controversy to dispose of two of the items on the agenda of the conference of very real significance in the field of technical and operational control and to set up an organization to consider the unfolding problems of air transport in the postwar world in the light of conditions that shall then prevail which it is now obviously most difficult to anticipate.

While I recognize the primary responsibility of the Executive in the conduct of our foreign relations, I am sure we are all agreed also in recognizing the very great desirability at this crisis in our affairs of accomplishing that coordination between the executive and legislative branches of our Government under our Constitution since our history is unfortunately replete with examples of the disasters that have come to us when that coordination was lacking.

When you first indicated on last Thursday that you desired unanimous approval in the American delegation of any action which you might take, I was confronted with the necessity of leaving you under no possible doubt as to my position.

I trust that any failure on my part to press my objections more vigorously as the discussions proceeded will be understood as arising only from my desire not to obtrude my views, which I believed were rather well understood by you if they had not been so fully expounded to other members of the delegation.

I want again to express my appreciation for the very courteous consideration you have constantly accorded me under all the pressure of this conference and to express the hope that time may vindicate in some measure your experiment in inviting me, as a member of the Committee on Commerce of the Senate, to participate in these deliberations.

Cordially yours,

OWEN BREWSTER.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. VANDENBERG. I am required to leave the floor because of a conference on atomic energy legislation. I wish to make a brief statement in the Senator's time.

It has been impossible, because of my absence from the country, to follow as intimately as I should like to have followed the developments which the Senator is now discussing. The Senator and I have been in close contact throughout the entire affair, and I merely wish to state for the RECORD that what the Senator has been saying has been said for me as well as for himself. I concur completely in his attitude and his conclusions, and I should like to add my felicitations for the zeal and vigilance with which he has pursued the subject, as the result of which we have witnessed the action of the State Department today, which makes some concession to the protection of America in the air.

Mr. BREWSTER. Mr. President, I certainly appreciate very profoundly the comment of the Senator from Michigan who has been so active in our foreign relations. I appreciate the generosity of his comment, however little it may be deserved.

There are two other items which I think the Senate should have in mind. I apologize to the majority leader for the time which I have consumed, but it has resulted from questioning, perhaps, rather than my assertions. I have taken a little more time than I had anticipated being required to consume.

Mr. President, I wish to refer to the provision on pages 5 and 6 regarding nonscheduled operations. Nonscheduled operations are rather freely allowed, though the Civil Aeronautics Board may be in control. This is one of the phases the significance of which has become as important as that of scheduled operations domestically. There are almost as many planes flying in the United States under nonscheduled contract operations as there are in the scheduled air lanes, resulting in the Civil Aeronautics Board, in recent weeks, demanding that the operators of all nonscheduled operations file schedules with them and submit to control. That same situation will develop in the foreign field. Already this very method has been announced by the British. Three months ago the Duke of Hamilton, on whose estate Mr. Hess landed, was in this country for the purpose of arranging for nonscheduled contract operations, and the British are moving very definitely into this field. I trust that the authorities concerned will recognize this very grave danger and not permit a situation to develop whereby the nonscheduled contract-carrier operations in the foreign field shall threaten the entire basis of American international aviation.

The other consideration which gives me pause in connection with my consideration of the treaty is that with regard to the filing of copies. That means that we must file reports of all our financial operations. Article 67 states:

Each contracting state undertakes that its international air lines shall, in accordance with requirements laid down by the Council, file with the Council traffic reports, cost statistics, and financial statements showing among other things all receipts and the sources thereof.

That means that we must bare all the intimate details of our operations. If we can be sure that every other country will do the same, it may seem fairer to the American people; but it must be realized that in other countries every major operation is a government operation. There is no other country in the world which pursues our policy of private airlines operations. That means that our companies must bare their books to all lines operating in other countries. Meanwhile, the operators in other countries will be filing reports of receipts and expenditures; but there are 100 different methods by which subsidies may be secured. The result will be that America will be operating under a very great handicap under this compulsion of filing.

Secondly, Mr. President, we must file immediately all aeronautical agreements, private or public. That requirement alone may result in very hazardous developments with regard to our national defense. If that requirement had been in effect during recent years it might have revealed activities which would have very vitally affected our national defense. When such a situation occurred preceding our entrance into the war, action was taken by our Government which, if provisions of the kind to which I have referred had been in effect, it would have been utterly impossible, and America could not have taken the steps which she did take and which resulted greatly to our advantage.

For the two reasons which I have given, the provisions regarding nonscheduled operations, and the requirements concerning filing copies of reports are not well calculated to serve the interests of the United States.

Mr. BROOKS. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. BROOKS. Were those matters thoroughly brought out and discussed before the Foreign Relations Committee when it considered the general subject.

Mr. BREWSTER. The Senator from Nevada and myself did the best we could do there, although this matter has been one which has not engaged such widespread interest or attention as I would feel its importance warrants.

Mr. BROOKS. I concur in the Senator's position. I think that the matter is of such great importance that it ought not to be acted upon at the present time.

Mr. BREWSTER. I am glad the Senator from Illinois is at least impressed with the desirability of delay, which I continue to believe would be wise.

Now I come to speak, perhaps, as a member of the minority, as the devil's advocate, in connection with pointing out something of our problem, and how, as it seems to me, our policy to the present time has utterly failed to achieve our objective, or to measure up to the standards of other countries. So this naturally involves matters of comparison.

At the present time Britain, of course, is a major country in the international aviation field, while Russia looms on the

horizon. A seat had been kept vacant in the Interim Council for Russia, and contemplated in the 21 seats in the Permanent Council. That had extended for a year or so, and Russia had shown no indication of coming in. Immediately after the Bermuda agreement in February with the British, under which America and Britain were to secure 109,000 miles of international air routes, Russia held a national conference at Moscow, and announced that they were going to have 108,000 miles of air routes; they did not indicate whether domestic or foreign, but they indicated they were to be in the air picture in a 5-year program.

I speak of this because it seems to me that while the pending treaty deals only with technical aspects, we must yet recognize that today, perhaps, is the only time the Senate will consider the matter, and the executive department should at least understand that the Senate itself is vitally concerned with the prosecution of a successful air policy, which thus far has certainly not been developed.

What do we find in the British white paper on air policy, which they issued about a year ago under the former Government, and which has been continued under the present one?

They changed the former policy to eliminate participation by the shipping lines in the British air service to South America, and of the railroad lines in the British air service to Europe.

There has been made available for the British Overseas Air Line $600,000,000. That is the importance which Britain, with its impoverished treasury, to which we have just contributed nearly $4,000,000,000, attached to the future of international air so far as Great Britain is concerned—$600,000,000, $300,000,000 of which is available for the auxiliary services of the associated countries to whom Britain, in its air policy, is offering, first, British equipment on any terms it may be determined are desirable; second, British servicing; third, training of the personnel; fourth, traffic arrangements with any countries which may decide to enter the British sphere of influence in international air.

I am pointing this out in no spirit of envy and no spirit of criticism, but in order that those responsible for our aviation activities shall realize that we here in America are fully conscious of the fact and of the extent to which America, under present policies, is spending much more time in internal disagreements than we are in the uniting of America, of all aviation interests alike, in order to achieve the position in international aviation which is vital not only to our commercial development, to our trade-following-the-flag, but to our national defense as well.

I welcome the fact that we are seeing the entry of new blood into the aviation field in our Government. I spoke in opening of Mr. Locke and Mr. Landis—Mr. Landis fresh from his experience in the Middle East where he has had opportunity to study conditions and Mr. Locke fresh from China. In both fields American aviation efforts are seriously threatened, and in South America as well.

I wish at this point to insert in the RECORD, by unanimous consent, an article from the New York Herald-Tribune of July 24, yesterday. The heading is "British block United States air rights in Middle East. Iraq only Arab state to permit American lines to carry local traffic."

I read a paragraph from the article:

Efforts of American air lines to obtain operating rights in Syria, Lebanon, and Iraq are being continually hamstrung by British opposition exerted through diplomatic channels, according to Americans attending International Air Transport Association meetings at the Aley mountain resort near here.

This is a wireless to the Herald Tribune from Allen Raymond at Beyrouth:

This opposition, the Americans allege, consists of pressure on the governments involved—

Those are the Arab governments—

in addition to advice to newly formed Arab air lines—in which the British are heavily interested—not to let American competition enter the field. The result of this pressure was visible, they assert, in the decision of the recent Arab League aviation conference not to grant to other than Arab air lines the so-called fifth freedom of the air—the right to pick up and discharge passengers within the Arab states.

At the same time the Americans said, the Arabs rebuffed a move, believed to have been inspired by British advisers, to make a single consolidated Arab League air line, the capital of which could have been proportional to each government's share in supporting the league. This would mean that Egypt, through its Misr air line, which is dominated by the British, would have been in complete control of local air transport throughout the Middle East.

I ask for the insertion of the whole article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRITISH BLOCK UNITED STATES AIR RIGHTS IN MIDDLE EAST—IRAQ ONLY ARAB STATE TO PERMIT AMERICAN LINES TO CARRY LOCAL TRAFFIC

(By Allen Raymond)

BEYROUTH, LEBANON, July 23.—Efforts of American air lines to obtain operating rights in Syria, Lebanon, and Iraq are being continually hamstrung by British opposition exerted through diplomatic channels, according to Americans attending International Air Transport Association meetings at the Aley mountain resort near here.

This opposition, the Americans allege, consists of pressure on the governments involved, in addition to advice to newly formed Arab air lines—in which the British are heavily interested—not to let American competition enter the field. The result of this pressure was visible, they assert, in the decision of the recent Arab League aviation conference not to grant to other than Arab air lines the so-called fifth freedom of the air—the right to pick up and discharge passengers within the Arab states.

At the same time, the Americans said, the Arabs rebuffed a move, believed to have been inspired by British advisers, to make a single consolidated Arab League air line, the capital of which could have been proportional to each government's share in supporting the league. This would mean that Egypt, through its Misr air line, which is dominated by the British, would have been in complete control of local air transport throughout the Middle East.

There are four relatively new national air lines in this region developing passenger and freight services—Egypt's Misr Line, two Lebanese lines in the Middle East, the Compagne Generale de Transport, and the Iraqui Line. So far they have only a few planes and scheduled runs are infrequent. But they cover a great territory—north to Turkey, west to Cyprus, south to the Sudan, and east to the Persian Gulf.

Their services cut across routes to Pan American Airways and Trans-World Air Line on the way to India, but they are not in any way competitive, in the opinion of American air transport officials, who want the right to pick up and discharge passengers in their territory, but who believe this would foster growth of the Arab air lines as feeders to the great world trunk systems.

Negotiations lasting over many months have thus far failed to win operating rights for American air lines in Lebanon, and only a verbal concession has been obtained to date at Damascus, which is likely to be rescinded any time the Arab League decides to get really tough with the United States for fostering the migration of additional Jews to Palestine. Temporary rights, however, have been obtained in Iraq.

Mr. BREWSTER. Mr. President, this article appears to me to be a spur which comes to urge American aviation, in cooperation with the Government, to enter into these fields where we have not heretofore ventured.

Now as to American superiority in the air. That has been our proudest boast, established incident to the war, with the vast productive facilities of America turning out airplanes without limit for war and for transportation. We gave them to our allies freely and without let or hindrance. Meanwhile we fondly imagined that American planes would continue supreme in the era to come.

It is my advice, which I have received from those expert in this field, not only in operation, but in construction—Mr. Glenn H. Martin, of the Martin Co., is one of my authorities—that the probabilities are that within the coming year British aviation will launch passenger transport across the Atlantic with jet turbine engines, which are already developed and in production for operation. Meanwhile our own country is producing the first of 40 jet turbines for the Army; the next 40 are to go to the Navy, and the next 40 to Glenn Martin, with the result that the necessary experimentation will take us at least 18 months to develop and try out the engines preliminary to use in transport service. The British are altogether likely in that period to sweep the sky. I hope this is not true, although in this class of competition we cannot challenge the right of our British friends to carry on in this way. We must admire their enterprise while we regret the threat to our position. But if British passenger transportation in the next year shall establish 5-hour service between London and New York, it will bring home to us with compelling force recognition of the fact that we cannot rest on our laurels, that we must use every instrument at our command in order to retain the position which we should rightfully enjoy.

It is to that end that I address myself in asking that our Government, having given up the "five freedoms," so that we are entirely free to accord to such lines or countries as we see fit the access to our area, the policy shall be exercised with an eye primarily ringle to the interest of the United States.

Everybody says, Why not reciprocity? If we let them come into our area, they will let us go into theirs. The difficulty is that 80 percent of international air traffic is of American origin, and it is extremely difficult to know why foreign countries should furnish 1 in 10 of the travelers on any plane, but expect that there should be a 50–50 division with the United States in the transportation that shall be carried on.

Whether or not we can secure access to any foreign country must depend on our arrangements. I only point out that in the period before the war 52 countries had afforded us access to their areas without reciprocal rights of any character, that in only two instances was reciprocity required, the countries of Britain and France, with a subsidiary arrangement with Colombia. So there was every reason from past experience to know that, if we should permit American companies to go forward aggressively, they might continue the remarkable record established in the decade before the war in securing the establishment of American international aviation operation upon a scale commensurate with our interests and calculated to serve the very great values which we have.

As a result of the developments of the past few weeks and months, when it has become evident that the administration is beginning somewhat belatedly, as we feel, to recognize the soundness of the position which some of us have taken in this matter hitherto, these are the reasons why we believe it would be in the interest of America, as well as of international aviation, to defer action on the treaty until January, when we might consider it in the light of what, in my judgment, will be the very tremendous developments in the interim.

However, as I stated in the beginning, I repeat, in the light of the denunciation of the five freedoms, in the glow resulting from that tremendous step in progress, I have indicated that I should not, more actively than I have, oppose the immediate action which is being urged by the administration. I shall simply ask that the Senate make it perfectly clear that those in the administration who are asking the ratification of this treaty assume full responsibility for the consequences which may result if some of the perils which I have pointed out should befall us. The Senate should make plain that the responsibility is clearly in their hands, and I express the fervent hope that Mr. Locke and Mr. Landis, who is now the Chairman of the Civil Aeronautics Board, will continue to contribute their very great talents to the formulation of an American policy far better calculated than in the past to achieve the goal of an American international air operation commensurate with our productive capacity and with the skill and the organizing ability of American businessmen.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. WHERRY. Returning to the inquiry which I made in the beginning of the Senator's discussion, and reading the last paragraph of the release which was put out on July 25 by the Department of State, which is as follows:

> In accordance with article 5 of the agreement, any contracting state may withdraw from it on 1 year's notice. It is the duty of the United States at once to inform all other contracting states of this decision. This Government, therefore, will at once inform all the other states which have accepted the international air transport agreement of its intention to withdraw from the agreement dating from today, in accordance with article 5.

Can the Senator explain why it is that the United States is withdrawing from the multilateral international air-transport agreement in which we accepted? Why are we withdrawing?

Mr. BREWSTER. I think that those now responsible for formulating our policy have come to the considered conclusion that the "five freedoms" present a very great hazard to the safety and the progress of American aviation. They have come to that considered conclusion somewhat belatedly, but I am delighted that they have arrived at it, for it represents a tremendous advance.

Mr. WHERRY. Are all in agreement with that, or is that a question of controversy?

Mr. BREWSTER. The State Department are the only ones I think who have urged speedy action. I have not heard any Member of this body do so. If I should include the Senator in the chair at the present time, the Senator from Washington [Mr. MAGNUSON], I know that he, as one familiar with aviation, and as a member of our committee, has repeatedly expressed the strong opinion that the "five freedoms" was not calculated to serve our interests, and I think every one else who has studied the subject in the Senate has come to the same conclusion.

Mr. WHERRY. If the Senator will indulge me a little further, I am trying to obtain all the information I can on this matter. I am not a member of the committee. The Senator was in Chicago with the Senator from North Carolina [Mr. BAILEY] and others when the whole program was discussed, and, as I understand, it was there that the announcement was made, or there at least was where the executive agreements were entered into.

Mr. BREWSTER. The President did not actually advocate our adherence until February 1945, following November 1944.

Mr. WHERRY. Who in the State Department negotiated those treaties for the United States?

Mr. BREWSTER. Mr. Berle was the chairman of our delegation at Chicago and in charge of our procedure, though he was out of the Government subsequently, so that when it came to the finality it was handled by Mr. Acheson, the Under Secretary, who did have a rather serious misunderstanding with the Senator from North Carolina [Mr. BAILEY] and the Senator from Texas [Mr. CONNALLY]. As a result of a misunderstanding with each of them the adherence was announced when the Committee on Foreign Relations had adopted a resolution asking that no action be taken until there was further consideration by the Foreign Relations Committee. Mr. Acheson apparently misunderstood the Senator from North Carolina and the Senator from Texas, and announced the adherence without further action by either committee. That is how the adherence came about. It was later rather thoroughly thrashed out and great regret expressed on both sides, but it was then urged that it would be a serious "loss of face" if the United States should immediately withdraw its announcement. Now, the Department has done it; so we feel very much gratified over having finally brought that to pass.

Mr. WHERRY. I thank the Senator.

Mr. WHITE. Mr. President, will my colleague yield to me?

Mr. BREWSTER. I yield.

Mr. WHITE. I am utterly unwilling that this debate should come to a close without speaking a brief though wholly inadequate word of tribute to my colleague for the great labor he has put forth in the study of this whole problem, for the zeal with which he has made his presentations, both to the gathering at Chicago and to the members of the Commerce Committee of the Senate and lastly to the members of the Foreign Relations Committee of which I and other Senators who are present are members.

Mr. President, he has stated this problem in all its phases. He has brought to these efforts an analytical mind and power of speech, a persuasiveness of speech, that is unsurpassed in this body.

Mr. President, he has been motivated at all times by a burning patriotism, a desire that America's interest in the air throughout the world should be fully realized and should be adequately protected, and that in all the steps that we, as Senators, take, the interest of the United States shall be first and foremost in our consideration and in our loyalty.

I am very proud of my colleague, and I am happy to say this wholly inadequate word in appreciation of what he has done.

Mr. BREWSTER. Mr. President, I express my deep appreciation of the fine and overgenerous words of my colleague, which I fear are colored by the sentiment of our association.

I also want to express my appreciation of the consideration which the Senator from Georgia [Mr. GEORGE] has shown during the year which has elapsed during which this treaty has been before the committee, for the constant courtesy and consideration he has always accorded me in laboring my views at very great length, because of my concern.

Finally, my apologies to the majority leader for this matter having taken somewhat more time than was estimated. For my participation in that I present my humble apologies.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. BARKLEY. The Senator need not apologize to me. I had understood that the matters involved in this treaty, which had been so controversial, had been resolved, so that it would not take a great while to dispose of.

Mr. BREWSTER. The Senator has no idea what time would have been required had it not been for the arrangement which he suggests had been made.

Mr. BARKLEY. I appreciate that, and, of course, as we in the Senate know, we can never be assured that any proposition which we may think may consume an hour may not consume 3 or 4 hours. So that if we can obtain a vote on the matter and have the treaty ratified we will absolve the Senator from Maine from any self-imposed difficulties under which he may feel he rests.

Mr. BREWSTER. I thank the Senator.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. WHERRY. I should like to propound another question to the distinguished Senator from Maine. I, too, want to utter the same sentiments expressed by the minority leader for the services rendered by my colleague from Maine. I want him to know that I have appreciated his work, and not only that, but that, to a great extent, I follow his judgment on certain matters, because he is so well-informed and has brought such help and aid to me individually in the Senate. I am deeply appreciative of it. But I should like to ask the Senator a question. Inasmuch as we were led, by executive agreement, into signing a multilateral agreement which did not come before the Senate, and which was entered into, apparently, under misunderstanding, but which it now seems, it has turned out apparently to our disadvantage to participate in, is that not a lesson to us that we should not rush into ratifying the pending treaty until we can perfect it after further knowledge and further deliberations between now and the 1st of March next year? That is contingent upon the fact that we do not lose any advantage, or become foreclosed from any of our rights by not ratifying it before that time.

Mr. BREWSTER. That, Mr. President, is why I have indicated that I should prefer to see this matter deferred. On the other hand, if the administration, which after all is primarily responsible for the conduct of our foreign policy, insists on our consideration of the treaty today, I have indicated that I would not vote against its ratification, as I feel that to indicate such a division in our foreign relations, after having achieved the progress we have, would be unfortunate. I hope the administration will appreciate whatever small contribution this is to domestic as well as to international harmony and will seek very earnestly in the next few months to continue to make progress toward what I believe to be a much sounder policy. As I have suggested, I have great confidence in Mr. Locke and in Mr. Landis to that end. That is one of the considerations that greatly reassures me.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. McCARRAN. Let me say in answer to the question asked by the Senator from Nebraska, that I think there is opportunity for us to lose advantage which we might otherwise gain. There is much more opportunity for us to lose an advantage that we might gain by this treaty than there is for us to gain advantage by delay. What I mean by that is that I think we should be in the forefront of all these movements, and by this treaty, with the warning that we have had, with some of us watching the situation quite closely, with new personnel in charge of the matter in the administration, I believe that much is to be gained by ratification of the treaty. That is my personal opinion.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. BREWSTER. I yield.

Mr. WHERRY. Does the Senator from Nevada mean by new leadership, new leadership in aviation or in the Department of State?

Mr. McCARRAN. No; by new leadership I mean Judge Landis in the CAB and Mr. Locke in the White House.

Mr. WHERRY. Will Mr. Acheson, to whom reference has been made, have anything to do in the perfecting of any further treaties or agreements relative to this particular matter?

Mr. McCARRAN. I am not able to answer who may have charge in the State Department. But I think, with the vigilance that is being put forward and with the new blood, if I may so term it, in the CAB, we can better afford to go forward with this treaty than we can to delay it.

Mr. BREWSTER. I may say on that particular point that there is pending legislation creating the position of Assistant Secretary, which, as I understand, will be for Air. If there is action upon that legislation at this session I think it is contemplated that there shall be an Assistant Secretary for Air in the State Department, which I think is of the very highest importance. If there can be obtained for that position a man comparable with Mr. Locke or Mr. Landis, with the same character, background and experience, it will certainly be the dawn of a very happy day. I say that without disparagement of Mr. Clayton. He has been preoccupied with other matters, so that he has not been able to give time to this subject.

Mr. McCARRAN. Mr. President, I hope that the new man in charge of this program will be a man of the caliber of Mr. Landis and Mr. Locke, men who are interested in furthering the interests of America rather than the interests of Great Britain. I hope to see American-minded men in charge. In some instances in the past we have not had such men.

The PRESIDING OFFICER. The convention is before the Senate as in Committee of the Whole, and open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive A, Seventy-ninth Congress, first session, a convention on international civil aviation, concluded at the International Civil Aviation Conference at Chicago on December 7, 1944.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

CONVENTION ON REGULATION OF INTER-AMERICAN AUTOMOTIVE TRAFFIC

Mr. GEORGE. Mr. President, I ask that the Chair lay before the Senate Executive C, Seventy-eighth Congress, second session, a Convention on the Regulation of Inter-American Automotive Traffic, which was signed on behalf of the United States on December 31, 1943.

The PRESIDING OFFICER. The convention is laid before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the Convention on the Regulation of Inter-American Automotive Traffic, in the Spanish, English, Portuguese, and French languages, which was opened for signature at the Pan American Union in Washington on December 15, 1943. Signed on behalf of the United States on December 31, 1943, which was read, as follows:

CONVENTION ON THE REGULATION OF INTER-AMERICAN AUTOMOTIVE TRAFFIC

The Governments of the American Republics, desirous of establishing uniform rules among themselves to control and regulate international automotive traffic on their highways, and to facilitate the movement of motor vehicles among such States,

Have decided to conclude the present Convention in order to effectuate the foregoing purposes, and have agreed upon the following articles:

ARTICLE I

It is recognized that each State has exclusive jurisdiction over the use of its own highways, but agrees to their international use as specified in this Convention.

ARTICLE II

Under the terms of the present Convention, a motor vehicle shall be defined as any self-propelled vehicle circulating upon a public highway without the need of rails and used for the transport of persons or merchandise.

A highway shall be defined as any public way maintained for and open to the use of the public for purposes of vehicular travel.

An operator shall be defined as any person who drives or is in actual physical control of a motor vehicle upon a highway.

ARTICLE III

The operator of a motor vehicle circulating in any State which is a party to this Convention is subject to the traffic laws and regulations in force in that State or subdivision thereof.

A copy of such laws and regulations may be handed to the operator at the time of entering each State, by the customs authorities who are clearing the vehicle for entry, or by any authorized agency.

ARTICLE IV

The Contracting States shall not allow customs measures to be put into effect which will hinder international travel.

Simplified customs and other regulatory measures which have been or may be put into effect by any contiguous States parties to this Convention, for the facilitation of international automotive traffic, shall be considered to be in furtherance of this Convention and shall be encouraged.

ARTICLE V

Before admission to international traffic, every vehicle shall be registered by the State of origin in the manner prescribed by its laws,

or by any subdivision thereof having legal authority to register vehicles.

ARTICLE VI

Every motor vehicle operator before admission to international traffic shall have such driving license as may be required by the laws of his State or such as may be issued by any political subdivision thereof having legal authority to issue driving licenses. In the event that no such driving license is required by his State or any political subdivision thereof, a special international driving license such as is specified in Article XIII shall be valid. No operator shall be admitted to international travel who is less than 18 years of age.

ARTICLE VII

Evidence of compliance with the conditions of this Convention shall entitle motor vehicles and motor vehicle operators to circulate on the highways of any of the Contracting States.

ARTICLE VIII

Each State or its political subdivisions shall maintain central bureaus of registration with facilities for the exchange of informaton with other States as to registration of vehicles and operators.

ARTICLE IX

In addition to the registration plate or plates of the State of origin or of its legally empowered political subdivisions each vehicle shall display an international registration marker indicating the country of origin. This marker shall be in the form of an oval plate not less than 3 inches (8 cm.) wide by 10 inches (26 cm.) long bearing capital Latin letters painted black on a white background.

The distinctive names or letters indicating the several countries shall be the following:

Argentina	ARGENTINA
Bolivia	BOLIVIA
Brazil	BRASIL
Chile	CHILE
Colombia	COLOMBIA
Costa Rica	COSTA RICA
Cuba	CUBA
Dominican Republic	REP. DOM.
Ecuador	ECUADOR
El Salvador	SALVADOR
Guatemala	GUATEMALA
Haiti	HAITI
Honduras	HONDURAS
Mexico	MEXICO
Nicaragua	NICARAGUA
Panama	PANAMA
Paraguay	PARAGUAY
Peru	PERU
United States of America	U. S. A.
Uruguay	URUGUAY
Venezuela	VENEZUELA

This distinctive plate shall be issued by the State or its authorized representatives.

All registration plates shall be plainly visible.

Motor vehicles bearing the international registration markers provided for by the International Convention for the Circulation of Automobiles, 1909, as amended in 1926, shall be recognized as having complied with the foregoing conditions concerning international registration markers.

For admission to international travel, each motor vehicle shall bear in a readily accessible location the name of the manufacturer of the vehicle, the manufacturer's number of the chassis, and the manufacturer's number of the engine.

ARTICLE X

Unless otherwise provided by the laws or regulations of the respective States or subdivisions thereof, the size of vehicles and loads shall be limited to the following:

1. No vehicle shall exceed a total outside width, including any load thereon, of 8 feet (2.44 meters).

2. No vehicle with or without load shall exceed a maximum height of 12 feet, 6 inches (3.80 meters).

3. No vehicle shall exceed an over-all length of 35 feet (10.70 meters) and no combination of vehicles coupled together shall exceed a total length of 45 feet (13.75 meters).

4. No vehicle shall carry any load extending more than 3 feet (91 centimeters) beyond the front thereof.

5. No passenger vehicle shall carry any load extending beyond the line of the fenders on the left side nor extending more than 6 inches (15.2 centimeters) beyond the line of fenders on the right side thereof; provided however that in States in which the left-hand drive is compulsory the provisions of this paragraph referring to the side of loads shall be reversed.

6 Special permits for vehicles or combinations of vehicles exceeding these limits may be issued by the competent authorities of the States.

ARTICLE XI

Unless the laws and regulations of the respective States or political subdivisions thereof provide otherwise, the following requirements as to equipment shall be indispensable for motor vehicles admitted to international traffic.

1. Every motor vehicle shall have brakes adequate to control the movement of and to stop and hold such vehicle. The brakes shall be capable of stopping the vehicle on a dry, smooth, level road within a distance of 30 feet (9 meters) when travelling at a speed of 20 miles (32 kilometers) per hour.

2. Every motor vehicle shall have a suitable horn or other warning device satisfactory to the regulatory authorities.

3. Every motor vehicle other than a motorcycle shall be equipped with two head lamps, at the front of and on opposite sides of the vehicle, which shall at night, under normal atmospheric conditions and on a level road, produce light sufficient to render clearly discernible a person not less than 350 feet (107 meters) ahead and shall be capable of operation so as not to project a glaring or dazzling light. Every motorcycle shall have at least one head lamp.

4. Every motor vehicle, and every trailer or semitrailer which is being drawn at the end of a train of vehicles, shall carry at the rear a lamp which exhibits a red light plainly visible at night under normal atmospheric conditions from a distance of 500 feet (152 meters) to the rear of such vehicle. The registration plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of 50 feet (15 meters) to the rear of the vehicle.

5. Every motor vehicle shall have a muffler in good working order and in constant operation to prevent excessive or unusual noise.

6. Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the operator's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet (70 meters) to the rear of such vehicle.

7. Every motor vehicle other than a motorcycle shall have a windshield wiper in good working order.

ARTICLE XII

A special international automobile certificate, in addition to the registration required by Article V, may be required for each motor vehicle for admission to and circulation in any individual State party to this Convention, if the State so elects. Provision for the issuance of such certificate shall be made by each Contracting State, and such document shall be issued by the State, or by any authorized political subdivision thereof, or by an association duly empowered by such authorities, or by an authorized representative of either the Contracting State or of one of its political subdivisions, having legal authority to issue such certificates. The validity of such special international automobile certificate shall be recognized by all officials having jurisdiction over matters involving legal ownership of the vehicle. The certificate shall be in the form, of the size, and contain the information prescribed in Annex A to this Convention, and shall be valid for one year from date of issuance.

The international automobile certificate issued in accordance with the International Convention of 1926 on Automobile Circulation shall be deemed to meet the requirements of this Article.

ARTICLE XIII

A special international driving license may be required for each operator admitted to circulation in any individual State party to this Convention, if the State so elects. Such a special license shall be required for each operator who does not possess a domestic driving license as required in Article VI. Provision for the issuance of such international driving license shall be made by each Contracting State, and such document shall be issued by the State, or by any authorized political subdivision thereof, or by an association duly empowered by such authorities, or by an authorized representative of either the Contracting State or one of its political subdivisions having legal authority to issue driving licenses. The validity of such special international driving license shall be recognized by all officials having regulatory powers over automotive traffic. The license shall be in the form, of the size, and contain the information prescribed in Annex B to this Convention, and shall be valid for one year from date of issuance.

The international driving license issued in accordance with the International Convention of 1926 shall be deemed to meet the requirements of this Article.

ARTICLE XIV

A general bond guaranteeing payment of customs charges on any motor vehicle to be admitted to international traffic, due and payable within the country in which such charges may be incurred, may be required by any State party to this Convention.

The international customs pass (carnet de passage en douane) of the Association Internationale des Automobile Clubs Reconnus or of the Alliance Internationale de Tourisme shall be deemed to satisfy the requirements of this Article for any Contracting State in which a bond is required.

No bond shall be required in any Contracting State if the stay of the foreign vehicle therein does not exceed the period allowed for free stay.

ARTICLE XV

Each State may establish such requirements as it may deem necessary to record the passage into and out of its territory, of vehicles and operators admitted to international traffic. If such records are maintained, they shall include a notation that the vehicle has complied with the provisions of Articles X and XI.

ARTICLE XVI

The hours and routes dedicated to the crossing of frontiers by properly registered vehicles shall be fixed by common consent of the adjacent States and their decisions communicated to the corresponding custom authorities.

ARTICLE XVII

Infractions of this Convention shall be punished in conformity with the laws and regulations of the country in which committed.

Infractions which shall have incurred judicial penalty shall be communicated by the

judge or magistrate to the proper authorities, who in turn shall communicate them to the authorities of the State or its political subdivision in which the vehicle and its owner or operator were originally registered.

ARTICLE XVIII

Any vehicle or operator admitted to international traffic under the provisions of the International Convention for the Circulation of Automobiles, 1909, as amended in 1926, and holding the documents required thereunder, will be recognized as fulfilling the requirements of the present Convention.

ARTICLE XIX

The original of the present Convention in Spanish, English, Portuguese, and French shall be deposited with the Pan American Union and opened for signature by the American republics. The Convention shall also be opened for the adherence and accession of American States which are not members of the Pan American Union. The Pan American Union shall transmit authentic certified copies to the Governments for the purpose of ratification.

ARTICLE XX

The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory Governments of said deposit. Such notification shall be considered as an exchange of ratifications.

ARTICLE XXI

The present Convention shall come into force between the High Contracting Parties in the order in which they deposit their respective ratifications.

ARTICLE XXII

The present Convention shall remain in effect indefinitely, but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory Governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces it, but shall remain in effect for the remaining High Contracting Parties.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Convention in Spanish, English, Portuguese, and French, at the Pan American Union, Washington, D. C., on behalf of their respective Governments and affix thereto their seals on the dates appearing opposite their signatures.

ANNEX A—INTERNATIONAL AUTOMOBILE CERTIFICATE

(Name of country)

INTERNATIONAL AUTOMOBILE CERTIFICATE

[Size of form when printed, 5¾" x 3⅜"]

The validity of this certificate shall be recognized by all officials having regulatory powers over the registration of motor vehicles in the following countries, with the exception of the country in which issued:

Argentina, Bolivia, Brasil, Colombia, Costa Rica, Cuba, Chile, Ecuador, El Salvador, Guatemala, Haiti, Honduras, México, Nicaragua, Panamá, Paraguay, Perú, República Dominicana, United States of America, Uruguay, Venezuela.

(Draw lines through names of countries which have not ratified the Convention at time of issue.)

INTERNATIONAL AUTOMOBILE CERTIFICATE

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INTERNATIONAL AUTOMOBILE CERTIFICATE

Issued in accordance with the provisions of the Convention on the Regulation of Inter-American Automotive Traffic signed at Washington, D. C., U. S. A., in 1943.

Issued by _____
At _____
Date _____
Signature (x) _____
Number _____

(x) Signature of Authority or signature of Association empowered by the Authority, and "visa" of the latter.

Good for 1 year from date of issue.

Owner or Holder:
- Surname _____
- Other names _____
- Home address _____

Class of vehicle _____
Name of maker of chassis _____
Type of chassis _____
Serial number of type or maker's number of chassis _____
Engine:
- Number of cylinders _____
- Engine number _____
- Stroke _____
- Bore _____
- Horsepower _____

Body:
- Type _____
- Color _____
- Number of seats _____

Weight of vehicle without load (in kilos) _____
Weight of vehicle fully loaded (in kilos) if exceeding 3,500 kilos _____
Identification marks on plates _____

ENTRANCE VISA

(The entrance visa should contain the following data: country, place, date, signature and seal of the authority granting the visa.)

_____
_____
_____
_____

ANNEX B—INTERNATIONAL DRIVING LICENSE

(Name of country)

_____

INTERNATIONAL DRIVING LICENSE

[Size of form when printed, 5¾" by 3⅜"]

The validity of this license shall be recognized by all officials having regulatory powers over automotive traffic in the following countries, with the exception of the country in which issued:

Argentina, Bolivia, Brazil, Colombia, Costa Rica, Cuba, Chile, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Republica Dominicana, United States of America, Uruguay, Venezuela.

(Draw lines through names of countries which have not ratified the Convention at time of issue.)

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INTERNATIONAL DRIVING LICENSE

Issued in accordance with the provisions of the Convention on the Regulation of Inter-American Automotive Traffic signed at Washington, D. C., United States of America, in 1943.

Issued by _____
At _____
Date _____
Signature (x) _____
Number _____

(x) Signature of Authority or signature of Association empowered by the Authority, and visa of the latter.

Valid for 1 year from date of issue.

PARTICULARS CONCERNING THE DRIVER

(Photograph)

(Official seal)

Surname	1
Other names	2
Place of birth	3
Date of birth	4
Home address	5

(Name of country)

REVOCATION

M. (surname and other names) _____ authorized as above by the authority of (country) _____ is deprived of the right to drive in (country) _____ by reason of _____
Place _____
Date _____
(SEAL OF AUTHORITY) _____
(signature)

_____

PARTICULARS CONCERNING THE DRIVER

(for the photograph, see above (page 34))

Surname:	1
Other names:	2
Place of birth:	3
Date of birth:	4
Home address:	5

(The three categories of driving licenses indicated below—A, B, and C—are established in order to permit States or subdivisions thereof which have special requirements differentiating among drivers of light vehicles, heavy vehicles and combinations, and motorcycles, to issue appropriate licenses for each or all of these classes. A separate seal of authority is provided for use in such case or cases.)

A—Motor vehicles of which the weight with load does not exceed 3,500 kilos.

A—Seal of Authority.

B—Motor vehicles of which the weight with load exceeds 3,500 kilos.

B—Seal of Authority.

C—Motorcycles with or without side-car.

C—Seal of Authority.

[Translation]

For Bolivia:

(s) LUIS F. GUACHALLA.

December 15, 1943 [SEAL]

For Brazil:

(s) FERNANDO LOBO.

December 15, 1943 [SEAL]

For Cuba:

(s) AURELIO F. CONCHESO.

December 15, 1943 [SEAL]

For Ecuador:

(s) C. E. ALFARO.

December 15, 1943 [SEAL]

For Guatemala:

(s) ADRIÁN RECINCOS.

December 15, 1943 [SEAL]

For Haiti:

(s) A. LIAUTAUD.

December 15, 1943 [SEAL]

For Nicaragua:

(s) GUILLERMO SEVILLA S.

December 15, 1943 [SEAL]

For Peru:

(s) M. DE FREYRE Y S.

December 15, 1943 [SEAL]

For the Dominican Republic:

The Plenipotentiary of the Dominican Republic signs the Convention with the following reservation:

That the provision in Art. XIV does not mean that the term of one year indicated by Art. XII refers to the time during which a vehicle may travel in a Contracting State without having posted bond or without paying the duties which its laws require, but to the period after which the certificate of admission which the State may require will lapse. Likewise, that this Convention does not affect treaties, conventions or other international agreements which the Dominican Republic may have agreed to or may agree to, nor its immigration laws.

(s) A. COPELLO

December 15, 1943 [SEAL]

For the United States of America:

Signed subject to the understanding and reservation that nothing in Article XV shall be construed to require the use of personnel and facilities of the United States of America for the purpose of determining compliance with the provisions of Articles X and XI by vehicles whenever, in the opinion of the com-

petent authorities of the United States of America, there would result an impairment of essential services performed by such personnel and facilities or an undue hindrance to the movement of automotive traffic into and from the territory of the United States of America.

(s) CORDELL HULL

December 31, 1943 [SEAL]

For El Salvador:

(s) HÉCTOR DAVID CASTRO

January 6, 1944 [SEAL]

I hereby certify that the foregoing document is a true and faithful copy of the original, with the signatures affixed thereto up to the present date, of the Convention on the Regulation of Inter-American Automotive Traffic, deposited in the Pan American Union and opened for signature by the American States on December 15, 1943.

Washington, D. C., January 17, 1944.

[SEAL] PEDRO DE ALBA,
Secretary of the Governing Board of the Pan American Union.

Mr. GEORGE. Mr. President, the distinguished chairman of the committee [Mr. CONNALLY], who is present, handled this convention before he went to Paris. It simply provides for reciprocal treatment among the inter-American countries of automobiles, recognition of licenses, license plates, and registration. It is an attempt to do between the American states substantially what the States of the Union do by way of reciprocal arrangements.

I do not believe that this matter will require any discussion whatever. The protocol was not controversial in the Foreign Relations Committee, and it speaks for itself.

The PRESIDING OFFICER. The convention is before the Senate as in Committee of the Whole, and open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDING OFFICER The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive C, Seventy-eighth Congress, second session, a convention on the regulation of inter-American automotive traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and which was signed on behalf of the United States of America on December 31, 1943.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

PROTOCOL TO PROLONG INTERNATIONAL SANITARY CONVENTION

Mr. GEORGE. Mr President, I ask that the Chair lay before the Senate Executive D—Seventy-ninth Congress, second session—a protocol to prolong the International Sanitary Convention, 1944, which was signed on behalf of the United States on April 30, 1946.

The PRESIDING OFFICER. The protocol is laid before the Senate. The Senate, as in Committee of the Whole, proceeded to consider the protocol to prolong the International Sanitary Convention, 1944, modifying the International Sanitary Convention of June 21, 1926, which was signed in Washington on behalf of the United States of America on April 30, 1946, with the reservation, "subject to ratification," which was read as follows:

PROTOCOL TO PROLONG THE INTERNATIONAL SANITARY CONVENTION, 1944, MODIFYING THE INTERNATIONAL SANITARY CONVENTION OF JUNE 21, 1926

The Governments signatory to the present Protocol,

Considering that, unless prolonged in force by action taken for that purpose by the interested Governments, the International Sanitary Convention, 1944, Modifying the International Sanitary Convention of June 21, 1926, will expire on July 15, 1946, the expiration of eighteen months from the date on which the said 1944 Convention entered into force; and

Considering that it is desirable that the said 1944 Convention shall be prolonged in force after July 15, 1946, between the Governments parties thereto;

Have appointed their respective Plenipotentiaries who, having deposited their full powers, found in good and proper form, have agreed as follows:

ARTICLE I

Subject to the limitation provided for in Article II of the present Protocol, the International Sanitary Convention, 1944, Modifying the International Sanitary Convention of June 21, 1926, shall be prolonged in force on and after July 15, 1946, in respect of each of the Government parties to the present Protocol, until the date on which such Government shall become bound by a further Convention amending or superseding the said 1944 Convention and the said 1926 Convention.

ARTICLE II

The United Nations Relief and Rehabilitation Administration (hereinafter referred to as UNRRA) shall continue to perform the duties and functions assigned to it by the said 1944 Convention, as prolonged by the present Protocol, until such time as a new International Health Organization shall be established, at which time such duties and functions shall be transferred to and shall be assumed by such new International Health Organization, provided that if the new International Health Organization has not been formed or, having been formed, is unable to perform the above duties and functions by the date on which UNRRA, owing to the termination of its activities in Europe or for any other reason, ceases to be able to perform them, those duties and functions shall be entrusted to the Office International d'Hygiene Publique and the countries signatory to this Protocol will, in that event, make appropriate financial provisions so as to enable the Office to perform those duties and functions.

ARTICLE III

The present Protocol shall remain open for signature until May 1, 1946.

ARTICLE IV

The present Protocol shall come into force when it has been signed without reservation in regard to ratification, or instruments of ratification have been deposited or notifications of accession have been received on behalf of at least ten governments. The present Protocol shall come into force in respect of each of the other signatory Governments on the date of signature on its behalf, unless such signature is made with a reservation in regard to the ratification, in which event the present Protocol shall come into force in respect of such Government on the date of the deposit of its instrument of ratification.

ARTICLE V

After May 1, 1946, the present Protocol shall be open to accession by any Government which is a party to the 1944 Convention and is not a signatory to the present Protocol. Each accession shall be notified in writing to the Government of the United States of America.

Accessions notified on or before the date on which the present protocol enters into force shall be effective as of that date. Accessions notified after the date of the entry into force of the present Protocol shall become effective in respect of each Government upon the date of the receipt of that Government's notification of accession.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries sign the present Protocol, on the date indicated opposite their respective signatures, in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Government of the United States of America and of which certified copies shall be furnished by the Government of the United States of America to each of the signatory and acceding Governments and to each of the Governments parties to the said 1944 Convention or the said 1926 Convention.

Done at Washington this twenty-third day of April 1946.

For New Zealand:

C. A. BERENDSEN

April 23, 1946

For Belgium (sous réserve de ratification):

SILVERCRUYS

April 24, 1946

For Canada:

LESTER B. PEARSON

April 25, 1946

For Nicaragua:

ALBERTO SEVILLA SACASA

April 26, 1946

For the United Kingdom of Great Britain and Northern Ireland:

HALIFAX

April 29, 1946.

For the United States of America (subject to ratification):

DEAN ACHESON

April 30, 1946

For Greece:

P. ECONOMOU-GOURAS

April 30, 1946

For China:

WEI TAO-MING

April 30, 1946

For Luxembourg:

HUGUES LE GALLAIS

April 30, 1946

For Ecuador (subject to ratification):

L. N. PONCE

April 30, 1946

For Australia (subject to the reservations with which Australia acceded to the 1944 Convention to which this Protocol relates):

J. B. BRIGDEN

April 30, 1946

For Haiti:

DANTÈS BELLEGARDE

April 30, 1946

For France:

H. BONNET

April 30, 1946

I CERTIFY THAT the foregoing is a true copy of the Protocol to Prolong the International Sanitary Convention, 1944, Modifying the International Sanitary Convention of June 21, 1926, which was open for signature in the English and French languages at Washington, D. C., from April 23, 1946, until May 1, 1946, the signed original of which is deposited in the archives of the Government of the United States of America.

IN TESTIMONY WHEREOF, I, Dean Acheson, Acting Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Acting Authentication Officer of the said Department, at

the city of Washington, in the District of Columbia, this sixth day of May 1946.

[SEAL] DEAN ACHESON,
Acting Secretary of State.
By EDRIE C. MAY,
Acting Authentication Officer,
Department of State.

MEMORANDUM SETTING FORTH THE RESERVATIONS WITH WHICH AUSTRALIA ACCEDED TO THE 1944 SANITARY CONVENTIONS

The accession of the Australian Government to the 1944 Sanitary Conventions was subject to the following reservations:

(1) As regards the International Sanitary Convention, 1944:

"(a) Under Article No. 24 the Australian Government declares that the Convention does not apply to the Territories of Papua and Norfolk Islands or the Mandated Territories of New Guinea and Nauru.

"(b) The Australian Government reserves the right in respect of certificates of inoculation against cholera, typhus, yellow fever, and certificates of vaccination against smallpox, to accept only those certificates which are signed by a recognized official of the Public Health Services of the country concerned, and which carry within the text of the certificate an intimation of the office occupied by the person signing the certificate.

"(c) The Australian Government reserves full rights under Articles Nos. 7 and 9 of the 1926 Convention, especially with reference to the last paragraph on the reestablishment of the Eastern Bureau or analogous agencies as regional bureaux for Asia or the Pacific zone."

(2) As regards the International Sanitary Convention for Aerial Navigation, 1944:

"(a) Pursuant to Article No. 21, the Government declares that the Convention does not apply to the Territories of Papua and Norfolk Islands or the Mandated Territories of New Guinea and Nauru.

"(b) The Australian Government reserves the right in respect of certificates of inoculation against cholera, typhus, yellow fever, and certificates of vaccination against smallpox, to accept only those certificates which are signed by a recognized official of the Public Health Services of the country concerned and which carry within the text of the certificate an intimation of the office occupied by the person signing the certificate.

"(c) The Australian Government, for temporary reasons of a practical nature, is not in a position to accept the full obligations arising out of Section 1, Part 1 of the 1933 Convention in relation to aerodromes within its territory which are within operational areas or under the control of the Air Forces of the Commonwealth or any Allied power.

"(d) Notwithstanding Article No. 35 or other provisions of the 1933 or the present Convention, the Australian Government reserves the right to require that every member of the crew and every passenger on every aircraft arriving from overseas shall, on arrival at the first landing place in Australia, produce to the quarantine officer there a certificate of recent vaccination against smallpox as defined in the Convention, or a certificate that he has given proof that he is adequately immune to smallpox, failing both of which certificates he shall submit to be vaccinated against smallpox.

"(e) The Australian Government reserves the right to prohibit the importation into Australia on any aircraft of any animal other than approved insects and parasites."

Mr. GEORGE. Mr. President, I do not believe that any explanation is required. The committee was unanimous in reporting the protocol. It is simply an attempt to preserve the health of the country against epidemic diseases. Executive E follows along the same line, and relates to a sanitary convention for aerial navigation. Both are health measures.

The PRESIDING OFFICER. The protocol is before the Senate as in Committee of the Whole, and open to amendment. If there be no amendment to be proposed, the protocol will be reported to the Senate.

The protocol was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of Executive D, Seventh-ninth Congress, second session, a protocol to prolong the International Sanitary Convention, 1944, modifying the International Sanitary Convention of June 21, 1926, which was signed on behalf of the United States of America on April 30, 1946, with the reservation, "subject to ratification."

PROTOCOL TO PROLONG INTERNATIONAL SANITARY CONVENTION FOR AERIAL NAVIGATION

Mr. GEORGE. Mr. President, I ask that the Chair lay before the Senate Executive E, Seventy-ninth Congress, second session, a protocol to prolong the International Sanitary Convention for Aerial Navigation, 1944, which was signed on behalf of the United States on April 30, 1946.

The PRESIDING OFFICER. The protocol is laid before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the protocol to prolong the International Sanitary Convention for Aerial Navigation, 1944, modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, which was signed on behalf of the United States of America on April 30, 1946, with the reservation, "subject to ratification," which was read as follows:

PROTOCOL TO PROLONG THE INTERNATIONAL SANITARY CONVENTION FOR AERIAL NAVIGATION, 1944, MODIFYING THE INTERNATIONAL SANITARY CONVENTION FOR AERIAL NAVIGATION OF APRIL 12, 1933

The Governments signatory to the present Protocol.

Considering that, unless prolonged in force by action taken for that purpose by the interested Governments, the International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, will expire on July 15, 1946, the expiration of eighteen months from the date on which the said 1944 Convention entered into force; and

Considering that it is desirable that the said 1944 Convention shall be prolonged in force after July 15, 1946, between the Governments parties thereto;

Have appointed their respective Plenipotentiaries who, having deposited their full powers, found in good and proper form, have agreed as follows:

ARTICLE I

Subject to the limitation provided for in Article II of the present Protocol, the International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, shall be prolonged in force on and after July 15, 1946, in respect of each of the Governments parties to the present Protocol, until the date on which such Government shall become bound by a further Convention amending or superseding the said 1944 Convention and the said 1933 Convention.

ARTICLE II

The United Nations Relief and Rehabilitation Administration (hereinafter referred to as UNRRA) shall continue to perform the duties and functions assigned to it by the said 1944 Convention, as prolonged by the present Protocol, until such time as a new International Health Organization shall be established, at which time such duties and functions shall be transferred to and shall be assumed by such new International Health Organization, provided that if the new International Health Organization has not been formed or, having been formed, is unable to perform the above duties and functions by the date on which UNRRA, owing to the termination of its activities in Europe or for any other reason, ceases to be able to perform them, those duties and functions shall be entrusted to the Office International d'Hygiene Publique and the countries signatory to this Protocol will, in that event, make appropriate financial provisions so as to enable the Office to perform those duties and functions.

ARTICLE III

The present Protocol shall remain open for signature until May 1946.

ARTICLE IV

The present Protocol shall come into force when it has been signed without reservation in regard to ratification, or instruments of ratification have been deposited or notifications of accession have been received on behalf of at least ten Governments. The present Protocol shall come into force in respect of each of the other signatory Governments on the date of signature on its behalf, unless such signature is made with a reservation in regard to ratification, in which event the present Protocol shall come into force in respect of such Government on the date of the deposit of its instrument of ratification.

ARTICLE V

After May 1, 1946, the present Protocol shall be open to accession by any Government which is a party to the 1944 Convention and is not a signatory to the present Protocol. Each accession shall be notified in writing to the Government of the United States of America.

Accessions notified on or before the date on which the present Protocol enters into force shall be effective as of that date. Accessions notified after the date of the entry into force of the present Protocol shall become effective in respect of each Government upon the date of the receipt of that Government's notification of accession.

IN WITNESS WHEREOF, the undersinged Plenipotentiaries sign the present Protocol, on the date indicated opposite their respective signatures, in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Government of the United States of America and of which certified copies shall be furnished by the Government of the United States of America to each of the signatory and acceding Governments and to each of the Governments parties to the said 1944 Convention or the said 1933 Convention.

Done at Washington this twenty-third day of April 1946.

For New Zealand:
C. A. BERENDSEN
April 23, 1946
For Belgium (sous réserve de ratification):
SILVERCRUYS
April 24, 1946
For Canada:
LESTER B. PEARSON
April 25, 1946
For Nicaragua:
ALBERTO SEVILLA SACASA
April 26, 1946

For the United Kingdom of Great Britain and Northern Ireland:

HALIFAX

April 29, 1946

For the United States of America (subject to ratification):

DEAN ACHESON

April 30, 1946

For Greece:

P. ECONOMOU-GOURAS

April 30, 1946

For China:

WEI TAO-MING

April 30, 1946

For Luxembourg:

HUGUES LE GALLAIS

April 30, 1946

For Ecuador (subject to ratification):

L. N. PONCE

April 30, 1946

For Australia (subject to the reservations with which Australia acceded to the 1944 Convention to which this Protocol relates):

J. B. BRIGDEN

April 30, 1946

For Haiti:

DANTÈS BELLEGARDE

April 30, 1946

For France:

H. BONNET

April 30, 1946

I CERTIFY THAT the foregoing is a true copy of the Protocol to Prolong the International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, which was open for signature in the English and French languages at Washington, D. C., from April 23, 1946, until May 1, 1946, the signed original of which is deposited in the archives of the Government of the United States of America.

IN TESTIMONY WHEREOF, I, Dean Acheson, Acting Secretary of State of the United States of America, having hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Acting Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this sixth day of May 1946.

[SEAL]

DEAN ACHESON,
Acting Secretary of State.
By EDRIE C. WAY,
Acting Authentication Officer,
Department of State.

MEMORANDUM SETTING FORTH THE RESERVATIONS WITH WHICH AUSTRALIA ACCEDED TO THE 1944 SANITARY CONVENTIONS

The accession of the Australian Government to the 1944 Sanitary Conventions was subject to the following reservations:

(1) As regards the International Sanitary Convention, 1944:

"(a) Under Article No. 24 the Australian Government declares that the Convention does not apply to the Territories of Papua and Norfolk Islands or the Mandated Territories of New Guinea and Nauru.

"(b) The Australian Government reserves the right in respect of certificates of inoculation against cholera, typhus, yellow fever, and certificates of vaccination against smallpox, to accept only those certificates which are signed by a recognized official of the Public Health Services of the country concerned, and which carry within the text of the certificate an intimation of the office occupied by the person signing the certificate.

"(c) The Australian Government reserves full rights under Articles Nos. 7 and 9 of the 1926 Convention, especially with reference to the last paragraph on the reestablishment of the Eastern Bureau or analogous agencies as regional bureau for Asia or the Pacific zone."

(2) As regards the International Sanitary Convention for Aerial Navigation, 1944:

"(a) Pursuant to Article No. 21, the Government declares that the Convention does not apply to the Territories of Papua and Norfolk Islands or the Mandated Territories of New Guinea and Nauru.

"(b) The Australian Government reserves the right in respect of certificates of inoculation against cholera, typhus, yellow fever, and certificates of vaccination against smallpox, to accept only those certificates which are signed by a recognized official of the Public Health Services of the country concerned, and which carry within the text of the certificate an intimation of the office occupied by the person signing the certificate.

"(c) The Australian Government, for temporary reasons of a practical nature, is not in a position to accept the full obligations arising out of Section 1, Part 1 of the 1933 Convention in relation to aerodromes within its territory which are within operational areas or under the control of the Air Forces of the Commonwealth or any Allied power.

"(d) Notwithstanding Article No. 35 or other provisions of the 1933 or the present Convention, the Australian Government reserves the right to require that every member of the crew and every passenger on every aircraft arriving from overseas shall, on arrival at the first landing place in Australia, produce to the quarantine officer there a certificate of recent vaccination against smallpox as defined in the Convention, or a certificate that he has given proof that he is adequately immune to smallpox, failing both of which certificates he shall submit to be vaccinated against smallpox.

"(e) The Australian Government reserves the right to prohibit the importation into Australia on any aircraft of any animal other than approved insects and parasites."

The PRESIDING OFFICER. The protocol is before the Senate as in Committee of the Whole, and open to amendment. If there be no amendment to be proposed, the protocol will be reported to the Senate.

The protocol was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive E, Seventy-ninth Congress, second session, a protocol to prolong the International Sanitary Convention for Aerial Navigation, 1944, modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, which was signed on behalf of the United States of America on April 30, 1946, with the reservation, "subject to ratification."

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the protocol is ratified.

Mr. BARKLEY. Mr. President, does that conclude the treaties?

The PRESIDING OFFICER. That concludes the treaties.

Mr. BARKLEY. I ask that the Executive Calendar be called.

AMERICAN REPRESENTATIVES TO UNITED NATIONS

The legislative clerk read the nomination of WARREN R. AUSTIN, United States Senator from the State of Vermont, to be a representative of the United States of America to the second part of the first session of the General Assembly of the United Nations.

Mr. BARKLEY. Mr. President, I again express my deep regret at the departure of our friend from the Senate, and congratulate the President, the country, and the Senator himself upon his selection for this high station. I wish him all the success which his character, ability, and earnestness in the cause merit.

The PRESIDING OFFICER. Without objection, the nomination of the distinguished Senator from Vermont is confirmed.

The legislative clerk read the nomination of TOM CONNALLY, United States Senator from the State of Texas, to be a representative of the United States of America to the second part of the first session of the General Assembly of the United Nations.

The PRESIDING OFFICER. Without objection, the nomination of the distinguished Senator from Texas is confirmed.

The legislative clerk read the nomination of ARTHUR H. VANDENBERG, United States Senator from the State of Michigan, to be a representative of the United States of America to the second part of the first session of the General Assembly of the United Nations.

The PRESIDING OFFICER. Without objection, the nomination of the distinguished Senator from Michigan is confirmed.

The legislative clerk read the nomination of Mrs. Anna Eleanor Roosevelt to be a representative of the United States of America to the second part of the first session of the General Assembly of the United Nations.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of SOL BLOOM, a Member of the United States House of Representatives from the State of New York, to be a representative of the United States of America to the second part of the first session of the General Assembly of the United Nations.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of CHARLES A. EATON, a Member of the United States House of Representatives from the State of New Jersey, to be an alternate representative of the United States of America to the second part of the first session of the General Assembly of the United Nations.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of HELEN GAHAGAN DOUGLAS, a Member of the United States House of Representatives from the State of California, to be an alternate representative of the United States of America to the second part of the first session of the General Assembly of the United Nations.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John Foster Dulles to be an alternate representative of the United States of America to the second part of the first session of the General Assembly of the United Nations.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Adlai E. Stevenson to be an alternate representative of the United States of America to the second part of the first session of the General Assembly of the United States.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Foreign Service.

Mr. BARKLEY. I ask that the nominations in the Foreign Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Foreign Service are confirmed en bloc.

UNITED STATES CIRCUIT COURT OF APPEALS

The legislative clerk read the nomination of Harry E. Kalodner to be judge of the Third Circuit, United States Circuit Court of Appeals.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES DISTRICT JUDGE

The legislative clerk read the nomination of Theodore Levin to be United States district judge for the eastern district of Michigan.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES ATTORNEY

The legislative clerk read the nomination of Dan B. Shields to be United States attorney for the district of Utah.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES MARSHAL

The legislative clerk read the nomination of Donald A. Draughon to be United States marshal for the district of Puerto Rico.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEPARTMENT OF THE INTERIOR

The legislative clerk read the nomination of Mastin G. White to be Solicitor of the Department of the Interior.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That completes the calendar.

Mr. BARKLEY. I ask that the President be immediately notified of all nominations confirmed this day.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerk, announced that the House had passed the bill (S. 1477) to authorize relief in certain cases where work, supplies, or services have been furnished for the Government under contracts during the war, with amendments, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 371) extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and it was signed by the President pro tempore.

MODIFICATION OF RAILROAD FINANCIAL STRUCTURES—PRINTING OF BILL SHOWING HOUSE AMENDMENTS

Mr. WHEELER. Mr. President, I ask unanimous consent that the bill (S. 1253) to enable debtor railroad corporations expeditiously to effectuate reorganization of their financial structures; to alter or modify their financial obligations; and for other purposes, be printed showing the House amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF HANDBOOK ENTITLED "LAWS RELATING TO THE PHYSICALLY HANDICAPPED"

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 160, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That the handbook entitled "Laws Relating to the Physically Handicapped" be printed as a House document, and that 12,000 additional copies shall be printed for the use of the Committee on Labor of the House of Representatives.

Mr. HAYDEN. Mr. President, I ask unanimous consent for the present consideration of the concurrent resolution.

There being no objection, the concurrent resolution was considered and agreed to.

WAR CONTRACT HARDSHIP CLAIMS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1477) to authorize relief in certain cases where work, supplies, or services have been furnished for the Government under contracts during the war, which were, on page 1, line 4, to strike out "December 7, 1941" and insert "September 16, 1940"; on page 2, line 7, to strike out "December 7, 1941" and insert "September 16, 1940"; and on page 2, line 20, to strike out "December 7, 1941" and insert "September 16, 1940."

Mr. McCARRAN. Mr. President, I move that the Senate concur in the House amendments. Let me say by way of very brief explanation that the bill passed the House as it passed the Senate, except that the House changed the date from December 7, 1941, to September 16, 1940, which was the date on which the Selective Service Act was passed. It merely extends the period retroactively during which the law may be effective.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

AMENDMENT TO RAILROAD RETIREMENT ACTS, ETC.

The Senate resumed consideration of the bill (H. R. 1362) to amend the railroad retirement acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes.

Mr. BARKLEY. Mr. President, I am not in charge of the bill which is the unfinished business of the Senate. The Senator from Colorado [Mr. JOHNSON], who was chairman of the subcommittee of the Committee on Interstate Commerce which dealt with this proposed legislation, will be in charge of it and will make a detailed explanation of it. However, I wish to make a very brief statement with reference to it, so that the Senate may understand the situation in which we find ourselves with reference to this bill.

It has been suggested that probably there should be as full an attendance as possible while this bill is under consideration. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hart	O'Daniel
Andrews	Hawkes	O'Mahoney
Austin	Hayden	Overton
Ball	Hill	Pepper
Barkley	Hoey	Radcliffe
Bilbo	Huffman	Reed
Brewster	Johnson, Colo.	Revercomb
Brooks	Johnston, S. C.	Russell
Buck	Kilgore	Shipstead
Burch	Knowland	Smith
Bushfield	La Follette	Stanfill
Byrd	Langer	Stewart
Capehart	Lucas	Swift
Capper	McCarran	Taft
Carville	McClellan	Taylor
Connally	McFarland	Thomas, Okla.
Cordon	McKellar	Thomas, Utah
Donnell	McMahon	Tobey
Downey	Magnuson	Vandenberg
Eastland	Maybank	Wagner
Ferguson	Mead	Walsh
Fulbright	Millikin	Wheeler
George	Mitchell	Wherry
Gerry	Moore	White
Green	Morse	Wiley
Guffey	Murdock	Willis
Gurney	Murray	Young

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

Mr. BARKLEY. Mr. President, I wish to make a very brief general preliminary statement with reference to this proposed legislation. The Senator from Colorado, as I indicated a moment ago, who was the chairman of the subcommittee of the Committee on Interstate Commerce handling this bill, will give a more detailed explanation of it.

I wish to state that for many years it has been recognized that amendments to the Railroad Retirement Act have been necessary. In the first place, for a long time it has been recognized that the fund itself, out of which retirements are paid, has been on an unsound basis, and that the contributions both by the carriers and by the employees would have to be increased in order that the fund might be placed on a sound basis. I do not think there is any serious disagreement as to the need of strengthen-

ing the fund and putting it upon a sound basis.

The pending bill provides that the contributions shall be increased on a gradual basis, reaching their ultimate peak in 1952. The present rate of contribution is 3½ percent of the pay roll, and that is contributed by each side. The pending bill provides for an increase of that rate until in 1952 it will reach a maximum of 6¼ percent. But the process is a gradual one, increasing a fraction of a percent each year, until 1952, and that increase is applicable to the retirement payments, not to unemployment insurance. The bill will not add to the fund insofar as unemployment insurance is concerned, as I understand it.

Mr. President, for 5 or 6 years the railroad brotherhoods, who are primarily interested in this legislation, have been urging that amendments increasing the contributions and making other changes in the law be enacted. Of course, as in all such cases, a large amount of information and organization and presentation of the matter before congressional committees and, prior to that, before the organizations themselves, were required in order that a program might be worked out.

On May 11, 1944, the Senator from Montana [Mr. WHEELER], chairman of the Committee on Interstate Commerce, and the Senator from New York [Mr. WAGNER] introduced in the Senate the amendments which had been discussed and had been agreed upon, the bill at that time being identified as Senate bill 1911.

A similar bill was introduced in the House of Representatives by Representative CROSSER, of Ohio, on May 15, 1944. It carried the number House bill 4805. Hearings in connection with House bill 4805 got under way before the House Committee on Interstate and Foreign Commerce on May 23, 1944, and extended intermittently through June 1, on which date the Railway Labor Executives' Association committee concluded presentation of testimony in support of the bill then pending in the House of Representatives, House bill 4805.

The opposition to the measure succeeded in preventing resumption of the hearings up until the time the Congress recessed, on June 23. Congress reconvened on the 1st day of August 1944, and efforts were made by the Railway Labor Executives' Association, through its executive committee, to have the hearings before the House committee resumed. But on the 30th of August 1944, the House committee voted not to resume the hearings at that time. Congress adjourned without hearing the opponents of the bill.

When the Seventy-ninth Congress convened in January 1945, Representative CROSSER, of Ohio, on the 11th of January 1945, introduced House bill 1362, which is the bill now pending before the Senate. The Senator from Montana [Mr. WHEELER] and the Senator from New York [Mr. WAGNER] introduced Senate bill 293, on January 15, 1945. Hearings before the House committee got under way on January 31, 1945, and continued until February 16, when a recess was taken until February 27, on which date the opponents of the bill began the introduction of their testimony. Presentation of the testimony by the opponents was concluded on March 21, 1945. The hearings were resumed on April 18, and they were concluded on April 26, 1945.

Hearings on Senate bill 293 commenced on July 23, 1945, before the Senate committee, and were concluded on July 26, 1945.

In March 1946 a subcommittee of the Senate Committee on Interstate Commerce, whose chairman was the Senator from Colorado [Mr. JOHNSON], reported to the full committee. On April 9, 1946, the subcommittee of the House committee made a report to the full committee.

The petition to discharge the House committee from consideration of the bill was filed in the House on April 18, 1946. That was more than a year following the introduction of the bill in the House, and nearly a year following the conclusion of the hearings before the committee of the House. On May 9, 1946, the House Committee on Interstate and Foreign Commerce reported the bill amended in substantial conformity with the recommendations of the subcommittee of that committee.

House bill 1362, as originally introduced by Representative CROSSER, was passed by the House of Representatives on July 3, 1946. It came to the Senate and was referred to the Committee on Interstate Commerce, and on July 13, 1946, the committee reported the bill with the recommendation that it be passed without amendment.

I might say Mr. President, that this bill, involving as it does a tax upon the employer and the employee, could not be taken up and considered by the Senate until it had been acted upon by the House. Therefore, when the subcommittee of the Senate Committee on Commerce, of which the Senator from Colorado was chairman, reported to the full committee it called attention to the full committee of the fact that the Senate could not act upon this legislation because it provided for a tax and, under the Constitution, it would have to originate in the House of Representatives.

The House bill came to the Senate and was referred to the committee. As promptly as possible, in the absence of the chairman of the committee, the Senator from Montana [Mr. WHEELER], I, as the ranking member of the committee, called the committee into session and the bill was reported to the Senate.

Mr. President, there is an unfortunate parliamentary situation which has grown out of the delay elsewhere than in the Senate. I do not wish in any way to say anything which might be regarded as critical of the procedure in the other body which had this bill before it for so long a time. But the result of the situation is that the bill, having come to us only in July, and having been referred to the committee, and having been reported by the committee on the 15th of July, has come before the Senate so late that we are in such a parliamentary situation that, if the bill is amended in any particular, it will fail of enactment at this session of the Congress. That is an unfortunate circumstance for which the Senate is not responsible. I myself believe that the bill needs some clarification.

A great deal of confusion has been created in the country with respect to the coverage carried in the section of the bill dealing with coverage. The intent of the bill is to increase the tax on both the employers and the employees, that is, the carriers and their workers, in order that the fund may be strengthened and placed upon a sound basis. That is absolutely essential. It is unthinkable that this fine, progressive piece of legislation, which was conceived and advocated by the railway employees of the United States, should continue on crutches so that it will not have the full strength which it should have in order that it may be properly administered, and in order that the time will never come when the fund will be inadequate to meet the requirements of the law and the requirements and needs of the railway employees.

Furthermore, Mr. President, I may say that the bill contemplates including within its coverage railroad-owned trucks. In the case of railroads owning trucks, to all intents and purposes the operators of the trucks are employees of the railroads. The bill contemplates also including within its coverage freight forwarders, who, we understand, now occupy a special status with respect to transportation in interstate commerce. They are just as much a part of the transportation systems of the country as are the railroads themselves, or as are the railroad-owned busses or trucks.

In my judgment, there has been a great deal of confusion injected into the consideration of this legislation, whether by design or otherwise I would not say, as to the coverage of all sorts of activities and organizations which created within their own minds the fear that they were being taken into the bill. Among them are the ice companies. There is nothing in the bill which either specifically or indirectly refers to ice-manufacturing companies, or to ice companies which service the railroad cars. In the report of the committee it has been made clear that such companies are not intended to be covered by the coverage section of this bill. Warehouse companies which store articles of various kinds and operate as warehouse concerns, and may have commerce transferred from them to railroad cars and to railroad tracks, have developed the fear that they are covered under the language of the bill. I tried to make it clear in the report that that is not the intention of the bill, and so far as a report can clarify the bill to which it refers, I think that the report has done that. I do not mean to say that those fears do not bear on their face some justification, because the coverage section of the bill, from a technical standpoint, has not been as clearly drawn as it might have been.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. I wish to say to the Senator that I do not know who is responsible for sending persons from Chicago and other parts of Illinois to see me about this bill. But I do not believe, in connection with any bill, that more persons have come to see me with opinions of what the bill does or does not do.

The individuals who believe they are covered by this bill are not in accord with what the distinguished Senator from Kentucky has stated in his report. I am in favor of the fundamental principles of the bill, but certainly icemen, warehousemen, and a dozen others whom I could name should not be covered in a bill of this character. If there is any question about it, they should be excluded. That is the position I wish to take, and I have so advised persons from my State.

For example, men who are engaged in the trucking business in Chicago, and teamsters' groups there, are vitally interested in this bill and its provisions, especially the section regarding coverage. Their lawyers or representatives have advised them that, under the strict construction of the bill, they are covered. I do not know whether they are or not. I have not had an opportunity to analyze the bill from every angle. But not only one but at least eight or nine separate concerns have sent representatives to see me who have said definitely that they were covered under the bill, and have asked me, "Will you please take us out by an amendment?"

I do not know anything about the parliamentary situation. In fact, I thought an amendment or two might not hurt the bill. I more or less promised two men that I would support amendments of that nature. I now find, according to the Senator from Kentucky, that if I do that, I will defeat the bill because of a parliamentary situation which exists about which I did not know.

Mr. President, that is the situation I am in, and I wanted to make myself clear.

I think there is strong disagreement with the Senator's conclusions so far as paragraphs 2 and 4 of section 1 are concerned. After all, we have seen that the administrative agencies at the other end of the avenue do not always follow what Congress has recommended.

Mr. BARKLEY. Mr. President, in that connection I might say that I have been visited by representatives of some of the interests who indulge in fears such as the Senator from Illinois has described. I refer to representatives of such industries as ice companies, warehouse companies, and other companies of that nature. They came to me because I have supported the bill and filed the report on behalf of the committee. I have assured the ice companies that they are not covered, and there is a letter from the Railway Retirement Board itself in which they state that they would not interpret the law, even if amended, to cover those companies.

I am afraid that somebody has stirred up this fear. It is not so much a conviction as it is a fear which has been fostered, I am afraid, by those who oppose the legislation or do not want any legislation passed.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHEELER. This morning there was handed to me this communication from the National Association of Refrigerated Warehouses, and I imagine every Senator received a copy. It says:

> Section 1 (a) (2) of the bill specifically states that the term "employer" shall mean, among other things, "any person other than a carrier which performs any service within the term 'transportation' as defined in section 1 (3) of the Interstate Commerce Act."
>
> The services included within the term "transportation" as defined in section 1 (3) of the Interstate Commerce Act are receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage and handling of property, consequently the true meaning of section 1 (a) (2) of H. R. 1362 is as follows:
>
> "The term 'employer' shall mean any person other than a carrier which performs, for hire any service in connection with the receipt, delivery, elevation, transfer in transit, ventilation, refrigeration or icing, storage and handling of property transported, being transported, or to be transported."

I call attention to the fact that if that interpretation had been adopted by the Interstate Commerce Commission it would have been the duty of the Commission to regulate every one of them, but the Interstate Commerce Commission has never taken the position that these groups, which are not owned or controlled or operated by the railroad companies, come within the provisions of the act, and they have never attempted to regulate them.

Those who drafted the bill took the phraseology of the Interstate Commerce Act, which had been construed by the Interstate Commerce Commission and I think by the courts, and they used this language in section 1, namely—

> Any person, other than a carrier regulated under part I of the Interstate Commerce Act, which, pursuant to arrangements with a carrier or otherwise, performs, for hire, with respect to passengers or property transported, being transported, or to be transported by a carrier, any service included within the term "transportation."

But the Interstate Commerce Commission has put an entirely different construction upon the term "transportation" from what these people are now seeking to put on it. The testimony before the Senate committee and before the House committee was exactly to the effect that it was not intended to include anything which was not either owned or operated by the railroads themselves.

Mr. HAWKES. Mr. President, will the Senator from Kentucky yield so that I may make a comment to the Senator from Montana?

Mr. BARKLEY. I yield.

Mr. HAWKES. I attended practically all the hearings of the subcommittee, probably as many as any of its members except the chairman, as I think he will agree. The testimony before the subcommittee clearly showed that there was a difference of opinion, and even the proponents of the bill admitted that the language of the bill might very easily include workers of an ice company which sent ice to a depot. I recall reference being made to a small ice company in Phoenix, Ariz. They sent ice to the depot, and delivered the ice to refrigerate the cars. The representatives of the railroad brotherhoods contended very positively that the men who took the ice to the depot and serviced the trains would come under the proposed law.

Mr. WHEELER. Mr. President, I think the Senator is entirely wrong about that. I have not the testimony of one of the representatives of the railway companies who testified on the subject, but the question was definitely asked him in the House committee as to whether an ice company was included, and he said definitely and positively that it was not.

If the word "transportation" should be interpreted as those who are making this contention claim, it would not only have been the right of the Interstate Commerce Commission, it would have been their duty to regulate such companies; but the Commission has never construed it in that way.

I am sure the Senator is wrong in referring to the testimony on the part of representatives of the railroad brotherhoods, because everybody who was connected with the drafting of the bill said definitely that it did not cover such activities.

Mr. HAWKES. I dislike to disagree with my distinguished friend from Montana, but I have a very clear recollection, and I am sure the hearings will show, and I am also sure the chairman of the subcommittee will recall, that Mr. Schoene, who represented the railroad brotherhoods, and several others at the hearings, admitted that there was confusion in this definition, and that it should be corrected.

How about subsection 4, which reads:

> Any person engaged in rendering, pursuant to any arrangement for one or more carriers, any service which (i) is of such a nature as to be susceptible of indefinitely continuous performance and (ii) constitutes a part of or is necessary or incidental to the operation or maintenance of way, equipment or structures devoted to transportation use, or constitutes a clerical, sales, accounting, protective, or communications service necessary or incidental to the conduct of transportation carried on by a carrier, or is rendered with respect to passengers or property transported by railroad, at point of departure or shipment or at destination or between such points.

Mr. WHEELER. If the Senator is directing his question to me, I say that the language in subsection 4 is not intended to include an independent contractor. The language is intended expressly to eliminate an independent contractor.

Mr. HAWKES. What is the Senator's definition of an independent contractor?

Mr. WHEELER. An independent contractor is one who does a specific job at a certain time, and is not carrying on regular work for the railroad; for instance, a building contractor who does building work on the railroad.

Let me suggest what I think the language of section 4 is aimed at. For in-

stance, the Santa Fe railroad during the war was unable to get men to work on the sections because it could not raise wages sufficiently high to attract men. So it let out contracts to someone who was not a railroad man at all, and who could pay higher wages. He contracted to do the work of the upkeep of the road. He had a wage scale which he could pay, and which would attract men to work on the railroad. But he was doing nothing but repair work, the same as the Pennsylvania, the Northern Pacific, or any other road would do. The only reason why the Santa Fe road did that was that it was the only way by which they could attract men to do the repair work and the section work which ordinarily would be done by the railroad itself

This language is inserted expressly for the purpose of enabling the roads to have essential work done. That is why there is included the language I have just read. In other words, where a railroad contracts with somebody to do essential railroad work, the section covers that, and it is intended to cover it.

Mr. HAWKES. It may be that the Senator is correct, and that that is what it is intended to cover, but the fact remains that warehouses, icing plants, those who serve the railroads with ice to refrigerate the cars, even the port authority in New York, and the public-service organizations which send electric cars to depots to pick up passengers are all concerned. The lawyers of most of them, some of the most eminent counsel in the United States, very definitely say that, as the bill now reads, they think it covers them, and they do not want to be covered. If it be true that there is a question of their being covered, why should we not correct the language of the bill now?

Mr. BARKLEY. Mr. President, if the Senator will permit me to continue, I may say that I did not rise to discuss the details of the bill section by section, because the Senator from Colorado, who is chairman of the subcommittee, and the Senator from Montana, who is chairman of the full committee, who introduced the legislation more than 2 years ago, will undertake that. I rose to make a preliminary statement calling attention to the difficulties we confront from a parliamentary standpoint.

I do not deny that the bill needs clarification with respect to coverage; but I think that any amendment to the bill at this time will mean that it will be dead, and that there will be no legislation looking to this end.

I have prepared a concurrent resolution to introduce to clarify the bill, so that there can be no question with respect to ice companies, warehouse companies, or others who should not be or are not intended to be covered. That can be attended to after the passage of the bill. But if we undertake to do it in the bill, under the unfortunate circumstances which I have described, it will mean that there will be no legislation at all. After all these years of efforts made to strengthen the law, and after we have gotten this close to final enactment, to fail merely because of delay somewhere for which we are not responsible, and when mistakes can be corrected later, where correction is needed, seems to be most unfortunate. That is all I have to say about it at this time. I did not intend to go into a discussion of the bill section by section.

Mr. CORDON. Mr. President——

The PRESIDING OFFICER (Mr. BURCH in the chair). Does the Senator from Kentucky yield to the Senator from Oregon?

Mr. BARKLEY. I yield.

Mr. CORDON. I should like to suggest in connection with the criticism of paragraphs (2) and (4) particularly, that those who are interested in the matter should, in connection with those two paragraphs, read paragraph (11) on pages 6 and 7, which is an expression of clarification of paragraphs (2) and (4), specifically limiting coverage.

Mr. BARKLEY. Yes; that is undoubtedly true, and I thank the Senator for calling my attention to it.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. Did the Senator say that because of some parliamentary situation we cannot undertake to amend a bill 56 pages long, full of indefinite controversies, affecting millions of employees, and billions of dollars before we get through, simply because in some way it may delay the enactment of the bill into law? That seems to me to be the most extraordinary proposition I have ever heard advanced on the floor of the Senate in regard to important legislation.

Mr. BARKLEY. It grows out of an extraordinary situation regarding this legislation. I do not say that the Senate could not amend the bill. The Senate has a perfect right to amend it all it wants to amend it. But I felt it my duty and feel it my duty to call the attention of the Senate to the fact that if it is amended it will fail of enactment. I would not agree with the Senator from Ohio as to the bill being full of indefinite controversies, or as to the number of controversial points in it, but whatever clarification is needed so as to express the intention of Congress can be made by a concurrent resolution after the bill is passed, and it is to that end that I have had a joint resolution prepared undertaking to do that. Of course, the concurrent resolution itself could be amended when it comes before the Senate for action.

Mr. TAFT. I cannot understand how we can be sure of the passage of a joint resolution. If the House will not take our amended bill, why on earth will they take a joint resolution?

Mr. BARKLEY. I think the chances would be more favorable of getting action on the concurrent resolution than of getting action on the bill if it is amended because—well, Mr. President, I do not wish to discuss the parliamentary situation that exists, or say anything about it.

Mr. TAFT. Mr. President, will the Senator further yield?

Mr. BARKLEY. I yield.

Mr. TAFT. We have a great social-security system in the United States, and we have this particular security situation under discussion which is confined to a certain group. Further action on the social-security system has been postponed. It also ought to be improved. Yet we propose to take a system which is handed to us to cover a certain number of employees, and accept it just as it is presented, dollar for dollar, setting an example for the social-security system for the rest of the people of the United States, for all other persons in the United States. I cannot understand why the Senate should not consider on its merits a measure so important as is this, and consider it, section by section, in connection with whatever amendments may be presented, and decide the amendments on their merits. If the House will not take them, that is the privilege of the House.

Mr. BARKLEY. Of course, the Senate can do that. It has a perfect legislative and parliamentary right to do that. It has the right to cut the bill to pieces and to change it in any way it sees fit to do. But what I felt it my duty to do and which I feel it my duty to do, under a situation for which we are not responsible, is to say to the Senate that that course means the death of the legislation. And we can, by a concurrent resolution, correct whatever needs to be corrected subsequent to the passage of the bill.

Mr. TAFT. Is it not true that the author of the bill himself has proposed many amendments which he wished to have incorporated?

Mr. Latimer of the Railroad Retirement Board has something like 50 amendments which he wants incorporated, which the House did not incorporate, which our committee have even refused to consider. Is that not a fact?

Mr. BARKLEY. I do not know whether Mr. Latimer has any amendments, or if he has any, how many he has. If he had any amendments they may have been presented to the House committee. I will also say in that connection, that when the House committee, after a petition had been filed in the House to discharge the committee from further consideration, reported the bill with amendments, certain amendments were adopted by the House in the Committee of the Whole, and after the House went out of the Committee of the Whole and into the House, the amendments were rejected.

Mr. TAFT. By reason of that extraordinary procedure, as I understand, the House eliminated not only the controversial amendments proposed by the committee, but eliminated approximately 100 other amendments which were admitted by all persons to be necessary to clarify and improve the bill.

Mr. BARKLEY. It may be that amendments which had been agreed to in committee were eliminated in the House. We are not responsible for that. I have told the Senate what would be the result of amendment by the Senate of the bill. The Senate of course can act in its own wisdom and judgment.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHEELER. I wish to call attention to the language of the Interstate

Commerce Act, and then to explain the construction which has been placed upon that language by the courts and by the Commission. I submit that it is not at all necessary to amend the bill. The only reason advanced for amending it is to quiet the nerves of some individuals who are becoming excited. Some of the amendments have been suggested by individuals who desire to defeat the bill. For instance, in my own State persons have come to me with suggestions for amendment, and I have tried to explain the whole situation to them.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. I have had the question put to me by some persons who were extremely desirous of having the situation clarified, and who had no purpose of stirring up controversy. For instance, as a concrete example, I mention the small ice company, the independent ice producer, who services the refrigerator cars of a railroad company under contract, perhaps from year to year or from month to month. The question arises whether the men who service the cars, and are in the employ of the ice company, come under this measure.

Mr. WHEELER. I do not think they would. They are employees of an independent ice company, not controlled by the railroad in any way, shape, or form.

Mr. BARKLEY. And their services are paid for by the ice company, and not by the railroad.

Mr. REVERCOMB. The question is, Do those men come under the act?

Mr. WHEELER. No, they do not.

Mr. TAFT. Why are they not covered by section 4? The ice companies are independent contractors. They have to service the cars, day and night. It is a continual performance. I do not see how the language of section 4 can be construed not to include such companies.

Mr. WHEELER. The language in the Transportation Act of 1940 is as follows:

> The term "transportation" as used in this part shall include locomotives, cars, and other vehicles, vessels, and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported.

If the Interstate Commerce Commission had put the construction upon that language which is being contended for by ice companies and others, it would be the duty of the Interstate Commerce Commission to regulate every single one of these concerns.

Mr. TAFT. The Senator is dealing with section 2. But section 4 says "transportation use not related to the Interstate Commerce Act in any way."

Mr. WHEELER. I am referring to section 2.

Mr. TAFT. I was dealing with section 4. I do not know enough about the Transportation Act to know what section 2 would cover, but section 4, it seems to me, clearly would cover the situation.

Mr. WHEELER. It certainly does not cover an independent ice company, and it certainly does not cover any independent storage company or any concern of that kind.

Mr. TAFT. The Senator says, "It certainly does not cover," but why not?

Mr. WHEELER. Let me finish my statement. The Senator does not give me time to finish. I cannot cover the whole subject in one sentence. I first desire to call attention to the fact that the first objection made with respect to the coverage of this bill, and the big outcry against it, was with reference to section 2, because of the fact that the language of the Transportation Act, in section 3 (a), was used. The reason the language in section 3 (a) of the Transportation Act was used was that the courts and the Commission itself had construed that language and had interpreted it. I can understand how someone might go to an independent ice company or an independent refrigerator company and say, "You are included in this provision, because the language is broad enough to include you." But I cannot understand how a lawyer who has looked into the question and found how the courts and the Commission have construed the act could come to that conclusion. In dealing with this language of the Transportation Act, it is necessary to look at the construction which has been placed on it by the courts and by the Commission.

With respect to paragraph (4) on page 2, the question was asked by the Senator from West Virginia with reference to a company which furnished ice alone to the railroad company. Is that correct?

Mr. REVERCOMB. No, in the case that I mentioned, the general ice manufacturer merely furnished ice to the railroad company more as an accommodation because the railroad company's own supply of ice had gotten away from it. A contract was made with the ice company to furnish ice and refrigerate the cars at one or two stations. The employees—the men who did that work—are employees paid solely by the ice maker.

Mr. WHEELER. Frankly, that would be a very much closer case than the case of the ordinary ice company.

Mr. REVERCOMB. This is an ordinary ice company which furnishes ice to the public generally.

Mr. WHEELER. In my judgment, a company which furnishes ice to the public generally would not be included under the terms of the bill. If its principal business were the furnishing of ice to a railroad company under a contract, the situation might be different. The railroads own certain ice companies. There are certain ice companies which are exclusively in the business of furnishing ice for icing railroad cars.

Mr. REVERCOMB. This is an independent ice company.

Mr. WHEELER. Suppose the company, instead of itself furnishing the ice, sublets the contract to another company. Then I should say it would come under the terms of the bill. But in the case which the Senator cites, in which a company is engaged in the general ice business, and the furnishing of ice to the railroad is only incidental, in my judgment the company would not be covered.

Mr. REVERCOMB. This inquiry is made in a very serious way by the persons who are interested. They are relatively small businesses. The companies are in the general business of furnishing ice to the public, and one of their customers is the railroad. They furnish ice for the icing of railroad cars. That is the case which I have laid before the Senator. Why could not the whole question be taken care of by a simple amendment providing that those who come under the act shall be the employees of the railroad company?

Mr. WHEELER. That is what this language is intended to do. I cited a concrete example of the purpose of section 4. Take the Santa Fe railroad as an example. During the war it was not permitted to raise the wages of its section workers to the point where it could attract labor. In order to obtain the labor it had to deal with someone who was not in the railroad business at all, but who had a sufficiently high wage scale for common laborers to attract labor. He did the railroad work. He had never done any railroad work before, but he used employees who had formerly worked for the railroad, and he used railroad equipment. Under the language which the Senator suggests, those men would not come under the Retirement Act, although they are engaged in the business of taking care of the railroads.

Mr. REVERCOMB. I see the point of the able Senator. The railroad employees who have talked to me want the act kept as a railroad employees' retirement act. It is intended for railroad men. Why not clarify the whole situation by having the act apply only to the employees of the railroads, or those whose entire work is in the service of the railroads?

Mr. WHEELER. If we were to use the language "in the service of the railroads," there would be many instances in which railroad contracts would be involved. The courts have held that certain dock workers who formerly worked for the railroad, and who were performing services for the railroad under a contract which had been let to someone else, were not railroad employees. But they were really doing railroad work.

Mr. REVERCOMB. They may not be working for the railroad if the work is performed under a contract which is let to someone else; but their work is devoted to the purposes of the railroad and so long as they are solely in railroad work they may well come under the retirement act. Let the language of the proposed bill be made clear on this point and remove this doubt about it, then the bill can be passed as truly a railroad employees' retirement act.

Mr. WHEELER. I feel quite positive that the interpretation which would be placed upon such language, and which should be placed upon it, would be that they would not be considered as coming under the Retirement Act.

Mr. BARKLEY. Mr. President, if Members of the Senate will take the trouble to read the section of the committee report on pages 6 and 7, beginning with the subhead "Coverage," approximately a third of the way down on

page 6, and extending to the end of the next to the last paragraph on page 7, I think they will get a very clear idea of what was intended to be covered by this legislation. The committee report goes into that question and points out the fact that the bill is intended to include two additional classes beyond those now covered: First, those who are engaged in what we call freight forwarding, whose services are indistinguishable from railroad services; and a second category including workers on railroad-owned trucks. Both of those categories include not more than 10,000 additional employees to be covered under the act, as compared with a million and a half railroad employees now covered by the act.

It seems to me that the report of the committee clarifies the situation so far as the intention of the sponsors of the bill is concerned.

Mr. President, I have said all I care to say, and I yield the floor.

Mr. WHITE. Mr. President, will the Senator yield for a question?

Mr. BARKLEY. I yield.

Mr. WHITE. Is it not a fair statement that what the Senator is now advocating is that the Senate shall pass this legislation without the dotting of an "i," the crossing of a "t," or the insertion of a comma, practically eliminating ourselves as a part of the legislative machinery of the Government, and turning over full power and responsibility to the other body?

Mr. BARKLEY. The Senator can place his own interpretation on the action of the Senate, and can couch it in whatever language he chooses to use. What I have suggested to the Senate is that in view of the situation which exists—which I agree is an unfortunate situation—to change this bill in any particular would mean that it might not be enacted at this session of Congress.

Mr. WHITE. If that is the situation——

Mr. BARKLEY. That is the situation.

Mr. WHITE. If that is the situation, I would much prefer, instead of a complete surrender of our functions, to send this legislation in amended form to the other body, and let that body take some responsibility for what happens.

Mr. BARKLEY. The Senate has the right to do that, but I would prefer to pass this legislation as it is. After all these years of study, interminable hearings, and delays, I would rather pass it as it is and run the risk of correcting whatever ought to be corrected independently of a vote on the bill than to amend it and thereby make it impossible to legislate on the subject.

Mr. STEWART and Mr. CAPEHART addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield; and if so, to whom?

Mr. BARKLEY. Mr. President, I have occupied the floor longer than I intended. The Senator from Colorado [Mr. JOHNSON] and the Senator from Montana [Mr. WHEELER] are in charge of this legislation. I made this preliminary statement because, in the absence of the Senator from Colorado, I called the committee together and made the report.

Mr. STEWART. I should like to ask the Senator from Kentucky one question.

Mr. CAPEHART. Mr. President, have I the floor?

Mr. BARKLEY. Mr. President, I still have the floor, I believe.

The PRESIDING OFFICER. Does the Senator from Kentucky claim the floor?

Mr. BARKLEY. I had intended to yield the floor, but if any Senator wishes to ask me a question, I shall be glad to yield.

Mr. STEWART. Did the Senator place in the RECORD the interpretation by the committee which appears on page 7 of the report?

Mr. BARKLEY. I do not think it has been placed in the CONGRESSIONAL RECORD, if that is what the Senator refers to.

Mr. STEWART. I wonder if the Senator would mind placing in the RECORD that particular part of the report which interprets the provisions of the bill relating to coverage?

Mr. BARKLEY. I thank the Senator for the suggestion.

I ask unanimous consent that there be printed in the RECORD at this point as a part of my remarks the section of the report beginning on page 6 with the subhead "Coverage" and extending over to page 7, down to the subparagraph entitled, "Elimination of Inequities and Facilitation of Administration."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Coverage: The bill, in section 1, redefines the term "employer" by spelling out in more detail the application of the act to companies and associations that are a part of the railroad industry but are not technically "carriers." It was the purpose of the present law to cover not only technical "carriers" but all other elements in the railroad industry such as railroad subsidiaries engaged in performing service in connection with railroad transportation, railroad associations, tariff bureaus, demurrage bureaus, railway labor organizations, and so forth.

The bill brings under the Railroad Retirement and Unemployment Insurance Acts two new groups of employers, namely, railroad-controlled trucking companies and those freight forwarders that are not now covered. The railroad-controlled trucking companies are operated as part of the raiload plant for the performance of railroad transportation. (See *Interstate Commerce Commission et al.* v. *Harry A. Parker et al.*, Supreme Court of the United States No. 507, October term, 1944, and brief of Pennsylvania Railroad Co. filed therein.) The reason they have been heretofore treated differently from other railroad subsidiaries performing service in connection with railroad transportation is merely historical accident. The employer definition of the Railroad Retirement Act and the Railroad Unemployment Insurance Act was largely copied from the Railway Labor Act where trucking subsidiaries were excepted because at the time of the Railway Labor Act amendments of 1934 the labor relations of these companies were governed by the NRA trucking code and it was not considered desirable to disturb the then existing situation. That condition has long since passed and in any event there has never been any valid reason in principle for making a special exception of trucking subsidiaries as distinguished from other railroad subsidiaries so far as the Railroad Retirement and Unemployment Insurance Acts are concerned.

Freight forwarders are intimately associated with the railroad industry. The great bulk of their employees perform work that is indistinguishable from the handling of less-than-carload lot freight by regular railroad employees. The employees are nearly all represented by a standard railway labor organization, the Brotherhood of Railway Clerks. Two of the largest of the companies are held by the Railroad Retirement Board to be railroad-controlled and, therefore, covered under present law as railroad affiliates performing services in connection with railroad transportation. The anomalous position that these companies occupied in relation to the railroad industry for regulatory purposes was brought to an end in 1940 when they were brought under regulation by the Interstate Commerce Act. They should now similarly be uniformly covered by the Railroad Retirement and Unemployment Insurance Acts.

The total number of employees brought into the system by such extensions of coverage is estimated not to exceed 10,000 as against some million and a half carrier employees currently covered. The inclusion of these relatively few additional employees could in no event impose any ascertainable burden on the railroad retirement account as a result of their not having been subject to tax in the period since 1937; and the probabilities are that these circumstances impose no financial burden at all since the employees involved are on the whole of a younger-age group than carrier employees on the whole.

Many representations have been made to the committee indicating that persons (other than carriers subject to part I of the Interstate Commerce Act) engaged in manufacturing, harvesting, storing, distributing, selling, or delivering refrigeration or ice to or into equipment used for refrigeration purposes in connection with the transportation of passengers or property are included in the term "employer," and that therefore their employees will be considered to be railroad employees. The committee would like to state categorically that there is no purpose or intent to include such persons as employers under the act and that it is the unanimous understanding of the committee that such persons are not so covered. The committee also unanimously understands that notwithstanding the provisions of subsections (2) and (4) of section 1, there is no purpose or intent to include warehouse or trucking companies, or individuals carrying on either of such businesses, within the term "employer," if they are not owned or controlled, directly or indirectly, by, or under common control with, a carrier subject to part I of the Interstate Commerce Act.

Mr. STEWART. Mr. President, may I ask the Senator a further question?

Mr. BARKLEY. I yield.

Mr. STEWART. Is it the opinion of the Senator that if there is any ambiguity in the bill the interpretation of the committee will govern?

Mr. BARKLEY. Of course, the report of a committee interpreting a bill is not always automatically binding upon a court or administrative agency. But it certainly has great weight, and ought to have great weight, in elucidating the intention of Congress in enacting the legislation.

Mr. STEWART. As I understand the Senator from Kentucky, in the light of the report on the bill, there is no question that the companies to which reference has been made are not included.

Mr. BARKLEY. That is my interpretation. Let me say, also, that I believe

that will be the interpretation of the Railroad Retirement Board itself.

Mr. STEWART. As I understand, that is the interpretation of the chairman of the Interstate Commerce Committee.

Mr. WHEELER. Mr. President, there is no question about it. I have gone into the question very thoroughly, not only with the attorneys for the Railroad Retirement Board, but with members of the Board. I am sure that that is the construction which the present Retirement Board places upon the bill. That is the construction placed upon it by the lawyers for the railroad men, and that is the construction that was placed upon it by the majority of the committee.

Mr. STEWART. And that construction would carry weight.

Mr. WHEELER. If the Retirement Board should place any other construction on it, I should say that it would be placing a construction upon it which was never intended.

Mr. CAPEHART. Mr. President, being a member of the Committee on Interstate Commerce, I feel that I have some slight responsibility in connection with this proposed legislation. I believe that the RECORD should be made perfectly clear with respect to what has happened up to date in connection with this measure.

I think it is a fact that the subject was studied in the House, and that hearings were held over a period of possibly 2 years. A subcommittee of the Senate committee also held hearings. The Committee on Interstate and Foreign Commerce in the House held 37 hearings and approximately 20 executive sessions. It spent many days on this legislation. It finally reported a bill to the House, which I offered as an amendment the other day and asked that it lie on the table. I offered it as a substitute for this bill. The House committee, after days and weeks and months of study—the sort of study I presume that the majority leader was referring to a moment ago—of the so-called Crosser bill, finally reported to the floor of the House a bill which was completely and entirely ignored by the House. The House passed the original bill, notwithstanding the fact that the Chairman of the Railroad Retirement Board was anxious to have many perfecting amendments added to that bill, and notwithstanding the fact that there were many other amendments which it was admitted should have been incorporated in the bill. The bill which the House passed—not the bill which was recommended by the House committee, which spent so long in studying it, as the Senator from Kentucky has said—finally came to the Senate. The Interstate Commerce Committee held a hearing which lasted about 30 minutes, at which time the chairman of the subcommittee, the able Senator from Colorado [Mr. JOHNSON], admitted that the bill possibly should be corrected and that there were many errors in it. However, he suggested that the errors could be corrected next year.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. CAPEHART. I yield.

Mr. BARKLEY. I simply wish to announce to the Senate that the President has signed the OPA bill.

Mr. CAPEHART. Mr. President, after 30 minutes in the full committee, we listened to the same story which the able Senator from Kentucky told us a moment ago, namely, that we must take this bill just as it is, because if we amend it one iota, no matter what the reason, there will be no legislation on the subject.

Mr. WHEELER. Mr. President, will the Senator yield to me?

Mr. CAPEHART. I am happy to yield to the Senator from Montana.

Mr. WHEELER. Let me call attention to the fact that the House committee reported no bill until a petition was circulated in the House to discharge the committee from further consideration of the bill. In our judgment, if that petition had not been circulated, the committee probably would not have reported any bill on the subject. That shows, to my mind, that the House committee did not give very serious consideration to the subject, although the committee had the bill before it for a long period of time.

Furthermore, let me call attention to the fact that, while the House gave consideration to it and likewise the Senate committee gave consideration to it, and held long hearings on the bill——

Mr. CAPEHART. The Senator means the subcommittee; does he not?

Mr. WHEELER. Yes; the subcommittee.

Mr. CAPEHART. And the chairman of the subcommittee reported to us in the full committee that the bill did contain many errors and imperfections which should be corrected.

Mr. WHEELER. No report of that kind was made to the full committee.

Mr. CAPEHART. The chairman of the subcommittee, the able Senator from Colorado [Mr. JOHNSON], reported to the full committee that the bill did have some errors in it.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield to me?

Mr. CAPEHART. I am happy to yield.

Mr. JOHNSON of Colorado. I do not want the Senator to misstate my position, although unintentionally, of course. I did state to the whole committee that the subcommittee was of the opinion that the bill could very well stand some amendment, and that in our opinion amendments on coverage were very desirable. I also stated to the committee that if we attempted to place any amendments in the bill, even amendments of a clarifying nature or merely in the nature of making a correction of a typographical error, the bill would go to conference, and there it might possibly be held, and in that case there would be no legislation on the subject at all.

The Senator will recall that I presented the matter in that light before the committee. Although I said that perhaps some amendments were desirable and that the subcommittee would suggest a few amendments, not many, I also said that under the parliamentary situation which we were facing it was not desirable to amend the bill.

Mr. CAPEHART. Mr. President, if I remember correctly, at the same meeting we likewise asked a representative of the Office of the Legislative Counsel whether in his opinion the language of the bill was such as to bring under the terms of the bill the ice companies and the forwarders and the terminal people. He stated to us that in his opinion it was.

Mr. WHEELER. Mr. President, will the Senator yield to me?

Mr. CAPEHART. I am very happy to yield.

Mr. WHEELER. I do not care what the representative of the Office of the Legislative Counsel may have said. I was not there when he testified. But I say that in view of the construction which has been placed on the Transportation Act by the Interstate Commerce Commission and by the courts, how any one, whether he is member of the Office of the Legislative Counsel or is holding any other position, can say that the ice companies will come under this bill is beyond my comprehension.

Mr. CAPEHART. Mr. President, I should like to ask the Senator whether in his opinion, if it were possible to have the bill amended and enacted at this session of the Congress, the Senator would recommend that it be amended.

Mr. WHEELER. I do not know. I do not know whether amendments are necessary.

Let me say that the only reason why the majority leader suggested the passage of the joint resolution is that every time a bill is introduced in the Senate, someone representing certain groups expresses the fear that the proposed legislation will do this or will do that. After the measure is enacted, the fears disappear. I have never seen any important legislation come before this body but that some lawyers in the business of representing certain parties would attempt to conjure up in the minds of their clients certain fears. That seems to be their work, and that seems to be the way they earn their money.

I do not think it is necessary to amend the bill. But if it would calm the fears which some people seem to have, I say that for that purpose the joint resolution suggested by the Senator from Colorado would be all right.

Mr. REED. Mr. President, will the Senator yield to me?

Mr. CAPEHART. I yield.

Mr. REED. With the permission of the Senator from Indiana, I wish to call the attention of the Senator from Montana to the construction recently placed upon the term "transportation" and the effect of paragraph (2) of section 1 of this bill. One must go back to the beginning of section 1.

I read subdivision (a) of section 1:

> The term "employer," except as otherwise provided in this section, shall mean—
>
> * * * * *
>
> (2) Any person, other than a carrier regulated under part I of the Interstate Commerce Act, which, pursuant to arrangements with a carrier or otherwise, performs, for hire, with respect to passengers or property transported, being transported, or to be

transported by a carrier, any service included within the term "transportation."

Mr. President, I hold in my hand a copy of the Interstate Commerce Act.

Mr. WHEELER. So do I.

Mr. REED. This copy is corrected up to January 1, 1946. Here is what is included in paragraph (3) of section 1, as included in the Transportation Act:

All services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported.

If that is not broad and all-inclusive, according to the language of paragraph (2) of section 1 of House bill 1362, I would have difficulty in understanding what would be.

Mr. WHEELER. But the Senator is an expert on transportation, and I am sure he understands that if this language were as broad as it is contended to be, then it would be the duty of the Interstate Commerce Commission to regulate every one of the ice companies and every one of the other companies.

Mr. REED. I beg the pardon of the Senator from Montana, but that is not a correct interpretation of the law. The Interstate Commerce Commission regulates the carrier. The carrier can hire and can pay for the icing and for his various other activities under the act. They are not brought under regulation as a common carrier. But this bill provides that, within regulations—

The term "employer" except as otherwise provided in this subsection, shall mean—

When we go to paragraph (2), we find this:

(2) Any person, other than a carrier regulated under part I of the Interstate Commerce Act—

So let us leave that out and read it in this way:

(2) Any person * * * which, pursuant to arrangements with a carrier or otherwise, performs, for hire, with respect to passengers or property transported, being transported, or to be transported by a carrier, any service included within the term "transportation" as defined in section 1 (3) of the Interstate Commerce Act, whether or not such service is offered under railroad tariffs.

Here is section (1), paragraph 3, of the Interstate Commerce Act:

The term "transportation" as used in this part shall include locomotives, cars, and other vehicles, vessels, and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported.

Mr. CAPEHART. Mr. President, I wish to make a statement for the RECORD. I believe it to be a true statement, and if it is not, I shall be very glad to have any Senator correct it.

I assert that the bill which was studied for 2 years, as the Senator from Kentucky has stated, and considered by the House Interstate and Foreign Commerce Committee consisting of some twenty-odd members, which held 37 hearings on it, is, in form, the bill which I hold in my hand. It was recommended by the House committee but is not the bill we are considering today. The bill we are considering today is the original Crosser bill, and it is not the bill which the Interstate and Foreign Commerce Committee of the House reported to the House.

Mr. WHEELER. But the bill reported by the House committee was promptly voted down. The pending bill is the one which was studied in the Interstate Commerce Committee of the Senate.

Mr. CAPEHART. I admit that the House passed the bill, or otherwise it would not be before us at this time. I still believe that the RECORD should show that the bill we are now considering is not the one the Members of the House committee reported to the floor of the House. Therefore, what we are now considering has not received 2 years of study, as the Senator from Kentucky has stated.

Mr. WHEELER. The bill before us now is the bill which the House studied because it was introduced by Representative CROSSER, and it was studied for 2 years.

Mr. CAPEHART. I am glad the Senator has made that statement. He is correct. The bill which the House originally studied and held hearings on for 2 years is the bill which the House threw aside as being undesirable and, in its place, passed a different bill. I have in my hand the original bill.

Mr. DONNELL. Mr. President, is the bill which the Senator is holding in his hand, namely, the one which the House had presented to it after a prolonged study, the same as the one which the Senator from Indiana is offering as an amendment in the nature of a substitute?

Mr. CAPEHART. The amendment in the nature of a substitute, which I hold in my hand, is, word for word, the bill that was reported to the House following a great number of hearings, as I have stated.

Mr. DONNELL. I thank the Senator.

Mr. CAPEHART. The bill which I hold in my hand is the one which, after 2 years of study and hearings, was recommended by the committee to the House, but was not passed by the House.

Mr. DONNELL. The amendment of the Senator from Indiana in the nature of a substitute, which was presented on July 19 and ordered to be printed and lie on the table, was not passed by the House.

Mr. CAPEHART. The Senator is correct.

Mr. JOHNSON of Colorado. Is it not also correct that the version prepared by the House committee was rejected by the House by an overwhelming vote, after which the House itself returned to the version which the Senate has now before it?

Mr. CAPEHART. It is obvious that the House passed the version now before the Senate or it would not be before the Senate. But I rose solely to keep the RECORD straight, inasmuch as the able Senator from Kentucky tried to leave the impression that we are now considering a bill which had received approximately 2 years of study on the part of a House committee, that the House had passed it, and that it was the last word on legislation of this character. The facts are as I have described them. The committee which held hearings and studied the bill for a period of approximately 2 years or more reported to the House a bill entirely different from the one we are now considering.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. CAPEHART. I yield.

Mr. HAWKES. Mr. President, I think the Members of the Senate should know that this question is not one concerning alone a change in the definition of coverage. The bill goes to the fundamentals of everything in the social security set-up and the social economic set-up in the United States.

Some time ago the Government made a horrible mistake under which officers received terminal leave. The other day the Senate passed a bill to give terminal leave pay to millions of enlisted men. Every other Senator to whom I talked said, and I agreed with him, that we had to vote this $3,000,000,000 or $4,000,000,000 more in order to do justice to the enlisted man.

I ask Senators if we have a right to pass a bill which would put a railroad man into a separate classification and place him on a separate and distinct unemployment compensation basis from all the other workers in the United States? If we make that mistake, we will be asked later to vote for a bill to adjust every single classification of workingmen and all other groups of workers in order to do justice. No member of this body has a greater respect for the railroad workers than do I. I also have respect for the other industrial workers throughout the United States. I assert that this bill has in it more to be cured than merely a definition of coverage.

There must be something done about the unemployment compensation fund of $790,000,000 already collected. Over the past 5 years, excluding this year, there has been used less than $10,000,000 a year. I understand that this year, because of the coal strikes, the railroad strikes, and so forth, resulting in the payment of unemployment compensation, the requirement will be somewhere between $18,000,000 and $20,000,000. As I say, there is in the fund approximately $790,000,000. The withdrawals from the fund over the past 5 years, excluding this year, have been less than $10,000,000 a year. The interest on the compensation fund of the railroads at the present time is more than $15,000,000 a year, or almost as much as the greatest expenditure of any year in connection with unemployment insurance.

Mr. President, I want the Senate to realize that before an amendment I have introduced is disposed of I shall bring certain facts to the attention of the Senate. I believe them to be facts which it will be the duty of the Senate to consider and carefully analyze before embarking

this Nation straight on the road to socialism.

I wish to make another statement the truth of which all Senators well know. This bill was voted out of the Interstate Commerce Committee in a way which amazes me more than anything which I have before seen in the 3½ years I have been here. The bill was reported by the committee by a vote of 11 to 9. Three proxies were used in order to obtain the 11 votes in favor of reporting the bill. I am not saying that the action taken by the committee was not proper and not in accord with the practices of the Senate, but I do assert that no business institution in the United States which expected to live would follow a process of that kind. The merit of the bill was never considered in any way by the main committee. I asked every member of the Interstate Commerce Committee if he had read the report and knew what the bill contained, and whether he had read the House report, and most everyone answered in the negative. The chairman of the subcommittee, the senior Senator from Colorado [Mr. JOHNSON], who is a very dear friend of mine and whom I respect very highly, undoubtedly has read all the reports as well as the bill. The Senator from Montana [Mr. WHEELER], who is also a friend of mine and whom I respect very highly, has undoubtedly read all the reports and the bill. But all the remaining members of the committee then present admitted to me that they knew nothing about what the bill contained. No hearing has ever been held on the bill in the Interstate Commerce Committee. The subcommittee reported to the main committee, but the main committee never gave the matter any consideration.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. HAWKES. I do not have the floor.

Mr. SHIPSTEAD. I merely want to say that I read the bill.

Mr. HAWKES. But the Senator from Minnesota did not read the hearings, did he?

Mr. SHIPSTEAD. I read a great deal of them.

Mr. HAWKES. Very well; I will give the Senator credit. He was not at the meeting of the committee the other day, was he?

Mr. SHIPSTEAD. No; I was not in Washington.

Mr. HAWKES. Therefore, the Senator was not present to vote. I am referring to the members who were at the meeting of the committee the other day. I did not mean to leave any implication with regard to the Senator from Minnesota, but he was not present, and his proxy was used to vote out the bill which had never been considered by the main committee.

Mr. DONNELL. Mr. President, will the Senator from Indiana yield to me at this point for a brief statement?

Mr. CAPEHART. I yield.

Mr. DONNELL. The Senator from New Jersey referred to the fact that proxies were used in connection with the vote of the committee. I ask the Senator if there is any rule of the Senate which directly or indirectly authorizes the use of proxies for voting in committees?

Mr. HAWKES. I can only answer the distinguished Senator from Missouri by saying that I have been told, I believe by the majority leader, and by other Senators who have been in the Senate for a great many years, that it is a custom which is followed. Whether or not it is a rule of the Senate, I cannot answer.

Mr. DONNELL. Has the Senator ever seen a rule of the Senate that authorizes the use of proxies to vote in a committee?

Mr. HAWKES. I have not.

Mr. SHIPSTEAD. Mr. President, will the Senator from Indiana yield——

Mr. CAPEHART. I am happy to yield.

Mr. SHIPSTEAD. I have been a Member of the Senate for 24 years, and through all those years I have seen proxies given for voting in committees when members were absent.

Mr. HAWKES. The Senator from Missouri did not ask me that question. He asked me if I had ever seen a rule which authorized it. I have not.

Mr. SHIPSTEAD. Oh, that is different.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HAWKES. So that I may make this statement to the Senate a little consecutive, I should like to proceed, then I shall be glad to answer any question.

The question was raised in the committee as to whether we should not defer the consideration of the bill for just 2 days. Does the Senator from Indiana remember that?

Mr. CAPEHART. I do, distinctly.

Mr. HAWKES. A motion was made to vote the bill out, when every member of the committee, excepting possibly two or three, admitted that he knew little or nothing about it. The distinguished Senator from Kansas [Mr. REED] offered a substitute motion that the bill be laid on the table until Monday, so that we could have a chance to understand it.

I am not a parliamentarian, but without any reflection on the majority leader, he refused to put the substitute motion of the Senator from Kansas to a vote. We debated the question, and discussed it, and he finally put the original motion to vote the bill out. The bill was voted out.

I have talked with parliamentarians around the Senate, and the best informed men in the Senate, and they tell me that the majority leader should not have done that, that the substitute motion should have had the right of way before the committee.

Now let me say one more thing, Mr. President, and then I shall be through, I assure the Senator from Indiana, but I want to get something in the RECORD which backs up what the Senator is saying.

When this bill was returned from the subcommittee to the main committee, as the Senator from Colorado [Mr. JOHNSON] knows, it contained 17 major changes in the existing railroad retirement and compensation laws, and it had in it 73 less important changes.

I ask, how can we expect to have the respect of the people of the Nation if we put a bill of this vast importance through a committee, and are willing to enact it into law as it is written, just because we are coming to the close of a session?

I have not seen anyone particularly interested in some of my bills because the session is coming to a close. No one was interested at the end of the last session, when there was on the calendar a very important bill, which had been before the Congress for 7 years, which had been passed four times by the House and three times by the Senate, with amendments. Nobody worried about that bill dying. We had to let it die, because it was considered necessary to give it careful thought and attention, because it affected the economy of the Nation.

Mr. President, with the kind indulgence of the Senator from Indiana, I wish to read just the first paragraph of the report of the subcommittee to the main committee, and if that does not show that this bill is important and needs attention and thought, and involves a great many things, I do not understand the English language. I read:

The subcommittee, consisting of Senators JOHNSON of Colorado, HOEY, BRIGGS, SHIPSTEAD, and HAWKES, to whom was referred the bill S. 293, a bill to amend the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes, having held full and complete hearings, report back to the full committee the major controversial—

Mark that word "controversial"—

items contained in the bill. The House Committee on Interstate and Foreign Commerce also held extended hearings on a companion bill, H. R. 1362, extending over the period January 31, 1945, to April 26, 1945. Said hearings have been printed in three volumes and are available for study by the committee.

Mark right here, the committee admitted that outside of two or three, no member had ever had time or opportunity to read the hearings.

The questions of policy needing decision are of such great importance that the full committee will find, after study and deliberation, that it will of necessity have to make the decisions itself—

I ask right there, how could the full committee make any decision when they never studied the bill and never studied the hearings, and had but 1 hour and 20 minutes together, in which they debated only the question of voting out the bill?—

and the subcommittee therefore felt that no useful purpose would be served by deciding such questions and reporting them in the form of a finished bill to the full committee. A comprehensive and important report dealing with the over-all issues relating to national social security is pending before the Committee on Ways and Means of the House of Representatives and the problems raised by S. 293—

Which is identical with H. R. 1362—

should be studied carefully in connection with the recommendations made in that report.

Mr. President, I submit to every Senator that the very first sentence of the report of the subcommittee shows conclusively that the bill is of vast importance, that it affects our whole structure of American life, and, regardless of the

merits of this or that contention, that it needs consideration.

I for one take issue with some of my very good friends on the committee. I would not rather have an imperfect bill, that would wreck the whole United States, than to have nothing at all because we are reaching the end of the session.

I thank the distinguished Senator from Indiana.

Mr. CAPEHART. Mr. President, I do not think there is any question that the Railroad Retirement Act of 1937 should be amended and overhauled and rewritten, and many inequities corrected. There is no question that the fund is insolvent for the purpose intended, there is no question that legislation is needed on this subject. But I certainly cannot understand why in the case of legislation so important and so far reaching as this the majority leader should tell the members of the Interstate Commerce Committee, and then rise on the floor and tell the Senate, that, if amended, the bill will die with this session of the Congress. I do not understand it. I wish the Senator from Kentucky were present and I wish he would give us the reasons why he thinks it is impossible for us to amend the bill, to correct the bill, as everyone agrees it should be corrected.

I have talked with a number of high ranking officials of the railway brotherhoods, and they do not want the ice companies and other companies included in the bill.

Mr. WHEELER. Mr. President——

Mr. CAPEHART. Just a moment. Why cannot we be told the reason why it is impossible for us to amend the bill and perfect it? What is the reason? Why can we not amend the bill and send it to conference? Why can we not hold a conference with the House, and agree on a decent piece of legislation which will protect the interests of all involved? What is the reason for it?

Mr. WHEELER. Will the Senator yield?

Mr. CAPEHART. I am happy to yield.

Mr. WHEELER. I thought the Senator from Kentucky made it perfectly clear that, in the legislative situation in which we are at the present time, to amend the bill would mean to kill it, that we would not be able to get a conference. We are asking for a conference now with the House on another bill, and it is necessary to get a vote in the House in order to determine the question, because someone may rise and object, and so they have to have a vote on it. It would be physically impossible to have a conference on this bill.

Mr. CAPEHART. Do physical conditions constitute the reason why it cannot be done?

Mr. WHEELER. Physical conditions. I am told that as a matter of fact there will not be a quorum in the House after Saturday.

I am sorry more Senators are not present, because I wish to present an interpretation of the Interstate Commerce Commission on the question we are discussing. I happen to have before me excerpts from some of their decisions, and I wish to read them, as follows:

Storage of property transported is a transportation service only to the extent that it is necessarily incidental to the transportation of such property, and the term has been used in section 1 (3) of the Interstate Commerce Act in that limited sense. (Guaranty claim of Central Elevator & Warehouse Co. (72 I. C. C. 169); Storage Rules on Fruits and Vegetables (95 I. C. C. 871).)

Storage of commodities outside railroad cars for convenience of shippers while markets are being sought is not properly a rail carriers' function. (Reconsignment and storage of lumber and shingles (27 I. C. C. 451).)

Storage of grain beyond the 10-day elevation period is no part of elevation nor a transportation service. (Allowances to elevators by Union Pacific Railroad Co. (14 I. C. C. 315).)

Transportation ceases with unloading of railroad car at the warehouse. (Storage Rules on Fruits and Vegetables (95 I. C. C. 87).)

That, Mr. President, is exactly what I have called attention to. It is said, "This service is transportation." The Interstate Commerce Commission has passed on this question, and has said, "Transportation ceases with unloading of the railroad car at the warehouse."

Compression of cotton is not a transportation service for the shipper, and no obligation rests upon the carrier to perform the service or to pay for it if it is performed by shippers. (*New Orleans Cotton Exchange v. Georgia & Florida Railway Co.* (146 I. C. C. 245).)

So the reason for the use of the language in this measure was because of the limited construction that has been placed upon 3 (a) of the Interstate Commerce Act.

Mr. CAPEHART. May I say in closing that the individual Senators are asked to be rubber stamps and to put their seal of approval upon a bill which it is proposed to have passed, without having the right of amending it. If they do not put their stamp of approval on it, if there are some things they dislike about the bill, if they wish to amend the bill to take care of things they dislike in it, they will be placed in the position, in the eyes of the proponents of this legislation of being against them. I am not so certain, Mr. President—I dislike to say this—that there is not a certain amount of politics tied up in the handling of this bill.

AMENDMENT OF THE SENATE RULES

Mr. KNOWLAND. Mr. President, the other day when certain legislation was pending in the Senate a situation arose relative to the placing of an amendment on a bill, which was not germane to the subject matter of the bill. I believe the Senator from Oregon [Mr. MORSE] at that time probably performed a very useful service, because I am frank to say that, using the British expression, I took a rather dim view of his attempt to place a nongermane amendment upon a piece of legislation which I had advocated on the floor of the Senate. But I think that it forcefully brought home to this body the importance of having a rule relative to germaneness, because as the result of the move by the Senator from Oregon we were almost precipitated into an incipient filibuster at a time when the Senate was trying to transact the public's business.

For that reason, Mr. President, I am proposing today two amendments to the rules of the Senate, one relative to the question of germaneness, which is a short rule, and I wish to read it into the RECORD at this time:

Resolved, That the Standing Rules of the Senate are amended by adding at the end thereof the following new rule:

"RULE XLI

"GERMANENESS

"No amendment to any bill or resolution pending in the Senate which is not germane or relevant to the subject matter contained in such bill or resolution shall be received or considered; nor shall any amendment to any item or clause of any such bill or resolution be received or considered which does not directly relate thereto. All questions of germaneness or relevancy of amendments under this rule, when raised, shall be submitted to the Senate and decided without debate."

I ask unanimous consent to submit this resolution and have it referred to the Committee on Rules.

There being no objection, the resolution (S. Res. 312), submitted by Mr. KNOWLAND, was received and referred to the Committee on Rules.

Mr. KNOWLAND. Mr. President, I have one other resolution relative to the cloture rule. The amendment provides, as does the present rule, that a petition shall be signed by 16 Senators. It provides that when any one of the 16 Senators moves that the cloture resolution be drawn up, it can be drawn up on such a motion. Then, as under the present rule, the matter may lie over with one intervening day. Then, as under the present rule, a quorum call is had prior to the vote on the cloture resolution. But instead of requiring a two-thirds vote, this amendment would require a majority vote of the full membership of the Senate.

Mr. President, I ask unanimous consent to submit the resolution and ask that it be referred to the Committee on Rules.

There being no objection, the resolution (S. Res. 313), submitted by Mr. KNOWLAND, was received and referred to the Committee on Rules, as follows:

Resolved, That the second, third, and fourth paragraphs of rule XXII of the Standing Rules of the Senate are amended to read as follows:

"If at any time a motion to bring to a close the debate upon any pending measure is signed by 16 Senators, any Senator signing such motion shall upon a request for recognition be recognized by the Chair for the purpose of presenting such motion to the Senate, and when such motion is so presented to the Senate the Presiding Officer shall at once state the motion to the Senate, and 1 hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by an aye-and-nay vote the question:

"'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by a majority vote of the entire membership of the Senate, then said measure shall be the unfinished business to the exclusion of all other business until disposed of."

Mr. KNOWLAND. Mr. President, in conclusion I wish to say that it seems to me vitally important in this atomic age in which we are living that this legislative body should not permit itself to be tied up, and, using an Army expression, to be "snafu" in its legislative processes. All over the world people are questioning the ability of representative government to be able to meet the problems of this generation, and I feel that, as Members of the Senate of the United States, we have an obligation to take whatever reasonable steps may be necessary in order to prevent the Senate from becoming entangled, thus endangering the public business.

COMPILATION OF PRECEDENTS OF THE SENATE—AMENDMENT OF SENATE RULES

Mr. MORSE. Mr. President, I should like to take a minute or two to comment on the statement made by the Senator from California. First, I assure the Senator from California that I shall support the two proposed changes in the rules which he has suggested this afternoon. Publicly on more than one occasion I have supported the principles set forth in the Senator's proposals. I have gone further and suggested some other changes in the rules which I think should be adopted. However, I wish to make one comment in view of the fact that he raised the point concerning the procedure which I adopted the other day in offering a rider to the tidelands bill.

I think it was generally agreed, even by the opponents of my position in the matter, that I was well within my parliamentary rights, and that I was doing nothing more than has been done on the floor of the Senate a great many times during the past year and a half while I have been a Member of the Senate. I shall do likewise in the future so long as the archaic rules of the Senate permit of such procedure, if for no other reason than to continue to demonstrate the need for modification of the rules so that such procedure cannot be followed.

I wish the record to be very clear that I believe that in that particular instance the ruling of the Chair, which permitted the Senator from Kentucky [Mr. BARKLEY] to offer an amendment to the tidelands bill after 3 o'clock, was a ruling from which there should have been an appeal, because, having made some study of that particular ruling since the other day, I am inclined to believe that it is not in accordance with the precedents of the Senate. But in view of the fact that the majority leader saw fit to adopt that strategy in seeking to attain his ends in connection with the tidelands bill, I thought it my duty—and I use the word "duty" advisedly—to offer to the bill an amendment of the nature of that which I offered, because I think it makes crystal clear the importance of adopting just such a rule of germaneness as the Senator from California has suggested this afternoon, and which I shall most certainly support.

In closing, let me say that following the study of the whole problem of precedents which I have made since the other day, I have prepared, and submit at this time, the following resolution:

Resolved, That the Parliamentarian of the Senate be authorized and directed to prepare a complete and annotated digest, with a full index, of the precedents and the decisions on points of order in the Senate down to the close of the Seventy-ninth Congress, and that 1,000 copies be printed and bound for the use of the Senate.

I believe that such a study is of great importance, especially to the younger Members of the Senate, who have not had the opportunity to sit here and learn by observation, as have some of the older Members, the workings of the precedents of the Senate. We are at a great disadvantage if we do not have readily available to us a digest of the precedents of the Senate. We are constantly facing the type of criticism which my good friend from Georgia [Mr. RUSSELL] offered the other day when, within the proprieties of parliamentary forms of the Senate, he offered certain criticisms of the strategy used by the junior Senator from Oregon. I know of no one in the Senate better versed in parliamentary strategy than is the Senator from Georgia, nor one who uses strategy more frequently in connection with legislation in which he is interested. He does it so well that he has my highest admiration. The fact that I followed in his footsteps the other afternoon should not reflect against me. However, it illustrates the importance of making available to all of us the precedents of the Senate.

The Parliamentarian advises me that a few years ago a similar request was made, that it is on the books, and that he has been diligently working on the assignment, but that the long sessions of the Senate have not afforded him ample time to complete the assignment. However, he states that he intends to proceed to complete that assignment at the earliest opportunity. Not with the idea in mind of having my resolution adopted if another resolution has already been adopted by the Senate—which the Parliamentarian assures me to be the case—but as a matter of record, so that the RECORD may show that the issue was again raised in this session of Congress, I submit the resolution and ask that it be appropriately referred.

There being no objection, the resolution (S. Res. 314) submitted by Mr. MORSE was received and referred to the Committee on Rules.

Mr. MORSE. Let me say in closing that I hope that at the beginning of the next session of Congress we may proceed thoroughly to study the rules of the Senate, to the end of completely revising them. I think the word "completely" is the proper word to use in connection with the rules of the Senate. I think they must be completely revised if we are to function as a democratic parliamentary body charged with the responsibility of carrying out our obligations to 140,000,000 people.

Let me say to the senior Senator from New Jersey [Mr. HAWKES] that I was very much interested in his remarks this afternoon with regard to the exercise of proxies. Although he did not say so specifically, I judged that he meant to imply by his remarks that he is opposed to the exercise of proxies. If that be true, I am sure that the senior Senator from Missouri [Mr. DONNELL] and the junior Senator from Oregon will welcome him as a recruit into our fraternity, which is a fraternity which is seeking to abolish the exercise of proxies in Senate committees.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. HAWKES. I should like to say to the Senator from Oregon that I am opposed to the use of proxies, not only in the Senate, but in directors' meetings and other places. It seems to me that a man who cannot be present to hear what is going on, so that he may vote intelligently, should lose his vote.

I also wish to say that if I had my way there would never be a vote in the Senate on an important and fundamental issue which would not be a yea-and-nay vote. Every Senator should be willing to stand before the public for exactly what he does and says in this body.

AMENDMENT TO RAILROAD RETIREMENT ACTS, ETC.

The Senate resumed consideration of the bill (H. R. 1362) to amend the railroad retirement acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes.

Mr. JOHNSON of Colorado obtained the floor.

Mr. GURNEY. Mr. President, will the Senator yield to me for a question?

Mr. JOHNSON of Colorado. I yield.

Mr. GURNEY. I should like to address an inquiry to the Senator from Colorado, and possibly in his explanation of the bill and in his discussion of it, he can cover some of these points. I am not entirely unacquainted with this proposed legislation, because as a freshman Member of this body about 6 years ago I had quite an argument about the increased railroad rates which were being requested, as I recall in 1940. I am not now a member of the Interstate Commerce Committee, so I do not know about this legislation in detail. As I remember, the measure we have before us covers two points, retirement and unemployment. With respect to retirement, we have an employer contribution of about 3½ percent of the pay roll, and an employee contribution for retirement of the same amount, 3½ percent.

Mr. JOHNSON of Colorado. That is correct, as of this year; yes.

Mr. GURNEY. Then for unemployment purposes, the employee does not contribute, but the employer, the railroad, contributes about 3 percent.

As I understand, under this bill, it is intended to leave the unemployment contribution as is, at 3 percent.

Mr. JOHNSON of Colorado. Yes.

Mr. GURNEY. And for retirement purposes the contribution is practically doubled.

Mr. JOHNSON of Colorado. No; it is increased 2½ percent on both employers and employees.

Mr. GURNEY. It is practically doubled. It is raised from 3½ percent to 6 percent for both employees and employers.

Mr. JOHNSON of Colorado. In 1949 the 3½ percent automatically goes to 3¾ percent, and then there is an increase to 5 percent which becomes fully effective in 1952.

Mr. GURNEY. The net effect of it, though, is a large increase for retirement purposes.

Mr. JOHNSON of Colorado. Yes.

Mr. GURNEY. And it is proposed to leave the unemployment contribution about the way it is.

Mr. JOHNSON of Colorado. Yes.

Mr. GURNEY. The question I want answered is this: If we are going to make these huge increases, almost double, do they not eventually fall on the user of the railroads, the shipper? Eventually rates will have to be raised, will they not, to cover these increases? I want to be sure that that question is answered. Because of the huge fund, $780,000,000 or $790,000,000, as it is at the moment, is it necessary to continue the employer contribution of 3 percent, merely to add to that fund? It seems to me that we ought to cut down on the unemployment contribution by the employer, always being sure, of course, to keep the fund of sufficient size to take care of any possible contingency or unemployment. But why could that not be transferred over to the retirement fund? That is, the employers' contribution now for unemployment should possibly go to build up the retirement reserve.

Mr. JOHNSON of Colorado. I do not think it would be a sound solution to transfer it. The Senator will agree that in the case of social security there is a 3 percent tax levy altogether on the employer. What has happened in connection with social security is that there has been some relaxation in the payments. The employers do not pay the full 3 percent.

Mr. GURNEY. We are holding it at 1 percent all the time.

Mr. JOHNSON of Colorado. The payment varies throughout the States. Some States require a greater payment and some States a lesser payment. The payment varies also with the industries. An industry which has a record of low unemployment does not pay as much tax as an industry which has a high record of unemployment.

Mr. GURNEY. I understand that.

Mr. JOHNSON of Colorado. That is the way the States regulate the payment. But all States have a maximum of 3 percent, and I think it is advisable and necessary to have such a maximum. The matter of having some relaxation could very well be considered.

Mr. GURNEY. I do not like to get the social security question mixed up with the railroad question. I simply want to make the point and see if the Senator is going to tell us whether or not increased charges are in prospect for the shipper and also for the passenger on the railroad.

Mr. JOHNSON of Colorado. Quite obviously the only source of railroad revenue is out of the shippers and the users of the railroads. All wages and all benefits of the employee must come out of the shippers eventually. I do not want to argue the question. I think that categorical answer perhaps is sufficient. But I would say to the Senator from South Dakota that the shipper is also interested in good service, and good service comes from having contented, interested employees on the railroad. So if the shipper is going to have to pay the costs one way or the other, he had better pay them for an excellent service than pay a smaller rate perhaps and receive very poor service.

Mr. GURNEY. Then, as I understand the Senator's answer, if we raise these contributions to the retirement fund or unemployment fund, then that does make for increased railroad service costs and the shippers can contemplate increased rates in order to bring about a balance in the future. Is that correct?

Mr. JOHNSON of Colorado. The shippers must pay the bill.

Mr. GURNEY. There is one further point to which I should like to invite the Senator's attention. I refer the Senator to pages 458 and 459 of the hearings on Senate bill 293. Evidently an effort was made to justify the request for higher rates by showing that there would be railroad unemployment in the postwar period. I notice that for the year after victory in Europe it was estimated that 75,000 men would be unemployed, because they would be displaced by servicemen. In the first postwar year it was expected that 100,000 would be unemployed; and 70,000 in the second postwar year. No figures on the subject are given for the third and fourth postwar years, so far as servicemen are concerned. In my judgment the justification shown by that table is now out the window, because the Supreme Court has held that servicemen may not displace nonveteran employees. That decision would apply to railroads. Also the railroads had a seniority contract of employment, and they never did let a nonveteran go in order to give a veteran a job. That testimony was given last week before the Committee on Military Affairs.

Mr. JOHNSON of Colorado. I thank the Senator for his views on this subject.

Mr. President, I do not intend to take very much time. We have before us two reports from the committee. There is the original report, and also a supplementary report. Those reports deal with the provisions of the bill in great detail. I think they offer a full explanation of the bill. I do not think it is necessary for me to go through the bill section by section at this time and tell what the bill does or does not do.

The debate on the bill so far has been very disappointing to me. We have not seen the forest for the trees. As a matter of fact, we let one tree get in our way so that we could not see the forest at all. We have been quibbling over whether or not serving railroad equipment with ice brings certain employees under the provisions of the act. The answer is that there was no intention to bring them in. There was no such intention on the part of those who wrote the bill. The committee by unanimous vote—and I made the motion in committee—placed certain language in the report showing that the committee was of the opinion that the ice companies and certain other services somewhat connected with the railroads were not to be brought under the terms of the bill.

There are important matters in the bill which ought to recommend themselves very strongly to Members of the Senate. I agree with the majority leader that we are in a rather unfortunate parliamentary situation, with Congress getting ready to adjourn, the House having passed the bill at a very late date. Since it was a revenue bill we were estopped from considering the subject until the House sent us a bill. In the closing of the session perhaps every member of the committee will not have a full opportunity to satisfy himself as to all of the provisions of the bill. The bill is rather large, comprising 60 pages. It is a technical bill; it is not a bill which may be read in half an hour and be thoroughly understood in all its particulars.

The provision relating to coverage, to which I referred a moment ago, is a very difficult one to write into the bill. The proponents of the bill were trying to bring under the bill and into the retirement system only the men who are doing railroad work. Sometimes, as was stated by the Senator from Montana a few moments ago, the railroads contract for some of the work which formerly was done by railroad employees. In that way, of course, the railroad retirement system has lost certain employees, unless they are also brought within the system.

It was to take care of situations of that kind and to meet arguments made on that basis that the bill was introduced. There have been a number of suits in the courts on the point of whether certain employees were covered. The proponents of the bill and its authors were trying to correct that situation and to make it perfectly plain to everyone who was covered and who was not covered.

I agree with the majority leader that their efforts left something to be desired, and even today the matter of coverage is not clear. But all that can be corrected. If we wish to pass the bill, if we are in favor of the larger provisions of the bill, the matter of coverage can be corrected, if it is necessary to correct it. Frankly, I doubt whether it is necessary to do so. I think perhaps the report which came from the committee clears up the whole matter in a satisfactory way, and I do not believe anything will come from it.

Mr. PEPPER. Mr. President, will the Senator yield to me?

Mr. JOHNSON of Colorado. I yield.

Mr. PEPPER. I shall not prolong the discussion on that point, because, as the Senator from Colorado has said, no doubt it has already been unduly magnified. However, I wish to say that I do not see anything in sections 2, 4, and 5, which I think are the pertinent sections on this point, which would prevent the carrying out of the declared intention of the committee, as stated in its report, which has been called to the attention of the Senate and has been put in the RECORD, namely, that ice plants and warehouse

plants, unless they are owned and controlled directly or indirectly by the railroads, are not affected, nor are trucking companies or companies engaged in the trucking business, unless they are directly or indirectly controlled by a common carrier, as defined in the Interstate Commerce Act.

In addition to that, I do not find in those three sections or in any other section language as to coverage which in my opinion would be held by a court to outweigh the declarations of opinion which have been expressed on this floor or which are stated now by the Senator from Colorado, who is handling the measure, which previously has been handled in the Senate by the able Senator from Montana [Mr. WHEELER], the chairman of the Interstate Commerce Committee, and by the able Senator from Kentucky [Mr. BARKLEY], the majority leader.

So it seems to me that these expressions by the committee and by Senators who have debated and discussed this matter should make it preeminently clear that any possible ambiguity should be resolved in favor of limited coverage; and, as a matter of fact, it seems to me that the people who fear they would be covered unintentionally have no justification for such a fear, because we know that the courts in interpreting ambiguous language in a legislative enactment will always look at the legislative history of the enactment, to see what was the intention of Congress, and they will read the congressional debates in order to see what was the purpose and the intention. So the courts will read this debate in order to see what was the purpose and the intention of the Senate when it gave its assent to this measure, if it does do so.

Mr. HAWKES. Mr. President, will the Senator yield to me for a moment?

Mr. JOHNSON of Colorado. I yield to the Senator from New Jersey if he wishes to ask a question.

Mr. HAWKES. I simply wish to ask a question and to say a word to the Senator from Florida.

Mr. JOHNSON of Colorado. Very well; I yield.

Mr. HAWKES. Let me say that I agree with the Senator that the courts can look to the debates on the floor of the Senate, in order to obtain the proper interpretation of the language contained in the bill, unless the language in the bill is so clear that the courts think they do not need to refer to the debates. But let us always remember that the courts are not bound by the debates on the floor of the Senate.

Mr. PEPPER. Yes; we all know that, Mr. President.

But I wish to call attention to the fact that, taking the interpretation as it is intended here, and as we are now discussing it upon this floor—as being the meaning of the language—there is still a scope and a sphere in which all the other language of the pertinent sections will have meaning and force and effect. For example, the provision that people who have arrangements with a carrier or otherwise under section 2 are covered, can exclude the ice people and the warehouse people and the trucking people, and at the same time it can cover all the many other independent contractors who are rendering service for the railroads. So that language will have meaning and significance, even if we interpret it as not covering the ice people, the warehouse people and the trucking people whom we do not wish to have covered.

It appears to be clear that in the closing hours of this session of the Congress we are faced with the question whether we wish to pass a bill which will confer benefits on more than a million faithful railroad workers, a bill which will make provision for them in sickness, for their security in their old age, and for their support and sustenance when they are out of employment, and the like. I repeat, Mr. President, that the question is whether we wish to benefit more than a million faithful railroad workers by passing this bill, or whether the fear that a few people who are not intended to be included may possibly be included should keep us from passing this bill.

In the first place, I think it is without doubt that the courts cannot give to the words referred to a meaning contrary to that stated in the committee and in the debates on the floor of the Senate. I would not include one of these people; certainly not one of the truck people. If I thought they were going to be included, I would not vote for the bill, but I am confident they are not included. I do not wish, however, to deprive the faithful railroad workers of the beneficial provisions of this legislation. For that reason I shall vote for the bill.

Mr. JOHNSON of Colorado. Mr. President, I thank the Senator from Florida for the very fine statement he has made. It seems to me he has placed the issue squarely before us. The question is whether we are for the bill or whether we are against it. Of course, the matter of whether we shall cover into the system a few persons whom we do not wish to have included is not the issue at all.

In addition to what has already been said, I should like to state that when Mr. Robertson appeared at the House committee hearings—and the testimony I shall read will be found at page 956 of part 3 of the House hearings—the following occurred:

> Mr. HARRIS. * * * Now, Mr. Robertson, I would like to ask, merely for clarification in my own mind, about the intent with reference to coverage that is proposed in this legislation.
>
> Could you or would you state whether or not it was the intention to take in such industries as ice companies, the ice industry, cold-storage warehousing industry, cotton compresses, and so forth?

Mr. Robertson, we should remember, is president of the Brotherhood of Locomotive Firemen and Enginemen, and he is one of the proponents of the bill. In fact, he has taken the leadership in trying to have the bill enacted. This was Mr. Robertson's reply:

> Mr. ROBERTSON. Well, I can make a definite answer to that. No; it was not. We might just as well face the facts. We did not come here with any legislation designed to impose a railroad-retirement act on ice companies. We do not work for ice companies.

Of course, Mr. President, it is perfectly obvious that the folk who are interested in this whole program, in this whole system of retirement, are not interested in covering a number of others who do not work for the railroads. They want all the railroad employees to be covered, but they do not want to include any others, because that would place an extra burden on the railroad employees. For that reason, if for no other, they are glad enough to stay within their own industry.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. WHEELER. Mr. President, for the benefit of Senators who were not present a few minutes ago, let me say that I called attention to the fact that section 2 of the bill, which was being construed as taking in ice-company employees and storage-company employees and other employees of that kind, should be considered in connection with the construction placed by the Interstate Commerce Commission on section 1 (3) of the Interstate Commerce Act. The construction the Interstate Commerce Commission has placed on that provision would absolutely eliminate entirely the ice companies and other companies from coverage.

At this point I should like to call attention to some decisions of the Interstate Commerce Commission. I hope these will be sufficient to do away with the fears of those who are afraid that ice companies or independent contractors will be included.

The first decision to which I wish to call attention is as follows:

> Storage of property transported is a transportation service only to the extent that it is necessarily incidental to the transportation of such property, and the term has been used in section 1 (3) of the Interstate Commerce Act in that limited sense.

It will be noted that reference is had to transportation as defined in section 1 (3). That case is the guaranty claim of Central Elevator & Warehouse Co. (72 I. C. C. 169), Storage Rules on Fruits and Vegetables (95 I. C. C. 87).

Here is another decision:

> Storage of commodities outside railroad cars for convenience of the shippers while markets are being sought is not properly a rail carriers' function.

That case concerns the reconsignment and storage of lumber and shingles (27 I. C. C. 451).

In the matter of allowances to elevators by the Union Pacific Railroad Co. (14 I. C. C. 315), it is said:

> Storage of grain beyond the 10-day elevation period is no part of elevation nor transportation service.

In Storage Rules on Fruits and Vegetables (95 I. C. C. 87), it is said:

> Transportation ceases with unloading of railroad car at the warehouse.

In *New Orleans Cotton Exchange* v. *Georgia & Florida Railway Co.* (146 I. C. C. 245), it is said:

> Compression of cotton is not a transportation service for the shipper, and no obligation rests upon the carrier to perform the service or to pay for it if it is performed by the shipper.

So a conclusive and absolute interpretation has been placed upon section 1 (3) by the Interstate Commerce Com-

mission. This language was used in the bill solely because the interpretations which I have cited had been made.

Mr. PEPPER. Mr. President, will the Senator yield to me while the chairman of the committee is on the floor?

Mr. JOHNSON of Colorado. I shall be glad to yield in just a few minutes.

I thank the Senator for reading into the RECORD the evidence to which he has referred. It seems to me that it should clear up the entire matter. Of course, that is what the proponents of the bill were trying to do. Many decisions have been made with respect to the question. Whether the language of the bill could be improved or not, is beside the point.

Mr. PEPPER. Will the Senator now yield to me?

Mr. JOHNSON of Colorado. I yield.

Mr. PEPPER. I wish to address a question to the able chairman of the Interstate Commerce Committee.

As specifically mentioned, those decisions pertain to ice manufacturers. I wish the Senator would give his opinion with regard to the coverage of trucking companies, and let us see if the Senator is in accord with the language of the report which reads as follows:

The committee also unanimously understands that notwithstanding the provisions of subsections (2) and (4) of section 1, there is no purpose or intent to include warehouse or trucking companies or individuals carrying on either of such businesses—

That is the carrying on of a business by truck—

within the term "employment," if they are not owned or controlled, directly or indirectly, by, or under common control with a carrier subject to part 1 of the Interstate Commerce Act.

If the Senator is in accord with that statement in the report of the committee, is it his opinion that trucking companies, trucking workers, truck drivers, and so forth, would not be covered unless the trucking company were owned and controlled directly or indirectly by carriers subject to part 1 of the Interstate Commerce Act?

Mr. WHEELER. That is absolutely correct. Of course, if a trucking company or a bus company is owned by the railroad system it is, of necessity, a part of the railroad company and comes within its control.

I have in my hand a decision by Mr. Justice Murphy in which he states:

The motor trucks transport less-than-carload lots of freight in complete coordination with the railroad service. The railroad instituted this additional method of transportation in order to furnish an improved and more convenient freight service to the public in certain areas of light traffic and in order to curtail car mileage way-freight service. Motor vehicle transportation, in other words, is merely a new method of carrying on part of its all-rail freight business in which it had been engaged for many years.

Protestants, in contending that the application in this case must be denied unless it is found that the existing motor and rail facilities are physically inadequate to handle the freight in question, are guilty of a fundamental confusion. They have confused cases like the present one, which involve simply an attempt by a railroad to improve its own existing service through the substitution of motor for rail handling of certain freight and the use of its motor carrier subsidiary for that purpose, with the quite different type of case in which an independent motor carrier seeks to inaugurate a new service, as, for example, a general over-the-road service, in addition to and in competition with other existing motor carriers who provide the same type of services.

In other words, the Pennsylvania Railroad Co. itself contended in its application that what it was using was motors and trucks as a part of its all-rail service and, of course, as such they must be and should be included in this bill, just as they are included generally under the Transportation Act. But the independent companies do not come under the bill.

Mr. PEPPER. It is not intended to cover the men who act as independent contractors in hauling materials to and from the railroad within towns and cities, and so forth?

Mr. WHEELER. Definitely not.

Mr. PEPPER. The railroad must have a proprietary interest in the truck in order to be brought under the act?

Mr. WHEELER. Yes.

Mr. LUCAS. Mr. President, is anyone covered under this bill who is not already covered?

Mr. JOHNSON of Colorado. Yes; the trucking companies owned by the railroads are covered, and the freight-forwarding companies are covered. I do not know of anyone else who is covered.

Mr. LUCAS. Am I correct in my understanding of the bill, that the two classes of persons the Senator has now designated are specifically set out in the bill as being covered?

Mr. JOHNSON of Colorado. Yes; they are specifically covered.

Mr. LUCAS. Will the Senator read the language to which he refers?

Mr. JOHNSON of Colorado. Paragraph (3) on page 2 of the bill reads in part, as follows:

Any freight forwarder: A "freight forwarder" is any person— •

And then the language describes him. He comes under the bill.

Then on page 3, in paragraph (5) the following language appears:

Any person which, through any form of property interest is directly or indirectly subject to control by or to common control with a carrier—

Then if we turn to page 4 of the bill, in line 2, we find the words:

is engaged in transportation by motor vehicles.

So they are pointed out and named. They are covered by the bill.

Mr. LUCAS. Mr. President, allow me to give the Senator an example and see whether or not the warehouseman whom I have in mind would be a freight forwarder under the construction of the terms as found in this bill.

Assume that I want to ship household goods from Washington to Chicago, and wish to place them in Chicago temporarily for a period of 2 weeks, not knowing whether I will want to ship them into Wisconsin or into southern Illinois. I place those goods in a warehouse for 2 weeks' time. Are the employees in the warehouse at Chicago, as the result of that storage, covered under this bill?

Mr. JOHNSON of Colorado. Does the warehouse company belong to a railroad company?

Mr. LUCAS. No; it does not.

Mr. JOHNSON of Colorado. It is a privately owned warehouse?

Mr. LUCAS. Yes.

Mr. JOHNSON of Colorado. Such a warehouse and its employees are not covered by the bill.

Mr. LUCAS. But they are a part of the transportation activity which is taking place.

Mr. JOHNSON of Colorado. The freight forwarder who took the goods and shipped them to Chicago would be, if he issued a bill of lading, under the bill.

Mr. LUCAS. What is a freight forwarder under this bill? What does the term include?

Mr. JOHNSON of Colorado. The term "freight forwarder" is well known.

Mr. LUCAS. I know it is well known.

Mr. JOHNSON of Colorado. I will read from page 2 of the bill what is said there about a freight forwarder.

A "freight forwarder" is any person, other than a carrier, which holds itself out to the general public to transport, or provide transportation of property for hire, and which in the ordinary and usual course of its undertaking assembles and consolidates, or provides for assembling and consolidating, shipments of such property, and performs, or provides for the performing of, break-bulk and distributing operations with respect to such consolidated shipments, and assumes responsibility for the transportation of such property from the point of receipt to point of destination, and regularly and substantially utilizes, for the transportation of such shipments, the service of one or more carriers.

That is what a freight forwarder is under the bill, and a freight forwarder and employees of a freight forwarder are covered in the bill.

Mr. LUCAS. And they are not covered under the present law?

Mr. JOHNSON of Colorado. Some of them are covered and some of them are not. There have been court decisions on that point.

Mr. REED. Mr. President——

Mr. JOHNSON of Colorado. First I want to read what the committee had to say about paragraph (3). I read from the supplemental report, page 2:

Paragraph (3): Freight forwarders, while they have the characteristics of shippers relative to the railroads, have most of the characteristics of carriers with respect to their own clientele. Regulatory policy with respect to them was controversial for many years, and was finally settled by the Transportation Act of 1940.

As the Senator from Kansas well knows.

They are now subjected to regulation of much the same character as that applicable to carriers, and the fact that the regulatory policy is expressed in a separate title of the Interstate Commerce Act so as to permit more precise adaptation to the particular aspect of transportation carried on by these companies affords no sound basis for differentiating the employees from railroad employees. In any realistic sense they are part of the railroad industry and are carrying on railroad transportation.

Two of the three largest freight forwarders have been held, administratively, to be railroad controlled and are consequently covered under present law as interpreted by the

Railroad Retirement Board and the Bureau of Internal Revenue.

The definition here used to describe freight forwarders is taken from the Interstate Commerce Act with only such adaptations as are necessary to confine it to companies regularly and substantially utilizing railroads as the means of transportation.

So under existing law some freight forwarders were covered and some freight forwarders were not, but if the pending bill is approved, then all freight forwarders will be covered.

Mr. MAGNUSON. Will the Senator yield?

Mr. JOHNSON of Colorado. I promised to yield to the Senator from Kansas. I wish to finish up with the Senator from Illinois, and then I shall yield to the Senator from Kansas.

Mr. REED. Mr. President, the Senator from Kansas would like to have the Senator from Illinois listen, if he will, to what he is going to say about the error made by the Senator from Montana and the Senator from Colorado, both of whom very earnestly desire that the facts be stated. But they have put themselves a little crosswise.

The Interstate Commerce Act gives the Interstate Commerce Commission authority to regulate common carriers by railroad. In performing railroad service there are various things included in the term "transportation." I read the provision before, and I shall read it again. This is what is included in the definition of the word "transportation":

The receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported.

Those all may be included and are inclued as incidental services under "transportation." But the Interstate Commerce Commission does not regulate the warehouseman. The icing man is not a carrier, but is performing an incidental service. If the railroad puts in its tariff a charge, as it does, for icing and other incidental services, it collects it, but the Interstate Commerce Commission has never undertaken to regulate these incidental services for carriers. That is the error into which the Senator from Montana and the Senator from Colorado have fallen.

The bill for the first time in my knowledge of interestate-commerce legislation and administration does include these people. The bill defines "employer," as follows:

The term "employer," except as otherwise provided in this subsection, shall mean—

(1) Any carrier: A "carrier" is any express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

(2) Any person, other than a carrier regulated under part I of the Interstate Commerce Act, which, pursuant to arrangements with a carrier or otherwise, performs, for hire, with respect to passengers or property transported, being transported, or to be transported by a carrier, any service included within the term "transportation" as defined in section 1 (3) of the Interstate Commerce Act, whether or not such service is offered under railroad tariffs.

That is as plain as anything can be. These people for the first time, in my knowledge of interstate-commerce legislation and interstate-commerce administration, are brought within the terms of the act.

Mr. WHEELER. Will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I yield to the Senator from Illinois.

Mr. WHEELER. Since I have been referred to, the Senator will pardon me, I am sure.

I appreciate that the Senator from Kansas is a great lawyer and understands the law, but he entirely misconceives the purpose of the act. I read a portion of the act a moment ago which he read, but the Interstate Commerce Commission has repeatedly interpreted and defined the word "transportation" as used in this bill. They have said that an elevator, for instance, and other activities, icing companies, and the like, are not included in the term "transportation." They have specifically said that when a carload of wheat, or of a similar commodity is in an elevator, it is not included under the term "transportation," and that the railroad cannot be held liable. They have held that an article that is waiting to be transported does not come within the term "transportation." There cannot be any question about it at all.

While I respect the view of the Senator from Kansas on transportation, I cannot say that his conclusions with reference to matters of law in reference to this question are at all sound. I challenge anyone who has read the decisions of the Interstate Commerce Commission to come to any other conclusion than that which I have suggested.

The reason why that language was used in the bill was because the Interstate Commerce Commission itself had interpreted the word "transportation" in a limited sense, as it said in the case which I read just a moment ago.

Mr. LUCAS. Mr. President, I do not underestimate the opinion of the chairman of the Committee on Interstate Commerce, and his interpretation of what the bill means. Candidly, I have had no opportunity to analyze it from a legal angle. I presume it would take some time for one to go into a careful analysis of the decisions which have been made from time to time. However, it is something which is new, as I understand, and what I cannot understand is why so many people have been worrying me if it is as clear as the Senator from Montana claims it is. I do not say that in any disrespect at all, but I do not think there has been any piece of legislation before us in connection with which as many different people who were involved, or at least thought they were covered by the bill, came to see me.

I have heard some insinuations on the floor of the Senate to the effect that some want us to believe that the railroads are responsible for stirring up this agitation. I hold no brief for the railroads whatsoever, but I wish to say that so far as railroad men are concerned, no railroad man has ever talked to me at any time about the bill. But the iceman has been to see me, the truckman has been to see me, the warehouseman has been in, the man who makes the cups which go on the trains for drinking purposes has been in to see me, and I have another list somewhere in my files, which I am not able to find at the moment. These people are all asking for exemption from the bill.

When I talk to the brotherhood men they tell me they do not want these men included, and others who are widely interested in the bill do not want them included. Because of a parliamentary situation, we cannot offer an amendment to exclude these men, and make it certain that they are not included. It seems to me to be a rather unfortunate situation in which we find ourselves. When I talk to the brotherhood men, they say "Of course we do not want these men included," and I tell the men, "Yes, I will vote for an amendment under those circumstances to eliminate them, and I pledge myself to vote for the amendment." Then when I come to the floor of the Senate I learn from the majority leader that because of the parliamentary situation in the House we have to take the bill as it is or we get no bill at all. That is a very unfortunate situation in which to place Members of the Senate.

So far as I am concerned, Mr. President, if there is any question about any of these people being included in the over-all provision which we find in the first section of the bill, I am going to vote for an amendment that will strike it out, because I do not think they should be included, and I do not think we should take any chance of a board or a court following what the committee says in its interpretation. I have seen how courts and boards function, and we have all observed it, and the one thing we have been contending about as much as anything on the floor of the Senate is the failure of the bureaus of the Government to follow the interpretations, and the records made in the Senate in the way of interpretations of certain bills. The only way we can be sure about a thing of this kind is to write what we want into the law. That is my position.

I regret that I am in this position. I want to make it clear that I am definitely in favor of the fundamental and basic principle of the Railroad Act. I say these men are entitled to what they are asking for. But in order to give them what they are entitled to, I do not think it is fair to include every Tom, Dick, and Harry all over the country whose work is incidental to the transportation system, and who feel, simply because they serve some part of it, that they are covered by the act. We must do something about that. So far as I am concerned, I shall vote to exclude them when the time comes.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. MAGNUSON. I merely want to ask a question. I do not disagree with the statement made by the able chairman of the committee as to how the Interstate Commerce Commission has interpreted the present Interstate Commerce Act. But we have before us a new measure. Is it not true that the measure contains greater coverage than the present law?

Mr. WHEELER. It does, and is meant to provide greater coverage.

Mr. JOHNSON of Colorado. Yes; it is meant to cover two different categories which were not included in the original act.

Mr. MAGNUSON. Let me ask a question about a freight forwarder. Suppose a freight forwarder forwards one-third his business by rail, another third by trucks, and the time is not far distant when he will forward one-third by air. Does he come under this act?

Mr. JOHNSON of Colorado. He comes under the act in that case.

Mr. WHEELER. Let me say that practically all the clerks working in freight-forwarding organizations belong to the railroad brotherhoods. A great part of the business they do is absolutely incidental to railroad transportation. Consequently there is no reason in the world why they should not come under the act.

Mr. MAGNUSON. I think that situation is changing considerably.

Mr. WHEELER. Let me say that the freight forwarders themselves have begged for legislation which would put them under the Interstate Commerce Act. I have sought to have that done, although there has been a tremendous amount of opposition to that suggestion. However, I thought it would be right to have them placed under the Interstate Commerce Act, because they render valuable service in connection with transportation. I think we have done the right thing to include them and to bring them under the act. But, Mr. President, they cannot come in and blow hot and cold on this question. They cannot blow hot one minute and cold the next minute. Yet that is what they are doing. One minute they say, "We are engaged in transportation and we want to be under the Interstate Commerce Act, and be regulated by the Interstate Commerce Commission." The next minute they say, "We do not want to be included." I have no sympathy with them when they do that.

Mr. JOHNSON of Colorado. Mr. President, I want to finish my answer to the Senator from Washington. I was interrupted, and so, did not finish it. In paragraph (3) on page 2 of the bill, after describing what a freight forwarder is, the following language occurs:

> And regularly and substantially utilizes, for the transportation of such shipments, the services of one or more carriers.

Mr. MAGNUSON. That is rail carriers.

Mr. JOHNSON of Colorado. Yes.

Then on page 6 there is a paragraph on segregation, that is assigning certain services here and there. The effect of that paragraph is to bring within the purview of the bill only that part of the freight-forwarder's activity which is in the service of the railroad. It does not bring into the bill the services the freight forwarder renders to air or to some other kind of transportation.

Mr. MAGNUSON. How can the employer I refer to be brought in?

Mr. JOHNSON of Colorado. He can be brought in if he can separate his business.

Mr. MAGNUSON. That is the thing that bothers me. At least 90 percent of the freight forwarders are freight forwarders for railroads. But I can see a condition in the very near future when a freight forwarder may use another means of transportation, and he would still be under the Railroad Retirement Act.

Mr. JOHNSON of Colorado. Not if he uses that other means of transportation exclusively.

Mr. MAGNUSON. But if he divides his business, what then?

Mr. JOHNSON of Colorado. If he is unable to make a separation himself, that is something else.

Mr. MAGNUSON. Another thing that bothers me is this: Let me give my own experience. When I was in school I worked for an ice company. The railroads would ship truck and produce and lettuce out of the city of Seattle. They needed their cars iced only about 3 days a week. We would go down to the yards and ice the railroad cars. The other 2 or 3 days of the week we would go about our other business for private individuals. The railroads paid us for our service to them. That is, they paid the company, and the company turned the money over to us. That portion of the service would be included under the act, would it not? We were paid by the railroads for the time we iced the cars for the railroads.

Mr. JOHNSON of Colorado. No, it is not meant to bring such individuals under the act at all.

Mr. MAGNUSON. I mean for the time we were paid by the railroads?

Mr. JOHNSON of Colorado. If one is a railroad employee, and is paid by the railroad, that is a different thing.

Mr. MAGNUSON. For the 2 or 3 or 4 days we worked and iced the railroad cars, for the number of days of work we were paid by the railroads. But the rest of the week we worked for someone else.

Mr. JOHNSON of Colorado. For the part of the time the Senator and his associates were employed by the railroads and were paid by the railroads for the time they were on the pay roll of the railroads they would of course be included in the Railroad Retirement Acts. But for the time they got their pay from a private ice company they would not be included.

Mr. MAGNUSON. Then, as the Senator from Michigan pointed out, I would have social security 3 days a week and railroad-retirement benefits three other days of the week.

Mr. JOHNSON of Colorado. Of course, most of the ice servicing is not handled in that way any more.

Mr. MAGNUSON. It is on the small sidings where the produce comes in perhaps only 2 or 3 days a week that it is necessary to re-ice the cars. It is still done in my State in the fruit and berry industry.

Mr. JOHNSON of Colorado. Anyone who works for the railroad and receives pay from the railroad is brought under the act.

Mr. MAGNUSON. I take the same position as does the Senator from Illinois. I want to do what is sought to be done under the basic purposes of the bill. But I am somewhat confused by the added coverage. All of us want to vote for this measure, but we are all concerned about the coverage. There is no question that the bill goes further than the original act.

Mr. JOHNSON of Colorado. It goes further with regard to freight forwarders and to truckers that are controlled and owned by the railroad company.

On the point of segregation, I want to read these words with respect to a person who works for more than one type of transportation. The language is found on page 6, line 15:

> If the Board finds that a person is principally engaged in activities other than employer activities and that its employer activities are conducted as an operation or operations separate and distinct from the operations in which it is principally engaged, such person shall be an employer only with respect to such employer operation or operations.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. TAFT. As a matter of information, does the Senator then include motorbus operators? I have a number of telegrams from motorbus operators protesting very strenuously against the bill.

Mr. JOHNSON of Colorado. If motorbus operations are owned and controlled by the railroads they are already covered in the act.

Mr. TAFT. I do not know for certain, but my impression is that the Pennsylvania Greyhound, for instance, one of the largest operations in the country, is owned 50–50 by the Pennsylvania Railroad, and that some other Greyhound operations are similarly owned half and half. Would they be covered?

Mr. JOHNSON of Colorado. The Railroad Retirement Board has never held that the Greyhound Lines are covered by the act.

Mr. TAFT. Is the new bill exactly the same on that subject or not?

Mr. JOHNSON of Colorado. Yes; it is exactly the same on that subject. The bill extends coverage on truck lines that are controlled, whereas the present act does not include truck lines that are owned by the railroads.

Mr. TAFT. Is it not true that everyone who is not included under this system is included under the Social Security System?

Mr. JOHNSON of Colorado. I think that is correct.

Mr. TAFT. What is the difference then? Why change the present coverage? Why transfer somebody from one system which we have set up as adequate for the people of the country generally, to some other system, and introduce this complication? What is the reason for it? I think it is somewhat doubtful whether we should have two systems, but what is the use of shifting people from one to the other? Why not leave them where they are?

Mr. JOHNSON of Colorado. In these two categories I think it was advantageous to put the individuals where they belonged. They should have been put there in the first instance.

Mr. TAFT. What differences does it make? Have any of the employees of these companies asked to be transferred?

Mr. JOHNSON of Colorado. So far as I know they have not.

Mr. TAFT. Then, why should we transfer them? If they prefer the Social Security System, why not let them stay there?

Mr. JOHNSON of Colorado. Because they are railway employees and ought to be included.

Mr. TAFT. There are many other circumstances that would determine the situation. If we do not want the railroads to farm out their work they can all come under the Interstate Commerce Act. But why is not one system just as adequate as the other? Why give special privilege to certain persons and exclude others?

Mr. JOHNSON of Colorado. They were inadvertently left out of the original act. I think it is very proper that they be brought in now under this measure. But no one wants to extend the coverage beyond that.

Mr. TAFT. Who wants them brought in? I know the trucking unions are violently opposed to being brought in. Why should we step in from a supreme height and suddenly transfer a great number of persons from one system to another, when no one wants them transferred?

Mr. JOHNSON of Colorado. The railroad brotherhoods and the employees of the railroads want them transferred because they belong in that category.

Mr. TAFT. I do not understand that they want most of those who are protesting transferred.

Mr. JOHNSON of Colorado. They want those in the two categories which I have mentioned transferred.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado, I yield.

Mr. WHEELER. Let me say to the Senator from Ohio that the railroad brotherhoods put up one-half of whatever is put up under the Railroad Retirement Acts, and the railroads put up the other half. What is happening is that the railroads, in order to get around the provisions of the law, have started to farm out some of their work.

Mr. TAFT. Is there any evidence that that has been done?

Mr. WHEELER. Definitely.

Mr. TAFT. Was there any evidence before the committee that there had been any serious abuse in that connection?

Mr. WHEELER. Definitely. Reference has been made to the Santa Fe Railroad, and other railroads.

Mr. TAFT. What has been described here was done during the war, because of war conditions, and not because of any particular effect of this act. Is it not natural to suppose that at the end of the war the railroads will go back to normal methods of operation?

Mr. WHEELER. Unquestionably the Santa Fe Railroad will do so. However, a short time ago, I called attention to a case involving the Pennsylvania Railroad. The Pennsylvania Railroad wanted to use trucks as a part of its transportation system, and filed an application for a truck line. The Pennsylvania Railroad applied to the Interstate Commerce Commission for authority to operate a truck line or bus line—I believe it was a truck line. The Pennsylvania Railroad was called upon to make a showing that adequate transportation did not already exist. The railroad company took the position that it was not required to make such a showing, because it was in an entirely different category from that of an independent trucking company or bus line. It contended that the truck line or bus line was part and parcel of its railroad service as a whole.

All we are seeking to do in the bill is to place the employees of truck lines or bus lines which are part and parcel of the whole transportation system in the same category with other railroad workers. When truck lines and bus lines are owned by the railroad, there is no reason why the employees of such truck lines or bus lines should not be included under the provisions of the act.

Mr. TAFT. One truck line happens to be owned by a railroad. Another truck line, alongside, is not owned by a railroad. One pays 15 percent and the other pays 5 percent, or whatever the social-security tax is. Why should there be a difference? A man working on one truck line gets certain benefits, and a man working on the other truck line gets something else. What is the reason or justification for each system?

Mr. WHEELER. If we followed the line of argument of the Senator from Ohio——

Mr. JOHNSON of Colorado. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. BURCH in the chair). The Senator from Colorado has the floor.

Mr. JOHNSON of Colorado. I am perfectly willing to yield, but I cannot hear what the Senators are saying, and confusion seems to reign supreme.

Mr. PEPPER. Mr. President, will the Senator yield for a further question?

Mr. JOHNSON of Colorado. I shall be glad to yield in a moment, but I wish to ask the Senator from Ohio a question.

Does the Senator from Ohio believe that railroad employees who are under the retirement system should allow their work to be farmed out to contractors, simply because the social-security rates are lower than their own rates? Does the Senator think that is fair?

Mr. TAFT. The effect of the rates is a very incidental question. The question whether the railroads shall be permitted to escape the operation of certain railroad laws by operating truck lines is something which must be dealt with on a far broader basis. I believe that it is a great mistake to create two systems which will be as radically different as these two will be when we get through with the bill. It seems to me that the two systems should be gradually brought together so that they will be substantially the same—if we are to have two systems. If we make such a vast difference as is proposed in the bill, then we have problems arising as to someone on one side of the street paying three times as much as someone on the other side of the street. Such a situation gives rise to all the problems which have been presented here. Fundamentally, the difficulty is in having two systems, which we are now making even more radically different than they were before. I believe that that part of the bill which conforms the Railroad Retirement Act and the Social Security Act by providing payment for survivorship, and even providing further benefits, is all right. But it seems to me that the railroad retirement system goes far beyond the Social Security System. It provides infinitely greater benefits and involves infinitely larger taxes. There is no real justification for the distinction. I think that is the problem which we must face in considering a bill of this kind.

Mr. JOHNSON of Colorado. Railroad employees see their work getting away from them and being farmed out to contractors. Naturally they are not pleased with that kind of a condition. The question has been in the courts. One case was in the courts for 8 years before it was decided.

I should like to place in the RECORD at this point a description of four or five cases.

The first case involved the coaling, sanding, and cleaning of locomotives. That was one railroad service which was taken away from railroad employees and farmed out under contract. Another case involved maintenance-of-way work. The Senator from Montana [Mr. WHEELER] mentioned that case. Maintenance-of-way work has always been done by railroad workers. It is being farmed out to contractors.

Another case involved the handling of locomotive coal and sand, unloading coal, removal of locomotive cinders, cleaning cars, and similar services. That work was let out to contractors. It is work which has always been done by railroad workers.

Another case involved freight-handling services. That work was farmed out under contract.

Still another case involved operations on railroad-owned ore docks, coal docks, sand houses, and cinder pits, and operations of railroad boarding camps—work which has always been done by railroad workers, and which is now farmed out under contract.

Another case involved railroad-controlled warehouses. In that case the warehouse was owned and controlled by the railroad.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. TAFT. Does not the Senator believe that the difficulty was perhaps as much due to the fact that the railroad workers received higher wages than other workers, as it was to the Social Security System?

Mr. JOHNSON of Colorado. I should like to read a paragraph from a memorandum regarding railroad-controlled warehouses——

Mr. TAFT. The Social Security System is only incidental to the problem which the Senator is raising, as to whether or not railroads should farm out work. The railroads probably find that by doing so they can escape from the operation of the rules of railroad unions, and that it is cheaper to have the work done in that way. If we wish to stop the railroads

from farming out work, we ought to enact a law directly on the subject, and prohibit them from doing so. But I do not see what bearing that question has on whether or not certain workers are to be included in the Social Security System or the railroad retirement system.

Mr. JOHNSON of Colorado. I do not think we ought to enact a law prohibiting the railroads from doing what is complained of. I thought the Senator was a great believer in the free enterprise system. But when a railroad takes work away from its own employees, certainly such employees ought to come under the same retirement system that covers railroad employees.

Let me read a paragraph from the memorandum with regard to railroad-controlled warehouses. The case referred to has been in the courts for 8 years.

One wholly-owned railroad subsidiary (Duquesne Warehouse Co.) operates two warehouses owned and leased to it by the parent railroad (Pennsylvania Railroad Co.). At one warehouse the railroad subsidiary handles and stores carload sugar (all of which comes in and goes out over the railroad) under a so-called storage-in-transit privilege covered by tariffs filed by the railroad with the Interstate Commerce Commission. At the other warehouse, the railroad subsidiary handles freight which has come in, or is destined to movement, over the parent railroad's lines. The Railroad Retirement Board and the Bureau of Internal Revenue ruled that the railroad subsidiary was an "employer" under the Railroad Retirement and Carriers Taxing Acts because the unloading, storage in transit, and the subsequent loading of the sugar and other freight under the circumstances were services in connection with railroad transportation. The railroad subsidiary contested these rulings and after nearly 8 years of controversy the United States Supreme Court upheld the Railroad Retirement Board's decision.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point descriptions of the several examples of cases to which I have referred.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

LIVING EXAMPLES OF THE FARMING OUT OF RAILROAD WORK TO CONTRACTORS OR RAILROAD SUBSIDIARIES AND OF THE PERNICIOUS CONSEQUENCES THEREOF

COALING, SANDING, AND CLEANING LOCOMOTIVES

One contractor (Colianni & Dire Co.) undertook to provide for two railroad companies (Boston & Maine Railroad Co. and Chicago & North Western Railway Co.) certain services consisting of coaling and sanding of locomotives, knocking and cleaning of locomotive fires and the wiping of engines. On one of the railroad companies the contracts cover the work in question at only four of the company's engine houses, at 18 of its other engine houses the work is being conducted by the railroad through individuals who are admittedly its own employees. Moreover, prior to the inauguration of the contracts, the operations at the four engine houses covered by the contracts were also performed directly by the railroad through individuals admittedly its own employees, and after the contracts became effective no particular changes occurred in the nature or manner of the work. The Railroad Retirement Board, after holding a hearing, issued a decision holding that the men in question had been employees of the two railroad companies and as such were entitled to the benefits of the Railroad Retirement Act, because the work was of such a nature as to make it impossible for the railroads to relieve themselves of the right to supervise the work, for otherwise the railroads could not possibly maintain their railroad time schedules. And the evidence was to that effect. The Bureau of Internal Revenue made a similar ruling in both cases. One of these companies (Chicago & North Western) accepted these rulings so that the employees doing this work on this road experience no difficulties in having their claims adjudicated, but the other company (Boston & Maine) has not accepted these rulings so that the employees doing the same work on this road have the adjudication of their claims unduly delayed. This not only demonstrates the lack of uniformity among railroad carriers in this respect, but shows further that the rights of employees to benefits are gambled with by some carriers by the means of employing a contractor to intervene between themselves and their employees.

MAINTENANCE-OF-WAY WORK

A construction contractor (Morrison-Knudsen Co., Inc.), agreed to perform maintenance-of-way work for one railroad (Southern Pacific Co.). The railroad furnished all materials, supplies, and equipment used in the rendition of the work; the contractor was merely a supplier of labor and was brought into the picture only because under the stabilization program the railroad could not pay the men prevalent higher wages, while the contractor could. The Railroad Retirement Board held the services to be covered as "employees" services performed for the railroad. The Board's decision is, however, being contested and may be thrown into the courts.

HANDLING LOCOMOTIVE COAL AND SAND, UNLOADING COAL, REMOVAL OF LOCOMOTIVE CINDERS, CLEANING CARS, AND SIMILAR SERVICES

One contractor (Shipley Co.) entered into contracts with one railroad (Chicago, St. Paul, Minneapolis & Omaha Railway Co.) covering the performance of labor in connection with the handling of locomotive coal and sand, the unloading of coal and briquets, the removal and disposal of cinders, the cleaning of cars, and similar services. The Railroad Retirement Board found that the individuals engaged in the performance of such work were subject to the railroad's authority to supervise and direct the manner of rendition of their work, and that such individuals were, therefore, employees of the railroad and entitled to benefits under the Railroad Retirement Act. The Bureau of Internal Revenue made a similar ruling. The railroad paid taxes to the Bureau of Internal Revenue under protest and thereafter brought suit against the Bureau for a refund of taxes paid. On June 14, 1946, a Federal district court (United States District Court, District of Minnesota, Third Division, Civil No. 712) found against the Government. The Department of Justice is presently considering whether an appeal should be instituted in the higher courts.

FREIGHT-HANDLING SERVICES

One contractor (New England Handling Co.) performed freight-handling services for carrier lessees (New York Central and Hudson River Railroad Co., and the New York Central Railroad Co.) of a railroad (Boston & Albany Railroad). The Railroad Retirement Board found that the individuals performing the contract work were subject to the railroad lessees' supervision and direction, and that their services were, therefore, creditable for benefits under the Railroad Retirement Act. The Bureau of Internal Revenue, however, ruled the freight-handling company itself to be an "employer" under the Carriers Taxing Act of 1937 as a carrier-controlled company performing services in connection with railroad transportation. Subsequently, the freight-handling company successfully contested the Bureau of Internal Revenue's ruling, the court finding that the company was not "directly or indirectly owned or controlled" by a carrier within the meaning of the Carriers Taxing Act of 1937 and, therefore, not properly taxable itself as an "employer" under that act. The Railroad Retirement Board's ruling was not affected in any way by the court's decision since it was based on the theory that the individuals performing the contract work were the employees of the railroad lessees, and not on the theory that the freight-handling company itself was an employer under the Railroad Retirement Act.

This leaves the situation in a very undesirable state. The Board has to pay benefits but the Bureau of Internal Revenue is not collecting taxes.

OPERATIONS ON RAILROAD-OWNED ORE DOCKS, COAL DOCKS, SAND HOUSES, AND CINDER PITS; AND OPERATIONS OF RAILROAD BOARDING CAMPS

One contractor (Addison Miller Co.) undertook to perform for a railroad (Northern Pacific Railway Co.) the operation of the latter's ore docks, coal docks, sand houses, cinder pits, and car-cleaning facilities, all owned by the railroad. In loading the ore from railroad cars into shipside, and vice versa, the contractor is performing the work which the railroad is obligated to do under its tariffs.

The same contractor also performed boarding camp operations for a number of railroads (Northern Pacific Railway Co., the Soo Line, the Great Northern Railway Co., and the Spokane, Portland, & Seattle Railway Co). Such operations consisted of furnishing meals and lodging to road gangs of the railroad companies. Both the Bureau of Internal Revenue and the Railroad Retirement Board ruled that the individuals performing such services worked subject to the railroads' control and were, therefore, employees of the railroad companies and entitled to benefits under the act. The railroads (Northern Pacific Railway Co. and Great Northern Railway Co.) brought suit against the Government for a refund of taxes paid the Bureau of Internal Revenue on the basis of such agency's ruling. A Federal district court found in favor of the railroads, and the Government is now considering whether an appeal should be taken from such adverse decision.

RAILROAD-CONTROLLED WAREHOUSES

One wholly-owned railroad subsidiary (Duquesne Warehouse Co.) operates two warehouses owned and leased to it by the parent railroad (Pennsylvania Railroad Co.). At one warehouse the railroad subsidiary handles and stores carload sugar (all of which comes in and goes out over the railroad) under a so-called storage-in-transit privilege covered by tariffs filed by the railroad with the Interstate Commerce Commission. At the other warehouse the railroad subsidiary handles freight which has come in, or is destined to movement, over the parent railroad's lines. The Railroad Retirement Board and the Bureau of Internal Revenue ruled that the railroad subsidiary was an "employer" under the Railroad Retirement and Carriers Taxing Acts because the unloading, storage in transit, and the subsequent loading of the sugar and other freight under the circumstances were services in connection with railroad transportation. The railroad subsidiary contested these rulings and after nearly 8 years of controversy the United States Supreme Court upheld the Railroad Retirement Board's decision.

RAILROAD-CONTROLLED REPAIR SHOPS

1. One railroad subsidiary (Despatch Shops, Inc.) whose stock is wholly owned by the parent railroad (New York Central Railroad Co.), owns and operates railroad freight-car repair shops at a point along the parent

railroad's main line; and has regularly performed various kinds of freight-car repairs for this parent company. The Railroad Retirement Board and the Bureau of Internal Revenue found that the railroad subsidiary was an "employer" under the Railroad Retirement and Carriers Taxing Acts because these repair services were in connection with railroad transportation. After nearly 6 years of controversy, the Board's decision was upheld by the United States Court of Appeals for the Second Circuit and for the District of Columbia.

2. A copper company (Utah Copper Co.) which owns a railroad (Bingham & Garfield Railway Co.) operates a repair shop for the railroad's equipment. The Board held the company to be an employer with respect to this repair shop only because the repairing of railroad equipment is a service in connection with railroad transportation. After nearly 4 years of controversy, the Board was upheld by the United States Court of Appeals for the Tenth Circuit, and the United States Supreme Court refused certiorari.

3. One railroad subsidiary (Lenoir Car Works) wholly owned by its parent railroad (Southern Railway Co.) manufactured railroad cars, supplies, and parts, and made repairs to the railroad equipment of its parent railroad. The Railroad Retirement Board found that such railroad subsidiary was an employer under the Railroad Retirement Act because such services were in connection with railroad transportation. After nearly 2 years of controversy, the company accepted the Board's ruling without court litigation.

LOADING AND UNLOADING OF FREIGHT CARS

One contractor (Jersey Contracting Corp.) agreed to perform for one railroad (Pennsylvania Railroad Co.) the loading and unloading of freight to and from cars, vessels, and platforms, and the transfer between cars, vessels, and platforms of freight arriving by vessel or car at certain piers and docks. The piers and docks are all owned by the railroad company, which also owns the machinery used by the contractors in the handling of the freight. The Railroad Retirement Board, the Bureau of Internal Revenue, and the Social Security Board all ruled the individuals performing the contract work to be the employees of the railroad company, since it was being performed subject to the railroad's supervision and direction. The railroad company's reply to all three rulings is a suit in the United States Court of Claims against the Bureau of Internal Revenue for a refund of taxes paid pursuant to that agency's ruling. To date that suit has not been decided by the court, and the rights of the employees in question to benefits under the act have changed from a reality intended by the act to a question mark.

FREIGHT-FORWARDING COMPANIES

Freight-forwarding companies assemble freight in less-than-carload lots from various shippers, and when they have accumulated enough to make a carload going to the same destination they ship it via the railroads under carload, rather than less-than-carload, rates, thus competing with trucks by taking away the business from them and giving it to the railroads.

The services they perform are clearly loading and unloading of railroad freight and should be covered under the act, regardless of whether they are railroad controlled. Whether or not freight forwarders are shippers as far as the railroads are concerned, they are clearly carriers of railroad freight as far as the public is concerned.

Of the three major freight-forwarding companies in existence, the Board ruled that two of them (National Carloading Corp. and Universal Carloading and Distributing Co., Inc.) are railroad controlled, and, therefore, are covered by the act. The third (Acme Freight Forwarding Co.) has not been found to be railroad controlled, and for this reason the Board, under the present law, could not rule it to be an employer under the act. The result is that the first two are being discriminated against because the third has a competitive advantage over them. Of those two, one (National) has complied with the Board's ruling for several years, but the other one (Universal) has questioned the Board's ruling all along. Because of this, the first (National) is now also questioning the Board's ruling.

Since all three of them perform the same railroad services, regardless of whether they are railroad controlled, the only sane solution to the problem (and in order not to give any of them unfair competitive advantages over the others) is to cover them all, regardless of railroad control over them.

Mr. JOHNSON of Colorado. I am sure the Senator from Ohio does not advocate that each of these border-line cases go through the courts and remain in the courts for perhaps 8 years before a decision can be obtained. It would be better for the employees of the companies, as well as for everyone else concerned, to have the matter settled by an act of the Congress. That is exactly what we are attempting to do at this time.

Mr. BARKLEY. Mr. President, will the Senator from Colorado yield to me?

Mr. JOHNSON of Colorado. I yield.

EXTENSION OF PRICE CONTROL—MESSAGE FROM THE PRESIDENT

Mr. BARKLEY. Will the Senator suspend long enough to permit a message from the President, addressed to the Congress, to be read?

Mr. JOHNSON of Colorado. I am glad to yield.

Mr. BARKLEY. Of course, in making that request, I predicate it on the understanding that the Senator from Colorado will not thereby lose the floor.

Mr. JOHNSON of Colorado. I thank the Senator from Kentucky.

Mr. BARKLEY. Mr. President, I ask that the message from the President of the United States to the Congress be laid before the Senate.

The PRESIDING OFFICER (Mr. BURCH in the chair) laid before the Senate the following message from the President of the United States, which was read by the Chief Clerk and ordered to lie on the table.

(For President's message, see today's proceedings of the House of Representatives on p. 10107.)

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILLS

A message in writing from the President of the United States was communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on today, July 25, 1946, the President had approved and signed the following acts:

S. 1132. An act for the relief of Aeronautical Training Center, Inc.; and

S. 1748. An act for the relief of Ivor E. Nicholas.

AMENDMENT TO RAILROAD RETIREMENT ACTS, ETC.

The Senate resumed consideration of the bill (H. R. 1362) to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter D of chapter 9 of the Internal Revenue Code; and for other purposes.

Mr. SWIFT. Mr. President, I should like to ask the Senator from Colorado a question. In paragraph 4, beginning on page 2 and ending on page 3, it is proposed to cover any person engaged in rendering certain services. The language at the end of the paragraph is, in part, as follows:

With respect to passengers or property transported by railroad, at point of departure or shipment or at destination or between such points.

The words "or between such points" are what I should like to have cleared up.

As an illustration, suppose that a shipment of forest products, such as cross ties, timbers, piling, poles, or anything of that nature, is shipped from a point in the Gulf coast area under a through bill of lading to, let us say, Chicago. On that bill of lading there is a stop-over privilege for treatment of the shipment. The privilege is accorded to the shipment to stop at Cairo, Ill., for example, for creosoting. That shipment is handled by the railroad on a through bill of lading from the point of origin to final destination. But, as I have said, a stop is made at the plant at Cairo for treatment. The plant has an arrangement with the railroad to treat such articles in transit. Would the employees of that treating plant be covered?

Mr. JOHNSON of Colorado. They would not. The same situation was suggested in regard to milling. Wheat, for example, is shipped on a railroad and goes to a mill. It is then ground into flour and the flour is shipped from the mill. Under those circumstances the employees of the mill would not come under the act.

The Senator referred to the words "or between such points." That language takes care of the cleaning of engines, the cleaning of cars, examining and treating hotboxes, or matters of that kind which would ordinarily be handled by employees of the railroad.

The Senator is talking about shipments. While, of course, shipments are closely related to transportation, a distinction must be made between the shipment itself and the equipment used in the transportation of the shipment.

Mr. SWIFT. The language first refers to services. Near the end of the paragraph at the top of page 3 the language reads:

Property transported by railroad, at point of departure or shipment or at destination or between such points.

Reference is there made to property transported by railroads between certain points.

Mr. JOHNSON of Colorado. The Senator may read what is said in line 1, page 3. There the language is, in part:

Constitutes a part of or is necessary or incidental to the operation or maintenance of way, equipment or structures devoted to transportation use—

And so forth. I wanted to invite the attention of the Senator to that limitation.

On page 2 the language is, in part:

Is of such nature as to be susceptible of indefinitely continuous performance—

And so forth. That refers to services to cars and engines which are beginning to be farmed out to contractors.

Mr. SWIFT. The language near the end of the paragraph at top of page 3 contains the words "with respect to passengers or property transported by railroad."

Mr. JOHNSON of Colorado. Yes, or services rendered with respect to passengers. Passengers or property are hauled. That would be service which was rendered. But passengers are not covered under the bill, and neither is the freight.

Mr. SWIFT. I am receiving many requests from persons to tell them whether they come under the bill. I am really trying to clear up the matter in my own mind.

Mr. JOHNSON of Colorado. I know the Senator is. I may say that I have been called out of bed many times during the past 10 days by persons who called me over the telephone and asked whether they came under this bill.

Mr. SWIFT. The difficulty is that some folks have a habit of calling us late at night and others have a habit of calling us early in the morning.

Mr. President, allow me to cite another illustration of the point which I have in mind. Let us take, for example, manufactured articles such as agricultural machinery, which is moving from a point on the Great Lakes or on the Ohio River from Pittsburgh, say, or Cincinnati, down to Tennessee over the TVA inland waterway system, under a through bill of lading from the factory, first by water transportation and then by rail transportation to a ship at some port, as, for example, Savannah.

Let us say that the shipment has moved from Chicago to Savannah. There are many points on the Tennessee River where commodities are taken from the barge line, reloaded into cars, transported by the railroad to the port, and the bill of lading is a through bill of lading from the point of origin to the ship. Do the stevedores or other persons handling that commodity, when it is taken off the barge, put on the car, and at the port taken off the car and delivered to the ship, come under the bill?

Mr. JOHNSON of Colorado. The service rendered by the railroad would of course come under the bill and the employees taking part in that service would be covered. But all others would not be covered. I invite attention to page 5, line 5, where the following language appears:

> By reason of operations in the conduct of which such person holds itself out directly to the public as a common carrier by water, air, or motor- or animal-drawn vehicle, or as a contract carrier by any of such means, other than contract carrier service regularly offered to railroad passengers, shippers, or consignees pursuant to arrangements with an employer such as defined herein.

At the beginning of the paragraph it is stated that those are exceptions.

Mr. SWIFT. I thank the Senator for his explanation. The Senator has said there are only two categories which are not already included.

Mr. JOHNSON of Colorado. That is correct.

Mr. SWIFT. But there are nine numbered sections of the bill describing the persons who are included.

Mr. JOHNSON of Colorado. That was for purposes of clarification. As I indicated once before, there are many cases in the courts in connection with the problem of coverage. The question is not exactly a new one. It has been a difficult one from the beginning. The reason for the language in the bill is to clarify the subject of coverage. As I have already said, the authors of the bill have left something to be desired in connection with the clarity of some of the statements which the bill contains, but the intention was to keep those cases out of the courts so that they could be determined by an act and not be drawn out through the courts year after year. We wanted to in this bill settle the question of coverage.

Mr. SWIFT. If the Senator will permit one more observation, did it not take a great many words to clear it up, and is not the use of too many words by those who draw an act a very good way of getting the matter into court?

Mr. JOHNSON of Colorado. I do not claim to be an expert at drafting laws, and I had nothing to do with drafting the pending bill. That is a very technical job. It requires technicians, and it seems to me that sometimes too much language is inserted in laws.

Mr. PEPPER. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I yield.

Mr. PEPPER. I think it has already been made clear, by the report of the committee, and by the statements previously made by the Senator from Colorado, and the chairman of the committee, the Senator from Montana [Mr. WHEELER], and the majority leader, that operations carried on by trucking companies are not such as to bring the employees within the coverage of the law, unless the trucking companies are owned or controlled, directly or indirectly, by a common carrier subject to part I of the Interstate Commerce Act.

To make the matter doubly sure, I wish to put to the able Senator in charge of the bill one additional hypothetical case. Suppose a trucking company does business in a city, and that a part of its business is under contract with a railroad company, under which they pick up and deliver certain property for the railroad company. Would the fact that an incidental part of the business of that generally operated trucking company is pick-up and delivery service for the railroad bring the trucking company within the coverage of the act, if the trucking company is not owned or controlled, directly or indirectly, by a railroad or carrier covered by part I the Interstate Commerce Act?

Mr. JOHNSON of Colorado. I do not quite understand the contract the Senator mentions. He says it is delivery service that is contracted by the railroad company. Will he clarify that a little?

Mr. PEPPER. Does the very fact that a trucking company, engaged in the general trucking business about a city, under an agreement with a railroad company does some pick-up and delivery service for the railroad company, although it is not owned or controlled, directly or indirectly, by the railroad company, bring it under the coverage of the act?

Mr. JOHNSON of Colorado. No. In that case the employees of the delivery service would not be covered. I call the Senator's attention to page 3 of the bill, paragraph (5), line 10, where he will find this provision:

> Any person which, through any form of property interest, is directly or indirectly subject to control by or to common control with a carrier and which—

Then, skipping over the intervening language, the sentence is finished with the words on page 4, line 2:

> is engaged in transportation by motor vehicles.

Mr. PEPPER. In other words, in the case I put, the employees of the trucking company would not be covered by the act?

Mr. JOHNSON of Colorado. That is correct; they would not be covered.

Mr. PEPPER. I thank the Senator. I wanted to make the point doubly clear.

Mr. DONNELL. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I yield.

Mr. DONNELL. During the course of the debate the majority leader introduced into the RECORD a portion of the report of the Committee on Interstate Commerce appearing on pages 6 and 7. In the course of the portion of the report that was introduced is this language:

> Many representations have been made to the committee indicating that persons (other than carriers subject to pt. I of the Interstate Commerce Act) engaged in manufacturing, harvesting, storing, distributing, selling, or delivering refrigeration or ice to or into equipment used for refrigeration purposes in connection with the transportation of passengers or property are included in the term "employer," and that therefore their employees will be considered to be railroad employees. The committee would like to state categorically that there is no purpose or intent to include such person as employers under the act and that it is the unanimous understanding of the committee that such persons are not so covered. The committee also unanimously understands that notwithstanding the provisions of subsections (2) and (4) of section 1, there is no purpose or intent to include warehouse or trucking companies, or individuals carrying on either of such businesses, within the term "employer," if they are not owned or controlled, directly or indirectly, by, or under common control with, a carrier subject to part I of the Interstate Commerce Act.

Does the Senator regard the paragraph which I have read as of importance in determining the intent of the Senate in adopting the proposed legislation, if we do adopt it?

Mr. JOHNSON of Colorado. I think it is important to show the intent of Congress in enacting the legislation inasmuch as so many persons throughout the country have become concerned about the matter. Telegrams and telephone calls have come in from veterans and others inquiring whether they were covered and the committee thought it advantageous to make it clear to them that they were not covered by the proposed legislation. It is included as much as an assurance to the inquirers who have sent in the messages, indeed, more so, than for any other purpose, because we wanted to show the intent of Congress, and we wanted to assure people who were concerned, and industries concerned.

Mr. DONNELL. Does not the Senator agree that this paragraph could not do more than express the intent of the Senate, namely, one branch of the Congress, and could not directly or indirectly express the intent of the House of Representatives?

Mr. JOHNSON of Colorado. Oh, of course, we could not express the intent of the House of Representatives. But I call the Senator's attention to the fact that the bill could not pass without the action of the Senate.

Mr. DONNELL. But does not the Senator think this paragraph, directly or indirectly, indicates, or tends to indicate, what the House of Representatives felt and what it understood when it passed the bill?

Mr. JOHNSON of Colorado. Of course we have no way of knowing, at least the Senator from Colorado has no way of knowing, what the intent of the House of Representatives is, other than from the hearings.

Mr. DONNELL. There is no statement the Senator knows of, is there, issued officially by any Member of the House of Representatives or by the House itself, as a declaration, which would define, in similar effect as does the quoted paragraph, what the conclusion of the House of Representatives is as to whether these various refrigeration, ice, and other companies are included?

Mr. JOHNSON of Colorado. This is the only thing I know of on that point: A Representative whose name is HARRIS asked Mr. Robertson, the president of the Locomotive Firemen and Enginemen, the following question in the House hearings:

> Now, Mr. Robertson, I would like to ask, merely for clarification in my own mind, about the intent with reference to coverage that is proposed in this legislation.
>
> Could you or would you state whether or not it was the intention to take in such industries as ice companies, the ice industry, cold-storage warehousing industry, cotton compresses, and so forth?

Mr. Robertson, who was a witness before the House committee, replied——

Mr. DONNELL. He was a witness; he was not a Member of the House of Representatives?

Mr. JOHNSON of Colorado. He was a witness appearing before the committee of the House. Mr. HARRIS is a Member of the House, and propounded the question to Mr. Robertson. Mr. Robertson, who is the president of the Locomotive Firemen and Enginemen, as I have said, made this reply:

> Mr. ROBERTSON. Well, I can make a definite answer to that. No; it was not. We might just as well face the facts. We did not come here with any legislation designed to impose a railroad-retirement act on ice companies. We do not work for ice companies.

That is the only evidence I have, other than the fact that certainly the House has received many letters and telegrams and inquiries, as the Senate has. Members of the House no doubt have received just as many inquiries as we have, or more. Yet they were satisfied with the bill as is, and passed the bill as is. So I take it for granted that the House must have given consideration to these points and satisfied itself with respect to the matter and passed the legislation with that knowledge.

Mr. DONNELL. But the Senator does not know of any declaration similar to the paragraph I have quoted from page 7 of the report of the Senate Committee on Interstate Commerce which was issued by the committee of the House.

Mr. JOHNSON of Colorado. No; I do not.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. TAFT. The Senator says that a company icing cars is not subject to the provisions of the act. Suppose the railroad itself in some cases were icing cars and proceeded to transfer that function to a private company.

Mr. JOHNSON of Colorado. That is, farm it out by contract?

Mr. TAFT. Yes; farm it out by contract. Would the Senator say that the new company was subject to the act?

Mr. JOHNSON of Colorado. Yes; if the railroad company owned the ice house and owned the ice and simply made a contract with someone to ice the cars out of the railroad's ice house.

Mr. TAFT. Suppose the railroad sold its ice house to someone and transferred the whole business to him.

Mr. JOHNSON of Colorado. I do not think he would be covered by this measure.

Mr. TAFT. The Senator thinks he would not be covered. So it depends upon the character of service as to whether there is coverage or not. Is that correct?

Mr. JOHNSON of Colorado. It depends on the service rendered to the railroad. If men are working for the railroad company most of their time, they are employees of the railroad company, of course.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. CONNALLY. Is not this one of the tests? For instance, the railroads in many cases operate their own trucks as a part of their business. In such a case, of course, the employees on the trucks would be covered.

Mr. JOHNSON of Colorado. Yes.

Mr. CONNALLY. But on the other hand, if a trucking company simply brings the goods to the railroad and delivers them to the railroad, its employees would not be covered.

Mr. JOHNSON of Colorado. No.

Mr. CONNALLY. Because they are working for the trucking company, and it is only an incident of their employment that they haul the freight to the depot or put it on the cars. But if the men are in the employ of the railroad they would be covered. Is that correct?

Mr. JOHNSON of Colorado. That is correct. That is my interpretation.

Mr. CONNALLY. That is the Senator's theory at least. That is the contention of those who favor the bill.

Mr. JOHNSON of Colorado. That is the contention of the proponents of the bill and the authors of the bill.

Mr. CONNALLY. I am sympathetic with the Senator's attitude. If that be true, would there be any objection to an amendment making that absolutely clear? There is evidently some confusion, because some contend one way and some contend another way.

Mr. JOHNSON of Colorado. The difficulty in amending the bill is this: The parliamentary situation is such that there is not likely to be a conference on this bill. If any amendment goes into it, there probably will not be a conference and the bill will not be enacted into law. That is the reason we are trying to get away from amendments to the bill. The bill contains 60 pages. It is unreasonable to expect that anyone can write a bill and have it perfect in all details and in all particulars, and have it satisfactory in every way. That simply cannot be done. It is a physical impossibility to do so, and every Senator knows it. I do not care how expert the author may be; he cannot write that kind of a bill. Of course, there are little things about the bill that perhaps should be corrected. But the major things in the bill are so much more important than the little matters which should be corrected and perhaps clarified by amendment, and since we are in the parliamentary situation in which we find ourselves, I for one am willing to accept some of the small matters that are not of such great importance in order to get the larger things which I consider to be of great importance. Every Senator, of course, will have to make up his own mind and take his own position on that matter. Therefore, so far as I am concerned, I am willing to accept the bill as it is, because after going over it from one end to the other and studying it very carefully I find that it contains much merit. It contains many splendid provisions. We either have to take the bill, unsatisfactory as it is in some details, in order to get any bill at all, or have no bill. So far as that is concerned, another bill could be started through the House and through the Senate to correct any of these matters that need to be corrected and clarified before any great harm can be done. No harm will be done anyway.

Another bill can follow this bill which will correct such matters. I have no doubt it will do that. The sponsors of the bill have certain amendments which they are ready to offer to the bill, all amendments dealing with little details that need to be corrected. So the opponents and the proponents both are in favor of some amendments. No doubt a bill will come along which will correct all the things that will need to be corrected in this piece of legislation.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. KNOWLAND. I should like to say to the Senator first of all that it seems to me to be very bad legislative practice to have legislation of this importance and of this magnitude and so far-reaching as this is, come to the Senate under the general theory, as propounded by the majority leader and by the able Senator from Colorado who is handling the bill, to the effect that due to the limitations of time under which we are laboring the Senate has either to take it or leave it, so to speak. I do not think we are per-

forming our correct legislative function if we become jockeyed into such a position. It seems to me that if the facts are as the Senator presents them—and I have no doubt he feels they are—that certain ice companies and others are not expected to be included under the bill, it would be a very simple process to have an amendment put into the bill making is a sound piece of legislation, so that there could be no question of doubt in anyone's mind, and then have the House accept the Senate's amendment. If the facts are as presented in the report of the committee, there is no question of doubt on the part of any Member of the Senate, be he a proponent or an opponent of this legislation, that such amendments are sound and are reasonable. So I do not believe the argument that we are running up against a time limitation should prevent us from correcting the bill so that there could be no question of doubt in anyone's mind about it.

Now I call the able Senator's attention to this fact: He will notice in the committee report——

Mr. JOHNSON of Colorado. If the Senator will permit me, I should like to comment on his observations on that point. This legislation has been pending for a long long time in the House. This is not the first bill dealing with the matter. Similar bills were pending even before this session of the Congress. This bill went to a committee in the House. I am not criticizing the House. They were acting as they thought they should act, and patriotically, and I do not quarrel with them. But the fact is that the bill did not come out of the committee that handled the matter on the House side until it was petitioned out, and then when it was petitioned out it was delayed, and House action was very slow on it, and it came to the Senate only in recent days. We completed our hearings on the measure in 1945, but the Senate could not proceed because this bill affects the revenue, so it must originate in the House. The Senate was helpless in the matter.

I am informed—I do not know whether the information is correct, but I believe it to be—that if we amend this bill in any particular, the committee which is handling it in the House is very likely to hold it and not take it to conference. So the bill will die.

Mr. KNOWLAND. I will say to the Senator, in response to his statement, that it seems to me that as Members of the Senate of the United States we have a responsibility to see to it that no bill is passed by the Senate which is not in as sound shape as it can possibly be put into, because to do otherwise is to avoid our responsibilities.

I might observe in passing that this seems to me to be a very great argument for some streamlining of Congress such as proposed by the able Senator from Wisconsin [Mr. LA FOLLETTE], who has worked in this body over a period of many months in order to streamline the legislative processes, so that in the closing hours of a congressional session we will not be presented with what in effect is an ultimatum that we have to take this without even crossing a "t" or dotting an "i." I sincerely believe that that is a most unsound legislative procedure.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield to the Senator from Maine.

Mr. WHITE. The Senator has—I do not know whether "complained" is the right word or not, but the Senator made reference to the fact that there has been an inadequacy of time to give consideration to this legislation. The truth of the matter is that this bill passed the House and came to the Senate on the 3d day of July. Today, I believe, is the 25th day of July. More than 3 weeks have passed since the bill came from the House to the Senate. The Committee on Interstate Commerce in that 3 weeks of time has held one meeting of approximately 1 hour, given to this bill, and that entire time was devoted, I think I am justified in saying, to making explanations as to why Senators knew nothing about the legislation, and why they regretted to vote upon the bill. The fault is not altogether with the calendar and with the clock. The fault lies with the Members of the Senate, and particularly with the members of the Committee on Interstate Commerce.

Mr. JOHNSON of Colorado. Let me say in reply to the Senator that according to the data we have here, the bill came from the House on July 5, and it came out of committee on July 12. That is a period of 7 days. We have had the bill on the calendar for 12 days, of course; but the Senator from Maine knows very well that our calendar has been full. We have been working all the time. We have had to handle many important matters as quickly as possible.

Mr. WHITE. I recognize all that. It is perfectly true that we have been working all the time. We have been overworking all the time. To me that is another reason why we should not attempt, in the closing days of a session of Congress, with no adequate consideration having been given to a measure 60 pages long, to pass it without even looking it over once.

Mr. JOHNSON of Colorado. The Senator will have to reach his own determination on that point.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. SMITH. I should like to ask a few questions of the distinguished Senator from Colorado with regard to the pending measure. I wish to clear up my own thinking. Possibly it may be helpful to have some of these questions answered in the RECORD.

As I understand, the bill involves two separate funds. The first is the so-called retirement fund, which is contributed to by both the employer and the employee—that is the railroads and their employees.

Mr. JOHNSON of Colorado. That is the retirement system.

Mr. SMITH. I understand from my study of this matter that that fund is not adequately financed, and that there should be some strengthening of the financing of the fund. That is one of the purposes of the bill.

Mr. JOHNSON of Colorado. It is admitted to be not actuarially sound.

Mr. SMITH. That is what I understand. On the other hand, there is a fund known as the unemployment-insurance fund, which has an accumulation of approximately $790,000,000 in it.

Mr. JOHNSON of Colorado. Seven hundred and thirty million dollars, according to the latest figures I have heard.

Mr. SMITH. I understand that the drain on that fund up to date has been not to exceed $14,000,000 or $15,000,000 a year, so far as it has been used to meet the unemployment requirements. Therefore, there is a larger amount in that fund than is immediately needed. The suggestion has been made to me by those who have studied the bill that an adjustment might be made—and this is a very fundamental part of the bill—between the money which comes into the retirement fund and the money which comes into the unemployment-insurance fund, to the end that the railroads may not be called upon to increase their contributions to the fund because of the fact that if they do increase their contribution, as called for in the bill, possibly $100,000,000 more a year will be required, which will inevitably mean an increase in freight and passenger rates and a tendency to boost prices—something that we are trying to avoid all along the line to prevent inflation.

I am raising the question as to whether those conclusions are correct, and what the Senator has to say with regard to them. Let me make one further observation before the Senator answers the question.

I understand that objection is raised to making a change in the amount which goes into the unemployment insurance reserve because of the desire to increase the benefits from that reserve. Yet if those benefits are increased such action will throw that reserve out of line with unemployment insurance benefits in other industries, thereby placing railroad employees in a preferred position as compared with other industrial workers.

I should like to have those points clarified in my own mind, because it seems to me that they have a great bearing on the soundness of legislating to prefer one group of our society over other groups. It seems to me that we should be thinking in terms of the general policy under the Social Security Act, as well as under this act.

Mr. JOHNSON of Colorado. The general Social Security Act may be all right; but the fact is that the railroads and the railroad employees pioneered in this field.

Mr. SMITH. I realize that, I give them great credit for it. I am for their fund. I think they are working on the right basis, and I think every group should try to improve its position. But it seems to me that if we are to legislate for one special group we should think of our national policy on the subject and consider whether we should give one group privileges which another group does not have.

Mr. JOHNSON of Colorado. The railroad employees and the railroads are financing their own railroad retirement system. Both parties are trying to put it on a sound actuarial basis.

I do not know that I completely understand the Senator's question in regard to the unemployment insurance fund. I hope that he is not advocating taking money out of one fund and transferring it to the other.

Mr. SMITH. No.

Mr. JOHNSON of Colorado. That ought not to be done. The unemployment insurance fund is contributed solely by the railroad companies, by the employers. I think, perhaps, one or two or three States have permitted employees to participate in social security unemployment insurance; but the railroad fund is contributed entirely by the railroads themselves. I think, perhaps, the reserve is larger than it needs to be, and that with the proper kind of legislation perhaps the railroads could be temporarily relieved of contributing to that fund, which, of course, would give them considerable relief without endangering the fund. Whenever the fund dropped below a certain point, of course, their contribution would have to be increased.

But that is not in this bill. I hope that before too long some legislation will come from the House on that subject, which will give the railroads some relief, which I think they could very safely have without jeopardizing the unemployment fund. So far as the Senator from Colorado is concerned, he would vote for that kind of a bill. I would vote for that kind of a provision in this bill if I thought that we could go to conference and come out of conference—as we usually can—with legislation. But we face a situation in which we almost know that if we amend this bill in any way we cannot come out of conference with a bill. Of course, that does not give us a fair opportunity to make the proper arrangement.

Mr. SMITH. I should like to make my position clear. I did not intend for a moment to be understood as advocating taking any of the unemployment insurance fund for the retirement fund. I did intend to suggest that inasmuch as the railroads are paying 3 percent a year, as I understand, into the unemployment insurance fund, so long as a large reserve exists they might pay a smaller percentage into the insurance fund and a larger percentage into the retirement fund; and, as the Senator suggested a moment ago, as the reserve became lower and lower they would pay a higher percentage into the reserve. I think the Senator's suggestion is sound. I understood that such an amendment was suggested in the House, and that the amendment was incorporated in the committee version in the House. I understood that both the brotherhoods and the railroads were willing to adopt that kind of a plan. Now a change is made, and the railroads are called upon to increase their participation, which it seems to me inevitably will call upon them to go to the Interstate Commerce Commission and request an increase in freight and passenger rates. If that is to be the result, I think we are legislating pretty fast in determining a policy of that kind overnight.

Mr. JOHNSON of Colorado. Does not the Senator believe that another bill could follow? This is not the last Congress that will ever sit. That idea could be incorporated in a subsequent bill, and I am sure it would meet with favor in this body. It seems to me that the idea is perfectly logical. No one wishes to collect a great deal more money from the railroads than is needed to build up the reserve to its proper level. The reserve should not be built up far beyond the need. I am sure that we do not want to do that.

Mr. SMITH. If I may say so to the Senator, with all due respect to him, the fallacy in his suggestion is that this bill contemplates an increased tax on the railroads and increased benefits from the insurance fund, which no other social security group enjoys. I refer to health benefits and other benefits.

Mr. JOHNSON of Colorado. The increases in benefits do not amount to very much. I think they have been over emphasized.

Mr. SMITH. That is the point on which I am seeking information. What are the differences?

Mr. JOHNSON of Colorado. I know that the pending bill does not provide for spending all the accumulated reserves. The increases in benefits are very moderate. I am sure that if we pass this bill as it is, legislation will follow which will do what the Senator is suggesting. Some relief will be given to the railroads with respect to the payment of unemployment insurance, to as great an extent as it is safe to go.

Mr. SMITH. I do not want relief for the railroads. Let me make myself clear. I do not believe that the railroads are asking for relief. But they are asking not to be taxed more now if they are to be compelled to request rate increases.

Mr. JOHNSON of Colorado. I think the Senator must keep the two systems separate. We must not run them together, because they are two entirely different systems. I think it is unfortunate that the two of them are in this bill. I think they should be legislated on separately. That is my own private opinion. But we have legislation on both systems in the same bill. However, another bill could follow from the House if such is the desire of the House. I am sure that the railroads could be granted relief if it were properly safeguarded. It would have to be properly safeguarded so that whenever the reserve fell below a certain amount the rates would be increased.

Mr. SMITH. I agree with the Senator on that point. I think that is the real way to deal with a fund of that kind. When the reserve gets down to the danger point the rate should be increased, and it should be adjustable along that line.

I am simply suggesting now that with this large reserve the amount needed for the retirement fund could be taken care of by reducing the rate which the railroads pay for the other fund. If that were reduced to approximately 2½ percent, exactly what is needed for this fund could be obtained.

Mr. JOHNSON of Colorado. Of course, Mr. President, I do not think the railroads are entirely without blame in this matter. I think they did everything they possibly could do to obstruct the passage of the proposed legislation in the House and in the Senate. I do not think they tried to reach a basis of equity as between their employees and themselves. If they had made a different approach to this whole matter I think that today we would have a much better bill. But they have been obstructionists, so far as this proposed legislation is concerned, all the way along.

Mr. SMITH. Then, does not the Senator think that a matter of this kind should be adjusted on the basis of the collective-bargaining principle, as between the railroads and their employees, rather than to have us serve as arbiters between the employees and the railroads? That is what troubles me. I believe in the insurance fund. I wish to make the system as strong as possible. But I am seriously concerned about being required to vote in haste "yea" or "nay," when I think the proposal is fiscally unsound. I also think it will involve an increase in freight rates, and that will be another element in the picture.

Mr. JOHNSON of Colorado. I think that that position is sound. I do not think the Senate often has an opportunity to vote for perfect legislation. But this measure is a long step in the right direction, and it could be followed by other steps. Other corrections can come from the House and from the Senate, and we can fix up the matters that are troubling the Senator from New Jersey.

Mr. SMITH. I thank the Senator. I feel a great sense of responsibility in a situation of this kind.

I feel that what the Senator from California [Mr. KNOWLAND] said a moment ago is very much to the point. I feel that we are abdicating our responsibilities as Members of this body if we say that we cannot make any changes or any amendments because it is too late in the session to do so. That position seems to me to be indefensible.

Mr. JOHNSON of Colorado. No; I think it is a matter of taking two bites at it. I think two bites should be taken. That is my position.

Mr. SMITH. Is the Senator from Colorado willing to eliminate from this bill certain features which can be fitted into the next bill; and is the Senator willing to have this bill passed in that way, without having it contain those features?

Mr. JOHNSON of Colorado. I should like to have this bill passed as it is, and I should like to see separate legislation enacted later. I think that is the only way we can handle the matter. We must take into consideration the long months of delay which this bill encountered in the other body. We cannot ignore that. I say to the Senator that this is not the first bill on this subject which has been in such a situation. At other sessions of Congress the railroad employees have tried to obtain legislation to correct the situation insofar as they were concerned, and such bills have been introduced early in the session; but they simply were placed in pigeonholes, and nothing came of them.

Now this bill has gotten this far. It had to be petitioned out of the House committee; and on the floor of the House amendments were offered to it both by the proponents and by the opponents. That indicates, of course, that the bill is not exactly perfect. But the only

way we can secure the enactment of this measure—and we know it—is to pass the bill as it is, and then let the corrections come, as they will come.

If we pass this bill as it is, I think I can almost assure the Senator from New Jersey that the corrections which he has in mind will come about. They will follow. It will not be nearly so difficult to get those corrections as it has been to get this original bill.

Mr. KNOWLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Colorado yield to the Senator from California?

Mr. JOHNSON of Colorado. I yield.

Mr. KNOWLAND. Relative to the information which was obtained at the hearings before the House committee, let me inquire whether it is a fact that a bill substantially the same as the bill now before us was introduced in the House and was referred to the Committee on Interstate and Foreign Commerce, and that committee held on that bill extensive hearings, which lasted over a number of months? Witnesses were heard. Witnesses from labor, from management, and from other interested groups testified. The committee worked on the measure and finally rewrote it. The bill was reported from the committee. Then on the floor of the House an amendment was offered, and it completely did away with the bill as reported by the committee and returned the bill to substantially the same form as when it had been originally introduced, the form in which it was prior to the time when the hearings were held. It not that a substantially correct statement of the facts?

Mr. JOHNSON of Colorado. Yes; that is correct. The bill now before us was passed by the House of Representatives, without amendment, by a vote of 235 to 49. The hearings were held, as the Senator has stated; and I have procured for the benefit of the Senate the House hearings on the bill. I have kept them all these months. I got 100 copies of them from the House committee just as soon as the hearings were finished. The hearings before the House committee began on January 31 and ended on April 26. As soon as the hearings were concluded I asked the chairman of the House committee to give me 100 copies. So those hearings are now on the desks of all Senators. I have kept the copies for that very purpose.

Mr. KNOWLAND. That is the very point I am raising. The hearings were held, and all of us have the several volumes on our desks now. As a result of those hearings, the members of the committee, who had listened to all the testimony contained in the three volumes, completely or substantially rewrote the bill, based on the testimony which had been presented to them. The committee submitted its report to the House of Representatives. Then, on the floor of the House, the recommendations of the committee were ignored, even though the committee had gone through such extensive hearings; and on the floor of the House there was offered as an amendment to the bill as reported by the committee, the original bill which had been introduced prior to the holdings of any hearings whatsoever.

Mr. JOHNSON of Colorado. The majority of the committee did rewrite the bill; there is no question about that. The committee was sharply divided, however.

But I desire to call the Senator's attention to this fact, which is very significant: They did not rewrite the bill and they did not prepare legislation, as I understand it, until the petition was filed and until sufficient signatures were secured to the petition to force the bill to the floor of the House. When that was done, I am informed, a majority of the committee hurriedly prepared the substitute and reported it from the committee. That substitute was rejected by the House. Then the original bill finally came before the Committee of the Whole of the House, and it was amended. It was amended by the opponents of the bill and by the proponents of the bill, until virtually the same language as that of the substitute proposal was placed in the bill. That was done by the House, sitting in Committee of the Whole. When the House came out of Committee of the Whole, the House voted out all of the amendments which had been put in by the proponents and the opponents, and that brought them back to the original bill, and the House finally passed the original bill and sent it to the Senate.

Mr. KNOWLAND. I thank the Senator for his statement.

Again I call the Senator's attention to the section of the committee report dealing with the fact that it was not the intent of the Senate committee to cover refrigerating plants and warehouses and trucking companies. I understand that the Senator from Colorado has stated that there is no intent that they be covered by the bill, although there is grave doubt in the minds of many persons regarding that matter.

What concerns me at that point is that inasmuch as the committee report lists three or four specific cases, I wonder what the situation is in the case of a firm of a type which is not listed in the report. Is not the impression then given that anyone else, anyone except those that are mentioned in the report, would be covered under the act?

Specifically I wish to ask the able Senator from Colorado this question: In his opinion, are water carriers covered under the bill as now written?

Mr. JOHNSON of Colorado. No; water carriers are not covered under the bill.

Mr. KNOWLAND. So far as I can ascertain from the report, water carriers are not among the groups listed as being exempt, in the view of the committee or according to the intention of the committee. I may have missed the statement, and I wonder whether the Senator from Colorado can call my attention to a place in the report where such a statement appears.

Mr. JOHNSON of Colorado. There was no necessity for including such a statement. No one ever intended or considered that water carriers would be covered.

Mr. KNOWLAND. Let us consider the situation of a water carrier on the Great Lakes, for instance, where the cargoes are unloaded from the railroads and are loaded onto barges or ships, and then move in transit, and finally are unloaded from the barges or the ships and are placed back on the railroads again. Is it the Senator's statement that in his opinion such a water carrier is not covered under the bill as now written and is not intended to be covered?

Mr. JOHNSON of Colorado. No; such a water carrier is not covered in the bill now pending before us.

Mr. KNOWLAND. And is it the Senator's opinion that no water carrier is covered under the bill, except one that might be owned by a railroad?

Mr. JOHNSON of Colorado. Ownership and control applies to trucks, and no one who was considered to be a water carrier would in any way be covered by the bill. Water carriers and their employees are not covered by the bill.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield. However, I have promised the Senator from Nevada [Mr. MCCARRAN] that I will yield to him.

Mr. MCCARRAN. Mr. President, if I may have the attention of the minority leader, I ask unanimous consent that the Senate proceed to consider Calendar No. 1698, Senate 2359.

Mr. JOHNSON of Colorado. Will the Senator from Nevada withhold his request for a moment? I wish to complete my reply to the Senator from California.

Mr. MCCARRAN. I withhold my request.

Mr. JOHNSON of Colorado. I invite the attention of the Senator from California to page 5 of the bill where a list of exclusions is set forth. He will notice the words: "by reason of operations in the conduct of which such person holds itself out directly to the public as a common carrier by water, air, or motor or animal-drawn vehicle, or as a contract carrier by any of such means, other than contract carrier service regularly offered to railroad passengers," and so forth.

That is the language which covers the point which the Senator from California has raised, and it excludes a water carrier from the provisions of the bill.

Mr. KNOWLAND. Is it the Senator's opinion that it is not the intention of House bill 1362 to extend coverage to maritime employees, seamen, longshoremen, dock clerks, warehousemen, and others who are not employed on a railroad?

Mr. JOHNSON of Colorado. For the most part, the answer is that they are not included, but in some cases stevedores are included. However they are included already under the present act.

Mr. KNOWLAND. The Senator said "in some cases." For the benefit of the record, in the event that a judicial determination is made later, will the Senator differentiate between some who might be included and some who might not be included?

Mr. JOHNSON of Colorado. Where freight is unloaded by a stevedore from a freight car directly onto a ship, and he is paid by the railroad company, of course he would be covered.

Mr. KNOWLAND. Yes; if he is a railroad employee.

Mr. JOHNSON of Colorado. If he is paid by the railroad company he would be covered.

Mr. KNOWLAND. But if he is not paid by the railroad company, what then?

Mr. JOHNSON of Colorado. If the employment is railroad employment, of course the man would be covered.

Mr. KNOWLAND. We understand that railroad employees are covered. I do not believe there is any question in any Senator's mind on that point. But the question which we are now trying to determine is whether a person who is not a railroad employee, and is not on the pay roll of a railroad, is covered under this bill.

Mr. JOHNSON of Colorado. He is covered under the bill if railroad employment is farmed out to him. If he contracts to do railroad work, he is covered under the act.

Mr. KNOWLAND. How does the Senator differentiate with reference to some other type of firm, such as an icing firm which, perhaps, is furnishing services and materials to railroads, and to others in connection with similar activities?

Mr. JOHNSON of Colorado. There are many borderline cases and when the bill is finally enacted into law it will be the purpose of the sponsors of the bill to offer a concurrent resolution correcting some of the typographical changes which need to be made in the bill. The concurrent resolution will also contain a provision attempting to clarify the coverage points which have been raised.

Mr. KNOWLAND. With all due respect to my able colleague from Colorado, I feel very strongly that the correct place to clarify these matters so that there can be no question about them later, is in the bill. If it is the intention of the proponents of the bill that such persons or such firms as those to which the Senator has referred are not included, I can see no objection to the Senate making the necessary correction by amendment on the floor, and sending the bill back to the House where the amendment can be accepted.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I will yield in a moment. I wish first to reply to the Senator from California.

Mr. WHERRY. There are other Senators who are very much interested in the points which the Senator from Colorado is attempting to clarify.

Mr. JOHNSON of Colorado. Will the Senator allow me, please, to answer the question of the Senator from California?

Mr. WHERRY. I merely wished to ask the Senator from Colorado to yield in order that I might suggest the absence of a quorum.

Mr. JOHNSON of Colorado. I wish first to complete my answer to the Senator from Colorado. He asked me what distinction could be made. When a railroad company holds itself out to deliver freight to a ship, for example, and the employment of a stevedore is a part of the fulfillment of the contract, of course the stevedore is covered by the bill.

If the railroad company holds itself out to deliver freight to a dock, the stevedore who takes the freight from the dock and puts it on the ship is not covered by the bill.

I know that these lines of demarcation are difficult, but I think there is no question about the point which I have just explained.

Mr. McCARRAN. Mr. President——

Mr. JOHNSON of Colorado. I now yield to the Senator from Nevada, but it is perfectly all right with me to have a quorum call.

Mr. WHERRY. I did not want to take the Senator off his feet, but I knew that the point the Senator from Colorado was discussing with the Senator from California was of interest to many Senators who are not present at this time, and before a vote is taken on the bill they will probably be asking similar questions of the distinguished Senator. Many of the questions already asked will be asked all over again.

Mr. President, I feel that if we are to continue to hold night sessions there should be a quorum present in the Senate Chamber. At the present time there are present only a few Members of the Senate. So far as I am concerned, I shall not object to the Senate proceeding to consider the bill which the Senator from Nevada desires to have disposed of, but I know there are Senators who are interested in the pending bill and want to be present.

If the Senator from Colorado feels as I do, I will suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Colorado yield for that purpose?

Mr. JOHNSON of Colorado. Does the Senator insist on suggesting the absence of a quorum before the Senator from Nevada succeeds in having the Senate dispose of the bill which he wishes the Senate to consider?

Mr. WHERRY. I do not insist on doing anything at all, but I think there should be a quorum present in the Chamber.

Mr. JOHNSON of Colorado. Let us first allow the Senator from Nevada to make his request. The bill to which he refers is a noncontroversial measure.

CLOSING OF OFFICE OF THE RECORDER OF DEEDS ON SATURDAYS

Mr. McCARRAN. Mr. President, I ask unanimous consent that the Senate proceed to consider Senate bill 2359, a bill to close the office of the Recorder of Deeds on Saturdays.

Mr. WHITE. Mr. President, does the bill apply only to the office of the Recorder of Deeds of the District of Columbia?

Mr. McCARRAN. Yes. It is the only office in the District which does not close on Saturdays.

Mr. WHITE. I thank the Senator.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2359) to close the office of the Recorder of Deeds on Saturdays.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia, with an amendment, on page 1, after line 5, to insert a new section so as to make the bill read:

Be it enacted, etc., That notwithstanding the provisions of any other act, the Office of the Recorder of Deeds for the District of Columbia shall be closed on every Saturday.

SEC. 2. Any writing, the time for recording of which expires on a Saturday, or on a Sunday, shall be deemed to have been recorded within the time prescribed if such writing be recorded on the first day thereafter other than Sunday or a legal holiday.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO RAILROAD RETIREMENT ACTS, ETC.

The Senate resumed consideration of the bill (H. R. 1362) to amend the railroad retirement acts, the Railroad Unemployment Insurance Act, and subchapter B and chapter 9 of the Internal Revenue Code, and for other purposes.

Mr. WHERRY. Mr. President, if the Senator from Colorado does not object, I suggest the absence of a quorum. I should like to say also that we want a real quorum present if we are to have any at all.

Mr. JOHNSON of Colorado. The calling of a quorum will not take me off the floor, will it?

Mr. WHERRY. Mr. President, I ask unanimous consent that the Senator from Colorado be allowed to resume the floor immediately after the quorum call has been disposed of.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Austin	Hawkes	Moore
Ball	Hayden	Morse
Barkley	Hill	Murdock
Brewster	Hoey	Radcliffe
Brooks	Huffman	Reed
Buck	Johnson, Colo.	Revercomb
Capehart	Johnston, S. C.	Russell
Capper	Kilgore	Shipstead
Carville	Knowland	Smith
Connally	La Follette	Swift
Cordon	Langer	Taft
Donnell	McCarran	Thomas, Okla.
Ferguson	McClellan	Thomas, Utah
Fulbright	McFarland	Vandenberg
George	McKellar	Wheeler
Green	McMahon	Wherry
Guffey	Magnuson	White
Gurney	Mead	Wiley
Hart	Millikin	Young

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1426. An act to provide for the replanning and rebuilding of slum, blighted, and other areas of the District of Columbia and the assembly, by purchase or condemnation, of real property in such areas and the sale or lease thereof for the redevelopment of

such area in accordance with said plans; and to provide for the organization of, procedure for, and the financing of such planning, acquisition, and sale or lease; and for other purposes;

S. 1466. An act authorizing rehabilitation on the island of Guam; and

S. 2246. An act to authorize the Secretary of the Navy to acquire in fee or otherwise certain lands and rights in land on the island of Guam, and for other purposes.

WAR ASSETS ADMINISTRATION ADVERTISING

Mr. WILEY. Mr. President, I was interested in one particular suggestion of the President. Now at long last he has come to the idea that we should cut expenses.

There was brought to my attention today a short column under the headline "Veterans' Affairs," by Tyrrell Krum, which is published in a Washington paper. In this article he brings to our attention that Congress was prevailed upon to hand the WAA, that is, the War Assets Administration, $20,000,000 for the purpose of advertising its sales. Instead of utilizing the WAA's own organization, those on its pay roll, certified by the Civil Service Commission to handle the agency's advertising, the War Assets Administration high command retains a New York advertising agency not only to write the ads, but to select the media in which they are to be placed.

Mr. Krum calls attention to the fact that that means a cool $3,000,000 for this agency. Bear in mind, Mr. President, that this $20,000,000 was given the War Assets Administration, which has on its own pay rolls employees certified by the Civil Service Commission to perform this function. So I think that we had better check up a little and see whether or not the President's long delayed suggestion that we reduce expenses is being followed by the administrative departments under his control.

I ask that the entire article by Mr. Krum be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VETERANS' AFFAIRS

(By Tyrrell Krum)

One of the most ridiculous of the many activities being carried on by the War Assets Administration is that of the so-called advertising section, charged with placing tax-paid advertisements in newspapers around the country designed to bring to the public information on surplus property sales coming along.

Congress was prevailed upon to hand the WAA advertising boys upward of $20,000,000 for this purpose. And what do you think happened?

Instead of utilizing the WAA's own organization of pay-rollers certified by Civil Service to handle the agency's advertising activities, the WAA high command goes out and retains a New York advertising agency—Fuller, Smith & Ross—to not only write the ads but to select the medium in which they are to be placed.

And, it is interesting to note, the agency collects the usual 15 percent retainer going to all advertising agencies for handling display advertising—which in this case should net $3,000,000—right nice chunk of the taxpayers' money!

With a New York advertising agency handling this big job we can't help but wonder what the WAA advertising division has to do.

And you should see the type of advertising on which they spend these millions.

For instance, in the latest batch of ads plastered all over the country, the WAA is asking for bids on the Valesco Texas magnesium plant, on an aluminum plant at Tacoma, Wash., and the ferrosilicon plant at Wenatchee, Wash. Each of these plants cost many millions of dollars to build and operate.

What earthly good could full-page advertisements in newspapers—big and small alike—possibly do? Only a few persons at the very most would be interested in such a huge financial operation.

On the other hand, the thing that Congress undoubtedly had in mind when it handed over the money for paid advertising was a rational and well-thought-out program of letting the little guy down along the line know when there was going to be something available in which he might be interested.

AMENDMENT TO RAILROAD RETIREMENT ACTS, ETC.

The Senate resumed consideration of the bill (H. R. 1362) to amend the railroad retirement acts, the Railroad Unemployment Insurance Act, and subchapter B and chapter 9 of the Internal Revenue Code, and for other purposes.

Mr. JOHNSON of Colorado. Mr. President, I wish to refer very briefly to some of the things the bill does. Certainly the Senate does not have freedom from fear, because we have been discussing provisions which appear in the bill of which the Senators seem to be afraid. I wish now to discuss some of the things which the pending measure really does.

First let me say that the railroads and the railroad employees were the pioneers in developing security. For more than 50 years they have had pension plans, which have been of great advantage to the railroad companies, to the employees, and to the shippers. The shipper is very directly interested in good service. He receives good service when the railroad employees are enthusiastic about their vocation and their industry. So everyone has been benefited by it.

But during the depression, in the early thirties, it was disclosed that the pension system which had been set up by the railroad companies had no reserves, and the men were being paid out of current receipts of the railroad companies. So when the hard times came, when the depression came, at the very time when the pension moneys were needed most, the railroad companies had to curtail the pensions from 10 to 40 percent. The late Joseph Eastman, who was one of the Interstate Commerce Commissioners, was considerably troubled by the plans which the railroad companies had of paying the pensions out of current receipts instead of building up reserves. So the matter came to the Congress, and in 1934 a retirement plan was passed by the Congress. The Supreme Court declared it unconstitutional. Then another plan was worked out by the Congress, and passed, and immediately litigation ensued. I do not know that the second plan which was passed in 1935 was declared unconstitutional. I do not recall, but at least there was litigation in connection with it, so it never became operative.

About that same time the social security law was made effective, and the 1935 statute exempted railroads from the social-security law. Then finally the railroad companies and the railroad operatives sat around the table together and worked out a retirement plan and an unemployment-insurance plan, and both sides agreed at that time that no question would be carried to the courts in regard to the validity of the retirement plan. The companies and their operatives worked out a very good plan, but the plan which they worked out is not actuarially sound. The Railroad Retirement Board, which is made up of a representative of the railroads, a representative of the employees, and a representative appointed by the Treasury, representing the public interest, declared in 1941 that the plan which had been set up by the Congress for the railroad men was not actuarially sound, and that the rate would have to be increased. The employees themselves reached the decision that the rates would have to be increased. Congress passed the law, and Congress must assume responsibility for making the plans actuarially sound. Congress has a responsibility in this matter.

I know that social security is not actuarially sound—everyone knows that—yet Congress keeps postponing year after year the increased payment on the part of the employees and on the part of industry by way of contribution which each shall make to social security. Congress has been warned by Mr. Altmeyer time without number that if that shall be continued, and a reserve not be built up, sooner or later the Government will have to make a contribution to social security. But no one has offered the suggestion that the railroad-retirement plan is eventually going to be supported by the Federal Treasury. No one has that idea in mind. The railroads themselves and the railroad workers want to make the plan actuarially sound so it will stand on its own feet, and be contributed to solely by the railroad employees and by the railroads themselves.

So much for that, Mr. President. I think it also should be said that the railroads require as workers the most alert persons who can be secured. Railroading is a serious business. A few weeks ago an engineer on a train moving out of Chicago at 80 miles an hour, an old engineer of the road, a trusted and faithful and dependable man, for some reason or other had some sort of a mental lapse for a second or two. He did not observe that the signal was in "caution." In another split second he noticed a stop signal ahead of him, and, of course, he slapped on the brakes, but it was too late. He plowed into another passenger train and there was a tremendous loss of life, and a million dollars' worth of property was destroyed. Such things are apt to occur in railroading all the time. Railroad men have to be alert. They have to be enthusiastic about their work. There is no industry which depends so much upon alertness and efficiency—and I might say enthusiasm—on the part of the employees for success as does the railroad business. That is one of the reasons why the railroad companies were so anxious 50 years ago to

establish pension systems, and that is why the railroad-pension systems have worked so well bcause mankind has always wanted security. That is instinctive in mankind. A man tries to get security. If he is working in an industry which furnishes him security, he is going to be more satisfied and do better work. At least that has been the experience of the railroad companies.

The plans which were worked out in 1937, through collective bargaining, between the employees and the employers, while they represented a great step forward, did not do a perfect job. The most glaring deficiency in the present law is in regard to disability benefits. This bill corrects that deficiency in respect to disability benefits. What do Senators think of a provision which requires a man, before he can draw annuities, to be totally disabled for employment in any capacity, of any kind, not simply railroad employment? He must be unable to do anything at all, to entitle him to draw annuities. He must be 65 years old, or he must have served 30 years for the railroad company. If he does not meet these qualifications he does not get his total disability payment.

Under the pending bill that situation is being corrected, as it ought to be corrected. The previous situation was disgraceful, if I may say so. Under the provisions of this bill a man who has served a railroad for 10 years, I think it is, and becomes totally disabled for railroad work, is entitled to disability benefits. What does that cost the railroad companies? It costs the companies $10,625,000 to make that change in respect to disability. Those figures are based on a pay roll of $2,500,000,000, and which is what the railroads contend the pay roll is going to be. So making that change in disability benefits will cost the railroads $10,625,000, and it will cost the men that much too. This is a 50–50 proposition. Whatever it costs the railroads it costs the men. The men are anxious and willing to meet that requirement.

About one-fourth of the 60-page bill which Senators have before them provides for survivor and death benefits. The survivor and death benefits, with a pay roll again of $2,500,000,000, are going to cost the railroads $29,375,000 and they are going to cost the men $29,375,000. But the survivor and death benefits which the railroad employees are going to receive are all contained in the social-security law. They are in the social-security plan. The only difference is that under the pending bill they are increased about 25 percent above the benefits under the social-security plan. But we must remember that railroad employees pay six times the amount of pay-roll taxes that a person pays under the social-security plan, and why should not they be entitled to a little more benefit when they pay six times as much? They are given a 25-percent better arrangement than is provided in connection with the social-security plan.

Another change which is made by the bill is that the minimum annuity payable to railroad men is increased from $40 to $50 for men who have had 17 years of experience. If a man has had 17 years of experience on a railroad, his minimum annuity is increased by the bill from $40 to $50. That increase will cost the railroads $375,000 and it will cost the men $375,000.

The provision that a maximum of $120, as the total amount, can be paid is not changed by this bill. The average annuity payment under the retirement plan is $67. Does not the Senator think that is moderate? Does he think there is anything extravagant or luxurious about such a payment? Of course, the answer is that there is not.

Something has been said about the great benefits that are to be given under the unemployment-insurance plan. The Senator from New Jersey [Mr. SMITH] asked some questions about that a while ago. He inquired about the great benefits that are now proposed by the bill, in connection with unemployment insurance. Let me state what the benefits will be. Under the provisions of the bill, unemployment due to sickness will be regarded the same as unemployment due to lack of a job. That may be an innovation, but is it not justice? The older railroad men are in no danger of losing their jobs, because they have seniority. If such a man has worked for a railroad company for 10, 15, or 20 years, he will not have any unemployment due to a shortage of jobs, because if there are any shortage of jobs in the division in which he works, the men without seniority will be laid off.

But the older men, in many instances the gray-haired men, will have sickness, and they are entitled to insurance to take care of their situation when they are sick.

Another change which the bill provides is in connection with unemployment insurance. The present law provides for the payment of $4, in the case of men whose salaries are $1,600 and over. Under the pending bill a ceiling is established. Under existing law, every man is paid $4 a day if he draws $1,600 or more a year. That is the top. Under the bill he will get $4 a day if his annual salary is between $1,600 and $2,000. If his salary is above $2,000 and under $2,500, he will get $4.50 a day; and if his salary is above $2,500, his unemployment-insurance payment will be $5 a day. Mr. President, there is nothing extravagant about that. These rates were deemed necessary in order to bring the unemployment-insurance plan within some range of the social-security benefits. We do not go way beyond the social-security benefits. We are simply attempting to bring the railroad unemployment-insurance benefits within the range of those benefits. The benefits I have enumerated are, in many instances, below the social-security rates in some of the States.

So there is nothing extravagant about this bill. There is nothing about it which should not be adopted by the Congress. We have a few fears about a few of the details of the bill. But the bigger things, the important things, are not extravagant. They should be adopted, and I am sure they will be adopted by the Senate.

I notice that the railroad companies claim that the bill will cost them $100,000,000. The part of the bill which makes the unemployment system or the retirement system actuarially sound takes up 60 percent of that amount. Sixty percent of the $100,000,000 is needed in order to make the system sound, as Congress promised the men it would be. If the figure of $100,000,000 is correct, 60 percent of that amount will go to make the system actuarially sound. When the law was first enacted, Congress pledged that the system would be actuarily sound; and 60 percent of the $100,000,000 will do that. Forty-three million dollars-plus will be for the so-called increased benefits and increased annuities. I cannot see why a piece of legislation should be hailed as completely devastating, when it provides for benefits of 40 percent of $100,000,000 for increased annuities and for increased benefits.

I am sure the bill is nothing of the kind. I am sure it is a very progressive piece of legislation. I think it should be passed by a very large vote in the Senate, just as it was passed by a large vote in the House of Representatives. In the House, the vote was 235 to 49. I believe that the Senate should pass the bill by at least a corresponding majority.

I realize that there are 60 pages of very technical language in the bill, and of course there will be a great many questions. I have tried to answer the questions which have been propounded up to now. As other questions occur to other Senators while the bill is under consideration, we shall try to supply the answers.

I do not think it is necessary for me to attempt to describe the bill any further. If there is any particular interest in any special part of the bill, we shall try to supply the answers to the questions which may be propounded.

Mr. CAPEHART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CAPEHART. Will the Chair state what the present parliamentary situation is?

The PRESIDING OFFICER. The bill is pending before the Senate and is open to amendment.

Mr. CAPEHART. Mr. President——

Mr. BUCK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REED in the chair). Does the Senator from Indiana yield for that purpose?

Mr. CAPEHART. I do.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Capper	Gurney
Andrews	Carville	Hart
Austin	Connally	Hawkes
Ball	Cordon	Hayden
Barkley	Donnell	Hill
Bilbo	Downey	Hoey
Brewster	Eastland	Huffman
Brooks	Ferguson	Johnson, Colo.
Buck	Fulbright	Johnston, S. C.
Burch	George	Kilgore
Bushfield	Gerry	Knowland
Byrd	Green	La Follette
Capehart	Guffey	Langer

Lucas	Murray	Taft
McCarran	O'Daniel	Taylor
McClellan	O'Mahoney	Thomas, Okla.
McFarland	Overton	Thomas, Utah
McKellar	Pepper	Tobey
McMahon	Radcliffe	Vandenberg
Magnuson	Reed	Wagner
Maybank	Revercomb	Walsh
Mead	Russell	Wheeler
Millikin	Shipstead	Wherry
Mitchell	Smith	White
Moore	Stanfill	Wiley
Morse	Stewart	Willis
Murdock	Swift	Young

The PRESIDING OFFICER. Eighty-one Senators have answered to their names. A quorum is present.

Mr. HOEY. Mr. President, I offer the amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from North Carolina will be stated.

The CHIEF CLERK. It is proposed to strike out all of section 1, and renumber the remaining sections of the bill; and on page 60, it is proposed to strike out lines 18 through 20.

Mr. HOEY. Mr. President, the purpose of this amendment is clearly indicated by the language of the amendment. It would strike out section 1 of the bill. This section is the one which increases the coverage of the law. If this section were stricken out the coverage of the bill would be exactly as it now is in the law.

I cannot subscribe to the view that we ought not to make any change in the bill. The House of Representatives did not have the opportunity to pass upon any of the several amendments which were offered in the House, because the vote was had upon the amendments en bloc. When the committee in the House of Representatives considered the bill it made more than 20 amendments. The Committee of the Whole in the House adopted almost all those amendments. Then when the matter came before the House of Representatives the vote was had upon the amendments en bloc. So no opportunity was given to the House to vote on any of those amendments. The House either had to kill all of them or adopt all of them, and therefore they were not adopted and the bill was passed as introduced.

The suggestion is made that the committee report will allay the fears of those who believe that the bill would cover them. I cannot subscribe to that position. The language of the bill is clear and unequivocal. It denotes just who is to be included. There is no means by which the statement of a committee in support of a bill can modify or change the plain written words of the bill.

If there is any ambiguity about this, the report of the committee might be useful in enabling the court properly to interpret the matter; but when the language is clear and unequivocal no purpose would be served because the court would construe the act according to its language.

Mr. President, let us see what is the purpose of section 1. The committee says that it is not the purpose to cover a large number of persons who apprehend they are covered. If the object is not to cover them, why is section 1 placed in the bill? It covers nearly 8 pages. There are 11 subsections under section 1. Why was it necessary to write in the bill 11 subsections?

In the committee report, on page 6, there is the following statement:

> The bill brings under the Railroad Retirement and Unemployment Insurance Acts two new groups of employers, namely, railroad-controlled trucking companies and those freight forwarders that are not now covered. The railroad-controlled trucking companies are operated as part of the railroad plant for the performance of railroad transportation.

If the purpose of the bill is to include only those two classes, why does not the bill say so? Why was it necessary to write 11 subsections to section 1? If it is the purpose of those who are sponsoring the bill to cover only those two classes, why does the bill contain 8 pages in setting forth the first section?

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. HOEY. I yield.

Mr. PEPPER. I wish the Senator from Colorado would state what he stated earlier in the day.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield to me?

Mr. HOEY. I yield.

Mr. JOHNSON of Colorado. I stated this afternoon that the reason for all the language to which the Senator has referred is to enable the entire matter of coverage to be clarified. A great many cases with regard to the subject have been in the courts and some of them have been in the courts for a long time. It was necessary to have a clarification of the point which has been raised. Otherwise every little question which might be raised would have to go through the courts and finally to the Supreme Court. Of course, no one wants that to be made necessary. So it was essential in the bill to clarify the matter of coverage.

Mr. GERRY. Mr. President, will the Senator yield?

Mr. HOEY. I yield.

Mr. GERRY. I cannot understand the argument of the Senator from Colorado. When a new statute has been enacted for the purpose of clarifying something, the courts then have to pass upon the matter. Therefore, we are no better off than before.

Mr. HOEY. The Senator is correct. Let us examine the statement of the Senator from Colorado. He is a good lawyer.

Mr. JOHNSON of Colorado. No; I am not a lawyer at all.

Mr. HOEY. I submit that section 1, instead of clarifying, confuses the whole issue. That section not only confuses the question but leaves an absolute doubt as to who is covered. Under the present law it has been practically settled, and in recent years there have been practically no cases in the courts with regard to who was covered by the law. The Senator is as familiar with Supreme Court decisions in regard to this subject as I am, and he knows that in recent years there has been very little controversy with regard to who is covered, because the matter was previously settled. The language of this bill would open Pandora's box.

Let us consider a few passages of the bill.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. HOEY. I yield.

Mr. HAWKES. I think that I may be in position to throw a little light on the reason for consuming so many pages in setting forth the section to which the Senator from North Carolina has referred, in an effort to define coverage. In the hearings before the subcommittee on Senate bill 293, I wish to read briefly from the testimony of Mr. Leo M. Nicolson, warehousing consultant. Mr. Nicolson said:

> Well, I would think, Senator, that you might just as well scrap the Social Security Act and let everybody come under the Railroad Retirement Act, and treat them uniformly, and then go along from there, because I can't think of any industry which manufactures any product—

He then mentioned some of the products—

> which are subsidiaries, stores for hire its steel products in normal peacetime operations. Most everybody buys a quantity of a certain type and kind of bar or sheet or something else, and they want it stored for them until they call for it. The steel company, or through its warehouse, assesses a storage charge for this service. That is storage for hire of freight which has been transported or will be transported by a common carrier.

I am now coming to a portion of the testimony which I wish particularly to read:

> We can't get away from the wording of that section. If that subparagraph (2), gentlemen, is confined to transportation as that term is interpreted by the Interstate Commerce Commission, I think all of the private industry that is opposing this bill will walk out and say, "We are entirely satisfied. We have no complaint at all. We will be perfectly willing to rely upon the wisdom of the Interstate Commerce Commission in determining what is a transportation function and what is not a transportation function under the Transportation Act."
>
> Senator WHEELER. Well, wouldn't the thing to do be to write a definition in, not leave it to a changing definition? In other words, the Interstate Commerce Commission might at some future time change their definition of what was transportation, and so forth; whereas, if you wrote definitely into the act a definition, then you would have something that would be stable.

I now skip a portion of the hearings and come to Mr. Nicolson again.

The Senator from Colorado said to the Senator from Montana, "He is talking about the law." I continue reading from the testimony:

> Senator WHEELER. I am talking about the law.
>
> Mr. NICOLSON. Oh.
>
> Senator WHEELER. I am talking about the law; I am not talking about the agency. After all, when you leave it up to the agency to define it, your agency may change its views on it. The Interstate Commerce Commission sometimes change their views, and certainly the courts of the country have changed their views quite frequently.
>
> Senator JOHNSON of Colorado. The trouble is, somebody has to interpret the law.
>
> Senator WHEELER. Surely.

Senator HAWKES. Mr. Chairman, may I, for the benefit of Senator WHEELER, the chairman of the Interstate Commerce Committee, say that Mr. Schoene—

Mr. Schoene was the attorney for the labor group—

who will appear in a few moments, has stated before this hearing that he recognized this problem and that it was a very difficult thing to define.

Is that right? Am I quoting you correctly, Mr. Schoene?

And I turned to Mr. Schoene and asked him that question.

Mr. SCHOENE. You are, Senator; yes.

Mr. President, I wish to bring that testimony to the attention of the Senate while we are discussing the amendment of the Senator from North Carolina because it was clearly shown at the time of the hearing that my good friend, the Senator from Montana, felt that the matter should be defined in the law.

Mr. HOEY. I thank the Senator. It is very evident that no one at the hearing maintained at any time that this bill contained a clear statement of who was covered. I maintain that under the coverage of the bill ice manufacturers who refrigerate cars of railroads are covered. I maintain that the bonded warehouses which store goods in transit, or goods which are to be transported on the railroad, are covered. I maintain that the truckers who haul any goods for a railroad company to be shipped by the railroad company, are covered. I maintain that any trucking company in which the railroad has an interest, is covered, and a trucking company in which the railroad has no interest would also be covered. I maintain that every commissary which furnishes anything to a railroad is covered. I maintain that stevedores are covered. Is it not beyond any question unwise for the Senate to pass a bill which contains matters about which many of the persons who are involved may be apprehensive, especially those who are engaged in business and who have any relations with railroads?

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. HOEY. I yield.

Mr. GEORGE. If the Senator will permit me, I should like to propose some amendments to the bill for the purpose of having them printed. I think it is quite obvious that a final vote on the bill will not be taken tonight. These amendments relate to matters in which the Treasury is very much concerned. While they consist of 13 pages, they relate to the same subject, and I am asking that they be printed and lie on the table.

The PRESIDING OFFICER. The amendments will be received, printed, and lie on the table.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. HOEY. I yield.

Mr. LUCAS. Am I correct in understanding that the Senator is a member of the Interstate Commerce Committee?

Mr. HOEY. Yes; and I am also a member of the subcommittee.

Mr. President, the subcommittee heard testimony covering a period of many days. It submitted a report on March 15 to the full committee. In the report it was stated that this subject was so complicated that the members of the subcommittee wished the full committee to settle the matter of policy. We submitted the report, which had been written by the distinguished Senator from Colorado, and in which the controverted question was set forth. We said that before a matter of this importance should be passed on by the subcommittee, the full committee should decide on the question of policy.

I shall not discuss the entire bill tonight, but I assert that in its present condition it is a monstrosity. No legislative body should pass it. It does not meet any of the requirements. Those who are engaged in labor service, and are familiar with the bill, will not subscribe to it because it includes many persons to whom they do not wish it to be applied.

The railroads have mutually agreed about this legislation. They have agreed on former occasions. The pending bill ignores the possibility of any kind of conference being held between railroad unions and railroads in an attempt to agree about what must be done.

The railroads pay 3 percent on their entire pay roll for purposes of unemployment benefits. The employees themselves do not contribute a cent to that. That is 3 percent of the entire pay roll. Then they divide equally 3¼ percent each of the pay roll for purposes of maintaining the retirement fund. It is necessary, because of an approaching deficit in the fund, and because it is not sufficient to maintain the present retirement benefits on the present basis, on the levy which is now made. In this proposal they increase it by three-fourths of 1 percent on the entire pay roll, to make up for what would be a deficit, and actuaries say that is necessary, and certainly that should be done, because those who are now paying in should not be denied at some future date what may be due them from the retirement fund. Unless this fund is increased in the years to come it will be insufficient to meet the needs.

Furthermore, there will be this additional amount levied equally on employers, the railroads, and on the employees. It is a rather large sum, and if this proposal is enacted in this sort of fashion, it is going to dislodge, it is going to dissatisfy, it is going to change the attitude of all the people who are covered by social security, because it will mean to the railroad employees an amount far beyond anything that is granted to the others.

The railroad employees have been pretty well taken care of and I am glad they have been. They are a very fine body of men. I have much admiration for the railroad employees of the country. Some have described them as the aristocrats of labor. I am perfectly willing that they be so designated. I think they have a great spirit of loyalty to their work, and they render excellent service. I should like to see their retirement compensation increased. I think it should be done, but I believe it should be done after due consideration, and after we have weighed all the conditions, and after we see what effect it will have on the whole social-security fabric of our people. It should not be done in haste, it should not be done without consideration, it should not be done when the Senate does not know what it is doing.

There is not a single Senator, outside of those on the subcommittee, who had opportunity to hear the testimony in this case, and even those who heard it do not understand it. I place myself among that number, because it is a very complicated question; it involves a great many considerations, and is not the sort of matter which should be rushed through without giving it due consideration.

Mr. President, I am anxious to see everything done for the railroad employees which should be done, but I do not believe we should select one group and pass a bill benefiting them without giving it any consideration, and saying, "Here is a measure we are going to pass, and if there is anything wrong with it we will take care of that in the future." I do not believe that is sound legislative policy and I do not feel the Senate should do that.

Mr. BARKLEY. Mr. President——

Mr. HOEY. I am glad to yield to the Senator.

Mr. BARKLEY. I thought the Senator had concluded.

Mr. HOEY. Oh, no; I have a great deal more to say.

Mr. HAWKES. Mr. President, will the Senator yield to me for a moment?

Mr. HOEY. I yield.

Mr. HAWKES. I have made it my business in the last 2 or 3 weeks to talk to a number of conductors and brakemen who are very dear friends of mine, and I wish to say to the Senator that they tell me almost precisely what he said a few minutes ago. They are interested in one thing more than anything else in the world, that is, to be certain that the retirement fund is actuarially sound, and is kept so. They are very deeply interested in that. Of course, like everycody else in the world, they want a little more here and a little more there. So far as I am concerned, I believe, with the Senator, that this question of making the retirement fund sound should have our attention. If we will take a little time we can attend to that. I believe everybody is in favor of it, but I must say that I agree with the Senator from North Carolina that this question involves matters which affect the entire structure of the economy of the United States, and certainly affect a very vital part of the social-security system.

Mr. HOEY. I thank the Senator. It is not my purpose to discuss the merits of the entire bill. I mentioned this one matter incidentally to meet the argument that it is so important to have the bill passed immediately.

Even if the bill does not become a law until next year, when we meet in January, we can take time enough to pass a bill which will meet the situation and which will take care of the employees, will increase proportionately and properly their retirement pay, and will make secure their status for the future. I think that would be better for the railroad employees. I know it would be better for the country.

What I want to address myself to particularly is the amendment I am offering, which relates to the method of coverage. Let us analyze for just a moment the fact that the bill does not cover all the people I mention. As I said, I shall not read it at all, because it begins on the first page and embraces several sections. So I go to section 5. After mentioning several other people who are included, it says this, and these are the people to be covered:

Is engaged in performing services necessary or incidental to the conduct of the transportation carried on by such carrier, or services in the manufacture of equipment or equipment parts or in the processing of materials for use in the operation, servicing, or maintenance of way, structures, or equipment devoted to use in transportation—

And this especially—

or services in connection with the storage—

That is, warehouses—

elevation—

Grain plants, or anything like that—

or handling of property transported, being transported, or to be transported if such storage, elevation, or handling services are provided with respect to property accorded privileges of storage in transit.

It not only provides as I have read, but it takes in the other services. Let us consider the word "service" in transportation. What does it mean if it does not mean service by refrigeration plants, and all that? That language indicates just that.

Let us consider the definition given. It has been said in the argument tonight that the Interstate Commerce Commission would not interpret the bill in the way some contend, and that they do not deal with it. Let us read from the Interstate Commerce Act and see whether or not that is a proper interpretation of it. I come to section 3 of the Interstate Commerce Act, together with amendments, which defines the term "common carrier," and we find this language:

The term "transportation" as used in this part shall include locomotives, cars, and other vehicles, vessels, and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services—

In connection with what?

in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported.

That is the Interstate Commerce Act defining just what is meant.

When it is said that the Interstate Commerce Commission would not for 1 minute include this, I say it is already included, and it is included under the law creating the Interstate Commerce Commission. The very language that is used in the bill would cover icing, refrigerating plants, bonded warehouses, and any use in transportation. Then it reaches out to cover many other employees.

What sort of confusion would that cause in the minds of all these employees and employers? Let us take a bonded warehouse, for instance. Suppose it has 500 employees. If 50 of them are engaged in loading anything on cars, if they put in 50 percent of their time on such work, the warehouse has to separate them and take them out of social security—they are all covered by social security now—and put them under railroad retirement. They have to keep a record of the time they work, because if they work more than 40 percent of the time in the loading they have to come from under social security and be placed under this proposed law. What sort of confusion would that bring to ice manufacturers and trucking plants?

Let us consider a trucking concern—and such concerns operate all over the country—in which a railroad has no interest, direct or indirect, but let us suppose it has a contract to do hauling for a railroad. It would have to take all its employees who have to haul anything to be shipped under the contract, and put them under the law. The company would have to keep a record of their time, because if the hauling takes more than 40 percent of their time, they have to be included. If less than that, they are left out.

Does the Senate want to impose that sort of obligation on all those who are engaged in the trucking business? Does it want to impose that sort of obligation on those engaged in operating bonded warehouses or on ice manufacturers, and various other businesses?

It is no answer to tell us that it can be interpreted in some other way. Here is the law written plainly, and when it is written that way, how can anyone get around it? Does the Senate want to legislate with the idea that someone will come along and correct the mistakes we make?

Mr. President, I am offering the amendment in the utmost faith. If it is said that it would delay the passage of the bill, the Senate is not responsible. If the House of Representative desires, it can accept the bill when it goes over there with this amendment in it. All it does is change the coverage. The House would not even have to appoint a conference committee, if they were unwilling to accept it. The House has not had an opportunity to pass on this question separate and apart from the disposition of 21 amendments which were offered en bloc on the floor of the House.

I submit that in legislating about this matter it is the duty of the Senate to deal with the measure on the basis of what is right from the legislative standpoint, and let results take care of themselves. If it should result in the defeat of the measure I think it would be for the benefit of all concerned. If it is reviewed and dealt with in a common-sense manner, and these problems worked out so that when the bill is passed it will deal with the needs and administer to the necessities of the railroad employees, I believe they would be better satisfied.

They may be momentarily disappointed at not having the bill passed immediately. I know it has been in Congress in one form or another for some time; I heard it said this evening it has been here 3 years. If it has been here that long, is it not better to take a little longer and pass a bill concerning which we will know what it provides and what it will cost, rather than rush one through about which we are in doubt?

I am offering the amendment because I believe it would tend to relieve and would relieve the apprehensions—which I think are well founded—of those who think they are covered under the bill, and that they are going to be subjected to all the penalties and burdens imposed without either themselves or their employees desiring to be covered, against the protests of a great many railroad employees.

I have a number of telegrams from conductors and from engineers and from other railroad employees saying, "We do not want these other people taken into our organization." It is said that this bill would take in not more than 10,000. But it is not the number of individuals who are taken in that causes concern; it is the disruption and the confusion that will be caused every employer of labor who employs any of those who would be included in the law. It would disrupt the organization of the employer, for some men would be under the Railroad Retirement Act and others would be under the Social Security Act. Some would be getting the railroad retirement pay while others would be receiving other benefits, and they would be in different amounts.

I do not care to trespass longer on the time of the Senate, but I feel deeply that it would be a serious mistake to pass the bill in its present form.

Mr. BARKLEY. Mr. President, I rise in opposition to the amendment offered by my good friend the Senator from North Carolina, who, I am sure, is opposed to the legislation, aside from the amendment which he has offered.

I think it ought to be stated that there has never been any effort on the part of Congress nor any sentiment on the part of the people, so far as I know, to merge the Railroad Retirement Act and the benefits derived from it by railroad employees with the general social-security law of the United States.

Mr. HOEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HOEY. I understood the Senator to say that I was opposed to the bill without regard to my amendment.

Mr. BARKLEY. I understood the Senator to be in opposition to the bill.

Mr. HOEY. I said I was opposed to it in its present form. I am in favor of increases in pay from the retirement fund. I am in favor of increased disability benefits. But I am not in favor of the bill in its present form.

Mr. BARKLEY. I understood the Senator to say that, even if his amendment to the bill were adopted and the bill were not changed otherwise, he would still not support it.

Mr. HOEY. I would not be in favor of it. I did not say that I would not support it. But I think there are other changes necessary to be made.

Mr. BARKLEY. There may be a technical difference between not being in favor of a measure and not supporting it.

Mr. HOEY. I want to say distinctly that I am not opposed to increase in payments to these employees. I should like to have it done. But I think it ought to

be done with fair regard for all the circumstances.

Mr. BARKLEY. I understand the Senator, and I thank him for the correction.

As I was saying, Mr. President, there has never been any sentiment in Congress or any effort made to merge the railroad retirement benefit laws with the general social-security laws of the country. The same is true of labor legislation. When we enacted the National Labor Relations Act and set up the National Labor Relations Board we exempted the railroad employees from its operations, because we had long before that passed a Railway Labor Act applicable to railway labor, because Congress recognized that, engaged as they were in interstate transportation, being the employees of our great transportation system, they occupied a situation which entitled them to special treatment and prior treatment before any other similar legislation was enacted in the history of the United States.

The first labor laws we passed dealt only with railroad labor. In the Adamson law away back yonder in 1916, the Transportation Act of 1920, the Railway Labor Act of 1926, and the amendments that have been added thereto, covering a period of more than 30 years, we always dealt with railroad labor separate and apart from the dealing by Congress with other labor in regard to labor relations or benefits conferred upon labor by any legislation that we might enact.

So we passed the Railway Labor Retirement Act before we passed to social-security law, and in that legislation we still kept railway labor separate and apart from the general run of employees in the United States with respect to the benefits. It would be a very difficult thing, and in my judgment an unwise thing, to try to level off and scramble the situation as between railway labor all over the United States and other classes of labor with which Congress has attempted to deal.

So that it seems to me that the argument that we ought not to deal with amendments of this law because it is not a part of the social-security system are not well founded. The coverage in the law as it now exists has not been changed by legislation since 1937—9 years.

All of section 1, which the Senator from North Carolina seeks to strike out, is nothing more than a rewriting, nothing more than a spelling out of the coverage of the present law in such a way as to clarify it and not leave it up to individual interpretation, which it has been for the last 9 years, plus the coverage of two other classes not now covered. One is the freight forwarder. The freight forwarder is engaged in interstate commerce. He is not under the act to regulate commerce. We passed a special law through the Congress of the United States dealing with freight forwarders because they are a part of our transportation system, and it is impossible to distinguish in their ordinary operations between their employees and the employees of the railroads. Therefore, in section 1 we have included this new class of freight forwarders under the coverage of the law.

The other class is the railroad-owned or controlled truck lines. The reason that they were not included when the original coverage was enacted into law was because they were under the NRA and were operating a code which was adopted in the NRA while it was in existence, and, therefore, railroad-owned trucks were not included in the coverage which we are seeking now to provide.

There is nothing complicated about it. Section 1 does take up several pages, but it is a mere rewriting of the present law, spelling out the coverage, clarifying it, so as not to leave it to individual cases for the Retirement Board to interpret whether they are covered or are not covered. We are trying to write out whether they are covered or are not covered.

The only important respect in which the legislation, as interpreted and applied by the Railroad Retirement Board, is broadened with respect to coverage is by the inclusion of freight-forwarding companies not railroad-owned or controlled and by the inclusion of railroad-connected trucking services.

In paragraph (1) of the long section 1 the definition of carrier covers the employers of the great bulk of the employees affected. That is merely a rewriting of the present law.

Paragraph (2) is directed to the inclusion of companies which are performing railroad transportation as defined in the Interstate Commerce Act and, therefore, are under the Interstate Commerce Act.

Paragraph (3) refers to freight forwarders who are not now included.

Paragraph (4) is addressed to the coverage of work which is not itself transportation, but is a part of the regular operations which a railroad must carry on in order to perform transportation.

Paragraph (5) is an effort to spell out in more detail the provisions of the present law making the legislation applicable to carrier-controlled companies engaged in performing services in connection with railroad transportation. The specific services spelled out by this paragraph are all services which the Railroad Retirement Board and the Bureau of Internal Revenue have held to be covered by present law when performed by carrier-controlled companies, except that the present law omitted trucking services. Obviously freight forwarders ought to be included. They are a part of the transportation system of the country. The work they do in and around the railroads is interchangeable and indistinguishable as far as railroad services are concerned. Obviously a trucking company engaged in transportation as a part of the railroad system, ought to be covered, because there has been an effort made to make individual contracts in order to avoid the present law, instead of having a continuous service rendered by a railroad-owned or controlled trucking company.

Paragraph (6) of this section makes no change at all in the present law.

Paragraph (7) makes no change in the present law.

Paragraph (8) covers railroad-controlled hospital and recreational associations which have uniformly been held to be covered under existing law as railroad-controlled companies performing services in connection with railroad transportation.

Paragraph (9) makes no change at all in the present law.

Paragraph (10) places certain limitations upon the preceding paragraph in part to express limitations now in the law, and in part to avoid possibilities of too broad an interpretation of the preceding paragraphs.

So that all that this long section, which is denounced as a monstrosity, attempts to do is to rewrite and clarify the present law so that it cannot be subject to misinterpretation and misunderstanding, and to add two categories, railroad-owned and railroad-controlled trucking companies, and freight forwarders, which have been heretofore dealt with by Congress and taken under the act to regulate commerce.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LUCAS. Will my good friend the Senator from Kentucky explain to me how a subcommittee considered this bill for days, and then one of its prominent members comes in on the Senate floor and tells the Senate that he does not know what it means, that no member of the subcommittee could understand what it means, while now we hear the distinguished leader state that the bill is a measure which spells out the provisions of the present law, and clarifies them, and presents them in understandable terms? I must say that I am in doubt as to what course to follow when I hear my distinguished leader on the one hand say that, and my distinguished friend, the Senator from North Carolina say that he does not know what it means.

Mr. BARKLEY. I am afraid that the Senator from North Carolina did himself a great injustice when he said he did not understand this legislation. The Senator from North Carolina is one of the ablest lawyers and best legislators ever to sit in the Congress of the United States. I served with him years ago in the House of Representatives, and I have enjoyed his service in the Senate. I think he does his intellect a grave injustice when he says that he does not understand the bill.

Mr. HOEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HOEY. I appreciate the Senator's compliments; but if this section is clear why is it necessary for the committee to write a page or two to explain how it ought to be construed?

Mr. BARKLEY. Because a great deal of dust has been thrown into the eyes of many persons with respect to the meaning of this section, and the committee felt that it was its duty to try to clarify it.

Mr. HOEY. Did not the committee write this explanation immediately before the bill was reported from the committee, and before any dust had been thrown?

Mr. BARKLEY. No. A great deal of dust had been thrown in the other branch of Congress, and a great deal of dust had been thrown over here. The

committee could not write the explanation until it was ready to report the bill.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MURDOCK. Taking the argument of the distinguished Senator from North Carolina, if the language of the bill itself is ambiguous and is not clear, and he does not understand it, if it has been clarified in the report, as I understand the law, if the courts or the Commission should find ambiguity in the bill itself they would have the right to look at the history of the legislation and the report in order to clarify it. I do not think that is a proper way to legislate; but if the language is really as bad as the Senator from North Carolina says it is, then certainly the court would have a right to refer to the report to clarify it.

Mr. BARKLEY. I think that is undoubtedly true as a matter of legislative interpretation.

Mr. HOEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HOEY. The distinguished Senator from Utah misapprehended my statement if he thought I said that the whole bill was ambiguous. I said that it was clear from a reading of the bill that ice manufacturers, warehousemen, and truckers were covered, but that there was a great deal of ambiguity in the section, and that it lacked clearness. I do not think there is any doubt about the fact that the classes to which reference has been made are covered, because they are named. If the bill is not intended to cover warehousemen why does it refer to storage, and goods in transit? If it is not intended to cover those engaged in furnishing ice, why does it make reference to servicing refrigerator cars? I stated that in that respect the bill was clear beyond question. I emphasized the fact that the report of the committee would be helpful only in case of ambiguity. There are many ambiguities in this particular section; but it is clear that the various classes which have been mentioned are covered.

Mr. BARKLEY. Mr. President, if the amendment offered by the Senator from North Carolina should be adopted it would nullify the effort which the committee has made in collaboration with the Railroad Retirement Board. The bill was not written under a tree by some individual. It was studied long and carefully. In writing it the committee consulted with the Railroad Retirement Board, and considered the fact that for 9 years the Board has been compelled, by reason of the ambiguity in the present law, to make interpretations in individual cases as to whether or not certain persons were covered. Acting upon that information and that experience of the Railroad Retirement Board, and in cooperation with the Railroad Retirement Board, this effort to clarify the coverage in the existing law was written into the bill, plus two additional categories.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CORDON. Is it not a fact that if this amendment were adopted and the section were stricken, by virtue of the provisions of the present law there would be greater ambiguity facing the administrative agency than possibly could exist if the amendment were defeated and section 1 were to remain in the bill?

Mr. BARKLEY. Absolutely, because the ambiguities and individual interpretations which have been necessary under the law as it has been on the statute books for the past 9 months would be multiplied and perpetuated. So if the Senator's amendment were adopted and section 1 were eliminated, the ambiguity of the law as it now exists would be perpetuated. Also, there would be eliminated the coverage of the two categories which everyone admits ought to be covered. One category includes freight forwarders, who are an integral part of the transportation system of our country, and have been so recognized by the Congress. The other category includes workers on railroad-owned or controlled trucks engaged in interstate commerce.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MAGNUSON. Earlier in the evening I asked the distinguished Senator from Colorado [Mr. JOHNSON] a question. Ordinarily when we speak of freight forwarders we are speaking in terms of railroads; but there are many freight forwarders who forward by other means of transportation. In the future freight will be forwarded probably to a greater extent by other means than railroads; and freight forwarders would be permanently placed under the terms of the Railroad Retirement Act. Is not that correct?

Mr. BARKLEY. I do not so interpret the bill. I shall be glad to yield to the Senator from Colorado in this connection. I do not believe that every company which gathers and forwards freight by a means wholly disconnected from railroads would necessarily be covered by the statute.

Mr. MAGNUSON. Let me ask a hypothetical question——

Mr. BARKLEY. The freight forwarders referred to are the freight forwarders covered by the act to regulate commerce which Congress enacted several years ago.

Mr. MAGNUSON. Suppose that half of the business were forwarded by air or by truck.

Mr. BARKLEY. The Senator from Colorado has called my attention to subsection 11, on page 6, which is what is called the segregation clause. It reads as follows:

(11) Segregation: Any person who is an employer as defined in this subsection shall be an employer with respect to all activities carried on by it, except that (i) any person who is an employer by reason of paragraph (9) shall be an employer only in the capacity described in that paragraph; (ii) if the Board finds that a person is principally engaged in activities other than employer activities and that its employer activities are conducted as an operation or operations separate and distinct from the operations in which it is principally engaged, such person shall be an employer only with respect to such employer operation or operations; and (iii) if the Board finds that a person who is an employer solely by reason of paragraph (2) or (4) of this subsection, is principally engaged in activities other than employer activities but does not, pursuant to clause (ii) find that the employer activities of such person are conducted as an operation or operations separate and distinct from the operations in which it is principally engaged, such person shall be an employer only with respect to all work performed in its employ by individuals who regularly and substantially perform work on property structures or equipment devoted to transportation use.

Under that clause I believe that anyone who forwarded freight by air would not be covered.

Mr. MAGNUSON. Suppose the business were a combination of truck, railroad, and air transportation.

Mr. BARKLEY. If it were a combination, that part of it which would be covered by the Act to Regulate Commerce would be included.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CORDON. I invite attention to the fact that carriers by air are expressly exempted from the act, as are those by water, even though they are railroad-owned.

Mr. BARKLEY. That is true.

Mr. MAGNUSON. My point was that a freight forwarder might forward freight by several other means of transportation, although at the present time I presume most of them forward by rail. My question was this: Under the proposed legislation, if a freight forwarder forwarded, say, 70 percent of its business by rail, another 10 percent by air, and 20 percent by truck, would such a freight forwarder come under the terms of the bill? The answer is that it would. Suppose that half the freight were forwarded by rail and half by air. The freight forwarder would come under the terms of the Railroad Retirement Act. So other forms of transportation would be brought under the terms of the act.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHEELER. After all, the business of a freight forwarder is done largely by clerical help.

Mr. MAGNUSON. Yes.

Mr. WHEELER. Practically all the workers belong to the railroad brotherhoods.

Mr. BARKLEY. The railroad clerks' organization.

Mr. WHEELER. Yes. Moreover, as I pointed out today, the freight forwarders themselves have begged the Congress to place them under the regulation of the Interstate Commerce Commission. So far as the freight forwarders are concerned, they have no complaint. However, this bill would not take them all in. It would include only those owned or controlled by the railroads. They ought to be covered because they are a part of the railroad transportation system.

Mr. MAGNUSON. If they are owned or controlled by the railroads——

Mr. WHEELER. If they are owned or controlled by the railroads they would come under the terms of the act, as would a bus company or truck company which was owned or controlled by a railroad. So far as the freight forwarders are concerned all the bill does, and all

anyone contends it does, is to take in about 10,000 employees who are not now under the terms of the act. Let us be frank. There is nothing to the bugaboo about the great number of persons who would be taken in. The bill was drawn up in collaboration with the Railroad Retirement Board itself. The Board went over every provision of it. The bill was drawn up with the idea of clarifying many of the ambiguities now in the law. The idea that every ice company and every other company is to be taken in is perfectly preposterous, as will be seen from a study of the language of the bill and the interpretation placed upon it. I am perfectly willing to concede that if I had been drafting that provision I would have clarified it a little further. But to say that everyone is to be taken in is pure, unadulterated poppycock. No lawyer who has studied the decisions of the Interstate Commerce Commission and the decisions of the Supreme Court would contend that the bill would include ice companies and all the other companies which have been mentioned. The bill simply does not include them. I know that word has gone out from the National Association of Manufacturers and other organizations for the purpose of defeating the bill.

If Senators wish to defeat the bill, let them defeat it. But they should not predicate their action on the ground that the bill will take in ice companies and other companies because that simply is not the fact under the interpretations which have been made.

In the hearings I did say that I felt it would have been better if certain matters had been specifically clarified in the bill because of the fear in the minds of some people. I also said that because the Interstate Commerce Commission has defined what is meant by "transportation" and has limited the definition in the decision to which I called attention we should bear in mind that sometimes the Interstate Commerce Commission and other commissions change their minds.

But that language was used because when the bill was drafted it was felt that the Interstate Commerce Commission had time and time again passed upon a limitation of the meaning of section 3 (1) of the Interstate Commerce Act. That is the reason that provision was included; namely, to take care of certain matters, but to limit the provision to the companies which are engaged in railroad transportation, and to eliminate those that are not. The matter probably could have been handled in a better way. I think probably it could have been.

But when it is claimed that various other companies are included, to my mind that is merely an attempt to draw a red herring across the trail.

Mr. MAGNUSON. Mr. President, I am seeking information.

Mr. WHEELER. I understand.

Mr. MAGNUSON. No National Association of Manufacturers ever talked to me about this. I am seeking information, because the bill goes much further than the present Railroad Retirement Act goes.

Mr. WHEELER. Yes; it does. It takes in approximately 10,000 additional employees.

Not only is it the testimony of the railroad brotherhoods and their lawyers, but it is my recollection that it was also the testimony of the members of the board—at least, that is the interpretation which they themselves have placed upon it.

Mr. MAGNUSON. I sincerely believe that if this bill did not extend further coverage, as it does, regardless of whether the interpretation is right or wrong, the bill would be passed by the Senate by a unanimous vote.

But the bill goes further than that. If the bill had been before the Senate on May 1, I am sure the Senator from Montana and the Senator from Kentucky would have agreed to accept amendments. The legislative procedure provided for is a complicated one.

Mr. WHEELER. That is correct.

Mr. MAGNUSON. So the friends of railway labor and the friends of some other groups who have some doubts and fears about this matter are placed in an embarrassing position.

Mr. WHEELER. Yes. But everyone knows that as a practical matter if we adopt amendments to the bill, we shall kill the bill. If Senators wish to kill the bill, that is the way to kill it.

Mr. MAGNUSON. I may say that the legislative procedure is that if the bill is amended and subsequently goes back to the House, then unanimous consent will be required in order to have the House concur in the amendments of the Senate or in order to have the House disagree to the amendments of the Senate and request a conference with the Senate on the matters in disagreement. We assume that objection would be made to either proposal.

Mr. WHEELER. That is correct.

Mr. MAGNUSON. Then the bill would lie on the Speaker's desk. It could be taken from the Speaker's desk only by a petition or by having the Rules Committee grant a rule.

Mr. WHEELER. That is correct.

Mr. MAGNUSON. If the bill is passed by the Senate with amendments and if a concurrent resolution is adopted, as suggested by the Senator from Kentucky, that will go to the House of Representatives and will be in the Rules Committee.

So the friends of the measure on both sides are in the following dilemma: Either the amended bill will be in the Rules Committee, under its jurisdiction, or the concurrent resolution will be in that committee. The Rules Committee will have to act on one or the other.

Objection has been made on the ground that the amended bill would "cover the whole water front," and that many persons would object to that, whereas the concurrent resolution will be limited.

So that is the situation confronting us.

Mr. WHEELER. Yes. Assuming that the concurrent resolution could not be adopted at the present time, in view of the sentiments of the leaders and everyone else, everyone knows that if it were not adopted at this particular time, it would be adopted at the next session of Congress. There can be no question about that.

Mr. MAGNUSON. I think the Senator might pick up some votes for the bill if the concurrent resolution were acted upon first.

Mr. BARKLEY. Of course, that is a parliamentary impossibility.

Mr. MAGNUSON. I understand that.

Mr. BARKLEY. I wish to say in conclusion, in reference to the pending amendment, that the Board has been administering this law for 9 years. The Board has felt for some time that the coverage clause needs clarification. We are dealing now with the increase in the tax.

As I have said, the Board has administered this law for 9 years, and during that time the Board has discovered certain defects in the coverage. The Board has been required to make individual interpretations.

As a result of that experience the Board, in collaboration with the authors of the bill, including the Senator from Montana, who in 1944, in conjunction with the Senator from New York [Mr. WAGNER], introduced a bill which did not secure passage in either House, although hearings were held on it, the Board, the committee, and others interested in such legislation have felt that there should be a new statement of the law so as to clarify it, so that it would be spelled out. That is all that section 1 tries to do and that is all it does, except to include the two categories of freight forwarders and railroad-owned or railroad-controlled trucks.

Mr. DONNELL. Mr. President, will the Senator yield for an inquiry?

Mr. BARKLEY. I yield.

Mr. DONNELL. We have not been able to hear the Senator very distinctly thus far, over at this side of the Chamber; but I should like to ask this question: From time to time during the debate, some mention has been made of a concurrent resolution to be submitted to the Senate in the event the bill is passed.

Mr. BARKLEY. Yes.

Mr. DONNELL. Would it be proper to inquire of the Senator from Kentucky, so that we might know in advance, what the contents of the concurrent resolution will be?

Mr. BARKLEY. Yes; I have it prepared for submission, and I shall have it printed, so that every Senator may know what it will entail.

Mr. DONNELL. May we learn that in advance, so that if we pass the bill we shall know?

Mr. BARKLEY. Oh, yes. It will be printed tonight, and it will be available tomorrow morning to every Senator.

Mr. DONNELL. I should like to make a further statement with respect to the concurrent resolution. In the first place, I should like to ask the Senator, without having him read the concurrent resolution, unless he prefers to do so, what the general nature of the proposed concurrent resolution is.

Mr. BARKLEY. I intend to refer to it after discussing the amendment now before the Senate, and I shall do so be-

fore I take my seat. I should prefer to wait until I get to it. It is very simple, and it will not take long to discuss.

Mr. DONNELL. Very well. When the Senator gets to it, I should like to ask one or two questions.

Mr. BARKLEY. Certainly.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CORDON. I would not interrupt at this point except for the fact that the Senator from Missouri has been calling attention to the point that the present Board has been faced with the necessity of determining which of the employees of the various employers connected with transportation might be subject to the Railroad Retirement Act. I note on page 409 of the Senate committee hearings a statement by the Board that—

> As of June 30, 1944, the Board has formulated about 5,600 rules and practices affecting 764 different employers.

In an attempt to set up some kind of policy and basis upon which it might administer the present law. The Board takes the position that section 1 does, in fact, carry into legislative effect its own practices, which it has been compelled to adopt by reason of the construction and interpretation of the present law.

Mr. BARKLEY. Yes; I thank the Senator for that reference. It confirms what I have said about what has been the experience of the Board in the 9 years in which it has been administering this law.

Mr. President, without in any way casting any reflection on the good faith of the Senator from North Carolina, which I would not attempt to intimate in any way whatever, under any circumstances, let me say that the amendment will not help in any way in the administration of the law. So I hope the amendment will be rejected, because, as I said earlier in the day, under the present circumstances the adoption of any amendment whatever will result in the failure to enact any legislation at all.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. KNOWLAND. The Senator's reference to the amendment offered by the Senator from North Carolina will apply, as I understand the situation, to any amendment which might be offered on the floor of the Senate. Is that correct?

Mr. BARKLEY. That is correct.

This morning I said I was preparing a concurrent resolution, and I have now prepared it. Much of it deals with changes in the dates stated in the bill, simply because the bill was introduced early in 1945, and it provided dates which were appropriate for 1945. So the concurrent resolution deals in part with changing the dates which are stated in the bill.

Mr. DONNELL. Mr. President, will the Senator yield for an inquiry at this point?

Mr. BARKLEY. I yield.

Mr. DONNELL. Will not the Senator be kind enough to let us have the body of the concurrent resolution read so that we will know what it is?

Mr. BARKLEY. If the Senator will be patient enough for me to get to the reading of the concurrent resolution, that is what I propose to do.

Mr. DONNELL. Very well.

Mr. BARKLEY. I wish to say that the first part of the concurrent resolution deals with a change in dates. The bill was introduced in 1945 and those dates are not appropriate because this is 1946. The substance of the concurrent resolution deals with three things. If Senators will examine the bill on pages 5 and 6, under subsection 10, beginning near the top of page 5, they will see that the subsection deals with exclusions from the operations of the bill. On page 5 there are excluded four categories. On page 6, in the second line, the exclusions end with the words "motive power." I propose to strike out the period and insert a semicolon.

Mr. DONNELL. On what page and in what line?

Mr. BARKLEY. On page 6, in the second line, after the words "motive power." I propose to strike out the period, insert a semicolon, and the following:

> Or (v) other than a carrier subject to part I of the Interstate Commerce Act, by reason of its being engaged in manufacturing, harvesting, storing, distributing, selling, or delivering refrigeration or ice to or into equipment used for refrigeration purposes in connection with the transportation of passengers or property—

That language would certainly exclude from the operations of the act all ice companies or refrigeration activities in connection with railroad systems—

> or (vi) engaged in the warehouse business if such person is not owned or controlled by a carrier subject to part I of the Interstate Commerce Act; or (vii) engaged in the transportation of property by motor vehicle if such person is not owned or controlled by a carrier subject to part 1 of the Interstate Commerce Act.

Therefore, in this concurrent resolution all ice companies, all refrigeration companies, and all refrigeration activities not owned by a railroad company itself, would be excluded. All warehouse activities not owned by a railroad company itself would be excluded. All trucking, all hauling by motor vehicles not owned or controlled by carriers, would be excluded. So, Mr. President, it seems to me that that covers the entire situation. I realize that after the bill is passed in its present form it will go to the President for his signature. If the concurrent resolution were not agreed to the bill would be left in its present form. But later the law could be changed by an amendment, and I have no doubt that the overwhelming sentiment of both Houses would be to declare some clarification of the coverage provision of the bill if, in the meantime, it had been enacted into law. But if the concurrent resolution is adopted by both Houses, following the adoption of the pending bill by the Senate, it will become immediately a part of the bill, and will be in the bill when it is transmitted to the President for his signature. So that seems to be a logical move by which we can do what we all want to do, without endangering the enactment of the bill into law.

Mr. President, I present the concurrent resolution and——

Mr. TAFT, Mr. DONNELL, and other Senators objected.

The PRESIDING OFFICER. Objection is heard.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. Is it in order for me to move that I be permitted to present the concurrent resolution at this time?

The PRESIDING OFFICER. Only by unanimous consent may the Senator present the concurrent resolution.

Mr. BARKLEY. Very well. I am glad to know that the Senator from Ohio and other Senators object to the clarification of this bill by the method which I have proposed.

Mr. TAFT, Mr. DONNELL, and other Senators addressed the Chair.

Mr. BARKLEY. I shall seek some other method.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. No; I decline to yield to the Senator.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Missouri.

Mr. DONNELL. I appreciate the Senator from Kentucky yielding to me, but in view of the fact that he has refused to yield to the Senator from Ohio, I will not make any extensive remarks but will merely ask the Senator from Kentucky if he has completed his argument.

Mr. BARKLEY. I have completed my argument on the amendment.

Mr. DONNELL. Then I wish to ask a few questions.

First, I think it is proper to object to the concurrent resolution because, as I see it, the concurrent resolution would be void even if adopted. In other words, concurrent resolutions, as a general proposition, and as I understand the situation, are offered for the purpose of correcting minor clerical details of one kind or another. But the concurrent resolution which the Senator from Kentucky has sought to present, and which he has described, obviously goes far beyond the purpose which I have in mind for concurrent resolutions, and undertakes, in effect, to amend the bill which we are asked to pass. In other words, the concurrent resolution, if passed by both Houses of Congress, would not be signed by the President, but would undertake to amend a bill to be passed by both Houses of Congress and signed by the President of the United States.

Mr. BARKLEY. Mr. President, if the Senator needs some clarification on that subject, I will read him the first part of the concurrent resolution. It reads as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That the Clerk of the House of Representatives in the enrollment of the bill (H. R. 1362) to amend the railroad retirement acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes; is authorized and directed to make the following changes in the bill.

Mr. DONNELL. Mr. President, the language which the Senator has read confirms exactly what I have already said. If we pass this bill in the form in which it is now before the Senate, and the enrolling clerks of the two Houses are authorized to change the bill, I undertake to say that what the Senator is trying to do by a concurrent resolution, not to be signed by the President of the United States, is to enact legislation, and to amend the bill which we are asked to pass.

Mr. BARKLEY. Mr. President, allow me to say——

Mr. DONNELL. Mr. President, I wish to complete the remainder of what I was about to say.

Mr. BARKLEY. Mr. President, the Senator is so mistaken in the first part of his statement that it seems to me unnecessary for him to complete what he was about to say.

Mr. DONNELL. Mr. President, there may be some difference of opinion on that point.

Mr. BARKLEY. If this concurrent resolution is agreed to by both Houses and the Clerk of the House of Representatives is instructed to make these correctional changes, the changes will be in the bill when the President receives it just as though they had been made by an amendment on the floor of the Senate.

Mr. DONNELL. The fact still remains, Mr. President, that the bill will have been passed in the language in which we pass it. Then we will have adopted a concurrent resolution, not a joint resolution, which would go to the President, to amend the bill which, in the first instance, was passed. By adopting the concurrent resolution we will have adopted a measure which will simply direct the enrolling clerks of the two Houses to change what we ourselves have passed. That would be a clear effort to amend the bill without first having it enacted into law.

Mr. President, in the case of F. H. E. Oil Co. against Commissioner of Internal Revenue in the United States Circuit Court of Appeals, Fifth Circuit, the court, in speaking on August 21, 1945——

Mr. BARKLEY. Mr. President, I appreciate the Senator's desire to discuss the legal question, but I did not yield to him for that purpose. However, if it will not take the Senator too long I will yield to him.

Mr. DONNELL. I do not believe that it will take very long, Mr. President.

The court passed on a resolution which the Members of the Senate will well remember was adopted by this body last year. It was House Concurrent Resolution No. 50, which was agreed to by the Senate on July 21, 1945. I read only a few sentences from the opinion of the court which may be found in 150 Federal, second series, at page 858:

> Resolution No. 50 adopted by the House of Representatives June 22, and agreed to by the Senate July 21, 1945, is urged as requiring a reconsideration. The resolution is not an act of Congress approved by the President or passed over his veto. It does not make law, or change the law made by a previous Congress and President. It does not alter the statutes as they existed when the taxes in controversy accrued. As an expression of opinion on a point of law it would of course be entitled to most respectful consideration by the courts, which under the Constitution exercise the judicial power, that is, the power to decide cases.

Mr. President, I will trespass only a minute longer on the Senator's time.

If we adopt the proposed plan of passing House bill 1362 we will then have passed a bill in the language of the bill which I now hold in my hand. When signed by the President it would become law, but in the interim if we adopt the concurrent resolution to which the Senator from Kentucky has referred, and it is then sent to the other House of Congress, the resolution will never go to the President for his signature. Thus, if we undertake in that manner to amend the law which we pass tonight, we will undertake to amend it through a document which will never receive the signature of the President of the United States. I believe that no attempt should be made to correct more than mere clerical errors. The adoption of the proposal which was submitted a few minutes ago by the Senator from Kentucky, and which is clearly invalid and void, would have one of two effects, namely, either the incorporation into the final bill of the concurrent resolution and thus make invalid by a species of spoliation the whole bill, or the adoption of the concurrent resolution would itself be void, and the bill would stand as passed tonight. So my objection to the concurrent resolution is based on law.

Mr. BARKLEY. Mr. President, I do not yield any further.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. BARKLEY. I wish to say, in regard to the expostulation of the Senator from Missouri——

Mr. DONNELL. Mr. President, I object to the word "expostulation." I have a right to express myself on the floor.

Mr. BARKLEY. The Senator is talking——

Mr. DONNELL. I object to the word "expostulation."

Mr. BARKLEY. Well, go on and object.

Mr. DONNELL. I am objecting now.

Mr. BARKLEY. I am not yielding any further to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BARKLEY. If the Senator does not like the word "expostulation," which is a perfectly good English word, he has a right to object to it.

Mr. DONNELL. I object to any slighting language.

Mr. BARKLEY. The Senator is expostulating, and when anybody expostulates he is indulging in expostulation.

Mr. President, I wish to say that the Senator from Missouri entirely misconceives the object of the concurrent resolution. I am not so inexperienced as to think that Congress by concurrent resolution can enact a law that is a law that would require the signature of the President of the United States. Frequently we pass concurrent resolutions which have to be adopted by both Houses, directing the Clerk of the House and the Secretary of the Senate, in the enrollment of a bill, to make certain corrections in the bill, and those corrections are embodied in the bill. If the President approves it they are just as much a part of it as if they had been originally written into it.

In this case, if the bill has passed both Houses, and the concurrent resolution should not pass the two Houses, and the President signed the bill, the concurrent resolution would be dead, and it would not be part of the bill signed by the President. That is perfectly simple, and there is no argument about it.

Mr. WHITE and Mr. MURDOCK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield, and, if so, to whom?

Mr. BARKLEY. I am not going to yield until I read this concurrent resolution into the RECORD. Inasmuch as objection is made to its presentation, I shall read it:

> *Resolved by the Senate (the House of Representatives concurring)*, That the Clerk of the House of Representatives in the enrollment of the bill (H. R. 1362) to amend the railroad retirement acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code, and for other purposes, is authorized and directed to make the following changes in the bill:
>
> On page 10, line 17, change "1946" to "1947"; and in line 19, change "1945" to "1946."
>
> On page 12, line 2, change "1945" to "1946."
>
> On page 12, line 25, strike out through line 3 on page 13, and insert in lieu thereof the following:
>
> "1. With respect to compensation paid after June 30, 1946, and prior to January 1, 1949, the rate shall be 5¾ percent."
>
> On page 13, strike out lines 11 through 13, and insert in lieu thereof the following:
>
> "1. With respect to compensation paid after June 30, 1946, and prior to January 1, 1949, the rate shall be 11½ percent."
>
> On page 14, line 2, change "1946" to "1947."
>
> On page 15, lines 2 and 4, change "1946" to "1947"; and in lines 3 and 10, change "1945" to "1946."
>
> On page 15, strike out lines 13 through 15 and insert in lieu thereof the following:
>
> "The transfer of certain sections from subchapter B of chapter 9 of the Internal Revenue Code to title II of the Railroad Retirement Act of 1937 and the repeal of certain other sections of such subchapter, as provided in this section, shall not affect any act done or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause, before such transfer and repeal, but all such acts, rights, and liabilities under such subchapter shall continue, and may be enforced in the same manner, as if such transfer and repeal had not been made."
>
> On page 15, line 21, change "date of" to "date if."
>
> On page 16, line 1, change "1946" to "1947"; in line 3, "1945" to "1946"; in lines 11 and 14, "1944" to "1945"; and in line 22, "nine" to "ten."
>
> On page 23, line 16, change "1946" to "1947"; and in line 18, "1945" to "1946."
>
> On page 26, line 15, change "1946" to "1947."
>
> On page 28, line 22, change "1946" to "1947."
>
> On page 29, line 6, change "1946" to "1947."
>
> On page 32, line 23, change "1946" to "1947."
>
> On page 33, line 17, change "1946" to "1947."

On page 34, in lines 7, 10, and 16, change "Social Security Board" to "Federal Security Administrator"; and in line 23, strike out "either board" and substitute therefor "the Board or the Federal Security Administrator."

On page 25, in line 2, strike out "board which" and substitute therefor "Board or the Federal Security Administrator, whichever"; and in line 25, change "1946" to "1947."

On page 38, line 11, change "1947" to "1948."

On page 51, line 3, after "Sec. 318." insert "(a)."

On page 51, between lines 23 and 24, insert the following:

"(b) Subsection (h) of section 8 of the Railroad Unemployment Insurance Act, as amended, is amended to read as follows:

"'(h) All provisions of law, including penalties, applicable with respect to any tax imposed by section 1800 or 2700 of the Internal Revenue Code, and the provisions of section 3661 of such code, insofar as applicable and not inconsistent with the provisions of this act, shall be applicable with respect to the contributions required by this act: *Provided*, That all authority and functions conferred by or pursuant to such provisions upon any officer or employee of the United States, except the authority to institute and prosecute, and the function of instituting and prosecuting, criminal proceedings, shall, with respect to such contributions, be vested in and exercised by the Board or such officers and employees of the Board as it may designate therefor.'"

On page 57, lines 7, 10, 11, 16 and 20, change "1946" to "1947"; in line 15, strike out "sections" and substitute therefor the following: "Section 806 shall become effective on July 1, 1946, and sections"; in line 16, strike out "306"; and in lines 18 and 19, strike out "July 1, 1945" and insert in lieu therof "on the date of enactment of this act."

On page 58, lines 11 and 19, change "1946" to "1947"; and in line 20, "1947" to "1948."

On page 59, lines 2, 4, and 20, change "1946" to "1947."

On page 60, line 15, change "1945" to "1946"; and "1946" to "1947."

On page 60, after line 20, insert the following new section:

"SEC. 411. Section 1426 (b) (9) of the Internal Revenue Code and section 209 (b) (9) of the Social Security Act, as amended, are amended to read as follows:

"'(9) Service performed by an individual as an employee or employee representative as defined in section 1 of the Railroad Retirement Act of 1937.'"

On page 6, line 2, after "power", insert a semicolon and the following: "or (v) other than a carrier subject to part 1 of the Interstate Commerce Act, by reason of its being engaged in manufacturing, harvesting, storing, distributing, selling, or delivering refrigeration or ice to or into equipment used for refrigeration purposes in connection with the transportation of passengers or property; or (vi) engaged in the warehouse business if such person is not owned or controlled by a carrier subject to part 1 of the Interstate Commerce Act; or (vii) engaged in the transportation of property by motor vehicle if such person is not owned or controlled by a carrier subject to part 1 of the Interstate Commerce Act."

Mr. President, that is the end of the concurrent resolution.

I yield to the Senator from Maine.

Mr. WHITE. Mr. President, first may I compliment the Senator on his reading of the concurrent resolution?

Mr. BARKLEY. I thank the Senator. I am sorry I had to do it.

Mr. WHITE. Then may I call attention to the fact that yesterday we sat for more than 12 hours——

Mr. BARKLEY. I am just getting ready to move a recess.

Mr. WHITE. We have already been in session today more than 10 hours.

Mr. BARKLEY. Yes.

Mr. WHITE. I hope that it will suit the Senator to take a recess now.

Mr. BARKLEY. If I had not been compelled to read this concurrent resolution, we would have been on our way home now.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. In presenting this curious method of legislation, which I never heard of before, does the Senator claim that a concurrent resolution of this character can be passed by a majority of the Senate, or does it require unanimous consent?

Mr. BARKLEY. I think it can be passed by a majority of both Houses. It is an instruction to the Clerk of the House, where the bill originated, that in the enrollment of the bill these changes shall be made. We have done it frequently, not so extensively, perhaps.

Mr. TAFT. I never heard of it being done except by unanimous consent. Certainly I should object to this method of legislation. It seems to me to set a very strange precedent.

Mr. BARKLEY. We have done it by majority vote, during the time I have been in the Senate. Frequently it is done by unanimous consent. No one ever objected before that I ever heard of, but any Senator has a right to object to anything.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. I send to the desk an amendment and ask that it be printed and lie on the table.

The PRESIDING OFFICER. Without objection, the amendment will be received and printed and lie on the table.

Mr. REVERCOMB. Mr. President, I send to the desk a second amendment to be printed and lie on the table.

The PRESIDING OFFICER. Without objection, the amendment will be received and printed and lie on the table.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MURDOCK. I wanted to call the Senator's attention to the fact that when we had under consideration the Export-Import Bank bill, the Senator from Maryland [Mr. TYDINGS] called the attention of the Senate to the fact that the Philippine Islands should be included in the bill. They were not included. A concurrent resolution was submitted and adopted by the Senate and sent to the House. I do not remember whether it was agreed to by the House. But I call the attention of the Senator from Missouri, if the Senator from Kentucky will indulge me, to the fact that, as he will remember, I objected very strenuously, and argued, or expostulated, whichever is the right term, to the effect that the Congress could not by concurrent resolution amend a law nor could it, as was attempted by Concurrent Resolution 50, amend or modify a decision of the court. But here we have a concurrent resolution being used for a purpose which in my opinion is a very appropriate and proper purpose, and I think that I have studied the concurrent resolution and its functions about as thoroughly as any Senator I know of. I know that I have expostulated on the floor of the Senate about it more than almost any other Senator has. Now all we do here, as I see it, is to instruct the enrolling clerk of the House to do what both Houses of the Congress want to have done. It will be placed in the bill before it ever goes to the President, so we do not, as the Senator from Missouri has endeavored to point out, attempt to legislate by concurrent resolution.

Mr. BARKLEY. I appreciate the reference of the Senator from Utah to the situation which existed when the Senator from Maryland submitted the concurrent resolution instructing the enrolling clerk to include in the bill the Philippine Islands, which had not been included in either House. I do not recall whether it was done, but I think it was. And when the bill went to the President it carried in it the Philippine Islands just as though it had been in the bill when it was introduced.

Mr. LUCAS. Mr. President, I wonder whether the Senator sees any difference in what is now being attempted to do by employment of a concurrent resolution, and what was done in the case the Senator from Utah speaks of?

Mr. BARKLEY. There is no difference in principle, of course.

Mr. DONNELL. With respect to the matter of the Philippine Islands, does the Senator recall whether it was obviously the intention that the Philippine Islands should be included?

Mr. BARKLEY. It had not been thought of.

Mr. DONNELL. It had not been thought of?

Mr. BARKLEY. It had not been thought of by either House, and the Senator from Maryland called attention to it after the bill had passed the Senate, and it was agreed that it ought to have been included, and was included by concurrent resolution, and by direction to the enrolling clerk to include it in the bill.

Mr. DONNELL. And was it not on the theory that it was an obvious error ever to have left it out; or was that the theory?

Mr. BARKLEY. I think the inclusion of the Philippine Islands was in the nature of an afterthought, and it was thought wise to include them, and it was done by concurrent resolution.

The object of this concurrent resolution is to clarify, so far as these dates are concerned, what is an obvious clerical mistake, because the bill was introduced early in 1945, and carried dates which were then appropriate, but when the bill was passed by the House all amendments were rejected, so it carried these original dates. Obviously, they ought to be corrected.

Mr. DONNELL. Will the Senator be kind enough to state whether he thinks correction is necessary with respect to

other portions of the bill which the Senator mentioned, provisions which go beyond the matter of mere correction of an oversight or the mere inclusion of an afterthought or the mere correction of an inadvertent omission?

Mr. BARKLEY. No, I do not think that these corrections are necessary so far as the law itself is concerned, but in view of the fact that the scarecrow has been erected in the watermelon patch which would shoo some people away, it seems obvious that the corrections might well be made in order to assure them that the law is not intended to cover them. That is all it is intended to do.

Mr. DONNELL. If it is contemplated to submit a concurrent resolution which would require the assent of the other House of Congress, why cannot the same identical material be offered to the bill itself and included in the regular order, in the regular way, rather than to have the Senate pass a bill and then rely on the possibility of the other House of Congress agreeing to something that many of us would like to have in the bill?

Mr. BARKLEY. I have explained that so often that I am sure the Senator from Missouri understands it. It can be offered in the regular way. Every one of these amendments or suggestions contained in the concurrent resolution, can be offered as amendments to the bill and the Senate can adopt them. There is no doubt about that if a majority of the Senate see fit to do so. But in doing so we render it impossible to complete the legislation at this session, in my judgment; and in this manner, by concurrent resolution, we escape that danger.

Mr. DONNELL. Of course if the Senator please, if we adopt the plan which the Senator proposes we will pass a statute and be bound by it and take our chances as to whether the House of Representatives shall agree to what many of us would like to have in the bill.

Mr. BARKLEY. We are not bound by it unless it becomes a part of the statute, and it would not become a part of the statute unless both Houses agreed to it, and in the enrollment of the bill it would be included in the bill before it ever left the Congress to go to the President of the United States.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. The Senator stated that the correction of the dates is obviously a correction of a clerical mistake. How can we correct a clerical mistake before a mistake is made? If we pass a bill there is no clerical mistake involved in what we pass.

Mr. BARKLEY. I would expect that sort of an argument to be made by a pettyfogging lawyer before a justice of the peace, but I would not expect it from the great Senator from Ohio.

Mr. TAFT. When the Senator says that we must correct a clerical error before the error is made, it seems perfectly obvious that that is talking nonsense.

Mr. BARKLEY. It is not proposed to adopt this concurrent resolution until we pass the bill.

Mr. TAFT. Before we arrange to make the mistake.

Mr. DONNELL. Then it is proposed to correct the mistake which we shall make subsequently.

Mr. FERGUSON. Mr. President——

Mr. BARKLEY. I yield to the Senator from Michigan and then I am not going to yield to any other Senator.

Mr. FERGUSON. I merely want to ask a question in relation to the concurrent resolution. Do I correctly understand that if we pass the bill as it is, and agree to the concurrent resolution, the House will not have to concur in the bill itself, because they have already passed it? But if the House should fail to agree to the concurrent resolution will the bill go to the President just as it is without the concurrent resolution?

Mr. BARKLEY. If the bill is passed by the Senate in the form in which it has come to it from the House, and in the form in which it is presented here now, and no concurrent resolution making these corrections is agreed to by both Houses, the bill would go to the President in exactly the form in which it is now.

Mr. FERGUSON. Yes, but if the House agrees to the concurrent resolution, then it would become part of the bill, and the bill would go to the President with the corrections that are proposed in the concurrent resolution?

Mr. BARKLEY. Absolutely, and they would become a part of the bill, just as if they had been included in the bill originally without any concurrent resolution.

Mr. FERGUSON. I thank the Senator.

Mr. BARKLEY. Mr. President, we have already disposed of the Executive Calendar. It is obvious that we cannot conclude the bill this evening.

NOMINATION OF MAJ. GEN. ROBERT S. BEIGHTLER TO BE BRIGADIER GENERAL OF THE LINE IN THE REGULAR ARMY

Mr. HUFFMAN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HUFFMAN. I should like to address the Senate for a few moments on a subject apart from the pending legislation.

Mr. President, the Senate has today received from the President of the United States the nomination of Maj. Gen. Robert S. Beightler to become a brigadier general of the line in the Regular Army.

This nomination requires special legislation because Maj. Gen. Robert S. Beightler is not a Regular Army officer. In fact, he is the only National Guard officer who commanded a division throughout World War II.

It gives me distinct pleasure to rise to pay tribute to General Beightler for his outstanding service in two world wars, and especially for his distinguished service as commander of the Thirty-seventh Infantry Division in the Pacific. This is the Buckeye Division and all Ohioans are proud of its heroic accomplishments — accomplishments which were made possible through the leadership that the division enjoyed, as well as through the courage and patriotic devotion of the men he led.

Mr. President, it has been my privilege to know General Beightler for more than a quarter of a century. Many years ago when I was executive secretary to the Governor of Ohio, Bob Beightler was an efficient engineer in the State highway department. He later served as director of highways for the State of Ohio. He has always been an outstanding figure whether serving in civil or military affairs. He has grown in stature with the years and I am glad to see him receive this recognition. On October 18, 1945, Gen. Jacob L. Devers, commanding general of the Army Ground Forces in the Pacific, said of his division:

> Soldiers of the Thirty-seventh Infantry Division—and there are none more heroic—are deserving of the hearty congratulations of a grateful Nation. Their valor, combined with sacrifice and a strong devotion to duty, did much to break a fanatical enemy's stranglehold on peace-loving nations in the Asiatic-Pacific area and stamp out the threat to our cherished American way of life. The distinguished role played by the Buckeye Division in carving our glorious victory is already history.

Indeed, words are inadequate to express the tributes and praises which are due to General Beightler and his division. America is grateful. It will not forget.

Under the command of General Beightler, the Thirty-seventh Division, in 592 days of combat, killed 33,590 Japanese and took 2,161 prisoners of war. This was a remarkable feat, considering the fact that the Japanese were taught never to surrender. In fact, they did not know the term "surrender." The glorious victories of the Thirty-seventh were won on New Georgia, Bougainville, and Luzon, where, beneath the palms of those far-away islands, sleep hundreds of the heroes of the division in soil hallowed by their patriotic efforts.

The spirit, confidence, and determination of the leader of the Thirty-seventh Division were reflected throughout its ranks. The steadfast loyalty of the men of the Thirty-seventh reflected their belief in the general they followed. This was a combination that did not know the meaning of defeat. It pressed ever forward to victory.

So, Mr. President, it is with pardonable pride and pleasure that I recommend to the Senate the speedy enactment of special legislation which will make General Beightler a brigadier general of the line in the Regular Army. I know of no more fitting recognition for the unusual and brilliant record of an outstanding soldier.

I send to the desk a bill which I ask to have appropriately referred.

There being no objection the bill (S. 2480) authorizing the appointment of Robert Sprague Beightler as permanent brigadier general of the line of the Regular Army, introduced by Mr. HUFFMAN, was received, read twice by its title, and referred to the Committee on Military Affairs.

BOOKER T. WASHINGTON MEMORIAL COIN

Mr. WAGNER. Mr. President, I ask unanimous consent for the present consideration of House bill 6528, Calendar No. 1861. The bill provides for the coinage of not to exceed 5,000,000 silver 50-cent pieces of standard size, weight, and fineness, of a special appropriate design

to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury. The coins would be issued at par and only upon request of the Booker T. Washington Birthday Memorial.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 6528) to authorize the coinage of 50-cent pieces to commemorate the life and perpetuate the ideals and teachings of Booker T. Washington.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. WHITE. Mr. President, as I understand, this follows the established form for the issuance of such coins.

Mr. WAGNER. Yes.

Mr. WHITE. Was the bill unanimously reported by the Committee on Banking and Currency?

Mr. WAGNER. The bill was unanimously reported by the Committee on Banking and Currency.

Mr. FERGUSON. Mr. President, as I understand, this is a bill to provide for the issuance of the Booker T. Washington memorial coin.

Mr. WAGNER. Yes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

LEAVE OF ABSENCE

Mr. CAPEHART. Mr. President, I ask unanimous consent to be absent from the Senate until next Wednesday.

The PRESIDING OFFICER. Without objection, leave is granted.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 10 o'clock and 28 minutes p. m.), the Senate took a recess until tomorrow, Friday, July 26, 1946, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate July 25 (legislative day of July 5), 1946:

UNITED STATES DISTRICT JUDGE

Richard Seymour Rodney, of Delaware, to be United States district judge for the district of Delaware. (New position.)

GOVERNOR OF PUERTO RICO

Jesús T. Piñero, of Puerto Rico, to be Governor of Puerto Rico, vice Rexford Guy Tugwell.

COUNCIL OF ECONOMIC ADVISERS

The following-named persons to be members of the Council of Economic Advisers:

Leon H. Keyserling, of New York

John Davidson Clark, of Wyoming

OFFICE OF WAR MOBILIZATION AND RECONVERSION

The following-named person to be a member of the Advisory Board, Office of War Mobilization and Reconversion:

PUBLIC MEMBER

George W. Taylor, of Pennsylvania, vice O. Max Gardner.

SELECTIVE SERVICE SYSTEM

Commander John F. Robinson for appointment as State director of selective service for Connecticut, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

(Compensation for the position of State director of selective service will be at the rate of $7,581 per annum.)

IN THE ARMY

The following-named officer for appointment in the Regular Army of the United States:

TO BE BRIGADIER GENERAL

Maj. Gen. Robert Sprague Beightler, National Guard of the United States.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 25 (legislative day of July 5), 1946:

UNITED NATIONS—GENERAL ASSEMBLY TO BE HELD IN NEW YORK CITY, SEPTEMBER 1946

TO BE REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO THE SECOND PART OF THE FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

Warren R. Austin, United States Senator from the State of Vermont.

Tom Connally, United States Senator from the State of Texas.

Arthur H. Vandenberg, United States Senator from the State of Michigan.

Mrs. Anna Eleanor Roosevelt, of New York.

Sol Bloom, a Member of the United States House of Representatives from the State of New York.

TO BE ALTERNATE REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO THE SECOND PART OF THE FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

Charles A. Eaton, a Member of the United States House of Representatives from the State of New Jersey.

Helen Gahagan Douglas, a Member of the United States House of Representatives from the State of California.

John Foster Dulles, of New York.

Adlai E. Stevenson, of Illinois.

FOREIGN SERVICE

TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ITALY

James Clement Dunn

TO BE A CONSUL GENERAL OF THE UNITED STATES OF AMERICA

Harry F. Hawley

TO BE FOREIGN SERVICE OFFICERS, UNCLASSIFIED, VICE CONSULS OF CAREER, AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA

Edward B. Bergman	John J. Ingersoll
Mrs. Katherine W. Bracken	David K. Marvin
	Vincent T. McKenna
Jack E. Conner	Joseph P. Nagoski
Bruce R. Crooks	Albert V. Nyren
Thomas A. Donovan	James F. O'Connor, Jr.
Charles T. Dougherty	John Newton Smith
Thomas J. Duffield, Jr.	Thomas B. Stauffer
George M. Finch	Richard H. Stephens
William Dale Fisher	Robin E. Steussy
Tibor A. Galambos	Robert W. Stookey
Meyer L. Goldman	J. Charles Thompson
Deane R. Hinton	Parker D Wyman

DEPARTMENT OF THE INTERIOR

Mastin G. White, to be Solicitor of the Department of the Interior.

UNITED STATES CIRCUIT COURT OF APPEALS

Harry E. Kolodner, to be judge of the United States Circuit Court of Appeals for the Third Circuit.

UNITED STATES DISTRICT JUDGE

Theodore Levin, to be United States district judge for the eastern district of Michigan.

UNITED STATES ATTORNEY

Dan B. Shields, to be United States attorney for the district of Utah.

UNITED STATES MARSHAL

Donald A. Draughon, to be United States marshal for the district of Puerto Rico.

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 25, 1946

The House met at 10 o'clock a. m.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou who art the Lord and Master of us all, grant that in the midst of the strain and stress of our days we may have a vivid assurance of Thy sovereignty, not as an arbitrary power, but as the guiding intelligence whose wisdom never errs and the overruling Father whose thoughts concerning us are those of love and peace.

We humbly confess that we try to plan wisely and labor conscientiously, and yet how feeble our human wisdom and how fruitless all our efforts! May we respond more earnestly and eagerly to the leading of Thy spirit as Thou dost seek to instill within us a sense of what Thou wouldst have us do.

Emancipate us from weakness and weariness, from doubt and despair, from impatience and timidity as we are challenged to give life and all its experiences a more valiant reading.

Help us enter into a deeper and more joyous fellowship with Thee and with all mankind by making a daring trial of those cardinal virtues of trust, obedience, and fidelity, and those lofty principles of justice, righteousness, and good will which Thou hast ordained.

Make us one with Thee and our fellow men in the spirit of the Christ in whose name we offer our prayers. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Gatling, its enrolling clerk, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1426. An act to provide for the replanning and rebuilding of slum, blighted, and other areas of the District of Columbia, and the assembly, by purchase or condemnation, of real property in such areas and the sale or lease thereof for the redevelopment of such area in accordance with said plans; and to provide for the organization of, procedure for, and the financing of such planning, acquisition, and sale or lease; and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1253) entitled "An act to enable debtor railroad corporations expeditiously to effectuate reorganizations of their financial structures;

to alter or modify their financial obligations; and for other purposes; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WHEELER, Mr. JOHNSON of Colorado, Mr. TUNNELL, Mr. REED, and Mr. MOORE to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 371) entitled "An act extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 4051) entitled "An act to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THOMAS of Utah, Mr. JOHNSON of Colorado, Mr. HILL, Mr. GUFFEY, and Mr. REVERCOMB to be the conferees on the part of the Senate.

The message also announced that the President pro tempore has appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following department and agencies:

1. Department of the Navy.
2. Government Printing Office.
3. National Archives.
4. Veterans' Administration.

KARL E. BOND

Mr. FERNANDEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 783) for the relief of Karl E. Bond, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. FERNANDEZ, HEDRICK, and JENNINGS.

EXTENSION OF REMARKS

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD and include two newspaper items.

Mr. BALDWIN of New York asked and was given permission to extend his remarks in the RECORD and include a brief article by Mr. Horace Fisher Fuller, Jr.

PERMISSION TO ADDRESS THE HOUSE

Mr. BALDWIN of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a poem.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

[Mr. BALDWIN of New York addressed the House. His remarks appear in the Appendix.]

REPUBLICAN ADMINISTRATION WILL REDUCE FEDERAL EXPENDITURES

Mr. TABER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TABER. Mr. Speaker, a Republican-controlled House of Representatives next year will reduce Federal expenditures below $32,000,000,000 for the fiscal year following its election, will balance the budget, and provide a surplus to be applied on the reduction of the national debt.

Total expenditures during the current fiscal year have been estimated at $42,000,000,000 by Government economists and at $47,400,000,000 by Senator TAFT. This means a deficit of $8,000,000,000 to $10,000,000,000.

It is futile for the Democratic Party, which has become the pliant servant of Federal bureaucrats, to promise much-needed reductions in Government spending. A Republican controlled House would be under no obligation to the personnel in Federal departments and bureaus and would consider all appropriation bills with the interest of the country as a whole in mind. It will be the definite purpose of Republicans on the appropriation committee and in charge of the legislative machinery of the House to dismantle this vast Government machine built up by the New Deal in the thirties and overexpanded during the war years.

It will be history repeating itself. After the First World War, the country turned from the Democratic Party to the Republicans. The Republicans dismantled the war government, balanced the budget, reduced taxes three times, and had surpluses of $10,000,000,000 to apply on the national debt. The pattern of what is ahead of us in 1947 and 1948 is identical. Governor Dewey's famous slogan "Time for a change" is most appropriate.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

COAST GUARD ENLISTMENTS FOR DUTY AT LIFEBOAT STATIONS

The Clerk called the bill (H. R. 6219) to authorize the Commandant of the United States Coast Guard to accept enlistments of certain individuals for duty at lifeboat stations during the year 1946.

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

MISSISSIPPI RIVER PARKWAY

The Clerk called the bill (H. R. 6609) to authorize the survey of a proposed Mississippi River Parkway for the purpose of determining the feasibility of such a national parkway, and for other purposes.

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

FIRST WAR POWERS ACT, 1941

The Clerk called the bill (H. R. 6890) to amend the First War Powers Act, 1941.

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

INDIAN SERVICE IRRIGATION PROJECTS

The Clerk called the bill (S. 115) to modify sections 4 and 20 of the Permanent Appropriation Repeal Act, 1934, with reference to certain funds collected in connection with the operation of Indian Service irrigation projects, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That on and after July 1, following approval of this act, collections made from water users on each Indian irrigation project on account of assessments levied to meet the cost of operating and maintaining such project shall be deposited into the Treasury for credit to a trust-fund account pursuant to section 20 of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1233), and shall be available for expenditure in carrying out the purposes for which collected.

SEC. 2. There shall be credited to each trust-fund account so established the excess, if any, of (1) the unexpended balance of any repealed special fund appropriation to which operation and maintenance collections were credited prior to July 1, 1935, and (2) the amount of receipts covered into the Treasury pursuant to section 4 of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1227), over expenditures from appropriations provided for the operation and maintenance of the irrigation project from which such unexpended balance or receipts were derived, and the amount so credited shall be subject to expenditure as prescribed in section 1 hereof.

SEC. 3. Revenues hereafter collected from power operations on each Indian irrigation project and deposited into the Treasury for credit to miscellaneous receipts pursuant to section 4 of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1227), or pursuant to other provisions of law, are hereby authorized to be appropriated annually, in specific or in indefinite amounts, equal to the collections so credited, for the following purposes in connection with the respective projects from which such revenues are derived: (1) Payment of the expenses of operating and maintaining the power system; (2) creation and maintenance of reserve funds to be available for making repairs and replacements to, defraying emergency expenses for, and insuring continuous operation of the power system, the fund for each project to be maintained at such level, within limits set by the Director of the Bureau of the Budget, as may from time to time be prescribed by the Secretary of the Interior; (3) amortization, in accordance with the repayment provisions of the applicable statutes or contracts, of construction costs allocated to be returned from power revenues; and (4) payment of other expenses and obligations chargeable to power revenues to the extent required or permitted by law.

With the following committee amendment:

Page 1, line 3, strike out the words "and after July 1, following."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

USE OF FUNDS OF INDIAN TRIBES FOR INSURANCE

The Clerk called the bill (S. 1235) to authorize the use of the funds of any tribe of Indians for insurance premiums.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act authorizing the use of the funds of any tribe of Indians for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, and hail," approved April 13, 1926 (44 Stat. 242), is amended to read as follows:

"That hereafter the funds of any tribe of Indians under the control of the United States may be used for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, hail, earthquake, or other elements and forces of nature, and for protection against liability on account of injuries or damages to persons or property and other like claims."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

COMPENSATION TO EMPLOYEES OF GOVERNMENT CONTRACTORS OUTSIDE THE UNITED STATES

The Clerk called the bill (H. R. 6997) to amend the act entitled "Compensation for injury, death, or detention of employees of contractors with the United States outside the United States," as amended, for the purpose of making the 100-percent-earning provisions effective as of January 1, 1942.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes," approved December 2, 1942 (42 U. S. C. 1701), is amended by adding to the final proviso in the last paragraph of section 101 (b) (1) thereof, as added by title I of the act approved December 23, 1943 (57 Stat. 626), upon changing the final period to a semicolon, the following: "and in such cases benefits for detention shall accrue from January 1, 1942, unless the beginning of absence occurred upon a later date in which event benefits shall accrue from such later date, and for the period of such absence shall be 100 percent of the average weekly wages, determined as herein provided: *And provided further*, That compensation for disability under this title (except under allowance for scheduled losses of members or functions of the body, within the purview of section 102 (a)) shall not be paid in any case in respect to any period of time during which benefits for detention may accrue under this title in the same case, and should a person entitled to benefits for detention also be entitled to workmen's compensation or similar benefits under any other law, agreement, or plan (except allowances for scheduled losses of members or functions of the body), where such other benefits are paid or to be paid directly or indirectly by the United States, the amount thereof accruing as to the period of absence shall be taken into account and the benefits credited to the account of the detained person reduced accordingly: *And provided further*, That where through mistake of fact, absence of proof of death, or error through lack of adequate information or otherwise, payments as for detention have in any case been erroneously made or credited, any resulting overpayment of detention benefits (the recovery of which is not waived as otherwise provided for in this section) shall be recouped by the Commission in such manner as it shall determine from any unpaid accruals to the account of the detained person, and if such accruals are insufficient for such purpose, then from any allowance of compensation for injury or death in the same case (whether under this title or under any other law, agreement, or plan, if the United States pays, or is obligated to pay, such benefits, directly or indirectly), but only to the extent of the amount of such compensation benefits payable for the particular period of such overpayment, and in cases of erroneous payments of compensation for injury or death, made through mistake of fact, whether under this title or under any other law, agreement, or plan (if the United States is obligated to pay such compensation, directly or indirectly), the Commission is authorized to recoup from any unpaid benefits for detention, the amount of any overpayment thus arising; and any amounts recovered under this section shall be covered into such compensation fund, and for the foregoing purposes the Commission shall have a right of lien, intervention, and recovery in any claim or proceeding for compensation."

SEC. 2. The provisions of section 1 of this act shall apply in all cases coming within the purview of section 101 (b) of such act of December 2, 1942, and shall be applied retrospectively to January 1, 1942; and the United States Employees' Compensation Commission is authorized to review any case affected by such provisions, and to make the adjustment of benefits which they require. In cases in which claims for benefits under such section 101 (b) have been adjudicated, and the detained person has died since such adjudication, any amounts found to be due upon such review shall be paid to his legal representative.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSAL AGENCY FOR SURPLUS PROPERTY

The Clerk called the bill (S. 1636) to amend the Surplus Property Act of 1944 to designate the Department of State as the disposal agency for surplus property outside the continental United States, its Territories and possessions, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, in view of the fact that this bill contains items of major importance and consideration, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

UNITED STATES CAPITOL GROUNDS

The Clerk called the bill (H. R. 6968) to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 2405, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the United States Capitol Grounds shall comprise all squares, reservations, streets, roadways, walks, and other areas as defined on a map entitled "Map showing areas comprising United States Capitol Grounds," dated June 25, 1946, approved by the Architect of the Capitol and recorded in the Office of the Surveyor of the District of Columbia in book 127, page 8, and the jurisdiction and control over the United States Capitol Grounds, heretofore vested by law in the Architect of the Capitol, is hereby extended to the entire area of the United States Capitol Grounds as defined on the aforementioned map, and the Architect of the Capitol shall be responsible for the maintenance and improvement thereof: *Provided*, That those streets and roadways in said United States Capitol Grounds shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia shall continue under such jurisdiction and control, and said Commissioners shall be responsible for the maintenance and improvement thereof: *Provided further*, That the Commissioners of the District of Columbia shall be permitted to enter any part of said United States Capitol Grounds for the purpose of repairing or maintaining or, subject to the approval of the Architect of the Capitol, for the purpose of constructing or altering, any utility service of the District of Columbia government.

SEC. 2. Public travel in and occupancy of said United States Capitol Grounds shall be restricted to the roads, walks, and places prepared for that purpose by flagging, paving, or otherwise.

SEC. 3. It is forbidden to occupy the roads in said United States Capitol Grounds in such manner as to obstruct or hinder their proper use, or to use the roads in the area of said United States Capitol Grounds, south of Constitution Avenue and B Street and north of Independence Avenue and B Street, for the conveyance of goods or merchandise, except to or from the Capitol on Government service.

SEC. 4. It is forbidden to offer or expose any article for sale in said United States Capitol Grounds; to display any sign, placard, or other form of advertisement therein; to solicit fares, alms, subscriptions, or contributions therein.

SEC. 5. It is forbidden to step or climb upon, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf in said United States Capitol Grounds.

SEC. 6. It is forbidden to discharge any firearm, firework or explosive, set fire to any combustible, make any harangue or oration, or utter loud, threatening, or abusive language in said United States Capitol Grounds.

SEC. 7. It is forbidden to parade, stand, or move in processions or assemblages in said United States Capitol Grounds, or to display therein any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement, except as hereinafter provided in sections 11 and 12 of this act.

SEC. 8. Offenses against sections 2 to 7, both inclusive, of this act shall be punishable by a fine not exceeding $100, or imprisonment not exceeding 60 days, or by both such fine and imprisonment, prosecution for such offenses to be had in The Municipal Court for the District of Columbia, upon information by the United States attorney or any of his

assistants: *Provided*, That in cases where public property is damaged in an amount exceeding $100, the offense shall be punishable by imprisonment for not more than 5 years.

SEC. 9. The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of this act and regulations promulgated under section 14 thereof, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the District of Columbia are hereby authorized to make arrests within the United States Capitol Buildings and Grounds for any violations of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds, with the exception of the streets and roadways shown on the map referred to in section 1 of this act as being under the jurisdiction and control of the Commissioners of the District of Columbia. For the purpose of this section, the word "grounds" shall include the House Office Building parking area.

SEC. 10. It shall be the duty of all persons employed in the service of the Government in the Capitol or in the United States Capitol Grounds to prevent, as far as may be in their power, offenses against this act, and to aid the police, by information or otherwise, in securing the arrest and conviction of offenders.

SEC. 11. In order to admit of the due observance within the United States Capitol Grounds of occasions of national interest becoming the cognizance and entertainment of Congress, the President of the Senate and the Speaker of the House of Representatives, acting concurrently, are hereby authorized to suspend for such proper occasions so much of the prohibitions contained in sections 2 to 7, both inclusive, of this act as would prevent the use of the roads and walks of the said grounds by processions or assemblages, and the use upon them of suitable decorations, music, addresses, and ceremonies: *Provided*, That responsible officers shall have been appointed, and arrangements determined which are adequate, in the judgment of said President of the Senate and the Speaker of the House of Representatives, for the maintenance of suitable order and decorum in the proceedings, and for guarding the Capitol and its grounds from injury.

SEC. 12. In the absence from Washington of either of the officers designated in section 11, the authority therein given to suspend certain prohibitions of this act shall devolve upon the other, and in the absence from Washington of both it shall devolve upon the Capitol Police Board: *Provided*, That notwithstanding the provisions of sections 7 and 11 of this act, the Capitol Police Board is hereby authorized to grant the Commissioners of the District of Columbia authority to permit the use of Louisiana Avenue for any of the purposes prohibited by said section 7.

SEC. 13. Nothing in the foregoing sections shall be construed to prohibit the giving of concerts in the Uinted States Capitol Grounds, at such times as will not interfere with the Congress, by any band in the service of the United States, when and as authorized by the Architect of the Capitol.

SEC. 14. (a) The Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, shall have exclusive charge and control of the regulation and movement of all vehicular and other traffic, including the parking and impounding of vehicles and limiting the speed thereof, within the United States Capitol Grounds, except on those streets and roadways shown on the map referred to in section 1 of this act as being under the jurisdiction and control of the Commissioners of the District of Columbia; and said Board is hereby authorized and empowered to make and enforce all necessary regulations therefor and to prescribe penalties for violation of such regulations, such penalties not to exceed a fine of $300 or imprisonment for not more than 90 days. Notwithstanding the foregoing provisions of this section those provisions of the District of Columbia Traffic Act of 1925, as amended, for the violation of which specific penalties are provided in said act, as amended, shall be applicable to the United States Capitol Grounds. Prosecutions for violation of such regulations shall be in the Municipal Court for the District of Columbia, upon information by the Corporation Counsel of the District of Columbia or any of his assistants.

(b) Regulations authorized to be promulgated under this section shall be promulgated by the Capitol Police Board within 6 months after approval of this act: *Provided*, That until such regulations are promulgated and become effective, the traffic regulations of the District of Columbia shall be applicable to the United States Capitol Grounds.

(c) All regulations promulgated under the authority of this section shall, when adopted by the Capitol Police Board, be printed in one or more of the daily newspapers published in the District of Columbia, and shall not become effective until the expiration of 10 days after the date of such publication.

(d) It shall be the duty of the Commissioners of the District of Columbia, or any officer or employee of the government of the District of Columbia designated by said Commissioners, upon request of the Capitol Police Board, to cooperate with the Board in the preparation of the regulations authorized to be promulgated under this section, and any future amendments thereof.

SEC. 15. The act entitled "An act to regulate the use of the Capitol Grounds," approved July 1, 1882 (22 Stat. 126), the second sentence of the first paragraph under the heading "Capitol Police," contained in section 1 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896 (29 Stat. 143; U. S. C., title 40, sec. 213), the proviso in the paragraph "Lighting the Capitol and Grounds," contained in an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes," approved June 6, 1900 (31 State. 613; U. S. C., title 40, sec. 205), and sections 881 to 890, both inclusive, of the act entitled, "An act to establish a code of law for the District of Columbia," approved March 3, 1901 (31 Stat. 1333, 1334), are hereby repealed: *Provided, however*, That any violation of any of the provisions of said acts hereby repealed, occuring before the date of this repeal, may be prosecuted to the same extent as if this act had not been enacted.

SEC. 16. (a) The provisions of the foregoing sections of this act, except section 9, shall not be construed to extend inside the Capitol Buildings; and the words "Capitol Buildings" as used in this act, shall be construed to include the United States Capitol, Senate Office Building, House Office Buildings, Capitol Power Plant, and Legislative Garage.

(b) Nothing in this act shall be construed to repeal, amend, alter, or supersede (1) section 1820 of the Revised Statutes (U. S. C., title 40, sec. 193); (2) an act entitled "An act to protect the public property, turf, and grass of the Capitol Grounds from injury," approved April 29, 1876 (19 Stat. 41; U. S. C., title 40, sec. 214); (3) except as provided in section 9 of this act, section 15 of an act entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia," approved July 29, 1892 (27 Stat. 325; U. S. C., title 40, sec. 101); (4) the second proviso in the item "Capitol garages" under the caption "Capitol Buildings and Grounds" contained in an act entitled "An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes," approved June 30, 1932 (47 Stat. 382, 391; U. S. C., title 40, sec. 185a); or (5) an act entitled "An act to authorize the use of part of the United States Capitol Grounds east of the Union Station for the parking of motor vehicles," approved July 8, 1943 (57 Stat. 390).

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 6968) was laid on the table.

DISPOSITION OF VESSELS, TROPHIES, RELICS, AND MATERIAL OF HISTORICAL INTEREST BY THE SECRETARY OF THE NAVY

The Clerk called the bill (S. 1547) to provide for the disposition of vessels, trophies, relics, and material of historical interest by the Secretary of the Navy, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, upon such terms and conditions as he may in his discretion prescribe, to transfer by gift or otherwise obsolete or condemned vessels of the United States Navy or captured vessels in the possession of the Navy to any of the several States, Territories, or possessions of the United States, and political subdivisions, or municipal corporations thereof, the District of Columbia, Canal Zone, or to corporations or associations whose charter or articles of agreement denies them the right to operate for profit. The transfer agreement for the disposition of any vessel shall include a stipulation that the transferee shall maintain the vessel in a condition satisfactory to the Navy Department and that no expense shall result to the United States as a consequence of such transfer or as a consequence of such terms and conditions prescribed by the Secretary of the Navy: *Provided*, That the provisions of section 34 (a) of the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. 1611) shall apply to this act.

SEC. 2. The Secretary of the Navy is authorized, in his discretion, to loan or give to any of the several States, Territories, or possessions of the United States, and political subdivisions or municipal corporations thereof, the District of Columbia, Canal Zone, Soldiers' Monument Associations, posts of the Grand Army of the Republic, posts of the Veterans of Foreign Wars of the United States, posts of the American Legion, and other recognized war veteran associations, State museums, libraries, historical societies, and museums operated and maintained for educational purposes only, whose charter denies them the right to operate for profit, and posts of the Sons of Veterans Reserve, educational institutions whose graduates or students fought in World War I or World War II, captured, condemned, or obsolete ordnance, guns, projectiles, books, manuscripts, works of art, drawings, plans,

models, and other condemned or obsolete material, trophies, and flags, and other material of historic interest which may not be needed in the service of the Navy Department.

SEC. 3. The Secretary of the Navy is authorized to loan or give to any individual who sponsored a ship or vessel, the name plate or any small article of a negligible or sentimental value, from that ship or vessel, and any person, State, group, or organization named in section 2 of this act who donated any article, material, or equipment including donations of silver service, may receive such articles, equipment, or material at the discretion of the Secretary of the Navy. The loans or gifts described in sections 2 and 3 of this act shall be made subject to such rules and regulations as may be prescribed by the Secretary of the Navy, and the Government shall be at no expense in connection with any such loan or gift.

SEC. 4. The Secretary of the Navy is authorized to transfer, without reimbursement, such devices and tophies as he may in his discretion determine, to the Secretary of the Treasury for the promotion of the sale of war or victory bonds, and to any other Government agency for scientific, experimental, monumental, or display purposes. The Secretary of the Treasury is authorized to sell or donate such war devices and trophies for the promotion of the sale of war or victory bonds.

SEC. 5. Any person who gave or loaned binoculars to the United States or to the United States Navy in order that such binoculars might be used in the naval service during World War II and to whom the binoculars given or loaned cannot be returned, shall be entitled to receive from the Secretary of the Navy binoculars similar in type to the binoculars given or loaned.

SEC. 6. No transfer, loan, or gift authorized by section 1 or 2 of this act shall take effect until information of the proposal to make such transfer, loan, or gift has been transmitted to the Congress. The transfers authorized by section 1 of this act shall take effect upon the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which information of the proposal to make such transfer is transmitted to the Congress; but only if, between the date of transmittal and the expiration of such sixty-day period, there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the proposed transfer. The loans and gifts authorized by section 2 of this act shall take effect upon the expiration of the first period of thirty calendar days of continuous session of the Congress following the date on which information of the proposal to make such loan or gift is transmitted to the Congress; but only if, between the date of transmittal and the expiration of such thirty-day period, there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the proposed loan or gift.

Mr. ELLIOTT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ELLIOTT: Amend section 2 by adding in line 4, page 3, after the word "Department" a semicolon and the following language: *"Provided*, That the material authorized by this section to be loaned or given by the Secretary of the Navy shall not include any records of the Federal Government as defined in the act approved July 7, 1943 (57 Stat. 380, U. S. C. 366)."

Mr. DREWRY. The committee accepts the amendment.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN CLAIMS AGAINST THE UNITED STATES CAUSED BY THE NAVAL SERVICE

The Clerk called the bill (S. 2247) to permit the Secretary of the Navy to delegate the authority to compromise and settle claims against the United States caused by vessels of the Navy or in the naval service, or for towage or salvage services to such vessels, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act of July 3, 1944 (58 Stat. 726), be amended by adding another section thereto as follows:

"SEC. 9. When the net amount paid in settlement does not exceed $1,000, the authority of the Secretary of the Navy as set forth in section 7, may be exercised by such person or persons as he may designate."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACTING ASSISTANT SURGEONS IN THE NAVY

The Clerk called the bill (H. R. 6992) to amend the act of May 4, 1898 (30 Stat. 369), as amended, to authorize the President to appoint 250 acting assistant surgeons for temporary service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDING THE ACT TO PROVIDE FOR RETIREMENT AND RETIREMENT ANNUITIES OF CIVILIAN MEMBERS OF TEACHING STAFF AT UNITED STATES NAVAL ACADEMY

The Clerk called the bill (H. R. 6993) to further amend the act of Jannary 16, 1936, as amended, entitled "An act to provide for the retirement and retirement annuities of civilian members of the teaching staff at the United States Naval Academy and the Postgraduate School, United States Naval Academy."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to substitute the bill S. 2253.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the act of January 16, 1936 (49 Stat. 1092; 34 U. S. C. 1073–1073e), entitled "An act to provide for the retirement and retirement annuities of civilian members of the teaching staff at the United States Naval Academy and the Postgraduate School, United States Naval Academy," as amended by the act of November 28, 1943 (57 Stat. 594), is hereby further amended by inserting therein two new sections Nos. 4B and 4C, reading as follows:

"SEC. 4B. Any civilian member of the teaching staffs to whom this act applies who shall have served for a total period of not less than 5 years, and who, before becoming eligible for retirement under the conditions defined in the preceding sections hereof, becomes totally disabled for useful and efficient service in his position, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the civilian member of the teaching staffs, shall upon his own application or upon the request or order of the Secretary of the Navy be retired on an annuity computed in accordance with provisions of section 4A of this act. The annuity which the Government pays to a civilian teacher who is forced to retire under this section shall be the difference between his total annuity as computed under section 4A of this act and the immediate life annuity to which he is entitled at the time of such retirement under the annuity policy provided by the act. Every annuitant retired under the provisions of this section, unless the disability for which he was retired be permanent in character, shall at the expiration of 1 year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 3 hereof, be examined by a board of medical officers appointed by the Superintendent of the Naval Academy. If the annuitant is found to be sufficiently recovered for useful and efficient service in his position and if he is offered reemployment by the Superintendent of the Naval Academy, the annuity being paid him by the Government shall cease immediately. If an annuitant who has been retired under the provisions of this section is subsequently reemployed by the Government, the annuity being paid to him by the Government shall be terminated. If the annuitant is reemployed as a civilian teacher at the Naval Academy, the annuity which the Government will pay him at the time of subsequent retirement shall be the difference between the total annuity, computed under section 4A of this act, and the immediate life annuity which the total premiums, paid on his annuity contracts provided by this act, would purchase. No person shall be entitled to receive an annuity under the provisions of this act, and compensation under the provisions of the act of September 7, 1916, entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' covering the same period of time; but this provision shall not bar the right of any claimant to the greater benefit conferred by either act for any part of the same period.

"SEC. 4C. Any civilian member of the teaching staffs retiring under the provisions of this act, as amended, may at the time of his retirement elect to receive in lieu of the life annuity to be paid by the Secretary of the Navy under the provisions of this act a reduced annuity payable to him during his life, and an annuity after his death payable to his beneficiary, duly designated in writing and filed with the Secretary of the Navy at the time of retirement, during the life of such beneficiary (a) equal to or (b) 50 percent of such reduced annuity and upon the death of such surviving beneficiary all payments shall cease and no further annuities shall be due or payable. The amounts of these two annuities shall be such that their combined actuarial value on the date of retirement as determined under the provisions of the Civil Service Retirement Act shall be the same as the actuarial value of the single life annuity provided by this act."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 6993) was laid on the table.

SETTLEMENT OF CLAIMS FOR DAMAGE TO PROPERTY UNDER THE JURISDICTION OF THE NAVY DEPARTMENT

The Clerk called the bill (H. R. 6994) to permit the Secretary of the Navy to delegate the authority to compromise and settle claims for damages to property under the jurisdiction of the Navy Department, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to substitute a similar bill, S. 2349.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the act of December 5, 1945 (Public Law 246, 79th Cong.) is hereby amended by adding another section thereto as follows:

"SEC. 4. Where the net amount received in settlement does not exceed $1,000, the authority of the Secretary of the Navy as set forth in section 1 may be exercised by such person or persons as he may designate."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 6994) was laid on the table.

AMENDING SECTION 304 OF THE NAVAL RESERVE ACT OF 1938

The Clerk called the bill (H. R. 7039) to further amend section 304 of the Naval Reserve Act of 1938, as amended, so as to grant certain benefits to naval personnel engaged in training duty prior to official termination of World War II.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 304 of the Naval Reserve Act of 1938, as amended, is hereby further amended as follows:

Insert the following new proviso immediately before the final proviso of the said section: "*Provided further*, That any member of the Naval Reserve performing active duty with or without pay for periods of 30 days or less, training duty with or without pay, drills, equivalent instruction or duty, appropriate duty, or prescribed duty, or while performing authorized travel to or from such duties, prior to the official termination of World War II, shall be entitled to all the benefits provided by this section to members of the Naval Reserve in time of peace."

SEC. 2. This amendment shall be effective as of December 1, 1945.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ATOMIC ENERGY CONFEREES

Mr. THOMASON. Mr. Speaker, the gentleman from Louisiana [Mr. BROOKS] has been called out of the city. He is one of the conferees on the bill S. 1717, the atomic energy bill. Due to his enforced absence, I ask unanimous consent that he be excused from serving as a conferee and that the Speaker appoint some other Member in his place.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair appoints the gentleman from North Carolina [Mr. DURHAM] as a conferee; and the Senate will be notified of this action.

CONSENT CALENDAR

WAR CONTRACT HARDSHIP CLAIMS

The Clerk called the bill (S. 1477) to authorize relief in certain cases where work, supplies, or services have been furnished for the Government under contracts during the war.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That where work, supplies, or services have been furnished between December 7, 1941, and August 14, 1945, under a contract or subcontract, for any department or agency of the Government which prior to the latter date was authorized to enter into contracts and amendments or modifications of contracts under section 201 of the First War Powers Act, 1941 (50 U. S. C., Supp. IV, app., sec. 611), such departments and agencies are hereby authorized, in accordance with regulations to be prescribed by the President within 60 days after the date of approval of this act, to consider, adjust, and settle equitable claims of contractors, including subcontractors and materialmen performing work or furnishing supplies or services to the contractor or another subcontractor, for losses (not including diminution of anticipated profits) incurred between December 7, 1941, and August 14, 1945, without fault or negligence on their part in the performance of such contracts or subcontracts. Settlement of such claims shall be made or approved in each case by the head of the department or agency concerned or by a central authority therein designated by such head.

SEC. 2. (a) In arriving at a fair and equitable settlement of claims under this act, the respective departments and agencies shall not allow any amount in excess of the amount of the net loss (less the amount of any relief granted subsequent to the establishment of such loss) on all contracts and subcontracts held by the claimant under which work, supplies, or services were furnished for the Government between December 7, 1941, and August 14, 1945, and shall consider with respect to such contracts and subcontracts (1) action taken under the Renegotiation Act (50 U. S. C., Supp. IV, app., sec. 1191), the Contract Settlement Act of 1944 (41 U. S. C., Supp. IV, sec. 101–125), or similar legislation; (2) relief granted under section 201 of the First War Powers Act, 1941, or otherwise; and (3) relief proposed to be granted by any other department or agency under this act. Wherever a department or agency considering a claim under this act finds that losses under any such contract or subcontract affected the computation of the amount of excessive profits determined in a renegotiation agreement or order, and to the extent that the department or agency finds such amount was thereby reduced, claims for such losses shall not be allowed under this act.

(b) Every claimant under this act shall furnish to the department or agency concerned any evidence within the possession of such claimant bearing upon the matters referred to in subsection (a) of this section.

SEC. 3. Claims for losses shall not be considered unless filed with the department or agency concerned within 6 months after the date of approval of this act, and shall be limited to losses with respect to which a written request for relief was filed with such department or agency on or before August 14, 1945, but a previous settlement under the First War Powers Act, 1941, or the Contract Settlement Act of 1944 shall not operate to preclude further relief otherwise allowable under this act.

SEC. 4. Appropriations or funds available for work, supplies, or services of the character involved in the respective claims at the time of settlement thereof shall be available for payment of the settlements: *Provided*, That where no such appropriations are available, appropriations for payment of such settlements are hereby authorized.

SEC. 5. Each department and agency shall report to the Congress quarterly the name of each claimant to whom relief has been granted under this act, together with the amount of such relief and a brief statement of the facts and the administrative decision.

SEC. 6. Whenever any claimant under this act is dissatisfied with the action of a department or agency of the Government in either granting or denying his claim, such claimant shall have the right within 6 months to file a petition with any Federal district court of competent jurisdiction, asking a determination by the court of the equities involved in such claim, and upon the filing of such a petition, the court, sitting as a court of equity, shall have jurisdiction to determine the amount, if any, to which such claimant and petitioner may be equitably entitled (not exceeding the amount which might have been allowed by the department or agency concerned under the terms of this act) and to enter an order directing such department or agency to settle the claim in accordance with the finding of the court; and thereafter either party may appeal from the decision of the court as in other equity cases.

With the following committee amendment:

Page 1, line 4, strike out "December 7, 1941" and insert "September 16, 1940."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE FUGITIVE FELON ACT

The Clerk called the bill (S. 496) to make it a criminal offense for certain escaped convicts to travel from one State to another.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act making it unlawful for any person to flee from one State to another for the purpose of avoiding prosecution or the giving of testimony in certain cases", approved May 18, 1934 (48 Stat. 782; 18 U. S. C. 408c), be, and it hereby is, amended to read as follows:

"That it shall be unlawful for any person to move or travel in interstate or foreign commerce from any State, Territory, or possession of the United States, or the District of Columbia, with intent either (1) to avoid prosecution, or custody or confinement after conviction for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing, under the laws of the place from which he flees; or (2) to avoid giving testimony in any criminal proceed-

ings in such place in which the commission of a felony is charged. Any person who violates the provision of this act shall, upon conviction thereof, be punished by a fine of not more than $5,000 or by imprisonment for not longer than five years, or by both such fine and imprisonment. Violations of this Act may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SALE OF PUBLIC LANDS FOR USE AND BENEFIT OF STATE PUBLIC EDUCATIONAL INSTITUTIONS

The Clerk called the bill (H. R. 7038) to provide for the sale of certain public lands in the States for the use and benefit of the State public educational institutions.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, through the Bureau of Land Management, shall, as soon as possible, advertise for sale all of the lands presently leased under section 15 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1275), as amended (49 Stat. 1978; 43 U. S. C., sec. 315m), which the Secretary finds are in isolated or disconnected tracts or parcels of 2,560 acres or less, and are unsuitable or undesirable for settlement under the homestead law or for any present or future Federal use or project. In the event that a tract or parcel subject to sale under this act is not sold pursuant to such offer, it shall be reoffered for sale at any subsequent time upon the application of any person. The word "person" as used in this act includes corporations, partnerships, and associations.

SEC. 2. Such land shall be sold to the highest bidder, but at not less than its appraised value, as determined by the Secretary of the Interior, after at least 30 days' notice of the sale published in a newspaper of general circulation in the county or counties in which such land is located. For a period of not less than 30 days after the time for presenting bids has expired, however, a preference right to purchase the offered land at the highest price bid or at twice the appraised value, whichever is lower, shall be given: First, to the person who is then the grazing lessee of the offered tract or tracts and who is also the owner of lands contiguous to or near said tract or tracts; and second, to the owners of contiguous land who do not qualify for a first preference. Where two or more persons apply to exercise the highest preference right claimed in a sale the Secretary of the Interior is authorized to make an equitable division of the land among such applicants. In addition to the sales price the purchaser shall pay to the United States the cost of advertising for sale the tract or tracts purchased by him.

SEC. 3. In any case where the Secretary of the Interior shall determine that the land to be offered for sale under this act in and by itself forms an economic unit, it shall be first offered for sale only to persons who have served in the military or naval forces of the United States for a period of at least 90 days during World War II and who have been honorably discharged. The land shall be sold to the highest bidder among such persons, but at not less than its appraised value as determined by the Secretary of the Interior. In addition to the sales price, the purchaser shall pay to the United States the cost of advertising for sale the tract or tracts purchased by him. The preferences stated in section 2 of this act shall not apply to sales under this section. If land offered for sale under this section is not sold, it shall thereafter be subject to sale under sections 1 and 2 of this act.

SEC. 4. Sales under this act may be made upon such terms of deferred payment as the Secretary of the Interior may prescribe, and upon completion of payment the Secretary shall cause a patent to issue for the land sold.

SEC. 5. Any sale under this act shall be made subject to leases, easements, or other rights existing in or to the land at the date the land is offered for sale, but any rentals or other charges except those relating to the mineral rights retained by the United States, accruing after the patent has been issued, shall be paid to the purchaser or to his successors in interest. No sale shall defeat any valid right which has already attached to the land under any pending entry or location.

SEC. 6. Patents for any land purchased under this act shall contain a reservation to the United States of oil, gas, coal, and all other mineral deposits in the land, together with the right to prospect for, mine, remove, or lease the same.

SEC. 7. All moneys received for the sale of lands under this act shall be deposited in the Treasury of the United States and at the end of each fiscal year 90 percent of all such moneys except the amounts paid to cover the cost of advertising shall be remitted by the Secretary of the Treasury to the State in which the lands for which such moneys were received are situated, to be expended for the use and benefit of the public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That the funds remitted to the State of Wyoming shall be used for the benefit of the University of Wyoming for either or both of the following purposes: Construction of permanent buildings for the university or for the retirement of indebtedness on existing permanent buildings.

SEC. 8. The Secretary of the Interior is authorized to make such rules and regulations as may be necessary to carry out the purposes of this act.

With the following committee amendment:

On page 3, line 9, after the word "discharge", delete the period and insert a comma; also insert the following language: "and who will personally use the land or will use it to establish and maintain their own grazing enterprise."

The committee amendment was agreed to.

Mr. LEMKE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEMKE: Page 2, line 9, after the comma, insert the words "at not more than $1.50 per acre"; page 2, line 17, strike out the word "white"; and page 2, line 17, strike out the word "lower" and insert the word "higher".

The amendment was agreed to.

Mr. BARRETT of Wyoming. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARRETT of Wyoming: Page 5, line 5, insert a new section as follows:

"SEC. 9. As used in this act an economic unit is defined to be an area capable of supporting year around sufficient cattle or sheep to provide a livelihood for a family at a reasonable level."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMPILATION OF PRELIMINARY EXAMINATION, SURVEY AND REVIEW REPORTS OF THE CORPS OF ENGINEERS

The Clerk called House Resolution 716, directing that the Board of Engineers for Rivers and Harbors prepare a revised edition of a compilation of all preliminary examination and survey and review reports transmitted to Congress prior to July 31, 1946.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, reserving the right to object, according to the report it has been customary to make a survey every 15 years. Under this bill it is to be made 10 years from the last report. I should like to know from some member of the committee why they want a change from the usual practice.

Mr. RANKIN. What bill is that?

Mr. KEAN. For the compilation of a preliminary examination, survey, and review reports for the Corps of Engineers.

Mr. RANKIN. I will say to the gentleman from New Jersey that the letter from the War Department, which is in the report, explains the situation fairly well. General Wheeler states in that letter the following:

Since this compilation was published, a considerable number of additional reports has been transmitted to Congress, and, therefore, the listing in this document is now largely incomplete.

The publication of an up-to-date compilation of all such reports similar in general form to that printed on pages 1–369 of the above-mentioned document would be valuable for reference purposes and convenient for Members of Congress and others concerned with studies of rivers and harbors for navigation and flood control as authorized by Congress. Accordingly, it is recommended that an up-to-date listing of all preliminary examination and survey and review reports be printed as a House document at this time.

Mr. KEAN. In the past it has been done only every 15 years. Why do they want to change the practice to 10 years?

Mr. RANKIN. Simply because a great deal of this activity has been carried on in the last 10 years.

Mr. KEAN. Does the gentleman mean that the Army engineers have been so busy during the war that they have done more work of this sort than they did before the war?

Mr. RANKIN. We did not get into the war until 1941.

Mr. KEAN. That is right.

Mr. RANKIN. That was 5 years after the last report was made, and during that time a large number of these investigations were authorized and carried on. A great many of them are being carried on at the present time. I believe the gentleman from New Jersey will find that General Wheeler is right in asking for this compilation at this time, and I hope he will not object.

Mr. KEAN. Does the gentleman know approximately how much it will cost the Government to make this compilation? Is it a large sum of money?

Mr. RANKIN. I doubt if it costs very much.

Mr. KEAN. Does the gentleman think it would be establishing a precedent to provide for the publication every 10 years instead of 15?

Mr. RANKIN. I do not know about that.

Mr. KEAN. In other words, in the past it has been done only once in 15 years.

Mr. RANKIN. I do not know whether it would establish a precedent; it would depend upon conditions in the future, as to whether the practical thing in the situation might be to publish them more frequently.

Mr. KEAN. It certainly would be a convenience to the Members of Congress; there is no doubt about that.

Mr. RANKIN. I agree with that statement.

Mr. KEAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the Clerk read the resolution, as follows:

Resolved, That the Board of Engineers for Rivers and Harbors, created under section 3 of the River and Harbor Act, approved June 13, 1902, be, and is hereby, requested to prepare a revised edition of pages 1 to 369 of House Document No. 106, Seventy-sixth Congress, first session, being a compilation of all preliminary examination and survey and review reports transmitted to Congress prior to July 31, 1946.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ENACTMENT OF CERTAIN PROVISIONS NOW INCLUDED IN THE NAVAL APPROPRIATIONS ACT, 1946

The Clerk called the bill (S. 1917) to enact provisions now included in the Naval Appropriations Act, 1946, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That when authorized by the Secretary of the Navy, and when in his opinion it will be of benefit to the conduct of the work of the Navy Department, personnel of the Naval Establishment may attend meetings of technical, professional, scientific, and other similar organizations and may be reimbursed for their expenses at the rates authorized by law.

SEC. 2. The Secretary of the Navy may provide for the physical examination by civilians of employees engaged in hazardous occupations where the professional services of the Medical Department are not available, and may compensate such civilians on a contract or fee basis for such professional services at the rates customary in the locality.

SEC. 3. In addition to all other allowances authorized by law, the following amounts may be paid annually, out of the naval appropriations available for pay, to the officers serving in the following capacities, such amounts to be expended in their respective discretions for the contingencies of such offices: Director of Naval Intelligence, $2,000; President of Naval War College, $1,000; Superintendent of Naval Academy, $5,200; Commandant of Midshipment at the Naval Academy, $800; Head of the Postgraduate School at the Naval Academy, $400.

SEC. 4. Under such regulations as the Secretary of the Navy may prescribe, there may be allowed and paid out of naval appropriations the cost of installation and use (other than for personal long distance calls) of extension telephones connecting public quarters occupied by naval personnel with the switchboards of their official stations.

SEC. 5. The third paragraph under the head "Navy Department" in the act of March 18, 1904 (33 Stat. 117; 5 U. S. C. 415), is hereby repealed.

SEC. 6. Within the limits of appropriations made therefor, the Secretary of the Navy is authorized to provide for all emergencies and extraordinary expenses arising in the Naval Establishment, but impossible to be anticipated or classified, and when so specified in an appropriation such funds may be expended on the approval or authority of the Secretary of the Navy and for such purposes as he may deem proper, and his determination thereon shall be final and conclusive upon the accounting officers of the Government, and he may make a certificate of the amount of such expenditures as he may think it advisable not to specify and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

SEC. 7. (a) The Secretary of the Navy is authorized to employ such civilian professors, lecturers, and instructors as he may deem necessary for the proper instruction of naval personnel at the Naval War College and the Naval Academy, and the professors, lecturers, and instructors so employed shall be paid out of naval appropriations such compensation as he may prescribe.

(b) The first paragraph under the head "Naval Academy" in the act of August 29, 1916 (39 Stat. 607), as amended (34 U. S. C. 1071), and section 1528, Revised Statutes (34 U. S. C. 1072), are hereby repealed.

SEC. 8. The Secretary of the Navy is authorized to award medals, trophies, badges, and cash prizes to naval personnel or groups thereof (including personnel of the reserve components thereof whether or not on active duty), for excellence in accomplishments related to naval service, to incur such expenses as may be required to enter such personnel in competitions, and to provide badges or buttons in recognition of special service, good conduct, and discharge under conditions other than dishonorable.

SEC. 9. Uniforms and other equipment or material issued to the Naval Reserve Officers' Training Corps in accordance with law may be furnished from surplus or reserve stocks of the Navy without payment.

SEC. 10. Officers and enlisted personnel of the Naval Reserve or Marine Corps Reserve on active duty shall not be entitled to receive pay, allowances, travel, or other expenses while drawing a pension, disability allowance, disability compensation, or retired pay (other than as members of the Fleet Reserve or Fleet Marine Corps Reserve or as members on the honorably retired list of such Reserve forces) from the Government of the United States.

SEC. 11. The Secretary of the Navy is authorized to provide for the maintenance and operation of the Naval Home including the transportation, admission, entertainment, support, and care of beneficiaries, hospitalization of beneficiaries in naval hospitals, transportation and subsistence of attendants of beneficiaries where required, and the burial and care of graves of deceased beneficiaries.

SEC. 12. The Secretary of the Navy is authorized to provide for the maintenance and operation of naval prisons and prison farms and for the subsistence, welfare, recreation, and education of all naval prisoners.

SEC. 13. The Secretary of the Navy may, when authorized in an appropriation, contribute to the support of schools in localities where naval activities are located if he finds that the schools, if any, available in the locality are not adequate for the welfare of dependents of personnel of the Naval Establishment stationed at the activity, and may provide for the transportation of such dependents between the schools and the activities when such schools are not accessible to such dependents by regular means of transportation.

SEC. 14. Under such regulations as the Secretary of the Navy may prescribe, enlisted naval personnel may receive additional compensation at the rate of $5 per month while assigned to duty as messmen.

SEC. 15. (a) Within such regulations as may be prescribed by the Secretary of the Navy, naval personnel, including members of the Nurse Corps, may be furnished public quarters, including heat, light, water, and refrigeration.

(b) Where sufficient quarters are not possessed by the United States, the Secretary of the Navy is authorized to provide lodging accommodations for naval personnel, including naval personnel on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable: *Provided*, That such accommodations shall not be occupied by the dependents of naval personnel.

SEC. 16. (a) No table linen, dishes, glassware, silver, and kitchen utensils shall be furnished for use in the residence or quarters occupied by officers with their dependents except for messes temporarily set up on shore for bachelor officers and officers attached to seagoing or district defense vessels, to aviation units based on seagoing vessels, to the fleet air bases, to the submarine bases, or to landing forces and expeditions.

(b) Enlisted naval personnel may be assigned to duty in a service capacity in officers' messes and public quarters, under such regulations as the Secretary of the Navy may prescribe, where the Secretary finds that the use of such personnel for such work is desirable for military reasons. No provision of law shall be construed as preventing the voluntary employment in any such capacity of a retired enlisted person or a transferred member of the Fleet Reserve without additional expense to the Government.

(c) The sale of meals by general messes afloat and ashore is authorized under such regulations as the Secretary of the Navy may prescribe.

SEC. 17. (a) All enlisted naval personnel while on active duty or on authorized leave or furlough therefrom, midshipmen and cadets shall be allowed a ration, or commutation thereof in money, under such regulations as the Secretary of the Navy may prescribe. Such regulations shall establish rates at which rations shall be commuted in money. Members of the Nurse Corps may be subsisted in kind, but, if so subsisted, there shall be deducted from the allowances which they are otherwise entitled to receive, one subsistence allowance.

(b) The proviso in the first paragraph under the head "Bureau of Provisions and Clothing" in the act of January 30, 1885 (23 Stat. 291; 34 U. S. C. 901); the proviso in the first paragraph under the head "Maintenance, Quartermaster's Department, Marine Corps" in the act of July 11, 1919 (41 Stat. 154; 34 U. S. C. 976); and section 1585 of the Revised Statutes, as amended (34 U. S. C. 907) are hereby repealed.

SEC. 18. During the existence of war or national emergency as declared by the President, there may be transported and subsisted on naval vessels at Government expense such persons as the Secretary of the Navy may authorize by regulation.

SEC. 19. Until September 1, 1946, enlisted men of the Navy and the Marine Corps and the Reserve components thereof, if otherwise eligible, shall be eligible for appointment to the Naval Academy by the Secretary of the Navy if they will have completed 9 months' active service on the date of entrance.

SEC. 20. (a) Candidates for appointment as midshipmen at the Naval Academy or as cadets at the Coast Guard Academy shall receive a mileage allowance at the rate of 5 cents per mile for travel performed while proceeding from their homes or duty stations to the Naval Academy or the Coast Guard Academy for examination and appointment.

(b) Midshipmen and cadets discharged or dismissed from the Naval Academy or the Coast Guard Academy shall be furnished transportation in kind and subsistence from the place of discharge to their homes.

SEC. 21. Section 126 of the act of June 3, 1916, as amended (10 U. S. C. 752; 34 U. S. C. 895), is hereby further amended to read as follows:

"An enlisted person of the Army, Navy, Marine Corps, or Coast Guard, including reserve components thereof, upon discharge except by way of punishment for an offense, retirement, or relief from active duty, shall, under such regulations as the head of the department concerned may prescribe for personnel under his jurisdiction, receive a money allowance of 5 cents per mile for the distance from the place of discharge or release from active duty to his home, or place of acceptance for active duty, or place from which ordered to active duty, or such other place as may be determined to be most appropriate by the head of the department concerned. For sea travel involved in travel between place of discharge or release from active duty and place to which travel is authorized only transportation in kind and subsistence en route shall be allowed."

SEC. 22. The Secretary of the Navy is authorized to make such expenditures out of available naval appropriations as he may deem necessary for the apprehension and delivery of deserters, stragglers, and prisoners and for the operation of shore patrols.

SEC. 23. Naval appropriations chargeable for transportation or travel shall be available for the payment or reimbursement of ferry, bridge, and similar tolls and streetcar, bus, and similar fares paid in connection with such transportation or travel.

SEC. 24. (a) The Secretary of the Navy is authorized to make such expenditures as he may deem appropriate for scientific investigations and research out of and in accordance with naval appropriations available for such purposes.

(b) The Secretary of the Navy is authorized to make such expenditures as he may deem appropriate for promotion and maintenance of the safety and occupational health of, and the prevention of accidents affecting, personnel of the Naval Establishment, including the purchase of clothing, equipment, and other materials necessary thereto, and naval appropriations available for the activities in which such personnel are engaged shall be available for the foregoing purposes.

SEC. 25. Without deposit to the credit of the Treasurer of the United States and withdrawal on money requisitions, receipts of public moneys from sales or other sources by officers of the Navy, Marine Corps, and Coast Guard on disbursing duty and charged in their official accounts may be used by them as required for current expenditures, all necessary bookkeeping adjustments of appropriations, funds, and accounts to be made in the settlement of their disbursing accounts.

SEC. 26. The Secretary of the Navy is authorized to expend out of naval appropriations available for construction or maintenance such amounts as may be required for minor construction (except living quarters), extensions to existing structures, and improvements at naval activities, but the cost of any project authorized under this section which is not otherwise authorized shall not exceed $20,000.

SEC. 27. The Secretary of the Navy is authorized to furnish materials for the manufacture or production by patients of products incident to the convalescence and rehabilitation of such patients in naval hospitals and other naval medical facilities, and ownership thereof shall be vested in the patients manufacturing or producing such products, except that the ownership of items manufactured or produced specifically for the use of a naval hospital or other naval medical facility shall be vested in the Government and such items shall be accounted for and disposed of accordingly.

SEC. 28. The annual appropriations for the pay of the Marine Corps shall be available for the payment of post exchange indebtedness of deserters and personnel discharged or sentenced to terms of imprisonment while in debt to the United States, under such regulations as the Secretary of the Navy may prescribe.

SEC. 29. Proceeds from the sale by the Coast Guard of rations, supplies, uniforms, and other clothing shall be credited to the current appropriations from which purchase of these articles are authorized.

SEC. 30. When personnel of the Navy, Marine Corps, and Coast Guard are ordered to make any permanent change of station motor vehicles owned by them may be transported to their new posts of duty on Government-owned vessels.

SEC. 31. The first sentence of section 10 (a) of the act of June 6, 1940 (54 Stat. 248; 14 U. S. C. 135), is hereby amended by inserted in the first line thereof the words "working parties in the field," after the words "enlisted men of the Coast Guard."

SEC. 32. The Coast Guard may pay rewards for the apprehension and conviction, or for information helpful therein, of persons found interfering in violation of law with aids to navigation maintained by the Coast Guard.

SEC. 33. Existing limitations on the number of enlisted personnel of the Coast Guard who may be detailed for duty in the District of Columbia or at Coast Guard headquarters shall not apply while the Coast Guard is operating as a part of the Navy.

SEC. 34. The Secretary of the Navy is authorized to provide, out of naval appropriations available for the purchase or manufacture of equipment or material, for the purchase of letters patent, applications for letters patent, and licenses under letters patent and applications for letters patent that pertain to the equipment or material for which the appropriations are made.

SEC. 35. (a) The Secretary of the Navy is authorized, in his discretion and under such rules and regulations as he may prescribe, to pay cash rewards to civilian personnel of the Naval Establishment or other persons in civil life when, due to a suggestion or series of suggestions by them, there results an improvement or economy in manufacturing process or plant or naval material, or in efficiency or economy in the operation or administration of the Navy Department or the Naval Establishment. Such sums as may be awarded to employees in accordance with this section shall be paid them out of naval appropriations in addition to their usual compensation. No employee or other person in civil life shall be paid a reward under this section until he has properly executed an agreement to the effect that the use by the United States of the suggestion or series of suggestions made by him shall not form the basis of a further claim of any nature against the United States by him, his heirs, or assigns.

(b) Except as provided in subsection (a) hereof, civilian personnel of the Naval Establishment shall not be paid any premium or bonus or cash reward in addition to their regular salaries.

(c) The last paragraph appearing on page 718 of volume 40 of the Statutes at Large (5 U. S. C. 416) which is a part of the act of July 1, 1918 (40 Stat. 704), is hereby repealed.

SEC. 36. The Secretary of the Navy, in requesting competitive bids for the construction of naval vessels, shall require each bidder to file with its bid the estimates on which the bid is based.

SEC. 37. The Secretary of the Navy is authorized in time of war to exceed the statutory limit on repairs and alterations of vessels, whenever he deems it necessary.

SEC. 38. The Secretary of the Navy is authorized, out of any naval appropriation made therefor, to provide for (1) the administration by the Navy of liberated and occupied areas; (2) expenses for special compensation and for travel and subsistence of officers and students of Latin-American countries, and other expenses deemed necessary by the Secretary for Latin-American cooperation; and (3) payment of rewards, not to exceed $500 in any one instance, for information leading to the discovery of missing naval property or the recovery thereof.

SEC. 39. The authority conferred upon the Secretary of the Navy in this act or in the Pay Readjustment Act of 1942, as now or hereafter amended, except the authority to prescribe regulations, may be delegated by him to such persons in the Naval Establishment and to such extent as he may deem proper, with or without authority to make successive redelegations.

SEC. 40. As used in this act (a) the term "Naval Establishment" includes the Navy Department, the Marine Corps, and the Coast Guard while operating as a part of the Navy; (b) the term "naval personnel" includes all personnel of the Navy, the Marine Corps, and the Coast Guard while operating as a part of the Navy, including personnel of the Reserve components while on active duty, and personnel of the Coast and Geodetic Survey when serving with the Navy; (c) the term "personnel of the Naval Establishment" includes both civilian (departmental and field) and naval personnel; and (d) the term "Naval appropriations" includes all appropriations for the Naval Establishment, including those made for departmental purposes.

SEC. 41. The President, in his discretion, is authorized to appoint, by and with the advice and consent of the Senate, graduates of reputable schools of osteopathy as commissioned medical officers in the Navy, in such numbers as the President should determine to be necessary to meet the needs of the naval service for officers trained and qualified in osteopathy.

With the following committee amendments:

On page 2, in line 10, strike out "$2,000" and substitute therefor "$5,200."

On page 5, in lines 5 and 6, strike out the words "when authorized in an appropriation" and substitute therefor the words "out of funds specifically appropriated for that purpose."

On page 7, in lines 7 to 10, inclusive, strike out the words "members of the Nurse Corps may be subsisted in kind but, if so subsisted, there shall be deducted from the allowances which they are otherwise entitled to receive, one subsistence allowance.", and substitute therefor the words: "active duty enlisted personnel, active and inactive retired enlisted personnel and members of the Fleet Reserve when sick in hospitals, and enlisted personnel on duty in hospitals may be subsisted in kind in hospital messes and, when so subsisted, the appropriation chargeable with the maintenance of the hospital mess shall be credited, when applicable, at such rate as may be prescribed by the Secretary of the Navy as the value of the hospital ration. Members of the Nurse Corps may be subsisted in hospital messes under such regulations as the Secretary of the Navy may prescribe, and nurses so subsisted shall pay therefor at rates to be fixed by such regulations: *Provided*, That nothing herein contained shall deprive such nurses of allowances for subsistence now or hereafter provided by law."

On page 9, in lines 16 and 17, strike out the words "paid in connection with such transportation or travel".

On page 11, in line 21, after the word "them" insert the words "for their personal use, not to exceed one vehicle per person,".

On page 13, between lines 19 and 20, insert the following:

"(d) The provisions of section 12 of title 22, United States Code, together with the

provisions of regulations prescribed thereunder, are hereby made applicable to civilian officers and employees of the Navy Department who are citizens of the United States and who are permanently stationed in foreign countries."

On page 14, in line 1, after the word "war" insert the following: ", and until the end of the first fiscal year thereafter,".

On page 15, add title II, as follows:

"TITLE II—AMENDMENTS TO THE PAY READJUSTMENT ACT

"SECTION 201. The third paragraph of section 10 of the Pay Readjustment Act of 1942 is amended to read as follows:

" 'Enlisted men entitled to receive allowances for quarters or subsistence shall continue, while their permanent stations remain unchanged, to receive such allowances while sick in hospital or absent from their permanent-duty stations in a pay status: *Provided*, That allowances for subsistence shall not accrue to such an enlisted man while he is in fact being subsisted at Government expense. Enlisted personnel not receiving allowances for subsistence shall be entitled to commutation in lieu of rations while on furlough or authorized leave or when authorized to mess separately, under such regulations and at such rates as may be prescribed by the head of the executive department concerned.'

"SEC. 202. The first paragraph of section 12 of the Pay Readjustment Act of 1942, as amended by section 9 of the Act of September 7, 1944 (37 U. S. C. 112), is amended to read as follows:

" 'Officers of any of the services mentioned in the title of this act, including active and retired personnel of the Regular Establishments and members of the Reserve components thereof and the National Guard, while on active duty in the Federal service, when traveling under competent orders without troops, including travel from home to first station in connection with their appointment or call to active duty and from last station to home in connection with relief from active duty or discharge not the result of their own misconduct, shall receive a mileage allowance at the rate of 8 cents per mile, distance to be computed by the shortest usually traveled route and existing laws providing for the issue of transportation requests to officers of the Army traveling under competent orders, and for deduction to be made from mileage accounts when transportation is furnished by the United States, are hereby made applicable to all the services mentioned in the title of this act: *Provided*, That the head of the executive department concerned may, in his discretion, direct that, in lieu of mileage, actual and necessary expenses shall be allowed to officers traveling on official business and away from their designated posts of duty, without regard to the length of time away from such posts. Actual expenses only shall be paid for travel under orders in Alaska and outside the limits of the United States in North America.'

"SEC. 203. The second paragraph of section 12 of the Pay Readjustment Act of 1942 is amended to read as follows:

" 'Unless otherwise expressly provided by law, no officer of the services mentioned in the title of this act shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $8 per day. The heads of the executive departments concerned are authorized to prescribe per diem rates of allowance, not exceeding $7, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty without regard to the length of time away from such posts. Officers, midshipmen, and cadets of the Navy, Marine Corps, and Coast Guard when absent from a vessel or designated post of duty while assigned to shore-patrol duty may be paid their actual expenses, and naval personnel on duty with or under training for the Naval Air Transport Service and away from their permanent stations may be paid their actual expenses, or per diem in lieu thereof, at rates not exceeding those prescribed for naval officers in a travel status, without in either case the issuance of orders for specific travel: *Provided*, That for travel by air under competent orders on duty without troops, under regulations to be prescribed respectively by the heads of the departments concerned, members (including officers, warrant officers, contract surgeons, enlisted men, aviation cadets, and members of the Nurse Corps) of the services mentioned in the title of this act, and of the legally constituted Reserves of said services while on active duty, and of the National Guard while in Federal service, or while participating in exercises, or performing duties under sections 92, 94, 97, or 99 of the National Defense Act, shall, in lieu of mileage or other travel allowances, be allowed and paid their actual and necessary traveling expenses not to exceed $8 per day, or, in lieu of subsistence, per diem allowances at rates not to exceed $7 per day. Without regard to the monetary limitations in this act, and in accordance with regulations prescribed by the President, the heads of the departments concerned may authorize the payment to members of the services mentioned in the title of this act on duty outside continental United States or in Alaska, whether or not in a travel status, of actual and necessary expenses or per diem in lieu thereof, considering all elements of cost of living, including cost of quarters, subsistence, and other necessary incidental expenses.'

"SEC. 204. Section 12 of the Pay Readjustment Act of 1942 is amended by inserting between the fourth and fifth paragraphs thereof the following new paragraph:

" 'Under regulations prescribed by the head of the department concerned, (1) officers entitled to transportation (as distinguished from mileage) and enlisted personnel of any of the services mentioned in the title of this act may be paid, in advance or otherwise, a money allowance of 3 cents per mile in lieu of transportation, regardless of the mode of travel; (2) applicants for enlistment (including rejected applicants) in such services may be furnished or reimbursed for transportation and subsistence incident to recruitment of such personnel; and (3) insane patients may be furnished transportation and subsistence from military hospitals to other hospitals or their homes.'

"SEC. 205. (a) Section 12 of the Pay Readjustment Act of 1942 is amended by inserting between the fifth and sixth paragraphs thereof the following new paragraph:

" 'Upon changes of station, members of the services mentioned in the title of this act shall be entitled to transportation (including packing, crating, drayage, temporary storage, and unpacking) of baggage and household goods and effects, or reimbursement therefor, as authorized by regulations prescribed by the heads of the department concerned, which shall be uniform for the services mentioned and shall be approved by the President. Such transportation may be by rail, water, or van, without regard to comparative costs.'

"(b) The fifth paragraph of section 12 of the Pay Readjustment Act of 1942 is amended by striking out the following proviso: '*Provided further*, That the personnel of all the services mentioned in the title of this act shall have the benefit of all existing laws applying to the Army and Marine Corps for the transportation of household effects.' "

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACCEPTANCE BY THE TREASURY OF DEPOSITS OF PUBLIC MONEYS FROM THE PHILIPPINE ISLANDS

The Clerk called the bill (S. 2348) authorizing the continuance of the acceptance by the Treasury of deposits of public moneys from the Philippine Islands.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, reserving the right to object, I see no justification for the United States to continue indefinitely acting as depository for a foreign government; therefore I object.

RETURN OF CERTAIN SECURITIES TO THE PHILIPPINE COMMONWEALTH GOVERNMENT

The Clerk called the bill (S. 2210) providing for the return of certain securities to the Philippine Commonwealth Government.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to return to the Philippine Commonwealth Government certain securities in the principal amount of $6,269,750, which securities were deposited with the Government of the United States and now in the custody of the Treasurer of the United States, in accordance with Commonwealth Act No. 282, approved June 3, 1938, as security to the United States against the loss, damage, or destruction of military supplies and equipment made available by the United States for the use of the armed forces of the Philippine Commonwealth Government.

With the following committee amendments:

Page 1, line 4, strike out "return" and insert "transfer and deliver", and strike out "Philippine Commonwealth Government" and insert "Republic of the Philippines."

Page 1, line 8, after the word "States", insert "by the Philippine Commonwealth Government."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT TO PHILIPPINE REHABILITATION ACT OF 1946

The Clerk called the bill (H. R. 6802) to amend the Philippine Rehabilitation Act of 1946 for the purpose of making a clerical correction.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, only to point out that the committee report does not comply with the rules of the House by showing wherein this bill amends existing law. It is only because of the urgency of the law and the imminence of adjournment that we waive the requirement that they comply with the rules, and I bring this up now so that the committee staff may take notice of it and realize their oversight.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to substitute the Senate bill, S. 2259, for the House bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That section 104 (c) of the Philippine Rehabilitation Act of 1946 is amended to read as follows:

"(c) All of the provisions of this title shall be subject to the requirement that, to the fullest extent practicable, the Commission shall require that the lost or damaged property be rebuilt, replaced, or repaired before payments of money are actually made to claimants under this title: *Provided*, That if the Commission determines it is impossible for any reason beyond the control of the claimant, or is impractical to rebuild, replace, or repair the lost or damaged property, the Commission may make payment to the claimant without making said requirement: *Provided, however*, That as a condition to the making of such payment, the Commission shall require that the whole of such payment shall be reinvested in such manner as will further the rehabilitation or economic development of the Philippines: *And provided further*, That nothing in this subsection shall preclude the partial payment of claims as the rebuilding, replacing, or repairing of the property progresses."

SEC. 2. Section 105 of such act is amended to read as follows:

"SEC. 105. Not later than 6 months after its organization, and every 6 months thereafter, the Commission shall make a report to the Congress concerning operations under this title."

SEC. 3. Section 201 of such act is amended on page 8, lines 12 and 17, after the word "Philippines", by addition of the following "(Republic of the Philippines),".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRANTING TO MILES CITY, MONT., CERTAIN LAND IN CUSTER COUNTY, MONT.

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6896) to grant to the city of Miles City, State of Montana, certain land in Custer County, Mont., for industrial and recreational purposes and as a museum site.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, may I point out to the gentleman from Florida that the last committee amendment proposed to be added to this bill does not appear to be very coherent or sensible.

Mr. PETERSON of Florida. Mr. Speaker, I shall ask unanimous consent to withdraw that amendment. It is repetition and is simply a typographical error.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to convey by patent to the city of Miles City, a municipal corporation organized and existing under the laws of the State of Montana, the following tracts of public lands, to wit:

Thirty-seven and twenty-six one hundredths acres of land, to be used for industrial and recreational purposes, said land being more particularly described as follows:

Beginning at a point on the north right-of-way line of United States Highway Nos. 10 and 12, said point being north forty-two degrees forty-four minutes west a distance of nine hundred and seventy-one and one-tenth feet from the section corner of sections 4 and 5, township 7 north, range 47 east, and sections 32 and 33, township 8 north, range 47 east; thence north sixty degrees fifteen minutes west a distance of one thousand five hundred and sixty-six and twelve one-hundredths feet more or less to the south right-of-way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad station 3209 plus 88.5; thence north forty-seven degrees sixteen minutes east five hundred and eighty-eight and five-tenths feet along the south right-of-way line; thence north forty-two degrees forty-four minutes west a distance of one hundred and fifty feet along the right-of-way jog at station 3204 plus 00; thence north forty-seven degrees sixteen minutes east along the south right-of-way line a distance of six hundred feet to station 3198 plus 00; thence south forty-two degrees forty-four minutes east a distance of fifty feet; thence north forty-seven degrees sixteen minutes east along the south right-of-way line a distance of one thousand one hundred and five and eight one-hundredths feet more or less to the intersection of the south right-of-way line and the line between A P No. 1 and A P No. 2 south thirty-two; thence south twenty degrees thirty minutes east a distance of one hundred and thirty-six and twenty-seven one-hundredths feet more or less to A P No. 1 south thirty-two; thence south fifty-three degrees forty minutes east a distance of seventy-five and twenty-two one-hundredths feet more or less to a point three hundred and fifty feet at right angles to the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence south forty-seven degrees sixteen minutes west a distance of one thousand and sixty-seven and seventy-nine one-hundredths feet; thence south forty-two degrees forty-four minutes east a distance of one thousand one hundred and twenty-four and six-tenths feet more or less to a point on the north right-of-way of United States Highway Nos. 10 and 12; thence along the arc of a circular curve (radius one thousand nine hundred and seventy feet through an angle of ten degrees fifty-one and five-tenths minutes) a distance of three hundred and seventy-three and four-tenths feet, more or less, to the point of curve (highway station 207 plus 73.2); thence south twenty-four degrees fifty minutes west a distance of three hundred and ninety-one and eight-tenths feet, more or less, to the point of beginning: *Provided*, That a strip of land fifty feet in width will remain open and be used as a road, the center line of said road being Chicago, Milwaukee, St. Paul & Pacific Railroad station 3198 plus 25 and bearing south forty-two degrees forty-four minutes east to United States Highway Nos. 10 and 12.

Twenty-five and three-tenths acres of land, to be used as a museum site, said land being more particularly described as follows:

Beginning at a point on the south side of the Chicago, Milwaukee, St. Paul & Pacific Railroad, said point being three hundred and fifty feet from the center line of the Chicago, Milwaukee, St. Paul & Pacific Railroad measured at right angles to the tract at Chicago, Milwaukee, St. Paul & Pacific Railroad station 3198 plus 00; thence south forty-two degrees forty-four minutes east a distance of one thousand one hundred and twenty-four and six-tenths feet, more or less, to the north right-of-way line of United States Highway Nos. 10 and 12; thence along the arc of a circular curve of radius one thousand nine hundred and seventy feet through an angle of ten degrees forty-six minutes to a point on the west boundary of tract C and the north right-of-way line of United States Highway Nos. 10 and 12; thence north sixteen degrees fifty minutes east along the west line of tract C a distance of seven hundred and ninety-seven and seven-tenths feet, more or less, to A P No. 5 of tract C; thence north sixty-eight degrees east a distance of three hundred and thirty-nine and nine-tenths to A P No. 6; thence south thirty-five degrees fifty-five minutes east along the boundary of tract C a distance of three hundred and sixty-four and two-tenths feet, more or less, to the north right-of-way line of United States Highway Nos. 10 and 12; thence north sixty-five degrees eight one-hundredths minute east along said right-of-way line a distance of one hundred and fifty-five and one-tenth feet, more or less, to the west boundary of tract B; thence north thirty-six degrees twenty-two minutes west along the boundary of tract B a distance of three hundred and forty-one and seven-tenths feet, more or less, to the northwest corner of tract B; thence north eighty degrees west a distance of one hundred and fifty-three and forty-four one-hundredths feet to A P No. 5 south thirty-three F. K. M. R.; thence north sixty degrees west a distance of four hundred and thirty-five and six-tenths feet; thence north fifty-three degrees forty minutes west a distance of three hundred and fifty-nine and six one-hundredths feet; thence south forty-seven degrees sixteen minutes west a distance of one thousand and sixty-seven and seventy-nine one-hundredths feet, more or less, to the point of beginning.

Said patent shall be issued upon the express condition that the city of Miles City shall use said tracts of land for industrial and recreational purposes and as a museum site, respectively, for the benefit of the citizens of that city: *Provided*, That whenever said lands shall cease to be used by said city for the purposes aforesaid or their sale or conveyance is attempted, then, and in that event, title to such lands and the whole thereof shall revert to the United States: *Provided further*, That such patent shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits as may be found in such lands and the right to the use of the lands for extracting and removing the same.

With the following committee amendments:

Page 5, line 5, delete the words "one-hundredths minute" and insert "minutes."

Page 5, line 22, after the word "use", insert "or cause to be used."

The committee amendments were agreed to.

The Clerk read the following committee amendment:

Page 6, line 2, after the word "used", insert "or cause to be used."

The committee amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EAST ST. LOUIS, ILL., TOLL BRIDGE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6953) authorizing the city of East St. Louis, Ill., its successors and assigns, to construct, maintain, and operate a toll

bridge across the Mississippi River at or near a point between Delmar Boulevard and Cole Avenue in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this is the first time I knew that this bill was to be brought up. I suggest that the gentleman withdraw it for the present until I have a chance to look it over.

Mr. PRICE of Illinois. I withdraw it for the present, Mr. Speaker.

COMPENSATION FOR INJURY, DEATH, OR DETENTION OF EMPLOYEES OF CONTRACTORS WITH THE UNITED STATES OUTSIDE THE UNITED STATES

Mr. WALTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1561) to amend the act entitled "Compensation for injury, death, or detention of employees of contractors with the United States outside the United States," as amended, for the purpose of making the 100-percent-earning provisions effective as of January 1, 1942, a similar House bill having just passed on the Consent Calendar.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the act entitled "An act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes," approved December 2, 1942 (42 U. S. C. 1701), is amended by adding to the final proviso in the last paragraph of section 101 (b) (1) thereof, as added by title I of the act approved December 23, 1943 (57 Stat. 626), upon changing the final period to a semicolon, the following: "and in such cases benefits for detention shall accrue from January 1, 1942, unless the beginning of absence occurred upon a later date in which event benefits shall accrue from such later date, and for the period of such absence shall be 100 percent of the average weekly wages, determined as herein provided: *And provided further*, That compensation for disability under this title (except under allowance for scheduled losses of members or functions of the body, within the purview of section 102 (a) shall not be paid in any case in respect to any period of time during which benefits for detention may accrue under this title in the same case, and should a person entitled to benefits for detention also be entitled to workmen's compensation or similar benefits under any other law, agreement, or plan (except allowances for scheduled losses of members or functions of the body), where such other benefits are paid or to be paid directly or indirectly by the United States, the amount thereof accruing as to the period of absence shall be taken into account and the benefits credited to the account of the detained person reduced accordingly: *And provided further*, That where through mistake of fact, absence of proof of death, or error through lack of adequate information or otherwise, payments as for detention have in any case been erroneously made or credited, any resulting overpayment of detention benefits (the recovery of which is not waived as otherwise provided for in this section) shall be recouped by the Commission in such manner as it shall determine from any unpaid accruals to the account of the detained person, and if such accruals are insufficient for such purpose, then from any allowance of compensation for injury or death in the same case (whether under this title or under any other law, agreement, or plan, if the United States pays, or is obligated to pay, such benefits, directly or indirectly), but only to the extent of the amount of such compensation benefits payable for the particular period of such overpayment, and in cases of erroneous payments of compensation for injury or death, made through mistake of fact, whether under this title or under any other law, agreement, or plan (if the United States is obligated to pay such compensation, directly or indirectly), the Commission is authorized to recoup from any unpaid benefits for detention, the amount of any overpayment thus arising; and any amounts recovered under this section shall be covered into such compensation fund, and for the foregoing purposes the Commission shall have a right of lien, intervention, and recovery in any claim or proceeding for compensation."

SEC. 2. The provisions of section 1 of this act shall apply in all cases coming within the purview of section 101 (b) of such act of December 2, 1942, and shall be applied retrospectively to January 1, 1942; and the United States Employees' Compensation Commission is authorized to review any case affected by such provisions, and to make the adjustment of benefits which they require. In cases in which claims for benefits under such section 101 (b) have been adjudicated, and the detained person has died since such adjudication, any amounts found to be due upon such review shall be paid to his legal representative.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

By unanimous consent, the proceedings by which the bill H. R. 6997 was passed were vacated and the bill was laid on the table.

CASTLE CLINTON NATIONAL MONUMENT

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 5125) to establish the Castle Clinton National Monument, in the city of New York, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I notice in the report of the Attorney General that he disagrees with some parts of the bill. Has that been corrected?

Mr. PETERSON of Florida. Yes; that was corrected by an amendment.

Mr. MARTIN of Massachusetts. Is the gentleman going to offer that amendment?

Mr. PETERSON of Florida. Yes.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to accept, on behalf of the United States, title to the site, comprising approximately 1 acre and situated in Battery Park, New York City, of the historic structure known as Castle Clinton, together with such structure and any other improvement on or appurtenant to such site. The title to land, interests in land, and structures to be acquired pursuant to this act shall be acquired subject to the approval of the Secretary. When title to such property is vested in the United States, it shall constitute the Castle Clinton National Monument.

SEC. 2. The administration, protection, and development of the Castle Clinton National Monument shall be under the supervision of the Secretary of the Interior, subject to the provisions of the act entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916, as amended.

With the following committee amendment:

Page 1, line 8, after the period, strike out the balance of the line down to and including all of line 1 on page 2.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALLEGHENY RIVER TOLL BRIDGE

Mr. CORBETT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7030) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Allegheny River, between a point in or near the Borough of Tarentum, in the county of Allegheny, and a point near the boundary of the city of New Kensington and Lower Burrel Township in Westmoreland County in the Commonwealth of Pennsylvania.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, at or near the Borough of Tarentum, and in the county of Allegheny, and a point near the boundary of the city of New Kensington and Lower Burrel Township in Westmoreland County, in the Commonwealth of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall

be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAWRENCEBURG (IND.) TOLL BRIDGE

Mr. WILSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6899) to authorize the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge, or a free bridge, across the Ohio River at or near Lawrenceburg, Dearborn County, Ind.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for the military and other purposes, the Indiana State Toll Bridge Commission be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interest of navigation at or near Lawrenceburg, Dearborn County, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Indiana State Toll Bridge Commission all such rights and powers to enter upon land and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The Indiana State Toll Bridge Commission is hereby authorized to fix and charge toll for transit over such bridge, and the rate of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including interest at a rate of not to exceed 5 percent per annum and reasonable financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed 30 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of toll. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EAST ST. LOUIS, ILL., TOLL BRIDGE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6953) authorizing the city of East St. Louis, Ill., its successors and assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near a point between Delmar Boulevard and Cole Avenue in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the city of East St. Louis, Ill., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a toll bridge across the Mississippi River, at a point suitable to the interests of navigation, at or near a point between Delmar Boulevard and Cole Avenue in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the city of East St. Louis, Ill., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said city of East St. Louis, Ill., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period not to exceed 30 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 2, strike out the word "Avenue" and insert the word "Street."

Page 3, line 14, strike out the comma, insert a period, and strike out the balance of the line down to and including the word "management" on line 18.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the city of East St. Louis, Ill., its successors and assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near a point between Delmar Boulevard and Cole Street in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill."

A motion to reconsider was laid on the table.

FREE HIGHWAY BRIDGE ACROSS THE SAKONNET RIVER, NEWPORT COUNTY, R. I.

Mr. FORAND. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2036) granting the consent of Congress to the State of Rhode Island to construct, maintain, and operate a free highway bridge across the Sakonnet River between the towns of Tiverton and Portsmouth in Newport County, R. I.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Rhode Island to construct, maintain, and operate a free highway bridge and approaches thereto across the Sakonnet River, at a point suitable to the interests of navigation, between the towns of Tiverton and Portsmouth in Newport County, R. I., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL ORDER GRANTED

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent that today, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXTENSION OF REMARKS

Mr. ROBSION of Kentucky (at the request of Mr. MARTIN of Massachusetts)

was given permission to extend his remarks in the RECORD.

Mr. WOODRUFF asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. JOHNSON of California asked and was given permission to extend his remarks in the RECORD.

Mr. CHURCH asked and was given permission to extend his remarks in the RECORD and include an editorial from the Chicago Daily Tribune headed "Republican Program."

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD relative to the charter of the World Health Organization. One woman delegate signed, our own Dr. Martha Eliot, Associate Director of the United States Children's Bureau.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a commencement address delivered by Alexander Brin, of Boston. I am informed by the Public Printer that it will cost $135, but I ask that it be printed notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

PRIVATE CALENDAR

The SPEAKER. The Clerk will call the first bill on the Private Calendar.

RALEIGH B. DIAMOND

The Clerk called the bill (H. R. 2132) for the relief of Raleigh B. Diamond.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

QUALITY ELECTRIC CO., LTD.

The Clerk called the bill (H. R. 4592) for the relief of the Quality Electric Co., Ltd.

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DIXIE MARGARINE CO.

The Clerk called the bill (H. R. 5279) for the relief of the Dixie Margarine Co., a Tennessee company, of Memphis, Tenn.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

BAXTER CAMPBELL AND GLESTIE CAMPBELL JONES

The Clerk called the bill (H. R. 1268) for the relief of Baxter Campbell and Glestie Campbell Jones.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

HEMPSTEAD WAREHOUSE CORP.

The Clerk called the bill (H. R. 1349) for the relief of Hempstead Warehouse Corp.

Mr. DOLLIVER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARIE VALIDA ANTONIA MICHAUD

The Clerk called the bill (H. R. 1063) for the relief of Marie Valida Antonia Michaud.

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNE ROBINSON NORWOOD

The Clerk called the bill (H. R. 4496) for the relief of Anne Robinson Norwood.

Mr. DOLLIVER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DR. THEODORE A. GEISSMAN

The Clerk called the bill (H. R. 6321) for the relief of Dr. Theodore A. Geissman.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

LEGAL GUARDIAN OF ROBERT OLSEN, A MINOR

The Clerk called the bill (H. R. 1004) for the relief of the legal guardian of Robert Olsen, a minor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay the sum of $3,000 to the legal guardian of Robert Olsen, a minor, of Brooklyn, N. Y., for personal injury by reason of the negligent driving of an Army truck which resulted in certain injuries: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following amendment:

Page 1, line 4, strike out "$3,000" and insert "$140."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MR. AND MRS. J. W. WILLIAMS, JR.

The Clerk called the bill (H. R. 1459) for the relief of Mr. and Mrs. J. W. Williams, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Mr. and Mrs. J. W. Williams, Jr., of Petal, Miss., in full settlement of any and all claims against the United States for the death of their son, Rodney Edwin Williams, as a result of being struck and killed by a United States Army truck at Fort Knox, Ky., on August 30, 1944: *Provided*, That no part of the amount appropriated by this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike out "$5,000" and insert "$3,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MRS. LEROY A. ROBBINS

The Clerk called the bill (H. R. 1887) for the relief of Mrs. Leroy A. Robbins.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Leroy A. Robbins, Gonzales, La., the sum of $98.05. The payment of such sum shall be in full settlement of all claims of the said Mrs. Leroy A. Robbins against the United States on account of personal injuries sustained by her as the result of an accident in Alexandria, La., on September 20, 1941, involving the automobile in which she was riding and a United States Army truck.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLYDE O. PAYNE

The Clerk called the bill (H. R. 3210) for the relief of Clyde O. Payne.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clyde O. Payne, of Tacoma, Wash., the sum of $246.64, in full satisfaction of all claims against the United States for personal injuries sustained by his daughter and expenses incurred resulting from a collision on or about the 18th of April 1943, in which the car being driven by Clyde O. Payne collided with a United States Army "jeep" in Tacoma, Wash.: *Provided*, That no part of the amount appropriated in this act in execess of 10 per-

cent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$246.64" and insert "$218.60."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HARRY D. KOONS

The Clerk called the bill (H. R. 3619) for the relief of Harry D. Koons.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry D. Koons, of York, Pa., the sum of $1,433, in full settlement of all claims against the United States for personal injuries and loss of wages and personal property, as a result of an accident involving a National Youth Administration vehicle on March 24, 1943: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$1,433" and insert "$646.18."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARTIN A. TUCKER

The Clerk called the bill (H. R. 3855) for the relief of Martin A. Tucker and Emma M. Tucker.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Martin A. Tucker, Kernersville, N. C., the sum of $4,700, and to Emma M. Tucker, Kernersville, N. C., wife of the said Martin A. Tucker, the sum of $2,500. Such sums represent damages sustained and expenses incurred by the said Martin A. Tucker and Emma M. Tucker as a result of the partial destruction of their home and injuries to the said Emma M. Tucker, on August 2, 1944, when a vehicle owned by the Army of the United States and operated by one Pvt. Harold M. Murphy crashed into the front of the home of the said Martin A. Tucker and Emma M. Tucker at Kernersville, N. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike out all after the enacting clause of said bill and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Martin A. Tucker and Emma M. Tucker, wife of the said Martin A. Tucker, both of Kernersville, N. C., the sum of $7,200, in full settlement of all claims against the United States for property damage sustained by said Martin A. Tucker and Emma M. Tucker and for personal injuries sustained by Emma M. Tucker and for medical and hospital expenses incurred by reason thereof, all resulting from an accident which occurred on August 2, 1944, when an Army vehicle operated by one Pvt. Harold M. Murphy crashed into the front of the home of the said Martin A. Tucker and Emma M. Tucker at Kernersville, N. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PITTSBURGH DuBOIS CO.

The Clerk called the bill (H. R. 4815) for the relief of Pittsburgh DuBois Co.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PAN AMERICAN PETROLEUM & TRANSPORT CO.

The Clerk called the bill (H. R. 4827) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Pan American Petroleum & Transport Co. against the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction be, and the same is hereby, conferred upon the Court of Claims of the United States, notwithstanding any prior determination, any statute of limitations, release, or prior accepance of partial allowance, to hear, determine, and render judgment upon the claim of Pan American Petroleum and Transport Co. against the United States, with interest, as described and in the manner set out in section 2 hereof, which claims arise out of the construction by it of the naval fuel oil station and storage facilities at Pearl Harbor, T. of H., and the fuel oil and other petroleum products furnished by it to the United States of America.

SEC. 2. The Court of Claims is hereby directed to determine and render judgment for the actual cost to the said Pan American Petroleum and Transport Co. of constructing of the storage facilities at Pearl Harbor and the actual cost to it of the 1,453,275 barrels of fuel oil furnished and place in such storage, for which said work and for which said fuel oil and petroleum products it has not been paid, but of which the Government has recived the use and benefit, all pursuant to contracts dated April 25 and December 11, 1922, between it and the United States of America, and which said work was duly performed and said fuel oil furnished pursuant to the terms and conditions of the contracts aforesaid.

SEC. 3. Any suit brought under the provision of this act shall be instituted within 1 year from the date of the approval hereof, and the court shall consider as evidence in such suit for the purpose of determining the actual cost to the Pan American Petroleum and Transport Co. of the construction work performed and the actual cost to it of the fuel oil furnished and delivered into such storage facilities, all pursuant to the terms of the aforesaid contracts, all evidence heretofore taken by either party in the case of United States of America against the Pan American Petroleum et al., in the District Court for the Southern District of California, and the findings of fact and conclusions of law and the decree of the court in said case entered July 11, 1925.

SEC. 4. From any decision or judgment rendered in any suit presented under the authority of this act, a writ of certiorari to the Supreme Court of the United States may be applied for by either party thereto as is provided by law in other cases.

With the following committee amendments:

Page 1, line 8, after the name "States", strike out "with interest."

Page 2, line 17, after the word "aforesaid", strike out the period and insert in lieu thereof ": *Provided, however*, That in determining the amount of any such judgment, the Court of Claims is authorized and directed to deduct from the costs found to have been actually incurred by the claimant herein any amounts which have been repaid to the claimant by any individual by reason of any contract or otherwise."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MATERIALS HANDLING MACHINERY CO., INC.

The Clerk called the bill (H. R. 4860) for the relief of Materials Handling Machinery Co., Inc.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,326.10 to Materials Handling Machinery Co., Inc., in full and final settlement of all claims for price adjustment as agreed to by the Government but not paid, growing out of War Department contract No. W-2789-tc-2160, as amended and modified, dated August 25, 1943, for the furnishing of 14,000 pallets, hardwood: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the presentation of this claim to the proper committees of Congress, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor

and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. CECILE W. McAFEE

The Clerk called the bill (H. R. 5287) for the relief of Mrs. Cecile W. McAfee, Sarah McAfee, and Haven H. McAfee.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Mrs. Cecile W. McAfee; to Sarah McAfee, $1,000; and to Haven H. McAfee, the sum of $5,000, in full settlement of all claims of each of said named persons against the United States for damages sustained by them on May 11, 1944, while the said Haven H. McAfee, accompanied by his wife, the said Mrs. Cecile W. McAfee, and his daughter, the said Sarah McAfee, was driving his 1937 Ford DeLuxe Tudor sedan in which his wife and said daughter were riding with him, west on United States Highway No. 70, North, approximately 14 miles east of Lebanon, Tenn., when his Ford automobile was run into by a United States Army truck which was operated carelessly, negligently, and unlawfully and at a high and dangerous rate of speed by a United States soldier in line of his duty on, over, and from a narrow side road which ran into the paved, heavily traveled United States Highway No. 70, North, from the south and which said Army truck while thus negligently and unlawfully operated was run into and against the left side of the automobile of the said Haven H. McAfee with such force and violence that a large steel hook fastened to the front bumper of the said Army truck was rammed through the left side of the McAfee car and it was dragged for a distance of 75 feet down Highway No. 70 toward Lebanon, until the Ford car in which the McAfees were riding was rammed into the curbing of a bridge, when said hook was jerked from said automobile and the Army truck ran on 50 feet farther, as a result of which said collision Mrs. Cecile W. McAfee and Sarah McAfee were thrown with great violence from said Ford automobile to the pavement of the highway and the humerus of Mrs. McAfee's left arm was shattered, crushed, and broken, and she was otherwise cut, bruised, and wounded throughout her entire head, body, legs, and arms; Sarah McAfee was hurt, bruised, cut, and wounded throughout her entire head, body, legs, and arms; Haven H. McAfee was cut, bruised, and wounded in the head, legs, body, and arms; and his Ford automobile totally destroyed; and he was forced to and did pay out the sum of $657.30 for the treatment and hospitalization of his said wife and daughter and sustained a loss of $1,119.70 on account of the damage to his automobile and the loss of the use of said automobile and was and will hereafter be deprived of the aid of his said wife: *Provided*, That no part of the amounts appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, after the words "sum of", strike out the remainder of the bill down to the colon in line 12, page 3. Insert in lieu thereof: "$3,500 to Mrs. Cecil W. McAfee; to pay the sum of $1,200 to Haven H. McAfee, and to pay the sum of $200 to the legal guardian of Sarah McAfee, a minor, all of Sevierville, Tenn., in full settlement of all claims against the United States on account of damages sustained by them as a result of a collision which occurred on May 11, 1944, on United States Highway No. 70–N, near Rome, Tenn., when the automobile in which they were riding was struck by an Army truck."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mrs. Cecile W. McAfee, the legal guardian of Sarah McAfee, a minor, and Haven H. McAfee."

A motion to reconsider was laid on the table.

WATSON AIRFOTOS, INC.

The Clerk called the bill (H. R. 5847) for the relief of Watson Airfotos, Inc.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Watson Airfotos, Inc., of Long Beach, Calif., is relieved of all liability to the United States in the principal sum of $4,007.06, plus any accrued interest. Such sum represents an indebtedness claimed by the United States Department of Agriculture, Soil Conservation Service, against the said Watson Airfotos, Inc., by reason of the latter's default in 1941 in the performance of a contract with the United States dated June 8, 1940, for an aerial survey of certain areas in the State of California. The indebtedness includes an item of $815.21, which represents the excess cost over the original contract price of procuring performance of such contract by other parties, and an item of $3,191.85, which represents liquidated damages claimed for delay in performance of such contracts. The breach of contract was caused by the inability of Watson Airfotos Inc., to obtain qualified pilots for the work under imminent war conditions and by the absence of the president of Watson Airfotos, Inc., Col. Harry B. Watson, on military leave for service in the United States Army. Any surety company acting as surety on a performance bond given to secure such contract is also relieved of liability to the United States to the same extent as Watson Airfotos, Inc.

With the following committee amendment:

Page 1, line 5, strike out "$4,007.06" and insert "$3,690."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. MILLICENT MOORE

The Clerk called the bill (H. R. 5848) for the relief of Mrs. Millicent Moore.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Millicent Moore, of Hollywood, Calif., the sum of $2,464.60. The payment of such sum shall be in full settlement of all claims of the said Mrs. Millicent Moore against the United States on account of personal injuries sustained by her, on April 14, 1942, when an automobile in which she was a passenger was struck by a United States Army vehicle at the intersection of Paramount Boulevard and Imperial Highway, Downey, Calif. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. FUKU KUROKAWA THURN

The Clerk called the bill (H. R. 6376) for the relief of Mrs. Fuku Kurokawa Thurn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General is directed to cancel forthwith any outstanding warrant of arrest, order of deportation, warrant of deportation, and bond, if any, in the case of Mrs. Fuku Kurokawa Thurn, and is directed not to issue any further such warrants or orders in her case insofar as any further warrants or orders are based upon the same gounds as the warrants or orders required by this act to be canceled. For the purposes of the immigration and naturalization laws, the said Mrs. Fuku Kurokawa Thurn shall be considered to have been lawfully admitted at the time of her last entry.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That notwithstanding section 308 of the Nationality Act of 1940, as amended (54 Stat. 1140; 8 U. S. C. 703, 57 Stat. 600), and section 13 (c) of the Immigration Act of 1924 (43 Stat. 161-162; 50 Stat. 165; 46 Stat. 581; 8 U. S. C. 213 (c)), the Attorney General is directed to record the admission of Mrs. Fuku Kurokawa Thurn to the United States at the port of New York on September 9, 1937, as a lawful admission to the United States for permanent residence."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RUDOLPH K. BARTELS

The Clerk called the bill (H. R. 4374) for the relief of Rudolph K. Bartels.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Rudolph K. Bartels, 1920 Dillingham Boulevard, Honolulu 12, T. H., the sum of $1,500, in full settlement of all claims against the United States on account of personal injuries suffered by his son, Rudolph K. Bartels, Jr., a minor, who was seriously burned when two bombers of the United States Army crashed in the Kalihi kai district of the city and county of Honolulu, T. H., on June 8, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding.

Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike out "Rudolph K. Bartels", and all of lines 6, 7, 8, 9, and 10, legal guardian of Rudolph K. Bartels, Jr., of Honolulu, T. H., the sum of $500, in full settlement of all claims against the United States on account of personal injuries sustained by the said Rudolph K. Bartels, Jr., a minor, as a result of the crash of an Army airplane in the Kalihi-Kai district of the city and county of Honolulu, T. H., on January 8, 1944."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the legal guardian of Rudolph K. Bartels, Jr., a minor."

A motion to reconsider was laid on the table.

JOSEPH A. BROWN

The Clerk called the bill (H. R. 4924) for the relief of Joseph A. Brown.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph A. Brown, 138 North First Street, Pleasantville, N. J., the sum of $5,000. The payment of such sum shall be in full settlement of all claims of the said Joseph A. Brown against the United States on account of personal injuries sustained on January 25, 1945, when he was struck by an Army jeep belonging to the United States of America at the intersection of Michigan and Pacific Avenues in the city of Atlantic City, county of Atlantic, and State of New Jersey.

With the following committee amendment:

Page 1, line 6, strike out "$5,000" and the balance of line 6, all of lines 7, 8, 9, and 10, and on page 2, strike out lines 1 and 2, and all of line 3, down to and including the word "New Jersey" and insert "$5,000, in full settlement of all claims against the United States for personal injuries, loss of earnings and property damage sustained, and medical and hospital expenses incurred, as the result of an accident which occurred at the intersection of Michigan and Pacific Avenues, in Atlantic City, N. J., on January 25, 1945, when he was struck by an Army vehicle: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ERNEST C. HEINE AND HARRIET W. HEINE

The Clerk called the bill (H. R. 5031) for the relief of Ernest C. Heine and Harriet W. Heine.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ernest C. Heine and Harriet W. Heine, 2334 Waiomao Street, the sum of $650, in full settlement of all claims against the United States on account of property damage caused by the United States engineers on April 23, 1943, while blasting in a quarry adjacent to this property: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed, and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RAPHAEL ELDER

The Clerk called the bill (H. R. 5166) for the relief of Raphael Elder.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Raphael Elder, Avon Park, Fla., the sum of $5,000. The payment of such sum shall be in full settlement of all claims against the United States on account of personal injury sustained by the said Raphael Elder, on April 15, 1943, when the automobile in which he was a passenger was in collision with an Army vehicle in the city of Avon Park, Fla.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$5,000" and insert "$3,000."

Page 1, line 8, strike out the word "injury" and all of lines 9 and 10, down to and including the word "passenger" and insert "injuries and loss of earnings sustained and medical and hospital expenses incurred by the said Raphael Elder as the result of an accident which occurred on April 15, 1943, when the automobile operated by him."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WARREN M. MILLER

The Clerk called the bill (H. R. 5288) for the relief of Warren M. Miller.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Warren M. Miller, Philadelphia, Pa., is relieved of all liability to refund to the United States amounts paid to him for part-time services as an employee of the Coast and Geodetic Survey, Department of Commerce, during the period when he was not eligible because of being in the service of the War Department, Philadelphia Engineer District, to receive compensation from funds appropriated for the Coast and Geodetic Survey. Any amounts heretofore credited to him or refunded to the United States by him on account of such unauthorized payment to him shall be repaid to him out of any money available for the payment of salaries of employees of the Coast and Geodetic Survey. In the audit and settlement of the accounts of any disbursing officer of the United States the payment of such amounts for such part-time services shall be considered to have been authorized.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HIRAM H. WILSON

The Clerk called the bill (H. R. 5463) for the relief of Hiram H. Wilson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hiram H. Wilson, the sum of $10,000, in full settlement of all claims against the United States for the death of Mrs. Hiram H. Wilson, who died February 10, 1945, and personal injury sustained by the said Hiram H. Wilson, on February 10, 1945, when the automobile in which they were passengers was in collision with an Army vehicle between Bowling Green and Wauchula, Fla.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$10,000" and insert "$5,200."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THOMAS A. BEDDINGFIELD AND HIS WIFE, OPAL MAY BEDDINGFIELD

The Clerk called the bill (H. R. 6255) for the relief of Thomas A. Beddingfield and his wife, Opal May Beddingfield.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas A. Beddingfield and his wife, Opal May Beddingfield, of Pyote, Tex., the sum of $5,000 for the death by drowning of their son Bobbie Glenn Beddingfield in the enlisted men's swimming pool at Pyote Army air base, and to compensate them properly for funeral expense.

With the following committee amendment:

Page 1, line 7, strike out "$5,000" and the balance of line 7, all of lines 8 and 9, and line 1 on page 2 down to and including the word "expense" and insert "$2,400, in full settlement of all claims against the United States

for damages sustained by them as a result of the death by drowning of their minor son, Bobbie Glenn Beddingfield, in the enlisted men's swimming pool at the Pyote Army Air Base, Pyote, Tex., on December 23, 1945, and for the expenses incurred in connection with the burial of said minor: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THOMAS L. BRETT

The Clerk called the bill (H. R. 6381) for the relief of Thomas L. Brett.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas L. Brett, the sum of $2,500 in monthly installments of $100 per month commencing on the first day of the calendar month subsequent to the enactment of this act and in addition the sum of $86.75 to cover medical and hospital expenses incurred. Such sums shall be in full settlement of all claims against the United States for personal injuries sustained on May 14, 1943, when a United States Army truck struck and knocked down Thomas L. Brett at the intersection of Fourth Street and Exchange Avenue, in Santa Rosa, Sonoma County, Calif.: *Provided*, That no part of the amounts appropriated by this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, strike out all of lines 6, 7, 8, 9, and 10, and on page 2, lines 1, 2, 3, 4, and down to and including the word "California" in line 5, and insert "of Santa Rosa, Calif., the sum of $2,500, in full settlement of all claims against the United States for personal injuries sustained by him on May 14, 1943, when he was struck by a United States Army truck at the intersection of Fourth Street and Exchange Avenue, Santa Rosa, Sonoma County, Calif."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAESAR HENRY

The Clerk called the bill (H. R. 6399) for the relief of Caesar Henry.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Caeser Henry, of Crowley, La., the sum of $10,000. The payment of such sums shall be in full settlement of all claims of the said Caeser Henry against the United States for personal injuries, pain and suffering, and loss of present, past, and future earnings sustained as the result of a collision on January 26, 1944, on United States Highway No. 165, near Kinder, La., involving the truck in which he was a passenger and a United States Army truck: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, lines 5 and 6, strike out "Caeser" and insert in lieu thereof "Caesar."

Page 1, line 6, strike out "$10,000" and insert "$2,000."

Mr. LARCADE. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. LARCADE to the committee amendment: Page 1, line 6, strike out "$2,000" and insert in lieu thereof "$5,000."

Mr. LARCADE. Mr. Speaker, this bill was originally for $20,000. The claim results from personal injury arising through the negligence of an Army truck driver. The man was totally and permanently disabled. Congress has established the precedent of awarding $5,000 in cases of this kind. The War Department admits liability. I hope the House will follow its usual custom in allowing $5,000 in similar cases.

The amendmept to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Caesar Henry."

A motion to reconsider was laid on the table.

THADDEUS C. KNIGHT

The Clerk called the bill (S. 528) for the relief of Thaddeus C. Knight.

Mr. DOLLIVER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ACQUISITION BY UNITED STATES OF CERTAIN REAL PROPERTY IN THE DISTRICT OF COLUMBIA

The Clerk called the bill (S. 1640) to provide for the acquisition by the United States of certain real property in the District of Columbia.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to acquire on behalf of the United States, by purchase or otherwise, the tract of land consisting of parcels 251/42 and 251/64 in the District of Columbia, together with the improvements thereon, such tract fronting on Chesapeake Street, Second Street, and Nichols Avenue SW., and the premises being known as 199 Chesapeake Street SW., in order to eliminate hazards to life and property resulting from frequent flights directly over the dwelling house upon such property by aircraft taking off from and landing at Bolling Field. Any appropriation available to the War Department for the acquisition of real property shall be available for carrying out the provisions of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JESSE A. LOTT

The Clerk called the bill (H. R. 1144) for the relief of Jesse A. Lott.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

RAYMOND CROSBY

The Clerk called the bill (H. R. 1633) for the relief of Raymond Crosby.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Raymond Crosby, of Roachdale, Ind., the sum of $411.70, in full settlement of all claims against the United States for payment to the postmaster at Roachdale, Ind., by said Raymond Crosby for the purchase of War Savings stamps in 1918, which said amount was embezzled by the said postmaster, and said War Savings stamps were never delivered to said Raymond Crosby: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WALTER S. FAULKNER

The Clerk called the bill (S. 162) for the relief of Walter S. Faulkner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walter S. Faulkner, of Lebanon, Tenn., the sum of $1,576, in full satisfaction of his claims against the United States for (1) compensation for personal injuries and property damage sustained by him when his personally owned automobile which he was driving was struck by a United States Army truck near Martha, Tenn., on September 13, 1943, and (2) for reimbursement of medical and other ex-

penses incurred by him as a result of such injuries: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CROSBY YACHT BUILDING & STORAGE CO., INC.

The Clerk called the bill (S. 1880) for the relief of the Crosby Yacht Building & Storage Co., Inc.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Crosby Yacht Building & Storage Co., Inc., of Osterville, Mass., the sum of $2,238.27, in full satisfaction of its claim against the United States for compensation for work performed by it in the removal of certain boats from temporary shelters and in the removal of such shelters, pursuant to an agreement entered into by such company with the Engineer Amphibian Command, Camp Edwards, Mass., on or about July 2, 1942: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDWARD A. MASON

The Clerk called the bill (H. R. 3209) for the relief of Edward A. Mason.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward A. Mason, of Tacoma, Wash., the sum of $21,425.33, in full satisfaction of all claims against the United States for personal injuries sustained, and the loss of his wife, as a result of a collision on or about the 4th of February 1944, in which the car driven by Edward A. Mason collided with a United States Army truck on United States Highway 99, near Grants Pass, Oreg.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, after the dollar sign strike out the bill down to the colon in line 1, page 2. Insert in lieu thereof "12,563.27, in full settlement of all claims against the United States for personal injuries, pain and suffering and loss of earnings sustained and medical and hospital expenses incurred by him, for the death of his wife, Mrs. Lina L. Mason, and for expenses incurred by him incident to her burial, all resulting from an accident involving an Army vehicle which occurred on February 4, 1944, on United States Highway No. 99, near Grants Pass, Oreg."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MINNIE P. SHOREY

The Clerk called the bill (H. R. 5050) for the relief of Minnie P. Shorey.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Minnie P. Shorey, Tampa, Fla., the sum of $1,120. Such sum represents the amount of compensation which the said Minnie P. Shorey would have received as an employee of the War Department at Drew Field Tampa, Fla., for the period beginning September 4, 1944, and ending May 2, 1945, if she had not been suspended for alleged insubordination on September 3, 1944. On an appeal taken by the said Minnie P. Shorey from the order of suspension, she was held not guilty of insubordination by a board of officers and was restored to her employment on May 3, 1945: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$1,120" and insert "$640."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLARENCE W. OHM

The Clerk called the bill (H. R. 5134) for the relief of Clarence W. Ohm.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence W. Ohm, Compton, Md., the sum of $330.80. The payment of such sum shall be in full settlement of all claims of the said Clarence W. Ohm against the United States on account of personal injuries sustained by him on August 22, 1945, when the automobile in which he was riding on Route No. 5, was struck, at Camp Springs, Md., by a United States Navy truck: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of his act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BERTHA LILLIAN AND CHARLES ROBBINS

The Clerk called the bill (H. R. 5469) for the relief of Bertha Lillian Robbins and Charles Robbins.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bertha Lillian Robbins and Charles Robbins, of Tacoma, Wash., the sum of $10,000 to be granted in full satisfaction of all claims against the United States for permanent physical injuries, medical expenses, and working time lost as a result of a collision on May 31, 1943, when the car in which they were riding was struck by an Army jeep on Airport Way in Seattle, Wash.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, after the word "of", strike out the balance of the line, also lines 8, 9, and 10 and lines 1 and 2 on page 2, and insert the following: "$4,500, in full settlement of all claims against the United States for personal injuries, hospital and medical expenses, and loss of earnings sustained as a result of an accident involving a United States Army jeep on Airport Way in Seattle, Wash., on May 31, 1943."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILFORD B. BROWN

The Clerk called the bill (H. R. 5603) for the relief of Wilford B. Brown.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Wilford B. Brown, of Islip, Suffolk County, N. Y., the sum of $10,000 in full settlement of all claims against the United States on account of personal injuries sustained as a result of an accident involving an Army vehicle, occurring on March 18, 1944, on North King Street, in Honolulu, T. H.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$10,000" and insert "$6,299.25."

Page 1, line 8, after the word "injuries", insert "and loss of earnings."

Page 1, line 10, strike out "1944" and insert "1945."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MRS. GRACE A. PHILLIPS

The Clerk called the bill (H. R. 5849) for the relief of Mrs. Grace A. Phillips.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Grace A. Phillips, Long Beach, Calif., the sum of $15,000. The payment of such sum shall be in full settlement of all claims of the said Mrs. Grace A. Phillips against the United States on account of the death, on February 7, 1943, of her husband, Arthur D. Phillips, as the result of injuries sustained by him, February 6, 1943, on Pennington Avenue (also known as Henry Ford Avenue), Los Angeles, Calif., when he was struck by a United States Army vehicle. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$15,000" and insert "$3,310.48."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SECOND LT. FRANCIS W. ANDERSON

The Clerk called the bill (H. R. 5851) for the relief of Second Lt. Francis W. Anderson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Second Lt. Francis W. Anderson, United States Army, the sum of $32.66. Such sum represents the amount which the Office of Price Administration determined that the said Second Lt. Francis W. Anderson had been overcharged for rent of room 13A of building 13, Davis Court, Pemberton, N. J., during the period from March 24, 1945, to May 18, 1945. When such determination was made, the said Second Lt. Francis W. Anderson had departed for parts unknown and, efforts to locate him having failed, the amount of such overcharge was paid, pursuant to regulations governing such cases, by the landlord to the Treasurer of the United States.

With the following committee amendment:

Page 2, line 6, after the words "United States", insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LIPPERT BROS.

The Clerk called the bill (H. R. 6012) for the relief of Lippert Bros.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lippert Bros., general contractors, Oklahoma City, Okla., the sum of $15,456.75. The payment of such sum shall be in full settlement of all claims of the said Lippert Bros. against the United States arising out of the construction of Federal Works Agency project No. La 16-102-N: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$15,456.75" and insert "$12,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEGAL GUARDIAN OF SAMUEL ROSCOE THOMPSON

The Clerk called the bill (H. R. 6161) for the relief of the legal guardian of Samuel Roscoe Thompson, a minor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Samuel Roscoe Thompson, a minor, of Leesville, La., the sum of $5,000, the said sum to be in full settlement of all claims against the United States for personal injuries sustained by Samuel Roscoe Thompson on January 25, 1944, at which time the minor was struck down and run over by the lead truck of an Army convoy as he alighted from a school bus, in the neighborhood of the Camp Polk, La., Army Reservation: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, strike out "$5,000" and insert "$597."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALBERT WHILDEN

The Clerk called the bill (H. R. 5093) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Albert Whilden.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon, notwithstanding the lapse of time or any provision of law to the contrary, the claim of Albert Whilden, Millville, N. J., against the United States, on account of personal injuries sustained by him on June 27, 1945, as the result of being struck in Millville, N. J., by certain falling towing apparatus which became separated from a United States Army airplane engaged in towing a target for aerial gunnery practice. The court shall have such jurisdiction if suit is instituted within 1 year after the date of enactment of this act, and the liability of the United States in such suit shall be determined upon the same principles and measures of liability as in like cases between private individuals. The judgment, if any, rendered in such suit shall not exceed the sum of $10,000.

With the following committee amendment:

Page 1, strike out all after the enacting clause and insert the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,500 to Albert Whilden, of Millville, N. J., in full settlement of all claims against the United States for damages sustained by him as the result of an accident which occurred on the southeast corner of High and Main Streets, in Millville, N. J., on June 27, 1945, when he was struck by a piece of equipment which had fallen from an Army airplane: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. IVAN B. HOFMAN

The Clerk called the bill (H. R. 6423) for the relief of Mrs. Ivan B. Hofman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $114, to Mrs. Ivan B. Hofman, of Gulfport, Miss., in full settlement of all claims against the United States, as reimbursement for the said sum for money lost through burglary at the Gulfport, Miss., office of Internal Revenue, for which she was held accountable, on April 19, 1946: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORWARD COLUMBUS FUND

The Clerk called the bill (S. 357) for the relief of the Forward Columbus Fund, of Columbus, Nebr.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

WILLIAM S. BROWN

The Clerk called the bill (S. 1277) conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of William S. Brown.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim or claims of William S. Brown, of Greenville, S. C., for any losses sustained under contracts W-38-040Q (SC IV)-4, W-38-040Q (SC IV)-10, W-38-040Q (SC IV)-14, W-38-040Q (SC IV)-29, W-2416Q (SC IV)-34, W-38 040Q (SC IV)-3, W-38-040Q (SC IV)-9, W-38-040Q (SC IV)-13, and W-38-040Q (SC IV)-30: *Provided*, That such action may be brought in the Court of Claims within 1 year of the date of the approval of this act, with right of appellate review as in other cases.

Mr. MADDEN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 1, line 3, after the word "the", strike out the words "Court of Claims" and insert in lieu thereof the words "United States District Court for the Western District of South Carolina."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed.

The title was amended so as to read: "A bill conferring jurisdiction upon the United States District Court for the Western District of South Carolina to hear, determine and render judgment upon the claim of William S. Brown."

A motion to reconsider was laid on the table.

DUANE N. THOMPSON

The Clerk called the bill (S. 1549) for the relief of the legal guardian of Duane N. Thompson, a minor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Duane N. Thompson, a minor, of Berkeley, Calif., the sum of $3,753.70 in full satisfaction of all claims against the United States for compensation for personal injuries sustained by the said Duane N. Thompson, and for medical expenses incurred as a result of an accident which occurred when he was struck by a United States Government vehicle, at the intersection of Ninth Street and University Avenue, in Berkeley, Calif., on December 28, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES H. WILKINSON

The Clerk called the bill (S. 1573) for the relief of James H. Wilkinson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James H. Wilkinson, of Weymouth, Mass., the sum of $8,000, in full satisfaction of his claim against the United States for compensation for personal injuries and loss of earnings sustained by him, and for reimbursement of hospital, medical, and other expenses incurred by him and for any and all property damage sustained by him, as a result of an accident which occurred when the automobile which he was driving was struck by a United States Navy vehicle, at the intersection of Quincy Avenue and Mount Pleasant Avenue, in Braintree, Mass., on February 5, 1945: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MICHAEL JOSEPH BENNETT

The Clerk called the bill (S. 1674) for the relief of Michael Joseph Bennett, a minor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Michael Joseph Bennett, a minor, of Dover, N. H., the sum of $149, in full satisfaction of all claims against the United States for compensation for personal injuries sustained by the said Michael Joseph Bennett when he was accidentally shot by a member of the United States Marine Corps who was searching for escaped naval prisoners, in Dover, N. H., on November 24, 1943, and for reimbursement of medical expenses incurred as a result of such injuries: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LESTER A. DESSEZ

The Clerk called the bill (S. 1731) for the relief of Lester A. Dessez.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lester A. Dessez, colonel, United States Marine Corps, the sum of $808.95. Such sum is to be in full settlement of all claims against the United States for emergency travel of dependents (less a payment of $47.03 already made) to which the said Lester A. Dessez would have been entitled, if he had had the necessary orders, for the period August 1, 1941, to September 15, 1941, for travel of dependents from Tutuila, American Samoa, to Washington, D. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESMARK WRIGHT AND OTHERS

The Clerk called the bill (S. 1733) for the relief of Desmark Wright; the estates of Alberta Wright, Desmark Wright, Jr., and Harold Evans; and the legal guardians of Bobby Dennis Wright and Irvin Lee Wright, minors.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, (1) to Desmark Wright, of Little Rock, Ark., the sum of $2,325.09; to the estate of Alberta Wright, deceased, the sum of $5,000; to the estate of Desmark Wright, Jr., deceased, the sum of $2,000; to the estate of Harold Evans, deceased, the sum of $2,000; to the legal guardian of Bobby Dennis Wright, a minor, the sum of $500; and to the legal guardian of Irvin Lee Wright, a minor, the sum of $750, in full settlement of all claims of each of the said named persons and estates against the United States on account of damages sustained by them as the result of the crash of an Army airplane near Adams Field, Little

Rock, Ark., on September 12, 1945: *Provided*, That no part of the amounts appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. SPRINGER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SPRINGER:

Page 1, line 8, strike out "$2,000" and insert "1,000."

Page 1, line 9, strike out "$2,000" and insert "$1,500."

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WAYNE PARKER

The Clerk called the bill (S. 1751) for the relief of Wayne Parker.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Wayne Parker, of Portland, Oreg., the sum of $1,500, in full satisfaction of his claim against the United States for compensation for personal injuries sustained by him as a result of having been accidentally shot by a member of the United States naval forces who was acting as an armed guard on a naval vessel, at the Willamette Iron & Steel Corp., in Portland, Oreg., On May 7, 1945: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE D. KING

The Clerk called the bill (S. 1910) for the relief of George D. King.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George D. King, of Phoenix, Ariz., the sum of $500, in full satisfaction of his claim against the United States for compensation for personal injuries and loss of earnings sustained and medical expenses incurred by him as a result of an accident which occurred when the automobile in which he was riding was struck by a United States Army airplane, near Phoenix, Ariz., on June 22, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROY M. DAVIDSON

The Clerk called the bill (S. 2260) for the relief of Roy M. Davidson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Roy M. Davidson, of Atlanta, Ga., who was suspended from active duty as an investigator for the Office of Price Administration, Atlanta regional office, during the period beginning on August 24, 1944, and ending on October 16, 1944, in contravention of the provisions of section 14 of the Veterans' Preference Act of 1944, a sum equal to the amount of compensation he would have received had he not been suspended, less the amount of any compensation which he may have received from the United States for any part of such period: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. The Price Administrator of the Office of Price Administration is authorized and directed to restore to the credit of the said Roy M. Davidson the total amount of annual leave with which we was charged during the period of the above-described suspension.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COL. S. V. CONSTANT

The Clerk called the bill (S. 2369) for the relief of Col. S. V. Constant, General Staff Corps.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Col. S. V. Constant, General Staff Corps, the sum of $1,179.27, public funds for which he is accountable, and which represent payments made under the act of March 26, 1934 (48 Stat. 466), which have been disallowed by the Comptroller General: *Provided*, That the payees thereunder shall not be held pecuniarily liable.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YELLOW CAB TRANSIT CO. OF OKLAHOMA CITY

The Clerk called the bill (H. R. 6215) for the relief of the Yellow Cab Transit Co., of Oklahoma City.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Yellow Cab Transit Co., of Oklahoma City, Okla., the sum of $9,702.87. Payment of such sum shall be in full settlement of all claims against the United States by claimant and in payment of all losses incurred by claimant resulting from the death of its employee, Charles Marion Overcash, driver of claimant's vehicle, which occurred in a collision with a United States Army truck on United States Highway 66, near Hazlegreen, Mo., on August 10, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM MITCHELL

The Clerk called the bill (S. 881) authorizing the President of the United States to award posthumously in the name of Congress a Medal of Honor to William Mitchell.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to award posthumously, in the name of Congress, a Medal of Honor to the late William Lendrum Mitchell, formerly a colonel, United States Army, in recognition of his outstanding pioneer service and foresight in the field of American military aviation. The President may present such Medal of Honor to Mrs. Martin Fladoes, of Milwaukee, Wis., sister of the said William Lendrum Mitchell.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the President of the United States is requested to cause a gold medal to be struck, with suitable emblems, devices, and inscriptions, to be presented to the late William Lendrum Mitchell, formerly a colonel, United States Army, in recognition of his outstanding pioneer service and foresight in the field of American military aviation.

"SEC. 2. When the medal provided for in section 1 of this act shall have been struck the President shall transmit the same to Mrs. Martin Fladoes, of Milwaukee, Wis., sister of the said William Lendrum Mitchell, to be presented to her in the name of the people of the United States.

"SEC. 3. A sufficient sum of money to carry this act into effect is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARGARET DUNN

The Clerk called the bill (H. R. 957) for the relief of Margaret Dunn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Margaret Dunn the sum of $3,228 to cover pension which would have been paid to her had her name not been dropped from the pension rolls for the period from February 3, 1917, to February 20, 1929.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACCEPTANCE OF CERTAIN FOREIGN DECORATIONS

The Clerk called the joint resolution (H. J. Res. 387) granting permission to Thomas Parran, Surgeon General of the Public Health Service; Rolla E. Dyer, Assistant Surgeon General, Public Health Service; Howard F. Smith, Assistant Surgeon General, Public Health Service; Herbert A. Spencer, medical director, Public Health Service; Vance B. Murray, medical director, Public Health Service; and Gilbert L. Dunnahoo, medical director, Public Health Service, to accept and wear certain decorations bestowed upon them by France, Cuba, Mexico, Chile, Finland, and Luang-Prabang.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That Thomas Parran, Surgeon General of the Public Health Service, is authorized to accept and wear the decoration and diploma of the Ordre de la Sante Publique, bestowed by the Government of France; the Decoration of the Order of Carlos Finlay, bestowed by the Government of Cuba; and the Dr. Eduardo Liceaga Medal, bestowed by the Government of Mexico; and to accept the title of knight commander of the Orden al Merito, bestowed by the Government of Chile, and wear the decoration therefor; that Rolla E. Dyer, Assistant Surgeon General, Public Health Service, is authorized to accept and wear the decoration of the Order of Carlos Finlay, bestowed by the Government of Cuba; that Howard F. Smith, Assistant Surgeon General, Public Health Service, is authorized to accept and wear the Cross of Officer of the Order of a Million Elephants, bestowed by His Excellency the Governor General of French Indochina, and His Majesty the King of Luang-Prabang; that Herbert A. Spencer, medical director, Public Health Service, is authorized to accept the title of commander of the Order of the White Rose of Finland, bestowed by the President of the Republic of Finland, and wear the decoration therefor; that Vance B. Murray, medical director, Public Health Service, is authorized to accept the title of knight, first-class, of the Order of the White Rose of Finland, bestowed by the President of the Republic of Finland, and wear the decoration therefor; that Gilbert L. Dunnahoo, medical director, Public Health Service, be authorized to accept and wear the decoration of the Order of Carlos Finlay, bestowed by the Government of Cuba; the foregoing decorations and titles having been bestowed upon these officers by the respective governments in recognition of assistance rendered by them in matters relating to sanitation and health. The Department of State is hereby authorized to deliver to Thomas Parran, Rolla E. Dyer, Howard F. Smith, Herbert A Spencer, Vance B. Murray, and Gilbert L Dunnahoo, respectively, the above-mentioned decorations which have been bestowed on them.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NICHOLAS SEVALJEVICK

The Clerk called the bill (H. R. 1471) for the relief of Nicholas Sevaljevick, now known as Nicholas Hornacky.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

CHET WALKER

The Clerk called the bill (H. R. 976) for the relief of Chet Walker.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Chet Walker, who was a member of Company A, Eighth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 9th day of December 1941: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE N. COX, JR.

The Clerk called the bill (H. R. 2622) for the relief of George N. Cox, Jr.

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AGRICULTURAL INSURANCE CO., AND OTHERS

The Clerk called the bill (H. R. 6683) for the relief of Agricultural Insurance Co., and others.

Mr. SPRINGER. Mr. Speaker, we have had no copy of this bill or the report on it. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PETROL CORP.

The Clerk called the bill (H. R. 6112) for the relief of Petrol Corp.

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CALL OF THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 237]

Adams	Bates, Mass.	Bunker
Almond	Beckworth	Camp
Anderson, Calif.	Bell	Cannon, Fla.
Andrews, N. Y.	Bennet, N. Y.	Chenoweth
Baldwin, Md.	Boren	Clason
Barden	Boykin	Clements
Barrett, Pa.	Bradley, Mich.	Cochran
Barrett, Wyo.	Brooks	Coffee
Barry	Buckley	Cole, Kans.
Bates, Ky.	Buffett	Combs
Cooper	Holifield	Peterson, Ga.
Courtney	Holmes, Mass.	Pfeifer
Cox	Hook	Ploeser
Cravens	Horan	Powell
Crawford	Izac	Priest
Curley	Johnson, Okla.	Reece, Tenn.
Daughton, Va.	Johnson, Tex.	Rizley
Davis	Kefauver	Robinson, Utah
Dawson	Kelly, Ill.	Robsion, Ky.
Delaney, John J.	Kerr	Rockwell
	Kilburn	Roe, N. Y.
D'Ewart	Kilday	Russell
Dingell	Kirwan	Sheridan
Domengeaux	LaFollette	Short
Dondero	Landis	Slaughter
Durham	LeCompte	Somers, N. Y.
Earthman	Luce	Sparkman
Engel, Mich.	Ludlow	Starkey
Ervin	McGehee	Stewart
Fallon	McKenzie	Stigler
Fellows	McMillan, S. C.	Stockman
Fernandez	Mahon	Sumner, Ill.
Gary	Maloney	Thomas, N. J.
Gathings	Mankin	Tolan
Geelan	Mansfield, Mont.	Torrens
Gibson		Traynor
Gillespie	Mansfield, Tex.	Vinson
Gossett	Marcantonio	Voorhis, Calif.
Granger	May	Wasielewski
Hall, Edwin Arthur	Merrow	Welch
	Miller, Calif.	West
Halleck	Morrison	White
Hare	Norton	Wickersham
Harless, Ariz.	O'Konski	Winter
Hart	O'Toole	Wolfenden, Pa.
Hébert	Patrick	Wood
Hendricks	Patterson	
Hill	Peterson, Fla.	

The SPEAKER. On this roll call 288 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

LEGISLATIVE REORGANIZATION ACT OF 1946

Mr. SMITH of Virginia. Mr. Speaker, I call up House Resolution 717 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed two hours, to be equally divided and controlled by the gentleman from Oklahoma, Mr. MONRONEY, and the gentleman from Michigan, Mr. MICHENER, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order as a substitute for the bill the provisions contained in the committee print of July 20, 1946, and printed in the CONGRESSIONAL RECORD of July 19, 1946, page 9496, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SMITH of Virginia. Mr. Speaker, this rule makes in order S. 2177, commonly known as the congressional reorganization bill. The time for general debate is 2 hours. Under the rule the

time is to be equally divided between the majority and minority members of the select committee who, for over a year, have been working so arduously on this subject. It waives points of order.

We had to have a rather unusual rule on this matter. It makes in order as a substitute for the Senate bill the bill which has been devised by the House members of the select committee. There is also a provision in this resolution that the substitute bill may be treated as an original bill in order that after it is substituted it will be in order in the House to obtain a separate vote on any amendment which may be adopted in the Committee of the Whole.

The rules waives all points of order, due to the fact that the bill deals with a number of subjects, and so might be considered subject to a point of order unless that were done.

I may say to the House that I do not expect to consume much time on this side and I understand that it is not desired on the other side to consume very much time under the rule, in order that we may get down to general debate and try to dispose of this bill today. I do want to say while I have the floor, however, that I am supporting the rule and I am supporting the bill. I think this is a bill of tremendous importance to the Members and to the country at large. We have been operating here under machinery that has long since outgrown its usefulness and is outmoded. While all the provisions of this bill will not suit anybody, if you take the bill as a whole the good in it so much outweighs the bad, and the improvement of the machinery of Congress is so very important, that the bill ought to be passed.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 8 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, as has been explained to you by the gentleman from Virginia, this resolution, House Resolution 717, makes in order this special bill, to provide for increased efficiency in the legislative branch of the Government. The measure contains a number of amendments to the original bill which have been worked out by the committee to especially apply to the House of Representatives. The committee has eliminated, for instance, the provision that each House Member shall be furnished an $8,000 executive assistant, but has left the same provision in the Senate portion of the bill.

This bill which comes before us is a very much needed piece of legislation if we are to make the legislative branch of the Government more efficient and more effective.

At the proper time, as I stated in the Committee on Rules, I expect to offer an amendment to section 601 which you will find on page 93 of the bill. My amendment will provide for a reduction of the congressional rate of pay from $15,000 to $12,000 per year, and will contain an additional paragraph which will provide for the payment of an expense allowance of $3,000 per annum to assist each legislator in defraying expenses relating to or resulting from the discharge of his official duties, for which no tax liability shall incur or accounting be made, and that such sum is to be paid in equal monthly installments. This amendment is a very simple one. Yet I think it is one that should prevail in connection with this important legislation. The amendment fixes the annual salary $12,000 instead of $15,000, and makes absolutely legal, without question, the authority needed for the payment of $3,000 a year to each Member to assist in the defraying of his expenses in connection with his official duties. We debated and argued on this floor, some time ago, the whole problem or question of whether a Member of Congress should be the only public official anywhere in America who is required to pay his own official expenses out of his salary. The Congress, by its action some time ago on an appropriation bill, did come to the proper conclusion that, after all, a Member of Congress is just as much entitled to be reimbursed for his expenditures in connection with his official work as any public official, or as any individual engaged in private business or professional activities. I do not want to see this bill enacted as it is presented because the American people will believe we have raised our salaries by 50 percent. Actually, we would not be doing so, for under this original bill we would be required to take care of our expenses out of the $15,000 salary. In any event I doubt we can justify such a salary increase. Instead, I think we can justify an increase of 20 percent. I think we are entitled to that, and probably more. We can justify the 20 percent increase because it is in line with the present wage policy of the administration, a similar pay increase has been granted in industry everywhere. We have also allowed the same sort of an increase for Federal employees. Certainly we can justify, without question, that we are entitled to reimbursement for the money which we pay out of our own pockets for expenses incurred in connection with our official work.

Mr. JENNINGS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. JENNINGS. We all will recall that when the $2,500 expense item was enacted into law some Members were apprehensive about public reaction. There has been no public reaction about it except a favorable reaction.

Mr. BROWN of Ohio. May I say to the gentleman, of course, my amendment eliminates that $2,500 expense payment and substitutes a $3,000 payment, or $250 a month, to take care of our official expenses. If you pass the bill with a $15,000 salary provision and no expense allowance, in actuality you will be receiving no more money than you are now. But the people will believe, that is, the average citizen will believe, you are getting a huge increase in salary, and that you are also receiving your expenses. They know it is the usual thing for all workers, including public officials, to be reimbursed for official expenses, and would rightfully presume Members of Congress were being reimbursed for their expenses.

Mr. MASON. Mr. Speaker will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. MASON. In fact, if you have a little outside income in addition to your salary, you would be getting less than you are getting now.

Mr. BROWN of Ohio. Yes. If you figure out the amounts one would have to pay under our tax laws, you will find that is true.

This amendment I suggest will eliminate all question as to the legality of such an expense account. I believe the American people generally appreciate that any person employed in any business or public position is entitled to receive his expenses before there is any talk about what salary he shall be paid. That is just common sense. However, if this bill becomes law as introduced I know my constituents will think I am increasing my own salary by 50 percent, while increasing the pay of others only 20 percent, when, in fact, we will not actually be increasing our salary at all. However, we will receive all the blame for doing so, just the same.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. HARRIS. The gentleman plans to offer an amendment to increase the expense allowance by $500, making it a total of $3,000?

Mr. BROWN of Ohio. Yes.

Mr. HARRIS. Does that in any way affect the mileage allowance?

Mr. BROWN of Ohio. No. The mileage allowance does not mean anything to most Members anyway. The fact is the mileage allowance does not cover one-tenth of the expense most of us have in connection with our travel.

Mr. HARNESS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. HARNESS of Indiana. Does your amendment have anything to do with fixing the situs of residence of Member of Congress?

Mr. BROWN of Ohio. No. Nothing at all.

Mr. HARNESS of Indiana. Would the gentleman have any objection to including such an amendment?

Mr. BROWN of Ohio. I think that could be done, but I would not want my amendment confused by that issue, because the issue as to whether a Member of Congress is to be recompensed for his official expenses is fundamental, according to my view.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. MONRONEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House

on the State of the Union for the consideration of the bill S. 2177, with Mr. SMITH of Virginia in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Oklahoma [Mr. MONRONEY] is recognized for 1 hour, and the gentleman from Michigan [Mr. MICHENER] is recognized for 1 hour.

The gentleman from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. Chairman, this bill comes to the House of Representatives as the end result of more than 18 months' work of the joint committee of the House and the Senate on the reorganization of Congress.

The bill represents no individual views and no individual authorship. It is a combination, a compilation, of the very best testimony, the very best evidence that your Special Committee on Reorganization of the Congress could acquire in more than 5 months of hearings in which over 102 witnesses were heard.

SIXTY MEMBERS TESTIFIED

More than 60 Members of Congress appeared to testify on various phases to inform your Committee on what in their considered judgment based on experience were the defects of our legislative system and things which needed improvement.

Senate bill 2177 is being amended by substitution of a committee print agreed to by the House Members of the Committee on the Reorganization of Congress.

There is only one primary purpose considered in this bill. It is nonpolitical in its approach. It deals not with any ideologies or anything except the functional reorganization of the Congress.

ONE TEST ALONE

One test and one test alone has been applied to every suggestion that has been incorporated in the bill in the committee's recommendation and that is simply this question: "Will it help the Congress to do a better job?"

Every Member sitting before me knows that the work load of the Congress has increased by geometric proportions through the several years just passed.

This is the trend: In the last few months we have had legislation on the atomic bomb, we have had legislation on OPA dealing with the economy of $140,000,000,000 annual business, with the draft extension, with the problems of the United Nations organization, with UNRRA, with the disposal of many billions of surplus property, of finding housing for 15,000,000 veterans, dealing with the problems of the veterans in the postwar period, and also the grave problems of how to handle a $265,000,000,000 public debt and keep this Nation afloat with that debt load, the greatest any nation has ever carried.

MUST EQUIP OURSELVES

I believe anyone will say that we simply cannot struggle along under this type of work load unless we equip ourselves to answer the challenge that the Constitution framers intended the Congress to carry. They talk of the giants of the past, the men who once walked these Halls back in the 1850's and 1870's; but, Mr. Chairman, they were not dealing with the complex problems that we are dealing with in this Congress.

Most of the Congresses in those past years had three important bills before them. Usually they would meet and decide which cities and towns needed new post offices, which rivers and harbors had to be deepened and improved, and then if the Republicans were in power they might tinker with the tariff a little bit. That in general was much of the work load of the Congresses that once sat in this Hall.

TOOLS HOPELESSLY OBSOLETE

Today we are confronted and confounded by the problems of a $35,000,000,000 government trying to do the job with tools so absolutely obsolete and antiquated that 435 saints could not possibly do with our present equipment and organization.

Yes; reform is long overdue, it is overdue in many ways. We are using the tools of the gay nineties and, Mr. Chairman, you might as well try to repair a B–29 airplane with a monkey wrench as to try to work on the problems that confront the Congress today with the obsolete tools we have to work with.

Mr. Chairman, we are sitting before this country today serving as the board of directors of the world's largest enterprise. It is a hundred times larger than General Motors, Ford Motor Co., A. T. & T., the Pennsylvania Railroad System, and General Electric all rolled into one. Yet we are trying to do this work sitting on an old-fashioned high bookkeeper's stool with a slant-top desk, a Civil War ledger, and a quill pen. Unless we get new techniques, the tools, the organization, we simply cannot handle the work load that the country expects us to carry.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from New York.

Mr. TABER. Does the gentleman think that a reactionary provision which requires a legislative budget to be put through which could not be put through under the machinery set up here before the 1st of April and would not allow the Appropriations Committee to function is a forward-moving step or is it one that really should be thrown out? I am wondering if the gentleman believes that a step forward is the way to progress?

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Illinois.

Mr. DIRKSEN. In the first place, the gentleman from New York is entirely mistaken in his dates; secondly, it can come within the flexibility of the provisions that have been written herein, and third, it has the endorsement of men like the former Secretary of the Treasury, the present Acting Director of the Bureau of the Budget, Dr. Fairchild of Yale University, fiscal adviser to the United States Chamber of Commerce, and a great many others. I would not say that it is reactionary or that it is particularly difficult or insuperable.

Mr. MONRONEY. I thank the gentleman from Illinois for that contribution.

LAST BASTION OF DEMOCRACY

Mr. Chairman, we in America and we in Congress are the last firm bastions of democracy. All around the rest of the world, with the exception of England, the parliamentary system of representative government has disintegrated and disappeared. If we fail here, we fail the world which looks to us to make democracy work.

The framers of our Constitution intended the Congress to be coequal. In the small agricultural economy that we had for over a century, the Congress was able without improved staffs, without increasing our facilities, to rely only on the judgment that the Members of the Congress had themselves, without research or without data and careful investigation and analysis, to largely answer the questions that then came up.

CONSTITUTIONAL DUTY

We cannot be coequal; we cannot do this fundamental task of supervision that the framers of the Constitution had in mind unless the Congress is virile, strong enough and well equipped enough to handle this magnitude of work that is dumped on us.

Five hundred and thirty-one men that compose the membership of the House and Senate are going to have a pretty hard time in handling, in supervising, in surveying the work of over 3,000,000 men scattered throughout the executive department. It is like trying to move a battleship with a jeep or a model T Ford.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Kansas.

Mr. HOPE. I want to ask a question about the disposition of court claims as provided in title IV. As I understand it, the Committee on Claims and the Committee on War Claims are abolished and provision is made that all claims accruing after January 1, 1945, may be settled by the administrative agencies if they are less than $1,000 or may be the subject of court action if they are more than $1,000. My question is, What happens to those claims accruing before January 1, 1945, under this procedure?

Mr. MONRONEY. Under this procedure those bills would still be admissible in the Congress. There is provision in the Senate bill which will be adjusted in conference, making it possible to consider bills only for permitting court action on arising from 1939 to 1945.

That is a difference we will have to adjust; but in this claims section every time we have closed the door of admittance of a claim on the floor of Congress we have opened up another door in the administrative departments or in the courts of the land so that those claims can be adequately adjudicated. Therefore, there will be no claims blocked.

Either they have a right to come up on the floor of the House or to come before the Congress or they can go into the courts.

Mr. HOPE. Well, under the legislation then what committee would have jurisdiction of the residue claims?

Mr. MONRONEY. The Committee on the Judiciary.

Mr. DIRKSEN. I would direct the attention of my friend from Kansas to section 123 on page 46, which has a residuary clause. In the case of claims of a foreign nature they go to the Foreign Affairs Committee and all other claims would go to the Committee on the Judiciary.

Mr. HOPE. I thank the gentleman. That answers the question.

CORNERSTONE OF PLAN

Mr. MONRONEY. Mr. Chairman, the cornerstone and keystone of this reorganization is in the recognition of the fact that the committee structure of this Congress has so grown in importance that the committees actually comprise little congresses of the Congress.

Mr. HENDRICKS. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Florida.

Mr. HENDRICKS. I would like to have the matter clarified with reference to tort claims. I understand if it is less than $1,000 the percentage for attorney fees does not apply.

Mr. MONRONEY. On tort claims?

Mr. HENDRICKS. But suppose you had a case involving $1,500. As I understand, the attorneys' fees amount to 10 percent.

Mr. MONRONEY. I think the attorneys' fees are 20 percent if suit is filed and 10 percent if adjudication is made by the department.

Mr. HENDRICKS. On $1,500, that would be $300. Does the gentleman think that a person with such a small claim is going to be able to get competent counsel to go into the Federal Court to represent him?

Mr. MONRONEY. This does not provide for a jury trial. It is heard before the judge sitting without a jury. I understand there will be some discussion later on changing the amount of attorneys' fees.

Mr. HENDRICKS. When a Member of Congress handles a case there are no attorneys' fees.

Mr. MONRONEY. Here 10 percent is allowed for attorneys' fees, for the claimants' attorney.

Mr. HENDRICKS. But we handle it quite adequately without attorneys' fees.

Mr. MONRONEY. But a general attorney has to dig up the facts and obtain affidavits for his clients, much as he would have to dig up evidence if the matter was heard before a Federal court.

Mr. HENDRICKS. My interest is in the client, in that he is not able to get an able attorney for that amount.

COMMITTEE SYSTEM IMPORTANT

Mr. MONRONEY. I thank the gentleman for his contribution.

The first point I would like to particularly stress to the membership of the House is that in our operation of the Congress the committee system has become of paramount importance. Ninety-five percent of all the legislation that becomes law passes the Congress in the shape that it came from our committees. Therefore, if our committee work is sloppy, if it is bad, if it is inadequate, our legislation in 95 percent of the cases will be bad and inadequate as well.

It is on this vital and important point on which the keystone of reorganization rests. If you are not willing to reorganize this overlapping crazyquilt pattern of committee structure, then just do not try to do any reorganizing, because it is the basis and the keystone of this reorganization bill.

You cannot continue to operate in the year 1945 with committees that just grew like Topsy from the beginning of this Nation. We have got to reorganize their functions and realine them, so that the members of the committees will have a chance to specialize on one major committee and have the time to devote to it.

We have now 970 committee seats filled by the Members of this House. That is 2.2 seats per Member on an average. Many men have five, six, and seven committees. It is impossible for them to specialize and do the kind of a job that is necessary. Fortunately, in the House we have a large number of major committees that are of great importance in handling the major part of the legislation.

REDUCES FROM 48 TO 19

So the committee has recommended and in the bill we provide that basically our committee structure shall all be composed of major committees. We are indebted to the gentleman from New York [Mr. WADSWORTH] for the contribution of the committee reorganization; a man who has served both in the Senate and the House, who thoroughly understands from a practical standpoint the importance of this thing, and I believe whose judgment can be greatly relied on.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MONRONEY. Mr. Chairman, I yield myself three additional minutes.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from New York.

Mr. COLE of New York. I should like to have the gentleman point out what advantages there are in the consolidation which will result in a large committee having quite extensive jurisdiction and which, in order to function, must inevitably break down into subcommittees. I would like to have the gentleman elaborate on that.

Mr. MONRONEY. I do not quite agree with the gentleman that they should all be broken down in subcommittees. Some committees will undoubtedly operate either temporarily or permanently through subcommittees; others will operate through full committees.

But you get away from the tremendous overload of one committee and the complete absence of any work on the part of many other committees. You will give a Member a chance to specialize on the line of work that he is interested in. He can become familiar in all respects with the legislation that he handles.

SURVEILLANCE BY COMMITTEES

Another very important reason for this consolidation is that we intend in this bill to provide for legislative surveys of the Government departments which operate under these reorganized committees. We want to try to keep them in line with the intent of Congress, to keep a continuing review, if you please, of these departments and agencies downtown over which the reorganized committees have jurisdiction.

We think that only half the job of a standing committee is finished when it passes the legislation. We feel that the other half should be in seeing how that legislation is carried out and seeing if the agencies are living up to the mandates of the Congress and living within the restrictions which we provide.

STAFFS FOR NEW COMMITTEES

I want to hurry on to touch on two or three other points. You could not possibly justify the staffing of all of our 48 committees with expert staffs for each.

We propose in this bill to provide for all of the 19 reorganized major committees to have 4 experts to be paid up to $8,000 a year. If the committees were not reorganized the cost of providing 4 experts each for 48 standing committees would be tremendous.

We provide for reducing these to 19 standing committees. We feel you will save more money for the country by properly staffing these reorganized committees, particularly the Subcommittees on Appropriations, with experts than by almost anything else in the bill.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Kentucky.

Mr. SPENCE. The Constitution provides that each House will make its own rules of procedure. I wonder if there is any question as to the constitutionality of this legislation.

Mr. MONRONEY. That is a very important question. It was raised in the Senate, may I say to my distinguished chairman. The provisions of the Constitution are that each House shall be the judge of its own rules. It does not prohibit us from acting in concert with the Senate in the exercise of our rule-making powers. We are not touching the Senate rules, we are changing our rules. The Senate changes its rules at the same time.

At points where the two rules come together we must provide by joint legislation for their assimilation. The most distinguished lawyers on the other side proved conclusively in the debate that this is well within the constitutional limitation on the two Houses as to changing the rules. When we meet in January the House can wipe out everything we are doing today if it so desires.

Mr. SPENCE. In other words, you do not derogate any power from the House? The House still has the power to change its rules?

Mr. MONRONEY. The House has the power to change at any minute the authority it has.

LEGISLATIVE BUDGET PROVISIONS

Another subject of tremendous importance is the legislative budget provision. I feel that the adoption of this section will for the first time since the Civil War give the Congress an over-all viewpoint on its fiscal policy.

For years we have been operating our revenue-raising committees and our revenue-spending committees completely and apart from any relationship one with the other. You simply cannot have adequate budgetary control by such an inadequate procedure.

This section provides that these two committees of the House, and the two committees of the Senate, must consider the entire fiscal situation at the start of each session. They will then report to the Congress on a legislative budget. If the expenditures exceed the income, the Congress must authorize the creation of additional public debt for that year. If we are going to run into debt, I think we should be businessmen enough and have courage enough to do it for a certain amount and do it before we start to appropriate.

Today we start out without any idea of how much we will spend, or where the money is to come from. We wind up the year wondering how many billions we are in the red or in the black. Surely it is not asking too much to consider these two important things, income and outgo, together.

I am certain if the Congress adopts this budget section we will save many many times over the cost of this congressional reform.

COST IS $4,601,735

Careful studies have been made on the entire cost of this project, including all necessary expenses to the Government. While it is a considerable amount of money, I am certain that it will save many hundred times the annual cost in increased efficiency and in decreased expenditure of government. Often good auditors save many businesses far more than their salaries.

The total cost of the entire reorganization of Congress, including improvements in staff help, improved research in the Library of Congress, doubling of the Legislative Drafting Service, and all expenses, totals $4,601,735. This includes, I might add, the entire cost for the increase in Members salary at $15,000 a year as well as the full annual contribution of the Government to the congressional retirement plan.

A total of $4,601,735 is the complete annual cost of the reorganization. Does it run the cost of the Congress too high? As one of the three great divisions of government, I think we should put a yardstick against it and measure it against one of the smallest of all the governmental bureaus.

Take the Office of Indian Affairs, which supervises the business of the Nation's Indians. Their annual operating cost in 1945 was a total of $29,100,591. Under present operation, without reorganization, the Congress, including both House and Senate, salaries of all Members, their clerks, staffs, investigators, mileage—all legislative expense of both bodies totaled $16,325,790.

In other words, the Congress today is spending just under 52 percent of what it costs to operate the Office of Indian Affairs—just a little more than half as much for the entire Government job that Congress does.

With this new additional expense, we will run 72 percent of the cost of the Office of Indian Affairs. I think the country will feel we were wise in making this improvement, even if we do cost 72 percent of what it costs to manage the affairs of the Nation's Indians.

SYSTEM ON TRIAL IN WORLD

Gentlemen, representative democracy is on trial. We must make it work and make it work well. Around the world the lights of democracy have gone out. They burn here alone, bright enough to rekindle the fires of freedom and democracy. If we fail, we fail the world which looks to us for leadership in this perilous hour.

Remember, gentlemen, that in other countries overseas, where dictators have taken over, they took over when the legislative branches of those nations disintegrated and failed. Then, when their representative system proved incapable of properly handling the problems which faced them, the road to total power was easy.

The representative system is the best guardian of the people's liberty in the world. It can only be able to guard liberty where it is strong enough and well organized enough to carry the load that present day problems place upon them.

Mr. MICHENER. Mr. Chairman, I yield such time as he may desire to the gentleman from Vermont [Mr. PLUMLEY], a member of the joint committee.

Mr. PLUMLEY. Mr. Chairman, the joint special committee of which I have the honor to be a member, which was created by your act has discharged its duty under your command and has brought to you a report now in the nature of a substitute bill. I think it should be understood by the Members that each and every member of this joint special committee does not necessarily endorse every recommendation which is included in the report or incorporated in this bill.

We have had a difficult task to perform. We worked over a year before we submitted our report. I suppose there were at least 50 Members of Congress who came before the committee with 50 different ideas as to what ought to be done. We sifted and we sorted and we finally got into the picture a composite of such ideas and recommendation as we thought under your command we should submit to you.

That is what is now before you in the nature of a bill. It is in your lap. It is your responsibility from now on. Congress should act. The time for talking has passed.

There is one thing which has been suggested which is so very true that we should bear it in mind. If we are going to make progress we must go ahead. Nothing we do is irreparable. It is true all progress is change, but not all change is progress. Everything we may do today is subject to change next January. We should not feel that the end of the world is coming when we adjourn. We should take our responsibilities seriously.

There are necessary changes to be made in order to enable the Congress of the United States to function properly, wisely, and expeditiously. Some of the methods which should be employed are incorporated in this bill.

The responsibility of handling the bill on the floor has been delegated by the House membership of the joint special committee to Representatives MONRONEY and DIRKSEN, who are well advised and competent to assume the responsibility we have placed upon them. Let me say as I conclude, for time is the essence today, it was made very clear to us throughout the tedious and lengthy hearings held that there are defects which should be corrected in order to organize Congress to meet modern situations and to equip it to perform adequately its main functions. This substitute bill for the one which passed the Senate meets some objections made to the Senate bill, and, generally speaking, it satisfies the leadership on both sides of the aisle.

It may be that when the bill becomes a law some of its features will work out to be impracticable and unworkable, nevertheless it certainly is a chart we may well follow till we strike any hidden reefs which do not appear thereon.

We certainly should have the courage of our convictions and pass this bill. The people demand it. The Congress should assume and discharge its responsibility.

Mr. MONRONEY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. KEOGH].

Mr. KEOGH. Mr. Chairman, I had not intended to ask for any time to speak on the pending bill but recent events in connection with an extremely important phase of our legislative process—the codification of the laws—have impelled me to seek this opportunity to inform the Members about a serious aspect of those functions. When, as chairman of the Committee on Revision of the Laws, I appeared before the Joint Committee on the Reorganization of Congress, I said that I was not there to plead for the continuation of that committee as a separate standing committee so long as the reorganization would insure the carrying on of the important functions of revision of the laws.

During the 8 years that I have been chairman of the Committee on the Revision of the Laws we have engaged in the preparation of two editions of the United States Code, one edition of the District of Columbia Code and a total of 12 cumulative supplements to those codes. As the Members well know those codes contain all the general and permanent laws enacted by Congress and constitute prima facie evidence of the law. Without them the public would be at a complete loss readily to determine the present status of any of our laws. It has been our policy that making the laws understandable is as important as making the laws, and I feel very strongly that the Federal laws should attain the standard set by the majority of the 48 States and that we should have a code which would be legal evidence of the laws. It is not to the credit of the greatest lawmaking body in the world that it is far behind every State in the Union in this regard.

With this in mind we have prepared seven separate bills and are still engaged

in the preparation of two others to enact into law certain titles of the United States Code, which will be legal evidence of all the laws in the respective titles. Five of these bills have been passed by the House of Representatives on three separate occasions, in 1941, 1943, and 1945. Last week this body also passed our bill (H. R. 2200) revising the criminal laws of the United States for the first time since 1909. Unfortunately, these bills have never been reported out of the standing committee of the other body to which they were referred. As a result, the laborious and important work of codification and revision has been nullified because the standing committee of the other body to which the bills were referred has been too busy with its regular matters to give adequate consideration to these bills. I intend no reflection on either the ability or the industry of the members of that committee. They are just too busy with their regular assignments to permit them to consider these bills, and I can understand and sympathize with their situation.

However, the fact that five codification bills, which were reported from the House Committee on the Revision of the Laws and which passed the House in the Seventy-seventh, Seventy-eighth, and Seventy-ninth Congresses, have never been reported out of the Senate standing committee even though the bills make absolutely no change, seems to me complete and conclusive proof that our present system of this phase of our functions is inadequate. The pending bill, in my opinion, would do nothing to improve the situation.

There seems to me to be only one solution of the problem. That is the creation of a Joint Committee on the Revision of the Laws. Many of the benefits of the establishment of such a joint committee are obvious. For example, only by speedy action in both Houses can codification bills be kept up to date and such speedy action would be insured by having the work done by a joint committee. A splendid example of the working of a joint committee was the enactment of the Internal Revenue Code as Public Law No. 1 of the Seventy-sixth Congress. The period of time between the passage of the bill in the House and in the Senate was so short that no additional legislation affecting internal revenue was enacted which would require an amendment of the bill in the Senate after it had passed the House.

It is inconceivable to me that the Congress should permit such a serious defect in our legislative process to continue. It is not necessary to take the time of the Members now in explaining the great need for codification of our laws. That is a well-established fact. We have made some progress, but there is still much to be decided, and it is my sincere hope that some provision will be made for continuing the work in the most efficient manner possible.

Mr. MICHENER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, I cannot pretend to possess the knowledge of these intricate problems that is possessed by the members of the special committee because I was not a member of it. My principal concern from the beginning of all this discussion has been in the committee organization of the House. I would like to say a few words about that.

Cold machinery does not necessarily work efficiently. We might set up something that is apparently agreeable in the way of organizing the legislative body, but unless it appeals to the Members and gives each Member an opportunity to be useful in the line of work which appeals to him, the machinery itself is not effective. It is from the human standpoint—perhaps I may use that expression—that I have approached this question of the consolidation of committees.

It so happens I have served on the Committee on Committees of the Republican minority for some time. I came into contact with the ambitions and desires of individual Members with respect to assignments to committees. I noticed especially how difficult it is, under the committee system as we now have it, to take a new Member who is anxious to serve and who is equipped with intelligence, and give him a job that is worthwhile. In a large number of instances, we are compelled, under the present setup, to put that Member upon a committee which seldom meets, or perhaps on two or three committees, no one of which meets frequently, in an endeavor to make it appear to outsiders that he is being accorded recognition. As a matter of fact, for many years I have had a deep sympathy with newly elected Members of the House on both sides of the aisle, in that it takes so long for them to reach a committee which appeals to them, holds their attention, and gives them a chance to serve the country to the best advantage.

Therefore, I was very much in favor of the rearrangement or consolidation of the committees of the House in such fashion that every committee of the House shall be important, and that every Member of the House, be he a newcomer or an oldster, shall be on an important committee. With this provision as proposed by the special committee, we are to have 19 committees instead of 48, and, as I understand it, the members of the special committee have made distribution of the membership to those 19 committees in such fashion that every Member of the House will be on one important committee, whose work will hold his attention, and the performance of which will give him satisfaction and pride. I think there is a morale program here and I have thought so for years. A newcomer should be given a better chance than he is given today under this curious old conglomeration of 48 committees.

You will note that 3 of the committees out of the 19 as proposed by the special committee are not regarded as "exclusive." They are the Committee on the District of Columbia, the Committee on Un-American Activities, and the Committee on House Administration. It is specifically provided that a Member assigned to one of those committees, which are obviously of less importance than the other 16, may serve on one of the others. That is so that every Member of the House in accordance with the numerical distribution committee by committee will have a chance to serve to the best of his ability; and I think that will do more for the spirit and morale of this House than any other change that could occur.

Mr. ROBERTSON of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. ROBERTSON of Virginia. I fully agree with what the gentleman is saying but I should like to have his suggestions and interpretation of how the theory is to be applied to the present standing committees of the House on which men are now serving who next year we might not think were peculiarly fitted for service on that particular committee. Will their seniority prevail and they stay there, or will there be a new deal all the way around?

Mr. WADSWORTH. A new Congress will be elected this coming autumn and that Congress will organize itself. We have got to trust the next Congress to put this machinery to work. I cannot stand here at this time and say exactly what is going to happen to every Member of this Congress when he comes back upon being reelected to the next Congress. We will all be treated alike, at least.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. ZIMMERMAN. I believe we all know it to be a fact that oftentimes a man on an important committee, one of our exclusive committees, under the present set-up will find some man running against him and allege that John Jones over here is a member of five committees or seven committees and for that reason this man is not rendering any service to Congress and ought to be defeated; and many have been defeated on that very argument.

Mr. WADSWORTH. Quite frequently the public misunderstands the committee system here and the method by which Members of the House are placed on committees.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. CURTIS. Is not this proposal that the House shall elect the chairman of the standing committees the same as the present procedure? Is there any change over present procedure?

Mr. WADSWORTH. It would be no change at all because the House today elects all the chairmen.

Mr. JARMAN. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. JARMAN. I imagine the gentleman had in mind exactly what I had in mind when he propounded that question. According to the press, there was a sentiment on the part of this committee in its inception to change the method of selecting committee chairmanships from the old-established seniority rule, and in that, as the gentleman just said a moment ago, we have to trust the next Congress. But I am wondering if the gentleman knows whether there is any disposition on the part of this committee at this time to change the method of selecting committee chairmen.

Mr. WADSWORTH. I remind the gentleman that I am not a member of the special committee and consequently have not been able to read their minds. I have not heard of any such disposition.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. DIRKSEN. May I say to my friend from Alabama that there was no disposition on the part of the joint committee to go into that party machinery as distinguished from the machinery under the rules of the House. On this side the committee on the committees and on the other side the Committee on Ways and Means will function just as they do now. There is no change there.

Mr. WADSWORTH. May I say a word—very briefly it must be—with respect to what I believe will be increased efficiency of the legislative body as a whole. It must be admitted that we scatter out amongst too many committees the work of legislation. There are instances where two or three committees now existing under the present organization actually pass upon very similar things. The proposal here is that when there is a group of functions to be performed by the Federal Government, functions similar one with the other, then a committee of the House as well as a committee of the Senate shall be so constituted as to get an over-all view of the whole problem involved in those particular functions.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MICHENER. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. WADSWORTH. Mr. Chairman, we know perfectly well, of course, that we have three pension committees. It is obvious that the pension policy of the United States should be standardized under one statute or one series of statutes and that the best way to have those policies formulated in the way of legislation is to have the Senate and the House study the whole question of military pensions and benefits and be in position to bring to us better conceived programs. Then, too, the Federal Government in recent years has embarked upon a large number of public works involving authorization of literally hundreds of millions of dollars; indeed, they go up into the billions of dollars.

There is Rivers and Harbors, there is Flood Control, there is Roads, citing three, all of them involving construction. We have three different committees to handle the problem of public works generally and each committee works in its own compartment with seldom an opportunity of ascertaining what another committee is doing in a similar field and what the effect of the other committee's action will be on the Federal finances. Would not our legislation be sounder and better considered if a strong central committee of the House screened these public works, measured their effect down into the future, not only upon the progress of the country but upon the fiscal position of the Federal Government, and be in a position to present to the House an over-all view of the public works program of the United States? That, in my opinion, would be a more effective way of doing it for the long view than having it done by three or four separate committees, no two of which consult each other.

Very much the same thing can be said with respect to the support of the military forces. I have myself encountered instances in which one particular committee, we will say the Committee on Military Affairs, reports a recommendation to the House as to the size of the Army and its composition, including the Air Corps, yet no member of the Military Affairs Committee has ever heard what the Navy is proposing. And vice versa. May I cite one instance on the floor here. When the Naval Affairs Committee, exercising its functions perfectly correctly under our custom, under our system, brought in a resolution fixing the size of the Navy—that was only last year—at so many ships, I think 1,079 and 550,000 enlisted men, at an estimated cost of so many billion dollars, I asked the chairman of the Naval Affairs Committee on the floor whether or not his committee had any knowledge of what the War Department was going to propose with respect to the size of the Army, its composition, and its cost. The answer was in the negative. I pursued the inquiry further. I went to the War Department and asked the officers of the General Staff whether or not the War Department or the General Staff had ever been consulted by the Navy as to the size of the Navy. No. Now, the same thing will happen in the opposite direction. The Military Affairs Committee of the House may bring in a bill fixing the size of the peacetime Army. We have only an interim Army now. If it does so, under the present system there will be no consultation between the members of the Committee on Military Affairs and the Committee on Naval Affairs with respect to an over-all military policy. My hope has been for years dating back to the time when I was chairman of the Committee on Military Affairs of the Senate, that the Congress would seize control of the military policy of the United States, and my belief is that it can do so by having the admirals and the generals come before the same committee in the presence of each other to tell their stories.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. MONRONEY. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. JARMAN].

Mr. JARMAN. Mr. Chairman, although it has not been my privilege to become as familiar with these matters as the distinguished gentleman who just preceded me, and as many Members of this committee, I cannot refrain from confessing my inability to agree with the pessimism which seems to prevail about Congress. I do not agree, for instance, with this sentence on the first page of the report accompanying this bill. After referring to legislative machinery and procedure, the report says:

> They must be modernized if we are to avoid an imminent break-down of the legislative branch of the National Government.

My colleagues, I cannot bring myself to agree with that. I do not believe that the legislative branch of this Government is going to break down if this bill does not pass as it is written, or if it does not pass at all, and I am not sure that we are performing any great service either to ourselves—witness Georgia and Oklahoma in the past week—to this Congress, or to this country in publicizing statements of that kind. Some reorganization, of course, is justified and necessary.

However, I am not at all sure that I can get my consent to vote for this bill as introduced. There are several provisions of which I am doubtful. I am not at all sure that time will be saved and business expedited by requiring the actual presence of a majority of a committee to report a bill. I am equally doubtful about the requirement that the testimony of witnesses before committees be in writing. Nor do I think that a majority vote of a committee should be necessary to an executive session except those for marking up bills or voting. On the other hand, I think that the chairman of a committee who wishes to call an executive session for the purpose of securing confidential testimony, for instance during war, should be authorized to do so without any vote by the members of the committee. Under this bill he cannot do so because of the requirement of a majority vote of the members. I am very doubtful whether the statute of limitation which would bar claims after a year allows sufficient time to always prove equitable.

While I consider these objections worth while, and could mention others, they really fade into insignificance in comparison with one which to me stands out. The fact has been published throughout the Nation that this bill would raise our salaries to $15,000 or 50 percent, as it ostensibly does; in fact, on page 41 of the report we find the statement: "It increases the compensation of Members of Congress to $15,000 per annum." While this is technically true, we all know that the fact is no such actual increase occurs. This results from the fact that this bill, while raising the actual salaries from $10,000 to $15,000, repeals the $2,500 nontaxable expense allowance we have received for 2 years. Consequently, the raise is actually from $12,500 to $15,000, or 20 percent. If this bill becomes law, I do not wish it to go out to the country that we have raised our salaries 50 percent, whereas the actual raise is 20 percent.

With your permission, Mr. Chairman, I wish to propound to you a question or two. The distinguished gentleman heard the references made a while ago to committee chairmanships. The gentleman will recall that in the press—I do not know whether it was the attitude of the members of his committee, but it was so publicized—it was stated that there was an attitude on the part of some members of the committee to change the established seniority custom regarding existing chairmen. I recognize that is a prerogative of the House, and it was publicized that the gentleman's committee was going to take it up. I would like to know if there is any disposition on the

part of the gentleman's committee to change that custom.

Mr. MONRONEY. I would like to assure the gentleman from Alabama that under the rule by which the committee was established, our committee was denied the right to recommend any change in either practice, precedent, custom, or tradition of either House, and under that rule we felt we were bound by the rule not to go into the matter of seniority, although we had witnesses to testify regarding it. We had testimony to that effect. I think the gentleman is concerned with whether any attempt will be made to change, as this new committee goes into gear after the first of the year, the established practice regarding the assignment of Members to committees and the positions on the committees upon which they sit, and the time-honored custom of the Congress that the chairman of the committees shall be elected by the House. I am able to say to the gentleman that we did not change the rule in any regard concerning the election of committees by the House. We did feel that we had no jurisdiction or right, for instance, to recommend any changes regarding committees on the Republican side, who must assign Members to committees and determine their positions on the committees, and I assure the gentleman, with my respect for the strength of the Committee on Ways and Means and its influence in the House, that we did not intend to say to the Committee on Ways and Means what they should do in this instance.

So as the House meets the first of next year the machinery of the House will be exactly the same regarding the assignment of Members to committees and their positions thereon.

Mr. JARMAN. I thank the gentleman very much. In view of the remark a while ago of the gentleman from New York about trusting the next Congress, and in view of the publicity which occurred, I was naturally interested.

One more question: There appears on page 33 of the bill, line 13, a provision which I am certain the gentleman does not mean, and if it has not been corrected I propose to offer an amendment to correct it. That is the provision that the Committee on House Administration shall have jurisdiction over the employment of persons by the House, including clerks for Members and committees.

Mr. MONRONEY. That has nothing to do with the appointment of clerks of Members. However, the Accounts Committee is charged with determining the allocation of the $9,500 clerical hire and seeing that it does not run over that. This has no relationship whatever to the employment of the clerks, but they do have to administer the appropriations which are made for clerk hire.

Mr. JARMAN. It has nothing to do with the selection of the personnel?

Mr. MONRONEY. No, indeed.

Mr. MICHENER. Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, I regret I cannot go along with what appears to be a majority of the House in support of this bill described as a measure "to provide increased efficiency in government." Of course I am for efficiency. I have legislation pending to do that very thing. I have spoken on that subject many times. There are some provisions in this bill I should be glad to support. There are others to which I am opposed.

I am opposed to the increase of $5,000 to Members of Congress, in this bill. This is 50 percent. No one knows better than I that expenses have increased for Members of this body, since they were fixed 20 years ago. Living costs in Washington are higher than anywhere in the country. But, Mr. Speaker, times are unsettled. Members of Congress should not establish these increases when we are expected to hold the line in other places. This is not the first time I have expressed opposition to this sort of thing.

Mr. Chairman, I am also opposed to the next section in the bill that allows Members of Congress to come under the retirement system similar to that afforded civil-service employees. They are a different group. They are appointed career people. We are elected and serve at the will of the electors. If Members were required to pay full contribution during the entire period of service, it would not be quite so inequitable, but this section contains a provision that would allow a Member to retire after 6 years' service after paying about $3,000 and get about $2,000 per year the remainder of his life. As I have said, if he drew according to his contribution, it would not be quite so inequitable. This is certainly asking too much, even if you favor the policy of allowing retirement pay to elective officials. At the proper time I shall expect to offer to strike the retirement section from the bill. If offered by another Member, I shall support such amendment.

Mr. Chairman, unless the bill is amended in line with my proposal to strike both these sections from the bill, I shall vote against it.

Mr. MICHENER. Mr. Chairman, I yield such time as he may desire to the gentleman from Nebraska [Mr. CURTIS].

Mr. CURTIS. Mr. Speaker, this proposal for reorganizing Congress has some meritorious features. Those things relating to committee changes and the like, which will add to the efficiency of Congress, are commendable.

I do not approve, nor will I support, those provisions raising the pay for Members of Congress and providing for their retirement benefits. The Federal budget has not been balanced, we are still going into debt, and in view of my opposition to excessive spending in other fields, I cannot support this proposal.

Mr. MONRONEY. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, I am in favor of this general plan of reorganization. I think we can improve our product, that is, wise legislation, by improvement in congressional organization. I hope we will not lay so much stress upon organization that we overlook the need for the better product, wise legislation. I was impressed with the suggestion made by the gentleman from Ohio [Mr. BROWN] that he intended to offer an amendment at a certain page in the bill. I, too, have had difficulty in bringing myself to approve a 50 percent increase in salary for Members. On the other hand, I have no difficulty whatever bringing myself to approve a sane retirement provision for Members of Congress. In fact I heartily approve—not of pensions for Congressmen—but a proper, self contributory retirement plan for Members of Congress. This is not only for individual security but for the general benefit. Without a retirement plan Congress may tend to become a rich man's club. I have spoken in favor of congressional retirement on at least one or two earlier occasions.

I think I shall support the amendment offered by the gentleman from Ohio when it is offered, for I believe we will be unable to face our constituents and say to them, "We have increased our own pay all out of proportion to that which we have provided for employees of the Government and permitted in the case of employees generally throughout the country." I recall we have not been generous with our elderly citizens, nor other groups which could be mentioned.

I want to ask the chairman a question. I notice on page 38, lines 20, 21, and 22, there is set out part of the former jurisdiction of the Committee on Irrigation and Reclamation which would be included in the jurisdiction of the proposed Committee on Public Lands. At present the Committee on Irrigation and Reclamation deals with acquired private lands as well as public lands. Does the gentleman feel this language covers the entire ground?

Mr. MONRONEY. No; may I say to the gentleman that in the matter of these jurisdictional specifications we could not attempt without reporting a bill which would probably be several hundred pages long to cover every specific matter that would come under a committee's jurisdiction.

Where not otherwise specified, the precedents of the House will apply. I believe the gentleman's committee now has the jurisdiction to acquire the lands of which he speaks. There is no effort to take that away from the committee. We just felt that we did not have space enough to cover everything that could possibly arise on the question of committee jurisdiction.

Mr. MURDOCK. I thank the gentleman. It may be that on further thought I shall want to offer an amendment here to make the matter clear. As chairman of that Committee on Irrigation and Reclamation today, I have no particular pride in chairmanship on my own part, but I do have a pride in committeeship—I have a pride in this committee. I have an obligation to the committee and to the great cause of reclamation not to be taken lightly. I do not want the functions of the present committee to be impaired or to be reduced if it should be merged with another committee.

The Bureau of Reclamation was established in 1902. It has built about a billion dollars worth of projects, adding

greatly to the new wealth of the Nation. Yet, I feel its task is only beginning. We must center in any future committee the full authority and functions now exercised by the Committee on Irrigation and Reclamation. That is the point that I have in mind which prompts me to ask the question. Unless I can be positively assured of the sufficiency of this authority, I shall want to offer an amendment at the end of line 22, page 38, when we read the bill for amendment.

Mr. MONRONEY. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Chairman, as we consider the structure of the Congress of the United States and the practices and procedures of our national legislature, we find there are many questions involved as we read carefully, as I am sure most of the Members have, the provisions presented in S. 2177. Perhaps it would be interesting and informative to the committee for me to discuss, although presumably it will be developed by Mr. DIRKSEN and others, the retirement plan which is contemplated if this legislation becomes law. I do so on the premise that the House Committee on Civil Service gave many weeks of study to this problem. As you recall, we attempted to report a retirement measure to the floor for action. I recall at that time the very able gentleman from Oklahoma [Mr. MONRONEY] said to me in private conversation off the floor of the House—and I think he said it publicly at the time the rule was considered—that he believed we should hold all of these reorganization features together in the legislation and bring them here in one comprehensive legislative proposal for action of our colleagues.

I differed with him at that time. I thought we were presented with a proper challenge; yet I have come to feel that perhaps he was correct. For that reason I made no serious attempt at that time to impress on my colleagues the necessity for voting on the retirement subject matter.

Mr. Chairman, I now discuss and analyze the retirement provisions contained in the measure.

Subsection (a) of section 602: This subsection excludes from retirement the elective officers who are "in the executive branch of the Government" and thus permits retirement coverage for elective officers in the legislative branch of the Government under conditions mentioned in the next subsection. The President and Vice President are accordingly excluded from retirement coverage.

Subsection (b) of section 602—new provisions: This entire subsection adds a new section to the Civil Service Retirement Act, setting up special provisions relating to retirement obligations of and benefits for Members of Congress.

Paragraph (1)—coverage: Provides that the Retirement Act shall not apply to any Member of Congress until he exercises an option to come within the purview thereof and gives notice in writing to the disbursing officer by whom paid of his desire to make contributions to the retirement fund and otherwise participate as a member of that fund.

The required notice may be given by a Member of Congress within 6 months after the date of enactment of the pending bill, or within 6 months after any date on which he takes an oath as a Member of Congress.

Election could not be made by a former Member of Congress unless and until he again takes oath as such Member.

Paragraph (2)—contribution rate: Provides that each Member who elects to come within the retirement law shall contribute 6 percent of his basic compensation for all service after the effective date of the pending bill.

All others subject to the Retirement Act now contribute 5 percent of basic pay.

Purchase of past service: Deposit for the purpose of purchasing credit for past service performed prior to the date of enactment of pending bill would be at the same rate as required of all others subject to the retirement law, as follows:

Two and one-half percent of base pay for service August 1, 1920, to June 30, 1926.

Three and one-half percent of base pay for service July 1, 1926, to June 30, 1942.

Five percent of base pay for service from July 1, 1942.

No deposit is required for service before August 1, 1920, but credit is automatically granted therefor in all cases.

Paragraph (3), requirements for annuity: Requires that a Member of Congress shall have served at least 6 years as such and have reached the age of 62 before he shall be entitled to receive an annuity except, that if a Member becomes disabled, a minimum of 5 years of service shall be required, irrespective of age requirements.

For all except Members of Congress, at least 5 years of service is required for a discontinued service benefit at age 62.

Members of Congress and all other members of the retirement fund must have a minimum of 5 years of service for a disability benefit and there is no age requirement in any disability case.

Paragraph (4), must contribute for at least 5 years for annuity benefit: Provides that a Member shall make contributions to the fund for at least 5 years, or deposit the equivalent thereof with interest, to be entitled to any annuity benefit.

No such requirement for other members of the retirement fund.

Paragraph (5), annuity rate: Assuming deposit for all past services as a Member of Congress subsequent to July 31, 1920, the annuity would be 2½ percent of a Member's average basic salary as such Member, multiplied by the number of years of such service, but no annuity shall exceed an amount equal to three-fourths of the salary received at the time of his separation from the service.

If a Member of Congress fails to make deposit for all his years of congressional service—beyond the 5 years actually required—the years for which he did not contribute or make a deposit would be counted in computing his annuity, but the annuity would be reduced by the amount of annuity purchasable with the deposit not made.

See chart of comparative rates of annuity payable as proposed to Members of Congress and to those under the regular provisions of the Retirement Act.

When regular annuity begins: If a Member of Congress is age 62 or over when he leaves office, his annuity would begin to accrue on the 1st of the month following the month in which he separates.

If the Member separates prior to attaining age 62 his annuity would become effective on the 1st day of the month following the month in which he attains age 62.

Interest on deposits between separation and date of annuity: In the case last mentioned above, his contributions would draw interest from the date of separation, to beginning date of annuity, at the rate of 3 percent compounded annually.

Types of annuity: A Member of Congress could elect any one of three kinds of annuity as follows:

Life annuity with return of any unexpended balance in case of death;

Increased life annuity with forfeiture of any unexpended balance in case of death;

Joint and survivor annuity by which the Member may share his annuity with a survivor either in an equal amount or one-half of the Member's annuity. Most persons name the spouse under the Civil Service Retirement Act.

Paragraph (6), refunds: A Member who elects to contribute to the retirement fund and is separated before becoming eligible for annuity would be entitled to the return of his credited contributions with interest at the rate of 4 percent compounded annually.

No Member who receives a refund as provided above may subsequently become eligible for annuity as such Member, unless he redeposits the refund with interest, but no interest would be required during any period of separation from the service.

Paragraph (7), reelected Member drawing annuity: If a retired Member of Congress, drawing annuity is again elected to Congress he may either (a) have his annuity suspended during his subsequent service and resume the same annuity when subsequently separated, or (b) elect to become again a member of the retirement fund and contribute 6 percent of base pay, during his subsequent service so that his annuity would be recomputed, with the inclusion of the additional service upon subsequent separation—annuity to be suspended.

Paragraph (8) certain congressional service under pending bill not creditable toward annuity for service in the executive branch: This section is designed primarily to prevent a continuance of existing practice under which a Member of Congress after separation as such may receive appointment in the executive branch of the Government and be accorded credit toward annuity for all his service as a Member of Congress.

Under S. 2177 a Member of Congress who has served for at least 6 years, any part of which occurs after the enactment of the bill, may not have credit for

his service as such Member toward regular civil-service annuity.

If, however, the Member of Congress has less than 6 years of such service, or if all of his service was before the effective date of the pending bill, such service may be credited toward any annuity under Civil Service Retirement Act for which he may be eligible.

No service is creditable toward an annuity for a Member of Congress, under the bill, except the service as such Member.

No period of service creditable for the purpose of a congressional annuity computation shall be used also for the purpose of a regular annuity computation under the Civil Service Retirement Act.

Paragraph (9) no separation age: All laws relating to automatic separation from the service on account of age are waived for Members of Congress.

Paragraph (10): Defines the term "Member of Congress."

Cost figures: It is estimated that the normal cost for the retirement benefits of the pending bill will be $198,000 a year.

Normal cost is that figure resulting when both the Member and the Government contribute their shares of the cost currently.

The deficiency cost, or accrued liability, would total $3,000,000. If this cost be amortized over a period of 52 years—following the procedure of the Civil Service Retirement Act—there would be an annual cost of about $136,000 until the liability be liquidated.

The deficiency cost or accrued liability arises because of credit allowance for past or previous service.

The above figures are in line with those arrived at by the Retirement Division of the Civil Service Commission

If we take into consideration that a Member of Congress may now, upon failure of reelection, secure an appointment in the executive service, and upon retirement therefrom secure credit for his congressional service, the figures given are an overstatement because the practice would not obtain under S. 2177.

The CHAIRMAN. The time of the gentleman from West Virginia has again expired.

Mr. RANDOLPH. Mr. Chairman, I ask unanimous consent to extend and revise my remarks so that Members will have for their information in the RECORD, my discussion of the retirement pay provisions as contained in this bill so that the material appears in order.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MICHENER. Mr. Chairman, I yield such time as he may desire to the gentleman from Minnesota [Mr. ANDRESEN].

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I have long felt the need for a reorganization of the committees of Congress, as well as the procedure of the House. Streamlining of Congress is long past due. I feel that the provisions providing for congressional reorganization, as provided in the committee amendment will bring far greater dispatch and efficiency in the handling of legislative matters. I am also convinced that the consolidation of committees with more efficient staffs, will make possible closer scrutiny of all legislative proposals, which will result in the saving of billions of dollars annually for American taxpayers. I shall vote for the rule to bring this proposal up for consideration.

I cannot agree to the provision which increases the salary of Members up to $15,000, and I will, therefore, vote for the amendment to retain the present salary. I do not feel that Congress should increase the salary of its Members until the budget has been balanced. While the proposed salary increase does not affect the Members of the present Congress, it is my opinion that a mistake will be made to take such action now. We should take the leadership in keeping expenses of government down.

I recognize that many Members are interested in the retirement fund proposed in this legislation. I want to hear the proposal fully discussed by the members of the committee. If the retirement fund is established, I suggest that all Members desiring to join should be required to make full payment retroactively for the number of years of service, in order that the system may be considered in accordance with sound actuarial principles. No Member of Congress should receive anything for nothing after his service has been terminated. He should be required to pay the same as though he purchased an annuity from a private insurance company.

The reorganization of Congress should not be a personal matter with any of the present membership. We are legislating for the future. Congress needs streamlining now. We are dealing with the largest business in the world, and our constituents expect us to handle their affairs in a businesslike manner, with the realization that we are the official representatives selected by them to protect the economy of our country and safeguard their interests.

Mr. MICHENER. Mr. Speaker, no informed person presently contends that the Congress is adequately organized or equipped to perform the duties which the framers of the Constitution anticipated it would perform. The framers of the Constitution thought in prospect and showed marvelous vision in what they wrought. It was impossible, however, for them to even visualize, much less contemplate, the duties of the legislative branch of the Government in the year 1946. They provided for changes in the Constitution and in the law of the land. They expected coming generations to keep abreast of the times. Their plans have worked well. Needed changes to the Constitution have been made; however, the Congress has been derelict about improving its own procedure. We are naturally conservative people, and it is well that we are that way. Any changes made should be of a progressive nature, inspired by necessity and not the result of emotional or radical appeal on the part of that minority which feels that our form of government has outlived its usefulness, and which is sympathetic to foreign ideologies.

The bill which we bring you today had its genesis in study on the part of students of government, political scientists, efficiency engineers, and Members of Congress. It is not a hasty conclusion inspired by any particular pressure group of our people. It reflects the considerate thought and almost unanimous approval of all of these groups.

I do not agree with those sincere and enthusiastic pessimists who believe that Congress must be modernized if we are to avoid an imminent break-down of the legislative branch of the National Government. It is not as bad as that. Present laws, rules, and regulations governing the Congress are the result of trial and error. The rules and the regulations of the first Congress are not at all like those of today. Congress after Congress, appreciating the experiences of the past, has yielded to progress but has made only such changes as were imperative.

There is a difference between that which is essential to function and that which is advisable in order that functioning may be more effective. Congress has stumbled along during the last few years when the shackles of outworn precedents should have been removed. The purpose of this proposed legislation is to remove these shackles and not only to make it easy but to make it possible for the Congress to fulfill the duties for which it was created. During the last 10 years the legislative picture has become extremely involved. The Federal Government is participating in an alarming extent in State, local, and community affairs. The present committee system is a glaring example of the horse-and-buggy days brought up to date, but still using the horse and buggy. There are three times as many committees as there were a few years ago. Additional committees are added, while useless committees are continued. We all know the primary reasons for the continuance of these unnecessary committees. I think the people are beginning to understand the facts and, when they are fully advised, will insist upon doing away with this inefficiency. The fact that it does reflect glory on needless committee chairmen and on the membership of outworn standing committees does not warrant its perpetuation.

Every committee in a way is a miniature legislature where policies are considered, determined, and the pros and cons of legislation evaluated. If this is true, then these committees should be active, representative, and as large as possible in keeping with accomplishment. This bill envisions such a condition. Who can justify the present jurisdictional committee set-up where four House committees deal with public works, six deal with public land problems, and three with veterans' affairs, and so on down the list. None of these committees dealing with like subject matter has any contact with or knowledge of similar matters being worked upon by the other committees. This is not only committee inefficiency but, as a rule, militates against the best interests of the groups primarily affected.

It is hoped by the proponents of the bill to correlate the legislative activities of the House and the Senate to avoid duplication, conserve time of the Members, as well as the time of innumerable

executive and agency representatives, who spend weeks appearing before different House and Senate committees dealing with the same subject, and are compelled to tell their stories and make their cases over and over again. Mr. Speaker, all of this just does not make sense. This bill will not cure all of the evils, but it will help. Neither the Senate bill nor the House bill were hastily prepared. For more than a year the joint congressional committee, assigned the task of making this study and reporting to the Congress, has worked at that job. As a member of that committee I know whereof I speak. The committee has had the very able and enthusiastic assistance of Dr. George Galloway, the committee counsel, who has pioneered in this field for a number of years. The legislative counsel of the House and the Senate has given generously of its time and knowledge, and is entitled to much credit for the form in which the committee's views are brought to you.

Time for general debate is limited, and I can render no better service in explaining the bill than by adopting as a part of my remarks an excerpt of the committee report, which reads as follows:

At present the combined membership of all the standing committees in the House is 908 and of the 10 exclusive committees is 291. In addition, there are 6 special committees of the House, with a total membership of 62. Altogether the 439 Representatives, Delegates, and Resident Commissioners of the Seventy-ninth Congress occupy 970 seats on its standing and special committees, an average of 2.2 seats per Member. Under the bill, Representatives would serve on one standing committee each and no more, with the exception of the District and Un-American Activities Committees, whose members would serve on two committees each, and of the Expenditures and Administration Committees, whose majority members would serve on two standing committees each.

The bill would also define the jurisdiction of each reorganized committee so as to avoid jurisdictional disputes between them. It would expand the present meager staff facilities of our standing committees, which are the real workshops of Congress; permit each committee to appoint four experts in its field; and strengthen the legislative reference and legislative counsel services which are our own unbiased research and legal arms.

As further steps toward improving the policy-determining machinery of Congress, the bill would regularize committee procedure as regards hearings, meetings, and records. It would expedite the reporting of bills. Committee powers are defined, and permission to sit while the Senate is in session is restricted. The bill also seeks to confine conference committees to the consideration of matters in disagreement between the two Houses and outlaw legislative riders on appropriation bills.

In the last analysis, Congress is the center of political gravity under our form of government because it reflects and expresses the popular will in the making of national policy. Too often, however, the true attitude of public opinion is distorted and obscured by the pressures of special-interest groups. Beset by swarms of lobbyists seeking to protect this or that small segment of the economy or to advance this or that narrow interest, legislators find its difficult to discover the real majority will and to legislate in the public interest. As Government control of economic life and its use as an instrument of popular welfare have increased, the activities of these powerful groups have multiplied. As the lawmaking, money-raising, and appropriating agency in the Federal Government, the acts of Congress affect the vital interests of these organized groups, many of which maintain legislative agents on or near Capitol Hill. These agents seek to transform the aims and programs of their groups into public policy by having them embodied in general legislation, by changing the tax laws to suit their own purposes, by using their influence to reduce or eliminate the appropriations for agencies they dislike and to increase the appropriations of agencies they favor, and by pressing for the ratification or rejection of treaties. Presidential nominations, and constitutional amendments. A pressure-group economy gives rise to government by whirlpools of special-interest groups in which the national welfare is often neglected. The pulling and hauling of powerful pressure groups create delays and distortions which imperil national safety in wartime and threaten paralysis and bankruptcy in time of peace. The public welfare suffers in the warfare of private groups and Congress becomes an arena for the rationalization of group and class interests.

Without impairing in any way the right of petition or freedom of expression, the bill provides for the registration of organized groups and their agents whose principal activity is seeking to influence legislation. It also requires them to file detailed quarterly accounts of their receipts and expenditures. Full information regarding the membership, source of contributions, and expenditures of such organized groups would prove helpful to Congress in evaluating their representations and weighing their worth. Publicity is a mild step forward in protecting Government under pressure and in promoting the democratization of pressure groups.

IMPROVED FISCAL PROCEDURES

A second set of provisions is designed to strengthen Congress in the performance of its appropriating function for the administrative establishment. Hitherto the efforts of Congress to compel compliance with the laws making specific appropriations have been too often frustrated. Congress has permitted transfers between appropriations, authorized the unlimited use of departmental receipts, and set up credit corporations with separate budgets. The executive has mingled appropriations, brought forward and backward unexpended and anticipated balances, incurred coercive deficiencies, and otherwise escaped the rigors of congressional control.

To correct these conditions, at least in part, the substitute provides for several improvements in the legislative phase of the budget process. It would provide for open hearings on appropriation bills and require all such bills to be fully and carefully considered by the entire Appropriations Committees of both Houses. It would allow Members time to study the committee hearings and reports on appropriation bills before their floor consideration. It would provide each appropriation subcommittee with a staff of not more than four qualified specialists in its particular expenditure province with a view to making a more thorough scrutiny of departmental estimates and to serve both the majority and minority members. The substitute would also forbid the reappropriation of unobligated balances except for continuing public works, which were estimated at $12,300,000,000 for the fiscal year 1946; and take steps toward limiting permanent appropriations which amounted to $5,600,000,000 in the fiscal year 1946.

Although Congress is charged by the Constitution with the power of the purse, there now is no correlation between income and outgo. Control of the spending power is divided between the Senate and the House of Representatives, and within each House between its revenue and appropriating committees. Taxes are levied and appropriations made by many separate committees. The right hand does not know what the left hand is doing.

To strengthen budget control, S. 2177, as it passed the Senate, provided for the adoption of annual Federal Budget totals by joint action of the revenue and appropriating committees of both Houses. If total estimated expenditures for the ensuing fiscal year exceed the total estimated Federal receipts, Congress would be required by record vote to authorize the creation of additional Federal debt in the amount of the excess. If it appeared midway in the fiscal year that the total appropriations would exceed the total approved Budget figure, the President was directed by proclamation to reduce such appropriations by such amounts (to be fixed by him) so as to bring total expenditures within the limit previously set. These limitations would not apply in time of war or during a national emergency.

The substitute strikes out the provisions contained in the Senate bill explained above and inserts a provision requiring the same committees to meet jointly at the beginning of each Congress and after study and consultation report to their respective Houses a legislative budget for the ensuing fiscal year. Such budget will include the estimated overall Federal receipts and expenditures for such year and will contain a recommendation for the maximum amount to be appropriated for expenditure in such year. Within such maximum amount it is contemplated that the committees will reserve a sufficient amount for subsequent deficiency appropriations as the need becomes apparent. It is realized that such amounts that may be reserved for deficiency will, of necessity for a few years, be on the trial and error method; however, it is believed that with a few years' experience such amount will be susceptible of definite determination in advance under ordinary circumstances. If said committees estimate that the receipts will exceed expenditures, the report will contain a recommendation for a reduction in the public debt. A concurrent resolution will accompany such report and will contain language adopting such budget and fixing the maximum allowance to be appropriated for expenditure in such year. In addition, if an estimated deficit will result, the concurrent resolution will also include a section stating that it is the sense of Congress that the public debt shall be increased in an amount equal to such deficit.

OVERSIGHT OF ADMINISTRATIVE PERFORMANCE

A third group of provisions in the substitute is designed to strengthen congressional surveillance of the execution of the laws by the executive branch. Congress has long lacked adequate facilities for the continuous inspection and review of administrative performance. We often delegate the rule-making power to administrative departments and commissions, without making any provision for follow-up to see if administrative rules and regulations are in accord with the intent of the law. Several of the postwar acts, for example, require certain agencies to submit quarterly reports to Congress, but assign the responsibility for scrutinizing these reports to no legislative committees.

To remedy this situation, the substitute would authorize the standing committees of both Houses to exercise continuous surveillance of the execution of the laws by the administrative agencies within their jurisdiction. Staffed with qualified specialists in their respective provinces of public affairs, these committees would conduct a continuous review of the activities of the agencies administering laws originally reported by the legislative committees. The reconstructed standing committees will, it is hoped, roughly parallel the reorganized administrative structure of the executive branch of the Government and will be utilized as vehicles of consultation and collaboration between Con-

gress and the corresponding administrative agencies within their respective jurisdictions.

As a further check upon the financial operations of the Government and its care in handling public funds, the substitute authorizes and directs the Comptroller General to make expenditure analyses of each agency in the executive branch, including Government corporations. Such analyses, with those made by the Bureau of the Budget, will furnish Congress a double check upon the economy and efficiency of administrative management. Reports on such analyses would be submitted by the Comptroller General to the Expenditures, Appropriations, and appropriate legislative committees of the two Houses.

SAVING CONGRESSIONAL TIME

Congress is overburdened by many local and private matters which divert its attention from national policy making and which it ought not to have to consider. It functions as a common council for the District of Columbia. It serves as a tribunal for the settlement of private claims. It spends much time on pension bills, the construction of bridges over navigable waters, and other private and local matters. The substitute bans the introduction in either House of private claims and pension bills, bridge bills, and other local and private legislation. Title IV provides for the administrative and judicial adjustment of tort claims against the United States which Congress is poorly equipped to settle. Title V grants the consent of Congress to the construction of bridges over navigable waters, subject to the approval of the Chief of Engineers and the Secretary of War. Self-government for the District of Columbia—a reform long overdue and a step toward reducing the legislative work load—is separately provided for in legislation introduced by Senator MCCARRAN and pending on the Senate Calendar.

These time-saving devices will not only make for a more efficient use of congressional time, they will also enable the Congress, which has been in almost continuous session since 1940, to take a regular annual recess. The substitute provides that, except in time of war or national emergency, the two Houses shall stand adjourned at the end of July each year. Such a regular adjournment at definite annual intervals will insure the return of Members to their constituents for that refreshment of contact and exchange of opinion and experience so essential to responsive representative government.

The substitute also provides the Senate and House caucus rooms, for the more efficient assignment of available space within the Capitol, and more convenient dining facilities.

The usefulness of the CONGRESSIONAL RECORD to all its readers would be increased by the printing in it of a daily calendar of legislative events, together with a résumé of congressional activities and an index of its contents.

Mr. Speaker, in addition, provision is made for increased compensation for the Members of the House and the Senate. It is also provided that Members, if they so desire, may take advantage of a retirement system; that is, under certain conditions, Members of Congress may contribute toward an annuity to be paid when they retire, but not before they reach the age of 62 years. This feature is entirely optional. In order to get the benefit of this retirement provision, the Member must pay 6 percent per annum on his salary, and the amount of the annuity is based upon this feature. There is no need in taking time to explain the provisions of this section because every Member here is familiar with it. Suffice it to say, that there is no apparent reason why Members of Congress should not be permitted to purchase annuities when they retire, the same as are now available to all civil service and other employees. No retirement or pension, or whatever you want to call it, should be allowed except by contribution by those who desire to purchase this type of security.

This bill may be amended in any way a majority of the House desires. No limitations are placed on amendments. A free and open discussion will be had and the House will be permitted to work its will for or against any provision or amendments. That is fair, and it is to be hoped that the membership will forget any prejudices or personal interests and in the final analysis vote for that which they believe to be in the best interests of the country as a whole.

The entire bill will be read during its consideration and will be printed in the RECORD so that no further explanation of the terms is necessary at this time. I shall vote for some amendments and shall then vote for the bill.

Mr. MONRONEY. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Chairman, I believe that the reorganization of the Congress is long overdue. I think it would be a mistake if the House failed to go along with the Senate in the matter of the reorganization of both the Senate and the House. I have been a Member of the House for a good many years. I speak from my experience.

The fundamental thing that influences me in the consideration of this bill is the consolidation of the committees of the House so that every Member may be given an important assignment. It is a matter of common knowledge that there are many similar functions considered by different committees. The consolidation therefore of the committees and the consolidation generally as provided in the pending bill will make for efficiency and will promote morale and better service in my judgment in the discharge of our official duties.

In respect to the increase in the salaries of Members I should like to say that personally I oppose the increase from our existing salary of $10,000 to $15,000. I am unable to square an increase now of 50 percent in our salaries, when I maintain it would be unwise for such a general increase in wages or salaries to be made in industry, manufacturing, and agriculture. Personally, I favored increasing salaries within the Little Steel formula, but, inasmuch as wages and salaries have been increased about 30 percent, I now feel salaries should be increased to $12,500.

I do believe, however, that there should be an increase in the aggregate of approximately $5,000 in the total compensations of Members. I think it would be wise for $2,500 of that amount to be for the payment of our expenses of living that we duplicate in being required to maintain residences in our districts and in Washington. I therefore favor an amendment that our salaries be increased to $12,500 and that in addition thereto there be allowed a definite stipulated amount of $2,500 for each Member to provide for the duplication of our expenses. I think that would be preferable to a straight-out increase of $5,000, as provided in the bill. I have insisted for years that rent and similar expenses be allowed as deductions, as Members have homes in their districts and must duplicate home expenses in Washington.

Another matter—it is rather minor—is the so-called stenographic pool. There are a number of details in the bill about which I am in doubt. I speak, therefore, with respect to the over-all matter of reorganization, but I do not believe that any Member of the House should be given an advantage with respect to additional stenographic assistance that is not accorded to every other Member. We provide for the chairmen of committees and we provide for staffing those committees, but I urge on the special committee in charge of the bill that there ought to be one yardstick with respect to salaries and with respect to stenographic allowances that is applicable to every Member of the House.

If that provision is not made definite and certain in this bill, the provision or section should be eliminated.

Personally, I oppose retirement benefits for elected public officials, whether those officials be the President or Vice President of the United States, Senators and Representatives of the United States, or senators and representatives in the State legislatures. I advocate eliminating the retirement section, which is 602, from the bill.

Under the terms of the proposed bill there will be congressional retirement benefits. It is said they are optional, but that is no answer. We merely put ourselves in the same category that our clerical help is now in with respect to the optional feature. Favoring as I do the principle of retirement in business and in the Government services where there are careers, I cannot bring myself to believe that that principle could be applicable with respect to elected public officials. Members of the Senate and Members of the House must pass upon all legislation for the retirement of other Government employees. If the President and the Vice President are to be eliminated from retirement benefits, as provided in this bill, in my judgment, in principle, I believe that retirement benefits should not be made applicable to elected public officials, including Senators and Representatives, and I therefore oppose that provision in this bill and favor its elimination. Retirement benefits for elected officials is contrary to sound public policy.

The CHAIRMAN. The time of the gentleman for Mississippi has expired.

Mr. MICHENER. Mr. Chairman, I yield the remainder of my time to the gentleman from Illinois [Mr. DIRKSEN] a member of the joint congressional committee and one who has given much attention to this whole matter over a period of years.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from West Virginia.

Mr. BAILEY. I would like to ask the gentleman from Illinois to take the time while he is addressing the Committee to

explain title III, particularly the section with reference to legislation concerning lobbyists.

Mr. DIRKSEN. I shall be glad to do so.

Mr. Chairman, open confession is good for the soul and I do not mind indicating to the House that the particular measure before you today has been of extremely high interest to me for a great many years. I have never felt, and I came here nearly 14 years ago, that I should permit myself to become so inert in my thinking that the old-time religion of congressional procedure was good enough for me if it was good enough for those who antedated me in service; that if there was some improvement we could make in efficiency and economy, if there is some little thing we can do to retrieve the esteem in which this body ought to be regarded by the people in a constitutional, representative democracy, I felt I should lend what feeble talent and zeal I might have to that cause. I have been at it now for about 6 years. The fruition of that feeble effort and even more so the undiminished efforts of the gentleman from Oklahoma, MIKE MONRONEY, who early and late has carried water and done chores to help bring this about, is before you today.

The joint committee had long hearings and heard many witnesses. Finally a bill was drawn. It received thorough discussion on the floor of the United States Senate for 4 days, and was concluded on the 10th day of June 1946.

When the roll was called the vote was 49 to 16, meaning that, by a vote of 3 to 1 of the Senators who voted, this measure was adopted. Well, of course, our hopes were high and we looked forward to the day when action might be gotten on this measure before the curtain of the Seventy-ninth Congress might be pulled down.

Here and now I want to pay testimony to the beloved Speaker of the House of Representatives. We have had some conferences with SAM RAYBURN—and I call him SAM affectionately—and sitting in those conferences were the majority leader the gentleman from Massachusetts [Mr. MCCORMACK], the minority leader the gentleman from Massachusetts [Mr. MARTIN], the Parliamentarian, the gentleman from Oklahoma [Mr. MONRONEY] and myself. I shall be everlastingly grateful to SAM RAYBURN for the great interest that he has manifested in this matter for a long period of time and for his anxious desire to see that action was taken thereon before this Congress expires. So, Mr. Chairman, speaking as a member of the joint committee, and speaking as one who has been so vitally interested in this matter, I accord you my personal gratitude, and I think the House and the Senate of the United States also owe you a debt of gratitude for the splendid and fine way in which you have looked upon these efforts.

It was with a sense of distress that I read an editorial in one of the newspapers this week that so indefensibly and so unwarrantably attacked the Speaker of this House on the theory that he was the one who occasioned the deletion of one portion of this bill. That is an unconscionable distortion of the facts, for when we were sitting in quiet fellowship in the Speaker's office we explored every item in the bill. We wanted to get a bill that we thought would be given consideration and receive favorable action by the House. So, what was finally contrived was contrived out of a rare and understanding fellowship. So, I salute the gentleman from Texas, SAM RAYBURN, the beloved Speaker of this House, for having helped to give direction and help to pilot this thing so that before this Congress expires some final action can be had on this bill and, I hope, on the conference report that will follow.

Now, Members of the House, it is a question of the approach to this thing. I have not the slightest doubt that you can find lots of things in this bill that can be attacked. Obviously, no finite minds, if they were imbued with all the wisdom of 10 Solomons, could bring a bill of such magnitude, with so much detail and modification, to the attention of this House but what some item would be subject to attack.

We have tried to carry out a basic and fundamental premise. The first part of that premise or formula is to save and economize on time for the Members. I have emphasized and echoed and reechoed in the well of this House the need for more time so that you can get your feet on the desk, so that you can reflect, free from the pressure and the chores, and do a responsible legislative job. I know that when you get to your offices in the morning the telephone rings. There is a pile of mail, there are callers from here and everywhere. Everybody is interested in the operation of government, and if this is in the early season of the Congress, by the time your committees begin, has there been any opportunity to reflect? You hear witnesses, and in the afternoon you are on the floor trying to digest the legislative proposals that come before us. What time is left, when night after night you have to lug your brief case full of legislation to your hotel room or apartment or to your home, and there find a little time free from the jingle of the telephone bell that strikes like, oh, some great discordant note in your reflections when you are trying to piece out a little something by way of legislation for the country.

What is done here with respect to banning private bills under a residual clause, those that are not covered by the tort claims title, by title can go to the Judiciary or Foreign Affairs Committee. On the average, about 2,500 private claims are introduced in every session of Congress. Somewhere between 250 and 300 get action. But there is a committee that has to go through all that matter. You as a Member representing a constituent must do it. Could we devise any better program, for instance, than to draw a line and say, "Now, look. In connection with tort claims, where money and property are involved, and personal injury and death, why not confer upon the administrative heads of the departments the authority to consider that matter where not more than $1,000 is involved"? Let him wrestle with it and let him make a report to Congress. In other cases, what better than to endow upon the citizen of the country the right and the authority, notwithstanding the old doctrine under which the king could not be sued by a subject, to go into the district courts? We confer upon the district courts of the country the right to hear these suits, and that immunity is waived. Let the district judge do it. After all, it is his responsibility. So that is the essence of the tort claims title that is here. I think it is very good.

Such a bill was passed a long time ago in the administration of President Coolidge. It passed both Houses and it was vetoed, as I recall, for only one reason, and that was that the General Accounting Office instead of the Attorney General was made the monitor of the public interest in that respect. Then again it passed either the Senate or the House another time, and as of this good hour there is on the Union Calendar of this House a bill which is almost identical with the tort claims title carried in the pending bill, and it may come on for action before the present session is over. All that is in the interest of time and economy, to get rid of some of these private bills.

Secondly, there is the bridge title. I have introduced bills to secure authority to build bridges over navigable streams, and in a sense of confusion and bewilderment I have often wondered what it was all about. When a bill like that is introduced, what happens to it? It has to go to the War Department. Having been a marine contractor once upon a time and having something to do with bridges I know what the mechanics are. First of all, the Department engineers must determine whether the location is suitable and whether or not it will obstruct navigation. If some dredges and pile drivers are to be brought in to pick up spoils where the caissons are to be sunk, will it constitute an obstruction to navigation in the stream? Who determines that? The War Department. What is the nature of the bridge that is to be built? Does it run at right angles with the stream or does it run diagonally? Is it a traffic hazard? Is the clearance sufficient to take care of the stacks of the inland steamers and other boats and smaller river craft? When they have made that determination they send it up and the committee considers it and sends in the committee report. Is not that a sensible thing to do? Very well. Let us give the War Department blanket authority to consider this question of bridge bills. They have to do the work anyway. We enlarge their authority a little bit under existing bridge acts, and those are not invalidated by the title that is contained in this bill.

The purpose is, you understand, to save time from those chores and those routine matters that are of course indispensable to the country and to the people and particularly to our constituents, but to have them done with dispatch by the staff of your committee and to give you more time. The staffing provisions have the same thing in mind.

Then in addition to the time element we were thinking in terms of efficiency and economy. The staff of the Legislative Reference Service of the Library of

Congress is an instance in point. We provide and authorize more money for the Legislative Reference Service. I am very devoted to that Service. I think it is a very fine thing. I have often thought what a fantastic business it is, too, with over 12,000,000 exhibits, books, charts, and documents in the Library, the greatest volume of them, not even the Bodleian in London excepted, and then to have it there in undigested form. What good does it do, unless we have senior experts to digest it when legislation is before the committees? That is what the people expect, and that is the use we should make of our Library. It is designed, of course, to bring information, to bring data, and to bring a finer degree of efficiency in the discharge of our legislative responsibilities.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. TABER. I just want to say that my experience with that outfit has been discouraging. Just yesterday a very important matter came up which I wanted to work on and I tried to reach the head of the outfit through my secretary and was unable to do so—he was too busy.

Mr. DIRKSEN. In two Congresses before the present one I appeared before the Subcommittee on Legislative Appropriations and asked for $100,000 for the Legislative Reference Service. I did not get it. If my memory serves me correctly, and I apologize in advance if it does not, my distinguished friend from New York was one of those who opposed it. They have been understaffed. They have been so loaded with work the marvel is that they have done as much work as they have.

Mr. TABER. But the attitude of the outfit toward Members of Congress is wrong.

Mr. DIRKSEN. I have never found anything wrong with the attitude of the Library of Congress, and I have especially found nothing wrong with the attitude of Mr. Ernest Griffith, the Director of the Legislative Reference Service, who has been so helpful and so cheerful about it, and he has assumed every responsibility that I have ever placed in his lap. I think the RECORD will show that I probably use the Library of Congress as much as any Member of the House or of the Senate. I have found them a great instrumentality in helping me to do my work. I use them freely. I have never had occasion to doubt their patriotism, to doubt their loyalty, or to doubt their diligence, but I have had occasion to wonder why the Congress year after year has starved them to death. Here we make authorizations for necessary funds so that they can have specialists in every branch of economic endeavor, which is so essential if they are going to be able to advise the Members and committees of this House. What I am trying to spell out for you is the general approach to this thing, to develop more time to reflect upon our work, and to produce a greater efficiency in the structure of the Congress and a greater economy, particularly in the matter of time.

There are some other things that we seek to do for ourselves. There is the increase in pay. I do not know what disposition the House will make of that. I am only going to make this comment on that item. When this bill was in the Senate it carried the same item of $15,000 per year. But there was a provision written in when it went to the Senate which provided for the deductibility of the expenditures under the Internal Revenue Code. That was defeated in the Senate and for a very good reason—not that the Senate objected to it, but on the ground that it was a revenue provision. When you examine that very fresh and virile Constitution of the United States you will find that all revenue proposals must originate in the House of Representatives. That is the only reason it was taken out. So if the increase in salary was interpreted along with that deductibility provision, then it would make a perfect picture, do not you know—so it ought to be restored. I think I am free to say that the majority leader of the House of Representatives has the language and will offer that deductibility clause when we read the bill under the 5-minute rule.

Just a word in reference to the retirement system. I know there are many people in the country who feel we ought to make no provision for the retirement of elective officers. I see no reason why we should not. I see no reason why we should not enjoy the same security provisions that are extended by the civil-service retirement system and the social-security system to almost every person in the country. It is a good system. On one occasion several years ago when we inherited all these bundles for Congress, and I got my share—they did not bother me any—we brought in a retirement proposal here which was really no retirement proposal at all. It was enough on which to starve to death and I did not care for anything like that. Now, we bring you a real retirement system, and you will find the annuities spelled out in the report that accompanies this bill. You make a 6-percent contrbution and then at age 62 if you pay in the entire amount you get 2½ percent of your basic salary times the number of years that you served.

If you pay back only $2,500, which we accept arbitrarily for the purpose of letting this pay out in the 22-year period, there also you get a reasonably substantial annuity.

Mr. ROBERTSON of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. ROBERTSON of Virginia. Is it true that with this 6-percent contribution it will make this fund self-sufficient in a period of 20 years?

Mr. DIRKSEN. That is right; either 20 or 32 years.

I want to add one little thing on this question of salaries and retirement. I want to read to you, with the indulgence of the House, and I hope you will not think I am transgressing when I read what Senator BARKLEY said on the last day this was under consideration in the Senate. I want to read this to you because I think it is priceless. I quote:

> I remember when I was in the House of Representatives, when the last increase in salaries occurred for Members of Congress. The salaries were increased from $7,500 to $10,000 a year. I voted against that salary increase. I voted against it in part, at least, because 2 or 3 weeks before that I had voted against a general increase in the salaries of Government employees, and I was not willing to vote myself an increase when I had voted against increases for others. The newspapers in my congressional district mentioned rather favorably the fact that I had voted against that increase in salary. Some of them had editorials after this fashion: "Old BARKLEY stood by the people; he did not engage in this raid on the Treasury," and so forth.
>
> Congress adjourned shortly after that, and I expected to be patted on the back by everyone I saw when I got home because I had voted against the increase in the salaries of Members of Congress. I was at home for a week. I went up and down Broadway in my home city and into the stores to see my friends and visit with them. I spent an entire week there, and no one mentioned the subject. No one said a word about it. Finally an old farmer friend of mine, much older than I was, but a very dear friend who always came to town when he heard that Congress had adjourned, heard that I had returned home, and he wanted to talk about what was going on. He was a well-informed man. We stood in the shade of a brick wall for about an hour and talked about what had happened in Congress. Finally he said, "I see that you fellows in Congress increased your salaries." I replied, "Yes, Uncle Jack. They did, but I voted against it." He looked straight into my eyes for about 5 minutes, and finally he said, "You are just a damn fool."

Now, Mr. Chairman, if the minority whip is present I am going to say this, with his indulgence. Yes. He is here.

You remember when we had this last bill on retirement under consideration. The issue was raised out in his district in Illinois. He is my beloved friend and he is my congressional neighbor. He called up one day and he said, "I wish you would come over here, if you can spare the time."

I went over there. They had a party meeting. They had a great dinner. A very charming and capable lady, fortified with plenty of money, who was an opponent of his in the primary, was there, on my special invitation. She was the one who had advertised in the newspapers in great flaming headlines that the Congressman from that district had voted himself $348 a month pension. And then, in fine type that you could see only through bifocals, was the rest of the explanation. That gracious lady was sitting there in a company of 500 other members of my party at that dinner. I went particularly that night to discuss that very thing, in the Masonic Temple in Bloomington, Ill. When it was all over and finished the whole issue had been dispelled.

It is time that we on our own responsibility go back home and, without cringing, without showing some kind of public and legislative cowardice, we say to our people, "Sure, I did it, and here is the reason why." We have been running around, too often, and they do not understand our positions. Perhaps that is one of the reasons why the prestige of Congress has gone down in public esteem. Let us not do it. Let us say and do the things that we believe contribute to the better discharge of our responsi-

bilities here, even if it does cost some more money.

Finally, I have said not once but a dozen times, up in Madison, Wis., over in Fort Wayne, Ind., over in South Bend, over in Youngstown, Ohio, recently over in Dayton, and elsewhere where I have had an opportunity to crusade for congressional reorganization, I said: Write your Congressman and make him do it, because the one way to get an independent Congress that will stand up squarely, face every issue no matter how feverish or controversial it may be, is to give them also as we have given to all the other millions of this country a little sense of security in their jobs.

One other item has been a pet of mine. I have been so distressed about the appropriations procedure in the Congress. I have served on the Appropriations Committee for quite a long time. I try to be diligent in my efforts and I leave the verdict in your hands. I have said so often on this floor that a lot of it is farcical; and let me under the probability that I may be guilty of violating a confidence, just reach into one meeting and pull out the truth. It is good for the country and it is good for us that we be shocked on occasions. When Paul Porter and the OPA people came before the deficiency subcommittee recently and we had hearings there about next year's operations, the amount asked was $142,000,000. We had some sessions on the matter and finally we put it on a 9 months' basis and gave them $106,000,000 which is about two-thirds of $142,000,000. We virtually took Mr. Porter at his word. Was there somebody who could examine into the techniques and the office procedure, into the investigatorial techniques of OPA and see whether they were spending too much or too little? No; we had no investigation, even though we passed resolution No. 50 several years ago under which we have a staff. But it was not investigated, and that is one reason why these committees must be equipped with investigators who do not go down there for a week or 10 days at a time.

They must go and live in the structure of Government and find the weaknesses and then they must sit at the elbows of the Members of Congress as they are assembled in committees and say: "Ask him this question; ask him that question; ask him how he justifies this expense or that procedure." That is the only way you are finally going to get economy in this country. So we gave them $106,000,000 for 9 months. It went across the floor of the House and was approved and sent to the other body. When it got to the Senate they did not have a single member of the OPA before a Senate committee and when the bill went across the Senate floor and finally got to conference it had been cut from $106,000,000 to $56,000,000; and I do not know why. Then we went to conference and we ragged around. Some said: "Oh, give them $106,000,000; do not penalize them." Some said: "They should not have that much." One conferee said: "Let's give them only $25,000,000." Then I reached up into thin air and pulled out a figure. I said: "Mr. Chairman, I suggest we give them $75,000,000." And that is the figure that went up to the White House in the bill. Is that intelligent appropriating? I say to you we do not get to the vitals of the thing we do in the subcommittee. If we do not, how are we going to balance the budget at a time when the public debt is $275,000,000,000? There is a way, and that way is written into this bill. It is to have subcommittees of Ways and Means and Appropriations of the House and a subcommittee of the Senate Appropriations Committee, five or seven men from each—and we are going to amend the language here so that it does not require the full committee—we provide that members from the two committees which wrestle with the question of revenue income that is sweated out of the people and filters into the Public Treasury shall work together with the spending committees of the House and Senate in contriving an over-all fiscal policy.

Here is another group from the two committees charged with the responsibility of appropriating money out of the Federal Treasury. In all the days I have been in Congress, there never has been a meeting of the Ways and Means Committee and the Appropriations Committee, not one. If I am wrong, let any Member stand in his place and challenge that statement. Is that not an amazing thing?

What do the taxpayers think about it? They are the people who are in interest, after all. Here in the files are telegrams from taxpayers associations in Connecticut, Illinois, Ohio, and elsewhere, insisting that the provision to set up a legislative over-all budget be preserved in this bill. An effort will be made to knock it out. I hope you will rise, be patient and see that it is preserved. It requires this group of people from these four committees to get together and examine the President's budget that comes here the first of the year, then to spell out an over-all ceiling. We can kick it over if we want to. But think of the moral effect on the tax structure of our country to be able to say that men skilled in finance and in expenditures have contrived a revenue structure, an over-all appropriation structure, that will result in a balanced budget and we can look down the corridors to the year's end, June 30, 1947, let us say, and there at that point we know we will find a balanced budget.

Now, then, who is for this sort of proposal? Does the name of Dr. Fred A. Fairchild, of Yale University, mean anything, one of the greatest financial men of the United States, so great that thousands of hard-headed businessmen who belong to the United States Chamber of Commerce have hired him as a fiscal adviser? Mr. Fairchild came before the committee and said on page 53 of the hearings:

> That a budget committee be established in the House of Representatives and in the Senate to set annually an over-all figure for appropriations.

That is what we have written into this bill. Here is our good friend from Massachusetts [Mr. HERTER], who made such a great record in the Massachusetts Legislature. He was explaining the principle before the joint committee, and said:

> In the financial operation of Congress, on the other hand, there is no fiscal pattern, and appropriations are made in a vacuum.

You never knew how right you really were unless we can set a ceiling, then we can move on in the direction of that ceiling and correlate our revenues and our expenditures to get a balanced budget when the new fiscal year begins.

There is Harold Smith, Director of the Bureau of the Budget, now with the Bretton Woods organization. Here is what he said:

> The Budget and Accounting Act (the act of 1921) contemplated close relationships between the Bureau of the Budget and the committees dealing with revenues and expenditures. Unfortunately, these relationships have never been fully developed.

Oh, Mr. Former Budget Director, how right you are. They have not been developed.

Here is Mr. Adkins, director of the Connecticut Public Expenditure Council, on page 776 of the hearings:

> We suggest that procedures be developed to set up an over-all fiscal plan. The present procedure is weak because appropriation bills are passed piecemeal.

Here is former Secretary of the Treasury Morgenthau, who served a long time as Secretary of the Treasury, and you will find this on page 273 of the hearings:

> If, for instance, the Ways and Means and Appropriations Committees of the House and the Finance and Appropriations Committees of the Senate could meet each session as a joint committee on fiscal policy to consider the over-all aspects of the expenditure and revenue programs, simplification and greater effectiveness would result.

That from a former Secretary of the Treasury. Finally, here is what the Acting Director of the Bureau of the Budget said in a letter to Senator MURRAY, member of the joint committee, dated June 10, 1946:

> So far as section 130 is concerned, it seems entirely proper for the Congress in the spring of each year to state the sense of the Congress in respect to total Federal expenditures, revenues, and deficits.

I submit this question: If the argument is made here that there are no committee rooms in which we can meet, are we going to let a hundred-billion-dollar business suffer because of some momentary physical difficulty? They say, "Oh, your subcommittees cannot start hearings." Is that so? I have always served on one committee that started in December, and you can go on with your hearings just the same and hold up the marking of the bill until the gentlemen who are referred to in that over-all joint committee come in and say, "Look, here is the ceiling." Is there anything to prevent it? There is no argument that can be made against it.

Notwithstanding that fact, I feel impelled to say to you that the chairman of the Committee on Appropriations, who has never been for streamlining the Congress, staged a meeting of the Committee on Appropriations yesterday morning, and out of 43 Members there were 21 present, and only 20 voted, and he came along with a substitute proposal which

carried by a vote of 17 to 3, which simply recites what the section contained in the Budget and Accounting Act of 1921, and the chairman moved to strike this out. I hope the House will not go along with that proposal.

Mr. CANNON of Missouri. I am certain the gentleman wants to be accurate. The chairman did not move to strike it out. The chairman made no motion at all.

Mr. DIRKSEN. The gentleman has brought in a substitute motion.

Mr. CANNON of Missouri. The gentleman from Georgia [Mr. TARVER] made the motion.

Mr. DIRKSEN. Yes; but who brought the resolution to us. Who was the moving spirit that brought in the resolution that lay on the committee table yesterday morning?

Mr. CANNON of Missouri. The gentleman begs the question. The gentleman says the chairman made the motion when all who were present will recall that he did not make the motion. In answer to the gentleman's last question, the ranking majority and minority members of the committee met with the two ranking majority members of the Senate Committee on Appropriations and all agreed that section 138 should be stricken from the bill. It was decided to submit it to the entire membership of the Committee on Appropriations and get their reaction. I had supposed it would be submitted orally but when the committee convened the clerk, with his usual efficiency, had prepared for each member of the committee the print to which the gentleman refers. I had never seen it before. I had not directed that it be printed.

Mr. DIRKSEN. Who engineered it? The clerk certainly does not engineer things like that. Somebody did it.

Mr. CANNON of Missouri. The gentleman has had the exact facts in the case.

Mr. DIRKSEN. Maybe it came from Mars.

Mr. CANNON of Missouri. And the gentleman made many other misstatements.

Mr. DIRKSEN. There is a good deal involved here, and I do not take this sort of thing lying down. I never did.

Mr. CANNON of Missouri. There is too much involved to make misstatements.

Mr. DIRKSEN. The chairman of the Committee on Appropriations has been busy getting out this booklet entitled "An Anvil Which Has Worn Out Many Hammers—Congress and Its Traducers." There are three speeches made there. One was made when the resolution creating the joint committee was before this House. You should read that little booklet. He is not for staffing. He is opposed to committee realinement. He is opposed to making a legislative body. He wants to carry on in the dim dark past, and if you are going to stand for that sort of thing, then we might just as well have no bill. Let it never be said of us by the American people that we are going to reach out for extraordinary benefits, with increased pay, and not give the taxpayer a little show for his money. I admonish you with all the fervor that I can bring to you, if you strike that out, the last hope of a balanced budget may go glimmering. Have we become so accustomed to deficits and deficit spending that we will leave a single stone unturned, a single method unexplored to get back to a budget that will infuse confidence in our people. It is indeed astonishing that Members argue that lack of time, or lack of facilities, or some other equally unsubstantial reason makes this impracticable.

Let me point out to you that this proposal was well considered in the Senate. When the final vote came, 10 members of the Senate Appropriations Committee voted for the bill and only 3 voted against it. Is it to be presumed that members of the Senate Appropriations Committee are so untalented in the fiscal field that they were unable to spell out the meaning and intent of this proposal for a legislative budget. I think not.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Admitting, as I personally do, the very great desirability of achieving some coordination between the possible revenues of the Government in a given year and the probable appropriations, I am wondering if paragraph (b) of the proposed bill really gets us anywhere. In the first place, a concurrent resolution would have no effect whatsoever upon the reduction of the public debt; it would not be a law. In the second place, there can be no guarantee that the Congress would adopt it, and even if it would adopt it, a bill might be proposed the next day that would accomplish something else in violation of it, and the subsequent action of Congress would be controlling.

Mr. DIRKSEN. That can be done. The House, having passed a bill, in my judgment would be pretty reluctant to kick over that which it had done the day before, unless you made a pretty persuasive case. Besides that, would you not hear from the people back home who have to pay these taxes that we appropriate?

Mr. CASE of South Dakota. If you really want to make it effective, when you adopt a budget based upon your anticipated revenues, should you not provide that upon the passage of such legislation no bill should be passed in cases of that kind unless it were done by two-thirds?

Mr. DIRKSEN. I wrote a provision like that that I placed before the Committee on Ways and Means in 1943. In fact, we also had language in this bill that we acted upon. However, we did not want to be too inflexible with that sort of thing and then delete some of the provisions passed by the Senate. Our disposition was entirely correct in the matter, but we thought if we went too far it might yet work out properly. We left it with certain flexibility, and after we have a year or two experience under it, we can then approach this question again and analyze this whole technique. We did not do this overnight.

Mr. TABER. I am anxious that we do everything that can be done constructively toward improving the operation of Congress. I want to see every forward-looking move made. But I do not like to see something undertaken here without the slightest explanation of how it would work or whether or not it could work.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MONRONEY. Mr. Chairman, I yield five additional minutes to the gentleman from New York.

Mr. TABER. I should like to see this thing explored on the floor. I do not care what somebody says about it who is not familiar with congressional procedure. I should like to see the thing brought out clearly. If you are going to have an over-all ceiling upon a budget—a legislative budget—you have to explore for a time and then you have to apportion that proposition. You are going to be subject to all sorts of pulling and hauling and pressure. It is going to be just like an omnibus appropriation bill, where you would have logrolling. We have adopted the other method of appropriation because it has been found that it was possible to cut things down by proceeding with people who were not interested in special projects. I hope the thing will be explored before we get through so people will understand what you are shooting at and how you propose to proceed.

Mr. DIRKSEN. That is the whole weakness of the whole fiscal procedure of Congress today. We get so interested in the trees that we cannot see the forest. We get so interested in a few $5,000 and $10,000 items that the whole business of an over-all budget finally escapes us. The thing to do is to see it on broad lines and in perspective, to get a real policy, to kick out the policies we do not want that cost money, and then finally resolve it and let your subcommittees work under that ceiling, and even make that a target under which they can effectuate even greater reductions in appropriations and finally in the national debt.

As to the exploration, if you want some interesting reading sometime, get down the old volumes of the CONGRESSIONAL RECORD when the Budget and Accounting Act was debated in 1921. It is marvelous. On that occasion one might have heard the familiar cry, "It will not work." How often that was reechoed in the well of this House. How do we know it is not going to work unless we try it?

There is just enough of adventurous and the pioneering instinct in me to want to try it, because the great goal is an ordered budget, a reconstruction of the whole structure of confidence, that is so necessary in the hearts and souls of the American people today, and a better and a more improved Congress than we have ever had before. That is a goal worthy of any pioneer and of any adventurer who wants to move down into the great caverns and abysses of fiscal relations in government where adventure really lies. Let no small argument be permitted to prompt the removal of that thing out of the bill, because you will rue it all the days of your congressional service.

Let it not be said that we are so selfish that we take staff aid—we take clerical help—we take retirement—we take increases in salary—we take deductibil-

ity from income—and then not have something constructive and useful to give to the 140,000,000 people who pay the money that is expended and appropriated by this body.

I yield to the gentleman from Nebraska [Mr. MILLER].

Mr. MILLER of Nebraska. The original bill in the Senate had a provision for an administrative assistant. I believe that is not contained in the House version.

Mr. DIRKSEN. That is taken out.

Mr. MILLER of Nebraska. I wish to inquire whether with the consolidation of the committees does the gentleman feel the individual member will have more work placed upon his shoulders and that he might therefore be in need of an administrative assistant?

Mr. DIRKSEN. I am hoping that he will have less. As a member of the committee that has one or more senior specialists attached to it, he can do more work and perhaps have a little time for leisure.

Members of the House, we have brought you an integrated bill. If you are going to kick it around, it will be like taking the mainspring out of a watch. It will not work. It will be like taking one of the jewels out of the works of a watch. The watch will not run. Of course, I am not so arbitrary as to feel that you cannot offer an amendment here. But so far as the committee structure is concerned and the staffing of these committees—that has been integrated and worked out. If you kick out one of these things without good and persuasive reasons, then, of course, you are going to break up the definite and precise procedures we are trying to write into this bill. Let the amendments be very persuasive before you permit them to be written into the bill.

Mr. MONRONEY. Mr. Chairman, I yield 5 minutes to the distinguished member of the committee the gentleman from Massachusetts [Mr. LANE].

THE REORGANIZATION OF CONGRESS

Mr. LANE. Mr. Chairman, it was encouraging. It was compelling. It was extraordinary. I refer to the outstanding single fact observed by the Special Committee on the Organization of Congress on which I served as a member. As you know, this special committee, composed of Members of both the Senate and House, devoted a year's full and complete study to the pressing question of congressional reorganization. And the outstanding single fact observed by the committee was the virtual accord of criticism and suggestion proposed by the numerous and expert observers who appeared before us. Here in Congress where the urgent interests of the Nation meet and toss turbulently before being channeled into legislative direction, we rarely meet such a concord of deliberate opinion. The prevailing impulses, the dire need and the vital interest of all our people are represented here and the diversities of public opinion find their expression here. It is as if the waters of our great rivers and our countless streams all flowed in one great sea, met and thrashed and tossed violently before being finally channeled and directed into a great and mighty canal which served the entire Nation.

The special committee devoted a full year's study to this vital question. It heard a great variety of testimony from Members of Congress, political scientists, students of government, and so forth. Yet despite the significant and fundamental nature of the study and the great diversity of testifiers, a substantial, unanimous opinion prevailed. Without exception the witnesses, as we may call them, were thoughtful and thorough, their criticisms reasoned and penetrating, their suggestions basic and formative. I impress this fact because it sounds as a trumpet call to positive and immediate action.

And this clear trumpet call sounds as an impressive contrast to the confused disagreeable sound of isolated and often violent cries raised not infrequently against Congress and its individual Members. No Member of either of our Houses can have failed to hear often in the past, and ever continuing, the attacks on this body and its Members. When such attacks have been bitter, harsh, unjust, and mean, as they often have been, we have had either to ignore them, which is dignified but not rebuking, or protest them, which is to expose one to degrading controversy. But when there has been a measure of truth in such attacks we have had to bear their entire burden while knowing at the same time that our efforts have been arduous, our intentions sincere. And we have realized more and more, as the burden becomes greater, and the criticisms more insistent, that the fault lay not in ourselves so much as in the legislative machinery we have been operating with.

The problems we face daily are of the complexity of our times, of the variety of our people and its concerns. Legislative work has multiplied, committee work grown more demanding, office work has become staggering. At the same time our effectiveness has been limited, our legislative prerogative greatly deferred to the executive branch, our power of policy making disorganized, our oversight of administrative performance negligible, our access to essential information cut off. Small wonder that our great and unceasing efforts have often ended in confusion. "The mountain was in labor."

And small wonder too that there has been a tremendous surge in recent years in and out of Congress for reorganization, a surge which we hope will gain the highest level. There is not one of us in Congress who did not know that our constant and often distressing burden must be eased, our vigor restored. There are many of us who made specific proposals. And beyond our walls there have been since 1941 a series of independent surveys of the machinery and methods of our National Legislature by public and private organizations. The work and study of the joint committee was the culmination of that surge and the bill proposed, passed by the Senate, and now before us, is the peak of that surge which should sweep over the top. Here in Congress we know the necessity of reorganizing our machinery. The most astute observers of political science have urged it with compelling force. And we owe it to the people we represent to guarantee that their National Legislature is strong and effective. Recent history is too full of pointed warnings of the consequence of the default of legislatures. The decay of national vigor or the surrender of all power to the dictator have been the product of the impotence of the legislature in modern times.

The joint committee has proposed, and the Senate has passed with some limiting amendments, a bill designed to eliminate most of the defects in our present machinery and to enable Congress to perform adequately its main functions of determining policy, authorizing administrative organization and appropriations to carry out policy, and supervising execution of the resultant program. The term "streamlining Congress" is frequently heard in reference to these proposals. Such a term ignores the structural and basic element of reorganization incorporated. We are equipping ourselves with a modern and more efficient engine which eliminates waste, restores power, utilizes energy to the fullest, and assures continued performance.

Mr. Chairman, I refer to the proposed changes as basic and structural, designed to improve the machinery and method of both Houses and of the Congress as a whole. Before I analyze the separate provisions and indicate their structural improvements, I would like to point out that there is one proposal which I regard as extraneous and not basic. It is a proposal which I do not believe should be part of a constructive plan whose design is reorganization. In the select committee I affirmed for the RECORD as noted in the committee report my opposition to the proposed increase in salary for Members of Congress. I repeat here in insistence that this provision should not be included in the bill, that it is alien to the basic intent of the bill, and declare that if it remains as part of the bill, I must object to its passage.

My endorsement and unstinting support of the reorganization bill is a matter of record and I reiterate that endorsement here. Consequently, I feel obliged to state why my objection to this single provision is so strong. In so doing I regret the necessity of disagreeing with the other capable and distinguished members of the committee. My opinion is a minority one and this emphasizes the necessity for declaring my reasons. But in so doing I am most anxious to assert, since the issue might be regarded as a delicate one, that this difference of opinion reflects no discredit on either party to opinion.

Mr. Chairman, the committee has proposed to correct the practice of attaching riders to appropriation bills, a proposal we should all endorse since such riders are alien to the intent of the particular bill. These riders tagged on to bills which are assured of final passage thus ride into the realm of law not on their own merits, but despite them, for often they are provisions which would not otherwise receive the approval of Congress. So they are extraneous to the intent of the bill, usually quite unrelated

and even alien, and they do not stop for review and approval before passing into the realm of law. This is not right; we propose to eliminate such a practice.

But in including a salary proposal in a bill which is designed to improve the machinery of Congress, we are doing much the same thing. The salary question is extraneous; it is alien to the proper intent of the bill. We would condone, and, it might be noted, to our own advantage, an abuse of legislative purpose which at the same time we propose to eliminate. This is a weakening inconsistency. Let the question of salary pass or fail on its own merits, debated and voted under open scrutiny.

But it is argued that such a proposal is at one with the intent of the bill, namely to improve the functioning of Congress, since a salary increase would substantially improve the caliber of the membership. I regard this as a gratuitous assumption. I believe that the salary received by Members of Congress is of slight weight in determining its membership. Men are elected to Congress on the support of the voters of the Nation because their record of public service has been meritorious or their qualifications are outstanding. Men seek election to Congress because they are devoted to or fascinated by public service, enjoy its responsibilities, desire the prestige and accolades that accompany it, are resolved to participate in forming the policy of the Nation and for similar reasons. It is significant in this respect to note that most Members seeks reelection year after year, that comparatively few resign, except in wartime, to work elsewhere in public service, and salary is rarely the decisive factor. No, membership in Congress appeals to most of us quite apart from the salary, which obviously does not enrich us, and membership in Congress is determined by a popular vote which imposes a challenging demand on candidates. I am quite sure that a readjustment in our salary would scarcely affect the calibre of Congress. The opposite assertion is gratuitous.

Charles A. Beard, the eminent historian, has been one, and among the most astute, who has pointed out that our deficiencies lie in the system, not the men. He, while making cogent observations on present structural limitations pertinent to our study, has rebuked the oft-expressed opinion that the calibre of Congress has seriously declined. He says:

> It is possible to pick out of the CONGRESSIONAL RECORD for the past 10 years addresses (not orations) which for breadth of knowledge, technical skill, analytical argument, close reasoning, and dignified presentation compare favorably with similar utterances made in the preceding century by the so-called great orators.

The improvements proposed by the reorganization bill in the structure of Congress are not only long overdue but they are so thorough and far-reaching that they will modernize Congress. They are not only urgently needed but they promise extremely beneficial results. The study which produced them was thorough. The spirit that proposed them was ambitious. The consensus of opinion that aided in formulating them was of the highest order. They are an integrated series, with the single exception of this salary proposal. While I believe that it would be a mistake to retain this extraneous provision, I will strongly protest against any attempt to reduce the essential body of proposals to segments. It is unfortunate that the salary question has been included; it does not belong. But all else is integral to the purpose and plan, vital to its intent, essential for its efficacy.

The committee has proposed changes which would seek to secure a firm follow-through between legislative decision and executive action, which would not only determine broad policies clearly and decisively but would also review the effectiveness of the policy and the subsequent administration of the policy. Most important of these is a simplified system of standing committees corresponding with the major areas of public policy and public administration. First, the correlation of the committee systems of the two Chambers with each other would facilitate joint action on specific measures by means of joint hearings. And the coordination of the congressional committee system with the pattern of the administrative branch of the National Government would, as the report states:

> Improve the performance by Congress of its legislative and supervisory functions, provide direct channels of communication between the two branches, promote more harmonious and unified action in the development of public policies, and go a long way to bridge the gap between the legislative and executive branches of the Government.

The proposed committee realinement would certainly increase committee efficiency, of prime importance since committee work is the center and nucleus of our system. It is provided, for example, that the Appropriations and Ways and Means Committees of the House shall confer and by such conference guarantee a balance between money obtained in revenue and money expended. The right and left hands of our monetary policy would not only know what the other was doing, but would work together. And working together the committees could exercise more effective insight into administrative policy, as is variously provided. No longer will the tremendous sums of money we appropriate vanish into the great morass of Federal agencies and Government corporations to be freely employed and easily interchanged. We will now appropriate funds knowing what the Federal income will be, and instructing all agencies specifically in the expenditure of those sums. And the committee has further provided against supplemental appropriations by requiring the President to take specific steps to assure that allotted funds are not exceeded.

Of great interest to all of us is the reduction in the number of standing committees and the elimination of special committees. We have all had the experience of being members of separate committees which were meeting at the same time. One of the chief difficulties of the special committee was this very conflict of demands on our time. Not infrequently I was unable to hear the testimony of authorities of special note because of the meetings of the Judiciary Committee of which I serve. The reduction in the number of committees, the specific assignments of committee responsibility and province, and the provision for joint hearings of both the Senate and the House on important matters are all designed to speed up and strengthen our system while minimizing wasted time and confusion, overlapping, and conflict of claim.

Mr. Chairman, as regularly as the clock strikes the hour, and enforced by that striking, every Member is reminded every day of two facts, as closely allied as the hands of the clock. The first is that the demands on his time are incessant and even oppressive, and that his sources of information and assistance inadequate. In the Seventy-seventh Congress a total of 10,793 bills were introduced and 541 joint resolutions. Out of this flood Congress passed 1,078 House bills and 476 Senate bills. Again in the second session of the Seventy-eighth Congress 953 bills and resolutions were passed, of which only 86 were subject to any real discussion. The other 867 were passed by voice vote or without objection. But it is not only in this flood of legislation that we are overwhelmed. I have mentioned the demands of committee work; yet we know too well that this is only part of the demand. The tremendous detail of office work, which we are unwilling to stint, the public appearances, the special investigations, the trips to or consultations with officers of the Federal agencies, meeting constituents, radio appearances, and so forth—the fact is, as we know well, that we are trying to do a great deal too many things which we regard as our responsibility without being able to do any of them as well as we would like or are able to do.

Furthermore we have hard-working, but greatly overburdened, assistants whose extraordinary efforts cannot keep pace with the demands placed on them. We have five legal counsels trying to assist in drafting legislation not only for 435 Members but for the House committees as well. The committees are forced to do their work with staffs that are but a fraction of corresponding staffs in the executive branch. We must rely on the very representatives of the Federal agencies for information when we are trying to exercise our supervision of their carrying out of the policy we have prescribed. These and many more inadequacies in our modus operandi have been cited insistently as draw-backs to our efficient operation.

So comprehensive are the many changes proposed, so significant is each to our policy and procedure, and so worthy is each of special note that it is impossible here to attend to all. A quick review will, however, show us an impressive array, revolutionary yet fitting. Witness. Improved fiscal procedure. Private bill banned; the claims deferred to the courts. Definite adjournment provided annually. Improved committee procedure. Special committees banned, and committee jurisdiction better defined. Conference rules are defined to prevent the introduction of provisions not approved by either House. Standing committees will exercise con-

tinuous surveillance of the execution by the administrative agencies concerned of laws within the jurisdiction of respective committees. Committee hearings will be preserved. More adequate provision made for information on the legislative day. Transfer of appropriations is prohibited to executive departments and units therein, and administrative management analysis are called for from the Comptroller General on efficient and economic administration and expenditure of public funds. The CONGRESSIONAL RECORD to be improved. Committees on the Library and Printing reorganized. Lobbying regulated. This requires a word without curtailing the rights of free speech, of freedom of the press and the right of petition, without applying to publishers of newspapers or other periodicals or limiting people who appear openly and frankly before committees of Congress, lobbying will be regulated by provisions which include detailed account of contributions, filed statements and registration with specific penalties for violations.

Here are a few of the numerous wise and progressive provisions that make the reorganization bill the epoch-making legislative proposal that it is.

Charles A. Beard, in an article entitled "In Defense of Congress," remarked:

> It has spent time, energy, and money investigating every conceivable subject of national concern, but it has never made a thorough inquiry into its own record, into its own weaknesses, and into need of raising its standing and competence as a principal branch of National Government.

That inquiry has now been made, a systematic, courageous, and comprehensive inquiry. We have an historic opportunity. We can effect a modernization of Congress by approving the most significant changes in its structure since its very first session. And simultaneously we can lessen our burden and heighten our accomplishments. We can restore our prestige and effectiveness. We can free our hands then to be able to grip the great issues of these crucial days. We can refute the thesis of the managerial revolution and maintain the instrument of representative government. We can restore the democratic process to government action.

The words of Walton H. Hamilton, professor of law, Yale Law School, in a New York Times article entitled "Blueprint for a Virile Congress" are pertinent:

> These proposals are addressed to a situation already overripe for reform. They all stand directly in the line of our great common tradition. They represent the very minimum of adjustment of our accepted political order to the conditions under which the Government must operate today. Administration is an adaptation of the ways of business to the state. And in a world in which the national economy is made up of huge corporate estates, the pressures toward Presidential rule are relentless. But lest the historical trend write its own ticket in an irresponsible Executive or an oligarchy of pluralistic agencies, the American system should be accorded another chance. So, let us restore to Congress, the institution tied up most closely with the liberties of the people, its vital role in the conduct of public affairs. For we are inventive; new techniques must serve ancient ends, and even if administration is here to stay, we need not sacrifice representative government.

I feel that I would be neglecting what almost constitutes a duty if I were to fail to speak my praise of the great efforts and accomplishments of Senator LA FOLLETTE and Congressman MONRONEY, chairman and vice chairman, respectively, of the joint committee to whose creative initiative, patient perseverance, and deep understanding we are indebted for these historic proposals. And we all must feel indebted to Mr. George B. Galloway, chairman of the Committee on Congress of the American Political Science Association, who served with remarkable vigilance and admirable devotion as staff director of the committee. From his profound knowledge of the National Legislature and the National Government and his penetrating, analytical insight came not only many of the concrete proposals, but the moving and sustaining spirit of our study.

Mr. MONRONEY. Mr. Chairman, I yield the remainder of the time, 7 minutes, to the gentleman from California [Mr. OUTLAND].

Mr. OUTLAND. Mr. Chairman, I join with those others who have spoken this afternoon in paying tribute to the chairman of the House part of the joint committee which has brought in this bill, the gentleman from Oklahoma [Mr. MONRONEY], and to the other Members on both sides of the aisle who, in my judgment, have brought before us today one of the most important bills to come before the present Congress. It is not perfect. It has flaws. It does not go far enough in many respects, but if we are going to perform the duty that we as public officials should perform and do that job adequately, we are going to have to make a great many changes in congressional procedure.

The gentleman from Illinois [Mr. DIRKSEN] made a splendid presentation of the more important phases of that bill and there is no point in my duplicating them. I would say in passing, however, that the heart of this bill is the reorganization of the committee system. Whenever we start to make any change, somebody's toes get stepped on. Whenever we start to reduce the number of committees, there is going to be an automatic reduction in the number of committee chairmen. But I am sure we realize, Mr. Chairman, that committees are not ends in themselves. Committees are a means to an end, and that goal is the better performance of the job we have been sent here to do. If by a reduction of the number of committees and the consolidation of their functions we can perform a more effective job for the American people, then we should be glad to reduce the number of committees and glad to reduce the number of committee chairmen.

It is quite true that each committee will lose certain functions which it has had in the past. I am proud of the fact that I am a member of the great Committee on Banking and Currency of this House. I think our chairman is one of the most splendid men in this House. Our committee will lose some functions. So will other committees. But the loss of prestige on the part of any particular committee is not the main issue; the point is better over-all congressional functioning.

I may say in passing that it just might have been that if our committee had not had so many jobs on our hands this year, we could have turned out a report on the Wagner-Ellender-Taft bill and gotten it through and obtained a vote on it at this session. But the tremendous load of work this particular committee has been carrying unfortunately has delayed hearings on this vital housing measure. If the other committees had not had so much on their hands they might have turned out legislation that is very important. So I think in the long run this consolidation of committees is an excellent thing.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. OUTLAND. I yield.

Mr. HAYS. I want to join my colleague from California in emphasizing this matter of surrendering committee functions. He would agree, would he not, that it is incumbent upon us to think not solely of one committee and its functions if we are to make this tremendously forward step in efficiency? I would call attention to the fact that under this set-up the Committee on Banking, of which both of us are members, loses some of its jurisdiction over foreign loans and agricultural loans. That we would surrender to the Agriculture Committee and the other to the Foreign Affairs Committee functions which we have been jealous of heretofore.

Mr. OUTLAND. I agree with the gentleman completely.

Mr. Chairman, there are two or three additional things I want to mention. One is the registration of lobbyists here in Washington. I do not care from what source an individual receives money or to whom he gives it, but if this Congress is to do its full duty to the American people it should make every individual who represents an outside organization state his income and his outgo. It is a worth-while provision. I hope it will be adopted.

Then, finally, there is a provision which I think is excellent, which sets a definite date for congressional adjournment. If we had had a definite date set for the adjournment of this House when we started this year we would not do so little work on Mondays and do so little work on Fridays, but we would be here 5 and 6 days a week and the work of the House would have been finished before today. It will be a very good thing to have Congress set a definite date for adjournment. Then it will be possible for us to return to our districts more often and keep more closely in touch with our people. Then it will be fair to the 48 States instead of just a few located near the seat of government.

Mr. RANDOLPH. Mr. Chairman, will the chairman comment on the provision that is made to consider legislation which might not be considered under present rules?

Mr. OUTLAND. Yes; I would like to, but I may say to the gentleman from West Virginia that my time is nearly up. I wanted to make two or three other

points first. I will try and get to the gentleman's point before I conclude.

I said a few moments ago that in my judgment this bill did not go far enough. I would like to see restored on the floor of the House the provision for an administrative assistant for each Member of Congress. Why should there not be one? Are Members afraid to vote themselves that additional help if they need it to properly perform their duties? I was going to introduce such an amendment but I now understand that the gentlewoman from Connecticut [Mrs. WOODHOUSE] is going to introduce the amendment. I shall support it here on the floor.

May I say too that I hope joint committees of the House and Senate will be set up to expedite committee hearings; that measures will be taken to take out of the hands of congressional patronage appointment of men to both service academies. I can see no reason why it should be a congressional prerogative to appoint the future Army and Navy officers. It should be on a civil-service basis, on the basis of merit, alone, and upon no other basis.

I think also the appointment of postmasters should be based on merit and should not be retained in the hands of Congress.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. OUTLAND. In just a moment. I have only a few minutes and I still have several points to bring out, if the gentleman will pardon me.

I would like to see eventually the provision reinstated in a measure of this nature which will provide for more joint sessions of the two Houses of Congress and for joint committees of the two Houses. One way in which we are going to expedite our work even more than is provided for in this measure is by seeing that committees which are considering the same legislation do not call the same man back to give exactly the same testimony before each one of them. It has come to my attention that in one instance a very important governmental official, one high in the ranks of government, had to come up here eight different times to give exactly the same testimony on the same subject matter before eight different committees. If we make some provision in our reorganization plans to correct that kind of situation I think we will be doing a great service to the country.

Mr. Chairman, I hope this bill is passed by a tremendous majority. I trust also that the splendid work begun by this joint committee this session will be continued in the Eightieth Congress. Only as we criticize and improve our own procedure will we be able to make the legislative branch of our Government achieve its full and rightful place in the American system of government.

The CHAIRMAN. The time of the gentleman from California has expired, all time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted, etc.—

SHORT TITLE

That (a) this act, divided into titles and sections according to the following table of contents, may be cited as the "Legislative Reorganization Act of 1946":

Mr. MONRONEY. Mr. Chairman, I offer a committee substitute in the nature of a committee print dated July 20, 1946, which is at the Clerk's desk. I offer that as a substitute for the Senate bill.

The Clerk read as follows:

Substitute offered by Mr. MONRONEY: Strike out all after the enacting clause and insert the following:

SHORT TITLE

That (a) this act, divided into titles and sections according to the following table of contents, may be cited as the "Legislative Reorganization Act of 1946":

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Committee on Ways and Means.
Sec. 122. Delegates and Resident Commissioner.
Sec. 123. Reference of private claims bills.

Part 3—Provisions applicable to both Houses

Sec. 131. Private bills banned.
Sec. 132. Congressional adjournment.
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Sec. 136. Legislative oversight by standing committees.
Sec. 137. Decisions on questions of committee jurisdiction.
Sec. 138. Legislative Budget.
Sec. 139. Hearings and reports by Appropriations Committees.
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TITLE III—REGULATION OF LOBBYING ACT

Sec. 301. Short title.
Sec. 302. Definitions.
Sec. 303. Detailed accounts of contributions.
Sec. 304. Receipts for contributions.
Sec. 305. Statements to be filed with Clerk of House.
Sec. 306. Statement preserved for 2 years.
Sec. 307. Persons to whom applicable.
Sec. 308. Registration with Secretary of the Senate and Clerk of the House.
Sec 309. Reports and statements to be made under oath.
Sec. 310. Penalties.
Sec. 311. Exemption.

TITLE IV—FEDERAL TORT CLAIMS ACT

Part 1—Short title and definitions

Sec. 401. Short title.
Sec. 402. Definitions.

Part 2—Administrative adjustment of tort claims against the United States

Sec. 403. Claims of $1,000 or less.
Sec. 404. Reports.

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Sec. 410. Jurisdiction.
Sec. 411. Procedure.
Sec. 412. Review.
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Part 4—Provisions common to part 2 and part 3

Sec. 420. One year statute of limitations.
Sec. 421. Exceptions.
Sec. 422. Attorneys' fees.
Sec. 423. Exclusiveness of remedy.
Sec. 424. Certain statutes inapplicable.

TITLE V—GENERAL BRIDGE ACT

Sec. 501. Short title.
Sec. 502. Consent of Congress.
Sec. 503. Tolls.
Sec. 504. Acquisition by public agencies.
Sec. 505. Statements of cost.
Sec. 506. Sinking fund.
Sec. 507. Applicability of title.
Sec. 508. International bridges.
Sec. 509. Eminent domain.
Sec. 510. Penalties.
Sec. 511. Rights reserved.

TITLE VI—COMPENSATION AND RETIREMENT PAY OF MEMBERS OF CONGRESS

Sec. 601. Compensation of Members of Congress.

Sec. 602. Retirement pay of Members of Congress.

Mr. MONRONEY (interrupting reading of amendment). Mr. Chairman, I ask that the reading of the substitute over to line 1, page 4, be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read as follows:

SEPARABILITY CLAUSE

(b) If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

The CHAIRMAN. Permit the Chair to say that this substitute is now being read as an original bill subject to amendment. It will be read section by section.

Mr. RIZLEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am one of those who advocate and who believe that there are many things that need to be done for the purpose of improving congressional procedure and I want to congratulate the committee on the very effective and constructive work it has done on this bill. I am in full accord with all of the provisions of the bill insofar as they affect legislative procedures in the House. Of course, I accord to every Member of this Committee the same privilege and prerogatives that I hope they accord me.

I am against the retirement provision for elective officials not only for Members of Congress but of any other legislative body. I think it is wrong in principle. I do not believe it was ever contemplated that the legislative branches of government which must pass upon retirement laws and retirement benefits for ordinary civil-service employees and many others should ever be placed in the same category or should ever place themselves in the same category as those appointed officials or appointed employees who become a part of the working system of the Federal Government. It was intended by the founding fathers when they so wisely set up this system of government that the Congress itself would not be a professional Congress, if you please, but a citizens' Congress of independent individuals, not pensioners of the taxpayers, and if this Congress goes that far I believe that we destroy some of the very things we are attempting to cure.

I am one of those who believe that the Members of Congress should be paid an adequate salary and should be paid an adequate expense account for their actual necessary and legitimate expenses. There is no sound argument or reason why Members of Congress should be required to pay legitimate expenses incurred in conducting official business out of their salaries.

I know that very fine and sympathetic arguments can be made with respect to retirement benefits. I know there are many cases that come to our attention of Members of Congress of splendid citizens, who have given the best part of their lives in faithful and long service here in the House who are insecure in their declining years, but at the same time I do not think that because of those few cases we can afford, as Members of Congress, to place the Congress of the United States in the category of pensioners. It is not a matter, as I see it, of whether we have the courage to do something for ourselves. I voted for the expense account because I thought the Members of Congress were entitled to it. That is not the question in this bill, but it is a question whether or not the principles of retirement shall be applied to Members of Congress. That is the way I feel about it.

Certainly, we do not cripple the things that my distinguished friend, the gentleman from Illinois [Mr. DIRKSEN] talked about by striking from the bill the retirement feature. I think he made a splendid argument in connection with the need for an improved fiscal policy for this Government, and the coordination that must be had between the Committee on Appropriations and the Committee on Ways and Means. We certainly do not weaken that provision or any other provision of the so-called streamlining of Congress by striking from this bill the provisions for retirement benefits. At the proper time I shall offer an amendment to strike out that language.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to ask two questions of the vice chairman of the Committee on Reorganization, the gentleman from Oklahoma [Mr. MONRONEY]. First, I ask this question: There is enumerated the jurisdiction of the various committees. For example, take the jurisdiction of the Committee on the Judiciary, as enumerated on page 36. I find that there are not mentioned certain subject matters over which the Committee on the Judiciary has always had jurisdiction; for instance, war powers, salary increases of Congressmen, Alien Property Custodian, prohibition, flags. What will be the rule if those subject matters are not specifically mentioned in this bill?

Mr. MONRONEY. I thank the gentleman for a very, very good question. It was the feeling of the Committee on Reorganization that it was a physical impossibility to spell out in complete detail every single possible jurisdictional matter that would be before a committee. We tried to erect this as a guidepost from the House precedents.

The feeling of the committee is—and I am sure it will be the feeling of the House—that unless otherwise specifically provided the existing precedents of the House will apply to committee jurisdictions.

Mr. CELLER. I thank the gentleman. I now ask this question: What about the question of seniority? For instance, the Committee on the Judiciary, of which I am the ranking Democratic member, assumes the duties and prerogatives of the Committee on Claims, the Committee on Patents, the Committee on Revision of the Laws, and the Committee on Immigration and Naturalization. I presume that some Members of those committees will try to get membership on the Committee on the Judiciary. What will be their status in reference to seniority?

Mr. MONRONEY. I will reply to the gentleman that I cannot say. We do not change or interfere in any degree with existing practices in the House regarding committee assignments or the places which are assigned by the Committee on Ways and Means on our side and the Committee on Committees on the Republican side.

That is still left a matter for the two major parties to determine. The only place that that actually comes before the House is the existing House rule that the chairman of committees of the House shall be elected by the House, which is the existing rule of the House.

Mr. CELLER. It is not the gentleman's recommendation, then, that the seniority rule that now prevails should not be changed?

Mr. MONRONEY. We do nothing whatsoever about the seniority rule or try to regulate the places on the committees.

Mr. CELLER. I thank the gentleman.

Mr. TABER. Mr. Chairman, I move to strike out the last 3 words, and ask unanimous consent to proceed for 10 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Chairman, I feel that this question of section 138 should be brought out in the open and that we should discuss it from the standpoint of its merit and not from the standpoint of generalities. Section 138 creates the legislative budget. It is my desire and my hope that whatever comes out of this bill will help to make the Congress a better legislative body and will permit us to do things in a better way than we can now.

The first question is, is that legislative budget to be anything more than a pious gesture? What would happen at the present time? If we are going to have a legislative budget set up after the President's budget is sent in here approximately the middle of January, what would be the procedure? Either the joint committee of the Appropriations and Ways and Means Committees and the Senate Finance Committee and the Senate Committee on Appropriations, containing 104 members, can go ahead and go into the details through subcommittees or otherwise of the Budget estimates that are sent down here and establish a ceiling relating to each appropriation bill, after complete and thorough hearings, and that ceiling would have to go through that joint committee, or we can have a very cursory examination of the picture by that large committee and they can then present a resolution, if the thing is going to be any good it has to be after thorough hearings. We might just as well be honest with the people back home and these organizations that have been interested in this thing. What earthly use would the Bureau of the Budget's recommendations be if they did not over a period of 4

or 5 months before the Budget is presented to the Congress, hold hearings which are conducted by representatives of the Budget as to each particular department? They have a large number of these hearings running at the same time. If the legislative budget is to be of any value and is to have any integrity, it means 2 or 3 months' work. What does that mean? It means before the Appropriations Committee could go to work and put through its bills and get anywhere it would probably have to wait until that legislative budget was established. Under the amendment, that proposed by the chairman of the committee, the date at which the report would have to be made by that committee would be February 15. They have changed it from the way the proposed bill stood. Would that legislative budget then have to go through the House and the Senate? There is nothing said here as to whether it is proposed that that be done. We were not enlightened on that subject when our friends discussed the matter. I do not know.

In other words, it is a kind of a pig in a poke. We do not know where we are at in connection with it. If we were to wait until after that resolution could be considered by the House and Senate, we could not start the detailed hearings of the committees until then.

I yield to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. I simply want to point out that the bill, of course, makes no requirement that the Congress shall adopt the report of the Budget.

Mr. TABER. No; that is true. It could make no such requirement. But I do not know what their program is or what idea they have in mind. I could get a little better idea of what might be done if I knew.

Let me look at another feature of this. Is this going to result in an omnibus appropriation bill? Is it going to be an omnibus appropriation bill where logrolling can be done? It was the idea of Martin Madden in charge of the Appropriations Committee very shortly after the Budget and Accounting Act was passed that no one should serve on one of the subcommittees if he had a special interest which could be promoted by such an arrangement. As a result of the way he laid out the procedure for the Committee on Appropriations, the committee has been able to approach that with men on the subcommittees who have no special interest to serve and has been able to cut large sums out of those bills. Whether we are to continue that practice or whether we are as a result of this operation to get an omnibus appropriation bill and have it put through by special interests as a result of logrolling is the question involved. All of these recommendations of the Budget must be considered by this 104-man committee and decided in that way. Is it going to be that kind of a budget or it is going to be a budget gotten up by members of the committee who do not represent special interests? I am interested in finding out something about it—as to what is proposed and how it could work. We have had nothing but generalities. If we are going to be delayed until the 1st of March or the middle of March or the 1st of April before we can start Appropriations Committee hearings—and that is the way it looks—I do not see how it is going to be possible ever to get these bills out and have them considered in time to be enacted into law before the end of the fiscal year and in time for them to take effect. I would like to see what these people have in mind. Of course, if it is nothing but a pious gesture and if it is to done in a slipshod way with ideas that these people have in their heads—ideas taken out of the air—that is one thing. But if we are going to have a thorough attempt to go through our Budget estimates which are sent down to us by the President, we must work on them just as soon as the Congress is organized, and that work must be done intensively or otherwise we are not going to accomplish any results. I am projecting these thoughts because I want to see the right thing done. I want to see it done because it is the right thing and not because a lot of people have been putting out propaganda or because people who do not understand it have suggested it.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. H. CARL ANDERSEN. Can the gentleman tell me how it is possible for any group to meet along about the 15th of February or the 1st of March and place a ceiling on appropriations without hearings having been held previously to determine what is necessary?

Mr. TABER. If you are going to have the job done intelligently, you must have hearings as a basis for it. If not, your work will be utterly useless.

Mr. ROBERTSON of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. ROBERTSON of Virginia. In the summer of 1945, when the Ways and Means Committee had before it a bill to repeal the excess-profits tax, did not the Secretary of the Treasury testify before that committee that the budget for the fiscal year 1947 would be approximately $25,000,000,000, and is it not a fact that it went up to $42,000,000,000?

Mr. TABER. I think it is. I remember when he went over there once and was $20,000,000 off on his estimate for the current year. I was asked to come before the committee and I gave my figures about 6 months before the end of the fiscal year, and I was within a billion or two of the total. But I do feel that this is a serious thing.

Now, look at this budget-ceiling proposition that they have in here. Suppose you put on a budget ceiling, and without having that ceiling allocated to different appropriation bills and different departments the Appropriations Committee should attempt to bring in bills. The first 8 or 10 bills that were brought in might be under the ceiling or they might wipe out the ceiling without getting anywhere at all.

Mr. ROBERTSON of Virginia. Will the gentleman yield further?

Mr. TABER. I yield.

Mr. ROBERTSON of Virginia. Does not the gentleman realize the position in which the tax committee is placed if it proceeds on the assumption that you will have a budget of $25,000,000,000 and then make a tax cut, and then we find later on the appropriation bills have amounted to $45,000,000,000?

Mr. TABER. That is a terrible thing. I appreciate the necessity for a balanced budget. I have worked for that ever since I have been here. A great many times it was not effective. On the other hand, at times it has been effective.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. H. CARL ANDERSEN. I think if this committee met approximately the 15th of June and went over the work of the various subcommittees and all the discussions which had been held upon the floor, and then perhaps that committee could recomend to the Congress to slice the personnel throughout the Government by a certain percentage to bring it down to the proposed ceiling, that would be using a little common sense.

Mr. TABER. That might be a good suggestion. I can see how that might work.

Mr. GEARHART. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. GEARHART. I notice it is necessary for the new committee of 104 members to first give consideration to the Presidential Budget.

Mr. TABER. Yes.

Mr. GEARHART. In order to properly analyze and understand the Presidential Budget, it must take this committee of 104 almost as long as it took the Bureau of the Budget to prepare it. Can the gentleman tell us how long it takes the Budget to be sent to us?

Mr. TABER. At least 4 months.

Mr. GEARHART. Then, this committee would have to do that and complete the Budget and have it before the House before the 15th of February.

Mr. TABER. They could not possibly do it short of 3 or 4 months.

Mr. O'NEAL. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. O'NEAL. The Bureau of the Budget met in June and is meeting again this month in the consideration of Budget items for 1948.

Mr. TABER. In other words, they are laying out a program where they will have over 6 months to work on the Budget.

Mr. O'NEAL. And in 30 days this committee expects to tell them where they are wrong.

Mr. TABER. Well, I want to see something done that will help. I want to see these specialists that are going to be provided here go to work and I want to see them have authority to do something, but I do not want to do something destructive.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PHILLIPS. Mr. Chairman, I move to strike out the last four words.

Mr. Chairman, I hope I am not the only Member of this body who thinks that this is a very good section of the legislative program and who feels that, if it is properly considered, it will be thought to be workable. As one who has

spent much time in the past quarter century with the very thing which is being discussed here, I would like at least to suggest that we translate this into simple language. Perhaps we can understand it better.

If you were preparing a household budget for yourself for the calendar year, you would first set up, from some knowledge on your part, the probable amount of money that you expected to have during that year. Then you would set up the groups of expenditures into which you expected to put your personal income for that year. You would not worry at the beginning of the year about the details of every group of expenditures, but you would divide your income under the general classifications. You would be very sure in your family, which no government ever is, that you have only so much money to spend, and you would have to keep within it. So here the proposal is to set up the amount of money the Government may properly spend in its financial situation, and then to realize that the Appropriations Committee and the Ways and Means Committee should work together, first to appropriate economically and within limits which do not exist at the present time, and then for the Ways and Means Committee to raise the money as it may safely be raised and still preserve safely our form of government. I think you will see that it will work, and if you will realize that at the present time there is little coordination between the subcommittees in the Committee on Appropriations you will see that anything of the kind would be an improvement over present methods. At the present time you have each subcommittee considering appropriations separately from the other appropriations..

I think the principal thing that must be understood is that in the first year of the application of this new procedure, there would be difficulty. No one here should deny it. It would be the first year, but in subsequent years the experience of the preceding years would tend to help the preparation of the new budget, and in the long run the taxpayers of the United States and the country as a whole would be infinitely benefited.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. I yield.

Mr. CASE of South Dakota. To carry the gentleman's analogy of a family budget a little further, if the family were setting up its budget and it appeared they might want to spend more money than they had immediately in sight, would the gentleman think they should immediately go out and try to borrow the money that would be necessary to meet the excess?

Mr. PHILLIPS. That is what the Government does not do and that it what I do not think it should do.

Mr. CASE of South Dakota. Nor I, but I am afraid that is what is proposed in paragraph (b) here. I cannot understand why in advance of maturing obligations Congress should adopt a resolution saying the public debt should be increased until there is an actual need for the cash. That is why I think (b) should be revised to accomplish the apparent objective.

Mr. PHILLIPS. That may be, but I think even if we left it in we would be trying to decide how much we want to spend, and then to consider the ability of the taxpayers to pay. Taxes have already gone beyond the historic 25 percent set down as a safe limit.

Mr. CASE of South Dakota. And certainly I think there should be coordination between revenues and expenditures. That part of the bill I think aims at a most desirable objective; but I do not see why the Government should go out and increase the public debt in advance of actual cash needs for maturing obligations.

Mr. PHILLIPS. The gentleman makes a good point.

Mr. O'NEAL. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, having been on the Appropriations Committee for many years and also having handled the legislative budget estimate and being tremendously interested in the reorganization of Congress, I have had some occasion to review the history of legislation of this character. Everything suggested now in this paragraph of the bill presented has been discussed by Members of Congress for 50 years. The proposals that are in this bill today on that subject were discussed on the floor of Congress at least 30 years ago and Congress during that period of time, having investigated the matter thoroughly, has found that such way of handling the business is not the scientific nor the best way.

On the question of saving money and handling appropriations, in my humble judgment, the most authoritative and most expert witnesses that you could possibly call into this picture would be the gentleman from Missouri [Mr. CANNON] and the gentleman from New York [Mr. TABER]. I know of no two men who have done more to help balance the budget or who are more sincerely interested in those things than the gentleman from Missouri and the gentleman from New York. They have lived with this thing. It has been their daily occupation for years. They know what has happened for many, many years, and they tell you without the slightest doubt in their minds that this provision is impractical, it is idealistic, it is wishful thinking, that it will not do a thing to better the situation. In fact, they tell you it will interfere with the proper handling of business on the floor of the House. I concur entirely with their expressions.

There is absolutely nothing constructive or practical in this provision, and anyone who will take the time to go into the matter can see why it is a futile gesture and the result of a futile gesture develops a lack of confidence next year or at some other time when nothing has been accomplished by it.

Mr. Chairman, these budgets come to us after a thorough study of from 4 to 6 months by 850 employees of the Bureau of the Budget. They have sat there and are sitting there today on the 1948 budget, examining every item. They bring it to us after cuts, the best that they can do under the circumstances. They bring it to us, and the Appropriations Committee divides this vast budget among subcommittees which sit down for months and try to cut and trim where it should be cut and trimmed. We do everything we can to save a dollar for the taxpayers. The result is that vast amounts of money are being saved.

Think of the ridiculousness of the proposition offered here. They are going to call the Ways and Means Committee in to help the Appropriations Committee on the proposition, and we are going over to the Ways and Means Committee and tell them how to do their taxing, what they should put in their revenue bills. Then the Senate is coming over here to tell us about our budget and we are going to tell them about theirs. The result will be confusion because under this bill as it stands today all of this vast and intelligent analysis that is so necessary will have to be done in 30 days under the bill. Mr. Chairman, it is preposterous.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. O'NEAL. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. O'NEAL. Mr. Chairman, these estimates are worked on by the Bureau of the Budget with 850 employees, with their experts, trying to do a job, and then the Appropriations Committee works on them, to cut them intelligently; yet all of that is to be superseded by a 30-day study by this super committee made up of Ways and Means Committee of the House and the Appropriations Committee, together with the same two corresponding bodies in the Senate. In that 30 days they will tell you what you should appropriate.

Gentlemen, it is ridiculous, and it will bring nothing toward orderly and better Government.

Mr. BENDER. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I am not here to offer any crippling amendments or to make suggestions that would throw monkey wrenches into the works, but when I heard the last speech made by the gentleman who just preceded me, extolling the virtues of the Bureau of the Budget, and how hard they labored to save money for the taxpayers, I could not help thinking about the President's reorganization plans that this House defeated overwhelmingly. The gentleman who was in charge of the Bureau of the Budget, Mr. Smith, on that occasion, even though this House passed the bill providing for a 25 percent decrease in the cost of government, when asked regarding that decrease, said that it had not ever been considered.

I have great respect for the gentleman from Kentucky, and he is most convincing, and because he is so eloquent and convincing, I felt the need to rise on this occasion to point out the fact that the Bureau of the Budget is not so very much interested in saving money. Obviously they were not interested in saving money in the reorganization plans.

I personally feel that the gentleman from Oklahoma [Mr. MONRONEY], who sponsored this legislation, and the gentleman from Illinois [Mr. DIRKSEN] are on the right track. We have been talking about improving our machinery, and now we have an opportunity to act. Frankly, the cost of government is going up all the time. I do not think so much of the economy job they are doing. I do not think the Bureau of the Budget is so wonderful. I am for this bill, and I am for the amendment suggested by the gentleman from Ohio [Mr. BROWN]. I think we are doing a good job for the country by voting up this resolution and voting for it unanimously. I trust the gentleman from Kentucky will change his mind as far as this particular feature is concerned.

Mr. O'NEAL. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield to the gentleman from Kentucky.

Mr. O'NEAL. If the gentleman is attacking the amendment that we offered, I wish he would stick to the amendment. As far as the bill is concerned, we are all for the bill.

Mr. BENDER. I am glad to hear that.

Mr. O'NEAL. If the gentleman had been on the floor he would have understood it.

Mr. BENDER. I have been on the floor all the while.

Mr. O'NEAL. But the gentleman directs his remarks against the gentleman from Kentucky.

Mr. BENDER. I would not make any argument against the gentleman from Kentucky, because I like the gentleman too well. He is a fine public servant. But I will say this about his statement regarding the Bureau of the Budget economy program. I do not share his view at all.

Mr. O'NEAL. I think the Congress has gotten into a very bad habit of attacking the Budget and giving no credit to many hard-working men down there who are trying to do their job as sincerely as the gentleman is trying to do his.

Mr. BENDER. Frankly I do give credit to them. I think they are a fine agency and I think there are many good men working there. I have no criticism of them except when you tell us how much money they saved and how anxious they are to save money, all I know is that the public debt is going up all the time, and obviously they are not saving any money.

Mr. O'NEAL. Let me say to the gentleman that if he will put it on the doorstep of Congress he will find the answer. It is not the Bureau of the Budget. In this very Congress we appropriated $3,000,000,000 over and above what the Budget sent up here, $50,000,000 for airports, $3,750,000,000 for a loan, $400,000,000 for housing and other vast amounts. The Budget cannot change it. They carry out what the gentleman and I vote for.

Mr. BENDER. But the Budget has made many recommendations that we revised downward, and we do it regularly, on every appropriation bill.

There are many pressing and difficult issues before the Nation today which demand our keenest thinking. Virtually every one of these problems requires legislative analysis and action. Yet Congress finds itself in the position of seeking to battle a multitude of complex economic, social, and political difficulties with archaic legislative weapons. Our procedure has proven itself painfully slow, cumbersome, and expensive.

A Congress which is forever prodding the Executive to cut down on unnecessary expenditures cannot itself sanction the wastefulness of duplicating committees, hearings, and functions. Nor is there any justification in these days for the expensive double employment of experts by the executive branch of our Government and by special congressional committees.

Congress will do well to take action at once on the proposal now pending to modernize its functions.

The Nation's pressing problems will be better solved and more adequately considered if this congressional reorganization takes place. Under the terms of the bill now before us, each one of the committees remaining in existence would have a staff of full-time experts keeping its membership informed and working in close contact with executive agencies carrying out the legislative intent of Congress in its field. A joint committee of Senate and House to assure effective cooperation would be set up. Another joint committee representing the majority and minority parties in Congress would be created. Still a third joint committee would become a legislative-executive council.

The need for change in our legislative procedure is apparent to every citizen who follows the daily news. Duplication of investigations, long delays in considering legislation, the ease with which issues distasteful to a few individuals can be effectively shelved are all too evident in Washington.

Mr. RICH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, section 138, the legislative budget, is something I have been wishing would come before the House of Representatives for a long, long, long time. I tried many times to get the Appropriations Committee and the Ways and Means Committee to get together and determine how much money the Congress was going to have to spend for a session of Congress, and then figure out just how they were going to raise the money they wanted to spend. By that means, a joint committee of those committees of the House and similar committees of the Senate would determine just what our budget would be, and then we would try to hew to the line of a balanced budget.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. Does not this section provide the answer to the gentleman's famous question, "Where are we going to get the money?"

Mr. RICH. Yes; it provides the answer to the mechanics of how we are going to get the money. It does not provide the money, exactly.

The situation is this. Let us take the home as an example. In any home the father and mother know what the earning power of the home is. Then from that they know just exactly what they can spend in that home. If they spend more than they take in, when they have to go in debt for it they know that it is a burden on the family in future days to get rid of that debt. The only way to get rid of it is to pay it off. That is the only honest and honorable thing to do, to pay it off.

In operating its business the directors of a corporation get together and say, "We are going to do this and we are going to make additions or improvements" and they figure the cost. They know it will cost so much money. But before they determine that they are going to spend that money they know exactly where they are going to get every dollar of it. They do not obligate themselves for hundreds of thousands of dollars when they do not know where it is coming from. They make arrangements with the banks or somebody else to finance them, and then they know how much they have to make from day to day to pay that debt off.

For 14 years I have been very much dissatisfied with the way we have been squandering, unintelligently, the money of the taxpayers of this country, and I say we have been squandering it, and I say it advisedly. Look at our financial statement and it will reveal its terribly terrible condition to you. We have not used business procedure or business methods in Congress in our financing the Federal Government. If we now adopt section 138 and carry out its provisions, as I hope will be the case, I believe we will be able to do something that will eventually cause us to have a Budget we can balance. If we do not do that, our Government is hopelessly lost, because our indebtedness of $268,000,000,000 now certainly is an amount that ought to make every one of you shudder. Each one of you owes $2,000 of that debt, and every man, woman, and child in your district owes the sum of $2,000. A family of five owes $10,000 of that debt of this country, and they have to pay it. It is for this reason if for no other reason that we ought to adopt section 138. Also we should not vote any increased salaries to Members at this itme, the country is not in condition to accept the increase and they cannot afford to pay it. You must cut down the expenses of government and show the taxpayers that the majority party are worthy of their hire. The stockholders of a corporation would not elect directors that would wreck the corporation and put it into bankruptcy if they knew it. Do you think they would? No; they would vote them out. I say to you, watch out if your stockholders do not do likewise.

Mr. KEEFE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have been privileged to be a member of the Committee on Appropriations for a number of years and have tried in the performance of my duties on that committee to give everything I possess in the way of energy, talent, and ability. I want to place myself four-square with the gentleman from Illinois [Mr. DIRKSEN]. The gentleman from Illinois [Mr. DIRKSEN] has today given to the House of Representatives a challenge. So far as I

am concerned as a member of the Committee on Appropriations, I endorse what he has said 100 percent. I know the House of Representatives is not going to turn its back upon the provisions in this bill which the sponsors of the bill say, and the distinguished Senator from my own State of Wisconsin [Mr. LA FOLLETTE] says, are the very guts of this bill. Now, let us see what they are arguing about. They say, "Oh, nothing is going to happen if you set up this great superduper committee and if you bring the representatives of the Committee on Ways and Means and the Committee on Appropriations of the House together with the representatives of the Finance Committee and the Committee on Appropriations of the Senate in a joint meeting to take a look at this budget which the President submits at the beginning of each session." Why not? I ask you. Why should they not take a look? Why should they not examine that budget? Why should they not raise the question as to whether or not it is possible to adopt a legislative budget—a legislative mark, if you please—that the committees of Congress may shoot at in an attempt to balance the budget? The budget that the President will submit in January 1947 is in process of being prepared right now. The chances are that the figures contained in that budget will be 6 months old when they are submitted on the 3d of January. Why should not the Congress, through this committee, have up-to-the-minute estimates of the Treasury Department as to the revenues? Why should not they have the up-to-the-minute figures of these departments submitted so that we can have an up-to-the-minute legislative budget? Perhaps it may interfere somewhat with this Subcommittee on Deficiency Appropriations that has already reported out 3 deficiency bills involving billions of dollars which never were considered by any of the subcommittees of Congress charged with appropriating for the items contained in those deficiency appropriation bills. So far as I am concerned, I am willing to take this step in the direction of an effort to secure a balanced budget. Despite the things that my friend from New York has said and despite the argument made by my friend the gentleman from Kentucky [Mr. O'NEAL] I have not heard one sound argument adduced which to me is a compelling argument against the adoption of the provisions of this reorganization bill which will give this joint committee an opportunity to go over the Presidential budget to try to set up an over-all budget, if you please, that will be up to date on the basis of up-to-date financial estimates from the Treasury Department and set a ceiling that the subcommittees of the Committee on Appropriations can shoot at.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. KEEFE. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KEEFE. Mr. Chairman, there is nothing in this proposal that stops the subcommittees from going to work. They will have the Presidential budget before them and there is nothing to stop them from going ahead with their hearings.

I want to tell you, if you sat in these hearings, despite all this breast beating year after year down here, the whole situation of appropriating money, as I have experienced it, is "by guess and by God." That is about what it amounts to. I think it is about time that we began to take some steps in the direction of having a more scientific approach to this matter of budget making and the matter of appropriating the public's money. It is because I have such a sincere conviction in that regard that I, as one member of the Appropriations Committee who has spoken on this question many times before, want to endorse to the Congress of the United States the sentiments so ably and magnificently expressed by the distinguished gentleman from Illinois [Mr. DIRKSEN].

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HULL. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, there are many features of this bill which I think are important. The Senator from Wisconsin [Mr. LA FOLLETTE] and the gentleman from Oklahoma [Mr. MONRONEY] and their committee have worked long and hard in preparing a measure reorganizing the activities of Congress. Practically all of us are in sympathy with their views, even though some points may be controversial. But, because it is a good bill, because it will do the job and help improve congressional procedures, there is no reason why some other controversial features should be introduced at this time. In other words, features which might not be adopted if they independently came before the House.

It was only a few months ago that this House had the privilege of voting directly on the question of pensions for Congressmen. The bill was sent back to committee. The House refused to take any action whatsoever regarding it. Previously that question has been before the Congress and has been discussed and turned down. Yet, because this is an important bill and because it is a step in the right direction, even though it is not complete in all particulars, again we have this question of congressional pensions inserted. I happened to be among those who opposed congressional pensions during many Congresses and I continue to oppose them.

Another is the provision for the increase of salaries of Senators and Representatives. There is a way of increasing the salaries of Members of Congress if that should be wise to do so, and that is to bring a bill out of the proper legislative committee, let it receive favorable consideration in the Committee of the Whole, and then a vote by the House, on a yea and nay vote. That is the way to increase salaries and do it fairly and squarely. There is no reason why that particular salary provision should be put into this bill. There is nothing in the procedures of Congress that depends upon the salaries that Members receive. Unless those two features are stricken out, notwithstanding that I favor the purposes of this bill, I shall not vote for it.

Only yesterday the House passed the so-called social-security bill. There are some 60,000 pensioners in the State of Wisconsin depending more or less upon Federal aid for social security in the small amount allotted to them. Such old-age assistance amounts to about $30 a month, half payable from Federal aid and the rest by the State and county.

Under the so-called social-security bill passed by the House, yesterday, the old-age pensioners, blind persons, and those children under pension in the State of Wisconsin will receive an additional $640,000 per year as Federal aid. That will be for the 46,000 pensioners drawing old-age assistance and about 14,000 more on the pension lists of the blind and children's aid. The increase of Federal aid for them will probably amount to not to exceed $20 per year for every pensioner on the lists. Certainly if there is any reason why salaries should be increased in Congress, or why there should be a wage increase everywhere else, there is every reason in the world why these people, two million and a quarter of them in our country should receive a more reasonable increase in their assistance payments.

Unless amendments are adopted to strike out these, the provision for congressional pension and pay increases, which I do not think are properly in this bill, I shall be compelled to vote against it even though I am heartily in favor of the general purposes of the measure.

The Clerk read as follows:

TITLE I—CHANGES IN RULES OF SENATE AND HOUSE

RULE-MAKING POWER OF THE SENATE AND HOUSE

SEC. 101. The following sections of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that the portions of the bill from line 12, page 5, to line 13, page 24, be considered as read and printed in the RECORD. That portion of the bill deals exclusively with the rules of the Senate over which the House exercises no real jurisdiction, and it would

expedite consideration of the bill to treat it in this manner.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

(The portion of the bill referred to follows:)

PART 1—STANDING RULES OF THE SENATE

Standing committees of the Senate

SEC. 102. Rule XXV of the Standing Rules of the Senate is amended to read as follows:

"RULE XXV

"Standing committees

"(1) The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

"(a) Committee on Agriculture and Forestry, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Agriculture generally.

"2. Inspection of livestock and meat products.

"3. Animal industry and diseases of animals.

"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"5. Agricultural colleges and experiment stations.

"6. Forestry in general, and forest reserves other than those created from the public domain.

"7. Agricultural economics and research.

"8. Agricultural and industrial chemistry.

"9. Dairy industry.

"10. Entomology and plant quarantine.

"11. Human nutrition and home economics.

"12. Plant industry, soils, and agricultural engineering.

"13. Agricultural educational extension services.

"14. Extension of farm credit and farm security.

"15. Rural electrification.

"16. Agricultural production and marketing and stabilization of prices of agricultural products.

"17. Crop insurance and soil conservation.

"(b) Committee on Appropriations, to consist of 21 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Appropriation of the revenue for the support of the Government.

"(c) Committee on Armed Services, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Common defense generally.

"2. The War Department and the Military Establishment generally.

"3. The Navy Department and the Naval Establishment generally.

"4. Soldiers' and sailors' homes.

"5. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.

"6. Selective service.

"7. Size and composition of the Army and Navy.

"8. Forts, arsenals, military reservations, and navy yards.

"9. Ammunition depots.

"10. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.

"11. Conservation, development, and use of naval petroleum and oil-shale reserves.

"12. Strategic and critical materials necessary for the common defense.

"(d) Committee on Banking and Currency, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Banking and currency generally.

"2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.

"3. Deposit insurance.

"4. Public and private housing.

"5. Federal Reserve System.

"6. Gold and silver, including the coinage thereof.

"7. Issuance of notes and redemption thereof.

"8. Valuation and revaluation of the dollar.

"9. Control of prices of commodities, rents, or services.

"(e) Committee on Civil Service, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. The Federal civil service generally.

"2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

"3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service, but excluding post roads.

"4. Postal-savings banks.

"5. Census and the collection of statistics generally.

"6. The National Archives.

"(f) Committee on the District of Columbia, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—

"2. Public health and safety; sanitation, and quarantine regulations.

"3. Regulation of sale of intoxicating liquors.

"4. Adulteration of food and drugs.

"5. Taxes and tax sales.

"6. Insurance, executors, administrators, wills, and divorce.

"7. Municipal and juvenile courts.

"8. Incorporation and organization of societies.

"9. Municipal code and amendments to the criminal and corporation laws.

"(g) (1) Committee on Expenditures in the Executive Departments, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Budget and accounting measures, other than appropriations.

"(B) Reorganizations in the executive branch of the Government.

"(2) Such committee shall have the duty of—

"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

"(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

"(h) Committee on Finance, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Revenue measures generally.

"2. The bonded debt of the United States.

"3. The deposit of public moneys.

"4. Customs, collection districts, and ports of entry and delivery.

"5. Reciprocal trade agreements.

"6. Transportation of dutiable goods.

"7. Revenue measures relating to the insular possessions.

"8. Tariffs and import quotas, and matters related thereto.

"9. National social security.

"10. Veterans' measures generally.

"11. Pensions of all the wars of the United States, general and special.

"12. Life insurance issued by the Government on account of service in the armed forces.

"13. Compensation of veterans.

"(i) Committee on Foreign Relations, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Relations of the United States with foreign nations generally.

"2. Treaties.

"3. Establishment of boundary lines between the United States and foreign nations.

"4. Protection of American citizens abroad and expatriation.

"5. Neutrality.

"6. International conferences and congresses.

"7. The American National Red Cross.

"8. Intervention abroad and declarations of war.

"9. Measures relating to the diplomatic service.

"10. Acquisition of land and buildings for embassies and legations in foreign countries.

"11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

"12. United Nations Organization and international financial and monetary organizations.

"13. Foreign loans.

"(j) Committee on Interstate and Foreign Commerce, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Interstate and foreign commerce generally.

"2. Regulation of interstate railroads, busses, trucks, and pipe lines.

"3. Communication by telephone, telegraph, radio, and television.

"4. Civil aeronautics.

"5. Merchant marine generally.

"6. Registering and licensing of vessels and small boats.

"7. Navigation and the laws relating thereto, including pilotage.

"8. Rules and international arrangements to prevent collisions at sea.

"9. Merchant marine officers and seamen.

"10. Measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, life-saving equipment, and fire protection on such vessels.

"11. Coast and Geodetic Survey.

"12. The Coast Guard, including life-saving service, lighthouses, lightships, and ocean derelicts.

"13. The United States Coast Guard and Merchant Marine Academies.

"14. Weather Bureau.

"15. Except as provided in paragraph (c), the Panama Canal and interoceanic canals generally.

"16. Inland waterways.

"17. Fisheries and wildlife, including research, restoration, refuges, and conservation.

"18. Bureau of Standards including standardization of weights and measures and the metric system.

"(k) Committee on the Judiciary, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Judicial proceedings, civil and criminal, generally.

"2. Constitutional amendments.

"3. Federal courts and judges.

"4. Local courts in the Territories and possessions.

"5. Revision and codification of the statutes of the United States.

"6. National penitentiaries.

"7. Protection of trade and commerce against unlawful restraints and monopolies.

"8. Holidays and celebrations.

"9. Bankruptcy, mutiny, espionage, and counterfeiting.

"10. State and Territorial boundary lines.

"11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.

"12. Civil liberties.

"13. Patents, copyrights, and trade-marks.

"14. Patent Office.

"15. Immigration and naturalization.

"16. Apportionment of Representatives.

"17. Measures relating to claims against the United States.

"18. Interstate compacts generally.

"(l) Committee on Labor and Public Welfare, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Measures relating to education, labor, or public welfare generally.

"2. Mediation and arbitration of labor disputes.

"3. Wages and hours of labor.

"4. Convict labor and the entry of goods made by convicts into interstate commerce.

"5. Regulation or prevention of importation of foreign laborers under contract.

"6. Child labor.

"7. Labor statistics.

"8. Labor standards.

"9. School-lunch program.

"10. Vocational rehabilitation.

"11. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.

"12. United States Employees Compensation Commission.

"13. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedman's Hospital; and Saint Elizabeths Hospital.

"14. Public health and quarantine.

"15. Welfare of miners.

"16. Vocational rehabilitation and education of veterans.

"17. Veterans' hospitals, medical care and treatment of veterans.

"18. Soldiers' and sailors' civil relief.

"19. Readjustment of servicemen to civil life.

"(m) Committee on Public Lands, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Public lands generally, including entry, easements, and grazing thereon.

"2. Mineral resources of the public lands.

"3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

"4. Forest reserves and national parks created from the public domain.

"5. Military parks and battlefields, and national cemeteries.

"6. Preservation of prehistoric ruins and objects of interest on the public domain.

"7. Measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting their revenue and appropriations.

"8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects.

"9. Interstate compacts relating to apportionment of waters for irrigation purposes.

"10. Mining interests generally.

"11. Mineral land laws and claims and entries thereunder.

"12. Geological survey.

"13. Mining schools and experimental stations.

"14. Petroleum conservation and conservation of the radium supply in the United States.

"15. Relations of the United States with the Indians and the Indian tribes.

"16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

"(n) Committee on Public Works, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Flood control and improvement of rivers and harbors.

"2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).

"3. Water power.

"4. Oil and other pollution of navigable waters.

"5. Public buildings and occupied or improved grounds of the United States generally.

"6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

"7. Measures relating to the Capitol building and the Senate and House Office Buildings.

"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

"10. Measures relating to the construction or maintenance of roads and post roads.

"(o) (1) Committee on Rules and Administration, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.

"(B) Except as provided in paraprag (n) 8, matters relating to the Library of Congress and the Senate Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

"(C) Except as provided in paragraph (n) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

"(E) Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; administration of the Senate Office Building and of the Senate wing of the Capitol; assignment of office space; and services to the Senate.

"(F) Matters relating to printing and correction of the CONGRESSIONAL RECORD.

"(2) Such committee shall also have the duty of examining all bills, amendments, and joint resolutions after passage by the Senate; and in cooperation with the Committee on House Administration of the House of Representatives, of examining all bills and joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled; and when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate. Such committee shall also have the duty of assigning office space in the Senate wing of the Capitol and in the Senate Office Building.

"(2) Each standing committee shall continue and have the power to act until their successors are appointed.

"(3) Each standing committee is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, subject to the provisions of section 133 (d) of the Legislative Reorganization Act of 1946.

"(4) Each Senator shall serve on two standing committees and no more; except that Senators of the majority party who are members of the Committee on the District of Columbia or of the Committee on Expenditures in the Executive Departments may serve on three standing committees and no more."

Appropriations

SEC. 103. Rule XVI of the Standing Rules of the Senate is amended to read as follows:

"RULE XVI

"Amendments to appropriation bills

"1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

"2. The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation or any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

"3. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least 1 day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall

be received; in like manner, amendments proposing new items of appropriation to river and harbor bills, establishing post roads, or proposing new post roads, shall, before being considered, be referred to the Committee on Public Works.

"4. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any such amendment or restriction to a general appropriation bill may be laid on the table without prejudice to the bill.

"5. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

"6. (a) Three members of the following-named committees, to be selected by their respective committees, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the annual appropriation bill making appropriations for the purposes specified in the following table opposite the name of the committee is being considered by the Committee on Appropriations:

Name of committee	*Purpose of appropriation*
Committee on Agriculture and Forestry.	For the Department of Agriculture.
Committee on Civil Service.	For the Post Office Department.
Committee on Armed Services.	For the Department of War; for the Department of the Navy.
Committee on the District of Columbia.	For the District of Columbia.
Committee on Public Works.	For rivers and harbors.
Committee on Foreign Relations.	For the diplomatic and consular service.

"(b) At least one member of each committee enumerated in subparagraph (a), to be selected by his or their respective committees, shall be a member of any conference committee appointed to confer with the House upon the annual appropriation bill making appropriations for the purposes specified in the foregoing table opposite the name of his or their respective committee.

"7. When a point of order is made against any restriction on the expenditure of funds appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order."

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that the further reading of the bill be by the titles of the sections, each section to be open for amendment when the title has been read.

Mr. CELLER. Mr. Chairman, reserving the right to object, and I shall not, I want to ask the gentleman from Oklahoma a question: Would we by the provisions embodied in this bill have the right to change the rules of the next Congress despite the fact that this bill was passed by the Senate and the House?

Mr. MONRONEY. No. It specifically recognizes the right of either House to change its rules at any time. We are merely doing it jointly for the purpose of convenience and clarification. The rules can be changed by the new Congress or by this Congress at any time.

The CHAIRMAN. Will the gentleman restate his request?

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that the bill be read by titles of sections, each section to be considered open for amendment when the titles are read.

The CHAIRMAN. The gentleman means to read the title and not the section?

Mr. MONRONEY. Yes.

Mr. PATMAN. Mr. Chairman, reserving the right to object, how many sections are there in the bill?

Mr. MONRONEY. Probably a hundred sections.

Mr. PATMAN. Will the reading by sections be according to the consent request?

Mr. MONRONEY. The Clerk will read the titles of the sections.

Mr. PATMAN. All right; starting now with section 121, how far would the Clerk read before an amendment would be offered?

Mr. MONRONEY. He would read the first part, of course, and then an amendment would be in order.

Mr. PATMAN. The first part down to where?

Mr. MONRONEY. The Clerk would read:

Rule X of the rules of the House of Representatives is amended to read as follows.

And then the section would be considered as read.

Mr. PATMAN. Then he would get down to page 27?

Mr. MONRONEY. Yes.

Mr. PATMAN. Then rule XI on page 27 would next be in order?

Mr. MONRONEY. That would be the next subtitle the Clerk would read and it would be open to amendment.

Mr. TABER. Mr. Chairman, reserving the right to object. I think if the gentleman wants to give us a chance he will let the bill be read by sections. He can call the sections without reading them, then let us offer amendments.

Mr. MONRONEY. I was trying to do that.

Mr. TABER. Let him call the number of the section and ask for amendments to that section. I think that would be all right. The titles are so hard to find, unless one is exceedingly familiar with it. It will be difficult for anyone to follow.

Mr. MONRONEY. I will be glad to modify my request.

Mr. TABER. Let the Chairman call off the section numbers one at a time and amendments may be offered. I would be willing to do that.

Mr. MONRONEY. I agree with that.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. MICHENER. Mr. Chairman, reserving the right to object, will the Chair just state what the request is so that all Members will be advised?

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the section numbers be read as they are reached, that the reading of the language in the section be dispensed with but that when the section number is read it will then be in order to offer amendments to any part of that section.

Mr. WHITTINGTON. The Chair will announce the page of the bill?

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read as follows:

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

Standing committees of the House of Representatives

SEC. 121. (a) Rule X of the Rules of the House of Representatives is amended to read as follows:

"RULE X

"*Standing committees*

"(a) There shall be elected by the House, at the commencement of each Congress, the following standing committes:

"1. Committee on Agriculture, to consist of 27 Members.

"2. Committee on Appropriations, to consist of 43 Members.

"3. Committee on Armed Services, to consist of 33 Members.

"4. Committee on Banking and Currency, to consist of 27 Members.

"5. Committee on Civil Service, to consist of 25 Members.

"6. Committee on the District of Columbia, to consist of 25 Members.

"7. Committee on Education and Labor, to consist of 25 Members.

"8. Committee on Expenditures in the Executive Departments, to consist of 25 Members.

"9. Committee on Foreign Affairs, to consist of 25 Members.

"10. Committee on House Administration, to consist of 25 Members.

"11. Committee on Interstate and Foreign Commerce, to consist of 27 Members.

"12. Committee on the Judiciary, to consist of 25 Members.

"13. Committee on Merchant Marine and Fisheries, to consist of 25 Members.

"14. Committee on Public Lands, to consist of 25 Members.

"15. Committee on Public Works, to consist of 27 Members.

"16. Committee on Rules, to consist of 12 Members.

"17. Committee on Un-American Activities, to consist of nine Members.

"18. Committee on Veterans' Affairs, to consist of 27 Members.

"19. Committee on Ways and Means, to consist of 27 Members.

"(b) (1) The Speaker shall appoint all select and conference committees which shall be ordered by the House from time to time.

"(2) At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the members thereof; in the temporary absence of the chairman, the member next in rank in the order named in the election of the committee, and so on, as often as the case shall happen, shall act as chairman; and in case of a permanent vacancy in the chairmanship of any such committee the House shall elect another chairman.

"(3) All vacancies in standing committees in the House shall be filled by election by the House. Each Member shall be elected to serve on one standing committee and no more; except that Members who are elected

to serve on the Committee on the District of Columbia or on the Committee on Un-American Activities may be elected to serve on two standing committees and no more, and Members of the majority party who are elected to serve on the Committee on Expenditures in the Executive Departments or on the Committee on House Administration may be elected to serve on two standing committees and no more."

(b) Rule XI of the Rules of the House of Representatives is amended to read as follows:

"RULE XI

"Powers and duties of committees

"(1) All proposed legislation, messages, petitions, memorials, and other matters relating to the subjects listed under the standing committees named below shall be referred to such committees, respectively:

"(a) Committee on Agriculture.

"1. Agriculture generally.

"2. Inspection of livestock and meat products.

"3. Animal industry and diseases of animals.

"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"5. Agricultural colleges and experiment stations.

"6. Forestry in general, and forest reserves other than those created from the public domain.

"7. Agricultural economics and research.

"8. Agricultural and industrial chemistry.

"9. Dairy industry.

"10. Entomology and plant quarantine.

"11. Human nutrition and home economics.

"12. Plant industry, soils, and agricultural engineering.

"13. Agricultural educational extension services.

"14. Extension of farm credit and farm security.

"15. Rural electrification.

"16. Agricultural production and marketing and stabilization of prices of agricultural products.

"17. Crop insurance and soil conservation.

"(b) Committee on Appropriations.

"1. Appropriation of the revenue for the support of the Government.

"(c) Committee on Armed Services.

"1. Common defense generally.

"2. The War Department and the Military Establishment generally.

"3. The Navy Department and the Naval Establishment generally.

"4. Soldiers' and sailors' homes.

"5. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.

"6. Selective service.

"7. Size and composition of the Army and Navy.

"8. Forts, arsenals, military reservations, and navy yards.

"9. Ammunition depots.

"10. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.

"11. Conservation, development, and use of naval petroleum and oil shale reserves.

"12. Strategic and critical materials necessary for the common defense.

"(d) Committee on Banking and Currency.

"1. Banking and currency generally.

"2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.

"3. Deposit insurance.

"4. Public and private housing.

"5. Federal Reserve System.

"6. Gold and silver, including the coinage thereof.

"7. Issuance of notes and redemption thereof.

"8. Valuation and revaluation of the dollar.

"9. Control of prices of commodities, rents, or services.

"(e) Committee on Civil Service.

"1. The Federal civil service generally.

"2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

"3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service, but excluding post roads.

"4. Postal-savings banks.

"5. Census and the collection of statistics generally.

"6. The National Archives.

"(f) Committee on the District of Columbia.

"1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—

"2. Public health and safety, sanitation, and quarantine regulations.

"3. Regulation of sale of intoxicating liquors.

"4. Adulteration of food and drugs.

"5. Taxes and tax sales.

"6. Insurance, executors, administrators, wills, and divorce.

"7. Municipal and juvenile courts.

"8. Incorporation and organization of societies.

"9. Municipal code and amendments to the criminal and corporation laws.

"(g) Committee on Education and Labor.

"1. Measures relating to education or labor generally.

"2. Mediation and arbitration of labor disputes.

"3. Wages and hours of labor.

"4. Convict labor and the entry of goods made by convicts into interstate commerce.

"5. Regulation or prevention of importation of foreign laborers under contract.

"6. Child labor.

"7. Labor statistics.

"8. Labor standards.

"9. School-lunch program.

"10. Vocational rehabilitation.

"11. United States Employees' Compensation Commission.

"12. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and St. Elizabeths Hospital.

"13. Welfare of miners.

"(h) (1) Committee on Expenditures in the Executive Departments.

"(A) Budget and accounting measures, other than appropriations.

"(B) Reorganizations in the executive branch of the Government.

"(2) Such committee shall have the duty of—

"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the House as it deems necessary or desirable in connection with the subject matter of such reports;

"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

"(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

"(i) Committee on Foreign Affairs.

"1. Relations of the United States with foreign nations generally.

"2. Establishment of boundary lines between the United States and foreign nations.

"3. Protection of American citizens abroad and expatriation.

"4. Neutrality.

"5. International conferences and congresses.

"6. The American National Red Cross.

"7. Intervention abroad and declarations of war.

"8. Measures relating to the diplomatic service.

"9. Acquisition of land and buildings for embassies and legations in foreign countries.

"10. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

"11. United Nations Organization and international financial and monetary organizations.

"12. Foreign loans.

"(j) (1) Committee on House Administration.

"(A) Employment of persons by the House, including clerks for Members and committees, and reporters of debates.

"(B) Expenditure of the contingent fund of the House.

"(C) The auditing and settling of all accounts which may be charged to the contingent fund.

"(D) Measures relating to accounts of the House generally.

"(E) Appropriations from the contingent fund.

"(F) Measures relating to services to the House, including the House Restaurant and administration of the House Office Buildings and of the House wing of the Capitol.

"(G) Measures relating to the travel of Members of the House.

"(H) Measures relating to the assignment of office space for Members and committees.

"(I) Measures relating to the disposition of useless executive papers.

"(J) Except as provided in paragraph (o) 8, matters relating to the Library of Congress and the House Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

"(K) Except as provided in paragraph (o) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(L) Matters relating to printing and correction of the CONGRESSIONAL RECORD.

"(M) Measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.

"(2) Such committee shall also have the duty of—

"(A) examining all bills, amendments, and joint resolutions after passage by the House; and, in cooperation with the Senate Committee on Rules and Administration, of examining all bills and joint resolutions which shall have passed both Houses, to see that they are correctly enrolled; and when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the House, to the President of the United States in person, and report the fact and date of such presentation to the House;

"(B) reporting to the Sergeant at Arms of the House the travel of Members of the House;

"(C) arranging a suitable program for each day observed by the House of Representatives as a memorial day in memory of Members of the Senate and House of Representatives who have died during the preceding period, and to arrange for the publication of the proceedings thereof.

"(k) Committee on Interstate and Foreign Commerce.

"1. Interstate and foreign commerce generally.

"2. Regulation of interstate railroads, busses, trucks, and pipe lines.

"3. Communication by telephone, telegraph, radio, and television.

"4. Civil aeronautics.

"5. Weather Bureau.
"6. Interstate oil compacts.
"7. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.
"8. Public health and quarantine.
"9. Inland waterways.
"10. Bureau of Standards, including standardization of weights and measures and the metric system.
"(l) Committee on the Judiciary.
"1. Judicial proceedings, civil and criminal, generally.
"2. Constitutional amendments.
"3. Federal courts and judges.
"4. Local courts in the Territories and possessions.
"5. Revision and codification of the statutes of the United States.
"6. National penitentiaries.
"7. Protection of trade and commerce against unlawful restraints and monopolies.
"8. Holidays and celebrations.
"9. Bankruptcy, mutiny, espionage, and counterfeiting.
"10. State and Territorial boundary lines.
"11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.
"12. Civil liberties.
"13. Patents, copyrights, and trade-marks.
"14. Patent Office.
"15. Immigration and naturalization.
"16. Apportionment of Representatives.
"17. Measures relating to claims against the United States.
"18. Interstate compacts generally.
"19. Presidential succession.
"(m) Committee on Merchant Marine and Fisheries.
"1. Merchant marine generally.
"2. Registering and licensing of vessels and small boats.
"3. Navigation and the laws relating thereto, including pilotage.
"4. Rules and international arrangements to prevent collisions at sea.
"5. Merchant marine officers and seamen.
"6. Measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.
"7. The Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.
"8. United States Coast Guard and Merchant Marine Academies.
"9. Coast and Geodetic Survey.
"10. Except as provided in paragraph (c), the Panama Canal and interoceanic canals generally.
"11. Fisheries and wildlife, including research, restoration, refuges, and conservation.
"(n) Committee on Public Lands.
"1. Public lands generally, including entry, easements, and grazing thereon.
"2. Mineral resources of the public lands.
"3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.
"4. Forest reserves and national parks created from the public domain.
"5. Military parks and battlefields, and national cemeteries.
"6. Preservation of prehistoric ruins and objects of interest on the public domain.
"7. Measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting the revenue and appropriations.
"8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects.
"9. Interstate compacts relating to apportionment of waters for irrigation purposes.
"10. Mining interests generally.
"11. Mineral land laws and claims and entries thereunder.
"12. Geological survey.
"13. Mining schools and experimental stations.
"14. Petroleum conservation and conservation of the radium supply in the United States.
"15. Relations of the United States with the Indians and the Indian tribes.
"16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.
"(o) Committee on Public Works.
"1. Flood control and improvement of rivers and harbors.
"2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).
"3. Water power.
"4. Oil and other pollution of navigable waters.
"5. Public buildings and occupied or improved grounds of the United States generally.
"6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.
"7. Measures relating to the Capitol Building and the Senate and House Office Buildings.
"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.
"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.
"10. Measures relating to the construction or maintenance of roads and post roads, other than appropriations therefor; but it shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.
"(p) Committee on Rules.
"1. The rules, joint rules, and order of business of the House.
"2. Recesses and final adjournments of Congress.
"(q) (1) Committee on Un-American Activities.
"(A) Un-American activities.
"(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.
"The Commerce on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.
"For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.
"(r) Committee on Veterans' Affairs.
"1. Veterans' measures generally.
"2. Pensions of all the wars of the United States, general and special.
"3. Life insurance issued by the Government on account of service in the armed forces.
"4. Compensation, vocational rehabilitation, and education of veterans.
"5. Veterans' hospitals, medical care, and treatment of veterans.
"6 Soldiers and sailors' civil relief.
"7. Readjustment of servicemen to civil life.
"(s) Committee on Ways and Means.
"1. Revenue measures generally.
"2. The bonded debt of the United States.
"3. The deposit of public moneys.
"4. Customs, collection districts, and ports of entry and delivery.
"5. Reciprocal trade agreements.
"6. Transportation of dutiable goods.
"7. Revenue measures relating to the insular possessions
"8. National social security.
"(2) (a) The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Rules—on rules, joint rules, and order of business; the Committee on House Administration—on the right of a Member to his seat, enrolled bills, on all matters referred to it or printing for the use of the House or the two Houses, and on all matters of expenditure of the contingent fund of the House; the Committee on Ways and Means—on bills raising revenue; the Committee on Appropriations—on the general appropriation bills; the Committee on Public Works—on bills authorizing the improvement of rivers and harbors; the Committee on the Public Lands—on bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, bills for the reservation of the public lands for the benefit of actual and bona fide settlers, and bills for the admission of new States; the Committee on Veterans' Affairs—on general pension bills.
"(b) It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last 3 days of the session), and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of. The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7 of rule XXIV shall be set aside by a vote of less than two-thirds of the Members present; nor shall it report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of rule XVI.
"(c) The Committee on Rules shall present to the House reports concerning rules, joint rules, and order of business, within three legislative days of the time when ordered reported by the committee. If such rule or order is not considered immediately, it shall be referred to the calendar and, if not called up by the Member making the report within seven legislative days thereafter, any member of the Rules Committee may call it up as a question of privilege and the Speaker shall recognize any member of the Rules Committee seeking recognition for that purpose. If the Committee on Rules shall make an adverse report on any resolution pending before the committee, providing for an order of business for the consideration by the House of any public bill or joint res-

olution, on days when it shall be in order to call up motions to discharge committees it shall be in order for any Member of the House to call up for consideration by the House any such adverse report, and it shall be in order to move the adoption by the House of said resolution adversely reported notwithstanding the adverse report of the Committee on Rules, and the Speaker shall recognize the Member seeking recognition for that purpose as a question of the highest privilege.

"(d) The Committee on House Administration shall make final report to the House in all contested-election cases not later than 6 months from the first day of the first regular session of the Congress to which the contestee is elected except in a contest from the Territory of Alaska, in which case the time shall not exceed 9 months.

"(e) A standing committee of the House shall meet to consider any bill or resolution pending before it (A) on all regular meeting days selected by the committee; (B) upon the call of the chairman of the committee: (C) if the chairman of the committee, after 3 days consideration, refuses or fails, upon the request of at least three members of the committee, to call a special meeting of the committee within seven calendar days from the date of said request, then, upon the filing with the clerk of the committee of the written and signed request of a majority of the committee for a called special meeting of the committee, the committee shall meet on the day and hour specified in said written request. It shall be the duty of the clerk of the committee to notify all members of the committee in the usual way of such called special meeting.

"(f) The rules of the House are hereby made the rules of its standing committees so far as applicable, except that a motion to recess from day to day is hereby made a motion of high privilege in said committees."

Mr. MONRONEY. Mr. Chairman, I offer several committee amendments which are on the desk.

The Clerk read as follows:

Amendment offered by Mr. MONRONEY:
On page 25, line 15, after the word "of", strike out "25" and insert "27."
On page 26, line 11, strike out "27" and insert "25."

Mr. MONRONEY. Mr. Chairman, this is simply a clarifying amendment changing the number of members on the Ways and Means Committee from 27, which the committee had provided back to 25. Or, I should say, taking it back to its historic number.

The committee did not know it, but the Ways and Means Committee has always been a 25-man committee. The division within the committee has been 15 and 10 between majority and minority. We did not wish to disturb that historical relationship. We add to the 25 members of the Foreign Affairs Committee 2, making that 27 so as to preserve the numerical balance for the committee.

Mr. CELLER. Mr. Chairman, will the gentleman tell us why the Committee on the Judiciary was reduced from 27 to 25 members in view of the fact that that committee absorbs under this bill the jurisdiction of four other committees? Why should it not be 27 instead of 25?

Mr. MONRONEY. The difference between 25 and 27 was largely to see that the mathematical balance of the House was preserved. If the gentleman wishes, he can offer an amendment.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amendment offered by Mr. MONRONEY: Page 27, line 16, after the word "respectively", insert a colon and the following: "*Provided*, That unless otherwise provided herein any matter within the jurisdiction of a standing committee prior to January 2, 1947, shall remain subject to the jurisdiction of that committee or of the consolidated committees succeeding generally to the jurisdiction of that committee."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. MONRONEY: On page 29, strike out lines 5 to 7, inclusive; and on page 38, strike out lines 1 and 2, and insert in lieu thereof the following:

"10. The Panama Canal and the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone; and interoceanic canals generally."

The amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. MONRONEY: Page 29, line 24, after the word "on", insert, "Post Office and."

The amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. MONRONEY: Page 35, strike out lines 18 to 24, inclusive, and lines 1 to 7, inclusive, on page 36 and insert the following:

"1. Interstate and foreign commerce generally.

"2. Regulation of interstate and foreign transportation, except transportation by water not subject to the jurisdiction of the Interstate Commerce Commission.

"3. Regulation of interstate and foreign communications.

"4. Civil aeronautics.

"5. Weather Bureau.

"6. Interstate oil compacts; and petroleum and natural gas, except on the public lands.

"7. Securities and exchanges.

"8. Regulation of interstate transmission of power, except the installation of connections between Government water-power projects.

"9. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.

"10. Public health and quarantine.

"11. Inland waterways.

"12. Bureau of Standards, standardization of weights and measures, and the metric system."

Mr. PHILLIPS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee if he will refer to the matter of rural electrification under "agriculture" and tell me whether this in any way conflicts with that.

Mr. MONRONEY. I will say to the gentleman this does not conflict in any way with rural electrification. The purpose of this amendment was to clearly specify that the jurisdiction of the generation of electric power by water and connecting grids for those projects was in the public-works domain, and this leaves the rate-making activities and the stock relationships in the Interstate and Foreign Commerce Committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. MONRONEY: Page 37, line 17, after the word "water", insert "(except matters subject to the jurisdiction of the Interstate Commerce Commission)."

The amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. MONRONEY: Page 38, line 22, after the word "projects", strike out the period and insert a comma, and the words "and acquisition of private lands when necessary to complete irrigation projects."

The amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. MONRONEY: Page 39, line 5, after "Petroleum conservation", insert "on the public lands."

The amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. MONRONEY: Page 39, line 16, strike out "and" and insert "including."

The amendment was agreed to.

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 25, line 21, strike out "25" and insert "27."

Mr. CELLER. Mr. Chairman, there is reduced by this bill the number of Members on the Committee on the Judiciary from 27 to 25, despite the fact that a great deal more work is imposed on the committee. Because of the avalanche of business before the Committee on the Judiciary, we have divided our committee into five subcommittees; one on bankruptcy and four separate subcommittees on general legislation. Those committees are now behind in their work, because a tremendous number of bills are continually being referred to the Committee on the Judiciary.

Added to the work of that committee is the work of the Committee on Claims. Over 2,000 claims bills were filed in this very session of Congress. The Federal tort claims bill, which will be passed by the passage of this bill, might reduce the number of claims bills filed, perhaps cut it in half, to 1,000 claims bills, but there will have to be a separate subcommittee of the Committee on the Judiciary to handle those additional claims bills.

It will be essential to set up a separate subcommittee to consider bills involving patents, copyrights, and trade-marks.

We also have the added work of the Committee on Immigration and Naturalization. There will be several hundred more bills involving immigration and naturalization.

We have the added work of the Committee on Revision of the Laws. There will be considerable additional work in that regard assigned to the Committee on the Judiciary. It took that committee on law revision about 3 months to revise and codify the criminal code. There are about four or five other sections of the United States Code that must be codified. It will be necessary to have a separate subcommittee to handle those

revisions. How we are going to do all that work with 25 members is beyond my comprehension. I earnestly hope that you will give us at least two more members to help us out in the difficult tasks that will confront the Committee on the Judiciary.

Mr. MONRONEY. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Oklahoma.

Mr. MONRONEY. Will the gentleman permit an amendment to his amendment changing the membership of the Committee on the Judiciary from 25 to 27, and reducing the membership of the Committee on Foreign Affairs from 27 to 25, so we will keep our numerical balance?

Mr. CELLER. That is agreeable.

Mr. MONRONEY. Mr. Chairman, I offer that amendment to the gentleman's amendment.

The Clerk read as follows:

Amendment offered by Mr. MONRONEY to the amendment offered by Mr. CELLER: On page 25, line 21, strike out "twenty-five" and insert "twenty-seven" and in line 15 on that page strike out "twenty-seven" and insert "twenty-five."

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York as amended.

The amendment was agreed to.

Mr. CANNON of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CANNON of Missouri: On page 45, line 12, after the word "House", insert "other than the Committee on Appropriations."

Mr. CANNON of Missouri. Mr. Chairman, the bill requires that the committees of the House meet on regular days, such meeting days to be selected by the committees. It is not applicable to the Committee on Appropriations for the reason that that committee has no stated days of meeting and could have no stated days of meeting. The committee meets only in response to reports from subcommittees. It is very seldom there is a meeting of the full committee for other purposes. It would be impracticable to call this committee of 42 members together at a stated time when there could be no business for the consideration of the committee. I therefore have offered this amendment to except the Committee on Appropriations from this requirement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The amendment was agreed to.

Mr. WADSWORTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WADSWORTH: On page 29, line 11, after the period, insert:
"13. Scientific research and development in support of the armed services."

Mr. WADSWORTH. Mr. Chairman, the chairman of the special committee, of course, will understand that that is a perfectly simple amendment. Certainly the committee on the armed services should have jurisdiction over legislation relating to scientific research and development in support of the armed services.

Mr. MONRONEY. Mr. Chairman, I think that is an entirely logical amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. WADSWORTH].

The amendment was agreed to.

Mr. LYLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LYLE: On page 25, after line 24, insert:
"14. Committee on Post Office and Post Roads to consist of 25 members."
On page 30, strike out lines 4 through 7.
On page 38, after line 4, insert:
"(n) Committee on Post Office and Post Roads: All legislation relating to the post office and post roads."
On page 40, line 11, strike out the words "and post roads."

Mr. LYLE. Mr. Chairman, old soldiers die very hard, and the Committee on Post Office and Post Roads is one of the oldest and best soldiers that has ever served this Congress. Perhaps no other committee in Congress is so intimately associated with the lives and happiness and sometimes the sorrow of the people as is the Committee on Post Office and Post Roads. I know that many of you Members started in that committee, and have worked on it as I have during the long, long "years" of the Seventy-ninth Congress. We have a deep affection for that committee and for its work. We have a great admiration for it and for the things it has done, especially during this Congress. We feel it deserves more recognition and consideration than it is receiving in this measure. As the Post Office Department is represented by a member in the President's Cabinet, much of the work of the Civil Service Committee to which the Post Office and Post Roads Committee has been assigned under this bill deals with personnel.

Much of the work of our committee deals with the laws and problems of the Post Office Department and does not deal with personnel. We feel it has an important place in the work of Congress. Of course, there is not anything exciting about it. We do not report any OPA bills to you. We do not report any national-service legislation or draft legislation, but we never get you in trouble when we do report out bills to you because they are generally popular. We would like to continue to serve as a committee of this House. We feel it is important to the welfare of the country and to the Congress. We feel we can well earn the position that we are asking for. Perhaps there will be some confusion, Mr. Chairman, with reference to the number on the committee, but I believe that can be worked out quite easily in conference if the amendment is adopted.

Mr. MONRONEY. I believe it would be very difficult.

Mr. LYLE. I would be glad to help you. I think it could be worked out.

Mr. MONRONEY. I must say to the gentleman from Texas that we are forced to oppose the gentleman's amendment because we think this is a very, very important part of this whole matter of committee reorganization. If we knock a hole in it now for the Committee on the Post Office and Post Roads, then we will have to knock a hole in it for the Committee on Disposal of Executive Papers and many others. Then, as a result, the whole overlapping committee structure will grow back up again. I would certainly have to oppose the amendment vigorously because it throws the whole set-up out of gear and destroys the plan which the committee has so laboriously attempted to work out.

Mr. LYLE. When I was in the Texas Legislature, every year just as soon as they could, they used to try to do away with some of the district courts down there. There was an old judge who had had his court for a long time. This situation reminds me of this story, and I am going to tell it.

One of the Senators called on him and said, "Judge, we are going to do away with your court."

He said, "My goodness, who is doing that?"

The Senator said, "Well, there is an old lawyer from Dallas who came down and testified against your court."

He said, "He came down to testify against your Honor." The judge said, "I knew he would." He said, "I have known him for 30 years and he has hated me ever since I beat him for county attorney. He is no good." He said, "Who else is down there?" He named another lawyer. He said, "He don't like me either. I caught him stealing money from a widow one time and he has never liked me since." The Senator said, "Wait a minute. Nobody is down here to try to tear up your court." And the old judge said, "Senator, you have made me say awful things, awful things, about two of the best friends I ever had."

I thought the gentleman handling this measure was going to agree to this amendment, so he has made me say some nice things about one of the worst enemies the Post Office Committee has ever had.

The CHAIRMAN. The time of the gentleman from Texas [Mr. LYLE] has expired.

Mr. DIRKSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hope the House will turn down this amendment by a very resounding vote. Let it be remembered that this bill passed the Senate on the 10th day of June. That is 6 weeks ago. In the Senate they joined up the Post Office Committee and the Civil Service Committee, precisely as we are doing in the House. We have heard no single complaint or protest in all that time. It was not until this morning that I understand a few telegrams filtered in to Members of Congress, probably inspired right down town, telegrams about which that earnest and diligent mail carrier who carries the mail in the cities out home or the man who plods down the country road delivering mail never heard anything.

It can work out very effectively this way. If you are going to disturb this committee structure now, then it will be like pushing over a little tin soldier in a whole row of soldiers, you start pushing them all over.

I am heartbroken over the entreaty expressed by the distinguished gentleman

from Texas [Mr. LYLE], but I do hope you will roll back this amendment by a very substantial vote.

Mr. O'BRIEN of Michigan. Mr. Chairman, I rise in support of the amendment, and I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. O'BRIEN of Michigan. Mr. Chairman, this select committee originated by a resolution of the House in February 1945. Under a resolution to investigate and report, they held hearings for some ensuing weeks and months. No bill was ever introduced in the House until today. A bill was introduced in the Senate. No reference was made to a legislative committee in the other body. The statement was made by the majority leader in the other body that undoubtedly in the House the bill would be referred to a legislative committee and there would be hearings.

This bill has been brought before you today, introduced from the floor. There have been no hearings by a legislative committee in regard to this bill. I say that merely introductory of this: The bill contains in this section which is now before us a provision abolishing the Committee on the Post Office and Post Roads of the House of Representatives. The amendment offered by the gentleman from Texas [Mr. LYLE] would continue the Committee on the Post Office and Post Roads in this House. That is the issue presently before the House.

In the hearings held by this select committee on this resolution to investigate and report there is not a scintilla of evidence, there is not the record of any person with knowledge of postal matters testifying before that committee in behalf of this change. There is a statement by one Member of Congress in the hearings which the committee had published to the effect that the personnel of the Post Office Department being under civil service, therefore the legislative committee dealing with the Post Office Department should be the Committee on the Civil Service. It is my understanding that the entire civilian personnel of the Government is under civil service, so with equal logic one might say that the Committee on Agriculture, the Committee on Labor, the Committee on Ways and Means, and practically every other committee of the House should be abolished and all should be absorbed into the Civil Service Committee. Obviously, the fact that the personnel of the Post Office Department, like the personnel of every other department of the Government is under civil service is not a just reason for inferring that all the body of the law relating to the Post Office Department should be referred to the Civil Service Committee. Now, what is that body of law? Let anybody who wishes to inquire, and especially members of this select committee who made no inquiry into the subject whatsoever, as is revealed by the printed testimony—let them step into the library off the floor of this House and ask for the United States Code and see the body of law relating to postal matters. The Post Office Department is the largest single—what shall we say, business, utility, or enterprise?—not in the United States only but in the world. Its functions circle the globe; its functions relate to much more than personnel, but even in the matter of personnel it has always been the judgment of those who were aware of postal matters that such legislation should be separate and apart from general civil service legislation. But apart from personnel matters, the committee functions deal with legislation concerning the policy and operation of the Post Office Department. The functioning of this enterprise, the Post Office Department, is a business whose annual revenues approximate $1,600,000,000. It is a business enterprise or utility, whatever you call it, which is governed in its operations by laws of the Congress. To say that all the functions of that large enterprise, international in character, far more than personnel, involving finance, involving air mail, involving postage rates, involving foreign mail, should be referred to a committee that has to do with reports from the Civil Service Commission is ridiculous.

I think I can make the statement with absolute accuracy that no one connected with the postal service whether as employee, supervisor, Postmaster General, or anyone else in this far-flung enterprise has advised this committee to do the thing they have recommended.

I have in my hand a letter from the Acting Postmaster General. He has been a career man in the postal service, Jesse Donaldson. There is no partisanship in his statement. I wish to read this paragraph which is in response to my request for advice. He writes as follows:

> Title 5 of United States Code, deals with executive departments and Government officers and employees. Title 39 of United States Code contains 22 chapters dealing entirely with the Postal Service. These chapters cover laws involving all postal-service problems such as classification of post offices, city-delivery service, rural-delivery service, establishment of post offices, money-order service, postal-savings service, air-mail service, rural-delivery service, foreign service, as well as rates and accounts and revenues of the postal service. It would, therefore, appear to me that there should be some distinction between postal legislation and purely civil service or employee problems. I would think that the Committee on Post Offices and Post Roads would be better equipped to handle these various postal problems, aside from the employee problems than would a committee handling civil-service matters. There are many problems handled by the Committee on Post Offices and Post Roads having to do with the conduct of the Postal Service, especially with reference to legislation affecting the Postal Service which have little or nothing to do with the employee civil-service problems.

I do not know what motive might have existed in the mind of the committee to make this recommendation. It certainly had nothing to do with any testimony produced in the hearings and it certainly had nothing to do with legislative efficiency.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. MASON] is recognized.

Mr. MASON. Mr. Chairman, I am in full accord with the objectives of the special committee in the streamlining of Congress, at least I am in full accord with the objectives that they announce on this floor. One was increased efficiency in the legislative department, another effectiveness, another the saving of time, and so forth. In order to bring that about they propose to telescope 48 committees of the House into 19 committees, doing away with 29 committees. I have no objection to that if it will accomplish the objectives that they say they want to accomplish. But I call the attention of the committee to the fact that the Post Office and Post Roads Committee of this House is a major committee and always has been. This major committee has departmental rank because the head of the postal service is a member of the President's Cabinet. This Post Office and Post Roads Committee handles not only the personnel, which is a small part of it, but handles the complicated rates and the complicated schedules of the Post Office Department. I know something about tariff rates and I know something about tax rates, and these postal rates are as complicated as the tariff rates and tax rates which the Ways and Means Committee handle. When you telescope that major committee, which is a board of directors for a corporation handling a billion dollars a year—it takes in a billion dollars and spends a billion dollars—into the Civil Service Committee that has had nothing to do with rates, are you bringing about efficiency or effectiveness or are you saving time? I want to ask if anyone in this House can justify that kind of telescoping? It is a billion-dollar corporation, the largest in the Nation, yet you propose to do away with its board of directors and hand that billion-dollar business over to another committee which has had no experience whatever in the major field that this committee handles.

Mr. Chairman, I do not think that is bringing about effectiveness, I do not think that is bringing about efficiency; in fact, in my opinion, it is going to bring about a period of chaos, and goodness knows, we have had enough of that.

We ought to adopt this amendment which would preserve the Post Office and Post Roads Committee in order to handle the very complicated business of the postal service.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. COLE].

Mr. COLE of Missouri. Mr. Chairman, the Post Office and Post Roads Committee of the House is one of the oldest committees of the House. Its 25 members are the board of directors of the Post Office Department. We all know that the postmaster General is changed with each change of administration and we all know that most postmasters throughout the United States are changed with each change in administration; therefore it is

the Post Office and Post Roads Committee that is the balance wheel for the Post Office Department, the greatest business in the world.

It would be a serious mistake to change this committee and place the business of the Post Office Department under the Committee on Civil Service, a committee that has heretofore dealt entirely with the Civil Service employees. But that is what this reorganization bill proposes to do. The members of the Post Office and Post Roads Committee have made a study of the postal services. At this session of Congress we have reported and passed bills pertaining to postage, to air mail, to air mail parcel post, and to salary increases for postal employees. We are familiar with these subjects. We are familiar with all the workings of the Post Office Department. To do away with this committee and place it under a committee that has had nothing to do with and no knowledge of the workings of the Post Office Department would, in my opinion, be detrimental to the postal service.

I sincerely hope that the amendment offered by the gentleman from Texas will prevail.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. Chairman, this is not just an amendment to reestablish the Post Office Committee. This is an amendment to decide whether you want a sprawling, overlapping, crazy-quilt of 48 standing committees or whether you want to do a job of reorganizing these committees as proposed.

You vote this amendment up and the House will be here until next week establishing other committees, giving back old jurisdictions, and we will find ourselves in the same hopeless morass of legislative difficulties that we are now certainly under.

I regret very much that some Members might be displaced from a standing committee called the Post Office Committee, but aside from that I can see no legitimate objection to the proposal as made in the committee bill.

We have changed the name of the committee from the Civil Service Committee to the Post Office and Civil Service Committee. We make that a major committee. The Civil Service Committee is now composed of 21 Members. Many of those Members enjoy high seniority on other committees, and they will choose their committees. You have the opportunity not to waste the learning, the astute understanding, the complete mastery of all the postal laws that have accumulated during the years by the Members of the Post Office Committee.

They surely will be eligible for membership on this merged committee and they will be able to enjoy and exercise this learning that they have. At the same time you will be putting their learning on the Civil Service Committee which handles practically the entire load of the Government personnel and personnel problems and now will include post-office personnel as well.

I surely think with the capable and intelligent gentlemen of the Post Office Committee who will go on this merged committee, that the rate-making difficulties that have been worried about here can surely be resolved.

I have more confidence in the Members of Congress who are placed on the committee, who are doing a good, hard job wherever they are placed, to not believe that we work in an absolute vacuum; that members of the Civil Service cannot know or learn anything about the post-office work.

My experience is that when legislation comes to us from the departments for consideration, it is pretty adequately documented and adequately explained, so the man who is conscientiously working to understand this thing will be able to understand what the department is trying to do.

Mr. O'BRIEN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Michigan.

Mr. O'BRIEN of Michigan. Would the gentleman tell us what testimony he had before his select committee to support this recommendation? I have read the testimony all the way through and I have not been able to find anybody informed on postal matters that made the recommendation to support this provision in the bill.

Mr. MONRONEY. I will say to the gentleman that if we had called in all of the hundreds of agencies of government, whose business is scattered over the 48 overlapping committees, to testify, that the year would be 1956 before you would ever have a report from this committee. We placed the Post Office Department in the same position that we placed other departments of government. This is a congressional reorganization and I, for one, as a Member of Congress do not intend to let the executive agencies tell us what our organization should be on Capitol Hill.

Mr. COLE of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Missouri.

Mr. COLE of Missouri. Are we putting the Committee on the Post Office and Post Roads under the Committee on the Civil Service, or are we putting the Committee on the Civil Service under the Committee on the Post Office and Post Roads by this move?

Mr. MONRONEY. The committees go together. We have explained time after time that we are not interfering with the prerogatives of the Committee on Committees on the Republican side or the Committee on Ways and Means on the Democratic side to determine these committee assignments. I think that has been rather well and adequately handled by the two parties of the House and under the traditions of the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. LYLE].

The question was taken; and on a division (demanded by Mr. COLE of Missouri) there were—ayes 46, noes 92.

So the amendment was rejected.

Mr. BIEMILLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BIEMILLER: On page 26, strike out all of lines 6 and 7.

Mr. BIEMILLER. Mr. Chairman, when the Seventy-ninth Congress convened an amendment to the rules of the House was passed. That amendment created the Committee on Un-American Activities as a permanent committee of the House. Previously that committee had been a special committee. You will recall that when that amendment was adopted there was a sharp division of opinion among the Members. It was not adopted by a large majority. Those who voted against it were of the opinion that the creation of such a committee would not add anything of value to the work of the House.

I am offering this amendment today so that Members who were dissatisfied on the opening day of the session and do not believe that there should be such a permanent committee will have an opportunity to voice their opinion.

Mr. COLE of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BIEMILLER. I do not yield.

Mr. COLE of Missouri. Mr. Chairman, will the gentleman yield for a correction?

Mr. BIEMILLER. I yield.

Mr. COLE of Missouri. When this committee was adopted as a permanent committee of the House, as I recall, there were only 81 votes cast against it.

Mr. BIEMILLER. I think the gentleman is in error. He will find there were in excess of 180 votes cast against it.

Mr. MASON. There were only 81. Will the gentleman yield?

Mr. BIEMILLER. Mr. Chairman, I will not yield further at this time.

Mr. MASON. Mr. Chairman, will the gentleman yield on that point?

Mr. BIEMILLER. I do not yield on that point.

Mr. MASON. Will the gentleman yield to clarify that?

Mr. BIEMILLER. Yes; surely.

Mr. MASON. I looked the matter up yesterday in the CONGRESSIONAL RECORD of May 17 this year and just 81 votes were cast against it.

Mr. BIEMILLER. Mr. Chairman, let us keep the record straight. I suggest that when gentlemen try to correct a Member who has the floor they make sure they know what the Member was talking about. I stated that the Un-American Activities Committee was created in January of 1945 and there were over 180 votes cast against the adoption of the committee at that time. The exact figure is 186.

Since that committee has been functioning certain things have happened that many of us have not liked. I am going to refer only briefly to one of those things to illustrate my point as to why I do not believe this committee should be in existence.

You will recall that an employee of this committee, a certain Mr. Adamson, has written threatening and insulting letters to several people in the United States

wanting to know why they used the word "democracy" to describe the Government of this country. He has inferred they were un-American because they used the word "democracy" and the Committee might have to investigate them. I think most of the Members of the House are aware of the fact, for example, that in the ritual of initiation proceedings of the American Legion the Government of the United States is described as a democracy. Furthermore this country has fought two wars in defense of democracy. Who is this man, Adamson, who says democracy is un-American? We cannot let this type of activity continue and think we are going to enhance the prestige of the House of Representatives. So, I repeat, I simply offer this amendment today to give to those Members who are opposed to maneuvers like those of Mr. Adamson a chance to express their opinions. We are debating a bill to create a new committee structure in the House and I do not believe we need the Committee on Un-American Activities.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 4 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, I have taken the floor quite a number of times heretofore when the House has not seen fit to pass some of the provisions which you find in this bill. The reason I am taking the floor now is simply that I do not like to hear the Members, although they have a perfect right to do so, take the floor and speak as if this bill was going to bring in a new civilization. As a matter of fact, this old country of ours for more than 150 years has met every crisis that our country has had to meet and it has met each crisis under the system by which we legislated for a century and a half. We went through the Civil War which tore this country from one end to the other. We went through the Spanish-American War. We went through the First World War, and we went through the Second World War successfully. We not only met the issue ourselves, but we helped other countries to meet the issues involved in these wars. I think the committees of Congress have functioned very well. To get up here and call the rules and procedure a "crazy quilt" is something of which I do not approve. The country has done well in the past under time-tested rules of procedure. Of course, there are certain provisions in this bill that I do not like, but there are others of which I do approve. I know members of the special committee have worked hard and conscientiously and they feel that they have brought forth something constructive for the American people—I hope they have. With certain modifications of the bill, I shall support the Legislative Reorganization Act of 1946.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. Chairman, this amendment would completely wreck the committee reorganization and it really has no place in the project that we are now undertaking.

I happen to have opposed the establishment of the Committee on Un-American Activities when it was before the House for consideration, but we have vigorously tried to keep out of this bill everything except that which deals with the functional reorganization of Congress.

There are no political considerations or ideological considerations involved in this. I do hope the committee will allow us to go ahead so that we can provide ourselves with better-running machinery which we so badly need in this day and age.

Mr. McDONOUGH. Mr. Chairman, I am opposed to the amendment proposed by the gentleman from Wisconsin [Mr. BIEMILLER] to abolish the Un-American Activities Committee. In my opinion this committee is serving a definite and necessary function to the Congress and the Nation in revealing subversive and un-American activities which are detrimental to the best interests of national security.

In spite of the criticism that has been leveled at this committee as to its functions it nevertheless must be continued and the dignity of the House and its power to subpena witnesses in order to reveal subversive activities must be protected.

There are underground forces operating in this Nation which must be continually watched, there are forces operating under the guise of democracy that have no other purposes than to weaken or if possible overthrow this Government. These forces operate under the privilege of freedom of speech and freedom of the press who would, if they succeeded in gaining power, abolish the freedom of speech and freedom of the press which they now use to gain their objective. Due to the nefarious and subtle manner in which these forces operate they have succeeded in enlisting many influential citizens in their cause. They have succeeded in obtaining large sums of money for propaganda purposes. They have succeeded in electing to public office many candidates that espouse their causes in legislative bodies throughout the Nation.

We need this committee to unearth these activities. We need this committee to put these forces on notice that we as a Nation will not stand for these activities. If we want to change our form of government we can do it by constitutional processes provided for in our Constitution. We do not need the demoralizing activities of these foreign and communistic influences usually found in these subversive groups that try to introduce foreign ideas and ideals into our body politic.

I have consistently supported the Un-American Activities Committee since it was established. When it was established I would have preferred to have seen it set up as a special committee with equal representation of both major parties on its personnel. My position in that regard was misunderstood as meaning that I was opposed to investigation of subversive and un-American activities. Nothing could be further from the truth. I shall always oppose any un-American or subversive force or group that attempts to weaken or demoralize the Government of the United States, the greatest government in the world for the benefit of all of the people all of the time.

I urge the defeat of the amendment submitted by the gentleman from Wisconsin [Mr. BIEMILLER] to abolish the Un-American Activities Committee of the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. BIEMILLER].

The question was taken; and on a division (demanded by Mr. BIEMILLER) there were—ayes 25, noes 127.

So the amendment was rejected.

The Clerk read as follows:

Delegates and Resident Commissioner

SEC. 122. Rule XII of the Standing Rules of the House of Representatives is amended to read as follows:

"RULE XII

"Delegates and Resident Commissioner

"1. The Delegates from Hawaii and Alaska, and the Resident Commissioner to the United States from Puerto Rico, shall be elected to serve as additional members on the Committees on Agriculture, Armed Services, and Public Lands; and they shall possess in such committees the same powers and privileges as in the House, and may make any motion except to reconsider."

Reference of private claims bills

SEC. 123. Paragraph 3 of rule XXI of the Standing Rules of the House of Representatives is amended to read as follows:

"3. No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following committees, namely: To the Committee on Foreign Affairs and to the Committee on the Judiciary."

PART 3—PROVISIONS APPLICABLE TO BOTH HOUSES

Private bills banned

SEC. 131. No private bill or resolution (including so-called omnibus claims or pension bills), and no amendment to any bill or resolution, authorizing or directing (1) the payment of money for property damages, for personal injuries or death for which suit may be instituted under the Federal Tort Claims Act, or for a pension (other than to carry out a provision of law or treaty stipulation); (2) the construction of a bridge across a navigable stream; or (3) the correction of a military or naval record, shall be received or considered in either the Senate or the House of Representatives.

Mr. LEA. Mr. Chairman, I ask unanimous consent that we may pass by the first paragraph of section 131 and return to it after the Committee has acted on title V.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Congressional adjournment

SEC. 132. Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by the Congress.

Committee procedure

SEC. 133. (a) Each standing committee of the Senate and the House of Representatives shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee, and additional meetings may be called by the chairman as he may deem necessary.

(b) Each such committee shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded.

(c) It shall be the duty of the chairman of each such committee to report or cause to be reported promptly to the Senate or House of Representatives, as the case may be, any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(d) No measure or recommendation shall be reported from any such committee unless a majority of the committee were actually present.

(e) Each standing committee shall, so far as practicable, require all witnesses appearing before it to file in advance written statements of their proposed testimony, and to limit their oral presentations to brief summaries of their argument. The staff of each committee shall prepare digests of such statements for the use of committee members.

(f) All hearings conducted by standing committees or their subcommittees shall be open to the public, except executive sessions for marking up bills or for voting or where the committee by a majority vote orders an executive session.

Mr. HERTER. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HERTER: On page 49, after line 4, insert a new subsection to read as follows:

"(g) Each standing committee of the Senate and the House of Representatives shall set atside a regular period during each month to afford opportunity to Members who have introduced any bill or resolution to appear before the committee to explain the measure and outline the nature and character of the considerations which in their judgment support its passage."

Mr. HERTER. Mr. Chairman, this amendment is phrased in the exact langauge of the provision carried in the bill originally reported by the select committee and passed by the Senate. Apparently it was left out in the drafting of the bill that is now before us, for reasons with which I am not familiar.

It is a very simple amendment which, to my mind, carries out in part the argument used by the gentleman from New York [Mr. WADSWORTH], in regard to the morale of Members of the House, and likewise performs a really useful service. Today a great many Members of the House, particularly the younger Members, are humiliated by having to go back to their districts and tell the people in their districts that a certain bill which they filed with the House of Representatives had not only never been acted upon, but that the chairman of the committee in charge of the bill had never even allowed the Member 5 minutes before the committee in which to explain the purposes of the bill.

All this amendment would do would be to require committees either in executive session or through subcommittees or in whatever way they might choose to allow Members to come before them at regular times to say in a few words as to why they had faith in a particular bill that had been referred to that committee.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HERTER. I yield.

Mr. RIVERS. Does the gentleman's amendment provide that they shall also take action or just give a hearing?

Mr. HERTER. It does not require them to take action of any kind and does not even order them to give hearings. It merely permits a Member who wants to come before the committee and say a few words in support of a bill he had pending before the committee to explain his bill and why he feels it is of sufficient importance to warrant consideration. From that point on it does not compel the committee to do anything.

Mr. RIVERS. Does not the gentleman think there should be disposition made of the bill after hearing?

Mr. HERTER. I do not think so necessarily. This would not be a full hearing. It would merely allow the Member to appear before the committee and say a few words in support of the bill.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. HERTER. I yield.

Mr. JUDD. Would the gentleman's amendment allow a Member to get his bill before the committee despite unfavorable action on the part of a particular chairman regardless of the reason for his action?

Mr. HERTER. The gentleman is absolutely correct. I have had that experience and I think other Members have.

Mr. JUDD. I am heartily in favor of the gentleman's amendment.

Mr. HERTER. We have all had experiences where the chairman of a committee or a subcommittee arbitrarily refuses to let certain bills come before the committee. This amendment would at least secure to the Members an opportunity to say a few words in support of their bill and not face their constituents and say they could not even get five minutes' time in which to speak before a committee on the bill. It would not be left entirely up to the whim of the chairman.

Mr. MONRONEY. Mr. Chairman, I would just like to explain this amendment. It was in the original Senate bill. In conference with the leadership we agreed to delete it from the bill because of controversy that would seem to arise. I do not, therefore, feel that the committee could accept the amendment and must register our opposition to its adoption.

It is up to the House to determine the question on that basis.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. PITTENGER. Mr. Chairman, I ask unanimous consent to return to page 46 for the purpose of offering an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. PITTENGER: On page 46, line 19, strike out all of lines 19 to 24, inclusive; and on page 47, line 6, strike out all of lines 1 to 16, inclusive.

Mr. PITTENGER. Mr. Chairman, I realize that an amendment at this time with the present disposition in evidence may be more or less futile, but I want the RECORD to show that I think the House is making a mistake to abolish one of the old, historic committees of the House and Senate, namely, the Committee on Claims. There would have to be some perfecting amendment if this one were adopted.

In my opinion the machinery set up in this bill for handling claims against the Government is worse than any objection that may be found with existing committees. I hope the House will retain the Committee on Claims, unless we have reached a point where we want to make a brand new departure in the history and theory of government and reverse the theory that you cannot sue the sovereign. If you do not want to do that then you had better adopt this amendment; otherwise you establish a new principle to the effect that people who have a claim against the Government can sue the Government. Those who may think they have a claim have no redress whatever under this bill if it is passed, except as their case is authorized in the courts.

I hope the House will adopt the amendment and retain the Committee on Claims.

Mr. MONRONEY. Mr. Chairman, this does not reestablish the Committee on Claims. This merely messes the whole thing up because there would be no committee to which we could refer these matters.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PITTENGER].

The amendment was rejected.

Mr. CANNON of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CANNON of Missouri:

On page 48, line 1, after the word "Representative", insert "except the Committee on Appropriations."

Page 48, line 18, after the word "each", insert "such."

Mr. CANNON of Missouri. Mr. Chairman, this section deals with meetings of committees to hear those who have submitted legislation which has been referred to committees. The proposition is not applicable to the Committee on Appropriations for the reason that it originates its own bills. It considers no bills introduced by Members of the House and, as a matter of fact, no bills are referred to the Committee on Appropriations except legislative bills in which may inadvertently be embodied an ap-

propriation clause. Such bills are never considered by the committee.

The hearings of the committee are practically confined to representatives of the various departments of the Government. Their testimony is submitted in justifications which are printed and which are available to the members of the committee before the item involved is taken up.

Mr. Chairman, I ask that the amendment be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. CANNON].

The amendment was agreed to.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am not here in the well of the House advocating the separate retention of a committee that is to be merged with others under the pending bill, although some are to be merged which I would have remain separate. I merely inquire about the powers, prerogatives, and the duties formerly held by a committee. Will the jurisdictions be merged as the committees are merged? Would the chairman explain a bit further what provision has now been adopted regarding retention of the jurisdiction of the various committees in the merger?

Mr. MONRONEY. The jurisdiction of the new committees is as contained in the printed bill, with the addition of the provision by an amendment which was adopted a short while ago by the House. This provides that where not otherwise specified in the bill the jurisdiction will be according to the precedents established in the House for the assignment of legislation to the committees.

That amendment was adopted a short time ago in the list of committee amendments. Several chairmen and committee members asked that it be placed in there since we could not make the jurisdictional list all-inclusive to cover everything that might possibly come up in the course of the introduction of bills and the consideration of legislation.

Mr. MURDOCK. It was the intention of the special committee to retain the functions, but merely gather them into the new committee organization?

Mr. MONRONEY. That is correct, but unless the jurisdiction is otherwise specified in here the precedents of the House will apply.

Mr. MURDOCK. I thank the gentleman for this explanation. As an illustration, I call attention to the fact that the Bureau of Reclamation has for many years under numerous acts of Congress passed since 1902 to the present had charge of hydroelectric power produced on irrigation projects and incidental thereto. I assume that the new committee with which the present Committee on Irrigation and Reclamation is to be merged will have all the jurisdiction over irrigation and reclamation possessed by the existing committee. I am not only proud of my committee but jealous of its functions and I insist on preserving them fully.

The Clerk read as follows:

Committee powers

SEC. 134. (a) Each standing committee of the Senate, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures (not in excess of $10,000 for each committee during any Congress) as it deems advisable. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding 25 cents per hundred words. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

(b) Every committee and subcommittee serving the Senate and House of Representatives shall report the name, profession, and total salary of each staff member employed by it, and shall make an accounting of funds appropriated to it and expended by it to the Secretary of the Senate and Clerk of the House of Representatives, as the case may be, at least once every 6 months, and such information shall be published periodically in the Congressional Directory when and as the same is issued and as Senate and House documents, respectively, every 3 months.

(c) No standing committee of the Senate or the House, except the Committee on Rules of the House, shall sit, without special leave, while the Senate or the House, as the case may be, is in session.

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 49, line 6, after the word "Senate", add the words "and House of Representatives."

Mr. CELLER. Mr. Chairman, you will note if you read the committee print that section 134 (a) provides that only the standing committees of the Senate shall have the express power of investigation with the right to subpena and require the attendance of witnesses, together with the subpenaing of books, papers, documents, and correspondence, and so forth.

The original bill provided that not only the Senate standing committees but the House standing committees should have the same right. Why are we being treated like stepchildren? Why should the Senate standing committees have the right of subpena and that right be denied to the standing committees of the House? Is not our work just as important as the work of the Senate? Is not our work just as painstaking? Should not we have the concomitant right with the Senate to subpena? The power of investigation is a very important power. It should not be denied us. We should have it without being compelled to go to the Rules Committee and then to the House. It is unavailing that we have witnesses appear before our standing committees voluntarily. We may need the right, in order to do our work properly, to compel witnesses to divulge certain information that we seek. We should have the right to demand the production of books and documents and letters and correspondence. We cannot have that right unless you adopt my amendment. We must first get permission from the House.

In addition you will note that the Senate standing committees can spend for purposes of investigation $10,000 each without authorization whatsoever. Now why should not our standing committees likewise have the right to spend upwards of $10,000 for purposes of investigaton? If you feel that our work is just as important as is the work of the Senate, you must adopt my amendment.

Mr. MONRONEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this was rather carefully considered by the House committee, and our set-up is considerably different from the set-up in the Senate. The Senate is plagued with a great many special committees. It is a rash that has broken out over there which practically destroys the continuity and the power of the standing committees.

In order to get away from that outbreak of special committees the Senate wrote in this provision for subpena power by their standing committees.

In discussing this with the leadership on both sides of the aisle and with many of the other leaders of the House it was determined that we have the machinery and the facilities in the House at this time; that we can arm our special or our standing committees with subpena powers anytime we wish.

An amendment is going to be offered to the appropriation section by the distinguished gentleman from Missouri [Mr. CANNON], that is going to arm all of the investigators and clerks of the new Committee on Appropriations with the proper power.

But I do not think that this House at this time wants to vote $10,000 to all committees, without reference to the House itself, to be spent in investigations, having the right to take added testimony, and then also to have them running around, whether Congress is in session or out of session, with the right of subpenaing records.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Illinois.

Mr. DIRKSEN. In view of the fact that it is still possible to set up select committees in the House where the subpena power can be lodged, it is a pretty broad power to grant to all of the standing committees, is it not?

Mr. MONRONEY. I thank the gentleman. It is also possible to give subpena power to any of the standing committees if they go to the Committee on Rules and ask for that power.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from New York.

Mr. CELLER. Would the gentleman be willing to give that power to standing committees without the $10,000 provision?

Mr. MONRONEY. No; I do not believe so. I think we are either going to have to maintain the integrity of this House bill on the floor or tear up the carefully planned and considerate judgment given it by all.

This bill is not coming into this House at this late date simply because I want it to or because the gentleman from Illinois [Mr. DIRKSEN] wants it to. Somebody in the leadership had to take the time and

the care to go over this bill section by section and line by line.

I refuse to be a party to breaking any agreement that has been made for the changing of this bill. I think the distinguished Speaker and the majority and minority leaders, who helped us bring this bill to the floor, are entitled to more consideration than that.

Mr. CELLER. I agree with the gentleman that the bill is an exceptionally fine one and I want to vote for it, but that is no reason why we should not offer amendments if we think the amendments are proper and just. I think the amendment I have offered is a proper amendment.

Mr. MONRONEY. It is perfectly all right for the gentleman to offer the amendment, but I differ with the gentleman and I hope the Committee will vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CELLER].

The amendment was rejected.

Mr. HOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOOK: On page 50, after line 11, insert the following:

"HEARINGS OF LEGISLATIVE COMMITTEES

"(a) A legislative committee may hold either public or private hearings and may examine witnesses and receive documentary evidence in such hearings.

"(b) If the testimony of a witness in a private hearing shall be reported stenographically, he shall be entitled to a stenographic copy of such testimony, upon payment of the costs of such transcript, as soon as the committee shall make any public reference to such testimony.

"(c) A witness at a private hearing shall have the right to have his attorney present: *Provided*, That such attorney shall be allowed only to observe the proceeding and not to participate in it nor to advise the witness while on the witness stand, unless the committee member conducting the hearing shall at his discretion allow such attorney other privileges.

"(d) A witness who testifies in a public or private hearing shall have the right at the conclusion of his testimony either to make an oral statement or at his option to file a sworn statement, which shall be made part of the record of such hearing.

"(e) If a witness at a public hearing shall by oral testimony or documentary evidence defame, allege misconduct by, or otherwise comment adversely upon any individual, partnership, association, corporation, or governmental agency or officer or employee thereof, and the committee shall not strike such material from the record, such individual, partnership, association, corporation, or governmental agency, or officer or employee thereof, shall have the right to file with the committee a sworn written denial, defense, or other explanation, which shall be made part of the record of such public hearing, and in addition the person individually defamed or otherwise the subject of adverse comment shall have the right to testify in person concerning such adverse comment in a public hearing to be conducted by the committee.

"(f) No witness shall be deemed in contempt of a legislative committee for refusing to obey a subpena issued by one or more of its members, unless and until the full committee has, upon notice to all its members, met, considered the alleged contempt, and by a majority of those present voted such witness in contempt of such committee: *Provided*, That this subdivision shall not apply to a witness who having obeyed a subpena declines to answer a question at such hearing or otherwise acts contumaciously.

"REPORTS OF LEGISLATIVE COMMITTEES

"(a) A legislative committee shall not publish or file any report, whether interim or final, unless and until a meeting of the committee has been called upon proper notice and such report has been approved by a majority of those voting at such meeting.

"(b) A legislative committee, its members, counsel, employees, or agents, shall not publish or file any statement or report alleging misconduct by or otherwise commenting adversely upon any individual, partnership, association, corporation, or governmental agency, unless and until such individual, partnership, association, corporation, or governmental agency has been advised of the alleged misconduct or adverse comment and has been given a reasonable opportunity to present its sworn written denial, defense, or other explanation to such committee; nor shall any such statement or report be publicly released unless and until the committee, upon notice to all of its members, has met and approved such public release.

"NO PRIVATE PROFIT FOR COMMITTEE MEMBERS OR STAFF

"No member of a legislative committee, its counsel, employees, or agents, shall for compensation speak, lecture, or write about such committee, its purposes, procedures, accomplishments, or reports, during the existence of such committee."

Mr. HOOK. Mr. Chairman, this is procedure governing legislative investigating committees. I have talked about this amendment before. I think the membership of the House is well acquainted with it. I do believe there should be proper procedures of investigating committees set up in the House. You and I know that we do not have them at the present time. You know and I know that a very prominent Member of this House asked to be given the very privileges that are set forth in this bill for his own protection. I think that for the protection of witnesses brought before committees, and persons being investigated, and in the interest of orderly procedure, we should adopt this amendment.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that debate on this amendment close in 1 minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DIRKSEN. Mr. Chairman, I am confident this matter was not submitted to the gentleman from Oklahoma [Mr. MONRONEY] or myself or to any member of the joint committee. So far as I know, it was not submitted at the time the joint-committee hearings were in progress. Here is a long textual amendment which is very prolix.

Mr. HOOK. Mr. Chairman, will the gentleman yield for a question?

Mr. DIRKSEN. I yield.

Mr. HOOK. This was submitted to the committee.

Mr. DIRKSEN. It has never come to my attention, I am sorry to say, and I sincerely hope the House will vote down the amendment. It may have been submitted to the committee but it has not currently come to my attention.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. HOOK].

The amendment was rejected.

The Clerk read as follows:

CONFERENCE RULES ON AMENDMENTS IN NATURE OF SUBSTITUTE

SEC. 135. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.

(b) In any case in which the conferees violate subsection (a) the conference report shall be subject to a point of order.

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws the subject matter of which is within the jurisdiction of such committee; and for that purpose shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

DECISIONS ON QUESTIONS OF COMMITTEE JURISDICTION

SEC. 137. In any case in which a controversy arises as to the jurisdiction of any standing committee of the Senate with respect to any proposed legislation the question of jurisdiction shall be decided by the presiding officer of the Senate without debate in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation, but such decision shall be subject to an appeal.

LEGISLATIVE BUDGET

SEC. 138. (a) The Committee on Ways and Means and the Committee on Appropriations of the House of Representatives, and the Committee on Finance and the Committee on Appropriations of the Senate, are authorized and directed to meet jointly at the beginning of each regular session of Congress and after study and consultation, giving due consideration to the Budget recommendations of the President, report to their respective Houses a legislative Budget for the ensuing fiscal year, including the estimated over-all Federal receipts and expenditures for such year. Such report shall contain a recommendation for the maximum amount to be appropriated for expenditure in such year which shall include such an amount to be reserved for deficiencies as may be deemed necessary by such committees. If the estimated receipts exceed the estimated expenditures, such report shall contain a recommendation for a reduction in the public debt. Such report shall be made by March 1.

(b) The report shall be accompanied by a concurrent resolution adopting such Budget, and fixing the maximum amount to be appropriated for expenditure in such year. If the estimated expenditures exceed the estimated receipts, the concurrent resolution shall include a section substantially as follows: "That it is the sense of the Congress that the public debt shall be increased in an amount equal to the amount by which the estimated expenditures for the ensuing fiscal year exceed the estimated receipts, such amount being $."

Mr. MONRONEY. Mr. Chairman, I offer a committee amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Committee amendment proposed by Mr. MONRONEY: On page 51, line 23, after the comma, insert "or duly authorized subcommittee thereof."

Mr. PATMAN. Mr. Chairman, will the gentleman explain the amendment?

Mr. MONRONEY. This section deals with the legislative budget. The question was raised, that full committees of the House and Senate Appropriations Committees and full committees of the Ways and Means and Senate Finance Committees would be unwieldy because of their large number. It was not intended that subcommittees would not be permitted, in fact it was anticipated that the initial work would be done by them.

The language of the bill is broad enough to permit subcommittee action, but we are specifying in this amendment now that duly authorized subcommittees of the four committees joining in the preparation of this legislative budget will meet to take it up.

The committee amendment was agreed to.

Mr. MONRONEY. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MONRONEY: On page 52, line 11, strike out "March 1" and insert in lieu thereof "February 15."

The committee amendment was agreed to.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 51, line 19, to page 52, line 20, inclusive, strike out all of section 138.

Mr. TABER. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Chairman, I took the floor a little while ago and explained what this amendment would do. I was hopeful that the proponents of this section would have something to offer other than bald generalities and would explain how the thing would work. We have received nothing in support of the section but bald generalities.

I am offering this amendment from a deep sense of public duty. It will absolutely destroy the operations of the Appropriations Committee in the House of Representatives. It will increase spending. It will prevent any kind of orderly procedure by the House. Instead of it being a progressive, forward-looking proposal, it is a reactionary proposal and a step backward. We might just as well be honest about it. If this proposal is adopted and an attempt is made to set up a legislative budget on any kind of a scale that is accurate enough to be any good, it means long, arduous hearings upon those items, just as our committees are obliged to give that situation. If it is to mean nothing, I do not know why we have it here.

In addition to that, the committee that is set up is absolutely cumbersome—104 members of the committee. Of course, under this provision it can act through subcommittees, but they would know absolutely nothing about it unless they conducted hearings. Then, what would happen? They would have to establish by resolution what that ceiling might be. If it was to be effective, we would have to break down into bills for agencies and departments a ceiling for each one. If we were to do that, it would be absolutely impossible for the Appropriations Committee to start hearings upon any of the bills until after that procedure had been followed.

The question here is whether we want to do the right thing and do a constructive thing or whether we want to do something that will destroy legislative processes. I want to see the House a better representative agency of the people, but if you pass this section and try to put it into effect, you will fix things so that it will be absolutely impossible to have thorough hearings upon appropriation bills and make the cuts that need to be made if this Government is going to be preserved. If you undertake to do this job in this way it will be impossible for the House of Representatives to control the initiative on appropriation bills. It is going to result in an over-all omnibus appropriation bill, with all kinds of logrolling and all kinds of efforts to destroy any economy in government.

The Appropriations Committee was set up by Martin Madden originally in such way that the men would be judges, independent of special interests. No one was permitted on the subcommittees who had any special interest or wanted favors. If you throw this thing into a mass where there are representatives of every special interest, and allow lobbying and logrolling to fix the original Budget and then cut down the time within which the Appropriations Committee can operate by itself, you are just absolutely destroying that independence that was set up when the original Appropriations Committee was set up. No one has presented anything but generalities and the statement that lots of people outside were looking for this and interested in it. There has been no explanation as to how it could possibly work, and work effectively and efficiently. To my inquiries I received no answer except generalities; I will receive none because there is none. If this were workable I would support it and I would go along with it wholeheartedly, but I know it is not, and I cannot.

I hope this amendment will be adopted and that we will try to follow a procedure in the House of Representatives where the Congress can cut down the bureaus of the Government and we will not have the appropriations of the Government in the hands of bureaucrats and self-seekers. That is the thing that would be sustained if this proposal were put through, and I do not like to see it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that all debate on this section close in 25 minutes.

Mr. PATMAN. Mr. Chairman, I have not talked on this bill at all. I should like to have 10 minutes on this section. This is the only section I wish to talk about.

Mr. MONRONEY. I will modify my request and make it 30 minutes.

Mr. PATMAN. I may say that the gentleman from Missouri [Mr. CANNON] has not talked on the bill, neither have I. Each of us would like 10 minutes. I do not think that is an unreasonable request.

Mr. MONRONEY. I will not insist on closing debate at this time; but, after all, this was discussed for an hour and 20 minutes this morning under the 5-minute rule. I do hope Members will limit themselves to a reasonable time.

Mr. PATMAN. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. PATMAN. Mr. Chairman, I have not talked on this bill at all, either on the rule or in general debate, and this is perhaps the only time I will ask recognition. I therefore ask unanimous consent that I may proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. DIRKSEN. Mr. Chairman, I must object. The hour is getting late, and many Members are going home tomorrow.

Mr. PATMAN. I do not think it was very kind of the gentleman to have objected. We have not objected to anybody having an extension of time. It does seem that on a bill of this importance we should have just a little time to discuss it.

Mr. CANNON of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. FOGARTY. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. PATMAN. Mr. Chairman, this is a very important amendment; I am in favor of its adoption. It sets up what really might be properly termed a caste system in Congress. It leaves to 2 committees in the House and 2 committees in the Senate the power to control all important legislation involving appropriations for 435 Members of the House and 96 Members of the United States Senate. That is what it does.

HOUSE RULES UP TO DATE

I am not joining this anvil chorus proclaiming that our House rules are so obsolete and unworkable that we should absolutely make every radical change that is proposed. I am in agreement on a number of these proposed changes, but I consider the document that contains the rules of the House of Representatives as the most modern document in the Library of Congress or here in the House of Representatives. For 157 years these rules have grown up under trial and error. A majority of the House can always work its will under the rules of this House. We have gone through the greatest depression in all history and

we have gone through the greatest war in all history. We whipped them both under the present rules of the House of Representatives. Now, this is a departure from the rules and this proposal is bad and the amendment striking it out should be adopted. Any time you propose to set up a caste system here and make it impossible for the majority of the Members of the House to do what they want to do, I say we should look into it and carefully consider it.

Here is what the result will be. These committees will meet and will say: "We will appropriate money for certain things only, just certain things only." Something like the terminal-leave bill comes up. If we had had this proposal in force this year we could not have passed the terminal-leave bill. If we were to have some kind of emergency arise, of course, unexpectedly, we could not take care of that if it required money. It would be a violation of the rule that we adopt on February 15 each year.

Mr. Chairman, this is a far-reaching proposal and should be stricken from the bill. Of course, it would be easy to say, "Now, we would like to pay old-age assistance, we would like to pay social security, we would like to appropriate money for highways, flood control, and soil conservation, but we have tied our hands. We gave four committees the power to say how much money we can appropriate this year and they have stated, we have adopted their suggestion, and we cannot exceed it." Of course, if we pass a resolution we could increase the national debt, then we could go ahead and do it. But why not allow an increase in the taxes, if necessary, without increasing the national debt to provide for something that we want?

This puts the House definitely on the spot to the extent that it will say, "Now, we have no money left. We would like to provide all these benefits; they are worth while, like terminal leave, and other things; but we cannot do it. These four all-powerful committees have met." They would meet with logrolling privileges and opportunities. They can swap among themselves. That is contrary to our form of government.

It was always intended that one House should be a balance on the other House. This is consolidating the two Houses, allowing the four most powerful committees to get together, trade among themselves, if they desire, and run the Congress like they want to run it. It is going too far and this amendment should be adopted.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. KNUTSON. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, it looks to me as if certain people are trying to make a mountain out of a molehill, to use a homely expression. When the gentleman from Texas speaks about members of the two tax committees and the two appropriations committees getting together and logrolling, I do not think he really meant what he said, because that would be expressing a rather low opinion of four very important committees of the Congress. It so happens that I am a member of the Joint Committee on Internal Revenue Taxation and I know with what benefit to the country and to the taxing structure of the country that committee has functioned and continues to function. If a joint committee having broad supervisory powers over taxation is good for the tax structure, then why would not a joint budget committee be good for the spending program?

We have been going along for years, as the gentleman from New York so ably pointed out this morning, and there has been absolutely no liaison between the taxing committees and the spending committees. The purpose of title III is to coordinate the work of the two committees. The Ways and Means Committee should know what the budget is going to be before it brings in a tax bill and, on the other hand, the Appropriations Committee should know approximately what they are going to have to do with before they start reporting appropriation bills. Of course, I appreciate the fact that the Appropriations Committee views with distaste, if not with general alarm, any attempt on the part of the Congress to place even a small degree of supervision over spending.

We all know that the way we have been going for many years has not worked to the country's advantage. The budget has been out of balance for 12 or 15 years. The national debt continues to grow apace. It has not worked. Now let us try something else.

This need not necessarily be permanent legislation to the extent that it cannot be changed in a few years by a future Congress. We are embarking on something quite new in the way of government financing so we will have to proceed through trial and error. As this thing works out, we will see where it needs strengthening and perhaps where it should be cut down. This country is not going to expire next year, and neither is Congress going out of business next year. Let us try it. I maintain that it certainly cannot be any worse than the present system. To my way of thinking title III is the very heart of the proposal before us.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that all debate on this section close in 25 minutes, the last 5 minutes to be reserved to the committee.

Mr. JONES. I object, Mr. Chairman.

Mr. O'NEAL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall try to be very brief. Of course, I know that all of us want to complete this matter promptly, but let us look at this thing just very honestly and fairly and see how much there is to it and how much logic there is in it. All in the world that the provision in the bill does is to have a group of men, members of these committees, get together, probably on January 15 of each year, and make a decision by February 15 on all matters contained in the Budget. They are going to be in session for a long period of 30 days and are expected to tell us intelligently what we should do. Of course, they cannot. Everyone knows that it will be simply an offhand expression of opinion, because they can no more know all the details of the various appropriations than they could know about what is going to happen during the next year.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. O'NEAL. I yield to the gentleman from New York.

Mr. WADSWORTH. Is it not clear in this proposal that this special committee shall be required merely to recommend the maximum amount to be spent and not the details of its expenditures?

Mr. O'NEAL. But that is the whole question. How can they make an intelligent decision? In fact, every year large appropriations are necessary because of legislation passed after February 15.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. O'NEAL. I yield to the gentleman from Ohio.

Mr. JONES. The provision in section 138 is meaningless because it does not bind anybody.

Mr. O'NEAL. Certainly not. Furthermore, let me say again that billions of dollars are appropriated after February 15 that they could not possibly know about. Exigencies arise and emergencies occur. They could not possibly tell what it is going to be, and it is the most futile gesture that I could imagine. Just listen to what the present law is. All we have to do is to carry out the present law and we will accomplish whatever we would by the provisions of this bill. The present law says:

1. If the Budget indicates an excess of expenditures (not appropriations) over receipts, the President is required to include in the Budget recommendations for new taxes, loans, or other appropriate action to meet the estimated deficiency.

2. If the estimated receipts exceed the estimated expenditures, the President is required to make such recommendations as in his opinion the public interests require.

3. If deficiency or supplemental estimates alter the regular-Budget proposals as regards deficits or excesses, the President is required to submit recommendations as in the case of the regular Budget.

That is the law today. If we have additional appropriations the President is required to make that certification, and all we have to do is to take that and act upon it. But how ridiculous it is to say that any group of men in 30 days' time can examine a thirty-five or forty billion dollar budget, anticipate what is going to be spent after February 15, and tell you then that you must live within it.

Gentlemen, the chairman of the Committee on Appropriations and the ranking member of the committee, two men who have had more experience than anybody in the House with this subject, feel that it would very strongly work against the best interests of the country and the work of the Committee on Appropriations. The committee met and discussed the problem, and all of them are more or less experts on this proposition. My recollection is that the vote was 17 to 3 against this being in the bill. If you want to put something in the bill just to support the Reorganization Committee, all right; otherwise, I think the amendment of the gentleman from Missouri should be supported.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that all debate

on this amendment close in 30 minutes. We have been over this subject for an hour in general debate and for over an hour under the 5-minute rule.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. JONES. Reserving the right to object, Mr. Chairman, may I say to the chairman of the special committee handling this matter that I have two amendments that I wish to offer. I think they are very important. This matter is very important to the Committee on Appropriations. We feel that the bill proposed by the special committee as far as it concerns the Committee on Appropriations is ill-conceived, and we feel very strongly about it. I ask the gentleman to reserve his request for a few moments.

Mr. RAYBURN. Reserving the right to object, Mr. Chairman, the way our program stands now we must, if humanly possible, complete consideration of this bill today. Even though debate is not closed in a reasonable time, I trust the committee will stay in session until we complete the consideration of this bill today. If we are to do that, we will have to make more progress than we have been making in the last 2 hours.

Mr. MONRONEY. Mr. Chairman, I regret very much that I am compelled to ask unanimous consent that all debate close in 40 minutes. Only eight Members are standing at this time, and that will give each Member standing 5 minutes. I further ask that the last 5 minutes be reserved to the committee.

Mr. JONES. Is the request that debate close in 40 minutes on this section or on this amendment?

Mr. MONRONEY. On this section and all amendments thereto.

Mr. JONES. I object, Mr. Chairman.

Mr. MONRONEY. Mr. Chairman, I am reluctantly compelled to move that all debate on this section and all amendments thereto close in 40 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Oklahoma.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. H. CARL ANDERSEN].

Mr. H. CARL ANDERSEN. Mr. Chairman, I am opposed to this section of the bill because I feel it is unworkable. The reorganization features are mainly very good and certainly the number of the House committees should be cut down. The Members of the House should take into consideration the opinion of the chairman of the Committee on Appropriations and the opinion of the ranking minority member of the Committee on Appropriations, as well as the opinion of 17 out of the 20 men on that committee who voted yesterday in our committee against including this particular section in the bill.

I would suggest as I have suggested heretofore that if the proposed joint commitee be scheduled to meet June 15 and then go over the work of the Committee on Appropriations up to that date and decide whether or not we had appropriated too much money for the session, then that joint committee could really be effective in saving money. That joint committee would decide perhaps that Congress has appropriated too much money and it is necessary to have a general percentagewise cut through the Federal personnel with certain exceptions, such as Veterans' Administration, for example. Then we would really have something to work upon. That committee could check over the general appropriation bills and make recommendations to the Congress as to what could be eliminated so that the budget could be balanced. We must have balanced budgets, and personally I have voted to cut out hundreds of millions of dollars of excessive expenditures. The New Dealers have shown, however, no inclination to save the taxpayers money, nor do I expect them to do so in the future. The House will be doing a great disfavor to the people of America by retaining this particular section. I hope Mr. TABER's amendment will be adopted.

Mr. Chairman, at this time let me say that I cannot vote for this bill if the provisions for salary increases to Members and retirement pay for Members remain in the measure. The old people of America have had little, if any, consideration from this Congress. In the past 8 years I have voted against all increases in our own salaries, feeling that, unless I oppose my own pay raise, no justification can be had in opposing increases for those in the Government employ. Unless we here in Congress show some resistance to the tide of inflation sweeping upon America, how can we expect other groups to do so. It is my hope that the House will not approve the raise in our own salaries nor the provision for retirement pay. Otherwise, I must vote "no" on this bill.

Mr. HERTER. Mr. Chairman, I hesitate very much to get into a debate on what is a fairly technical matter with the distinguished members of the Ways and Means Committee who have spent many years in handling the technical processes of appropriations in the House. I do so only with great reluctanee, but I feel qualified in a small way because I had to struggle with this problem for many years in our home legislature, and also as chairman of a committee of the Council of State Governments, working on the same subject.

The proposal the committee has offered is certainly no cure-all. Claiming too much for it would be just as serious as criticizing it too badly. Personally, I wish the committee had gone much farther in what to my mind are the most difficult processes in our appropriations. To begin with, I am convinced that as long as the credit of the United States can be used with the ease with which it is now used, in other words, as long as we can continue borrowing all the money we want to borrow by simple majorities in raising the debt limit, it is an open invitation to spend more money than you have got coming in from current revenue.

In the second place, the gentleman from New York [Mr. TABER] talked a lot about the evils of an omnibus bill. It is only through an omnibus bill that the Members of the House can tell where it is currently going, because when we vote on each individual appropriation bill we have no idea what is going to follow it, perhaps a week or 2 weeks or a month later. We never have a chance to see the full fiscal picture before us. In other words, each appropriation as it comes along is a temptation to spend more money on the ground that perhaps we can cut it off of a future appropriation bill for some other department later on. We never know from day to day whether the money we are appropriating is coming out of current revenue in accordance with the plans of the Ways and Means Committee, whether it is coming out of the sale of surplus material, the proceeds of which should be reducing our public debt, or whether it is coming out of borrowings.

I remember a short time ago a statement was issued by the White House saying that this year we were going to balance our budget for the reason that we had borrowed last year more money than we actually used. Of all the silly financial statements I have ever heard that is the silliest, and shows how muddled is our financial picture.

The particular provision in this bill is not going to cure the situation, but I think it is helpful. It is helpful because of the psychology that is established. If the committee, call it what you will, made up of joint committees of the two branches that control taxation and control expenditures, gives a financial picture to the House, even if it is no more than their best guess as to where we are going to come out if we appropriate as much money as shown by the budgetary recommendation of the President, then I think psychologically we can more intelligently take the point of view that we are either going to save money, we are going to stop borrowing money, or we are going to cut down progressively all along the line; or perhaps that this year because of the revenues predicated upon tax returns, we can appropriate a little more for public works. At least we will have a little more of the picture. Today we have none as we progress from one appropriation bill to the other.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HERTER. I yield.

Miss SUMNER of Illinois. We had the same situation in the Postwar Economic and Planning Committee. My impression was when they came before the Banking and Currency Committee that they were forced to add to extravagance rather than detract. The chairman and the ranking member came before our committee and they were specially committed to this extravagance. So psychologically they were for the extravagance.

Mr. HERTER. What the lady says is true almost all along the line.

A moment ago the gentleman from Kentucky made the statement that the Appropriations Committee did not know by February 15 what kind of measures were going to come up in the form of other legislation that would require spending. That to my mind is one of the additional reasons for the section under debate. The most dangerous thing that happens is being uncertain in your mind as to what you can spend within a year,

and then have unexpected legislation come along that completely upsets an orderly program.

The CHAIRMAN. The gentleman from Ohio [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Chairman, it is indeed regrettable that a matter so important as this has to be decided in so short a time. Let us see what the apparent purpose of section 138 is. It is to lead the people to believe that some way, somehow, appropriations will be limited to the amount of the income of the Government. That is the intended general impression: "That somehow this reorganization of Congress will limit appropriations to the amount of income the Government receives." There is nothing in section 138 that will do that. This section makes in order, makes legal, the very thing that the Joint Committee on Expenditures in the Executive Departments has done for the last 5 years. I have seen reams of material from that committee.

One of its most outstanding publicity stunts is an appeal to take one-third of the employees off the Federal pay roll, reduce the number by a million. What happened? Why did Congress not cut a million employees from the Federal pay roll? Because the chairman and some members of that joint committee are never on the floor to fight when individual appropriation items are before their particular body of Congress. They are not on the floor of Congress to cut down the number of employees provided for in those separate appropriation bills. They yell to the public some distance away from the appropriation debate.

The way to cut the appropriations or take people off the pay rolls is not to write magazine articles or get out brochures under the name of the Joint Committee on Federal Expenditures; the only way to do it is to get people in both Houses of Congress who want to cut expenditures to vote against the increases. Then they will be cut, if you can find a majority of Congressmen who want to stop deficit spending. An election, in my opinion, would help.

If you permit this section 138 to remain in the bill you are going to be embarrassed just as you are embarrassed today by having someone in your district say to you: "Why do you not get on the band wagon of the chairman of the Joint Committee on Nonessential Expenditures?" Why! Constituents have even written thus to Doc SMITH, who has voted "No" so many times that he may doubt whether he has ever voted for an appropriation. Constituents have even asked my colleague, the gentleman from Ohio [Mr. CLEVENGER], and me why we did not get on the Byrd bandwagon. CLIFF CLEVENGER, of the Fifth, Doc SMITH, of the Eighth, and I, of the Fourth Districts of Ohio, have voted "No" on appropriations bills so often Chairman BYRD cannot find our band wagon or hear the music. And there is going to be a lot of confusion on the majority side for sponsoring this provision. You are going to be embarrassed. Project yourself into the future under this bill. The President sends to Congress a $35,000,000,000 budget. It will be examined by this committee provided by section 138 of 104 members or a subcommittee thereof, representing the Senate Finance Committee, the House Ways and Means Committee, the House Appropriations Committee, and the Senate Appropriations Committee. Thus super committee will get publicity. Headlines will be spread stating how they recommended a decrease to the President's $35,000,000,000 budget to $25,000,000,000. Then we proceed to start to commence to appropriate on individual appropriation bills just as we do now and we will wake up after all bills have passed to find that the present spending — deficit spending — membership of both Houses want to appropriate more than this "superduper" appropriation ceiling committee has recommended.

You find Congress has appropriated $45,000,000,000 and Congress has the same Members, the same administration, New Deal majorities, who want to spend, and spend, and spend; and then you will be embarrassed to the tune of $20,000,000,000 and the folks back home will think they have a bunch of nit-wits in Congress for not following this "superduper" synthetic ceiling committee. On the other hand your "superduper" committee will have to throw an ax at the $35,000,000,000 budget, as the gentleman from Illinois said he threw an ax at the OPA budget of $156,000,000 and finally OPA got $76,000,000. Under present procedure for a Budget estimate of $156,000,000 for OPA, the House allowed or appropriated $106,000,000. The Senate had a different idea and the item went to conference. The gentleman from Illinois says they threw an ax at the OPA in conference. It is silly to think the procedure will be otherwise with a $35,000,000,000 Presidential budget and in 1, 2, or 3 months' time, not having any analytical or scientic foundation or basis upon which to act, that this "superduper" committee can throw anything but an ax at it and cut $10,000,000,000 or $5,000,000,000 off or any amount that seems politically expedient. This section 138 is ill-advised, silly, ridiculous, will make fools out of the Members of Congress unless you adopt an amendment which says that the recommendations of this committee will be the ceiling, item for item, and that any amendment or bill offered by the Appropriations Committees, or any Member increasing the amount above the "superduper" committee's recommendation will be subject to a point of order and illegal. Then you make this "superduper" committee do what you are trying to make the public believe section 138 provides, to wit: A ceiling on expenditures based upon a Budget estimate and upon the best brains of the "superduper" committee.

I will offer amendments to make section 138 do what you say you want to do: "Make expenditures balance income." My amendments will legally make the section 138 "superduper" committee ceilings the legal ceilings on appropriations that Congress or the Appropriations Committees of the House and Senate cannot break through. Without such amendments section 138 is silly, meaningless, and an expression of a will-o'-the-wisp hope, published for political purposes, which will rise to plague Members of Congress.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Chairman, what about subsection (b) of section 138? Let me read what that says:

(b) The report shall be accompanied by a concurrent resolution adopting such budget and fixing the maximum amount to be appropriated for expenditure in such year. If the estimated expenditures exceed the estimated receipts, the concurrent resolution shall include a section substantially as follows: "That it is the sense of the Congress that the public debt shall be increased in an amount equal to the amount by which the estimated expenditures for the ensuing fiscal year exceed the estimated receipts, such amount being $."

What kind of a proposition is that? What does it do? Why, it gives sanction to deficit spending. It is bad enough to have this curse of deficit spending on us without any law, but why pass a law specifically legalizing deficit spending? I would like to have somebody answer that for me.

This language would give sanction to the whole program of deficit spending that has been going on for the last 15 years. This would have the effect of putting our stamp of approval on the deficit spending that the New Deal planners are contemplating for the future.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. Does not the gentleman think it is absolutely futile to pass a law like this to reform Congressmen's uneconomical habits? To reform Congress you have to reform Congressmen; is that right?

Mr. SMITH of Ohio. I am reminded again of the statement made by a prominent historian who spoke about the great delusion, faith in the sovereign power of political machinery. Let the people of this country understand that there is nothing in this bill whatsoever that promises them any more statesmanship than they have been receiving in recent years.

Miss SUMNER of Illinois. This bill just gives Congress a face-lifting?

Mr. SMITH of Ohio. Take out from this measure pensions and the increase of salary for Congressmen and I fear there will be left little interest in it. The gentleman from Virginia [Mr. SMITH] was unable to get the attention of the committee until he mentioned pensions and salary raise for Congressmen. Then he got some attention.

Miss SUMNER of Illinois. Does not the gentleman think this bill could be defeated very easily if it were not being log-rolled through?

Mr. SMITH of Ohio. Certainly.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. Has the gentleman ever seen a regular appropriation bill leave the House and go to the Senate without it being increased considerably in that body?

Mr. SMITH of Ohio. I know it is a common practice for the other body to increase appropriations.

The CHAIRMAN. The gentleman from South Dakota [Mr. CASE] is recognized.

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: On page 52, line 14, strike out the period and the balance of the paragraph, lines 14 to 20, inclusive, and insert "and upon passage of that concurrent resolution no appropriation bill shall be passed appropriating funds in excess of the budget so adopted except by a vote of two-thirds of the Members voting in each House, a quorum being present."

Mr. CASE of South Dakota. Mr. Chairman, on the whole, I think it must be said that the special committee has done a good job in the sections on committee reorganization. I think an attempt to establish a review of appropriations in the light of prospective revenues is especially to be commended; but if I may have the attention of the chairman of the special committee, the gentleman from Oklahoma [Mr. MONRONEY], I would like to ask a question about its operation. The first paragraph of section 138 concludes by saying that such reports shall be made by March 1 or February 15, as now amended. Then, section (b) says:

The report shall be accompanied by a concurrent resolution adopting such budget, and fixing the maximum amount to be appropriated for expenditure in such year.

Now, I want to ask the gentleman what would happen if nothing is done with the report?

Mr. MONRONEY. I will say to the distinguished gentleman that there will be no further restriction on appropriations. Congress can break the financial budget which we set. But the country will know that we are morally bound, the newspapers and Members of the Congress will know it by voting affirmatively for this resolution adopting the budget.

Mr. CASE of South Dakota. Wait just a minute. All that this language requires is that such report shall be made by such and such a date. There is nothing in here that says that Congress has to adopt the report.

Mr. MONRONEY. I thought the gentleman was referring to the next section relating to the adoption of the concurrent resolution, fixing the total over-all appropriation figure, and if a deficit is running, to specify that the Congress authorizes the creation of that much debt for the fiscal year. I think properly we are making an approach to a definitely improved fiscal policy.

Mr. CASE of South Dakota. I thank the gentleman for his frank reply which, in effect, is that there is nothing to give effect to the budget ceiling except public opinion. That is my objection to paragraph (b). It does not go far enough. In fact, it does nothing to give real effect to the findings. The gentleman from Texas [Mr. PATMAN] complained about this section on the ground that it ties the hands of Congress. My complaint is that it does no such thing. It merely holds out a little gesture to the country and says that we told a committee to make a report and recommend a ceiling on appropriations, but it does not bind the Congress to that ceiling. It does nothing about it except to require that the report shall be accompanied by a resolution which Congress may or may not adopt, saying that the national debt should be increased if the ceiling is exceeded. If Congress ignores the resolution nothing happens; if Congress adopts the resolution nothing happens except that Congress has said it thinks the national debt should be increased.

In my judgment the section needs something to give effect to the ceiling. So the amendment which I have offered says that if the concurrent resolution is adopted, then an appropriation in excess of that amount may be passed only by a two-thirds vote. That is in harmony with the provision which a great many State legislatures have; that deficiency appropriations may not be made except by a two-thirds vote and that appropriations may not be made immediately available on an emergency basis except by a two-thirds vote.

The language of the bill does not have any teeth in this section. It merely creates a committee and requires it to make recommendations. If the over-all budget idea is to be effective, you have to do something more than that. Nobody guarantees that Congress will adopt this resolution. The bill simply requires a report by a committee by a certain date recommending a ceiling for appropriations. If we really want to do something about joining expenditures and revenues, we must give effect to that ceiling. My amendment says that if Congress exceeds this budget, the excess may be adopted only by a two-thirds vote.

The latter part of (b) is not needed. As a matter of fact, we put Congress in a somewhat ridiculous position to require that the proposed resolution say that the public debt should be increased in advance of any demonstrated need for it. The Treasury does not go out and sell a lot of securities until it has demands for cash to meet maturing obligations. Many times receipts run ahead of the estimates. That has been true in the past and it is true currently, I think. Why then increase the public debt in advance of the time when the cash is needed to meet maturing obligations?

Consequently, I have offered an amendment dropping that language and providing instead that appropriations in excess of the ceiling may be adopted only by a two-thirds vote.

Mr. McDONOUGH. Mr. Chairman, I ask unanimous consent to extend my remarks at an appropriate place in the RECORD prior to the vote on the amendment with relation to the Committee on Un-American Activities.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. GORE].

Mr. GORE. Mr. Chairman, not having spoken on this bill, I want to begin my remarks on this amendment by saying that my good friend and our distinguished colleague, the gentleman from Oklahoma [Mr. MONRONEY] has done a monumental work. I want to praise him, although there are some features of the bill with which I disagree. This particular feature of the bill appears to be sound and I think it is a forward step. We have heard the situation described as some Members think it might prove to be under this provision. For instance, I have heard the distinguished gentleman from Ohio, my able friend [Mr. JONES], describe how silly a fiscal policy we might develop under this procedure. I wondered if he was not describing the ridiculous procedure which we have under our present system. Mr. Chairman, let us think a minute. Does the Congress have a fiscal policy? Does it? Let me ask you another question: Is there anything which will loom before the Congress within the next decade more important than fiscal affairs? Under the present system, we have no formal way of developing a fiscal policy, and what is more, we have no way of sensibly following a policy if we had one. Mr. Chairman, much has been said about the workability of this. For 4 years I have been on the Committee on Appropriations. The members of that committee work very hard. But I say to you that appropriations are made by the Congress and by the Committee on Appropriations with less accurate knowledge of the amount that should be appropriated than is healthy for the country.

Mr. O'NEAL. Mr. Chairman, will the gentleman yield?

Mr. GORE. Always, to my distinguished and able and lovable friend, the gentleman from Kentucky.

Mr. O'NEAL. Does the gentleman with his sound business experience and the experience he has had on the Committee on Appropriations feel that any group of men could pass on appropriation estimates in 30 days from January 15 to February 15, and do an intelligent job?

Mr. GORE. In specific items, no. If you mean by your question, Can the Congress in 30 days decide how much money they are going to appropriate for every item, this or that project, hither and yon?—no. But if the Congress cannot within 30 days make up its mind on a sensible over-all fiscal policy for the year, then I think Congress is a laggard institution and it is time that we were reorganizing. It is time we bestirred ourselves again and again to improve this institution.

Mr. O'NEAL. Will the gentleman indicate how this provision as recommended by the Committee on Reorganization could possibly accomplish such a result?

Mr. GORE. That is the purpose. I hope it can accomplish that result. I do not think it could be worse than the present helter-skelter procedure. We now have no definite goals for either over-all appropriations or revenue. And while we talk so much about appropriations, remember also that the revenue end of fiscal affairs is to be considered. Perhaps if the national need is sufficient to warrant an increased appropriation,

the great Committee on Ways and Means would be spurred on to an earlier consideration and presentation of their bills and perhaps that committee then might not feel constrained to ask for a gag rule on every bill from that committee. This is the very heart of the effort made by this bill to implement the Congress and its methods of procedure to the end that the Congress itself may formulate and at least attempt to follow a sound fiscal policy.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Illinois [Mr. DIRKSEN] is recognized for 5 minutes to close debate.

Mr. DIRKSEN. Mr. Chairman, there have been some rather astounding arguments here today. It has been said by the gentleman from Kentucky that this is a futile gesture. The gentleman from New York [Mr. TABER] said it would be dangerous. The gentleman from Ohio [Mr. JONES] said it would be absurd and embarrassing to the Congress. The gentleman from Ohio said it would be an urge for deficit spending. Another Member said it restricts Congress and the country too closely. Just make up your minds. But what you see today is the recurring pattern of history. When the Keating-Owen Child Labor Act was introduced in 1916 it was Senator Beveridge who said it would not work. When women's suffrage was first given to the country, omniscient minds stood in this well and said, "It will not work." When the income-tax amendment was first proposed to the Constitution of the United States they said, "It will not work." There are Members sitting in this Chamber this afternoon who, when the General Accounting Act of 1921 was proposed, which first set up an Appropriations Committee with exclusive power to appropriate, said, "It will not work." Yes. That is the inertia of age talking. "It will not work." Have they given you a single persuasive argument why half a dozen Members from four committees of the House and Senate cannot sit down in a comfortable committee room and discuss the over-all aspects of the expenditure of revenue for this great corporation called the United States of America?

What an awful confession has been made here today, and members of my own committee, great committee that it is, have come into this well and confessed their ineptitude, they have confessed the inflexibility of the very committee of which I have the honor to be a member. God save the mark! Oh, let us not be put to one side by the talk that there is no time and that there are restrictive rules. You go out to Portland or Seattle or San Francisco or Cleveland or Milwaukee or elsewhere and tell one of your taxpayers that you would like to put a ceiling on the budget but there were rules obstructing it. They will say, "Rules do not register in my pocketbook."

What I want to do is to exercise a little flexibility of mind and judgment and I want some real, honest-to-God constructive effort to balance the budget of the United States that has been out of balance for 17 long years. We offer you now a simple device, a simple proposal that has a great deal of moral force in it for the country and a great deal of force to retrieve the esteem for Congress that is ebbing away and leaching away. Be not disillusioned or dismayed or put aside or fooled by all this unsubstantial argument that has been made here. They are the arguments of every generation in the history of the country. But, thank God, we move forward in a progressive line.

I suggest that all amendments, including the amendment offered by the gentleman from New York [Mr. TABER] be voted down.

If the proposal which we present in this bill does not work, I shall be the first to confess my error if it has had a fair trial. But I do not propose to succumb to the defeatism which has been expressed over and over on this floor that it will not work. The taxpayers of the Nation are entitled to an opportunity to see whether or not it will work. Perhaps you recall the old expression, "Where there is a will, there is a way." Instead of the defeatist attitude expressed here today, let us determine that it can be made to work and it will work. We have used red ink a long time in chalking up recurring deficits. Let us see what can be done about changing the color to black.

The CHAIRMAN. All time has expired.

The question recurs on the perfecting amendment offered by the gentleman from South Dakota [Mr. CASE] to the amendment offered by the gentleman from New York [Mr. TABER].

Mr. CASE of South Dakota. Mr. Chairman, I ask unanimous consent that the amendment may again be reported.

There being no objection, the Clerk again reported the amendment offered by Mr. CASE of South Dakota.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. CASE] to the amendment offered by the gentleman from New York [Mr. TABER].

The amendment to the amendment was rejected.

Mr. CASE of South Dakota. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota:

On page 52, after line 20, insert:

"(c) Until the concurrent resolution specified in subsection (b) has been agreed to by both Houses by record vote no general appropriation bill appropriating money for the ensuing fiscal year shall be passed by either House."

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 27, noes 101.

So the amendment was rejected.

Mr. JONES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES: On page 52, line 8, after the word "committee" and the period, insert "No amendment to any general appropriation bill shall be in order in either House proposing an increase in such bill which will result in an increase in the over-all amount which may be appropriated for any executive department or agency; and the over-all amount which may be appropriated for each executive department and for the several independent establishments including the District of Columbia shall be allocated by the Committee on Appropriations of the House of Representatives prior to the consideration of the estimate of appropriations by the several subcommittees thereof."

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

Mr. JONES. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES: On page 52, after line 20, insert a new paragraph as follows:

"(c) No appropriation contained in any appropriation bill which in percentage ratio to the estimate of the Bureau of the Budget for any such appropriation is in excess of the percentage ratio that the total recommended maximum appropriations contained in said legislative budget bears to the total budget estimates of the President as contained in the annual Budget for any such year, shall be considered or received in either House."

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The Clerk read as follows:

HEARINGS AND REPORTS BY APPROPRIATIONS COMMITTEES

SEC. 139. (a) No general appropriation bill, other than deficiency appropriation bills, shall be considered in either House unless, prior to the consideration of such bill, printed committee hearings and reports on such bill have been available for at least three calendar days for the Members of the House in which such bill is to be considered.

(b) The Committees on Appropriations of the two Houses are authorized and directed, acting jointly, to develop a standard appropriation classification schedule which will clearly define in concise and uniform accounts the subtotals of appropriations asked for by agencies in the executive branch of the Government. That part of the printed hearings containing each such agency's request for appropriations shall be preceded by such a schedule.

(c) No general appropriation bill or amendment thereto shall be received or considered in either House if it contains a provision reappropr'ating unexpended balances of appropriations; except that this provision shall not apply to appropriations in continuation of appropriations for public works on which work has commenced.

(d) The Appropriations Committees of both Houses are authorized and directed to make a study of (1) existing permanent appropriations with a view to limiting the number of permanent appropriations and to recommend to their respective Houses what permanent appropriations, if any, should be discontinued; and (2) the disposition of funds resulting from the sale of Government property or services by all departments and agencies in the executive branch of the Government with a view to recommending to their respective Houses a uniform system of control with respect to such funds.

Mr. JENSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JENSEN: On page 52, after the word "bill", beginning on line 22, strike out the words "other than deficiency appropriation bills."

Mr. JENSEN. Mr. Chairman, this section reads:

No general appropriation bill, other than deficiency appropriation bills, shall be considered in either House unless, prior to the consideration of such bill, printed committee hearings and reports on such bill have been available for at least three calendar days for the Members of the House in which such bill is to be considered.

My amendment seeks to eliminate the words "other than deficiency appropriation bills."

Mr. Chairman, it is very plain to see why I have offered this amendment, the main reason being that the regular subcommittees of the Appropriations Committee sit for weeks and months hearing the testimony of people from the departments who come before the respective subcommittees to justify their appropriations. We finally pass a bill out of the subcommittee. It then goes before the full committee where it is rarely amended one iota. In most instances the subcommittee reduces the appropriations requested by the departments to some degree, often to a very marked degree. The bill finally goes through the Congress and is signed by the President. But it has become a habit for the departments to continue to spend as though they were not restricted simply because they know they can come back to the deficiency committee any time and get most any amount of money they desire.

I do not have to tell you this because all of you know it is a fact. My amendment would make it mandatory that all deficiency bills and reports shall also be available 3 days previous to the time the bill is considered on the floor for the Members of Congress to examine.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. JENSEN. I yield to the gentleman from Minnesota?

Mr. JUDD. If the amendment of the gentleman is accepted and deficiency appropriation bills also have to be brought in with a report 3 days before they are considered and a real emergency arises, requiring immediate action, all we need to do is to suspend the rules on a two-thirds majority. The Congress would do that in a real emergency. This would prevent them from using it on every deficiency bill when there is no emergency.

Mr. JENSEN. The gentleman is right. The Appropriations Committee has been criticized severely, and rightly so, because great appropriation bills come to the floor and the Members have not had an opportunity to see the report or the bill until it comes to the floor. Even the members of the Appropriations Committee rarely see a bill from any other subcommittee except the ones they are on until the day it is brought before the full committee some forenoon and often the same afternoon it is brought before the House.

The criticism has been justified and certainly if any subcommittee should be required to bring a committee report before the House 3 days in advance of action, it should be the deficiency committee because it is less understood than any other report that comes before the House.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. JENSEN. I yield to the gentleman from California.

Mr. PHILLIPS. The gentleman's amendment is a most excellent one, and I hope it will carry.

Mr. JENSEN. I thank the gentleman for his support.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. JENSEN. I yield to the gentleman from Nebraska.

Mr. CURTIS. Is it not true that the regularly established subcommittees' procedure is fixed, well known, and more or less standardized?

Mr. JENSEN. Certainly.

Mr. CURTIS. This 3-day availability of hearings and reports is not nearly as necessary for them as it is the deficiency committee which might take up anything?

Mr. JENSEN. Right.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. JENSEN. I yield to the gentleman from Michigan.

Mr. MICHENER. The gentleman is a member of the Appropriations Committee. He knows whereof he speaks. I want to congratulate him on his courage and his forthrightness in stating these facts as they are.

Mr. JENSEN. I thank the gentleman and I sincerely hope my amendment will be adopted as I am certain it will have the effect of eliminating many millions of needless Government expenditures.

Mr. Chairman, I hope the salary increase and retirement pay section of this bill can be eliminated so I can support the bill on final passage, because in my studied opinion the reorganization of Congress would be beneficial to some degree.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that all debate on this section close in 4 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. HESELTON].

Mr. HESELTON. Mr. Chairman; throughout the day I have been considering offering an amendment similar to the one offered by the gentleman from Iowa [Mr. JENSEN]. I decided not to do so upon the advice of the gentleman from Illinois [Mr. DIRKSEN], because I sincerely support the obvious improvement in the organization and operation of Congress in this legislation as submitted by the committee. But I think this amendment would be most constructive. I call your attention to the fact that when this measure passed the other body, this language was not contained in the legislation. I would like to read the comments from the joint committee report, because it emphasizes another phase of this matter which I think is of real importance to all of the Members:

Reports of the full committee on major bills customarily reach the floor soon after committee approval. Under these circumstances, the findings and printed hearings on appropriation bills are usually not available for careful and sustained study by the membership at large before the bills are reported to the House for its action. The hearings are naturally massive in size and complex in detail. As a result, it is not easy for Members of the House fully to inform themselves on the complex contents of appropriation bills before they come up for final action on the floor.

In my judgment, if this same principle were applied to legislative bills, we would have far more efficiency and much better legislation in the House. I urge that the amendment be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. Chairman, in considering this matter there was a very well and carefully made case by the leaders on the Committee on Appropriations that they have to have some elbow room for urgent deficiencies. We recently had an emergency appropriation for the veterans; to pay within a day or two the fund necessary for unemployment compensation. If we nailed down tightly the proposition for 3 days on all appropriations, those urgent matters would be delayed.

The section that has just been adopted does exactly what the gentleman wants to do in discouraging deficiencies. I am heartily in favor of reducing this practice. The bill provides that all appropriations will have to come in in the regular way, with a 3-day interim, and only excludes from this rule deficiency appropriations.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Iowa.

Mr. JENSEN. I knew the gentleman was going to bring that up and talk about the veterans, but if it is already taken care of, why not string this language out and then we will know it is taken care of.

Mr. MONRONEY. I do not think the 3-day elbow room on deficiencies is going to hurt or help particularly the thing that the gentleman seeks to accomplish.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Illinois.

Mr. DIRKSEN. As as matter of fact, there have been occasions when we had to work fast and include deficiences and bring them in as an emergency measure.

Mr. JENSEN. That was during the war.

Mr. DIRKSEN. That was recently when General Bradley came before us and said that he ran out of money for the payment of unemployment money for soldiers. We had to bring that in here and get immediate action, so you have a bit of a flexible factor. I hope the amendment of my good friend will be voted down.

Mr. MONRONEY. The other section of the bill will help a lot by eliminating so many deficiencies, which is important, too.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. JENSEN].

The question was taken; and on a division (demanded by Mr. JENSEN) there were—ayes 86, noes 79.

So the amendment was agreed to.

The Clerk read as follows:

Records of Congress

SEC. 140. (a) The Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed, acting jointly, to obtain at the close of each Congress all of the noncurrent records of the Congress and of each committee thereof and transfer them to the National Archives for preservation, subject to the orders of the Senate or the House, respectively.

(b) The Clerk of the House of Representatives is authorized and directed to collect all of the noncurrent records of the House of Representatives from the First to the Seventy-sixth Congress, inclusive, and transfer such records to the National Archives for preservation, subject to the orders of the Senate or the House, respectively.

Preservation of committee hearings

SEC. 141. The Librarian of the Library of Congress is authorized and directed to have bound at the end of each session of Congress the printed hearings of testimony taken by each committee of the Congress at the preceding session.

Effective date

SEC. 142. This title shall take effect on January 2, 1947; except that this section and sections 140 and 141 shall take effect on the date of enactment of this act.

TITLE II—MISCELLANEOUS

PART 1—STATUTORY PROVISIONS RELATING TO CONGRESSIONAL PERSONNEL

Stenographic pool

SEC. 201. The Secretary of the Senate and Clerk of the House of Representatives shall establish a stenographic pool in each of the Senate and House Office Buildings for the use of Members during peak periods when their existing clerical facilities are inadequate to their needs, and shall make its facilities available, within proper limits, to the Members of Congress, under such rules and regulations as they may prescribe.

Mr. WHITTINGTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTINGTON: On page 55, lines 6 to 14, inclusive, strike out section 201.

Mr. WHITTINGTON. Mr. Chairman, I shall detain the Committee but a moment, and only to say that I favor the general purposes of the pending bill and am supporting it. This bill contemplates a reduction in the number of committees, more adequate staffs, clerical assistance, and stenographic service for the committees. The section under consideration, section 201, provides that the Secretary of the Senate and the Clerk of the House shall establish a stenographic pool in the Senate and in the House Office Buildings that shall be available to Members of Congress in periods of peak work. My amendment would strike out that section. It is stated that the pool is needed in the Senate. I answer that if we strike it out here it will still be in conference. It is said that stenographic pools are used in the departments of the Government. I answer that if they are, they are used under the general direction of the chief of the department. My thought is that it will not be satisfactory for the Clerk of the House and the Secretary of the Senate to be the supervisors of the offices of 435 Members of the House and 96 Members of the Senate. This bill makes no change in the allowances for clerk hire to each Member of Congress. All are treated exactly alike. If this pool remains in the bill, there will be discrimination that will be irritating and that will lead to worse than confusion and to great dissatisfaction. For that reason, I have offered this amendment to strike out the section. I trust the Committee will adopt the amendment.

Mr. MICHENER. I quite agree with the gentleman.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from North Carolina.

Mr. COOLEY. How would the stenographers in the pool be compensated?

Mr. WHITTINGTON. I understand they would be hired and compensated by appropriations from the Federal Treasury, but I do not know what they would be doing while they were waiting around to be assigned to Members. At all events, I think that all Members of the House should be treated alike.

Mr. HOFFMAN of Michigan. How would you allocate them? That is what we want to know.

Mr. WHITTINGTON. I do not believe they could be allocated to all Members alike. There would be discrimination. I oppose the pool. I urge that the section be eliminated.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that all debate on this section close in 10 minutes, 2 minutes to be reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POAGE as a substitute for the amendment offered by Mr. WHITTINGTON:

On page 55, lines 7 and 8, strike out the words "and clerk of the House of Representatives."

In line 9 strike out the words "each of" and the words "and House."

In line 13, strike out the word "Congress" and insert the word "Senate."

Mr. POAGE. Mr. Chairman, I had prepared an amendment identical to the amendment offered by the gentleman from Mississippi. But on further consideration it seemed to me there was no occasion for the House taking it upon itself to legislate regarding the prerogatives of the other body. The only difference between the substitute and the amendment offered by the gentleman from Mississippi is simply that the substitute relates only to the prerogatives of this body and not to any other body.

Mr. WHITTINGTON. Will not that matter be better promoted by striking out this section, thus allowing the Senate section to remain and the matter could then be adjusted if it is still insisted on in conference?

Mr. POAGE. I do not think so, else I would have accepted the amendment offered by the gentleman from Mississippi. It is my opinion there is no occasion for us to do something that might be considered as an affront or lack of proper courtesy to the other body. I fully concur in the ideas of the gentleman from Mississippi that there is no occasion for this stenographic pool. I think it would be nothing but a source of irritation, annoyance, and trouble.

The proposal to reorganize many of the procedures and activities of the Congress is a worthy one. I am for it. Most of the Members of this House are for it. We want to wipe out useless committees and to make those which remain actually function. We want to provide the committees with adequate help to intelligently perform their duties. I believe this bill does that in a rather acceptable manner. But, important as committee work is, it falls far short of covering all of a Member's work.

Unless a Congressman has an adequate and efficient office staff, it becomes impossible to do any work satisfactorily. No Congressman is going to be able to do any outstanding work with regard to pending legislation if he knows that he is neglecteing fifty or a hundred letters about the OPA, housing, or the draft. Nor will he be able to give his best, either in the committee or on the floor, if he realizes that he has done nothing about the requests of dozens of veterans who each day ask for numerous contacts. In short, the work in our own offices is basic. This bill falls far short in caring for the ever-increasing load of individual office work—yet this work, particularly veterans' work—is sure to rapidly increase.

Originally it was suggested that each Member be given an executive assistant. Many Members do not like that name. That provision was stricken out. The only relief offered by this bill for your pressing office work is the creation of a stenographic pool. I do not believe that such a pool will be of any practical value. When one Member has extra work, most other Members are likely to have extra work. If the pool were large enough to provide help for all when it was needed, we might just as well assign extra help directly to each Member. In fact, this is the only way that the extra help will be at all efficient. I, therefore, ask that you adopt the substitute amendment and not offer gratuitous offense to anybody else. I ask you to abandon this stenographic pool.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield.

Mr. COOLEY. How will the pool be compensated? Will they be paid out of the general fund or will each Member have to pay for the services he gets?

Mr. POAGE. I assume it will be paid out of the general fund.

Mr. COOLEY. I agree with the gentleman that there is no reason for it.

Mr. POAGE. The bill is not clear on it and it seems to me we might as well wipe out that uncertainty.

If I can gain recognition, I shall follow this amendment with another to provide

an extra clerk at $5,000 per year for each Member. This clerk would in my office, and doubtless in most offices, find that veterans' matters would consume practically his full time.

I have fixed the sum at $5,000 per year simply because I feel that it is the absolute minimum for which we can expect to secure the help we so clearly need. I have also taken into consideration the fact that the bill provides an increase of $5,000 in congressional salaries. I propose, if recognized, at the proper time to offer an amendment to strike out all of the provisions relative to an increase in salary for the Members. In short, I propose that we forego any increase in our own salaries in an effort to contribute to the maintenance of economic stability. On the other hand, I suggest that we devote the same amount of money to providing our constituents with a better service from our offices. I could use the salary increase just as well as the next Member. My expenses have gone up just as have yours. I know that Congressmen have had no increase for more than 20 years, but I also know that our action on our own salaries will be taken as a basis for other wage and salary adjustments. I do not want to be responsible for setting off a new wave of inflation. I believe that the national interest should control. At the same time the provisions for an extra clerk would not profit the Members at all. It would not set a precedent for higher wages and higher prices. It would, however, help each Congressman to serve his people and would, I feel sure, aid in making each Member a better legislator.

The CHAIRMAN. The Chair recognizes the gentleman from Nebraska [Mr. STEFAN].

Mr. STEFAN. Mr. Chairman, I favor some reorganization of Congress in order to eventually bring about a balanced budget, but I cannot support this bill. I know that this is a rather unpopular position. This bill contains many provisions which in my opinion would eliminate overlapping work. There are provisions which would consolidate committees and save much time. There are provisions which would make better budgeting work. There are provisions which, in my opinion, would make better scrutiny of expenditures. But there are other provisions which do not belong in the bill. I feel that this bill should come to us with all of the provisions which would save the taxpayers' money and eliminate numerous committees which could be consolidated with others. But the retirement and salary-increase sections should be stricken out or brought up in some other bill and debated separately on their merits. It is one thing to say that we should streamline Congress in order to balance the budget and bring our legislative business up to date. But it is another thing when you put into the same bill two items which in my opinion would nullify the real purpose of the bill—mainly, balance the budget. I cannot see how you can start balancing the budget with this legislation when you include in it increase of salaries and also include retirement benefits. I fear, Mr. Chairman, this is just another addition to the salary-increase bills which have recently come before this House. I have not supported them all because they just add to inflation and merely build walls against any attempt to balance the budget. They just add to our tremendous public debt, which should be reduced instead of increased. The only place you can get this money is from the taxpayers, and their load is heavy enough.

This House recently passed a bill increasing the salaries of Federal employees. That added hundreds of millions of dollars annually to the taxpayers' burden. I did not support that measure. This House recently passed a bill increasing salaries of the Foreign Service. This bill gave $25,000 annually to some of these employees plus $25,000 a year for entertainment for each of them. I fought against this measure and voted against it. This House recently passed the British gift or loan which included $4,000,000,000. I opposed that measure because we do not have the money and because it was not a business loan. I felt it would add to our inflation. There was some other salary-increase legislation which I opposed for the same reasons. So I cannot consistently support this measure which will just add millions more toward our annual expenses.

What this Congress should do—and what I have been consistently trying to do for a long time is to stop this wild spending and cut down the number of Federal employees and cut down the number of these useless bureaus.

In spite of what some of us have been endeavoring to do toward cutting down the Federal pay roll; in spite of our continued demands for elimination of overlapping Federal work; in spite of our demands that the number of unnecessary employees be cut down, there are still about three million people on the Federal pay roll and demands are coming from them for still another wholesale increase in salary. At least 1,000,000 of these people should be eliminated at once. If that is done it would really be a contribution toward balancing the Budget and also a contribution toward putting some brakes on inflation.

Mr. MONRONEY. Mr. Chairman, this is not just a casual amendment that was dropped in here. It was placed in after testimony was given by the organization of your secretaries, men who have to handle the mail and the inquiries from constituents and problems that come to every congressional office.

One of the criticisms against giving ourselves additional clerk hire is always true, that with part of the Members at certain times they are completely overloaded and swamped with correspondence from their home districts, when down the hall perhaps four or five or six Members are sitting almost idly, or with very little correspondence.

We are trying to reach the situation of furnishing additional help where peak loads occur so that we will not have to give every single Member an additional secretary at $2,500 or $3,000 a year, but give it only in the places where it is needed.

I think it is good, sound business practice and I think the Congress can make good use of this. If the Congress is afraid it would not work, then we must say it will not work because we lack the business and administrative ability to make it work.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield.

Mr. HOFFMAN of Michigan. Does the gentleman not think there should be some provision in there that there should be no discrimination because of race, color, age, or sex, or something like that?

Mr. MONRONEY. I had hoped we would be able to keep this on a functional basis.

Mr. HOFFMAN of Michigan. That is what I was trying to do, because who would want to function with some of the secretaries they would hire?

Mr. MONRONEY. I believe when the Members use this for a year they will find it is a great help to them in carrying on their business, instead of adding to their offices extra clerks that they might not need most of the time.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

The question is on the perfecting amendment offered by the gentleman from Texas [Mr. POAGE].

The amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Mississippi [Mr. WHITTINGTON].

The question was taken; and on a division (demanded by Mr. WHITTINGTON) there were—ayes 141, noes 56.

So the amendment was agreed to.

The Clerk read as follows:

INCREASE IN COMPENSATION FOR CERTAIN CONGRESSIONAL OFFICERS

SEC. 202. (a) Effective January 1, 1947, the annual basic compensation of the elected officers of the Senate and the House of Representatives (not including the Presiding Officers of the two Houses) shall be increased by 50 percent; and the provisions of section 501 of the Federal Employees Pay Act of 1945, as amended by section 5 of the Federal Employees Pay Act of 1946, shall not be applicable to the compensation of said elected officers.

(b) There is hereby authorized to be appropriated annually for the "Office of the Vice President" the sum of $23,130; and there is hereby authorized to be appropriated annually for the "Office of the Speaker" the sum of $20,025.

(c) The Speaker, the majority leader, and the minority leader of the House of Representatives are each authorized to employ an administrative assistant, who shall receive basic compensation at a rate not to exceed $8,000 a year. There is hereby authorized to be appropriated such sums as may be necessary for the payment of such compensation.

Mr. POAGE. Mr. Chairman, I offer an amendment to section 202.

The Clerk read as follows:

Amendment offered by Mr. POAGE: On page 56, line 8, add a period and a new sentence to read as follows:

"Each Member of the House of Representatives is authorized to employ an extra clerk to assist on veterans' and other matters. He shall receive compensation at a rate not to exceed $5,000 a year."

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that all debate on this section close in 12 minutes, the last 2 minutes to be reserved to the committee.

Mr. JUDD. Mr. Chairman, reserving the right to object, will there be an opportunity to offer a substitute for the Poage amendment?

Mr. MONRONEY. I would think the Chair would recognize the gentleman to offer a substitute and recognize him for 5 minutes to be heard on the substitute. That would still leave 2 minutes to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. POAGE] is recognized.

Mr. POAGE. Mr. Chairman, this amendment is the one I mentioned a few moments ago to provide an additional clerk at $5,000 a year for each Representative. It seems to me that in no manner can this House do a better thing for the people we represent than to give ourselves the assistance necessary to perform the duties that are daily becoming heavier. It seems to me that only in that way can we hope for any opportunity for the Members to devote more serious attention to vital public legislation.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield.

Mr. MICHENER. As a matter of fact, the gentleman's amendment would restore the executive assistant that was stricken from the Senate bill at a lesser salary and under another name.

Mr. POAGE. I think that is probably a fair statement. I think it was the name that was given in the original bill that brought about a good deal of unjustified criticism because a great many people did not like the title. If you do not like the title we will call him something else, call him a clerk. Call him what you will. What I want is to get some work done in our offices and to leave the Members some opportunity to devote more time to truly legislative matters. What I want is somebody I can call on to handle some of the details of the office. What I want and what I believe you want is someone who can do the job for the people of your districts. I do not care what you call him, whether you call him a clerk or whether you call him a messenger. The title is insignificant. The work is the thing that is important, and the work is for the people of your districts. If you think this work is not going to increase next year all you have to do is to see the number of veterans' cases that are building up for you. If you think these veterans' cases do not require a man somewhat learned in that work, you just try turning these cases over to somebody out of a stenographic pool. If you think that you can satisfy the veterans of your district by turning over their cases which mean so much to them to some $1,800 a year stenographer, just try doing it. I think it is perfectly clear that you must be able to employ somebody with some judgment and some experience and some ability, and I do not think you can get such a person for less than $5,000 a year. It is for that reason I believe it is good for the people we represent. In other words, I am trying to see to it that instead of simply aiding the Members of Congress that this bill should aid the people we represent. Therefore, if I can secure recognition when we come to the section of Members' salaries, I shall offer an amendment to strike out the proposed $5,000 per year increase. I realize that the gentleman from Ohio, a Member of the Rules Committee, has given notice that he will claim recognition on this item and that if he does, I will have no opportunity to offer my amendment, but I am sure that in one way or another we will get a chance to vote to reduce our own salary, and in view of the present effect that this increase may have on our national economy, I feel that we should vote against an increase in our own salary, but that we should use the same money to provide a better service for the people.

Mr. JUDD. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Texas [Mr. POAGE].

The Clerk read as follows:

Substitute amendment offered by Mr. JUDD to the amendment of Mr. POAGE: On page 56, in line 8, insert the following: "Each Senator and Representative in Congress, Delegate from the Territories, and the Resident Commissioner from Puerto Rico is authorized to employ an administrative assistant whose duty it shall be to assist the Members in carrying out their departmental business and other duties in Washington. Each such administrative assistant shall receive compensation at a rate not to exceed $6,000 a year."

Mr. JUDD. Mr. Chairman, this substitute amendment is almost exactly the language that was in the bill passed by the Senate. There are only two changes. One is that I have specified that the administrative assistant must work "in Washington" because the objection was raised that some individuals conceivably might hire a man at $6,000, $7,000, or $8,000 a year—$8,000 was the original figure—to carry on political work in his own district; or that it might become just a patronage plum. That is not the purpose of the amendment, so I have modified it to read that it shall be the duty of the administrative assistant "to assist the Member in carrying out his departmental business and other duties in Washington." It would be permissible for the Member to send him to his district to investigate some problem, of course, but the primary obligation of the assistant would be to work not in the home district but in the Congressman's office in Washington. This should correct that objection by some.

The second change is that the basic compensation is reduced from a mandatory salary of $8,000 a year to "at a rate not to exceed $6,000 a year." A basic salary of $6,000 a year actually means $8,339.10. If you were to leave it at $8,000 as in the Senate bill, the individual would get $10,000, exactly the same salary a Congressman now gets. Eight thousand, three hundred and thirty-nine dollars and ten cents, it seems to me, is enough to get a top-notch assistant. Furthermore, I do not think the Member should be required to hire at the full amount or nothing. Probably one would not want to hire such an assistant at first at the full rate, without chance for increase. I would prefer to hire him at four or five thousand dollars base, and then raise him gradually to the full amount if and as he makes good.

Mr. Chairman, to me this is the single, most valuable part of the bill, from the standpoint of the Congressman's work. If the purpose of this bill is, as has been said, to save our time and to increase our efficiency, no single thing can do more toward that end than to enable us to get a capable high-grade individual who can do far more than clerical work. He can exercise initiative, prepare material for our use, and take responsibility, especially in handling matters with the executive departments, thereby freeing us for our primary responsibilities, namely, to study national problems and devise and enact wise legislation to deal with them.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Illinois.

Mr. MASON. I have such an administrative assistant now, only she gets $5,000 a year, not $6,000, and every Member of this House could have done the same if they wanted to.

Mrs. WOODHOUSE. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentlewoman from Connecticut.

Mrs. WOODHOUSE. Would the gentleman agree that this will greatly improve our legislation by giving Members of Congress the opportunity to do what is really their job, that is, to understand our economic problems?

Mr. JUDD. I certainly do. The gentlewoman I know had prepared a similar amendment and I am glad that she and many others approve. I hope everyone will agree.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Washington.

Mr. JACKSON. I want to compliment the gentleman for offering the amendment. I think it goes to the very heart of our problem here and that is to give the Members more opportunity to look after affairs on the floor of the House.

Mr. JUDD. I hope the Committee will accept the amendment, not for the sake of the Congressmen but for the sake of the country.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MONRONEY. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, the committee as you know considered very carefully the question of an administrative assistant. That was in the bill when it passed the Senate. In an effort to bring this bill to the floor of the House, as I told you before, it was necessary not only for the members of the special committee to consider this, but to take it up with the leadership on both sides of the aisle.

They have considered the bill as carefully as we have, and it was their considered, conscientious opinion that we should not vote ourselves an administrative assistant at this time.

They felt that the matter was being tried out in the other body. Being only 96 of them, they have a great deal more administrative work per Member than we have to do. There was no question that they had to have it in order to remain on the floor to consider legislation. I feel if this plan works in the other body that the House can later adopt it.

The difficulty is in trying to handle the unequal work load that districts have. If you could be sure that only the Members who absolutely have to have this assistant would take it, then I would say it would be a very fine thing for the House to adopt the amendment. But I am afraid that would not be the case.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from New York.

Mr. REED of New York. I can see where you would have just about one potential candidate for Congress for every Member of the House and you would have to spend more time in your district to keep him from defeating you.

Mr. MONRONEY. I do not agree with the gentleman at all. I would hate to believe that Members of Congress could not choose a secretary or an assistant who would be loyal to him.

But, gentlemen, I believe we have a definite obligation because of the help and the cooperation that the leadership gave us in getting this bill to the floor. It has been carefully considered by them, and I do hope that you will give due weight to their suggestions as we consider the adoption of these other two amendments.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. All time has expired.

The question is on the substitute amendment offered by the gentleman from Minnesota [Mr. JUDD] for the amendment offered by the gentleman from Texas [Mr. POAGE].

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. POAGE].

The question was taken; and on a division (demanded by Mr. POAGE) there were—ayes 32, noes 162.

So the amendment was rejected.

The Clerk read as follows:

COMMITTEE STAFFS

SEC. 203. (a) Each standing committee of the Senate and the House of Representatives (other than the Appropriations Committees) is authorized to appoint by a majority vote of the committee not more than four professional staff members in addition to the clerical staffs on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office; and said staff members shall be assigned to the chairman and ranking minority member of such committee as the committee may deem advisable. Each such committee is further authorized to terminate the services by a majority vote of the committee of any such professional staff member as it may see fit. Professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them.

(b) The Committee on Appropriations of each House and each subcommittee thereof is authorized to appoint by a majority vote of the committee not more than four professional staff members in addition to the clerical staff on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office; and said staff members shall be assigned to the chairman and ranking minority member of each Committee on Appropriations and each subcommittee thereof as the committee or subcommittee may deem advisable. Such committee or subcommittee is further authorized to discharge by a majority vote of the committee or subcommittee any such professional staff member as it may see fit. Professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them. In addition to other duties, such professional staff members shall aid the chairmen and ranking minority members in making careful studies of budget requests with a view to eliminating unnecessary expenditures.

(c) The clerical staff of each standing committee, which shall be appointed by a majority vote of the committee, shall consist of not more than six clerks, to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable; and the position of committee janitor is hereby abolished. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work.

(d) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the Congress and all members of the committee and the respective Houses shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee.

(c) The professional staff members of the standing committees shall receive annual compensation, to be fixed by the chairman, ranging from $6,000 to $8,000 and the clerical staff shall receive annual compensation ranging from $2,000 to $6,000.

(f) No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, as the case may be.

(g) No individual who is employed as a professional staff member of any committee as provided in this section shall be eligible for appointment to any office or position in the executive branch of the Government for a period of 1 year after he shall have ceased to be such a member.

Mr. CANNON of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CANNON of Missouri:

Page 57, line 1, in lieu of the matter inserted as subsection (b), insert the following:

"Subject to appropriations which it shall be in order to include in appropriation bills, the Committee on Appropriations of each House is authorized to appoint such staff, in addition to the clerk thereof and assistants for the minority, as each such committee, by a majority vote, shall determine to be necessary, such personnel, other than the minority assistants, to possess such qualifications as the committees respectively may prescribe, and the Committee on Appropriations of the House also is authorized to conduct studies and examinations of the organization and operation of any executive agency (including any agency the majority of the stock of which is owned by the Government of the United States) as it may deem necessary to assist it in connection with the determination of matters within its jurisdiction and in accordance with procedures authorized by the Committee by a majority vote, including the rights and powers conferred by House Resolution No. 50, adopted January 9, 1945."

Page 58, line 15, strike out "$6,000" and insert "$5,000."

Page 58, line 17, strike out "$6,000" and insert "$8,000."

Page 58, line 18, after "(f)", insert "Except as otherwise provided in this act."

Mr. CANNON of Missouri. Mr. Chairman, I have offered this series of amendments to section 203 after consultation with the gentleman in charge of the bill, the gentleman from Oklahoma [Mr. MONRONEY], and his colleague on the committee, the gentleman from Illinois [Mr. DIRKSEN], to whom they are satisfactory.

The first, offered as a complete substitute for the text of subsection (b), provides for the staffing of the Committees on Appropriations of the House and Senate, in accordance with needs as determined by those committees, and makes permanent provision for the investigative system of the House Committee on Appropriations, which the House heretofore has approved through the medium of House resolutions. This system has been in operation since March 1943, and has proven to be highly effective. It has resulted in the saving of millions of dollars. One of its features is its small cost incident to the employment of experts only when there is work to be done and their prompt dismissal when the work is concluded. We employ a chief investigator continuously, and he recruits experts in matters assigned to him for investigation as and when authorized by the committee.

Mr. MONRONEY. Mr. Chairman, will the gentleman agree to strike out the last item, on page 58, line 18? We will agree to the others without argument, but we cannot agree to that last one.

Mr. CANNON of Missouri. Mr. Chairman, I ask unanimous consent that the amendment be modified to exclude the last item.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri as modified.

The amendment was agreed to.

Mr. CANNON of Missouri. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. CANNON of Missouri: On page 59, after line 3, insert the following new subsection:

"(h) Notwithstanding the foregoing provisions—

"(1) The committee employees of the existing Committee on Appropriations of the Senate and of the existing Committee on Appropriations of the House of Representatives shall be continued on the rolls of the

respective appropriations committees established under title I of this act during the fiscal year 1947, unless sooner removed for cause.

"(2) Committee employees of all other existing standing committees of each House shall be continued on the pay rolls of the Senate and House of Representatives, respectively, through January 31, 1947, unless sooner removed for cause by the Secretary of the Senate or the Clerk of the House, as the case may be.

"(3) The appropriations for the compensation of committee employees of standing committees of the Senate and of the House of Representatives contained in the Legislative Branch Appropriation Act, 1947, shall be available for the compensation of employees specified in paragraph (2) of this subsection and of employees of the standing committees of the Senate and House of Representatives succeeding to the jurisdiction of the standing committees specified in such Appropriation Act; and in any case in which the legislative jurisdiction of any existing standing committee is transferred to two or more standing committees under title I of this act, the Committee on Rules and Administration of the Senate, with respect to standing committees of the Senate, and the Committee on House Administration, with respect to standing committees of the House, shall allocate such appropriations in an equitable manner."

On page 67, line 14, strike out "and (f)" and insert in lieu thereof "(f), and (h)."

Mr. CANNON of Missouri. Mr. Chairman, this is to continue in status quo the items carried in the annual appropriation bills as to standing committees, except those to be abolished, as to which special provision is made.

Mr. MONRONEY. Mr. Chairman, the committee agrees to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The amendment was agreed to.

The Clerk read as follows:

LEGISLATIVE REFERENCE SERVICE

SEC. 204. (a) The Librarian of Congress is authorized and directed to establish in the Library of Congress a separate department to be known as the Legislative Reference Service. It shall be the duty of the Legislative Reference Service—

(1) upon request, to advise and assist any committee of either House or any joint committee in the analysis, appraisal, and evaluation of legislative proposals pending before it, or of recommendations submitted to Congress, by the President or any executive agency, and otherwise to assist in furnishing a basis for the proper determination of measures before the committee;

(2) upon request, or upon its own initiative in anticipation of requests, to gather, classify, analyze, and make available, in translations, indexes, digests, compilations and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress, and committees and Members thereof, without partisan bias in selection or presentation;

(3) to prepare summaries and digests of public hearings before committees of the Congress, and of bills and resolutions of a public general nature introduced in either House.

(b) (1) A director and assistant director of the Legislative Reference Service and all other necessary personnel, shall be appointed by the Librarian of Congress without regard to the civil-service laws and without reference to political affiliations, solely on the ground of fitness to perform the duties of their office. The compensation of all employees shall be fixed in accordance with the provisions of the Classification Act of 1923, as amended: *Provided*, That the grade of senior specialists in each field enumerated in paragraph (2) of this subsection shall not be less than the highest grade in the executive branch of the Government to which research analysts and consultants without supervisory responsibility are currently assigned. All employees of the Legislative Reference Service shall be subject to the provisions of the civil-service retirement laws.

(2) The Librarian of Congress is further authorized to appoint in the Legislative Reference Service senior specialists in the following broad fields: Agriculture; American government and public administration; American public law; conservation; education; engineering and public works; full employment; housing; industrial organization and corporation finance; international affairs; international trade and economic geography; labor; mineral economics; money and banking; price economics; social welfare; taxation and fiscal policy; transportation and communications; and veterans' affairs. Such specialists, together with such other members of the staff as may be necessary, shall be available for special work with the appropriate committees of Congress for any of the purposes set out in section 204 (a) (1).

(c) There is hereby authorized to be appropriated for the work of the Legislative Reference Service the following sums: (1) For the fiscal year ending June 30, 1947, $550,000; (2) for the fiscal year ending June 30, 1948, $650,000; (3) for the fiscal year ending June 30, 1949, $750,000; and (4) for each fiscal year thereafter such sums as may be necessary to carry on the work of the Service.

OFFICE OF THE LEGISLATIVE COUNSEL

SEC. 205. There is hereby authorized to be appropriated for the work of the Office of the Legislative Counsel the following sums:

(1) For the fiscal year ending June 30, 1947, $150,000;

(2) For the fiscal year ending June 30, 1948, $200,000;

(3) For the fiscal year ending June 30, 1949, $250,000;

(4) For the fiscal year ending June 30, 1950, $250,000; and

(5) For each fiscal year thereafter such sums as may be necessary to carry on the work of the Office.

Miss SUMNER of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I will not be in politics any more and I have no personal interest in this matter, but we of the proletariat do not like this bill. I think it is a heads-I-win tails-you-lose proposition. You go to the country and you say, "What you do not like about what the Congress has been doing is all the fault of the way the Congress was run. It is not going to be run that way any more. From now on it is going to be economical, because we passed a law making Congress economical."

Then if the people believe it and you win, you come back and get $15,000 a year for 6 months' work, and that is all right providing it improves the breed, which it may not, probably will not, and at the same time means raising the salaries of bureaucrats inevitably. But if you get defeated in spite of all that, what happens? If you have been here 6 years, and most Members have, and in view of the legislation that has been passed they ought to come back—it seems they have passed laws to give anybody who has a vote something in the last 6 years—but if you are defeated and you have been here 6 years then you are put on a pension. It seems to me that is unfair to the people. I personally do not want to speak against it and I have nothing against it personally. I notice it is as difficult to separate Members from this bill as it is to separate a dog from a bone.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentlewoman yield?

Miss SUMNER of Illinois. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. As long as the gentlewoman is not coming back, it does not make any difference to her.

Miss SUMNER of Illinois. No; not to me personally, but as a taxpayer. I am a member of the so-called proletariat.

Mr. HOFFMAN of Michigan. I know the gentlewoman is, and a very capable one, and I expect to be some time. I only wish she had consented to stand for reelection. Under this bill I will have to bet that an old man like myself will live 4 years in order to get his money back.

Miss SUMNER of Illinois. The gentleman is smart; he will get along.

Mr. HOFFMAN of Michigan. I thank the lady. I do not expect to live that long but I do expect to be able to take care of myself as long as I live.

Miss SUMNER of Illinois. I will pay you a compliment. I think you are all smart enough to get along without that pension of $3,000 a year or whatever it is for a few years. It is a challenge to start out at that age and try to make good. After all, this ought to be the kind of a country where there is no place for a man of leisure. If we get too many people from the bureaucracy and the Congress—and this bill just makes the Congress a sort of bureaucracy, and we seem to be heading in that direction—if we get too many people spending all their active life in politics and then the balance of their days on a pension, it certainly is not America. It is just too much like Russia or Germany or whatever you call it, the kind of a state where the government owns and controls everything and everybody and the rest of us poor worms have to pay for it.

Mr. EBERHARTER. Mr. Chairman, will the gentlewoman yield?

Miss SUMNER of Illinois. I yield.

Mr. EBERHARTER. You see this pension is only to go to those who have reached 62 years of age and, of course, many think a man or woman is not of very much use in a business sense after that age, generally speaking, and that is when the pension is payable.

Miss SUMNER of Illinois. Well, after all, what is wrong with 62 years of age? It has always been the case in government that the wise men were the old men. You remember what Plato said in the Republic that the old men were the ones with wisdom and experience. I, for one, if this bill would bring such a thing about, am not for any bill that would root out the gentleman from North Carolina [Mr. DOUGHTON]. I think he is worth 100 of the young fry. It ought to be a suspicious circumstance to you that the big drive for this bill has come from the same people and the same magazines and the editors who were for all this legislation that has caused the disintegration of the Government and of the Congress.

The Clerk read as follows:

Studies by Comptroller General

SEC. 206. The Comptroller General is authorized and directed to make a full and complete study of restrictions placed in general appropriation acts limiting the expenditure of specified appropriations therein, with a view to determining the cost to the Government incident to complying with such restrictions, and to report to the Congress his estimate of the cost of complying with such restrictions and such other recommendations with respect thereto as he deems necessary or desirable.

Expenditure analysis by Comptroller General

SEC. 207. The Comptroller General is authorized and directed to make an expenditure analysis of each agency in the executive branch of the Government (including Government corporations), which, in the opinion of the Comptroller General, will enable Congress to determine whether public funds have been economically and efficiently administered and expended. Reports on such analyses shall be submitted by the Comptroller General, from time to time, to the Committees on Expenditures in the Executive Departments, to the Appropriations Committees, and to the legislative committees having jurisdiction over legislation relating to the operations of the respective agencies, of the two Houses.

Correction of military and naval records

SEC. 208. The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury with respect to the Coast Guard, respectively, under procedures set up by them, and acting through boards of civilian officers or employees of their respective departments, are authorized to correct any military or naval record where in their judgment such action is necessary to correct an error or to remove an injustice.

PART 2—STATUTORY PROVISIONS RELATING TO COMMITTEES OF CONGRESS

Improvement of Congressional Record

SEC. 221. The Joint Committee on Printing is authorized and directed to provide for printing in the daily RECORD the legislative program for the day, together with a list of congressional committee meetings and hearings, and the place of meeting and subject matter and to cause a brief résumé of congressional activities for the previous day to be incorporated in the RECORD, together with an index of its contents. Such data shall be prepared under the supervision of the Secretary of the Senate and the Clerk of the House of Representatives, respectively.

Joint Committee on Printing

SEC. 222. Section 1 of the act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895 (28 Stat. 601), is amended to read as follows: "That there shall be a Joint Committee on Printing, consisting of the chairman and two members of the Committee on Rules and Administration of the Senate and the chairman and two members of the Committee on House Administration of the House of Representatives, who shall have the powers hereinafter stated."

Joint Committee on the Library

SEC. 223. The Joint Committee of Congress on the Library shall hereafter consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House of Representatives.

Transfer of functions

SEC. 224. The functions, powers, and duties imposed by statute, resolution, or rule of either House of Congress on the effective date of this section on a standing committee of the Senate or the House of Representatives (or the chairman thereof) are, insofar as they are consistent with this act, hereby transferred to that standing committee created by this act (or the chairman thereof) to which is transferred the legislative jurisdiction over the subject matter to which such functions, powers, and duties relate; except that the respective chairmen of the Committees on Civil Service of the two Houses created by this act shall be members of the National Archives Council.

Joint Committee on the Economic Report

SEC. 225. Section 5 (b) (3) (relating to the time for filing the report of the Joint Committee on the Economic Report) of the Employment Act of 1946 is amended by striking out "May 1" and inserting in lieu thereof "February 1."

Economic report of the President

SEC. 226. Section 3 (a) (relating to the time for filing the economic report of the President) of the Employment Act of 1946 is amended by striking out "within 60 days after the beginning of each regular session" and inserting in lieu thereof "at the beginning of each regular session."

PART 3—PROVISIONS RELATING TO CAPITOL AND PAGES

Remodeling of caucus rooms and restaurants

SEC. 241. The Architect of the Capitol is authorized and directed to prepare plans and submit them to Congress at the earliest practicable date for the remodeling (a) of the caucus rooms in the Senate and House Office Buildings to provide improved acoustics and seating facilities and for the presentation of motion picture or other visual displays on matters of national interest; and (b) of the Senate and House restaurants to provide for more convenient dining facilities.

Assignment of Capitol space

SEC. 242. The President pro tempore of the Senate and the Speaker of the House of Representatives shall cause a survey to be made of available space within the Capitol which could be utilized for joint committee meetings, meetings of conference committees, and other meetings, requiring the attendance of both Senators and Members of the House of Representatives; and shall recommend the reassignment of such space to accommodate such meetings.

Senate and House pages

SEC. 243. (a) The Secretary of the Senate and the clerk of the House of Representatives, acting jointly, are authorized and directed to enter into an arrangement with the Board of Education of the District of Columbia for the education of congressional pages and pages of the Supreme Court in the public-school system of the District. Such arrangement shall include provision for reimbursement to the District of Columbia for any additional expenses incurred by the public-school system of the District in carrying out such arrangement.

(b) There are hereby authorized to be appropriated such sums as may be necessary to reimburse the District of Columbia in accordance with the arrangement referred to in subsection (a).

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, said page or pages may elect to attend a private or parochial school of their own choice: *Provided, however,* That such private or parochial school shall be reimbursed by the Senate and House of Representatives only in the same amount as would be paid if the page or pages were attending a public school under the provisions of paragraphs (a) and (b) of this section.

Mr. MONRONEY. Mr. Chairman, I offer a committee amendment on page 67, line 10.

The Clerk read as follows:

Amendment offered by Mr. MONRONEY: On page 67, line 10, insert:

"SEC. 244. All necessary funds required to carry out the provisions of this act by the Secretary of the Senate and the Clerk of the House are hereby authorized to be appropriated, and the Secretary of the Senate and the Clerk of the House are hereby further authorized to employ such administrative assistants as may be necessary in order to carry out the provisions of this act, under their respective jurisdictions."

Mr. MONRONEY. Mr. Chairman, this simply authorizes the Secretary of the Senate and the Clerk of the House to carry out the provisions of this act.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Effective date

SEC. 244. This title shall take effect on the date of its enactment; except that sections 203 (a), (b), (c), (e), and (f), 222, 223, 224, and 243 shall take effect on the day on which the Eightieth Congress convenes.

TITLE III—REGULATION OF LOBBYING ACT

Short title

SEC. 301. This title may be cited as the "Federal Regulation of Lobbying Act."

Definitions

SEC. 302. When used in this title—

(a) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(b) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(d) The term "Clerk" means the Clerk of the House of Representatives of the United States.

(e) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House.

Detailed accounts of contributions

SEC. 303. (a) It shall be the duty of every person who shall in any manner solicit or receive a contribution to any organization or fund for the purposes hereinafter designated to keep a detailed and exact account of—

(1) all contributions of any amount or of any value whatsoever;

(2) the name and address of every person making any such contribution of $500 or more and the date thereof;

(3) all expenditures made by or on behalf of such organization or fund; and

(4) the name and address of every person to whom any such expenditure is made and the date thereof.

(b) It shall be the duty of such person to obtain and keep a receipted bill, stating the particulars, for every expenditure of such funds exceeding $10 in amount, and to preserve all receipted bills and accounts required to be kept by this section for a period of at least 2 years from the date of the filing of the statement containing such items.

Receipts for contributions

SEC. 304. Every individual who receives a contribution of $500 or more for any of the purposes hereinafter designated shall within 5 days after receipt thereof render to the person or organization for which such contribution was received a detailed account

thereof, including the name and address of the person making such contribution and the date on which received.

Statements to be filed with clerk of House

SEC. 305. (a) Every person receiving any contributions or expending any money for the purposes designated in subparagraph (a), (b), or (c) of section 307 shall file with the Clerk between the first and tenth day of each calendar quarter, a statement containing complete as of the day next preceding the date of filing—

(1) the name and address of each person who has made a contribution of $500 or more not mentioned in the preceding report; except that the first report filed pursuant to this title shall contain the name and address of each person who has made any contribution of $500 or more to such person since the effective date of this title;

(2) the total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (1);

(3) the total sum of all contributions made to or for such person during the calendar year;

(4) the name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of $10 or more has been made by or on behalf of such person, and the amount, date, and purpose of such expenditure;

(5) the total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under paragraph (4);

(6) the total sum of expenditures made by or on behalf of such person during the calendar year.

(b) The statements required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

Statement preserved for 2 years

SEC. 306. A statement required by this title to be filed with the Clerk—

(a) shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk of the House of Representatives of the United States, Washington, D. C., but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk of its nonreceipt;

(b) shall be preserved by the Clerk for a period of 2 years from the date of filing, shall constitute part of the public records of his office, and shall be open to public inspection.

Persons to whom applicable

SEC. 307. The provisions of this title shall apply to any person (except a political committee as defined in the Federal Corrupt Practices Act, and duly organized State or local committees of a political party), who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

(a) The passage or defeat of any legislation by the Congress of the United States.

(b) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I reluctantly trespass on the patience of the Committee at this late hour, but I thought I should do so because the antilobbying title is quite an important title and there has been some concern about it in certain quarters.

This has been examined by a good many organizations to see whether or not it would be actually restrictive. As a matter of fact, a number of suggestions were made to the committee and those suggestions were carefully considered. Later on, some of the organizations which suggested amendatory language thought it was just as well not to have it included.

The gist of the antilobbying provision is contained in section 307. What this is designed to do is to bring about registration, and a statement of receipts and expenditures on the part of a person who is employed for the principal purpose of accomplishing two things. First, the passage or defeat of any legislation by the Congress of the United States; the second is to influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States.

The question has been raised as to whether or not an organization that pays a man to be vigilant upon legislation here would have to schedule all of their assets and all of their receipts and probably file a very long administrative record with the Clerk of the House. That is certainly not the intent of the committee. There are some clarifying sections and some exclusions which you will find in section 308. I thought some word should be addressed to that point at this time.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. VORYS of Ohio. Is not this the situation, that the definition of "person," which includes both a person, association, or corporation, makes it perfectly clear that while an association might not be principally engaged in that work and would therefore not have to make a report, its employee who was principally engaged in that kind of work would have to make a full report?

Mr. DIRKSEN. That was my own conception of what is intended.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. CURTIS. Would the representative of a chamber of commerce or a manufacturers' association or the farm bureau or labor union have to register? They are created for broad general purposes.

Mr. DIRKSEN. If he comes here and appears before committees, you will find excluding language on page 73, which says the provisions of this section shall not apply to any person who merely appears before a committee of the Congress of the United States in support of or in opposition to legislation. I raised the question whether or not if the representative of an industry in my area came down here and appeared before a committee and then went back home and struck off some mimeographed data or appeared on the radio in support of or opposition to legislation, it could be inferred that he was a lobbyist within the meaning of this title. There was some additional language as that bill left the Senate. If he went home and in furtherance of that activity carries on any kind of endeavor then he would come within the purview of the section. That language has been stricken out.

What we are trying to do here is to reach those whose principal purpose, not incidental purpose, but whose principal purpose is to come here and endeavor to influence the passage of legislation either by bringing about its defeat or its enactment.

Mr. CURTIS. What is the situation in reference to the executive department of the Government lobbying?

Mr. DIRKSEN. With reference to the Government lobby, as the gentleman refers to it, there is a provision here that that shall not apply to an official of the Government who comes here in his official capacity. Certainly if they are going to send a lot of folks up here who do not come in their official capacity we are going to find it out quickly and we know what to do with them through the instrumentality of an appropriation bill.

Mr. CURTIS. Just one more question: The lobbying that takes place at the present time is not approaching the Congress directly but it is radio appeals that causes thousands if not millions of people to contact their Congressmen or somebody else in connection with the Government. What does this bill do to reach that situation?

Mr. DIRKSEN. If it is anywhere in the country and the principal purpose is to bring about the influencing of legislation then the person would come within the purview of this legislation.

Now at this point, I want to insert the comment contained in the House report on this title so that it may have wide circulation and come to the attention of those who are particularly interested in this title:

TITLE III—REGULATION OF LOBBYING ACT

This title deals with a subject that has frequently been before the Congress, in the form of bills to regulate lobbying activities. In order that there may be no misunderstanding of the purposes of this title it is desirable to make a statement as to what the title does and what it does not do. There follow some of the things that the title does not do:

First. It does not curtail the right of free speech or freedom of the press or the right of petition.

Second. It has no application to the publishers of newspapers, magazines, or other publications, acting in the regular course of business.

Third. It has no application to persons who merely appear, openly and frankly, before the committees of Congress.

Fourth. It does not require any reports of any persons or organizations now required to report under the provisions of the present Corrupt Practices Act.

Fifth. It does not apply in any manner to persons who appear voluntarily without compensation.

Sixth. It does not apply to organizations formed for other purposes whose efforts to influence legislation are merely incidental to the purposes for which formed.

On the other hand the title applies chiefly to three distinct classes of so-called lobbyists:

First. Those who do not visit the Capitol but initiate propaganda from all over the country in the form of letters and telegrams, many of which have been based entirely upon misinformation as to facts. This class of per-

sons and organizations will be required under the title, not to cease or curtail their activities in any respect, but merely to disclose the sources of their collections and the methods in which they are disbursed.

Second. The second class of lobbyists are those who are employed to come to the Capitol under the false impression that they exert some powerful influence over Members of Congress. These individuals spend their time in Washington presumably exerting some mysterious influence with respect to the legislation in which their employers are interested. The title in no wise prohibits or curtails their activities. It merely requires that they shall register and disclose the sources and purposes of their employment and the amount of their compensation.

Third. There is a third class of entirely honest and respectable representatives of business, professional, and philanthropic organizations who come to Washington openly and frankly to express their views for or against legislation, many of whom serve a useful and perfectly legitimate purpose in expressing the views and interpretations of their employers with respect to legislation which concerns them. They will likewise be required to register and state their compensation and the sources of their employment.

Section 301. Short title: This section provides a short title, namely, the "Federal Regulation of Lobbying Act."

Section 302. Definitions: This section contains definitions and for convenience of reference the definitions of "contribution," "expenditure," and "legislation" are included herein as follows:

"(a) The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

"(b) The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

"(e) The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House."

Section 303. Detailed accounts of contributions: This section makes it the duty of every person soliciting or receiving contributions (as defined above) to any organization or fund for the purposes defined in section 307 (post) to keep a detailed and exact account of all contributions; the name and address of every person making a contribution of $500 or more and the date thereof; all expenditures made by or on behalf of the organization or fund; and the name and address of every person to whom any expenditure was made, and the date thereof. It is further made the duty of such person to keep receipted bills for expenditures in excess of $10, and to preserve the receipted bills and accounts required to be kept for at least 2 years from the date of filing of the statement containing such items.

Section 304. Receipts for contributions: This section requires every individual who receives a contribution of $500 or more for the purposes specified in section 307 (post) within 5 days after receipt, to render to the person or organization for which it was received a detailed account thereof, including the name and address of the person making the contribution and the date on which received.

Section 305. Statements to be filed with Clerk of House: This section requires every person receiving any contributions or expending any money for the purposes specified in section 307 (post) to file with the Clerk of the House a statement showing the names and addresses of persons contributing $500 or more; the total sum of the contributions made to or for such person during the calendar year and not stated under the foregoing requirement; the total sum of all contributions made to or for such person during the calendar year; the name and address of each person to whom an expenditure of $10 or more has been made within the calendar year by or on behalf of such person and the amount, date, and purpose of such expenditure; the total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under the foregoing requirement, and the total expenditures made by or on behalf of such person during the calendar year. Statements required to be filed hereunder shall be cumulative during the calendar year to which they relate.

Section 306. Statement preserved for 2 years: Statements required to be filed with the Clerk must be preserved for a period of 2 years from the date of filing, shall constitute part of the public records of his office, and shall be open to public inspection.

Section 307. Persons to whom applicable: This section defines the application of the title and includes any person who by himself or through any agent or employee or other person in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any one of the following purposes:

(a) The passage or defeat of any legislation by the Congress of the United States. It will be noted in this connection that under the definition set forth above "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House and includes any other matter which may be the subject of action by either House.

(b) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress.

Section 308. Registration with Secretary of Senate and Clerk of House: This section requires any person who engages himself for pay or for any consideration, for the purpose of attempting to influence the passage or defeat of legislation, to register with the Clerk of the House and the Secretary of the Senate giving full details of his employment, and to report each calendar quarter details concerning money received and expended by him during the preceding calendar quarter in carrying on his work. There are excepted from the provisions of this section persons who merely appear before committees in support of or in opposition to legislation; public officials acting in their official capacity; and newspapers and periodicals acting in the regular course of business. All information required to be filed with the Clerk and Secretary shall be compiled by them, acting jointly, and printed in the CONGRESSIONAL RECORD.

Section 309. Reports and statements to be made under oath: This section requires all reports and statements to be made under oath.

Section 310. Penalties: This section makes it a misdemeanor to violate any of the provisions of the title and provides punishment by fine of not more than $5,000 or imprisonment for not more than 12 months, or both. In addition to these penalties any person convicted of the misdemeanor specified above is prohibited for a period of 3 years from attempting to influence directly or indirectly the passage or defeat of any proposed legislation or from appearing before a committee of the Congress in support of or in opposition to proposed legislation; and any person who violates this provision is guilty of a felony and subject to punishment by a fine of not more than $10,000 or imprisonment for not more than 5 years, or both.

Section 311. Exemption: This section provides that the title shall not apply to practices or activities regulated by the Federal Corrupt Practices Act nor be construed as repealing any portion of said act.

Now, Mr. Chairman, by way of further clarification, I want to follow with that portion of the Senate report accompanying this bill, which deals with the lobbying title.

It should prove helpful in a determination of those cases and persons to whom the title does not apply and then specifies three broad groups who would be required to comply with its provisions.

TITLE III—REGULATION OF LOBBYING ACT

This title deals with a subject that has frequently been before the Congress, in the form of bills to regulate lobbying activities. In order that there may be no misunderstanding of the purposes of this title the committee desires to make a statement as to what the title does and what it does not do. There follow some of the things that the title does not do:

First. It does not curtail the right of free speech or freedom of the press or the right of petition.

Second. It has no application to the publishers of newspapers, magazines, or other publications, acting in the regular course of business.

Third. It has no application to persons who appear openly and frankly before the committees of Congress and engage in no other activities to influence legislation.

Fourth. It does not require any reports of any persons or organizations now required to report under the provisions of the present Corrupt Practices Act.

Fifth. It does not apply in any manner to persons who appear voluntarily without compensation.

Sixth. It does not apply to organizations formed for other purposes whose efforts to influence legislation are merely incidental to the purposes for which formed.

On the other hand the title applies chiefly to three distinct classes of so-called lobbyists:

First. Those who do not visit the Capitol but initiate propaganda from all over the country in the form of letters and telegrams, many of which have been based entirely upon misinformation as to facts. This class of persons and organizations will be required under the title, not to cease or curtail their activities in any respect, but merely to disclose the sources of their collections and the methods in which they are disbursed.

Second. The second class of lobbyists are those who are employed to come to the Capitol under the false impression that they exert some powerful influence over Members of Congress. These individuals spend their time in Washington presumably exerting some mysterious influence with respect to the legislation in which their employers are interested, but carefully conceal from Members of Congress whom they happen to contact the purpose of their presence. The title in no wise prohibits or curtails their activities. It merely requires that they shall register and disclose the sources and purposes of their employment and the amount of their compensation.

Third. There is a third class of entirely honest and respectable representatives of business, professional, and philanthropic organizations who come to Washington openly and frankly to express their views for or against legislation, many of whom serve a useful and perfectly legitimate purpose in expressing the views and interpretations of their employers with respect to legislation which concerns them. They will likewise be required to register and state their compensation and the sources of their employment.

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"(b) The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

* * * * *

"(e)) The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House."

Section 303. Detailed accounts of contributions: This section makes it the duty of every person soliciting or receiving contributions (as defined above) to any organization or fund for the purposes defined in section 307 (post) to keep a detailed and exact account of all contributions; the name and address of every person making a contribution of $500 or more, and the date thereof; all expenditures made by or on behalf of the organization or fund; and the name and address of every person to whom any expenditure was made, and the date thereof. It is further made the duty of such person to keep receipted bills for expenditures in excess of $10, and to preserve the receipted bills and accounts required to be kept for at least 2 years from the date of filing of the statement containing such items.

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Section 307. Persons to whom applicable: This section defines the application of the title and includes any person who by himself or through any agent or employee or other person in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any one of the following purposes: (a) The passage or defeat of any legislation by the Congress of the United States. It will be noted in this connection that under the definition set forth above "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House and includes any other matter which may be the subject of action by either House. (b) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress.

(c) To influence, directly or indirectly, the election or defeat of any candidate for any elective Federal office.

SEC. 308. Registration with Secretary of Senate and Clerk of House: This section requires any person who engages himself for pay or for any consideration, for the purpose of attempting to influence the passage or defeat of legislation, to register with the Clerk of the House and the Secretary of the Senate, giving full details of his employment, and to report each calendar quarter details concerning money received and expended by him during the preceding calendar quarter in carrying on his work. There are excepted from the provisions of this section persons who merely appear before committees in support of or in opposition to legislation but who engage in no further or other activities in connection with the passage or defeat of such legislation, public officials acting in their official capacity, and newspapers and periodicals acting in the regular course of business. All information required to be filed with the Clerk and Secretary shall be compiled by them, acting jointly, and printed in the CONGRESSIONAL RECORD.

SEC. 309. Reports and statements to be made under oath: This section requires all reports and statements to be made under oath.

SEC. 310. Penalties: This section makes it a misdemeanor to violate any of the provisions of the title and provides punishment by fine of not more than $5,000 or imprisonment for not more than 12 months, or both. In addition to these penalties any person convicted of the misdemeanor specified above is prohibited for a period of 3 years from attempting to influence directly or indirectly the passage or defeat of any proposed legislation or from appearing before a committee of the Congress in support of or in opposition to proposed legislation; and any person who violates this provision is guilty of a felony and subject to punishment by a fine of not more than $10,000 or imprisonment for not more than 5 years, or both.

SEC. 311. Exemption: This section provides that the title shall not apply to practices or activities regulated by the Federal Corrupt Practices Act nor be construed as repealing any portion of said act.

I believe I can say for members of the committee that we have no desire to restrict in the slightest way the right of a citizen to petition his Government for a redress of grievances by urging the passage or defeat of legislation that might be prejudicial or harmful or adverse to his interests. It is not the desire of the committee to place upon any citizen a brand that is sometimes regarded as sinister. Nor is it the intent of the committee to cause undue inconvenience or hardship for bona fide organizations who must necessarily keep in close touch with all varieties of legislation because of the impact of such legislation upon their legitimate activities. After all, government having moved so deeply into the whole business, economic, and social field that the many fine organizations which represent various economic interests would be almost remiss in their obligations if they failed to keep abreast of developments in the legislative field.

But where men are engaged and paid for the primary and principal purpose of encompassing the defeat or enactment of legislation it is not asking too much that such persons register and file a statement. Many States have such acts upon the statute books today and these do not appear to have imposed undue hardships on any person, group, or organization.

Note particularly the language in section 308. It says:

> Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation * * *.

That I believe is the key to this title.

Mr. VURSELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, with the centralization of government which has grown up in the past number of years, it is almost necessary for organizations like the Grange and the Farm Bureau Federation to have their representatives here practically all the time to try to keep them apprised as to legislation affecting millions of farmers throughout the Nation.

I am not in favor of corrupt lobbyists, yet at the same time when you bring about a condition where all of the activities controlling the Government of this country and the industry of this country is lodged here in Washington, if you estop the people of this country from being able to come down here in decent form and under the Constitution petition this Congress you are doing a great disservice to this country and you are playing right into the hands of those people who are trying to subvert the better purposes of government, the radio commentators who have been trying to destroy the confidence of the people in representative government by berating the Members of Congress. I do not know what the answer to this is but I do not want to exclude the right of the people to petition, guaranteed to them in the Constitution of this country, and bring about a condition that will deprive them of their constitutional rights.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. Mr. Chairman, I move that all debate on this section do now close.

The motion was agreed to.

The Clerk read as follows:

Registration with Secretary of the Senate and Clerk of the House

SEC. 308. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Congress of the United States shall, before doing anything in furtherance of such object, register with the Clerk of the House of Representatives and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be

paid, how much he is to be paid for expenses, and what expenses are to be included. Each such person so registering shall between the first and tenth day of each calendar quarter, so long as his activity continues, file with the Clerk and Secretary a detailed report under oath of all money received and expended by him during the preceding calendar quarter in carrying on his work; to whom paid; for what purpose; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Congress of the United States in support of or in opposition to legislation; nor to any public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical (including any individual who owns, publishes, or is employed by any such newspaper or periodical) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Congress of the United States in support of or in opposition to such legislation.

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

Miss SUMNER of Illinois. Mr. Chairman, I move to strike out the last word to make a few comments on the subject of lobbyists.

Mr. Chairman, in my opinion, we are violating the Constitution. It is directly implied in the Constitution that we have no right to intimidate people or to make any effort to intimidate them so that they cannot petition the Congress. What is this but intimidation? It is the same sort of curb you put on enemy agents during the war. Registration—do you remember? It is the same curb you put on enemy agents during the war.

Mr. Chairman, this is not intended to prevent corruption. It would be very simple to put in here language providing for a heavy fine or a heavy jail sentence for anyone who tried to bribe or who offered a job to a Congressman or indulged in any of the ways that are known as corrupt. If that were the intention it would be the easiest thing in the world to insert language in this section. You can see what this is.

How have the damaging bills that have come through this Congress heretofore been brought up? They have been brought here by a group of financiers in New York who see somebody down here in the bureaucracy and start these things like Bretton Woods, the British loan, and all of these other things that are unconstitutional. The bureaucracy sees all these CIO's, women's clubs, business groups, and so forth, and lines them up; then day after day we are bombarded with letters. We have seen that in the committees. Of course, they do not register because everybody knows they are around and that they are influencing legislation.

What does this bill do? It says that if the man whose business is going to be taken by the OPA or the Bretton Woods agreement or the British loan or some of the rest of this iniquitous legislation hires a lawyer, the lawyer has to register exactly the same as an enemy agent registered during the war.

Mr. Chairman, the people are going to soon rise up and stop this totalitarian way into which this Government has fallen recently.

The CHAIRMAN. The time of the gentlewoman from Illinois has expired.

The Clerk read as follows:

Reports and statements to be made under oath

SEC. 309. All reports and statements required under this title shall be made under oath, before an officer authorized by law to administer oaths.

Penalties

SEC. 310. (a) Any person who violates any of the provisions of this title, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than $5,000 or imprisonment for not more than 12 months, or by both such fine and imprisonment.

(b) In addition to the penalties provided for in subsection (a), any person convicted of the misdemeanor specified therein is prohibited, for a period of 3 years from the date of such conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Congress in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine of not more than $10,000, or imprisonment for not more than 5 years, or by both such fine and imprisonment.

Exemption

SEC. 311. The provisions of this title shall not apply to practices or activities regulated by the Federal Corrupt Practices Act nor be construed as repealing any portion of said Federal Corrupt Practices Act.

TITLE IV—FEDERAL TORT CLAIMS ACT

PART 1—SHORT TITLE AND DEFINITIONS

Short title

SEC. 401. This title may be cited as the "Federal Tort Claims Act."

Mr. FOLGER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am very glad to see this part of the bill, but there is one situation I desire to call to the attention of the chairman of the special committee as well as the gentleman from Illinois [Mr. DIRKSEN]. There are a good many claims that have been investigated by Government authority and have been approved by the Committee on Claims. We had a call of bills on the Private Calendar this morning. The one I was especially interested in has passed, so far as that is concerned, but there are some that have not.

Yet the Government has gone to great expense in investigating these claims. They have sent certain members of the War Department, in cases of tort, to different parts of the country. Many cases have been decided. They have reported some favorably and on others acted unfavorably. If this act takes effect as of the date of its enactment, as it does do, and if these claims are not disposed of, you have to drive these people back into the courts, and you have lost all the expense that the Government has gone to. It seems to me that there ought to be some method by which the claims that have at least been favorably acted upon by the committee should not be covered by the provision, having to go back into the court and over the whole thing again and, if there is cost to be added, the Government will have to pay the cost if the claimants succeed in these suits.

What I am getting at is this: It does seem to me that there ought to be an amendment that this provision should not apply to claims or bills that have been filed and favorably acted upon by the Committee on Claims. We have a great many cases now in that situation. Some have been there for a year and a half before the Army ever got around to it, and they spent a good deal of time investigating whether these claims were just or not. They finally made their report to the Claims Committee, and the Claims Committee heard the evidence and approved it, and it passed the House this morning, but it is not by the Senate. There might be a race between the two.

The rest of it relates to further claims that may be on the calendar or in committee. There are some statutes of limitation put in here, too, that might interfere. I do not think the bill ought to apply to claims that have been favorably reported.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, as the gentlewoman from Illinois was speaking, I felt that I agreed with her very heartily. I know the Members of Congress join me in being very glad that the amputees have felt that they were welcome in the Congress to plead the cause that they ought not to have to plead, but it is their Capitol; it is their country; the country that they were wounded for. I know Members have made them welcome.

Mr. Chairman, there has been brought to my attention a fact that I am loath to believe and I cannot believe, because it is no laughing matter, that the request of amputees who have been to see their Congressmen on Capitol Hill has been ridiculed. They have asked for legislation to provide an automobile as a means of locomotion to make up for their lost mobility. Several Members introduced bills for that purpose. They felt their idea sound and would serve a useful and greatly needed purpose.

I know that 176 or more Members signed the petition to bring that bill out of committee. With more names pledged I know that some of the members of our Committee on World War Veterans' Legislation have been working very hard to bring out a bill from that committee. In order to aid them other Members have worked tirelessly on the floor. Also Members on the subcommittee worked very hard to perfect a bill.

I would like to tell the House that one of the amputees is Sergeant Andrew Martin, of Long Island. He was in the Army 6 years and 10 months and had not had a furlough. He got a 45-day furlough from Walter Reed Hospital,

through the kindness of the commanding officer, General Beach, and on December 21, this last Christmas, he went to the Union Station to take the 2 o'clock train. Sergeant Martin was knocked down and trampled and finally rescued and taken back to Walter Reed when, after 6 months he was again able to travel and finally got his first furlough after 7 years and 4 months. You remember how the newspapers of the Nation and the world were filled with the story of how Sergeant Martin was trampled at the Union Station in the Nation's Capital.

I hope you will join me in voting to give these amputees anything they need, and if that be a new automobile, I am for it. Certainly they deserve it in order to prevent them from being trampled and knocked down and injured. They have suffered too much already. The chairman of the World War Veterans' Committee promised me to hold another meeting.

The Clerk read as follows:

Definitions

SEC. 402. As used in this title, the term—

(a) "Federal agency" includes the executive departments and independent establishments of the United States, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the United States, whether or not authorized to sue and be sued in their own names: *Provided*, That this shall not be construed to include any contractor with the United States.

(b) "Employee of the Government" includes officers or employees of any Federal agency, members of the military or naval forces of the United States, and persons acting on behalf of a Federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation.

(c) "Acting within the scope of his office or employment," in the case of a member of the military or naval forces of the United States, means acting in line of duty.

PART 2—ADMINISTRATIVE ADJUSTMENT OF TORT CLAIMS AGAINST THE UNITED STATES

Claims of $1,000 or less

SEC. 403. (a) Subject to the limitations of this title, authority is hereby conferred upon the head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, to consider, ascertain, adjust, determine, and settle any claim against the United States for money only, accruing on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death, where the total amount of the claim does not exceed $1,000, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred.

(b) Subject to the provisions of part 3 of this title, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud, notwithstanding any other provision of law to the contrary.

(c) Any award made to any claimant pursuant to this section, and any award, compromise, or settlement of any claim cognizable under this title made by the Attorney General pursuant to section 413, shall be paid by the head of the Federal agency concerned out of appropriations that may be made therefor, which appropriations are hereby authorized.

(d) The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

Reports

SEC. 404. The head of each Federal agency shall annually make a report to the Congress of all claims paid by such Federal agency under this part. Such report shall include the name of each claimant, a statement of the amount claimed and the amount awarded, and a brief description of the claim.

PART 3—SUITS ON TORT CLAIMS AGAINST THE UNITED STATES

Jurisdiction

SEC. 410. (a) Subject to the provisions of this title, the United States district court for the district wherein the plaintiff is resident or wherein the act or omission complained of occurred, including the United States district courts for the Territories and possessions of the United States, sitting without a jury, shall have exclusive jurisdiction to hear, determine, and render judgment on any claim against the United States, for money only, accruing on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred. Subject to the provisions of this title, the United States shall be liable in respect of such claims to the same claimants, in the same manner, and to the same extent as a private individual under like circumstances, except that the United States shall not be liable for interest prior to judgment, or for punitive damages. Costs shall be allowed in all courts to the successful claimant to the same extent as if the United States were a private litigant, except that such costs shall not include attorneys' fees.

(b) The judgment in such an action shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the Government whose act or omission gave rise to the claim. No suit shall be instituted pursuant to this section upon a claim presented to any Federal agency pursuant to part 2 of this title unless such Federal agency has made final disposition of the claim: *Provided*, That the claimant may, upon 15 days' notice given in writing, withdraw the claim from consideration of the Federal agency and commence suit thereon pursuant to this section: *Provided further*, That as to any claim so disposed of or so withdrawn, no suit shall be instituted pursuant to this section for any sum in excess of the amount of the claim presented to the Federal agency, except where the increased amount of the claim is shown to be based upon newly discovered evidence not reasonably discoverable at the time of presentation of the claim to the Federal agency or upon evidence of intervening facts, relating to the amount of the claim. Disposition of any claim made pursuant to part 2 of this title shall not be competent evidence of liability or amount of damages in proceedings on such claim pursuant to this section.

Mr. SCRIVNER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, before addressing my remarks to this particular section to ask a question, I think it should be stated in all fairness that I am quite sure in answer to the statement by the gentlewoman from Massachusetts that not a single one of these disabled American veterans has ever been ridiculed for his attempts to procure legislation by any Member of Congress. I will say further that the Committee on World War Veterans' Legislation has been giving this subject a great deal of serious consideration, and that this committee is the best friend the disabled veterans of this country have.

Mr. Chairman, as a member of the Committee on Claims, I for one have no objection whatsoever to this legislation taking away part of its duties. The Members of Congress may be aware of the fact that almost half the bills introduced in this House are private bills. May I ask whether or not any consideration was given to limiting the amount of awards that may be made by the Federal courts in various types of cases?

Mr. MONRONEY. In this bill we are placing jurisdiction in the Federal courts to determine the amount of the awards.

Mr. SCRIVNER. The reason I asked the question is this. As the gentleman well knows, the Committee on Claims has for a number of years followed the practice of limiting the amounts in death cases to $5,000, and other types of cases are likewise limited. If I read this language correctly, the recovery will be against the Government just exactly as against the private individual. I say frankly that you are opening the doors of the Treasury in all of these suits, and thousands of them will be filed every year. In all fairness to the Nation and to the taxpayers of the Nation there should be some limitation on the amounts to be recovered in these actions, and no one knows that better than the objectors on both sides of the aisle. Without such limitation I cannot support this measure.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. SCRIVNER. I yield to the gentleman from Indiana, one of the objectors.

Mr. SPRINGER. The provision is also contained in section 410 that these trials must be had before the district court without a jury. What is the gentleman's thought on that subject?

Mr. SCRIVNER. There are advantages in trial before the court without a jury, namely, that the cases can be much more expeditiously handled than they can in the case of a jury trial. There is another advantage in that quite often, inasmuch as the Government is the defendant and the money comes out of the Treasury, the juries will decide cases with their hearts rather than their heads, just as they do when an insurance company is the defendant, so the awards in jury trials would probably be much larger, in view of the sympathy the jurors might have, than they would be in trials before the court. If these cases are to be tried by the Federal courts, they should be court trials rather than jury trials, in my opinion.

Mr. MONRONEY. The committee discussed putting a limitation on these

awards, and one of the reasons such a limitation was not adopted is that we might be setting a pattern for making larger awards on claims. If we put a $25,000 limitation in the bill, we would be inviting such awards rather than limiting them.

Mr. SCRIVNER. Yes; but we have had that limitation in the Committee on Claims on private bills during all these years. The danger is not that you will do that but that you will open up the floodgates for inroads on the Federal Treasury by unlimited judgments, which might run as high as $50,000, $75,000, or $100,000.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. SCRIVNER. I yield.

Mr. CELLER. I am glad the gentleman makes that statement because the Committee on the Judiciary has already approved my bill which provides for the settlement of Federal tort claims in the district courts and we have placed a limitation upon judgments in the district courts of $10,000.

Mr. SCRIVNER. I think such a limitation should be in this bill, and if the House were in a mood to consider amendments, which it has shown it is not, I would offer an amendment to limit the amount of recovery.

The Clerk read as follows:

Procedure

SEC. 411. In actions under this part, the forms of process, writs, pleadings, and motions, and the practice and procedure, shall be in accordance with the rules promulgated by the Supreme Court pursuant to the act of June 19, 1934 (48 Stat. 1064); and the same provisions for counterclaim and set-off, for interest upon judgments, and for payment of judgments, shall be applicable as in cases brought in the United States district courts under the act of March 3, 1887 (24 Stat. 505).

Review

SEC. 412. (a) Final judgments in the district courts in cases under this part shall be subject to review by appeal—

(1) in the circuit courts of appeals in the same manner and to the same extent as other judgments of the district courts; or

(2) in the Court of Claims of the United States: *Provided*, That the notice of appeal filed in the district court under rule 73 of the Rules of Civil Procedure shall have affixed thereto the written consent on behalf of all the appellees that the appeal be taken to the Court of Claims of the United States. Such appeals to the Court of Claims of the United States shall be taken within 3 months after the entry of the judgment of the district court, and shall be governed by the rules relating to appeals from a district court to a circuit court of appeals adopted by the Supreme Court pursuant to the act of June 19, 1934 (48 Stat. 1064). In such appeals the Court of Claims of the United States shall have the same powers and duties as those conferred on a circuit court of appeals in respect to appeals under section 4 of the act of February 13, 1925 (43 Stat. 939).

(b) Sections 239 and 240 of the Judicial Code, as amended, shall apply to cases under this part in the circuit courts of appeals and in the Court of Claims of the United States to the same extent as to cases in a circuit court of appeals therein referred to.

Compromise

SEC. 413. With a view to doing substantial justice, the Attorney General is authorized to arbitrate, compromise, or settle any claim cognizable under this part, after the institution of any suit thereon, with the approval of the court in which such suit is pending.

PART 4—PROVISIONS COMMON TO PART 2 AND PART 3

One-year statute of limitations

SEC. 420. Every claim against the United States cognizable under this title shall be forever barred, unless within 1 year after such claim accrued or within 1 year after the date of enactment of this act, whichever is later, it is presented in writing to the Federal agency out of whose activities it arises, if such claim is for a sum not exceeding $1,000; or unless within 1 year after such claim accrued or within 1 year after the date of enactment of this act, whichever is later, an action is begun pursuant to part 3 of this title. In the event that a claim for a sum not exceeding $1,000 is presented to a Federal agency as aforesaid, the time to institute a suit pursuant to part 3 of this title shall be extended for a period of 6 months from the date of mailing of notice to the claimant by such Federal agency as to the final disposition of the claim or from the date of withdrawal of the claim from such Federal agency pursuant to section 410 of this title, if it would otherwise expire before the end of such period.

Exceptions

SEC. 421. The provisions of this title shall not apply to—

(a) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(c) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

(d) Any claim for which a remedy is provided by the act of March 9, 1920 (U. S. C., title 46, secs. 741–752, inclusive), or the act of March 3, 1925 (U. S. C., title 46, secs. 781–790, inclusive), relating to claims or suits in admiralty against the United States.

(e) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of the Trading with the Enemy Act, as amended.

(f) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

(g) Any claim arising from injury to vessels, or to the cargo, crew, or passengers of vessels, while passing through the locks of the Panama Canal or while in Canal Zone waters.

(h) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(i) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system.

(j) Any claim arising out of the activities of the military or naval forces, or the Coast Guard, during time of war.

(k) Any claim arising in a foreign country.

(l) Any claim arising from the activities of the Tennessee Valley Authority.

Mr. MONRONEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MONRONEY: On page 84, line 1, before the word "activities" insert the word "combatant."

The amendment was agreed to.

The Clerk read as follows:

Attorneys' fees

SEC. 422. The court rendering a judgment for the plaintiff pursuant to part 3 of this title, or the head of the Federal agency or his designee making an award pursuant to part 2 of this title, or the Attorney General making a disposition pursuant to section 413 of this title, as the case may be, may, as a part of the judgment, award, or settlement, determine and allow reasonable attorney's fees, which, if the recovery is $500 or more, shall not exceed 10 percent of the amount recovered under part 2, or 20 percent of the amount recovered under part 3, to be paid out of but not in addition to the amount of judgment, award, or settlement recovered, to the attorneys representing the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be subject to a fine of not more than $2,000 or imprisonment for not more than 1 year, or both.

Exclusiveness of remedy

SEC. 423. From and after the date of enactment of this act, the authority of any Federal agency to sue and be sued in its own name shall not be construed to authorize suits against such Federal agency on claims which are cognizable under part 3 of this title, and the remedies provided by this title in such cases shall be exclusive.

Certain statutes inapplicable

SEC. 424. (a) All provisions of law authorizing any Federal agency to consider, ascertain, adjust or determine claims on account of damage to or loss of property, or on account of personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, are hereby repealed in respect of claims cognizable under part 2 of this title and accruing on and after January 1, 1945, including, but without limitation, the provisions granting such authorization now contained in the following laws:

Public Law No. 375, Sixty-seventh Congress, approved December 28, 1922 (42 Stat. 1066; U. S. C., title 31, secs. 215–217).

Public Law No. 267, Sixty-sixth Congress, approved June 5, 1920 (41 Stat. 1054; U. S. C., title 33, sec. 853).

Public Law No. 481, Seventy-fourth Congress, approved March 20, 1936 (49 Stat. 1184; U. S. C., title 31, sec. 224b).

Public Law No. 112, as amended, Seventy-eighth Congress, approved July 3, 1943 (57 Stat. 372; U. S. C., title 31, secs. 223b, 223c, and 223d).

Public Law No. 182, as amended, Sixty-fifth Congress, approved July 1, 1918 (40 Stat. 705; U. S. C., title 34, sec. 600).

Section 4 of Public Law No. 18, Sixty-seventh Congress, approved June 16, 1921 (42 Stat. 63), as amended by Public Law No. 456, Seventy-third Congress, approved June 22, 1934 (48 Stat. 1207; U. S. C., title 31, sec. 224c).

(b) Nothing contained herein shall be deemed to repeal any provision of law authorizing any Federal agency to consider, ascertain, adjust, settle, determine, or pay any claim on account of damage to or loss of property or on account of personal injury or death, in cases in which such damage, loss,

injury, or death was not caused by any negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, or any other claim not cognizable under part 2 of this title.

TITLE V—GENERAL BRIDGE ACT

Short title

SEC. 501. This title may be cited as the "General Bridge Act of 1946."

Mr. LEA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEA: Beginning at the top of page 87, strike all of title 5: General Bridge Act.

Mr. LEA. Mr. Chairman, the effect of this amendment if adopted would be to leave the granting of permits for bridges over navigable streams as the situation stands at present. I would not ask the Committee of the Whole of the House to consider this matter from the standpoint of the Committee on Interstate and Foreign Commerce which has jurisdiction of the subject. If there is any reason why the law should be left as it is, the reason is that Members of Congress may have the benefit of securing bridge permits through the committee of Congress instead of going to the War Department for that purpose. Every Member of Congress realizes there are two distinct lines of work of the Members of the House. One is as to their legislative duties and the other is a very important part of a Congressman's work, and that is contact with the executive departments of the Government. Whether we like it or not, in the last 40 or 50 years there has been an accumulation of Federal activities that frequently bring the Members of Congress in contact with the departments of Government. Whether you adopt the provisions that are in this bill or stay with the existing law, that responsibility will rest upon the Members very much as it is now so far as securing bridge permits for their district is concerned. This year, for instance, there have been over 100 Members of Congress who have come to the Committee on Interstate and Foreign Commerce to handle these measures. We have found frequently that it has been a great advantage to Members of the House to have this body to which they can apply in securing permits for their districts.

We feel it is probably true that our committee can be of service to the Members of this House, that justifies retaining jurisdiction where it is.

I will be followed by our colleague, the gentleman from Kentucky [Mr. CHAPMAN], who for a great many years has had charge of this work as chairman of the subcommittee. I think he will give you substantial reasons why the House might determine it would be to the advantage of the Membership of the House and to the country if this jurisdiction should be maintained in the Interstate and Foreign Commerce Committee.

The CHAIRMAN. The time of the gentleman from California [Mr. LEA] has expired.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that all debate on this section close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CHAPMAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as the distinguished chairman of the Committee on Interstate and Foreign Commerce has said, this amendment was introduced not to preserve the jurisdiction of a committee but to safeguard the proper functions of the Congress.

This is another of the constantly recurring attempts to induce the Congress to abdicate its power and prerogative to the executive branch of the Government. It is a proposal that Members of Congress surrender their rights in the enactment of bridge bills at the behest of the War Department. Such proposals have been sent more than once by the War Department to the Committee on Interstate and Foreign Commerce in the form of bills. No action has ever been taken in favor of such a proposal, and no one has ever been found to introduce such a bill.

We took the position that no officer in the War Department knows as much about the need for a bridge, its proper location, its relation to the highway system, its financing, and its feasibility as does the Member of Congress from that district. A city, a county, a State—sometimes two cities, counties, or States—desire construction of a bridge. They would rather secure the authority through their Congressman than through some bureaucrat in the War Department. The Congressman takes justifiable pride in piloting a bridge bill through for the benefit of his constituents. It is an important bill to them; frequently to that constituency it is the most important bill pending in Congress. The Congressman knows local conditions. He and members of the committee having jurisdiction speak the same language and understand one another's problems. No Member of Congress desiring to expedite the construction of a needed bridge with a sound financial structure has ever failed to receive sympathetic and cordial cooperation from the Committee on Interstate and Foreign Commerce. Within the last few days, on the eve of adjournment, several Members have introduced bridge bills and have received favorable reports. I wonder if they would not prefer to continue to bring their bills to a committee of their colleagues rather than depend on the caprices of some autocratic bureaucrat, who was not elected by the people, and has no feeling of responsibility to the people.

The Congress, through the years, has authorized a fine system of bridges as a part of the highway system. We have practically eliminated private toll bridges, which would be revived if this title should become law. We have eliminated many privately owned ferries, dangerous bottlenecks to modern highway traffic. We authorize free bridges and publicly owned toll bridges, which, at the expiration of a reasonable amortization period, become free bridges—just as free to traffic as any other part of the highway. This bill would fix a definite amortization period of 20 years. That is the usual period, but we have found situations in which it was necessary in the public interest to establish a different period of amortization. The bridge program will be more satisfactory if left to the discretion of the Congress than if placed in a bureaucratic strait-jacket.

If this title becomes a law the Member of Congress will have no part in authorizing a bridge in his district; but woe unto the highway commissioner, the mayor, city councilman, the county judge, or member of the fiscal court, who fails to obey implicitly every rule and order promulgated by some major or captain in the War Department who will hold the power of life or death over the desire of a city, county, or State for a bridge, because failure to comply with any order or specific condition imposed by the Secretary of War or Chief of Engineers—and that means the functionary or martinet in charge of the bridge bureau—will be punishable by a fine not to exceed $5,000, or by imprisonment for not more than a year, or both.

The enactment of bridge bills has never clogged the legislative machinery; it has never slowed the legislative processes. Bridge bills have been handled expeditiously and efficiently and, I believe, to the satisfaction of the Congress and the country. Beginning with the Seventieth Congress, 112 who are now Members of the House have introduced bridge bills which have been reported by the committee and passed by the House. There has never been the slightest degree of partisanship in reporting bridge bills. No Member can say that he has ever failed to receive fair and courteous treatment by that committee.

Scores of Members have bridges in their respective districts that are pointed out by their constituents as monuments to the public service of the Congressman who introduced the bills that authorized their construction.

Not only has there been a constantly increasing tendency to concentrate power in the Federal Government at the expense of the local governments, but the executive department has continued to encroach upon numerous prerogatives of the legislative department. Even worse than the arrogation of power by the executive department is the abdication by Congress of its rights and the abandonment of its obligations.

* * * * *

We witness the shameful, pitiful spectacle of the Congress of the United States, clothed by the Constitution with all legislative power, invested with all legislative responsibility, year after year, in session after session, bowing more and more obsequiously to the dictates of a bureaucratic clerk.

* * * * *

Unless we stop drifting as we have been drifting, and are drifting now, representative government will be undermined and destroyed, and on its ruins will rise an autocratic, arrogant, paternalistic, centralized bureaucracy. Then constitutional government will be dead. Let us get back to the principles of the fathers, maintain this Government as an "indissoluble Union of indestructible States," as a "government of laws and not of men," preserve the separation of powers under a dual form of government, and restore the equipoise which, as the result of executive usurpation and legislative abdication, has been destroyed.

Those words which I uttered in this Chamber May 18, 1928, were true then.

They are truer now. Let us stop this supine surrender of legislative prerogatives; this shameless abdication of legislative responsibility.

The bridge program will be more satisfactory if left to the discretion and judgment of Congress than if placed in a bureaucratic strait-jacket.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. DIRKSEN. Mr. Chairman, I am quite confident every Member of the House who may be interested in the construction of a bridge across a navigable stream would be genuinely delighted to enjoy the fellowship of the Committee on Interstate and Foreign Commerce, but this was the most ingenious argument I have ever heard for striking out a title of this bill. It was for all practical purposes nothing more than an argument to preserve the little opportunity for the Member of Congress to enjoy the fellowship that goes along with presenting a bridge bill before the Committee on Interstate and Foreign Commerce.

You could introduce a thousand bills, you could fill this Chamber with bills and never get a bridge until after the War Department had explored every engineering aspect of it. It has got to go there anyway, it has to have the approval of the War Department engineers, so why have the Consent Calendar of this House cluttered from one year's end to the other with a hundred bridge bills when the work has to be done by the War Department engineers?

I hope that the amendment offered by the gentleman from California will be voted down by a resounding vote.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from New York who has had a great deal to do with this bridge business.

Mr. WADSWORTH. I used to be on the bridge subcommittee of the Committee on Interstate and Foreign Commerce; and it was a nuisance.

Mr. DIRKSEN. Did you hear that? The gentleman was a member of the subcommittee on Interstate and Foreign Commerce dealing with bridges; and the distinguished gentleman from New York says it is a nuisance.

Now let us eliminate this nuisance by voting down this amendment by a good vote.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The Clerk read as follows:

Consent of Congress

SEC. 502. (a) The consent of Congress is hereby granted for the construction, maintenance, and operation of bridges and approaches thereto over the navigable waters of the United States, in accordance with the provisions of this title.

(b) The location and plans for such bridges shall be approved by the Chief of Engineers and the Secretary of War before construction is commenced, and, in approving the location and plans of any bridge, they may impose any specific conditions relating to the maintenance and operation of the structure which they may deem necessary in the interest of public navigation, and the conditions so imposed shall have the force of law.

(c) Notwithstanding the provisions of subsections (a) and (b), it shall be unlawful to construct or commence the construction of any privately owned highway toll bridge until the location and plans thereof shall also have been submitted to and approved by the highway department or departments of the State or States in which the bridge and its approaches are situated; and where such bridge shall be between two or more States and the highway departments thereof shall be unable to agree upon the location and plans therefor, or if they, or either of them, shall fail or refuse to act upon the location and plans submitted, such location and plans then shall be submitted to the Public Roads Administration and, if approved by the Public Roads Administration, approval by the highway departments shall not be required.

Tolls

SEC. 503. If tolls shall be charged for the transit over any interstate bridge of engines, cars, streetcars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

Acquisition by public agencies

SEC. 504. After the completion of any interstate toll bridge constructed by an individual, firm, or corporation, as determined by the Secretary of War, either of the States in which the bridge is located, or any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property for public purposes by condemnation or expropriation. If at any time after the expiration of 5 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual costs of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 percent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

Statements of cost

SEC. 505. Within 90 days after the completion of a privately owned interstate toll bridge, the owner shall file with the Secretary of War and with the highway departments of the States in which the bridge is located, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of a highway department shall, at any time within 3 years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said individual, firm, or corporation, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 504 of this title, subject only to review in a court of equity for fraud or gross mistake.

Sinking fund

SEC. 506. If tolls are charged for the use of an interstate bridge constructed or taken over or acquired by a State or States or by any municipality or other political subdivision or public agency thereof, under the provisions of this title, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of constructing or acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Applicability of title

SEC. 507. The provisions of this title shall apply only to bridges over navigable waters of the United States, the construction of which is hereafter approved under the provisions of this title; and the provisions of the first proviso of section 9 of the act of March 3, 1899 (30 Stat. 1151; U. S. C., title 33, sec. 401), and the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, shall not apply to such bridges.

International bridges

SEC. 508. This title shall not be construed to authorize the construction of any bridge which will connect the United States, or any Territory or possession of the United States, with any foreign country.

Eminent domain

SEC. 509. There are hereby conferred upon any individual, his heirs, legal representatives, or assigns, any firm or corporation, its successors or assigns, or any State, political subdivision, or municipality authorized in accordance with the provisions of this title to build a bridge between two or more States, all such rights and powers to enter upon lands and acquire, condemn, occupy, possess, and use real estate and other property in the respective States needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Penalties

SEC. 510. Any person who fails or refuses to comply with any lawful order of the Secretary of War or the Chief of Engineers issued under the provisions of this title, or who fails to comply with any specific condition imposed by the Chief of Engineers and the Secretary of War relating to the maintenance and operation of bridges, or who refuses to produce books, papers, or documents in obedience to a subpena or other lawful requirement under this title, or who otherwise

violates any provisions of this title, shall, upon conviction thereof, be punished by a fine of not to exceed $5,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

Rights reserved

SEC. 511. The right to alter, amend, or repeal this title is hereby expressly reserved as to any and all bridges which may be built under authority hereof.

TITLE VI—COMPENSATION AND RETIREMENT PAY OF MEMBERS OF CONGRESS

Compensation of Members of Congress

SEC. 601. (a) Effective on the day on which the Eightieth Congress convenes, the compensation of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Puerto Rico shall be at the rate of $15,000 per annum each; and the compensation of the Speaker of the House of Representatives and the Vice President of the United States shall be at the rate of $20,000 per annum each.

(b) The sentence contained in the Legislative Branch Appropriation Act, 1946, which reads as follows: "There shall be paid to each Representative and Delegate, and to the Resident Commissioner from Puerto Rico, after January 2, 1945, an expense allowance of $2,500 per annum to assist in defraying expenses related to or resulting from the discharge of his official duties, to be paid in equal monthly installments.", is hereby repealed, effective on the day on which the Eightieth Congress convenes.

(c) The sentence contained in the Legislative Branch Appropriation Act, 1947, which reads as follows: "There shall be paid to each Senator after January 1, 1946, an expense allowance of $2,500 per annum to assist in defraying expenses related to or resulting from the discharge of his official duties, to be paid in equal monthly installments.", is hereby repealed, effective on the day on which the Eightieth Congress convenes.

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Ohio: In line 18, page 93, after the word "of", strike out "$15,000" and insert in lieu thereof "$12,500."

Beginning with line 22 on page 93 strike out all of the following matter up to and including line 13 on page 94 and insert in lieu thereof the following:

"(b) Effective on the day on which the Eightieth Congress convenes there shall be paid to each Senator, Representative in Congress, Delegate from the Territories, Resident Commissioner from Puerto Rico, an expense allowance of $2,500 per annum to assist in defraying expenses relating to, or resulting from, the discharge of his official duties, for which no tax liability shall incur, or accounting be made. Such sum to be paid in equal monthly installments.

"(c) The sentence contained in the Legislative Branch Appropriation Act, 1946, which reads as follows: 'There shall be paid to each Representative and Delegate, and to the Resident Commissioner from Puerto Rico, after January 2, 1945, an expense allowance of $2,500 per annum to assist in defraying expenses related to, or resulting from, the discharge of his official duties, to be paid in equal monthly installments.', is hereby repealed, effective on the day on which the Eightieth Congress convenes.

"(d) The sentence contained in the Legislative Branch Appropriation Act, 1947, which reads as follows: 'There shall be paid to each Senator after January 1, 1946, an expense allowance of $2,500 per annum to assist in defraying expenses related to, or resulting from, the discharge of his official duties, to be paid in equal monthly installments.', is hereby repealed, effective on the day on which the Eightieth Congress convenes."

Mr. BROWN of Ohio. Mr. Chairman, earlier today when I first read this amendment that I said I would introduce at this time, the amount of annual salary for Members of Congress in the amendment was fixed at $12,000 and the expense account at $3,000. Since that time, however, I have had a number of conferences with different Members of the House and, as a result, we have arrived at a compromise arrangement which will reduce the salary as given in the bill from $15,000 to $12,500 per year for each Member of the House and Senate and will provide that the expense allowance shall remain as it has been for the past 2 or 3 years, namely, $2,500 per year, with this single exception: The amendment does fix without any question the fact that the expense allowance shall be tax-free; in other words, that there shall be no tax liability incurring on this particular expense allowance, or accounting made thereon.

That is done for the reason that every expense allowance made in business or industry or in a profession is a deductible item for tax purposes. There is no question about that. But there is a question under the internal-revenue laws of the United States with reference to the tax-allowance arrangement we now have as the result of a section of a bill recently passed. There is a question as to whether or not a Member of Congress has the right to claim and to obtain an exemption for the money that he actually expends in the conduct of his work, his official work as a Member of Congress, because it has been held in some cases that a Member of Congress is not engaged in a business or a profession, therefore he cannot claim a deduction as a business expense or as a professional expense. So we fixed that very firmly in this amendment.

I want to call attention to one other thing, and I especially would like to get the attention of the Speaker and of the minority leader, that in my amendment I do not reduce in any way the salaries fixed for the Speaker of the House or the Vice President of the United States. I think they are worthy of receiving $25,000 each, and I am glad that the committee put that provision in the bill.

We have debated this question. I think everyone understands it. I think this is the direct and the honest and the honorable way to do this thing. I do not believe that anyone can contend that a Member of Congress is not entitled to a reasonable expense allowance, just as every other public official in the United States is given a reasonable expense allowance. This money is to be spent, of course, on official business, and there is no Member of Congress worthy of his salt that does not spend more than $2,500 a year in transacting the affairs of his constituents and the public business of the United States. I think we are being honest not only with the public but with ourselves. The reason I offered this amendment is because the bill provided that you would receive $15,000 salary, out of which you pay your own expenses on official business, and there is no other public official in the country, and I know of none in private business, that is required to pay his expenses on official business out of his own pocket.

Therefore, I hope this amendment will be adopted.

Mr. MONRONEY. Mr. Chairman, I rise in opposition to the amendment.

Members of the Committee, let us understand just exactly what we are doing. We are talking about $15,000 that will come to every Member of the House and Senate, and whether we should go about it by saying $15,000 is our salary, or $12,500 plus $2,500 for expenses, is a matter for the House to determine, but I believe that every Member of the House and Senate should realize that the board of directors of the Federal Government cannot continue to get men of the ability needed to face the problems that we face today at far below the going rate in business or industry or in other lines. Government service will not keep a man here if he is losing money. I had occasion to investigate the amounts of time that Members of Congress have spent on the job. Since 1925, when the congressional salary was raised from $7,500 to $10,000, until 1938, the Congress spent 47.4 percent of the time in those years on the job in Washington. Since 1938 until 1946 we have spent 94 percent of the time on the job in Washington; just almost exactly double the amount of time.

You can also consider with this the cost-of-living increase, which in all of these statistics, considering the much higher Washington living costs, does come up to about the 50-percent increase that we are considering at this time—either in the committee bill or in the amendment.

You can consider the Federal pay increase we have granted almost all other Federal employees, which approaches and almost equals, since 1925, 50 percent.

So I think if you measure it on any index and on the average weekly earnings of workers in industry, it might be interesting, because that has been the yardstick. Since 1925, it has increased 76.9 percent up to the present time.

So I believe if we are honest with the people we will say that it should require the payment of $15,000 to keep the type of men that Congress must have on the job. I do not mean to say that you cannot get 435 men to sit in the House for $10,000, or for $8,000, or for $5,000, or for $4,000. But government, like everybody else, is going to get just exactly what it pays for, and year after year you are going to see your top men dropping out, men that we can ill afford to lose, and go into other types of business.

Neither of these provisions, either the committee bill nor the Brown amendment, apply to Members of this Congress. The people themselves will decide in the November elections just who will receive this increased pay. We do have the responsibility of placing the salary on the job which will be held by the people who the people select to represent them.

Congress must make this decision, for there is no other agency which can set the salary of Members of Congress. I wish there could be a separate board or some other means to relieve us of this onerous task.

But if you are aiming at a stronger Congress, and we are in this bill, then I feel you must consider whether the salary will be great enough to keep your best men in Congress—and attract the best men in the district to seek the job.

Although I differ, I have no quarrel with the amendment offered by the gentleman from Ohio [Mr. BROWN]. I feel that the committee recommendation saying that it is a $15,000 job is a clean-cut statement, on top of the table, it is direct, it makes it a fixed sum for the job, and it hires the Congressman for a definite salary for the year.

I do not like the $2,500 expense allowance because I think every Member within range of my voice knows that the $2,500 does not come within a fraction of paying the additional expense that it costs to sit in this body.

I do not want to have it go out to my constituents and the people of this country that I am receiving $12,500 net with all expenses paid. I believe that is our principal difference. I believe the Congress would stand in a far better light to say that it is a $15,000-a-year job and that we are paying that definite and certain amount.

On the deductibility, I believe the approach that is being made by the committee in an amendment to be offered by the gentleman from Massachusetts [Mr. MCCORMACK] is a correct one.

It would put a Member of Congress in exactly the same position as a businessman coming to Washington. It would reverse, by the amendment the gentleman from Massachusetts will offer, an old Tax Court decision that holds for some reason, I know not what, that our place of residence for Federal income-tax purposes is in Washington.

Does any Member think he could come here and serve his district in Washington and not retain a residence in his home district? I am sure you realize that no Member could do that. So this amendment will be offered by the gentleman from Massachusetts [Mr. MCCORMACK] to permit income-tax deductibility for one of the duplicating residences that a Congressman must maintain. He can deduct only then up to $2,500 a year for this. The matter is in your hands. I feel it is a more straightforward step to say it is a $15,000-a-year job rather than to adopt the Brown amendment.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. BUCK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUCK: On page 93, line 13, strike out section 601, paragraphs (a) and (b).

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. BUCK. I yield to the gentleman from Texas.

Mr. POAGE. This amendment is word for word the amendment I intended to offer. I shall support the gentleman's amendment, and shall not offer my amendment.

Mr. O'NEAL. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. O'NEAL. It is my understanding that the language in the bill has been amended. The amendment offered by the gentleman from New York is to strike out the original language, which has been amended. Therefore, the language of the amendment is not in proper form.

The CHAIRMAN. The amendment is to strike out the section as amended. The point of order is overruled.

Mr. BUCK. Mr. Chairman, I offer this amendment with considerable reluctance. I know that every Member of the Congress earns, is entitled to, and in many instances needs a higher salary and expense allowance. On the other hand, I have continuously advocated a curtailment in Government expenses to the end that the Federal budget be balanced as an essential safeguard against rampant inflation. To be consistent, I must therefore advocate that these well-merited increases be postponed until a balanced budget is an accomplished fact. Such postponement is the purpose of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BUCK].

The amendment was rejected.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that all Members may have permission to extend their remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BRYSON. Mr. Chairman, I am opposed to the enactment of the so-called Legislative Reorganization Act of 1946, insofar as it would raise the salaries of Members of Congress.

It behooves all of us and especially the lawmakers to prevent insofar as is possible to do so all trends toward inflation. With millions of people struggling at their present income to meet increased costs of living, it certainly appears to be a bad example if Congress raises their own pay.

While it is generally admitted that it is difficult to make ends meet on present legislative salaries, nevertheless, I find it possible to do so.

It has been necessary for our Government to involve itself in unprecedented debt by reason of the war. Until such time as our country is in better financial condition I cannot justify a vote increasing the salary of Members of Congress.

I am also opposed to that provision in the measure which provides for retirement pay to Members of Congress. I believe it a bad policy to have elected officials participating in any plans for retirement benefits.

Mr. BENNETT of Missouri. Mr. Chairman, on various occasions in the past I have spoken and voted against Treasury grabs by the bureaucrats and Congress. I shall do so again today on the pending measure. It is unfortunate that many worth-while proposals have been lumped in with pay increases and pensions for Congressmen. I would like to have the opportunity to vote for a congressional streamlining bill without these objectionable features in it. That opportunity is not presented today. I want my position on this matter to be clear in case this bill is passed without a roll call.

Mr. COLMER. Mr. Chairman, on a previous occasion when this matter of increasing the salary of Members of Congress was up for consideration a few months ago, I stated then that I was opposed to increasing the salary of Members either directly or indirectly. I further pointed out on the matter of so-called pensions for Congressmen that Members of Congress were in a different category from Federal employees. They are elected by the people and occupy positions of trust. Moreover I stated on the occasion when this pension matter was being considered here on the floor a few months ago this country has the greatest national debt of any country in the history of the world and it is therefore more appropriate that we, as Members of Congress, set the pace by tightening our belts and voting for economy rather than increasing our salaries, either directly or indirectly. Therefore, Mr. Chairman, I shall vote against both the salary increase and the pension provision.

Mr. HOEVEN. Mr. Chairman, I see much good in this reorganization bill. The Congress is very much in need of reorganization. However, I cannot support the section of the bill which would increase the salary of a Member of Congress or grant him retirement benefits. The cry throughout the country is for economy in government and Members of Congress therefore should set the example. Under the circumstances I feel duty bound to vote against the bill.

Mr. MILLER of Nebraska. Mr. Chairman, I understand that the congressional pay was increased in 1925 from $7,500 to $10,000. It has remained at this figure until 2 years ago we voted a $2,500 expense account to each Member. I do feel that increase is sufficient and the additional increase of $2,500 suggested by the Brown amendment is not needed. Men who come to Congress have great responsibility. It does not seem that with the unbalanced budget that the additional increase is now justified. The increased-pay amendment should be defeated.

Mr. SPRINGER. Mr. Chairman, heretofore, when legislation of this character was presented to the House, I spoke against its passage, and I voted against it. I took the position then, as I now take that same position, because our Nation is involved in the greatest debt that any nation has faced; our people are bowed down in debt; this is not a proper time for increases in salaries, and this is not a proper time to think of retirement. I am opposed to it, and I will vote against this measure.

Mr. Chairman, while I am in full accord with streamlining Congress when it can be done properly, yet there are many items in this plan to reorganize Congress with which I cannot agree. Yet, with great care—and with ample

time—a plan of reorganization can be worked out, but I cannot subscribe to this plan. I will cast my vote against this bill. I will vote for the best interest of the people I represent and against any increase of taxes upon the people for this proposed plan.

We must quit spending. We must begin paying our debt. We cannot pay if these programs are continued.

Mr. JENKINS. Mr. Chairman, I expect to vote against this bill and I am opposed to the increase in salary provided in this legislation. I am also opposed to the retirement plan commonly known as a congressional pension.

I favor a reorganization of Congress but not in the manner attempted by this legislation.

Mr. ANGELL. Mr. Chairman, I regret that I cannot vote for an increase in the salary of Members of Congress and the pension program for Congressmen. I realize that our compensation is too low and that our official expenses here in Washington and at home are heavy and take a good part of our salaries. However, I cannot vote to increase my own salary without giving increases to our low-income workers. I also feel we should make adequate provision for our old folks before increasing our own pay. I therefore am voting against increase in pay and pensions for ourselves.

Mr. DOLLIVER. Mr. Chairman, I support the amendment of the gentleman from New York. With the Federal budget in its present situation this Congress should consider its duty to the taxpayers. I cannot support legislation to raise the salaries of Congress, nor can I support pensions for Congress.

Mr. BARRETT of Wyoming. Mr. Chairman, I am in entire agreement with many provisions of this bill. I think the streamlining of the Congress is long overdue. However, I cannot agree with the section under consideration wherein the compensation of the Members is increased. Nor can I agree with the retirement benefits to the legislative branch of the Government. Just yesterday we had under consideration the increase in the Federal contribution for old-age assistance and while I voted for that legislation I felt then and feel now that we did not go far enough. It seems to me that a Member of Congress is in a far different position than an employee in the civil service and for that reason I shall vote against the retirement section. Everyone knows the country faces a tremendous debt and if we are to insist upon economy in others we must practice it ourselves and for that reason I shall vote against the increase in salaries to Members of Congress.

Mr. ROBERTSON of North Dakota. Mr. Chairman, I congratulate the committee for their excellent work on this bill, the Legislative Reorganization Act of 1946. In it are many needed reforms. I should like to vote for these separately. Inasmuch as the salary increases and security features are all part of the same bill, I cannot with good conscience support it. I feel it to be the first duty of Congress to balance the Nation's budget. All expenses should be held down until this has been accomplished.

Mr. SMITH of Ohio. Mr. Chairman, this is no time for Congressmen to vote themselves a salary increase. If there is one organ in our whole social and economic structure rather than any other which ought to set an example for staying the pending inflationary forces, that organ is the Congress of the United States. It is this body which primarily the public must look to for the adoption of measures to prevent the further progress of inflation. Since the raising of our salary would be in principle definitely inflationary, we would by such act entirely destroy the basis without which no conduct on our part could possibly effectuate any control over inflation.

One frequently hears the contention advanced that all except Congressmen have received increases in their income. Nothing could be further from the truth. There are still a great many people whose income has not been increased since 1939 and a great many more whose income has by no means kept pace with rising living costs. Should the Congress now raise the salary of its Members, those groups would be forced to pay, out of their inequitably low income, taxes to meet this increase. A legislative body cannot violate such a principle as this and still retain that independence which is essential for the maintenance of its integrity, self-respect, and even its very preservation.

One more important point should not be overlooked. Congress possesses the arbitrary power to raise the salary of its Members. This alone should deter us. Argue as we may that our services are worth more than $10,000 a year, this cannot be proven. In saying this I am not contending that the work we do may not be worth more than the compensation we now receive, but I, for one, want to make my own position clear. I am not sure that the services which I render to my constituents and to my country are worth more than $10,000, if even that much. Were I to vote for this proposed increase I could find no other reason to satisfy my conscience and answer to my constituents except that I simply happen to occupy a position which gives me arbitrary power to do this.

Mr. TALLE. Mr. Chairman, I shall vote against this bill. There are certain features in it relating to reorganization of the Congress which I believe to be constructive. Those features I favor. There are, however, other features which I find myself unable to support. Those features have to do with salaries and annuities. My vote will, therefore, be in the negative when the bill comes up for final passage.

Mr. JUDD. Mr. Chairman, I am heartily in favor of all the provisions of this bill, save one. In fact I wish it went still further in some respects, in streamlining congressional procedures. I am sorry the committee did not see fit to accept my amendment to restore the provision for an administrative assistant that would free us more for our primary duties as legislators. I hope that the gentleman from Oklahoma [Mr. MONRONEY] will help, as he suggested, in making this change at a later date.

Probably the most important provisions are first, the reduction of House committees from 47 to 19, eliminating overlapping and giving each Member a real job to do on a major committee as soon as he is sent here by his constituents; and, second, the legislative budget provision that those who raise the Government's money and those who spend it get together to do over-all planning and keep within our means—cut the garment of our appropriations to the cloth of our income.

I heartily support the inclusion of Members of Congress in the retirement allowance system long in effect for other Government employees. It is not a grant. It is a sound annuity system to which a Member contributes 6 percent of his salary and receives a retirement allowance after reaching 62 years of age, the amount depending directly on the number of years he has contributed. In my judgment this provision is far more valuable from the standpoint of leading to better government than the 25 percent increase in salary that has been voted. The retirement allowance does two very important things: First, it gives the Member a degree of economic security for his old age which inevitably enables him to be more independent in his voting, to make up his mind more on the basis of the rightness or wrongness of a piece of legislation, rather than on the possible political effect, good or bad, on himself. Second, it enables him to quit when he is through—when he is no longer able to function at his best. After a man has been here 25 or 30 years, what can he do for a living? His professional skill, his clientele, his business are gone. It is almost impossible to start over. So the inevitable tendency is to hang on, term after term, because economic necessity requires it. So I say that it is long overdue for Members of Congress to be made eligible for our regular civil-service retirement allowance system—not primarily for their sake, but for the sake of the country's welfare.

One major change I am strongly opposed to at this time—that is the 25 percent raise in salary. I have for 3 years consistently counseled against general wage increases for labor. I have maintained that we ought not to increase our purchasing power widely until our production could be turned to civilian goods and more adequate supplies of commodities could be made available. Just as soon as it is clear that we are over the hump on these inflationary pressures, just as soon as supply approximates demand so that prices are stabilized, or even decline a little because of natural forces, then I shall urge the raising of wages wherever it can be done without increasing prices to consumers, and I shall then favor increasing the salaries of Members of Congress which have remained unchanged since about 1927, even though the time spent in Washington has doubled, our work has at least trebled, and the cost of living has advanced greatly for us as for everyone.

But it does not seem to me wise or justifiable to raise our salaries just at this time when prices have risen sharply, when there are strong pressures by some to start another series of strikes to get further wage increases. I cannot ask others to hold steady a few more months, until we have achieved full production and ended the threat of inflation, and at the same time vote for a salary increase

for ourselves, even though I recognize fully the necessity of higher remuneration if the Congress is to hold and to attract the ablest men in our country, which it so badly needs.

Mr. COLE of Missouri. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague the gentleman from New York [Mr. BUCK]. Let me remind you that section 132 of this bill, which has already been adopted by this Committee, provides that Congress adjourn sine die not later than the last day of July each year. This means that hereafter the Congress will be in session 7 months or less each year. How, may I ask, can you justify the 50 percent increase in salary provided in section 601 of this bill? Should this provision remain in the bill would not all other Government employees be entitled to a similar increase? Could they not justly present this as a basis for their demands? Only yesterday we passed the social-security bill allowing the old-age pensioners an increase of only $5 per month, which amounts to 20 percent. What are we to say to them if we pass this? How can we ever contend that we are practicing economy and trying to reduce Government spending and balance the budget when we do things like shortening our session by almost half and yet increase salaries by 50 percent? Gentlemen, 75 percent of the people of my district earn less than $2,500 per year. They are the ones who pay the taxes that in turn pay our salaries. Do you think they will approve this provision? I am sure they will not.

The Buck amendment strikes this provision from the bill and I hope it will be adopted.

I am also opposed to the provisions of section 602 of this bill. This section provides retirement pay for Members of Congress. I shall support an amendment, which I understand is to be offered, to strike this section from the bill. Should sections 601 and 602 remain in this bill I will vote against its final passage even though I favor most of its other provisions.

Mr. SCHWABE of Missouri. Mr. Chairman, in a few minutes we shall vote on the question of raising our own salaries and also pensions for Congressmen. I hope enough of us will demand a record vote rather than pass the bill by a standing vote only.

My experience in Washington, nearly 4 years, has shown that while the cost of living is high, yet if one is content to live on about the same scale to which he was accustomed back home he can not only get along but save a considerable portion of $10,000 per year. My observation is that those Members who attend to business and work hard have less time for Washington society and consequently less opportunity for spending money.

I oppose pensions for elected officials not that the amount involved in this instance will break the country but it is the wrong principle. We should be an example for the whole country. We propose to fight inflation on the one hand with the silly OPA and then turn right around and vote ourselves increased salaries plus lifetime pensions. How then are we going to refuse every other group that comes along requesting handouts? Surely we can wait until the Budget is balanced and the scare of inflation has passed. By our action today we symbolize and put our stamp of approval on the Government spending orgy which is wrecking our economy.

With nearly 3,000,000 Federal civilian employees drawing many billions of dollars per year the purchasing power of our dollar is being slowly but surely destroyed. It is one way of robbing the old-age pensioner, the veteran, and all holders of Government bonds as well as other money contracts. Their meager income and savings buy less and less of goods and commodities.

If the good people of this country ever awaken to the way they are being plundered by their own spendthrift Government their wrath and righteous indignation will mount to unknown heights. Mr. Chairman, my voting record will show that I have refused to open the Treasury of the United States to all comers and I do not propose to abandon that course today.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that debate on this section do now close.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

Retirement pay of Members of Congress

SEC. 602. (a) Section 3 (a) of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by inserting after the words "elective officers" the words "in the executive branch of the Government."

(b) Such act, as amended, is further amended by adding after section 3 the following new section:

"SEC. 3A. Notwithstanding any other provision of this act—

"(1) This act shall not apply to any Member of Congress until he gives notice in writing, while serving as a Member of Congress, to the disbursing officer by whom his salary is paid of his desire to come within the purview of this act. Such notice may be given by a Member of Congress within 6 months after the date of enactment of the Legislative Reorganization Act of 1946 or within 6 months after any date on which he takes an oath of office as a Member of Congress.

"(2) In the case of any Member of Congress who gives notice of his desire to come within the purview of this act, the amount required to be deposited for the purposes of section 9 with respect to services rendered after the date of enactment of the Legislative Reorganization Act of 1946, shall be a sum equal to 6 percent of his basic salary, pay, or compensation for such services, together with interest computed at the rate of 4 percent per annum compounded on December 31 of each year; and the amount to be deducted and withheld from the basic salary, pay, or compensation of each such Member of Congress for the purposes of section 10 shall be a sum equal to 6 percent of such basic salary, pay, or compensation.

"(3) No person shall be entitled to receive an annuity as provided in this section until he shall have become separated from the service after having had at least 6 years of service as a Member of Congress and have attained the age of 62 years, except that any such Member who shall have had at least 5 years of service as a Member of Congress may, subject to the provisions of section 6 and of paragraph (4) of this section, be retired for disability, irrespective of age, and be paid an annuity computed in accordance with paragraph (5) of this section.

"(4) No Member of Congress shall be entitled to receive an annuity under this act unless there shall have been deducted and withheld from his basic salary, pay, or compensation for the last 5 years of his service as a Member of Congress, or there shall have been deposited under section 9 with respect to such last 5 years of service, the amounts specified in paragraph (2) of this section with respect to so much of such 5 years of service as was performed after the date of enactment of the Legislative Reorganization Act of 1946 and the amounts specified in section 9 with respect to so much of such 5 years of service as was performed prior to such date.

"(5) Subject to the provisions of section 9 and of subsections (c) and (d) of section 4, the annuity of a Member of Congress shall be an amount equal to 2½ percent of his average annual basic salary, pay, or compensation as a Member of Congress multiplied by his years of service as a Member of Congress, but no such annuity shall exceed an amount equal to three-fourths of the salary, pay, or compensation that he is receiving at the time he becomes separated from the service.

"(6) In the case of a Member of Congress who becomes separated from the service before he completes an aggregate of 6 years of service as a Member of Congress, and who is not retired for disability, the total amount deducted from his basic salary, pay, or compensation as a Member of Congress, together with interest at 4 percent compounded as of December 31 of each year shall be returned to such Member of Congress. No such Member of Congress shall thereafter become eligible to receive an annuity as provided in this section unless the amounts so returned are redeposited with interest at 4 percent compounded on December 31 of each year, but interest shall not be required covering any period of separation from the service.

"(7) If any person takes office as a Member of Congress while receiving an annuity as provided in this section, the payment of such annuity shall be suspended during the period for which he holds such office; but, if he gives notice as provided in paragraph (2) of this section, his service as a Member of Congress during such period shall be credited in determining the amount of his subsequent annuity.

"(8) Nothing contained in this act shall be construed to prevent any person eligible therefor from simultaneously receiving an annuity computed in accordance with this section and an annuity computed in accordance with section 4, but in computing the annuity under section 4 in the case of any person who (A) has had at least 6 years' service as a Member of Congress, and (B) has served as a Member of Congress at any time after the date of enactment of the Legislative Reorganization Act of 1946, service as a Member of Congress shall not be credited.

"(9) No provision of this or any other act relating to automatic separation from the service shall be applicable to any Member of Congress.

"(10) As used in this section, the term 'Member of Congress' means a Senator, Representative in Congress, Delegate from a Territory, or the Resident Commissioner from Puerto Rico; and the term 'service as a Member of Congress' shall include the period from the date of the beginning of the term for which a Member of Congress is elected or appointed to the date on which he takes office as such a Member."

Mr. RIZLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RIZLEY: On page 94, line 14, strike out all of the line

and all of the remaining lines of the paragraph on said page and all of pages 95, 96, 97, and 98.

Mr. RIZLEY. Mr. Chairman, I suggested to the committee this morning that I would at the proper time offer this amendment. All this amendment does is to strike out all of the provisions of the bill with reference to retirement benefits or, as it is commonly called throughout the country, pensions for Congressmen. As I suggested in my remarks this morning, I do not believe that Members of the legislative branch of the Government who must necessarily pass upon retirement benefits and social security for civil-service employees and all other people in that category should include themselves in the same category and become pensioners of the Federal Government and themselves try to pass upon the claims of these other people that must come before them.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. RIZLEY. I yield.

Mr. JOHNSON of California. I compliment the gentleman for offering his amendment. I concur in his arguments. There is a vast difference between Congressmen who are elected and who have to pass on the claims of employees and the employees themselves. We should hold ourselves independent by not approving this for ourselves.

Mr. RIZLEY. I thank the gentleman.

Mr. MUNDT. Mr. Chairman, will the gentleman yield?

Mr. RIZLEY. I yield.

Mr. MUNDT. The gentleman will also agree with me that those of us who have consistently voted against pensions for Congressmen should not be put in position of having to vote "yes" or "no" on a bill for the streamlining of Congress which is used as a vehicle to provide pensions for Congressmen. There is no connection between the two. The two issues should not be mixed in this manner.

Mr. RIZLEY. I thank the gentleman and agree with him fully.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. RIZLEY. I yield.

Mr. CHURCH. I compliment the gentleman for offering this amendment, which I support His amendment, if passed, takes out of this bill part of the stultifying part of the bill. I wanted to vote for the many fine reorganization features of the bill but I cannot vote for this section nor the tax-exempt salary increase part of the bill. I shall vote "no" on final passage of the bill.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. RIZLEY. I yield to the gentleman from Texas.

Mr. FISHER. I am in complete agreement with the gentleman's position on this amendment. I think it is a proper amendment. I certainly think the Members of Congress are in a different category from that of the civil-service employees and judiciary employees. I shall support the gentleman's amendment.

Mr. PICKETT. Mr. Chairman, will the gentleman yield?

Mr. RIZLEY. I yield to the gentleman from Texas.

Mr. PICKETT. I expect to support the gentleman's amendment for the reasons heretofore stated by him.

Mr. SPRINGER. I wish to congratulate the gentleman upon his offering of this amendment. I intend to support the amendment.

Mr. BRYSON. Mr. Chairman, will the gentleman yield?

Mr. RIZLEY. I yield.

Mr. BRYSON. I also concur with the gentleman's views and intend to support the amendment.

Mr. RIZLEY. Mr. Chairman, this amendment in nowise conflicts with the claims of the committee who purportedly are trying to streamline legislative procedure. I am perfectly willing to streamline the Congress but not to pension it. Members of Congress come here and at the end of 6 years, under this bill, they can have the Federal Government join in a plan and contribute to their retirement—of course they join in the plan too, but as the gentlewoman from Illinois [Miss SUMNER] stated a while ago—we then become a part of the Government bureaucracy. We all know that when the executive branch of this Government presents a program at the beginning of the year, every person working for the Federal Government, who is under civil service and who expects retirement, immediately becomes an ardent advocate for the program recommended by the executive branch of the Government. I will not vote for this bill with the pension benefits in it.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. RIZLEY] has expired.

Mr. DIRKSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. MONRONEY. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MONRONEY. Mr. Chairman, I ask unanimous consent that all debate on this section close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Miss SUMNER of Illinois. Mr. Chairman, I object.

Mr. MONRONEY. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 15 minutes and that all Members may extend their remarks at this point in the RECORD.

Mr. HOPE. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Oklahoma [Mr. RIZLEY] I agree with him that elected officials are in a different category than those who make service in the Federal service a life career. All of us followed some other career or profession before we came to Congress. When we leave these halls either voluntarily or by action of our constituents we can, and most of us will, return to our former careers. In general I favor this reorganization bill. I think the committee has done a splendid job. I shall, however, vote for the Rizley amendment.

Mr. BUCK. Mr. Chairman, I am opposed to pensions for Congress and I hope they will be eliminated from the bill.

Mr. NORRELL. Mr. Chairman, I am not in favor of any law providing pensions for Members of Congress. I have always voted against such proposed legislation. I wish I had time to mention a few of the reasons why I do not favor such legislation. However, I do concur in what has been said by the gentleman from Oklahoma [Mr. RIZLEY] and I am going to vote for his amendment to strike from this bill title 6, providing pensions for us. If the amendment is not adopted I possibly may find myself unable, for this reason, to support the bill upon final passage in the House.

Mr. MILLER of Nebraska. Mr. Chairman, I do not believe that the Members of Congress should become a part of the pension system of the Government. If they accept this type of pension they become a part of the great Federal bureaucracy. The Congress should be free and have no taint of becoming a part of a Federal pension system so liberal that in 6 years' service you can participate. This part of the bill should not be retained.

Mr. REES of Kansas. Mr. Chairman, I rise in support of the amendment of the gentleman from Oklahoma, to strike the retirement provisions from this bill. I have always opposed retirement benefits for Members of Congress. Only a few weeks ago, I vigorously opposed similar legislation that was defeated on the floor of this House. This legislation should be stricken from the bill. If it is not stricken, then I shall vote against the entire measure. The motion of the gentleman from Oklahoma should prevail.

Mr. SMITH of Ohio. Mr. Chairman, whatever we do here today let us not deceive ourselves or our constituents. This bill provides fat pensions for Congressmen. Make no mistake about that. Take my own case. I will have served 8 years at the close of this term. Suppose this provision is left in the bill and it passes and I should wish to avail myself of benefits provided therein.

I could retire at the end of this year, pay to the Government $4,030 to make up certain back contributions and receive a pension of $2,000 per year. If I were to live my normal life of expectancy, 15 years, I would receive a total of pensions amounting to $30,000, or approximately $26,000 net. Should I die before receiving an amount equal to the $4,030 back contributions paid in, the difference plus 4-percent interest would be paid to my widow or estate. I would be risking nothing.

Take the case of a Congressman who has served 10 years and retires at the age of 62. He would pay in back contributions $5,026 and if he lived to the age of expectancy, according to mortality tables, he would receive a total of $37,500 or approximately $32,500 net.

A Congressman who has served 14 years and retires at the age of 62 and lives to the age of expectancy would draw a total net of $44,700.

A Member who had served 20 years, retired at 62 and lived to the age of expectancy, would receive a total net of more than $63,000.

A Member having served 30 years and retiring at 62, if he lived to the age of

expectancy, would draw a total net amount of approximately $90,000.

All these cases are predicated on the assumption that the full amount of back contributions would be paid in.

There is an alternative where a less amount is paid in, covering 5 years of back contributions instead of 8 years, but I shall not discuss that phase of the program now.

Mr. Chairman, this is the fourth time this question has been considered by this body. We all recall the unpleasant, and in my opinion unfortunate, experience we underwent several years ago when, having passed a bill providing pensions for Congressmen, this body was forced by an adverse public opinion to reverse its position and repeal the act which set up that program. I recall that much was said at that time and has been uttered since to the effect the public did not understand the measure granting Congressmen pensions which had been passed; that if it had understood it would not have taken the position it did. When that bill was passed I followed its provisions very closely, and I must repeat what I have said on previous occasions—that the public was not misinformed in respect to the provisions of that bill. It did understand, and, in my opinion, it was justified in taking the position it did.

Only a few months ago this same question was before this body and was voted down overwhelmingly.

Now we are at it again, seeking for ourselves a pension. And what is the argument for it? Everybody else is getting a pension, why should not we. That is one of the compelling reasons why the National Legislature should not vote pensions for its Members. How, possibly, can this body unbiasedly treat the big problem of pensions in general if it itself becomes a participant in this program? How can it possibly be expected that the Legislature could equitably represent the many and varied pension systems if its Members have an interest in this field?

Mr. ANGELL. Mr. Chairman, now that the committee has voted to retain the increase of salary and the pension provision for Congressmen in the bill, I will be obliged to vote against the bill and hope we may have a recorded vote thereon. I do this with reluctance as I am in favor of the reorganization of the Congress to provide greater efficiency in our work.

The CHAIRMAN. The question is on the motion of the gentleman from Oklahoma [Mr. MONRONEY].

The motion was agreed to.

The CHAIRMAN. The gentleman from Illinois [Mr. DIRKSEN] is recognized.

Mr. DIRKSEN. Mr. Chairman, I trust the amendment offered by the gentleman from Oklahoma [Mr. RIZLEY] will be voted down.

We have had a long day and I think we have accomplished a splendid job in piloting an integrated bill right up to the last section. Let us not spoil that handiwork that has had a lot of time and attention by acceding to this amendment and striking out the retirement provisions of this bill.

It is so easy to characterize this as a pension, but is it? Under the proposed plan we ask you to go into your pockets for 6 percent every year on your base salary. We ask you, before you become eligible, to pay back for all of your service since 1920 or for 5 years. This is nothing other than an insurance annuity. The participation of the Federal Government is nothing more than what it is for every one of the hundreds of thousands of civil-service employees on the rolls today.

We have covered millions of people by social security. There are over 100 Federal district judges in the country today who can retire at a substantial annuity without having contributed one dime while they were on the bench. In the course of World War II, there were probably over 1,800 brigadier generals and probably 450 major generals, and the day will come when they can retire at a very substantial annuity and not have expended a single dime out of their pockets for an annuity that shall be paid out of the Treasury of the United States. They are public servants also. Now we put ourselves in this position, therefore, instead of taking an annuity like a Federal judge without contribution, or a general officer of the Army or Navy without contribution, we require that you pay 6 percent every year during your service. If you have been here for 6 years, then you are eligible for retirement at age 62, but in every case you are buying your retirement annuity which has been carefully worked out with the actuaries of the Civil Service Retirement Board. Every dollar that will be required by them now and in the future will be amortized under this system in a period of about 20 years. It is one of the finest things in this bill, and I hope the House will not succumb to some of the unfounded statements that have been made on this matter. I hope you will complete the good work that has been going on since high noon of today and finally put the capstone on this bill and provide the kind of retirement system every Member of Congress is so richly entitled to by reason of the feverish effort they have made over the years.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The gentleman from Ohio [Mr. SMITH] is recognized for 1 minute.

Mr. SMITH of Ohio. Mr. Chairman, I can only tell you what this will do for me. I will be 62 years old this week sometime. I could retire at the end of this term paying in $4,000, or a little more than that, and if I lived the normal expectancy, I would draw a net pension from this bill amounting to $26,000.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I yield.

Miss SUMNER of Illinois. With this provision in the bill you would have more old, broken-down politicians trying to run for Congress so they can get this pension.

Mr. SMITH of Ohio. Others, of course, will receive in proportion.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The gentleman from Illinois [Mr. VURSELL] is recognized for 1 minute.

Mr. VURSELL. I am glad to note a few minutes ago that the amendment to provide an assistant to each Congressman at $5,000 a year was defeated. Such extra help is not necessary and in most instances would be a waste of that amount of money.

Now we are considering an amendment to increase the salary of the Congressmen by $2,500 a year. This amendment will be followed by a section in the bill which will provide retirement benefits for a Congressman after he has served 5 years upon his paying in a certain percent of his salary. Some will refer to this provision as a pension for Congressmen.

It is true that it is a retirement benefit which requires the Congressmen to pay more for such retirement than any other Federal employee pays to secure retirement. It will be argued that over 100 Federal judges are provided with retirement after a certain length of service without paying anything into the Federal Government.

I am opposed at this time to the increase of the salary for Congressmen and I am unalterably opposed to the retirement provision for Congressmen after they have left the service.

I am opposed to the increase in salary because I believe that one who aspires to come to Washington to represent the people of his district in the greatest legislative body of the world should be willing to make some financial sacrifice for the honor and opportunity of serving his country in this great body. I believe you will maintain here a higher type of men if you leave the salary at a level that will cause one to be willing to make some financial sacrifice in his public service. If you make the salary too attractive, you will encourage men who have not been successful in their own business to make a greater effort to be elected to Congress because they would be able to make more money here than they could in their own private business.

I am opposed to the retirement or pension section of this bill largely on the same grounds. One who aspires to represent the people in this Congress should by his ability be able to take care of his own financial conditions before, when, and after his services are concluded here. The Members of Congress, the board of directors so to speak, who managed the affairs of the business of this country so far as the Federal Government is concerned should not support a bill to provide Government retirement when they have concluded such services, even though they pay in a sufficient amount to such retirement fund as will make the financial load on the Government not of too great consequence.

I hope the House votes down both of these propositions, and on the final passage of the bill I hope that we may have a roll call so that those who are opposed to these two provisions of the bill may be able to register their vote expressing their opposition on the pages of the CONGRESSIONAL RECORD. I urge the Members to defeat both of these propositions.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The gentleman from Ohio [Mr. RAMEY] is recognized for 1 minute.

Mr. RAMEY. Mr. Chairman, you remember the old adage "Slice it as thin as you please, it still is baloney." We congratulate the authors of this bill for it is, in most part, good. However, those skillful artisans of semantics, who on the floor today have coined phrases in regard to the latter sections of this bill, cannot make an annuity of those sections simply by calling it an annuity. As long as the taxpayers pay their part in it, that much is still a pension and to call it an annuity is a subterfuge. [Page Stuart Chase.] It has been stated by one of our most distinguished Members that a former Member of the House at one time spoke of a certain bug. Yes, it is a shame that a bill brought to us in good faith should be wrought out with such eel-like dexterity by allowing bugs to enter it. The good part of the bill tumbles a bug here and tumbles a bug there. Colleagues, do not shout "Vote, Vote" and then blindly pass the whole bill through mob psychology but let us vote on this bill section by section and stand up and be counted.

Some have stated that the judicial raise was passed like lightning; the raise for ambassadors was passed like lightning. That was not proper. We should streamline Congress and, above all, no bill should pass under suspension of rules. No legislation should be enacted unless each and every Representative of the people has the opportunity to stand up and be counted.

Originally, a pension was an allowance made by a government to retired public officers, disabled soldiers, and families of soldiers in the service. Recently, by reason of the complexity of our Government and by further reason of the fact that citizens through long unemployment are unable to provide for maintenance and sustenance during their declining years, a benevolent Government has accorded to those who have supported their country by taxation throughout the years, pensions. Is it right to pension those who have had opportunities and forget those who have not been able by reason of unemployment, illness, and otherwise to provide for those said declining years? Should we grant an allowance, call it by whatever name you please, to those who are able to provide for themselves and refuse it to those who are not? Just yesterday, the Ways and Means Committee succeeded in placing a gag rule before the House, thus preventing pension allowances for those who needed it the most. I grant, however, that this committee would match each State in the amount the State allotted by raising the monthly allowance for the blind $5 and the aged $5 provided each State should do the same, up to the amount of $25; that is, if any State should allow $25, the Government would match it for that much. However, the gag rule prevented the Representatives of the people from being heard at the proper time, of presenting the proper amendments and then allowing each Representative to stand up and be counted.

I concur in the judgment of those who have stated that Members of Congress many times leave this body in distress and without maintenance and sustenance. I further concur in the view of those who have stated that only those of means can afford to come to Congress and leave their professions. However, it does seem to me that this great body is a position of honor, that the man who seeks to represent the people in this, the most honorable body on the face of the earth, must completely forget himself, not thinking of material things and what his reward is—he has left a good name—what greater reward can there be? Yes, I understand that there are several ex-Members who have served honorably in this body, who are now in poorhouses of the United States. There are several in our State. But there are ex-members of every profession and every activity in those institutions. Would not the more honorable thing to do be to grant an allowance to each and every citizen in order that there be no such a thing as a poorhouse, that no longer would the words of Will Carleton, "Over the Hills to the Poorhouse," be known in this country, and when the peace of the world is wrought out that it be unknown in any country. There is enough in God's great world for everybody. Let us share, and, if there be pensions—call it what you will—let there be equal pensions allotted to each and all of the masses instead of just to classes.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The gentleman from South Dakota [Mr. MUNDT] is recognized for 1 minute.

Mr. MUNDT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Oklahoma [Mr. RIZLEY] to strike the provision from this legislation which would provide pensions for Congressmen, as they are commonly called or the retirement provisions of this legislation as their supporter prefers to designate them. By either name, however, I am opposed to them. I have always voted against pensions for Congressmen and I shall vote against them again today.

During one of my first years in Congress, Mr. Chairman, I spoke and voted against pensions for Congressmen. So I am only being consistent in again urging the defeat of these pensions today.

I also voted to support the amendment of the gentleman from New York [Mr. BUCK] to strike out the salary increases, because I am opposed to the raising of congressional salaries at this time. Until we are able to balance the Federal Budget and until the present inflationary pressures have been effectively curbed, Mr. Chairman, I shall continue to oppose legislation to increase congressional salaries although under normal conditions I realize such salaries should be increased. However, at this particular juncture in our national economic existence, I believe it is a mistake to either vote pensions for Congressmen or congressional salary increases. I hope we can defeat the salary increases when this legislation gets in the House. I hope you will now join me in defeating the provisions of this bill which provide pensions for Congressmen.

Mr. Chairman, I was one of the early and active supporters of this move to streamline and modernize Congress. I am in hearty accord with most of the provisions of the present bill. I think it will tend to increase the efficiency of Congress. However, in my mind it is a mistake to mix pensions for Congress and salary increases with a bill primarily designed to remodel and modernize the legislative processes. For one, I refuse to be maneuvered into a position whereby my zeal for modernizing Congress must require me to vote for pension and salary provisions which I feel are both undesirable and untimely.

Therefore, Mr. Chairman, I am reluctantly compelled to announce that unless the pension and salary provisions are removed from this legislation, I shall have to vote against it, despite my approval of most of the reform provisions of the bill. Earlier today the gentleman from Wisconsin [Mr. HULL] rather effectively and clearly summarized my reasons for my decision.

Since there may not be a roll call on final passage of this bill—although I shall be among those standing up to ask for one—I take this means of announcing for the RECORD that I shall vote "no" on final passage if the salary increases and pension provisions remain in this bill. If they are not part of this bill, I shall vote "aye."

Finally, Mr. Chairman, I would like to point out that pensions for Congressmen are in a different class from pensions for civil-service employees, Army officers, or judges. We are in a very real sense the board of directors of the world's largest business institution. The country depends upon our collective judgment for its stability and security. Surely, if we have economic sense enough to manage the finances of the Government, we should have economic ability enough to manage our individual finances without benefit of a Government pension system. We can purchase private annuities and pension plans from commercial insurance companies. We can plan for our own retirement. We can show confidence in the private-enterprise institutions which our great Government is designed to preserve. Let us defeat this pension proposal and thus reaffirm our faith in the private-enterprise system which has made America great.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Chairman, during the hearings on this legislation testimony in favor of optional retirement for Members of Congress was vigorously advocated by former Senator, now Justice Burton, of Ohio, Senator White, the minority leader of the Senate of the United States, Senator Bridges, of New Hampshire, Beardsley Ruml, and many other business and professional leaders of the country who realize that what has been beneficial in commerce and industry will be beneficial to the procedures and services of the Members of the Congress of the United States.

Senator BRIDGES stated:

I think just as other Government officials have the benefit of retirement provisions, that we of the Congress should have them.

Dr. Meyer Jacobstein, staff member, Brookings Institution, said:

A retirement plan plus a more liberal salary would go far toward giving Representatives and Senators that feeling of financial security which they deserve.

The then Senator Burton had this to say:

I think it is a good thing to have a pension for all kinds of Government service, but upon the basis of a contribution.

Mr. Rumi indicated that unlike most activities in life, being a Member of Congress does not lead to something else. There is no other Congress that you can get a job in for example. There is no way you can be promoted to chairman of the board of directors. I mean it has a peculiarly hazardous nature; it is a hazardous occupation from that point of view unlike a university president or professional man, or some one who is building from his experience, if it is meritorious, a future for himself.

I direct your attention to the words of Senator WHITE:

I personally have been very strongly in favor of a retirement system, a retirement system to which the beneficiary must make his contribution. I think a retirement system would make a contribution to independence of thought and independence of action, to a courageous attitude on the part of the Representative toward problems which are constantly confronting him.

Dean W. Reed West, of George Washington University had the following to say:

Retirement pay for Members based on age and long service would be a means of overcoming this almost inevitable tendency of individuals to weaken in their independence of the Executive.

The CHAIRMAN. The chair recognizes the gentlewoman from Illinois [Miss SUMNER].

Miss SUMNER of Illinois. Mr. Chairman, there will be headlines in every newspaper tomorrow morning saying that the Congress worked overtime voting itself a pension. How are the people going to like that? They are not going to mind the fact that you handed yourselves $15,000 for 6 months' work. They will believe that perhaps they will be able to get good men to come here to represent them; but when they find out that you have voted yourself a pension so that after they fire you they have to go on paying you separate maintenance, it will be just too much.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I supported the Buck amendment believing adequate pay is now provided for the Congress. True we must live within our income. Who does not? After all, work, hard work, if you please, of the individual American citizen, who lived within his means, set aside for his insurance and to take care of his own security is what has made American great. Today when we complain rightly, that everyone seems to be looking to the Federal Government for grants, for allocations, when we hear on this floor the complaints about the States wanting Federal grants at a time when the various States are in a much better financial condition than the Federal Government, certainly it will be a mistake to provide a pension for Members of Congress. Of course, you argue that the Member pays into such fund just as he would for an insurance annuity. Why not take the same money and buy such insurance annuity then?

If Members of Congress are not stable enough, if they do not have foresight enough to live within their own means and provide for their own security, who can the Congress expect to work, and provide for their own welfare?

Mr. Chairman, by all means this amendment should be adopted, and provisions of this bill providing for a pension, stricken out of the bill. If the bill is passed without this amendment what defense will this Congress have to the millions who came asking security at the hands of the Government without effort on their part. You will have opened the gates and instead of preaching individual enterprise, with individual attention to a man's own security, you say to everyone, "Look to the Government." The old, the incapacitated have a right to look for assistance. You invite all others to quit trying and to look to the Government. You say to them there is no need for you to be saving, there is no need to live within your means, there is no need for you to work, the Federal Government will look after you." There is too much of that attitude already. After all the Government is the people, and if all quit work and look to the Government, there will be no one to pay taxes and the promise of the Government will not be worth the paper it is written on.

This House should adopt this amendment, and strike out the pension features of this bill. Keep this Congress where is can say "No" to those who want the Government to provide everything. Keep a sound Government, and a sound Congress, an independent Congress if you please.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho [Mr. WHITE].

Mr. WHITE. Mr. Chairman, there are a great many influences that flew around the individual Members of Congress—influence of departments and from other sources that we all know about. If there is one thing that the individual Congressman needs more than anything else, and that the people of the United States need, is those who represent them in Congress, it is stamina.

We pension our judges to keep them from temptation. Why should we not give security to Congressmen so that they might have a little independence to stand up and protect the interest of the American people; in considering and passing legislation?

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman, I favor the amendment offered by the gentleman from Oklahoma [Mr. RIZLEY]. It is difficult to understand how Members of this body, men and women who have established themselves as successful in one field or another else they would not be honored as they are today, can vote a pension for Congressmen. Certainly, Congress could not pass fair judgment on similar calls if the law provides such pensions for its Members, even though the Member does pay toward such pension funds.

The principal object of this bill is to streamline the Congress. It is intended to eliminate bottlenecks, to promote efficiency, to speed up the business of the Congress that we might do a better job for our constituency and the country. What place or what part does a congressional pension feature play in such worthy objectives? It would contribute not one iota to the good causes for which this bill is intended.

The pension feature should be considered on its own merits. The same applies to salary increases for Members, which I opposed by voting for the amendment offered by the gentleman from New York [Mr. BUCK].

I shall vote for the pending amendment. If it should not prevail, I shall vote against the bill, on which I hope we will have a roll-call vote.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. WINSTEAD].

Mr. WINSTEAD. Mr. Chairman, I am opposed to this so-called pension for Congressmen and therefore for this amendment for many reasons. Many sound reasons have been offered by other Members here this afternoon. I also supported the Buck amendment to prevent the increase in salary for Congressmen.

It would be a mistake to provide for a congressional pension even though, as has been argued, payments are taken from the salaries of the Members just as they are from the salaries of the rural carriers, postmasters, and other Federal workers. Different from them, the Congress must sit as judges, we must pass on the requests of others and by bringing the Members of Congress into such a program, you almost make them interested parties. The aged and the infirm have a right to look to society to assist them, but I still believe that an able-bodied American citizen should look after himself, and provide for his own security. The retirement provisions of the Civil Service Act whereby the worker builds up the funds for his own retirement I believe are sound. But, Mr. Speaker, we are the judges, and I believe by providing for congressional pensions that the Nation will be weakened and the American people will be further led along the road of not working, but looking to the Federal Government for everything.

I hope this amendment will be adopted and the pension provisions stricken out of the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, I do not care to indulge in debate on this amendment offered by the gentleman

from Oklahoma. I take the floor at this time to express the hope that when we get into the House the so-called Herter amendment will be defeated. That amendment says each standing committee of the Senate and of the House shall set aside time each month. I fear that if 20 out of the 435 Members in the House sa · a bill in the committee far down the line ahead of them they might introduce 20 bills and take up the time of the committee. I have faith and confidence in the chairmen of committees. Some of them may be a little autocratic, of course, but most of them respond to Members of Congress when they ask to be heard on a bill that is introduced by them. I can see implications in this that I think may be very harmful. I know that the gentleman from Massachusetts does not have that in mind, but having served many years on committees and 6 years as chairman of one committee, I do not think that amendment is necessary.

The CHAIRMAN. The time of the gentleman from Texas has expired. All time has expired.

The question is on the amendment offered by the gentleman from Oklahoma [Mr. RIZLEY].

The question was taken; and on a division (demanded by Mr. RIZLEY) there were—ayes 63, noes 166.

So the amendment was rejected.

The CHAIRMAN. The question is on the committee substitute to the Senate bill.

The committee substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Virginia, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government, pursuant to House Resolution 717, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment?

Mr. MONRONEY. Mr. Speaker, I demand a separate vote on the so-called Herter amendment.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. HERTER: Page 49, after line 4, insert a new subsection to read as follows:

"(g) Each standing committee of the Senate and the House of Representatives shall set aside a regular period during each month to afford opportunity to Members who have introduced any bill or resolution to appear before the committee to explain the measure and outline the nature and character of the considerations which in their judgment support its passage."

The amendment was rejected.

The SPEAKER. The question is on the committee substitute for the Senate bill.

The committee substitute was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

Mr. MURRAY of Tennessee. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. MURRAY of Tennessee. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Does any member of the minority claim the right to offer a motion to recommit?

Mr. KNUTSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. KNUTSON. In its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KNUTSON moves that the bill be recommitted.

Mr. MONRONEY. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. MURRAY of Tennessee) there were—ayes 229, noes 61.

Mr. MURRAY of Tennessee, Mr. ABERNETHY, and Mr. LECOMPTE demanded the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

A motion to reconsider was laid on the table.

Mr. MONRONEY. Mr. Speaker, I ask unanimous consent that the Clerk of the House be authorized and directed in the engrossing of the amendment to the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government, to make all necessary clerical and technical changes, including changes in section numbers and cross references, and changes in the table of contents.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ATOMIC ENERGY BILL

Mr. THOMASON. Mr. Speaker, I ask unanimous consent that the conferees on the atomic energy bill S. 1717, have until midnight tonight to file a conference report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SURPLUS PROPERTY

Mr. MANASCO submitted a conference report and statement on the bill (H. R. 6702) to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On July 3, 1946:

H. R. 32. An act to amend the act entitled "An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation," approved June 18, 1934;

H. R. 4512. An act to amend the Public Health Service Act to provide for research relating to psychiatric disorders and to aid in the development of more effective methods of prevention, diagnosis, and treatment of such disorders, and for other purposes; and

H. R. 5244. An act to authorize the appointment of additional Foreign Service officers in the classified grades.

On July 5, 1946:

H. R. 1654. An act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes;

H. R. 6056. An act making appropriations for the Departments of State, Justice, Commerce, and the Judiciary, for the fiscal year ending June 30, 1947, and for other purposes; and

H. R 6516. An act to increase the salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia.

On July 8, 1946:

H. R. 6496. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1947, and for other purposes.

On July 9, 1946:

H. R. 5990. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1947, and for other purposes.

On July 11, 1946:

H. R. 5258. An act granting a renewal of Patent Numbered 113,244 dated February 7, 1939, relating to the flag of the Church of God.

On July 12, 1946:

H. R. 6428. An act making appropriations for the Coast Guard, Treasury Department, for the fiscal year ending June 30, 1947, and for other purposes; and

H. R. 6477. An act to amend section 32 of the Emergency Farm Mortgage Act of 1933, as amended, and section 3 of the Federal Farm Mortgage Corporation Act, as amended, and for other purposes.

On July 13, 1946:

H. R. 6285. An act authorizing the State of Delaware, by and through its State highway department, to construct, maintain, and operate a toll bridge across the Delaware River near Wilmington, Del.

On July 16, 1946:

H. R. 541. An act authorizing and directing the Commissioners of the District of Columbia to construct two 4-lane bridges to replace the existing Fourteenth Street or Highway Bridge across the Potomac River, and for other purposes;

H. R. 5356. On act to provide assistance to the Republic of China in augmenting and maintaining a Naval Establishment, and for other purposes;

H. R. 5641. An act to authorize the attendance of the Marine Band at the National convention of the United Spanish War Veterans, to be held in Milwaukee, Wis., August 4 to 10, inclusive, 1946;

H. R. 5933. An act to authorize and direct the Board of Public Welfare of the District of Columbia to establish and operate in the public schools and other suitable locations

a system of nurseries and nursery schools for day care of school-age and under-school-age children, and for other purposes; and

H. R. 6837. An act making appropriations for the Military Establishment for the fiscal years ending June 30, 1947, and for other purposes.

On July 17, 1946:

H. R. 3424. An act to permit renewal of certain trade-mark registrations after expiry thereof, and for other purposes.

On July 20, 1946:

H. R. 5452. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1947, and for other purposes; and

H. R. 6777. An act making appropriations for Government corporations and independent executive agencies, for the fiscal year ending June 30, 1947, and for other purposes.

On July 23, 1946:

H. R. 6885. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1946, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1947, and for other purposes.

On July 24, 1946:

H. R. 3533. An act to authorize revisions in the boundary of the Hopewell Village National Historic Site, Pennsylvania, and for other purposes;

H. R. 3821. An act to amend sections 4 and 8 of the act of September 2, 1937, as amended;

H. R. 3993. An act to authorize the Secretary of War to sell and convey to the Southern Pacific Railroad Co. a right-of-way and easement for railroad purposes across a portion of Camp Booke Military Reservation, Calif.;

H. R. 4180. An act to amend the law relating to larceny in interstate or foreign commerce;

H. R. 4484. An act relating to the construction and maintenance of building and improvements for banking purposes on the Fort Ord Military Reservation, Calif.;

H. R. 4651. Ar act to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended;

H. R. 4701. An act granting the consent of Congress to the States of Utah, Idaho, and Wyoming to negotiate and enter into a compact for the division of the waters of the Bear River and its tributaries;

H. R. 4917. An act for the relief of the Western Union Telegraph Co.;

H. R. 5800. An act to authorize school districts in Alaska to issue bonds for school construction, and for other purposes;

H. R. 5820. An act relating to mail service on Lake Winnepesaukee, N. H.;

H. R. 5831. An act to include the heads of executive departments and independent agencies within the purview of the Civil Service Retirement Act of May 29, 1930;

H. R. 6041. An act authorizing the State of Indiana to construct, maintain, and operate a free highway bridge across the Wabash River at or near Montezuma, Ind.;

H. R. 6065. An act authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge or a free bridge across the Ohio River at or near Canelton, Ind.;

H. R. 6081. An act granting the consent of Congress to the Iowa State Highway Commission to construct, maintain, and operate a free highway bridge across the Des Moines River at or near the town of Eddyville, Iowa;

H. R. 6222. An act to extend the times for commencing and completing the construction of a bridge across the Calcasieu River at or near Lake Charles, La.;

H. R. 6407. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 6515. An act to amend the act entitled "An Act authorizing the Nebraska-Iowa Bridge Corp., a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa," approved March 6, 1928;

H. R. 6597. An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes;

H. R. 6889. An act to extend the times for commencing and completing the construction of a toll bridge across the Saint Louis River between the States of Minnesota and Wisconsin, and for other purposes;

H. J. Res. 336. Joint resolution relating to cotton marketing quotas under the Agricultural Adjustment Act of 1938, as amended;

H. J. Res. 359. Joint resolution relating to peanut marketing quotas under the Agricultural Adjustment Act of 1938, as amended; and

H. J. Res. 364. Joint resolution to provide for the establishment of an international animal quarantine station on Swan Island, and to permit the entry therein of animals from any country and the subsequent importation of such animals into other parts of the United States, and for other purposes.

On July 25, 1946:

H. R. 247. An act for the relief of E. D. Williams;

H. R. 271. An act for the relief of Eleanor McCloskey, also known as Evely Mary Mikalaukas;

H. R. 844. An act for the relief of John P. Hayes, postmaster, and the estate of Edward P. McCormack, former postmaster, at Albany, N. Y.;

H. R. 1331. An act for the relief of the Hatheway Patterson Corp.;

H. R. 1345. An act for the relief of David M. Matteson;

H. R. 1797. An act for the relief of Arcadio Saldana Agosto;

H. R. 1957. An act for the relief of the Ohio Valley General Hospital, Wheeling Clinic, Rosetta Snyder, Virginia Barron, Dr. Paul H. Cope, and Dr. J. E. Ricketts;

H. R. 2269. An act for the relief of Dr. William A. Schumacher and Magdalen M. Schumacher;

H. R. 2287. An act for the relief of Susan S. Wiseman;

H R. 2319. An act for the relief of J. B. Shropshire;

H. R. 2489. An act for the relief of Gaylon Dhu;

H. R. 2962. An act for the relief of Justin P. Hopkins;

H. R. 3145. An act for the relief of A. C. McMeans;

H. R. 3341. An act for the relief of J. E. and Minerva Mitchell, and Rosie Monroe;

H. R. 3360. An act for the relief of Mrs. W. H. (Agnes) Holmes;

H. R. 3397. An act for the relief of Claude S. Crouse;

H. R. 3827. An act for the relief of Fred W. Grant;

H. R. 3848. An act for the relief of the legal guardian of Johnnie Pollock, a minor;

H. R. 3857. An act for the relief of Warren H. Thompson and Madeline Parent;

H. R. 4090. An act for the relief of Roy Hesselmeyer;

H. R. 4215. An act for the relief of Jane O'Malley;

H. R. 4247. An act for the relief of Jesus Lassalle and Mrs. America Bonet Medina;

H. R. 4357. An act for the relief of the estate of the late Alberto Lopez Ramos;

H. R. 4492. An act for the relief of Charles Marvin Smith;

H. R. 4577. An act for the relief of Dolores Joyce;

H. R. 4673. An act for the relief of Mrs. Minnie Jenkins Ward;

H. R. 4834. An act for relief of the estates of Katherine Delores Booth and Agnes Jane True;

H. R. 4862. An act for the relief of Walter R. Newcomb, Sr., Corbin A. Newcomb, and Walter R. Newcomb, Jr.;

H. R. 4919. An act for the relief of Archibald J. Alcorn;

H. R. 4996. An act for the relief of the legal guardian of Joan Esther Hedin, a minor;

H. R. 5026. An act for the relief of the estate of Drury Lee Jordan;

H. R. 5030. An act for the relief of Mrs. Lim Shee Chang;

H. R. 5178. An act for the relief of Marian Antoinette McCloud;

H. R. 5228. An act for the relief of Stephen Lisay;

H. R. 5351. An act for the relief of Charles Booker;

H. R. 5352. An act for the relief of Joseph Ippolito;

H. R. 5510. An act for the relief of Newton William Lowery;

H. R. 5538. An act for the relief of Mae Maxine Stone;

H. R. 5539. An act for the relief of Andrew M. Halvorsen;

H. R. 5541. An act for the relief of F. B. Sweat;

H R. 5722. An act for the relief of Charles L. Cannon;

H. R. 5739. An act for the relief of Frances Fitzgerald;

H. R. 5806. An act for the relief of Etta Yoakam;

H. R. 5872. An act for the relief of Mr. and Mrs. Walter Keaton.

H. R. 5878. An act for the relief of Elsie Elmhorst;

H. R. 5884. An act for the relief of Frances Krzys;

H. R. 6213. An act for the relief of Brevet First Lt. Margaret Utinsky;

H. R. 6459. An act to extend the period within which the Secretary of Agriculture may carry out the purposes of the Soil Conservation and Domestic Allotment Act by making payments to agricultural producers;

H. R. 6472. An act for the relief of John E. Peterson, James M. Hiler, Vivian Langemo, Floy Sibrie, and Ross Lee Brown; and

H. R. 6627. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America.

EXTENSION OF REMARKS

Mr. McGLINCHEY asked and was given permission to extend his remarks in the RECORD.

Mr. GREEN asked and was given permission to extend his remarks in the RECORD in two instances, in one to include a speech and in the other to include a speech made by John Stelle, commander of the American Legion.

Mr. PATTERSON asked and was given permission to extend his remarks in the RECORD.

SPECIAL ORDER GRANTED

Mr. HOOK. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of business on the Speaker's desk and the conclusion of special orders heretofore entered, I may address the House for 5 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. HOOK asked and was given permission to extend his remarks in the RECORD and include a speech he made on

June 1, and in another instance to insert a radio speech he made last week.

MINERAL LEASING ACT

Mr. FERNANDEZ submitted the following conference report and statement on the bill (S. 1236) to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes:

EXTENSION OF REMARKS

Mr. GRANAHAN asked and was given permission to extend his remarks in the RECORD and include an article from the National Legionnaire.

Mr. BARRETT of Pennsylvania asked and was given permission to extend his remarks in the RECORD.

Mr. HOCH asked and was given permission to extend his remarks in the RECORD and insert an address made by the gentleman from Delaware [Mr. TRAYNOR].

Mr. FLOOD asked and was given permission to revise and extend his remarks and include a resolution.

Mr. DOYLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include a memorial address. I am informed by the Public Printer that the extension will cost $80. Notwithstanding the cost, I ask unanimous consent that the extension may be made.

The SPEAKER. Notwithstanding the cost and without objection, the extension may be made.

There was no objection.

REORGANIZATION OF RAILROADS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 1253) to enable debtor railroad corporations expeditiously to effectuate reorganizations of their financial structures, to alter or modify their financial obligations, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. SUMNERS of Texas, HOBBS, GORSKI, REED of Illinois, and GWYNNE of Iowa.

EXTENSION OF REMARKS

Mr. NEELY. Mr. Speaker, I ask unanimous consent to have printed in the RECORD an article entitled "15,000,000 Will Die," which appears in Roger Babson's report for the 4th of March 1946. I also ask unanimous consent to have printed in the RECORD a poem entitled "A Ballade of the Peace," by Robert Permar, of West Virginia.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. ROWAN asked and was given permission to extend his remarks in the Appendix of the RECORD and include an article from the Chicago Tribune.

COSTS OF LIVING MUST BE ACCURATELY TABULATED—BILL IS PRESENTED TO ACCOMPLISH THIS NECESSARY SERVICE

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, the President of the United States today signed the bill to continue the Office of Price Administration for another year. Of great importance to American citizens is the knowledge of the facts relative to economic data with reference to food, rents, and many other items.

Unquestionably the most efficient organization in keeping the country informed on this subject is the Bureau of Labor Statistics in the United States Department of Labor. This Bureau has received many, many commendations on the accuracy and value of its reports to the Nation. It can certainly be relied on to point out true facts in relation to our economy. There are regular indexes issued of basic commodities and the wholesale prices weekly, but its service has been necessarily limited to some degree under its powers. Never has there been a time when information such as is published by this great Bureau of Labor Statistics is more needed.

It will be, Mr. Speaker, perhaps 4 months before any other rent surveys, for example, can be made. It is important that we have reports on the rents charged the American public as well as many other items.

I am today introducing a joint resolution authorizing the Bureau of Labor Statistics to carry forward the studies necessary for the emergency or reconversion period.

This joint resolution provides that for the purpose of furnishing information and reports to Congress, various Federal agencies, and private groups and individuals, the Bureau of Labor Statistics of the United States Department of Labor is authorized and directed to collect information and report on the prices of foodstuffs, rents, and other living essentials more frequently and in a larger number of cities than now covered in the Bureau's program to the extent necessary to describe the course of prices and living essentials and of rents in principal localities and on a nationwide basis.

The legislation is as follows:

Joint resolution to authorize the Bureau of Labor Statistics to collect price and rent information in additional cities and at more frequent intervals

Resolved etc., That for the purpose of furnishing information and reports to the Congress, various Federal agencies, and private groups and individuals during the price emergency, the Bureau of Labor Statistics of the United States Department of Labor is hereby authorized and directed to collect information and report on prices of foodstuffs, rents, and other living essentials more frequently and in a larger number of cities than now covered in the Bureau's program to the extent necessary to describe the course of prices of living essentials and of rents in principal localities and on a Nationwide basis.

For the purpose of making these studies, there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $250,000 to be available until expended.

SPECIAL ORDER GRANTED

Mr. LANE. Mr. Speaker, I ask unanimous consent that on tomorrow, after the legislative business and any other special orders, I may address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. KELLEY of Pennsylvania asked and was given permission to extend his remarks in the RECORD and include a statement by Col. G. H. Rarey, United States Army, retired, upon the need for rehabilitation of those afflicted with Hansen's disease.

Mr. CORBETT asked and was given permission to extend his remarks in the RECORD.

Mr. SCHWABE of Oklahoma asked and was given permission to extend his remarks in the RECORD in three instances and to include certain excerpts.

Mr. SHAFER asked and was given permission to extend his remarks in the RECORD in two instances, in one to include a letter.

Mrs. LUCE asked and was given permission to extend her remarks in the RECORD in two instances and to include two newspaper editorials.

Mr. GWINN of New York asked and was given permission to extend his remarks in the RECORD and include a speech by Virgil Jordan of the Industrial Conference Board.

Mr. CARLSON asked and was given permission to extend his remarks in the RECORD and include a statement by the Republican Postwar Tax Study Committee.

Mr. HOPE asked and was given permission to extend his remarks in the RECORD and include a radio program in connection with the National Farm Safety Week.

Mr. HORAN asked and was given permission to extend his remarks in the RECORD and include an editorial from the Washington Star.

Mr. GAVIN asked and was given permission to extend his remarks in the RECORD and include an article by Gould Lincoln.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include two bills that I understand were sent to the Speaker today—one a bill for a permanent corps for the Army nurses and another for a permanent corps for the Wacs. I am delighted the Army appreciates the work of the Wacs and will continue them as a part of the Army.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mr. MONRONEY. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on the reorganization bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JUDD asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. HOFFMAN of Michigan asked and was given permission to extend his remarks in the RECORD in two instances and include therewith certain articles.

LEGISLATIVE PROGRAM FOR TOMORROW

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. I would like to inquire of the gentleman from Massachusetts, the distinguished majority leader, the program for tomorrow.

Mr. McCORMACK. The first order of business will be the atomic energy conference report.

Then there will be several suspensions.

S. 191, the hospital construction bill.

H. R. 6917, providing for site acquisitions and design of Federal buildings.

S. 1636 designating the State Department as disposal agency of surplus property abroad.

S. 2085, a bill to authorize the Federal Works Administrator to provide needed educational facilities other than housing, in relation to veterans.

A companion bill has passed the Senate and already an appropriation of $75,000,000 has been provided for. The passage of this bill is necessary to allow that appropriation to operate.

Then the bill H. R. 4502, the cancer control legislation, reported out of the Committee on Foreign Affairs.

S. 619, which I understand the gentleman from North Carolina [Mr. BARDEN] conferred with the gentleman from Massachusetts regarding. It is the Vocational Educational Act of 1946. If it is not passed by unanimous consent.

There is also a bill amending the War Powers Act, I think the first one, which relates to the Alien Property Custodian's Office. Unanimous consent for its consideration will be asked. I understand there is some objection to section 33 of an organic act which is the first section of that bill, but that has been stricken out by the Senate committee and I understood the request will be to pass what would be the Senate bill as amended eliminating the objectionable features of the bill as reported out of the House committee.

Mr. MARTIN of Massachusetts. Is it quite probable all that will not be done tomorrow, in which event the rest will be taken up on Saturday?

The SPEAKER. Yes.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. JUDD. Will the Philippine aid bill come up for consideration in the next day or two? Does the gentleman know whether a rule has been granted on it yet?

The SPEAKER. The Chair thinks in all probability some of those bills may be handled by consent. We are all very anxious to pass the Philippine bill.

Mr. McCORMACK. There is the Philippine loan bill reported out today; and there is a bill extending the RFC. Whether or not they can be considered by unanimous consent I am unable to state, but every effort will be made to bring them up.

The SPEAKER. If the gentleman from Massachusetts will permit, the Chair will also say that the Chair will recognize the gentleman from Texas [Mr. SUMNERS] to ask consent to take up the so-called tidelands bill tomorrow and concur in the Senate amendment.

SUSPENSIONS IN ORDER TOMORROW, JULY 26, 1946

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order tomorrow for the Speaker to recognize for the purpose of suspending the rules.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HOUR OF MEETING TOMORROW 12 O'CLOCK

Mr. McCORMACK. Mr. Speaker, I also want to announce that we will meet tomorrow at 12 o'clock.

PARLIAMENTARY INQUIRY

Mr. BIEMILLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BIEMILLER. Did I understand the Chair correctly to say that consent would be asked to consider the tidelands bill?

The SPEAKER. Yes; consent will be asked to consider the Senate amendment to the House bill. It is a bill that passed the House several months ago.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—PRICE CONTROL

The SPEAKER laid before the House the following message from the President of the United States which was read, and together with the accompanying papers referred to the Committee on Banking and Currency and ordered printed:

To the Congress of the United States:

I have today signed House Joint Resolution 371 amending the price-control laws and extending them for another year. I have signed this measure with reluctance.

I had hoped for a bill under which the Government could with full confidence assure the people that prices would remain generally stable in these last few critical months of the transition to a free economy. This bill falls far short of that hope. I am advised, however, that it is the best bill the Congress will now pass. It is clear, moreover, that it is a better bill than the one I was forced to veto on June 29. If that bill had become law, inflation would have been inevitable. While the present measure by no means guarantees that inflation can be avoided, it offers a sufficient prospect of success to warrant the making of a whole-hearted effort to keep our economy on an even keel until a flood of goods makes further controls unnecessary.

The behavior of prices and rents in the last 4 weeks has given the country a frightening foretaste of what would happen to the cost of living without price and rent control. Even though many factors were operating to restrain prices during this period, prices have nevertheless risen steadily and ominously.

The Bureau of Labor Statistics index of 28 basic commodities in the primary markets has shown an increase of 24.8 percent in the 26 days since June 28, 1946, as against an increase of only 13.1 percent in the 3 years and 42 days between the signing of the hold-the-line order on May 17, 1943, and June 28, 1946. Of this increase, only about 2 percent can be attributed to the removal of subsidies. These, it must be remembered, are prewholesale figures. The impact of the increases has not yet been fully felt by consumers. Retailers have for the most part held to their OPA prices so long as their old inventories lasted.

These increases have occurred in spite of the restraining influences at work to keep prices down. I had requested that the price line be held while the Congress considered the enactment of a workable law. Businessmen hesitated to build up inventories at high prices and thus risk serious loss if prices were rolled back to the June 30 levels. This risk was heightened by the prompt passage in the House of Representatives of a resolution which would restore the June 30 prices and rents. In addition, consumer resistance to increased prices developed immediately.

In view of the alarming rise in prices which took place under these conditions, it is not difficult to predict what would happen if a free market were operating without restraint.

These facts demonstrate that the continuance of effective price control is a vital necessity to our people. There are millions of families for whom a sharp rise in living costs means immediate suffering. There are others who can get along well enough for a while, but ultimately inflation exacts its toll from all.

The present legislation makes the task of staving off inflation even more difficult than it has been in the past. Clothing prices in particular will be difficult to hold at reasonable levels, and there are some other things that consumers will have to go without, or pay higher ceiling prices for them than they should. It is particularly unfortunate that many of these increases result from concessions to special interest pressures, rather than from the adoption of principles designed

to expand production within a stable price structure.

The present bill, despite its inadequacies, is an improvement in many respects over the bill which I vetoed. In my veto message, I emphasized the disastrous consequences which would flow from the Taft amendment and its companion the Wherry amendment. These provisions are fundamentally changed in the present bill. A comparison of the two bills demonstrates this fact.

Although its professed objective was to increase production, the Taft amendment would have required prices to be increased for already profitable industries even where no increase in production was possible. While the present bill will require some price increases where there will be no substantial expansion in production, it reduces materially both the number and the size of these increases.

It was mandatory under the Taft amendment to increase prices so that all industries could earn the profits they earned in the year 1941 on every major item they make. This was a year of abnormally high profits. The base for measuring profits under the present bill is the year 1940, in which profits were more nearly representative of normal peacetime operations. At the same time, the use of 1940 margins of profit offers every incentive for full production because 1940 was a highly profitable year.

Another serious deficiency of the Taft amendment is corrected by the present bill. It is obvious that costs go down as volume of production goes up. Yet that amendment would have compelled the Price Administrator to base prices on current costs even though it was perfectly clear that in many industries volume would be increasing so rapidly that the use of current costs would result in exorbitant prices. The present bill permits adjustments to be made for increases in volume that can be reasonably anticipated to occur within 3 months. This change will cut down substantially the price increases on consumer goods which were out of production during the war.

Another major objection to the Taft amendment was the damage it would have done to compliance and enforcement. OPA has developed uniform dollar-and-cent prices for many important products. This is the most readily understood and easily enforced kind of pricing. Since prices under the Taft amendment were based on each individual manufacturer's own 1941 price, uniform prices could not have been maintained in any case where prices in 1941 varied. The present bill cures this defect. The formula works from the average price for the industry in the base period, and this permits the continuance of enforceable dollar-and-cent prices.

The Wherry amendment would have restored to wholesalers and retailers the percentage mark-ups which prevailed on January 1, 1946. In the months since that time OPA has not passed on to consumers all the increases granted to manufacturers. Instead, the distributors have been required to absorb some of the increases. This was a fair policy because the sales volume was so high that even with reduced mark-ups distributors were generally faring far better than in any recent peacetime year. The present bill gives to distributors the mark-ups which prevailed on March 31, 1946. This change in date means that, without hardships to distributors, consumers are assured of considerably lower prices than would have been required under the Wherry amendment.

Thus, price increases will be far fewer, and those that occur will be far smaller, under the present bill than under the vetoed measure. The saving will be most significant in the basic industries, like steel. Since price increases in basic materials mean price increases in all the industries using those materials, an alarming upward spiral of costs and prices on a wide front seemed inescapable under the vetoed bill. Now there is a sound basis for the hope that such a spiral can be prevented.

Furthermore, by drastically reducing the number and size of required price increases, the present bill minimizes two other dangers inherent in the vetoed bill. First, the administrative burden on the Office of Price Administration, while still serious, is not impossible, as it was under the vetoed measure. Secondly, the danger of widespread interruptions of production while industry is waiting for price increases is materially lessened. Unless, however, the Congress promptly provides OPA with an adequate appropriation there are bound to be serious delays in the granting of required price adjustments. These delays would in turn mean slow-downs in production. And it is maximum production that will hasten the day when price control can safely be abandoned.

Finally, the vetoed bill contained a clause which would have destroyed wage stabilization by requiring the inclusion of unapproved wage increases as costs in the price-increase formula. That clause has been omitted from the present bill. The invaluable work of the Wage Stabilization Board can therefore be continued.

I regret that the Congress did not comply with my request to refrain from compelling administrative changes that will make our task more difficult. Good government requires that a law be administered consistently in all the fields where it is applicable. Consistency of policy is difficult to achieve when, as in the present bill, the Congress has provided for division of responsibility. I am confident, however, that the Price Administrator and the Secretary of Agriculture will work closely together to maintain unified policies.

I shall proceed promptly to appoint the Price Decontrol Board provided for by this statute. We are all anxious, on the one hand, not to cling to these controls too long and, on the other hand, not to release them too soon. The standards prescribed by the Congress for removing and restoring controls are reasonable standards. As I said in my veto message, I have not been opposed to the creation of an independent board to resolve these difficult questions of timing the removal of controls. I propose to appoint as members of the Board men in whose judgment and fairness the Congress and the country will have complete confidence.

Price control is but one of the means of combatting inflation. Under the best of circumstances price control alone could not preserve economic stability. Because of the defects in the present legislation and because of the months of delay in its enactment, it is all the more apparent that more extensive use of the power to allocate scarce materials may be required and that sterner fiscal and monetary measures than would otherwise be called for may prove to be necessary.

In order to bring spendable income more closely in balance with the supply of goods, attention must be given to strong anti-inflationary policies such as further reduction of Federal expenditures. If, despite such measures, inflation still threatens, consideration must then be given to the formulation of a more vigorous tax policy Such a tax program would, I realize, be unpalatable at a time when we are doing our utmost to increase production, but if it is the only alternative to the ravages of inflation, we would have no choice.

I pledge the administration to do its full part in this struggle, but it must not be forgotten that the battle against inflation is not the Government's battle alone—it is the people's battle as well. Consumers must vigorously resist exorbitant prices. Black markets cannot be suppressed solely by enforcement measures. Businessmen must, as controls are progressively removed, exercise self-restraint and forego the opportunity for short-run gain from profiteering in favor of the long-run advantage of stable prices and fair profits.

If it appears that all the efforts of the Government and the people will not be enough under the present legislation, I shall have no alternative but to call the Congress back in special session to strengthen the price control laws and to enact such fiscal and monetary legislation as we need to save us from the threat of economic disaster.

HARRY S. TRUMAN.

THE WHITE HOUSE, *July 25, 1946.*

The SPEAKER. Under previous order of the House, the gentlewoman from California [Mrs. DOUGLAS] is recognized for 30 minutes.

THE HUMAN BUDGET MUST BE BALANCED FOR PEACE

Mrs. DOUGLAS of California. Mr. Speaker, now, when we were about to go home to take part in the first peacetime political campaign and election in 4 years, it seems worth while to ask ourselves some searching questions. If we do so, perhaps we will be better able to answer the very searching questions that the voters will put to us between now and November 5. Some of us will survive and pass that examination, that supremely democratic test; some of us will flunk out and be replaced.

I do not propose today to recall in detail the specific legislative issues. On those the record has been made, even on those that by one means or another have been stored away in the deep-freeze

locker for the new Congress to thaw out and bring to life.

Each one carries home his own record and his own conscience.

I propose to state some very basic questions. They are questions which, I believe, are deeply troubling to the people of my State and to the whole American people.

They are questions to which answers must be given. Upon finding the right answers—and in time—depend the survival and further flowering of our American democracy. Upon the answers depend the very survival of civilization itself. To those who have ears to hear, brains to understand, and hearts to care, the whirring of the atomic bomb is louder and more compelling than the ticking of any clock. Even those who may try to escape the tension by hysterical attempts at humor betray the fact that, as part of the human race, they, too, are involved and concerned about the answers.

Yes, many questions hang over us, too many of them unanswered as we prepare to leave.

The answers I shall give may not be the right answers, or not complete answers. But they are answers in which I believe and for which I propose to speak and fight and pray until the polls close on election day.

What is the issue in this political campaign? Is it peace, or world organization, or full employment, or free enterprise, or balance the budget?

The issue is peace, not peace at any price, but a peace for which we are willing to work and think and vote here at home and in the United Nations. It must be a peace, not of capitulation which is no peace, but of cooperation and accommodation.

With power goes responsibility. We who have the power of the atomic bomb, unmatched today but perhaps surpassed tomorrow as history is counted, have the heaviest responsibility for the making of such a peace.

All the other issues are part of, and effect, the big issue.

Today, as we prepare to adjourn for 5 months, we have been too late with too little in preparing for peace. God grant us time to catch up when we come back, those who do come back.

"Peace, it's wonderful." But how do you get it?

There is nothing miraculous nor instantaneous about peace. It does not just happen. It develops, grows, or withers from day to day. We can get it by creating such conditions here at home and helping to create such conditions abroad as will make sure that there will never again be war.

Never?

That is right. This time there is no fooling. I quote from the findings of the Senate Special Committee on Atomic Energy, April 19, 1946, page 5: "It turns out that the real protection against the atomic bomb lies in the prevention of war."

And, at page 6, the final sentence summarizing the testimony of the scientists, military officials, industrialists, and others who had been closely connected with the Manhattan district—atomic bomb—project:

> Since the only real solution to the whole problem (created by the development of atomic energy) lies in continued world peace, legislation should be directed in specific terms toward that end and should contain a practical expression of our desire for international cooperation.

As an American citizen, I am proud of the report of that committee, of the bill passed by the Senate, of the Lilienthal report and recommendations, of the Baruch proposal to the United Nations, all made with the support and approval of President Truman. As a Member of this House, I am not proud of the atomic-energy bill passed by this body. I hope it will be improved in conference. I hope that the new Congress may further improve its provisions.

Let us look at that final sentence again. If we fail to heed its warning it may become the epitaph of civilization. Note that it says "the only real solution." Is what? "Continued world peace." Note the word continued. That means that peace cannot be broken, suspended, and resumed later. Peace must be continuous from now on.

It recommends legislation in specific terms and finally "a practical expression of our desire for international cooperation."

Who says so? Are these words, "the only real solution * * * lies in continued world peace," the words of the Congresswoman from California? Oh, no. Not at all. They are the words of a Senate committee, summarizing the testimony of the men who split the atom and who know how the release of atomic energy, which is now going on, can split and destroy our world.

Who are they?

Let me read their names. I read from the Senate report:

> Dr. Alexander Sachs, economist.
>
> Maj. Gen. L. R. Groves, United States Army, Director, Manhattan engineering district.
>
> Dr. Harold C. Urey, professor of chemistry, University of Chicago.
>
> Dr. Irving Langmuir, associate director of research laboratory, General Electric Co.
>
> Dr. Vannevar Bush, Director, Office of Scientific Research and Development.
>
> Dr. J. R. Oppenheimer, professor of physics, California Institute of Technology.
>
> Dr. Hans A. Bethe, professor of physics, Cornell University.
>
> Dr. Philip Morrison, physicist, Los Alamos Laboratory.
>
> Dr S. A. Goudsmit, professor of physics, University of Michigan.
>
> Dr. Leo Szilard, staff member, metallurgical laboratory, University of Chicago.
>
> Dr. John A. Simpson, physicist, University of Chicago.
>
> Dr. Clarke Williams, physicist, College of the City of New York.
>
> Dr. Alvin M. Weinberg, physicist, Clinton Laboratories, Oak Ridge.
>
> Dr. Ross Gunn, Naval Research Laboratory.
>
> Commodore W. S. Parsons, Assistant to the Deputy Chief, Naval Operations for Special Weapons.
>
> Vice Admiral W. H. P. Blandy, Deputy Chief, Naval Operations for Special Weapons.
>
> Rear Adm. William R. Purnell, Assistant Chief of Naval Operations for Matériel.
>
> Rear Adm. Lewis L. Strauss, Deputy Chairman of the Army-Navy Munitions Board and special assistant to the Secretary of the Navy.
>
> Frank R. Creedon, formerly with Stone & Webster Engineering Corp.
>
> H. E. Thompson, vice president, Carbide & Carbon Chemicals Corp.
>
> H. A. Winne, vice president, General Electric Co.
>
> Edwin H. Brown, vice president, Allis-Chalmers Manufacturing Co.

Mr. Speaker, we are all too apt to make negative, defensive statements about matters that are very important and very dear to us. Instead of saying "peace" we say "not war," or "no more war" or "a warless world."

I prefer to make it positive, to take the offensive, to say a world full of peace is what we must have. As a woman, I know how deep is the instinct and the desire for peace, for the conserving, for the saving and the cherishing and the infinite improvement of human life. In a Nation and a world still too much controlled by fear, it is also true that peace does keep breaking out all over. It is part of the divine optimism of mankind. Today, living on a planet that is small and getting smaller, it is literally true that we must have a world full of peace or no world at all. Man's destiny demands it.

"What do you mean, a peaceful world? Why not get down to earth, to brass tacks?"

Bigger profits, higher wages, a new washing machine, two chickens in every pot, lower taxes—are these the conditions of peace? They are all desirable. Yes; and they are all possible in a Nation as rich as ours. We can even have bigger profits and higher wages at the same time—if we manage to keep our vast economic and productive machine rolling out goods in capacity volume for ready sale.

We want all these things and we can have them. But is that all we want? Is that our ultimate goal, our deepest concern, our inmost yearning as we bend over our children and think of the years ahead?

No; beyond and beneath and before and after everything else, we want a warless world, a peaceful world, a world full of peace—all of us, men and women alike, farmer, wage earner, businessman, big and small, veteran and nonveteran, those who went and those who stayed home and waited, Democrat and Republican. That is our goal. Peace. Not a cold marble shaft, a remote ideal, honored in the breach more than in the observance, but a lively, active, all-pervasive sense of economic and political and social good health running through all our communities, our Nation, and other nations. With this goal always in mind all other issues, which are part and parcel of the big issue, will fall into their proper place.

"How about balancing the Budget?" Is it not true that unless we stop increasing the national debt, begin living within our income, and start reducing the enormous debt we shall have neither peace nor prosperity, but loss of confidence in our money, our Government, and finally a break-down and another war? Why not be practical and start with the budget and taxes?"

With this cry of "balance the budget," especially at campaign time, the very

strong suggestion is made that the candidate who pledges to work toward that end first, last, and always, putting that goal above all else, is the candidate who alone has the real interest of the people at heart. "Balance the budget and all will come out all right." "Balance the budget and put our house in order." "Balance the budget and save ourselves from all the dangers in the catalog of horrors."

Well, let us make this issue hold still a moment while we look at it. (Never mind the political danger of having to suggest to homeless veterans that they put their house in order. What house? is likely to be their very apt reply.) Let us talk about taxes. None of us likes to pay taxes. But there are many things we dislike a whole lot more. Death, the loss of dear ones, bloodshed and horror, the slow readjustment to what we call peace for those who have lived years in weeks of war—there is no need to belabor the point. But there is no excuse for forgetting or omitting it.

The fact is that, even if we balance the budget and there is World War III, the balanced budget will bring no happiness, the balanced budget will prove no shield against danger. (France had billions in gold when the Nazis took Paris.) There may not even be anyone around to enjoy or record a balanced budget if there is World War III. A balanced budget, in and of itself, is no guaranty of happiness and no guaranty of future life.

A balanced budget is desirable, of course, but we can go on eating and sleeping, working, loving our dear ones, raising our families, whether we as a Nation add the column on the deficit or the plus side. We can do this as long as we are not afraid of ourselves as a people, a nation, and a race.

Why is this possible? Because we are a rich nation, the richest in the world in money and goods and the equal of any nation in raw materials. Our budget is unbalanced, but we are in debt to no one. We have borrowed from ourselves.

I recall the words of a very prominent Republican, a former Senator, now an employee, I believe, of the Republican National Committee, to the effect that, if you feel you have had your money's worth, the budget can be said to have been balanced. I believe the American people—even those who have paid the highest taxes—think they have had their money's worth in the past 14 years of peace and war. We are free and strong, stronger internally and abroad than in 1932. I do not believe we are afraid, even of bookkeeping. I do not believe we can be scared by bookkeepers' talk that puts dollars first and people second.

If we keep the individual's budget balanced so that every family in America is well-housed, well-clothed, and well-fed, the national budget will take care of itself when the time comes to cast up accounts. We are not keeping books for the sake of keeping books, or of making money, but of saving lives, saving our national strength.

The issue, the great overriding national issue, is Peace, peace within this Nation and among nations. We balance the budget now if we contribute our full share to peace. Nothing less is enough.

If we find that health, Federal aid to equalize education throughout the 48 States, housing, and scientific research are the real foundations of peace here and abroad, we will be balancing the bugget by laying those foundations.

If the use of fiscal policy in credit, taxation and expenditures for useful public works and services is helpful in substituting steady and rising employment and incomes for another and more violent boom and bust, then I say, let us use it. Let us keep the national ledger free of the blood and tears that smudged the figures for 1929 to 1933.

I mention these minor issues to emphasize the fact that, if we are not to bring our civilization down in ruins, we must fit every act into a pattern that permits of a future. As with nuclear fission, so with politics and economics. Chain reactions are inevitable. They happen all the time. They can be good or bad. Our job, if we want to survive, is to make them good, and to relate each of them to the others and to the whole structure and habit of peace.

Every principle, every struggle is senseless from here out if there is to be no future. Therefore, for each of us who sometimes must meet a child's trusting eyes, every act must fit into a pattern that permits of a future.

Mr. Speaker, in my opinion it is the human budget that we must balance first. As never before, people must be mobilized, not as slaves or puppets, but as free, healthy, aspiring, working, enjoying and friendly individuals, unafraid of each other, tomorrow or themselves. This is a great country, in those terms. It must be made a better country, more healthy, more optimistic, with more security and opportunity for the individual man and woman and young person. That is the way to mobilize to make peace. The same all-out vigor and determination that we put into the war must be invested in the peace.

From here out, human values must be put first. They must be the test in weighing every issue, budget balancing, taxes, whatever it is.

"But where do human values get us? We cannot run a world WPA," the hard-boiled realists will be saying in the next few months. "Let us shut down on all this relief. Take care of our own first and let the rest pay cash on the barrel head."

Oh, Mr. Speaker, such realism is no realism at all.

We have Bretton Woods, a World Bank, Food and Agriculture Organization, UNESCO, the United Nations, but unless we continue to go to the rescue of a starving world, this year and the next at least, those fine brave plans for a world of peace can go for nothing. Money and trade, learning, culture, and scientific programs will never have a chance to be worked out and used by mankind. We simply cannot build anything lasting as long as 500,000,000 people face starvation. Peace and misery cannot live together.

It is people, remember, with whom we are primarily and ultimately concerned—not governments but people, Russian people, Polish people, Dutch people, French people, English people, Italian people, Chinese people, hungry, sick, homeless people—people with war-shocked nerves, people suffering for years during German occupation and the disaster of war from malnutrition. It is with these people we must live and work and play and build, not only commerce, trade, air travel, international organizations, but friendship, sympathy, understanding, trust—the essential ingredients of a happy family life—whether it be on main street or the world family along the international highways and airways that lace the earth together in one great neighborhood.

And what of human values at home? There is a lesson to be learned from the war. We had a 15,000,000-man Army. It was a great Army. It helped to win a great victory. It routed the forces of evil, winning freedom and a chance for greater freedom—losing would have meant slavery for all the people of the world—slavery to the Axis nations.

"But what did we win when we won the war?" ask the self-styled realists.

Let no one tell you this war was fought for nothing. We won freedom. Every town in Germany had its slave battalion, made up of the conquered people of Europe. Every town had its stinking concentration camps with their human furnaces heated for the slaves in case they did not perform to suit their masters.

Let no one ever tell you we gained nothing when we won this war.

A 15,000,000-man army it took for us to do the job. But it took more—for war demands courage and a spirit and a will to win. It demands intelligence and a physical hardihood, a capacity of man's body to measure up to his spirit and his intellect. It took the best that we had. We spent our finest manhood.

There is a shameful fact connected with the building of that great 15,000,000-man army which does not at first appear. We discarded because of mental or physical defects almost as many men as we took into the Army.

The shameful story is told in the record of the Selective Service. It is a stark incontrovertible story of unequal educational opportunities, the story of malnutrition here at home, of the ravages of disease and physical defects because of lack of medical attention, the story of low wages in cities, low incomes on farms and insecurity, like a malaria eating into the blood and the bones of our people. It is the story of human erosin, unnecessary and preventable in the richest of all countries. It all showed up in the records of the Selective Service when we had to choose only the sound and healthy to win the war.

This story must not continue if we are to build a sound healthy society, free from the germs of war—healthy enough to give the world leadership that is asked of us. If in war, courage and the will to win must be fortified by intelligence backed up by a healthy sturdy body, I declare that these things are doubly needed now.

Is it too much to ask that all Americans, Democrat or Republican, look at economic and social legislation in this light? A job at a living wage on the farm, in the factory, in the offices of

America with reasonable hours, a fair wage to keep the machinery of our Government going—for the Federal worker and postal employee—are the foundations of a healthy mind and body. They are likewise the insurance to business of enough customers with enough money to buy the plenty our economy can and must produce year in and year out.

Business and agriculture can and must be free from fear of monopoly, free for all, free so that initiative and imagination can flower, so that healthy, normal ambition is something for the many and not for the few—so that there is an ever-widening horizon for all. This does not just happen. Government must make and enforce the rules of the road, of commerce, of fair competition, and give help to small business in its contest with big business.

I think in a government of the people—our Government—we, the elected representatives, must ever fight the deadening hand of monopoly, recognize it for what it is—the real enemy of free enterprise, and, finally, if allowed to grow, the death of democracy itself.

A man's spirit and courage expand in a society where the rules are fair and just, where the same rules apply to all, where the only limit on one's advancement is one's own application and ability.

Health is not the pious dream of welfare workers and Senator MURRAY. Health is the heavy bomber of peace. Doctors, nurses, hospitals—we must not stop until we have the number we need to insure health for all.

Playgrounds, recreation centers, parks contribute to health.

A decent home with enough room where children can grow up normally, happily; where grownups can rest their bodies, relax, restore their strength for the job they have chosen to do, is fundamental to healthy minds and healthy bodies and to a sound spirit.

Senior citizens must be provided for adequately in a society that is secure.

Science must be used as an instrument to open the doors of business opportunity for all, not just a special few.

Science must be used to bring about better working conditions, better health and new communities. Science must be used for all the people to develop greater resources.

The opportunities are limitless if we keep the goal in mind, if we remember what we are trying to do.

To achieve our goal, to build a world full of plenty and peace and empty of want and war, we can no longer afford old prejudices, old hates. We are so blind—all of us—so unfeeling, so unknowing when it comes to the science and art of human relations. We must master that science.

We must hand in hand learn to walk and see and feel and work together, each a part of whatever future there will be. We must be vigilant daily of ourselves.

We must measure our own action, search our own hearts, test every proposal, every act, by the question that is the sum of all questions, all issues:

Will it help or harm the making of real peace within our Nation and among nations?

Mr. Speaker, that is the issue, the test in the months and years to come.

We have won the war. We must prove ourselves worthy of peace.

The SPEAKER. Under previous order of the House, the gentleman from Kansas [Mr. REES] is recognized for 10 minutes.

INVESTIGATION OF LOYALTY IN GOVERNMENT

Mr. REES of Kansas. Mr. Speaker, I have asked for permission to speak at this time to make a rather brief statement in support of my supplemental report as a member of the subcommittee of the House Civil Service Committee, appointed, among other things, to investigate the problem of loyalty of employees in Government. I shall also make a few brief observations.

Mr. Speaker, it is of extreme importance to our country at this time that people employed in all departments of Federal service be of the highest integrity and unquestioned loyalty. The people of this country are entitled to that consideration. Employment in Government should at all times be respected as a high privilege. Very unfortunately, there is no uniform, consistent policy among our agencies with regard to investigating and removing employees who are known to be disloyal. Right now we have employees in Government who have been rejected on loyalty grounds by one agency but who are accepted for employment in another agency. The Civil Service Commission is responsible for permitting hundreds of employees to remain on the pay roll, even though their loyalties have been challenged. In dealing with these cases the policy of "reasonable doubt" on questions of loyalty has not been carefully followed. Too much attention and susceptibility is given to outside influences, not only in civil service, but in other agencies of Government, in making final decisions with respect to fitness of many employees.

Mr. Speaker, conditions that are inexcusable with respect to this problem were brought to the attention of the subcommittee, even during the few days investigations were being held. These conditions will not be cured entirely by mere changes in technique or issuance of directives. I am informed that the Civil Service Commission is giving consideration to new directives with regard to investigation of applicants for employment. I have no objection to these new directives, but little will be accomplished thereby with respect to those who are already on our pay rolls. We ought to determine who is responsible for permitting any person with doubtful loyalty to remain in Government and then see to it that such persons, after careful examination, are immediately removed.

Mr. Speaker, after all, this Congress is responsible to the people to see to it that our national security is preserved and the most important place to start up to do it is within the Government itself.

Mr. Speaker, we ought to do that as a matter of fairness to the hundreds of thousands of loyal, patriotic employees in Government. They are entitled to that protection and consideration.

Mr. Speaker, the Committee on the Civil Service ought to continue its investigations and hearings with respect to this entire question of loyalty. It should not be a witch-hunting proposal, but it should be a careful, firm, and constructive investigation in the various agencies so that we can find out not only who are the people that are being held in Government with questionable loyalties, but also who is responsible for their being in such positions. And, furthermore, see that action is taken by legislation or otherwise to deal with this problem.

My attention has just recently been called to an agency where a number of people have been employed whose loyalty is questioned, but who claim they cannot be released except by going through civil service. The Civil Service Commission claims it is not in position to take any action with respect to an employee after he has once been investigated and placed permanently on the pay roll. This situation should be definitely solved. Let us fix the responsibility and see that that responsibility is carried out.

Of course, the Civil Service Commission is entitled to sufficient funds to make proper investigation, but more important it must have the will to see that those already in service who do not belong there are removed. If the Civil Service cannot remove them, then they ought to recommend removal to the agency where they are employed. We need more definite action and less directives in civil service.

Mr. Speaker, our attention has just been called to a glaring situation of a man named Jacobson, who was employed as a clerk for $1,200 or $1,400, and within a short time rose to a position of importance and responsibility so that he receives more than $9,000 per year. That is a case of sheer neglect on the part of officials in our Government. It was not difficult to find out about this man's record. He had been recommended for disbarment. His record was not good, and yet he was not only approved for employment, but further approved for advancement to which common sense would tell anyone he was not entitled. Somebody is responsible for permitting that thing to happen. Not only should Jacobson have been thrown out of the Government before now, but those who recommended him should be held accountable.

Mr. Speaker, if we are going to deal with this question, we cannot do it by just appointing interdepartmental committees. We have got to take action, and we have got to fix responsibility.

Mr. Speaker, I am disappointed in the lack of many agencies of Government in their lack of interest and support in cooperating with our committee and Congress in dealing with this question. Mr. Speaker, the problem of subversive activities in Government ought to be investigated from top to bottom. A committee of this Congress should make investigation, and in doing so it ought to have the loyal and complete cooperation of every agency and department of Government. If they hesitate to cooperate, we should know the reason why. The problem is too serious and too important to the American people to permit vacillation or "buck passing" on the part of anyone or any agency. We can

solve it if we have the will and the courage to do it.

THE HONORABLE JOHN J. COCHRAN

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, our distinguished and beloved colleague, and my close and valued friend, Hon. JOHN J. COCHRAN, after 11 consecutive terms of faithful, efficient service to his country, his State, and his constituency, has decided not to return to the Halls of Congress. The contemplation of the ending of my close relationship with him during all the years of my office as Member of Congress brings a feeling of personal sadness, not merely that our relations have been so pleasant and agreeable, or that our duties have been so mutually interwoven, as for the personal feeling of loss in not being able to look to him for aid and assistance in the many important legislative problems which are present and which only those with the knowledge, ability, and power of clear thought possessed by JOHN COCHRAN can properly solve. This present state of the world calls for men in public office who can meet the complex and difficult conditions of daily life with courage and vision. We can ill afford to lose the valued service of JOHN COCHRAN. We need pause but momentarily to consider the varieties and intricacies of legislative work to be absolutely convinced that integrity in government demands the effort of men of his first talents.

The future happiness of the world is dependent upon the wisdom, impartiality and independence of all who hold positions of public trust and confidence. JOHN COCHRAN, throughout his distinguished career as a Member of Congress has ever maintained the honor and dignity of his high office. His every thought and action has had one objective—the maintenance of constitutional government and the preservation of the rights of men, wherever resident or however situated. Tolerance has been his credo. Integrity is his shield. He has ever striven to protect the minority against unjust claims of the majority and to maintain peace and order in our Nation through legislation designed to guarantee the rights of the majority when threatened by the ill-advised aggression of any minority. America is today the greatest and the most powerful Nation in the world. JACK COCHRAN has contributed immeasurably to this national greatness and power.

JACK COCHRAN was secretary to Hon. William L. Igoe and Hon. Harry B. Hawes who represented St. Louis in Congress for 14 years. He was secretary to Senator William J. Stone, being with the Senator at the time of his death. While secretary to Senator Stone he acted as secretary to the Foreign Relations Committee of the Senate. Elected to the Sixty-ninth Congress, he has served as Member of the House during each succeeding Congress. During his term of office he has served with distinction on many committees. His sagacity and devotion to duty has perhaps best been exemplified by his outstanding accomplishment in the cause of good government as chairman of the Committee on Accounts. His loyalty and fidelity to our late beloved President, Franklin Delano Roosevelt, is a matter of common knowledge. His fearless and sympathetic understanding of every problem which concerns the veteran has endeared him to all heroes of World War I and of World War II. The longer men associate with him, the deeper grows affection and admiration. Brilliant, faithful, courageous—he has won for himself the respect and confidence of all his associates. Fortunate indeed are those who enjoy his friendship.

Ever a valiant warrior for those principles of liberty, equality, and justice which are our most treasured heritage, JOHN COCHRAN has lived and fought for the attainment of his ideals—the high ideals of honor in government, security and happiness in America, permanent peace in the world. He has been untiring in his endeavor to bring social security to mankind. Stricken by physical infirmity which would have defeated all but the strong of heart, he has carried high, with unflinching courage, the standard of patriotic devotion to God, to country, to man. Wise counselor, patient adviser, keen and astute citizen, we will miss him and his inspirational example as a real American. It was once said that a king who is willing to be the man of his people is the greatest king in the world. "JACK" COCHRAN is truly the man of his people.

His absence from our deliberations will leave a vacant chair. His experience, integrity, loyalty to country, and fidelity to God, are attributes of his character which having endeared him to all, increase the sentiments of deep regret that he will no longer be among us.

With him go our heartfelt wishes for the best health possible and, above all, for happiness.

He has ably served his God and country—may he throughout his life enjoy the fruits of his undying service for his fellow man.

EXTENSION OF REMARKS

Mr. REES of Kansas asked and was given permission to extend his remarks in the RECORD and include a magazine article.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WASIELEWSKI, for 1 week on account of official business.

To Mr. HARE, for 3 days.

To Mr. BALDWIN of New York, for 10 days.

To Mr. BRYSON, for the period ending August 14, on account of official business.

To Mr. ROBERTSON of Virginia, for Friday and Saturday this week, on account of official business.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 371. Joint resolution extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1426. An act to provide for the replanning and rebuilding of slum, blighted, and other areas of the District of Columbia and the assembly, by purchase or condemnation, of real property in such areas and the sale or lease thereof for the redevelopment of such area in accordance with said plans; and to provide for the organization of, procedure for, and the financing of such planning, acquisition, and sale or lease; and for other purposes;

S. 1466. An act authorizing rehabilitation on the island of Guam; and

S. 2246. An act to authorize the Secretary of the Navy to acquire in fee or otherwise certain lands and rights in land on the island of Guam, and for other purposes.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 371. Joint resolution extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 44 minutes p. m.) the House adjourned until tomorrow, Friday, July 26, 1946, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1477. A letter from the Secretary of War, transmitting a draft of a proposed bill to create the Medical Service Corps in the Medical Department of the Army, and for other purposes; to the Committee on Military Affairs.

1478. A letter from the Secretary of War, transmitting a draft of a proposed bill to establish the Women's Army Corps in the Regular Army in the Officers' Reserve Corps and in the Enlisted Reserve Corps, and for other purposes; to the Committee on Military Affairs.

1479. A letter from the Secretary of War, transmitting a draft of a proposed bill to establish the Army Nurse Corps, the Dietitian Corps, the Physical Therapist Corps, and the Occupational Therapist Corps in the Medical Department of the Regular Army and in the Officers' Reserve Corps, and for other purposes; to the Committee on Military Affairs.

1480. A communication from the President of the United States, transmitting a supplemental estimate of appropriation in the amount of $20,000,000 for the payment of claims by employees and former employees of the Government for increased overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General in accordance with the provisions of H. R. 6532, Seventy-ninth Congress (H. Doc. No. 716); to the Committee on Appropriations and ordered to be printed.

1481. A communication from the President of the United States, transmitting a supplemental estimate of appropriation in the amount of $2,679,493,000 for the cost of terminal leave and accumulated leave in excess of 90 days for members of the armed forces in accordance with the provisions of H. R. 4051, Seventy-ninth Congress (H. Doc. No. 717); to the Committee on Appropriations and ordered to be printed.

1482. A letter from the Chairman, Federal Trade Commission, transmitting the report of the Federal Trade Commission entitled "Distribution Methods and Costs, Part IX—Cost of Production and Distribution of Fish on the Pacific Coast" (H. Doc. No. 718); to the Committee on Interstate and Foreign Commerce and ordered to be printed, with illustrations.

1483. A letter from the President, United States Civil Service Commission, transmitting one set of the Commission's requests for personnel for the second quarter of the fiscal year 1947; to the Committee on the Civil Service.

1484. A letter from the Administrator, National Housing Agency, transmitting a draft of a proposed bill for the relief of Mr. Stephen S. Piaut and Mrs. Edith Anderson; to the Committee on Claims.

1485. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of a proposed bill to amend the act entitled "An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925; to the Committee on the District of Columbia.

1486. A letter from the Administrator, National Housing Agency, transmitting a draft of a proposed bill for the relief of James E. Culbreth; to the Committee on Claims.

1487. A letter from the Archivist of the United States, transmitting report on records proposed for disposal by various Government agencies; to the Committee on the Disposition of Executive Papers.

1488. A letter from the Archivist of the United States, transmitting report on records proposed for disposal by various Government agencies; to the Committee on the Disposition of Executive Papers.

1489. A communication from the President of the United States, transmitting a record of judgment rendered against the Government by the District Court of the United States for the Western District of Kentucky, as submitted by the Department of Justice through the Treasury Department, and which requires an appropriation of $218.92, together with an indefinite appropriation to pay interest (H. Doc. No. 719); to the Committee on Appropriations and ordered to be printed.

1490. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1947 in the amount of $250,000 for the Price Control Board (H. Doc. No. 720); to the Committee on Appropriations and ordered to be printed.

1491 A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1947 in the amount of $26,000,000 for the Office of Price Administration (H. Doc. No. 721); to the Committee on Appropriations and ordered to be printed.

1492. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1947 in the amount of $750,000 for the Atomic Energy Commission (H. Doc. No. 722); to the Committee on Appropriations and ordered to be printed.

1493. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1947 in the amount of $375,000 for the Council of Economic Advisers (H. Doc. No. 723); to the Committee on Appropriations and ordered to be printed.

1494. A communication from the President of the United States, transmitting an estimate of appropriation under the Treasury Department for payment of certain claims allowed by the General Accounting Office, amounting to $30,591.32 (H. Doc. No. 724); to the Committee on Appropriations and ordered to be printed.

1495. A communication from the President of the United States, transmitting estimates of appropriation submitted by the several executive departments and independent offices to pay claims for damages to or losses of privately owned property, in the sum of $1,425.57 (H. Doc. No. 725); to the Committee on Appropriations and ordered to be printed.

1496. A communication from the President of the United States, transmitting a schedule of judgments rendered by the Court of Claims which has been submitted by the Treasury Department and requires an appropriation for payment, amounting to $70,738.47 (H. Doc. No. 726); to the Committee on Appropriations and ordered to be printed.

1497. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Public Roads Administration to pay claims for damage to roads and highways of States or their subdivisions, in the sum of $21,012.64 (H. Doc. No. 727); to the Committee on Appropriations and ordered to be printed.

1498. A communication from the President of the United States, transmitting estimates of appropriation amounting to $506,223.53, to cover claims allowed by the General Accounting Office and for the services of the several departments and independent offices (H. Doc. No. 728); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Virginia: Select Committee To Investigate Executive Agencies submits a report pursuant to House Resolution 88 (79th Cong., 1st sess.), for the continuation of the Special Committee To Investigate Acts of Executive Agencies Which Exceed Their Authority (Rept. No. 2659). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1198. An act to authorize the Secretary of Commerce to sell certain property in the State of Michigan now occupied by the Weather Bureau and to acquire land in the State of Michigan for the erection of a Weather Bureau station; without amendment (Rept. No. 2660). Referred to the Committee of the Whole House on the State of the Union.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2661. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. KELLEY of Pennsylvania: Committee on Labor. H. R. 3922. A bill to provide for the general welfare by enabling the several States to make more adequate provision for the health and welfare of mothers and children and for services to crippled children, and for other purposes; with amendment (Rept. No. 2662). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLAND: Committee on the Merchant Marine and Fisheries. H. R. 5892. A bill providing for a medal for service in the merchant marine during the present war; with amendment (Rept. No. 2663). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLAND: Committee on the Merchant Marine and Fisheries. H. R. 6910. A bill relating to the authority of the Secretary of the Treasury to exchange sites at Fort Lauderdale, Brownard County, Fla., for Coast Guard purposes; with amendment (Rept. No. 2664). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILLIPS: Committee on Agriculture. H. R. 7101. A bill to protect American agriculture, horticulture, livestock, and the public health by prohibiting the unauthorized importation into, or the depositing in the territorial waters of, the United States of garbage derived from products originating outside of the continental United States, and for other purposes; without amendment (Rept. No. 2665). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLANNAGAN: Committee on Agriculture. H. R. 6043. A bill to provide support for wool, to amend the Agricultural Marketing Agreement Act of 1937 by including wool as a commodity to which orders under such act are applicable, to authorize the Secretary of Agriculture to fix wool standards and for other purposes; with amendment (Rept. No. 2666). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Banking and Currency. Senate Joint Resolution 156. Joint resolution to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation; with amendments (Rept. No. 2667). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENDER:

H. R. 7140. A bill to provide for the reduction of appropriations to the extent necessary to balance the Budget for the fiscal year 1947; to the Committee on Expenditures in the Executive Departments.

By Mrs. NORTON:

H. R. 7141. A bill to promote the general welfare of the people of the United States by establishing a publicly supported labor extension program for wage and salary earners, and for other purposes; to the Committee on Labor.

By Mr. BARTLETT:

H. R. 7142. A bill to increase the compensation of the Governors of Alaska, Hawaii, Puerto Rico, and the Virgin Islands; to the Committee on the Territories.

By Mr. RANDOLPH (by request):

H. R. 7143. A bill to exempt certain interns, student nurses, and other student employees of hospitals of the Federal Government from the Classification Act and other laws relating to compensation and benefits of Federal employees; to the Committee on the Civil Service.

By Mr. HAND:

H. R. 7144. A bill to amend the act of April 14, 1930, to provide increased retired pay for certain members of the former Life Saving Service; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOOK:

H. R. 7145. A bill to suspend deportation of Indonesians; to the Committee on Immigration and Naturalization.

By Mr. PATTERSON:

H. R. 7146. A bill to amend the act of May 18, 1928, so as to authorize a per capita distribution of certain funds to the Indians of California; to the Committee on Indian Affairs.

By Mr. HOBBS:

H. R. 7147. A bill to repeal certain statutes relating to the war and emergencies; to the Committee on the Judiciary.

By Mr. DE LACY:

H. R. 7148. A bill granting the consent of Congress to the State of Washington to construct, maintain, and operate a free highway bridge across Port Washington Narrows between Bremerton, Wash., and Manette, Wash., and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DOUGHTON of North Carolina:

H. R. 7149. A bill to amend Public Law No. 291, the International Organization Immunities Act; to the Committee on Ways and Means.

By Mr. HINSHAW:

H. R. 7150. A bill to repeal an act granting certain public lands situated in Mono County in the State of California, to the city of Los Angeles; to the Committee on the Public Lands.

By Mr. LEA:

H. R. 7151. A bill to amend section 12 of the Securities Exchange Act of 1934, as amended, for the purpose of affording protection to investors in certain unregistered securities; to the Committee on Interstate and Foreign Commerce.

By Mr. MUNDT:

H. R. 7152. A bill providing for the conveyance to the city of Canton, S. Dak., of the Canton Insane Asylum, located in Lincoln County, S. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. WEICHEL:

H. R. 7153. A bill to provide for the issuance of a special postage stamp in commemoration of Thomas Alva Edison; to the Committee on the Post Office and Post Roads.

By Mr. SPENCE:

H. J. Res. 388. Joint resolution to authorize the Secretary of the Treasury to render financial aid to the Republic of the Philippines, and for other purposes; to the Committee on Banking and Currency.

By Mr. RANDOLPH:

H. J. Res. 389. Joint resolution to authorize the Bureau of Labor Statistics to collect price and rent information in additional cities and at more frequent intervals, and for other purposes; to the Committee on Labor.

By Mr. HOFFMAN of Michigan:

H. Res. 740. Resolution requesting information from the War Department; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN of Illinois:

H. R. 7154. A bill for the relief of Freda Wahler; to the Committee on Claims.

By Mr. DWORSHAK:

H. R. 7155. A bill for the relief of Dionisio R. Trevino; to the Committee on Immigration and Naturalization.

By Mr. KEARNEY:

H. R. 7156. A bill for the relief of Giuseppe Antonio Saraco; to the Committee on Immigration and Naturalization.

By Mr. KLEIN:

H. R. 7157. A bill for the relief of Alex Bail; to the Committee on Immigration and Naturalization.

By Mr. KEEFE:

H. R. 7158. A bill for the relief of Neal E. Will; to the Committee on Claims.

By Mr. LESINSKI:

H. R. 7159. A bill for the relief of Georgios Ekaterinis; to the Committee on Immigration and Naturalization.

By Mr. LEA:

H. R. 7160. A bill for the relief of Walter R. and Kathryn Marshall; to the Committee on Claims.

By Mr. SADOWSKI:

H. R. 7161. A bill for the relief of George Elly Vasu; to the Committee on Immigration and Naturalization.

By Mr. ROWAN:

H. R. 7162. A bill for the relief of Tsuyoshi Matsumoto; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2124. By the SPEAKER: Petition of Federal Bar Association of New York, New Jersey, and Connecticut, petitioning consideration of their resolution with reference to requesting Congress to appoint an appropriate committee to investigate all questions of fact, law, and public policy arising out of the public charges made by Mr. Justice Jackson, of the United States Supreme Court, against Mr. Justice Black; to the Committee on the Judiciary.

2125. Also, petition of the Common Council of the City of Rome, N. Y., petitioning consideration of their resolution with reference to their endorsement of adequate price control; to the Committee on Banking and Currency.

2126. Also, petition of Southwest Shippers Advisory Board, petitioning consideration of their resolution with reference to their opposition to railroad retirement bills S. 93 and H. R. 1362; to the Committee on Interstate and Foreign Commerce.

SENATE

FRIDAY, JULY 26, 1946

(Legislative day of Friday, July 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Ralph C. John, S. T. M., assistant minister, Foundry Methodist Church, Washington, D. C., offered the following prayer:

O God, most merciful Father, our beginning is with Thee; our continuation—to live and to serve—is a gift of Thy providence; and our hope for the near and the far reaches of time is engendered through Thy divine love. We would not accept the challenge of the high tasks to which we look except for the assurance that in matters great and small we do not stand in a feigned self-sufficiency, but that supporting in infinite power are the everlasting arms. Make us conscious of Thy presence in that which Thou hast given us to accomplish; and may every fruit of labor find its roots in a wisdom which Thou dost bestow.

Incline Thine ear unto us as the supplications of our hearts ascend in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The Chief Clerk read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., July 26, 1946.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ALBEN W. BARKLEY, a Senator from the State of Kentucky, to perform the duties of the Chair during my absence.

KENNETH MCKELLAR,
President pro tempore.

Mr. BARKLEY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. WHITE, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, July 25, 1946, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. WHITE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	Overton
Andrews	Hill	Pepper
Austin	Hoey	Radcliffe
Ball	Huffman	Reed
Barkley	Johnson, Colo.	Revercomb
Bilbo	Johnston, S. C.	Russell
Brewster	Kilgore	Shipstead
Brooks	Knowland	Smith
Buck	La Follette	Stanfill
Burch	Langer	Stewart
Bushfield	Lucas	Swift
Capper	McCarran	Taft
Carville	McClellan	Taylor
Connally	McFarland	Thomas, Okla.
Cordon	McKellar	Thomas, Utah
Donnell	McMahon	Tobey
Downey	Magnuson	Tunnell
Eastland	Mead	Vandenberg
Ferguson	Millikin	Wagner
Fulbright	Mitchell	Walsh
George	Moore	Wheeler
Gerry	Morse	Wherry
Green	Murdock	White
Guffey	Murray	Wiley
Gurney	Myers	Willis
Hart	O'Daniel	Young
Hawkes	O'Mahoney	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from South Carolina [Mr. MAYBANK] is absent because of illness in his family.

The Senator from Missouri [Mr. BRIGGS] and the Senator from New Mexico [Mr. CHAVEZ] are detained on public business.

The Senator from Virginia [Mr. BYRD] is absent on official business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Indiana [Mr. CAPEHART] and the Senator from Wyoming [Mr. ROBERTSON] are absent by leave of the Senate.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official busi-

ness, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The PRESIDENT pro tempore. Eighty Senators having answered to their names, a quorum is present.

LEAVE OF ABSENCE

Mr. TOBEY. Mr. President, I ask unanimous consent that I may be absent from the Senate until some time about the middle of next week. It is imperative that I be absent.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. BROOKS. Mr. President, at the conclusion of today's session I ask unanimous consent that I may be absent for the following week.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. BUSHFIELD. Mr. President, I ask consent to be absent from the Senate for 1 week.

The PRESIDENT pro tempore. Without objection, leave is granted.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 162. An act for the relief of Walter S. Faulkner;

S. 496. An act to make it a criminal offense for certain escaped convicts to travel from one State to another;

S. 1235. An act to authorize the use of the funds of any tribe of Indians for insurance premiums;

S. 1549. An act for the relief of the legal guardian of Duane N. Thompson;

S. 1561. An act to amend the act entitled "Compensation for injury, death, or detention of employees of contractors with the United States outside the United States," as amended, for the purpose of making the 100-percent earning provisions effective as of January 1, 1942;

S. 1573. An act for the relief of James H. Wilkinson;

S. 1640. An act to provide for the acquisition by the United States of certain real property in the District of Columbia;

S. 1674. An act for the relief of Michael Joseph Bennett, a minor;

S. 1731. An act for the relief of Lester A. Dessez;

S. 1751. An act for the relief of Wayne Parker;

S. 1880. An act for the relief of the Crosby Yacht Building & Storage Co., Inc.;

S. 1910. An act for the relief of George D. King;

S. 2036. An act granting the consent of Congress to the State of Rhode Island to construct, maintain, and operate a free highway bridge across the Sakonnet River between the towns of Tiverton and Portsmouth in Newport County, R. I.;

S. 2247. An act to permit the Secretary of the Navy to delegate the authority to compromise and settle claims against the United States caused by vessels of the Navy or in the naval service, or for towage or salvage services to such vessels, and for other purposes;

S. 2253. An act to further amend the act of January 16, 1936, as amended, entitled "An act to provide for the retirement and retirement annuities of civilian members of the teaching staff at the United States Naval Academy and the Postgraduate School, United States Naval Academy";

S. 2259. An act to amend the Philippine Rehabilitation Act of 1946, for the purpose of making a clerical correction;

S. 2260. An act for the relief of Roy M. Davidson;

S. 2349. An act to permit the Secretary of the Navy to delegate the authority to compromise and settle claims for damages to property under the jurisdiction of the Navy Department, and for other purposes;

S. 2369. An act for the relief of Col. S. V. Constant, General Staff Corps; and

S. 2405. An act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes.

The message notified the Senate that Mr. DURHAM, of North Carolina, had been appointed a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1717) entitled "An act for the development and control of atomic energy," vice Mr. BROOKS, of Louisiana, excused.

The message also announced that the House insisted upon its amendments to the bill (S. 1253) to enable debtor railroad corporations expeditiously to effectuate reorganizations of their financial structure; to alter or modify their financial obligations; and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SUMNERS of Texas, Mr. HOBBS, Mr. GORSKI, Mr. REED of Illinois, and Mr. GWYNNE of Iowa were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 783) for the relief of Karl E. Bond; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FERNANDEZ, Mr. HEDRICK, and Mr. JENNINGS were appointed managers on the part of the House at the conference.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

LEGISLATION PASSED BY LEGISLATIVE COUNCIL OF ST. THOMAS AND ST. JOHN, V. I.

A letter from the Secretary of the Interior, transmitting, pursuant to law, a copy of legislation passed by the Municipal Council of St. Thomas and St. John, V. I. (with an accompanying paper); to the Committee on Territories and Insular Affairs.

REPORT ON COST OF PRODUCTION AND DISTRIBUTION OF FISH ON PACIFIC COAST

A letter from the Chairman of the Federal Trade Commission, transmitting a report of that Commission entitled "Distribution Methods and Costs, Part IX: Cost of Production and Distribution of Fish on the Pacific Coast" (with an accompanying report); to the Committee on Interstate Commerce.

AUDIT REPORT OF UNITED STATES SPRUCE PRODUCTION CORPORATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report of the United States Spruce Production Corporation for the fiscal year ended June 30, 1945 (with an accompanying report); to the Committee on Expenditures in the Executive Departments.

REPORT OF RECONSTRUCTION FINANCE CORPORATION ON SMALL BUSINESS ACTIVITIES

A letter from the Chairman of the Board of the Reconstruction Finance Corporation, transmitting, pursuant to law, the bimonthly report of that Corporation's small business activities during the period April 1 through May 31, 1946 (with an accompanying report); to the Committee on Banking and Currency.

PETITION

The PRESIDENT pro tempore laid before the Senate a resolution adopted by the City Council of the City of Boston, Mass., praying for the enactment of the bill (S. 1592) to establish a national housing policy and provide for its execution, which was ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HUFFMAN, from the Committee on the Judiciary:

S. 2378. A bill to amend the First War Powers Act, 1941; with amendments (Rept. No. 1839).

By Mr. MAGNUSON, from the Committee on Commerce:

S. 2318. A bill to amend the act of May 11, 1938, for the conservation of the fishery resources of the Columbia River, and for other purposes; without amendment (Rept. No. 1837).

By Mr. McCARRAN, from the Committee on the District of Columbia:

S. 2374. A bill authorizing the appointment of three additional judges of the municipal court for the District of Columbia, prescribing the qualifications of appointees to the municipal court and the municipal court of appeals, and for other purposes; with amendments (Rept. No. 1838).

By Mr. JOHNSON of Colorado, from the Committee on Finance:

S. 2477. A bill to authorize the Veterans' Administration to reimburse State and local agencies for expenses incurred in rendering services in connection with the administration of certain training programs for veterans, and for other purposes; without amendment (Rept. No. 1840).

By Mr. MILLIKIN, from the Committee on Banking and Currency:

H. R. 2377. A bill to authorize the coinage of 50-cent pieces in commemoration of the one-hundredth anniversary of the admission of Iowa into the Union as a State; without amendment (Rept. No. 1841).

By Mr. HART, from the Committee on Commerce:

H. R. 6030. A bill to amend the Civil Aeronautics Act of 1938, as amended, so as to improve international collaboration with respect to meteorology; without amendment (Rept. No. 1842).

By Mr. RUSSELL, from the Committee on Agriculture and Forestry:

H. R. 6932. A bill to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products; with amendments (Rept. No. 1843).

By Mr. WHEELER, from the Committee on Indian Affairs:

H. R. 4114. A bill to authorize the Secretary of the Interior to sell certain land of Alice Scott White on the Crow Indian Reservation, Mont.; without amendment (Rept. No. 1844).

By Mr. LA FOLLETTE, from the Committee on Indian Affairs:

H. R. 6141. A bill to provide funds for cooperation with the school board of Hunter school district for the construction and equipment of a new school building in the town of Hunter, Sawyer County, Wis., to be available to both Indian and non-Indian children; without amendment (Rept. No. 1845).

By Mr. WAGNER, from the Committee on Banking and Currency:

S. J. Res. 181. Joint resolution to authorize the Secretary of the Treasury to render financial aid to the Republic of the Philippines, and for other purposes; with amendments (Rept. No. 1846).

By Mr. RADCLIFFE, from the Committee on Commerce:

S. 2236. A bill providing for a medal for service in the merchant marine during the present war; with an amendment (Rept. No. 1847);

H. R. 1519. A bill relating to marine insurance in the case of certain employees of the War Department who suffered death, injury, or other casualty prior to April 23, 1943, as a result of marine risks; without amendment (Rept. No. 1848); and

H. R. 3973. A bill to amend the act entitled "An act to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes," approved June 23, 1943 (57 Stat. 162), and for other purposes; without amendment (Rept. No. 1849).

By Mr. BILBO, from the Committee on the District of Columbia:

S. 2479. A bill to amend the act entitled "An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925; without amendment (Rept. No. 1850); and

H. R. 5756. A bill for the retirement of public-school teachers in the District of Columbia; without amendment (Rept. No. 1851).

By Mr. THOMAS of Utah, from the Committee on Military Affairs:

S. 2480. A bill authorizing the appointment of Robert Sprague Beightler as permanent brigadier general of the line of the Regular Army; without amendment (Rept. No. 1852).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted a report thereon pursuant to law.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. GUFFEY, from the Committee on Finance:

George H. Taylor, of Pennsylvania, to be a member of the Advisory Board, Office of War Mobilization and Reconversion, vice O. Max Gardner.

By Mr. WALSH, from the Committee on Naval Affairs:

Sundry officers for appointment in the United States Marine Corps.

By Mr. McCARRAN, from the Committee on the Judiciary:

Richard Seymour Rodney, of Delaware, to be United States district judge for the district of Delaware.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS of Utah:

S. 2481. A bill to establish the Army Nurse Corps, the Dietitian Corps, the Physical Therapist Corps, and the Occupational Therapist Corps in the medical department of the Regular Army and in the Officers Reserve Corps, and for other purposes; to the Committee on Military Affairs.

(Mr. MORSE (for himself, Mr. AIKEN, Mr. LANGER, Mr. MURRAY, Mr. MITCHELL, Mr. TAYLOR, Mr. KILGORE, and Mr. YOUNG) introduced Senate bill 2482, to establish a consistent and coordinated antimonopoly program, prevent or eliminate monopoly and monopolistic practices, and protect the public interest, wherever necessary, through effective methods of public control over monopoly and monopolistic practices, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

By Mr. MITCHELL:

S. 2483. A bill to amend section 23 of the Internal Revenue Code to permit deductions from gross income by corporations that turn over their facilities for a period of time to veterans' organizations; to the Committee on Finance.

By Mr. GREEN:

S. 2484. A bill to provide annuities under section 1 (e) of the Civil Service Retirement Act of May 29, 1930, as amended, to certain officers and employees under the age of 55; to the Committee on Civil Service.

(Mr. WALSH introduced Senate bill 2485, to increase the subsistence allowances for veterans receiving educational benefits under the Servicemen's Readjustment Act of 1944, as amended, which was referred to the Committee on Finance, and appears under a separate heading.)

By Mr. WHERRY:

S. 2486. A bill to provide for the relief of Mr. Eric Seddon; to the Committee on Immigration.

By Mr. MURRAY:

S. 2487. A bill for the relief of H. C. Bierling; to the Committee on Claims.

(Mr. MURRAY (for himself and Mr. MORSE) introduced Senate Joint Resolution 182, to authorize the Bureau of Labor Statistics to collect price and rent information in additional cities and at more frequent intervals, and for other purposes, which was referred to the Committee on Education and Labor, and appears under a separate heading.)

SUBSISTENCE ALLOWANCES FOR VETERANS RECEIVING EDUCATIONAL BENEFITS

Mr. WALSH. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill to increase the subsistence allowances for veterans receiving educational benefits under the Servicemen's Readjustment Act of 1944, as amended, and I request that a statement by me explaining the bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred, and the statement presented by the Senator from Massachusetts will be printed in the RECORD.

The bill (S. 2485) to increase the subsistence allowances for veterans receiving educational benefits under the Servicemen's Readjustment Act of 1944, as amended, was read twice by its title and referred to the Committee on Finance.

The statement presented by Mr. WALSH is as follows:

At the request of veterans who are in educational institutions under the GI bill, I am introducing in the Senate today a bill to amend the GI bill of rights to provide for a $25 increase in the monthly subsistence allowance for veterans attending college under the GI bill. Should the bill giving terminal leave to the veterans be passed, providing for a cash payment, instead of in bonds, the increase sought in the bill would not be so necessary and urgent at this time.

In pointing out the need for the $25 increase, typical student budgets indicate that $45 a month is required for meals and an average of $30 a month or more for room rent. Thus, in paying for only room and meals, the average student has already exceeded his subsistence allowance by $10 or more. In addition, of course, the student must meet the costs of laundry, clothing, haircuts, transportation, recreation, and numerous incidentals. The problem is even more acute with respect to married veteran students and their families.

Part-time jobs would give relief, but part-time jobs for students are difficult to find. Moreover, part-time jobs are affecting the scholastic work of many veteran students who are taking intensified speed-up courses.

Reports indicate that many students are becoming discouraged because of their financial status. I am of the opinion that, if many of these promising students and potential leaders are forced to give up their education, the cost to the country in wasted talent would be immeasurable.

COLLECTION OF PRICE AND RENT INFORMATION BY BUREAU OF LABOR STATISTICS

Mr. MURRAY. Mr. President, on behalf of the Senator from Oregon [Mr. MORSE] and myself, I ask unanimous consent to introduce a joint resolution and make a brief statement explaining it.

The PRESIDING OFFICER. Is there objection?

There being no objection, the joint resolution (S. J. Res. 182) to authorize the Bureau of Labor Statistics to collect price and rent information in additional cities and at more frequent intervals, and for other purposes, introduced by Mr. MURRAY (for himself and Mr. MORSE), was received, read twice by its title, and referred to the Committee on Education and Labor.

Mr. MURRAY. Mr. President, aside from the war itself, no problem with which the Nation has been confronted has been of greater concern to the American people and the Congress than the regulation and control of prices and their effect upon our economy. This is only natural since, like the war, it affects each and every individual in the Nation.

The cost of living and the changes in the prices of commodities have been front-page news for the past few months. The people are extremely concerned as to the facts. However, there has been much controversy as to what the facts really are. There is even more controversy as to what will happen to prices in the future. The people are entitled to the best current and reliable information on this very important subject. The one agency in the Government that can do the job is the Bureau of Labor Statistics in the United States Department of Labor.

Time and time again widely recognized experts and scholarly organizations and the public generally have praised the Bureau of Labor Statistics for its impartiality and efficiency in reporting accurately the economic data

with which the Nation is so vitally concerned. It is therefore unnecessary for me to detail why the Bureau of Labor Statistics can be relied upon to do the job as it should and must be done.

During this emergency the demand upon the Bureau has been extremely heavy. Not only has it issued its regular indexes of basic commodities daily and of wholesale prices weekly, but it has also obtained telegraphic reports on food prices for 15 foods in 12 large cities and made them available within 48 hours. However, all of us recognize that 12 large cities cannot at this time be typical of the whole United States. They are certainly not typical of what has happened in small towns. At a time like this, it is especially important to know about many cities, not just a few, because practices have been very different in different parts of the country. I am informed that this service cannot be maintained much longer without severe delay to two other important reports which the Bureau is providing to the country, namely, the regular monthly consumers' price index—which gives the picture of the price rise for the whole family budget—and the estimates of the dollar cost of living for a workingman's family now in preparation. For some time at least it will be very important to have these prompt weekly reports on food prices from more cities than the Bureau's present program provides, and in my opinion the Congress' wish should be clearly expressed that these facts are desired.

There is another very serious aspect of the situation about which the public will need facts in the coming months, and that is rents. Information on rents also is collected only by the Bureau of Labor Statistics. It is available for a limited group of only 34 large cities—not for any small- or medium-sized towns on a current basis—and this information, because of continued rent control over a long period, has been collected only twice a year. A partial survey for August rather than September is now planned. Therefore, it will be another 4 months before any other rent surveys will be made. It is of the utmost importance for us all to have up-to-the-minute reports on the rents charged the American public.

On behalf of the Senator from Oregon [Mr. MORSE] and myself, I am therefore introducing a joint resolution authorizing the appropriation of $250,000 to enable the Bureau of Labor Statistics to carry on the studies required for the emergency period. This will enable the Bureau to incur a deficiency for which we can make an appropriation in the next session of Congress.

AMENDMENT OF FIRST WAR POWERS ACT, 1941—AMENDMENT

Mr. WALSH submitted an amendment intended to be proposed by him to the bill (S. 2378) to amend the First War Powers Act, 1941, which was ordered to lie on the table and to be printed.

AMENDMENT OF SOCIAL SECURITY ACT AND INTERNAL REVENUE CODE—AMENDMENT

Mr. FULBRIGHT submitted an amendment intended to be proposed by him to the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, which was referred to the Committee on Finance, and ordered to be printed.

PRINTING OF REVIEW OF REPORT ON GREAT LAKES TO HUDSON RIVER WATERWAY (S. DOC. NO. 252)

Mr. OVERTON. Mr. President, I present a letter from the Secretary of War, transmitting a report dated April 14, 1942, from the Chief of Engineers, United States Army, together with accompanying papers and an illustration, on a review of the report on the Great Lakes to Hudson River Waterway, and I ask unanimous consent that it may be referred to the Committee on Commerce and be printed as a Senate document, with an illustration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORTS ON NEWARK BAY, N. J. (S. DOC. NO. 250)

Mr. OVERTON. Mr. President, I present a letter from the Secretary of War, transmitting a report dated May 20, 1942, from the Chief of Engineers, United States Army, together with accompanying papers and an illustration, on a review of reports on Newark Bay, N. J., with a view to determining whether or not deepening of the channel in the bay between Kill van Kull and the city docks of Newark is advisable, and I ask unanimous consent that it may be referred to the Committee on Commerce and be printed as a Senate document, with an illustration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRINTING OF LEGISLATIVE HISTORY OF ADMINISTRATIVE PROCEDURE ACT (S. DOC. NO. 248)

Mr. McCARRAN. Mr. President, some months ago there was passed by both Houses and signed by the President what is known as the Administrative Procedure Act (Public Law 404, 79th Cong.). The American Bar Association and the entire bar of the country are very anxious to have copies of this law. Copies, when produced, will be sold at 50 cents each, so we know that the sales will more than pay for printing. I therefore ask that the manuscript, which is the act together with the legislative history thereof, be printed as a Senate document. Copies may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C., at 50 cents per copy.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

LIGHT ON THE MEXICAN WATER TREATY FROM RATIFICATION PROCEEDINGS IN MEXICO (S. DOC. NO. 249)

Mr. McCARRAN. Mr. President, I ask unanimous consent that a report to the Colorado River Water Users' Association, February 11, 1946, Salt Lake City, Utah, by Northcutt Ely, Washington, D. C., entitled "Light on the Mexican Water Treaty From the Ratification Proceedings in Mexico," be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORTS ON THE MIAMI (FLA.) HARBOR (S. DOC. NO. 251)

Mr. OVERTON. Mr. President, I present a letter from the Secretary of War, transmitting a report dated June 24, 1942, from the Chief of Engineers, United States Army, together with accompanying papers, on a review of reports on Miami Harbor, Fla., with a view to determining the advisability of additional improvements in the interest of air commerce and national defense, and I ask unanimous consent that it may be referred to the Committee on Commerce and be printed as a Senate document, with illustrations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CONSTITUTION, DEMOCRACY, AND LABOR—STATEMENT FROM THE CONNECTICUT ECONOMIC COUNCIL

Mr. HART. Mr. President, the last time the railroads were particularly in our minds was in connection with a very paralyzing transportation strike. Much has been said about the right to strike, and in connection with that question I ask unanimous consent to have printed in the RECORD the Fortnightly Letter of the Connecticut Economic Council, which has a bearing on that question.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE CONSTITUTION, DEMOCRACY, AND LABOR

There is no simple cure for the recurrent wave of strikes which have recently been afflicting our Nation. This cure can only be found by resting it upon the spirit as well as the letter of our democratic ideals and Constitution.

The founders of our Nation set up in the Constitution a trio of checks and balances by which they hoped to control the political power of government. There was nothing our founders feared more than unlimited or totalitarian power.

Congress was to be a check upon the power of the President, the President upon that of Congress, and the Supreme Court upon that of both. Throughout our 165 years of history, these checks on the three independent branches of the Government have worked, in the main, effectively. These curbs, plus the Bill of Rights added to the Constitution, were thought to be all that was necessary to restrain the Government from imperiling the public welfare.

Our recent experiences have proved the contrary. The development of powerful political parties with their political machines and of pressure groups with huge political funds has made it possible to control the electorate, so that minorities have come to exercise an unlimited balance of power. They have shown themselves able to overrule both the President and Congress and, through the President's power of appointment, to control the Supreme Court. How, then, are we going to devise a political curb which will effectively restrain these minorities from becoming the oppressors of all of the people? Our respect for justice has been so lowered as to give to certain pressure groups the power to impose monopolies and agreements in restraint of trade upon the whole people to the complete disruption of our way of life.

The recent crippling strikes, as is recognized by all, were not really strikes against management, capital, or government. They were assaults against the public which so

imperiled the health, safety, and welfare of the people as to create one of the gravest political crises we have been confronted with. It is plain that this condition has resulted in a denial of the very foundation of our Constitution—equal justice for all. This inequality must be removed if we are to avoid national disaster and chaos.

Superficial cures hastily applied to the symptoms of a disease are generally found to be as disastrous in their results as the evils they seek to cure. We must get down to the underlying causes. What are they?

Democracy is based upon a conviction of the worth of every human being and of his right to determine his own future and to choose his own course of action, provided only, and this is most important, that he shall not injure his fellow citizens. Democracy must guarantee the right of every individual to choose his own job; to lead his own life; to elect his own magistrates and governors; to have a part in the passage of the laws which they administer; and to secure such equal justice as the courts will enforce for the protection of all. Herein is the very A B C of democracy. It is the basis of our political faith. We must continue to fight for it. But we must never forget that the blessings of freedom which democracy has given to individuals must be so limited as to do no injury to the community at large. This is not only of the essence of democracy, but of the essence of religion and morality. Democracy, like an individual, must recognize the moral law as its guide. While affording the highest degree of personal liberty, it must provide the highest degree of protection to all in the enjoyment of that liberty.

We all agree that a constitutional democracy must survive in America. How, then, can unionism conform with the principles of our democratic Constitution? It is frequently proclaimed by labor leaders that any limitation upon the right to strike is a violation of the Constitution and will result in a condition of labor peonage and slavery. We assume that the claim of unconstitutionality refers to that article of the Constitution covering involuntary servitude.[1]

None of the amendments proposed to the Wagner Act nor the recent Case bill denies the right of anyone as an individual to work or not to work as he pleases. Why not turn the argument around and assert that the right to strike constitutes a flat denial of liberty, in that it undertakes to prevent great numbers of individuals from working? Recent strikes are obviously an attempt on the part of unions to prevent hundreds of thousands from working. If that is not a violation of the Constitution, a limitation on the right to strike is not a violation.

There is no inalienable right to strike or to do anything else. The Government has recognized that under certain conditions strikes are legal. Equally the Government has the right to limit this right to strike or to lock-out, when the conditions are such as to do an injury to the public interest and the life and welfare of us all. There can be no valid claim that a limitation in the general interest on the right to strike is a violation of the Constitution. On the other hand, it can be forcibly argued that the establishment of the closed shop, which denies the right to work to any but members in good standing of a union, is a plain violation of the Constitution, in that it deprives a man of his property in the wages earned by his labor.[2]

[1] Neither slavery nor involuntary servitude, except as punishment for crime whereof the parties shall have been duly convicted, shall exist in the United States or any place subject to their jurisdiction (amendment 13).

[2] Constitutional amendment No. 5: "No person shall be deprived of life, liberty, or property without due process of law."

The Wagner Act, the Anti-Picketing and Anti-Injunction Acts, must be so amended as to protect the property rights of the Government, of the employers, of labor, and of nonunion members, from being invaded and put to loss contrary to the spirit and letter of our Constitution. This applies even more vitally to the protection of persons than to that of property.

Our recent experience has proved that strikes on the part of monopolistic labor unions result in more economic injustice to labor as a whole than to any other class of our people.

THE CONNECTICUT ECONOMIC COUNCIL.

UNIFICATION OF THE ARMED SERVICES—EDITORIAL FROM THE WASHINGTON POST

Mr. THOMAS of Utah. Mr. President, I ask unanimous consent to have inserted in the RECORD, as part of my remarks, an editorial appearing in this morning's Washington Post concerning the unification of the armed services.

It is generally known by all Senators that the Military Affairs Committee and a special committee of that committee, consisting of the Senator from Alabama [Mr. HILL], the Senator from Vermont [Mr. AUSTIN], and myself, have for months been working on a unification bill, that such a bill has been reported and is on the Senate Calendar, and that suggested amendments growing out of the President's recommendations are also available to us whenever the Senate gives its permission for us to consider the bill. I say that because, in fairness to everyone, it should be stated that our committees are not behind schedule and are ready to act.

That unification will ultimately come in our country is a certainty, in my opinion. Yesterday the House of Representatives accepted the unification of Committees on Armed Services. The Pearl Harbor Investigation Committee, as the editorial states, has made it plain that unity in the administration is essential. The recommendation of the Special Committee on the Effects of Bombing of Enemy Lands draws the same conclusion. If, for example, the Air Forces had no place in the atomic-bomb experiment but had to be included because of rivalry between commands, we have another startling incident that division of command is costly.

Mr. President, this is no time to argue the point and to get into controversy over it, but out of fairness to those who have worked hard but who, on account of pressure of other important business, find it impossible to get the right-of-way to proceed, this much at least should be said.

I repeat, Mr. President, my unanimous-consent request that the editorial be made part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MERGER NOW

Any regard for the Nation's security would keep Members of Congress in town till action had been taken on the Army and Navy merger bill. The latest spur is furnished by the majority report of the joint committee set up to investigate the Pearl Harbor disaster. Unfortunately, however, the majority, in a verbose 250,000-word report, did not spell out the sum total of their recommendations. All the 25 "supervisory, administrative, and organizational deficiencies" which are held to require correction add up to one basic need, viz, unification. They have to do with human frailties, but all of them could be traced to traditional loyalties to department or branch springing from the separation and competition of the armed services. Why the majority did not advocate the over-all reform specifically instead of allowing it to arise out of the report is beyond our comprehension. The neglect leaves the recommendations up in the air, as, for instance, when the committee proposes "immediate action be taken to insure that unity of command is imposed at all military and naval outposts."

How is it possible to have unity of command in the field and divided command at home? This is a question which is much more intriguing than the question which, the majority members say, intrigued them, Why was it possible for a Pearl Harbor to occur? No matter what machinery is set up outside Washington, division at the top is bound to reappear all the way down the line, if only out of personal or service loyalty. There would be the same lack of intercommunication which frustrated service relations before Pearl Harbor and brought about disaster. It is to end this sort of thing that the single department bill has been proposed. The reform is held up mainly by a moss-backed clinging to tradition on the part of Congress, aided and abetted by the disinclination to change which is part of the human equation.

These obstacles have proved insurmountable for the last 30 years. Twenty years before Pearl Harbor, Billy Mitchell, encountering precisely the same situation of noncoordination at Pearl Harbor that the Japanese encountered, told a congressional committee, "I have never seen anything like it." A unified command in Hawaii, in Mitchell's opinion, was the first step to general unification. Congress was so impressed by Mitchell's warnings that it almost enacted reform. President Harding, thinking the step was coming, had the appointees ready for a single department of defense. Indeed, it is said that John W. Weeks and Edwin Denby had accepted appointments as Under Secretaries in the combined department. But the change never came off. The reason was that the brass hats, appalled over the prospective overturn of their vested interests, threatened to resign, and Congress lacked the courage to apply the counsel of common sense that Billy Mitchell provided.

The disaster that Billy Mitchell envisaged as the result of lack of coordination duly occurred. And the Pearl Harbor Committee, both in the majority and minority reports, duly apportions the blame among the men upon whom the Nation relies for its security. The report, however, says not a word about the failure of Congress, in the face of such warnings as Mitchell gave, to change the divisive organization in which our commanders operate. But the legislative arm cannot escape some responsibility. And now, with the lessons of Pearl Harbor so clear that the most distinguished voices in the armed services have joined that of the departed Mitchell, action is required primarily from Congress to put those lessons into effect. Our security cannot afford any more procrastination. The state of armed peace which is now our condition requires a streamlining of our national defense system which the merger bill affords. It must be top-to-bottom reorganization. "Since the basic principle of success in war is unity of command under leaders trained in, and selected for their knowledge and skill in, the use of all arms," says an officer who is both a sailor and a statesman, Admiral H. E. Yarnell, "it seems logical to assume that there should be the same unity in the military departments and general staffs of the Government." The onus is upon Con-

gress to put our security ahead of the kind of traditions which are simply the safeguards of vested interests.

OPERATING SUBSIDIES AND CONSTRUCTION LOANS AWARDED BY UNITED STATES SHIPPING BOARD

[Mr. McKELLAR asked and obtained leave to have printed in the RECORD a statement entitled "An Index to Certain Matters Bearing on Operating Subsidies and Construction Loans, Awarded by the United States Shipping Board Under the Merchant Marine Act of 1928," which appears in the Appendix.]

TRANSFER OF JEWISH REFUGEES—ADDRESS BY EARL G. HARRISON

[Mr. VANDENBERG asked and obtained leave to have printed in the RECORD an address entitled "Unfinished Business," by Earl G. Harrison, dean of the law school of the University of Pennsylvania and United States representative on the Intergovernmental Committee on Refugees, at Detroit, Mich., on July 10, 1946, which appears in the Appendix.]

NEED FOR CONSTRUCTIVE STATESMANSHIP IN WASHINGTON—ADDRESS BY LOUIS JOHNSON

[Mr. TUNNELL asked and obtained leave to have printed in the RECORD excerpts from an address delivered by Hon. Louis Johnson before the Thomas Jefferson Club of Wood County, at Parkersburg, W. Va., on April 13, 1946, which appears in the Appendix.]

EQUAL RIGHTS—EDITORIAL FROM WASHINGTON POST

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an editorial entitled "Equal Rights," published in the Washington Post of July 21, 1946, which appears in the Appendix.]

TERMINAL PAY FOR ENLISTED MEN—EDITORIAL FROM THE BOSTON POST

[Mr. WALSH asked and obtained leave to have printed in the RECORD an editorial entitled "Treat All Alike," published in the Boston Post of date July 25, 1946, which appears in the Appendix.]

ADDRESS BY SENATOR MURDOCK BEFORE LIBERAL PARTY OF NEW YORK CITY

[Mr. MURDOCK asked and obtained leave to have printed in the RECORD an address delivered by him before the Liberal Party of New York City, June 5, 1946, which appears in the Appendix.]

DISTRICT OF COLUMBIA HOSPITAL CENTER

Mr. BILBO. Mr. President, I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 223.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 223) to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, which was to strike out all after the enacting clause and insert:

That in order to provide more adequate hospital facilities in the District of Columbia the Federal Works Administrator is authorized to acquire land and construct buildings and to these ends is empowered:

(a) to acquire prior to the approval of title by the Attorney General (without regard to secs. 1136, as amended, and 3709 of the Revised Statutes) improved or unimproved lands or interests in lands in the District of Columbia by purchase, donation, exchange, or condemnation (including proceedings under the acts of August 1, 1888 (25 Stat. 357), March 1, 1929 (45 Stat. 1415), and February 26, 1931 (46 Stat. 1421)), for such hospital facilities;

(b) by contract or otherwise (without regard to secs. 1136, as amended, and 3709 of the Revised Statutes, and sec. 322 of the act of June 30, 1932 (47 Stat. 412)), prior to approval of title by the Attorney General, to make surveys and investigations, to plan, design, and construct hospital facilities in the District of Columbia on lands or interests in lands acquired under the provisions of subsection (a) hereof or on other lands of the United States which may be available (the transfers of which for this purpose by the Federal agency having jurisdiction thereof are hereby authorized notwithstanding any other provision of law), provide proper approaches thereto, utilities, and procure necessary materials, supplies, articles, equipment, and machinery, and do all things in connection therewith to carry out the provisions of this act; and

SEC. 2. Notwithstanding any other provision of law, whether relating to the acquisition, handling, or disposal of real or other property by the United States or to other matters, the Federal Works Administrator, with respect to any hospital facilities acquired or constructed under the provisions of this act, is authorized to enter into leases with private agencies for the operation and maintenance of such hospital facilities or usable separable portions thereof upon such terms, including the period of any such leases, annual rentals, provision for joint use of facilities, provisions for operation, maintenance, repair, and replacement of buildings, equipment, machinery, and furnishings and appropriate security to assure the performance of any such leases, and to sell for cash or credit or to convey in exchange for other properties any such hospital facilities or usable separable portion thereof to private agencies on such terms as may be deemed by the Administrator to be in the public interest: *Provided*, That all hospitals participating in such center shall be required either to convey to the Government, free and clear of all incumbrance, the land and buildings now held by them or to sell the same at such prices as is agreed to and approved by the Federal Works Administrator and to pay the proceeds thereof to the Government at the option of the Federal Works Agency.

SEC. 3. In carrying out the purposes of this act, the Federal Works Administrator shall provide a hospital center of such size and design as he shall deem feasible and economical of operation.

SEC. 4. In carrying out the provisions of this act the Federal Works Administrator is authorized to utilize the services of or to act through the United States Public Health Service in the Federal Security Agency, the Federal Works Agency, and any other department or agency of the United States, and any funds appropriated pursuant to this act shall be available for transfer to such department or agency in reimbursement thereof.

SEC. 5. Thirty percent of the net amount expended by the Federal Works Administrator under this act shall be charged against the District of Columbia and shall be repaid to the Government by the Commissioners of the District of Columbia at such times and in such amounts, without interest, as the Congress shall hereafter determine. The District of Columbia shall be entitled to 30 percent of the sale price of any of the properties sold by the Federal Works Administrator under section 2 of this act, other than properties the value of which is deducted from the gross amount expended to determine the net amount upon which the 30 percent to be charged against the District of Columbia is computed, and the District of Columbia shall also be entitled to receive 30 percent of any rentals received from the leasing of any of the hospital facilities acquired or constructed by the Federal Works Administrator under this act. The amounts which may be due the District hereunder shall be credited on the amount owed the Government by the District of Columbia until such obligation of the District is discharged in full.

SEC. 6. For carrying out the purposes of this act, including administrative expenses, there is hereby authorized to be appropriated during the period ending June 30, 1952, the sum of $35,000,000 to be appropriated at such times and in such amounts as the Congress shall determine.

Mr. BILBO. Mr. President, I may say that, in order to obtain unanimous consent on this matter, I referred it to the District of Columbia Committee that handled it originally, and, after a full hearing, it was the opinion of the committee, possibly with the exception of one Senator, who I do not think now objects, that I should move that the Senate concur in the House amendment. I now make that motion.

Mr. WHITE. Mr. President, I desire to understand the situation a little more clearly. This is the hospital bill for the District of Columbia, so-called, is it not?

Mr. BILBO. It is.

Mr. WHITE. And it comes back to the Senate with a House amendment?

Mr. BILBO. Yes.

Mr. WHITE. The Senator is not proposing to ask for a conference?

Mr. BILBO. No.

Mr. WHITE. But is asking that the Senate concur in the House amendment.

Mr. BILBO. Yes.

Mr. WHITE. I think there is some opposition, though I am not sure.

Mr. SMITH. Mr. President, if the Senator will yield, let me say that I have just been in conference with the distinguished Senator from Mississippi and other members of the committee. We have discussed this matter, and have heard from various authorities in the District of Columbia. So far as I am concerned, the questions I raised as to the difference between the bills have been answered satisfactorily, and I join with the distinguished Senator from Mississippi, the chairman of the committee, in asking that the House amendment be concurred in.

Mr. WHITE. Mr. President, I took occasion to consult with the minority members of the District of Columbia Committee about this matter, and I found only two—I think, perhaps, I should say only one, who had any real question about it, and that one was the Senator from New Jersey. If the Senator is now satisfied, personally I have no objection.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Mississippi that the Senate concur in the House amendment.

The motion was agreed to.

A PROGRAM FOR AMERICAN ATOMIC DEFENSE

Mr. WILEY. Mr. President, we are so deeply mired in a vast number of important domestic issues that I think we may be losing sight of what I feel can be the most significant American front of all—American defense in this atomic age.

In recent months, since our resounding victory over the Axis, our vigilance has

dropped, and I feel that we may be unwittingly inviting another Pearl Harbor. Everywhere there is to be seen a certain smugness over our simple, temporary possession of the secrets of the atomic bomb. It rivals the smugness that we felt before December 7, 1941, when we were actually asleep at the switch, as I believe we are now, without knowing it.

ATOMIC DEVELOPMENTS

On Wednesday the fifth atomic bomb in history was exploded in Bikini Lagoon. The same day Mr. Andre Gromyko, Soviet representative on the Control Committee of the United Nations Atomic Energy Commission, flatly rejected the Baruch plan for international control of atomic energy. Today, Mr. Gromyko is proposing the Russian plan for control of atomic energy before the committee.

Mr. President, the Senate, in spite of its constitutional right to confirm or reject by two-thirds vote all treaties entered into by the President, has actually been treated as a fifth wheel in the machinery for atomic arrangements. The Senate was never consulted on the Baruch plan. If Russia had accepted that plan and the United Nations had subsequently confirmed it, the people of the United States would find that an entering wedge for the revealing of our vital secrets had been driven into American national defense. This would have been done without their Senators having had a chance to decide upon this most vital issue.

No doubt the administration leaders in the executive branch prefer to play a lone hand in atomic arrangements, but the American people do not trust any single United States representative, no matter who he is, or any single member of the executive branch, to have complete charge of their destiny on atomic control.

I therefore renew at this time, with all the vigor at my command, my plea for the enactment of Senate Resolution 297, which I submitted on July 2, 1946, and which was referred to the Senate Foreign Relations Committee. This resolution would state the sense of the Senate that any arrangement entered into by a United States representative regarding international control of atomic energy should be considered a treaty, which could go into effect only after ratification by the United States Senate.

It is well to note, Mr. President, that yesterday, the State Department, through the President, withdrew from the "five freedoms of the air" agreement written at Chicago. It acknowledged, in effect, that this agreement, negotiated only by executive agreement, instead of as a treaty, needed Senate ratification for validity. Is a world air agreement a treaty while a world atomic agreement is not? Of course not. Both are treaties and should have Senate consent or rejection by a two-thirds vote.

The American people do not want any single American to bind us to an atomic agreement, particularly while the Senate is in recess. The American people demand that the Senate shall have a voice in the writing and approval of an atomic treaty.

THE RED JIGSAW PUZZLE

Mr. President, we are playing for incalculable stakes in this matter—particularly with the Soviet Union.

I wish to group together some further pieces in the "Russian jigsaw puzzle" which point, I believe, to the tremendous need for our vigilance in this atomic age. In doing so, I am not indulging in scare mongering, Red baiting, or witch hunting.

The welfare of our country is very dear to me. I point out that in our relations with the Russians—they with their centuries of espionage, of power politics or poker politics, we with our naïveté, our gullibility, our openness—we have been acting like unsuspecting children.

It is merely stating facts when I say that two worlds are today in ideological conflict—the Russian world of dictatorship and the American world of freedom. Russia with her new strength, her new vitality, her tightly integrated races as a result of her victory in the war, has shown her fanatical devotion to the idea of world communism. She has an international intelligence service which makes our own inadequately equipped, underpaid, undermanned Service look like a toy bunch of junior G-men. Our great public servants such as J. Edgar Hoover have been denied the opportunity to develop an intelligence service which would make ours the match of any in the world.

Let me point out a few pieces of the Russian jigsaw puzzle. They all add up to sinister implications:

First. The sole Communist member of the Canadian Parliament has been convicted of stealing atomic secrets for transmittal to Russia.

Second. On February 20, 1945, the Moscow radio in a broadcast frankly admitted that members of the Russian military staff had obtained secret information in Canada, including data on atomic energy and radar. But the broadcast said that the information was "of no value." The broadcast further criticized the Canadians, of all things, for indulging in an anti-Russian campaign.

Third. On March 18, 1946, Mr. Frank Waldrop, the eminent writer, wrote in the Washington Times-Herald that:

> More than 50 Russian scientists are loose right now in a certain laboratory not far from Washington, D. C., to learn the very innermost secrets of our most crucial military weapons.

Mr. Waldrop is not given to exaggeration. No development since has refuted his report, and indeed it has been confirmed by subsequent facts. Needless to say, the Russians have never granted to us a similar opportunity to obtain any Russian military data.

Fourth. On July 19, 1946, the War Department disclosed that it had fired five civilian employees at the Aberdeen, Md., Ordnance Proving Grounds, main site for testing top-secret electronic weapons, guided missiles, and anti-atom-bomb devices. These five employees, four men and one woman, were all chemists, physicists or statisticians, and comprised officers and members of the United Public Workers Association. This is the Communist-dominated organization which had previously asserted its right to strike against the Government.

Fifth. We know that there are a minimum of 50,000 formal Communists in America. There are, in addition, hundreds of thousands of others—Reds, pinks, and other sympathizers. We know, too, that the Communists' first and last devotion is to Mother Russia rather than to our own land, just as the Canadian Communists' first devotion is apparently to Russia rather than to Canada. We may little doubt that this Communist fifth column would, given the opportunity, be ready, willing, and eager to betray vital defense secrets of America if these were to go for the offense or defense of Russia.

Mr. President, I repeat, this is not witch hunting. These are not scare tactics. These are the plain, unvarnished facts. So what? What are we going to do about them?

PROGRAM FOR AMERICAN DEFENSE

I submit the following points in an American program of atomic defense:

First. Enact Senate Resolution 297 before the Senate recesses so that our defense secrets are not betrayed by any foolhardy plan for international control of atomic energy at the present time.

Second. Insure adequate atomic safeguards in the atomic-energy bill.

Third. Build an international intelligence service which is the equal and superior to that of any in the world.

Fourth. Speak, write, and think eternal vigilance, which is the price of liberty.

Fifth. Test and insure the absolute loyalty to our American way of life of United States Government employees. The laxity in civil-service loyalty examining is shocking.

Sixth. Impress upon the War and Navy Departments the absolute necessity for forward-thinking planning instead of backward-thinking planning for the most up-to-date scientific and technological weapons of offense and defense. We need men of Billy Mitchell's caliber in our Army and our Navy.

GOVERNMENT DECENTRALIZATION

In this connection, Mr. President, recently I inquired of Secretary of War Patterson whether the War Department had considered the decentralization of the War and Navy Departments from their congested sites in Washington, D. C.

Just contemplate for one moment what would happen if one of the atomic bombs should be exploded inside the Pentagon Building, in Arlington. With one stroke the very brain of American military defense would be shattered.

I am not revealing any secrets when I report that Secretary of War Patterson responded as follows:

> WAR DEPARTMENT,
> *Washington, D. C., July 22, 1946.*
> Hon. ALEXANDER WILEY,
> *United States Senate.*
>
> DEAR SENATOR WILEY: With further reference to your recent letter concerning War Department plans for defense of the Nation against possible atomic-bomb attack, our representatives are collaborating with representatives of the Navy Department on the matter and have drawn up in a tentative

form a broad defense plan for the United States in which defense areas are blocked out. These plans, when completed, will be presented to the Joint Chiefs of Staff, and upon approval, detailed plans for each area will be formulated. It is anticipated that the plans for the Washington area will include the detailed decentralization considered necessary for the War and Navy Departments as well as for other governmental agencies.

The plans have not yet progressed to the point where definite recommendations have been made to the Bureau of the Budget.

Your considerate interest in this matter is appreciated, and I assure you that careful attention is being given to decentralization of governmental agencies in connection with these defense plans.

Sincerely yours,

ROBERT P. PATTERSON,
Secretary of War.

Mr. President, it seems to me that decentralization of our Government forces from Washington, D. C., is absolutely essential both from a military and a governmental standpoint. However, this, I repeat, is but one element of an all-out program of atomic defense which we must follow.

AMENDMENT TO RAILROAD RETIREMENT ACTS, ETC.

The Senate resumed consideration of the bill (H. R. 1362) to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes.

Mr. DONNELL. Mr. President, last evening in the course of the discussion relative to the proposed concurrent resolution to be presented subsequent to the approval by this body of House bill 1362, the Senator from Utah [Mr. MURDOCK] had the following to say, among other things, as is reported at page 10013 of the CONGRESSIONAL RECORD:

I wanted to call the Senator's attention to the fact that when we had under consideration the Export-Import Bank bill, the Senator from Maryland [Mr. TYDINGS] called the attention of the Senate to the fact that the Philippine Islands should be included in the bill. They were not included. A concurrent resolution was submitted and adopted by the Senate and sent to the House. I do not remember whether it was agreed to by the House. But I call the attention of the Senator from Missouri, if the Senator from Kentucky will indulge me, to the fact that as he will remember, I objected very strenuously, and argued, or expostulated, whichever is the right term, to the effect that the Congress could not by concurrent resolution amend a law nor could it, as was attempted by Concurrent Resolution 50, amend or modify a decision of the court.

Then there is a further observation by the Senator from Utah.

Then we find that the following remark was made by the distinguished majority leader the Senator from Kentucky [Mr. BARKLEY], as shown on page 10013:

Mr. BARKLEY. I appreciate the reference of the Senator from Utah to the situation which existed when the Senator from Maryland submitted the concurrent resolution instructing the enrolling clerk to include in the bill the Philippine Islands, which had not been included in either House. I do not recall whether it was done, but I think it was. And when the bill went to the President it carried in it the Philippine Islands just as though it had been in the bill when it was introduced.

Mr. LUCAS. Mr. President, I wonder whether the Senator sees any difference in what is now being attempted to do by employment of a concurrent resolution, and what was done in the case the Senator from Utah speaks of?

Mr. BARKLEY. There is no difference in principle, of course.

Mr. President, I submit it is obvious that last evening the Senators who made statements in favor of the concurrent resolution idea, as illustrated by the action taken by this body in connection with the Export-Import Bank bill, were treating that action as a precedent; and the Senator from Kentucky appreciated, and expressed his appreciation of, the reference of the Senator from Utah to the situation which existed when the Senator from Maryland [Mr. TYDINGS] submitted the concurrent resolution instructing the enrolling clerk to include in the bill a provision including the Philippine Islands. Further, the majority leader, in response to the question of the Senator from Illinois as to whether there was a difference or whether the Senator saw any difference, I should say, between what is now being attempted to be done by the employment of a concurrent resolution in the case of the Railroad Retirement Act and what was done in the case mentioned by the Senator from Utah, the majority leader instantly responded, "There is no difference in principle, of course."

Mr. President, I think it of importance, in view of the reliance thus placed last evening both by the Senator from Utah and by the majority leader, who read the proposed concurrent resolution and argued as to its advisability and propriety, that we recur for a moment to just what did transpire with reference to the concurrent resolution to which the Senator from Maryland gave his adherence back in July 1945.

For that purpose, I call attention first to certain portion of the RECORD of July 20, 1945, beginning at page 7835, where it will be observed that the senior Senator from Ohio [Mr. TAFT] called attention to the fact that—

The question occurred to me that the pending bill as drafted does not permit loans to the Philippine Islands, and I think the sponsors of the bill might wish to consider an amendment to make such loans available, although there will be other legislation, I understand, to assist the Philippine Islands.

A little later in the colloquy the Senator from Maryland had this to say:

Mr. TYDINGS. I think the Senator's position is an accurate one with reference to the Philippines. It certainly is doubtful whether they would be within the purview of the act. I have submitted to the Senator in charge of the bill an amendment which I have asked him to favor, which would remove any doubt about the ability of the Filipinos to take advantage of the operations of the Export-Import Bank. I agree with the Senator that at the present time it is not clear whether or not they could come in under it. They certainly ought to have as much right as any other nation to come in under it.

After that the distinguished Senator from Michigan [Mr. VANDENBERG] said:

They have a primary right. If we have any obligation abroad, it starts in the Philippines.

Mr. President, I shall not read the remaining portion of the colloquy which was participated in by several Senators, including the distinguished Senator from Utah who spoke last evening.

I now call attention to page 7847 of the CONGRESSIONAL RECORD for the same date, July 20, 1945. Here is what the Senator from Maryland had to say:

A while ago the Senate passed the Export-Import Bank bill.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. FERGUSON. Does that indicate that the concurrent-resolution idea of the Senator from Maryland for making a correction came after the bill was passed, or before?

Mr. DONNELL. I may say to the Senator that I am not able at the moment to answer the question. I shall have to search the RECORD further, and I shall do that.

Mr. FERGUSON. Does the Senator believe that it make any difference whether the discovery was made before or after.

Mr. DONNELL. What discovery?

Mr. FERGUSON. The discovery concerning the necessity of correcting the bill. In other words, if a discovery is made of something which should be corrected before the bill is passed, it must be done in the regular way, by amendment; but if a discovery is made of a clerical mistake or something of that nature after the bill has been passed, the correction might be made by a concurrent resolution. I have in mind an instance of an enrolled bill being amended by a concurrent resolution. On August 5, 1909, a message was received by the House from the Senate transmitting Senate Concurrent Resolution 8, authorizing the Committee on Enrolled Bills of the two Houses to amend the House bill 1348, the tariff bill, which had passed both Houses and been enrolled. That was an example of a bill having been passed by both Houses and enrolled. Immediately upon the receipt of the concurrent resolution in the House, on motion of Mr. Sereno E. Payne, of New York, by unanimous consent the concurrent resolution was taken from the Speaker's table and agreed to. In the course of the debate on the concurrent resolution Mr. John J. Fitzgerald, of New York, said:

Mr. Speaker, an examination of the precedents disclose that there has not been a similar incident in the history of the country in which bills were amended in the identical way proposed here. Clerical errors and corrections have been made after bills have reached the enrolling clerks, but no substantial change or radical correction has been authorized except where the discovery was after the bill had passed both Houses, and then only to make the bill conform to the proposals of the conference committees. If it were not for the very comprehensive language of Judge Harlan in *Field* v. *Clark* (143 U. S.), I doubt very seriously whether it could be held that the boot-and-shoe amendment as proposed in the concurrent resolution had passed both Houses of Congress.

Mr. DONNELL. Mr. President, will the Senator be kind enough to indicate the CONGRESSIONAL RECORD references?

Mr. FERGUSON. Yes. I am reading from page 5088 of the CONGRESSIONAL

RECORD of the Sixty-first Congress, first session. The language there would indicate that it is possible to make an amendment. I have sent for One Hundred and Forty-third United States, and I wish to examine the opinion which is referred to in the CONGRESSIONAL RECORD.

Mr. DONNELL. I may say that I have that volume in my office, and I have sent for it. As soon as it arrives, both the Senator and I may use it.

Mr. FERGUSON. The question which I wish to ask the Senator is this: Does it make any difference whether we know of these mistakes and these proposed amendments before we pass the bill, or, knowing of the mistakes and failing to correct them by amendments, can we then wait until the bill gets into the hands of the enrolling clerk, that is, in the Committee on Enrolled Bills of the two Houses, and then amend by a concurrent resolution?

Mr. DONNELL. I think there is a great difference between the two situations. I invite the attention of the Senator to that very significant language of Mr. Fitzgerald, from which the Senator quoted a few minutes ago during the course of the debate, as appearing on page 5089 of the CONGRESSIONAL RECORD, as follows:

> Clerical errors and corrections have been made after bills have reached the enrolling clerks, but no substantial change or radical correction has been authorized except where the discovery was after the bill had passed both Houses, and then only to make the bill conform to the proposals of the conference committees.

I may say to the Senator that, in my opinion, if we pass House bill 1362, and deliberately undertake to say that after passing it we shall then take the position that there were certain errors in the bill, and attempt to cure those errors by amendments through the medium of a concurrent resolution, it would represent a very decided difference from a situation in which, after the passage of the bill we, for the first time, discover some clerical errors involving punctuation or figures, or the like. To my mind, for us to pass House bill 1362 and deliberately put into it certain provisions which we know we will attempt 15 minutes later to correct by a concurrent resolution, and undertake to amend, change, and define on the theory that there is something which needs clarification in the bill which has been passed, is to present a situation which differs entirely from that in which, having discovered after the bill had been passed that there had been an inadvertent clerical error of omission or commission, we undertake to make a correction by adopting a concurrent resolution.

I may say to the Senator that I have now the case of *Field* v. *Clark*, (143 U. S. 649). It is a very celebrated case.

Mr. FERGUSON. I thank the Senator.

It is not clear that we cannot accomplish our purpose by this method, that is, by a concurrent resolution. Until a bill is signed by the Speaker of the House and the President of the Senate and sent to the President it is in the hands of the Congress. Both Houses may, by a majority vote of the respective bodies, change their rules and may pass laws by a majority vote. This being true, they may change a law by amendments made in the regular way, and also by concurrent resolution change a law before it is signed by the President of the Senate and Speaker of the House to be sent to the President.

Let us analyze the situation from this point of view: The Senate passes a certain bill. Until it is enrolled and reaches the President it would appear to me that, by a majority vote, we could add an amendment. Does it make any differene whether we do that while the bill is before the Senate, whether we do it before it leaves the Senate, or while it is in the hands of the Committee on Enrolled Bills for the purpose of enrolling it and sending it to the President? If both Houses see fit to pass by a majority vote half of a bill and place it in the hands of the enrolling clerk, and see fit to pass the other half of the bill and send it there, will not the Supreme Court say that those two matters were passed by a majority vote in each House, and that when it reached the President it was signed, and therefore the requirements for the making of law in this Republic were complied with?

Mr. DONNELL. I may say to the Senator, first, that it would appear to me that what he is talking about is obviously an amendment to the existing bill.

Mr. FERGUSON. I believe that we would have to consider it as such.

Mr. DONNELL. Yes. In the Senator's reference to the passage of such an amendment by a majority vote, I may say that under rule 15 of the Senate, when a bill or a joint resolution shall have been ordered to be read the third time, it is not in order to propose amendments unless by unanimous consent. So, Mr. President, I take it that if this concurrent resolution is to be considered as an amendment, it cannot even be proposed in the Senate unless by unanimous consent.

I may say further to the Senator that, in my judgment, in passing H. R. 1362 we would be passing a measure which would require the signature of the President, in order to make it law, unless it laid on his desk the requisite length of time and became law without his signature. The concurrent resolution, by which it is proposed to amend the bill, will not be submitted to the President for his signature. In other words, we shall have passed a bill requiring the approval of both Houses of Congress and of the President, and at the same time shall have undertaken to amend it by adopting a concurrent resolution which will never be signed by the President at all.

It is true that he would sign the bill (H. R. 1362) which would incorporate the contents directed by a concurrent resolution to be placed therein by the enrolling clerk, but the document itself, the concurrent resolution, cannot create law. I think that is too well settled to require other precedent than the one which I read from last night in One Hundred and Fifty Federal, second series, at page 857, F. H. E. Oil Co. against Commissioner of Internal Revenue, where, referring to Resolution No. 50, with which the Senator from Michigan is familiar, because, as I recall, like the Senator from Utah and the present speaker, he protested against Resolution No. 50, the United States Circuit Court of Appeals for the Fifth Circuit said:

> The resolution is not an act of Congress approved by the President or passed over his veto. It does not make law or change the law made by a previous Congress and President. It does not alter the statutes as they existed when the taxes in controversy accrued.

I submit that here is an attempt, if this concurrent resolution plan is adopted, to take an instrument—that is, a bill requiring the approval of both Houses of Congress and the President—and amend it by an instrument which itself will not receive the signature of the President and never will be submitted to him. Under the decision of the court and on well-established principles of law, it seems to me, it does not make law or constitute law.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield to the Senator from Michigan.

Mr. FERGUSON. I have just had a moment to look at the opinion in the case of Field against Clark, which is found in One Hundred and Forty-third United States, page 649. The syllabus which seems to be borne out by the opinion, says:

> The signing by the Speaker of the House of Representatives and by the President of the Senate, in open session, of an enrolled bill is an official attestation by the two Houses of such bill as one that has passed Congress; and when the bill thus attested receives the approval of the President and is deposited in the Department of State according to law, its authentication as a bill that has passed Congress is complete and unimpeachable.

Mr. DONNELL. Mr. President, may I ask the Senator, if he has had time in his examination of the case of Field against Clark to observe whether or not it involved a situation such as we have here, where a bill, duly passed by both Houses of Congress, was amended by a concurrent resolution adopted by one House?

Mr. FERGUSON. I think it did, but I should like to read a little further from the syllabus.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. DONNELL. I yield to the Senator from Oregon.

Mr. CORDON. Is it not a fact that in that case what was attempted to be done was by concurrent resolution to change the legal effect of a measure which not only had been passed by both Houses but which had been signed by the President?

Mr. DONNELL. I may say to the Senator that I have not read the case of Field against Clark, but I am familiar with it as a very well known authority, and it is cited in Cannon's Precedents, volume 7, page 151, in an excerpt from the remarks of Mr. Fitzgerald in the House of Representatives on August 5, 1909. It will be recalled that the Senator from Michigan read from the remarks of Mr. Fitzgerald the words which I now quote:

> If it were not for the very comprehensive language of Judge Harlan in *Field* v. *Clark*, (143 U. S.) I doubt very seriously whether

it could be held that the boot and shoe amendment as proposed in this concurrent resolution had passed both Houses of Congress.

I may say that I should like a little further time during the course of the day to examine the case of Field against Clark, which I have not thus far examined, having noted its reference to this particular matter only last evening.

Mr. CORDON. Mr. President, will the Senator from Missouri yield?

Mr. DONNELL. I yield to the Senator from Oregon.

Mr. CORDON. I should like to ask the distinguished Senator from Missouri to give me an opinion as to whether or not if the pending measure were passed and thereafter a concurrent resolution were adopted by the Senate by unanimous consent, as is required for amendment of a law, and if a similar proceeding or whatever proceeding meets with the rules of the House were had, that would represent an appropriate legal procedure for amendment of the pending legislation?

Mr. DONNELL. I do not think that it would represent an appropriate method of amendment. I have not had sufficient time to study the case of Field against Clark to answer the question, but it may be that if the two Houses were to agree upon a concurrent resolution and the concurrent resolution were to be inserted it might be that no collateral attack could be made upon the validity of the entire act. I am not prepared, however, at this moment to concede, without further study, whether that is or is not a fact.

Mr. FERGUSON. Mr. President, I think that is exactly what this case holds, because it says in the syllabus which is borne out by the opinion:

> It is not competent to show from the journals of either House of Congress, that an act so authenticated, approved and deposited, did not pass in the precise form in which it was signed by the presiding officer of the two Houses and approved by the President.

Then it goes on to another matter and says:

> Congress cannot, under the Constitution, delegate its legislative power to the President.

It seems to hold that once the measure is signed in that form by the Speaker and by the President of the Senate and it goes in that way to the President of the United States, if he puts his signature on it, one cannot go back of that and say it was not amended in a proper way.

Mr. DONNELL. Mr. President, in the first place, as I have said, I wish to ask the indulgence of the Senate until some time later in the discussion to comment further upon the case of Field against Clark. I observe, however, that on pages 668 and 669 appears this language:

> The contention of the appellants is, that this enrolled act, in the custody of the Secretary of State, and appearing upon its face, to have become a law in the mode prescribed by the Constitution, is to be deemed an absolute nullity, in all its parts, because—such is the allegation—it is shown by the CONGRESSIONAL RECORD of proceedings, reports of committees of each House, reports of committees of conference, and other papers printed by authority of Congress, and having reference to House bill 9416, that a section of the bill, as it finally passed, was not in the bill authenticated by the signatures of the presiding officers of the respective Houses of Congress, and approved by the President. The section alleged to have been omitted was as follows.

So, Mr. President, from a very hasty glance at the opinion of Mr. Justice Harlan I do not thus far understand it to be a case in which there was inserted something in the bill which was passed after the bill itself was passed, but rather that the contention was made that a section of the bill as it finally passed was not in the bill authenticated by the signatures of the presiding officers. It may make a very vast deal of difference as to the applicability of this particular decision.

Mr. CORDON. Mr. President, will the Senator yield on that point?

Mr. DONNELL. I yield.

Mr. CORDON. Did the Senator read there also, "the bill authenticated by the signatures of the presiding officers of the respective Houses of Congress and approved by the President"?

Mr. DONNELL. I did; that is correct.

Mr. CORDON. In other words, that represents an attempt to amend existing legislation, which has been fully enacted, whereas we have here an attempt to amend legislation which is still in process of making, and before signed, of course.

Mr. DONNELL. I shall undertake to have something further to say upon the case of Field against Clark after further study of it during the day.

Mr. President, this was not what I started out to develop. What I was undertaking to develop was with respect to the matter that was discussed last evening, of the applicability of the action taken in the case of the Export-Import Bank bill as a precedent for the case before us at this time.

I called attention to the fact a few minutes ago—and I shall take the liberty of restating it for a moment, because I assume some Senators are here now who were not present then—that on July 25, 1945, the Senator from Ohio [Mr. TAFT] suggested a question that had occurred to him, "that the pending bill as drafted does not permit loans to the Philippine Islands," whereupon the Senator from Maryland [Mr. TYDINGS] said:

> It certainly is doubtful whether they would be within the purview of the act.

The Senator from Michigan [Mr. VANDENBERG] said:

> They—
>
> Meaning the Philippines—
>
> have a primary right. If we have any obligation abroad, it starts in the Philippines.

Mr. President, I was going to develop further what happened on that day. A question was asked of me a few minutes ago as to whether the Export-Import Bank Act, which was then under discussion, was passed before or after the Senator from Maryland made his suggestion as to the inclusion of the contents of a concurrent resolution. Since the question was asked I have learned, from page 7841 of the CONGRESSIONAL RECORD of July 20, 1945, that between the time the Senator from Ohio [Mr. TAFT] raised the question on that same day, and the time of what transpired when the Senator from Maryland participated, which I shall mention in a moment, "The bill (H. R. 3771)"—as appears at page 7841—"was ordered to a third reading, read the third time, and passed."

Mr. President, continuing further with the history of this particular matter, and as to its applicability as a precedent, I called the attention of the Senate a little while ago to the comments made last evening by the distinguished majority leader, in which, after the Senator from Utah [Mr. MURDOCK] called to my attention, or possibly to the attention of the Senator from Kentucky and myself, the facts relating to the Tydings concurrent resolution in connection with the Export-Import Bank bill, the Senator from Kentucky [Mr. BARKLEY] immediately said:

> I appreciate the reference of the Senator from Utah to the situation which existed when the Senator from Maryland submitted the concurrent resolution instructing the enrolling clerk to include in the bill the Philippine Islands, which had not been included in either House.

He then said:

> I do not recall whether it was done, but I think it was.

I digress to state that the information I received only a few minutes ago is to the effect that the House did not include the contents of the concurrent resolution submitted by the Senator from Maryland [Mr. TYDINGS], and I have before me a copy of Public Law 173, being H. R. 3771, in which it appears, on page 1, that words included in the concurrent resolution of the Senator from Maryland were not in the bill as it was finally approved.

The senior Senator from Kentucky obviously last evening undertook to use—and I know he intended to do it in the greatest sincerity—the concurrent resolution of the senior Senator from Maryland as to the Philippines as a precedent for our proposed action in this case.

The Senator from Illinois [Mr. LUCAS] inquired of the majority leader as to whether he, the Senator from Kentucky, "sees any difference in what is now being attempted to do by employment of a concurrent resolution, and what was done in the case the Senator from Utah speaks of," namely, the Tydings incident relative to the Philippines. Whereupon the Senator from Kentucky [Mr. BARKLEY] said:

> There is no difference in principle, of course.

So, Mr. President, I submit that we are now confronted with a situation in which the Tydings matter of July 20, 1945, is being submitted to us as a precedent.

What are the facts, as they further progressed? After there was called to the attention of the Senator from Maryland the fact that the loans would not be permitted to be made to the Philippine Islands, and after he stated, "It certainly is doubtful whether they would be within the purview of the act," this occurred, as appears at page 7847 of the RECORD:

> Mr. TYDINGS. A while ago the Senate passed the Export-Import Bank bill. While the bill

was pending before the Senate it was brought out that perhaps the Philippine Islands would not be entitled to participate with other foreign nations in receiving the benefit of the bill. It was suggested that an amendment to the bill including the Philippine Islands be adopted. Because the adoption of such an amendment would have taken the bill to conference and would thus perhaps delay or kill the whole legislation, the Senator from Maryland did not offer the amendment, but on this subject he would like to offer a concurrent resolution and call for its immediate consideration. I believe it would bring on no debate. It would correct the situation referred to, so that when the bill is finally enacted the desired result relative to the Philippine Islands may be obtained.

In response to which the distinguished majority leader made the statement:

Mr. President, it is likely that the Senate will be in sesison practically all afternoon. The measure for which I am about to move consideration by the Senate has been on the calendar for some time, and farmers and farm groups in the United States are interested in having action taken on it. I think we should proceed to its consideration now.

So, Mr. President, it was not until later in the day that the Tydings matter again came up.

This is what transpired, and I think it is of particular interest, in view of the fact that we are now confronted with this Tydings incident as a precedent justifying the action requested at the present time. I read from page 7851 of the RECORD:

Mr. TYDINGS. I ask the Senator's pardon for interrupting his address, but the Export-Import Bank bill passed by the Senate earlier today may be in the process of enrollment, and if the concurrent resolution which I hold in my hand is not quickly acted on it would be of no value, even if Congress were to adopt it. As was brought out by the Senator from Ohio and the Senator from Michigan in discussing the bill earlier today, the Philippine Islands were left out of the scope of the Export-Import Bank. The bill has gone to the House and I am afraid, unless action is taken immediately, it will be enrolled before the correction I propose is made.

Mr. REVERCOMB. Does the Senator wish to proceed with the concurrent resolution he speaks of?

Mr. TYDINGS. I should like to ask unanimous consent to have a correction—

It will be observed that he treats this as a correction—

I should like to ask unanimous consent to have a correction made in the Export-Import Bank bill, simply to have the Philippine Islands included in the scope of the bill which was passed earlier today. I do not think any Senator is opposed to it. If the proposal should result in debate I will withdraw it immediately.

Mr. REVERCOMB. I am glad to yield to the Senator for the purpose he has in mind, with the understanding that the present procedure may be transposed, so as not to appear in the midst of the discussion which has been taking place.

The PRESIDING OFFICER. Without objection, it is so ordered.

This is what the majority leader then said:

Mr. President, I wish to make a statement. It is a little unusual to instruct the enrolling clerks of the two Houses by way of correction to put something in a bill which was not in the bill as it passed either House and was not intended to be in the bill.

We frequently instruct the enrolling clerks to put something in a bill that was left out by oversight. That is not the case in this matter. No effort was made to get this provision into the bill in the House or the Senate, and it is not by way of correction, because the bill as it is now, in process of or ready for enrollment, is not incorrect. There is no error committed in the enrollment.

I am not going to object, but—

Mr. President, I call this to the especial attention of the Senate:

But I want it distinctly understood that it is an unusual thing to amend a bill by way of correcting the enrollment when neither House considered the item or acted upon it.

And may I ask Senators to listen intently to the next sentence from the majority leader, the Senator from Kentucky?

With the understanding that it establishes no precedent, Mr. President, in that regard I shall not object.

I pause to say, Mr. President, that the majority leader last evening, and the distinguished Senator from Utah [Mr. MURDOCK] were clearly treating this action taken back in 1945 as a precedent.

Now let us see what was said by other Senators immediately following the majority leader's statement that—

With the understanding that it establishes no precedent, Mr. President, in that regard I shall not object.

The distinguished leader of the minority [Mr. WHITE] stated:

I simply want to echo what the Senator from Kentucky has said. I think it does establish a precedent, and, I think, an unhappy one, but I am not going to object.

And then, Mr. President, may I read what the Senator from Maryland said?

Mr. President, I want to reecho what both Senators have said, and I hope what is proposed to be done will not establish a precedent. I hope the concurrent resolution will be adopted.

And then a few lines below that we find:

There being no objection, the concurrent resolution was considered and agreed to.

I say Mr. President, we have here an illustration of a course of procedure which the majority leader himself indicated is unusual, or, to quote him exactly:

It is a little unusual to instruct the enrolling clerks of the two Houses by way of correction to put something in a bill which was not in the bill as it passed either House and was not intended to be in the bill.

And distinctly stating, Mr. President:

With the understanding that it establishes no precedent, Mr. President, in that regard I shall not object.

Then, the minority leader, stating that he was echoing what the majority leader said, said that it did establish a precedent and, he thought an unhappy one, whereupon the Senator from Maryland reechoed the statement and caused it to be reverberated on down through the corridors of the Senate, when he said:

I want to reecho what both Senators have said, and I hope what is proposed to be done will not establish a precedent.

Mr. President, I submit that this type of procedure recognized both by the majority leader and the minority leader and the proponents of the concurrent resolution on July 20, 1945, is an unwholesome type of procedure, and should not be encouraged, and I think those Senators were very wise in making distinctly the reservation or suggestion that the action should not constitute a precedent; but I believe, Mr. President, that the soundness of judgment of the minority leader in saying that he thought it did establish a precedent is borne out by the fact that here upon the floor last night, notwithstanding this utterance made by the majority leader a year ago, we now find that this particular procedure, this particular incident on July 20, 1945, is taken as a precedent.

Mr. President, that is all I have to say at the moment on this proposition, but I shall address myself doubtless later during the day to further cases, including the case of Field against Clark.

Mr. MORSE obtained the floor.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. FERGUSON. At this point in the RECORD I think I should read some of the language from the case of Field against Clerk which we discussed earlier, as to whether or not the c urts will go back of the congressional acts and look into the Journal and ascertain whether or not the law has been properly passed. I read from One Hundred and Forty-third United States Reports, page 671, as follows:

In regard to certain matters, the Constitution expressly requires that they shall be entered on the Journal. To what extent the validity of legislative action may be affected by the failure to have those matters entered on the Journal, we need not inquire. No such question is presented for determination. But it is clear that, in respect to the particular mode in which, or with what fullness, shall be kept the proceedings of either House relating to matters not expressly required to be entered on the Journals; whether bills, orders, resolutions, reports, and amendments shall be entered at large on the Journal, or only referred to and designated by their titles or by numbers; these and like matters were left to the discretion of the respective Houses of Congress. Nor does any clause of that instrument, either expressly or by necessary implication, prescribe the mode in which the fact of the original passage of a bill by the House of Representatives and the Senate shall be authenticated, or preclude Congress from adopting any mode to that end which its wisdom suggests. Although the Constitution does not expressly require bills that have passed Congress to be attested by the signatures of the presiding officers of the two Houses, usage, the orderly conduct of legislative proceedings and the rules under which the two bodies have acted since the organization of the Government, require that mode of authentication.

The signing by the Speaker of the House of Representatives, and by the President of the Senate, in open session, of an enrolled bill, is an official attestation by the two Houses of such bill as one that has passed Congress. It is a declaration by the two Houses, through their presiding officers, to the President, that a bill thus attested, has received in the due form the sanction of the legislative branch of the Government, and that it is delivered to him in obedience to the constitutional requirement that all bills which pass Congress shall be presented to him. And when a bill, thus attested, re-

ceives his approval, and is deposited in the public Archives, its authentication as a bill that has passed Congress should be deemed complete and unimpeachable. As the President has no authority to approve a bill not passed by Congress, an enrolled act in the custody of the Secretary of State, and having the official attestations of the Speaker of the House of Representatives, of the President of the Senate, and of the President of the United States, carries on its face, a solemn assurance by the legislative and executive departments of the Government, charged, respectively, with the duty of enacting and executing the laws, that it was passed by Congress. The respect due to coequal and independent departments requires the judicial department to act upon that assurance, and to accept, as having passed Congress, all bills authenticated in the manner stated, leaving the courts to determine, when the question properly arises, whether the act, so authenticated, is in conformity with the Constitution.

Then the opinion cites what happens in England under the law, and it says, quoting Mr. Justice Sawyer:

If the enrollment of the statute is in existence, the enrollment itself is the record, which is conclusive as to what the statute is, and cannot be impeached, destroyed, or weakened by the journals of Parliament or any other less authentic or less satisfactory memorials; and that there has been no departure from the principles of the common law in this respect in the United States, except in instances where a departure has been grounded on, or taken in pursuance of, some express constitutional or statutory provision requiring some relaxation of the rule, in order that full effect might be given to such provisions; and in such instances the rule has been relaxed by judges with great caution and hesitation, and the departure has never been extended beyond an inspection of the journals of both branches of the legislature.

In other words, Mr. President, unless the legislature or a constitutional provision requires that the court look behind the act itself and the authentication of the act by the respective officers, no court can go behind it, and the law is as it is written.

The court sums up the situation in this language:

We are of the opinion, for the reasons stated, that it is not competent for the appellant to show from the journals of either House, from the reports of the committee, or from other documents printed by authority of Congress, that the enrolled bill designated H. R. 9416 as finally passed contained a section that does not appear in the enrolled act in the custody of the State Department.

This case goes even further than what is now proposed, as I read the language of the decision. State cases are also cited. With few exceptions they all follow the rule of the United States Supreme Court in Field against Clark.

As I see it, the only question presented here is, Do we wish to establish a new method of legislating? I believe it would be well for Congress to hesitate, to think twice as to whether or not we can afford to legislate in this manner, whether or not we can afford to have the enrolling clerk, the President of the Senate, and the Speaker of the House of Representatives certify as to the passage of a law, which is in effect the regular way of doing business, and send it to the President, knowing full well that when we do that, no court is competent to go behind our act. If we establish this precedent, I think we can look forward to similar cases in the future. I think we have the constitutional power to do it. We can pass a part of the bill today and a part tomorrow, and if a majority passes upon those parts and we put them together before they are attested and signed by the President, no court can go behind our action. But I say again that we should think twice—and probably more times than that—before we undertake to pass legislation in that manner. We have the constitutional authority to do it. The question is, Should we do it?

Mr. DONNELL. Mr. President, will the Senator from Oregon yield to me so that I may ask the Senator from Michigan a question?

Mr. MORSE. I yield.

Mr. DONNELL. Should we pass House bill 1362, as we now find it, it would become law if signed by the President in that form, would it not?

Mr. FERGUSON. I should say so.

Mr. DONNELL. Therefore, in order that we may enact the further provisions set forth in the concurrent resolution, it would be necessary, in order to be valid, that the concurrent resolution be first approved by both Houses. Is not that correct?

Mr. FERGUSON. That is correct.

Mr. DONNELL. So if we pass House bill 1362 in its present form, those of us in this body who may think that the provisions contained in the concurrent resolution should have been incorporated in House bill 1362 would be running the risk of whether or not the House of Representatives would join and pass the concurrent resolution.

Mr. FERGUSON. I think that is correct. I think the question goes further than that. Senators who vote for the original bill must do so with the understanding which the able Senator from Missouri now states, that if the concurrent resolution is not adopted by both the House and Senate, it will never become a part of this legislation.

Mr. DONNELL. So if we pass House bill 1362 in its present form, it becomes law when signed by the President in that form, unless the House of Representatives shall join with the Senate in the enactment of the concurrent resolution.

Mr. FERGUSON. I should say that that states the situation exactly correctly.

Mr. DONNELL. Therefore Members of the Senate who deem it important that House bill 1362 have within it the contents of the concurrent resolution would not have those contents incorporated in it if the House of Representatives should not join in the concurrent resolution.

Mr. FERGUSON. I think that is an absolutely correct statement of the law.

Mr. DONNELL. And although the Senate of the United States did approve the concurrent resolution which was submitted by the Senator from Maryland [Mr. TYDINGS], assuming that my statement of a few minutes ago was correct, that the House of Representatives did not adopt the concurrent resolution, the contents of that resolution did not become a part of the Export-Import Bank act.

Mr. FERGUSON. I think that is correct.

Mr. DONNELL. I should like to ask a further question: Does the Senator from Michigan know of any legal impediment against the incorporation into House bill 1362, by the ordinary processes of amendment before the passage of the bill, of the contents of the concurrent resolution?

Mr. FERGUSON. In answer to that question, I will say that I know of no legal impediment. It has been stated by the able majority leader that there is a parliamentary impediment. The parliamentary situation is such that it is not desired to refer the bill to a committee in the House. If it were so referred, the chances would be great that it would never become law. So there is no legal impediment. There is a parliamentary or time impediment.

Mr. DONNELL. Therefore, if we pass House bill 1362, Members of the Senate who deem it advisable and important to have the provisions set forth in the concurrent resolution incorporated in House bill 1362 would not have what they consider important to be incorporated therein if the House of Representatives should fail to concur in the concurrent resolution.

Mr. FERGUSON. I believe that is correct.

Mr. DONNELL. I thank the Senator.

CONTROL OF MONOPOLY AND MONOPOLISTIC PRACTICES

Mr. MORSE. Mr. President, I rise to discuss a subject which is foreign to the subject matter of the bill now pending. I assure the Senate that is a practice in which I am very hesitant to engage, but the statement which I propose to make happens to involve a subject and a bill which I shall introduce, in regard to which I made an announcement some days ago, stating that I would introduce the bill today and would make a speech upon it. So it seems to me that early in today's session is the best time to discuss the proposed bill rather than to break in as we approach a vote on the railroad retirement bill late this afternoon.

I also wish to say that because of the fact that the bill I am going to introduce is highly controversial, and will undoubtedly involve the Senate in considerable debate at the next session, and because to yield during my presentation of the bill today might start a running debate which would last for a considerable length of time, therefore, I shall not yield, Mr. President, during the course of my explanation and statement of my point of view on this bill. I shall follow that course, not only in the interest of saving as much time as possible for the Senate, so as to leave the maximum amount of time for the consideration of the unfinished business, but also in order to assure a continuity of my remarks on the bill as they will appear in the RECORD.

Mr. President, the most neglected economic problem in American life today is the problem of monopoly and monopolistic practices. While the Federal Government has long been aware of the need for effective action on this problem, it has done little but sit idly by while monopoly has increased its power over American life and created a dire threat

to the continuation of our private-property system. What little the Government has done in recent years to combat monopoly has usually been halfhearted, inconsistent, and ill-considered.

Yet the great majority of the American people have a deep-seated antipathy for monopoly and monopolistic practices. Businessmen in particular know that the only hope of the continued existence of our private-property system is the maintenance of competitive private enterprise. They know that further growth of monopoly power or monoplistic practices is the greatest threat to our present economic system. This viewpoint is shared by American agriculture, which has long been suffering the effects of the monopolistic practices of the railroads and the manufacturers of farm machinery. It is shared by American labor, which has too often been forced out on strike by monopolistic companies which are in such a strong economic position that they have little or nothing to lose by a prolonged period of inactivity.

In recent years the campaign platforms of both the Republican and Democratic Parties have outlined a strong position against monopoly. In 1936, for example, the Republican platform made the following statement:

> A private monopoly is indefensible and intolerable. It menaces and, if continued, will utterly destroy constitutional government and the liberty of the citizen.
>
> We favor the vigorous enforcement of the criminal laws against monopolies and trusts and their officials, and we demand the enactment of such additional legislation as is necessary to make it impossible for private monopoly to exist in the United States.

The Democratic platform statement set forth the following antimonopoly plank:

> Monopolies and the concentration of economic power, the creation of Republican rule and privilege, continue to be the master of the producer, the exploiter of the consumer, and the enemy of the independent operator. This is a problem challenging the unceasing effort of untrammeled public officials in every branch of the Government. We pledge vigorously and fearlessly to enforce the criminal and civil provisions of the existing antitrust laws, and to the extent that their effectiveness has been weakened by new corporate devices or judicial construction, we propose by law to restore their efficacy in stamping out monopolistic practices and the concentration of economic power.

Mr. President, one might think that with such apparent agreement between the two major parties, the path to effective action would have been short and easy, and that immediately following the 1936 election, a vigorous antimonopoly program would have been developed. After the election, however, practically all that happened was that a new committee was set up to study the problem—the Temporary National Economic Committee.

The hearings, reports, and recommendations of the Temporary National Economic Committee under the brilliant leadership of the Senator from Wyoming, [Mr. O'MAHONEY], represent a landmark in the history of Congressional investigations. Nevertheless, the recommendations of the TNEC were ignored by the Congress. Two years of intensive work yielded 31 volumes of hearings and 43 monographs, but resulted in nothing but inaction on the part of the Congress in attempting to deal with the monopoly problem.

During the war, in the interests of expediting war production, Government turned to big business, and ignored for the most part the antitrust laws. As a result of receiving the bulk of the new war plants and of war contracts for both production and research, monopolistic enterprises emerged from the war stronger than ever before in the history of our country.

As soon as the war was over, the monopoly problem won official recognition in the first Presidential message to Congress on the state of the Union. In his message of January 14, 1946, President Truman told the Congress that we must have a coordinated over-all antimonopoly policy. The President stated that we must have such a policy—but he did not propose such a policy. To my knowledge, neither he nor any other official of the administration has yet mapped out such a policy.

However, the Government's activities since the end of the war have had a very definite effect upon the concentration of economic power—the effect of accelerating the trend toward increased concentration. I am referring specifically to what has happened in the disposal of Government-owned war plants. For example, more than one-third of all Government war plants have been disposed of to 22 companies, all of which are among the largest in the United States. Two-thirds of all these plants have gone to a group of big companies who represent only fourtenths of 1 percent of all the manufacturing enterprises in the country.

On July 14, 1946, the able and distinguished chairman of the Senate Small Business Committee, the Senator from Montana [Mr. MURRAY], presented to the Senate a report entitled "Economic Concentration and World War II." This report summarized all the available statistics on the growing concentration of economic power that took place during World War II. It pointed out that in 1939, firms with over 1,000 employees accounted for 36 percent of the total pay roll for all American trade and industry; by 1943, this figure had risen to 53 percent. It was pointed out that by the end of 1945, the rate of mergers and acquisitions, particularly in manufacturing industries, was higher than at any time in the previous decade and a half.

The report from which I have quoted was prepared for the Senate Small Business Committee by the Smaller War Plants Corporation which has now been transferred to the Department of Commerce. It is interesting to note that in submitting this report the SWPC recommended no specific program for doing anything about the concentration of economic power.

Mr. President, we have had too much empty talk on this vital matter.

The time has come for action.

The time has come for all true believers in economic and political freedom to join together behind a specific legislative program designed to cope with the entire problem of monopoly and monopolistic practices.

Accordingly, Mr. President, I have sent to the desk a new measure entitled "The Antimonopoly Act of 1947." This measure represents the first comprehensive antimonopoly measure to be submitted to the Congress since the Sherman antitrust law was enacted in the last days of the nineteenth century.

This bill is being introduced on behalf of the Senator from Vermont [Mr. AIKEN], the Senator from North Dakota [Mr. LANGER], the Senator from Montana [Mr. MURRAY], the Senator from Washington [Mr. MITCHELL], the Senator from Idaho [Mr. TAYLOR], the Senator from West Virginia [Mr. KILGORE], and myself.

I may announce also, Mr. President, and I ask the press to take note, that since the manuscript was released to the press the distinguished junior Senator from North Dakota [Mr. YOUNG] has also become a sponsor of the bill.

The sponsors of this measure do not regard it as the last word on the problem. We shall welcome amendments to it which do not destroy its sound objectives. We believe that its basic approach is fundamentally sound, but we recognize that there may be still considerable room for improvement on many of the details. We hope that before the bill is shaped into final legislation, there will be a careful study and investigation by the appropriate congressional committee into the character and extent of monopoly and monopolistic practices. It is our hope that this study will be initiated in January 1947. Hence, the short title of the bill "Antimonopoly Act of 1947."

The antimonopoly bill lays out a threefold strategy of attack on monopoly and monopolistic practices.

The first principle of the bill is that the Government must have a consistent and coordinated program for dealing with monopoly and monopolistic practices.

In the past, the Federal Government has never had a genuine antimonopoly program; it has merely engaged in a series of isolated activities dealing with separate aspects of the problem. On the one hand, the Antitrust Division and the Federal Trade Commission have been making sporadic attempts to break down monopolies and eliminate monopolistic practices. On the other hand, the various regulatory boards and commissions have operated on the assumption that monopolies and monopolistic practices in certain industries were to be regulated instead of eliminated. There has never been a real attempt to develop an integrated program for the Antitrust Division of the Justice Department and the Federal Trade Commission, an integrated program for the various regulatory boards and commissions, or a program to coordinate the activities of the Antitrust Division and the Federal Trade Commission with activities of the various regulatory boards and commissions.

Second. The antimonopoly bill sets forth a broad plan for the prevention or elimination of monopoly and monopolistic practices. This plan deals with cartels, discriminatory freight rates, patents, credit assistance for small and com-

petitive business enterprises, adequate enforcement of antitrust laws, and the functions of the Federal Trade Commission.

Third. The bill addresses itself to the entire problem of obtaining effective public control, wherever necessary, of monopoly and monopolistic practices. It provides for coordination of the general policies of the various regulatory agencies, boards, and commissions that have already been established to regulate monopoly or monopolistic practices. It also provides for the Presidential submission to Congress of additional plans for public control, either through regulation or ownership, whenever the President finds that a monopoly or a monopolistic practice cannot be eliminated and should instead be subjected to public control.

I should now like to summarize briefly the major provisions of the bill.

Title I is entitled "A Consistent and Coordinated Antimonopoly Program." It deals with various subjects.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a summary of the bill. By having it printed in the RECORD I will save the time of the Senate, and the Members may read the summary in the CONGRESSIONAL RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Sections 101 and 102—Presidential formulation of antimonopoly program: The President is directed to develop a consistent and coordinated antimonopoly program which is to be transmitted to Congress at the beginning of every session as part of his economic report under the Employment Act of 1946.

Section 103—Annual survey of monopoly and monopolistic practices: Through the facilities of the various agencies of Government, the President is to make an annual study of the extent to which monopoly and monopolistic practices exist in industry, trade, and agriculture. The results of this study are also to be transmitted to the Congress as part of the economic report.

Section 104—Reorganization power: The President is authorized to submit such reorganization plans as he deems necessary to obtain the most effective administration of the antimonopoly program.

Titles II to VII, inclusive, relate to the prevention or elimination of monopoly and monopolistic practices. Let me refer to each title briefly:

Title II. Prohibition of cartels: Participation by American business in cartels is prohibited. Any arrangements to control international markets must be based upon international commodity agreements officially entered into by the United States Government.

Title III. Elimination of discriminatory freight rates: In order to encourage the development of competitive enterprise in the West and the South, the Interstate Commerce Commission is directed to prepare uniform class rates for railroad transportation.

Title IV. Patents: The Justice Department is authorized to participate in patent suits. Agreements relating to patents are to be filed with the United States Patent Office. Patent licensing agreements which limit production, control prices, or otherwise further monopolistic purposes are made illegal.

Title V. Credit assistance for small and competitive business enterprises: The Federal Loan Administration is given a clear-cut policy mandate to make intermediate and long-term capital available to small and competitive business enterprises. Terms are to be commensurate with the terms available to big business. Interest rates are not to exceed 4 percent. The emphasis is to be on guaranteed loans handled through private banks.

Title VI. More adequate enforcement of Sherman and Clayton Antitrust Acts: The Justice Department is given an appropriation of $6,000,00 0a year to enable it to carry on its activities more adequately. Officers and directors of corporations violating the Sherman and Clayton Antitrust Acts are made liable to penalties under these acts.

Title VII. The Federal Trade Commission as master in chancery: The Federal Trade Commission is authorized, at the Attorney General's request, to serve as master in chancery in any antitrust proceedings—that is, to bring finding of fact and recommendations to the court.

Title VIII is entitled "Where Necessary, Effective Public Control of Monopoly and Monopolistic Practices." Its major provisions are as follows:

Sections 801 and 802. Presidential review of regulatory activities: The President is directed to review the operations of regulatory agencies, boards, and commissions and direct the curtailment or correction of policies that fail to protect the public interest effectively against monopoly or monopolistic practices.

Section 803. New proposals for control: Where the President deems it necessary, he shall submit to Congress specific proposals for additional public control, whether through regulation or ownership.

Title IX provides definitions for such terms as "monopoly" and "monopolistic practices."

Mr. MORSE. I particularly wish to call attention to title II of the bill which prohibits American business from participating in cartels, except in accordance with the provisions of the bill. I desire to emphasize that if we really are going to establish a one world of permanent peace, we must recognize the economic interrelationships between and among the nations of the world. History shows that out of such relationships have sprung many of the causes of war. One need not argue the point that the price of war—misery and suffering and death, as well as economic loss—is always paid by the rank and file of the people of the countries at war. Hence, I think we must face fearlessly a great economic reality, namely, that international economic "deals" among powerful economic forces in this country and in other countries have contributed some of the causative factors leading to war in the past. In my judgment, the American people have the fundamental right, under our form of government, to say to American business combines, "Thou shalt not enter into cartels which ultimately will lead to the killing of our sons and daughters, through war." Ample evidence exists that economic cartels have been disruptive of relationships between nations and have been causative of international misunderstandings and ill will. Hence, I believe that the prohibitions placed upon cartels in title II of this act should highly commend it to the rank and file of the American people. I think it will greatly strengthen the movement for the development of a one world under the United Nations.

I am aware of the fact that powerful economic forces in this country will oppose this bill. However, it is to be noted that powerful economic forces opposed the Sherman Antitrust Act and the Clayton Act. Powerful economic interests, like all human institutions, are made up of human beings with all the frailties and selfish motives which characterize man. The development of the private property economy system in this country has been a constant struggle involving the necessity of protecting the economic weak from the exploitation of the economic strong.

I would be the first to insist that the great capitalistic forces of this country have played a mighty important role in developing this thing we call the American private-property economy. I do not favor, and I never shall favor, the supplanting of our private-property economy with a socialistic order, or any other form of economic totalitarianism, because any form of economy other than our private-property economy is bound to lead to a loss of our rights as individuals to the guaranties of a political democracy as set out in our Constitution and its Bill of Rights.

However, I refuse to blind myself to the fact that private-property economy does not entitle great combinations of capital to a license to make unreasonable profits and exercise unreasonable controls over the public at the expense of the rank and file of the American people. I refuse to ignore the fact that if we are to maintain a private-property economy in this country then the individual citizen who wishes to exercise economic initiative must be able to do it in a free competitive economic system. I insist that we cannot maintain our private-property economy if greater and greater controls over competitive opportunities for our people become more and more vested in fewer and fewer combines of financial and economic power in this country. Such a monopolistic trend, if allowed to continue, is bound to result in some form of economic fascism in America.

I wish to take this opportunity of saying to the farmers of this country that in my judgment the future standard of living of our farm population is going to be determined in a large measure by the extent to which we check monopolistic forces which at the present time exercise a much greater control over the returns which the farmer receives for his produce than most people living in our cities suspect. I think most of our farmers have come to understand the relationship between monopolistic control of our economy and the price they have to pay for the goods they have to buy as contrasted with the prices they receive for produce they sell.

Since coming to the Senate in January, 1945, I have endeavored to point out that if we are to retain and develop to its richest potentialities the American system of political and economic democracy we must do it within the framework of the American Constitution and in accordance with a sound middle-of-the-road liberal political and economic course of action. We must do it by recognizing at all times that great lesson of history, namely, that the society of mankind moves forward, not backward and that it never stands still. Thus I have tried to point out in speech after speech in the Senate, and in the bills and resolutions which I have sponsored,

that a liberal program can be defined only in terms of specific issues.

When people say to me, "You call yourself a liberal but what we would like to know is what do you stand for?" I am pleased to refer them to the specific things which I have stood for both before and since coming to the Senate. Through the speeches, bills and resolutions which I have presented on the floor of the Senate I have endeavored to build what I consider to be a very sound liberal platform that can sustain and perpetuate the American economic system of private property. The bill I am offering today is the last plank that I propose to add to that platform in this session of Congress.

I have no hesitancy in saying that the issue of controlling monopolies in this country is a clear-cut political issue as well as an economic problem. I feel that both the Republican and the Democratic parties must meet that issue in the 1946 and 1948 campaigns. Hence, I offer this bill in an attempt to place that issue on the record.

I am confident that once the American people come to understand the vital importance to their daily lives and their standard of living, and most important of all to the preservation of world peace, of controlling monopolies, they will wholeheartedly support the position taken by those of us who are willing to face the type of opposition which I have no doubt this will stir up.

Further, I am convinced that the rank and file voters of this country, both Democratic and Republican, are basically progressive and liberal in their political philosophy. They want neither reactionarism nor leftism. As I have said on another occasion, it is interesting to note that one of the contrasts between the liberals and the leftists is that the liberal fights for the rights of the individual in maintaining self-government in keeping with the framework of our Constitution and its Bill of Rights, whereas the leftist seeks to develop an all-powerful Federal Government because he knows that his best chance of accomplishing the leftist's ultimate aim—namely, that of a governmental dominated economy—is through the development of an all-powerful central government exercising control of the economy. It was such a pattern that the leftists sold to the people of Italy and Germany when they fell the victims of fascism, and it was the same type of pattern which the leftists developed in Russia under communism.

May I say in passing that the greatest partner the leftist has in America today is the reactionary in both parties because the leftist well knows that if the type of emphasis on material things and laissez-faire economy of the rightist or reactionary ever prevails in this country then the pendulum swing to the left, shortly after the reactionaries come into power, will become so sweeping as to lead directly into some form of State control of the economy. It is a great mistake, I believe, to think of the liberal as seeking only economic advantages for the people. That is the main objective, I think, of the leftist as contrasted with the liberal and of the reactionary as contrasted with the liberal except that the reactionary seeks economic advantages not for the people but for the privileged few.

Let us consider the leftist; for the liberal is anything but a leftist. The leftist is seeking a State economy; he is constantly thinking in terms of material welfare for the people. He is not thinking primarily, as is the liberal, in terms of political democracy's being hitched to economic democracy. He places the economic advantages uppermost. That is also true of the reactionary except he seeks to serve his own selfish interests.

The American people in the decade ahead must make a choice from among three types of candidates. The first type must offer the political and economic program of the reactionaries bottomed upon a laissez-faire economy which history shows is characterized by two outstanding economic phenomena: First, the exploitation of natural resources and human beings by the privileged few in the interests of profit dollars, and second, the business cycle of boom and bust with periodic depressions and mass unemployment. It is under such an economy that monopoly develops its strangle hold over the economic rights and interests of the people.

The second type of candidate is from among the leftists. The program of the leftists seeks to establish a State-controlled economy in this country. The Communist and National Socialist is not concerned with protecting the civil liberties and individual rights, including private-property rights guaranteed to every citizen in this country under our Constitution with its Bill of Rights. Rather these leftists seek to destroy those rights and seek to substitute for individual liberty in this country State control and domination of the life of every person. I shall always oppose that totalitarian philosophy with all the vigor that I can muster.

The third type of political candidate in American politics today is the liberal. As I have said, I feel that liberalism can be defined only in terms of specific issues. I do not mean, however, that I feel that liberalism does not have a very clear idealistic meaning. Let me put it this way: One of the objectives, for example, of a liberal government is to protect the economic weak from the exploitation of the economic strong and to do it within a private-property economy. That type of definition is similar to the one which Lincoln used when he pointed out that one of the purposes of government is to promote the "greatest good for the greatest number" and to do it within the framework of our American economic system. When we take that approach to the definition of liberalism, then we must think in terms of specific issues and test our liberalism by our votes on those issues.

To strike the balance between too little government and too much, to protect the economic weak from the exploitation of the economic strong within the framework of our private-property economy, to defend and guarantee at all times to the individual, the civil and property rights set forth in our Constitution and its Bill of Rights, to keep the government an effective servant and not a dictatorial master of our people, to promote the greatest good for the greatest number and to do it by maintaining the dignity of the individual, are some of the basic objectives of the political liberal.

I offer this antimonopoly bill as meeting another specific test of liberalism and as being in keeping with that great objective of representative government, namely, promotion of the greatest good for the greatest number.

Mr. President, I now ask unanimous consent to introduce the bill.

There being no objection, the bill (S. 2482) introduced by Mr. MORSE (for himself, Mr. AIKEN, Mr. LANGER, Mr. MURRAY, Mr. MITCHELL, Mr. TAYLOR, Mr. KILGORE, and Mr. YOUNG) to establish a consistent and coordinated antimonopoly program, prevent or eliminate monopoly and monopolistic practices, and protect the public interest, wherever necessary, through effective methods of public control over monopoly and monopolistic practices, was received, read twice by its title, and referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 115. An act to modify sections 4 and 20 of the Permanent Appropriation Repeal Act, 1934, with reference to certain funds collected in connection with the operation of Indian Service irrigation projects, and for other purposes; and

S. 1547. An act to provide for the disposition of vessels, trophies, relics, and material of historical interest by the Secretary of the Navy, and for other purposes.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 1277. An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of William S. Brown;

S. 1733. An act for the relief of Desmark Wright; the estates of Alberta Wright, Desmark Wright, Jr., and Harold Evans; and the legal guardians of Bobby Dennis Wright and Irvin Lee Wright, minors;

S. 1917. An act to enact certain provisions now included in the Naval Appropriation Act, 1946, and for other purposes; and

S. 2210. An act to provide for the return of certain securities to the Philippine Commonwealth Government.

The message further announced that the House had severally agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 6004. An act to provide authorization for the village of Cahokia, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near Cahokia, Ill., and for other purposes; and

H. R. 6533. An act to authorize certain administrative expenses in the Government service, and for other purposes.

The message also anounced that the House had agreed to the concurrent resolution (S. Con. Res. 74) providing for the printing of additional copies of the

report of the Joint Committee on the Investigation of the Pearl Harbor Attack.

AMENDMENT TO RAILROAD RETIREMENT ACTS, ETC.

The Senate resumed consideration of the bill (H. R. 1362) to amend the railroad retirement acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code, and for other purposes.

Mr. WHITE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	Overton
Andrews	Hill	Pepper
Austin	Hoey	Radcliffe
Ball	Huffman	Reed
Barkley	Johnson, Colo.	Revercomb
Bilbo	Johnston, S. C.	Russell
Brewster	Kilgore	Shipstead
Brooks	Knowland	Smith
Buck	La Follette	Stanfill
Burch	Langer	Stewart
Bushfield	Lucas	Swift
Capper	McCarran	Taft
Carville	McClellan	Taylor
Connally	McFarland	Thomas, Okla.
Cordon	McKellar	Thomas, Utah
Donnell	McMahon	Tobey
Downey	Magnuson	Tunnell
Eastland	Mead	Vandenberg
Ferguson	Millikin	Wagner
Fulbright	Mitchell	Walsh
George	Moore	Wheeler
Gerry	Morse	Wherry
Green	Murdock	White
Guffey	Murray	Wiley
Gurney	Myers	Willis
Hart	O'Daniel	Young
Hawkes	O'Mahoney	

The PRESIDING OFFICER (Mr. HOEY in the chair). Eighty Senators having answered to their names, a quorum is present.

Mr. TAFT. Mr. President, I wish to speak regarding the general character of the bill which is before the Senate. It is a bill to change and expand the so-called railroad retirement system, which is a special social-security system extending only to railroad employees, except as the coverage of this bill may extend it further.

We have a general social security system, which, of course, covers most other people in the United States, but at the time the railroad retirement system was set up it was set up as a special system for the railroad employees. That, however, is a Government system. The Government is responsible for paying the benefits under that system. It is not like many of the private pension systems which exist in the United States. It is a special Government system covering these particular employees, and not covering anyone else in the United States, while the general social security system covers other employees.

I think it is very doubtful whether there should be a special social-security system set up by the Government for certain special groups of employees, and it is the tremendous difference between the benefits and the treatment under the two systems which leads to the violence of the feeling regarding the question of coverage, whether an employee shall be under one system or the other. I do not particularly object, however, to there being a separate system for the railroad employees, nor do I object to that system being somewhat more liberal than the general system.

There is one thing which follows, however, if we have such a system. It must be actuarially sound. We have set up the social security system, and we recognize that under that system a great many of the benefits are going to have to be paid by the Government, with respect to which the tax levy today amounts to only 2 percent, outside of the unemployment-compensation tax. We realize that the Government is going to pay a very fair part of the total, on the theory that we might as well pay as we go when everyone in the United States is involved. There is not much point in anyone building up a so-called reserve of Government bonds when the group of beneficiaries and the group of taxpayers are just about the same people. However, when we have this kind of a system we must have an actuarially sound system, or the whole system will break down.

The House committee received this bill when it was introduced in the form in which we have it. It made an extensive study of the whole system. The study covered a period of more than 3 months. It employed special actuaries to make the necessary calculations, and then rewrote the bill and reported it.

Under the existing system there is a tax levy to pay the expenses of the system. The tax today is 3½ percent from the employer and 3½ percent from the employee, or a total of 7 percent. To that is added the special unemployment compensation fund tax, which is 3 percent, just as it is in various States. So there is now a total tax of 10 percent levied on the wages of railroad employees. That is to go up slightly in 1949, under the present law.

The House committee found that to be actuarially sound the tax should be 4½ percent on the employer and 4½ percent on the employee, or nearly 2 percent more than is now being paid under that system. The new bill proposes an increased tax of 5¾ percent on the employee and 5¾ percent on the employer, or a total of 11½ percent. To that is added 3 percent for unemployment compensation. So the bill provides immediately for a tax of 14½ percent, 5¾ of which is to come from the employee, and 8¾ from the employer. That rate will be increased in 1949 to a total of 15 percent, and in 1952 to a total of 15½ percent. The House committee finds that that will be actuarially insufficient by at least 1½ percent. In the opinion of the House committee a total tax of 17 percent on the pay roll would be required to cover the benefits provided in the bill.

That does not cover so-called health insurance. If we had the Murray-Wagner-Dingell bill we should have in addition a tax of 3 or 4 percent. So this looks toward a total tax on wages, in the case of the railroads, of 20 percent.

It seems to me that the employees do not really understand what is being imposed upon them. I do not believe that they realize what the tax will amount to. When we see what doubt there is in our minds as to these pensions, and whether it is worth while to deduct 5 percent from the pay roll in order to pay a future pension, certainly any railroad employee who had a free choice might well doubt whether he wanted to pay as much as 5¾ percent and have the employer pay the additional amount. I doubt very much if the employees understand what is being done. It is our responsibility, because we are imposing that tax.

It is all very well to say that the railroad employees want a special fund. Perhaps they do. Yet I do not believe that, aside from the leaders, any of them realize the extent of the burden which is being imposed in order to bring about the result which they seek. Furthermore, I think they might well realize that in order to have a special system they must pay the whole cost of it whereas if they were under the social-security system, under our present theory the Government would pay a considerable part of the burden out of general taxes. Aside from the men at the top, I have not heard any railroad employee say that he was particularly interested in increasing the tax which is now levied in connection with the railroad unemployment fund. I have talked with conductors and brakemen who very seriously doubt whether this kind of an increase is desirable.

We must consider this question also from the standpoint of the railroads. It is all very well to say that the tax pays itself. It does so far as the Government is concerned, if it is actuarially sound. I think it is within 1½ percent of being actuarially sound. But this tax is really a tax imposed on the shippers of the country, because this burden, whether it is placed on the employer or the employee, is to a large extent reflected in increased costs to the railroad industry; and under the law the Interstate Commerce Commission must increase the rates charged by the railroads in order to compensate them for that additional expense. That means that we are imposing an indirect tax on the shippers of the United States and on all the industries of the United States, as well as the farmers, who cannot get as much for their wheat and corn because the cost of getting it to the central markets becomes greater by reason of the increase which we are imposing on the railroads through this tax on pay rolls. On the present basis, when we get through, the total tax will amount to 15½ percent. The present pay roll is approximately $4,000,000,000. So in one way or another we are taxing the railroad industry to the extent of more than $600,000,000 a year in order to raise the money necessary for this scale of benefits.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. WHEELER. Of course what the Senator says is true, that half of the tax will come from the railroads, and, in turn, from the general public. That is true of social security. After all, it is not a tax on the farmer alone. It is a tax on every class of people who buy anything.

Mr. TAFT. I was only raising the question as to whether it is desirable

to have this particular scale of benefits, which represents a higher scale of benefits than social security, and a higher scale of benefits than the present railroad retirement. Is it right for us to set up that scale of benefits when we must tax the people of the country in order to pay for it? I am perfectly willing to say that there should be some such payment, but I think we have a duty beyond merely saying, "This is their affair. They are going to pay for it." We have the duty to examine into the question and determine whether the scale of benefits is reasonable so that we can properly tax the shippers of the United States in order to pay for it. That is the only point I make.

Mr. WHEELER. Of course, the shipper passes it on to the consumer. After all, it is the consuming public which pays the tax.

Mr. TAFT. That is correct. It is passed on to everyone else.

Mr. WHEELER. Some persons have the idea that when we place a tax upon the railroads we place a tax upon some wealthy manufacturer who is paying it. Of course, it must ultimately be paid by the consumer and the producer, regardless of who pays it in the first instance.

Mr. TAFT. The Senator is entirely correct. My point is simply that we have an obligation to do more than merely say, "This is their affair. They are paying for it; therefore, they can have any benefits they want." We have an obligation to the individual railroad employee, who is not being consulted about whether he wishes this additional tax imposed upon him; and also an obligation to the shipper, who in the end pays the other tax. We also have an obligation to the general population, to determine whether it is proper to levy such a tax in order to increase the benefits to a particular group of the population.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. HAWKES. In order to emphasize the point which the Senator from Ohio is making, let us remember that the consumers, the group about which the Senator from Montana was speaking, who ultimately pay this bill, include among their ranks the great mass of workers who are under social security and who are receiving a different form of security, and a lesser amount than the railroad employees now receive. I believe that there is a fundamental question involved. Have we the right, considering the increase in rail rates and transportation charges which is necessarily involved, to raise the cost of everything to the great mass of workers who get one form of social security, in order to pay a different type of social security to a different group? I am in favor of doing the sound, fair thing, so far as we can, for the railroad workers; but I think we must always correlate the two groups and see that justice and equity is done as between them.

I thank the Senator.

Mr. TAFT. I agree with the Senator.

What the House committee did was to adopt the substitute bill giving to the railroad workers about one-half of what is provided in this bill. It also increased the tax to take care of what was actuarially necessary in order to get the money required to meet that system.

The House committee went further. Whereas the part of the tax which is levied on employer and employee in order to obtain the money for the annuity payments—the old-age pension part of the plan, so to speak—is apparently insufficient actuarially to meet the demands on it, under the present law or under the terms of the bill, the part which is levied for unemployment compensation, the 3 percent which is paid by the railroads, is far more than is necessary for the purpose of handling unemployment in the railroad industry. Like most public utility industries, the railroad industry affords fairly stable employment, and consequently the unemployment compensation fund reserve has been built up to more than $700,000,000. That is in lieu of State unemployment compensation. The 3-percent tax is like the State unemployment compensation tax. In view of the excess in this fund, the bill adds to the ordinary payment for unemployment-compensation payments for unemployment resulting from sickness and payments for unemployment resulting prom maternity.

That is an extension of unemployment compensation which has never been made, so far as I know, in any State of the Union. To a certain extent unemployment compensation is an invitation to idleness. Today we see that the GI payment of $20 a week is apparently very acceptable to many persons in lieu of work, so they are not looking very hard for work under those circumstances, and they draw the $20 a week as a matter of course. If in addition there is unemployment compensation for unemployment resulting from sickness, we shall find so many sick persons that the railroads will hardly be able to operate. It is inevitable. Many persons who may be sick are still able to work. But with the promise that if they stay at home for a certain length of time and the doctor says they are sick they will draw unemployment compensation, many of them will accept it.

I think that is utterly unsound, and I think it is also utterly unsound to pay it for maternity benefits. I do not believe there should be, in either case, any payments for unemployment compensation. If there is to be anything of the kind, it should be in connection with some kind of health insurance fund, either a voluntary or a compulsory health-insurance fund, if any State wishes to provide for one. But certainly it should not be done in connection with unemployment compensation.

The obviously sound thing to do, Mr. President, is to reduce the 3-percent tax, if a tax of that amount is not necessary for unemployment-compensation payments in connection with the railroads, and to use the difference to provide for some of the increase in the other tax which will be necessary. Obviously, that is what the House committee did. The House committee, when it got through, had a tax of 12½ percent, instead of 15½ percent, on the pay roll of the workers; and, in addition, it had an actuarily sound bill. It gave, in the way of increased benefits, only about one-half of the increased benefits provided by this bill, I believe. That is a very rough estimate, and I do not wish to state positively exactly how much it will be. But, roughly speaking, I estimate that it increases the annual benefits by approximately $37,500,000 a year, instead of $75,000,000 or $100,000,000, as under the existing bill.

The House committee recommended that to the House. The House voted on the amendments, and approved them in the Committee of the Whole. Then they got into a jam and voted on all the amendments en bloc. Why the rule is that way, I do not know. But that was done, and the House rejected all those amendments, all the corrective amendments, and all the amendments which now have been proposed to the Senate, by the Senator from Kentucky in the form of a concurrent resolution. Then the House recurred to the original bill, which then was passed. But all the work done by the House committee was thrown away.

Yesterday the Senator from Kentucky said that those who proposed the coverage amendment were really engaged in an attempt to kill the bill. I say that those who are insistent on having the bill pass without amendment are saying, "We want this or nothing." I say now that if the railroad employees and the proponents of this bill are willing to sit down with the House committee and work out a compromise by which they can get a better bill, and by which they can agree with the House committee to provide for more benefits, if they wish to have them, than were granted in the bill as proposed by the House committee, they will have to make some kind of compromise with the House committee; and I believe that if such a compromise is made, the bill can go back to the House and be passed by the House with the amendments, and without imposing upon the people of the United States who, in the end will have to pay this special form of security benefits, the total burden proposed by this bill, which seems to me to be entirely unreasonable.

This bill provides for a number of additional benefits. The benefit which I think is peculiarly desirable and which I think should be made is the one which extends the old age pension feature, the annuity feature, to survivors. The social security system has always paid something to the widows of the workers who die, but the railroad retirement system for some reason, has not done so. Of course, that should be done, and the provision for it should remain in the bill. The bill increases the disability payments. I have no objection to that. The bill reduces to 60 years the age limit as to women, if they have had 30 years service. As I understand the bill, it also gives benefits for total disability, under certain circumstances. In some respects perhaps, it may go a little far, because it may provide payments for disability which has no relation to railroad work. Nevertheless, in general I believe that the extension as to disability payments is a proper one to be made, and I believe it will have to be made, to the extent that

it does not now exist in the social-security law.

The minimum annuities are somewhat increased by the bill.

But in general, the important feature of it and, I think, the important feature to the railroad men, is the provision for the payment of survivor and death benefits in a more liberal way than is provided by the present law.

I have already referred to the extension of unemployment compensation payments to cases involving sickness and maternity, which I think is completely unjustifiable and should never have been made.

Let me say that our subcommittee went into this whole question in the hearings, and then submitted a report, which is very interesting and which says that the subcommittee does not propose to pass on the question. The report was submitted in March; and it says, in part:

> The questions of policy needing decision are of such great importance that the full committee will find, after study and deliberation, that it will of necessity have to make the decisions itself; and the subcommittee therefore felt that no useful purpose would be served by deciding such questions and reporting them in the form of a finished bill to the full committee. A comprehensive and important report has been pending before the Committee on Ways and Means.

The report from the subcommittee to the full committee then outlines the major changes, and states what the various questions are. The report covers approximately nine different problems, which the subcommittee says are controversial. But the report does not purport to pass on what the decision in those cases should be.

The full committee gave no consideration whatever to those controversial questions. There was no vote in the committee on those questions. There was no attempt to consider them. There was no attempt to weight the bill against the House bill or to consider whether any of the amendments of the House committee were proper ones to be made, even though they had been rejected en bloc by the House of Representatives.

So we have here a bill which, insofar as it has received any consideration by the House of Representatives, has been rejected or at least fundamentally changed; it has been changed in important respects. The House expressed the feeling that this tax should be at least 3 percent less than that provided by the current bill; that there should be that much less of a burden.

I can see no justification whatever for the position taken by the majority leader, namely, that the Senate is now foreclosed from considering fundamental amendments dealing with the whole matter of social security. Let me say that in the unemployment-compensation field the bill increases straight unemployment-compensation payments to $25 for 26 weeks. An attempt to do that under the social-security law was rejected by the Senate less than a year ago. The in-between effect of increasing unemployment-compensation payments to $25 a week for 26 weeks at the present time will, it seems to me, be a demand, and perhaps a proper demand, that all the GI payments be increased from $20 to $25 a week, and it is very doubtful whether that policy was a very wise one, even at the $20 rate.

Undoubtedly it will lead to an increase in the amount provided under the State laws. I myself think that in the end the $25 rate is coming. But I think this is an inappropriate time to increase the unemployment-compensation payments to $25 for a period of 26 weeks. I understand that when those payments are combined with the sickness-insurance payments, the total will mean that some persons may actually draw the $25 for nearly an entire year.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from New Jersey.

Mr. HAWKES. I thank the Senator from Ohio.

I wish to call attention to the fact that it is only a few months—I do not know how many; but, as I recall, not more than 4 or 5—since we took up in the Finance Committee the question of increasing unemployment compensation payments to $25 for 26 weeks, under an arrangement by means of which the Federal Government was to contribute, and it was hoped the States would raise their contributions. The Senator from Ohio remembers that, I am sure.

Mr. TAFT. Yes.

Mr. HAWKES. The Senate, after mature consideration, decided that that was an unwise thing to do at that time.

Later, when the bill came to the Senate, the majority leader again offered an amendment to include in the bill provision for payment of the $25 for 26 weeks. That amendment, offered by the majority leader just a few months ago, was defeated by a vote of 51 to 29, which shows what the sentiment was at that time; and I think nothing has happened since then to change it.

Mr. TAFT. I thank the Senator. I think I should point out that, if we put all benefits on the basis proposed in this bill, namely, a pay-roll tax of 15½ percent, we would come very close to imposing a total tax bill for social security on the people of the United States of approximately $15,000,000,000 a year, which is supposedly the tax covered by the Beveridge plan, if that were imposed throughout the entire country.

Mr. President, I think the tremendous size of this tax is evidence of why the coverage question has become so important. I may say that, in my opinion, the coverage provision is not ambiguous. There is no question of clearing up an ambiguity. It seems to me very clear that ice companies and warehouse companies, as well as others, are covered, and that there can be no question as to how a court would interpret the law.

Paragraph (2), on page 2 of the bill, reads:

> Any person, other than a carrier regulated under part I of the Interstate Commerce Act, which, pursuant to arrangements with a carrier or otherwise, performs, for hire, with respect to passengers or property transported, being transported or to be transported by a carrier, any service included within the term "transportation" as defined in section 1 (3) of the Interstate Commerce Act, whether or not such service is offered under railroad tariffs.

The term "transportation" as defined in the Interstate Commerce Act is as follows:

> The term "transportation" as used in this part shall include locomotives, cars, and other vehicles, vessels, and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, expressed or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported.

I do not see how clearer language could be written. I repeat:

> and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported.

It was argued that the Interstate Commerce Act had never covered these various services, although they are defined as "transportation" in the act. But the Interstate Commerce Act does not give the Interstate Commerce Commission power over all transportation as so defined. It gives the Interstate Commerce Commission authority only over common carriers by railroad which are engaged in transportation. Of course, they have not extended their authority over the icing and refrigeration service of companies that are not common carriers. So that has nothing to do with the question. The bill deliberately states that any person, other than a carrier, is covered by it if the service which he performs is included within the term "transportation." I do not see how there could be any question about the fact that such companies as have been mentioned are included. There is no question of ambiguity in connection with the inclusion of those services.

Paragraph 4 of the bill is very vague and general. It reads:

> Any person engaged in rendering, pursuant to any arrangement for one or more carriers, any service, which (i) is of such a nature as to be susceptible of indefinitely continuous performance—

Which includes icing which must be ready at any time in the day, and in connection with warehousing, the railroads must be taken into consideration.

I continue reading:

> (ii) constitutes a part of or is necessary or incidental to the operation or maintenance of way, equipment, or structures devoted to transportation use—

Certainly icing is included in that language—

> or constitutes a clerical, sales, accounting, protective, or communications service necessary or incidental to the conduct of transportation carried on by a carrier—

And so forth. I cannot see why those terms are not sufficiently broad to include all persons who are afraid that they may be or may not be included. I do not see why every telegram which has been received regarding this subject was not justified on the basis of the language included in the bill.

Incidentally, it is said that these amendments are merely to clear up ambiguities. The Interstate Commerce Act

has been in effect for 8 years. Like any act which is subjected to continuous rulings and decisions of the courts, it has been ruled on so many times that we have come to a definition of who is in and who is out. There is no substantial dispute today as to that question, but if we pass this bill it will be 10 years before it will be determined through further decisions of the Railroad Retirement Board who is in and who is out. We add to the difficulties of classification if we include the words which are in the pending bill. Certainly we should return to the existing system. There is no reason why A should be under the Railroad Retirement Act and B should be under the Social Security Act. They are both covered by one or the other. As a matter of fact, I believe that the railroad unions want to be included. They are included. They have said themselves that they do not care to extend the coverage of the bill to their activities, and I do not see any reason why they should be.

There is another change which was rejected by the House committee, as it should have been rejected. I refer to the change which transfers to the railroad retirement system the collection of the tax of some 12 percent of the pay roll. It amounts to approximately $400,000,000 or $500,000,000 a year. It is now being collected by the Treasury of the United States. They are the tax-collecting agency. They should be. They should determine on a purely impartial basis whether the particular persons covered by the bill shall pay the tax or shall not pay it. That question should be determined by the Treasury. There should not be two separate tax-collecting agencies. We should not take away the power from the Treasury, hand it over to the Railroad Retirement Board, and give them authority to decide all these questions with reference to whom the tax applies or does not apply.

The original House bill refused to make that change and left the administration of the act in the Treasury, where it should remain. The effect of the change will be to give the Railroad Retirement Board a great deal more to say with reference to what is covered and what is not. If they are like any other agency of which I know, they will want to cover everything in the world, and include everything they can include so as to enlarge their authority. They will want to include all the people they can bring under their control so that they can collect taxes and build their organization up to greater strength, instead of allowing the authority and power to reside in the Treasury of the United States. So I feel that a transfer of the tax collecting authority from the Treasury to the Railroad Retirement Board should not be made. An amendment to do that is one which we should consider and pass upon.

Mr. President, it seems to me that the proposal of the distinguished majority leader is, in the first place, a complete mistake because it assumes that the only thing at issue is the question of coverage. It is an important issue, but it seems to me it is not nearly so important as are the other questions which I have discussed, namely unemployment compensation, the collection of taxes, and the size of the tax which is to be levied.

To say that we cannot adopt amendments is to suggest something new in legislative procedure. I never heard of enacting legislation by proposing that a concurrent resolution, which includes some 50 separate amendments, shall be adopted after the bill is passed, on the theory that we will be correcting clerical mistakes which we have not yet made, and which we are perfectly able to correct by amendments under the ordinary rules of the Senate. If we legislate in that way we will prostitute the whole process of the Senate. I think that clerical mistakes and minor errors have been corrected by adopting concurrent resolutions; but it never has been done without unanimous consent. I think that the Senator from Missouri read to the Senate Rule XV. It provides as follows:

When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent—

And so forth. What the majority leader has proposed to do is amend this bill by adopting a concurrent resolution after the third reading of the bill has been ordered. If that can be done it seems to me that it can be done only under rule XV, or by unanimous consent. So far as I know it has never been done except by unanimous consent. Certainly, if the majority leader offers such a concurrent resolution I shall object to its consideration on the ground that it would be in violation of rule XV of the rules of the Senate. I do not know what the ruling of the Chair will be, but certainly it seems to me that the ruling of the Chair should be in accordance with the rule of the Senate. To offer a concurrent resolution such as the one which the majority leader has proposed, would be an attempt to amend the bill after the bill had reached the third reading. If any Senator is relying on that procedure, he cannot be certain that any such resolution can ever be passed through the Senate of the United States even if a majority is in favor of what seems to me to be a perfectly ridiculous procedure.

So, Mr. President, I urge very strongly, in the first place, that the Senate has a right to vote its sentiments, and should do so, not on any imaginary theory about what is going to happen to the bill. If the advocates of the bill are willing to take something less than is included in the bill, if they are willing to agree with the House Members, who are the only ones who really studied this matter, in reaching a compromise bill, I believe they can reach such a compromise, perhaps somewhat more liberal than that proposed by the House committee, but in any event giving more than half the additional demands which are made in the bill. I believe that can be done, if it is desired.

The position taken by the majority leader is that we must have this bill or nothing, that if we do not have this, we are to get nothing, so that we have to take this. I say there is a middle course.

The Social Security System requires revision much more than does the railroad retirement system. We heard this morning in the Finance Committee of a great many amendments proposed to that system, and the committee is considering them. It is far more important, and important to a far greater number of people in the United States, that that system be revised and brought up to date and made more liberal. The present railroad retirement system is more liberal than that system, except in the one respect of survivorship annuities. But that system should be brought up to date. We put off the revision of the social security system until next year.

If the pending bill should fail, certainly we could pass a proper bill next year. I think the present system should be made to do. I think we can work out a sound system, and I believe we can do it with a less expensive burden than is proposed in the bill before us.

But I do not think we should start out with this bill and set a precedent for something which, if applied to social security generally, would mean, in my opinion, taxes in excess of $17,000,000,000 a year on the people of the United States.

I think we should consider these questions, and I believe very strongly that in relation to coverage it is perfectly clear that unless we do what the Senator from North Carolina [Mr. HOEY] is proposing, we will include all kinds of services which are not included, which do not want to be included, which the railroad men say now they do not want included, yet which in my opinion are included, beyond the shadow of a doubt, in the present language of the bill.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. JOHNSON of Colorado. I wish to get into the RECORD a statement with regard to the maximum unemployment payments which might be made under the pending bill and the maximum paid under the present law.

The Senator is correct in a way, but I do not think the whole story has been told. Twenty dollars is now the maximum, but that maximum is applicable only to men receiving $1,600 a year in salary. In other words, a person receiving from $150 to $199.99 gets under the present law and under the proposed law at daily benefit rate of $1.75. If he receives up to as high as $1,599.99, he gets $3.50 a day for a 5-day week, which would mean a total of $17.50 a week under the proposed law and under the existing law.

Mr. TAFT. I quite agree that when we say $20 or $25, it is not a flat figure. That is true in regard to State unemployment compensation acts, too. Usually we simply characterize the maximum figure as the figure that sets the scale, so to speak. I did not mean to say that everyone would get $25 for 26 weeks, of course, but that is the maximum which could be received.

Mr. JOHNSON of Colorado. That is the point I wanted to clarify. The Senator compared the proposed unemployment compensation with the veterans' unemployment compensation, and the latter, of course, is a flat compensation.

Mr. TAFT. The Senator is correct; of course, that is flat compensation. The straight compensation is not. That has

the variations to which the Senator calls attention in the bill.

Mr. JOHNSON of Colorado. The $25 maximum provided in the proposed law applies only to those who receive $250, or more than that.

One other point I wish to clarify, if the Senator will permit me, namely, the combination of unemployment-insurance provisions and sick benefits.

Only 91 employees out of over a million and a quarter employees would have received both types of unemployment benefits in the one benefit plan ending June 30, 1940.

Table 23 on page 80 of the hearings shows that in the benefit year ending June 30, 1940, 29,298 employees out of 1,284,000 exhausted their unemployment benefits. In terms of 1,000,000 eligibles, this is equivalent to 22,816, or 2.3 percent.

In order for this group to get also unemployment benefits for sickness for the remaining period in that benefit year, it would be necessary for all of them, 22,816 out of each million employees, to be ill for 6 months or longer in a 12-month period. But this is not so.

Table 54 on page 116 of the hearings indicates that 4 per 1,000 women and 3.9 per 1,000 men will have a disability in a year which lasts 6 months or more. Therefore, only 0.4 percent of any group of employees will be sick for more than 6 months or more in a year, and only that portion can draw the maximum sickness benefits. Assuming that persons who suffer from extended unemployment are not sick any more frequently than those who are not so employed, only 0.4 percent of the 29,298 employees who exhausted their unemployment benefits in the benefit year ending June 30, 1940, or 91 employees, would here have been sick for 6 months or more in the same benefit year.

Even if the rate of sickness among those who are unemployed for long periods is twice as high as for the average of the number drawing the benefits for lack of work for a full year, the number unemployed for 6 months and sick the other 6 would be 182 per 1,000,000 eligibles, or 0.0182 percent.

Making the same assumption as to the sickness rate for the succeeding fiscal years, 154 per 1,000,000 would draw both benefits for 6 months each in the fiscal year ending June 30, 1941; 64 per 1,000,000 in the next fiscal year; 12 per 1,000,000 in the next; and 2 per 1,000,000 eligibles in the fiscal year ending June 30, 1944.

Mr. President, I ask that a table and a statement concerning it be inserted in the RECORD at this point.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

Column I, total compensation	*Column II, daily benefit rate*
$150 to $199.99	$1.75
$200 to $474.99	2.00
$475 to $749.99	2.25
$750 to $999.99	2.50
$1,000 to $1,299.99	3.00
$1,300 to $1,599.99	3.50
$1,600 to $1,999.99	4.00
$2,000 to $2,499.99	4.50
$2,500 and over	5.00

The amount of benefits payable for the first 14 days in each maternity period, and for the first 14 days in a maternity period after the birth of the child, shall be one and one-half times the amount otherwise payable under this subsection. Benefits shall not be paid for more than 84 days of sickness in a maternity period prior to the birth of the child. Qualification for and rate of benefits for days of sickness in a maternity period shall not be affected by the expiration of the benefit year in which the maternity period will have begun unless in such benefit year the employee will not have been a qualified employee.

The PRESIDING OFFICER (Mr. SWIFT in the chair). The question is on agreeing to the amendment of the Senator from North Carolina [Mr. HOEY], which will be stated.

The CHIEF CLERK. It is proposed to strike out all of section 1, and renumber the remaining sections of the bill; and on page 60, it is proposed to strike out lines 18 through 20.

Mr. HOEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TAFT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hayden	Overton
Andrews	Hill	Pepper
Austin	Hoey	Radcliffe
Ball	Huffman	Reed
Barkley	Johnson, Colo.	Revercomb
Bilbo	Johnston, S. C.	Russell
Brewster	Kilgore	Shipstead
Brooks	Knowland	Smith
Buck	La Follette	Stanfill
Burch	Langer	Stewart
Bushfield	Lucas	Swift
Capper	McCarran	Taft
Carville	McClellan	Taylor
Connally	McFarland	Thomas, Okla.
Cordon	McKellar	Thomas, Utah
Donnell	McMahon	Tobey
Downey	Magnuson	Tunnell
Eastland	Mead	Vandenberg
Ferguson	Millikin	Wagner
Fulbright	Mitchell	Walsh
George	Moore	Wheeler
Gerry	Morse	Wherry
Green	Murdock	White
Guffey	Murray	Wiley
Gurney	Myers	Willis
Hart	O'Daniel	Young
Hawkes	O'Mahoney	

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from North Carolina [Mr. HOEY].

Mr. WHEELER. Mr. President, for the benefit of those who are worrying about the construction to be placed upon section 1, I will say that I pointed out yesterday how the Interstate Commerce Commission had repeatedly interpreted this particular section on transportation, and how it had limited its application. I sent a telegram to William J. Kennedy, chairman of the Railroad Retirement Board, 844 Rush Street, Chicago, Ill., as follows:

I direct your attention to the second paragraph of page 7 of the Senate Interstate Commerce Committee's report on H. R. 1362. If the Board or its counsel has had an opportunity to study this report with reference to the language of the bill, would appreciate knowing whether this paragraph is regarded as correctly stating the meaning and application of section 1 of the bill and whether this section, if enacted, would be administered accordingly.

The telegram was signed by me as chairman of the committee.

I received the following telegram this morning at 11 o'clock:

Our general counsel has studied the report of the Senate Interstate Commerce Committee on H. R. 1362, particularly the second paragraph beginning on page 7. He advises me that in his opinion this paragraph correctly states the meaning and application of section 1 of the bill. The administration of section 1, if enacted, would be in accord with this advice and the intent of Congress as expressed in the committee report.

WILLIAM J. KENNEDY,
Chairman, Railroad Retirement Board.

Mr. President, I now wish to call to the attention of the Senate the language used in the second paragraph on page 7 of the committee report, as follows:

Many representations have been made to the committee indicating that persons (other than carriers subject to part I of the Interstate Commerce Act) engaged in manufacturing, harvesting, storing, distributing, selling, or delivering refrigeration or ice to or into equipment used for refrigeration purposes in connection with the transportation of passengers or property are included in the term "employer," and that therefore their employees will be considered to be railroad employees. The committee would like to state categorically that there is no purpose or intent to include such persons as employers under the act and that it is the unanimous understanding of the committee that such persons are not so covered. The committee also unanimously understands that notwithstanding the provisions of subsections (2) and (4) of section 1, there is no purpose or intent to include warehouse or trucking companies, or individuals carrying on either of such businesses, within the term "employer," if they are not owned or controlled, directly or indirectly, by, or under common control with, a carrier subject to part I of the Interstate Commerce Act.

Mr. KNOWLAND. Mr. President, will the Senator yield at that point?

Mr. WHEELER. I yield.

Mr. KNOWLAND. The Senator has mentioned several different types of business which are not included. Would he also say that it was not the intent of the committee to include water carriers?

Mr. WHEELER. Oh, definitely. They are specifically excluded by the language of the bill.

Mr. President, I stated yesterday that my recollection was that in the hearings the Board itself had agreed with the interpretation contained in the language of the report of the committee. But to make sure about it, so that there could be no misunderstanding whatever with reference to it, I sent the telegram to the chairman of the Railroad Retirement Board to find out whether the Board placed on the section the same interpretation which the committee placed on it, and, secondly, whether in administering the act the Board would administer it in accordance with the views of the committee. In reply I received the telegram I have just read.

Mr. BALL. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BALL. The interpretation which the Senator has read is very interesting, but if that is the correct interpretation, what is the purpose of having section 1 in the bill if it is not to broaden the act?

Mr. WHEELER. I made an explanation of that point previously. I have read the language several times on the floor of the Senate. I pointed out yesterday on two occasions that the interpretation which was placed on that language by the Interstate Commerce Commission itself in five or six different decisions, which interpretation has been adopted by the courts of the country, has limited that language. The Interstate Commerce Commission itself has held that, notwithstanding that language, it does not have authority to regulate any of the services which have been mentioned, which it would be bound to do if it adopted the broad general language written into the Transportation Act.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. TAFT. I entirely dispute that construction. The act does not give the Commission power over all transportation as defined in the act. It gives it authority only to regulate common carriers by railroad engaged in transportation. But the new law, the railroad retirement law, gives authority over persons who are not carriers at all, but who engage in what is defined as transportation.

Mr. WHEELER. I am sorry to have to disagree with the able Senator. Notwithstanding his views, the Interstate Commerce Commission has in five different decisions, which I read on the floor yesterday, disputed the statement which he has just made. In several decisions the Interstate Commerce Commission stated that it would not regulate icing companies unless they were controlled or owned by the transportation company itself.

Mr. TAFT. That is what I say. That is what the act provides. The act provides that the Interstate Commerce Commission shall not regulate someone who is not a common carrier by railroad simply because he is engaged in transportation. But there is no such limitation in the new law.

Mr. WHEELER. The Senator entirely misconstrues the law. If the ice company is owned by a railroad, then the definition of transportation covers icing, and all the other services. If the law were construed as broadly as the Senator suggests, the Interstate Commerce Commission would have not only the right but the duty to regulate them.

Mr. TAFT. To regulate what?

Mr. WHEELER. To regulate the icing companies.

Mr. TAFT. No. The law merely authorizes the Interstate Commerce Commission to regulate common carriers by railroad engaged in icing. It does not authorize it to regulate everyone engaged in transportation.

Mr. WHEELER. If the railroad were engaged in icing, the Commission would have a right to regulate that activity.

Mr. TAFT. I agree entirely.

Mr. WHEELER. Let me find the language of the decisions to which I refer.

Mr. BALL. Mr. President, will the Senator yield?

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield, and if so to whom?

Mr. WHEELER. I yield to the Senator from Kentucky.

Mr. BARKLEY. Recurring to the question asked by the Senator from Minnesota, as to why section 1 is in the bill——

Mr. BALL. It deals entirely with coverage. If the purpose is not to broaden the coverage, why is it in the bill?

Mr. BARKLEY. It has been explained over and over again that there are two categories included in section 1 which are not now covered; namely, freight forwarders and railroad-owned or controlled truck lines. Aside from that, all section 1 does is to clarify the present law so as to avoid the necessity of dealing with so many individual cases. Last night the Senator from Oregon pointed out that in the 9 years during which this section has been in operation the Retirement Board has been compelled to deal with more than 900 individual cases. In view of that fact, section 1 attempts to spell out in greater detail the present coverage and adds two classes, freight forwarders and railroad-owned truck lines and buses.

The Senator from Montana was about to read a telegram from the Retirement Board in that connection.

Mr. BALL. He read the telegram.

Mr. BARKLEY. The Senator from Minnesota interrupted him. I hope the Senator from Montana will read the telegram.

Mr. BALL. If the Retirement Board has decided in 900 cases what the present coverage is, it seems to me that it must be pretty well clarified by now. I do not see any reason for this section, except to reach out and cover more industries.

Mr. WHEELER. This is the language of the report:

> Many representations have been made to the committee indicating that persons (other than carriers subject to pt. 1 of the Interstate Commerce Act) engaged in manufacturing, harvesting, storing, distributing, selling, or delivering refrigeration or ice to or into equipment used for refrigeration purposes in connection with the transportation of passengers or property are included in the term "employer," and that therefore their employees will be considered to be railroad employees.

That is the question which confronts us.

> The committee would like to state categorically that there is no purpose or intent to include such persons as employers under the act and that it is the unanimous understanding of the committee that such persons are not so covered.

Mr. BALL. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BALL. If it is the unanimous opinion of the committee that they are not covered by this section, why is it that a member of the committee is offering the pending amendment, which is being supported by several other members of the committee? I do not believe that the language in the report makes any sense, in view of the parliamentary situation at the present moment.

Mr. WHEELER. I cannot account for what is in the mind of an individual Senator. I am simply reading from the report.

Mr. BALL. It is apparent that the minority members of the committee were not consulted when that language was placed in the report because it is perfectly clear, from the fact that they are offering these amendments, that they do not agree with that interpretation.

Mr. WHEELER. I do not know what is in their minds. I did not draft the report myself because I did not happen to be here. I do not know what is in the mind of any individual Senator. I am reading from the report itself.

Mr. BALL. Does not the Senator think that it is a little inconsistent for the report to say that the committee is unanimously of the opinion that the coverage is not extended by the language of section 1, when a member of the committee has offered an amendment to strike out the section because he does not want the coverage extended?

Mr. WHEELER. What difference does it make——

Mr. BALL. The Senator is proposing that we rely upon the courts and the Board accepting the language of a report which obviously on its face has misrepresented the facts as they were before the committee.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BARKLEY. Regardless of whether the report is meticulously accurate in the use of the word "unanimous," the question is what the language means, and what interpretation the Board would place upon it.

Mr. WHEELER. Let us say that only a majority of the committee agreed. After all, when the courts look into such a question as this—when there is any doubt—they always look at what the committee said about it, and what was said in the debates.

Mr. BALL. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BALL. I wonder if the Board will take into account the fact that yesterday on the floor of the Senate the Senator from New Jersey [Mr. HAWKES] stated that when he asked the members of the committee present at the meeting at which it was voted to report the bill, he could find only two members who had even read the bill.

Mr. BARKLEY. Mr. President, that sort of a statement was obviously inaccurate.

Mr. BALL. The Senator from New Jersey made that statement, and it was not challenged. There were members of the committee present. He stated that in the meeting he asked every member of the committee who was present, and he found only two who had even read the bill.

Mr. BARKLEY. This particular member of the committee was not present when the Senator from New Jersey made that statement. I do not know how many members of the committee read the report, but I do not recall that anyone asked in the committee how many members had read the bill.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. HAWKES. I certainly did inquire at the meeting. I do not know whether the majority leader was present when I spoke about this matter yesterday.

Mr. BARKLEY. I was not present.

Mr. HAWKES. I told the facts as to how the bill was put through the committee. I wish to say very definitely that I asked every member if he had read the bill. I do not know that I said that any member had stated that he had done so. I think the Senator from Minnesota was inadvertently incorrect.

Mr. BARKLEY. I was present——

Mr. HAWKES. May I finish my statement?

Mr. BARKLEY. Of course.

Mr. HAWKES. I think I stated very definitely that the Senator from Colorado [Mr. JOHNSON] and the Senator from Montana [Mr. WHEELER] had undoubtedly read the bill and read the hearings; but as to other Senators who were present, if there are any of them who wish to challenge that statement, I should like to have them rise and challenge it.

Mr. BARKLEY. I will certainly challenge it. I would have challenged it yesterday if I had been present when the Senator made the statement. I have read the bill.

Mr. WHEELER. The Senator from New Jersey was not the only member of the subcommittee. The Senator from Minnesota [Mr. SHIPSTEAD] was a member of the subcommittee. The Senator knows that there were five members of the subcommittee who held hearings on the bill for a long period of time.

Mr. BARKLEY. And the hearings were held on the bill which is now before the Senate. The subcommittee held hearings on the Wheeler-Wagner-Crosser bill. It certainly would be an injustice to the members of the subcommittee to accuse them of not having read the bill during the whole time they were holding hearings on it. I was not a member of the subcommittee, but I have read the bill and the House report, as well as some of the hearings.

Mr. HAWKES. I do not wish to do an injustice to the majority leader. As I remember, this is the statement which I made: That no member of the committee stated that he thoroughly understood the bill except the chairman of the subcommittee, the Senator from Colorado [Mr. JOHNSON]. The Senator from Montana [Mr. WHEELER] was not present, and my recollection is that every member of the committee stated that he had had no time to study the subject, and had not read the hearings or the report of the subcommittee.

Mr. WHEELER. There is nothing unusual about that. That is a common occurrence, because if we were to read all the reports and all the hearings on every piece of legislation that came before the Senate we could never find time to pass any legislation. Let me say to the Senator from New Jersey, with all due deference, that he does not thoroughly understand the bill, notwithstanding the fact that he has read it and studied it. I think he is placing an entirely erroneous construction on this section.

Mr. HAWKES. I do not believe that any member of the subcommittee understands the bill, and that is the reason why I do not think we are ready to pass it.

Mr. WHEELER. The Senate may not be willing to pass it. I do not know whether it is or not. At least I wish to get the facts before the Senate. There may be some question as to whether or not a certain member of the committee entirely agreed with the report. However, the majority of the committee reported the bill, and the majority of the committee approved the report. But that is not the important thing. The important thing is that I sent a telegram to the Board itself, and I wish to read it again:

> I direct your attention to the second paragraph on page 7 of the Senate Interstate Commerce Committee's report on H. R. 1362. If the Board or its counsel has had an opportunity to study this report with reference to the language of the bill, would appreciate knowing whether this paragraph is regarded as correctly stating the meaning and application of section 1 of the bill and whether this section, if enacted, would be administered accordingly.

Let me read again the pertinent part of the committee report:

> Many representations have been made to the committee indicating that persons (other than carriers subject to pt. I of the Interstate Commerce Act) engaged in manufacturing, harvesting, storing, distributing, selling, or delivering refrigeration or ice to or into equipment used for refrigeration purposes in connection with the transportation of passengers or property are included in the term "employer," and that therefore their employees will be considered to be railroad employees. The committee would like to state categorically that there is no purpose or intent to include such persons as employers under the act and that it is the unanimous understanding of the committee that such persons are not so covered. The committee also unanimously understands that notwithstanding the provisions of subsections (2) and (4) of section 1, there is no purpose or intent to include warehouse or trucking companies, or individuals carrying on either of such businesses, within the term "employer," if they are not owned or controlled, directly or indirectly, by, or under common control with, a carrier subject to part I of the Interstate Commerce Act.

Now I read the answer which I received from the Board:

> Our general counsel has studied the report of the Senate Interstate Commerce Committee on H. R. 1362, particularly the second paragraph beginning on page 7.

Mr. President, that is the identical paragraph which I have just read—

> He advises me that in his opinion this paragraph correctly states the meaning and application of section 1 of the bill. The administration of this section 1, if enacted, would be in accord with this advice and the intent of Congress as expressed in the committee report.
>
> WILLIAM T. J. KENNEDY,
> *Chairman, Railroad Retirement Board.*

Let me say that so far as I recall every person who came before the committee, representing the railroad brotherhoods or their counsel or the men themselves, testified exactly to what is contained in this report. So we not only have the statements of the railroad brotherhoods themselves and their counsel, but we also have the committee's report; and, in addition, we have the statement of the Board which must control the administration of the act. All of them agree.

Under those circumstances, it seems entirely impossible that any court would say that any other interpretation could be placed upon the proposed act, inasmuch as the proponents of the bill themselves claim that it does not include anything else and the Senate committee states that it does not include anything else, and the Board itself has said that its counsel so construes it.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. TAFT. Does not the Senator think, however, that a court might take into consideration the fact that the majority leader offered a concurrent resolution in the nature of an amendment, stating what the interpretation would be? And if that concurrent resolution were rejected, the effect of its rejection would be to indicate that a contrary opinion regarding the interpretation of the act was held; would it not?

Mr. WHEELER. No; I do not agree.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. WHEELER. I yield.

Mr. BARKLEY. Does the Senator from Montana think that any court would be influenced by the fact that the Senator from Ohio objected to letting me present the concurrent resolution and have it read—following which I wished to have it printed, so that all Members of the Senate would be able to read it—and that the result was that I had to read it myself? I do not know whether a court would consider that; but if it did, that would tend to offset the fact that I offered it.

Mr. WHEELER. Of course, a lot of doubting Thomases were afraid that the concurrent resolution would have no valid effect.

Mr. TAFT. Mr. President, I am suggesting that if the concurrent resolution failed of adoption in either the House or the Senate, a court would say that the Congress refused to take the action requested, and therefore all the statements of intention in regard to the interpretation of the bill, as they have been read to us by the Senator, would be of no value.

Mr. WHEELER. I am sure the Senator from Ohio does not advance that statement seriously as an argument.

Mr. TAFT. Yes; I advance it seriously. It is exactly what a court would say. Not only do I advance it seriously, but it is true. If the Senate attempts to correct something, but fails to do so, a court would say, "The Senate failed to correct it."

Incidentally, the language used is so plain that it does not matter what interpretation might be offered in connection with it; because when the language is plain, a court will not even refer to an interpretation.

Mr. BARKLEY. Mr. President, if the Senator from Ohio were called upon to interpret an act, he certainly would give more weight to a committee report on it and to the attitude of the board which

was charged with administering it, than he would to an unsuccessful attempt on my part to clarify its meaning in such a way that the board would not have to look at the committee report or the statement by the counsel for the board.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. HAWKES. I know the Senator from Montana and I know what his purpose is, and I do not question it in any way. He believes in this bill and he wishes it to be enacted into law.

But I desire to read again to the Senator his statement of what he thought at the time when the hearings were held, as shown at page 305 of the hearings of the subcommittee:

> Senator WHEELER. Well, wouldn't the thing to do be to write a definition in, not leave it to a changing definition? In other words, the Interstate Commerce Commission might at some future time change their definition of what was transportation and so forth; whereas, if you wrote definitely into the act a definition, then you would have something that would be stable.

I shall not read any more of that, because what I have read gives the essence of the view which the distinguished Senator from Montana had at the time when the hearings were held before the subcommittee.

Let me ask the Senator whether, as chairman of the Interstate Commerce Committee, he ever remembers calling a meeting of the committee to consider this bill in any way?

Mr. WHEELER. No; I do not. One reason why we did not call a meeting of the full committee was that the bill, being a revenue measure had to originate in the House of Representatives and had to pass the House of Representatives first.

Although I appointed a subcommittee to hold hearings on the bill, I did so in order that the subcommittee might study it, so that when the bill came from the House the subcommittee would be familiar with all its phases.

The Senator from New Jersey will recall that when the subcommittee reported to the full committee the members of the subcommittee were not able to agree among themselves. I said that they should get together and should agree, and should submit a report saying how the bill should be amended, if they thought it should be amended. The subcommittee never did that, but waited and waited until the bill came from the House.

When the bill came from the House I was absent in Montana, so I do not know what took place then.

Mr. HAWKES. I intend no criticism at all of the Senator.

Mr. WHEELER. I understand.

Mr. HAWKES. Because I know the Senator has been busy, and I know what he has been doing.

Mr. WHEELER. Well, I did not do it very successfully.

Mr. HAWKES. I regret that.

Mr. WHEELER. I thank the Senator.

Mr. HAWKES. But I say that the committee had the report of the subcommittee; and the chairman and the members of the committee knew that the subcommittee recognized that the situation was so complicated that they did not wish to take the responsibility of making a recommendation, even though for weeks they had studied the bill and had held hearings on it.

In the absence of the chairman of the committee, the majority leader called a meeting of the whole committee. The purpose of the meeting was to report the bill—not to study the bill, but to report it. If any member of the committee wishes to rise now and say that is not so I should like to have him do so.

Mr. BARKLEY. Mr. President, I say it is not so, for the reason that the subcommittee debated the bill for an hour and a half, although it was not taken up section by section.

Objection to reporting the bill was made at the time by the Senator from New Jersey and other Senators. The situation was explained to the committee, just as it has been explained here. The bill was discussed for about an hour and a half, and then the committee voted to report the bill without amendment.

Mr. HAWKES. I differ with the Senator from Kentucky when he says that the committee spent an hour and a half debating the bill. It seems to me that the committee discussed the substitute motion to lay the bill on the table.

Mr. BARKLEY. At any rate, we discussed it.

Mr. HAWKES. If that amounts to discussing the bill paragraph by paragraph——

Mr. BARKLEY. I did not say that was done.

Mr. HAWKES. If what occurred amounts to discussing the bill as a bill, then I am not capable of understanding the English language or of understanding what happens in a committee meeting.

Mr. President, the committee voted to report the bill, and from my point of view, did so without giving any consideration to the bill. If any member of the committee wishes to disagree with me on that point, I should like to have him stand up and deny it.

Mr. BARKLEY. Mr. President, I suppose it makes a good showing with the galleries for a Senator to attempt to take a poll of the Senate and to attempt to have Senators stand up and agree or disagree with him. But that is not a very fair way to proceed.

When the bill was before the committee, the Senator from Kansas [Mr. REED] offered a motion to have the committee postpone action on the bill for 2 days; but I held that that motion would not take precedence over the motion to report the bill. Subsequently, the committee did report the bill, and the committee is responsible for voting to report it.

Mr. REED. Mr. President——

Mr. HAWKES. Mr. President, I wish to reply to the Senator from Kentucky. I think what he has just said is entirely unacceptable to any Member of the Senate. He knows that I have never stood on this floor and made appeals to the galleries. He has done that many times, but I never have. No Member of the Senate will accuse me of having done that sort of thing.

Mr. BARKLEY. Mr. President, the Senator from New Jersey now is trying to take a poll of the committee. He is attempting to point out a reason for not acting on the bill. He has asked the Members of the Senate to rise and deny the accuracy of his statement as to what happened in the committee. I say that is an unfair way to deal with the committee or with the report from the committee, and it has nothing whatever to do with the merits of the proposed legislation.

Mr. HAWKES. I differ very materially with the view taken by the majority leader.

Mr. WHEELER. Mr. President, let me say that if an attempt is made to have Senators rise and be counted, one after another, in regard to what they believe was done or was not done in a committee hearing, that would create a very chaotic situation. We must take the words of the Senators who have had an opportunity to study the various bills. All of us know that it is impossible for every Senator to read every bill which comes before the Senate. In my judgment, such procedure only brings discredit upon the Senate itself, and I am sure the Senator from New Jersey does not want to do that. He knows, as I know, that an attempt is being made to break down the confidence of the people in the Congress of the United States. That is exactly the tactic which is being pursued in many quarters. It is exactly the tactic which was pursued by Mr. Hitler, Mr. Mussolini, and other persons who sought to tear down parliamentary government. Once parliamentary government is destroyed, no matter how bad it may be and how much it may be improved, there will be chaos and dictatorship. Members of the Senate, regardless of the party to which they belong, should be extremely careful about saying anything or doing anything which might besmirch the Congress of the United States.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BARKLEY. I think it should be stated, as it was stated to the committee, that after years of study and after months of delay in regard to this legislation, the House finally passed the bill on July 3. The Senator from Montana [Mr. WHEELER], the chairman of the committee, had asked me to call a meeting of the committee in the event the House passed the bill so that the committee might consider it and pass upon it. The committee was called together at the earliest possible date. It discussed the bill for an hour and a half, and discussed the parliamentary situation as well. There were members of the committee who felt that the bill should be reported to the Senate, and there were those who felt that it should not be reported. However, it was reported on July 15. No minority views were filed by a single member of the committee, and no member objected to the bill or to the report, or to the fact that the bill had been reported by the committee.

Mr. WHEELER. I thank the Senator. I am perfectly willing to admit that the Congress of the United States is not

perfect. Probably our courts are not perfect, and in all probability our executive departments are not perfect. But everything in this world is relative. All we need to do is to go to any other country on the face of the globe and compare its parliamentary government and executive and judicial branches with those of the United States of America. After doing so and returning to America, we may criticize the Congress of the United States as much as we may wish, or criticize the executive and juricial branches if we wish to; but we will have to admit that, with all its infirmities we still have the best form of government to be found anywhere in the world, and that we have abler Representatives and Senators in the Congress of the United States than are to be found in the parliament of any other country. I have been saying that for 24 years, or nearly a quarter of a century. I have seen Senators come and go in this body, but I still say that when we compare the Members of the Senate of the United States with the members of parliaments of the other countries of the world we will come to the conclusion that our elected Representatives and Senators stand far superior to all others.

Consequently, Mr. President, I feel keenly when someone tries to tear down our Government. I am sure that the Senator from New Jersey agrees with me in the statement I have made, and I am confident his suggestion was made inadvertently.

Mr. HAWKES. Mr. President, to what suggestion does the Senator have reference?

Mr. WHEELER. I have reference to the suggestion of the Senator from New Jersey that everybody should stand up.

Mr. HAWKES. No; I beg the Senator's pardon. I did not say that. I said that if there was present in the Chamber any member of the committee who disagreed with my statement, I wish he would stand up. I did not say everybody should stand up. That is perfectly absurd.

Mr. WHEELER. Very well. Perhaps I misunderstood the Senator. But if we say, in connection with every measure which comes to the floor of the Senate, "Anybody who has not read this bill, stand up," or "Any Senator who was present at the executive session of the committee who does not agree with my statement, stand up," the impression will be given to the country that the Members of the Senate are not conscientious in carrying out their duties. If members of the committee did not read or study the bill, it is their fault because the bill has been pending in the Congress for at least 2 years. If there be any Member of the Senate who did not read the bill, the fault is his because the bill has been available to him for a long time.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. TAFT. Is it not true that the subcommittee held hearings and made a report, that it took no position but stated a number of controversial points? Since that time the committee never met for the purpose of considering the report. It was never called into session for that purpose, and it never discussed the report until last week when it was suddenly called together and reported the bill to the Senate. Is not that a correct statement?

Mr. WHEELER. I do not think it is entirely correct. The committee studied the bill and held hearings. I called the committee into session and the members could not agree. I suggested to them that they should make a report. I said that if they could not all agree, a majority report and minority views should be filed. But, neither was done. Finally, instead of making a report, they issued an analysis of the bill.

Mr. TAFT. It is called a report.

Mr. WHEELER. If the Senator will read it he will see that it is not a report.

Mr. TAFT. It states five or six major controversies involved in the bill.

Mr. WHEELER. It is an analysis of the bill. "A rose by any other name would smell as sweet." However, what I refer to is an analysis of the bill, and it includes a statement of the controversial points with reference to the bill. We did not call the committee together for the purpose of reporting the bill to the Senate because, as I have already said, that as a revenue bill the measure had to originate in the House of Representatives. It would have been idle and futile for the Interstate Commerce Committee to report the bill until after the House had acted. After the bill was acted upon by the House it was eventually referred to the Interstate Commerce Committee of the Senate where the controversial issues were taken up and considered. When the bill was messaged to the Senate I was absent and the majority leader later called the committee together. The majority of the members of the committee voted to report the bill.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. HAWKES. I believe that nearly all Members of the Senate know that the vote in the Interstate Commerce Committee to report out the bill was 11 to 9, and that 3 proxies were used in making up the vote of 11 to report the bill. That fact shows that of the 16 or 17 Members who were present, the vote was evenly divided.

Mr. REED. The vote was 9 to 8.

Mr. HAWKES. No; it was not. Our group used the proxy of one member. The other group used three proxies, and the vote of the committee was evenly divided.

Mr. WHEELER. To what three members of the committee does the Senator refer? I was chairman, and I left my proxy. I was not present.

Mr. HAWKES. I am making no criticism.

Mr. WHEELER. No; but the Senator has given the impression that other Senators left their proxies. The Senator from Arizona [Mr. MCFARLAND] left his proxy, and so did the Senator from Minnesota [Mr. SHIPSTEAD]. The Senator from Minnesota was a member of the subcommittee which considered the bill. I introduced the bill and I think I know something about the matter. I left my proxy with the majority leader. The Senator from Arizona studied the bill, I am sure, and knew something about it. I cannot say whether any of the other Members present knew anything about the bill.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BARKLEY. I do not know that what I am about to say will add anything to the merits of the discussion, but the Senator from Montana [Mr. WHEELER] knew that if the House passed the bill it would subsequently come to the Senate. He specifically authorized me to vote his proxy, and he told me how to vote it. The Senator from Minnesota [Mr. SHIPSTEAD] did the same, and so did the Senator from Arizona [Mr. MCFARLAND]. They knew how they wanted to be voted. They instructed me specifically how they were to be voted, and they were voted according to their instructions.

Mr. HAWKES. Did they leave their instructions with the Senator from Kentucky before they went away?

Mr. BARKLEY. Yes; they left their instructions with the Senator from Kentucky before they went away.

Mr. HAWKES. How did they know what kind of a bill the committee would consider?

Mr. BARKLEY. They knew that if the bill passed the House as it was being considered there—I refer to the original Crosser bill—they desired to be voted in favor of the report.

Mr. HAWKES. I will not argue with the Senator whether the practice of voting proxies is a good or a bad practice. I think it is a bad practice.

Mr. WHEELER. What does the Senator mean by "bad practice"?

Mr. HAWKES. I think it is bad practice for members of the committee not present to be voted by proxy in connection with important matters.

Mr. BARKLEY. It depends on which side they vote.

Mr. WHEELER. Yes. I have been a member of all the Senate committees, and there is no committee of the Senate of which I know which is not confronted with the necessity at times, in developing quorums, of using proxies. If that practice had not been followed during the past few years there would have been no quorums many times in some of the committees, and the custom of using proxies has been followed since time immemorial. It is a fine thing to have members of the committee present, and I should like always to have them present. But when the Senate of the United States is confronted with a legislative situation such as the one which has prevailed during the past few years, it is physically impossible for Members of the Senate to attend all important meetings of committees because there are frequently four or five separate meetings being held at the same time.

Mr. HAWKES. Mr. President, I should like to ask the Senator from Montana a question, because I am sure he does not want to leave the intimation in the RECORD that I am in any way trying to bring the Senate or the Congress into disrepute in the United States.

Mr. WHEELER. I yield.

Mr. HAWKES. Does the Senator think that I am helping to build the Congress up by trying to have rules

adopted which the common people, the ordinary man, believe are fair and sound, or does he think it is better to let them run along as they are, and let the feeling he has referred to, which is growing in the country, continue to grow?

Mr. WHEELER. I am stating that what the Senator suggested is a physical impossibility. If we required an absolute quorum at every meeting, and the committees could not vote proxies, the Senate would be tied up, and much essential legislation could not be enacted.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. KNOWLAND. I might say, in passing, that if the Senate, as I hope it will today, shall vote to adopt the conference report on the La Follette bill providing for the organization of the Congress, perhaps we will be able to eliminate some of these difficulties.

Mr. WHEELER. I hope we may be.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. DONNELL. Does the Senator think that under the existing rules of the Senate there is any provision for a quorum to be created other than by the actual physical presence of the persons who are required by the rules to constitute a quorum?

Mr. WHEELER. There was a quorum present. Proxies were not necessary to develop a quorum in connection with this particular measure. There was a quorum of the Members present. But let me say that I heard the question asked the other day as to whether there was anything in the Constitution regarding the counting of proxies. No; there is nothing in the Constitution about it.

Mr. DONNELL. I said, "the rules of the Senate."

Mr. WHEELER. The invariable rule of the Senate has been from the beginning down to the present moment that committees themselves make their own rules; and that practice has been followed. A definite rule may not be found in the rule book, but that has been the custom of the Senate of the United States.

Mr. DONNELL. May I respectfully place in the RECORD paragraph 3 of rule XXV, which I am sure is familiar to the Senator:

QUORUM OF COMMITTEES

3. That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership, nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

Mr. WHEELER. What has that to do with the question before the Senate?

Mr. DONNELL. I understood the Senator to say that, regardless of whether there was a quorum present at the time the pending bill was voted upon, it has been the practice of the Senate to create a quorum by the use of proxies. I ask the Senator if there is anything in the rules of the Senate which, in the case of the committee having six as its requirement for a quorum, would authorize the chairman, acting with five proxies in his pocket, to assemble by himself in a room and constitute a quorum?

Mr. WHEELER. Committees hold hearings day after day when they do not have quorums actually present; but that is entirely beside the point, because there was a quorum present on this occasion, and it has not anything to do with the pending legislation. I do not want to enter into a discussion with the Senator from Missouri of the theory of constitutional government at this particular time, when we are discussing something that is before us for decision. What the Senator is arguing is pure dictum.

Mr. DONNELL. What the Senator said a little while ago, as I understood him, was that the Senate follows the practice of creating a quorum by the use of proxies. I was asking the Senator whether or not there is anything in the rules of the Senate which authorizes the creation of a quorum by the use of proxies.

Mr. WHEELER. I said that if it was necessary to have a quorum present every time a committee met the committees could not have hearings, because they could not get quorums present.

Mr. DONNELL. I do not wish to prolong the question, but I again ask the Senator if there is a rule of the Senate which authorizes the use of proxies in developing a quorum.

Mr. WHEELER. No.

Reverting to the subject under consideration, as I said a while ago, not only has the Interstate Commerce Commission in five different cases, to which I called attention, put an interpretation upon the provisions of the bill, but a committee of the Interstate Commerce Commission has interpreted it, the legal department of the Board which is going to pass upon it has interpreted it, and said how it would be guided by it. No one appearing before the committee opposing or advocating the bill has done anything else but accord with the report of the committee. Under those circumstances, for anyone to say that any court would interpret it otherwise seems to me to be without foundation.

Mr. REED obtained the floor.

Mr. BARKLEY. Mr. President, may I express the hope, before the Senator begins, that we may promptly get a vote on the pending amendment? We have been debating the bill since about this time yesterday, but we have not voted on a single amendment yet. I think the fate of the legislation will depend on whether any amendments are adopted, and I hope we may get a vote on the pending amendment without further delay.

Mr. REED. Mr. President, I share the desire of the majority leader to have a vote on the pending amendment. I am a member of the committee. I have used no time in my own right, and I am going to take the next 10 minutes to clear up some misunderstandings.

As a member of the committee, I was present. I am sure the Senator from Kentucky did not mean to misrepresent when he said that a motion was made to delay the bill for 2 days so that the full committee could study it and have a recommendation of the subcommittee as to whether amendments should be adopted. Such a motion was never made.

Mr. BARKLEY. Mr. President——

Mr. REED. If the Senator from Kentucky, who has used much time, will let me go forward——

Mr. BARKLEY. The Senator did make the suggestion. I thought the motion was made. If he says it was not, I was mistaken; but the committee did not adopt the suggestion, whether it was in the form of a motion or otherwise.

Mr. REED. The Senator from Colorado rather unexpectedly, before the committee had fully discussed the matter, offered a motion to report the bill. That came more quickly than some of us thought it should have come. I offered a substitute for the motion, so as to hold the bill from the Friday when we were meeting over to the next Tuesday, as I recall. Then someone suggested that we might get it done by Monday—or it might have been the other way around.

The Senator from Kentucky, who was presiding in the absence of the chairman of the committee, the Senator from Montana [Mr. WHEELER], refused to put my motion as a substitute for the motion of the Senator from Colorado, so it never was voted upon. The Senator from Kentucky put the motion of the Senator from Colorado, and it was adopted by a vote of 11 to 9, including three proxies.

Mr. President, I desire to correct one more thing. In this report there is a statement to which so much reference has been made, in the second full paragraph on page 7——

Mr. BARKLEY. Will the Senator yield for one correction? The Senator says I refused to put the motion. I held the motion out of order.

Mr. REED. The Senator refused. He said that the motion of the Senator from Colorado had priority over the motion of the Senator from Kansas. In the Senate, when one offers a substitute——

Mr. HAWKES. Mr. President, will the Senator yield a moment?

Mr. REED. I yield.

Mr. HAWKES. May I ask the Senator from Kentucky if the substitute was in order, or does he still hold that it was out of order?

Mr. BARKLEY. If I had not thought it was out of order, I would not have held it to be out of order.

Mr. HAWKES. I am not asking what the Senator thought then.

Mr. BARKLEY. I held it out of order because I regarded it as not being in order, and not a prior motion to the motion to report the bill, which the Senator from Colorado had made.

Mr. HAWKES. I might say to the Senator from Kentucky that I have asked the best parliamentarians around the Senate and the House, and they all agree it was not out of order.

Mr. BARKLEY. I do not give a continental how many the Senator asked. I held it was out of order, and I still maintain it was not a prior motion to the mo-

tion to report the bill. No one appealed from the decision of the chair at the time, and I have not heard it questioned until now.

Mr. REED. Mr. President, if I may proceed, there has been a great deal of discussion, in which I have participated to a very slight extent, though I am a member of the committee and am cognizant of some of the facts. There is one thing to which I as a member of the committee take exception. In the second paragraph on page 7 of the report occurs this statement:

> The committee would like to state categorically that there is no purpose or intent to include such persons as employers under the act.

If the statement had stopped there it might have been accepted as reasonably correct. In other words, what we were doing in the committee was to talk about whether or not certain people should come under the bill, and the opinion was unanimous that they should not. Then the discussion went to the point of the intent, and what the committee thought should be done. The committee was unanimous that these persons should not be included. If the last statement had been left out of this sentence, I would not have objected to it so much but the committee proceeded:

> And that it is the unanimous understanding of the committee that such persons are not so covered.

There is no basis of fact for that statement, because a majority of the committee were of the mind that they should not be covered, and there was some opinion that there was no intention to cover them. In the committee that day the majority leader, who was presiding, asked the legislative counsel, who was present, whether or not we could take care of that situation in the report, and what I have read and other parts of the report represent an effort on the part of the person writing the report to take care of that situation. But it is only fair to say that in the committee meeting that day, the legislative counsel strongly intimated that it did not make much difference in what kind of language the report was couched, for the court might find that the language of the act was so plain that the court would take the language as written in the act, and not the language placed in the report by the committee. Of course if there were some ambiguity or obscurity, that would be different.

Mr. President, I desire to refer to what the Senator from Montana stated again today. I wish he would not continue to make the statement. The Interstate Commerce Act gives to the Interstate Commerce Commission one complete duty, and that is to regulate common carriers by railroad, and, so far as railroad transportation is concerned, the Interstate Commerce Commission has no jurisdiction to regulate anything but a carrier. In connection with the carriage of goods there are some incidental services performed, and the Interstate Commerce Commission has held over and over again that it has no power to regulate the agencies performing those services, such as warehousemen, those engaged in icing, and those engaged in refrigerating. The Commission has repeatedly held, indeed, has universally held, that it has no power to regulate any one but the carrier itself, and that it has no power to regulate warehousemen and others in the same category. There is no dispute on that point, and there is nothing in the Interstate Commerce Act which would give the Commission that power.

Mr. WHEELER. Mr. President——

Mr. REED. May I be permitted to proceed for a moment, and then I shall be happy to yield to the Senator from Montana.

The first time I ever saw in any bill language that would bring all these people under regulation and control, was the language on page 2 of House bill 1362. I dislike to take even this much time of the Senate, but there is a wrong impression left by what has been stated. The Interstate Commerce Act is clear. It gives the Commission power to regulate carriers, and nothing else, but in connection with transportation, incidental services are rendered. The Commission can regulate transportation by carriers. It cannot and never has even undertaken to regulate the people rendering incidental services.

In paragraph 3 of section 1 there appears this language:

> The term "transportation" as used in this part shall include locomotives, cars, and other vehicles, vessels, and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage and handling of property transported.

In the bill before us there is this language:

> (2) Any person, other than a carrier regulated under part I of the Interstate Commerce Act, which, pursuant to arrangements with a carrier or otherwise, performs, for hire, with respect to passengers or property transported, being transported, or to be transported by a carrier, any service included within the term "transportation" as defined in section 1 (3) of the Interstate Commerce Act, whether or not such service is offered under railroad tariffs.

Mr. President, under that language, which is clear, unambiguous, and refers to a provision of the Interstate Commerce Act, there is no question in the world that persons engaged in icing service, those engaged in trucking, and warehousemen will be brought within the provisions of this bill if it is enacted into law, and there is nothing the Interstate Commerce Commission has ever said, there is no report it has ever made, there is no case it has ever decided which allows room for a different understanding.

Mr. President, I agree with my good friend the Senator from Montana that the freedom, liberties, and rights of the people of the world are better preserved by a legislature or a parliament, by whatever name it may be called, than by any other means. No people in the world ever lost their liberty through a parliamentary body. Oppression, tyranny, and dictatorship have come from the executive branch of government; but, Mr. President, if there was ever anything that would tend to bring the Senate of the United States into disrepute, it is this instant proceeding. The whole thing is so fantastic in its violation of all sound parliamentary and legislative rules and practices that if this proceeding does not cause the people of the country to lose faith I do not know what will.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

H. R. 388. An act to amend section 201 (g) of the Nationality Act of 1940 (54 Stat. 1138-1139; 8 U. S. C. 601);

H. R. 2091. An act to confer jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim, or claims, of Joseph E. Bennett, doing business as Joseph E. Bennett Co.;

H. R. 2192. An act for the relief of Andre Dacharry;

H. R. 3543. An act for the relief of Elmer D. Thompson and the legal guardian of James Thompson;

H. R. 5311. An act to amend Revised Statutes, 4921 (U. S. C. A., title 35, Patents, sec. 70), providing that damages be ascertained on the basis of compensation for infringement;

H. R. 5590. An act to provide for the uniform administration of efficiency ratings;

H. R. 5911. An act to establish an Office of Naval Research in the Department of the Navy; to plan, foster, and encourage scientific research in recognition of its paramount importance as related to the maintenance of future naval power, and the preservation of national security; to provide within the Department of the Navy a single office, which, by contract and otherwise, shall be able to obtain, coordinate, and make available to all bureaus and activities of the Department of the Navy world-wide scientific information and the necessary services for conducting specialized and imaginative research; to establish a Naval Research Advisory Committee consisting of persons preeminent in the fields of science and research to consult with and advise the Chief of such Office in matters pertaining to research;

H. R. 6528. An act to authorize the coinage of 50-cent pieces to commemorate the life and perpetuate the ideals and teachings of Booker T. Washington; and

H. J. Res. 305. Joint resolution providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor.

ORGANIZATION OF THE CONGRESS

Mr. LA FOLLETTE. Mr. President, I ask that a message from the House announcing its action on Senate bill 2177 be laid before the Senate.

The PRESIDING OFFICER (Mr. SWIFT in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2177) to provide for increased efficiency in the legislative branch of the Government, which was to strike out all after the enacting clause and insert:

SHORT TITLE

That (a) this act, divided into titles and sections according to the following table of contents, may be cited as the "Legislative Reorganization Act of 1946":

(Table of contents)

TITLE I—CHANGES IN RULES OF SENATE AND HOUSE

Sec. 101. Rule-making power of the Senate and House.

PART 1—STANDING RULES OF THE SENATE

Sec. 102. Standing committees of the Senate.
Committee on Agriculture and Forestry.
Committee on Appropriations.
Committee on Armed Services.
Committee on Banking and Currency.
Committee on Civil Service.
Committee on the District of Columbia.
Committee on Expenditures in the Executive Departments.
Committee on Finance.
Committee on Foreign Relations.
Committee on Interstate and Foreign Commerce.
Committee on the Judiciary.
Committee on Labor and Public Welfare.
Committee on Public Lands.
Committee on Public Works.
Committee on Rules and Administration.
Sec. 103. Appropriations.

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

Sec. 121. Standing committees of the House of Representatives:
Committee on Agriculture.
Committee on Appropriations.
Committee on Armed Services.
Committee on Banking and Currency.
Committee on Post Office and Civil Service.
Committee on the District of Columbia.
Committee on Education and Labor.
Committee on Expenditures in the Executive Departments.
Committee on Foreign Affairs.
Committee on House Administration.
Committee on Interstate and Foreign Commerce.
Committee on the Judiciary.
Committee on Merchant Marine and Fisheries.
Committee on Public Lands.
Committee on Public Works.
Committee on Rules.
Committee on un-American Activities.
Committee on Veterans' Affairs.
Committee on Ways and Means.
Sec. 122. Delegates and Resident Commissioner.
Sec. 123. Reference of private claims bills.

PART 3—PROVISIONS APPLICABLE TO BOTH HOUSES

Sec. 131. Private bills banned.
Sec. 132. Congressional adjournment.
Sec. 133. Committee procedure.
Sec. 134. Committee powers.
Sec. 135. Conference rules on amendments in nature of substitute.
Sec. 136. Legislative oversight by standing committees.
Sec. 137. Decisions on questions of committee jurisdiction.
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Sec. 139. Hearings and reports by Appropriations Committees.
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Sec. 141. Preservation of committee hearings.
Sec. 142. Effective date.

TITLE II—MISCELLANEOUS

PART 1—STATUTORY PROVISIONS RELATING TO CONGRESSIONAL PERSONNEL

Sec. 201. Increase in compensation for certain congressional officers.
Sec. 202. Committee staffs.
Sec. 203. Legislative Reference Service.
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Sec. 205. Studies by Comptroller General.
Sec. 206. Expenditure analyses by Comptroller General.
Sec. 207. Correction of military and naval records.

PART 2—STATUTORY PROVISIONS RELATING TO COMMITTEES OF CONGRESS

Sec. 221. Improvement of CONGRESSIONAL RECORD.
Sec. 222. Joint Committee on Printing.
Sec. 223. Joint Committee on the Library.
Sec. 224. Transfer of functions.
Sec. 225. Joint Committee on the Economic Report.
Sec. 226. Economic Report of the President.

PART 3—PROVISIONS RELATING TO CAPITOL AND PAGES

Sec. 241. Remodeling of caucus rooms and restaurants.
Sec. 242. Assignment of Capitol space.
Sec. 243. Senate and House pages.
Sec. 244. Authorization of appropriations and personnel.
Sec. 245. Effective date.

TITLE III—REGULATION OF LOBBYING ACT

Sec. 301. Short title.
Sec. 302. Definitions.
Sec. 303. Detailed accounts of contributions.
Sec. 304. Receipts for contributions.
Sec. 305. Statements to be filed with Clerk of House.
Sec. 306. Statement preserved for 2 years.
Sec. 307. Persons to whom applicable.
Sec. 308. Registration with Secretary of the Senate and Clerk of the House.
Sec. 309. Reports and statements to be made under oath.
Sec. 310. Penalties.
Sec. 311. Exemption.

TITLE IV—FEDERAL TORT CLAIMS ACT

PART 1—SHORT TITLE AND DEFINITIONS

Sec. 401. Short title.
Sec. 402. Definitions.

PART 2—ADMINISTRATIVE ADJUSTMENT OF TORT CLAIMS AGAINST THE UNITED STATES

Sec. 403. Claims of $1,000 or less.
Sec. 404. Reports.

PART 3—SUITS ON TORT CLAIMS AGAINST THE UNITED STATES

Sec. 410. Jurisdiction.
Sec. 411. Procedure.
Sec. 412. Review.
Sec. 413. Compromise.

PART 4—PROVISIONS COMMON TO PART 2 AND PART 3

Sec. 420. One year statute of limitations.
Sec. 421. Exceptions.
Sec. 422. Attorneys' fees.
Sec. 423. Exclusiveness of remedy.
Sec. 424. Certain statutes inapplicable.

TITLE V—GENERAL BRIDGE ACT

Sec. 501. Short title.
Sec. 502. Consent of Congress.
Sec. 503. Tools.
Sec. 504. Acquisition by public agencies.
Sec. 505. Statements of cost.
Sec. 506. Sinking fund.
Sec. 507. Applicability of title.
Sec. 508. International bridges.
Sec. 509. Eminent domain.
Sec. 510. Penalties.
Sec. 511. Rights reserved.

TITLE VI—COMPENSATION AND RETIREMENT PAY OF MEMBERS OF CONGRESS

Sec. 601. Compensation of Members of Congress.
Sec. 602. Retirement pay of Members of Congress.

SEPARABILITY CLAUSE

(b) If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE I—CHANGES IN RULES OF SENATE AND HOUSE

Rule-making power of the Senate and House

SEC. 101. The following sections of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

PART 1—STANDING RULES OF THE SENATE

Standing committeees of the Senate

SEC. 102. Rule XXV of the Standing Rules of the Senate is amended to read as follows:

"RULE XXV

"STANDING COMMITTEES

"(1) The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

"(a) Committee on Agriculture and Forestry, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Agriculture generally.

"2. Inspection of livestock and meat products.

"3. Animal industry and diseases of animals.

"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"5. Agricultural colleges and experiment stations.

"6. Forestry in general, and forest reserves other than those created from the public domain.

"7. Agricultural economics and research.

"8. Agricultural and industrial chemistry.

"9. Dairy industry.

"10. Entomology and plant quarantine.

"11. Human nutrition and home economics.

"12. Plant industry, soils, and agricultural engineering.

"13. Agricultural educational extension services.

"14. Extension of farm credit and farm security.

"15. Rural electrification.

"16. Agricultural production and marketing and stabilization of prices of agricultural products.

"17. Crop insurance and soil conservation.

"(b) Committee on Appropriations, to consist of 21 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Appropriation of the revenue for the support of the Government.

"(c) Committee on Armed Services, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Common defense generally.

"2. The War Department and the Military Establishment generally.

"3. The Navy Department and the Naval Establishment generally.

"4. Soldiers' and sailors' homes.

"5. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.

"6. Selective service.

"7. Size and composition of the Army and Navy.

"8. Forts, arsenals, military reservations, and navy yards.
"9. Ammunition depots.
"10. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.
"11. Conservation, development, and use of naval petroleum and oil-shale reserves.
"12. Strategic and critical materials necessary for the common defense.

"(d) Committee on Banking and Currency, to consist of 13 Senators to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Banking and currency generally.
"2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.
"3. Deposit insurance.
"4. Public and private housing.
"5. Federal Reserve System.
"6. Gold and silver, including the coinage thereof.
"7. Issuance of notes and redemption thereof.
"8. Valuation and revaluation of the dollar.
"9. Control of prices of commodities, rents, or services.

"(e) Committee on Civil Service, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. The Federal civil service generally.
"2. The status of officers and employees of the United States, including their compensation, classification, and retirement.
"3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.
"4. Postal-savings banks.
"5. Census and the collection of statistics generally.
"6. The National Archives.

"(f) Committee on the District of Columbia, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—
"2. Public health and safety, sanitation, and quarantine regulations.
"3. Regulation of sale of intoxicating liquors.
"4. Adulteration of food and drugs.
"5. Taxes and tax sales.
"6. Insurance, executors, administrators, wills, and divorce.
"7. Municipal and juvenile courts.
"8. Incorporation and organization of societies.
"9. Municipal code and amendments to the criminal and corporation laws.

"(g) (1) Committee on Expenditures in the Executive Departments, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"(A) Budget and accounting measures, other than appropriations.
"(B) Reorganizations in the executive branch of the Government.
"(2) Such committee shall have the duty of—
"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;
"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;
"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;
"(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

"(h) Committee on Finance, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Revenue measures generally.
"2. The bonded debt of the United States.
"3. The deposit of public moneys.
"4. Customs, collection districts, and ports of entry and delivery.
"5. Reciprocal trade agreements.
"6. Transportation of dutiable goods.
"7. Revenue measures relating to the insular possessions.
"8. Tariffs and import quotas, and matters related thereto.
"9. National social security.
"10. Veterans' measures generally.
"11. Pensions of all the wars of the United States, general and special.
"12. Life insurance issued by the Government on account of service in the armed forces.
"13. Compensation of veterans.

"(i) Committee on Foreign Relations, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Relations of the United States with foreign nations generally.
"2. Treaties.
"3. Establishment of boundary lines between the United States and foreign nations.
"4. Protection of American citizens abroad and expatriation.
"5. Neutrality.
"6. International conferences and congresses.
"7. The American National Red Cross.
"8. Intervention abroad and declarations of war.
"9. Measures relating to the diplomatic service.
"10. Acquisition of land and buildings for embassies and legations in foreign countries.
"11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
"12. United Nations organization and international financial and monetary organizations.
"13. Foreign loans.

"(j) Committee on Interstate and Foreign Commerce, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Interstate and foreign commerce generally.
"2. Regulation of interstate railroads, busses, trucks, and pipe lines.
"3. Communication by telephone, telegraph, radio, and television.
"4. Civil aeronautics.
"5. Merchant marine generally.
"6. Registering and licensing of vessels and small boats.
"7. Navigation and the laws relating thereto, including pilotage.
"8. Rules and international arrangements to prevent collisions at sea.
"9. Merchant marine officers and seamen.
"10. Measures relating to the regulation of common carriers by water and to the inspection of merchant-marine vessels, lights and signals, life-saving equipment, and fire protection on such vessels.
"11. Coast and Geodetic Survey.
"12. The Coast Guard, including life-saving service, lighthouses, lightships, and ocean derelicts.
"13. The United States Coast Guard and Merchant Marine Academies.
"14. Weather Bureau.
"15. Except as provided in paragraph (c), the Panama Canal and interoceanic canals generally.
"16. Inland waterways.
"17. Fisheries and wildlife, including research, restoration, refuges, and conservation.
"18. Bureau of Standards including standardization of weights and measures and the metric system.

"(k) Committee on the Judiciary, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Judicial proceedings, civil and criminal, generally.
"2. Constitutional amendments.
"3. Federal courts and judges.
"4. Local courts in the Territories and possessions.
"5. Revision and codification of the statutes of the United States.
"6. National penitentiaries.
"7. Protection of trade and commerce against unlawful restraints and monopolies.
"8. Holidays and celebrations.
"9. Bankruptcy, mutiny, espionage, and counterfeiting.
"10. State and Territorial boundary lines.
"11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.
"12. Civil liberties.
"13. Patents, copyrights, and trade-marks.
"14. Patent Office.
"15. Immigration and naturalization.
"16. Apportionment of Representatives.
"17. Measures relating to claims against the United States.
"18. Interstate compacts generally.

"(l) Committee on Labor and Public Welfare, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Measures relating to education, labor, or public welfare generally.
"2. Mediation and arbitration of labor disputes.
"3. Wages and hours of labor.
"4. Convict labor and the entry of goods made by convicts into interstate commerce.
"5. Regulation or prevention of importation of foreign laborers under contract.
"6. Child labor.
"7 Labor statistics.
"8. Labor standards.
"9. School-lunch program.
"10. Vocational rehabilitation
"11. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.
"12. United States Employees Compensation Commission.
"13. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and St. Elizabeths Hospital.
"14. Public health and quarantine.
"15. Welfare of miners.
"16. Vocational rehabilitation and education of veterans.
"17. Veterans' hospitals, medical care and treatment of veterans.
"18. Soldiers' and sailors' civil relief.
"19. Readjustment of servicemen to civil life.

"(m) Committee on Public Lands, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Public lands generally, including entry, easements, and grazing thereon.
"2. Mineral resources of the public lands.
"3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

"4. Forest reserves and national parks created from the public domain.

"5. Military parks and battlefields, and national cemeteries.

"6. Preservation of prehistoric ruins and objects of interest on the public domain.

"7. Measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting their revenue and appropriations.

"8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects.

"9. Interstate compacts relating to apportionment of waters for irrigation purposes.

"10. Mining interests generally.

"11. Mineral land laws and claims and entries thereunder.

"12. Geological survey.

"13. Mining schools and experimental stations.

"14. Petroleum conservation and conservation of the radium supply in the United States.

"15. Relations of the United States with the Indians and the Indian tribes.

"16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general special measures relating to claims which are paid out of Indian funds.

"(n) Committee on Public Works, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Flood control and improvement of rivers and harbors.

"2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).

"3. Water power.

"4. Oil and other pollution of navigable waters.

"5. Public buildings and occupied or improved grounds of the United States generally.

"6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

"7. Measures relating to the Capitol Building and the Senate and House Office Buildings.

"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

"10. Measures relating to the construction of maintenance of roads and post roads.

"(o) (1) Committee on Rules and Administration, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.

"(B) Except as provided in paragraph (n) 8, matters relating to the Library of Congress and the Senate Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

"(C) Except as provided in paragraph (n) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

"(E) Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; administration of the Senate Office Building and of the Senate wing of the Capitol; assignment of office space; and services to the Senate.

"(F) Matters relating to printing and correction of the CONGRESSIONAL RECORD.

"(2) Such committee shall also have the duty of examining all bills, amendments, and joint resolutions after passage by the Senate; and, in cooperation with the Committee on House Administration of the House of Representatives, of examining all bills and joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled; and when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate. Such committee shall also have the duty of assigning office space in the Senate wing of the Capitol and in the Senate Office Building.

"(2) Each standing committee shall continue and have the power to act until their successors are appointed.

"(3) Each standing committee is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, subject to the provisions of section 133 (d) of the Legislative Reorganization Act of 1946.

"(4) Each Senator shall serve on two standing committees and no more; except that Senators of the majority party who are members of the Committee on the District of Columbia or of the Committee on Expenditures in the Executive Departments may serve on three standing committees and no more."

Appropriations

SEC. 103. Rule XVI of the Standing Rules of the Senate is amended to read as follows:

"RULE XVI

"AMENDMENTS TO APPROPRIATION BILLS

"1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

"2. The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation or any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

"3. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received; in like manner, amendments proposing new items of appropriation to river and harbor bills, establishing post roads, or proposing new post roads, shall, before being considered, be referred to the Committee on Public Works.

"4. No amendment which proposes general legislation shall be received to any general appropriation bill nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any such amendment or restriction to a general appropriation bill may be laid on the table without prejudice to the bill.

"5. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

"6. (a) Three members of the following-named committees, to be selected by their respective committees, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the annual appropriation bill making appropriations for the purposes specified in the following table opposite the name of the committee is being considered by the Committee on Appropriations:

Name of committee	*Purpose of appropriation*
Committee on Agriculture and Forestry.	For the Department of Agriculture.
Committee on Civil Service.	For the Post Office Department.
Committee on Armed Services.	For the Department of War; for the Department of the Navy.
Committee on the District of Columbia.	For the District of Columbia.
Committee on Public Works.	For rivers and harbors.
Committee on Foreign Relations.	For the diplomatic and consular service.

"(b) At least one member of each committee enumerated in subparagraph (a), to be selected by his or their respective committees, shall be a member of any conference committee appointed to confer with the House upon the annual appropriation bill making appropriations for the purposes specified in the foregoing table opposite the name of his or their respective committee.

"7. When a point of order is made against any restriction on the expenditure of funds appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order."

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

Standing committees of the House of Representatives

SEC. 121. (a) Rule X of the Rules of the House of Representatives is amended to read as follows:

"RULE X

"STANDING COMMITTEES

"(a) There shall be elected by the House, at the commencement of each Congress, the following standing committees:

"1. Committee on Agriculture, to consist of 27 Members.
"2. Committee on Appropriations, to consist of 43 Members.
"3. Committee on Armed Services, to consist of 33 Members.
"4. Committee on Banking and Currency, to consist of 27 Members.
"5. Committee on Post Office and Civil Service, to consist of 25 Members.
"6. Committee on the District of Columbia, to consist of 25 Members.
"7. Committee on Education and Labor, to consist of 25 Members.
"8. Committee on Expenditures in the Executive Departments, to consist of 25 Members.
"9. Committee on Foreign Affairs, to consist of 25 Members.
"10. Committee on House Administration, to consist of 25 Members.
"11. Committee on Interstate and Foreign Commerce, to consist of 27 Members.
"12. Committee on the Judiciary, to consist of 27 Members.
"13. Committee on Merchant Marine and Fisheries, to consist of 25 Members.
"14. Committee on Public Lands, to consist of 25 Members.
"15. Committee on Public Works, to consist of 27 Members.
"16. Committee on Rules, to consist of 12 Members.
"17. Committee on Un-American Activities, to consist of nine Members.
"18. Committee on Veterans' Affairs, to consist of 27 Members.
"19. Committee on Ways and Means, to consist of 25 Members.

"(b) (1) The Speaker shall appoint all select and conference committees which shall be ordered by the House from time to time.

"(2) At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the Members thereof; in the temporary absence of the chairman, the Member next in rank in the order named in the election of the committee, and so on, as often as the case shall happen, shall act as chairman; and in case of a permanent vacancy in the chairmanship of any such committee the House shall elect another chairman.

"(3) All vacancies in standing committees in the House shall be filled by election by the House. Each Member shall be elected to serve on one standing committee and no more; except that Members who are elected to serve on the Committee on the District of Columbia or on the Committee on Un-American Activities may be elected to serve on two standing committees and no more, and Members of the majority party who are elected to serve on the Committee on Expenditures in the Executive Departments or on the Committee on House Administration may be elected to serve on two standing committees and no more."

(b) Rule XI of the Rules of the House of Representatives is amended to read as follows:

"RULE XI

"POWERS AND DUTIES OF COMMITTEES

"(1) All proposed legislation, messages, petitions, memorials, and other matters relating to the subjects listed under the standing committees named below shall be referred to such committees, respectively: *Provided*, That unless otherwise provided herein, any matter within the jurisdiction of a standing committee prior to January 2, 1947, shall remain subject to the jurisdiction of that committee or of the consolidated committee succeeding generally to the jurisdiction of that committee.

"(a) Committee on Agriculture.
"1. Agriculture generally.
"2. Inspection of livestock and meat products.
"3. Animal industry and diseases of animals.
"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.
"5. Agricultural colleges and experiment stations.
"6. Forestry in general, and forest reserves other than those created from the public domain.
"7. Agricultural economics and research.
"8. Agricultural and industrial chemistry.
"9. Dairy industry.
"10. Entomology and plant quarantine.
"11. Human nutrition and home economics.
"12. Plant industry, soils, and agricultural engineering.
"13. Agricultural educational extension services.
"14. Extension of farm credit and farm security.
"15. Rural electrification.
"16. Agricultural production and marketing and stabilization of prices of agricultural products.
"17. Crop insurance and soil conservation.
"(b) Committee on Appropriations.
"1. Appropriation of the revenue for the support of the Government.
"(c) Committee on Armed Services.
"1. Common defense generally.
"2. The War Department and the Military Establishment generally.
"3. The Navy Department and the Naval Establishment generally.
"4. Soldiers' and sailors' homes.
"5. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.
"6. Selective service.
"7. Size and composition of the Army and Navy.
"8. Forts, arsenals, military reservations, and navy yards.
"9. Ammunition depots.
"10. Conservation, development, and use of naval petroleum and oil shale reserves.
"11. Strategic and critical materials necessary for the common defense.
"12. Scientific research and development in support of the armed services.
"(d) Committee on Banking and Currency.
"1. Banking and currency generally.
"2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other commitees under this rule.
"3. Deposit insurance.
"4. Public and private housing.
"5. Federal Reserve System.
"6. Gold and silver, including the coinage thereof.
"7. Issuance of notes and redemption thereof.
"8. Valuation and revaluation of the dollar.
"9. Control of prices of commodities, rents, or services.
"(e) Committee on Post Office and Civil Service.
"1. The Federal civil service generally.
"2. The status of officers and employees of the United States, including their compensation, classification, and retirement.
"3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.
"4. Postal-savings banks.
"5. Census and the collection of statistics generally.
"6. The National Archives.
"(f) Committee on the District of Columbia.
"1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—
"2. Public health and safety, sanitation, and quarantine regulations.
"3. Regulation of sale of intoxicating liquors.
"4. Adulteration of food and drugs.
"5. Taxes and tax sales.
"6. Insurance, executors, administrators, wills, and divorce.
"7. Municipal and juvenile courts.
"8. Incorporation and organization of societies.
"9. Municipal code and amendments to the criminal and corporation laws.
"(g) Committee on Education and Labor.
"1. Measures relating to education or labor generally.
"2. Mediation and arbitration of labor disputes.
"3. Wages and hours of labor.
"4. Convict labor and the entry of goods made by convicts into interstate commerce.
"5. Regulation or prevention of importation of foreign laborers under contract.
"6. Child labor.
"7. Labor statistics.
"8. Labor standards.
"9. School-lunch program.
"10. Vocational rehabilitation.
"11. United States Employees' Compensation Commission.
"12. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and Saint Elizabeths Hospital.
"13. Welfare of miners.
"(h) (1) Committee on expenditures in the Executive Departments.
"(A) Budget and accounting measures, other than appropriations.
"(B) Reorganizations in the executive branch of the Government.
"(2) Such committee shall have the duty of—
"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the House as it deems necessary or desirable in connection with the subject matter of such reports;
"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;
"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;
"(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.
"(i) Committee on Foreign Affairs.
"1. Relations of the United States with foreign nations generally.
"2. Establishment of boundary lines between the United States and foreign nations.
"3. Protection of American citizens abroad and expatriation.
"4. Neutrality.
"5. International conferences and congresses.
"6. The American National Red Cross.
"7. Intervention abroad and declarations of war.
"8. Measures relating to the diplomatic service.
"9. Acquisition of land and buildings for embassies and legations in foreign countries.
"10. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
"11. United Nations organization and international financial and monetary organizations.
"12. Foreign loans.
"(j) (1) Committee on House Administration.
"(A) Employment of persons by the House, including clerks for Members and committees, and reporters of debates.
"(B) Expenditure of the contingent fund of the House.
"(C) The auditing and settling of all accounts which may be charged to the contingent fund.
"(D) Measures relating to accounts of the House generally.
"(E) Appropriations from the contingent fund.

"4. Forest reserves and national parks created from the public domain.

"5. Military parks and battlefields, and national cemeteries.

"6. Preservation of prehistoric ruins and objects of interest on the public domain.

"7. Measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting their revenue and appropriations.

"8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects.

"9. Interstate compacts relating to apportionment of waters for irrigation purposes.

"10. Mining interests generally.

"11. Mineral land laws and claims and entries thereunder.

"12. Geological survey.

"13. Mining schools and experimental stations.

"14. Petroleum conservation and conservation of the radium supply in the United States.

"15. Relations of the United States with the Indians and the Indian tribes.

"16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general special measures relating to claims which are paid out of Indian funds.

"(n) Committee on Public Works, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Flood control and improvement of rivers and harbors.

"2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).

"3. Water power.

"4. Oil and other pollution of navigable waters.

"5. Public buildings and occupied or improved grounds of the United States generally.

"6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

"7. Measures relating to the Capitol Building and the Senate and House Office Buildings.

"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

"10. Measures relating to the construction of maintenance of roads and post roads.

"(o) (1) Committee on Rules and Administration, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.

"(B) Except as provided in paragraph (n) 8, matters relating to the Library of Congress and the Senate Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

"(C) Except as provided in paragraph (n) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

"(E) Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; administration of the Senate Office Building and of the Senate wing of the Capitol; assignment of office space; and services to the Senate.

"(F) Matters relating to printing and correction of the CONGRESSIONAL RECORD.

"(2) Such committee shall also have the duty of examining all bills, amendments, and joint resolutions after passage by the Senate; and, in cooperation with the Committee on House Administration of the House of Representatives, of examining all bills and joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled; and when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate. Such committee shall also have the duty of assigning office space in the Senate wing of the Capitol and in the Senate Office Building.

"(2) Each standing committee shall continue and have the power to act until their successors are appointed.

"(3) Each standing committee is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, subject to the provisions of section 133 (d) of the Legislative Reorganization Act of 1946.

"(4) Each Senator shall serve on two standing committees and no more; except that Senators of the majority party who are members of the Committee on the District of Columbia or of the Committee on Expenditures in the Executive Departments may serve on three standing committees and no more."

Appropriations

SEC. 103. Rule XVI of the Standing Rules of the Senate is amended to read as follows:

"RULE XVI

"AMENDMENTS TO APPROPRIATION BILLS

"1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

"2. The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation or any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

"3. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received; in like manner, amendments proposing new items of appropriation to river and harbor bills, establishing post roads, or proposing new post roads, shall, before being considered, be referred to the Committee on Public Works.

"4 No amendment which proposes general legislation shall be received to any general appropriation bill nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any such amendment or restriction to a general appropriation bill may be laid on the table without prejudice to the bill.

"5. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

"6. (a) Three members of the following-named committees, to be selected by their respective committees, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the annual appropriation bill making appropriations for the purposes specified in the following table opposite the name of the committee is being considered by the Committee on Appropriations:

Name of committee	*Purpose of appropriation*
Committee on Agriculture and Forestry.	For the Department of Agriculture.
Committee on Civil Service.	For the Post Office Department.
Committee on Armed Services.	For the Department of War; for the Department of the Navy.
Committee on the District of Columbia.	For the District of Columbia.
Committee on Public Works.	For rivers and harbors.
Committee on Foreign Relations.	For the diplomatic and consular service.

"(b) At least one member of each committee enumerated in subparagraph (a), to be selected by his or their respective committees, shall be a member of any conference committee appointed to confer with the House upon the annual appropriation bill making appropriations for the purposes specified in the foregoing table opposite the name of his or their respective committee.

"7. When a point of order is made against any restriction on the expenditure of funds appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order."

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

Standing committees of the House of Representatives

SEC. 121. (a) Rule X of the Rules of the House of Representatives is amended to read as follows:

"RULE X

"STANDING COMMITTEES

"(a) There shall be elected by the House, at the commencement of each Congress, the following standing committees:

"1. Committee on Agriculture, to consist of 27 Members.

"2. Committee on Appropriations, to consist of 43 Members.

"3. Committee on Armed Services, to consist of 33 Members.

"4. Committee on Banking and Currency, to consist of 27 Members.

"5. Committee on Post Office and Civil Service, to consist of 25 Members.

"6. Committee on the District of Columbia, to consist of 25 Members.

"7. Committee on Education and Labor, to consist of 25 Members.

"8. Committee on Expenditures in the Executive Departments, to consist of 25 Members.

"9. Committee on Foreign Affairs, to consist of 25 Members.

"10. Committee on House Administration, to consist of 25 Members.

"11. Committee on Interstate and Foreign Commerce, to consist of 27 Members.

"12. Committee on the Judiciary, to consist of 27 Members.

"13. Committee on Merchant Marine and Fisheries, to consist of 25 Members.

"14. Committee on Public Lands, to consist of 25 Members.

"15. Committee on Public Works, to consist of 27 Members.

"16. Committee on Rules, to consist of 12 Members.

"17. Committee on Un-American Activities, to consist of nine Members.

"18. Committee on Veterans' Affairs, to consist of 27 Members.

"19. Committee on Ways and Means, to consist of 25 Members.

"(b) (1) The Speaker shall appoint all select and conference committees which shall be ordered by the House from time to time.

"(2) At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the Members thereof; in the temporary absence of the chairman, the Member next in rank in the order named in the election of the committee, and so on, as often as the case shall happen, shall act as chairman; and in case of a permanent vacancy in the chairmanship of any such committee the House shall elect another chairman.

"(3) All vacancies in standing committees in the House shall be filled by election by the House. Each Member shall be elected to serve on one standing committee and no more; except that Members who are elected to serve on the Committee on the District of Columbia or on the Committee on Un-American Activities may be elected to serve on two standing committees and no more, and Members of the majority party who are elected to serve on the Committee on Expenditures in the Executive Departments or on the Committee on House Administration may be elected to serve on two standing committees and no more."

(b) Rule XI of the Rules of the House of Representatives is amended to read as follows:

"RULE XI

"POWERS AND DUTIES OF COMMITTEES

"(1) All proposed legislation, messages, petitions, memorials, and other matters relating to the subjects listed under the standing committees named below shall be referred to such committees, respectively: *Provided*, That unless otherwise provided herein, any matter within the jurisdiction of a standing committee prior to January 2, 1947, shall remain subject to the jurisdiction of that committee or of the consolidated committee succeeding generally to the jurisdiction of that committee.

"(a) Committee on Agriculture.

"1. Agriculture generally.

"2. Inspection of livestock and meat products.

"3. Animal industry and diseases of animals.

"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"5. Agricultural colleges and experiment stations.

"6. Forestry in general, and forest reserves other than those created from the public domain.

"7. Agricultural economics and research.

"8. Agricultural and industrial chemistry.

"9. Dairy industry.

"10. Entomology and plant quarantine.

"11. Human nutrition and home economics.

"12. Plant industry, soils, and agricultural engineering.

"13. Agricultural educational extension services.

"14. Extension of farm credit and farm security.

"15. Rural electrification.

"16. Agricultural production and marketing and stabilization of prices of agricultural products.

"17. Crop insurance and soil conservation.

"(b) Committee on Appropriations.

"1. Appropriation of the revenue for the support of the Government.

"(c) Committee on Armed Services.

"1. Common defense generally.

"2. The War Department and the Military Establishment generally.

"3. The Navy Department and the Naval Establishment generally.

"4. Soldiers' and sailors' homes.

"5. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.

"6. Selective service.

"7. Size and composition of the Army and Navy.

"8. Forts, arsenals, military reservations, and navy yards.

"9. Ammunition depots.

"10. Conservation, development, and use of naval petroleum and oil shale reserves.

"11. Strategic and critical materials necessary for the common defense.

"12. Scientific research and development in support of the armed services.

"(d) Committee on Banking and Currency.

"1. Banking and currency generally.

"2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other commitees under this rule.

"3. Deposit insurance.

"4. Public and private housing.

"5. Federal Reserve System.

"6. Gold and silver, including the coinage thereof.

"7. Issuance of notes and redemption thereof.

"8. Valuation and revaluation of the dollar.

"9. Control of prices of commodities, rents, or services.

"(e) Committee on Post Office and Civil Service.

"1. The Federal civil service generally.

"2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

"3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.

"4. Postal-savings banks.

"5. Census and the collection of statistics generally.

"6. The National Archives.

"(f) Committee on the District of Columbia.

"1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—

"2. Public health and safety, sanitation, and quarantine regulations.

"3. Regulation of sale of intoxicating liquors.

"4. Adulteration of food and drugs.

"5. Taxes and tax sales.

"6. Insurance, executors, administrators, wills, and divorce.

"7. Municipal and juvenile courts.

"8. Incorporation and organization of societies.

"9. Municipal code and amendments to the criminal and corporation laws.

"(g) Committee on Education and Labor.

"1. Measures relating to education or labor generally.

"2. Mediation and arbitration of labor disputes.

"3. Wages and hours of labor.

"4. Convict labor and the entry of goods made by convicts into interstate commerce.

"5. Regulation or prevention of importation of foreign laborers under contract.

"6. Child labor.

"7. Labor statistics.

"8. Labor standards.

"9. School-lunch program.

"10. Vocational rehabilitation.

"11. United States Employees' Compensation Commission.

"12. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and Saint Elizabeths Hospital.

"13. Welfare of miners.

"(h) (1) Committee on expenditures in the Executive Departments.

"(A) Budget and accounting measures, other than appropriations.

"(B) Reorganizations in the executive branch of the Government.

"(2) Such committee shall have the duty of—

"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the House as it deems necessary or desirable in connection with the subject matter of such reports;

"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

"(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

"(i) Committee on Foreign Affairs.

"1. Relations of the United States with foreign nations generally.

"2. Establishment of boundary lines between the United States and foreign nations.

"3. Protection of American citizens abroad and expatriation.

"4. Neutrality.

"5. International conferences and congresses.

"6. The American National Red Cross.

"7. Intervention abroad and declarations of war.

"8. Measures relating to the diplomatic service.

"9. Acquisition of land and buildings for embassies and legations in foreign countries.

"10. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

"11. United Nations organization and international financial and monetary organizations.

"12. Foreign loans.

"(j) (1) Committee on House Administration.

"(A) Employment of persons by the House, including clerks for Members and committees, and reporters of debates.

"(B) Expenditure of the contingent fund of the House.

"(C) The auditing and settling of all accounts which may be charged to the contingent fund.

"(D) Measures relating to accounts of the House generally.

"(E) Appropriations from the contingent fund.

"(F) Measures relating to services to the House, including the House restaurant and administration of the House Office Buildings and of the House wing of the Capitol.

"(G) Measures relating to the travel of Members of the House.

"(H) Measures relating to the assignment of office space for Members and committees.

"(I) Measures relating to the disposition of useless executive papers.

"(J) Except as provided in paragraph (o) 8, matters relating to the Library of Congress and the House Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

"(K) Except as provided in paragraph (o) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(L) Matters relating to printing and correction of the CONGRESSIONAL RECORD.

"(M) Measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.

"(2) Such committee shall also have the duty of—

"(A) examining all bills, amendments, and joint resolutions after passage by the House, and in cooperation with the Senate Committee on Rules and Administration, of examining all bills and joint resolutions which shall have passed both Houses, to see that they are correctly enrolled, and when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the House, to the President of the United States in person, and report the fact and date of such presentation to the House;

"(B) reporting to the Sergeant at Arms of the House the travel of Members of the House;

"(C) arranging a suitable program for each day observed by the House of Representatives as a memorial day in memory of Members of the Senate and House of Representatives who have died during the preceding period, and to arrange for the publication of the proceedings thereof.

"(k) Committee on Interstate and Foreign Commerce.

"1. Interstate and foreign commerce generally.

"2. Regulation of interstate and foreign transportation, except transportation by water not subject to the jurisdiction of the Interstate Commerce Commission.

"3. Regulation of interstate and foreign communications.

"4. Civil aeronautics.

"5. Weather bureau.

"6. Interstate oil compacts; and petroleum and natural gas, except on the public lands.

"7. Securities and exchanges.

"8. Regulation of interstate transmission of power, except the installation of connections between Government water power projects.

"9. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.

"10. Public health and quarantine.

"11. Inland waterways.

"12. Bureau of Standards, standardization of weights and measures, and the metric system.

"(l) Committee on the Judiciary.

"1. Judicial proceedings, civil and criminal, generally.

"2. Constitutional amendments.

"3. Federal courts and judges.

"4. Local courts in the Territories and possessions.

"5. Revision and codification of the statutes of the United States.

"6. National penitentiaries.

"7. Protection of trade and commerce against unlawful restraints and monopolies.

"8. Holidays and celebrations.

"9. Bankruptcy, mutiny, espionage, and counterfeiting.

"10. State and Territorial boundary lines.

"11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.

"12. Civil liberties.

"13. Patents, copyrights, and trade-marks.

"14. Patent Office.

"15. Immigration and naturalization.

"16. Apportionment of Representatives.

"17. Measures relating to claims against the United States.

"18. Interstate compacts generally.

"19. Presidential succession.

"(m) Committee on Merchant Marine and Fisheries.

"1. Merchant marine generally.

"2. Registering and licensing of vessels and small boats.

"3. Navigation and the laws relating thereto, including pilotage.

"4. Rules and international arrangements to prevent collisions at sea.

"5. Merchant marine officers and seamen.

"6. Measures relating to the regulation of common carriers by water (except matters subject to the jurisdiction of the Interstate Commerce Commission) and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

"7. The Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.

"8. United States Coast Guard and Merchant Marine Academies.

"9. Coast and Geodetic Survey.

"10. The Panama Canal and the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone; and interoceanic canals generally.

"11. Fisheries and wildlife, including research, restoration, refuges, and conservation.

"(n) Committee on Public Lands.

"1. Public lands generally, including entry, easements, and grazing thereon.

"2. Mineral resources of the public lands.

"3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

"4. Forest reserves and national parks created from the public domain.

"5. Military parks and battlefields, and national cemeteries.

"6. Preservation of prehistoric ruins and objects of interest on the public domain.

"7. Measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting the revenue and appropriations.

"8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects, and acquisition of private lands when necessary to complete irrigation projects.

"9. Interstate compacts relating to apportionment of waters for irrigation purposes.

"10. Mining interests generally.

"11. Mineral land laws and claims and entries thereunder.

"12. Geological survey.

"13. Mining schools and experimental stations.

"14. Petroleum conservation on the public lands and conservation of the radium supply in the United States.

"15. Relations of the United States with the Indians and the Indian tribes.

"16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

"(o) Committee on Public Works.

"1. Flood control and improvement of rivers and harbors.

"2. Public works for the benefit of navigation, including bridges and dams (other than international bridges and dams).

"3. Water power.

"4. Oil and other pollution of navigable waters.

"5. Public buildings and occupied or improved grounds of the United States generally.

"6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

"7. Measures relating to the Capitol Building and the Senate and House Office Buildings.

"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

"10. Measures relating to the construction or maintenance of roads and post roads, other than appropriations therefor; but it shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road

"(p) Committee on Rules.

"1. The rules, joint rules, and order of business of the House.

"2. Recesses and final adjournments of Congress.

"(q) (1) Committee on Un-American Activities.

"(A) Un-American activities.

"(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

"The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

"For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

"(r) Committee on Veterans' Affairs.

"1. Veterans' measures generally.

"2. Pensions of all the wars of the United States, general and special.

"3. Life insurance issued by the Government on account of service in the armed forces.

"4. Compensation, vocational rehabilitation, and education of veterans.

"5. Veterans' hospitals, medical care, and treatment of veterans.

"6. Soldiers' and sailors' civil relief.
"7. Readjustment of servicemen to civil life.
"(s) Committee on Ways and Means.
"1. Revenue measures generally.
"2. The bonded debt of the United States.
"3. The deposit of public moneys.
"4. Customs, collection districts, and ports of entry and delivery.
"5. Reciprocal trade agreements.
"6. Transportation of dutiable goods.
"7. Revenue measures relating to the insular possessions.
"8. National social security.
"(2) (a) The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Rules—on rules, joint rules, and order of business; the Committee on House Administration—on the right of a Member to his seat, enrolled bills, on all matters referred to it of printing for the use of the House or the two Houses, and on all matters of expenditure of the contingent fund of the House; the Committee on Ways and Means—on bills raising revenue; the Committee on Appropriations—on the general appropriation bills; the Committee on Public Works—on bills authorizing the improvement of rivers and harbors; the Committee on the Public Lands—on bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, bills for the reservation of the public lands for the benefit of actual and bona fide settlers, and bills for the admission of new States; the Committee on Veterans' Affairs—on general pension bills.
"(b) It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last 3 days of the session), and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of. The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7 of rule XXIV shall be set aside by a vote of less than two-thirds of the Members present; nor shall it report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of rule XVI.
"(c) The Committee on Rules shall present to the House reports concerning rules, joint rules, and order of business, within three legislative days of the time when ordered reported by the committee. If such rule or order is not considered immediately, it shall be referred to the calendar and, if not called up by the Member making the report within seven legislative days thereafter, any member of the Rules Committee may call it up as a question of privilege and the Speaker shall recognize any member of the Rules Committee seeking recognition for that purpose. If the Committee on Rules shall make an adverse report on any resolution pending before the committee, providing for an order of business for the consideration by the House of any public bill or joint resolution, on days when it shall be in order to call up motions to discharge committees it shall be in order for any Member of the House to call up for consideration by the House any such adverse report, and it shall be in order to move the adoption by the House of said resolution adversely reported notwithstanding the adverse report of the Committee on Rules, and the Speaker shall recognize the Member seeking recognition for that purpose as a question of the highest privilege.
"(d) The Committee on House Administration shall make final report to the House in all contested-election cases not later than 6 months from the first day of the first regular session of the Congress to which the contestee is elected except in a contest from the Territory of Alaska, in which case the time shall not exceed 9 months.
"(e) A standing committee of the House (other than the Committee on Appropriations) shall meet to consider any bill or resolution pending before it (A) on all regular meeting days selected by the committee; (B) upon the call of the chairman of the committee; (C) if the chairman of the committee, after 3 days' consideration, refuses or fails, upon the request of at least three members of the committee, to call a special meeting of the committee within seven calendar days from the date of said request, then, upon the filing with the clerk of the committee of the written and signed request of a majority of the committee for a called special meeting of the committee, the committee shall meet on the day and hour specified in said written request. It shall be the duty of the clerk of the committee to notify all members of the committee in the usual way of such called special meeting.
"(f) The rules of the House are hereby made the rules of its standing committees so far as applicable, except that a motion to recess from day to day is hereby made a motion of high privilege in said committees."

Delegates and Resident Commissioner

SEC. 122. Rule XII of the Standing Rules of the House of Representatives is amended to read as follows:

"RULE XII

"DELEGATES AND RESIDENT COMMISSIONER

"1. The Delegates from Hawaii and Alaska, and the Resident Commissioner to the United States from Puerto Rico, shall be elected to serve as additional members on the Committees on Agriculture, Armed Services, and Public Lands; and they shall possess in such committees the same powers and privileges as in the House, and may make any motion except to reconsider."

Reference of private claims bills

SEC. 123. Paragraph 3 of rule XXI of the Standing Rules of the House of Representatives is amended to read as follows:

"3. No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following committees, namely: To the Committee on Foreign Affairs and to the Committee on the Judiciary."

PART 3—PROVISIONS APPLICABLE TO BOTH HOUSES

Private bills banned

SEC. 131. No private bill or resolution (including so-called omnibus claims or pension bills), and no amendment to any bill or resolution, authorizing or directing (1) the payment of money for property damages, for personal injuries or death for which suit may be instituted under the Federal Tort Claims Act, or for a pension (other than to carry out a provision of law or treaty stipulation); (2) the construction of a bridge across a navigable stream; or (3) the correction of a military or naval record, shall be received or considered in either the Senate or the House of Representatives.

Congressional adjournment

SEC. 132. Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by the Congress.

Committee procedure

SEC. 133. (a) Each standing committee of the Senate and the House of Representatives (except the Committees on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee, and additional meetings may be called by the chairman as he may deem necessary.
(b) Each such committee shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded.
(c) It shall be the duty of the chairman of each such committee to report or cause to be reported promptly to the Senate or House of Representatives, as the case may be, any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote.
(d) No measure or recommendation shall be reported from any such committee unless a majority of the committee were actually present.
(e) Each such standing committee shall, so far as practicable, require all witnesses appearing before it to file in advance written statements of their proposed testimony, and to limit their oral presentations to brief summaries of their argument. The staff of each committee shall prepare digests of such statements for the use of committee members.
(f) All hearings conducted by standing committees or their subcommittees shall be open to the public, except executive sessions for marking up bills or for voting or where the committee by a majority vote orders an executive session.

Committee powers

SEC. 134. (a) Each standing committee of the Senate, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures (not in excess of $10,000 for each committee during any Congress) as it deems advisable. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding 25 cents per hundred words. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.
(b) Every committee and subcommittee serving the Senate and House of Representatives shall report the name, profession, and total salary of each staff member employed by it, and shall make an accounting of funds appropriated to it and expended by it to the Secretary of the Senate and Clerk of the House of Representatives, as the case may be, at least once every 6 months, and such information shall be published periodically in the Congressional Directory when and as the same is issued and as Senate and House documents, respectively, every 3 months.
(c) No standing committee of the Senate or the House, except the Committee on Rules of the House, shall sit, without special leave, while the Senate or the House, as the case may be, is in session.

Conference rules on amendments in nature of substitute

SEC. 135. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.
(b) In any case in which the conferees violate subsection (a), the conference report shall be subject to a point of order.

Legislative oversight by standing committees

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

Decisions on questions of committee jurisdiction

SEC. 137. In any case in which a controversy arises as to the jurisdiction of any standing committee of the Senate with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer of the Senate, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

Legislative budget

SEC. 138. (a) The Committee on Ways and Means and the Committee on Appropriations of the House of Representatives, and the Committee on Finance and the Committee on Appropriations of the Senate, or duly authorized subcommittees thereof, are authorized and directed to meet jointly at the beginning of each regular session of Congress and after study and consultation, giving due consideration to the budget recommendations of the President, report to their respective Houses a legislative budget for the ensuing fiscal year, including the estimated over-all Federal receipts and expenditures for such year Such report shall contain a recommendation for the maximum amount to be appropriated for expenditure in such year which shall include such an amount to be reserved for deficiencies as may be deemed necessary by such committees. If the estimated receipts exceed the estimated expenditures, such report shall contain a recommendation for a reduction in the public debt. Such report shall be made by February 15.

(b) The report shall be accompanied by a concurrent resolution adopting such budget, and fixing the maximum amount to be appropriated for expenditure in such year. If the estimated expenditures exceed the estimated receipts, the concurrent resolution shall include a section substantially as follows: "That it is the sense of the Congress that the public debt shall be increased in an amount equal to the amount by which the estimated expenditures for the ensuing fiscal year exceed the estimated receipts, such amount being $ "

Hearings and reports by appropriations committees

SEC. 139. (a) No general appropriation bill shall be considered in either House unless, prior to the consideration of such bill, printed committee hearings and reports on such bill have been available for at least three calendar days for the Members of the House in which such bill is to be considered.

(b) The Committees on Appropriations of the two Houses are authorized and directed, acting jointly, to develop a standard appropriation classification schedule which will clearly define in concise and uniform accounts the subtotals of appropriations asked for by agencies in the executive branch of the Government. That part of the printed hearings containing each such agency's request for appropriations shall be preceded by such a schedule.

(c) No general appropriation bill or amendment thereto shall be received or considered in either House if it contains a provision reappropriating unexpended balances of appropriations; except that this provision shall not apply to appropriations in continuation of appropriations for public works on which work has commenced.

(d) The Appropriations Committees of both Houses are authorized and directed to make a study of (1) existing permanent appropriations with a view to limiting the number of permanent appropriations and to recommend to their respective Houses what permanent appropriations, if any, should be discontinued; and (2) the disposition of funds resulting from the sale of Government property or services by all departments and agencies in the executive branch of the Government with a view to recommending to their respective Houses a uniform system of control with respect to such funds.

Records of Congress

SEC. 140. (a) The Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed, acting jointly, to obtain at the close of each Congress all of the noncurrent records of the Congress and of each committee thereof and transfer them to the National Archives for preservation, subject to the orders of the Senate or the House, respectively.

(b) The Clerk of the House of Representatives is authorized and directed to collect all of the noncurrent records of the House of Representatives from the First to the Seventy-sixth Congress, inclusive, and transfer such records to the National Archives for preservation, subject to the orders of the Senate or the House, respectively.

Preservation of committee hearings

SEC. 141. The Librarian of the Library of Congress is authorized and directed to have bound at the end of each session of Congress the printed hearings of testimony taken by each committee of the Congress at the preceding session.

Effective date

SEC. 142. This title shall take effect on January 2, 1947; except that this section and sections 140 and 141 shall take effect on the date of enactment of this act.

TITLE II—MISCELLANEOUS

PART 1—STATUTORY PROVISIONS RELATING TO CONGRESSIONAL PERSONNEL

Increase in compensation for certain congressional officers

SEC. 201. (a) Effective January 1, 1947, the annual basic compensation of the elected officers of the Senate and the House of Representatives (not including the Presiding Officers of the two Houses) shall be increased by 50 percent; and the provisions of section 501 of the Federal Employees Pay Act of 1945, as amended by section 5 of the Federal Employees Pay Act of 1946, shall not be applicable to the compensation of said elected officers.

(b) There is hereby authorized to be appropriated annually for the "Office of the Vice President" the sum of $23,130; and there is hereby authorized to be appropriated annually for the "Office of the Speaker" the sum of $20,025.

(c) The Speaker, the majority leader, and the minority leader of the House of Representatives are each authorized to employ an administrative assistant, who shall receive basic compensation at a rate not to exceed $8,000 a year. There is hereby authorized to be appropriated such sums as may be necessary for the payment of such compensation.

Committee staffs

SEC. 202. (a) Each standing committee of the Senate and the House of Representatives (other than the Appropriations Committees) is authorized to appoint by a majority vote of the committee not more than four professional staff members in addition to the clerical staffs on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office; and said staff members shall be assigned to the chairman and ranking minority member of such committee as the committee may deem advisable. Each such committee is further authorized to terminate the services by a majority vote of the committee of any such professional staff member as it may see fit. Professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them.

(b) Subject to appropriations which it shall be in order to include in appropriation bills, the Committee on Appropriations of each House is authorized to appoint such staff, in addition to the clerk thereof and assistants for the minority, as each such committee, by a majority vote, shall determine to be necessary, such personnel, other than the minority assistants, to possess such qualifications as the committees respectively may prescribe, and the Committee on Appropriations of the House also is authorized to conduct studies and examinations of the organization and operation of any executive agency (including any agency the majority of the stock of which is owned by the Government of the United States) as it may deem necessary to assist it in connection with the determination of matters within its jurisdiction and in accordance with the procedures authorized by the committee by a majority vote, including the rights and powers conferred by House Resolution No. 50, adopted January 9, 1945.

(c) The clerical staff of each standing committee, which shall be appointed by a majority vote of the committee, shall consist of not more than six clerks, to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable; and the position of committee janitor is hereby abolished. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work.

(d) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee, and such records shall be the property of the Congress and all members of the committee and the respective Houses shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee.

(e) The professional staff members of the standing committees shall receive annual compensation, to be fixed by the chairman, ranging from $5,000 to $8,000 and the clerical staff shall receive annual compensation ranging from $2,000 to $8,000.

(f) No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, as the case may be.

(g) No individual who is employed as a professional staff member of any committee as provided in this section shall be eligible for appointment to any office or position in the executive branch of the Government for a period of 1 year after he shall have ceased to be such a member.

(h) Notwithstanding the foregoing provisions—

(1) The committee employees of the existing Committee on Appropriations of the Senate and of the existing Committee on Appropriations of the House of Representatives shall be continued on the rolls of the respective appropriations committees established under title I of this act during the fiscal year 1947, unless sooner removed for cause.

(2) Committee employees of all other existing standing committees of each House shall be continued on the pay rolls of the Senate and House of Representatives, respectively, through January 31, 1947, unless sooner removed for cause by the Secretary of the Senate or the Clerk of the House, as the case may be.

(3) The appropriations for the compensation of committee employees of standing committees of the Senate and of the House of Representatives contained in the Legislative Branch Appropriation Act, 1947, shall be available for the compensation of employees specified in paragraph (2) of this subsection and of employees of the standing committees of the Senate and the House of Representatives succeeding to the jurisdiction of the standing committees specified in such Appropriation Act, and in any case in which the legislative jurisdiction of any existing standing committee is transferred to two or more standing committees under title I of this act, the Committee on Rules and Administration of the Senate, with respect to standing committees of the Senate, and the Committee on House Administration, with respect to standing committees of the House, shall allocate such appropriations in an equitable manner.

Legislative Reference Service

SEC. 203. (a) The Librarian of Congress is authorized and directed to establish in the Library of Congress a separate department to be known as the Legislative Reference Service. It shall be the duty of the Legislative Reference Service—

(1) upon request, to advise and assist any committee of either House or any joint committee in the analysis, appraisal, and evaluation of legislative proposals pending before it, or of recommendations submitted to Congress, by the President or any executive agency, and otherwise to assist in furnishing a basis for the proper determination of measures before the committee;

(2) upon request, or upon its own initiative in anticipation of requests, to gather, classify, analyze, and make available, in translations, indexes, digests, compilations and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress, and committees and Members thereof, without partisan bias in selection or presentation;

(3) to prepare summaries and digests of public hearings before committees of the Congress, and of bills and resolutions of a public general nature introduced in either House.

(b) (1) A director and assistant director of the Legislative Reference Service and all other necessary personnel, shall be appointed by the Librarian of Congress without regard to the civil-service laws and without reference to political affiliations, solely on the ground of fitness to perform the duties of their office. The compensation of all employees shall be fixed in accordance with the provisions of the Classification Act of 1923, as amended: *Provided*, That the grade of senior specialist in each field enumerated in paragraph (2) of this subsection shall not be less than the highest grade in the executive branch of the Government to which research analysts and consultants without supervisory responsibility are currently assigned. All employees of the Legislative Reference Service shall be subject to the provisions of the civil-service retirement laws.

(2) The Librarian of Congress is further authorized to appoint in the Legislative Reference Service senior specialists in the following broad fields: Agriculture; American government and public administration; American public law; conservation; education; engineering and public works; full employment; housing; industrial organization and corporation finance; international affairs; international trade and economic geography; labor; mineral economics; money and banking; price economics; social welfare; taxation and fiscal policy; transportation and communications; and veterans' affairs. Such specialists, together with such other members of the staff as may be necessary, shall be available for special work with the appropriate committees of Congress for any of the purposes set out in section 203 (a) (1).

(c) There is hereby authorized to be appropriated for the work of the Legislative Reference Service the following sums: (1) For the fiscal year ending June 30, 1947, $550,000; (2) for the fiscal year ending June 30, 1948, $650,000; (3) for the fiscal year ending June 30, 1949, $750,000; and (4) for each fiscal year thereafter such sums as may be necessary to carry on the work of the Service.

Office of the Legislative Counsel

SEC. 204. There is hereby authorized to be appropriated for the work of the Office of the Legislative Counsel the following sums:

(1) For the fiscal year ending June 30, 1947, $150,000;

(2) For the fiscal year ending June 30, 1948, $200,000;

(3) For the fiscal year ending June 30, 1949, $250,000;

(4) For the fiscal year ending June 30, 1950, $250,000; and

(5) For each fiscal year thereafter such sums as may be necessary to carry on the work of the Office.

Studies by Comptroller General

SEC. 205. The Comptroller General is authorized and directed to make a full and complete study of restrictions placed in general appropriation acts limiting the expenditure of specified appropriations therein, with a view to determining the cost to the Government incident to complying with such restrictions, and to report to the Congress his estimate of the cost of complying with such restrictions and such other recommendations with respect thereto as he deems necessary or desirable.

Expenditure analysis by Comptroller General

SEC. 206. The Comptroller General is authorized and directed to make an expenditure analysis of each agency in the executive branch of the Government (including Government corporations), which, in the opinion of the Comptroller General, will enable Congress to determine whether public funds have been economically and efficiently administered and expended. Reports on such analyses shall be submitted by the Comptroller General, from time to time, to the Committees on Expenditures in the Executive Departments, to the Appropriations Committees, and to the legislative committees having jurisdiction over legislation relating to the operations of the respective agencies, of the two Houses.

Correction of military and naval records

SEC. 207. The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury with respect to the Coast Guard, respectively, under procedures set up by them, and acting through boards of civilian officers or employees of their respective departments, are authorized to correct any military or naval record where in their judgment such action is necessary to correct an error or to remove an injustice.

PART 2—STATUTORY PROVISIONS RELATING TO COMMITTEES OF CONGRESS

Improvement of Congressional Record

SEC. 221. The Joint Committee on Printing is authorized and directed to provide for printing in the daily RECORD the legislative program for the day, together with a list of congressional committee meetings and hearings, and the place of meeting and subject matter; and to cause a brief résumé of congressional activities for the previous day to be incorporated in the RECORD, together with an index of its contents. Such data shall be prepared under the supervision of the Secretary of the Senate and the Clerk of the House of Representatives, respectively.

Joint Committee on Printing

SEC. 222. Section 1 of the act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895 (28 Stat. 601), is amended to read as follows: "That there shall be a Joint Committee on Printing, consisting of the chairman and two members of the Committee on Rules and Administration of the Senate and the chairman and two members of the Committee on House Administration of the House of Representatives, who shall have the powers hereinafter stated."

Joint Committee on the Library

SEC. 223. The Joint Committee of Congress on the Library shall hereafter consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House of Representatives.

Transfer of functions

SEC. 224. The functions, powers, and duties imposed by statute, resolution, or rule of either House of Congress on the effective date of this section on a standing committee of the Senate or the House of Representatives (or the chairman thereof) are, insofar as they are consistent with this act, hereby transferred to that standing committee created by this act (or the chairman thereof) to which is transferred the legsilative jurisdiction over the subject matter to which such functions, powers, and duties relate; except that the chairman of the Committee on Civil Service of the Senate and the chairman of the Committee on Post Office and Civil Service of the House created by this act shall be members of the National Archives Council.

Joint Committee on the Economic Report

SEC. 225. Section 5 (b) (3) (relating to the time for filing the report of the Joint Committee on the Economic Report) of the Employment Act of 1946 is amended by striking out "May 1" and inserting in lieu thereof "February 1."

Economic report of the President

SEC. 226. Section 3 (a) (relating to the time for filing the economic report of the President) of the Employment Act of 1946 is amended by striking out "within 60 days after the beginning of each regular session" and inserting in lieu thereof "at the beginning of each regular session."

PART 3—PROVISIONS RELATING TO CAPITOL AND PAGES

Remodeling of caucus rooms and restaurants

SEC. 241. The Architect of the Capitol is authorized and directed to prepare plans and submit them to Congress at the earliest practicable date for the remodeling (a) of the caucus rooms in the Senate and House Office Buildings to provide improve acoustics and seating facilities and for the presentation of motion picture or other visual displays on matters of national interest; and (b) of the Senate and House Restaurants to provide for more convenient dining facilities.

Assignment of Capitol space

SEC. 242. The President pro tempore of the Senate and the Speaker of the House of Representatives shall cause a survey to be made of available space within the Capitol which could be utilized for joint committee meetings, meetings of conference committees, and other meetings, requiring the attendance of both Senators and Members of the House of Representatives; and shall recommend the reassignment of such space to accommodate such meetings.

Senate and House pages

SEC. 243. (a) The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, are authorized and di-

rected to enter into an arrangement with the Board of Education of the District of Columbia for the education of congressional pages and pages of the Supreme Court in the public-school system of the District. Such arrangement shall include provision for reimbursement to the District of Columbia for any additional expenses incurred by the public-school system of the District in carrying out such arrangement.

(b) There are hereby authorized to be appropriated such sums as may be necessary to reimburse the District of Columbia in accordance with the arrangement referred to in subsection (a).

(c) Notwithstanding the provisions of subsection (a) and (b) of this section, said page or pages may elect to attend a private or parochial school of their own choice: *Provided, however,* That such private or parochial school shall be reimbursed by the Senate and House of Representatives only in the same amount as would be paid if the page or pages were attending a public school under the provisions of paragraphs (a) and (b) of this section.

Authorization of appropriations and personnel

SEC. 244. All necessary funds required to carry out the provisions of this act, by the Secretary of the Senate and the Clerk of the House, are hereby authorized to be appropriated, and the Secretary of the Senate and the Clerk of the House are hereby further authorized to employ such administrative assistants as may be necessary in order to carry out the provisions of this act under their respective jurisdictions.

Effective date

SEC. 245. This title shall take effect on the date of its enactment; except that sections 202 (a), (b), (c), (e), (f), and (h), 222, 223, 224, and 243 shall take effect on the day on which the Eightieth Congress convenes.

TITLE III—REGULATION OF LOBBYING ACT

Short title

SEC. 301. This title may be cited as the "Federal Regulation of Lobbying Act."

Definitions

SEC. 302. When used in this title—

(a) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(b) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(d) The term "Clerk" means the Clerk of the House of Representatives of the United States.

(e) The term "legislation" means bills resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House.

Detailed accounts of contributions

SEC. 303. (a) It shall be the duty of every person who shall in any manner solicit or receive a contribution to any organization or fund for the purposes hereinafter designated to keep a detailed and exact account of—

(1) all contributions of any amount or of any value whatsoever;

(2) the name and address of every person making any such contribution of $500 or more and the date thereof;

(3) all expenditures made by or on behalf of such organization or fund; and

(4) the name and address of every person to whom any such expenditure is made and the date thereof.

(b) It shall be the duty of such person to obtain and keep a receipted bill, stating the particulars, for every expenditure of such funds exceeding $10 in amount, and to preserve all receipted bills and accounts required to be kept by this section for a period of at least 2 years from the date of the filing of the statement containing such items.

Receipts for contributions

SEC. 304. Every individual who receives a contribution of $500 or more for any of the purposes hereinafter designated shall within 5 days after receipt thereof rendered to the person or organization for which such contribution was received a detailed account thereof, including the name and address of the person making such contribution and the date on which received.

Statements to be filed with Clerk of House

SEC. 305. (a) Every person receiving any contributions or expending any money for the purposes designated in subparagraph (a) or (b) of section 307 shall file with the Clerk between the first and tenth day of each calendar quarter, a statement containing complete as of the day next preceding the date of filing—

(1) the name and address of each person who has made a contribution of $500 or more not mentioned in the preceding report; except that the first report filed pursuant to this title shall contain the name and address of each person who has made any contribution of $500 or more to such person since the effective date of this title;

(2) the total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (1);

(3) the total sum of all contributions made to or for such person during the calendar year;

(4) the name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of $10 or more has been made by or on behalf of such person, and the amount, date, and purpose of such expenditure;

(5) the total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under paragraph (4);

(6) the total sum of expenditures made by or on behalf of such person during the calendar year.

(b) The statements required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

Statement preserved for 2 years

SEC. 306. A statement required by this title to be filed with the Clerk—

(a) shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk of the House of Representatives of the United States, Washington, D. C., but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk of its nonreceipt;

(b) shall be preserved by the Clerk for a period of 2 years from the date of filing, shall constitute part of the public records of his office, and shall be open to public inspection.

Persons to whom applicable

SEC. 307. The provisions of this title shall apply to any person (except a political committee as defined in the Federal Corrupt Practices Act, and duly organized State or local committees of a political party), who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes;

(a) The passage or defeat of any legislation by the Congress of the United States.

(b) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States.

Registration with Secretary of the Senate and Clerk of the House

SEC. 308. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Congress of the United States shall, before doing anything in furtherance of such object, register with the Clerk of the House of Representatives and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. Each such person so registering shall, between the first and tenth day of each calendar quarter, so long as his activity continues, file with the Clerk and Secretary a detailed report under oath of all money received and expended by him during the preceding calendar quarter in carrying on his work; to whom paid; for what purposes; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Congress of the United States in support of or opposition to legislation; nor to any public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical (including any individual who owns, publishes, or is employed by any such newspaper or periodical) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Congress of the United States in support of or in opposition to such legislation.

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

Reports and statements to be made under oath

SEC. 309. All reports and statements required under this title shall be made under oath, before an officer authorized by law to administer oaths.

Penalties

SEC. 310. (a) Any person who violates any of the provisions of this title, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than $5,000 or imprisonment for not more than 12 months, or by both such fine and imprisonment.

(b) In addition to the penalties provided for in subsection (a), any person convicted of the misdemeanor specified therein is prohibited, for a period of 3 years from the date of such conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Congress in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine of not more than $10,000, or imprisonment for not more than 5 years, or by both such fine and imprisonment.

Exemption

SEC. 311. The provisions of this title shall not apply to practices or activities regulated by the Federal Corrupt Practices Act nor be construed as repealing any portion of said Federal Corrupt Practices Act.

TITLE IV—FEDERAL TORT CLAIMS ACT

PART 1—SHORT TITLE AND DEFINITIONS

Short title

SEC. 401. This title may be cited as the "Federal Tort Claims Act."

Definitions

SEC. 402. As used in this title, the term—

(a) "Federal agency" includes the executive departments and independent establishments of the United States, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the United States, whether or not authorized to sue and be sued in their own names: *Provided*, That this shall not be construed to include any contractor with the United States.

(b) "Employee of the Government" includes officers or employees of any Federal agency, members of the military or naval forces of the United States, and persons acting on behalf of a Federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation.

(c) "Acting within the scope of his office or employment," in the case of a member of the military or naval forces of the United States, means acting in line of duty.

PART 2—ADMINISTRATIVE ADJUSTMENT OF TORT CLAIMS AGAINST THE UNITED STATES

Claims of $1,000 or less

SEC. 403. (a) Subject to the limitations of this title, authority is hereby conferred upon the head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, to consider, ascertain, adjust, determine, and settle any claim against the United States for money only, accruing on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death, where the total amount of the claim does not exceed $1,000, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred.

(b) Subject to the provisions of part 3 of this title, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud, notwithstanding any other provision of law to the contrary.

(c) Any award made to any claimant pursuant to this section, and any award, compromise, or settlement of any claim cognizable under this title made by the Attorney General pursuant to section 413, shall be paid by the head of the Federal agency concerned out of appropriations that may be made therefor, which appropriations are hereby authorized.

(d) The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

Reports

SEC. 404. The head of each Federal agency shall annually make a report to the Congress of all claims paid by such Federal agency under this part. Such report shall include the name of each claimant, a statement of the amount claimed and the amount awarded, and a brief description of the claim.

PART 3—SUITS ON TORT CLAIMS AGAINST THE UNITED STATES

Jurisdiction

SEC. 410. (a) Subject to the provisions of this title, the United States district court for the district wherein the plaintiff is resident or wherein the act or omission complained of occurred, including the United States district courts for the Territories and possessions of the United States, sitting without a jury, shall have exclusive jurisdiction to hear, determine, and render judgment on any claim against the United States, for money only, accruing on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred. Subject to the provisions of this title, the United States shall be liable in respect of such claims to the same claimants, in the same manner, and to the same extent as a private individual under like circumstances, except that the United States shall not be liable for interest prior to judgment, or for punitive damages. Costs shall be allowed in all courts to the successful claimant to the same extent as if the United States were a private litigant, except that such costs shall not include attorneys' fees.

(b) The judgment in such an action shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the Government whose act or omission gave rise to the claim. No suit shall be instituted pursuant to this section upon a claim presented to any Federal agency pursuant to part 2 of this title unless such Federal agency has made final disposition of the claim: *Provided*, That the claimant may, upon 15 days' notice given in writing, withdraw the claim from consideration of the Federal agency and commence suit thereon pursuant to this section: *Provided further*, That as to any claim so disposed of or so withdrawn, no suit shall be instituted pursuant to this section for any sum in excess of the amount of the claim presented to the Federal agency, except where the increased amount of the claim is shown to be based upon newly discovered evidence not reasonably discoverable at the time of presentation of the claim to the Federal agency or upon evidence of intervening facts, relating to the amount of the claim. Disposition of any claim made pursuant to part 2 of this title shall not be competent evidence of liability or amount of damages in proceedings on such claim pursuant to this section.

Procedure

SEC. 411. In actions under this part, the forms of process, writs, pleadings, and motions, and the practice and procedure, shall be in accordance with the rules promulgated by the Supreme Court pursuant to the act of June 19, 1934 (48 Stat. 1064); and the same provisions for counterclaim and set-off, for interest upon judgments, and for payment of judgments, shall be applicable as in cases brought in the United States district courts under the act of March 3, 1887 (24 Stat. 505).

Review

SEC. 412. (a) Final judgments in the district courts in cases under this part shall be subject to review by appeal—

(1) in the circuit courts of appeals in the same manner and to the same extent as other judgments of the district courts; or

(2) in the Court of Claims of the United States: *Provided*, That the notice of appeal filed in the district court under rule 73 of the Rules of Civil Procedure shall have affixed thereto the written consent on behalf of all the appellees that the appeal be taken to the Court of Claims of the United States. Such appeals to the Court of Claims of the United States shall be taken within 3 months after the entry of the judgment of the district court, and shall be governed by the rules relating to appeals from a district court to a circuit court of appeals adopted by the Supreme Court pursuant to the act of June 19, 1934 (48 Stat. 1064). In such appeals the Court of Claims of the United States shall have the same powers and duties as those conferred on a circuit court of appeals in respect to appeals under section 4 of the act of February 13, 1925 (43 Stat. 939).

(b) Sections 239 and 240 of the Judicial Code, as amended, shall apply to cases under this part in the circuit courts of appeals and in the Court of Claims of the United States to the same extent as to cases in a circuit court of appeals therein referred to.

Compromise

SEC. 413. With a view to doing substantial justice, the Attorney General is authorized to arbitrate, compromise, or settle any claim cognizable under this part, after the institution of any suit thereon, with the approval of the courts in which such suit is pending.

PART 4—PROVISIONS COMMON TO PART 2 AND PART 3

One-year statute of limitations

SEC. 420. Every claim against the United States cognizable under this title shall be forever barred, unless within 1 year after such claim accrued or within 1 year after the date of enactment of this act, whichever is later, it is presented in writing to the Federal agency out of whose activities it arises, if such claim is for a sum not exceeding $1,000; or unless within 1 year after such claim accrued or within 1 year after the date of enactment of this act, whichever is later, an action is begun pursuant to part 3 of this title. In the event that a claim for a sum not exceeding $1,000 is presented to a Federal agency as aforesaid, the time to institute a suit pursuant to part 3 of this title shall be extended for a period of 6 months from the date of mailing of notice to the claimant by such Federal agency as to the final disposition of the claim or from the date of withdrawal of the claim from such Federal agency pursuant to section 410 of this title, if it would otherwise expire before the end of such period.

Exceptions

SEC. 421. The provisions of this title shall not apply to—

(a) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(c) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

(d) Any claim for which a remedy is provided by the act of March 9, 1920 (U. S. C., title 46, secs. 741–752, inclusive), or the act of March 3, 1925 (U. S. C., title 46, secs. 781–790, inclusive), relating to claims or suits in admiralty against the United States.

(e) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of the Trading with the Enemy Act, as amended.

(f) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

(g) Any claim arising from injury to vessels, or to the cargo, crew, or passengers of vessels, while passing through the locks of the Panama Canal or while in Canal Zone waters.

(h) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(i) Any claim for damages caused by the fiscal operation of the Treasury or by the regulation of the monetary system.

(j) Any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war.

(k) Any claim arising in a foreign country.

(l) Any claim arising from the activities of the Tennessee Valley Authority.

Attorneys' fees

SEC. 422. The court rendering a judgment for the plaintiff pursuant to part 3 of this title, or the head of the Federal agency or his designee making an award pursuant to part 2 of this title, or the Attorney General making a disposition pursuant to section 413 of this title, as the case may be, may, as a part of the judgment, award, or settlement, determine and allow reasonable attorney's fees, which, if the recovery is $500 or more, shall not exceed 10 percent of the amount recovered under part 2, or 20 percent of the amount recovered under part 3, to be paid out of but not in addition to the amount of judgment, award, or settlement recovered, to the attorneys representing the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be subject to a fine of not more than $2,000 or imprisonment for not more than 1 year, or both.

Exclusiveness of remedy

SEC. 423. From and after the date of enactment of this act, the authority of any Federal agency to sue and be sued in its own name shall not be construed to authorize suits against such Federal agency on claims which are cognizable under part 3 of this title, and the remedies provided by this title in such cases shall be exclusive.

Certain statutes inapplicable

SEC. 424 (a) All provisions of law authorizing any Federal agency to consider, ascertain, adjust, or determine claims on account of damage to or loss of property, or on account of personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Goverment while acting within the scope of his office or employment, are hereby repealed in respect of claims cognizable under part 2 of this title and accruing on and after January 1, 1945, including, but without limitation, the provisions granting such authorization now contained in the following laws:

Public Law No. 375, Sixty-seventh Congress, approved December 28, 1922 (42 Stat. 1066; U. S. C., title 31, secs. 215–217).

Public Law No. 267, Sixty-sixth Congress, approved June 5, 1920 (41 Stat. 1054; U. S. C., title 33, sec. 853).

Public Law No. 481, Seventy-fourth Congress, approved March 20, 1936 (49 Stat. 1184; U. S. C., title 31, sec. 224b).

Public Law No. 112, as amended, Seventy-eighth Congress, approved July 3, 1943 (57 Stat. 372; U. S. C., title 31, secs. 223b, 223c, and 223d).

Public Law No. 182, as amended, Sixty-fifth Congress, approved July 1, 1918 (40 Stat. 705; U. S. C., title 34, sec. 600).

Section 4 of Public Law No. 18, Sixty-seventh Congress, approved June 16, 1921 (42 Stat. 63), as amended by Public Law No. 456, Seventy-third Congress, approved June 22, 1934 (48 Stat. 1207; U. S. C., title 31, sec. 224c).

(b) Nothing contained herein shall be deemed to repeal any provision of law authorizing any Federal agency to consider, ascertain, adjust, settle, determine, or pay any claim on account of damage to or loss of property or on account of personal injury or death, in cases in which such damage, loss, injury, or death was not caused by any negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, or any other claim not cognizable under part 2 of this title.

TITLE V—GENERAL BRIDGE ACT

Short title

SEC. 501. This title may be cited as the "General Bridge Act of 1946."

Consent of Congress

SEC. 502. (a) The consent of Congress is hereby granted for the construction, maintenance, and operation of bridges and approaches thereto over the navigable waters of the United States, in accordance with the provisions of this title.

(b) The location and plans for such bridges shall be approved by the Chief of Engineers and the Secretary of War before construction is commenced, and, in approving the location and plans of any bridge, they may impose any specific conditions relating to the maintenance and operation of the structure which they may deem necessary in the interest of public navigation, and the conditions so imposed shall have the force of law.

(c) Notwithstanding the provisions of subsections (a) and (b), it shall be unlawful to construct or commence the construction of any privately owned highway toll bridge until the location and plans thereof shall also have been submitted to and approved by the highway department or departments of the State or States in which the bridge and its approaches are situated; and where such bridge shall be between two or more States and the highway departments thereof shall be unable to agree upon the location and plans therefor, or if they, or either of them, shall fail or refuse to act upon the location and plans submitted, such location and plans then shall be submitted to the Public Roads Administration and, if approved by the Public Roads Administration, approval by the highway departments shall not be required.

Tolls

SEC. 503. If tolls shall be charged for the transit over any interstate bridge of engines, cars, streetcars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

Acquisition by public agencies

SEC. 504. After the completion of any interstate toll bridge constructed by an individual, firm, or corporation, as determined by the Secretary of War, either of the States in which the bridge is located, or any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property for public purposes by condemnation or expropriation. If at any time after the expiration of 5 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual costs of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 percent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

Statements of cost

SEC. 505. Within 90 days after the completion of a privately owned interstate toll bridge, the owner shall file with the Secretary of War and with the highway departments of the States in which the bridge is located, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of a highway department shall, at any time within 3 years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said individual, firm, or corporation, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 504 of this title, subject only to review in a court of equity for fraud or gross mistake.

Sinking fund

SEC. 506. If tolls are charged for the use of an interstate bridge constructed or taken over or acquired by a State or States or by any municipality or other political subdivision or public agency thereof, under the provisions of this title, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of constructing or acquiring the same. After a sinking fund sufficient for such amortization shall have been so provideded, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be

available for the information of all persons interested.

Applicability of title

SEC. 507. The provisions of this title shall apply only to bridges over navigable waters of the United States, the construction of which is hereafter approved under the provisions of this title; and the provisions of the first proviso of section 9 of the act of March 3, 1899 (30 Stat. 1151; U. S. C., title 33, sec. 401), and the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, shall not apply to such bridges.

International bridges

SEC. 508. This title shall not be construed to authorize the construction of any bridge which will connect the United States, or any Territory or possession of the United States, with any foreign country.

Eminent domain

SEC. 509. There are hereby conferred upon any individual, his heirs, legal representatives, or assigns, any firm or corporation, its successors or assigns, or any State, political subdivision, or municipality authorized in accordance with the provisions of this title to build a bridge between two or more States, all such rights and powers to enter upon lands and acquire, condemn, occupy, possess, and use real estate and other property in the respective States needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Penalties

SEC. 510. Any person who fails or refuses to comply with any lawful order of the Secretary of War or the Chief of Engineers issued under the provisions of this title, or who fails to comply with any specific condition imposed by the Chief of Engineers and the Secretary of War relating to the maintenance and operation of bridges, or who refuses to produce books, papers, or documents in obedience to a subpena or other lawful requirement under this title, or who otherwise violates any provisions of this title, shall, upon conviction thereof, be punished by a fine of not to exceed $5,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

Rights reserved

SEC. 511. The right to alter, amend, or repeal this title is hereby expressly reserved as to any and all bridges which may be built under authority hereof.

TITLE VI—COMPENSATION AND RETIREMENT PAY OF MEMBERS OF CONGRESS

Compensation of Members of Congress

SEC. 601. (a) Effective on the day on which the Eightieth Congress convenes, the compensation of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Puerto Rico shall be at the rate of $12,500 per annum each; and the compensation of the Speaker of the House of Representatives and the Vice President of the United States shall be at the rate of $20,000 per annum each.

(b) Effective on the day on which the Eightieth Congress convenes there shall be paid to each Senator, Representative in Congress, Delegate from the Territories, Resident Commissioner from Puerto Rico, an expense allowance of $2,500 per annum to assist in defraying expenses relating to, or resulting from the discharge of his official duties, for which no tax liability shall incur, or accounting be made; such sum to be paid in equal monthly installments.

(c) The sentence contained in the Legislative Branch Appropriation Act, 1946, which reads as follows: "There shall be paid to each Representative and Delegate, and to the Resident Commissioner from Puerto Rico, after January 2, 1945, an expense allowance of $2,500 per annum to assist in defraying expenses related to or resulting from the discharge of his official duties, to be paid in equal monthly installments.", is hereby repealed, effective on the day on which the Eightieth Congress convenes.

(d) The sentence contained in the Legislative Branch Appropriation Act, 1947, which reads as follows: "There shall be paid to each Senator after January 1, 1946, an expense allowance of $2,500 per annum to assist in defraying expenses related to or resulting from the discharge of his official duties, to be paid in equal monthly installments.", is hereby repealed, effective on the day on which the Eightieth Congress convenes.

Retirement pay for Members of Congress

SEC. 602. (a) Section 3 (a) of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by inserting after the words "elective officers" the words "in the executive branch of the Government."

(b) Such act, as amended, is further amended by adding after section 3 the following new section:

"SEC. 3A. Notwithstanding any other provision of this act—

"(1) This act shall not apply to any Member of Congress until he gives notice in writing, while serving as a Member of Congress, to the disbursing officer by whom his salary is paid of his desire to come within the purview of this act. Such notice may be given by a Member of Congress within 6 months after the date of enactment of the Legislative Reorganization Act of 1946 or within 6 months after any date on which he takes an oath of office as a Member of Congress.

"(2) In the case of any Member of Congress who gives notice of his desire to come within the purview of this act, the amount required to be deposited for the purposes of section 9 with respect to services rendered after the date of enactment of the Legislative Reorganization Act of 1946, shall be a sum equal to 6 percent of his basic salary, pay, or compensation for such services, together with interest computed at the rate of 4 percent per annum compounded on December 31 of each year; and the amount to be deducted and withheld from the basic salary, pay, or compensation of each such Member of Congress for the purposes of section 10 shall be a sum equal to 6 percent of such basic salary, pay, or compensation.

"(3) No person shall be entitled to receive an annuity as provided in this section until he shall have become separated from the service after having had at least 6 years of service as a Member of Congress and have attained the age of 62 years except that any such Member who shall have had at least 5 years of service as a Member of Congress, may, subject to the provisions of section 6 and of paragraph (4) of this section, be retired for disability, irrespective of age, and be paid an annuity computed in accordance with paragraph (5) of this section.

"(4) No Member of Congress shall be entitled to receive an annuity under this act unless there shall have been deducted and withheld from his basic salary, pay, or compensation for the last 5 years of his service as a Member of Congress, or there shall have been deposited under section 9 with respect to such last 5 years of service, the amounts specified in paragraph (2) of this section with respect to so much of such 5 years of service as was performed after the date of enactment of the Legislative Reorganization Act of 1946 and the amounts specified in section 9 with respect to so much of such 5 years of service as was performed prior to such date.

"(5) Subject to the provisions of section 9 and of subsections (c) and (d) of section 4, the annuity of a Member of Congress shall be an amount equal to 2½ percent of his average annual basic salary, pay, or compensation as a Member of Congress multiplied by his years of service as a Member of Congress, but no such annuity shall exceed an amount equal to three-fourths of the salary, pay, or compensation that he is receiving at the time he becomes separated from the service.

"(6) In the case of a Member of Congress who becomes separated from the service before he completes an aggregate of 6 years of service as a Member of Congress, and who is not retired for disability, the total amount deducted from his basic salary, pay, or compensation as a Member of Congress, together with interest at 4 percent compounded as of December 31 of each year shall be returned to such Member of Congress. No such Member of Congress shall thereafter become eligible to receive an annuity as provided in this section unless the amounts so returned are redeposited with interest at 4 percent compounded on December 31 of each year, but interest shall not be required covering any period of separation from the service.

"(7) If any person takes office as a Member of Congress while receiving an annuity as provided in this section, the payment of such annuity shall be suspended during the period for which he holds such office; but, if he gives notice as provided in paragraph (2) of this section, his service as a Member of Congress during such period shall be credited in determining the amount of his subsequent annuity.

"(8) Nothing contained in this act shall be construed to prevent any person eligible therefor from simultaneously receiving an annuity computed in accordance with this section and an annuity computed in accordance with section 4, but in computing the annuity under section 4 in the case of any person who (A) has had at least 6 years' service as a Member of Congress, and (B) has served as a Member of Congress at any time after the date of enactment of the Legislative Reorganization Act of 1946, service as a Member of Congress shall not be credited.

"(9) No provision of this or any other act relating to automatic separation from the service shall be applicable to any Member of Congress.

"(10) As used in this section, the term 'Member of Congress' means a Senator, Representative in Congress, Delegate from a Territory, or the Resident Commissioner from Puerto Rico; and the term 'service as a Member of Congress' shall include the period from the date of the beginning of the term for which a Member of Congress is elected or appointed to the date on which he takes office as such a Member."

Mr. LA FOLLETTE. I move that the Senate concur in the House amendment.

Mr. REVERCOMB. Mr. President, what is the nature of the matter in question?

Mr. LA FOLLETTE. This is the reorganization bill.

Mr. HAWKES. Mr. President, will the distinguished Senator from Wisconsin give me his opinion on one subject which has been brought to my attention by some of the finest organizations in the United States? They are somewhat concerned lest the provision in the reorganization plan against lobbying might be construed to apply to institutions such as the United States Chamber of Commerce, for instance, which was organized at the request of the President of the United States to assemble information and make

it available for ready reference for members of his Cabinet and the various governmental agencies. I should like to have the Senator from Wisconsin express his opinion whether it affects these fine institutions which are a part of our business and industrial system in the United States.

Mr. LA FOLLETTE. So far as any organizations or individuals are concerned, I will say to the Senator from New Jersey, it will depend on the type and character of activity which they undertake.

I ask for a vote on the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin to concur in the amendment of the House. Those in favor——

Mr. HAWKES. Just a moment, Mr. President. Would not the Senator from Wisconsin be willing to express an opinion regarding such organizations of years and years standing?

Mr. LA FOLLETTE. I cannot tell the Senator whether they will come under the act. It will depend on the type of activity in which they engage, so far as legislation is concerned.

Mr. HAWKES. Does not the bill contain language to the effect "if they are organized to do a business of lobbying principally"? Is not the word "principally" used in the bill? And does that not mean something to the Senator, who knows, of course, that there is not a business organization or chamber of commerce in the United States whose representatives do not come to see Senators and Representatives and interview them regarding legislation?

Mr. LA FOLLETTE. It will all depend on the type of activity that is carried on. I cannot give the Senator a blanket interpretation.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. CORDON. The Senator will agree that there is nothing in that provision that can in any way abrogate the right of petition on the part of the American people, or the presentation to Congress of any fact on any subject, anywhere, and at any time?

Mr. LA FOLLETTE. Of course not, and there is no stigma attached to anyone who engages in this type of activity. The bill simply prescribes certain requirements which have to be fulfilled.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. WHITE. It certainly is true also, I believe, that the legislation in no respect specifies and particularizes in the case of the United States Chamber of Commerce.

Mr. LA FOLLETTE. Oh, no. It affects all individuals and organizations alike if they engage in a covered activity.

Mr. WHITE. It stands on the same footing with every other institution in the United States?

Mr. LA FOLLETTE. The Senator's statement is correct.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. HAWKES. The Senator knows I supported his bill, and I have commended him for the work he has done. I think it is a magnificent accomplishment.

Mr. LA FOLLETTE. I appreciate the Senator's statement.

Mr. HAWKES. I was simply trying to clarify a situation which is worrying many people, though it does not worry me at all, because I think I understand definitely what the provision means. I think the Senator will agree that the bill in its present form does not inhibit in any way, or restrict, a person coming to see his Senator or Representative on a matter incident to his business.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. TUNNELL. As I understand, there is no exemption of the chamber of commerce from the provisions of the measure.

Mr. LA FOLLETTE. Nor any other organization.

Mr. TUNNELL. Nor any other organization.

Mr. LA FOLLETTE. Or individual.

Mr. TUNNELL. They would have the same right as any other organization.

Mr. LA FOLLETTE. That is correct.

Mr. HAWKES. Mr. President, will the Senator yield for a moment further?

Mr. LA FOLLETTE. I yield.

Mr. HAWKES. I have no authority to use the name of any chamber of commerce. I addressed my question on my own independent responsibility. I do not want the Senator from Delaware or anyone else to think that I am speaking in behalf of an individual chamber of commerce. I am referring to organizations throughout the United States which, in my opinion, are doing fine work and are clearly within the law.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin that the Senate concur in the House amendment.

The motion was agreed to.

Mr. VANDENBERG. Mr. President, I wish the RECORD to show that I voted against the motion to concur in the amendment of the House to Senate bill 2177.

(Subsequently, while Mr. GEORGE had the floor, the following statements were made:)

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. GEORGE. I yield.

Mr. McKELLAR. A few moments ago the Senate voted, although not by a yea-and-nay vote, on the question of the adoption of the House amendment to the bill which provides for the reorganization of the two Houses of Congress. I wish to say that I am not in favor of that bill. I am opposed to it, and I wish to have the RECORD show I was opposed to the reorganization bill as passed by the Senate and to the amendment of the House.

Mr. McFARLAND. Mr. President, will the Senator yield to me?

Mr. GEORGE. I yield.

Mr. McFARLAND. I wish the RECORD to show that I, too, am opposed to Senate concurrence in the amendment of the House to the reorganization bill, and I voted against it orally. I am opposed to the amendment for the same reason that has just been stated by the Senator from Tennessee, namely, that I was opposed to the reorganization bill, Senate bill 2177, when it passed the Senate, and I am opposed to the House amendment which the Senate adopted.

Mr. EASTLAND. Mr. President, will the Senator yield to me?

Mr. GEORGE. I yield.

Mr. EASTLAND. I wish the RECORD to show that I am opposed to the reorganization bill, and that I voted against it.

Mr. CONNALLY. Mr. President, will the Senator yield to me?

Mr. GEORGE. I yield.

Mr. CONNALLY. I wish to say that when the Senate originally considered the so-called reorganization bill, I voted against it and made some remarks against it. I am opposed to the amendment of the House to the bill, and I am opposed to the passage of the bill.

Mr. BILBO. Mr. President, will the Senator yield to me?

Mr. GEORGE. I yield.

Mr. BILBO. When the reorganization bill was before the Senate, I made a speech in opposition to its passage, I am still against it. I wish the RECORD to show that the House amendment to the bill was concurred in while I was temporarily out of the Chamber, but if I had been present, I would have voted against it.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. McCLELLAN. Mr. President, I am one of the Senators who voted against the reorganization bill when it was passed by the Senate. I wish to say that I think it has been improved in some respects by the House amendment, but, even so, the House amendment has not met the objections which I have had to the bill. If I had had an opportunity to vote on the question of the Senate concurring in the House amendment, I would have voted against it.

Mr. LANGER. Mr. President, will the Senator yield to me?

Mr. GEORGE. I yield.

Mr. LANGER. At the time when the Senate voted on the question of concurring in the amendment of the House to the reorganization bill, Senate bill 2177, I was unavoidably absent. I wish the RECORD to show that if I had been present, I would have voted against having the Senate concur in the House amendment to the bill.

Mr. GERRY. Mr. President, will the Senator yield to me?

Mr. GEORGE. I yield.

Mr. GERRY. Mr. President, if I had had an opportunity to vote on the question of having the Senate concur in the amendment of the House to the reorganization bill, I would have voted against it.

Mr. GEORGE. Mr. President, I think I had better decline to yield further, or else a majority of the Senate may go on record as being opposed to the reorganization bill. [Laughter.]

AMENDMENT TO RAILROAD RETIREMENT ACT, ETC.

The Senate resumed consideration of the bill (H. R. 1362) to amend the railroad retirement acts. the Railroad Un-

employment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes.

Mr. DONNELL. Mr. President, as I understand we now have before us the amendment offered by the Senator from North Carolina [Mr. HOEY]. Before discussing the particular phase which I wish to mention, I should like to ask the Senator from North Carolina a question or two.

I observe at page 10005 of the RECORD of yesterday that the distinguished Senator from North Carolina referred to section 1 of the bill as the section which increases the coverage of the law.

Mr. HOEY. That is correct.

Mr. DONNELL. The Senator stated that if this section were stricken out the coverage of the bill would be exactly as it now is in the law.

Mr. HOEY. That is correct.

Mr. DONNELL. I take it, therefore, that the intention of the distinguished Senator, insofar as it relates to section 1 of the bill, is to preserve the coverage as it now is, rather than to increase the coverage.

Mr. HOEY. That is correct.

Mr. DONNELL. I ask the distinguished Senator also whether or not he shares the fear which the Senator from Kansas [Mr. REED] has expressed, to the effect that the reference in subdivision 2 of section 1 (a) to the term "'transportation' as defined in section 1 (3) of the Interstate Commerce Act" might in itself increase the coverage of Senate bill 1362 beyond the present coverage.

Mr. HOEY. I think it unquestionably would.

Mr. DONNELL. I take it that the Senator likewise feels that when House bill 1362 provides that the term "employer" shall mean, among other things, "any person, other than a carrier regulated under part I of the Interstate Commerce Act, which, pursuant to arrangements with a carrier or otherwise, performs for hire, with respect to passengers or property transported, being transported, or to be transported by a carrier, any service included within the term 'transportation' as defined in section 1 (3) of the Interstate Commerce Act, whether or not such service is offered under railroad tariffs," the distinguished Senator from North Carolina inclines to the view that that particular portion of section 1 (a) does increase the coverage beyond that of the existing law. Is that correct?

Mr. HOEY. Absolutely.

Mr. DONNELL. I thank the Senator.

I again invite the attention of the Senate, in connection with the statement of the Senator from North Carolina, to the fact that section 1 (3) of the Interstate Commerce Act defines transportation as follows:

> The term "transportation" as used in this part shall include locomotives, cars, and other vehicles, vessels, and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing storage, and handling of property transported.

I submit further that in addition to the apprehensions indulged in so far by the distinguished Senator from North Carolina and the distinguished Senator from Kansas as to the effect of subdivision 2 of section 1 (a) of the bill, there is good ground for equal apprehension under subdivision 4 of the same section, which subdivision provides, in defining other persons who shall be included by the term "carrier," as follows:

> Any person engaged in rendering pursuant to any arrangement for one or more carriers, any service which (i) is of such a nature as to be susceptible of indefinitely continuous performance and (ii) constitutes a part of or is necessary or incidental to the operation or maintenance of way, equipment or structures devoted to transportation use.

Mr. President, for illustration I submit the example of the icing of refrigerator cars. Let us test that example by the provisions of subdivision 4. Suppose that a company is engaged in "rendering, pursuant to any arrangement for one or more carriers," a "service which is of such a nature as to be susceptible of indefinitely continuing performance." Is not such a service one which, again to quote subdivision 4, "constitutes a part of or is necessary or incidental to the operation of equipment devoted to transportation use"?

It seems to me, without going into great detail as to the provisions of the definition of "employer," that the apprehension entertained by the distinguished author of the amendment which is now before us is well founded.

In considering how to vote on the amendment offered by the Senator from North Carolina it seems to me that we should at this time consider, among other things, the alternative course of action which I understand we are to be asked to follow if the amendment offered by the Senator from North Carolina and other amendments shall fail. I understand that the proposal is that House bill 1362, as it now stands, be enacted. That is step No. 1. Not only is it to be enacted, but according to the views of the distinguished majority leader, it is to be enacted exactly as it is now set forth, without amendment.

On page 9981 of yesterday's RECORD the majority leader stated:

> But I felt it my duty and feel it my duty to call the attention of the Senate to the fact that if it is amended it will fail of enactment.

Similar observations appear elsewhere in the RECORD. For example, at page 9983 we find the following statement by the majority leader:

> The Senator can place his own interpretation on the action of the Senate, and can couch it in whatever language he chooses to use. What I have suggested to the Senate is that in view of the situation which exists—which I agree is an unfortunate situation—to change this bill in any particular would mean that it might not be enacted at this session of Congress.

So, Mr. President, the first step in the program which we are to be called upon to follow if the amendment of the Senator from North Carolina and other amendments shall fail is the enactment of House bill 1362 precisely as it now stands, without the change of a comma, a period, or a semicolon.

As I understand, the second step in the program which we are to be called upon to follow is the adoption of a concurrent resolution. The concurrent resolution is very interesting and lengthy. I shall not take the time of the Senate this afternoon to read it. I note from page 10010 of the RECORD that the majority leader has himself prepared it for submission. He read it last night. As Senators will recall, at page 10010 he stated:

> I have it prepared for submission—

I do not know that he meant that he personally had prepared it—

> and I shall have it printed, so that every Senator may know what it will entail.

Then the concurrent resolution is set forth in extenso on page 10012. It occupies, roughly, a column and a half of the CONGRESSIONAL RECORD, in small type. It involves, among other things, various changes in dates which were mentioned by the Senator from Kentucky last evening. It involves, on page 12, striking out from line 25 through line 3, on page 13, and the insertion of certain language and figures in lieu thereof.

It involves the striking out of lines 11 through 13, on page 13, and it involves a change on page 14. It involves a change on page 15, and a further change on page 15, striking out lines 13 through 15 and inserting in lieu thereof approximately 12 or 15 lines, which are set forth on page 10012 of the RECORD. Then it proposes to change various other dates which are listed in detail on pages 10012 and 10013.

It involves a change in name on page 34, and substitution of a portion of a sentence. On page 35, it strikes out a portion. There is a change on page 38. On page 51, it inserts language which roughly constitutes approximately 20 lines or thereabouts of small type. On pages 57, 58, 59, and 60 are other changes. Finally, on page 60 of the bill, there is to be inserted a paragraph lettered "(v)," which I should say comprises probably 15 lines of small type.

Obviously, Mr. President, this is a very extensive and very important change, and one which is clearly designed to allay the fears of those who share the apprehensions of the Senator from North Carolina and the Senator from Kansas.

This is the alternative we have, under the program which has been suggested: On the one hand, to clarify this question by leaving the coverage as it is, not leaving open to debate the legal effect of the language of section 1, in its reference to the Interstate Commerce Act, which seems clearly to include other items of coverage than are embraced in the present law, and not leaving open to argument the question as to subdivision 4, on pages 2 and 3, which, as I have indicated, seems to me clearly susceptible to the interpretation that it increases the coverage of the new act as compared with the coverage of the old act. In other words, on the one hand, we have the proposed amendment of the Senator from North Carolina; and as the alternative we have, first, the enactment of House bill 1362, in exact language and punctuation, consisting, as it does, of 60 pages,

without the change of a letter, dot, or character, plus the adoption of a very decidedly unusual method of procedure, of adopting a concurrent resolution after the enactment of this bill, in order to clarify certain contents of the bill, which by then would have been passed.

Mr. President, as to the procedure which has been suggested by the majority leader, I mentioned last night, and again today, the decision to be found in One Hundred and Fiftieth Federal Reporter, Second Series, at page 857. That is a decision by the Circuit Court of Appeals of the Fifth Circuit. In referring to Resolution 50, adopted by the Senate last year, the court said:

> The resolution is not an act of Congress approved by the President or passed over his veto. It does not make law, or change the law made by a previous Congress and President.

Mr. President, the unusual plan of procedure suggested by the distinguished majority leader is distinctly different from the precedent which was cited earlier today by the junior Senator from Michigan [Mr. FERGUSON]. It will be recalled that he pointed out that on August 5, 1909, there was received by the Senate from the House of Representatives a concurrent resolution authorizing the Committees on Enrolled Bills of the two Houses to amend the tariff bill which had been passed by both Houses and had been enrolled. It will be recalled that in the course of the debate on that concurrent resolution, Mr. John J. Fitzgerald, of New York, indicated the unusual nature of the type of procedure which was there proposed, and which I may say was adopted by the House by unanimous consent. I now read a part of Mr. Fitzgerald's statement at that time:

> Mr. Speaker, an examination of the precedents discloses that there has not been a similar incident in the history of the country in which bills were amended in the identical way proposed here. Clerical errors and corrections have been made after bills have reached the enrolling clerks, but no substantial change or radical correction has been authorized except where the discovery was after the bill had passed both Houses, and then only to make the bill conform to the proposals of the conference committees.

I pause to point out that if we adopt the course of procedure suggested last evening by the distinguished majority leader, we shall not be in the position of having discovered, after having passed the bill, that there was some error or some omission which should be corrected or taken care of. We shall enact this law with the design of turning around the moment after we have enacted it, and, because it needs amplification or clarification, adopting the concurrent resolution to which I have referred.

The remarks of Mr. Fitzgerald, appearing in the CONGRESSIONAL RECORD for August 5, 1909, contain the following further statement:

> If it were not for the very comprehensive language of Judge Harlan in *Field* v. *Clark* (143 U. S.), I doubt very seriously whether it could be held that the boot and shoe amendment as proposed in this concurrent resolution had passed both Houses of Congress.

The so-called boot and shoe amendment was adopted on August 5, 1909, by the House of Representatives, and it provided for the imposition of an ad valorem duty upon the hides of cattle, and so forth. That action was taken by unanimous consent of the House, as I have indicated.

But in the course of the discussion today, as will be recalled, reference was made to the case of Field against Clark, in the United States Supreme Court, in which Judge Harlan rendered the opinion. The distinguished Senator from Michigan read extensively from that case. At that time I, too, referred to the case, and stated that perhaps I would later today refer to it further.

Mr. President, I have looked into that case, and I wish to say two things about it.

In the first place, the opinion in the case of Field against Clark, which was written by Mr. Justice Harlan—there were two concurring opinions by two other members of the Court, but they were relative to other phases of the case—does not contain facts similar to those involved in connection with the concurrent resolution now under discussion. I shall not go into the facts involved in that case, because a considerable amount of time would be required to do so. But I wish to read a portion of the opinion which sets forth the facts which were under consideration by the Court in that case. It states that certain firms, among others being Marshall Field, of Chicago, had paid duties on woolen dress goods, and so forth, and that later on they proceeded against the collector of the port of Chicago to recover the duties paid thereon; or in the case of certain others, they proceeded against the collector of the port of New York; and others proceeded against the United States—all for the purpose of recovering the duties which had been paid.

The facts which were presented in support of the contention of the plaintiffs that the bill under which the tariff was imposed never became a law in accordance with the provisions of the Constitution, were three, only one of which has relevance here. That one is this:

> (1) That in engrossing the bill a clause known as section 30, relating to a rebate of taxes on tobacco—

I pause to say that was not one of the commodities on which the firms concerned had paid taxes—

> which was shown by the journals of both the House of Representatives and the Senate to have been regularly passed by both Houses of Congress, was omitted, and that the engrossed act, as attested by the Vice President and the Speaker of the House, as approved by the President, and as deposited with the Secretary of State, was not the act which passed the two Houses of Congress, and was therefore not a statute of the United States in accordance with the provisions of the Constitution.

So the proposition which the Court had before it for determination, in regard to the question whether, in the case of an act which, before being signed by the Presiding Officers of the two legislative bodies and before receiving the signature of the President of the United States, was found not to contain a particular section which the Journals of both Houses showed had been actually passed, was whether the act so certified could in any sense be impeached.

So, Mr. President, I think it is apparent that the facts in that case are not the ones in the case now before the Senate.

However, I wish to say, in the second place, that there is a very strong statement indicative of the fact that once certain language is set forth in a bill and is certified to by the Presiding Officers of both the House and the Senate and is approved and signed by the President—and I make this statement even though the facts in the case now before us are different—the Court will not impeach the correctness of a bill which has been so certified. I shall quote a sentence or two from page 672, where the Court said:

> And when a bill, thus attested, receives his approval, and is deposited in the public archives, its authentication as a bill that has passed Congress should be deemed complete and unimpeachable.

The Court further said:

> The respect due to coequal and independent departments requires the judicial department to act upon that assurance, and to accept, as having passed Congress, all bills as authenticated in the manner stated, leaving the courts to determine, when the question properly arises, whether the act, so authenticated, is in conformity with the Constitution.

So, Mr. President, in the first place, I say that the Field case is not by any manner of means on all fours with the case now before us. I am free to say that in my judgment, in the event we pass this bill and then adopt the concurrent resolution, and in the event that they are certified together by the respective Presiding Officers and are approved by the President, the doctrine so enunciated by the Court would establish the unimpeachability of the bill in the form in which it had been so certified and approved. I believe that is a correct analysis of that case.

Then we come to the equally important, perhaps the more important, question of the advisability of first enacting the bill in haec verba, with the same punctuation, the same signs, the same figures, and the same words, and then subsequently adopting a concurrent resolution changing its terms.

I shall address myself as briefly as possible to the question whether, regardless of the legal situation with reference to the concurrent resolution, it is advisable and wise that in connection with this particular legislation the Senate shall follow the procedure suggested by the distinguished majority leader.

In the first place, Mr. President, we observe that, as indicated a few moments ago, and also as indicated earlier today by the Senator from Michigan, the procedure to which appeal is had here is an exceedingly unusual one; and, as pointed out in Mr. Fitzgerald's statement, an examination of the precedents discloses that there had not been a single incident in the history of the country until August 5, 1909, in which bills were amended in the identical way proposed

there—which, by the way, is the way by which it is proposed to proceed at this time in connection with the measure we are considering.

We note further, Mr. President, that the subject matter which has been covered by such procedure has not been of the type which is sought here to be covered. We are now dealing with substantive legislation which is designed to make the meaning of the measure clear and to remove certain apprehensions, not only apprehensions similar to those of the Senator from North Carolina [Mr. HOEY] and the Senator from Kansas [Mr. REED], but to legislate affirmatively to the effect that this bill shall not include the various groups of employees which it is feared by those Senators will be included under the bill.

I assert, therefore, that the concurrent resolution which has been suggested to the Senate, and set forth in the CONGRESSIONAL RECORD of yesterday, is not of the clerical-error-correction type to which Mr. Fitzgerald referred in the statement which I have quoted.

I assert further, Mr. President, that the doctrine to which Mr. Fitzgerald adverted was that which had been followed for a century previous to his investigation in 1909. The procedure which had been followed was confined to situations in which, after a bill had been passed and a discovery had been made of some clerical error in it, an effort was made to correct it. The procedure did not involve in advance the contemplation that after a bill had been passed by the Senate it should immediately turn around and undertake either to change it, clarify it, or do such as is now proposed through a concurrent resolution.

Mr. President, I quote from the statement of Mr. Fitzgerald:

> Clerical errors and corrections have been made after bills have reached the enrolling clerks, but no substantial change or radical correction has been authorized except where the discovery was after the bill had passed both Houses, and then only to make the bill conform to the proposals of the conference committees.

The action which was taken on August 5, 1909, in connection with the boot and shoe amendment which was adopted, was unique in the history of the country up to that time. We start now with the proposition that this particular type of procedure is unusual, and that it does not come within the category of the ordinary type of case in which such procedure has been followed.

It has been suggested that the action taken by the Senate last year in connection with the Export and Import Bank bill should be considered by the Senate in this connection. It will be remembered that last evening the Senator from Utah said:

> I wanted to call the Senator's attention to the fact that when we had under consideration the Export-Import Bank bill the Senator from Maryland [Mr. TYDINGS] called the attention of the Senate to the fact that the Philippine Islands should be included in the bill. They were not included. A concurrent resolution was submitted and adopted by the Senate and sent to the House. I do not know whether it was agreed to by the House.

And so forth.

Mr. President, I digress to say that that concurrent resolution was not agreed to by the House.

Last evening, after the Senator from Utah called attention to this particular incident which occurred last year, the distinguished majority leader said:

> I appreciate the reference of the Senator from Utah to the situation which existed when the Senator from Maryland submitted the concurrent resolution instructing the enrolling clerk to include in the bill the Philippine Islands, which had not been included in either House.

Then the Senator from Kentucky proceeded to say:

> I do not recall whether it was done, but I think it was.

As previously noted, Mr. President, the majority leader was in error in thinking that it was done.

I continue with his statement:

> And when the bill went to the President it carried in it the Philippine Islands just as though it had been in the bill when introduced.

Then, Mr. President, the distinguished Senator from Illinois [Mr. LUCAS] said:

> I wonder whether the Senator sees any difference in what is now being attempted to do by the employment of a concurrent resolution, and what was done in the case the Senator from Utah speaks of.

The majority leader responded:

> There is no difference in principle, of course.

So, Mr. President, we find that the action which was taken last year in the case of the Philippine Islands situation is being used as a precedent with respect to the instant case. Yet, what were the facts? I shall not detail them. I made mention of them earlier in the day. I undertook to point out what happened on July 20, 1945. I desire to call attention once more to the following remarks by three Members of this body. I shall now quote from the CONGRESSIONAL RECORD, volume 91, part 6, at page 7851:

> Mr. BARKLEY. Mr. President, I wish to make a statement. It is a little unusual to instruct the enrolling clerks of the two Houses by way of correction to put something in a bill which was not in the bill as it passed either House and was not intended to be in the bill. We frequently instruct the enrolling clerks to put something in a bill that was left out by oversight. That is not the case in this matter. No effort was made to get this provision in the bill in the House or in the Senate, and it is not by way of correction, because the bill as it is now, in process of, or ready for, enrollment, is not incorrect. There was no error committed in enrollment.
>
> I am not going to object, but I want it distinctly understood that it is an unusual thing to amend a bill by way of correcting the enrollment, when neither House considered the item or acted upon it. With the understanding that it establishes no precedent, Mr. President, in that regard I shall not object.

Mr. President, on the procedure about which we are debating I have read the comment of one of the Members of this body.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. TAFT. Would not the Senator say that the majority leader's statement that he would not object implied his belief that if he did object it would put an end to the requirement of unanimous consent in connection with a matter of that kind?

Mr. DONNELL. I believe that what the Senator from Ohio has said is a proper inference to be drawn.

Mr. President, I wish to recall our minds back to the reading of the next sentence which was uttered after the majority leader had said, "With the understanding that it establishes no precedent in that regard, Mr. President, I shall not object." In the first place, I ask why was it that the majority leader wanted it strictly understood that the procedure which was suggested should establish no precedent? It it had been a proper type or means to be used in legislating, would he have reserved the right to make an objection? Would he have desired to have it clearly understood that the action would not constitute a precedent? The fact that he did not want it to constitute a precedent shows that in his mind the situation was, as he had previously stated, a little unusual. It not only shows that, but it shows that it was of a sufficient deviation from the ordinary course of procedure that he thought it was necessary to put into the RECORD a clear statement of the fact that it should not constitute a precedent. If it had been a wise course to follow, the distinguished majority leader would never have interposed such a qualification, and would not have insisted that the action about to be taken on July 20, 1945, should not constitute a precedent.

I was about to address myself to the next two sentences which were uttered by our distinguished friend, the minority leader. Immediately after the Senator from Kentucky [Mr. BARKLEY] had spoken with respect to his understanding that the action about to be taken would constitute no precedent. The distinguished minority leader the Senator from Maine [Mr. WHITE] said:

> I simply want to echo what the Senator from Kentucky has said. I think it does establish a precedent, and I think an unhappy one, but I am not going to object.

I pause, Mr. President, once again as I see in the Chamber the distinguished minority leader. In the statement which I have just read, which was made by the distinguished minority leader, I see something of a prophecy, because notwithstanding the reservation of the distinguished majority leader which I recently read, we found him last evening using this very incident as a precedent.

Mr. President, I quote finally from another Member of the Senate on this subject. Remember that a concurrent resolution had been presented by the Senator from Maryland [Mr. TYDINGS], and that the statement was made by the majority leader that, "With the understanding that the action establishes no precedent in that regard, Mr. President, I will not object." We have also the statement of the distinguished minority leader, the Senator from Maine [Mr. WHITE], that while he would not object he thought the action would establish

an unhappy precedent. Then the Senator from Maryland said:

> Mr. President, I want to reecho what both Senators have said, and I hope what is proposed to be done will not establish a precedent. I hope the concurrent resolution will be adopted.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. WHERRY. Does the Senator imply that this procedure was never employed before except when unanimous consent was granted?

Mr. DONNELL. I know of no illustration of the procedure having been used. I cannot assure the Senator categorically that it has never been used.

Mr. WHERRY. In the Senator's research, has he ever found an example of it having been used except by unanimous consent?

Mr. DONNELL. I have never found such a case, but I may say that I have not made an exhaustive study and research of the subject. I have indicated to the Senate substantially, if not all, that I have found in respect to the matter.

Mr. WHERRY. Is it the Senator's opinion, on the basis of the research which he has made, that if the Senate employs the procedure at this time it must be by unanimous consent?

Mr. DONNELL. Yes. My opinion is based not only on the practice and procedure of past years, but also on rule XV of the Senate Rules. The distinguished Senator from Michigan [Mr. FERGUSON] indicated earlier in the day that, in his opinion, the concurrent resolution which we have been discussing must be considered and treated as an amendment. Obviously, it is an amendment. The language of it indicates clearly that it is an amendment. Rule XV of the Senate Rules states:

> When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment, and when the bill or resolution shall again be reported from the committee it shall be placed on the calendar.

Mr. President, if it be true, as I agree with the Senator from Michigan it is true, that this concurrent resolution, if it is anything, is an amendment, I take it that under rule XV unanimous consent is required in order that it may be proposed.

Mr. WHERRY. I thank the distinguished Senator, because I am of exactly the same opinion relative to the use of the concurrent resolution.

Mr. DONNELL. Therefore, Mr. President, in considering the course of procedure suggested by the distinguished Senator, considering whether or not such a course is advisable and wise to follow, we have, first, the fact that the procedure has not been adopted, save only in a very few instances in the past, in order to do anything except correct mere clerical errors or omissions of the type referred to by Mr. Fitzgerald, of the House of Representatives.

In the second place, so far as I am informed, in no instance has it been used where a measure has been passed knowing in advance that a concurrent resolution was thereafter to be adopted in order to correct an alleged error or to make an alleged clarification. So far as I know, there is no such case. I have not learned of any, although I wish to say, in frankness, that I have not made an exhaustive examination; but I have been unable to find in Cannon's Precedents of the House of Representatives any case except the one of August 5, 1909, and the facts of that case are as I have already indicated to the Senate.

Furthermore, we find that last year, with respect to the Philippine Islands, as to which we occupy a position, as we all realize, of trust, and in many respects copartnership, it was pointed out by the distinguished Senator from Ohio [Mr. TAFT] that the Export-Import Bank was not permitted to make loans to the Philippine Islands, which immediately aroused a sense of justice on the part of the Senate, and the thought that there should be incorporated language in the Export-Import Bank Act which would clearly include the Philippine Islands.

On that occasion the Senator from Maryland [Mr. TYDINGS] made the statement which I quoted earlier today. I do not recall that he conceded anything further than this; I may be in error, but I observe this statement in his language in the CONGRESSIONAL RECORD, volume 91, part 6, at page 7839:

> It is certainly doubtful whether they—

That is, the Philippines—

> would be within the purview of this act.

Then he said:

> I agree with the Senator that at the present time it is not clear whether or not they could come under it.

So we had in that instance a situation in which, because of the peculiar circumstances, the relationship of this country to the Philippines, the obvious importance of including the Philippines in the bill, the thought of the proponent of the bill himself was that it was doubtful, as I have indicated, whether or not the Philippines would be included within the purview of the act; and the Senate went through the process to which reference has been made.

Mr. President, I wish to say further that at the time the Export-Import Bank bill was passed, as shown in the proceedings of July 20, 1945, it was not determined at that time that there would be a concurrent resolution adopted. The suggestion of the importance of getting certain provisions into the bill had been made, my recollection is that an amendment was provided, but it certainly had not been determined in advance that after the adoption of the bill there would be a concurrent resolution adopted in order to clarify or supplement the then pending bill.

Therefore, if we undertake to adopt this concurrent resolution we will be in this position: We will be passing a bill, and the minute we have passed it we will in effect be changing it, because we have been told by distinguished Members of the Senate that there is strong likelihood that House bill 1362 does increase the coverage of the existing law. We have been told by the majority leader that he has caused to be prepared a concurrent resolution, which is to be presented later, I take it. It has been read into the RECORD. When objection was made to it last night, the distinguished majority leader, in order to get it in print and before the Members of the Senate, went to the extreme physical task of reading it verbatim into the RECORD of the United States Senate.

Mr. President, if we pass House bill 1362 we are doing so with the contemplation of the Members of the Senate who follow the majority leader in this matter that we shall thereafter not discover anew some error in the measure, but that we shall pass it with the knowledge that there is something which certainly needs to be clarified, or which it is proper to clarify. Therefore, after we have passed it, we turn around, not, as Mr. Fitzgerald suggests, where the discovery was after the bill had passed both Houses, but to make a correction or a supplementation or a clarification, whatever it may be called, which was anticipated in advance of the passage of the bill.

Mr. President, I submit that this is poor legislative procedure, and is a bad public policy. Why do I say that? We have here perhaps as striking an illustration as could be presented of the inadvisability of it. What does such a course of action lead us to do? It leads us to do two things. In the first place, to adopt such a legislative procedure as this, unusual as it is, under circumstances practically unique, with very few exceptions in our national history. It leads the Senate, if we adopt the plan, to pass an act of 60 pages, verbatim, line jot and tittle, exactly as it is, without change of any kind, even though at the same moment we already know, and the majority leader already knows, that there is such an important and worthy-of-consideration point in opposition to the bill that he has caused to be prepared an amendment which occupies a column and a half, in small type, in the CONGRESSIONAL RECORD. It leads us to pass a bill, H. R. 1362, knowing at the time that a substantial number of our members, or at least some of the Members of the Senate, regard it as of grave importance that there be adopted thereafter, or at some time, at any rate, the suggestions which are contained in the concurrent resolution.

We are therefore put in the position of voting—and I take it everyone is going to be asked to vote for this—for a bill when those in favor of the Hoey amendment, or other amendments, know that the bill does not meet with their approval and their judgment as to what is wise and proper.

It is going to put those of us who believe that the bill does extend the coverage—I certainly take it that the arguments made on this floor indicate that such a construction is permissible, at any rate, if it is not mandatory—in the position of having to vote to increase that coverage, although we do not want to do it, and perhaps right away to present another measure which will undo the first measure if it shall prove to extend the coverage.

So I say the course of action suggested is going to lead us to pass something which at least some Members of the Senate believe is not proper and is not right, and which the majority leader himself has realized is of such importance, after suggestions offered by other Senators, as to cause him to present an amendment taking up a column and a half of the RECORD, to amplify or clarify certain points.

But, Mr. President, not only will this course of action, if adopted, lead some of the Members of the Senate, if they shall yield to it, to support a bill in which they do not believe; not only will it bring about that result, but it will leave the Senate in this further very precarious position. There will be no insurance at all, that the concurrent resolution will be adopted. In other words, if we pass House bill 1362, and the Chair announces that it is passed, it would then be sent to the President of the United States in that form, unless the Senate acts, and acts very promptly, to adopt the concurrent resolution.

Mr. President, the procedure suggested by the majority leader will leave the Senate in the situation that we will be called upon to pass this bill, H. R. 1362, containing provisions that, at any rate, some of the Members of the Senate do not believe to be proper, and we are left in the position of taking a chance as to whether or not there shall be any correction, change or clarification of the language which those Members of the Senate deem to be improper.

Now what are those changes? In the first place, Mr. President, it is by no means certain that the Senate itself will adopt the concurrent resolution. It may be that it will do so. It may be that the force of the arguments presented by the distinguished Senator from North Carolina [Mr. HOEY], the Senator from Kansas [Mr. REED], and other Senators, together with the admonition of the distinguished majority leader, will cause us to adopt the concurrent resolution. But we have no assurance of it. We have no assurance of how long a time the debate will continue upon the concurrent resolution. We have no knowledge as to how the Senate will vote upon it. So it places the Senate in the position of voting for a proposition, namely, H. R. 1362, in which some of the Members do not believe or agree, on the chance that there may hereafter be adopted something which we do not even know whether the Senate will adopt.

Mr. President, I do not have at the moment before me the language of the distinguished majority leader, but I recall very well indeed, and I know it is in the RECORD, because I read it, that he indicates a preference, I should say, to take a chance as to what is going to happen, in order to get this bill through. If I am not mistaken, he used that language, that he would prefer to take the chance.

Mr. President, not only, however, is there this chance, the chance of what the Senate will do, but we must remember that there is another body at the other end of the Capitol, the House of Representatives, and they did not see fit to put any of these amendments into the bill when they were considering it. There was a very considerable controversy over the matter. Hearings were held, I understand, for weeks and weeks and months and months, and finally there was action by the House committee, and then the House took diametrically different action than that taken by the committee. How do we know what action the House of Representatives is going to take with respect to the concurrent resolution if we should adopt it?

So, Mr. President, I say that this plan of passing a measure simply in order to get something on the books that some of the Members think proper, and not amending the measure, not giving us a chance to place amendments in it, because of the fact that the majority leader thinks that the other House will not approve the amendments—I say that there is a danger there, because of the fact first, that it leaves us to pass something which some of us think is improper, and, in the second place, it leaves us to the mercy, first of the Senate, and second to the mercy of the House of Representatives, as to whether the proposed clarification and amplification will be made by the concurrent resolution. I take it, Mr. President, that that procedure is improper and should not be adopted.

I desire to say further, Mr. President, that so far as I have heard—I have not been present all the time, but so far as I have heard on the floor there has been no explanation why it is that there is such assurance that the House of Representatives will not adopt the amendments which are set out in the concurrent resolution, if they shall be proposed as amendments to the bill, and still have the apparent assurance that the House of Representatives will adopt them in the form of a concurrent resolution. It would seem to me that if there is reasonable assurance that the House will adopt the concurrent resolution containing these various amendments, equal assurance should apply to their action should they be proposed in the ordinary method as amendments to the bill itself.

Mr. President, in conclusion I may say that, as I see it, we have here a very important question. We have undertaken to discover what would be the effect of the adoption of the concurrent resolution. From a study of the case of Field against Clark, and from the illuminating discussion of it by the Senator from Michigan [Mr. FERGUSON] earlier today we have come to the conclusion that, while the case itself is not based at all on the same set of facts which we have before us here, while it does not involve directly or indirectly any concurrent resolution, while it does not approach the facts we must contemplate, nevertheless the observations of the court may well lead to the conclusion that if the concurrent resolution shall be adopted, if it shall be signed by the two presiding officers and the President of the United States, that the courts will observe an obligation not to impeach that proceeding. That may be true.

Furthermore, Mr. President, we are confronted with the alternative as to whether in voting for the Hoey amendment and other amendments, if there be any which we think could properly be in the bill, or should be attached to the bill, we should vote for them in the ordinary course of procedure which we adopt with reference to every other bill with almost no exception in the Senate of the United States, or whether we shall resort to this very unique, very unusual plan. If we resort to this unusual plan, Mr. President, we must realize, first, as previously indicated, that we are adopting a procedure which has been adopted in very few cases except with respect to correction of clerical errors or dealing with omissions, and, second, as pointed out by Mr. Fitzgerald, with respect to necessary changes the need for which was discovered only after the bill had been passed by both Houses; whereas here, in advance of the bill itself being passed, we are told that it is proposed to make changes in it by a concurrent resolution.

Mr. President, when the Export-Import Bank bill had been passed, and when the Senator from Maryland proposed to include the Philippine Islands in its provisions, by way of concurrent resolution, the majority leader himself stated he would have no objection to that procedure being followed with the understanding, however, that it would not establish a precedent. Not only did the minority leader say that he thought the action would establish a precedent, and an unhappy one, but the Senator from Maryland, the proponent of that very concurrent resolution, said, "I want to re-echo what both Senators have said, and I hope that what is proposed to be done will not establish a precedent."

Mr. President, these are the considerations which I submit respecting the inherent lack of wisdom, the folly, one may say, of undertaking to adopt a course of procedure by which the Senate would be called upon in one breath to pass a bill with which various of its Members do not agree, on the chance that thereafter the Senate may adopt something else which will clarify and possibly change the law, and on the further chance that the House of Representatives will do likewise. It did not do so in the case of the Export-Import Bank bill, even though the Philippine Islands, the object of our special solicitude, was involved.

Mr. President, I submit that we should not embark upon this dangerous, unique, unusual type of procedure in the instant case.

Mr. HOEY. Mr. President, the yeas and nays have been ordered upon my amendment. I shall suggest the absence of a quorum, but before doing so I ask unanimous consent that the Senate vote on the amendment immediately following the calling of the roll for the purpose of establishing a quorum.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none.

Mr. HOEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hill	Overton
Andrews	Hoey	Pepper
Austin	Huffman	Radcliffe
Ball	Johnson, Colo.	Reed
Barkley	Johnston, S. C.	Revercomb
Bilbo	Kilgore	Russell
Brewster	Knowland	Shipstead
Brooks	La Follette	Smith
Burch	Langer	Stanfill
Capper	Lucas	Stewart
Carville	McClellan	Swift
Connally	McFarland	Taft
Cordon	McKellar	Taylor
Donnell	McMahon	Thomas, Okla.
Eastland	Magnuson	Thomas, Utah
Ferguson	Mead	Tunnell
Fulbright	Millikin	Vandenberg
George	Mitchell	Wagner
Gerry	Moore	Walsh
Green	Morse	Wheeler
Guffey	Murdock	Wherry
Gurney	Murray	White
Hart	Myers	Wiley
Hawkes	O'Daniel	Willis
Hayden	O'Mahoney	Young

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Seventy-five Senators have answered to their names. A quorum is present.

Under the unanimous-consent agreement, the Senate will proceed to vote on the amendment offered by the Senator from North Carolina [Mr. HOEY] which will be stated.

The CHIEF CLERK. It is proposed to strike out all of section 1 and renumber the remaining sections of the bill.

On page 60, it is proposed to strike out lines 18 through 20.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. HOEY]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. Not knowing how he would vote, I transfer that pair to the Senator from Idaho [Mr. GOSSETT]. I am not advised how the Senator from Idaho would vote on this question if present. Being at liberty to vote, I vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from South Carolina [Mr. MAYBANK] is absent because of illness in his family.

The Senator from Missouri [Mr. BRIGGS] and the Senator from New Mexico [Mr. CHAVEZ] are detained on public business.

The Senator from Virginia [Mr. BYRD] and the Senator from California [Mr. DOWNEY] are absent on official business.

The Senator from Nevada [Mr. MCCARRAN] is unavoidably detained on official business at one of the Government departments.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

The Senator from South Carolina [Mr. MAYBANK], who would vote "yea" if present, is paired on this question with the Senator from Nevada [Mr. MCCARRAN], who would vote "nay" if present.

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent. He has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from Wyoming [Mr. ROBERTSON], and the Senator from New Hampshire [Mr. TOBEY] are absent by leave of the Senate. If present, the Senator from Wyoming [Mr. ROBERTSON] would vote "yea."

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business. If present, he would vote "yea."

The Senator from Delaware [Mr. BUCK] is necessarily absent.

The result was announced—yeas 40, nays 35, as follows:

YEAS—40

Andrews	Green	Reed
Austin	Gurney	Revercomb
Ball	Hart	Russell
Bilbo	Hawkes	Smith
Brewster	Hoey	Stanfill
Brooks	Johnston, S. C.	Swift
Burch	Knowland	Taft
Capper	Lucas	Thomas, Okla.
Connally	McClellan	Wherry
Donnell	Magnuson	White
Eastland	Millikin	Wiley
Fulbright	Moore	Willis
George	O'Daniel	
Gerry	Overton	

NAYS—35

Aiken	Langer	Radcliffe
Barkley	McFarland	Shipstead
Carville	McKellar	Stewart
Cordon	McMahon	Taylor
Ferguson	Mead	Thomas, Utah
Guffey	Mitchell	Tunnell
Hayden	Morse	Vandenberg
Hill	Murdock	Wagner
Huffman	Murray	Walsh
Johnson, Colo.	Myers	Wheeler
Kilgore	O'Mahoney	Young
La Follette	Pepper	

NOT VOTING—21

Bailey	Capehart	McCarran
Bridges	Chavez	Maybank
Briggs	Downey	Robertson
Buck	Ellender	Saltonstall
Bushfield	Gossett	Tobey
Butler	Hatch	Tydings
Byrd	Hickenlooper	Wilson

So Mr. HOEY's amendment was agreed to.

Mr. HOEY. Mr. President, I move that the vote by which the amendment was adopted be reconsidered.

Mr. WHERRY. I move that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. BARKLEY. Mr. President, in view of the adoption of the amendment which has just been voted upon, which makes it obvious that the bill will have to go back to the House for whatever fate may await it there, I wonder whether we may expedite the further consideration of the bill in the Senate by invoking a limitation on debate on the bill and on any amendments to it. Looking to that end, I ask unanimous consent that during the further consideration of this measure, no Senator may speak more than once or longer than 15 minutes upon the bill or any amendment thereto.

The PRESIDING OFFICER. Is there objection?

Mr. DONNELL. I object.

Mr. BARKLEY. Would the Senator from Missouri object to a 30-minute limitation?

Mr. DONNELL. I think 30 minutes is not sufficient, and I would object.

Mr. BARKLEY. I did not hear the Senator.

Mr. DONNELL. I object.

Mr. BARKLEY. Very well.

KARL E. BOND

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 783) for the relief of Karl E. Bond and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. O'DANIEL. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. O'DANIEL, Mr. KILGORE, and Mr. WHERRY conferees on the part of the Senate.

DISPOSITION BY SECRETARY OF THE NAVY OF VESSELS, TROPHIES, RELICS, ETC.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1547) to provide for the disposition of vessels, trophies, relics, and material of historical interest by the Secretary of the Navy, and for other purposes, which was, on page 3, line 4, after "Department" to insert a colon and *"Provided*, That the material authorized by this section to be loaned or given by the Secretary of the Navy shall not include any records of the Federal Government as defined in the act approved July 7, 1943 (57 Stat. 380; 44 U. S. C. 366)."

Mr. WALSH. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ENACTMENT OF CERTAIN PROVISIONS INCLUDED IN NAVAL APPROPRIATION ACT OF 1946

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1917)

to enact certain provisions now included in the Naval Appropriation Act, 1946, and for other purposes, which were, on page 2, line 10, to strike out "$2,000" and insert "$5,200"; on page 5, lines 5 and 6, to strike out "when authorized in an appropriation" and insert "out of funds specifically appropriated for that purpose"; on page 7, strike out all after "money", in line 6, down to and including "allowance", in line 10, and insert:

Active duty enlisted personnel, active and inactive retired enlisted personnel and members of the Fleet Reserve when sick and in hospitals, and enlisted personnel on duty in hospitals may be subsisted in kind in hospital messes and, when so subsisted, the appropriation chargeable with the maintenance of the hospital mess shall be credited, when applicable, at such rate as may be prescribed by the Secretary of the Navy as the value of the hospital ration. Members of the Nurse Corps may be subsisted in hospital messes under such regulations as the Secretary of the Navy may prescribe, and nurses so subsisted shall pay therefor at rates to be fixed by such regulations: *Provided*, That nothing herein contained shall deprive such nurses of allowances for subsistence now or hereafter provided by law.

On page 9, lines 16 and 17, strike out "paid in connection with such transportation or travel"; on page 11, line 21, after "them", insert "for their personal use, not to exceed one vehicle per person,"; on page 13, after line 19, insert:

(d) The provisions of section 12 of title 22, United States Code, together with the provisions of regulations prescribed thereunder, are hereby made applicable to civilian officers and employees of the Navy Department who are citizens of the United States and who are permanently stationed in foreign countries.

On page 14, line 1, after "war", insert "and until the end of the first fiscal year thereafter"; on page 15, line 10, strike out "graudates" and insert "graduates"; and on page 15, after line 14, insert:

TITLE II—AMENDMENTS TO THE PAY READJUSTMENT ACT

SEC. 201. The third paragraph of section 10 of the Pay Readjustment Act of 1942 is amended to read as follows:

"Enlisted men entitled to receive allowances for quarters or subsistence shall continue, while their permanent stations remain unchanged, to receive such allowances while sick in hospital or absent from their permanent-duty stations in a pay status: *Provided*, That allowances for subsistence shall not accrue to such an enlisted man while he is in fact being subsisted at Government expense. Enlisted personnel not receiving allowances for subsistence shall be entitled to commutation in lieu of rations while on furlough or authorized leave or when authorized to mess separately, under such regulations and at such rates as may be prescribed by the head of the executive department concerned."

SEC. 202. The first paragraph of section 12 of the Pay Readjustment Act of 1942, as amended by section 9 of the act of September 7, 1944 (37 U. S. C. 112), is amended to read as follows:

"Officers of any of the services mentioned in the title of this act, including active and retired personnel of the Regular Establishments and members of the Reserve components thereof and the National Guard, while on active duty in the Federal service, when traveling under competent orders without troops, including travel from home to first station in connection with their appointment or call to active duty from last station to home in connection with relief from active duty or discharge not the result of their own misconduct, shall receive a mileage allowance at the rate of 8 cents per mile, distance to be computed by the shortest usually traveled route and existing laws providing for the issue of transportation requests to officers of the Army traveling under competent orders, and for deduction to be made from mileage accounts when transportation is furnished by the United States, are hereby made applicable to all the services mentioned in the title of this act: *Provided*, That the head of the executive department concerned may, in his discretion, direct that, in lieu of mileage, actual and necessary expenses shall be allowed to officers traveling on official business and away from their designated posts of duty, without regard to the length of time away from such posts. Actual expenses only shall be paid for travel under order in Alaska and outside the limits of the United States in North America."

SEC. 203. The second paragraph of section 12 of the Pay Readjustment Act of 1942 is amended to read as follows:

"Unless otherwise expressly provided by law, no officer of the services mentioned in the title of this act shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $8 per day. The heads of the executive departments concerned are authorized to prescribe per diem rates of allowance, not exceeding $7, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty, without regard to the length of time away from such posts. Officers, midshipmen, and cadets of the Navy, Marine Corps, and Coast Guard when absent from a vessel or designated post of duty while assigned to shore patrol duty may be paid their actual expenses, and naval personnel on duty with or under training for the Naval Air Transport Service and away from their permanent stations may be paid their actual expenses, or per diem in lieu thereof, at rates not exceeding those prescribed for naval officers in a travel status, without in either case the issuance of orders for specific travel: *Provided*, That for travel by air under competent orders on duty without troops, under regulations to be prescribed respectively by the heads of the departments concerned, members (including officers, warrant officers, contract surgeons, enlisted men, aviation cadets, and members of the Nurse Corps) of the services mentioned in the title of this act, and of the legally constituted Reserves of said services while on active duty, and of the National Guard while in Federal service, or while participating in exercises, or performing duties under sections 92, 94, 97, or 99 of the National Defense Act, shall, in lieu of mileage or other travel allowances, be allowed and paid their actual and necessary traveling expenses not to exceed $8 per day, or, in lieu of subsistence, per diem allowances at rates not to exceed $7 per day. Without regard to the monetary limitations in this act, and in accordance with regulations prescribed by the President, the heads of the departments concerned may authorize the payment to members of the services mentioned in the title of this act on duty outside continental United States or in Alaska, whether or not in a travel status, of actual and necessary expenses or per diem in lieu thereof, considering all elements of cost of living, including cost of quarters, subsistence, and other necessary incidental expenses."

SEC. 204. Section 12 of the Pay Readjustment Act of 1942 is amended by inserting between the fourth and fifth paragraphs thereof the following new paragraph:

"Under regulations prescribed by the head of the department concerned, (1) officers entitled to transportation (as distinguished from mileage) and enlisted personnel of any of the services mentioned in the title of this act may be paid, in advance or otherwise, a money allowance of 3 cents per mile in lieu of transportation, regardless of the mode of travel; (2) applicants for enlistment (including rejected applicants) in such services may be furnished or reimbursed for transportation and subsistence incident to recruitment of such personnel; and (3) insane patients may be furnished transportation and subsistence from military hospitals to other hospitals or their homes."

SEC. 205. (a) Section 12 of the Pay Readjustment Act of 1942 is amended by inserting between the fifth and sixth paragraphs thereof the following new paragraph:

"Upon changes of station, members of the services mentioned in the title of this act shall be entitled to transportation (including packing, crating, drayage, temporary storage, and unpacking) of baggage and household goods and effects, or reimbursement therefor, as authorized by regulations prescribed by the heads of the department concerned, which shall be uniform for the services mentioned and shall be approved by the President. Such transportation may be by rail, water, or van, without regard to comparative costs."

(b) The fifth paragraph of section 12 of the Pay Readjustment Act of 1942 is amended by striking out the following proviso: "*Provided further*, That the personnel of all the services mentioned in the title of this act shall have the benefit of all existing laws applying to the Army and Marine Corps for the transportation of household effects:"

Mr. WALSH. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

OPERATION OF INDIAN SERVICE IRRIGATION PROJECTS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 115) to modify sections 4 and 20 of the Permanent Appropriation Repeal Act, 1934, with reference to certain funds collected in connection with the operation of Indian Service irrigation projects, and for other purposes, which was, on page 1, line 3, strike out "and after July 1, following."

Mr. McFARLAND. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

RETURN OF CERTAIN SECURITIES TO PHILIPPINE COMMONWEALTH GOVERNMENT

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2210) to provide for the return of certain securities to the Philippine Commonwealth Government, which were, in line 4, strike out "return" and insert "transfer and deliver"; in line 4, strike out "Philippine Commonwealth Government" and insert "Republic of the Philippines"; and in line 7, after "States," insert "by the Philippine Commonwealth Government."

Mr. HAYDEN. Mr. President, I move that the Senate concur in the amendments of the House.

Mr. WHITE. Mr. President, reserving the right to object, let me say that, as I understand these amendments, they do not affect in any way the amount of the securities to be returned, but they simply

deal with the titles of the authorities in the Philippines.

Mr. HAYDEN. In substance, that is correct.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arizona that the Senate concur in the amendments of the House.

The motion was agreed to.

AMENDMENT TO RAILROAD RETIREMENT ACTS, ETC.

The Senate resumed consideration of the bill (H. R. 1362) to amend the railroad retirement acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes.

Mr. GEORGE. Mr. President, yesterday I sent to the desk and had printed a series of amendments which I announced I would propose to the bill if it were amended in any particular.

It is not my purpose to detain the Senate for any great length of time, but I am about to discuss some technical matters in connection with the bill. I earnestly invite the attention of the Senate to the amendments.

As I have said, yesterday I sent forward and had printed, to lie on the table, a series of amendments to the Railroad Retirement Act, which I stated I would offer if any amendments were adopted to the measure. I now wish to make this statement about the amendments. In view of the adoption of the amendment offered by the distinguished junior Senator from North Carolina [Mr. HOEY], it will be necessary for me to revise somewhat the amendments which I am offering to the bill. His amendment, as I understand, struck from the bill all of section 1. The series of amendments which I have prepared begins with certain amendments to section 1. I think it is entirely proper for me to make the statement which I am about to make. It will not be lengthy, but it will deal with what I regard as an important feature of this proposed legislation.

Mr. President, all the amendments which I am proposing would remove two seriously objectionable features now appearing in the bill.

The first objectionable feature of the bill is that it would transfer from the Bureau of Internal Revenue to the Railroad Retirement Board the collection of the taxes imposed in support of the railroad-retirement system.

It has been the national policy to have only one tax collecting agency in the Federal Government. The Treasury Department has pointed out that unnecessary duplication of facilities and functions, as well as a possibility of conflict in administrative policies and interpretations under the same or corresponding provisions of law, result when another agency is permitted to function, even in a limited field, in the tax-collecting activities of the Government.

Also, on the taxpayer's side, unwarranted annoyance and harassment would result from the auditing of the taxpayer's records by two different Federal tax-collecting agencies. For convenience and ease of compliance with the Federal taxing statutes, the taxpayer should not be forced to deal with more than one Federal agency in tax matters.

This principle was violated in 1938 when the Railroad Unemployment Insurance Act was passed, giving the function of collecting the contributions in support of that act to the Railroad Retirement Board. This was then done over the objections of the Treasury. It constitutes the sole exception to the general policy that all taxes should be collected by the tax collecting agency of the Federal Government, the Bureau of Internal Revenue. It should not be permitted to be used as a precedent for the further dispersal of the tax-collection functions. Since that act of 1938, the collection of the income tax through withholding on wages has been instituted; thereunder the Bureau of Internal Revenue is charged with the responsibility of collecting the income tax on wages from employers, including the carrier employers covered by this bill. There are possibilities for an integration and simplification of the administration of the various pay-roll taxes and the income tax collected at the source, which would redound to the advantage of the employer-taxpayer as well as the Government. However, it is clear that these potentialities for simplifying the administration and collection of these taxes cannot be achieved under a division of the responsibility for the collection of taxes with respect to the railroad industry.

Accordingly, the proposed amendments would continue the present tax collection functions under the Railroad Retirement Act in the hands of the Bureau of Internal Revenue. If the bill should be enacted without an amendment in this respect, it would constitute a dangerous precedent for the parceling out of the tax collection functions of the Federal Government to the various agencies which are concerned with the administration expending of the proceeds. For example, the Social Security Board could then expect to administer all the social-security taxes, and collect them for its purpose.

Mr. President, I have stated the first serious objection to this bill and, to my mind, the reasons for it are perfectly evident.

Mr. SMITH. Mr. President, will the Senator yield for a question?

Mr. GEORGE. I yield for a question, but I do not wish to break the continuity of what I am attempting to say.

Mr. SMITH. It is my understanding that social-security taxes are collected through the Bureau of Internal Revenue.

Mr. GEORGE. Yes. There is one exception to that, namely, under the present Railroad Retirement Act, but the tax now collected is insignificant in comparison with the tax which it is proposed to collect under the pending bill.

Mr. SMITH. I thank the Senator.

Mr. GEORGE. The Senator is entirely correct.

The second major objection to the bill is that it would make certain determinations of the Railroad Retirement Board with respect to the coverage of the Railroad Retirement and Unemployment Insurance Acts binding upon the Bureau of Internal Revenue with respect to the social-security taxes which are administered by the Bureau.

The social-security taxes are not applicable to employment covered by the railroad-retirement system. The bill contains provisions to the effect that the determinations of the Railroad Retirement Board as to whether a person is liable for taxes or is entitled to the refund of taxes under the Railroad Retirement or Unemployment Insurance Acts would be final and binding upon all parties, subject only to limited judicial review in the circuit courts of appeal. The result would be that such determinations of coverage would be binding upon the Bureau of Internal Revenue with respect to its administration of the social-security taxes. Thereunder, the rulings of the Bureau of Internal Revenue in this area would lose their certainty and would be subjected to improper delays, and the collection of the social-security taxes would be impaired. Accordingly the proposed amendments to the bill would strike out the provision of the bill which would impose this degree of finality upon the Bureau of Internal Revenue, insofar as the taxes administered by the Bureau are concerned. The amendments would not disturb the finality of the Retirement Board's judgment, insofar as its judgment may be exercised under the amendments which I am now offering.

In addition, the effective dates of the bill are entirely improper and should be revised. The bill now contains amendments which would increase the rates of tax under the Railroad Retirement Act from 3½ percent to 5¾ percent each upon the employer and employee retroactively to July 1, 1945. Similarly, the increase in the tax from 7 percent to 11½ percent upon employee representatives would be imposed retroactively to July 1, 1945. That, of course, results from the fact that the bill was introduced some 2 years ago in the House of Representatives, but, nevertheless, these provisions remain in the bill.

The bill would also transfer to the Railroad Retirement Board the tax collecting functions under the Railroad Retirement Act retroactively back to January 1, 1946. Even assuming that such retroactive legislation violates no constitutional prohibition, the administrative difficulties cannot be exaggerated. The employee's tax is to be deducted from his wages when he is paid; if the increase in rate is imposed retroactively, the employer will not have deducted a sufficient amount of tax. The employer is nevertheless required to pay the full amount of tax. If the employee is still working for him, the employer may be permitted to deduct in a lump sum the amount of the retroactive increases; if the employee is no longer with him, the employer will have to bear the full burden of the increases in both the employer's and employee's taxes.

The proposed amendments now offered would revise the effective dates, so that the bill would become effective for tax purposes on January 1, 1947.

I presume those amendments inserting proper dates in the bill will certainly not

be opposed inasmuch as one amendment of that nature has already been agreed to in connection with the pending bill.

This would give the administrative agencies, as well as the taxpayers, a sufficient opportunity to prepare for the substantial changes which the bill makes in the present law.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. BARKLEY. The Senator has referred to the changes in dates due to the fact that the bill was introduced early in 1945. In the proposed concurrent resolution, which I read last night, I included all those changes in dates, and since the Senate has stricken out section 1 of the bill, the part of that proposal which included the coverages is no longer appropriate. The Senator from Colorado had intended to offer the same suggestion with respect to the dates, and I am wondering if they are the same dates covered in the amendment of the Senator from Georgia.

Mr. GEORGE. I have not compared them, but I presumed, in view of the adoption of one amendment to the bill, that there would be no objection to the insertion of the proper dates.

Mr. BARKLEY. The suggestion I made included all dates necessary, and if the Senator's amendment does not include all of them, it might be well to make a comparison to see that they do.

Mr. GEORGE. The amendments which I have I am sure will cover all the necessary dates, because they have been rather carefully checked by the Treasury.

Mr. JOHNSON of Colorado. They do correspond with the dates the Senator from Kentucky offered last night in the concurrent resolution.

Mr. BARKLEY. Very well; so that it would be unnecessary to offer them now.

Mr. GEORGE. Mr. President, that would leave only the two features in the bill to which I first referred.

There can be no more dangerous principle established than the principle which the pending bill seeks finally and firmly to establish in our law, to wit, that the beneficiary of a tax is to be the tax collector and the distributor of the tax. It should not be necessary even to repeat the assertion that it is class legislation, it is a special privilege given to one class of people in the United States, though they happen to be people whom I very greatly admire and with whom I have always been in close relationship. Nevertheless it is class legislation, without any reasonable excuse, and special privileges granted to a particular group.

When the Railroad Retirement Act was first passed there was some rhyme, although not sound logic, for vesting in the Retirement Board the power to collect and handle the taxes which were then imposed. There can be no reason now. We have the Social Security System, which has reached a fair degree of development. We have, however, a complete change in our income-tax system. We have collection at the source. The withholding principle is now rather firmly imbedded, I hope, in our tax laws. So the Treasury Department must withhold at the source the income tax on all wages paid by the railway systems to their employees. The work of collection must be done by the Bureau of Internal Revenue. At the same time the pending bill seeks to enact as a permanent provision of our law the wholly vicious principle of an additional revenue agent collecting a tax on the identical income, in the form of a pay-roll tax.

The Railway Retirement Act has in fact resulted in serious complications in our tax system. Pending before the Committee on Finance at this moment is a bill which would give to all Federal employees receiving retirement benefits a credit of $1,440, plus whatever other statutory exemptions they were entitled to take, before any income tax would be imposed. Why? Because in the Railroad Retirement Act there was granted a special privilege, there was recognized the vicious legislative practice of class legislation, and the railway retirement benefits which reach a maximum of $1,440 are not subject to income tax. In other words, that exemption goes into our law today. So that all Federal employees who come under our retirement system have sought by legislation, in the House of Representatives, a similar exemption for themselves.

By construction, the Social Security Board has exempted social security benefits, or survivor and old-age payments made under the act, but the exemption in that case does not reach the statutory exemption. But in the case of the railway retirement benefits $1,440 is the maximum.

Congress cannot in justice, and as a matter of fairness, permit railway employees to have $1,440 exempted from their income before the payment of a tax, and deny to the charwoman, or to the janitor, or to any man who works for the Government of the United States, the same privilege. Unless the amendments which I am offering are accepted, this bill will continue the vicious doctrine and principle which has led to this serious embarrassment, and which will lead to greater embarrassment as the days go by.

Not only that, Mr. President, but we speak of retaining the confidence of the American people in the parliamentary system which we have. We speak of retaining the confidence of the American people in the Congress of the United States. How can the confidence of the American people be retained in the Congress of the United States if by special legislation we give to one single class of our people the power to collect their own taxes, make their own distribution, and strip from the taxing committees of both Houses of Congress any jurisdiction over the important question of taxing our public utilities, common carriers, the railroads. That is what the bill would do.

Mr. BARKLEY. Mr. President, I am compelled to leave the Chamber. Will the Senator permit me to renew a request which I made a moment ago?

Mr. GEORGE. I am glad to yield.

Mr. BARKLEY. A moment ago I made a request for a limitation of debate on the bill and all amendments. The Senator from Missouri [Mr. DONNELL] objected. He has since advised me that, after considering the matter further, and consulting other Senators, he thinks the request was reasonable. Therefore I renew the request, that following the address of the Senator from Georgia, and during the further consideration of the bill, no Senator shall speak more than once nor longer than 15 minutes on the bill or any amendment thereto.

Mr. TAFT. Are we to understand it is 15 minutes on the bill and 15 minutes on each amendment?

Mr. BARKLEY. That is correct.

Mr. WHITE. Will the Senator at this time indicate how long he would like to have the Senate proceed this afternoon?

Mr. BARKLEY. I had hoped we might finish the consideration of the bill this afternoon and avoid a session tonight, and I think this limitation may help bring that about: I am still hoping that we may not be compelled to hold a night session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. GEORGE. Mr. President, I had about concluded all I desired to say upon the series of amendments designed to accomplish the two purposes which I first discussed briefly.

I was saying that the passage of the pending bill, giving to the Railroad Retirement Board the power to collect taxes from the common carriers, and giving to them the power over the tax funds when they are collected, as contemplated in the bill, will necessarily result in the loss of jurisdiction over the class of taxes covered by the legislation to the taxing committees of both the House and the Senate, and to a confusion similar to the confusion, and with the resulting embarrassment, which the taxing committees of the two Houses now encounter in undertaking to deal with demands for the exemption of all retirement benefits paid by the Federal Government, by the State Governments, by municipalities, and even annuities payable under policies or contracts purchased by the taxpayer himself with funds upon which he has already paid his full tax responsibility.

So I hope, Mr. President, that these amendments will be agreed to anyway, since the bill must go back to the House and have these questions considered.

Mr. BARKLEY. Mr. President, in view of the limitation on debate agreed upon, I hope we may finish the bill in the next hour or so and therefore avoid an evening session. I wish to say, however, for the information of Senators, regardless of the disposition of this bill it will be necessary for the Senate to be in session tomorrow; so Senators may adjust themselves accordingly.

Mr. VANDENBERG. Will the Senator indicate whether he contemplates a night session tomorrow night?

Mr. BARKLEY. I do not.

Mr. JOHNSON of Colorado. Mr. President, when the subcommittee was holding hearings on the pending bill we queried Mr. Murray W. Latimer, who at that time was chairman of the Railroad Retirement Board, on the point which has been discussed by the Senator from

Georgia. Mr. Latimer called our attention to what he had said on this subject in the House hearings on January 31, 1945, to be found on page 74 of part I of the Railroad Retirement hearings held by the House committee. Mr. Latimer let us know that that was his answer to the arguments which have been advanced today by the Senator from Georgia. This is what Mr. Latimer said:

The Railroad Retirement Board now collects all records of wage and service, collects the contributions under the Railroad Unemployment Insurance Act, compares the tax returns under subchapter B of chapter 9 of the Internal Revenue Code and its predecessor, the Carriers' Taxing Act (copies of all such returns being furnished the Board by the Bureau of Internal Revenue), with compensation returns, and attempts to reconcile any differences between the two sets of returns. On occasion this latter function has involved inspection of employer records. If the Board discovers any discrepancy between the compensation and tax returns which cannot be reconciled, the Bureau of Internal Revenue is notified in order that it may take appropriate action.

The Bureau of Internal Revenue makes coverage determinations in some cases, though most determinations are made by the Railroad Retirement Board, assesses penalties in appropriate cases, and receives and deposits checks in the Treasury.

Since the coverage provisions of the Railroad Retirement Act are identical to those of subchapter B of chapter 9 of the Internal Revenue Code, it can be expected that coverage determinations of the board and bureau will be uniform. Although I can recall no instance of ultimate disagreement in result between the board and the bureau, the achievement of that condition has frequently been long and tedious. At times the Board and the Bureau, while concurring in the result, has achieved such result by different paths. In at least one such case the difference of method has resulted in embarrassing consequences insofar as uniform coverage is concerned. In any event, substantially all of the research work required to formulate coverage determinations has been done by the staff of the Board.

When litigation is brought against the Bureau of Internal Revenue, the Railroad Retirement Board frequently assists in the preparation of briefs. But the fact that the procedure for and the scope of judicial review with respect to cases arising under subchapter B of chapter 9 of the Internal Revenue Code differs from the procedure and scope of judicial review with respect to cases arising under the Railroad Retirement Act has produced results which are not, in my judgment, calculated to produce the best results for a system of social insurance. Social insurance cases ought to be decided, it seems to me, on the basis of criteria appropriate to social insurance and not on the basis of criteria appropriate only to the field taxation. The two sets of criteria, while having much in common, are by no means identical. So long as taxes are collected by the Bureau of Internal Revenue it will probably be undesirable to lay down for such taxes conditions with respect to collection, payment, and controversies different from those with respect to most other taxes. It would, however, be entirely appropriate to transfer tax collection to the Railroad Retirement Board and provide for a uniform administrative procedure and judicial review with respect to all controversial matters within the jurisdiction of that Board.

There would be other possible advantages in transfer of the tax collection function to the Railroad Retirement Board. Employers could make a single return rather than the two returns now required. The agency which reconciles tax and compensation returns could more easily take effective action than if discrepancies have to be reported to a second agency for action. The Railroad Retirement Board could assume the function with little or no additional cost. The Board already receives contribution returns and a check from each employer with respect to contributions under the Railroad Unemployment Insurance Act. A single check for both contributions and taxes could easily be split down into its component parts on a predetermined ratio for deposit in three accounts as against the two in which the Board deposits contributions at the present time. Both the Bureau of Internal Revenue and the Board could effect savings in connection with legal expenses. I anticipate that should this provision in H. R. 1362 be adopted, a net saving in the expenses of the Federal Government, though, to be sure, not a large one, could be achieved.

It seems to me that that argument by Mr. Latimer is very convincing, and especially the fact that a saving would be made by one agency collecting the same taxes from the same groups, instead of having two agencies, each collecting taxes from two identical groups.

Mr. GEORGE. Mr. President, I offer the amendments to which I previously referred. The amendments are offered in conformity with the action taken by the Senate in agreeing to the amendment of the Senator from North Carolina [Mr. HOEY]. The amendments are technical in nature. They do not affect the merits of the bill in any particular whatsoever, except purely the administrative side of it. I ask that the amendments may be printed in the RECORD at this point without reading.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

On page 8, strike out the lines 13 to 16, inclusive, and insert the following:

"SEC. 2. Section 1 (c) of the Railroad Retirement Act of 1937, section (e) of the Railroad Unemployment Insurance Act, and section 1532 (d) of the Internal Revenue Code are each amended as follows: After the word 'if' where it first appears therein insert '(1)' and for the phrase."

On page 9, lines 16 to 18, strike out the following: "by striking out the proviso in said section 1 (1) of the Railroad Unemployment Insurance Act and replacing the colon with a period."

Strike out section 4 of the bill beginning with page 11, line 10, down through page 15, line 15, and insert the following:

"SEC. 4. (a) Section 1500 of the Internal Revenue Code is amended to read as follows:

" 'SEC. 1500. Rate of tax.

" 'In addition to other taxes, there shall be levied, collected, and paid upon the income of every employee a tax equal to the following percentages of so much of the compensation, paid to such employee after December 31, 1946, for services rendered by him after such date, as is not in excess of $300 for any calendar month:

" '1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 5¾ percent;

" '2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 6 percent;

" '3. With respect to compensation paid after December 31, 1951, the rate shall be 6¼ percent.'

"(b) The second sentence of section 1501 (a) of the Internal Revenue Code is amended to read as follows: 'If an employee is paid compensation after December 31, 1946, by more than one employer for services rendered during any calendar month after 1946 and the aggregate of such compensation is in excess of $300, the tax to be deducted by each employer other than a subordinate unit of a national railway-labor-organization employer from the compensation paid by him to the employee with respect to such month shall be that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall deduct such proportion of any additional tax as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month.'

"(c) Section 1510 of the Internal Revenue Code is amended to read as follows:

" 'SEC. 1510. Rate of tax.

" 'In addition to other taxes, there shall be levied, collected, and paid upon the income of each employee representative a tax equal to the following percentages of so much of the compensation, paid to such employee representative after December 31, 1946, for services rendered by him after such date, as is not in excess of $300 for any calendar month:

" '1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 11½ percent;

" '2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 12 percent;

" '3. With respect to compensation paid after December 31, 1951, the rate shall be 12½ percent.'

"(d) Section 1520 of the Internal Revenue Code is amended to read as follows:

" 'SEC. 1520. Rate of tax.

" 'In addition to other taxes, every employer shall pay an excise tax, with respect to having individuals in his employ, equal to the following percentages of so much of the compensation, paid by such employer after December 31, 1946, for services rendered to him after December 31, 1936, as is, with respect to any employee for any calendar month, not in excess of $300: *Provided, however,* That if an employee is paid compensation after December 31, 1946, by more than one employer for services rendered during any calendar month after 1936, the tax imposed by this section shall apply to not more than $300 of the aggregate compensation paid to such employee by all such employers after December 31, 1946, for services rendered during such month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion

of any additional tax as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month:

"'1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 5¾ percent;

"'2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 6 percent;

"'3. With respect to compensation paid after December 31, 1951, the rate shall be 6¼ percent.'

"(e) Section 1532 (b) of the Internal Revenue Code is amended to read as follows:

"'(b) Employee: The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age 65 or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within 10 years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

"'The term "employee" includes an officer of an employer.

"'The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.'

"(f) Section 1532 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

"'A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.'

"(g) Subchapter B of chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

"'SEC. 1538. Title of subchapter:

"'This subchapter may be cited as the "Railroad Retirement Tax Act".'"

On page 16, line 1, strike out "1946" and insert "1947"; line 3, strike out "1945" and insert "1946"; line 11, strike out "1944" and insert "1945"; line 14, strike out "1944" and insert "1945"; and in line 22, strike out the word "nine" and insert the word "ten."

On page 23, strike out the sentence beginning in line 14, down through line 19, and insert the following: "In computing the monthly compensation, no part of any month's compensation in excess of $300 shall be recognized."

Strike out section 216 of the bill, beginning on page 41, line 24, down through page 42, line 3.

Strike out section 318 of the bill on page 51, lines 3 to 23, inclusive, and insert the following:

"SEC. 318. Section 8 (a) is amended by changing the word 'payable' to 'paid' wherever it appears; and by substituting for the portion of the subsection beginning with the words 'and each such employer' and continuing to the end of the subsection, the following: 'and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the contribution with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services during any calendar month after 1946 bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional contribution as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month."

On page 57, after line 16, insert the following:

"The amendments to section 1532 of the Internal Revenue Code made by sections 2 and 4 (e), and (f), shall be effective only with respect to services rendered after December 31, 1946. The amendments made by section 4 (a), (b), (c), and (d) shall take effect January 1, 1947. Sections 1500, 1510, and 1520 of the Internal Revenue Code as in effect on December 31, 1946, shall remain in full force and effect on and after January 1, 1947, with respect to any remuneration which constitutes compensation under the law as in effect on December 31, 1946, to which such sections as amended by this act are not applicable."

On page 39, lines 1 and 2, substitute for the words "multiplied by the number of months he will have been in service as an employee" the following: "for any calendar month in such year".

On page 45, lines 2 to 4, substitute for the parenthetical expression the following: "with respect to employment".

Mr. GEORGE. Mr. President, I ask unanimous consent that the amendments may be voted on en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The question is on agreeing to the amendments offered by the Senator from Georgia.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HAWKES. Mr. President, I offer an amendment and ask to have it stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 42, line 7, it is proposed to strike out all language through line 11, page 57, being sections 301 to 324, inclusive, and insert in lieu thereof the following:

SEC. 301. Subsection (a) of section 8 of the Railroad Unemployment Insurance Act, as amended, is amended to read as follows:

"(a) Every employer shall pay a contribution, with respect to having employees in his service, equal to the percentages set forth below of so much of the compensation as is not in excess of $300 for any calendar month payable by him to any employee for services rendered to him after June 30, 1939: *Provided, however,* That if compensation is payable to an employee by more than one employer with respect to any such calendar month, the tax imposed by this section shall apply to not more than $300 of the aggregate compensation payable to said employee by all said employers with respect to such calendar month, and each such employer shall be liable for that proportion of the tax with respect to such compensation which the amount payable by him to the employee with respect to such calendar month bears to the aggregate compensation payable to such employee by all employers with respect to such calendar month:

"1. With respect to compensation earned prior to January 1, 1947, the rate shall be 3 percent.

"2. With respect to compensation earned after December 31, 1946, the rate shall be as follows:

"If the balance to credit of the railroad unemployment insurance account as of the close of business on Sept. 30 of any year, as determined by the Secretary, is:	The rate with respect to compensation payable to employees for services rendered during the next succeeding calendar year shall be:
$350,000,000 or more.	1 percent.

$300,000,000 or more but less than $350,000,000.	1½ percent.
$250,000,000 or more but less than $300,000,000.	2 percent.
$200,000,000 or more but less than $250,000,000.	2½ percent.
Less than $200,000,000.	3 percent.

"On or before December 31, 1946, and on or before December 31 of each succeeding year, the Secretary of the Treasury shall determine and proclaim the balance to the credit of the account as of the close of business on September 30 of such year."

Mr. HAWKES. Mr. President, a great deal could be said with regard to this amendment, but my time is limited. No Member of the Senate is more interested than I in finding a solution to the problems confronting the railroad men. I have some very definite ideas in regard to the manner in which their retirement plan should be changed. I am thoroughly in accord with them and with practically all other sound-thinking people, that the retirement fund should be actuarially sound, and that we should make it sound.

I shall not deal with the figures which were so ably placed before the Senate earlier in the day by the Senator from Ohio [Mr. TAFT] as to the percentage which each group—the railroads and the employees—is contributing to the retirement fund.

In my opinion if we pass this bill without substantial amendments we shall be doing great injustice to the railroad employees and to all other workers in the United States who come under Social Security. I may add that we would also be doing an injustice to the railroad owners; but I leave them out of consideration for the moment.

We have no right to enact such far-reaching legislation as this without Senators thoroughly understanding what they are doing. I have no objections, in the main, to the improvements offered in the retirement portion of the bill. This morning we spent 3 hours in the Commiteee on Finance trying to find ways and means of leveling off payments to various classes of people in the Nation who have retirement funds, old-age benefits, or benefits for the blind under the social-security law.

I invite the attention of the Senate to the fact that the other day we voted between $3,000,000,000 and $5,000,000,000 for terminal leave pay for all the noncommissioned personnel of the armed forces, not on the basis of the merits of the case alone, but to correct an injustice. I am very serious when I say that in this over-all picture of social security we must be careful to see that we do not create further injustices, which will compel us to make further corrections, and further use up the funds of the free enterprise system or the production system of the United States. It is easy to scoff at the production system. I should like to leave one thought with Senators. It is simple, but too many persons forget it: The Government never had any money. The only money the Government has it gets from the use of the power of taxation. I remind the Senate that one of the greatest men ever to sit on the Supreme Court said to the people of the United States that the power to tax also carries with it the power to destroy, and when we destroy we do not accomplish any good for the people.

What were the working people of Europe promised? What were the people promised in Germany, France, and Italy? They were promised the millennium. It was thought that the impossible could be accomplished; and the people wound up as slaves of the state.

I have talked with a number of employees of the railroads. They very definitely wish to be sure that this plan is carried out in a sound manner.

The first part of my amendment would remove the section of the bill which deals with increasing the unemployment compensation fund, as well as the new coverages and benefits, such as compensation for sickness which is nonoccupational, compensation for injuries which have nothing to do with the work of the employee, maternity benefits, and various other benefits.

I think it is proper for me to ask the Senate, in voting on my amendment, to consider the fact that only a very few months ago the Senate Committee on Finance gave very careful thought to the question of temporarily, during the reconversion period, increasing unemployment compensation from $20 a week, or whatever it might have been in the States, so that the Federal Government would guarantee each person in any State, regardless of the State law, $25 for 26 weeks. After very careful consideration of that subject the Finance Committee refused to approve the proposal. The majority leader offered on the floor of the Senate an amendment to place in the bill the provision allowing $25 a week for 26 weeks, and after very considerable debate on this floor the Senate voted down that amendment by a vote of 51 to 29.

I shall not say much more about this particular subject, because I believe that what we have done is apparent. My amendment is perfectly clear. There is a difference of opinion on this particular subject among the best minds in the United States.

I wish to speak of the question of the sliding-scale part of the amendment relating to the unemployment-compensation fund. I invite the attention of the Senate to the fact that according to information which I have received from Mr. Latimer over the telephone, as of today the unemployment-compensation fund amounts to $790,000,000. During the past 5 years the demands upon the unemployment-compensation fund were $48,000,000, or less than $10,000,000 a year. At that rate the amount in the fund today would last for more than 80 years. We all know that we have been through an era of prosperity. We know that certain things may happen to the railroads which may cause them to release men, thus increasing the demand on the unemployment-compensation fund. I am advised that during the present year between $18,000,000 and $20,000,000 will be required for unemployment-compensation benefits to railroad employees, because of the coal strike, the temporary shut-down of the railroads, and other such interferences.

It would be very inconsistent to advocate making the retirement fund actuarily sound, but making the unemployment-compensation fund unsound. However, I submit to the Senate that the unemployment-compensation fund as it stands today would meet the demands for 5 or 6 years under the most difficult circumstances that can be imagined, namely, a 40-percent reduction in employment on the railroads, which is the maximum reduction possible under the law, because the railroads must keep their stations open and remain in operation. The maximum reduction in employment that is considered possible would be a 40-percent reduction. I am not suggesting that we should jeopardize this fund, because I believe that both the unemployment-compensation fund and the retirement fund represent sacred contracts. I believe that they should be dealt with intelligently and on the basis of certain knowledge.

In the House of Representatives an amendment was offered on behalf of the Committee on Interstate and Foreign Commerce which would carry the tax down to one-half of 1 percent. I have not done that, even though the fund would justify it. I have provided in my amendment that if the balance to the credit of the railroad unemployment insurance account as of the close of business on September 30 of any year, as determined by the Secretary, is $350,000,000 or more, the tax shall be reduced to 1 percent; if the fund is $300,000,000 or more, but less than $350,000,000, 1½ percent; if the fund is $250,000,000 or more, but less than $300,000,000, 2 percent; if the fund is $200,000,000 or more, but less than $250,000,000, 2½ percent; if it is less than $200,000,000, the 3-percent rate which has been in effect shall be restored.

At the present time the interest on the money in the fund, at 2 percent, is between $15,000,000 and $16,000,000 a year. The average expenditure from the unemployment compensation fund under the Railroad Retirement Act during the past 5 years was less than $10,000,000 a year. Even during the present year, with the prolonged coal strike which seriously interfered with employment on the railroads, and with the railroad shut-down and other interferences, the total demands upon the unemployment compensation fund will be between $18,000,000 and $20,000,000. Just think of the interest accumulation of $15,000,000 or $16,000,000 as against the demands on the fund, and the fact that there is $790,000,000 in the fund today. I do not believe anyone can successfully maintain that this fund is not now much larger than is necessary in order to guarantee the safety and solvency of the system.

I am definitely of the opinion that the procedure provided by the amendment is sound. I believe that if we adopt the amendment, the unemployment compensation fund will still be left in excellent,

sound condition; and I believe that the adoption of the amendment will help the railroads pay the increased amount which it will be necessary for them to pay in order to make the retirement fund actuarially sound.

I see that I have only 1 minute remaining. So in closing, I should like to state that the railroads have made application to the Interstate Commerce Commission for a 25-percent increase in rates. That matter has been debated on the floor of the Senate to a considerable extent, although no other Senator has heretofore mentioned that the increase in rates which has been applied for amounts to 25 percent. I am told that the Interstate Commerce Commission has granted a 6-percent increase, and has taken under advisement the request for the further increase. In the interest of the consumers who pay the bills and in the interest of the shippers, both of whom now must pay higher rates, we should handle this matter in such a way that no additional burden will be placed upon the consumers.

So, Mr. President, I hope the amendment will be adopted.

Mr. SMITH. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Does the Senator from New Jersey yield to his colleague?

Mr. HAWKES. I am glad to yield.

Mr. SMITH. I understand that the Senator's amendment strikes out the benefits provided in division III of the bill, which are the benefits which would be received by persons suffering from nonoccupational diseases or illnesses. I understand that the Senator's amendment does not relate to the survivorship benefits.

Mr. HAWKES. That is correct. I approve of the survivorship benefits. My amendment relates only to the illness and maternity benefits. Such benefits never have been paid thus far in respect to any phase or activity of American life. I am not saying that we should not do something about them some day; I am not discussing that matter now. I simply say that if at this time we take such steps for the benefit of one group, all other groups in the United States will wish to have similar treatment accorded to them.

Mr. SMITH. So, as I understand the Senator's amendment, it will not reduce the over-all amount of the payments to be made by the railroads into these funds; but in the case of what heretofore has been placed, in the form of a tax, into the unemployment compensation fund, and the amendment will transfer a part of that to the retirement fund, in order to build it up to the extent called for by the bill.

Mr. HAWKES. Yes.

Let me say that I read in the RECORD the colloquy which my colleague had yesterday with the distinguished Senator from Colorado [Mr. JOHNSON]. I noticed a little difference in viewpoint. In other words, I think the Senator from Colorado misunderstood the position of my colleague from New Jersey in regard to taking some of the money from the unemployment compensation fund and placing it in the retirement fund.

Mr. SMITH. I think I corrected that misunderstanding.

Mr. HAWKES. Yes; I think my colleague did.

I wish to say that if the railroads are permitted to pay smaller amounts into the unemployment compensation fund, in my opinion it will not be necessary for the railroads to obtain increases in rates in order to obtain funds with which to make increased contributions to the retirement fund, so as to place it on an actuarially sound basis.

Mr. SMITH. That is correct. I think that statement is in line with the suggestion I made last night, at which time the Senator from Colorado said that he agreed in principle, although he said he would like to see the matter handled in separate legislation.

Mr. HAWKES. That is my understanding, although of course the Senator from Colorado may speak for himself. I understand that he agrees in principle, but that he would like to see the matter handled in separate legislation.

Mr. DONNELL. Mr. President, will the Senator yield to me?

Mr. HAWKES. I yield.

Mr. DONNELL. As the Senator from New Jersey has indicated, I, too, understand that the amendment would strike out all of the proposed division III, section 3, beginning on page 42 and running to about half way down page 57.

The PRESIDING OFFICER. The time of the Senator from New Jersey [Mr. HAWKES] on the amendment has expired.

Mr. HAWKES. I am yielding for questions, and I shall take some of my time on the bill.

Mr. DONNELL. Mr. President, is it agreeable to the Senator from New Jersey to have me continue with my questions?

Mr. HAWKES. Yes; I am glad to have the Senator do so.

Mr. DONNELL. The Senator from New Jersey realizes, of course, as all other Senators do, that the bill is very long; and therefore I take the liberty of trespassing on the Senator's time long enough to ask whether he can tell us briefly whether any provisions, other than those as to nonoccupational disability, will be dealt with by his amendment. In other words, I understand that the amendment would remove nonoccupational disabilities from the list of the types of disabilities to which the benefits will apply.

Mr. HAWKES. Yes; I shall be glad to reply to the Senator. As I said a few moment ago, the provisions as to nonoccupational disabilities and illness and maternity benefits would be removed from the bill, by my amendment. My amendment also would strike from the bill the provision to increase the unemployment compensation benefit payments from $20 a week for 20 weeks to $25 a week for 26 weeks; and the provision would remain as it has been, namely $20 for 20 weeks.

Mr. DONNELL. That is the only other change, is it?

Mr. HAWKES. That is the first part of it. The only other change is as to the sliding scale of taxation.

Mr. DONNELL. I thank the Senator.

Mr. WHEELER. Mr. President, I should like to call attention to the fact that the Senator from New Jersey said that the members of the committee did not understand the bill because it is so complex. But now, for the first time, there is offered on the floor of the Senate an amendment relating to a most complicated subject, one which only experts could thoroughly understand. I submit that it is most unfair to offer from the floor an amendment of this kind, which is a fundamental amendment and propose its adoption. At any time the railroads themselves could have had their representatives propose such an amendment and could have had it studied by the committee. But it never has been before the committee for study, and, of course, the facts and figures bearing on it have not been before the committee for its consideration and study. The amendment is offered for the first time at a quarter of 6 in the afternoon, and it is offered from the floor of the Senate. It relates to a subject which should be very carefully considered and studied.

As I have said, the railroads themselves have never requested the Interstate Commerce Committee to consider such an amendment or to adopt such an amendment.

Mr. TAFT. Mr. President, will the Senator yield to me?

Mr. WHEELER. I yield.

Mr. TAFT. I should like to read from the report of the subcommittee:

> The railroads deny this premise and point to merit rating provisions in State laws as showing that overfinancing should be corrected through tax reduction. The railroads also argue that these provisions are essentially sickness and health insurance and that since no similar provisions are contained in the State unemployment compensation laws they should not be written into the Railroad Unemployment Act until and unless all business enterprises are required to undertake similar responsibilities.

So the railroads did present their objections before the Interstate Commerce Committee.

Mr. WHEELER. I beg the Senator's pardon. They never came before the committee and suggested such a revision of the bill as is now proposed by the amendment.

Mr. TAFT. The amendment is substantially the same as one submitted in the House.

Mr. WHEELER. But representatives of the railroads never came before the Senate Committee on Interstate Commerce and presented this matter at all.

Mr. TAFT. Yes; they did. It is shown in the hearings. It is referred to in the report of the subcommittee. They show the position which the railroads took. The Senator from Montana is wholly in error in his statement.

Mr. WHEELER. No; I am not. The railroads objected to the proposal to provide additional benefits for the railroad workers. I say that the matter covered by the amendment is a most technical

one, and that it needs very serious consideration. I certainly hope the amendment will be rejected.

It is argued that reductions are made under State laws because it is felt that if the railroads are permitted to reduce the number of their employees, they will try very hard to keep the employees who remain after the reduction. But the fact that one railroad has full employment does not affect the total situation materially, because all the railroads will be affected alike, and one railroad cannot maintain its employment and have it employment unaffected, at the same time other railroads are affected. In that respect, the railroad situation is entirely different from the situation of the ordinary industries.

Mr. TAFT. Mr. President, will the Senator further yield to me?

Mr. WHEELER. I yield.

Mr. TAFT. Let me read the statement made by the subcommittee regarding what the employees claim:

> The employees claim that it is the established national policy to devote 3 percent of pay roll to unemployment insurance and that unemployment benefits have been very conservatively framed to make certain that financing is adequate.

That is the position of the employees. They admit that the full amount of the tax is not needed for the existing purposes; and so they have requested additional benefits in the way of sickness and maternity benefits. Of course, such benefits are not provided for by any other system or for any other group of employees. But the railroad employees have requested the payment of the additional benefits, in order to take up the slack. That is the only justification for paying such additional benefits to them; namely, because the 3-percent contribution is more than is needed for the payment of the unemployment compensation benefits.

Mr. WHEELER. The employees pay their half of it.

Mr. TAFT. No; the Senator is mistaken about that, as I am sure he realizes. The 3 percent is paid entirely by the railroads.

Mr. WHEELER. Oh, yes; that is correct. Nevertheless, Mr. President, the employees have requested these additional benefits. The railroads are opposed to having such benefits granted, while the employees are asking for them.

When anyone says that the railroad brotherhoods are worried about the proposal and that the railroad employees say this and that in opposition to the proposal, let me say that the fact is that no railroad man in the United States is opposed to having this provision made. All of them are in favor of obtaining the increased benefits which are provided by the bill. Of course, if the Senate wishes to eliminate all these increased benefits and do away with the bill entirely, the only thing for the Senate to do is to vote down the bill.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WHEELER. Allow me to say a word further. Senators may think that they can stop the granting of these benefits, but they will not be successful in their efforts. There will be more and more of such benefits as time goes on. The more enlightened industries realize that fact, whether they want it to take place or not. It must take place if we are to preserve our democratic form of government. We might just as well recognize the fact that if we turn back the wheels of progress, there is no telling what will happen in the United States of America.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. TAFT. I merely wish to point out that there are many increased benefits still remaining in the bill. All the increased benefits relating to annuities and disabilities are still in the bill. The only thing objected to is the extension of unemployment compensation and sickness and maternity benefits. Those are subjects which are not the purpose of an unemployment compensation law, or a tax in that connection.

Mr. WHEELER. As I said a moment ago, Mr. President, these benefits which some of us seem to wish to prevent are coming along in the United States and neither the Senator from Ohio nor anyone else will be able to stop them. If the Senator wishes to eliminate them, why not suggest that the entire bill be defeated. That is what is being done. And let us not then say that something is being done for the railroad men, because such a contention is ridiculous.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. HAWKES. I cannot talk unless the Senator yields to me because I have no time of my own remaining. Does the Senator believe that the weekly payments under unemployment compensation of more than a million persons in the United States, including payments for sickness and maternity benefits, which are not occupational in any way, can be increased without nearly all American society being upset because of what has been done for one segment of the population? Does not the Senator believe, as I do, that we would be doing a better job if we took the report of the House concerning the over-all social security question and tried to straighten out the problem on a fair relative basis as to each group involved?

Mr. WHEELER. The Senator complained earlier in the day that no consideration had been given to this bill by the committee. Now he offers an amendment which was not discussed by the committee and was not considered at all with reference to the matter of decreasing rates. Ever since bills on this subject came before the committee the railroads have had an opportunity to appear there and ask that a reduction be made, but they never came at any time. I do not know whether they appeared before the House committee; but, certainly, they did not come before the Senate committee and ask that the proposed reduction be made.

Mr. HAWKES. A similar amendment going further than my amendment would go was before the committee for months.

Mr. WHEELER. Yes. The Senator complained once before today that this bill did not receive any consideration by the Senate committee, and that no member of the committee had given it any thought.

Mr. HAWKES. I have not changed my mind whatever about that matter.

Mr. WHEELER. The Senator now offers an amendment which no member of the committee has had an opportunity to consider at any time. It was never discussed or proposed.

Mr. HAWKES. Then, in respect to the consideration which it has received, both the bill and the amendment are in the same category.

Mr. WHEELER. No; the Senator is entirely incorrect. Hearings were held on the bill, and the Senator was a member of the subcommittee, and so was I. I discussed the bill from time to time with the members of the subcommittee. But no hearings have ever been held on the Senator's amendment, and no arguments have been made. I have not heard anything from the railroad employees or from the opposition. What the Senator is proposing was suggested in the House with reference to a reduction. If the Senator wishes to proceed without giving the opposition an opportunity to be heard, of course that can be done, but it is not fair to come before the Senate with a one-sided amendment which represents the views, perhaps, of the railroads, when the railroads themselves never came before the committee and advocated the adoption of the amendment.

Mr. HAWKES. I may say to the Senator, if he will permit me to do so, that this amendment is not at all detrimental because the minute the fund gets down to $200,000,000 the percentage of tax increases.

Mr. WHEELER. That is the Senator's statement, but I am frank to say to him that I am not familiar with the facts or the figures in connection with the subject, and I submit that no one else is familiar with them.

Mr. HAWKES. I have been informed that even a more severe amendment was adopted by the Committee of the Whole of the House of Representatives.

Mr. WHEELER. I understand that, but it was subsequently eliminated. I am talking about the Senate Committee on Interstate Commerce. That committee never held any hearings on the amendment. The railroads did not appear and say anything in favor of it, and neither did the railroad brotherhoods. They had no opportunity to appear and testify with regard to the amendment.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. AUSTIN. I wish to rebut the statement of the Senator from Montana that the railroads did not oppose this bill. To be sure, they did not oppose what is reflected in the amendment. But all I need to do is to call the attention of the Senate to the record which shows how definitely the railroads did oppose this bill. I read from the statement of J. Carter Fort, vice president and gen-

eral counsel of the Association of American Railroads, as set forth on page 159 of the hearings:

This bill would provide for total taxes in the railroad industry of 15½ percent of the pay roll for that purpose. Is there any reason to think that Congress is ready to set aside any such percent as that for general social security purposes, or that the people in this country are ready to do so? Certainly there has been no indication that they are. Congress refused, as late as last December, to raise the general social-security pay-roll tax of 1 percent on each employer and employee to 2 percent: and yet here you are asked to force upon the railroads a system which would require, according to these estimates, 15½ percent. And there is every reason to think that the estimates are much too low and that the cost would run way up above 15½ percent, perhaps up to 20 percent.

I do not believe this Congress is ready to do that. The thinking of the peope isn't ready for that. Nothing could be more "premature" than the measure before you, to use the language which Mr. Miller used in his testimony. You are dealing with a profound subject, and you are asked to dispose of it in a few days and with respect to just a few people. Nothing can bring worse confusion in this country than such an approach to a problem of such magnitude.

I conclude with only one comment. The reference which has been made to this bill as being one which deals with general social-security purposes is perfectly justified, because we have departed from the original design of industrial protection of all, and gone into the remote field of providing benefits for those who are not at all connected directly with industry and for the family generally.

Mr. WHEELER. I wish to say that the Senator is entirely mistaken. I agree with him when he says that the railroads opposed this bill. What I said was that the amendment which has been offered with reference to the reduction of payments was never discussed by the committee at any time in the last 24 years during which I have been a member of the committee, nor since the bill was adopted originally.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1717) for the development and control of atomic energy.

The message also anonunced that the House had agreed to a concurrent resolution (H. Con. Res. 163) authorizing the printing of a revised edition of the Biographical Directory of the American Congress up to and including the Eightieth Congress, in which it requested the concurrence of the Senate.

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 162. An act for the relief of Walter S. Faulkner;

S. 496. An act to make it a criminal offense for certain escaped convicts to travel from one State to another;

S. 1235. An act to authorize the use of the funds of any tribe of Indians for insurance premiums;

S. 1477. An act to authorize relief in certain cases where work, supplies, or services have been furnished for the Government under contracts during the war;

S. 1549. An act for the relief of the legal guardian of Duane N. Thompson;

S. 1561. An act to amend the act entitled "Compensation for injury, death, or detention of employees of contractors with the United States outside the United States," as amended, for the purpose of making the 100-percent earning provisions effective as of January 1, 1942;

S. 1573. An act for the relief of James H. Wilkinson;

S. 1640. An act to provide for the acquisition by the United States of certain real property in the District of Columbia;

S. 1674. An act for the relief of Michael Joseph Bennett, a minor;

S. 1731. An act for the relief of Lester A. Dessez;

S. 1751. An act for the relief of Wayne Parker;

S. 1880. An act for the relief of the Crosby Yacht Building & Storage Co., Inc.;

S. 1910. An act for the relief of George D. King;

S. 2036. An act granting the consent of Congress to the State of Rhode Island to construct, maintain, and operate a free highway bridge across the Sakonnet River between the towns of Tiverton and Portsmouth in Newport County, R. I.;

S. 2247. An act to permit the Secretary of the Navy to delegate the authority to compromise and settle claims against the United States caused by vessels of the Navy or in the naval service, or for towage or salvage services to such vessels, and for other purposes;

S. 2253. An act to further amend the act of January 16, 1936, as amended, entitled "An act to provide for the retirement and retirement annuities of civilian members of the teaching staff at the United States Naval Academy and the Postgraduate School, United States Naval Academy";

S. 2259. An act to amend the Philippine Rehabilitation Act of 1946, for the purpose of making a clerical correction;

S. 2260. An act for the relief of Roy M. Davidson;

S. 2349. An act to permit the Secretary of the Navy to delegate the authority to compromise and settle claims for damages to property under the jurisdiction of the Navy Department, and for other purposes;

S. 2369. An act for the relief of Col. S. V. Constant, General Staff Corps; and

S. 2405. An act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 163) authorizing the printing of a revised edition of the Biographical Directory of the American Congress up to and including the Eightieth Congress, was read twice by its title and referred to the Committee on Printing.

PRINTING OF REVISED EDITION OF BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS

Mr. HAYDEN. Mr. President, from the Committee on Printing I ask unanimous consent to report favorably House Concurrent Resolution 163, authorizing the printing of a revised edition of the Biographical Directory of the American Congress up to and including the Eightieth Congress, and I request its present consideration.

There being no objection, the concurrent resolution was considered and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be compiled and printed, with illustrations, as a House document, in such style and form as may be directed by the Joint Committee on Printing, a revised edition of the Biographical Directory of the American Congress up to and including the Eightieth Congress (1774–1948); and that 3,500 additional copies shall be printed, of which 2,300 copies shall be for the use of the House of Representatives, 800 copies for the use of the Senate, and 400 copies for the use of the Joint Committee on Printing.

PRINTING AND PREPARATION OF SENATE RULES AND MANUAL FOR EIGHTIETH CONGRESS

Mr. HAYDEN. Mr. President, from the Committee on Printing, I ask unanimous consent to report favorably without amendment Senate Resolution 285, providing for the preparation and printing of the Senate Rules and Manual for the Eightieth Congress, submitted by the Senator from Virginia [Mr. BYRD] on June 13, 1946, and I request its present consideration.

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, that the Committee on Rules be, and it is hereby, directed to prepare a revised edition of the Senate Rules and Manual for the use of the Eightieth Congress, and that 1,500 additional copies shall be printed and bound, of which 1,000 copies shall be for the Senate, 200 copies for the use of the Committee on Rules, and the remaining 300 copies shall be bound in full morocco and tagged as to contents and delivered as may be directed by the committee.

DEVELOPMENT AND CONTROL OF ATOMIC ENERGY—CONFERENCE REPORT

Mr. McMAHON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1717) for the development and control of atomic energy, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 19, 25, 28, 30, 32, 34, 37, 43, 44, 45, 47, 49, 52, 53, 56, 59, 60, 61, 62, 64, 65, 66, and 67.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 4, 5, 6, 7, 8, 9, 11, 12, 15, 16, 17, 18, 21, 22, 23, 26, 27, 36, 38, 39, 40, 41, 42, 46, 50, 54, 55, 57, 58, 63, 68, 69, 70, and 71, and agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"(d) Appointment of Army and Navy officers: Notwithstanding the provisions of section 1222 of the Revised Statutes (U. S. C., 1940 edition, title 10, sec. 576), section 212 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes," approved June 30, 1932, as amended (U. S. C., 1940

edition, title 5, sec. 59a), section 2 of the Act entitled 'An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety five, and for other purposes", approved July 31, 1894, as amended (U. S. C., 1940 edition, title 5, sec. 62), or any other law, any active or retired officer of the Army or the Navy may serve as Director of the Division of Military Application established by subsection (a) (4) (B) of this section, without prejudice to his commissioned status as such officer. Any such officer serving as Director of the Division of Military Application shall receive, in addition to his pay from the United States as such officer, an amount equal to the difference between such pay and the compensation prescribed in subsection (a) (4) (B) of this section.

And the House agree to the same.

Amendment numbered 10: That the Senate recede from its disagreement to the amendment of the House numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "subject to valid claims, rights, or privileges existing on the date of the enactment of this Act"; and the House agree to the same.

Amendment numbered 13: That the Senate recede from its disagreement to the amendment of the House numbered 13, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: ", if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or caused the same to be made for his, its, or their benefit"; and the House agree to the same.

Amendment numbered 14: That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"The Commission shall not—

"(1) Distribute any fissionable material to (A) any person for a use which is not under or within the jurisdiction of the United States, (B) any foreign government, or (C) any person within the United States if, in the opinion of the Commission, the distribution of such fissionable material to such person would be inimical to the common defense and security.

"(2) License any person to transfer or deliver, receive possession of or title to, or export from the United States any source material if, in the opinion of the Commission, the issuance of a license to such person for such purpose would be inimical to the common defense and security."

And the House agree to the same.

Amendment numbered 20: That the Senate recede from its disagreement to the amendment of the House numbered 20, and agree to the same with an amendment as follows: In lieu of the House amendment strike out in the Senate engrossed bill on page 25, line 12, the following: "not to exceed one year,"; and the House agree to the same.

Amendment numbered 24: That the Senate recede from its disagreement to the amendment of the House numbered 24, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the House amendment insert the following:

"(1) That until Congress declares by joint resolution that effective and enforceable international safeguards against the use of atomic energy for destructive purposes have been established, there shall be no exchange of information with other nations with respect to the use of atomic energy for industrial purposes; and."

And the House agree to the same.

Amendment numbered 29: That the Senate recede from its disagreement to the amendment of the House numbered 29, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by"; and the House agree to the same.

Amendment numbered 31: That the Senate recede from its disagreement to the amendment of the House numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by"; and the House agree to the same.

Amendment numbered 33: That the Senate recede from its disagreement to the amendment of the House numbered 33, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by"; and the House agree to the same.

Amendment numbered 35: That the Senate recede from its disagreement to the amendment of the House numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"(5) (A) No person shall be prosecuted for any violation under this section unless and until the Attorney General of the United States has advised the Commission with respect to such prosecution and no such prosecution shall be commenced except upon the express direction of the Attorney General of the United States.

"(B) (i) No arrangement shall be made under section 3, no contract shall be made or continued in effect under section 4, and no license shall be issued under section 4 (e) or 7, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to restricted data until the Federal Bureau of Investigation shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual and the Commission shall have determined that permitting such person to have access to restricted data will not endanger the common defense or security.

"(ii) Except as authorized by the Commission in case of emergency, no individual shall be employed by the Commission until the Federal Bureau of Investigation shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual.

"(iii) Notwithstanding the provisions of subparagraphs (i) and (ii), during such period of time after the enactment of this Act as may be necessary to make the investigation, report, and determination required by such paragraphs, (a) any individual who was permitted access to restricted data by the Manhattan Engineer District may be permitted access to restricted data and (b) the Commission may employ any individual who was employed by the Manhattan Engineer District.

"(iv) To protect against the unlawful dissemination of restricted data and to safeguard facilities, equipment, materials, and other property of the Commission, the President shall have authority to utilize the services of any Government agency to the extent he may deem necessary or desirable.

"(C) All violations of this Act shall be investigated by the Federal Bureau of Investigation of the Department of Justice."

And the House agree to the same.

Amendment numbered 48: That the Senate recede from its disagreement to the amendment of the House numbered 48, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by"; and the House agree to the same.

Amendment numbered 51: That the Senate recede from its disagreement to the amendment of the House numbered 51, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the House amendment insert the following: ", or of any regulation or order prescribed or issued under sections 5 (b) (4), 10 (c), or 12 (a) (2),"; and the House agree to the same.

BRIEN MCMAHON,
ED C. JOHNSON,
RICHARD RUSSELL,
ARTHUR VANDENBERG,
E. D. MILLIKIN,
Managers on the Part of the Senate.

A. J. MAY,
R. EWING THOMASON,
CARL T. DURHAM,
CHARLES R. CLASON,
Managers on the Part of the House.

Mr. McMAHON. Mr. President, I ask unanimous consent for the immediate consideration and adoption of the conference report.

There being no objection, the report was considered and agreed to.

ESTATE OF WILLIAM EDWARD OATES—CONFERENCE REPORT

Mr. O'DANIEL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 78) entitled "An Act for the relief of the estate of William Edward Oates," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the sum passed by the House insert "$5,953"; and the House agree to the same.

W. LEE O'DANIEL,
GEO. A. WILSON,
Managers on the Part of the Senate.

J. M. COMBS,
E. H. HEDRICK,
W. A. PITTENGER,
Managers on the Part of the House.

The report was agreed to.

AMENDMENT TO RAILROAD RETIREMENT ACTS, ETC.

The Senate resumed consideration of the bill (H. R. 1362) to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes.

Mr. MURDOCK. Mr. President, not being a member of the committee which reported the pending bill, I feel a little presumptuous in speaking with reference to it, but I do have a few thoughts concerning the amendment to the bill which I wish to express.

UNEMPLOYMENT INSURANCE IMPROVEMENTS

When we first enacted unemployment insurance in this country, more than 10 years ago, it was decided that 3 percent of pay roll was about the right amount to devote to that purpose. We were still in the depression of the 1930's, billions were appropriated each year for relief and work relief, unemployment was heavy, and the prospects of continued industrial employment were gloomy. To keep within that limit of 3 percent of pay roll, the benefits under unemployment insurance were made picayune, and we embodied all sorts of restrictions, by way of qualifying conditions, disqualifications, waiting periods, and the like. But we made a start. Even with those niggardly benefits and all those restrictions on drawing any benefits, some people predicted that the system would fail because it could not be supported by a 3-percent-pay-roll tax.

When the Railroad Unemployment Insurance Act was enacted, the same pay-roll tax of 3 percent was levied as was imposed upon other industries covered by the various unemployment insurance laws. Since that time, experience has shown that we had been too pessimistic in our estimates of what this 3 percent could support. Benefits have been increased somewhat. Under the State laws the average unemployed person already draws about 20 percent more than the average unemployed person covered by the Railroad Act, and the State laws are continually being further liberalized. Benefits can now be considerably increased under the railroad system without any change in the tax rate. This bill which we are enacting does so in three ways.

It will remove the distinction between unemployment caused by there being no work for the individual to perform and unemployment caused by his inability to work, and so will pay benefits for unemployment caused by a worker's sickness as well as by his loss of a job for economic reasons.

Unemployment benefits are now paid under the Railroad Unemployment Insurance Act on a graduated scale, depending on previous earnings. The maximum is now $20 per week for full unemployment for an employee who earned more than $1,600 in a test base period. This is a lower maximum than is already provided in a great many States. The changes the bill makes in the rate of benefits do not affect those who earned less than $2,000 in the test period; benefits of employees who earned up to that amount would remain the same. But since the scale of benefits in the present law was enacted, rates of pay have advanced materially while the old scale remains geared to lower earnings. This bill increases the maximum rate of benefits of those who earned $2,000 or more in the base period. The maximum for those who earned at least $2,000 but less than $2,500 would be raised to $22.50 per week, and the maximum for complete unemployment of those who earned at least $2,500 would be raised to $25 per week. The rate of benefits for all others remains unchanged. The Social Security Board agrees that the maximum benefits under the unemployment-insurance laws should be raised to at least $25 per week.

Under the law as it now stands, the maximum duration of unemployment benefits is 100 compensable days. This comes to 20 weeks. The bill would extend the maximum to 130 compensable days, or 26 weeks. Only a small percentage of persons who become unemployed ever receive benefits for the maximum duration, and so this change helps only that small percentage who suffer the heaviest unemployment. A large number of States already have a maximum duration in excess of 20 weeks, and several have already provided a 26-week maximum duration. The Social Security Board has recommended to us that the maximum duration of benefits under the unemployment-insurance laws should be increased to at least 26 weeks. There can be no reason why the railroad system, so long as it can afford to be more liberal without any increase in the taxes, should have a shorter maximum duration than the more favorable State laws provide.

Our experience with unemployment insurance in the railroad field shows beyond any dispute that all these changes can be amply afforded without any increase in the tax rate. But the argument has been advanced that instead of trying to make the benefits less inadequate and trying to bring them up to something that would really approach unemployment insurance—that is, something that would really resemble insurance against unemployment—we should keep the old, inadequate benefits and return what is left to the railroads by reducing their unemployment insurance taxes. I should like to discuss that suggestion a little.

As I have already stated, when we started unemployment insurance we thought 3 percent of pay roll an appropriate amount to devote to unemployment insurance. Benefits were made so scanty and payment of them hedged with so many artificial limitations and restrictions, because under conditions as we could see them then we were afraid that that rate of tax would not support anything like substantial benefits. To encourage employers to try to stabilize their employment and reduce their turnover of employees, a plan of so-called merit rating was proposed and finally authorized in the Social Security Act for the State unemployment insurance laws. Under this scheme, taxes paid by an employer are credited to his account, and unemployment benefits paid to his employees are charged to his account. When the amount in his account reaches a certain percentage of his pay roll, his unemployment tax rate is reduced.

There was considerable controversy about this. Its opponents pointed out that the factors and circumstances that cause unemployment had very little to do with what the employer wanted to do or could do, and so had very little and probably nothing to do with the employer's merit. This has already been recognized at least in part, and the plan is no longer referred to as "merit rating" but is now called "experience rating." That the facts on which an employer's tax rate might increase or decrease have nothing to do with his ability or desire to stabilize employment, or his merit, is shown by the possibility that a very large turn-over and an artificially unstable labor force could also result in tax reduction. This is so because by employing men for a period just too short for them to qualify for unemployment benefits, and then replacing them with another group for a like period, the employer's record would also be very good on the books, for very little if any benefits would be paid on the basis of employment with him, and he would receive the benefit of so-called merit rating although his performance would be the opposite of the desired basis of merit rating.

It was suggested also that merit rating was but an opening for a general unemployment tax reduction below the accepted 3 percent and would be used to prevent the furnishing of more adequate benefits if experience should prove that the tax could support more adequate benefits. The proponents of such plan answered that merit rating provisions could never form the basis of a general unemployment tax reduction, for there would always be enough unemployment to assure that most employers would be paying the full 3 percent.

Finally, those opposed to merit rating pointed out that it raised and lowered taxes at the most inopportune times. When an employer would be employing all his men without lay-offs, and would be prosperous and making a lot of money, his tax rate would be reduced just when he could afford to pay the highest taxes to take care of future unemployment. On the other hand, when business would be bad, and the employer would be compelled to lay off his employees, when his profits would be shrinking or would have disappeared, then his taxes would increase, just when he could least afford an increase. I ask Senators if that is not exactly what is proposed under the amendment offered by the distinguished Senator from New Jersey? It was observed that under none of the other unemployment insurance systems anywhere in the world, some of them having been in operation many years, was experience rating recognized.

The fears and forecasts of those who criticized experience rating have now been realized, and the arguments of those who favored it have proven unsound. Prosperity and full employment, during and preceding the war, have produced large pay rolls through no merit of the employers. The simple force of economic factors far beyond the control

of any employer has resulted in his taxes being reduced in those States which have experience rating. Now, when his profits are far higher than they were during the early years of unemployment insurance of this country, he is subject to a lower tax rate for unemployment.

The PRESIDING OFFICER. The time of the Senator on the amendment has expired.

Mr. MURDOCK. I will take 15 minutes on the bill, Mr. President.

Should conditions deteriorate and profits dwindle, with unemployment on the increase and unemployment benefits paid in larger sums, his unemployment tax rate will increase just when he can least afford it, and when it will produce the least revenue. That is what the Hawkes amendment would provide.

Despite the argument of the proponents of experience rating that it could never form the basis of a general unemployment tax reduction, that is just what has happened. With full employment for the last few years, most employers in States embodying experience rating in their laws are paying less than the full rate. The most glaring example of the tendency of experience rating to encourage a circumvention of its ostensible justification and to furnish an excuse for unwarranted tax reduction, is the move of the employers in this instance. We refused to adopt experience rating when we enacted the Railroad Unemployment Insurance Act. Remember that benefits were set as low as they were to keep costs within the 3-percent tax rate, and numerous irrelevant restrictions and exclusions were embodied for the same purpose. Now we see large sums accumulating in the reserve and we see that a liberalization can be made without any danger of insolvency. Yet the employers resist all liberalization and argue and propose that instead of bringing the benefits up to what the tax can support, the tax be brought down to the level that will support the present artificially meager benefits. It could hardly be more apparent that we were right when we omitted experience rating from this law and when we rejected an earlier movement to interject it.

The fund is now highly solvent and it is undisputed that the present tax can support less niggardly benefits. It is our duty to see that the monies collected for unemployment be devoted to the benefit of those for whose protection we collected them. There can be no sound reason for our not doing so.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. LANGER. I ask the distinguished Senator if it is not true that only a short time ago the Women's Bureau of the Department of Labor, when the matter of the last Federal pay bill came up, said that the women employees of the Federal Government who had been married a year should have at least 90 days of leave without pay.

Mr. MURDOCK. I am advised that that is correct.

Mr. LANGER. How many men and women are affected by this bill?

Mr. MURDOCK. I do not believe I can give the Senator the answer. I am sure the Senator from Colorado [Mr. JOHNSON] or the Senator from Montana [Mr. WHEELER] have those figures, but not being a member of the committee, and not having attended the hearings, I do not have the figures.

Mr. LANGER. Is it not one of the tactics of the opposition, of those who are opposed to unemployment insurance, whenever any measure of this nature is brought up on the floor of the Senate, to say "Well, that affects but a small group and is getting a precedent which other groups will have to follow." When the Civil Service Committee, under the chairmanship of the Senator from California [Mr. DOWNEY] recommended that pay be provided women employed by the Government in connection with maternity cases, that was exactly the argument which was used against the proposal.

Mr. MURDOCK. Yes; the same argument is used in all similar cases.

Mr. LANGER. Is it not true also that a great many other countries are far in advance of the United States when it comes to the matter of unemployment insurance, and that for some 20 or 25 years the United States has lagged in seeing to it that our laboring people receive the same kind of treatment that the laboring people of some foreign countries receive?

Mr. MURDOCK. I should say that we generally move in this country with the brakes on.

Mr. TAFT. Mr. President, let me say a word or two respecting the proposed change. The amendment provides for no reduction in benefits or reduction in rates. Applicable as of 1949, the highest rate under the law is 3¾ percent, the same percentage to be paid by employers and employees, or a total of 7½ percent each year, plus 3 percent for unemployment compensation, or 10½ percent.

In the part of the bill to which there is no objection we are raising the benefits and increasing the tax to 12½ percent, 6¼ percent from each group. If we add this 3 percent the tax would be 15½ percent instead of the present 10½-percent tax.

The effect of the Hawkes amendment would be to fix the rate at 13½ percent, instead of 15½ percent. As nearly as I can judge, even if this provision were removed, the amount of benefits for railroad workers would be increased by $75,000,000 a year. This is a progressive bill, without the particular provision to which reference has been made. Merely because the unemployment tax is not all needed for standard unemployment compensation, I see no reason why we should invent new benefits which do not exist under any unemployment compensation system today, and insist that the rate be 15½ percent on the pay roll, or nearly 5 percent more than under the existing law.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. HAWKES].

Mr. BARKLEY. Mr. President, may we have a vote on the amendment? I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BARKLEY. I withdraw the point of no quorum. I suppose Senators will come into the Chamber anyway.

Mr. TAFT. Mr. President, the Senator from North Carolina [Mr. HOEY] adopted a new technique. I ask unanimous consent that immediately following the quorum call there shall be a vote on the pending amendment.

The PRESIDING OFFICER. The request for the quorum call has been withdrawn.

Mr. BARKLEY. I have withdrawn the request for a quorum call.

Mr. WHITE. Mr. President, are we to have a quorum call or a vote on the amendment?

The PRESIDING OFFICER. The request for a quorum call is withdrawn.

The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. HAWKES]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HAWKES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HAWKES. I understood the Senator from Kentucky to suggest the absence of a quorum.

Mr. BARKLEY. I withdrew that suggestion.

Mr. LA FOLLETTE. Mr. President, I call for the regular order.

The legislative clerk resumed and concluded the calling of the roll.

Mr. REED (after having voted in the affirmative). I have a general pair with the senior Senator from New York [Mr. WAGNER]. I transfer that pair to the Senator from Iowa [Mr. WILSON], who, if present, would vote as I have voted, and allow my vote to stand.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. Not knowing how he would vote, I transfer that pair to the Senator from Idaho [Mr. GOSSETT]. I am not advised how the Senator from Idaho would vote on this question if present. Being at liberty to vote, I vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from South Carolina [Mr. MAYBANK] is absent because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from Mississippi [Mr. BILBO], the Senator from Georgia [Mr. GEORGE], the Senator from Arizona [Mr. HAYDEN], the Senator from Texas [Mr. O'DANIEL], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. STEWART], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from New Mexico [Mr. CHAVEZ], and the Senators from Pennsylvania [Mr. GUFFEY and Mr. MYERS] are detained on public business.

The Senator from Virginia [Mr. BYRD] and the Senator from California [Mr. DOWNEY] are absent on official business.

The Senator from Louisiana [Mr. OVERTON] and the Senator from Georgia [Mr. RUSSELL] are detained on official business at Government departments.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

If present and voting, the Senators from Pennsylvania [Mr. GUFFEY and Mr. MYERS], the Senator from Georgia [Mr. RUSSELL], and the Senator from New York [Mr. WAGNER] would vote "nay."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent. He has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from Wyoming [Mr. ROBERTSON], and the Senator from New Hampshire [Mr. TOBEY] are absent by leave of the Senate.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business. If present, he would vote "yea."

The Senator from Maine [Mr. BREWSTER] and the Senator from Delaware [Mr. BUCK] are necessarily absent.

The result was announced—yeas 22, nays 41, as follows:

YEAS—22

Austin	Hart	Swift
Ball	Hawkes	Taft
Brooks	Hoey	Wherry
Burch	Millikin	White
Capper	Moore	Wiley
Donnell	Reed	Willis
Gerry	Smith	
Gurney	Stanfill	

NAYS—41

Aiken	Knowland	Murray
Barkley	La Follette	Pepper
Carville	Langer	Radcliffe
Connally	Lucas	Revercomb
Cordon	McCarran	Shipstead
Eastland	McClellan	Taylor
Ferguson	McFarland	Thomas, Okla.
Fulbright	McKellar	Thomas, Utah
Green	McMahon	Tunnell
Hill	Magnuson	Vandenberg
Huffman	Mead	Walsh
Johnson, Colo.	Mitchell	Wheeler
Johnston, S. C.	Morse	Young
Kilgore	Murdock	

NOT VOTING—33

Andrews	Chavez	O'Daniel
Bailey	Downey	O'Mahoney
Bilbo	Ellender	Overton
Brewster	George	Robertson
Bridges	Gossett	Russell
Briggs	Guffey	Saltonstall
Buck	Hatch	Stewart
Bushfield	Hayden	Tobey
Butler	Hickenlooper	Tydings
Byrd	Maybank	Wagner
Capehart	Myers	Wilson

So Mr. HAWKES' amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill was read the third time.

Mr. JOHNSON of Colorado. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized and directed to make such clerical, technical, section-number and cross-reference changes in the Senate engrossed amendments to the bill as may be necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass?

Mr. LANGER. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. Not knowing how he would vote, I transfer that pair to the Senator from Idaho [Mr. GOSSETT]. I am not advised how the Senator from Idaho would vote on this question if present. Being at liberty to vote, I vote "yea."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from South Carolina [Mr. MAYBANK] is absent because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from Georgia [Mr. GEORGE], the Senator from Arizona [Mr. HAYDEN], the Senator from Texas [Mr. O'DANIEL], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The Senator from Missouri [Mr. BRIGGS] and the Senator from New Mexico [Mr. CHAVEZ] are detained on public business.

The Senator from Virginia [Mr. BYRD] and the Senator from California [Mr. DOWNEY] are absent on official business.

The Senator from Louisiana [Mr. OVERTON] and the Senator from Georgia [Mr. RUSSELL] are detained on official business at Government departments.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

If present and voting, the Senator from Florida [Mr. ANDREWS], the Senator from New Mexico [Mr. CHAVEZ], the Senators from Georgia [Mr. GEORGE and Mr. RUSSELL], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. MAYBANK], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from New York [Mr. WAGNER] would vote "yea."

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES] is necessarily absent. He has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from Wyoming [Mr. ROBERTSON], and the Senator from New Hampshire [Mr. TOBEY] are absent by leave of the Senate. If present the Senator from South Dakota [Mr. BUSHFIELD] would vote "nay," and the Senator from Wyoming [Mr. ROBERTSON] would vote "yea."

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The Senator from Maine [Mr. BREWSTER] and the Senator from Delaware [Mr. BUCK] are necessarily absent.

Mr. MYERS. Mr. President, the senior Senator from Pennsylvania [Mr. GUFFEY] is absent on public business. If he were present he would vote "yea."

Mr. REED (after having voted in the negative). Making the same announcement as the one I made on the last vote with regard to my pair with the Senator from New York [Mr. WAGNER], I transfer that pair to the Senator from South Dakota [Mr. BUSHFIELD] and let my vote stand.

The result was announced—yeas 55, nays 11, as follows:

YEAS—55

Aiken	Kilgore	Radcliffe
Barkley	Knowland	Revercomb
Bilbo	La Follette	Shipstead
Brooks	Langer	Smith
Burch	Lucas	Stanfill
Carville	McCarran	Stewart
Connally	McClellan	Swift
Cordon	McFarland	Taylor
Donnell	McKellar	Thomas, Okla.
Eastland	McMahon	Thomas, Utah
Ferguson	Magnuson	Tunnell
Fulbright	Mead	Vandenberg
Gerry	Millikin	Walsh
Green	Mitchell	Wheeler
Hill	Morse	Wiley
Hoey	Murdock	Willis
Huffman	Murray	Young
Johnson, Colo.	Myers	
Johnston, S. C.	Pepper	

NAYS—11

Austin	Hart	Taft
Ball	Hawkes	Wherry
Capper	Moore	White
Gurney	Reed	

NOT VOTING—30

Andrews	Chavez	O'Daniel
Bailey	Downey	O'Mahoney
Brewster	Ellender	Overton
Bridges	George	Robertson
Briggs	Gossett	Russell
Buck	Guffey	Saltonstall
Bushfield	Hatch	Tobey
Butler	Hayden	Tydings
Byrd	Hickenlooper	Wagner
Capehart	Maybank	Wilson

So the bill (H. R. 1362) was passed.

MINIMUM STANDARDS OF SOCIAL POLICY IN DEPENDENT TERRITORIES—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying document, referred to the Committee on Foreign Relations.

(For President's message, see today's proceedings of the House of Representatives on p. 10174.)

AMENDMENT OF INTERSTATE COMMERCE ACT WITH RESPECT TO AGREEMENTS BETWEEN CARRIERS

Mr. REED. Mr. President, I move that the Senate proceed to the consideration of House bill 2536.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 2536) to amend the Interstate Commerce Act with respect to certain agreements between carriers.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas.

Mr. BARKLEY. Mr. President, the motion is debatable and will be discussed. I do not wish to precipitate discussion tonight, but the motion will be the pending motion when the Senate convenes tomorrow.

PRESIDENT'S MESSAGE ON NEW PRICE-CONTROL LAW

Mr. TAFT. Mr. President, in the President's message on the new price-control law which was read in the Senate yesterday, the President stated reasons for signing the measure. Those reasons will appear in the CONGRESSIONAL RECORD. I ask unanimous consent that there be printed at this point in the RECORD, as a part of my remarks, a statement which I have issued relating to the message.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

President Truman has signed a price-control bill far more inflationary than the one which he vetoed on June 29. His whole message in support of the present bill is a labored attempt to justify his veto of the first bill which alone brought about the 24 percent increase in basic commodity prices of which he complains. He vetoed a bill which held prices steady on foods and rents which are really important to the consumers. He vetoed it because it contained a Taft formula for pricing manufactured goods which, after 3 or 4 months' study, might have required an increase in price on some of these goods of 10 percent. Now he has a Barkley formula which may perhaps reduce this 10 percent increase in some cases to a 6 or 7 percent increase. The essential feature of the Taft formula, requiring the Administrator to price each product of an industry on its present cost basis plus a reasonable profit, is also contained in the Barkley formula.

My main purpose was to destroy the OPA's over-all industry standard under which it required many products to be sold at a loss, or at cost, thereby producing the serious shortages about which every housewife knows. The Barkley amendment fully accomplishes this purpose.

Could the President like the Barkley formula better because it is a Democratic formula instead of a Republican?

He vetoed the last bill because the Wherry amendment gave wholesalers and retailers their January 1, 1946, mark-up. Now he has signed a bill which gives them their April 1, 1946, mark-up, which in 99 percent of the cases is exactly the same.

He vetoed the last bill because the Crawford amendment gave automobile dealers their prewar mark-up. The Crawford amendment is still in the bill and involves the increase in automobile prices of which he complained.

In his last veto message, the President demanded that subsidies be continued until July 1, 1947, and increased to a billion and a quarter dollars. The new Barkley bill rejects his proposal.

He vetoed the last bill because it contained detailed standards for decontrol based on supply and demand. The new bill still requires decontrol if supply equals demand regardless of what happens to the price. The new bill also requires decontrol regardless of supply and demand if prices do not rise unreasonably, or if the Board finds that control cannot be restored without restoring black markets. Now the President says these are reasonable standards, although they are much more severe than the ones he criticized.

He vetoed the last bill because it gave the Secretary of Agriculture power over the OPA. This bill gives the same power to the Secretary, plus a lot more to the Price Decontrol Board.

The President vetoed the last bill against the advice of all the Democratic leaders in Congress, who told him he would get a more inflationary bill. Events have proved they were right, but the main purpose of the President's message is to try to prove they were wrong. To avoid some time in the autumn a few percent increase in manufactured goods, the purchase of which can usually be put off if the price is too high, he opened on July 1 the Pandora's box of price increases in those market-basket items which the housewife must buy every day. His message says nothing of the fact that his veto, and then the new bill, allow 7 weeks of complete removal of all ceilings on these important essentials of life. It ignores the fact that these increases are probably permanent, because all efforts to roll back prices on any items which might be later restored are likely to produce an intolerable situation. Confusion and chaos must reign in the meantime in many industries.

The best solution of the beef and grain problem would be to announce immediately a complete removal of all ceilings without waiting for action by the Price Decontrol Board.

The net result of the President's action has been to bring about the very inflation he pretends to abhor.

A touch of humor is given to the message by the statement that "attention must be given to strong anti-inflationary policies such as further reduction of Federal expenditures." Within a week, the President has signed a bill giving the British $3,750,000,000 and is about to sign another paying war veterans $3,000,000,000. The deficit for the fiscal year based on expenditures recommended by the President is likely to be $10,000,000,000 instead of the $4,000,000,000 he forecast. Expenditures in June were higher than any month since January. Federal employees are increasing instead of decreasing. The time to have started an economy drive was last January.

RECOGNITION OF SERVICES OF CIVILIAN OFFICIALS AND EMPLOYEES ENGAGED IN CONSTRUCTION OF PANAMA CANAL—CONFERENCE REPORT

Mr. STEWART submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3748) to amend an Act entitled "An Act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal", approved May 29, 1944, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

TOM STEWART,
WARREN G. MAGNUSON,
A. W. HAWKES,
HARLAN BUSHFIELD,
Managers on the Part of the Senate.

J. HARDIN PETERSON,
HERBERT C. BONNER,
CHRISTIAN A. HERTER,
Managers on the Part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, informed the Senate that Mr. DURHAM and Mr. SIKES had been appointed managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4051) entitled "An act to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave," vice Mr. MAY and Mr. BROOKS, excused.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1236) to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 957. An act for the relief of Margaret Dunn;

H. R. 976. An act for the relief of Chet Walker;

H. R. 1004. An act for the relief of the legal guardian of Robert Olsen, a minor;

H. R. 1633. An act for the relief of Raymond Crosby;

H. R. 1887. An act for the relief of Mrs. Leroy A. Robbins;

H. R. 3210. An act for the relief of Clyde O. Payne;

H. R. 3855. An act for the relief of Martin A. Tucker and Emma M. Tucker;

H. R. 4827. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Pan American Petroleum & Transport Co. against the United States;

H. R. 4860. An act for the relief of Materials Handling Machinery Co., Inc.;

H. R. 4924. An act for the relief of Joseph A. Brown;

H. R. 5031. An act for the relief of Ernest C. Heine and Harriet W. Heine;

H. R. 5050. An act for the relief of Minnie P. Shorey;

H. R. 5125. An act to establish the Castle Clinton National Monument, in the city of New York, and for other purposes;

H. R. 5134. An act for the relief of Clarence W. Ohm;

H. R. 5166. An act for the relief of Raphael Elder;

H. R. 5287. An act for the relief of Mrs. Cecile W. McAfee, the legal guardian of Sarah McAfee, a minor, and Haven H. McAfee;

H. R. 5288. An act for the relief of Warren M. Miller;

H. R. 5463. An act for the relief of Hiram H. Wilson;

H. R. 5469. An act for the relief of Bertha Lillian Robbins and Charles Robbins;

H. R. 5603. An act for the relief of Wilford B. Brown;

H. R. 5848. An act for the relief of Mrs. Millicent Moore;

H. R. 5849. An act for the relief of Mrs. Grace A. Phillips;

H. R. 5851. An act for the relief of Second Lt. Francis W. Anderson;

H. R. 6012. An act for the relief of Lippert Bros.;

H. R. 6161. An act for the relief of the legal guardian of Samuel Roscoe Thompson, a minor;

H. R. 6215. An act for the relief of the Yellow Cab Transit Co., of Oklahoma City;

H. R. 6255. An act for the relief of Thomas A. Beddingfield and his wife, Opal May Beddingfield;

H. R. 6376. An act for the relief of Mrs. Fuku Kurokawa Thurn;

H. R. 6381. An act for the relief of Thomas L. Brett;

H. R. 6399. An act for the relief of Caesar Henry;

H. R. 6423. An act for the relief of Mrs. Ivan B. Hofman;

H. R. 6890. An act to amend the First War Powers Act, 1941;

H. R. 7030. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Allegheny River, between a point in or near the borough of Tarentum, in the county of Allegheny, and a point near the boundary of the city of New Kensington and Lower Burrel Township in Westmoreland County in the Commonwealth of Pennsylvania; and

H. R. 7038. An act to provide for the sale of certain public lands in the States for the use and benefit of the State public educational institutions.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred, as indicated:

H. R. 957. An act for the relief of Margaret Dunn;

H. R. 1004. An act for the relief of the legal guardian of Robert Olsen, a minor;

H. R. 1633. An act for the relief of Raymond Crosby;

H. R. 1887. An act for the relief of Mrs. Leroy A. Robbins;

H. R. 3210. An act for the relief of Clyde O. Payne;

H. R. 3855. An act for the relief of Martin A. Tucker and Emma M. Tucker;

H. R. 4827. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Pan American Petroleum & Transport Co. against the United States;

H. R. 4860. An act for the relief of Materials Handling Machinery Co., Inc.;

H. R. 4924. An act for the relief of Joseph A. Brown;

H. R. 5031. An act for the relief of Ernest C. Heine and Harriet W. Heine;

H. R. 5050. An act for the relief of Minnie P. Shorey;

H. R. 5134. An act for the relief of Clarence W. Ohm;

H. R. 5166. An act for the relief of Raphael Elder;

H. R. 5287. An act for the relief of Mrs. Cecile W. McAfee, the legal guardian of Sarah McAfee, a minor, and Haven H. McAfee;

H. R. 5288. An act for the relief of Warren M. Miller;

H. R. 5463. An act for the relief of Hiram H. Wilson;

H. R. 5469. An act for the relief of Bertha Lillian Robbins and Charles Robbins;

H. R. 5603. An act for the relief of Wilford B. Brown;

H. R. 5848. An act for the relief of Mrs. Millicent Moore;

H. R. 5849. An act for the relief of Mrs. Grace A. Phillips;

H. R. 5851. An act for the relief of Second Lt. Francis W. Anderson;

H. R. 6012. An act for the relief of Lippert Bros.;

H. R. 6161. An act for the relief of the legal guardian of Samuel Roscoe Thompson, a minor;

H. R. 6215. An act for the relief of the Yellow Cab Transit Co., of Oklahoma City;

H. R. 6255. An act for the relief of Thomas A. Beddingfield and his wife, Opal May Beddingfield;

H. R. 6381. An act for the relief of Thomas L. Brett;

H. R. 6399. An act for the relief of Caesar Henry; and

H. R. 6423. An act for the relief of Mrs. Ivan B. Hofman; to the Committee on Claims.

H. R. 976. An act for the relief of Chet Walker; to the Committee on Military Affairs.

H. R. 5125. An act to establish the Castle Clinton National Monument, in the city of New York, and for other purposes; and

H. R. 7038. An act to provide for the sale of certain public lands in the States for the use and benefit of the State public educational institutions; to the Committee on Public Lands and Surveys.

H. R. 6376. An act for the relief of Mrs. Fuku Kurokawa Thurn; to the Committee on Immigration.

H. R. 6890. An act to amend the First War Powers Act, 1941; ordered to be placed on the calendar.

H. R. 7030. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Allegheny River, between a point in or near the borough of Tarentum, in the county of Allegheny, and a point near the boundary of the city of New Kensington and Lower Burrel Township in Westmoreland County in the Commonwealth of Pennsylvania; to the Committee on Commerce.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 45 minutes p. m.), the Senate took a recess until tomorrow, Saturday, July 27, 1946, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, JULY 26, 1946

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of the Gunton Temple Memorial Presbyterian Church, offered the following prayer:

Almighty God, our Father, whose hearing transcends all our asking and whose amazing goodness surpasses all our thought, humbly and confidently we are lifting our hearts in prayer, for of no one else can we ask so much and none other is so willing and able to supply our many needs.

May we now yield ourselves unreservedly to the promptings and persuasions of Thy spirit, whose interpreting light and sustaining presence we so sorely need as we face the perplexing problems of each succeeding day. Help us to sense the sanctity of even the most commonplace duty. Give us the faith that dispels our fears, the hope that is invincible, and the love that fathoms the deep things of God.

We pray that the members of the human family may be blessed with a finer feeling of appreciation and understanding, a more heartfelt and healing sympathy, and a nobler skill in ministering to the welfare of all who are finding the struggle of life so difficult. May it be the goal of all our aspirations to attain unto the likeness and spirit of our blessed Lord, who went about doing good.

Hear us in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on July 25, 1946, the President approved and signed a joint resolution of the House of the following title:

H. J. Res. 371. Joint resolution extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H. R. 6528. An act to authorize the coinage of 50-cent pieces to commemorate the life and perpetuate the ideals and teachings of Booker T. Washington; and

H. Con. Res. 160. Concurrent resolution authorizing the printing of the handbook entitled "Laws Relating to the Physically Handicapped" as a House document, and providing for additional copies thereof.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2359. An act to close the Office of the Recorder of Deeds on Saturdays.

The message also announced that the Senate agrees to the amendments of the

House to a bill of the Senate of the following title:

S. 1477. An act to authorize relief in certain cases where work, supplies, or services have been furnished for the Government under contracts during the war.

ELIMINATION AND RETIREMENT OF OFFICERS

Mr. SIKES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7063) to provide for the selection for elimination and retirement of officers of the Regular Army, for the equalization of retirement benefits for members of the Army of the United States, and for other purposes, and further ask that 20 minutes may be allowed, to be equally divided between the gentleman from Iowa [Mr. MARTIN] and myself, for an explanation of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I am not going to object to this request, but I want it distinctly understood that hereafter there will be very few such consent requests granted. Legislation has been pouring onto the floor of the House in vast quantities. Committees are reporting out bills without giving hearings and very little consideration, and expecting them to be brought up under unanimous consent. This is unfair to the taxpayers and the people of the country. Some of these bills involve millions of dollars and others vitally affect our industrial life. If they are going to be taken up, they should be given decent consideration. Therefore, for my part, I am going to insist that any measure of any large importance be considered either by suspension or at least under a procedure giving full opportunity for debate. They are not going to be taken up by unanimous consent. I have no objection to the pending request.

Mr. RICH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICH. How can the Members of the House know what is coming before the House in the way of unanimous-consent requests?

The SPEAKER. The majority leader made an announcement yesterday about these matters, also about the various bills as to which the Chair intends to recognize Members to move to suspend the rules.

Mr. RICH. Then nothing else will come before the House under unanimous consent except what has been stated by the majority leader?

The SPEAKER. The Chair is not going to recognize anybody to ask unanimous consent to call up any bill that has not been cleared with both the majority and the minority leaders and with the Speaker. The Chair does not do that anyhow.

Mr. RICH. How are the Members going to know?

The SPEAKER. The Chair does not know, other than that a Member can get in touch with the majority or the minority leader or the Speaker and find out if any such request is going to be submitted.

Mr. RICH. If they do not tell the Members of the House, is there not some way in which there could be published a day ahead what bills are coming up? Would not that be sound business?

The SPEAKER. It might not be sound business for the Chair to be bound in that way.

Mr. RICH. It might be sound business for the Members of the House to know that. I think we ought to know that. I think the Speaker of the House and the majority and minority leaders ought to give notice at least 24 hours ahead of what is coming up.

Mr. MARTIN of Massachusetts. Further reserving the right to object, Mr. Speaker, I want it thoroughly understood that my remarks are no reflection on either the Speaker or the majority leader. I simply want it understood that committees cannot bring bills in here without hearings and any consideration and expect to have them considered by unanimous consent. Polling of a few committee members is not the way to legislate on bills of Nation-wide importance. The House should have the opportunity to have thorough knowledge of the legislation to be considered.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. CHURCH. Mr. Speaker, reserving the right to object, I cannot get a copy of the bill. What is the number of the bill, at least?

Mr. SIKES. The number is H. R. 7063.

Mr. CHURCH. Can we have the bill read?

The SPEAKER. The bill, of course, cannot be read unless the House grants unanimous consent for its consideration.

Mr. CHURCH. Mr. Speaker, I am going to object until I see a copy of the bill. I am going to object temporarily. I think I have an amendment and I want to see the bill.

The SPEAKER. Objection is heard.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—INTERNATIONAL LABOR CONFERENCE

The SPEAKER laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

The Twenty-seventh Conference of the International Labor Organization was held in Paris, France, from October 15 to November 5, 1945. Representatives of governments, employers, and workers participated in its deliberations. The United States was one of the 48 member nations represented at the Conference.

The Conference adopted, on November 5, 1945, recommendation (No. 74) concerning minimum standards of social policy in dependent territories (supplementary provisions). One hundred votes were cast in favor of adoption, and none were recorded in opposition.

This recommendation sets forth minimum standards found desirable by the Conference for application in dependent territories to supplement the standards contained in recommendation (No. 70) concerning minimum standards of social policy in dependent territories, which was adopted on May 12, 1944, by the Twenty-sixth Conference held in Philadelphia and which was transmitted to the Congress of the United States on August 22, 1944.

In accordance with the constitution of the International Labor Organization which provides that recommendations adopted by the Conference shall be brought before the competent authority or authorities for the enactment of legislation or other action, I herewith transmit to the Congress the authentic text of this recommendation (No. 74). I believe that the Congress will find the provisions of this recommendation helpful in its consideration of problems of social policy in those Territories and possessions of the United States to which it may be applicable.

I am also bringing this recommendation to the attention of the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior in order that they may transmit it for suitable action by the appropriate authority or authorities in those Territories and possessions of the United States for which they respectively are administratively responsible.

HARRY S. TRUMAN.

THE WHITE HOUSE, *July 26, 1946.*

ADDITIONAL COPIES OF PEARL HARBOR INVESTIGATION REPORT

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 74.

The Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 8,000 additional copies of Senate Document No. 244, being the report of the Joint Committee on the Investigation of the Pearl Harbor Attack pursuant to Senate Concurrent Resolution 27, a concurrent resolution to investigate the attack on Pearl Harbor on December 7, 1941, and events and circumstances relating thereto, including the additional views of Mr. KEEFE and the minority views of Mr. FERGUSON and Mr. BREWSTER, of which 6,000 copies shall be for the use of the said joint committee, 1,000 copies for the use of the Senate document room and 1,000 copies for the use of the House document room.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PART IV OF HEARINGS ON AID TO PHYSICALLY HANDICAPPED

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 741.

The Clerk read the resolution, as follows:

Resolved, That in accordance with paragraph 3 of section 2 of the Printing Act, ap-

proved March 1, 1907, the House Committee on Labor Subcommittee to Investigate Aid to the Physically Handicapped be, and is hereby, authorized and empowered to have printed for its use 500 copies of part 4 of the hearings held before said subcommittee during the second session, Seventy-eighth Congress, relative to aid to the physically handicapped.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PART V OF HEARINGS RELATIVE TO AID TO THE PHYSICALLY HANDICAPPED

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 742.

The Clerk read the resolution, as follows:

Resolved, That in accordance with paragr.ph 3 of section 2 of the Printing Act, approved March 1, 1907, the House Committee on Labor Subcommittee to Investigate Aid to the Physically Handicapped be, and is hereby, authorized and empowered to have printed for its use 500 copies of part 5 of the hearings held before said subcommittee during the second session, Seventy-eighth Congress, relative to aid to the physically handicapped.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PART VI OF HEARING ON AID TO PHYSICALLY HANDICAPPED

Mr. JARMAN. Mr. Speaker, I present a resolution (H. Res. 743) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the House Committee on Labor Subcommittee to Investigate Aid to the Physically Handicapped be, and is hereby, authorized and empowered to have printed for its use 500 additional copies of part 6 of the hearings held before said subcommittee during the second session, Seventy-eighth Congress, relative to aid to the physically handicapped.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNISM IN SOVIET UNION

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 720.

The Clerk read the resolution, as follows:

Resolved, That the manuscript of a documented study and analysis of communism in operation in the Soviet Union be printed as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MANUAL EXPLANATORY OF THE PRIVILEGES, RIGHTS, AND BENEFITS PROVIDED FOR ALL PERSONS WHO ARE, OR HAVE BEEN, MEMBERS OF THE ARMED FORCES

Mr. JARMAN. Mr. Speaker, from the Committee on Printing, I report (Rept. No. 2672) a privileged concurrent resolution (H. Con. Res. 66), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the pamphlet entitled "Manual Explanatory of the Privileges, Rights, and Benefits Provided for All Persons Who Are, or Have Been, Members of the Armed Forces of the United States and of Those Dependent Upon Them" be printed as a House document, and that 91,300 additional copies shall be printed, of which 66,300 copies shall be for the use of the House of Representatives, 20,000 for the use of the Senate, 2,000 for the use of the Committee on World War Veterans' Legislation of the House of Representatives, 2,000 for the House document room, and one thousand for the Senate document room.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS

Mr. JARMAN. Mr. Speaker, from the Committee on Printing, I report (Rept. No. 2673), a privileged concurrent resolution (H. Con. Res. 163), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be compiled and printed, with illustrations, as a House document, in such style and form as may be directed by the Joint Committee on Printing, a revised edition of the Biographical Directory of the American Congress up to and including the Eightieth Congress (1774-1948); and that 3,500 additional copies shall be printed, of which 2,300 copies shall be for the use of the House of Representatives, 800 copies for the use of the Senate, and 400 copies for the use of the Joint Committee on Printing.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELIMINATION AND RETIREMENT OF OFFICERS

Mr. SIKES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7063) to provide for the selection for elimination and retirement of officers of the Regular Army, for the equalization of retirement benefits for members of the Army of the United States, and for other purposes, and I ask unanimous consent that 20 minutes be allocated for discussion of the bill, the time to be equally divided between the gentleman from Iowa and myself.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida [Mr. SIKES]?

There was no objection.

The SPEAKER. The gentleman from Florida is recognized for 10 minutes.

Mr. SIKES. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include an analysis of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, in asking for the present consideration of H. R. 7063, the Committee on Military Affairs, recognizes the lateness of the session and is prompted by the fact that General Eisenhower has classed this bill as one extremely valuable to the Nation's military program and to our national defense and security. I want to point out that it has the active support and endorsement of the National Guard Association and the Reserve Officers' Association. Consequently the committee feels that it is in order to ask for this special treatment of the bill at this time.

The bill contains two principal features: First, a retirement program for National Guard and Reserve officers. I think all of us recognize and appreciate the importance of national guardsmen and of the Reserve officers in World War II. They formed the backbone of the training staff. They made it possible for our people to train an army in the quickest possible time. More important, they helped to hold the lines on far-flung battle fronts until other officers and men could be trained and sent into the breach. Consequently it is extremely important—it is considered essential—that we provide an incentive for a strong National Guard and Reserve in the years ahead. A few men held on during the lean years between World Wars I and II because they loved the work and wanted to help their country's defense. But they were not many in number, and they were never given the full opportunity for training and experience which they needed. We are now seeking to avoid a repetition of that condition. We are seeking to encourage the participation of the best type of personnel in our National Guard and Reserve program. I should like to point out that in order to protect our commitments for the armed forces it is going to be necessary to keep in active service for a long time about 30,000 officers in addition to the 50,000 now authorized for the Regular Army. These men must come from AUS or from the Reserves. It is hard to attract good men from their careers unless some additional attractions for service are provided. The possibility of participating in a retirement program is a positive incentive.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield.

Mr. MILLER of Nebraska. I had a wire from the National Guard of Nebraska in which it was pointed out that the proposed bill would eliminate perhaps the older men who have been giving service for many years, that they no longer will be in the National Guard. Can the gentleman make any explanation of that?

Mr. SIKES. I cannot see that this bill will in any way eliminate the services of the older men.

It requires the continued participation in military activity of nearly all National Guard and Reserve officers, for it is the

purpose of the bill to keep these men up to the minute in training and tactics. But the bill does not in any way infer that those who have served faithfully in the past cannot continue to serve.

I should like to point out to the House that War Department officials estimate that we shall be about 20,000 officers short on August 1. Men are returning to their own careers. They are reluctant to continue to give time to active duty unless additional incentive is provided; something that gives them an opportunity to look forward to at least partial compensation in the way of a retirement program for continued active service.

It is not going to be easy to meet the requirements of this retirement program; its requirements are exhaustive. The completion of 20 years of active and inactive service is necessary. No one can participate before age 60. It is intended to keep officers on their toes, but to offer rewards for long and faithful service of the type that was so important to our prewar military institution. It holds out to officers the possibility of retirement in later years for service in the National Guard and in the Reserve.

Mrs. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield.

Mrs. BOLTON. Does this include Medical Corps officers?

Mr. SIKES. It includes all officers in the National Guard and Reserves. I should like to point out that the cost of this legislation is considered to be about $2,000,000 a year for approximately the next 10 years. Beyond that it is rather difficult to say what the cost will be. It will increase as time goes on.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield.

Mr. JOHNSON of California. In World War I and in World War II over two-thirds of the Ground Forces and a large part of our officers came out of the National Guard organization and Reserves. Is not that a fact?

Mr. SIKES. I believe the gentleman is correct.

Mr. JOHNSON of California. And this bill just gives a slight consideration in a monetary way to those men who continue to work over a very prolonged period, and they cannot take advantage of its provisions until they have reached 60 years of age.

Mr. SIKES. That is correct; a man must be 60 years of age to draw any retirement benefit, and he must have had 20 years active and inactive service. It is not going to be easy to qualify for the benefits offered under this bill, but it does offer a real and substantial incentive for continued service in the National Guard and in the Reserves.

Mr. KEARNEY. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield.

Mr. KEARNEY. Does this bill also give recognition to these National Guard men who in the past have carried the burden of this problem?

Mr. SIKES. It does.

Mr. KEARNEY. By going to their armories night after night? It is also an incentive for men to continue in the National Guard and Reserves.

Mr. SIKES. That is correct, and I may say for the benefit of the membership that no one in this House is better qualified than my distinguished friend to speak of the need for this legislation.

Mr. KEARNEY. I wish to compliment the gentleman and members of the subcommittee for the work they have put in on this bill to get it in shape where it could be reported out and has been.

Mr. SIKES. I thank the gentleman from New York.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield.

Mr. ABERNETHY. I have a constituent who has had about 24 years of service, mostly in the Reserves, and about 4 years in active service, a little less than 4 years. Will he qualify under this bill?

Mr. SIKES. How long did he serve in the National Guard and Reserves?

Mr. ABERNETHY. His over-all service was about 24 years plus, but a little less than 4 years was active service on duty.

Mr. SIKES. If he has served less than 25 years in the National Guard or Reserves and has less than 4 years' active service, he will have to have another 6 months' active service to qualify under this program.

Mr. ABERNETHY. How much active service is required in all?

Mr. SIKES. For a man who has had over 25 years in the National Guard or in the Reserves, no additional active service is required. If he has had between 15 and 25 years, he will have to have another 6 months. A graduated program of requirements is set up as a reward for service already rendered and to insure the continuation of active participation in the future of guardsmen and reserves.

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the distinguished gentleman from Texas.

Mr. THOMASON. Is it not a fact this bill has the approval not only of the National Guard Officers' Association but likewise the Reserve Officers' Association, also the unanimous approval of the Committee on Military Affairs?

Mr. SIKES. That is correct. It has the very strong endorsement of the National Guard Officers' Association and the Reserve Officers' Association and comes to us with the unanimous report of the Committee on Military Affairs.

Mr. THOMASON. In view of the modesty of the gentleman who now has the floor, may I add that the gentleman from Louisiana [Mr. BROOKS], who is not present today, the gentleman from Florida who is now speaking [Mr. SIKES], and the gentleman from Iowa [Mr. MARTIN] have given literally months of time in studying this question in collaboration with the War Department officials, and I understand it not only has the approval of the subcommittee and the full committee but also of the War Department as well.

Mr. SIKES. I want to subscribe to all the gentleman has said about the able leadership of the gentleman from Louisiana [Mr. BROOKS], who has worked long and faithfully on this matter, as well as the gentleman from Iowa [Mr. MARTIN], who has carried a large part of the load. At this point I hope I may list the members of the subcommittee which prepared the bill. It has required much work and they have given freely of their time to insure a sound and workable bill. They are Messrs. BROOKS, SPARKMAN, KILDAY, DURHAM, myself, PHILBIN, STEWART, WINSTEAD, ROE of New York, SHORT, ARENDS, CLASON, MARTIN of Iowa, ELSTON, HARNESS of Indiana, and JOHNSON of California.

Mr. KEARNEY. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from New York.

Mr. KEARNEY. It also has been endorsed by the Adjutant General's Association?

Mr. SIKES. That is correct.

Mr. COLE of New York. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from New York.

Mr. COLE of New York. If I understand it correctly, this is the first time a Reserve officer of the Army is given the privilege of retirement?

Mr. SIKES. It is the first time a measure has been brought to the floor setting up a retirement program for Reserves.

Mr. COLE of New York. Does this bill affect only the Army or does it affect the Navy as well?

Mr. SIKES. This bill is written for the Army.

Mr. COLE of New York. Was any consideration given to the advisability of including the Navy?

Mr. SIKES. I think it is advisable to include Navy personnel in this program, but the committee, realizing the size and enormity of its task, confined its discussion to its applicability to the War Department.

Mr. COLE of New York. Was the position of the Navy Department on this question sought by the Military Committee?

Mr. SIKES. I am not able to answer that question. I do not know.

Mr. MILLER of Nebraska. Are we discussing 1972?

Mr. SIKES. We are discussing H. R. 7063.

Mr. MILLER of Nebraska. Is that the Brooks bill?

Mr. SIKES. That is the Brooks bill.

Mr. MILLER of Nebraska. The information I tried to impart to the gentleman a few minutes ago was that the National Guard and Reserve Officers' Associations were opposed to section 203 of S. 1974 because it required 3 years of active military service and 2 years to be served in the future and only 1-year credit for prior service.

Mr. SIKES. There is a graduated scale which sets up the amount of active service required. It depends upon the active and inactive service a man has had in the past. We must set up standards which can be attained, but which are sufficiently exacting to insure a well-trained, spirited Reserve and National Guard. There will always have to be a dividing line, which some persons cannot quite attain.

It is going to be impossible to set up a program that will please everybody;

however, we are trying to set one up that will benefit the service to the greatest extent, and at the same time provide an incentive for officers to do the required work of first-class services. We want to build up the Reserve and the Guard and at the same time we want the personnel of both to have a chance to benefit financially by their work.

We do not want to eliminate those officers who have served faithfully and well in the past and they are included in this program.

Now Mr. Speaker, before my time expires, I want to touch on other features of the bill. The second main provision establishes a method for the elimination of unqualified Regular Army officers.

I think we all realize that the old program, which was in effect prior to 1941 is so cumbersome that it was almost impossible to eliminate an inefficient officer against his will. The war proviso now temporarily in effect for the elimination of inefficient officers does not provide sufficient protection for the rights of the individual officer. In setting up our peacetime forces, the War Department wants the best officers it can obtain, and this bill seeks to provide a sound, long-range program for the retention of able officers and the weeding out of undesirable ones. The bill provides for a selection board, whose findings are gone into thoroughly by a board of inquiry. Afterwards a board of review will confirm or reject previous findings. As a final step, the Secretary of War is empowered to pass on the findings of the various boards.

There are other features in the bill. One of them provides for retirement in the highest grade held during wartime. This is similar to a provision now enjoyed by Navy personnel, and it is included in this bill as a part of the program to place the services on an equal footing.

Another significant feature is the requirement for an annual physical examination of persons retired for physical disability except in cases of obvious permanent disability. This section is intended to stop abuses, which are known to exist, and to correct cases where individuals have recovered from disability for which they were retired, and for which they are still drawing retirement pay. The bill does not leave these individuals out in the cold. It provides for their return to duty or for retirement pay on the basis of actual service rendered.

The bill also provides some needed safeguards on legislation previously enacted. For instance some individuals who have just been appointed to the Regular Army have the right to retire almost immediately and to receive retirement pay for years of constructive service. Constructive service is a term used in determining the rank they will enjoy in the Regular Army, but unless this bill is passed some individuals can also use constructive service for retirement and be paid for it, even though it refers to years not actually served. The bill corrects that situation.

Mr. Speaker, I ask that I may include herein an analysis of the bill which explains each paragraph.

ANALYSIS OF H. R. 7063, A BILL TO PROVIDE FOR THE SELECTION FOR ELIMINATION AND RETIREMENT OF OFFICERS OF THE REGULAR ARMY, FOR THE EQUALIZATION OF RETIREMENT BENEFITS FOR MEMBERS OF THE ARMY OF THE UNITED STATES, AND FOR OTHER PURPOSES

GENERAL

H. R. 7063 is a bill prepared by a Subcommittee of the Committee on Military Affairs under the chairmanship of the Honorable OVERTON BROOKS. The bill is necessarily involved in a legal sense in view of the complexity of present law respecting elimination and retirement of military personnel. The principles, however, which it seeks to establish are clear and relatively simple.

The bill contains two separate and distinct subjects.

TITLE I. ELIMINATION OF UNQUALIFIED REGULAR OFFICERS

Title I of the bill applies only to officers of the Regular Army and is designed to establish a method for the elimination of inefficient officers. It is a substitute for the provisions of section 24b of the National Defense Act under which inefficient officers were eliminated after World War I and prior to World War II and for the provisions of the joint resolution of July 29, 1941, under which inefficient officers were eliminated during World War II.

As the committee is aware, the method established for the elimination of inefficient officers in section 24b of the National Defense Act proved to be unsatisfactory. The numerous boards and resulting delays provided by that act to protect the interests of officers whose elimination was recommended proved too cumbersome with the result that it was practically impossible to terminate the commission of an inefficient officer against his will. On the other hand, the provisions of the joint resolution of July 29, 1941, passed in anticipation of war, are extremely drastic and do not provide appropriate safeguards to protect the interests of the officers concerned consistent with our democratic form of government.

Title I of the bill under consideration provides (sec. 102) that the Secretary of War shall convene a selection board of five general officers. This board is charged with responsibility of reviewing the records of all officers on the active list of the Regular Army annually and of selecting therefrom the names of those officers who have failed to achieve standards of performance of duty established by War Department regulations.

Officers who are found by the selection board not to meet minimum War Department requirements are to be afforded a fair and impartial hearing before a board of not less than three general officers (sec. 103). If the board of inquiry finds an officer to have met the standards prescribed, proceedings in his case are terminated. On the other hand, if the board finds the officer not to have met such minimum standards, the officer's record, together with the recommendations of the board of inquiry, are forwarded to a board of review (sec. 104) consisting of not less than five general officers. Again, if the board of review finds the officer qualified, his case is dropped. If, however, it concurs in the findings of the board of inquiry, it forwards the case to the Secretary of War with the recommendation that the officer be removed from the active list. The action of the Secretary of War is final.

Section 105 provides that an officer required to show cause why he should not be removed from the active list, shall be allowed to appear in person, to be represented by counsel, and shall be furnished full access to all records pertinent to his case at all stages in the proceedings. This section also prohibits the same general officer from sitting on more than one of the boards involved. These safeguards are provided to insure a complete and just hearing in each case and to afford each officer a full opportunity to present all factors favorable to his side of the case.

Officers who are removed from the active list under the provisions described in the preceding paragraph and who have completed less than 7 years active Federal commissioned service are honorably discharged (sec. 106a). Where such an officer has completed more than 7 years but less than 10 years service, he is discharged with severance pay equal to 6 months base pay and longevity of his permanent grade (sec. 106b). In the case of those officers who have completed more than 10 but less than 20 years service, severance pay equal to 1 year's base and longevity pay is authorized (sec. 106c). Finally, those officers who have completed more than 20 years service are placed on the retired list in the permanent grade then held with retirement pay at the rate of 2½ percent of such officers' active duty annual pay at the time of his retirement multiplied by the number of years service which he has completed but with a maximum limit of not to exceed 75 percent.

Section 107 provides for the review of the records of those officers heretofore removed from the active list of the Regular Army under the provisions of the joint resolution of July 29, 1941. Provision is made for a full and complete hearing in all such cases and for the restoration to the active list of those officers found to have been wrongfully removed in the position and with all rights, benefits, and privileges which he would have attained had he not been removed except those rights, benefits, and privileges based upon active service in time of war in fact not performed by such officers.

Sections 108 and 109 of the bill authorize the Secretary of War to promulgate regulations necessary to carry the provisions of title 1 into effect; provide against the payment of back pay or allowances for personnel reinstated and repeal section 24b of the National Defense Act and the joint resolution of July 29, 1941.

The War Department feels that the method established in title 1 of the bill will operate satisfactorily, avoids the difficulties heretofore experienced under section 24b of the National Defense Act, and contains appropriate safeguards for the rights of individuals.

TITLE II. RETIREMENT

In his recent appearance before the Military Affairs Committee, General Eisenhower pointed out "we will always, in the forseeable future, require a larger combined Army and Air Force than this—the 50,000 Regular officers will always have to be supported by a large number of civilian officers on active duty." As the committee also is aware, the establishment of a strong reserve in the period between the World Wars I and II was seriously handicapped by a reluctance on the part of Reserve and National Guard officers to accept extended active duty. Under the circumstances, the purpose of title II of the bill under consideration is to provide an incentive to National Guard and Reserve officers to seek extended active duty subsequent to the termination of the present war. The incentive established is a provision for the retirement of temporary officers under certain circumstances with retired pay in amounts proportional to the service which they will be required to render in order to qualify.

Title II of the bill affects retirement of both Regular and temporary officers. Section 201 provides for the establishment of an officers' retired list and of a Reserve officers' retired list. The names of all officers of the Regular Army heretofore or hereafter retired under any provision of law are placed on the former list. The names of all commissioned officers and former commissioned officers of the Army of the United States, other than those of the

Regular Army, heretofore retired under the provisions of the act of April 3, 1939 (retired for physical disability) or the act of September 26, 1941 (physical disability incurred on or after February 28, 1925) or hereafter retired under the provisions of section 203 of title II of the bill under consideration, are placed on the Reserve officers' retired list.

Section 202 provides for the future voluntary retirement of Regular Army officers. Present law (act of July 31, 1935) as amended, permits an officer of the Regular Army to retire at his own request, in the discretion of the Secretary of War, after having completed 15 years' active Federal service. This minimum term of service is raised to 20 years by the bill under consideration. No change is made in the rate of retired pay (2½ percent per year) now provided by law, nor in the maximum limit of 75 percent. A proviso protects, without change, provisions of present law which authorize 75 percent active duty annual base and longevity pay for retired officers of the Regular Army or Philippine Scouts who served prior to November 12, 1918. It is to be noted therefore that insofar as regular officers are concerned, these two sections make little change in present law.

RETIREMENT OF RESERVE AND NATIONAL GUARD OFFICERS

Section 203 of the bill establishes a new national policy providing for the retirement of reserve and National Guard officers for length of service. There is no authority of law for such purpose at the present time and it is hoped that the provisions established by section 203 will provide the incentive desired in order that reserve and National Guard officers will seek active Federal service after the official termination of the present war.

Two over-all criteria which apply to all temporary officers are first established. First, retirement benefits are not payable until the age of 60; and second, a minimum of 20 years satisfactory service in the armed forces or reserve components must be served in all cases.

With the two over-all requirements in mind, section 203 establishes a number of postwar requirements which must be met if an individual is to qualify for retirement benefits. These are adjusted with two purposes in mind. First, to establish a maximum probable postwar active duty requirement which could be met by a reserve officer in consideration of his age; and second, to compensate to a degree the past service rendered by reserve and National Guard officers in World Wars I and II. The requirements established are spelled out in subsections (a) (1), (2), (3), (4), (5), (6) of section 203. The following table indicates these requirements:

Age (years)	Minimum total satisfactory service	Minimum total active Federal service (years)	Minimum satisfactory service in armed forces prior to termination of present war (years)	Minimum postwar active Federal service required (years)
60	At least 20 years.	3	None	3
60	do	3	0 to 5	2
60	do	4	5 to 10	1½
60	do	4	10 to 15	1
60	do	4	15 to 25	½
60	At least 25 years.	4	Over 25	None

Service with the Civilian Conservation Corps is specifically excluded from the time which may be counted as active Federal service.

Persons who are eligible for retirement benefits under the conditions described above receive retired pay at the rate of 2½ percent for each year of active Federal service and at the rate of one-half of 1 percent for each year of inactive Federal service. A maximum of 75 percent is established. These rates are applied to the annual base and longevity pay of the highest grade satisfactorily held by such person during his period of service.

Subsection (d) of section 203 provides that the Secretary of War shall certify to the Veterans' Administration the names of those persons entitled to receive retirement pay under the provisions of this section. Payment is made by the Administrator of Veterans' Affairs from appropriations of the Veterans' Administration. This is consistent with the national policy established by the Congress in 1939 whereby the Administrator of Veterans' Affairs pays all benefits other than the retired pay of members of the Regular Army.

Subsection (e) contains certain definitions essential to the proper interpretation of section 203.

CONSTRUCTIVE SERVICE FOR RETIREMENT

Regular Army

Sections 204 and 205 of title II again apply only to members of the Regular Army.

Subsection 204 is necessary in view of the recent integration of temporary officers into the Regular Army under the provisions of the act of December 28, 1945. As the committee is aware, these officers were given constructive service under the provisions of that act for purposes of determining their grade and right of promotion. Section 204 permits such constructive service to be counted in determining their eligibility for voluntary retirement under the provisions of the act of July 31, 1935. As originally introduced, this section also permitted such constructive service to be counted in computing retirement pay. The subcommitee, however, specifically amended the section to permit the constructive service in question to be counted for determining eligibility for retirement only and, as now written, it does not authorize this service to be counted in computing retirement pay.

The section in question is a substitute for the fifth proviso of section 5 of the act of July 31, 1935, as amended, which is repealed.

Retirement in temporary grade

Section 205 of the bill under consideration provides for the retirement or for advancement on the retired list of each commissioned officer of the Regular Army in the highest temporary grade satisfactorily held by him during active military service in time of war.

Subsection (b) of section 205 applies the same principle to members of the Army Nurse Corps. Similarly warrant officers and enlisted members of the Regular Army heretofore or hereafter retired are retired in the highest grade held during active military service during the war and receive retired pay on the basis of base and longevity pay which they would have been receiving if serving in active duty in such grade.

Subsection (d) of this section makes a similar provision with respect to members of the Army of the United States other than of the Regular Army heretofore or hereafter granted retirement pay for physical disability.

Subsections (e) and (f) provide for the effective date of the provisions of this section and provide certain safeguards in the event such individuals are recalled to active duty.

Congress has established this principle in national policy by making similar provisions in the act of February 21, 1946 (Public Law 305, 79th Cong.), respecting the retirement of naval personnel. It is not believed that any valid distinction exists between the type of service rendered by officers and enlisted men of the Army and the service rendered by officers and enlisted men of the Navy upon which naval personnel should be retired in temporary war grades while military personnel are retired in their permanent grades. The provisions of this section place Army personnel in exactly the same position in that respect as naval personnel under the act of February 21, 1946.

REEXAMINATION OF PERSONS RETIRED FOR PHYSICAL DISABILITY

Section 206 is a new section inserted by the subcommittee which prepared the bill under consideration. The subcommittee was of the opinion that there has been abuse of the laws and regulations providing for the retirement of personnel because of physical disability in the past. At the present time, there is no provision for the reexamination of individuals who have been retired because of physical disability nor is there any provision whereby the retired pay of such individuals is terminated or reduced should they recover from the disability for which they were retired.

Section 206, consequently, provides that all persons heretofore or hereafter retired for physical disability, with the exception of those having obvious disabilities of a permanent nature, shall be required to take annual physical examinations and that the retired pay of persons found no longer physically disqualified for service as a result of such examination shall be terminated.

In the case of a member of the Regular Army or of the Army Nurse Corps whose retired pay is terminated as a result of the contemplated annual physical examination, the Secretary of War, with the consent of the individual involved, is required to recommend to the President the nomination of such individual for reappointment to the active list of the Regular Army or of the Army Nurse Corps in the grade and with the seniority that such person would have held had he not been originally retired.

Similar provisions are made with respect to persons other than members of the Regular Army whose retirement pay is terminated, and again the section calls upon the President to appoint such persons in the Officers' Reserve Corps in the grade equal to the highest grade satisfactorily held by him in the Army of the United States.

Those members of the Regular Army who decline to accept reappointment to the active list may, if they have completed 20 or more years of active Federal service, be retired at 2½ percent of annual base pay and longevity of the highest grade satisfactorily held by him during his period of service multiplied by the number of years of active Federal service. In computing this figure, time spent on the retired list is counted as active Federal service. Similar provisions are made respecting the retirement of enlisted men.

Rules and regulations

Section 207 of the bill contains authority for the Secretary of War to promulgate necessary regulations and also contains the usual "grandfather clause." A specific exemption with respect to section 206 of the bill is contained in this clause.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. LARCADE. Mr. Speaker, this bill now under consideration was introduced by my colleague the gentleman from Louisiana [Mr. BROOKS], and I am heartily in favor of the same.

It is my opinion that this bill corrects an injustice as between the officers of the armed forces and that the

provisions are fair and reasonable, and that the enactment of this bill will go a long ways to solidify and clarify our national-defense policies.

The bill has the unanimous support of the War Department, National Guard, and Reserve Officers' Associations, as well as the approval of veterans' organizations.

Mr. Speaker, I trust that the Members of the House will not defer further action on this important matter, and that the same will be approved unanimously.

Mr. Speaker, the legislation has the full support of the various officers and veterans organizations in my State, and I ask unanimous consent that I may insert telegrams from a number of leading and distinguished men from my district and Louisiana who urge the enactment of this bill, and that the same be included in my remarks.

I now submit the telegrams addressed to me as follows:

LAKE CHARLES, LA., *July 24, 1946.*
Representative LARCADE, *Louisiana,*
House of Representatives,
Washington, D. C.:

Urge further support of H. R. 6954 introduced by BROOKS of Louisiana in order that it may be placed on unanimous-consent list. The bill has won unanimous support of the War Department, National Guard, Reserve Officers' Association, and veterans' organizations.

LEONARD E. PAULEY,
Lieutenant Colonel, United States National Guard.

LAKE CHARLES, LA., *July 24, 1946.*
Representative LARCADE, *Louisiana,*
House of Representatives,
Washington, D. C.:

Urge further support of H. R. 6954 introduced by BROOKS of Louisiana in order that it may be placed on unanimous-consent list. The bill has won unanimous support of the War Department, National Guard, Reserve Officers' Association, and veterans' organizations.

RAYMOND H. PAULEY,
First Lieutenant, United States Artillery.

LAKE CHARLES, LA., *July 24, 1946.*
Congressman HENRY D. LARCADE, JR.,
Washington, D. C.:

Urge further support of H. R. 6954 introduced by BROOKS of Louisiana in order that it may be placed on the unanimous-consent calendar. This is the bill unanimously supported by the War Department, National Guard, and Reserve Officers' Associations, and the veterans' organizations.

FRANK C. BLACKBURN.

LAKE CHARLES, LA., *July 24, 1946.*
Representative HENRY D. LARCADE, JR.,
House of Representatives,
Washington, D. C.:

Urge further support of H. R. 6954 introduced by BROOKS of Louisiana in order that it may be placed on unanimous-consent calendar. His bill has won unanimous support of War Department, National Guard, Reserve Officers Association, and veterans' organizations.

ROBERT B. CAGLE,
Louisiana National Guard.

LAKE CHARLES, LA., *July 24, 1946.*
Congressman HENRY D. LARCADE, JR.,
Washington, D. C.:

Urge further support of H. R. 6954 introduced by BROOKS of Louisiana in order that it may be placed on the unanimous-consent calendar. This is the bill unanimously supported by the War Department, National Guard and Reserve Officers' Associations, and veterans' organizations.

JAS. H. KUTTNER.

LAKE CHARLES, LA., *July 24, 1946.*
Hon. HENRY D. LARCADE, JR.,
House of Representatives,
Washington, D. C.:

Urge further support of H. R. 6954 introduced by Representative BROOKS, Louisiana, in order that it may be placed on unanimous-consent calendar. This bill has won unanimous support of War Department, National Guard, Reserve Officers' Association, and veterans' organizations.

ARTHUR L. GAYLE, JR.,
Lieutenant Colonel, United States Reserve Army.

SHREVEPORT, LA., *July 25, 1946.*
Hon. HENRY J. LATHAM,
Member of Congress,
Washington, D. C.:

Understand H. R. 6954 by BROOKS of Louisiana may be placed on unanimous-consent calendar for immediate consideration. Urge your assistance. We think it highly important that passage be expedited so as to hasten solidification and clarification of the national defense policies. This bill unanimously supported by War Department, National Guard, Reserve Officers' Association, and so forth.

WHITFIELD JACK,
President, Louisiana Department, Reserve Officers' Association.

The SPEAKER. The gentleman from Iowa [Mr. MARTIN] is recognized for 10 minutes.

Mr. MARTIN of Iowa. Mr. Speaker, this bill has been under study by the Committee on Military Affairs for several years. The problem came up acutely in 1940 when we rewrote the promotion law for the Army. I joined at that time with the gentleman from Alabama [Mr. SPARKMAN] in writing a committee report in which we stressed two important factors needed by the Army, one governing promotion and the other governing attrition as far as the Regular Army is concerned.

Section 1 of the bill now before you includes the first far-reaching legislation governing the problem of attrition and giving the War Department the machinery needed for keeping the Army officer personnel up to date and freeing it from officers who cease to be of effective service and use to the Army.

Section 1 of this bill is vitally needed now since we are increasing the Regular Army officer personnel. I had the privilege of serving in the Army for many years following World War I, and following the increase in the Regular Army in 1920, and I know how badly the Regular Army needed legislation of this kind at that time. They did not have it, and as a consequence the Army suffered because of the inability and the lack of machinery to take care of the necessary attrition.

As far as sections 2 and 3 are concerned, they bring in a new piece of legislation authorizing limited retirement rights for National Guard and Reserve Officers and men who devote many years of their lifetime to the national defense. We have needed such incentive as is provided in this bill, and we have never needed it more than we do today when we look forward to building up a larger and a more effective National Guard and Reserve system.

I have two amendments which I shall offer covering points that have arisen since the committee completed discussion of the bill, and in offering these amendments I certainly do not wish to criticize any member of the committee for not having placed them in the bill, because I know enough about the laws governing the armed forces, and especially those laws governing retirement of members of the armed forces, to know that no one can expect even in years of study to cover every possible point that should be covered.

At this point I want to make a statement regarding the work of the subcommittee chairman, the gentleman from Louisiana [Mr. BROOKS]. He has done an outstanding job on this bill. I am sorry that he is not able to be with us at this time. Backing up the gentleman from Louisiana [Mr. BROOKS] with equal good work was the gentleman from Florida [Mr. SIKES] who just addressed you.

The committee has given a lot of time and study to this matter. The bill itself is too complicated to expect one to outline every detail of it here at this time, but I can assure you that it is the best bill in this field that I have had the privilege of helping to develop and bring before the House.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Iowa. I yield to the gentleman from California.

Mr. JOHNSON of California. I want to say for the record that our committee looks upon the gentleman from Iowa [Mr. MARTIN] as the best informed man in Congress on these problems. I think that is not exaggerating one bit. We relied very heavily on his experience and his background in connection with this problem, and that is one reason why I am thoroughly in favor of the bill. He sponsored it and he furnished the historical background we had to have in order to understand it.

Mr. MARTIN of Iowa. I thank the gentleman.

Mr. DURHAM. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Iowa. I yield to the gentleman from North Carolina.

Mr. DURHAM. I would like to add to what the gentleman from California [Mr. JOHNSON] has just said about the gentleman from Iowa [Mr. MARTIN]. The gentleman from Iowa [Mr. MARTIN], I think, knows more about this matter than any other member of the subcommittee. During the last 2 years he has been working on this problem trying to coordinate and work out this retirement bill. I think that he has done more hard work on it than any member on this subcommittee and deserves the thanks of the Members of this House.

Mr. MARTIN of Iowa. I thank the gentleman.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Iowa. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. I realize that the gentleman is an authority on this matter, but I should like to bring up a letter I received this morning in which an old National Guard officer, who had some service in this war, was complaining about the section in this bill which requires 3 years of actual military service, 2 years' service in the future, and only 1 year credit for service already rendered. I am wondering if that is still in this bill?

Mr. MARTIN of Iowa. We have taken care of that.

Mr. MILLER of Nebraska. That has been taken care of in the bill?

Mr. MARTIN of Iowa. Yes.

Mr. MILLER of Nebraska. I thank the gentleman.

Mr. MARTIN of Iowa. We tried to be fair to those officers of the National Guard and reserve who have already given long service. I have an amendment to offer in behalf of those officers who served 20 years or more and who were taken out of service because of physical disability at the very time they had the opportunity to render extended active duty during this war. This amendment will improve the bill considerably, and I know it is acceptable to the committee. I shall be very glad to offer it. I will also offer an amendment changing the present law regarding officers retired under section 24 (b) of the National Defense Act.

Mr. DURHAM. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Iowa. I yield to the gentleman from North Carolina.

Mr. DURHAM. This amendment was overlooked in the committee. The gentleman from Iowa brought it to the attention of the committee after we had completed the consideration of the bill. Personally, I think it is a good amendment and should be added, because it puts every group in the Army on the same basis of retired pay. There is no reason why this little group of men, approximately 150 or 200, as I recall the number, should not be placed on the same basis as all the other officers in the Regular Army.

Mr. MARTIN of Iowa. I appreciate the gentleman's comment regarding that amendment to section 24 (b) of the National Defense Act.

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Iowa. I yield to the gentleman from Texas.

Mr. THOMASON. I join with other members of my committee in saying that the gentleman from Iowa [Mr. MARTIN] has done an outstanding job on this bill. I should also like to include the gentleman from California [Mr. JOHNSON]. If we are not to have a large standing army, and none of us wants a larger one than is absolutely necessary for our national defense and national security, I am sure the gentleman will agree that we must give proper encouragement to the National Guard and Reserve officer components of the United States. The truth of the matter is, I think, and I believe the gentleman will agree with me, that in the recent past they have not had what might be commonly called a square deal, yet their contribution in the recent war equalled that of any other person in the Army.

Mr. MARTIN of Iowa. The gentleman is absolutely right. Also I wish to join in his commendation of the gentleman from California [Mr. JOHNSON] for his intelligent and diligent efforts to build a sound piece of legislation in this field.

The SPEAKER. The time of the gentleman from Iowa has expired. All time has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "Army Vitalization and Retirement Equalization Act of 1946."

TITLE I

ELIMINATION

SEC. 101. Notwithstanding any other provision of law, the Secretary of War is hereby authorized for such causes as may be satisfactory to him, to remove any commissioned officer from the active list of the Regular Army in the manner hereinafter prescribed.

SEC. 102. Immediately following the enactment of this act, and once annually thereafter, the Secretary of War shall convene a selection board of five general officers, which shall review the records of all officers on the active list of the Regular Army to determine which of such officers shall be required to show cause why they should be retained on the active list. Selection of any officer to show cause for retention shall be based upon his failure to achieve such standards of performance as the Secretary of War shall by regulations prescribe, or on other good and sufficient reasons appearing to the satisfaction of the Secretary of War and of which the selection board is advised.

SEC. 103. Any officer selected to show cause for retention shall be accorded a fair and impartial hearing before a board of inquiry, consisting of not less than three general officers, convened at such place or places as the Secretary of War may prescribe to receive evidence and to make findings and recommendations as to the officer's fitness to be retained on the active list. If the board of inquiry recommends the retention of any officer on the active list, his case shall thereupon be closed and shall not be subject to further action, except that such officer may again be selected to show cause for retention at any future time in accordance with the provisions of section 102 of this title.

SEC. 104. The board of inquiry shall forward the record of its proceedings in each case in which it recommends the removal of any officer from the active list to a board of review, consisting of not less than five general officers, convened by the Secretary of War at such time as he deems appropriate, to review each such case and make recommendations as to the retention of the officer concerned on the active list. If the board of inquiry recommends the retention of any officer on the active list, his case shall thereupon be closed and shall not be subject to further action, except that such officer may again be selected to show cause for retention at any future time in accordance with the provisions of section 102 of this title. If the board of review recommends against the retention of any officer on the active list, such recommendation shall be transmitted to the Secretary of War for his action thereon. The action of the Secretary of War in removing any officer from the active list shall be final and conclusive: *Provided*, That at any time prior to his removal from the active list the application of any officer for honorable discharge or voluntary retirement under this act or any other provision of law may, if the applicant is otherwise qualified therefor, be granted by the Secretary of War.

SEC. 105. Any officer who is under consideration for removal from the active list shall be allowed to appear in person or by counsel at proceedings before any board of inquiry or any board of final review, and shall, at all stages of the proceedings, be allowed full access to and furnished copies of records pertinent to his case. No person shall sit as a member of more than one of the boards convened under section 102, 103, or 104 of this title in the consideration of the case of the same officer.

SEC. 106. Each officer removed from the active list of the Regular Army pursuant to this title shall—

(a) if on the date of removal he has completed less than 7 years' active Federal commissioned service, be honorably discharged in the permanent grade then held;

(b) if on the date of removal he has completed 7 or more but less than 10 years of such service, be honorably discharged in the permanent grade then held, with severance pay equal to 6 months' base and longevity pay computed upon such grade;

(c) if on the date of removal he has completed 10 or more but less than 20 years of such service, be honorably discharged in the permanent grade then held, with severance pay equal to 1 year's base and longevity pay computed upon such grade;

(d) if on the date of removal he has completed 20 or more years of such service, be retired in the permanent grade then held, with retired pay equal to the retired pay which he would receive if retired in such grade upon his own application under section 5 of the act of July 31, 1935 (49 Stat. 507), as now or hereafter amended.

SEC. 107. (a) The Secretary of War shall transmit the records of all proceedings in the case of each person heretofore removed from the active list of the Regular Army pursuant to the provisions of section 2 of the joint resolution of July 29, 1941 (55 Stat. 606), to a board of review convened under section 104 of this title. Each person so removed shall be notified of the reference of his case to such board for review, and shall be accorded opportunity to appear before the board in person or by counsel. After full and fair consideration of all the facts and circumstances of each such case as they existed at the time of removal, the board shall transmit to the Secretary of War a report thereon containing its findings of fact, its conclusion on the question whether such removal was justified, and its recommendation on the question whether the officer affected should be restored to the active list pursuant to the provisions of this section.

(b) In each such case in which the Secretary of War approves a recommendation for the restoration of any person to the active list of the Regular Army, he shall transmit the record of proceedings to the President, who is authorized and requested to appoint such person, by and with the advice and consent of the Senate, as a commissioned officer on the active list of the Regular Army in the grade and with the seniority which he would have attained by operation of law if he had not been removed therefrom. In all other cases the action taken by the Secretary of War shall be final and conclusive for all purposes. The Secretary of War shall transmit to each person affected a copy of the report made by the board of review in his case and written notice as to the disposition thereof.

(c) In determining length of active Federal commissioned service for all purposes of pay, allowances, appointment, promotion, and retirement, each person restored to the active list of the Regular Army pursuant to the provisions of this section shall be deemed to have served as an officer on the active list of the Regular Army from the date of his removal therefrom to the date of his restoration thereto, and upon restoration shall be carried as an additional number in the grade in which restored to the active list or in any

grade to which he thereafter may be promoted. Each officer so restored shall be accorded all other rights, benefits, and privileges to which he would have been entitled if he had not been removed from the active list, except those based upon active service in time of war or emergency not in fact performed by him.

SEC. 108. (a) The Secretary of War may promulgate such regulations as may be necessary to carry into effect the provisions of this title.

(b) No back pay, allowances, or compensation shall accrue to any person by reason of the enactment of any provision of this title.

SEC. 109. Section 24b of the National Defense Act, as amended by the act of June 4, 1920 (41 Stat. 773), and the joint resolution of July 29, 1941 (55 Stat. 606), are hereby repealed.

TITLE II

RETIREMENT

SEC. 201. Effective upon the enactment of this title, the Secretary of War shall establish—

(a) An officers' retired list, to be published annually in the Army Register, upon which shall be placed all commissioned officers of the Regular Army heretofore or hereafter retired from active service under any provision of law, without limitation as to the number of officers who may be placed thereon. Any provision of law requiring commissioned officers of the Regular Army to be placed upon the limited or unlimited retired lists hereafter shall be deemed to refer to the officers' retired list established pursuant to this subsection;

(b) A Reserve officers' retired list, to be published annually in the Army Register, upon which shall be placed the names of all commissioned officers and former commissioned officers of the Army of the United States, other than those of the Regular Army, heretofore or hereafter granted retirement pay under section 5 of the act of April 3, 1939 (53 Stat. 557), as amended (10 U. S. C. 456), section 1 of the act of Sepember 26, 1941 (55 Stat. 733; 10 U. S. C. 456a), section 203 of this title or any law hereafter enacted to provide retirement pay for commissioned officers other than those of the Regular Army, and the names of all warrant officers and enlisted men of the Regular Army heretofore or hereafter retired under any provision of law who, by reason of service in temporary commissioned grades in the Army of the United States or any component thereof, are entitled to be retired with commissioned rank or grade.

SEC. 202. That portion of section 5 of the act of July 31, 1935 (49 Stat. 507), as amended by section 3 of the act of June 13, 1940 (54 Stat. 380; 10 U. S. C. 943a, 971b), ending with the colon following the second proviso thereof, is hereby further amended to read as follows:

"That any officer on the active list of the Regular Army or Philippine Scouts who shall have completed not less than 20 or more than 30 years' active Federal service in the armed forces of the United States may in the discretion of the Secretary of War be retired upon his own application with annual pay equal to 2½ percent of his active-duty annual base and longevity pay at the time of retirement, multiplied by a number equal to the number of years of such active Federal service not in excess of 30 years: *Provided*, That in computing the number of years of such service for the purpose of determining the amount of retired pay, and for no other purpose, any fractional part of a year amounting to 6 months or more shall be counted as a complete year: *Provided further*, That any officer on the active list of Regular Army or Philippine Scouts who served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918, and who completes 20 or more years of active service shall, upon his own application, be retired with annual pay equal to 75 percent of his active-duty annual base and longevity pay at the time of his retirement unless entitled to retired pay of a higher grade as hereinafter provided, except that officers who are under investigation or who are awaiting trial by courts martial or the result of such trial, or whose cases are pending before courts of inquiry shall be retired only when the application for retirement in each case has been approved by the Secretary of War."

SEC. 203. (a) Any person, after attaining the age of 60, who has heretofore served or hereafter serves as a commissioned officer, warrant officer, flight officer, or an enlisted man in a reserve component of the Army of the United States and who has completed an aggregate of 20 or more years of satisfactory service in the armed forces of the United States, or reserve components thereof, shall, upon application to the Secretary of War, be granted retirement pay, if he satisfies the requirements applicable to his case as set forth below:

(1) If he has no satisfactory service in the armed forces of the United States, or reserve components thereof, prior to the termination of the present wars, he must have completed not less than 3 years of active Federal service subsequent to the date of termination of such wars.

(2) If he has completed some satisfactory service but less than 5 years of satisfactory service in the armed forces of the United States, or reserve components thereof, prior to the date of termination of the present wars, he must have completed not less than 3 years of active Federal service, at least 2 years of which must have been served subsequent to the date of termination of such wars.

(3) If he has completed 5 years but less than 10 years of satisfactory service in the armed forces of the United States, or reserve components thereof, prior to the date of termination of the present wars, he must have completed not less than 4 years of active Federal service, at least 18 months of which must have been served subsequent to the date of termination of such wars.

(4) If he has completed 10 years but less than 15 years of satisfactory service in the armed forces of the United States, or reserve components thereof, prior to the date of termination of the present wars, he must have completed not less than 4 years of active Federal service, at least 1 year of which must have been served subsequent to the date of termination of such wars.

(5) If he has completed 15 years but less than 25 years of satisfactory service in the armed forces of the United States, or reserve components thereof, prior to the date of termination of the present wars, he must have completed not less than 4 years of active Federal service, at least 6 months of which must have been served subsequent to the date of termination of such wars.

(6) If he has completed 25 or more years of satisfactory service in the armed forces of the United States, or reserve components thereof, prior to the date of termination of the present wars, he must have completed not less than 4 years of active Federal service.

For the purposes of paragraphs (1) through (6) of this subsection, service with the Civilian Conservation Corps shall not be deemed to be active Federal service.

(b) Any person granted retirement pay under the provisions of subsection (a) shall be entitled to receive such pay at an annual rate equal to—

(1) 2½ percent of the active-duty annual base and longevity pay which he would receive if serving, at the time granted retirement pay, on active duty in the highest grade satisfactorily held by him during his period of service multiplied by a number equal to the sum of the number of years of his active Federal service; plus

(2) one-half of 1 percent of such active-duty annual base and longevity pay multiplied by a number equal to the sum of the number of years of his inactive Federal service.

No person shall be entitled to receive such retirement pay at an annual rate in excess of 75 percent of such active-duty annual base and longevity pay. In computing the number of years of active or inactive Federal service for the purposes of this subsection, any fractional part of a year amounting to 6 months or more shall be counted as a complete year and any fractional part of a year amounting to less than 6 months shall be disregarded. No person shall be entitled to receive any increase in retirement pay granted to him under this section by reason of any active or inactive Federal service performed by him subsequent to the time he is granted retirement pay.

(c) Notwithstanding any other provision of law, any member of a reserve component of the Army of the United States who fails to meet such standards and qualifications as may be prescribed by the Secretary of War may be discharged at any time by the Secretary of War. No member or former member of a reserve component of the Army of the United States shall be eligible for retirement pay under the provisions of this section unless he meets such standards and qualifications during the entire period of his service in the Army of the United States.

(d) The Secretary of War shall certify to the Administrator of Veterans' Affairs the names of all persons entitled to retirement pay under the provisions of this section and the amount of such pay to which such persons are respectively entitled. The Administrator of Veterans' Affairs shall thereafter disburse such pay to such persons from appropriations made to the Veterans' Administration for that purpose.

(e) For the purposes of this section—

(1) service in the inactive National Guard, in a nonfederally recognized status in the National Guard, or in the inactive Reserve section of the Officers' Reserve Corps shall not be deemed to be active or inactive Federal service;

(2) periods of annual field training and periods of attendance at service schools, as authorized by the Secretary of War under section 37a, 94, 97, and 99 of the National Defense Act, shall be credited as active Federal service;

(3) the term "date of termination of the present wars" shall mean the date proclaimed by the President as the date of such termination or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination;

(4) all service in the federally recognized National Guard shall be deemed to be service in a reserve component of the Army of the United States.

SEC 204. (a) For the purpose of determining the number of years of active service to be credited in computing eligibility for retirement under any provision of law, except under the second proviso of section 5 of the act of July 31, 1935 (49 Stat. 507), as amended, each commissioned officer on the active list of the Regular Army who is—

(1) commissioned in a promotion-list arm or service shall be deemed to have at least the same length of continuous active commissioned service in the Regular Army as any officer junior to him on the promotion list;

(2) commissioned in a non-promotion-list arm or service shall be deemed to have at least the same length of continuous active commissioned service in the Regular Army as any officer junior to him in rank in the arm or service in which he is commissioned.

(b) The fifth proviso of section 5 of the act of July 31, 1935 (49 Stat. 507), as amended by section 3 of the act of June 13, 1940 (54 Stat. 380), is hereby repealed.

SEC. 205. (a) Each commissioned officer of the Regular Army heretofore or hereafter retired under any provision of law (except section 24b of the National Defense Act, as amended, the joint resolution of July 29, 1941 (55 Stat. 606), title I of this act, or any law hereafter enacted for the retirement of inefficient officers) shall be advanced on the officers' retired list to the highest temporary grade satisfactorily held by him, as determined by the Secretary of War, during active military service in time of war, and shall receive retired pay at the rate prescribed by law, computed on the basis of the base and longevity pay which he would receive if serving on active duty in such grade.

(b) Each member of the Army Nurse Corps, established by chapter V of the act of July 9, 1918 (40 Stat. 879), as amended, heretofore or hereafter retired under any provision of law shall be advanced to the highest temporary tired list to a grade with relative rank equal to the highest grade in which, or to the highest relative rank with which, she served satisfactorily, as determined by the Secretary of War, during active military service in time of war, whichever is higher, and shall receive retired pay at the rate prescribed by law computed on the basis of the base and longevity pay which she would receive if serving on active duty in such grade or with such relative rank.

(c) Each warrant officer and each enlisted member of the Regular Army heretofore or hereafter retired under any provision of law shall be advanced on the Nurse Corps recommissioned officer, warrant officer, flight officer, or enlisted grade satisfactorily held by him, as determined by the Secretary of War, during active military service in time of war, and shall receive retired pay at the rate prescribed by law computed on the basis of the base and longevity pay which he would receive if serving on active duty in such grade.

(d) Each member of the Army of the United States, other than a member of the Regular Army, heretofore or hereafter granted retirement pay under any of the laws specified in subsection 201 (b) of this title, shall receive such pay at the rate prescribed by law, computed upon the same basis as that prescribed by this section for the computation of the retired pay of members of the Regular Army.

(e) This section shall be effective as to persons heretofore retired or granted retirement pay upon the first day of the first calendar month following the date of enactment of this title, and as to persons hereafter retired or granted retirement pay upon the effective date of retirement or of entitlement to receive retirement pay.

(f) No person recalled to active duty after retirement, or after having been granted retirement pay, shall be entitled, by reason of the enactment of this section, to be recalled in any rank or grade higher than that to which he or she would otherwise have been entitled.

SEC. 206. (a) On and after the effective date of this act—

(1) all members of the Regular Army and all members of the Army Nurse Corps heretofore or hereafter retired under any provision of law providing for retirement because of incapacity for active service, and all persons entitled to disability retirement benefits provided by law for members of the Army Nurse Corps, shall, until they have attained the age of 60 years, be given annual physical examinations at such times and places and in such manner as may be prescribed by the Secretary of War: *Provided*, That, under such regulations as the Secretary of War may prescribe, persons having obvious disabilities of a permanent nature may be relieved from such annual physical examinations;

(2) all persons who have heretofore served or hereafter serve as members of the Army of the United States, other than as members of the Regular Army, and who have heretofore been granted or are hereafter granted retirement pay under the provisions of section 5 of the act of April 3, 1939 (53 Stat. 557), as amended (10 U. S. C. 456), or section 1 of the act of September 26, 1941 (55 Stat. 733; 10 U. S. C. 456a), shall, until they attain the age of 60 years, be given annual physical examinations at such times and places and in such manner as may be prescribed by the Administrator of Veterans' Affairs: *Provided*, That, under such regulations as the Administrator of Veterans' Affairs may prescribe, persons having obvious disabilities of a permanent nature may be relieved from such annual physical examinations.

(b) All persons who (1) have heretofore been retired under any provision of law providing for retirement because of incapacity for active service or (2) have heretofore been granted retirement pay under the provisions of section 5 of the act of April 3, 1939 (53 Stat. 557), as amended (10 U. S. C. 456), or section 1 of the act of September 26, 1941 (55 Stat. 733; 10 U. S. C. 456a), and who have not attained the age of 60 years, shall, not later than 1 year after the date of enactment of this act and annually thereafter, submit to an annual physical examination as herein required. The Secretary of War or the Administrator of Veterans' Affairs, as the case may be, is hereby authorized and directed to terminate the entitlement to the continued receipt of retired or retirement pay by any person who refuses or fails to submit to an annual physical examination required by this section.

(c) Any person required to submit to an annual physical examination as prescribed by this section shall be furnished transportation in kind, or in lieu thereof reimbursement at the rate of 4 cents per mile in accordance with distances established in the Official Mileage Tables governing travel of officers of the Army. No per diem allowance for, or incident to, such travel or physical examination shall be paid under this or any other law. Appropriations of the Army and of the Veterans' Administration available for expenses of travel current at the time the travel is directed shall be available to cover the cost of transportation and reimbursement authorized in this subsection.

(d) If as the result of an annual physical examination, as required by this section, it is determined by the Secretary of War or the Administrator of Veterans' Affairs, as the case may be, that an individual is not incapacitated for active service, his entitlement to receive retired or retirement pay shall be terminated.

(e) In the case of any member of the Regular Army or of the Army Nurse Corps whose entitlement to retired pay is terminated under the provisions of subsection (d) of this section, the Secretary of War shall, with the consent of the member concerned, transmit the name of such person to the President, who is authorized and requested to appoint such person, by and with the advice and consent of the Senate, to the active list of the Regular Army or of the Army Nurse Corps in the grade and with the seniority which he would have attained by operation of law if he had not been retired. In determining length of active Federal commissioned service for all purposes of pay, allowances, appointment, promotion, and retirement, each such person restored to the active list of the Regular Army or of the Army Nurse Corps pursuant to the provisions of this subsection shall be deemed to have served as a member of the Regular Army or of the Army Nurse Corps on the active list from the date of his retirement to the date of his restoration thereto, and upon restoration shall be carried as an additional number in the grade in which restored to the active list or in any grade to which he thereafter may be promoted.

(f) In the case of any person whose entitlement to retirement pay is terminated under the provisions of subsection (d) of this section, the Administrator of Veterans' Affairs shall, with the consent of each individual involved, transmit the records of such person to the Secretary of War who shall request the President to appoint each such person as a commissioned officer in the Officers' Reserve Corps in a grade equal to the highest grade theretofore satisfactorily held by him in the Army of the United States.

(g) Any retired commissioned officer, warrant officer, flight officer, or retired member of the Army Nurse Corps whose entitlement to retired pay is terminated under the provisions of subsection (d) of this section and who declines to be restored to the active list of the Regular Army as contemplated in subsection (e) of this section shall, if he has completed 20 or more years of active Federal service, be entitled to receive retired pay at an annual rate equal to 2½ percent of the active duty annual base and longevity pay which he would receive if serving, at the time of such termination, in the highest grade satisfactorily held by him during his period of service multiplied by a number equal to the sum of the number of years of his active Federal service not in excess of 30 years. For the purpose of determining the number of years of active Federal service to be credited in computing eligibility for retirement and the amount of retired pay under this subsection, each such person shall be deemed to have been in active Federal service during the time for which he received retired pay.

(h) Any retired enlisted man whose entitlement to retired pay is terminated under the provisions of subsection (d) of this section shall be offered an opportunity to reenlist in the Regular Army in a grade equal to the highest grade theretofore satisfactorily held by him. If such enlisted man declines to reenlist in the Regular Army he shall be entitled to receive retired pay at an annual rate equal to 2½ percent of the active duty annual base and longevity pay which he would receive if serving, at the time of such termination, in the highest grade satisfactorily held by him during his period of service multiplied by a number equal to the sum of the number of years of his active Federal service not in excess of 30 years.

SEC. 207. (a) The Secretary of War may promulgate such regulations as may be necessary to carry into effect the provisions of this title.

(b) Nothing contained in this title except the provisions of section 206 thereof shall be construed to deprive any person of any higher retired grade or rank, or any greater retired or retirement pay, to which he or she may be entitled under any other provision of law. No back pay or allowances for any period prior to the date of enactment of this title shall accrue to any person by reason of the enactment thereof.

With the following committee amendments:

Page 16, strike out line 3 and insert "provision of law shall be advanced on the Nurse Corps re-."

Page 16, strike out line 15 and insert "provision of law shall be advanced to the highest temporary."

The committee amendments were agreed to.

Mr. MARTIN of Iowa. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of Iowa: After line 5, page 12, insert a new subsection as follows:

"(7) If he has been separated from the armed forces of the United States or reserve components thereof because of physical disability as the result of the finding of a duly constituted board of officers, he need not have completed any specified period of active Federal service."

The amendment was agreed to.

Mr. MARTIN of Iowa. Mr. Speaker, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of Iowa: Add after line 12, page 15, a new section:

"SEC. 205. Effective upon the first day of the first calendar month following the date of enactment of this act, the retired pay of any officer heretofore retired under the provisions of section 24b of the National Defense Act, as amended (41 Stat. 774, 10 U. S. C. 571), shall be computed at the rate of 2½ percent of the active duty annual base and longevity pay provided in the Pay Readjustment Act of 1942, as amended by the act of June 29, 1946 (Public Law 474, 79th Cong.), for an officer of corresponding grade who is credited with the same number of years of service for longevity purposes as the number with which such officer is credited multiplied by a number equal to the number of complete years of commissioned service and service which under the provisions of the National Defense Act, as amended, is counted as the equivalent of such commissioned service. The maximum retired pay of an officer retired prior to January 1, 1924, under the provisions of section 24b of the National Defense Act, as amended, shall not exceed 75 percent of the active duty annual base and longevity pay which he would receive if presently serving on active duty in the grade held by him at the time of his retirement, and the maximum retired pay of such an officer so retired after such date shall not exceed 60 percent of such active duty annual base and longevity pay."

The third paragraph of section 15 of the Pay Readjustment Act of 1942 (act of June 16, 1942, 56 Stat. 359), as amended, is hereby repealed.

Renumber subsequent sections of the bill correctly.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES E. WEBB

Mr. DOUGHTON of North Carolina. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DOUGHTON of North Carolina. Mr. Speaker, I take this opportunity of congratulating President Truman and the country upon the appointment of Mr. James E. Webb, of North Carolina, to the position of Director of the Budget.

By ability, training, and experience, Mr. Webb possesses unusual as well as necessary qualifications for this high and responsible position. Mr. Webb has served as executive assistant to the Under Secretary of the Treasury, Hon. O. Max Gardner, since last March. Previous to that time and since reaching his majority he has held numerous responsible public and private positions which trained and equipped him in a very high degree for the duties that will rest upon him as Director of the Budget. I do not believe that the President could have found a better man had he made a diligent search of the entire country.

With Hon. John Snyder, himself a successful businessman, Secretary of the Treasury, and his able lieutenant, Hon. O. Max Gardner, as Under Secretary, who will have charge of tax matters, and Mr. Webb as Director of the Budget, I am sure that the finances of the country and its fiscal affairs will be conducted on a sound and practical basis. Governor Gardner, while chief executive of our State, demonstrated most unusual business ability, and has done the same in private business. So I feel that we can safely look forward with hope and confidence to an era of economy and efficiency in business practices of our Government if the Congress will cooperate.

THE LATE HONORABLE WALTER LEWIS HENSLEY

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. CARNAHAN].

Mr. CARNAHAN. Mr. Speaker, I regret to announce to the membership of the House the passing of a former Member of this body, who represented the old Thirteenth Missouri Congressional District. The counties which composed that district are now a large part of the present Eighth District which I have the honor to represent.

Walter Lewis Hensley, son of Thomas J. and Emily E. Hensley, was born near Pevely, Jefferson County, Mo., September 3, 1871. He obtained his elementary and secondary education in the public schools of Jefferson County and later studied law at the University of Missouri, Columbia, Mo. In 1894, at the early age of 23, he was admitted to the bar and immediately took up commercial practice in Wayne County, Mo.

After 4 years of legal practice in Wayne County, he moved to Bonne Terre, Mo., where he served with distinction in the office of prosecuting attorney of St. Francois County from 1898 to 1902, leaving that position to continue the practice of his profession at Farmington, Mo. There he remained until 1911 when he was elected as a Democratic Representative of the old Thirteenth Congressional District of Missouri to the Sixty-second Congress.

By his splendid ability and initiative, Congressman Hensley was reelected to the Sixty-third, Sixty-fourth, and Sixty-fifth sessions of Congress, during which time he did outstanding work on the House Labor Committee, Naval Affairs Committee, and the Census Committee. At the conclusion of the Sixty-fifth Congress, he declined to seek reelection.

Turning away from his illustrious record in the Halls of Congress, he was honored with the appointment as United States district attorney and in this capacity he served from March 1919 to May 1920, resigning to resume private law practice in St. Louis, Mo.

The last 26 years of his life he devoted to his profession and his beautiful dairy farm near Pevely, Mo., where he spent many of his declining days. He died July 18, 1946, while on a sojourn in the State of Michigan.

Congressman Hensley was a friend to everyone, in all walks of life, and his cheery smile and friendly word of greeting will be missed by all who knew him. He was particularly kind and sympathetic to the humble, lowly, and unfortunate, and loved children. In times of distress or difficulty, he was always ready to help in any way he could, many times going out of his way to help or to accommodate those in need of assistance. He was a kind, loving, and devoted husband and father, and his greatest pride and joy was his home and family.

For myself and for his colleagues here in the House, I extend our deep sympathy to his family in their bereavement. And since death is as natural as birth, his family and friends should find consolation in the knowledge that death to Mr. Hensley was a fitting benediction to a life well spent and also an invocation to a glorious immortality.

LEAVE OF ABSENCE

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent that I may have an indefinite leave of absence in order to visit a member of my family who is ill.

The SPEAKER. Without objection, it is so ordered.

There was no objection. .

EXTENSION OF REMARKS

Mrs. DOUGLAS of Illinois asked and was given permission to extend her remarks in the RECORD.

Mr. BARTLETT asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. GRANAHAN asked and was given permission to extend his remarks in the RECORD on the OPA and also to extend his remarks on registration in Pennsylvania.

Mr. POWELL asked and was given permission to extend his remarks in the RECORD and include certain excerpts of an address before the National Council of Negro Women.

Mr. POWELL asked and was given permission to extend his remarks in the RECORD and include excerpts from a magazine article.

SURPLUS QUICKSILVER

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. MURDOCK. Mr. Speaker, as a member of the Colmer Committee on Postwar Economic Policy and Planning, I have, of course, been interested in all legislation suggested by that committee. One piece of legislation concerned disposal of surplus war property. I know it was the intent of Congress, when war property was declared surplus, to see that it was not sold by the purchasers at enormous profits, or that it was not brought into competition with American products.

I understand that about 9,000 flasks of quicksilver or mercury has been declared surplus in Europe. Instead of being channeled to the War Assets Administration to be stock piled as a necessary reserve for national defense, as it was supposed to be, I am told it has been disposed of for about one-third of our market price and may find its way back to this country, yielding great profits to the speculator, and not only that, but wrecking the price of the American product.

A great deal of quicksilver is developed in my State. The market now is weak. If several thousand flasks of quicksilver should be dumped on the American market, it would have a disastrous effect upon the domestic price. We now have a new law which covers such surplus war property needed for national defense, but I fear negligence has occurred on the part of someone in the meantime, according to my information.

The SPEAKER. The time of the gentleman from Arizona has expired.

TOLL BRIDGE ACROSS MISSISSIPPI RIVER AT OR NEAR CAHOKIA, ILL.

Mr. CHAPMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 6004, an act to provide authorization for the village of Cahokia, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near Cahokia, Ill., and for other purposes, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 15, strike out "State" and insert "States."

Page 3, line 15, after "Illinois" insert "or Missouri."

Page 3, line 18, strike out "State" and insert "States."

Page 3, line 24, strike out "State" and insert "States."

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. CHAPMAN]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, this bill has the approval of the House committee, has it?

Mr. CHAPMAN. It has.

Mr. MICHENER. There is nothing to it except these clarifying Senate amendments?

Mr. CHAPMAN. That is all.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

VIOLENCE AND INTOLERANCE

Mr. POWELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. POWELL. Mr. Speaker, I take this opportunity to bring before the House and I hope before the conscience of our Nation what has just been reported to us by the Associated Press, that four American citizens on a public highway of this Nation during the early hours of this morning were massacred by a mob. Two of those people who were shot to death were women.

A few days ago a soldier of the United States Army in a neighboring State, with campaign ribbons on his chest and gold bars on his sleeve, 4 hours after being discharged honorably from the Army, was beaten and both of his eyes were gouged out by a representative of law and order.

A few weeks before that a section of a city of our Nation was completely destroyed not by a mob but by the forces of law and order with tommy guns at their disposal, destroying every place of business and every residence in that section.

I hope the Department of Justice will move on this as soon as possible. To that end I have today wired the Attorney General demanding immediate action.

The SPEAKER. The time of the gentleman from New York has expired.

COMMITTEE ON THE JUDICIARY

Mr. HOBBS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file a report on the bill H. R. 7147.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

EXTENSION OF REMARKS

Mr. DOMENGEAUX asked and was given permission to extend his own remarks in the Appendix of the RECORD.

APPOINTMENT OF RESIDENT COMMISSIONER PIÑERO AS GOVERNOR OF PUERTO RICO

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE of Illinois. Mr. Speaker, I am exceedingly pleased with the announcement in today's newspapers of the appointment by President Truman of our distinguished friend and colleague, the Resident Commissioner for Puerto Rico, JESÚS T. PIÑERO, as the Governor of his home island.

Mr. PIÑERO becomes the first native Governor of Puerto Rico since United States troops landed on the island in 1898 during the Spanish-American War. All previous governors during American possession have been residents of the United States mainland.

The appointment is not only a singular honor to our esteemed friend, Mr. PIÑERO, who is exceedingly popular with the membership of this House and who is an outstanding leader among his own constituency, but is a tribute to the people of Puerto Rico.

Through this action President Truman lets it be known that he wants the Puerto Rican people to have a greater share in their own government. It is evidence that our Government believes that the people of the island are fully capable of administering their own governmental responsibilities.

Mr. PIÑERO, who is the leader of the popular Democratic Party in the island, is a native Puerto Rican. He was born there, at Carolina, on April 16, 1897. He attended the College of Liberal Arts, University of Puerto Rico, and after his early scholastic training in the island schools, completed his education in the School of Engineering, University of Pennsylvania.

I know of no one better equipped to handle this high and most important position that Mr. PIÑERO. He knows the economic problems of his island better than any other man, from practical experience and a lifetime of study. He has been active in the island's economic life, as well as in its political life. I am confident his appointment will lead to a new era in Puerto Rico and bring a better understanding between the great people of the island and their fellow countrymen on the mainland. If I had been asked to recommend a Governor who, in my opinion, could accomplish the most for Puerto Rico I would have unhesitatingly suggested the name of JESÚS T. PIÑERO, a fine man whom I know is going to make a great Governor.

We dislike losing Mr. PIÑERO's genial companionship in this House, but we are happy in this great honor which has come to him and to his people.

BOOKS FOR THE ADULT BLIND

Mr. O'TOOLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6455) to amend the act entitled "An act to provide books for the adult blind."

The Clerk read the title of the bill.

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. O'TOOLE. This bill provides $1,125,000 for talking books for the adult blind. Eighty percent of the adult blind are unable to master the Braille system of reading. These machines are loaned out by the Library of Congress to circulating libraries throughout the United States. Records are made of novels, historical books, and books of all kinds, and they, in turn, are loaned out to the blind.

There were 42,000 of these machines made in 1937. The major part of them are now worn out—in fact, they cannot be repaired. It is necessary not only to replace these 42,000 but an effort is being made to increase the number of machines by another 5,000, the demand is so great.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I may say that this is one piece of legislation with which I have been acquainted for several days. I know the committee has had thorough hearings on it and were unanimous in reporting it out. It is not in the classification about which I spoke earlier.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of June 13, 1944 (58 Stat. 276), is amended to read as follows:

"That there is hereby authorized to be appropriated annually to the Library of Congress, in addition to appropriations otherwise made to said Library, $1,125,000, which sum shall be expended under the direction of the Librarian of Congress to provide books published either in raised characters, on sound-reproduction recordings, or in any other form, for the use of the adult blind residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia: *Provided*, That of said annual appropriation of $1,125,000, not exceeding $200,000 thereof shall be expended for books in raised characters and the balance remaining shall be expended for sound-reproduction recordings and for the purchase, maintenance, and replacement of reproducers for these sound-reproduction recordings, all of which books, recordings, and reproducers will remain the property of the Library of Congress but will be loaned to blind readers under regulations prescribed by the Librarian of Congress for this service. In the purchase of books in either raised characters or in sound-reproduction recordings the Librarian of Congress, without reference to section 5 of title 41, United States Code, shall give preference to non-profit-making institutions or agencies whose activities are primarily concerned with the blind, in all cases where the prices or bids submitted by such institutions or agencies are, by said Librarian, under all the circumstances and needs involved, determined to be fair and reasonable.

SEC. 2. This act shall be applicable with respect to the fiscal year ending June 30, 1947, and for each fiscal year thereafter.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL HOUSING ACT

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that the Clerk may read a short letter I received from the President of the United States and to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

JULY 25, 1946.

Hon. BRENT SPENCE,
Chairman, Committee on Banking and Currency, the House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I urge upon you and your committee the earliest practicable action on S. 1592, the General Housing Act of 1946, which is essential to the over-all housing program and particularly necessary at this time to make effective the veterans' emergency housing program.

The veterans' emergency housing program involves two equally important tasks: (1) to expedite the production of building materials and finished homes, which is being done under the Veterans' Emergency Housing Act of 1946, and (2) to make sure that these houses are made available in sufficient volume at sales prices or rentals which the majority of our veterans and their families can afford, which cannot be achieved without passage of S. 1592.

It is my considered judgment that S. 1592 is urgently needed. I am confident that if this bill reaches the floor the Congress, recognizing the need and the equity of adequate housing for the veteran, will pass the bill in question.

Time is of the essence. I therefore urge again the earliest practicable action on this matter by you and your committee.

Very sincerely yours,

HARRY S. TRUMAN.

Copies to Hon. JOHN W. MCCORMACK, Hon. SAM RAYBURN.

Mr. SPENCE. Mr. Speaker, the bill of which the President writes is known as the Wagner-Ellender-Taft bill. It is nonpartisan, and, in my opinion, there is more general interest expressed in it than in any bill now pending before the Congress. This is not confined to any section of the country. The interest seems to be general throughout the United States. The imperative need of housing is apparent to all.

May I say as chairman of the Committee on Banking and Currency that I have made every effort to conduct the hearings on this bill expeditiously but have met with so many dilatory motions that we have been unable to make much progress. The President says it is essential that the bill shall be reported and passed before the Congress adjourns.

I hope we may have the assistance of the Congress in that respect and that the bill will be reported and passed. We are going to hold hearings in the evenings until the end of the session. I trust the House will remain in session for a sufficient time for the bill to be reported and passed.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. HEALY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HEALY. Mr. Speaker, following the remarks of the gentleman from Kentucky [Mr. SPENCE], chairman of the Committee on Banking and Currency, I wish to advise the Members of the House that on yesterday I filed discharge petition No. 35 to discharge the Committee on Banking and Currency from further consideration of the bill S. 1592, otherwise known as the Wagner-Ellender-Taft Housing bill.

My sympathies are with the chairman of the committee. I have not introduced this petition to cast any reflection on the efforts of the chairman or the efforts of the other members of the committee, who have worked so diligently in trying to bring this bill out before the Congress adjourns for the summer.

I have placed this discharge petition on the Speaker's desk only as a last resort. If 218 Members of the House of Representatives will sign the petition, this general housing bill, which is so urgently needed to speed up the construction of new homes, can be brought to the floor of the House and passed before Congress adjourns for the summer.

I know that the Banking and Currency Committee held a hearing on the bill this morning and that it will meet again tonight and again tomorrow. That is fine, but I also know that the proponents have not yet concluded their testimony and that there are at least 35 opponents waiting to testify. These hearings cannot possibly be concluded prior to the date tentatively set for adjournment which is August 1. The Senate held lengthy hearings on this bill before passing it with a substantial majority and the volumes of testimony from these hearings are available to any Member who wants more information before voting on this bill. Further hearings by the House committee are unnecessary.

Mr. Speaker, if the Members of this House are sincerely interested in helping to solve our critical housing shortage, they will want this bill to pass before adjournment. Without this bill many veterans will go without badly needed housing. I realize that filing this petition at this late hour is a drastic move but we must have action. I plead with all interested Members to sign discharge petition No. 35 now.

AUTHORIZING CERTAIN ADMINISTRATIVE EXPENSES IN THE GOVERNMENT SERVICE

Mr. MANASCO. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6533) to authorize certain administrative expenses in the Government service, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 6, strike out "five" and insert "seven."

Page 2, line 7, strike out "six" and insert "eight."

Page 2, line 7, strike out "two" and insert "seven."

Page 8, line 12, strike out all after "or", down to and including "basis" in line 14, and insert "(4) when the services are required to be performed by the contractor in person and are (A) of a technical and professional nature or (B) under Government supervision and paid for on a time basis."

Page 8, line 14, after "Except", insert "(1)."

Page 8, line 16, strike out "or unless" and insert "(2) when."

Page 8, line 17, strike out all after "law", down to and including "$100" in line 20, and insert "or (3) when the reasonable value involved in any one case does not exceed $100, sales and contracts of sale by the Government shall be governed by the requirements of this section for advertising.

"(c) In the case of wholly owned Government corporations, this section shall apply to their administrative transactions only."

Page 10, line 8, after "use", insert "and to incur necessary expenses for the honorary recognition of exceptional or meritorious service."

Page 10, line 25, strike out "Effective July 1, 1946, all" and insert "All."

Page 11, line 9, after "(but", insert "as to agencies subject to the Classification Act."

Page 14, strike out all after line 19, over to and including line 2, on page 15, and insert:

"'Sections 1779 and 192, as amended, of the Revised Statutes (5 U. S. C. 102);'"

Page 15, line 20, strike out the comma and insert "and."

Page 16, line 1, after "Columbia", insert ", but shall not include the Senate, House of Representatives, or office of the Architect of the Capitol, or the officers or employees thereof."

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain these Senate amendments?

Mr. MANASCO. Most of those amendments read by the Clerk are purely mechanical corrections. This bill was drawn by the General Accounting Office, the attorneys for the Bureau of the Budget, and the House Committee on Expenditures in the Executive Departments. The principal change in the bill as it passed the House and amended by the Senate was to except the Senate and House of Representatives and the Architect of the Capitol from the provisions of this act. We had no intention of placing the Architect of the Capitol under the provisions of this act, anyhow. It was done for administrative expense in the executive departments.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. JOHNSON of California asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. WILSON asked and was given permission to extend his remarks in the RECORD.

CANCER

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is their objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MILLER of Nebraska. Mr. Speaker, this afternoon the House will consider a bill relating to cancer. We should give this our carefully considered attention. It is estimated by the Vital Statistics Department that one person dies every 3 minutes of cancer; 20 every hour. There are some 17,000,000 people now living who will die of cancer. One out of eight people die of cancer. If that ratio should be applied to the House of Representatives we could expect 60 or 70 Members in this Congress to die of cancer.

Cancer is the second killer in the United States; heart disease being first. In World War II about 300,000 people died of war injuries. From 1942 to 1944 the Vital Statistics Department says that more than 500,000 Americans died of cancer. So it is important to give careful consideration to this bill. I do feel that the bill should be amended to place the money and the work in the United States Public Health Service. It should not be under the direction of the President—it requires no new agencies.

PERMISSION TO ADDRESS THE HOUSE

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

[Mr. ELLIS addressed the House. His remarks appear in the Appendix.]

FARM MACHINERY SHORTAGE

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. MUNDT. Mr. Speaker, this morning I received a telegram from Mr. Oscar Forsheim, president of the South Dakota Farmers Union, calling attention to the serious farm machinery shortage out there in our bumper-crop area of America. Mr. Forsheim says this was caused in part due to the fact that the farm-equipment plants have been closed down by strike for some time, and calls on the President of the United States to take whatever action is necessary to get those plants open. I want to join with him in his request and suggestion. This appears to be one more good reason for passage of the President's emergency strike legislation, support for which the President now seems strangely but effectively to be discouraging.

Another thing the President of the United States can do, Mr. Speaker. In the Department of Agriculture's news letter for July 24 it quotes the International Harvester Co. as filing a request with the Civilian Production Administration for relief from the order requiring them to export 14,500 American-built tractors largely to Russian-dominated countries. The President can issue an order canceling these scheduled exports.

The American farmers need these tractors and they need this machinery. If the President of the United States will take action to get these strike-bound plants open or to take them over to get them operating, if that is necessary to produce essential farm machinery, and if this administration will stop exporting farm machinery abroad, we can harvest America's bumper crop and still further expand our program of contributions to the bread basket of the world.

EXTENSION OF REMARKS

Mr. JUDD asked and was given permission to extend his remarks in the RECORD in two instances and to include in each certain printed excerpts.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD and include certain newspaper excerpts.

WAGNER-ELLENDER-TAFT BILL

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, the chairman of the Committee on Banking and Currency has just had the Clerk read a letter from the President in which the President urged the consideration by the House of the Wagner-Ellender-Taft bill. Following the reading of this letter, the chairman of that committee, the gentleman from Kentucky [Mr. SPENCE], made the statement that dilatory tactics had been used to prevent this committee from carrying on its work in connection with this bill. The facts are available to all who may be interested. No dilatory tactics have been used to prevent the committee from considering this bill. We are concluding a very busy session. Many of us feel that our attention ought to be given to the many and important legislative proposals that are being considered in the final rush.

Furthermore, this is the first time the President has said anything to the committee about this bill. I asked the chairman of the committee, the gentleman from Kentucky [Mr. SPENCE], whether he had any previous information or instruction from the President respecting the urgency of consideration by the House of this measure prior to adjournment. He replied in the negative.

Why, if it so important that this measure be taken up before adjournment, has the President waited till this late hour to show particular concern in it?

PERMISSION TO ADDRESS THE HOUSE

Mr. JOHNSON of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a letter from the War Department.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. JOHNSON of Illinois. Mr. Speaker, processors and distributors of milk and milk products supplying the Army, Navy, and Marine Corps have been supplying on period contracts and under competitive bidding.

Last month bids for contracts to begin June 17 and July 1 were predicated on the then prevailing Government subsidy of 2 cents per quart for milk. The demise of OPA on July 1 and the decontrol of dairy products in the new OPA law as of today place undue financial hardship on the dairy industry. Today I am introducing a resolution that seeks to provide proper legal steps to allow a just and reasonable renegotiation of these contracts.

Under leave by the Speaker, I include a letter from the Director of Service, Supply and Procurement for the Armed Forces, which is self-explanatory:

JULY 24, 1946.

Mr. B. F. CASTLE,
President, Milk Industry Foundation,
Washington, D. C.

DEAR Mr. CASTLE: This is with reference to your telephone conversation with Col. M. F. Hass on Tuesday morning, July 9, 1946, concerning certain Army contracts covering the procurement of milk. I understand, on the basis of that conversation, that certain suppliers who entered into contracts to furnish milk to the Army on a fixed-price basis desire a revision in their contract prices as the result of certain recent actions by the Office of Price Administration which have resulted in an increase in the price of milk.

I have had the matter looked into thoroughly, and I regret that there appears to be no legal authority which would permit the War Department, in the absence of adequate additional legal consideration, either to revise the contract prices upward or to cancel the contracts in question, as you suggested, and enter into new contracts with the suppliers upon the basis of revised prices. The procurement was effected and the contracts were awarded in the usual fashion and, once awarded and accepted by the contractors, are as binding upon the War Department as they are on the contractors except as the terms included in the contracts may permit other action. Accordingly, I regret that there would appear to be no basis upon which the War Department could justify action of the nature you suggested in your conversation with Colonel Hass.

Sincerely yours,

LER. LUTES,
Lieutenant General, GSC, Director of Service, Supply and Procurement.

HOUSING

Miss SUMNER of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Miss SUMNER of Illinois. Mr. Speaker, somebody should tell the President the facts of life about housing. This Congress has voted $600,000,000 for veterans housing, and it is getting to be a joke in this Nation that there are houses started all over this country, and they lack roofs or they lack all sorts of things, so they cannot be finished. The reason is that they have started too much, and the OPA has held down the ceilings so that they cannot get parts, lumber, brick, and all the rest of the things they need. Instead of changing his OPA rules, the President comes in here and asks for a slum-clearance program to do more of the same damage.

HON. CLARENCE E. HANCOCK

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. Mr. Speaker, I, for one, deeply regret that several of the most prominent and most valuable Members of this House have decided not to be candidates for reelection. I shall confine my remarks at the present time to one of my colleagues from New York State. I think I am well within the facts when I say that Representative CLARENCE E. HANCOCK, of the Thirty-sixth Congressional District of New York State, has been one of the most valuable Members of this House. He has been an active and highly useful member of the Committee on the Judiciary. His fine legal talents have meant much in formulating sound, constructive legislation not only for his district but for the great Empire State of New York and for the Nation as a whole. It is deeply regrettable that he has decided not to run again, but inasmuch as he has so decided I want him to know that, speaking for myself, and I believe for my delegation, we are proud of his record, and we wish him well in whatever activity he may engage from now on.

EXTENSION OF REMARKS

Mr. GWYNNE of Iowa asked and was given permission to extend his remarks in the RECORD and include a letter.

Mr. GRAHAM asked and was given permission to extend his remarks in the Appendix of the RECORD and include a short editorial from the Cleveland Plain Dealer.

Mr. ROBERTSON of North Dakota asked and was given permission to extend his remarks in the RECORD in two instances, in one to include a report from the committee on statements, policies, and principles of the North Central Association of Commissioners of Agriculture.

Mr. CHIPERFIELD asked and was given permission to extend his remarks in the Appendix of the RECORD.

Mr. MATHEWS asked and was given permission to extend his remarks in the RECORD.

Mr. PITTENGER asked and was given permission to extend his remarks in the Appendix of the RECORD in three instances, in one to include a copy of a bill, in the second a letter which he received, and in the third a newspaper article and other material.

CANCER

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PITTENGER. Mr. Speaker, I have listened with a great deal of interest to the remarks of our distinguished colleague the gentleman from Nebraska, Dr. MILLER, with reference to the bill which has been introduced by the distinguished gentleman from West Virginia [Mr. NEELY] on the subject of cancer. I hope before the House adjourns that that legislation is passed. I think it will be a monument that will stand for all time testifying to the foresight and statesmanship of the Members of this body.

The purpose of the bill is to further the study of cancer in an effort to discover means of curing and preventing this dread disease. The President of the United States is authorized to call into service the world's outstanding experts in connection with the efforts to find a method of treatment.

The bill has a favorable report from the Committee on Foreign Affairs, which report was submitted by the gentleman from New York, Congressman BLOOM, on July 18, and this report calls attention to the mortality rate of people who are afflicted with cancer. The figures are astounding and, in my opinion, Congress may well tackle the problem in an effort to continue constructive work now being done by other agencies.

Our distinguished colleague the gentleman from Nebraska, Dr. MILLER, has been a practicing physician of many years' standing and his remarks to which we listened a short time ago carry conviction. Coming from a man of his profession, I feel that we may well follow the endorsements that the gentleman from Nebraska, Congressman MILLER, has made of this program.

EXTENSION OF REMARKS

Mr. HALE asked and was given permission to extend his remarks in the RECORD and include a letter from the head of the Maine Development Commission commenting on the end of price control in Maine.

TERMINAL LEAVE FOR ENLISTED MEN

Mr. GAVIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GAVIN. Mr. Speaker, I note that the other body has recommended to the House that the terminal leave pay for GI's be paid in bonds which are nonnegotiable for a period of 5 years. They use as an argument that to pay cash on the barrel head would unbalance the budget. Now, is that not a very interesting observation? Who has been concerned around here with balancing the budget for the past few years? Recently we had the British loan before us for $3,750,000,000. Did you hear any talk about balancing the budget at that time? But when it comes to our own GI's, who deserve every consideration that a grateful Nation can bestow upon them, we hear talk about giving them nonnegotiable bonds instead of cash. I sincerely hope that when the proposal comes before the House it will be rejected.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

LICK YOUR PLATTER CLEAN

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GROSS. Mr. Speaker, back in 1943, in April, I came into the well of the House one day and called the attention of the House and the country to the pending food shortage and I said that the least the individual could do was to lick his platter clean. A few people laughed about it. Emily Post finally said it would be good sense and judgment and patriotic. It made the Nation food-conscious. Many people began to save food. I am glad now that after 3 years the War Food Administration has taken up the slogan and is urging people Nation-wide on their posters to "lick your platter clean." If the people will lick their platters clean and offer a little consumer resistance, we will break down a lot of these high prices of food. Then our supplies will reach around, prices will adjust themselves, our economy will balance itself, and so will our

budget. Thrift, economy, and production will answer about all of our problems.

AUTOMOBILES FOR AMPUTEES

Mr. FULTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FULTON. Mr. Speaker, I hope every Member of the House will vote for the bill giving cars to servicemen amputees to replace fully the ability of free movement that they used to have. By invitation as a former serviceman, I have spoken to the patients from Walter Reed and Forest Glen Hospitals, and I have had four amputees working in my congressional office this session, so I do know how hard it is for them to get around and use these crutches and legs that they have to put up with.

One of these servicemen working in my congressional office is Ervie Agatucci, who lost his leg in the Battle of the Bulge. Ervie is the son of Joe Agatucci, manager of the Bower Hill Club, and lives with his family several miles from a streetcar and a distance from a bus. I know he and many others need a car to give him back his independence, and these servicemen are entitled to it.

The United States should replace the abilities that those men have willingly given for the defense of their country. I do hope every Member will sign this petition and vote for the bill.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

EXTENSION OF REMARKS

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. ANGELL asked and was given permission to extend his remarks in the RECORD and include a short article.

Mr. ABERNETHY asked and was given permission to extend his remarks in the RECORD and include an editorial from a Memphis newspaper.

Mr. WHITE asked and was given permission to extend his remarks in the RECORD and include certain excerpts.

BALANCING THE BUDGET

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, we have just heard our colleague from Pennsylvania talking about balancing the budget. I read in yesterday's RECORD where one of our colleagues made this statement: "Our budget is unbalanced, but we are in debt to no one. We have borrowed from ourselves."

I heard that statement made several years ago, but I do not think much of it.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. CURTIS. We may have borrowed from ourselves, but it has been rather in a fiduciary capacity. Men have gone to the penitentiary for that.

Mr. RICH. Yes; I understand there are a lot of them considered for that position in life, because they borrowed without the intention of paying it back. It seems to me if we borrow money we ought to try to pay it back as soon as we can. That is what we have to do with the national debt. If we are going to get this country on its feet we have got to stop spending.

Mr. Speaker, every day someone brings up some bill that takes millions and wants the Government to go into debt, more debt, lots of debt. The Nation is today in the poorest financial position it has ever been—the result of 13 years of New Deal. Will you ever come to your senses like sensible men should do? Stop all these unanimous-consent requests; block a lot of this legislation. We must do it or bust. If you do not stop squandering you will bust the Government and lose all—liberty, freedom, and honor.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

WAGNER-ELLENDER-TAFT BILL

Mr. BIEMILLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BIEMILLER. Mr. Speaker, I am strongly in favor of the passage of the Wagner-Ellender-Taft bill, and I take this time to ask the chairman of the Committee on Banking and Currency if he will inform me what he meant by his reference a few minutes ago to dilatory tactics in the committee.

Mr. SPENCE. In the Banking and Currency Committee it has never been customary for members to make the point of order that the committee cannot hold hearings because the House was in session. It has never been the custom for members to make a point of no quorum, because frequently committees meet without a quorum being present. Those points of order have been constantly made. They have not been partisan, because Senator TAFT twice came before the committee and was prevented from continuing his testimony by members of his own party.

Mr. BIEMILLER. I thank the gentleman for his explanation. I want to say that I know the distinguished chairman of the Banking and Currency Committee has been endeavoring diligently to hold hearings and get action on the very important housing bill introduced under the bipartisan authorship of Senators WAGNER, ELLENDER, and TAFT. I hope that the Banking and Currency Committee will report the bill to the House before adjournment. I also recall that the gentleman from Kentucky [Mr. SPENCE] has asked permission to hold hearings on the bill during sessions of the House, but has been prevented by objections of Republican Members. I hope there will be no repetition of this practice.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

AUTOMOBILES FOR AMPUTEES

Mr. WHITE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. WHITE. Mr. Speaker, I recently signed the petition to bring before the House the bill to provide automobiles for the amputees. I do not think there is a man in this House who would be willing to give his leg or arm for 1 automobile or even 10 automobiles. Therefore I am in favor of this legislation.

At this point I ask unanimous consent to insert an editorial from the Washington Star on the subject of cars for amputees.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

(The editorial is as follows:)

CARS FOR AMPUTEES

There are many proposals being made these days in behalf of additional aid to war veterans, but few, if any, have the appeal of Representative EDITH NOURSE ROGERS' bill to provide amputees with automobiles at Government expense. That this is not just another bonus proposition in disguise is plain from a reading of the testimony which proponents of the measure gave before the House Committee on World War Veterans' Legislation. The Rogers bill is described by its sponsor and by many of its supporters among the ranks of disabled veterans as a proposal to extend the existing prosthetic program so as to supply legless or paralyzed combat veterans not only with artificial limbs and wheel chairs, but with means of automotive locomotion as well.

The amputees who testified in favor of the bill made out a most persuasive case. They pointed out that their rehabilitation would be greatly accelerated if they were provided with cars to offset their impaired mobility. They are severely handicapped when it comes to using streetcars, busses, and other public transportation facilities.

Under the bill, the Government would allow each veteran afflicted with such war-incurred disabilities the sum of $1,500 for the specific purpose of buying a specially equipped motor vehicle. It is estimated that from 16,000 to 20,000 crippled veterans are involved. These battle-scarred men deserve the special consideration which the Rogers bill would afford them. This bill would avoid having any semblance of a bonus flavor if use of the allowance were restricted, by specific wording of the legislation, to purchase of automobiles by the limited group of amputees and paraplegics who can actually make use of the cars. Thus narrowed, the measure would be strictly a prosthetics liberalization plan. As such, it deserves early and favorable consideration by Congress.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Will the gentleman withdraw that for a few moments?

Mr. HOFFMAN of Michigan. If the chairman of the Committee on Banking and Currency will consent, I will.

PERMISSION TO EXTEND REMARKS AT THIS POINT

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a newspaper article from the New York

Post entitled "Hard Facts: Cancer Kills 20 an Hour."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

(The article referred to follows:)

THE HARD FACTS: CANCER KILLS 20 AN HOUR

WASHINGTON, July 23.—One American dies of cancer every 3 minutes, 20 every hour. Of the 135,000,000 Americans now living, 500,000 have cancer and 17,000,000 eventually will die of it. Which means: 1 of every 8 Americans living now will die of cancer.

Cancer deaths are increasing. In 1900 cancer was ninth on the list of killers. Now it's second. Only heart disease kills more people. About 175,000 people in this country die of cancer yearly.

In World War II about 273,000 Americans died in action. In the years 1942 through 1944 about 500,000 Americans died of cancer.

These figures come from sponsors of a bill, now in Congress, to have the Government put up $100,000,000 to fight cancer by searching for its cause and cure. The money would be spent over a number of years.

The bill does not mention any organization—private or governmental—as the one to receive the money and do the job. It would let President Truman set up a program for the cancer fight by calling on the world's cancer experts for help.

Congressional committees approved the bill. Now it is up to the full House and Senate to act.

The bill was introduced in the House by Representative NEELY (Democrat, West Virginia). A duplicate bill was offered in the Senate.

Sponsors of the bill emphasize that when this country wanted to find an atomic bomb it pooled its scientific brains and came up with a quick answer.

So they think this country's best brains should be pooled, with Government help, to lick cancer. But they warn that finding the cause of cancer will be a vastly harder job than creating an atomic bomb.

EXTENSION OF REMARKS

Mr. IZAC (at the request of Mr. HAVENNER) was given permission to extend his remarks in the Appendix of the RECORD and include a digest of veterans' legislation.

Mr. KEARNEY asked and was given permission to revise and extend his remarks.

MRS. AGNES H. HARTMAN

Mr. ELLIOTT. Mr. Speaker, I submit a privileged resolution (H. Res. 744) from the Committee on Accounts and ask for its consideration.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House to Mrs. Agnes H. Hartman, mother of Martena R. Ambrose, late an employee of the House, an amount equal to 6 months' salary at the rate she was receiving at the time of her death, and an additional amount not to exceed $250 toward defraying the funeral expenses of the said Martena R. Ambrose.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CARS FOR AMPUTEES

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JENSEN. Mr. Speaker, like many Members of Congress, I rather dislike the discharge-petition route of bringing a bill to the floor. However, I felt entirely justified in signing the petition to discharge the committee and bring before the House for consideration the bill which would give an automobile to amputees. I feel that by so doing we can at least in a small degree show our gratitude and appreciation to those fine American boys who have given so much in the defense of the country they love. I hope enough signatures will be added to the petition to bring the bill before the House for consideration and adoption before adjournment.

The primary purpose of every good veterans' organization is to see to it that their disabled buddies and the widows and orphans of their deceased buddies receive their just dues in every respect. Mr. Speaker, as you and all other Members of this House know, I have vigorously opposed, with some success, the needless spending of millions—yes, billions of dollars—requested by the great bureaucratic spenders and wasters, but no one will ever have cause to say I practiced economy on our disabled veterans.

DEVELOPMENT AND CONTROL OF ATOMIC ENERGY—CONFERENCE REPORT

Mr. THOMASON. Mr. Speaker, I call up the conference report on the bill (S. 1717) for the development and control of atomic energy and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1717) for the development and control of atomic energy, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 19, 25, 28, 30, 32, 34, 37, 43, 44, 45, 47, 49, 52, 53, 56, 59, 60, 61, 62, 64, 65, 66, and 67.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 4, 5, 6, 7, 8, 9, 11, 12, 15, 16, 17, 18, 21, 22, 23, 26, 27, 36, 38, 39, 40, 41, 42, 46, 50, 54, 55, 57, 58, 63, 68, 69, 70, and 71, and agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"(d) Appointment of Army and Navy Officers.—Notwithstanding the provisions of section 1222 of the Revised Statutes (U. S. C., 1940 edition, title 10, sec. 576), section 212 of the Act entitled 'An act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1932, as amended (U. S. C., 1940 edition, title 5, sec. 59a), section 2 of the Act entitled 'An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes', approved July 31, 1894, as amended (U. S. C., 1940 edition, title 5, sec. 62), or any other law, any active or retired officer of the Army or the Navy may serve as Director of the Division of Military Application established by subsection (a)(4)(B) of this section, without prejudice to his commissioned status as such officer. Any such officer serving as Director of the Division of Military Application shall receive, in addition to his pay from the United States as such officer, an amount equal to the difference between such pay and the compensation prescribed in subsection (a)(4)(B) of this section."

And the House agree to the same.

Amendment numbered 10: That the Senate recede from its disagreement to the amendment of the House numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "subject to valid claims, rights, or privileges existing on the date of the enactment of this Act"; and the House agree to the same.

Amendment numbered 13: That the Senate recede from its disagreement to the amendment of the House numbered 13, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: ", if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or caused the same to be made for his, its, or their benefit"; and the House agree to the same.

Amendment numbered 14: That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"The Commission shall not—

"(1) Distribute any fissionable material to (A) any person for a use which is not under or within the jurisdiction of the United States, (B) any foreign government, or (C) any person within the United States if, in the opinion of the Commission, the distribution of such fissionable material to such person would be inimical to the common defense and security.

"(2) License any person to transfer or deliver, receive possession of or title to, or export from the United States any source material if, in the opinion of the Commission, the issuance of a license to such person for such purpose would be inimical to the common defense and security."

And the House agree to the same.

Amendment numbered 20: That the Senate recede from its disagreement to the amendment of the House numbered 20, and agree to the same with an amendment as follows: In lieu of the House amendment strike out in the Senate engrossed bill on page 25, line 12, the following: "not to exceed one year,"; and the House agree to the same.

Amendment numbered 24: That the Senate recede from its disagreement to the amendment of the House numbered 24, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the House amendment insert the following:

"(1) That until Congress declares by joint resolution that effective and enforceable international safeguards against the use of

atomic energy for destructive purposes have been established, there shall be no exchange of information with other nations with respect to the use of atomic energy for industrial purposes; and"

And the House agree to the same.

Amendment numbered 29: That the Senate recede from its disagreement to the amendment of the House numbered 29, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by"; and the House agree to the same.

Amendment numbered 31: That the Senate recede from its disagreement to the amendment of the House numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by"; and the House agree to the same.

Amendment numbered 33: That the Senate recede from its disagreement to the amendment of the House numbered 33, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by"; and the House agree to the same.

Amendment numbered 35: That the Senate recede from its disagreement to the amendment of the House numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"(5) (A) No person shall be prosecuted for any violation under this section unless and until the Attorney General of the United States has advised the Commission with respect to such prosecution and no such prosecution shall be commenced except upon the express direction of the Attorney General of the United States.

"(B) (i) No arrangement shall be made under section 3, no contract shall be made or continued in effect under section 4, and no license shall be issued under section 4 (c) or 7, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to restricted data until the Federal Bureau of Investigation shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual and the Commission shall have determined that permitting such person to have access to restricted data will not endanger the common defense or security.

"(ii) Except as authorized by the Commission in case of emergency, no individual shall be employed by the Commission until the Federal Bureau of Investigation shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual.

"(iii) Notwithstanding the provisions of subparagraphs (i) and (ii), during such period of time after the enactment of this Act as may be necessary to make the investigation, report, and determination required by such paragraphs, (a) any individual who was permitted access to restricted data by the Manhattan Engineer District may be permitted access to restricted data and (b) the Commission may employ any individual who was employed by the Manhattan Engineer District.

"(iv) To protect against the unlawful dissemination of restricted data and to safeguard facilities, equipment, materials, and other property of the Commission, the President shall have authority to utilize the services of any Government agency to the extent he may deem necessary or desirable.

"(C) All violations of this Act shall be investigated by the Federal Bureau of Investigation of the Department of Justice."

And the House agree to the same.

Amendment numbered 48: That the Senate recede from its disagreement to the amendment of the House numbered 48, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by"; and the House agree to the same.

Amendment numbered 51: That the Senate recede from its disagreement to the amendment of the House numbered 51, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the House amendment insert the following: ", or of any regulation or order prescribed or issued under sections 5 (b) (4), 10 (c), or 12 (a) (2),"; and the House agree to the same.

A. J. MAY,
R. EWING THOMASON,
CARL T. DURHAM,
CHARLES R. CLASON,
Managers on the Part of the House.

BRIEN MCMAHON,
ED C. JOHNSON,
RICHARD RUSSELL,
ARTHUR VANDENBERG,
E. D. MILLIKIN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two houses on the amendments of the House to the bill (S. 1717) for the development and control of atomic energy, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: The House amendment required at least one member of the Atomic Energy Commission to be a member of the armed forces. The House recedes.

Amendment No. 2: The House amendment requires that the Director of the Division of Military Application be a member of the armed forces. The Senate recedes.

Amendment No. 3: This amendment would permit not to exceed two active or retired officers of the Army or Navy to serve at any one time as members of the Commission, and one such officer to serve as the Director of the Division of Military Application, without prejudice to their status as such officers. The Senate recedes with an amendment which limits the application of this provision to the officer serving as Director of the Division of Military Application.

Amendment No. 4: The Senate bill authorized and directed the Commission to make arrangements (including contracts, agreements, grants-in-aid, and loans) for the conduct of research and development activities. This amendment strikes out the words "grants-in-aid." The Senate recedes.

Amendment No. 5: The bill as it passed the Senate provided that the Commission shall be the exclusive owner of certain facilities for the production of fissionable material. This amendment inserts after the word "Commission" the words "as agent of and on behalf of the United States." The Senate recedes.

Amendment No. 6: This amendment would permit the Commission to authorize its contractors to enter into subcontracts. The Senate recedes.

Amendment No. 7: Under this amendment it is made clear that persons lawfully producing or utilizing fissionable material may expose materials of any kind to the radiation incident to the processes of producing or utilizing fissionable material. The Senate recedes.

Amendment No. 8: This amendment makes it clear that the authority of the Commission to distribute fissionable material relates to material owned by it. The Senate recedes.

Amendment No. 9: This amendment makes it clear that licenses are required for the exportation of source material from the United States. The Senate recedes.

Amendment No. 10: This amendment struck out the Senate language which excepted existing or inchoate rights and privileges from the reservation for the use of the United States of source materials in deposits in the public lands, and substituted a provision that such reservation should be subject to valid claims existing on the date of the enactment of the act. The Senate recedes with an amendment which modifies the House provision so as to provide that the reservation for the use of the United States shall be subject to valid claims, rights, or privileges existing on the date of enactment of the act.

Amendments Nos. 11 and 12: These are technical amendments substituting the word "individual" for the word "person", and the Senate recedes.

Amendment No. 13: The Senate bill provided that no person, corporation, partnership, or association which had any part in the development of the atomic-bomb project may benefit by any location, entry, or settlement upon the public domain made after having taken such part in such project. This amendment of the House modified this prohibition so as to make it inapplicable if the benefit was authorized by the Commission. The Senate recedes with an amendment which provides that the prohibition will apply only in cases where, by reason of having taken part in the atomic-bomb project, confidential official information was acquired as to the existence of deposits of source materials in the specific lands upon which the location, entry, or settlement is made, and only in cases where the location, entry, or settlement is made subsequent to the date of the enactment of this act.

Amendment No. 14: This amendment has three purposes. First, to prohibit the Commission from distributing any fissionable material to any person within the United States if, in the opinion of the Commission, the distribution of such fissionable material to such person would be inimical to the common defense and security. Second, to clarify the Commission's authority with respect to source material. Third, to prohibit the Commission from licensing any person to transfer or deliver, receive possession of or title to, or export from the United States any source material if, in the opinion of the Commission, the issuance of a license to such person for such purpose would be inimical to the common defense and security. The Senate recedes with an amendment to correct the numbering and lettering of the subsection.

Amendment No. 15: This amendment strikes out provisions requiring the Commission to establish by regulation a procedure by which any person who is dissatisfied with the distribution or refusal to distribute to him, or the recall from him, of any fissionable or byproduct materials or with the issuance, refusal, or revocation of a license to

him for the transfer or receipt of source materials may obtain a review of such determination by a board of appeal consisting of three members appointed by the Commission. The Senate recedes.

Amendment No. 16: This is a clerical amendment. The Senate recedes.

Amendment No. 17: Under this amendment the President from time to time may direct the Commission to deliver such quantities of fissionable materials to the armed forces for such use as he deems necessary in the interest of national defense. The Senate recedes.

Amendment No. 18: Under this amendment the President from time to time may direct the Commission to authorize the armed forces to manufacture, produce, or acquire any equipment or device utilizing fissionable material or atomic energy as a military weapon. The Senate recedes.

Amendment No. 19: This amendment excepted activities authorized by the Commission under section 6 (a) from the prohibition contained in section 6 (b) against manufacturing, producing, transferring, or acquiring equipment or devices utilizing fissionable material or atomic energy as a military weapon. Since the Senate bill already excepts from this prohibition all activities authorized by the Commission, this amendment merely duplicated in part the exception in the Senate bill and, consequently, is unnecessary. The House recedes.

Amendment No. 20: This amendment, as agreed to in conference, provides that licenses authorizing certain activities with respect to fissionable material or atomic energy shall be issued for a specified period, shall be revocable at any time by the Commission in accordance with such procedures as the Commission may establish, and may be renewed upon expiration of such period. The bill as it passed the Senate provided that licenses could not be issued for a period to exceed 1 year. The House amendment provided that such licenses could not be issued for a period of less than 1 year.

Amendment No. 21: This is a clerical amendment. The Senate recedes.

Amendment No. 22: This amendment provides that no license relating to the utilization of atomic energy may be given to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to common defense and security. The Senate recedes.

Amendment No. 23: This amendment makes clear that the definition of "international arrangement" includes only an international agreement approved by the Congress after the Atomic Energy Act of 1946 becomes law. The Senate recedes.

Amendment No. 24: This amendment, as agreed to in conference, is a statement of principle to be followed by the Commission that until Congress declares by joint resolution that effective and enforceable international safeguards against the use of atomic energy for destructive purposes have been established there shall be no exchange of information with other nations with respect to the use of atomic energy for industrial purposes. The House amendment proposed to strike out the statement of principle in the bill as it passed the Senate that such information should be shared with other nations on a reciprocal basis as soon as the Congress declares by joint resolution that such safeguards have been established.

Amendment No. 25: This amendment relates to the numbering of a paragraph, and the House recedes.

Amendment No. 26: This amendment struck out the provision of the Senate bill which specifically authorized and directed the Commission to establish information services, publications, libraries, and other registers of information. The Senate recedes.

Amendment No. 27: This amendment relates to the lettering of a subsection. The Senate recedes.

Amendment No. 28: This amendment would have required a unanimous vote of the Commission for it to determine that any data could be published without adversely affecting the common defense and security. The House recedes.

Amendments Nos. 29, 30, 31, 32, 33, 34, 48, and 49: These amendments provided that the death penalty might be imposed upon persons convicted of violating certain provisions of the act, with intent to injure the United States or with intent to secure an advantage to any foreign nation, and provided that the minimum term of imprisonment for persons convicted of such violations should be 10 years. The conference agreement provides that the penalty of death or imprisonment for life may be imposed, but only upon the recommendation of the jury and only in the case of offenses committed with intent to injure the United States. The provisions for minimum terms of imprisonment of 10 years are eliminated.

Amendment No. 35: The bill as it passed the Senate provided that no person shall be prosecuted for any violation of the provisions relating to restricted data unless and until the Attorney General has advised and consulted with the Commission with respect to such prosecution.

The House amendment struck out the Senate provision and provided that the Commission shall make no contract under section 3 or 4, issue no license to any person, nor employ any person until the Federal Bureau of Investigation shall have first made an investigation of the character and associations of such person and certified that the character of such contractor, licensee, or employee is such as not to endanger the common defense or security.

The Senate recedes with an amendment which provides that (1) no person shall be prosecuted for any violation under this section unless and until the Attorney General of the United States has advised the Commission with respect to such prosecution and no such prosecution shall be commenced except upon the express direction of the Attorney General of the United States; (2) no arrangement shall be made under section 3, no contract shall be made or continued in effect under section 4, and no license shall be issued under section 4 (e) or 7, unless the person dealing with the Commission agrees in writing not to permit any individual to have access to restricted data until the Federal Bureau of Investigation shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual and the Commission shall have determined that permitting such person to have access to restricted data will not endanger the common defense or security; (3) except as authorized by the Commission in case of emergency, no individual shall be employed by the Commission until the Federal Bureau of Investigation shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual; (4) during such period of time after the enactment of this act as may be necessary to make such investigation, report, and determination, individuals who were permitted access to restricted data by the Manhattan Engineer District may be permitted access to restricted data and the Commission may employ individuals who were employed by the Manhattan Engineer District; (5) to protect against the unlawful dissemination of restricted data and to safeguard facilities, equipment, materials, and other property of the Commission, the President shall have authority to utilize the services of any Government agency to the extent he may deem necessary or desirable, and (6) all violations of this act shall be investigated by the Federal Bureau of Investigation of the Department of Justice.

Amendment No. 36: This is a clerical amendment and the Senate recedes.

Amendment No. 37: The Senate bill provided that no patent should be granted after the date of enactment of the act for any invention or discovery which is useful solely in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon and provided for the revocation of any patent previously issued for any such invention or discovery and payment of just compensation to the owner of the patent. The Senate bill further provided (1) that no patent granted after the date of enactment of the act should confer any rights with respect to any invention or discovery to the extent that it is used in the production of fissionable material, the utilization of fissionable material or atomic energy for a military weapon, or the conduct of research or development activities in the atomic energy field; and (2) that any rights conferred by any patent previously issued should be revoked to the extent that the invention or discovery should be so used and that just compensation should be made for the revocation of rights. The House amendment contained no provisions comparable to the above-described provisions of the Senate bill.

The Senate bill provided that any person who has made or may make an invention or discovery useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon should make a report to the Commission within a limited period of time describing such invention or discovery, unless it is described in an application for patent filed in the Patent Office within such period of time. The House amendment contained a similar provision requiring reports to the Commission with respect to inventions and discoveries, but such provision was applicable only to inventions or discoveries "utilizing fissionable materials or atomic energy designed or especially adapted for use as or in a military weapon."

The Senate bill placed a duty on the Commission to declare any patent to be affected with the public interest if (1) the invention or discovery covered by the patent utilizes or is essential in the utilization of fissionable material or atomic energy, and (2) the use of such invention or discovery by persons having licenses for the utilization of atomic energy is necessary to effectuate the policies and purposes of the act. In any case in which a patent should be declared to be affected with the public interest the Commission would be licensed to use the invention or discovery and persons having licenses from the Commission for the utilization of atomic energy would be licensed to use it to the extent necessary in carrying on their activities licensed by the Commission. The owner of the patent would be entitled to a reasonable royalty fee for the use of the invention or discovery, the fee to be agreed upon by the owner and the licensee or to be fixed by the Commission in the absence of an agreement. The Senate bill contained appropriate provisions preventing court proceedings to stay, restrain, or enjoin the use of inventions or discoveries licensed under the provisions of the bill and to provide for the collection through court proceedings of royalty fees for the use of inventions or discoveries so licensed. The House amendment contained no provisions comparable to those described in this paragraph.

The Senate bill authorized the Commission to purchase, or to take, requisition, or condemn, and make just compensation for (1) any invention or discovery which is useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon, or which utilizes or is essential in the utilization of fissionable material or atomic energy, or (2) any patent or patent application covering

any such invention or discovery. The bill required the Commissioner of Patents to notify the Commission of, and to provide it access to, all applications for patents which in his opinion disclose such inventions or discoveries. The House amendment authorized the Commission to purchase, for the manufacture or use by or for the United States Government, any and all rights in and to any invention or discovery, or application for patent or patent thereon, relating to research on or the production of fissionable material or the utilization of fissionable material or atomic energy. The House amendment authorized the Commission to condemn any or all rights to any such invention or discovery which affects the national defense and security, but provided that whenever the Commission determined that the national defense or security were no longer involved any and all rights in such invention or discovery would revert to the owner, subject to a nonexclusive, irrevocable, and nontransferable license in favor of the Government.

The House amendment provided that any person making an invention or discovery relating to research on or the production of fissionable material or the utilization of fissionable material or atomic energy should, upon filing an application for a patent thereon and tendering the invention or discovery to the United States for its use, have the right to sue the United States for compensation for the use of such invention or discovery in the event he should ultimately receive a patent thereon. The Commission was authorized to make an agreement with the inventor in settlement for the use of his invention by the Government. The Senate bill contained no comparable provisions to those described in this paragraph.

The Senate bill provided for the designation by the Commission of a Patent Compensation Board, consisting of two or more employees of the Commission, to consider applications filed with the Commission for (1) the determination of reasonable royalty fees in connection with patents declared to be affected with the public interest and licensed for use by persons having atomic energy utilization licenses from the Commission, (2) the payment of just compensation for patents and patent rights revoked under the Senate bill, and (3) the grant of awards by the Commission to persons making inventions or discoveries useful solely, or among other purposes, for the production of fissionable material or the utilization of fissionable material or atomic energy for a military weapon. The bill provided that in fixing royalty fees the Commission should take into consideration any defense, general or special, that might be pleaded by a defendant in an action for infringement, the extent to which, if any, the patent was developed through federally financed research, the degree of utility, novelty, and importance of the invention or discovery, and might take into consideration the cost to the owner of the patent of developing the invention or discovery or acquiring the patent. The bill provided that the Commission, in connection with applications for just compensation and awards, should take into account the same factors considered by it in fixing royalty fees, and also the actual use of the invention or discovery. The Senate bill provided that any person aggrieved by a Commission determination upon an application for an award or the fixing of a reasonable royalty fee might obtain a review thereof in the Court of Appeals for the District of Columbia. The House amendment contained no provisions with respect to the fixing of royalty fees or the payment of awards to inventors.

The House amendment provided that persons dissatisfied with Commission determinations as to just compensation for inventions or discoveries condemned, or tendered to and used, by the Commission should have the right to maintain suit in the United States District Court for the District of Columbia for the purpose of determining the just compensation to be paid. The amendment further provided for an appeal to the Court of Appeals of the District of Columbia from the decision of the district court. The section of the Senate bill relating to patents contained no specific provisions with respect to judicial determination of just compensation for patents and patent rights revoked by the section or taken, requisitioned, or condemned by the Commission. Section 11 of the Senate bill provided, however, for suit in the Court of Claims in the event the person entitled to just compensation should be dissatisfied with the determination of the Commission.

The House recedes on this amendment.

Amendment No. 38: This amendment struck out the provision authorizing attorneys appointed by the Commission to appear for and represent the Commission in any case in any court. The Senate recedes.

Amendment No. 39: This amendment struck out the provisions which waived certain general restrictions of law in the expenditure of funds for the purposes specified in section 10 (b). Since amendment No. 26 struck out section 10 (b), this provision is no longer appropriate. The Senate recedes.

Amendment No. 40: This is a clerical amendment and the Senate recedes.

Amendment No. 41: This amendment provides that section 10 of the Administrative Procedure Act should be applicable with respect to agency actions of the Commission immediately upon the enactment of this act and provided that this act should not be held to supersede or modify the Administrative Procedure Act. The Senate recedes.

Amendment No. 42: This is a clerical amendment and the Senate recedes.

Amendments Nos. 43, 44, and 45: These amendments increased from 9 to 11 the number of Members from each House who would be members of the Joint Committee on Atomic Energy, and increased from 5 to 6 the number of Members from each House who might be members of the same political party. The House recedes.

Amendment No. 46: This is a clerical amendment, and the Senate recedes.

Amendment No. 47: This amendment made the heavier criminal penalties provided in subsection (a) of the enforcement section, rather than the lighter penalties under subsection (b), applicable in the case of violations of the act arising out of the failure to report certain inventions and discoveries to the Commission. The House recedes.

Amendment No. 50: This is a clerical amendment, and the Senate recedes.

Amendment No. 51: This amendment eliminated from the bill the provisions which would have provided criminal penalties for violations of regulations or orders issued under specified sections of the act. The Senate recedes with an amendment which restores the provision with a clerical change correcting a cross reference.

Amendments Nos. 52 and 53: These amendments, like some of those referred to above, provided that the death penalty might be imposed upon persons convicted of violating certain provisions of the act, with the intent to injure the United States or to secure an advantage to any foreign nation, and provided that the minimum term of imprisonment for persons convicted of such violations should be 10 years. As the offenses to which these amendments were applicable are likely to be of a less serious nature than the other offenses to which the heavy penalties were made applicable, these penalties were deemed to be excessive in these cases and the House recedes.

Amendments Nos. 54 and 55: These amendments modified the provision relating to enjoining violations of the act or regulations or orders thereunder, so that instead of providing, as did the Senate bill, that upon a showing by the Commission that a person has engaged or is about to engage in such a violation an injunction, restraining order, or other order shall be granted without bond, it will provide that upon such a showing an injunction, restraining order, or other order may be granted. The Senate recedes.

Amendment No. 56: This amendment provided that all persons associated in any capacity with the control and development of atomic energy under the Commission, and all violations of this act, should be investigated by the Federal Bureau of Investigation. As the subject matter of this amendment is dealt with in connection with amendment No. 35, the House recedes on this amendment.

Amendments Nos. 57 and 58: These are clerical amendments, and the Senate recedes.

Amendment No. 59: The amendment inserted a definition of the term "nuclear fission". The House recedes.

Amendments Nos. 60, 61, and 62: These are clerical amendments, and the House recedes.

Amendment No. 63: This is a technical amendment, and the Senate recedes.

Amendments Nos. 64, 65, and 66: These are clerical amendments and the House recedes.

Amendment No. 67: The bill as it passed the Senate defined the term "facilities for the production of fissionable material" so as to include any equipment or device capable of such production. This amendment limited the term to any equipment or device peculiarly adopted for and capable of such production. The House recedes.

Amendment No. 68: This is a clerical amendment and the Senate recedes.

Amendment No. 69: This amendment struck out a provision transferring funds available for expenditure in connection with the Manhattan Engineer District to the Commission for expenditure for the purpose of carrying out the provisions of the act. The Senate recedes.

Amendments Nos. 70 and 71: These are clerical amendments, and the Senate recedes.

A. J. MAY,
R. EWING THOMASON,
CARL T. DURHAM,
CHARLES R. CLASON,
Managers on the Part of the House.

CALL OF THE HOUSE

Mr. THOMAS of New Jersey. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

Mr. McCORMACK. I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 238]

Adams	Buffett	Eaton
Allen, Ill.	Bunker	Elston
Allen, La.	Butler	Engel, Mich.
Almond	Cannon, Mo.	Fellows
Anderson, Calif.	Carlson	Gary
Andrews, N. Y.	Chenoweth	Gathings
Bailey	Clements	Gillespie
Baldwin, Md.	Clippinger	Gossett
Baldwin, N. Y.	Cochran	Halleck
Barry	Coffee	Hare
Bates, Ky.	Cole, Kans.	Hart
Bates, Mass.	Combs	Hébert
Beckworth	Cooper	Heffernan
Bell	Courtney	Hendricks
Bender	Cox	Hess
Bennet, N. Y.	Cravens	Hill
Bland	Crawford	Holifield
Boren	Curley	Izac
Boykin	Daughton, Va.	Jennings
Bradley, Mich.	Dawson	Johnson, Ill.
Brooks	Delaney,	Johnson, Okla.
Bryson	John J.	Johnson, Tex.
Buckley	Earthman	Keefe

Kefauver	Norton	Short
Keogh	O'Konski	Simpson, Pa.
Kerr	Patrick	Slaughter
Kilburn	Peterson, Ga.	Somers, N. Y.
Kilday	Pfeifer	Sparkman
Landis	Powell	Starkey
Latham	Priest	Stewart
Ludlow	Rayfiel	Stockman
McGehee	Reece, Tenn.	Tolan
McKenzie	Rees, Kans.	Torrens
Mc Millan, S. C.	Robertson, Va.	Wasielewski
Mahon	Robinson, Utah	Weaver
Maloney	Robsion, Ky.	Weichel
Mankin	Rockwell	Welch
Mansfield, Mont.	Roe, N. Y.	West
	Russell	Wickersham
Mansfield, Tex.	Ryter	Winter
Merrow	Sadowski	Wolfenden, Pa.
Miller, Calif.	Shafer	Wood
Morrison	Sheridan	

The SPEAKER pro tempore (Mr. SHEPPARD). On this roll call 305 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ATOMIC ENERGY ACT OF 1946

The SPEAKER. The gentleman from Texas [Mr. THOMASON] is recognized.

Mr. THOMASON. Mr. Speaker, in my judgment your conferees have brought back to you a very splendid report. It bears the signature of all of the Senators and of all the House conferees except my distinguished friend the gentleman from New Jersey [Mr. THOMAS].

The conference was in session for the greater part of 3 days and every section of both the Senate and the House bills was given very careful and I may say judicious consideration. I think it is the almost unanimous opinion of the conferees that the subject is so big and so important that legislation, provided it is reasonable in its terms, is absolutely necessary, in view of our national and international situation.

It should not be forgotten that the President urged some legislation on this subject just as soon as possible. It should not be forgotten that the Secretary of State urged action in view of our proposed international agreements. It is my opinion that there must be some solution to the domestic control of atomic energy before we can move into the international field.

What I shall say will be very brief, and then I will yield to members of the committee who desire time. To get right down to the report, I may say that with the exception of two big questions, the Senate receded on practically every amendment. If you will look at the report you will find amendment after amendment, which was adopted by the House, readily accepted by the Senate conferees.

I may say that the conferees on the part of the Senate, composed of the Senator from Connecticut [Mr. MCMAHON], the Senator from Michigan [Mr. VANDENBERG], the very able and, in my judgment after hearing him, the great lawyer, the Senator from Colorado [Mr. MILLIKIN], the Senator from Colorado [Mr. JOHNSON], and the Senator from Georgia [Mr. RUSSELL], had the same objective as all of us, and that is to do something to get this fissionable material that we hear so much about, and the things that go into making not only atomic bombs but the things we hope will go into peacetime articles under control in this country just as soon as possible. Congress in all its history never had to deal with a more important problem. About it hinges the question of war or peace, and also the matter of destruction or survival. If put to proper and peacetime use, atomic energy, I predict, will become the greatest boon to humanity in all history.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. ARENDS. Is it not true that on two major provisions in this bill the House receded to the Senate? One was having a military man on the Commission, the other was the patents provision.

Mr. THOMASON. I will explain that as fully as I can. The first one, of course, is this very controversial question as to whether or not anybody from the armed forces should be on the Commission proper. It will be recalled that the amendment that was adopted in the House provided that there must be at least one, and that two were permissible. If you will recall, a little later in the same military section of the bill there is a provision that the Director of Military Application should be a member of the armed forces. That amendment was offered in the House and adopted by the Senate.

The compromise—and that is why we have conference committees—was that the Senate was willing to accept the amendment that the Director of Military Application, the man who is going to make the bombs if any are to be made, or to put atomic energy to military purposes if that is to be done, should be a member of the armed forces. That, as I tried to say the other day, I think is in keeping with our tradition, because the Director of Military Application is not going to be a policy maker. The Senate stood firm, however, and opposed, as did three of the House conferees, that there should be an Army or Navy man on this policy-making committee, the Commission itself. There would be just as good argument to have a general Secretary of War or an admiral as Secretary of the Navy, or that the man in the White House is not to be a civilian, because that has been the policy of our Government from the beginning.

And I might say in this connection that after we met last evening on the report and after it was drafted and put into final form, in order to make assurance doubly sure and to bring some kind of definite information back to this House, I had this report submitted early this morning to none other than the Chief of Staff, General Eisenhower, and asked him to read it over and give me his frank opinion so I would have it for my own satisfaction and to transmit to you if you were interested. About 2 hours after I had submitted the report General Eisenhower called me in person over the phone and told me what he had already told Senator VANDENBERG, and that was that the Army did not want a member of the armed forces on the Commission; and that in view of the Vandenberg amendment he and the War Department were entirely satisfied with the conclusions reached by the conferees and he hoped for the adoption of the conference report. So now the Director of Military Application remains an Army officer and the Vandenberg amendment provides that any representative of the War or Navy Departments, even the Chief of Staff, the Secretary of War, or the Secretary of the Navy or any military persons whom they delegate, shall attend the sessions of the Commission and keep in close touch and be fully informed of everything that goes on in the sessions of the Commission and if they are not satisfied they file their protests with the Secretary of War and the Secretary of the Navy. If they are still dissatisfied they appeal to the Commander in Chief of the United States Army, who is none other than the President. You have got to trust somebody, and all of us have confidence in the honesty and patriotism of these high officials.

I only wish I had the ability and facility of expression so that I could repeat to you the argument Senator VANDENBERG, made in support of this report. He said in view of the military liaison amendment that he had insisted on he felt this arrangement was the best that could possibly be worked out, not only to protect the secrecy of the bomb but also to give us the best national security. I might also add that it was his statement that in the beginning of the consideration of this legislation he stood firm that the armed forces must be represented. I would like for you to look at the personnel of that committee again. I just do not believe you could have a greater committee appointed to consider a matter of this great importance than the Members that constituted the special Atomic Energy Committee, because there were men on it like Senator MCMAHON, Senator MILLIKIN, and Senator VANDENBERG. There was also Senator HART, formerly an admiral in the Navy for many years and with a distinguished record. After 5 months of hearings, comprising four printed volumes and the examination of 110 of the outstanding scientists, military men and industrialists of this Nation that committee unanimously reached the conclusion that it did on this important legislation.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Michigan.

Mr. DONDERO. What was done by the conferees in regard to the amendment which provided for screening by the Federal Bureau of Investigation of the personnel?

Mr. THOMASON. I will come to that.

Before we get down to the last and perhaps the biggest controversial issue left in the bill, may I say that after we compromised this issue on whether it was necessary to have a member of the armed forces on the Commission, which is purely a civilian affair, we did provide that there must be a member of the armed forces as director of military application. We then got down to such problems as mentioned by the gentleman from Michigan regarding investigation of all these men by the FBI.

A careful analysis of the report will disclose that the House amendment is still in the bill substantially in the same form it left the House except for one

thing. The FBI screens all of these employees, especially those having to do with what might be termed the secrets and those having anything to do with critical material, but the FBI does not do the certifying. The unanimous conclusion of the conferees, I think, was that while the FBI does a very splendid and valuable work in matters of investigation and things of that sort, yet we do not want to set the Bureau up as a kind of employment agency where they have to certify employees. However, you will find in the report where there must be a full and complete investigation by the FBI and they, in turn, submit the facts to the Commission. The conferees thought, therefore, that if the FBI furnishes the facts to the Commission that would be sufficient and, of course, we must assume that the President is going to appoint some outstanding men on this Commission. He must accompany their nominations with their qualifications to the Senate before confirmation. We direct that FBI must investigate, but we do not give them the authority to certify the names of the people who should be employed.

Another thing in that same connection, is this matter of the death penalty. That, like the FBI amendment, is substantially retained in the report, except the committee thought just as a matter of justice and also in trying to be practical that where you impose the death penalty it should only apply to men who have disclosed secrets to foreign enemies or foreign governments, or betrayed their country, and that the death penalty should only be imposed by a jury. Otherwise the death-penalty provision is retained in there in substantially the same form as it left the House.

In conclusion, let me make brief reference to the last and perhaps most controversial issue in the report, the matter of patents. That is a big subject in itself. Frankly, I share the views of a great many men in this House, especially my distinguished colleague from Texas [Mr. LANHAM] in saying that I do not want the Government in private business. I have great respect for our present patent laws. I want to encourage individual enterprise and inventive genius. Nevertheless, we are dealing here with a very unusual situation, we are dealing with a very grave and dangerous instrumentality that might mean the life or death of the human race. There was never anything like it in history. The Government has spent $3,000,000,000 to develop atomic energy. It belongs to Uncle Sam. It is in its very nature a monopoly. It has to be kept that way, at least for a time, if we are to keep the secret. There is no use for the Government to take over all fissionable material if we do not also have all the patents to process this dangerous element.

I want to be frank with you as relates to this whole report. Every member had one big objective and that was to tie up the secret of the atomic bomb. You cannot do it without also controlling all patents. Perhaps those restrictions can be lifted later, but this is certainly no time to take a chance. Because these patents have to do with all fissionable material wherever it is. I think, perhaps, with one exception, it was the opinion of the conferees that for the time being, at least until we know what we are going to do with this terrible weapon and this tremendous secret discovery, that there is nothing in the world to do except to give the Government the monopoly that it must have. But in that connection let me say that whenever it takes over an existing patent or does anything else in connection with existing patents or inventions that are later discovered, they must make adequate compensation for the taking of it and also pay a royalty. So, nobody, whose principal interest is in connection with this bomb, can find any fault about that until we settle down and determine what is the best thing for our country and for the peace of the world.

Mr. KUNKEL. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. Then you have adopted practically in identical form the Senate amendment on patents?

Mr. THOMASON. That is correct.

Mr. KUNKEL. There are no material changes in it at all?

Mr. THOMASON. That is correct.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Texas.

Mr. SUMNERS of Texas. Do I understand the gentleman to say that when we come to deal with patents and the necessity to protect the secrecy in regard to the bomb, that you let the patents suffer, if I may put it that way, rather than take a chance on revealing the secrets of the bomb?

Mr. THOMASON. The gentleman is exactly right. This is something that we cannot gamble with or take the slightest chance. The secret at present is the important thing. When a man thinks he has an invention, he has to file his application down here in the Patent Office, and that becomes not only known to every Tom, Dick, and Harry who wants to look at it, but any citizen who wants to go down to the Patent Office can look at the application.

As the Senator from Colorado [Mr. MILLIKIN] so ably pointed out, you just cannot take a chance with a thing like this. We are dealing with the most terrible device that has ever been discovered in the history of mankind.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from California.

Mr. HINSHAW. If the Lanham amendment had not been agreed to in the House, I had a provision to add to section 3 of the patent provision which related to inventions and discoveries that had not been patented, but must be turned over to the Commission within 60 days and provide that just compensation should be made for turning over the information, but we did not reach that point.

I would like to know, if a man makes an invention or discovery for which no patent application is made, how you can pay compensation under that section by turning it over to the Commission?

Mr. THOMASON. The Commission itself is authorized to make fair and just compensation.

Mr. HINSHAW. You will find under section 3 that no such language was contained, and it was covered in the first two sections relating to patents.

Mr. THOMASON. I cannot answer that technical question.

Mr. CHELF. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Kentucky.

Mr. CHELF. I might say to the gentleman that the bulk of the patent laws that we are now operating under were enacted back in 1870.

If we were dealing with just an ordinary thing and this were just a normal situation there would be much force, I think, to the argument that has been made that we should not invade the present patent law field, but I need not tell the Members of this House, in view of what happened at Bikini the other day and what happened at Hiroshima, what this means to the peace of the world. It was the opinion, I think, of the conferees, I know it was of most of us, that it is something you cannot trifle with at present. This bill does set up a monopoly. It has to be. If you are going to take over all the fissionable material in the United States, which you do in the bill, certainly you are going to have to take over for the time being everything connected with it including patents.

Mr. SUMNERS of Texas. I am afraid the gentleman misunderstood me. My point was that in dealing with the patents and in protecting the secret you go to the side of protecting the secret. You do not take a chance on letting the secret get loose in order to give some fellow a patent.

Mr. THOMASON. My friend from Texas is absolutely right. Patents and everything else must be subordinated to keeping our great secret. In view of what is going on in some parts of the world today, I am not willing to take the slightest chance. We have tried to tie this thing up with the strongest language that can be written.

Mr. SUMNERS of Texas. Of course.

Mr. THOMASON. Congress is going to be in session after this law goes into effect and after we have, perhaps, an international atomic commission of some sort that will put this thing to peaceful purposes rather than to destructive purposes, so then there will be time to make changes if necessary. But it is the opinion, I think, of everybody on the committee, or nearly so, that for the present we cannot do any gambling.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Mississippi.

Mr. COLMER. As I understand, under the House bill the appointment of a military representative was compulsory, but under the conference report that would be optional.

Mr. THOMASON. No. I do not want to mislead the gentleman as to the Com-

mission. They will all be civilians, with a military liaison committee sitting in session with them. However, the only member of the armed forces proper who will be in the organization will be the Director of Military Application.

Mr. COLMER. Under the House version of the bill, was not provision made for a military representative?

Mr. THOMASON. Yes.

Mr. COLMER. But that has been changed?

Mr. THOMASON. It was made compulsory that there should be one member of the armed forces, and it was permissive to have two.

Mr. COLMER. Would not the gentleman think the armed forces should be represented on this Commission?

Mr. THOMASON. No; I do not think so, and General Eisenhower does not think so, and Secretary Patterson does not think so, and Secretary Forrestal does not think so. In view of the existence of the military liaison committee, Secretary Patterson and the Under Secretary of the Navy testified before our committee that they felt there was ample and full protection under the Vandenberg amendment, which was the basis on which the Senator from Michigan changed from the position the gentleman from Mississippi now has and offered the liaison committee amendment, which is now part of the conference report.

Mr. COLMER. Of course, I differ with that.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from North Carolina.

Mr. COOLEY. When the gentleman addressed the House recently on this proposition, he seemed to emphasize the necessity and desirability of developing atomic energy for industrial or peaceful purposes. I compliment the gentleman on emphasizing today the necessity for secrecy. Does the gentleman now think that under the bill that has been agreed upon by the conferees the secret is being just as carefully guarded as it possibly can be?

Mr. THOMASON. I will be frank with my friend from North Carolina. I think the bill is stronger than it was when it left the House insofar as the guarding of the secret of the atomic bomb is concerned, because, under the section relating to giving information to other countries, that can only be done after the Congress by a joint resolution has said that all safeguards have been invoked that are necessary for the guarding of the atomic bomb as a military weapon.

Another reason why I am now fully convinced that for the present the Government must control the patents on all matters affecting atomic energy is this. Let me call my friend's attention to this statement, and I hope he will read all of it, that as to this monopoly on patents the law uses the word "solely." No other patents of any kind are touched or in any way affected. It cannot invade any other field. It has to do solely with the atomic energy problem itself and the atomic bomb.

Mr. COOLEY. I have no objection to the monopoly features of the bill. I have no objection to the Government having a monopoly on all the patents. The thing that I am most interested in is that we should agree to keep this secret at the present time.

Mr. THOMASON. I think the bill as reported back to the House is just as strong as it can be. I think it is a splendid report. I hope for its adoption.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. CLASON].

Mr. CLASON. Mr. Speaker, as one of the conferees on the McMahon atomic energy bill I can say that the matters which were in dispute were thoroughly discussed by the conferees. We had some very strong arguments on the different amendments which were under discussion. The two main amendments, of course, were those which had to do with whether or not a military man should be placed upon the Commission, and the one dealing with patent law, although there were disputes on other amendments adopted by the House. Further than that, I think I should say that the position of the conferees was not unanimous on any of the important amendments which were in dispute. Nevertheless, I think we have brought back a very fine conference report. I say that because General Eisenhower, Secretary Forrestal, and Secretary Patterson all indicated that they felt even if the bill had not had as much protection in it and had not had the provisions in it which the conferees have finally brought back to you, they still would have felt and believed that the bill ought to be adopted and that they were satisfied with it. The question of whether or not there should be a military man upon the Commission was covered under amendments 1, 2, and 3. The first one, as you probably will recall, had directly to do with whether or not a military man should be appointed to the Commission; the second one had to do with the question of the director of military application, and the third had to do with the law which would permit at least one and not more than two military men to qualify to serve on the Commission at the same time. In connection with that, we had considerable argument. I have been delighted today to hear the distinguished gentleman from Texas quote so often from the two distinguished Republican Senators on the conference committee. I almost gain the impression that if either one of them were nominated for President he would be assured a large Democratic following. They certainly got it in the conference. I have no doubt they deserved it. It is my opinion we are fully protected so far as the military is concerned even though there may not be military men on the Commission itself. We have the military liaison committee which General Eisenhower stated was all he felt was necessary in order for the armed services to be fully protected in connection with atomic research in the future. However, the House added the amendment which did put the Director of Military Application directly into the armed services—he must be a member of the armed services. That being so, we have a much closer and much more important connection with atomic research in the future. Therefore, I feel even though the House did not get all they would like to have had under the amendments 1, 2, and 3, they did obtain a big advantage over the original Senate bill. I feel that the Army and Navy are fully protected, while we have established civilian control of our national policy on atomic energy.

So far as the patent laws are concerned, the conferees called in the distinguished gentleman from Texas [Mr. LANHAM], who explained fully to them the difference between the patent sections of the Senate bill and the House bill. Many of the members of the conference committee are lawyers and each of them had his own idea of what was meant in the Senate and House versions. On a divided vote the majority of the conferees of each House voted for the provisions of the Senate bill. If they prove inadequate for our national protection, I am sure the Commission will request such changes as are necessary.

This conference report will be of great value in two important avenues: First, it will aid our representatives in the United Nations and in any peace conference to secure international cooperation and lasting peace; second, it will establish a much needed organization to facilitate research and development of atomic energy, not only for military purposes, but for medical, domestic, municipal, and industrial purposes. I urge that the conference report be adopted.

The question came right down to the proposition, Did the McMahon bill provide as much protection as was necessary and was actually needed in order to prevent dissemination of knowledge in regard to atomic energy, which we ought to have to protect our people? We have the know-how, we have the inventions and the patents. Should they be protected to the extent of the provisions of the McMahon bill?

The SPEAKER. The time of the gentleman from Massachusetts [Mr. CLASON] has expired.

Mr. THOMASON. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. CLASON. As I see it, it came down to the question of whether or not we receive more protection for the United States under the McMahon version or under the Lanham version. I do not think it is proper for a conferee to state how he stood on any one thing, but there was not a unanimous vote on the particular amendment. However, a majority did decide that they preferred the McMahon provision to the Lanham provision. When the conference report was finally drawn, even though I personally did not agree with some of the provisions, I felt strongly it was necessary to have legislation on this subject at this time, and I therefore signed the report. I feel that the conference report added to the legislation which was before you and has resulted in satisfactory legislation and very valuable legislation. I will vote for the conference report, and I hope the rest of you will see it as I see it. I know you

will be in disagreement on certain amendments, but on the whole we have good legislation. Otherwise we will not get the benefits for domestic purposes and for industry from atomic energy which we are entitled to obtain.

The SPEAKER. The time of the gentleman from Massachusetts has again expired.

Mr. THOMASON. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. DURHAM].

Mr. DURHAM. Mr. Speaker, it has been well explained to you what the conferees did. I think we brought out a good conference report.

My position on this matter is pretty well known with regard to the military men on the Commission. I supported the Lanham amendment when it was on the floor of the House. After hearing the discussion on this matter when the conferees got together on it, I feel that the Senate amendment is more workable and is a far better amendment than the amendment that was adopted in the House.

There has been a little confusion spread around the House in regard to fissionable material. The rumor has been spread that it exists in practically everything. Steel is said to be fissionable material. I am not an authority on fissionable material, but I have had some chemistry, and I have some knowledge of it. We feel that we are at the present primarily dealing with only uranium and thorium to produce this fissionable material and nuclear fission for this atomic weapon.

Looking at this patent provision, which is section 11 and applies solely to fissionable material, that is what we are trying to apply this patent provision to. If we are going to control all of that material, as this bill does, we are going to have something like a man who has a book of blank checks in his pocket and no money in the bank, if he goes down here and secures patents, because he has no material unless he secures it from the Government. Therefore, his patent becomes useless.

Furthermore, these men who have been serving at Oak Ridge and other plants of the Manhattan project will be free when they are discharged or released from that plant. Those people are ambitious, they will apply for patents on what they have already done. I therefore feel that we cannot open this thing up to everybody.

What are the principal differences between Senate section 11 and the so-called Lanham amendment?

The Senate patent provisions differ from the House provisions in five major respects:

First. The Senate makes patents on the production of fissionable material and on atomic weapons nonpatentable; the House permits private patents. Private patent rights in these two fields are inconsistent with the national security because patent litigation and procedures may well result in disclosure of secrets. It would be a risk that one or two companies would control all patents affecting these vital national defense activities.

Second. The Senate bill requires that all new inventions relating to the production of fissionable material be reported to the Commission. The House bill contains no such provisions.

Third. The Senate bill automatically authorizes the use of any patent in atomic-energy research. The House, in omitting this provision, may hamper atomic research by refusal of patentees to license their patents for research.

Fourth. The Senate requires that the patentee license at a reasonable royalty the use of any nonmilitary device of importance to the economy. The House, in omitting this provision permits, for example, one patent holder to take over the entire power industry through control of any atomic-power patents.

Fifth. The Senate bill gives the Commission full authority to condemn all atomic-energy patents, including production of fissionable material, utilization devices, research, and atomic weapons. The House bill confines the condemnation power to patents affecting the national defense.

We must go all the way if we are going to have control of this dreadful weapon.

If this provision, section 11, in any way hinders or affects the further development of our great industrial and private enterprise system, I will be one of the first to advocate doing away with it, but I do feel for the present we cannot take a chance and hope the House will accept the conference report.

Mr. THOMASON. Mr. Speaker, I yield 8 minutes to the gentleman from New Jersey [Mr. THOMAS].

Mr. THOMAS of New Jersey. Mr. Speaker, as one of the conferees, I did not sign the report on S. 1717, and I did not because I felt that the House was giving up too much, that this conference report was nothing more than a skimmilk version of the bill that passed in the House; further, the House conferees won all the skirmishes and the Senate conferees won all the big battles, and the two largest battles were: One, whether or not the military would have representation on the Commission; and two, whether or not we were going to take the House version of the patent provision.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of New Jersey. I yield.

Mr. ARENDS. Would the gentleman say then that the conferees on the part of the House capitulated completely to the Senate in those two major items?

Mr. THOMAS of New Jersey. I do not like to criticize my good colleagues on either the Democratic side or the Republican side, but I will say that the House conferees did not carry out the version of the House on those two questions.

A great deal has been said about security, that this bill will give us more security than we had in the bill that we passed in the House. I just want to paint this picture. Just as soon as this bill is enacted into law and as soon as the Army engineers have had a reasonable time to get out of Oak Ridge they will get out of there to a man. There will be no more Army Intelligence or Army engineers in Oak Ridge. Then we are going to turn the plant and it secrets over to whom? We are going to turn them over to a lot of persons, and I will admit that in time they will be investigated by the FBI, but we are going to turn Oak Ridge over to a lot of persons who may have had no experience in security. Some of them will be political patronage. Those are the people who are going to guard the atom bomb secrets down there in Oak Ridge.

That is the reason why I say that under the provisions of S. 1717 where we turn everything over to civilian control we may be taking steps that will do the very thing that a potential aggressor or a potential enemy of this country would want us to do, and that is to open the door to the secrets that are so necessary to guard at this time particularly.

Mr. HARNESS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of New Jersey. I yield to the gentleman from Indiana.

Mr. HARNESS of Indiana. When the conferees accepted the Senate version of the patent feature they accepted what the Socialists have been trying to do for the last half century?

Mr. THOMAS of New Jersey. No doubt about that.

Mr. HARNESS of Indiana. Completely socializing our patent system in this Nation.

Mr. THOMAS of New Jersey. There is no question about that.

Mr. HARNESS of Indiana. When they refused to permit the War Department, the Army, or the military to have one single representative out of five they assured the possibility of giving away the secrets if any may be left in connection with this bomb?

Mr. THOMAS of New Jersey. Yes.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of New Jersey. I yield to the gentleman from Nebraska.

Mr. CURTIS. I favor the position of the gentleman in regard to both the patent feature and the military control. This conference report should be turned down. There is no more reason to take the Army out of the atomic bomb business than to take it out of aviation, artillery, or any other branch of our defense.

Mr. THOMAS of New Jersey. Mr. Chairman, it was said in conference that the reason we should not have an Army man as one of the commissioners is because it might be considered as a military veto and, in addition, that we were overemphasizing the military. These remarks were made by one of the distinguished gentlemen whom our colleague from Texas referred to and I am sure he is going to vote for him when he runs for President of the United States. I would like to know how anybody could consider that by placing one Army man on a commission of five it would be a military veto. I would like to know how it could be construed by any nation in the world that we were overemphasizing the military.

The reason that we want a military man on there is so that he will be in

every conference, so that he will know absolutely what is going on, so that he will be just as close to the picture as possible. When we exclude the military we make them outcasts, something that we are a little ashamed of. I think it is just plain ridiculousness.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of New Jersey. I yield to the gentleman from New York.

Mr. REED of New York. I ran across something that startled me early in the war. An Army officer came to my office and he said, "I am somewhat distressed. I do not care to go to the higher-ups, but I know you, and I am going to talk to you." He said, "Every single day my men are getting communistic literature under the frank of the Patent Office." I have watched this thing very closely and when I saw this patent provision in here I could quickly understand why it was in there.

Mr. THOMAS of New Jersey. I want to say just a word about the patent feature. We House conferees did not have a chance. The cards were stacked against us from the beginning. There was never any time when we thought we were going to gain our objectives.

I think that the thing that amazed me more about the conference we had in regard to patents was this, that it was admitted, by not one conferee but by more than one, that the Senate sections on patents would do this thing above everything else, and that is, bring about a compulsory monopoly, and for the first time in the history of the United States we are now called upon to have a compulsory industrial monopoly. Yet, all of the authorities in the United States on patents tell us that the Lanham features, the sections put in by the House bill, would not only protect the Atomic Energy Commission and protect the United States when it came to the question of atomic energy and the making of the atomic bomb, but would protect the industry of the United States as well.

I disagree with my colleague from Connecticut that the Senate version on patents would benefit private business. I think under the Senate version of patents, private business, whether it had anything to do with atomic energy or not, would be absolutely stifled; it would never get started, and if these features had been in existence some 50 or 75 years ago we would not have the industrial life in America that we enjoy today.

Mr. Speaker, after hearing all the debate in Committee and on the floor of the House and in conference, I am still resolved to oppose this legislation. I think it the most dangerous we have ever considered—likewise the most important. For the safety of 135,000,000 of Americans we should delay further consideration until we have had more time for study. The stakes are too high in the gamble we are taking today.

Mr. THOMASON. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Speaker, in my judgment this conference report involves most unfortunate legislation, and I certainly shall oppose it.

We have all seen the gradual growth of centralization of power in Washington, depriving the people of their rights and leading them to neglect their responsibilities, and now we see a blow at the fundamental basis of our progress in our patent system.

Here we have the recommendations of the Committee on Military Affairs with reference to patents. Those recommendations, from the standpoint of knowledge or familiarity, might as well have come from the Committee on Claims or the Committee on the District of Columbia.

The small businessmen of this country, the American Bar Association, and the gentleman from the Navy Department who has been from the beginning the adviser with reference to atomic energy on patent matters have all approved this House provision. We voted for it overwhelmingly in this body, and the conferees have not even shown us the courtesy of bringing it back in disagreement in order that we might express our views again.

I wonder if we are beginning to sacrifice and surrender our American way of life to appease those in this country and abroad who have no fondness for our governmental philosophy and principles. What will happen if you support these patent provisions in the conference report? There will be no incentive, outside of those connected with this Commission itself, to stimulate the inventive genius of America to undertake to give us discoveries that will be helpful with reference to atomic energy. Let me bring to your attention the fact that patents, wonderful inventions for our progress, come in the main not from the Government, but from the rank and file who make their research far from Washington, and unless we protect them, unless we get rid of this compulsory licensing which is going to turn our patent system over to an unknown commission, we may undermine and destroy this fundamental basis of our progress and also the initiative and the incentive of the American inventor.

Mr. HARNESS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Indiana.

Mr. HARNESS of Indiana. Under this conference report, and under the Senate bill the way it passed the House, the Commission will be the arbitrary and sole judge of what patents are connected with the development of atomic energy.

Mr. LANHAM. Absolutely.

Mr. HARNESS of Indiana. And any invention that might remotely have any connection with atomic energy will be under the control of this Commission.

Mr. LANHAM. And consequently the inventors are not going to try to invent things that will be helpful in reference to atomic energy. There will be no incentive to do it.

Let me call your attention to the fact that the House provision gives the Commission authority to get any invention, any patent, or any application for a patent, that it can use in carrying out its purposes. Why go beyond that to take away property rights from the citizens of this country, to revoke their property rights, and to assure them that they can have no further rights in their property, because you are confiscating and taking the property of the individuals when you undermine and abolish the patent system of this Nation of ours?

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Illinois.

Mr. CHURCH. If the Lanham amendment were left in the bill, does the gentleman feel the secrecy or the know-how would be endangered in any way?

Mr. LANHAM. Not in the least. As a matter of fact, it would be protected. I think this whole legislation is a bit premature, and we are likely to take steps that will menace our security if we enact legislation of this kind in advance of the agreement with reference to peace treaties and the establishment of peace in the world.

Mr. THOMASON. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut [Mrs. LUCE].

Mrs. LUCE. Mr. Speaker, the conference report seems to be about the best legislation we are likely to get for this vital problem. It was often noted during the debate in this House that, while this bill may open the front door to merciful peace and international and national security, it does leave the back door open to socialism. And that still remains true of the conference report, particularly in reference to the patent sections, as the gentleman from Texas [Mr. LANHAM] has pointed out to you. Nevertheless, its socialistic features constitute a long-range danger. What we are confronted with today is the short-term danger of not protecting our atomic supremacy now, and the short-term necessity of working for international atomic control. I think we must trust in the patriotism of the President, and we must hope and believe that he will place on the Commission five men of integrity and brains and truly American convictions, who will see that this legislation is not abused in the patent field or any other, to destroy our American free-enterprise system.

There is a good deal of talk about this legislation being premature in view of the facts that international arrangements in atomic control, and peace treaties are not signed. One of the reasons which make this precise legislation necessary is that we cannot get international arrangements in atomic control unless we do have this bill.

You have all read the newspapers. You saw that the Russians have currently turned down the Baruch plan. There will be no incentive for them further to discuss the international control of atomic energy unless we can fortify the position of the Atomic Commission in the UNO with this legislation, which provides domestic controls of the same nature as those proposed internationally. What we will not, or dare not, do ourselves, we cannot expect other nations to do.

We must not forget that within from 5 to 15 years the Russians are going to have all the atomic bombs they want.

It will be 15 years if they have to do it alone, because of their scientific, industrial, and technological backwardness, but probably not more than 5 years if they can communize Germany, or if Germany itself becomes communized, and alines itself as a satellite state of the Soviet Union. Then German technicians, German scientists, German know-how, German skill, all which we certainly should have learned after two world wars are not to be sneezed at, combined with Russian aggressiveness and Russian manpower, would thus shorten the time it would take Soviet Russia to get the bomb. Our choice is between truly international control—and an atom bomb race after that, which would certainly end in atomic war.

In the meanwhile, this bill safeguards our own national security, while allowing us to advance down the road to peace, trying as best we can to persuade our Russian friends that the cause of peace and world prosperity would best be served if they came in with us on an international control plan which would protect all the nations, great and small. I know of nothing that will so strengthen the hands of our statesmen in Paris, and of our United Nations Atomic Commission in New York, as the adoption of this legislation, which will help us to control fissionable materials and also give us some control and direction over scientific research in this field.

If you read the newspapers yesterday you saw the story about the sudden inexplicable disappearance of uranium, which is a fissionable material, in Brazil. Nobody knows where it went, after it was acquired by the Brazilians, apparently we do not know where that material has gone, or to what use it is currently being put. This is a bill which will enable America to keep an eye on the ownership and movement of fissionable material in all countries, including our own.

The conferees were, it seems very plain, men who understood very well what it meant to split the atom. They also being good Americans understand what it is to split their differences. And apart from the highly controversial patent section the Senate receded in a good many matters important to the House, matters which do improve the legislation. I, like others, am deeply alarmed by the implications of the patent section. But in the end, we dare not take any chances on our atomic security in the next crucial 12 months. And let us remember, and take comfort of the fact that the joint committee provided by the bill, of Senators and Representatives, can at all times watch the Commission, review its reports, and see that it is not abusing its authority. They will be, and must be, the custodians of our liberties, wherever they may be threatened by this bill.

Mr. THOMASON. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. The purpose of taking this minute is to ask a question along this line: If we adopt the conference report, will that mean that in the field of patents every single unique device that is developed, such as a device to improve a cyclotron, for instance, will go into the hands of the Government? I would like to have the gentleman from North Carolina answer that question.

Mr. DURHAM. It is solely for the purpose of covering patents on fissionable material and nuclear material. It says in the bill that it is only for that purpose.

Mr. JOHNSON of California. I know, but some of us do not know just how broad that is. Does it mean that it only covers those materials from which bombs can be made?

Mr. DURHAM. That is correct, as I understand it.

Mr. JOHNSON of California. For instance, out in California we have a cyclotron at the University of California that cracks atoms, but that machine cannot make bombs. Now, would any device to perfect that machine, which is patentable, be outside the scope of the provision of this bill as reported back by the conferees?

Mr. DURHAM. I would say if that machine were capable of making fissionable material it would come under this provision.

Mr. JOHNSON of California. This machine only cracks atoms and does not make bombs.

Mr. DURHAM. Then how are they going to get the fissionable material?

Mr. JOHNSON of California. I do not know.

Mr. DURHAM. They must get it through the use of the equipment.

The SPEAKER. The time of the gentleman from California has expired.

Mr. THOMASON. Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa [Mr. MARTIN].

Mr. MARTIN of Iowa. Mr. Speaker, I am keenly disappointed in the results of the conference on this legislation. I cannot give up, lying down, the importance of the taking of an active part by a representative of the armed forces in a field that involves one of the greatest potential weapons of all time. I cannot surrender completely the whole field of atomic energy policy making to the scientists or to the manufacturers, and bar absolutely only one class of people, namely, those who know something about military application of any super weapon such as the atomic bomb. In spite of all you say about it, the time has come when our Nation must not appease potential future enemies in that fashion. This is no time to set the stage for the first Munich of World War III. That is exactly what you are doing—exactly that and nothing else. When the time comes when I can prove to you that I am right, it will be too late. You will then be led around by the nose by foreign enemies who are laughing up their sleeves at you now for appeasing them and sticking your ostrich head deeper below the sands than any isolationist that has ever been condemned by the left-wing internationalists of this Nation.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. THOMASON. Mr. Speaker, I yield the balance of the time to the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Speaker, I do not believe anybody can accuse me of being an appeaser of any of these countries which have been mentioned as possible dangers to our security. I support this conference report precisely because I want us to do our utmost to assure the Nation's security.

The Bikini test was called Operations Crossroads, because it was held at the crossroads of the Pacific. It might well have been called that because the unleashing of atomic energy is the crossroads of history. That is where we are this afternoon. We are deciding which way our Nation and the world are to take at the great crossroads.

There are about four possibilities. One, we can ignore atomic energy, rest on our past achievements, fail to keep in the forefront of progress until somebody blows us off the face of the earth or covers our land with radioactive energy, making life impossible.

Second, we can say that since we have the secret now, we can beat other countries by building more and bigger and better bombs than they; therefore we have nothing to fear.

The trouble with that argument is that a nation does not need to have any bigger or better bombs than exist now. If, and when other nations are able to build them, as they will be in a relatively short time, all they need is a few hundred of the present type delivered by plane or rocket, to cripple us hopelessly.

Third, we could wipe out every possible potential enemy right now while we alone have the bomb. The trouble with that course is twofold: First, we could not do it, because the President and the Army do not have any such power, and I think you will agree there would be quite a little discussion before the Congress would do it. The nation to be destroyed would certainly be notified well in advance. Second, we would not do it, because we just are not the sort of people who carry out sneak attacks like Pearl Harbor. We simply would not start such a war. It is unrealistic to imagine we would.

Fourth, we can try to develop international control with rigid and complete supervision of all fissionable materials, factories, and armaments in every country by a real international organization with no vetoes.

Bombs are now made in Tennessee, in Washington, and New Mexico. I live in Minnesota, but I am not scared. Why? Because the use of the bombs made in those three States is controlled by the United States Government on behalf of all the 48 States. They are for the security, not of three States, but of everybody.

I see no hope except in this fourth course. I believe we should take the lead in trying to unite in such a real organization all nations that will join. We cannot make headway in that direction unless we have unified control within our own country of all atomic energy, whether for military or for civilian purposes. That is why I support the conference report. We must have unified civilian control so that we can keep our present processes secret while doing everything possible to improve those

processes, to expand our knowledge of atomic energy, and skill in handling it.

Let us not make a wrong decision today at operations crossroads.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. THOMASON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. THOMASON. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks at this point in the RECORD on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE CONFEREES HAVE BROUGHT US A SOUND BILL FOR ADOPTION

Mr. DOYLE. Mr. Speaker, a few days ago when debate upon this vital subject of the atomic-energy bill was in progress and it was known that the distinguished gentleman from Texas [Mr. LANHAM] was to offer an amendment to strike out all the patent section of the committee bill and to offer a substitute which would make unnecessary the obtaining of a license from the United States to obtain, or use, or develop atomic energy, even for military weapons, I naturally hesitated to speak in opposition to his proposals, for I know how deservedly his proposals receive the cordial regard by the Members of this House. However, as a new member of your Patents Committee, I soon discovered that his industry and knowledge and natural "drive" were all big factors in the functioning of that important committee.

Yet, having studied the committee bill at length and also having studied his proposals also at length, I felt I had a duty to speak out emphatically for the patent section of the committee bill and for its retention, as distinguished from the proposals of the gentleman from Texas.

The conferees have now put back the patent section of the House bill for which I spoke. I compliment the House conferees for agreeing to same. During the debate here a few days ago I felt many Members had not had opportunity to carefully study the bill and so must have voted under a mistaken idea of what it did do and did not do.

True it is that this conferees' report as to patents will place exclusive control of atomic energy for military purposes in the hands of Uncle Sam. But, my colleagues, why should it not be there? I have previously argued that such control would help take the profit out of war. I do it again. What a man makes for sale at a money profit, he is going to try to sell at the most profit possible. And, he is not always too choosy about his customers, as long as the customer pays him his price. So, it would be with the private manufacture of atomic energy for military weapons. The Government retaining exclusive control of the source of material and its manufacture for war-weapon uses and purposes should make it far more difficult for the development of international cartels in the field of munitions manufacture. And that is exactly what I said before and now repeat as highly desirable. The less material profit there is in war, the fewer wars we will have.

Because these are unusually hazardous times in the world's history, we must be willing to step forth in unusual pathways to peace. We must dare to pioneer in the field of essential legislation in this field of atomic energy, as much as in any field for world peace.

We must protect our field of free enterprise in patents in due fashion. But, gentlemen, there is no soundness in immediately releasing this most dangerous material to free enterprise to make money profit out of, at the expense of, our national safety and security. This bill guarantees every inventor an adequate compensation for his invention in this field. It assures an applicant for patent the same. We do not yet know the rudiments of need for our national security, and until we know what we need for it, it is unsound and unsafe to let atomic energy loose for promiscuous acquisition and development.

Why the hurry? The war is not even officially ended as yet.

Besides, our executive leaders must know what they can and cannot do in the field of atomic energy. This is a world neighborhood problem now. It is not merely whether or not American inventors shall have full freedom to do as they please immediately.

The problem before us filters into the very fabric of international policy and world peace from atomic warfare. We must keep our President and delegates to Paris and other conferences where world peace is involved, in a position of knowing to what extent America can control atomic energy for war and peace purposes.

Therefore, any private control, without regard to our national security, of and for the purpose of war or military weapons, is fundamentally incompatible with our national welfare and security.

So I am pleased the conferees have confirmed my humble words of several days ago as also being their firm conviction and decision.

SITE ACQUISITION AND DESIGN OF FEDERAL BUILDINGS

Mr. LANHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6917) to provide for site acquisition and design of Federal buildings, and for other purposes, as amended.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc.—

TITLE I

That the Federal Works Administrator is hereby authorized, under the provisions of the Public Buildings Act of May 25, 1926, as amended (40 U. S. C. 341-347), and as hereby further amended:

For projects outside the District of Columbia: To acquire sites, prepare drawings and specifications, perform other work for the accomplishment thereof, and establish limits of cost for building projects notwithstanding the fact that appropriations for construction work shall not have been made. The Federal Works Administrator (and the Postmaster General, where his Department is involved), shall select projects based upon reasonable geographical distribution and urgency of need. There is authorized to be appropriated $30,000,000 for the foregoing purposes.

SEC. 2. The Federal Works Administrator is hereby authorized under the provisions of the Public Buildings Act of May 25, 1926, as amended (40 U. S. C. 341-347), and as hereby further amended, to provide for the following buildings in or near the District of Columbia and to establish the limits of costs therefor:

(a) General Accounting Office: The project for a building for the General Accounting Office, as authorized in the First Supplemental Civil Functions Appropriation Act of 1941 (54 Stat. 1036), is hereby revised to provide for an additional building on square 529 in the District of Columbia and a tunnel connecting the two buildings, and there is hereby authorized to be appropriated $1,150,000 to acquire square 529, to prepare drawings and specifications for the revised project, and for any costs incident thereto.

(b) Film-storage buildings: A building or buildings on Government-owned land for the servicing and storing of film records for the National Archives and the Library of Congress, and there is hereby authorized to be appropriated $1,160,000 for the drawings and specifications for the whole project and for the construction of the first unit thereof.

(c) Office building, Suitland, Md.: For the preparation of drawings and specifications for an additional office building on Government-owned land, $325,000.

SEC. 3. In carrying out the provisions of this title, the Federal Works Administrator is authorized to acquire lands, or interests in lands, as sites, or additions to sites, by purchase, condemnation, donation, exchange, or otherwise, and may prepare drawings and specifications prior or subsequent to the approval by the Attorney General of the title to sites for selected projects.

SEC. 4. Hereafter, when part of the cost of construction of a public-building project has been appropriated by Congress, the Federal Works Administrator may enter into contracts for construction work within the full limit of cost fixed by Congress therefor.

SEC. 5. Whenever deemed by him desirable or advantageous, the Federal Works Administrator is authorized to employ, by contract or otherwise and without regard to the Classification Act of 1923, as amended, or to the civil-service laws, rules, and regulations, or to section 3709 of the Revised Statutes, the services of established architectural or other professional or technical corporations, firms, or individuals, to such extent as he may require for any public-building project which the Public Buildings Administration is authorized by Congress to construct, or for any such project funds for which are transferred by another agency to the Public Buildings Administration for construction of the project, regardless of specific legislation governing such other agency: *Provided*, That this authorization shall not apply to the employment of such corporations, firms, or individuals on a permanent basis, but their services shall be limited to the individual project for which employed.

SEC. 6. The provisions of section 322 of the act of June 30, 1932, as amended (40 U. S. C. 278a), shall not apply with respect to the rental of temporary quarters for housing Federal activities during the replacement or remodeling of buildings by the Public Buildings Administration.

SEC. 7. The Commissioner of Public Buildings is authorized to contract for seeding, planting, or landscaping the grounds of any public building constructed by the Public Buildings Administration in an amount not

exceeding $1,000 without reference to section 3709 of the Revised Statutes.

SEC. 8. Section 5 of the Public Buildings Act of May 25, 1926 (44 Stat. 630), is hereby amended to delete the following words which appear at the end thereof: "and to charge against the total sum of $150,000,000 hereinbefore authorized only the respective net excess cost, if any, over and above the proceeds of such sales, or providing such new sites and buildings", and after the words "miscellaneous receipts" change the comma to a period.

SEC. 9. The Commissioner of Public Buildings, together with the Postmaster General where his office is concerned, is authorized to accept on behalf of the United States unconditional gifts of real, personal, or other property in aid of any project or function within their respective jurisdictions.

SEC. 10. Effective on the date of approval of this act, all office furniture and rugs, excepting that purchased by Government-owned corporations, which are now or may hereafter be located in Government-owned or leased buildings in and outside the District of Columbia, operated by the Public Buildings Administration, shall be and remain in its custody and under its control without exchange of funds and irrespective of the appropriations from which the furniture was or may be procured or the source from which it was obtained. Effective July 1, 1947, unless specifically so provided, appropriations other than appropriations to the Public Buildings Administration shall not be available for the purchase of furniture and rugs in such buildings, except in executive suites.

SEC. 11. The Commissioner of Public Buildings shall have exclusive authority in all buildings operated by the Public Buildings Administration to enter into contracts, upon such terms and conditions as he may find to be in the public interest and without securing competitive bids, for food services in buildings designed to include such facilities or where such services are subsequently found to be necessary; to establish rules and regulations for the operation thereof; and to make all sanitary inspections in connection therewith: *Provided*, That the Commissioner of Public Buildings wherever he deems it necessary in the public interest may exempt any building operated by the Public Buildings Administration from the provisions of this section.

SEC. 12. All acts and parts of acts inconsistent or in conflict with the foregoing provisions are hereby repealed to the extent of such inconsistency or conflict.

TITLE II

The United States Courts of the District of Columbia Building: The Architect of the Capitol is hereby authorized and directed to prepare drawings and specifications and do all work incidental thereto, for a building (including equipment, approaches, architectural landscape treatment of the grounds and connections with public utilities, and the Federal heating system) for the use of the United States Court of Appeals for the District of Columbia and the District Court of the United States for the District of Columbia, to be located on that part of reservation 10 which is bounded by Constitution Avenue on the south, C Street on the north, John Marshall Place on the west, and Third Street on the east, containing 245,266 square feet, title to which is in the District of Columbia with the exception of two pieces of land having a combined total area of 1,238 square feet, title to which said two pieces of land is in the United States.

SEC. 2. (a) The plans for the building shall be prepared under the direction of, and shall be approved by, a committee of five members to be composed of the chief justice of the United States Court of Appeals for the District of Columbia, the chief justice of the District Court of the United States for the District of Columbia, an associate justice of the District Court of the United States for the District of Columbia to be designated by the chief justice of the United States Court of Appeals for the District of Columbia, a member of the Board of Commissioners of the District of Columbia to be designated by said Board, and the Architect of the Capitol.

(b) The said committee shall establish the limit of cost for such building notwithstanding the fact that appropriations for construction work shall not have been made.

(c) The said committee and such assistants as they may designate are authorized to perform such travel for visiting other court structures as may be necessary to enable them to carry out the purposes of this title.

SEC. 3. The exact location of the building on the site shall be approved by the National Capital Park and Planning Commission, and the design shall be approved by the Commission of Fine Arts.

SEC. 4. The Commissioners of the District of Columbia are hereby authorized and directed to convey to the United States title to that part of reservation 10 which is owned by the District of Columbia within the area described in section 1 of this title, excepting a strip 5 feet wide immediately adjacent to the south line of C Street and running parallel with said south line of C Street from Third Street to John Marshall Place, said strip to be reserved for the widening of C Street. The compensation for the site, which is herein fixed at $2,420,000, shall constitute a credit to the District of Columbia for its share of the cost of the entire project as hereafter established by the Congress.

SEC. 5. The Architect of the Capitol is hereby authorized to employ the necessary personal and other services, to enter into the necessary contracts, and to make such other expenditures (including expenditures for travel) as may be necessary to carry out the provisions of sections 1 and 2 of this title, and there is hereby authorized to be appropriated $400,000 for such purposes.

The SPEAKER. Is a second demanded?

Mr. McGREGOR. Mr. Speaker, I demand a second.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The gentleman from Texas is recognized.

Mr. LANHAM. Mr. Speaker, on last Saturday I made a very full explanation in the RECORD of the purposes of this bill. My interest in it after this session of the Congress will naturally be that of an American citizen and a constituent of some Member of this body, but I think perhaps two-thirds or more of the Members of the House have requested this legislation.

This legislation has to do with the drawing of plans and specifications and the acquisition of sites for Federal structures throughout the United States. There has been no such construction since before the beginning of the World War.

If there are questions to be asked in amplification of the rather lengthy explanation I made on last Saturday, and which you will find in the RECORD, I shall be glad to answer them. If not, I reserve the remainder of my time.

Mr. McGREGOR. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, first I wish to pay my respects to the gentleman who just preceded me, my distinguished chairman, who is retiring from the Congress of his own initiative. As a presiding officer, as a gentleman, as a Member of Congress, and as a friend, he is one individual in whom I am sure we all have great faith, and I am sure we all hate to see him leave Congress. We are losing a real friend and the district which he has represented for so long a time is losing a real representative and a worthy gentleman.

Mr. Speaker, I take exception to this particular piece of legislation, H. R. 6917, for a number of reasons. May I first call your attention to the fact, as the distinguished chairman has said, that it establishes an authorization for $30,000,000 for what? For the drawing of plans and the purchase of sites and arrangements for the construction of Federal buildings outside of the District of Columbia.

We heard a message read from the President a few minutes ago, a letter written to the distinguished chairman of the Committee on Banking and Currency inisisting on housing for veterans. We heard the distinguished chairman of this committee insist that the WET housing bill be brought up so the veterans, the industrial workers, the farmers, might have the critical building material with which to make necessary repairs and to provide them homes in which to live.

What are we going to say to our constituents if you vote for this bill granting an authorization for the planning of thousands of post offices and for the immediate construction of Federal office buildings in or near the District of Columbia? And we are going to be fair. We are acting not in a political sense entirely. There is not a Member of this Congress who does not want to please his constituents, but we are not selling out to them as a whole; they expect us to use our own judgment. What are we going to say when we go back home and find our constituents cannot buy a 2 by 4, a 2 by 6, or a 2 by 8 to build or repair his particular barn and who will say, "Congressman, you voted for $30,000,000 for plans for new post offices throughout the United States, and for several millions of dollars for the construction of new Federal buildings in or near Washington." Our distinguished chairman says they are not going to be constructed and that only planning is contemplated. There are buildings in this bill that are going to be constructed right now. Let me call your attention to page 2, for the General Accounting Office. They are going to construct a building in the District of Columbia, and this carries an authorization for construction, if you please, of $1,150,000. A film storage building likewise is authorized. I call your attention to page 3 for the whole project and the construction of the first item thereof, and I quote line 1, page 3, "$1,160,000 for the drawings and specifications for the whole project and for the construction of the first unit thereof." I call your attention, Mr. Speaker, to the words contained in the bill and I again quote "and for the construction of the first unit thereof."

On page 3: For an office building in Suitland, Md., $325,000. That is for the construction of two units with an underground tunnel. The bill gives the right to purchase and acquire buildings and lands.

Mr. Speaker, let us be fair. We are going to adjourn some of these days. Why the need for the expenditure of approximately $35,000,000 right now when we are doing everything we can to help the veterans and to help our people back home get critical building materials? We are doing everything we can in this Congress to reduce our Federal expenses and to take people off the Federal pay roll; yet we come right along here and in this bill ask for the authorization to construct three buildings in the District of Columbia or the near vicinity to house additional Federal employees.

Is that a fair proposition for our people back home? What are you going to say to the people when they ask you about this? Oh, they say they are going to purchase land. On page 2 they have an authorization of $30,000,000 to go out and purchase land in various congressional districts for the construction of post offices and other Federal buildings. Certainly there is no necessity for this bill at the present time. Why not wait and see if we really need these new buildings. Let us save the building material for our veterans, our industrial workers, and our farmers.

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman from California.

Mr. McDONOUGH. If the bill passes, is it a superior authorization over the Civilian Production Administrator, or does he have to pass on it after this bill is passed?

Mr. McGREGOR. It says, "notwithstanding." That is written into the bill, which means, in my opinion, you are going to have a preferential classification for these Federal buildings and for these Federal post offices. Experience has proven to me that the Government always gets a preference. I would like to have a post office in every one of the counties in my district, all of us would, but this is not the time to go into these congressional districts and purchase land or even by inference to tell the people that at some future date we are going to build a post office. Word will get around that a post office is going to be constructed this year. Our distinguished chairman told us it would be 2 years. Suppose it is 2 or 3 years. That being the case, certainly we will need some new plans and specifications; so why set up this $30,000,000 covering plans and specifications for these post offices now? Why set up $1,150,000 for the General Accounting Office? That is for actual construction. There is also an office building in Suitland, Md., $325,000.

Mr. Speaker, as I said before, we certainly do not need this at the present time. Let us save this building material, reduce the number of our Federal employees, and maybe we will not need so many new buildings.

Mr. COLE of Missouri. Mr. Speaker, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman from Missouri.

Mr. COLE of Missouri. The building the gentleman mentioned for the General Accounting Office is to be started at once if this legislation passes?

Mr. McGREGOR. In my opinion that is correct. I would refer the gentleman to page 2 of the bill.

Mr. COLE of Missouri. Therefore it will take materials that could be used for veterans housing and that could be used for other purposes?

Mr. McGREGOR. That is absolutely correct. It is not only for that building but for a film storage building as shown on pages 2 and 3, which covers $1,150,000 for drawings and specifications for the whole project and for the construction of the first unit thereof. You cannot build buildings without material.

What excuse are we going to give to our people for the construction of Federal buildings in Washington to house more Federal employees when our people cannot get material to construct homes? Certainly we can put the legislation off until the first of next year, until the housing shortage becomes better and critical material becomes more available.

Miss SUMNER of Illinois. Mr. Speaker, will the gentleman yield?

Mr. McGREGOR. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. I wish the gentleman would explain this. I cannot figure out what they think they are doing. All over this country people are having difficulty. One man will get as far as a foundation and he cannot go any farther. Another man will have a first story built and cannot go any farther. No houses are being finished. Veterans' organizations are complaining. That was in the papers Sunday. What do they mean when they come in here and spread this so thin that nobody will get anything. What is behind it?

Mr. McGREGOR. I want to be fair. First, I want you to understand that the $30,000,000 is simply an authorization for the purchase of land and for the drafting of plans. I refer you to page 2: The Federal Works Administrator and the Postmaster General, where his department is involved, shall select projects based upon reasonable geographical distribution and urgency of need and there is authorized to be appropriated $30,000,000 for the foregoing purposes, namely to arrange plans and so forth for construction of Federal Buildings. That $30,000,000 is simply arranging plans, but the other amount carried in this bill is for actual construction. If you will turn to pages 2, 3, and 4 of the bill you will find it gives authorization for construction immediately.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman from Indiana.

Mr. SPRINGER. May I ask whether or not the bill makes any provision as to the particular location where these buildings are to be constructed or where the real estate is to be obtained?

Mr. McGREGOR. It does, sir, in the three items that are going to be constructed at the present time; definitely. The $30,000,000 is entirely left in the hands of the Post Office Department and the Federal Works Administrator, which refers, I think, 90 percent to new post offices in various districts.

Mr. SPRINGER. As I understood, the three items the gentleman referred to are within the District of Columbia; is that correct?

Mr. McGREGOR. That is right, except the one at Suitland, Md.

Mr. SPRINGER. And all the others relate to the rest of the United States?

Mr. McGREGOR. That is correct.

Miss SUMNER of Illinois. Mr. Speaker, will the gentleman yield?

Mr. McGREGOR. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. It is pretty obvious that somebody is getting some graft out of it, or this thing would not happen. Who endorsed this piece of legislation?

Mr. McGREGOR. This bill was reported out of this committee, and we turned down a general over-all program for the very reason that we felt we should not get into a Federal construction program at this time. Yet now we have a certain little group that wants three buildings, and then another department wants $30,000,000 to arrange plans and specifications and purchase sites in the various localities so that sometime they can come in and build a new post office. Let us defeat this bill and give to our people who need homes the material that would be required to construct these buildings if this bill should become a law.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. LANHAM. Mr. Speaker, I should like to remove a little of the confusion which I think has been created by my friend from Ohio. The report itself states that this will all be held in abeyance until necessary construction for housing and hospitals has been accomplished. There is no endeavor on the part of the committee to interfere with obtaining materials for those purposes.

We held 3 weeks of hearings last November with reference to a general public buildings bill. We do not ask here for money for construction. There is a great deal of preliminary work necessary in the drawing of plans and in the acquisition of sites for these buildings throughout the country, and this measure simply provides for the necessary funds to carry on this preliminary work of preparation. There will be no interference with housing for veterans or housing for anyone else; that is not the purpose of the measure, and it is clearly understood by the members of the committee and by the administrative authority that there is no such purpose in this bill.

The gentleman refers, for instance, to the provision with reference to this office building out here at Suitland. It is true that it is badly needed. But the provision does not relate to construction; it is for the preparation of plans and specifications for the building when the building can be constructed. The same thing is true with reference to the General Accounting Office. There we have a square to acquire, and it has been contemplated for a long time, and already there are considerable appropriations for

the construction of a General Accounting Office, but that is being held in abeyance in the meantime.

So it is confusing the issue to state that the committee, with a unanimous report, is coming in to ask you to take the scarce materials in this country and put them into Federal buildings. Unless this preliminary work is done, when the time comes, when materials are available and when contractors at a reasonable cost can construct these buildings, then we will still have to wait and wait and wait for the preparation of these plans before any buildings can be constructed. At the request of the Members of this body, who are interested in this necessary Federal construction in their districts, this measure is presented in order that Federal construction may be ready for carrying on the building program when the conditions are such that it can be done feasibly and economically and without intereference in any way with the housing of veterans and the housing of the people of the United States. It is a matter for you gentlemen to determine if you are interested in Federal construction in your districts. There has been nothing of that kind since before the war began. If you are interested in repairs of the existing buildings or enlargement of the existing buildings that need extensions, then you should certainly support this legislation.

Let me call it to your attention that there are places in this country where we have paid more in rentals than the appraised value of the buildings. All we are trying to do by this legislation is to inaugurate a program and get ready with the necessary preliminary work in order that when the construction can be carried on, it can be carried on forthwith.

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from California.

Mr. McDONOUGH. In paragraph (b) of section 2, in lines 1 and 2 on page 3, you authorize to be appropriated "$1,160,000 for the drawings and specifications for the whole project and for the construction of the first unit thereof."

Mr. LANHAM. Yes.

Mr. McDONOUGH. The drawings and specifications will not cost $1,160,000. That must be a building.

Mr. LANHAM. However, it is not a building that uses the materials that are necessary in housing. This is a building for storing nitrate films that, in the first place, are explosive, and that we have now in such great accumulation, these war films. Unless we do something speedily, we will lose them and perhaps have a great deal of incidental damage in addition.

Let me call your attention to the fact that on Monday of this week the House authorized more money for construction in the District of Columbia than is authorized by way of preparation of plans in this measure for the whole country.

Mr. McDONOUGH. But the gentleman will have to admit that the amount of money we authorized for the District of Columbia is for building and housing purposes. It is for housing human beings, not for building office space.

Mr. LANHAM. I have tried to stress the importance as it is stated in the report of the committee itself and as it is stated by the Public Buildings Administrator that this is not to be done until it will not interfere in any way with housing for veterans and for other people, but we must get these plans ready, or else when construction can be carried on we will not be ready to go forward.

Mr. McDONOUGH. Where in the bill does it state that these will be held up in the event the money and the materials are needed for housing?

Mr. LANHAM. I stated to the gentleman that that appeared in the report of the committee. Naturally, it would not appear in the bill. We held hearings on a general public-buildings bill for 3 weeks and have held it in abeyance because we cannot have construction now. I quote from the committee report:

> Although H. R. 4276 is fundamental and in the public interest and would save substantial sums of money, the committee felt that the critical shortage of materials and labor and the need of concentrating the efforts of the Government in the fields of housing and hospitals dictate that additional time should be devoted to its consideration.

That goes to the matter of construction. We said that in the committee report. That is the clear purpose of the committee.

Mr. McDONOUGH. Will there be any assurance that if this bill passes that policy will be carried out? It is not in the bill.

Mr. LANHAM. If the gentleman had any familiarity at all with Mr. W. E. Reynolds and his service as Public Buildings Administrator, I think he would concur in my judgment that there is no better, fairer, more sensible, or more practical man in the Government service. He will even make statements to his own disadvantage in the operation of his office if those statements are true.

I yield to the gentleman from Kentucky [Mr. CHELF].

Mr. CHELF. Mr. Speaker, I want to say, as a veteran of World War II, I intend to support this measure. I do not yield to any man or woman on this floor in interest or concern for the veterans of World War II. But here is a thing I am concerned about. I think this is a fine postwar plan. How are you going to build these houses for these boys if you do not give them jobs? They must have jobs to build these houses. I am for the bill. I am going to support the bill and nothing you can say is going to change my position.

Mr. LANHAM. May I say furthermore that our committee made provision for the utilization by veterans of the houses which were built for in-migrant war workers at defense plants. There are now approximately 200,000 families of veterans and servicemen living in those dwellings. By the time the program is completed, which will be very shortly, there will be 325,000 families of veterans and servicemen occupying those dwellings. So this committee has taken the lead in the matter of affording housing in these critical times for the veterans and has held in abeyance any Federal construction. We are not asking for it now, but simply asking for the plans and program in order that when the work can be done economically we can go forward with it.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. I yield.

Mr. SPRINGER. Just recently I have been endeavoring to secure an allocation of materials from the CPA for the purpose of building a dormitory at Earlham College, in my district. This dormitory is intended to house GI's who are going to attend that college if it can be built. But we have been unable to secure an allocation of materials. May I ask the gentleman if this building program is carried out whether or not that will further limit the opportunity of securing building material for dormitories such as I have mentioned?

Mr. LANHAM. Not in the least, because dormitories can be constructed under the act which was reported out of this committee with reference to the available material. I may say I think there is on the calendar for consideration this afternoon from this same committee the bill that makes funds available for the use of surplus barracks and other materials for classrooms, laboratories, and other such facilities, to help out these colleges and universities throughout the country. We have given first consideration to the universities and colleges with reference to their needs and the needs of the GI's and to municipalities with reference to their needs for housing veterans and servicemen. We are not asking for the construction of these Federal buildings, but are asking for a provision that will enable the country to prepare to go forward with delayed Federal construction when it can be done. This measure is reported to the House not only by a unanimous report of the committee, but it has been brought to the floor of the House at the solicitation, I may say, of more than two-thirds of the Members of the House. I am surprised that you gentlemen are not interested in having any Federal construction in your districts when the time comes when the Federal construction can be carried on.

I yield to the gentleman from California [Mr. DOYLE].

Mr. DOYLE. Mr. Speaker, may I say for the benefit of Members of the House who do not have a copy of the bill before them and who therefore do not see the exact language, on page 1, line 8, there is express provision that Federal projects cutside the District of Columbia are limited to the purpose of acquiring sites, preparing drawings and specifications, and to establish limits of costs. That, legislatively speaking, is an absolute limitation on the purpose for which any of this money is to be spent outside the District.

Mr. McGREGOR. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. BUCK].

Mr. BUCK. We are told on every hand that it will take from 3 to 5 years to catch up with the dwelling house construction program. If that length of time will elapse before surplus materials and surplus building mechanics will be available for public building construction, what sense is there in proceeding now to draw

plans and acquire sites? Proper plans cannot be drawn until the site is known. Every time a site is purchased with Federal money, that site goes off the tax rolls. Your district and my district will thus suffer taxwise for each site the Government buys in advance of the time of use.

There is another point that has not been touched upon this afternoon. It was only last week that an industrial concern from my district came down here to obtain material for an addition to its plant, where 50 or 60 men would be employed. CPA refused approval. The men cannot be hired.

There is no sense in spending $30,000,000 for sites and plans at this time. The bill should be defeated.

The SPEAKER. The time of the gentleman from New York [Mr. BUCK] has expired.

Mr. McGREGOR. Mr. Speaker, I yield such time as he may desire to the gentleman from Iowa [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, due to the fact that many of my colleagues from other States have asked me why I rose in opposition to the reorganization bill on final passage, which passed the House yesterday, I wish to make my position and reasons perfectly clear.

I voted "no" not because I am opposed to the reorganization but because I am opposed to the increase in pay and retirement sections of the bill. I also supported the request of my colleague from Iowa [Mr. LECOMPTE] for a record vote because I felt the Members should be recorded on such an important measure.

Mr. McGREGOR. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MCDONOUGH].

Mr. McDONOUGH. Mr. Speaker, I dislike to dispute the gentleman from Texas [Mr. LANHAM] for whom I have a very high regard and respect. I believe he is doing his duty as chairman of this committee in bringing the bill before the House at this time, but I am vitally concerned about the use of any materials any place in the United States that is going to interfere with the veterans' home-building program in any other place in the United States, especially in southern California.

I have had nothing but complaint after complaint from my district about the lack of efficiency and activity of the Wyatt housing program in southern California. Too many permits are being approved for nonhousing projects. With reference to the situation just recited by the gentleman from Indiana [Mr. SPRINGER] about a dormitory for the college in his district, I have had the same complaint from the University of Southern California that has tried for 6 months to get material to build a dormitory to house 27 veterans. They cannot get any authority from the CPA, the OPA, or the ODT, or anybody else. As I recall, the veterans' housing bill which we voted on recently and which I supported we gave Mr. Wyatt this authority; that is, he had authority to supersede the CPA, the OPA, the ODT, and all of the other bureaucrats in order to get this job done, to provide homes for veterans, but he does not seem to be doing it. A congressional investigation is in order in my opinion. Now, I am not critical of the loyalty of the gentleman from Texas [Mr. LANHAM] to his committee, but I am critical of the terms of any bill that will bring in any proposal to construct office buildings in the District if their construction will interfere with veterans' housing when we had sufficient buildings to operate all the Government during the war. I do not think we need these buildings now or for the next few years, until we have this veterans' housing program taken care of.

Mr. HUBER. Mr. Speaker, will the gentleman yield?

Mr. McDONOUGH. I yield.

Mr. HUBER. One of the construction provisions of this bill is for the storage of film.

Mr. McDONOUGH. Yes.

Mr. HUBER. If you will check with our colleagues from Ohio [Mrs. BOLTON, Mr. BENDER, Mr. FEIGHAN, and Mr. CROSSER], they will tell you about the terrible disaster which occurred in Cleveland. You might be willing to have this construction go ahead now.

Mr. McDONOUGH. Where are they housed now?

Mr. HUBER. In ramshackle buildings, which certainly do not give any protection to Government employees or those in the vicinity. Those films are highly explosive and inflammable, with gas as poisonous as anything used in the war.

Mr. McDONOUGH. I want to refer to an extension of my own remarks which are published in the RECORD on July 23, of a survey made to find out the Nation-wide results with reference to this veterans' housing. Wires were sent in from all the congested areas of the United States, and every one of them reported back that the priorities on veterans' housing had failed miserably, and that veterans' homes are not being built rapidly enough to supply homes for returning veterans and their families.

I am fearful, for that reason, that this bill would interfere with the veterans' housing program. I shall continue to urge more speed and efficiency in the program of building homes for veterans who need them so badly.

The SPEAKER. The time of the gentleman from California has expired.

Mr. LANHAM. May I again assure the gentleman that construction is not provided for in this bill; that we have no intention of interfering with the housing for veterans.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. SASSCER].

Mr. SASSCER. Mr. Speaker, everyone knows there is a shortage of veterans' housing. Everyone knows that this Congress has been and is doing everything humanly possible to alleviate that shortage. Everyone who has read this bill knows or can readily see at a glance that it in no way conflicts with the veterans' housing program. It is merely postwar planning for badly needed post-office sites, the buildings to be erected at such time as the materials are available.

In addition there is an item in the bill for planning an office building at Suitland, Md., on Government-owned land, not to be erected at this time, merely to be planned.

The implication was made a moment ago that there was something sinister behind this bill, a lobby back of this bill. That was unjustifiable. If there is any lobby back of it the lobby has been working against it because we all know in Washington, Philadelphia, New York, and the big cities of the Nation this Government is paying hundreds of thousands upon hundreds of thousands of dollars each year for space rented in office buildings. This is planning merely. When in the future the buildings can be built the Government will save thousands upon thousands of dollars in rent.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. SASSCER. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. Is it not a fact that when the construction does take place throughout the country the Federal Government will actually be the saver? Is it not a further fact that the use of rented buildings and their upkeep costs now is more costly than will be the ultimate cost of building these structures to house the necessary Federal business?

Mr. SASSCER. That was the point I just tried to make a moment ago. I thank the gentleman for clarifying it.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. McGREGOR. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. McGREGOR. Mr. Speaker, I wish to concur in the statement of the chairman of our committee that this committee as a whole has been doing everything humanly possible for the veterans, and I will not lay my cloak aside for any member of the committee in my loyalty to the veteran, and may I say that I include the distinguished gentleman from Kentucky, who tells us he was a veteran of World War II. May I inform the gentleman that a great number of the Members are veterans of various wars and this statement includes the present speaker.

Mr. Speaker, I call your attention to the fact that this bill does include construction and I hope that each and every one of you will take the bill, H. R. 6917, and read on page 3 the following language, and I quote:

> One million one hundred and sixty thousand dollars for the drawing of plans and specifications for the whole project and for the construction of the first unit thereof.

Then we go down to section 3 and it gives authority to the Federal Works Administrator to purchase or condemn any building that he sees fit for immediate use. This is not a postwar program only. It is a postwar program as far as the $30,000,000 is concerned, which means possibly a post office in every district; but, Mr. Speaker, we need veterans' houses, we need homes for our workers, we need homes for our farmers; and how in the world are you going to square your conscience this afternoon after voting $32,000,000 or $33,000,000, a portion of it for immediate construction when we see the shortage that exists in critical

materials and the immediate demand for veterans' homes?

I hope you will read this bill, for I think you will then agree with me that the permission "and for construction" is in this bill. It does not mean that the whole bill is going to be postwar. The $30,000,000 for post offices is postwar, but they can go in now and condemn buildings and purchase buildings.

Mr. Speaker, as I told you a few moments ago, the President sent a message to us saying he wanted us to pass the Wagner-Ellender-Taft bill for housing; yet we come along and authorize thirty-two or thirty-three million dollars for new Federal buildings in this bill. It should be defeated and we should forget Federal office building construction until building material is available.

Let us, as I said before, take off the Federal pay roll about 1,000,000 employees and then we will not need so many Federal buildings, and I am certain we can do this and still not hinder the efficiency of our Government.

Mr. LANHAM. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. McGREGOR) there were—ayes 65, noes 58.

Mr. LANHAM. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 160, nays 129, not voting 141, as follows:

[Roll No. 239]

YEAS—160

Abernethy	Flannagan	Lanham
Andrews, Ala.	Fogarty	Larcade
Angell	Folger	Lea
Barden	Forand	Lesinski
Barrett, Pa.	Gallagher	Link
Bell	Gardner	Lyle
Biemiller	Geelan	McCormack
Blackney	Gifford	McGlinchey
Bland	Goodwin	Madden
Bloom	Gordon	Manasco
Bonner	Gore	Marcantonio
Bradley, Pa.	Gorski	Michener
Brehm	Granahan	Mills
Brown, Ga.	Granger	Monroney
Buchanan	Grant, Ala.	Morgan
Bulwinkle	Gregory	Murdock
Byrne, N. Y.	Hale	Murray, Tenn.
Camp	Harless, Ariz.	Neely
Carnahan	Harris	O'Brien, Ill.
Celler	Havenner	O'Brien, Mich.
Chapman	Hays	O'Toole
Chelf	Healy	Outland
Clark	Hedrick	Pace
Cooley	Henry	Patman
Crosser	Hinshaw	Patterson
D'Alesandro	Hobbs	Peterson, Fla.
Davis	Hoch	Philbin
De Lacy	Holmes, Mass.	Pickett
Delaney, James J.	Holmes, Wash.	Poage
	Hook	Powell
Dingell	Huber	Pratt
Dondero	Hull	Price, Fla.
Doughton, N. C.	Jackson	Price, Ill.
Douglas, Calif.	Jarman	Quinn, N. Y.
Douglas, Ill.	Jenkins	Rabaut
Doyle	Judd	Rabin
Drewry	Kee	Rains
Durham	Kelley, Pa.	Randolph
Engle, Calif.	Kelly, Ill.	Rankin
Ervin	King	Resa
Fallon	Kirwan	Richards
Feighan	Klein	Riley
Fernandez	Kopplemann	Rivers
Fisher	Lane	Rizley
Roe, Md.	Sikes	Thomason
Rogers, Fla.	Smith, Maine	Traynor
Rogers, Mass.	Smith, Va.	Trimble
Rogers, N. Y.	Smith, Wis.	Voorhis, Calif.
Rooney	Spence	Walter
Rowan	Starkey	Weaver
Sabath	Stevenson	Whitten
Sadowski	Sullivan	Winstead
Sasscer	Sumners, Tex.	Woodhouse
Savage	Thomas, Tex.	

NAYS—129

Andersen, H. Carl	Gillette	Miller, Nebr.
	Gillie	Mundt
Andresen, August H.	Graham	Murray, Wis.
	Grant, Ind.	Norblad
Arends	Griffiths	Norrell
Arnold	Gross	O'Hara
Auchincloss	Gwynne, Iowa	Pittenger
Barrett, Wyo.	Hagen	Plumley
Beall	Hall,	Ramey
Bennett, Mo.	Leonard W.	Reed, N. Y.
Bishop	Hand	Rich
Bolton	Herter	Robertson, N. Dak.
Brown, Ohio	Heselton	
Brumbaugh	Hoeven	Rodgers, Pa.
Buck	Hoffman, Mich.	Schwabe, Mo.
Byrnes, Wis.	Hoffman, Pa.	Schwabe, Okla.
Campbell	Hope	Scrivner
Canfield	Horan	Schafer
Cannon, Mo.	Howell	Sharp
Case, N. J.	Jensen	Simpson, Ill.
Chiperfield	Johnson, Ill.	Smith, Ohio
Church	Johnson, Ind	Springer
Clason	Jones	Stefan
Clevenger	Jonkman	Sumner, Ill.
Cole, Mo.	Kean	Sundstrom
Cole, N. Y.	Kearney	Taber
Colmer	Kinzer	Talbot
Corbett	Knutson	Talle
Cunningham	Kunkel	Taylor
Curtis	LaFollette	Thom
D'Ewart	Latham	Thomas, N. J
Dirksen	LeCompte	Tibbott
Dolliver	LeFevre	Towe
Dworshak	Lemke	Vorys, Ohio
Eberharter	Lewis	Vursell
Ellis	Luce	Wadsworth
Ellsworth	McConnell	Weichel
Elsaesser	McCowen	Whittington
Fenton	McDonough	Wigglesworth
Fuller	McGregor	Wilson
Fulton	McMillen, Ill.	Wolcott
Gamble	Martin, Iowa	Wolverton, N. J.
Gavin	Martin, Mass.	Woodruff
Gearhart	Mason	
Gerlach	Mathews	

NOT VOTING—141

Adams	Elston	May
Allen, Ill.	Engel, Mich.	Merrow
Allen, La.	Fellows	Miller, Calif.
Almond	Flood	Morrison
Anderson, Calif.	Gary	Norton
Andrews, N. Y.	Gathings	O'Konski
Bailey	Gibson	O'Neal
Baldwin, Md.	Gillespie	Patrick
Baldwin, N. Y.	Gossett	Peterson, Ga.
Barry	Green	Pfeifer
Bates, Ky.	Gwinn, N. Y.	Phillips
Bates, Mass.	Hall,	Ploeser
Beckworth	Edwin Arthur	Priest
Bender	Halleck	Rayfiel
Bennet, N. Y.	Hancock	Reece, Tenn.
Boren	Hare	Reed, Ill.
Boykin	Harness, Ind.	Rees, Kans.
Bradley, Mich.	Hart	Robertson, Va.
Brooks	Hartley	Robinson, Utah
Bryson	Hébert	Robsion, Ky.
Buckley	Heffernan	Rockwell
Buffett	Hendricks	Roe, N. Y.
Bunker	Hess	Russell
Butler	Hill	Ryter
Cannon, Fla.	Holifield	Sheppard
Carlson	Izac	Sheridan
Case, S. Dak.	Jennings	Short
Chenoweth	Johnson, Calif.	Simpson, Pa.
Clements	Johnson, Okla.	Slaughter
Clippinger	Johnson, Tex.	Somers, N. Y.
Cochran	Keefe	Sparkman
Coffee	Kefauver	Stewart
Cole, Kans.	Keogh	Stigler
Combs	Kerr	Stockman
Cooper	Kilburn	Tarver
Courtney	Kilday	Tolan
Cox	Landis	Torrens
Cravens	Ludlow	Vinson
Crawford	Lynch	Wasielewski
Curley	McGehee	Welch
Daughton, Va.	McKenzie	West
Dawson	McMillan, S. C.	White
Delaney, John J.	Mahon	Wickersham
	Maloney	Winter
Domengeaux	Mankin	Wolfenden, Pa.
Earthman	Mansfield, Mont.	Wood
Eaton		Worley
Elliott	Mansfield, Tex.	Zimmerman

So, two-thirds not having voted in favor thereof, the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert and Mr. Bailey for, with Mr. Short against.

Mr. Kefauver and Mr. Keogh for, with Mr. Elston against.

Mr. Green and Mr. John J. Delaney for, with Mr. Hess against.

Mr. Flood and Mr. Hart for, with Mr. Hartley against.

Mr. Izac and Mr. Pfeifer for, with Mr. Eaton against.

Mrs. Norton and Mr. Sheridan for, with Mr. Harness of Indiana against.

Mr. Heffernan and Mr. Rayfiel for, with Mr. Bradley of Michigan against.

Mr. Lynch and Mr. Priest for, with Mr. Clippinger against.

General pairs until further notice:

Mr. Vinson with Mr. Ploeser.
Mr. Wood with Mr. Fellows.
Mr. Barry with Mr. Edwin Arthur Hall.
Mr. Sheppard with Mr. Adams.
Mr. Almond with Mr. Bender.
Mr. Boykin with Mr. Allen of Illinois.
Mr. Sparkman with Mr. Jennings.
Mr. Domengeaux with Mr. Hill.
Mr. Roe of New York with Mr. Halleck.
Mr. Buckley with Mr. Crawford.
Mr. Hare with Mr. Buffet.
Mr. Elliott with Mr. Chenoweth.
Mr. McGehee with Mr. Kilburn.
Mr. Gathings with Mr. Cole of Kansas.
Mr. Mansfield of Montana with Mr. Landis.
Mr. Morrison with Mr. Carlson.
Mr. Bates of Kentucky with Mr. Phillips.
Mr. Mahon with Mr. Rees of Kansas.
Mr. Bunker with Mr. Simpson of Illinois.
Mr. Holifield with Mr. Reed of Illinois.
Mr. Dawson with Mr. Stockman.
Mr. McKenzie with Mr. Robsion of Kentucky.
Mr. Somers of New York with Mr. Anderson of California.
Mr. McMillan of South Carolina with Mr. Gillespie.

Mr. BREHM and Mr. STEVENSON changed their votes from "no" to "aye."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LARCADE. Mr. Speaker, I ask unanimous consent to extend my remarks with regard to the bill H. R. 7063 at the point in today's RECORD following the remarks made by the gentleman from Florida [Mr. SIKES] and to include therein several telegrams.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

HOSPITAL SURVEY AND CONSTRUCTION ACT

Mr. BULWINKLE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 191) to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public-health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction, as amended.

The Clerk read as follows:

Be it enacted etc., That this act may be cited as the "Hospital Survey and Construction Act."

SEC. 2. The Public Health Service Act (consisting of titles I to V, inclusive, of the act of July 1, 1944, 58 Stat. 682) is hereby amended by adding at the end thereof the following new title:

"TITLE VI—CONSTRUCTION OF HOSPITALS

"PART A—DECLARATION OF PURPOSE

"SEC. 601. The purpose of this title is to assist the several States—

"(a) to inventory their existing hospitals (as defined in section 631 (e)), to survey the need for construction of hospitals, and to develop programs for construction of such public and other nonprofit hospitals as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic, and similar services to all their people; and

"(b) to construct public and other nonprofit hospitals in accordance with such programs.

"PART B—SURVEYS AND PLANNING

"Authorization of appropriation

"SEC. 611. In order to assist the States in carrying out the purposes of section 601 (a), there is hereby authorized to be appropriated the sum of $3,000,000, to remain available until expended. The sums appropriated under this section shall be used for making payments to States which have submitted, and had approved by the Surgeon General, State applications for funds for carrying out such purposes.

"State applications

"SEC. 612. (a) To be approved, a State application for funds for carrying out the purposes of section 601 (a) must—

"(1) designate a single State agency as the sole agency for carrying out such purposes: *Provided*, That after a State plan has been approved under section 623, any further survey or programing functions shall be carried out, pursuant to section 623 (a) (10), by the agency designated in accordance with section 623 (a) (1);

"(2) provide for the designation of a State advisory council, which shall include representatives of nongovernment organizations or groups, and of State agencies, concerned with the operation, construction, or utilization of hospitals, including representatives of the consumers of hospital services selected from among persons familiar with the need for such services in urban or rural areas, to consult with the State agency in carrying out such purposes;

"(3) provide for making an inventory and survey in accordance with section 601 (a) containing all information required by the Surgeon General, and for developing a program in accordance with section 601 (a) and with regulations prescribed under section 622; and

"(4) provide that the State agency will make such reports, in such form and containing such information, as the Surgeon General may from time to time reasonably require, and give the Surgeon General, upon demand, access to the records on which such reports are based.

"(b) The Surgeon General shall approve any application for funds which complies with the provisions of subsection (a).

"Allotments to States

"SEC. 613. (a) Each State for which a State application under section 612 has been approved shall be entitled to an allotment of such proportion of any appropriation made pursuant to section 611 as its population bears to the population of all the States, and within such allotment it shall be entitled to receive 33⅓ percent of its expenditures in carrying out the purposes of section 601 (a) in accordance with its application: *Provided*, That no such allotment to any State shall be less than $10,000. The Surgeon General shall from time to time estimate the sum to which each State will be entitled under this section, during such ensuing period as he may determine, and shall thereupon certify to the Secretary of the Treasury the amount so estimated, reduced, or increased, as the case may be, by any sum by which the Surgeon General finds that his estimate for any prior period was greater or less than the amount to which the State was entitled for such period. The Secretary of the Treasury shall thereupon, prior to audit or settlement by the General Accounting Office, pay to the State at the time or times fixed by the Surgeon General the amount so certified.

"(b) Any funds paid to a State under this section and not expended for the purposes for which paid shall be repaid to the Treasury of the United States.

"PART C—CONSTRUCTION OF HOSPITALS AND RELATED FACILITIES

"Authorization of appropriations

"SEC. 621. In order to assist the States in carrying out the purposes of section 601 (b) there is hereby authorized to be appropriated for the fiscal year ending June 30, 1947, and for each of the four succeeding fiscal years, the sum of $75,000,000 for the construction of public and other nonprofit hospitals; and there are further authorized to be appropriated for such construction the sums provided in section 624. The sums appropriated pursuant to this section shall be used for making payments to States which have submitted, and had approved by the Surgeon General, State plans for carrying out the purposes of section 601 (b); and for making payments to political subdivisions of, and public or other nonprofit agencies in, such States.

"General regulations

"SEC. 622. Within 6 months after the enactment of this title the Surgeon General, with the approval of the Federal Hospital Council and the Administrator, shall by general regulation prescribe—

"(a) The number of general hospital beds required to provide adequate hospital services to the people residing in a State, and the general method or methods by which such beds shall be distributed among base areas, intermediate areas, and rural areas: *Provided*, That for the purposes of this title the total of such beds for any State shall not exceed 4½ per thousand population, except that in States having less than 12 and more than 6 persons per square mile the limit shall be 5 beds per thousand population, and in States having 6 persons or less per square mile the limit shall be 5½ beds per thousand population; but if, in any area (as defined in the regulations) within the State, there are more beds than required by the standards prescribed by the Surgeon General, the excess over such standards may be eliminated in calculating this maximum allowance.

"(b) The number of beds required to provide adequate hospital services for tuberculous patients, mental patients, and chronic-disease patients in a State, and the general method or methods by which such beds shall be distributed throughout the State: *Provided*, That for the purposes of this title the total number of beds for tuberculous patients shall not exceed two and one-half times the average annual deaths from tuberculosis in the State over the 5-year period from 1940 to 1944, inclusive, the total number of beds for mental patients shall not exceed five per thousand population, and the total number of beds for chronic disease patients shall not exceed two per thousand population.

"(c) The number of public health centers and the general method of distribution of such centers throughout the State, which for the purposes of this title, shall not exceed one per thirty thousand population, except that in States having less than 12 persons per square mile, it shall not exceed one per twenty thousand population.

"(d) The general manner in which the State agency shall determine the priority of projects based on the relative need of different sections of the population and of different areas lacking adequate hospital facilities, giving special consideration to hospitals serving rural communities and areas with relatively small financial resources.

"(e) General standards of construction and equipment for hospitals of different classes and in different types of location.

"(f) That the State plan shall provide for adequate hospital facilities for the people residing in a State, without discrimination on account of race, creed, or color, and shall provide for adequate hospital facilities for persons unable to pay therefor. Such regulation may require that before approval of any application for a hospital or addition to a hospital is recommended by a State agency, assurance shall be received by the State from the applicant that (1) such hospital or addition to a hospital will be made available to all persons residing in the territorial area of the applicant, without discrimination on account of race, creed, or color, but an exception shall be made in cases where separate hospital facilities are provided for separate population groups, if the plan makes equitable provision on the basis of need for facilities and services of like quality for each such group; and (2) there will be made available in each such hospital or addition to a hospital a reasonable volume of hospital services to persons unable to pay therefor, but an exception shall be made if such a requirement is not feasible from a financial standpoint.

"(g) General methods of administration of the plan by the designated State agency, subject to the limitations set forth in section 623 (a) (6) and (8).

"State plans

"SEC. 623. (a) After such regulations have been issued, any State desiring to take advantage of this part may submit a State plan for carrying out the purposes of section 601 (b). Such State plan must——

"(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

"(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) hereof will have authority to carry out such plan in conformity with this part;

"(3) provide for the designation of a State advisory council which shall include representatives of nongovernment organizations or groups, and of State agencies, concerned with the operation, construction, or utilization of hospitals, including representatives of the consumers of hospital services selected from among persons familiar with the need for such services in urban or rural areas, to consult with the State agency in carrying out such plans;

"(4) set forth a hospital construction program (A) which is based on a State-wide inventory of existing hospitals and survey of need; (B) which conforms with the regulations prescribed by the Surgeon General under section 622 (a) (b), and (c); (C) which, in the case of a State which has developed a program under part B of this title, conforms to the program so developed except for any modification required in order to comply with regulations prescribed pursuant to section 622 (a), (b), and (c), and except for any modification recommended by the State agency designated pursuant to paragraph (1) of this subsection and approved by the Surgeon General; and (D) which meets the requirements as to lack of discrimination on account of race, creed, or color, and for furnishing needed hospital services to persons unable to pay therefor, required by regulations prescribed under section 622 (f);

"(5) set forth the relative need determined in accordance with the regulations prescribed under section 622 (d) for the several projects

included in such programs, and provide for the construction, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

"(6) provide such methods of administration of State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Surgeon General shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as the Surgeon General prescribes by regulation under section 622 (g);

"(7) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of hospitals which receive Federal aid under this part;

"(8) provide for affording to every applicant for a construction project an opportunity for hearing before the State agency;

"(9) provide that the State agency will make such reports in such form and containing such information as the Surgeon General may from time to time reasonably require, and give the Surgeon General, upon demand, access to the records upon which such information is based; and

"(10) provide that the State agency will from time to time review its hospital construction program and submit to the Surgeon General any modifications thereof which it considers necessary.

"(b) The Surgeon General shall approve any State plan and any modification thereof which complies with the provisions of subsection (a). If any such plan or modification thereof shall have been disapproved by the Surgeon General for failure to comply with subsection (a), the Federal Hospital Council shall, upon request of the State agency, afford it an opportunity for hearing. If such Council determines that the plan or modification complies with the provisions of such subsection, the Surgeon General shall thereupon approve such plan or modification.

"(c) No changes in a State plan shall be required within 2 years after initial approval thereof, or within 2 years after any change thereafter required therein, by reason of any change in the regulations prescribed pursuant to section 622, except with the consent of the State, or in accordance with further action by the Congress.

"(d) If any State, prior to July 1, 1948, has not enacted legislation providing that compliance with minimum standards of maintenance and operation shall be required in the case of hospitals which shall have received Federal aid under this title, such State shall not be entitled to any further allotments under section 624.

"Allotments to States

"SEC. 624. Each State for which a State plan has been approved prior to or during a fiscal year shall be entitled for such year to an allotment of a sum bearing the same ratio to the sums authorized to be appropriated pursuant to section 621 for such year as the product of (a) the population of such State and (b) the square of its allotment percentage (as defined in section 631 (a)) bears to the sum of the corresponding products for all of the States. The amount of the allotment to a State shall be available, in accordance with the provisions of this part, for payment of 33⅓ percent of the cost of approved projects within such State. The Surgeon General shall calculate the allotments to be made under this section and notify the Secretary of the Treasury of the amounts thereof. Sums allotted to a State for a fiscal year for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted for such State for such next fiscal year. Any amount of the sum authorized to be appropriated for a fiscal year which is not appropriated for such year, or which is not allotted in such year by reason of the failure of any State or States to have plans approved under this part, and any amount allotted to a State but remaining unobligated at the end of the period for which it is available to such State, is hereby authorized to be appropriated for the next fiscal year in addition to the sum otherwise authorized under section 621.

"Approval of projects and payments for construction

"SEC. 625. (a) For each project for construction pursuant to a State plan approved under this part, there shall be submitted to the Surgeon General through the State agency an application by the State or a political subdivision thereof or by a public or other nonprofit agency. Such application shall set forth (1) a description of the site for such project, (2) plans and specifications therefor in accordance with the regulations prescribed by the Surgeon General under section 622 (e), (3) reasonable assurance that title to such site is or will be vested solely in the applicant, (4) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when completed, and (5) reasonable assurance that the rates of pay for laborers and mechanics engaged in construction of the project will be not less than the prevailing local wage rates for similar work as determined in accordance with Public Law 403 of the Seventy-fourth Congress, approved August 30, 1935, as amended. The Surgeon General shall approve such application if sufficient funds to pay 33⅓ percent of the cost of construction of such project are available from the allotment to the State, and if the Surgeon General finds (A) that the application contains such reasonable assurance as to title, financial support, and payment of prevailing rates of wages, (B) that the plans and specifications are in accord with the regulations prescribed pursuant to section 622, (C) that the application is in conformity with the State plan approved under section 623 and contains an assurance that the applicant will conform to the applicable requirements of the State plan and of the regulations prescribed pursuant to section 622 (f) regarding the provision of facilities without discrimination on account of race, creed, or color, and for furnishing needed hospital facilities for persons unable to pay therefor, and an assurance that the applicant will conform to State standards for operation and maintenance, and (D) that it has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the regulations prescribed pursuant to section 622 (d). No application shall be disapproved until the Surgeon General has afforded the State agency an opportunity for a hearing.

"(b) Upon approving an application under this section, the Surgeon General shall certify to the Secretary of the Treasury an amount equal to 33⅓ percent of the estimated cost of construction of the project and designate the appropriation from which it is to be paid. Such certification shall provide for payment to the State, except that if the State is not authorized by law to make payments to the applicant the certification shall provide for payment direct to the applicant. Upon certification by the State agency, based upon inspection by it, that work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, the Surgeon General shall certify such installment for payment by the Secretary of the Treasury; except that if the Surgeon General, after investigation or otherwise, has ground to believe that a default has occurred requiring action pursuant to section 632 (a) he may, upon giving notice of hearing pursuant to such subsection, withhold certification pending action based on such hearing.

"(c) Amendment of any approved application shall be subject to approval in the same manner as an original application. Certification under subsection (b) may be amended, either upon approval of an amendment of the application or upon revision of the estimated cost of a project. An amended certification may direct that any additional payment be made from the applicable allotment for the fiscal year in which such amended certification is made.

"(d) The funds paid under this section for the construction of an approved project shall be used solely for carrying out such project as so approved.

"(e) If any hospital for which funds have been paid under this section shall, at any time within 20 years after the completion of construction, (A) be sold or transferred to any person, agency, or organization, (1) which is not qualified to file an application under this section, or (2) which is not approved as a transferee by the State agency designated pursuant to section 623 (a) (1), or its successor, or (B) cease to be a nonprofit hospital as defined in section 631 (g), the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a hospital which has ceased to be a nonprofit hospital, from the owners thereof) 33⅓ percent of the then value of such hospital, as determined by agreement of the parties or by action brought in the district court of the United States for the district in which such hospital is situated.

"PART D—MISCELLANEOUS

"Definitions

"SEC. 631. For the purposes of this title—

"(a) the allotment percentage for any State shall be 100 percent less that percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska), except that (1) the allotment percentage shall in no case be more than 75 percent or less than 33⅓ percent, and (2) the allotment percentage for Alaska and Hawaii shall be 50 percent each, and the allotment percentage for Puerto Rico shall be 75 percent;

"(b) the allotment percentages shall be promulgated by the Surgeon General between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Surgeon General shall promulgate such percentages as soon as possible after the enactment of this title, which promulgation shall be conclusive for the fiscal year ending June 30, 1947;

"(c) the population of the several States shall be determined on the basis of the latest figures certified by the Department of Commerce;

"(d) the term 'State' includes Alaska, Hawaii, Puerto Rico, and the District of Columbia;

"(e) the term 'hospital' (except as used in section 622 (a) and (b)) includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, out-patient departments, nurses' home and training facilities, and central service facilities operated in connection with

hospitals, but does not include any hospital furnishing primarily domiciliary care;

"(f) the term 'public health center' means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers;

"(g) the term 'nonprofit hospital' means any hospital owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(h) the term 'construction' includes construction of new buildings, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings; including architects' fees, but excluding the cost of off-site improvements and, except with respect to public health centers, the cost of the acquisition of land; and

"(i) the term 'cost of construction' means the amount found by the Surgeon General to be necessary for the construction of a project.

"Withholding of certification

"SEC. 632 (a) Whenever the Surgeon General, after reasonable notice and opportunity for hearing to the State agency designated in accordance with section 612 (a) (1), finds that the State agency is not complying substantially with the provisions required by section 612 (a) to be contained in its application for funds under part B, or after reasonable notice and opportunity for hearing to the State agency designated in accordance with section 623 (a) (1) finds (1) that the State agency is not complying substantially with the provisions required by section 623 (a), or by regulations prescribed pursuant to section 622, to be contained in its plan submitted under section 623 (a), or (2) that any funds have been diverted from the purposes for which they have been allotted or paid, or (3) that any assurance given in an application filed under section 625 is not being or cannot be carried out, or (4) that there is a substantial failure to carry out plans and specifications approved by the Surgeon General under section 625, the Surgeon General may forthwith notify the Secretary of the Treasury and the State agency that no further certification will be made under part B or part C, as the case may be, or that no further certification will be made for any project or projects designated by the Surgeon General as being affected by the default, as the Surgeon General may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected by such default, he may withhold further certifications until there is no longer any failure to comply, or, if compliance is impossible, until the State repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

"(b) (1) If the Surgeon General refuses to approve any application under section 625, the State agency through which the application was submitted, or if any State is dissatisfied with the Surgeon General's action under subsection (a) of this section, such State may appeal to the United States circuit court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Surgeon General shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(2) The findings of fact by the Surgeon General, unless substantially contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Surgeon General to take further evidence, and the Surgeon General may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive unless substantially contrary to the weight of the evidence.

"(3) The court shall have jurisdiction to affirm the action of the Surgeon General or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended.

"Federal hospital council; administration of title

"SEC. 633. (a) The Surgeon General is authorized to make such administrative regulations and perform such other functions as he finds necessary to carry out the provisions of this title. Any such regulations shall be subject to the approval of the Administrator.

"(b) In administering this title, the Surgeon General shall consult with a Federal Hospital Council consisting of the Surgeon General, who shall serve as chairman ex officio, and eight members appointed by the Administrator. Four of the eight appointed members shall be persons who are outstanding in fields pertaining to hospital and health activities, three of whom shall be authorities in matters relating to the operation of hospitals, and the other four members shall be appointed to represent the consumers of hospital services and shall be persons familiar with the need for hospital services in urban or rural areas. Each appointed member shall hold office for a term of 4 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as designated by the Administrator at the time of appointment, two at the end of the first year, two at the end of the second year, two at the end of the third year, and two at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms but shall be eligible for reappointment if he has not served immediately preceding his reappointment. The Council is authorized to appoint such special advisory and technical committees as may be useful in carrying out its functions. Appointed Council members and members of advisory or technical committees, while serving on business of the Council, shall receive compensation at rates fixed by the Administrator, but not exceeding $25 per day, and shall also be entitled to receive an allowance for actual and necessary travel and subsistence expenses while so serving away from their places of residence. The Council shall meet as frequently as the Surgeon General deems necessary, but not less than once each year. Upon request by three or more members, it shall be the duty of the Surgeon General to call a meeting of the Council.

"(c) In administering the provisions of this title, the Surgeon General, with the approval of the Administrator, is authorized to utilize the services and facilities of any executive department in accordance with an agreement with the head thereof. Payment for such services and facilities shall be made in advance or by way of reimbursement, as may be agreed upon between the Administrator and the head of the executive department furnishing them.

"Conferences of State agencies

"SEC. 634. Whenever in his opinion the purposes of this title would be promoted by a conference, the Surgeon General may invite representatives of as many State agencies, designated in accordance with section 612 (a) (1) or section 623 (a) (1), to confer as he deems necessary or proper. Upon the application of five or more such State agencies, it shall be the duty of the Surgeon General to call a conference of representatives of all State agencies joining in the request. A conference of the representatives of all such State agencies shall be called annually by the Surgeon General.

"State control of operations

"SEC. 635. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any hospital with respect to which any funds have been or may be expended under this title."

SEC. 3. Paragraph (2) of section 208 (b) of the Public Health Service Act, as amended, is amended by inserting "(A)" before the words "to assist"; by striking out the word "paragraph" and inserting in lieu thereof the word "clause"; and by striking out the period at the end of such paragraph and inserting in lieu thereof a comma and the following: "and (B) to assist in carrying out the purposes of title VI of this act, but not more than 20 such officers appointed pursuant to this clause shall hold office at the same time."

SEC. 4. Section 1 of the Public Health Service Act is amended to read:

"SECTION 1. Titles I to VI, of this act may be cited as the 'Public Health Service Act.'"

SEC. 5. The act of July 1, 1944 (58 Stat. 682), is hereby further amended by changing the number of title VI to title VII and by changing the number of section 601 to 612, inclusive, and references thereto, to sections 701 to 712, respectively.

The SPEAKER. Is a second demanded?

Mr. WOLVERTON of New Jersey. Mr. Speaker, I demand a second.

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BULWINKLE. Mr. Speaker, I yield myself 6 minutes.

The SPEAKER. The gentleman from North Carolina is recognized.

Mr. BULWINKLE. Mr. Speaker, the bill, S. 191, which we are now considering is known as the Hospital Survey and Construction Act.

The Subcommittee on Public Health of the Committee on Interstate and Foreign Commerce had hearings upon this bill and gave careful consideration to all of its provisions.

It is a known fact that in every State in the Union there is a lack of hospitals and hospital beds for those who are ill. In order to meet this situation, and in order therefore to encourage the construction of public and nonprofit hospitals, and the construction of public health centers, a grant of Federal funds is proposed through the various States to the sponsors of the projects, amounting to $75,000,000 per year, for 5 years, and it is hoped to relieve in part the situation that now exists.

It might be well for me to call to your attention that this bill only provides for an appropriation for 5 years, and it does not provide for the maintenance of any

of these institutions. I do this because there is a fear in the minds of many that after the 5-year program is over that Congress will be called upon to extend it for another period of time. Probably it would take Federal appropriations amounting to one and one-half or two billion dollars to provide even at the present time the necessary hospital facilities. I do not think that this program should be carried on indefinitely, nor do I think that the Federal Government should enter into the maintenance of these hospitals after they are constructed.

It is true that there are too many calls upon the Federal Government to assist or to encourage States and communities in various projects. I took this all into consideration, and I weighed the aspects of future demands against the present needs of humanity. There are a great many people in many areas of this country who are unable to obtain hospital care. There are many people who are unable in some of the areas to even obtain medical treatment that they should have. I strongly feel that each and every State in the Union should assist this program and not just place the burden of construction upon the Federal Government and the localities. The House amendments to S. 191 reduced the amount of the grant from the Federal Government to the project down to a fixed sum of 33⅓ percent.

I know of no organization, or group, that opposes the passage of the bill. It has the unqualified endorsement of the American Medical Association. The doctors realize the necessity for the number of increased hospital beds in the United States. Personally, I feel that there should be a fixed allotment and that the allotment should be more than the 33⅓ percent, but be that as it may, the payment of one-third of the cost of any hospital, or clinic, will be a great help as well as a great incentive to provide the necessary beds for those who need hospitalization. To those of you who recently voted for a very large appropriation for the Army for next year in order to have proper national defense, may I remind you that the first great fundamental which is necessary in this Nation for national defense, as well as the safety and preservation of the Nation, is the health and happiness of its citizens. In order, therefore, that everyone might have a proper explanation of this bill, I wish to take in part statements from the general statement filed in the report as to this bill:

Basic purpose: The bill would amend the Public Health Service Act so as to authorize Federal grants-in-aid for two purposes:

1. To help the States survey all existing hospitals and public-health centers, determine their adequacy to afford the facilities necessary for adequate service to all the people of the State, and plan State-wide construction programs of the facilities needed, in conjunction with existing facilities, to supply such service, and

2. To assist in the construction of needed facilities for public and other nonprofit hospitals and for public-health centers, which State and local resources can help build and can maintain, and which are in conformity with the approved State construction program and the standards for construction projects required under the bill.

Appropriations: For survey and planning, the bill, as proposed to be amended, authorizes an appropriation of $3,000,000. For construction, appropriations of $75,000,000 per year for each of 5 years, beginning with the fiscal year ending June 30, 1947, are authorized.

Administration: Federal administration of the program would be the responsibility of the Surgeon General of the Public Health Service in the Federal Security Agency. A Federal Hospital Council, consisting of the Surgeon General as Chairman and eight members, representative of consumers and producers of hospital and health services, appointed by the Administrator, is given the responsibility of approving the Surgeon General's general regulations governing State construction plans. The Council would also be the body to which an appeal could be taken by States whose construction plans are disapproved by the Surgeon General. The Council's other functions would be advisory.

The bill would require that the State construction plan be administered, or that the administration be supervised, by a single State agency, with consultative assistance from a State advisory council composed of representatives of both professional and consumer interests. For the period of survey and planning, there would be a similar requirement of administration by a single State agency and consultation with a State advisory council.

Allotments and grants: Federal funds for survey and planning would be allotted on a straight population basis and, within its allotment, each State with an approved application would receive a Federal grant, under the bill as proposed to be amended, equal to 33⅓ percent of its survey and planning expenses.

Federal funds for construction would be allotted annually to the States in accordance with a formula based on relative State populations and average per capita income. Federal grants for construction of individual projects, under the bill as proposed to be amended, would be 33⅓ percent of construction costs.

Type of program: The type of program set forth in the bill—one of cooperation with State agencies through grants-in-aid and through technical assistance and of similar cooperation with other public and nongovernmental institutions—fits into the general pattern already established by the various programs carried on by the Public Health Service under its basic law, the Public Health Service Act.

In the hearings on the bill, the great need for additional hospital and health-center facilities was described, and the objectives of the bill were strongly supported by representatives of many professional and consumer organizations. Among others, the supporting organizations include the American Hospital Association, Catholic Hospital Association, Protestant Hospital Association, American Medical Association, American Public Health Association, Physicians Forum, National Grange, American Farm Bureau Federation, National Farmers Union, Congress of Industrial Organizations, American Federation of Labor, Cooperative League of the United States of America, National Cooperatives, Inc., and the United States Conference of Mayors.

In conclusion, let me remind you that this bill, S. 191, with the amendments, will do much to alleviate suffering, and to make the lot of many people easier. It will place this Nation of ours in the forefront of all nations in public health and public welfare, so Mr. Speaker, I have requested that the rules be suspended and that the bill be passed as amended. I hope and trust that each and every Member of the House will vote for it.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Speaker, this measure carries an authorization for $350,000,000 for the construction of hospitals throughout the several States.

I am wondering if you have examined some of these bills that are presently being called up for consideration under suspension of the rules and if you have noted how many hundreds of millions of dollars are involved in them?

Mr. Speaker, in my experience in the practice of medicine I learned something about the humanitarian end of medical practice and I believe that I can approach this measure without being accused of not sharing an interest in the hospital needs of the country. The fact is that the Federal Government can ill afford to lay out this money. There is not a man in this House who does not know that every State in the Union is better off financially than the Federal Government.

You must first extract this money from the States before you can give it to them. This is another entrenchment on the part of the Federal Government upon the States. It is supposed the States will have control of these funds for the construction of hospitals but it just will not work out that way. The Federal Government will have control. It seems to me to be absurd to think anything else.

Nor should we assume that this would be the end of the program so far as Federal appropriations are concerned. We may be certain that this would only be the beginning. More funds will be asked later.

Not only will the Federal Government have something to say about the construction of these hospitals but it will have much to do with running them.

This bill does not, as I understand, have the full support of the committee. I learned that only six or eight members voted to report it out. I think we ought to go slow in matters of this kind. It is easy for us to spend other people's money; oh, so easy.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentleman from Illinois.

Mr. MASON. Uncle Sam today is in the red to the tune of $280,000,000,000. Every State in the Union has a surplus in its treasury. Practically every city in the Union has a surplus in its treasury. Then they come and ask Uncle Sam to hand out Federal aid to educate their children, to feed their children, to build hospitals, houses, and every other thing. Does it make sense?

Mr. SMITH of Ohio. I do not think it does.

Let me say a word about the recommendation of the American Medical Association for the enactment of this legislation. I am a member of the American Medical Association, and I respect its views, but the American Medical Association is not always right, and I think it is altogether wrong in respect to this proposition. The American Medical As-

sociation is not responsible for maintaining the soundness and integrity of the Federal finances.

Mr. RABIN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentleman from New York.

Mr. RABIN. Will the gentleman be good enough to point out in what respect the Federal Government has any control over the maintenance or operation of these hospitals after the money has been given?

Mr. SMITH of Ohio. The gentleman can answer his own question, for he knows, or ought to know, that Federal control accompanies every Federal dollar that is handed out.

Mr. RABIN. Will the gentleman let me answer it?

Mr. SMITH of Ohio. The Federal Government is not in this business just for its health either.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield the gentleman one additional minute.

Mr. SMITH of Ohio. Let us view this matter in the light of the facts before us. We do not have the money to spend. We speak about inflation. This is an inflationary measure. The OPA has been set up to control prices, but the OPA cannot control the inflationary effect of these expenditures; that is simply out of the question.

I ask the Members of this body to be reasonable. Let us turn this proposition down by all means. The condition of the Treasury prompts us to do this.

The building of hospitals by the Federal Government as proposed in this bill is a long step toward bureaucratizing medicine in the United States. It should be defeated upon that ground if no other.

Mr. BULWINKLE. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, this is a bill in which every prominent humane organization, religious and otherwise, of the country, is deeply interested. This is a bill which has received the deep and profound consideration of outstanding citizens of all walks of life and of all sections of our country. My friend the gentleman from Ohio [Mr. SMITH] is opposed to everything. He opposes any kind of legislation relating to housing, and the gentleman is sincere in his convictions. But I think the gentleman is absolutely wrong in taking the adamant position he does against everything, when we have in mind the complex economic system that envelops the people of our country today. When he says it is another entrenchment on the part of the Federal Government I cannot agree with him. This is absolutely along the line of our road-building program, along the line of Federal aid in other activities. Nobody says that is entrenchment on the part of the Federal Government on the several States.

Who are some of the organizations that are in support of this bill? Among others, the supporting organizations include the American Hospital Association, Catholic Hospital Association, Protestant Hospital Association, American Medical Association, American Public Health Association, Physicians Forum, National Grange, American Farm Bureau Federation, National Farmers Union, Congress of Industrial Organizations, American Federation of Labor, Cooperative League of the United States of America, National Cooperatives, Inc., and the United States Conference of Mayors. I never thought I would see the day when all those associations would be in support of a bill of this kind.

As we know, this legislation has been discussed for years. To me, the pleasing thing is that after years of consideration and discussion many disturbing details have been ironed out and these various fine American philanthropic and religious organizations, all interested in the welfare of the human being, have agreed in support of this bill.

This bill is a fair bill; this bill is consistent with our scheme of government; this bill is not an entrenchment upon the part of the Federal Government on our several States of the Union; this bill constitutes a strengthening influence; this bill takes into consideration human beings; it stresses human values and uses dollars in order to bring about benefits for sick human beings in the districts of our country which need hospitalization and medical care. I quote from the report:

> Of the more than 3,000 counties in the Nation, approximately 40 percent of them, containing some 15,000,000 people, are, according to testimony in the hearing, without any registered hospital.

In the year 1946, with the conditions confronting us economically in particular as they do, I contend that legislation of this kind is proper for the Congress of the United States and the Federal Government to consider and pass. It is legislation aimed to improve the health of human beings. My State may not benefit so much as others and I am not concerned about that, because I view this and other legislation of this kind from the angle of benefit to the people nationally. I am not a sectionalist.

Mr. HENRY. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Wisconsin.

Mr. HENRY. There are municipalities within my district back home in Wisconsin that are desperately in need of hospital facilities. I like to think of myself as being one who is economy-minded, but as the gentleman says, I do not believe we can be so economy-minded when it comes to matters of human values and human health.

Mr. McCORMACK. I thank the gentleman for his contribution.

Mr. D'ALESANDRO. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Maryland.

Mr. D'ALESANDRO. The directors of Johns Hopkins and many other hospitals throughout the State of Maryland urge the passage of this bill.

Mr. McCORMACK. Yes; we have all received letters from outstanding people in all walks of life. This is the first time that I have ever seen such unanimity on a bill of this kind among people and organizations that we all have profound respect for. As a Catholic, I respect the Protestant Hospital Association. I know non-Catholics respect the Catholic Hospital Association. I respect every one of these fine associations. They are all behind this humane bill. The bill provides $75,000,000 a year for 5 years in order to provide hospitals in sections of the country where they are needed to bring relief to suffering human beings who, like you and me, are citizens of our country. I hope that two-thirds of the membership will vote to suspend the rules and pass the bill.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield 8 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, as ranking minority member of the subcommittee on public health, I am supporting this legislation. I want to discuss it with you for a few minutes very frankly, if I may, to give you my thoughts on the subject.

I have had considerable doubt in my mind as to the propriety of this legislation, yet I am supporting it because my sympathy, and perhaps my sentiment, overcomes my opposition to the establishment of another Government-sponsored Federal-aid program. This bill, in my opinion, should be enacted into law because of the great need for hospital facilities throughout the United States at this time, and because a great war has created a great emergency. In almost every section of the country there exists a serious shortage of hospital facilities. There has been very little or no construction except for military and naval hospitals during the war, or during the past 5 or 6 years. There are a great many local communities and political subdivisions which have issued bonds in preparation for building additions to existing hospitals or constructing new hospitals as soon as building-supply conditions will permit. Such bonds have already been issued, and taxes have been levied, yet, because of the unexpected and unforeseeable increase in the cost of construction, unless some aid is given, these badly needed hospital facilities may not be constructed. The same situation exists as far as church-supported and charity hospitals are concerned. So this bill is designed by its authors to give a lift, as it were, over this war-created hump so the present great shortage in hospital facilities can be ended at the earliest possible moment.

My sympathy and my heart tell me that this need does exist and that it must be met. On the other hand—and I want to be very frank with you, as I said in the beginning—I see the danger of establishing by this law a program of Federal aid for the construction of hospitals which may become more or less permanent. I realize that the amount of Federal aid included in this bill—$75,000,000 per year for 5 years—which must be matched by the States, their political subdivisions, or the recipient hospitals, by an amount double that contributed by the Federal Government, or

on a one-third and two-thirds basis, will not meet the present needs, for increased hospital facilities, and that there may be demands in the future for this program to be extended. Therefore, the question comes as to whether or not we can and will, in the future, have the courage and the fortitude to refuse to continue or extend the program, once the present emergency is over.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. SMITH of Ohio. Is it not a fact that the States are more able to do this work than the Federal Government, financially?

Mr. BROWN of Ohio. Yes; but many States cannot do this work, financially, because of limitations in the State constitutions. There are other reasons as well. For instance, there are some of the States which need and must have this help.

This measure has the support, as Dr. Smith has told you of most of the medical and hospital associations of the Nation. Is has the general support of almost every welfare group and State health organization. Yet I must admit there is a danger that, as a result of the enactment of this legislation, we may create a demand in the future for financial aid from the Federal Government for the maintenance and operation of the hospitals which will be erected under this program.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. JENSEN. Not only that, but there is no question but what the Federal Government will try to control these hospitals in my town and your town. Not only that, you will have State control of these hospitals.

Mr. BROWN of Ohio. Let me say to the gentleman, we have tried to write in every safeguard we could in connection with that particular problem. I realize there is a danger that the Federal Government may try to step into the field of control and operation of these local institutions. Also, there does exist some danger that we may be taking a step toward socialized medicine.

Mr. JENSEN. The gentleman knows wherever Federal dollars go, there goes Federal control, even in our Federal aid to roads.

Mr. BROWN of Ohio. Too often that has been true in the past, yet we are faced today with a situation that there is urgent need, almost beyond estimate, for hospital facilities in this country, especially right in the rural areas such as the gentleman from Iowa represents in the Congress.

The whole question before us today is whether or not we are going to meet the demand and the need, be guided by our hearts and our sympathies and vote for this legislation, or whether we are going to follow only the cold logic which warns us of the danger that threatens from greater Federal control and increased Federal expenditures. That is the decision which each of you must make. I, myself, knowing of the great need which exists for more hospital facilities, have decided to support this legislation.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. BULWINKLE. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. BIEMILLER].

Mr. BIEMILLER. Mr. Speaker, when the Hospital Construction Act, S. 191, left the Senate there were two or three features that I thought were not good. It was my privilege to appear before the subcommittee which handled this measure and discuss those sections. I am happy to note that they have accepted two of the amendments that I suggested at that time.

There is one feature of the bill, however, that I view with great misgiving. I think the creation of an administrative council rather than an advisory council may lead in the long run to a bad governmental structure. It does not seem to me to be good governmental practice to permit part time, practically dollar-a-year persons, who represent outside interests, such as the medical profession, the hospital associations, farm organizations, labor unions, or chambers of commerce, to exert a veto power over the decisions of a Government administrator, particularly when those decisions involve the expenditure of funds voted by the Congress. If this bill were before us under a rule, instead of under suspension, I would certainly offer an amendment and endeavor to correct what I deem to be a very bad practice.

But in spite of the fact that I have strong objections to this one feature of the bill, I think the over-all objectives are so important and so worthy that I sincerely hope the House will see fit today to suspend the rules and pass this very meritorious measure. The need for new hospitals is unquestionable and this splendid humanitarian bill deserves the support of every Member of the Congress.

Mr. BULWINKLE. Mr. Speaker, I yield such time as he may desire to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Speaker, I am keenly interested in seeing this bill, S. 191, pass the House today so that it may be sent to conference thereafter and subsequently become the law before the Congress adjourns as scheduled next week. I am also happy in the thought that I have contributed something in my humble way toward seeing that goal accomplished.

When this bill was before the subcommittee of the Committee on Interstate and Foreign Commerce, I appeared before that subcommittee and urged that it be reported to the full committee. Subsequently that was done and the full Committee on Interstate and Foreign Commerce reported the bill. The chairman of that committee with others then appeared before the Rules Committee seeking a rule for the consideration of the bill on the floor of the House. Because of my keen interest in the bill I contributed what I could toward getting a rule, and I get considerable satisfaction out of the fact that I was authorized on behalf of the Rules Committee to report the rule to the floor of the House. Moreover, I am glad that in the interest of expediting consideration of the bill we have been given this opportunity to suspend the rules and consider the bill today.

Of course, this procedure means that it will be necessary for the friends of this legislation to be on the alert and to be present when the vote is taken, requiring two-thirds vote as it does under this procedure.

Mr. Speaker, the Senate has already passed this bill, and if we can pass this bill today it can be sent to conference and become law.

I dare say that possibly the greatest need in the country today is the need for additional hospital facilities. While this bill is not all that could be desired, it will go a long way toward meeting the needs.

The bill amends the Senate bill in some respects, but this can be ironed out in conference. In the main the bill would help the States conduct a survey of all existing hospitals and public health centers, determine their adequacy to afford the facilities necessary for adequate service to all the people of the State, and plan State-wide construction programs of the facilities needed in conjunction with existing facilities to supply such service.

It would assist in the construction of needed facilities for public health centers.

It authorizes an appropriation of $3,000,000 for these surveys and $75,000,000 per year for 5 years beginning with the fiscal year beginning June 30, 1947, for assisting the States in construction of the needed hospitals.

It would authorize a 33⅓ percent Federal contribution to the funds raised by States, counties, or other subdivisions of government to bring about this needed construction. The bill would set up a Federal Hospital Council consisting of the Surgeon General, as chairman, and eight members which would be the Federal administrative body, but the administration of the hospitals themselves would be under the State agency.

Federal funds for survey and planning would be allotted on a straight population basis and within its allotment each State with an approved application would receive a Federal grant under the bill equal to 33⅓ percent of its survey and planning expenses. Federal grants for construction of the individual projects under the bill would be 33⅓ percent of the construction cost.

The bill, if it becomes law, will prove to be one of the greatest steps in our public health program yet undertaken. Moreover, this program, as provided for in this bill, will take cognizance for the first time of the fact that the rural States are in the greatest need of an expanded hospitalization program. It will prove a great boon to those States like Mississippi.

Mr. Speaker, as I stated a moment ago, when this matter was before the subcommittee of the Interstate and Foreign Commerce Committee of the House in March of this year, I appeared before that committee and urged that the bill

be reported favorably. The statement I made then was as follows:

STATEMENT OF HON. WILLIAM M. COLMER, MEMBER OF CONGRESS FROM THE STATE OF MISSISSIPPI

Mr. COLMER. Mr. Chairman and members of the committee, I am very grateful for the opportunity to appear before your committee in behalf of S. 191. I am in accord with the objectives of this bill. The Senate has already in its wisdom seen fit to pass the bill, and I am very much in hopes that this subcommittee will see fit to make an early endorsement of the bill to the full committee and that that committee will in turn report the bill favorably. In that connection I assure you that as a member of the Rules Committee when you apply for a rule for the consideration of this measure you will find a sympathetic reception awaits you.

There is nothing more important in the life of our citizens than the necessity for adequate medical care. In fact, life itself is dependent upon the benefits of such care. The United States has long been the leader in the world not only in political advancement but for advancement in the standards of living and medical care. However, during the war it must be realized that the health of our civilian population has of necessity been neglected. So many of our doctors were called into the service to minister to those who fought the country's battles abroad, as well as those who were preparing in camps for that objective, that our civilian population did not always have the proper medical attention.

It is obvious also that during the past 5 years our efforts have been largely to win that war. The result has been that hospitals, both public and private, for the reception of our unfortunate ill have not been constructed as during the peacetime period. In other words, few hospitals, except for military personnel, were with rare exceptions constructed during the war period. The result has been that our hospital facilities have not been expanded along with our normal population increase; construction materials, labor, and other necessities for construction have been unavailable during that period. As a result our hospital facilities have lagged behind the rest of our program. Moreover, there is an ever-increasing demand, which goes hand in hand with our advancement in civilization, for new hospital facilities.

In addition thereto, heretofore communities, counties, and States have had to depend upon their own resources for the construction of public hospital facilities. This bill offers an opportunity to these various subdivisions of government to have their own funds locally raised augmented by Federal funds on the theory that the public health is in the interest of the public welfare.

In my own section of the country this will prove a great boon. For, unfortunately, in many agricultural sections of the South the revenue secured by the various governmental subdivisions is not sufficient to bring about the desired facilities for hospitalization. In my own congressional district there are many communities which would like to take advantage of the provisions of this bill. For instance, in Jones County, Miss., the enlightened and progressive people of that county have long been striving to provide adequate hospital facilities for that community. The largest city in that county is Laurel, with a population of some 30,000. In the several counties surrounding that county there is only one county with hospital facilities. The hospital at Laurel has a capacity of only approximately 50 beds, and yet the people of the surrounding counties with no hospital facilities and numbering some 100,000 are dependent upon this small hospital for their medical treatment. If this bill is enacted into law, the people of that county will go forward with their plans to erect a modern construction, which will prove a boon to 100,000 people in that vicinity.

I sincerely hope, Mr. Chairman and members of the committee, that you will see fit to report this bill.

Mr. BULWINKLE. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. PHILBIN].

Mr. PHILBIN. Mr. Speaker, I am very much interested in this bill. Several privately endowed hospitals in my district will be greatly assisted in their plans to expand their present facilities if this measure is adopted. Similar institutions all over the country have funds on hand to commence new building operations and to provide urgently needed additional facilities. At the time these funds were accumulated, in many cases they were sufficient for the purposes intended, but as was brought out by my distinguished colleague from Ohio, the rapidly advancing postwar costs in building construction require that these funds be supplemented by Federal grants. This measure will afford necessary assistance for this worthy and humane work and will enable publicly supported and privately endowed hospitals all over the Nation to set up vitally, and not infrequently desperately, needed hospital facilities.

There is no question of overextended or intrusive Federal control, Federal manipulation, or Federal influence involved in this bill in my opinion; and I urge and plead with the House that we may suspend the rules and pass the bill.

Let me thank the committee, particularly the distinguished gentleman from North Carolina, for expediting action on this measure which I regard to be so very vital to the public welfare, and let me especially acknowledge with great approval and deep gratitude the brilliant and persuasive speech of my good friend, the majority leader, which has contributed so materially and, I believe, effectively, to this discussion.

Mr. BULWINKLE. Mr. Speaker, I yield such time as he may desire to the gentleman from Arizona [Mr. HARLESS].

Mr. HARLESS of Arizona. Mr. Speaker, I shall support this bill wholeheartedly.

Mr. BULWINKLE. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. MILLER].

Mr. MILLER of Nebraska. Mr. Speaker, 25 years ago people did not go to a hospital except to die. Today, when people get ill they want to go to hospitals. It is for that reason I feel this bill should be supported—more beds must be available to the public.

While I am generally opposed to Federal participation of this type. I think that when you read the hearings and the bill you will find that the purpose of the bill is to take care of those thinly populated communities that need hospital facilities but do not have them now. I know something about the problems of small hospitals, for I operated a small hospital in Kimball, Nebr., the first in the county, 27 years ago.

I recommend this bill to you. The State legislatures must have enabling legislation. The procedure remains under State control. The Federal Government matches one-third of the funds. I do feel that it will make it possible for sparsely settled communities to have public-health facilities that they could not otherwise have. Those counties, cities, and nonprofit hospitals that have little bonded indebtedness and a healthy financial condition should build their own hospitals without Federal assistance. That detail is left to the States. This bill has sufficient merit to have my support.

Mr. BULWINKLE. Mr. Speaker, I yield such time as he may desire to the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Speaker, I favor the passage of the pending measure. It was passed by the Senate and was reported to the House after careful consideration by the Committee on Interstate and Foreign Commerce on July 13, 1946. The bill authorizes appropriations for Federal aid to hosiptals amounting to $75,000,000 annually for a period of 5 years. The Senate bill provided for the Federal Government paying one-half of the costs. The House bill, which under the rules cannot be amended, provides for the Federal Government contributing one-third of the cost of the hospitals. The bill also provides for Federal aid in planning for construction.

There is widespread need for additional hospitals, especially in the agricultural and rural areas. In some counties there are no hospitals. The bill will enable several counties to cooperate and thus provide hospitalization on more reasonable terms. Many of the States provide for aid in hospitalization. With Federal and State aid, hospitals should be widely constructed.

There is an inadequacy of hospital and health facilities in many of the States. The lack is not due to the want of interest or initiative. Rural and other relatively poor areas are unable to construct their hospitals. There is an opportunity for the demonstration of the principle of Federal aid to promote health not only in the rural, but in the urban areas.

The bill does not contemplate Federal supervision. It is planned to leave to the State and local agencies, including not only public but private nonprofit hospitals, the supervision and control of these hospitals. I believe that the public interest will be promoted by the passage of the bill to enable the Federal Government to make grants and to provide aid in the planning and construction of hospitals where there are no existing adequate hospital facilities.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield such time to the gentleman from Pennsylvania [Mr. BRUMBAUGH] as he may desire.

Mr. BRUMBAUGH. Mr. Speaker, I am wholeheartedly in favor of the enactment of S. 191 because of its far-reaching benefits to the American people.

There is no doubt that the hospitals in the United States are facing difficulties that are a menace to the health and welfare of our citizens. Because of overcrowded conditions, obsolete equipment, old buildings, and increased operating expenses the care of medical and surgical

patients has been carried on under difficult conditions.

In the past decade mounting taxes have been a factor in the loss of contributions to hospitals by industrial concerns and private benefactors. Many community hospitals depended upon these annual contributions as an aid in meeting the operating expenses. They have had to rely on State aid as the only means of outside revenue.

The cost of maintaining old buildings is in itself a great hardship and prevents hospital authorities from expanding the facilities of these important institutions.

The great strides made in the field of medicine and surgery have revealed new and revolutionary methods of caring for the sick and wounded. Modern apparatus is needed that cannot be purchased by hospitals that are faced with the difficult task of keeping their doors open.

I am certain that when we approved the grant of $20,000,000 for hospitals in the District of Columbia we were conscious of the dilapidated buildings and outmoded equipment that hospital staffs are forced to use in the Nation's Capital. The same situation prevails in every State of the Union.

Therefore, in the interest of the health and welfare of the American people I am in favor of prompt approval of S. 191.

Certainly if we can open the Nation's purse to foreign countries on the plea that we should aid our neighbors overseas with unsecured loans, we should consider our obligation to the people of the United States by recognizing the immediate need for adequate hospital facilities in promoting the health of our own American citizens.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BUCK].

Mr. BUCK. Mr. Speaker, are there no limits to these new and unusual drains upon the Federal Treasury? Here, it seems to me, is the most startling one yet. More than a third of a billion dollars, only 40 minutes to consider it, and the bill reaches the floor on the vote of only 8 out of the 26 members of the committee. Even if we could afford it, this would be a bad bill.

And this is a strange aspect of the matter: Every State in the country is better off financially than the Federal Government. Yet it remains for us here in Washington, in our great wisdom, to recognize crying hospital needs in the far reaches of the country when local and State communities do not feel those needs sufficiently to spend their own money for that purpose.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. O'HARA].

Mr. O'HARA. Mr. Speaker, I am supporting this bill for the benefit of those municipalities and those hospitals that do not have the financial ability to finance the building of such hospitals. I do not support it on the theory that we ought to build hospitals all over the country at Government expense. I say that in view of the fact that the Federal Government on a matching basis of only 33⅓ percent is reducing what was passed by the Senate in S. 191. I believe the subcommittee of the House Interstate and Foreign Commerce Committee have improved this bill otherwise. It is in such shape and upon the condition that we will not be asked again to go into the hospital business that I am supporting this bill.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. HOWELL].

Mr. HOWELL. Mr. Speaker, as a member of the Committee on Interstate and Foreign Commerce who had the opportunity to learn as much about this bill as most Members of the House of Representatives, I am supporting it. The gentleman who preceded me, my colleague the gentleman from Minnesota [Mr. O'HARA], mentioned the fact that the Federal contribution has been reduced in the House version of this bill to 33⅓ percent. It was my privilege to offer this amendment and it was done for the specific purpose of making the program a little more all inclusive, a little more expansive than where the States were required to put up only 50 percent of the matched funds. Under the House version the program can be expanded to $225,000,000 annually with the States contributing two-thirds of the total and the Federal Government only one-third.

Another feature of the House measure, something everyone should be interested in who is opposed to Federal control of hospitals, is section 635. The committee has gone just as far as possible to insure the fact that there will be no Federal control by providing:

> Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any hospital with respect to which any funds have been or may be expended under this title.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. HOWELL. I yield to the gentleman from Minnesota.

Mr. JUDD. What does it mean when it says that the plan must meet specified minimum standards for maintenance and operation? Does that mean the Federal Government can decide how they shall operate and maintain a hospital?

Mr. HOWELL. No; not in my opinion. It is assumed that the States will have a responsible agency that is qualified to judge just what the minimum standards for the efficient maintenance and operation of hospitals ought to be.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Speaker, now is the time to stop, look, and think what we are doing here today. This bill S. 191, is a part of the Wagner-Murray-Dingell cradle-to-the-grave bill. We are legislating that socialized-medicine bill into law piecemeal. Our New Deal planners hope finally to get the cradle-to-the-grave bill made law in toto by this scheme. But if this bill S. 191 is made law we will have taken a big step toward socialized medicine, that is a certainty. With rare exceptions every doctor and nurse in my district who has studied this bill is opposed to its adoption. Let us stop this mad rush to socialism or worse before it is too late. Certainly, if the people of America have lost that sense of neighborly feeling and benevolence toward their loved ones, their friends, and their neighbors to the end that they refuse to provide adequate hospital facilities for their own sick and suffering, then this Nation is in a mighty bad fix. I cannot believe they have come to that yet, unless we wish it upon them.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield such time as he may desire to the gentleman from Indiana [Mr. GILLIE].

Mr. GILLIE. Mr. Speaker, as a general rule I have opposed Federal subsidies to the States, as my voting record will show, but I am fully in accord with the objectives of this bill and believe that it should be enacted without delay.

I know of several instances in my own district where hospital facilities are urgently required and cannot be provided without the assistance contemplated in this measure. I am sure that many other sections of the country are in a similar position with respect to such facilities and that this legislation will be a godsend to them.

There is nothing more important to the welfare of the Nation than adequate medical care. Our country has always been a world leader in the advancement of standards of living and medical assistance. However, during the war, our medical program was necessarily neglected. Many communities suffered due to the calling into service of young physicians. Hospital construction virtually ceased, with the exception of military construction.

The result has been that hospital facilities in most communities have been badly neglected and are in great need of expansion and repair. Local communities, in many instances, do not have the financial resources to bring their hospital facilities up to minimum standards, and there is a very definite need for Federal help in the form of grants in aid.

I believe that it is incumbent upon the people of the United States, through their Congress, to rectify this situation by means of the logical and well-planned program proposed in this legislation. I am not in favor of socialized medicine in any form, but I do believe that the Federal Government should lend financial assistance to public hospitals served by individual doctors operating under a system of free enterprise.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Speaker, when considering this legislation we should remember that $75,000,000 per year, when divided by 435, which is the number of congressional districts and hence a proper measure of apportionment of the funds, will yield about $172,000 a year for 5 years to each district. Everyone should know that the cost of building hospitals and equipping them is somewhere in the neighborhood of $3,500 to $4,000 per bed, which means that this

bill provides about 40 or 50 beds for each congressional district. To my congressional district that is important, but it does not mean too much.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Iowa.

Mr. JENSEN. This is simply a means of getting the camel's nose under the tent.

Mr. HINSHAW. It will have to be $500,000,000 in another year.

Mr. BULWINKLE. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Speaker, the gentleman from Iowa is right in saying that the people in these small towns and rural communities are neighborly and generous, and are actuated by humanitarian impulses. But the fact remains that they are unable to provide these hospitals for themselves. As the distinguished majority, the gentleman from Massachusetts said, 40 percent of the more than 3,000 counties in the United States have no hospital facilities at all. We know that the scarcity of physicians is in almost direct ratio to the scarcity of hospital beds. For example, up to the time of the World War, when so many of our doctors answered the call to the colors and put on the uniform of the Army and the Navy, in communities having 4.6 hospital beds per 1,000 population, there was 1 doctor for every 600 people. In communities—and there are many of them—where there was less than 1 hospital bed per 1,000 population there was 1 doctor for every 1,350 people.

Infant mortality, because of medical progress and sanitary improvement, has been reduced in this country until there are about 40 deaths to every 1,000 births, but in communities that do not have adequate hospitals the infant mortality rate is appalling. We must not permit this condition to continue anywhere in the United States.

There are three kinds of hospitals: Proprietary, which are privately owned and operated for profit; public, which are supported at public expense, and the voluntary nonprofit hospitals, which include most of the hospitals operated by churches of various denominations, fraternal organizations, and local nonprofit hospital associations, in which classification probably the major portion of hospitals belong. This bill would grant aid to the public hospitals and to all of these nonprofit voluntary hospitals, the ones that serve most of our country. For rural communities unable to support a hospital this bill makes provision for grants in aid for the establishment of local health centers, which would be of incalculable benefit to millions of our fellow citizens "far from the maddening crowd's ignoble strife."

The old-fashioned country doctor, who visited alike the hovels of the poor and the mansions of the rich, ministered to all classes and conditions of society, and alleviated the pains of suffering humanity, with or without hope of remuneration, was more than a great personality. He was a great and beloved American institution. Now, with rare exceptions, he has become a part of the history and folklore of America, and is a tender memory of this generation of American people. Yes, Mr. Speaker, but the doctor of the future is going to practice his profession where he has laboratory and hospital facilities, and can make the best of modern equipment and well-trained nurses available for the treatment of his patients.

Many great hospitals have been endowed by the possessors of large personal fortunes, but our present and prospective economic system and tax structure indicate that there will be fewer such fortunes in the future than in the past. This measure would induce endowments, and would be an incentive to communities to wage subscription campaigns and issue bonds for 66⅔ percent of the hospital cost in order to make available the 33⅓-percent Federal grant. It is expressly and explicitly written in this bill that there shall be no Federal control when this grant is made to a local organization to build a hospital. That local hospital organization will have control of that hospital and will operate it without Federal supervision or Federal dictation. It is provided that if within a period of 20 years the hospital should pass into the hands of an agency not authorized to accept this grant, such as a hospital company operating for profit, a refund would have to be made to the Government of the money that had been advanced for the construction of the hospital.

In passing this bill we are answering the call of humanity.

Years ago in France a referendum was held to determine which was the greatest name in French history. The people of France in that referendum did not select the name of one of the literary geniuses whose names illumine the pages of French literature. They did not go into the field of French statesmanship. They did not even select that renowned soldier "who born no king made monarchs draw his car," whose stakes were empires, whose dice were human bones, the first Napoleon. Rather, by a majority of millions the people of the French Republic selected as the greatest name in the annals of France the name of the man of science, the man who labored through long hours, day and night, in the laboratories, evolving formulas, not to kill people but to save lives, the father of modern medicine, Louis Pasteur.

Mr. Speaker, let us find our just reward in serving humanity, in answering suffering humanity's crying need. Let us pass this bill by the necessary two-thirds majority, to relieve suffering and save lives.

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may extend their remarks at this point in the RECORD on the bill now under consideration.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. McDONOUGH. Mr. Speaker, I am in favor of S. 191 which will provide funds to build hospitals in States, counties, and cities on a matching basis of one-third by the Federal Government and two-thirds by the States, counties, and cities.

I favor the bill especially because of the urgent need for additional hospitals in southern California and in Los Angeles County in particular, where thousands of people from all States in the Union have come to live since the war, which has overtaxed the capacity of all facilities including hospitals. We need more hospitals in Los Angeles County. I know this bill will help us get them. Therefore I urge that S. 191 be passed.

Mr. SAVAGE. Mr. Speaker, I realize the time for discussing this bill is very short and I will not take much time. However, I want to point out that I approached the study of this legislation with a background of several years' experience as a member of the board of directors of the General Hospital, a nonprofit institution, in Mason County, in my congressional district.

First, the depression left many communities short of hospital facilities and by the time they had begun to get on their feet again the defense program began to absorb building materials. Then came the war, which not only prevented the building of hospitals, but actually aggravated the already great need for more hospital facilities. Furthermore, we on the west coast have an influx of additional population to care for.

This bill is as free from Federal control as it is possible to make it and see that high standards are maintained. It appropriates $75,000,000 a year for the next 5 years. This isn't much but will help considerably and should be passed.

Mr. BYRNES of Wisconsin. Mr. Speaker, when are we going to recognize that the United States Government is broke?

When are we going to recognize that the Federal Government is the unit of government in this country least able at this time to embark on programs involving the expenditure of money?

Mr. Speaker, I am opposed to this bill. The local units of government in those localities where an emergency exists are much better able to finance such a program as is contemplated by this bill than can the Federal Government.

With the expenditure of Federal dollars goes Federal control. I am unalterably opposed to the continuation of that trend which would concentrate control over local affairs and local problems in Washington. With the passage of this bill the door will be opened for socialized medicine. This is unwise and unsound Federal legislation. I must vote against this bill.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill S. 191, as amended?

The question was taken; and on a division (demand by Mr. BUCK) there were—ayes 136, noes 28.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

House Resolution 718 was laid on the table.

DISPOSAL OF SURPLUS PROPERTY ABROAD

Mr. MANASCO. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1636) to amend the Surplus Property Act of 1944 to designate the Department of State as the disposal agency for surplus property outside the continental United States, its Territories and possessions, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted, etc., That section 10 of the Surplus Property Act of 1944, as amended, is hereby amended by adding a new subsection (c) to read as follows:

"(c) Except as provided in subsection (b) of this section, the Department of State shall be the sole disposal agency for surplus property located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, and with respect to such property the Secretary of State shall exercise the functions heretofore conferred upon the Surplus Property Administrator by Public Law 181, Seventy-ninth Congress. The Secretary of State shall, subject to the provisions of the War Mobilization and Reconversion Act of 1944, have sole responsibility for carrying out the provisions of the Surplus Property Act of 1944, with respect to surplus property located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands."

SEC. 2. Section 32 (b) of such act, as amended, is hereby amended to read as follows:

"(b) (1) The provisions of this act shall be applicable to disposition of property within the United States and elsewhere, but the Secretary of State may exempt from some or all of the provisions hereof dispositions of property located outside of the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, whenever he deems that such provisions would obstruct the efficient and economic disposition of such property in accordance with the objectives of this act. In addition to the authority conferred by section 15 of this act, the Department of State may dispose of surplus property located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, for foreign currencies or credits, or substantial benefits or the discharge of claims resulting from the compromise or settlement of such claims by any Government agency in accordance with the law, whenever the Secretary of State determines that it is in the interest of the United States to do so and upon such terms and conditions as he may deem proper. Any foreign currencies or credits acquired by the Department of State pursuant to this subsection shall be administered in accordance with procedures that may from time to time be established by the Secretary of the Treasury and, if and when reduced to United States currency, shall be covered into the Treasury as miscellaneous receipts.

"(2) In carrying out the provisions of this section, the Secretary of State is hereby authorized to enter into an executive agreement or agreements with any foreign government for the use of currencies, or credits for currencies, of such government acquired as a result of such surplus property disposals, for the purpose of providing by the formation of foundations or otherwise, for (A) financing studies, research, instruction, and other educational activities of or for American citizens in schools and institutions of higher learning located in such foreign country, or of the citizens of such foreign country in American schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for transportation, tuition, maintenance, and other expenses incident to scholastic activities; or (B) furnishing transportation for citizens of such foreign country who desire to attend American schools and institutions of higher learning in the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, and whose attendance will not deprive citizens of the United States of an opportunity to attend such schools and institutions: *Provided, however,* That no such agreement or agreements shall provide for the use of an aggregate amount of the currencies, or credits for currencies, of any one country in excess of $20,000,000 or for the expenditure of the currencies, or credits for currencies of any one foreign country in excess of $1,000,000 annually at the official rate of exchange for such currencies, unless otherwise authorized by Congress, nor shall any such agreement relate to any subject other than the use and expenditure of such currencies or credits for currencies for the purposes herein set forth: *Provided further,* That for the purpose of selecting students and educational institutions qualified to participate in this program, and to supervise the exchange program authorized herein, the President of the United States is hereby authorized to appoint a Board of Foreign Scholarships, consisting of 10 members, who shall serve without compensation, composed of representatives of cultural, educational, student, and war veterans groups, and including representatives of the Unitd States Office of Education, the United States Veterans' Administration, State educational institutions, and privately endowed educational institutions: *And provided further,* That in the selection of American citizens for study in foreign countries under this paragraph preference shall be given to applicants who shall have served in the military or naval forces of the United States during World War I or World War II, and due consideration shall be given to applicants from all geographical areas of the United States. The Secretary of State shall transmit to the Congress not later than the 1st day of March of each year a report of operations under this paragraph during the preceding calendar year. Such report shall include the text of any agreements which have been entered into hereunder during the preceding calendar year, and shall specify the names and addresses of American citizens who are attending schools or institutions of higher learning in foreign countries pursuant to such agreements, the names and locations of such schools and institutions, and the amounts of the currencies or credits for currencies expended for any of the purposes under this paragraph in each such foreign country during the preceding calendar year."

The SPEAKER. Is a second demanded?

Mr. JUDD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second is considered as ordered.

There was no objection.

Mr. MANASCO. Mr. Speaker, this bill makes the State Department the disposal agency for surplus property in foreign countries. As a matter of fact, they have already been designated by the War Assets Administrator as the disposal agency in foreign countries; but this does it by law. The other principal feature of this bill is that it permits the State Department to use the currency of foreign countries for educational purposes in permitting American students to go into those foreign countries and attend schools there. At the present time, it is almost impossible to get dollars in many foreign countries where we have tremendous amounts of surplus property. If we can use this educational feature and permit those countries to pay our American students in their currency, we feel it will do much to further the good relationship between our Government and the governments of other countries. It will also work to the advantage of many veterans who are anxious to go to those countries to study. That is the principal feature of this bill.

Mr. WHITTINGTON. Mr. Speaker, will my chairman yield?

Mr. MANASCO. I yield.

Mr. WHITTINGTON. As I understand, the gentleman's motion is to suspend the rules and pass the Senate bill as amended by the House Committee on Expenditures so as to embody in the bill that we ought to pass the amendments of our committee?

Mr. MANASCO. That is correct.

Mr. JUDD. Mr. Speaker, I demanded a second in order to be sure that the House understands this bill because I think it is very worth while. We have a lot of surplus property in many foreign countries that do not have dollar exchange and that cannot pay us in American dollars. It would cost too much to bring the property back to this country, so the bill allows those countries to buy the surplus property with their own currency and since it cannot be converted into ours, we will use it to pay the expenses of selected Americans who want to go to those countries to study their civilization or their culture, or their economy, or what not, with the idea of helping build better understanding and better relations between those countries and ours.

It is in a sense a Boxer indemnity in reverse. Never in history has any nation made a greater or better-paying investment than the United States made when it allowed the Chinese to use their indemnity to us of about $30,000,000 after the Boxer Rebellion, to send almost 5,000 selected Chinese students to this country during the last 40 years to study in our universities. Almost every one of them went back completely sold on the United States and our type of government. They naturally achieved positions of influence in China, and perhaps more than any other single factor, were responsible for holding their country on our side in this war, even when we were helping Japan.

I hope there will be no objection to this bill. It does not cost us a cent. It enables us to salvage something out of surplus property abroad which otherwise would be total loss.

Mr. MUNDT. Mr. Speaker, will the gentleman yield?

Mr. JUDD. I yield.

Mr. MUNDT. Is there anything in this legislation which would also help students in countries which lack dollar exchange, which students want to come to this country to pursue their education?

Mr. JUDD. No.

Mr. MUNDT. Is there anything that would provide for the necessary financial transfer to give them credit so that they can come over here?

Mr. JUDD. No. If they can get dollar exchange it has to go into the Federal Treasury in payment for the surplus

property purchase. What you mention would be covered in the Bloom bill as I understand it, which came out of your own committee and was passed the other day. If students wanted to come to this country traveling in a ship of their own land and using its currency, that could be done. But if they wanted to travel in an American ship which requires American dollars to pay for their passage, they could not do that. That is, the bill protects our taxpayers. If anyone can get American dollars to pay for our surplus property, the money must go into the United States Treasury. But if they cannot get American dollars, they can buy our property with their own currency and it is used for the support and training of our students over there.

Mr. MUNDT. That is right, and I am for it as far as it goes, but it still leaves unsolved the problem of a large number of students in countries like Egypt and Iraq who want to come to this country and attend the colleges and universities and who have resources enough of their own in their own currency and yet do not have any way in which they can get the required dollar exchange to spend their currency in this country and, consequently, are denied an American education.

Mr. JUDD. This bill does not provide America educations for those individuals.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. JUDD. I yield.

Mr. WHITE. Is this property to be disposed of in any countries outside of the so-called sterling area?

Mr. JUDD. Yes; wherever the State Department and the Secretary of the Treasury determine that a nation where we have surplus property does not have American dollars and cannot get exchange with which it can pay us in our own currency, it applies to any such country.

Mr. WHITE. From the record made by the State Department, I regret to say I am going to vote against this bill. I think this is detrimental to the best interests of the people of this country.

Mr. JUDD. Whether a nation's unfavorable exchange position makes it eligible or not is to be determined by the Secretary of the Treasury.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. JUDD. I yield.

Mr. WHITTINGTON. It must be understood that there is no question of donation.

Mr. JUDD. That is right.

Mr. WHITTINGTON. Donation to foreign governments or to institutions in foreign lands.

Mr. JUDD. That is right.

Mr. WHITTINGTON. The purpose of this bill as recommended by the State Department is to utilize foreign currencies that are received in the purchase of surplus property in those countries for education of Americans in those countries who desire to go there.

Mr. JUDD. That is right.

Mr. MANASCO. Mr. Speaker, will the gentleman yield?

Mr. JUDD. I yield.

Mr. MANASCO. It may be added, it would cost the taxpayers more to bring this property back here. If it is not brought back it will be abandoned.

Mr. JUDD. Yes. Everything we get under this bill is to the good. If the bill is passed we get a great deal of educational service for our citizens. If it is not passed, we get nothing.

Mr. MANASCO. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill S. 1636, as amended?

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMENDING THE FIRST WAR POWERS ACT, 1941

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6890) to amend the First War Powers Act, 1941, as amended.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the First War Powers Act, 1941 (55 Stat. 838), as amended, is hereby further amended by adding at the end of title III thereof the following:

"SEC. 305. The Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, is hereby further amended by inserting after section 32 thereof, and before the section added by Public Law 382, Seventy-ninth Congress, the following sections:

"'SEC. 33. No return may be made pursuant to section 9 (a) or 32 (a) unless notice of claim for return has been filed within 2 years from the seizure by or vesting in the Alien Property Custodian, as the case may be, of the property or interest in respect of which the claim is made or within 2 years from the date of enactment of this section, whichever is later. No suit pursuant to section 9 (a) may be instituted after the expiration of 2 years from the date of seizure by or vesting in the Alien Property Custodian, as the case may be, of the property or interest in respect of which relief is sought or from the date of enactment of this section, whichever is later, but in computing such 2 years there shall be excluded any period during which there was pending a claim for return pursuant to section 9 (a) or 32 hereof.

"'SEC. 34. (a) Any property or interest vested in or transferred to the Alien Property Custodian (other than any property or interest acquired by the United States prior to December 18, 1941), or the net proceeds thereof, shall be equitably applied by the Custodian in accordance with the provisions of this section to the payment of debts owed by the person who owned such property or interest immediately prior to its vesting in or transfer to the Alien Property Custodian. No debt claim shall be allowed under this section if it was not due and owing at the time of such vesting or transfer, or if it arose from any action or transactions prohibited by or pursuant to this act and not licensed or otherwise authorized pursuant thereto, or (except in the case of debt claims acquired by the Custodian) if it was at the time of such vesting or transfer due and owing to any person who has since the beginning of the war been convicted of violation of this act, as amended, sections 1-6 of the Criminal Code (18 U. S. C. 1-6), title I of the act of June 15, 1917 (ch. 30, 40 Stat. 217), as amended; the act of April 20, 1918 (ch. 59, 40 Stat. 534), as amended; the act of June 8, 1934 (ch. 327, 52 Stat. 631), as amended; the act of January 12, 1938 (ch. 2, 52 Stat. 3); title I, Alien Registration Act, 1940 (ch. 439, 54 Stat. 670); the act of October 17, 1940 (ch. 897, 54 Stat. 1201); or the act of June 25, 1942 (ch. 447, 56 Stat. 390). Any defense to the payment of such claims which would have been available to the debtor shall be available to the Custodian, except that the period from and after the beginning of the war shall not be included for the purpose of determining the application of any statute of limitations. Debt claims allowable here under shall include only those of citizens of the United States or of the Philippine Islands; those of corporations organized under the laws of the United States or any State, Territory, or possession thereof, or the District of Columbia or the Philippine Islands; those of other natural persons who are and have been since the beginning of the war residents of the United States and who have not during the war been interned or paroled pursuant to the Alien Enemy Act (50 U. S. C. 21); and those acquired by the Custodian. Legal representatives (whether or not appointed by a court in the United States) or successors in interest by inheritance, devise, request, or operation of law of debt claimants, other than persons who would themselves be disqualified hereunder from allowance of a debt claim, shall be eligible for payment to the same extent as their principals or predecessors would have been.

"'(b) The Custodian shall fix a date or dates after which the filing of debt claims in respect of any or all debtors shall be barred, and may extend the time so fixed, and shall give at least 60 days' notice thereof by publication in the Federal Register. In no event shall the time extend beyond the expiration of 2 years from the date of the last vesting in or transfer to the Custodian of any property or interest of a debtor in respect of whose debts the date is fixed, or from the date of enactment of this section, whichever is later. No debt shall be paid prior to the expiration of 120 days after publication of the first such notice in respect of the debtor, nor in any event shall any payment of a debt claim be made out of any property or interest or proceeds in respect of which a proceeding pursuant to this act for return or for just compensation is pending and was instituted prior to the expiration of such 120 days.

"'(c) The Custodian shall examine the claims, and such evidence in respect thereof as may be presented to him or as he may introduce into the record, and shall make a determination, with respect to each claim, of allowance or disallowance, in whole or in part.

"'(d) Payment of debt claims shall be made only out of such money included in, or received as net proceeds from the sale, use, or other disposition of, any property or interest owned by the debtor immediately prior to its vesting in or transfer to the Alien Property Custodian, as shall remain after deduction of (1) the amount of the expenses of the Office of Alien Property Custodian (including both expenses in connection with such property or interest or proceeds thereof, and such portion as the Custodian shall fix of the other expenses of the Office of Alien Property Custodian), and of taxes, as defined in section 36 hereof, paid by the Custodian in respect of such property or interest or proceeds, and (2) such amount, if any, as the Custodian may establish as a cash reserve for the future payment of such expenses and taxes. If the money available hereunder for the payment of debt claims against the debtor is insufficient for the satisfaction of all claims allowed by the Custodian, ratable payments shall be made in accordance with subsection (g) hereof to the extent permitted by the money available and additional payments shall be made whenever the Custodian shall determine that substantial further money has become available, through liquidation of any such property or interest or otherwise. The Custodian shall not be required through any judgment of

any court, levy of execution, or otherwise to sell or liquidate any property or interest vested in or transferred to him, for the purpose of paying or satisfying any debt claim.

"'(e) If the aggregate of debt claims filed as prescribed does not exceed the money from which, in accordance with subsection (d) hereof, payment may be made, the Custodian shall pay each claim to the extent allowed, and shall serve by registered mail, on each claimant whose claim is disallowed in whole or in part, a notice of such disallowance. Within 60 days after the date of mailing of the Custodian's determination, any debt claimant whose claim has been disallowed in whole or in part may file in the District Court of the United States for the District of Columbia a complaint for review of such disallowance naming the Custodian as defendant. Such complaint shall be served on the Custodian. The Custodian, within 45 days after service on him, shall certify and file in said court a transcript of the record of proceedings in the Office of Alien Property Custodian with respect to the claim in question. Upon good cause shown such time may be extended by the court. Such record shall include the claim as field, such evidence with respect thereto as may have been presented to the Custodian or introduced into the record by him, and the determination of the Custodian with respect thereto, including any finding made by him. The court may, in its discretion, take additional evidence, upon a showing that such evidence was offered to and excluded by the Custodian, or could not reasonably have been adduced before him or was not available to him. The court shall enter judgment affirming, modifying, or reversing the Custodian's determination, and directing payment in the amount, if any, which it finds due.

"'(f) If the aggregate of debt claims filed as prescribed exceeds the money from which, in accordance with subsection (d) hereof, payment may be made, the Custodian shall prepare and serve by registered mail on all claimants a schedule of all debt claims allowed and the proposed payment to each claimant. In preparing such schedule, the Custodian shall assign priorities in accordance with the provisions of subsection (g) hereof. Within 60 days after the date of mailing of such schedule, any claimant considering himself aggrieved may file in the District Court of the United States for the District of Columbia a complaint for review of such schedule, naming the Custodian as defendant. A copy of such complaint shall be served upon the Custodian and on each claimant named in the schedule. The Custodian, within 45 days after service on him, shall certify and file in said court a transcript of the record of proceedings in the Office of Alien Property Custodian with respect to such schedule. Upon good cause shown such time may be extended by the court. Such record shall include the claims in question as filed, such evidence with respect thereto as may have been presented to the Custodian or introduced into the record by him, any findings or other determinations made by the Custodian with respect thereto, and the schedule prepared by the Custodian. The court may, in its discretion, take additional evidence, upon a showing that such evidence was offered to and excluded by the Custodian or could not reasonably have been adduced before him or was not available to him. Any interested debt claimant who has filed a claim with the Custodian pursuant to this section, upon timely application to the court, shall be permitted to intervene in such review proceedings. The court shall enter judgment affirming or modifying the schedule as prepared by the Custodian and directing payment, if any be found due, pursuant to the schedule as affirmed or modified and to the extent of the money from which, in accordance with subsection (d) hereof, payment may be made. Pending the decision of the court on such complaint for review, and pending final determination of any appeal from such decision, payment may be made only to an extent, if any, consistent with the contentions of all claimants for review.

"'(g) Debt claims shall be paid in the following order of priority: (1) Wage and salary claims, not to exceed $600; (2) claims entitled to priority under sections 191 and 193 of title 31 of the United States Code, except as provided in subsection (h) hereof; (3) all other claims for services rendered, for expenses incurred in connection with such services, for rent, for goods and materials delivered to the debtor, and for payments made to the debtor for goods or services not received by the claimant; (4) all other debt claims. No payment shall be made to claimants within a subordinate class unless the money from which, in accordannce with subsection (d) hereof, payment may be made permits payment in full of all allowed claims in every prior class.

"'(h) No debt of any kind shall be entitled to priority under any law of the United States or any State, Territory, or possession thereof, or the District of Columbia, solely by reason of becoming a debt due or owing to the United States as a result of its acquisition by the Alien Property Custodian.

"'(i) The sole relief and remedy available to any person seeking satisfaction of a debt claim out of any property or interest which shall have been vested in or transferred to the Alien Property Custodian (other than any property or interest acquired by the United State prior to December 18, 1941), or the proceeds thereof, shall be the relief and remedy provided in this section, and suits for the satisfaction of debt claims shall not be instituted, prosecuted, or further maintained except in conformity with this section: *Provided*, That no person asserting any interest, right, or title in any property or interest or proceeds acquired by the Alien Property Custodian, shall be barred from proceeding pursuant to this act for the return thereof or for just compensation in respect hereof, by reason of any proceeding which he may have brought pursuant to this section; nor shall any security interest asserted by the creditor in any such property or interest or proceeds be deemed to have been waived solely by reason of such proceeding. The Alien Property Custodian shall treat all debt claims now filed with him as claims filed pursuant to this section. Nothing contained in this section shall bar any person from the prosecution of any suit at law or in equity against the original debtor or against any other person who may be liable for the payment of any debt for which a claim might have been filed hereunder. No purchaser, lessee, licensee, or other transferee of any property or interest from the Alien Property Custodian shall, solely by reason of such purchase, lease, license, or transfer, become liable for the payment of any debt owed by the person who owned such property or interest prior to its vesting in or transfer to the Alien Property Custodian. Payment by the Alien Property Custodian to any debt claimant shall constitute, to the exent of payment, a discharge of the indebtedness represented by the claim.

"'SEC. 35. The officer or agency empowered to entertain claims under sections 9 (a), 32, and 34 hereof shall have power to hold such hearings as may be deemed necessary; to prescribe rules and regulations governing the form and contents of claims, the proof thereof, and all other matters related to proceedings on such claims; and in connection with such proceedings to issue subpenas, administer oaths, and examine witnesses. Such powers, and any other powers conferred upon such officer or agency by sections 9 (a), 32, and 34 hereof may be exercised through subordinate officers designated by such officer or agency.

"'SEC. 36. (a) The vesting in or transfer to the Alien Property Custodian of any property or interest (other than any property or interest acquired by the United States prior to December 18, 1941), or the receipt by him of any earnings, increment, or proceeds thereof shall not render inapplicable any Federal, State, Territorial, or local tax for any period prior or subsequent to the date of such vesting or transfer, nor render applicable the exemptions provided in title II of the Social Security Act with respect to service performed in the employ of the United States Government or of any instrumentality of the United States.

"'(b) The Alien Property Custodian shall, notwithstanding the filing of any claim or the institution of any suit under this act pay any tax incident to any such property or interest, or the earnings, increment, or proceeds thereof, at the earliest time appearing to him to be not contrary to the interest of the United States. The former owner shall not be liable for any such tax accruing while such property, interest, earnings, increment, or proceeds are held by the Alien Property Custodian, unless they are returned pursuant to this act without payment of such tax by the Alien Property Custodian. Every such tax shall be paid by the Alien Property Custodian to the same extent, as nearly as may be deemed practicable, as though the property or interest had not been vested in or transferred to the Alien Property Custodian, and shall be paid only out of the property or interest, or earnings, increment, or proceeds thereof, to which they are incident or out of other property or interests acquired from the same former owner, or earnings, increment, or proceeds thereof. No tax liability may be enforced from any property or interest or the earnings, increment, or proceeds thereof while held by the Alien Property Custodian except with his consent. Where any property or interest is transferred, otherwise than pursuant to section 9 (a) or 32 hereof, the Alien Property Custodian may transfer the property or interest free and clear of any tax, except to the extent of any lien for a tax existing and perfected at the date of vesting, and the proceeds of such transfer shall, for tax purposes, replace the property or interest in the hands of the Alien Property Custodian.

"'(c) Subject to the provisions of subsection (b) hereof, the manner of computing any Federal taxes, including without limitation by reason of this enumeration, the applicability in such computation of credits, deductions, and exemptions to which the former owner is or would be entitled, and the time and manner of any payment of such taxes and the extent of any compliance by the Custodian with provisions of Federal law and regulations applicable with respect to Federal taxes, shall be in accordance with regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury to effectuate this section. Statutes of limitations on assessment, collection, refund, or credit of Federal taxes shall be suspended, with respect to any vested property or interest, or the earnings, increment or proceeds thereof, while vested and for 6 months thereafter; but no interest shall be paid upon any refund with respect to any period during which the statute of limitations is so suspended.

"'(d) The word "tax" as used in this section shall include, without limitation by reason of this enumeration, any property, income, excess-profits, war-profits, excise, estate and employment tax, import duty, and special assessment; and also any interest, penalty, additional amount, or addition thereto not arising from any act, omission, neglect, failure, or delay on the part of the Custodian.

"'(e) Any tax exemption accorded to the Alien Property Custodian by specific provision of existing law shall not be affected by this section.

"'SEC. 37. The Alien Property Custodian may procure insurance in such amounts, and from such insurers, as he believes will adequately protect him against loss in connection with property or interests or proceeds held by him.'"

SEC. 2. Subdivisions (C) and (D) of section 32 (a) (2) of the Trading With the Enemy Act are hereby amended to read as follows:

"(C) an individual voluntarily resident at any time since December 7, 1941, within the territory of such nation, other than a citizen of the United States or a diplomatic or consular officer of a nation with which the United States has not at any time since December 7, 1941, been at war: *Provided*, That an individual who, while in the territory of a nation with which the United States has at any time since December 7, 1941, been at war, was deprived of life or substantially deprived of liberty pursuant to any law, decree, or regulation of such nation discriminating against political, racial, or religious groups, shall not be deemed to have voluntarily resided in such territory; or

"(D) an individual who was at any time after December 7, 1941, a citizen or subject of a nation with which the United States has at any time since December 7, 1941, been at war, and who on or after December 7, 1941, and prior to the date of the enactment of this section, was present (other than in the service of the United States) in the territory of such nation or in any territory occupied by the military or naval forces thereof or engaged in any business in any such territory: *Provided*, That notwithstanding the provisions of this subdivision (D), return may be made to an individual who, as a consequence of any law, decree, or regulation of the nation of which he was then a citizen or subject, discriminating against political, racial, or religious groups, has at no time between December 7, 1941, and the time when such law, decree, or regulation was abrogated, enjoyed full rights of citizenship under the law of such nation; or."

SEC. 3. The section added to the Trading With the Enemy Act by Public Law 382, Seventy-ninth Congress, is hereby amended by inserting "38" after "SEC."

The SPEAKER. Is a second demanded?

Mr. MICHENER. Mr. Speaker, I demand a second.

Mr. CELLER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CELLER. The purpose of this bill, Mr. Speaker, among other things, is to provide machinery for paying the claims of American creditors against the former owners of property vested in the Alien Property Custodian's Office, vested because the property belonged to enemy aliens or their allies or their stooges and cloaks. At the present time there is something like $113,000,000 worth of claims filed for American citizens against property seized and vested by the Alien Property Custodian's Office. A recent decision coming from the district court, provides that if any debt claimant against that property brings suit it is within the power of that claimant to exhaust the entire property to the detriment of other claimants; that is, the claimant would recover upon a "first come, first served" basis. Such an arrangement might preclude other claimants and is more unjust. The bill before us provides that the Alien Property Custodian takes the property and sells it and divides the proceeds equitably among all creditors as pari passu, in bankruptcy.

In addition, this bill provides that the Alien Property Custodian shall have authority to pay taxes. Under present conditions it is questionable whether he has the right to pay taxes. Municipalities, States, and the Federal Government suffer for the lack of those taxes, as well as for lack of payment of penalties added to the taxes.

This bill also provides authority to the Alien Property Custodian to insure the property that he has under his control. It has been stated that the United States Government, which is represented by the Alien Property Custodian, is a self-insurer, and need not take out insurance. Therefore, if some property is destroyed, the claimant or claimants against this property may be deprived of their rightful dues. Since the property, say, was totally burned, the claims cannot attach to anything. Since the claimants cannot sue the vested owner, the United States, he is without remedy.

In addition thereto, there is set up a statute of limitations, 2 years for the purpose of filing claims and 2 years for the purpose of filing suits. Under the old Alien Property Custodian Act after the last war there was no statute of limitations. The result was that that office continued for over 20 years.

The present Alien Property Custodian is anxious to wind up his affairs in short order and asks, therefore, for this 2-year period.

Furthermore, this bill would authorize the Alien Property Custodian to set up rules and regulations governing the procedure of filing claims and the hearing of claims in his office. There is an amendment which would give a section number to Public Law 382 which we passed permitting the shipment of relief supplies to enemy countries. We passed that bill which amended the Trading With the Enemy Act without any number. This bill would provide a number for that section.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield.

Mr. SPRINGER. Under the Alien Property Custodian Act following World War I how long a period of time did the Alien Property Custodian operate in winding up his business matters?

Mr. CELLER. I think he turned over eventually this authority to the Department of Justice 4 years ago. He continued his activities from the time of the ending of the war until the Department of Justice took on—after a period exceeding 20 years.

Mr. SPRINGER. In other words, the Alien Property Custodian operated for more than 20 years following World War I.

Mr. CELLER. Correct.

Mr. SPRINGER. Under this particular act the Alien Property Custodian will have a 2-year period in which to close up all matters.

Mr. CELLER. At least 2 years' time within which claims must be filed, but suitably thereafter he would wind up his affairs.

I may say, Mr. Speaker, that this bill was reported out of the Judiciary Committee unanimously. It has the support of the State Department, the Department of Justice, the Treasury Department, and the Alien Property Custodian's office.

Mr. Speaker, I send to the Clerk's desk amendments which will make this bill conform to the bill as reported by——

The SPEAKER. That is not the way to pass a bill under suspension. There is no amendment period; under a motion to suspend the rules the bill is reported as amended by the Committee.

Mr. MICHENER. Mr. Speaker, I think this is the situation. This bill, H. R. 6890, was favorably reported by the Judiciary Committee. A similar bill was presented to the Senate and reported with section 33 beginning on line 11, page 1, stricken out.

This is a very important bill. It has to do largely with the Alien Property Custodian. Extensive, and I mean extensive, hearings have been held before the subcommittee of the Judiciary Committee and the full Committee considered it. All the departments interested are in agreement, the Attorney General, the War Department, Navy Department, everybody; but the Senate committee struck out section 33. If we get anything at this session, therefore, it will not be this bill with section 33 included.

I talked this morning with the Alien Property Custodian and with Mr. Cutler, the very capable counsel for the Alien Custodian, who is very much interested in this.

I understood that the gentleman from New York would move to pass the bill, H. R. 6890, with an amendment to strike out section 33. Am I correct?

Mr. CELLER. The gentleman is correct.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the RECORD be modified so that the request of the gentleman from New York will read accordingly.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. My understanding of the matter is that there was some controversy over the first section, which is section 33, and that the amendment of the gentleman from New York would strike that section out, which is the controversial section.

Mr. CELLER. It is not controversial so far as the Judiciary Committee is concerned.

Mr. McCORMACK. Yes, but there was some controversy.

Mr. CELLER. There was some question.

Mr. MICHENER. We must take the bill without section 33. Every department, including the Justice Department, is asking for this legislation. They want this passed without 33 if that is necessary.

Mr. McCORMACK. That is my understanding.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the request of the gentleman from New York [Mr. CELLER] be modified so that it will be: "I move to suspend the rules and pass H. R. 6890 with amendments."

Mr. CELLER. It is not an amendment but several amendments, because if you strike out 33 you would have to renumber the other sections.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. PHILBIN. Mr. Speaker, reserving the right to object, if section 33 is eliminated from this bill, then the law as then written would give to foreign friendly nationals the right to be sued and to sue in our courts and have their rights adjudicated?

Mr. CELLER. I may say to the gentleman that the elimination of section 33 gives the right to a foreign national to sue for the return of his property, either in law or in equity. That does not apply to an enemy alien, only to a friendly foreign national. That right remains unchanged if we eliminate section 33.

Mr. PHILBIN. Under this bill foreign friendly nationals would no longer be prohibited from being sued or bringing suit in law or equity.

Mr. CELLER. No. But the court has held that the suit cannot result in a judgment against the United States.

Mr. VOORHIS of California. Mr. Speaker, reserving the right to object, I merely want to observe that I am very sorry myself that this section has been stricken from the bill. It is a section of great importance if an effective job is to be done with regard to German external assets. That is all I have to say. I realize you have to do what you are doing, but I regret it very sincerely.

Mr. CELLER. In the interest of getting something done, we had to eliminate it.

Mr. MICHENER. I think the entire committee regrets it. It is a half loaf or no loaf at all, and the Alien Property Custodian needs as much of this bill as he can get now.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

House Resolution 705 was laid on the table.

A motion to reconsider was laid on the table.

NEW CONFEREES APPOINTED ON TERMINAL LEAVE PAY BILL

Mr. THOMASON. Mr. Speaker, one of the conferees the Chair appointed on the terminal-leave pay bill, H. R. 4051, the gentlemen from Kentucky [Mr. MAY], is ill. Another conferee on the same bill, the gentleman from Louisiana [Mr. BROOKS] is out of the city. I ask unanimous consent that they may be excused from serving and that the Chair appoint other conferees in their stead.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair appoints as conferees the gentleman from North Carolina [Mr. DURHAM] and the gentleman from Florida [Mr. SIKES].

HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet tomorrow at 11 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SUSPENSION OF THE RULES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to recognize Members tomorrow to suspend the rules.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FARMERS' HOME CORPORATION ACT OF 1946

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent that the conferees on the bill (H. R. 5991) may have until midnight tomorrow night to file a conference report.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

TEMPORARY EDUCATIONAL FACILITIES FOR VETERANS

Mr. MANASCO. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2085) to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended, to authorize the Federal Works Administrator to provide needed educational facilities, other than housing, to educational institutions furnishing courses of training or education to persons under title II of the Servicemen's Readjustment Act of 1944, as amended, with amendments.

The Clerk read as follows:

Be it enacted, etc., That (a) subsection (a) of section 502 of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended, is amended by striking out "this title V," and inserting in lieu thereof "sections 501, 502, and 503 of this title."

(b) Subsection (b) of section 502 of such act, as amended, is amended by inserting after the word "institutions" the words "or for members of faculties (including the families of such members) of educational institutions furnishing education and training to veterans under title II of the Servicemen's Readjustment Act of 1944, as amended."

(c) Subsection (c) of such section is amended by inserting after the word "institutions" the words "or for members of faculties (including the families of such members) of educational institutions furnishing education and training to veterans under title II of the Servicemen's Readjustment Act of 1944, as amended."

(d) Subsection (e) of section 502 of such act, as amended, is amended by striking out "title V,", and inserting in lieu thereof "section."

SEC. 2. Title V of such act, as amended, is amended by adding at the end thereof the following new section:

"SEC. 504. (a) At any educational institution including any educational facility operated by the Indian Service where the Commissioner of Education shall find that there exists or impends an acute shortage of educational facilities, other than housing, required for persons engaged in the pursuit of courses of training or education under title II of the Servicemen's Readjustment Act of 1944, as amended, the Federal Works Administrator is authorized, upon request of such educational institution, to provide such educational facilities (1) by the use or reuse (including disassembling, transporting, and reerecting) of structures or facilities (including improvements, equipments, materials, or furnishings but not including site acquisition and preparation or the installation of streets and utility mains) under the jurisdiction or control of any Federal agency which are no longer required by such agency and which, in the determination of said Administrator can be utilized to provide the needed educational facilities and which, in the determination of the War Assets Administrator are available for such use or reuse and (2) by connecting utilities from buildings to mains. Upon request of the Federal Works Administrator any Federal agency having jurisdiction or control of any such structure or facilities may, with the approval of the War Assets Administrator, notwithstanding any other provisions of law, transfer such structures or facilities to the Federal Works Administrator, without reimbursement, for such use or reuse. Without regard to the provisions of any other law, said Administrator is authorized to transfer to any educational institution any educational facilities provided for such educational institution under this subsection.

"(b) In carrying out the provisions of this section, said Administrator is authorized to exercise all the powers contained in sections 202 (a) and (b) and title III of this act, subject to all the limitations contained in sections 203 (a) and (b) and title III of this act: *Provided*, That nothing herein shall exclude the Indian Service from participation in the educational benefits provided by this act.

"(c) To carry out the provisions of this section, and for administrative expenses in connection therewith, any funds made available under title II of this act are hereby made available, and for such purposes there is also authorized to be appropriated the sum of $100,000,000.

"(d) Nothing in this section 504 shall affect the transfer to the National Housing Administrator of any structures or facilities requisitioned by him pursuant to section 502 (b) of this act, for housing for veterans and distressed families of servicemen prior to any request therefor made by the Federal Works Administrator pursuant to the authority contained in said section 504.

"(e) Except with respect to contracts previously entered into and court proceedings then pending, this section shall cease to be effective on the last date on which courses of education or training may be provided under title II of the Servicemen's Readjustment Act of 1944, as amended.

"(f) As used in this act the term 'educational institution' shall mean (a) any public educational institution or (b) any private educational institution, no part of the net earnings of which shall inure to the benefit of any private shareholder or individual.

"(g) Nothing in this section shall authorize the transfer of any property to the Federal Works Administrator until the preference to veterans provided by section 16 of the Surplus Property Act of 1944, as amended, has been fully satisfied in accordance with its

terms; and for the purposes of such section 16 transfers to such Administrator under this section shall not be considered as transfers to a Government agency."

The SPEAKER. Is a second demanded?

Mr. MARTIN of Massachusetts. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. MANASCO. Mr. Speaker, the purpose of this bill is to provide classrooms, dormitories, and other facilities for veterans in colleges and universities and other nonprofit educational institutions in the training program under the GI bill of rights.

Our committee held hearings on this bill and we found that thousands upon thousands of veterans are being turned away from schools because they do not have classroom and other facilities to give them an opportunity to instruct these boys. This bill received the unanimous report of our committee and it has the support of the Veterans' Administration, the Office of Education, and the representatives of all of the colleges and universities of the United States.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MANASCO. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Is this a unanimous report?

Mr. MANASCO. Yes.

Mr. McGREGOR. Mr. Speaker, will the gentleman yield?

Mr. MANASCO. I yield to the gentleman from Ohio.

Mr. McGREGOR. I just want to concur in the statement made by my distinguished colleague and add that in the various hearings that were held there was not a single person or group of persons or individuals that appeared against this particular legislation. I concur in this statement that it was passed by the unanimous vote of our committee.

Mr. MARTIN of Massachusetts. Mr. Speaker, if the gentleman will yield further, is this in conflict with any other housing legislation?

Mr. MANASCO. No.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. MANASCO. I yield to the gentleman from Georgia.

Mr. PACE. Does the gentleman know how soon this money will become available?

Mr. MANASCO. The funds are available now. There was $75,000,000 appropriated in the last deficiency bill, and it has already been signed by the President.

Mr. SMITH of Wisconsin. Mr. Speaker will the gentleman yield?

Mr. MANASCO. I yield to the gentleman from Wisconsin.

Mr. SMITH of Wisconsin. Does this legislation in any way overlap any of the other numerous building programs that we have appropriated money for?

Mr. MANASCO. No; it does not.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. MANASCO. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. Does this embrace the amendment that was adopted by the committee?

Mr. MANASCO. Yes. It protects the veterans under the Surplus Property Act.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill S. 2085, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VOCATIONAL EDUCATIONAL ACT OF 1946

Mr. BARDEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 619) to amend the act of June 8, 1936, relating to vocational education, so as to provide for the further development of vocational education in the several States and Territories, as amended.

The Clerk read as follows:

Be it enacted, etc., That the act approved June 8, 1936, entitled "An act to provide for the further development of vocational education in the several States and Territories" (49 Stat. 1488, ch. 541), is amended to read as follows:

"SHORT TITLE

"SECTION 1. This act may be cited as the 'Vocational Education Act of 1946.'

"DEFINITIONS

"SEC. 2. As used in this act—

"(1) the term 'States and Territories' means the several States, the Territories of Alaska and Hawaii, the island of Puerto Rico, and the District of Columbia;

"(2) the terms 'State plan' and 'State board' shall have the meaning which said terms have in the Smith-Hughes Vocational Education Act; and

"(3) the term 'Smith-Hughes Vocational Education Act' means the act approved February 23, 1917 (39 Stat. 929, ch. 114).

"AUTHORIZATION FOR APPROPRIATION FOR VOCATIONAL EDUCATION

"SEC. 3. (a) For the purpose of assisting the several States and Territories in the further development of vocational education, there is authorized to be appropriated for the fiscal year beginning July 1, 1946, and annually thereafter—

"(1) $10,000,000 for vocational education in agriculture, including supervision by the vocational agriculture teachers of the activities, related to vocational education in agriculture, of the Future Farmers of America and the New Farmers of America, to be apportioned for expenditure in the several States and Territories in the proportion that their farm population bears to the total farm population of the States and Territories, according to the last preceding United States census;

"(2) $8,000,000 for vocational education in home economics, to be apportioned for expenditure in the several States and Territories in the proportion that their rural population bears to the total rural population of the States and Territories, according to the last preceding United States census;

"(3) $8,000,000 for vocational education in trades and industry, to be apportioned for expenditure in the several States and Territories in the proportion that their nonfarm population bears to the total nonfarm population of the States and Territories, according to the last preceding United States census; and

"(4) $2,500,000 for vocational education in distributive occupations, to be apportioned for expenditure in the several States and Territories in the proportion that their total population bears to the total population of the States and Territories, according to the last preceding United States census;

"(b) The funds appropriated under authority of paragraphs (1) to (4), inclusive, of subsection (a) of this section may be used for assisting the several States and Territories, for the purposes therein specified, in the maintenance of adequate programs of administration, supervision, and teacher-training; for salaries and necessary travel expenses of teachers, teacher-trainers, vocational counselors, supervisors and directors of vocational education and vocational guidance; for securing necessary educational information and data as a basis for the proper development of programs of vocational education and vocational guidance; for training and work-experience training programs for out-of-school youth; for training programs for apprentices; for purchase or rent of equipment and supplies for vocational instruction: *Provided*, That all expenditures for the purposes as set forth in this section shall be made in accordance with the State plan for vocational education.

"(c) Notwithstanding the provisions of subsection (a), the amount to be available for expenditure in any State or Territory shall be not less, for any fiscal year, than $40,000 each for vocational education in agriculture, in home economics, and in trades and industry; $15,000 for vocational education in distributive occupations and there is hereby authorized to be appropriated for the fiscal year beginning July 1, 1946, and annually thereafter, such additional sums as may be needed for the purpose of providing such minimum amounts.

"REQUIREMENTS AS TO MATCHING OF FUNDS

"SEC. 4. The several States and Territories, in order to receive the benefits of this act, shall be required to match by State and local funds or both 100 percent of the appropriations made under authority of section 3.

"MAKING OF PAYMENTS

"SEC. 5. The Secretary of the Treasury, through the Fiscal Service of the Treasury Department, shall, upon the certification of the United States Commissioner of Education, pay, in equal semiannual payments, on the 1st day of July and January of each year, to the custodian for vocational education of each State and Territory designated in the Smith-Hughes Vocational Educational Act, the moneys to which the State or Territory is entitled under the provisions of this act.

"AVAILABILITY OF FUNDS FOR SALARY AND EXPENSES OF STATE DIRECTORS

"SEC. 6. Funds appropriated under authority of section 3 shall be available, on a prorated basis determined by the State board, for the salary and necessary travel expenses of a State director of vocational education selected by the State board, in accordance with the requirements of the State plan, on the basis of his technical and professional qualifications, including experience in vocational education.

"APPLICABILITY OF SMITH-HUGHES VOCATIONAL EDUCATION ACT

"SEC. 7. The appropriations made under authority of this act shall be in addition to, and shall be subject to the same conditions and limitations as, the appropriations made to carry out the Smith-Hughes Vocational Education Act; except that (1) the appropriations made under authority of this act for home economics shall be subject to the conditions and limitations applicable to the appropriation for agricultural purposes under the Smith-Hughes Vocational Education Act, with the exception of that part of section 10 thereof which requires directed or supervised practice for at least 6 months per year;

(2) such moneys as are provided under authority of this act for trade and industrial subjects, and public and other service occupations, may be expended for part-time classes operated for less than 144 hours per year; (3) the provisions of section 11 of the Smith-Hughes Vocational Education Act, requiring at least one-third of the sum appropriated to any State to be expended for part-time schools or classes shall be held to include any part-time day-school classes for workers 16 years of age and over, and evening-school classes for workers 16 years of age and over; (4) the appropriations made by this act for distributive occupational subjects shall be limited to part-time and evening schools as provided in the Smith-Hughes Vocational Education Act, for trade, home economics, and industrial subjects and as qualified by the provisions of this section; (5) preemployment schools and classes organized for persons over 16 years of age or who have left the full-time school may be operated for less than 9 months per year and less than 30 hours per week and without the requirement that a minimum of 50 percent of the time must be given to shop work on a useful or productive basis; and (6) the appropriations available under section 9 of this act shall be available for expenses of attendance at meetings of educational associations and other organizations and for expenses of conferees called to meet in the District of Columbia or elsewhere, which, in the opinion of the Commissioner, are necessary for the efficient discharge of the provisions of this act.

"RESTRICTIONS AND CONDITIONS

"SEC. 8. (a) No part of the appropriations made under authority of this act shall be expended in industrial-plant training programs, except such industrial-plant training be bona fide vocational training, and not a device to utilize the services of vocational trainees for private profit.

"(b) After June 30, 1951; not more than 10 percent of the amount appropriated for each of the purposes specified in section 3 (a) shall be used for the purchase or acquisition of equipment.

"APPROPRIATIONS FOR OFFICE OF EDUCATION

"SEC. 9. For the purpose of carrying out the provisions of this act there is hereby authorized to be appropriated to the Office of Education, Federal Security Agency, for vocational education, for the fiscal year beginning July 1, 1937, and annually thereafter the sum of $350,000, to be expended for the same purposes and in the same manner as provided in section 7 of the Smith-Hughes Vocational Education Act, as amended October 6, 1917."

The SPEAKER. Is a second demanded?

Mr. DONDERO. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BARDEN. Mr. Speaker, this is a piece of legislation that I am quite sure the entire House is familiar with. It expands the program carried on under the Smith-Hughes and George-Deen Acts. Those acts have been in operation for a number of years. We do not materially change the basic law of either one of these acts. It is principally an increase in the authorization. The present authorization stands at approximately $22,000,000, and this increases it to approximately $36,000,000.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. BARDEN. I yield to the gentleman from Iowa.

Mr. JENSEN. In what respect does it expand the Smith-Hughes Act?

Mr. BARDEN. It authorizes more funds.

Mr. JENSEN. There is no change in the method? There is no more control than we have had? We just spend more money?

Mr. BARDEN. Absolutely no more control. As I said a minute ago, the basic law with regard to the present State set-up is not changed.

Mr. JENSEN. Why is it necessary to spend more money, to have more money appropriated?

Mr. BARDEN. That is a very appropriate question. It is for the simple reason that the program has been such a tremendous success throughout the Nation over many, many years.

Mr. JENSEN. I will agree with the gentleman on that score.

Mr. BARDEN. The number of those enrolling in the schools has been on an upward trend. At this time the veterans are almost taking over. I have telegrams from virtually every State in the Union saying that this number is tremendously increased, and I have statistics that I have just gathered showing the number of thousands that are now taking this training. At the present time 165,982 veterans are taking the training, and there is a long waiting list.

Let me give a brief history of this legislation. Back in February a bill was introduced in the Senate by Senator GEORGE, S. 619, and one was drawn and introduced by me in the House, H. R. 4384, on the same subject matter. The House Committee on Education conducted rather extensive hearings on this subject and so did the Senate. The Senate after its hearings adopted the House bill, H. R. 4384, almost verbatim. It cut out a few paragraphs, but it otherwise adopted the House bill and passed it unanimously and sent it to the House. Of course, the bill was then referred to the Committee on Education. We, having held hearings on exactly the same subject matter, did not see any necessity for continued hearings, and this bill was reported out from the Committee on Education unanimously. I do not think there is one particle of controversy over it, because we do not affect the set-up as it relates to the States.

Mr. JENSEN. This bill does not come in the category of some of the rest of the bills that they are now trying to shove through the House?

Mr. BARDEN. I will say to the gentleman that this gentleman is not in the habit of indulging in that practice with the House.

Mr. JENSEN. I know the gentleman is not. I have a great respect for the gentleman. For that reason I shall not object to this bill.

Mr. BARDEN. I might say to the gentleman that in 1937 the matching started with the Federal Government furnishing $2 and the State $1, and it went up 5 percent a year. It has now reached the 100-percent basis. The principal difference between the Senate bill and the House bill is that the Senate went back to the 50-percent matching basis, that is, the Federal Government providing $2 and the State $1, and we of the Committee on Education in the House set it back on a 100-percent matching basis, where the State puts up a dollar for every dollar the Federal Government puts up.

Briefly, S. 619 as amended provides additional Federal grants-in-aid for the purpose of taking care of the expanding need and of stimulating the extension of the present program in vocational education in the following fields of training, particularly in communities not now being served:

(a) Agriculture.
(b) Home economics.
(c) Trades and industry.
(d) Distributive occupations.

The public vocational schools, in peacetime and in wartime, have demonstrated their ability to train people for gainful and useful employment. The availability of additional funds provided by S. 619 will make it possible for the public vocational schools to make a necessary contribution to the Nation's postwar reconversion program.

New occupational fields in industry requiring new skills, new tools requiring the development of other new skills, new materials, and new processes will require additional vocational and technical knowledge and skills. Many of the new developments of wartime production will be applied to peacetime pursuits if there are persons sufficiently trained to make the applications to the economy of the world of peace. The vocational training program is one for both the in-school and out-of-school older youth group and adults—it is a program of training and retraining and reeducation.

At the urgent request of the Future Farmers of America and the New Farmers of America, this bill provides for the supervision of their local chapters by the teacher of vocational agriculture located in that particular school. This requirement is already in the charters of these organizations and this has been the accepted practice and responsibility of the local vocational teacher since the organization of the Future Farmers of America and the New Farmers of America. These organizations are for students enrolled in vocational agriculture classes. Briefly discussing the Future Farmers of America, this organization has a motto worth noting, "Learning to do, doing to learn, earning to live, and living to serve." This organization has 6,502 local chapters and a membership of 204,175 active members. The teacher of vocational agriculture serves as local adviser to these boys. Two of the officers of this national organization appeared before the committee and presented some very wholesome, typically American philosophy regarding thrift and work. There has been a lot of talking about the American way of life. This bill provides a way to encourage it. This is building and doing in the American way by Americans.

Mr. JENSEN. The main reason for asking for the additional appropriation is because of the fact that so many veterans want to take this educational and vocational training.

Mr. BARDEN. That is one thing. Another is the natural popular demand for it. Another is that in virtually every State in the Union they are woefully

short of vocational schools. They are doing the finest job, I know, and it is an inexpensive operation when compared with the accomplishments. This will provide for more of these schools which are operated in connection with the established high schools and provide some facilities where they are not now accessible.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. JUDD. Is it not true that this is not in any sense setting up a new program, but merely makes available the same program we have had hitherto, to a good many districts where they either have not taken advantage of it or did not previously have the resources to take advantage of it?

Mr. BARDEN. Absolutely.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. VOORHIS of California. I want to thank the gentleman and his committee for bringing up this bill. It has very strong and widespread support in my State. I believe, as the people of my State believe, that it is very greatly needed at the present time in order to take care of vocational and educational demands.

Mr. BARDEN. I thank the gentleman. I want to encourage this program by giving more funds and more equipment—every dollar invested in this program is a sound investment backed by the youth of America.

Mr. DONDERO. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this bill comes to the House, as the chairman of the Committee on Education has indicated, by a unanimous vote of the committee. The Smith-Hughes Act has been in effect since 1917 and the George-Deen Act since 1936. The amount of money appropriated under both of those acts is approximately $21,000,000 annually. If this bill is passed, it will add about $15,000,000 for the same program now being carried on in this country under the two acts which I have mentioned. It provides a 50–50 matching with the States. While there were some of us who thought that the expansion might be a little more than it should be at the present time, nevertheless I recognized, and I think every member of the committee did, that the demand on the part of the veterans for the program set forth in this proposed legislation is so great that it justifies us in expanding the program 75 percent of the present program in accordance with the terms of the bill. I think it is a good bill, and I hope it will pass the House unanimously.

Mr. Speaker, I yield one-half minute to the gentleman from New York [Mr. BUCK].

Mr. BUCK. Mr. Speaker, I hope the Members will prepare themselves for a shock: I am in favor of this expenditure.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MINERAL LEASING ACT

Mr. FERNANDEZ. Mr. Speaker, I call up the conference report on the bill S. 1236, an act to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1236) to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 7, 8, 20, and 21.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, 10, 11, 12, 14, 15, 16, 17, and 18, and agree to the same.

Amendment numbered 6: That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: Restore the language stricken out and omit the language inserted; and on page 7 of the Senate engrossed bill strike out the matter in lines 16 through 19 and insert in lieu thereof the following: "Act, and (2) any production on a lease from an oil or gas deposit which was discovered after May 27, 1941, by a well or wells drilled within the boundaries of the lease, and which is determined by the Secretary to be a new deposit; and (3) any production on or allocated to a lease pursuant to an approved unit or cooperative agreement from an oil or gas deposit which was discovered after May 27, 1941, on land committed to such agreement, and which is determined by the Secretary to be a new deposit, where such lease, or a lease for which it is exchanged, was included in such agreement at the time of discovery, or was included in a duly executed and filed application for the approval of such agreement at the time of discovery."

And the House agree to the same.

Amendment numbered 9: That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows: At the end of the matter inserted by the House amendment insert a colon and the following: "*Provided*, That the total acreage so held in common by two or more persons shall not exceed, in the aggregate, an amount equivalent to the maximum number of acres of the respective kind of minerals allowed to any one lessee or permittee under this Act."

And the House agree to the same.

Amendment numbered 13: That the Senate recede from its disagreement to the amendment of the House numbered 13, and agree to the same with an amendment as follows: At the end of the matter inserted by the House amendment insert a period and add the following: "Upon approval of any assignment or sublease, the assignee or sublessee shall be bound by the terms of the lease to the same extent as if such assignee or sublessee were the original lessee, any conditions in the assignment or sublease to the contrary notwithstanding." And the House agree to the same.

Amendment numbered 19: That the Senate recede from its disagreement to the amendment of the House numbered 19, and agree to the same with an amendment as follows: Restore the language stricken out and omit the language inserted. On page 20 of the Senate engrossed bill strike out the matter in line 24, and on page 21, strike out the matter on lines 1 to 4, inclusive, and insert in lieu thereof the following: "limits exist on the effective date of this Act, and (2) any production on a lease from an oil or gas deposit which was discovered after May 27, 1941, by a well or wells drilled within the boundaries of the lease, and which is determined by the Secretary to be a new deposit; and (3) any production on or allocated to a lease pursuant to an approved unit or cooperative agreement from an oil or gas deposit which was discovered after May 27, 1941, on land committed to such agreement, and which is determined by the Secretary to be a new deposit, where such lease, or a lease for which it is exchanged, was included in such agreement at the time of discovery, or was included in a duly executed and filed application for the approval of such agreement at the time of discovery." And the House agree to the same.

J. HARDIN PETERSON,
ANTONIO M. FERNANDEZ,
COMPTON I. WHITE,
K. M. LECOMPTE,
FRANK A. BARRETT,
Managers on the Part of the House.

JOSEPH C. O'MAHONEY,
ROBERT F. WAGNER,
JAMES E. MURRAY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1236) to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This amendment strikes out a provision of the Senate bill which was intended to authorize the leasing for oil and gas on certain lands adjacent to the Navajo Indian Reservation in New Mexico. It is the understanding of the conferees that these lands are already subject to leasing by the Secretary of the Interior and that the provision of the Senate bill is, accordingly, unnecessary. The Senate recedes.

Amendment No. 2: This amendment corrects a typographical error. The Senate recedes.

Amendments Nos. 3, 4, and 5: These amendments are intended to further effectuate the purposes of the legislation, namely, to provide an incentive for exploration on the peripheral areas believed to contain oil and gas. Encouragement is needed to stimulate prospecting and the drilling of exploratory wells. The Senate recedes.

Amendments Nos. 6, 7, and 8: The conference agreement substitutes for these amendments language which clarifies the objectives sought to be obtained by the amendment and will tend to facilitate administration of these provisions.

Amendment No. 9: The conference agreement accepted this amendment with an addition which is intended to assure that the acreage limitations for holdings under the Mineral Leasing Act will not be exceeded by individuals.

Amendments Nos. 10, 11, and 12: These amendments clarify the assignment provisions of the bill. The Senate recedes.

Amendment No. 13: The conference agreement accepts the House amendment with an amendment which is intended to assure that the assignee will carry out and fulfill those obligations important to the development of oil and gas resources which are the responsibility of the assignor.

Amendment No. 14: This is a technical clarifying amendment. The Senate recedes.

Amendment No. 15: This amendment corrects a clerical error in the Senate bill. The Senate recedes.

Amendments Nos. 16, 17, and 18: These amendments are counterparts of amendments Nos. 3, 4, and 5, and are disposed of by the conference agreement in the same manner.

Amendments Nos. 19, 20, and 21: These amendments are counterparts of amendments Nos. 6, 7, and 8, and are disposed of by the conference agreement in the same manner.

J. HARDIN PETERSON,
COMPTON I. WHITE,
ANTONIO M. FERNANDEZ,
K. M. LECOMPTE,
FRANK A. BARRETT,
Managers on the Part of the House.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman explain the conference report?

Mr. FERNANDEZ. Mr. Speaker, this bill, S. 1236, as now approved by the conferees is the culmination of long and diligent work on the part of the Senate and House Committees on Public Lands during the last 2 or 3 years. It constitutes the first general revision of the oil and gas provisions of the Mineral Leasing Act since the act of August 21, 1935. The changes which have occurred since that date have demonstrated the need for the general revision of the Mineral Leasing Act. In the words of Senator O'MAHONEY, in reporting the bill out:

> The bill is designed to stimulate the discovery of new petroleum reserves; to promote the development of oil and gas on the some 300,000 square miles of potential oil lands of the public domain; to grant incentives which will bear as their rewards American leadership in industry and world affairs.

When the Senate bill came to the House, our committee requested the Department of the Interior for additional comment on the bill as enacted by the Senate. A number of suggestions were made to our committee by the Department of the Interior designed to improve the language of the bill and to safeguard the public interest against possible misinterpretation of some of the language contained in the Senate bill.

Our committee adopted a number of amendments in the light of the recommendations of the Department of the Interior, which were incorporated in the bill as it passed the House.

We were happy to find the Senate conferees well disposed to accept the House amendments, and they will report to the Senate, as we did to the House, that the Senate recede and concur with nearly all of our amendments as described in the report made to the House on passage of the bill. Only three amendments were changed.

The conferees on the part of the House, finding that there was still some apprehension on the part of the Department of the Interior with respect to three of these amendments, met with representatives of the Department of the Interior, and worked out additional language to the first two of these amendments.

It was provided in the bill that two or more persons may hold leases as tenants in common to facilitate exploration and development. To safeguard against monopoly in the industry, the law has always limited the acreage which may be held by any one person, and we amended the bill so as to require that each person holding lands in common should be charged with his pro rata share of the acreage so held. At the suggestion of the Department, the conferees on the part of the House worked out an amendment further providing that the aggregate holdings under such arrangement should not exceed the total permitted to any one person, and this amendment was submitted to the Senate conferees, and was accepted by them. It is now incorporated in the amendment as adopted here today.

The second of these amendments did not meet with the full approval of the Department. The amendment was intended to facilitate the assignment of leases in order to relieve the bottleneck in the Department of the Interior, which has created a backlog of unapproved leases and which necessarily tends to impede and delay discovery of new petroleum reserves. The Department was fearful that assignments could be so conditioned as to relieve assignees from some of the obligations of the original lessee, and to fully safeguard the Government and to meet the criticism of the Department, the conferees on the part of the House drafted an amendment providing that upon approval of any assignment, the assignee must be bound by the obligations of the lease to the same extent as if he were the original lessee. This latter amendment was approved by the Department and was accepted by the Senate conferees and is now incorporated in the amendments.

The third and perhaps the most important amendment made by the House was with respect to clause (2) in sections 4 and 12 of the bill. The Department, as well as some commentators familiar with the oil industry, feared that this clause could be so interpreted as to reduce certain royalties on producing fields to the detriment of the Reclamation fund and the States.

The House committee, having worked closely with the Senate committee in the investigation of the problem, realized that no such purpose was intended and we amended the language on passage of the Senate bill in the House. The Department of the Interior submitted additional modifications of the language in clause (2) to further guard against any such interpretation, and this modification, divided in two parts as clauses (2) and (3), was accepted by the House and Senate conferees and is now incorporated in the bill.

In concluding, I desire, on behalf of the House committee, to express our appreciation, for the close and valuable cooperation received from the Department of the Interior, and, also, to the clerks in the House and Senate committees for the excellent manner in which they arranged and rearranged the many suggested amendments to the bill, so as to keep before the committees at all times during the progress of the work a clear picture of the many suggested changes necessary to an intelligent and effective revision of this complicated law.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. BARRETT of Wyoming. Mr. Speaker, I rise merely to clarify certain of the provisions of sections 4 and 12 of the act. In addition to other leases that may be entitled to a 12½-percent royalty, it was intended to grant a 12½-percent royalty as an incentive for exploratory wells drilled outside of the known productive limits of a field or deposit for the purpose of increasing development and production on the flanks of a known producing structure or down structure from the crest of a producing oil or gas field. I might state that drilling operations under such conditions, generally speaking, are as big a risk as a wholly wildcat operation. For the purpose of encouraging new production, it is just as important to encourage such operations as it is to promote the drilling of ordinary wildcat wells.

CITIZENS ENGAGED IN CONSTRUCTION OF THE PANAMA CANAL

Mr. PETERSON of Florida submitted a conference report and statement on the bill (H. R. 3748) to amend an act entitled "An act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal," approved May 29, 1944.

MEDAL OF HONOR TO THE LATE WILLIAM MITCHELL

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the House vacate the proceedings whereby the bill (S. 881) authorizing the President of the United States to award posthumously in the name of Congress a Medal of Honor to William Mitchell, was amended and read the third time and passed on yesterday.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, is that the General Mitchell award?

Mr. SIKES. Yes. I would like to state to my distinguished friend that the House Military Affairs Committee had intended to report a bill providing that the medal for General Mitchell be given to his son, the namesake of General Mitchell, but through an error the bill was passed yesterday containing another name. We did not notice it until this morning. We are asking that the House vacate its proceedings so that we can correct the bill and place General Mitchell's medal in the hands of his son.

Mr. BIEMILLER. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield.

Mr. BIEMILLER. Do I understand the committee will report the bill in an-

other form immediately, or what is the plan?

Mr. SIKES. I will offer an amendment at this time to correct the situation so that the bill can be passed. All of us, I believe, realize the importance of General Mitchell's great work and we want him to be honored accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 881) authorizing the President of the United States to award posthumously in the name of Congress a Medal of Honor to William Mitchell.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to award posthumously, in the name of Congress, a Medal of Honor to the late William Lendrum Mitchell, formerly a colonel, United States Army, in recognition of his outstanding pioneer service and foresight in the field of American military aviation. The President may present such Medal of Honor to Mrs. Martin Fladoes, of Milwaukee, Wis., sister of the said William Lendrum Mitchell.

Mr. SIKES. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Committee amendment offered by Mr. SIKES: Strike out all after the enacting clause and insert the following: "That the President of the United States is requested to cause a gold medal to be struck, with suitable emblems, devices, and inscriptions, to be presented to the late William Mitchell, formerly a colonel, United States Army, in recognition of his outstanding pioneer service and foresight in the field of American military aviation.

"SEC. 2. When the medal provided for in section 1 of this act shall have been struck the President shall transmit the same to William Mitchell, Jr., son of the said William Mitchell, to be presented to him in the name of the people of the United States.

"SEC. 3. A sufficient sum of money to carry this act into effect is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. TALBOT (at the request of Mr. MARTIN of Massachusetts) was granted permission to extend his own remarks in the RECORD.

Mrs. LUCE (at the request of Mr. MARTIN of Massachusetts) was granted permission to extend her remarks in the RECORD and include several excerpts and letters.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter from the chairman of the Middletown Town Meeting Committee notwithstanding the fact that the estimate of the printer is that it will cost $345.

The SPEAKER. Notwithstanding and without objection, the extension may be made.

There was no objection.

Mr. BARRETT of Pennsylvania was given permission to extend his remarks in the RECORD on the deplorable registration situation in Pennsylvania and insert a letter which was sent to him.

Mr. PRICE of Illinois asked and was given permission to extend his remarks in the RECORD and include an editorial from the Washington Post of today.

Mr. HAYS asked and was given permission to extend his remarks in two instances in the RECORD and include a short editorial.

Mr. LINK asked and was given permission to extend his own remarks in the RECORD.

Mr. LANE asked and was given permission to extend his remarks in the RECORD in two instances, in one to include some articles written by Ruth Kreuger, of the New York Post, foreign correspondent on Palestine, and in the other to include a resolution.

Mr. AUGUST H. ANDRESEN asked and was given permission to extend his remarks in the RECORD on the subject of social medicine, including therein a statement of an eminent doctor of Minnesota.

Mr. STEVENSON asked and was given permission to extend his remarks in the Appendix of the RECORD and include a statement prepared by him entitled "The Stevenson Antidisease Bill Provides Research for the Cure of Incurable Diseases."

PROGRAM FOR SATURDAY, JULY 27, 1946

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Will the gentleman from Massachusetts [Mr. MCCORMACK] tell us what bills have been scheduled for consideration tomorrow?

Mr. McCORMACK. There is one bill that was not reached today.

As the Speaker has stated, of course, the question of recognition for suspension rests with the Speaker, and we always respect that, but there are certain bills which I would recommend to the Speaker that he recognize to be called up under suspension of the rules tomorrow. In addition to whatever others the Speaker has in mind, one I would recommend is a bill out of the World War Veterans' Committee providing automobiles for amputees. I have just conferred with the gentlewoman from Massachusetts [Mrs. ROGERS], and it is agreeable to her that it be brought up under suspension.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. MILLER of Nebraska. Mr. Speaker, I thought that bill was before the Rules Committee for consideration.

Mr. McCORMACK. There is a bill coming out of the Committee on World War Veterans' Affairs relating to Filipinos who served during the war.

Then there is a bill that comes out of the Committee on the Judiciary in relation to establishing a commission with reference to the claims of certain companies.

There is the bill S. 2127, establishing a commission to pass upon Japanese claims, create an Evacuation Claims Commission under the general supervision of the Secretary of the Interior, and to provide for the powers, duties, and functions thereof.

That is the tentative program.

Mr. MARTIN of Massachusetts. Is it expected to take up the RFC and the Philippine loan bills also?

The SPEAKER. Yes; tomorrow in some form.

Mr. MARTIN of Massachusetts. Does the gentleman know anything about the program for next week yet?

Mr. McCORMACK. Not now.

Mr. MARTIN of Massachusetts. The gentleman is not ready to announce any additional program now?

Mr. McCORMACK. No.

The SPEAKER. The Chair desires to dispose of the RFC bill and the Philippine loan bill tomorrow and trusts that the members of the Committee on Banking and Currency can get together and agree on a bill that can be called up by unanimous consent. Otherwise, the Chair will recognize someone to call them up under a suspension of the rules.

Mr. MARTIN of Massachusetts. We can take it pretty much for granted that no other matters will be called up under suspension so far as the gentleman from Massachusetts knows?

Mr. McCORMACK. That is all I know about. On yesterday, I believe, the Speaker mentioned something about consideration of a Senate amendment to the tidelands bill, sending the bill to conference. I do not know what action will be taken on that.

There is also the matter of whether or not the Public Buildings bill will come up under a rule, but that has not been determined as yet.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Can the gentleman tell us when he thinks we will be through with legislative matters?

Mr. McCORMACK. I think about the latter part of next week. The difficulty, of course, in connection with that is the exigencies that confront the other body.

Mr. MARTIN of Massachusetts. What are those exigencies?

Mr. McCORMACK. There is legislation over there that the Senate has to pass upon.

The SPEAKER. Under previous order of the House, the gentleman from Washington [Mr. DE LACY] is recognized for 30 minutes.

AMERICA'S RESPONSIBILITY FOR CIVIL WAR IN CHINA

Mr. DE LACY. Mr. Speaker, on November 26, 1945, six Members of this House introduced identical resolutions calling for the immediate withdrawal of all troops, transports, and supplies from

China and urging that America use every effort to bring together the contending parties there in a representative coalition government, based upon free elections and dedicated to popular land, tax, and governmental reforms.

Although former Ambassador Hurley's angry resignation the next day led to the sending of General Marshall to China and the announcement by President Truman of a policy identical in important respects with that urged in our resolutions and in my speech, to this day, with all the national and international interest there is in heading off civil war in China, it has proved impossible to get hearings on House Resolution 408.

It is in the hope that airing on this floor the extent of America's responsibility for the present civil war in China may be of some small help in arousing the American people to stop our shameful military intervention against the forces of Chinese democracy that I address these words to my colleagues and invite participation of other interested Members.

If you are not too sure of your argument—

The distinguished newspaper columnist, Marquis Childs, once observed—

the easiest way to dispose of your opponent is to yell Communist.

Such yells have tended to obscure the real nature of the conflict in China.

In a hush-hush State Department document, prepared by its Interim Research and Intelligence Service, entitled "Economy of Communist North China," is to be found an objective assessment by hard-headed Americans of the main difference between the Kuomintang and Communist policies.

The Kuomintang—

Says this report—page 13—

also endorses this principle of "land-to-the-toilers" but differs with the Communists as to its interpretation. * * * The Kuomintang, which is dominated by big landholders * * * advocates making more land available to the people as tenants rather than as owners. * * *

The decisive dividing line between the Kuomintang and the Communists may be drawn between a Kuomintang policy of safeguarding the emoluments of land ownership and the Communist policy of demanding enough land to guard the economic security of the peasant.

The Communists—

Says this State Department report—

have clearly identified the Chinese Communist Party as the party of the peasants. Its present program—reduction of rent and interest, progressive taxation, assistance to production, promotion of cooperatives, and institution of popularly elected governments—is designed to meet needs felt by the peasants and to bring about their participation in the solution of their problems (p. 26).

The Kuomintang and the Communists are also at odds on the course each recommends for China's future industrial development. Chiang and his official family dream of a state-controlled heavy industry, run of course, by the present corrupt officialdom, with a light consumers' goods industry part owned by government and part by private Chinese capital, to utilize cheap labor and export into world markets to build up credits.

The Communists, according to this unpublished State Department report, "argue that the Kuomintang policy of controlling completely the course of economic development will limit foreign participation and adversely affect China's industrial growth." They "consequently inveigh against 'bureaucratic capitalism,' which they contend discourages private enterprise and the initiative needed in China's further growth"—pages 29–30.

These conclusions as to the respective economic aims of the Chinese Communists and the Kuomintang are confirmed by Owen Lattimore and Laurence Salisbury, editor of Far Eastern Survey, in conversations with me; by Gunther Stein, former correspondent in China for the Manchester Guardian and the Christian Science Monitor; by Lawrence Rosinger, in China's Crisis, and by Phillip Jaffee's Frontiers in Asia.

The Kuomintang is thus the party of the big Chinese landholder. It resists agrarian reform. Proclaiming a necessary period of party tutelage, the Kuomintang's reactionary leadership rejects elections, appoints all officials, including university professors, and maintains three large secret-service systems which employ concentration camps, kidnapings, torture, and murder as political weapons. It is now trying to conquer Manchuria, which was never previously under Kuomintang rule.

The Chinese Communists, although the only other armed group, are not alone in opposing Chiang's dictatorship. The Democratic League, composed of six minor groups, though not large in membership, has great influence among China's professional and intellectual class. It demands political liberty, a representative coalition government, the adoption of a democratic constitution, cessation of the civil war, and withdrawal of American aid to Chiang and his warmakers.

Two of the leaders of the Democratic League were recently assassinated in Kunming by Kuomintang gangsters. On July 11 Li Kung-po, a liberal writer and educator, was shot while out on a walk with his wife and children, and on July 17, Prof. Wen I-tu, of the Southwest Associated University, was killed in front of the office of Kunming's Democratic Weekly.

It is not only the Communists, therefore, who are fighting and dying in the cause of freedom and progress in China. As Prof. J. Spencer Kennard, Jr., teacher of history and resident in China for 26 years, wrote the New York Tribune:

It is not just Communists who are crying imperialism to America's policies in China, but every Chinese patriot of whatever party affiliation. I except only the cliques whose rule we are now fastening upon a resentful people by force of American arms.

Referring to the anti-civil war demonstration of 100,000 which swept through the streets of Shanghai on June 23 demanding peace and that America get its troops and supplies out of China, Professor Kennard said:

By no stretch of the imagination can "Communist" be pinned to the 69-year-old Professor Ma Hsu-lin, formerly of Chekiang University, and to the 50-year-old Dr. Lei Chieh-chuen, woman professor in Soochow University, who headed the delegation expressing these demands to Generalissimo Chiang Kai-shek and to our American Embassy.

The whole world—

He adds—

was horrified by the brutality with which the hoodlums, incited by the Nanking Gestapo, slugged them and their companions, some into unconsciousness.

On November 28, 2 days after the introduction of House Resolution 408 and 10 days before President Truman issued his statement on China policy, Kunming students from 30 schools appealed to President Truman.

Today we witness—

These students said—

that your Government is practicing various policies that entirely transgress the spirit of Roosevelt's Atlantic Charter, annihilate the welfare of the Chinese people, and hinder the establishment of a new democratic China. * * *

We * * * humbly propose * * * that your Government reconsider the policy toward China * * * evacuate American soldiers in China and stop supplying the Chinese Government with weapons to carry on the civil war.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. DE LACY. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. The gentleman spoke about the Atlantic Charter. That was the "four freedoms" business, as I remember it. Does the gentleman think it is consistent with the principles of that Charter for the CIO-PAC to charge veterans—according to the letter I put in the RECORD from that young man—$5 special assessment for propaganda purposes to reestablish the OPA and $5 for their campaign to organize the South and $2 toward flowers for Hilman?

Mr. DE LACY. I think the distinguished gentleman from Michigan is well aware that those issues are not involved in the speech which I am making.

Mr. HOFFMAN of Michigan. The gentleman was talking about the Atlantic Charter. Does that not apply to all Americans?

Mr. DE LACY. I decline to yield further to the distinguished gentleman.

Mr. HOFFMAN of Michigan. Of course, if the gentleman thinks it is just for foreigners; that is all right, but I thought he wanted liberty for the Americans.

Mr. DE LACY. In the same vein, 19 prominent Chinese professors wrote General Marshall, expressing their people's opposition to civil war, urging the United States to stop transporting Kuomintang troops and stop equipping them for civil war; demanding that the Kuomintang government release all political prisoners, punish those who have massacred innocent people, remove its reactionaries from office, permit consideration of the draft constitution written by the All-Party Political Consultative Council; and urging America not to loan money to the present Chinese

Government until it takes the road to democratic reform.

Mr. HOFFMAN of Michigan. Mr. Speaker, if the gentleman will yield further, I just want to make one other inquiry. Would the gentleman like to have a quorum present so that the other Members could hear his remarks?

Mr. DE LACY. I think the distinguished gentleman will have to follow his own best advice in that respect.

Mr. HOFFMAN of Michigan. I do not want one, but it is just an act of kindness on my part, that is all.

Mr. DE LACY. And only a few days ago the calm and powerful voice of Mme. Sun Yat-sen appealed to America to stop supporting the reactionaries in her brother-in-law's government. She warned that the Kuomintang leadership, flirting with American reactionaries, was gambling on a war in Asia between the United States and the Soviet Union.

So the picture in China emerges: On the one side a powerful, oppressive, landholding, grafting clique, maintaining itself by terror, by force of arms, and by wily anti-Soviet diplomacy; on the other side the educators, the intellectuals, the liberals among the businessmen, merchants, and landlords, the peasants, and the Communists, demanding political liberty, agrarian reform, coalition government looking to the adoption of a basic constitution with government by law.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. LE LACY. I yield to the gentleman from Iowa.

Mr. JENSEN. I have listened to the gentleman with interest, and I have not yet decided what point the gentleman is trying to make. I am wondering what interest the people of the United States have in the gentleman's remarks.

Mr. DE LACY. If the gentleman will have a little patience, I think he will understand, and I will say to the gentleman that all I can do is to furnish the facts as I see them. The gentleman will have to interpret them himself.

Mr. JENSEN. Are we supposed to take sides in that fight over there?

Mr. DE LACY. We have taken sides, and I am pointing out how we are taking sides.

Mr. JENSEN. I have been listening very attentively and I do not know which side the gentleman is supporting.

Mr. DE LACY. There is no doubt, either, as to which side the American Government is supporting. Although President Truman's statement of December 15 pledged "As China moves toward peace and unity, the United States would be prepared to assist the National Government in every reasonable way," in actual fact, we have continued to place vast quantities of arms and supplies at Chiang's disposal, and have transported not five central government armies into Manchuria, as agreed at the January 10 meeting under General Marshall's guidance, but nine armies, at a reported cost to the American taxpayer of well over $300,000,000.

These nine armies, carried into Manchuria by American warships are the new Sixth, the new First, the Seventy-first, Sixtieth, Ninety-third, Ninety-ninth, Fifth, Eleventh, and Fifty-third, according to the July bulletin of the Committee for a Democratic Far Eastern Policy.

Plans are also under way, this bulletin reports, for transporting three more Kuomintang Party armies, the Fifty-fourth, Forty-third, and Sixteenth, into Manchuria or North China.

Chiang's government has also had, since VJ-day, $602,000,000 in lend-lease. This compares with $631,000,000 in lend-lease to China before VJ-day.

The Kuomintang government has gotten tremendous quantities of American military surplus, more than $500,000,000 worth in the India-Burma theater, it is reported, including 700 planes.

We have also trained and equipped 40 divisions since VJ-day, as compared to the 20 divisions trained and equipped to fight the Japs.

And even UNRRA shipments have been distributed to strengthen Chinese reaction. As William Newton wrote from Yangchow June 7, in an article appearing in the Washington Daily News:

> Thirteen barge loads of American wheat destined for the starving people of Communist-controlled towns * * * have been refused passage * * * by the National Government military commander here.

But the most ironic perversion of all is to be found in the conclusion, to which we are reluctantly driven, that the chief result of General Marshall's labors has been to win time for Chiang's clique to pile up supplies and get their armies moved into position, by American ships, for further fighting.

Mr. Speaker, there is only one way to stop the spreading civil war in China. There is only one way to prevent that war from involving other powers and lighting the flames of another world war.

We must stop helping one side. We must get our troops and our supplies and our ships out of China.

Let the Chinese parties find their own natural level of political strength. Then Chiang will be compelled to bargain in good faith with his opposition. Then he will be compelled to make concessions to the nearly universal cry in China for freedom and economic justice. Then there will be hope for a representative people's government, friendly to the United States, friendly to the Soviet Union, raising its peoples' living standards, making them more able to absorb American exports, a great and growing market, a flourishing center for world trade, a bulwark for world peace.

The very least we can do here is to have hearings even at this late date on House Resolution 408, so that all views can be heard and the public can be acquainted with the grave threat which China's civil war and our responsibility for feeding its flames present to world peace.

Mr. RAMEY. Mr. Speaker, will the gentleman yield?

Mr. DE LACY. I yield to the gentleman from Ohio.

Mr. RAMEY. Just last night I talked with Roger Kerr, a soldier just returned from China. He informed me that they purchased meals for 60 cents, steak and everything. He told of the deplorable conditions there. He said right out on the street were children being hauled away, completely starved. They could get no food whatsoever, and the American boys could not remedy it. There was nothing they could do.

Mr. DE LACY. Yes. I think the gentleman also knows that until UNRRA was recently stopped the relief supplies we were contributing were not going to those starving people but into the pockets of the selfish few.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. DE LACY. I yield.

Mr. WHITE. The gentleman speaks about Chiang Kai-shek, the present dictator in China. As a matter of fact, he is closely related to the famous Soong family, the great capitalists over there. There is little to be expected in the way of real democracy in China as long as those capitalists and the Soongs dominate the affairs of China.

Mr. DE LACY. I thank the gentleman for his contribution.

Mr. PATTERSON. Mr. Speaker, will the gentleman yield?

Mr. DE LACY. I yield.

GENERAL MARSHALL'S MISSION AND THE CIVIL WAR IN CHINA

Mr. PATTERSON. Mr. Speaker, the American people placed great hope in General Marshall, when he left for China early last December. I was a little doubtful and desired the appointment of General Stillwell or Latimer.

I would like to review briefly the circumstances under which General Marshall departed on his mission to assist in the democratic unification of China, the instructions given him by our President, and the events which have taken place since he undertook his onerous duties.

Members of the House will recall that when Ambassador Hurley exploded and resigned on November 27, 1945, President Truman immediately telephoned General Marshall at his home in Leesburg, Va., and asked him to go to China as his special envoy "to handle a particular job that needs to be done." On November 29 the President proclaimed in his press conference that General Marshall would receive his specific instructions before he leaves for China and that these instructions would be made public. So on December 15, 1946, when General Marshall was on his way to China, the President issued a public statement on the United States policy toward China, which clearly declared:

> The United States is cognizant that the present National Government of China is a one-party government and believes that peace, unity, and democratic reform in China will be furthered if the basis of this Government is broadened to include other political elements in the country. Hence, the United States strongly advocates that the national conference of representatives of major political elements in the country agree upon arrangements which would give those elements an effective representation in the Chinese National Government. It is recognized that this would require modification of the one-party political tutelage established as an interim arrangement in the progress of

the nation toward democracy by the father of the Chinese Republic, Dr. Sun Yat-sen.

With the institution of a broadly representative government, autonomous armies should be eliminated as such and all armed forces in China integrated effectively into the Chinese National Army.

As China moves toward peace and unity along the lines described above, the United States would be prepared to assist the National Government in every reasonable way to rehabilitate the country, improve the agrarian and industrial economy, and establish a military organization capable of discharging China's national and international responsibilities for the maintenance of peace and order.

In furtherance of such assistance, it would be prepared to give favorable consideration to Chinese requests for credits and loans under reasonable conditions for projects which would contribute toward the development of a healthy economy throughout China and healthy trade relations between China and the United States.

It is clear from this public statement of policy, which was announced to the people of the United States and other peoples of the world, that the United States considers the Kuomintang one-party dictatorship as incompatible with peace and unity in China and that therefore such a government must be reorganized so as to give other political parties and groups an effective voice in the new democratic coalition. The statement also made it clear that the reorganization of the Communist and Kuomintang Party armies would take place upon the institution of a broadly represented democratic coalition government, and that loans and credits for China would only be considered after the establishment of peace and unity in China.

On December 18 the State Department, through Michael J. McDermott, public-relations officer, disclosed that it had directed the War Department to obtain approval from General Marshall, special envoy to China, before giving any further assistance to northward-moving Chinese Central Government forces.

The Big Three Conference of Foreign Ministers in Moscow announced in a night communiqué on December 27 that they agreed on "the need for a unified and democratic China under the National Government, for broad participation by democratic elements in all branches of the National Government, and for a cessation of civil strife." In addition, they "reaffirmed their adherence to the policy of noninterference in the internal affairs of China."

And as part of the over-all arrangement James F. Byrnes and V. M. Molotov reached an understanding for the withdrawal of both American and Russian forces from China "at the earliest practicable moment consistent with the discharge of their obligations and responsibilities."

Armed with the Truman and Moscow statements, together with the unprecedented power vested in him by the State and War Departments, General Marshall succeeded in bringing about a truce between the Kuomintang and Communist factions on January 10, 1946, exactly 19 days since his arrival at Chungking, where he immediately began conferences with all political groups.

On the same day that the truce was proclaimed the Political Consultive Conference of all political parties and groups was called. At the opening session Chiang Kai-shek pledged to carry out instantly four measures to protect the civil rights of the people:

First. To insure freedom of person, of conscience, of publication, and of assembly.

Second. To abrogate secret policy activity, assure that rulings were being made under which only proper judicial and police authorities would be permitted to arrest, try, or punish individuals.

Third. Equality of all legal parties before the law and their right to open activity within the law.

Fourth. Release of all political prisoners except traitors and those found to have committed definite acts injurious to the Republic.

After 3 weeks of conferences, the PCC unanimously came to an agreement on the establishment of a democratic coalition government. The following were the principal results of the conference:

First. It was agreed to set up an interim government, pending the establishment of a permanent constitutional government. This interim government, which was to be composed of representatives of all the major political groups, was to be formed through the expansion of the state council.

Second. It was agreed to set up a multiparty review committee to revise the draft constitution. The new draft was to be submitted to a national assembly in approximately 2 months.

Third. Agreement was reached on the composition of this national assembly. At the same time an understanding was reached—outside the formal agreements—regarding the changes to be made in the current draft of the constitution and these changes, it was also agreed would be approved by the national assembly. The latter, in other words, by common understanding was to provide merely a formal method for ratification of the new constitution.

Fourth. Following the adoption of a constitution, the interim government would give way to a permanent constitutional government. This new government, it was generally understood, would take over in the fall of 1946.

Fifth. Principals were adopted regarding the unification and nationalization of all armies in China, including a program for gradual demilitarization and civilian control. Military reorganization was to be conditional upon the carrying out of the political agreements.

Not one of the pledges contained in Chiang Kai-shek's opening speech nor one of the provisions of the PCC agreements has been carried out. On the contrary on every single point the situation has worsened.

The attitude of Kuomintang leaders in sabotaging these pledges and agreements is seen not only in assassinations, terrorization, renewed civil-war provocations, and failure to implement the PCC agreements, but also in the official position of the Kuomintang Party. This point has been little understood in the United States.

The central committee of the Kuomintang was convened, purportedly to ratify the PCC agreements, in the middle of March. After a 15-day session the central committee announced unanimous acceptance of the unity agreements. What the Kuomintang failed to publicize was the fact that these agreements had been accepted only after being subjected to such drastic amendments as to alter their meaning altogether.

The first change made by the central committee was in the terms of the establishment of a coalition government as worked out by the PCC. The Kuomintang central committee voted that all members of any new government, including non-Kuomintang ones, would have to be appointed by the Kuomintang. Thus the essence of the one-party dictatorship, the right to form governments and veto any unacceptable candidates, was perpetuated.

The second change was made in the procedure of constitution-making. The Kuomintang draft constitution prepared in 1936 gave dictatorial powers to the President between meetings of the national assembly, which were to take place only once in 3 years and last not more than 1 month. It also denied the principle of local self-government. The PCC in January agreed to form a special committee representative of all groups to redraft the constitution to eliminate all such undemocratic features.

The Kuomintang central committee, however, bypassed this agreement as well as the PCC agreement to call a new national assembly and voted to submit the old draft constitution directly to the national assembly, which had been handpicked by the Kuomintang 10 years before, had never met, and contained a large majority of unreconstructed reactionaries.

The third change made by the Kuomintang central committee had to do with the reorganization of the Army. The original PCC agreement provided for the early reduction of the whole Army to 90 divisions and a further reduction to 60 divisions—48 Kuomintang and 12 Communist—within a year and a half, prior to merging into a single national force.

The central committee decided to keep 60 more of its divisions under arms, giving it a total of 108 against the Communists' 12.

Thus the highest body of the Kuomintang repudiated the PCC January agreements.

That this sabotage of Chinese unity, democracy, and cessation of civil war got the official encouragement of the American Government is clear.

While the Kuomintang central committee was still in session—March 20—General Marshall, then in Washington, called for a $500,000,000 credit to the Chiang Kai-shek government.

Throughout this period, the United States was supplying the Kuomintang armies with extensive lend-lease. It was

training Kuomintang divisions—40 have been trained and equipped by the United States since VJ-day in contrast to only 20 during the war. It was transporting Kuomintang armies to north China and to Manchuria. American marines were on active patrol duty in the north. American naval craft and airplanes were placed at the disposal of the Kuomintang.

On June 14 President Truman announced the continuation of lend-lease to China.

On June 13, S. 2337 was introduced in the Senate and on June 14 the identical bill, H. R. 6795, was introduced in the House. This administration bill would authorize virtually unlimited military aid to China as well as the establishment of an extensive United States military mission to the Chinese Government.

In July the Kuomintang was further encouraged by passage of the bill authorizing transfer of an additional 271 United States Navy vessels to Chiang Kai-shek.

If there was any doubt left in the minds of Kuomintang reactionaries as to the true intent of American policy it was dissipated by the growing official American antagonism to the U. S. S. R., and by other events in the international area all of which confirmed the strong antidemocratic and preimperialist orientation of United States foreign policy.

We cannot but conclude from all of the foregoing that our hopes for the successful outcome of General Marshall's mission have been tragically frustrated.

The present National Government of China is still "a one-party government"; the basis of this government has not been "broadened to include other political elements in the country," and therefore "peace, unity, and democratic reform in China" have not been furthered but retarded since General Marshall's arrival in that land.

The whole program for the peaceful development of China, toward unification, democracy, agrarian, and industrial reform—which President Truman instructed General Marshall to further—has been obstructed and set back by American policies in China.

We must ask ourselves who is responsible for the tragic failure of the Marshall mission, from which such great gains, both for China and world peace, were anticipated.

It is my conviction, Mr. Speaker, that evil forces both in China and in this country have taken shameful advantage of the Marshall mission to advance their private interests at the expense of Chinese democracy, American security, and world peace.

Whenever a new crisis has arisen in the Chinese situation, General Marshall, faithful to his mission, has demanded a truce in hostilities. The central government has repeatedly agreed to a truce—only to use the lull in fighting to regroup and augment its forces for a new attack on the Chinese Communists and Nanking's other democratic opponents. These same periods of truce have been utilized by certain circles in the United States to increase and improve the quantity and quality of United States aid to the central government. And thus, as soon as full advantage has been extracted from the successive periods of peace in China by the central government and its allies in this country—the armies of Nanking have returned to more violent and brutal civil warfare.

This is the tragedy of General Marshall's failure. It is now, I think, quite clear that his mission cannot any longer be expected to succeed. The time has come to serve notice on the central government that it can look for no further help from the United States until it has fundamentally changed its own character, along the lines indicated in the President's statement of last December 15. The recall of General Marshall, together with that of American troops and the termination of all American military and economic aid to the Nanking government would constitute such notice. Without any reflection either on the good intentions or great ability of General Marshall, I believe that he can now only accomplish his mission, and serve both the interests of China and of our own country by publicizing his failure and returning home. It may well be that by such unprecedentedly frank and courageous action our former Chief of Staff would achieve what he has not achieved by other means in the furthering of Chinese peace and democracy and the unification of our great wartime ally.

Mr. SAVAGE. Mr. Speaker, will the gentleman yield?

Mr. DE LACY. I yield to the gentleman from Washington.

Mr. SAVAGE. Mr. Speaker, in light of the present crucial situation in China where thousands of our armed forces are stationed at present, I think it important to review the conduct of our policy on military supplies, loans, and credits from the United States to China. The differences between our words on policy and our acts are, I believe, responsible to a great degree for the confidence with which the present central government is spreading the civil war and refusing to form a democratic coalition.

The basic United States policy on these matters was laid down by President Truman in his statement of December 15, 1945, when he said:

> United States support will not extend to United States military intervention to influence the course of any Chinese internal strife.
>
> As China moves toward peace and unity along the lines described above, the United States would be prepared to assist the National Government in every reasonable way to rehabilitate the country, improve the agrarian and industrial economy, and establish a military organization capable of discharging China's national and international responsibilities for the maintenance of peace and order. In furtherance of such assistance, it would be prepared to give favorable consideration to Chinese requests for credits and loans under reasonable conditions for projects which would contribute toward the development of a healthy economy throughout China and healthy trade relations between China and the United States.

The practice of American policy has been at sharp variance with the above statement. It will be noted that with respect to the financial and military aid, President Truman established three conditions, namely: First, that United States support would not be used to influence the course of the Chinese internal struggle; second, that United States aid would be conditional upon China moving toward internal peace and unity; and third, that United States credits and loans would be granted for specific, not general, projects.

What has happened since the enunciation of that policy which met with such broad approval among the people of the United States and China?

Following VJ-day, lend-lease was canceled to all countries except China, which received a special extension of 6 months. That 6-month period ended in March 1946. Yet, it was not until June 14 that President Truman revealed that lend-lease operations to China had continued beyond that date and were still continuing. Under what authority was this further extension carried out? Certainly the matter had not come before Congress. During the months which elapsed between March and June 14, this matter was apparently kept secret not only from the American people but from Members of Congress as well.

In his June 14 quarterly report on lend-lease, President Truman indicated that China had received $602,045,000 since VJ-day to last December 31. If to this sum is added funds which are commonly supposed to have been earmarked for China lend-lease, though not expended at the time of President Truman's report, funds amounting to another two hundred and fifty-million-odd dollars, and the amount shipped since the first of the year, the total lend-lease aid to China after VJ-day considerably exceed such aid China received prior to the war's end.

At the same time, President Truman indicated lend-lease operations had virtually ceased. Informed Washington correspondents have indicated that lend-lease to China was terminated by June 30 and infer that this information came from official sources. In the July 23 Herald Tribune, for instance, James E. Warner, writing from Washington, reports that—

> Shipments of arms and ammunition under lend-lease to the Chinese National Government forces ceased before June 30, and no more will be shipped until Congress approves a bill calling for American aid in training a unified National-Communist Chinese Army.

Yet, in the New York Times of July 25, a dispatch from Hulutac, Manchuria, by Benjamin Welles, asserts that—

> Since the end of April, between 75,000 and 100,000 tons of American lend-lease have been landed for the use of the northeast China command.

The dispatch states further:

> On April 27, the first lend-lease shipment arrived and further shipments continued to arrive steadily thereafter, both by American-manned vessels and also by American-built, but Chinese-operated ships. These shipments covered a wide range of military and medical equipment.

At no place does this dispatch suggest that lend-lease shipments have stopped.

As all of these lend-lease activities have gone exclusively to the Kuomintang forces—which, incidentally, were transported into Manchuria and North China by American planes and ships—how can this activity be reconciled with President Truman's declaration on December 15, 1945, that—

> United States support will not extend to United States military intervention to influence the course of any Chinese internal strife?

How can it be reconciled with the other two conditions set down by the President? How can it be said that lend-lease activities have virtually ceased when on-the-spot evidence indicates the contrary?

The same course of action that has enabled lend-lease to be used as a tool by the Kuomintang forces, charged by Mme. Sun Yat-sen this week with fomenting another world war, has been followed in the case of loans and credits to the Chinese Government.

On February 7, 1942, a stabilization credit of $500,000,000 was granted to the Chinese Government by the Export-Import Bank. An estimated $300,000,000 of this was unused and available to the Chinese on VJ-day.

During and immediately after the war, various Kuomintang officials are said to have deposited to their personal accounts in the United States an aggregate sum estimated to be between one and two billion American dollars. The larger part of these funds are hidden in various dummy corporations, financial syndicates, and so forth. It is believed that the Treasury Department has pretty accurate estimates of the exact amount involved and they show totals near the higher estimate.

The Treasury Department should make public the facts and answer these questions: First, what happens to money advanced to the Chinese Government? Second. Why does not the Chinese Government use the balances in the personal accounts of its officials before appealing for further credits? And, third, is there any point in advancing further funds to the Kuomintang regime merely to line the pockets of its corrupt officialdom?

In light of the unused credits available to China on VJ-day and the Chinese officials' deposits here, and particularly in view of the conditions set by President Truman before further aid would be granted, it is noteworthy that on March 20, 1946, General Marshall made a strong plea for an additional $500,000,000 credit to the Chinese Government.

At this point the chronology of events must be borne in mind. The military truce of early January between the Kuomintang and the Communists had been broken long before General Marshall's March 20 appeal for more funds for Chiang Kai-shek. Furthermore, the central committee of the Kuomintang later repudiated the series of agreements reached among all Chinese parties at the end of January.

There could have been no doubt as to this action by the Kuomintang. If any advance warning was needed it was dramatically furnished immediately following the January agreements when the right-wing Kuomintang elements savagely attacked and beat members of the Democratic League who were celebrating this victory for Chinese democracy. These same right-wing elements were known to control the Kuomintang central committee.

The question naturally arises: Why at the very time when there were unmistakable signs of a break-down of Chinese unity and a return to civil warfare did President Truman's special envoy to China give encouragement to one side—the Kuomintang—by publicly advocating credits under conditions completely different from those set down in December by the President?

The facts regarding our handling of lend-lease aid, loans, and credits to the Chinese Government, in direct contradiction to the stated policy of this Government, are certainly not calculated to inspire the people of China, the United States, and the rest of the world with confidence in our wisdom or diplomatic integrity.

The same pattern of uttering hopeful words for unity and democracy in China and then turning around to perform deeds with the exact opposite results is also shaping up in reference to our disposal of military surpluses in the Pacific.

Over and above the tremendous amount of lend-lease military equipment sent exclusively to the Kuomintang armies, we have turned over additional equipment through surplus disposal. And present plans call for a much larger deal of the same kind in the near future.

Immediately after VJ-day practically all United States Army equipment in inland China was turned over to the Kuomintang. At the same time, much equipment was rushed to the China coast. Little, if any, of this has been declared surplus. United States Army equipment on Okinawa—enough to equip 1,000,000 men—and on other Pacific bases has likewise been withheld from surplus disposal.

First-hand information from both American and Chinese sources indicate that the United States Government has been working out a deal with the Kuomintang dictatorship whereby the Chiang Kai-shek government will acquire all of these military supplies, including what is left in the India-Burma area. This would be accomplished through the granting of an additional five- to six-hundred-million-dollar credit—this to be in addition to the one Marshall requested on March 20.

One might make excuses for these variations from policy were he to take each of them individually and separate them from the warp and whoof of our entire maneuvering in China. But the evidence piles up higher and higher to convict those responsible for a criminal policy of aiding the spread of civil war in China and threatening the peace and security of our own Nation and the world.

For instance, how can we explain the transfer of naval vessels to China before proper congressional authority. On July 16, 1946, President Truman signed the bill authorizing the transfer of 27 naval vessels to the Chinese Government. Yet, a wire dated June 9 from Honolulu to the New York Times, reported the arrival of six former United States naval vessels on their way to China under Chinese commanders.

This one-sided playing of the military and diplomatic games can have nothing but disastrous effects for ourselves and the people of China. By our overwhelming military aid through lend-lease, naval and surplus turn-overs to the Kuomintang armies, we are adding fuel to fires of civil war that are ravaging that unfortunate land. We are building up one side to a strength that encourages it to seek a solution by force instead of unity to the political crisis that faces that country. By our extension of credits and military assistance before the Kuomintang effectuates the political democracy it promised, we are declaring to China and the world that the statements of our President are not to be taken at their face value. We are proclaiming our active intervention in a boiling, internal fight and casting our influence in favor of a government that is strongly opposed in many quarters in its own country.

I say this two-faced policy must stop. I say our support of civil war must stop and the Chinese people must be left to find a democratic solution by themselves. I say there is no need for 75,000 American troops in a land where 10,000 were all we thought necessary when a major war was being fought. We must withdraw our troops from China. We must cease this mad and entangling financial aid that is draining our Treasury to line the pockets of corrupt Chinese officials. President Truman's enunciated policy of December 15, 1945, must be the basis for our acts in China. I repeat it so that it may stand as a guide to our Nation's actions in the interests of Chinese democracy and world peace:

First. United States support would not be used to influence the course of China's internal struggle.

Second. United States aid would be conditional upon China moving toward internal peace and unity.

Third. United States credits and loans would be granted for specific, not general, projects.

Gentlemen, either we return to this policy in deeds as well as words or we take on ourselves the responsibility for a bloody civil war.

EXTENSION OF REMARKS

Mr. WHITE asked and was given permission to extend his remarks in the RECORD in two instances and include certain extracts.

The SPEAKER pro tempore (Mr. HAYS). Under previous order of the House, the gentleman from Massachusetts [Mr. LANE] is recognized for 15 minutes.

MERRIMACK VALLEY AUTHORITY

Mr. LANE. Mr. Speaker, in the valley of the Merrimack River, which runs through Massachusetts and New Hampshire, is the heart of our Nation's textile industry. The city of Lawrence, in Massachusetts, has the largest mill devoted to the manufacture of woolen worsteds in the world.

The industry settled here, because of the abundance of cheap water power

fed directly to the mills which line the banks of the Merrimack. Time, however, brought technological changes, and the mills now generate most of their own power from coal and oil which is hauled in from great distances.

In the early days, the War Department made surveys, with a view toward extending the navigability of this industrial river. But the question of navigability and the question of power, as matters of public concern, were too long neglected.

Then, in the spring of 1936, a disastrous flood swept through the valley, causing millions of dollars of damage. Subsequently, the War Department, in cooperation with the States, worked on projects to prevent a recurrence of the ruinous flood of 1936.

The people of this valley, noting the success of the Tennessee Valley Authority, want a similar project for this area. Though the TVA is primarily a power project, we seek one on the basis of flood control, navigability—and cheaper power for the farmers and mill workers of the Merrimack Valley as a byproduct.

The Beards, in their history of America in Midpassage, referring to the second regular session of the Seventy-fifth Congress—1938—write:

> Authorization was given for a system of flood-control works extending from the Merrimack River to the lower Mississippi Valley and westward to the basin of the Willamette.

During the war, President Roosevelt told the Congress that he thought there should be more TVA's.

The people of the Merrimack Valley are thinking in the same manner.

In conformity with their interest, I am introducing the following measure:

> A bill to establish a Merrimack Valley Authority to provide for unified control and resources development on the Merrimack River and surrounding region, to promote navigation, to prevent floods, to encourage family-type farming, to develop the recreational possibilities and general welfare of this area, to strengthen our national defense, and for other related purposes.

Mr. GORE. Mr. Speaker, will the gentleman yield?

Mr. LANE. I yield.

Mr. GORE. In connection with the President's statement that he thought there should be more TVA's, I wonder if the gentleman recalls the very long editorial in the Times-Herald of this city, whose political leanings are well known, in which they said that what we needed were more TVA's.

Mr. LANE. I thank the gentleman from Tennessee for his contribution.

Mr. GORE. I congratulate the distinguished and able gentleman for his foresight, courage, and vision in introducing this measure. If this dream and this plan of his come to fruition, it will redound to the great benefit of his people. As a representative of an area which is served by the TVA, I know it has served the people well and has been most beneficial to them and to the upbuilding of that entire region.

I hope some benefits can be brought to the gentleman's State, and his efforts will do much to bring that about.

Mr. LANE. I thank the gentleman from Tennessee.

Bear in mind, that the textile industry was attracted to and developed in this area by the availability of cheap water power. Today, however, that is not the case. Some of this power at the headwaters is in the control of a private monopoly. The rest of the potential power in the river is not being utilized to provide the cheap energy which will cut the operating costs of present industries and serve to attract new ones.

In textile manufacturing, the workers, periodically, suffer from lay-offs and slack times. To provide economic security on a self-sustaining basis, it is wise to encourage family-type farming on a small-unit scale, so that the workers may be able to tide themselves over these gaps in employment.

This was originally a farming region. The countryside is dotted with unused farming lands whose impoverished soil has been abandoned. If we bring fertilizer and cheap power within reach of the rural districts, we shall help to revive local small-scale farming as insurance against the uncertainties of textile employment. No less an authority than Henry Ford has advocated such a plan. Apart from its economic advantages, it will bring spiritual and social gains to our people. Industrial employment, complemented by part-time farming, will return to the people some measure of the economic independence which they have lost, and the individual dignity which they have lost to the collectivist power of private monopoly.

As Senator O'MAHONEY, of Wyoming, said:

> What we need is an economic constitution just as 160 years ago America needed a political constitution. Modern America requires public management and it requires private management. The economy in which most men use their own capital and manage their own business in their own localities is completely different from the interlocking combination of capital and industry which has raised huge economic empires controlled by a few men who have more power over the people than the Government of their choice.

Mr. SAVAGE. Mr. Speaker, will the gentleman yield?

Mr. LANE. I yield.

Mr. SAVAGE. I just want to say the gentleman is certainly advocating something that can be of great benefit to his people. I have noticed the electric rates, for instance, in that part of the country. Just at this moment I cannot recall the rates in the gentleman's district, but in Pawtucket, for instance, I notice that electricity which costs $90, the people in my State could buy for $17.50. So if the gentleman can help cut the rates to the point where his people can use more electricity for production, for farming, and for homes, he will certainly raise the standard of living and the happiness of his people.

Mr. LANE. I thank the gentleman. Of course, that is the purpose of filing this bill, with the hope in mind that perhaps we can get some relief in power and electric rates.

Mr. GORE. Mr. Speaker, will the gentleman yield?

Mr. LANE. I yield.

Mr. GORE. I would like to point out the difference in the cost of electricity in the Tennessee Valley area. Before the TVA came, the average domestic consumer used 600 kilowatt-hours of electricity per year. That cost an average of $35 per consumer. Now the average domestic consumer uses almost three times that much, 1,780 kilowatts, and he gets this three times as much for $2 less.

Mr. LANE. I thank the gentleman. Those figures are very interesting. I know the gentleman knows whereof he speaks.

Some measure of Government control is necessary. The people must be alert to preserve a balance and prevent excesses, whether committed by public or private managers.

The interstate waterways properly belong to the people, under State control, coordinated by the Federal Government. Various Federal agencies, directed from Washington, already control various aspects of the problem. There is a certain hit-and-miss cooperation but no uniform control on the spot to secure complete and effective utilization of these waters in the public interest.

Flood control is, essentially, a function of Government. It also has the right and authority to enter upon and undertake improvements in and on our rivers, in order to make them more navigable. The advantages of this for industry, for recreation and for national defense are too obvious for argument.

In our time, we have gone further. As democracy grows, we have had to make certain adjustments to safeguard the public's interest. We have come to the conclusion that the resources of our waterways must not be neglected or exploited by the few at the expense of the many. In 1933, the Congress took the first, decisive step in this direction. The Tennessee Valley Authority was created and was authorized to issue securities; to construct dams, reservoirs, powerhouses, transmission lines, and incidental works on the Tennessee River and its tributaries; to contract with commercial concerns or produce fertilizers and ingredients; to cooperate with agricultural experiment stations and farmers; and to produce, distribute, and sell electric power to private corporations, individuals, States, counties, and municipalities. In arranging for the sale of power to private concerns for redistribution, the authority was required to make sure that the electrical rates to ultimate consumers were reasonable, just, and fair.

There were individual precedents for this consolidated project, scattered from the old Muscle Shoals plant to Boulder Dam and Alaska. In 1936 the Supreme Court decided that Congress had the power to construct the Wilson Dam for war purposes and other constitutional ends and to sell surplus power to the Alabama Power Co.

The TVA began as an experiment. It is now an established success. There is almost no debate about this project among the people of the Tennessee Valley. Businessmen, labor leaders, farmers, and consumers agree that it has made for a better distribution of power, has developed navigation, promoted new

industries, and has given fair rates to the people. They like the decentralization under which the TVA has put democracy to work. Rather than set up a bureaucracy of its own, it has used the local agencies in the State and in the community, the land-grant colleges, the Extension Service, and all other interested parties, so that there has been a true meeting of the minds. State and local governments have joined with the Federal Government in a common effort which has produced an harmonious development of the Valley's resources.

Patterned on this, the Merrimack Valley Authority, which I propose, will cost far, far less than the TVA. It will be much simpler, embracing portions of only two States—New Hampshire and Massachusetts. The Merrimack River is polluted by industrial and human waste, yet it is from this river that some cities must take and purify the water for drinking purposes. Under a coordinated Federal plan which gives voice to the States and communities concerned I foresee a solution to this part of the overall problem. It will promote the health of the people, restore fish life to the river, and open up untold recreational opportunities for the workers in this valley.

To extend navigation, to insure flood control, to encourage small-scale farming by industrial workers, and to reduce power rates for all, I ask for the Congress to approve the bill which establishes the Merrimack Valley Authority.

A greater diversification of industrial activity, attracted by the fullest and fairest use of the water-power resources of the Merrimack Valley, is an economic necessity for this region.

The key to it is the MVA.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. ELSTON, for 10 days, on account of official business.

RAINEY NOT RAMEY

Mr. RAMEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RAMEY. Mr. Speaker, I have received not too many phone calls but several that make it necessary perhaps to state that my name is not Homer Rainey, it is R-A-M-E-Y.

The retired university president running for Governor of Texas is Homer P. Rainey not HOMER A. RAMEY.

The reason for this explanation is that I am not a carpet-bagger running for the governorship of Texas. I love Texas, I like to visit Texas, and I admire all the gentlemen from Texas in this body. However, having been accused of running for the governorship of that State also that I have been the president of the University of Texas and wrote sex books may I say that although I have taught school, I have never written a book, I know nothing about advanced sex or any other kind of sex either in theory or in practice.

Mr. GORE. Mr. Speaker, will the gentleman yield?

Mr. RAMEY. I yield to the gentleman from Tennessee.

Mr. GORE. We have every confidence that the gentleman from Ohio would be very proficient in all fields and subjects.

Mr. RAMEY. I thank the gentleman.

EXTENSION OF REMARKS

Mr. SCHWABE of Missouri asked and was given permission to extend his remarks in the RECORD in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2359. An act to close the Office of the Recorder of Deeds on Saturdays; to the Committee on the District of Columbia.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 388. An act to amend section 201 (g) of the Nationality Act of 1940 (54 Stat. 1138-1139; 8 U. S. C. 601);

H. R. 2091. An act to confer jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim, or claims, of Joseph E. Bennett, doing business as Joseph E. Bennett Co.;

H. R. 2192. An act for the relief of Andre Dacharry;

H. R. 3543. An act for the relief of Elmer D. Thompson and the legal guardian of James Thompson;

H. R. 5311. An act to amend Revised Statutes, 4921 (U. S. C. A., title 35, Patents, sec. 70), providing that damages be ascertained on the basis of compensation for infringement;

H. R. 5590. An act to provide for the uniform administration of efficiency ratings;

H. R. 5911. An act to establish an Office of Naval Research in the Department of the Navy; to plan, foster, and encourage scientific research in recognition of its paramount importance as related to the maintenance of future naval power, and the preservation of national security; to provide within the Department of the Navy a single office, which, by contract and otherwise, shall be able to obtain, coordinate, and make available to all bureaus and activities of the Department of the Navy, world-wide scientific information and the necessary services for conducting specialized and imaginative research; to establish a Naval Research Advisory Committee consisting of persons preeminent in the fields of science and research to consult with and advise the Chief of such Office in matters pertaining to research;

H. R. 6528. An act to authorize the coinage of 50-cent pieces to commemorate the life and perpetuate the ideals and teachings of Booker T. Washington; and

H. J. Res. 305. Joint resolution providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 162. An act for the relief of Walter S. Faulkner;

S. 496. An act to make it a criminal offense for certain escaped convicts to travel from one State to another;

S. 1235. An act to authorize the use of the funds of any tribe of Indians for insurance premiums;

S. 1477. An act to authorize relief in certain cases where work, supplies, or services have been furnished for the Government under contracts during the war;

S. 1549. An act for the relief of the legal guardian of Duane N. Thompson;

S. 1561. An act to amend the act entitled "Compensation for injury, death, or detention of employees of contractors with the United States outside the United States," as amended, for the purpose of making the 100-percent earning provisions effective as of January 1, 1942;

S. 1573. An act for the relief of James H. Wilkinson;

S. 1640. An act to provide for the acquisition by the United States of certain real property in the District of Columbia;

S. 1674. An act for the relief of Michael Joseph Bennett, a minor;

S. 1731. An act for the relief of Lester A. Dessez;

S. 1751. An act for the relief of Wayne Parker;

S. 1880. An act for the relief of the Crosby Yacht Building & Storage Co., Inc.;

S. 1910. An act for the relief of George D. King;

S. 2036. An act granting the consent of Congress to the State of Rhode Island to construct, maintain, and operate a free highway bridge across the Sakonnet River between the towns of Tiverton and Portsmouth in Newport County, R. I.;

S. 2247. An act to permit the Secretary of the Navy to delegate the authority to compromise and settle claims against the United States caused by vessels of the Navy or in the naval service, or for towage or salvage services to such vessels, and for other purposes;

S. 2253. An act to further amend the act of January 16, 1936, as amended, entitled "An act to provide for the retirement and retirement annuities of civilian members of the teaching staff at the United States Naval Academy and the Postgraduate School, United States Naval Academy";

S. 2259. An act to amend the Philippine Rehabilitation Act of 1946, for the purpose of making a clerical correction;

S. 2260. An act for the relief of Roy M. Davidson;

S. 2349. An act to permit the Secretary of the Navy to delegate the authority to compromise and settle claims for damages to property under the jurisdiction of the Navy Department, and for other purposes;

S. 2369. An act for the relief of Col. S. V. Constant, General Staff Corps; and

S. 2405. An act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 388. An act to amend section 201 (g) of the Nationality Act of 1940 (54 Stat. 1138-1139; 8 U. S. C. 601);

H. R. 2091. An act to confer jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim, or claims, of Joseph E. Bennett, doing business as Joseph E. Bennett Co.;

H. R. 2192. An act for the relief of Andre Dacharry;

H. R. 3543. An act for the relief of Elmer D. Thompson and the legal guardian of James Thompson;

H. R. 5311. An act to amend Revised Statutes 4921 (U. S. C. A., title 35, Patents, sec. 700), providing that damages be ascertained on the basis of compensation for infringement;

H. R. 5590. An act to provide for the uniform administration of efficiency ratings;

H. R. 5911. An act to establish an Office of Naval Research in the Department of the Navy; to plan, foster, and encourage scientific research in recognition of its paramount importance as related to the maintenance of future naval power, and the preservation of national security; to provide within the Department of the Navy a single office, which, by contract and otherwise, shall be able to obtain, coordinate, and make available to all bureaus and activities of the Department of the Navy, world-wide scientific information and the necessary services for conducting specialized and imaginative research; to establish a Naval Research Advisory Committee consisting of persons preeminent in the fields of science and research, to consult with and advise the Chief of such Office in matters pertaining to research;

H. R. 6528. An act to authorize the coinage of 50-cent pieces to commemorate the life and perpetuate the ideals and teachings of Booker T. Washington; and

H. J. Res. 305. Joint resolution providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor.

ADJOURNMENT

Mr. GORE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.), under its previous order, the House adjourned until tomorrow, Saturday, July 27, 1946, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1499. A communication from the President of the United States, transmitting drafts of proposed provisions pertaining to existing appropriations for the fiscal year 1947 of the Military Establishment of the War Department (H. Doc. No. 747); to the Committee on Appropriations and ordered to be printed.

1500. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1947, in the amount of $250,000,000, for the Treasury Department (H. Doc. No. 748); to the Committee on Appropriations and ordered to be printed.

1501. A letter from the Comptroller General of the United States, transmitting report on the audit of United States Spruce Production Corporation for the fiscal year ended June 30, 1945 (H. Doc. No. 750); to the Committee on Expenditures in the Executive Departments and ordered to be printed.

1502. A letter from the Director, Office of War Mobilization and Reconversion, transmitting the second report of the Interagency Policy Committee on Rubber; to the Committee on Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on Banking and Currency. House Joint Resolution 388. Joint resolution to authorize the Secretary of the Treasury to render financial aid to the Republic of the Philippines, and for other purposes; without amendment (Rept. No. 2671). Referred to the Committee of the Whole House on the State of the Union.

Mr. JARMAN: Committee on Printing. House Concurrent Resolution 66. Concurrent resolution authorizing the printing of the pamphlet entitled "Manual Explanatory of the Privileges, Rights, and Benefits Provided for All Persons Who Are, or Have Been, Members of the Armed Forces of the United States and of Those Dependent Upon Them" as a House document, and providing for additional copies thereof; without amendment (Rept. No. 2672). Referred to the House Calendar.

Mr. JARMAN: Committee on Printing. House Concurrent Resolution 163. Concurrent resolution authorizing the printing of a revised edition of the Biographical Directory of the American Congress up to and including the Eightieth Congress; without amendment (Rept. No. 2673). Referred to the House Calendar.

Mr. HEALY: Committee on the District of Columbia. S. 2125. An act to amend the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto; without amendment (Rept. No. 2674). Referred to the Committee of the Whole House on the State of the Union.

Mr. HEALY: Committee on the District of Columbia. S. 2359. An act to close the office of the Recorder of Deeds on Saturdays; without amendment (Rept. No. 2675). Referred to the Committee of the Whole House on the State of the Union.

Mr. ELLIOTT: Committee on Accounts. House Resolution 744. Resolution granting 6 months' salary and $250 funeral expenses to Mrs. Agnes H. Hartman, mother of Martena R. Ambrose, late an employee of the House; without amendment (Rept. No. 2676). Referred to the House Calendar.

Mr. HEALY: Committee on the District of Columbia. H. R. 7114. A bill to amend the act entitled "An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925; without amendment (Rept. No. 2677). Referred to the Committee of the Whole House on the State of the Union.

Mr. HEALY: Committee on the District of Columbia. H. R. 7126. A bill to amend section 2 of the act of July 16, 1946 (Public Law 514, 79th Cong.), relating to the establishment and operation in the District of Columbia of nurseries and nursery schools, so as to permit payment of compensation for services rendered after June 30, 1946, and prior to the enactment of such act; without amendment (Rept. No. 2678). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALTER: Committee on the Judiciary. H. R. 6780. A bill to create an Evacuation Claims Commission under the general supervision of the Secretary of the Interior, and to provide for the powers, duties, and functions thereof, and for other purposes; without amendment (Rept. No. 2679). Referred to the Committee of the Whole House on the State of the Union.

Mr. ELLIOTT: Committee on the Public Lands. S. 1602. An act to confirm title to certain railroad-grant lands located in the county of Kern, State of California; without amendment (Rept. No. 2681). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOBBS: Committee on the Judiciary. H. R. 7147. A bill to repeal certain statutes relating to the war and emergencies; with amendment (Rept. No. 2682). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FORAND:

H. R. 7163. A bill to provide annuities under section 1 (e) of the Civil Service Retirement Act of May 29, 1930, as amended, to certain officers and employees under the age of 55; to the Committee on the Civil Service.

By Mr. JOHNSON of Illinois:

H. R. 7164. A bill to provide equitable relief to contractors supplying dairy products to the armed forces; to the Committee on the Judiciary.

By Mr. LaFOLLETTE (by request):

H. R. 7165. A bill to establish a national program and policy for full employment and full production in a fully democratic society, by means of democratically operated production facilities financially assisted by a Federal Government lending agency; to the Committee on Banking and Currency.

By Mr. MAY:

H. R. 7166. A bill to establish the Women's Army Corps in the Regular Army, in the Officers' Reserve Corps, and in the Enlisted Reserve Corps, and for other purposes; to the Committee on Military Affairs.

H. R. 7167. A bill to create the Medical Service Corps in the Medical Department of the Army, and for other purposes; to the Committee on Military Affairs.

H. R. 7168. A bill to establish the Army Nurse Corps, the Dietitian Corps, the Physical Therapist Corps, and the Occupational Therapist Corps in the Medical Department of the Regular Army and in the Officers' Reserve Corps, and for other purposes; to the Committee on Military Affairs.

By Mr. PETERSON of Florida:

H. R. 7169. A bill to authorize the transfer of the *Joseph Conrad* to the city of St. Petersburg, Fla., for museum purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. POWELL:

H. R. 7170. A bill to amend the Civil Service Retirement Act of May 29, 1930, to provide for return of amounts deducted from compensation in all cases of separation from positions within the purview of such act; to the Committee on the Civil Service.

By Mr. RANKIN (by request):

H. R. 7171. A bill to authorize the payment by the Administrator of Veterans' Affairs of the purchase price of automobiles or other conveyances purchased by certain disabled veterans, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. PIÑERO:

H. R. 7172. A bill to amend the Organic Act of the Virgin Islands of the United States to provide for a Resident Commissioner from the Virgin Islands; to the Committee on Insular Affairs.

By Mr. FULTON:

H. R. 7173. A bill to provide for the establishment of the Indian Mound National Park in the State of Pennsylvania, and for other purposes; to the Committee on the Public Lands.

By Mr. JACKSON:

H. R. 7174. A bill to amend section 23 of the Internal Revenue Code to permit deductions from gross income by corporations that turn over their facilities for a period of time to veterans' organizations; to the Committee on Ways and Means.

By Mr. LANE:

H. R. 7175. A bill to establish a Merrimack Valley Authority to provide for unified water control and resource development on the Merrimack River and surrounding region in the interest of the control and prevention of floods, the promotion of navigation and reclamation of the public lands, the promotion of family-type farming, the development of

the recreational possibilities, and the promotion of the general welfare of the area, the strengthening of the national defense, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. McCORMACK:

H. R. 7176. A bill to authorize the attendance of the Marine Band at the National Encampment of the Veterans of Foreign Wars of the United States to be held in Boston, Mass., September 1 to 6, inclusive, 1946; to the Committee on Naval Affairs.

By Mr. PATTERSON:

H. Con. Res. 164. Concurrent resolution relative to the political situation in Greece; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EBERHARTER:

H. R. 7177. A bill for the relief of Constantino Peribolares (also known as Constantinos Perivolaris or Gust Aspiotes); to the Committee on Immigration and Naturalization.

By Mr. FARRINGTON:

H. R. 7178. A bill for the relief of Ruby Mui Sing Chang Inn; to the Committee on Immigration and Naturalization.

H. R. 7179. A bill for the relief of Mrs. Wei-Hue Huang Mau; to the Committee on Immigration and Naturalization.

H. R. 7180. A bill for the relief of Mona Florence Ching; to the Committee on Immigration and Naturalization.

By Mr. GRANAHAN:

H. R. 7181. A bill for the relief of Samuel Augenblick; to the Committee on Immigration and Naturalization.

By Mr. LATHAM:

H. R. 7182. A bill for the relief of John Schneider and his wife, Elizabeth Schneider; to the Committee on Immigration and Naturalization.

By Mr. MANSFIELD of Montana:

H. R. 7183. A bill for the relief of H. C. Biering; to the Committee on Claims.

By Mr. O'BRIEN of Michigan:

H. R. 7184. A bill for the relief of Georgios Ecaterinis; to the Committee on Immigration and Naturalization.

By Mr. PATRICK:

H. R. 7185. A bill for the relief of Moody L. Smitherman, Jr., a minor, and Moody L. Smitherman; to the Committee on Claims.

By Mr. RESA:

H. R. 7186. A bill for the relief of Emma Thompson Martinez; to the Committee on Claims.

By Mr. SCHWABE of Oklahoma:

H. R. 7187. A bill for the relief of Harry Paalberg, Ellen Paalberg, Juta Paalberg, Mina Paalberg, Maia Andre, Julianna Altenburn, 'Arvid Kuun, Elenora Kuun, Aime Kuun, Inga Kuun, Ulla Kuun, Valdermar Veedam, Lembit Rheinholm, Paul William Rheinholm, Heino Alfred Lutts, and Roman Ubaikivi; to the Committee on Immigration and Naturalization.

By Mr. THOMAS of New Jersey:

H. R. 7188. A bill for the relief of Carlos S. De Marco; to the Committee on World War Veterans' Legislation.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2127. By Mr. COLE of Missouri: Petition of Rev. Tom E. Bray and 32 other citizens of Clarksdale, Stewartsville, and St. Joseph, Mo., to pass the Voorhis resolution (H. J. Res. 325), which provides that as long as famine conditions exist, no grain shall be allowed for the manufacture of liquor or other nonessential purposes; to the Committee on Agriculture.

2128. By Mr. HANCOCK: Petition signed by Mr. H. Weiss and other residents of Onondaga County, N. Y., protesting against the reduction in the amount of grain allocated to the brewing industry; to the Committee on Agriculture.

2129. By Mr. VOORHIS of California: Petition of Mrs. F. S. Woody and 221 others, all citizens of Doniphan, Mo., urging passage of legislation by Congress (H. J. Res. 325), which would authorize the President and Secretary of Agriculture to issue directives preventing the use of grain for beverage purposes until the world's food shortage is relieved; to the Committee on Agriculture.

2130. By the SPEAKER: Petition of the Boston City Council, petitioning consideration of their resolution with reference to endorsement of Senate bill 1592; to the Committee on Banking and Currency.

SENATE

SATURDAY, JULY 27, 1946

(Legislative day of Friday, July 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Dr. James H. Phillips, professor of religion, the American University, Washington, D. C., offered the following prayer:

O God, our Heavenly Father, we lift voices of prayer to Thee from this place hallowed by the events of the past. For those decisions which have promoted the general welfare of the people of this dear land, we give Thee thanks, for Thou art the source of all true justice. But we do not pray merely because of the past. The pressing needs of our time, of this day, cause us to turn to Thee in this moment of prayer.

We pray especially for Thy blessing upon this body of the people's representatives. Sustain them in their many tasks with Thy wisdon and courage. Whenever the way of decision is not plain, speak to them from Thy word: "He hath showed thee, O man, what is good; and what doth the Lord require of thee but to do justly, to love mercy, and to walk humbly with thy God."

Grant to them at the beginning of each day a faith in their countrymen that conquers doubt and skepticism, a will to do the right that subdues all temptations, a kindly patience that sweetens human fellowship.

And, in the end, may each one merit the approbation of Thy people, "Well done, thou good and faithful servant."

We ask our prayer in the name of Christ. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, July 26, 1947, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on July 27, 1946, the President had approved and signed the act (S. 1516) to amend section 12 of the Bonneville Project Act, as amended.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1602. An act to confirm title to certain railroad-grant lands located in the county of Kern, State of California; and

S. 2375. An act to change the name of the Chemical Warfare Service to the Chemical Corps.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 191. An act to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public-health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction; and

S. 881. An act authorizing the President of the United States to award posthumously in the name of Congress a Medal of Honor to William Mitchell.

The message further announced that the House passed the following bills of the Senate, severally, with amendments, in which it requested the concurrence of the Senate:

S. 619. An act to amend the act of June 8, 1936, relating to vocational education, so as to provide for the further development of vocational education in the several States and Territories;

S. 1636. An act to amend the Surplus Property Act of 1944 to designate the Department of State as the disposal agency for surplus property outside the continental United States, its Territories and possessions, and for other purposes; and

S. 2085. An act to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended, to authorize the Federal Works Administrator to provide needed educational facilities, other than housing, to educational institutions furnishing courses of training or education to persons under title II of the Servicemen's Readjustment Act of 1944, as amended.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6702) to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944.

The message also further announced that the House had passed the following bills, joint resolution, and concurrent resolution, in which it requested the concurrence of the Senate:

H. R. 1459. An act for the relief of Mr. and Mrs. J. W. Williams, Jr.;

H. R. 3209. An act for the relief of Edward A. Mason;

H. R. 3619. An act for the relief of Harry D. Koons;

H. R. 4374. An act for the relief of the legal guardian of Rudolph K. Bartels, Jr., a minor;

H. R. 5093. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Albert Whilden;

H. R. 5847. An act for the relief of Watson Airfotos, Inc.;

H. R. 6455. An act to amend the act entitled "An act to provide books for the adult blind;

H. R. 6896. An act to grant to the city of Miles City, State of Montana, certain land in Custer County, Mont., for industrial and recreational purposes and as a museum site;

H. R. 6899. An act to authorize the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge, or a free bridge, across the Ohio River at or near Lawrenceburg, Dearborn County, Ind.;

H. R. 6953. An act authorizing the city of East St. Louis, Ill., its successors and assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near a point between Delmar Boulevard and Cole Street in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.;

H. R. 7039. An act to further amend section 304 of the Naval Reserve Act of 1938, as amended, so as to grant certain benefits to naval personnel engaged in training duty prior to official termination of World War II;

H. R. 7063. An act to provide for the selection for elimination and retirement of officers of the Regular Army, for the equalization of retirement benefits for members of the Army of the United States, and for other purposes; and

H. J. Res. 387. Joint resolution granting permission to Thomas Parran, Surgeon General of the Public Health Service; Rolla E. Dyer, Assistant Surgeon General, Public Health Service; Howard F. Smith, Assistant Surgeon General, Public Health Service; Herbert A. Spencer, medical director, Public Health Service; Vance B. Murray, medical director, Public Health Service; and Gilbert L. Dunnahoo, medical director, Public Health Service, to accept and wear certain decorations bestowed upon them by France, Cuba, Mexico, Chile, Finland, and Luang-Prabang.

The message also further announced that the House had agreed to a concurrent resolution (H. Con. Res. 66) authorizing the printing of the pamphlet entitled "Manual Explanatory of the Privileges, Rights, and Benefits Provided for All Persons Who Are, or Have Been, Members of the Armed Forces of the United States and of Those Dependent Upon Them" as a House document, and providing for additional copies thereof.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on July 26, 1946, he presented to the President of the United States the following enrolled bills:

S. 1426. An act to provide for the replanning and rebuilding of slum, blighted, and other areas of the District of Columbia and the assembly, by purchase or condemnation, of real property in such areas and the sale or lease thereof for the redevelopment of such area in accordance with said plans; and to provide for the organization of, procedure for, and the financing of such planning, acquisition, and sale or lease; and for other purposes;

S. 1466. An act authorizing rehabilitation on the island of Guam; and

S. 2246. An act to authorize the Secretary of the Navy to acquire in fee or otherwise certain lands and rights in land on the island of Guam, and for other purposes.

PETITION

Mr. CAPPER presented a petition of sundry citizens of the State of Maryland, praying for the enactment of Senate bill 599, to prohibit the advertising of alcoholic beverages in periodicals and newspapers and over the radio, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on Claims:

H. R. 1459. A bill for the relief of Mr. and Mrs. J. W. Williams, Jr.; without amendment (Rept. No. 1853);

H. R. 1887. A bill for the relief of Mrs. Leroy A. Robbins; without amendment (Rept. No. 1854);

H. R. 5851. A bill for the relief of Second Lt. Francis W. Anderson; without amendment (Rept. No. 1855); and

H. R. 6423. A bill for the relief of Mrs. Ivan B. Hofman; without amendment (Rept. No. 1856).

By Mr. McCARRAN, from the Committee on the Judiciary:

H. R. 43. A bill to safeguard the admission of evidence in certain cases; with amendments (Rept. No. 1857).

By Mr. ANDREWS, from the Committee on the Judiciary:

S. J. Res. 163. Joint resolution proposing an amendment to the Constitution of the United States to prohibit the denial or infringement of the inherent right of a citizen to work and bargain freely with his employer; with amendments (Rept. No. 1858).

By Mr. OVERTON, from the Committee on Commerce:

H. R. 6899. A bill to authorize the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge, or a free bridge, across the Ohio River at or near Lawrenceburg, Dearborn County, Ind.; without amendment (Rept. No. 1859);

H. R. 6953. A bill authorizing the city of East St. Louis, Ill., its successors and assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near a point between Delmar Boulevard and Cole Street, in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.; without amendment (Rept. No. 1860); and

H. R. 7030. A bill granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Allegheny River between a point in or near the Borough of Tarentum, in the county of Allegheny, and a point near the boundary of the city of New Kensington and Lower Burrel Township, in Westmoreland County, in the Commonwealth of Pennsylvania; without amendment (Rept. No. 1861).

By Mr. GEORGE, from the Committee on Finance:

S. J. Res. 160. Joint resolution granting permission to Thomas Parran, Surgeon General of the Public Health Service; Rolla E. Dyer, Assistant Surgeon General, Public Health Service; Howard F. Smith, Assistant Surgeon General, Public Health Service; Herbert A. Spencer, medical director, Public Health Service; Vance B. Murray, medical director, Public Health Service; and Gilbert L. Dunnahoo, medical director, Public Health Service, to accept and wear certain decorations bestowed upon them by France, Cuba, Mexico, Chile, Finland, and Luang-Prabang; without amendment.

AUTHORIZATION TO REPORT A BILL

Mr. GEORGE. Mr. President, during the recess or adjournment of the Senate following today's session, I ask unanimous consent to file a report on House bill 7037, the so-called social-security bill, which has been ordered reported by the Finance Committee today, though it is not quite ready to file.

The PRESIDENT pro tempore. Is there objection?

Mr. WHITE. The request covers only House bill 7037?

Mr. GEORGE. Yes. I have requested the right to file the report during the recess of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STANFILL:

S. 2488. A bill to provide for the regulation of labor unions, the appointment of fact-finding boards, and for other purposes; to the Committee on Education and Labor.

By Mr. FERGUSON:

S. 2489. A bill for the relief of Mrs. Clinton R. Sharp; to the Committee on Immigration.

By Mr. DOWNEY:

S. 2490. A bill for the relief of Lucy Jefferson Weil; to the Committee on Civil Service.

By Mr. WALSH:

S. 2491. A bill to authorize the attendance of the Marine Band at the national encampment of the Veterans of Foreign Wars of the United States to be held in Boston, Mass., September 1 to 6, inclusive, 1946; to the Committee on Naval Affairs.

S. 2492. A bill to extend dependency benefits to dependents of enlisted personnel of the armed forces who enlist or reenlist prior to July 1, 1949; to the Committee on Military Affairs.

By Mr. LANGER:

S. J. Res. 183. Joint resolution to suspend deportation of Indonesians; to the Committee on Immigration.

S. J. Res. 184. Joint resolution further amending section 2 of the Emergency Price Control Act of 1942, as amended; to the Committee on Banking and Currency.

HEARINGS BEFORE COMMITTEE ON PUBLIC LANDS AND SURVEYS

Mr. MURDOCK submitted the following resolution (S. Res. 315), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands and Surveys, or any duly authorized subcommittee thereof, for the purpose of making a study and investigation of any matter referred to such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-ninth Congress, to employ such experts, and such clerical, stenographic, and other assistants to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee under this resolution, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the

chairman, and the authority of such committee to make expenditures under Senate Resolution 281, Seventy-ninth Congress, agreed to June 25, 1946, is hereby revoked.

INVESTIGATION OF USE AND ADMINISTRATION OF PUBLIC LANDS—INCREASE IN LIMIT OF EXPENDITURES

Mr. McCARRAN submitted the following resolution (S. Res. 316), which was referred to the Committee on Public Lands and Surveys:

Resolved, That the limit of expenditures under Senate Resolution 241, Seventy-sixth Congress, agreed to May 24, 1940, and Senate Resolution 147, Seventy-seventh Congress, agreed to September 8, 1941, and Senate Resolution 39, Seventy-eighth Congress, agreed to May 24, 1944, and Senate Resolution 18, Seventy-ninth Congress, agreed to January 29, 1945, and Senate Resolution 139, Seventy-ninth Congress, agreed to June 19, 1945 (relating to the investigation of the use and administration of public lands), is hereby increased by $1,500; and the limit of expenditures of the Committee on Public Lands and Surveys, or any subcommittee thereof, under Senate Resolution 9, agreed to January 6, 1945, is hereby reduced by $1,500.

TIME LIMIT ON INSTITUTION OF CERTAIN ACTIONS—AMENDMENT

Mr. WHERRY submitted an amendment intended to be proposed by him to the bill (H. R. 2788) to limit the time during which certain actions under the laws of the United States may be brought, which was ordered to lie on the table and to be printed.

AMENDMENT OF SOCIAL SECURITY ACT AND INTERNAL REVENUE CODE—AMENDMENTS

Mr. DOWNEY (for himself, Mr. PEPPER, and Mr. TAYLOR) submitted amendments intended to be proposed by them, jointly, to the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, which were ordered to lie on the table and to be printed.

HOUSE BILLS AND JOINT RESOLUTION REFERRED OR PLACED ON CALENDAR

The following bills and joint resolution were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated:

H. R. 1459. An act for the relief of Mr. and Mrs. J. W. Williams, Jr.;

H. R. 3209. An act for the relief of Edward A. Mason;

H. R. 3619. An act for the relief of Harry D. Koons;

H. R. 4374. An act for the relief of the legal guardian of Rudolph K. Bartels, Jr., a minor;

H. R. 5093. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Albert Whilden; and

H. R. 5847. An act for the relief of Watson Airfotos, Inc.; to the Committee on Claims.

H. R. 6455. An act to amend the act entitled "An act to provide books for the adult blind"; to the Committee on the Library.

H. R. 6896. An act to grant to the city of Miles City, State of Montana, certain land in Custer County, Mont., for industrial and recreational purposes and as a museum site; to the Committee on Public Lands and Surveys.

H. R. 6899. An act to authorize the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge, or a free bridge, across the Ohio River at or near Lawrenceburg, Dearborn County, Ind.; and

H. R. 6953. An act authorizing the city of East St. Louis, Ill., its successors and assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near a point between Delmar Boulevard and Cole Street in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.; to the Committee on Commerce.

H. R. 7039. An act to further amend section 304 of the Naval Reserve Act of 1938, as amended, so as to grant certain benefits to naval personnel engaged in training duty prior to official termination of World War II;

H. R. 7063. An act to provide for the selection for elimination and retirement of officers of the Regular Army, for the equalization of retirement benefits for members of the Army of the United States, and for other purposes; and

H. J. Res. 387. Joint resolution granting permission to Thomas Parran, Surgeon General of the Public Health Service; Rolla E. Dyer, Assistant Surgeon General, Public Health Service; Howard F. Smith, Assistant Surgeon General, Public Health Service; Herbert A. Spencer, medical director, Public Health Service; Vance B. Murray, medical director, Public Health Service; and Gilbert L. Dunnahoo, medical director, Public Health Service, to accept and wear certain decorations bestowed upon them by France, Cuba, Mexico, Chile, Finland, and Luang-Prabang; ordered to be placed on the calendar.

A DECADE OF PROGRESS FOR PENNSYLVANIA FARMERS—ADDRESS BY SENATOR GUFFEY

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an address on the subject A Decade of Progress for Pennsylvania Farmers, delivered by him to a group of farmers in the State of Pennsylvania, which appears in the Appendix.]

GOVERNMENT LOANS TO BUSINESS ENTERPRISES—ADDRESS BY HENRY T. BODMAN

[Mr. FERGUSON asked and obtained leave to have printed in the RECORD an address entitled "Government Loans to Business Enterprises," delivered by Henry T. Bodman, Director, Reconstruction Finance Corporation, at the annual convention of the Michigan Bankers Association at Mackinac Island, Mich., on June 27, 1946, which appears in the Appendix.]

OUR EX-PRESIDENTS—ARTICLE BY CLARENCE J. ROOT

[Mr. FERGUSON asked and obtained leave to have printed in the RECORD an article entitled "Our Ex-Presidents," written by Clarence J. Root, of Highland Park, Mich., which appears in the Appendix.]

SENATOR SWIFT, OF ALABAMA—ARTICLE FROM ALABAMA LOCAL GOVERNMENT JOURNAL

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an editorial entitled "The Senator From Alabama," published in the Alabama Local Government Journal for July 1946, which appears in the Appendix.]

THE FUTURE OF ECONOMIC LIBERALISM—ADDRESS BY HON. WENDELL BERGE

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address entitled "The Future of Economic Liberalism," delivered by Hon. Wendell Berge, Assistant Attorney General of the United States, at the annual meeting of the National Lawyers Guild at Cleveland Ohio, on July 6, 1946, which appears in the Appendix.]

AMERICAN LEGION ADDRESS BY LT. GEN. GEORGE E. STRATEMEYER

[Mr. JOHNSTON of South Carolina asked and obtained leave to have printed in the RECORD an address by Lt. Gen. George E. Stratemeyer to the convention of the American Legion of South Carolina, at Greenville, S. C., July 22, 1946, which appears in the Appendix.]

AMENDMENT OF INTERSTATE COMMERCE ACT WITH RESPECT TO AGREEMENTS BETWEEN CARRIERS

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kansas that the Senate proceed to the consideration of House bill 2536, to amend the Interstate Commerce Act, with respect to certain agreements between carriers.

Mr. REED obtained the floor.

Mr. BARKLEY. Mr. President, I think we ought to have a quorum present while the motion is being discussed. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hoey	Overton
Andrews	Huffman	Pepper
Austin	Johnson, Colo.	Radcliffe
Ball	Johnston, S. C.	Reed
Barkley	Kilgore	Revercomb
Bilbo	Knowland	Russell
Burch	La Follette	Shipstead
Capper	Langer	Smith
Carville	Lucas	Stanfill
Connally	McCarran	Stewart
Cordon	McClellan	Swift
Donnell	McFarland	Taylor
Downey	McKellar	Thomas, Okla.
Eastland	McMahon	Thomas, Utah
Ferguson	Magnuson	Tunnell
Fulbright	Mead	Vandenberg
George	Millikin	Wagner
Gerry	Mitchell	Walsh
Green	Moore	Wheeler
Guffey	Morse	Wherry
Gurney	Murdock	White
Hart	Murray	Wiley
Hawkes	Myers	Willis
Hayden	O'Daniel	Young
Hill	O'Mahoney	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from South Carolina [Mr. MAYBANK] is absent because of illness in his family.

The Senator from Missouri [Mr. BRIGGS] and the Senator from New Mexico [Mr. CHAVEZ] are detained on public business.

The Senator from Virginia [Mr. BYRD] is absent on official business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from Delaware [Mr. BUCK], are necessarily absent.

The Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from Wyoming [Mr. ROBERTSON], and

the Senator from New Hampshire [Mr. TOBEY], are absent by leave of the Senate.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The PRESIDENT pro tempore. Seventy-four Senators have answered to their names. A quorum is present.

LEAVE OF ABSENCE

Mr. CARVILLE. Mr. President, I ask unanimous consent to be excused from the Senate for an indefinite period.

The PRESIDING OFFICER. Without objection, leave is granted.

AMENDMENT OF CIVIL RETIREMENT ACT PROVIDING ANNUITIES FOR CERTAIN OFFICERS AND EMPLOYEES—CONFERENCE REPORT

Mr. DOWNEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4718) to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for certain officers and employees who have rendered at least twenty-five years of service, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That section 1 of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by adding at the end thereof the following new subsection:

"'(e) Any officer or employee to whom this Act applies who, after having attained the age of fifty-five and after having rendered at least twenty-five years of service computed as prescribed in section 5 of this Act,

"'(1) shall have been involuntarily separated from the service not by removal for cause on charges of misconduct or delinquency between July 1, 1945, and June 30, 1947, both dates inclusive; or

"'(2) shall have been voluntarily separated from the service between such dates if such officer or employee had accepted a position with a lower rate of basic salary, pay, or compensation after having been involuntarily separated (not by removal for cause on charges of misconduct or delinquency) between such dates from a position with a higher rate of basic salary, pay, or compensation, and was receiving less than such higher rate at the time of his voluntary separation,

shall be paid an immediate life annuity beginning on the first day of the month following the date of final separation from the service. Such annuity shall have a value equal to an annuity computed as provided in section 4 of this Act reduced by one-sixth of 1 per centum for each full month any such officer or employee is (A) under the age of sixty years if he has rendered at least thirty years of service computed as prescribed in section 5 of this Act, or (B) under the age of sixty-two years if he has rendered less than thirty years of service computed as prescribed in section 5 of this Act.'"

And the Senate agree to the same.

SHERIDAN DOWNEY,
WALTER F. GEORGE,
HARRY F. BYRD,
WILLIAM LANGER,
THOS. C. HART,
Managers on the Part of the Senate.

HENRY M. JACKSON,
CARTER MANASCO,
LEO RAYFIEL,
EDWARD H. REES,
JOHN W. BYRNES,
Managers on the Part of the House.

Mr. DOWNEY. I ask unanimous consent for the immediate consideration of the conference report.

There being no objection, the Senate proceeded to consider the report.

Mr. DOWNEY. Mr. President, the bill is now in a form satisfactory to the Senate committee on the major point of argument between the House and Senate. The House gave way, including action on the provision making the minimum age 55, sponsored by the distinguished Senator from Connecticut [Mr. HART].

I move that the conference report be agreed to.

The report was agreed to.

AMENDMENT OF REVISED STATUTES PROVIDING FOR OFFICERS AND EMPLOYEES OF THE PATENT OFFICE—CONFERENCE REPORT

Mr. PEPPER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4080) to amend section 476, Revised Statutes (U. S. C., title 35, sec. 2), providing for officers and employees of the Patent Office, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That notwithstanding the provisions of section 476 of the Revised Statutes (U. S. C., title 35, sec. 2), the Commissioner of Patents is authorized to designate examiners of the principal examiner grade or higher, having the requisite ability, to serve as examiners in chief and such examiners so designated shall be fully qualified to act as members of the board of appeals constituted by section 482 of the Revised Statutes (U. S. C., title 35, sec. 7): *Provided*, That no such examiner shall so serve for more than ninety days in any calendar year but thereafter they shall have authority to act and sign decisions and papers necessary to complete action on cases heard during such ninety days: *And provided further*, That not more than one such examiner shall be among the members of the board of appeals hearing an appeal.

"SEC. 2. This Act shall take effect on the date of approval and shall expire three years after such date."

And the Senate agree to the same.

That the title of the bill be amended to read as follows: "An Act to authorize the Commissioner of Patents to designate examiners to serve temporarily as examiners in chief."

CLAUDE PEPPER,
SCOTT LUCAS,
A. W. HAWKES,
Managers on the Part of the Senate.

FRANK W. BOYKIN,
FRITZ G. LANHAM,
FRED A. HARTLEY, Jr.,
Managers on the Part of the House.

Mr. PEPPER. Mr. President, I ask unanimous consent for the present consideration of the conference report.

There being no objection, the Senate proceeded to consider the report.

Mr. PEPPER. Mr. President, the minority was represented on the conference, and the conferees were unanimous. The Senator from New Jersey [Mr. HAWKES] is on the floor of the Senate now. I move that the conference report be agreed to.

The report was agreed to.

TRIBUTES TO SENATOR BARKLEY ON HIS NINTH ANNIVERSARY AS MAJORITY LEADER

Mr. WHITE. Mr. President, within the last few minutes it has been brought to my attention that today marks the ninth anniversary of the elevation of the distinguished Senator from Kentucky to the leadership of the majority in the Senate. I want for this side of the Chamber to express our great admiration of this leader of the majority. We marvel at his intimate knowledge of the legislation which has been before the Senate during these long years. We appreciate his uniform courtesy. We wish for him everything worth while in life, save only permanence in the office of majority leader.

Mr. BARKLEY. Mr. President, permit me to thank the Senator from Maine for calling attention to my ninth anniversary here as occupant of this seat. I could not forego the pleasure of expressing to him my deep appreciation of his fine memory in calling attention to it, and also the uniform courtesy shown to me by him and by his colleagues on the other side of the Chamber as well as my own colleagues on this side of the Chamber during these very hectic 9 years.

Nine years seem a long time to be carved out of any man's life to be victim of so many situations as have confronted us, but I do deeply appreciate the Senator's reference to that fact and that service, and I am profoundly grateful to all my colleagues for the uniform courtesy and patience and forbearance with which my shortcomings have been overlooked and in some measure compensated for by their cooperation and sympathy.

Mr. PEPPER. Mr. President, I meant to say just a word before the able majority leader spoke, and I hope he will not mind another expression from his admiring colleagues.

I want to be one of those to join in the deserved tribute that has been paid to our majority leader by his distinguished and friendly opposite number in this Chamber.

I know of no man who could have experienced the difficult trials and tribulations which our able leader has known and have equaled him in the good humor and the cheerful courage and in the persistent determination with which he has

constantly pursued his great responsibilities in this body.

I know of no one who exceeds his nimbleness of wit or mind, not only the distinguished leader but he is truly the gallant and happy warrior of the Senate beloved as he is honored by every Senator.

I am sure that every one of us in this body is proud that we are led by the able Senator from Kentucky, whose immense contribution to his times will not only be recorded in the affections of his colleagues but on the grateful pages of history.

Mr. HAWKES. Mr. President, I marvel at the capacity exhibited by the majority leader, and at his great ability. I am deeply sympathetic with him because of the tremendous load he is carrying in the Senate, and I want to pay tribute to him and to say further that I believe every Member of the Senate, on both sides of the aisle, has for him a deep respect and affection.

Mr. TAYLOR. Mr. President, as a new Member, one of the younger Members of the Senate, I feel that I should not omit this opportunity and privilege of expressing my high regard for our able and beloved leader. At times I have stood in amazement at his patience, and his knowledge of all the measures that come before the Senate. I have heard any number of Senators express the sentiment that they simply do not understand how he is able to familiarize himself in detail with every measure that comes before us.

I wish to say that I have a very sincere feeling toward him. I could say that I feel toward him almost as if he were my father, and if he objects to that, why then I will say that I feel toward him as a brother.

Mr. BARKLEY. I accept the Senator's amendment.

Mr. TAYLOR. I was afraid of that.

Mr. PEPPER. The Senator means a younger brother.

Mr. TAYLOR. There are members of my immediate family who are old as the Senator from Kentucky, so I still can feel towards him as a brother.

Mr. CARVILLE. Mr. President, I wish to add my expression of commendation of our majority leader. It just occurred to me last night that yesterday was the anniversary of my first year in the Senate. I was sworn in as a Senator 1 year ago. I remember meeting our distinguished majority leader on that day, and I wish to say for my part, that since that day he has been very helpful to me, has been very kind to me, and has assisted me over many tough spots during my year in the Senate. I simply wish to pay tribute to him in my capacity, not as the baby Senator, but as one of the baby Senators.

Mr. KNOWLAND. Mr. President, as one of the junior Senators on this side of the aisle I should like to say that I have pleasure today in paying tribute to the able majority leader. I might say that some 32 years ago in the other House of Congress my father served with the able majority leader, so I speak as one of the second generation who has served with him in the Halls of Congress. He is a great leader of the majority and a great citizen of the United States.

Mr. HUFFMAN. Mr. President, as a young Member of this body, at least young in experience here, if not in years, I cannot let this moment pass without rising to pay tribute publicly to a man who is a scholar, a gentleman, and a great leader. He knows what I think of him personally. I first met him at Houston, Tex., as he will recall, in 1928. My admiration for him, although it was great at that time has grown steadily through the years, and I am pleased to say that I think he is the ablest leader the Senate has ever had.

Mr. DOWNEY. Mr. President, I wish to associate myself enthusiastically with all the tributes that have been paid our majority leader. The burden which he carries and the work he does is of such magnitude as to be beyond my personal conception. I do not know how our majority leader is consistently able to perform the many tasks as well as he does, and with so kindly a spirit and such brilliant exhibition of talent.

Recently I pointed out to a Senator that in his 8 years as President, Andrew Jackson confronted only four or five great emergencies. One was his argument with Biddle, of Philadelphia, over the National Bank. Another had to do with the dispute with South Carolina over importation duties of the Federal Government. Another involved the question of public-land treaties with the Indians. There were one or two others. I expressed the opinion that in the Senate we have more great complicated measures in 1 week than Andrew Jackson dealt with in the entire 8 years. We all know that the burden of these measures falls principally upon our majority and minority leaders in the Senate.

The Senator with whom I was talking said, "Yes; but Andrew Jackson did one thing which our majority leader has not yet done. He killed two men." I replied, "That is true; but every week our majority leader refrains from killing two or three Senators, and I think that is a still greater accomplishment." [Laughter.]

Mr. SHIPSTEAD. Mr. President, I have just learned the occasion for these eulogies of the Senator from Kentucky. I have had the privilege of serving my State for nearly a quarter of a century, and I have served under great leaders, including the present majority and minority leaders. I venture to say that no leader of either party in the Senate has shown greater skill or greater courtesy to an opponent than has the present majority leader. It has been a privilege for me to sit here and watch him handle very difficult and intricate legislation with great understanding and ability. I would not let this occasion pass without expressing my admiration for his ability, integrity, and industry.

Mr. REED. Mr. President, I wish to add a word in tribute to the Senator from Kentucky. I think the Senator from California [Mr. DOWNEY] best stated the matter when he said that he could not understand how the Senator from Kentucky could possess the mental and physical strength necessary to perform all the tasks which he does perform. The Senator needs no assurance from this side of the aisle of our esteem and affection, and also our very deep regret that the Senator from Kentucky holds so many unsound political views that we cannot always vote with him, and on occasion find it necessary to disagree with him.

Mr. BARKLEY. Mr. President, I again express my deep appreciation for these generous words. In proof of my effort to be entirely nonpartisan—although it has nothing to do with this particular anniversary—I hope that all Senators will find on their desks a little pamphlet about Kentucky issued by the Republican governor of my State.

Mr. PEPPER. Mr. President, notwithstanding our great respect and affection for the able leader, let me say that there are many of us on this side of the aisle who do not feel constrained to accept the invitation to contribute to the Republican Central Committee of Kentucky. [Laughter.]

Mr. O'MAHONEY subsequently said: Mr. President, earlier this morning when I entered the Chamber, I was immediately called out to answer the telephone, and so was unable to participate in the statements of appreciation of the majority leader which were being made at that time.

I cannot fail, Mr. President, to make a record of my complete agreement with what has been said by numerous Senators of the remarkable service which has been rendered to the Senate of the United States and to the people of the country by the most able majority leader.

I have had the opportunity to observe the Senate in action for a long period. I first came upon the floor of the Senate in a minor capacity early in 1917. I have seen majority leaders come and go, and I know that in all this time the service of the Senator from Kentucky has never been surpassed. In point of time, of course, he has made a completely new record; no leader in all history has served so long as he has served. We all know that no leader in history has had heavier burdens than he has had. He has discharged all these burdens with rare good humor and with rare common sense. The result of it all has been that over and over again there has been exhibited by Senators on both sides of the Chamber warm and cordial approval of the personality and the ability of this great statesman from the State of Kentucky.

Mr. President, I was commenting only a few days ago with a group of newspapermen and radio commentators that frequently the service which public men render is overlooked. Of course, in a democracy, criticism which is intended to improve the public service oftentimes has a dominant place in publicity. It has always seemed to me that opportunity to make acknowledgment of actual service should not be overlooked.

Now, Mr. President, my attention has been called by one of the radio men to the fact that over the Mutual Broadcasting System on the evening of July 20, 1946, the well-known commenator, Mr. Albert L. Warner, of the Mutual System, commented upon the service which has been rendered by the senior Senator from Kentucky. I ask unanimous con-

sent that this brief tribute may be read from the desk.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

Radio commentators are usually full of criticism. I'd like to set a precedent and say a few kind words.

The Senate majority leader, ALBEN BARKLEY, has a balky Senate and, at times, a balky President to deal with. But in a tough position, he grows as a legislative leader. His unfailing good nature, his unremitting hard work, his native sense of justice that insists upon giving both sides of every question a fair chance, have won him the confidence and respect of his colleagues to a remarkable degree. A testimony to his standing was the reaction in Senate cloak rooms when Mr. BARKLEY's name was mentioned in the current war-profits investigation. Now, Senate cloak rooms are a great place for gossip, but in this case the Senators knew their man too well for suspicion to come into play. That was even before Mr. BARKLEY's appearance before the committee with his simple disclaimer of any knowledge of the affairs of the munitions combine under investigation.

After his brief testimony to the committee, he remarked to reporters with a characteristic grin: "Why, I got off easy. Not only they didn't indict me, they didn't even make me put up bail bond."

In the early days of his Senate leadership Mr. BARKLEY was handicapped by the feud in the Democratic Party and his election as floor leader with the help of a "Dear ALBEN" letter from the late President Roosevelt. The phrase "Dear ALBEN" was tossed at him as a slur on all occasions. His senatorial labors were eclipsed, too, by the brilliance of the then Senator James Byrnes, now Secretary of State, who had an inside trail with Mr. Roosevelt and often the New Deal fights were led by him. For a long time it was the fashion to regard Mr. BARKLEY as a wheel horse, but rather dull. Yet over the years he has grown steadily to the position of high respect in which he is now held.

His colleagues say that BARKLEY's genuine leadership of the Senate dates from his declaration of independence from President Roosevelt in the famous tax-bill battle in 1944. Then he resigned as the Senate's floor leader and was reelected unanimously. And he continued to fight for the administration thereafter with the same loyalty as ever, a loyalty that carries over in his service to President Truman. According to Senator TAFT, of Ohio, it was due only to the adroit skill of Senator BARKLEY, of Kentucky, that the administration got any kind of a price-control bill at all prior to OPA's expiration on June 30. And if a compromise acceptable to the President comes out of Congress, it will be largely due to the patient, graying, bluff-jawed ALBEN BARKLEY.

When things are going well for his legislation on the Senate floor, Mr. BARKLEY sits placidly in his front-row chair, munching chewing gum and gazing vacantly in front of him. When things go bad, he rises and flails the air with his arms like an oak tree in a windstorm, and fairly bellows with the vigor of his argument. But, in a couple of minutes, a vast store of BARKLEY humor that is always just below the surface will break out in a grin and a joke, and the chances are the situation in the Senate is under control again.

A severe test of loyalty confronted Mr. BARKLEY on President Truman's ill-starred proposal to draft strikers into the Army. Mr. BARKLEY's record is strongly liberal. Yet he drove the strike draft measure to a vote and calmly registered one of the 13 votes in favor of it. "If one vote is going to destroy my whole record of 20 years in the Senate," he said calmly, "then so be it."

Of his boyhood, in Kentucky, Senator Barkley tells me this: "My father was a farmer, and I was the oldest of eight children. I did the ordinary work of a farm boy in the way of plowing, raising all sorts of crops, clearing new grounds, and the like."

Senator BARKLEY is still patiently clearing legislative ground and raising good crops.

Mr. O'MAHONEY. Mr. President, let me add that of course, we all recognize freedom of speech in this Chamber and freedom of comment by the press, and by radio commentators. I presented this broadcast exactly as it was delivered by Mr. Warner over the air, and there is only one word in it I would wish to change, the word "vacantly." The Senator from Kentucky never "gazed vacantly" in his life.

I wish to say—and I know I speak the mind of every Member of the Senate—that the intellectual capacity which the Senator from Kentucky has brought to his tasks upon the floor of the Senate has been the primary factor in enabling him to master the details of more diverse bills than ever have had to be handled by any other leader in history. The Senator from Kentucky knows more about the legislation which is passed by this body—and I say it without fear of any contradiction—than any other Member of the body, regardless of whether he belongs to the committees which have presented the measures.

Mr. BARKLEY. Mr. President, I wish to thank my friend the Senator from Wyoming for his very gracious words, and, through him to thank Albert Warner for his kind radio comment a few nights ago. I did not hear it, and I have not seen it. Someone told me this morning that Mr. Warner had made a very generous comment over the radio, but I had not seen it and had not heard it. I deeply appreciate not only Mr. Warner's remarks, but what the Senator from Wyoming, my good friend, has said with reference to my service in the Senate.

DESMARK WRIGHT AND OTHERS

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1733) for the relief of Desmark Wright; the estates of Alberta Wright, Desmark Wright, Jr., and Harold Evans; and the legal guardians of Bobby Dennis Wright and Irvin Lee Wright, minors, which were, on page 1, line 8, to strike out "$2,000" and insert "$1,000"; and on page 1, line 9, to strike out "$2,000" and insert "$1,500."

Mr. McCLELLAN. Mr. President, I shall move that the Senate concur in the House amendment. I shall do so simply because we are at the close of the session of Congress, and not because I feel that the amendments are at all justified. The bill as it passed the Senate, with the amounts authorized in the bill, by no means did justice to these innocent victims, for whom the Government is responsible. However, in order to bring the matter to a conclusion and avoid further delay until the next session of Congress, I move that the Senate concur in the House amendments.

The motion was agreed to.

DISPOSAL OF SURPLUS PROPERTY OUTSIDE THE UNITED STATES

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1636) to amend the Surpus Property Act of 1944 to designate the Department of State as the disposal agency for surplus property outside the continental United States, its Territories and possessions, and for other purposes, which were, on page 3, lines 3 and 4, to strike out "intangible rights, or" and insert "or substantial"; on page 3, line 23, to strike out "library operation,"; on page 4, line 18, to strike out "$2,500,000" and insert "$1,000,000"; and on page 4, line 22, after "fourth", to insert "*Provided further*, That for the purpose of selecting students and educational institutions qualified to participate in this program, and to supervise the exchange program authorized herein, the President of the United States is hereby authorized to appoint a Board of Foreign Scholarships, consisting of 10 members, who shall serve without compensation, composed of representatives of cultural, educational, student, and war veterans groups, and including representatives of the United States Office of Education, the United States Veterans' Administration, State educational institutions, and privately endowed educational institutions."

Mr. WHITE. Mr. President, what is this bill?

Mr. FULBRIGHT. This is a bill which passed the Senate about 3 months ago, involving the disposition of surplus property abroad, a part of the proceeds from which is to be used for exchange scholarships. It was unanimously approved by the Committee on Military Affairs, and passed the House.

I move that the Senate concur in the House amendments.

Mr. REVERCOMB. Mr. President, I inquire of the Senator from Arkansas if this is the bill which permits the sale of surplus property abroad, the proceeds to be devoted to an exchange of students.

Mr. FULBRIGHT. This is the bill. That is not exactly an accurate description of it, but the Senator is acquainted with the bill. It came from the Committee on Military Affairs.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

DEVELOPMENT OF OIL AND GAS ON THE PUBLIC DOMAIN—CONFERENCE REPORT

Mr. O'MAHONEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1236) to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 7, 8, 20, and 21.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, 10, 11, 12, 14, 15, 16, 17, and 18, and agree to the same.

Amendment numbered 6: That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: Restore the language stricken out and omit the language inserted; and on page 7 of the Senate engrossed bill strike out the matter

in lines 16 through 19 and insert in lieu thereof the following: "Act, and (2) any production on a lease from an oil or gas deposit which was discovered after May 27, 1941, by a well or wells drilled within the boundaries of the lease, and which is determined by the Secretary to be a new deposit; and (3) any production on or allocated to a lease pursuant to an approved unit or cooperative agreement from an oil or gas deposit which was discovered after May 27, 1941, on land committed to such agreement, and which is determined by the Secretary to be a new deposit, where such lease, or a lease for which it is exchanged, was included in such agreement at the time of discovery, or was included in a duly executed and filed application for the approval of such agreement at the time of discovery."

And the House agree to the same.

Amendment numbered 9: That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows: At the end of the matter inserted by the House amendment insert a colon and the following: "*Provided*, That the total acreage so held in common by two or more persons shall not exceed, in the aggregate, an amount equivalent to the maximum number of acres of the respective kind of minerals allowed to any one lessee or permittee under this Act."

And the House agree to the same.

Amendment numbered 13: That the Senate recede from its disagreement to the amendment of the House numbered 13, and agree to the same with an amendment as follows: At the end of the matter inserted by the House amendment insert a period and add the following: "Upon approval of any assignment or sublease, the assignee or sublessee shall be bound by the terms of the lease to the same extent as if such assignee or sublessee were the original lessee, any conditions in the assignment or sublease to the contrary notwithstanding."

And the House agree to the same.

Amendment numbered 19: That the Senate recede from its disagreement to the amendment of the House numbered 19, and agree to the same with an amendment as follows: Restore the language stricken out and omit the language inserted. On page 20 of the Senate engrossed bill strike out the matter in line 24, and on page 21, strike out the matter on lines 1 to 4, inclusive, and insert in lieu thereof the following: "limits exist on the effective date of this Act; and (2) any production on a lease from an oil or gas deposit which was discovered after May 27, 1941, by a well or wells drilled within the boundaries of the lease, and which is determined by the Secretary to be a new deposit; and (3) any production on or allocated to a lease pursuant to an approved unit or cooperative agreement from an oil or gas deposit which was discovered after May 27, 1941, on land committed to such agreement, and which is determined by the Secretary to be a new deposit, where such lease, or a lease for which it is exchanged, was included in such agreement at the time of discovery, or was included in a duly executed and filed application for the approval of such agreement at the time of discovery."

And the House agree to the same.

JOSEPH C. O'MAHONEY,
ROBERT F. WAGNER,
JAMES E. MURRAY,
CHAN GURNEY,
E. V. ROBERTSON,
Managers on the Part of the Senate.

J. HARDIN PETERSON,
ANTONIO M. FERNANDEZ,
COMPTON I. WHITE,
K. M. LECOMPTE,
FRANK A. BARRETT,
Managers on the Part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the conference report?

There being no objection, the report was considered and agreed to.

GRANTS TO STATES FOR SURVEYING HOSPITALS AND PUBLIC HEALTH CENTERS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 191) to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction, which was, to strike out all after the enacting clause and insert:

That this act may be cited as the "Hospital Survey and Construction Act."

SEC. 2. The Public Health Service Act (consisting of titles I to V, inclusive, of the act of July 1, 1944, 58 Stat. 682) is hereby amended by adding at the end thereof the following new title:

"TITLE VI—CONSTRUCTION OF HOSPITALS

"PART A—DECLARATION OF PURPOSE

"SEC. 601. The purpose of this title is to assist the several States—

"(a) to inventory their existing hospitals (as defined in sec. 631 (e)), to survey the need for construction of hospitals, and to develop programs for construction of such public and other nonprofit hospitals as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic, and similar services to all their people; and

"(b) to construct public and other nonprofit hospitals in accordance with such programs.

"PART B—SURVEYS AND PLANNING

"Authorization of appropriation

"SEC. 611. In order to assist the States in carrying out the purposes of section 601 (a), there is hereby authorized to be appropriated the sum of $3,000,000, to remain available until expended. The sums appropriated under this section shall be used for making payments to States which have submitted, and had approved by the Surgeon General, State applications for funds for carrying out such purposes.

"State applications

"SEC. 612. (a) To be approved, a State application for funds for carrying out the purposes of section 601 (a) must—

"(1) designate a single State agency as the sole agency for carrying out such purposes: *Provided*, That after a State plan has been approved under section 623, any further survey or programing functions shall be carried out, pursuant to section 623 (a) (10), by the agency designated in accordance with section 623 (a) (1);

"(2) provide for the designation of a State advisory council, which shall include representatives of nongovernment organizations or groups, and of State agencies, concerned with the operation, construction, or utilization of hospitals, including representatives of the consumers of hospital services selected from among persons familiar with the need for such services in urban or rural areas, to consult with the State agency in carrying out such purposes;

"(3) provide for making an inventory and survey in accordance with section 601 (a) containing all information required by the Surgeon General, and for developing a program in accordance with section 601 (a) and with regulations prescribed under section 622; and

"(4) provide that the State agency will make such reports, in such form and containing such information, as the Surgeon General may from time to time reasonably require, and give the Surgeon General, upon demand, access to the records on which such reports are based

"(b) The Surgeon General shall approve any application for funds which complies with the provisions of subsection (a).

"Allotments to States

"SEC. 613. (a) Each State for which a State application under section 612 has been approved shall be entitled to an allotment of such proportion of any appropriation made pursuant to section 611 as its population bears to the population of all the States, and within such allotment it shall be entitled to receive 33⅓ percent of its expenditures in carrying out the purposes of section 601 (a) in accordance with its application: *Provided*, That no such allotment to any State shall be less than $10,000. The Surgeon General shall from time to time estimate the sum to which each State will be entitled under this section, during such ensuing period as he may determine, and shall thereupon certify to the Secretary of the Treasury the amount so estimated, reduced or increased, as the case may be, by any sum by which the Surgeon General finds that his estimate for any prior period was greater or less than the amount to which the State was entitled for such period. The Secretary of the Treasury shall thereupon, prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Surgeon General, the amount so certified.

"(b) Any funds paid to a State under this section and not expended for the purposes for which paid shall be repaid to the Treasury of the United States.

"PART C—CONSTRUCTION OF HOSPITALS AND RELATED FACILITIES

"Authorization of appropriations

"SEC. 621. In order to assist the States in carrying out the purposes of section 601 (b) there is hereby authorized to be appropriated for the fiscal year ending June 30, 1947, and for each of the four succeeding fiscal years, the sum of $75,000,000 for the construction of public and other nonprofit hospitals; and there are further authorized to be appropriated for such construction the sums provided in section 624. The sums appropriated pursuant to this section shall be used for making payments to States which have submitted, and had approved by the Surgeon General, State plans for carrying out the purposes of section 601 (b); and for making payments to political subdivisions of, and public or other nonprofit agencies in, such States.

"General regulations

"SEC. 622. Within 6 months after the enactment of this title, the Surgeon General, with the approval of the Federal Hospital Council and the Administrator, shall by general regulation prescribe—

"(a) The number of general hospital beds required to provide adequate hospital services to the people residing in a State, and the general method or methods by which such beds shall be distributed among base areas, intermediate areas, and rural areas: *Provided*, That for the purposes of this title, the total of such beds for any State shall not exceed four and one-half per thousand population, except that in States having less than 12 and more than 6 persons per square mile the limit shall be five beds per thousand population, and in States having 6 persons or less per square mile the limit shall be five and one-half beds per thousand population; but if, in any area (as defined in the regulations) within the State, there are more beds than required by the standards prescribed by the Surgeon General, the excess over such standards may be eliminated in calculating this maximum allowance.

"(b) The number of beds required to provide adequate hospital services for tuberculous patients, mental patients, and chronic-disease patients in a State, and the general

method or methods by which such beds shall be distributed throughout the State: *Provided*, That for the purposes of this title the total number of beds for tuberculous patients shall not exceed two and one-half times the average annual deaths from tuberculosis in the State over the 5-year period from 1940 to 1944, inclusive, the total number of beds for mental patients shall not exceed five per thousand population, and the total number of beds for chronic disease patients shall not exceed two per thousand population.

"(c) The number of public health centers and the general method of distribution of such centers throughout the State, which for the purposes of this title, shall not exceed 1 per 30,000 population, except that in States having less than 12 persons per square mile, it shall not exceed 1 per 20,000 population.

"(d) The general manner in which the State agency shall determine the priority of projects based on the relative need of different sections of the population and of different areas lacking adequate hospital facilities, giving special consideration to hospitals serving rural communities and areas with relatively small financial resources.

"(e) General standards of construction and equipment for hospitals of different classes and in different types of location.

"(f) That the State plan shall provide for adequate hospital facilities for the people residing in a State, without discrimination on account of race, creed, or color, and shall provide for adequate hospital facilities for persons unable to pay therefor. Such regulation may require that before approval of any application for a hospital or addition to a hospital is recommended by a State agency, assurance shall be received by the State from the applicant that (1) such hospital or addition to a hospital will be made available to all persons residing in the territorial area of the applicant, without discrimination on account of race, creed, or color, but an exception shall be made in cases where separate hospital facilities are provided for separate population groups, if the plan makes equitable provision on the basis of need for facilities and services of like quality for each such group; and (2) there will be made available in each such hospital or addition to a hospital a reasonable volume of hospital services to persons unable to pay therefor, but an exception shall be made if such a requirement is not feasible from a financial standpoint.

"(g) General methods of administration of the plan by the designated State agency, subject to the limitations set forth in section 623 (a) (6) and (8).

"State plans

"SEC. 623. (a) After such regulations have been issued, any State desiring to take advantage of this part may submit a State plan for carrying out the purposes of section 601 (b). Such State plan must—

"(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

"(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) hereof will have authority to carry out such plan in conformity with this part;

"(3) provide for the designation of a State advisory council which shall include representatives of nongovernment organizations or groups, and of State agencies, concerned with the operation, construction, or utilization of hospitals, including representatives of the consumers of hospital services selected from among persons familiar with the need for such services in urban or rural areas, to consult with the State agency in carrying out such plans;

"(4) set forth a hospital construction program (A) which is based on a State-wide inventory of existing hospitals and survey of need; (B) which conforms with the regulations prescribed by the Surgeon General under section 622 (a), (b), and (c); (C) which, in the case of a State which has developed a program under part B of this title, conforms to the program so developed except for any modification required in order to comply with regulations prescribed pursuant to section 622 (a), (b), and (c), and except for any modification recommended by the State agency designated pursuant to paragraph (1) of this subsection and approved by the Surgeon General; and (D) which meets the requirements as to lack of discrimination on account of race, creed, or color, and for furnishing needed hospital services to persons unable to pay therefor, required by regulations prescribed under section 622 (f);

"(5) set forth the relative need determined in accordance with the regulations prescribed under section 622 (d) for the several projects included in such programs, and provide for the construction, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

"(6) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Surgeon General shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as the Surgeon General prescribes by regulation under section 622 (g);

"(7) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of hospitals which receive Federal aid under this part;

"(8) provide for affording to every applicant for a construction project an opportunity for hearing before the State agency;

"(9) provide that the State agency will make such reports in such form and containing such information as the Surgeon General may from time to time reasonably require, and give the Surgeon General, upon demand, access to the records upon which such information is based; and

"(10) provide that the State agency will from time to time review its hospital construction program and submit to the Surgeon General any modifications thereof which it considers necessary.

"(b) The Surgeon General shall approve any State plan and any modification thereof which complies with the provisions of subsection (a). If any such plan or modification thereof shall have been disapproved by the Surgeon General for failure to comply with subsection (a), the Federal Hospital Council shall, upon request of the State agency, afford it an opportunity for hearing. If such Council determines that the plan or modification complies with the provisions of such subsection, the Surgeon General shall thereupon approve such plan or modification.

"(c) No changes in a State plan shall be required within 2 years after initial approval thereof, or within 2 years after any change thereafter required therein, by reason of any change in the regulations prescribed pursuant to section 622, except with the consent of the State, or in accordance with further action by the Congress.

"(d) If any State, prior to July 1, 1948, has not enacted legislation providing that compliance with minimum standards of maintenance and operation shall be required in the case of hospitals which shall have received Federal aid under this title, such State shall not be entitled to any further allotments under section 624.

"Allotments to States

"SEC. 624. Each State for which a State plan has been approved prior to or during a fiscal year shall be entitled for such year to an allotment of a sum bearing the same ratio to the sums authorized to be appropriated pursuant to section 621 for such year as the product of (a) the population of such State and (b) the square of its allotment percentage (as defined in sec. 631 (a)) bears to the sum of the corresponding products for all of the States. The amount of the allotment to a State shall be available, in accordance with the provisions of this part, for payment of 33⅓ percent of the cost of approved projects within such State. The Surgeon General shall calculate the allotments to be made under this section and notify the Secretary of the Treasury of the amounts thereof. Sums allotted to a State for a fiscal year for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted for such State for such next fiscal year. Any amount of the sum authorized to be appropriated for a fiscal year which is not appropriated for such year, or which is not allotted in such year by reason of the failure of any State or States to have plans approved under this part, and any amount allotted to a State but remaining unobligated at the end of the period for which it is available to such State, is hereby authorized to be appropriated for the next fiscal year in addition to the sum otherwise authorized under section 621.

"Approval of projects and payments for construction

"SEC. 625. (a) For each project for construction pursuant to a State plan approved under this part, there shall be submitted to the Surgeon General through the State agency an application by the State or a political subdivision thereof or by a public or other nonprofit agency. Such application shall set forth (1) a description of the site for such project, (2) plans and specifications therefor in accordance with the regulations prescribed by the Surgeon General under section 622 (e), (3) reasonable assurance that title to such site is or will be vested solely in the applicant, (4) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when completed, and (5) reasonable assurance that the rates of pay for laborers and mechanics engaged in construction of the project will be not less than the prevailing local wage rates for similar work as determined in accordance with Public Law 403 of the Seventy-fourth Congress, approved August 30, 1935, as amended. The Surgeon General shall approve such application if sufficient funds to pay 33⅓ percent of the cost of construction of such project are available from the allotment to the State, and if the Surgeon General finds (A) that the application contains such reasonable assurance as to title, financial support, and payment of prevailing rates of wages, (B) that the plans and specifications are in accord with the regulations prescribed pursuant to section 622, (C) that the application is in conformity with the State plan approved under section 623 and contains an assurance that the applicant will conform to the applicable requirements of the State plan and of the regulations prescribed pursuant to section 622 (f) regarding the provision of facilities without discrimination on account of race, creed, or color, and for furnishing needed hospital facilities for persons unable to pay therefor, and an assurance that the applicant will conform to State standards for operation and maintenance, and (D) that it has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the regulations prescribed pursuant to section 622 (d). No application shall be disapproved until the Surgeon General has afforded the State agency an opportunity for a hearing.

"(b) Upon approving an application under this section, the Surgeon General shall certify to the Secretary of the Treasury an

amount equal to 33⅓ percent of the estimated cost of construction of the project and designate the appropriation from which it is to be paid. Such certification shall provide for payment to the State, except that if the State is not authorized by law to make payments to the applicant the certification shall provide for payment direct to the applicant. Upon certification by the State agency, based upon inspection by it, that work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, the Surgeon General shall certify such installment for payment by the Secretary of the Treasury; except that if the Surgeon General, after investigation or otherwise, has ground to believe that a default has occurred requiring action pursuant to section 632 (a) he may, upon giving notice of hearing pursuant to such subsection, withhold certification pending action based on such hearing.

"(c) Amendment of any approved application shall be subject to approval in the same manner as an original application. Certification under subsection (b) may be amended, either upon approval of an amendment of the application or upon revision of the estimated cost of a project. An amended certification may direct that any additional payment be made from the applicable allotment for the fiscal year in which such amended certification is made.

"(d) The funds paid under this section for the construction of an approved project shall be used solely for carrying out such project as so approved.

"(e) If any hospital for which funds have been paid under this section shall, at any time within 20 years after the completion of construction, (A) be sold or transferred to any person, agency, or organization, (1) which is not qualified to file an application under this section, or (2) which is not approved as a transferee by the State agency designated pursuant to section 623 (a) (1), or its successor, or (B) cease to be a nonprofit hospital as defined in section 631 (g), the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a hospital which has ceased to be a nonprofit hospital, from the owners thereof) 33⅓ percent of the then value of such hospital, as determined by agreement of the parties or by action brought in the district court of the United States for the district in which such hospital is situated.

"PART D—MISCELLANEOUS

"Definitions

"SEC. 631. For the purposes of this title—

"(a) the allotment percentage for any State shall be 100 percent less that percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska), except that (1) the allotment percentage shall in no case be more than 75 percent or less than 33⅓ percent, and (2) the allotment percentage for Alaska and Hawaii shall be 50 percent each, and the allotment percentage for Puerto Rico shall be 75 percent;

"(b) the allotment percentages shall be promulgated by the Surgeon General between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Surgeon General shall promulgate such percentages as soon as possible after the enactment of this title, which promulgation shall be conclusive for the fiscal year ending June 30, 1947;

"(c) the population of the several States shall be determined on the basis of the latest figures certified by the Department of Commerce;

"(d) the term 'State' includes Alaska, Hawaii, Puerto Rico, and the District of Columbia;

"(e) the term 'hospital' (except as used in sec. 622 (a) and (b) includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, out-patient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care;

"(f) the term 'public health center' means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers;

"(g) the term 'nonprofit hospital' means any hospital owned and operated by a corporation or association no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(h) the term 'construction' includes construction of new buildings, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings; including architects' fees, but excluding the cost of off-site improvements and, except with respect to public health centers, the cost of the acquisition of land; and

"(i) the term 'cost of construction' means the amount found by the Surgeon General to be necessary for the construction of a project.

"Withholding of certification

"SEC. 632. (a) Whenever the Surgeon General, after reasonable notice and opportunity for hearing to the State agency designated in accordance with section 612 (a) (1), finds that the State agency is not complying substantially with the provisions required by section 612 (a) to be contained in its application for funds under part B, or after reasonable notice and opportunity for hearing to the State agency designated in accordance with section 623 (a) (1) finds (1) that the State agency is not complying substantially with the provisions required by section 623 (a), or by regulations prescribed pursuant to section 622, to be contained in its plan submitted under section 623 (a), or (2) that any funds have been diverted from the purposes for which they have been allotted or paid, or (3) that any assurance given in an application filed under section 625 is not being or cannot be carried out, or (4) that there is a substantial failure to carry out plans and specifications approved by the Surgeon General under section 625, the Surgeon General may forthwith notify the Secretary of the Treasury and the State agency that no further certification will be made under part B or part C, as the case may be, or that no further certification will be made for any project or projects designated by the Surgeon General as being affected by the default, as the Surgeon General may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected by such default, he may withhold further certifications until there is no longer any failure to comply, or, if compliance is impossible, until the State repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

"(b) (1) If the Surgeon General refuses to approve any application under section 625, the State agency through which the application was submitted, or if any State is dissatisfied with the Surgeon General's action under subsection (a) of this section, such State may appeal to the United States circuit court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Surgeon General shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(2) The findings of fact by the Surgeon General, unless substantially contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Surgeon General to take further evidence, and the Surgeon General may thereupon make new or modified finding of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive unless substantially contrary to the weight of the evidence.

"(3) The court shall have jurisdiction to affirm the action of the Surgeon General or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended.

"Federal hospital council; administration of title

"SEC. 633. (a) The Surgeon General is authorized to make such administrative regulations and perform such other functions as he finds necessary to carry out the provisions of this title. Any such regulations shall be subject to the approval of the Administrator.

"(b) In administering this title, the Surgeon General shall consult with a Federal Hospital Council consisting of the Surgeon General, who shall serve as Chairman ex officio, and eight members appointed by the Administrator. Four of the eight appointed members shall be persons who are outstanding in fields pertaining to hospital and health activities, three of whom shall be authorities in matters relating to the operation of hospitals, and the other four members shall be appointed to represent the consumers of hospital services and shall be persons familiar with the need for hospital services in urban or rural areas. Each appointed member shall hold office for a term of 4 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as designated by the Administrator at the time of appointment, two at the end of the first year, two at the end of the second year, two at the end of the third year, and two at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms but shall be eligible for reappointment if he has not served immediately preceding his reappointment. The Council is authorized to appoint such special advisory and technical committees as may be useful in carrying out its functions. Appointed Council members and members of advisory or technical committees, while serving on business of the Council, shall receive compensation at rates fixed by the Administrator, but not exceeding $25 per day, and shall also be entitled to receive an allowance for actual and necessary travel and subsistence expenses while so serving away from their places of residence. The Council shall meet as frequently as the Surgeon General deems necessary, but not less than once each year. Upon request by three or more members, it shall be the duty of the Surgeon General to call a meeting of the Council.

"(c) In administering the provisions of this title, the Surgeon General, with the approval of the Administrator, is authorized to utilize the services and facilities of any executive

department in accordance with an agreement with the head thereof. Payment for such services and facilities shall be made in advance or by way of reimbursement, as may be agreed upon between the Administrator and the head of the executive department furnishing them.

"Conferences of State agencies

"SEC. 634. Whenever in his opinion the purposes of this title would be promoted by a conference, the Surgeon General may invite representatives of as many State agencies, designated in accordance with section 612 (a) (1) or section 623 (a) (1), to confer as he deems necessary or proper. Upon the application of five or more of such State agencies, it shall be the duty of the Surgeon General to call a conference of representatives of all State agencies joining in the request. A conference of the representatives of all such State agencies shall be called annually by the Surgeon General.

"State control of operations

"SEC. 635. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, mainenance, or operation of any hospital with respect to which any funds have been or may be expended under this title."

SEC. 3. Paragraph (2) of section 208 (b) of the Public Health Service Act, as amended, is amended by inserting "(A)" before the words "to assist"; by striking out the word "paragraph" and inserting in lieu thereof the word "clause"; and by striking out the period at the end of such paragraph and inserting in lieu thereof a comma and the following: "and (B) to assist in carrying out the purposes of title VI of this act, but not more than 20 such officers appointed pursuant to this clause shall hold office at the same time."

SEC. 4. Section 1 of the Public Health Service Act is amended to read:

"SECTION 1. Titles I to VI, inclusive, of this act may be cited as the 'Public Health Service Act'."

SEC. 5. The act of July 1, 1944 (58 Stat. 682), is hereby further amended by changing the number of title VI to title VII and by changing the numbers of sections 601 to 612, inclusive, and references thereto, to sections 701 to 712, respectively.

Mr. HILL. Mr. President, I move that the Senate disagree to the amendment of the House, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. HILL, Mr. TUNNELL, Mr. THOMAS of Utah, Mr. LA FOLLETTE, and Mr. TAFT conferees on the part of the Senate.

DEVELOPMENT OF VOCATIONAL EDUCATION IN THE STATES AND TERRITORIES

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 619) to amend the act of June 8, 1936, relating to vocational education, so as to provide for the further development of vocational education in the several States and Territories, which were, on page 2, line 7, after "which" to insert "said"; on page 2, line 20, after "supervision", insert "by the vocational agriculture teachers"; on page 3, strike out lines 15 to 19, inclusive; on page 3, line 20, strike out "(5)" and insert "(4)"; on page 4, line 2, strike out "(5)" and insert "(4)"; on page 4, lines 22 and 23, strike out "each for vocational guidance and" and insert "for"; on page 5, line 7, strike out "50" and insert "100"; on page 5, line 8, strike out all after "3" down to and including "made" in line 13; on page 6, lines 9 and 10, strike out "as a teacher and supervisor"; on page 8, strike out lines 9 to 15, inclusive; and on page 8, line 16, strike out "(c)" and insert "(b)".

Mr. GEORGE. Mr. President, only two substantial amendments have been made to the bill, one striking out the appropriation of $1,500,000 for vocational guidance, and the other requiring matching by the States or local communities on a 50-50 basis. The other amendments are technical. I therefore move that the Senate concur in the amendments of the House.

The motion was agreed to.

AMENDMENT OF INTERSTATE COMMERCE ACT WITH RESPECT TO AGREEMENTS BETWEEN CARRIERS

The Senate resumed the consideration of the motion of Mr. REED to proceed to the consideration of the bill (H. R. 2536) to amend the Interstate Commerce Act, with respect to certain agreements between carriers.

Mr. REED. Mr. President, the motion before the Senate involves a bill which has to do with certain agreements between carriers, particularly railroad carriers. It is known as the Bulwinkle bill. I think that title gives it a quicker identity than the title of the bill itself.

When we buy a coat, a suit of clothes, or a new automobile we dicker with the seller over the price. When we ship something over a railroad we cannot do so. A shipper may not lawfully pay to a railroad, and a railroad may not lawfully collect, charges for any services unless the charges are included in a published tariff.

To give the Senate an idea of the complexity and extent of the question of rate tariffs, it may be said that in a report covering the year 1935, the Interstate Commerce Commission had filed with it approximately 500,000 tariffs, and in the years from 1933 to approximately 3 years ago the Interstate Commerce Commission had filed with it an average of from 89,000 to 124,000 tariff changes every year. That gives an idea of the enormous spread of the work of printing and publishing and filing tariffs.

One hundred years ago the railroad business was more limited than it is now, and the railroad lines were shorter. There were more railroads in number, but the total mileage was not so great as now. Each railroad started out to publish its own tariffs. But as the business of the country grew, as the railroad mileage expanded, as the commerce increased, the system of having each railroad publish its own tariffs was superseded very largely, through the years, by a system of employing publishing agents, of setting up committees and bureaus and rate associations, through which the numerous tariff changes could be made known and could be legally and lawfully filed, so as to make the charges lawful.

There are approximately 30 rate bureaus and rate publishing agents throughout the country, and virtually all the tariffs, although not entirely all, are made through those bureaus. Those bureaus invariably have dockets, hold public hearings, and give the shippers a chance to be heard as to published changes. Then, after the action is decided upon, they file with the Interstate Commerce Commission the rates which are agreed upon. But even then, Mr. President, no common carrier can collect a single dollar or, for that matter, a single cent until the rate which has been published and filed has received the sanction of the Interstate Commerce Commission.

If there were only one railroad in the United States, this bill would be unnecessary. There happens to be 131 class I railroads. A class 1 railroad is a railroad whose gross revenue exceeds $1,000,000 a year. There are 131 of them. There are about 50 important railroads in the country. In order to carry out the obligation imposed upon them, they must hold conferences. They must deal with each other.

The American Telephone & Telegraph Co. does not have to do that, insofar as it is concerned, because it comes as near to being a complete monopoly as there is in this country. All it has to do, if it wishes to change its practices or its rates, is to talk with itself, and then file the rates with the Federal Communications Commission. But not so with the railroads; and we lay on the railroads the injunction which is contained in the Transportation Act itself. The bureaus and associations to which I have adverted are only a method of coordinating the obligation that is devolved by the Transportation Act upon the common carriers.

The question then fairly arises, why is this bill here? The rate bureaus have had a growth and an expansion of their practices consistent with the growth of commerce and the growth of the amount of railroad business handled. About 1900, at the turn of the century, a case was brought in which it was charged that the rate bureaus, in particular the Transcontinental Rate Bureau, were operating in violation of the antitrust laws. I think the courts did find some basis for that charge. As I recall, that case was not pushed to a complete finality. But at that time the Interstate Commerce Commission could only find a rate unreasonable; it did not have the power, which it now has, to find a maximum rate, a minimum rate, a maximum and a minimum, and to prescribe rates to be charged in lieu of the rates found to be unreasonable or discriminatory. At the present time the Interstate Commerce Commission has complete power to do those things.

Since 1900, and up to 1942, no question, so far as I know, was ever raised that these rate bureaus and conferences between railroads were in any way in conflict with the Sherman Antitrust Act.

The reason this bill is here is that in 1942 an investigation was begun by the Department of Justice of certain rate bureaus in Chicago, involving, as I recall, both rail and water carrier rate bureaus. I think that investigation began in 1941. A grand jury proceeding was commenced in 1942. That grand jury proceeding was discontinued only upon the insist-

ence of the late Joseph B. Eastman, who then was Coordinator of Transportation, and also upon the insistence of the Interstate Commerce Commission, the War Department, the Navy Department, and other Government agencies. They stated, and correctly so, that if that proceeding were continued the rate-making process would be demoralized and transportation in this country would fall into chaos. So that proceeding was discontinued, or at least suspended.

In 1943 a bill to regulate rate bureaus was introduced by the chairman of the Senate Interstate Commerce Committee [Mr. WHEELER]. That bill was written in the Department of Justice. I mention that only to show that even the Department of Justice concedes that there is a field in which these bureaus can operate and not be in conflict with the antitrust laws.

Mr. President, I am making this preliminary statement only for the information of the Senate, so that there will be some understanding of the general outline of this question.

Extensive hearings were held on the bill introduced by the Senator from Montana and then it was dropped. Nothing was done with it. Later, this question came up in other forms.

The shippers of the country universally desire this bill to be passed and they are supporting it. In my long years of contact with transportation questions, I have never known of a single instance in which any legislative proposal has had the universal support from the shippers and the shipping public which this bill has. This bill has been approved by the Interstate Commerce Commission, the Office of Defense Transportation, the War Department, the Navy Department, and every shipper organization of importance in the United States. It has been approved by the American Farm Bureau Federation, by the National Grange, by the National Association of Railroad and Utilities Commissioners, and by the State commissions of virtually every State in the Union. In other words, the regulatory authorities, both National and State, are universally in favor of the passage of this bill so as to remove any doubt of the legality of the present system of holding conferences and agreeing on the rates and practices to be filed with the Interstate Commerce Commission.

Mr. President, I have made this statement so that the general outline of this bill may be before the Senate, because I understand there is some opposition to the adoption of the motion to consider the bill. I have tried to make a brief and a fair explanation. Later I shall make a fuller and more complete explanation of the bill.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Bilbo	Cordon
Andrews	Burch	Donnell
Austin	Capper	Downey
Ball	Carville	Eastland
Barkley	Connally	Ferguson
Fulbright	McClellan	Russell
George	McFarland	Shipstead
Gerry	McKellar	Smith
Green	McMahon	Stanfill
Guffey	Magnuson	Stewart
Gurney	Mead	Swift
Hart	Millikin	Taylor
Hawkes	Mitchell	Thomas, Okla.
Hayden	Moore	Thomas, Utah
Hill	Morse	Tunnell
Hoey	Murdock	Vandenberg
Huffman	Murray	Wagner
Johnson, Colo.	Myers	Walsh
Johnston, S. C.	O'Daniel	Wheeler
Kilgore	O'Mahoney	Wherry
Knowland	Overton	White
La Follette	Pepper	Wiley
Langer	Radcliffe	Willis
Lucas	Reed	Young
McCarran	Revercomb	

The PRESIDING OFFICER. Seventy-four Senators have answered to their names. A quorum is present.

Mr. BARKLEY. Mr. President, I rise in opposition to the motion now pending before the Senate to proceed to the consideration of calendar 1539, House bill 2536, known as the Bulwinkle bill.

Ordinarily I do not oppose motions to proceed to the consideration of legislative proposals. I think I have very rarely opposed such motions, but I think my opposition to the pending motion, and the opposition of other Senators, has a sound basis.

In the first place, the bill is very controversial and will involve considerable discussion. It has been amended by the committee. Of course, any amendments would have to go back to the House of Representatives. I am advised that the legislative situation in the House next week will likely assume such a posture that it will be difficult to get anything considered except by unanimous consent. But, aside from that, if the bill had not been amended at all by the committee, I still feel that a bill of this character, controversial in nature, should not be taken up and considered in the Senate at this time.

The hearings held by the Committee on Interstate Commerce have never been printed. They are not available to Members of the Senate. The bill was passed in the House on December 10, 1945, came to the Senate, and was referred to the Committee on Interstate Commerce. The committee held some hearings during the spring. I do not know why they have not been printed and are not available to the Members of the Senate, but they are not. No one outside the few members of the committee who were present at the time knows what the testimony was. Frequently, when bills have been brought up in the Senate, Senators have even objected to their consideration until the hearings could become available, and no one seriously questioned the propriety of such a request for postponement.

Mr. RUSSELL. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. RUSSELL. I appreciate the Senator from Kentucky making this point very clear. Here we have a very highly controversial bill, involving one of the most complicated subjects in the entire American economy, that of freight rates, on which hearings were held for several weeks, and we are asked to take up the bill and consider it without having been able to secure a copy of the hearings and read them. The members of the Committee on Interstate Commerce may have had the hearings available, and may have had an opportunity to hear the witnesses themselves. The Senator from Kansas [Mr. REED] is familiar with these subjects by virtue of his long background in dealing with public-utility matters.

Mr. President, this bill affects my State. It affects litigation which the Supreme Court of the United States has permitted my State to file in that Court, and which has been referred to a master for determination. In view of the fact that I have not been able even to secure copies of the hearings, to see what the witnesses submitted in behalf of my State, I certainly feel justified in using any means at my command which are legal to see that the bill is not passed by the Senate, or taken up for consideration, in view of the fact that we have had no opportunity whatever to read the hearings. I appreciate the fact that the Senator from Kentucky has made that point clear.

Mr. BARKLEY. I thank the Senator.

What this bill does, Mr. President, in effect is to lift railroads out from under the antitrust laws so that the antitrust laws cannot be invoked in respect to any combination or agreement or any practice in which one or more railroads might indulge.

Mr. FULBRIGHT. Mr. President, I inquire if this bill has the same effect on the railroad case which has been brought in the Supreme Court that the tidelands bill had with respect to the case in the Supreme Court involving such lands? Is it a similar situation?

Mr. BARKLEY. Yes; it is a similar situation. I am coming to that in a moment.

Congress passed the Interstate Commerce Act back in 1887. It was amended from time to time. In 1920 we passed the Transportation Act to amend the Interstate Commerce Act. I happened to be one of the conferees on the part of the House in the resolving of the differences between the two Houses on the Transportation Act. It was first passed in the House as the Esch bill, coming out of the Committee on Interstate and Foreign Commerce. It came over to the Senate at the time Senator Cummins, of Iowa, was the chairman of the Committee on Interstate Commerce of the Senate. The bill was extensively amended, went to conference, and was in conference 6 weeks. Out of that conference came the Transportation Act of 1920. Neither in the original law nor in any of the amendments ever adopted to it, nor in the Transportation Act of 1920, nor in any other act since that time has Congress ever seriously considered lifting railroad transportation out from under the antitrust laws.

Now, we are confronted with another bill to take away from the courts the right to pass upon practices indulged in by railroads. There is now one case dealing with such practices in the Supreme Court of the United States, and there is litigation pending in Nebraska brought by the Attorney General of the United States against certain railroads in that area for practices which the Department

of Justice feels are in violation of the antitrust laws.

I ask the Senate in all seriousness, how often and to what extent are we to constitute ourselves into a supreme court in order to take away from the court litigation which has gone there properly under the law, in order that we may cut the ground out from under the Supreme Court in determining what is the law in regard to these situations? That is what this bill attempts to do.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LANGER. Is this bill with respect to the railroads similar to legislation proposed when the insurance cases were in the Supreme Court some time ago?

Mr. BARKLEY. Yes; very similar. The introduction of such bills seems to have become a habit here. If someone brings a lawsuit in the Federal court, and it gets to the Supreme Court, or does not get to the Supreme Court, a case which involves an interpretation of the laws which Congress has passed to protect the American people, instead of fighting the question out in the courts and allowing the courts to exercise their jurisdiction, Congress is asked to enact a law passing upon the question in advance of the courts having an opportunity to pass upon it. I think it is a vicious practice; I think it is a vicious habit; it ought never to have been indulged in. This measure involves the same principle as that involved in the insurance cases. It involves the same sort of situation as existed last week when the Senate passed a bill taking away from the courts its jurisdiction of passing on the tidelands controversies. And now for the third time we are asked to take similar action, by lifting the railroads out from under the antitrust laws so that no court can pass on the validity of agreements, combinations, all sorts of things that involve practices and rates and agreements and combinations. Everything we can think of that the antitrust laws were enacted to outlaw would be possible under this bill if it should become law, only subject to the approval of the Interstate Commerce Commission, and the Interstate Commerce Commission has no power and will have no power under the bill nor under the law to inflict any penalty for violation, even if it is in connection with approved combinations that might be entered into under this legislation.

I am deeply in earnest about this matter. It seems to me extremely bad practice. It is a violation of the traditional field of legislation for us to undertake to do this in the Senate, because a lawsuit has been brought. The State of Georgia, through the governor of that State, has been permitted to institute litigation in the Supreme Court.

Mr. HILL. Mr. President——

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from Kentucky yield to the Senator from Alabama?

Mr. BARKLEY. I yield.

Mr. HILL. The Senator has referred to the case brought by the State of Georgia. I happen to have an excerpt from the complaint of the State of Georgia in that case. It might be of interest to the Senate to hear a part of what is set forth in the complaint. I shall not read all of it, but what I shall read will throw light on what we are asked to do in throwing this case out of court. We are asked to say to the State of Georgia, "In spite of whatever rights you have, we are going to pass this legislation and not permit the Supreme Court to pass on your case." I read:

> The State of Georgia is hindered and harassed in the discharge of these powers, rights, and obligations of sovereignty by a conspiracy of persons of other States, in violation of the common law against conspiracy, and in violation of the antitrust laws of the United States, all as recited herein in sections 9 to 16, inclusive. The defendants, a group of common carriers, have conspired to establish and to maintain freight rates which are unjust, unfair, and harmful to the State and the people of Georgia.

Yet, Mr. President we are asked, without having the hearings in the Committee on Interstate Commerce on this bill before us, to pass the measure and to deny to the sovereign State of Georgia her day in court, though her complaint is even now pending in the Supreme Court.

Mr. BARKLEY. I will say to the Senator from Alabama, that if the bill is passed and becomes law it not only takes away all the rights Georgia is now asserting in the Supreme Court of the United States, and which case awaits determination, but it also denies to every other State which may have an equally justified complaint, even the right to go into the court to determine what its rights are. It seems to me that for the Congress to start out on the career of undertaking to nullify lawsuits, undertaking to set itself up as a master in chancery in the Supreme Court to determine what are the rights of these litigants, is an unjustified invasion of the jurisdiction of the court.

Mr. HILL. And the Senate at this moment does not even have the hearings, does not even have the testimony, does not even have the evidence on this bill available to it for study.

Mr. BARKLEY. Complaint was made yesterday on the floor because Senators had not had an opportunity to read the hearings that had been printed, in connection with the bill which was then before us. But in this particular case the hearings have not even been printed. They are not available to any Senator.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. KILGORE. Does the Senator know that in an investigation of the Western carriers which operate in Texas, Arizona, and New Mexico it was found that by an agreement between the railroads air conditioning, although existing in the cars, was to be cut off at Dallas, Tex., for all cars going south of Dallas, in order that there might be no competition of service? That matter is pending now with the Department of Justice on the question of whether the agreement is in violation of the Sherman Act and various other acts. If we remove these railroads from those acts, they can continue this intolerable condition south of Dallas, Tex., and various other parts of the Southwest, by which air conditioning installed in the cars cannot be used by reason of an inter-railroad agreement not to use such service south of Dallas, although it will cost no more to use it than it costs at the present time to use it. That is another thing the correction of which the bill would preclude.

Mr. BARKLEY. I appreciate the Senator's reference to that situation. I am not so familiar with the facts brought out in that investigation as is the Senator from West Virginia. I know that investigation of the subject was made. Under this bill the Department of Justice would have no occasion to make such an investigation to determine the facts, because we are proposing to say to the Government of the United States, to the Department of Justice, and to the Federal courts, "The railroads are to be put on an island of safety, beyond the reach of the antitrust laws."

Mr. KILGORE. That is abolutely correct. It is proposed to remove the protection of citizens who must ride on those railroads under the conditions described, and to take away from the Federal Government and its executive agencies the right to protect those people against improper agreements which have been entered into in the past.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. I should like to ask a question for information, as to whether or not the case pending in the Supreme Court involves an order which has been approved by the Interstate Commerce Commission.

Mr. RUSSELL. Mr. President, I can answer that question. It does not.

Mr. BARKLEY. It does not involve a specific order. It involves certain existing traffic and rate situations which are the basis of the complaint that there is a violation of the antitrust laws.

Mr. FERGUSON. I am trying to ascertain whether or not this bill would stop that suit or in any way interfere with it. I read from section 8, on page 6, line 9, of the bill:

> No order shall be entered under this section except after interested parties (including in all cases the Attorney General of the United States) have been afforded reasonable opportunity for hearing.

Mr. BARKLEY. That applies to future orders which may be issued or applied for by a railroad company or combination of railroads before the Interstate Commerce Commission. It merely gives the Attorney General the right to be heard, but it does not give the court the right to be heard.

Mr. FERGUSON. As I read that provision, the bill would not interfere with the litigation before the Supreme Court. If certain railroads have violated the antitrust laws, they certainly should be punished. The last thing I would wish to do would be to interfere with a suit for the punishment of such railroads. As I read the bill, I do not feel that it would stop such a case, because under the terms of the bill any order made by a rate bureau would have to be approved by the Interstate Commerce Commission, and under section 8 no such order could

be entered until after the Attorney General had full notice. From a reading of the bill I have been unable to discover that it would in the least interfere with the litigation which has been referred to. I should like to have an explanation of the situation.

Mr. REED. Mr. President, will the Senator yield?

Mr. BARKLEY. Let me answer the question of the Senator from Michigan. I think it would interfere; but even if it should not interfere, if the bill were passed the decision of the Supreme Court on the question would be a moot decision in the future, because the railroads could continue to do the very same things, although the Supreme Court might hold that they should not have done them at the time the acts complained of were committed.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. RUSSELL. The State of Georgia sought injunctive relief against the railroads from the conspiracy which was alleged, a conspiracy to combine to fix rates which were detrimental to the State of Georgia. If we pass this bill it will permit the railroads to get together and fix rates. The very heart will be cut out of the case of the State of Georgia which seeks to enjoin the conspiracy to discriminate against the State of Georgia and other States similarly situated.

Mr. BARKLEY. In that connection, let me add that in my judgment, if this bill passes and the things provided for by the bill are permitted, the railroads can get together, by reason of these practices being legalized, and do the very same things, or even worse things, than those out of which grew the Georgia complaint. All the Supreme Court would be permitted to say would be that at the time the acts complained of occurred they were unlawful, and therefore a penalty might be assessed. The Court could grant relief as of the date when the evils existed; but if we take the heart out of the statute we shall preclude the Supreme Court from ever again passing on the question. That is the difficulty with this legislation, as I see it, not only with respect to this case, but any other case which may arise under similar circumstances.

Mr. FERGUSON. Mr. President, will the Senator further yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. Under the fair construction of all criminal statutes, if a crime has been committed or a criminal statute has been violated, and the legislative body changes the rules or changes the statute, unless there is a specific provision stopping the trial, the crime having been complete, the court can try the case. That is why I was trying to find out whether or not there was any attempt through this bill to stop the litigation which has been referred to. If a crime has been committed under either the Clayton Act or the Sherman Act—and I understand that those are the acts under which the Supreme Court and the Attorney General are proceeding—unless there is some provision in the bill which interferes with the court or prevents it from proceeding, or something which makes the question a moot question, we would not be interfering with that litigation. As I read the bill, it would apply only to cases in the future, and it would apply only to rate bureaus established in the future. It would apply only to orders approved in the future, as provided in section 8.

Mr. BARKLEY. I respectfully submit that it would do the State of Georgia, or any other State in the United States, no good simply to obtain a decision of the Supreme Court holding that what the railroads did at the time stated in the complaint was unlawful, when we are proposing to make it lawful hereafter for the railroads to do the same things which are involved in the lawsuit in the Supreme Court. The decision would be moot. It would not grant any relief. There would be no particular efficacy in having the Supreme Court decide that something which happened a year or two ago was unlawful then, and to have the Congress say that from now on it shall be lawful to do the same thing.

Mr. FERGUSON. I would agree with the able Senator from Kentucky if we were permitting the same things to be done. But we are not doing so in this bill, as I read it. We are not permitting the same things to be done that are complained of in that case. We say that legal rate bureaus may be established, and that when they are established—

> No order shall be entered under this section except after interested parties (including in all cases the Attorney General of the United States) have been afforded reasonable opportunity for hearing.

As I understand, in the case in the Supreme Court there was no such order. A conspiracy between the railroads was alleged. There was no notice to the Attorney General or anyone else. So we are not legalizing what was done there. We are legalizing a new procedure.

Mr. BARKLEY. All the Attorney General would be permitted to do under this bill would be to appear before the Interstate Commerce Commission and protest. He could not act after the Commission had acted. He could not go into court and say that what had been done was a violation of the antitrust law. He might exercise some moral influence over the Interstate Commerce Commission, but that is all. He would have no remedy if the Commission should disregard his protest and act contrary to his advice.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LANGER. I invite the attention of the distinguished Senator from Michigan to the fact that the Georgia case is only a test case. At the Governors' Conference, attended by the Governor of Michigan himself, the State of North Dakota joined with the State of Georgia, and Governor Moses, who later became a United States Senator, assured the Governor of the State of Georgia, as has been so ably expressed by the distinguished Senator from Georgia [Mr. RUSSELL], that the State of North Dakota joined with the State of Georgia, and that if the Georgia case were successful, similar cases would be brought in State after State. The distinguished majority leader is exactly correct, in my opinion, when he says that, even though it may be contended that the bill would not apply to the Georgia case, it would apply to all other lawsuits brought by other States.

Mr. BARKLEY. The principle—whatever it might be—laid down in the Georgia case would be applicable to every other State in which such evils exist. In addition to the case now pending in the Supreme Court, there is pending in the Federal court in Lincoln, Nebr., a proceeding instituted by the Attorney General, affecting the practices of railroads in that section of the country. The passage of this bill would knock that suit into a cocked hat.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. RUSSELL. I should like to read a paragraph from the decision of the Supreme Court when it granted the motion of the State of Georgia for leave to file a bill of complaint against certain railroads:

> If the allegations of the bill are taken as true, the economy of Georgia and the welfare of her citizens have seriously suffered as the result of this alleged conspiracy. Discriminatory rates are but one form of trade barriers. They may cause a blight no less serious than the spread of noxious gas over the land or the deposit of sewage in the streams. They may affect the prosperity and welfare of a State as profoundly as any diversion of waters from the rivers. They may stifle, impede, or cripple old industries and prevent the establishment of new ones. They may arrest the development of a State, or put it at a decided disadvantage in competitive markets. Such a charge at least equals in gravity the one which Pennsylvania and Ohio had with West Virginia over the curtailment of the flow of natural gas from the West Virginia fields. There are substitute fuels to which the economy of a State might be adjusted. But discriminatory rates fastened on a region have a more permanent and insidious quality. Georgia as a representative of the public is complaining of a wrong, which if proven limits the opportunities of her people, shackles her industries, retards her development, and relegates her to an inferior economic position among her sister States. These are matters of grave public concern in which Georgia has an interest apart from that of particular individuals who may be affected. Georgia's interest is not remote; it is immediate. If we denied Georgia as parens patriae the right to invoke the original jurisdiction of the Court in a matter of that gravity, we would whittle the concept of justifiability down to the stature of minor or conventional controversies. There is no warrant for such a restriction.

Mr. President, that is what the Supreme Court said in permitting the filing of this suit which alleges a conspiracy through combinations and agreements such as would be permitted by this bill, if it were enacted. The enactment of the bill might not destroy the jurisdiction of the Court in the Georgia case, but it would effectively deny any relief. If this bill were enacted into law, all that the Court could hold would be that the conspiracy had existed, that it was well proven in the hearing before the masters that the conspiracy existed, that it had been very damaging to Georgia, and that the Court would grant an injunction against past wrongs, but that the Congress by passing the Bulwinkle bill had decided to permit those powerful masters to dominate the economic life of the

Nation; and that would throw our State back into economic thralldom. That would be what would happen if this situation, which has been declared illegal, were permitted to continue.

Mr. BARKLEY. Mr. President, what would happen, I think, would be as follows: Assuming that the Supreme Court in deciding that case held that the practices were illegal and in violation of the antitrust laws, all anyone could do, provided this bill has been enacted by that time, would be to say, "If the law were now what it was when these things happened, we could do something about it; but Congress has taken time by the forelock and has nullified the decision of the Supreme Court before it was rendered."

Mr. RUSSELL. That is precisely what would happen, and that would deny us any relief.

Mr. REED. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield.

Mr. REED. As the Senator knows, I do not make a practice of breaking in on the opponent's time to make my arguments. But this is one of the few times when I shall interrupt, if the Senator will permit. I wish to say to him that in my judgment and in the judgment of the Interstate Commerce Committee, the passage of this bill will have no possible effect upon either the Georgia case or the Nebraska case.

Mr. BARKLEY. The only effect it would have would be to say that, regardless of whatever the decision in those cases might be, they would be ineffective in the future.

I wish to say that I was not present in the Interstate Commerce Committee when this bill was under consideration there. I was engrossed in other duties of a more or less variegated character while this bill was under consideration in the commitee. If I had been present in the committee at that time, I would have voted against reporting the bill; and if I had been advised that minority views would be filed by the Senator from South Carolina [Mr. JOHNSTON] and the Senator from New Hampshire [Mr. TOBEY], I would have joined in those views.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FULBRIGHT. This matter is as important to Arkansas as it is to Georgia. I cannot understand why there is any urgency that the bill be considered. It seems to me that it would be wholly inappropriate to have the Senate consider the bill at this time. The hearings have not been printed, and it is obvious that the subject matter of the bill is controversial.

So I was a little curious why the majority leader permitted the matter to be brought up.

Mr. BARKLEY. Mr. President, I have never tried to prevent a Senator from making a motion that the Senate take up any particular bill. I do not think that is within my province. I told the Senator from Kansas that I did not think he should make his motion until certain other matters were out of the way. They are now out of the way. Therefore, I told the Senator that I would not oppose his making the motion, although I would vigorously oppose its adoption.

Mr. FULBRIGHT. Until we get the hearings on the bill, so that we may understand its significance, it seems to me that it would obviously be improper to have the Senate take it up at all.

Mr. BARKLEY. That is obviously true, and the present situation is in contrast to the situation which existed yesterday. Yesterday Senators complained that various Senators had not had an opportunity to read the hearings on the railroad retirement bill. Complaint was made on that ground. Yesterday, when we had under consideration the railroad retirement bill for the benefit of a million and a half railroad employees, the same Senators complained because the hearings were so voluminous that Senators had not had a chance to read them.

The bill now under discussion has come from the same committee, but it is a different sort of bill. We do not have any printed hearings on it. Yesterday the same Senators complained because of that situation, and they took the position that the action of the same committee in reporting the railroad retirement bill was not entitled to any consideration. But now they take the position that the report on this bill is sacred and sacrosanct.

Mr. President, I hope the motion of the Senator from Kansas will be rejected.

ACQUISITION OF REAL PROPERTY UNDER THE SURPLUS PROPERTY ACT

Mr. REVERCOMB. Mr. President, on behalf of the Senator from Wyoming [Mr. O'MAHONEY], who is chairman of the subcommittee of the Military Affairs Committee which handled House bill 6702, and who is one of the conferees on that bill, I submit the conference report on it.

The PRESIDENT pro tempore. The report will be read.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6702) to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

JAMES E. MURRAY,
BURNET R. MAYBANK,
CHAPMAN REVERCOMB,
GEO. A. WILSON,
Managers on the Part of the Senate.
CARTER MANASCO,
WILLIAM M. WHITTINGTON,
CLARE E. HOFFMAN,
GEORGE H. BENDER,
Managers on the Part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the report?

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Ball	Burch
Andrews	Barkley	Capper
Austin	Bilbo	Carville
Connally	La Follette	Reed
Cordon	Langer	Revercomb
Donnell	Lucas	Russell
Downey	McCarran	Shipstead
Eastland	McClellan	Smith
Ferguson	McFarland	Stanfill
Fulbright	McKellar	Stewart
George	McMahon	Swift
Gerry	Magnuson	Taylor
Green	Mead	Thomas, Okla.
Guffey	Millikin	Thomas, Utah
Gurney	Mitchell	Tunnell
Hart	Moore	Vandenberg
Hawkes	Morse	Wagner
Hayden	Murdock	Walsh
Hill	Murray	Wheeler
Hoey	Myers	Wherry
Huffman	O'Daniel	White
Johnson, Colo.	O'Mahoney	Wiley
Johnston, S. C.	Overton	Willis
Kilgore	Pepper	Young
Knowland	Radcliffe	

The PRESIDENT pro tempore. Seventy-four Senators have answered to their names. A quorum is present.

Is there objection to the present consideration of the conference report on House bill 6702?

There being no objection, the Senate proceeded to consider the report.

Mr. REVERCOMB. Mr. President, I now move that the conference report be agreed to.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1198. An act to authorize the Secretary of Commerce to sell certain property in the State of Michigan now occupied by the Weather Bureau and to acquire land in the State of Michigan for the erection of a Weather Bureau station;

S. 1478. An act to record the lawful admission to the United States for permanent residence of Edith Frances de Becker Sebald;

S. 1607. An act to provide for the naturalization of Peter Kim;

S. 2310. An act to further extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark.; and

S. 2359. An act to close the Office of the Recorder of Deeds on Saturdays.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3748) to amend an act entitled "An act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal," approved May 29, 1944.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 165), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Friday, August 2, 1946, and that when they adjourn on said day they stand adjourned sine die.

STATUS OF KEETOWAH INDIANS IN OKLAHOMA—CONFERENCE REPORT

Mr. THOMAS of Oklahoma submitted the following report:

The committee of conference on the disagreeing votes of the two House on the

amendments of the Senate to the bill (H. R. 341) which relates to the status of the Keetowah Indians of the Cherokee Nation in Oklahoma, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to section 2 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, section 2 is hereby amended to read as follows:

"SEC. 2. That there is hereby set aside for the use and benefit of the Indians of the Cheyenne and Arapaho Reservation in Oklahoma the remainder of the lands comprising the diminished Seger School Reserve containing approximately five hundred and thirty-seven acres, and the improvements thereon, in section 15, township 10 north, range 14 west, of the Indian meridian, Oklahoma. Subject to the consent of the business committee of the Cheyenne and Arapaho Tribes thereto, the Secretary of the Interior is authorized to enter into an agreement with the Colony Union Graded School District numbered 1, Colony, Oklahoma, for the use by the district of all or any portion of the land, and improvements thereon, described in this act: *Provided*, That any such agreement shall contain the express condition that the land therein described and the improvements thereon shall revert to the use of the Indians of the Cheyenne and Arapaho Tribes when no longer used by the said school district for school purposes."

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the title be amended by striking out the words 'Colony Union Graded School District numbered 1, Colony, Oklahoma, and substitute therefor 'the Cheyenne and Arapaho Indians of Oklahoma.'"

ELMER THOMAS,
HENRIK SHIPSTEAD,
E. H. MOORE,
B. K. WHEELER,
JOSEPH C. O'MAHONEY,
Managers on the Part of the Senate.

HENRY M. JACKSON,
JOHN R. MURDOCK,
W. G. STIGLER,
KARL E. MUNDT,
Managers on the Part of the House.

The PRESIDENT pro tempore. Is there objection to the consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. THOMAS of Oklahoma. I move that the conference report be agreed to.

The report was agreed to.

THE OPA AND AGRICULTURAL COMMODITIES

Mr. THOMAS of Oklahoma. Mr. President, as chairman of the Committee on Agriculture and Forestry, I have received a great many letters from all parts of the country relating to the OPA, and I have not facilities for answering each of them individually. I have prepared a statement, in the nature of questions and answers, and I submit the statement for the RECORD and ask that it be printed in the body of the RECORD at this point in connection with my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

To Commissioners, Directors, and Secretaries of Agriculture:

To the many questions submitted to me as chairman of the Senate Committee on Agriculture, I am replying as follows:

Question: How does the new OPA law affect the cotton industry?

Answer: The law does not authorize the OPA to either fix maximum price ceilings on raw cotton or to make any rule or regulation with respect to margin requirements on futures transactions. Further, the new law authorizes manufacturers and processors to receive for their products costs of raw cotton and costs of manufacture plus reasonable profits.

Question: What is the power and jurisdiction of the Price Decontrol Board?

Answer: The Price Decontrol Board has power and jurisdiction over livestock and milk, cottonseed, soybeans and grains, and food and feed products produced therefrom. Neither the OPA Administrator nor the Board has any control over raw cotton.

Question: What is the average production of cotton in the United States?

Answer: The 10-year average production was 12,553,000 bales of 500 pounds each. The cotton produced last year, 1945, was 9,015,000 bales.

Question: What is the average number of acres planted to cotton?

Answer: The 10-year average number of acres planted was twenty-five and one-half million. The number of acres planted this year, 1946, is eighteen and one-third million, which is some 7,000,000 acres less than the 10-year average.

Question: What is the Department of Agriculture estimate of the production for this year?

Answer: The latest estimate is 9,200,000 bales, or some three and one-third million bales less than the 10-year average.

Question: What is the carry-over or amount of cotton now in the United States?

Answer: The domestic carry-over as of August 1 is estimated to be 7,600,000 bales of all kinds of cotton. This is the lowest carry-over since 1938. This year's crop of some 9,200,000 bales plus the carry-over of 7,600,000 bales totals 16,800,000 bales. The Agriculture Department reports that the carry-over plus this year's crop will "be at the lowest level in 17 years, or about the same as in 1928."

Question: What is the estimated domestic consumption of cotton for the next 12 months?

Answer: The Department estimates that this year's cotton crop will hardly supply the domestic demand.

Question: How much cotton will probably be exported during the current year?

Answer: Hearings held before the Bankhead subcommittee revealed probable exports of from 3½ to 4 million bales. The Army has requested some 154,000 bales to be shipped to occupied European zones and has commitments for some 1,360,000 bales for Japan. Credit has been extended to Czechoslovakia in the sum of $20,000,000 for purchases of cotton in the United States. The demand for cotton is great and if the war-torn countries can secure funds or credit with which to buy cotton our supply will not nearly equal the demand.

Question: What did cotton sell for during or after World War I?

Answer: In October 1918 cotton sold for 37.25 cents per pound, in December 1919 the price was 36.23 cents, and in July 1920 the price was 43.75 cents per pound. Cotton is a world commodity and is based on the value of gold. World War I prices were based on the old gold dollar which was 40 percent heavier hence 40 percent more valuable than the gold dollar of today. In 1920 there was less than $6,200,000,000 of money in circulation while now (July 17), we have $28,241,000,000 in circulation.

Eminent economists have demonstrated before the Senate Agricultural Committee that cotton growers receive per hour for their labor the amount they receive per pound for the cotton they produce. Cotton is quoted at some 32 cents per pound hence this means that cotton growers may receive only about 32 cents per hour for their work in producing this year's crop. If this price prevails it is obvious that much of the 1946 crop will not be picked and the existing shortage will be increased.

The Atlanta conference of cotton growers and officials should have all the facts pertaining to the cotton industry in order to plan and make recommendations for marketing the 1946 cotton crop. The facilities of the committee are available to you for securing additional information.

Respectfully,

ELMER THOMAS,
Chairman, Senate Committee on Agriculture and Forestry.

JULY 27, 1946.

GOVERNMENT HOUSING STATISTICS

Mr. WHERRY. Mr. President, recently when we were discussing the proposed emergency housing act, contradictory statements were made relative to the housing needs of the country. At that time I was told that a survey had been made, but for some reason it was unobtainable.

To throw a little light on the subject for the future, and also to show how difficult it is to get a Government report when there is a desire that it be withheld by some agency, or when there is an interpretation the agency wants to place upon the report itself, especially when legislation is under consideration, I should like to place in the RECORD at this time, for the benefit of Senators, a letter which reflects great credit on the integrity of the Bureau of the Census and upon the statisticians to the Bureau of the Budget, a letter which at the same time raises serious doubt as to the intentions and policies of some of the individuals who are charged with the conduct of housing matters in the Federal Government.

First, let me explain the background. Last fall, the President of the United States told the Nation that 5,000,000 new homes were needed in this country. The National Housing Agency, which among other things is interested in building up a case for a huge public housing program, backed up the President with a statistical statement purporting to show that 4,660,000 homes were needed.

Then a new face came among us, a Housing Expediter, who also is Administrator of the National Housing Agency. Soon we were told that there was an urgent need for 2,700,000 new homes for veterans alone. That figure also was backed up with an impressive statistical analysis.

It will be recalled that I asked in the debate how many homes were needed, and I asked the officials to furnish the statistics. All we got were the figures furnished by the National Housing Agency. As I said then, and I say now, I think it was a guess.

Meanwhile, it apparently had occurred to some of our Government leaders concerned with housing that they should check the figures they were quoting so confidently. At any rate, the National Housing Agency requested the Bureau of

the Census to make a sample survey of housing conditions, rents, occupancy, and vacancy. The funds were provided by the National Housing Agency, and the Bureau of the Census undertook the work as an agent of the National Housing Agency.

The results of the survey were made available to the NHA during January and February 1946, which was prior to the debate upon that issue, and those results, gathered by a factual, nonpolitical, impartial branch of the Federal Government, were withheld from the public by the NHA. The Bureau of the Census did not feel, under the circumstances, that it had the authority to release the figures independently.

Why were the results of this impartial survey withheld from the public and from Congress? They were withheld because they convincingly contradicted some of the loose statements which had been made about the dire housing emergency. Those statements had been based on results of the 1940 census, although the official census figures had been subject to partisan interpretation.

The 1945–46 census, which the NHA refused to make public, showed that, contrary to popular opinion, a rather drastic improvement had been made in housing conditions since 1940. The survey in question showed fewer homes in need of major repair, fewer homes lacking adequate toilet and bathing facilities, fewer homes lacking central heating or electric wiring. It showed fewer persons residing in the average home than was true before the war, even though demobilization was well under way at the time. It showed that the median rent in occupied dwellings had risen more than other evidence had indicated.

These are the facts that were withheld. They were withheld for one single and obvious reason—because they deflated the dire housing emergency which the Government housers and the public housers had built up. No one denies that there is a critical housing shortage today. We all know that, and we want to eliminate it, so that every veteran can have a decent home.

But we want to know what we are doing. We want to know how great the need really is. The Bureau of the Census produced the facts, and the NHA apparently concealed them, or withheld them, until after the legislation was passed. As time passed, the Director of the Bureau of the Census became concerned over the difficult position in which his branch of the Government had been placed. Doubtless, he anticipated that his agency might be criticized. So, on April 18, the Director of the Bureau of the Census addressed to the Bureau of the Budget a letter asking advice regarding the issuance of the suppressed housing statistics. For that act I commend Mr. J. C. Capt, Director of the Bureau of the Census. He did his duty as a public official.

On April 26 Stuart A. Rice, Assistant in Charge of Statistical Standards in the Bureau of the Budget, addressed a reply to Mr. Capt. It is that reply which I wish to read to the Senate at this time. This is the letter:

BUREAU OF THE BUDGET,
Washington, D. C., April 26, 1946.

Mr. J. C. CAPT,
Director, Bureau of the Census,
Department of Commerce,
Washington, D. C.

DEAR MR. CAPT: In your letter of April 18 you ask my advice regarding the issuance of the Special Report on Housing, Series H–46, No. 1. I am glad to express my opinions upon the questions of Government policy which seem to be involved. These questions affect the integrity of all governmental statistical and research activities.

As I understand from your letter and from members of my staff who have discussed the matter with Census personnel and others, no serious questions have been raised concerning the technical adequacy of the data included in the above-named report. As is customary, we are giving you below such suggestions of a technical character as occur to us. However, none of these suggestions is a challenge to the technical soundness of the work, into which we have had no occasion to inquire in detail. Good faith and good workmanship on the part of the Nation's technical agencies are traditional within our Government.

The question at issue arises from the possibility that the data will be misinterpreted or misused. Specifically they may be improperly compared with data on rents obtained by the Bureau of Labor Statistics for its cost-of-living index. These latter data measure changes in rent charged for identical residential facilities. The Census figures pertain to median rents for all tenant-occupied nonfarm dwelling units, and are thus affected by very different factors and considerations than are those of the BLS. Although the increases since 1940 appearing in the Census data are greater than those shown by the BLS, the differences are without significance, since different things are measured. But since they appear (though erroneously) to measure the same thing, it might be contended that the new Census data should be withheld from release.

I would regard such a conclusion as illogical and offensive. It would reflect upon the professional standards and integrity of every Federal statistician. To the statistician, as to other scientists in a free country, facts are facts—whatever the consequences to which they lead. Except for security reasons, governmentally collected facts must be made available to all who have concern with them. I know of no instance in which statistical data collected by the Federal Government have been suppressed in order to support or protect a special public or private interest. I therefore believe that your report should be released.

It is part of the same high standard, however, that data released to the public must be presented in such form as to maximize understanding and minimize misuse. If it is inexcusably dishonest to suppress information it is inexcusably negligent to permit information to be misunderstood. Part of this responsibility is a sound explanation of the relationships to similar data. It is here that your report in my opinion falls short of meeting its full responsibilities. Admittedly its text sets forth the fact that the Census and BLS data on rents are noncomparable. But this unduly brief exposition is tucked away in the technical notes where the great majority of unwary readers are almost certain to miss its significance.

Moreover, the discussion itself does not seem strong enough in view of what I believe to be the facts. The fact that in 1940, 48 percent of occupied nonfarm units were tenant-occupied and at the time of the survey only 36 percent were tenant-occupied appears to indicate a terrific shift in the two universes covered and greater emphasis should be given to the point that this is not a change in median rent for a reasonably common group of units. This shift seems something different from the addition to the group of the war housing units at a diffent rent level. I am under the impression that many of the users have underestimated the importance of this factor. The factor that aside from the composition of the group certain qualitative changes in a unit can affect the rents actually paid and that the BLS index holds constant the quality and therefore does not measure a general improvement in equipment, seems more adequately covered, except for its location in the text.

Finally, it would seem desirable to include in the report the discussion on variation due to sampling rather than waiting until some later release. This is always good practice but especially does it seem so in this case.

Sincerely yours,

STUART A. RICE,
Assistant Director in Charge of Statistical Standards.

Here we have an instance of one official condemning the withholding of statistics, and the misinterpretation of statistics, at the very time when the Senate was reaching for those statistics in order that we might be properly guided as to the needs of housing units, and then, after that is all over, an outcry is raised because we go after the agencies to release the reports.

Shortly after the date of the letter I read, the statistics in question began to appear as public information. The Government officials knew they would have to submit them some time after this particular challenge had been made.

In view of these facts, it is my opinion, Mr. President, that we shall have to examine with the greatest of care any statistics or so-called facts which the National Housing Agency may place before us in the future. The housing shortage is serious enough without exaggerating it. Those who seek to dot the Nation with unnecessarily large public housing projects at the expense of the Federal Treasury, and who suppress facts and distort statistics to serve their purpose, are doing this country a great disservice. I shall welcome the day when the Senate may be able to inquire into these matters in considerable detail.

Mr. FERGUSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield?

Mr. WHERRY. I yield.

Mr. FERGUSON. As a member of the Committee on Appropriations, of which the able Senator from Nebraska is also a member, I will say that we find we are appropriating millions of dollars for the preparation of statistics, and then after the statistics are prepared, we discover that they are used for propaganda purposes, not only in the legislative halls, but throughout the country, for the accomplishment of certain things desired by those who prepare the statistics.

Mr. WHERRY. That is true.

Mr. FERGUSON. Some time ago I called to the attention of the Senate the fact that the Department of Commerce permitted the dissemination of statistics reflecting increase in wages, but not with respect to the increase in cost of manufacturing automobiles. It was discovered that a young man in the Department of Justice had prepared certain data, had taken them over to the Department of Commerce, and that they had been made public without conference even with the Under Secretary or with the Committee of Business Men who are

called to meet at various times in the Department. So we find again that the millions of dollars appropriated by Congress and paid out of the pockets of the taxpayers are being used for propaganda purposes, either to accomplish legislation or accomplish other things which the bureaus and the departments seek to have accomplished.

Mr. President, it is not the executive department itself, that is the President, that is responsible, because he cannot know of these things. It comes about through the domination of the bureaus, not only over the legislative branch, but over the executive branch; but the people of America must wake up to this situation, and look into and ascertain what are the true facts, or we will no longer have a representative government in this Nation. The people must understand that danger lies in the control by bureaus over the executive branch.

Mr. WHERRY. I wish to thank the distinguished Senator from Michigan for his contribution. He has with greater force and clarity brought this matter to the attention of the Senate than I possibly could have done.

In conclusion, Mr. President, I wish to emphasize that it required a letter from the executive branch, from the Bureau of the Budget, to one of the agencies of government, to pry loose the statistics which should have been here and available to Senators during the debate on the housing question.

But, instead of the Senate having that information, the National Housing Authority submitted statistics which are in direct contradiction with these two reports. I ask unanimous consent to have printed in the RECORD the first two reports which have been released by the Department of Commerce, which contradict the figures of the National Housing Authority. These figures were suppressed. They were not available to us. Had we had the figures we could have discussed the question of housing needs more intelligently at the time the legislation was under consideration.

Mr. President, I do not want to minimize the fact that there is a housing shortage, but I wish to emphasize, as the Senator from Michigan has done, that these two bureaus, apparently with a dictatorial hand, can release and can interpret statistics at will. While we appropriate millions upon millions of dollars annually for the preparation and distribution of statistics which are supposed to be of service not only to the Congress, but to the people of the United States generally, yet they are either suppressed or turned against us in the form of propaganda.

I ask that the two reports to which I previously referred may be printed in the RECORD at this point.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

CHARACTERISTICS OF OCCUPIED DWELLING UNITS FOR THE UNITED STATES: NOVEMBER 1945

Some improvement has been shown between 1940 and 1945 in the average condition and facilities of homes in the United States according to estimates released today by Director J. C. Capt of the Bureau of the Census, Department of Commerce. Greatest advance was shown in rural areas while urban communities showed much less over-all improvement.

Occupied dwelling units in the United States increased about two and three-quarter millions between 1940 and 1945. The estimated number of occupied dwelling units in November 1945 is 37,600,000. The number of urban occupied dwelling units increased by more than 3,000,000. In contrast to this increase the number of rural farm occupied dwelling units declined by nearly 800,000 and the number of rural nonfarm increased by only about 400,000 (table 1).

TABLE 1.—*Occupied dwelling units, by tenure, for the United States, urban and rural, 1945 and 1940*

Area and tenure	Estimated number		Increase, 1940 to 1945[1]		Percent	
	1945	1940	Number	Percent	1945	1940
UNITED STATES						
Total occupied dwelling units	37,600,000	34,855,000	2,745,000	7.9	100.0	100.0
Urban	23,748,000	20,597,000	3,151,000	15.3	63.2	59.1
Rural nonfarm	7,533,000	7,151,000	382,000	5.3	20.0	20.5
Rural farm	6,319,000	7,107,000	−788,000	−11.1	16.8	20.4
Owner	20,009,000	15,196,000	4,813,000	31.7	53.2	43.6
Tenant	17,591,000	19,659,000	−2,068,000	−10.5	46.8	56.4
URBAN						
Total occupied dwelling units	23,748,000	20,597,000	3,151,000	15.3	100.0	100.0
Owner	11,047,000	7,715,000	3,332,000	43.2	46.5	37.5
Tenant	12,701,000	12,882,000	−181,000	−1.4	53.5	62.5
RURAL NONFARM						
Total occupied dwelling units	7,533,000	7,151,000	382,000	5.3	100.0	100.0
Owner	4,831,000	3,698,000	1,133,000	30.6	64.1	51.7
Tenant	2,702,000	3,453,000	−751,000	−21.7	35.9	48.3
RURAL FARM						
Total occupied dwelling units	6,319,000	7,107,000	−788,000	−11.1	100.0	100.0
Owner	4,131,000	3,783,000	348,000	9.2	65.4	53.2
Tenant	2,188,000	3,324,000	−1,136,000	−34.2	34.6	46.8

[1] A minus sign (−) denotes decrease.

TENURE

In November 1945 there were 20,009,000 dwelling units occupied by owners, as compared with the 15,196,000 owner-occupied homes in April 1940. In contrast, since April 1940 the number of dwelling units occupied by tenants declined 11 percent to 17,591,000 in 1945. Thus, homes occupied by their owners represented 53 percent of all occupied dwelling units in 1945, as compared to 44 percent in 1940. In the urban areas, the percent of homes occupied by their owners increased from 38 percent in 1940 to 47 percent in 1945. The increase in the rural farm areas was from 53 percent to 65 percent, and in the rural nonfarm areas was from 52 percent in 1940 to 64 percent in 1945.

STATE OF REPAIR AND FACILITIES

In 1945, 33,258,000, or 89 percent, of the occupied dwelling units were not in need of major repairs, with 92 percent, 87 percent, and 78 percent for urban, rural nonfarm, and rural farm, respectively. Corresponding percentages in 1940 showed that 82 percent of the occupied units were not in need of major repairs, with 89 percent, 78 percent, and 67 percent for the urban, rural nonfarm, and rural farm areas. (See table 2.)

In 1945, 23,438,000, or 71 percent, of the 33,258,000 dwelling units needing no major repairs contained both a private bath and a private flush toilet. Seventy-eight percent of all urban occupied dwelling units contained both private bath and private flush toilet and needed no major repairs, while 52 percent of the rural nonfarm dwellings and only 15 percent of the rural farm dwellings were reported in this class.

Almost 1,000,000 of the 4,342,000 units needing repairs contained both a private bath and a private flush toilet. In this group are 3 percent of all urban units, 2 percent of the rural nonfarm units, and 1 percent of the rural farm units.

Of the 37,600,000 occupied dwelling units in 1945, more than 24,500,000, or 65 percent, had a private bath or shower in the structure for the exclusive use of the occupants of the dwelling unit (table 3). The corresponding figure for 1940 was less than 20,000,000, or 57 percent. In 1945, 1,566,000 dwelling units (4 percent) reported a bathtub or shower shared with other dwelling units, and more than 11,000,000 (30 percent) reported no equipment for bathing. In 1940, approximately the same number of dwelling units had bathing equipment shared with other dwelling units, but 2,000,000 more dwelling units in 1940, or 39 percent, of the total occupied dwelling units reported no facilities for bathing. The greatest percentage of homes with a private bathtub or shower for the exclusive use of its occupants was in the urban areas, where 82 percent were reported with such equipment in 1945, as compared with 17 percent of the rural farm homes.

A private flush toilet in the structure was reported for 69 percent of the occupied dwelling units in the United States in 1945, as compared with 60 percent in 1940. Only 5 percent, or about 1,684,000 dwelling units, in 1945 reported flush toilets for the joint use of two or more families, and more than one-

fourth (27 percent) of the dwelling units reported that they had other types of toilet facilities or no toilet facilities (table 4).

In 1945, 29,500,000, or 79 percent, of the occupied dwelling units, had running water within the unit. Most of the remaining units had no running water, although 1 percent of the occupied dwelling units had running water within the structure but not within the unit.

Ninety-five percent of urban homes had running water within the unit, as compared with 70 percent for rural nonfarm and 28 percent for rural farm units. However the rural nonfarm and rural farm showed a one-third increase from 1940 while the urban percentage showed little change. The percentage having no running water within the unit was 5 percent of urban dwelling units, 30 percent of rural nonfarm, and 72 percent of rural farm dwelling units.

Approximately 18,000,000 dwelling units in 1945 had central heating equipment and they represent 48 percent of the occupied dwelling units. (See table 6.) More than 14,000,000 of the dwelling units with central heating were in urban places.

Ninety-five percent, or almost 36,000,000, of the occupied dwelling units in 1945 had installed cooking facilities. The urban and rural nonfarm areas had 96 and 95 percent, respectively, while in rural farm areas 93 percent of the occupied dwelling units had installed cooking facilities.

More than seven-eighths of the occupied dwelling units in the United States had electric-lighting equipment. This type of lighting equipment was provided in 33,356,000, or 89 percent, of the total occupied dwelling units in 1945. The percentages of urban and rural nonfarm homes with electric lighting were 98 and 90, respectively, and the corresponding figure for rural farm homes was 52 percent. Although there were fewer rural farm occupied dwelling units in 1945 than in 1940, a million more of these rural farm homes had electric lighting.

Almost 34,000,000, or 90 percent, of the occupied dwelling units had radios in 1945, as compared with less than 29,000,000, or 83 percent, in 1940. Almost 22,500,000, or 95 percent, of the urban occupied dwellings reported radios in 1945, while rural nonfarm reported almost 7,000,000, or 90 percent, and rural farm almost 5,000,000, or 77 percent.

SIZE OF HOUSEHOLD AND DWELLING UNITS

The median size of household in the United States declined to three and one-tenth persons in 1945, as compared with three and three-tenths persons in 1940. There were more two-person households in the United States in 1945 than households of any other size. These two-person households totaled 10,529,000 and constituted 28 percent of all households. One-person households accounted for 9 percent of the total, three-person households for 23 percent, and four-person households for 18 percent. Thus, nearly three-eighths (37 percent) of all dwelling units in the United States were used as the living quarters of one or two persons, and more than three-fourths (78 percent) housed not more than 4 persons.

Households of five or more persons represented 22 percent of all households; the percentage in this size group varied from 18 in the urban areas to 34 in the rural farm areas. Three percent of all households had eight persons or more—2 percent of the urban households, 3 percent of the rural nonfarm, and 8 percent of the rural farm.

The size of a household is defined as the number of persons who live in an occupied dwelling unit. The figures include not only related family members but also lodgers, servants, and other unrelated persons who regularly live at home.

Occupied dwelling units in 1945 contained about the same number of rooms as those in 1940. In the United States four- and five-room dwelling units represented 43 percent of all reporting units, while 35 percent had more than five rooms, and 22 percent had fewer than four rooms. The number of rooms includes all rooms available for use throughout the year. Bathrooms, closets, halls, screened porches, and unfinished rooms in the basement or attic were not counted as rooms.

MONTHLY RENT

The median rent for tenant-occupied dwelling units in 1945 was $27.88 in total urban and rural nonfarm areas; $30.25 in urban areas, and $15.50 in rural nonfarm areas (table 13). More than 4,500,000 of the urban and rural nonfarm dwelling units had rents of less than $20 per month, and 54 percent had rents of less than $30 per month. Monthly rents of $50 or more were reported for 1,508,000 of the 15,403,000 reporting units, or approximately 1 in every 10 units, while rents of less than $10 were reported for 1,242,000 dwelling units, or approximately 1 in every 12.

These rent figures are based on the amount paid per month as rent for tenant-occupied dwelling units. If no money rent was paid, for example, in the case of a minister who uses the parsonage rent-free, the estimated monthly rent based on the monthly rent paid for similar dwelling units in the neighborhood was entered on the schedules.

The rental data presented in this report are not comparable with the figures on changes in rent obtained by the Bureau of Labor Statistics for its cost of living index. The data compiled by the Bureau of Labor Statistics represent changes in rent charged for identical qualities of housing, essentially rents for identical units with identical services and facilities. The data in this release on the other hand reflect any shift in the size and type of rented units, the rent level of new war housing and other units coming on the rental market for the first time, and possibly also a trend toward more frequent inclusion in rent of charges for furnishings and utilities. Furthermore, the comparisons between 1940 and 1945 shown in this release may be affected by changes in vacancy rates among units in various rental groups.

The statistics presented in this release make it clear that the rental figures for 1940 and for 1945 do not pertain to the same group of units since there took place between those years a considerable shift in the groups of occupied dwelling units to which the rental data pertain. Over this 5-year period there was an increase of 4,533,000, or 16 percent, in the number of occupied dwelling units in urban and rural nonfarm areas. However, the percentage of units occupied by their owners increased sharply over the 5-year period rising from 49 percent in 1940 to 59 percent in 1945.

TECHNICAL NOTES

For this report, the urban and rural areas are those that were classified as urban or rural in 1940 on the basis of the results of the 1940 census. The classification of rural population by farm and nonfarm residence is based on the residence at the time of enumeration. Thus, the 1945 rural farm population is the population living on farms in 1945 in areas that were classified as rural in 1940.

SOURCE AND RELIABILITY OF ESTIMATES

Data on home ownership and other housing data, such as size of household, size of dwelling unit, bathing equipment, toilet facilities, heating equipment, and monthly rent were obtained for occupied dwelling units as a supplement to the monthly report on the Labor Force for November 1945. The Monthly Report on the Labor Force is a sample survey which is conducted each month in order to obtain information on labor supply, employment, and other characteristics of the population. The sample is distributed in 68 areas, each area comprising one or more counties. These areas are located in 42 States and the District of Columbia. Approximately 20,000 households were included in the housing inquiry.

Since the estimates for 1945 are based on a sample, they are subject to error due to sampling variability. Apparent small changes between 1940 and 1945 may not in all cases be significant, either in the amount of the change or its direction. The following table gives approximate measures of the reliability of the estimates for 1945. The measures of reliability are shown for several different sizes of numbers:

Size of estimate	Difference between the estimate and the number that would have been obtained from a complete census	
	Chances are about 2 in 3 that the difference would be less than the figure in this column	Chances are about 19 in 20 that the difference would be less than the figure in this column
100,000	40,000	75,000
300,000	60,000	115,000
500,000	90,000	180,000
1,000,000	135,000	270,000
2,500,000	195,000	390,000
5,000,000	240,000	475,000
10,000,000	380,000	760,000
15,000,000	420,000	840,000
20,000,000	425,000	850,000
30,000,000	430,000	860,000

The sampling error of any percentage shown depends not only on the value of the percent but also on the size of base on which the percentage is determined. For example, the estimate of occupied dwelling units needing major repairs in rural nonfarm areas in the United States in November 1945 is 12.9 percent. The estimate of all occupied dwelling units needing major repairs in the United States in November 1945 is 11.5 percent. Since the latter percent has a considerably larger base it is more reliable than the percent based on rural nonfarm occupied dwelling units.

For percentages based on the total number of occupied dwelling units, the table below indicates the reliability for several different sizes of estimated percentages.

Size of estimated percentage	Difference between estimated percentage and percentage which would have been obtained from a complete census	
	Chances are about 2 in 3 that the difference would be less than the figure in this column	Chances are about 19 in 20 that the difference would be less than the figure in this column
	Percent	*Percent*
1 percent	0.2	0.4
5 percent	.5	1.0
10 percent	.6	1.2
25 percent	1.0	1.9
50 percent	1.1	2.3
75 percent	1.1	2.3

The measure of reliability given in these tables are only approximate. They are intended as indications of the general level of sampling reliability of the estimates. In addition to sampling variations, the estimates are subject to errors of response, but the possibilities of such errors are not included in these measures of reliability.

The 1940 data shown were obtained from the 1940 census of housing with the data presented in thousands of dwelling units and with dwelling units not reporting on an item distributed in the same proportion as the reporting units. Estimates for 1945 are presented in thousands of dwelling units, not because they are assumed to be accurate to thousands of dwelling units but for convenience in summation.

TABLE 2.—*Occupied dwelling units, by state of repair and plumbing equipment, for the United States, urban and rural, 1945 and 1940*

Area and state of repair and plumbing equipment	Estimated number		Increase, 1940 to 1945[1]		Percent	
	1945	1940	Number	Percent	1945	1940
UNITED STATES						
Total occupied dwelling units	37,600,000	34,855,000	2,745,000	7.9	100.0	100.0
With private bath and private flush toilet	24,385,000	19,429,000	4,956,000	25.5	64.9	55.7
With private flush toilet, no private bath	1,536,000	1,487,000	49,000	3.3	4.1	4.3
With running water, no private flush toilet	3,622,000	3,614,000	8,000	.2	9.6	10.4
No running water in dwelling unit	8,057,000	10,325,000	−2,268,000	−22.0	21.4	29.6
Dwelling units not needing major repairs	33,258,000	28,588,000	4,670,000	16.3	88.5	82.0
With private bath and private flush toilet	23,438,000	18,039,000	5,399,000	29.9	62.3	51.8
With private flush toilet, no private bath	1,225,000	1,151,000	74,000	6.4	3.3	3.3
With running water, no private flush toilet	2,938,000	2,807,000	131,000	4.7	7.8	8.1
No running water in dwelling unit	5,657,000	6,591,000	−934,000	−14.2	15.0	18.9
Dwelling units needing major repairs	4,342,000	6,267,000	−1,925,000	−30.7	11.5	18.0
With private bath and private flush toilet	947,000	1,390,000	−443,000	−31.9	2.5	4.0
With private flush toilet, no private bath	311,000	336,000	−25,000	−7.4	.8	1.0
With running water, no private flush toilet	684,000	807,000	−123,000	−15.2	1.8	2.3
No running water in dwelling unit	2,400,000	3,734,000	−1,334,000	−35.7	6.4	10.7
URBAN						
Total occupied dwelling units	23,748,000	20,597,000	3,151,000	15.3	100.0	100.0
With private bath and private flush toilet	19,349,000	15,830,000	3,519,000	22.2	81.5	76.9
With private flush toilet, no private bath	1,201,000	1,227,000	−26,000	−2.1	5.1	6.0
With running water, no private flush toilet	1,930,000	2,193,000	−263,000	−12.0	8.1	10.6
No running water in dwelling unit	1,268,000	1,347,000	−79,000	−5.9	5.3	6.5
Dwelling units not needing major repairs	21,755,000	18,271,000	3,484,000	19.1	91.6	88.7
With private bath and private flush toilet	18,586,000	14,753,000	3,833,000	26.0	78.3	71.6
With private flush toilet, no private bath	920,000	941,000	−21,000	−2.2	3.9	4.6
With running water, no private flush toilet	1,517,000	1,721,000	−204,000	−11.9	6.4	8.4
No running water in dwelling unit	732,000	856,000	−124,000	−14.5	3.1	4.2
Dwelling units needing major repairs	1,993,000	2,326,000	−333,000	−14.3	8.4	11.3
With private bath and private flush toilet	763,000	1,077,000	−314,000	−29.2	3.2	5.2
With private flush toilet, no private bath	281,000	286,000	−5,000	−1.7	1.2	1.4
With running water, no private flush toilet	413,000	472,000	−59,000	−12.5	1.7	2.3
No running water in dwelling unit	536,000	491,000	45,000	9.2	2.3	2.4
RURAL NONFARM						
Total occupied dwelling units	7,533,000	7,151,000	382,000	5.3	100.0	100.0
With private bath and private flush toilet	4,029,000	2,823,000	1,206,000	42.7	53.5	39.5
With private flush toilet, no private bath	273,000	223,000	50,000	22.4	3.6	3.1
With running water, no private flush toilet	987,000	941,000	46,000	4.9	13.1	13.2
No running water in dwelling unit	2,244,000	3,164,000	−920,000	−29.1	29.8	44.2
Dwelling units not needing major repairs	6,563,000	5,559,000	1,004,000	18.1	87.1	77.7
With private bath and private flush toilet	3,878,000	2,587,000	1,291,000	49.9	51.5	36.2
With private flush toilet, no private bath	243,000	179,000	64,000	35.8	3.2	2.5
With running water, no private flush toilet	820,000	714,000	106,000	14.8	10.9	10.0
No running water in dwelling unit	1,622,000	2,079,000	−457,000	−22.0	21.5	29.1
Dwelling units needing major repairs	970,000	1,592,000	−622,000	−39.1	12.9	22.3
With private bath and private flush toilet	151,000	236,000	−85,000	−36.0	2.0	3.3
With private flush toilet, no private bath	30,000	44,000	−14,000	−31.8	.4	.6
With running water, no private flush toilet	167,000	227,000	−60,000	−26.4	2.2	3.2
No running water in dwelling unit	622,000	1,085,000	−463,000	−42.7	8.3	15.2
RURAL FARM						
Total occupied dwelling units	6,319,000	7,107,000	−788,000	−11.1	100.0	100.0
With private bath and private flush toilet	1,007,000	776,000	231,000	29.8	15.9	10.9
With private flush toilet, no private bath	62,000	37,000	25,000	67.6	1.0	.5
With running water, no private flush toilet	705,000	480,000	225,000	46.9	11.2	6.8
No running water in dwelling unit	4,545,000	5,814,000	−1,269,000	−21.8	71.9	81.8
Dwelling units not needing major repairs	4,940,000	4,758,000	182,000	3.8	78.2	66.9
With private bath and private flush toilet	974,000	699,000	275,000	39.3	15.4	9.8
With private flush toilet, no private bath	62,000	31,000	31,000	100.0	1.0	.4
With running water, no private flush toilet	601,000	372,000	229,000	61.6	9.5	5.2
No running water in dwelling unit	3,303,000	3,656,000	−353,000	−9.7	52.3	51.4
Dwelling units needing major repairs	1,379,000	2,349,000	−970,000	−41.3	21.8	33.1
With private bath and private flush toilet	33,000	77,000	−44,000	−57.1	.5	1.1
With private flush toilet, no private bath	----------	6,000	−6,000	−100.0	----------	.1
With running water, no private flush toilet	104,000	108,000	−4,000	−3.7	1.6	1.5
No running water in dwelling unit	1,242,000	2,158,000	−916,000	−42.4	19.7	30.4

[1] A minus sign (−) denotes decrease.

TABLE 3.—*Occupied dwelling units, by bathing equipment, for the United States, urban and rural, 1945 and 1940*

Area and bathing equipment	Estimated number		Increase, 1940 to 1945[1]		Percent	
	1945	1940	Number	Percent	1945	1940
UNITED STATES						
Total occupied dwelling units	37,600,000	34,855,000	2,745,000	7.9	100.0	100.0
Bathing equipment in structure, exclusive use	24,587,000	19,777,000	4,810,000	24.3	65.4	56.7
Bathing equipment in structure, shared	1,566,000	1,641,000	−75,000	−4.6	4.2	4.7
None	11,447,000	13,437,000	−1,990,000	−14.8	30.4	38.6

[1] A minus sign (−) denotes decrease.

TABLE 3.—*Occupied dwelling units, by bathing equipment, for the United States, urban and rural, 1945 and 1940*—Continued

Area and bathing equipment[1]	Estimated number		Increase, 1940 to 1945[1]		Percent	
	1945	1940	Number	Percent	1945	1940
URBAN						
Total occupied dwelling units	23,748,000	20,597,000	3,151,000	15.3	100.0	100.0
Bathing equipment in structure, exclusive use	19,404,000	15,986,000	3,418,000	21.4	81.7	77.6
Bathing equipment in structure, shared	1,443,000	1,484,000	−41,000	−2.8	6.1	7.2
None	2,901,000	3,127,000	−226,000	−7.2	12.2	15.2
RURAL NONFARM						
Total occupied dwelling units	7,533,000	7,151,000	382,000	5.3	100.0	100.0
Bathing equipment in structure, exclusive use	4,096,000	2,925,000	1,171,000	40.0	54.4	40.9
Bathing equipment in structure, shared	105,000	142,000	−37,000	−26.1	1.4	2.0
None	3,332,000	4,084,000	−752,000	−18.4	44.2	57.1
RURAL FARM						
Total occupied dwelling units	6,319,000	7,107,000	−788,000	−11.1	100.0	100.0
Bathing equipment in structure, exclusive use	1,087,000	866,000	221,000	25.5	17.2	12.2
Bathing equipment in structure, shared	18,000	15,000	3,000	20.0	.3	.2
None	5,214,000	6,226,000	−1,012,000	−16.3	82.5	87.6

[1] A minus sign (−) denotes decrease.

TABLE 4.—*Occupied dwelling units, by toilet facilities, for the United States, urban and rural, 1945 and 1940*

Area and toilet facilities	Estimated number		Increase, 1940 to 1945[1]		Percent	
	1945	1940	Number	Percent	1945	1940
UNITED STATES						
Total occupied dwelling units	37,600,000	34,855,000	2,745,000	7.9	100.0	100.0
Flush toilet in structure, exclusive use	25,953,000	21,026,000	4,927,000	23.4	69.0	60.3
Flush toilet in structure, shared	1,684,000	1,725,000	−41,000	−2.4	4.5	4.9
No flush toilet	9,963,000	12,104,000	−2,141,000	−17.7	26.5	34.7
URBAN						
Total occupied dwelling units	23,748,000	20,597,000	3,151,000	15.3	100.0	100.0
Flush toilet in structure, exclusive use	20,581,000	17,131,000	3,450,000	20.1	86.7	83.2
Flush toilet in structure, shared	1,547,000	1,578,000	−31,000	−2.0	6.5	7.7
No flush toilet	1,620,000	1,888,000	−268,000	14.2	6.8	9.2
RURAL NONFARM						
Total occupied dwelling units	7,533,000	7,151,000	382,000	5.3	100.0	100.0
Flush toilet in structure, exclusive use	4,302,000	3,078,000	1,224,000	39.8	57.1	43.0
Flush toilet in structure, shared	119,000	135,000	−16,000	−11.9	1.6	1.9
No flush toilet	3,112,000	3,938,000	−826,000	−21.0	41.3	55.1
RURAL FARM						
Total occupied dwelling units	6,319,000	7,107,000	−788,000	−11.1	100.0	100.0
Flush toilet in structure, exclusive use	1,070,000	817,000	253,000	31.0	16.9	11.5
Flush toilet in structure, shared	18,000	12,000	6,000	50.0	.3	.2
No flush toilet	5,231,000	6,278,000	−1,047,000	−16.7	82.8	88.3

[1] A minus sign (−) denotes decrease.

TABLE 5.—*Occupied dwelling units, by water supply, for the United States, urban and rural, 1945 and 1940*

Area and water supply	Estimated number		Increase, 1940 to 1945[1]		Percent	
	1945	1940	Number	Percent	1945	1940
UNITED STATES						
Total occupied dwelling units	37,600,000	34,855,000	2,745,000	7.9	100.0	100.0
Running water in unit	29,543,000	24,530,000	5,013,000	20.4	78.6	70.4
No running water in unit	8,057,000	10,325,000	−2,268,000	−22.0	21.4	29.6
No running water in unit but in structure	537,000				1.4	
No running water in structure	7,520,000				20.0	
URBAN						
Total occupied dwelling units	23,748,000	20,597,000	3,151,000	15.3	100.0	100.0
Running water in unit	22,480,000	19,250,000	3,230,000	16.8	94.7	93.5
No running water in unit	1,268,000	1,347,000	−79,000	−5.9	5.3	6.5
No running water in unit but in structure	376,000				1.6	
No running water in structure	892,000				3.8	
RURAL NONFARM						
Total occupied dwelling units	7,533,000	7,151,000	382,000	5.3	100.0	100.0
Running water in unit	5,289,000	3,987,000	1,302,000	32.7	70.2	55.8
No running water in unit	2,244,000	3,164,000	−920,000	−29.1	29.8	44.2
No running water in unit but in structure	104,000				1.4	
No running water in structure	2,140,000				28.4	
RURAL FARM						
Total occupied dwelling units	6,319,000	7,107,000	−788,000	−11.1	100.0	100.0
Running water in unit	1,774,000	1,293,000	481,000	37.2	28.1	18.2
No running water in unit	4,545,000	5,814,000	−1,269,000	−21.8	71.9	81.8
No running water in unit but in structure	57,000				.9	
No running water in structure	4,488,000				71.0	

[1] A minus sign (−) denotes decrease.

TABLE 6.—*Occupied dwelling units, with and without central heating, for the United States, urban and rural, 1945 and 1940*

Area and central heating	Estimated number		Increase, 1940 to 1945 [1]		Percent	
	1945	1940	Number	Percent	1945	1940
UNITED STATES						
Total occupied dwelling units	37,600,000	34,855,000	2,745,000	7.9	100.0	100.0
With central heating	18,188,000	14,639,000	3,549,000	24.2	48.4	42.0
Without central heating	19,412,000	20,216,000	−804,000	−4.0	51.6	58.0
URBAN						
Total occupied dwelling units	23,748,000	20,597,000	3,151,000	15.3	100.0	100.0
With central heating	14,536,000	11,986,000	2,550,000	21.3	61.2	58.2
Without central heating	9,212,000	8,611,000	601,000	7.0	38.8	41.8
RURAL NONFARM						
Total occupied dwelling units	7,533,000	7,151,000	382,000	5.3	100.0	100.0
With central heating	2,679,000	1,933,000	746,000	38.6	35.6	27.0
Without central heating	4,854,000	5,218,000	−364,000	−7.0	64.4	73.0
RURAL FARM						
Total occupied dwelling units	6,319,000	7,107,000	−788,000	−11.1	100.0	100.0
With central heating	973,000	720,000	253,000	35.1	15.4	10.1
Without central heating	5,346,000	6,387,000	−1,041,000	−16.3	84.6	89.9

[1] A minus sign (−) denotes decrease.

TABLE 7.—*Occupied dwelling units, with and without electric lighting, for the United States, urban and rural, 1945 and 1940*

Area and electric lighting	Estimated number		Increase, 1940 to 1945 [1]		Percent	
	1945	1940	Number	Percent	1945	1940
UNITED STATES						
Total occupied dwelling units	37,600,000	34,855,000	2,745,000	7.9	100.0	100.0
With electric lighting	33,356,000	27,604,000	5,752,000	20.8	88.7	79.2
Without electric lighting	4,244,000	7,251,000	−3,007,000	−41.5	11.3	20.8
URBAN						
Total occupied dwelling units	23,748,000	20,597,000	3,151,000	15.3	100.0	100.0
With electric lighting	23,238,000	19,719,000	3,519,000	17.8	97.9	95.7
Without electric lighting	510,000	878,000	−368,000	−41.9	2.1	4.3
RURAL NONFARM						
Total occupied dwelling units	7,533,000	7,151,000	382,000	5.3	100.0	100.0
With electric lighting	6,805,000	5,588,000	1,217,000	21.8	90.3	78.1
Without electric lighting	728,000	1,563,000	−835,000	−53.4	9.7	21.9
RURAL FARM						
Total occupied dwelling units	6,319,000	7,107,000	−788,000	−11.1	100.0	100.0
With electric lighting	3,313,000	2,297,000	1,016,000	44.2	52.4	32.3
Without electric lighting	3,006,000	4,810,000	−1,804,000	−37.5	47.6	67.7

[1] A minus sign (−) denotes decrease.

TABLE 8.—*Occupied dwelling units, by radio, for the United States, urban and rural, 1945 and 1940*

Area and radio	Estimated number		Increase, 1940 to 1945 [1]		Percent	
	1945	1940	Number	Percent	1945	1940
UNITED STATES						
Total occupied dwelling units	37,600,000	34,855,000	2,745,000	7.9	100.0	100.0
With radio	33,998,000	28,847,000	5,151,000	17.9	90.4	82.8
No radio	3,602,000	6,008,000	−2,406,000	−40.0	9.6	17.2
URBAN						
Total occupied dwelling units	23,748,000	20,597,000	3,151,000	15.3	100.0	100.0
With radio	22,416,000	18,925,000	3,491,000	18.4	94.4	91.9
No radio	1,332,000	1,672,000	−340,000	−20.3	5.6	8.1
RURAL NONFARM						
Total occupied dwelling units	7,533,000	7,151,000	382,000	5.3	100.0	100.0
With radio	6,741,000	5,647,000	1,094,000	19.4	89.5	79.0
No radio	792,000	1,504,000	−712,000	−47.3	10.5	21.0
RURAL FARM						
Total occupied dwelling units	6,319,000	7,107,000	−788,000	−11.1	100.0	100.0
With radio	4,841,000	4,277,000	564,000	13.2	76.6	60.2
No radio	1,478,000	2,830,000	−1,352,000	−47.8	23.4	39.8

[1] A minus sign (−) denotes decrease.

TABLE 9.—*Occupied dwelling units, by installed cooking facilities, for the United States, urban and rural, 1945 and 1940*

Installed cooking facilities	Total	Urban and rural nonfarm			Rural farm
		Total	Urban	Rural nonfarm	
NUMBER					
Total occupied dwelling units	37,600,000	31,281,000	23,748,000	7,533,000	6,319,000
With installed cooking facilities	35,878,000	30,022,000	22,842,000	7,180,000	5,856,000
No installed cooking facilities	1,722,000	1,259,000	906,000	353,000	463,000
PERCENT					
Total occupied dwelling units	100.0	100.0	100.0	100.0	100.0
With installed cooking facilities	95.4	96.0	96.2	95.3	92.7
No installed cooking facilities	4.6	4.0	3.8	4.7	7.3

TABLE 10.—*Occupied dwelling units, by size of household, for the United States, urban and rural, 1945 and 1940*

Area and size of household	Estimated number		Increase, 1940 to 1945 [1]		Percent	
	1945	1940	Number	Percent	1945	1940
UNITED STATES						
Total occupied dwelling units	37,600,000	34,855,000	2,745,000	7.9	100.0	100.0
1 person	3,481,000	2,677,000	804,000	30.0	9.3	7.7
2 persons	10,529,000	8,630,000	1,899,000	22.0	28.0	24.8
3 persons	8,597,000	7,796,000	801,000	10.3	22.9	22.4
4 persons	6,817,000	6,325,000	492,000	7.8	18.1	18.1
5 persons	3,968,000	4,013,000	−45,000	−1.1	10.6	11.5
6 persons	2,044,000	2,360,000	−316,000	−13.4	5.4	6.8
7 persons	1,018,000	1,341,000	−323,000	−24.1	2.7	3.8
8 or more persons	1,146,000	1,713,000	−567,000	−33.1	3.0	4.9
Median number of persons	3.06	3.29				
URBAN						
Total occupied dwelling units	23,748,000	20,597,000	3,151,000	15.3	100.0	100.0
1 person	2,372,000	1,671,000	701,000	42.0	10.0	8.1
2 persons	7,076,000	5,441,000	1,635,000	30.0	29.8	26.4
3 persons	5,747,000	4,800,000	947,000	19.7	24.2	23.3
4 persons	4,279,000	3,801,000	478,000	12.6	18.0	18.5
5 persons	2,368,000	2,272,000	96,000	4.2	10.0	11.0
6 persons	1,064,000	1,233,000	−169,000	−13.7	4.5	6.0
7 persons	415,000	645,000	−230,000	−35.7	1.7	3.1
8 or more persons	427,000	734,000	−307,000	−41.8	1.8	3.6
Median number of persons	2.92	3.16				
RURAL NONFARM						
Total occupied dwelling units	7,533,000	7,151,000	382,000	5.3	100.0	100.0
1 person	786,000	645,000	141,000	21.9	10.4	9.0
2 persons	1,968,000	1,801,000	167,000	9.3	26.1	25.2
3 persons	1,583,000	1,583,000			21.0	22.1
4 persons	1,414,000	1,262,000	152,000	12.0	18.8	17.6
5 persons	830,000	794,000	36,000	4.5	11.0	11.1
6 persons	458,000	471,000	−13,000	−2.8	6.1	6.6
7 persons	257,000	267,000	−10,000	−3.7	3.4	3.7
8 or more persons	237,000	328,000	−91,000	−27.7	3.1	4.6
Median number of persons	3.14	3.21				
RURAL FARM						
Total occupied dwelling units	6,319,000	7,107,000	−788,000	−11.1	100.0	100.0
1 person	323,000	361,000	−38,000	−10.5	5.1	5.1
2 persons	1,485,000	1,388,000	97,000	7.0	23.5	19.5
3 persons	1,267,000	1,413,000	−146,000	−10.3	20.1	19.9
4 persons	1,124,000	1,262,000	−138,000	−10.9	17.8	17.8
5 persons	770,000	947,000	−177,000	−18.7	12.2	13.3
6 persons	522,000	656,000	−134,000	−20.4	8.3	9.2
7 persons	346,000	429,000	−83,000	−19.3	5.5	6.0
8 or more persons	482,000	651,000	−169,000	−26.0	7.6	9.2
Median number of persons	3.58	3.81				

[1] A minus sign (−) denotes decrease.

TABLE 11.—*Occupied dwelling units, by number of rooms, for the United States, urban and rural, 1945 and 1940*

Area and number of rooms	Estimated number		Increase, 1940 to 1945 [1]		Percent	
	1945	1940	Number	Percent	1945	1940
UNITED STATES						
Total occupied dwelling units	37,600,000	34,855,000	2,745,000	7.9	100.0	100.0
1 room	610,000	1,156,000	−546,000	−47.2	1.6	3.3
2 rooms	2,330,000	2,905,000	−575,000	−19.8	6.2	8.3
3 rooms	5,416,000	4,929,000	487,000	9.9	14.4	14.1
4 rooms	7,402,000	6,477,000	925,000	14.3	19.7	18.6
5 rooms	8,815,000	7,014,000	1,801,000	25.7	23.4	20.1
6 rooms	6,976,000	6,132,000	844,000	13.8	18.6	17.6
7 rooms	2,968,000	2,792,000	176,000	6.3	7.9	8.0
8 or more rooms	3,083,000	3,450,000	−367,000	−10.6	8.2	9.9

[1] A minus sign (−) denotes decrease.

TABLE 11.—*Occupied dwelling units, by number of rooms, for the United States, urban and rural, 1945 and 1940*—Continued

Area and number of rooms	Estimated number		Increase, 1940 to 1945 [1]		Percent	
	1945	1940	Number	Percent	1945	1940
UNITED STATES—continued						
Median number of rooms	4.85	4.78				
URBAN						
Total occupied dwelling units	23,748,000	20,597,000	3,151,000	15.3	100.0	100.0
1 room	475,000	705,000	−230,000	−32.6	2.0	3.4
2 rooms	1,533,000	1,600,000	−67,000	−4.2	6.5	7.8
3 rooms	3,691,000	2,945,000	746,000	25.3	15.5	14.3
4 rooms	4,655,000	3,666,000	989,000	27.0	19.6	17.8
5 rooms	5,765,000	4,533,000	1,232,000	27.2	24.3	22.0
6 rooms	4,495,000	3,926,000	569,000	14.5	18.9	19.1
7 rooms	1,664,000	1,534,000	130,000	8.5	7.0	7.4
8 or more rooms	1,470,000	1,688,000	−218,000	−12.9	6.2	8.2
Median number of rooms	4.76	4.80				
RURAL NONFARM						
Total occupied dwelling units	7,533,000	7,151,000	382,000	5.3	100.0	100.0
1 room	85,000	289,000	−204,000	−70.6	1.1	4.0
2 rooms	476,000	688,000	−212,000	−30.8	6.3	9.6
3 rooms	931,000	964,000	−33,000	−3.4	12.4	13.5
4 rooms	1,409,000	1,389,000	20,000	1.4	18.7	19.4
5 rooms	1,808,000	1,375,000	433,000	31.5	24.0	19.2
6 rooms	1,393,000	1,168,000	225,000	19.3	18.5	16.3
7 rooms	735,000	595,000	140,000	23.5	9.8	8.3
8 or more rooms	696,000	683,000	13,000	1.9	9.2	9.6
Median number of rooms	4.98	4.68				
RURAL FARM						
Total occupied dwelling units	6,319,000	7,107,000	−788,000	−11.1	100.0	100.0
1 room	50,000	162,000	−112,000	−69.1	0.8	2.3
2 rooms	321,000	617,000	−296,000	−48.0	5.1	8.7
3 rooms	794,000	1,020,000	−226,000	−22.2	12.6	14.4
4 rooms	1,338,000	1,422,000	−84,000	−5.9	21.2	20.0
5 rooms	1,242,000	1,106,000	136,000	12.3	19.7	15.6
6 rooms	1,088,000	1,038,000	50,000	4.8	17.2	14.6
7 rooms	569,000	663,000	−94,000	−14.2	9.0	9.3
8 or more rooms	917,000	1,079,000	−162,000	−15.0	14.5	15.2
Median number of rooms	5.03	4.80				

[1] A minus sign (−) denotes decrease.

TABLE 12.—*Occupied dwelling units, by persons per room, for the United States, urban and rural, 1945 and 1940*

Area and persons per room	Estimated number		Increase, 1940 to 1945 [1]		Percent	
	1945	1940	Number	Percent	1945	1940
UNITED STATES						
Total occupied dwelling units	37,600,000	34,855,000	2,745,000	7.9	100.0	100.0
0.50 or less	14,312,000	10,976,000	3,336,000	30.4	38.1	31.5
0.51 to 1.00	17,750,000	16,831,000	919,000	5.5	47.2	48.3
1.01 to 1.50	3,575,000	3,925,000	−350,000	−8.9	9.5	11.3
1.51 or more	1,963,000	3,123,000	−1,160,000	−37.1	5.2	9.0
URBAN						
Total occupied dwelling units	23,748,000	20,597,000	3,151,000	15.3	100.0	100.0
0.50 or less	9,054,000	6,471,000	2,583,000	39.9	38.1	31.4
0.51 to 1.00	12,026,000	10,860,000	1,166,000	10.7	50.6	52.7
1.01 to 1.50	1,889,000	2,082,000	−193,000	−9.3	8.0	10.1
1.51 or more	779,000	1,184,000	−405,000	−34.2	3.3	5.7
RURAL NONFARM						
Total occupied dwelling units	7,533,000	7,151,000	382,000	5.3	100.0	100.0
0.50 or less	3,055,000	2,417,000	638,000	26.4	40.6	33.8
0.51 to 1.00	3,171,000	3,112,000	59,000	1.9	42.1	43.5
1.01 to 1.50	823,000	826,000	−3,000	−0.4	11.0	11.6
1.51 or more	484,000	796,000	−312,000	−39.2	6.4	11.1
RURAL FARM						
Total occupied dwelling units	6,319,000	7,107,000	−788,000	−11.1	100.0	100.0
0.50 or less	2,203,000	2,088,000	115,000	5.5	34.9	29.4
0.51 to 1.00	2,553,000	2,859,000	−306,000	−10.7	40.4	40.2
1.01 to 1.50	863,000	1,017,000	−154,000	−15.1	13.7	14.3
1.51 or more	700,000	1,143,000	−443,000	−38.8	11.1	16.1

[1] A minus sign (−) denotes decrease.

TABLE 13.—*Tenant-occupied dwelling units, by contract monthly rent, for the United States, urban and rural nonfarm, 1945 and 1940*

Area and contract monthly rent	Estimated number		Increase, 1940 to 1945 [1]		Percent	
	1945	1940	Number	Percent	1945	1940
URBAN AND RURAL NONFARM						
Tenant-occupied dwelling units	15,403,000	16,335,000	−932,000	−5.7	100.0	100.0
Under $5	251,000	900,000	−649,000	−72.1	1.6	5.5
$5 to $9	991,000	1,962,000	−971,000	−49.5	6.4	12.0
$10 to $14	1,518,000	2,305,000	−787,000	−34.1	9.9	14.1
$15 to $19	1,790,000	2,238,000	−448,000	−20.0	11.6	13.7
$20 to $24	1,812,000	2,031,000	−219,000	−10.8	11.8	12.4
$25 to $29	1,979,000	1,854,000	125,000	6.7	12.8	11.3
$30 to $39	3,488,000	2,546,000	942,000	37.0	22.6	15.6
$40 to $49	2,066,000	1,310,000	756,000	57.7	13.4	8.0
$50 or more	1,508,000	1,189,000	319,000	26.8	9.8	7.3
Median monthly rent (dollars)	27.88	21.38				
URBAN						
Tenant-occupied dwelling units	12,701,000	12,882,000	−181,000	−1.4	100.0	100.0
Under $5	74,000	249,000	−175,000	−70.3	0.6	1.9
$5 to $9	453,000	970,000	−517,000	−53.3	3.6	7.5
$10 to $14	975,000	1,588,000	−613,000	−38.6	7.7	12.3
$15 to $19	1,327,000	1,813,000	−486,000	−26.8	10.4	14.1
$20 to $24	1,529,000	1,787,000	−258,000	−14.4	12.0	13.9
$25 to $29	1,755,000	1,675,000	80,000	4.8	13.8	13.0
$30 to $39	3,180,000	2,402,000	778,600	32.4	25.0	18.6
$40 to $49	1,965,000	1,262,000	703,000	55.7	15.5	9.8
$50 or more	1,443,000	1,136,000	307,000	27.0	11.4	8.8
Median monthly rent (dollars)	30.25	24.60				
RURAL NONFARM						
Tenant-occupied dwelling units	2,702,000	3,453,000	−751,000	−21.7	100.0	100.0
Under $5	177,000	651,000	−474,000	−72.8	6.6	18.9
$5 to $9	538,000	992,000	−454,000	−45.8	19.9	28.7
$10 to $14	543,000	717,000	−174,000	−24.3	20.1	20.8
$15 to $19	463,000	425,000	38,000	8.9	17.1	12.3
$20 to $24	283,000	244,000	39,000	16.0	10.5	7.1
$25 to $29	224,000	179,000	45,000	25.1	8.3	5.2
$30 to $39	308,000	144,000	164,000	113.9	11.4	4.2
$40 to $49	101,000	48,000	53,000	110.4	3.7	1.4
$50 or more	65,000	53,000	12,000	22.6	2.4	1.5
Median monthly rent (dollars)	15.50	10.08				

[1] A minus sign (−) denotes decrease.

VACANCY IN DWELLING UNITS IN THE UNITED STATES, 1945

Only 803,000 of the 2,981,000 unoccupied dwelling units in November 1945, or 2 percent of all dwelling units in the United States, were on the sale or rental market, according to estimates released today by Director J. C. Capt, of the Bureau of the Census, Department of Commerce. In urban areas the proportion was even lower; 252,000 units, or 1 percent of all units in urban areas, being available for rent or sale. On the other hand, rural nonfarm areas had 464,000 units, or 4.8 percent, on the sale or rental market.

The 803,000 vacancies which were on the market accounted for less than three-eighths of the Nation's 2,981,000 unoccupied dwelling units. Among the others there were 209,000 turn-over vacancies—that is, dwelling units which had already been sold or rented but were not yet occupied. These turn-over vacancies represent 0.5 percent of all dwelling units. Such vacancies were somewhat higher in rural nonfarm areas, 0.9 percent (86,000 units).

In addition, a substantial number of units—1,309,000, or 3.2 percent of all dwelling units—were being held off the market. Such units were held for absent household, awaiting demolition, held in litigation, or undergoing extensive repairs. Over half of these vacancies, however, were seasonal units, such as summer homes, cabins, and lodges. In urban areas 0.5 percent of the dwelling units (117,000 units) were being held off the market. In rural farm areas these vacanies amounted to 1.8 percent (115,000 units). In rural nonfarm areas 11.7 percent of the dwelling units (1,077,000 units) were in this group.

In addition to the habitable vacant units, 1.6 percent of all United States dwelling units (660,000 units) were vacant but not considered habitable. Again rural nonfarm areas had a higher percentage—5.3 percent (514,000 units).

A combined figure for all types of habitable vacancies—those on the sale or rental market, turn-over vacancies, and those held off the market—amounts to 5.7 percent of all United States dwelling units (2,321,000 units). A subdivision of this gross habitable-vacancy rate shows 1.9 percent (470,000 units) in urban areas, 3.4 percent (222,000 units) in rural farm areas, and 16.8 percent (1,629,000 units) in rural nonfarm areas.

The average size of such habitable vacancies was 3.6 rooms and only about 1 in 3 had all the following standard facilities—electric light, running water, private flush toilet, and private bath. The greatest proportion of habitable unoccupied units having all such standard facilities was in urban areas where about two-thirds were in this group. The lowest proportion, of course, occurred in rural farm areas.

About 40 percent of the habitable-vacant units did not have running water in the unit. Also, 1 out of 5 habitable vacancies was in need of major repairs. Three-tenths of the total habitable units were rental units and had an average (median) monthly rental of $16.53. The median rental for this type of vacancy was greatest in urban areas ($26.91) and only $9.65 in rural nonfarm areas.

For this report, the urban and rural areas are those that were classified as urban or rural in 1940 on the basis of the results of the 1940 census. The classification of rural population by farm and nonfarm residence is based on the residence at the time of enumeration. Thus, the 1945 rural farm population is the population living on farms in 1945 in areas that were classified as rural in 1940.

Source and reliability of estimates: These estimates were obtained as a supplement to the Monthly Report on the Labor Force for November 1945. The Monthly Report on the Labor Force is a sample survey which is conducted each month in order to obtain information on labor supply, employment, and other characteristics of the population. The sample is distributed in 68 areas, each area comprising one or more counties. These areas are located in 42 States and the District of Columbia. Approximately 20,000 households were included in the housing inquiry.

Since the estimates are based on a sample, they are subject to error due to sampling variability. The following table gives approximate measures of the reliability of the estimates. The measures of reliability are shown for several different sizes of numbers:

Size of estimate	Difference between the estimate and the number that would have been obtained from a complete census	
	Chances are about 2 in 3 that the difference would be less than the figure in this column	Chances are about 19 in 20 that the difference would be less than the figure in this column
100,000	40,000	75,000
300,000	60,000	115,000
500,000	90,000	180,000
1,000,000	135,000	270,000
2,500,000	195,000	390,000

The sampling error of any percentage shown depends not only on the value of the percent but also on the size of base on which the percentage is determined. For example, the estimate of habitable unoccupied dwelling units in the urban and rural nonfarm areas in the United States in November, 1945, is 6.2 percent. The chances are 19 out of 20 that the rate obtained by a complete census would have been between 5.3 and 7.1 percent. The estimate of not

habitable unoccupied dwelling units in the rural nonfarm areas in the United States in November, 1945, is 5.3 percent. The chances are 19 out of 20 that the rate which would have been obtained by a complete census would have been between 3.7 and 6.9 percent. Since the latter percent (5.3) has a considerably smaller base it is less reliable than the percent (6.2) based on all urban and rural nonfarm dwelling units. For percentages based on the total number of dwelling units in the United States, the urban and rural nonfarm, urban, rural nonfarm and rural farm areas, the table below indicates the reliability for several different sizes of estimated percentages:

Size of estimated percentage	Chances are about 19 in 20 that the absolute percent difference between the estimated percentage and the percentage which would have been obtained from a complete census would not exceed—				
	United States	Urban and rural, nonfarm	Urban	Rural, nonfarm	Rural, farm
1	0.4	0.4	0.5	0.8	1.0
5	.9	.9	1.1	1.6	2.0
10	1.0	1.2	1.6	2.6	3.1

The measures of reliability given in these tables are only approximate. They are intended as indications of the general level of sampling reliability of the estimates. In addition to sampling variations, the estimates are subject to errors of response, but the possibilities of such errors are not included in these measures of reliability.

The estimates are presented in thousands of dwelling units, not because they are assumed to be accurate to thousands of dwelling units but for convenience in summation.

Vacancy and occupancy in privately and publicly financed dwelling units in the United States, 1945

Subject	United States	Urban and rural, nonfarm			Rural, farm
		Total	Urban	Rural, nonfarm	
NUMBER					
Total dwelling units	40,581,000	34,014,000	24,338,000	9,676,000	6,567,000
Occupied	37,600,000	31,281,000	23,748,000	7,533,000	6,319,000
Unoccupied	2,981,000	2,733,000	590,000	2,143,000	248,000
Habitable [1]	2,321,000	2,099,000	470,000	1,629,000	222,000
Rental	810,000	725,000	288,000	437,000	85,000
Available for rent	701,000	622,000	223,000	399,000	79,000
Rented, not yet occupied	109,000	103,000	65,000	38,000	6,000
Sale	202,000	180,000	65,000	115,000	22,000
For sale only	102,000	94,000	29,000	65,000	8,000
Sold, not yet occupied	100,000	86,000	36,000	50,000	14,000
Other [2]	1,309,000	1,194,000	117,000	1,077,000	115,000
Not habitable [1]	660,000	634,000	120,000	514,000	26,000
PERCENT					
Total dwelling units	100.0	100.0	100.0	100.0	100.0
Occupied	92.7	92.0	97.6	77.9	96.2
Unoccupied	7.3	8.0	2.4	22.1	3.8
Habitable [1]	5.7	6.2	1.9	16.8	3.4
Rental	2.0	2.1	1.2	4.5	1.3
Available for rent	1.7	1.8	.9	4.1	1.2
Rented, not yet occupied	.3	.3	.3	.4	.1
Sale	.5	.5	.3	1.2	.3
For sale only	.3	.3	.1	.7	.1
Sold, not yet occupied	.2	.3	.1	.5	.2
Other [2]	3.2	3.5	.5	11.1	1.8
Not habitable [1]	1.6	1.9	.5	5.3	.4
SIZE, RENT, AND FACILITIES OF HABITABLE UNOCCUPIED UNITS					
Average (median) size of habitable vacancies (rooms)	3.6	3.6	3.7	3.6	3.9
Average (median) monthly rent of habitable rental vacancies	$16.53	$18.77	$26.91	$9.65	$6.43
Proportion of habitable vacancies having all standard facilities (percent)	31.4	33.6	64.7	24.6	10.4

[1] Included as habitable are units in good condition or in need of minor repairs, also those in need of major repairs which are in no worse condition than similar occupied units in the same neighborhood. Included as not habitable are units in need of major repairs where similar units in the same neighborhood are not occupied, as well as units unfit for human habitation.

[2] Other vacancies include units held off the sale or rental market, such as units held for absent households, units to be demolished, units in litigation, units undergoing extensive repairs, etc.

APPOINTMENT OF ROBERT SPRAGUE BEIGHTLER AS PERMANENT BRIGADIER GENERAL IN THE ARMY

Mr. HUFFMAN. Mr. President, I ask unanimous consent for the present consideration of Senate bill 2480, a bill authorizing the appointment of Robert Sprague Beightler as permanent brigadier general of the line of the Regular Army. The bill was favorably reported by the Committee on Military Affairs.

The PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2480) authorizing the appointment of Robert Sprague Beightler as permanent brigadier general of the line of the Regular Army.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CORDON. Mr. President, I suggest to the distinguished Senator that there is a general understanding among some of us that in view of the shortness of time before the conclusion of the session the situation demands that as few matters as possible be brought up out of order. I shall object, at least temporarily. I may be able to withdraw the objection a little later.

Mr. HUFFMAN. Let me say to the Senator that this appointment is very unusual. It has been suggested by General Eisenhower. The case has been sent here by the President for the purpose of special legislation. It so happens that Maj. Gen. Robert Sprague Beightler is the only National Guard officer who led his division throughout the war. He made a wonderful record, leading the "Fighting Thirty-seventh" of Ohio at Bougainville, New Georgia, and Luzon, and racing with the First Cavalry for the capture of Manila. I think it will be found that both organizations arrived there about the same time.

With that wonderful record, and with the President of the United States and General Eisenhower supporting him, I think we should move immediately to pass the bill in order that it may go to the House before the session ends and be acted upon there, so that the President may send the nomination to the Senate for confirmation.

Mr. WHITE. Mr. President, I take it that this bill deals with a single officer.

Mr. HUFFMAN. That is correct.

Mr. WHITE. The Senator is now asking for consideration of the bill because of the anticipated end of the Congress within the next 2 or 3 days.

Mr. HUFFMAN. That is correct.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CORDON. Mr. President, I will say to the distinguished Senator that I hope to be able to withdraw the objection very shortly, but I must interpose it at this time. As soon as I can make inquiry I hope to be able to withdraw the objection. Certainly the objection does not go to any substantive question involving the propriety of the promotion, which is wholly deserved. I hope to be able to withdraw the objection after I have had an opportunity to look into the matter.

Mr. HUFFMAN. I shall appreciate it if the Senator will make an investigation as soon as possible.

Mr. CORDON subsequently said: Mr. President, I am happy to be able to say to the distinguished Senator from Ohio that I now withdraw my objection to his request.

Mr. HUFFMAN. Mr. President, I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill (S. 2480) authorizing the appointment of Robert Sprague Beightler as permanent brigadier general of the line of the Regular Army was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, notwithstanding any other provision of law, the President, by and with the advice and consent of the Senate, is authorized to appoint as permanent brigadier general of the line of the Regular Army, Robert Sprague Beightler, presently serving in the grade of major general in the National Guard of the United States, Army of the United States.

SEC. 2. Any person appointed pursuant to the provisions of the first section of this act shall be counted for the purposes of provisions of law establishing the authorized number of brigadier generals of the line of the Regular Army.

AMENDMENT OF INTERSTATE COMMERCE ACT WITH RESPECT TO AGREEMENTS BETWEEN CARRIERS

The Senate resumed consideration of the motion of Mr. REED that the Senate proceed to the consideration of the bill (H. R. 2536) to amend the Interstate Commerce Act with respect to certain agreements between carriers.

Mr. FERGUSON. Mr. President, with respect to the motion now pending to consider House bill 2536, let me say that I have listened to the discussion of the motion by the able Senator from Kentucky [Mr. BARKLEY], the able Senator from Alabama [Mr. HILL], and the able Senator from Georgia [Mr. RUSSELL]. I have stood up on this floor and have, as in the tidewater case and in the insurance case and in other cases, opposed any attempt by the Senate or the National Legislature, to try to stop a criminal action or prosecution or any other action in the lower courts or in the Supreme Court of the United States. If I thought for one moment that the bill now under consideration was an attempt to stifle not only the prosecution of a pending case in the Supreme Court or the prosecution of the case in the State of Nebraska or any other State, I would be against the Senate considering the bill, and against the bill itself. I do not believe we should stop such litigation. I am not passing upon the facts, because I do not have them, but, as I understand, the litigation is based upon a charge of conspiracy. It is based upon conduct by railroads which was alleged to be such as to be in violation of the laws of the land. Every such violation should be prosecuted to the full extent. And I want to say, Mr. President, that in the past we have had only lip service from those in charge in the Department of Justice respecting prosecution of monopolies and of cartels. Oh, yes; we have had prosecutions against some 200 firms, but in those prosecutions settlements were made. There was no real determination shown to stamp out monopolies. No one was ever sent to prison, no one was prosecuted with the determination that if guilty they be found guilty in those cases, but settlements were made. Now we find that there is opposition even to bringing this bill on the floor. There is objection to bringing the bill to a vote by the Senate on the ground that it would interfere with or stop a prosecution in the Supreme Court.

Mr. President, I have tried to analyze the bill, and I find nothing in it at all which would in any way stifle or interfere with the litigation now before the Supreme Court, or would in any way interfere with a prosecution for conspiracy or violation of law in the past.

Mr. President, what does the bill attempt to do? It attempts to legalize certain activities on the part of the railroads in a certain field. There is nothing in the bill that would allow a conspiracy by railroads to avoid air conditioning railroad cars, as was suggested by the able Senator from West Virginia [Mr. KILGORE]. There is nothing in the bill that would allow any kind of conspiracy. If we look at the bottom of page 2, we will find what the agency or rate bureau may do.

The Commission shall approve such agreement if it finds that—

The object of the agreement is appropriate for the proper performance by the carriers of service to the public, that the agreement will not unduly restrain competition, and that it is consistent with the public interest as declared by Congress in the national transportation policy set forth in the act; otherwise the application shall be denied. The approval of the Commission shall be granted only upon such terms and conditions as the Commission may prescribe as necessary to ensure compliance with the standards above set forth in this paragraph.

Continuing—

(3) Each conference, bureau, committee, or other organization established or continued pursuant to any agreement approved by the Commission under the provisions of this section shall maintain such accounts, records, files, and memoranda and shall submit such reports as may be prescribed by the Commission, and all such accounts, records, files, and memoranda shall be subject to inspection by the Commission or its duly authorized representatives.

What we have attempted to stop in the past has been conspiracies by the railroads or by industries in the dark and among themselves. Here we are saying that these agreements, before they become effective, must first be passed upon by a body which we as Congress have established, and which has been in existence for many years, namely, the Interstate Commerce Commission. We say that all the records, accounts, and information surrounding the agreement must be submitted to the Interstate Commerce Commission. If this were an attempt to authorize monopoly, not only would I not defend it on the floor, but I would oppose it with all the resources at my command, because I do not believe in monopoly. As I read the bill, it does not promote monopoly, because the Interstate Commerce Commission, the instrumentality which we have created to search out and ascertain whether or not there is monopoly, or whether there is undue restraint of trade, and whether there has been a violation of law, will function in the future as it has functioned in the past. This is merely a permission for the railroads to submit to the Interstate Commerce Commission what they believe would be a proper rate or regulation. The railroads cannot act under it until after the Interstate Commerce Commission, the instrumentality of the United States Government, approves it.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. HAWKES. I agree with everything the Senator has said. I should like to add to what he has said the fact that any agreement which the Interstate Commerce Commission approves may be disapproved and canceled at any time by the Commission.

I should like to add further that under this bill the Department of Justice would have the right to go to the Interstate Commerce Commission and make a complaint, setting forth the reasons why it believes that any agreement which is being approved, or is about to be approved, or has been approved, is not in the interest of the public.

Further, I should like to say to the Senator that what we are trying to do by this bill is exactly the same thing as has been done in the case of the Civil Aeronautics Board, which is authorized to approve agreements between air carriers affecting air transportation when such agreements are found to be not inconsistent with the public interest and the air carriers are relieved from the antitrust laws with respect to carrying out of agreements so approved. I merely wished to add that to what the Senator has said.

Mr. FERGUSON. I thank the able Senator from New Jersey.

Mr. President, I rose merely to express myself on the pending motion, because after an analysis of the bill I believe that the construction placed upon it by the able Senator from Kentucky is not in accordance with the terms of the bill. It does not interfere with the prosecution of the case in the Supreme Court, or any other case arising in the past. I should like to hear full argument on the bill. I am speaking now merely on the question as to what the bill does in relation to the Supreme Court case, or any other violations of law occurring up to the present time.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. CORDON. I should like to inquire of the distinguished Senator whether the statement of national transportation policy, as it appears in the 1940 Transportation Act, has been placed in the RECORD today. Does the Senator know that has been done?

Mr. FERGUSON. I cannot advise the able Senator from Oregon as to that.

Mr. CORDON. Then I should like to ask another question. Of course, the Senator from Michigan is familiar with that declaration of law, as it appears in the Transportation Act of 1940. There it

is but a statement of policy. However, is the Senator in agreement with the position I take, namely, that that statement of policy will very definitely become the law if the pending bill is enacted in that it represents both an authority and a limitation upon authority, insofar as the agreements provided for in the present bill are concerned?

In other words, the language to which I refer is to be found in the bill at the bottom of page 2. The statement is that any agreement must be "appropriate for the proper performance by the carriers of service to the public, that the agreement will not unduly restrain competition, and that it is consistent with the public interest as declared by Congress in the national transportation policy set forth in this act."

So I take the position that when this bill refers to that statement of policy and requires any agreement which may be made to be consistent with it, it then breathes the authority and the certainty of law itself into that declaration of policy, and requires such agreements to conform therewith.

Mr. FERGUSON. Mr. President, I think that is a correct analysis and statement of this bill.

Mr. CORDON. Then, I suggest that perhaps the Senator from Michigan might insert that statement as a part of his argument, because it is so pertinent to it.

Mr. FERGUSON. Mr. President, as part of my statement, I ask, then, to have inserted in the RECORD at the conclusion of my remarks the statement appearing on page 2 of the Interstate Commerce Act. The statement is entitled "National Transportation Policy," and it follows the provision that:

This act may be cited as the Interstate Commerce Act.

Mr. President, the measure we are now considering proposes to amend the Interstate Commerce Act with respect to certain agreements between carriers, and the bill begins with the following words:

Be it enacted, etc., That the Interstate Commerce Act, as amended, is amended by adding after section 5 thereof a new section as follows.

The provision beginning in line 25, on page 2, and ending in line 1, on page 3, namely, "as declared by Congress in the national transportation policy set forth in this act," would relate not only to the amendment to the act but to the act itself; and, therefore, the national transportation policy set forth in the act would be the one that would be meant—not only the one set forth in the amendment, but the one set forth in the original act itself.

The national transportation policy reads as follows:

NATIONAL TRANSPORTATION POLICY

It is hereby declared to be the national transportation policy of the Congress to provide for fair and impartial regulation of all modes of transportation subject to the provisions of this act, so administered as to recognize and preserve the inherent advantages of each; to promote safe, adequate, economical, and efficient service and foster sound economic conditions in transportation and among the several carriers; to encourage the establishment and maintenance of reasonable charges for transportation services, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; to cooperate with the several States and the duly authorized officials thereof; and to encourage fair wages and equitable working conditions;—all to the end of developing, coordinating, and preserving a national transportation system by water, highway, and rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense. All of the provisions of this act shall be administered and enforced with a view to carrying out the above declaration of policy.

Mr. LANGER. Mr. President, I am sure that the distinguished Senator from Michigan, for whom I have the greatest admiration, would not knowingly make a statement which was not absolutely accurate. A moment ago he stated that no one had been sent to jail for violation of the antitrust laws. I wish to say that that statement is correct so far as it pertains to Attorneys General before the present Attorney General took office. I may add that several months ago I felt exactly as the Senator from Michigan now feels.

Therefore, I made an investigation. During the course of that investigation I wrote to the present Attorney General of the United States. He furnished me with a list of individuals who have been sent to jail, as well as a list of corporations which have been fined, since he has taken office. I am sure the distinguished Senator from Michigan was not aware of that fact when he made his statement a few minutes ago, for I am sure he would not knowingly make an incorrect statement.

Mr. FERGUSON. Mr. President, I thank the able Senator from North Dakota for giving me that information, because not so long ago I discussed this very question with him, and I think we agreed that no one had been sent to jail on that account. I wish that at some time the able Senator from North Dakota would insert in the RECORD the names of those who are in the category he has mentioned, those who have been sent to jail under the present Attorney General.

Let me say to the Senator from North Dakota that I am, indeed, delighted that he has called this matter to my attention, and I am also glad to hear that there is a different policy at this time in the Attorney General's office. I thank the Senator again for correcting the statement, because I would not knowingly allow an inaccurate statement to remain in the RECORD.

LYNCHING IN GEORGIA

Mr. KNOWLAND. The Constitution of the United States, in article IV, section 2, provides that—

The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.

The fourteenth amendment to the Constitution provides that—

Nor shall any State deprive any person of life, liberty, or property, without due process of law.

In the last few days the newspapers have carried a story, originating in the State of Georgia, relative to the lynching of four American citizens. I feel sure that the local authorities in that State will use the full power of their authority to bring to swift justice those who have participated in this murder of American citizens.

Mr. President, I shall ask unanimous consent to have printed at this point in the RECORD an Associated Press article, appearing in today's edition of the New York Herald Tribune, relative to the cold-blooded killing in the countryside, by a mob of unmasked men, of four Negro citizens, one of whom was a former soldier of the Army of the United States. Mr. President, regardless of the color of his skin, he had been a soldier in the Army of the United States. He and his fellow citizens were entitled to the full protection of all the laws of any State of the Union and the full protection of the Government of the United States.

Mr. President, nothing that we can do here today can bring back the lives of those people. But by what we do here today we can show, or at least speak out and say that such things must not continue in the United States of America.

Mr. President, I am pleased to note that the Attorney General has declared that the full power of the Department of Justice will immediately be brought into play, and that the officers of the Government of the United States will cooperate with the local law-enforcement officers of the State of Georgia in bringing to justice at an early date those who participated in that crime. As one Member of the Senate, I wish to say that I hope the Department of Justice, as represented by the Attorney General of the United States, will bring the full power of his office, including the full power of the Federal Bureau of Investigation, into play, because this is not merely a blot upon the escutcheon of a single local area, but this and this sort of thing is a blot upon the entire United States of America.

Mr. LANGER. Mr. President, reserving the right to object to the request the Senator has made, I should like to see the article which the Senator wishes to have printed in the RECORD. If the article is an attack upon Gene Talmadge, similar to the one made in an article appearing in the newspaper PM today, I shall certainly object to having it printed in the RECORD. The article in PM is entirely unfair. It blames Gene Talmadge for the shooting of those four Negroes. As a matter of fact, Gene Talmadge was in the State of California when that shooting occurred. He was not even in the State of Georgia at the time.

Mr. KNOWLAND. Mr. President, let me say that, so far as I have been able to ascertain, the article makes no mention of Gene Talmadge. It is an Associated Press article, and it does not attempt to place the blame for the lynching which occurred.

Mr. LANGER. Then I have no objection.

The PRESIDING OFFICER. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune of July 27, 1946]

TWO NEGROES AND WIVES LYNCHED; GEORGIA INQUIRY BEGUN BY UNITED STATES—UNMASKED MOB TAKES FOUR FROM AUTO OF WHITE FARMER WHO HAD GONE BAIL FOR ONE IN STABBING OF WHITE EMPLOYER; CASE PUT IN FBI'S HANDS

MONROE, GA., July 26.—The massacre of two young Negro farmhands and their wives late yesterday by an armed and unmasked band of white men brought the promise of a Federal investigation on its revelation today.

The details of the multiple lynching were told today by Loy Harrison, a well-to-do white farmer who was taking the Negroes to his farm and was held at gun-point by the mob.

Harrison had come to Monroe to get Roger Malcolm, 27-year-old Negro, for whom he made bond on a charge that the Negro had stabbed his farmer-employer, another white man. Malcolm was accompanied by the three other Negroes, Malcolm's wife and George Dorsey and his wife.

Harrison and the four Negroes were en route back home in a car when they were waylaid by the mob of 20 men. The mob's questioning indicated they were seeking Malcolm. There was no indication why they also took Dorsey out for execution. The women, sisters, were killed because one of them recognized a member of the mob.

Harrison said in his statement today that the band, led by a "tall, dignified-looking white man," lined the Negroes up four abreast, and then to the count of "one, two, three" by the leader, three volleys were fired into the quartet.

"I didn't have anything but a pocket knife," Harrison related. "What could I do?"

Harrison said: "Most of the men were dressed in khaki clothes, just like me. The leader looked like a retired businessman. He was about 65, wore a brown suit, and had on a big, broad-brimmed hat. He looked as if he had a good Florida sun tan."

Sheriff E. S. Gordon said that, since Harrison could not identify any member of the band, he had gone as far as he could with his investigation. He called in State police.

FBI TO MAKE INQUIRY

Word of the massacre, which occurred about 8 miles from here, 40 miles from Atlanta, did not "leak out" until today. A few hours after it did, Attorney General Tom Clark's office in Washington announced that a "complete investigation" had been ordered. The announcement from Washington said that the Federal Bureau of Investigation would carry out the inquiry for the civil rights section of the Department.

The lynching was the first in the Nation in nearly a year, and was the first multiple lynching since two 14-year-old Negro boys charged with attempted rape were hanged by a Mississippi mob in October 1942.

It was the first lynching of more than one person in Georgia since 1918. Ten Negroes were lynched in Brooks County then. There have been nine instances of multiple lynchings in the State since 1892.

Lynchings have declined steadily in the last decade. Last year, only one lynching was listed by Tuskegee Institute, and it was disputed whether the act, which occurred in Florida, was actually a lynching.

RECORD IN 1892

In 1933 there were 28 lynchings in 11 States. By 1939 there were only 3 lynchings in 2 States. In 1940 the figure rose to 5, but it dropped to 4 in 1941. In 1942 there were 5 again, in 1943 3 and in 1944 2.

Lynchings have taken a sharp downward curve in the last half century. The all-time high was in 1892, when 231 were recorded, according to the figures of the Southern Regional Council in Atlanta.

The slaughter of the four Negroes near here came as the aftermath of the stabbing of Barney Hester, 22, on July 14. Hester is still in a hospital here. Malcolm had just been released from jail under $600 bond on charges of stabbing Hester.

Dorsey's mother, Monia Williams, said that her son had just been discharged from the service after 5 years in the Army, including duty in Australia and North Africa. She received his discharge button in the mail this week, she added.

Both the young couples, she said, had married recently.

Harrison was the only witness to testify last night at the inquest, which resulted in a verdict of death at the hands of unknown parties. He testified to these details:

With the Negroes in his car, he came to a wooden bridge spanning a river which divides Walton and Oconee Counties. An automobile across the road blocked his passage.

He stopped. Another car drove in behind him, then another and another. A man who apparently assumed the role of leader of the mob, armed with rifles and shotguns, walked up and said: "We want Roger."

Harrison answered: "That's not Roger. That's George."

Another mobster put a gun to Harrison neck, and the leader said: "This is our party. You keep out of it. We ought to kill you, too."

The Negro men were dragged out of the car and bound with ropes and marched off.

Harrison said that the women nearly escaped the purpose of the mob.

RECOGNIZED BY WOMAN

The women first were held at the automobile. Then a member of the mob said one of the Negro women had recognized him.

"Get those damned women, too," the mob leader shouted.

Several of the men came back and dragged the shrieking women from the automobile. A few moments later Harrison heard shots—many of them. The mob dispersed.

The nearest house to the scene was a mile and a half away. Harrison made his way 2 miles to a country store and called the Sheriff. The Sheriff came, and they found the bodies in the bushes.

The hands of the two Negro men were bound behind them. The hands of the women were free. The upper parts of the bodies were scarcely recognizable because of the mass of bullet holes.

ONE SHOT IN BACK

One of the Negroes was shot in the back, and W. T. Brown, coroner, said that this indicated some member of the mob had fired at him after he fell from the first fusillade.

The coroner said that at least 60 bullets had been pumped into the bodies.

Harrison left his stone house on his big farm and accompanied newsmen and officers today to the scene on the banks of the Appalachee River, where he gave this account:

"I was on my way back home. I'd made bond for one of the Negroes—Roger Malcom. We came to the bridge across the river, and I looked across and saw a car blocking the other end of the bridge.

"I thought to myself, 'Federal men.'

"Then from both sides of the car men commenced coming out from the side. A car came up behind me, and his bumper touched mine. One of the men came out, put a shotgun against the back of my head and said, 'All of you put 'em up.'

MEN ARE BOUND

"One man said, 'There's the man we want'—pointing to Roger.

'Some of the men in the group then went to the two Negro men and slipped ropes around their hands—expert like, pretty like.

"They then pulled the two Negro men from the car and started leading 'em off.

"Then one of the Negro women commenced cussing like everything and called out one of the men's name whom she evidently recognized. When she did that, the leader of the group who was leading the two men away said, 'Hold everything,' selected four men and said, 'Go back and get them.'

"They then told me to get out by my car. They pulled the women out of the car, and I stood beside it while a little short man stood at the end of the bridge and looked down the barrel of his shotgun at me all the time.

"One of the men asked, 'You recognize anybody here?' I replied, 'No.'

"I'd turn my head sideways and I could see the men line 'em up. I could see the Negroes four abreast. I could see the back of the men's heads. I heard the leader of the group say, 'One, two, three,' and then boom. He did that three times. There were three volleys.

"They told me then to get back in the car. I did, and they told me I could turn my car around and go when I wanted to. I did turn around and I looked up in the car mirror and saw 'em going two by two across the bridge.

"I then went to the phone and called the sheriff."

Mr. RUSSELL. Mr. President, no Member of the Senate deplores for a moment more than I do the murders which are said to have been recently committed in my State. According to the accounts printed in some of the newspapers, the murder to which the Senator from California adverted, was a brutal crime. I know the people of Walton County in the State of Georgia. Walton County is the county in which this crime is said to have taken place. The people of that county are law abiding and upright, and would be as much opposed to any murder as would the people of any other county in this country. There are no better people than the people of Walton County. I have no doubt that the State authorities of Georgia will prosecute to the full extent of their powers any person who may be charged with the commission of that crime.

I may say, Mr. President, murders of all kinds are often committed in other States, sometimes by more than two or three persons. I frequently read about them in the daily press. There is no element of politics in these crimes unless they involve a difference in races and happen in the South. There seems to be an effort to make political capital out of crimes in which Negroes are the victims if they are committed in the South and we hear a clamor for Federal intervention which is never raised in the case of similar crimes committed in other sections of the country.

Mr. President, I am conscious of my rights, but I did not object to the Senator from California inserting an article from a newspaper in the CONGRESSIONAL RECORD. I shall not object to the insertion of other articles. But, Mr. President, I may say that crimes of the nature to which the article refers, as well as other crimes, are not confined to the State of Georgia. Almost every newspaper that we read has in it an account of some brutal murder or some terrible crime which has been committed by one or more persons. If I were to peruse the newspapers of California I doubt not that I could find in them accounts of crimes

of unspeakable brutality, including crimes of murder, which had been committed by certain citizens of that State.

If a custom is to be established in the Senate of singling out States and holding them up to criticism before law enforcement officers of those States have had an opportunity to act, I shall adopt the policy of placing in the CONGRESSIONAL RECORD newspaper accounts which refer to crimes committed in other States of the Union.

I repeat, Mr. President, that I deplore the crime to which the Senator has referred, more than does he. I deplore it especially because it was committed in my State. But in the future I shall exercise the right of calling attention, through the CONGRESSIONAL RECORD, to other crimes of equal brutality which occur in other States of the Union.

Mr. KNOWLAND. Mr. President, I may say to my able colleague from Georgia, for whom I have the highest respect, that if an occurrence such as that which took place in Georgia should happen in the State of California, the junior Senator from California will be the first to call the attention of the Senate to the crime and will ask for the same kind of an investigation as that which has been requested in connection with the crime which was committed in Georgia.

Mr. RUSSELL. Mr. President, I recall that a few years ago two persons in the State of California were bound with ropes around their necks and were thrown off a bridge in or near a great city of that State while a crowd of thousands applauded the lynching. I do not recall that a Senator from California called the attention of the Senate to any newspaper articles concerning the matter at the time, or asked that any of those newspaper articles be placed in the CONGRESSIONAL RECORD or demanded action by the Attorney General.

Mr. KNOWLAND. The Senator from California was not a Member of the Senate at that time.

Mr. EASTLAND. Mr. President, I desire to concur in everything which the Senator from Georgia has said. I may state further that the crime record of the State of Georgia will compare very favorably with the crime record of the State of California.

Mr. JOHNSTON of South Carolina. Mr. President, I wish to endorse everything the Senator from Georgia has said with regard to the very sad occurrence which took place recently within his State. At the same time, I wish to make very clear for the RECORD that in my State, South Carolina, there has not been a lynching for more than 20 years. That fact indicates how the people of my State feel in regard to matters of this kind. But I resent a Member of the Senate putting into the RECORD articles of any kind which reflect discredit upon another State. I have heard of crimes which have been committed in a great many States of the Union, and if I should begin to put into the RECORD newspaper accounts of every brutal crime which is committed from time to time, I fear that the CONGRESSIONAL RECORD would be filled up entirely not with speeches of Senators, but with news articles concerning the commission of crimes.

Mr. McCLELLAN. Mr. President, it is quite interesting to note, in connection with the statements which are now being made, that in spite of many heinous crimes which have been committed in the city of Washington, D. C., and in other places, crimes which involved various races, and crimes which, in some cases, involved white women being raped and murdered by Negro men, persons who are so very interested in the enforcement of the law did not feel themselves called upon to ask that newspaper articles concerning such crimes be placed in the CONGRESSIONAL RECORD. We can fill the RECORD daily with news accounts of crimes if we desire, but Mr. President, when we do many of the most heinous will be recorded from other sections of the Nation, rather than having occurred in some State in the South.

Mr. JOHNSTON of South Carolina. Mr. President, if my memory serves me correctly, and if we consider for a moment some of the crimes which have taken place in Hollywood, Calif., we will come to the conclusion that many newspaper articles concerning those crimes could also be placed in the CONGRESSIONAL RECORD. However, I hope that we will not follow the precedent which has been set by the Senator from California and proceed to put into the RECORD newspaper articles concerning crimes which take place all over the United States.

Mr. President, if the Senate were to enforce its rule XIX, the article which the Senator from California has inserted in the RECORD would not have been inserted. I read into the RECORD paragraph 3 of rule XIX:

> No Senator in debate shall refer offensively to any State of the Union.

I am willing to allow the Senate to judge whether the article to which the Senator from California referred reflects on a State. I think it does.

Mr. KNOWLAND. Mr. President, speaking to the point of order which my able colleague has raised, I wish to point out that in no part of my remarks did I refer offensively to the great State of Georgia, for which I have the greatest respect. On the contrary, I expressed the hope and the belief that the authorities of the great State of Georgia would proceed to bring the murderers to justice. I declared further that I believe that the Government of the United States, acting through its Attorney General, should render to the law enforcement authorities of Georgia every possible support, including that of the Federal Bureau of Investigation, in bringing the killers to justice.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. In reply to the Senator from California, I ask him if he thought, when he asked and received permission to have the newspaper article inserted in the RECORD that it would do the State of Georgia any good?

Mr. KNOWLAND. I certainly did not believe it would do Georgia any harm, and I certainly meant no offense. I do not believe that a reading of the article will be offensive to any person except those who participated in the lynchings.

Mr. JOHNSTON of South Carolina. Mr. President, I ask this question of the Senator from California: What good does he believe can come from having such an article placed in the CONGRESSIONAL RECORD?

Mr. KNOWLAND. Mr. President, I believe that the Senate of the United States should not remain silent when a crime of such nature has been committed, when a mob of people drag out citizens of the United States and murder them in cold blood, and when one of those persons had worn the uniform of a soldier of the United States.

Mr. JOHNSTON of South Carolina. So it is the Senator's purpose for the United States Senate to undertake to enforce all the criminal laws in the United States.

Mr. EASTLAND. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. EASTLAND. It is very strange that the Senator from California would call on the Attorney General of the United States to send the Federal Bureau of Investigation into Georgia, but I have not heard him make that request when crimes of murder were committed in the State of California.

Mr. JOHNSTON of South Carolina. That is the question I am raising. We should let the States handle their own affairs.

Mr. EASTLAND. In other words, the Senator from California follows that doctrine so far as California is concerned, but not where the interests of Georgia are involved.

EDUCATIONAL FACILITIES FOR VETERANS

The PRESIDING OFFICER (Mr. HOEY in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 2085) entitled "An act to amend title V of the act entitled 'An act to expedite the provision of housing in connection with the national defense, and for other purposes,' approved October 14, 1940, as amended, to authorize the Federal Works Administrator to provide needed educational facilities, other than housing, to educational institutions furnishing courses of training or education to persons under title II of the Servicemen's Readjustment Act of 1944, as amended," which were, on page 4, line 4, strike out "II" and insert "III"; on page 5, line 3, strike out "individual." " and insert "individual"; and on page 5, after line 3, insert:

> (g) Nothing in this section shall authorize the transfer of any property to the Federal Works Administrator until the preference to veterans provided by section 16 of the Surplus Property Act of 1944, as amended, has been fully satisfied in accordance with its terms; and for the purposes of such section 16 transfers to such Administrator under this section shall not be considered as transfers to a Government agency.

Mr. MEAD. Mr. President, this bill passed the Senate approximately a week ago yesterday, and it was passed yesterday by the House of Representatives, with amendments. I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on the motion of the Senator

from New York to concur in the House amendments.

Mr. LA FOLLETTE. Mr. President, I wish to ask the Senator from New York to explain the principal amendment which the House added to the bill.

Mr. MEAD. The House committee added an amendment to the bill with which I am sure the Senator from Wisconsin is familiar.

Mr. LA FOLLETTE. I am familiar with the bill, but not with the particular amendment.

Mr. MEAD. The amendment to which I refer is on page 5, after line 3, to insert the following:

(g) Nothing in this section shall authorize the transfer of any property to the Federal Works Administrator until the preference to veterans provided by section 16 of the Surplus Property Act of 1944, as amended, has been fully satisfied in accordance with its terms; and for the purposes of such section 16 transfers to such Administrator under this section shall not be considered as transfers to a Government agency.

Mr. LA FOLLETTE. Mr. President, I see no objection to the amendment. I thank the Senator for his explanation.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York.

The motion was agreed to.

AMENDMENT OF INTERSTATE COMMERCE ACT WITH RESPECT TO AGREEMENTS BETWEEN CARRIERS

The Senate resumed consideration of the motion of Mr. REED that the Senate proceed to the consideration of the bill (H. R. 2536) to amend the Interstate Commerce Act with respect to certain agreements between carriers.

Mr. TUNNELL. Mr. President, I should like to discuss for a few minutes the motion pending before the Senate. The question arises on a proposed amendment to the Interstate Commerce Act contained in the measure generally known as the Bulwinkle bill.

I do not like to disagree with the majority leader in the position he has taken, but, as a member of the Committee on Interstate Commerce, I have never had the idea that the bill now proposed would do what, from his statement, he seems to think it would do. My understanding is that it has been the custom of railroads, since there were connecting railroads, to meet, agree upon schedules of rates, and to file such rates in a legal manner. I understand from the railroad witnesses who appeared before our committee that they are now uncertain as to what they can do in the way of filing rates, and how they can agree, particularly when there are connecting roads, as to what proportion of the freight rate is to be taken by each road, and what rate shall be charged on a particular article.

I agree with the Senator from Michigan in this respect, that I do not understand that the bill has for its purpose the taking of a case out of the Supreme Court. I do understand it has for its purpose a statement of what method railroads shall follow in determining what they may do with reference to certain matters which they are supposed to do.

I am not speaking as an attorney for the railroads. In fact, so far as I can remember, I never represented a railroad company in litigation. I have, perhaps unfortunately for myself at times, from a fee standpoint, represented the other side.

The bill starts off by stating that it is an amendment to the Interstate Commerce Act, and in paragraph 2 there is set forth exactly what is proposed to be done. It reads:

Any carrier, party to an agreement between or among two or more carriers concerning, or providing rules or regulations pertaining to or procedures for the consideration, initiation, or establishment of, rates, fares, charges (including charges as between carriers), classifications, divisions, allowances, time schedules, routes, the interchange of facilities, the settlement of claims, the promotion of safety, or the promotion of adequacy, economy, or efficiency of operation or service, may, under such rules and regulations as the Commission may prescribe, apply to the Commission for approval of the agreement, and the Commission shall by order approve such agreement (if approval thereof is not prohibited by paragraph (4), (5), or (6)) if it finds that the object of the agreement is appropriate for the proper performance by the carriers of service to the public, that the agreement will not unduly restrain competition, and that it is consistent with the public interest as declared by Congress in the national transportation policy set forth in this act.

If it is consistent with the policy of the Interstate Commerce Act, and if the Interstate Commerce Commission approves it, then the rate, or whatever it may be that has been agreed upon, if it is not against public policy under the Interstate Commerce Act, may be filed, and the railroads will then know what their rights are in that respect.

It does not seem to me that this is so much an attempt to affect a particular case which is pending in the court as it is to say to various railroad organizations what they may do in certain contingencies.

The bill proceeds in paragraph 3 to state:

Each conference, bureau, committee, or other organization established or continued pursuant to any agreement approved by the Commission under the provisions of this section shall maintain such accounts, records, files, and memoranda, and shall submit such reports as may be prescribed by the Commission, and all such accounts, records, files, and memoranda shall be subject to inspection by the Commission or its duly authorized representatives.

In paragraph 4 it is provided:

The Commission shall not approve under this section any agreement between or among carriers of different classes unless it finds that such agreement is limited to matters relating to transportation under joint rates or over through routes.

The question arises, If there is no body which can say to the railroads that a certain amount of the charge, which may be $1.50 a hundred, or whatever it may be, shall go to one road and the remainder to another, or perhaps to half a dozen roads, as there may be a division of freight, how are the roads to know how to proceed? Personally I have not yet heard on the floor of the Senate any explanation as to how the railroads can proceed. This bill is to provide a legitimate manner of procedure.

If there is anything wrong about the bill, let us vote against it when it is brought before the Senate, but I do not see that there is anything which should entitled anyone to say to the Senate, "You should not even consider a bill."

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. RUSSELL. Does the Senator know of any other case in which a bill of this importance, and so highly controversial as this measure is, has been brought up without Members of the Senate who are not members of the committee handling the bill having an opportunity to read the hearings?

Mr. TUNNELL. I do not think the matter which is set out in the bill is so highly controversial. I think that if there is injected into it something which is not there, if it is said it is a proposition to take away from the Supreme Court something over which it has jurisdiction, then it would be highly controversial, but to say that the railroads may under certain conditions learn what they can do, and have the approval of the body in the United States which has the right of approving with reference to transportation generally, I do not think is highly controversial. I think it is fixing a policy. The policy may be wrong, it may be that the Senator from Georgia prefers some other remedy, but I think that the railroads of the country are entitled to have a method provided by which they can know what they can charge, and how much of it shall go to each particular road.

Mr. RUSSELL. I gather the Senator's answer is, then, that he does not regard the bill as being important, and therefore he does not desire to have the hearings. Is the Senator a member of the committee?

Mr. TUNNELL. Yes; the Senator from Delaware is a member of the committee, and the Senator from Georgia has not the slightest reason for saying that I do not regard the bill as important. I do regard it as sufficiently important to be entitled to be heard by the Senate of the United States, and I do not think a motion, or a resolution, or a vote, to prevent corporations or individuals of the United States having a matter discussed or determined by the Senate of the United States, is in the interest of the public.

Mr. RUSSELL. The Senator is a member of the committee, and heard the testimony, and he has reached the conclusion that the bill should be enacted into law. There are others of us in the Senate who are not so fortunate as to be members of the Committee on Interstate Commerce, who have had representations made to us that the bill is not so meritorious as the Senator from Delaware conceives it to be.

I am oftentimes perfectly willing to follow the leadership of the Senator from Delaware, but when matters vitally affect my own State I like to try to reach my own conclusions respecting them, and to reach them as intelligently as I can after having made an examination of the facts. I think any Senator who is interested in this measure should be entitled to have an opportunity at least to glance through the hearings and see what was developed by the witnesses. It

might be that after having done so I would arrive at the same conclusion as the Senator from Delaware has, but there is a possibility that I might not.

Mr. OVERTON. Mr. President, will the Senator yield for a question?

Mr. TUNNELL. I yield.

Mr. OVERTON. When were the hearings conducted by the Senate Interstate Commerce Committee on this bill concluded?

Mr. TUNNELL. If the Senator wants the date, I should have to refer to the committee record.

Mr. OVERTON. Can the Senator give me the approximate time?

Mr. TUNNELL. The Senator from Kansas [Mr. REED] is on the floor. I remember the occasion, but I do not remember the date. It seems to me as I think back that it was probably 2 months ago.

Mr. OVERTON. The next question I wish to ask: Why were not the hearings printed?

Mr. TUNNELL. I was going to say that the Senator from Georgia had discussed a matter which perhaps may be vital. I was not aware that the hearings had not been printed. I was present at the hearings and heard the testimony. The Senator from Georgia is correct in saying that I had an opportunity to know what was said. I had never had called to my attention, however, the fact that the hearings have not been printed.

Mr. RUSSELL. I will say that for 3 weeks I have called the committee, I should say every other day, and as earnestly as I am able have sought to obtain a copy of the hearings, but have only received a few pages of the print proof of the testimony of the Assistant Attorney General, and I had to secure those from the Department of Justice.

Mr. TUNNELL. It never before occurred to me, Mr. President, that Senators would want the hearings. I have no doubt now that they do want them, but I had never previously heard of such a desire. If the Senator had taken the matter up with the chairman of the committee or the acting chairman of the committee I am quite sure that something would have been done about that matter. But, so far as knowing whether the provisions of the bill are good or bad, I think the Senator from Georgia can judge that pretty well.

Mr. OVERTON. So far as I am concerned, I cannot.

Mr. TUNNELL. The Senator cannot?

Mr. OVERTON. I cannot.

Mr. TUNNELL. Has the Senator from Louisiana examined the bill and attempted to determine?

Mr. OVERTON. In a cursory way; sufficient to know that I should have to read the hearings to determine.

Mr. TUNNELL. What kind of a way did the Senator say?

Mr. OVERTON. A very cursory way.

Mr. TUNNELL. I thought the word "curse" was used.

Mr. OVERTON. Well, accursed be the bill, and accursed be the hearings which have never been submitted to the Senate for consideration, and accursed be the scheme and policy by which the plan is sought to be adopted. If cursing were in order, I can do a lot of it, I will say to the Senator from Delaware.

Mr. TUNNELL. I assume we can all do that.

Mr. OVERTON. I will say further to the Senator, if he will yield, that I am sorry we cannot secure any information as to why we cannot obtain the printed hearings, so we may read them for our information.

Mr. TUNNELL. I cannot agree with what seems to be inferred by the Senator that there may have been some scheme or plan on the part of the committee to withhold the hearings. If I were adopting such a scheme or plan, the Senator from Louisiana is the last person I should try to keep in the dark. I never before heard that he was so anxious for this knowledge, and I do not believe the committee had information of his desire.

Mr. RUSSELL. Mr. President, I do not know about the Senator from Louisiana, but, so far as the Senator from Georgia is concerned, I have had my office call the committee on at least four or five different occasions, to inquire about when I would be able to see a copy of the hearings. My State is somewhat involved in this matter, and the governor of my State appeared as a witness before the committee. The governor has never discussed the matter with me, but he did present to the committee the views of the State of Georgia, and I have been unable even to have an opportunity to find out from the record what are the views of the governor in regard to how this proposed legislation will affect my State.

Mr. JOHNSTON of South Carolina. Mr. President, for the information of Senators, I will say that I have on my desk in galley form some of the record of the testimony taken, most of which I hope to read into the RECORD at the proper time. Senators can see what a great amount of testimony was taken.

Mr. TUNNELL. I hope the Senator will not read it all.

Mr. JOHNSTON of South Carolina. I shall not read it all, but I shall read a portion of it into the RECORD so Senators may have knowledge of what the bill would do.

Mr. TUNNELL. I hope the Senator will not read it all into the RECORD if we are to adjourn next Friday. I am sorry this situation has arisen. I am sure the committee regrets it. I do not believe this situation would have existed had the chairman or the acting chairman of the committee, or the Senator from Kansas [Mr. REED] known of the desire for the printed hearings. The Senator from Kansas announced, and it was generally known, that he was trying for several days to bring the matter before the Senate. He announced that he was going to bring it before the Senate, and this is the first time I had knowledge of the fact that the hearings had not been printed or that there was any complaint about it. But I think that where there is a reason, as there appears to be in this case, the Senators interested should have made some demand on the committee other than a call over the telephone to a clerk of the committee who probably did not even know who was calling.

Mr. RUSSELL. I desire to say, Mr. President, if the Senator will indulge me, that I suggested to the distinguished Senator from Kansas several days ago that I had been unable to secure a copy of the hearings. The chairman of the committee was not in the city. It is a most unusual practice for Senators to rise on the floor and try to direct committees of which they are not members, as to when they should print hearings. I exercised all the diligence I knew how to exercise, and I complained to the Senator from Kansas, who talked to me about this bill on two or three occasions, that I had not been able to secure a copy of the hearings. I did not go to the committee and ask when they could hold a meeting to see if the hearings could be printed for my benefit. It is customary to have the hearings printed and available when a bill is brought forward for consideration.

Mr. TUNNELL. It is not customary always to have the hearings printed.

Mr. RUSSELL. No; but it is when a highly controversial bill is to be considered. Such a bill seldom reaches the floor without having the hearings printed and available to Senators.

Mr. TUNNELL. I am not sure that the bill in question is controversial.

Mr. RUSSELL. I am quite sure that the Senator will conclude it is highly controversial before it is enacted into law.

Mr. TUNNELL. I do not mean that there is no opposition, but I do not think opposition makes it a controversial matter. Some Senators oppose the bill, although they do not know what the testimony respecting it shows. But I do not think the bill represents anything of a really controversial nature. The bill is intended to provide a way for railroads, transportation companies, to determine what they may do with reference to certain matters, and I think they are entitled to have the bill discussed. If the chairman or acting chairman of the committee had been notified of the desire for printed copies of hearings, I do not think Senators would have reason to complain. But it appears that the Senator now is very anxious for certain testimony. I think the Senator is entitled to have it, and I think the Senator from South Carolina seems to have found it. He was, I believe, more diligent than was the Senator from Georgia.

Mr. RUSSELL. The Senator from South Carolina was more fortunate, but he certainly was not more diligent than was the Senator from Georgia.

Mr. JOHNSTON of South Carolina. I should like to say that the copy of the hearing I have is not in finished form. It is in galley proof, ready to be made up in pamphlet or book form. I do not know why it has not been made up in pamphlet or book form so every Senator could have a copy. I had this record delivered to me, I will say, 10 days or 2 weeks ago, which shows that it has been somewhere—I do not know where. But I am sure that Senators do not have a printed copy on their desks.

Mr. TUNNELL. I may say that if the Senator should use what he has on his desk for a few more days it will be in its finished form.

Mr. JOHNSTON of South Carolina. Yes, but every Senator will not be able to read it.

Mr. TUNNELL. No; nobody will then.

Mr. JOHNSTON of South Carolina. I do not believe every Senator will stay on the floor and listen to me when I read it.

Mr. TUNNELL. I do not know of any way to keep Senators here to listen to the Senator read.

Mr. OVERTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. SWIFT in the chair). The Senator will state it.

Mr. OVERTON. Cannot Senators have a copy of whatever has been printed in the way of hearings? I understand something has been printed. The Senator from South Carolina has something on his desk.

Mr. JOHNSTON of South Carolina. That is the galley proof. I have had it for 10 days. I do not know why it has not been printed and delivered to all Senators.

Mr. OVERTON. I do not know why we cannot have 96 galley proofs distributed to the Senators.

Mr. TUNNELL. I do not think there are 96 Senators who would ask for it or want it. I think perhaps no more than six Senators would.

Mr. OVERTON. I think every Senator is entitled to have a copy of the printed record on his desk.

Mr. TUNNELL. I will ask the Senator from Kansas about the matter of printing the testimony. It seems as though some of our friends have become very anxious for copies of this record.

Mr. REED. Mr. President, I may say to the Senator from Delaware that I am not in control of the Interstate Commerce Committee and its machinery. For my own use I have inquired a number of times about the printing of the hearings. The Senator from Montana [Mr. WHEELER] is chairman of the committee, as we all know, and I had no authority to order the galley proof bound and made available for distribution. The Senator from Montana, as we all know, is against this bill. But I do not want to leave any inference that the Senator from Montana, who is chairman of the committee, failed to have the hearings printed because he is against the bill. At the same time I myself do not want to take any responsibility for not having them printed. I made inquiry of the clerk of the committee a number of times as to when the hearings would be bound and available for distribution. The hearings, as the Senator from Delaware knows, ran over a period of several weeks—in fact, they ran into the months. The hearings held by the House have been printed. They cover the same subject matter and by very much the same witnesses, except Governor Arnall, of Georgia, who appeared before the Senate committee but did not appear before the House committee. The House committee hearings are printed and are on the desks of nearly all Senators and available for their use if they desire.

It never occurred to me that any point would be made of the failure of the Senate committee to have the hearings printed. The printing of the hearings would have involved a considerable expense. That might be the reason why the chairman of the committee thought that, in view of the fact that the House hearings had been printed and that they covered the same subject matter, there was no case for printing the Senate hearings. It is unfortunate, but it is only a talking point. All the reasons for the bill can be found in the House hearings.

Mr. JOHNSTON of South Carolina. Mr. President, I have before me the transcript of the record of testimony of the various witnesses who appeared before the committee. The hearings have not been printed and delivered to Senators in document form, as is usually done. I have before me all the testimony.

Mr. REED. There certainly was no design on my part, and I do not think there was any design on the part of the Senator from Montana, in not having the hearings printed. I am for the bill. He is against it. He is chairman of the committee and has charge of the mechanics relating to the printing of hearings. My office force inquired on my behalf perhaps half a dozen times as to when the hearings would be bound and available for distribution. The members of my staff were told that the clerk of the committee had no word as to when that would be done. It never impressed me as a matter of great importance. I am not trying to hold out anything. The Senator from South Carolina apparently has before him a transcript of the hearings. If I correctly identify what is at his right hand, he has the galley proofs.

Mr. TUNNELL. Mr. President, the Senator from Louisiana [Mr. OVERTON] objected to the design or scheme by which the testimony was not printed.

Mr. REED. Let me say to the Senator from Louisiana that I am sure he does not make such a charge.

Mr. OVERTON. I make no charge against anyone. However, the Senator from Delaware entered into a controversy with me in which he charged me with being in absolute darkness, and he seemed to have no desire to shed light upon me. He made some reference to a curse, and we then discussed what constituted a curse, and I made a remark somewhat to the effect, "Cursed be the plan by which the hearings were not printed." I have forgotten exactly what was said, but I certainly intended no reflection on any member of the committee. I did not say that there was any design.

Mr. REED. I certainly acquit the Senator from Montana of any such charge.

Mr. OVERTON. When there is such a demand for the hearings, I do not believe that we should consider a bill when the hearings are not available. As I understand, this proposed legislation vitally affects my own State of Louisiana. That may be true or it may not be true. I do not know; but I should like to know something about it.

Mr. REED. I wish to acquit the Senator from Montana, who is opposed to the bill, and who is chairman of the Committee on Interstate Commerce, of any design in withholding the printing. I do not mean that he personally withheld it. Certainly I am for the bill, and probably I could have had the galley proofs converted into volumes and bound. It did not occur to me that there was any point about it. The printing would probably cost several thousand dollars. I went along on the basis of the galley proofs.

Mr. RUSSELL. Does not the Senator from Kansas recall that 2 or 3 days ago I spoke to him and told him that I had been unable to obtain a copy of the hearings? It is my recollection that he informed me that they could not be printed until September, or some such time.

Mr. REED. I do not recall giving the Senator from Georgia any information to that effect, but perhaps that is the case. There has been an enormous demand on the Government Printing Office for printing, as everyone knows. The printing and binding of these hearings in pamphlet form would be quite a job. As I recall, I never received any date from the clerk of the committee, who looks after the printing, as to just when the hearings would be available. But certainly my office force was never able to obtain from the clerk of the committee any assurance as to just when they would be printed.

Mr. TUNNELL. I thought the Senator from Kansas ought to clear up the idea that there was a scheme or design not to let Members of the Senate have copies of the hearings.

Mr. REED. I am sure the Senator from Louisiana would not press such a suggestion as against either the Senator from Montana or the Senator from Kansas.

Mr. OVERTON. I have already made a statement on the subject.

Mr. TUNNELL. Mr. President, I do not wish to discuss this subject further. I believe that Senators who are interested in the bill have some rights. I believe that Senators who are interested in the passage of the bill have some rights.

CREATION OF INDIAN CLAIMS COMMISSION

Mr. THOMAS of Oklahoma. Mr. President, on behalf of the senior Senator from Wyoming [Mr. O'MAHONEY], who is chairman of the Committee on Indian Affairs, I submit a conference report on the so-called Indian claims bill and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The conference report will be read.

The report was read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4497) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the Senate recede from its amendment numbered 10.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 8, 9, 13; and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "all other claims in law or equity, including those sounding in tort, with respect to which the claimant would have been entitled to sue in a court of the United States if the United States was subject to suit; (3) claims which would result if the treaties, contracts, and agreements between the claimant and the United States were revised on the ground of fraud, duress, unconscionable consideration, mutual or unilateral mistake, whether of law or fact, or any other ground cognizable by a court of equity; (4) claims arising from the taking by the United States, whether as the result of a treaty of cession or otherwise, of lands owned or occupied by the claimant without the payment for such lands of compensation agreed to by the claimant; and (5) claims based upon fair and honorable dealings that are"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"In determining the quantum of relief the Commission shall make appropriate deductions for all payments made by the United States on the claim, and for all other offsets, counterclaims, and demands that would be allowable in a suit brought in the Court of Claims under section 145 of the Judicial Code (36 Stat. 1136; 28 U. S. C. sec. 250), as amended; the Commission may also inquire into and consider all money or property given to or funds expended gratuitously for the benefit of the claimant and if it finds that the nature of the claim and the entire course of dealings and accounts between the United States and the claimant in good conscience warrants such action, may set off all or part of such expenditures against any award made to the claimant, except that it is hereby declared to be the policy of Congress that monies spent for the removal of the claimant from one place to another at the request of the United States, or for agency or other administrative, educational, health or highway purposes, or for expenditures made prior to the date of the law, treaty or Executive Order under which the claim arose, or for expenditures made pursuant to the Act of June 18, 1934 (48 Stat. 984), save expenditures made under section 5 of that Act, or for expenditures under any emergency appropriation or allotment made subsequent to March 4, 1933, and generally applicable throughout the United States for relief in stricken agricultural areas, relief from distress caused by unemployment and conditions resulting therefrom, the prosecution of public work and public projects for the relief of unemployment or to increase employment, and for work relief (including the Civil Works Program) shall not be a proper offset against any award."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 11. Any suit pending in the Court of Claims or the Supreme Court of the United States or which shall be filed in the Court of Claims under existing legislation, shall not be transferred to the Commission: *Provided*, That the provisions of section 2 of this Act, with respect to the deduction of payments, offsets, counterclaims and demands, shall supersede the provisions of the particular jurisdictional Act under which any pending or authorized suit in the Court of Claims has been or will be authorized: *Provided further*, That the Court of Claims in any suit pending before it at the time of the approval of this Act shall have exclusive jurisdiction to hear and determine any claim based upon fair and honorable dealings arising out of the subject matter of any such suit."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

Omit the matter proposed to be stricken out by the amendment of the Senate, and in lieu of the matter proposed to be inserted by the amendment of the Senate insert the following: "such report shall have the effect of a final judgment of the Court of Claims, and there is hereby authorized to be appropriated such sums as are necessary to pay the final determinations of the Commission";

On page 13 of the House engrossed bill beginning with line 17 strike out down through and including line 8 on page 14, and insert in lieu thereof the following:

"(b) When the final determination of the Commission has been filed with the clerk of said Commission the clerk shall give notice of the filing of such determination to the parties to the proceeding in manner and form as directed by the Commission. At any time within three months from the date of the filing of the determination of the Commission with the clerk either party may appeal from the determination of the Commission to the Court of Claims, which Court shall have exclusive jurisdiction to affirm, modify, or set aside such final determination. On said appeal the Court shall determine whether the findings of fact of the Commission are supported by substantial evidence, in which event they shall be conclusive, and also whether the conclusions of law, including any conclusions respecting 'fair and honorable dealings', where applicable, stated by the Commission as a basis for its final determination, are valid and supported by the Commission's findings of fact. In making the foregoing determinations, the Court shall review the whole record or such portions thereof as may be cited by any party, and due account shall be taken of the rule of prejudicial error. The Court may at any time remand the cause to the Commission for such further proceedings as it may direct, not inconsistent with the foregoing provisions of this section. The Court shall promulgate such rules of practice as it may find necessary to carry out the foregoing provisions of this section";

On page 14 of the House engrossed bill, beginning with line 15, strike out down through and including line 21, and insert in lieu thereof the following:

"SEC. 21. In each claim, after the proceedings have been finally concluded, the Commission shall promptly submit its report to Congress";

On page 14 of the House engrossed bill, after the word "proceedings" in line 24, insert the words "or judgment"; and

On page 15, line 13, of the House engrossed bill strike out the words "Any final determination of the Commission", and insert in lieu thereof the words "A final determination."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered —, and agree to the same with an amendment, as follows: Omit the language proposed to be stricken out by the amendment of the Senate, and insert in lieu thereof the following: "save as provided by section 11 hereof as to the deduction of payments, offsets, counterclaims, and demands"; and the Senate agree to the same.

JOSEPH C. O'MAHONEY,
ELMER THOMAS,
ROBERT M. LA FOLLETTE, JR.,
Managers on the Part of the Senate.

HENRY M. JACKSON,
W. G. STIGLER,
KARL E. MUNDT,
CHAS. R. ROBERTSON,
A. M. FERNANDEZ,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

Mr. WHITE. Mr. President, is the report signed by the minority conferees?

Mr. THOMAS of Oklahoma. It is signed by the senior Senator from Wisconsin [Mr. LA FOLLETTE], representing the minority.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the report was considered and agreed to.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Miller, one of his secretaries.

AMENDMENT OF INTERSTATE COMMERCE ACT WITH RESPECT TO AGREEMENTS BETWEEN CARRIERS

The Senate resumed consideration of the motion of Mr. REED, that the Senate proceed to the consideration of the bill (H. R. 2536) to amend the Interstate Commerce Act with respect to certain agreements between carriers.

Mr. OVERTON. Mr. President, I would not take any part in the controversy as to whether or not the motion for the Senate to proceed to the consideration of the bill should prevail were it not for the rather peculiar circumstance that no hearings were printed in connection with the consideration given to it by the Senate Committee on Interstate Commerce.

I have had occasion to be chairman of subcommittees conducting hearings. In connection with all controversial measures I direct that the hearings be printed at once, frequently, for the benefit of members of the committee or the subcommittee, so that they may read what took place a day or two before and refresh their memories as to the testimony.

I do not find any great difficulty in having hearings printed. What struck me as peculiar was the singular fact that according to the best information I could get, the hearings had been concluded 2 months ago, and that they had not been printed so as to be available to Members of the Senate. The majority leader, who I have no doubt knows more about this matter than I, and possibly more than does the Senator from Delaware, stated earlier in the day that the bill was highly controversial. I did not know that the bill was coming up until yesterday, when I heard that it was coming up today. I should like to have an opportunity to look through the hearings. I do not mean for a moment that I expect to read every page of the hearings, because they

appear to be very voluminous. There is quite a pile on the desk of the Senator from South Carolina. It seems to be about 2 feet high. There must be between 15,000 and 20,000 pages of testimony. I do not know. I have not examined it. I do not expect to read all of the hearings. However, we have a way of scanning them and picking out the most important items of testimony and reading the testimony of the witnesses who we think are likely to know most about a bill, skipping a great many things which we regard as more or less trivial. When a bill so controversial as this bill apparently seems to be is presented to the Senate, and its proponents insist upon the Senate taking it up for consideration without any of the voluminous hearings being printed, I think it is asking the Senate to follow a course which is not exactly in line with good procedure.

The Senator from Kansas states that there is no necessity to read the Senate hearings because the House committee conducted extensive hearings on the subject matter of the bill and caused the voluminous testimony to be printed. If there is no necessity for us to read the Senate hearings, why have such extensive hearings before the Senate Committee on Interstate Commerce? There must have been some reason for it. The committee is composed of very able men. I do not know who comprised the subcommittee conducting the hearings. Probably the Senator from Kansas himself was a member of the subcommittee.

Mr. REED. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. REED. The chairman of the committee, the Senator from Montana [Mr. WHEELER] presided over most of the hearings himself. No subcommittee was appointed to conduct hearings on this bill.

Mr. OVERTON. Were the hearings conducted before the full committee?

Mr. REED. It was a full committee proceeding all the way.

Mr. OVERTON. The Senator from Montana is not only a very able Senator, but he has been a Member of the Senate for a great many years and is thoroughly well schooled and experienced in the conduct of committee hearings. He has presided over the Interstate Commerce Committee for a number of years. If he directed hearings to be held and a transcript to be prepared, I presume it was for the purpose of having the hearings printed later. He must have had some very good reason for it. Therefore I think the Senate would have very good reason to request a copy of the printed hearings before it proceeds with consideration of the bill.

Mr. REED. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. REED. I wish to emphasize what I stated a moment ago. The Senator from Montana is opposed to the bill. The Senator from Kansas is for the bill. The Senator from Kansas reported the bill at the direction of a majority of the committee. The Senator from Kansas had no authority as chairman of a subcommittee, because there was no subcommittee.

Mr. OVERTON. I am not criticizing the Senator from Montana or the Senator from Kansas or any other member of the committee. I am simply pointing out the fact that we have no guide as to what is the object or purpose of the bill, except as we ascertain it by reading the bill; and it is not always possible to understand the full import of a bill simply by reading it. Some of us are not so thoroughly conversant with interstate commerce rules and regulations as is the Senator from Kansas, and some of us are not so thoroughly conversant with the laws applicable to railroads as are the Senator from Kansas and other members of the Interstate Commerce Committee, who have made that their chosen work in the Senate.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. AIKEN. The Senator has been on the floor of the Senate for some time and he has heard some of the proponents of the measure intimate that it is not so controversial, after all, and that we should not assume that it is controversial.

However, after hearing the Senator from Kansas say that the Senator from Montana is opposed to the bill, and inasmuch as the Senator from Kansas is in favor of the bill, it seems to me that a controversial situation would develop as soon as we took up the bill on the floor of the Senate; and with a controversy of that sort under way, I should say that we might just as well give up any idea of having the Senate concur in the House concurrent resolution providing for sine die adjournment of the Congress on Friday.

If this bill is brought up now, its consideration will undoubtedly consume the better part of a week.

I think we must make up our minds which we wish to do—whether we wish to have the Congress adjourn sine die on Friday, or whether we wish to bring up this bill.

Mr. OVERTON. I thank the Senator for that information. He has given me information which I did not have in my possession until he very kindly presented it to the Senate.

I assume that the Senator from Kentucky was correct when he said earlier today that the bill is controversial. I assume that he knows whereof he speaks.

Mr. President, the bill will be controversial so far as I am concerned, because I do not propose to vote for a bill of this kind in the dark, and I do not propose to vote to have the Senate take up the bill without having light shed on it, both as a result of studying the hearings and having the subject amply discussed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Green	Johnston, S. C.
Austin	Gurney	Knowland
Carville	Hart	La Follette
Donnell	Hawkes	Langer
Pulbright	Hill	Lucas
George	Huffman	McCarran
McClellan	Overton	White
McFarland	Reed	Wiley
McMahon	Russell	Willis
Moore	Smith	Young
Murdock	Swift	
Murray	Thomas, Utah	

The PRESIDING OFFICER. Thirty-four Senators having answered to their names, a quorum is not present.

The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators; and Mr. BALL, Mr. CAPPER, Mr. CONNALLY, Mr. FERGUSON, Mr. GUFFEY, Mr. HAYDEN, Mr. JOHNSON of Colorado, Mr. MILLIKIN, Mr. PEPPER, Mr. RADCLIFFE, and Mr. TUNNELL answered to their names when called.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is not present.

Mr. HILL. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama [Mr. HILL].

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. VANDENBERG, Mr. STEWART, Mr. BILBO, Mr. MCKELLAR, Mr. ANDREWS, Mr. BURCH, Mr. CORDON, and Mr. WHERRY entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

Mr. RUSSELL. Mr. President, I regret very much to consume time of the Senate at this late hour of the day when a bare quorum is present, but I feel that some of the principles which are involved in House bill 2536 are so far reaching and fundamental that I must discuss them.

We have been told that this is not a controversial measure. The Senator from Delaware stated that, in his opinion, it is not a controversial bill. I do not know, Mr. President, what it would take to make a bill controversial if this is not a controversial bill.

Mr. REED. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. REED. The Senator from Kansas has just inquired of the clerk of the Interstate Commerce Committee with reference to why the printing of the hearings has not been accomplished by now. The clerk has informed me that he has pressed the matter with the Government Printing Office for some time and has received a promise that a delivery would be made on Monday of the present week of the printed hearings. He informed me that later in the week he was to receive a delivery of the bound volumes which would be available not later than Thursday. The clerk informs me further that he had a talk with the Government Printing Office with regard to why the Office had not carried out this arrangement. He was told that the hearings ran to 2,200 pages, and that because of there having been such voluminous printing of other matter, including the report on the Pearl Harbor

investigation, as well as other investigations which have taken place, the Printing Office was not able to bind the volumes of hearings and deliver them as soon as it had thought the volumes could be delivered.

I make that statement only to explain the situation. Perhaps the Senator from Kansas has been negligent in the matter, although he had no authority over the committee. The committee which handled the matter was the full committee, and not a subcommittee. The full committee held the hearings and not a subcommittee. The delay in delivering the bound volumes of the hearings has been because of the reasons which I have explained. The Printing Office has not been in position to deliver the bound volumes of the hearings up to the present time.

I thank the Senator from Georgia.

Mr. RUSSELL. I appreciate the explanation which has been given by the Senator from Kansas. I am glad to know the reason for the absence of the hearings, but whatever the reason may be, the fact remains that we are faced with the naked truth that, with the exception of the members of the Senate Interstate Commerce Committee, no Members of the Senate have had available to them the hearings on this important measure.

Mr. REED. Will the Senator yield further to me for an observation?

Mr. RUSSELL. I am always glad to yield to the Senator from Kansas.

Mr. REED. The Senator from Kansas believes that he has furnished the Senator from Georgia with a better talking point than he would have had under any other circumstances.

Mr. RUSSELL. I thank the Senator for supplying me with a talking point. Mr. President, I wish to say that if this bill is not a controversial measure, there has never been a controversial measure before the Senate of the United States. We have been told that the distinguished and able chairman of the Interstate Commerce Committee, the Senator from Montana [Mr. WHEELER], who has been the chairman of the committee for many years, and who is perhaps as familiar with all the intricacies of transportation legislation as is any other member of the Senate, and who would probably yield only to the Senator from Kansas in his knowledge of the intricacies of rate structures, opposes the bill.

Mr. President, minority views were filed by two members of the committee who had an opportunity to attend the hearings. The able and distinguished Senator from South Carolina [Mr. JOHNSTON] and the Senator from New Hampshire [Mr. TOBEY] were so opposed to the bill and so convinced that it was a vicious piece of legislation that they saw fit to file minority views which have been printed, and which are available to all Members of the Senate.

Mr. REED. Mr. President, will the Senator from Georgia yield briefly to me once again?

Mr. RUSSELL. I yield.

Mr. REED. Nine members of the committee voted to report the bill to the Senate, and two, including the chairman, voted against reporting the bill to the Senate. If the full committee had voted, while no Senator can be sure of how they would have voted, the best judgment of the Senator from Kansas is that 16 members of the committee would have favored the bill and that 5, including the chairman, would have opposed it.

Mr. RUSSELL. Mr. President, under my definition of a controversy, whenever any substantial segment of a committee, including its chairman, is opposed to a bill and some of the members of the committee are so vigorous in their opposition that they file minority views, the bill is a controversial one.

Mr. REED. I never shared the view that the bill is not controversial. I believe the bill contains some provisions which are highly controversial. On the other hand, there are matters in the bill with reference to which there is agreement.

Mr. RUSSELL. I was sure that the Senator would not argue that the bill is not an uncontroversial one. When the majority leader of the Senate opposes consideration of a bill, that fact in itself makes it a controversial matter. Mr. President, some Senators are more prone to commit themselves about measures than are others, and it may be that the majority of the members of the committee are committed to this bill. I have heard it so stated, and I am not in position to deny it. But I know that there are other Senators who are opposed to the measure being enacted into law, and are opposed to it being considered and being made the unfinished business of the Senate. I apprehend that before final action is taken on the bill it will be clearly established that the measure is a controversial one.

Not only has the measure been the subject of controversy in the committee, but it has been widely discussed throughout the country. It has been the subject of editorial comment in some of the great daily newspapers of the United States. Undoubtedly, some of the newspaper reporters had a much better opportunity to follow the hearings before the committee than did the Members of the Senate who are not members of the Interstate Commerce Committee. All of us know our time is so consumed with attendance at committee hearings and meetings that it is next to impossible for Senators to find time to attend hearings of committees on which they do not hold membership, regardless of their interest in the subject matter of the legislation which may be under consideration.

Mr. President, I have in my hand an editorial from a great newspaper published in the Middle West, the St. Louis Post-Dispatch, an editorial which came to my attention a few weeks ago, and impressed me so much that I laid it aside for further reference. I shall read the editorial to show, if there is any doubt remaining, that this is a very controversial bill. The editorial is entitled "A Breach of Antitrust," and I now read from it:

A BREACH OF ANTITRUST

In a few days the Senate will decide whether the antitrust laws, the very heart of American economic policy, remain active or are opened up to repeal by progressive nullification. The Senate will either approve or kill the Bulwinkle bill, which gives common carrier transportation companies the right to fix rates jointly under certificates of exemption issued by the Interstate Commerce Commission. The measure long ago passed the House and was approved this month by the Senate Interstate Commerce Committee.

As was told in the Post-Dispatch yesterday, it is the sordid story of the tidelands oil quit-claim resolution all over again. The Bulwinkle bill was introduced to stave off the Supreme Court's decision in a suit brought by the State of Georgia, in which the Court's special master is currently hearing testimony. It is an affront to the Court's constitutional integrity; it is also, in a genuine sense, a way to abridge the rights of a State. The railroads are also fearful of the Federal Government's similar pending law suit.

It would be vicious legislation in any circumstances. A mass of evidence shows that the railroads have conspired to hold their own rates high and to reduce truck competition and eliminate barge competition. The ICC—

Meaning the Interstate Commerce Commission—

which could have attacked such practices, has condoned, defended and even, on occasion, issued orders to support them. Hence the proviso requiring ICC approval for the antitrust exemption is of little or no worth.

I interpolate, Mr. President, to say that opinion is shared by a great many people in the United States. There are many who do not place great faith and credit in the proviso which takes the railroads from under the antitrust law, if they are to be placed merely under the Interstate Commerce Commission, and required only to secure the approval of that body. Whether there is any merit in that belief or not is beside the point. The fact that the charge is so boldly made in this newspaper shows that is a belief which is very widely shared.

I now resume reading the editorial:

The railroads (and more lately the motor carriers) have long employed such conspiratorial practices under the friendly eye of the ICC, and they plead now that the bill only honors what time has honored. Does time make virtue of evil? Commissioner Aitchison of the ICC (who recently referred to the railroads as "our clients and customers")——

Mr. REED. Mr. President, I have been out of the Chamber. Will the distinguished Senator from Georgia tell me from what he is reading?

Mr. RUSSELL. Yes. I stated before I started reading that I would read from an editorial appearing in the St. Louis Post Dispatch under date of June 24, 1946.

Mr. REED. I apologize to the Senator from Georgia for interrupting him.

Mr. RUSSELL. That is quite all right. I am always glad to accommodate my good friend, the Senator from Kansas. I shall be glad to furnish him any information at my disposal during the discussion of the question before us, and I am sure the Senator from Kansas will also be glad to reveal to the Senator from Georgia anything that happens to be at his hand.

Mr. REED. I fully reciprocate the good feeling of the Senator from Georgia, as he knows.

Mr. RUSSELL. Mr. President, I was reading a sentence which contained a

rather remarkable statement made by Commissioner Aitchison, who recently referred to the railroads as "our clients and customers." I repeat:

Commissioner Aitchison of the ICC (who recently referred to the railroads as "our clients and customers") argues that the practices has relieved the ICC from a burden of administrative work. Can the ICC's work be legally delegated? If it could, should it be delegated to the very agencies which the ICC is supposed to regulate? Other than the vanity which makes the Commissioners want to ape the Supreme Court instead of carrying out the administrative duties implied in the Interstate Commerce Act, is there any reason that the ICC's work should be delegated?

Proponents of the bill have said much about how little opposition there is from shippers. Does that mean what they say? Or does it show that shippers are ignorant of the issue and that their professional traffic counsel fear reprisals by the conspiring carriers and even by the ICC itself? And even if every shipper in the country did actually favor the bill, does it follow by any means that a bill to uphold and raise rates does not work against larger public interests?

Like the fire insurance companies before them, the railroads seek from Congress a vast special privilege under which they can dictate terms. That is bad enough in itself. And, as Senator WHEELER pointed in dissent, "We may now have other corporations coming here and getting approval of some bureau to their acts, and no longer be subject to the antitrust laws."

Granted, the Congress must somehow resolve the conflict between antitrust policy and the necessity of controlling competition among the carriers. Granted, too, since they are interconnected, that a degree of joint action by the carriers is indispensable. These needs, however, can be filled only after the Supreme Court has taken their exact measure in the pending litigation. And before a tolerable solution can be reached, the ICC, which is also on trial for past conduct, will need a clearer policy instruction from Congress than it now has.

The Bulwinkle bill would resolve the conflict, true enough, but it would do so only by making conspiracy legal and by blessing the questionable past course and present policy of the ICC. The Senate should therefor vote it down. If the Senate does not, President Truman should veto it in a message so plainly stated that there will be no temptation to override.

Mr. President, that editorial sums up the fears of some of us with respect to the bill proposed to be taken up for consideration by the Senate. It certainly buttresses and supports the contention of Senators who have doubts about the proposed legislation that they are entitled to have an opportunity to read the hearings before the committee in order that they may arrive at an informed conclusion.

I say, Mr. President, that a measure in this position should not be considered here in the closing hours of the Congress, when there is no emergency which requires us to depart from the customs which have obtained in the Senate for many years.

I have a great deal of faith in some of the Senators who are supporting the proposed legislation. I know how well schooled is the Senator from Kansas in all transportation matters. I understood from a question propounded by the Senator from New Jersey [Mr. HAWKES] this morning that he is supporting the Bulwinkle bill: I have not, during the years I have been a Member of the Senate, ever served with a man who has more political courage and more determination to do that which his judgment tells him to do than the distinguished Senator from New Jersey. This measure is also supported by the able Senator from North Carolina [Mr. HOEY], who is a member of the committee I have a great deal of respect for his opinion. But, Mr. President, in the last analysis, Senators are supposed to vote upon their own judgment which is formed after the best study they can find time to give to pending legislation, and not upon the opinions of those who are supporting any piece of legislation.

This measure, in my opinion, is most far-reaching in its consequences. I apprehend that if we set a pattern here of suspending the antitrust laws in the case of the railroads the Congress will then be confronted with a flood of legislation to suspend or modify the antitrust laws in the case of almost every other great combination of business in this country. What answer could we make in the case of radio stations or radio chains, for example, if they were to present a measure which would enable them in effect to determine who should hold licenses to operate radio stations in the several towns, or to relieve them from the consequences of the antitrust laws, and to freeze out all the little independent operators who have filed applications for licenses to erect radio stations?

Mr. HILL. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HILL. In line with what the Senator from Georgia has just said, I call his attention to the language in the minority views, page 3, as follows:

Thus, not only would combinations of carriers participating in agreements for joint and concerted action be immunized from the antitrust laws, but their bankers and financiers—

I pause long enough to say that Senators may recall something of the history of the financing and banking of the railroad empire; they may recall the investigations and findings of the Pujo committee some years ago, and the findings of the so-called Pecora committee—I believe the Senator from Georgia was a Member of the Senate at the time—which was presided over by the then distinguished senior Senator from Florida, the late Senator Fletcher. Mr. Pecora of New York was the counsel for the committee. We recall the exposures made by those two committees. We recall at a later date the exposures by the Wheeler investigating committee. Incidentally, the present President of the United States, as I recall, sat as a member of that investigating committee and did yeoman service. We know the story of the financing of the railroads, and what it has resulted in, what it has meant in the way of loss of millions and billions of dollars to honest people. The railroads have largely been owned and controlled by two great banking houses, the House of Morgan, and Kuhn, Loeb & Co.

I read further from the minority views:

Thus not only would combinations of carriers participating in agreements for joint and concerted action be immunized from antitrust laws but their bankers and financiers, manufacturers of railroad and other carrier equipment, and powerful shippers, taking joint or concerted action pursuant to and in conformity with the carriers' agreement, would be immunized from the antitrust laws.

The bill in question would not only take out from under the antitrust laws the railroads, but bankers and financiers, manufacturers of railroad and other equipment, and powerful shippers might work themselves in or come in under these agreements. They might get out from under the antitrust laws. I ask the Senator from Georgia whether that is not true?

Mr. RUSSELL. Mr. President, the Senator from Alabama has well stated that the railroads are largely controlled by a few individuals. Whoever controls the transportation in the United States controls all the course of industry and of business in the United States. He who controls the freight rates of the railroads can determine the competitive power of almost any enterprise in this land. A certain section of the country will have an advantageous freight rate, but the South or the West may be doomed to an agricultural economy. Such control will mean that there will be no opportunity to have a flourishing industrial movement in some sections that will compete with industry in other sections.

Mr. HILL. Mr. President, will the Senator again yield?

Mr. RUSSELL. I yield.

Mr. HILL. In other words, the fight which the Senator from Georgia is leading on the floor today is a fight to preserve and maintain in the United States a free economy and the American free enterprise system. Is that not true?

Mr. RUSSELL. We are attempting to make sure that every section of the country shall have an opportunity to share in industrial development, and not permit, through the monopolistic workings of freight rates, one section to retain an advantage which it has maintained so long, to the disadvantage of other sections. It is proposed by this bill to take the railroads out from under the antitrust laws, and, at a time when we can see the hope of victory on the far horizon, to turn us back to the tender mercies of J. P. Morgan and Wall Street.

Mr. HILL. Is it not also true that this proposed legislation is not really to the advantage of those who are in what are considered to be the favored sections of the country, because the great consuming masses in those sections, the rank and file of people should have the right to buy the goods they need, the products they need, at the most favorable prices they can. This bill would make for scarcity, for high prices, and would deny to the great masses of the people the products they need to buy at the most favorable prices.

Mr. RUSSELL. I agree with the Senator from Alabama, and I know that every citizen of the United States, wherever is his place of residence, has a vital stake in preventing any whittling away of the antitrust laws, in preventing any private enterprise to be choked to death or swallowed up by vast financial combines, against whom the antitrust laws are their only protection.

Mr. President, there can be no question that the economic disparity between the several sections of the United States has been largely accentuated through the control which is exercised by those who dominate the railroads of the country. They have been enabled, through the power to fix rates, through the power to combine and conspire, to say which sections should be blessed with industrial development and which should be relegated to a purely agricultural economy. Areas in the far West and areas in the Southern States have for a long time been conscious of this unholy and undemocratic power which affects the life of every citizen of those States and sections. They have cried out for equality. For many years a fight has been waged by the Southern States, through their governors, in the effort to secure fair treatment in the fixing of transportation rates. The distinguished Senator from North Carolina [Mr. HOEY], while he was Governor of his State, was one of those who filed with the Interstate Commerce Commission the three original complaints which gave us for the first time any semblance of parity or equality with the "Official territory" or the other sections of the country in respect to having equal freight rates. They did at least secure equality of treatment with respect to commodity rates. We are still being discriminated against in respect to other classifications.

The able Senator from South Carolina [Mr. JOHNSTON], as Governor of his State, and the senior Senator from South Carolina [Mr. MAYBANK] participated in this struggle, which we have waged against fearful odds, to be admitted to equality with the other sections of the country, to have the same opportunity to develop, the same opportunity to earn a livelihood, the same opportunity to enjoy the blessings of our modern-day civilization that are enjoyed by the people who live in other sections.

More recently, Mr. President, the State of Georgia, proceeding under the clause of the Constitution which permits a State to sue in the Supreme Court as a court of original jurisdiction, has brought suit against a large number of railroad companies and common carriers, seeking to enjoin the conspiracy, which this bill, the Bulwinkle bill, will sanctify and validate, if it is enacted into law, and seeking to protect the citizens of that State, and of other States similarly situated, against discrimination.

I shall not read all of this action, nor all the Supreme Court's decision thereon; but I wish to advert briefly to some of the allegations which are contained in the proceedings or motion and complaint which were filed with the Supreme Court:

> 3. First count: The State of Georgia, suing in its capacity as a sovereign, is charged with the government of its citizens, the maintenance of law and order within its domain, and the promotion of the general welfare of its people.
>
> (a) The very purpose for which it exists, as set forth in the preamble to the State constitution, is "to perpetuate the principles of free government, insure justice to all, preserve peace, promote the interest and happiness of the citizen, and transmit to posterity the enjoyment of liberty."

The first count proceeds to set forth that the State of Georgia, like any other State, has the duty to—

> formulate, revise, and administer policies designed to foster its agriculture, promote its manufacture, encourage its commerce, advance the progress of its useful arts, bring into use its wealth and natural resources, secure to its people opportunity, full employment, and an advancing standard of living, shape the policy of its State economy toward a more abundant life, and link its industrial system into a truly national economy.

In the second count the State appeared in its capacity as a quasi sovereign or as agent and protector of its people against the continuing wrong done to the people of Georgia as an organized community in their liberties, properties, and estates.

The third count was brought by the State in its proprietary capacity. It is founded upon the fact that the State is the owner of a railroad and operates various institutions, and thereby the State itself suffers a direct injury through discriminatory rates. In the third count also sets forth an illustration to show the way in which the people of the State of Georgia and the State itself are penalized by the unfair rate structure which this suit seeks to remedy. I quote now from the pleadings:

> Illustrative of the damages suffered by the State of Georgia as a result of excessive and illegal freight rates is a shipment from Bucyrus, Ohio, to East Point, Ga., under date of May 22, 1944, in which the State of Georgia paid the freight on two road graders purchased by and shipped to the State at the freight rate of 79 cents per 100 pounds of weight. The weight of these machines was 4,800 pounds, and at the rate of 79 cents per 100 pounds charged by the defendant, the freight amounted to $379.20, which amount was paid by the State of Georgia. The Official rate for transporting the same road grades a like distance in Official Territory was and is 56 cents per 100 pounds. At the Official rate—

Which obtained in "Official Territory," Mr. President—

> the State of Georgia would have paid the sum of $268.80 rather than the sum of $379.20.

So, Mr. President, in the case of only two road graders we find a discrimination amounting to around $110 in respect to a shipment from a town in the great State of Ohio to the city of Atlanta, Ga.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield.

Mr. JOHNSON of Colorado. In connection with the matter now under discussion, I desire to read a telegram. The telegram is dated today, and was sent at Cincinnati, Ohio. It is addressed to me, and reads as follows:

> We urge enactment Bulwinkle bill, H. R. 2536.
>
> GEORGE M. HARRISON,
> *Grand President, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.*

Mr. President, I may say that the reason why Mr. Harrison, an employee of the railroads, and representing the employees of the railroads, wants this bill passed is to furnish more employment for the railroad men who need employment.

Mr. RUSSELL. Mr. President, I am somewhat at a loss to know how they expect a bill of this kind to increase employment. I am quite certain that Mr. Harrison has been sold a bill of goods by a smart attorney for the railroad lines, just as I am certain that some Senators were sold a bill of goods, because if the antitrust laws, insofar as they apply to the railroads, are to be repealed, the railroads would be permitted to determine which of them should survive and which of them should not survive, and in a short time only a few railroads would be operating, and the others would go into a decline.

Of course, Mr. President, this bill might help the railroads, because of the unusual power it would give them over the barge lines and the bus lines. I have heard it stated that under the conspiracy which would be carried on under the terms of this measure, water transportation would almost be eliminated in the United States, and the bus lines would be hit a staggering blow. That would contribute to the welfare of the railroad lines, but certainly it would not contribute to the happiness and welfare of the people of the United States, who need a balanced transportation system and water and bus lines over the entire country.

Mr. JOHNSON of Colorado. Mr. President, will the Senator further yield to me?

Mr. RUSSELL. I yield.

Mr. JOHNSON of Colorado. Mr. George Harrison is one of the ablest and brightest of the men who represent the railroad employees. Of course, Mr. Harrison knows that the bill does not provide for any of the things the Senator from Georgia states it does provide for. Mr. Harrison knows that unless legislation of this kind is enacted, if the Department of Justice proceeds to prosecute the public-regulated utilities to the extent that the Department of Justice threatens to do in connection with the suits which have been referred to, the railroads are not going to operate and are not going to be able to operate; and when the railroads go out of business, of course the employees will lose their jobs.

Mr. SMITH. Mr. President, will the Senator from Georgia yield for a question?

Mr. RUSSELL. I yield.

Mr. SMITH. I should like to have the Senator state his conception of the Interstate Commerce Commission. We have such a Commission because it is conceded that public utilities are monopolies. If that Commission is not functioning properly, we should know it.

But I can see no reason to take its jurisdiction away from it at this time, on the ground that we now want to try to keep the railroads from getting together. Inherently they must get together, and the Commission is there to prevent abuse resulting from their getting together.

All the evils the Senator from Georgia is referring to are supposed to be taken care of by the Interstate Commerce Commission.

Mr. RUSSELL. I should like to have the distinguished Senator from New Jersey, who of course knows more about the Interstate Commerce Commission than I do, point out where there is anything in the Interstate Commerce Act which allows the Commission to prevent a conspiracy between carriers. Such a conspiracy is prevented by the antitrust laws.

The purpose of this bill is to deny the citizens the right to have such a conspiracy prevented.

Mr. SMITH. I must say to the Senator from Georgia that I think it is obvious that the Interstate Commerce Commission is established for the purpose of handling such matters as this.

Mr. President, allow me to read from the minority views.

> Approval of agreements permitting the industry to organize into combinations and by joint action to make determinations of such wide scope would constitute a delegation to private groups completely to cartelize transportation.

But it cannot be done unless the Interstate Commerce Commission is a party to it. I am only wondering whether the distinguished Senator is suggesting that the Interstatae Commerce Commission has fallen down on its job.

Mr. RUSSELL. If the Senator had done me the honor to listen to my remarks when I read the editorial from the St. Louis Post-Dispatch, he would have heard me say that there are many persons in this country who do not believe that the Interstate Commerce Commission has fully discharged its responsibilities in dealing with many of the matters which come before it.

Mr. SMITH. I am wondering if the Senator is aligning himself with those who are now criticizing the Interstate Commerce Commission.

Mr. RUSSELL. Mr. President, I have been criticizing the Interstate Commerce Commission for 20 years.

Mr. SMITH. Then; that is really the issue before us.

Mr. RUSSELL. I have been criticizing the Interstate Commerce Commission for 20 years. They have created a situation in connection with the rate structure which gives the Senator's State, which is in the "official territory," an unquestioned advantage over other sections which are not within the "official territory." The Interstate Commerce Commission has approved rates in some sections which are detrimental to other sections. I have criticized the Interstate Commerce Commission ever since I have had knowledge of the unfair system which it follows. I do not believe any State would ever have received any measure of equality in connection with freight rates had it not been for the constant prodding of the Congress of the United States, and also that great man, Franklin D. Roosevelt, who did all he could reasonably do to encourage and to force the Interstate Commerce Commission to recognize that there are parts of the United States other than those contained within the "official territory," in which the Senator from New Jersey resides.

Mr. SMITH. Will the Senator start with this premise? Public utilities are, by their nature, monopolies. We are not attacking monopolies. We are saying that they are equalized under our Interstate Commerce Act and our public utilities acts. The way in which we try to control them is to give the commission power to prevent abuses.

The Senator is apparently not attacking that principle, but is attacking what he believes to be abuse on the part of the Interstate Commerce Commission of its authority. Am I correct?

Mr. RUSSELL. The Senator has not stated exactly my position. I believe that the Interstate Commerce Commission has failed in its duty. But, not only that, I do not believe that any economic segment of the Nation, whether it be a monopoly such as the railroads, or any other monopoly, should be exempted from the antitrust laws and prosecution thereunder, and placed under an agency of government which has no power to impose any penal provisions upon them.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. JOHNSTON of South Carolina. In connection with what the Senator from New Jersey has said, I should like to state that recently the Interstate Commerce Commission ruled that rates in the "southern territory" should be reduced 10 percent and in the "official territory" they should be increased 10 percent. The rate which was to be changed had been in effect for years. It has been shown by the ruling that rates in the "official territory" had been too low and in another section of the country they had been too high. That was demonstrated by the ruling of the Interstate Commerce Commission. The ruling was appealed to the courts and the courts sustained the ruling. I cannot say that the Commission has been entirely right in the past. We must bear in mind that the Interstate Commerce Commission, when it is confronted with the necessity of passing on various and sundry rates and tariffs which are submitted to it, if the proposals are not contested, as a usual thing the Commission gives its approval. In many instances the Commission does not know what took place behind closed doors. That being the fact, if this bill should be enacted into law and it were found that an illegal rate had been fixed, no court in the land could consider it, could it?

Mr. SMITH. My reply is that none of us would favor discrimination against territories. Let us not imply that the Interstate Commerce Commission is to blame for all the alleged difficulties. I should like to get at the issue. If it is contended by some that their States are being discriminated against, let us make that the issue. The argument which is being made implies that the railroads are not monopolies. They must be monopolies. The reason we have an Interstate Commerce Commission is to prevent them from abusing their powers.

Mr. JOHNSTON of South Carolina. But the rate structure has grown up through the years and it was approved by the Interstate Commerce Commission.

Mr. REED. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. REED. The Senator from Kansas does not desire to get into any argument about discrimination, but my silence in connection with the Southern rate case is not to be taken as an indication of an agreement with the Senator from Georgia. I think the Senator from Georgia did not correctly state the purport of this bill. I know he will pardon me for interrupting him in order to deal with that point only.

Mr. RUSSELL. I shall be glad to have the Senator from Kansas state his version of the bill. I have been endeavoring to obtain a copy of the hearings so that I would be in position to draw a clear construction of the bill, but I have not been able to do so thus far.

Mr. REED. The Senator from Georgia spoke of the inability of the Interstate Commerce Commission to correct some of these alleged abuses because they might be things over which the Commission did not have jurisdiction.

Mr. RUSSELL. What I intended to say was that if the Interstate Commerce Commission approved the agreement entered into between the carriers, they would be silenced without regard to whether there was a conspiracy or not. But if we take the railroads out from under the antitrust laws and place them under this bill, they are given immunity from prosecution in the courts.

Mr. REED. The Interstate Commerce Commission's authority to grant any exemptions is confined to those matters over which the Commission has jurisdiction. Is the Senator from Georgia familiar with that part of the bill?

Mr. RUSSELL. I thought the language was very sweeping with reference to equipment, rates, the departure of trains, the fares to be charged the passengers, and so forth. Certainly the bill confers important powers to rate-making bureaus in dealing with almost everything concerning public transportation.

Mr. REED. The Interstate Commerce Commission Act, in its present form, gives jurisdiction to the Commission over all matters relating to rates, fares, and so forth. In this bill the Commission would be given power only to issue a certificate of approval in connection with all matters over which the Commission has full jurisdiction. Does the Senator from Georgia agree with that statement?

Mr. RUSSELL. I think it is a fair statement.

Mr. REED. The Senator from Kansas makes a distinction as to the class of cases which might be brought to the attention of the Commission. Allow me to give an illustration of what the Senator from Kansas has in mind. Suppose the railroads got together and agreed to buy all the steel mills so that they could obtain their required steel, of which they are large consumers, perhaps at a lower price than they have been paying. The Interstate Commerce Commission would have no jurisdiction over that situation, would it?

Mr. RUSSELL. I am not an expert on Interstate Commerce Commission law, but I should not think that the Interstate Commerce Commission would have jurisdiction. However, I do not know.

Mr. REED. The Commission does not have jurisdiction, so the approval of

the Commission in that case would have no possible weight. The only way to handle a case of that kind is under the antitrust laws, or some other statute.

Allow me to read section (9), on page 6, of the bill:

> No agreement approved by the Commission under this section, and no conference or joint or concerted action pursuant to and in conformity with such agreement as the same may be conditioned by the Commission, shall be deemed to be a contract, combination, conspiracy, or monopoly in restraint of trade or commerce within the meaning of the antitrust laws: *Provided, however*, That this paragraph shall not apply to agreements, or parts thereof, dealing with matters over which the Commission has no jurisdiction.

In other words, if the subject matter is one with reference to which there is an allegation of wrong having been committed, the Interstate Commerce Commission has no power to grant any immunity unless the particular subject is within the jurisdiction of the Commission. If it is within the jurisdiction of the Commission, there is no place for a citizen to go for relief except to the Commission.

Mr. President, if the Senator from Georgia will permit me to interrupt him further, when this bill left the House of Representatives there was doubt about some of the limitations on the subjects to which consideration might be given. In the Senate committee the bill was amended so as to limit the subjects on which the approval of the Interstate Commerce Commission would be requested to the matters which are specifically imposed upon the carriers by the national transportation policy in the Interstate Commerce Act. With the permission of the Senator from Georgia, I should like to read the subjects, and the only subjects, which might be considered in these conferences, and be submitted to the Interstate Commerce Commission for approval. I read from page 2:

> Any carrier, party to an agreement between or among two or more carriers concerning, or providing rules or regulations pertaining to or procedures for the consideration, initiation, or—

Now we come to the matters with which the Commission may deal and which it may approve—

> establishment of, rates, fares, charges (including charges as between carriers), classifications, divisions, allowances, time schedules, routes, the interchange of facilities, the settlement of claims, the promotion of safety, or the promotion of adequacy, economy, or efficiency of operation or service.

Mr. McMAHON. Mr. President, if the Senator from Georgia will permit me, I should like to ask the Senator from Kansas a question. As I listened to the language read, the Commission would have the power to approve any agreements on rates. Is that true?

Mr. REED. That is correct.

Mr. McMAHON. There is provision for a hearing on the rates after they are agreed to?

Mr. REED. After the rates are filed, no matter whether they are filed by an individual railroad, or by a publishing agent, or by a rate bureau, any party, shipper, or any other, may always ask that those rates be suspended.

Mr. McMAHON. How many individual rates are there, in the Senator's opinion, in the railroad schedules of the country?

Mr. REED. The number of individual rates contained in the tariffs filed with the Interstate Commerce Commission run into the billions.

Mr. McMAHON. Into the billions?

Mr. REED. Billions.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. REED. In a moment. This morning the Senator from Kansas referred to the fact that in a given year, for which we had a report, the Interstate Commerce Commission was estimated to have 500,000 tariffs on file, and the number of individual changes filed annually ran, on an average, from 79,000, as the Senator from Kansas recalls, to 135,000 or 140,000. That is the number of changes which are annually made, and the total number of tariffs in the year to which reference was made was 500,000. A tariff may contain one rate, it may contain 100,000 rates, depending on its character and scope.

Mr. McMAHON. These agreements obviously have to be handled administratively then. They cannot be the subject of a trial on their reasonableness before a jury.

Mr. REED. Indeed not.

Mr. McMAHON. There would be the absurd result of a jury sitting and hearing evidence on the reasonableness of a rate in a criminal prosecution, would there not?

Mr. REED. That result might be produced. If the division of authority were made, such a result might follow.

Mr. McMAHON. In other words, the Senator from Kansas is pointing out that it is not possible to try the reasonableness of a couple of billion separate rates before juries all over the United States to test their reasonableness?

Mr. REED. That is correct.

Mr. McMAHON. The Interstate Commerce Commission is the body which has been created by the Congress of the United States to protect the public against rate dodging by the railroads?

Mr. REED. That is correct.

Mr. McMAHON. The procedure which has been established from time immemorial is not interfered with by this bill. Am I correct in that?

Mr. REED. That is absolutely correct.

Mr. McMAHON. Let us take the other agreements which are provided for in the proposed legislation, which are to be within the sole province of the Interstate Commerce Commission. Does the proposed legislation enable the railroads of the United States to go into cahoots and into conspiracy, we will say, to keep air conditioning off the railroads? Does that come within the comprehension of the legislation?

Mr. REED. If the railroads had a conference and entered into such an agreement, under the law that agreement would be submitted to the Interstate Commerce Commission.

Mr. McMAHON. Let me interrupt the Senator. If that agreement were not submitted to the Interstate Commerce Commission, and the roads attempted to carry it out, they would not be protected by the provisions of the bill?

Mr. REED. That is correct.

Mr. McMAHON. Let us assume they made such an agreement and filed it with the Commission. What would their protection be?

Mr. REED. With the permission of the Senator from Georgia, who has been very kind and generous with his time——

Mr. McMAHON. I realize I am trespassing on it, too.

Mr. RUSSELL. I find the colloquy between the distinguished Senators very illuminating.

Mr. REED. The bill provides that the object of the agreement must be appropriate to the proper performance of a carrier's service to the public, that the agreement will not unduly restrain competition, and that it is consistent with the public interest, as declared by Congress in the national transportation policy set forth in the act.

Mr. McMAHON. If the Commission, acting under that kind of authority, as laid down in the National Transportation Act, were to say that it was in the public interest that the railroads should deprive the people of the United States of air conditioning on the railroads, the thing to do would be to get a new Interstate Commerce Commission, would it not?

Mr. REED. That is correct.

Mr. McMAHON. I feel that we are going rather far afield in the time of the Senator from Georgia, not far afield so far as the subject of debate is concerned, but in the length of time we are taking.

Mr. RUSSELL. I am glad to have the Senator discuss the subject. I was preparing to launch into a discussion of the case of the State of Georgia pending in the Supreme Court, and I did not know but that the acting majority leader, the distinguished Senator from Alabama [Mr. HILL], might have thought we had almost reached the usual hour of adjustment.

Mr. HILL. Does the Senator desire to conclude this part of his speech at this time?

Mr. RUSSELL. I am perfectly willing to yield to the other Senators to finish their discussion, but if we are to go into the case of the State of Georgia pending in the Supreme Court, it will take me some little time to discuss it.

Mr. HILL. I had not interrupted the distinguished Senator up to now, but a good many Senators have suggested to me that they thought that when the hour of 5 o'clock arrived this afternoon, in view of the long and tedious sessions the Senate has had this week, and this being Saturday afternoon, we might well agree to take a recess.

If the Senator does not desire to conclude at this time this phase or part of his speech, I shall be delighted to move an executive session.

Mr. RUSSELL. I yield further to the Senator from Connecticut to let him complete his statement.

Mr. McMAHON. I have a good deal more to say on this subject, which I had intended to say at a later time, but I was

wondering, because I have had to be absent from the floor, whether or not Commissioner Eastman's statement on the general subject had been referred to and read into the RECORD.

Mr. REED. It is part of the report of the committee. The Senator from Kansas opened the discussion this morning with a rather brief outline of the general purposes of the bill, because at that time the question was whether or not the Senate would proceed to the consideration of the bill by adopting the motion. The Senator from Kansas later expected to discuss the bill in considerable detail, but that time has not arrived, and it seems a trifle uncertain when it will.

Mr. McMAHON. Then, in view of the intention of the acting majority leader, I think I shall take a cease-and-desist order and sit down, and thank the Senator from Georgia, and we will return on Monday to see if we cannot develop the subject further.

Mr. HILL. The Senator from Connecticut is always most gracious and accommodating.

Mr. REED. I also thank the Senator from Georgia for his generosity.

Mr. MURRAY. Mr. President, I have a matter which will take about 15 minutes, but I do not care to interfere with the intention of the distinguished acting leader, and I shall let it go over until Monday if that is desired.

Mr. HILL. Is it agreeable to the Senator from Montana to let it go over until Monday?

Mr. MURRAY. Yes; it is.

OLD-AGE VARIABLE GRANTS

During the delivery of Mr. RUSSELL'S speech,

Mr. FULBRIGHT. Mr. President, will the Senator from Georgia yield to me?

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. Mr. President, I just learned a moment ago that the Committee on Finance has ordered to be reported out House bill 7037, a bill to amend the Social Security Act and the Internal Revenue Code, and for other purposes, and has adopted to that bill an amendment, the substance of the bill which I introduced last December 4 in the form of Senate bill 1653.

I ask unanimous consent to have inserted in the RECORD an explanation by me of Senate bill 1653, which is applicable to the amendment to the bill (H. R. 7037), which has been ordered to be reported by the Committee on Finance. I also ask that immediately following the explanation there may be printed in the RECORD a letter from the Chairman of the Social Security Board, of date April 10, 1946, which also explains the purpose of the amendment, and that there also may be printed in the RECORD two letters—one from the Honorable Robert S. Kerr, Governor of the State of Oklahoma, and one from the Honorable Jim McCord, Governor of the State of Tennessee—giving what I think are typical statements by many governors regarding this bill. In fact, I have 23 or 24 letters similar to these, but I see no reason to have them all inserted in the RECORD at this time.

There being no objection, the statement and letters were ordered to be printed in the RECORD, as follows:

OLD-AGE VARIABLE GRANTS

(Statement by Senator J. W. FULBRIGHT, of Arkansas, in behalf of an amendment to H. R. 7037, to provide for more equitable Federal contributions to States for old-age assistance based on the per-capita income in each State in proportion to the national income)

The amendment I have introduced and which has been approved by the Committee on Finance is designed to relieve existing inequalities in the application of Federal old-age assistance to citizens residing in States where local governments are unable to meet the Federal contributions available in more wealthy States.

There should be no penalty on the aged needy because they happen to reside in a section of the Nation where the per capita income will not permit the State and local governments to meet Federal contributions. The cost of living is practically the same, and in many sections of our country these old people do not now receive an amount sufficient to provide the bare necessities of life. In these communities the local taxpayers already pay mare in proportion to those residing in more wealthy sections, and it is beyond their ability to meet the increased taxes required to provide actual needs. If provision is made so they may take advantage of the Federal contributions available, it will go a long way to relieve this deplorable condition.

Under present laws, with the Federal Government contributing an amount equal to that appropriated or authorized by the State in which a claimant happens to live without regard to the cost of living or what the pensioner needs for a minimum standard of living, persons residing in the poorer States are denied the essentals of life. For the entire Nation, the average monthly payment to needy old people is $31.32 per month, but in 9 of the 12 lowest-income States the average, in spite of substantial increases in recent years which has cost the local taxpayer a far greater percentage of their income than in the wealthier States, the average is less than $20; and in 5 of those 9 States it is less than $15. In my own State the average is only $16.87.

Cost of living studies do not show large or clearly defined differences among the States and regions in the costs of identical essential needs in food, clothing, and housing. Yet, when the need is as great and the fiscal ability is low, local officials have no recourse but to reduce the payment of old-age assistance below the actual minimum cost of living. Because the welfare of each section of the country is of concern to all sections, it is believed that in meeting the actual welfare needs of our aged needy, no matter where they happen to live, the general public welfare of all the people will be improved.

The principle of granting more State aid to poorer localities has already been well established in Federal aid to education, and it would seem that, admitting the importance of aid to education, our aged poor, no matter where they live, should be given the same consideration, to enable them to secure food, clothing, and housing that is essential to human needs.

This principle has been endorsed by the Council of State Governments, the American Public Welfare Association, and other interested and informed groups. The Social Security Board has recommended to Congress that the Federal Government provide special aid for public assistance to States with low economic capacity on an objective basis.

The Chairman of the Social Security Board, in commenting on this proposal, stated that it was "in essential agreement with recommendations made by the Social Security Board for amendment of the Federal matching provisions of the Social Security Act, not only for old-age assistance but also for aid to dependent children and aid to the blind."

The Ninth Annual Report of the Social Security Board for the fiscal year 1943–44 included the following statement regarding the basis of Federal grants to States:

"Under the Social Security Act, the Federal Government matches, dollar for dollar up to a given amount a month, the assistance payment made to a needy old or blind person or a dependent child under a State plan approved by the Social Security Board. Within the limits on Federal matching, the amount of the Federal grant to the State for any of these assistance programs, therefore, is fixed by the amount provided by the State, or the State and its localities. States differ greatly in income and therefore in potential capacity to finance adequate assistance programs. In 1943 per capita income ranged from $1,452 in the high State to $484 in the State where average income was least. Average income increased in 1943 in all but one State, where it already was high, but the range and ranking remained about the same as in 1943. States with a high level of income can make relatively large appropriations for public assistance and thus qualify for relatively large Federal grants, though the extent of need among their people may be less than it is in States which can afford only small amounts and get only small Federal grants.

"Studies of the Board have led to the conclusion that differences in the economic and fiscal capacity of States are the greatest single cause of the even wider variations in levels of assistance. Among States administering public assistance under the Social Security Act, average payments for each of the three special types of assistance in June 1944 were about four times as much in the highest State as in the State where the average was lowest. In general assistance, financed wholly from State and local funds, differences were even greater, and the average in the highest State was more than six times that in the lowest.

"The average assistance payment in each State is made up, of course, of differing individual amounts, since the payment to a recipient supplements what resources he himself may have: individual assistance payments under these four programs range from a few dollars a month to—in a very few States—more than $100 for an occasional recipient in exceptional circumstances. A low average for a State might be due to the fact that the recipients on the rolls needed only small amounts to supplement what they themselves had. Actually, however, the low averages occur almost without exception in States where per capita income and fiscal resources are low. The low averages result, in general, from the meagerness of payments to persons who have little or nothing but their payments. In such States, moreover, some needy persons eligible under the State law may get no aid whatever because funds are lacking.

"The Social Security Board reaffirms a recommendation made in earlier reports that special Federal aid for public assistance be provided on an objective basis to States with low economic and fiscal capacity. Such provision is essential if standards of assistance are to be equitable and more nearly adequate in all States. Just as the Board believes that the Federal share should vary with economic capacity of the States, it believes that Federal and State funds should be distributed to localities in relation to their needs and, where the localities participate in financing, also in relation to their financial ability."

When this bill was before the House of Representatives it was pointed out by Representative COOLEY, of North Carolina, that those States which are unable to increase their appropriations for assistance to the aged residing in such States would receive no benefits whatever from the authorization

in this bill; in order to qualify, they must match the Federal contributions dollar for dollar, which is simply impossible, so far as some of our poorer States are concerned. My amendment would correct this inequality.

Representative GORE, of Tennessee, in speaking in the House on this phase of the bill, commented:

"The fundamental fact stands—and the committee in their report of July 1 gave eloquent recognition of the fact—that in many States the program is operating inequitably, unjustly, and unfairly, for the simple reason that many States cannot match Federal funds already available, though the record shows that the poor States are making a relatively greater effort than the rich States. How does it operate? The proof of the pudding is in the eating. The Federal Government is now paying more than three times as much to a needy old man or woman or a blind person in one State as in another, and this bill would but worsen that inequity. Need cannot be measured by State lines."

Representative JOHN M. ROBSION, of Kentucky, stated that:

"Only a very limited number of States under the present law have been able to match the $20 of the Federal Government. Very few States pay as much as $40 for the needy aged. Kentucky, under its laws, cannot pay more than $30. It can be seen at once that Kentucky does not come up to the requirements of the present law, and this law increasing the Federal matching to $25 would not benefit the needy aged of Kentucky at all.

"I wish also to point out that under this amendment there would be approximately $27,000,000 of benefits go to the needy aged of the various States. However, the State of California would get approximately one-half of this $27,000,000, and only a very limited number of rich States would receive any benefits. An overwhelming majority of the States would be cut out entirely. I regret to say that Kentucky, on an average, pays only about $11 to the needy aged. I have stated many times that this sum is totally inadequate and there should be a substantial increase. For a real needy old person should not receive less than $30 a month, and, under the present law, they could receive $40 a month if the State of Kentucky would put up $20 a month to match the Federal funds."

The able Senator from Arizona [Mr. MCFARLAND], speaking in the Senate last January in behalf of increased aid to the aged, blind, and dependent children, said:

"What has happened in this country is that several million people—adults and children—are forced to live on an amount which in these days, of higher prices is insufficient to provide the bare necessities of life. Even supposing that every aged person or every blind person who depends upon social security payments for a living receives the maximum amount of $40 a month, will anyone contend that one can live on $40 a month in these days. Where can one buy 30 days' supply of food for $40, with staples costing what they do now? And where are rent, clothing, and the many other necessities to come from?

"Because they are not represented nationally by a union or a chamber of commerce or a trade association, we in Congress have been blind to their plight.

"I believe that when Congress passed the social-security legislation it meant what it said—social security. Certainly, the present scale of payments—even the maximum payments—do not mean social security to millions of people in this country.

"If it was social security 10 years ago, it certainly is not social security today. That much is perfectly obvious to anyone who knows anything at all about the cost of living today.

"I, for one, will not sit idly by, silently and unprotesting, while American citizens—honest, decent, worthy Americans who have worked all their lives and have reached old age without the means to live decently—are permitted to starve in a genteel manner. That is what is happening to many of them today."

I agree entirely with the observations of the Senator from Arizona, and feel that, as much as I am in favor of this Nation giving aid to starving peoples all over the world, wherever there is hunger and need, I, nevertheless, believe that such aid should be granted on a basis of actual need and not because of their geographical homes. It is only logical, therefore, that the same principle should apply in our own Nation, and that our own people who need food, clothing and other essentials should have our first consideration.

The formula for additional Federal aid to the aged needy contained in my amendment is essentially the same as that in the Hospital Survey and Construction Act recently approved by the Senate. I submit herewith, for the information of the Senate, a letter from the Chairman of the Social Security Board explaining the proposal, and also a chart showing the application of the amendment to the various States. This table shows that at present 17 States would have an income that is above the average national income, and would receive no additional benefits under such a formula, but the remainder of the States would qualify for increased Federal contributions, running up to as high as 75 percent, in the case of the State of Mississippi. My own State of Arkansas would receive 74 percent Federal contributions instead of the present 50 percent.

This is not, however, a sectional issue, since Vermont and New Hampshire, New England States, are confronted with the same discrimination, qualifying for 57 and 60 percent contribution, respectively, under this amendment, as are some of the Western States, such as Arizona, South Dakota (59 percent) and others where there is the same essential need as in the Southern States. I believe that Members of the Senate who take the time to study this problem and its ramifications will agree that it is unfair that States with a higher per capita income should receive a greater amount from the Federal Government for the benefit of its needy citizens than other States which are less able to take care of the residents of these particular States—they are all citizens of the United States and entitled to equal consideration and treatment under the law.

The present discrimination against citizens who happen to reside in agricultural States, as against those who live in industrial areas where the income is higher, is not in accordance with the accepted American traditions. If these people who have devoted their lives to supplying the Nation with food and raw materials for their essential requirements have been underpaid and received less than a fair return for their labors during a lifetime, certainly our Nation should not continue to deny them the adjustments to which they have long been entitled, or be so callous as to deprive them of the very necessities of life when they are no longer able to work the long hours at hard labor to which they have been accustomed all their lives. We have always given an ear and a helping hand to the needy, no matter from whence they came; it is time we acted to help our own.

If the amendment, providing for old-age variable grants, is approved by the Congress, I shall then endeavor to procure the enactment of similar amendments to the Social Security Act for the blind, and for dependent children, to bring about a more equitable system of Federal aid to these groups as well as to our aged needy.

FEDERAL SECURITY AGENCY,
SOCIAL SECURITY BOARD,
Washington, D. C., April 10, 1946.

Hon. J. W. FULBRIGHT,
United States Senate,
Washington, D. C.

DEAR SENATOR FULBRIGHT: This is in reply to your letter of March 14. The particular formula for Federal grants to the States used in the bill which you introduced (S. 1653) is the same for all low-income States as that used in S. 191, the Hospital Survey and Construction Act, recently passed by the Senate. I am attaching a copy of the Senate committee report which shows on page 16 in the column headed "Federal percentage" that Arkansas would receive from the Federal Government 74 percent of its total expenditures. Under your bill, of course, no State would receive less than 50 percent from the Federal Government while under S. 191 the minimum is 33⅓ percent.

It is my personal opinion that the particular formula included in your bill is the best of all the various formulas I have seen which use per capita income as a basis of varying the Federal Government's contribution. Of course, the question as to the minimum and maximum amounts of the Federal contribution is a question of broad policy which the Congress must decide in the light of various considerations, such as the relation to other Federal-State programs, and cost to the Federal Treasury.

Sincerely yours,

A. J. ALTMEYER,
Chairman.

STATE OF OKLAHOMA,
OFFICE OF THE GOVERNOR,
Oklahoma City, Okla., December 17, 1945.

Hon. J. W. FULBRIGHT,
United States Senator,
Washington, D. C.

DEAR SENATOR FULBRIGHT: I want to thank you for your letter of December 7 with which you sent me a copy of a bill (S. 1653) which you have introduced in the United States Senate, together with your statement—the bill and your statement relating to the matter of computing the amounts of grants to States for old-age assistance on the basis of the financial resources of the several States.

You are to be commended for introducing this bill. Such legislation, making provision for a substantial increase in old-age assistance allowances, through additional Federal computation and without further cost to the States, will be appropriately helpful.

I will indeed be glad to go over the matter of your bill with our Oklahoma delegation.

With all good wishes, I am,

Sincerely yours,

ROBT. S. KERR.

TENNESSEE EXECUTIVE OFFICE,
Nashville, December 14, 1945.

Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D. C.

DEAR BILL: I have your letter and copy of bill S. 1653 and the very interesting statement.

I have gone over this bill with the Commissioner of the department of public welfare and we feel that there is a world of merit in it. There is to be a meeting of welfare commissioners of several Southern States in Birmingham in the near future and at this meeting most serious consideration will be given to the endorsement of your bill. I appreciate very much your thoughtfulness in sending me this copy and I am glad to tell you that the welfare department of my State is pleased with it.

Thank you for the personal note, and while I am glad I am not in Washington at this time, I must admit there is a lot going on around here all the time. I hope that you

can drop in sometime and have a little visit with us.

With sincere good wishes for a happy holiday season, I am

Sincerely,

JIM
(Jim McCord).

GOVERNMENT-OWNED INDUSTRIAL ALCOHOL PLANTS

Mr. FULBRIGHT. Mr. President, will the Senator from Georgia yield to me?

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent for the present consideration of calendar 1776, Senate Joint Resolution 166, to amend section 3126 of the Internal Revenue Code, as amended, and for other purposes. The reason I ask for the present consideration of the joint resolution is that the measure has not passed the House, and I am informed that unless we can get it through today and get it over to the House, so that the House Ways and Means Committee can consider it, it will probably be too late to have action on it at this session.

The joint resolution is a very simple one. I have discussed it, I think, with every Senator on the Republican side who is interested in the matter. The Senator from Nebraska [Mr. BUTLER] was one of the original sponsors of a bill similar to this which was passed by the Senate.

The joint resolution pertains particularly to an alcohol plant in Nebraska, one in Iowa, and one in Kansas City. There is none in the State of Arkansas. It also relates to plants producing rubber. The only purpose of this measure is to hold up the disposition of these plants pending the working out of a complete program for them. It does not propose to dispose of them. It would merely delay their disposal. Under the law, as I understand, unless the measure can be passed the contract with the plant in Omaha, Nebr., requires its disposal, that is the offering of it for sale on September 26, and I think it is exceedingly important to all agriculture that the Government be given an opportunity to work out a plan to retain one of these plants for the experimentation with and disposal of surplus agricultural products. That is the only reason why I feel it is very important that it be called up and disposed of now, so that the House will have an opportunity to act upon it next week.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. WHERRY. I wish to thank the distinguished Senator from Arkansas for the interest he has shown in the joint resolution. I deeply regret that the senior Senator from Nebraska [Mr. BUTLER] is not present, because he has taken an interest in this development in Nebraska since it began. I am in total agreement with the distinguished Senator from Arkansas of the need for having the measure passed this afternoon. If it is not passed this afternoon it is my opinion that it will be almost impossible to have it passed by the House before the adjournment of the Congress.

It does exactly what the distinguished Senator says it does relative to the needs of the community. I believe that otherwise the plant at Omaha would have to close in 30 days.

Mr. FULBRIGHT. I think the date is September 26. I believe I have a letter to that effect.

Mr. WHERRY. I have read the bill, and I attended some of the hearings. I am just as much interested as is the senior Senator from Nebraska. The joint resolution provides that the plants mentioned shall not be disposed of until a definite policy is laid down relative to their disposal.

Mr. FULBRIGHT. That is correct.

Mr. WHERRY. The joint resolution would protect the plants and enable them to continue in operation without interference until the policy is laid down.

Mr. FULBRIGHT. I happen to know about this particular plant. It has already processed 5,000 carloads of surplus potatoes this year, which the Government had to take anyway. No other disposition was possible. Sirup has been made in the plant from wet corn. At this moment sugar is in exceedingly short supply. The plant is doing an important work, as it did during the war, and it should be enabled to continue for another year.

Mr. WHERRY. I am glad to hear the Senator mention the subject of wet corn. That is one of the things which I wish to emphasize. In the event we have an early frost, a method for processing corn sirup is certainly needed. That is how we obtain a large part of our sugar. There should be nothing to hold up the operation of that plant until the policy for its final disposition is determined. I hope there will be no objection to the joint resolution. I know that it is badly needed, and that it ought to be passed. I am quite satisfied that no Senator on this side of the aisle will object.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The CHIEF CLERK. A joint resolution (S. J. Res. 166) to amend section 3126 of the Internal Revenue Code, as amended, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. FULBRIGHT. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Arkansas will be stated.

The CHIEF CLERK. In section 2, on page 2, line 6, after the word "and", it is proposed to insert "one of."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That section 3126 (a) of the Internal Revenue Code, as amended (relating to emergency production of sugars and sirups in industrial-alcohol plants), is amended by striking out "July 1, 1946" and inserting in lieu thereof "December 31, 1947."

SEC. 2. Pending establishment of a permanent rubber policy and a structure for national rubber supervision along with administrative methods by which a minimum use of general-purpose synthetic rubber can best be assured, and until further plans for disposal of industrial-alcohol and alcohol-butadiene plants have been perfected, no disposition shall be made of the Government-owned industrial-alcohol plants located at Omaha, Nebr.; Kansas City, Mo.; Muscatine, Iowa; and one of the alcohol-butadiene plants located at Kobuta, Pa.; Louisville, Ky.; and Institute, W. Va.

HOWARD A. YEAGER

Mr. CARVILLE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CARVILLE. Mr. President, at the conclusion of the consideration of the bill which I shall ask to have considered, I expect to ask unanimous consent to be excused from the Senate for an indefinite period.

I ask unanimous consent for the present consideration of Senate bill 2147, Calendar No. 1827, a bill for the relief of Howard A. Yeager. It is a private-claim bill. It refers to a trip made by Captain Yeager to Nevada to present to our State the flag of the U. S. S. *Nevada*, which was taken from the ship after it was sunk at Pearl Harbor. The bill involves an appropriation of $255.76.

Mr. WHERRY. Mr. President, as I understand, this is a relief bill?

Mr. CARVILLE. It is a relief bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2147) for the relief of Howard A. Yeager was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Howard A. Yeager, captain, United States Navy, the sum of $255.76, which sum is to be in full settlement of all claims against the United States for travel performed by the said Howard A. Yeager under orders during the period from June 17, 1945, to June 23, 1945, from Salina, Kans., to Carson City, Nev., in order to present the Nevada State flag which was on board the U. S. S. *Nevada* on Pearl Harbor Day to the people of the State of Nevada so that said flag might be preserved by them in the Nevada State Museum, and thence to Washington, D. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

RIO GRANDE BRIDGE, DEL RIO, TEX.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. I ask unanimous consent for the present consideration of House bill 6406, Calendar No. 1792. It is

a bridge bill, and will require only half a minute.

Mr. REED. Mr. President, I object.

Mr. CONNALLY. Mr. President, I am not trying to kill time I may have to leave the city next week.

Mr. REED. The Senator from Kansas appreciates the situation of the Senator from Texas——

Mr. CONNALLY. The Senator did not object to other requests.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. GURNEY. Let me say that during the absence from the Chamber during the last few minutes of the Senator from Kansas one or two small noncontroversial bills were passed. In view of that fact, and in view of the importance of this bill to the Senator from Texas, I hope the Senator from Kansas will withdraw his objection, because I am sure that the consideration of the bill will require only a moment.

Mr. REED. I withdraw the objection.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 6406) authorizing the State of Texas, acting through the State Highway Commission of Texas, or the successors thereof, to acquire, construct, maintain, and operate a free bridge across the Rio Grande at or near Del Rio, Tex.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

VETERANS' CANTEEN SERVICE IN THE VETERANS' ADMINISTRATION

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Georgia yield to me?

Mr. RUSSELL. Mr. President, I do not know what the purpose of the Senator from Kansas [Mr. REED] is. I wish to be generous with my colleagues. But if any technical points are to be raised, I do not wish to lose my right to the floor.

Mr. JOHNSON of Colorado. Mr. President, I ask unanimous consent to submit a request without taking the Senator from Georgia from the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Colorado. At the last call of the calendar House bill 6836 was passed. I do not know what the calendar number is. The bill is not now on the calendar. It was on the calendar when the calendar was last called. The bill was passed by unanimous consent. After it was passed, General Bradley personally stated that a brief amendment which was inserted in the bill on the floor of the House had made the bill inoperative. The purpose of the bill is to establish and provide for the maintenance and operation of a veterans' canteen service in the Veterans' Administration, and for other purposes. It is quite an important bill, and a very worthy one. It is desired to establish a canteen service in the hospitals for the benefit of veterans.

Therefore, upon the request of General Bradley, who also talked with the Senator from Georgia [Mr. GEORGE], chairman of our committee, I entered a motion for the reconsideration of the bill. I now wish to call up the motion, amend the bill, and pass it.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado that the vote by which House bill 6836 was passed, as well as the votes by which the amendments were ordered to be engrossed and the bill to be read a third time, be reconsidered.

The motion was agreed to.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSON of Colorado. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 3, line 23, after the word "Act," it is proposed to insert a period and strike out "and to maintain the operation of the service on a self-sustaining basis."

Mr. JOHNSON of Colorado. Mr. President, it will be impossible for the canteen service to be instituted in the first instance if that clause remains in the bill. It will be operated on a self-sustaining basis after it is started, but it cannot be started with that proviso in the bill, so I ask that the amendment striking out that language be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JOHNSON of Colorado. I thank the Senator from Georgia.

After the conclusion of Mr. RUSSELL'S speech,

OFFICERS AND EMPLOYEES FOR CIRCUIT COURTS OF APPEALS AND DISTRICT COURTS—CONFERENCE REPORT

Mr. McCARRAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4230) to provide necessary officers and employees for circuit courts of appeals and district courts, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

PAT MCCARRAN,
ABE MURDOCK,
ALEXANDER WILEY,
Managers on the Part of the Senate.

WILLIAM T. BYRNE,
CHAUNCEY W. REED,
Managers on the Part of the House.

Mr. McCARRAN. Mr. President, I ask unanimous consent for the immediate consideration and adoption of the conference report.

There being no objection, the report was considered and agreed to.

ATOMIC ENERGY ACT OF 1946

Mr. McMAHON. Mr. President, I ask unanimous consent to have printed in the RECORD Senate bill 1717 as it went to the President for signature. I do so upon request of the Senator from Colorado [Mr. MILLIKIN] who is of the opinion that the bill should be printed in the RECORD.

There being no objection the bill (S. 1717) for the development and control of atomic energy, was ordered to be printed in the RECORD, as follows:

Be it enacted, etc.—

DECLARATION OF POLICY

SECTION 1. (a) Findings and declaration: Research and experimentation in the field of nuclear chain reaction have attained the stage at which the release of atomic energy on a large scale is practical. The significance of the atomic bomb for military purposes is evident. The effect of the use of atomic energy for civilian purposes upon the social, economic, and political structures of today cannot now be determined. It is a field in which unknown factors are involved. Therefore, any legislation will necessarily be subject to revision from time to time. It is reasonable to anticipate, however, that tapping this new source of energy will cause profound changes in our present way of life. Accordingly, it is hereby declared to be the policy of the people of the United States that, subject at all times to the paramount objective of assuring the common defense and security, the development and utilization of atomic energy shall, so far as practicable, be directed toward improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace.

(b) Purpose of act: It is the purpose of this act to effectuate the policies set out in section 1 (a) by providing, among others, for the following major programs relating to atomic energy:

(1) A program of assisting and fostering private research and development to encourage maximum scientific progress;

(2) A program for the control of scientific and technical information which will permit the dissemination of such information to encourage scientific progress, and for the sharing on a reciprocal basis of information concerning the practical industrial application of atomic energy as soon as effective and enforceable safeguards against its use for destructive purposes can be devised;

(3) A program of federally conducted research and development to assure the Government of adequate scientific and technical accomplishment;

(4) A program for Government control of the production, ownership, and use of fissionable material to assure the common defense and security and to insure the broadest possible exploitation of the fields; and

(5) A program of administration which will be consistent with the foregoing policies and with international arrangements made by the United States, and which will enable the Congress to be currently informed so as to take further legislative action as may hereafter be appropriate.

ORGANIZATION

SEC. 2. (a) Atomic Energy Commission:

(1) There is hereby established an Atomic Energy Commission (herein called the Commission), which shall be composed of five a quorum of the Commission. The President members. Three members shall constitute

shall designate one member as chairman of the Commission.

(2) Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate. In submitting any nomination to the Senate, the President shall set forth the experience and the qualifications of the nominee. The term of office of each member of the Commission taking office prior to the expiration of 2 years after the date of enactment of this act shall expire upon the expiration of such 2 years. The terms of office of each member of the Commission taking office after the expiration of 2 years from the date of enactment of this act shall be 5 years, except that (A) the terms of office of the members first taking office after the expiration of 2 years from the date of enactment of this act shall expire, as designated by the President at the time of appointment, one at the end of 3 years, one at the end of 4 years, one at the end of 5 years, one at the end of 6 years, and one at the end of 7 years, after the date of enactment of this act; and (B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Each member, except the chairman, shall receive compensation at the rate of $15,000 per annum; and the chairman shall receive compensation at the rate of $17,500 per annum. No member of the Commission shall engage in any other business, vocation, or employment than that of serving as a member of the Commission.

(3) The principal office of the Commission shall be in the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place. The Commission shall hold such meetings, conduct such hearings, and receive such reports as may be necessary to enable it to carry out the provisions of this act.

(4) There are hereby established within the Commission—

(A) a General Manager, who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the President by and with the advice and consent of the Senate, and shall receive compensation at the rate of $15,000 per annum. The Commission may make recommendations to the President with respect to the appointment or removal of the General Manager.

(B) a Division of Research, a Division of Production, a Division of Engineering, and a Division of Military Application. Each division shall be under the direction of a Director who shall be appointed by the Commission, and shall receive compensation at the rate of $14,000 per annum. The Director of the Division of Military Application shall be a member of the armed forces. The Commission shall require each such division to exercise such of the Commission's powers under this act as the Commission may determine, except that the authority granted under section 3 (a) of this act shall not be exercised by the Division of Research.

(b) General Advisory Committee: There shall be a General Advisory Committee to advise the Commission on scientific and technical matters relating to materials, production, and research and development, to be composed of nine members, who shall be appointed from civilian life by the President. Each member shall hold office for a term of 6 years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the date of the enactment of this act shall expire, as designated by the President at the time of appointment, three at the end of 2 years, three at the end of 4 years, and three at the end of 6 years, after the date of the enactment of this act. The committee shall designate one of its own members as chairman. The committee shall meet at least four times in every calendar year. The members of the committee shall receive a per diem compensation of $50 for each day spent in meetings or conferences, and all members shall receive their necessary traveling or other expenses while engaged in the work of the committee.

(c) Military Liaison Committee: There shall be a Military Liaison Committee consisting of representatives of the Departments of War and Navy, detailed or assigned thereto, without additional compensation, by the Secretaries of War and Navy in such number as they may determine. The Commission shall advise and consult with the committee on all atomic energy matters which the committees deems to relate to military applications, including the development, manufacture, use, and storage of bombs, the allocation of fissionable material for military research, and the control of information relating to the manufacture or utilization of atomic weapons. The Commission shall keep the Committee fully informed of all such matters before it and the Committee shall keep the Commission fully informed of all atomic energy activities of the War and Navy Departments. The Committee shall have authority to make written recommendations to the Commission on matters relating to military applications from time to time as it may deem appropriate. If the Committee at any time concludes that any action, proposed action, or failure to act of the Commission on such matters is adverse to the responsibilities of the Departments of War or Navy, derived from the Constitution, laws, and treaties, the Committee may refer such action, proposed action, or failure to act to the Secretaries of War and Navy. If either Secretary concurs, he may refer the matter to the President, whose decision shall be final.

(d) Appointment of Army and Navy officers: Notwithstanding the provisions of section 1222 of the Revised Statutes (U. S. C., 1940 edition, title 10, sec. 576), section 212 of the act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes," approved June 30, 1932, as amended (U. S. C., 1940 edition, title 5, sec. 59a) section 2 of the act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved July 31, 1894, as amended (U. S. C., 1940 edition, title 5 sec. 62) or any other law, any active or retired officer of the Army or the Navy may serve as Director of the Division of Military Application established by subsection (a) (4) (B) of this section, without prejudice to his commissioned status as such officer. Any such officer serving as Director of the Division of Military Application shall receive, in addition to his pay from the United States as such officer, an amount equal to the difference between such pay and the compensation prescribed in subsection (a) (4) (B) of this section.

RESEARCH

SEC. 3. (a) Research assistance: The Commission is directed to exercise its powers in such manner as to insure the continued conduct of research and development activities in the fields specified below by private or public institutions or persons and to assist in the acquisition of an ever-expanding fund of theoretical and practical knowledge in such fields. To this end the Commission is authorized and directed to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities relating to—

(1) nuclear processes;

(2) the theory and production of atomic energy, including processes, materials, and devices related to such production;

(3) utilization of fissionable and radioactive materials for medical, biological, health, or military purposes;

(4) utilization of fissionable and radioactive materials and processes entailed in the production of such materials for all other purposes, including industrial uses; and

(5) the protection of health during research and production activities.

The Commission may make such arrangements without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and may make partial and advance payments under such arrangements, and may make available for use in connection therewith such of its equipment and facilities as it may deem desirable. Such arrangements shall contain such provisions to protect health, to minimize danger from explosion and other hazards to life or property, and to require the reporting and to permit the inspection of work performed thereunder, as the Commission may determine; but shall not contain any provisions or conditions which prevent the dissemination of scientific or technical information, except to the extent such dissemination is prohibited by law.

(b) Research by the Commission: The Commission is authorized and directed to conduct, through its own facilities, activities and studies of the types specified in subsection (a) above.

PRODUCTION OF FISSIONABLE MATERIAL

SEC. 4. (a) Definition: As used in this act, the term "produce", when used in relation to fissionable material means to manufacture, produce, or refine fissionable material, as distinguished from source materials as defined in section 5 (b) (1), or to separate fissionable material from other substances in which such material may be contained or to produce new fissionable material.

(b) Prohibition: It shall be unlawful for any person to own any facilities for the production of fissionable material or for any person to produce fissionable material, except to the extent authorized by subsection (c).

(c) Ownership and operation of production facilities:

(1) Ownership of production facilities: The Commission, as agent of and on behalf of the United States, shall be the exclusive owner of all facilities for the production of fissionable material other than facilities which (A) are useful in the conduct of research and development activities in the fields specified in section 3, and (B) do not, in the opinion of the Commission, have a potential production rate adequate to enable the operator of such facilities to produce within a reasonable period of time a sufficient quantity of fissionable material to produce an atomic bomb or any other atomic weapon.

(2) Operation of the Commission's production facilities: The Commission is authorized and directed to produce or to provide for the production of fissionable material in its own facilities. To the extent deemed necessary, the Commission is authorized to make, or to continue in effect, contracts with persons obligating them to produce fissionable material in facilities owned by the Commission. The Commission is also authorized to enter into research and development contracts authorizing the contractor to produce fissionable material in facilities owned by the Commission to the extent that the production of such fissionable material may be incident to the conduct of research

and development activities under such contracts. Any contract entered into under this section shall contain provisions (A) prohibiting the contractor with the Commission from subcontracting any part of the work he is obligated to perform under the contract, except as authorized by the Commission, and (B) obligating the contractor to make such reports to the Commission as it may deem appropriate with respect to his activities under the contract, to submit to frequent inspection by employees of the Commission of all such activities, and to comply with all safety and security regulations which may be prescribed by the Commission. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made under such contracts. The President shall determine at least once each year the quantities of fissionable material to be produced under this paragraph.

(3) Operation of other production facilities: Fissionable material may be produced in the conduct of research and development activities in facilities which, under paragraph (1) above, are not required to be owned by the Commission.

(d) Irradiation of materials: For the purpose of increasing the supply of radioactive materials, the Commission and persons lawfully producing or utilizing fissionable material are authorized to expose materials of any kind to the radiation incident to the processes of producing or utilizing fissionable material.

(e) Manufacture of production facilities: Unless authorized by a license issued by the Commission, no person may manufacture, produce, transfer, or acquire any facilities for the production of fissionable material. Licenses shall be issued in accordance with such procedures as the Commission may by regulation establish and shall be issued in accordance with such standards and upon such conditions as will restrict the production and distribution of such facilities to effectuate the policies and purposes of this act. Nothing in this section shall be deemed to require a license for such manufacture, production, transfer, or acquisition incident to or for the conduct of research or development activities in the United States of the types specified in section 3, or to prohibit the Commission from manufacturing or producing such facilities for its own use.

CONTROL OF MATERIALS

SEC. 5. (a) Fissionable materials:

(1) Definition: As used in this act, the term "fissionable material" means plutonium, uranium enriched in the isotope 235, any other material which the Commission determines to be capable of releasing substantial quantities of energy through nuclear chain reaction of the material, or any material artificially enriched by any of the foregoing; but does not include source materials, as defined in section 5 (b) (1).

(2) Government ownership of all fissionable material: All right, title, and interest within or under the jurisdiction of the United States, in or to any fissionable material, now or hereafter produced, shall be the property of the Commission, and shall be deemed to be vested in the Commission by virtue of this act. Any person owning any interest in any fissionable material at the time of the enactment of this act, or owning any interest in any material at the time when such material is hereafter determined to be a fissionable material, or who lawfully produces any fissionable material incident to privately financed research or development activities, shall be paid just compensation therefor. The Commission may, by action consistent with the provisions of paragraph (4) below, authorize any such person to retain possession of such fissionable material, but no person shall have any title in or to any fissionable material.

(3) Prohibition: It shall be unlawful for any person, after 60 days from the effective date of this act to (A) possess or transfer any fissionable material, except as authorized by the Commission, or (B) export from or import into the United States any fissionable material, or (C) directly or indirectly engage in the production of any fissionable material outside of the United States.

(4) Distribution of fissionable material: Without prejudice to its continued ownership thereof, the Commission is authorized to distribute fissionable material owned by it, with or without charge, to applicants requesting such material (A) for the conduct of research or development activities either independently or under contract or other arrangement with the Commission, (B) for use in medical therapy, or (C) for use pursuant to a license issued under the authority of section 7. Such material shall be distributed in such quantities and on such terms that no applicant will be enabled to obtain an amount sufficient to construct a bomb or other military weapon. The Commission is directed to distribute sufficient fissionable material to permit the conduct of widespread independent research and development activity, to the maximum extent practicable. In determining the quantities of fissionable material to be distributed, the Commission shall make such provisions for its own needs and for the conservation of fissionable material as it may determine to be necessary in the national interest for the future development of atomic energy. The Commission shall not distribute any material to any applicant, and shall recall any distributed material from any applicant, who is not equipped to observe or who fails to observe such safety standards to protect health and to minimize danger from explosion or other hazard to life or property as may be established by the Commission, or who uses such material in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor.

(5) The Commission is authorized to purchase or otherwise acquire any fissionable material or any interest therein outside the United States, or any interest in facilities for the production of fissionable material, or in real property on which such facilities are located, without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made under contracts for such purposes. The Commission is further authorized to take, requisition, or condemn, or otherwise acquire any interest in such facilities or real property, and just compensation shall be made therefor.

(b) Source materials:

(1) Definition: As used in this act, the term "source material" means uranium, thorium, or any other material which is determined by the Commission, with the approval of the President, to be peculiarly essential to the production of fissionable materials; but includes ores only if they contain one or more of the foregoing materials in such concentration as the Commission may by regulation determine from time to time.

(2) License for transfers required: Unless authorized by a license issued by the Commission, no person may transfer or deliver, receive possession of or title to, or export from the United States any source material after removal from its place of deposit in nature, except that licenses shall not be required for quantities of source materials which, in the opinion of the Commission, are unimportant.

(3) Issuance of licenses: The Commission shall establish such standards for the issuance, refusal, or revocation of licenses as it may deem necessary to assure adequate source materials for production, research, or development activities pursuant to this act or to prevent the use of such materials in a manner inconsistent with the national welfare. Licenses shall be issued in accordance with such procedures as the Commission may by regulation establish.

(4) Reporting: The Commission is authorized to issue such regulations or orders requiring reports of ownership, possession, extraction, refining, shipment, or other handling of source materials as it may deem necessary, except that such reports shall not be required with respect to (A) any source material prior to removal from its place of deposit in nature, or (b) quantities of source materials which in the opinion of the Commission are unimportant or the reporting of which will discourage independent prospecting for new deposits.

(5) Acquisition: The Commission is authorized and directed to purchase, take, requisition, condemn, or otherwise acquire, supplies of source materials or any interest in real property containing deposits of source materials to the extent it deems necessary to effectuate the provisions of this act. Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property taken, requisitioned, or condemned under this paragraph.

(6) Exploration: The Commission is authorized to conduct and enter into contracts for the conduct of exploratory operations, investigations, and inspections to determine the location, extent, mode of occurrence, use, or conditions of deposits or supplies of source materials, making just compensation for any damage or injury occasioned thereby. Such exploratory operations may be conducted only with the consent of the owner, but such investigations and inspections may be conducted with or without such consent.

(7) Public lands: All uranium, thorium, and all other materials determined pursuant to paragraph (1) of this subsection to be peculiarly essential in the production of fissionable material, contained, in whatever concentration, in deposits in the public lands are hereby reserved for the use of the United States subject to valid claims, rights, or privileges existing on the date of the enactment of this act: *Provided, however,* That no individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic-bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic-bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this act made such location, entry, or settlement or caused the same to be made for his, its, or their benefit. The Secretary of the Interior shall cause to be inserted in every patent, conveyance, lease, permit, or

other authorization hereafter granted to use the public lands or their mineral resources, under any of which there might result the extraction of any materials so reserved, a reservation to the United States of all such materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. Any land so patented, conveyed, leased, or otherwise disposed of may be used, and any rights under any such permit or authorization may be exercised, as if no reservation of such materials has been made under this subsection; except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under this subsection, such material shall be the property of the Commission and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the Commission does not require delivery of such material to it, the reservation made pursuant to this paragraph shall be of no further force or effect.

(c) Byproduct materials:

(1) Definition: As used in this act, the term "byproduct material" means any radioactive material (except fissionable material) yielded in or made radioactive by exposure to the radiation incident to the processes of producing or utilizing fissionable material.

(2) Distribution: The Commission is authorized to distribute, with or without charge, byproduct materials to applicants seeking such materials for research or development activity, medical therapy, industrial uses, or such other useful applications as may be developed. In distributing such materials, the Commission shall give preference to applicants proposing to use such materials in the conduct of research and development activity or medical therapy. The Commission shall not distribute any byproduct materials to any applicant, and shall recall any distributed materials from any applicant who is not equipped to observe or who fails to observe such safety standards to protect health as may be established by the Commission or who uses such materials in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor.

(d) General provisions: The Commission shall not—

(1) distribute any fissionable material to (A) any person for a use which is not under or within the jurisdiction of the United States, (B) any foreign government, or (C) any person within the United States if, in the opinion of the Commission, the distribution of such fissionable material to such person would be inimical to the common defense and security; and

(2) license any person to transfer or deliver, receive possession of or title to, or export from the United States any source material if, in the opinion of the Commission, the issuance of a license to such person for such purpose would be inimical to the common defense and security.

MILITARY APPLICATIONS OF ATOMIC ENERGY

SEC. 6. (a) Authority: The Commission is authorized to—

(1) conduct experiments and do research and development work in the military application of atomic energy; and

(2) engage in the production of atomic bombs, atomic-bomb parts, or other military weapons utilizing fissionable materials; except that such activities shall be carried on only to the extent that the express consent and direction of the President of the United States has been obtained, which consent and direction shall be obtained at least once each year.

The President from time to time may direct the Commission (1) to deliver such quantities of fissionable materials or weapons to the armed forces for such use as he deems necessary in the interest of national defense or (2) to authorize the armed forces to manufacture, produce, or acquire any equipment or device utilizing fissionable material or atomic energy as a military weapon.

(b) Prohibition: It shall be unlawful for any person to manufacture, produce, transfer, or acquire any equipment or device utilizing fissionable material or atomic energy as a military weapon, except as may be authorized by the Commission. Nothing in this subsection shall be deemed to modify the provisions of section 4 of this act, or to prohibit research activities in respect of military weapons, or to permit the export of any such equipment or device.

UTILIZATION OF ATOMIC ENERGY

SEC. 7. (a) License required: It shall be unlawful, except as provided in sections 5 (a) (4) (A) or (B) or 6 (a), for any person to manufacture, produce, or export any equipment or device utilizing fissionable material or atomic energy or to utilize fissionable material or atomic energy with or without such equipment or device, except under and in accordance with a license issued by the Commission authorizing such manufacture, production, export, or utilization. No license may permit any such activity if fissionable material is produced incident to such activity, except as provided in sections 3 and 4. Nothing in this section shall be deemed to require a license for the conduct of research or development activities relating to the manufacture of such equipment or devices or the utilization of fissionable material or atomic energy, or for the manufacture or use of equipment or devices for medical therapy.

(b) Report to Congress: Whenever in its opinion any industrial, commercial, or other nonmilitary use of fissionable material or atomic energy has been sufficiently developed to be of practical value, the Commission shall prepare a report to the President stating all the facts with respect to such use, the Commission's estimate of the social, political, economic, and international effects of such use and the Commission's recommendations for necessary or desirable supplemental legislation. The President shall then transmit this report to the Congress, together with his recommendations. No license for any manufacture, production, export, or use shall be issued by the Commission under this section until after (1) a report with respect to such manufacture, production, export, or use has been filed with the Congress; and (2) a period of 90 days in which the Congress was in session has elapsed after the report has been so filed. In computing such period of 90 days, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days.

(c) Issuance of licenses: After such 90-day period, unless hereafter prohibited by law, the Commission may license such manufacture, production, export, or use in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this act. The Commission is authorized and directed to issue licenses on a nonexclusive basis and to supply to the extent available appropriate quantities of fissionable material to licensees (1) whose proposed activities will serve some useful purpose proportionate to the quantities of fissionable material to be consumed; (2) who are equipped to observe such safety standards to protect health and to minimize danger from explosion or other hazard to life or property as the Commission may establish; and (3) who agree to make available to the Commission such technical information and data concerning their activities pursuant to such licenses as the Commission may determine necessary to encourage similar activities by as many licensees as possible. Each such license shall be issued for a specified period, shall be revocable at any time by the Commission in accordance with such procedures as the Commission may establish, and may be renewed upon the expiration of such period. Where activities under any license might serve to maintain or to foster the growth of monopoly, restraint of trade, unlawful competition, or other trade position inimical to the entry of new, freely competitive enterprises in the field, the Commission is authorized and directed to refuse to issue such license or to establish such conditions to prevent these results, as the Commission, in consultation with the Attorney General, may determine. The Commission shall report promptly to the Attorney General any information it may have with respect to any utilization of fissionable material or atomic energy which appears to have these results. No license may be given to any persons for activities which are not under or within the jurisdiction of the United States, to any foreign government, or to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security.

(d) Byproduct power: If energy which may be utilized is produced in the production of fissionable material, such energy may be used by the Commission, transferred to other Government agencies, or sold to public or private utilities under contracts providing for reasonable resale prices.

INTERNATIONAL ARRANGEMENTS

SEC. 8. (a) Definition: As used in this act, the term "international arrangement" shall mean any treaty approved by the Senate or international agreement hereafter approved by the Congress, during the time such treaty or agreement is in full force and effect.

(b) Effect of international arrangements: Any provision of this act or any action of the Commission to the extent that it conflicts with the provisions of any international arrangement made after the date of enactment of this act shall be deemed to be of no further force or effect.

(c) Policies contained in international arrangements: In the performance of its functions under this act, the Commission shall give maximum effect to the policies contained in any such international arrangement.

PROPERTY OF THE COMMISSION

SEC. 9. (a) The President shall direct the transfer to the Commission of all interests owned by the United States or any Government agency in the following property:

(1) All fissionable material; all atomic weapons and parts thereof; all facilities, equipment, and materials for the processing, production, or utilization of fissionable material or atomic energy; all processes and technical information of any kind, and the source thereof (including data, drawings, specifications, patents, patent applications, and other sources (relating to the processing, production, or utilization of fissionable material or atomic energy; and all contracts, agreements, leases, patents, applications for patents, inventions, and discoveries (whether patented or unpatented), and other rights of any kind concerning any such items;

(2) All facilities, equipment, and materials devoted primarily to atomic-energy research and development; and

(3) Such other property owned by or in the custody or control of the Manhattan engineer district or other Government agencies as the President may determine.

(b) In order to render financial assistance to those States and localities in which the activities of the Commission are carried on and in which the Commission has acquired property previously subject to State and local taxation, the Commission is authorized to make payments to State and local governments in lieu of property taxes. Such payments may be in the amounts, at the times, and upon the terms the Commission deems appropriate, but the Commission shall be guided by the policy of not making payments in excess of the taxes which would have been payable for such property in the condition in which it was acquired, except in cases where special burdens have been cast upon the State or local government by activities of the Commission, the Manhattan engineer district or their agents. In any such case, any benefit accruing to the State or local government by reason of such activities shall be considered in determining the amount of the payment. The Commission, and the property, activities, and income of the Commission, are hereby expressly exempted from taxation in any manner or form by any State, county, municipality, or any subdivision thereof.

CONTROL OF INFORMATION

SEC. 10. (a) Policy: It shall be the policy of the Commission to control the dissemination of restricted data in such a manner as to assure the common defense and security. Consistent with such policy the Commission shall be guided by the following principles:

(1) That until Congress declares by joint resolution that effective and enforceable international safeguards against the use of atomic energy for destructive purposes have been established, there shall be no exchange of information with other nations with respect to the use of atomic energy for industrial purposes; and

(2) That the dissemination of scientific and technical information relating to atomic energy should be permitted and encouraged so as to provide that free interchange of ideas and criticisms which is essential to scientific progress.

(b) Restrictions:

(1) The term "restricted data" as used in this section means all data concerning the manufacture or utilization of atomic weapons, the production of fissionable material, or the use of fissionable material in the production of power, but shall not include any data which the Commission from time to time determines may be published without adversely affecting the common defense and security.

(2) Whoever, lawfully or unlawfully, having possession of, access to, control over, or being entrusted with, any document, writing, sketch, photograph, plan, model, instrument, appliance, note or information involving or incorporating restricted data—

(A) communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with intent to injure the United States or with intent to secure an advantage to any foreign nation, upon conviction thereof, shall be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by a fine of not more than $20,000 or imprisonment for not more than 20 years, or both;

(B) communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation, shall, upon conviction, be punished by a fine of not more than $10,000 or imprisonment for not more than 10 years, or both.

(3) Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, acquires or attempts or conspires to acquire any document, writing, sketch, photograph, plan, model, instrument, appliance, note or information involving or incorporating restricted data shall, upon conviction thereof, be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by a fine of not more than $20,000 or imprisonment for not more than 20 years, or both.

(4) Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, removes, conceals, tampers with, alters, mutilates, or destroys any document, writing, sketch, photograph, plan, model, instrument, appliance or note involving or incorporating restricted data and used by any individual or person in connection with the production of fissionable material, or research or development relating to atomic energy, conducted by the United States, or financed in whole or in part by Federal funds, or conducted with the aid of fissionable material, shall be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by a fine of not more than $20,000 or imprisonment for not more than 20 years or both.

(5) (A) No person shall be prosecuted for any violation under this section unless and until the Attorney General of the United States has advised the Commission with respect to such prosecution and no such prosecution shall be commenced except upon the express direction of the Attorney General of the United States.

(B) (i) No arrangement shall be made under seciton 3, no contract shall be made or continued in effect under section 4, and no license shall be issued under section 4 (e) or 7, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to restricted data until the Federal Bureau of Investigation shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual and the Commission shall have determined that permitting such person to have access to restricted data will not endanger the common defense or security.

(ii) Except as authorized by the Commission in case of emergency, no individual shall be employed by the Commission until the Federal Bureau of Investigation shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individuals.

(iii) Notwithstanding the provisions of subparagraphs (i) and (ii), during such period of time after the enactment of this act as may be necessary to make the investigation, report, and determination required by such paragraphs, (a) any individual who was permitted access to restricted data by the Manhattan engineer district may be permitted access to restricted data and (b) the Commission may employ any individual who was employed by the Manhattan engineer district.

(iv) To protect against the unlawful dissemination of restricted data and to safeguard facilities, equipment, materials, and other property of the Commission, the President shall have authority to utilize the services of any Government agency to the extent he may deem necessary or desirable.

(C) All violations of this act shall be investigated by the Federal Bureau of Investigation of the Department of Justice.

(6) This section shall not exclude the applicable provisions of any other laws, except that no Government agency shall take any action under such other laws inconsistent with the provisions of this section.

(c) Inspections, records, and reports.—The Commission is—

(1) authorized by regulation or order to require such reports and the keeping of such records with respect to, and to provide for such inspections of, activities and studies of types specified in section 3 and of activities under licenses issued pursuant to section 7 as may be necessary to effectuate the purposes of this act;

(2) authorize and direct by regulation or order to require regular reports and records with respect to, and to provide for frequent inspections of, the production of fissionable material in the conduct of research and development activities.

PATENTS AND INVENTIONS

SEC. 11. (a) Production and military utilization:

(1) No patent shall hereafter be granted for any invention or discovery which is useful solely in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon. Any patent granted for any such invention or discovery is hereby revoked, and just compensation shall be made therefor.

(2) No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

(3) Any person who has made or hereafter makes any invention or discovery useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon shall file with the Commission a report containing a complete description thereof, unless such invention or discovery is described in an application for a patent filed in the Patent Office by such person within the time required for the filing of such report. The report covering any such invention or discovery shall be filed on or before whichever of the following is the latest: (A) The sixtieth day after the date of enactment of this act; (B) the sixtieth day after the completion of such invention or discovery; or (C) the sixtieth day after such person first discovers or first has reason to believe that such invention or discovery is useful in such production or utilization.

(b) Use of inventions for research: No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the conduct of research or development activities in the fields specified in section 3. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

(c) Nonmilitary utilization:

(1) It shall be the duty of the Commission to declare any patent to be affected with the public interest if (A) the invention or discovery covered by the patent utilizes or is

essential in the utilization of fissionable material or atomic energy; and (B) the licensing of such invention or discovery under this subsection is necessary to effectuate the policies and purposes of this act.

(2) Whenever any patent has been declared, pursuant to paragraph (1), to be affected with the public interest—

(A) The Commission is hereby licensed to use the invention or discovery covered by such patent in performing any of its powers under this act; and

(B) Any person to whom a license has been issued under section 7 is hereby licensed to use the invention or discovery covered by such patent to the extent such invention or discovery is used by him in carrying on the activities authorized by his license under section 7.

The owner of the patent shall be entitled to a reasonable royalty fee for any use of an invention or discovery licensed by this subsection. Such royalty fee may be agreed upon by such owner and the licensee, or in the absence of such agreement shall be determined by the Commission.

(3) No court shall have jurisdiction or power to stay, restrain, or otherwise enjoin the use of any invention or discovery by a licensee, to the extent that such use is licensed by paragraph (2) above, on the ground of infringement of any patent. If in any action for infringement against such licensee the court shall determine that the defendant is exercising such license, the measure of damages shall be the royalty fee determined pursuant to this section, together with such costs, interest, and reasonable attorney's fees as may be fixed by the court. If no royalty fee has been determined, the court shall stay the proceeding until the royalty fee is determined pursuant to this section. If any such licensee shall fail to pay such royalty fee, the patentee may bring an action in any court of competent jurisdiction for such royalty fee, together with such costs, interest, and reasonable attorney's fees as may be fixed by the court.

(d) Acquisition of patents: The Commission is authorized to purchase, or to take, requisition, or condemn, and make just compensation for, (1) any invention or discovery which is useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon, or which utilizes or is essential in the utilization of fissionable material or atomic energy, or (2) any patent or patent application covering any such invention or discovery. The Commissioner of Patents shall notify the Commission of all applications for patents heretofore or hereafter filed which in his opinion disclose such inventions or discoveries and shall provide the Commission access to all such applications.

(e) Compensation awards, and royalties:

(1) Patent Compensation Board: The Commission shall designate a Patent Compensation Board, consisting of two or more employees of the Commission, to consider applications under this subsection.

(2) Eligibility:

(A) Any owner of a patent licensed under subsection (c) (2) or any licensee thereunder may make application to the Commission for the determination of a reasonable royalty fee in accordance with such procedures as it by regulation may establish.

(B) Any person seeking to obtain the just compensation provided in subsections (a), (b), or (d) shall make application therefor to the Commission in accordance with such procedures as it may by regulation establish.

(c) Any person making any invention or discovery useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon who is not entitled to compensation therefor under subsection (a) and who has complied with subsection (a) (3) above may make application to the Commission for, and the Commission may grant, an award.

(D) Any person making application under this subsection shall have the right to be represented by counsel.

(3) Standards:

(A) In determining such reasonable royalty fee, the Commission shall take into consideration any defense, general or special, that might be pleaded by a defendant in an action for infringement, the extent to which, if any, such patent was developed through federally financed research, the degree of utility, novelty, and importance of the invention or discovery, and may consider the cost to the owner of the patent of developing such invention or discovery or acquiring such patent.

(B) In determining what constitutes just compensation under subsection (a), (b), or (d) above, the Commission shall take into account the considerations set forth in paragraph (A) above, and the actual use of such invention or discovery, and may determine that such compensation be paid in periodic payments or in a lump sum.

(C) In determining the amount of any award under paragraph (2) (C) of this subsection, the Commission shall take into account the considerations set forth in paragraph (A) above, and the actual use of such invention or discovery. Awards so made may be paid by the Commission in periodic payments or in a lump sum.

(4) Judicial review: Any person aggrieved by any determination of the Commission of an award or of a reasonable royalty fee may obtain a review of such determination in the Court of Appeals for the District of Columbia by filing in such court, within 30 days after notice of such determination, a written petition praying that such determination be set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the Commission shall file with the court a certified transcript of the entire record in the proceeding, including the findings and conclusions upon which the determination was based. Upon the filing of such transcript the court shall have exclusive jurisdiction upon the record certified to it to affirm the determination in its entirety or set it aside and remand it to the Commission for further proceedings. The findings of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 240 of the Judicial Code (U. S. C., title 28, sec. 347), by the Commission or any party to the court proceeding.

GENERAL AUTHORITY

SEC. 12. (a) In the performance of its functions the Commission is authorized to—

(1) establish advisory boards to advise with and make recommendations to the Commission on legislation, policies, administration, research, and other matters;

(2) establish by regulation or order such standards and instructions to govern the possession and use of fissionable and by-product material as the Commission may deem necessary or desirable to protect health or to minimize danger from explosions and other hazards to life or property;

(3) make such studies and investigations, obtain such information, and hold such hearings as the Commission may deem necessary or proper to assist it in exercising any authority provided in this act, or in the administration or enforcement of this act, or any regulations or orders issued thereunder. For such purposes the Commission is authorized to administer oaths and affirmations, and by subpena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. No person shall be excused from complying with any requirement under this paragraph because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (U. S. C., title 49, sec. 46), shall apply with respect to any individual who specifically claims such privilege. Witnesses subpenaed under this subsection shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States;

(4) appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Commission. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1923, as amended, except that to the extent the Commission deems such action necessary to the discharge of its responsibilities, personnel may be employed and their compensation fixed without regard to such laws. The Commission shall make adequate provision for administrative review of any determination to dismiss any employee;

(5) acquire such materials, property, equipment, and facilities, establish or construct such buildings and facilities, and modify such buildings and facilities from time to time as it may deem necessary, and construct, acquire, provide, or arrange for such facilities and services (at project sites where such facilities and services are not available) for the housing, health, safety, welfare, and recreation of personnel employed by the Commission as it may deem necessary;

(6) with the consent of the agency concerned, utilize or employ the services or personnel of any Government agency or any State or local government, or voluntary or uncompensated personnel, to perform such functions on its behalf as may appear desirable;

(7) acquire, purchase, lease, and hold real and personal property as agent of and on behalf of the United States and to sell, lease, grant, and dispose of such real and personal property as provided in this act; and

(8) without regard to the provisions of the Surplus Property Act of 1944 or any other law, make such disposition as it may deem desirable of (A) radioactive materials, and (B) any other property the special disposition of which is, in the opinion of the Commission, in the interest of the national security.

(b) Security: The President may, in advance, exempt any specific action of the Commission in a particular matter from the provisions of law relating to contracts whenever he determines that such action is essential in the interest of the common defense and security.

(c) Advisory committees: The members of the General Advisory Committee established pursuant to section 2 (b) and the members of advisory boards established pursuant to subsection (a) (1) of this section may serve as such without regard to the provisions of sections 109 and 113 of the Criminal Code (18 U. S. C., secs. 198 and 203) or section 19 (e) of the Contract Settlement Act of 1944, except insofar as such sections may prohibit any such member from receiving compensation in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested.

COMPENSATION FOR PRIVATE PROPERTY ACQUIRED

SEC. 13. (a) The United States shall make just compensation for any property or interests therein taken or requisitioned pursuant to sections 5 and 11. The Commission shall determine such compensation. If the compensation so determined is unsatisfactory to the person entitled thereto, such person shall be paid 50 percent of the amount so determined, and shall be entitled to sue the United

States in the Court of Claims or in any district court of the United States in the manner provided by sections 24 (20) and 145 of the Judicial Code to recover such further sum as added to said 50 percent will make up such amount as will be just compensation.

(b) In the exercise of the rights of eminent domain and condemnation, proceedings may be instituted under the act of August 1, 1888 (U. S. C., title 40, sec. 257), or any other applicable Federal statute. Upon or after the filing of the condemnation petition, immediate possession may be taken and the property may be occupied, used, and improved for the purposes of this act, notwithstanding any other law. Real property acquired by purchase, donation, or other means of transfer may also be occupied, used, and improved for the purposes of this act, prior to approval of title by the Attorney General.

JUDICIAL REVIEW AND ADMINISTRATIVE PROCEDURE

SEC. 14. (a) Notwithstanding the provisions of section 12 of the Administrative Procedure Act (Public Law 404, 79th Cong., approved June 11, 1946) which provide when such act shall take effect, section 10 of such act (relating to judicial review) shall be applicable, upon the enactment of this act, to any agency action under the authority of this act or by any agency created by or under the provisions of this act.

(b) Except as provided in subsection (a), no provision of this act shall be held to supersede or modify the provisions of the Administrative Procedure Act.

(c) As used in this section the terms "agency action" and "agency" shall have the same meaning as is assigned to such terms in the Administrative Procedure Act.

JOINT COMMITTEE ON ATOMIC ENERGY

SEC. 15. (a) There is hereby established a Joint Committee on Atomic Energy to be composed of nine Members of the Senate to be appointed by the President of the Senate, and nine Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than five Members shall be members of the same political party.

(b) The joint committee shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. The Commission shall keep the joint committee fully and currently informed with respect to the Commission's activities. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall be referred to the joint committee. The members of the joint committee who are Members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are (1) referred to the joint committee or (2) otherwise within the jurisdiction of the joint committee.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

(d) The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The provisions of sections 102 to 104, inclusive, of the Revised Statutes shall apply in case of any failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

(e) The joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable, but the compensation so fixed shall not exceed the compensation prescribed under the Classification Act of 1923, as amended, for comparable duties. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government.

ENFORCEMENT

SEC. 16. (a) Whoever willfully violates, attempts to violate, or conspires to violate, any provision of sections 4 (b), 4 (e), 5 (a) (3), or 6 (b) shall, upon conviction thereof, be punished by a fine of not more than $10,000 or by imprisonment for not more than 5 years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by a fine of not more than $20,000 or by imprisonment for not more than 20 years, or both.

(b) Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this act other than those specified in subsection (a) and other than section 10 (b), or of any regulation or order prescribed or issued under sections 5 (b) (4), 10 (c), or 12 (a) (2), shall, upon conviction thereof, be punished by a fine of not more than $5,000 or by imprisonment for not more than 2 years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by a fine of not more than $20,000 or by imprisonment for not more than 20 years, or both.

(c) Whenever in the judgment of the Commission any person has engaged or is about to engage in any acts or practices which constitute or will constitute a volation of any provision of this act, or any regulation or order issued thereunder, it may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the Commission that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order may be granted.

(d) In case of failure or refusal to obey a subpena served upon any person pursuant to section 12 (a) (3), the district court for any district in which such person is found or resides or transacts business, upon application by the Commission, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both, in accordance with the subpena; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

REPORTS

SEC. 17. The Commission shall submit to the Congress, in January and July of each year, a report concerning the activities of the Commission. The Commission shall include in such report, and shall at such other times as it deems desirable submit to the Congress, such recommendations for additional legislation as the Commission deems necessary or desirable.

DEFINITIONS

SEC. 18. As used in this act—

(a) The term "atomic energy" shall be construed to mean all forms of energy released in the course of or as a result of nuclear fission or nuclear transformation.

(b) The term "Government agency" means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government.

(c) The term "person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, the United States or any agency thereof, any government other than the United States, any political subdivision of any such government, and any legal successor, representative, agent, or agency of the foregoing, or other entity, but shall not include the Commission or officers or employees of the Commission in the exercise of duly authorized functions.

(d) The term "United States", when used in a geographical sense, includes all Territories and possessions of the United States and the Canal Zone.

(e) The term "research and development" means theoretical analysis, exploration, and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(f) The term "equipment or device utilizing fissionable material or atomic energy" shall be construed to mean any equipment or device capable of making use of fissionable material or peculiarly adapted for making use of atomic energy and any important components by the Commission.

(g) The term "facilities for the production of fissionable material" shall be construed to mean any equipment or device capable of such production and any important component part especially designed for such equipment or devices, as determined by the Commission.

APPROPRIATIONS

SEC. 19. There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this act. The acts appropriating such sums may appropriate specified portions thereof to be accounted for upon the certification of the Commission only. Funds appropriated to the Commission shall, if obligated by contract during the fiscal year for which appropriated, remain available for expenditure for 4 years following the expiration of the fiscal year for which appropriated. After such 4-year period, the unexpended balances of appropriations shall be carried to the surplus fund and covered into the Treasury.

SEPARABILITY OF PROVISIONS

SEC. 20. If any provision of this act, or the application of such provision to any person or circumstances, is held invalid, the remainder of this act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SHORT TITLE

SEC. 21. This act may be cited as the "Atomic Energy Act of 1946."

EXECUTIVE SESSION

Mr. HILL. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. McCARRAN, from the Committee on the Judiciary:

George D. Neilson, of the District of Columbia, to be associate judge of the municipal court for the District of Columbia; and

Gerald R. Corbett, of Hawaii, to be sixth judge of the first circuit, circuit courts, Territory of Hawaii.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

UNITED STATES DISTRICT JUDGE

The legislative clerk read the nomination of Richard Seymour Rodney to be United States district judge, district of Delaware.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

OFFICE OF WAR MOBILIZATION AND RECONVERSION

The legislative clerk read the nomination of George H. Taylor, of Pennsylvania, to be a member of its advisory board (public member).

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. HILL. I ask that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

That completes the Executive Calendar.

Mr. HILL. I ask that the President be immediately notified of all nominations this day confirmed.

The PRESIDENT pro tempore. Without objection, the President will be so notified.

ADJOURNMENT TO MONDAY

Mr. HILL. As in legislative session, I move that the Senate adjourn until Monday next.

The motion was agreed to; and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until Monday, July 29, 1946, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 27 (legislative day of July 5), 1946:

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons to be Foreign Service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service of the United States of America:

John M. Kavanaugh, of Louisiana.
Stephen A. Koczak, of New Jersey.
David J. S. Manbey, of California.
David E. Mark, of New York.

OFFICE OF PRICE ADMINISTRATION

The following-named persons to be members of the Price Decontrol Board:

Roy L. Thompson, of Louisiana.
Daniel W. Bell, of the District of Columbia.
George H. Mead, of Ohio.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named candidates for appointments and promotions in the Regular Corps of the United States Public Health Service:

TO BE SENIOR ASSISTANT DENTAL SURGEONS, EFFECTIVE DATE OF OATH OF OFFICE

John W. Holt
Joseph G. Yount

SURGEONS TO BE SENIOR SURGEONS

Frank S. Fellows
Ralph B. Snavely

SENIOR DENTAL SURGEON TO BE DENTAL DIRECTOR

Daniel B. Newell

SENIOR SANITARY ENGINEERS TO BE SANITARY ENGINEER DIRECTORS

Arthur P. Miller
Frederic J. Moss
Edmund C. Sullivan
Arthur L. Dopmeyer

IN THE NAVY

The following-named officers for appointment in the United States Navy in the corps, grades, and ranks hereinafter stated:

The following-named officers to the ranks indicated in the line of the Navy:

(Asterisk (*) indicates officers to be designated for EDO and SDO subsequent to acceptance of appointment.)

TO BE LIEUTENANT COMMANDERS

*Eugene T. Aldridge
Rowland H. Groff
Leonard B. Jaudon
William C. Jennings
Chester A. Kunz

TO BE LIEUTENANTS

*Andrew M. R. Fitzsimmons
Walton B. Hinds
*Wallace H. Howe
Alexander Jackson, Jr.
Alexander Kusebauch
Sam A. Lief
William E. H. Miller
*Edgar K. Thompson
*Philip A. Walker
Ralph A. Wilhelm
John M. Wyckoff

TO BE LIEUTENANTS (JUNIOR GRADE)

*Charles L. D. Allen
*Peter Belin
*William B. Bernard
George W. Bowdey
Carl R. Bower
James S. Brown
Charles Bulfinch
*Clarence F. Clark
*Edward G. Conroy
*John M. Court
*Benjamin O. Delaney
William P. Flanagan
Frank L. Fullaway
*Lawrence W. Gunther
*John A. Gustavsen
Jack W. Hammer
*Wilfred A. Hearn
William C. Howes
John E. Johansen
Arthur R. Johnson
Phillip F. Linder
*George J. Noack
Ellsworth N. Smith
Wyndham R. Whitley
Franklyn K. Zinn

TO BE ENSIGNS

Donald L. Abbott
William H. Abney
John P. Ackerman
James H. Agles
Robert J. Agness
Michael S. Alexatos
Harry G. Alleman
Gale W. Allen
Irl J. Allison
*Dominic Amara
Donald A. Anderson
Martin J. Andrew
Zenas B. Andrews
Robert Appe
Waldo A. Atkins
James R. Bagshaw 3d
Charles L. Bailey
William F. Baker, Jr.
Louis L. Bangs
Howard C. Bardsley
Kenneth P. Barden
Norwood R. Barfield
Gordon R. Barnett
Reginald L. Barrington
Leonard F. Barton
George B. Bates, Jr.
*Edwin J. Bath
Charles B. Bauer
Thomas J. Baxter, Jr.
William C. Bayer
Garnet C. Beard
Luther G. Bearden
Thomas J. Bedford
Hubert C. Behner, Jr.
Herbert A. Behre, Jr.
James L. Bell
Jack W. Bennett
Jack Bent
John J. Berchman, Jr.
Joseph C. Berriman
Richard Beynon, Jr.
Richard N. Billings
James R. Bird
Frank J. Birkenbach
Edward J. Bisiar
Rogers L. Black
Roy Blackwood, Jr.
John A. Blair
Hulon R. Blakeney
John W. Blanton
*Thomas N. Blockwick
Casper R. Boehm
Boyd L. Booth
John R. Bowen, II
*Ralph K. Brandt
James R. Branscome
Chester A. Briggs
Rufus T. Brinn
James O. Brockman, Jr.
Bobby C. Brogoitti
Robert R. Brouillette
Russell E. Brown
William T. Brown, Jr.
Charles K. Brust, Jr.
William A. Bryant, Jr.
Wallace P. Buerschinger
Robert C. Burnett
William S. Butler
*Joseph F. Calabrese
Melvin E. Call
*William F. Callaway
Robert "H" Campbell
Daniel S. Capozzalo
Edward F. Carl
Harry T. Carmody
Edward L. Carpenter
Victor M. Cassata
Carl Chance
Robert S. Chaney
Francis J. Chester
William J. Childs
Dallis J. Christensen
Donald L. Christianson
Laurence R. Chute
John L. Clarke, Jr.
Paul K. Clausen
James W. Clemans
Carl W. Coe
George M. Cohan, Jr.
William W. Coleman
Lawrence D. Condon
Lawrence F. Cooney, Jr.
Charles W. Cooper
Thomas V. Cooper
William B. Coley
La Fay R. Corcoran
*William J. Corcoran
Howard L. Cornish
Romolo Cousins
James M. Cowart
*James H. Crawford, Jr.
Joseph E. Crawford, Jr.
Louis B. Crayton, Jr.
Albert E. Cronin, Jr.
Frank W. Crook
Thomas H. Crowe
William F. Culley
James J. Currie
*Eugene N. Curtis
Robert L. Dahllof
Joseph A. Daigle
Arthur H. Damon, Jr.
Henry H. Damus
Robert J. Danforth
Lawrence F. Danz
Harold W. Davidson
Willard H. Davidson
Clifford Deets
Jack R. De Leonardis
*Leland S. Denning
Wallace E. Derryberry
William B. Dever
*Thornwell M. Dillard
John Dooley
James W. Dowell
*Fordyce R. Downs, Jr.
Richard N. Doyle
Eugene E. Drinkwater
Derwood D. Duncan
Stanley M. Dunn
John A. D'Zamba
Jack R. Eberley
Sidney Edelman
Sam E. Edelstein, Jr.
William O. Edlun
Reginald W. Ensminger, Jr.
Ralph D. Ettinger
Floyd F. Favreau
John W. Ferrill
Thomas Fields
James W. Findling
Christian Fink
Richard Flournoy, Jr.
Robert D. Flynn
Gayle C. Foltz
David L. Forrester, Jr.
Francis M. Fox, Jr.
John P. Fox, Jr.
Bernard Frankel
Leon H. Freeman
James N. Fritze
Robert S. Frostad
Marion R. Gallagher
Arthur E. Gargas
Ronald M. Garner
Paul C. Garofalo
Warren H. Gathje
Elphege A. M. Gendreau, Jr.
Edgar L. George
Thomas R. Gibson 3d
Charles L. Gillis
*Albert S. Giorgis
William R. Glaser
Dewitt L. Glover
Theodore H. Glover
Loren D. Goetz
Maurice Goldstein
John T. Gordon
Gordon F. Gossman
Lionel J. Goulet
Martin C. Graham, Jr.
John A. Gray, Jr.
Samuel W. Green
*Albert Greenberg
El Carol V. Greenwood
Charles D. Griffin
Shade W. Griffin
George V. Gross
Joseph B. Grotts
Robert L. Hagedorn
Thomas C. Halloran
Charles F. Harding, Jr.
*James D. Hare
Fred R. Harkness
Ramey W. Harper
Daniel F. Harrington, Jr.
Cecil E. Harris
Jack H. Harrison
Robert F. Harrison
Benjamin Hashmall
Franklin C. Havens, Jr.
Cecil L. Haverty
James P. Hayes
Jack F. Heard

Le Roy A. Heath
Francis Heffernan
Jack "C" Heishman
Charles C. Henderson
John S. Herman
Harvey S. Herrick
William J. Hewitt
John T. Hickey
Charles E. Hilgel
Harry E. Hill
*Harold O. Hilmar
*William B. Hirst, Jr.
Magnus W. Hjalmarson
Trygve A. Holl
Audley W. Holmes
James L. Hooper
Frederick H. Hopp
Maurice A. Horn
John N. Horrocks, Jr.
Jasper V. Howard, Jr.
Raymond A. Hubbard
Charles W. Huffman, Jr.
John D. Hughes
Harry J. Hulings
*Frederick C. Humphreys
Deacon Hunt
John L. Hunt
Wylie M. Hunt
*Robert B. Hutchins
Will T. Hyde
*Walter G. Inman
Kay S. Irwin
William M. Irwin
Douglas J. Jackson
Ralph N. Jacobsen
Oscar F. Jarmon
Harold W. Jeffery, Jr.
Pender L. Jennings, Jr.
Clifford Johnson
Joseph F. Johnson
Lauren M. Johnson
*Robert B. Johnston
Roy S. Johnston
Edward A. Jones
*John P. Jones.
Thomas R. Jones 3d
William H. Jones
LeRoy K. Jordan
John J. Karuzas
James H. Keating
Robert A. Keil
Wilbur E. N. Keil
*Harold E. Kelley
Thomas E. Kendall, Jr.
Robert N. Kenney
Cecil D. Kephart
John R. Kersey
William H. Kildow
George A. King
Leone E. Kirk, Jr.
Walter C. Klein, Jr.
Olyce T. Knight
Fillmore G. Koenig, Jr.
Charles Koenigsberger, Jr.
Bernard J. Koetting
Raymond A. Komorowski
Maynard W. Kouns, Jr.
Ted Krakover
Walter C. Kuerten
Robert E. Kuntz
William B. Kuriak
*Hyman N. Laden
William M. Lambert
*Norman G. Lancaster
Joe R. Landrum
Joseph H. Lang
Newell N. Langford
Lloyd P. La Plant
Bernard L. Lariscy
Robert J. Laughton
James W. Lawrence
William E. Le Clere
Merrel Lemons
John G. Leonard
Allen L. Lewis
John B. Lewis, Jr.
Meriwether F. Lewis
Kenneth E. Lindley
Robert T. Logan
William H. Long
Vincenzo Lopresti
*Andrew J. Lovas, Jr.
Jack L. Lowentrout
Howard R. Lund
Donald A. MacGillivray
Gordon C. MacKenzie
Oscar S. Maddox
Frederick L. Maier
William B. Manning, Jr.
Orville R. Marett
Joseph R. Martin
Leo B. Marx, Jr.
Clarence W. Masonheimer
Rudolph W. Matz
George T. Maxwell
Joseph K. Maxwell
John F. McCallum, Jr.
Kendall C. McCallum
Louis E. McConnell
Charles H. McCrary
Theodore J. McCullough
Jonh C. McCutchen 2d
Frank B. McDonald, Jr.
William E. McDonald
John C. McDonnell
Robert E. McElwee
Daniel McGee, Jr.
*Robert E. McHenry
Francis W. McInerny
David A. McKee
Martin S. McKeil
Charles E. McKinley
Bernard McLaughlin
John J. McMenamin
Leo D. McMillan, Jr.
Joseph McNaughton
John B. Meehan
David A. Merrill
Carl R. Merritt
Max A. Michael, Jr.
Robert A. Middleton
Harvey W. Miller
Orville H. Miller
Ralph B. Mills, Jr.
Richard H. Mills
William P. Mills
Morris E. Mitchell
*William B. Mitchell
Robert E. Molloy
Ralph F. Monger
Albert L. Moore
Richard M. Moore
William B. Moore
William H. Morgan, Jr.
Lloyd C. Morse
Carl W. Moses
Brockenbrough Mott
George S. Mullen
Henry M. Murphey
Vincent L. Murtha
Charles A. Myhre
Ned Naffah
James S. Neander
Dugald T. Neill
William M. Nelson
James A. Nervine
Ralph E. Newberry
Daniel D. Newton
John H. Newton, Jr.
Herbert H. Niehaus
Reed H. Nielson
Joseph F. Norris
Ralph E. Nuttall
*Robert F. Nuttman
George T. O'Brien
Richard F. O'Brien
Remi C. O'Conner
Thomas F. Oehrlein
John R. Oest
Neil I. C. Ohnstad
Warren W. Okkerse
Quentin F. Olberding
Frederick W. Oliver
Thomas F. O'Loughlin, Jr.
Edwin F. Orr
John K. Ostermiller
Charles L. Otti
Walter M. Ousey
James P. Oxley, Jr.
John L. Oyer
William H. Pahl, Jr.
John G. Palmer
John D. B. Pamp
James T. Parady
John J. Parish
Robert C. Parker
*John L. Paseur
Charles H. Paske, Jr.
Ernest H. Patterson
William C. Patterson, Jr.
Leonard F. Penitsch
"J" "W" Perkins, Jr.
Maurice M. Perrine
Joe R. Perry
Charles E. Peterson
Thomas S. Pettigrew
*Bryce W. Phillips
John J. Phillips
*Robert P. Pierson
Lalonde M. Pinne
*Leonard Pinzow
Clement J. Pohl
Edward M. Porter
Paul J. Post
Jerry K. Pounders
Francis P. Powers
Arthur W. Price, Jr.
*Wilson G. Puryear
Earl B. Putnam
Thomas D. Quinn
Carl V. Ragsdale
Lawrence M. Rayburn
Robert G. Read
Marvin W. Recknor
George P. Reed
Joseph R. Rees
Charles A. Reich
John J. Reidy, Jr.
Russell L. Reiserer
John C. Remsberg
*Russell C. Rice
Walter W. Rickett
Edward A. Riley
Charles C. Roberts, Jr.
Charles R. Robertson
Michael F. Rogus
Frank M. Romanick
Edward C. Rossi
Paul Roth
Edwin J. Rupp
John P. Rusche
John E. Ruzic
George C. Ryan
Stanley Ryder
Ulderico E. Sacco
Robert J. Sadler
Kenneth M. Sandon
James A. Sattler
Royal C. Schendel
Harry E. Schmidt
Frank J. Schneider, Jr.
Joseph M. Schneiders
Clarence W. Schultz, Jr.
George M. Schwartze
Alvin J. Schweiger
Kenneth E. Schweiger
John L. Scripp 3d
Ferrell D. Sears
Louis D. Segal
George C. Selby
Robert E. Sharrai
Robert S. Sherman
Louis M. Shine, Jr.
Lloyd L. Shonkwiler
Victor J. Sibert
Paul J. Siegel
James I. Simmons
Keith B. Simpson
Robert E. Sink
*Robert H. Slaughter, Jr.
Charles H. Slayman
Barclay W. Smith
Bruce Smithee
Carlos R. Soffe
Paul H. Speltz
David Spirt
Bernice G. Stamps
Robert F. Stamps
Robert F. Steed
Robert P. Steen
Jules V. H. Steinhauer
James M. Stevens
James A. Stewart
John E. Stewart
Irving C. Stiles
Glenn C. Stock
Wallace R. Stockard
Kenneth A. Story
Orville L. Story, Jr.
Eugene A. Strom
Charles R. Strong
Eugene R. Stroup
Peter M. Stroux
James C. Sullivan, Jr.
Joseph W. Sullivan
Kieran P. Sullivan
Ralph N. Sutton
*Charles B. Swayne
Donald C. Tabb
Harvey A. Taylor, Jr.
Robert L. Temme
Joseph R. Tenanty
Gene C. Tenold
Ralph "B" Terrill
Marshall M. Thomas, Jr.
Ross J. Thomas
William F. Thompson
Harhy S. Thorington
Kenneth L. Throckmorton
Otto D. Tiderman
Ben E. Titus, Jr.
Leif Tollefson
Martin V. Townsend
Robert E. Trapeur
Edward M. Tremper
Robert J. Tribble
Thomas A. Turner
William H. Turner, Jr.
Giles C. Upshur, Jr.
*Charles F. Vance
Wallace V. Van Pelt
Vincent R. Vayo
*"J" R. Verbrycke 3d
Albert W. Vittek
John D. Von Der Heide
John A. Wade
Clyde F. Wahl
Robert G. Wallace
Charles W. Ward
Richard D. Warner
James R. Wasdin
James F. Weatherly
George H. G. Webster
Edwin G. Wedding
*Arnim M. Weiss
John D. Welsh
Earle L. West
*James E. Whatton
Robert H. Wheeler
Robert E. Whelan
Harlowe M. White
Richard H. White
Douglas L. Whittemore
Samuel R. Wideberg
*Daniel B. Wilder, Jr.
James C. Wilkins
Donald W. Wilkinson
Clyde A. Williams
John C. Williams
*Warrington R. Willis
George Wilson
Elmer A. Wingfield
Robert V. Winkler
Kipling W. Wise
Jerome L. Wolf, Jr.
Roger A. Wolf
Joseph P. Wood
Robert D. Wood
Clyde A. Wright
Charles L. Wyman
William A. Yeaw
Elmer W. Ylitalo
Lynn L. Youmans
William B. Young
Julius J. Yutkus
Anthony M. Ziemba

The following-named officers to the grade and ranks indicated in the Medical Corps of the Navy:

TO BE SURGEONS WITH THE RANK OF LIEUTENANT COMMANDER

James S. Brown, Jr.
John W. Deyton
Marion T. Rosser
Chester "H" Warfield

TO BE PASSED ASSISTANT SURGEONS WITH THE RANK OF LIEUTENANT

Albert G. Gibbs
Ferold "D" Lovejoy

TO BE ASSISTANT SURGEONS WITH THE RANK OF LIEUTENANT (JUNIOR GRADE)

John B. Batko
Benjamin P. Bell
Robert L. Burdick
Herbert A. Hamel
Charles A. Lippincott
Jack M. Matthews
Robert H. Morrison
Charles B. Skinner
Dwight R. Wood

The following-named officers to the grades and ranks indicated in the Supply Corps of the Navy:

TO BE PASSED ASSISTANT PAYMASTERS WITH THE RANK OF LIEUTENANT

Woodbury S. Adams
Delmar R. Capell
Lionel C. Peppell

TO BE ASSISTANT PAYMASTERS WITH THE RANK OF LIEUTENANT (JUNIOR GRADE)

Richard E. S. Adams
Chester W. Beaman
Carlton R. Eagle, Jr.
William A. Evans
Curtis J. Lee
Glen C. Moore
William C. Morrison, Jr.
Todd H. Neel
Chester W. Utterback
James N. Witherell

TO BE ASSISTANT PAYMASTERS WITH THE RANK OF ENSIGN

Henry M. Amlin
James H. Ard
Vaughn O. Balcom
Clyde C. Barnhard
Henry S. Bergtholdt
Grover F. Blankinship, Jr.
Oscar R. Blanton
Dean L. Blake
William L. Blumling
John M. Breen
Frank W. Cerny
Franklyn L. Clark
George F. Clark
Walter H. Coupe
Wilbert G. Debrunner
Charles R. Disharoon
Mack A. Dick
Charles W. Eskey
Lloyd R. Everingham
Francis W. Folger
George S. Foster, Jr.
John J. Fox
William E. Gibson
Franklin W. Graves
John Grimes
Irving Grodstein
Roy E. Gustafson
William N. Haddock
Maurice E. Hair
George K. Hamilton
Richard C. Hammond
Carlos H. Handforth, Jr.
Cornelius K. Hannigan
Frank O. Hanson
Frederick D. Harrison
James E. Harvey, Jr.
Milton S. Haugen
Wayne S. Henderson
John C. Herron
James E. Hickey
Roger E. Hill
Richard H. Hoster
Michael Hubona
Leon H. Hughes, Jr.
Frank R. Jillson
Carl E. Johnson
Stephen L. Kasprzak
Lawrence H. Kenyon
William B. Kerfoot
Carl J. Klecotka
Carl E. Lamzik
Buel F. Lanpher, Jr.
Phillip D. Larson
Raymond F. Leary
Leo C. Lemire
Alger L. Loving
Clyde E. Maddock
William G. McWilliams
John D. McPherson
John E. Mooney
Jack J. Moore
Vincent P. Moore
Frank M. Morton, Jr.
Robert J. Murrin
Browder G. Nelson
Cecil E. Olson
Eugene A. Phillips
Robert H. Pilkinton
John Reid
Ellsworth E. Richards
Carl J. Roberts
Leo W. Roberts
John T. Robison
Phillip A. Rollings
James H. Roper
Edgar S. Rothrock
LeRoy M. Scott
Leonard E. Shea
Robert C. Simmerman
Dale F. Sloan
Jay A. Slover
Ira Smith, Jr.
Joseph H. Steveley
Lester L. Stevens
Robert W. Stewart
Stanley F. Stress
Robert G. Swanson
Sigurd E. Swenson
Russell C. Thurrott
Carlos L. Tolleson
Hale N. Tongren
Henry F. Trione
Lennus "B" Urquhart
Gordon K. Valentine
Edward D. Verell
Elmert E. Watkins, Jr.
James L. Willeas
John P. Wolfe
Robert H. Woodcock

The following-named officers to the grades and ranks indicated in the Civil Engineer Corps of the Navy:

TO BE ASSISTANT CIVIL ENGINEERS WITH THE RANK OF LIEUTENANT COMMANDER

Arthur C. Eberhard
Kenneth A. Godwin
Eigil L. Hansen

TO BE ASSISTANT CIVIL ENGINEER WITH THE RANK OF LIEUTENANT

Julian W. Silliman

TO BE ASSISTANT CIVIL ENGINEERS WITH THE RANK OF LIEUTENANT (JUNIOR GRADE)

John M. Bannister
Henry C. Besman
James C. Castanes
Howard F. Curren
John A. Dougherty
Garland M. Inscoe
Richard O. Jones
Francis B. Kelly
Jack J. McGaraghan
Thomas J. Padden, Jr.
Francis T. Pritchard
David E. Rogers
John C. Sease
Robert E. Sparks
Harrison F. Thrapp
Zbyszko C. Trzyna
William J. Valentine
Jack A. Woy
Jesse S. Zimmerman

The following-named officers to the grade and rank indicated in the Dental Corps of the Navy:

TO BE ASSISTANT DENTAL SURGEONS WITH THE RANK OF LIEUTENANT (JUNIOR GRADE)

Kenneth K. Bridge
Edward H. Faget
Henry H. Hall
Francis W. Hughes
Venard R. Jackson
DeLos R. Kervin
Eugene J. Kops
Winston H. Linnert
Donald J. Miller
Norman R. Oliver
Hubert A. Renden
William N. Solle

The following-named officers to the rank of commissioned warrant officer in the Navy in the grades indicated:

TO BE CHIEF BOATSWAINS

Harvey S. Allen
Eugene Ambroziak
Francis C. Averill
Richard K. Barley
Joy W. Beezley
Wendell E. Biggerstaff
Harry A. Bisonet
Marion L. Bohgren
William J. Bryan
William H. Campbell
Homer W. Chellew
Anthony S. Ciccone
William T. Davern
Vernon E. Decker
Arthur W. Fowler
Ralph E. Fowler
Richard H. Fredericks
William W. Goodall
Frederick F. Guertin
George H. Hallyburton
Joseph K. Hawkins
"J" "D" Hill
Martin A. Kasworn
Martin J. Krenn
Theodore E. Krueger
Salvatore A. Luppino
Fletcher A. Manning
George P. Miller
Ralph L. Moller
Albert E. Nelson
William B. Patterson
Ralph N. Pickles
Herschel S. Preston
Milton R. Pristach
James N. Ray
George E. Saunders
Ralph L. Schooling
Clarence Sheets
Marvin E. Sholar
Wesley H. Singletary
Charles F. Spurrier
Lloyd V. Sternberg
James "M" Taulbee
Raymond V. Wishmeyer

TO BE CHIEF GUNNER

Murray L. Blade

TO BE CHIEF TORPEDOMEN

John F. Bostic
Hugh B. Crain
Tribble J. Dicks
Joseph O. N. Gagnon
John S. Gibson, Jr.
Paul S. Hurry
John C. Ludington
Thomas W. Marks
Orvis A. Martin
John C. Melin
Norman A. Snook
Willis G. Snyder
Leslie Thompson

TO BE CHIEF RADIO ELECTRICIANS

Samuel B. Arnold
Clay W. Bailey
Paul J. Bartko
James H. Beer
Clifford L. Borden
Marvin K. Bowman
Waldo S. Cates
Jack G. Churchill
Luis A. Dasso
Roger E. Dickeson
Roy E. Dunham
John W. C. Edmonds
Glenn E. Evans
Harry F. Grace
Karl C. Gresowski
Arthur H. Griffiths
Henry Hart
Jonas W. Harr
John E. Haskin
Claude J. Hinds, Jr.
Wayne T. Huggett
Neal H. Kane
Carl B. Klombies
Edward C. Lashus
Robert E. Mansard
Ralph A. Martin
Riley P. Maxwell
Bernard A. Middleton
Alonzo R. Moeller
John E. Nichols
Kenneth R. Norton
John C. Partch
LeRoy Perkins
William S. Ragain
George E. Riddle
Fred C. Rupprecht
Peter H. Sandifer
Walter E. Scott
Patrick A. Sisson
James A. Smith
John W. Sotak
Will L. Stalnaker
Orrin W. Sterken, Jr.
Clarence P. Taylor
Howard H. Troup
Charles A. Walruff
John P. Ward
Boyce S. Webb
Leonard H. Werner
Theodore J. Wildman
Richard F. Wills
Milton R. Woodworth

TO BE CHIEF MACHINISTS

Benjamin F. Allen
Mortz N. Andrewsen
Thomas L. Bain
Bernard W. Bartlett
Malcolm J. Booker
Harold W. Brambiett
Carlton E. Burgess
Eugene Cash
Charles M. Chappelle
Ralph M. Collins
Earnest W. Daniels
Carl B. Ditto
Arthur F. Doty, Jr.
Clinton R. Kidder
Van M. Kinney
William W. Levin
John I. Lynch
John W. Macaulay, Jr.
Donald A. McCoy
Herman R. McKinney
John D. Mitchell, Jr.
Alexander Niblock
Elmer L. Owens, Jr.
George Patterson
Michael Perdok
Carl E. Radcliffe
Chesley W. Richey
Oscar E. Robinson
Joseph W. Robinson
Holland A. Russell
Robert I. Schultz
Carl L. Skaggs

TO BE CHIEF SHIPS CLERK

Harold S. Brown
George T. Charlesworth
Anton A. Cico
Lyle B. Fox
David D. Hamilton
James B. Hudson
John W Martin
Frank C. Nail
Paul E. Rickey
Richard A. Swarts
Joseph J. Wojcik

TO BE CHIEF AEROGRAPHERS

Bloxham S. Brigman
Frederick A. Earle
William R. Green
Daniel E. Johns
Francis C. Kilmer
Everette G. Lewis
William N. Livingston
Warren L. Price
John Van Domelen
Everest A. Whited
William L. Wise

TO BE CHIEF PHOTOGRAPHERS

Morrow J. Allen
Ralph E. Baker
Robert E. Barnstead
Harold B. Bradley
Oren K. Calhoun
Perry C. Cofield
Elmer S. Cornwell
Leigh E. Driskill
Aubrey R. Gardner
Eiot J. Hairr
Arvel Heath
Fredrick G. Hewitt
Delbert C. Newhouse
Everett E. Pierce
Galen W. Richardson
Kenneth W. Scott
Bernard Singer
Clinton F. Stuart
Ray L. Tomlinson
Robert R. Wagner
Nicholas N. White

POSTMASTERS

The following-named persons to be postmasters:

ARIZONA

James E. Collins, Sr., Marna, Ariz., in place of Nellie Moss, resigned.

CALIFORNIA

Jean Alexander, Imperial Beach, Calif., in place of E. C. Disinger, retired.

Baird B. Coffin, Laguna Beach, Calif., in place of A. E. Purpus, resigned.

Roy W. Williams, Redwood Valley, Calif. Office became Presidential July 1, 1946.

Urho C. Panttaja, Reedley, Calif., in place of J. H. Fairweather, deceased.

Harold B. James, Rionido, Calif., in place of M. E. Laughlin, resigned.

Margaret F. Fluker, San Ardo, Calif., in place of L. L. Kahl, resigned.

FLORIDA

Lova B. Barrier, Lake Helen, Fla., in place of J. B. McGill, deceased.

GEORGIA

Bernys W. Peters, Nashville, Ga., in place of J. D. Holland, retired.

ILLINOIS

Paul D. Schenck, Gifford, Ill. Office became Presidential July 1, 1946.

INDIANA

Carl C. King, Nabb, Ind., in place of C. W. Evans, resigned.

KANSAS

Lee S. VanMeter, Ada, Kans. Office became Presidential July 1, 1946.

Joe Wierenga, Cawker City, Kans., in place of Henry Burden, deceased.

Anna L. Chappell, Monument, Kans. Office became Presidential July 1, 1946.

Clara Blake, Oakhill, Kans. Office became Presidential July 1, 1946.

KENTUCKY

Jane D. Miller, Harned, Ky., in place of V. F. Payne, retired.

MARYLAND

Clara L. Liddell, Colora, Md., in place of E. J. Wilson, deceased.

MINNESOTA

Ralph F. Gorenflo, Cass Lake, Minn., in place of A. L. Wood, failed to qualify.

Earl L. Dibb, Lester Prairie, Minn., in place of L. G. Schmalz, deceased.

Walter F. Groenveld, Pease, Minn. Office became Presidential July 1, 1946.

MISSISSIPPI

Harvey D. Wooten, Nesbitt, Miss., in place of T. D. Buntin, resigned.

MISSOURI

Cue W. Butler, Blue Eye, Mo. Office became Presidential July 1, 1946.

MONTANA

Joseph E. Parker, Butte, Mont., in place of F. X. Monaghan, removed.

NEW JERSEY

Naomi P. Maurer, New Gretna, N. J., in place of M. S. Leek, retired.

NEW YORK

Louise D. Van Wagonen, Bearsville, N. Y. Office became Presidential July 1, 1945.

NORTH CAROLINA

Ethel B. Brinson, Arapahoe, N. C. Office became Presidential July 1, 1946.

Elizabeth W. Settle, Cordova, N. C. Office became Presidential July 1, 1944.

Joe P. McLeod, Pisgah Forest, N. C., in place of D. E. Edwards, transferred.

James R. Nelson, Prospect Hill, N. C. Office became Presidential July 1, 1946.

Jennie S. Marks, Tillery, N. C. Office became Presidential July 1, 1946.

Thurber G. Dickinson, Wrightsville Beach, N. C., in place of H. C. Johnson, resigned.

NORTH DAKOTA

Clarence C. Brudeseth, Hamar, N. Dak. Office became Presidential July 1, 1946.

William A. Krogh, Kloten, N. Dak. Office became Presidential July 1, 1946.

Helen Morton, Manning, N. Dak. Office became Presidential July 1, 1946.

Lutie T. Breeling, Ross, N. Dak. Office became Presidential July 1, 1946.

OHIO

Mabel F. Robinson, South Park, Ohio. Office became Presidential July 1, 1945.

OKLAHOMA

James H. Hughes, Dill City, Okla., in place of V. R. Self, resigned.

Elmen D. Hughes, Logan, Okla., in place of C. R. McNerlin, transferred.

PENNSYLVANIA

Jessie M. Breame, Jeanesville, Pa., in place of W. T. Rowland, deceased.

Lena Cosner, Newell, Pa., in place of G. E. Sweitzer, resigned.

Violet Arner, Parryville, Pa. Office became Presidential July 1, 1946.

Charles Gretzinger, Trumbauersville, Pa., in place of P. C. Fermier, resigned.

PUERTO RICO

Higinia F. Matos, Loiza, P. R. Office became Presidential July 1, 1946.

TENNESSEE

Woodrow W. Gossett, Holladay, Tenn. Office became Presidential July 1, 1944.

Maude E. Pemberton, Lancing, Tenn., in place of R. B. Quinn, transferred.

TEXAS

Jane Elizabeth Ball, Elmendorf, Tex. Office became Presidential July 1, 1946.

UTAH

Vernon Perkes, Hyde Park, Utah. Office became Presidential July 1, 1946.

Joseph R. Tuddenham, Newton, Utah. Office became Presidential July 1, 1946.

VIRGINIA

Pansy B. Snyder, Lackey, Va., in place of L. O. Powell, Jr., resigned.

WEST VIRGINIA

Carl A. Lyon, Hepzibah, W. Va., in place of A. G. Kellison, resigned.

Elsie Williamson, Milburn, W. Va. Office became Presidential July 1, 1945.

Rosebelle T. Jarrell, Naoma, W. Va. Office became Presidential July 1, 1945.

Harry C. Livesay, Williamsburg, W. Va. Office became Presidential July 1, 1946.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 27 (legislative day of July 5), 1946:

UNITED STATES DISTRICT JUDGE

Richard Seymour Rodney to be United States district judge for the district of Delaware.

OFFICE OF WAR MOBILIZATION AND RECONVERSION

George H. Taylor to be a member of its advisory board (public member), Office of War Mobilization and Reconversion.

IN THE MARINE CORPS

APPOINTMENTS IN THE UNITED STATES MARINE CORPS

To be captain

Rathvon M. Tompkins

To be first lieutenant

Theodore M. Sheffield

To be second lieutenants

Emanuel R. Amann	Lester G. Harmon
Charles B. Armstrong, Jr.	Henry Hart
	Arden O. Hinderaker
Wade W. Atkins	Wilmer W. Hixson
William L. Atwater, Jr.	Joseph J. Holicky
Webster J. Bachelot, Jr.	Fred C. Houser
William E. Barber	Thomas H. Hughes
William L. Batchelor	Barney D. Jones
George Bezbezian	George P. Jones
Joseph L. Boll	Harold O. Jones
Raymond N. Bowman	Harold F. Keller
John R. Brodrick	Robert J. Larsen
Williams P. Brown	John LeMay, Jr.
Ronald L. Bruce	Ralph E. Lower
Jack D. Burton	William R. Lucas
Alfred G. Carlson	Fletcher B. Maddox
Harry D. Carrubba	Mildridge E. Mangum
Junior B. Clark	John M. McLaurin, Jr.
Guy Maurice Cloud	Henry D. Menzies
Denton P. Clyde	Frank J. Michel
Herschel G. Connell	Jack A. Miller
Leon H. Copeland	Vivian M. Moses
William H. Costello	John W. Murphy
Richard W. Crispen	Glenn W. Nelson
Adlin P. Daigle	Charles M. Nettles
Jefferson A. Davis, Jr.	LaVern J. Oltmer
Harry C. Dees	Walter E. Ottmer
Antonio E. deGrassi	William M. Peek, Jr.
Merritt J. DesVoigne	Donald G. Petersen
Frank L. Dixon, Jr.	Mervin B. Porter
Ivan A. Dorey	J. Bruce Powers
Dewey F. Durnford, Jr.	Eugene L. Reinstein
Elmo S. Falzarano	James F. Roberts
Golden L. Faris	Gene Robertson
John J. Fischer	Fred B. Rogers
Joseph R. Fisher	Thomas J. Ross
Paul G. Graham	Carroll D. Rowe
David W. Graybeal	Vincent A. Rutherford
Thomas A. Gribbin 2d	Angelo J. Sammartino
James A. Sawyer	Robert C. Evans
Benjamin B. Selvitelle, Jr.	Ernest P. Freeman, Jr.
	David P. Graf
Richard K. Sheridan	Jack R. Grey
Emmett W. Skinner, Jr.	Willis L. Gore
	Malcolm C. Hagan
Ardath C. Smith	William A. Harper
Leland R. Smith	William F. Harrell
Edward P. Stamford	Robert G. Hayton
Earnest H. Stone, Jr.	Wesley W. Hazlett
Harry D. Stott	Alvin T. Hess
Frank L. Stranieri	James D. Hill
William T. Taylor, Jr.	John Hockman
Lawrence C. Switzer, Jr.	Roy J. Irwin
	John J. Jarvis, Jr.
David W. Thomson	Philip W. Kelly
Marion G. Truesdale	Roy J. Leite, Jr.
Charles A. Turpin	William R. Lobell
Gerald A. Valeske	Kenneth A. Matheson
John W. Walker	Samuel "I" McElhoes
William M. Watkins, Jr.	Perry P. McRobert
	Eugene W. Meyer
Don E. Wegley	Dan L. Mills
Norman C. Wiley	James G. Moffat
Dwain Wise	Paul R. Nugent
George P. Wolf, Jr.	Thomas J. O'Mahoney
Richard M. Woodard	Richard H. Peacock
Robert E. Young	David D. Peppin
Nicholas Zabitchuck	Raymond H. W. Pett
William R. Affleck, Jr.	John T. Prichard, Jr.
William C. Airheart	Leonard D. Reid
Robert W. Allen	Robert V. Reilly
Lonnie P. Baites	Gerald F. Schultz
Thomas C. Billings	Frederick P. Schweitheim
Harry J. Blackwelder	
Ralph E. Bowen	Gene P. Scott
Charles H. Bradley 3d	Leroy A. Seipp
Martin Capages	Beryl B. Sessions
Walter E. Carr	William E. Shea
Henry N. Carrier, Jr.	Marvin R. Stout
George M. Carter	Walter E. Sullivan, Jr.
William G. Carter	Justin C. Tobias
Benjamin E. Cole 3d	Dwight W. Trowbridge
Ralph D. Coplan	Raymond L. Valente
Robert D. Cullison	William G. "G" Van-Buskirk
Leslie L. Davenport	
Raymond R. Davis	Leo G. Wears
Thomas B. Dewett, Jr.	Alexander Wilson
Joseph DiFrank, Jr.	Raymond M. Windon
John F. Driftmier	Robert D. Winn
William R. Duncan	William T. Witt, Jr.
Stanley G. Dunwiddie, Jr.	Harry R. Wortham

HOUSE OF REPRESENTATIVES

SATURDAY, JULY 27, 1946

The House met at 11 o'clock a. m.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou who art the same yesterday, today, and forever, and the one sovereign and abiding certainty in the midst of the mutations of time, we pray that our minds and hearts may be animated and aglow with a greater faith in Thee in order that we may find ourselves and the secret of joy and hope.

Grant that in these troublous days, when life for so many is beset with heavy burdens, beshadowed with sorrow, and even the love of God seems to be a fiction, we may be men of light and of learning, of heroic fortitude and daring devotion, whom Thou art using to inspire and encourage the soul of humanity with a glorious vision of a new and better world.

May the day that we are longing and laboring for be that day of prophetic revelation when all the chasms that divide mankind shall be bridges by friendship and good will and the kingdom of this earth shall be the kingdom of our Lord and Saviour. Help us to bear testimony to our citizenship in that kingdom by our love for Thee and our love for our fellow men.

Hear us in the name of the King of Kings. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 163. Concurrent resolution authorizing the printing of a revised edition of the Biographical Directory of the American Congress up to and including the Eightieth Congress.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 1362. An act to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the bills of the Senate of the following titles:

S. 115. An act to modify sections 4 and 20 of the Permanent Appropriation Repeal Act, 1934, with reference to certain funds collected in connection with the operation of Indian Service irrigation projects, and for other purposes;

S. 223. An act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia;

S. 1547. An act to provide for the disposition of vessels, trophies, relics, and material of historical interest by the Secretary of the Navy, and for other purposes;

S. 1917. An act to enact certain provisions now included in the Naval Appropriation Act, 1946, and for other purposes;

S. 2177. An act to provide for increased efficiency in the legislative branch of the Government; and

S. 2210. An act to provide for the return of certain securities to the Philippine Commonwealth Government.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 783) entitled "An act for the relief of Karl E. Bond," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. O'DANIEL, Mr. KILGORE, and Mr. WHERRY to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3748) entitled "An act to amend an act entitled 'An act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal,' approved May 29, 1944."

The message also announced that the Senate agrees to the reports of the com-

mittees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the Senate of the following titles:

S. 78. An act for the relief of the estate of William Edward Oates; and

S. 1717. An act for the development and control of atomic energy.

CALL OF THE HOUSE

Mr. WILSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. SIKES. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll Call No. 240]

Adams	Engel, Mich.	Miller, Calif.
Allen, La.	Fellows	Monroney
Almond	Fernandez	Morgan
Anderson, Calif.	Fogarty	Morrison
Bailey	Folger	Mundt
Baldwin, Md.	Fuller	Murray, Tenn.
Baldwin, N. Y.	Gallagher	Norton
Barrett, Pa.	Gary	O'Konski
Barry	Gathings	Pace
Bates, Ky.	Gillespie	Patman
Bates, Mass.	Gossett	Patrick
Beall	Granahan	Peterson, Ga.
Beckworth	Green	Pfeifer
Bell	Gwinn, N. Y	Philbin
Bender	Halleck	Ploeser
Bennet, N. Y.	Hancock	Powell
Blackney	Hare	Priest
Boren	Hart	Rabin
Boykin	Hartley	Rayfiel
Bradley, Mich.	Hays	Reece, Tenn.
Brehm	Hébert	Rees, Kans.
Brooks	Heffernan	Rivers
Brumbaugh	Hendricks	Rizley
Bryson	Hess	Robertson, N. Dak.
Buckley	Hill	Robertson, Va.
Buffett	Hoffman, Pa.	Robinson, Utah
Bunker	Holifield	Robsion, Ky.
Butler	Hope	Rockwell
Cannon, Fla.	Horan	Roe, N. Y.
Cannon, Mo.	Izac	Rooney
Carlson	Jennings	Rowan
Case, S. Dak.	Johnson, Calif.	Russell
Celler	Johnson, Tex.	Ryter
Clark	Keefe	Sheridan
Clippinger	Kefauver	Short
Cochran	Keogh	Slaughter
Coffee	Kerr	Somers, N. Y.
Cole, Kans.	Kilburn	Sparkman
Cole, N. Y.	Kilday	Spence
Combs	Kinzer	Starkey
Cooper	Klein	Stewart
Courtney	Landis	Stigler
Cox	Lane	Stockman
Cravens	Latham	Sumner, Ill.
Crawford	Lesinski	Tarver
Curley	Ludlow	Thomas, N. J.
Daughton, Va.	Lynch	Tolan
Davis	McDonough	Torrens
Dawson	McGehee	Traynor
De Lacey	McGlinchey	Wasielewski
Delaney, James J.	McKenzie	Weaver
	McMillan, S. C.	Welch
Delaney, John J.	Mahon	West
Dingell	Maloney	Whitten
Dolliver	Mankin	Wickersham
Domengeaux	Mansfield, Mont.	Winter
Earthman	Mansfield, Tex.	Wolfenden, Pa.
Eaton	Marcantonio	Wood
Elsaesser	May	Woodhouse
Elston	Merrow	

The SPEAKER pro tempore (Mr. McCORMACK). On this roll call, 254 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PARLIAMENTARY INQUIRY

Mr. RICH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICH. Mr. Speaker, the present occupant of the chair yesterday asked the Speaker for unanimous consent for the Speaker to recognize Members to call up certain legislation under suspension of the rules. Can the majority leader give us a list of the bills that are going to be presented to the House today before they are brought up here and the unanimous-consent request is made?

The SPEAKER pro tempore. The present occupant of the chair yesterday enumerated certain bills that he would recommend the Speaker recognize Members to call up for consideration under suspension of the rules. The Speaker, of course, is the one to recognize Members to call up bills under suspension. The present occupant of the chair would prefer that the gentleman from Pennsylvania withhold his inquiry as to what bills may be brought up under suspension today until the Speaker returns. The gentleman from Pennsylvania, of course, realizes from the practical angle the difficulty of advising Members the day before as to what bills will be brought up by the unanimous-consent method.

Mr. RICH. Mr. Speaker, we appropriated over $450,000,000 yesterday, which is a lot of money, and I do not know where you are going to get it, and I do not think anybody else does either. We ought to know something about this before we legislate in this manner. It is not right.

The SPEAKER pro tempore. The Chair was trying to frankly advise the gentleman from Pennsylvania in connection with his inquiry. Of course, it is not the Chair's purpose to get into an argument with the gentleman.

Mr. RICH. I appreciate that, Mr. Speaker, but I did not get any information.

ASSISTANT SECRETARIES OF AGRICULTURE

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 5757) to establish two additional offices of Assistant Secretaries of Agriculture, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia.

Mr. MARTIN of Massachusettes. Mr. Speaker, reserving the right to object, will the gentleman explain the need for this legislation?

Mr. FLANNAGAN. I will say to the distinguished minority leader that the Department of Agriculture was created in 1889 with a Secretary and an Assistant Secretary. It ran on until 1934, I think it was, when an Under Secretary was provided. Since then the duties of the Secretary have greatly increased. There have been added to his duties Soil Conservation, the Agricultural Adjustment Act, Rural Electrification, Commodity Credit Corporation, Farm Security Administration, the Farm Credit Administration, and other agencies, and he finds that it is necessary for him to have these two additional top policy-making assistants. We held hearings on the bill, and I think the Department made out a splendid case.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. SMITH of Ohio. I object, Mr. Speaker.

Mr. FLANNAGAN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 5757) to establish two additional offices of Assistant Secretaries of Agriculture, and for other purposes.

The SPEAKER pro tempore. The present occupant of the Chair will not recognize the gentleman from Virginia for that purpose.

Mr. FLANNAGAN. Mr. Speaker, as I understood it was agreeable with the Speaker and the majority leader that if objection was made, that we could ask for suspension of the rules.

The SPEAKER pro tempore. The present occupant of the Chair has no recollection of the latter observation made by the gentleman from Virginia, and the present occupant of the Chair suggests that the gentleman withhold his motion until the Speaker returns.

AGRICULTURAL ADJUSTMENT ACT

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6303) to amend the provisions of the Agricultural Adjustment Act relating to marketing agreements and orders.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. HERTER. Mr. Speaker, reserving the right to object, it is my understanding that this bill, as amended, eliminates section 4 from the bill.

Mr. FLANNAGAN. That is correct.

Mr. HERTER. Is my understanding further correct that in the event section 4 should be reinstated by another body, that that matter will not be brought before us again?

Mr. FLANNAGAN. I can give the gentleman from Massachusetts that assurance.

Mr. RICH. Mr. Speaker, further reserving the right to object, I would like to know what commodity it deals with.

Mr. FLANNAGAN. It amends what is known as the Marketing Agreement Act. Under the present law, for instance, farmers who are operating under a marketing agreement that has been set up and established, if the price of that commodity goes above the parity price, the marketing agreement immediately becomes inoperative, and the farmers are left without the benefit of the agreement. There is simply no sense in parity figuring in whether the agreement will be operative or inoperative. That is the principal change that will be made. It does take care of some of the nut people out in California in that it would place certain nuts under the act.

Mr. SMITH of Ohio. Reserving the right to object, Mr. Speaker, I cannot tell from that explanation what this bill means.

Mr. PHILLIPS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentleman from California.

Mr. PHILLIPS. This bill makes no change, in the commodities affected by the act, except that it adds almonds to the list. It does however make three small but important changes in the act. At the present time, when any commodity covered by a marketing agreement reaches a point, in production, where the agreement is no longer necessary, it is suspended by an order from the Secretary of Agriculture. Under many of the marketing agreements, standardization measures have been put into effect, concerning ripeness, quality, or the like. It is desirable to maintain these standards, even if the marketing agreement is suspended. The new bill permits that.

The new bill would also permit contributions to be continued, to cover the necessary expenses of the marketing organization, and particularly to cover any commodity advertising which the producers may have approved.

These are noncontroversial amendments. The controversial amendments in the bill were all removed by agreement before the bill reached the floor, and these changes in the bill are covered by the amendment introduced by the gentleman from Minnesota [Mr. ANDRESEN]. I hope the bill will go through, because it is very urgently necessary if we are to continue the constructive details of existing marketing agreements. At the present time, the Secretary of Agriculture is holding up an order, for the suspension of one agreement, which otherwise would have to go through and destroy the details of the program now in force, which the producers wish to continue.

Mr. SMITH of Ohio. Will the gentleman explain what section 4 is.

Mr. FLANNAGAN. No. 4 broadens the act by permitting farmers to get together and decide by a two-thirds majority whether or not they will bring other agricultural products under marketing agreements.

Mr. SMITH of Ohio. Mr. Speaker, I object.

GLACIER NATIONAL PARK

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7020) to provide for the acquisition by exchange of non-Federal property within the Glacier National Park.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain what this measure does?

Mr. PETERSON of Florida. This authorizes the exchange of certain lands in Glacier National Park. No appropriation is required. The bill previously passed the House. It then had in it a clause to the effect that the title should be examined by the Secretary of the Interior. The President vetoed the bill, and we have corrected it so that the Department of Justice will examine the title.

Mr. MARTIN of Massachusetts. All this does is permit the Department of Justice to examine the title instead of the Department of the Interior?

Mr. PETERSON of Florida. That is right.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

Mr. LECOMPTE. Mr. Speaker, reserving the right to object, does this bill eliminate by an amendment the objections that the President had when he vetoed a similar bill?

Mr. PETERSON of Florida. Yes. The bill has the unanimous support of the committee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to accept title to any non-Federal lands, interest in lands, buildings, or other property, real or personal, within the authorized boundaries of the Glacier National Park, as now or hereafter established, when the acquisition by exchange of such property would, in his judgment, be in the best interests of the United States. In exchange for the non-Federal property so to be acquired, the Secretary of the Interior is authorized to convey to the grantors of such property, or to their nominees, any federally owned lands, interests in lands, buildings, or other property, real or personal, within the authorized boundaries of the Glacier National Park, located in the State of Montana and administered by the National Park Service, which are of approximately equal value, as determined by the Secretary, to the property being acquired. In order to facilitate the making of such exchanges, the Secretary of the Interior may enter into agreements for the reservation in conveyances to the United States, or for the grant in conveyances from the United States, of such estates for years, life estates, or other interests as may be consistent, in his judgment, with the accomplishment of the purposes of this act, but all such limitations shall be considered in determining the equality of the interests to be exchanged.

SEC. 2. Any property acquired pursuant to this act shall, upon acceptance of title thereto, become a part of the Glacier National Park, and shall be subject to all laws applicable to such area. The Secretary of the Interior is authorized to issue such regulations as he deems necessary for carrying out the purposes of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EMPLOYEES OF PANAMA CANAL

Mr. PETERSON of Florida. Mr. Speaker, I call up the conference report on the bill H. R. 3748, an act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal.

The Clerk read the title of the bill.

The Clerk read the report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3748) to amend an act entitled "An Act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal", approved May 29, 1944, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2; and agree to the same.

J. HARDIN PETERSON,
HERBERT C. BONNER,
CHRISTIAN A. HERTER,
Managers on the Part of the House.

TOM STEWART,
WARREN G. MAGNUSON,
A. W. HAWKES,
HARLAN BUSHFIELD,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3748) to amend an act entitled "An act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal", approved May 29, 1944, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This amendment was apparently a typographical error and struck out the effective date of the bill which was the date the original act, amended, was approved. The Senate recedes. On this amendment the effective date of this bill will be the same as the original act and in this respect H. R. 3748 will be in the form as passed by the House.

Amendment No. 2: This amendment strikes out the date "May 29, 1944" and inserts "December 7, 1941"; that is the date of the Pearl Harbor incident. This is provided so that the act would not apply to persons who did not become citizens before that date. It is felt that this is proper. The House recedes.

J. HARDIN PETERSON,
HERBERT C. BONNER,
CHRISTIAN A. HERTER,
Managers on the Part of the House.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman explain the report?

Mr. PETERSON of Florida. The conference report corrects two dates. The effective date of the act was stricken out in the Senate and was purely a typographical error. The other date is changed back to the Pearl Harbor date. It is merely a matter of correction of dates, and has the unanimous approval of the conferees.

Mr. MARTIN of Massachusetts. It only affects a few people working on the Panama Canal?

Mr. PETERSON of Florida. Yes.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SURPLUS PROPERTY

Mr. MANASCO. Mr. Speaker, I call up the conference report on the bill (H. R. 6702) to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6702) to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

CARTER MANASCO,
WILL M. WHITTINGTON,
CLARE E. HOFFMAN,
GEORGE H. BENDER,
Managers on the Part of the House.

JAMES E. MURRAY,
BURNET R. MAYBANK,
CHAPMAN REVERCOMB,
GEO. A. WILSON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6702) to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommend in the accompanying conference report:

Section 1 of the House bill modifies the definition of the term "real property" contained in section 23 (a) (1) of the Surplus Property Act of 1944 by including in the definition hotels, apartment houses, office buildings, stores, and other commercial structures. Section 1 of the conference report likewise includes commercial structures in the definition of the term "real property" but excludes (1) commercial structures constructed by, at the direction of, or on behalf of any Government agency, and (2) commercial structures which the War Assets Administrator determines have been made an integral part of a functional or economic unit which should be disposed of as a whole. Former owners thus have the privilege to reacquire commercial structures where such structures are being disposed of by War Assets Administration substantially in their orginal condition.

The House bill does not contain provisions comparable to those contained in section 2 of the conference report. Section 2 is designed to establish the criteria which determine the classification of property by the War Assets Administrator.

Section 2 of the House bill authorizes the disposal of the leasehold covering the Chamberlin Hotel, Fort Monroe, Old Point Comfort, Va., to a majority of the former bondholders.

Section 3 of the conference report extends the right to reacquire the hotel to all former bondholders who may wish to participate on a proportional basis.

CARTER MANASCO,
WILL M. WHITTINGTON,
CLARE E. HOFFMAN,
GEO. H. BENDER,
Managers on the Part of the House.

Mr. MANASCO. Mr. Speaker, this bill simply clarifies the intent of Congress as to the rights of former owners to acquire surplus real property. There has been some confusion in the War Assets Administration in the interpretation of the act. We have tried to clarify the act so as to make clear the rights of former owners of property, such as hotel property and commercial property, as to the original intent of Congress when we first passed the Surplus Property Act.

Mr. MARTIN of Massachusetts. What does the present bill do?

Mr. MANASCO. The Senate bill provided with respect to the Chamberlain Hotel at Old Point Comfort, Va., that all the bondholders could come in, in the proportion of the number of bonds that they owned, to reacquire the property. The second provision changes the definition of real property in cases where the Government has built tremendous office buildings on some of the property and in such cases the former owner does not have the right to reacquire that kind of property, which I think is proper.

Mr. MARTIN of Massachusetts. But he would have the right to reacquire the property if it were sold at auction?

Mr. MANASCO. Yes; he has the right, of course, to buy it in the open market.

Mr. MARTIN of Massachusetts. But this bill would make the former owner of such improved property a preferred bidder?

Mr. MANASCO. Yes; that is right.

Mr. MARTIN of Massachusetts. Would he have to pay what the Government put into the property in the open market?

Mr. MANASCO. That is right. That is the case under the present law, but we want to clarify it so far as the right of the former owners to buy and reacquire real property.

Mr. MARTIN of Massachusetts. Is it a unanimous report of the committee?

Mr. MANASCO. Yes.

Mr. SCHWABE of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. MANASCO. I yield.

Mr. SCHWABE of Oklahoma. What about the situation of a farmer reacquiring farm land which was taken for the purpose of erecting munitions plants in various war industries?

Mr. MANASCO. If a factory was built on the property, he does not have the right under existing law to reacquire the property.

Mr. SCHWABE of Oklahoma. There were factories built, of course, but they took in a lot of land in those areas which was never improved.

Mr. MANASCO. Yes. Well, if the land is not necessary in connection with the factory, then the former owner has the right under existing law to reacquire it.

We do not change that at all.

Mr. POAGE. Reserving the right to object, does this relate in any manner to the present provision of law that requires the Government to return all of the mineral rights?

Mr. MANASCO. No, sir.

Mr. POAGE. It does not weaken that provision?

Mr. MANASCO. It certainly does not.

Mr. HAND. Mr. Speaker, will the gentleman yield?

Mr. MANASCO. I yield.

Mr. HAND. This bill does not relate exclusively to hotel properties? It is general in its application?

Mr. MANASCO. Oh, it is general in its application. It applies to all commercial properties.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mrs. DOUGLAS of California asked and was given permission to extend her remarks in the RECORD in five instances and include certain excerpts.

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. PLUMLEY asked and was given permission to extend his remarks in the RECORD in two instances and include certain excerpts.

NICHOLAS SEVALJEVICK

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 1471) for the relief of Nicholas Sevaljevick, now known as Nicholas Hornacky.

This was objected to at the last call of the Private Calendar because we had no copy of the bill or the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana [Mr. SPRINGER]?

Mr. WHITTINGTON. Reserving the right to object, Mr. Speaker, I am wondering if the gentleman has taken this up with the objectors.

Mr. SPRINGER. I have taken it up with the objectors, with the majority leader, the minority leader, and also with the Speaker.

Mr. WHITTINGTON. And there is a favorable report from the gentleman's committee?

Mr. SPRINGER. I objected to it myself in the first instance because I had no opportunity to consider it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana [Mr. SPRINGER]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Nicholas Sevaljevick, now known as Nicholas Hornacky, late of Troop F, Fourth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 16th day of November 1916: *Provided*, That no bounty, pension, back pay, or allowances shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFIRMING TITLE TO CERTAIN RAILROAD-GRANT LANDS LOCATED IN KERN COUNTY, CALIF.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1602) to confirm title to certain railroad-grant lands located in the county of Kern, State of California.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain what this bill provides?

Mr. ELLIOTT. This bill simply confirms title in about a quarter of an acre of land in Kern County, Calif. The transfer of title was made in December 1891, and in going over the records, there is a cloud on the title.

Mr. MARTIN of Massachusetts. Who owns the property now?

Mr. ELLIOTT. The Southern Pacific Railroad exchanged the land at that time with the Summit Lime Co. Under the present title it is in the Summit Land Co., and it should be in the Southern Railroad Co.

Mr. MARTIN of Massachusetts. This is approved by the gentleman's committee?

Mr. ELLIOTT. It is.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. ELLIOTT]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That all right, title, and interest of the United States in and to the land hereinafter described, which was patented by the United States to the Southern Pacific Railroad Co. on December 1, 1891, recorded at Kern County, Calif., January 15, 1892, and is now held and occupied by the Summit Lime Co., a California corporation, as successor in interest of the said railroad company through successive conveyances, and as grantee in a quitclaim deed from the said company executed December 21, 1937, is hereby released, relinquished, and confirmed to the said Summit Lime Co., the said land, situate, lying, and being in the east half of section 21, township 32 south, range 33 east, Mount Diablo base line and meridian, county of Kern, State of California, described as follows:

Commencing at a point in the west line of the east half of said section 21, distant fifty feet northerly measured at right angles from the center line of the Southern Pacific Railroad Co.'s eastward main tract; thence south eighty degrees twenty-three minutes east parallel with said center line a distance of one hundred and thirty-six and three-tenths feet to the point of beginning of the parcel of land to be described; thence continuing south eighty degrees twenty-three minutes east parallel with said center line a distance of two hundred and sixty feet; thence north nine degrees thirty-seven minutes east fifty feet to a point in the northerly line of the right-of-way of said railroad company; thence north eighty degrees twenty-three minutes west along said northerly line of right-of-way a distance of two hundred and sixty feet; thence south nine degrees thirty-seven minutes west a distance of fifty feet to point of beginning, containing an area of two hundred and ninety-eight one-thousandths of an acre, more or less: *Provided*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHEMICAL WARFARE SERVICE

Mr. SIKES. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent for the immediate consideration of the bill (S. 2375) to change the name of the Chemical Warfare Service to the Chemical Corps.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, do I understand this legislation is requested by the War Department and that it simply changes the name of one of its subdivisions?

Mr. SIKES. My distinguished friend is correct. It changes the name from the Chemical Warfare Service to the Chemical Corps. It is requested by the War Department in keeping with their reorganization program.

Mr. MARTIN of Massachusetts. There is nothing else contained in the bill except changing the title?

Mr. SIKES. It does nothing else.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida [Mr. SIKES]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Chemical Warfare Service, created by the act of June 4, 1920 (41 Stat. 768), shall hereafter be known as the Chemical Corps.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. VURSELL asked and was given permission to extend his remarks in the Appendix of the RECORD.

Mrs. LUCE asked and was given permission to extend her remarks in the Appendix.

Mr. ELLIS asked and was given permission to extend his remarks in the RECORD and include a newspaper item.

Mr. CANFIELD asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial.

Mr. BLAND asked and was given permission to extend his remarks in the RECORD and include an editorial entitled "Merchant Ships and Sea Power" which appeared in the May-June 1946 issue of the Grace Log.

Mr. WHITE asked and was given permission to extend his remarks in two instances and to include certain excerpts and communications.

Mr. JUDD asked and was given permission to extend his remarks in the RECORD in two instances and in each to include extraneous material.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the Appendix of the RECORD in two instances and to include excerpts.

PERMISSION TO ADDRESS THE HOUSE

Mr. MASON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

[Mr. MASON addressed the House. His remarks appear in the Appendix.]

LOAN TO BRITAIN TO SOCIALIZE BRITAIN

Mr. DWORSHAK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. DWORSHAK. Mr. Speaker, a London dispatch in this morning's press declares that the House of Commons yesterday voted authority to the Minister of Health to take over virtually all of the nation's hospitals, hire doctors, dentists, specialists, supply drugs and generally provide at Government expense complete health service for everyone in England and Wales. A separate measure is proposed for Scotland. I quote from this dispatch:

To provide this dream service, the British Government will spend an estimated $653,000,000 annually at the start. This amount will increase as the present inadequate medical facilities are increased.

Apparently the proceeds from the British loan will aid materially in socializing Britain. If the British people prefer that kind of government, they should be required to pay for their experiments, and American taxpayers should not be compelled to pay the bill. This is one of the reasons why I opposed the British loan.

EXTENT OF APPROPRIATIONS AUTHORIZED UNDER SUSPENSION OF RULES PROCEDURE

Mr. SMITH of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SMITH of Wisconsin. Mr. Speaker, I think the House should be aware of what is transpiring under the suspension of the rules. I call attention to the fact that in less than 2 hours on yesterday afternoon we proceeded to authorize appropriations in the amount of $478,500,000. This is an unprecedented situation, Mr. Speaker, and we should not, in the closing hours of this session pass such huge authorizations without full consideration of each bill. These bills may have merit but this is not the way to handle them.

Mr. Speaker, there should be a law or a rule against invoking the suspension of rules procedure when all Members want the business of the House concluded as soon as possible.

Mr. Speaker, we are on the high road to inflation and every Member who has voted for these excessive authorizations must bear full responsibility for what has transpired.

OPPOSITION TO THE WAGNER-ELLENDER-TAFT BILL

Mr. VURSELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VURSELL. Mr. Speaker, I wish to read into the RECORD a telegram to Martin C. Huggett, care of the National Association of Home Builders, Washington, D. C., which I believe will be of interest with reference to the Wagner-Ellender-Taft bill:

CHICAGO, ILL., *July 16, 1946.*

MARTIN C. HUGGETT,
Care National Association of Home Builders, Washington, D. C.:

The housing committee of the Cook County Council of the American Legion met last evening and makes the following recommendations. Defeat Wagner-Ellender-Taft bill, S. 1592; second, condemn Wyatt program; third, moratorium on all construction except veterans' housing and required for health and safety; fourth 10-percent increase in residential rents to compensate owners for increased costs. These recommendations are to be forwarded to the national convention of the American Legion for action.

JOHN H. SULLIVAN,
Chairman, Veterans' Affairs Committee, Metropolitan Home Builders Association.

Sixty-four thousand Legionnaires of 390 posts are represented by this telegram in opposition to the WET bill.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

LEGISLATION PASSED YESTERDAY

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, the gentleman from Wisconsin neglected to mention that on yesterday afternoon the House passed some very important legislation of marked benefit to the American people. The appropriations that he speaks of being authorized would be spread out over a period of a number of years and any Congress that wanted to could refuse them. Furthermore, those appropriations will have to do only with hospitals and vocational education. I doubt that there are any two bills that the House could have passed met with more approval from the people or more exactly with a view to the basic needs of this Nation than the legislation passed on yesterday.

I do not believe the gentleman's statement gives an accurate picture to the Nation nor do I believe that the Nation will agree with him in his criticism of the action we took on yesterday.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

EXTENSION OF REMARKS

Mr. VOORHIS of California asked and was given permission to extend his remarks in the RECORD in six instances, in each to include a short article by himself.

Mr. STEVENSON asked and was given permission to extend his remarks in the RECORD with regard to a bill he introduced, H. R. 5715.

Mr. SIMPSON of Pennsylvania asked and was given permission to extend his remarks in the RECORD and include an article by Arthur W. Binns, president, National Home and Property Owners' Foundation.

Mr. RICH asked and was given permission to extend his remarks in the RECORD in two instances, in one to include a piece of prose by Ted B. Hayward, entitled "A Summons to Reason," and in the second to include an editorial from the Bristol (Pa.) Courier of Friday evening, July 26, 1946, entitled "The Big Issue."

Mr. HAND asked and was given permission to extend his remarks in the RECORD on the general subject of Federal taxation and to include certain excerpts.

Mr. CHIPERFIELD asked and was given permission to extend his remarks in the RECORD.

THE BANKING AND CURRENCY COMMITTEE

Mr. KUNKEL. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KUNKEL. Mr. Speaker, our present chairman of the Banking and Currency Committee has been accusing the members of his own committee in 1-minute speeches on the floor of filibustering against the Wagner-Ellender-Taft housing bill. Actually, most of the delays which have occurred in the hearings on this bill have been entirely due to the chairman himself. He should assume the responsibility for them.

Personally, I have never made a point of order nor delayed proceedings in any way whatever. I was delighted yesterday when we started night sessions. I did bitterly resent the abrupt manner in which the chairman closed the night session last night and refused to permit me to ask questions of Mr. Krooth of the Federal Public Housing Agency, nor did I approve of the chairman ending the hearings so early in the evening.

Now I canceled a number of engagements in Harrisburg this week end in order to stay here for a night session tonight. I am shocked and surprised at the chairman canceling this night session for this evening. This is particularly embarrassing to me because I had invited friends from Harrisburg here to attend the night session tonight.

I want to see the Wagner-Ellender-Taft housing bill hearings continued steadily and rapidly. This is an important bill. It should receive action. It concerns the welfare of many veterans and other people.

TELEPHONE OPERATORS OF THE NATIONAL CAPITOL

Mr. GAVIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GAVIN. Mr. Speaker, as this sessions draws to a close, I want to take this opportunity to pay tribute to the telephone operators of the National Capitol. They have been working hard; they have been very courteous, very patient, and have been a great help to the Members of Congress in carrying on their work. I wish to say that by their excellent work in handling our calls they have earned our wholehearted thanks and appreciation. Their efficiency during this very busy session is deserving of our hearty commendations They have a record of which they may well be proud.

CONGRESS SHOULD ADJOURN

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, the Congress has just raised the salaries of its Members. If they want to earn that raise, I suggest that we adjourn and go home. We may be sure that we would save hundreds, if not billions, of dollars for the taxpayers if we did this.

EXTENSION OF REMARKS

Mr. JENKINS asked and was given permission to extend his remarks in the RECORD in four instances and include excerpts.

Mr. GRANT of Indiana asked and was given permission to extend his remarks in the RECORD.

Mr. GILLIE asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in the Fort Wayne News-Sentinel.

Mr. LEFEVRE asked and was given permission to extend his remarks in the RECORD.

Mr. THOM asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in the St. Louis Post-Dispatch.

Mr. GRANT of Alabama asked and was given permission to extend his remarks in the RECORD.

Mr. PATMAN asked and was given permission to extend his remarks in the RECORD in three instances and include statements and excerpts.

Mr. WEICHEL asked and was given permission to extend his remarks in the RECORD in two instances.

CAPITOL TELEPHONE OPERATORS

Mr. WEICHEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WEICHEL. Mr. Speaker, with reference to the comment made by the gentleman from Pennsylvania [Mr. GAVIN] on the courtesy of the Capitol telephone operators, I join with the gentleman in expressing those sentiments. Their courtesy certainly is in contrast to the arrogance of the bureaus, and it is refreshing to have their cooperation.

COMMITTEE ON IRRIGATION AND RECLAMATION

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent that the subcommittee of the Committee on Irrigation and Reclamation may meet today during general debate on any bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, what is the emergency that the gentleman thinks so important that he has to hold hearings at this late date?

Mr. MURDOCK. It is not for the purpose of holding hearings. It is in regard to subcommittee action on a committee bill.

Mr. MARTIN of Massachusetts. What bill is it?

Mr. MURDOCK. H. R. 5434.

Mr. MARTIN of Massachusetts. What is the nature of the bill?

Mr. MURDOCK. It is a bill that we have been holding hearings on and have not completed action.

Mr. MARTIN of Massachusetts. I would like to know what the bill is.

Mr. MURDOCK. It is a bill that reauthorizes the Gila project in Arizona.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. HINSHAW. I object, Mr. Speaker.

VETERANS' LEGISLATION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, the floor leader said yesterday that he was recommending that the so-called bill for amputees and paralytics be brought up today under suspension. I understand that the chairman of the Committee on World War Veterans' Legislation, the gentleman from Mississippi [Mr. RANKIN], is going to ask to bring it up as soon as possible. I would like to remind the House that yesterday we appropriated $450,000,000 for this country and, as the gentleman from Wisconsin said, we have already appropriated billions of dollars that have been sent abroad to socialize England. I would like to remind the House that all of that money is spent for other countries, but nothing has been done for our combat-injured amputees and paralytics this year, and it is an emergency. The chairman of the World War Veterans' Committee reported a bill to provide conveyances for amputees yesterday. The following letters show the need for speedy action:

LONG ISLAND CITY, N. Y., *July 23, 1946.*

DEAR REPRESENTATIVE: I am writing every member of the House Veterans' Committee to urge that the demand of the Paralyzed Veterans' Association be considered and the Edith Rogers bill be brought out to the House floor. That bill provides cars for the boys who have lost the use of their limbs fighting to save those of us at home from the fascism that spread through Europe. Is it not fitting and proper for our Nation to be slightly grateful to these disabled soldiers and is it not fitting and proper that we be slightly humane?

My husband is a paraplegic at Halloran General Hospital at Staten Island, N. Y. We all know the implications of a disability called amputation, but only the medical student, the families of paraplegics and the paraplegics themselves know the full implications of this type of injury. Here's a general description. Paralysis from the waist down in varying degrees from complete external and internal paralysis to partial control of motor power and internal organs. My husband is considered one of the star pupils, so to speak, at the paraplegic center at Halloran. He is one of the lucky ones. He can walk for approximately two blocks with a good deal of pain. He is wearing an extremely uncomfortable back brace because he is not allowed to leave a prone position without some support and his back is so very weak that any brace is painful to wear.

Considering the above explanation of the higher degree of cured paraplegic, can you wonder at the need for some plausible means of transportation. The only way my husband and I can travel at all is if we call upon some sympathetic friend for a break away from the prison of the comfortable chair in the living room. No other means of transportation is medically (physically and mentally) feasible. Taxis cannot be supplied on either Army allotment or disability pension. Nor are they available or easy to reach when needed.

My husband, like so many of the boys at Halloran, is learning to drive. Since he has partial control of his legs he is able to drive a regular car with some degree of comfort. His future plans call for as near to normal a life as is at all possible. He is planning a business, considering taking his wife to a movie, planning on taking his 3-year-old son to a park or the beach, dreaming of the home we some day hope to own and the addition we some day hope to make to our family. In other words, he is planning to be a happy, useful citizen despite his handicaps. Without the car it would be ridiculous even for him to consider a discharge from the Army hospital. He would be a prisoner in his own home at odds with himself and with the world at large.

Sincerely.

JULY 23, 1946.

DEAR REPRESENTATIVE ROGERS: Enclosed please find a copy of the letter I have sent to your constituents on the Veterans' Committee. You have my deepest respect for the bill you introduced, and I sincerely hope that the bottleneck can be broken to place it before the House. This legislation is urgently needed.

Sincerely,

LUCILLE MOSS.

JULY 23, 1946.

DEAR MRS. ROGERS: I am an amputee who has recently been discharged. We amputees are proud to have such a champion as yourself in our behalf.

Just recently I received my specially adjusted car. To me and thousands of other amputees it is not a question of Is a car necessary toward our rehabilitation? We know the answer to that question. We knew it when we tried to keep up with a fast-moving world, when we tried to climb hills, walking in inclement weather, trying to get to work in crowded busses, and numerous other incidents which you already know about during your association with legless veterans. To us it is the question of, Do we have to put ourselves in "hock" for the next 15 months paying for such a necessity toward our proper rehabilitation? We did not have the opportunity to deal ourselves in the war profits. We had another important job to do which everyone knows how well it was done. This job did not leave us financially stable. Now we find ourselves in the position of paying for our much needed cars by sweat and toil and by cutting down on important items in our budget. To us that does not seem fair. You, Mrs. ROGERS, and countless others in Congress have foreseen such a predicament and are trying to alleviate such a situation by your bill to provide us cars. We have hope and faith that others in Congress will also see the light of day and will shortly lighten our burden and help us toward our proper and normal station in life as citizens of a great country.

Regardless of the outcome of your bill, you have earned our undying gratitude and will always be remembered by us as a credit to our country. God bless you.

RETIREMENT LEGISLATION

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GIFFORD. Just one thought for you people who seem to have a worrisome mind about salary and retirement matters. I have been here more than a score of years. My bankers are well informed that I have had to carry on business in order to remain in Congress. How do I reason about the effect of your raising pay, with certain retirement privileges? Simply like this. My friends should and will be pleased if something comes my way. My opponents have probably become so discouraged at getting me out that they will rejoice at the bait that the retirement will offer me to retire. Cannot you take a little comfort in such a viewpoint as I have expressed?

COMMITTEE ON IRRIGATION AND RECLAMATION

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection

Mr. HINSHAW. Mr. Speaker, I objected to the unanimous-consent request of the gentleman from Arizona to hold an executive hearing of a subcommittee of the House Committee on Irrigation and Reclamation. I did it only because I happen to know there are only three members of that subcommittee left in the city of Washington; consequently the subcommittee could not act with intelligence and authority on the matter. The matter to be considered, as stated by the gentleman from Arizona, is very important to my State and I believe the subject should be given the consideration of the full subcommittee.

CARE FOR AMPUTEES

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MILLER of Nebraska. It is with considerable reluctance that I address my colleagues upon the bill being proposed by the gentlewoman from Massachusetts. I can speak to you with a very

deep personal concern and experience upon this matter. I know what men go through when they suffer the loss of their legs or their arms.

It is my humble opinion, Mr. Speaker, that this bill if stripped of its emotional appeal will not stand the careful scrutiny of our innermost conscience and judgment.

For several months now Members of Congress have been buttonholed by men who have lost a limb asking that they be given a car so they can get around better and get a job. It seems to me that if the men need additional funds that it would be far better to appropriate them $1,500 in cash and let them either buy a car or use it as they see fit. In my opinion, the bill is discriminatory, because it does not take care of the individual who has lost his arm or perhaps his eyes. It merely provides for those men of World War II who may have lost a leg.

The Government now pays the soldiers who have lost a limb money as long as they live. A generous Government has tried to smooth the way for these unfortunate individuals. I do feel, however, Mr. Speaker, that the individual in this Congress who is sponsoring the legislation to give the amputees the car is doing a lot of harm to these amputees. I believe the final result is that of an inferiority complex. They feel the Government owes them something. They get into a mental slump. They begin to pity themselves. They are unable to adjust themselves to the conditions which exist.

I hope the Congress will pardon a very personal experience, because as a physician I feel I can speak very frankly to my colleagues. I know from experience that it is necessary to make friends and adjust yourself to the loss of a limb. For 6 months after I had lost my limbs, I cried like a baby every time I took them off or put them on. It was necessary to discipline myself rather severely. I did wear both of my limbs and stood at the operating table and performed a major operation 2 months after the amputation. Within 6 months I was wearing my limbs most of the time. I lost my limbs when I was 42 years old, and for the last 10 years I have been able to do about everything I wanted to do. You are never comfortable wearing an artificial limb, but it is necessary to accept the condition and do the best you can.

I have had the opportunity of visiting men in the Naval and Army hospital, as well as at Glenn Dale, and talked with men who had had the misfortune of losing a limb. I have tried to instill in them some confidence. I find now that some of these men who come to the Capitol, and they are here nearly every day, have had their limbs amputated as much as 18 months ago. Yet they come up here not wearing artificial limbs. The men tell me that the limbs they get in the Government hospitals are not satisfactory; that they feel uncomfortable. I do know that many of the limbs are poorly made, but no limb that they might make will be entirely comfortable.

I have contacted General Kirk on numerous occasions, asking why these men who have had their limbs amputated more than 6 months and who have a good stump do not wear artificial limbs. I have recently scolded some of these amputees because while they do have limbs they refuse to wear them. I think this is entirely a wrong attitude. I know they must make friends with their disability. They must do that. If they do not they will soon get an inferiority complex which will follow them all of their days. There is no reason why a man who has had his limb off more than 6 months and who has a good stump should not be wearing an artificial limb and doing about everything he wants to do without the use of a car. The car does not restore his limb.

I would also point out, Mr. Speaker, that the man who has had his limbs amputated at the hips will never walk by himself. These men are to be greatly pitied. I would go as far as any one in this Congress in seeing that they had all the comforts it is possible for a generous Government to give them. I am certain, however, that a car is not the answer. If they need additional funds to use a taxicab or a private conveyance, the money ought to be made available to them.

I hope the Members of this Congress will not be carried away by an emotional reaction because men with limbs missing come to visit them. This is not sound legislation. The car will soon be gone but the limb can never be replaced.

I say again, these amputees have a definite obligation to themselves to accept their condition as it is; put on their artificial limbs and start adjusting themselves to conditions so they may again become useful members of society. I know they can do it. I know it from experience.

TOLL BRIDGE ACROSS CUMBERLAND RIVER, BURKESVILLE, KY.

Mr. CHAPMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7046) to revive and reenact the act entitled "An act granting the consent of Congress to the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky." approved May 18, 1928.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. HOLMES of Massachusetts. Reserving the right to object, Mr. Speaker, and I shall not object, will the gentleman explain the bill?

Mr. CHAPMAN. Mr. Speaker, this is a bill introduced by the gentleman from Kentucky [Mr. ROBSION] to revive and reenact the act of 1928 authorizing the construction, maintenance, and operation of a bridge over the Cumberland River near Burkesville, Ky.

Mr. HOLMES of Massachusetts. This has a unanimous report from the subcommittee and the full committee?

Mr. CHAPMAN. It was unanimously reported by the subcommittee and the full committee.

Mr. HOLMES of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act approved May 18, 1928, and heretofore extended by an act of Congress approved March 2, 1929, granting the consent of Congress to the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at or near Burkesville, Cumberland County, Ky., be, and is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein referred to be commenced within 1 year and completed within 3 years from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 3, after "1928", insert "as herein amended."

Page 2, after line 7, insert a new section as follows:

"SEC. 2. Section 2 of Public Law No. 436 of the Seventieth Congress, approved May 18, 1928, is amended to read as follows:

"'If tolls are charged for the use of such bridge, the rates shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the costs of such bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.'"

Page 3, line 3, strike out "2" and insert "3."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER

Mr. CHAPMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2310) to further extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. HOLMES of Massachusetts. Reserving the right to object, Mr. Speaker, and I shall not object, will the gentleman explain the bill?

Mr. CHAPMAN. Mr. Speaker, this is a bill that has passed the Senate and has been reported unanimously by both the subcommittee and the full Committee on Interstate and Foreign Commerce to further extend the time for the commencement and completion of a bridge

across the Mississippi River at or near Friar Point, Miss., and Helena, Ark.

Mr. MARTIN of Massachusetts. This is not one of those speculative bridges which has been brought before the House on many occasions?

Mr. CHAPMAN. The committee of which the gentleman from Massachusetts [Mr. HOLMES] and I have been members for 15 years has never reported a bill of that kind.

Mr. HOLMES of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark., authorized to be built by the Arkansas-Mississippi Bridge Commission and its successors and assigns by an act of Congress, approved May 17, 1939, heretofore extended by acts of Congress, approved May 27, 1940, and July 14, 1941, and revived and reenacted by acts of Congress, approved February 12, 1944, and July 14, 1945, are hereby further extended 1 and 3 years, respectively, from the date of approval of this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FOURTEENTH STREET POTOMAC RIVER BRIDGE

Mr. CHAPMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7109) to amend section 6 of Public Law No. 516 of the Seventy-ninth Congress, approved July 16, 1946.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. HOLMES of Massachusetts. Mr. Speaker, reserving the right to object, I understand this is just to correct a clerical error in the bill which passed the House some time ago with reference to the Potomac River Bridge.

Mr. CHAPMAN. The gentleman's statement is correct.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of Public Law No. 516 of the Seventy-ninth Congress, approved July 16, 1946, entitled "An act authorizing and directing the Commissioners of the District of Columbia to construct two four-lane bridges to replace the existing Fourteenth Street or Highway Bridge across the Potomac River, and for other purposes," is amended as follows: Wherever in said section 6 the words "the National Capital Park Service" occur they are changed to read "the National Park Service."

With the following committee amendments:

Page 1, line 9, after the first quotation mark strike out the word "the."

Page 1, line 10, at the end of the line strike out the word "the."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARMY NURSES

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. BOLTON. Mr. Speaker, may I call the attention of the Members of the Congressional War Parents' Association to an extension of remarks for whose insertion in the Appendix of the RECORD I have secured unanimous consent.

Mr. Speaker, it is to be hoped that the War Department and the Army will follow the example of the Congress and bring the antiquated methods which stultify action and interfere with necessary changes more nearly into harmony with the tempo of today's world.

Recently I gave this House the history of the proposed Army Nurse Corps bill, a vital piece of legislation if nurses are to be used in the Army, which left the Surgeon General's office for GI on November 11, 1945, and has been received for introduction and introduced by the Military Affairs Committee only within the last few days. A bill covering promotions of Medical Corps specialists and one covering medical technicians of all sorts came to committee on the same day. I have been informed that it is too late for committee consideration of these exceedingly important measures. This is due, Mr. Speaker, to methods that border upon maladministration that should be changed promptly.

EXTENSION OF REMARKS

Mr. RANDOLPH asked and was given permission to extend his remarks in the RECORD and include two editorials.

Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks in the Appendix of the RECORD and include a report by Milton H. Button, director of the Wisconsin Department of Agriculture, on the matter of the banning of Wisconsin milk in Knoxville, Tenn.

JOHN J. COCHRAN

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, when I came here 12 years ago one of the first Members I met was our friend the gentleman from Missouri, JACK COCHRAN. During the past year many Members of the House have become discouraged and have refused to stand for reelection. Some of them have accepted positions where their ability was recognized and well rewarded. Some disheartened and unwilling to longer endure the abuse of irresponsible radio commentators and columnists or to meet the well-financed campaigns of pressure groups have made half-hearted campaigns and have been defeated. But in spite of the many grievous misfortunes with which he met, and several were sufficient to break the courage of the average man, the gentleman from Missouri, JACK COCHRAN, never gave way to discouragement. Though but for what some think was political treachery he would have been Senator from his State, perhaps Vice President, and later the President of our country. He never waivered in his loyalty to his party. He never at any time failed to realize that he was the servant of the people, devoted to the service of the Nation.

He was a worthy foe, always tenacious, always fighting to the end for his views, but at all times kind, courteous, and considerate of his opponents.

In my humble judgment during the 11 years which I have served here, no more worthy servant of his district and the Nation has been a Member of this House, has taken a more active and worth while part in the deliberations and the actions of the House, has served with more ability and courage.

I, for one, regret and I am sure that every Member of this House regrets the fact that because of his recent severe illness and his present condition our friend the gentleman from Missouri, JACK COCHRAN, has seen fit to resign from this body. In doing so he has but given us another illustration of his unselfishness, of his high conception of the duties of a citizen, of the obligation which rests upon each of us to give our best to the service of our country.

Mr. MASON. Mr. Speaker, I simply wish to state that the applause following that speech was to reecho the sentiments of the gentleman from Michigan and not on the resignation of the Member.

Mr. HOFFMAN of Michigan. Mr. Speaker, anyone who knows the gentleman from Missouri, JACK COCHRAN, knows that applause was a spontaneous tribute from the hearts of the Members to the long and faithful service, the ability, and the courage, the unselfishness and devotion of the gentleman from Missouri, JACK COCHRAN, as a Member of the House of Representatives. His friendship, his devotion to his duty will ever be an inspiration to me.

EDITH FRANCES DE BECKER SEBALD

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1478) to record the lawful admission to the United States for permanent residence of Edith Frances de Becker Sebald.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. LESINSKI]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this bill?

Mr. LESINSKI. This bill is with reference to a Japanese woman whose father was a British subject and whose mother was Japanese. She married an American soldier, and just because she

is of the Japanese race she is not permitted to enter the country.

Mr. MARTIN of Massachusetts. And she is the wife of an American soldier?

Mr. LESINSKI. Yes; she is.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection.

Mr. HINSHAW. Mr. Speaker, reserving the right to object, there are a number of bills I understand in the gentleman's committee that have to do with people in similar categories to the one just mentioned. There is one general bill offered by the gentleman from Minnesota [Mr. JUDD] and one by myself with reference to a Japanese who has been here, employed very faithfully in the Army Map Service. He is married to an American woman and has two children. He is being deported back to his native land and his wife and children are to be left in this country. I hope something will be done to prevent the deportation of these Japanese citizens who have done such outstanding service for this country during the war.

Mr. LESINSKI. I agree with the gentleman. The subcommittee has not made a full report on that bill as yet, but the committee has sent a letter to the Attorney General's Office, that all deportations of that type should stop until the Congress passes some legislation to take care of the cases which the gentleman is talking about.

Mr. HINSHAW. I would like to say to the gentleman that I had a letter the day before yesterday from the Commissioner of Immigration and Naturalization simply postponing the deportation of the gentleman I mentioned until September 24, when the Congress will not be in session.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. LESINSKI. I yield.

Mr. JUDD. Will the gentleman not agree that the Attorney General's Office ought to notify promptly the Commissioner of Immigration and Naturalization so that such letters will not go out terrifying families with the idea that they are going to be torn apart in September?

Mr. LESINSKI. I agree with the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General be, and is hereby, authorized and directed to record the lawful admission for permanent residence of Edith Frances de Becker Sebald, who entered the United States at San Francisco, Calif., on June 23, 1939, and that she shall, for all purposes under the immigration laws, be deemed to have been lawfully admitted as an immigrant for permanent residence.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF NATIONALITY ACT OF 1940

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 513) to amend the Nationality Act of 1940 to preserve the residence for naturalization purposes of certain aliens who serve in the military or naval forces of one of the Allied countries during the Second World War or otherwise assist in the Allied war effort, and for other purposes.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this seems to be very broad legislation, covering a wide field. I think we are entitled to a full explanation.

Mr. LESINSKI. This deals with certain aliens who were legally in America when the war broke out and who joined the armed forces of one of the allied nations. The purpose of the bill is to give them a chance to become American citizens without having to wait the customary 5 years. It is for the relief of alien soldiers who fought with the Allied armies or in the American Army.

Mr. MARTIN of Massachusetts. They were formerly residing in the United States?

Mr. LESINSKI. They were permanent residents; yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 307 of the Nationality Act of 1940, approved October 14, 1940 (54 Stat. 1142; U. S. C., title 8, sec. 707), be, and it hereby is, amended by adding thereto a new subsection to be lettered "subsection (e)" and reading as follows:

"(e) Any alien who has been lawfully admitted into the United States for permanent residence and who, during the Second World War, departs from the United States for the purpose of serving and does serve in the military or naval forces of any country at war with a country with which the United States was, is, or shall be at war, or who during the Second World War departs from the United States for the purpose of taking employment in war work of any such country and does engage in such work, shall, upon establishing to the satisfaction of the Commissioner that he has met the requirements of this subsection, be considered as residing in the United States for the purpose of naturalization, notwithstanding any such absence from the United States: *Provided*, That such alien returns to the United States for permanent residence within 1 year after the United States shall cease to be in a state of war. For the purpose of this subsection, the Second World War shall be deemed to have commenced on September 1, 1939, and shall continue until such time as the United States shall cease to be in a state of war."

SEC. 2. That section 10 (d) of the Immigration Act of 1924, approved May 26, 1924 (43 Stat. 158; U. S. C., title 8, sec. 210 (d)), be, and it hereby is, amended to read as follows:

"(d) For the issuance of the permit, and for each extension thereof, there shall be paid a fee of $3, which shall be covered into the Treasury as miscellaneous receipts: *Provided*, That no fee shall be required for the extension of a permit issued to any member of the class of aliens referred to in section 307 (e) of the Nationality Act of 1940, as amended."

Mr. LESINSKI. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. LESINSKI: Strike out lines 1 to 20, inclusive, on page 2 of the bill and substitute the following:

"(e) The continuity of residence in the United States for naturalization purposes shall not be considered as having been interrupted by the action of an alien who was a lawful permanent resident of the United States in departing from the United States (1) after September 1, 1939, and before December 7, 1941, for the purpose of serving in, if he was honorably discharged from, the armed forces of a foreign country at war with a country which declared war on the United States, or (2) on or after December 7, 1941, with the consent of his local draft board, the Director of the Selective Service System, or the appropriate military or naval authorities of the United States if the alien had been inducted, for the purpose of serving in, if he was honorably discharged from, the armed forces of the country of his allegiance, such country being at war with a country at war with the United States: *Provided*, That the provisions of this subsection shall be applicable only to those aliens who return to the United States for permanent residence within a period of 1 year from the date of the enactment of this subsection and are lawfully readmitted into the United States as immigrants."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

By unanimous consent House Resolution 657 was laid on the table.

RELINQUISHING OF MINERAL RIGHTS UNDER CERTAIN LANDS IN THE COUNTY OF SANTA BARBARA, CALIF.

Mr. SIKES. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent for the immediate consideration of the bill (H. R. 5692) to relinquish the mineral rights of the United States under certain lands in the county of Santa Barbara, Calif.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, how much land is designated in this bill?

Mr. SIKES. If my distinguished friend will permit, I suggest that the author of the bill would be glad to make a full explanation.

Mr. MARTIN of Massachusetts. I think we should have a thorough explanation.

Mr. DOYLE. Mr. Speaker, in 1942 in the County of Santa Barbara, the Federal Government acquired title to several thousand acres of land of agricultural and semiagricultural nature for airfield purposes.

The parcel covered by this bill is approximately 724 acres out of a total of about 4,000. The Government paid for it $37 an acre as highly developed agricultural land with water thereupon.

Mr. MARTIN of Massachusetts. What was the going market price at that time?

Mr. DOYLE. The going price without water was about $30 an acre and without its being highly developed agricultural land.

I may state that the records of the Government show that at the time of the acquisition of this land—I mean all the land, about 4,000 acres—there was no intention to acquire the mineral rights on any of the parcels; nevertheless, on this parcel there was a mutual mistake and

the mineral rights were included with the fee rights.

Mr. MARTIN of Massachusetts. Who previously owned the land?

Mr. DOYLE. This particular land is part of an estate of a man who is now dead, a resident of my city, a Mr. O'Donnell. This land is now owned by the estate.

Mr. MARTIN of Massachusetts. Is there any reason to believe that since the deed passed there has been discovered any mineral rights or any oil?

Mr. DOYLE. There has not been, I am informed. There has been no development of any sort there. The proposed bill has been amended by an amendment requested by the War Department, to which there is no objection and which amendment places this land on exactly the same footing as all the other parcels acquired. That is the purpose of this bill.

Mr. MARTIN of Massachusetts. It is very easy for confusion in the War Department. As I understood the gentleman to say, the man sold his property and he got the going price at the time, and the Government reserved the mineral rights. Now, the Government must have had a reason for the reservation. Now, why should we pass the rights at this time back to the former owners?

Mr. DOYLE. I may say to the distinguished gentleman from Massachusetts that the difference on the 724 acres was $7 an acre only on an appraised value resulting from the intensive cultivation of the 724 acres and the fact there was water on the 724 acres.

Mr. MARTIN of Massachusetts. He must have been satisfied with the price.

Mr. DOYLE. The Government records and the Government communications show they did not intend to acquire the mineral rights. That is the official Government record.

Mr. MARTIN of Massachusetts. But the official deed shows they were reserved to the Government.

Mr. DOYLE. There was no reservation in the owner of the mineral rights in the deed, I will say to the gentleman.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. DOYLE. I yield to the gentleman from Pennsylvania.

Mr. RICH. Is it not a fact that in connection with lands owned by the Department of the Interior the mineral rights are always reserved in all the lands that the Government owns?

Mr. DOYLE. This has nothing to do with the Department of the Interior.

Mr. RICH. That is the policy of the Government on Interior Department-owned lands, and we own one-third of the West. Why should we give up now the mineral rights that the Government owns on lands that are in the War Department?

Mr. DOYLE. I may say to the gentleman that it is not the fixed policy of the War Department to always acquire mineral rights. In fact, I have a letter here from the Secretary of War himself, Robert P. Patterson, showing that there is no objection to the bill. The restrictions that were imposed on this parcel were unusual by mutual mistake and it was not intended to be so restricted by the War Department.

Mr. RICH. It seems to me it is unusual that the Government would buy this land and owning it now from the heavens to the depth that they would now want to sell the mineral rights under it. The Government does not do business that way unless there is a reason. Now, what is the reason? Are there minerals under there and, if so, what is the value of them?

Mr. DOYLE. I may say to the gentleman from Pennsylvania that the Government is not selling the mineral rights here. The Government is undertaking to correct a mutual mistake that shows up from the time the appraisement was filed. In July 1942, the appraised value paid by the Government showed this land was not inclusive of the mineral rights; then it went to the courts with dozens of other properties and through mutual mistake, admitted by all Government departments, the mineral rights to this parcel were not reserved to the owner. This bill is merely for the purpose of placing the owner of this land in exactly the same status as all the other owners and I may also say to the gentleman that the difference of $7 an acre would not begin to cover the mineral values. The gentleman no doubt knows that.

Mr. RICH. Any one selling land in the gentleman's State does so with the intention and purpose of the owner selling the land above the surface and below the surface; is that the custom?

Mr. DOYLE. It is very often the custom.

Mr. RICH. If that had been done in this instance, the owner would have reserved that right?

Mr. DOYLE. I may say that in the transfer of thousands of titles to parcels of land it is not unusual to make mutual mistakes. Here is a case where right from the time of the Government appraisal the record shows there was no intention to acquire mineral rights to this land, and every department has said in writing that there was a mutual mistake, that $7 an acre does not represent the mineral value, but is the difference in value on account of agricultural development and water on the land.

Mr. RICH. Had you any knowledge before that there were any minerals under that land before the sale was made to the Government?

Mr. DOYLE. Oh, all over that area, I may say to the gentleman, there is no question but what there were the possibilities of minerals.

Mr. RICH. Have you discovered anything since that would cause you to believe that the Federal Government now has real estate out there in which there are valuable mineral rights?

Mr. DOYLE. We have not, not that I know of. There has been no discovery and there have been no drillings.

Mr. RICH. I understand that every man that has a piece of property in the gentleman's State does not reserve all the mineral rights when he sells it, unless it is specifically stipulated in the agreement to the contrary, and if it has not been stipulated in the agreement then I do not see why we should now turn back to the owner the mineral rights under that land unless there is consideration made by the purchaser to the Federal Government for it.

Mr. DOYLE. I will say to the gentleman that the record shows that there is no consideration paid for mineral rights.

Mr. RICH. Unless it is stipulated, it is understood that when you buy land you buy it from the top to the bottom.

Mr. DOYLE. No; that is not always true in California, I will say to the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. RICH. I object, Mr. Speaker.

PETER KIM

Mr. LESINSKI. Mr. Speaker, unanimous consent for the immediate consideration of the bills (S. 1607) to provide for the naturalization of Peter Kim.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. LESINSKI. The War Department letter shows that Peter Kim was commissioned a second lieutenant in the Army of the United States on February 25, 1946; that he has given valuable service during the war but being of Oriental race he is not eligible to citizenship unless by a special bill. The gentleman from Minnesota [Mr. JUDD] is familiar with the case.

Mr. JUDD. Mr. Speaker, this Korean was so anti-Japanese he went to China and fought there against the Japanese. He joined the American Army, volunteered for especially hazardous missions, received a decoration, and was commissioned, as the gentleman from Michigan has stated.

The Army recommends the passage of this bill which certainly is a well deserved reward for loyalty, bravery, and devotion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That upon compliance with all other provisions of section 701 or 702 of the Nationality Act of 1940, as amended (56 Stat. 182–183; 8 U. S. C. 1001–1002), Peter Kim, Army of the United States, Army serial number 10500015, may be naturalized pursuant to either of said sections as may be applicable, notwithstanding the fact that at the time of his enlistment or induction into the armed forces of the United States, he had not been lawfully admitted to the United States and was not a resident thereof.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONALITY ACT OF 1940

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6995) to amend the Nationality Act of 1940 to pre-

serve the nationality of citizens residing abroad.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this bill?

Mr. LESINSKI. I will ask the gentleman from Illinois [Mr. MASON] to explain it.

Mr. MASON. Mr. Speaker, this simply extends the time of repatriation of those American citizens who have been living abroad, and, because of the war, could not get back. The time has expired to come back and maintain their citizenship, and this extends the time so that they can.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 409 of the Nationality Act of 1940, as amended (54 Stat. 1171; 55 Stat. 743; 56 Stat. 779; 58 Stat. 747; 8 U. S. C. 809), is amended to read as follows:

"SEC. 409. Nationality shall not be lost under the provisions of section 404 or 407 of this act until the expiration of 6 years following the date of the approval of this act: *Provided, however*, That a naturalized person who shall have become subject to the presumption that he has ceased to be an American citizen as provided for in the second paragraph of section 2 of the act of March 2, 1907 (34 Stat. 1228), and who shall not have overcome it under the rules in effect immediately preceding the date of the approval of this act, shall continue to be subject to such presumption for the period of 6 years following the date of the approval of this act unless it is overcome during such period: *Provided further*, That during the period beginning October 14, 1946, and ending on October 13, 1950, a person who establishes to the satisfaction of an American diplomatic or consular officer before whom application is made for a passport that he was unable to return to the United States prior to the date of the application because of his inability to obtain an exit permit to depart for, or transportation to, the United States, shall retain his nationality by returning to the United States, and such passport, if issued, shall be valid only for such period as may be required for the bearer's return to the United States, but not exceeding 60 days."

With the following committee amendments:

Page 2, line 9, strike out "1950" and insert "1948."

Page 2, line 16, after the words "United States", strike out down to and including the word "days" on line 18, and insert "during such period and during the period of validity of his passport. Any passport issued upon an application under this proviso shall be valid only for such period as may be required for the bearer's return to the United States, but not exceeding 60 days, and shall be appropriately identified by the issuing officer as having been granted pursuant to the requirements of this proviso."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF TIME LIMITATION ON CERTAIN PATENTS

Mr. LANHAM. Mr. Speaker I ask unanimous consent for the present consideration of the bill (H. R. 6346) providing for the exclusion of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during World War II.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain what this bill does?

Mr. LANHAM. This is a bill providing that the boys who were in the service who had patents may have the time of their patents extended for the length of time they were in the service. We did that after the last war. These boys cannot protect their rights unless similar legislation is passed now.

Mr. MARTIN of Massachusetts. Do they have any rights left after that bill that was passed yesterday, the atomic energy bill?

Mr. LANHAM. I hope this will not be interfered with by the legislation that was passed here yesterday. We have been trying to protect these veterans.

Mr. MARTIN of Massachusetts. I know you are trying to protect them, and I am for it, but I wonder if they can be protected now.

Mr. LANHAM. I hope so. I think my sentiments with reference to that other measure are perhaps the same as the gentleman's.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

Mr. O'HARA. Reserving the right to object, Mr. Speaker, may I compliment the gentleman from Texas for bringing out this legislation, which gives to these men who have been in the service some protection, particularly in what would ordinarily be the fruitful years of their inventions. I hope the bill will pass.

Mr. LANHAM. I thank the gentleman. It certainly should pass. We enacted similar legislation after the last war, and it is for the proper protection of these boys in the service.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person who served honorably in the military or naval forces of the United States at any time between December 7, 1941, and September 2, 1945, both dates inclusive, and was subsequently honorably discharged, may within 6 months after the enactment of this act, upon payment of a fee of $20, make application to the Commissioner of Patents, comprising a verified statement, accompanied by supporting evidence of the following facts:

(A) That he is the inventor or discoverer of an invention or discovery for which a specified patent was granted prior to the 2d day of September 1945, the original term of which remains unexpired at the time of the filing of the application.

(B) That between December 7, 1941, and September 2, 1945, and also at the time of the passage of this act, he held, by ownership or contract, a right in said invention or under said patent or to income by way of royalty or otherwise therefrom, whereby an extension of the term of said patent would benefit him.

(C) That between December 7, 1941, and the date of enactment of this act, he was not receiving from said patent an income, or that his income therefrom was reduced by his said service.

(D) That at the time of his induction into the service he was making diligent effort to exploit the invention covered by his patent.

(E) The names of all persons, firms, or corporations, if any, holding at the time of the passage of this act, by grant, transfer, license, or contract from him, any right or interest in the invention or discovery or under the patent, and their consent to the extension for which application is made, which shall be supported by an instrument, or instruments, executed by all such persons, firms, and corporations, evidencing their consent to such extension.

(F) The period of extension of the patent from the expiration of the original term thereof, for which he applies, which shall in no case exceed a further term of three times the length of his said service in the military or naval forces of the United States between the dates of December 7, 1941, and the date of enactment of this act, but exclusive of any reenlistment subsequent to September 2, 1945.

(G) That the licensee of a patent affected by this act shall automatically be granted an extension of said license for the period of the extension on the same terms and conditions as contained in said existing license, thereby creating an equitable adjustment of the benefits of this act.

(H) That such extension shall in no way impair the right of anyone who before the passage of this act was bona fide in possession of any rights in patents or applications for patents conflicting with the rights in any patents extended under this act, nor shall any extension granted under this act impair the right of anyone who was lawfully manufacturing before the passage of this act the invention covered by the extended patent.

SEC. 2. In the case of a veteran, as described in paragraph 1 of this act, who dies, or has died, or who becomes insane or unable to act, which veteran owned an interest as described in this act in said patent at the time of his death or at the time he was declared mentally incompetent or became unable to act before said extension is granted, such application may be filed or proceeded with by his legal representatives substantially as provided in section 4896 of the Revised Statutes of the United States, as amended (U. S. C., 1940 edition, title 35, sec. 46), with respect to proceedings in such cases for obtaining a patent.

SEC. 3. On the filing of such application the Commissioner of Patents shall cause an examination thereof to be made, and if, on such examination, it shall appear that such application conforms, or by amendment or supplement is made to conform, to the requirements of section 1 of this act, the Commissioner shall cause notice of such application to be published at least once in the Official Gazette. Any person who believes that he would be injured by such extension may within 45 days from such publication oppose the same on the ground that any of the statements of the application for extension required by section 1 of this act is not true in fact, which said notice of opposition shall be verified before an officer authorized by the laws of any State or Territory or the District of Columbia to administer oaths. In all cases where notice of opposition is filed the Commissioner of Patents shall notify the applicant for extension thereof and set a day of hearing. If after such hearing

the Commissioner of Patents is of the opinion that such extension should not be granted, he may deny the application therefor, stating in writing his reasons for such denial. Where an extension is refused the applicant therefor shall have the same remedy by appeal from the decision of the Commissioner as is now provided by law where an application for patent is refused. If no opposition to the grant of the extension is filed, or if, after opposition is filed, it shall be decided that the applicant is entitled to the extension asked for, the Commissioner of Patents shall issue a certificate that the term of said patent is extended for the additional period for which application has been made as aforesaid, and shall cause notice of such extension to be published in the Official Gazette and marked upon copies of the patent for sale by the Patent Office, in such manner as the Commissioner may determine.

SEC. 4. Thereupon said patent shall have the same force and effect in law as though it had been originally granted for 17 years plus the term of such extension: *Provided, however*, That in any action, at law or in equity, for infringement after the expiration of 17 years from the grant of the patent and during the period of such extension, the defendant may plead the general issue, and having given notice in writing to the plaintiff or his attorney 30 days before, may prove on trial that any of the statements of the application for extension required by section 1 of this act is not true in fact; and if any one or more of such statements shall be found untrue in fact, judgment shall be rendered for the defendant, with costs: *Provided further*, That no person whose patent shall be extended under the provisions of this act shall be permitted to make any claim for damages against the United States for the period of the extension, and the rights of the United States shall remain in all respects as if these patents had not been extended.

With the following committee amendments:

Page 1, line 7, after the comma following the word "Act", insert "or within 6 months after such honorable discharge if still in the military or naval forces of the United States at the time of such enactment."

Page 1, line 8, strike out "$20" and insert "$30."

Page 2, line 16, after "was", insert "substantially."

Page 2, line 17, strike out "by" and insert "as a direct result of."

Page 3, line 6, strike out "in no case exceed a further term of three times" and insert "be for a further term equalling."

Page 5, line 7, after "Commissioner", insert "to the United States Court of Customs and Patent Appeals."

Page 5, line 8, strike out "an application for patent is refused." and insert "an applicant for patent is dissatisfied with the decision of the Patent Office Board of Appeals."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. HEALY. Mr. Speaker, by direction of the Committee on the District of Columbia, I ask unanimous consent for the immediate consideration of the bill (S. 2359) to close the office of the Recorder of Deeds on Saturdays.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, do I understand that this is simply to permit the Office of the Recorder of Deeds to close on Saturdays like other offices do?

Mr. HEALY. It is the same as was recently done in connection with the banks in the District of Columbia.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

Mr. RICH. Mr. Speaker, reserving the right to object, there are many people who work every day during the week. If the office of the recorder of deeds is not kept open, how will the people who work on weekdays transact their business?

Mr. HEALY. I may say to the gentleman that the banks are now closed on Saturday and, as you know, since the war ended, most of the Government agencies are now on a 5-day week. This is the only office of the District of Columbia government which has been kept open on Saturday. Through experience it has been found that there is little if any need for this office to be open on Saturday. It has been an extra expense to the District of Columbia to keep it open and keep the employees on duty for the few occasional people who do come in.

Mr. RICH. If you say there is no need to keep it open, then there is no use to keep it open.

Mr. HEALY. That is correct.

Mr. RICH. But if the office is not going to accommodate the people of the District of Columbia and if it is not supposed to do that, then that is all right. But if you are trying to take care of the people of the District, I will leave this entirely up to you whether there is going to be any difficulty for the people to be able to attend to their business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of any other act, the Office of the Recorder of Deeds for the District of Columbia shall be closed on every Saturday.

SEC. 2. Any writing, the time for recording of which expires on a Saturday, or on a Sunday, shall be deemed to have been recorded within the time prescribed if such writing be recorded on the first day thereafter other than Sunday or a legal holiday.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA

Mr. HEALY. Mr. Speaker, by direction of the Committee on the District of Columbia, I ask unanimous consent for the immediate consideration of the bill (S. 2125) to amend the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, what is the reason for barring a commissioner from being reappointed?

Mr. HEALY. Under existing law, a commissioner cannot be reappointed at the conclusion of his term of office. There must be an intervening period of 3 years. The reason for requesting this change is to make it possible for a commissioner to be appointed upon the conclusion of his present term so that in the event it is desirable to reappoint a commissioner of the District of Columbia it would be possible to immediately reappoint such commissioner. At the present time, it is impossible.

Mr. MARTIN of Massachusetts. This legislation says that no person who has served as such commissioner shall be eligible for reappointment within 3 years of the date of expiration of his term.

Mr. HEALY. As I understand it, that is the existing law. The purpose of this bill is to amend that law and make it possible for a commissioner to be reappointed without having to wait 3 years.

Mr. MARTIN of Massachusetts. Has the committee had a meeting on this bill?

Mr. HEALY. No meeting has been held by the committee on it. The members of the committee have been polled on this bill and the bill has been approved by the Department of Justice and also by the District of Columbia Commissioners.

Mr. MARTIN of Massachusetts. What is the urgency of passing this legislation now?

Mr. HEALY. This bill was just passed by the Senate, I believe, 2 or 3 days ago.

Mr. MARTIN of Massachusetts. But what is the reason which makes it necessary to pass it at this time?

Mr. HEALY. I presume that the terms of some of the commissioners may expire in the near future and without this bill it would be impossible to reappoint any commissioner whose term has expired.

Mr. MARTIN of Massachusetts. Can the gentleman state whether or not someone's term has expired?

Mr. HEALY. I am not sure.

Mr. MARTIN of Massachusetts. I think the House had better wait before considering this legislation.

Mr. HEALY. Mr. Speaker, I withdraw my request.

REGULATING SALE OF MILK IN THE DISTRICT OF COLUMBIA

Mr. HEALY. Mr. Speaker, by direction of the Committee on the District of Columbia, I ask unanimous consent for the immediate consideration of the bill (H. R. 7114) to amend the act entitled "An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this bill affects a very vital necessity—milk. We have had so many battles here on that subject that I would like to know just what this bill does.

Mr. HEALY. This amendment to the existing law will make it possible for the dairy industry in the District of Columbia to use newly developed pasteurization processes. At the present time, under existing law, the latest pasteurization process is illegal.

I might advise the gentleman from Massachusetts [Mr. MARTIN] that at the present time 40 States have already amended their laws so that this new pasteurization process can be used. This bill has been approved by the dairy industry of the District of Columbia, by the District of Columbia Health Department, the United States Public Health Service, the Bureau of the Budget, and the District Commissioners. I believe the bill was originally requested by the dairy industry, because of the fact that the new process for pasteurization cuts in half the time required to pasteurize milk.

Mr. MARTIN of Massachusetts. I note the bill was introduced only on July 23. Have there been any hearings?

Mr. HEALY. There has been no hearing before the committee. The gentleman from Virginia [Mr. SMITH] introduced the bill at the request of the dairy industry, and the Commissioners of the District of Columbia. I am not advised of the reason for its late introduction.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. HEALY. I yield.

Mr. PACE. What is this new pasteurization process?

Mr. HEALY. I do not understand the process.

Mr. PACE. What is in the law that prohibits the milk industry's using the most modern inventions?

Mr. HEALY. There is a requirement that milk be heated at a certain temperature for a certain length of time. With this new process that length of time is cut in half. The limitation in the present law is one that requires, say, 3 minutes instead of a minute and a half, which is all that is necessary with the new process.

Mr. PACE. Will you limit them in this new bill so that they cannot take advantage of any further progress?

Mr. HEALY. This bill will only take care of the process which has been invented and is in practice in 40 States, as I have heretofore indicated.

Mr. PACE. So that if there is ony further progress, another bill will be required?

Mr. HEALY. Another bill will be required.

Mr. PACE. Has this process been approved by the Public Health Service?

Mr. HEALY. The District of Columbia Health Department, the United States Public Health Service, the Bureau of the Budget, and the District Commissioners have all approved it.

Mr. MARTIN of Massachusetts. The legislation appeals to me, but in view of the fact that the committee has not taken any official action on it and no hearings have been held, I feel it should be withdrawn at this time.

Mr. HEALY. Mr. Speaker, I will withdraw the request at this time.

The SPEAKER pro tempore. The gentleman from California withdraws the request.

COMPENSATION FOR SERVICES RENDERED IN NURSERIES AND NURSERY SCHOOLS

Mr. HEALY. Mr. Speaker, by direction of the Committee on the District of Columbia, I ask unanimous consent for the immediate consideration of the bill (H. R. 7126) to amend section 2 of the act of July 16, 1946 (Public Law 514, 79th Cong.), relating to the establishment and operation in the District of Columbia of nurseries and nursery schools, so as to permit payment of compensation for services rendered after June 30, 1946, and prior to the enactment of such act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, as I understand, this simply provides for payment for one period of 2 weeks for a number of people?

Mr. HEALY. That is correct. As the gentleman knows, this program has been going on for about 4 years, first under the Lanham Act and then under the war chest, and now under a bill recently passed by the Congress. However, due to delay in the bill going through committees in both Houses, it did not become a public law until July 16 when the President signed the bill. Employees who worked for this program during the 15 days took a chance on whether or not the program would continue, remained at their posts and continued their work from July 1 to the 15th. They cannot be paid for that time unless this bill is passed.

Mr. MARTIN of Massachusetts. And that is all this bill does?

Mr. HEALY. That is all this bill does.

Mr. MARTIN of Massachusetts. How many people are affected?

Mr. HEALY. Seventy-five people.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. HEALY. I yield.

Mr. RICH. How many people are there in the District of Columbia, who are making over $5,000 a year, who send their children to these child centers?

Mr. HEALY. Under the bill recently passed by the Congress, no one earning $5,000 is eligible for this program. The gentleman is referring to the manner in which the program was carried on during the war, under the Lanham Act funds, when everybody was encouraged to take jobs in industry to speed the war effort.

Mr. RICH. That is right. How many people in the District of Columbia now who are getting in the family, salaries from the District of Columbia or the Government that equal $5,000 a year? Are there any?

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the second sentence of section 2 of the act of July 16, 1946 (Public Law 514, 79th Cong.), is amended to read as follows: "The Board is authorized to employ teachers, attendants, clerks, custodians, and other persons necessary to provide such day care and to pay compensation for their services, including services rendered after June 30, 1946, and prior to the date of enactment of this act, in accordance with the Classification Act of 1923, as amended."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE TREASURY TO CONTINUE ACCEPTANCE OF DEPOSITS OF PUBLIC MONEYS FROM THE PHILIPPINES

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. BELL].

Mr. BELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2348) to authorize the continuance of the acceptance by the Treasury of deposits of public moneys from the Philippine Islands.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this is a bill which has been on the Consent Calendar. It was objected to by one of the Republican objectors, the gentleman from New York [Mr. COLE], simply because it had no termination date. I understand the gentleman from Missouri is willing to accept an amendment to that effect.

Mr. BELL. That is correct.

Mr. MARTIN of Massachusetts. For the benefit of the Membership I wish the gentleman would explain what the legislation does.

Mr. BELL. In the past the United States Treasury has accepted deposits from the Philippines. Since then the new republic has been born. This bill is to permit the United States Treasury to continue to accept such deposits, sinking funds, and deposits of that nature.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of June 11, 1934 (48 Stat. 929; U. S. C., title 48, sec. 1157), is hereby amended by inserting after the words "government of the Philippine Islands" the words "or the Republic of the Philippines."

SEC. 2. This act shall be effective on the date the independence of the Philippine Islands is proclaimed by the President of the United States.

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of Massachusetts: On page 1, line 9, after "President of the United States", strike out the period and insert the following: "and shall terminate on July 1, 1951."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPEAL OF CERTAIN WAR AND EMERGENCY STATUTES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 7147, to repeal certain statutes relating to the war and emergency.

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman state what this does? It is a meritorious bill. I am sure no one is opposed to it.

Mr. HOBBS. I thank the gentleman for his kind statement.

Mr. Speaker, the Committee on the Judiciary is particularly proud to report this bill. As our distinguished Member from Michigan has so well said, we had referred to our committee six resolutions dealing with the termination of the two emergencies, the hostilities lately pending and the war. We have studied the problem arising out of these six bills since early last October, daily. We have had the assistance furnished us by various agencies exercising these powers which would be terminated immediately were these six resolutions to be adopted. So when we got to the bottom of the problem we found that there were over 400 war power statutes that had been passed by both Houses and approved by the President of the United States, under which various agencies of our Government were exercising multitudinous war powers. We concluded after a thorough study of each one of the 400 laws that we could not dispense with some of them because of the continuing necessity for the powers being exercised under some, but that it was highly desirable to do away with many others. Therefore, as we could not report a bill that would terminate the war for some purposes and not for others, we have finally agreed unanimously on this bill and its accompanying report. Its enactment into law will repeal some 40 or 50 of the war powers acts that are on the books, and in the case of about 100 others we found that the agencies which were exercising powers under them agreed with the Judiciary Committee that it was the intent and purpose of the legislation that the powers therein conferred should be exercised only while the shooting part of the war was raging. So your committee in its report here calls attention to the fact that there is agreement on that score and we congratulate those agencies that have concurred in our construction and have ceased since VJ-day to exercise any of those powers. We recommend that the practice be continued.

The effect of the bill that we bring to you and ask passage by unanimous consent today is simply that there will be by virtue of your favorable action a repeal of these 40 or 50 statutes and the continuance of the voluntary cessation of activity under some 100 other war powers laws, a total of 140 to 150.

Mr. MICHENER. To make a long story short, all this does is to repeal some 52 war powers laws. The House is interested in repealing these emergency laws. This bill does that, and it is done with the approval of every one of the departments affected. The Committee on the Judiciary wanted to get rid of many of these laws, as many as could be gotten rid of with safety; therefore, all the departments were called in and the departments have agreed that these 52 laws can be eliminated without injury to the Government. I think we ought to make short work of this bill and get rid of these laws.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. I am glad to know that the committee is paring down some of these emergency war powers. The gentleman will remember I had a resolution before his committee to declare the war at an end 6 months after the signing of the surrender on the battleship *Missouri*. I am concerned right now about another situation. I have a letter from Paul Porter which relates to the Second War Powers Act and the reestablishing of slaughter quotas. You will remember when the first OPA died the slaughter quotas were taken off the small slaughterers. This permitted them to kill cattle and hogs unrestricted. The result has been a great flow of meat to the public. Mr. Porter tells me in a letter received today that they are still under the Second War Powers Act as it relates to slaughter quotas. I believe they are to be put on again. I am concerned about how long the war is going to continue and how long we are going to permit bureaucrats like Paul Porter or any other bureaucrat to issue rules and regulations that have the full force and effect of law without the approval of the Congress. I think the gentleman's committee should take steps to stop that type of regulation coming from the OPA because if he reinstates slaughter quotas it is going to cause chaos and confusion and it will be disregarded in many sections of the country. The greatest move this Congress can take is to cancel all war power emergency and declare the war has ended.

Mr. HINSHAW. Mr. Speaker, further reserving the right to object, I am examining the committee report on this bill and note that there are a great many important statutes that are being repealed, and I hope and trust that the press or some other organization will publish to the people of the United States just what these statutes are that are being repealed, because I am sure, with the way this is being carried on at the present moment, very little notice will be given nationally. This bill repeals a great many important statutes, relating to oil, mineral, and gas leases, 90 days annual leave, and a great many bills of that character. It is a highly important bill. I certainly cannot object to it, but I hope notice is given of the statutes that are repealed, because there are so many important ones involved.

Mr. SMITH of Ohio. Mr. Speaker, further reserving the right to object, I would like to know whether this bill eliminates any personnel from the Federal pay roll?

Mr. HOBBS. Not in words, but of course, the net result will be along that line. What we do is simply to repeal these statutes.

May I give a word of explanation because I feel it should be made. I just want to say that there are 52 statutes indicated in the bill to be repealed, but that we had included in that list of 52 some general appropriation bills which carried war powers. So, we have an amendment which will cut out those.

Mr. SMITH of Ohio. The gentleman stated that all the parties concerned approved this measure.

Mr. HOBBS. Yes, sir.

Mr. SMITH of Ohio. I cannot imagine how any Government employee would approve any bill that had any prospect of eliminating his job.

Mr. HOBBS. Let me say it is highly commendable that that is true in this case.

Mr. BROWN of Ohio. Mr. Speaker, further reserving the right to object, of course, the repeal of these acts will result unquestionably in lowered employment because you do away with a number of activities in which Federal employees have been working, and therefore you do, as the result of the passage of this bill, reduce the number of employees on the Federal pay roll, although you do not do it directly.

Mr. HOBBS. That is correct, sir.

Mr. SPRINGER. Mr. Speaker, further reserving the right to object, may I say for the benefit of the distinguished gentleman from Ohio [Mr. SMITH] that subcommittee 4, which has had this matter before it, heard many of the department heads, and many of the assistants testified, and with reference to these acts which are now being repealed by this present bill they have all agreed that those acts should be repealed, and with reference to something like 100 in addition, they have also agreed that they will go out of existence very promptly.

Mr. HOBBS. The gentleman is exactly right.

Mr. JONES. Mr. Speaker, further reserving the right to object, I wonder if the gentleman from Alabama would insert a statement in the RECORD as to just what statutes are being repealed.

Mr. HOBBS. Such a list is set out in full in the report.

Mr. MICHENER. May I say that those laws are set out in the bill. You cannot repeal a law without directly or indirectly naming it.

Mr. JONES. The point I wanted to make was that if that were done it would very easily be found in one spot for ready reference. It must be codified by somebody eventually.

Mr. MICHENER. The bill provides:

That the following statutes or parts of statutes are hereby repealed:

Act of August 11, 1939 (ch. 701, 53 Stat. 1418).

Act of July 30, 1941 (55 Stat. 610), as amended by Fifty-seventh Statutes, 270, and act of June 8, 1945 (Public Law 78, 79th Cong., 1st sess.).

Section 6, act of January 21, 1942 (ch. 16, 56 Stat. 11, 12) amending act of October 14, 1940, as amended (Lanham Act).

Act of January 24, 1942 (56 Stat. 17).

Act of March 13, 1942 (56 Stat. 171).

Act of March 27, 1942 (56 Stat. 187).

Act of June 5, 1942 (56 Stat. 323).

Section 3, act of June 27, 1942 (56 Stat. 462).

Act of September 29, 1942 (ch. 567, 56 Stat. 760).

Act of December 17, 1942 (ch. 737, 56 Stat. 1052).

Act of December 24, 1942 (56 Stat. 1030).

Act of July 12, 1943 (Public Law 136, 78th Cong., 1st sess.).

Section 207, title II, act of September 21, 1944 (ch. 412, 58 Stat. 734, 736).
Act of December 20, 1944 (Public Law 504, 78th Cong., 2d sess.).
Act of February 28, 1945 (ch. 15, 59 Stat. 9, Public Law 12, 79th Cong., 1st sess.).
Act of February 16, 1914 (ch. 21, sec. 21, 38 Stat. 289).
Act of May 29, 1934, section 10, second proviso (48 Stat. 812), as amended by the act of May 1, 1936, first section (49 Stat. 1249).
Act of March 5, 1940 (ch. 44, 54 Stat. 45), as amended.
Act of May 11, 1942 (56 Stat. 275, Public Law 549).
Act of June 5, 1942 (56 Stat. 316), section 8.
Act of June 10, 1942 (56 Stat. 351).
Act of August 1, 1942 (ch. 544, 56 Stat. 735).
Act of October 1, 1942 (56 Stat. 763, ch. 573).
Act of October 16, 1942 (56 Stat. 795).
Act of October 17, 1942 (56 Stat. 796, ch. 615).
Act of October 29, 1942 (ch. 632, 56 Stat. 1012).
Act of December 10, 1942 (56 Stat. 1045, ch. 717).
Act of December 22, 1942 (ch. 801, 56 Stat. 1070).
Act of April 16, 1943 (57 Stat. 65).
Act of May 25, 1943 (ch. 101, 57 Stat. 84).
Act of June 26, 1943 (57 Stat. 219, ch. 149).
Act of July 8, 1943 (ch. 200, 57 Stat. 390).
Act of March 21, 1945 (59 Stat. 37, ch. 30; Public Law 20, 79th Cong., 1st sess.).
Act of May 29, 1945 (59 Stat. 226, ch. 137, Public Law 69, 79th Cong., 1st sess.).
Act of July 5, 1945 (59 Stat. 412, ch. 270, Public Law 131, 79th Cong., 1st sess.).
Section 12, act of June 11, 1942 (56 Stat. 357).
Act of April 11, 1943 (56 Stat. 217).
Act of May 10, 1943 (ch. 96, 57 Stat. 81).
Act of May 3, 1943 (57 Stat. 74, ch. 91).
Act of March 23, 1943 (57 Stat. 41, ch. 19).
Act of May 29, 1943 (57 Stat. 92, ch. 107).
Section 124 (e), act of February 25, 1944 (Revenue Act of 1943) (58 Stat. 21, 45; Public Law 235, 78th Cong., 2d sess.).
Act of June 22, 1944 (58 Stat. 324, ch. 271).
Act of December 22, 1944 (58 Stat. 913; Public Law 542, 78th Cong., 2d sess.).
Section 607 (f), act of June 30, 1945 (59 Stat. 298, ch. 212; Public Law 106, 79th Cong., 1st sess.).
Act of July 31, 1945 (Public Law 168, 79th Cong., 1st sess.).

Mr. JONES. I thank the gentleman. That is what I had in mind.

Mr. PACE. Mr. Speaker, further reserving the right to object, I notice in the list of acts repealed, there was one passed by the Congress last year, which was reported out by the Committee on Agriculture, the act of February 28, 1945, an amendment to the Agricultural Adjustment Act, which provides that:

During the present emergency certain farms are to be regarded as farms on which cotton, wheat, or peanuts, as the case may be, were planted and grown.

I beg the gentleman's opinion as to why he regards that act as no longer needed, when it was enacted particularly for this year, next year, and the year following. Certainly if we repeal that statute we are going up the hill and right back down again. This statute should remain in effect until we return, if ever, to the acreage allotment, or until a sufficient number of years has passed so that the war years will not be a part of the base period. This act provides that when a boy was in the service and could not plant an allotment, he would be treated as if during that time he had planted those crops. But we are still in the base period as far as the war is concerned.

Mr. HOBBS. We are fully cognizant of that fact. Will the gentleman refer to the bill and not to the report?

Mr. PACE. I am using the report, because the bill does not convey any information as to what the act is, but simply gives the date.

Mr. HOBBS. I think the gentleman will find that this repealer does not affect the entire statute.

Mr. PACE. What is the line of the bill?

Mr. HOBBS. I am sorry; I do not know, sir.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. PACE. I yield to the gentleman from Indiana.

Mr. SPRINGER. Is it not a fact that the attorneys for the Department of Agriculture, along with the attorneys for the various departments of the Government, checked over all these statutes?

Mr. HOBBS. Yes, sir; I so understand.

Mr. SPRINGER. They recommended that each one of the statutes which are set forth in this bill be repealed.

Mr. PACE. Of course, I cannot question such a statement's having been made, but that is an act we passed last year for the special purpose of having it in effect for the next few years, so that boys who were in the service and could not plant the crops that form the base for future acreage allotments would not be penalized. The act should remain in effect either until acreage allotments are reinstated or until the base period has passed. I assume the bill must be considered in the Senate. I certainly do not intend to oppose the bill here. However, I would appreciate it if the distinguished gentleman from Alabama would check my contentions and, if they are correct, ask the Senate to strike this particular repeal from the bill.

Mr. HOBBS. I will be delighted, and thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following statutes or parts of statutes are hereby repealed:

Act of August 11, 1939 (ch. 701, 53 Stat. 1418).
Section 9, act of July 30, 1941 (55 Stat. 610), as amended by Fifty-seventh Statutes, 270, and act of June 8, 1945 (Public Law 78, 79th Cong., 1st sess.).
Act of December 17, 1941 (ch. 591, 55 Stat. 810, 821).
National Defense Emergency Appropriation Act of December 23, 1941 (55 Stat. 855).
Act of December 23, 1941 (ch. 621, 55 Stat. 855–856).
Section 6, act of January 21, 1942 (ch. 14, 56 Stat. 11, 12) amending act of October 14, 1940, as amended (Lanham Act).
Act of January 24, 1942 (56 Stat. 17).
Act of February 7, 1942 (56 Stat. 63).
Act of March 13, 1942 (56 Stat. 171).
Act of March 27, 1942 (56 Stat. 187).
Act of June 5, 1942 (56 Stat. 323).
Section 3, act of June 27, 1942 (56 Stat. 462).
Act of September 29, 1942 (ch. 567, 56 Stat. 760).
Act of December 17, 1942 (ch. 737, 56 Stat. 1052).
Act of December 24, 1942 (56 Stat. 1080).
Act of July 12, 1943 (Public Law 136, 78th Cong., 1st sess.).
Section 207, title II, act of September 21, 1944 (ch. 412, 58 Stat. 734, 736).
Act of December 20, 1944 (Public Law 504, 78th Cong., 2d sess.).
Act of February 28, 1945 (ch. 15, 59 Stat. 9, Public Law 12, 79th Cong., 1st sess.).
Act of June 26, 1940 (54 Stat. 599).
Act of February 16, 1914 (ch. 21, sec. 21, 38 Stat. 289).
Act of May 29, 1934, section 10, second proviso (48 Stat. 812), as amended by the act of May 1, 1936, first section (49 Stat. 1249).
Act of March 5, 1940 (ch. 44, 54 Stat. 45), as amended.
Act of February 19, 1941, as amended November 23, 1942 (ch. 639, 56 Stat. 1020).
Act of May 11, 1942 (56 Stat. 275, Public Law 549).
Act of June 5, 1942 (56 Stat. 316), section 8.
Act of June 10, 1942 (56 Stat. 351).
Act of August 1, 1942 (ch. 544, 56 Stat. 735).
Act of October 1, 1942 (56 Stat. 763, ch. 573).
Act of October 16, 1942 (56 Stat. 795).
Act of October 17, 1942 (56 Stat. 796, ch. 615).
Act of October 29, 1942 (ch. 632, 56 Stat. 1012).
Act of December 10, 1942 (56 Stat. 1045, ch. 717).
Act of December 22, 1942 (ch. 801, 56 Stat. 1070).
Act of April 16, 1943 (57 Stat. 65).
Act of May 25, 1943 (ch. 101, 57 Stat. 84).
Act of June 26, 1943 (57 Stat. 219, ch. 149).
Act of July 8, 1943 (ch. 200, 57 Stat. 390).
Act of March 21, 1945 (59 Stat. 37, ch. 30; Public Law 20, 79th Cong., 1st sess.).
Act of May 29, 1945 (59 Stat. 226, ch. 137, Public Law 69, 79th Cong., 1st sess.).
Act of July 5, 1945 (59 Stat. 412, ch. 270, Public Law 131, 79th Cong., 1st sess.).
Section 12, act of June 11, 1942 (56 Stat. 357).
Act of April 11, 1943 (56 Stat. 217).
Act of May 10, 1943 (ch. 96, 57 Stat. 81).
Act of May 3, 1943 (57 Stat. 74, ch. 91).
Act of March 23, 1943 (57 Stat. 41, ch. 19).
Act of May 29, 1943 (57 Stat. 92, ch. 107).
Section 124 (e), act of February 25, 1944 (Revenue Act of 1943) (58 Stat. 21, 45; Public Law 235, 78th Cong., 2d sess.).
Act of June 22, 1944 (58 Stat. 324, ch. 271).
Act of December 22, 1944 (58 Stat. 913; Public Law 542, 78th Cong., 2d sess.).
Section 607 (f), act of June 30, 1945 (59 Stat. 298, ch. 212; Public Law 106, 79th Cong., 1st sess.).
Act of July 31, 1945 (Public Law 168, 79th Cong., 1st sess.).

With the following committee amendments:

Page 1, line 6, strike out "Section 9."
Page 1, line 9, strike out lines 9 and 10.
Page 2, strike out lines 1, 2, 3, 8, and 24.
Page 3, strike out lines 8 and 9.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECONSTRUCTION FINANCE CORPORATION

Mr. SPENCE. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 156) to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. WOLCOTT. Reserving the right to object, Mr. Speaker, I understand that if consent is granted for the immediate consideration of the joint resolution the chairman will be recognized to offer an amendment to authorize the Reconstruction Finance Corporation, with the consent of the National Advisory Council, with their approval, and after consultation with them, to make a loan of $75,000,000 to the Philippines in accordance with Senate Joint Resolution 388.

The SPEAKER. That is the understanding of the Chair.

Mr. SPENCE. I intend to offer such an amendment.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. SPENCE]?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That (a) the first sentence of section 4 of the Reconstruction Finance Corporation Act, as amended, is hereby further amended by striking out "for a period of 15 years from the date of the enactment hereof" and inserting in lieu thereof "through June 30, 1952"; and the first sentence of section 14 of the Reconstruction Finance Corporation Act, as amended, is hereby further amended by striking out "at the expiration of the 15 years for which the Corporation has succession hereunder" and inserting in lieu thereof "prior to July 1, 1952"; and (b) section 5d of the Reconstruction Finance Corporation Act, as amended, the act approved January 26, 1937 (50 Stat., ch. 6, p. 5), as amended, and the act approved February 11, 1937 (50 Stat., ch. 10, p. 19), as amended, are hereby further amended by striking out "January 22, 1947," wherever appearing and in each instance inserting in lieu thereof "June 30, 1949."

With the following committee amendments:

On page 1, line 7, strike out "1952" and insert "1947."

On page 2, line 2, strike out "1952" and insert "1947."

On page 2, line 9, strike out "1949" and insert "1947."

Add a new section as follows:

"SEC. 2. To furnish a market for loans guaranteed or insured under the provisions of the Servicemen's Readjustment Act of 1944, as amended, Reconstruction Finance Corporation is authorized, under such terms and conditions and in such manner as it may determine, to purchase directly or through a subsidiary, loans so guaranteed or insured."

The committee amendments were agreed to.

Mr. SPENCE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SPENCE: Insert at the end thereof the following new section:

"SEC. 3. The Reconstruction Finance Corporation is hereby authorized to lend or extend credit to the Government of the Republic of the Philippines in an amount or amounts not exceeding in the aggregate $75,000,000 at such time or times before July 1, 1947, and upon such terms and conditions as the Reconstruction Finance Corporation after consultation with the National Advisory Council on International Monetary and Financial Problems shall deem to be warranted by the financial position of the Government of the Republic of the Philippines, provided that the rate of interest to be charged in connection with any loan or extension of credit made pursuant to this section shall not be less than 2 percent per annum."

The amendment was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. WIGGLESWORTH. I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

[Mr. WIGGLESWORTH addressed the House. His remarks appear in the Appendix.]

CALL OF THE HOUSE

Mr. HINSHAW. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 241]

Allen, La.	Fogarty	Morgan
Almond	Fuller	Norton
Anderson, Calif.	Gallagher	O'Konski
Bailey	Gary	O'Toole
Baldwin, Md.	Gathings	Outland
Baldwin, N. Y.	Gillespie	Patrick
Barrett, Pa.	Gossett	Patterson
Barry	Granahan	Peterson, Ga.
Bates, Ky.	Green	Pfeifer
Bates, Mass.	Gwinn, N. Y.	Philbin
Beall	Hall, Edwin Arthur	Ploeser
Beckworth	Halleck	Powell
Bender	Hancock	Priest
Bennet, N. Y.	Hare	Rabaut
Blackney	Hart	Rabin
Boren	Hartley	Rayfiel
Boykin	Hébert	Reece, Tenn.
Bradley, Mich.	Heffernan	Rees, Kans.
Bradley, Pa.	Hendricks	Richards
Brooks	Hess	Rivers
Brumbaugh	Hill	Robertson, Va.
Bryson	Hoffman, Pa.	Robinson, Utah
Buckley	Holifield	Robsion, Ky.
Buffett	Izac	Rockwell
Bunker	Jennings	Roe, N. Y.
Butler	Johnson, Calif.	Rogers, N. Y.
Carlson	Johnson, Tex.	Rooney
Case, N. J.	Keefe	Russell
Case, S. Dak.	Kefauver	Ryter
Celler	Keogh	Sabath
Clements	Kerr	Sharp
Clippinger	Kilburn	Sheppard
Cochran	Kilday	Sheridan
Coffee	Kinzer	Short
Cole, Kans.	Klein	Slaughter
Cole, N. Y.	Knutson	Smith, Va.
Combs	Landis	Somers, N. Y.
Cooper	Lane	Sparkman
Courtney	Latham	Stewart
Cravens	Ludlow	Sundstrom
Crawford	Lynch	Tarver
Curley	McGehee	Taylor
Daughton, Va.	McGlinchey	Thomas, N. J.
Dawson	McKenzie	Tolan
Delaney, James J.	McMillan, S. C.	Torrens
Delaney, John J.	Mahon	Towe
Dolliver	Maloney	Traynor
Domengeaux	Mankin	Vinson
Earthman	Mansfield, Mont.	Vursell
Eaton	Mansfield, Tex.	Wasielewski
Elsaesser	Marcantonio	Welch
Elston	May	West
Engel, Mich.	Merrow	Wickersham
Fellows	Miller, Calif.	Winter
		Wolfenden, Pa.
		Wood

The SPEAKER. On this roll call, 265 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ADJOURNMENT RESOLUTION

Mr. McCORMACK. Mr. Speaker, I offer a resolution (H. Con. Res. 165) and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Friday, August 2, 1946, and that when they adjourn on said day they stand adjourned sine die.

The SPEAKER. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. KOPPLEMANN) there were—ayes 168, noes 3.

So the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AGRICULTURAL ADJUSTMENT ACT

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6303) to amend the provisions of the Agricultural Adjustment Act relating to marketing agreements and orders.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain this bill again? This is the bill whose consideration was requested earlier?

Mr. FLANNAGAN. This extends the marketing agreements so as to keep them in effect irrespective of whether the crop price level is above or below parity. It does not affect in any way the wool growers because section 4, which broadened the act to take in other agricultural products, was eliminated.

Mr. SMITH of Ohio. Reserving the right to object, Mr. Speaker, when the request was made earlier for the consideration of this measure I objected. I was not quite clear on the matter of section 4. I am assured that section 4 will be eliminated. It is on that basis that I am withdrawing my objection.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows:

By adding at the end of section 2 (U. S. C., 1940 edition, title 7, sec. 602) the following:

"(3) Through the exercise of the powers conferred upon the Secretary of Agriculture under this title, to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements for agricultural commodities or the products thereof, other than milk and its products, in interstate commerce as will effectuate such orderly marketing of such agricultural commodities as will be in the public interest."

SEC. 2. Section 8c (6), as amended (U. S. C., 1940 edition, title 7, sec. 608c (6)), is amended to read as follows:

"(6) In the case of agricultural commodities and the products thereof, other than milk and its products, orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)) no others:

"(A) Limiting, or providing methods for the limitation of, the total quantity of any such commodity or product, or of any grade, size, or quality thereof, produced during any specified period or periods, which may be marketed in or transported to any or all markets in the current of interstate or foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodity or product thereof, during any specified period or periods by all handlers thereof.

"(B) Allotting, or providing methods for allotting, the amount of such commodity or product, or any grade, size, or quality thereof, which each handler may purchase from or handle on behalf of any and all producers thereof, during any specified period or periods, under a uniform rule based upon the amounts sold by such producers in such prior period as the Secretary determines to be representative, or upon the current quantities available for sale by such producers, or both, to the end that the total quantity thereof to be purchased, or handled during any specified period or periods shall be apportioned equitably among producers.

"(C) Allotting, or providing methods for allotting, the amount of any such commodity or product, or any grade, size, or quality thereof, which each handler may market in or transport to any or all markets in the current of interstate or foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodity or product thereof, under a uniform rule based upon the amounts which each such handler has available for current shipment, or upon the amounts shipped by each such handler in such prior period as the Secretary determines to be representative, or both, to the end that the total quantity of such commodity or product, or any grade, size, or quality thereof, to be marketed in or transported to any or all markets in the current of interstate or foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodity or product thereof, during any specified period or periods shall be equitably apportioned among all of the handlers thereof.

"(D) Determining, or providing methods for determining, the existence and extent of the surplus of any such commodity or product, or of any grade, size, or quality thereof, and providing for the control and disposition of such surplus, and for equalizing the burden of such surplus elimination or control among the producers and handlers thereof.

"(E) Establishing or providing for the establishment of, reserve pools of any such commodity or product, or of any grade, size, or quality thereof, and providing for the equitable distribution of the net return derived from the sale thereof among the persons beneficially interested therein.

"(F) Requiring or providing for the requirement of inspection of any such commodity or product produced during specified periods and marketed by handlers.

"(G) In the case of hops and their products, in addition to, or in lieu of, the foregoing terms and conditions, orders may contain one or more of the following:

"(i) Limiting, or providing methods for the limitation of, the total quantity thereof, or of any grade, type, or variety thereof, produced during any specified period or periods, which all handlers may handle in the current of or so as directly to burden, obstruct, or affect interstate or foreign commerce in hops or any product thereof.

"(ii) Apportioning, or providing methods for apportioning, the total quantity of hops of the production of the then current calendar year permitted to be handled equitably among all producers in the production area to which the order applies upon the basis of one or more or a combination of the following: The total quantity of hops available or estimated will become available for market by each producer from his production during such period; the normal production of the acreage of hops operated by each producer during such period upon the basis of the number of acres of hops in production, and the average yield of that acreage during such period as the Secretary determines to be representative, with adjustments determined by the Secretary to be proper for age of plantings or abnormal conditions affecting yield; such normal production or historical record of any acreage for which data as to yield of hops are not available or which had no yield during such period shall be determined by the Secretary on the basis of the yields of other acreage of hops of similar characteristics as to productivity, subject to adjustment as just provided for.

"(iii) Allotting, or providing methods for allotting, the quantity of hops which any handler may handle so that the allotment fixed for that handler shall be limited to the quantity of hops apportioned under preceding section (ii) to each respective producer of hops; such allotment shall constitute an allotment fixed for that handler within the meaning of subsection (5) of section 8a of this title (U. S. C., 1940 edition, title 7, sec. 608a)."

SEC. 3 Section 10 (b) (2) (U. S. C., 1940 edition, title 7, sec. 610 (b) (2)) is amended to read as follows:

"(2) (i) Each order relating to milk and its products issued by the Secretary under this title shall provide that each handler subject thereto shall pay to any authority or agency established under such order such handler's pro rata share (as approved by the Secretary) of such expenses as the Secretary may find will necessarily be incurred by such authority or agency, during any period specified by him, for the maintenance and functioning of such authority or agency, other than expenses incurred in receiving, handling, holding, or disposing of any quantity of milk or products thereof received, handled, held, or disposed of by such authority or agency for the benefit or account of persons other than handlers subject to such order. The pro rata share of the expenses payable by a cooperative association of producers shall be computed on the basis of the quantity of milk or product thereof covered by such order which is distributed, processed, or shipped by such cooperative association of producers.

"(ii) Each order relating to any other commodity or product issued by the Secretary under this title shall provide that each handler subject thereto shall pay to any authority or agency established under such order such handler's pro rata share (as approved by the Secretary) of such expenses as the Secretary may find are reasonable and are likely to be incurred by such authority or agency, during any period specified by him, for such purposes as the Secretary may, pursuant to such order, determine to be appropriate, and for the maintenance and functioning of such authority or agency, other than expenses incurred in receiving, handling, holding, or disposing of any quantity of a commodity received, handled, held, or disposed of by such authority or agency for the benefit or account of persons other than handlers subject to such order. The pro rata share of the expenses payable by a cooperative association of producers shall be computed on the basis of the quantity of the agricultural commodity or product thereof covered by such order which is distributed, processed, or shipped by such cooperative association of producers. The payment of assessments for the maintenance and functioning of such authority or agency, as provided for herein, may be required under a marketing agreement or marketing order throughout the period the marketing agreement or order is in effect and irrespective of whether particular provisions thereof are suspended or become inoperative.

"(iii) Any authority or agency established under an order may maintain in its own name, or in the name of its members, a suit against any handler subject to an order for the collection of such handler's pro rata share of expenses. The several district courts of the United States are hereby vested with jurisdiction to entertain such suits regardless of the amount in controversy."

SEC. 4. Section 8c (2) (U. S. C., 1940 edition, title 7, sec. 608c (2)) is amended by inserting a colon in lieu of the period at the end thereof and by adding the following: *"Provided,* That, in addition to the commodities specified, orders may be issued pursuant to the provisions of this section with respect to other agricultural commodities or the products of such commodities or to any regional or market classification thereof if (A) the Secretary determines that the issuance of an order with respect to any such commodity or product would more effectively advance the interests of the producers thereof, pursuant to the declared policy, and (B) a majority of the producers of such commodity or product, who, during a representative period determined by the Secretary, have been engaged, within the production area specified by the Secretary in the production for market of the commodity specified, or who, during such representative period, have been engaged in the production of such commodity for sale in the marketing area specified by the Secretary, voting in a referendum conducted by the Secretary, approve or favor the application of the provisions of section 8c to such commodity or product. Subsection (12) shall be applicable to any such referendum."

With the following committee amendments:

Page 2, line 2, strike out "or the products thereof."

Page 2, line 3, after "products," insert "and not including vegetables, other than asparagus, for canning."

Page 2, line 9, strike out all of lines 9 to 13, inclusive, and insert the following:

"(6) In the case of fruits (including pecans, almonds, and walnuts but not including apples, other than apples produced in the States of Washington, Oregon, and Idaho, and not including fruits, other than olives, for canning) and their products, tobacco and its products, vegetables (not including vegetables, other than asparagus, for canning) and their products, soybeans and their products, hops and their products, honeybees, and naval stores as included in the Naval Stores Act and standards established thereunder (including refined or partially refined oleoresin), orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)) no others."

Page 8, beginning in line 8, strike out all of section 4, and insert the following:

"SEC. 4. Section 8c (2) (U. S. C., 1940 edition, title 7, sec. 608c (2)) is amended by inserting after the word "pecans" the following: "almonds."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTABLISHING TWO ADDITIONAL OFFICES OF ASSISTANT SECRETARIES OF AGRICULTURE

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5757) to establish two additional offices of Assistant

Secretaries of Agriculture, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. TABER. Mr. Speaker, I reserve the right to object.

Mr. FLANNAGAN. May I point out to the gentleman from New York that there is an urgent necessity for this legislation. At the present time the Department of Agriculture is staffed by a Secretary, an Under Secretary, and one assistant. Since the one assistant and Under Secretary were appointed, the duties of the Department have been greatly increased. Since then we have placed under the Department the Soil Conservation Program, the Farm Security program, and the Farm Credit, Agricultural Adjustment and the Rural Electrification programs. All these activities have been added to that Department since the appointment of the Under Secretary in 1934. They need these two policy-making assistants.

Mr. TABER. Mr. Speaker, the trouble is that we are loading the Government with such an enormous bureaucracy that there will be nothing left but the Government of the United States with nobody to pay the taxes.

Mr. FLANNAGAN. Mr. Speaker, I do not think this will add a single person to the personnel of the Department.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. FLANNAGAN]?

Mr. BUCK. Mr. Speaker, I object.

Mr. FLANNAGAN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 5757) to establish two additional offices of Assistant Secretaries of Agriculture and for other purposes.

CALL OF THE HOUSE

Mr. TABER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 242]

Adams	Cannon, Fla.	Flood
Allen, La.	Carlson	Fogarty
Almond	Case, S. Dak.	Fuller
Anderson, Calif.	Celler	Gallagher
	Clements	Gardner
Bailey	Clippinger	Gary
Baldwin, Md.	Cochran	Gathings
Baldwin, N. Y.	Coffee	Geelan
Barrett, Pa.	Cole, Kans.	Gillespie
Barry	Cole, N. Y.	Gossett
Bates, Ky.	Combs	Granahan
Bates, Mass.	Cooper	Green
Beall	Courtney	Gwinn, N. Y.
Beckworth	Cravens	Hall,
Bell	Crawford	Edwin Arthur
Bender	Curley	Halleck
Bennet, N. Y.	Daughton, Va.	Hancock
Blackney	Dawson	Hare
Boren	Delaney,	Hart
Boykin	James J.	Hartley
Bradley, Mich.	Delaney,	Hébert
Bradley, Pa.	John J.	Heffernan
Brooks	Dolliver	Hess
Brumbaugh	Domengeaux	Hill
Bryson	Earthman	Hoffman, Pa.
Buckley	Eaton	Holifield
Buffett	Elston	Izac
Bunker	Engel, Mich.	Jennings
Butler	Fellows	Johnson, Calif.
Johnson, Tex.	Norton	Russell
Kean	O'Konski	Ryter
Keefe	O'Neal	Sharp
Kefauver	O'Toole	Sheppard
Keogh	Outland	Sheridan
Kerr	Patrick	Short
Kilburn	Patterson	Simpson, Ill.
Kilday	Peterson, Ga.	Slaughter
Kinzer	Pfeifer	Smith, Maine
Klein	Philbin	Somers, N. Y.
Landis	Pickett	Sparkman
Lane	Ploeser	Stewart
Ludlow	Powell	Sundstrom
Lynch	Priest	Tarver
McGehee	Rabin	Thomas, N. J.
McGlinchey	Rains	Thomas, Tex.
McKenzie	Rayfiel	Thomason
McMillan, S. C.	Reece, Tenn.	Tolan
Mahon	Reed, Ill.	Torrens
Maloney	Rees, Kans.	Towe
Mankin	Richards	Traynor
Mansfield, Mont.	Rivers	Vinson
	Robertson, Va.	Wasielewski
Mansfield, Tex.	Robinson, Utah	Welch
Marcantonio	Robsion, Ky.	West
May	Rockwell	Wickersham
Merrow	Roe, N. Y.	Winter
Miller, Calif.	Rogers, N. Y.	Wolfenden, Pa.
Morgan	Rooney	Wood

The SPEAKER. On this roll call 258 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ESTABLISHING TWO ADDITIONAL OFFICES OF ASSISTANT SECRETARIES OF AGRICULTURE

The SPEAKER. The gentleman from Virginia withdraws his motion to suspend the rules and pass the bill H. R. 5757.

IMPORTATION INTO, OR THE DEPOSITING IN TERRITORIAL WATERS OF, THE UNITED STATES OF GARBAGE DERIVED FROM PRODUCTS ORIGINATING OUTSIDE OF THE CONTINENTAL UNITED STATES

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7101) to protect American agriculture, horticulture, livestock, and the public health by prohibiting the unauthorized importation into, or the depositing in the territorial waters of, the United States of garbage derived from products originating outside of the continental United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the legislation?

Mr. FLANNAGAN. I shall ask the gentleman from California [Mr. PHILLIPS] to explain the bill.

Mr. MARTIN of Massachusetts. I yield to the gentleman from California.

Mr. PHILLIPS. This bill was prepared after a conference between representatives of the Army, the Navy, the Maritime Service, the private shippers, the Great Lakes shippers, the Department of Agriculture, the California Department of Agriculture, and the representatives of the agricultural commissioners of the States bordering on the ocean. It provides for the disposal of garbage when the garbage reaches the United States on ships, so that the hoof-and-mouth disease, rinderpest, and other diseases of that kind may be prevented. I know of no objection to the bill. The bill now presented is the bill authorized after the conference to which I referred.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That (a) for the purposes of this act—

(1) The term "garbage" means waste material, such as food scraps, table refuse, galley refuse, and refuse from stores of ships, railway cars, and aircraft, including such waste material in passengers' and crews' quarters, derived, in whole or in part, from fruits, vegetables, or animal products which have originated outside of, and have not previously legally entered, the continental United States.

(2) The term "fruits, vegetables, or animal products" shall not include fruits, vegetables, or animal products, purchased as ships' provisions in Canadian ports on the Great Lakes, unless there is in effect, with respect thereto, a proclamation issued under subsection (b) of this section.

(3) The term "vessel" means every description of craft or other contrivance used, or capable of being used, as means of transportation on or in water.

(4) The term "aircraft" means every description of craft or other contrivance used, or capable of being used, as means of transportation through the air.

(5) The term "person" means an individual, partnership, corporation, company, society, or association, a State or any agency thereof, or a political subdivision of a State or any agency thereof; and such term imports the singular or plural, as the case may be.

(6) The term "United States", when not limited by the adjective "continental", includes all Territories and possessions of the United States, with the exception of the Philippine Islands and the Canal Zone.

(7) The term "continental United States" means that part of the United States located on the continent of North America, including Alaska, but excluding Hawaii, Puerto Rico, the Virgin Islands, and the Canal Zone.

(8) The term "territorial waters of the United States" means all navigable waters of the United States, including all portions of the sea within its jurisdiction.

(9) The term "land" means not only that part of the earth's surface usually connoted by that term, but includes any building, platform, or other structure affixed to the land, whether permanent or temporary, and any pier, dock, wharf, or bridge extending into or across territorial waters of the United States.

(10) The term "authorized representative of the United States" means any employee of the United States Department of Agriculture, any customs, immigration, or public-health officer of the United States, and any commissioned, warrant, or petty officer of the United States Coast Guard, authorized by the Secretary of Agriculture to enforce the provisions of this act.

(11) The term "authorized garbage collector" means any person holding an unsuspended and unrevoked authorization from the Secretary of Agriculture to collect garbage from vessels, railway cars, aircraft, and other vehicles arriving in the United States.

(b) Whenever the Secretary of Agriculture finds that any type or kind of fruit, vegetable, or animal product, purchased as ships' provisions at Canadian ports, is likely to be a source of contagious disease dangerous to humans or animals, he shall issue a proclamation to that effect; and, whenever, after issuing any such proclamation the Secretary finds that such type or kind of fruit, vege-

table, or animal product, so purchased, is no longer likely to be a source of contagious disease dangerous to humans or animals he shall by order revoke such proclamation.

SEC. 2. For the purpose of protecting American agriculture, horticulture, livestock, and the public health, the following acts are hereby prohibited and made unlawful:

(a) Throwing, discharging, or depositing garbage, or causing, suffering, or procuring garbage to be thrown, discharged, or deposited, from any vessel, railway car, aircraft, or other vehicle into any territorial waters of the United States unless such garbage has been reduced to fluid form.

(b) Throwing, discharging, carrying, or depositing garbage, or causing, suffering, or procuring garbage to be thrown, discharged, carried, or deposited, from any vessel, railway car, aircraft, or other vehicle onto land within the United States: *Provided, however,* That garbage may be so carried and deposited in tightly closed containers, for immediate incineration or for delivery to an authorized garbage collector, if arrangements have been made with said collector immediately to receive the same, or it may be otherwise safeguarded in a manner satisfactory to the authorized representative of the United States.

(c) The retention or maintenance of garbage on vessels, railway cars, aircraft, or other vehicles within the United States except in tightly closed containers and under such treatment as may be prescribed by an authorized representative of the United States.

SEC. 3. The presence in a vessel, railway car, aircraft, or other vehicle, for consumption therein, of animal products not permitted entry under the sanitary laws of the United States, or of fresh fruits or vegetables which have originated outside of the continental United States shall constitute prima facie evidence that garbage which has accumulated in the vessel, railway car, aircraft, or other vehicle has been derived, in whole or in part, from such animal products, fruits, or vegetables, and, for the purpose of ascertaining whether any such animal products, fruits, or vegetables are being transported in any vessel, railway car, aircraft, or other vehicle arriving in the United States, any authorized representative of the United States shall have power, without warrant, to inspect any such vessel, railway car, aircraft, or other vehicle.

SEC. 4. No customs entry need be filed nor duty paid with respect to any garbage disposed of in accordance with the provisions of this act.

SEC. 5. Any authorized garbage collector with whom arrangements to receive garbage have been made by the owner, operator, master, or other person in charge of any vessel, railway car, aircraft, or other vehicle entering the United States, or by any authorized representative of such owner, operator, master, or other person, shall upon receipt of notice that garbage has been carried from such vessel, railway car, aircraft, or other vehicle and deposited upon land within the United States, proceed without delay to the place of such deposit and handle and treat the said garbage in accordance with the directions of an authorized representative of the United States.

SEC. 6. (a) The owner or operator, or the master or other person in charge, of any vessel, railway car, aircraft, or other vehicle, aboard or from which a violation of section 2 of this act occurs, shall be liable to a penalty of not more than $1,000, and the vessel, railway car, aircraft, or other vehicle shall be liable for the payment of such penalty and may be proceeded against by way of libel in the district court of any district in which the said vessel, railway car, aircraft, or other vehicle may be found: *Provided,* That the Secretary of Agriculture shall have authority to limit or mitigate any such penalty under such terms and conditions as he may deem just and reasonable.

(b) Any authorized garbage collector or any agent or employee of such collector who shall violate any provision of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $500 or by imprisonment for not more than 6 months, or by both such fine and imprisonment, in the discretion of the court. In addition, the Secretary of Agriculture, in his discretion, may suspend or revoke the authorization of such garbage collector to collect garbage under this act. Nothing in this paragraph shall be construed, however, as requiring the Secretary of Agriculture to report for prosecution minor violations of this act (or of the regulations issued thereunder) whenever he believes that the public interest will be adequately served by a suitable notice or warning.

SEC. 7. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any individual, corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such individual, corporation, company, society, or association, as well as of such officer, agent, or other person.

SEC. 8. The Secretary of Agriculture is hereby authorized to prescribe rules and regulations, for administrative purposes only, in connection with the carrying out of the provisions of this act.

SEC. 9. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act. Funds appropriated pursuant to this authorization shall be available for allotment by the Secretary of Agriculture to the bureaus and offices of the Department of Agriculture and for transfer to other departments and agencies of the Government which the said Secretary may call upon to assist, or cooperate in carrying out such purposes or for service rendered or to be rendered in connection therewith.

SEC. 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 11. Nothing contained in section 13 of the act of March 13, 1899 (30 Stat. 1152; 33 U. S. C., 1940 edition, 407), shall be construed as forbidding the discharge of fluid garbage into the territorial waters of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WEATHER BUREAU STATION, LANSING, MICH.

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1198) to authorize the Secretary of Commerce to sell certain property in the State of Michigan now occupied by the Weather Bureau and to acquire land in the State of Michigan for the election of a Weather Bureau station.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. FLANAGAN. I shall ask the gentleman from Michigan [Mr. DONDERO], who is interested in the bill, to explain it.

Mr. DONDERO. Mr. Speaker, this bill is a very unusual bill, because Michigan wants to pay the Federal Government some money. Through this legislation the Federal Treasury will receive and not pay out funds. The Federal Government has a Weather Bureau station on the campus of Michigan State College at East Lansing. The State of Michigan wants to buy the building and the site and use it for college purposes. The State is to provide a site to the Federal Government for a new station outside the campus. This is a most unusual bill, because money is to be paid the Federal Government for the property described which it now owns. I know of no objection. The gentleman from Michigan [Mr. BLACKNEY], in whose district this station is located, is vitally interested in the bill. He is eager for its passage and has been most diligent in his efforts to obtain approval by Congress.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is authorized to sell, in such manner and on such terms and conditions as he deems to be to the best interest of the United States, to the Michigan State College of Agriculture and Applied Science, the Weather Bureau station located on the campus of the said college, to convey such property to the said college by quitclaim deed, and to deposit the proceeds of such sale in the Treasury as a miscellaneous receipt.

SEC. 2. The Secretary of Commerce is authorized and directed to acquire a site and cause to be erected thereon a suitable and commodious building for the use and accommodation of the Weather Bureau at East Lansing, Mich., to replace the station authorized to be sold under the provisions of section 1.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Koerber, its assistant enrolling clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2480. An act authorizing the appointment of Robert Sprague Beightler as permanent brigadier general of the line of the Regular Army.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1636. An act to amend the Surplus Property Act of 1944 to designate the Department of State as the disposal agency for surplus property outside the continental United States, its Territories, and possessions, and for other purposes; and

S. 1733. An act for the relief of Desmark Wright; the estates of Alberta Wright, Desmark Wright, Jr., and Harold Evans; and the

legal guardians of Bobby Dennis Wright and Irvin Lee Wright, minors.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1236) entitled "An act to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes."

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following title:

H. R. 4080. An act to amend section 476, Revised Statutes (U. S. C., title 35, sec. 2), providing for officers and employees of the Patent Office, and for other purposes; and

H. R. 4718. An act to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for certain officers and employees who have rendered at least 25 years of service.

CURE AND PREVENTION OF CANCER

Mr. BLOOM. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4502) to authorize and request the President to undertake to mobilize at some convenient place in the United States and adequate number of the world's outstanding experts, and coordinate and utilize their services in a supreme endeavor to discover means of curing and preventing cancer, as amended.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized and requested to undertake, in whatever manner he may deem most appropriate, to mobilize at some convenient places in the United States an adequate number of the world's outstanding experts, and coordinate and utilize their services through an independent group appointed by him in a supreme endeavor to discover means of curing and preventing cancer; and to take any additional action that he may consider necessary or proper to achieve the desired result.

SEC. 2. The sum of $100,000,000 is hereby authorized to be appropriated to enable the President to carry out the provisions of this act to be available until expended.

The SPEAKER. Is a second demanded?

Mrs. ROGERS of Massachusetts. Mr. Speaker, I demand a second.

Mr. BULWINKLE. Mr. Speaker, I demand a second.

Mr. MILLER of Nebraska. Mr. Speaker, I demand a second.

The SPEAKER. The gentlewoman from Massachusetts demands a second, and the Chair will have to recognize a Member on the minority side for that purpose.

Without objection, a second is considered as ordered.

There was no objection.

CALL OF THE HOUSE

Mr. BULWINKLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 243]

Adams	Engel, Mich.	Norton
Allen, La.	Fellows	O'Konski
Almond	Fernandez	O'Toole
Anderson, Calif.	Fogarty	Outland
Bailey	Fuller	Patrick
Baldwin, Md.	Gallagher	Patterson
Baldwin, N. Y.	Gary	Peterson, Ga.
Barrett, Pa.	Gathings	Pfeifer
Barry	Gillespie	Philbin
Bates, Ky.	Gossett	Ploeser
Bates, Mass.	Granahan	Powell
Beall	Green	Priest
Beckworth	Gwinn, N. Y.	Rabin
Bender	Hall, Edwin Arthur	Rayfiel
Bennet, N. Y.	Halleck	Reece, Tenn.
Blackney	Hare	Reed, Ill.
Bland	Hart	Rees, Kans.
Boren	Hartley	Richards
Boykin	Hébert	Rivers
Bradley, Mich.	Heffernan	Robertson, Va.
Bradley, Pa.	Hess	Robinson, Utah
Brooks	Hill	Robsion, Ky.
Brumbaugh	Hoffman, Pa.	Rockwell
Bryson	Holifield	Roe, N. Y.
Buckley	Izac	Rogers, N. Y.
Buffett	Jennings	Rooney
Bunker	Johnson, Calif.	Russell
Butler	Johnson, Tex.	Ryter
Byrne, N. Y.	Kean	Sharp
Cannon, Fla.	Keefe	Sheridan
Cannon, Mo.	Kefauver	Short
Carlson	Keogh	Simpson, Pa.
Case, S. Dak.	Kerr	Slaughter
Celler	Kilburn	Smith, Maine
Clements	Kilday	Somers, N. Y.
Clippinger	Kinzer	Sparkman
Cochran	Klein	Stewart
Coffee	Landis	Tarver
Cole, Kans.	Lane	Taylor
Cole, N. Y.	Latham	Thomas, N. J.
Combs	Ludlow	Thomas, Tex.
Cooper	Lynch	Tolan
Courtney	McGehee	Torrens
Cravens	McGlinchey	Towe
Crawford	McKenzie	Traynor
Curley	McMillan, S. C.	Vinson
Daughton, Va.	Mahon	Vursell
Dawson	Maloney	Wasielewski
Delaney James J.	Mankin	Welch
Delaney, John J.	Mansfield, Mont.	West
Dolliver	Mansfield, Tex.	Wickersham
Domengeaux	Marcantonio	Winter
Earthman	May	Wolfenden, Pa.
Eaton	Merrow	Wood
Elsaesser	Miller, Calif.	Woodhouse
Elston	Morgan	Zimmerman

The SPEAKER. On this roll call 258 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MOBILIZATION OF WORLD'S CANCER EXPERTS

Mr. BLOOM. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia [Mr. NEELY].

Mr. NEELY. Mr. Speaker, ladies and gentlemen of the House, please come with me down the corridor of tribulation for a momentary, final farewell visit with 480 of our fellow human beings of the United States who, in horrifying agony, will die of cancer during the next 24 hours. If these sufferers should be arranged in the order in which they will set out upon their journey to that undiscovered country from which no traveler returns, the first whom we shall see will die within the next 3 minutes, the second within the next 6 minutes, and so on until this time tomorrow, when the last of the 480 will have passed through the gruesome slaughterhouse which the hideous monster, cancer, ceaselessly operates in this country.

At the conclusion of our visit with these 480 let us remember that 17,000,000 more of those now living in the United States will eventually be destroyed by this most terrifying of all afflictions. When voting on the pending bill, will you not also remember these simple mathematical facts: If the United States were in the regular shape of a rectangle, its borderline would be approximately 7,000 miles long. And if all the 17,000,000 who have been branded for death by cancer should be buried in a straight line touching one another, their grave would reach twice around this entire 7,000-mile border and extend an additional distance as great as that from Boston to the city of Washington.

This, in brief, is the problem which, so far as human flesh and blood are concerned, the bill is designed to help to solve. But the foregoing is manifestly accompanied by a financial problem, because the bill contains a request for an appropriation of a hundred million dollars. Let us consider a few statistics that tend to illuminate this point.

The Members of the Congress, with practical unanimity, appropriated funds to defray the cost of our participation in the Second World War at the rate of $221,043,000 for every day this country was engaged in that titanic struggle. But our appropriations in this matter were for the purpose of conquering a combination of deadly foes, who were able to destroy but 273,000 American service men and women during the entire period between the attack on Pearl Harbor and the final surrender of Japan. In the same time cancer killed 501,019 of the American people.

On the basis established by Dr. Louis I. Dublin, noted statistician for the Metropolitan Life Insurance Co., as I recently pointed out to this illustrious body, care and medicine for those who died of cancer in the year 1944 cost us more than $171,000,000. And upon the basis supplied by the same statistician, when the economic value of those whom cancer destroyed is added to the sum paid for medicine and care, it appears that this most terrifying of all earthly scourges extorted from the American people during the year mentioned more than $1,229,000,000.

It is estimated that in the 3 years of the war we spent $335,000,000,000 to conquer the Axis Powers. But during the same 3 years a total of much less than $4,000,000 of public funds was appropriated for the war against cancer which, during every day of this bloody conflict, destroyed almost twice as many of our people as the Nazis and Japanese were able to kill with the unlimited instrumentalities of destruction at their command. These comparative figures should make the living blush as red as blood for shame and cause the dead, if they could rise and speak, scathingly to rebuke us for our senseless inaction and our cruel neglect.

Let me once more remind the House of the well-known fact that cancer has for scores of years been steadily gaining on all the doctors and all the other scientists who have devoted their lives to the battling of this scourge. Except

heart disease alone, cancer is the king of all the killers of men. The bill, if enacted, will enable the President and the scientists whom he calls to his aid to make a long overdue new approach to the solution of the cancer problem. It will enable the doctors and scientists whom for ages lack of funds has compelled to fight the cancer monster with bows and arrows to exchange their useless stone-age weapons for those as modern and effectual as the atomic bomb, and with them finally destroy the most dreaded deadly foe to humanity that stalks the world, and thus bestow a never-ending, matchless blessing on mankind.

Mr. CANFIELD. Mr. Speaker, it is with a great deal of pleasure that I support this bill for the mobilization of the world's cancer experts, for I consider this one of the most momentous measures on which this Congress has been called to act.

This Congress has never hesitated to mobilize men for war, nor to appropriate money for armaments and weapons of death, and it was right to do so, and necessary to bring about victory. Now we have an opportunity to mobilize against an enemy that killed more than 500,000 Americans during the 3 years that 273,000 were dying in battle during the war. This enemy, which has risen in the past 30 years from seventh to second place among the death-causing diseases of the United States, strikes at the very fabric of our society and threatens every home. An estimated 17,000,000 Americans now living will die of cancer. To us, through this bill, the chance is given to try and save many of these doomed millions.

A year ago, in August 1945, I called on President Truman to convene a meeting of the leading health authorities of this country to discuss this very subject and to plan a fight against, not only cancer, but also polio, malaria, and similar diseases. This was shortly after the first atomic bomb was dropped, when it appeared that perhaps this new great war weapon had possibilities of leading to new medical discoveries. The President expressed his approval of the plan but did not think the time was then appropriate. I sincerely hope that this bill will pass and that the President will now call such a meeting of experts from all over the world.

Earlier this week I was pleased to vote with the majority that passed the hospital construction and survey bill. That bill was a great step forward in the battle to improve the health of our citizens. I hope many of the hospitals which will be built may be devoted to research and treatment of cancer and that other dread killer—polio. This present bill is a necessary supplement to the hospital bill and has even greater possibilities, holds greater hope for the future. I strongly urge its passage.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, at first I was against this bill because I thought the Public Health could handle the matter. Thinking it over, I realize that I could not vote against any measure that might enlighten the world, particularly our own country, as to what could be done in the cure of cancer.

I wonder how many men on the floor today have a wife who fears she may have cancer, or a wife who is in the agonies of cancer, or a mother who died of cancer, or a brother who died of cancer. In a local hospital there is a ward of cancer cases from this World War. One of the Members of the House lost a brother because of cancer. There is a ward in a hospital in New York for children who have cancer.

It is a horrible disease. You know the number of deaths. You know how it has affected your own family. I earnestly hope, Mr. Speaker, that the bill will pass. I recently heard from the American Society for the Control of Cancer, and they asked me to express their very earnest hope that it would pass.

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Speaker, naturally it is very hard for anyone to oppose a bill which purports to be in the interest of finding the cause and cure of cancer. Particularly is it difficult for an individual who has spent 19 years of his life in the active practice of medicine and surgery, and has dealt with hundreds and hundreds of cancer cases. My own mother had cancer of the breast. I think I know something about it.

I shall never forget the horror, almost terror, I experienced with one of the first cases I ever saw. I was just beginning as an intern. A patient on the ward had cancer of the lip which had extended down into his neck. One day the process eroded into his jugular vein, and despite my frantic efforts, he bled to death on the public ward. I was responsible and the shock is still vivid in my memory.

I take second place to no man or woman in this House or in the country in my concern for discovering the cause and cure of cancer; but, Mr. Speaker, the passage of this bill in any such form as at present is by no means synonymous with an honest-to-goodness, scientific, well-thought-out, carefully planned and considered attack upon that dread disease.

Look at the text of the bill. There is not a single specification in it. It reads:

> The President is hereby authorized and requested to undertake, in whatever manner he may deem most appropriate, to mobilize at some convenient places in the United States an adequate number—

Just what does "adequate" mean?

> of the world's outstanding experts and coordinate and utilize their services through an independent group appointed by him in a supreme endeavor to discover means of curing and preventing cancer?

Now, of course, the President cannot do all this. Somebody has to do it for him. Somebody else has to decide what manner is appropriate. Somebody else has to coordinate and utilize. Who is that somebody to be? Has the Congress the right, first, to appropriate $100,000,000 without any specification whatsoever as to how and by whom the money is to be spent? And is it right for us to trifle with the emotions, the desperate hopes and awful fears, of thousands of people who already have or who will have this disease, by a grand and pious gesture which makes them think we are doing something for them when we have not the slightest idea whether we are or not?

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. JUDD. I yield.

Mr. BROWN of Ohio. Is there anything that can be done under this bill outside of spending $100,000,000 that cannot be done in the Cancer Research Institute which has already been set up in Washington and is operating under Federal law?

Mr. JUDD. In my judgment, everything that can or will be done under this bill can be done a great deal better under the cancer research program that is already well established and functioning. Actually, I think this bill is not as likely to help as to create chaos in the whole cancer research program at which a great many of the world's outstanding experts have been working day in and day out for 50 years and more. They never rest from their labors. Now, in this bill we propose to bypass them and set up a new outfit to be controlled and operated by God only knows whom and in what manner nobody can predict.

Yesterday I voted for the hospital-aid bill, S. 191. There were two or three things in that bill which I did not like, but at least we knew what we were voting for. In one place in the bill it specified points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, as I recall, and we knew exactly what would be done under the bill. Here we do not have the slightest idea of what we are doing. I beg of you, my colleagues, that you do not, under the impulse of a perfectly laudable, proper, and praiseworthy motive and emotion, vote for a bill which, in my judgment, is more likely to harm than to help.

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

Mr. JUDD. I yield.

Mr. BLOOM. I am very much interested in what you are saying. I would like to have the gentleman explain if he can why in all the time and years that these people have been working on this problem that cancer has risen from seventh on the list of deaths to second.

Mr. JUDD. The answer is very simple. It is because the medical profession has found the causes of the diseases that used to kill people at 10, 20, 25, and 35 years of age. Nowadays more people live to the age when cancer usually develops. When doctors discovered diphtheria antitoxin, and sulfa drugs and penicillin so people did not die of diphtheria, or blood poisoning or pneumonia, they produced cancer victims. Cancer is second now because the diseases that used to be second, third, fourth, and so forth, have been so greatly reduced. Somebody here said that 17,000,000, or whatever the figure is, of the people now living in the country are going to die of cancer. Well, I can tell you that 100 percent of the people now living are going to die of something. The fewer that die of tuberculosis or typhoid fever, the more will die of something else. Surely not everyone will have to rush in front of an automobile in order to die.

Mr. BLOOM. Does the gentleman really believe what he is saying? I cannot see it.

Mr. JUDD. I am sorry he cannot see it, but the chief reason why the cancer rate is rising is simply because there are now so many more people in the upper-age brackets where cancer occurs most frequently.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. JUDD. I yield.

Mr. WHITTINGTON. I have been unable to get a copy of the hearings since this bill was called up, but I understood that Dr. Thomas Parran, Surgeon General, made substantially the same criticism as the gentleman when the committee considered the bill. My recollection is that the Surgeon General recommended a number of material amendments which the committee reporting the bill rejected.

Mr. JUDD. The money authorized is not the essential thing. I will not argue a minute about the money. I voted yesterday for even more money for hospitals. I voted a few weeks ago for a definite program for neuropsychiatric research. I voted 2 years or so ago a good many millions for tuberculosis research and care. I will gladly vote money for a comparable cancer program. It is not the money that bothers me; it is the procedure or the lack of procedure in this bill that I object to. We have an excellent Public Health Service. If that is the agency to handle it, let us say so. If it is not good enough, let us scrap it and set up another. But I beg of you not to go off half-cocked, as this bill does. I ask the House to defeat this bill, send it back to the committee, and let them bring in something whose text will make clear what it is we are voting for. I say that, not because I do not want to find an answer to the cancer problem, but just because I do want to find an answer to it. Voting for this vague, undefined grant of money is not the way to do it.

Mr. BLOOM. Mr. Speaker, I yield myself half a minute just to say that Dr. Parran said he welcomed the opportunity to appear at the hearings in support of the purposes and principle of the bill. That is what the hearings state.

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. I am glad to yield to the gentleman.

Mr. BULWINKLE. What did Dr. Parran say in his letter to the chairman of the committee on page 16?

Mr. BLOOM. What did he say? Read it.

Mr. BULWINKLE. I do not want to take the gentleman's time.

Mr. BLOOM. You asked me what he said.

Mr. BULWINKLE. He asked you to have amendments placed in the bill.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BLOOM. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, I am for the bill.

I remember talking with a general quite a long time ago. It was his initiation to the atomic bomb, or what was then not the atomic bomb. They took him into a room that was filled with scientists and on the wall were patches of all kinds that meant exactly nothing to him. That is where they were working. There were no diagrams. There was nothing spelled out. There was just an objective and nothing more. In pursuance of that objective there were hundreds of millions of dollars incorporated in an appropriation bill that most of the Members of the House did not even know was there. Finally this instrument of victory was fashioned, and there were no meticulous guide lines set out as a course of extended conduct.

Now, the atomic bomb did something besides snuff out 75,000 lives in Nagasaki and Hiroshima. It destroyed a defeatism with which we have been confronted, for God knows how long, in the face of this riddle of cancer. People are determined now that everything can be accomplished if the will and the funds are available. It has sharpened determination in the field of research. It has given the people of this country a sense of proportion. Not one of these people blinked when it was put up to them that a hundred million dollars was proposed as an expenditure to find the answer to this other ghastly killer. The Gallup poll indicated that 87 percent of the people who were queried did not bat an eyelash about the expenditure. They were willing to go along.

You know, there is a little drama about this thing. A few weeks ago over in the Senate hearing room a subcommittee was holding hearings on this matter and Senator PEPPER was in charge. He had introduced a physician there who came originally from Weimar, Germany. That is where one of these ghastly prison camps was located. It was Dr. Max Gerson. He is quite a specialist in that field. He was dependent upon live exhibits to make the case, rather than make it in so many words. Dr. Gerson had an interesting history. Long ago he was such a victim of migraine headaches that quite by accident he stumbled on a remedy for skin tuberculosis, which is known as the Sauerbruch-Gerson diet. So only a few weeks ago in the Senate hearing room this is what happened: Dr. Gerson was there. He brought some of his patients to illustrate his own approach to the cancer problem.

A young lady 17 years old got up on the witness stand right here in this building. She had a malignant tumor of the brain and no operation could be performed. She was paralyzed. Then they began to experiment with her in a hospital in New York. They began to experiment in the whole field of body chemistry, and that young lady was paralyzed, but she walked to the witness stand here in this Capitol and testified before that committee.

There was a sergeant, just as burly and just as brawny as the word "sergeant" implies, who also walked to the witness stand and testified. He also had a brain tumor. They operated but they could not follow up with X-rays because it was too dangerous. Yet, through experimentation and research that has been going on, he managed to walk to that witness stand and testify.

Then, there was another lady appeared who had a cancer of the breast. She was also one of the living exhibits that took place over there.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. In just a moment. Now, they could not claim a cure because the time had not run according to the standards, our accepted medical standards. If I remember correctly, you cannot claim a remedy or a cure unless there has been absolutely no recurrence for a period of 5 years. But here were some living witnesses who did what? They seemed to generate a hope, irrespective of the approach that was taken, that we can lick this thing if we mobilize the scientific brains of the world and the money to go after it. I do not want it inferred that I am promoting any particular approach to this subject. Rather I mention it because in various parts of the world there must be many approaches to the problem of cancer, and if this knowledge can be pooled and a determined research crusade made, we can find the answer.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. BLOOM. I yield the gentleman five additional minutes.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MILLER of Nebraska. Brain tumors can be removed and the patients do very well, so you cannot use that here. I would like to see the money appropriated for cancer but not spent through another agency. We have two agencies now, the Cancer Research Institute, the United States Public Health Service, to which this Congress appropriated some $3,000,000 this last year. We have 32 agencies in Government now dealing in some type of research. Why set up another one? Let us use the agencies we now have and force them to do all the research through this Institute.

Mr. DIRKSEN. Very well; the gentleman asks: "Why set up another?" The fact that we had all the agencies we did working on war-winning missiles was not sufficient until we set up the Manhattan project that produced the one that won the victory. There was a job to be done. There was a victory to be won. We were not too concerned about how many agencies and bureaus existed. We wanted an agency that could do a given job and do it now.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. JUDD. I am grateful to the gentleman for making such a good and moving statement on my side of the argument. The cures he has so vividly portrayed were worked out under the cancer research program which is now in operation. Supplement it, expand it, improve it, but do not bypass it with a new half-cocked thing whose results we cannot possibly predict.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I hope the Members will let me continue for a moment.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. DIRKSEN. I thank the gentlewoman from Massachusetts.

There is an answer to it. I remember what Dr. Vannevar Bush, whom I regard as probably the best administrative scientist of the United States, said with respect to this very matter. He said that—

> Our problem in the field of the atomic bomb, for instance, was not at first applied research, it was in the field of pure research to develop the approach. Once the approach was developed the rest of it was easy.

The problem here in the field of cancer is the same, it is in the field of pure research to develop the approach. Shall we go on with the technique of eradication through the use of electrosurgery, the use of the knife, the use of X-ray, the use of other things to eliminate cancer? Or are there other approaches such as the chemistry of the body? To think about this body as a chemical laboratory in which there can be generated the curative and the resistive forces that will expel or resist or drive out or dry up cancer might finally prove to be the real solution. Those are the two approaches that have to be considered. In the matter of cancer we should take the same approach we took in the matter of the development of the atomic bomb.

Mr. MILLER of Nebraska. Those things are being done now.

Mrs. LUCE. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mrs. LUCE. My stepfather and your colleague, Dr. Albert E. Austin, died of cancer. I am therefore naturally sympathetic to this bill; but I do ask: Why not be done with it as long as we are appropriating billions and try to find out what causes the common cold which starts many a person on the way to the grave? And why not find out the causes of heart disease? And, indeed, why not appropriate $5,000,000, and be done with the whole thing? One might just as well do that as appropriate as we did yesterday $400,000,000 without knowing what we were doing. Why stop with cancer?

Mr. DIRKSEN. Let us attack the thing that is the second greatest killer according to the statistics of the big life insurance companies and which should have some persuasive force upon us. The fact of the matter is that every 3 minutes someone dies of cancer, but not every 3 minutes does someone die of a common cold. That is the answer.

We are here talking about the greatest killer on the face of the earth. Certainly if there is one best way of tackling it, it is by a comprehensive plan of getting the best brains in the world together to work on it and to apply the kind of push that finally yielded the secrets of atomic power.

Miss SUMNER of Illinois. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Miss SUMNER of Illinois. Just a few short days ago my colleague joined in voting down amendments to the atomic development act that would have permitted——

Mr. DIRKSEN. I did not vote that down.

Miss SUMNER of Illinois. The majority did. Now you come in here and give a hundred million dollars to President Truman that he will probably use to appoint somebody from Missouri to find out what causes cancer.

Mr. DIRKSEN. A very, very interesting observation, I will say; but what has it got to do with the bill? And what has it got to do with the very serious business of dealing with a killing disease? Levity has its place, but not here.

Mr. ERVIN. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. ERVIN. I should like to ask one question as a person who has some difficulty in getting to the point where he is willing to appropriate $100,000,000 to be spent by some persons that are unknown in a manner unknown. Why is it put in this bill if it is to be done by creating new agencies rather than by utilizing the services of the research agencies already set up like the Rockefeller Foundation?

Mr. DIRKSEN. I am not averse to putting it in the hands of an independent group. As a matter of fact, I have had a good many dealings with Dr. Parran of the United States Public Health Service. I would like to have a fresh viewpoint from all corners of the earth on the subject. It is so easy to talk of setting up bureaus, but people continue to die of this disease. It is so easy to find refuge in the argument that there should be better guide lines and directives in expending this money, but people still die of cancer in greater numbers than ever before.

Mr. ERVIN. Is that the reason the gentleman is in favor of the provision that this money must be spent through an independent group; in other words, exclude those who have been heretofore studying the matter?

Mr. DIRKSEN. Is this not the way that we found the secret of the atomic bomb? There is no magic to me about the $100,000,000. If you want to make it $50,000,000 all right. The point is that the best brains in the world ought to be mobilized on this job to get it done; then we can move on to all the other afflictions to which mankind is subjected.

Mr. ERVIN. When you write into the bill that this has to be done through an independent group, thereby excluding those who have heretofore been studying it, are you not excluding some of the best brains from further studying the proposition?

Mr. DIRKSEN. I doubt that very much. I have that much faith in the President of the United States that he is interested in the ills of the flesh and wants to see assembled the best brains to give proper attention to this subject. If it is the money argument which disturbs any Member of this House, then tell me how you can justify a vote to spend $100,000,000 for a single battleship with which to destroy life and not be willing to find a $100,000,000 with which to save life and to heal. Tell me how you justify $2,000,000,000 for an atomic bomb which destroyed 75,000 persons and then be unable to find justification for one-twentieth of that amount to save many times that number of our own people. The victims of cancer will find small comfort in any argument about guide lines and bureaus and economy and rules and regulations and what not. They are people. Upon them is the brand of death. They want action and they want it now. This must be a spirited and determined crusade, and this bill is a beginning.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. BULWINKLE].

Mr. BULWINKLE. Mr. Speaker, I realize that anyone who dares oppose this bill in public will have telegrams sent all over the country about him without ever giving the true facts about it. I shall not speak about that.

I shall not speak about the committee which assumed jurisdiction of this bill. That has passed.

But I am speaking to you about a subject which is dear to my heart. One of my relatives died of cancer. Some of the very best friends I have had in my life died of cancer. But heaven knows, I am not getting to the point of dumping $100,000,000 into somebody's lap and raising false hopes among the people of this Nation.

Now, let us see what we have. This Congress in 1937 passed a cancer act and provided for a national cancer institute and a national advisory cancer council.

Who is on that cancer council, if you please, and who is on it today? I doubt if there are many in the House, except probably some members of the Interstate and Foreign Commerce Committee and members of the Appropriations Committee who know. Let me read you the list:

1. Dr. George Smith, Yale University Medical School, New Haven, Conn.
2. Dr. Sherwood Moore, director, Mallinkrodt Institute of Radiology, St. Louis, Mo.
3. Dr. Frank Adair, president of the American Cancer Society, surgeon, Memorial Hospital, New York, N. Y.
4. Dr. Charles Huggins, department of surgery, University of Chicago, Chicago, Ill.
5. Dr. Andrew C. Ivy, professor of physiology, Northwestern University, Chicago, Ill.
6. Dr. Robert S. Stone, professor of radiology, University of California Medical School, San Francisco, Calif.

Dr. Sherwood Moore, who testified before the committee that this research should be given to the existing organization. These are the men who meet from time to time in this Cancer Institute who say what shall be done and what shall not be done. Are they not interested in the welfare of the people of this Nation? Are you going to disregard their work? Ah, but the bill says that we want some foreign experts. The existing law provides that the Cancer Council and the Cancer Institute can call for the foreign scientists. If you do not have sufficient funds to carry out the purposes of the act, then, as I have told everyone in this country, this Congress will provide the funds for that purpose. If the existing law is not sufficient to meet the situation then this Congress will amend existing law.

Very few have read the hearings on this bill; exceedingly few. Why, even

the chairman of the committee did not cite that Dr. Parran had said that amendments should be provided in the bill before it passed.

Mr. BLOOM. Mr. Speaker, I do not think that is fair.

Mr. BULWINKLE. What did the gentleman say?

Mr. BLOOM. The gentleman asked what amendments Dr. Parran had suggested to the bill. If the gentleman wants them, I will have the Clerk read them. I found them in the hearings since the gentleman asked for them. You will note that this bill has been amended in several particulars, including the reference to the availability of the appropriation suggested by Dr. Parran. However, the committee did not agree with Dr. Parran that the Public Health Service should be designated to serve as the nucleus organization.

Mr. BULWINKLE. That is what I am saying, that the gentleman did not know then, but he found out since I talked about it.

Mr. BLOOM. The gentleman asked what they were. I naturally cannot remember everything in the hearings, and there are a lot of things that the gentleman has forgotten.

Mr. BULWINKLE. So I say to you that you have everything under existing law that is necessary for research in connection with this dread disease. Heaven knows that I admit everything that anyone says on this floor about how horrible cancer is.

I ask you to vote down the motion to suspend the rules.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Speaker, I mentioned to the Members of the House on a previous occasion that I have made a special study of cancer, and studied under some of the masters in the field of cancer research. I believe I know something about that field and what is being done in it. I have tried to follow the developments of cancer research for a great many years. I have not been as close to the problem in the last few years as I was before I came to Congress, but I think I am still sufficiently in touch with it to have some idea as to what is being done.

It strikes me rather strangely when men get up on this floor and talk about mobilizing the brains of the world in this field. I can imagine what some of the men who are engaged in cancer research would say about a proposition of that kind. You talk as though you can go out and promiscuously, with cash, buy these brains. You cannot do anything of the kind at all. You cannot buy research in this way. We hear it said that because we developed the atomic bomb we are able to discover the cause and cure of cancer. All that is needed is to approach the cancer problem with the same determination that we exhibited in respect to the atomic bomb. It is such comparisons as this which too often lead us to wrong conclusions.

I ask you to give this matter serious and calm consideration. Let us not legislate in this emotional atmosphere. I am afraid if the Congress stays in session a little while longer somebody is going to have a bill up here to prevent sin. I do not see how you can possibly avoid it. I cannot understand why a bill like this was written in the first place. It does not project any program. We hand the President of the United States $100,000,000 to find a cure for cancer. This is a part of the delusion that possesses us that somehow or other by legislation we can cure just about anything.

Mr. SHAFER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentleman from Michigan.

Mr. SHAFER. As I understand it, the best brains in dealing with cancer are already employed in research by our great medical houses throughout the country.

Mr. SMITH of Ohio. Yes; certainly.

Mr. SHAFER. At the present time in this country I understand many of our great concerns manufacturing medicine have banded together. In my district there is now being built a research laboratory to cost $4,000,000, and they have some of the best brains of this country and Europe working on cancer there.

Mr. SMITH of Ohio. The Rockefeller Institute contributes a great deal to cancer research. If we have any money to spend in this field would it not be more the part of wisdom to place such funds in the hands of those who direct the existent well organized and developed cancer research institutions?

Mrs. ROGERS of Massachusetts. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, I want to remind the House that Madame Curie discovered radium, which is used in the cure of cancer. I think we can well have the benefit of the minds of the foreign scientists and doctors who can be helpful. May I also remind the House that Dr. Adair, of Memorial Hospital and a member of the American Society for the Control of Cancer, and Dr. Murphy, of the Rockefeller Institute, also a member of that society, as well as other doctors of great note, have done a great deal of work in cancer and still want more work done in the research and cure of cancer. Dr. Adair testified before the committee on it.

I shall insert in the RECORD the names of some 16 other doctors who have supported this bill.

The names of doctors appearing before the committee are as follows:

Dr. H. J. Bagg, director, Bagg Research Laboratory, Yorktown Heights, N. Y.

Dr. Gemma Barzilai, gynecologist, New York, N. Y.

Dr. Carl Beck, Chicago, Ill.

Dr. Howard Curtis, professor of physiology, Columbia University.

Dr. Andrew J. Donnelly, pathologist, the Institute for Cancer Research, Lankenau Hospital Research Institute.

Dr. G. Failla, Columbia University, New York City.

Dr. Harry B. Friedgood, president and director of research, Cancer Research Foundation of California, Los Angeles, Calif.

Dr. Ira I. Kaplan, director, radiation therapy department, Bellevue Hospital.

Dr. Daniel Laszlo, division of neoplastic diseases, Montefiore Hospital, New York, N. Y.

Dr. Sherwood Moore, Barnes Hospital, and professor of radiology at Washington University Medical School, St. Louis, Mo.

Dr. John E. Moseley, attending radiologist, Sydnham Hospital, New York, N. Y.

Dr. Thomas Parran, Surgeon General of the United States Public Health Service.

Dr. John Rehner, Jr., chemist in charge of research on high polymer molecules for the Standard Oil Development Co. (a subsidiary of the Standard Oil Co. of New Jersey).

Dr. Simon L. Ruskin, New York City.

Dr. Louis H. Seagrave, director, Cancer Research Foundation of California.

Dr. Philip R. White, director, division of general physiology of the Institute for Cancer Research, Philadelphia, Pa.

Mr. BLOOM. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. Speaker, I cannot hope to meet the arguments by the distinguished doctors in this House on which organizations should handle cancer research and which should not, or on which bureaucracy should get the glory for the discovery of the cure for cancer. But I do know that in this year, while the clock ticks by and Congress delays action this session, 171,000 additional Americans will die. I say to you that the time is now if we want to help save these lives. If we want to contribute more than this Congress has contributed to human life and human health in any other measure in the past year, let us pass this bill and send this bill over to the Senate of the United States and let them take action. The Senate can modify this, consider which agencies it favors, and turn it over to an independent agency or not, as they choose. But the important thing is, let us take action today and now.

Mr. BLOOM. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Mrs. DOUGLAS].

Mrs. DOUGLAS of California. Mr. Speaker, one out of every eight adults in the United States will die of cancer. The question was asked by the gentlewoman from Connecticut, "Why not start research to discover the cause of the common cold?" What the doctors and scientists testified to before our committee was that whereas in the atomic bomb project the basic sciences were known before scientists started to experiment in the making of an atomic bomb, when we come to molecular life we know nothing. Cancer differs from all other afflictions of men—cancer cells live and breathe. We know nothing about growth, so that in experimenting in cancer research, we may discover anything—even the cause of the common cold. We may discover the secret of life itself. The fact remains that we are handling cancer as we did 2,500 years ago. Dr. Harry B. Friedgood, president and director of research, Cancer Research Foundation of California, said, "Although the present treatment of cancer is a credit to the ingenuity of research scientists, it is still only a modern version of that employed by the Greeks 2,500 years ago, the ancients cut out or burned out what they termed 'anarchistic cells'."

Today the only known cures for cancer are surgery or X-ray treatment.

Cancer, the second greatest killer of man is a masked monster. In heaven's name let us vote to tear that mask away. Let us vote to provide the physical facilities, scientific equipment for engaging the well-paid services of competent re-

search workers in biophysics, biochemistry, biology, bacteriology, immunology, and the neighboring sciences that have a bearing on this problem.

If we are going to find out what cancer is and if we are going to then find a cure for cancer we must vote for this bill.

The SPEAKER. The time of the gentlewoman from California has expired.

Mr. BLOOM. Mr. Speaker, I yield the balance of the time to the gentleman from West Virginia, the author of the bill [Mr. NEELY].

Mr. NEELY. Mr. Speaker, the few doctors who have testified or spoken against the bill are like the newly wed young woman who, when she was asked whether she could sew, promptly responded: "No, but I can rip up beautifully." These particular members of the medical profession who modestly inform us of their unlimited knowledge and wide experience cannot even tell us whether cancer is a germ disease, or how to save a single life that is threatened by its curse. But they can, with unlimited enthusiasm, "rip up" the pending proposal which is designed to help save from agony and death the 500,000 of our people who now have cancer and the 17,000,000 others of our living whom it has branded for destruction in the days to come. These doctors are among the small minority who are oblivious to the fact that every passing year adds to the demonstrations that cancer cannot be eradicated by any means now known, and that it is impossible with available funds, existing facilities and present methods either to check the persistent acceleration of cancer's terrifying encroachment, or stay the progressive increase of its horrifying destruction in this or any other land.

In the life-and-death struggle against cancer, no country has ever supplied its doctors or other scientists with sufficient funds to enable them to advance even to the age of the flintlock musket. And while we persist in feebly fighting cancer in the manner approved in our grandmothers' days, this brutal destroyer continues to laugh at our calamity and mock at our fear. The few doctors who oppose this measure apparently fail to comprehend the meaning of unerring statistics which demonstrate that every nation on earth has, for generations, been traveling and is still traveling a cancer road that leads straight to the sepulcher of the human race.

In the words of James Russell Lowell:

The time is ripe, and rotten-ripe for change;
Then let it come: I have no dread of what
Is called for by the instinct of mankind.

I appeal to the House to pass the bill, and thus make it possible for the President, in cooperation with preeminent scentists such as Dr. Einstein, those who solved the problem of utilizing atomic energy, members of the National Academy of Science, and outstanding experts from the great institutions of learning and investigation of the United States and all other countries on the globe to proceed at once to do what never has been done, namely, solve the problem of curing and preventing cancer—the unmitigated curse which, if not assaulted by means as revolutionary as the atomic bomb, will eventually destroy the last of the human race and make the world as voiceless as the tomb.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. BLOOM] that the rule be suspended and the bill be passed as amended.

The question was taken; and on a division (demanded by Mr. BLOOM) there were—ayes 70, noes 107.

Mr. BLOOM. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 139, answered "present" 1, not voting 164, as follows:

[Roll No. 244]

YEAS—126

Andrews, Ala.	Gore	Pace
Andrews, N. Y.	Gorski	Patman
Biemiller	Granger	Peterson, Fla.
Bloom	Grant, Ala.	Pittenger
Bolton	Hagen	Poage
Brown, Ga.	Hall,	Price, Fla.
Buchanan	Leonard W.	Price, Ill.
Byrne, N. Y.	Harless, Ariz.	Rabaut
Camp	Havenner	Rains
Canfield	Hays	Randolph
Cannon, Mo.	Healy	Rankin
Carnahan	Hedrick	Resa
Chelf	Henry	Riley
Chiperfield	Hoch	Roe, Md.
Clason	Hook	Rogers, Mass.
Cox	Huber	Rowan
Crosser	Hull	Sabath
Cunningham	Jackson	Sadowski
D'Alesandro	Jarman	Sasscer
De Lacy	Johnson, Ind.	Savage
D'Ewart	Jonkman	Sheppard
Dingell	Kearney	Sikes
Dirksen	Kee	Simpson, Pa.
Douglas, Calif.	Kelley, Pa.	Spence
Douglas, Ill.	King	Starkey
Doyle	Kirwan	Stevenson
Eberharter	Kopplemann	Stigler
Elliott	LaFollette	Sullivan
Engle, Calif.	Lesinski	Sundstrom
Fallon	Link	Thomas, Tex.
Feighan	McCormack	Thomason
Fernandez	Madden	Trimble
Flannagan	Manasco	Voorhis, Calif.
Flood	Monroney	Wadsworth
Folger	Morrison	Walter
Forand	Mundt	Weaver
Fulton	Murdock	White
Gamble	Murray, Wis.	Wolcott
Gardner	Neely	Woodhouse
Gearhart	O'Brien, Ill.	Worley
Geelan	O'Brien, Mich.	Zimmerman
Gerlach	O'Neal	
Gordon	Outland	

NAYS—139

Abernethy	Doughton, N. C.	Horan
Allen, Ill.	Drewry	Howell
Anderson,	Durham	Jenkins
H. Carl	Dworshak	Jensen
Andresen,	Ellis	Johnson, Ill.
August H.	Ellsworth	Jones
Angell	Ervin	Kelly, Ill.
Arends	Fenton	Knutson
Arnold	Fisher	Kunkel
Auchincloss	Gavin	Lanham
Barden	Gibson	Larcade
Barrett, Wyo.	Gifford	Lea
Bell	Gillette	LeCompte
Bennett, Mo.	Gillie	LeFevre
Bishop	Goodwin	Lemke
Bonner	Graham	Lewis
Brehm	Grant, Ind.	Lyle
Brown, Ohio	Gregory	McConnell
Buck	Griffiths	McDonough
Bulwinkle	Gross	McGregor
Byrnes, Wis.	Gwynne, Iowa	McMillen, Ill.
Campbell	Hale	Martin, Iowa
Case, N. J.	Hancock	Martin, Mass.
Chapman	Hand	Mason
Chenoweth	Harness, Ind.	Mathews
Church	Harris	Michener
Clark	Herter	Miller, Nebr.
Clevenger	Heselton	Mills
Cole, Mo.	Hinshaw	Norblad
Colmer	Hobbs	Norrell
Cooley	Hoeven	O'Hara
Corbett	Hoffman, Mich.	Phillips
Curtis	Holmes, Mass.	Pickett
Davis	Holmes, Wash.	Plumley
Dondero	Hope	Pratt
Ramey	Simpson, Ill.	Tibbott
Reed, Ill.	Smith, Ohio	Vorys, Ohio
Reed, N. Y.	Smith, Va.	Vursell
Rich	Smith, Wis.	Weichel
Rizley	Springer	Whitten
Robertson,	Stefan	Whittington
N. Dak.	Stockman	Wigglesworth
Rodgers, Pa.	Sumner, Ill.	Wilson
Rogers, Fla.	Sumners, Tex.	Winstead
Schwabe, Mo.	Taber	Wolverton, N. J.
Schwabe, Okla.	Talbot	Woodruff
Scrivner	Talle	
Sharp	Thom	

ANSWERED "PRESENT"—1

Shafer

NOT VOTING—164

Adams	Engel, Mich.	Marcantonio
Allen, La.	Fellows	May
Almond	Fogarty	Merrow
Anderson,	Fuller	Miller, Calif.
Calif.	Gallagher	Morgan
Bailey	Gary	Murray, Tenn.
Baldwin, Md.	Gathings	Norton
Baldwin, N. Y.	Gillespie	O'Konski
Barrett, Pa.	Gossett	O'Toole
Barry	Granahan	Patrick
Bates, Ky.	Green	Patterson
Bates, Mass.	Gwinn, N. Y.	Peterson, Ga.
Beall	Hall,	Pfeifer
Beckworth	Edwin Arthur	Philbin
Bender	Halleck	Ploeser
Bennet, N. Y.	Hare	Powell
Blackney	Hart	Priest
Bland	Hartley	Quinn, N. Y.
Boren	Hébert	Rabin
Boykin	Heffernan	Rayfiel
Bradley, Mich.	Hendricks	Reece, Tenn.
Bradley, Pa.	Hess	Rees, Kans.
Brooks	Hill	Richards
Brumbaugh	Hoffman, Pa.	Rivers
Bryson	Holifield	Robertson, Va.
Buckley	Izac	Robinson, Utah
Buffett	Jennings	Robsion, Ky.
Bunker	Johnson, Calif.	Rockwell
Butler	Johnson, Okla.	Roe, N. Y.
Cannon, Fla.	Johnson, Tex.	Rogers, N. Y.
Carlson	Judd	Rooney
Case, S. Dak.	Kean	Russell
Celler	Keefe	Ryter
Clements	Kefauver	Sheridan
Clippinger	Keogh	Short
Cochran	Kerr	Slaughter
Coffee	Kilburn	Smith, Maine
Cole, Kans.	Kilday	Somers, N. Y.
Cole, N. Y.	Kinzer	Sparkman
Combs	Klein	Stewart
Cooper	Landis	Tarver
Courtney	Lane	Taylor
Cravens	Latham	Thomas, N. J.
Crawford	Luce	Tolan
Curley	Ludlow	Torrens
Daughton, Va.	Lynch	Towe
Dawson	McCowen	Traynor
Delaney,	McGehee	Vinson
James J.	McGlinchey	Wasielewski
Delaney,	McKenzie	Welch
John J.	McMillan, S. C.	West
Dolliver	Mahon	Wickersham
Domengeaux	Maloney	Winter
Earthman	Mankin	Wolfenden, Pa.
Eaton	Mansfield,	Wood
Elsaesser	Mont.	
Elston	Mansfield, Tex.	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Klein and Mr. Izac for, with Mr. Brumbaugh against.

Mrs. Smith of Maine and Mr. Shafer for, with Mr. Judd against.

Mr. Lane and Mr. Rabin for, with Mr. Short against.

Mr. Green and Mr. Dawson for, with Mr. Ploeser against.

General pairs until further notice:

Mr. Vinson with Mr. Taylor.
Mr. Sparkman with Mr. Fuller.
Mr. Pfeifer with Mr. Latham.
Mr. John J. Delaney with Mr. Edwin Arthur Hall.
Mr. Priest with Mr. Elsaesser.
Mr. Fogarty with Mr. Halleck.
Mr. Lynch with Mr. Eaton.
Mr. Coffee with Mr. Hartley.
Mr. Keogh with Mr. Adams.
Mr. Holifield with Mr. Beall.

Mr. Barry with Mr. Keefe.
Mr. Kefauver with Mr. Bender.
Mr. Almond with Mr. Jennings.
Mr. Rayfiel with Mr. Blackney.
Mr. Domengeaux with Mr. Hess.
Mr. Sheridan with Mr. Anderson of California.
Mrs. Norton with Mr. Hill.
Mr. Bradley of Pennsylvania with Mr. Fellows.
Mr. Roe of New York with Mr. Elston.
Mr. Maloney with Mr. Dolliver.
Mr. Somers of New York with Mr. Cole of Kansas.
Mr. Hébert with Mr. Kilburn.
Mr. James J. Delaney with Mr. Cole of New York.
Mr. Hart with Mr. Rees of Kansas.
Mr. Bailey with Mr. Carlson.
Mr. Cooper with Mr. Buffett.
Mr. Boykin with Mr. Gillespie.
Mr. Gathings with Mr. Bradley of Michigan.
Mr. Bryson with Mr. Crawford.
Mr. Granahan with Mr. Bennet of New York.
Mr. O'Toole with Mr. Clippinger.
Mr. Gary with Mr. Engel of Michigan.
Mr. Buckley with Mr. Butler.
Mr. McGehee with Mr. Landis.
Mr. Celler with Mr. McCowen
Mr. McGlinchey with Mr. Merrow.
Mr. Traynor with Mr. Reece of Tennessee.
Mr. Rooney with Mr. Winter.
Mr. Wasielewski with Mr. Robsion of Kentucky.
Mr. McKenzie with Mr. Rockwell.
Mr. Powell with Mr. Gwinn of New York.
Mr. Rogers of New York with Mr. Baldwin of New York.
Mr. McMillan of South Carolina with Mr. Welch.
Mr. Miller of California with Mr. Johnson of California.
Mr. Mahon with Mr. Kinzer.
Mr. Mansfield of Montana with Mr. Thomas of New Jersey.

Mr. MURDOCK changed his vote from "present" to "yea."

Mr. ROBERTSON of North Dakota changed his vote from "yea" to "nay."

Mr. SHAFER. Mr. Speaker, I have a pair with the gentleman from Minnesota, Mr. JUDD. If he were present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

TITLE TO LANDS BENEATH TIDAL AND NAVIGABLE WATERS

Mr. SUMNERS of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the joint resolution (H. J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

Page 3, after line 21, insert:

"The United States excepts from this disclaimer and retains all right, title, and interest claimed and asserted by Presidential Proclamation No. 2667 of September 28, 1945, or otherwise to the subsoil and sea bed of or the resources in the continental shelf lying oceanward from the area described in the first clause (1) of the preceding paragraph."

The SPEAKER. Is a second demanded?

Mr. HOBBS. Mr. Speaker, I demand a second.

The SPEAKER. Does any Member of the minority demand a second?

Mr. HINSHAW. I demand a second, Mr. Speaker.

The SPEAKER. Is the gentleman opposed to the motion?

Mr. MARTIN of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. On the last suspension that rule was not invoked. Both Members who controlled the time were in favor of the bill.

The SPEAKER. Since the question has been raised, the Chair thinks the opposition is entitled to the time.

Does the gentleman from Alabama demand a second?

Mr. HOBBS. I do, Mr. Speaker.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HOBBS. Mr. Speaker, I offer an amendment.

The SPEAKER. No amendment is in order.

Mr. HOBBS. Mr. Speaker, I move to concur in the Senate amendment with an amendment.

The SPEAKER. That motion is not in order.

Mr. HOBBS. Mr. Speaker, I have an agreement with the gentleman from Texas that I would be permitted to offer an amendment to the Senate amendment.

The SPEAKER. The Chair knows nothing about that agreement. An amendment to this motion is not in order.

The gentleman from Texas [Mr. SUMNERS] is recognized for 20 minutes and the gentleman from Alabama [Mr. HOBBS] is recognized for 20 minutes.

Mr. SUMNERS of Texas. Mr. Speaker, this is a matter with which I believe the Members of the House are very familiar. This is the tideland bill which passed the House not very long ago almost unanimously. The amendment adopted in the Senate excludes from the operation of this bill the territory contiguous to the States known as the Continental Shelf, which is a very shallow part of the ocean extending out from the continent. The purpose of the amendment of the Senate is to exclude that land beyond the limits disclaimed by the States from the operation of this bill. The motion is to concur in that amendment which has been adopted by the Senate.

Mr. DONDERO. Mr. Speaker, will the gentleman yield for a question?

Mr. SUMNERS of Texas. I yield.

Mr. DONDERO. Does it include or exclude the shore line of the Great Lakes?

Mr. SUMNERS of Texas. The bill as it passed the House excludes all the shorelines of the Lakes. As stated, the Senate amendment now being considered has to do only with the Continental Shelf extending out into the ocean.

Mr. DONDERO. It only applies to tideland shores?

Mr. SUMNERS of Texas. Permit me to make this statement which I believe may clarify the situation: The Members of the House know that submerged lands under navigable waters and 3 miles from the shore under the old English law belonged to the King. When the Thirteen Colonies gained their independence it was recognized that they acquired all the titles which the King had. From the beginning of our independence it has been held that the submerged lands that bordered the States for 3 miles beyond the shore belonged to the States. That is true with reference to the lands under the navigable rivers—river beds—as the gentleman will recall.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. DINGELL. So that I may get the situation clearly, and I believe that my colleague from Michigan is interested in the very same thing that I am interested in, does this proposal which is now on the Speaker's desk give Michigan protection so far as her shoreline is concerned?

Mr. SUMNERS of Texas. That is right.

Mr. DINGELL. And it puts all other Great Lakes States on a par with the western seaboard and the eastern seaboard and the Gulf coast?

Mr. SUMNERS of Texas. Yes. This bill affects land like the land in Chicago that has been reclaimed and the land in Boston where the people have built and land in San Francisco where the people have built.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. WHITTINGTON. The gentleman very kindly stated that the exception embraced in the Senate amendment embraces the shelf on the Pacific coast. I ask the gentleman from Texas if there is a similar shelf or a shelf within the meaning of that amendment along the Gulf coast east or west of the Mississippi River.

Mr. SUMNERS of Texas. I do not know of any such shelf. It may be but I never heard it spoken of with reference to the Texas coast. I do not believe any of the States are attempting to establish or claim sovereignty on land in the shallow parts of the ocean beyond the strip, as to most States extending 3 miles from shore. Of course, in the Gulf States it goes some farther than 3 miles.

Mr. WHITTINGTON. Then this amendment does not change the Gulf shore?

Mr. SUMNERS of Texas. No. And I think the States ought not to assert any claim to the continental shelf away out in the ocean.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Does the distinguished chairman of the Committee on the Judiciary feel that the question involved here is purely a judicial question and not a legislative question?

Mr. SUMNERS of Texas. I do not think it is purely a judicial question. I think it is a matter of very high public policy. We have had in this country for a long, long time this recognition of the sovereignty of the States with regard to this territory.

Many communities have builded very substantial buildings on reclaimed lands.

and it would tremendously disturb the whole situation in America if now, by some chance, the Supreme Court should hold that the people have been mistaken through all these years; that that is really Federal property and the Federal Government can come in and claim it. I think that involves a high question of public policy about which the Congress of the United States should express itself.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. HANCOCK. The only question involved is the Senate amendment. I understand the purpose of the Senate amendment is to protect the claim of the Continental Shelf beyond the 3-mile limit in the Pacific Ocean.

Mr. SUMNERS of Texas. Substantially so. The House has passed this bill almost unanimously. It went to the Senate. This amendment to that bill comes back from the Senate and is here to make certain that the Federal Government has sovereignty over these shelves. The only new question would be whether or not the House would agree to that exemption.

Mr. GWYNNE of Iowa. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. GWYNNE of Iowa. With the exception of the amendment of the Senate, this resolution simply reaffirms the law that has been laid down by the court ever since we had a court?

Mr. SUMNERS of Texas. That is right.

Mr. HOOK. Then why pass this bill in order to stop a Supreme Court decision?

Mr. SUMNERS of Texas. For the very reason that we do not care to take a chance on the Supreme Court or anybody else disturbing a condition that has obtained in America since the beginning of this country. It is an important matter of public policy and it is within the power and the duty of the Congress to secure it.

Mr. HOOK. Is it not a question of who gets the oil?

Mr. SUMNERS of Texas. No; I do not think so.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. WHITE. Is it not a fact that the great State of Texas has reached away out into the water and claimed the oil far off the shore?

Mr. SUMNERS of Texas. I think it is.

Mr. WEICHEL. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. WEICHEL. With reference to the Great Lakes, and specifically with reference to Lake Erie, does this bill only give the State of Ohio and the States adjoining Lake Erie the right out for 3 miles?

Mr. SUMNERS of Texas. I could not give you any opinion about that. This bill is the cession of any claim of Federal jurisdiction. I do not know how far out into the Great Lakes that extends.

Mr. WEICHEL. Will this bill take away rights from the various States?

Mr. SUMNERS of Texas. No.

This bill, I mean the Senate amendment, the only thing we are acting on, is for the purpose of making it clear, as I understand it, that the claim of the Federal Government to the Continental Shelf be not disturbed.

Mr. WEICHEL. It does not cover anything on the Great Lakes, specifically? With reference to the Great Lakes, just what does it do?

Mr. SUMNERS of Texas. It does not disturb the Great Lakes at all.

Mr. Speaker, I reserve the balance of my time.

Mr. HOBBS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I regret exceedingly the turn that this has taken. I understood, and it is not disputed, that there was an agreement between the distinguished gentleman from Texas [Mr. SUMNERS] and myself that my amendment would be, with his full consent, offered as an amendment to the Senate amendment. I now ask the gentleman if that was not the understanding that obtained between us.

Mr. SUMNERS of Texas. I would not state that that was the understanding, but as far as I am concerned I would be glad to have the gentleman's amendment considered, and I have no objection to its being considered.

Mr. HOBBS. I thank the gentleman. That is exactly the request I am going to make. I am going to make the unanimous-consent request that in fairness I be allowed to offer the amendment. This is not a contest between parliamentarians. I am no parliamentarian and I know little or nothing about parliamentary law. So I appeal to the fairness of the House that this amendment, which probably will be voted down just as certainly as the fact that the conference report will be adopted, should be considered. But that is not the point. The point is that in fairness there ought not to be a bona fide amendment to the Senate amendment shut off without being considered, in view of my agreement with my chairman, who was and is in charge of the bill. I believe that even the gentleman from California and every Member of the House ought to grant that request.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. Always I am glad to yield to the distinguished gentleman from New York.

Mr. HANCOCK. As I recall, the gentleman from Alabama [Mr. HOBBS] opposed the original bill when it was debated here, and he is still opposed to the bill.

Mr. HOBBS. Yes, sir.

Mr. HANCOCK. The object of his amendment is to delay the bill until after this Congress has adjourned or to kill it entirely. He says he has consulted with the chairman of the committee with reference to the amendment. Has he consulted with anybody else? Has he ever brought it to the attention of anybody on this side of the aisle? I have never heard of it or seen it.

Mr. HOBBS. No, sir; I thought it was coming up by unanimous consent as it was the other day. When I consulted our chairman I had no idea that anyone would be less than glad to have the amendment heard and passed on.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. With pleasure, sir.

Mr. SUMNERS of Texas. I do not know much about parliamentary rules either, but as far as I am concerned I join in the unanimous-consent request so that the gentleman may have a vote on his amendment.

I should like to ask this question. The same subject has been under consideration and bills have been pending for the past 10 years. Is not that true?

Mr. HOBBS. No, sir; this is the first bill of its kind, the others were the reverse of this one, and this bill was first filed, I think, in 1945.

Mr. SHEPPARD. One further question: The gentleman offered an amendment when the bill originally cleared the House that was somewhat of the same character insofar as what this amendment would accomplish. Is that true?

Mr. HOBBS. That is right. This only amends the Senate amendment, but is similar to my amendment offered last spring when the bill passed the House.

Mr. SHEPPARD. Under the circumstances I want to protect the interests of the State of California and I shall be forced to object to the gentleman's request when he submits it, and serve notice accordingly.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I am so happy to yield to the distinguished gentleman from California.

Mr. VOORHIS of California. Would not the effect of the gentleman's amendment simply be to divorce the question of the conservation of the Nation's oil in the last remaining great pool that the Nation has from this question about streets and filled in land and stream beds and all the rest of it about which there is no real controversy? Is not that the gentleman's purpose? To separate those two questions?

Mr. HOBBS. That is right; absolutely right, sir, and to preserve the Government's suit now pending in the Supreme Court.

Mr. DOYLE. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I am glad to yield to the distinguished gentleman from California.

Mr. DOYLE. Is it not a fact that the amendment which the gentleman wants to offer in language and purpose is to defeat the purpose of the bill as it was passed by the Senate and amended? Is not that the effect of the gentleman's amendment?

Mr. HOBBS. I will be glad to answer the gentleman. That is only partially true, sir. It is my unalterable purpose to call again to the attention of this House, if I may, our constitutional duty to safeguard the national defense and to enable our Government to maintain armies and navies, which they cannot do without the propelling power of oil. Without the amendment I hoped to be allowed to offer, this bill is a menace and should be defeated. With that amendment adopted, the bill would be acceptable.

This bill is aimed to make it impossible, except by the grace of the States,

to defeat the constitutional powers which the States granted in the Constitution of the United States to the Federal Government. By the way, I want to call attention to the fact that our distinguished chairman has fallen into an error when he says that under the treaty of peace of Paris the powers of the King were transferred to the Thirteen Colonies or to the States. The gentleman has just fallen into error accidentally in the heat of argument. Everyone knows that the treaty of peace at Paris was made with the United States of America, not with the several States or Colonies. The United States of America, eo nomine, negotiated and executed the treaty of peace at Paris as a sovereign entity by agreement of the Colonies. Under the decision in the Curtiss-Wright case there can be no question about that statement.

The SPEAKER. The gentleman has consumed 10 minutes.

Mr. HOBBS. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. LAFOLLETTE].

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Mr. Speaker, I wonder if we may have the gentleman's amendment read to see what he is talking about.

Mr. LAFOLLETTE. Mr. Speaker, I do not yield if it comes out of my time.

Mr. SHEPPARD. Mr. Speaker, a parliamentary inquiry.

Mr. LAFOLLETTE. Mr. Speaker, I do not yield for a parliamentary inquiry.

Mr. Speaker, there are about three things involved in this. Two of them are very vital and one, I may say to my friends from the Middle West, may be political. So we will look at it both ways.

In the first place there is a suit pending in the Supreme Court of the United States, and I have heard numerous objections to Executive interference with the Supreme Court of the United States. We fought that issue out here before, possibly, and lost it; but there is no more justification for legislative interference with the operation of the judiciary than there is for the Executive interference. I have always opposed Executive interference.

In the second place, when this bill was up and being discussed before, I asked a question which no one has answered for me to date. Where is the title from the time when there was once a 3-mile limit, which has since been extended under President Hoover, then again extended under President Roosevelt, and again under President Truman.

I call your attention to the fact that it is not the National Guard of California or Texas or Mississippi or any other coastal State which is going to enforce this sovereignty, which you are about to give away. It is the Army and the Navy of the United States and the people that live otherwise than on the coastal sections of this country, their sons must help sustain it.

Finally—and this is the political angle if the other does not appeal to you gentlemen—in April of this year I made a speech on behalf of and with the consent and approval of every national farmers group in the United States, by resolution adopted by their national bodies, the American Farm Bureau, the Grange, the National Council of Co-ops and the Farmers Union (the first time they were ever together on anything of any kind), about claims they had filed, preempting claims on the Continental Shelf and the rest of the land belonging to the United States for the purpose of drilling for oil.

I want to say now that I talked with the attorney, who asked me to make that speech for those farm groups on this floor, on Wednesday of this week in Washington, and they are not satisfied with the Senate amendment as it stands today.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho [Mr. WHITE].

Mr. WHITE. Mr. Speaker, I agree with most everything said by the gentleman from Alabama. We must recognize the vital need for oil for defense and protection of America, but I wonder where the gentleman from Alabama was when one-third of the 57 sections comprising the Elk Hills Naval Reserve in California was given away. I wondered today, when he was making this speech on the floor, about the vital oil that is needed to protect this country that is pouring out of that naval reserve this very minute going into commercial use. I wonder what he thinks of that. I want to call attention to this House that in the offshore area of the State of Texas, on the so-called Continental Shelf, oil is being extracted and has been extracted under the laws of Texas for years. We read how they find these salt domes and oil wells by means of geophysic prospecting, going far out from shore in the ocean and drilling oil wells and taking out the oil, if the rights of California are to stop at the shore line. Why the discrimination between California and the great State of Texas? Texas has been drawing oil from under submerged land all these years.

I want to ask the gentleman about that, and I want to ask him where he was when these 57 sections in the Elk Hills Naval Reserve in California were being taken over, lock, stock, and barrel; oil reserves on which this country must depend for national defense, if you please, by one of the greatest oil companies in this country. One-third of the 57 sections was given to the oil company, and oil is now flowing out into commercial use. If we want to really do something to protect the interest of the United States, let us start at the right place and keep in reserve the vital oil set aside for the use of the Navy in the defense of our country. I am in favor of this bill.

Mr. HOBBS. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. BIEMILLER].

Mr. BIEMILLER. Mr. Speaker, I think the gentleman from Alabama is perfectly correct in the contention he made on this floor a few minutes ago. The issue here today is one of oil for defense. I have been notified only today by the chairman of the House Committee on Naval Affairs that it will be necessary for that committee to come back here in September to conduct hearings on a re-lease on the Elk Hills oil reserve. The Government's supply of oil is perilously low.

We have been hearing from many Members of this House during the past few days great patriotic protestations of their desire to defend the United States, of their paramount interest in defense. Today, if we really mean that, we have to vote to maintain the Federal rights in the last remaining great oil pool in this country. If you examine the resolution before us carefully, you will agree that is the real issue.

I regret that the gentleman from Alabama is prevented by the parliamentary situation from presenting his amendment. With his amendment, which would have reserved the oil and mineral rights in all tidelands to the Government of the United States, all of us could have supported the resolution. Then there could be no clouding of the issue which has occurred by the clever use the oil lobbyists have made of municipal rights in filled-in land, and so forth. But the parliamentary situation now stands, I repeat that if we support the resolution before us we are voting to give away oil that is badly needed by the Navy and the Army of our country. We had better think twice before we give away this last great pool of oil which should be reserved for the people of the United States of America and particularly for the defense of our country.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Speaker, the gentleman from Alabama and the former Senator from North Dakota, Mr. Nye, both introduced resolutions in their respective bodies several years ago to claim jurisdiction and title on the part of the United States to all the submerged lands all over the coastal and inland water areas. These submerged-land States, including my State, had exercised unquestioned jurisdiction over those lands ever since the formation of this Government. In my own State that jurisdiction is claimed by the State and has been exercised for 100 years. These resolutions were for the purpose of taking away from the several States, including my State, their title and jurisdiction which they have so long held and exercised.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from New York.

Mr. HANCOCK. May I add that the Federal Government has acquiesced in that claim of title by those States. The question never arose until very lately, when Senator Nye introducted his resolution.

Mr. HINSHAW. That is true. That jurisdiction has been in the States and has been acknowledged by the United States to lie in the States ever since the United States was formed. It was not until these two resolutions were introduced that any contrary idea was presented by anyone.

Mr. GWYNNE of Iowa. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Iowa.

Mr. GWYNNE of Iowa. Is it not true that the question of oil for defense is not involved here at all? Of course the Federal Government can condemn oil wells within a few miles of our shores, or it can condemn an oil well in Wyoming or any other State if it needs the oil.

Mr. HINSHAW. Of course.

I will tell you what is back of the discussion at this point and what the gentleman from Alabama, I think, would probably like to see. There are filings in the Office of the Secretary of the Interior by persons who are not now engaged in the business of extracting oil, on the tidelands of the entire Pacific coast. All his amendment would do, or the proposal that has been made would do, would be to displace those who have been granted their rights by the several States, and from whom the States are collecting royalties, and cancel their leases, and open up all of these filings down in the Secretary's office on those same leases to a group which I believe to be a group of rascals, persons who are attempting to promote through the papers in Washington and elsewhere the idea that the United States has jurisdiction over the States' lands. It would be the greatest "steal" in history, and would rob my State, among others, of substantial revenue.

Mr. SUMNERS of Texas. Mr. Speaker, I yield such time as he may desire to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, the time has arrived when I can no longer remain silent as I review the repeated acts of aggression and treachery on the part of our so-called Russian ally. I am not speaking now of the unprovoked attack upon Poland in 1939, nor of the absorption of the brave little Baltic countries of Estonia, Latvia, and Lithuania. I am not pleading the cause of the Finnish Nation which was struck down by Russian aggression or am I referring to the suffering and the partition of Czechoslovakia and the repression against the good people of Yugoslavia. All of these crimes, and more, I lay at the door of Communist Russia for I shall never forget the bravery and the sacrifice of these people whose sufferings even today are not at an end.

I am adding to the criminal record of Russian communism the names of two more Christian countries, Austria and Hungary, cultured nations which have suffered, first, under the heel of Nazi Germany, and who now are as bad or even worse off under the equally repressive and rapacious Communist Russian military domination. The world was aghast when Czechoslovakia was sacrificed to Hitler and when Poland was stabbed in the back by Russia. Civilization was stunned and speechless when the little Baltic countries and Lithuania were crushed. Statesmen and diplomats who today sit and confer with Molotov, of the team of Ribbentrop and Molotov, which engineered World War II, are puzzled by the ruthless and unprincipled Russian attitude.

It is high time that members of the Big Four should know that there is no such thing as a word, a guaranty, or an understanding with communism. It is purely a matter of expediency and advantage. Honor is unknown to Godless communism. Communism will betray or double-cross American fair play and generosity just as it will traduce or destroy the democracy and Christianity if given the opportunity to do so.

We have been bludgeoned or blackmailed ever since Tehran, Yalta, and Potsdam. We continue to pay Russia hard-earned American cash in the form of blackmail. We are used to pull her chestnuts out of the fire in Spain, as we were in Argentina. After we have impaired the traditional American friendship in the South American Republic, Communist Russia, which has not had diplomatic relations with that country for 20 years, according to plan, stepped in to take our place and our business. We are expected now to do the same thing in Spain and Portugal. Russia, with our acquiescence, pocketed $100,000,000 of blood money from Italy which will eventually come out of our pockets. Russian communism has taken every advantage of UNRRA and has used American benevolence to spread this filth of Godlessness and hate against the United States and against Christianity in the contiguous countries.

I think it is time to call a halt upon Russia and her communistic practices. If we cannot get along with Russia, we will have to find a way to get along without her. If we cannot aid this tier of subjugated countries from Finland down to Greece and Italy, then, at least, let us keep from aiding their enemies. The democratic elements in these countries must feel discouraged and totally impotent as they witness America being pushed around by the man who gained doubtful fame on the Molotov-Ribbentrop team. Communism cannot grow without appeasement. Before Russia, by accident, became our ally, communism was quite securely bottled up within Russia, although even in that country it was not firmly fastened upon its people excepting by force. It is only since the western nations adopted a policy of appeasement that the Russian steam roller began to crush the democratic and Christian peoples unfortunate enough to live at her borders. It is rumored that shortly Russia will be made the recipient of a substantial loan, the latest figure proposed is said to be $1,250,000,000. The effect of such benevolence on the part of the United States of America would be to strengthen and vitalize militant communism.

I thought that a loan for the British was insurance against the spread of communism. If that was correct and only one of many good reasons, would it not be true now that a loan of this magnitude, or any loan for that matter, to Communist Russia would have a neutralizing effect upon the purpose of the British loan? Are we Americans anxious to create a bigger, more aggressive, and more virulent communism throughout the world, or are we trying at least to confine this predator to its present field. If Russia is strengthened financially, she will directly or indirectly start financing her agents and her puppets in the subjugated countries. She will be in a position better to maintain her armies in Poland, Czechoslovakia, Hungary, Rumania, and in the little Baltic countries, thus insuring eventual submersion of the last vestige of Christianity and democracy in the stench of communism.

I do not care a rap about communism in Russia. If the Russian people want it, let them have it, and I hope they are happy with it; but I will not be a party to any deal by which communism will be aided and made to flourish in countries that fear and do not want it or any part of it. I will not waste American money to induce Russia to agree to what she had previously agreed upon, because I do not believe that in the third instance Russia is worthy of her word in the first instance.

I am thoroughly imbued with the deductions of the learned Father Edmund Walsh, S. J., of Georgetown University, who in his lectures stated time and again that Russian communism will resort to any expedient or trick to gain an advantage over the hated capitalistic countries and the equally despised Christianity.

Permit me to read, Mr. Speaker, the editorial whicl. appeared in the Washington News of Saturday, July 6, on Russia Gets $100,000,000. I think it is pertinent to what I have in mind.

RUSSIA GETS $100,000,000

Whenever we sit down at the table with the Russians we give something away. When we trade, we get a toothpick for a load of cordwood.

We started giving away things at Tehran in November 1943. We continued giving at Yalta and at Potsdam. Now at Paris we vote Russia $100,000,000 in reparations from Italy in return for Russia's agreement to call a 21-nation peace conference.

To be more exact, we pay Russia $100,000,000 to keep an agreement she made at Moscow last Christmas.

Russia agreed at that time to a general peace conference May 1. Then she stalled her way out. Now, we pay off again and Russia consents to hold the conference July 29, nearly 3 months late.

We say "we" will pay Russia the $100,000,000 because any money Italy is able to send to Russia will come indirectly out of American pockets. We are putting up the cash to feed Italy and to rehabilitate Italian industry. The reparations to Russia will be paid out of the products of Italian industry.

If the conference July 29 promised to settle anything of major importance the pay-off might be defended on the grounds of expediency. But the deal has a Munich smell.

Simultaneously with the calling of the conference comes a warning that settlement of the German and Austrian questions is not in sight. A general peace conference which cannot dispose of those questions will be of negligible value to the world, and of no value to the United States.

The rehabilitation of Europe cannot proceed so long as Germany and Austria remain a political no-man's land, walled off from the rest of Europe by military road blocks—and with Germany divided against itself into four airtight compartments.

Europe is a highly integrated economic unit and until it is treated as such millions of Europeans will stay in the bread line, with Uncle Sam paying for the bread.

A general conference which cannot approach this situation realistically, with the wraps off, cannot be considered a peace conference by any stretch of imagination. Such

a meeting can only ratify Russia's ill-gotten gains, leaving the vital problems of Europe unsolved.

The continuing appeasement of Russia creates new problems, and settles nothing. The idea of giving Russia reparations from Italy is as fantastic as dignifying by the same term the loot Russia carried away in the rape of Manchuria.

We will never buy peace by paying blackmail.

Mr. HOBBS. Mr. Speaker, I yield myself 1 additional minute, in order that I may ask unanimous consent that the amendment which I was not permitted to offer be read for the information of the House in that time.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. HOBBS: Amend the Senate amendment to House Joint Resolution 225 so that that amendment shall read as follows:

"The United States expects from this disclaimer and retains all rights, title, and interest (1) claimed and asserted by Presidential Proclamation No. 2667 of September 8, 1945, or otherwise, in the continental shelf running oceanward from a line extending oceanward three miles distant from the ordinary low-water line, including the subsoil and sea-bed and all the resources in such continental self; and (2) in all submerged lands involved in the case of the United States of America against the State of California now pending in the Supreme Court of the United States, and all other submerged lands similarly situated along the coast of the United States of America."

Mr. HOBBS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. KUNKEL].

Mr. KUNKEL. Mr. Speaker, in my judgment the House should reject this proposal to quitclaim all the right, title, and interest of the United States in the Continental Shelf. I feel strongly that the Congress should not give away property or rights belonging to the Federal Government. This is particularly true in this instance where tremendous oil reserves are involved. This is the greatest potential oil reserve now known to exist in the United States and to be under the control of the Federal Government. The war just ended has proven the tremendous importance of oil in military and naval operations. This oil reserve should be held and conserved by the Federal Government for the future.

If, by any chance, title to it is vested in the States, then the claim of the State of California can be maintained in the courts. If the State of California does own this property and if other States own similar property, then this resolution is completely unnecessary. If the State of California and other States do not own this property, then I for one refuse to be a party to giving it away to the States.

It is this same property which Ed Pauley and the California oil interests affiliated with him have been trying to pry loose from the Federal Government for a long time. There is a bad odor attached to the whole procceding, because of the vast sums of money spent by Ed Pauley and California oil interests. Mr. Pauley's close interest in this matter was the chief reason for his rejection as Under Secretary of the Navy. I felt strongly that Mr. Pauley should not receive that position because the Under Secretary of the Navy exercises such great control over the naval oil reserves. I do not want to do anything myself which would accomplish the same result I feared would be done by Mr. Pauley if he were appointed Under Secretary of the Navy. I do not wish to pass judgment on the Pauley controversy; nevertheless, it does confirm my previous conviction to vote against this bill.

The failure to adopt the Hobbs amendment is a further reason. Under Mr. HOBBS' amendment, the question of the conservation of the Nation's oil in the last remaining great pool owned by the United States, would have been divorced from the other matters involved. The United States Government would have retained all its present right, title, and interest to the oil underlying the Continental Shelf. It would have merely disclaimed its right, title, and interest to the other property involved. Since this proposed amendment could not be voted upon nor acted upon nor adopted, it is more imperative than ever to reject this entire proposal. To do otherwise would be unfair and prejudicial to the rights of the United States Government which we are all bound by oath to protect.

Mr. HOBBS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. THOM].

Mr. THOM. Mr. Speaker, I was one of the 11 Members who were opposed to this bill originally. I am proud of that stand.

Now, there is a suit pending to prohibit further exploitation of the oil of the offshore lands of California. On what does the Attorney General base that suit? He bases it on the following paragraph from the act which admitted California into the Union. That reads as follows:

SEC. 3. And be it further enacted, That the said State of California is admitted into the Union upon the express condition that the people of the said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned.

If there are lawyers here who cannot see that there is a bona fide dispute, then they must be blind. That dispute ought to be settled by the United States Supreme Court. This paragraph applies to public lands and I assert that it is a judicial question to determine whether public lands include the 3 miles that lie off the coast of California and other States.

The House is proceeding to adopt a vicious method of usurping the rights of the Supreme Court. In three cases, in the case of insurance companies, railways, and tideland oil bills, we have in this House tried to legislate in order to beat the Supreme Court to a decision.

We are told that the law is plain by the advocates of this bill. If that be so, why are they afraid to have the United States Supreme Court write a decision on the present case before it? Rather, I suspect, it is true that the lawyers supporting State ownership of offshore lands feel that their case is weak, and to save themselves they are rushing into the Congress to foreclose action by the Supreme Court. We hear speeches in this House continually about the separation of powers between the executive, legislative, and judicial departments of Government. If you believe in that doctrine you ought to vote to kill this attempt to take away the jurisdiction of the highest Court of the land.

Mr. HOBBS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS of California. Mr. Speaker, from a purely political standpoint, I may be foolish to take the position that I do on this question. But I cannot conscientiously vote for this bill and I will not vote for it. I believe what the gentleman from Ohio has said is absolutely true. I think it is a legal question that ought to be decided legally. Furthermore, I think this question of oil is the real issue involved in this bill. As to all the rest of these lands, of course, the United States could quitclaim its right, title, and interest to the States and is perfecly willing to do so. I would be glad to vote for such a bill. I recognize the position of a Member such as my colleague from Long Beach, Calif., where the city government has made excellent use of its oil resources, but I can point to case after case after case in various States where the oil has been allowed to be wasted and exploited without anything like adequate return to the people of those States. I think this oil should be conserved for the basic national defense and welfare of the United States and I believe that is what the House ought to vote for today.

The SPEAKER. The time of the gentleman from California has expired.

Mr. HOBBS. I just want to make this statement, that I do not think the President of the United States, the head of the Navy Department, the head of the Interior Department, the head of the Justice Department come within the category that has been described by the gentleman from California [Mr. HINSHAW].

Mr. LAFOLLETTE. Nor do the co-ops representing all the farmers in the United States come within the category of rascals either.

Mr. HOBBS. I was just about to make that statement, that every farm organization in the Nation and millions of our constituents are with us in this fight.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield to me?

Mr. HOBBS. With pleasure, sir.

Mr. HINSHAW. I was referring to a group of lobbyists who have been running around here promoting this idea of yours, and not to any agent of the United States.

Mr. HOBBS. This bill makes me think of the old folk rhyme:

Mother, may I go out to swim?
Yes, my darling daughter.
Hang your clothes on a hickory limb,
But don't go near the water.

The United States is the child of the States. The States granted to their Union the power to provide for the common defense; to regulate commerce with for-

eign nations and among the several States; to provide and maintain a Navy and an Army.

The pending resolution, while not specifically attempting to repeal these grants of power, would make it well-nigh, if not absolutely, impossible for the United States to use them! So, this resolution without the amendment I am proposing is equivalent to causing the mother States to say: "Yes, my darling daughter, leave the powers with which I clothed you hanging on the hickory limb of article I of the Constitution of the United States, but don't go near the water of exercising any one of them!"

In this era of harnessing atomic energy for both peace and war oil is still a basic essential if our Nation is to survive. We cannot drop a single bomb in defense of our Nation without transporting it to its military objective, and that transportation requires oil. We cannot transport a single man, much less an army, nor the food, nor matériel necessary to maintain and make it effective without oil. We cannot propel our ships, jeeps, tanks, nor our argosies of the air without oil. So, when it is proposed to relinquish the Nation's right to take and use oil from beneath the Nation's territorial waters we might as well strike from the Constitution the powers to provide and maintain our armies and navies!

There is pending in the Supreme Court of the United States a suit by the United States against California which seeks to establish its right, inter alia, to take and use the oil in the bed of the Pacific Ocean off the coast of California beginning at the low-water mark and extending oceanward. That suit does not involve any soil underlying bays, harbors, rivers or other inland waters, nor does it involve the so-called "tide lands." The passage of the pending resolution without my amendment would kill that suit. My amendment would save it, and permit the Supreme Court to pass upon the question therein raised.

Also, it is said by the proponents of this resolution that the Supreme Court in some 50 cases has already decided the issues involved in the case now pending in the Supreme Court against the Government and in favor of the States. The Government contends that this is not in accordance with the record, and it seems perfectly clear that the pending resolution is born of fear that the Government's contention is right.

The passage of this resolution without my amendment would be an unwarranted invasion of the constitutional province of the Supreme Court. If the States are right they have nothing to fear. If the National Government is right the rights established by the pending decision of the Supreme Court would inure to the benefit of every State.

In the CONGRESSIONAL RECORD of September 20, 1945, on page 8842, I spoke at length on this resolution and set forth a brief which cites the authorities on these questions. I respectfully beg your careful perusal.

There is no case, nor respectable authority, which asserts the exclusive, fee simple title in any state or nation to the 3-mile zone either as to water or bed.

There is no case, nor respectable authority, which denies the jurisdictional right in the littoral state or nation to that segment of the 3-mile zone abutting its shore.

The preponderating weight of authority and sounder reasoning holds that this right of jurisdiction and control is an attribute of national sovereignty and paramount and exclusive.

The issue as to the ownership of minerals, including oil, in the submerged lands also has never been presented to the Supreme Court of the United States for decision, and no such issue ever has been decided by the Supreme Court of the United States.

For, although the territorial limits of Alabama have extended all her sovereign power into the sea, it is there, as on the shore, but municipal power, subject to the Constitution of the United States, "and the laws which shall be made in pursuance thereof." (*Pollard's Lessee* v. *Hagan et al.* (3 Howard 212, 230).)

The Navy, Interior, and Justice Departments from the beginning of this fight have been "in my corner." While, of course, I am not unmindful of protocol, and am not quoting the President, I am as sure as I could be that he is standing squarely behind his Department heads in their support of my amendment.

All the great farm organizations of the Nation are supporting my amendment. Many other millions of your constituents join me and the other Members of this House who are loyally supporting this amendment.

Mr. SUMNERS of Texas. Mr. Speaker, I yield myself the remainder of the time.

As has been stated, the only new question before us is the amendment that was put on in the Senate, dealing with these shelves that lead out from the shores. The motion before the House at the moment is that we concur in the Senate amendment.

I do not want to get into the discussion that was had on the floor when this matter was before us, but it is only comparatively recently, and there was a record vote. I understand there were 20 votes in the House against the bill. The opinion was practically unanimous in the House that these submerged lands along the coast and in the rivers that have been recognized as belonging to the States from the beginning of the Government still belong to the States, and the Congress as a matter of public policy should quiet that title.

In view of the insistence recently being made that these lands belong to the Federal Government, some of them with expensive improvements and mineral deposits, it was determined by the legislative branch of the Government to declare the public policy that that arrangement is not to be disturbed by anybody.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. RANKIN. There is one question about the argument of the opposition that disturbs me very much. It seems to me that if their views were followed, the Federal Government might take over the entire 3-mile zone along the waterfront of each State, and turn it over to the bureaucrats. Then they might hem in the State along its waterfront; not only for oil exploitation but for every other purpose.

Mr. SUMNERS of Texas. Of course, if the Federal Government can oust the States as to that which makes up the bed, that which is contained in the 3-mile strip, it can take it over. I do not believe the people who come here from the several States want that thing to be done. They declared that to be their attitude when, after judgment, they passed the bill before. But we do believe the Federal Government ought to have the Continental Shelf, and the motion is to let it have the shelf. The amendment excludes the Continental Shelf and that is all. That is the only thing that is before us.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. RABAUT. The States cannot use the 3 miles either. They cannot build on those 3 miles. So it is no more graft on the part of the Federal Government than it is on the part of the States.

Mr. SUMNERS of Texas. No. Nobody wants to build out to the 3-mile limit.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. HANCOCK. Much has been made of the fact that certain farm organizations are opposed to this bill. I think perhaps the opposition has been overstated. I have not heard from any farm organizations, but I know this, that 46 of the 48 States in this country, through their governors or their attorneys general, have endorsed this bill.

Mr. SUMNERS of Texas. Of course. The representatives of 46 sovereign States have endorsed this bill, and of their representatives who were here when the vote was taken before with their States all except 20 agreed.

The SPEAKER. The time of the gentleman from Texas has expired.

All time has expired.

The question is: Will the House suspend the rules and concur in the Senate amendment to House Joint Resolution 225?

Mr. HOBBS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 188, nays 67, not voting 175, as follows:

[Roll No. 245]

YEAS—188

Abernethy	Bulwinkle	Drewry
Allen, Ill.	Byrnes, Wis.	Durham
Andersen, H. Carl	Campbell	Elliott
	Canfield	Ellis
Andresen, August H.	Chenoweth	Ellsworth
	Chiperfield	Engle, Calif.
Andrews, Ala.	Church	Ervin
Angell	Clason	Fallon
Arends	Clevenger	Fenton
Arnold	Cole, Mo.	Fernandez
Auchincloss	Colmer	Fisher
Barden	Corbett	Flannagan
Barrett, Wyo.	Cox	Fulton
Bennett, Mo.	Cunningham	Gamble
Bishop	Curtis	Gavin
Bland	D'Alesandro	Gearhart
Bolton	D'Ewart	Geriach
Bonner	Dingell	Gibson
Brehm	Dondero	Gifford
Brown, Ohio	Doughton, N. C.	Gillette
Buck	Doyle	Gillie

Goodwin	LeFevre	Rodgers, Pa.
Graham	Lemke	Roe, Md.
Grant, Ala.	Lewis	Rogers, Fla.
Grant, Ind.	Luce	Rogers, Mass.
Griffiths	Lyle	Schwabe, Mo.
Gross	McConnell	Schwabe, Okla.
Gwynne, Iowa	McCowen	Scrivner
Hagen	McDonough	Shafer
Hale	McGregor	Sheppard
Hall, Leonard W.	McMillen, Ill.	Sikes
	Manasco	Simpson, Ill.
Hancock	Martin, Iowa	Simpson, Pa.
Hand	Martin, Mass.	Smith, Ohio
Harness, Ind.	Mathews	Smith, Va.
Harris	Michener	Smith, Wis.
Havenner	Miller, Nebr.	Springer
Hedrick	Mills	Stefan
Hendricks	Morrison	Stevenson
Henry	Mundt	Stigler
Herter	Murray, Wis.	Stockman
Hinshaw	Neely	Sumner, Ill.
Hoeven	Norblad	Sumners, Tex.
Hoffman, Mich.	Norrell	Sundstrom
Holmes, Mass.	O'Hara	Taber
Holmes, Wash.	Patman	Talbot
Hope	Peterson, Fla.	Tallie
Horan	Phillips	Thomas, Tex.
Howell	Pickett	Thomason
Jarman	Pittenger	Tibbott
Jenkins	Plumley	Vorys, Ohio
Jensen	Poage	Vursell
Johnson, Ill.	Pratt	Wadsworth
Jones	Price, Fla.	Weaver
Jonkman	Rains	Welchel
Kearney	Ramey	White
Kee	Rankin	Whitten
Kelly, Ill.	Reed, Ill.	Whittington
King	Reed, N. Y.	Wigglesworth
Knutson	Richards	Winstead
Lanham	Riley	Wolcott
Larcade	Rizley	Wolverton, N. J.
Lea	Robertson, N. Dak.	Woodruff
LeCompte		Worley

NAYS—67

Biemiller	Gore	Monroney
Brown, Ga.	Gorski	Murdock
Buchanan	Granger	O'Brien, Ill.
Byrne, N. Y.	Gregory	O'Brien, Mich.
Camp	Harless, Ariz.	Outland
Cannon, Mo.	Hays	Pace
Carnahan	Healy	Price, Ill.
Chapman	Heselton	Rabaut
Chelf	Hobbs	Resa
Cooley	Hoch	Rowan
Crosser	Hook	Sadowski
De Lacy	Huber	Sasscer
Douglas, Calif.	Hull	Savage
Douglas, Ill.	Jackson	Spence
Dworshak	Johnson, Ind.	Sullivan
Eberharter	Kelley, Pa.	Thom
Feighan	Kirwan	Trimble
Flood	Kopplemann	Voorhis, Calif.
Folger	Kunkel	Walter
Forand	LaFollette	Woodhouse
Gardner	Lesinski	Zimmermann
Geelan	Link	
Gordon	Madden	

NOT VOTING—175

Adams	Clark	Gossett
Allen, La.	Clements	Granahan
Almond	Clippinger	Green
Anderson, Calif.	Cochran	Gwinn, N. Y.
Andrews, N. Y.	Coffee	Hall, Edwin Arthur
Bailey	Cole, Kans.	Halleck
Baldwin, Md.	Cole, N. Y.	Hare
Baldwin, N. Y.	Combs	Hart
Barrett, Pa.	Cooper	Hartley
Barry	Courtney	Hébert
Bates, Ky.	Cravens	Heffernan
Bates, Mass	Crawford	Hess
Beall	Curley	Hill
Beckworth	Daughton, Va.	Hoffman, Pa.
Bell	Davis	Holifield
Bender	Dawson	Izac
Bennet, N. Y.	Delaney, James J.	Jennings
Blackney	Delaney, John J.	Johnson, Calif.
Bloom	Dirksen	Johnson, Okla.
Boren	Dolliver	Johnson, Tex.
Boykin	Domengeaux	Judd
Bradley, Mich.	Earthman	Kean
Bradley, Pa.	Eaton	Keefe
Brooks	Elsaesser	Kefauver
Brumbaugh	Elston	Keogh
Bryson	Engel, Mich.	Kerr
Buckley	Fellows	Kilburn
Buffett	Fogarty	Kilday
Bunker	Fuller	Kinzer
Butler	Gallagher	Klein
Cannon, Fla.	Gary	Landis
Carlson	Gathings	Lane
Case, N. J.	Gillespie	Latham
Case, S. Dak.		Ludlow
Celler		
Lynch	Peterson, Ga.	Sheridan
McCormack	Pfeifer	Short
McGehee	Philbin	Slaughter
McGlinchey	Ploeser	Smith, Maine
McKenzie	Powell	Somers, N. Y.
McMillan, S. C.	Priest	Sparkman
Mahon	Quinn, N. Y.	Starkey
Maloney	Rabin	Stewart
Mankin	Randolph	Tarver
Mansfield, Mont.	Rayfiel	Taylor
	Reece, Tenn.	Thomas, N. J.
Mansfield, Tex.	Rees, Kans.	Tolan
Marcantonio	Rich	Torrens
Mason	Rivers	Towe
May	Robertson, Va.	Traynor
Merrow	Robinson, Utah	Vinson
Miller, Calif.	Robsion, Ky.	Wasielewski
Morgan	Rockwell	Welch
Murray, Tenn.	Roe, N. Y.	West
Norton	Rogers, N. Y.	Wickersham
O'Konski	Rooney	Wilson
O'Neal	Russell	Winter
O'Toole	Ryter	Wolfenden, Pa.
Patrick	Sabath	Wood
Patterson	Sharp	

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Randolph with Mr. Mason.

Mr. Barrett of Pennsylvania with Mrs. Luce.

Mr. Philbin with Mr. O'Konski.

Mr. Bunker with Mr. Rich.

Mr. Sabath with Mr. Sharp.

Mr. Clark with Mr. Towe.

Mr. Quinn of New York with Mr. Wilson.

Mr. Combs with Mr. Wolfenden of Pennsylvania.

Mr. Gossett with Mr. Hoffman of Pennsylvania.

Mr. McCormack with Mr. Dirksen.

Mr. Johnson of Texas with Mr. Bates of Massachusetts.

Mr. Heffernan with Mr. Andrews of New York.

Mr. Rivers with Mr. Marcantonio.

Mr. BARRETT of Wyoming changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate, by Mr. Koerber, its assistant enrolling clerk, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 619. An act to amend the act of June 8, 1936, relating to vocational education, so as to provide for the further development of vocational education in the several States and Territories.

S. 2085. An act to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended, to authorize the Federal Works Administrator to provide needed educational facilities, other than housing, to educational institutions furnishing courses of training or education to persons under title II of the Servicemen's Readjustment Act of 1944, as amended.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4230) entitled "An act to provide necessary officers and employees for circuit courts of appeals and district courts."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 191) entitled "An act to amend the Public Health Service Act to authorize grants to States for surveying their hospitals and public-health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction"; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HILL, Mr. TUNNELL, Mr. THOMAS of Utah, Mr. LA FOLLETTE, and Mr. TAFT to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bills of the House of the following titles:

H. R. 241. An act for the relief of Mrs. Ruby H. Hunsucker; and

H. R. 6702. An act to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944

The message also announced that the Senate had passed, without amendment, a bill of the House of the following title:

H. R. 6406. An act authorizing the State of Texas, acting through the State Highway Commission of Texas, or the successors thereof, to acquire, construct, maintain, and operate a free bridge across the Rio Grande at or near Del Rio, Tex.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4497) entitled "An act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes."

MESSAGES FROM THE PRESIDENT

Sundry messages from the President of the United States were communicated to the House by Mr. Miller, one of his secretaries.

PUBLIC HEALTH SERVICE

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 191) to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public-health centers, and for planning construction of additional facilities, and to authorize grants to assist in such construction, with House amendments thereto, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. BULWINKLE, CHAPMAN, MARCANTONIO, WOLVERTON of New Jersey, and BROWN of Ohio.

RAILROAD RETIREMENT BILL

Mr. LEA. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1362) to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes, with Senate amendments thereto, disagree to the amendments of the Senate, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. COLE of Missouri, Mr. HOOK, Mr. WHITE, and Mr. HENDRICKS objected.

RAILROAD RETIREMENT BILL

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1362) to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. LEA. Mr. Speaker, I object.

Mr. CROSSER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H. R. 1362), entitled "An act to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes."

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out all after line 3 over to and including line 12, on page 8.

Strike out lines 13 to 16, inclusive, and insert:

"SEC. 1. Section 1 (c) of the Railroad Retirement Act of 1937, section 1 (e) of the Railroad Unemployment Insurance Act, and section 1532 (d) of the Internal Revenue Code are each amended as follows: After the word 'if' which it first appears therein insert '(i)' and for the phrase."

Page 8, line 22, strike out all after "operations", down to and including "employer," in line 25.

Page 9, line 12, strike out "3" and insert "2."

Page 9, line 16, strike out all after " 'paid';" down to and including "period;" in line 18.

Page 11, strike out all after line 9 over to and including line 15, on page 15, and insert:

" 'SEC. 3. (a) Section 1500 of the Internal Revenue Code is amended to read as follows:

" ' "SEC. 1500. Rate of tax.

" ' "In addition to other taxes, there shall be levied, collected, and paid upon the income of every employee a tax equal to the following percentages of so much of the compensation, paid to such employee after December 31, 1946, for services rendered by him after such date, as is not in excess of $300 for any calendar month:

" ' "1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 5¾ percent;

" ' "2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 6 percent.

" ' "3. With respect to compensation paid after December 31, 1951, the rate shall be 6¼ percent."

" '(b) The second sentence of section 1501 (a) of the Internal Revenue Code is amended to read as follows: "If an employee is paid compensation after December 31, 1946, by more than one employer for services rendered during any calendar month after 1946 and the aggregate of such compensation is in excess of $300, the tax to be deducted by each employer other than a subordinate unit of a national railway-labor-organization employer from the compensation paid by him to the employee with respect to such month shall be that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall deduct such proportion of any additional tax as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month."

" '(c) Section 1510 of the Internal Revenue Code is amended to read as follows:

" ' "SEC. 1510. Rate of tax.

" ' "In addition to other taxes, there shall be levied, collected, and paid upon the income of each employee representative a tax equal to the following percentages of so much of the compensation, paid to such employee representative after December 31, 1946, for services rendered by him after such date, as is not in excess of $300 for any calendar month:

" ' "1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 11½ per centum;

" ' "2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 12 per centum;

" ' "3. With respect to compensation paid after December 31, 1951, the rate shall be 12½ per centum."

" '(d) Section 1520 of the Internal Revenue Code is amended to read as follows:

" ' "SEC. 1520. Rate of tax.

" ' "In addition to other taxes, every employer shall pay an excise tax, with respect to having individuals in his employ, equal to the following percentages of so much of the compensation, paid by such employer after December 31, 1946, for services rendered to him after December 31, 1936, as is, with respect to any employee for any calendar month, not in excess of $300: *Provided, however*, That if an employee is paid compensation after December 31, 1946, by more than one employer for services rendered during any calendar month after 1936, the tax imposed by this section shall apply to not more than $300 of the aggregate compensation paid to such employee by all such employers after December 31, 1946, for services rendered during such month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional tax as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month:

" ' "1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 5¾ percent;

" ' "2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 6 percent;

" ' "3. With respect to compensation paid after December 31, 1951, the rate shall be 6¼ percent."

" '(e) Section 1532 (b) of the Internal Revenue Code is amended to read as follows:

" ' "(b) Employee: The term 'employee' means any individual in the service of one or more employers for compensation: *Provided, however*, That the term 'employee' shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age 65 or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within 1 year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within 10 years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided*, That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

" ' "The term 'employee' includes an officer of an employer.

" ' "The term 'employee' shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple."

" '(f) Section 1532 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

" ' "A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, 'for

time lost' the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost."

"'(g) Subchapter B of Chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

"'"SEC. 1538. Title of subchapter.

"'"This subchapter may be cited as the 'Railroad Retirement Tax Act.'"'"

Page 15, line 21, strike out "of" and insert "if."

Page 16, line 1, strike out "1946" and insert "1947."

Page 16, line 3, strike out "1945" and insert "1946."

Page 16, line 11, strike out "1944" and insert "1945."

Page 16, line 14, strike out "1944" and insert "1945."

Page 16, line 22, strike out "nine" and insert "ten."

Page 17, line 23, strike out "Section 1 (m) is amended to read as follows:" and insert "A new subsection is added as follows."

Page 17, line 24, strike out "(m)" and insert "(o)."

Page 18, line 21, strike out "(o)" and insert "(p)."

Page 23, line 14, striek out all after "equitable." down to and including "recognized" in line 19, and insert "In computing the monthly compensation, no part of any month's compensation in excess of $300 shall be recognized."

Page 26, line 15, strike out "1946" and insert "1947."

Page 28, line 22, strike out "1946" and insert "1947."

Page 29, line 6, strike out "1946" and insert "1947."

Page 32, line 23, strike out "1946" and insert "1947."

Page 33, line 17, strike out "1946" and insert "1947."

Page 34, line 7, strike out "Social Security Board" and insert "Federal Security Administrator."

Page 34, line 23, strike out "either board" and insert "the Board or the Federal Security Administrator."

Page 35, line 2, strike out "board which" and insert "Board or the Federal Security Administrator, whichever."

Page 35, line 25, strike out "1946" and insert "1947."

Page 38, line 11, strike out "1947" and insert "1948."

Page 39, lines 1 and 2, strike out "multiplied by the number of months he will have been in service as an employee" and insert "for any calendar month in such year."

Page 41, strike out all after line 23 over to and including line 3, on page 42.

Page 45, line 2, strike out all after "compensation" down to and including "employment)" in line 4, and insert "with respect to employment."

Page 51, strike out lines 3 to 23, inclusive, and insert:

"'SEC. 318. (a) Section 8 (a) is amended by changing the word "payable" to "paid" wherever it appears; and by substituting for the portion of the subsection beginning with the words "and each such employer" and continuing to the end of the subsection, the following: "and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the contribution with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services during any calendar month after 1946 bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional contribution as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month."'"

Page 51, after line 2, insert:

"(b) Subsection (h) of section 8 of the Railroad Unemployment Insurance Act, as amended, is amended to read as follows:

"'(h) All provisions of law, including penalties, applicable with respect to any tax imposed by section 1800 or 2700 of the Internal Revenue Code, and the provisions of section 3661 of such code, insofar as applicable and not inconsistent with the provisions of this act, shall be applicable with respect to the contributions required by this act: *Provided*, That all authority and functions conferred by or pursuant to such provisions upon any officer or employee of the United States, except the authority to institute and prosecute, and the function of instituting and prosecuting, criminal proceedings, shall, with respect to such contributions, be vested in and exercised by the Board or such officers and employees of the Board as it may designate therefor.'"

Page 57, line 7, strike out "1946" and insert "1947."

Page 57, line 10, strike out "1946" and insert "1947."

Page 57, line 11, strike out "1946" and insert "1947."

Page 57, line 15, strike out "sections" and insert "section 306 shall become effective on July 1, 1946, and sections."

Page 57, line 16, strike out "306."

Page 57, line 16, strike out "1946" and insert "1947."

Page —, after line —, insert the following:

"The amendments to section 1532 of the Internal Revenue Code made by sections 1, and 3 (e) and (f) shall be effective only with respect to services rendered after December 31, 1946. The amendments made by section 4 (a), (b), (c), and (d) shall take effect January 1, 1947. Sections 1500, 1510, and 1520 of the Internal Revenue Code as in effect on December 31, 1946, shall remain in full force and effect on and after January 1, 1947, with respect to any remuneration which constitutes compensation under the law as in effect on December 31, 1946, to which such sections as amended by this act are not applicable.'"

Page 57, lines 18 and 19, strike out "July 1, 1945," and insert "on the date of enactment of this act."

Page 57, line 20, strike out "1946" and insert "1947."

Page 58, line 11, strike out "1946" and insert "1947."

Page 58, line 19, strike out "1946" and insert "1947."

Page 58, line 20, strike out "1947" and insert "1948."

Page 59, line 2, strike out "1946" and insert "1947."

Page 59, line 4, strike out "1946" and insert "1947."

Page 59, line 20, strike out "1946" and insert "1947."

Page 60, line 15, strike out "1945" and insert "1946."

Page 60, line 15, strike out "1946" and insert "1947."

Page 60, strike out lines 18 to 20, inclusive.

The SPEAKER. The gentleman from Ohio moves to suspend the rules and agree to the Senate amendments to the bill H. R. 1362.

Is a second demanded?

Mr. LEA. Mr. Speaker, I demand a second.

Mr. CROSSER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CALL OF THE HOUSE

Mr. BUCK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and three Members are present; not a quorum.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 246]

Adams	Domengeaux	McKenzie
Allen, La.	Earthman	McMillan, S. C.
Almond	Eaton	Mahon
Anderson, Calif.	Ellsworth	Maloney
Andrews, N. Y.	Elsaesser	Mankin
Bailey	Elston	Mansfield, Mont.
Baldwin, Md.	Engel, Mich.	Mansfield, Tex.
Baldwin, N. Y.	Fellows	Marcantonio
Barrett, Pa.	Fogarty	Mason
Barry	Folger	May
Bates, Ky.	Fuller	Merrow
Bates, Mass.	Gallagher	Miller, Calif.
Beall	Gary	Morgan
Beckworth	Gathings	Murray, Tenn.
Bender	Gifford	Norton
Bennet, N. Y.	Gillespie	O'Konski
Blackney	Gossett	O'Neal
Bland	Granahan	O'Toole
Boren	Grant, Ind.	Outland
Boykin	Green	Pace
Bradley, Mich.	Gwinn, N. Y.	Patman
Bradley, Pa.	Hall, Edwin Arthur	Patrick
Brooks	Halleck	Patterson
Brumbaugh	Hare	Peterson, Ga.
Bryson	Harness, Ind.	Pfeifer
Buckley	Hart	Philbin
Buffett	Hartley	Ploeser
Bunker	Hébert	Powell
Butler	Heffernan	Priest
Cannon, Fla.	Hess	Quinn, N. Y.
Carlson	Hill	Rabin
Case, N. J.	Hoffman, Pa.	Randolph
Case, S. Dak.	Holifield	Rayfiel
Celler	Izac	Reece, Tenn.
Clark	Jennings	Rees, Kans.
Clements	Johnson, Calif.	Rich
Clippinger	Johnson, Okla.	Richards
Cochran	Johnson, Tex.	Rivers
Coffee	Judd	Robertson, Va.
Cole, Kans.	Kean	Robinson, Utah
Cole, N. Y.	Keefe	Robsion, Ky.
Combs	Kefauver	Rockwell
Cooper	Keogh	Roe, N. Y.
Courtney	Kerr	Rogers, N. Y.
Cravens	Kilburn	Rooney
Crawford	Kilday	Russell
Cunningham	Kinzer	Ryter
Curley	Klein	Shafer
Daughton, Va.	Landis	Sharp
Davis	Lane	Sheridan
Dawson	Latham	Short
Delaney, James J.	Lewis	Slaughter
Delaney, John J.	Ludlow	Smith, Maine
Dirksen	Lynch	Somers, N. Y.
Dolliver	McGehee	Sparkman
	McGlinchey	Starkey

Stewart	Torrens	West
Sundstrom	Towe	Wickersham
Tarver	Traynor	Wilson
Taylor	Vinson	Winter
Thomas, N. J.	Wasielewski	Wolfenden, Pa.
Thomas, Tex.	Weaver	Wood
Tolan	Welch	

The SPEAKER. On this roll call 243 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RAILROAD RETIREMENT ACT

The SPEAKER. The gentleman from Ohio [Mr. CROSSER] is recognized for 20 minutes and the gentleman from California [Mr. LEA] will be recognized for 20 minutes.

Mr. CROSSER. Mr. Speaker, let me explain the amendments that were adopted by the Senate. Of course, I would rather not have the amendments, but I am very glad to accept them. The first amendment simply strikes out all of section 1 of the bill and restores the coverage, so-called, under the present law. There would be no change in the coverage under the present law. The second amendment provides for the collection of taxes or assessments, whichever you want to call them, by the Treasury Department, as heretofore, instead of by the Retirement Board. I think there is a saving to be made by having the Retirement Board do it, but it does not make very much difference to us who collects the taxes, so far as that goes, so I do not object. Another change made by the second amendment continues the present limitation of $300 for each month considered separately.

We had provided in the bill, and I think it was a just provision, that in calculating the maximum amount of salary in any month upon which benefits could be based under the retirement law the whole amount earned in a calendar year should be divided by the number of months in which the person may have worked, and the average, not in excess of $300, should be his monthly compensation. Those are substantially the only changes made by the Senate in the bill. I do not think it will serve any good purpose to discuss further the Senate amendments. There is absolutely no justification for sending the bill to conference. The Senate amendments, in substance, were offered in the House during the consideration of the bill before it went to the Senate by the Member who has just moved to send the bill to conference. I did not favor them, but the opposition urged them as an improvement of the bill. The bill, except as to the amendments just explained, could not, under the rules, be changed in conference. Since as already explained the amendments were offered and advocated by the opposition when the bill was considered in the House originally, there is really nothing in controversy which should be submitted to a conference. I hope, therefore, the motion to concur will be carried by an overwhelming vote.

Mr. Speaker, I reserve the balance of my time.

Mr. LEA. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON of New Jersey. Mr. Speaker, I rise in opposition to the motion which has been made by the gentleman from Ohio [Mr. CROSSER]. I think this legislation is probably one of the most complex and technical that we, the Committee on Interstate and Foreign Commerce, have ever been called upon to consider. When the bill was brought to the House, it was brought in under conditions that I am fearful did not give the opportunity for an explanation of the issues involved which the importance of the subject was entitled to have. As a result of the confusion or misunderstanding in the House, at the time the committee amendments were voted upon, the bill was passed in such condition that the imperfections were so apparent that even the proponents of the amendments acknowledged it. Because of the action taken by the House with reference to amendments offered by proponents of the amendments and the manner in which they were voted upon, the bill went out of the House carrying dates that everyone knew could not remain in the bill and still be constitutional. But so anxious were some to pass some kind of a bill that it did not seem to make any difference in that respect, with the result that we had a hodge-podge, so far as legislative drafting is concerned, that has never been equalled in my experience in this House.

Those remarks I have just made are not referring to the questions that relate to the rights of employees. There could be an honest difference of opinion with respect to that, but I am now speaking of the ineffective method that was adopted to give to employees improved benefits.

The other body of Congress acted upon the bill, after the committee of that body reported the bill to the Senate in the same form in which it was passed by the House, without correcting the dates or those important matters in the bill that would have to do with its constitutionality. It came before the Senate without any correction of that kind. An effort was made to pass it through that body without making those amendments, relying upon a concurrent resolution to be adopted after the bill had been passed, to correct the imperfections. But the Members of the other body took the position, from the debate as it appears in the CONGRESSIONAL RECORD, that they were unwilling to let that kind of legislation go out of that body under any such conditions, and accordingly made amendments that do correct those features to which I have referred.

As one who is interested in good legislation from the standpoint of good drafting as well as the contents of the legislation, I am proud of the fact that the other body did rise to the occasion at least in that particular.

The important part of this legislation is first to make certain and sure that the retirement features of the law, which is now in existence, will give, at the time the individual employee needs it, that which it was intended he should have. I had a part in the passage of that original legislation. I have had a part in the passage of every piece of legislation that has been passed in this House in favor of the employees of the railroads. While some may have been advertised more than I have, there is no one who has fought harder in their behalf than I have.

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. LEA. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. WOLVERTON of New Jersey. So, when I speak today, I am not speaking as one who is opposed to giving additional benefits to our railroad employees. I voted for all the additional benefits provided for in the pending bill. But when we give them those benefits we ought to make sure that they are going to get them. The retirement fund at the present time is not actuarily sound. No one will deny that fact. So that the first thing—and, of primary importance—is to make certain that the fund is sound. That is what we sought to do in the legislation offered by the majority of the Committee on Interstate and Foreign Commerce when this bill was originally reported to the House.

Now, the pending bill comes before us. If you will look at page 10162 of this CONGRESSIONAL RECORD, which contains Senator GEORGE's amendment to tax features of the bill you will see how technical this question of rates really is. There is no one can look at that amendment and determine by a reading of it whether the rates that have been provided under that Senate amendment will give protection to the men which they are entitled to have. I am therefore, as a friend of the employees, insisting that if you want to do real service to them, then this bill should go to a conference committee where this matter can be considered and an examination made as to whether the rates provided in the bill will provide the benefits to the employees it is intended they should have. It is only that we may have careful legislation on this important subject that I am opposing this method of dealing with this important matter, that involves the welfare of so many thousands of employees who are depending upon us to protect their interests.

I voted for the bill that would increase the benefits for railroad employees, when the bill was before this House, so it cannot be charged that I am an opponent of increased benefits for these workers; but I do want to make sure that what we do is well done so that we will not be faced with a situation hereafter in which individuals will not get that which we intended they should get or which they expected to get.

The SPEAKER. The time of the gentleman from New Jersey has again expired.

Mr. McDONOUGH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McDONOUGH. In the event this motion should not receive the required two-thirds vote, does the bill then automatically go to conference?

The SPEAKER. No; that could be objected to, as it was a while ago. There are other avenues by which it could be

acted on later; but the answer to the gentleman's inquiry is "No."

Mr. CROSSER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, in answer to the inquiry of the gentleman from California [Mr. McDONOUGH] if this motion does not receive a two-thirds vote, then the only way the bill could go to conference would be by unanimous consent or by a rule from the Rules Committee taking the bill from the Speaker's desk and sending it to conference, or by a motion to suspend the rules which would have to receive a two-thirds vote. That is my understanding of the parliamentary situation regarding the methods that could be employed to send the bill to conference.

So we know that for all practical purposes if the pending motion is not adopted, this bill, so far as this conference is concerned, is dead, in all probability.

This bill has received severe opposition. It is rather difficult for me to understand in my own mind all of this effort to try and prevent its passage. There is no question but what the only chance this bill has to get through this session is to have the motion of the gentleman from Ohio [Mr. CROSSER] adopted. The amendments of the Senate were offered by the chairman of the committee when the bill was being considered in the House in the Committee of the Whole. The thing that happened there was that they overloaded the bill with a lot of amendments and under the guise of putting through a good bill they tried to kill it, or it would result in a bill with practically no benefits.

If this bill were to go to conference the chances are that the bill would be dead anyway; and if the conference report came back we would have to vote it up or down, and the chances are there would be a dead or ineffective bill come back. If it was not dead in conference it would be a dead bill that was reported back by the conference.

There are 1,500,000 employees of the railroads who are interested in the provisions of this bill if it becomes law. They are looking toward the Congress with anxious eyes. They have friends on both sides of the aisle, Democrats and Republicans. This fight has been waged under the courageous leadership of the gentleman from Ohio [Mr. CROSSER] and he has been backed by Members of the House on both sides of the aisle, Democrats and Republicans.

In the closing days of the session this is probably the one day that we will have a quorum. I am not saying there will not be a quorum next week but we have a quorum here now, and if we are going to accomplish anything this session in connection with legislation of this kind, in connection with this bill, we have got to do it today, in my opinion, or it will not be done at all.

This is a fair bill as we look at its overall provisions. If there is anything to be corrected we can correct it later. Certainly these men who are benefited know what is beneficial to them. For 10 years I sat on the Ways and Means Committee, and in fact I handled the tax provisions of the first railroad retirement bill that became a law. The gentleman from Ohio remembers that well. He put through the legislative provisions. Then the tax provisions came from the Ways and Means Committee and I had the honor to handle it for the railroad men, the various brotherhoods. My experience of 10 years on the Ways and Means Committee with the brotherhoods appearing before the committee was to produce in my mind a deep respect for those men who represented the different brotherhoods. They are men who know their case, they came before the committee and presented their case honorably and in a fair manner. They made a most profound impression upon me. I consider their representatives to be honorable and trustworthy, men who present their evidence soundly and ably and they think their case out well before they appear before any legislative committee.

They are satisfied with this bill. They know if they do not get this bill through now the chances are there will be no bill this session. We have gone up the hill. Let us not go down the hill again.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. CROSSER. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. McCORMACK. Mr. Speaker, let us vote for the motion offered by the gentleman from Ohio [Mr. CROSSER] which means that having gone up the hill we keep on going up and we will send this bill on to passage and to victory.

I respect the views of my friend from New Jersey. The gentleman is honest in his views. But this bill is one that has been considered by both branches. It is in the best shape it can get in this session. As we look at the bill in all its aspects, it is entirely beneficial to the men who are the employees of the railroads, it is fair and just legislation. The bill having passed the House by a vote of 235 to 49, I hope that the Members of the House today on this motion to suspend the rules will vote to suspend the rules by well over the required two-thirds majority, and send the bill to final passage.

Mr. LEA. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I remind the House that in the first instance I requested this bill be sent to conference. Objection was made.

Now we have the motion before us which would bar any further effort to improve the bill and accept the Senate amendments without any other change. Those amendments are in part of those offered by me when the matter was before the House but are entirely inadequate to meet the needs of this legislation.

Mr. Speaker, the bill should be sent to conference. Some place along the line it should have been considered by the Congress and every opportunity to improve it by amendment should have been used. That should have been done not for the sake of the Congress but for the sake of the country.

Speaking candidly, as I see it, to pass this legislation as it stands would be highly discreditable to the Congress of the United States. I want to take just a little time to review this matter, to give something of the perspective of this bill. Let us take a glancing look at what it is and what it means.

This is a 60-page bill, virtually written by a special group, and in its own interest. I cast no reflection on the members of that group. You cannot blame that group for getting away with it if they can. The blame, if any, falls on the Congress of the United States for approving such an unwholesome piece of legislation, so exaggerated in its terms, so out of proportion in our social-security program, and so burdensome to the transportation agencies of the country. When we place unnecessary burdens on our transportation agencies we place those burdens on those who use them, on the consumers, on the shippers, on the traffic of the United States.

As I stated, this bill contains 60 pages. It involves a very complex problem, that of social security.

It involves a problem comparable to that to which the Ways and Means Committee devoted a year without bringing here anything except a small segment of the problem—60 pages, written virtually by the beneficiaries of the legislation. It came to the House and as it finally left the House, not an "i" was dotted or a "t" crossed. We swallowed it, hide, tail, feathers, and all.

This legislation, as near as can be ascertained, with the burdens of the present law, places upon the carriers of the United States, the railroads principally, a total burden that will run to over $700,000,000 a year That is a charge against the people of the country. It is a charge against their freight bills. It becomes a charge to justify higher freight rates.

This bill has some features that I do not think this Congress can afford to approve. We cannot afford to forget that we have a great social-security problem to meet in this country. My judgment is that as a matter of doing justice to many not now in that program, if we are going to have equality of treatment, we must materially extend our social-security program in the next few years. Our Government is sponsoring three systems: One for Government employees, one for railway employees and one for employees generally. So when we are legislating here, more important than the mere millions that may be involved in this bill, is the precedent that we will establish for our social security system. For instance, here we propose to raise unemployment insurance from $20 to $25 a week. That does not sound very big, but what is going to be the rule for the employers of 55,000,000 people in the United States generally?

Can we vote for this special class a maximum of $25 a week when we voted only $20 for the soldiers and when under our great social-security plan the States usually allow much less? Shall we set this group up to stand forever ahead of all other groups, or will it inevitably follow that we will be called upon to give to all of the groups in the country what we give to this group? We cannot afford to require the employers of the country to pay too high a percentage of this labor cost for productive employment for nonproductive idleness.

If we go too far in placing upon productive industry the burden of carrying nonproductive inactivities, we may make it impossible to maintain our system of free enterprise.

When this bill comes to full operation it will place a burden of about 18 percent on the pay rolls of our public-service carriers. At the same time, Congress, by its own legislation, is imposing on the rest of the employers of the country a trivial amount by comparison. Does that seem either sensible or just?

I ask you to face the question candidly. What is going to be the situation when we place on industry generally in this country a burden on its pay rolls of 18 percent for nonproductive purposes? Are we willing to go home and candidly tell our people that we have voted a precedent for such a program for them?

Another provision changes the period of compensation for unemployment from 20 to 26 weeks. Already in some instances the compensation for an employee for unemployment may be greater than for his total period of employment. We have an illustration of what we are getting into in the constantly increasing demands. In the first place, the Unemployment Act provided for a coverage of 80 days' unemployment. In a very few years it was raised to 100 days, and now it is proposed to jump to 130 days. I have in my office now petitions recently received from rail workers who ask increased benefits for unemployment which would require a tax of their pay rolls of over 30 percent. These petitions are signed by thousands. When will the country have a Congress that will draw the line for the protection of the unrepresented public interest? This bill places under the head of unemployment people who are sick, and for that reason are unemployed. The benefits are to be paid solely by the employer.

The SPEAKER. The time of the gentleman from California has expired.

Mr. LEA. Mr. Speaker, I yield myself five additional minutes.

We add to this fund a liability for sickness of the same length and at the same cost as for unemployment. The result is that it is possible that one man may draw unemployment insurance for 51 out of the 52 weeks of the year. Under the railroad system, which is more liberal in that respect than other systems of unemployment, a man can work 2 days of the week without having that charged against his employment. So he might gain $20 a week for 2 days' employment and $25 a week for unemployment insurance.

Then we have the matter of maternity benefits; maternity benefits for 16 weeks for a woman who may not have been in the employ of the railroad at any time during pregnancy or at the time maternity occurs. She is to receive compensation at rates that exceed that paid for unemployment insurance. Is that a just charge against employers?

We must distinguish, too, between the cases where we are conferring benefits because they are needed and where they are furnished regardless of need. Unemployment is paid regardless of the financial condition of the employee. The employee may be in a better financial condition than his employer, but nevertheless the employer has to pay the bill for sickness regardless of the fact that the illness is in no way due to his employment.

Then this bill adds increased liabilities for disabilities.

There is an appealing natural satisfaction in paying a benefit to an employee who incurs a disability due to his occupation.

But under this bill, extended disability payments are required for disabilities in no way connected with the employment of the employer.

As compared with the extreme provisions of this bill our committee substitute was a modest one, but we proposed increased benefits that would aggregate over $65,000,000 a year to the employees and their beneficiaries in excess of what they secure at the present time. A jump of $65,000,000 a year is not a small thing when added to benefits already allowable.

I feel that this bill should have gone to conference. It left here without our dotting an "i" or crossing a "t." It went to another body, and when it got there what was the magnificent argument presented against any amendment offered to improve this bill? Time after time it was in substance repeated, "If any kind of an amendment is made to this bill, no difference how simple it may be or how important it may be, it means the bill is dead." So with that club they went after the votes over there. Is that any way to treat the serious problems of this Government? This legislation is not placed on a sound financial basis. This legislation was contemplated on the basis that the beneficiaries would contribute on a level payment basis. Our actuary tells us, and I think with pretty reliable ability, that this bill as it stands would incur a deficit of about $100,000,000 a year. It is not on a self-supporting basis. Under the law as it stands, that means a charge of that amount against the Treasury of the United States.

In my judgment this motion should be defeated, and the bill sent to conference.

The SPEAKER. The question is, Will the House suspend the rules and concur in the Senate amendments?

The question was taken; and on a division (demanded by Mr. LEA) there were—ayes 126, noes 60.

Mr. LEA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 190, nays 64, not voting 176, as follows:

[Roll No. 247]

YEAS—190

Abernethy	Barrett, Wyo.	Brehm
Andresen, August H.	Bell	Brown, Ga.
Andrews, Ala.	Bennett, Mo.	Buchanan
Angell	Biemiller	Byrne, N. Y.
Arnold	Bloom	Byrnes, Wis.
Auchincloss	Bolton	Camp
	Bonner	Campbell
Canfield	Healy	Outland
Cannon, Mo.	Hedrick	Pace
Carnahan	Hendricks	Patman
Chelf	Henry	Peterson, Fla.
Chenoweth	Heselton	Pickett
Chiperfield	Hobbs	Pittenger
Clason	Hoch	Poage
Cole, Mo.	Hoeven	Pratt
Colmer	Holmes, Wash.	Price, Fla.
Cooley	Hook	Price, Ill.
Corbett	Horan	Rabaut
Cox	Huber	Rains
Crosser	Hull	Ramey
D'Alesandro	Jackson	Reed, Ill.
De Lacy	Jarman	Resa
D'Ewart	Jenkins	Richards
Dingell	Jensen	Riley
Dirksen	Johnson, Ind.	Rizley
Doughton, N. C.	Johnson, Okla.	Robertson, N. Dak.
Douglas, Calif.	Jones	Rogers, Fla.
Douglas, Ill.	Jonkman	Rogers, Mass.
Doyle	Kearney	Rowan
Durham	Kee	Sabath
Dworshak	Kelley, Pa.	Sadowski
Eberharter	Kelly, Ill.	Sasscer
Ellis	King	Savage
Engle, Calif.	Kirwan	Schwabe, Mo.
Fallon	Kopplemann	Shafer
Feighan	LaFollette	Sheppard
Fenton	LeFevre	Sikes
Fernandez	Lemke	Simpson, Ill.
Fisher	Lesinski	Smith, Maine
Flannagan	Lewis	Spence
Flood	Link	Starkey
Folger	Luce	Stefan
Forand	Lyle	Stevenson
Fulton	McCormack	Stigler
Gardner	McCowen	Sullivan
Gavin	McDonough	Talbot
Gearhart	McMillen, Ill.	Talle
Geelan	Madden	Thom
Gerlach	Manasco	Thomas, Tex.
Gibson	Michener	Thomason
Gillie	Miller, Nebr.	Tibbott
Gordon	Mills	Trimble
Gore	Monroney	Voorhis, Calif.
Gorski	Morrison	Vurseli
Graham	Mundt	Walter
Granger	Murdock	Weichel
Grant, Ala.	Murray, Tenn.	White
Griffiths	Murray, Wis.	Whitten
Hagen	Neely	Winstead
Hand	Norblad	Wolcott
Harless, Ariz.	Norrell	Woodhouse
Harris	O'Brien, Ill.	Worley
Havenner	O'Brien, Mich.	Zimmerman
Hays	O'Neal	

NAYS—64

Allen, Ill.	Gregory	O'Hara
Andersen, H. Carl	Gross	Phillips
Arends	Gwynne, Iowa.	Rankin
Bishop	Hall, Leonard W.	Reed, N. Y.
Brown, Ohio	Hancock	Rodgers, Pa.
Buck	Harness, Ind.	Roe, Md.
Bulwinkle	Hinshaw	Schwabe, Okla.
Chapman	Hoffman, Mich.	Scrivner
Church	Holmes, Mass.	Simpson, Pa.
Clevenger	Hope	Smith, Ohio
Cunningham	Howell	Smith, Va.
Curtis	Johnson, Ill.	Smith, Wis.
Dondero	Knutson	Springer
Drewry	Lanham	Stockman
Elliott	Lea	Sumner, Ill.
Ellsworth	LeCompte	Taber
Ervin	McConnell	Vorys, Ohio
Gamble	McGregor	Wadsworth
Gillette	Martin, Iowa	Whittington
Goodwin	Martin, Mass.	Wigglesworth
Grant, Ind.	Mathews	Wolverton, N. J.
		Woodruff

NOT VOTING—176

Adams	Bradley, Pa.	Courtney
Allen, La.	Brooks	Cravens
Almond	Brumbaugh	Crawford
Anderson, Calif.	Bryson	Curley
Andrews, N. Y.	Buckley	Daughton, Va.
Bailey	Buffett	Davis
Baldwin, Md.	Bunker	Dawson
Baldwin, N. Y.	Butler	Delaney, James J.
Barden	Cannon, Fla.	Delaney, John J.
Barrett, Pa.	Carlson	Dolliver
Barry	Case, N. J.	Domengeaux
Bates, Ky.	Case, S. Dak.	Earthman
Bates, Mass.	Celler	Eaton
Beall	Clark	Elsaesser
Beckworth	Clements	Elston
Bender	Clippinger	Engel, Mich.
Bennet, N. Y.	Cochran	Fellows
Blackney	Coffee	Fogarty
Bland	Cole, Kans.	Fuller
Boren	Cole, N. Y.	Gallagher
Boykin	Combs	
Bradley, Mich.	Cooper	

Gary	Lane	Rees, Kans.
Gathings	Larcade	Rich
Gifford	Latham	Rivers
Gillespie	Ludlow	Robertson, Va.
Gossett	Lynch	Robinson, Utah
Granahan	McGehee	Robsion, Ky.
Green	McGlinchey	Rockwell
Gwinn, N. Y.	McKenzie	Roe, N. Y.
Hale	McMillan, S. C.	Rogers, N. Y.
Hall, Edwin Arthur	Mahon	Rooney
	Maloney	Russell
Halleck	Mankin	Ryter
Hare	Mansfield, Mont.	Sharp
Hart		Sheridan
Hartley	Mansfield, Tex.	Short
Hébert	Marcantonio	Slaughter
Heffernan	Mason	Somers, N. Y.
Herter	May	Sparkman
Hess	Merrow	Stewart
Hill	Miller, Calif.	Sumners, Tex.
Hoffman, Pa.	Morgan	Sundstrom
Holifield	Norton	Tarver
Izac	O'Konski	Taylor
Jennings	O'Toole	Thomas, N. J.
Johnson, Calif.	Patrick	Tolan
Johnson, Tex.	Patterson	Torrens
Judd	Peterson, Ga.	Towe
Kean	Pfeifer	Traynor
Keefe	Philbin	Vinson
Kefauver	Ploeser	Wasielewski
Keogh	Plumley	Weaver
Kerr	Powell	Welch
Kilburn	Priest	West
Kilday	Quinn, N. Y.	Wickersham
Kinzer	Rabin	Wilson
Klein	Randolph	Winter
Kunkel	Rayfiel	Wolfenden, Pa.
Landis	Reece, Tenn.	Wood

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Keogh with Mr. Taylor.
Mr. Sheridan with Mr. Sundstrom.
Mr. Hart with Mr. Winter.
Mr. Bradley of Pennsylvania with Mr. Judd.
Mr. Lynch with Mr. Keefe.
Mr. Almond with Mr. Jennings.
Mr. Pfeifer with Mr. Hess.
Mr. Green with Mr. Gifford.
Mr. McGehee with Mr. Hill.
Mr. John J. Delaney with Mr. Fuller.
Mr. Coffee with Mr. Hale.
Mr. Rooney with Mr. Fellows.
Mr. Holifield with Mr. Elsaesser.
Mr. Vinson with Mr. Elston.
Mr. Heffernan with Mr. Cole of New York.
Mr. Cooper with Mr. Brumbaugh.
Mr. Sparkman with Mr. Cole of Kansas.
Mr. Quinn of New York with Mr. Bradley of Michigan.
Mr. Bailey with Mr. Crawford.
Mr. Domengeaux with Mr. Anderson of California.
Mr. Rayfiel with Mr. Beall.
Mr. Fogarty with Mr. Thomas of New Jersey.
Mr. McGlinchey with Mr. Blackney.
Mr. Rabin with Mr. Wilson.
Mr. Lane with Mr. Mason.
Mr. O'Toole with Mr. Ploeser.
Mr. Hébert with Mr. Rees of Kansas.
Mr. Celler with Mr. Plumley.
Mr. Johnson of Texas with Mr. Rich.
Mr. Izac with Mr. Short.
Mr. McMillan of South Carolina with Mr. Robsion of Kentucky.
Mr. Somers of New York with Mr. Hoffman of Pennsylvania.
Mr. McKenzie with Mr. Eaton.
Mr. James J. Delaney with Mr. Hartley.
Mr. Maloney with Mr. Dolliver.
Mrs. Norton with Mr. Carlson.
Mr. Mahon with Mr. Herter.
Mr. Buckley with Mr. Butler.
Mr. Randolph with Mr. Adams.
Mr. Barry with Mr. Halleck.
Mr. Wood with Mr. Buffett.
Mr. Boykin with Mr. Rockwell.
Mr. Priest with Mr. Bender.
Mr. Rogers of New York with Mr. Merrow.
Mr. Powell with Mr. Latham.
Mr. Marcantonio with Mr. Kunkel.
Mr. Klein with Mr. Landis.
Mr. Mansfield of Montana with Mr. Kilburn.
Mr. Roe of New York with Mr. Gwinn of New York.

Mr. COX, Mr. BONNER, and Mr. JOHNSON of Indiana changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

INDIAN CLAIMS COMMISSION

Mr. STIGLER. Mr. Speaker, I ask unanimous consent that the conferees on the part of the House may have until midnight tonight to file a conference report on the bill (H. R. 4497) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FARMERS' HOME CORPORATION ACT OF 1946

Mr. COOLEY submitted a conference report and statement on the bill (H. R. 5991) to simplify and improve credit services to farmers and promote farm ownership by abolishing certain agricultural lending agencies and functions, by transferring assets to the Farmers' Home Corporation, by enlarging the powers of the Farmers' Home Corporation, by authorizing Government insurance of loans to farmers, by creating preferences for loans and insured mortgages to enable veterans to acquire farms, by providing additional specific authority and directions with respect to the liquidation of resettlement projects and rural rehabilitation projects for resettlement purposes, and for other purposes.

PAYMENT OF CERTAIN PENSIONS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5148) to provide for the payment of pension or other benefits withheld from persons for the period they were residing in countries occupied by the enemy forces during World War II, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 19, after "act", insert ": *Provided*, That the Administrator of Veterans' Affairs shall certify to the Secretary of the Treasury the amounts of payments which, except for the provisions of this act, would have been made from the special deposit account, and the Secretary of the Treasury, as directed by the Administrator of Veterans' Affairs, shall reimburse from the special deposit account the appropriations of the Veterans' Administration, or cover into the Treasury as miscellaneous receipts, the amounts so certified: *Provided further*, That no payments shall be made to German or Japanese citizens or subjects residing in Germany or Japan."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. SCRIVNER. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill and the amendment?

Mr. RANKIN. This bill passed the House some time ago on the call of the Consent Calendar. The Senate added this restricting amendment.

Mr. SCRIVNER. This bill provides for the payment of compensation to veterans of World War I or World War II who were residing in foreign countries and whose payments were suspended during the war?

Mr. RANKIN. That is right.

Mr. SCRIVNER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COMMONWEALTH OF THE PHILIPPINES

Mr. RANKIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2235) to provide a system of relief for veterans, and dependents of veterans, who served during World War II in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the armed forces of the United States pursuant to the military order of July 26, 1941, of the President of the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. SCRIVNER. Reserving the right to object, Mr. Speaker, this bill involves the expenditure of unknown numbers of millions of dollars. Exactly the obligation we are taking upon ourselves under a bill of this kind cannot now be estimated. In view of its great importance, I find myself compelled to object.

Mr. RANKIN. Mr. Speaker, I move to suspend the rules and pass the bill S. 2235.

The SPEAKER. The Chair has assured a great many Members that the only other business to be taken up this afternoon would be two unanimous-consent requests. The Chair thinks perhaps this matter can be straightened out by Monday.

Mr. RANKIN. Let me say to the Chair that this is a very important measure. It has been reported by the Committee on World War Veterans' Legislation. It has already passed the Senate. We are very eager to get it passed in order that it may go to conference and be disposed of before the end of the session.

The SPEAKER. Because of the statement with regard to the legislative program the Chair has made to Members of the House during the day, he prefers not to recognize the gentleman from Mississippi at this time for that purpose.

Mr. RANKIN. Will the gentleman from Kansas object to the bill's being passed as it was amended by the Committee on World War Veterans' Legislation?

Mr. SCRIVNER. I do object. I think it is too important to be passed by unani-

mous consent. There are many things that should be discussed. I was opposed to the bill in committee and I am opposed to it now. Therefore, I must insist on my objection.

Mr. RANKIN. May I say to the House that on next Monday we are going to take up those citations for contempt. We have waited all afternoon to try to get this veterans' bill up and now I find myself stymied. On Monday I am going to take up those citations regardless. Then I will call up this bill, if possible.

Mr. SCRIVNER. Mr. Speaker, I do not like to be in the position of opposing the chairman of the Committee on World War Veterans' Legislation, but as he just stated this is one very important bill. I think the House should be made fully aware of its every import and though I do have the greatest consideration for him, I cannot do other than what I have done today.

Mr. RANKIN. Mr. Speaker, will the gentleman yield? When I do call this bill up, the Chair will recognize me on Monday to suspend the rules and pass the bill, and, of course, the gentleman from Kansas will have an opportunity of demanding a second.

Mr. SCRIVNER. I was told that this was to be called up this afternoon under suspension of the rules.

Mr. RANKIN. That is the motion I have made and suspension was denied. So I will call it up under suspension of the rules on Monday if I possibly can.

RELIGIOUS PERSECUTION BY MARSHAL TITO

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. Mr. Speaker, Americans are straightforward, forthright, and frank. They appreciate these attributes of character in those who hold positions of public trust. They decry vacillatory speeches. They appreciate the truth. The time has come for plain talk.

The New York Times, on its front page, July 24, 1946, carried this headline, "Murder of 230 priests reported in Yugoslav antichurch terror." Under date of July 25 the Yugoslav Ministry of Information denied that Premier Tito had launched a terroristic anti-Catholic policy of killing priests, stating that these reports were "old accusations renewed to coincide with the Paris Peace Conference. Certain circles abroad always have tried to spread propaganda that Tito advocates an anti-Catholic policy and today they are timing their charges to coincide with the Paris Peace Conference in hopes of making the people believe there are disorders in Yugoslavia."

I know from reliable sources that this is a false statement and nothing but propaganda to allay the feelings of the decent people of the world.

On July 27 our Secretary of State, James F. Byrnes, leaves for a world peace conference to be attended by all the United Nations. He carries with him the hopes of America and of the world. Unless our Nation can secure the peace of the world there will be no peace in the world.

There lives no true American who does not wholeheartedly desire peace. But no true American desires peace at any cost. We are not a Nation of appeasers. We have paid too great a price in blood and sacrifice for isolationism. Twice within 25 years, at great cost, we have been called upon to quench the devastating fire of tyranny and oppression. We did not seek, nor do we now seek, national greatness through force of arms. We saw, however, the world conflagration approach our homes and our families, and we acted. Victorious were our armed forces. Democratic governments were saved. Nazism and fascism were crushed.

Man does not wait to weed a garden until the time of its fruition. The destructive forces of nature are eradicated. National hate, vengeance, intolerance, and religious persecution are vile weeds in the newly planted garden of international cooperation. The unprevented growth of any of these forms of viciousness in the heart of any government will destroy the peace of the world. American isolationism is past. America is committed to international goodwill and assistance. So must the other countries. If America, reverting to prewar isolationism, fails to take a firm position against any nation which would breed the causes of war, talk of universal peace is the empty mouthing of vacuous men. The headline in the New York Times, and its following story, shock the world. Yugoslavia beware. Have you as a nation, suffering as you did the loss of 1,650,000 slain and 425,000 totally, or partially disabled, failed to learn the lesson of war? Is the cry of your Marshal Tito, "Death to all Fascists, liberty to the people," a hollow mockery. Terrorism, anticlericalism, religious persecution are neither new nor unusual in the old world. These pastimes of tyrants have never touched America. They are abhorrent to our national mind. We will never acquiesce to a peace achieved by the appeasement of despotism.

The story of Yugoslavia is simple—communistic, headed by a shrewd, calculating leader, this Balkan state professes love of America. Marshal Tito is a dynamic Communist. He was apprenticed in the trade of revolution. He is reported as philosophically certain that the foes of communism must perish. His name "Tito" is the Serb-Croat for the Roman Emperor Titus. The population of Yugoslavia is approximately 15,000,000, persons, 5,200,000 Roman Catholics, 7,000,000 Greek Orthodox and about 1,500,000 Moslems, the remainder of other creeds, and Communists. Marshal Tito and six other Communists dictate and Tito is the Yugoslav supreme dictator. He has been, fortuitously, imposed upon the Yugoslavs by a small minority. There is no political freedom in this Balkan state. There is religious persecution of priests and nuns. On the border of starvation, dependent upon America, upon UNRRA for the means of their very subsistence, this government, engineered by Tito and his Communist associates, through revolutionary tactics, reminiscent of the Moscow standard of World War I, thriving on confiscation, without compensation, under a pretense of punishing collaborationists seeks the destruction of holy men and women whose only crime is faith in God. Hitler and Mussolini conducted similar revolutions. America then watched, unconcerned. History tells the results of American indifference. Are we to watch in idleness while war, the reaper, in the guise of Tito sows his seed of death? Tito has caused the death, for no crime, of over 25 priests. This figure is official. I know that he orders the imprisonment of nuns, for no crime, which in fact means death through cruelty. His secret police is powerfully organized. Communists eat, others starve. Over 600,000 men are still in its army. And in addition, a large number of men make up a powerful force of secret police. In other words, a gestapo of fear and force. These men are the cold evidence of the power of one man, who, through his government, in the name of liberty under the blood-stained banner of atheistic communism, would encourage pacifism and forgetfulness through international propaganda in the minds and hearts of Americans who are weary and tired of protestations of political innocence out of the mouths of despots.

What is the answer for you and me? Whither goes America? We, as the most powerful nation on earth, can, through the power of our international morality and material prosperity, prevent the destruction of reciprocal trust among the nations of the world. We can, by moral persuasion, insist upon, in the words of Pope Pius XII the "safeguarding the family, children, labor, in fraternal charity, the outlawing of all hate, all persecution, all unjust vexation of honest citizens, in loyal concord between state and state, between people and people." We must be freed of any intimation that the United States of America suffers an international inferiority complex. We, as a nation, must be firm, through our all powerful State Department, in our dealings with national governments who would make a plaything of religion or a foible of Christianity. Yugoslavia—the people of the United States of America decry your religious terrorism and openly condemns your present leaders. We care not whether your hope of national greatness through religious persecution was born in Moscow or conceived in Belgrade. Such prejudice prevents world peace and must cease.

The anti-Catholic, anticlericalism of Tito will never destroy catholicism or any other religion in Yugoslavia. I would pause a minute to remind that this wave of religious persecution, communistic offspring as it is, does not alone affect catholicism. Atheistic communism plays no favorites. You and I know there is no such being as a positive atheist—but the Communist on foreign soil who publicly denies the existence of God would, by force of martial power, not by reason, destroy every religion. The present religious terrorism in Yugoslavia calls for dynamic defense by dynamic leadership throughout the decent world, both church and state.

Every thoughtful reasoning man knows that irreligion never solved any problem, individual, national, or international. A defiler of religion, like the diseased degenerate, merely runs away from the facts of life. He is afraid of the justice of God. Americans know, whether Catholic, Protestant, or Jew, that the road of the evil of international war lies in the irreligious state, dominated by hateful and irreligious minds. America knows that totalitarianism with its concomitant irreligon fails because it refuses to recognize the unit of the family under God as the foundation of organized society.

Yugoslavian ideology based on false premises would destroy the dignity of the individual to achieve the omnipotence of the state. The world knows the tyranny practiced by every government actuated by a philosophy that men are the pawns of the state. Man was a man before he was a citizen and as a man has certain rights, actual and potential, which the state did not create but which the state is bound to safeguard and protect. There will never be world peace unless totalitarianism in every form is blotted from the face of the globe.

Yugoslavia closes her mind and heart against the natural rights of man. I know from reliable sources that every Yugoslav must join a political party. Theoretically there may be more than one party, but since the approval of the seven-man Communist committee is a condition precedent to political existence, only the Communist Party exists. Failure of any parent to join this party results in the refusal of permission for his children to attend school. Ration-card privileges for food and clothing are annulled. Identification cards are canceled with resultant circumspection of travel and continuous suspicion. After this, if anyone still resists, he is denied work. Few resist to this extent. If these governmental restrictions do not compel submission, by joining a Communist Party, his property is confiscated and he is put in a concentration camp. Very few resist to this extent. If a man occupying a position of prominence refuses to become an associate of the political party he is executed.

The Yugoslavs are for the most part pro-American, at least 85 percent are. They would emulate our way of life. But they can never under their present government achieve democratic liberty and independence. The state totalitarianism of Yugoslavia is incompatible with democracy and constitutes a continual threat to the peace of the world. The outlawry of the use of force is but idle hope unless oppression and religious persecution are forever barred. No man who labors for his daily bread desires to live under the iron, cold-blooded, ruthless rule of a state omnipotent. Sooner or later peoples thus suppressed arise and strike. Fear of government can never nurture love of government. Yugoslavia is no exception.

The people of the United States cannot slumber while such conditions exist in any nation. We must awake now. Tomorrow may be too late. We are geographically thousands of miles away from the seat of the government of Marshal Tito but the spirit of our intense desire for the permanent peace of the world permeates his land and gives hope to his people. America can and must, by firm governmental policies executed by our State Department, aid the persecuted Yugoslavs, prevent terrorism within her boundaries, refuse to deal with tyranny, to the end that there yet may be peace, prosperity, and democratic self-rule in this land which has never enjoyed the privileges of true liberty and freedom. America must never allow Yugloslavic religious persecution through rule of terror to destroy the peace of the world.

I know from reliable sources that over 250 priests have been killed. I know many nuns have been killed. I know from reliable sources that rule of terror by day and night exists in Yugoslavia under Tito. I know that he and his clique, a very small minority, control and dominate the government and people of Yugoslavia, waging a vicious war against religion. I know the facts I have stated are correct.

Representatives of our Government at the coming Peace Conference, in order to lay a true foundation for future permanent peace, must consider these ruthless conditions. Their removal at the source is essential that understanding necessary to lay the foundation of peace may exist among all nations. Our Government should exercise its good offices with dignity and firmness and with its great power to the end that the persecution prevailing in Yugoslavia shall cease.

As I have said, there are about five and one-half million people in Yugoslavia who are communicants of the Catholic Church; a little over 7,000,000 of the Greek Orthodox Church; one and one-half million Moslems; and the remainder of other creeds, and Communists. It is a very small communistic minority that dominates the people of Yugoslavia, and they are entitled to their own form of government, but we like to see it arrived at by the exercise of the free will of the people. However, one thing is certain, when they engage in reprehensible practices, the killing of men and women, simply because of their love of God, the faith that they entertain, without regard to the religion that they may be a communicant of or a member of, then it affronts the decency of people everywhere and it presents a threat to real peace and it presents a problem that our Government and every government seeking to lay the foundations for permanent peace must consider.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. PITTENGER. I do not want to interfere with the gentleman's trend of thought. I was not in the Chamber when the gentleman started to speak. Do I understand the distinguished majority leader is charging on the floor of the House of Representatives that Russia, which dominates Yugoslavia and dominates Tito, the Yugoslav ruler, has been guilty of carrying on a campaign in which something like 230 ministers of the Gospel have been murdered, to suit the purposes of the communistic regime there?

Mr. McCORMACK. I am confining my remarks to Yugoslavia today. My remarks apply to any other country that has the same ideology and puts it into vicious operation. In reply to the gentleman, I know, and this is a deliberate expression—I know from reliable sources that over 250 priests have been killed. I know from reliable sources that many nuns have been killed. I know that those confined in prison means slow death. I know that there is a rule of terror by day and night existing in Yugoslavia under Tito. I know he has an army of over 600,000 now. I know he has secret police in every village, city, and town. I know that if you do not join the Communist Party you do not eat.

Everything I have said here is information that I have received from a source that I know is absolutely dependable and reliable.

Mr. PITTENGER. And the gentleman is referring to Marshal Tito of Yugoslavia?

Mr. McCORMACK. Exactly. I know that he and his clique, a very small minority—I want to have my remarks clearly understood—the majority of the people of Yugoslavia are not communistic. Over 85 percent—and this comes from an authoritative source, a definite, reliable source—are pro-American; they want to emulate our way of life, but they are dominated by a very small minority in control of the Government which is waging a vicious war against religion and a war against all religions. Their tactics are to liquidate the strongest one first and then liquidate the others in turn. Their aim is to destroy every vestige of religion.

I now yield to the gentleman from North Carolina.

Mr. COOLEY. I was just going to suggest to the gentleman that not only have people been killed because of their religion but I pointed out to the House several months ago that practically all of the professors of the University of Belgrade had disappeared. And, if the gentleman will yield a little further, I think our trouble was that when we sent our first note to Yugoslavia after the November 11 election taking the position that it was not in keeping with the letter or spirit of the Yalta agreement we did not maintain our position; instead, a few months later we recognized the Tito government.

Everybody knows that Tito is nothing but a puppet of Stalin.

Until great powers like America and Britain can establish some sort of provisional government in Yugoslavia and guarantee unfettered elections and preelection activities, there will be a reign of terror in Yugoslavia.

Mr. McCORMACK. I thank the gentleman for his contribution.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. DINGELL. I respectfully call the gentleman's attention to the fact that only a week ago this Government received a so-called ambassador from Yugoslavia as the accredited representative of Tito's government. I do not like it.

Mr. McCORMACK. My main purpose was to comment on the news item we read in the New York Times which said that over 230 priests had been killed.

The very next day a denial came out of Belgrade. With the knowledge that I have, definite knowledge, not from the New York Times—the New York Times simply confirms what I already knew—and I can assure you it is from a definite authoritative reliable source which has the names of those who have been killed, when they were killed, where they were killed.

Mr. PITTENGER. If the gentleman would be embarrassed I will not insist that he answer this question: Whether in his opinion Mihailovich was not deliberately murdered by Tito under the directions and on the instructions of the Russian rulers who dominate Tito?

Mr. McCORMACK. I had no reference to that in my remarks because I was addressing my remarks about a matter that concerns us all without regard to our religious convictions. We all believe in religious freedom and free exercise thereof, and we vigorously resent the persecution of any individual because of the religious views that he entertains.

But from the same source, I will answer the gentleman. That authoritative source informed me that Mihailovich was treated with great cruelty and that his testimony was given as it was only because had he not testified that way he would have been returned to jail and subjected to greater cruelty. I am reliably advised that the man never cooperated.

Mr. PITTENGER. Mihailovich you are talking about now?

Mr. McCORMACK. Yes.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. RABAUT. The execution of General Mihailovich was just plain legalized murder, that is all it was.

Mr. LESINSKI. If the gentleman will yield, it is a known fact that Tito, the totalitarian puppet ruler of Yugoslavia, is none other than one Brozowicz, who was a Russian revolutionary. He also served as a general in the Spanish revolution. He is not actually a Yugoslav.

Mr. JONKMAN. I heard a statement the other day from an authentic source, and I understand it is in the files of the State Department. It was to the effect that the Tito government charged our Ambassador with getting information from a Yugoslav woman employed in our Embassy at Belgrade. The Ambassador denied receiving any information from her. The next day the woman failed to report for her work. When the Ambassador inquired whether she had been arrested, he was told by Tito's Gestapo that she had left the country. After investigating about 3 weeks he finally got a secret message that she was incarcerated at a certain number on a certain street in a certain numbered cell. They found her there with her hands tied and they had been tied all the time She had been tortured. She had had one filthy meal a day and no place to sleep except on the floor. The room was filthy. It was necessary to hospitalize her for a long time to recover from her brutal tortures. I understand that nothing was done or ever said about it by our Department of State. Does the gentleman know of such a report in the State Department?

Mr. McCORMACK. No; I do not. I know nothing about that particular case, but I am aware that there have been violations in areas in which the United States Government is sovereign; that is where, under international relationships, the sovereignty of a nation is recognized in its property abroad.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to proceed for four additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Nebraska.

Mr. STEFAN. Mr. Speaker, the majority leader has underestimated the conditions that exist in Yugoslavia today. A question was asked the majority leader by the gentleman from Michigan. I do not know about that particular case, but from unimpeachable information that I have, it is only one of thousands of cases that are occurring in Yugoslavia daily.

Mr. JONKMAN. I could mention others.

Mr. McCORMACK. The gentleman is in a position where he has obtained information that he must treat as confidential, but which he can in a general way express to his colleagues.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Ohio.

Mr. JONES. In view of the statement the gentleman has given regarding conditions in Yugoslavia being dominated by Communists, I am wondering whether or not it would be advisable for this Congress to recommend to the United Nations organization that the Tito government is a threat?

Mr. McCORMACK. Mr. Speaker, my purpose in calling this to the attention of the House is constructive. I am calling this situation to the attention of my colleagues because the continuance of such conditions in Yugoslavia and other countries will prevent the foundation being laid for international peace, and in order that our country will exercise its power and influence to try to remedy the same.

Mr. DINGELL. I think the solution to much of the problem between the United States and Yugoslavia now is to give Mr. Tito's ambassador his walking papers.

Mr. McCORMACK. I am trying to be tolerant but firm in my expressions. I feel that frankness is for the best interests of all countries throughout the world. We ought to speak plainly; we ought to speak frankly and temperately, but the only way to arrive at the truth is through an exchange of views. I know that as long as the persecution and killing of people because of their religious convictions exists in the world, as long as that is the policy of any government, or those in control, or of any ideology, in my own mind the chances of the foundation being laid for a permanent peace, either by agreement or compatibility, is incapable of obtainment.

Mr. DE LACY. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Washington.

Mr. DE LACY. I am wondering if the distinguished majority leader would care to reveal the authoritative source he is quoting?

Mr. McCORMACK. Does the gentleman believe that when I say I received the information from a reliable and authoritative source that I make that statement out of thin air? There are compelling reasons, I can assure the gentleman, why I cannot disclose the source of the information at this time; but it is a source that is unimpeachable. Others may have as much information or evidence, but there is no better source existing than the one from which I obtained this information.

The SPEAKER. The time of the gentleman from Massachusetts has again expired.

Mr. FEIGHAN. Mr. Speaker, the revelations of the gentleman from Massachusetts are indeed appalling; but I cannot say that they come as a complete surprise to me. From personal observation in Belgrade, and from conversations there with people in many walks of life, I learned for myself what it means to live in a terroristic regime such as Tito's. Even a year ago while I was in Yugoslavia, I could discern the growing fears which his ruthless tactics were engendering among the people over whom he had usurped authority.

I entirely agree with the gentleman from Massachusetts that America can, and must, aid the persecuted Yugoslavs by taking firm action through our State Department. I believe, however, that we must go even farther than this. The gentleman from Massachusetts has reminded us that representatives of our Government at the coming peace conference will have an opportunity to deal with this inhumane situation. I should like to emphasize the responsibility resting upon Mr. Byrnes in this connection. That responsibility extends much farther than the mere protesting against the persecution of native Yugoslavs.

Mr. Byrnes' responsibility extends also to preventing new persecutions by the man whose talent for persecution the gentleman from Massachusetts has so vividly described. May I remind the House that on May 9 of this year I protested in this Chamber against an earlier outrage perpetrated by Marshal Tito when I urged that President Truman and our State Department take action in the case of the Catholic nuns sentenced to death by his drumhead military tribunal.

According to the provisional settlement of the so-called Trieste question arrived at in the recent Paris Conference of Foreign Ministers, Trieste will be internationalized, but more than that, I am informed that a large section of the Italian province of Venezia Giulia, sometimes called the Julian Marches, will be yielded to the dominion of this same Marshal Tito. I am further informed that this will mean subjecting to the merciless domination of this multiple

assassin hundreds of thousands of Christian Italians. If the facts alleged by the gentleman from Massachusetts give any basis for prediction, they must make us fear for the safety and very lives of those people.

The gentleman from Massachusetts has warned us against further appeasement of despotism. It may be true that the provisional settlement of the Trieste question was the best that Mr. Byrnes could secure at the time of the Paris Foreign Ministers conference, but in view of the revelations of the gentleman from Massachusetts, I ask whether this whole question should not be reconsidered. How in conscience, could Mr. Byrnes, as the representative of the American people, the world's most vocal proponents of liberty, condemn hundreds of thousands of Italians to the tender mercies of the tyrant Tito? This would be more than appeasement. This would be betrayal. Furthermore, no settlement of the Trieste question which consigns a single Italian to the barbarous domination of Marshal Tito should be agreed to by the American delegation to the peace conference.

I question whether Mr. Byrnes has fully realized the probable consequences of selling out hundreds of thousands of Italians in the Venezia Giulia district. Eight million descendants of Italians in this country, over a million of whom fought in the armed forces of our Nation, will reprobate such a betrayal of the people of their motherland. The million and more Americans of Italian descent who served in our armed forces, will be especially indignant at our sacrifice of the ideals for which they fought. They fought, Mr. Speaker, for freedom from fear everywhere in the word. They will passionately resent our casting hundreds of thousands of Italians under the shadow of the deadly fear of Tito, the persecutor of their faith.

Therefore, Mr. Speaker, I earnestly proposed that Mr. Byrnes seek not only the relaxation of Tito's iron grip upon the Yugoslavs, but that he work for the reconsideration of the Trieste settlement so that whatever may be the disposition of the city itself, the Italians in the areas about the city shall not be forced into servitude under Tito. Unless this whole question of Trieste and the province of Venezia Giulia is settled upon the basis of justice and equity, I very much fear, Mr. Speaker, that we shall have on our hands another Danzig, and that by our unwillingness to stand for justice, we shall fall into another war.

HERBERT W. ROGERS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Claims and ordered to be printed:

To the House of Representatives:

I am returning herewith, without approval, H. R. 3400, entitled "An act for the relief of Herbert W. Rogers," proposing to relieve Rogers from liability for $1,000 shortage in his accounts in the New London post office. It appears that this shortage arose under the following circumstances: On December 23, 1944, postal clerk Herbert W. Rogers issued postal savings certificates to three members of the same family at the same time aggregating $3,800. He failed to count the funds tendered until after the patrons left, when he found only $2,800. The patrons were contacted but they contended that they had tendered the full amount of $3,800. The case was investigated by postal inspectors who failed to break the story of the patrons but found no reason for doubting the clerk's story. It is further shown that there is no question as to the clerk's integrity.

The employee in this case was grossly negligent—and so found by the Postmaster General—in the performance of his duties, resulting in the loss of $1,000. To grant relief in such cases would encourage the continuance of such careless and negligent handling of public funds, not only by this employee but by others who might be led to believe that they would be relieved no matter how negligent they might be. No basis is perceived why the Government should assume losses incurred under such circumstances.

HARRY S. TRUMAN.

THE WHITE HOUSE, *July 27, 1946.*

LEONARD J. FOX AND MILFORD G. FOX—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Claims and ordered to be printed:

To the House of Representatives:

I return herewith, without my approval, H. R. 3158, Seventy-ninth Congress, entitled "An act for the relief of Leonard J. Fox and Milford G. Fox, a partnership, doing business as Fox Co."

This enactment would authorize and direct the Secretary of the Treasury to pay the sum of $9,058.32 to Leonard J. Fox and Milford G. Fox, a partnership doing business as Fox Co., which amount is purported to represent a loss suffered by the said company under contracts numbered W669-QM-19810 and W669-QM-2022, dated June 30, 1942, and July 16, 1942, respectively, with the Government.

The record discloses that the contracts called for the furnishing of a certain number of silver badges and that, subsequent to the date of their execution, the Office of Price Administration increased the ceiling price of silver. It appears that, by reason of such increase in the price of silver, the contractor was required to pay its supplier $9,058.32, the amount stipulated in the present act, more than was contemplated at the time its order was placed.

Both the War Department and the Comptroller General have recommended against special relief for the contractor upon the facts and circumstances existing.

The price stipulated in the contracts for the goods covered thereby has been paid in full. Hence, there can be no question but that the contractor has no legal right to any additional compensation for the performance of its contract obligation. The sole basis of the contractor's claim for relief is that it was required to pay its supplier for silver required in the performance of the contracts more than it expected to pay at the time the contracts were executed. This situation well could have been avoided if the contractor had either made a prior contract with its supplier or if the contractor had insisted upon a provision covering price increases in silver in its contracts with the Government. Moreover, I am of the opinion that enactment of the proposed legislation would create an undesirable precedent. I have no doubt but that many more contractors with the Government have suffered a loss, or at least a decrease in anticipated profits, by reason of encountering conditions and costs different from those contemplated at the time their contracts were made. I fail to find in the facts of the present case any extenuating circumstances which would warrant relief for this particular contractor as against such other contractors who have been required to absorb increased costs, and even losses, brought about by changed conditions arising after performance commenced.

Accordingly, I do not feel justified in approving the enactment.

HARRY S. TRUMAN.

THE WHITE HOUSE, *July 27, 1946.*

RAILROAD REORGANIZATIONS

Mr. HOBBS. Mr. Speaker, I submit for printing under the rule the conference report and statement on the bill (S. 1253) to enable debtor railroad corporations expeditiously to effectuate reorganizations of their financial structures, to alter or modify their financial obligations, and for other purposes.

Mr. WALTER. Mr. Speaker, I make a point of order against the filing of the report.

The SPEAKER. The gentleman will state it.

Mr. WALTER. Mr. Speaker, under the rules of the House, when conferees are appointed the differences in the views of the several Members should be considered in the appointment of the conferees.

In the instant case no regard was taken of seniority or the views of the Members, particularly those of the Committee on the Judiciary. An examination of the motion to recommit will disclose that those Members who did not speak on behalf of the bill voted against the motion to recommit, so that the only conferees on this tremendously important legislation were the proponents of any kind of legislation.

I call to the attention of the Speaker the following statement appearing on page 244 of Jefferson's Manual:

> The Speaker appoints the managers in the House, selecting them so as to represent the attitude of the majority and minority of the House on the disagreements in issue; and while it is usual to represent the party divisions of the House, the representation of opinions as to the pending differences is rather the more important consideration.

When the conferees were selected, there were suggested the names of those

persons whose views and attitude toward this legislation were well known. I make the point of order that the report by conferees thus selected should not be received.

The SPEAKER. Of course, the Chair could enter into quite a discussion about the point the gentleman has raised, but the Chair thinks it is necessary only to say that if the point of order the gentleman contends for would lodge it comes too late. It should have been made when the conferees were appointed.

The Clerk read the title of the bill.

The SPEAKER. Ordered printed.

CIRCUIT COURTS OF APPEALS AND DISTRICT COURTS

Mr. BYRNE of New York submitted the following conference report and statement on the bill (H. R. 4230) to provide necessary officers and employees for circuit courts of appeals and district courts:

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4230) to provide necessary officers and employees for circuit courts of appeals and district courts, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

WILLIAM T. BYRNE,
CHAUNCEY W. REED,
Managers on the Part of the House.

PAT MCCARRAN,
ABE MURDOCK,
ALEXANDER WILEY,
anagers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4230) to provide necessary officers and employees for circuit courts of appeals and district courts, submit the following explanation of the effect of the action agreed upon in conference and recommended in the accompanying conference report:

The bill as passed by the House provides authorization of substantive law for appropriations for secretaries and miscellaneous employees of the courts, such as librarians, for whose positions appropriations for many years have been made without such authorization. It also restates the provisions of existing law as amended by the Judiciary Appropriation Act for 1946, authorizing the appointment of law clerks by the judges. The Senate made two amendments to the bill, the first to recast the language of section 1 so as to require that prior to the creation of any new position for the court employees there must be filed with the Administrative Office of the United States Courts a certificate of necessity signed by the senior circuit judge of the circuit concerned. The second amendment merely repeals the two sections of existing law which would be rendered obsolete by enactment of the bill.

The House conferees agreed to the Senate amendments.

WILLIAM T. BYRNE,
CHAUNCEY W. REED,
Managers on the Part of the House.

EXTENSION OF REMARKS

Mr. MONRONEY asked and was given permission to extend his remarks in the RECORD and include an editorial from the Washington Star entitled "The Political Mill," by Gould Lincoln.

Mr. GORDON asked and was given permission to extend his remarks in the RECORD and include an address delivered by the Most Reverend Bernard J. Sheil, D. D., auxiliary bishop of Chicago, before the International Alliance of Allied Stage Employees and Motion Picture Operators.

Mr. ROWAN asked and was given permission to extend his remarks in the RECORD and include an editorial from the Daily Calumet of Chicago, entitled "Stealing Canada's Water."

Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks in the RECORD.

TREATMENT OF PEOPLE IN RUSSIAN-DOMINATED AREAS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, it is my great privilege to commend the majority leader the gentleman from Massachusetts [Mr. MCCORMACK] for the courageous and challenging speech about Yugoslavia, which he made just a few moments ago. Everything he said, all of us know, either off the record or on the record, is true and correct. We know that the treatment of the people of Yugoslavia under Tito is inspired by Russian domination. We know that is true of the people of Poland. We know that is true of the people of other small countries across the water which come under the domination and tyranny of the Russian hordes.

Mr. Speaker, we need more straight-from-the-shoulder talk such as we have just had by the distinguished gentleman from Massachusetts [Mr. MCCORMACK]. His challenge calls for action. It calls for a foreign policy by our Government that will not tolerate the hypocrisy and tyranny and persecution and murder such as has been described as taking place in Yugoslavia by the gentleman from Massachusetts.

TRANSPORTATION FOR AMPUTEES

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include two letters.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I had hoped against hope that the bill for cars for amputees and paraplegics would come up for action today, as recommended yesterday by the gentleman from Massachusetts. I realize that the House has had a very trying day, and I hope that the bill can be taken up on Monday. The gentleman from Mississippi [Mr. RANKIN] tells me the report on the bill was not ready until today, but that he has just filed it, so that will be printed and ready for Monday.

EXTENSION OF REMARKS

Mr. HAGEN asked and was given permission to extend his remarks in the RECORD in three instances and include newspaper articles and letters.

Mr. MILLER of Nebraska (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks and include a letter.

Mr. PITTENGER (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks in the RECORD and include a newspaper item.

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include an address recently made by Dr. Joseph F. Thorning. I am advised by the Public Printer that the extension will cost $90. I ask unanimous consent, notwithstanding the cost, that the extension may be made.

The SPEAKER. Notwithstanding the cost, and without objection, the extension may be made.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. H. CARL ANDERSEN, indefinitely, on account of illness in the family.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 78. An act for the relief of the estate of William Edward Oates;

S. 115. An act to modify sections 4 and 20 of the Permanent Appropriation Repeal Act, 1934, with reference to certain funds collected in connection with the operation of Indian Service irrigation projects, and for other purposes;

S. 223. An act to provide for the establishment of a modern, adequate and efficient hospital center in the District of Columbia; and

S. 2210. An act to provide for the return of certain securities to the Philippine Commonwealth Government.

ADJOURNMENT

Mr. MCCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 42 minutes p. m.) the House adjourned until Monday, July 29, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

The Committee on World War Veterans' Legislation will meet in executive session at 10:30 a. m., Monday, July 29, 1946.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1503. A letter from the Acting Secretary of the Interior, transmitting, pursuant to section 16 of the Organic Act of the Virgin

Islands of the United States, approved June 22, 1936, one copy of legislation passed by the Municipal Council of St. Thomas and St. John; to the Committee on Insular Affairs.

1504. A letter from the Comptroller General of the United States, transmitting a report of the activities of the General Accounting Office under section 16 of the Contract Settlement Act of 1944; to the Committee on the Judiciary.

1505. A letter from the Chairman, Reconstruction Finance Corporation, transmitting the bimonthly report of Reconstruction Finance Corporation small business activities during the period April 1 through May 31, 1946; to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANHAM: Committee on Patents. H. R. 6346. A bill providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during World War II; with amendments (Rept. No. 2686). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANDOLPH: Committee on Labor. H. R. 5221. A bill providing equal pay for equal work for women, and for other purposes; with amendments (Rept. No. 2687). Referred to the Committee of the Whole House on the State of the Union.

Mr. LECOMPTE: Committee on the Public Lands. H. R. 5118. A bill to amend an act of September 27, 1944, relating to credit for military or naval service in connection with certain homestead entries; with amendment (Rept. No. 2688). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on World War Veterans' Legislation. H. R. 7171. A bill to authorize the payment by the Administrator of Veterans' Affairs of the purchase price of automobiles or other conveyances purchased by certain disabled veterans, and for other purposes; without amendment (Rept. No. 2689). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANDOLPH: Committee on Labor. House Joint Resolution 389. Joint resolution to authorize the Bureau of Labor Statistics to collect price and rent information in additional cities and at more frequent intervals, and for other purposes; without amendment (Rept. No. 2690). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FISHER: Committee on Immigration and Naturalization. S. 1478. An act to record the lawful admission to the United States for permanent residence of Edith Frances de Becker Sebald; without amendment (Rept. No. 2684). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. S. 1607. An act to provide for the naturalization of Peter Kim; without amendment (Rept. No. 2685). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LARCADE:

H. R. 7189. A bill to prohibit exportation of automobiles, trucks, and tractors; to the Committee on Ways and Means.

By Mr. McCORMACK (by request):

H. R. 7190. A bill to authorize the promotion of certain officers and former officers of the Army of the United States; to the Committee on Military Affairs.

By Mr. CANNON of Missouri:

H. J. Res. 390. Joint resolution making additional appropriations for the fiscal year 1947, and for other purposes; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KNUTSON:

H. R. 7191. A bill for the relief of Mrs. Marian D. McC. Plein; to the Committee on Immigration and Naturalization.

By Mr. KOPPLEMANN:

H. R. 7192. A bill for the relief of William S. Meany; to the Committee on Claims.

By Mr. WEICHEL:

H. R. 7193. A bill on behalf of the estate of Howard Cletus Malkmus; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII petitions and papers were laid on the Clerk's desk and referred as follows:

2131. By Mr. VOORHIS of California: Petition of O. W. Fitzsimmons and 21 others, all citizens of San Jose, Calif., urging passage of legislation by Congress (H. J. Res. 325), which would authorize the President and Secretary of Agriculture to issue directives preventing the use of grain for beverage purposes until the world's food shortage is relieved; to the Committee on Agriculture.

2132. Also, petition of Mrs. F. C. Conditt and 37 others, all members of the Sunday school of the Church of the Nazarene, Van Nuys, Calif., urging passage of legislation by Congress (H. J. Res. 325), which would authorize the President and Secretary of Agriculture to issue directives preventing the use of grain for beverage purposes until the world's food shortage is relieved; to the Committee on Agriculture.

SENATE

MONDAY, JULY 29, 1946

Rev. Samuel W. Irwin, D. D., Washington, D. C., member, Louisiana Methodist Conference, retired, offered the following prayer:

Divine Father, though Thou dwellest in unmeasured space and dost live in timeless duration, Thou art not far from any one of us. In Thy wisdom Thou dost aid in every constructive human task, for the world struggling to be made is Thy world and Thou wouldst call us to join Thee in its redemption.

Give, we pray, to leaders around the earth and to us, a faith that rejoices to work with Thee in every effort at human betterment—to banish fears, to grant occasion to live and help live, to offer equal liberty to each.

Let us look upon human life with reverence and upon our own life with dedication. In a world so alarmed, may we sow peace. In a world material and selfish, let us scatter the finest of the spiritual. In an hour dark yet lined with hope, let us go radiantly. Thou dost go before, bearing the weak ones of the stricken places upon Thine arms, hiding the terrified who have no other recourse under the shadow of Thy compassion. In our own strong young land wouldst Thou grant wisdom, unselfish vision, and the Christian will to make things right on every obligation to our fellow man, that a kingdom might dwell among us of law and justice, of worship and honor and faith, of brotherhood and peace.

Through Him that loves us. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, July 27, 1946, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 2348) to authorize the continuance of the acceptance by the Treasury of deposits of public moneys from the Philippine Islands, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 156) to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House insisted upon its amendment to the bill (S. 191) to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public-health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BULWINKLE, Mr. CHAPMAN, Mr. MARCANTONIO, Mr. WOLVERTON, and Mr. BROWN of Ohio were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 1362) to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code, and for other purposes.

The message further announced that the House had agreed to the amendment

of the Senate to the following bill and joint resolution of the House:

H. R. 5148. An act to provide for the payment of pension or other benefits withheld from persons for the period they were residing in countries occupied by the enemy forces during World War II; and

H. J. Res. 225. Joint resolution to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 513. An act to amend the Nationality Act of 1940 to preserve the residence for naturalization purposes of certain aliens who serve in the military or naval forces of one of the Allied countries during the Second World War or otherwise assist in the Allied war effort, and for other purposes;

H. R. 1471. An act for the relief of Nicholas Sevaljevick, now known as Nicholas Hornacky;

H. R. 6303. An act to amend the provisions of the Agricultural Adjustment Act relating to marketing agreements and orders;

H. R. 6346. An act providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during World War II;

H. R. 6995. An act to amend the Nationality Act of 1940 to preserve the nationality of citizens residing abroad;

H. R. 7020. An act to provide for the acquisition by exchange of non-Federal property within the Glacier National Park;

H. R. 7046. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.," approved May 18, 1928;

H. R. 7101. An act to protect American agriculture, horticulture, livestock, and the public health by prohibiting the unauthorized importation into, or the depositing in the territorial waters of, the United States of garbage derived from products originating outside of the continental United States, and for other purposes;

H. R. 7109. An act to amend section 6 of Public Law No. 516 of the Seventy-ninth Congress, approved July 16, 1946;

H. R. 7126. An act to amend section 2 of the act of July 16, 1946 (Public Law 514, 79th Cong.), relating to the establishment and operation in the District of Columbia of nurseries and nursery schools, so as to permit payment of compensation for services rendered after June 30, 1946, and prior to the enactment of such act; and

H. R. 7147. An act to repeal certain statutes relating to the war and emergencies.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 78. An act for the relief of the estate of William Edward Oates;

S. 115. An act to modify sections 4 and 20 of the Permanent Appropriation Repeal Act, 1934, with reference to certain funds collected in connection with the operation of Indian Service irrigation projects, and for other purposes;

S. 223. An act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia;

S. 1547. An act to provide for the disposition of vessels, trophies, relics, and material of historical interest by the Secretary of the Navy, and for other purposes;

S. 1717. An act for the development and control of atomic energy;

S. 2177. An act to provide for increased efficiency in the legislative branch of the Government; and

S. 2210. An act to provide for the return of certain securities to the Philippine Commonwealth Government.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on July 27, 1946, he presented to the President of the United States the following enrolled bills:

S. 162. An act for the relief of Walter S. Faulkner;

S. 496. An act to make it a criminal offense for certain escaped convicts to travel from one State to another;

S. 1235. An act to authorize the use of the funds of any tribe of Indians for insurance premiums;

S. 1477. An act to authorize relief in certain cases where work, supplies, or services have been furnished for the Government under contracts during the war;

S. 1549. An act for the relief of the legal guardian of Duane N. Thompson;

S. 1561. An act to amend the act entitled "Compensation for injury, death, or detention of employees of contractors with the United States outside the United States," as amended, for the purpose of making the 100 percent earning provisions effective as of January 1, 1942;

S. 1573. An act for the relief of James H. Wilkinson;

S. 1640. An act to provide for the acquisition by the United States of certain real property in the District of Columbia;

S. 1674. An act for the relief of Michael Joseph Bennett, a minor;

S. 1731. An act for the relief of Lester A. Dessez;

S. 1751. An act for the relief of Wayne Parker;

S. 1880. An act for the relief of the Crosby Yacht Building & Storage Co., Inc.;

S. 1910. An act for the relief of George D. King;

S. 2036. An act granting the consent of Congress to the State of Rhode Island to construct, maintain, and operate a free highway bridge across the Sakonnet River between the towns of Tiverton and Portsmouth in Newport County, R. I.;

S. 2247. An act to permit the Secretary of the Navy to delegate the authority to compromise and settle claims against the United States caused by vessels of the Navy or in the naval service, or for towage or salvage services to such vessels, and for other purposes;

S. 2253. An act to further amend the act of January 16, 1936, as amended, entitled "An act to provide for the retirement and retirement annuities of civilian members of the teaching staff at the United States Naval Academy and the post-graduate school, United States Naval Academy";

S. 2259. An act to amend the Philippine Rehabilitation Act of 1946, for the purpose of making a clerical correction;

S. 2260. An act for the relief of Roy M. Davidson;

S. 2349. An act to permit the Secretary of the Navy to delegate the authority to compromise and settle claims for damages to property under the jurisdiction of the Navy Department, and for other purposes;

S. 2369. An act for the relief of Col. S. V. Constant, General Staff Corps; and

S. 2405. An act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOWNEY, from the Committee on Civil Service:

S. 2000. A bill to amend the Civil Service Retirement Act, approved May 29, 1930, as amended, so as to make such act applicable to officers and employees of the Columbia Institution for the Deaf; with an amendment (Rept. No. 1863).

By Mr. MORSE, from the Committee on Claims:

H. R. 2093. A bill for the relief of J. P. Kerr and Robert P. Kerr; with an amendment (Rept. No. 1864).

By Mr. EASTLAND, from the Committee on Claims:

H. R. 2736. A bill for the relief of Norman Abbott; without amendment (Rept. No. 1865); and

H. R. 3703. A bill for the relief of the city and county of San Francisco; without amendment (Rept. No. 1866).

By Mr. JOHNSTON of South Carolina, from the Committee on Claims:

H. R. 935. A bill for the relief of Andreas Andersen; without amendment (Rept. No. 1867);

H. R. 1357. A bill for the relief of the estate of Otto Frederick Gnospelius, deceased; without amendment (Rept. No. 1868);

H. R. 3855. A bill for the relief of Martin A. Tucker and Emma M. Tucker; without amendment (Rept. No. 1869);

H. R. 4860. A bill for the relief of Materials Handling Machinery Co., Inc.; without amendment (Rept. No. 1870);

H. R. 5050. A bill for the relief of Minnie P. Shorey; without amendment (Rept. No. 1871);

H. R. 5031. A bill for the relief of Ernest C. Heine and Harriet W. Heine; without amendment (Rept. No. 1872);

H. R. 5287. A bill for the relief of Mrs. Cecile W. McAfee, the legal guardian of Sarah McAfee, a minor, and Haven H. McAfee; without amendment (Rept. No. 1873);

H. R. 5463. A bill for the relief of Hiram H. Wilson; without amendment (Rept. No. 1874);

H. R. 5603. A bill for the relief of Wilford B. Brown; without amendment (Rept. No. 1875); and

H. R. 6381. A bill for the relief of Thomas L. Brett; with an amendment (Rept. No. 1876).

By Mr. O'DANIEL, from the Committee on Claims:

H. R. 957. A bill for the relief of Margaret Dunn; without amendment (Rept. No. 1877);

H. R. 1004. A bill for the relief of the legal guardian of Robert Olsen, a minor; without amendment (Rept. No. 1878);

H. R. 1633. A bill for the relief of Raymond Crosby; without amendment (Rept. No. 1879);

H. R. 3209. A bill for the relief of Edward A. Mason; without amendment (Rept. No. 1880);

H. R. 3210. A bill for the relief of Clyde O. Payne; without amendment (Rept. No. 1881);

H. R. 3619. A bill for the relief of Harry D. Koons; without amendment (Rept. No. 1882);

H. R. 4374. A bill for the relief of the legal guardian of Rudolph K. Bartels, Jr., a minor; without amendment (Rept. No. 1883);

H. R. 4924. A bill for the relief of Joseph A. Brown; without amendment (Rept. No. 1884);

H. R. 5693. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Albert Whilden; with an amendment (Rept. No. 1896);

H. R. 5134. A bill for the relief of Clarence W. Ohm; without amendment (Rept. No. 1885);

H. R. 5166. A bill for the relief of Raphael Elder; without amendment (Rept. No. 1886);

H. R. 5288. A bill for the relief of Warren M. Miller; without amendment (Rept. No. 1887);

H. R. 5469. A bill for the relief of Bertha Lillian Robbins and Charles Robbins; without amendment (Rept. No. 1888);

H. R. 5847. A bill for the relief of Watson Airfotos, Inc.; without amendment (Rept. No. 1889);

H. R. 5848. A bill for the relief of Mrs. Millicent Moore; without amendment (Rept. No. 1890);

H. R. 5849. A bill for the relief of Mrs. Grace A. Phillips; without amendment (Rept. No. 1891);

H. R. 6161. A bill for the relief of the legal guardian of Samuel Roscoe Thompson, a minor; without amendment (Rept. No. 1893);

H. R. 6255. A bill for the relief of Thomas A. Beddingfield and his wife, Opal May Beddingfield; without amendment (Rept. No. 1894); and

H. R. 6399. A bill for the relief of Caesar Henry; without amendment (Rept. No. 1895).

By Mr. O'DANIEL (for Mr. WILSON), from the Committee on Claims:

H. R. 6012. A bill for the relief of Lippert Brothers; without amendment (Rept. No. 1892).

By Mr. O'MAHONEY, from the Committee on Public Lands and Surveys:

H. R. 1860. A bill to authorize the Secretary of the Interior to issue a duplicate of Porterfield scrip certificate No. 53 to the Muskegon Trust Co., Muskegon, Mich., as trustee of the John Torrent trust; without amendment (Rept. No. 1898);

H. R. 4435. A bill to establish the Theodore Roosevelt National Park; to erect a monument in memory of Theodore Roosevelt in the village of Medora, N. Dak.; and for other purposes; with an amendment (Rept. No. 1897);

H. R. 5125. A bill to establish the Castle Clinton National Monument, in the city of New York, and for other purposes; without amendment (Rept. No. 1899);

H. R. 6896. A bill to grant to the city of Miles City, State of Montana, certain land in Custer County, Mont., for industrial and recreational purposes and as a museum site; without amendment (Rept. No. 1900); and

H. R. 7020. A bill to provide for the acquisition by exchange of non-Federal property within the Glacier National Park; without amendment (Rept. No. 1901).

By Mr. TAYLOR, from the Committee on Public Lands and Surveys:

H. R. 5128. A bill to provide for the conveyance of certain real property to Roy C. Lammers; without amendment.

By Mr. WAGNER, from the Committee on Banking and Currency:

S. 2332. A bill to provide that the unexpended proceeds from the sale of 50-cent pieces coined in commemoration of the two hundred and fiftieth anniversary of the founding of the city of Albany, N. Y., may be paid into the general fund of such city; without amendment (Rept. No. 1902).

By Mr. McCARRAN, from the Committee on Public Lands and Surveys:

S. Res. 316. Resolution increasing the limit of expenditures for the investigation of the use and administration of public lands and reducing certain other expenditures; without amendment, and, under the rule, referred to the Committee To Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HILL:

S. 2493. A bill to authorize the President to appoint Lt. Comdr. Paul A. Smith as United States representative to the Interim Council of the Provisional International Civil Aviation Organization, or as alternate to the United States representative, without affecting his status and perquisites as an officer of the Coast and Geodetic Survey; to the Committee on Foreign Relations.

(Mr. WAGNER introduced Senate bill (S. 2494) to authorize the redemption and retirement of the capital stock of the Federal Deposit Insurance Corporation, and for other purposes, which was referred to the Committee on Banking and Currency, and appears under a separate heading.)

REDEMPTION AND RETIREMENT OF CAPITAL STOCK OF FEDERAL DEPOSIT INSURANCE CORPORATION

Mr. WAGNER. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill to authorize the redemption and retirement of the capital stock of the Federal Deposit Insurance Corporation, and for other purposes, and I request that the bill, together with an explanatory statement be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred, and the bill and explanatory statement will be printed in the RECORD.

The bill (S. 2494) to authorize the redemption and retirement of the capital stock of the Federal Deposit Insurance Corporation, and for other purposes, was read twice by its title and referred to the Committee on Banking and Currency.

The explanatory statement presented by Mr. WAGNER is as follows:

Mr. WAGNER. Mr. President, the bill which I am introducing today would authorize the Board of Directors of the Federal Deposit Insurance Corporation to retire the capital stock of the Corporation at such times as the Board shall determine, out of the assessments hereafter paid by insured banks. No such retirement could be made at any time if the effect thereof would be to reduce the net worth of the Corporation below $1,000,000,000. Moreover, the Board of Directors would retire the capital stock only to the extent that the assessments paid by insured banks exceed the amount required, in the judgment of the Board, for the adequate protection of insured depositors and the sound operation of the Federal deposit insurance system. Thus the Board of Directors would retire the capital stock, having in mind the needs of the Corporation for the safety and the security of insured depositors.

The Government has a capital investment in the Federal Deposit Insurance Corporation of $150,000,000. Under the bill this capital investment would be returned to the Government and would become available for further reduction of the public debt. In addition, the retirement of the stock held by the Treasury would eliminate the Government's subsidy of the Federal deposit insurance system and would permit the system to operate as a mutual insurance fund. Not only would the Board be authorized to return the $150,000,000 to the United States Treasury but it would have authority to retire the capital stock of $139,000,000 which the Federal Reserve banks hold and which represents the amount they invested in the Federal Deposit Insurance Corporation in 1934. After all the stock has been retired, the Corporation would be self-sustaining and would be a mutual-deposit insurance fund financed solely by the insured banks. It would, however, remain administered as at present, that is, by a board of directors appointed by the President with the advice and consent of the Senate.

The Corporation's power to issue obligations, should the need therefor arise, is in no way changed by this bill but is retained at its present level, notwithstanding that its capital stock is partially or wholly retired.

In addition, the bill proposes to increase the compensation to be paid to the two appointive members of the Corporation's Board of Directors so that it will be on a par with the salaries paid to the Comptroller of the Currency and to the members of the Board of Governors of the Federal Reserve System. Each member of the Board of Governors of the Federal Reserve System receives $15,000 a year and the Comptroller of the Currency also receives $15,000 a year. On the other hand, the two appointive members of the Federal Deposit Insurance Corporation's Board receive only $10,000 a year. These officials should be paid on a uniform basis and for that reason the bill proposes to increase the salaries of the two appointive members so that they will be in line with the salaries paid to the other banking officials.

I think this bill is, on its face, so manifestly meritorious and noncontroversial that it should receive unanimous approval. It is most desirable that we authorize the Federal Deposit Insurance Corporation to begin to repay to the Treasury the money which the Government made available to inaugurate the Federal deposit insurance system. Now that the Corporation's net worth is approaching $1,000,000,000 it is time that the Government's investment be returned so that it may be available for further reduction in the public debt, and so that the Federal deposit insurance system may eventually become a mutual-insurance fund financed by the banking system but administered by officials appointed by the Government.

When the permanent Federal deposit insurance system was inaugurated in 1935, it began with a capital of $289,000,000 invested on behalf of the United States Treasury and the Federal Reserve banks. Since that time the Corporation has had a total income of $713,300,000 of which $563,600,000 represents assessments paid by the insured banks and $149,700,000 represents income from investments and from other sources. The expenses of the Corporation during the entire period of its existence total $73,400,000 of which $41,600,000 represents administration expenses and $31,800,000 represents deposit insurance losses and expenses. The balance of the net income, namely, $639,900,000 has been added to surplus so that as of December 31, 1945, the Corporation's total capital and surplus amounted to $929,200,000. In the current year the Corporation will reach a billion dollar net worth, and when that occurs it seems feasible for it to start repaying the Government's capital investment out of the assessments received from insured banks so that eventually the Corporation will be subsidy free. At the rate the Corporation is now collecting assessments, that is, about $100,000,000 a year, it could repay the Government its $150,000,000 investment in about 2 or 3 years and still retain a $1,000,000,000 insurance fund. The entire capital of $289,000,000 could be repaid at this rate in 4 or 5 years. At the end of that period we would have a $1,000,000,000-insurance fund entirely free of Government subsidy and built up by our insured banking system. This is a goal which I believe all of us would like to see achieved. Now that the opportunity is at hand to start this program, the

necessary statutory authority embodied in the bill which I am proposing should be enacted.

The Federal Deposit Insurance Corporation has done an excellent job; it has helped to bring the bank depositors of this country out of the doldrums into which they fell in the early 1930's and has restored in them a feeling of confidence and security in our banking structure. I think this confidence will be increased if they are made aware that the successful operation of the Federal deposit insurance system to date makes it possible for the Corporation to return the original capital investment so that the system depends entirely upon the insured banks themselves.

One aspect of this successful operation which is most impressive has to do with the statistics of bank suspensions. From 1865 until 1933, a period of 69 years, we had 18,844 bank suspensions, involving close to $10,000,000,000 of deposits—an average for that period of 273 bank suspensions per year, involving $142,000,000 of deposits. For the 12 years since Federal deposit insurance we have had only 338 banks suspend, involving a total of $157,000,000 of deposits—an average for that period of only 28 suspensions per year with $13,000,000 of deposits involved. For the past 2 years there has not been a single involuntary bank closing.

Despite the fact that this bill comes before us rather late in this session, I feel justified in submitting it to the Senate because, believing as I do that it is wholly noncontroversial, I am confident it can be enacted in short order. There has been much talk in recent weeks about recapturing from Government corporations excess Government funds to augment the Treasury's balances and make further reduction in the public debt possible. This bill may prove to be the first step in such a program and for that reason is even more deserving of our prompt consideration.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H. R. 513. An act to amend the Nationality Act of 1940 to preserve the residence for naturalization purposes of certain aliens who serve in the military or naval forces of one of the Allied countries during the Second World War or otherwise assist in the Allied war effort, and for other purposes; and

H. R. 6995. An act to amend the Nationality Act of 1940 to preserve the nationality of citizens residing abroad; to the Committee on Immigration.

H. R. 1471. An act for the relief of Nicholas Sevaljevick, now known as Nicholas Hornacky; to the Committee on Military Affairs.

H. R. 6303. An act to amend the provisions of the Agricultural Adjustment Act relating to marketing agreements and orders; and

H. R. 7101. An act to protect American agriculture, horticulture, livestock, and the public health by prohibiting the unauthorized importation into, or the depositing in the territorial waters of, the United States of garbage derived from products originating outside of the continental United States, and for other purposes; to the Committee on Agriculture and Forestry.

H. R. 6346. An act providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during World War II; to the Committee on Patents.

H. R. 7020. An act to provide for the acquisition by exchange of non-Federal property within the Glacier National Park; to the Committee on Public Lands and Surveys.

H. R. 7046. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.," approved May 18, 1928; to the Committee on Commerce.

H. R. 7126. An act to amend section 2 of the act of July 16, 1946 (Public Law 514, 79th Cong.), relating to the establishment and operation in the District of Columbia of nurseries and nursery schools so as to permit payment of compensation for services rendered after June 30, 1946, and prior to the enactment of such act; to the Committee on the District of Columbia.

H. R. 7147. An act to repeal certain statutes relating to the war and emergencies; to the Committee on the Judiciary.

AMERICAN FREE ENTERPRISE—ADDRESS BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD a radio address entitled "Fight for Freedom From OPA Is On," delivered by him on July 27, 1946, which appears in the Appendix.]

PROBLEMS CONFRONTING THE PARIS PEACE CONFERENCE — ARTICLE BY DREW PEARSON

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article entitled "Specter of Another War Hovers Over Paris Parley," written by Drew Pearson and published in the Philadelphia Record of July 29, 1946, which appears in the Appendix.]

TALMADGE AND "BEST PEOPLE" SET THE STAGE FOR MURDER—EDITORIAL FROM PHILADELPHIA RECORD

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an editorial entitled "Talmadge and 'Best People' Set the Stage for Murder," from the Philadelphia Record of July 29, 1946, which appears in the Appendix.]

INCREASE IN PRODUCTION—EDITORIAL FROM THE WASHINGTON POST

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an editorial entitled "Reuther Too," from the Washington Post of July 29, 1946, which appears in the Appendix.]

SILVER—ARTICLE BY SINCLAIR WEEKS

[Mr. GREEN asked and obtained leave to have printed in the RECORD an article entitled "Will There Be Another Holy Crusade for Silver?" by Hon. Sinclair Weeks, chairman of the Silver Users' Association, and former United States Senator from Massachusetts, which appears in the Appendix.]

HOPE IN THE RISING GENERATION—ARTICLE BY G. M. YOUNG

[Mr. HAWKES asked and obtained leave to have printed in the RECORD an article entitled "Hope in the Rising Generation," by G. M. Young, from the London Times of July 14, 1946, which appears in the Appendix.]

LABOR FACT-FINDING BOARDS

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The CHIEF CLERK. A resolution (S. Res. 215) to discharge the Committee on Education and Labor from further consideration of S. 1661, the Labor Fact-Finding Boards Act.

Mr. BARKLEY. I ask that the resolution go over.

The PRESIDENT pro tempore. Without objection, the resolution will go over.

THE CALENDAR

The PRESIDENT pro tempore. Morning business is closed. The calendar under rule VIII is in order.

Mr. BARKLEY. Mr. President, I ask unanimous consent that for the time being the call of the calendar be suspended. I will say to the Senate that it is my purpose a little later to ask that the calendar be called today, but for the moment I desire that its consideration be postponed.

The PRESIDENT pro tempore. Is there objection?

Mr. BALL. Reserving the right to object, why does the distinguished Senator from Kentucky want the consideration of the calendar postponed?

Mr. BARKLEY. Because I wish to make a motion to proceed to the consideration of a bill which, if the motion is agreed to, I shall then ask that its consideration be laid aside temporarily, so that the calendar may be called.

Mr. BALL. I object.

The PRESIDENT pro tempore. Objection is heard.

The clerk will state the first bill on the calendar.

The CHIEF CLERK. A bill (S. 47) to amend the Interstate Commerce Act as amended.

Mr. BARKLEY. Mr. President, if we are going to have a call of the calendar, I think there should be a quorum, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hoey	Overton
Andrews	Huffman	Pepper
Austin	Johnson, Colo.	Radcliffe
Ball	Johnston, S. C.	Reed
Barkley	Knowland	Revercomb
Bilbo	La Follette	Russell
Byrd	Langer	Shipstead
Capper	Lucas	Smith
Chavez	McCarran	Stewart
Connally	McClellan	Swift
Cordon	McFarland	Taft
Donnell	McKellar	Taylor
Downey	McMahon	Thomas, Okla.
Eastland	Magnuson	Thomas, Utah
Ferguson	Maybank	Tunnell
Fulbright	Mead	Vandenberg
George	Millikin	Wagner
Gerry	Mitchell	Walsh
Green	Moore	Wheeler
Guffey	Morse	Wherry
Gurney	Murdock	White
Hart	Murray	Wiley
Hawkes	Myers	Willis
Hayden	O'Daniel	Young
Hill	O'Mahoney	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Idaho [Mr. GOSSETT] are absent because of illness.

The Senator from Nevada [Mr. CARVILLE] is absent by leave of the Senate.

The Senator from Virginia [Mr. BURCH] is necessarily absent.

The Senator from Missouri [Mr. BRIGGS] and the Senator from West Virginia [Mr. KILGORE] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Delaware [Mr. BUCK], and the Senator from Kentucky [Mr. STANFILL] are necessarily absent.

The Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from Wyoming [Mr. ROBERTSON], and the Senator from New Hampshire [Mr. TOBEY] are absent by leave of the Senate.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The PRESIDENT pro tempore. Seventy-four Senators having answered to their names, a quorum is present.

The clerk will state the first order of business on the calendar.

BILL PASSED OVER

The bill (S. 47) to amend the Interstate Commerce Act, as amended, was announced as first in order.

Mr. BARKLEY. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ORDER OF BUSINESS

The resolution (S. Res. 83) to change the reference of Senate bill 541 to amend the Civil Aeronautics Act, as amended, from the Committee on Interstate Commerce to the Committee on Commerce was announced as next in order.

Mr. REVERCOMB. Mr. President, I inquire where is the call to start, at the beginning of the calendar?

Mr. BARKLEY. Mr. President, I ask unanimous consent that the call begin where we left off at the last call of the calendar. It is my purpose to ask a little later that a call be had of measures which have been passed over heretofore.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

Mr. ANDREWS. Mr. President, I did not hear the request.

Mr. BARKLEY. The request was that we begin the call of the calendar where we left off on July 17, which would be with Calendar No. 1756, Senate bill 2401. I stated that later I proposed to have the bills behind that number also called for consideration.

Mr. ANDREWS. Does the Senator mean later today?

Mr. BARKLEY. I am not sure we will get to it today, though that is possible; certainly before we adjourn.

Mr. ANDREWS. I should like to say to the Senator that Calendar No. 494, Senate bill 1250, relating to the damages in connection with the Mediterranean fruitfly, has been on the calendar for over a year, and I have been waiting for it to be reached, not desiring to call it up as a special order.

Mr. BARKLEY. All the bills on the calendar back of the number where I asked that the call begin today will be called. I am not sure that we can do that today. I hope we can, but I am not certain of it.

Mr. ANDREWS. Let me state the difficulty about the situation, so far as I am concerned. An identical bill is now on the calendar of the House, and if we wait until tomorrow to call up the Senate bill, it will be too late to have it approved and signed, so I should like to have the bill considered and acted upon today, when we complete the calendar. The bill has been pending on the calendar for nearly 3 years, waiting until the end of the war, and it has the approval of the joint committee which investigated the matter. I do not feel that there should be any real opposition to it.

Mr. BARKLEY. Mr. President, I assure the Senator that I shall do the best I can to have the preceding bills called at the earliest possible moment. Of course, if there is objection to my request, it will be necessary to start at the beginning of the calendar and call measures on the calendar many of which have been called and passed over before.

Mr. ANDREWS. Mr. President, I think that in 2 years I have taken up less time on the floor than any other Member of the Senate, and I should like to have this bill enacted before I leave the Senate. I am pledged to do it. I should like to have the bill considered, and I know that if the anti-poll-tax bill, or some other fool measure, is brought up, it can be debated until the end of the session, and a number of bills, including mine, which are important will fail.

Mr. PEPPER. Mr. President, let me ask the leader——

Mr. BARKLEY. I shall cooperate to the fullest of my ability to see that the senior Senator from Florida has a chance to have his bill considered. Under the rule, the calendar must be called. I requested that the call begin with the beginning of the calendar, but I am now asking that the call begin with Calendar No. 1756.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHERRY. May we rely on the assurance that if we comply with the request and start on page 9, Calendar No. 1756, before this session is over the calendar will be called once again?

Mr. BARKLEY. Absolutely.

Mr. WHERRY. We can absolutely depend on that?

Mr. BARKLEY. That is my purpose.

Mr. PEPPER. Mr. President, before a conclusion is reached on that point, may I offer a suggestion to the leader? I wish to say that I concur very heartily with what my colleague the senior Senator from Florida [Mr. ANDREWS], has said about Calendar No. 494, Senate bill 1250. Why could we not have an understanding that if we begin the call somewhere in the calendar other than at the beginning, when we finish the calendar today we may revert to the first part of the calendar and call the measures from that point?

Mr. BARKLEY. Mr. President, if we have to do that, I think we might as well begin at the beginning now.

Mr. PEPPER. It will not take so very long, I think.

Mr. BARKLEY. It will take no more time to do it that way than to go back, so I withdraw my request and ask that the clerk begin the call with the first bill on the calendar.

INCREASE IN PAY OF MILITARY AND NAVAL FORCES

Mr. MAYBANK. Mr. President, I ask unanimous consent to have Calendar No. 1186, Senate bill 1357, to increase the pay of the military and naval forces while on sea duty or duty beyond the continental limits of the United States or in Alaska, recommitted to the Committee on Military Affairs. A similar House bill was passed some time ago, therefore I ask that this bill be removed from the calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will proceed with the call of the calendar.

RESOLUTION PASSED OVER

The resolution (S. Res. 83) to change the reference of Senate bill 541 to amend the Civil Aeronautics Act, as amended, from the Committee on Interstate Commerce to the Committee on Commerce, was announced as next in order.

Mr. WHITE. Mr. President, I ask that the resolution go over. It involves committee jurisdiction, and the chairman of neither committee involved is in the Chamber at this time.

The PRESIDENT pro tempore. Objection being heard, the resolution will be passed over.

BILLS AND JOINT RESOLUTIONS PASSED OVER

The bill (S. 101) to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry was announced as next in order.

Mr. RUSSELL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1125) to increase the compensation of the Speaker of the House of Representatives, the Vice President of the United States, Senators, Representatives in Congress, Delegates from Territories, the Resident Commissioner from Puerto Rico, and members of the Cabinet was announced as next in order.

Mr. REVERCOMB (and others). Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 83) to authorize the Federal Works Administrator to advance discretionary apportionment funds to be used for the purpose of making plans for the National Memorial Stadium as a postwar project was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

CLAIMS FOR DAMAGES CAUSED BY MEDITERRANEAN FRUITFLY

The bill (S. 1250) for the relief of certain claimants who suffered losses and sustained damages as the result of the campaign carried out by the Federal Government for the eradication of the Mediterranean fruitfly in the State of Florida was announced as next in order.

Mr. TAFT and other Senators. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. ANDREWS. Mr. President, I should like to give an explanation of Senate bill 1250 now, or ask that we return and take it up for consideration after the call of the calendar is concluded. This is too important a bill to be ignored simply by some Senator asking that it go over. We cannot afford to continue to postpone action on the bill. I hope the Senator who objected will withdraw his objection so that the bill may now be considered on its merits.

Mr. President, I wish to say that a great deal of money has been spent to investigate this subject and to obtain the facts. A joint committee of Congress went to Florida and made a study of the situation.

Mr. BARKLEY. Mr. President, objection has been made, and the bill will have to go over.

Mr. ANDREWS. Mr. President, I should like to have a chance to make an explanation of the bill.

Mr. TAFT. I shall be glad to withdraw my objection for that purpose.

Mr. ANDREWS. Mr. President, I wrote a letter to each Member of the Senate more than 10 days regarding this bill, and attached to the letter an explanation of the findings of the joint Senate and House committee which made a detailed investigation of all these claims. I know there are many who think that when something happens in Florida it is not necessary to pay much attention to it. We have been treated in that manner regarding this bill and other matters. As I stated, a detailed investigation was made by the joint committee. The President of the United States had recommended an appropriation of $10,000,000 for the purpose of eradicating the citrus fly—the Mediterranean fruitfly. In the meantime an investigation was made by the joint congressional committee. Action was postponed for a time. For a long time we tried to secure a full examination and explanation of the situation. In fact, the Secretary of Agriculture, under a special resolution, appointed five men to make investigations of these losses and to establish the standard of the losses for each kind of fruit and vegetable destroyed.

After that report was made, the Senate and the House passed Senate Joint Resolution No. 40, under which a committee was appointed, among whose members were former Senator Schwartz, of Wyoming, the junior Senator from Wisconsin [Mr. WILEY], and the Senator from Louisiana [Mr. ELLENDER], who is now absent from the Senate, and for whose return I have been waiting in order to call up the bill for consideration. As I understand, he is still in the Pacific, or, perhaps, in Europe. The committee went to Florida and held hearings on the basis of the specifications set forth in the report made by the Department of Agriculture after it had made its investigation. One hundred and seventeen witnesses were heard by the committee. Hearings were held at five or six different places in the Citrus Belt. The committee returned and recommended that the claims be paid. The claims were small. The claims for damage to citrus fruits, avocados, and various kinds of vegetables were made on the basis of less than half the amount that would have to be paid for like quantities of fruits and vegetables now.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. ANDREWS. I am glad to yield.

Mr. LUCAS. How many claims were involved in this investigation, and what was the total amount that the committee said the claimants should be paid.

Mr. ANDREWS. There are in all about 7,000 claims. Many of the claimants are old people. Many of them originally came from all the States of Senators present, and they lived in homes established on groves of from 10 to 20 acres. Many thousands of them lost their groves by reasons of this infestation. At the present time I am very doubtful that claims could be established for anywhere near the original amount.

Mr. LUCAS. What was that amount?

Mr. ANDREWS. An appropriation was provided in the amount of $10,000,000, or so much thereof as may be necessary to pay the claims. To indicate to the Senate how very particular we were in respect to verifying the claims, I will show how the investigation was made. This damage occurred during the depression, when vegetables and fruits were not worth much

The PRESIDENT pro tempore. The time of the Senator from Florida has expired.

Mr. TAFT. Mr. President, I renew my objection.

The PRESIDENT pro tempore. On objection, the bill will go over.

The clerk will state the next business on the calendar.

BILLS PASSED OVER

The bill (S. 518) to provide for the issuance of permits for the use of live decoys in the taking of ducks was announced as next in order.

Mr. WHITE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 958) to provide for more effective inspection and supervision by the Congress with respect to the administration of the laws of the United States was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 2504) to discontinue certain reports now required by law was announced as next in order.

Mr. LUCAS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 825) to establish a Research Board for National Security was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. WHERRY. Mr. President, action is being taken so quickly that we cannot follow what is being done. What happened with respect to Calendar 516, Senate bill 958?

The PRESIDENT pro tempore. The bill was objected to, and went over.

Mr. HILL. Mr. President, will the Senator from Nebraska withhold objection to Calendar 517, House bill 2504?

Mr. WHERRY. I did not object. Some other Senator did. And Calendar No. 549, Senate bill 825, the next bill on the calendar, was also objected to.

DISCONTINUANCE OF CERTAIN REPORTS NOW REQUIRED BY LAW

Mr. HILL. Mr. President, with reference to House bill 2504, I will say that I have no personal interest in it whatever. The bill passed the House of Representatives during the last Congress, and died on the Senate Calendar. The bill passed the House of Representatives again during the present session of Congress. It has been on the Senate Calendar for a year's time. I realize that when one first looks at the bill one might have questions concerning it. I wish to ask the Senator who objected to the bill to please examine the bill and the report carefully. It is a bill which in my opinion ought to be passed, because unless we pass the bill it will mean that the Government will continue to spend a great deal of money in a very wasteful manner.

Mr. LUCAS. Mr. President, I withdraw my objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WHERRY. Mr. President, reserving the right to object, I should like very much to have a further explanation of the bill.

The PRESIDENT pro tempore. The Senator from Alabama [Mr. HILL] is recognized to make an explanation.

Mr. HILL. Mr. President, at the present time there are some 330 statutory provisions requiring the preparation and submission to the Congress by various agencies and departments of the Government of various monthly and annual reports. Usually only one of these provisions applies to one department. The very provision that applies to one department may be contained in some other law which applies to several departments, and the result is that there is a great deal of duplication of work.

Mr. WHERRY. Mr. President, now that I know the provisions of the bill, I wish to state that I have no objection to it.

Mr. HILL. I thank the Senator from Nebraska.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 2504) to discontinue certain reports now required by law was considered, ordered to a third reading, read the third time, and passed.

BILLS AND RESOLUTIONS PASSED OVER

The concurrent resolution (S. Con. Res. 25) favoring an extension of the air-transportation system in the United States to small cities and towns was announced as next in order.

Mr. TAFT. Over.

The PRESIDENT pro tempore. The concurrent resolution will be passed over.

The resolution (S. Res. 172) to investigate certain economic questions in the Pacific Coast and Rocky Mountain States resulting from termination of the war was announced as next in order.

Mr. DOWNEY and Mr. TAFT. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The joint resolution (S. J. Res. 92) proposing an amendment to the Constitution of the United States relative to voting qualification was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (H. R. 7) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers was announced as next in order.

Mr. RUSSELL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

AUTHORIZATION FOR EMPLOYEES OF IMMIGRATION AND NATURALIZATION SERVICE TO MAKE ARRESTS—BILL PASSED OVER

The bill (H. R. 386) to amend the law relating to the authority of certain employees of the Immigration and Naturalization Service to make arrests without warrants in certain cases and to search vehicles within certain areas was announced as next in order.

Mr. REVERCOMB. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. RUSSELL. Mr. President, was objection made to House bill 386?

The PRESIDENT pro tempore. Objection was made by the Senator from West Virginia.

Mr. RUSSELL. Mr. President, the Bureau of Immigration is very desirous of having this bill enacted into law. I do not have the facts before me at the present time, but the failure to have such a law upon the statute books now is rendering practically impossible of enforcement the immigration laws. Under the existing system, if a truck loaded with persons who have evaded the immigration authorities at the border in Mexico, for example, by swimming the river, is traveling through the State of Texas it is impossible under the present conditions to capture such individuals who are slipping into this country. I do not know, Mr. President, of any small bill that is more vital to the enforcement of the immigration laws than is this measure. The members of the Committee on Immigration went into this measure very fully. It was reported unanimously. It applies only to certain areas contiguous to the border of the United States.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. REVERCOMB. The purpose of the bill is to permit searches and seizures without warrants. The authority is unlimited, and would permit the search of any plane coming into this country. The Senator knows that I do not wish to do anything that would interfere with the enforcement of the immigration laws. But a bill which gives an officer the blanket right of search without warrant is not a sound bill.

Mr. RUSSELL. If the Immigration authorities are compelled to obtain warrants when a plane comes into this country from Cuba, it means that all the passengers in the plane may land in this country without let or hindrance, and can be admitted here without any obstacles being interposed.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CORDON. I should like to add my comment to that of the Senator from Georgia. I know of no State in the United States today where arrests cannot be made without warrants in cases of felony. That is the generally accepted law. In this instance I can conceive of no greater emergency than that which exists with reference to the entry of aliens into this country. I hope the objection will be withdrawn.

Mr. RUSSELL. I sincerely hope that the Senator from West Virginia will withdraw his objection.

Mr. REVERCOMB. I ask that the bill be passed over temporarily.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF LAW RELATING TO ABANDONMENT OF CONDEMNATION PROCEEDINGS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H. R. 2938) to amend the Code of Laws of the District of Columbia, with respect to abandonment of condemnation proceedings, which had been reported from the Committee on the District of Columbia, with an amendment in section 1, on page 2, line 8, after the name "District of Columbia," to insert "*Provided further, however,* That no such owner shall be entitled to such reimbursement in any case where the proceeding is abandoned at the request or with the consent of the owner of such property."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TERMS OF OFFICE OF MEMBERS OF THE FEDERAL POWER COMMISSION—BILL PASSED OVER

The bill (S. 1289) to amend section 1 of the Federal Power Act with respect to the terms of office of members of the Federal Power Commission was announced as next in order.

Mr. REVERCOMB. Let the bill go over.

Mr. WHEELER. Mr. President, all the bill does is to make it possible for members of the Federal Power Commission to hold over until their successors are qualified. The House has passed House bill 3704, Calendar No. 1086. I was about to ask that the House bill be substituted for the Senate bill, and passed.

Mr. REVERCOMB. The bill as written permits a hold-over for an indefinite length of time. It permits any member of the Federal Power Commission whose term of office has expired to continue to serve as a member of the Commission for an unlimited time without reappointment.

Mr. WHEELER. Similar laws are in effect with respect to the Interstate Commerce Commission, the Federal Communications Commission, and many other agencies.

Mr. REVERCOMB. I ask that the bill be passed over temporarily.

The PRESIDENT pro tempore. The bill will be passed over.

RESOLUTION AND BILLS INDEFINITELY POSTPONED

The resolution (S. Res. 207) to discharge the Committee on Military Affairs from further consideration of joint resolution (S. J. Res. 116) to direct and require the discharge of certain members of the armed forces, to prohibit the drafting of certain persons into the Army or Navy, and for other purposes, was announced as next in order.

Mr. THOMAS of Utah. Mr. President, since the purposes of Senate Resolution 207, Calendar No. 872; Senate bill 1357, Calendar No. 1186; and Senate bill 1869, Calendar No. 1188, have all been accomplished by other legislation, I ask unanimous consent that those measures be taken from the calendar and indefinitely postponed.

The PRESIDENT pro tempore. Is there objection?

Mr. REVERCOMB. Mr. President, I submitted Senate Resolution 207 in the first instance. It is entirely satisfactory to me to take it from the calendar, because the purpose of that resolution has now been fulfilled.

The PRESIDENT pro tempore. Without objection, Senate Resolution 207, Senate bill 1357, and Senate bill 1869 will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 1248) to establish a Bureau of Scientific Research, and for other purposes, was announced as next in order.

Mr. TAFT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

HEALTH PROGRAMS FOR GOVERNMENT EMPLOYEES

The bill (H. R. 2716) to provide for health programs for Government employees was announced as next in order.

Mr. DOWNEY. Mr. President, before any action is taken on this bill I ask unanimous consent to offer an amendment in the nature of a substi-

tute for the bill which is upon the calendar. I act upon the direction and authorization of the Civil Service Committee in offering this amendment, and I ask that it be read from the desk.

The PRESIDENT pro tempore. The amendment offered by the Senator from California will be stated.

Mr. BARKLEY. Mr. President, may I ask the Senator how long this amendment is, and whether it is of such a nature that it ought to be adopted on the call of the calendar?

Mr. DOWNEY. Mr. President, the bill is most important. Every industrial group in America, every business group, and every labor group has approved it. Extensive hearings have been held, and the bill has been unanimously approved by the members of the committee, including both Democrats and Republicans. The amendment is brief, and expresses the whole purpose.

At one time the distinguished Senator from Mississippi [Mr. BILBO] objected to the bill, and it has been held up since that time.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. BILBO. What is it proposed to do?

Mr. DOWNEY. At the instigation and direction of the heads of agencies, and with the approval of the Public Health Service and the approval of Congress through an appropriation, the creation of emergency mental and dental facilities would be permitted in each of the departments of the Government. The service would be similar to what we have in the Senate. Physicians would be assigned to establish health and safety standards and to make free examinations. Nothing could be done without an appropriation by Congress.

The hearings on this bill extended over a period of several months. The National Association of Manufacturers, the National Safety Council, and other organizations approve the bill. The labor groups approve such a bill. Practically every great industry in the United States has emergency medical service.

The amendment is self-explanatory. I ask that the amendment be accepted by unanimous consent, that the bill be passed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 2716) to provide for health programs for Government employees, which had been reported from the Committee on Civil Service with amendments.

Mr. DOWNEY. Mr. President, I offer the amendment in the nature of a substitute, which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment in the nature of a substitute offered by the Senator from California will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That, for the purpose of promoting and maintaining the physical and mental fitness of employees of the Federal Government, the heads of departments and agencies, including Government-owned and controlled corporations are authorized, within the limits of appropriations made available therefor, to establish by contract or otherwise, health-service programs which will provide health services for employees under their respective jurisdictions: *Provided*, That such health-service programs shall be established only after consultation with the Public Health Service and consideration of its recommendations, and only in localities where there are a sufficient number of Federal employees to warrant the provision of such services, and shall be limited to (1) treatments of on-the-job illness and dental conditions requiring emergency attention; (2) preemployment and other examinations; (3) referral of employees to private physicians and dentists, and (4) preventive programs relating to health: *Provided further*, That the health program now being conducted by the Tennessee Valley Authority and by the Panama Canal and Panama Railroad Company shall not be affected by the provisions of this act: *And provided further*, That such health programs as are now being conducted for other Federal employees may be continued until June 30, 1947. The Public Health Service, when requested to do so, shall review the health-service programs being conducted by any department or agency under authority of this act and shall submit appropriate comment and recommendations. Wherever the professional services of physicians are authorized to be utilized under this act, the definition of "physician" contained in the act of September 7, 1916, as amended (U. S. C., 1940 edition, title 5, sec. 790), shall be applicable.

Mr. TAFT. Mr. President, I do not understand the reason for an amendment in the nature of a substitute. The bill before us was reported from the committee with several amendments. I am interested only because the Senator from Iowa [Mr. HICKENLOOPER] was interested in the committee amendments. They are written just as he wanted them. I do not understand why an amendment in the nature of a substitute is offered.

Mr. DOWNEY. I shall be glad to explain the reason. The bill as reported from the committee gives primary direction to the Civil Service Commission. Objection was made on the ground that the primary initiating power should be the Public Health Service. Following that objection, the bill was again referred to our committee, and there was an additional hearing, in which practically all the members of the committee participated. It was finally decided that the primary responsibility under the terms of the bill should be vested in the Public Health Service rather than the Civil Service Commission. That decision having been made at a meeting of the committee, I was directed to offer this amendment in the nature of a substitute, which clarifies the bill and definitely restricts it in certain ways. It merely substitutes the Public Health Service for the Civil Service Commission as the dominating agency.

Mr. BALL. Mr. President, will the Senator yield for a question?

Mr. DOWNEY. I yield.

Mr. BALL. Would the amendment the Senator has proposed permit the deduction from the salaries of Federal employees of payments to a Blue Cross hospital plan?

Mr. DOWNEY. No; it has nothing to do with that. All it would do would be, in the case of the large governmental agencies, to permit establishment of a physician or a dentist or facilities for emergency treatment and care of the employees, exactly as we have provided in the case of the Senate and in the case of the House of Representatives of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from California.

The amendment was agreed to.

The PRESIDENT pro tempore. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOINT RESOLUTION AND BILLS PASSED OVER

The PRESIDENT pro tempore. The clerk will state the next measure on the calendar.

The joint resolution (S. J. Res. 85) proposing to amend the Constitution of the United States to exclude aliens in counting the whole number of persons in each State for apportionment of representatives among several States was announced as next in order.

Mr. McCARRAN. Let the joint resolution be passed over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (H. R. 948) conferring jurisdiction upon the District Court of the United States for the Northern District of California to hear claims for damages as a result of a flood in Yuba County, Calif., was announced as next in order.

Mr. McCARRAN. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3704) to amend section 1 of the Federal Power Act with respect to the terms of office of members of the Federal Power Commission was announced as next in order.

Mr. REVERCOMB. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

AWARD OF THE DODECANESE ISLANDS TO GREECE

The resolution (S. Res. 82) favoring the award of the Dodecanese Islands to Greece was announced as next in order.

Mr. BARKLEY. Inasmuch as the purpose of the resolution has already been accomplished——

Mr. TAFT. Mr. President, I do not think the purpose has been accomplished because I think the resolution covers more than the Dodecanese Islands.

Mr. PEPPER. Let me say that the resolution was reported unanimously, or without objection, by the Foreign Relations Committee. It is the same resolution which former Senator Lodge introduced in the Senate and which the Senate passed in the early twenties.

Mr. BARKLEY. I have no objection to the resolution.

Mr. TAFT. Mr. President, I find that I am mistaken. The resolution does refer only to the Dodecanese Islands.

Mr. BARKLEY. I thought it referred only to the Dodecanese Islands. They have already been awarded to Greece by the Foreign Ministers, but not, as I understand, by the Peace Conference as yet. Is that correct?

Mr. CONNALLY. Mr. President, I would simply suggest that, although the Foreign Ministers have agreed to award the Dodecanese Islands to Greece, that action has not been made final. The Peace Conference is now in session in Paris. I see no harm in adopting the resolution.

Mr. BARKLEY. I have no objection.

The PRESIDENT pro tempore. The question is on the adoption of the resolution.

The resolution (S. Res. 82) was agreed to, as follows:

Resolved, That it is the sense of the Senate that Northern Epirus (including Corytsa) and the 12 islands of the Aegean Sea, known as the Dodecanese Islands, where a strong Greek population predominates, should be awarded by the peace conference to Greece and become incorporated in the territory of Greece.

RESOLUTIONS AND BILL PASSED OVER

The PRESIDENT pro tempore. The clerk will state the next measure on the calendar.

The resolution (S. Res. 161) authorizing an investigation of all means of interstate and foreign commerce was announced as next in order.

Mr. OVERTON. Let the resolution be passed over.

The PRESIDENT pro tempore. The resolution will be passed over.

The resolution (S. 245) increasing the limit of expenditures for the investigation of the better mobilization of the material resources of the United States was announced as next in order.

Mr. BALL. Let the resolution be passed over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (H. R. 5594) to reserve for the use of the United States all deposits of fissionable materials contained in the public lands was announced as next in order.

Mr. CORDON. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

RAILROAD BRIDGE ACROSS THE ALLEGHENY RIVER AT WARREN, PA.

The bill (H. R. 4190) granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River at or near Warren, Pa., was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 5316) to repeal the law permitting vessels of Canadian registry to transport iron ore between United States ports on the Great Lakes was announced as next in order.

Mr. RADCLIFFE. Mr. President, since this bill has been on the calendar, certain transportation problems have arisen and are now receiving careful consideration. So, under the circumstances, I think it would be well that the bill be passed over, and I so request.

The PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

DETAIL OF MILITARY AND NAVAL MISSIONS TO FOREIGN GOVERNMENTS

The bill (S. 1847) to amend the act of May 19, 1926 (44 Stat., pt. 2, p. 565), as amended by the act of May 1935 (49 Stat. 218) providing for the detail of United States military and naval missions to foreign governments was announced as next in order.

Mr. TAFT. Let the bill be passed over.

Mr. THOMAS of Utah. Mr. President, before the bill is passed over, I should like to make an explanation.

Mr. TAFT. I withdraw my objection for the purpose of enabling the Senator to make his statement.

Mr. THOMAS of Utah. Under present legislation the President of the United States is authorized, upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, to detail officers and enlisted men of the United States Army and Navy to assist the Governments of the Republics of North America, Central America, and South America, and of the Republics of Cuba, Haiti, Santo Domingo, and the Commonwealth of the Philippine Islands, and, during war or a declared national emergency, the governments of such other countries as the President deems it in the interest of national defense to assist in military matters.

During the war, by Public Law 722 of the Seventy-seventh Congress, approved October 1, 1942, the President was also given authority to send military and naval missions to the governments of such other countries as he might deem to be in the interest of national defense.

Senate bill 1847 is a measure to enact into permanent legislation the authority granted to the President during the war. It will authorize the President to detail military and naval missions to any foreign government whenever, in his discretion, the public interest renders such a course advisable.

Mr. President, enactment of the bill is recommended by the State Department, the War Department, and the Navy Department, and your committee concurs in the view that it is desirable legislation.

An identical bill has already been passed by the House of Representatives, and is on our calendar. Moreover, as chairman of the subcommittee of the Foreign Relations Committee, I am handling two other bills of the same nature, which were recommended by the President of the United States, by the State Department, the War Department, and the Navy Department. If, for example, this bill does not become law, one of the outstanding requests made of us by General Marshall, who now is in China, will not be complied with, and the desired result will not be accomplished.

There is in the committee report a letter from General Marshall to me.

Mr. President, if this bill can be passed, the need for the other two will not be so great. There is no chance of passing the other two in this Congress. Therefore, I trust that the Senate will pass this bill.

Mr. TAFT. Mr. President, I shall object to the bill. I feel very strongly that we should not be sending military missions all over the world to teach people how to fight in American ways. We have done that in the case of South American countries and the Philippines, and I am certainly not in favor of having us undertake military operations all over the world, until the United Nations has a chance to establish itself and until we have an opportunity to operate through it.

So, Mr. President, I object to the bill.

The PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

The clerk will call the next measure on the calendar.

BILLS PASSED OVER

The bill (S. 1271) to provide for cooperation with State agencies administering labor laws in establishing and maintaining safe and proper working conditions in industry was announced as next in order.

Mr. REVERCOMB. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5433) to amend section 540 of title 10 and section 441 (a) of title 34 of the United States Code providing for the detail of United States military and naval missions to foreign governments was announced as next in order.

Mr. TAFT. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF PERNICIOUS POLITICAL ACTIVITIES ACT

The bill (H. R. 1497) to amend subsection 9 (a) of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended, was announced as next in order.

Mr. GREEN. Mr. President, this bill was before the Committee on Privileges and Elections. As chairman of the committee, I was instructed to report it favorably. However, two Senators, the Senator from Michigan [Mr. FERGUSON] and the Senator from New Hampshire [Mr. BRIDGES], drew attention to a desirable amendment, namely, on page 1, in line 10, to strike out the words "employees of the United States Government, including the." In other words, the amendment would limit the bill to the employees of the Alaska Railroad.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GREEN. Mr. President, I now offer the amendment which I have just stated.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendment to be

proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 1118) to amend the Hatch Act was announced as next in order.

Mr. REVERCOMB. Let the bill be passed over.

Mr. GREEN. Mr. President, I should like to make an explanation, if I may do so.

The PRESIDENT pro tempore. Consideration of the bill has been objected to. Does the Senator who objected withdraw his objection temporarily?

Mr. REVERCOMB. I withdraw it temporarily, until the statement can be made.

Mr. GREEN. Mr. President, several bills to the same effect or with the same wording have been introduced in the Senate and the House. This one is now ready for action. It has met with the approval of the committee and it has received the earnest recommendation of the chairman of the Civil Service Commission, for the reason that before the passage of the Hatch Act the Commission had certain discretionary powers in respect to punishing offenders who broke the rules and regulations. By the passage of the Hatch Act, that discretionary power was taken away; and in every instance in which there was a violation of the provisions of the Hatch Act, the Commission had to discharge the offending employee, with no possibility of reemployment. In many cases that seemed to be too severe a penalty to impose.

For example, an employee might distribute some political cards in a political campaign for a friend of his who was running for office. That would be a violation of the Hatch Act. But the penalty of discharge of the employee with no possibility of his being reemployed seems to be too severe. The bill makes it possible for the Commission to use discretion in assessing punishment.

Mr. President, I hope that the objection of the Senator will be withdrawn.

Mr. REVERCOMB. Mr. President, I feel that if this bill to amend the Hatch Act is passed, we might as well abolish the Hatch Act. The very purpose of the act is to prevent pernicious political activities. If we are going to make punishment for such activities too light and put absolute discretion in the Civil Service Commission with reference to the punishment to be assessed, we might as well abolish the entire act. I must ask that the bill go over.

Mr. GREEN. Mr. President, the Commission already has such powers. Such powers reside in the State officials. This bill would give similar powers to the Federal Commission.

Mr. WALSH. Mr. President, this bill has great merit. The interpretations and decisions of the Hatch Act have been, in certain instances, very severe. Allow me to give one illustration:

A man was appointed acting postmaster in a community in Massachusetts. At the time of his appointment, he was a member of the local Democratic town committee. He asked whether he should resign, and he was told by the post-office inspector that it was not necessary to resign until he had received a notice to take an examination for permanent appointment. Later, when he was ready to take the examination, some of his political enemies objected on the ground that he had been a member of a political committee. He was denied the right to take the examination and was forbidden from ever thereafter being considered for the postmastership. The Post Office and the Civil Service Commission regretted the situation very much, but they said they had no discretion in the matter, and I believe they favor this bill.

Mr. CORDON. Over.

The PRESIDENT pro tempore. Objection is heard. The bill will be passed over.

SIMPLIFICATION OF ADMINISTRATION OF INDIAN AFFAIRS

The Senate resumed consideration of the bill (H. R. 4386) to facilitate and simplify the Administration of Indian Affairs.

Mr. O'MAHONEY. Mr. President, this bill was passed by the Senate on June 14 and the amendments to the bill were agreed to. The bill was subsequently reconsidered at the request of the junior Senator from South Dakota [Mr. BUSHFIELD]. In the interim, I consulted with him, and on his behalf I now offer an amendment, which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendments reported by the Committee on Indian Affairs were agreed to when the bill was originally considered by the Senate. The amendment now offered by the Senator from Wyoming [Mr. O'MAHONEY] in behalf of the Senator from South Dakota [Mr. BUSHFIELD] will be stated.

The CHIEF CLERK. On page 2, in line 6, after the words "Indian Affairs", it is proposed to strike out the period, insert a comma, and the following:

Insofar as such powers and duties relate to action in individual cases arising under general regulations promulgated by the Secretary of the Interior or the Commissioner of Indian Affairs pursuant to law.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (S. 2044) to promote the common defense by unifying the departments and agencies of the Government relating to the common defense was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

INCORPORATION OF FEDERAL CITY CHARTER COMMISSION

The bill (S. 1942) to incorporate the Federal City Charter Commission was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

TIME LIMIT ON INSTITUTION OF CERTAIN ACTIONS

The bill (H. R. 2788) to limit the time during which certain actions under the laws of the United States may be brought was announced as next in order.

Mr. BARKLEY. Over.

Mr. WHERRY. Mr. President, will the Senator who made the objection withhold it long enough for me to make an explanation of the bill?

Mr. BARKLEY. I withhold my objection long enough for that purpose. I am frank to say, that if it is a controversial bill it should be considered aside from a call of the calendar, if considered at all.

Mr. WHERRY. I deeply appreciate the remarks of the able majority leader. The bill has been controversial; but, after consideration of the bill was objected to some weeks ago, the proponents of the measure went to the Department of Justice and conferred with officials there. A bill has now been drawn which limits the provisions of the act only to violations under the Fair Labor Standards Act and also the Walsh-Healey Act. The bill, as now drawn by the Department of Justice, eliminates any action which might be instituted in the antitrust division, and I am quite satisfied that the proponents generally of the bill have accepted the amendments. The bill has been printed and lies on the desks of Senators. I feel that it should be taken up at the present time.

Mr. BARKLEY. It is obvious that we have not had an opportunity to read the amendment to which the Senator has referred, and I ask that the bill be passed over temporarily.

Mr. WHERRY. Only temporarily?

Mr. BARKLEY. I should like to have an opportunity to examine the amendment.

Mr. WHERRY. I may say further, if the Senator from Kentucky will permit me, that I do not want to throw a wrench into the machinery of calling the calendar. But I feel that after the majority leader has seen the amendment he will agree that the bill should be considered. If I can obtain consideration of the bill only by moving to have it considered, I shall do that. I think it is quite evident that if the bill is not now considered it will not be considered at this session of Congress. If the majority leader will take the matter up with the Department of Justice I am sure that he will be agreeable to the Senate considering the bill.

Mr. BARKLEY. I might be agreeable to considering the bill. I have not had a chance to examine it.

Mr. TUNNELL. Mr. President, in order that I may be notified, I wish to make an objection to the consideration of the bill.

Mr. WHERRY. Mr. President, if Senators are going to object to a considera-

tion of the bill I shall avail myself of the privileges under rule VIII and move to take up the bill. I was agreeable to the request of the majority leader that the bill be passed over temporarily, but if there will be afforded no opportunity to take up the bill now, I am sure that no such opportunity will be available during the remainder of the session.

Mr. BARKLEY. Mr. President, it seems to me that the Senator's attitude is not a reasonable one. We are calling the calendar under the rule which provides that bills may be considered to which there is no objection. I have merely asked that the bill may be passed over temporarily. But any other Senator on the floor has the right to make objection.

Mr. WHERRY. I understand that. Will the distinguished Senator from Delaware withhold his objection until we can give the matter further consideration before the call of the calendar is completed?

Mr. TUNNELL. I object now. I do not know whether I shall be present if the bill is taken up later.

Mr. TAFT. The Senator will not object to the Senate taking up the bill when the majority leader is ready to return to it, will he?

Mr. TUNNELL. I am objecting now.

Mr. BARKLEY. Mr. President, I hope we may proceed with the calling of the calendar and not be required to stop for the purpose of arguing whether bills shall be taken up, such as this one, because objection has been made.

Mr. TAFT. Mr. President, I ask unanimous consent that the bill may be considered at the conclusion of the call of the calendar at which time Senators will be free to object. When consideration of the calendar has been completed the bill will then be ready for consideration.

Mr. BARKLEY. Under the same rules?

Mr. TAFT. Yes.

The PRESIDENT pro tempore. The bill will be temporarily passed over.

BILLS PASSED OVER

The bill (S. 2126) to provide for the disposal of materials or resources on the public lands of the United States which are under the exclusive jurisdiction of the Secretary of the Interior was announced as next in order.

Mr. REVERCOMB. Mr. President, I ask that the bill be temporarily passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 776) to authorize the naturalization of Filipinos was announced as next in order.

Mr. GERRY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2108) to provide for the payment of members of the military and naval forces of the United States who enter or reenter civilian employment of the United States was announced as next in order.

Mr. REVERCOMB. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 181) to authorize the appropriation of funds to assist the States and Territories in more adequately financing their system of public education was announced as next in order.

Mr. WALSH. Over.

The PRESIDENT pro tempore. The bill will be passed over.

SELF-LIQUIDATION OF GREAT LAKES-ST. LAWRENCE BASIN

The joint resolution (S. J. Res. 104) approving the agreement between the United States and Canada relating to the Great Lakes-St. Lawrence Basin with the exception of certain provisions thereof; expressing the sense of the Congress with respect to the negotiation of certain treaties; authorizing the investigation through the Department of State and with Canada of the feasibility of making the Great Lakes-St. Lawrence seaway self-liquidating; and for other purposes, was announced as next in order.

Mr. WHITE. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

BILLS PASSED OVER

The bill (H. R. 2536) to amend the Interstate Commerce Act, with respect to certain agreements between carriers, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 6741) relating to the operation of section 8 of the Federal Airport Act with respect to the fiscal year 1947 was announced as next in order.

Mr. BALL. I ask that the bill go over.

Mr. McCARRAN. Mr. President, will the Senator from Minnesota, who made the objection, kindly withhold it in order that I may make an explanation which I think will clear away any objection?

Mr. BALL. I withhold it for that purpose, but, as I recall this bill was called a few days ago and we went over it pretty thoroughly, and I think several Senators on this side strongly opposed the bill.

Mr. McCARRAN. Very well. If the Senator is of that frame of mind, and will object notwithstanding an explanation, I shall not take up the time of the Senate in explaining it.

The PRESIDENT pro tempore. The bill will be passed over.

BRIDGE ACROSS RIO GRANDE—RECOMMITTAL OF BILL

The bill (H. R. 1212) authorizing the State of Texas, acting through the State Highway Commission of Texas, to operate a free bridge across the Rio Grande was announced as next in order.

Mr. CONNALLY. Mr. President, I ask unanimous consent that that bill be recommitted to the Committee on Commerce.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the bill is recommitted to the Committee on Commerce.

LANDS IN CUSTODY OF NATIONAL PARK SERVICE

The bill (S. 1839) to provide basic authority for the performance of certain functions and activities of the National Park Service was announced as next in order.

Mr. REVERCOMB. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. O'MAHONEY subsequently said: Mr. President, may I inquire what disposition was made of Calendar No. 1602, Senate bill 1839, to provide basic authority for the performance of certain functions and activities of the National Park Service?

The PRESIDENT pro tempore. The bill went over.

Mr. O'MAHONEY. I wonder if the Senator or Senators who asked that the bill go over will indulge me while I make an explanation?

Mr. McFARLAND. Mr. President, as I understand, the objection which was made was withdrawn, and that the bill was passed.

The PRESIDENT pro tempore. No. To Calendar No. 1602, Senate bill 1839, objection was made by the Senator from West Virginia [Mr. REVERCOMB].

Mr. REVERCOMB. I withdraw the objection for the purpose of permitting the Senator from Wyoming to make a statement.

Mr. O'MAHONEY. Mr. President, identical bills were introduced on this matter in the Senate and in the House of Representatives. The House bill is H. R. 6629, which passed the House on July 16. I find upon examination of the record that in the House amendments were made which eliminated the objectionable features to which some of us on the Public Lands Committee of the Senate made allusion at the time the bill was previously called, as for example, the Senate bill provides authority for the acquisition of lands or interests therein within any of the national parks or monuments. That has been stricken out by the House, and in the manner in which the bill has passed the House I think it meets all objections. I hope, therefore, Mr. President, that the bill now be considered and passed in the form in which it passed the House.

Mr. REVERCOMB. Mr. President, reserving the right to object, this bill was called to my attention by another Member of the Senate, and I made objection to it. As I recall one of the principal bases of objection arose out of subsection (1), on page 4 of the bill, authorizing the "acquisition of lands or interests therein within any of the national parks, monuments, or other permanently established areas administered by the National Park Service."

Mr. O'MAHONEY. That has been eliminated by the House bill, and, if I am permitted to do so, I shall substitute the House bill for the Senate bill.

Mr. REVERCOMB. Am I to understand, then, that no authority is to be given to the National Park Service to acquire "lands or interests therein with any of the national parks, monuments, or other permanently established areas administered by the National Park Service?"

Mr. O'MAHONEY. None whatever. That authority has been eliminated.

Mr. REVERCOMB. I withdraw my objection, in view of the statement of the Senator from Wyoming.

Mr. O'MAHONEY. I ask that the Senate consider the bill, and I shall then request that House bill 6629, which passed the House on July 16, be substituted for Senate bill 1839, and that the Senate bill be indefinitely postponed.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 1839) to provide basic authority for the performance of certain functions and activities of the National Park Service.

Mr. CORDON. I ask the Senator from Wyoming whether the House bill makes amendments other than the one striking out subsection (i) of the Senate bill?

Mr. O'MAHONEY. Yes. The House made another amendment by striking out section (k) providing payment to school districts serving the areas.

Mr. CORDON. Those are the only two amendments—the one striking out subsection (i) and subsection (k).

Mr. O'MAHONEY. That is correct; and on page 3, in lines 1 and 2, to strike out after the words "National Cemetery."

Mr. President, I ask unanimous consent that House bill 6629 be substituted for the Senate bill and be considered at this time.

There being no objection, the bill (H. R. 6629) to provide basic authority for the performance of certain functions and activities of the National Park Service was considered, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 1839 will be indefinitely postponed.

BILLS PASSED OVER

The bill (S. 1920) to provide for the demonstration of public library service in areas without such service or with inadequate library facilities was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1178) providing equal pay for equal work for women, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1908) to provide for the maximum and most effective utilization of surplus agricultural commodities through increased industrial and other uses and through the development of improved methods of storing and marketing such commodities was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. BALL. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

BASIC AUTHORITY, BUREAU OF RECLAMATION

The bill (H. R. 5654) to provide basic authority for the performance of certain functions and activities of the Bureau of Reclamation was announced as next in order.

Mr. CORDON. Over.

Mr. HAYDEN. Mr. President, will the Senator who objected to House bill 5654 withhold it for a moment. The bill proposes to grant basic authority to the Reclamation Bureau for the performance of certain functions. I may say that the Senate had this bill under consideration some days ago, and there was objection to its passage. Since then I have conferred with the Senator from South Dakota [Mr. GURNEY] and the Senator from Colorado [Mr. MILLIKIN], and I understand there is now no further objection to the passage of the bill. It is similar to a bill passed last year to obviate certain nuisance points of order in connection with the Department of Agriculture appropriation bill. Being in charge of the Interior Department appropriation bill, I would appreciate it very much if the bill could be passed.

Mr. CORDON. It was under a misapprehension that I asked that the bill go over. I have no objection to it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

FRANCIS T. LILLIE AND LOIS E. LILLIE

The bill (H. R. 4466) for the relief of Francis T. Lillie and Lois E. Lillie was considered, ordered to a third reading, read the third time, and passed.

ADDITIONAL SECRETARIES OF AGRICULTURE

The bill (S. 1923) to establish 2 additional offices of Assistant Secretaries of Agriculture, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted, etc., That there are hereby established the offices of two additional Assistant Secretaries of Agriculture, to be appointed by the President, by and with the advice and consent of the Senate. The salaries of the Assistant Secretaries of Agriculture, including the Assistant Secretary established by the act of February 9, 1889 (25 Stat. 659), shall hereafter be $10,000 each per annum. The Assistant Secretaries of Agriculture, as well as the Under Secretary provided for by the act of March 26, 1934 (48 Stat. 467), shall perform such duties as may be required by law or assigned by the Secretary and, in addition, shall perform any duties vested in the Secretary of Agriculture by law, regulation, or otherwise, which may be assigned to them by the Secretary, and, while so acting, their act shall be deemed to be the act of the Secretary. Each Assistant Secretary, in the order prescribed by the Secretary, shall perform the duties of the Secretary in case of the death, resignation, absence, or sickness of the Secretary and the Under Secretary, or, as the case may require, the ranking Assistant Secretary or Assistant Secretaries.

BILLS AND RESOLUTION PASSED OVER

The bill (S. 2070) to authorize the Federal Security Administration to assist the States in the development of community recreation programs for the people of the United States, and for other purposes, was announced as next in order.

Mr. BALL and other Senators. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 296) relating to the utilization and disposition of the water resources of the Central Valley project in California was announced as next in order.

Mr. CORDON. Mr. President, will the Senator from California explain the resolution please?

Mr. LUCAS. I ask that the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 2183) to authorize the heads of executive departments and independent establishments of the United States Government to grant scientific, technical, and professional employees short leaves of absence for advanced research and study was announced as next in order.

Mr. BALL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2118) to provide for the payment of a bonus of 30 cents per bushel on wheat produced and sold between January 1, 1945, and April 18, 1946, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2033) to provide support for wool, to amend the Agricultural Marketing Agreement Act of 1937, was announced as next in order.

Mr. WHITE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

PAYMENT FOR LOGGING TIMBER FOR MENOMINEE INDIANS

The bill (S. 1418) to authorize the payment of certain sums to jobbers in connection with their logging of timber for the Menominee Indians on the Menominee Reservation during the logging season was announced as next in order.

Mr. TAFT. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. LA FOLLETTE subsequently said: Mr. President, while I was called from the Chamber momentarily, Calendar No. 1755, Senate bill 1418, was passed over. I ask unanimous consent to recur to that bill.

The PRESIDENT pro tempore. Is there objection?

Mr. LA FOLLETTE. Mr. President, I wish merely to make a very brief explanation of the bill, and then I feel there will be no objection to it.

Mr. TAFT. Mr. President, I am told that I objected, but I had no intention to object to this bill, and, if I was the one who objected, I withdraw the objection.

The PRESIDENT pro tempore. The Chair does not know who it was that objected.

Mr. LA FOLLETTE. If objection is withdrawn, I shall not burden the Senate with an explanation.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Interior is hereby authorized and directed to pay to the Menominee Indian Mills to the credit of the several accounts of Herman Fredenberg; Walter J. Peters, Sr.; Charles J. Frechette; Joe Gristeau, Jr.; James Tebeau; Joe Caldwell, Sr.; John R. Pecore; Roy Oshkosh; Louis Tucker, Jr.; James Warrington; Alexander Waupoose; Bernard Grignon; Earl Vaughn;

Louis Washinawatok; Reuben Long; Nahpone Perote; George Smith; Louis Corn; Paul Vigue, Sr., and Louis Vigue, operating as a partnership; Dan Wescott and Paul Vigue, Jr., operating as a partnership; and the estates of George Irving; Louis Kinepoway; John Tucker, Sr.; Dominic Worden; John Mosehart; George Caldwell; John Okimosh; Anton Shawanometta; Mrs. Lillian Oshkosh, out of the Menominee 4 percent fund, the sum of $1 for each 1,000 feet of timber respectively logged by said parties on the Menominee Reservation during the logging season of 1934–35 according to the schedule prepared by the Menominee Indian Mills which schedule shall be approved by the general council of the Menominee Tribe. Said amounts shall be credited against the amounts, if any, respectively owed the Menominee Indian Mills by said parties without taking into account any procedural defenses of a personal nature which might have been interposed in an action at law to collect such debts, and the balance, if any, shall be paid to said parties or their heirs: *Provided, however,* That the foregoing amounts shall be in full payment of any and all claims which said parties may claim to have by reason of promises made by officers of the Menominee Indian Mills for the logging of timber during the logging season of 1934–35.

SEC. 2. The Secretary of the Interior or his duly authorized representative is hereby authorized with the concurrence of the general council of the Menominee Indian Tribe to cancel any balance still due to the Menominee Indian Mills by any of the jobbers listed in section 1, after the amount allowable under the said section has been credited, if in his judgment the balance of the claim is uncollectible or inequitable.

SEC. 3. The said Secretary or his duly authorized representative with the concurrence of the advisory council of the Menominee Indian Tribe may cancel other obligations due or which may become due to the Menominee Indian Mills when in his judgment such obligations are uncollectible.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the payment of certain sums to jobbers in connection with their logging of timber for the Menominee Indians on the Menominee Reservation during the logging season, 1934–35, and for other purposes."

ACTING ASSISTANT SURGEONS IN THE NAVY

The bill (S. 2401) to amend the act of May 4, 1898 (30 Stat. 369), as amended, to authorize the President to appoint 250 acting assistant surgeons for temporary service was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act of May 4, 1898, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes" (30 Stat. 369), as amended by the act of March 18, 1940 (54 Stat. 54), and as further amended by the act of March 17, 1941 (55 Stat. 43), is hereby further amended so that the last paragraph of the appropriation for the Bureau of Medicine and Surgery (30 Stat. 380) shall read as follows:

"The President is hereby authorized to appoint for temporary service 250 acting assistant surgeons, who shall have the rank and compensation of assistant surgeons: *Provided,* That not more than 250 of such acting assistant surgeons may be serving in the naval service at any one time: *Provided further,* That the Secretary of the Navy, in time of war or declared national emergency, may appoint, for temporary service with the compensation of assistant surgeons, such acting assistant surgeons as the exigencies of the service may require."

Mr. WHITE. Mr. President, what became of order of business 1752, Senate bill 2033? Was that passed over?

The PRESIDENT pro tempore. It went over.

AVIATION FACILITIES AT THE UNITED STATES NAVAL ACADEMY

The Senate proceeded to consider the bill (S. 2367) to authorize the Secretary of the Navy to construct aviation facilities at the United States Naval Academy, Annapolis, Md., and for other purposes, which was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to provide by contract or otherwise for the construction of aviation facilities, at the United States Naval Academy, Annapolis, Md., including the necessary buildings, quarters, collateral public works facilities and equipment and the acquisition of the necessary land, at a cost not to exceed $12,000,000.

SEC. 2. The provisions of section 3 of the act of April 25, 1939 (53 Stat. 591), shall be applicable to this project.

SEC. 3. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to effectuate the purpose of this act.

Mr. TAFT. Mr. President, I thought that bill was recommitted to the committee at the request of the Senator from Massachusetts. May we have an explanation of it? I thought it was sent back to the committee.

Mr. WALSH. No; not this bill.

The purpose of the bill is to authorize the establishment of an airport and the necessary appurtenant facilities at Annapolis, Md., which would be used for flight indoctrination of midshipmen at the Naval Academy.

Under the terms of the bill the Secretary of the Navy is provided the authority to acquire the necessary land and to construct such collateral buildings, quarters, equipment, and public works facilities as are necessay to establish an airport at the Naval Academy. A maximum cost limitation of $12,000,000 is prescribed.

Section 2 authorizes the Secretary of the Navy to employ architectural or engineering firms for the design or plans for this project, but provides that the fee for such services shall not exceed 6 percent of the estimated cost of the airport.

The construction of an airport at the Naval Academy is considered essential to the training of midshipmen. The acquisition of land and the commencement of construction must be undertaken in the very near future to assure the readiness for use of the airport in 1948.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2432) to enable the Department of State more effectively to carry out its responsibilities in the foreign field by means of (a) public dissemination abroad of information about the United States was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

REORGANIZATION OF THE FOREIGN SERVICE OF THE UNITED STATES

The bill (S. 2451) to improve, strengthen, and expand the Foreign Service of the United States was announced as next in order.

Mr. REVERCOMB. Mr. President, reserving the right to object, I think we should have an explanation of the bill. It contains 105 pages, and it seems to be a very important measure. I doubt that it should be passed on the call of the consent calendar. I reserve the right to object.

Mr. CONNALLY. Mr. President, there is on the calendar an identical House bill, Calendar No. 1805, House bill 6967. I ask that the House bill be substituted for the Senate bill.

The PRESIDENT pro tempore. Is there objection?

Mr. REVERCOMB. Mr. President, I do not object to the substitution, but I object to the passage of the bill.

Mr. CONNALLY. I thought the Senator wanted an explanation.

Mr. REVERCOMB. I am perfectly willing that the bill be discussed, but I do not think it should be passed on the call of the consent calendar.

Mr. CONNALLY. Mr. President, this is a comprehensive measure and is rather voluminous. It provides for a general reorganization of the State Department Foreign Service. It provides for increased compensation and increased opportunities for promotion. It is designed to put into the hands of the State Department authority to meet demands now being made on our Government in the foreign field.

The House Committee on Foreign Affairs had hearings on the bill and gave it very careful attention. It received the approval of every member of the House Committee on Foreign Affairs, Republican as well as Democrats. I cannot, of course, within the time allowed, 5 minutes, explain every paragraph, every provision, and every phrase in the bill, but the State Department is very anxious to have it passed at the earliest possible date, and I think that on the whole it is a meritorious measure.

Mr. REVERCOMB. Its importance is one of the reasons why I think we should not pass it during the consideration of the Consent Calendar. I know that if the able Senator from Texas cannot explain it in 5 minutes no one could do so. I think we should give some consideration to an important bill of this kind, and I ask that it be passed temporarily to the foot of the calendar.

The PRESIDENT pro tempore. The bill will go over temporarily.

Mr. AUSTIN. Mr. President, I ask the distinguished chairman of the Committee on Foreign Relations if it is not true that the volume of the bill is caused not entirely by new legislation, but by the fact that it codifies and revises the laws relating to the Foreign Service. There

are approximately 70 different existing statutes which are brought forward and reduced, in respect of overlappings and duplications, and otherwise revised in order that the law may be brought up to date. That accounts for the size of the bill, rather than the new matter, does it not?

Mr. CONNALLY. I thank the Senator from Vermont for his very clear explanation. The provisions of law relating to the foreign service are not only in many cases brought forward, but necessarily some changes had to be made in them, and some modifications and amendments. There is nothing radical about the bill. It is merely a renovation, a bringing up to date, of the basic regulations of the Department of State.

Mr. REVERCOMB. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. REVERCOMB. This is, however, a bill reorganizing the foreign service of this country?

Mr. CONNALLY. That is true.

Mr. REVERCOMB. Were there extensive hearings before the Senate committee?

Mr. CONNALLY. Not before the Senate committee; there were before the House committee.

Mr. REVERCOMB. There were no hearings before the Senate committee?

Mr. CONNALLY. We had the State Department representatives before us, but we did not have extensive hearings, because it was late in the session, the pressure was tremendous, and we had to get action promptly. We are trying to get action here promptly in order to get the bill through at this session.

Mr. REVERCOMB. Will the Senator tell us who represented the State Department?

Mr. CONNALLY. The Secretary of State, for one. He did not appear at the hearings, but he made a very insistent request. One of the Assistant Secretaries appeared before us, and a number of the lesser employees, who explained the different provisions.

Mr. REVERCOMB. It is a very important bill, and I do not think its passage would be unduly delayed if it were put at the foot of the calendar.

Mr. CONNALLY. Does the Senator make a temporary objection?

Mr. REVERCOMB. A temporary objection at this time.

Mr. FULBRIGHT. What is the disposition to be made of the bill? I could not hear.

Mr. CONNALLY. It is to be passed over temporarily.

Mr. FULBRIGHT. Does that mean it will not be acted on at this session?

Mr. CONNALLY. It will mean it will go to the foot of the calendar, and we will take it up later if we can.

Mr. FULBRIGHT. I have read the bill. It is a very important measure, but there is not much new in it. The object is to bring some order into the department, to simplify the classification system, and provide better salaries, but not anything extreme; the salaries are not too high. I think it is very important that the bill be passed before final adjournment. It has already passed the House. I have talked to members of the Committee on Foreign Affairs of the House, who practically rewrote the bill, went into it very thoroughly in many of the details, and studied it with extreme care. I happen to know that all the members of the committee, of both parties, were for it when it came from the committee.

Mr. REVERCOMB. Mr. President, the Senator from Arkansas is familiar with it, but many other Senators are not. One of the reasons why I object to it is that there comes before us a bill to reorganize the whole Foreign Service, and Senators should have an opportunity to give some consideration to an important subject of this kind.

Mr. CONNALLY. Let me say to the Senator from West Virginia that the House report contains in parallel columns the old laws and the proposed law, so that any Senator can examine the report and in a very short time discover that there is nothing in the bill that is revolutionary or radical. It merely brings the laws up to date. As the Senator knows, foreign governments have some very able and very aggressive representatives, and we want our own Foreign Service to be kept up to a high standard of efficiency in order to represent efficiently the interests of the people of the United States.

Mr. TAFT. Mr. President, does the bill create a new college or new service school?

Mr. CONNALLY. I think it is a departmental school.

Mr. FULBRIGHT. It is merely within the department.

Mr. CONNALLY. It is an intradepartmental school. It is very desirable to train these men.

Mr. TAFT. I was merely inquiring. I was curious to know what sort of training the department was supplying, whether there was to be a new university.

Mr. FULBRIGHT. It is comparable to the school under the FBI, if the Senator is familiar with that. The bill does not set up an Annapolis or separate institution at all.

The PRESIDENT pro tempore. The Senator from West Virginia objects to the bill.

Mr. CONNALLY. Does the Senator from West Virginia persist in his objection?

Mr. REVERCOMB. Yes; I ask that it go over temporarily.

CANCER RESEARCH

The bill (S. 1875) to authorize and request the President to undertake to mobilize at some convenient place in the United States an adequate number of the world's outstanding experts was announced as next in order.

SEVERAL SENATORS. Over.

Mr. PEPPER. Mr. President, this is the so-called cancer bill. The bill authorizes the President to assemble experts from all over the world and to follow the course that he deems best in correlating public and private research in the United States in an effort to discover the cause and find the cure for cancer, and to correlate and to coordinate research in that field among the nations of the world.

When Senators reflect that 175,000 men, women, and children in the United States, according to past history, will die this year of cancer, I think I am justified in saying that if it is felt that the bill should require further consideration than is now possible, I shall give notice that I will move at the earliest opportunity to bring the bill before the attention of the Senate.

Mr. BARKLEY. May I inquire of the Senator whether this is the same bill that the House defeated a few days ago?

Mr. PEPPER. The House failed to take up the bill on a motion to suspend the rule, but the House has not considered the bill on its merits.

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). On objection, the bill will be passed over.

BACHELOR OF SCIENCE DEGREE FOR GRADUATES OF UNITED STATES MERCHANT MARINE ACADEMY

The bill (H. R. 5380) to provide for the conferring of the degree of bachelor of science upon graduates of the United States Merchant Marine Academy was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 1751) to authorize the course of instruction at the United States Merchant Marine Academy to be given to not exceeding 20 persons at a time from American Republics other than the United States was announced as next in order.

Mr. SHIPSTEAD. Over.

The PRESIDING OFFICER. The bill will be passed over.

INCLUSION OF EDUCATION AND TRAINING PERIODS AS SERVICE IN MERCHANT MARINE

The bill (H. R. 6263) to amend the act of June 23, 1943, so as to authorize inclusion of periods of education and training in the Army Transportation Corps civilian marine school as "service in the merchant marine" was announced as next in order.

Mr. REVERCOMB. Mr. President, will the Senator from Maryland give us an explanation of the bill?

Mr. RADCLIFFE. Mr. President, sometimes it happens that those who are really members of the merchant marine have been loaned to the Army Transportation Corps, and while there, have been put into civilian marine schools. The only purpose of the bill is to provide that members of the merchant marine who are in temporary service with the Army Transportation Corps, if they should be attending civilian marine schools, shall be regarded as having received education and training as though they were attending their own schools in the merchant marine.

Mr. REVERCOMB. We know that under the GI bill of rights men who went into schools prior to being called into active service were not considered to be in the service, even though they were at that time in the Army. Would the bill provide for giving preference to these men?

Mr. RADCLIFFE. No. If they were going to merchant marine schools that

would be considered service. For instance, if a member of the merchant marine were to attend a school of the merchant marine, such as the Merchant Marine Academy at Kings Point, that would be regarded as service. All the bill provides is that members of the merchant marine who are in the Army Transportation Corps and attending a civilian school under the direction of the Army Transportation Corps shall be regarded as being in the service just as though they had attended the school at Kings Point.

Mr. REVERCOMB. In other words, attendance at an Army Transportation School is under the bill to be regarded the same as attendance in the merchant marine school?

Mr. RADCLIFFE. Yes.

Mr. REVERCOMB. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 6263) to amend the act of June 23, 1943, so as to authorize inclusion of periods of education and training in the Army Transportation Corps civilian marine school as service in the merchant marine was considered, ordered to a third reading, read the third time, and passed.

RECOGNITION OF SERVICES OF MERCHANT SAILORS

The bill (H. R. 6488) to amend the act to provide for the issuance of devices in recognition of the services of merchant sailors was considered, ordered to a third reading, read the third time, and passed.

EXEMPTION OF CERTAIN VESSELS FROM FILING PASSENGERS LISTS

The bill (H. R. 6148) to exempt certain vessels from filing passengers lists was announced as next in order.

Mr. REVERCOMB. Mr. President, may we have an explanation of why certain vessels should be exempted?

Mr. RADCLIFFE. Mr. President, this bill has reference to ships on the Great Lakes. For a long period it was not customary to require that they should furnish their passengers lists. Some time ago, as the result probably of an inadvertence, that exemption was left out of the law. All the bill would do would be to provide that the ships plying on the Great Lakes between Canada and the United States shall not have to supply the ordinary passengers lists. It is a matter of convenience, and I think everyone is in accord with the idea that the regulation is an entirely proper one.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. RADCLIFFE. I yield.

Mr. FERGUSON. I have examined the bill and I agree with the Senator from Maryland that it merely affects the Great Lakes, and should be passed.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 6148) to exempt certain vessels from filing passengers lists was considered, ordered to a third reading, read the third time, and passed.

DISPOSAL OF CERTAIN SURPLUS PROPERTY TO MARITIME ACADEMIES

The bill (H. R. 6408) to authorize the War Shipping Administration and the Maritime Commission to make available certain surplus property to certain maritime academies was announced as next in order.

Mr. REVERCOMB. Mr. President, under the existing law with respect to surplus property the War Shipping Administration and the Maritime Commission would first have to declare it surplus, and it would then automatically come under the War Assets Administration. Do I understand that this measure would make an exception to the act?

Mr. RADCLIFFE. To a certain extent, yes. The maritime academies have to use various materials in connection with their courses of study. If, instead of their having to buy these materials, or to secure them in some other way, the material is available, it would seem reasonable and economical to place them at the disposition of these academies. There is no doubt that in the course of studies in the maritime academies these materials are necessary.

Mr. REVERCOMB. This measure in effect gives a preference, then, to the maritime academies with respect to any property which may be declared surplus by the War Shipping Administration and the Maritime Commission? It gives them a priority over them?

Mr. RADCLIFFE. Yes. It gives a preference so the maritime academies may use them.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 6408) to authorize the War Shipping Administration and Maritime Commission to make available certain surplus property to certain maritime academies was considered, ordered to a third reading, read the third time, and passed.

MOSES TENNENBAUM

The Senate proceeded to consider the bill (H. R. 2485) for the relief of Moses Tennenbaum, which had been reported from the Committee on Immigration with an amendment to strike out all after the enacting clause and to insert:

That in the administration of the immigration laws, relating to the issuance of immigration visas for admission to the United States for permanent residence and relating to admissions at ports of entry of aliens as immigrants for permanent residence in the United States, the provisions of section 3 of the Immigration Act of 1917 (39 Stat. 875), as amended (U. S. C., title 8, sec. 136 (e)), which exclude from admission into the United States "persons who have been convicted of or admit having committed a felony, or other crime or misdemeanor involving moral turpitude" shall not hereafter be held to apply to Moses Tennenbaum on account of offenses alleged to have been committed in connection with obtaining a passport or a visa for admission to the United States. If he is found otherwise admissible under the immigration laws, an immigration visa may be issued and admission granted to Moses Tennenbaum under this act upon application hereafter filed.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ADMISSION TO THE UNITED STATES OF VIRGINIA HARRIS CASARDI

The bill (H. R. 5278) to legalize the admission to the United States of Virginia Harris Casardi was considered, ordered to a third reading, read the third time, and passed.

PROTECTION OF NATIONAL FOREST LANDS IN LAWRENCE COUNTY, OHIO

The bill (H. R. 6298) to protect and facilitate the use of national forest lands in township 2 north, range 18 west, Ohio River survey, township of Elizabeth, county of Lawrence, State of Ohio, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

PARKER RIVER NATIONAL WILDLIFE REFUGE, MASS.—BILL PASSED OVER

The bill (H. R. 4362) to abolish the Parker River National Wildlife Refuge in Essex County, Mass., was announced as next in order.

Mr. KNOWLAND. Over.

Mr. WALSH. Mr. President, will the Senator withhold objection so I may make an explanation?

Mr. KNOWLAND. I withhold my objection temporarily.

Mr. WALSH. The Department of the Interior undertook to establish a wildlife refuge in Essex County, Mass. It met with violent protests. The people in that locality based their objections on a variety of grounds; claimed that the establishment of this wildlife refuge would interfere with their clam taking and fishing and other activities in which they engage. The whole country has been practically unanimous in its opposition. The bill asking that the action of the Department of the Interior be repealed passed the House and is now here in the Senate. The Governor of the Commonwealth and all the officials of Essex County and the local communities are opposed to the establishment of this refuge. To the credit of the present Secretary of the Interior let it be stated that he took the position that he did not intend to insist on forcing a wildlife refuge on communities that did not want them. While he thought those who objected made a mistake, and overestimated the harm that would follow, he was of the opinion that if the officials of the State and of the county and the people generally did not want it, he did not think it ought to be established. But there are many people, sportsmen and others, outside the area in question, who would of course like to have the refuge established.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. FERGUSON. Can the Senator tell us whether this refuge has actually been established, and if so, how much money has been spent on it?

Mr. WALSH. Some property was purchased. The bill seeks to undo what was done and to abolish the refuge. The refuge was established to the extent of

the purchase of some property and certain planning; but there has been no development of the refuge in the way of providing feed and other facilities.

Mr. FERGUSON. How much money has been expended by the Government, and what would be the loss to the Government?

Mr. WALSH. There would be no loss to the Government. Whatever the Government has paid would be paid back by the people who have sold their places already. There would be no loss to the Government.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. KNOWLAND. Normally I do not like to object to a bill relating to the State of my distinguished colleague. However, I served as a member of the Committee on Agriculture and Forestry. A representative of the Fish and Wildlife Service appeared before the committee, and the bill was discussed. Unfortunately at that time the able Senator from Massachusetts was otherwise engaged and could not be present.

Mr. WALSH. My colleague [Mr. SALTONSTALL] was present representing both of us and we had sent several communications to the chairman of the committee and had several conferences.

Mr. KNOWLAND. I understood at that time that the Fish and Wildlife Service had completed the purchase of the refuge, and that it was in operation. I understand also that the Fish and Wildlife Service is not in favor of abolishing this refuge. I have received a large number of communications from sportsmen up and down the east coast who feel that it would be detrimental to the general conservation policy to abandon this refuge. For that reason, temporarily I shall have to object.

Mr. WALSH. Undoubtedly sportsmen who live outside that area would prefer to have all the wildlife refuges possible. I quote from the committee report with respect to certain features of this controversy which has caused very much opposition in this locality:

The initial mistake at Parker River was a failure to size up the environmental situation accurately and to realize that its peculiarities called for rather extensive adaptation of technical methods. At the same time, there was a serious miscalculation in the field of public relations: It was not foreseen that a 12,000-acre refuge, quite appropriate to more spacious regions, would be entirely out of scale in populous Essex County and would come into direct conflict with many established uses of land and water.

This second mistake would have been less damaging if promptly corrected. The Wildlife Service might well have used the early protests as an opportunity for wider discussion of its purposes and methods, for rechecking its own information, for feeling out where the trouble lay, and modifying its plans to increase public support. The important thing at this stage was to establish the principle of waterfowl management on a scale which public opinion was prepared to accept. Expansion would have followed naturally as the benefits were demonstrated.

Instead, the Service continued to underestimate the validity of the protests and to steadily widen the gap between itself and public understanding. Its policy, whether intentional or merely inept, was to listen to objections but never explain its decisions, to ignore important segments of local information and opinion, to take refuge in generalities, and to promise benefits it could not be sure of producing. When pressed, it charged bias and untruthfulness against all who questioned the soundness of its plans. Moved more by pride of opinion that by generally accepted fact it finally pushed ahead to a forcible seizure of land which shocked the community in which it hoped to work.

It has staged a convincing demonstration, not of waterfowl management but of the ills which may be expected to accompany remote control of a matter which is essentially local and within the normal field of State administration.

This is particularly unfortunate because there are sound ideas behind the national waterfowl program. There is no question that broad control of migratory waterfowl is a proper Federal function. There is no question that Federal refuges, operating in sparsely settled regions, have been the chief factor in saving an important natural resource. There is no question that some of the methods of refuge management should be tried out in New England. The sole issue is whether or not this trial of methods shall be fitted to the actual conditions and needs of Massachusetts.

Shall the first unit in this difficult New England environment be experimental in size and purpose and so planned that it does not destroy or disturb existing uses of land and water until its own value has been demonstrated?

Or shall the whole standard program, its suitable and unsuitable parts alike, be applied by force on 20 square miles with such disregard of local custom that the final result is a set-back in public opinion for the very idea of game management?

The Senator does not know when the same question may arise in the State or community. The point I am making is that if the State, county, and city officials and the inhabitants in general do not want it, it ought not to go there.

The PRESIDING OFFICER. The bill will be passed over.

MRS. MARY D. JOHNSON

The bill (H. R. 4608) for the relief of Mrs. Mary D. Johnson was considered, ordered to a third reading, read the third time, and passed.

SITE ACQUISITION AND DESIGN OF FEDERAL BUILDINGS

The Senate proceeded to consider the bill (S. 2412) to provide for site acquisition and design of Federal buildings, and for other purposes, which had been reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment of the Committee on Public Buildings and Grounds was in section 2 of title I on page 3, line 6, after the word "land", to insert "there is hereby authorized to be appropriated."

The amendment was agreed to.

The next amendment was, in section 2 of title I, on page 3, at the beginning of line 12, to strike out "may prepare drawings and specifications prior or subsequent to the approval by the Attorney General of the title to sites for selected projects" and insert "is authorized, prior to the approval by the Attorney General of the title to such acquisition, to prepare drawings and specifications for buildings thereon."

The amendment was agreed to.

The next amendment was, in section 5 of title I, on page 4, at the beginning of line 9, to strike out "project" and insert "projects"; and in line 12, after the word "basis", to insert *"Provided further,* That the Commissioner of Public Buildings is authorized, whenever he deems it in the public interest, to hold competitions for the design of any project, and to make reasonable awards to competitors; and shall hold such competitions and make such reasonable awards in the case of structures estimated to cost in excess of $1,000,000, other than warehouses, garages, and other service buildings."

The amendment was agreed to.

The next amendment was, in section 6 of title I, on page 4, line 22, after the word "the", to strike out "rental" and insert "rental, alteration, improvement or repair."

The amendment was agreed to.

The next amendment was, at the top of page 5, to strike out:

SEC. 7. The Commissioner of Public Buildings is authorized to contract for seeding, planting, or landscaping the grounds of any public building constructed by the Public Buildings Administration in an amount not exceeding $1,000 without reference to section 3709 of the Revised Statutes.

And insert:

SEC. 7. The Commissioner of Public Buildings is authorized to contract for seeding, planting, or landscaping the grounds of any public building constructed by the Public Buildings Administration in an amount not exceeding $1,000, after receiving bids from not less than three contractors in the locality.

The amendment was agreed to.

The next amendment was, at the top of page 6, to strike out:

SEC. 10. Effective on the date of approval of this act, all office furniture and rugs, excepting that purchased by Government-owned corporations, which are now or may hereafter be located in Government-owned or leased buildings in and outside the District of Columbia, operated by the Public Buildings Administration, shall be and remain in its custody and under its control without exchange of funds and irrespective of the appropriations from which the furniture was or may be procured or the source from which it was obtained. Effective July 1, 1947, unless specifically so provided, appropriations other than appropriations to the Public Buildings Administration shall not be available for the purchase of furniture and rugs in such buildings, except in executive suites.

SEC. 11. The Commissioner of Public Buildings shall have exclusive authority in all buildings operated by the Public Buildings Administration to enter into contracts, upon such terms and conditions as he may find to be in the public interest and without securing competitive bids, for food services in buildings designed to include such facilities or where such services are subsequently found to be necessary; to establish rules and regulations for the operations thereof; and to make all sanitary inspections in connection therewith: *Provided,* That the Commissioner of Public Buildings wherever he deems it necessary in the public interest may exempt any building operated by the Public Buildings Administration from the provisions of this section.

The amendment was agreed to.

The next amendment was, on page 7, line 3, after "SEC.", to strike out "12" and insert in lieu thereof "10."

The amendment was agreed to.

The next amendment was, on page 7, line 10, after "SEC.", to strike out "13" and insert in lieu thereof "11."

The amendment was agreed to.

The next amendment was, on page 8, after line 19, to insert:

SEC. 12. The provisions of section 601 of the Economy Act, approved June 30, 1932, as amended, are hereby extended to include services which the Public Buildings Administration may be in a position to furnish in the continental United States, at the request of the State Department, to any international body with which the United States Government is affiliated.

The amendment was agreed to.

The next amendment was, on page 9, after line 2, to insert:

SEC. 13. All acts and parts of acts inconsistent or in conflict with the foregoing provisions are hereby repealed to the extent of such inconsistency or conflict.

The amendment was agreed to.

The next amendment was, in section 2 of title II, under the heading "The United States Courts of the District of Columbia Building," on page 10, line 3, after the words "committee of", to strike out "five" and insert "six"; and in line 11, after the word "Board", to insert "The Commissioner of Public Buildings."

The amendment was agreed to.

The next amendment was, in section 3 of title II, on page 10, line 24, after the word "Arts", to insert "and by the Public Buildings and Grounds Committees of the Senate and House of Representatives."

The amendment was agreed to.

The next amendment was, in section 4 of title II, on page 11, line 11, after the word "Street", and insert "*Provided*, That the said Commissioners are hereby authorized to continue to lease such land for parking purposes and to receive and use for expenses of the District of Columbia any income derived therefrom, until such time as the use of the land is required by the Federal Government for the new court building."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc.—

TITLE I

That the Federal Works Administrator is hereby authorized under the provisions of the Public Buildings Act of May 25, 1926, as amended (40 U. S. C. 341-347), and as hereby further amended:

For projects outside the District of Columbia: To acquire sites, prepare drawings and specifications, perform other work for the accomplishment thereof, and establish limits of cost for building projects, notwithstanding the fact that appropriations for construction work shall not have been made. The Federal Works Administrator (and the Postmaster General, where his Department is involved), shall select projects based upon reasonable geographical distribution and urgency of need. There is authorized to be appropriated $30,000,000 for the foregoing purposes.

SEC. 2. The Federal Works Administrator is hereby authorized under the provisions of the Public Buildings Act of May 25, 1926, as amended (40 U. S. C. 341-347), and as hereby further amended, to provide for the following buildings in or near the District of Columbia and to establish the limits of costs therefor:

(a) General Accounting Office: The project for a building for the General Accounting Office, as authorized in the First Supplemental Civil Functions Appropriation Act of 1941 (54 Stat. 1036), is hereby revised to provide for an additional building on square 529 in the District of Columbia and a tunnel connecting the two buildings, and there is hereby authorized to be appropriated $1,150,000 to acquire square 529, to prepare drawings and specifications for the revised project, and for any costs incident thereto.

(b) Film Storage Buildings: A building or buildings on Government-owned land for the servicing and storing of film records for the National Archives and the Library of Congress, and there is hereby authorized to be appropriated $1,160,000 for the drawings and specifications for the whole project and for the construction of the first unit thereof.

(c) Office building, Suitland, Md.: For the preparation of drawings and specifications for an additional office building on Government-owned land, there is hereby authorized to be appropriated $325,000.

SEC. 3. In carrying out the provisions of this title, the Federal Works Administrator is authorized to acquire lands or interests in lands, as sites, or additions to sites, by purchase, condemnation, donation, exchange, or otherwise, and is authorized, prior to the approval by the Attorney General of the title to such acquisition, to prepare drawings and specifications for buildings thereon.

SEC. 4. Hereafter, when part of the cost of construction of a public-building project has been appropriated by Congress, the Federal Works Administrator may enter into contracts for construction work within the full limit of cost fixed by Congress therefor.

SEC. 5. Whenever deemed by him desirable or advantageous, the Federal Works Administrator is authorized to employ, by contract or otherwise and without regard to the Classification Act of 1923, as amended, or to the civil-service laws, rules, and regulations, or to section 3709 of the Revised Statutes, the services of established architectural or other professional or technical corporations, firms, or individuals, to such extent as he may require for any public building projects which the Public Buildings Administration is authorized by Congress to construct, or for any such projects funds for which are transferred by another agency to the Public Buildings Administration for construction of the projects, regardless of specific legislation governing such other agency: *Provided*, That this authorization shall not apply to the employment of such corporations, firms, or individuals on a permanent basis: *Provided further*, That the Commissioner of Public Buildings is authorized, whenever he deems it in the public interest, to hold competitions for the design of any project, and to make reasonable awards to competitors; and shall hold such competitions and make such reasonable awards in the case of structures estimated to cost in excess of $1,000,000, other than warehouses, garages, and other service buildings.

SEC. 6. The provisions of section 322 of the act of June 30, 1932, as amended (40 U. S. C. 278a), shall not apply with respect to the rental, alteration, improvement, or repair of temporary quarters for housing Federal activities during the replacement or remodeling of buildings by the Public Buildings Administration.

SEC. 7. The Commissioner of Public Buildings is authorized to contract for seeding, planting, or landscaping the grounds of any public building constructed by the Public Buildings Administration in an amount not exceeding $1,000, after receiving bids from not less than three contractors in the locality.

SEC. 8. Section 5 of the Public Buildings Act of May 25, 1926 (44 Stat. 630), is hereby amended to delete the following words which appear at the end thereof: "and to charge against the total sum of $150,000,000 hereinbefore authorized only the respective net excess cost, if any, over and above the proceeds of such sales, or providing such new sites and buildings", and, after the words "miscellaneous receipts", change the comma to a period.

SEC. 9. The Commissioner of Public Buildings, together with the Postmaster General where his office is concerned, is authorized to accept on behalf of the United States unconditional gifts of real, personal, or other property in aid of any project or function within their respective jurisdictions.

SEC. 10. The Commissioner of Public Buildings is authorized to purchase buildings and procure space in the District of Columbia by lease for such periods not in excess of five years as he may deem in the public interest, and may, with the approval of the Federal Works Administrator, acquire such buildings or leasehold interests by condemnation proceedings pursuant to existing statutes.

SEC. 11. San Diego (Calif.) quarantine station: In order to provide a suitable site for the San Diego, Point Loma, Calif., Quarantine Station, the Secretary of the Navy is hereby authorized and directed to transfer to the control and jurisdiction of the Federal Works Administrator a parcel of land in the city of San Diego, county of San Diego, State of California, described as follows: Commencing at an old stone monument marked U. S. M. R., on the northerly boundary line of the naval fuel annex, said point being the true point of beginning; thence from said true point of beginning north eighty-nine degrees thirty-one minutes thirty-five seconds east one hundred and eleven and six one-hundredths feet, more or less, to a point on the mean high-tide line of San Diego Bay; thence south five degrees twenty-two minutes fifty seconds west along the mean high-tide line three hundred and ten and eleven one-hundredths feet; thence south one degree fifteen minutes forty-five seconds west along the mean high-tide line one hundred and three and fifty one-hundredths feet; thence leaving said mean high-tide line south eighty-nine degrees thirty-one minutes thirty-five seconds west five hundred and eighty-seven and nine one-hundredths feet; thence north one degree thirty-eight minutes twenty-five seconds west two hundred and one and forty-three one-hundredths feet; thence north twelve degrees twenty-four minutes forty-five seconds east two hundred and sixteen and nine one-hundredths feet to a point on the northerly boundary line of the naval fuel annex; thence along said northerly line of the naval fuel annex north eighty-nine degrees thirty-one minutes thirty-five seconds east four hundred and sixty-six and seventy-four one-hundredths feet to the true point of beginning containing five and six-tenths acres, more or less, in exchange for the land and appurtenances comprising the present United States Quarantine Station at that point.

SEC. 12. The provisions of section 601 of the Economy Act, approved June 30, 1932, as amended, are hereby extended to include services which the Public Buildings Administration may be in a position to furnish in the continental United States, at the request of the State Department, to any international body with which the United States Government is affiliated.

SEC. 13. All acts and parts of acts inconsistent or in conflict with the foregoing provisions are herby repealed to the extent of such inconsistency or conflict.

TITLE II

The United States Courts of the District of Columbia Building: The Architect of the Capitol is hereby authorized and directed to prepare drawings and specifications and do all

work incidental thereto, for a building (including equipment, approaches, architectural landscape treatment of the grounds and connections with public utilities, and the Federal heating system) for the use of the United States Court of Appeals for the District of Columbia and the District Court of the United States for the District of Columbia, to be located on that part of reservation 10 which is bounded by Constitution Avenue on the south, C Street on the north, John Marshall Place on the west, and Third Street on the east, containing 245,266 square feet, title to which is in the District of Columbia with the exception of two pieces of land having a combined total area of 1,238 square feet, title to which said two pieces of land is in the United States.

SEC. 2. (a) The plans for the building shall be prepared under the direction of, and shall be approved by, a committee of six members to be composed of the chief justice of the United States Court of Appeals for the District of Columbia, the chief justice of the District Court of the United States for the District of Columbia, an associate justice of the District Court of the United States for the District of Columbia to be designated by the chief jusice of the United States Court of Appeals for the District of Columbia, a member of the Board of Commissioners of the District of Columbia to be designated by said Board, the Commissioner of Public Buildings, and the Architect of the Capitol.

(b) The said committee shall establish the limit of cost for such building notwithstanding the fact that appropriations for construction work shall not have been made.

(c) The said committee and such assistants as they may designate are authorized to perform such travel for visiting other court structures as may be necessary to enable them to carry out the purposes of this title.

SEC. 3. The exact location of the building on the site shall be approved by the National Capital Park and Planning Commission, and the design shall be approved by the Commission of Fine Arts and by the Public Buildings and Ground Committees of the Senate and House of Representatives.

SEC. 4. The Commissioners of the District of Columbia are hereby authorized and directed to convey to the United States title to that part of reservation 10 which is owned by the District of Columbia within the area described in section 1 of this title, excepting a strip 5 feet wide immediately adjacent to the south line of C Street and running parallel with said south line of C Street from Third Street to John Marshall Place, said strip to be reserved for the widening of C Street: *Provided*, That the said Commissioners are hereby authorized to continue to lease such land for parking purposes and to receive and use for expenses of the District of Columbia any income derived therefrom, until such time as the use of the land is required by the Federal Government for the new Court Building. The compensation for the site, which is herein fixed at $2,420,000, shall constitute a credit to the District of Columbia for its share of the cost of the entire project as hereafter established by the Congress.

SEC. 5. The Architect of the Capitol is hereby authorized to employ the necessary personal and other services, to enter into the necessary contracts, and to make such other expenditures (including expenditures for travel) as may be necessary to carry out the provisions of sections 1 and 2 of this title, and there is hereby authorized to be appropriated $400,000 for such purposes.

DISPOSITION OF CERTAIN PUBLIC LANDS IN OKLAHOMA

The bill (H. R. 3593) relating to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas was considered, ordered to a third reading, read the third time, and passed.

BOUNDARIES OF WIND CAVE NATIONAL PARK, S. DAK.

The bill (H. R. 7004) to revise the boundaries of Wind Cave National Park in the State of South Dakota, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

BENEFITS TO CERTAIN NAVAL PERSONNEL UNDER NAVAL RESERVE ACT

The bill (H. R. 7039) to further amend section 1304 of the Naval Reserve Act of 1938, as amended, so as to grant certain benefits to naval personnel engaged in training duty prior to official termination of World War II was announced as next in order.

Mr. LANGER. Let the bill go over.

Mr. HILL. Mr. President, let me say to the distinguished Senator from North Dakota that if the Senator from Massachusetts [Mr. WALSH] will make an explanation, I do not believe there will be any objection to the bill. I wish to offer an amendment to the bill, which I have discussed with the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from North Dakota objected.

Mr. HILL. I do not believe that the Senator from North Dakota would wish to object if he understood the bill. Will he withhold his objection until the Senator from Massachusetts makes an explanation?

Mr. LANGER. My objection stands.

Mr. WALSH. Mr. President, there are two laws relating to the rights of Naval Reservists on temporary duty. One is Public Law 38, which gives to Reservists on temporary duty the right to the same compensation which civil-service employees receive in case of injury, and the same benefits in case of death. During the war, of course, all the Reservists had the same rights as regular naval officers. In 1941 a law was enacted giving those who had served on temporary duty the benefits accorded civil-service employees.

There is a gap between the two laws, inasmuch as there are certain Reservists who, now that the war is over, will not be entitled to any benefits unless this bill is enacted.

Mr. HILL. Is not this the situation? Whereas we are now at peace so far as the fighting is concerned, from a legal standpoint we are still at war. If a young naval aviator were to go on active duty today and engage in flying activities, as he must do if he is to be worth anything to the Government, and he should be injured, he would be in the position of not being entitled to any benefits under the Employees' Unemployment Compensation Act because we are at war, and those benefits do not apply to him. He would not be entitled to the benefits which the law would give him if we were at peace, because legally and technically we are not at peace. So what the bill does is simply to accord to young Reserve officers the benefits which they would have under the Employees' Compensation Act for injuries incurred in line of duty if we were technically and legally at peace. That is the purpose of the bill, is it not?

Mr. WALSH. The Senator has stated it accurately.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WALSH. Will the Senator offer his amendment?

Mr. HILL. I send an amendment to the desk. Am I to understand that the Senator from North Dakota still objects to the bill?

The PRESIDING OFFICER. The Senator from North Dakota objected to the consideration of the bill.

Mr. GURNEY. Mr. President, I hope the Senator from North Dakota will not object. The same situation occurs in the Army as in the Navy. The purpose of the bill is to help the Reserve officers who wish to continue their training. Certainly we do not expect them to continue their training if there is no compensation in case of an accident merely because we are technically still at war. I will say to the Senator from North Dakota that cases similar to the ones described arose prior to the war, and we got into a great deal of trouble because the Federal Government was not legally obligated even to pay for hospital expenses, and we had to pass quite a number of private claim bills. I believe that this is a very meritorious measure. If the Senator from North Dakota understood the objective as I do, I feel sure that he would withdraw his objection.

Mr. LANGER. Mr. President, in view of the statement of the distinguished Senator, I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 7039) to further amend section 304 of the Naval Reserve Act of 1938, as amended, so as to grant certain benefits to naval personnel engaged in training duty prior to official termination of World War II, which was read, as follows:

Be it enacted, etc., That section 304 of the Naval Reserve Act of 1938, as amended, is hereby further amended as follows: Insert the following new proviso immediately before the final proviso of the said section: "*Provided further*, That any member of the Naval Reserve performing active duty with or without pay for periods of 30 days or less, training duty with or without pay, drills, equivalent instruction or duty, appropriate duty, or prescribed duty, or while performing authorized travel to or from such duties, prior to the official termination of World War II, shall be entitled to all the benefits provided by this section to members of the Naval Reserve in time of peace."

SEC. 2. This amendment shall be effective as of December 1, 1945.

Mr. HILL. Mr. President, I offer the amendment, which I have sent to the desk and ask to have stated.

The CHIEF CLERK. On page 2, after line 7, it is proposed to add the following section:

On page 2, after line 7, to insert the following new section:

"SEC. 3. The act entitled 'An act to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who are physically injured in line of duty while performing active

duty or engaged in authorized training, and for other purposes,' approved July 15, 1939 (U. S. C., 1940 ed., title 5, sec. 797), is amended by adding at the end thereof the following new section:

" 'SEC. 2. As used in this act, the term "in time of peace" shall include that period after September 8, 1945 (the date of formal surrender by Japan), which is prior to the first day on which the United States is, by the action of the Congress or the President, or both, no longer engaged in any war in which the United States is engaged on the date of enactment of this section.' "

Mr. WALSH. Mr. President, the amendment is acceptable to me.

Mr. HILL. Mr. President, I offer the amendment not only on behalf of myself, but also on behalf of the distinguished Senator from South Dakota [Mr. GURNEY], who is very much interested in the bill and in the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama on behalf of himself and the Senator from South Dakota.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. LANGER. Mr. President, I raised the objection because of the speech delivered by the distinguished Senator from Virginia [Mr. BYRD] on Saturday. At that time he stated that in his opinion the war should have been declared over a long time ago. I objected in view of the fact that he had made that statement.

PROTECTION OF NATIONALITY OF UNITED STATES NATIONALS COMPELLED TO VOTE IN A FOREIGN STATE

The bill (H. R. 434) to provide that nationals of the United States shall not lose their nationality by reason of voting under legal compulsion in a foreign state was announced as next in order.

Mr. HAWKES. Mr. President, will the Senator from Arkansas explain House bill 434, please? I do not quite understand it.

Mr. FULBRIGHT. Mr. President, I shall be glad to state the purpose of the bill. The act of 1940 contained a provision to the effect that anyone who voted in a foreign election would lose his American citizenship. The fact of the matter is that immediately after that law went into effect, the war was on and there was no practical way for people living in other countries to know about this law.

We have several letters from the State Department on that point. All persons who are involved whose cases came to my attention, I believe—approximately 30 or 40—were American women who had married men living in England or Australia or, I think, in one or two instances in Denmark. The bill is restricted to those persons who have voted in such elections in countries which were not at war with us prior to the enactment of this bill. It does not affect anyone from now on.

We felt, as did the State Department, that those persons had not had adequate knowledge of the provisions of the law of 1940 regarding this matter. I think there are very good grounds for that, because it was impossible for the new law to be stated in the foreign newspapers or for anyone in a foreign country to know about it.

The bill is very limited in its application, and it will not apply from now on.

Mr. HAWKES. In other words, it affects only women who married foreigners and were living in foreign countries. Is that correct?

Mr. FULBRIGHT. So far as I know, they are women. There may be a few cases of men; but so far as I know, only women are involved.

Mr. HAWKES. I thank the Senator. I did not understand the situation.

Mr. FULBRIGHT. For example, some of them voted in the last election, a year ago, in England, and thereby lost their American citizenship. I think it is uncontroverted that they did not know about this provision of law, which was enacted just prior to the war.

Mr. HAWKES. I thank the Senator.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill H. R. 434, which had been reported from the Committee on Immigration with an amendment, to strike out all after the enacting clause and to insert:

That section 323 of the act of October 14, 1940 (54 Stat. 1149), entitled "An act to revise and codify the nationality laws of the United States into a comprehensive nationality code," as heretofore amended, is hereby further amended by adding thereto the following paragraph:

"A person who, while a citizen of the United States and prior to the effective date of this amendment, has lost citizenship of the United States by voting in a political election in a foreign state other than a state at war with the United States during the Second World War may, if he so desires, be naturalized by taking, prior to 1 year from the enactment of this amendment, before any naturalization court specified in subsection (a) of section 301, or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 335. Certified copies of such oath shall be sent by such diplomatic or consular officer or such court to the Department of State and to the Department of Justice. Such persons shall have, from and after naturalization under this section, the same citizenship status as that which existed immediately prior to its loss."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship through voting in a political election in a country not at war with the United States during the Second World War."

OVERTIME COMPENSATION FOR CERTAIN CIVILIAN EMPLOYEES

The bill (H. R. 4720) to amend the act of December 7, 1944, relating to certain overtime compensation of civilian employees of the United States was announced as next in order.

Mr. RUSSELL. Mr. President, may we have an explanation?

Mr. DOWNEY. I shall be very happy to make an explanation.

I think I am correct in stating that the total amount involved is only $2,823.86. This bill arises from a rather complicated provision of the Pay Act of 1942 limiting overtime compensation. Apparently, although 32 railroad clerks were entitled to overtime compensation to this extent, they were caught under certain technicalities of the law which are too abstruse for me to understand. It is the opinion of both committees that have heard the evidence in this matter that these 32 railroad clerks are entitled to a payment of approximately $2,800 for overtime work which they have performed. I hope the bill may be passed without objection.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

COMPENSATION, ETC., OF VETERANS DURING HOSPITALIZATION, ETC.

The bill (H. R. 6811) relating to veterans, pension, compensation, or retirement pay during hospitalization, institutional or domiciliary care, and for other purposes, was announced as next in order.

Mr. BALL. Let the bill be passed over.

Mr. JOHNSON of Colorado. Mr. President, I hope the Senator who has asked that the bill be passed over will reserve his objection temporarily, until I can explain the bill.

Mr. BALL. Very well.

Mr. JOHNSON of Colorado. Mr. President, this bill has two sections. It is very important. It is true that it will cost the Treasury a considerable amount of money. I shall explain section 2 first, because it is the simplest one to explain. It will increase by 20 percent the pensions and compensation of all veterans of World War I and World War II. There is a companion bill, which we shall reach shortly. It is Calendar No. 1847, I believe, which would provide increased pensions for Spanish-American War veterans. This bill applies to veterans of World War I and World War II.

As I have said, section 2 increases the compensation of such veterans by 20 percent, and it is estimated to cost, in the year 1947, $285,000,000. Section 2 will cost that amount of money.

As to section 1, let me say that under the present law if a veteran goes to a hospital and is without dependents—either dependent children or a wife or dependent parents—if he is suffering from a service-connected military disability he will receive only $20 of his disability pay, regardless of what the amount may be. Twenty dollars is the maximum amount which such a veteran may receive while in a hospital. If he is suffering from a non-service-connection disability, the ceiling is $8.

Under the provisions of this bill the limit would be $30, or 50 percent of whatever the disability allowance may be.

Another provision authorizes lump-sum payment if the veteran is discharged from the hospital. Another provision would prohibit any deduction until the veteran had been in the hospital for 6 months. If the veteran is in the hospital for the first 6 months he will re-

ceive all of his allowances. At the end of 6 months the limitation will go into effect.

Mr. President, I hope the objection to consideration of the bill will not be pressed. I think enactment of the bill is extremely important, and I believe it to be extremely fair and equitable. It was passed by the House, and it has been approved by the Senate Finance Committee. In the committee we went into the bill rather carefully.

So I hope the objection will be withdrawn.

Mr. WALSH. Mr. President, I simply wish to add that I hope the bill will be passed. The Senator from Colorado and the other members of the committee have given a great deal of time and thought and study to the bill. It has been prepared with great care, and it has been gone over carefully, with special consideration to the rights of the veterans and the rights of the taxpayers.

I think the bill is an excellent one and I think it is excellently worked out. It will be a great disappointment to the veterans if the bill is not passed at this session.

Mr. JOHNSON of Colorado. I thank the Senator for his statement.

The veterans' organization have been very zealous for some time in urging passage of the bill. They have made a long study of the problem, and they know, because of the rising cost of living, how very necessary it is that some of these very low pensions be increased by at least 20 percent.

Mr. LA FOLLETTE. Mr. President, I simply wish to emphasize the point the Senator from Colorado has just made, namely, that in view of the rise in the cost of living, it seems obvious that a 20-percent increase in compensation to veterans is not out of line. As a matter of fact, it is conservative, being less than the increase which has occurred in the cost of living.

Certainly, it seems to me, insofar as section 1 is concerned, under present conditions we should be willing to increase the amount of money veterans may receive when they are hospitalized.

I certainly hope that the Senator from Minnesota will feel that he can withdraw his objection.

Mr. JOHNSON of Colorado. Mr. President——

Mr. TAFT. Mr. President, will the Senator yield to me?

Mr. JOHNSON of Colorado. I yield.

Mr. TAFT. What is the cost of this bill, per annum?

Mr. JOHNSON of Colorado. The cost of section 2 of the bill is $285,000,000 for the year 1947.

Mr. TAFT. Will the cost gradually increase hereafter? I assume that it will.

Mr. JOHNSON of Colorado. Of course, if new pensions are allowed and if additional compensation is allowed, there might be an increase in the cost. However, the death rate among veterans receiving such compensation is rather high. So I should be inclined to think the cost now stated for 1947 will be close to the maximum cost. Section 1 of the bill would cost a little more than $13,000,000.

Mr. TAFT. The two sections together will cost approximately $300,000,000 a year now, and that cost will gradually increase as time passes; will it not?

Mr. JOHNSON of Colorado. The two together will cost very nearly $300,000,000 annually, but I cannot agree with the Senator that the cost will continue to increase. However, if the high cost of living continues to increase, we should really do something worth while for the men who served and suffered in their service. We will have to increase their compensation so that they will have sufficient to cover their living expenses. I remind the Senator that there are men who are receiving as little as $11.50 in compensation each month. Certainly, a 20 percent increase in that amount will not be very much of an increase.

Mr. BALL. How much will the 20 percent increase the present allowance for total disability?

Mr. JOHNSON of Colorado. The disability allowances range from $11.50 to a total maximum of $300 a month. The total maximum is for blindness, amputations, and other total disabilities of that nature. Three hundred dollars is not too much in cases of that kind.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a table showing the present rates of compensation, ranging from $11.50 to $300 a month.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Comparison of rates for wartime and peacetime service-connected disabilities with rates proposed in H. R. 3908, 79th Cong.

(Existing law, war service-connected rates, Veterans Regulations 1 (a), as amended, pt. I)

(a) 10 percent disability	$11.50
(b) 20 percent disability	23.00
(c) 30 percent disability	34.50
(d) 40 percent disability	46.00
(e) 50 percent disability	57.50
(f) 60 percent disability	69.00
(g) 70 percent disability	80.50
(h) 80 percent disability	92.00
(i) 90 percent disability	103.50
(j) Total disability	115.00
(k) Anatomical loss or loss of use of 1 foot, 1 hand, blindness of 1 eye, having only light perception, rates (a) to (j) increased monthly by	35.00
Anatomical loss or loss of use of 1 foot, 1 hand, blindnes of 1 eye, having only light perception, in addition to requirement for any of rates in (l) to (n), rate increased monthly for each loss or loss of use (but in no event to exceed $300) by	35.00
(l) Anatomical loss or loss of use of both hands, both feet, 1 hand and 1 foot, blind both eyes with 5/200 visual acuity or less, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, monthly pension	200.00
(m) Anatomical loss, or loss of use of 2 extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis in place, or suffered blindness in both eyes, rendering him so helpless as to be in need of regular aid and attendance, monthly pension	235.00

Comparison of rates for wartime and peacetime service-connected disabilities with rates proposed in H. R. 3908, 79th Cong.—Con.

(n) Anatomical loss of two extremities so near shoulder or hip as to prevent use of prosthetic appliance, or suffered anatomical loss of both eyes, monthly pension	$265.00
(o) Suffered disability under conditions which would entitle him to 2 or more rates in (l) to (n), no condition being considered twice, or suffered total deafness in combination with total blindness with 5/200 visual acuity or less, monthly pension	300.00
(p) In event disabled person's service incurred disabilities exceed requirements for any of rates prescribed, Administrator, in his discretion, may allow next higher rate, or intermediate rate, but in no event in excess of	300.00

Mr. BALL. Mr. President, does this bill apply only to the allowances made to veterans who may have service-connected disabilities?

Mr. JOHNSON of Colorado. No. It applies to all veterans of World War I and World War II who receive pensions or compensation. Section 2 (C) of the bill applies to both service-connected disability and disability nonconnected with military service.

Mr. WALSH. And it includes dependents.

Mr. BALL. What about the cost under section 2 of the bill?

Mr. JOHNSON of Colorado. The cost under section 2 of the bill will be the greatest.

Mr. BALL. Does the bill apply to allowances only to disabled veterans?

Mr. JOHNSON of Colorado. Yes.

Mr. BALL. Does it cover service-connected disabilities only?

Mr. JOHNSON of Colorado. The veteran must already be receiving disability payments. The bill does not extend the disability laws of the Government, or change them. Persons coming under the bill must have a disability before the 20 percent increase would become effective.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BALL. Mr. President, according to the explanation given by the Senator from Colorado, the bill would provide for the payment of $300,000,000; but I shall not object.

Mr. LANGER. Would the bill permit an increase to be granted to the young men who are attending college?

Mr. JOHNSON of Colorado. The bill provides for an increase of 20 percent in the present disability payments and pensions. The bill does not provide for any bonus for any college students.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a description of the bill.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

RÉSUMÉ OF H. R. 6811

Section 1 provides that veterans having neither wife, child, nor dependent parent,

who is being furnished hospital treatment, institutional, or domiciliary care by the Veterans' Administration that any pension, compensation, or retirement pay otherwise payable shall continue without reduction under the following conditions:

1. Will draw full compensation or pension until the first day of seventh month after date of approval of act or date of admission, whichever date is later.

2. After first date of seventh month if he receives over $30 payment, the payment will be reduced by 50 percent but not less than $30.

3. If the veteran is discharged from hospital on medical advice, a lump-sum payment of the money withheld will be made.

4. If the veteran leaves hospital against medical advice, lump-sum payment of money withheld will be deferred for 6 months. If upon subsequent readmission to hospital payment will be reduced effective on date of admission (not wait 6 months). If discharged upon medical advice veteran will receive full sum in lump payment.

5. In case of death provision is made for lump-sum payment to certain relatives, namely, widow, child, father, mother, brother, sister, etc. If no such person exists to receive the lump-sum payment there may be paid only so much of the lump sum as may be necessary to reimburse the person who bore the expense of last sickness or burial. Claims for payment of lump sum must be made within 5 years after death except in case where claimant be under legal disability at time of death of veteran.

6. In the case of incompetent veterans, payments are subject to same provisions as in the case of the competent veterans except that:

(a) No lump-sum payment will be authorized until after the expiration of 6 months following a finding of competency.

(b) There is retained limitation under existing law that where the estate of an insane veteran derived from any source equals or exceeds $1,500, further payments will not be made until estate is reduced to $500.

(c) At the discretion of the Administrator, payment can be made to the chief officer of institution where veteran is maintained for use of veteran and proper accounting made, or can be paid to the guardian.

7. Existing laws pertaining to apportionate pension of a veteran while being hospitalized are retained in this bill.

Section 2 authorizes an increase of 20 percent of all monthly rates of compensation and pension payable to veterans of World Wars I and II and the dependents of such veterans, which are payable under laws or regulations administered by the Veterans' Administration. This increase does not apply to subsistence allowance under Public Law No. 16 or Public Law No. 346, as amended (GI bill), nor does it apply to retirement pay.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 6811), which had been reported from the Committee on Finance with amendments.

The first amendment was, on page 2, line 19, after the word "termination," to insert "or in the event of his prior death, as provided in paragraph (2) hereof;" on the same page, in line 21, after the words "pay of" to strike out "such" and insert "any"; on the same page in line 22, after the word "veteran" to insert "leaving against medical advice or as the result of disciplinary action"; and on the same page, in line 23, after the word "upon" to strike out "any future" and insert "a succeeding."

The amendment was agreed to.

The next amendment was, on page 4, in line 17, after the words "shall be" to strike out "deemed by the Administrator of Veterans' Affairs to be insane" and insert "rated by the Veterans' Administration in accordance with regulations as being incompetent by reason of mental illness."

The amendment was agreed to.

The next amendment was, on page 5, in line 1, after the word "such" to strike out "insane" and insert "incompetent"; on the same page, in line 6, after the words "of any" to strike out "such" and insert "incompetent"; on the same page, in line 10, after the words "veteran is" to strike out "maintained" and insert "hospitalized."

The amendment was agreed to.

The next amendment was, on page 6, after line 14, to insert the following:

(F) Notwithstanding any other provision of this section or any other provision of law, no reduction shall be made in the pension, compensation, or retirement pay of any veteran for any part of the period during which he is furnished hospital treatment, or institutional or domiciliary care, for Hansen's disease, by the United States or any political subdivision thereof.

The amendment was agreed to.

The next amendment was, on the same page, in line 22, to strike out "(F)" and insert "(G)."

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WHERRY. Mr. President, I wish to ask the majority leader what are his intentions with respect to continuing to call the calendar after the conclusion of the morning hour.

Mr. BARKLEY. I shall ask unanimous consent that the call of the calendar be continued until concluded.

Mr. WHERRY. Very well.

RUSSELL-MAJORS-WADDELL NATIONAL MONUMENT

The Senate proceeded to consider the bill (S. 147) to provide for the establishment of the Russell-Majors-Waddell National Monument which had been reported from the Committee on Public Lands and Surveys, with an amendment on page 1, in line 6, after the words "firm of", to strike out "Russel" and insert "Russell-"; on page 2, in line 7, after the words "constitute the", to strike out "Russel" and insert "Russell-"; on the same page, in line 20, after the words "firm of", to strike out "Russel" and insert "Russell-"; and on page 3, at the beginning of line 2, to strike out "Russel" and insert "Russell-", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to acquire, on behalf of the United States, by gift or purchase, the site of the home of Alexander Majors and corral for mules and oxen used by the firm of Russell-Majors-Waddell near Eighty-fifth and State Line Road in Jackson County, Mo., and Johnson County, Kans., together with such land or interests in land and any improvements thereon, as the Secretary may deem necessary to carry out the purposes of this act. In the event the Secretary is unable to acquire such property, or any part thereof, at a reasonable price, he is authorized and directed to condemn such property, or any part thereof, in the manner provided by law.

SEC. 2. The property acquired under the provisions of section 1 of this act shall constitute the Russell-Majors-Waddell National Monument and shall be a public national memorial to said firm and the members thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have supervision, management, and control of such national monument, and shall maintain and preserve it in a suitable and enduring manner which, in his judgment, will provide for the benefit and enjoyment of the people of the United States.

SEC. 3. The Secretary of the Interior is authorized to—

(1) Maintain, either in an existing structure acquired under the provisions of section 1 of this act or in a building constructed by him for the purpose, a museum for relics and records pertaining to the firm of Russell-Majors-Waddell and members thereof, and for other articles of national and patriotic interest, and to accept on behalf of the United States, for installation in such museum, articles which may be offered as additions to the museum; and

(2) Construct roads and mark with monuments, tablets, or otherwise, points of interest within the boundaries of said Russell-Majors-Waddell National Monument.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the establishment of the Russell-Majors-Waddell National Monument."

Mr. BARKLEY. Mr. President, what is the calendar number of this bill?

The PRESIDENT pro tempore. Calendar No. 1781.

Mr. TAFT. Mr. President, I shall not exercise my right to object to this bill.

Mr. BARKLEY. I was about to ask the author of the bill to explain it, but he is not present.

AMENDMENT OF DEPARTMENT OF AGRICULTURE ORGANIC ACT OF 1944

The bill (S. 2404) to amend section 502 (a) of the Department of Agriculture Organic Act of 1944 was announced as next in order.

Mr. BALL. Mr. President, may we have an explanation of the bill?

Mr. THOMAS of Oklahoma. Mr. President, this bill affects three cities in the Tennessee Valley area. Under present law, cities may not borrow money from the TVA Authority Fund with which to extend their lines into rural areas. This bill merely gives such power to three towns in that area. It affects the towns of Athens, Ala., Sheffield, Ala., and Bolivar, Tenn.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2404) to amend section 502 (a) of the Department of Agriculture Organic Act of 1944 was considered, ordered to be

engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 502 (a) of the Department of Agriculture Organic Act of 1944 (Public Law 425, 78th Cong., 58 Stat. 739, 740), as amended by Public Law 563, Seventy-eighth Congress (58 Stat. 925), is further amended by inserting after the words "to cooperative associations" the words "and municipalities", and by inserting after the words "said cooperative associations" a comma and the words "and municipalities to the extent that such indebtedness was incurred with respect to electric transmission and distribution lines or systems or portions thereof serving persons in rural areas."

BILL PASSED OVER

The bill (H. R. 6097) to amend the act of March 10, 1934, entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes," was announced as next in order.

Mr. OVERTON. Over.

Mr. THOMAS of Oklahoma. Mr. President, if my able colleague and most agreeable seat mate will withhold his objection, I should like to make a brief statement with regard to this bill.

It is sponsored by the Izaak Walton League of America. It came before the Senate on a former occasion and objections were made to it. The bill was recommitted to the committee, and hearings were held. During the holding of the hearings testimony was heard from the Chief of Engineers, General Wheeler. After hearing the testimony of General Wheeler, the committee made some amendments to the bill. The committee agreed on some amendments which it thought would prevent future objection. For example, on page 7 of the bill, in its original text, the War Department was directed to give full consideration to the needs of fish and wildlife resources. The committee struck out the words "and directed" so that the language now reads, in part, "that Department is hereby authorized to give full consideration and recognition to the needs of fish and other wildlife resources," and so forth.

Further down on the same page the committee inserted, in line 6, new language as follows: "with due respect to the needs of navigation and flood control". That language means that the Chief of Engineers is authorized to give due respect to the needs of navigation and flood control but does not direct him to do so. The Chief of Engineers thought that with these amendments in the bill the Department would not object to it.

Mr. President, I hope that the bill will be passed, because it is one which is being supported by sportsmen and Izaak Walton League members throughout the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. OVERTON. I object.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

Mr. SHIPSTEAD. Mr. President, is there any particular part of the bill to which the Senator objects?

Mr. OVERTON. My objection to it is that it is not possible to regulate dams and reservoirs under such a method as is proposed in the bill. The amendment adopted provided that it should not interfere with the regulation of dams for navigation and flood-control purposes. The multiple-purpose dams are created for purposes other than navigation and flood control. For instance, that is true of the Snake River and Columbia River developments, in the latter of which the Senator from Oregon [Mr. CORDON], who I see on his feet, is interested. Those dams could not be operated and maintained at uniform levels without considerable loss of other benefits on the projects. It is imposible to operate dams in that manner.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. CORDON. Would the Senator's objection be removed if a motion were made that all of section 7 be eliminated from the bill? Personally, I think it would be a better bill without that section.

Mr. OVERTON. I should have no objection if all of section 7 were eliminated, and were not restored in conference between the two Houses.

Mr. CORDON. I doubt if that could be done now.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the call of the calendar under the rule is ended.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senate proceed with the call of the calendar.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. SHIPSTEAD. Under the rule under which the Senate is now proceeding, there will not be time for any extended debate. I should regret very much if section 7 were eliminated, but I doubt if the bill can be passed, with the present sentiment obtaining in the Senate, without eliminating the section. I regret that very much, but there is no chance to debate it and have it go back to the House and be passed at this session.

Mr. CORDON. Mr. President, if there is no objection, I move that the bill be amended by striking out all of section 7.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, I suggest that the bill be further amended by renumbering the sections. If one section is stricken out, it will be necessary to renumber the other sections.

The PRESIDENT pro tempore. Without objection the clerk will renumber the sections.

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COLUMBIA RIVER BRIDGE

The Senate proceeded to consider the bill (S. 2358) to extend the times for commencing and completing the construction of a bridge across the Columbia River, which was read, as follows:

Be it enacted, etc., That the act approved June 13, 1934, as amended, and heretofore extended by acts of Congress approved August 30, 1935; January 27, 1936; August 5, 1937; May 26, 1938; August 5, 1939; December 6, 1940; July 14, 1941; May 3, 1943, and July 16, 1945, authorizing the Oregon-Washington Bridge Board of Trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oreg., be, and is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge referred to be commenced within 1 year and completed within 3 years from the date of approval hereof.

SEC. 2. The first section of the act approved June 13, 1934, as amended, is further amended (1) by striking out the words "and L. D. Williams, chairman of the Board of County Commissioners of Pacific County, Wash., and his successors in office, or the chairman of the Board of County Commissioners of Wahkiakum County, Wash., and his successors in office" and inserting in lieu thereof the words "L. D. Williams, chairman of the Board of County Commissioners of Pacific County, Wash., and his successors in office, or the chairman of the Board of County Commissioners of Wahkiakum County, Wash., and his successors in office, the chairman of the State Highway Commission of the State of Oregon, and his successors in office, and the acting director of the Department of Highways of the State of Washington, and his successors in office"; and (2) by striking out the words "in trust for Clatsop County, Oreg., Pacific County, or Wahkiakum County, Wash., and the city of Astoria, Oreg." and inserting in lieu thereof the words "in trust for Clatsop County, Oreg., Pacific County, or Wahkiakum County, Wash., the city of Astoria, Oreg., the State of Oregon, and the State of Washington."

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. CORDON. Mr. President, I move that the bill be amended on page 1, line 6, after the name "December", to strike out "6" and insert "16", so that it will read "December 16", instead of "December 6."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REORGANIZATION OF FOREIGN SERVICE OF THE UNITED STATES

Mr. VANDENBERG. Mr. President, I now call the attention of the Senator from Texas to calendar 1760, Senate bill 2451, to which he asked a moment ago that we revert. I have contacted the able Senator from West Virginia [Mr. REVERCOMB] on the subject. He complained chiefly because the bill was of such length and complexity that he felt we should not pass it on a mere call of the calendar. But I have discussed with him the importance of action, particularly in view of the fact that the House has acted, and he is prepared to withdraw his objection. I suggest, therefore, that we proceed with action on the House bill.

Mr. CONNALLY. I thank the Senator very much. I do not see the Senator from West Virginia present.

Mr. VANDENBERG. I am authorized to speak for him.

Mr. CONNALLY. Then I ask unanimous consent that the Senate revert to Calendar 1805, House bill 6967.

The PRESIDENT pro tempore. Is there objection?

There being no objection the bill (H. R. 6967) to improve, strengthen, and expand the Foreign Service of the United States and to consolidate and revise the laws relating to its administration was considered, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection Senate bill 2451 will be indefinitely postponed.

Mr. REVERCOMB subsequently said: Mr. President, I understand that Senate bill 2451, Calendar 1760, was passed over temporarily.

The PRESIDENT pro tempore. The bill was passed over temporarily.

Mr. REVERCOMB. I understand it was passed over, and subsequently passed.

Mr. CONNALLY. The Senator from Michigan [Mr. VANDENBERG] assured us that the Senator from West Virginia would have no further objection.

Mr. REVERCOMB. That is correct; but I desire to make a statement at this time. As I said before, the bill, which deals with the reorganization of the Foreign Service is an extensive bill of some 106 pages. I asked that it go over temporarily at the time that I made the objection to the bill so that it might be further considered by Senators. I have talked to members of the Foreign Relations Committee and they advise me of the necessity of immediate passage of the bill. Relying, as I feel justified in doing, on able committee members, I withdrew my objection to consideration of the bill. I feel, however, Mr. President, that it is not the best way to legislate, particularly on so important a subject as this. In this instance, because of the importance of enactment of the measure and the apparent need of prompt enactment, I have withdrawn my objection to the bill, and the bill has been passed.

Mr. CONNALLY. I thank the Senator from West Virginia very much for his explanation.

PROTECTION OF SHORES OF PUBLICLY OWNED PROPERTY

The Senate proceeded to consider the bill (H. R. 2033) authorizing Federal participation in the cost of protecting the shores of publicly owned property, which had been reported from the Committee on Commerce with amendments.

The first amendment of the committee was on page 1, after the word "cost," to insert a proviso as follows: *"Provided further*, That where a political subdivision has heretofore erected a sea wall to prevent erosion, by waves and currents, to a public highway considered by the Chief of Engineers sufficiently important to justify protection, Federal contribution toward the repair of such wall and the protection thereof by the building of an artificial beach is authorized at not to exceed one-third of the original cost of such wall, and that investigations and studies hereinafter provided for are hereby authorized for such localities."

The amendment was agreed to.

Mr. TAFT. Mr. President, will not the Senator from Louisiana explain the bill? I had understood a general beach erosion study was being made.

Mr. OVERTON. Such a study is being made. A beach erosion board has been created, but the purpose of this bill is to give some relief to certain portions of beaches which have been eroded. It relates to cases where public property is involved, and where the State or local community has put up two-thirds and the Federal contribution will be only one-third. That is the main purpose of the bill. There are not many cases to which the bill will be applicable. It will apply only where there is involved public property which has to be protected.

There is an amendment to the bill which applies to a public highway which has been protected by the construction of a sea wall, and further protection is required.

Mr. TAFT. I notice that the War Department says in its report that the proposal is not in accord with the program of the President.

Mr. OVERTON. Perhaps they do say that; I do not recall.

Mr. TAFT. I object.

The PRESIDENT pro tempore. Objection is heard.

Mr. OVERTON. I think the people on the lake shores are very much interested in the bill. I hope the Senator will give it further consideration.

Mr. TAFT. I shall be glad to go over it.

Mr. SMITH. Mr. President, I hope the Senator from Ohio can see his way clear to withdraw his objection. The people of New Jersey are very much affected by the bill, and they have asked that it be passed.

The PRESIDENT pro tempore. Does the Senator from Ohio withdraw his objection?

Mr. TAFT. No, I insist on it temporarily.

Mr. OVERTON. If this legislation had been in force heretofore, the bill in which the Senator was interested a year or so ago would have been passed.

Mr. TAFT. I do not think it would have applied to that.

Mr. OVERTON. I think it would have.

The PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

Mr. TAFT subsequently said: Mr. President, some time ago I objected when Calendar 1785, H. R. 2033, was reached. I have read the report and desire to withdraw my objection. I will say to the Senator, however, that the bill applies only to publicly owned property, to a very small proportion of the coast line. It would not cover the particular part of the coast to which the Senator from Louisiana referred. I rather believe, however, that the policy of the Federal Government participating in improving State-owned property will be extended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 2033) authorizing Federal participation in the cost of protecting the shores of publicly owned property, which had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 1, line 12, after the word "cost", to insert: *"Provided further*, That where a political subdivision has heretofore erected a seawall to prevent erosion, by waves and currents, to a public highway considered by the Chief of Engineers sufficiently important to justify protection, Federal contribution toward the repair of such wall and the protection thereof by the building of an artificial beach is authorized at not to exceed one-third of the original cost of such wall, and that investigations and studies hereinafter provided for are hereby authorized for such localities."

The amendment was agreed to.

The next amendment was, on page 3, line 1, after the word "specifications", to insert a colon and the following:

Provided, That the construction of improvement and protective works may be undertaken by the Chief of Engineers upon the request of, and contribution of required funds by, the interested State, municipality, or other political subdivision.

The amendment was agreed to.

The next amendment was on page 3, line 8, before the word "estuaries", to insert "lakes,".

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 2033) was read the third time and passed.

PREFERENCE FOR VETERANS IN ACQUIRING VESSELS

The bill (H. R. 4842) to amend the act of April 29, 1943, so as to afford a preference for veterans in acquiring certain vessels was considered, ordered to a third reading, read the third time, and passed.

SUSQUEHANNA RIVER BRIDGE

The bill (H. R. 5537) granting consent of Congress to the Commonwealth of Pennsylvania to construct a highway bridge across the Susquehanna River was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE TO IPSWICH, MASS., OF LIGHTHOUSE PROPERTY

The bill (H. R. 5932) providing for the conveyance to the town of Ipswich, in the State of Massachusetts, of lighthouse property at Castle Neck, for public use, was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE TO ATLANTIC CITY OF LIGHTHOUSE PROPERTY

The bill (H. R. 6023) providing for the conveyance to the city of Atlantic City, in the State of New Jersey, of lighthouse property at Atlantic City for public use was considered, ordered to a third reading, read the third time, and passed.

INTERCHANGE OF PROPERTY BETWEEN ARMY AND NAVY

The Senate proceeded to consider the bill (H. R. 6057) to amend the act of July 11, 1919 (41 Stat. 132), relating to the interchange of property between the

Army and the Navy so as to include the Coast Guard within its provisions.

Mr. WALSH. Mr. President, for some reason or other the Navy Department objects to the bill. Let me ask the Senator to let it be passed over temporarily until I can find out what the objection is.

Mr. OVERTON. I was not aware of their objecting to the bill. It seems to me it was an oversight to pass the original statute permitting the interchange of property between the Army and the Navy and omitting the Coast Guard. Perhaps it was because the Coast Guard in the meantime had gone under the jurisdiction of the Treasury Department. I did not know of any objection by the Navy Department.

Mr. WALSH. I was apprised of it this morning. I suggest that the bill be passed over for the time being, and I shall take the matter up with the Navy Department.

Mr. OVERTON. Very well.

The PRESIDENT pro tempore. The bill will be passed over temporarily.

TUG FORK BRIDGE, KENTUCKY AND WEST VIRGINIA

The bill (H. R. 6223) to authorize the highway departments of the States of Kentucky and West Virginia to construct a bridge across Tug Fork was considered, ordered to a third reading, read the third time, and passed.

INCREASE OF EFFICIENCY OF COAST AND GEODETIC SURVEY

The bill (H. R. 6644) to increase the efficiency of the Coast and Geodetic Survey was announced as next in order.

Mr. HART. Over.

Mr. RADCLIFFE. Mr. President, was there objection to consideration of the bill?

The PRESIDENT pro tempore. The Senator from Connecticut objected.

Mr. HART. I have to object to the bill. The title of the bill is "To increase the efficiency of the Coast and Geodetic Survey." In my estimation the most important feature of the bill will decrease their efficiency. The law governing promotions would be decidedly changed. The current law governing promotions in the grades of captain and commander provides for such promotions by selection upward. The proposed bill would change that so as to make the promotions really made by seniority, rather than by selection. The Coast and Geodetic Survey has been following the Navy's methods, and in my estimation such a departure should not now be made.

Mr. RADCLIFFE. Mr. President, I hope the Senator from Connecticut will not press his objections. There is no reason why the officers of the Coast and Geodetic Survey should not be on the same basis as officers in the Army, Navy, and Coast Guard. This bill has been studied very carefully by the House, was passed by that body, and was considered carefully in the Commerce Committee of the Senate. It does nothing more than to seek equality. It is unreasonable to expect that officers in the Coast and Geodetic Survey should not have the same opportunity for promotion, advancement, and compensation, and the same facilities as are generally accorded to those in certain other branches. It is my impression that all the bill does is to put them on an equal basis with the others referred to.

Mr. HART. Mr. President, will the Senator yield?

Mr. RADCLIFFE. I yield.

Mr. HART. That is the point, I will say to the Senator from Maryland, that the bill changes that relationship very materially. The officers now seem to be on exactly the same footing in promotions as the officers of the Navy. This bill would change that situation very materially by making the system one of promotion by seniority rather than by election upward.

Mr. RADCLIFFE. The basis provided by the bill is one which is customary. There was no objection raised in the Commerce Committee, as I recall, and none in the House of Representatives. I hope the Senator will not feel that he is obliged to press his objection.

Mr. HART. Mr. President, I shall object.

The PRESIDENT pro tempore. Objection being heard, the bill is passed over.

ERADICATION OF PREDATORY SEA LAMPREYS OF THE GREAT LAKES

The joint resolution (H. J. Res. 366) authorizing and directing the Director of the Fish and Wildlife Service of the Department of the Interior to investigate and eradicate the predatory sea lampreys of the Great Lakes was considered, ordered to a third reading, read the third time, and passed.

GRANTING OF CERTAIN PROPERTY TO COMMONWEALTH OF PENNSYLVANIA

The joint resolution (H. J. Res. 370) granting certain property to the Commonwealth of Pennsylvania and relinquishing jurisdiction therein was considered, ordered to a third reading, read the third time, and passed.

TRUST ASSOCIATION OF H. KEMPNER

The Senate proceeded to consider the bill (S. 334) for the relief of the Trust Association of H. Kempner, which had been reported from the Committee on Finance, with amendments, on page 2, line 6, after the word "The", to strike out "Secretary of the Treasury" and insert "Alien Property Custodian"; and in line 18, after the words "to be", to strike out "Trust Association of H. Kempner" and insert "Secretary of the Treasury", so as to make the bill read:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims (a) to hear the claims of the Trust Association of H. Kempner, of Galveston, Tex., against the Government of Germany and nationals of Germany for reimbursement for losses alleged to have been sustained as a result of the sale of certain cotton by such trust association to certain mills in Germany during the years 1928 and 1924, and to determine the amounts of any such losses, and (b) to determine the total of the various amounts wrongfully paid out of the Trust of Germann & Co. while its property was being administered by the Alien Property Custodian.

SEC. 2. The Alien Property Custodian is authorized and directed (a) to credit the Trust of Germann & Co. with an amount equal to any amounts found by the Court of Claims under clause (b) of the first section of this act to have been wrongfully paid out of such trust, and to charge such sum against the German special-deposit account, created by section 4 of the Settlement of War Claims Act of 1928, or against any other funds or property of the Government of Germany or of nationals of Germany in the possession or under the control of the Government of the United States or which may hereafter come into the possession or under the control of the Government of the United States, and (b) to pay, to the Secretary of the Treasury, out of such special-deposit account or such other funds, the amount so credited to the Trust of Germann & Co. and so charged against such special-deposit account or such other funds, or so much thereof as does not exceed the amount of any losses found by the Court of Claims under clause (a) of the first section of this act to have been sustained by the Trust Association of H. Kempner: *Provided*, That such payment shall not be made unless and until such trust association executes and delivers to the said Trust of Germann & Co. a complete assignment of all claims and demands of the said Trust Association of H. Kempner against the Government of Germany and nationals of Germany arising out of the sale of such cotton during the years 1923 and 1924.

The amendments were agreed to.

Mr. CONNALLY. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 2, in line 17, after (b) it is proposed to insert "The Secretary of the Treasury is authorized."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMERGENCY RELIEF FOR CERTAIN CITIZENS OF HAWAII

The bill (H. R. 6918) to provide emergency relief for the victims of the seismic waves which struck the Territory of Hawaii, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

ACQUISITION OF CERTAIN LANDS AT HILO, HAWAII

The bill (H. R. 6610) to waive certain restrictions of the Hawaiian Organic Act relating to land exchanges, for the acquisition of certain lands at Hilo, Hawaii, was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF HAWAIIAN ORGANIC ACT

The bill (H. R. 3361) to amend paragraph (1) of section 73 of the Hawaiian Organic Act, as amended, was announced as next in order.

Mr. REVERCOMB. Mr. President, may we have an explanation of the bill?

Mr. HAYDEN. Mr. President, the Senator from Maine [Mr. BREWSTER], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from Louisiana [Mr. ELLENDER], were the subcommittee which looked into this matter. The Senator from West Virginia will remember that the Senator from Maine very recently returned from the Hawaiian Islands and heartily approved all three bills dealing with the Hawaiian Islands.

Mr. REVERCOMB. What would the bill provide with respect to the Hawaiian Organic Act? How would it amend that act in any particular?

Mr. LA FOLLETTE. Mr. President, if the Senator from Arizona will permit me——

Mr. HAYDEN. Certainly.

Mr. LA FOLLETTE. The Senator will find on page 2 of the report, which is a reprint of the House report, the following:

The bill is the outcome of a situation that exists as a direct result of the war.

The Territory of Hawaii, acting under authority of the organic act, sold a piece of land in the industrial area of Honolulu to one of the large canning companies under the conditions that within a specified period a warehouse would be constructed on this property. The company fully intended to carry out this condition of purchase but was prevented from doing so by the outbreak of war. The land was taken over by the United States Navy for storage space and, in consequence of this and conditions resulting from the war, the company was unable to proceed with the construction of the warehouse.

The enactment of this legislation would protect purchasers in their title to lands in purchases of this kind and would moreover assure the Territory that the conditions of the sale would be carried out in the proper time.

The legislation has the approval of the administrative officials of the Territory of Hawaii.

It is recommended with the amendments, by the Acting Secretary of the Interior, in a letter dated December 14, 1945, addressed to the chairman of the Committee on the Territories.

It is my understanding that the House bill does contain the amendments recommended by the Secretary of the Interior.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 3361) to amend paragraph (1) of section 73 of the Hawaiian Organic Act, as amended, was considered, ordered to a third reading, read the third time, and passed.

ADDITIONAL COMMISSIONED OFFICERS

The bill (H. R. 6817) to provide for the appointment of additional commissioned officers in the Regular Army, and for other purposes, was announced as next in order.

Mr. FERGUSON. Mr. President, may we have an explanation of the bill?

Mr. THOMAS of Utah. Mr. President, this is a vitally important bill. It is thoroughly consistent with the last action which Congress took with regard to the size of the Army. It will be necessary for the Army to expand its officer personnel in order to meet the requirements of the law as it is. Without this measure the Army would be held back several months in obtaining the number of officers required. The bill has passed the House and was reported unanimously by the Senate Committee on Military Affairs. It has of course not only the hearty recommendation of the War Department and General Eisenhower, but word coming from the Army officials is that without it the whole progress of reorganizing the new Army would be stymied.

Mr. FERGUSON. I thank the Senator.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Military Affairs with an amendment on page 2, line 1, to strike out:

(c) Section 8 of the said act is amended by deleting therefrom the words "one thousand and fifty-four" and substituting therefor the words "two thousand one hundred and eight."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H. R. 6817) was read the third time and passed.

DEVELOPMENT OF GEORGE WASHINGTON MEMORIAL PARKWAY

The Senate proceeded to consider the bill (S. 2286) to amend the act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930, which had been reported from the Committee on Public Buildings and Grounds with an amendment, at the end of the bill to insert a new section 3, so as to make the bill read:

Be it enacted, etc., That section (a) of the act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930 (46 Stat. 482), is amended by striking out the third proviso and by striking out of the fourth proviso the words "and the construction of said roads."

SEC. 2. Section 1 (b) of such act is amended by striking out the last sentence thereof.

SEC. 3. So much of section 1 (b) of such act as precedes the first proviso thereof is amended to read as follows:

"(b) For the extension of Rock Creek Park into Maryland, as may be agreed upon between the National Capital Park and Planning Commission and the Maryland National Capital Park and Planning Commission, for the preservation of the flow of water in Rock Creek, for the extension of the Anacostia Park system up the valley of the Anacostia River, Indian Creek, Paint Branch and Little Paint Branch, the Northwest Branch and Sligo Creek; of the Oxon Run Parkway from the District of Columbia line to Marlboro Road; and of the George Washington Memorial Parkway up the valley of Cabin John Creek, Little Falls Branch, and Willet Run, as may be agreed upon between the National Capital Park and Planning Commission and the Maryland National Capital Park and Planning Commission, $1,500,000."

The amendment was agreed to.

Mr. CORDON. Mr. President, may we have an explanation of the bill.

Mr. GREEN. The Senator from Florida [Mr. ANDREWS] is temporarily absent from the Senate Chamber. I shall be glad to answer any questions I can.

Mr. CORDON. I am particularly interested in knowing what is stricken out by section 1 of the bill?

Mr. GREEN. The bill is now a consolidation of two bills, one having the same number, S. 2286, and the other being S. 2402. The language is simplified and combined. That is the reason for the new language in italics, in the committee amendment.

Mr. CORDON. I am unable to understand what is intended to be meant by a provision striking from the third proviso and from the fourth proviso the words "and the construction of said roads." What was intended to be changed by that language, if the Senator can advise us? I am reading from lines 6, 7 and 8, on page 2.

Mr. LA FOLLETTE. Mr. President, I am not a member of the committee, but the report seems to indicate that when the act was originally passed it prohibited the use of Federal moneys for highway construction, or Federal aid for highway construction, on the Virginia side, but permitted it on the Maryland side. These amendments are designed to make possible the expenditure of Federal aid funds on both sides of the river. Is that correct?

Mr. GREEN. The Senator from Wisconsin is correct. For some reason which we find it impossible to discover there was a distinction made between the lands for the George Washington Memorial Parkway on the Virginia side and the lands on the Maryland side. This bill does away with the discrimination, and makes it possible for lands on both sides to be used under the same terms, for the same highway. There is no reason for the distinction.

Mr. CORDON. I have no objection to the bill.

Mr. RADCLIFFE. As I understand this bill, it does nothing more than to place Maryland and Virginia on an equality with each other?

Mr. GREEN. It raises Maryland to equality with Virginia in this particular.

Mr. RADCLIFFE. We in Maryland claim equality and even superiority in some respects now, but we like to see that equality maintained in each and every nook and corner.

Mr. GREEN. This bill simply provides for equality in one particular.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 1 (a) of the act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground

system of the National Capital," approved May 29, 1930 (46 Stat. 482), is amended by striking out the third proviso and by striking out of the fourth proviso the words "and the construction of said roads."

SEC. 2. Section 1 (b) of such act is amended by striking out the last sentence thereof.

SEC. 3. So much of section 1 (b) of such act as precedes the first proviso thereof is amended to read as follows:

"(b) For the extension of Rock Creek Park into Maryland, as may be agreed upon between the National Capital Park and Planning Commission and the Maryland National Capital Park and Planning Commission, for the preservation of the flow of water in Rock Creek, for the extension of the Anacostia Park system up the valley of the Anacostia River, Indian Creek, Paint Branch and Little Paint Branch, the Northwest Branch and Sligo Creek; of the Oxon Run Parkway from the District of Columbia line to Marlboro Road; and of the George Washington Memorial Parkway up the valley of Cabin John Creek, Little Falls Branch, and Willet Run, as may be agreed upon between the National Capital Park and Planning Commission and the Maryland National Capital Park and Planning Commission, $1,500,000."

ELIMINATION AND RETIREMENT OF REGULAR ARMY OFFICERS, ETC.

The bill (S. 1974) to provide for the selection for elimination and retirement of officers of the Regular Army for the equalization of retirement benefits for members of the Army of the United States and for other purposes was announced as next in order.

Mr. JOHNSON of Colorado. Let the bill go over.

Mr. TAFT. Mr. President, may we have an explanation of the bill?

The PRESIDENT pro tempore. The Senator from Colorado objected. Does the Senator withdraw his objection?

Mr. JOHNSON of Colorado. I withhold my objection temporarily, but I shall still object to it.

Mr. MAYBANK. Mr. President, I hope the Senator from Colorado will withdraw his objection so that this bill may be passed. The House has passed House bill 7063, Calendar No. 1899, a bill to provide for the selection for elimination and retirement of officers of the Regular Army. The bill under discussion includes the National Guard, Reserve officers, and Reserve enlisted personnel. I believe that the only way we can reach a solution in these late days of the session is to have the bill sent to conference, so that we may meet with the House conferees and see if we cannot arrive at something tangible for the good of the Army.

Mr. JOHNSON of Colorado. Mr. President, that is the very reason I have objected to Senate bill 1974. I am afraid it will go to conference, and that the House version will be adopted. The language of Senate bill 1974 as it came to the committee is satisfactory; but if the bill were to go to conference and the House version were adopted, as I am afraid it would be, I do not know of any way it could be stopped when a report from the conferees came before the Senate.

The House bill on this subject opens the door for all sorts of things. If the Senate wishes to be high-pressured, Senators will learn what high pressure really means if the House version is adopted. That is the reason why I am objecting. If I thought that Senate bill 1974 could be approved as it came from the committee, I certainly would not object to it. But my understanding is that a majority of the members of the Senate Committee on Military Affairs are very anxious to have Senate bill 1974 go to conference, and then adopt the House version. The House version is totally unacceptable.

Mr. MAYBANK. Mr. President, I hope that in the closing days of the Congress the Senate will either send this bill to conference or have a vote on the House bill. The Senator from Colorado well knows that I believe in the House version. I believe in the Senate bill as it was originally introduced. So far as high pressure is concerned, I have been a Member of the Senate for 6 years, and every day there is a new high pressure. It is about time to do something for the National Guard and the Reserve—those who made up not only the reserves of the Army but the reserves of the Navy, and who did a large share of the fighting in this war. So I hope the Senator will withdraw his objection and at least let the bill go to conference. After it comes back from conference we can decide what to do.

Mr. REVERCOMB. Mr. President, I join the Senator from South Carolina in urging the earliest consideration of this bill. I hope that my able friend from Colorado will withdraw his objection and let the bill go to conference. I realize that the Committee on Military Affairs of the Senate made changes and reported the bill to the Senate in its present form. I realize that the House bill is somewhat different. The purpose of the bill is to authorize the retirement of men no longer useful for the service, and to induce men, particularly Reserve officers in the National Guard, to go into active service and be ready for active service in the strong and effective army we are trying to build up for the future. I believe that the bill is very important in connection with building up a strong army, and because of its importance I hope it may be passed and go to conference. If the conferees fail to submit a satisfactory report, of course the Senate will not agree to the conference report. I should like to see the bill passed.

Mr. THOMAS of Utah. Mr. President, the outstanding difference between the Senate bill and the House bill is this: The Senate bill provides for the future, and is a bill for incentive purposes, to help build up the Army of the United States and its reserve components. Members of the Senate committee objected to the Senate bill as originally introduced, and we have taken out of it practically all the features which have to do with the past. The bill as it stands is a bill to help the Army in the future. That is what the Army primarily wishes. That is what we hope we can get in the building up of the Army of the future. If the bill could be passed with the understanding that the Senate conferees would have to stand by the action of the Senate on the Senate bill, perhaps that would solve the difficulty. The conference could then be successful only if the Senate provisions were to prevail. That is about the only way I know of to bind our conferees.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. AIKEN. Does the Senator know the attitude of the War Department and the Chief of Staff with regard to these two bills?

Mr. THOMAS of Utah. The general attitude is that the War Department would rather have the House bill as it is, because there are persons whom the War Department wishes to reward for past services.

Mr. AIKEN. What is the argument for the House bill? Does it take care of more deserving members of the reserve and the National Guard?

Mr. THOMAS of Utah. That is true. Probably the Senator from South Carolina can answer the question better than I can.

Mr. AIKEN. What is the reason for opposing the Senate bill?

Mr. MAYBANK. Mr. President, the House bill is the same as the bill which was originally introduced in the Senate. The Senate bill was changed by the committee. It is not an officers' bill. It takes in both enlisted men and officers. An agreement was arrived at after a period of several months. General Eisenhower agreed to it. General Paul agreed to it. All the high officials in the Army with whom I have spoken, and all the National Guard representatives and reserve officers, representatives whom I have consulted have told me that they agree to it. The President of the United States agreed to it.

Mr. AIKEN. As I understand, the House bill represents a meeting of the minds after months of difference.

Mr. MAYBANK. The House bill is the same as the Senate bill as originally introduced. The Senate bill has been amended by the committee.

Mr. JOHNSON of Colorado. Mr. President, the Senator says that General Eisenhower agreed to the bill. I was told by General Collins that General Eisenhower was finally sold on the bill because it would help to build up the Army, the National Guard, and the Reserve Corps in the future. That is not the part to which the Senator from Colorado is objecting. What I am particularly objecting to is the handsome rewards proposed to be given for past services. The bill has two purposes. The first is to help build the Army for the future. I enthusiastically favor that part of the bill. However, the other part, to pay generous rewards for services which have been rendered, is the part to which I object. The part which I favor is the part which General Eisenhower favors.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. AIKEN. Does the bill reward members of the National Guard and Reserve officers more handsomely than members of the Regular Army are rewarded under existing laws and regulations?

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. MAYBANK. The rewards to enlisted personnel of the Reserves and officers and enlisted personnel of the National Guard are in no way comparable to the rewards in the Regular Army. So far as gratuitous hand-outs are concerned, I would not support any such measure. The committee studied it for many months. Everyone knows what the National Guard did.

The former Governor of Vermont, the present junior Senator from Vermont [Mr AIKEN] well knows what the National Guard did. Every Senator knows what the National Guard has meant to this country both in time of war and in time of peace, and all of us know what the Reserves have meant to the country. But, of course, some people in the United States do not want the Reserves or the National Guard to get anything. I do not allude to my friend, because of course he is in favor of future payments.

Mr. AIKEN. Mr. President, I fail to see why the National Guard or the Reserves should not receive rewards in proportion to what the rewards would have been if the members of the National Guard had been members of the Regular Army.

Mr. REVERCOMB. Mr. President, it seems to me that there is no objection to Senate bill 1974; but if a conference is held on the bill, I believe there will be some objection to the conference report.

Inasmuch as there is no objection to Senate bill 1974, I think we should pass it. Then, of course, the Senate conferees would urge the Senate bill in the conference, and if the conferees reported a measure which did not satisfactorily meet the views of the Senators who objected, we could decide on the floor of the Senate whether the conference report should be adopted. The conferees might report Senate bill 1974, which, as I understand, is not objected to by anyone.

Mr. THOMAS of Utah. Mr. President, I think the Senator's last statement is entirely correct, and I think we should emphasize that fact. The Senate bill has general support.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HILL. Mr. President, I favor the Senate bill as reported by the Committee on Military Affairs, but I do have apprehension about the House bill. In fact, I have apprehension as to what might happen if the bill went to conference at this time. I think the bill should go over until we can sit down and work out an arrangement whereby we can pass the Senate bill. So I object.

The PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

BILL PASSED OVER

The bill (H. R. 4982) to enable the Department of State more effectively to carry out its responsibilities in the foreign field by means of (a) public dissemination abroad of information about the United States, and so forth, was announced as next in order.

Mr. TAFT. Let the bill be passed over.

Mr. THOMAS of Utah. Mr. President, before we proceed further, I should like to make an explanation. I feel sure that those who object to House bill 6967 have the same idea with respect to House bill 4982. The bill comes under the State Department's plan for reorganization, and it includes features which have to do with advertising, publicity, and the explaining of America's aims throughout the world.

Mr. President, the failure to pass the bill at this time will mean that we shall only half-heartedly enter into the great scheme of trying to make the world a world of peace.

This bill probably is as essential as any other bill we can think of. If we are to carry through the President's program and the State Department's program with regard to the activities of the State Department, I trust that Senators will withdraw their objections and will permit the bill to be considered and passed and become law.

The PRESIDENT pro tempore. Is there objection?

Mr. TAFT. I object.

The PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

ADDITIONAL INDUCEMENTS FOR CAREERS IN THE MILITARY OR NAVAL SERVICES

The bill (S. 2460) to provide additional inducements to citizens of the United States to make a career of the United States military or naval service, and for other purposes, was announced as next in order.

Mr. TAFT. Mr. President, may we have an explanation of the bill?

Mr. WALSH. Mr. President, I think both the chairman of the Naval Affairs Committee and the chairman of the Military Affairs Committee should make explanations of the bill.

So far as the bill applies to the Navy, a bill S. 1438 was passed by the Senate some months ago, and went to the House of Representatives, where an amendment was attached. The amendment would give for enlistment in the Army the same inducements that were provided for enlistment in the Navy.

The amendment was added in an attempt to make the same conditions applicable to the Army. However, the amendment was poorly drawn. It was offered on the floor of the House.

When the bill came to the Senate, instead of accepting the Army amendment offered on the floor of the House, I sent it to the Committee on Military Affairs, for it to study and to report as to whether the amendment should be accepted or rejected. Unfortunately, the Army authorities took a long time to study and consider the bill. Due to the fact that the naval bill amended the Naval Reserve Act which the Navy has had for some time, and due to the fact that the Army had nothing comparable to the Naval Reserve, the Army authorities decided to attempt to set up some organization which would be comparable to what we know as our Fleet Naval Reserve. In any event, very recently the Army and the Navy have gotten together, so as to bring about the same conditions and the same privileges and the same rights in respect to that situation.

The bill is for the purpose of inducing enlistments. So far as I am able to speak for the Navy, the original bill was one of the most forward-looking bills that has ever been introduced, to invite young men to join the Navy, to give them a naval career, to provide for their advancement, and to provide for the granting of commissions. The bill has been very favorably received by the enlisted men of the Navy.

The original naval bill provided that at the end of 16 years the naval enlisted man could transfer to the Reserves and could be given a certain amount of pay on retirement. Unfortunately, that provision was not acceptable to the Army, as applied to it. The Army authorities thought 16 years would be too soon for men who had entered the Army to be transferred to a Reserve organization. So that feature has been eliminated—to my very great regret. I am hopeful that the 16-year provision may be restored later.

In order that legislation might be obtained at this session of the Congress I consented to the drafting of a new bill. The bill is most important and most desirable—in fact, the delay in obtaining action upon the measure has been detrimental to obtaining enlistments, for any young man who might have considered entering the naval service during the last number of months could not know under what conditions he would enter.

So it is essential that the bill be passed.

Mr. President, the Senator from Utah and I have agreed upon certain amendments which I am to offer, so as to make the bill conform to certain needs of the Navy which unintentionally were overlooked in drafting the substitute bill in the Military Affairs Committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 4, in line 7, after the word "be", to strike out "accounted" and insert "counted."

The amendment was agreed to.

Mr. WALSH. Mr. President, I now offer the amendments, which I send to the desk and ask to have stated. They merely seek to preserve existing rights.

The PRESIDENT pro tempore. The amendments will be stated.

The CHIEF CLERK. On page 3 in line 14, between the word "all" and the word "service", it is proposed to insert "active."

The amendment was agreed to.

The CHIEF CLERK. On page 4, in lines 12 and 13, it is proposed to strike out the following: "and if they shall have completed a total of 20 years or more of active service their pay shall be computed in the manner prescribed in section 204 of this act as amended."

The amendment was agreed to.

The CHIEF CLERK. On page 11, in line 13, following the word "Act", it is proposed to strike out the period, and to

insert "except as otherwise provided in section 3."

The amendment was agreed to.

The CHIEF CLERK. On page 11, in line 16, following the word "Act" and the period, it is proposed to insert the following:

Retired enlisted personnel of the Navy and Marine Corps, personnel of the Navy and Marine Corps who are members of the Fleet Reserve or Fleet Marine Corps Reserve, and personnel of the Navy and Marine Corps who become eligible and who apply for transfer to the Fleet Reserve or Fleet Marine Corps Reserve shall receive an opportunity to elect to receive retained and retired pay under the provisions of this act or to receive such pay under the provisions of law in effect immediately prior to the date of enactment of this act, and these persons shall be entitled to receive the pay elected.

The amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 4 of the Naval Reserve Act of 1938 (52 Stat. 1176) is hereby amended by inserting after the words "insular possessions of the United States" a comma and the following: "including citizens of the Philippine Islands who are members of the naval service at the time independence of the Philippine Islands becomes effective."

SEC. 2. Section 204 of the Naval Reserve Act of 1938 (52 Stat. 1179) is hereby amended to read as follows:

"SEC. 204. Members of the Navy who first enlisted in the Navy after July 1, 1925, or who reenlisted therein after July 1, 1925, having been out of the Regular Navy for more than 3 months, may upon their own request be transferred to the Fleet Reserve upon the completion of at least 20 years' active Federal service. After such transfer, except when on active duty, they shall be paid at the annual rate of 2½ percent of the annual base and longevity pay they are receiving at the time of transfer multiplied by the number of years of active Federal service: *Provided*, That the pay authorized in this section shall be increased 10 percent for all men who may be credited with extraordinary heroism in the line of duty: *Provided further*, That the determination of the Secretary of the Navy as to the definition of extraordinary heroism shall be final and conclusive for all purposes: *Provided further*, That the pay authorized in this section shall not exceed 75 percent of the active-duty base and longevity pay they were receiving at the time of transfer: *Provided further*, That all enlisted men transferred to the Fleet Reserve in accordance with the provisions of this section and of sections 1 and 203 of this act shall, upon completion of 30 years' service, be transferred to the retired list of the Regular Navy, with the pay they were then legally entitled to receive: *Provided further*, That nothing contained within this section shall be construed to prevent persons who qualify for transfer to the Fleet Reserve under the provisions of section 203 of this act from being transferred in accordance with the provisions of this section if they so elect: *Provided further*, That a fractional year of 6 months or more shall be considered a full year for purposes of this section and section 203 in computing years of active Federal service and base and longevity pay: *And provided further*, That the provisions of this section shall apply to all persons of the class described herein heretofore or hereafter transferred to the Fleet Reserve, except that no increase in pay or allowances shall be deemed to have accrued prior to the date of the enactment of this amendment. For the purposes of this section, all active service in the Army of the United States, the Navy, the Marine Corps, the Coast Guard, or any component thereof, shall be deemed to be active Federal service."

SEC. 3. Title II of the Naval Reserve Act of 1938 (52 Stat. 1178) is hereby amended by adding thereto a new section to read as follows:

"SEC. 208. Whenever enlisted men of the Fleet Reserve, transferred thereto after more than 16 years' service, or enlisted men transferred from the Fleet Reserve to the retired list of the Regular Navy; perform active duty after July 1, 1925, such active duty, except that which they are required to perform in time of peace under section 206 of this title, shall be included in the computation of their total service for the purpose of computing their retainer or retired pay when in an inactive-duty status, and in the computation of their retainer or retired pay all active duty so performed subsequent to the effective date of transfer to the Fleet Reserve or to the retired list shall be counted for the purpose of computing percentage rates and increases with respect to their retainer or retired pay and shall be based on the enlisted pay received by them at the time they resume an inactive-duty status, including increases in consequence of advancement in rating, longevity, and extraordinary heroism: *Provided*, That such pay shall not exceed 75 percent of the base and longevity pay of the highest rating to which entitled under the provisions of this section: *Provided further*, That active duty performed during any period of national emergency declared by the President shall be considered for the purpose of this section as not being active duty in time of peace required by section 206: *Provided further*, That nothing contained in this section shall operate to reduce the retainer or retired pay and allowances to which any enlisted man would otherwise have been entitled: *Provided further*, That a fractional year of 6 months or more shall be considered a full year for purposes of this section in computing years of active Federal service and base and longevity pay: *And provided further*, That persons of the classes described in this section who have been retired or returned to an inactive duty status prior to the date of approval of this section shall be entitled to the benefits of this section from the date of retirement or return to an inactive duty status."

SEC. 4. (a) The authority conferred upon the President by the act approved June 27, 1942 (56 Stat. 422), as amended, to appoint commissioned warrant and warrant officers of the Regular Navy to commissioned grades or ranks is hereby extended to include authority to appoint chief petty officers of the Regular Navy who have completed not less than 3 years of service as chief petty officers to commissioned grades or ranks in like manner and under the same conditions and circumstances, except as otherwise provided in this subsection, as is provided in that act, as amended, for the appointment of commissioned warrant and warrant officers to commissioned grades or ranks.

(b) The authority conferred upon the President by the act approved June 27, 1942 (56 Stat. 422), as amended, to appoint commissioned warrant and warrant officers of the Regular Navy to commissioned grades or ranks is hereby extended to include authority to appoint any enlisted man of the Regular Navy who has not, on the date of such appointment, attained his thirty-third birthday and who has served continuously and immediately prior to such appointment in the Regular Navy for a period of not less than 4 years to the commissioned grade or rank of ensign in the line or staff corps of the Regular Navy in like manner and under the same conditions and circumstances, except as otherwise provided in this subsection, as is provided in that act, as amended, for the appointment of commissioned warrant and warrant officers to commissioned grades or ranks: *Provided*, That the authorized number of commissioned officers of the line and of each staff corps to which appointments pursuant to this subsection may be made will not be increased according to the number of appointments made, and officers appointed pursuant to this subsection shall not be carried as extra numbers in the grades or ranks in which appointed.

(c) In computing the years of service necessary for appointment to commissioned grade or rank pursuant to the act approved June 27, 1942 (56 Stat. 422), and pursuant to this section, at least 1 year of such service shall have been in the Regular Navy. The remaining portion of such service may have been active duty in a reserve component of the Navy after September 8, 1939, and before the termination of the present war as proclaimed by the President or established by act or resolution of the Congress.

SEC. 5. (a) Subsection 8 (c) of the act approved July 24, 1941 (55 Stat. 604), is hereby amended to read as follows:

"(c) An officer or enlisted man on the retired list of the Regular Navy or Marine Corps who was placed thereon by reason of physical disability shall, if he incurs physical disability while serving under a temporary appointment in a higher rank, subject to the provisions of subsection (e) hereof, be advanced on the retired list to such higher rank with retired pay at the rate of 75 percent of the active-duty pay to which he was entitled while serving in that rank."

(b) Subsection 8 (e) of the act approved July 24, 1941 (55 Stat. 604), is hereby amended to read as follows:

"(e) The benefits of this section shall apply only to an individual who incurs physical disability in line of duty in time of war or national emergency. In the case of those officers and enlisted men to whom subsection (c) hereof is applicable retirement in the next higher rank shall be effected upon a finding by a naval retiring board that the disability was incident to the service while on active duty in the higher rank and upon a rating by such board, in accordance with regulations prescribed by the Secretary of the Navy, at not less than 30 percent permanent disability. In all other cases officers and enlisted men shall be retired in accordance with existing law providing for the retirement of officers or enlisted men."

SEC. 6. (a) Section 4 of the act approved October 6, 1945 (Public Law 190, 79th Cong.), is hereby amended to read as follows:

"SEC. 4. Whenever any enlisted man of the Regular Army shall have completed a minimum of 20 but less than 30 years of active Federal service, he may, under such regulations as the Secretary of War shall prescribe, upon his own request be transferred to the Enlisted Reserve Corps and thereupon will be placed on the retired list of the Regular Army. An enlisted man so transferred and retired shall receive, except when on active duty, monthly retired pay at the rate of 2½ percent of the base and longevity pay of the enlisted grade held at the time he made application for retirement multiplied by the number of years of active Federal service, not to exceed 30 years. The retired pay authorized by this section shall be increased 10 percent for any enlisted man who is credited with extraordinary heroism in line of duty: *Provided*, That the determination of the Secretary of War as to extraordinary heroism for purposes of this section shall be final and conclusive for all purposes: *Provided further*, That the total retired pay (including the 10 percent increase for extraordinary heroism) authorized by this section shall not in any case exceed 75 percent of the total enlisted base and longevity pay such enlisted man was receiving at the time he made application for retirement: *And provided further*, That

any fractional part of a year amounting to 6 months or more shall be counted as a complete year for the purpose of computing retired pay, but shall not be counted for the purpose of determining eligibility for retirement under this section."

(b) The number of years of service to be credited in computing eligibility for retirement under this act or any other act providing for retirement of enlisted men of the Army shall include all active Federal service performed in the Army of the United States, the Navy, the Marine Corps, the Coast Guard, or any component thereof.

(c) Any enlisted man retired under the provisions of section 4 of the act approved October 6, 1945 (Public Law 190, 79th Cong.), shall, commencing the first day of the month following the effective date of this act, receive retired pay computed as provided in section 6 of this act.

SEC. 7. An enlisted man who is transferred to the Enlisted Reserve Corps pursuant to the provisions of section 6 of this act shall remain a member thereof until his active Federal military service performed prior to such transfer plus the period of his service in such corps equals 30 years, and while a member of such corps shall be subject to perform such periods of active duty as may now or hereafter be prescribed by law.

SEC. 8. (a) Each enlisted man of the Regular Army retired under the provisions of section 6 of this act or the provisions of section 4 of the act approved October 6, 1945 (Public Law 190, 79th Cong.) who performs or has performed active military service subsequent to retirement shall, upon relief from such active duty, receive retired pay on the same basis as received by him prior to his recall to active duty, or in the amount resulting from a recomputation, as provided herein, whichever is the greater. Such recomputation shall be made in the same manner as provided in section 6 of this act on the basis of the enlisted grade held at the time of relief from active military service, or the enlisted grade in which originally retired, whichever is higher: *Provided*, That the service to be credited shall include periods of active Federal service subsequent to retirement: *Provided further*. That the retired pay shall not exceed 75 percent of the enlisted base and longevity pay he was receiving in his active-duty status.

(b) Each enlisted man of the Regular Army retired under the provisions of the act of March 2, 1907 (34 Stat. 1217; 10 U. S. C. 947), or under the provisions of the act of June 30, 1941 (55 Stat. 394; 10 U. S. C. 982a), who performs or has performed active military service subsequent to retirement shall, upon relief from such active duty, receive retired pay in the amount received by him prior to his recall to active duty, or on the basis of his grade and length of service at the time of relief from active duty, whichever is the greater: *Provided*, That the amount of his retired pay shall not in any event exceed 75 percent of the enlisted base and longevity pay of the highest enlisted grade held by him.

SEC. 9. No back pay for any period prior to the date of enactment of this act shall accrue to any person by reason of the enactment of this act except as otherwise provided in section 3. No person, active or retired, of any of the armed forces, shall suffer, by reason of this act, any reduction in any pay, allowances, or compensation to which he was entitled upon the effective date of this act. Retired enlisted personnel of the Navy and Marine Corps, personnel of the Navy and Marine Corps who are members of the Fleet Reserve or Fleet Marine Corps Reserve, and personnel of the Navy and Marine Corps who become eligible and who apply for transfer to the Fleet Reserve or Fleet Marine Corps Reserve shall receive an opportunity to elect to receive retainer and retired pay under the provisions of this act or to receive such pay under the provisions of law in effect immediately prior to the date of enactment of this act; and these persons shall be entitled to receive the pay elected.

LUMP-SUM PAYMENTS FOR ACCUMULATED LEAVE

The Senate proceeded to consider the bill (H. R. 2523) to provide for lump-sum payment of compensation for accumulated leave.

Mr. DOWNEY. Mr. President, this bill is rather inconsequential. I shall be glad to explain it to the Senate; but it is my desire to obtain unanimous consent to attach to this bill an amendment which is of prime importance, and which I am sure every Senator will be interested in.

First, I shall make an explanation of the bill, to which I think there can be no objection, and then I shall explain the proposed amendment.

The bill itself affects approximately 100 Federal employees, and the amount involved is somewhat less than $17,000. These 100 employees were working under the Bituminous Coal Act of 1937, which, as I recall, was repealed in 1942. Due to the fact that that agency was closed, these employees had no opportunity to take their final leave; and due to a technical defect in the law, they were not able to get a lump-sum settlement. A lump-sum settlement is now provided for in the case of all other employees, generally.

So the purpose of this bill is merely to do away with the particular inequities as to these particular employees, at a cost of approximately $17,000.

Mr. President, I invite the most careful attention of the Senate to what I am now about to say. As Senators know, in the last 14 months we have passed two Federal pay bills which increase the compensation of Federal workers approximately 20 percent or 35 percent, the higher percentage being, of course, in the case of employees whose salaries are in the lower brackets. But at the time of the passage of each law, we imposed a ceiling of $10,000, so that any person in the Federal employment who was receiving $10,000 has received no increase of his compensation. Any employee who was earning more than $8,200 has, as a result of that ceiling, received less than his proportionate share of increase in pay, as fixed in the law.

As a result of that situation, a most lamentable and, I think, inequitable condition has come about, namely, that all the workers whose salaries were in the bracket from $8,200 to $10,000 have been squeezed together, so to speak, and in many cases in the same agency there have been a number of employees of different ability and rank who have been receiving the same salary. I believe that the reason Congress imposed that ceiling was because it felt that it was unwise to increase those salaries above $10,000 inasmuch as the Members of Congress were held to that limit. At least, the attitude of the Civil Service Committees was to the effect that as soon as the salaries of Members of Congress were raised, the salary limit of other persons might be lifted. So this morning I requested the Civil Service Committee of the Senate to give me authority to present an amendment to one of these bills which would lift the ceiling of $10,000. My request occasioned considerable discussion, and the senior Senator from Georgia [Mr. GEORGE] made a suggestion which was accepted by the committee. He suggested that, in lieu of lifting the salaries, the ceiling itself should be lifted to $12,500. If the ceiling were merely lifted, the salaries of Cabinet officers would be increased, and the salaries of certain departmental officials would be increased, also.

The amendment which I was authorized to present would lift the ceiling to $12,500, which would result in a proper, logical, and mathematically graduated scale from $8,200 to $12,500, and would take care of all present difficulties.

The total cost of the amendment would be somewhat less than $1,000,000 annually. There are involved approximately 700 employees. Those employees are high career men who are receiving salaries from $8,200 a year up. Agency heads would also be involved.

I have felt that at the present time Congress should take this step for the reason that there is involved a moral question. Most of the Federal employees to whom I have referred have received no increase in salaries since 1937, and those in the low brackets have received a very minimum increase generally. If the Members of Congress, judges, and others receive increases in salary, a very unhappy situation will result from squeezing together the present levels of many salaries. The Civil Service Committee of the House favors this measure. I have consulted with nearly all the members of the Civil Service Committee of the Senate, some of whom were not present at the meeting of the committee, and they favor the measure. I have discussed it with the senior Senator from Virginia [Mr. BYRD], and he stated to me——

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HILL. Mr. President, I may favor the amendment. I should like to have it read so that we may know what it contains.

Mr. TAFT. Mr. President, in my time, I wish to ask a question of the Senator from California so that I may understand correctly his proposal. The general increases which have been granted to civil-service employees apply only to salaries up to $8,200. Am I correct?

Mr. DOWNEY. Yes; the only ones affected by this bill are those who were receiving more than $8,200 a year.

Mr. TAFT. I refer to the general increases heretofore granted. They have applied to those receiving less than $8,200 annually, have they not?

Mr. DOWNEY. No; the last increases, in effect, applied to all, but the ceiling was imposed so that the salary of no one could be increased to more than $10,000 a year. That meant that those whose salaries were brought up to $10,000 a year could receive no more than that. As a matter of fact, our increases in the higher brackets were less than in the lower brackets, proportionately speaking, and this measure would merely make

it possible to grant the statutory increase without imposing a $10,000 ceiling.

Mr. TAFT. The persons who were receiving $10,000 a year would, under this measure, receive approximately how much?

Mr. DOWNEY. I have the figures before me. Those now receiving $10,000 a year would receive $12,369. Those now receiving $9,600 a year would receive, under this measure, $11,890.20.

Mr. TAFT. My feeling is that in the case of the upper salaries the Congress should determine by law what the figures shall be.

Mr. DOWNEY. I may say to the distinguished Senator that the figures to which I have referred are determined by law. This measure would merely make it possible to increase the pay of Federal employees who did not receive the raise which was generally provided.

Mr. TAFT. When the Congress, by law, creates a position and provides that the person filling the position shall receive an annual salary of $10,000, will his salary be increased according to the figures provided for in the measure to which the Senator has referred?

Mr. DOWNEY. Yes; if he is one of those affected by the increase in pay which was provided for by law. The bill does not affect Cabinet members. The Interstate Commerce Commission members are already receiving, I believe, from $12,500 to $15,000.

Mr. TAFT. The members of the National Labor Relations Board receive $10,000 a year. Would all their salaries be increased to $12,369, according to the Senator's figures?

Mr. DOWNEY. Their salaries would be raised to the same extent that the salaries of other employees in the upper brackets would be raised. I believe the increase is approximately 24 percent. The increase provided for under this measure would be less in the upper brackets than would be the increased cost in living. So there is really no increase in salary.

Mr. President, I ask that the amendment be stated.

Mr. REVERCOMB. Mr. President, this is a very important subject and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hoey	Overton
Andrews	Huffman	Pepper
Austin	Johnson, Colo.	Radcliffe
Ball	Johnston, S. C.	Reed
Barkley	Knowland	Revercomb
Bilbo	La Follette	Russell
Byrd	Langer	Shipstead
Capper	Lucas	Smith
Chavez	McCarran	Stewart
Connally	McClellan	Swift
Cordon	McFarland	Taft
Donnell	McKellar	Taylor
Downey	McMahon	Thomas, Okla.
Eastland	Magnuson	Thomas, Utah
Ferguson	Maybank	Tunnell
Fulbright	Mead	Vandenberg
George	Millikin	Wagner
Gerry	Mitchell	Walsh
Green	Moore	Wheeler
Guffey	Morse	Wherry
Gurney	Murdock	White
Hart	Murray	Wiley
Hawkes	Myers	Willis
Hayden	O'Daniel	Young
Hill	O'Mahoney	

The PRESIDENT pro tempore. Seventy-four Senators having answered to their names, a quorum is present.

Mr. RADCLIFFE. Mr. President, in about an hour and a half I am to serve as a pall bearer at a funeral in Baltimore. I had thought we would have finished the calendar by this time, but that has not happened. There are four bills on the calendar still unacted upon. Orders No. 1867, 1886, 1887, and 1888, bills which I have reported to the Senate, and I desire to be present when they are under consideration on the floor. I shall not ask unanimous consent that they be taken up at this time out of order, but I do ask unanimous consent that when the bills are reached they be passed over, so that I may have an opportunity of bringing them up tomorrow or the following day.

Mr. GURNEY. Mr. President, may I ask the Senator from Maryland to state the numbers.

Mr. RADCLIFFE. Orders of Business 1867, 1886, 1887, and 1888.

Mr. GURNEY. I have no objection.

The PRESIDENT pro tempore. There being no objection, it is so ordered.

The clerk will state the amendment proposed by the Senator from California.

The CHIEF CLERK. It is proposed to insert at the proper place in the bill a new section, as follows:

SEC. —. (a) Section 603 (b) of the Federal Employees Pay Act of 1945, as amended, is amended to read as follows:

"(b) Notwithstanding any other provision of this act, no officer or employee shall, by reason of the enactment of this act, be paid with respect to any pay period, basic compensation, or basic compensation plus any additional compensation provided by this act, at a rate in excess of $12,500 per annum."

(b) Section 7 of the Federal Employees Pay Act of 1946 is amended to read as follows:

"SEC. 7. Notwithstanding any other provision of this act, no officer or employee shall, by reason of the enactment of this act, be paid with respect to any pay period, basic compensation, or basic compensation plus any additional compensation provided by the Federal Employees Pay Act of 1946, as amended, at a rate in excess of $12,500 per annum."

(c) Clause (3) of section 102 (a) of the Federal Employees Pay Act of 1945, as amended, is amended to read as follows:

"(3) heads of departments or of independent establishments or agencies of the Federal Government, including Government-owned or controlled corporations, whose rate of basic compensation exceeds $12,500 per annum."

(d) Notwithstanding the provisions of section 102 (b) of the Federal Employees Pay Act of 1945, as amended, the provisions of section 602 (b) of such act and the provisions of section 4 of the Federal Employees Pay Act of 1946 shall apply to the rates of basic compensation of the members of the Tennessee Valley Authority and the chairman of the Advisory Board of the Inland Waterways Corporation.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from California.

Mr. FERGUSON. Mr. President, I wish to say just a word on this matter. This bill was placed on the calendar July 22, 1946. While I believe that many of our public servants are underpaid, and that it would be better for the Government to pay them higher salaries, thereby not only obtaining better men, but better service, I feel that this is no way to legislate. In the closing days of the session an amendment is proposed which would increase the salaries of some 700 employees, without any discrimination. It may be true that the matter has been before the committee, but the amendment was not attached to the bill as it was reported. Senators who have seen fit to be away temporarily, who have been given permission to leave for a few days, when they return will find that an amendment has been attached to the bill which involves a great amount to the Government, and a considerable increase in the salaries of those who would be affected. In my opinion it is not the way to legislate in the closing hours of the session. For that reason, Mr. President, I shall object.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. DOWNEY. Mr. President, I do not think the objection of the Senator goes to the bill itself.

Mr. FERGUSON. No; merely to the amendment. The committee had an opportunity to study the bill, and I have no objection to the bill, but I do object to the amendment.

The PRESIDENT pro tempore. Does the Senator from California withdraw the amendment?

Mr. DOWNEY. Yes; I withdraw the amendment on objection being heard, and I ask for action on the bill.

Mr. TAFT. Mr. President, I think the salaries of these officials should be raised, but dozens of different kinds of positions are affected. We have fixed certain salaries at from $10,000 to $12,000. In my opinion the proposal deserves more consideration. I think probably some of those who would be affected are entitled to a greater increase and others less. If the amendment is not agreed to, I think a study should be made immediately so that when we return a definite proposal may be made. I agree with the Senator in what he says: I do not like the idea of lump-sum increases for positions of an entirely different character, which have no relationship to each other at all. In some cases we fix $10,000 and in some $12,000, purely hit or miss. Since I have been a Member of the Senate no study has been made as to the proper way of fixing the compensation of officials in the class affected, and I think such a study should be made. I think some action should be taken during the recess to deal with the subject on a more scientific basis.

Mr. FERGUSON. I thank the Senator from Ohio. I think he has touched one weak spot, which I tried to suggest. I am in favor of certain salaries being increased even more than they have been, but I believe the Senate, through a committee, should give a thorough study to this matter, and that there should be no discrimination.

The PRESIDENT pro tempore. The Senator from California withdraws his amendment.

Mr. REVERCOMB. Mr. President, I wish to address a question to the Senator from California. Does the bill he is now asking to have passed deal only with those who work for the Bituminous Coal Commission?

Mr. DOWNEY. Yes.

Mr. REVERCOMB. How many employees would be affected?

Mr. DOWNEY. Less than a hundred.

Mr. REVERCOMB. How large an expenditure will be entailed?

Mr. DOWNEY. Less than $17,000. The bill merely provides an adjustment of accumulated leave to which the employees were entitled but which they did not get.

The PRESIDENT pro tempore. If there be no further amendment to be proposed the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. CORDON. I should like to make an inquiry of the Senator from California with reference to the bill. I endeavored to make the inquiry in adequate time. The Senator from California states that this measure—and it is clear that that statement is correct—applies only to the employees of the Bituminous Coal Commission. Is that due to some peculiar situation whereby only that group of Federal employees who were let out fell into a special category?

Mr. DOWNEY. Yes. I may say they were in a peculiar condition. The agency operating under the Bituminous Coal Act was wound up, so that the employees were unable to take their terminal leave, but worked during the period of time during which it was winding up its business. The general law which gives the right to the employee either to a lump sum payment for his leave or for the leave if he previously could not get it, did not apply to them, and this fairly makes provision for that situation.

Mr. CORDON. So far as the Senator knows, this is the only group in that peculiar position?

Mr. DOWNEY. Yes.

Mr. CORDON. These individuals have not been singled out from others who were in the same position.

Mr. DOWNEY. No.

MR. AND MRS. CONRAD NEWMAN

The bill (H. R. 1788) for the relief of Mr. and Mrs. Conrad Newman was considered, ordered to a third reading, read the third time, and passed.

J. L. HARRIS

The bill (H. R. 2222) for the relief of J. L. Harris was considered, ordered to a third reading, read the third time, and passed.

VIOLA McKINNEY

The bill (H. R. 3833) for the relief of Viola McKinney was considered, ordered to a third reading, read the third time, and passed.

W. C. JONES

The bill (H. R. 2663) for the relief of W. C. Jones was considered, ordered to a third reading, read the third time, and passed.

MARJORIE B. MARABLE

The bill (H. R. 5198) for the relief of Marjorie B. Marable was considered, ordered to a third reading, read the third time, and passed.

CAPITAL OFFICE EQUIPMENT CO.

The bill (H. R. 6248) for the relief of Capital Office Equipment Co. was considered, ordered to a third reading, read the third time, and passed.

DAVID WEISS

The bill (H. R. 5261) for the relief of David Weiss was considered, ordered to a third reading, read the third time, and passed.

EDWARD PITTWOOD

The bill (H. R. 1570) for the relief of Edward Pittwood was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN POSTMASTERS

The bill (H. R. 6642) for the relief of certain postmasters was announced as next in order.

Mr. REVERCOMB. Mr. President, may we have an explanation of that bill?

The PRESIDENT pro tempore. The Senator from Texas [Mr. O'DANIEL], who reported the bill, is not in the Chamber at the moment.

Mr. REVERCOMB. The bill says it is for the relief of certain postmasters. I do not want to object——

The PRESIDENT pro tempore. The clerk will read the bill for the information of the Senate.

The Chief Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to allow credit for payments of per diem made by postmasters acting under direction of the First Assistant Postmaster General to postal employees detailed to postal units at camps, posts, or stations to handle military mail or at civilian plants devoted to war production at rates not to exceed that provided and authorized by the act of December 7, 1945, Public Law 249, the credit to be allowed notwithstanding that the payments were made on orders issued retroactively by the Postmaster General.

Mr. REVERCOMB. Mr. President, it seems to me that the bill is a validation of payments which have been made. I have no objection to it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 6642) for the relief of certain postmasters was considered, ordered to a third reading, read the third time, and passed.

ELMER C. HADLEN

The bill (H. R. 1070) for the relief of Elmer C. Hadlen was considered, ordered to a third reading, read the third time, and passed.

LOYAL F. WILLIS

The bill (H. R. 4406) for the relief of Loyal F. Willis was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF HARRY WRIGHT

The bill (H. R. 4686) for the relief of the estate of Harry Wright was considered, ordered to a third reading, read the third time, and passed.

FRANCESCO D'EMILIO

The bill (H. R. 6307) for the relief of Francesco D'Emilio was considered, ordered to a third reading, read the third time, and passed.

COY C. BROWN

The bill (H. R. 3099) for the relief of Coy C. Brown was considered, ordered to a third reading, read the third time, and passed.

JAMES B. McGOLDRICK

The bill (H. R. 4341) for the relief of James B. McGoldrick was considered, ordered to a third reading, read the third time, and passed.

W. G. MAGRUDER

The bill (H. R. 5368) for the relief of W. G. Magruder was considered, ordered to a third reading, read the third time, and passed.

MARIE GORAK

The bill (H. R. 5414) for the relief of Marie Gorak was considered, ordered to a third reading, read the third time, and passed.

MRS. MARTHA P. MATTHEWS

The bill (S. 2440) for the relief of Mrs. Martha P. Matthews was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to remove from the records of his office the debt which has been raised therein against Mrs. Martha P. Matthews (nee Miss Martha L. Pearson), clerk-typist, Jackson, Tenn., in the sum of $222.80, together with interest thereon from the date of loss of public funds for which she is accountable and which were stolen from the office without her fault between the close of business Saturday, February 5, 1944, and the opening of business Monday, February 7, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

EDGAR F. RUSSELL AND OTHERS

The bill (S. 2370) for the relief of Edgar F. Russell; Lillian V. Russell, his wife; and Bessie R. Ward was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edgar F. Russell and Lillian V. Russell, his wife, the sum of $903.25, and to Bessie R. Ward, the sum of $135.75, in full settlement of all claims against the United States for the value of personal property destroyed by fire on June 14, 1944, in a Government building at Hoonah, Alaska: *Provided*, That no part of the amount appropriated in this act for each claim in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

JESSIE WOLFINGTON

The bill (H. R. 5372) for the relief of Jessie Wolfington was considered, or-

dered to a third reading, read the third time, and passed.

CHARLES MARTIN

The bill (H. R. 4375) for the relief of Charles Martin was considered, ordered to a third reading, read the third time, and passed.

JOSEPH MAEZER

The bill (H. R. 5874) for the relief of Joseph Maezer was considered, ordered to a third reading, read the third time, and passed.

BURGESS C. MOORE

The bill (H. R. 3742) for the relief of Burgess C. Moore was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF ESTELLE DANIEL BOYLE, DECEASED, AND E. B. ROSEGARTEN

The bill (H. R. 1351) for the relief of the estate of Estelle Daniel Boyle, deceased, and E. B. Rosegarten was considered, ordered to a third reading, read the third time, and passed.

WILLIAM F. PATCHELL, JR.

The bill (H. R. 3197) for the relief of William F. Patchell, Jr., was considered, ordered to a third reading, read the third time, and passed.

MILTON A. JOHNSON

The bill (H. R. 6593) for the relief of Milton A. Johnson, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

ETHEL GUENTHER

The bill (H. R. 4947) for the relief of Ethel Guenther was considered, ordered to a third reading, read the third time, and passed.

SADIE FREY AND THE ESTATE OF MARIE HVIDING

The bill (H. R. 5725) for the relief of Sadie Frey, and the estate of Marie Hviding, was considered, ordered to a third reading, read the third time, and passed.

FELIX NAPIORKOWSKI

The bill (H. R. 2850) for the relief of Felix Napiorkowski was considered, ordered to a third reading, read the third time, and passed.

WILLIAM TOLAR SMITH

The bill (H. R. 1631) for the relief of William Tolar Smith was considered, ordered to a third reading, read the third time, and passed.

SOUTHEASTERN SAND & GRAVEL CO.

The bill (H. R. 6536) for the relief of Southeastern Sand & Gravel Co. was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

FRANK A. GORMAN

The bill (H. R. 6231) for the relief of Frank A. Gorman was considered, ordered to a third reading, read the third time, and passed.

REGISTRATION FEES FOR NURSES

The bill (S. 2408) to amend the act of February 9, 1907, as amended, with respect to certain fees was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the first sentence of section 4 of the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," as amended (D. C. Code, sec. 2-404), is amended to read as follows:

"SEC. 4. That every nurse desiring to register in the District of Columbia shall make application to the nurses' examining board for examination and registration, and at the time of making such application shall pay to the treasurer of said board $15."

SEC. 2. That the first sentence of section 9 of the act entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," as amended (D. C. Code, sec. 2-408), is amended by substituting, in lieu thereof, the following:

"SEC. 9. That all expenses incident to the execution of the provisions of this act shall be paid from fees collected (a) from schools of nursing, (b) from registration or reregistration of nurses, and (c) from the following services—

"(1) for repeat examinations of nurses;

"(2) for the evaluation of each high-school record of a candidate for admission to a school of nursing;

"(3) for verification of records;

"(4) for a duplicate certificate of registration upon proof acceptable to the nurses' examining board that the original certificate has been lost or destroyed;

"(5) for duplicate annual registration cards;

"(6) for mailing a certificate of registration a second time if no notification of change of address has been made; and

"(7) for proctoring examination for out-of-State applicants when the examination is held at a time other than the regular examination of the District of Columbia.

The fees referred to in clause (c) shall be reasonable fees fixed by the nurses' examining board, subject to the approval of the Commissioners of the District of Columbia."

VOTES BY PROXY OR BY MAIL IN THE CASE OF CERTAIN DISTRICT OF COLUMBIA ASSOCIATIONS

The bill (H. R. 5970) to permit the members and stockholders of charitable, educational, and religious associations incorporated in the District of Columbia to vote by proxy or by mail was considered, ordered to a third reading, read the third time, and passed.

APPOINTMENT OF THREE ADDITIONAL DEPUTIES FOR THE REGISTER OF WILLS

The bill (H. R. 6859) to amend section 121 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended, to authorize the appointment of three additional deputies for the register of wills was considered, ordered to a third reading, read the third time, and passed.

PREVENTION AND CONTROL OF SPREAD OF COMMUNICABLE DISEASES

The Senate proceeded to consider the bill (H. R. 4410) to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939.

Mr. WILEY. Mr. President, I send to the desk an amendment to the bill which I ask to have stated. I will say that the chairman of the Committee on the District of Columbia has approved the amendment. I offer the amendment at the request of the Senator from Maine [Mr. BREWSTER], who is not present. I also ask that there be printed in the RECORD a letter from the First Church of Christ, Scientist, in Boston, Mass., which explains the amendment.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

THE FIRST CHURCH OF CHRIST, SCIENTIST,
Boston, Mass., July 19, 1946.

Hon. THEODORE G. BILBO,
Chairman, Senate Committee on the District of Columbia, United States Senate, Washington, D. C.

DEAR SENATOR BILBO: This has reference to S. 1008, to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939.

Although we appreciate the worthy purposes of the bill, we believe that without a proper amendment, it will unintentionally violate the right of religious freedom, as provided in the first article of the Bill of Rights of the Constitution of the United States. We, therefore, wish to offer an amendment which will in a simple way avoid a possible constitutional defect which might adversely affect the entire statute.

In the practice of their religion, Christian Scientists rely entirely upon prayer or spiritual means in dealing with human ailments. This fact is recognized by the statutes of most of the States of the Union, in particular by the Healing Arts Practice Act, District of Columbia, 1928, which reads as follows:

"The provisions of this act shall not be construed to apply * * * to persons treating human ailments by prayer or spiritual means, as an exercise or enjoyment of religious freedom: *Provided*, That the laws, rules, and regulations relating to communicable diseases and sanitary matters are not violated."

The bill (S. 1008) provides that any person believed upon "probable cause" to be affected by communicable disease may be removed by order of the health officer to such place or institution as he may designate. If a Christian Scientist were removed under the powers of this bill to a hospital or institution where there would be medical observation and supervision, it would nullify his right to be treated by prayer or spiritual means. In Christian Science, any mixing of medical or material means, including medical supervision or observation with Christian Science methods, tends to lower the effectiveness of treatment by prayer or spiritual means and even make it entirely ineffective. For this reason, to place a Christian Scientist in any type of medical institution would deprive him of the right of the free exercise of his religion. To avoid this situation, it is thought that your honorable committee will agree that the bill should be changed. We therefore propose that a new section be inserted on page 10 to follow section 10 to read as follows:

"With respect to all persons who, either on behalf of themselves or their minor children or wards, rely in good faith upon spiritual means or prayer in the free exercise of religion to prevent or cure disease, nothing in this act shall have the effect of requiring or giving any health officer or other person the right to compel any such person, minor child or ward, to go to or be confined in a hospital or other medical institution unless no other place for quarantine of such person, minor child or ward can be secured, nor

to compel any such person, child or ward to submit to any medical treatment."

There are a number of precedents for the foregoing type of amendment. As an example, we would cite a paragraph from the regulations of the Indiana State Board of Health, Division of Communicable Disease Control, unanimously adopted on December 13, 1945:

"Exceptions in cases of persons having certain religious beliefs: With respect to all persons who either on behalf of themselves or their minor children or wards, rely in good faith upon spiritual means or prayer to prevent or cure disease or suffering, the following provisions shall apply: Nothing in any of the regulations of the State board of health shall have the effect of requiring or giving any health officer or other person the right to compel any such person, minor child or ward, to go to or be confined in a hospital or other medical institution, unless no other place for quarantine of such person, minor child or ward, can be secured; nor to compel any such person, child or ward to submit to any immunization; nor to compel any such person, child or ward to submit to any medical treatment; nor shall any such person, child or ward be compelled to submit to any medical test or examination except in the case of statutory requirements, and except in the case of nose and throat cultures for cases or carriers of diphtheria and stool and urine analyses for cases of carriers of typhoid fever, paratyphoid fever, or dysentery which are necessary to determine the eligibility for release from quarantine. Nothing contained in this regulation shall be construed to abridge the powers of the State or any local board of health or other public-health authority to establish quarantine, as provided by law, for the purpose of preventing the spread of communicable disease" (Regulation HCD 54).

The whole objective of our proposed amendment is not to escape the reporting of communicable disease, isolation and quarantine, as prescribed by the health regulations, but to provide for isolation in a home or suitable place other than a hospital or medically operated institution, and to avoid any compulsory medical treatment. Christian Scientists of the District of Columbia, as elsewhere, accept and strictly comply with the requirements of the law and the regulations of health officers. Compliance with these regulations is enjoined upon them through a pamphlet of instructions, issued sometime since, of which the health officer of the District of Columbia has a copy. We do, however, object and protest against being subject to arrest and imprisonment in such a manner that the treating of disease by prayer or spiritual means is interfered with and an essential element of the free exercise of our religion restricted or made void.

In addition, the bill in its present form might be considered unconstitutional for other reasons, namely, denial to the citizen of due process of law, and delegation of legislative power whereby the Commissioners of the District of Columbia legislate the cause or basis of the arrest and detention of the citizen.

Sincerely yours,

ARTHUR J. TODD,
Manager, Washington, D. C., Office.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 10, between lines 22 and 23, it is proposed to insert a new section, as follows:

SEC. 11. With respect to all persons who, either on behalf of themselves or their minor children or wards, rely in good faith upon spiritual means or prayer in the free exercise of religion to prevent or cure disease, nothing in this act shall have the effect of requiring or giving any health officer or other person the right to compel any such person, minor child, or ward, to go to or be confined in a hospital, or other medical institution unless no other place for quarantine of such person, minor child, or ward can be secured, nor to compel any such person, child, or ward to submit to any medical treatment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DESIGNATION OF THE CHARLES A. LANGLEY BRIDGE

The bill (H. R. 5928) to name the bridge located on New Hampshire Avenue, Washington, D. C., over the Baltimore & Ohio Railroad tracks the Charles A. Langley Bridge was considered, ordered to a third reading, read the third time, and passed.

INCREASE IN PENSIONS TO CERTAIN MEMBERS OF THE REGULAR ARMY, NAVY, MARINE CORPS, AND COAST GUARD

The bill (H. R. 3908) to provide increased pensions to members of the Regular Army, Navy, Marine Corps, and Coast Guard who became disabled by reason of their services therein during other than a period of war was announced as next in order.

Mr. REVERCOMB. Mr. President, that bill appears to provide an increase in pensions in the Regular Army, the Navy, Marine Corps, and Coast Guard. I should like to have an explanation of the bill, and to find where it fits into the general plan of disability benefits paid under the present law.

Mr. TUNNELL. The bill provides for increased pensions to members of the Regular Army, Navy, Marine Corps, and Coast Guard who became disabled by reason of their services during other than a period of war.

Mr. REVERCOMB. And what is the extent of the increase, may I ask the Senator?

Mr. TUNNELL. They receive 75 percent of the wartime rates for injury now, and the bill raises that to 90 percent. The bill has the endorsement of the Secretary of War. The committee has submitted a report on the measure, if the Senator would like to have it read.

Mr. REVERCOMB. The whole purpose is to increase the percentage of payment?

Mr. TUNNELL. Yes. The bill increases the percentage of payment to those who are injured in service during other than a period of war to 90 percent, instead of 75 percent.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 3908) was considered, ordered to a third reading, read the third time, and passed.

INCREASED SERVICE PENSIONS IN CERTAIN SPANISH-AMERICAN WAR CASES

The bill (H. R. 6900) to grant increased service pensions in certain Spanish-American war cases not included in recent legislation providing increases to other Spanish-American War veterans and their dependents, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

SIMON FERMIN IBARRA

The bill (S. 1993) for the relief of Simon Fermin Ibarra was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws Simon Fermin Ibarra, of Twin Falls, Idaho, shall be held and considered to have lawfully entered the United States for permanent residence on March 14, 1940, the date of his actual entry into the United States, upon the payment by him of the visa fee of $10 and the read tax of $8; and the Attorney General is authorized and directed to discontinue any deportation proceedings which may have been commenced in the case of Simon Fermin Ibarra upon the ground of unlawful residence in the United States.

SEC. 2. Upon the enactment of this act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available Spanish immigration quota.

RELIEF OF CERTAIN BASQUE ALIENS

The Senate proceeded to consider the bill (H. R. 1402) for the relief of certain Basque aliens, which had been reported from the Committee on Immigration, with an amendment, on page 1, line 8, after the name "Mendiola", to insert "Juan Pedro Eguibegui (alias Raymond Etchevers), Miguel Iriarte."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PEDRO UGALDE

The bill (S. 1992) for the relief of Pedro Ugalde was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws Pedro Ugalde, of Twin Falls, Idaho, shall be held and considered to have lawfully entered the United States for permanent residence on May 18, 1940, the date of his actual entry into the United States, upon payment by him of the visa fee of $10 and the head tax of $8, and the Attorney General is authorized and directed to discontinue any deportation proceedings which may have been commenced in the case of Pedro Ugalde upon the ground of unlawful residence in the United States.

SEC. 2. Upon the enactment of this act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available Spanish immigration quota.

BILL PASSED OVER

The bill (H. R. 6035) to provide that there shall be no liability for acts done or omitted in accordance with regulations of the Director of Selective Service, and for other purposes, was announced as next in order.

Mr. MURRAY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

ROBERT E. LAURITZEN

The bill (S. 1931) for the relief of Robert E. Lauritzen was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed (1) to make such additions to the War Department records relating to Robert E. Lauritzen, of Pacific Grove, Calif., as may be necessary in order that such records will reflect the fact that the said Robert E. Lauritzen was not guilty of the offense which he was charged with having committed while serving as a master sergeant, Eight Hundred and Fifty-third Bombardment Squardon, Four Hundred and Ninety-first Bombardment Group (H), Army Air Forces, and for which he was convicted on November 17, 1944, by an Army special court martial, upon testimony later determined to have been perjured, and (2) to pay to the said Robert E. Lauritzen, out of any funds available for the pay of the Army, the sum of $1,017.60, in full satisfaction of his claim against the United States for reimbursement of amounts paid as fines, and for losses of Army pay resulting from his reduction to the grade of private, pursuant to the sentence of such court martial.

PRESERVATION OF RECORDS OF DOMESTIC SOURCES OF ORE

The bill (H. R. 4562) to insure the preservation of technical and economic records of domestic sources of ores of metals and minerals was announced as next in order.

Mr. REVERCOMB. Mr. President, will some Senator advise us of the purpose of the bill?

Mr. HAYDEN. Mr. President, this is a bill identical with one which passed the Senate in the last Congress. The House passed the same bill in the present session of Congress. The Senator will remember that after the last war there had to be disposed of many claims for relief of persons who produced various kinds of minerals, and a great deal of difficulty was encountered. In this war the Government spent many millions of dollars investigating various mineral deposits throughout the United States. The bill provides that the records which were made during the war with respect to mining operations undertaken because of the war be consolidated in the Bureau of Mines, with copies to be filed in the National Archives so that there will be a complete record.

Mr. REED. As I understand, the bill does not call for any considerable expense. It merely provides for gathering records in the Bureau of Mines and preserving them for further use. I have no objection to the bill.

Mr. REVERCOMB. The Senator has cleared up my difficulty. As I understand, no considerable expenditure is involved?

Mr. HAYDEN. No. The purpose of the bill is only to gather records and keep them in the proper office.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 4562) to insure the preservation of technical and economic records of domestic sources of ores of metals and minerals was considered, ordered to a third reading, read the third time, and passed.

MR. AND MRS. ANDREW EVANS

The bill (S. 1969) for the relief of Mr. and Mrs. Andrew Evans was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, (1) to Andrew Evans, of Athens, Ga., the sum of $556, in full satisfaction of his claim against the United States for compensation for loss of earnings and loss of use of automobile sustained by him, and for reimbursement of medical and other expenses incurred by him, as a result of an accident which occurred when the automobile which he was driving was struck by a United States Navy vehicle, at the corner of Milledge Avenue and Broad Street, in Athens, Ga., on January 14, 1945; and (2) to Mrs. Andrew Evans, of Athens, Ga., the sum of $305.25, in full satisfaction of her claim against the United States for compensation for loss of earnings and for reimbursement of medical and other expenses incurred by her as a result of such accident: *Provided*, That no part of the amounts appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MRS. IDA ELMA FRANKLIN

The Senate proceeded to consider the bill (S. 1911) for the relief of Mrs. Ida Elma Franklin, which had been reported from the Committee on Claims with amendments, on page 1, after the words "satisfaction of", to strike out "her claim" and insert in lieu thereof "all claims"; and on page 2, line 3, after the word "Avenue", to strike out "Phoenix" and insert in lieu thereof "Tucson", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Ida Elma Franklin, of Phoenix, Ariz., the sum of $2,500, in full satisfaction of all claims against the United States for compensation for personal injuries sustained by her and for reimbursement of hospital, medical, and other expenses incurred by her, as a result of an accident which occurred when she was struck by a United States Government vehicle, driven by an employee of the Department of Agriculture, on North Stone Avenue, Tucson, Ariz., on November 3, 1944: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to each of the following bills of the House:

H. R. 4497. An act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes; and

H. R. 5991. An act to simplify and improve credit services to farmers and promote farm ownership by abolishing certain agricultural lending agencies and functions, by transferring assets to the Farmers' Home Corporation, by enlarging the powers of the Farmers' Home Corporation, by authorizing Government insurance of loans to farmers, by creating preferences for loan and insured mortgages to enable veterans to acquire farms, by providing additional specific authority and directions with respect to the liquidation of resettlement projects and rural rehabilitation projects for resettlement purposes, and for other purposes.

T. H. ALLEN AND OTHERS

The Senate proceeded to consider the bill (S. 1341) for the relief of T. H. Allen and others, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "appropriated, to," to strike out "T. H. Allen the sum of $197; to W. Badorek the sum of $2,667; to Stella Branden the sum of $59.50; to California Oregon Power Co. the sum of $22.77; to George E. Campbell, by Joseph Myerscough, agent, the sum of $306; to Joseph Myerscough the sum of $98; to E. M. Carlson the sum of $569.50; to W. A. Chambers the sum of $725; to Italia Conti the sum of $31.50; to Edgar Cummings the sum of $270.50; to O. D. Ellis the sum of $244; to Steven B. Hoage the sum of $220; to Home Lumber & Supply Co. the sum of $495.45; to Ernest T. Hondrick the sum of $220; to F. E. Jiggar the sum of $696.50; to Myrtle D. Kester the sum of $167.50; to Klamath County Road Department the sum of $932.95; to Newton Webb and wife, by Ivy R. Koenig, agent, the sum of $283.75; to Lillian K. Mingo the sum of $664; to G. C. Motley the sum of $679.25; to Northwestern Theaters Co., by Lloyd R. Lamb, agent, the sum of $655.33; to Palmerton Lumber Co., Inc., the sum of $548.10; to Maxine Quinowski the sum of $706.50; to Otto Sari the sum of $740; to David and Joan Totton, by Mrs. H. Kranenburg, agent, the sum of $121.50; to Myrtle Rhea the sum of $1,250; to Mrs. Aura B. Ferguson, by Arthur L. Baker, guardian, the sum of $177.58; to Mrs. Ray McBride the sum of $308.04; to A. E. Book the sum of $550; and to Chester H. Hamaker the sum of $24.50, in full satisfaction of their respective claims, for compensation for damages sustained by them" and insert "to persons who have heretofore filed with the Department of the Interior or who shall within 90 days from the date of approval of this act file with the Department of the Interior, claims for damage sustained by reason of the canal break hereinafter described, such sums as the Secretary of the Interior shall certify are adequate to compensate such persons for damage so incurred. Payments so made shall be in full satisfaction of claims for compensation for damages sustained by such persons" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay,

out of any money in the Treasury not otherwise appropriated, to persons who have heretofore filed with the Department of the Interior, or who shall within 90 days from the date of approval of this act file with the Department of the Interior, claims for damage sustained by reason of the canal break hereinafter described, such sums as the Secretary of the Interior shall certify are adequate to compensate such persons for damage so incurred. Payments so made shall be in full satisfaction of claims for compensation for damages sustained by such persons as a result of the flooding of their property after a break in the main canal of the Bureau of Reclamation's Klamath Falls project, one-half mile east of the city limits of Klamath Falls, Oreg.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with the claims of said persons. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act with respect to any claim, in excess of 10 percent thereof, on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Ay person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. IRMA M. PIERCE

The Senate proceeded to consider the bill (S. 2117) for the relief of Mrs. Irma M. Pierce and Charles Z. Pierce, which had been reported from the Committee on Claims with an amendment, on page 1, at the beginning of line 5, to strike out "appropriated, (1) to Mrs. Irma M. Pierce, of Tampa, Fla., the sum of $2,500, in full satisfaction of her claim against the United States for compensation for personal injuries sustained by her and for reimbursement of hospital, medical, and other expenses incurred by her as a result of an accident which occurred when the automobile in which she was riding was struck by a United States Army vehicle in Ellenton, Fla., on March 12, 1944; and (2) to Charles Z. Pierce, of Tampa, Fla., the sum of $490.40, in full satisfaction of his claim against the United States for compensation for property damage sustained by him and for reimbursement of hospital, medical, and other expenses incurred by him as a result of such accident" and insert "appropriated, to Mrs. Irma M. Pierce, of Tampa, Fla., the sum of $2,500, in full settlement of all claims of the said Mrs. Irma M. Pierce against the United States for damages sustained by her as a result of a collision between the automobile in which she was riding and a United States Army vehicle which occurred in Ellenton, Fla., on March 12, 1944," so as to make the bill read:

Be it enacted etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Irma M. Pierce, of Tampa, Fla., the sum of $2,500, in full settlement of all claims of the said Mrs. Irma M. Pierce against the United States for damages sustained by her as a result of a collision between the automobile in which she was riding and a United States Army vehicle which occurred in Ellenton, Fla., on March 12, 1944: *Provided*, That no part of the amounts appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mrs. Irma M. Pierce."

CLAIMS OF ALGERNON BLAIR, ET AL.

The bill (H. R. 2161) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Algernon Blair, his heirs or personal representatives, against the United States was considered, ordered to a third reading, read the third time, and passed.

EASTERN CONTRACTING CO., INC.

The bill (H. R. 1088) for the relief of the Eastern Contracting Co., Inc., was considered, ordered to a third reading, read the third time, and passed.

COAST GUARD SITES AT FORT LAUDERDALE, FLA.

The Senate proceeded to consider the bill (S. 2419) relating to the authority of the Secretary of the Treasury to exchange sites at Fort Lauderdale, Broward County, Fla., for Coast Guard purposes, which had been reported from the Committee on Public Buildings and Grounds, with an amendment, to strike out all after the enacting clause and insert:

That the act of April 6, 1938 (52 Stat. 201), as amended by the act of July 9, 1941 (55 Stat. 580), is hereby further amended by adding a new section thereto reading as follows:

"SEC. 3. In addition to the authority granted by this act to exchange the existing Coast Guard site (commonly known as the Base Six property) located at Fort Lauderdale, Broward County, in the State of Florida, the Secretary of the Treasury is authorized to sell and convey said property to the municipality of Fort Lauderdale, Broward County, Fla., at not less than its fair market value, as determined by the Board of Coast Guard officers referred to in section 1 hereof, and to devote the proceeds thereof, which proceeds are hereby appropriated, to the same purposes for which such property may be exchanged under the provisions of this act: *Provided*, That the municipality of Fort Lauderdale shall consummate such purchase not less than 6 months after the property is offered to said municipality for sale."

Mr. ANDREWS. Mr. President, to the committee amendment I offer the amendment which I send to the desk and ask to have stated. It is a clarifying amendment.

The PRESIDENT pro tempore. The amendment offered by the Senator from Florida will be stated.

The CHIEF CLERK. On page 3, line 11, after the word "thereof" in the committee amendment, it is proposed to strike out "which proceeds are hereby appropriated."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Florida to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend further the act of April 6, 1938, as amended by the act of July 9, 1941, entitled 'An act authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes.'"

OFFICE OF UNDER SECRETARY OF STATE FOR ECONOMIC AFFAIRS

The bill (H. R. 6646) to establish the Office of Under Secretary of State for Economic Affairs was considered, ordered to a third reading, read the third time, and passed.

NATIONAL WOMAN'S RELIEF CORPS, AUXILIARY TO THE GRAND ARMY OF THE REPUBLIC

The Senate proceeded to consider the bill (S. 1650) to provide for the incorporation of the National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, organized 1883, 62 years old, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That the following persons, to wit: Ellemore M. Zeller, 2629 Southeast Salmon Street, Portland 15, Oreg.; Grace O'Brien, 213 West Seventh Street, Huntington, W. Va.; Nell P. Webster, 319 Grant Street, Dennison, Ohio; Cora M. Davis, 326 Southeast Yamhill Street, Portland 15, Oreg.; Katherine Antrim, 629 South Seventh Street, Springfield, Ill.; Fern Jordan Long, 224 North Third Street, Arkansas City, Kans.; Harriette C. McCollough, 1335 York Street, Des Moines, Iowa; Laura I. Smith, 28 Prairie Avenue, Providence 5, R. I.; Bessie M. Cummings, rural free delivery 5, Pennacook, Webster, N. H.; Lizetta Coady, 2579 Field Avenue, Detroit, Mich.; Alice F. Larson, 510 Seventh Street, Minot, N. Dak.; Grayce L. Vedetta, 1833 East Thirty-eighth Street, Brooklyn, N. Y.; Lena Brucken, 643 Kinder Street, Richland Center, Wis.; Eleanor Stables, 12160 Broadstreet Boulevard, Detroit 4, Mich.; Laura Keller, box 2048, Great Falls, Mont.; Sallie Mae Cartmill, 628 South Thirty-fifth Street, Louisville, Ky.; Eugenia Bergen, 114 Oakwood Avenue, Cliffside Park, N. J.; Tillie Oken, 712 North Thirty-fourth Street, Seattle 3, Wash.; Mary J. Love, 2206 Alta Avenue, Louisville, Ky.; Mary E. Curtis, 188 Oakland Beach Avenue, Oakland Beach, R. I.; Moree Buckles McElroy, 1412 Sixteenth Street Northwest, Washington, D. C.; and such persons who are members of the National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic (a corporation not for pecuniary profit) formed pursuant to the general laws of the State of Illinois, and their successors, are hereby created and declared to be a body corporate by the name National Women's Relief Corps, Auxiliary to the Grand Army of the Republic, and by such name shall be known and have perpetual succession of the powers, limitations, and restrictions herein contained.

SEC. 2. The qualifications for membership in such corporation shall be loyal women,

such as are fixed by the constitution and bylaws adopted by the governing body thereof.

SEC. 3. The objects and purposes of the corporation shall be: To especially aid and assist the Grand Army of the Republic and veterans of all wars of the United States of America to perpetuate the memory of their heroic dead; to assist such veterans of all wars and such widows and orphans of veterans of all wars as need help and protection, to find them homes and employment, and assure them of sympathy and friends; to cherish and emulate the deeds of Army nurses and of all loyal women who rendered service to the United States during her hour of peril; to maintain true allegiance to the United States of America; to inculcate lessons of patriotism and love of country among the children and in the communities of the United States; and to encourage the spread of universal liberty.

SEC. 4. The corporation shall have perpetual succession and the following powers: To sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt and alter a constitution and bylaws not inconsistent with the laws of the United States or of any State; to use in carrying out the purposes of the corporation such emblems and badges as it may adopt; to establish State and Territorial organizations and local chapter or post organizations; to publish a magazine or other publications; and to do any and all acts and things necessary and proper in carrying into effect the purposes of the corporation, and for such purpose shall have, in addition to the foregoing, the rights, powers, duties, and liabilities of the existing corporation so far as they are not modified or superseded by this act.

SEC. 5. (a) No part of the activities of the corporation shall consist of carrying on propaganda.

(b) The corporation, and its officers and the members of its executive board or board of directors as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

(c) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers, or be distributable thereto.

(d) The first executive board or board of directors shall consist of 21 members, who shall be the incorporators named in section 1 of this act.

(e) The headquarters office and principal place of business of said corporation shall be located in Springfield, Ill., but the activities of such corporation, as set out herein, may be conducted throughout the various States, Territories, and possessions of the United States.

SEC. 6. Each member of the corporation shall have the right to one vote in the conduct of official business at the post level. Each post shall have the right to elect delegates to national conventions of the corporation, which delegates shall each exercise one vote in the conduct of business of the respective convention to which he is elected.

SEC. 7. The corporation may acquire all of the assets of the existing Illinois corporation of the same name upon discharge or satisfactory provisions for the discharge of all liabilities of such Illinois corporation and upon satisfactory assurances that such Illinois corporation will thereupon be dissolved.

SEC. 8. The corporation and its State and Territorial organizations and local chapter or post organizations shall have the sole and exclusive right to have and to use the name "National Women's Relief Corps, Auxiliary to the Grand Army of the Republic."

SEC. 9. In the event of a final dissolution or liquidation of the corporation, and after the discharge or satisfactory provisions for the discharge of all its liabilities, the remaining assets of the corporation shall be transferred to the Grand Army of the Republic or to such other patriotic order or orders, having similar purposes, as may have been designated by majority vote of authorized delegates of the corporation in national convention assembled.

SEC. 10. The corporation shall be liable for the acts of its officials, representatives, and agents when acting within the scope of their authority.

SEC. 11. The corporation shall maintain in the District of Columbia at all times a designated agent authorized to accept service of process for such corporation; and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

SEC. 12. The corporation shall keep correct and complete books and records of accounts and shall also keep minutes of the proceedings of its members, executive committee, and committees having any of the authority of the executive committees; and shall keep at its registered office or principal office a record giving the names and addresses of its members entitled to vote; and shall permit all books and records of the corporation to be inspected by any member or his agent or his attorney for any proper purpose at any reasonable time.

SEC. 13. The corporation shall not have or issue shares of stock, nor declare or pay dividends.

SEC. 14. No loan shall be made by the corporation to its officers or directors, or any of them, and any directors of the corporation who vote for or assent to the making of a loan or advance to an officer or director of a corporation, and any officer or officers participating in the making of any such loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

SEC. 15. (a) The financial transactions of the corporation may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositors, fiscal agents, and custodians.

(b) The corporation shall reimburse the General Accounting Office for the full cost of any such audit of the financial transactions of such corporation as billed therefor by the Comptroller General.

SEC. 16. As a condition precedent to the exercise of any power or privilege herein granted or conferred the National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, shall serve notice on the secretary of state, in each State, of the name and address of an authorized agent in such State upon whom legal process or demands against the corporation may be served.

SEC. 17. For the purposes of court jurisdiction based upon diversity of citizenship the corporation shall be deemed to be a citizen of Illinois.

SEC. 18. The right to repeal, alter, or amend this act at any time is hereby expressly reserved.

SEC. 19. The officers of the corporation shall be as follows: President, Ellenore M. Zeller, 2629 Southeast Salmon Street, Portland 15, Oreg.; secretary, Cora M. Davis, 3206 Southeast Yamhill Street, Portland 15, Oreg.; treasurer, Katherine Antrim, 629 South Seventh Street, Springfield, Ill. These officers shall hold their respective offices until new officers are elected. The election of new officers and the election of all officers hereafter shall be by a majority vote of the duly authorized delegates of the corporation in national convention assembled.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EVACUATION CLAIMS COMMISSION—BILL PASSED OVER

The bill (S. 2127) to create an Evacuation Claims Commission under the general supervision of the Secretary of the Interior, and to provide for the powers, duties, and functions thereof, and for other purposes, was announced as next in order.

Mr. LANGER. Mr. President, let the bill go over.

Mr. CORDON. Mr. President——

Mr. McCARRAN. Mr. President, does the Senator care to withhold his objection?

Mr. CORDON. I made no objection.

Mr. LANGER. I made the objection.

Mr. CORDON. I was about to ask for an explanation.

Mr. McCARRAN. I wonder if the Senator from North Dakota would care to hear an explanation.

Mr. LANGER. I have no objection to the bill if the words "of Japanese ancestry" are stricken. I will not vote for a bill to prefer the Japanese over every other nationality.

Mr. McCARRAN. This bill does not discriminate. It simply deals with the Japanese who were taken into custody at the time of the outbreak of the war. They were American citizens who lived in certain States in the West, and it is now sought to restore them to their homes.

Mr. LANGER. I shall object temporarily at least.

The PRESIDENT pro tempore. The bill will be passed over.

REESTABLISHMENT OF OFFICES OF REGISTERS OF LAND OFFICES, ETC.

The Senate proceeded to consider the bill (S. 2442) to supersede the provisions of Reorganization Plan No. 3 of 1946 by reestablishing the offices of registers of land offices, and providing for appointment of the Director and Associate Director of the Bureau of Land Management, and for other purposes, which had been reported from the Committee on the Judiciary with amendments, on page 2, line 21, after the words "the rate of", to strike out "$12,000" and insert "$10,000"; and at the beginning of line 23, to strike out "$10,000" and insert in lieu thereof "$9,000", so as to make the bill read:

Be it enacted, etc., That notwithstanding the provisions of section 403 of Reorganization Plan No. 3 of 1946—

(a) That offices of all registers of the district land offices, abolished by subsection 403 (d) of such plan, are hereby reestablished, subject to all provisions of law applicable thereto prior to the effective date of such plan: *Provided*, That registers of all land offices shall hereafter be under the Bureau of Land Management of the Department of the Interior: *Provided further*, That any register

of a land office duly commissioned and serving at the time the offices of all registers of the district land offices were abolished by subsection 403 (d) of Reorganization Plan No. 3 of 1946 shall continue in office as the register of such land office, under this act, in the same manner and for the same period as if appointed by the President, with the advice and consent of the Senate, on July 15, 1946, for a term expiring upon the date on which the commission held by such register on July 15, 1946, would have expired if Reorganization Plan No. 3 of 1946 had not become effective; and a new commission shall be issued to such register in accordance with the provisions of this subsection.

(b) The Director of the Bureau of Land Management of the Department of the Interior, and the Associate Director of such Bureau, shall be appointed by the President, with the advice and consent of the Senate. Such Director shall receive a salary at the rate of $10,000 per year; and such Associate Director shall receive a salary at the rate of $9,000 per year.

(c) The Director of the Bureau of Land Management shall perform, under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of land, and the issuing of patents for all grants of land under the authority of the Government; together with such other and further duties as the Secretary of the Interior shall designate.

(d) The Associate Director of the Bureau of Land Management shall be authorized to sign such letters, papers, and documents, and to perform such other duties as may be directed by the Director, and shall act as Director in the absence of that officer, or in case of a vacancy in the office of Director. The Associate Director shall also perform such other and further duties as the Secretary of the Interior shall designate.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALASKAN INTERNATIONAL HIGHWAY COMMISSION—BILL PASSED OVER

The bill (H. R. 2871) to create a commission to be known as the Alaskan International Highway Commission was announced as next in order.

Mr. MAGNUSON. Mr. President, I shall ask that the bill be passed over, but I should like to make a brief explanation.

In 1938 the Congress, on the basis of a bill which I introduced in the House, created the Alaskan International Highway Commission, to study all phases of the highway to Alaska. That Commission, of which I had the honor to be chairman, was in existence for about 7½ years. We made several reports and surveys, and held many meetings with a similar commission appointed by the Canadian Government. Although I do not disagree with the basic purposes of the bill, it seems to me that there is no further need for an Alaskan International Highway Commission. The files are filled with reports. As I have pointed out, I do not object to the basic principles of the bill, but it seems to me that there is no need at this time for a further continuation of the International Alaskan Highway Commission. I voluntarily allowed the Commission to lapse last year. All that remains to be done in connection with the Alaskan highway is for the Canadian Government to act. There are sufficient facts available. The Senator from Montana [Mr. MURRAY] is vitally interested in this subject.

Mr. MURRAY. Mr. President, my understanding is that the Canadian Government is providing a Commission of this kind and that it is desirous of having a commission from the United States to join in studying the problem, with the idea of providing funds to carry out its share of the program.

Mr. MAGNUSON. In 1938, after the American Commission had been appointed, the Canadian Government appointed a like commission. The Canadians have allowed that commission to lapse, as our commission has been allowed to lapse. I believe that the Canadian Government is now willing to appoint direct representatives from the Department of External Affairs. The Secretary of State and the President of the United States are very familiar with the situation, and they are willing to appoint American representatives. I know how deeply interested the Senator from Montana has been in this question.

Mr. MURRAY. The Senator from Washington has been giving very careful study to this problem. Of course he has been familiar with it from its inception. I am perfectly willing that the bill should go over, but I wished to have the Senator from Washington explain the situation.

Mr. MAGNUSON. Since the creation of the first commission, of course, the military highway has been built. We on the west coast are anxious to have a connecting link with it. There are a great number of problems. Until Canada indicates that she is willing to do something in this connection, there is not much more to do.

The Governor of Alaska and I went to Ottawa about 90 days ago and had a conference with the Canadian Cabinet on this question. At that time we were told that the Canadian Government did not have the funds, and that it was obligated to maintain, if possible, the present military highway. They indicated that this was probably not the time to discuss the question. We made the plea that we would like to have some of the preliminaries out of the way and lay out a blueprint for the construction of connecting links, and further construction into the State of the Senator from Montana of major highways connecting with the military highway, if and when the Canadians are ready to join with us in an allocation of funds. It is a project which should be begun shortly. Upon my recommendation to the State Department, and upon Canada's acceptance regarding representatives to discuss the question further, I hope that I can prevail upon the Department to have the distinguished Senator from Montana appointed as one of our representatives, because he has shown a great deal of interest in the matter.

Mr. President, I ask that the bill be passed over.

Mr. MURRAY. Mr. President, the military highway is now completed. As the Senator points out, the State of Washington and my State are desirous of having connecting links with it. I believe that it is of very great importance to the country that the road system be completed and placed in working order, because of the part it will play in national defense, and also in the development of trade relations between the two countries.

Mr. MAGNUSON. It is important that as soon as possible connecting links be built to furnish adequate highways from the present military highway to the State of Montana and eastern Washington. We have high hope that next year we can accomplish the job. In the meantime, we have all the engineering data. We have files and reports. We have held literally scores of conferences on the subject. I am hoping that next year the Dominion Government will see fit to join with us in finishing this great international highway system, which will give us a connecting link not only from the United States to Alaska, but, without any stretch of the imagination, the day is not far distant when a tunnel can be constructed under the Bering Sea and one can drive from this country to Asia.

The PRESIDENT pro tempore. The bill will be passed over.

EVACUATION CLAIMS COMMISSION

Mr. McCARRAN. Mr. President, I ask unanimous consent to revert to Senate bill 2127, Calendar 1864, which was passed over temporarily on objection by the Senator from North Dakota [Mr. LANGER].

The PRESIDENT pro tempore. Is there objection?

Mr. McCARRAN. Mr. President, I accept the amendments proposed to be offered by the Senator from North Dakota.

Mr. LANGER. Mr. President, in view of the acceptance of the amendments, I withdraw objection.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection the Senate proceeded to consider the bill.

Mr. FERGUSON. Mr. President, as a member of the Judiciary Committee, I do not feel that this bill has received adequate attention, in that when it came before the committee no hearings were held upon it by the subcommittee.

Under this bill we would transfer to the Interior Department the right to hear any and all claims for any damages up to $2,500, arising under certain circumstances. We would create as to the very agency which was responsible for the removal of those people into the camps and concentration areas, the right to award any compensation desired, up to $2,500. I do not feel that we have given this question proper attention.

Some day I think we shall have to provide compensation for all the wrongs that have been done to these people. But I think it should be done not through the Interior Department, but through the Court of Claims, so that the same persons who were responsible for the removal of these persons would not endeavor to compensate them.

This bill would not affect any places in the United States except the States named. If we are to compensate these

persons for losses, we should do it in an orderly, judicial way, rather than to place the matter in the hands of the Department of the Interior.

For that reason, I am compelled to object.

The PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

Mr. McCARRAN. Mr. President, I should like to say just a word, if the Senator will withdraw his objection for a moment.

Mr. FERGUSON. I shall be glad to withdraw the objection temporarily.

Mr. McCARRAN. Let me emphasize to the Senator the reason why the bill was taken up by the full Judiciary Committee, and let me point out first that we had in attendance at that time a greater number of members of the committee than have been present at the meetings of the committee for a long time. As I started to say, the bill was taken up for the reason that a letter was received from the President of the United States, requesting immediate action on the bill.

As regards the fact that the Interior Department would administer this matter, let me say that the Interior Department had control over the camps where these Japanese people were held during the war, and therefore the Department has still continued to handle the matter and dispose of it.

If that explanation means anything to the Senator from Michigan, I wish he might see fit to let the bill be considered and passed at this time, with the amendments which have been offered by the Senator from North Dakota.

Mr. FERGUSON. Mr. President, I feel, as I have felt in the past, and as I announced before the committee, where I expressed myself very freely, as I am doing now, that under the bill the Interior Department would adjust these claims up to a maximum amount of $2,500 in each case, and would continue to have charge of these matters. In total, an enormous sum of money would be involved. I do not feel that the Interior Department should be allowed to determine what should be done in such cases.

Personally, I had my say before the Judiciary Committee; and all who were there did. The President wrote a letter in which he urged that the bill be passed immediately. But the method proposed is not the way to enact such legislation. These matters should receive very careful attention from the committees, and should receive very careful attention on the floor of the Senate by all Members of the Senate.

Under the new reorganization law a new commission is to be created to hear claims; a new method of hearing claims is provided. These persons will be able to go before that new claims commission, just as all other persons in the United States will, rather than to go to the Interior Department.

So, Mr. President, for the reasons stated, I object.

The PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

ADJUSTMENT OF DIVIDEND RATE AND PREMIUM CHARGES OF FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

The Senate proceeded to consider the bill (H. R. 4428) to adjust the rate of dividends paid by the Federal Savings and Loan Insurance Corporation on its capital stock and to decrease the premium charge for its insurance, which had been reported from the Committee on Banking and Currency, with amendments.

The first amendment was, on page 2, in line 2, to strike out "1945" and insert "1946."

The amendment was agreed to.

The next amendment was, on page 2, in line 4, to strike out "1945" and insert "1946."

The amendment was agreed to.

The next amendment was, on page 2, in line 20, to strike out "1945" and insert "1946."

The amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CANTON INSANE ASYLUM

The bill (S. 2426) providing for the conveyance to the city of Canton, S. Dak., of the Canton Insane Asylum, located in Lincoln County, S. Dak., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Commissioner of Public Buildings is authorized and directed to convey by quitclaim deed to the city of Canton, S. Dak., all right, title, and interest of the United States in and to all lands, including the buildings and other improvements thereon, constituting the old Canton Insane Asylum, located to the east of the city of Canton, Lincoln County, S. Dak.

SEC. 2. The lands conveyed pursuant to the provisions of the first section of this act shall be used by the grantee for park, recreation, airport, or other public purposes; and the deed of conveyance of such lands shall contain the express condition that if the grantee shall fail or cease to use such lands for such purposes, or shall alienate or attempt to alienate such lands, title thereto shall revert to the United States.

REESTABLISHMENT OF UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

The bill (S. 2456) to provide for the reestablishment of the United States Employees' Compensation Commission with the same functions which it had prior to the time reorganization plan No. 2 became effective was announced as next in order.

Mr. BARKLEY. Mr. President, I should like to have an explanation of the bill. A few days ago we agreed to reorganization plan No. 2. It seems to me that before the reorganization is put into operation, this bill, if passed, would have the Senate amend that plan in some way. Therefore, I should like to have an explanation of the bill.

Mr. FERGUSON. Mr. President, I am glad to explain the bill. When this matter was heard before the Judiciary Committee, it was clearly established that the real objection to reorganization plan No. 2 was the proposal for the abolition of the United States Employees' Compensation Commission. It was a bipartisan commission created in 1916, and its members were approved by the Senate. It functioned as an independent agency from 1916 until the present time. All who appeared before the committee praised the work done by the Commission. They said it had been fair and had properly administered the law.

By the abolition of this Commission, we now would place in the hands of the Federal Security Administrator, if this bill is not passed, the full power to pass on all employees compensation claims. Naturally, he will be so engaged in other work, because of the many and difficult functions of the Federal Security Agency, that he personally will have no time to give to this particular work, which is very important. It covers the Coast Guard and those who have contracts and all United States employees, including all civil-service employees. So it is a very important measure.

In reorganization plan No. 2 we have authorized the Administrator himself to create his own appeal board of three members. The Senate will not pass upon those members. He will make the rules and regulations for them.

I spoke at length against the plan, because I felt that by abolishing this commission we would be making a grave mistake, and immediately, on behalf of myself and the Senator from New York [Mr. MEAD] and the Senator from Oregon [Mr. MORSE], I introduced this bill. I hope it will be passed.

Mr. BARKLEY. Mr. President, we debated reorganization plans No. 2 and No. 3, which were sent to us by the President under legislation which we enacted. We debated them on the floor of the Senate. Objection was made to approval of the plan, in part, if not chiefly, because it abolished the United States Employees' Compensation Commission and placed the functions of that Commission under the Federal Security Administrator, for it was provided that practically all of the organizations and the functions of the Government with regard to compensation and security and related matters should be under one department or one head.

The fact that the Federal Security Administrator is the head of the whole group, under the new plan, does not mean that he personally must pass on the claims.

I have sent for a copy of plan No. 2. As I recall, it provided that under the Federal Security Administrator there would be a functionary who would do these things. The board is to be set up by him, as I recall.

Am I mistaken about that, or have I stated the matter correctly?

Mr. FERGUSON. I think the Senator is mistaken about that. Appeal from the Administrator's action is to be made to a board.

Mr. BARKLEY. Of course, the Administrator himself cannot personally review all these matters. But my recollection is that the reorganization plan authorized him to set up a board to handle them, after they had reached him.

Mr. McCARRAN. Mr. President, it is to be an appeal board, which is practically equivalent to what the Senator has said.

Let me say to the Senator the question was under consideration; there was serious objection. If we do not permit this bill to be passed, I have very serious doubt whether we shall be able to get any reorganization bill at all passed, if it contains any objectionable features. I think this is the method by which to remove such objection.

Mr. BARKLEY. It seems to me rather incongruous that within a week or two after we have approved a plan of reorganzation by a vote of the Senate, we should whittle it down by a separate bill, so that it is not the reorganization which we approved.

I have found the provision as to the Compensation Commission:

> The functions of the United States Employees' Compensation Commission are transferred to the Federal Security Agency and shall be performed in such manner and under such rules and regulations as the Federal Security Administrator shall prescribe. Such regulations shall provide for a board of three persons to be designated or appointed by the Federal Security Administrator with authority to hear and, subject to applicable law, make final decision on appeals taken from the determinations and awards with respect to claims of employees of the Federal Government or of the District of Columbia. The United States Employees' Compensation Commission is abolished.

That does not say who is to hear or examine into the claims in a preliminary way. It provides the right of the board to have an appeal from the Administrator's decision—which means, of course, that the board can finally pass on the claims. It does not make very clear who would handle it, up to the Administrator. Of course, we all know that the Administrator himself cannot handle these claims in person.

I wish to be recorded as objecting to the practice, if this is to be regarded as a practice, of enacting legislation such as this after we have enacted a reorganization plan as requested by the President, for bills such as this one would strike it out piecemeal.

Mr. FERGUSON. Mr. President, is the Senator from Kentucky objecting to the bill?

Mr. BARKLEY. No; I am not objecting to the bill, but I am objecting to the practice.

Mr. FERGUSON. I agree with the Senator with regard to the matter of practice. I would not want to see such a practice established.

Mr. BARKLEY. Of course, the only way that a practice is established is to begin doing something which becomes a habit.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2456) to provide for the reestablishment of the United States Employees' Compensation Commission with the same functions which it had prior to the time reorganization plan No. 2 became effective was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission, which was abolished by section 3 of reorganization plan No. 2 (transmitted to the Congress on May 16, 1946) is hereby reestablished. Such Commission shall be composed of three Commissioners to be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one of the Commissioners as Chairman of the Commission. No Commissioner shall hold any other office or position under the United States. No more than two of said Commissioners shall be members of the same political party. Each Commissioner shall be appointed for a term of 6 years, except that (1) any Commissioner appointed to fill a vacancy expiring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of the three Commissioners first taking office after the date of enactment of this act shall expire, as designated by the President at the time of appointment, one at the end of 2 years, one at the end of 4 years, and one at the end of 6 years, after the date of enactment of this act.

SEC. 2. All functions which were transferred to the Federal Security Agency by section 3 of such reorganization plan No. 2 are hereby transferred to the United States Employees' Compensation Commission, reestablished by the first section of this act, and shall be performed in the same manner in which they were being performed on July 15, 1946.

SEC. 3. All personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of the Federal Security Agency which were transferred from the United States Employees' Compensation Commission pursuant to the provisions of section 12 of such Reorganization Plan No. 2 are hereby transferred to the United States Employees' Compensation Commission for use in the administration of the functions transferred by section 2 of this act.

MEDAL FOR GENERAL PERSHING

The bill (H. R. 3944) authorizing the President of the United States to award a special medal to General of the Armies of the United States John J. Pershing was considered, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The bill is unanimously passed.

MARVIN SACHWITZ

The bill (H. R. 1002) for the relief of Marvin Sachwitz was considered, ordered to a third reading, read the third time, and passed.

POSTAGE ON DOMESTIC AIR MAIL

The Senate proceeded to consider the bill (H. R. 5560) to fix the rate of postage on domestic air mail, and for other purposes.

Mr. REED. Mr. President, the rate for air-mail postage is, at the present time, 8 cents an ounce. The question was raised in the Committee on Post Offices and Post Roads as to whether the rate should be reduced to 6 cents or 5 cents. It was unanimously agreed that the rate should be reduced. The law provides that 6 months after the official cessation of hostilities the rate for air-mail postage shall be returned to what it was formerly, or 6 cents an ounce. Last year the Post Office Department made a profit of approximately $100,000,000. This year it is facing a deficit of from $160,000,000 to $180,000,000.

The majority of the members of the committee favored a rate of 6 cents an ounce. By the use of proxies, the rate of 5 cents an ounce was agreed to.

I am prepared to object, but I do not want to object. Therefore, I will ask the Senator from Arizona, who, I understand is in charge of the bill, if he will consent to an amendment on page 1, in line 3, and on page 2, in line 3, to change in each each instance the numeral "5" to "6"? I have talked with some of my colleagues with regard to the change, and they have agreed that they will raise no objection.

Mr. WHITE. The bill provides for a rate of 5 cents for each ounce or fraction thereof, instead of 6 cents, does it not?

Mr. REED. Yes. My suggestion is made because I should like to have the bill passed.

Mr. HAYDEN. Mr. President, obviously the 8-cent rate has not been producing the revenue which it should have produced. It is too high. The bill as reported by the committee provided for a 5-cent rate. If we cannot agree on 5 cents, I suggest that we try to agree on 6 cents. However, I should like to have the chairman of the committee express his views with regard to the subject.

Mr. CHAVEZ. Mr. President, it is the opinion of the chairman of the Committee on Post Offices and Post Roads that a meritorious case was made out for a 5-cent rate. I believe that sufficient evidence was adduced before the committee to indicate that a rate of 5 cents would be better than a rate of 6 cents. However, we want to have legislation enacted which will lower the present rate. There can be no question about the fact that the 6-cent rate produced more revenue than has been produced by the 8-cent rate. While the rate was 6 cents, the Post Office Department was making more money than it has made since. During 1941, when the 6-cent rate was in effect, the revenue from air-mail postage amounted to $81,000,000. After the Congress passed the law providing for an increase of 2 cents in the air-mail postage rate the increase in revenue was only 2 percent. Since the war ended the decrease in revenue of the Post Office Department has been very pronounced.

Of course, I do not think it is quite fair to attribute to the air mail the fact that the Post Office Department will experience a deficit in its receipts. I think the Congress will be responsible for the deficit because it has passed three pay-increase bills since the rate on air-mail postage was increased to 8 cents. The Post Office Department is of the opinion that by reducing the present 8-cent rate to a rate much lower, the volume of air mail handled will increase to such an extent that it will result in greater revenue being received by the post office. It has been testified before the committee by businessmen throughout the country

that the straight 3 cents an ounce for surface mail and 8 cents for air mail is too high. However, they believe that a 5-cent rate for air mail will again justify them in using air-mail services.

I should like to see a bill passed by Congress reducing the rate, and in that view the Post Office Department concurs. I believe my friend from Kansas feels the same way about it.

I am willing to accept an amendment making the rate 6 cents.

Mr. LANGER. Mr. President, many commercial clubs throughout my State are in favor of a 5-cent rate for air mail. They have asked me to object to the bill if the rate is to be any higher than 5 cents. So temporarily I shall object to an amendment changing the rate to 6 cents.

Mr. HAYDEN. If the rate were now made 6 cents, it would be in effect for at least a few months, and later Congress could change it. If no action is taken at all on this bill the constituents of the Senator from North Dakota will be compelled to continue to pay the 8 cents rate until Congress convenes next January. If the bill is now passed providing for a decrease in rate the Senator's constituents will have the advantage of a 6 cents rate—if that is the rate adopted—in the interim. I am satisfied that eventually a 5-cent rate will be adopted. But for the time being, instead of there being no reduction at all in the rate on air-mail postage I would rather see a rate of 6 cents adopted than a rate of 5 cents.

Mr. LANGER. Mr. President, I never received such expressions of unanimity of opinion as those which I have received from the commercial clubs of my State. Those clubs are located in Bismarck, Fargo, and other cities and towns. The representatives of those clubs have told me to oppose any rate higher than 5 cents an ounce.

Mr. HAYDEN. I understand that very well, but those businessmen will be required to pay 8 cents for at least several months yet unless a lower rate is agreed to.

Mr. LANGER. Did not the Committee on Post Offices and Post Roads vote almost unanimously in favor of a 5-cent rate?

Mr. CHAVEZ. No. The division was 7 to 5, as I now recall. There was a very pronounced division of opinion. As chairman of the committee I may say that I am in agreement with the Senator from Arizona. We must agree on a 6-cent rate, or the bill will fail of passage, and then everyone using the air-mail service will be required to continue paying the present 8-cent rate until Congress does something about it at some time in the future.

Mr. BARKLEY. Mr. President, this is a House bill, and action must be taken on it if there is to be any reduction whatever this year in the air-mail rate. If an objection is made to the bill and the bill is not passed, no legislation with reference to the subject will be enacted. I hope that the Senator from North Dakota will not object, and will agree to the proposal to amend the bill so as to provide for a rate of 6 cents.

Mr. LANGER. If the Senate agrees on the 5-cent rate now, the bill will not have to go back to the House.

Mr. BARKLEY. That is true, but if some Senator objects to consideration of the bill, there will be no chance of getting even a 5-cent rate.

Mr. AIKEN. Mr. President, is the bill now before the Senate?

The PRESIDENT pro tempore. The Senate is discussing it.

Mr. AIKEN. Why is it not proper to settle the matter by first voting whether or not we wish to agree to a 6-cent rate?

Mr. CHAVEZ. Because I have been informed that the opponents of the 5-cent rate are most anxious to debate the bill for 3 or 4 or 5 hours. I came to the conclusion that, rather than having the bill fail of passage, and the present 8-cent rate continued, it would be advisable to accept the proposal to make the rate 6 cents and discuss the matter with the House conferees.

The PRESIDENT pro tempore. The 5-minute rule is in effect.

Mr. BARKLEY. Mr. President, the bill is before the Senate only on the reservation of an objection. The objection of any Senator will put the bill over.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 5560) to fix the rate of postage on domestic air mail, and for other purposes.

Mr. REED. Mr. President, on page 1, line 3, after the words "shall be", I move to strike out "5" and insert "6", and on page 2, line 3, after the words "rate of", to strike out "5" and insert "6."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kansas. [Putting the question.] The Chair is in doubt.

Mr. LANGER. Mr. President, I ask for a division.

On a division the amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WESLEY A. MANGELSDORF

The Senate proceed to consider the bill (H. R. 2480) for the relief of Wesley A. Mangelsdorf, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of", to strike out "$5,000" and insert "$9,000."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RESOLUTION PASSED OVER

The resolution (S. Res. 196) proposing acceptance of compulsory jurisdiction of International Court of Justice by United States Government was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

AMENDMENT OF FIRST WAR POWERS ACT, 1941

The bill (S. 2378) to amend the First War Powers Act, 1941, was announced as next in order.

The PRESIDENT pro tempore. There is on the calendar an identical House bill, which will be stated.

The CHIEF CLERK. A bill (H. R. 6890) to amend the First War Powers Act, 1941.

Mr. WALSH. Mr. President, I ask the Senator from Ohio, does the House bill change my amendment?

Mr. HUFFMAN. The House bill is identical with the Senate bill.

Mr. WALSH. The House bill excludes the section I want excluded?

Mr. HUFFMAN. Yes; section 33.

Mr. WALSH. So that it is not necessary for me to renew my amendment.

Mr. FERGUSON. Mr. President, the committee struck out section 33, which was the section objectionable to the Senator from Massachusetts.

The House included language on page 11, line 25, and I think to make it clear we should add after the word "a" the words "interest or proceeds in respect of which a suit or" and the words "a suit" should be inserted.

Then on page 12, at the foot of the page, the words "or return of just compensation" should be stricken out.

Mr. HUFFMAN. Mr. President, will the Senator yield?

Mr. FERGUSON. I am glad to yield.

Mr. HUFFMAN. Is the Senator referring to the House bill or the Senate bill? Are we not considering the House bill instead of the Senate bill?

The PRESIDENT pro tempore. The House bill is before the Senate.

Mr. HUFFMAN. I shall refer to the lines in the House bill. The same amendment may be inserted in the House bill in line 25, page 4, to strike out the words "or for just compensation."

Mr. FERGUSON. On page 17, lines 15 and 16, it is proposed to strike out the words "or for just compensation in respect thereof."

The PRESIDENT pro tempore. Will the Senator refer to that in the House bill?

Mr. HUFFMAN. That is in lines 15 and 16 on page 10 of the House bill.

Mr. FERGUSON. And on page 9 of the Senate bill, line 8, the words "a suit or", after the word "pending", should be inserted.

Mr. HUFFMAN. I do not have the corresponding place in the House bill, but it may be inserted at the appropriate place in the bill.

Mr. FERGUSON. In our report on page 6, lines, 1, 2, 3, 7 and 10, the words "just compensation" are mentioned. These references are I am sure inadvertent, and should be treated as eliminated from the report. They had reference to section 33 of the committee form of the bill, and section 33 was eliminated by an amendment.

Mr. HUFFMAN. Mr. President, with the former section 33 deleted, those words have no meaning, and they may be eliminated.

Mr. FERGUSON. I thank the Senator.

Mr. HUFFMAN. This I believe, makes the bill a clean bill.

The PRESIDENT pro tempore. Does the Senator offer the amendments?

Mr. HUFFMAN. I should like to have the clerk state the amendments of the committee.

The PRESIDENT pro tempore. The clerk has not the amendments before him.

Mr. BARKLEY. Mr. President, I suggest that we pass the bill over until Senators can get together on the amendments.

The PRESIDENT pro tempore. The bill will be passed over temporarily.

ADDITIONAL JUDGES, MUNICIPAL COURT, DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 2374) a bill authorizing the appointment of three additional judges of the municipal court for the District of Columbia, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was on page 1, after line 7, to strike out section 2, as follows:

SEC. 2. Section 2 and section 6 of said act of April 1, 1942, are amended by striking out the words "Further, all appointees shall have been actively engaged in the practice of law in the District of Columbia for a period of at least 5 years immediately prior to their appointment" and substituting in lieu thereof the following: "Further, all appointees shall have been actively engaged in the private practice of law in the District of Columbia, for a period of at least five consecutive years immediately prior to their appointment, and shall have, during such period, maintained an office in said District for such purpose and devoted the major portion of their time and derived the principal portion of their occupational income from such private practice of law."

And to insert:

SEC. 2. Section 2 of said act of April 1, 1942, is amended by striking out the words: "Each judge, when appointed, shall take the oath prescribed for judges of courts of the United States. No person other than a bona fide resident of the District of Columbia and maintaining an actual place of abode therein for at least 5 years immediately prior to his appointment or who shall have been a judge of one of the courts of the District of Columbia, shall be appointed a judge of the municipal court for the District of Columbia: *Provided, however,* That not more than two nonresident persons may be appointed and serve as judges of the said municipal court at any one time. Further, all appointees shall have been actively engaged in the practice of the law in the District of Columbia for a period of at least 5 years immediately prior to their appointment. Service during the present emergency in the armed forces of the United States shall be included in the computation of the 5-year requirements herein specified," and substituting in lieu thereof the following: "Each judge, when appointed, shall take the oath prescribed for judges of courts of the United States: *Provided, however,* (a) That no person other than a bona fide resident of the District of Columbia and maintaining an actual place of abode therein for not less than 5 years immediately prior to his appointment, or who shall have been a judge of one of the courts of the District of Columbia, shall be appointed a judge of the municipal court for the District of Columbia; (b) That each such appointee (other than such an appointee who shall have been a judge of one of the courts of the District of Columbia) shall have been actively engaged in the private practice of the law in the District of Columbia for a period of at least 5 consecutive years immediately prior to his appointment, and shall, during such period, have maintained an office in said District for the purpose of such practice and devoted a major portion of his time and derived the principal portion of his income from such private practice of the law; and service during the present emergency in the armed forces of the United States shall be included in the computation of the 5-year requirements specified herein and in clause (a) above; (c) That of the 13 judges herein authorized to constitute the judicial appointees of the said court, not more than 2 persons may be appointed and serve as judges of the said municipal court at any one time having either of the following qualifications: (1) a nonresident person who has been a member of the bar of the highest court in the State in which he shall have been domiciled for a period of at least 5 years and who is a member of the bar of the District of Columbia, or (2) a member of the bar of the District of Columbia for at least 5 years who shall have been employed as an attorney in the District of Columbia in the Government of the United States or in the government of the District of Columbia; and in either of said alternatives a person appointed under this clause shall not be subject to the requirements of the preceding clauses (a) and (b) hereof."

The amendment was agreed to.

The next amendment was, to add a new section at the end of the bill, as follows:

SEC. 3. The appropriations in the act entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1947, and for other purposes" (Public Law 493, 79th Cong., ch. 544, 2d sess., H. R. 5990), approved July 9, 1946, for the municipal court for the District of Columbia are hereby continued available for the purposes specified therein, and for the expenditures authorized by this act. And there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States to the credit of the District of Columbia not otherwise appropriated, such funds as may be necessary to carry out the provisions of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the number of judges authorized by the act approved April 1, 1942 (56 Stat. 190, D. C. Code, title II, sec. 752), is hereby increased from 10 to 13. Appointments and reappointments in the case of the additional judges authorized by this act shall be for a term of 10 years each.

SEC. 2. Section 2 of said act of April 1, 1942, is amended by striking out the words: "Each judge, when appointed, shall take the oath prescribed for judges of courts of the United States. No person other than a bona fide resident of the District of Columbia and maintaining an actual place of abode therein for at least 5 years immediately prior to his appointment, or who shall have been a judge of one of the courts of the District of Columbia, shall be appointed as judge of the municipal court for the District of Columbia: *Provided, however,* That not more than two nonresident persons may be appointed and serve as judges of the said municipal court at any one time. Further, all appointees shall have been actively engaged in the practice of law in the District of Columbia for a period of at least 5 years immediately prior to their appointment. Service during the present emergency in the armed forces of the United States shall be included in the computation of the 5-year requirements herein specified," and substituting in lieu thereof the following: "Each judge, when appointed, shall take the oath prescribed for judges of courts of the United States: *Provided, however,* That (a) no person other than a bona fide resident of the District of Columbia, and maintaining an actual place of abode therein for not less than 5 years immediately prior to his appointment, or who shall have been a judge of one of the courts of the District of Columbia shall be appointed a judge of the municipal court for the District of Columbia; (b) that each such appointee (other than such an appointee who shall have been a judge of one of the courts of the District of Columbia) shall have been actively engaged in the private practice of the law in the District of Columbia for a period of at least five consecutive years immediately prior to his appointment, and shall, during such period, have maintained an office in said District for the purpose of such practice and devoted a major portion of his time and derived the principal portion of his income from such private practice of the law; and service during the present emergency in the armed forces of the United States shall be included in the computation of the 5-year requirements specified herein and in clause (a) above; (c) that of the 13 judges herein authorized to constitute the judicial appointees of the said court, not more than two persons may be appointed and serve as judges of the said municipal court at any one time having either of the following qualifications: (1) A nonresident person who has been a member of the bar of the highest court in the State in which he shall have been domiciled for a period of at least 5 years and who is a member of the bar of the District of Columbia, or (2) a member of the bar of the District of Columbia for at least 5 years who shall have been employed as an attorney in the District of Columbia in the Government of the United States or in the government of the District of Columbia; and in either of said alternatives a person appointed under this clause shall not be subject to the requirements of the preceding clauses (a) and (b) hereof."

SEC. 3. The appropriations in the act entitled "An act making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1947, and for other purposes" (Public Law 493, 79th Cong., ch. 544, 2d sess., H. R. 5990), approved July 9, 1946, for the municipal court for the District of Columbia are hereby continued available for the purposes specified therein, and for the expenditures authorized by this act. And there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States to the credit of the District of Columbia not otherwise appropriated, such funds as may be necessary to carry out the provisions of this act.

The title was amended so as to read: "A bill to authorize the appointment of three additional judges of the municipal court for the District of Columbia and prescribe the qualifications of the judges of such court."

CONSERVATION OF FISHERY RESOURCES OF THE COLUMBIA RIVER

The bill (S. 2318) to amend the act of May 11, 1938, for the conservation of the fishery resources of the Columbia River, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 2 of the act of May 11, 1938 (52 Stat. 345), entitled "An act to provide for the conservation of the fishery resources of the Columbia River, establishment, operation, and maintenance of one or more stations in Oregon, Washing-

ton, and Idaho, and for the conduct of necessary investigations, surveys, stream improvements, and stock operations for these purposes," is amended by deleting therefrom the comma after the word "construct" as it appears therein and inserting in lieu thereof the word "and" and by deleting the words "and maintain."

SEC. 2. Section 3 of said act is hereby amended to read as follows:

"In carrying out the authorizations and duties imposed by section 2 of this act, the Secretary of the Interior is authorized to utilize the facilities and services of the agencies of the States of Oregon, Washington, and Idaho responsible for the conservation of the fish and wildlife resources in such States, under the terms of agreements entered into between the United States and these States, without regard to the provisions of section 3709 of the Revised Statutes, and funds appropriated to carry out the purposes of this act may be expended for the construction of facilities on and the improvement of lands not owned or controlled by the United States: *Provided*, That the appropriate agency of the State wherein such construction or improvement is to be carried on first shall have obtained without cost to the United States the necessary title to, interest therein, rights-of-way over, or licenses covering the use of such lands."

REIMBURSEMENT OF STATES FOR TRAINING PROGRAMS FOR VETERANS

The bill (S. 2477) to authorize the Veterans' Administration to reimburse State and local agencies for expenses incurred in rendering services in connection with the administration of certain training programs for veterans, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 3 of Public Law No. 16, Seventy-eighth Congress, as amended by section 401 of the Servicemen's Readjustment Act of 1944, is amended by inserting at the end thereof a new sentence as follows: "Any such appropriation shall also be available for use by the Administrator in reimbursing State and local agencies for reasonable expenses incurred by them in (1) rendering necessary services in ascertaining the qualifications of industrial establishments for furnishing on-the-job training to veterans under the provisions of part VIII of such regulation, and in the supervision of industrial establishments furnishing such training, or (2) furnishing, at the request of the Administrator, any other services or facilities in connection with the administration of programs for training on the job under such provisions, or (3) furnishing, at the request of the Administrator, information concerning educational opportunities available in schools and colleges."

SEC. 2. Paragraph 6 of part VIII of Veterans Regulation No. 1 (a) as amended, is hereby amended to read as follows:

"6. While enrolled in and pursuing a course under this part, such person, upon application to the Administrator, shall be paid a subsistence allowance of $65 per month, if without a dependent or dependents, or $90 per month, if he has a dependent or dependents, including regular holidays and leave not exceeding 30 days in a calendar year. Such person attending a course on a part-time basis, and such person receiving compensation for productive labor whether performed as part of their apprentice or other training on the job at institutions, business, or other establishments, or otherwise, shall be entitled to receive such lesser sums, if any, as subsistence or dependency allowances, as may be determined by the Administrator: *Provided*, That in no event shall the rate of such allowance plus the compensation received exceed $175 per month for a veteran without a dependent or $200 per month if he has a dependent or dependents."

SEC. 3. Paragraph 11 of part VIII of Veterans Regulation No. 1 (a) is hereby amended, to read as follows:

"11. (a) As used in this part, the term 'educational or training institutions' shall include all public or private elementary, secondary, and other schools furnishing education for adults, business schools and colleges, scientific and technical institutions, colleges, vocational schools, junior colleges, teachers colleges, normal schools, professional schools, universities, and other educational intitutions, and shall also include business or other establishments providing apprentice or other training on the job, including those under the supervision of an approved college or university or any State department of education, or any State apprenticeship agency or State board of vocational education, or any State apprenticeship council or the Federal Apprentice Training Service established in accordance with Public Law No. 308, Seventy-fifth Congress, or any agency in the executive branch of the Federal Government authorized under other laws to supervise such training.

"(b) As used in this part the term 'Other training on the job' shall include courses offered by establishments approved by the appropriate agency of the State or the Administrator whenever such courses of training on the job are furnished in accordance with the following provisions:

"1. Any establishment desiring to undertake an on-the-job training program will be required to submit to the appropriate State approving agency a written application setting forth the course of training for each job for which a veteran is to be trained. The written application covering the training program will include the following:

"a. Title and description of the specific job objective for which the veteran is to be trained.

"b. Length of the training period.

"c. Schedule listing various operations for major kinds of work or tasks to be learned and showing, for each, job operations or work, tasks to be performed, and the approximate length of time to be spent on each operation or task.

"d. Wage or salary to be paid at the beginning of the training program, at each successive step in the program, and at the completion of training.

"e. Entrance wage or salary paid by the establishment to employees already trained in the kind of work for which the veteran is to be trained.

"f. Number of hours of supplemental instructions required.

"2. The appropriate approving agency of the State or the Administrator may approve the application of the establishment when such establishment is found upon investigation to have met or made provision for meeting the following criteria:

"a. The training content of the program is adequate to qualify the veteran for appointment to the job for which he is to be trained.

"b. There is reasonable certainty that the job for which the veteran is to be trained will be available to him at the end of the training period.

"c. The job is one in which progression and appointment to the next higher classification are based upon skills learned through organized training on the job and not on such factors as length of service and normal turn-over.

"d. The wages to be paid the veteran for each successive period of training are not less than those customarily paid in the establishment and the community to a learner in the same job and who is not a veteran and are in conformity with State and Federal laws and applicable bargaining agreements.

"e. The job customarily requires a period of training of not less than 3 months and not more than 2 years of full-time training.

"f. The length of the training period is no longer than that customarily required by the establishment and other establishments in the community to provide the trainee with required skills, arrange for the acquiring of job knowledge, technical information, and other facts which the trainee will need to learn in order to become competent on the job for which he is being trained.

"g. Provision is made for related instruction for the individual veteran who may need it.

"h. There is in the establishment adequate space, equipment, instructional material and instructor personnel to provide satisfactory training on the job.

"i. Adequate records are kept to show the progress made by the veteran toward his job objective and a periodic report showing the conduct and progress made in the course of training on the job will be provided for the Veterans' Administration.

"j. Appropriate credit is given the veteran for previous job experience, whether in the military service or elsewhere, his beginning wage adjusted to the level to which such a credit advances him and his training period shortened accordingly. No course of training will be considered bona fide if given to a veteran who is already qualified by training and experience for the job objective.

"k. A copy of the training program as approved by the State agency is provided to the veteran and to the Veterans' Administration by the employer.

"l. Upon completion of the training the veteran is given a certificate by the employer indicating the length and type of training provided and that the veteran has completed the course of training on the job satisfactorily.

"3. The Veterans' Administration is not authorized to award the benefits under this part, if it is found by the Administrator that the course of apprentice training or other training on the job fails to meet the requirements of this paragraph."

COINAGE OF 50-CENT PIECES IN COMMEMORATION OF THE HUNDREDTH ANNIVERSARY OF ADMISSION OF IOWA INTO THE UNION

The bill (H. R. 2377) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of Iowa into the Union as a State was considered, ordered to a third reading, read the third time, and passed.

INTERNATIONAL COLLABORATION WITH RESPECT TO METEOROLOGY

The bill (H. R. 6030) to amend the Civil Aeronautics Act of 1938, as amended, so as to improve international collaboration with respect to meteorology was considered, ordered to a third reading, read the third time, and passed.

MARKETING AND DISTRIBUTION OF AGRICULTURAL PRODUCTS

The Senate proceeded to consider the bill (H. R. 6932) to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. REVERCOMB. Mr. President, may we have an explanation of the bill?

Mr. RUSSELL. Mr. President, this bill came over from the House some 2 or 3

weeks ago. It is a result of 2 or 3 years' work by the Committee on Agriculture of the House of Representatives. It undertakes to merge two bills, one of which has been known commonly as the Flannagan bill, providing for research in production of agricultural crops, and a bill known as the Hope-Andresen bill, which provides for research into marketing and into the best ways of handling agriculture commodities.

Mr. President, the pending bill is of tremendous importance to the farmers of the United States. While there has been disagreement as to details, all the farm organizations have strongly supported the general principles enunciated in the measure.

We must realize that for several years the farmers have tremendously increased the production of food and fiber. It is estimated that today there are 3,000,000 more people living on the farms, who are necessary to be there in order to produce the food and fiber necessary to maintain life in this country. It is of the highest importance that greater research be made into the utilization of agricultural commodities, and into the methods of their marketing and preservation.

There is another reason why it is most important that the bill be enacted at this session of the Congress. Most of the funds must be matched by the several States. The State legislatures of 43 States will convene next January, and unless they are apprised of the fact that it is necessary for them to match under the terms of the pending bill, it will be 3 years before we will be enabled to embark on this most important work.

Mr. President, I wish to point out that title I of the bill expands and broadens the scope of research that is already authorized by law. It provides for an initial appropriation of $2,500,000 a year.

Furthermore, in title I there is an authorization of appropriation of $3,000,000 for the first year, with authority to increase it thereafter, to carry on further research in the utilization of agricultural commodities in order that new uses may be developed for those commodities, and therefore preserve the farmer's market.

Title II authorizes an initial appropriation, with authority to increase it thereafter, of $2,500,000 a year for the purposes of investigation and research into the distribution and marketing of agricultural products.

Up until now, Mr. President, the National Government has never engaged in research into the marketing and distribution of crops, and I regard this as being one of the most important features of the bill.

I certainly hope that there will be no objection to the consideration of the bill. As I stated, there was some disagreement between some of those interested in the legislation as to how clearly the bill should define the cooperating agencies within the several States set up to carry on this work.

The Senate committee adopted an amendment which undertook to define this work. Since then all the parties in interest, including the House authors of the bill, have gotten together and agreed upon substitute language. I know of no opposition anywhere to the bill if the substitute for the language of the Senate committee be adopted.

Mr. LA FOLLETTE. Will the Senator tell us where the amendment comes in and what the effect of it is?

Mr. RUSSELL. It comes in on page 15 of the bill and would be a substitute for the language of the committee amendment beginning in line 23. The amendment has the effect of eliminating the so-called veto power in the agencies of State governments as to where the work shall be done. The amendment reads as follows:

To the maximum extent practicable marketing-research work done hereunder in cooperation with the States shall be done in cooperation with the State agricultural experiment stations; marketing, educational, and demonstrational work done hereunder in cooperation with the States shall be done in cooperation with the State agricultural extension service; market information, inspection, regulatory work, and other marketing service done hereunder in cooperation with the State agencies shall be done in cooperation with the State departments of agriculture and State bureaus and departments.

Mr. President, I hope there will be no objection to the consideration of the bill.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. TAFT. Does this bill in any way extend the power of the Department of Agriculture or the Commodity Credit Corporation to buy and sell, or is it strictly confined to research?

Mr. RUSSELL. It does not in any wise extend the power of the Department of Agriculture or any of its subdivisions.

Mr. TAFT. Either to buy or sell or regulate production?

Mr. RUSSELL. It does not to the silghtest degree make any such provision. It provides wholly for research.

Mr. TAFT. There are a couple of very general statements contained in the bill which I had not read with care, so I could not judge whether the language was sufficiently broad to cover other activities.

Mr. RUSSELL. It is strictly a research bill.

The PRESIDENT pro tempore. The time of the Senator has expired.

Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 6932) to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. RUSSELL. Mr. President, I offer an amendment as a substitute for the committee amendment on page 15, beginning in line 23 and ending on page 16 in line 17, which I should like to have acted upon before the committee amendments are considered.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In title II, on page 15, at the end of the sentence in line 23, it is proposed to insert the following:

To the maximum extent practicable marketing research work done hereunder in cooperation with the States shall be done in cooperation with the State agricultural experiment stations; marketing, educational, and demonstrational work done hereunder in cooperation with the States shall be done in cooperation with the State agricultural extension service; market information, inspection, regulatory work, and other marketing service done hereunder in cooperation with the State agencies shall be done in cooperation with the State departments of agriculture, and State bureaus and departments.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Georgia to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

Mr. RUSSELL. Mr. President, there are a number of other committee amendments to be acted upon.

The PRESIDENT pro tempore. The clerk will state the other amendments reported by the Committee on Agriculture and Forestry.

The first amendment was in title I, on page 2, line 10, before the word "employment", to strike out "full" and insert "maximum."

The amendment was agreed to.

The next amendment was, on page 13, line 15, after the figure "9", to strike out "(a)" and insert "(b)."

The amendment was agreed to.

The next amendment was, on page 17, line 19, after the word "new", to insert "or expanded"; in line 19, after the word "markets", to insert "(domestic and foreign)", and in the same line, after the word "new", to insert "and expanded"; in line 22, after the word "and", to strike out "elsewhere" and insert "abroad."

The amendment was agreed to.

The next amendment was, on page 21, line 18, after the word "cooperative", to strike out "research", and in the same line, after the word "marketing", to insert "service and in marketing research"; on page 22, line 2, after the word "marketing", to insert "services and for marketing"; in line 5, after the word "specific", to strike out "research"; in line 11, after the word "cooperative", to strike out the word "research."

The amendment was agreed to.

The next amendment was on page 25, line 12, after the word "products", to insert "fish and shell fish,".

The amendment was agreed to.

The next amendment was, in title III, on page 26, line 22, after the word "program", to strike out:

The membership of such advisory committee shall consist of the following: One person from each of the general national farm organizations; one person from the National Association of Commissioners, Secretaries, and Directors of Agriculture; one person from the National Association of Marketing Officials; one person to represent State agricultural experiment stations; one person to represent State extension services, to be selected by the groups which each is to represent. For each of the following commodity groups: Fruits, vegetables, and nuts; livestock and wool; grains; cotton; tobacco; dairy

products; forest products; and poultry and poultry products; the Secretary shall appoint two persons to represent producers, one person to represent distributors, and one person to represent processors. The Secretary shall also appoint two persons to represent retailers. In the selection of such members, due consideration shall be given to recommendations of the groups to be represented, and the representatives of producers shall be so selected as to afford cooperative associations of producers with adequate representation. One representative from the Department of Commerce, to be selected by the Secretary of Commerce, and one representative from the Interstate Commerce Commission, to be designated by the Chairman of the Commission, and such officials of the Department of Agriculture as the Secretary of Agriculture may designate shall be ex officio members.

The amendment was agreed to.

The next amendment was, on page 28, line 2, after the word "designate", to strike out "The committee shall meet at least once each year at the call of the chairman or of the executive committee. In order to facilitate the work of such advisory committee and to increase its effectiveness, an executive committee" and insert "The committee shall consist"; in line 8, page 29, after the word "organizations", to strike out the comma and "shall be created by and from the membership of such advisory committee"; in line 9, after the word "The", to strike out "executive"; in line 11, after the words "members of", to strike out "such advisory or executive committee" and insert "the committee"; in line 14, after the words "than the", to strike out "ex officio members" and insert "chairman."

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 6932) was read the third time and passed.

AMENDMENT OF FIRST WAR POWERS ACT

Mr. FERGUSON. Mr. President, I should like at this time to refer back to Calendar No. 1875, Senate bill 2378. I think we could pass the bill if the Senate were to agree to certain amendments to a similar House bill and pass that bill.

I ask unanimous consent that the Senate proceed to the consideration of House bill 6893, which is No. 1892 on the calendar and is similar to the Senate bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 6890) to amend the First War Powers Act, 1941.

Mr. FERGUSON. Mr. President, I offer the following amendments, and ask for their adoption:

On page 2, line 13, after the article "a" to insert "suit or."

On page 4, line 24, after the article "a" to insert "suit or."

On page 4, line 25, after the word "return", to strike out "or for just compensation."

And on page 10, line 15, after the word "thereof" to strike out "or for just compensation in respect thereof."

The PRESIDENT pro tempore. The question is on agreeing to the amendments offered by the Senator from Michigan.

The amendments were agreed to.

Mr. TAFT. Mr. President, objection was made originally to consideration of the Senate bill. I want to be sure that the amendments take care of the situation. Under the measure as now amended an alien could bring no suit whatever, even though he were not an enemy alien, but were a resident of Great Britain, for example?

Mr. FERGUSON. That section has been stricken out.

Mr. TAFT. That section has been stricken out entirely?

Mr. FERGUSON. Yes.

The PRESIDENT pro tempore. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 6890) was read the third time and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 2378 will be indefinitely postposed.

CONSTRUCTION OF NEW SCHOOL BUILDING IN HUNTER, WIS.

The bill (H. R. 6141) to provide funds for cooperation with the school board of Hunter School District for the construction and equipment of a new school building in the town of Hunter, Sawyer County, Wis., to be available to both Indian and non-Indian children, was considered, ordered to a third reading, read the third time, and passed.

SALE OF LAND BELONGING TO ALICE SCOTT WHITE

The bill (H. R. 4114) to authorize the Secretary of the Interior to sell certain land of Alice Scott White on the Crow Indian Reservation, Mont., was considered, ordered to a third reading, read the third time, and passed.

FINANCIAL AID TO THE REPUBLIC OF THE PHILIPPINES

The joint resolution (S. J. Res. 181) to authorize the Secretary of the Treasury to render financial aid to the Republic of the Philippines, and for other purposes, was announced as next in order.

Mr. WAGNER. Mr. President, I move that this joint resolution be indefinitely postponed, since the principle is embodied in a House amendment to Senate Joint Resolution 156, which has now been returned to the Senate with House amendments.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York to postpone indefinitely Senate Joint Resolution 181.

The motion was agreed to.

EXTENSION OF RECONSTRUCTION FINANCE CORPORATION

Mr. WAGNER. Mr. President, I now ask the Chair to lay before the Senate a message from the House of Representatives in which are set forth the House amendments to Senate Joint Resolution 156.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 156), which were on page 1, line 7, to strike out "1952" and insert "1947"; on page 2, line 1, to strike out "1952" and insert "1947"; on page 2, line 7, to strike out "1949" and insert "1947"; on page 2, after line 7, to insert:

SEC. 2. To furnish a market for loans guaranteed or insured under the provisions of the Servicemen's Readjustment Act of 1944, as amended, Reconstruction Finance Corporation is authorized, under such terms and conditions and in such manner as it may determine, to purchase directly or through a subsidiary, loans so guaranteed or insured.

On page 2, after line 7, to insert:

SEC. 3. The Reconstruction Finance Corporation is hereby authorized to lend or extend credit to the Government of the Republic of the Philippines in an amount or amounts not exceeding in the aggregate $75,000,000 at such time or times before July 1, 1947, and upon such terms and conditions as the Reconstruction Finance Corporation after consultation with the National Advisory Council on International Monetary and Finance Problems shall deem to be warranted by the financial position of the Government of the Republic of the Philippines: *Provided*, That the rate of interest to be charged in connection with any loan or extension of credit made pursuant to this section shall not be less than 2 percent per annum.

Mr. WAGNER. Mr. President, Senate Joint Resolution 156, which passed the Senate on June 29, 1946, was a simple extension of the life and lending powers of the RFC, to June 30, 1952, and June 30, 1949, respectively. The House amendments, Nos. 1, 2, and 3, have the effect of extending the life and lending powers only to June 30, 1947.

House amendment No. 4 authorizes the RFC to purchase, directly or through a subsidiary, loans guaranteed or insured under the provisions of the Servicemen's Readjustment Act of 1944 as amended—the so-called GI bill of rights.

House amendment No. 5 inserts a new section authorizing a credit up to $75,000,000 to the Philippine Republic by the RFC, at interest rates not less than 2 percent per year. This is substantially the provision of Senate Joint Resolution 181 already reported by the Senate Banking and Currency Committee. The only difference is that the Senate resolution authorizes the credit to be advanced from the Treasury of the United States, whereas the House amendment gives this authority to the RFC.

I move to concur in the House amendments.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. REVERCOMB. As pointed out by the able Senator from New York, the measure on the Senate Calendar, Senate Joint Resolution 181, authorizes the Secretary of the Treasury to lend up to $75,000,000 to the Philippine Republic.

Mr. WAGNER. Yes.

Mr. REVERCOMB. The change made in the House authorizes the RFC to make the loan up to $75,000,000.

Mr. WAGNER. That amendment was made in the House. The Philippine Republic is in great financial difficulty, and needs the $75,000,000 loan. If we do not

agree to this amendment, and the matter has to go back to the House, the chances are that we will get no bill.

Mr. REVERCOMB. It seems to me better to provide a loan by the RFC than a loan under the terms of the Senate joint resolution.

Mr. WAGNER. The amendment was made on the floor of the House. I cannot tell the Senator why it was done, but it was done, and it is before us.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. TAFT. In either case the International Advisory Council, the Secretary of the Treasury, and the head of the Federal Reserve bank, must be consulted. I see no difference between the two proposals, except that the RFC would make the loan instead of the Secretary of the Treasury. That is probably better.

Mr. WAGNER. There was no explanation given on the floor of the House. However, the loan is needed very badly. That is why I move that the Senate concur in the House amendment.

Mr. LA FOLLETTE. Mr. President, I certainly hope the motion will prevail, because the situation confronting the Philippine Government is desperate, and action should be had at the earliest possible moment. I hope there will be no objection to the motion of the Senator from New York.

Mr. REVERCOMB. Mr. President, I merely wish to make the observation that if we are to provide for a loan to the Philippines I believe that the amendment made in the House, providing that the loan be made through the RFC, is preferable to the terms of the Senate joint resolution, making the loan out of the Treasury upon such terms as the Secretary of the Treasury may prescribe. It seems to me that the loan had better be made by the RFC rather than out of the Treasury.

Mr. TAFT. There is one other thing that should be noted in agreeing to the House amendment and that is that we are extending the life of the RFC only to 1947, instead of 1952, as the Senate provided. I have no objection to that, but it is an important change.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New York.

The motion was agreed to.

TIME LIMIT ON INSTITUTION OF CERTAIN ACTIONS

Mr. McCARRAN. Mr. President, if I may have the attention of the majority leader and also the attention of the Senator from Nebraska [Mr. WHERRY], I ask unanimous consent to revert to House bill 2788, Calendar 1424, a bill to limit the time during which certain actions under the laws of the United States may be brought. I think the Senator from Nebraska has a suggestion for an amendment which might be satisfactory.

Mr. GEORGE. Mr. President, may I ask if recurrence to this measure will occasion very long discussion?

Mr. McCARRAN. I do not believe so. If it did, I would not insist upon it.

Mr. GEORGE. There are some very important measures at the end of the calendar, and I have been patiently allowing recurrence to various orders on the calendar.

Mr. BARKLEY. Mr. President, this bill was passed over at my request a while ago, because I had not had an opportunity to look into an amendment in the nature of a substitute offered by the Senator from Nebraska. I have now examined it, and I have also consulted other Senators. If the Senator from Nebraska will modify his amendment by striking out "two" and inserting "three" in each instance, so as to make the period of the statute of limitations 3 years instead of 2, I shall have no objection to the passage of the bill.

Mr. McCARRAN. Mr. President, that is satisfactory so far as the chairman of the Judiciary Committee is concerned.

Mr. FERGUSON. Mr. President, I hope the Senate will adopt the substitute, because if we must wait until the next session the period will be practically 3 years anyway, so we had better pass the bill today providing a period of 3 years, rather than wait and pass the bill at the next session.

Mr. HAWKES. Mr. President, I entirely agree with what the Senator from Michigan has just said. I am in favor of adopting the compromise suggestion, making the period 3 years, and taking some action on the bill now.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada that the Senate recur to House bill 2788, Calendar No. 1424.

There being no objection, the Senate proceeded to consider the bill (H. R. 2788) to limit the time during which certain actions under the laws of the United States may be brought, which had been reported from the Committee on the Judiciary with an amendment.

Mr. BARKLEY. Mr. President, I send to the desk an amendment in the nature of a substitute.

The PRESIDENT pro tempore. The amendment in the nature of a substitute offered by the Senator from Kentucky will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That (a) section 16 (b) of the Fair Labor Standards Act of 1938, as amended (U. S. C., 1940 ed., title 29, sec. 216 (b)), is amended by inserting at the end thereof a new sentence reading as follows: "No action may be maintained under this subsection in any court unless such action is commenced within 3 years after the cause of action accrued, except that if at any time during such 3 years proper process may not be served on the person liable by reason of his absence from the United States, the period of such absence shall be disregarded in computing such 3-year period."

(b) In the case of a cause of action under section 16 (b) of the Fair Labor Standards Act of 1938, as amended, which accrued 18 months or more prior to the date of the enactment of this act, and which on such date of enactment was not barred by any applicable statute of limitations, may, notwithstanding the amendment made by subsection (a) of this section, be maintained under such section 16 (b) if commenced within 6 months after such date of enactment, except that if at any time within the period of limitation under this subsection proper process may not be served on the person liable by reason of his absence from the United States, the period of such absence shall be disregarded in computing such period of limitation.

(c) No liability for unpaid overtime compensation under section 16 (b) of the Fair Labor Standards Act of 1938, as amended, accrued prior to the date of the enactment of this act, shall be predicated in any case where it shall appear by a preponderence of the evidence that the employer in good faith regarded the employees as employees with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of the Motor Carrier Act, 1935.

(d) Section 16 of the Fair Labor Standards Act of 1938, as amended (U. S. C., 1940 edition, title 29, sec. 216), is amended by inserting at the end thereof a new subsection reading as follows:

"(c) No liability under subsection (b) shall be predicated in any case on any act done or omitted in good faith in accord with any regulation, order, or administrative interpretation or practice, notwithstanding that such regulation, order, interpretation, or practice may, after such act or omission, be amended, rescinded, or be determined by judicial authority to be invalid or of no legal effect."

SEC. 2. (a) Section 2 of the act of June 30, 1936, as amended, known as the Walsh-Healey Public Contracts Act (U. S. C., 1940 edition, title 41, sec. 36), is amended by inserting "(a)" after "SEC. 2." and by inserting at the end thereof a new sentence reading as follows: "No action to recover any sum representing the amount of any deductions, rebates, refunds, or underpayment of wages or overtime compensation alleged to be due to any employee engaged in the performance of any contract to which this act is applicable may be maintained under this section in any court unless such action is commenced within 3 years after the cause of action accrued, except that if at any time during such 3-year period proper process may not be served on the person liable by reason of his absence from the United States, the period of such absence shall be disregarded in computing such 3-year period."

(b) In the case of a cause of action under section 2 of the act of June 30, 1936, as amended, known as the Walsh-Healey Public Contracts Act, to recover any sum representing the amount of any deductions, rebates, refunds, or underpayment of wages or overtime compensation alleged to be due to any employee engaged in the performance of any contract to which such act is applicable, which cause of action accrued 18 months or more prior to the date of the enactment of this act, and which on such date of enactment was not barred by any applicable statute of limitations, may, notwithstanding the amendment made by subsection (a) of this section, be maintained under such section 2 if commenced within 6 months after such date of enactment, except that if at any time within the period of limitation under this subsection proper process may not be served on the person liable by reason of his absence from the United States, the period of such absence shall be disregarded in computing such period of limitation.

(c) Section 2 of such act of June 30, 1936, as amended, is further amended by inserting at the end thereof the following:

"(b) No liability under this section shall be predicated in any case on any act done or omitted in good faith in accord with any regulation, order, or administrative interpretation or practice, notwithstanding that such regulation, order, interpretation, or practice may, after such act or omission, be amended, rescinded, or be determined by judicial authority to be invalid or of no legal effect."

Mr. MAGNUSON. Mr. President, I should like to ask the majority leader a question. As I understand, the period has now changed from 2 years to 3 years?

Mr. BARKLEY. Yes.

Mr. MAGNUSON. Is the so-called good-faith clause still in the bill?

Mr. BARKLEY. It is still in the amendment.

Mr. MAGNUSON. That appears to be satisfactory to all sides.

Mr. BARKLEY. It is so far as I can discover.

Mr. TUNNELL. Mr. President, I simply wish to say that the 3-year period is satisfactory to those on whose behalf I was objecting. Thirty-seven jurisdictions have a period of 3 years or more, so this provision meets a great deal of the objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 2788) was read the third time and passed.

MARINE INSURANCE IN THE CASE OF CERTAIN EMPLOYEES OF THE WAR DEPARTMENT

The bill (H. R. 1519) relating to marine insurance in the case of certain employees of the War Department who suffered death, injury, or other casualty prior to April 23, 1943, as a result of marine risks was considered, ordered to a third reading, read the third time, and passed.

REEMPLOYMENT RIGHTS FOR PERSONS WHO SERVED IN THE MERCHANT MARINE—BILL PASSED OVER

The bill (H. R. 3973) to amend the act entitled "An act to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes," approved June 23, 1943, and for other purposes, was announced as next in order.

Mr. FERGUSON. Mr. President, I should like to have an explanation of the bill, to ascertain if the reemployment rights revert back so that in case an employer were sued by a person entitled to employment he could recover compensation up to the present time, even though the law was not previously in existence.

Mr. TAFT. Mr. President, I understood that the Senator from Maryland [Mr. RADCLIFFE] asked that this bill be passed over.

The PRESIDENT pro tempore. This is one of the bills which the Senator from Maryland asked to have passed over. He was present when the first one was called.

Mr. MAGNUSON. Mr. President, this bill was reported from the committee on Friday, and I am sure that the Senator from Maryland wishes to have the bill considered.

Mr. TAFT. The Senator from Maryland asked that it be not considered, because he was not able to be present.

Mr. CORDON. Mr. President, the request of the Senator from Maryland related not only to House bill 3973, but also House bill 1519, Calendar 1886, which was just passed by unanimous consent. I assume that the Senator from Maryland did not have any amendment to offer to House bill 1519.

Mr. BARKLEY. Mr. President, I think the Senator from Maryland had in mind that he was compelled to be temporarily absent, and that if an explanation were desired he would not be present to make it. However, I do not believe that he objects to the passage of the bill.

Mr. CORDON. Mr. President, as I understand, the unanimous consent agreement was that House bill 3973 would be passed over until the return of the Senator from Maryland.

Mr. MAGNUSON. Unless there is a distinct understanding that these bills will be brought up later, at the conclusion of the call of the calendar, or at some later date, I shall object to the request that they be passed over. They are very important bills.

Mr. FERGUSON. Mr. President, reserving the right to object, without an explanation at the present time, I do object.

Mr. OVERTON. Mr. President, I understand that the Senator from Maryland obtained unanimous consent to take up certain bills for consideration tomorrow. Therefore the bill would come up tomorrow.

The PRESIDENT pro tempore. If the Chair correctly recalls, there was an agreement that certain bills should be passed over until tomorrow.

The bill will be passed over.

IMPROVEMENT OF CREDIT SERVICES TO FARMERS—CONFERENCE REPORT

Mr. RUSSELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5991) to simplify and improve credit services to farmers and promote farm ownership by abolishing certain agricultural lending agencies and functions, by transferring assets to the Farmers' Home Corporation, by enlarging the powers of the Farmers' Home Corporation, by authorizing Government insurance of loans to farmers, by creating preferences for loans and insured mortgages to enable veterans to acquire farms, by providing additional specific authority and directions with respect to the liquidation of resettlement projects and rural rehabilitation projects for resettlement purposes, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"An act to simplify and improve credit services to farmers and promote farm ownership by abolishing certain agricultural lending agencies and functions, by defining the lending powers of the Secretary of Agriculture, by authorizing Government insurance of loans to farmers, by creating preferences for loans and insured mortgages to enable veterans to acquire farms, by providing additional specific authority and directions with respect to the liquidation of resettlement projects and rural rehabilitation projects for resettlement purposes, and for other purposes

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'Farmers' Home Administration Act of 1946.'

"DISPOSITION OF CERTAIN AGENCIES AND THEIR ASSETS AND PERSONNEL

"SEC. 2. (a) The following agencies, functions, powers, and duties are hereby abolished and the following laws relating thereto repealed.

"(1) The Farm Security Administration and all of its functions, powers, and duties.

"(2) All functons, powers, and duties of the Governor of the Farm Credit Administration which relate to the making, administration, and liquidation of (a) all loans to farmers under the Act entitled 'An Act to provide for loans to farmers for crop production and harvesting during the year 1937, and for other purposes', approved January 29, 1937 (U. S. C., 1940 edition, title 12, secs. 1020i–1020o); (b) all loans identified or referred to in sections 5 (b), 5 (c), and 5 (d) of Executive Order Numbered 6084, dated March 27, 1933, and (c) all other emergency crop production, feed, seed, drought, and rehabilitation loans administered by the Farm Credit Administration on the effective date of this Act. The said Act approved January 29, 1937, is hereby repealed.

"(3) All functions, powers, and duties of the National Housing Agency with respect to property, funds, and other assets which were formerly under the administration or supervision of the Farm Security Administration and were transferred to or consolidated with the National Housing Agency by Executive Order Numbered 9070 of February 24, 1942, except housing projects and except such other properties and assets as are now in the process of liquidation.

"(b) All assets, funds, contracts, property, and records and all liabilities of the agencies abolished by this Act and all assets, funds, contracts, property, and records which the Secretary of Agriculture, the Governor of the Farm Credit Administration, and the National Housing Administrator have been using or have acquired primarily in the administration of any function, power, or duty so abolished and all liabilities chargeable thereto shall be collected or liquidated, as the case may be, by the Secretary of Agriculture, in accordance with this Act and the Bankhead-Jones Farm Tenant Act, as amended. The Secretary shall promptly transmit to the Treasurer of the United States for appropriate credits all collections or other proceeds realized from the assets, funds, contracts and property which are authorized to be administered, collected or liquidated by this Act, except that (1) the Secretary may retain so much of the personal property, such as office furniture, equipment, machines, automobiles, stationery, and office supplies, as he finds will be necessary in carrying out his duties under this Act and the Bankhead-Jones Farm Tenant Act, as amended; (2) until the loans obtained by the Secretary of Agriculture or the War Food Administrator from the Reconstruction Finance Corporation for carrying on the Farm Security programs have been paid, the Secretary shall pay to the Reconstruction Finance Corporation, as collected, in accordance with the terms of the applicable loan agreements, the proceeds of all assets transferred to him for administration and liquidation which are pledged as security for such loans; and (3) the proceeds from collections on farmers' crop production and harvesting loans (U. S. C., 1940 edition, title 12, secs. 1020i–1020n, 1020o) made available by the paragraph entitled 'Farmers' crop production and harvesting loans' under the item 'Farm Credit Administration' in the Department of Agriculture Appropriation Act, 1947, shall be available to the Secretary of Agriculture for the fiscal year 1947 for making loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended.

"(c) The funds appropriated, authorized to be borrowed, and made available under the items 'Farmers' crop production and harvesting loans' (under the heading 'Farm Credit

Administration'), 'Loans, grants, and rural rehabilitation' and 'farm tenancy', in the Department of Agriculture Appropriation Act, 1947, shall be available for the making and servicing of loans under this Act, for servicing and collecting loans made under prior authority, liquidation of rural rehabilitation projects, and for administrative expenses in connection therewith, and to the extent that such funds are validly obligated and committed on June 30, 1947, shall be available for use by the Secretary in fulfilling such obligations and commitments subject to the limitations set forth in the Acts appropriating or authorizing such funds.

"(d) All labor supply centers, labor homes, labor camps, and facilities formerly under the supervision or administration of the Farm Security Administration and originally transferred or made available to the War Food Administrator for use in the farm labor supply program pursuant to Public Law 45, Seventy-eighth Congress, approved April 29, 1943 (57 Stat. 70), and all similar labor centers, homes, camps, and facilities constructed or acquired by the War Food Administrator or the Department of Agriculture pursuant to subsequent similar laws or otherwise, shall be liquidated as provided in this Act and the proceeds paid to the Treasurer of the United States as each such center, home, camp, or facility is no longer needed in the farm labor supply program originally initiated pursuant to Public Law 45, or until six months after the termination of the present hostilities as determined by concurrent resolution of the Congress, or by the President, whichever is the earlier.

"(e) Any of the personnel that is being utilized on the effective date of this Act for the performance of functions, powers, or duties abolished or transferred by this Act, including, but not limited to those related to emergency crop and feed loans, shall be utilized by the Secretary of Agriculture in the performance of his duties and functions under this Act and the Bankhead-Jones Farm Tenant Act, as amended, to the extent that he determines that such personnel are qualified and necessary therefor.

"(f) The Secretary of Agriculture shall liquidate, as expeditiously as possible, trusts under the transfer agreements with the various State Rural Rehabilitation Corporations and is authorized and directed to negotiate with responsible officials to that end.

"(g) With the approval of the Secretary of Agriculture, the consummation of the transfer of any function, power, duty, asset, or liability transferred by this Act may be delayed not in excess of ninety days after the effective date of this Act, during which time such function, power, or duty, and any function, power, or duty abolished by this Act, may be administered by such agency as the Secretary may designate and in accordance with such rules and regulations as the Secretary may prescribe. Such rules and regulations shall, however, conform as nearly as may be practicable to the provisions of this Act, the several appropriation Acts which are involved, or the Bankhead-Jones Farm Tenant Act, as amended, whichever is appropriate.

"AMENDMENT TO TITLE IV OF THE BANKHEAD-JONES FARM TENANT ACT

"SEC. 3. The following sections of title IV of the Bankhead-Jones Farm Tenant Act, as amended, except insofar as they affect title III of the Bankhead-Jones Farm Tenant Act, as amended, are hereby amended to read as follows:

"'SEC. 41. For the purposes of this Act, the Secretary shall have the power to—

"'(a) Appoint (without regard to the Civil Service laws or the Classification Act of 1923, as amended) such experts as may be necessary in carrying out the provisions of this Act: *Provided*, That the Administrator of the Farmers' Home Administration shall be appointed by the President, by and with the advice and consent of the Senate. The salary of none of such experts or the Administrator shall exceed $10,000 per annum. The Secretary shall also have the power to appoint, subject to the provisions of the Civil Service laws, such other officers and employees as may be necessary and fix their compensation in accordance with the Classification Act of 1923, as amended, except that for a period of not to exceed 9 months from the effective date of this provision, the Secretary may make appointments and continue employees of the Farm Security Administration and the non-civil-service employees of the Emergency Crop and Feed Loan Division, utilized in the performance of the functions of the Farmers' Home Administration under this Act, without regard to the Civil Service laws or regulations.

"'(b) The Secretary may administer his powers and duties under this Act through such area finance, State, and local offices in the United States and in the Territories of Alaska and Hawaii and in Puerto Rico as he determines to be necessary: *Provided*, That existing regional offices shall be liquidated on or before June 30, 1947. The Secretary may authorize one office to serve the area composed of two or more States (Territories or Puerto Rico) if he determines that the volume of business in the area is not sufficient to justify separate State offices.

"'(c) Accept and utilize voluntary and uncompensated services and with the consent of the agency concerned, utilize the officers, employees, equipment, and information of any agency of the Federal Government, or of any State, Territory, or political subdivision.

"'(d) Within the limits of appropriations made therefor, make necessary expenditures for personal services and rent at the seat of government and elsewhere; contract stenographic reporting services; purchase and exchange of supplies and equipment, law books, books of reference, directories, periodicals, newspapers, and press clippings; travel and subsistence expenses, including the expense of attendance at meetings and conferences; purchase, operation, and maintenance, at the seat of government and elsewhere, of motor-propelled passenger-carrying and other vehicles; printing and binding; and for such other facilities and services as he may from time to time find necessary for the proper administration of this Act.

"'(e) Make contracts for services and purchases of supplies without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., 1934 ed., title 41, sec. 5) when the aggregate amount involved is less than $300.

"'(f) Acquire land and interests therein without regard to section 355 of the Revised Statutes, as amended. This subsection shall not apply with respect to the acquisition of land or interests in land under title III.

"'(g) Compromise or adjust claims and adjust and modify the terms of mortgages, leases, contracts and agreements entered into or administered pursuant to this Act as circumstances may require, in the following manner:

"'(1) Compromise of claims of $10,000 or more must be effected by reference to the Secretary of the Treasury or to the Attorney General, pursuant to the provisions of section 3469 of the Revised Statutes (U. S. C., 1940 edition, title 31, sec. 194);

"'(2) Claims of less than $10,000 may be compromised or may be adjusted or reduced on the basis of a reasonable determination by the Secretary of the debtor's ability to pay and the value of the security and with or without the payment of any consideration at the time of such adjustment; releases from personal liability may also be made with or without the payment of any consideration at the time of adjustment of—

"'(A) Borrowers who have transferred their farms to other approved applicants under agreements assuming the outstanding indebtedness to the Secretary under this title; and

"'(B) borrowers who have transferred their farms to other approved applicants under agreements assuming that portion of their outstanding indebtedness to the Secretary which is equal to the earning capacity value of the farm at the time of the transfer, and borrowers whose farms have been acquired by the Secretary, in cases where the county committees certify and the Secretary determines that the borrowers have cooperated in good faith with the Secretary, have farmed in a workmanlike manner, used due diligence to maintain the security against loss, and otherwise fulfilled the covenants incident to their loans, to the best of their abilities;

"'(C) no compromise or adjustment shall be made upon terms more favorable than recommended by the appropriate County Committee established pursuant to section 42 of this Act.

"'(3) Any claim of $100 or less, which has been due and payable for three years or more, and where the debtor has no assets from which the claim could be collected or is deceased and has left no estate, or has been absent from his last known address for a period of at least two years and his whereabouts cannot be ascertained without undue expense, may be charged off or released by the Secretary upon a report and favorable recommendation of the employee of the Administration having charge of the claim: *Provided*, That claims of $10 or less may be canceled and released whenever it appears to the Secretary that further collection efforts would be ineffectual or likely to prove uneconomical; and

"'(4) At the end of each fiscal year the Secretary shall report to Congress the names of all persons against whom claims in excess of $1,000 have been compromised, the address of such person, the nature of the claim, the amount of the compromise, and the reason therefor.

"'(h) Collect all claims and obligations arising or administered under this Act, or under any mortgage, lease, contract, or agreement entered into or administered pursuant to this Act and, if in his judgment necessary and advisable, pursue the same to final collection in any court having jurisdiction. All legal work arising out of such claims and obligations, including, but not limited to, the prosecution and defense of all litigation, is authorized to be performed, as determined by the Solicitor of the Department of Agriculture, through the Department of Justice, by attorneys of the Office of the Solicitor of the Department of Agriculture, or by local counsel approved by the Solicitor of the Department of Agriculture, whose fees, upon approval by the Solicitor, shall be paid by the Secretary; and

"'(i) Make such rules and regulations and such delegations of authority as he deems necessary to carry out this Act.

"'COUNTY COMMITTEES

"'SEC. 42. (a) The Secretary is authorized and directed to appoint in each county in which activities are carried on under this Act a county committee composed of three individuals residing in the county, at least two of whom shall be farmers residing on a farm and deriving the principal part of their income from farming. In making the first appointments pursuant to the amendments made by Farmers' Home Administration Act of 1946, the Secretary shall designate one member of each committee to serve for a period of one year, one member to serve for a period of two years, and one member to serve for a period of three years. All subsequent appointments shall be for a three-year period. The Secretary may appoint an alternate for each member of each committee who shall have the same qualifications and be appointed for the same term as such member. The members of each committee shall elect one member to serve as chairman. Members of the committees and

their alternates shall be removable for cause by the Secretary.

"'(b) Each member of the committee shall be allowed compensation at the rate of not to exceed $5 per day while engaged in the performance of duties under this Act. The number of days per month that each member may be paid shall be determined and approved by the Secretary. In addition, they shall be allowed such amounts as the Secretary may prescribe for necessary traveling and subsistence expenses. The compensation and expenses of the committee members and their alternates shall be paid by the Secretary.

"'(c) The committee shall meet on the call of the committee chairman, or on the call of such other person as the Secretary may designate. Two members of the committee shall constitute a quorum. The Secretary shall prescribe rules governing the procedure of the committees, furnish forms and equipment necessary for the performance of their duties, and authorize and provide for the compensation of such clerical assistants as he deems may be required by any committee.

"'(d) Committees established under this Act shall, in addition to the duties specifically imposed under this Act, perform such other duties under this Act as the Secretary may require of them, or as may be delegated to them by the Secretary.

"'RESETTLEMENT PROJECTS

"'SEC. 43. (a) The Secretary shall do all things necessary to complete the liquidation as expeditiously as possible of all resettlement projects and rural rehabilitation projects for resettlement purposes including, but not limited to, defense relocation corporations, land-leasing and land-purchasing associations, all properties retransferred from the National Housing Agency by section 2 (a) (3) of the Farmers' Home Administration Act of 1946, and all other corporations or associations organized for similar purposes and financed, in whole or in part, with funds made available to the Secretary, the War Food Administrator, the Farm Security Administration, the Resettlement Administration, or the Federal Emergency Relief Administration.

"'(b) Withing six months after the effective date of the Farmers' Home Administration Act of 1946, the Secretary shall determine which of the lands comprising the projects described in (a) hereof are suitable for use, either with or without subdivision, as farms of sufficient size to constitute efficient farm management units and to enable diligent farm families to carry on farming of a type which the Secretary deems can be carried on successfully in the localities in which the lands are situated. The Secretary shall file with the Congress, promptly after making such determination, a complete report of the determination, with full information as to the location of all lands comprising such projects, and of the facts taken into account by the Secretary in making the determination. All lands which the Secretary determines are suitable for farming and all personal property incident to or comprising such projects and usable in farming operations shall, wherever practicable, be sold by the Secretary as expeditiously as possible to individuals eligible to receive the benefits of title I of this Act and in a manner consistent with the provisions of such title. The Secretary, if appropriations are made therefor by Congress, may make loans to such purchasers to enable them to improve such lands or repair such property, which loans shall be made only after certification of the county committees and otherwise in a manner consistent with the provisions of title I: *Provided*, That all sales of project lands in economic units shall be in accordance with the terms, conditions, and limitations of S. 704, Seventy-ninth Congress, second session.

"'(c) Public facilities, such as electric light, water and sewage systems, buildings and lands for schools and churches, and land for public roads, streets, and alleys, may be granted or dedicated to public or semipublic institutions or granted to public or private organizations where (1) such facilities or lands cannot be sold at reasonable prices, (2) similar facilities or land are not available at reasonable rates and terms to the inhabitants of the particular area and (3) the recipients of such facilities will agree to operate and maintain them and shall relieve the Government of all responsibility in connection therewith. In making grants or dedications of such facilities, the Secretary shall give due consideration to all applications for such grants or dedications and shall award the facilities to the organization or institution found by the Secretary to be most capable of maintaining and operating such properties. In all sales, grants, or dedications of such facilities, the Secretary shall take reasonable precautions to provide that they will not be used in competition with companies or organizations in the area furnishing adequate services to the inhabitants upon reasonable rates and terms.

"'(d) Real and personal property comprising such projects which is not determined by the Secretary to be suitable for sale as family-size farms as provided in (b) hereof, or which is not granted or dedicated as provided in (c) hereof, shall within eighteen months after the effective date of the Farmers' Home Administration Act of 1946, either be transferred by the Secretary to appropriate agencies of the United States for disposition as surplus property of the United States or be sold by the Secretary at public or private sale to any individual or corporation at the best price obtainable, after public notice, for cash or on secured credit, without regard to the laws governing the disposition of surplus real or personal property of the United States: *Provided, however*, That in the case of all sales on credit under this subparagraph (d) the Secretary shall obtain an initial cash payment of at least 20 per centum of the sales price and the remainder shall be paid in equal annual installments within a term not in excess of 5 years: *Provided further*, That whenever it is found by the Secretary that it is not practicable to dispose of lands reserved for sale pursuant to subparagraph (b) hereof under the provisions of title I of this act, such lands may be sold by the Secretary under the authority of this subparagraph (d).

"'(e) The Secretary shall cause the defense relocation corporations, land-leasing, and land-purchasing associations, and other similar corporations or associations to sell properties to which they hold title in accordance with the limitations and procedures prescribed in this section.

"'(f) The provisions of this section shall apply to all labor supply centers, labor homes, labor camps, and facilities upon their transfer to the Secretary as provided in section 2 (d) of this Act.

"'SPECIAL CONDITIONS AND LIMITATIONS ON LOANS

"'SEC. 44. The Secretary, under this Act,—

"'(a) Shall make no loan

"'(1) to any corporation or cooperative association;

"'(2) unless the appropriate county committee certifies in writing that the applicant is eligible to obtain such loan and that, in the opinion of such committee, he will honestly endeavor to carry out undertakings and obligations required of him under a loan which may be made by the Secretary;

"'(3) to any person, unless the applicant represents in writing, and it is administratively determined by the Secretary, after a certification to such effect by the appropriate county committee, that credit sufficient in amount to finance the actual needs of the applicant is not available to him at the rates (but not exceeding the rate of 5 per centum per annum) and terms prevailing in the community in or near which the applicant resides for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source.

"'(4) for the carrying on of any land-purchase or land-leasing program, or for the purpose of carrying on any operations in collective farming, or cooperative farming, or for the organization, promotion, or management of homestead associations, land-leasing associations, land-purchasing associations, or cooperative land-purchasing for colonies of rehabilitants and tenant purchasers, except for the liquidation as expeditiously as possible of any such projects heretofore initiated.

"'(b) Shall, except as otherwise specifically provided by the Congress, make all loans at the interest rate of 5 per centum per annum evidenced by notes requiring full liability of the maker and upon such security and such other terms and conditions as the Secretary may prescribe, including such provisions for the supervision of the borrower as the Secretary shall deem necessary to protect his interests.

"'(c) Shall, in the case of every loan, require in the loan and security instruments that if at any time it shall appear to the Secretary that the borrower may be able to obtain a loan from a production credit association, Federal land bank, or other responsible cooperative or private credit source at rates (but not exceeding the rate of 5 per centum per annum) and terms for loans for similar periods of time and purposes prevailing in the area in which the loan is to be made, the borrower shall, upon request of the Secretary, apply for and accept such loan in sufficient amount to repay the Secretary and to pay for any stock necessary to be purchased in the cooperative lending agency in connection with the loan.

"'TRANSFER OF LANDS TO SECRETARY

"'SEC. 45. The President may at any time in his discretion transfer to the Secretary any right, interest or title held by the United States in any lands acquired in the program of national defense and no longer needed therefor, which the President shall find suitable for the purposes of this Act, and the Secretary shall dispose of such lands in the manner and subject to the terms and conditions of this Act.

"'TRANSACTIONS WITH CORPORATIONS

"'SEC. 46. Nothing in this Act shall authorize the making of any loan or the sale or other disposition of real property or any interest therein, other than interests in coal, oil, gas, or other minerals, to any private corporation, except in furtherance of liquidation pursuant to section 43, or the leasing of mineral interests to corporations or individuals from time to time in accordance with policies established by the Secretary of Agriculture.

"'SURVEYS AND INVESTIGATIONS

"'SEC. 47. The Secretary is authorized to conduct surveys and investigations relating to the conditions and factors affecting, and the methods of accomplishing most effectively, the purposes of this Act, and may, when funds are specifically appropriated therefor by the Congress, publish and disseminate information pertinent to the various aspects of its activities.

"'VARIABLE PAYMENTS

"'SEC. 48. The Secretary shall require annual payments in installments sufficient to pay any obligations or indebtedness to him under this Act within the term of such obligation or indebtedness. The Secretary shall provide a method whereby a borrower may pay any obligation or indebtedness by a system of variable payments under which a surplus above the required installment for any

year may be paid in periods of above-normal income and employed to reduce payments below the required annual payment in subsequent periods of subnormal income. Any advance payments to the Secretary shall not affect the obligation to pay the required annual installment during periods of normal or above-normal income.

" 'SET-OFF

" 'SEC. 49. No set-off shall be made against any payment to be made by the Secretary to any person under the provisions of this Act, by reason of any indebtedness of such person to the United States, and no debt due to the Secretary under the provisions of this Act shall be set off against any payments owing by the United States, unless the Secretary shall find that such set-off will not adversely affect the objectives of this Act.

" 'TAXATION

" 'SEC. 50. (a) All property which is being utilized to carry out the purpose of title I of this Act (other than property used solely for administrative purposes) shall, notwithstanding that legal title to such property remains in the Secretary, be subject to taxation by the State, Territory, district, dependency, and political subdivision concerned, in the same manner and to the same extent as other similar property is taxed.

" '(b) All property to which subsection (a) of this section is inapplicable which is held by the Secretary pursuant to this Act shall be exempt from all taxation now or hereafter imposed by the United States or any State, Territory, district, dependency, or political subdivision, but the Secretary shall make payments in respect of any such property in lieu of taxes.

" 'BID AT FORECLOSURE

" 'SEC. 51. The Secretary is authorized and empowered to bid for and purchase at any foreclosure or other sale, or otherwise to acquire property pledged or mortgaged or conveyed to secure any loan or other indebtedness owing to or acquired by the Secretary under this Act; to accept title to any property so purchased or acquired; to operate for a period not in excess of one year from the date of acquisition, or lease such property for such period as may be deemed necessary to protect the investment therein; and to sell or otherwise dispose of such property in a manner consistent with the provisions of section 43 of this Act.

" 'PENALTIES

" 'SEC. 52. (a) Whoever makes any material representation, knowing it to be false, for the purpose of influencing in any way the action of the Secretary upon any application, discount, purchase or repurchase agreement, contract of sale, lease or loan, or any change or extension of any of the same by renewal, compromise, adjustment, deferment of action or otherwise, or the acceptance, release or substitution of security therefor, shall, upon conviction thereof, be punished by a fine of not more than $2,000 or by imprisonment for not more than two years, or both.

" '(b) Whoever, being employed in any capacity by the Secretary, (1) embezzles, abstracts, purloins or willfully misapplies any moneys, funds, securities or other things of value, whether belonging to the Secretary or pledged or otherwise entrusted to him; or (2) with intent to defraud the Secretary, or any body politic or other corporation, or any individual, or to deceive any officer, auditor or examiner of the Secretary, makes any false entry in any book, report or statement of, or to, the Secretary, or draws any order, or issues, puts forth or assigns any note or other obligation or draft, mortgage, judgment or decree thereof; or (3) with intent to defraud the Secretary, participates or shares in or receives directly or indirectly any money, profit, property or benefits through any transaction, loan, commission, contract or any other act of the Secretary shall, upon conviction thereof, be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or both.

" '(c) Whoever willfully shall conceal, remove, dispose of, or convert to his own use or that of another, any property mortgaged or pledged to, or held by, the Secretary as security for any obligation, shall, upon conviction thereof, be punished by a fine of not more than $2,000 or by imprisonment for not more than two years, or both.

" '(d) Whoever conspires with another to accomplish any of the acts made unlawful by the preceding provisions of this section shall, upon conviction thereof, be subject to the same fine or imprisonment, or both, as is applicable in the case of conviction for doing such unlawful act.

" 'FEES AND COMMISSIONS PROHIBITED

" 'SEC. 53. No officer, attorney, or other employee of the Secretary shall, directly or indirectly, be the beneficiary of or receive any fee, commission, gift, or other consideration for or in connection with any transaction or business under this Act other than such salary, fee, or other compensation as he may receive as such officer, attorney, or employee. No member of a county committee established under section 42 shall knowingly make or join in making any certification prohibited by section 2 (c). Any person violating any provision of this section shall, upon conviction thereof, be punished by a fine of not more than $2,000 or imprisonment for not more than two years, or both.

" 'EXTENSION OF TERRITORIES

" 'SEC. 54. The provisions of this Act shall extend to the Territories of Alaska and Hawaii and to Puerto Rico. In the case of Alaska and Puerto Rico, the term "county" as used in this Act shall be deemed synonymous with Territory, or any subdivision thereof as may be designated by the Secretary, and payments under section 33 of this Act shall be made to the Governor of the Territory or to the fiscal agent of such subdivision.

" 'SEPARABILITY

" 'SEC. 55. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.'

"SEC. 4. Title II of the Bankhead-Jones Farm Tenant Act, as amended, is hereby amended to read as follows:

" 'TITLE II—PRODUCTION AND SUBSISTENCE LOANS

" 'BORROWERS AND TERMS

" 'SEC. 21. Out of the funds made available under section 23, the Secretary may make loans to farmers and stockmen who are citizens of the United States for the purchase of livestock, seed, feed, fertilizer, farm equipment and supplies, other farm needs, the refinancing of indebtedness and family subsistence: *Provided*, That no loan shall be made under this section for the purchase or leasing of land or for the carrying on of any land-purchase or land-leasing program: *Provided further*, That, under this section, (1) the initial loan to any one borrower shall not exceed $3,500 and no further loan may be made by the Secretary under this title to a borrower so long as the total amount outstanding to that borrower, including interest and taxes or other liens and obligations which have accrued and are properly chargeable to the account of the borrower, exceeds $5,000; (2) the term of any such loan, including renewals and extensions, shall not exceed five years from the date the original loan was made; and (3) no person who has failed to liquidate his indebtedness under this section for five consecutive years shall be eligible for further loans hereunder until he has paid such indebtedness in full, except that indebtedness to the Farm Security Administration or the Emergency Crop and Feed Loan Offices heretofore created shall not be included until five years from the effective date of the Farmers' Home Administration Act of 1946, in determining the amounts of loans, terms of loans, and five-year period for eligibility set forth in this section.

" 'DEBT ADJUSTMENT

" 'SEC. 22. The Secretary may assist in the voluntary adjustment of indebtedness between farm debtors and their creditors and may cooperate with State, Territorial, and local agencies and committees engaged in such debt adjustment. Services furnished by the Secretary under this section may be without charge to the debtor or creditor.

" 'APPROPRIATION

" 'SEC. 23. There is authorized to be appropriated to the Secretary such sums as the Congress may from time to time determine to be necessary to enable the Secretary to carry out the purposes of this title.'

"AMENDMENT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT

"SEC. 5. Title I of the Bankhead-Jones Farm Tenant Act, as amended, is hereby amended to read as follows:

" 'TITLE I—TENANT PURCHASE LOANS AND MORTGAGE INSURANCE

" 'POWER OF SECRETARY

" 'SECTION 1. (a) The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized to make loans and to insure mortgages in the United States and in the Territories of Alaska and Hawaii and in Puerto Rico to persons eligible to receive the benefits of this title to enable such persons to acquire, repair or improve family-size farms, or to refinance indebtedness against undersized or underimproved units when loans are being made or insured by the Secretary to enlarge or improve such units. Loans may also be made to assist borrowers under this title in making the improvements needed to adjust their farming operations to changing conditions.

" '(b) (1) Except with respect to veterans qualified under subsection (b) (2) of this section, only farm tenants, farm laborers, share croppers, and other individuals (including owners of inadequate or underimproved farm units) who obtain, or who recently obtained, the major portion of their income from farming operations, shall be eligible to receive the benefits of this title. In making available the benefits of this title, the Secretary shall give preference to persons who are married, or who have dependent families, and, wherever practicable, to persons who are able to make an initial down payment, or who are owners of livestock and farm implements necessary successfully to carry on farming operations. No person shall be eligible who is not a citizen of the United States.

" '(2) Any veteran (defined herein as a person who served in the land or naval forces of the United States during any war between the United States and any other nation, and who shall have been discharged or released therefrom under conditions other than dishonorable) who intends to engage in farming as a principal occupation, and who meets the requirements of rules and regulations prescribed by the Secretary as to industry, experience, character, and other assurances of success as farmers, shall be eligible for the benefits of this title and their applications shall be entitled to preference over those of non-veterans.

" '(c) No loan shall be made, or mortgage insured, for the acquisition, improvement, or enlargement of any farm unless it is of such size and type as the Secretary determines to be sufficient to constitute an efficient family-type farm-management unit and to enable a diligent farm family to carry on suc-

cessful farming of a type which the Secretary deems can be carried on successfully in the locality in which the farm is situated: *Provided*, That loans may be made to veterans, or mortgages insured for veterans, as defined in section 1 (b) (2) hereof, who have pensionable disabilities, to enable such veterans to acquire, enlarge, repair, or improve farm units of sufficient size to meet the farming capabilities of such veterans and afford them income which, together with their pensions, will enable them to meet living and operating expenses and the amounts due on their loans.

"'FUNCTIONS OF COUNTY COMMITTEES

"'SEC. 2. (a) The county committees established under section 42 shall—

"'(1) examine applications (filed with the chairman of the county committee, or with such other person as the Secretary may designate) of persons desiring to obtain the assistance of the Secretary in financing the acquisition of farms or farming operations in the county as provided in this Act; and

"'(2) examine and appraise farms in the county with respect to which applications are made.

"'(b) If the committee finds that an applicant is eligible to receive the benefits of this Act, that, in the opinion of the committee, by reason of his character, ability, industry, and experience, he will successfully carry out undertakings required of him under a loan which may be made or insured under this Act, that credit sufficient in amount to finance the actual needs of the applicant, specified in the application, is not available to him at the rates (but not exceeding the rate of 5 per centum per annum) and terms prevailing in the community in or near which the applicant resides for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source; and that the farm with respect to which the application is made is of such character that there is a reasonable likelihood that the making or insuring of the loan with respect thereto will carry out the purposes of this title, it shall so certify to the Secretary. The committee shall also certify to the Secretary the amount which the committee finds is the fair and reasonable value of the farm based upon its normal earning capacity. The farm shall be appraised by competent employees of the Secretary thoroughly trained in appraisal techniques and the appraisal shall be made available to the county committee and the Secretary for their guidance in determining the value of the farm as specified above.

"'(c) No member of the committee shall participate in any certification under this section with respect to any application or farm in which such member, or any person related to such member within the third degree of consanguinity or affinity has any pecuniary interest, direct or indirect, or in which any of them had such interest within one year prior to the date of certification.

"'(d) No loan shall be made for any purpose under this Act and no mortgage shall be insured under this Act, unless certification by the committee, as required under this section, has been made with respect to the applicant applying for the loan and with respect to the farm which is to be taken as security either for an insured or an uninsured mortgage.

"'TERMS OF LOANS

"'SEC. 3. (a) Loans made under this title shall be in such amount (not in excess of the amount certified by the county committee to be the value of the farm) as may be necessary to enable the borrower to acquire the farm and for necessary repairs and improvements thereon, and shall be secured by a first mortgage or deed of trust on the farm. Loans may not be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-type farm-management units, as determined by the Secretary, in the county, parish, or locality where the farm is located.

"'(b) The instruments under which the loan is made and security given therefor shall—

"'(a) provide for the repayment of the loan within an agreed period of not more than forty years from the making of the loan;

"'(2) provide for the payment of interest on the unpaid balance of the loan at the rate of 3½ per centum per annum;

"'(3) provide for the repayment of the unpaid balance of the loan, together with interest thereon, in installments in accordance with amortization schedules prescribed by the Secretary;

"'(4) be in such form and contain such covenants as the Secretary shall prescribe to secure the payment of the unpaid balance of the loan, together with interest thereon, to protect the security, and to assure that the farm will be maintained in repair, and waste and exhaustion of the farm prevented, and that such proper farming conservation practices as the Secretary shall prescribe will be carried out;

"'(5) provide that the borrower shall pay taxes and assessments on the farm to the proper taxing authorities, and insure and pay for insurance on farm buildings;

"'(6) provide that upon the borrower's assigning, selling, or otherwise transferring the farm, or any interest therein, without the consent of the Secretary, or upon default in the performance of, or upon any failure to comply with, any covenant or condition contained in such instruments, or upon involuntary transfer or sale, the Secretary may declare the amount unpaid immediately due and payable, and that, without the consent of the Secretary, no final payment shall be accepted, or release of the Secretary's interest be made, less than five years after the making of the loan; and

"'(7) contain the provisions for refinancing specified in section 44 (c).

"'(c) Except as provided in paragraph (6) of subsection (b), no instrument provided for in this section shall prohibit the prepayment of any sum due under it.

"'(d) No provision of section 75, as amended, of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898 (U. S. C. 1940 ed., title 11, sec. 203), other applicable in respect to any indebtedness incurred under this title by any beneficiary thereof, shall be applicable in respect of such indebtedness until such beneficiary has repaid at least 15 per centum thereof.

"'EQUITABLE DISTRIBUTION OF LOANS AND MORTGAGE INSURANCE

"'SEC. 4. In making loans and insuring mortgages under this title, the amount which is devoted to such purposes during any fiscal year shall be distributed equitably among the several States and Territories on the basis of farm population and the prevalence of tenancy, as determined by the Secretary: *Provided*, That there may be distributed to each State such amounts as are necessary to insure mortgages or finance loans pursuant to all bona fide applications from veterans qualified under section 1 hereof: *Provided further*, That there may be disbursed in any fiscal year to each State or Territory such amount not in excess of $100,000 as is determined by the Secretary to be necessary to finance loans in such State or Territory under this title.

"'APPROPRIATION

"'SEC. 5. To carry out the provisions of this title with respect to tenant-purchase loans, there is authorized to be appropriated not to exceed $50,000,000 for each fiscal year beginning with the fiscal year ending June 30, 1947, and such further sums as may be necessary in carrying out the provisions of this title during such fiscal year, with respect to tenant purchase loans and insured mortgages.

"'FARM TENANT MORTGAGE INSURANCE FUND

"'SEC. 11. (a) There is hereby created a fund, to be known as the "farm tenant-mortgage insurance fund" (hereinafter in this title referred to as the "fund"), which shall be used by the Secretary as a revolving fund for carrying out the provisions of this title with respect to mortgages insured under section 12 and to mortgages accepted for the account of the fund under section 13. There is authorized to be appropriated to the Secretary the sum of $25,000,000 to constitute such fund.

"'(b) Moneys in the fund not needed for current operations shall be deposited with the Treasurer of the United States to the credit of the fund or invested in direct obligations of the United States or obligations guaranteed as to principal and interest by the United States. The Secretary may purchase, with money in the fund, any notes issued by the Secretary to the Secretary of the Treasury to obtain money for the fund.

"'(c) All amounts deposited in or credited to the fund and the proceeds of investments of amounts in the fund shall be used only for purposes to which the fund is specifically authorized to be devoted under this title and shall not be diverted to any other use.

"'(d) The Secretary shall include in his annual report a complete statement with respect to the status of the fund.

"'INSURANCE OF MORTGAGES

"'SEC. 12 (a) The Secretary is authorized, upon application of a prospective mortgagor or mortgagee under a first mortgage eligible for insurance under this title, to insure such mortgage and to make commitments for the insurance of any such mortgage prior to the date of its execution.

"'(b) The aggregate amount of principal obligations on all mortgages insured under this title, on all mortgages with respect to which commitments to insure have been made, and on all mortgages accepted for the account of the fund and not disposed of under section 14 shall not exceed $100,000,000 in any one fiscal year. With respect to any fiscal year, the amount available for insurance, commitment and acceptance of mortgages under this title shall be distributed among the several States and Territories on the basis provided in section 4 and preferences shall be given to mortgages executed by veterans qualified under section 1.

"'(c) In order for a mortgage to be eligible under this title—

"'(1) the person obligated to pay thereunder shall be a person who would be eligible under section 1 for a loan under title I;

"'(2) the farm mortgaged shall be one with respect to which, under section 1 (c), a loan could be made under title I;

"'(3) there shall be an appropriate certification by the county committee as required by section 2 of this Act;

"'(4) the mortgage instruments shall comply with section 3 (b), except that the base rate of interest shall be 2½ per centum per annum;

"'(5) the principal obligation (and fees and other charges chargeable under subsection (d) of this section) shall not exceed 90 per centum of the reasonable value of the farm and necessary repairs and improvements thereon, as such values are certified by the county committee pursuant to section 2 (b);

"'(6) the mortgage instruments shall contain a covenant to pay to the Secretary the initial and annual charges provided for in subsections (d) and (e) of this section, and a covenant to pay to the Secretary, as collection agent for the mortgagee, the amounts payable by the mortgagor to the mortgagee under the mortgage; and

"'(7) the mortgage instruments shall contain a stipulation (not binding upon the

Secretary) that the holder of the mortgage will accept the benefits provided by section 13 in lieu of any right of foreclosure which he may have against the property and any right to a deficiency judgment against the mortgagor on account of the mortgage.

"'(d) The Secretary shall require the payment by the mortgagor or mortgagee of such initial fees for inspection, appraisal, and other charges as it finds necessary and such amounts may be included in the principal obligation of the mortgage, and the payment of such delinquency charges and default reserves as it finds necessary. The proceeds of such fees shall be deposited in the Treasury for use for administrative expense as provided in subparagraph (e) (2) hereof.

"'(e) (1) The Secretary shall collect from the mortgagor, upon insurance of the mortgage, an initial charge of 1 per centum of the principal obligation of the mortgage and annually thereafter when payment of an installment of principal and interest is due, a charge of 1 per centum of the principal obligation remaining unpaid after such installment is paid, without taking into account delinquent payments or prepayments. If the principal obligation of the mortgage is paid in full in less than five years after the time when the mortgage was entered into, the Secretary may require payment by the mortgagor of a charge equal to the amount of the last annual charge required of the mortgagor.

"'(2) One-half of the amount paid as charges in pursuance of this subsection shall be the premium for insurance and shall be deposited in the fund and may be used only for purposes to which the fund may be devoted. The other half of the amounts so paid shall be deposited in the Treasury to the credit of the Secretary and shall be available only for administrative expenses to carry out the provisions of this title, relating to mortgage insurance.

"'(f) (1) The Secretary shall promptly remit to the mortgagee under any mortgage insured under this title any sums collected by it as agent for the mortgagee. The Secretary shall promptly advise any such mortgagee of any default by the mortgagor.

"'(2) If within thirty days after the due date of any installment the mortgagor under an insured mortgage has failed to pay to the Secretary the amount due, the Secretary shall notwithstanding the amount paid is less than the interest and principal due, pay the amount of such principal and interest to the mortgagee, less the amount of any previous prepayments.

"'(3) Payments to mortgagees under paragraph (2) shall be advanced out of the fund for the account of the mortgagor. Such advances shall be repaid to the fund out of the first available collections received from the mortgagor, with interest thereon at the rate fixed in the insured mortgage, and shall be added to subsequent installments.

"'(g) Any contract of insurance executed by the Secretary under this section shall be conclusive evidence of the eligibility of the mortgage for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of any holder thereof from the date of the execution of such contract, except for fraud or misrepresentation of which such holder has actual knowledge.

"'(h) The Secretary may, at any time, for good cause shown and under such terms and conditions as he may prescribe, consent to the release of the mortgagor from his liability under the mortgage or the credit instruments secured thereby, or consent to the release of parts of the mortgaged property from the lien of the mortgage.

"'(i) The holder of any mortgage insured under this title may, upon notice to the Secretary, assign such mortgage together with the accompanying note and contract of insurance and the assignee thereof shall thereupon become entitled to all the benefits of such contract of insurance: *Provided*, That no such assignment shall be binding upon the Secretary until notice thereof has been given the Secretary and the Secretary has acknowledged receipt of such notice.

"'PAYMENT OF INSURANCE

"'SEC. 13. (a) In any case in which the mortgagor under a mortgage insured under section 12 is in default for more than twelve months, the mortgagee shall be entitled to receive the benefit of the insurance as hereinafter provided, upon assignment to the Secretary of (1) all the mortgagee's rights and interests arising under the mortgage so in default; (2) all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction; (3) all policies of title or other insurance and all surety bonds and other guaranties and any and all claims thereunder relating to the mortgage or the mortgaged property; (4) any balance of the mortgage loan not advanced to the mortgagor; and (5) any cash or property held by the mortgagee, or to which he is entitled, as deposit made for the account of the mortgagor and which has not been applied in reduction of the principal of the mortgage indebtedness; and upon transfer to the Secretary of such originals or copies of records, documents, books, papers and accounts relating to the mortgage transaction, as the Secretary prescribes. Upon such assignment and transfer, the Secretary shall pay to the mortgagee, in cash, an amount equal to the value of the mortgage and the note and mortgage shall thereupon become a part of the fund. For the purposes of this subsection, the value of the mortgage shall be determined, in accordance with rules and regulations prescribed by the Secretary, by adding to the amount of the original principal obligation of the mortgage which was unpaid on the date of default, the amount of all unpaid interest and the amount of all payments which have been made by the mortgagee for taxes, special assessments, water rates, and other payments in discharge of liens which are prior to the mortgage, and insurance on the property mortgaged, and by deducting from such total amount any amount received on account of the mortgage indebtedness after such default.

"'(b) If there should not be sufficient cash in the fund to enable the Secretary to make payments to mortgagees as provided in subsection (a) of this section, the Secretary may make and issue notes to the Secretary of the Treasury to obtain funds to make such payments. Such notes shall be signed by the Secretary or by his duly authorized representatives and shall be negotiable. Such notes shall bear interest, payable semiannually, at a rate equal to the average rate of interest, computed to the end of the calendar month next preceding the date of issue, borne by all interest bearing obligations of the United States then forming a part of the public debt, and shall have such maturities as the Secretary may determine with the approval of the Secretary of the Treasury.

"'(c) The Secretary of the Treasury is authorized to purchase any notes issued by the Secretary pursuant to this section and any renewals thereof and for such purchases may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such Act, as amended, are hereby extended to include any such purchases. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States.

"'(d) In any case in which the mortgagor violates any covenant or conditions of his mortgage, the Secretary may require the mortgagee to assign such mortgage, together with the incidents thereto, upon payment of the value of the mortgage determined in accordance with this section.

"'PROCEDURE WITH RESPECT TO MORTGAGES IN DEFAULT

"'SEC. 14. (a) Upon accepting the assignment of any insured mortgage, the Secretary shall ascertain whether or not the mortgagor (which term as used in this section shall include the mortgagor or his heirs or assigns) desires to remain in possession of the mortgaged property. If the mortgagor does not desire to remain in possession of the mortgaged property or if the Secretary is unable to make the findings prescribed by the next sentence, the Secretary may proceed to foreclose the mortgage. If the mortgagor desires to remain in possession of the mortgaged property and if the Secretary finds that the mortgagor (1) has made reasonable efforts to meet all defaulted payments and to comply with the other covenants and conditions of his mortgage and (2) will probably be able to meet such defaulted payments within five years after the maturity date or dates of the defaulted payments, the Secretary may enter into an agreement with the mortgagor providing for the payment of such defaulted payments together with interest thereon, at such times not later than five years after the maturity date or dates as the Secretary may deem to be within the probable future means of the mortgagor. Should any mortgagor with whom the Secretary has entered into such agreement thereafter fail to meet any payments, the Secretary may proceed to foreclose the mortgage.

"'(b) Amounts realized under section 51 on account of property which was subject to an insured mortgage shall be deposited in the fund. Amounts payable by the Secretary under section 50 (a) as taxes, with respect to such property, shall be paid out of the fund.

"'INSURED MORTGAGES ELIGIBLE AS INVESTMENTS

"'SEC. 15. (a) The first paragraph of section 24, chapter 6, of the Federal Reserve Act, as amended (U. S. C., 1940 ed., title 12, sec. 371) (relating to loans on farm lands by member banks), is hereby amended by inserting after the words "National Housing Act", the following: "or which are insured by the Secretary of Agriculture pursuant to title I of the Bankhead-Jones Farm Tenant Act."

"'(b) Section 35 of chapter III of the Act entitled "An Act to regulate the business of life insurance in the District of Columbia", approved June 19, 1934 (D. C. Code, 1940 edition, title 35, sec. 535), is amended by inserting in paragraph (3a) after the words "Federal Housing Administrator" the following: "or by the Secretary of Agriculture pursuant to title I of the Bankhead-Jones Farm Tenant Act."'

"ACCOUNTS AND CLAIMS OF DEFENSE RELOCATION CORPORATION

"SEC. 6. (a) The Comptroller General of the United States is authorized and directed to allow credit in the accounts of disbursing and certifying officers for advances made in good faith on behalf of the Department of Agricultural to defense relocation corporations and land purchasing associations.

"CONSOLIDATION OF AGRICULTURAL CREDIT AND SERVICE OFFICES

"SEC. 7. The Secretary of Agriculture and the Governor of the Farm Credit Administration are hereby directed, wherever practicable, to make suitable arrangements whereby all field offices under their supervision or direction extending agricultural credit or furnishing agricultural services to farmers to utilize the same or adjacent offices to the end that eligible farmers in each locality will be enabled to obtain their agricultural credit and services at one central point.

"CONTINGENT PROVISIONS FOR TRANSFERRING POWERS TO AGRICULTURAL CREDIT AGENCY

"SEC. 8. (a) In the event the Agricultural Credit Act (H. R. 4873), Seventy-ninth Congress, first session, passed by the House of Representatives on March 20, 1946, becomes law prior to the effective date of this Act:

"(1) The functions, powers, and duties vested in the Secretary of Agriculture by this Act and by the Bankhead-Jones Farm Tenant Act, as amended, except insofar as such functions, powers, or duties involve or are necessary to the administration of title III of the Bankhead-Jones Farm Tenant Act, shall be vested in the Agricultural Credit Agency;

"(2) The functions, powers, and duties of the Secretary of Agriculture transferred under (1) above and the property and assets acquired by the Secretary of Agriculture primarily in the administration of such functions, powers, and duties, shall be administered within the Division of the Agricultural Credit Agency created for the purpose of supervising and administering direct lending to farmers, subject to the supervision, direction, and authority of the Agricultural Credit Board, the Agricultural Credit Administrator, and the Deputy Administrator in charge of that Division, to the same extent as other units of a division of the Agricultural Credit Agency;

"(3) The functions, powers, and duties vested in the Solicitor of the Department of Agriculture and attorneys of his office by this Act and the Bankhead-Jones Farm Tenant Act shall be vested in the general counsel and attorneys of the Agricultural Credit Agency, respectively.

"SEC. 9. Any conveyance of real estate by the Government or any Government agency under this Act shall include all mineral rights."

And the House agree to the same.

ELMER THOMAS,
RICHARD B. RUSSELL,
GEORGE D. AIKEN,
TOM STEWART,
Managers on the Part of the Senate.

JOHN W. FLANNAGAN, Jr.,
HAROLD D. COOLEY,
ORVILLE ZIMMERMAN,
STEPHEN PACE,
CLIFFORD R. HOPE,
AUG. H. ANDRESEN,
J. ROLAND KINZER,
Managers on the Part of the House.

Mr. RUSSELL. Mr. President, I ask that the conference report be considered and adopted.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the report was considered and agreed to.

The PRESIDENT pro tempore. The clerk will state the next order of business on the calendar.

BILL PASSED OVER

The bill (S. 2236) providing for a medal for service in the merchant marine during the present war was announced as next in order.

The PRESIDENT pro tempore. The bill will be passed over in accordance with the unanimous-consent agreement requested by the Senator from Maryland [Mr. RADCLIFFE].

REGULATION OF SALE OF MILK, CREAM, AND ICE CREAM WITHIN THE DISTRICT OF COLUMBIA

The bill (S. 2479) to amend the act entitled "An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the third paragraph of section 13 of the act entitled "An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925, be amended to read as follows:

"The term 'pasteurized' as used in this act shall be held to mean the process of heating every particle of milk or milk products (1) to a temperature of not less than 143° Fahrenheit and, if heated to not more than 159° Fahrenheit, holding at such temperature for at least 30 minutes, or (2) to a temperature of not less than 160° Fahrenheit and holding at such temperature for at least 15 seconds."

RETIREMENT OF PUBLIC SCHOOL TEACHERS IN THE DISTRICT OF COLUMBIA

The bill (H. R. 5756) for the retirement of public school teachers in the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

MR. AND MRS. J. W. WILLIAMS, JR.

The bill (H. R. 1459) for the relief of Mr. and Mrs. J. W. Williams, Jr., was considered, order to a third reading, read the third time, and passed.

MRS. LEROY A. ROBBINS

The bill (H. R. 1887) for the relief of Mrs. Leroy A. Robbins was considered, ordered to a third reading, read the third time, and passed.

SECOND LT. FRANCIS W. ANDERSON

The bill (H. R. 5851) for the relief of Second Lt. Francis W. Anderson was considered, ordered to a third reading, read the third time, and passed.

MRS. IVAN B. HOFMAN

The bill (H. R. 6423) for the relief of Mrs. Ivan B. Hofman was considered, ordered to a third reading, read the third time, and passed.

ALLEGHENY RIVER BRIDGE, NEW KENSINGTON, PA.

The bill (H. R. 7030) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Allegheny River, between a point in or near the Borough of Tarentum, in the county of Allegheny, and a point near the boundary of the city of New Kensington and Lower Burrel Township in Westmoreland County in the Commonwealth of Pennsylvania was considered, ordered to a third reading, read the third time, and passed.

BILL AND JOINT RESOLUTION PASSED OVER

The bill (H. R. 7063) to provide for the selection for elimination and retirement of officers of the Regular Army was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 163) proposing an amendment to the Constitution of the United States to prohibit the denial or infringement of the inherent right of a citizen to work and bargain freely with his employers was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

WEARING OF CERTAIN DECORATIONS BY THOMAS PARRAN AND OTHERS

The joint resolution (S. J. Res. 180) granting permission to Thomas Parran and others to wear certain decorations was announced as next in order.

The PRESIDENT pro tempore. House Joint Resolution 387, Calendar 1902, is to the same effect. Is there objection to substituting the House joint resolution?

There being no objection, the joint resolution (H. J. Res. 387) granting permission to Thomas Parran and others to wear certain decorations was considered, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate Joint Resolution 180 will be indefinitely postponed.

ADMISSION OF EVIDENCE IN CERTAIN CASES—BILL PASSED OVER

The bill (H. R. 43) to safeguard the admission of evidence in certain cases was announced as next in order.

Mr. REVERCOMB. Let the bill be passed over.

Mr. McCARRAN. Mr. President, I wonder whether the Senator who objected will kindly withdraw his objection, so that we may make a very brief explanation.

Mr. REVERCOMB. Very well.

Mr. McCARRAN. This bill comes from the Department of Justice. It comes by reason of the decision in the case of McNabb against United States, in which it was held that a confession given after the party had been detained for a brief length of time was not admissible.

As the bill is now before the Senate, it merely provides the following:

Failure to observe the requirement of law as to the time within which a person under arrest must be brought before a committing officer shall not render inadmissible any evidence that is otherwise admissible.

Let me say that the Department of Justice is embarrassed from day to day by reason of the fact that some party in a case has been detained perhaps 2 or 3 or 4 hours or a day, and then the confession is taken, and then under the McNabb case it is held that the confession cannot be used as evidence against the party.

So I hope the Senator will withdraw his objection.

Mr. REVERCOMB. Mr. President, I wish to present a different view, which I think may be taken. My objection is made because if this bill is passed as it is written, the arresting officers will be invited to violate the law and to hold a man an undue length of time under arrest.

I have no desire whatsoever to object to the passage of any law that will assist in the proper enforcement of the law. But it seems to me that we cannot abrogate one of the basic principles, namely, that we must protect the innocent in case of arrest. That principle is best enunciated under the law of this country which has to do, I believe, with

the rule which must be applied when a person is arrested and charged with violation of a Federal law. Under those circumstances he must be arraigned and brought before a commissioner within a reasonable length of time. That is the requirement of law.

In the McNabb case, the Supreme Court held that where the arresting officers obtain confessions before arraignment and before bringing the person before a commissioner for hearing, such confessions cannot be used as evidence. The very reason the Supreme Court arrived at that ruling was to prevent the use of various methods of duress in obtaining confessions.

The bill we are asked to pass provides that—

> Failure to observe the requirement of law as to the time within which a person under arrest must be brought before a committing officer shall not render inadmissible any evidence that is otherwise admissible.

Mr. President, I wish to say that that is an invitation to the arresting officer not to obey the law in connection with bringing a man before the committing officer. I think it would be most unwise and unsound and unwholesome to enact a statute which would say to an arresting officer, "You are excused from obeying the law as to bringing arrested persons before committing officers; and although you know what the law is—namely, to bring arrested persons before a committing officer as soon as may be reasonable—we say that what you have done if you do not obey that law is excused."

It seems to me that to say that to an officer who holds a person who is arrested an undue length of time or who intentionally violates the statute with reference to bringing a man promptly before a committing officer, would be most undesirable.

There is no reason in the world to have a law which requires the arresting officer to give a man an early arraignment or a preliminary hearing, if in the next breath we say that failure to observe that law does not bar the admission of evidence which otherwise would be admissible.

I do not wish to take any step which would aid the lawbreaker or the criminal, but at the same time the general public must be protected. One of the very basic principles of our law is the presumption of innocence and the protection of the general public. The people must be protected against an invitation to law violation or, I may say, against an absolute excuse to an arresting officer who violates the law which the Congress laid down in the first place. So I shall have to object.

Mr. FERGUSON. Mr. President, will the Senator withhold his objection for a moment?

Mr. REVERCOMB. I do.

Mr. FERGUSON. I should like to have the Senator withhold his objection until I have an opportunity to say a word about the matter.

Mr. President, at first glance this bill might indicate that we were attempting to take certain rights from defendants in criminal cases. The able Senator from West Virginia has indicated that it would allow arresting officers to disobey the law, and thus take advantage of defendants in a certain way.

I went rather carefully into this matter after it came to the Judiciary Committee. I finally came to the conclusion that we should pass this bill. As I understand the situation, today many cases are being dismissed on the sole ground that a confession or admission made while a person was under arrest could not be used; and insofar as our law-enforcement officials are concerned, there is a break-down in the administration of justice.

I think all the constitutional rights of a defendant should be preserved, but I do not feel that the mere holding of a person longer than the time he is allowed to be held before arraignment should entirely wipe out and destroy the rights of law-enforcement officers.

This bill does not sanction the holding of any person an undue length of time. It merely says that if the evidence is otherwise admissible, the mere fact that the person was held longer than permitted by law before he was arraigned shall not make inadmissible a confession which otherwise would be admissible.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. FERGUSON. I am glad to yield.

Mr. McMAHON. Does not the Senator feel, however, that the exemption provided by this bill would encourage law-enforcement officers to hold prisoners for a considerable length of time before they were brought before committing officers, rather than to have them immediately arraigned?

Mr. McCARRAN. Mr. President, if the Senator from Michigan will permit me to say a word at this point, let me state in respect to the matter mentioned by the Senator from Connecticut that the respective statutes make provision regarding the length of time a party in custody may be held. It was with reference to those statutes that the decision in the McNabb case was rendered.

Mr. FERGUSON. Mr. President, I do not think the enactment of this measure would result in having a person held longer than he otherwise would be, or would be an incentive to hold him longer, because every person arrested has certain rights under the false imprisonment law, and so forth, to proceed against anyone who illegally holds him; and if he is held longer than the law provides, he can secure his just remedy.

This bill would merely mean that the people's rights would not be destroyed.

Mr. President, if the able Senator from West Virginia does not object, I hope we may take up the bill at the earliest possible date, even during the present term of Congress, and have a vote taken on it, because I think the enactment of this measure is vital and important in connection with the work of our law-enforcement officers, and I think it should receive our prompt attention.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. PEPPER. Has objection been made to the consideration of this bill? If not, I shall interpose an objection.

Mr. REVERCOMB. That makes two objections.

The PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

A MISSISSIPPI RIVER BRIDGE AT EAST ST. LOUIS

The bill (H. R. 6953) authorizing the city of East St. Louis, Ill., its successors and assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near a point between Delmar Boulevard and Cole Street in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., was considered, ordered to a third reading, read the third time, and passed.

AN OHIO RIVER BRIDGE NEAR LAWRENCEBURG, IND.

The bill (H. R. 6899) to authorize the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge, or a free bridge, across the Ohio River at or near Lawrenceburg, Dearborn County, Ind., was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF SOCIAL SECURITY ACT AND INTERNAL REVENUE CODE

The bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, was announced as next in order.

Mr. TAFT. Mr. President, I think I must object to having the bill taken up during the call of the calendar. I think this matter is of such tremendous importance that we should have more time to discuss it, rather than be limited by the 5-minute rule, as we are during the call of the calendar.

I have no objection to taking up the bill now, if the Senator in charge of the bill wishes to make such a motion. But I think there should be some discussion of the amendments.

Mr. GEORGE. Mr. President, if this measure is to be passed at this session, it is necessary that quick action be taken upon it, so that it may be returned to the House of Representatives. Even now it is doubtful whether the House will have an opportunity to pass on the amendments which may be adopted by the Senate. Of course, I am frank to concede that the measure is important.

Let me make a statement about it. While there are seven titles to the bill, title I simply freezes the social security tax at 1 percent, rather than to have it increased to 2½ percent next January. The Senate has acted upon that matter three or four times.

The language of title II of the bill was passed by the Senate approximately 6 or 8 weeks ago, and there have been no changes made in it by the House except those of purely technical nature.

Title III of the bill provides for unemployment compensation for maritime workers. That is merely a provision of a bill which the Senate passed 12 months ago, and which has been before the Ways

and Means Committee of the House of Representatives since then.

Title V is purely technical. It relates to State grants for old-age assistance, aid to dependent children, and aid to the blind. The matters contained under that title present an important subject matter for the consideration of the Senate.

The present rate of $40 would be increased to $50. That, of course, would create a liability on the Federal Government for an additional $10 a month in the case of old-age assistance, aid to dependent children, and aid to the blind.

Title VI of the bill simply provides for a study to be made by the Joint Committee on Internal Revenue Taxation of all aspects of social security, and a report be made to the Congress next year. The language under that title is substantially the same as that contained in a measure which was introduced by the distinguished Senator from Michigan [Mr. VANDENBERG], and was passed by the Senate sometime last year.

Mr. President, three of the titles of the bill have already been acted upon by the Senate. Title I of the bill is not at all new to the Senate. It merely involves freezing for the calendar year 1947 the Federal contribution tax of 1 percent against the employer and 1 percent against the employee.

Title V of the bill, which introduces the variable-grant principle, is, of course, important.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. GEORGE. I shall be glad to have the Senate proceed to the consideration of the bill at this time without regard to the 5-minute rule, if I can obtain unanimous consent of the Senate that consideration of the bills be proceeded with. I may say to the Senator from Kentucky that I understand his program, and I shall be willing to have the bill laid aside, if necessary, in order to carry out his program.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. DOWNEY. Mr. President, reserving the right to object, I was not present when the distinguished Senator began speaking. I do not know what are the intentions of the majority leader and the Senator from Georgia. But some of us have certain amendments which we desire to propose, and there will be some argument which we shall feel compelled to make.

Mr. GEORGE. That is why I ask unanimous consent that the bill be taken up without regard to the 5-minute rule.

Mr. DOWNEY. Would it then be the desire of the majority leader and the distinguished Senator from Georgia to attempt to complete consideration of the bill tonight?

Mr. GEORGE. If possible, yes; because unless the bill goes to the House by tomorrow there will be no liklihood of the House acting upon it. I may say to the Senator from California that there is a high probability that the House will not act upon it in any event.

Mr. DOWNEY. Mr. President, still reserving the right to object, while it is my own intention to make my argument on the bill as brief as possible, the subject matter of the bill is of great importance to millions of our people. I should like to see an arrangement made to take up the bill tomorrow rather than tonight. I see no chance of finishing it by 7:30 tonight. The unanimous-consent request of the Senator would not limit us in our debate, would it?

Mr. GEORGE. Not at all. We could proceed as far as possible with the consideration of the bill.

Mr. DOWNEY. I would make no objection to the request of the Senator from Georgia.

Mr. FERGUSON. Mr. President, if the unanimous consent request of the Senator from Georgia is granted, will it result in interfering with the Senate's consideration of a bill on the calendar which was temporarily passed over.

Mr. GEORGE. I would be entirely willing to consent that consideration of the bill be temporarily laid aside in order to take up other bills.

Mr. FERGUSON. Mr. President, I ask unanimous consent that the Senate recur to Calendar No. 1864, Senate bill 2127. I made an objection to the Senate considering the bill when it was called in the first instance.

Mr. GEORGE. If I can obtain unanimous consent that the Senate proceed this afternoon to the consideration of the bill to which I have been referring, I will agree temporarily to lay aside consideration of the bill in order to take up and consider other bills.

Mr. FERGUSON. Consideration of the bill to which I refer would take only a moment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. KNOWLAND. Mr. President, I object at this time.

Mr. GEORGE. Mr. President, I shall be compelled to move that the Senate proceed to consider the bill because I will not assume the responsibility of permitting the bill to die in the Senate. Although the House did not message the bill to the Senate until last Friday, the Senate Finance Committee expected that the bill would be acted upon by the Senate. The committee examined the bill carefully and made a study of it.

Mr. KNOWLAND. Mr. President, I did not object to the Senate proceeding to consider the bill about which the Senator from Georgia has been talking. I had reference to the request of the Senator from Michigan.

Mr. FERGUSON. Will the Senator be willing to receive an explanation as to how some of us wish to have the bill amended?

Mr. KNOWLAND. I shall be glad to hear an explanation.

Mr. FERGUSON. Mr. President, will the Senator from Georgia yield to me in order that I may make such explanation?

Mr. GEORGE. I yield.

The PRESIDENT pro tempore. The time of the Senator from Georgia has expired. The question is on agreeing to the unanimous consent request of the Senator from Georgia that the Senate proceed to consider House bill 7037.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McCARRAN. As I understand the parliamentary situation, we have not yet concluded the call of the Consent Calendar.

The PRESIDENT pro tempore. We are now discussing the last bill on the calendar.

Mr. GEORGE. Yes; we had reached the last bill. I will renew my request after the bills which have been temporarily passed over on the calendar are disposed of by the Senate.

Mr. BARKLEY. Mr. President, under a reservation to object, I wish to make a statement to the Senator from Georgia and to other Senators.

It had been my purpose to move, at the conclusion of the call of the calendar, to proceed to the consideration of Calendar No. 628, House bill 7, known as the poll tax bill. It was also my purpose to file a petition for cloture after the bill had been made the unfinished business. The petition would be voted upon next Wednesday. It has appeared to me that if I am permitted to file the petition today there will be no need between now and Wednesday for the Senate to debate the matter. If permitted to make the bill the unfinished business and to file my petition, I believe the Senate could then temporarily lay the bill aside for the consideration of such other bills as may be urgent, until a vote is had on the cloture petition on Wednesday, at which time we would know whether we could bring the bill to a vote.

I realize the importance of the bill about which the Senator from Georgia has been speaking. It was voted for by the Committee on Finance a few days ago, and should be considered. But I believe that under such an arrangement as the one which I have proposed, we could have practically all day tomorrow for the consideration of bills of the nature of those to which I have referred, including the bill of the Senator from Georgia.

Mr. MAYBANK. Mr. President——

Mr. GEORGE. Mr. President, I ask unanimous consent that I may yield to the Senator from South Carolina.

Mr. MAYBANK. Mr. President, before the Senator from Kentucky made the statement which he has just made, I thought I would state, and I now do, that the bill of which the Senator from Georgia speaks is one of the most important bills ever to come before this body. The Senator from Georgia said that he did not know what the House might or might not do with regard to the bill. I hope that the Senate will never recess or adjourn until it has given consideration to this bill, which means so much to the poor people of this country. It is far more important to the working people and the poor people in the South than are such measures as the poll-tax bill.

Mr. BARKLEY. Mr. President, in my judgment the program which I have suggested would not only not interfere with the consideration of the bill which the Senator from Georgia has discussed, but it would actually facilitate its disposal. It was for that reason that I felt that

I should make the statement which I have made.

Mr. JOHNSON of Colorado. Mr. President, reserving the right to object, I am very much in favor of the bill which the Senator from Georgia has discussed. I hope that the Senate will consider it. But when he refers to the Consent Calendar, does he mean that such bills as the Senate has passed over are still to be considered on the unanimous-consent basis?

Mr. GEORGE. I referred to those bills which had been temporarily passed over.

Mr. JOHNSON of Colorado. But still there are bills to be considered on the unanimous-consent basis?

Mr. GEORGE. Yes; under the rule.

Mr. ANDREWS. Mr. President, I have given notice that I am going to call up Calendar No. 494, Senate bill 1250, for the relief of certain claimants who suffered losses and sustained damages as the result of the campaign carried out by the Federal Government for the eradication of the Mediterranean fruitfly in the State of Florida. I trust that no arrangements at this time will interfere with that notice. If I have to do so, I shall move that the bill be taken up at the present time, to be considered in due order. I do not know what the arrangement is for the business of the Senate. As I stated this morning, an identical bill is on the House Calendar, and can be considered now and passed, and this is the last opportunity I shall have. I have sponsored this measure for the past 7 years, much time has been devoted to it, and much money spent in examining into the claims. A joint committee has recommended that the claims be paid. I shall have to insist that the bill be considered at this time, or tomorrow.

The PRESIDENT pro tempore. The question before the Senate is the request of the Senator from Georgia [Mr. GEORGE] for unanimous consent to proceed with House bill 7037, proposing an amendment to the Social Security Act. Is there objection?

Mr. DOWNEY. Mr. President, I understand that coupled with that statement is the request that the 5-minute limitation shall not apply to any of the arguments on the bill.

Mr. GEORGE. Exactly. The request is made in lieu of a formal motion.

The PRESIDENT pro tempore. Without objection——

Mr. GUFFEY. Mr. President, I know of one Senator who desires to make a 2-hour speech on the bill, and I should like to know from the majority leader what effect that would have on legislation this week.

Mr. BARKLEY. Mr. President, I never know what effect a 2-hour speech from any Senator will have on legislation.

Mr. GUFFEY. I am not going to make the speech.

Mr. BARKLEY. Our legislative program is in such condition that I hope no Senator will feel compelled to make a 2-hour speech.

Mr. GUFFEY. He can do it.

Mr. BARKLEY. I ask the Senator from Georgia to withhold his request for a moment, to see whether I can carry out the program I had in mind, by moving that another bill be made the unfinished business, and, then, if that motion carries, asking that it be temporarily laid aside until the Senator's bill can be considered.

The PRESIDENT pro tempore. Is there objection?

Mr. RUSSELL. Reserving the right to object, I wish to submit a parliamentary inquiry. In the event the Senator from Kentucky moved to take up the bill he has mentioned, and my distinguished colleague were to ask to proceed to the consideration of his bill, what would be the status of a bill on the calendar that was temporarily passed over? What right would the sponsors of that bill have?

The PRESIDENT pro tempore. The right at any time to ask that it be taken up by unanimous consent. That would be the only way it could be taken up.

Mr. BARKLEY. Unanimous consent could be requested just as well as if we were proceeding under the call of the calendar.

Mr. RUSSELL. We always have a right to ask unanimous consent to take up a bill, but as a rule when other legislation is pending it is more difficult to get it up than on a call of the calendar.

Mr. McCARRAN. Mr. President, if the matter in the hands of the Senator from Michigan could be cleared away, that would remove one hurdle, and it would take only a minute.

EVACUATION CLAIMS COMMISSION

Mr. FERGUSON. Mr. President, I ask unanimous consent to revert to Calendar 1864, Senate bill 2127, and if the objection may be withdrawn, I can present my amendment to the bill and I think we may be able to have it agreed to.

Mr. KNOWLAND. Mr. President, reserving the right to object, I should like to have the amendment stated.

Mr. FERGUSON. Mr. President, my objection was——

The PRESIDENT pro tempore. One moment. Does the Senator from Georgia withhold his request temporarily?

Mr. GEORGE. I am withholding it, unless this matter shall lead to debate. If so, I shall be obliged to insist on some action by the Senate.

Mr. FERGUSON. It is under the 5-minute rule, and I hope it will not take that long.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, Senate proceeded to consider the bill (S. 2442) to create an Evacuation Claims Commission under the general supervision of the Secretary of the Interior and to provide for powers, duties, and functions thereof, and for other purposes.

Mr. FERGUSON. Mr. President, my chief objection was that we were placing the authority in the hands of the Department of the Interior. So I propose an amendment, which appears to be agreeable to the able Senator from Nevada, on page 1, line 3 to strike out the words "in the Department of the Interior, under the general supervision of the Secretary of the Interior," and insert "a Commission to consist of three members to be appointed by the President, by and with the advice and consent of the Senate, to be known as."

Then at the bottom of page 1, line 9, I propose to strike out "The Commission shall consist of a chairman and two other members who shall be appointed by the Secretary of the Interior." That runs over on page 2, lines 1 and 2. Then on page 5, line 24, the words "Secretary of the Interior" are to be stricken out and the word "Commission" inserted, and on page 9, line 2, the words "Secretary of the Interior" are to be stricken out and the word "President" inserted.

With those amendments, Mr. President, I should have no objection, and I feel that the bill should be passed.

Mr. McCARRAN. Mr. President, there is a further amendment suggested by the Senator from Nevada which I desire inserted in the bill.

The PRESIDING OFFICER. The clerk will state the amendments.

Mr. FERGUSON. Mr. President, the words included by the able Senator from North Dakota were, on page 2, line 8, after the word "person", to strike out "of Japanese ancestry" and insert "excluded from west coast military areas, Alaska and Hawaii."

The PRESIDENT pro tempore. The clerk will state the amendments.

The CHIEF CLERK. On page 1, line 3, it is proposed to strike out "in the Department of the Interior under the general supervision of the Secretary of the Interior," and insert "a Commission to consist of three Members, to be appointed by the President, by and with the advice and consent of the Senate, to be known as."

The amendment was agreed to.

The CHIEF CLERK. On page 1, line 7, it is proposed to strike out the words "of Japanese ancestry."

The amendment was agreed to.

The CHIEF CLERK. On page 2, line 8, after the word "person", it is proposed to insert "excluded from west coast military areas, Alaska and Hawaii."

The amendment was agreed to.

The CHIEF CLERK. On page 1, line 9, it is proposed to strike out "The Commission shall consist of the chairman and two other Members who shall be appointed by the Secretary of the Interior."

The amendment was agreed to.

The CHIEF CLERK. On page 5, line 24, it is proposed to strike out "Secretary of the Interior" and insert "Commission."

The amendment was agreed to.

The CHIEF CLERK. On page 9, line 2, it is proposed to strike out "Secretary of the Interior" and insert the word "President."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby established a Commission, to consist of three members to be appointed by the President, by and with the advice and consent of the Senate, to be known as the Evacuation Claims Commission, with authority as hereinafter defined to adjudicate claims arising out of the evacuation or exclusion of persons from west coast military areas, Alaska, and Hawaii subsequent to December 7, 1941. Two members shall constitute a quorum and the agree-

ment of two members shall be sufficient for the transaction of any business of the Commission.

JURISDICTION

SEC. 2. The Commission shall have jurisdiction to adjudicate any claim by a person of Japanese ancestry against the United States arising on or after December 7, 1941, when such claim is not compensated for by insurance or otherwise and is substantiated in such manner as the Commission may prescribe, for damage to or loss or destruction of real or personal property (including without limitation damage to or loss or destruction of personal property bailed to or in the custody of the Government or any agent thereof), or other impairment of assets, that fairly arises out of or is a reasonable and natural consequence of the evacuation or exclusion of such person by the appropriate military commander from a military area in Arizona, California, Oregon, or Washington or from Alaska or Hawaii, under authority of Executive Order No. 9066, dated February 19, 1942 (3 C. F. R. Cum. Supp., 1092), section 67 of the act of April 30, 1900 (48 U. S. C. 532), or Executive Order No. 9489, dated October 18, 1944 (3 C. F. R., 1944 Supp., 45). As used herein evacuation shall include voluntary departure from a military area prior to but in anticipation of an order of exclusion therefrom. Existence or intervention of other causes affecting the damage or loss, including action or nonaction by the claimant or his representatives, shall be considered by the Commission in determining the amount of relief that will be fair and equitable according to the facts as they appear in each case.

LIMITATIONS; CLAIMS NOT TO BE CONSIDERED

SEC. 3. (a) The Commission shall receive claims for a period of 18 months from the date of approval of this act. All claims not presented within that time shall be forever barred.

(b) The Commission shall not consider any claim—

(1) by or on behalf of any person who after December 7, 1941, was voluntarily or involuntarily deported from the United States to Japan or who is otherwise resident in a foreign country;

(2) for damage or loss arising out of action taken by any Federal agency pursuant to sections 4067, 4068, 4069, and 4070 (relating to alien enemies) of the Revised Statutes, as amended (50 U. S. C. 21–24), or pursuant to the Trading With the Enemy Act, as amended (50 U. S. C. App. and Supp. 1–31 616);

(3) for damage or loss to any property, or interest therein, vested in the United States pursuant to said Trading With the Enemy Act, as amended; and

(4) for damage or loss on account of death or personal injury, personal inconvenience, physical hardship, or mental suffering.

HEARINGS; EVIDENCE; RECORDS

SEC. 4. (a) The Commission shall give reasonable notice to the interested parties and an opportunity for them to be heard and to present evidence before making a final determination upon any claim.

(b) Any relevant evidence having probative value shall be considered by the Commission in its inquiries. For the purpose of any hearing or investigation authorized under this act the provisions of sections 9 and 10 (relating to examination of documentary evidence, attendance of witnesses, and production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U. S. C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Commission. Any person appointed to examine witnesses may be authorized by the Commission to issue subpenas to procure attendance of witnesses or production of documents and to appoint an officer to serve the same. Subpenas may be served personally, by registered mail, by telegraph, or by leaving a copy thereof at the residence or principal place of business of the person required to be served. A verified return by the individual so serving the same, setting forth the manner of service, shall be proof of service, as shall be the return receipt or telegraph receipt when service is by registered mail or telegraph, respectively. On request the United States marshals or their deputies shall serve such process in their respective districts.

(c) The Commission shall have a seal, which shall be judicially noticed.

(d) A written record shall be kept of all hearings and proceedings of the Commission and shall be open to public inspection.

ADJUDICATIONS; PAYMENT OF AWARDS; EFFECT OF ADJUDICATIONS

SEC. 5. (a) The Commission shall dispose of all claims filed with it by award or order of dismissal, as the case may be, upon written findings of fact and reasons for the decision. A copy of each such adjudication shall be mailed to the claimant or his attorney.

(b) The Commission may make payment of any award not exceeding $2,500 in amount out of such funds as may be made available for this purpose by Congress.

(c) On the first day of each regular session of Congress the Commission shall transmit to Congress a full and complete statement of all adjudications rendered by the Commission during the previous year, stating the name of each claimant, the amount claimed, the amount awarded, the amount paid, and a brief synopsis of the facts in the case. All awards not paid by the Commission under subsection (b) hereof shall be paid in like manner as are final judgments of the Court of Claims.

(d) The payment of an award shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary, and shall be a full discharge of the United States and all of its officers, agents, servants, and employees with respect to all claims arising out of the same subject matter. An order of dismissal against a claimant, unless set aside by the Commission, shall thereafter bar any further claim against the United States or any officer, agent, servant, or employee thereof arising out of the same subject matter.

ATTORNEYS' FEES

SEC. 6. The Commission, in rendering an award in favor of any claimant, may as a part of the award determine and allow reasonable attorneys' fees, which shall not exceed 20 percent of the amount allowed, to be paid directly to the attorneys representing the claimant out of, but not in addition to, the amount of such award.

Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be guilty of a misdemeanor, and shall upon conviction thereof be subject to a fine of not more than $2,000, or imprisonment for not more than 1 year, or both.

NO FORMER MEMBER OR EMPLOYEE TO PRACTICE BEFORE COMMISSION

SEC. 7. No member of the Commission or employee thereof shall, after termination of his appointment to or services with the Commission, be permitted directly or indirectly to represent any claimant before the Commission.

ADMINISTRATION

SEC. 8. For the purposes of this act the Commission may—

(a) Appoint a clerk and such attorneys, examiners, interpreters, appraisers, and other employees as may be necessary to conduct the business of the Commission.

(b) Call upon any Federal department or agency for any information or records necessary in the prosecution of the Commission's business.

(c) Secure the cooperation of State and local agencies, governmental or otherwise, and reimburse such agencies for services rendered.

(d) Utilize such voluntary and uncompensated services as may from time to time be needed and available.

(e) Assist needy claimants in the preparation of claims for filing with the Commission.

(f) Make such investigations as may be necessary for the performance of its functions.

(g) Exercise any and all of its powers at any place within the continental United States, Alaska, and Hawaii.

(h) Make expenditures for personal services and rent in the District of Columbia and elsewhere, for the purchase of lawbooks and books of reference, for printing and binding, for the purchase, exchange, and maintenance of passenger-carrying vehicles, for supplies and equipment, for traveling expenses (including per diem in lieu of subsistence), for witness fees and mileage, for other administrative expenses, and for the payment of awards under section 5 (b) of this act.

(i) Prescribe such rules and regulations, perform such acts not inconsistent with law, and delegate such authority as the Commission may deem proper in carrying out the provisions of this act.

TERMINATION

SEC. 9. The existence of the Commission shall terminate at the end of 5 years from the date of approval of this act: *Provided, however*, That if the Commission shall have earlier finished its business its existence shall be terminated forthwith by direction of the President.

APPROPRIATIONS

SEC. 10. There are hereby authorized to be appropriated for the purposes of this act such sums as Congress may from time to time determine to be necessary.

PROHIBITION OF POLL TAX IN FEDERAL ELECTIONS

The PRESIDENT pro tempore. Does the Senator from Georgia still withhold his unanimous-consent request until the Senator from Kentucky can submit a motion?

Mr. GEORGE. I withhold the request.

Mr. BARKLEY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 628, House bill 7, the bill relating to the prepayment of poll taxes as a prerequisite for voting.

Mr. TAFT. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TAFT. The call of the calendar has not yet been completed, has it?

The PRESIDENT pro tempore. Yes; it has been completed.

Mr. TAFT. Objection was made to the last bill on the calendar?

The PRESIDENT pro tempore. Objection was made to the last bill.

The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 7) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

Mr. BARKLEY. Mr. President, I submit a petition under rule XXII.

The PRESIDENT pro tempore. The Parliamentarian advises the Chair that

it is the duty of the Chair to read the petition to the Senate. It is as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H. R. 7) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

ALBEN W. BARKLEY, H. M. KILGORE, ELBERT D. THOMAS, ROBERT M. LA FOLLETTE, Jr., JAMES M. TUNNELL, JAS. E. MURRAY, JOSEPH F. GUFFEY, HOMER FERGUSON, A. H. VANDENBERG, ROBT. A. TAFT, SHERIDAN DOWNEY, ROBERT F. WAGNER, CLAUDE PEPPER, JAMES W. HUFFMAN, DAVID I. WALSH, BRIEN MCMAHON, SCOTT W. LUCAS, THEODORE FRANCIS GREEN, WM. F. KNOWLAND, KENNETH S. WHERRY, ARTHUR CAPPER, H. ALEXANDER SMITH, WARREN G. MAGNUSON, JAS. M. MEAD, HUGH B. MITCHELL, WALLACE H. WHITE, Jr., GEORGE D. AIKEN, GLEN TAYLOR.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BARKLEY. Under the rule, this motion will be voted upon 1 hour after the Senate convenes on Wednesday. Is that correct?

The PRESIDENT pro tempore. That is correct, provided the Senate is in session tomorrow.

Mr. DONNELL. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. DONNELL. As I understand, the motion is one to bring about a close of debate. My parliamentary inquiry is twofold. First, is a debate in progress, and second, is a motion at this time in order if there is no debate in progress?

The PRESIDENT pro tempore. The Chair is advised that the motion is in order. There is a debate going on at this time. The Chair does not believe the Senate was ever in session when there was no debate going on.

Mr. DONNELL. I had not heard the debate begin, but perhaps I was in error.

Mr. BARKLEY. Mr. President, in view of the situation, I now ask unanimous consent that the unfinished business be temporarily laid aside so that the Senator from Georgia [Mr. GEORGE] may bring up Calendar No. 1906, House bill 7037.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky that the unfinished business be temporarily laid aside?

Mr. MORSE. Mr. President, reserving the right to object, if I may, I wish to make a very brief comment on the filing of the cloture petition, because I think it a very extraordinary procedure that a cloture petition, usually filed for the purpose of bringing to an end a filibuster, should be filed before a debate in fact proceeds on H. R. 7. I want to say in all sincerity that I think the procedure is not only extraordinary but a clear subterfuge. I do not think this occasion should pass without calling attention to exactly the parliamentary procedure and strategy that is being used in the Senate at this time.

For months past there has been a desire and an attempt to bring up H. R. 7 for debate and consideration on its merits in the Senate of the United States. Every time that attempt has been made the opponents have found ways and means of preventing its consideration on the merits. But now apparently, in order to close the session and make a political record, so to speak, on paper, with respect to H. R. 7, the people of this country are witnessing this very interesting procedure in the Senate this afternoon. I think it would be better if the Senate simply served notice on the people of this country that there is no real intention in this body to present H. R. 7 and have a full debate on its merits. I think the filing of the cloture petition clearly shows that. Certainly I would sign a cloture petition to stop a filibuster on this measure, but when the cloture petition was presented to me for signature this afternoon, I refused to sign it, because I do not believe in taking part in what is in this case nothing but a pure farce.

I think it is well known that on Wednesday this petition is going to be voted down, because there is no intention on the part of the majority of the Members of the Senate, in my honest judgment, to stay here long enough to reach a vote on the merits and maintain a quorum so that we can have a consideration of this matter on its merits. To do that we must stay here and break a filibuster. I think it is our duty to do so. I am not interested in making a so-called political record on H. R. 7 for election purposes as is the Democratic Party, but I am interested any time that the Senate is ready to give careful consideration of H. R. 7, to debate it on its merits, and urge its passage on the merits.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DONNELL. I desire to make a very brief word of comment on this procedure. I made the inquiry a few moments ago because in my judgment there has not been started any debate upon this question. I have heard not one word of debate upon it since the bill was made the unfinished business.

Mr. President, it seems to me the theory of cloture is that after debate has proceeded, it is proper to file a motion in order that the debate may be confined within reasonable limits.

Mr. President, no debate has taken place. Not one word of utterance on this bill, so far as I have heard, has taken place. Without expressing an opinion whatsoever upon the merit of the proposed legislation, I want to protest most vigorously and in utmost sincerity against the use of this cloture petition at this time, when no debate is in fact in progress.

I ask the President pro tempore of the Senate again for a further statement on the parliamentary inquiry; First, is a debate in progress; and, second, is the filing of the petition for cloture under the present state of procedure in order?

Mr. McFARLAND. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. Let the Chair answer the first inquiry. The bill has been taken up, and since it was taken up Senators, in their usual way, talked about everything else except the bill. Whether that is debate on the bill or not the Chair does not attempt to say. Each Senator will have to decide that for himself. There have been no speeches made on either side of the question, of course. We all know that. Consideration of the measure just began a little while ago. We all understand the situation.

Mr. DONNELL. The parliamentary inquiry further was whether or not the filing of petition for cloture was in order at the moment when it was presented?

The PRESIDENT pro tempore. The Parliamentarian advises the Chair, and advised the Chair previously, that the filing of the petition is in order at any time, under the rule.

Mr. DONNELL. I thank the Chair.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McCLELLAN. May I inquire, Mr. President, if Senators fear that within the time now given to discussion of the measure, before we have to vote on cloture, the measure cannot be adequately discussed on its merits? Is there anything in the rules to prevent them from voting against cloture so that debate may be continued?

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. FERGUSON. As I read the rules of the Senate there are two ways by which the Senate can limit debate. One is by unanimous consent. The other is by filing a cloture motion, which must be adopted by a two-thirds vote of the Senate. I think it is well within the discretion of the Members of the Senate to attempt either method of limiting debate. It appeared to me, as I think it appeared to other Senators who have been in the Senate for any length of time, that there would be a filibuster, or, call it what we may, there would be a debate which would continue on into the future indefinitely, unless the Senate limited debate by one of the two methods. The Senate, I am sure, would not feel that it could obtain unanimous consent to limit debate. So the Senate used the next method, which was that of filing a cloture petition.

A sufficient number of signatures have been affixed to the petition which was submitted after the bill was made the unfinished business. The debate may go on until 1 hour after the opening of the session on the second day from now and if any Senator feels that there has not been a proper debate during that period, then, as has been suggested, he would have the right to vote against the cloture petition. But I hope that the necessary number of Senators, that is, two-thirds of those present at the time, will feel that it is folly for the Senate to continue on in the future with a debate which they know very well in the absence of cloture will last indefinitely, because we

have had past experience on this particular bill.

I shall not be a party to any political maneuvering in order that we may simply show that we would like to have a vote on this bill. I was never any more earnest in my life than I am in saying that I want a vote taken on this bill. I think the Senate should vote on the bill, and I hope we will have full debate on it. I am satisfied, in view of the number of times the bill has been considered, that we can have a full debate within the time allowed under the cloture petition; that we can then vote to close the debate, with the 1-hour limitation as provided in the cloture petition, and thus we may obtain a vote during the present session of Congress upon this important legislation.

The PRESIDENT pro tempore. The Chair at this point feels that it is his duty to read the rule. I read rule XXII:

> If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and 1 hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by an aye-nay vote the question:
>
> "Is it the sense of the Senate that the debate shall be brought to a close?"

Under that rule there was nothing for the Chair to do but to read the petition for cloture to the Senate, so as to acquaint every Senator with it. That is all there is to it. The Parliamentarian advised the Chair that it was his duty to do so, and it has been done.

Mr. BARKLEY. Mr. President, the ruling of the Chair is eminently correct. The petition for cloture is not to close debate. It is to limit debate two days from now, if it receives the required two-thirds majority. So if the petition is adopted by a two-thirds majority the limitation of debate will begin on that day.

Mr. President, it is well known in the Senate that I have favored this legislation, and I have voted for cloture petitions whenever they have been filed with reference to it. It has so happened that in connection with legislation which has been pending up until the present time, which had a time limit fixed upon it, it was impossible for the Senate to undergo the luxury of a lengthy debate on this problem. I have no doubt that every Senator knows how he will vote, not only upon the cloture petition, but upon the bill itself. It seemed to me that the Senate was entitled to an opportunity to vote on the bill under the rule. The only opportunity to vote on the bill, as everyone recognizes, is by the adoption, by a two-thirds vote, of the motion to close debate under rule XXII. Therefore I felt justified, upon the bill being made the unfinished business, in filing the petition for cloture, which will be voted upon on Wednesday. So we may determine, as the result of that vote, whether it is worth while to make a further attempt to bring the legislation to a vote. Therefore, under the existing parliamentary situation, not only do I believe that the ruling of the chair was justified, and eminently correct, but it seems to me that this is the only time up to the present in this session when it would have been possible to have made this bill the unfinished business without an interminable discussion. If it had been made the unfinished business, there would have been a further interminable discussion unless a cloture petition had been approved by a two-thirds vote. If it could not be, we could not bring the bill to a vote.

I hope there will be a full attendance of the Senate on Wednesday, and that it will express itself with respect to this rule, as to whether debate shall be closed.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TUNNELL. It seems to me that no matter whether the vote on cloture is that the debate shall be limited, or whether it is a vote that it shall not be limited, it does not change the fact that House bill 7 is the unfinished business at this time. Is that correct?

Mr. BARKLEY. That is correct.

Mr. TUNNELL. So there will be opportunity for debate, either under cloture or without cloture.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside in order that the Senator from Georgia may proceed with a request to consider House bill 7037, Calendar No. 1906.

Mr. MORSE. Mr. President, I object.

Mr. GEORGE. Mr. President, I move that the Senate proceed to the consideration of House bill 7037.

Mr. BARKLEY. I hope the Senator will move that it be done without prejudice to the unfinished business.

Mr. GEORGE. I make the motion without prejudice to the unfinished business.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Georgia.

Mr. CORDON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CORDON. I should like to understand just where we are in this picture. If I correctly understand, the poll-tax bill has been made the unfinished business. Am I correct in the understanding that if any motion is made to displace it, it is equivalent to a motion to lay it on the table?

The PRESIDENT pro tempore. The Chair is advised that that is not correct.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MORSE. Does the motion to proceed with the bill suggested by the Senator from Georgia, without prejudice to the unfinished business, require unanimous consent?

The PRESIDENT pro tempore. The Senator from Georgia has a right to make the motion. Unanimous consent was first asked, and there was objection.

Mr. MORSE. My inquiry is this: Does his motion require unanimous consent as to that part of the motion providing that it shall not prejudice the unfinished business?

The PRESIDENT pro tempore. Unanimous consent is required to lay the unfinished business aside.

Mr. MORSE. I shall object to laying it aside.

Mr. PEPPER. Mr. President, will the Senator allow me to make a statement before the objection is announced as final?

I appeal to the Senator from Oregon. He can call my appeal whatever he will. Historically I do not defer to any Member of this body in advocacy of repeal of the poll tax. I introduced the first bill that was introduced in the Senate, as I think the records of the Senate will show, to abolish the poll tax. It was reported from the Senate Committee on the Judiciary with amendments which were worked out by the great Senator George W. Norris as chairman of a subcommittee of that committee which considered the bill. I share with the able Senator from Oregon the desire that this proposed legislation be enacted if that is possible.

The procedure which has been followed is as fair to every one as any procedure that could be adopted, taking into account the practicalities of the situation in the Senate. What the able leader has done has been the result of long and tedious effort on his part, taking into account the situation as it existed in the Senate. He has consulted both proponents and opponents of the bill in devising that procedure. What might be called the organized advocates of the legislation have been consulted, and they thoroughly understand and have acquiesced in the procedure which the majority leader has followed this afternoon.

Many of us are in favor of both the anti-poll-tax and the social-security bill which the able Senator from Georgia is now trying to bring before the Senate. If we do not take up the social-security bill we shall not get any social-security legislation during this session of Congress. The bill which the able Senator from Georgia seeks to bring before the Senate contains the variable-grant provision, in which many of us are vitally interested. It increases social-security benefits to the aged, to children, and to mothers, in respect to their health. It extends welfare benefits to crippled children and many other groups. I am sure that none of us—least of all the Senator from Oregon—wishes to see those groups denied the benefits of the social-security bill.

The Senator from Oregon can accomplish both his purposes by going along with the procedure proposed by the majority leader and not objecting to the unanimous-consent request, because there will be an hour for each Senator to speak if he chooses to speak on the anti-poll-tax bill, even after cloture is adopted. That would provide 96 hours of debate. If every Senator could not have a fair opportunity to debate the question in an hour, I think that would

be extraordinary under the circumstances.

So there is time between now and 1 o'clock on Wednesday to debate the anti-poll-tax bill; and then, if the cloture petition is adopted, there will still be an hour for each Senator to speak after that. So I feel that the greatest good to the public interest would be served, and I am sure that both objectives which the Senator from Oregon wishes to accomplish would be accomplished, if he would cooperate with the leader and allow the Senator from Georgia to bring up the social-security bill, with the understanding that the unfinished business, which is only temporarily laid aside, shall be the anti-poll-tax bill. I am sure that the Senator from Oregon will have plenty of time to speak on that bill before Wednesday. Other Senators who may wish to speak for it, as I do, will have plenty of time, and the opposition will have plenty of time.

Furthermore, if cloture is adopted, we shall each have an hour of which we can avail ourselves after 1 o'clock on Wednesday. If a contrary course is followed, it will simply mean that we shall probably lose an opportunity to vote on the anti-poll-tax bill, or we shall lose the social-security bill; and there is no need for us to lose either. It seems to me that we can accomplish both purposes if we will accommodate ourselves to the procedure suggested by the able majority leader, who is trying to act in the best interests of the Senate and of the country.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Georgia.

Mr. GEORGE. Mr. President, before the motion is put, let me say that I had hoped that unanimous consent would be granted for the consideration of House bill 7037. I am very much opposed to taking up the anti-poll-tax bill. In my judgment neither political party will profit by it. I doubt if any individual Senator on either side of the aisle will profit by it. Therefore I had hoped that when the bill was taken up—which seems to have been a matter of negotiation between the majority leader and those opposed to the bill—there would be no objection to the unanimous-consent request of the majority leader that it be temporarily laid aside, without prejudice, of course, to the status of the bill as the unfinished business, and without prejudice to the notice for cloture which was filed and read under the rule.

I should like to have a ruling from the Chair on this question: Is it in order for me to move, without prejudice to the bill known as the anti-poll-tax bill, and without prejudice to the cloture petition, to proceed with the consideration of House bill 7037?

The PRESIDENT pro tempore. The Parliamentarian advises the Chair that the Senator may make his motion without prejudice to the cloture petition, but not without other prejudice.

Mr. GEORGE. I did not understand the ruling of the Chair.

The PRESIDENT pro tempore. This statement may throw light on the question: No matter what business is before the Senate, 1 hour after it meets on Wednesday next the cloture petition, under the rule, must be laid before the Senate.

Mr. GEORGE. In other words, the motion I propose to make is in order.

The PRESIDENT pro tempore. It is in order.

Mr. GEORGE. Otherwise, I would make a motion to lay aside the unfinished business, which would be debatable motion, and let the filibuster start from now, and let it go.

So far as I am concerned, I am perfectly willing to have it go that way, regardless of whether the Senate adjourns this week or not. If there are Senators here who desire to interfere with the qualifications of electors in some six or seven States of the Union, without regard to the very plain and obvious language and purpose of the provisions of the Constitution, let them take that position.

But if I may make the motion without prejudice to the bill which has been taken up and without prejudice to the cloture notice, I make it at this time, because the unanimous-consent agreement has failed of adoption.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. LA FOLLETTE. As I understand the precedents of the Senate in this particular situation, the only difference between having the Senator from Georgia obtain unanimous consent to proceed with the consideration of the amendments to the Social Security Act and to temporarily lay aside the unfinished business, or having the Senator from Georgia make his motion, is this: If the Senator obtains unanimous consent, then, upon disposition of the amendments to the Social Security Act, House bill 7 will then come back before the Senate for consideration.

The PRESIDENT pro tempore. That is correct.

Mr. LA FOLLETTE. If the Senator makes the motion, not being able to obtain unanimous consent, it is true that House bill 7 will be displaced as the unfinished business, and the amendments to the Social Security Act, House bill 7037, will become the unfinished business. But if that is still the unfinished business, nevertheless, despite that fact, on next Wednesday, at 1 o'clock, a vote will be taken on the cloture motion to bring debate upon House bill 7 to a close.

The PRESIDENT pro tempore. The Senator is correct.

Mr. LA FOLLETTE. If the amendments to the Social Security Act are disposed of before that time, it will be in order for any Senator who can secure recognition to move that the Senate again proceed to the consideration of House bill 7, and make it the unfinished business.

So, as a matter of fact, it is as broad as it is long.

The PRESIDENT pro tempore. The Senator is correct.

Mr. BARKLEY. Mr. President, I was about to make a statement in accord with what has just been said by the Senator from Wisconsin. A motion to proceed to the consideration of another bill, while one bill is the unfinished business, does displace the unfinished business. In this case, however, it would not displace the motion for cloture. So, no matter what might be pending on Wednesday, when the time came to vote on the cloture motion, the Chair would be required to lay it before the Senate for a vote.

The PRESIDENT pro tempore. That is correct.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MORSE. If that is the ruling of the Chair, I should like to know whether the motion of the Senator from Georgia is debatable. If it is debatable, I should like to make a very brief reply to the Senator from Florida; and then, if that is the parliamentary situation, and if the cloture motion automatically would come up on Wednesday, at 1 o'clock, to be voted upon, I shall give consideration to withdrawing my objection to the unanimous-consent request.

The PRESIDENT pro tempore. The motion of the Senator from Georgia is debatable.

Does the Senator from Georgia yield to the Senator from Oregon?

Mr. GEORGE. I yield. I am quite content to let the motion remain and to be pending when the Senate convenes tomorrow, if the Senator from Kentucky desires to move that the Senate take a recess at this time, because I think it is too late in the day to get the social-security legislation through today, in time for the House to consider it.

Mr. BARKLEY. I agree that it is too late to proceed with it this afternoon.

But if the Senator from Oregon were to feel constrained to proceed, after withdrawing objection, then the Senator's bill would be the unfinished business when we meet tomorrow; and I am satisfied that it can be disposed of tomorrow. Then we would automatically recur to the consideration of House bill 7.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. Will the Senator state that, under any circumstances, upon the conclusion of action on the amendments to the Social Security Act, the Senator would move that the Senate resume the consideration of House bill 7?

Mr. BARKLEY. Yes; I intended to make that statement. Mr. President, under any circumstances, after the amendments to the Social Security Act have been disposed of, I would move to have the Senate resume the consideration of House bill 7.

But if the Senator from Oregon will withdraw his objection, such a motion will not be necessary.

I earnestly hope the Senator will withdraw his objection, because regardless of whatever happens in the meantime, the cloture motion will automatically come up for a vote.

Mr. GEORGE. Mr. President, as I understand the situation, the pending business is my motion to proceed with the consideration of the amendments to the Social Security Act.

The PRESIDENT pro tempore. That is correct.

Mr. GEORGE. Objection has already been made to the unanimous-consent request.

The PRESIDENT pro tempore. That is correct.

Mr. MORSE. Mr. President, I wish to reply very briefly what I understand to be the essence of the remarks of the Senator from Florida [Mr. PEPPER]. I am not going to accept what I understood to be his invitation to characterize or call whatever I might wish to call the point of view which he presented to the Senate on this parliamentary maneuver. I shall reserve that for private conversation with the Senator from Florida.

Mr. PEPPER. Mr. President, will the able Senator speak louder? We cannot hear him very well.

Mr. MORSE. I merely wish to say that I think it should be pointed out very clearly for the RECORD just what has happened in the past on House bill 7 and what is happening now to House bill 7. It is my judgment that we shall not be able to obtain Senate consideration of House bill 7 on the merits and to vote on the merits, unless behind it at all times is some very important proposed legislation waiting for consideration by the Senate. In other words, as I have said before, if we are really going to beat a filibuster on House bill 7 when it is raised on the floor of the Senate, strategically our only chance of beating that filibuster is to raise the question early enough in the session so that there is enough important proposed legislation behind House bill 7 to finally convince a majority of the Members of this great body that for once they must stand up and vote on the merits of House bill 7. That is why I indicated the other day that if we waited until this hour with the strategy now proposed which I predicted would be proposed, we would find ourselves in exactly the position in which we now find ourselves in regard to House bill 7, namely, the bill would fail for want of a vote on the merits because a majority of the Senate will not remain to break a filibuster.

When I offered H. R. 7 the other day as a rider to the tidelands bill, there was still a great deal of proposed legislation to be passed by the Senate. Insofar as the parliamentary strategy is concerned, I say to the Senator from Florida [Mr. PEPPER], and I have told him privately, and I have indicated as much on the floor of the Senate, and I repeat it to him now, that when I offered my anti-poll-tax amendment the other day that was the time when the Senator from Florida [Mr. PEPPER], who has been one of the leaders in the anti-poll-tax-bill drive, should have backed me in my attempt to get consideration of it on the merits. But, instead of that, the Senator from Florida stood up on the floor of the Senate and joined with the majority leader in suggesting that I withdraw the anti-poll-tax bill as an amendment to the tidelands bill. I refused to follow such an unsound suggestion because I knew that my amendment offered the last chance to secure a real fight in favor of the anti-poll-tax bill.

I stated then that this hour would arrive, when practically the whole legislative program of the majority leader for this session would have been completed, and then we would find the anti-poll-tax bill would be brought before us at the end of the session for political reasons. However, it would be an empty gesture with everything done and everyone ready to go home. I pointed out that of course under those circumstances Senators would not make a fight for the bill or for the cloture motion. I repeat now that the cloture petition will fail and the Senator from Florida [Mr. PEPPER] knows it. However, he is apparently determined to make a political record.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PEPPER. I may be in error about the parliamentary situation, but my opinion is that the advocates of the anti-poll-tax bill are in a far better position at this time in the Senate than they were at the time when the able Senator from Oregon offered the amendment to the tidelands bill. In other words, aside from the propriety of offering it at that time, I am of the opinion that cloture would not have lain, in view of the situation at that time, and that filibuster would have been possible against the bill and the Senator's amendment.

Now the cloture petition has been filed, and the Chair has already informed the Senate that a vote will be had on cloture at 1 o'clock on Wednesday, or 1 hour after the Senate convenes on Wednesday, assuming that it convenes at noon.

So here we have the anti-poll tax before the Senate. We have assurance that there will be a vote on cloture on Wednesday. So I cannot see that we are any worse off: We have not agreed to a resolution for sine die adjournment, to my knowledge. The anti-poll-tax bill is before the Senate, and the majority leader has stated that if it is temporarily laid aside, he will move to have it taken up again; and the Chair has stated that no matter what is pending, at 1 o'clock on Wednesday the cloture motion will be taken up, and then each Senator can speak for 1 hour, and I think that will be sufficient time for each Senator to express his views.

Mr. MORSE. Mr. President, with all due respect to the Senator from Florida, whom I admire very much, but with whom I am in complete disagreement on this matter, I wish to state that in regard to the parliamentary situation, I think he is entirely in error insofar as being in an effective position to secure passage of the anti-poll-tax bill is concerned. He is in error because the chances of obtaining a vote on that bill have been greatly reduced by the fact that the majority leader's legislative program or calendar has been practically completed. It makes a great deal of difference, when we come to count noses on the cloture motion, whether there is still piled up back of the bill some very important proposed legislation which greatly concerns the Members of this body, or whether most of the important legislative proposals have already been voted upon.

Come Wednesday, that is exactly the position in which the Senator from Florida will find himself. It is a position with regard to which he was given due notice several days ago. It is a position which he voluntarily and knowingly walked into. His chances of getting a two-thirds vote for cloture on Wednesday are practically nil, and I think the Senator from Florida knows it as well as does the Senator from Oregon.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MORSE. I will yield in just a moment. The result will be that some Members of the Congress will be able to go before the electorate next November and say, "Oh, we did everything we could do to get the bill brought up. We finally got a cloture petition but it failed of adoption." But what the voters need to know is the strategy behind this whole movement, and that is why I said a few moments ago that the whole strategy is a farce, and I repeat that it is. It is a move of election politics.

Mr. PEPPER and Mr. BILBO addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Oregon yield; and, if so, to whom?

Mr. MORSE. I yield to the Senator from Florida.

Mr. PEPPER. Mr. President, I have no hesitancy in allowing the Senator from Oregon to characterize the Senate in any way he chooses to do so. But what I wish to say is that I think good faith has been employed by all of us, including the able majority leader, who was required merely to take into account the legislative situation as it now exists. It is always easy to urge perfection, but it is sometimes more practical to take practicalities into cognizance. That is what was done by the leader. Our able leader has been a better friend of this measure than has been the able Senator from Oregon, if I may say so, under the present circumstances.

Mr. MORSE. Mr. President, as far as I am concerned the Senator from Florida is perfectly welcome to express any value judgment he may care to concerning my contribution to the fight for an anti-poll-tax bill. I am happy to rest my case on the record. The Senator from Oregon raises no question with regard to good faith but he recognizes political strategy when he sees it. I am sorry that the Senator from Florida is engaging in it on this bill. The Senator from Oregon makes this assertion for the RECORD that the Senator from Florida must shoulder a large share of the responsibility for the situation in which we find ourselves with regard to House bill 7.

POTOMAC RIVER HIGHWAY BRIDGE

Mr. BILBO. Mr. President, on the 16th of July the President of the United States signed Public Law 516. That law provides for the building of a four-lane highway bridge across the Potomac River out of Washington. All of us are interested in it. A mistake was made in the language of the bill. House bill 7109 has just been passed by the House of Representatives, and it provides that wherever in section 6 of Public Law 516 the words "National Capital Park Service" occur, they be changed to read "National Park Service."

Mr. President, I ask that the bill (H. R. 7109) be now considered.

There being no objection, the bill (H. R. 7109) to amend section 6 of Public Law No. 516 of the Seventy-ninth Congress, approved July 16, 1946, was read twice by title, considered, ordered to a third reading, read the third time, and passed.

Mr. REVERCOMB. Mr. President, I wish to inquire concerning the subject matter of the bill to which the Senator from Mississippi referred.

Mr. BILBO. On July 16 the President of the United States signed Public Law 516. It was subsequently found that some corrections should be made in the bill, by changing the words "National Capital Park Service" wherever they occurred, to "National Park Service."

Mr. REVERCOMB. I thank the Senator.

INTERCHANGE OF PROPERTY BETWEEN THE ARMY AND NAVY

Mr. WALSH. Mr. President, when the calendar was called, and Calendar No. 1790, House bill 6057, was reached, I objected to its consideration on the ground that I had been informed that some other Senator would wish to make an objection. I wish the RECORD now to show that I was mistaken, and I will cooperate with the Senator from Louisiana [Mr. OVERTON], in obtaining action on the bill at the first opportunity.

AMENDMENT OF SOCIAL SECURITY ACT AND INTERNAL REVENUE CODE

Mr. BARKLEY. Mr. President, I now renew my request which I made a moment ago that the Senate temporarily lay aside the unfinished business and proceed to the consideration of Calendar No. 1906, House bill 7037.

Mr. TAFT. Mr. President, reserving the right to object, what is the bill to which the Senator refers?

Mr. BARKLEY. It is the social security bill in charge of the Senator from Georgia.

Mr. TAFT. I thank the Senator.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, I wish to inform the majority leader that, having made clear my position on House bill 7, I withdraw my objection to the unanimous-consent request which has been made.

There being no objection, the Senate proceeded to consider the bill H. R. 7037, which had been reported from the Committee on Finance with amendments.

ACCEPTANCE BY TREASURY OF DEPOSITS OF MONEYS FROM THE PHILIPPINE ISLANDS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2348) to authorize the continuance of the acceptance by the Treasury of deposits of public moneys from the Philippine Islands, which was in line 9, after the word "States", to insert "and shall terminate on July 1, 1951."

Mr. HAYDEN. I move that the Senate concur in the amendment of the House.

The motion as agreed to.

WILLIAM S. BROWN

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1277) conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of William S. Brown, which were, on page 1, lines 3 and 4, to strike out "Court of Claims of the United States" and insert "United States District Court of the Western District of South Carolina"; and to amend the title so as to read: "An act conferring jurisdiction upon the United States District Court of the Western District of South Carolina to hear, determine, and render judgment upon the claim of William S. Brown."

Mr. JOHNSTON of South Carolina. Mr. President, I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PRINTING OF PAMPHLET ENTITLED "MANUAL EXPLANATORY OF PRIVILEGES, RIGHTS, ETC., OF FORMER MEMBERS OF THE ARMED FORCES"

The PRESIDENT pro tempore laid before the Senate House Concurrent Resolution 66, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That the pamphlet entitled "Manual Explanatory of the Privileges, Rights, and Benefits Provided for All Persons Who Are, or Have Been, Members of the Armed Forces of the United States and of Those Dependent Upon Them" be printed as a House document, and that 91,300 additional copies shall be printed, of which 66,300 copies shall be for the use of the House of Representatives, 20,000 for the use of the Senate, 2,000 for the use of the Committee on World War Veterans' Legislation of the House of Representatives, 2,000 for the House document room, and 1,000 for the Senate document room.

Mr. HAYDEN. I ask unanimous consent for the present consideration and adoption of the concurrent resolution.

There being no objection, the concurrent resolution was considered and agreed to.

CHARLES R. HOOPER—VETO MESSAGE

Mr. CAPPER. Mr. President, I am directed by the Senate Committee on Claims to present a favorable report on S. 1480, now in the hands of the Parliamentarian, which would pay Charles R. Hooper, a Government employee in the District of Columbia, $4,000 for personal injuries sustained by him while employed in the United States navy yard. I ask for its approval by the Senate.

I have willingly and wholeheartedly supported this relief claim because I have felt that the case is an exceedingly meritorious one.

Legislation for Mr. Hooper's relief has passed the House of Representatives on four different occasions, and has passed the Senate three times. But we regret that S. 1480 was returned to the Congress unsigned by the President. Our committee is now asking that this bill again be passed by the Senate over the President's veto.

In the veto message which accompanied the bill, it recognized the fact that Mr. Hooper lost the use of his left eye while working for the Government in line of duty. But the basis on which the veto message rests seems to be a statement in the message that, "while the loss to the claimant, and his pain and suffering, are to be regretted, they were not such as to prevent his long and gainful reemployment in the Government service."

This message overlooks the fact that away back in 1890, at the time Mr. Hooper was injured, his rate of pay at the Washington Navy Yard was approximately 40 cents per hour. In 1909, when Mr. Hooper was appointed a helper at the Government Printing Office, 19 years after his injury, he was forced to enter employment at the same rate of pay: namely, 40 cents per hour as a helper. If he had not suffered the injury at the Washington Navy Yard in 1890 and had been able to continue his service there as a machinist uninterrupted, his daily earnings in 1918, instead of being $4 per day would have been approximately $20 per day. This fact alone refutes and disproves the statement in the veto message to the effect that the claimant's wage-earning capacity had not been impaired by the injury.

Justice and fairness to this man, who is now 80 years of age, and still residing in the city of Washington, demand that the Congress pass this bill over the President's veto, so that Mr. Hooper may, in a small way, be compensated by the Government for the loss of his eye. The President and Congress should know further that this claimant has expended considerable more than the amount he is now seeking in this bill in the form of medical care and medicines during the period since his injury.

At a meeting of the Senate Committee on Claims I presented this whole matter. It was thoroughly discussed. The committee voted unanimous approval of a motion overriding the veto. I earnestly appeal, therefore, Mr. President, for the passage of S. 1480 over the President's veto, and that the bill be sent to the House once more.

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. BARKLEY. Mr. President, is a yea and nay not necessary?

The PRESIDENT pro tempore. It undoubtedly is.

Mr. BARKLEY. Mr. President, I wish the Senator from Kansas would withhold his motion at this late hour. The motion would require a roll-call vote. Would the Senator from Kansas be willing to postpone the matter until another day?

Mr. CAPPER. Until tomorrow?

Mr. BARKLEY. Well, until some later day.

Mr. CAPPER. I withdraw my motion.

The PRESIDENT pro tempore. The Senator from Kansas withdraws his motion.

LYNCHINGS IN GEORGIA

Mr. LANGER. Mr. President, last Saturday there was some discussion in the Senate with reference to recent lynchings in the State of Georgia. At this time I wish to call the attention of the Senate to the fact that the Governor of Georgia has offered a reward of $10,000 to bring to justice those who were guilty of the crimes committed. I wish to compliment not only the Governor of Georgia, but also the distinguished Senator from California [Mr. KNOWLAND], who brought the matter to the attention of the Senate. I am quite sure that the present Governor of Georgia will see to it that the laws of that State are enforced.

I wish also to make it clear, Mr. President, that at the time the discussion took place last Saturday what I had to say concerning the newly elected governor of Georgia meant only that I resented the action of the newspaper in New York City in criticizing Mr. Talmadge at a time when he was not yet governor, and when he was at least 2,000 miles beyond the borders of the State of Georgia and could not possibly defend himself against the criticism which was made of him. I thought that it would be simple justice for me to say what I said on that occasion.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Edwin G. Nourse, of the District of Columbia, to be a member of the Council of Economic Advisers, which was referred to the Committee on Banking and Currency.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. WAGNER, from the Committee on Banking and Currency:

Roy L. Thompson, of Louisiana; Daniel W. Bell, of the District of Columbia; and George H. Mead, of Ohio, to be members of the Price Decontrol Board; and

Leon H. Keyserling, of New York, and John Davidson Clark, of Wyoming, to be members of the Council of Economic Advisers.

By Mr. GEORGE, from the Committee on Finance:

Sundry nominations for appointments and promotions in the Regular Corps of the United States Public Health Service.

By Mr. CHAVEZ, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the calendar.

MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

The legislative clerk read the nomination of George D. Neilson, of the District of Columbia, to be associate judge.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

CIRCUIT COURTS, TERRITORY OF HAWAII

The legislative clerk read the nomination of Gerald R. Corbett of Hawaii, to be sixth judge of the first circuit.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed and, without objection, the President will be notified forthwith of all nominations confirmed today.

PRICE DECONTROL BOARD

Mr. BARKLEY. Mr. President, the Committee on Banking and Currency today reported favorably the nominations which were sent to the Senate by the President last Saturday for membership on the Decontrol Board. I am satisfied that all Senators recognize the necessity of an early organization of the Board so that it may get to work as soon as possible. Therefore, by the direction of the chairman of the committee, the Senator from New York [Mr. WAGNER], I ask unanimous consent for the present consideration of the nominations.

The PRESIDENT pro tempore. Is there objection?

Mr. WHITE. In the circumstances which the Senator from Kentucky has disclosed, I think his request should be promptly granted, and that the nominations should be confirmed.

Mr. BARKLEY. I thank the Senator.

The PRESIDENT pro tempore. The nominations will be stated.

The legislative clerk read the nominations of Roy L. Thompson, of Louisiana; Daniel W. Bell, of the District of Columbia; and George H. Mead, of Ohio, to be members of the Price Decontrol Board.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed, and, without objection, the President will be notified forthwith.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until tomorrow at 11 o'clock a. m.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until tomorrow, Tuesday, July 30, 1946, at 11 o'clock a. m.

NOMINATION

Executive nomination received by the Senate July 27, 1946:

COUNCIL OF ECONOMIC ADVISERS

Edwin G. Nourse, of the District of Columbia, to be a member of the Council of Economic Advisers.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 29, 1946:

PRICE DECONTROL BOARD

TO BE MEMBERS OF THE PRICE DECONTROL BOARD

Roy L. Thompson
Daniel W. Bell
George H. Mead

MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

George D. Neilson to be associate judge of the municipal court for the District of Columbia.

CIRCUIT COURTS, TERRITORY OF HAWAII

Gerald R. Corbett to be the Sixth Judge of the First Circuit, Circuit Courts, Territory of Hawaii. (New position.)

HOUSE OF REPRESENTATIVES

MONDAY, JULY 29, 1946

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou who art the Lord God omnipotent, reverently we are again invoking Thy blessing, praying that when we are challenged by great issues and perplexing problems we may continue to be brave of heart, assured that, if we will only make a more courageous adventure of faith, we shall be gloriously triumphant.

Help us to cleave with fond affection to the assurance that Thou canst lead us to the high levels of victory and peace, releasing us from all fears and anxieties, and from the terror of frustration and futility and defeatism.

Hasten the day when the earth shall no longer be cursed by cruelty, blasted by injustice, blighted by selfishness, and darkened by hatred, but when the heart of mankind shall be illumined by the spirit of the Master and all shall have the faith, the courage, and the humility to follow where He leads.

In His name we pray. Amen.

The Journal of the proceedings of Saturday, July 27, 1946, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On July 26, 1946:

H. R. 1322. An act for the relief of the Marine Engine Works & Shipbuilding Corp., of Tarpon Springs, Fla.;

H. R. 1673. An act for the relief of the Superior Coach Corp.;

H. R. 5112. An act to authorize the city of Anchorage, Alaska, to issue bonds in a sum not to exceed $5,000,000 for the purpose of constructing, reconstructing, improving, extending, bettering, repairing, equipping, or acquiring public works of a permanent character, and to provide for the payment thereof, and for other purposes;

H. R. 5398. An act for the relief of Walter J. Barnes Electric Co. and Maritime Electric Co., Inc.;

H. R. 5640. An act to reestablish the status of funds of the midshipmen's store, barber shop, cobbler shop, and tailor shop at the United States Naval Academy, and for other purposes;

H. R. 5792. An act for the relief of certain postmasters;

H. R. 5840. An act to authorize an exchange of land in Eagle County, Colo.;

H. R. 5958. An act to amend the Agricultural Adjustment Act of 1938, as amended; and

H. R. 6739. An act making appropriations for the Department of Labor, the Federal

Security Agency, and related independent agencies, for the fiscal year ending June 30, 1947, and for other purposes.

On July 27, 1946:

H. R. 1754. An act for the relief of Edwin Doyle Parrish;

H. R. 2130. An act for the relief of Daniel S. Bagley, Jr., and Daniel S. Bagley, Sr.;

H. R. 3455. An act for the relief of Chatham M. Towers;

H. R. 3492. An act to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended;

H. R. 3623. An act for the relief of William A. Pixley;

H. R. 3988. An act for the relief of Decatur County in the State of Indiana;

H. R. 5025. An act for the relief of Mrs. Opal Riley and Robert R. Riley;

H. R. 6673. An act to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended;

H. R. 6689. An act to extend for an additional year, the provisions of the Sugar Act of 1937, as amended, and the taxes with respect to sugar; and

H. J. Res. 321. Joint resolution to authorize the making of settlement on account of certain currency destroyed at Fort Mills, Philippine Islands, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6836. An act to establish and provide for the maintenance and operation of a Veterans' Canteen Service in the Veterans' Administration, and for other purposes.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2147. An act for the relief of Howard A. Yeager; and

S. J. Res. 166. Joint resolution to amend section 3126 of the Internal Revenue Code, as amended, and for other purposes.

ADDITIONAL APPROPRIATIONS FOR THE FISCAL YEAR 1947

Mr. CANNON of Missouri, from the Committee on Appropriations, reported the joint resolution (H. J. Res. 390) making additional appropriations for the fiscal year 1947, and for other purposes (Rept. No. 2694), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. WIGGLESWORTH reserved all points of order.

EXTENSION OF REMARKS

Mr. DIRKSEN asked and was given permission to extend his remarks in the RECORD and include clippings.

Mr. ABERNETHY asked and was given permission to extend his remarks in the RECORD and include an editorial from the Jackson (Miss.) Daily News.

Mr. KELLEY of Pennsylvania asked and was given permission to extend his remarks in the RECORD on the subject of cars for amputees.

Mr. GRANGER asked and was given permission to extend his remarks in the RECORD.

Mr. TRAYNOR asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. KEARNEY asked and was given permission to extend his remarks in the RECORD and include an article from the Washington Post.

Mr. DWORSHAK asked and was given permission to extend his remarks in the RECORD.

Mr. GAVIN asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. RICH asked and was given permission to extend his remarks in the RECORD and include an article from the New York World-Telegram of Saturday which stated that Oscar L. Chapman, Under Secretary of the Interior, reveals the secret of how the Government got into the rum business.

Mr. SCHWABE of Oklahoma asked and was given permission to extend his remarks in the RECORD in three instances and include excerpts.

Mr. ARENDS asked and was given permission to extend his remarks in the RECORD and include a radio interview in which the gentleman from Massachusetts [Mr. WIGGLESWORTH] participated.

Mr. KNUTSON asked and was given permission to extend his remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. JOHNSON of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

[Mr. JOHNSON of Illinois addressed the House. His remarks appear in the Appendix.]

Mr. HOWELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

[Mr. HOWELL addressed the House. His remarks appear in the Appendix.]

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and include as a part of them a petition with two thousand names asking for the passage of the so-called amputee-paraplegic bill and also to include a letter from Marshall Field.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachuetts?

There was no objection.

[Mrs. ROGERS of Massachusetts addressed the House. Her remarks appear in the Appendix.]

SPECIAL ORDERS GRANTED

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent that on Thursday next, at the conclusion of the legislative program of the day, and following any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, I may be permitted to address the House for 1 hour.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mrs. LUCE asked and was given permission to extend her remarks in the RECORD in two instances.

Mr. MUNDT asked and was given permission to extend his remarks in the RECORD and include a copy of a letter he addressed to the editor of the Aberdeen American-News.

Mr. GEARHART asked and was given permission to extend his remarks in the RECORD in three instances and include in each extraneous matter.

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD in two instances and include in each an address delivered by Frank Gannett.

Mr. CHIPERFIELD asked and was given permission to extend his remarks in the RECORD.

Mr. BREHM asked and was given permission to extend his remarks in the RECORD.

Mr. BUCK (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks in the RECORD in two instances.

PERMISSION TO ADDRESS THE HOUSE

Mr. WEICHEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute to revise and extend my remarks and include a copy of a bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

[Mr. WEICHEL addressed the House. His remarks appear in the Appendix.]

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include certain tables.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[Mr. VOORHIS of California addressed the House. His remarks appear in the Appendix.]

Mr. SAVAGE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SAVAGE. Mr. Speaker, I see where the Republicans are going to lower the taxes, and at the same time balance the Budget. I guess they must think they are magicians. I do not believe that, and I do not think the public

generally does. If they are going to balance the Budget they have to maintain the taxes. So I just hope they do not insist on telling the innocent people that they can lower the taxes 20 percent, and at the same time make payments on the national debt.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. SAVAGE. I yield to the gentleman from Pennsylvania.

Mr. RICH. When Andrew Mellon was Secretary of the Treasury they did that very thing, and they can do it again, because they will stop a lot of this boondoggling and a lot of this unnecessary spending. That is the way they will do it.

Mr. SAVAGE. When the Republicans take all these services away from the people, and stop distribution of purchasing power, then we will go into another depression more vicious than the last one they got us into because of their lack of knowledge of economics and their lack of interest for the American public.

The SPEAKER. The time of the gentleman from Washington has expired.

VETERANS' CANTEEN SERVICE IN THE VETERANS' ADMINISTRATION

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6836) to establish and provide for the maintenance and operation of a Veterans' Canteen Service in the Veterans' Administration, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, lines 23, 24, and 25, strike out "and to maintain the operation of the Service on a self-sustaining basis."

Page 5, strike out lines 6 to 13, inclusive.

Page 5, line 14, strike out "5" and insert "4."

Page 6, line 4, strike out "6" and insert "5."

Page 6, line 11, strike out "7" and insert "6."

Page 6, line 22, strike out "8" and insert "7."

Page 7, line 3, strike out "9" and insert "8."

The SPEAKER. Is their objection to the request of the gentleman from Mississippi?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the effect of the Senate amendments?

Mr. RANKIN. We had this matter up in the Committee on World War Veterans' Legislation this morning and the committee instructed me to take this action. The Senate put on two amendments. One of them was to strike out the Cole amendment that was adopted in the House, that would have made these canteens self-sustaining. General Bradley was afraid it would mean including the salaries of the Veterans' Administration or other expenses, and that some of them in that way could not be made self-sustaining from the beginning.

Mr. MARTIN of Massachusetts. How much are they running in the red?

Mr. RANKIN. They are not running at all now.

The other important amendment is with reference to tax exemptions. We made them tax exempt and the Senate struck that provision out. So I took it up with the Veterans' Committee this morning and they instructed me to call the measure up and ask that the House concur in the Senate amendments.

Mrs. ROGERS of Massachusetts. If the gentleman will yield, there apparently was no objection to it.

Mr. RANKIN. There was no objection to it.

Mr. RABAUT. Reserving the right to object, Mr. Speaker, and I do not intend to object, I wish to have some information. Is this to be established as a revolving fund?

Mr. RANKIN. I cannot tell the gentleman that.

Mr. RABAUT. It has not been decided yet?

Mr. RANKIN. That has not been decided yet.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CREDIT SERVICES TO FARMERS

Mr. FLANNAGAN. Mr. Speaker, I call up the conference report on the bill (H. R. 5991) to simplify and improve credit services to farmers and promote farm ownership by abolishing certain agricultural lending agencies and functions, by transferring assets to the Farmers' Home Corporation, by enlarging the powers of the Farmers' Home Corporation, by authorizing Government insurance of loans to farmers, by creating preference for loans and insured mortgages to enable veterans to acquire farms, by providing additional specific authority and directions with respect to the liquidation of resettlement projects and rural rehabilitation projects for resettlement purposes, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5991) to simplify and improve credit services to farmers and promote farm ownership by abolishing certain agricultural lending agencies and functions, by transferring assets to the Farmers' Home Corporation, by enlarging the powers of the Farmers' Home Corporation, by authorizing Government insurance of loans to farmers, by creating preferences for loans and insured mortgages to enable veterans to acquire farms, by providing additional specific authority and directions with respect to the liquidation of resettlement projects and rural rehabilitation projects for resettlement purposes, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"An Act to simplify and improve credit services to farmers and promote farm ownership by abolishing certain agricultural lending agencies and functions, by defining the lending powers of the Secretary of Agriculture, by authorizing Government insurance of loans to farmers, by creating preferences for loans and insured mortgages to enable veterans to acquire farms, by providing additional specific authority and directions with respect to the liquidation of resettlement projects and rural rehabilitation projects for resettlement purposes, and for other purposes.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'Farmers' Home Administration Act of 1946.'

"DISPOSITION OF CERTAIN AGENCIES AND THEIR ASSETS AND PERSONNEL

"SEC. 2. (a) The following agencies, functions, powers, and duties are hereby abolished and the following laws relating thereto repealed:

"(1) The Farm Security Administration and all of its functions, powers, and duties.

"(2) All functions, powers, and duties of the Governor of the Farm Credit Administration which relate to the making, administration, and liquidation of (a) all loans to farmers under the Act entitled 'An Act to provide for loans to farmers for crop production and harvesting during the year 1937, and for other purposes', approved January 29, 1937 (U. S. C., 1940 edition, title 12, secs. 1020i–1020o); (b) all loans identified or referred to in sections 5 (b), 5 (c), and 5 (d) of Executive Order Numbered 6084, dated March 27, 1933, and (c) all other emergency crop production, feed, seed, drought, and rehabilitation loans administered by the Farm Credit Administration on the effective date of this Act. The said Act approved January 29, 1937, is hereby repealed.

"(3) All functions, powers, and duties of the National Housing Agency with respect to property, funds, and other assets which were formerly under the administration or supervision of the Farm Security Administration and were transferred to or consolidated with the National Housing Agency by Executive Order Numbered 9070 of February 24, 1942, except housing projects and except such other properties and assets as are now in the process of liquidation.

"(b) All assets, funds, contracts, property, and records and all liabilities of the agencies abolished by this Act and all assets, funds, contracts, property, and records which the Secretary of Agriculture, the Governor of the Farm Credit Administration, and the National Housing Administrator have been using or have acquired primarily in the administration of any function, power, or duty so abolished and all liabilities chargeable thereto shall be collected or liquidated, as the case may be, by the Secretary of Agriculture, in accordance with this Act and the Bankhead-Jones Farm Tenant Act, as amended. The Secretary shall promptly transmit to the Treasurer of the United States for appropriate credits all collections or other proceeds realized from the assets, funds, contracts and property which are authorized to be administered, collected or liquidated by this Act, except that (1) the Secretary may retain so much of the personal property, such as office furniture, equipment, machines, automobiles, stationery, and office supplies, as he finds will be necessary in carrying out his duties under this Act and the

Bankhead-Jones Farm Tenant Act, as amended; (2) until the loans obtained by the Secretary of Agriculture or the War Food Administrator from the Reconstruction Finance Corporation for carrying on the Farm Security programs have been paid, the Secretary shall pay to the Reconstruction Finance Corporation, as collected, in accordance with the terms of the applicable loan agreements, the proceeds of all assets transferred to him for administration and liquidation which are pledged as security for such loans; and (3) the proceeds from collections on farmers' crop production and harvesting loans (U. S. C., 1940 edition, title 12, secs. 1020i-1020n, 1020o) made available by the paragraph entitled 'Farmers' crop production and harvesting loans' under the item 'FARM CREDIT ADMINISTRATION' in the Department of Agriculture Appropriation Act, 1947, shall be available to the Secretary of Agriculture for the fiscal year 1947 for making loans under Title II of the Bankhead-Jones Farm Tenant Act, as amended.

"(c) The funds appropriated, authorized to be borrowed, and made available under the items 'Farmers' crop production and harvesting loans' (under the heading 'FARM CREDIT ADMINISTRATION'), 'LOANS, GRANTS, AND RURAL REHABILITATION' and 'FARM TENANCY', in the Department of Agriculture Appropriation Act, 1947, shall be available for the making and servicing of loans under this Act, for servicing and collecting loans made under prior authority, liquidation of rural rehabilitation projects, and for administrative expenses in connection therewith, and to the extent that such funds are validly obligated and committed on June 30, 1947, shall be available for use by the Secretary in fulfilling such obligations and commitments subject to the limitations set forth in the Acts appropriating or authorizing such funds.

"(d) All labor supply centers, labor homes, labor camps, and facilities formerly under the supervision or administration of the Farm Security Administration and originally transferred or made available to the War Food Administrator for use in the farm labor supply program pursuant to Public Law 45, Seventy-eighth Congress, approved April 29, 1943 (57 Stat. 70), and all similar labor centers, homes, camps, and facilities constructed or acquired by the War Food Administrator or the Department of Agriculture pursuant to subsequent similar laws or otherwise, shall be liquidated as provided in this Act and the proceeds paid to the Treasurer of the United States as each such center, home, camp, or facility is no longer needed in the farm labor supply program originally initiated pursuant to Public Law 45, or until six months after the termination of the present hostilities as determined by concurrent resolution of the Congress, or by the President, whichever is the earlier.

"(e) Any of the personnel that is being utilized on the effective date of this Act for the performance of functions, powers, or duties abolished or transferred by this Act, including, but not limited to those related to emergency crop and feed loans, shall be utilized by the Secretary of Agriculture in the performance of his duties and functions under this Act and the Bankhead-Jones Farm Tenant Act, as amended, to the extent that he determines that such personnel are qualified and necessary therefor.

"(f) The Secretary of Agriculture shall liquidate, as expeditiously as possible, trusts under the transfer, agreements with the various State Rural Rehabilitation Corporations and is authorized and directed to negotiate with responsible officials to that end.

"(g) With the approval of the Secretary of Agriculture, the consummation of the transfer of any function, power, duty, asset, or liability transferred by this Act may be delayed not in excess of ninety days after the effective date of this Act, during which time such function, power, or duty, and any function, power, or duty abolished by this Act, may be administered by such agency as the Secretary may designate and in accordance with such rules and regulations as the Secretary may prescribe. Such rules and regulations shall, however, conform as nearly as may be practicable to the provisions of this Act, the several appropriation Acts which are involved, or the Bankhead-Jones Farm Tenant Act, as amended, whichever is appropriate.

"AMENDMENT TO TITLE IV OF THE BANKHEAD-JONES FARM TENANT ACT

"SEC. 3. The following sections of Title IV of the Bankhead-Jones Farm Tenant Act, as amended, except insofar as they affect Title III of the Bankhead-Jones Farm Tenant Act, as amended, are hereby amended to read as follows:

"'SEC. 41. For the purposes of this Act, the Secretary shall have the power to—

"'(a) Appoint (without regard to the Civil Service laws or the Classification Act of 1923, as amended) such experts as may be necessary in carrying out the provisions of this Act: *Provided*, That the Administrator of the Farmers' Home Administration shall be appointed by the President, by and with the advice and consent of the Senate. The salary of none of such experts or the Administrator shall exceed $10,000 per annum. The Secretary shall also have the power to appoint, subject to the provisions of the civil-service laws, such other officers and employees as may be necessary and fix their compensation in accordance with the Classification Act of 1923, as amended, except that for a period of not to exceed 9 months from the effective date of this provision, the Secretary may make appointments and continue employees of the Farm Security Administration and the non-civil-service employees of the Emergency Crop and Feed Loan Division, utilized in the performance of the functions of the Farmers' Home Administration under this Act, without regard to the Civil Service laws or regulations.

"'(b) The Secretary may administer his powers and duties under this Act through such area finance, State, and local offices in the United States and in the Territories of Alaska and Hawaii and in Puerto Rico as he determines to be necessary; *Provided*, That existing regional offices shall be liquidated on or before June 30, 1947. The Secretary may authorize one office to serve the area composed of two or more States (Territories or Puerto Rico) if he determines that the volume of business in the area is not sufficient to justify separate State offices.

"'(c) Accept and utilize voluntary and uncompensated services, and with the consent of the agency concerned, utilize the officers, employees, equipment, and information of any agency of the Federal Government, or of any State, Territory, or political subdivision.

"'(d) Within the limits of appropriations made therefor, make necessary expenditures for personal services and rent at the seat of government and elsewhere; contract stenographic reporting services; purchase and exchange of supplies and equipment, law books, books of reference, directories, periodicals, newspapers, and press clippings; travel and subsistence expenses, including the expense of attendance at meetings and conferences; purchase, operation, and maintenance, at the seat of goverment and elsewhere, of motor-propelled passenger-carrying and other vehicles; printing and binding; and for such other facilities and services as he may from time to time find necessary for the proper administration of this Act.

"'(e) Make contracts for services and purchases of supplies without regard to the provisions of section 3709 of the Revised Statutes (U. S. C. 1934 ed., title 41, sec. 5) when the aggregate amount involved is less than $300.

"'(f) Acquire land and interests therein without regard to section 355 of the Revised Statutes, as amended. This subsection shall not apply with respect to the acquisition of land or interests in land under title III.

"'(g) Compromise or adjust claims and adjust and modify the terms of mortgages, leases, contracts and agreements entered into or administered pursuant to this Act as circumstances may require, in the following manner:

"'(1) Compromise of claims of $10,000 or more must be effected by reference to the Secretary of the Treasury or to the Attorney General, pursuant to the provisions of section 3469 of the Revised Statutes (U. S. C., 1940 edition, title 31, sec. 194);

"'(2) Claims of less than $10,000 may be compromised or may be adjusted or reduced on the basis of a reasonable determination by the Secretary of the debtor's ability to pay and the value of the security and with or without the payment of any consideration at the time of such adjustment; releases from personal liability may also be made with or without the payment of any consideration at the time of adjustment of:

"'(A) Borrowers who have transferred their farms to other approved applicants under agreements assuming the outstanding indebtedness to the Secretary under this title; and

"'(B) Borrowers who have transferred their farms to other approved applicants under agreements assuming that portion of their outstanding indebtedness to the Secretary which is equal to the earning capacity value of the farm at the time of the transfer, and borrowers whose farms have been acquired by the Secretary, in cases where the county committees certify and the Secretary determines that the borrowers have cooperated in good faith with the Secretary, have farmed in a workmanlike manner, used due diligence to maintain the security against loss, and otherwise fulfilled the covenants incident to their loans, to the best of their abilities;

"'(C) No compromise or adjustment shall be made upon terms more favorable than recommended by the appropriate county committee established pursuant to section 42 of this act;

"'(3) Any claim of $100 or less, which has been due and payable for 3 years or more, and where the debtor has no assets from which the claim could be collected or is deceased and has left no estate, or has been absent from his last known address for a period of at least 2 years and his whereabouts cannot be ascertained without undue expense, may be charged off or released by the Secretary upon a report and favorable recommendation of the employee of the Administration having charge of the claim: *Provided*, That claims of $10 or less may be canceled and released whenever it appears to the Secretary that further collection efforts would be ineffectual or likely to prove uneconomical; and

"'(4) At the end of each fiscal year the Secretary shall report to Congress the names of all persons against whom claims in excess of $1,000 have been compromised, the address of such person, the nature of the claim, the amount of the compromise, and the reason therefor.

"'(h) Collect all claims and obligations arising or administered under this act, or under any mortgage, lease, contract, or agreement entered into or administered pursuant to this act and, if in his judgment necessary and advisable, pursue the same to final collection in any court having jurisdiction. All legal work arising out of such claims and obligations, including, but not limited to, the prosecution and defense of all litigation, is authorized to be performed, as determined by the Solicitor of the Department of Agriculture, through the Department of Justice, by attorneys of the Office of the Solicitor of the Department of Agriculture, or by local counsel approved by the Solicitor of the Department of Agriculture,

whose fees, upon approval by the Solicitor, shall be paid by the Secretary; and

"'(i) Make such rules and regulations and such delegations of authority as he deems necessary to carry out this act.

"'COUNTY COMMITTEES

"'SEC. 42. (a) The Secretary is authorized and directed to appoint in each county in which activities are carried on under this act a county committee composed of three individuals residing in the county, at least two of whom shall be farmers residing on a farm and deriving the principal part of their income from farming. In making the first appointments pursuant to the amendments made by Farmers' Home Administration Act of 1946, the Secretary shall designate one member of each committee to serve for a period of 1 year, one member to serve for a period of 2 years, and one member to serve for a period of 3 years. All subsequent appointments shall be for a 3-year period. The Secretary may appoint an alternate for each member of each committee who shall have the same qualifications and be appointed for the same term as such member. The members of each committee shall elect one member to serve as chairman. Members of the committees and their alternates shall be removable for cause by the Secretary.

"'(b) Each member of the committee shall be allowed compensation at the rate of not to exceed $5 per day while engaged in the performance of duties under this Act. The number of days per month that each member may be paid shall be determined and approved by the Secretary. In addition, they shall be allowed such amounts as the Secretary may prescribe for necessary traveling and subsistence expenses. The compensation and expenses of the committee members and their alternates shall be paid by the Secretary.

"'(c) The committee shall meet on the call of the committee chairman, or on the call of such other person as the Secretary may designate. Two members of the committee shall constitute a quorum. The Secretary shall prescribe rules governing the procedure of the committees, furnish forms and equipment necessary for the performance of their duties, and authorize and provide for the compensation of such clerical assistants as he deems may be required by any committee.

"'(d) Committees established under this Act shall, in addition to the duties specifically imposed under this Act, perform such other duties under this Act as the Secretary may require of them, or as may be delegated to them by the Secretary.

"'RESETTLEMENT PROJECTS

"'SEC. 43. (a) The Secretary shall do all things necessary to complete the liquidation as expeditiously as possible of all resettlement projects and rural rehabilitation projects for resettlement purposes including, but not limited to, defense relocation corporations, land-leasing and land-purchasing associations, all properties retransferred from the National Housing Agency by section 2 (a) (3) of the Farmers' Home Administration Act of 1946, and all other corporations or associations organized for similar purposes and financed, in whole or in part, with funds made available to the Secretary, the War Food Administrator, the Farm Security Administration, the Resettlement Administration, or the Federal Emergency Relief Administration.

"'(b) Within six months after the effective date of the Farmers' Home Administration Act of 1946, the Secretary shall determine which of the lands comprising the projects described in (a) hereof are suitable for use, either with or without subdivision, as farms of sufficient size to constitute efficient farm management units and to enable diligent farm families to carry on farming of a type which the Secretary deems can be carried on successfully in the localities in which the lands are situated. The Secretary shall file with the Congress, promptly after making such determination, a complete report of the determination, with full information as to the location of all lands comprising such projects, and of the facts taken into account by the Secretary in making the determination. All lands which the Secretary determines are suitable for farming and all personal property incident to or comprising such projects and usable in farming operations shall, wherever practicable, be sold by the Secretary as expeditiously as possible to individuals eligible to receive the benefits of Title I of this Act and in a manner consistent with the provisions of such title. The Secretary, if appropriations are made therefor by Congress, may make loans to such purchasers to enable them to improve such lands or repair such property, which loans shall be made only after certification of the county committees and otherwise in a manner consistent with the provisions of Title I: *Provided*, That all sales of project lands in economic units shall be in accordance with the terms, conditions, and limitations of S. 704, 79th Congress, 2d Session.

"'(c) Public facilities, such as electric light, water and sewage systems, buildings and lands for schools and churches, and land for public roads, streets, and alleys, may be granted or dedicated to public or semipublic institutions or granted to public or private organizations where (1) such facilities or lands cannot be sold at reasonable prices, (2) similar facilities or land are not available at reasonable rates and terms to the inhabitants of the particular area, and (3) the recipients of such facilities will agree to operate and maintain them and shall relieve the Government of all responsibility in connection therewith. In making grants or dedications of such facilities, the Secretary shall give due consideration to all applications for such grants or dedications and shall award the facilities to the organization or institution found by the Secretary to be most capable of maintaining and operating such properties. In all sales, grants, or dedications of such facilities, the Secretary shall take reasonable precautions to provide that they will not be used in competition with companies or organizations in the area furnishing adequate services to the inhabitants upon reasonable rates and terms.

"'(d) Real and personal property comprising such projects which is not determined by the Secretary to be suitable for sale as family-size farms as provided in (b) hereof, or which is not granted or dedicated as provided in (c) hereof, shall, within eighteen months after the effective date of the Farmers' Home Administration Act of 1946, either be transferred by the Secretary to appropriate agencies of the United States for disposition as surplus property of the United States or be sold by the Secretary at public or private sale to any individual or corporation at the best price obtainable, after public notice, for cash or on secured credit, without regard to the laws governing the disposition of surplus real or personal property of the United States: *Provided, however*, That in the case of all sales on credit under this subparagraph (d) the Secretary shall obtain an initial cash payment of at least 20 per centum of the sales price and the remainder shall be paid in equal annual installments within a term not in excess of five years: *Provided further*, That wherever it is found by the Secretary that it is not practicable to dispose of lands reserved for sale pursuant to subparagraph (b) hereof under the provisions of title I of this Act, such lands may be sold by the Secretary under the authority of this subparagraph (d).

"'(e) The Secretary shall cause the defense relocation corporations, land-leasing and land-purchasing associations, and other similar corporations or associations to sell properties to which they hold title in accordance with the limitations and procedures prescribed in this section.

"'(f) The provisions of this section shall apply to all labor supply centers, labor homes, labor camps, and facilities upon their transfer to the Secretary as provided in section 2 (d) of this Act.

"'SPECIAL CONDITIONS AND LIMITATIONS ON LOANS

"'SEC. 44. The Secretary, under this Act—

"'(a) Shall make no loan

"'(1) to any corporation or cooperative association;

"'(2) unless the appropriate county committee certifies in writing that the applicant is eligible to obtain such loan and that, in the opinion of such committee, he will honestly endeavor to carry out undertakings and obligations required of him under a loan which may be made by the Secretary;

"'(3) to any person, unless the applicant represents in writing, and it is administratively determined by the Secretary, after a certification to such effect by the appropriate county committee, that credit sufficient in amount to finance the actual needs of the applicant is not available to him at the rates (but not exceeding the rate of 5 per centum per annum) and terms prevailing in the community in or near which the applicant resides for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source.

"'(4) for the carrying on of any land-purchase or land-leasing program, or for the purpose of carrying on any operations in collective farming, or cooperative farming, or for the organization, promotion, or management of homestead associations, land-leasing associations, land-purchasing associations, or cooperative land-purchasing for colonies of rehabilitants and tenant purchasers, except for the liquidation as expeditiously as possible of any such projects heretofore initiated.

"'(b) Shall, except as otherwise specifically provided by the Congress, make all loans at the interest rate of 5 per centum per annum evidenced by notes requiring full liability of the maker had upon such security and such other terms and conditions as the Secretary may prescribe, including such provisions for the supervision of the borrower as the Secretary shall deem necessary to protect his interests.

"'(c) Shall, in the case of every loan, require in the loan and security instruments that if at any time it shall appear to the Secretary that the borrower may be able to obtain a loan from a production credit association, Federal land bank, or other responsible cooperative or private credit source at rates (but not exceeding the rate of 5 per centum per annum) and terms for loans for similar periods of time and purposes prevailing in the area in which the loan is to be made, the borrower shall, upon request of the Secretary, apply for and accept such loan in sufficient amount to repay the Secretary and to pay for any stock necessary to be purchased in the cooperative lending agency in connection with the loan.

"'TRANSFER OF LANDS TO SECRETARY

"'SEC. 45. The President may at any time in his discretion transfer to the Secretary any right, interest or title held by the United States in any lands acquired in the program of national defense and no longer needed therefor, which the President shall find suitable for the purposes of this Act, and the Secretary shall dispose of such lands in the manner and subject to the terms and conditions of this Act.

"'TRANSACTIONS WITH CORPORATIONS

"'SEC. 46. Nothing in this Act shall authorize the making of any loan or the sale or other disposition of real property or any interest therein, other than interests in coal,

oil, gas, or other minerals, to any private corporation, except in furtherance of liquidation pursuant to section 43, or the leasing of mineral interests to corporations or individuals from time to time in accordance with policies established by the Secretary of Agriculture.

"'SURVEYS AND INVESTIGATIONS

"'SEC. 47. The Secretary is authorized to conduct surveys and investigations relating to the conditions and factors affecting, and the methods of accomplishing most effectively, the purposes of this Act, and may, when funds are specifically appropriated therefor by the Congress, publish and disseminate information pertinent to the various aspects of its activities.

"'VARIABILE PAYMENTS

"'SEC. 48. The Secretary shall require annual payments in installments sufficient to pay any obligations or indebtedness to him under this Act within the term of such obligation or indebtedness. The Secretary shall provide a method whereby a borrower may pay any obligation or indebtedness by a system of variable payments under which a surplus above the required installment for any year may be paid in periods of above-normal income and employed to reduce payments below the required annual payment in subsequent periods of subnormal income. Any advance payments to the Secretary shall not affect the obligation to pay the required annual installment during periods of normal or above-normal income.

"'SET-OFF

"'SEC. 49. No set-off shall be made against any payment to be made by the Secretary to any person under the provisions of this Act, by reason of any indebtedness of such person to the United States, and no debt due to the Secretary under the provisions of this Act shall be set off against any payments owing by the United States, unless the Secretary shall find that such set-off will not adversely affect the objectives of this Act.

"'TAXATION

"'SEC. 50. (a) All property which is being utilized to carry out the purposes of title I of this Act (other than property used solely for administrative purposes) shall, notwithstanding that legal title to such property remains in the Secretary, be subject to taxation by the State, Territory, district, dependency, and political subdivision concerned, in the same manner and to the same extent as other similar property is taxed.

"'(b) All property to which subsection (a) of this section is inapplicable which is held by the Secretary pursuant to this Act shall be exempt from all taxation now or hereafter imposed by the United States or any State, Territory, district, dependency, or political subdivision, but the Secretary shall make payments in respect of any such property in lieu of taxes.

"'BID AT FORECLOSURE

"'SEC. 51. The Secretary is authorized and empowered to bid for and purchase at any foreclosure or other sale, or otherwise to acquire property pledged or mortgaged or conveyed to secure any loan or other indebtedness owing to or acquired by the Secretary under this Act; to accept title to any property so purchased or acquired; to operate for a period not in excess of one year from the date of acquisition, or lease such property for such period as may be deemed necessary to protect the investment therein; and to sell or otherwise dispose of such property in a manner consistent with the provisions of section 43 of this Act.

"'PENALTIES

"'SEC. 52. (a) Whoever makes any material representation, knowing it to be false, for the purpose of influencing in any way the action of the Secretary upon any application, discount, purchase or repurchase agreement, contract of sale, lease or loan, or any change or extension of any of the same by renewal, compromise, adjustment, deferment of action or otherwise, or the acceptance, release or substitution of security therefor, shall, upon conviction thereof, be punished by a fine of not more than $2,000 or by imprisonment for not more than two years, or both.

"'(b) Whoever, being employed in any capacity by the Secretary, (1) embezzles, abstracts, purloins or willfully misapplies any moneys, funds, securities or other things of value, whether belonging to the Secretary or pledged or otherwise entrusted to him; or (2) with intent to defraud the Secretary, or any body politic or other corporation, or any individual, or to deceive any officer, auditor or examiner of the Secretary, makes any false entry in any book, report or statement of, or to, the Secretary, or draws any order, or issues, puts forth or assigns any note or other obligation or draft, mortgage, judgment or decree thereof; or (3) with intent to defraud the Secretary, participates or shares in or receives directly or indirectly any money, profit, property or benefits through any transaction, loan, commission, contract or any other act of the Secretary shall, upon conviction thereof, be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or both.

"'(c) Whoever willfully shall conceal, remove, dispose of, or convert to his own use or that of another, any property mortgaged or pledged to, or held by, the Secretary as security for any obligation, shall, upon conviction thereof, be punished by a fine of not more than $2,000 or by imprisonment for not more than two years, or both.

"'(d) Whoever conspires with another to accomplish any of the acts made unlawful by the preceding provisions of this section shall, upon conviction thereof, be subject to the same fine or imprisonment, or both, as is applicable in the case of conviction for doing such unlawful act.

"'FEES AND COMMISSIONS PROHIBITED

"'SEC. 53. No officer, attorney, or other employee of the Secretary shall, directly or indirectly, be the beneficiary of or receive any fee, commission, gift, or other consideration for or in connection with any transaction or business under this Act other than such salary, fee, or other compensation as he may receive as such officer, attorney, or employee. No member of a county committee established under section 42 shall knowingly make or join in making any certification prohibited by section 2 (c). Any person violating any provision of this section shall, upon conviction thereof, be punished by a fine of not more than $2,000 or imprisonment for not more than two years, or both.

"'EXTENSION OF TERRITORIES

"'SEC. 54. The provisions of this Act shall extend to the territories of Alaska and Hawaii and to Puerto Rico. In the case of Alaska and Puerto Rico, the term 'county' as used in this Act shall be deemed synonymous with Territory, or any subdivision thereof as may be designated by the Secretary, and payments under section 33 of this Act shall be made to the Governor of the Territory or to the fiscal agent of such subdivision.

"'SEPARABILITY

"'SEC. 55. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.'

"SEC. 4. Title II of the Bankhead-Jones Farm Tenant Act, as amended, is hereby amended to read as follows:

"'TITLE II—PRODUCTION AND SUBSISTENCE LOANS

"'BORROWERS AND TERMS

"'SEC. 21. Out of the funds made available under section 23, the Secretary may make loans to farmers and stockmen who are citizens of the United States for the purchase of livestock, seed, feed, fertilizer, farm equipment and supplies, other farm needs, the refinancing of indebtedness and family subsistence: *Provided*, That no loan shall be made under this section for the purchase or leasing of land or for the carrying on of any land-purchase or land-leasing program: *Provided further*, That, under this section, (1) the initial loan to any one borrower shall not exceed $3,500 and no further loan may be made by the Secretary under this title to a borrower so long as the total amount outstanding to that borrower, including interest and taxes or other liens and obligations which have accrued and are properly chargeable to the account of the borrower, exceeds $5,000; (2) the term of any such loan, including renewals and extensions, shall not exceed five years from the date the original loan was made; and (3) no person who has failed to liquidate his indebtedness under this section for five consecutive years shall be eligible for further loans hereunder until he has paid such indebtedness in full, except that indebtedness to the Farm Security Administration or the Emergency Crop and Feed Loan Offices heretofore created shall not be included until five years from the effective date of the Farmers' Home Administration Act of 1946, in determining the amounts of loans, terms of loans, and five-year period for eligibility set forth in this section.

"'DEBT ADJUSTMENT

"'SEC. 22. The Secretary may assist in the voluntary adjustment of indebtedness between farm debtors and their creditors and may cooperate with State, Territorial, and local agencies and committees engaged in such debt adjustment. Services furnished by the Secretary under this section may be without charge to the debtor or creditor.

"'APPROPRIATION

"'SEC. 23. There is authorized to be appropriated to the Secretary such sums as the Congress may from time to time determine to be necessary to enable the Secretary to carry out the purposes of this title.'

"AMENDMENT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT

"SEC. 5. Title I of the Bankhead-Jones Farm Tenant Act, as amended, is hereby amended to read as follows:

"'TITLE I—TENANT PURCHASE LOANS AND MORTGAGE INSURANCE

"'POWER OF SECRETARY

"'SECTION 1. (a) The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized to make loans and to insure mortgages in the United States and in the Territories of Alaska and Hawaii and in Puerto Rico to persons eligible to receive the benefits of this title to enable such persons to acquire, repair or improve family-size farms, or to refinance indebtedness against undersized or underimproved units when loans are being made or insured by the Secretary to enlarge or improve such units. Loans may also be made to assist borrowers under this title in making the improvements needed to adjust their farming operations to changing conditions.

"'(b) (1) Except with respect to veterans qualified under subsection (b) (2) of this section, only farm tenants, farm laborers, sharecroppers, and other individuals (including owners of inadequate or underimproved farm units) who obtain, or who recently obtained, the major portion of their income

from farming operations, shall be eligible to receive the benefits of this title. In making available the benefits of this title the Secretary shall give preference to persons who are married, or who have dependent families, and, wherever practicable, to persons who are able to make an initial down payment, or who are owners of livestock and farm implements necessary successfully to carry on farming operations. No person shall be eligible who is not a citizen of the United States.

"'(2) Any veteran (defined herein as a person who served in the land or naval forces of the United States during any war between the United States and any other nation and who shall have been discharged or released therefrom under conditions other than dishonorable) who intends to engage in farming as a principal occupation, and who meets the requirements of rules and regulations prescribed by the Secretary as to industry, experience, character, and other assurances of success as farmers, shall be eligible for the benefits of this title and their applications shall be entitled to preference over those of non-veterans.

"'(c) No loan shall be made, or mortgage insured, for the acquisition, improvement, or enlargement of any farm unless it is of such size and type as the Secretary determines to be sufficient to constitute an efficient family-type farm-management unit and to enable a diligent farm family to carry on successful farming of a type which the Secretary deems can be carried on successfully in the locality in which the farm is situated: *Provided*, That loans may be made to veterans, or mortgages insured for veterans, as defined in section 1 (b) (2) hereof, who have pensionable disabilities, to enable such veterans to acquire, enlarge, repair, or improve farm units of sufficient size to meet the farming capabilities of such veterans and afford them income which, together with their pensions, will enable them to meet living and operating expenses and the amounts due on their loans.

"'FUNCTIONS OF COUNTY COMMITTEES

"'SEC. 2. (a) The county committees established under section 42 shall—

"'(1) examine applications (filed with the chairman of the county committee, or with such other person as the Secretary may designate) of persons desiring to obtain the assistance of the Secretary in financing the acquisition of farms or farming operations in the county as provided in this Act; and

"'(2) examine and appraise farms in the county with respect to which applications are made

"'(b) If the committee finds that an applicant is eligible to receive the benefits of this Act, that, in the opinion of the committee, by reason of his character, ability, industry, and experience, he will successfully carry out undertakings required of him under a loan which may be made or insured under this Act, that credit sufficient in amount to finance the actual needs of the applicant, specified in the application, is not available to him at the rates (but not exceeding the rate of 5 per centum per annum) and terms prevailing in the community in or near which the applicant resides for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source; and that the farm with respect to which the application is made is of such character that there is a reasonable likelihood that the making or insuring of the loan with respect thereto will carry out the purposes of this title, it shall so certify to the Secretary. The committee shall also certify to the Secretary the amount which the committee finds is the fair and reasonable value of the farm based upon its normal earning capacity. The farm shall be appraised by competent employees of the Secretary thoroughly trained in appraisal techniques and the appraisal shall be made available to the county committee and the Secretary for their guidance in determining the value of the farm as specified above.

"'(c) No member of the committee shall participate in any certification under this section with respect to any application or farm in which such member, or any person related to such member within the third degree of consanguinity or affinity has any pecuniary interest, direct or indirect, or in which any of them had such interest within one year prior to the date of certification.

"'(d) No loan shall be made for any purpose under this Act and no mortgage shall be insured under this Act, unless certification by the committee, as required under this section, has been made with respect to the applicant applying for the loan and with respect to the farm which is to be taken as security either for an insured or an uninsured mortgage.

"'TERMS OF LOANS

"'SEC. 3. (a) Loans made under this title shall be in such amount (not in excess of the amount certified by the county committee to be the value of the farm) as may be necessary to enable the borrower to acquire the farm and for necessary repairs and improvements thereon, and shall be secured by a first mortgage or deed of trust on the farm. Loans may not be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-type farm-management units, as determined by the Secretary, in the country, parish, or locality where the farm is located.

"'(b) The instruments under which the loan is made and security given therefor shall—

"'(1) provide for the repayment of the loan within an agreed period of not more than forty years from the making of the loan;

"'(2) provide for the payment of interest on the unpaid balance of the loan at the rate of 3½ per centum per annum;

"'(3) provide for the repayment of the unpaid balance of the loan, together with interest thereon, in installments in accordance with amortization schedules prescribed by the Secretary;

"'(4) be in such form and contain such covenants as the Secretary shall prescribe to secure the payment of the unpaid balance of the loan, together with interest thereon, to protect the security, and to assure that the farm will be maintained in repair, and waste and exhaustion of the farm prevented, and that such proper farming conservation practices as the Secretary shall prescribe will be carried out;

"'(5) provide that the borrower shall pay taxes and assessments on the farm to the proper taxing authorities, and insure and pay for insurance on farm buildings;

"'(6) provide that upon the borrower's assigning, selling, or otherwise transferring the farm, or any interest therein, without the consent of the Secretary, or upon default in the performance of, or upon any failure to comply with, any covenant or condition contained in such instruments, or upon involuntary transfer or sale, the Secretary may declare the amount unpaid immediately due and payable, and that, without the consent of the Secretary, no final payment shall be accepted, or release of the Secretary's interest be made, less than 5 years after the making of the loan; and

"'(7) contain the provisions for refinancing specified in section 44 (c).

"'(c) Except as provided in paragraph (6) of subsection (b), no instrument provided for in this section shall prohibit the prepayment of any sum due under it.

"'(d) No provision of section 75, as amended, of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898 (U. S. C. 1940 ed., title 11, sec. 203), otherwise applicable in respect to any indebtedness incurred under this title by any beneficiary thereof, shall be applicable in respect of such indebtedness until such beneficiary has repaid at least 15 percent thereof.

"'EQUITABLE DISTRIBUTION OF LOANS AND MORTGAGE INSURANCE

"'SEC. 4. In making loans and insuring mortgages under this title, the amount which is devoted to such purposes during any fiscal year shall be distributed equitably among the several States and Territories on the basis of farm population and the prevalence of tenacy, as determined by the Secretary: *Provided*, That there may be distributed to each State such amounts as are necessary to insure mortgages or finance loans pursuant to all bona fide applications from veterans qualified under section 1 hereof: *Provided further*, That there may be disbursed in any fiscal year to each State or Territory such amount not in excess of $100,000 as is determined by the Secretary to be necessary to finance loans in such State or Territory under this title.

"'APPROPRIATION

"'SEC. 5. To carry out the provisions of this title with respect to tenant-purchase loans, there is authorized to be appropriated not to exceed $50,000,000 for each fiscal year beginning with the fiscal year ending June 30, 1947, and such further sums as may be necessary in carrying out the provisions of this title during such fiscal year, with respect to tenant purchase loans and insured mortgages.

"'FARM TENANT MORTGAGE INSURANCE FUND

"'SEC. 11. (a) There is hereby created a fund, to be known as the "farm tenant-mortgage insurance fund" (hereinafter in this title referred to as the "fund"), which shall be used by the Secretary as a revolving fund for carrying out the provisions of this title with respect to mortgages insured under section 12 and to mortgages accepted for the account of the fund under section 13. There is authorized to be appropriated to the Secretary the sum of $25,000,000 to constitute such fund.

"'(b) Moneys in the fund not needed for current operations shall be deposited with the Treasurer of the United States to the credit of the fund or invested in direct obligations of the United States or obligations guaranteed as to principal and interest by the United States. The Secretary may purchase, with money in the fund, any notes issued by the Secretary to the Secretary of the Treasury to obtain money for the fund.

"'(c) All amounts deposited in or credited to the fund and the proceeds of investments of amounts in the fund shall be used only for purposes to which the fund is specifically authorized to be devoted under this title and shall not be diverted to any other use.

"'(d) The Secretary shall include in his annual report a complete statement with respect to the status of the fund.

"'INSURANCE OF MORTGAGES

"'SEC. 12. (a) The Secretary is authorized, upon application of a prospective mortgagor or mortgagee under a first mortgage eligible for insurance under this title, to insure such mortgage and to make commitments for the insurance of any such mortgage prior to the date of its execution.

"'(b) The aggregate amount of principal obligations on all mortgages insured under

this title, on all mortgages with respect to which commitments to insure have been made, and on all mortgages accepted for the account of the fund and not disposed of under section 14 shall not exceed $100,000,000 in any one fiscal year. With respect to any fiscal year, the amount available for insurance, commitment and acceptance of mortgages under this title shall be distributed among the several States and Territories on the basis provided in section 4 and preferences shall be given to mortgages executed by veterans qualified under section 1.

"'(c) In order for a mortgage to be eligible under this title—

"'(1) the person obligated to pay thereunder shall be a person who would be eligible under section 1 for a loan under title I;

"'(2) the farm mortgaged shall be one with respect to which, under section 1 (c), a loan could be made under title I;

"'(3) there shall be an appropriate certification by the county committee as required by section 2 of this Act;

"'(4) the mortgage instruments shall comply with section 3 (b), except that the base rate of interest shall be 2½ per centum per annum;

"'(5) the principal obligation (and fees and other charges chargeable under subsection (d) of this section) shall not exceed 90 per centum of the reasonable value of the farm and necessary repairs and improvements thereon, as such values are certified by the county committee pursuant to section 2 (b);

"'(6) the mortgage instruments shall contain a covenant to pay to the Secretary the initial and annual charges provided for in subsections (d) and (e) of this section, and a covenant to pay to the Secretary, as collection agent for the mortgagee, the amounts payable by the mortgagor to the mortgagee under the mortgage; and

"'(7) the mortgage instruments shall contain a stipulation (not binding upon the Secretary) that the holder of the mortgage will accept the benefits provided by section 13 in lieu of any right of foreclosure which he may have against the property and any right to a deficiency judgment against the mortgagor on account of the mortgage.

"'(d) The Secretary shall require the payment by the mortgagor or mortgagee of such initial fees for inspection, appraisal, and other charges as it finds necessary and such amounts may be included in the principal obligation of the mortgage, and the payment of such delinquency charges and default reserves as it finds necessary. The proceeds of such fees shall be deposited in the Treasury for use for administrative expense as provided in subparagraph (e) (2) hereof.

"'(e) (1) The Secretary shall collect from the mortgagor, upon insurance of the mortgage, an initial charge of 1 per centum of the principal obligation of the mortgage and annually thereafter when payment of an installment of principal and interest is due, a charge of 1 per centum of the principal obligation remaining unpaid after such installment is paid, without taking into account delinquent payments or prepayments. If the principal obligation of the mortgage is paid in full in less than 5 years after the time when the mortgage was entered into, the Secretary may require payment by the mortgagor of a charge equal to the amount of the last annual charge required of the mortgagor.

"'(2) One-half of the amount paid as charges in pursuance of this subsection shall be the premium for insurance and shall be deposited in the fund and may be used only for purposes to which the fund may be devoted. The other half of the amounts so paid shall be deposited in the Treasury to the credit of the Secretary and shall be available only for administrative expenses to carry out the provisions of this title, relating to mortgage insurance.

"'(f) (1) The Secretary shall promptly remit to the mortgagee under any mortgage insured under this title any sums collected by it as agent for the mortgagee. The Secretary shall promptly advise any such mortgagee of any default by the mortgagor.

"'(2) If within thirty days after the due date of any installment the mortgagor under an insured mortgage has failed to pay to the Secretary the amount due, the Secretary shall, notwithstanding the amount paid is less than the interest and principal due, pay the amount of such principal and interest to the mortgagee, less the amount of any previous prepayments.

"'(3) Payments to mortgagees under paragraph (2) shall be advanced out of the fund for the account of the mortgagor. Such advances shall be repaid to the fund out of the first available collections received from the mortgagor, with interest thereon at the rate fixed in the insured mortgage, and shall be added to subsequent installments.

"'(g) Any contract of insurance executed by the Secretary under this section shall be conclusive evidence of the eligibility of the mortgage for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of any holder thereof from the date of the execution of such contract, except for fraud or misrepresentation of which such holder has actual knowledge.

"'(h) The Secretary may, at any time, for good cause shown and under such terms and conditions as he may prescribe, consent to the release of the mortgagor from his liability under the mortgage or the credit instruments secured thereby, or consent to the release of parts of the mortgaged property from the lien of the mortgage.

"'(i) The holder of any mortgage insured under this title may, upon notice to the Secretary, assign such mortgage together with the acccmpanying note and contract of insurance and the assignee thereof shall thereupon become entitled to all the benefits of such contract of insurance: *Provided*, That no such assignment shall be binding upon the Secretary until notice thereof has been given the Secretary and the Secretary has acknowledged receipt of such notice.

"'PAYMENT OF INSURANCE

"'SEC. 13. (a) In any case in which the mortgagor under a mortgage insured under section 12 is in default for more than twelve months, the mortgagee shall be entitled to receive the benefit of the insurance as hereinafter provided, upon assignment to the Secretary of (1) all the mortgagee's rights and interests arising under the mortgage so in default; (2) all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction; (3) all policies of title or other insurance and all surety bonds and other guaranties and any and all claims thereunder relating to the mortgage or the mortgaged property; (4) any balance of the mortgage loan not advanced to the mortgagor; and (5) any cash or property held by the mortgagee, or to which he is entitled, as deposit made for the account of the mortgagor and which has not been applied in reduction of the principal of the mortgage indebtedness; and upon transfer to the Secretary of such originals or copies of records, documents, books, papers and accounts relating to the mortgage transaction, as the Secretary prescribes. Upon such assignment and transfer, the Secretary shall pay to the mortgagee, in cash, an amount equal to the value of the mortgage and the note and mortgage shall thereupon become a part of the fund. For the purposes of this subsection, the value of the mortgage shall be determined, in accordance with rules and regulations prescribed by the Secretary, by adding to the amount of the original principal obligation of the mortgage which was unpaid on the date of default, the amount of all unpaid interest and the amount of all payments which have been made by the mortgagee for taxes, special assessments, water rates, and other payments in discharge of liens which are prior to the mortgage, and insurance on the property mortgaged, and by deducting from such total amount any amount received on account of the mortgage indebtedness after such default.

"'(b) If there should not be sufficient cash in the fund to enable the Secretary to make payments to mortgagees as provided in subsection (a) of this section, the Secretary may make and issue notes to the Secretary of the Treasury to obtain funds to make such payments. Such notes shall be signed by the Secretary or his duly authorized representatives and shall be negotiable. Such notes shall bear interest, payable semiannually, at a rate equal to the average rate of interest, computed to the end of the calendar month next preceding the date of issue, borne by all interest bearing obligations of the United States then forming a part of the public debt, and shall have such maturities as the Secretary may determine with the approval of the Secretary of the Treasury.

"'(c) The Secretary of the Treasury is authorized to purchase any notes issued by the Secretary pursuant to this section and any renewals thereof and for such purchases may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such act, as amended, are hereby extended to include any such purchases. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States.

"'(d) In any case in which the mortgagor violates any covenant or condition of his mortgage, the Secretary may require the mortgagee to assign such mortgage, together with the incidents thereto, upon payment of the value of the mortgage determined in accordance with this section.

"'PROCEDURE WITH RESPECT TO MORTGAGES IN DEFAULT

"'SEC. 14. (a) Upon accepting the assignment of any insured mortgage, the Secretary shall ascertain whether or not the mortgagor (which term as used in this section shall include the mortgagor or his heirs or assigns) desires to remain in possession of the mortgaged property. If the mortgagor does not desire to remain in possession of the mortgaged property or if the Secretary is unable to make the findings prescribed by the next sentence, the Secretary may proceed to foreclose the mortgage. If the mortgagor desires to remain in possession of the mortgaged property and if the Secretary finds that the mortgagor (1) has made reasonable efforts to meet all defaulted payments and to comply with the other covenants and conditions of his mortgage and (2) will probably be able to meet such defaulted payments within five years after the maturity date or dates of the defaulted payments, the Secretary may enter into an agreement with the mortgagor providing for the payment of such defaulted payments together with interest thereon, at such times not later than five years after the maturity date or dates as the Secretary may deem to be within the probable future means of the mortgagor. Should any mortgagor with whom the Secretary has entered into such agreement thereafter fail to meet any payments, the Secretary may proceed to foreclose the mortgage.

"'(b) Amounts realized under section 51 on account of property which was subject to an insured mortgage shall be deposited in

the fund. Amounts payable by the Secretary under section 50 (a) as taxes, with respect to such property, shall be paid out of the fund.

"'INSURED MORTGAGES ELIGIBLE AS INVESTMENTS

"'SEC. 15. (a) The first paragraph of section 24, chapter 6, of the Federal Reserve Act, as amended (U. S. C., 1940 ed., title 12, sec. 371) (relating to loans on farm lands by member banks), is hereby amended by inserting after the words "National Housing Act", the following: "or which are insured by the Secretary of Agriculture pursuant to title I of the Bankhead-Jones Farm Tenant Act."

"'(b) Section 35 of chapter III of the Act entitled "An Act to regulate the business of life insurance in the District of Columbia", approved June 19, 1934 (D. C. Code, 1940 edition, title 35, sec. 535), is amended by inserting in paragraph (3a) after the words "Federal Housing Administration" the following: "or by the Secretary of Agriculture pursuant to title I of the Bankhead-Jones Farm Tenant Act.'"

"ACCOUNTS AND CLAIMS OF DEFENSE RELOCATION CORPORATIONS

"SEC. 6. (a) The Comptroller General of the United States is authorized and directed to allow credit in the accounts of disbursing and certifying officers for advances made in good faith on behalf of the Department of Agriculture to defense relocation corporations and land purchasing associations.

"CONSOLIDATION OF AGRICULTURAL CREDIT AND SERVICE OFFICES

"SEC. 7. The Secretary of Agriculture and the Governor of the Farm Credit Administration are hereby directed, wherever practicable, to make suitable arrangements whereby all field offices under their supervision or direction extending agricultural credit or furnishing agricultural services to farmers to utilize the same or adjacent offices to the end that eligible farmers in each locality will be enabled to obtain their agricultural credit and services at one central point.

"CONTINGENT PROVISIONS FOR TRANSFERRING FOWERS TO AGRICULTURAL CREDIT AGENCY

"SEC. 8. (a) In the event the Agricultural Credit Act (H. R. 4873), Seventy-ninth Congress, first session), passed by the House of Representatives on March 20, 1946, becomes law prior to the effective date of this Act:

"(1) The functions, powers, and duties vested in the Secretary of Agriculture by this Act and by the Bankhead-Jones Farm Tenant Act, as amended, except insofar as such functions, powers, or duties involve or are necessary to the administration of title III of the Bankhead-Jones Farm Tenant Act, shall be vested in the Agricultural Credit Agency;

"(2) The functions, powers, and duties of the Secretary of Agriculture transferred under (1) above and the property and assets acquired by the Secretary of Agriculture primarily in the administration of such functions, powers, and duties, shall be administered within the Division of the Agricultural Credit Agency created for the purpose of supervising and administering direct lending to farmers, subject to the supervision, direction, and authority of the Agricultural Credit Board, the Agricultural Credit Administrator, and the Deputy Administrator in charge of that Division, to the same extent as other units of a division of the Agricultural Credit Agency;

"(3) The functions, powers, and duties vested in the Solicitor of the Department of Agriculture and attorneys of his office by this Act and the Bankhead-Jones Farm Tenant Act shall be vested in the general counsel and attorneys of the Agricultural Credit Agency, respectively.

"SEC. 9. Any conveyance of real estate by the Government or any Government agency under this Act shall include all mineral rights."

And the House agree to the same.

JOHN W. FLANNAGAN, Jr.,
HAROLD D. COOLEY,
ORVILLE ZIMMERMAN,
STEPHEN PACE,
CLIFFORD R. HOPE,
AUG. H. ANDRESEN,
J. ROLAND KINZER,
Managers on the Part of the House.

ELMER THOMAS,
RICHARD B. RUSSELL,
GEORGE D. AIKEN,
TOM STEWART,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5991) amending the Bankhead-Jones Farm Tenant Act to improve credit services to farmers, provide for liquidation of the resettlement and rural rehabilitation projects, and for other purposes, submit the following statement in explanation of the effect of the action, agreed upon by the conferees, and recommended in the accompanying conference report.

THE SENATE AMENDMENT

The Senate amendment, identical in language with S. 1507 which passed the Senate on April 12 (legislative day, March 5), 1946, is a substitute for all after the enacting clause of H. R. 5991, as it passed the House. The Senate amendment differed from H. R. 5991 principally as follows: It did not provide for consolidation of the functions of Farm Security Administration and the Emergency Crop and Feed Loan Division of the Farm Credit Administration; it did not provide for liquidation of the resettlement projects; it did not provide for insured farm tenant mortgages; and it did not provide for utilizing the Farmers' Home Corporation to carry out the lending functions and other powers authorized by H. R. 5991.

The Senate amendment did make several changes in title I of the Bankhead-Jones Farm Tenant Act with respect to direct tenant purchase loans. It also made some amendments to title II of the Bankhead-Jones Farm Tenant Act relating to rural rehabilitation loans and grants. In some respects, but not all, these amendments were similar in substance to the lending powers for like purposes which would have been authorized by H. R. 5991.

PLAN FOR UTILIZING FARMERS' HOME CORPORATION ELIMINATED

The conferees agreed not to use the Farmers' Home Corporation to carry out the functions and duties provided for in H. R. 5991, but to vest the necessary authority in the Secretary of Agriculture to be administered through the Farmers' Home Administration as an agency of the Department of Agriculture. The Farm Security Administration and the Emergency Crop and Feed Loan Division of the Farm Credit Administration would be abolished by section 2 of H. R. 5991, and the functions heretofore performed by them, subject to the amendments made by H. R. 5991, would be carried out in the future by the Farmers' Home Administration.

The elimination of the Farmers' Home Corporation necessitated a number of changes throughout the bill, including a revision of the title, amending title II of the Bankhead-Jones Farm Tenant Act to provide for production and subsistence loans, rearranging the sections relating to lending powers under the act, and more clearly defining the powers and limitations of the Secretary with respect to loans made thereunder. These principal changes necessitated other techincal changes throughout the bill.

LIQUIDATION OF RESETTLEMENT PROJECTS AND LABOR CAMPS

It it understood that most of the properties transferred from Farm Security Administration to the National Housing Agency which would be retransferred by H. R. 5991 (excluding the housing projects which are not covered by the bill) are now in liquidation. Insofar as such properties are in liquidation, there appears to be no point in retransferring them to the Secretary for disposition under H. R. 5991. The conference agreement, therefore, excepts from the retransfer provisions of H. R. 5991, those properties under the jurisdiction of the National Housing Agency which are now in the process of liquidation.

S. 704, Seventy-ninth Congress, second session, passed by both Houses, would accord preference for "not to exceed three years" to veterans of the present war and present project occupants to whom previous commitments to purchase have been made with respect to the sale of rural rehabilitation and resettlement projects lands suitable for disposition in economic units. Not more than 620 acres may be included in any one sale of an economic farm unit. The bill provides that all such units shall be disposed of as expeditiously as possible and within 3 years. The provisions of S. 704 are not as broad in scope with respect to project liquidation as the provisions of section 43 of H. R. 5991. But liquidation provisions of the two bills are not incompatible, and the conferees have agreed upon an amendment to the effect that the liquidation of such economic units pursuant to H. R. 5991 shall be subject to the terms, limitations, and conditions of S. 704.

PRODUCTION AND SUESISTENCE LOANS

The agreement would clarify the provision of title II (sec. 21) with respect to the eligibility of a person to obtain further production and subsistence loans who has had the benefits of such loans for five consecutive years. It was the intent of H. R. 5991 that an individual who had been indebted for such loans for five consecutive years would be eligible to borrow again when he had liquidated his indebtedness in full. This provision was changed to read that:

"No person who has failed to liquidate his indebtedness under this section for five consecutive years shall be eligible for further loans hereunder until he has paid such indebtedness in full.

A change was made in the provisions of H. R. 5991, now a part of section 21 of title II, excluding existing indebtedness to the Farm Security Administration or the Emergency Crop and Feed Loan Office from the determinations relating to the amounts of loans, the terms of loans and the 5-year repayment requirement with respect to eligibility. As H. R. 5991 was originally worded, such indebtedness would never have been a bar to further loans. An amendment has been made to section 21 to provide that such indebtedness need not be taken into account until 5 years after the effective date of H. R. 5991. This will require such indebtedness to be paid within 5 years from the date H. R. 5991 becomes law, or it will have to be taken into account in determining the eligibility of the debtors to obtain further production and subsistence loans.

The provisions of H. R. 5991 requiring committee certification as to the need of the borrower for the credit, his responsibility with respect to fulfilling his obligations, and his agreements to refinance his loan, have been included in the conference substitute, with certain other conditons which likewise relate to all loans, as section 44 of title IV of the

Bankhead-Jones Farm Tenant Act. The following two changes were made in these provisions: (1) The rate of interest which should be used in determining whether an applicant could obtain credit elsewhere at reasonable rates and terms was reduced from 6 to 5 percent; (2) there was eliminated from the county committee certification which will be used in connection with production and subsistence loans the reference to the "character, ability, industry, and experience" of the applicant. In lieu thereof the committee is required to certify that the borrower "will honestly endeavor to carry out undertakings and obligations required of him" in connection with the loan.

The Senate amendment would have authorized the making of loans under title II to veterans who desire the practical farm and home guidance furnished by Farm Security Administration without regard to their prior farming experience or ability to get credit elsewhere. It also would authorize the making of grants to eligible individuals, where necessary to aid in their rehabilitation, and to cooperative associations furnishing medical, dental, or hospital services to such individuals. The conference substitute eliminates both of these provisions.

TENANT PURCHASE LOANS

The Senate amendment would permit tenant purchase loans for the repair, improvement, and enlargement of farms the same as H. R. 5991. The Senate amendment also would authorize the making of such loans to assist borrowers in making repairs, and improvements to adjust their farming operations to changing conditions. The conference agreement adopts this part of the Senate amendment.

The Senate amendment to section 1 (c) of the act provides that loans may be made to veterans who have pensionable disabilities to enable them to acquire farms meeting their farming capacity and affording them income which, together with their pensions, will enable them to meet expenses and repay their loans. The conference substitute adopts this part of the Senate amendment.

H. R. 5991 would increase the rate of interest on tenant purchase loans from 3 percent, as provided by existing law, to 4 percent. The Senate amendment would not change existing law. The conference substitute provides that the interest rate on such loans will be 3½ percent.

The conference substitute deletes the provisions of H. R. 5991, which would have required a tenant purchase borrower to pay fees and charges for appraisal and inspection.

The conference agreement adopts that part of the Senate amendment limiting the size of tenant purchase loans to the average value of efficient family-type farm-management units in the county, parish, or locality where the farm is located. This provision is the same, in substance, as the provision in the Department of Agriculture Appropriation Act, 1947.

The conference substitute includes the Senate amendment to section 4 of the act under which funds available for title I loans would be allocated among the several States and Territories on the basis of farm population and tenancy, except that each State or Territory might have allocated to it such amount up to $100,000 as may be necessary for the making of loans in each fiscal year.

The Senate amendment would provide that special appropriations for veterans could be allocated to the States and Territories without regard to farm population and the prevalence of tenancy. H. R. 5991 would provide that there may be distributed to each State such amounts as are necessary to finance all bona fide applications of qualified veterans. The conference agreement adopts the provisions of H. R. 5991 in this respect. Under the conference substitute, therefore, the funds available for such loans will first be allocated on the basis of farm population and the prevalence of tenancy, except that up to $100,000 may be allocated to each State or Territory. After such allocation, the funds may be adjusted between States and Territories to permit the financing of all bona fide applications of veterans.

INSURED FARM TENANT MORTGAGES

Only a few substantive changes were made in the provisions of H. R. 5991 relating to farm mortgage insurance. The amount authorized to be appropriated to constitute the farm mortgage insurance fund was increased from $10,000,000 to $25,000,000. The base rate of interest on the mortgage to be insured was reduced from 3 to 2½ percent per annum in order to conform the total cost to the borrower, including the 1 percent mortgage insurance premium, to the 3½ percent agreed upon for direct tenant purchase loans. It was provided that the Secretary might require that the fees for inspection, appraisal, and other usual loan costs be paid either by the mortgagor or mortgagee instead of only by the mortgagor. A provision was included to make it clear that the proceeds of such fees could be used for administrative expenses.

A technical change was made in section 15 (a) to clarify the authority of banks which are members of the Federal Reserve System to purchase these insured mortgages.

GENERAL PROVISIONS

The conferees agreed upon an amendment to H. R. 5991 which would make available to the Secretary of Agriculture, for carrying out the provisions of title II of the conference substitute, the appropriations made in the Department of Agriculture Appropriation Act, 1947, for farmers' crop production and harvesting (Emergency Crop and Feed) loans, and for loans, grants, and rural rehabilitation. These latter funds would also be available for liquidation of the resettlement projects. This amendment also makes available for direct tenant purchase loans the appropriations made in the Department of Agriculture Appropriation Act, 1947, for "Farm Tenancy."

H. R. 5991 as passed by the House contained a general provision on appropriations which related to the three types of financing to be provided by the bill, namely, production and subsistence loans, tenant purchase loans, and insured tenant purchase mortgages. In the conference substitute, this section was eliminated. In lieu thereof there has been included among the provisions relating to each type of financing, authorizations for such appropriations as the Congress may find necessary to carry out those provisions.

Section 41 (a) of H. R. 5991 relating to the appointment of personnel has been changed to provide for the appointment of an Administrator of the Farmers' Home Administration by the President, by and with the advice and consent of the Senate, whose salary shall not exceed $10,000 per annum. The ceiling of $9,000 on the other officers and experts appointed pursuant to this section has been changed to $10,000. All other personnel would be appointed pursuant to civil-service laws and their salaries fixed under the Classification Act. A provision was added authorizing the Secretary for not to exceed 9 months to appoint or continue to employ, without regard to the civil-service laws or Classification Act, the non-civil-service employees of Farm Security Administration and the Emergency Crop and Feed Loan Division who are needed in carrying out the provision of the law.

There was deleted from H. R. 5991 the authority to carry on operations in the Virgin Islands.

H. R. 5991 did not originally provide for use of regional or area finance offices. The conferees agreed that it might be more economical to the Government to continue the area finance offices, and it was also agreed that the Secretary should have a reasonable time, not beyond June 30, 1947, within which to liquidate the existing regional offices. Appropriate amendments were added to accomplish these purposes.

The conference substitute includes in the compromise powers (sec. 41 (g)) the provisions of S 1507 authorizing release of title I borrowers who transfer their farms to other approved applicants who assume the outstanding indebtedness against the farm or assume that portion of the indebtedness equal to the earning capacity of the farm, subject to a finding by the county committee that the original borrower has cooperated in good faith with the Secretary, farmed in a workmanlike manner and used due diligence to maintain the security against loss.

The conference substitute eliminates the requirement that the installment payments on loans under the act (sec. 48) be "equal" installments.

The provision in H. R. 5991 for suits in State courts was eliminated. An amendment was added to permit legal work arising as a result of transactions under the act to be handled through the Department of Justice, upon the determination by the Solicitor of the Department of Agriculture, as well as by attorneys of the Solicitor's Office, or local attorneys approved by the Solicitor.

The authority of the Secretary of Agriculture to operate property purchased at foreclosure sales was limited to operation for a period not in excess of 1 year from the date of acquisition.

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HAROLD D. COOLEY,
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STEPHEN PACE,
CLIFFORD R. HOPE,
AUG. H. ANDRESEN,
J. ROLAND KINZER,
Managers on the Part of the House.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman from Virginia [Mr. FLANNAGAN] yield?

Mr. FLANNAGAN. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. This bill contains provisions which have not been considered by the House; is that correct?

Mr. FLANNAGAN. It does not.

Mr. SMITH of Ohio. Does this bill contain provisions that have not been considered by the Senate?

Mr. FLANNAGAN. It does not.

Mr. SMITH of Ohio. Do you categorically say that this bill does not contain provisions that have not been considered by the House?

Mr. FLANNAGAN. All of the provisions of the bill were considered by the House and Senate. We made some adjustments in some of the provisions of the bill. This legislation was carefully gone over by the House Committee on Agriculture. We had extended hearings and a unanimous report was made. It was thoroughly considered by the House and certain amendments were made by the House. It went to the Senate, and the Senate struck all of the House bill out after the enacting clause and substituted what is known as the Bankhead bill. Then we went to conference, and after the conferees gave thorough study to the whole subject matter we reached a unanimous agreement and the report is signed by all of the Senate conferees and by all of the House conferees. I think on the whole we have an excellent bill, a bill that spells the program out and

will force the Administrator to operate in the American way. We provide for the liquidation of all of these—what I call crackpot projects—that were set up by former Administrators. I am glad to report that most of these projects have alreadys been wound up and the rest are in process of liquidation.

Mr. SMITH of Ohio. Why are some of the farm organizations against this bill?

Mr. FLANNAGAN. There were certain amendments offered by some of the farm organizations that the Committee on Agriculture gave thorough study to, and after study we could not see how we could follow some of the recommendations. Some of the recommendations, of course, were adopted. Those recommendations were also thoroughly considered by the Senate. The bill that we bring before you represents the combined judgment of the Senate and House conferees.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. FLANNAGAN. I yield to the gentleman from Kansas.

Mr. HOPE. May I say to the gentleman from Ohio that I know of no farm organization which is opposing this bill as such. There are some farm organizations which were anxious to have the Flannagan bill which was passed by this House become a law before this bill in order that the agencies included in this bill might be consolidated with other lending agencies making loans to farmers. I think the position of some of the farm organizations still is that they would prefer to have it that way, but I know of no farm organization which is in definite opposition to this bill.

Mr. SMITH of Ohio. I understand that both the Grange and the Farm Bureau are against this bill.

Mr FLANNAGAN. The objection to the legislation by the Grange or the Farm Bureau has been, in the main, correctly stated by the gentleman from Kansas [Mr. HOPE]. They were of the opinion that what is known as the Flannagan bill consolidating all agricultural lending agencies would be passed ahead of this legislation. In that view I concurred. We passed the Flannagan bill in the House and sent it to the Senate. The Senate so far, however, has not acted upon it.

This legislation is urgent. It sets up the first basic legislation we have had on the subject. It sets up a definite program and spells that program out so that the Administrator of Farm Security hereafter will have to follow the wishes of Congress as expressed in this legislation. While I think that the Flannagan bill should have been passed first so as to bring about the proper consolidation of our agricultural lending agencies, due to the urgency of this legislation, I hope that those who shared my views will join in adopting the conference report. We cannot afford to let feelings defeat the enactment of this important legislation.

Mr. MURRAY of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FLANNAGAN. I yield to the gentleman from Wisconsin.

Mr. MURRAY of Wisconsin. We have been rather unkind in some of our references to the Appropriations Committee in times past. This bill gives us a chance to do what the Appropriations Committee has asked us to do, that is, to bring in legislation. This agency has been operated under Executive order brought in year after year by the Appropriations Committee and has had complete study by a very efficient committee. It has not had a partisan or willful approach in any way. Every member of the Committee on Agriculture who is present has supported it and supports it at this time.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. FLANNAGAN. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman made the statement that he was trying to consolidate a lot of these crackpot agencies that were established under the former administration. I thought we were just having a continuation of that administration. Now you are coming to realize that a lot of these crackpot organizations that you established were all wrong and all wet, and you are trying to get rid of them. I congratulate the committee.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. FLANNAGAN. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Is it not a fact that the House Committee on Agriculture has not considered all parts of this measure?

Mr. FLANNAGAN. I think the House Committee on Agriculture has considered every one of the provisions of this legislation not only once but many times.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. FLANNAGAN. I yield to the gentleman from Kansas.

Mr. HOPE. I think it should be said that there has probably been no bill reported from the House Committee on Agriculture for several years which received as much consideration as this bill. In the first place the bill is the result of an extensive study made by a subcommittee of the Committee on Agriculture, the Cooley committee. That study covered a period of several months. The bill was drafted by that subcommittee after a great deal of thought and study. It was considered thoroughly by the full committee in the last Congress. It was again considered by the full committee in this session of Congress; so it has had the most thorough study that any measure possibly could have in a congressional committee.

The gentleman from Ohio wants to know if there is anything in this bill which has not been considered by the House. I can say that there are no principles involved in this bill which have not been considered by the House and by the House committee. The Senate, of course, added some language. They substituted another bill, but if it were not for that fact, of course, this matter would not be here in the nature of a conference report. What is true of this bill is true of every House bill which contains Senate amendments; there is naturally some language in it that was not considered by the House. However, the amendments which were adopted by the Senate cover the same subject matter contained in the House bill. I can say categorically to the gentleman from Ohio that no new subject matter of importance was included in the Senate amendments.

In the main, the bill as agreed upon in conference follows the lines of the House bill. A good many of the changes in language are due to the fact that the conference committee substituted an agency known as the Farmers' Home Administration for the Farmers' Home Corporation. This change does not in any way affect the powers or authority contained in the House bill. They can be carried out just as well and as completely through an agency as through a corporation. Under the bill, in its final form, the powers which the House bill vested in the Farmers' Home Corporation are given to the Secretary of Agriculture to be administered by him through the Farmers' Home Administration.

It is unfortunate, in my opinion, that the Flannagan bill, consolidating all Government credit agencies making loans to farmers, did not become a law prior to the enactment of this legislation. It is apparent, however, that there is no possibility that the Flannagan bill will be enacted by this Congress, although the House passed the bill by a large majority some time ago. I hope that early in the next Congress it will be possible to enact the Flannagan bill. In view of the need for some definite legislative authority for the rehabilitation activities which have been carried on by the Farm Security Administration, I think that this bill should become a law now. For years it has been necessary to make appropriations for rehabilitation loans without any specific authority of law. The Cooley committee in its investigation found that because there were no definite legislative restrictions upon the activities of the agency, it had carried out many unsound and unwise policies and had wasted vast sums of public money. At the same time, the committee found that there was a real field of activity for a Government agency in the field of rehabilitation loans. This measure brings together the Federal agencies which in the past have extended what might be termed soft credit to farmers. This includes emergency crop and feed loans, rehabilitation loans, and loans to farmers made under the Bankhead-Jones Farm Tenant Act.

Perhaps the most important provision of the bill is that which amends title I of the Bankhead-Jones Farm Tenant Act by providing for insured loans to farm tenants in the nature of the loans heretofore made by the Federal Housing Administration. It has been recognized for a long time that it was impossible to go very far toward solving the problems of farm tenancy in this country under the original Bankhead-Jones Act. That act has operated well, but it would take appropriations in far greater volume than are ever likely to be made to achieve any substantial progress in making landowners out of tenants. Under the provisions of this part of the bill, however, advantage is taken of the great oversupply of private credit in this country.

Banks, other financial institutions and individuals who desire to make loans to tenants purchasing a farm home may now do so in perfect safety by having these loans insured by the Federal Government. This plan has met with great success in enabling urban dwellers to become home owners. I believe that under a proper administration of the act equal success can be achieved in the field of making landowners out of farm tenants. If this can be done, it will mark a milestone in the agricultural history of this country. These provisions of the House bill are maintained intact in the bill as agreed upon in conference, the only substantial change being that the interest rate and other charges to be paid by the borrower is reduced from 4 to 3½ percent.

The Cooley committee, which investigated farm security and made the recommendations embodied in this bill, was composed of the following members of the Committee on Agriculture: HAROLD D. COOLEY, North Carolina, chairman; JOHN W. FLANNAGAN, Jr., Virginia; ORVILLE ZIMMERMAN, Missouri; STEPHEN PACE, Georgia; CLIFFORD R. HOPE, Kansis; ANTON J. JOHNSON, Illinois; and Ross RIZLEY, Oklahoma.

That part of the bill which sets up a system of mortgage insurance for tenant purchase loans was proposed and presented by the gentleman from Georgia [Mr. PACE], and great credit is due to him for his splendid work in this connection. The Cooley committee, under the able leadership of the gentleman from North Carolina [Mr. COOLEY], made a most thorough investigation of the entire Farm Security set-up. While this legislation is primarily the work of the Cooley committee, much interest has been taken in it by other members of the Committee on Agriculture. In particular, the gentleman from Wisconsin, Hon. REID F. MURRAY, has done much to bring about enactment of this measure. No Member of Congress has shown greater interest in the problems of farm tenancy and in bettering the lot of the small independent farmer.

Mr. PACE. Mr. Speaker, I ask unanimous consent that all members of the committee may have the privilege of extending their remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ROBERTSON of North Dakota. Mr. Speaker, I believe this conference report on H. R. 5991 should be accepted. Certainly this legislation will simplify and improve the credit services to farmers and in the end should promote farm ownership by the abolishment of certain farm lending agencies, and then by defining the lending powers of the Secretary of Agriculture, will authorize Government insurance of loans to farmers by creating preferences for loans and insured mortgages.

In my State of North Dakota, because of legislation passed by the legislative assembly precluding action for recovery under the deficiency judgment law, the Federal land bank has withdrawn from the State of North Dakota. This legislation should supplant the services formerly rendered by the Federal land bank. The efficiency produced by this legislation with the special benefits that will accrue to my State because of the withdrawal of the Federal land bank prompts me to support this conference report.

Congressmen FLANNAGAN, COOLEY, HOPE, RIZLEY, MURRAY of Wisconsin, and other members of the committee are to be congratulated for their fine work in bringing this bill before the Congress.

Mr. FLANNAGAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—ROSELLA J. MASTERS

The SPEAKER laid before the House the following message from the President of the United States which was read and, together with the accompanying bill, referred to the Committee on Claims and ordered to be printed:

To the House of Representatives:

I am returning herewith without approval, enrolled enactment H. R. 4458, proposing the payment of $250 to Rosella J. Masters for annual leave accrued to her while an employee of the War Department.

It appears that the claimant was employed by the War Department from May 5, 1943, to December 23, 1944, when she was transferred to a temporary position in the Agriculture Department effective December 26, 1944, the intervening 2 days being nonwork days; that at the time she was separated from the War Department she had to her credit 263 hours of accrued annual leave, which could not, under the leave regulations, be credited to her in her temporary position in the Agriculture Department. The act of December 21, 1944 (58 Stat. 845), provides for the payment for accumulated and accrued annual leave in a lump sum to an employee who is separated from the Government service or when he is transferred to another Government agency under a different leave system. As the employee in this case was transferred to another agency under the same leave system and without a break in service she was not separated within the meaning of the lump-sum leave payment act and, accordingly, her claim for payment for her accrued and accumulated annual leave was disallowed by the General Accounting Office by settlement dated September 21, 1945. As it is reported that there have been a number of employees who suffered the loss of their annual leave without payment therefor under similar circumstances, to select one individual for relief would result in unjust discrimination and preferential treatment. Aside from that objection, the leave credit of 263 hours, plus 16 hours for which she would have been entitled to payment without charge against annual leave covering December 25, 1944, and January 1, 1945, had her case properly come within the purview of the lump-sum leave payment act—a total of 279 hours—at 85 cents per hour would have amounted to only $237.15 instead of $250 the amount covered by the enactment. Accordingly, aside from the point that no proper basis appears for singling out Mrs. Masters' case for preferential treatment over others similarly involved, I can see no justification for the payment to her of $250 as proposed in the enrolled enactment.

HARRY S. TRUMAN.

THE WHITE HOUSE, *July 29, 1946.*

The SPEAKER. The objections of the President will be spread at large upon the Journal and the message and the accompanying bill referred to the Committee on Claims and ordered printed.

MISS RUTH LOIS CUMMINGS—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H. R. 3480, "for the relief of Miss Ruth Lois Cummings."

It is the purpose of the bill to pay the sum of $5,075.53 to Miss Ruth Lois Cummings, of Paterson, N. J., in settlement of her claim against the United States by reason of the death, and transportation expenses incident thereto, of her father, Walter William Cummings, as the result of an accident involving an Army airplane on August 2, 1943, in Charlevoix, Mich.

It appears that the father of the claimant met his death while in the service of the War Department as a civilian expert instrument engineer when the plane occupied by the deceased and certain Army officers crashed while making an experimental flight on an automatic pilot.

The claimant was denied compensation under the Federal Employees' Compensation Act, since that act does not authorize payment to nondependents, and since, upon investigation, it was determined that the claimant was not dependent upon her father at the time of his death.

While the circumstances involved in this case have a strong human appeal, approval of the measure would establish a discriminatory precedent, since it would allow compensation to a nondependent relative of a civilian employee, which is denied hundreds of nondependent relatives of deceased civilian employees of the Federal Government. Even the claims of nondependent relatives of deceased servicemen are not allowable in the adjudication of claims for pension or compensation coming within the jurisdiction of the Veterans' Administration.

I, therefore, feel obliged to withhold my approval of this measure.

HARRY S. TRUMAN.

THE WHITE HOUSE, *July 27, 1946.*

The SPEAKER. The objections of the President will be spread at large upon the

Journal and the message and accompanying bill referred to the Committee on Claims and ordered printed.

INDIAN CLAIMS COMMISSION

Mr. STIGLER. Mr. Speaker, I call up the conference report on the bill (H. R. 4497) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4497) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 10.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 8, 9, 13, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "all other claims in law or equity, including those sounding in tort, with respect to which the claimant would have been entitled to sue in a court of the United States if the United States was subject to suit; (3) claims which would result if the treaties, contracts, and agreements between the claimant and the United States were revised on the ground of fraud, duress, unconscionable consideration, mutual or unilateral mistake, whether of law or fact, or any other ground cognizable by a court of equity; (4) claims arising from the taking by the United States, whether as the result of a treaty of cession or otherwise, of lands owned or occupied by the claimant without the payment for such lands of compensation agreed to by the claimant; and (5) claims based upon fair and honorable dealings that are"; and the Senate agree to the same.

Amended numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"In determining the quantum of relief the Commission shall make appropriate deductions for all payments made by the United States on the claim, and for all other offsets, counterclaims, and demands that would be allowable in a suit brought in the Court of Claims under section 145 of the Judicial Code (36 Stat. 1136; 28 U. S. C. sec. 250), as amended; the Commission may also inquire into and consider all money or property given to or funds expended gratuitously for the benefit of the claimant and if it finds that the nature of the claim and the entire course of dealings and accounts between the United States and the claimant in good conscience warrants such action, may set off all or part of such expenditures against any award made to the claimant, except that it is hereby declared to be the policy of Congress that monies spent for the removal of the claimant from one place to another at the request of the United States, or for agency or other administrative, educational, health or highway purposes, or for expenditures made prior to the date of the law, treaty or Executive Order under which the claim arose, or for expenditures made pursuant to the Act of June 18, 1934 (48 Stat. 984), save expenditures made under section 5 of that Act, or for expenditures under any emergency appropriation or allotment made subsequent to March 4, 1933, and generally applicable throughout the United States for relief in stricken agricultural areas, relief from distress caused by unemployment and conditions resulting therefrom, the prosecution of public work and public projects for the relief of unemployment or to increase employment, and for work relief (including the Civil Works Program) shall not be a proper offset against any award."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 11. Any suit pending in the Court of Claims or the Supreme Court of the United States or which shall be filed in the Court of Claims under existing legislation, shall not be transferred to the Commission: *Provided*, That the provisions of section 2 of this Act, with respect to the deduction of payments, offsets, counterclaims and demands, shall supersede the provisions of the particular jurisdictional Act under which any pending or authorized suit in the Court of Claims has been or will be authorized: *Provided further*, That the Court of Claims in any suit pending before it at the time of the approval of this Act shall have exclusive jurisdiction to hear and determine any claim based upon fair and honorable dealings arising out of the subject matter of any such suit."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

Omit the matter proposed to be stricken out by the amendment of the Senate, and in lieu of the matter proposed to be inserted by the amendment of the Senate insert the following: "such report shall have the effect of a final judgment of the Court of Claims, and there is hereby authorized to be appropriated such sums as are necessary to pay the final determinations of the Commission";

On page 13 of the House engrossed bill beginning with line 17 strike out down through and including line 8 on page 14, and insert in lieu thereof the following:

"(b) When the final determination of the Commission has been filed with the clerk of said Commission the clerk shall give notice of the filing of such determination to the parties to the proceeding in manner and form as directed by the Commission. At any time within three months from the date of the filing of the determination of the Commission with the clerk either party may appeal from the determination of the Commission to the Court of Claims, which Court shall have exclusive jurisdiction to affirm, modify, or set aside such final determination. On said appeal the Court shall determine whether the findings of fact of the Commission are supported by substantial evidence, in which event they shall be conclusive, and also whether the conclusions of law, including any conclusions respecting "fair and honorable dealings", where applicable, stated by the Commission as a basis for its final determination, are valid and supported by the Commission's findings of fact. In making the foregoing determinations, the Court shall review the whole record or such portions thereof as may be cited by any party, and due account shall be taken of the rule of prejudicial error. The Court may at any time remand the cause to the Commission for such further proceedings as it may direct, not inconsistent with the foregoing provisions of this section. The Court shall promulgate such rules of practice as it may find necessary to carry out the foregoing provisions of this section.";

On page 14 of the House engrossed bill, beginning with line 15, strike out down through and including line 21, and insert in lieu thereof the following:

"SEC. 21. In each claim, after the proceedings have been finally concluded, the Commission shall promptly submit its report to Congress.";

On page 14 of the House engrossed bill, after the word "proceedings" in line 24, insert the words "or judgment"; and

On page 15, line 13, of the House engrossed bill strike out the words "Any final determination of the Commission", and insert in lieu thereof the words "A final determination";

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

Omit the language proposed to be stricken out by the amendment of the Senate, and insert in lieu thereof the following: "save as provided by section 11 hereof as to the deduction of payments, offsets, counterclaims, and demands"; and the Senate agree to the same.

HENRY M. JACKSON,
W. G. STIGLER,
KARL E. MUNDT,
CHAS. R. ROBERTSON,
A. M. FERNANDEZ,
Managers on the Part of the House.

JOSEPH C. O'MAHONEY,
ELMER THOMAS,
ROBERT M. LA FOLLETTE, JR.,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4497) to create an Indian Claims Commission, and to provide for the powers, duties, and functions thereof, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1: The House bill provided that the Commission shall hear and determine "all claims of every nature whatsoever." The Senate amended this so as to permit the Commission to hear and determine "the following claims." The amendment was not a matter of substance, however, because one of the classifications of "claims" enumerated by the Senate was "all other claims in law or equity." Consequently, the conferees agreed to the Senate amendment.

Amendment No. 2: This amendment, like Amendment No. 1, was merely a change in language, without any change in substantive meaning, occasioned by the Senate's conferring jurisdiction in "the following claims." Accordingly, the conferees agreed to the Senate amendment.

Amendment No. 3: One of the classifications of claims enumerated in the House bill was "claims arising under the Constitution, laws, treaties of the United States, and Executive orders of the President." The Senate amended this so as to limit it to claims arising "in law or equity." This amendment was agreed to by the conferees.

Amendment No. 4: The bill, as passed by the House of Representatives, enumerated six classes of claims cognizable by the Commission. The Senate, in the interest of simplicity, reduced these to three, being careful to state in its report, that the change was not intended to deprive the claimants of the right to invoke the jurisdiction of the Commission in any case which would have been cognizable under the language of the bill as it passed the House. Out of an abundance of caution the conferees reinserted two of the classifications struck by the Senate because they wanted to make sure that if any tribal claimant could prove facts sufficient to make a case under either of these classifications, the Commission would have authority to make an award to such claimant.

The first of these classifications, consisting of "claims which would result if the treaties, contracts, and agreements between the claimant and the United States were revised on the ground of fraud, duress, unconscionable consideration, mutual or unilateral mistake, whether of law or fact, or any other ground cognizable by a court of equity" is aptly explained in the report of the House committee. The second of these classifications covers claims arising from the taking by the United States of Indian lands, i. e., lands to which tribal claimants had "Indian title" or the "right of occupancy." Sometimes these lands were taken under the guise of unratified treaties, sometimes without any semblance of a treaty. The reinsertion of this classification makes it plain that where claimant can prove sufficient facts within the language of this classification the Commission has full authority to award proper damages therefor.

Both of the classes of claims reinserted by this amendment may fall within the category of "fair and honorable dealings." To set them forth explicitly helps to clarify the contents of that category.

The fourth classification in the House bill, namely, claims on account of any breach of duty committed to the injury of the claimant by any officer or agent of the United States while acting within the apparent scope of his authority, and which was also struck by the Senate, was not reinserted because it was felt it was covered by general law and the other enumerated causes of action, in particular, those numbered (2) and (3) in the bill as amended by the conferees.

Amendment No. 5: The House bill provided that no claim should be considered by the Commission where a final determination of such claim had already been made on the merits. The Senate amendment, made upon recommendation of the Department of Justice, provided that all defenses, except statutes of limitation and laches, should be available to the United States. This amendment was accepted by the conferees. It is implicit, however, from the purpose, history and language of the entire bill, that this amendment does not permit the Government to plead as a defense to any of the five enumerated classes of claims that such facts constitute only a political and not a justiciable wrong for the bill expressly makes such wrong justiciable by authorizing suit thereon. As stated in the Senate report, this amendment does not permit the raising of legal defenses in cases based on standards of "fair and honorable dealings," for the bill expressly authorizes suit on such claims. Nor is this amendment intended to prelude the adjudication by the Commission of any claim authorized to be heard and determined under this section which has not been in fact previously adjudicated or settled on its merits, or as to which it has been previously held that the court had no judicial power to determine.

Amendment No. 6: The bill as passed by the House provided that in the determination of any claim by the Commission, the court should apply to the United States the same principles of law as would be applied to an ordinary fiduciary. This provision was struck by the Senate as a part of its amendment No. 6. The conferees agreed to the elimination of this provision because it is now well settled that without express language the United States owes a very high degree of fiduciary duty to Indian Tribes, and the bill, by section 24, provides "That nothing contained in this section shall be construed as altering the fiduciary or other relations between the United States and the several Indian tribes, bands, or groups."

The bill as originally passed by the House also required deduction of legal offsets in all cases and permitted, in the discretion of the Commission, deduction of gratuities in cases based upon "fair and honorable dealings." The Senate amendment made all types of deductions wholly discretionary with the Commission.

The conferees agreed that the Senate amendment gave too broad a discretion to the Commission and accordingly rewrote the section to require, first, that all deductions generally allowable in the Court of Claims against non-Indian claimants shall be allowed by the Commission in cases heard under this act, and secondly, that gratuities of certain specified types, which are not allowable in the Court of Claims against non-Indian claimants, shall not be allowed by the Commission under this act against Indian claimants. The effect of the substitute language is to limit the discretionary authority of the Commission and to remove in large part the possible discrimination against Indian claimants in the matter of gratuities. The gratuitous expenditures which the United States is not permitted to set off are monies spent for the removal of the claimant from one place to another at the request of the United States, or for agency or other administrative, educational, health, or highway purposes, as well as other expenditures which, under existing law, cannot be offset, and which generally relate to relief payments made since 1933, which were available to whites as well as to Indians.

Prior to 1920 only one jurisdictional act permitted the Government to offset gratuities; prior to that time 15 tribal suits were disposed of in the Court of Claims without the Government being permitted to offset any gratuities. After 1920, jurisdictional acts for the Five Civilized Tribes did not permit the United States to deduct gratuities. Other jurisdictional acts have permitted the United States to set off gratuities in varying degrees. In 1935 the Second Deficiency Appropriation Act permitted the Government to set off certain types of gratuities against tribal judgments. In no other field of law, known to your conferees, is a defendant permitted to set off against a valid judgment, a gratuity given to the plaintiff. Under these facts the conferees felt that there should be uniform offset provisions in all tribal suits. They felt also that there was no justification in charging the tribes with money spent for removal of the claimant from one place to another at the request of the United States, for such removals were generally for the benefit of the United States; also, that the tribes should not be charged with expenditures for agency or other administrative expenses because such expenses have been as much to accomplish the purposes of the expanding economy of our white citizenry as for the benefit of the Indians; also, that since any other citizen of the United States could sue the United States without facing an offset for educational expenses, there was no justification in charging the Indians therefor; also, that since a substantial part of the hospitalization and other health expenditures have been made to prevent the spread of disease from the Indians to the white population, there was no justification for charging the Indians therefor; also, that since most of the highways on and through Indian reservations are for the benefit of the entire public, they should not, with propriety, be charged against tribal judgments. The other gratuitous expenditures which the conferees decided should not be set off are precluded from being set off under the present law.

The bill does permit the Commission, where it finds that the nature of the claim and the entire course of dealing between the claimant and the United States warrants such action, to set off other gratuitous expenditures recognized to be for the direct benefit of the Indians, such as expenditures made for the purchase of land.

Amendment No. 7: The Senate amendment eliminated the House provision for transfer of suits pending in the Court of Claims. The purpose of this amendment was to avoid the waste incident to a de novo presentation before the Commission of a case on which the Court of Claims and the parties litigant had already expended time and effort. The conferees agreed to this change with a proviso, drafted by the Department of Justice, allowing the Court of Claims to consider claims based upon "fair and honorable dealings" arising out of the subject matter of any such Court of Claims suit. This is designed to permit the Court of Claims to dispose finally of all pending cases instead of having such cases returned to the Commission for the hearing of claims based upon "fair and honorable dealings." Likewise, in order to give the parties the same rights in the Court of Claims that they will have in the Commission, a proviso has been added extending to cases now pending or hereafter brought in the Court of Claims the rules as to offsets specified for the Commission in section 2.

Amendments Nos. 8 and 9: The House bill referred to the litigative proceedings of the Commission as constituting a "trial or suit." The Senate, by amendments Nos. 8 and 9, denominated these proceedings to be "hearings" in accordance with customary administrative language. The Senate amendments making this change were accepted.

Amendment No. 10: The House bill provided that any compromise of any claim made by the Attorney General should be filed with Congress and have the same effect as awards of the Commission. The Senate amended this so as to give the compromise the effect only of a recommendation to the Congress. In view of the decision of the conferees to give finality to the decisions of the Commission, subject to court review, as explained infra under amendment No. 11, the Senate conferees agreed to the restoration of the House language.

Amendment No. 11: The House bill provided that the findings of the Commission shall have the effect of judgments of the Court of Claims and be paid in like manner. The Senate amended this so as to provide that when the awards of the Commission have been filed with Congress "the amount found due by the Commission shall, upon appropriation therefor by Congress, be paid in such manner as Congress shall provide." The Senate amendment, it was felt, left uncertain the status of final determinations by the Commission. In order to make perfectly clear the intention of both houses that the determinations of the Commission should, unless reversed, have the same finality as judgments of the Court of Claims, section 22 (a) was rewritten to provide expressly that future Congresses may appropriate such sums as may be necessary to pay the final awards of the Commission. At the same time, in deference to the position taken by the Department of Justice that decisions of the Commission should be reviewable on the facts as well as on the law by the Court of Claims, appropriate amendments were made in sections 20 (b), 21 and 22, which apply to the Commission the forms of review embodied in the recently enacted Administrative Procedure Act. Under these provisions decisions of the Commission may be reversed

(a) if the Court of Claims determines that the findings of fact are not supported by substantial evidence, or (b) if the Court of Claims finds an error in the law applied by the Commission. Under the latter heading the Court of Claims is empowered to reverse a decision of the Commission based upon the standard of "fair and honorable dealings," inasmuch as the interpretation of such a standard, written into the law of the land by this act, becomes an issue of law. The Court of Claims is likewise empowered to determine whether the findings of fact support the conclusion of the Commission. With these extensive review provisions the Department of Justice agreed to withdraw objections earlier raised to the provision authorizing appropriation in payment of awards made by the Commission.

Amendment No. 12: Amendment No. 12 was agreed to by the conferees in order that section 25 of the bill would be consistent with Senate amendment No. 6 as amended by the conferees.

Amendment No. 13: The Senate added a new section to the bill providing that if any provision of the act or its application is held invalid, the remainder of the act, or other applications of such provisions, shall not be affected. The conferees accepted this amendment.

HENRY M. JACKSON,
W. G. STIGLER,
KARL E. MUNDT,
CHAS. R. ROBERTSON,
A. M. FERNANDEZ,
Managers on the Part of the House.

Mr. STIGLER. Mr. Speaker, this bill is here as the result of long study and investigation of Indian problems throughout the United States made by a subcommittee of the Committee on Indian Affairs last year. After the study was completed many recommendations were made for the improvement of conditions among our Indians. Among these was that a bill should be introduced creating an Indian Claims Commission; in other words, setting up machinery so that the various Indian tribes of the United States might have a special place for the hearing of any unsettled claim against the United States. Extensive hearings were held on the bill, and several amendments were adopted, and the bill was reintroduced as a committee bill.

The conference report before us has been adopted by the Senate, and it now comes back here for action by the House. I sincerely hope the House acts favorably. This bill contains legislation which is long overdue. It will mean the dawn of a new era for the American Indian. It will mean that at long last those Indian tribes who have unsettled claims against our Government, some of which have been pending for more than 50 years, will have an opportunity to have them settled once and for all time to come.

Mr. MUNDT. Mr. Speaker, will the gentleman yield?

Mr. STIGLER. I yield to the gentleman from South Dakota.

Mr. MUNDT. We have considered this bill carefully on the Republican side. We have gone into all the amendments, and it has the unanimous support of all of the members of the Committee on Indian Affairs. We members of the conference committee have spent many long hours preparing the final version of this legislation, and last Saturday morning we reached a complete agreement with the Senate conferees. Our conference report appears beginning on page 10539 of the RECORD for July 27. We may file a supplementary conference statement later as we were pressed for time to meet Saturday night's dead line, but much of our interpretative comment appears in Saturday's report. I have also conferred with the minority leader, and this legislation has his approval. I feel sure we are ready to vote the adoption of the conference report.

I might add, Mr. Speaker, that this legislation had its immediate origin not only in the report of the House Indian Affairs Investigating Committee, which toured much of the Indian country a few years ago and of which I was privileged to serve as acting chairman, but that it actually goes back to a memorial passed by the Legislature of the State of South Dakota urging Congress to undertake such an investigation and to take action to solve the problem of outstanding Indian Claims.

Growing out of that memorial to Congress, I introduced House Resolution 166, on March 15, 1943. The House adopted my resolution setting up the investigation which it provided, and during the summer months of 1943 our subcommittee made careful and comprehensive studies in the Indian country and followed them by extensive hearings here in Washington. Our committee report listed the establishment of an Indian Claims Commission as top priority legislation essential to the ultimate solution of the Indian problem, and today's legislation embodied in this conference report carries that recommendation into final action. I feel confident the House will today approve it, and since the Senate acted favorably on these recommendations on Saturday, the legislation will then require only President Truman's signature to become law.

Congress and the country have fumbled with the Indian problem for over a century, and for more than 50 years there has been much talk but little action about setting up an Indian Claims Commission. Today we are to get action which marks the beginning of a new era of Indian welfare and opportunity. This is in my opinion the most constructive piece of Indian legislation to come before Congress during the past quarter of a century. At long last it provides a substantial degree of justice for the American Indian and it creates an avenue by which his outstanding claims against the Government can be finally and equitably settled. Once that is done we can proceed with the completion of the challenge which confronts us to give the red man a white man's opportunity on this great North American Continent which was originally his. I urge approval of the conference report.

Mr. ROBERTSON of North Dakota. Mr. Speaker, I urge the adoption of this conference report on H. R. 4497 by the House. I am glad to advise the House that the conferees of the Senate and the House are in complete agreement.

This is a forward step in behalf of the Indian population in the United States. The Commission provided for in this legislation will have authority to compromise long-delayed claims. It will be possible to bring to an end litigation, tribal difficulties, and the adjustment of unratified treaty claims between the Indians and their Government. It will establish once and for all that the Indians will have their day in the sun.

It is general knowledge that the courts are not open to an Indian and our civil liberties have never been extended to Indian tribes. We have recently concluded a great war, the purposes of which were to permit the democratic processes, rights, and liberties to be extended to all the tongues and tribes upon this earth. And yet the original Americans here in the United States have no forum under the Stars and Stripes where they have the right to go and assert their rights.

The fifth amendment to the Constitution says that no person shall be deprived of life, liberty, or property without due process of law, that is universal, and certainly an Indian is a person. The right is of little value if it cannot be enforced. So the rights of the Indians under the fifth amendment mean practically nothing, at least they amount to nothing. The courts of this country are not open to these Indians.

Inasmuch as I was coauthor with Congressman STIGLER, of Oklahoma, of this legislation, I here offer for the RECORD part of my remarks taken from the hearings before the Committee on Indian Affairs.

Mr. Chairman, since I introduced one of these bills I would like to have this statement appear in the record as a basis of inspiration for presenting this legislation.

I have watched the procedure of Indian affairs in Congress for some time. I have discovered that probably the Indian question has been with us for a long time and a great many Members of Congress represent areas that have nothing to do with Indians.

It appears to be my problem to represent a State at large which has a considerable number of Indians, namely, the State of North Dakota, and I have been brought into contact with them on many questions.

The thing which has impressed me in Congress so often is the lack of dramatization of claims, at least small claims. They come to the floor on the Consent Calendar, and someone who has no particular interest or is sick and tired of the long history of Indian claims or whatever the case may be, he can knock it out and at no time does it ever seem to be that Indian claims get a square deal.

I have no disposition to say that in any sense of the matter the Department fails in that respect. I think the Congress fails, perhaps not with an intent to do wrong, but I do feel that such a commission would help materially. I belong to that group of people who think commissions should be abandoned rather than added, but I do think there is no way in the world to dramatize these claims which have been with us for a very long time.

The Indians do not get a square deal at the hands of Congress and that is the reason which prompted me in bringing this bill before Congress; and I think if this commission will bring bills in in a manner that will show study and thorough preparation, that Members of Congress will consider these claims in a vastly more intellectual manner than they have in the past and than I have observed them in the last few years.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PATENT OFFICE

Mr. LANHAM submitted the following conference report and statement on the bill (H. R. 4080) to amend section 476, Revised Statutes (U. S. C., title 35, sec. 2), providing for officers and employees of the Patent Office, and for other purposes:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4080) to amend section 476, Revised Statutes (U. S. C., title 35, sec. 2), providing for officers and employees of the Patent Office, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That notwithstanding the provisions of section 476 of the Revised Statutes (U. S. C., title 35, sec. 2), the Commissioner of Patents is authorized to designate examiners of the principal examiner grade or higher, having the requisite ability, to serve as examiners in chief and such examiners so designated shall be fully qualified to act as members of the board of appeals constituted by section 482 of the Revised Statutes (U. S. C., title 35, sec. 7): *Provided*, That no such examiner shall so serve for more than ninety days in any calendar year but thereafter they shall have authority to act and sign decisions and papers necessary to complete action on cases heard during such ninety days: *And provided further*, That not more than one such examiner shall be among the members of the board of appeals hearing an appeal.

"SEC. 2. This Act shall take effect on the date of approval and shall expire three years after such date."

And the Senate agree to the same.

That the title of the bill be amended to read as follows: "An Act to authorize the Commissioner of Patents to designate examiners to serve temporarily as examiners in chief."

FRANK W. BOYKIN,
FRITZ G. LANHAM,
FRED A. HARTLEY, JR.,
Managers on the Part of the House.

CLAUDE PEPPER,
SCOTT LUCAS,
A. W. HAWKES,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4080) to amend section 476, Revised Statutes (U. S. C., title 35, sec. 2), providing for officers and employees of the Patent Office, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment to the text of the bill strikes out all of the House bill after the enacting clause. The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment, and that the Senate agree to the same.

The House bill amended section 476 of the Revised Statutes by adding at the end of the first sentence thereof a proviso which authorized primary examiners and law examiners of the Patent Office to serve, by direction of the Commissioner of Patents, as examiners in chief, but limited such service, in the case of any such examiner, to not more than 30 days in any calendar year.

The first section of the Senate amendment provides that, notwithstanding the provisions of section 476 of the Revised Statutes, the Commissioner of Patents is authorized to designate examiners of the principal examiner grade or higher, having the requisite ability, to serve as examiners in chief. It also provides that examiners so designated shall be fully qualified to act as members of the board of appeals provided for by section 482 of the Revised Statutes. No examiner so designated shall serve as examiner in chief for more than 90 days in any calendar year, and not more than one such examiner shall be among the members of the board of appeals hearing an appeal.

Section 2 of the Senate amendment provides that the act shall expire 3 years after the date of its approval.

The substitute agreed to in conference is the same as the Senate amendment except for the inclusion in the conference substitute of language which grants to each examiner designated to serve temporarily as examiner in chief authority, after the expiration of such temporary service, to act and sign decisions and papers necessary to complete action on cases heard during such temporary service.

FRANK W. BOYKIN,
FRITZ G. LANHAM,
FRED A. HARTLEY, JR.,
Managers on the Part of the House.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 4080) to amend section 476, Revised Statutes (U. S. C., title 35, sec. 2), providing for officers and employees of the Patent Office and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman please explain the conference report?

Mr. LANHAM. Mr. Speaker, this conference report has already been agreed to by the Senate. It is purely a formal matter. The bill provides that for as much as 90 days in any calendar year the examiners in the Patent Office may serve as examiners in chief. The purpose of that is, without adding in any way to the personnel, to speed up the work of the Patent Office. All that the conference report does is to provide that after they have completed 90 days of such service, if there are decisions or papers to be signed relating to matters concerning which they have served, they can sign those papers and decisions.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

RELINQUISHING MINERAL RIGHTS OF THE UNITED STATES UNDER CERTAIN LANDS IN THE COUNTY OF SANTA BARBARA, CALIF.

Mr. DOYLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 5692) to relinquish the mineral rights of the United States under certain lands in the county of Santa Barbara, Calif.

This is the bill for which I asked consideration Saturday. At that time the distinguished gentleman from Pennsylvania [Mr. RICH] objected, but later Saturday he very kindly notified me he was willing to withdraw his objection. The gentleman from Pennsylvania is on the floor now.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object in order to yield to the gentleman from Pennsylvania.

Mr. RICH. Mr. Speaker, my reason for objecting was that this surplus property is supposed to be turned back to the rightful owners, who sold the property to the Government. I thought this bill gave the municipalities the opportunity to take the property over before the individual citizen had that right. I found out I was in error on that matter. I want to give the heirs to this property the same rights that any other people would have under similar circumstances, so I withdraw my objection.

Mr. MARTIN of Massachusetts. Does the gentleman make the definite statement that every other individual has been permitted to retain the mineral rights?

Mr. DOYLE. I do. The report of the Secretary of War so shows, and it is in the files of this Congress.

Mr. MARTIN of Massachusetts. What has been the practice in other parts of the country?

Mr. DOYLE. I do not know. I am familiar only with the California practice, on this airport, and that is as I have just stated. That practice is followed in California with regard to our Government on this airport. Those rights have been allowed to stay with the owners.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That (a) the Secretary of War is authorized and directed to convey, release, and relinquish to the heirs or devisees of J. E. O'Donnell, deceased, subject to the administration of his estate, and to their respective heirs and assigns forever, all of the right, title, and interest of the United States in and to all minerals, including oil, gas, asphaltum, and other hydrocarbon substances, in, upon, and under the real property described in the final judgment and decree in condemnation, entered September 12, 1942, in C. O. book 11, page 164 of Judgments, in the office of the clerk of the United States District Court, Southern District of California, Central Division, at Los Angeles, Calif., in action 2184 B civil, titled *United States of America, plaintiff*, v. *3,000 Acres of Land, More or Less*, situate in Santa Barbara County, State of California, and so forth, Frank Vicenti, and others, defendants, together with the right to enter upon the surface of such real property for the purpose of prospecting for and removing such substances.

(b) The right to enter upon the surface of such real property for the purpose of prospecting for and removing such substances shall not be exercised before July 17, 1947, or before such earlier date as may be designated by the Secretary of War.

With the following committee amendment:

Page 2, line 12, strike out lines 12 to 16, inclusive, and insert in lieu thereof the following:

"(b) The right to enter upon the surface of such real property for the purpose of prospecting for and removing such substances shall not be exercised for the duration of the existing national emergency and for 6 months thereafter or for such lesser period as may be designated by the Secretary of War."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STREAM-POLLUTION CONTROL "MUST" LEGISLATION

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ANGELL. Mr. Speaker, I have been deeply interested for many years in a program to control the pollution of water in our streams and rivers and provide the necessary machinery, through Federal, State, and local cooperation to clean up our navigable streams. There is no problem confronting us today which is more important for the preservation of the health of our Nation. We all know that polluted streams are the source of water-borne typhoid fever, diarrhea and enteritis. Outbreaks of intestinal flu have been traced directly to this source of pollution. It is believed by experts that the dread disease, infantile paralysis, may also finds its origin in waterway pollution. The Journal of the American Medical Association reports that the poliomyelitis virus has been isolated from water containing raw sewage. In this connection it is noteworthy that polio epidemics appear in the hot summer months when children frequent streams for swimming and wading. During the cold weather there is a dearth of this epidemic. Two years ago the United States Public Health Service in the Ohio Basin, made a comprehensive survey of water contamination. Over 100 employees of the Service participated in the project and the report was prepared by M. Le Bosquet, Jr., sanitary engineer of the United States Public Health Service, who is in charge of the Stream Sanitation Unit. This survey took 3 years and cost $600,000. Some 71,000 water samples were taken from 2,000 locations along the Ohio River and 19 of its tributaries for the primary purpose of determining the coli count. The safety limit, as is well known, is five coli to the pint for safe drinking water. The Public Health Service has set up a standard: It considers that the most modern and effective purifying treatment now known cannot safely be depended upon to remove all the disease organisms from water which contains more than 100,000 coli to the pint; and, therefore, it holds that a water source with such a coli count is unsafe for community use.

Findings of the Ohio River pollution survey disclose that at 740 of the 2,000 locations sample coli counts were high enough to render the water unfit for use as a water supply or for bathing. At 1,160 locations the water was unfit for bathing and of questionable quality as a source of water supply. Recurring cases of typhoid fever and other intestinal diseases are traceable to swimming and boating in these waters. Mr. Holman Harvey, a student of this important problem, has pointed out that—

> More than 3,400 cities and towns, inhabited by 29,000,000 persons whose bathtubs are the envy of the world, discharge a daily volume of 2,500,000,000 gallons of raw sewage into our waterways plus about 3,750,000,000 gallons of industrial wastes. On both our Atlantic and Pacific seaboards, particularly the Atlantic, streams and rivers and long stretches of both our coast lines are seriously polluted. Bathing beaches have been declared unsafe and some oyster and clam grounds have been damaged and some even destroyed.
>
> Turning inland, we find almost 1,000 miles of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., gravely overburdened with raw sewage. In the Ohio River Basin, annual death rates from diarrhea and enteritis have risen during the past 12 years, and bathing has become a serious health hazard.
>
> Not alone the Ohio but all the great river basins which drain densely populated industrial areas are dangerously loaded with waste. Figures from a cross section of only 14 communities show 240,000 cases of epidemic gastroenteritis traced within 15 years to polluted water supplies.

Mr. Speaker, one of the major natural assets of our country are our rivers, streams, and lakes, which know no State lines, and the control of which does not lie with any one State. The commerce clause of the Constitution gives the Federal Government control over the navigable streams, and the problems of preventing stream pollution naturally falls within the province of Federal jurisdiction. This is made necessary by reason of the inability of any one State or community to control waterways and prevent stream pollution from passing from one State to another. While it is true a number of our States and municipalities have inaugurated programs for ridding their streams of pollution, in most cases they are powerless to achieve satisfactory results due to the fact that pollution from bordering communities or States is borne by the streams into the communities which are employing satisfactory methods to clean up their own streams.

The Rivers and Harbors Committee of the House of Representatives, on which I have the honor to serve, has had before it for a number of years legislation having for its purpose the establishment of a national program of assistance to States and local communities in solving this important problem of prevention of stream pollution. During the Seventy-ninth Congress we considered three bills, H. R. 519, H. R. 587, and H. R. 4070, which were introduced by Representatives MUNDT, SMITH of Maine, and SPENCE, respectively. After careful consideration of these proposals the Rivers and Harbors Committee, through its chairman, the gentleman from Texas, Representative MANSFIELD, introduced H. R. 6024. This is a compromise measure agreed upon by the committee and contains features of all three bills above referred to and which, in the views of the committee, would provide legislation setting forth a long overdue program of preventing, abating, and controlling the sources of water pollution in the United States and its possessions. Under it the law would be administered by the Surgeon General of the United States Public Health Service. The Surgeon General is directed to prepare comprehensive programs for eliminating and reducing the pollutive substances of surface or underground waters in or bordering any State. This would be done in cooperation with the Federal and interstate agencies, industries, State and municipal health authorities concerned in the problem and with due regard for necessary conservation of improvements, propagation of fish and acquatic life, and recreational, agricultural, industrial, and other legitimate uses. Joint investigations with the agencies concerned are authorized where there is a harmful discharge affecting such waters. The bill provides that the Surgeon General shall encourage, in the interest of water-pollution control, the States: First, in cooperative activities; second, the enactment of uniform State laws; third, compacts between the States; and shall make available to all concerned the results of studies and investigations conducted, and furnish such assistance to State agencies as authorized by law.

Consent is also given under the bill for two or more States to negotiate compacts and establish agencies deemed desirable for the furtherance of water-pollution control and enforcement of the laws of the respective States relating thereto. Under the bill, surveys and investigations are authorized to be conducted by the Public Health Service upon the request of any State health authority and subject to the approval of the Surgeon General with respect to any water-pollution problem confronting such State or community. The bill also provides for loans and grants in certain cases for the assistance to the States and local communities, as well as aid to industrial enterprises through loans. Grants in aid shall not exceed 33⅓ percent, and loans are required to be made on such terms and conditions as the President may prescribe for projects having the approval of the State health department and the Surgeon General, loans to bear a reasonable rate of interest. Adequate provision is made for an extension of time for the cleaning up of existing stream pollution so that no hardship will be visited upon local communities or industrial enterprises. The committee was careful to incorporate in the bill adequate safeguards to prevent injustice to any municipalities or industrial enterprises in the problem of preventing stream pollution or in the eradication of existing pollution.

Mr. Speaker, unfortunately, due to lack of time and the heavy program of postwar legislation confronting the

Seventy-ninth Congress, we were unable to secure enactment of this legislation before the recess. I sincerely hope that there will yet be time for the House to continue its consideration of H. R. 6024 so that it may be passed to the Senate at the earliest practicable time. Even though the Seventy-ninth Congress is unable to secure final consideration of this important legislation, the fact that we have made this headway toward the goal is encouraging and, if a Member of the Eightieth Congress, I will urge that the legislation be taken up early in the session so that it may receive final consideration and become a law.

EXTENSION OF REMARKS

Mr. BLAND asked and was given permission to extend his remarks in the RECORD and include an article entitled "The Maritime Commission and National Security."

PROCEEDINGS AGAINST GEORGE MARSHALL

Mr. RANKIN. Mr. Speaker, by direction of the Committee on Un-American Activities, I submit a privileged report and ask that it be read.

CALL OF THE HOUSE

Mr. MARCANTONIO. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. RANKIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 248]

Adams	Curley	Hill
Allen, La.	Daughton, Va.	Hoeven
Almond	Davis	Hoffman, Pa.
Andersen, H. Carl	Dawson	Holifield
Anderson, Calif.	Delaney, John J.	Izac
Andresen, August H.	Dingell	Jennings
Baldwin, Md.	Dirksen	Johnson, Calif.
Baldwin, N. Y.	Dolliver	Johnson, Tex.
Barrett, Pa.	Domengeaux	Kean
Barry	Douglas, Ill.	Kee
Bates, Ky.	Earthman	Keefe
Bates, Mass.	Eaton	Kefauver
Beckworth	Elsaesser	Keogh
Bender	Elston	Kerr
Bennet, N. Y.	Engel, Mich.	Kilburn
Blackney	Fellows	Kilday
Bloom	Fernandez	King
Boren	Flood	Klein
Boykin	Fogarty	Landis
Bradley, Mich.	Fuller	Lane
Bradley, Pa.	Gallagher	Larcade
Brooks	Gary	Latham
Brumbaugh	Gathings	LeFevre
Bryson	Gifford	Ludlow
Buck	Gillespie	Lynch
Buckley	Gossett	McConnell
Bunker	Grant, Ind.	McCormack
Butler	Green	McGehee
Cannon, Fla.	Gregory	McGlinchey
Cannon, Mo.	Gwinn, N. Y.	McGregor
Carlson	Hale	McKenzie
Case, N. J.	Hall, Edwin Arthur	McMillan, S. C.
Case, S. Dak.	Halleck	Mahon
Celler	Hancock	Maloney
Clark	Hand	Mankin
Clements	Hare	Mansfield, Mont.
Cochran	Harless, Ariz.	Mansfield, Tex.
Cole, Kans.	Harris	May
Cole, N. Y.	Hart	Miller, Calif.
Combs	Hartley	Miller, Nebr.
Cooper	Hébert	Morgan
Courtney	Heffernan	Morrison
Cox	Hendricks	Murdock
Cravens	Henry	Murray, Tenn.
Crawford	Hess	Norton
Outland	Robinson, Utah	Tarver
Patrick	Robsion, Ky.	Taylor
Patterson	Rockwell	Thomas, N. J.
Peterson, Ga.	Roe, N. Y.	Tolan
Pfeifer	Rogers, N. Y.	Torrens
Philbin	Russell	Towe
Ploeser	Ryter	Vorys, Ohio
Plumley	Sheridan	Wasielewski
Powell	Short	Weaver
Priest	Slaughter	Welch
Rabin	Somers, N. Y.	West
Reece, Tenn.	Sparkman	Wickersham
Richards	Stewart	Winter
Rivers	Sumner, Ill.	Wolfenden, Pa.
Robertson, Va.	Taber	Wood

The SPEAKER. On this roll call 249 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. MARCANTONIO. I object, Mr. Speaker.

The SPEAKER. The question is, Will the House suspend further proceedings under the call.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 119, noes 0.

Mr. MARCANTONIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 231, nays 17, not voting 182, as follows:

[Roll No. 249]

YEAS—231

Abernethy	D'Ewart	Hoffman, Mich.
Allen, Ill.	Dondero	Holmes, Mass.
Andresen, August H.	Doughton, N. C.	Holmes, Wash.
Andrews, Ala.	Doyle	Hope
Andrews, N. Y.	Drewry	Horan
Angell	Durham	Howell
Arends	Dworshak	Huber
Arnold	Eberharter	Hull
Auchincloss	Elliott	Jackson
Bailey	Ellis	Jenkins
Barden	Elsworth	Jensen
Barrett, Wyo.	Engle, Calif.	Johnson, Ill.
Beall	Ervin	Johnson, Ind.
Bennett, Mo	Fallon	Johnson, Okla.
Biemiller	Feighan	Jones
Bishop	Fenton	Jonkman
Bland	Fernandez	Judd
Bolton	Fisher	Kearney
Brehm	Flannagan	Kelley, Pa
Brown, Ga.	Folger	Kelly, Ill.
Brown, Ohio	Forand	Kinzer
Buchanan	Fulton	Kirwan
Buffett	Gamble	Knutson
Bulwinkle	Gavin	Kopplemann
Byrne, N. Y.	Gearhart	Kunkel
Byrnes, Wis.	Geelan	LaFollette
Camp	Gerlach	Lanham
Campbell	Gibson	Lea
Canfield	Gillette	LeCompte
Cannon, Mo.	Gillie	Lemke
Carnahan	Goodwin	Lesinski
Chapman	Gordon	Lewis
Chelf	Gorski	Link
Chenoweth	Graham	Luce
Chiperfield	Granger	Lynch
Church	Grant, Ala.	McCowen
Clason	Griffiths	McDonough
Clevenger	Gross	McMillen, Ill.
Clippinger	Gwynne, Iowa	Madden
Coffee	Hagen	Manasco
Cole, Mo.	Hall, Leonard W.	Martin, Iowa
Colmer	Harless, Ariz.	Martin, Mass.
Combs	Harness, Ind.	Mason
Cooley	Hays	Mathews
Corbett	Healy	Merrow
Crosser	Hedrick	Michener
Cunningham	Herter	Mills
Curtis	Heselton	Monroney
D'Alesandro	Hinshaw	Mundt
Delaney, James J.	Hobbs	Murdock
	Hoch	Murray, Wis.
		Norblad
O'Brien, Ill.	Rodgers, Pa.	Stockman
O'Brien, Mich.	Roe, Md.	Sullivan
O'Hara	Rogers, Fla.	Sundstrom
O'Neal	Rogers, Mass.	Talbot
Pace	Rooney	Talle
Patman	Rowan	Thom
Peterson, Fla.	Sadowski	Thomas, Tex.
Phillips	Sasscer	Thomason
Pickett	Savage	Tibbott
Pittenger	Schwabe, Mo.	Traynor
Poage	Schwabe, Okla.	Trimble
Pratt	Scrivner	Vinson
Price, Fla.	Shafer	Voorhis, Calif.
Quinn, N. Y.	Sharp	Walter
Rabaut	Sheppard	Weichel
Rains	Sikes	White
Ramey	Simpson, Ill.	Whitten
Randolph	Simpson, Pa.	Whittington
Rankin	Smith, Maine	Wigglesworth
Reed, Ill.	Smith, Ohio	Wilson
Reed, N. Y.	Smith, Va.	Winstead
Rees, Kans.	Smith, Wis.	Wolcott
Rich	Spence	Wolverton, N. J.
Riley	Springer	Woodhouse
Rizley	Starkey	Woodruff
Robertson, N. Dak.	Stefan	
	Stevenson	

NAYS—17

Bonner	Hook	O'Toole
De Lacy	Jarman	Price, Ill.
Douglas, Calif.	Lyle	Rayfiel
Gardner	Marcantonio	Resa
Granahan	Neely	Worley
Havenner	Norrell	

NOT VOTING—182

Adams	Fogarty	Mansfield Mont.
Allen, La.	Fuller	Mansfield, Tex.
Almond	Gallagher	May
Andersen, H. Carl	Gary	Miller, Calif.
Anderson, Calif.	Gathings	Miller, Nebr.
Baldwin, Md.	Gifford	Morgan
Baldwin, N. Y.	Gillespie	Morrison
Barrett, Pa.	Gore	Murray, Tenn.
Barry	Gossett	Norton
Bates, Ky.	Grant, Ind.	O'Konski
Bates, Mass.	Green	Outland
Beckworth	Gregory	Patrick
Bell	Gwinn, N. Y.	Patterson
Bender	Hale	Peterson, Ga.
Bennet, N Y.	Hall, Edwin Arthur	Pfeifer
Blackney	Halleck	Philbin
Bloom	Hancock	Ploeser
Boren	Hand	Plumley
Boykin	Hare	Powell
Bradley, Mich.	Harris	Priest
Bradley, Pa.	Hart	Rabin
Brooks	Hartley	Reece, Tenn.
Brumbaugh	Hébert	Richards
Bryson	Heffernan	Rivers
Buck	Hendricks	Robertson, Va.
Buckley	Henry	Robinson, Utah
Bunker	Hess	Robsion, Ky.
Butler	Hill	Rockwell
Cannon, Fla.	Hoeven	Roe, N. Y.
Carlson	Hoffman, Pa.	Rogers, N. Y.
Case, N. J.	Holifield	Russell
Case, S. Dak.	Izac	Ryter
Celler	Jennings	Sabath
Clark	Johnson, Calif.	Sheridan
Clements	Johnson, Tex.	Short
Cochran	Kean	Slaughter
Cole, Kans.	Kee	Somers, N. Y.
Cole, N. Y.	Keefe	Sparkman
Cooper	Kefauver	Stewart
Courtney	Keogh	Stigler
Cox	Kerr	Sumner, Ill.
Cravens	Kilburn	Sumners, Tex.
Crawford	Kilday	Taber
Curley	King	Tarver
Daughton, Va.	Klein	Taylor
Davis	Landis	Thomas, N. J.
Dawson	Lane	Tolan
Delaney, John J.	Larcade	Torrens
Dingell	Latham	Towe
Dirksen	LeFevre	Vorys, Ohio
Dolliver	Ludlow	Vursell
Domengeaux	McConnell	Wadsworth
Douglas, Ill.	McCormack	Wasielewski
Earthman	McGehee	Weaver
Eaton	McGlinchey	Welch
Elsaesser	McGregor	West
Elston	McKenzie	Wickersham
Engel, Mich.	McMillan, S. C.	Winter
Fellows	Mahon	Wolfenden, Pa.
Flood	Maloney	Wood
	Mankin	Zimmerman

So further proceedings under the call were dispensed with.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. McCormack with Mr. Short.
Mr. Hébert with Mr. Taber.
Mr. Keogh with Mr. Elsaesser.
Mr. Pfeifer with Mr. Dirksen.
Mr. Somers of New York with Mr. Taylor.
Mr. Heffernan with Mr. Ploeser.
Mr. Green with Mr. Latham.
Mr. Roe of New York with Mr. Fuller.
Mr. Bradley of Pennsylvania with Mr. Bender.
Mr. Lane with Mr. Keefe.
Mr. Rogers of New York with Mr. Blackney.
Mr. Rabin with Mr. Jennings.
Mr. Sheridan with Mr. Hill.
Mr. Barry with Mr. Grant of Indiana.
Mr. John J. Delaney with Mr. Hartley.
Mr. Outland with Mr. Fellows.
Mr. Hart with Mr Halleck.
Mr. Celler with Mr. Elston.
Mr. Powell with Mr. Bradley of Michigan.
Mr. Klein with Mr. Eaton.
Mr. McGlinchey with Mr. LeFevre.
Mr. Flood with Mr. McGregor.
Mr. Priest with Mr. Thomas of New Jersey.
Mr. Buckley with Mr. Robsion of Kentucky.
Mr. Dingell with Mr. Edwin Arthur Hall.

Mr. EBLRHARTER changed his vote from "present" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

REPORT

The Committee on Un-American Activities, as created and authorized by the House of Representatives by House Resolution 5 of the Seventy-ninth Congress, caused to be issued a subpena to George Marshall, chairman of the National Federation for Constitutional Liberties, with offices at 205 East Forty-second Street, New York City, N. Y.

CALL OF THE HOUSE

Mr. BIEMILLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. RANKIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 250]

Adams	Carlson	Elsaesser
Allen, La.	Case, N. J.	Elston
Almond	Case, S. Dak.	Engel, Mich.
Andersen, H. Carl	Celler	Fellows
	Clark	Flood
Anderson, Calif.	Clements	Fogarty
Baldwin, Md.	Cochran	Fuller
Baldwin, N. Y.	Cole, Kans.	Gallagher
Barrett, Pa.	Cole, N. Y.	Gary
Barry	Combs	Gathings
Bates, Ky.	Cooper	Gifford
Bates, Mass.	Courtney	Gillespie
Beckworth	Cox	Gossett
Bender	Cravens	Granger
Bennet, N. Y.	Crawford	Grant, Ind.
Blackney	Curley	Green
Boren	Daughton, Va.	Gregory
Boykin	Davis	Gwinn, N. Y.
Bradley, Mich.	Dawson	Hale
Bradley, Pa.	Delaney, John J.	Hall, Edwin Arthur
Brooks	Dingell	Halleck
Brumbaugh	Dirksen	Hancock
Bryson	Dolliver	Hand
Buck	Domengeaux	Hare
Buckley	Douglas, Ill.	Harris
Bulwinkle	Doyle	Hart
Bunker	Earthman	Hartley
Butler	Eaton	Hébert
Cannon, Fla.	Heffernan	McKenzie
Hendricks	McMillan, S. C.	Robsion, Ky.
Henry	Mahon	Rockwell
Hess	Maloney	Roe, N. Y.
Hill	Mankin	Rogers, N. Y.
Hoeven	Mansfield, Mont.	Russell
Hoffman, Pa.	Mansfield, Tex.	Ryter
Holifield	May	Shafer
Izac	Miller, Calif.	Sheridan
Jennings	Miller, Nebr.	Short
Johnson, Calif.	Morgan	Simpson, Ill.
Johnson, Okla.	Morrison	Slaughter
Johnson, Tex.	Murray, Tenn.	Somers, N. Y.
Kean	Neely	Sparkman
Kee	Norton	Stewart
Keefe	O'Konski	Stockman
Kefauver	O'Neal	Sumner, Ill.
Keogh	Outland	Taber
Kerr	Patrick	Tarver
Kilburn	Patterson	Taylor
Kilday	Peterson, Ga.	Thomas, N. J.
Klein	Pfeifer	Thomas, Tex.
Kopplemann	Philbin	Tolan
Landis	Ploeser	Torrens
Lane	Plumley	Towe
Larcade	Powell	Vorys, Ohio
Latham	Priest	Wadsworth
Lea	Rabin	Wasielewski
LeFevre	Rayfiel	Weaver
Ludlow	Reece, Tenn.	Welch
McConnell	Richards	West
McCormack	Rivers	Wickersham
McGehee	Robertson, Va.	Winter
McGlinchey	Robinson, Utah	Wolfenden, Pa.
McGregor		Wood

The SPEAKER. On this roll call 242 Members answered to their names, a quorum.

Mr. RANKIN. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The question was taken; and on a division (demanded by Mr. BIEMILLER) there were—ayes 98, noes 0.

Mr. BIEMILLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 226, nays 6, not voting 198, as follows:

[Roll No. 251]

YEAS—226

Abernethy	Church	Folger
Allen, Ill.	Clason	Forand
Andrews, Ala.	Clevenger	Fulton
Andrews, N. Y.	Clippinger	Gamble
Angell	Cole, Mo.	Gearhart
Arnold	Colmer	Geelan
Auchincloss	Cooley	Gerlach
Bailey	Corbett	Gillette
Barden	Crosser	Gillie
Barrett, Wyo.	Cunningham	Goodwin
Beall	Curtis	Gordon
Bell	D'Alesandro	Gore
Bennett, Mo.	Delaney, James J.	Gorski
Biemiller	D'Ewart	Graham
Bishop	Dingell	Granahan
Bland	Dirksen	Grant, Ala.
Bloom	Dondero	Griffiths
Bolton	Doughton, N. C.	Gross
Bonner	Doyle	Gwynne, Iowa
Brehm	Drewry	Hagen
Brown, Ga.	Durham	Hall, Leonard W.
Brown, Ohio	Dworshak	Harless, Ariz.
Buchanan	Eberharter	Harness, Ind.
Buffett	Elliott	Hays
Bulwinkle	Ellis	Healy
Byrnes, Wis.	Engle, Calif.	Hedrick
Camp	Ervin	Herter
Campbell	Fallon	Hesselton
Canfield	Feighan	Hinshaw
Carnahan	Fenton	Hoch
Chapman	Fernandez	Hoffman, Mich.
Chelf	Fisher	Holmes, Mass.
Chenoweth	Flannagan	Holmes, Wash.
Chiperfield	Hope	Mason	Savage
	Horan	Mathews	Schwabe, Mo.
	Howell	Merrow	Schwabe, Okla.
	Huber	Michener	Scrivner
	Hull	Mills	Sheppard
	Jackson	Monroney	Sikes
	Jarman	Mundt	Simpson, Ill.
	Jenkins	Murdock	Simpson, Pa.
	Jensen	Murray, Wis.	Smith, Maine
	Johnson, Ill.	Norblad	Smith, Ohio
	Johnson, Ind.	Norrell	Smith, Va.
	Johnson, Okla.	O'Brien, Ill.	Smith, Wis.
	Jones	O'Brien, Mich.	Spence
	Jonkman	Pace	Springer
	Judd	Peterson, Fla.	Starkey
	Kearney	Phillips	Stefan
	Kelley, Pa.	Pickett	Stevenson
	Kelly, Ill.	Pittenger	Stigler
	Kinzer	Poage	Sullivan
	Kirwan	Pratt	Sumners, Tex.
	Knutson	Price, Fla.	Sundstrom
	Kopplemann	Price, Ill.	Talbot
	Kunkel	Quinn, N. Y.	Talle
	LaFollette	Rabaut	Thom
	Lanham	Rains	Thomason
	Latham	Ramey	Tibbott
	Lea	Randolph	Trimble
	LeCompte	Rankin	Vinson
	Lemke	Reed, Ill.	Voorhis, Calif.
	Lesinski	Reed, N. Y.	Vursell
	Lewis	Rees, Kans.	Walter
	Link	Resa	Weichel
	Luce	Rich	Whitten
	Lyle	Riley	Whittington
	Lynch	Rodgers, Pa.	Wigglesworth
	McCowen	Roe, Md.	Wilson
	McDonough	Rogers, Fla.	Winstead
	McMillen, Ill.	Rogers, Mass.	Wolcott
	Madden	Rooney	Wolverton, N. J.
	Manasco	Rowan	Woodruff
	Martin, Iowa	Sadowski	Worley
	Martin, Mass.	Sasscer	Zimmerman

NAYS—6

De Lacy	Gardner	Marcantonio
Douglas, Calif.	Hook	Neely

NOT VOTING—198

Adams	Dolliver	Keogh
Allen, La.	Domengeaux	Kerr
Almond	Douglas, Ill.	Kilburn
Andersen, H. Carl	Earthman	Kilday
	Eaton	King
Anderson, Calif.	Ellsworth	Klein
Andresen, August H.	Elsaesser	Landis
	Elston	Lane
Arends	Engel, Mich.	Larcade
Baldwin, Md.	Fellows	LeFevre
Baldwin, N. Y.	Flood	Ludlow
Barrett, Pa.	Fogarty	McConnell
Barry	Fuller	McCormack
Bates, Ky.	Gallagher	McGehee
Bates, Mass.	Gary	McGlinchey
Beckworth	Gathings	McGregor
Bender	Gavin	McKenzie
Bennet, N. Y.	Gibson	McMillan, S. C.
Blackney	Gifford	Mahon
Boren	Gillespie	Maloney
Boykin	Gossett	Mankin
Bradley, Mich.	Granger	Mansfield, Mont.
Bradley, Pa.	Grant, Ind.	
Brooks	Green	Mansfield, Tex.
Brumbaugh	Gregory	May
Bryson	Gwinne, N. Y.	Miller, Calif.
Buck	Hale	Miller, Nebr.
Buckley	Hall, Edwin Arthur	Morgan
Bunker		Morrison
Butler	Halleck	Murray, Tenn.
Byrne, N. Y.	Hancock	Norton
Cannon, Fla.	Hand	O'Hara
Cannon, Mo.	Hare	O'Konski
Carlson	Harris	O'Neal
Case, N. J.	Hart	O'Toole
Case, S. Dak.	Hartley	Outland
Celler	Havenner	Patman
Clark	Hébert	Patrick
Clements	Heffernan	Patterson
Cochran	Hendricks	Peterson, Ga.
Coffee	Henry	Pfeifer
Cole, Kans.	Hess	Philbin
Cole, N. Y.	Hill	Ploeser
Combs	Hobbs	Plumley
Cooper	Hoeven	Powell
Courtney	Hoffman, Pa.	Priest
Cox	Holifield	Rabin
Cravens	Izac	Rayfiel
Crawford	Jennings	Reece, Tenn.
Curley	Johnson, Calif.	Richards
Daughton, Va.	Johnson, Tex.	Rivers
Davis	Kean	Rizley
Dawson	Kee	Robertson, N. Dak.
Delaney, John J.	Keefe	
	Kefauver	Robertson, Va.

Robinson, Utah	Somers, N. Y.	Tráynor
Robsion, Ky.	Sparkman	Vorys, Ohio
Rockwell	Stewart	Wadsworth
Roe, N. Y.	Stockman	Wasielewski
Rogers, N. Y.	Sumner, Ill.	Weaver
Russell	Taber	Welch
Ryter	Tarver	West
Sabath	Taylor	White
Shafer	Thomas, N. J.	Wickersham
Sharp	Thomas, Tex.	Winter
Sheridan	Tolan	Wolfenden, Pa.
Short	Torrens	Wood
Slaughter	Towe	Woodhouse

So the motion was agreed to.

The Clerk announced the following pairs:

Additional general pairs until further notice:

Mr. Allen of Louisiana with Mr. Adams.

Mr. Cooper with Mr. Bates of Massachusetts.

Mr. Kefauver with Mr. Bennet of New York.

Mr. Hobbs with Mr. Brumbaugh.

Mr. Rivers with Mr. Miller of Nebraska.

Mr. Harris with Mr. Wadsworth.

Mr. Barrett of Pennsylvania with Mr. Gwinn of New York.

Mr. McGehee with Mr. Landis.

Mr. Hendricks with Mr. Kilburn.

Mr. Sparkman with Mr Buck.

Mr. Larcade with Mr. Henry.

Mr. Bloom with Mr. Rockwell.

Mrs. Norton with Mr. Gifford.

Mr. Mahon with Mr. Cole of Kansas.

Mr. Courtney with Mr. Anderson of California.

Mr. O'Toole with Mr. Winter.

Mr. McMillan of South Carolina with Mr. Plumley

Mr. Boykin with Mr. Dolliver.

Mr. Almond with Mr. Carlson.

Mr. Domengeaux with Mr. Welch.

Mr. Gary with Mr. Hand.

Mr. Mansfield of Montana with Mr. O'Konski.

Mrs. Douglas of Illinois with Mr. Hale.

Mr. Morrison with Mr. Ellsworth.

The result of the vote was announced as above recorded.

The doors were opened.

PROCEEDINGS AGAINST GEORGE MARSHALL

The SPEAKER. The Clerk will continue reading the statement.

The Clerk read as follows:

The subpena is set forth as follows:

"To the SERGEANT AT ARMS or his special messenger:

"You are hereby commanded to summon Mr. George Marshall, chairman of the National Federation for Constitutional Liberties——"

Mr. HOOK. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOOK. Mr. Speaker, I make a point of order that a quorum is not present.

Mr. RANKIN. A point of order.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. I make the point of order that this is nothing but a dilatory tactic.

Mr. MARCANTONIO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. Is that point of order in order on Wednesday also?

The SPEAKER. This is Monday.

Mr. RANKIN. Mr. Speaker, I make the point of order that the gentleman's point of order is not in order but is a dilatory tactic.

Mr. HOOK. Mr. Speaker, this is a constitutional question.

Mr. MUNDT. Mr. Speaker, I would like to be heard on the point of order.

Mr. RANKIN. So would I.

The SPEAKER. The Chair does not desire to hear anyone on the point of order. He desires to count to see whether there is a quorum present. [After counting.] One hundred and eighty-nine Members are present, not a quorum.

MOTION TO ADJOURN

Mr. BARDEN. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. MARCANTONIO and Mr. GEELAN) there were—ayes 105, noes 63.

Mr. MARCANTONIO. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 68, nays 172, not voting 190, as follows:

[Roll No. 252]

YEAS—68

Abernethy	Flannagan	Luce
Allen, Ill.	Folger	Manasco
Andrews, Ala.	Gamble	Norrell
Andrews, N. Y.	Gillette	Pickett
Arends	Graham	Pratt
Arnold	Grant, Ala.	Rankin
Barden	Griffiths	Rivers
Bell	Groes	Rizley
Bennett, Mo.	Gwynne, Iowa	Rodgers, Pa.
Bland	Hall,	Schwabe, Okla.
Brehm	Leonard W.	Sheppard
Brown, Ga.	Hancock	Simpson, Pa.
Buffett	Herter	Smith, Ohio
Byrnes, Wis.	Heselton	Smith, Va.
Campbell	Holmes, Mass.	Smith, Wis.
Chelf	Horan	Stockman
Chenoweth	Howell	Vinson
Clevenger	Jarman	Vursell
Dirksen	Jonkman	Whitten
Dondero	Kinzer	Whittington
Drewry	Lanham	Winstead
Engle, Calif.	Latham	Wolverton, N. J.
Ervin	Lewis	Zimmerman

NAYS—172

Angell	Durham	Jenkins
Auchincloss	Dworshak	Jensen
Bailey	Eberharter	Johnson, Ill.
Barrett, Wyo.	Elliott	Johnson, Ind.
Beall	Ellis	Johnson, Okla.
Biemiller	Fallon	Jones
Bishop	Feighan	Judd
Bloom	Fenton	Kearney
Bolton	Fernandez	Kelley, Pa.
Bonner	Fisher	Kelly, Ill.
Brown, Ohio	Forand	King
Buchanan	Fulton	Kirwan
Bulwinkle	Gardner	Kopplemann
Byrne, N. Y.	Gavin	Kunkel
Camp	Gearhart	LeCompte
Canfield	Geelan	Lemke
Cannon, Mo.	Gerlach	Lesinski
Carnahan	Gillie	Link
Chapman	Goodwin	Lyle
Chiperfield	Gordon	Lynch
Church	Gore	McCowen
Clason	Gorski	McDonough
Clippinger	Granahan	McMillen, Ill.
Coffee	Granger	Madden
Cole, Mo.	Hagen	Marcantonio
Colmer	Harless, Ariz.	Martin, Iowa
Cooley	Harness, Ind.	Martin, Mass.
Corbett	Hays	Mason
Crosser	Healy	Mathews
Cunningham	Hedrick	Merrow
Curtis	Hendricks	Michener
D'Alesandro	Hinshaw	Mills
De Lacy	Hobbs	Mundt
Delaney,	Hoch	Murray, Wis.
James J.	Hoffman, Mich.	Neely
D'Ewart	Holmes, Wash.	Norblad
Dingell	Hook	O'Brien, Ill.
Doughton, N. C.	Huber	O'Brien, Mich.
Douglas, Calif.	Hull	O'Hara
Doyle	Jackson	Patman
Peterson, Fla.	Roe, Md.	Sullivan
Phillips	Rogers, Fla.	Sumners, Tex.
Pittenger	Rogers, Mass.	Sundstrom
Poage	Rooney	Talbot
Price, Fla.	Rowan	Talle
Price, Ill.	Sabath	Thom
Quinn, N. Y.	Sadowski	Thomason
Rabaut	Savage	Tibbott
Ramey	Schwabe, Mo.	Traynor
Randolph	Scrivner	Voorhis, Calif.
Reed, Ill.	Sikes	Walter
Reed, N. Y.	Simpson, Ill.	Weichel
Rees, Kans.	Smith, Maine	Wigglesworth
Resa	Spence	Wilson
Rich	Springer	Wolcott
Riley	Starkey	Woodhouse
Robertson,	Stefan	Woodruff
N. Dak.	Stevenson	Worley

NOT VOTING—190

Adams	Gary	Miller, Nebr.
Allen, La.	Gathings	Monroney
Almond	Gibson	Morgan
Andersen,	Gifford	Morrison
H. Carl	Gillespie	Murdock
Anderson, Calif.	Gossett	Murray, Tenn.
Andresen,	Grant, Ind.	Norton
August H.	Green	O'Konski
Baldwin, Md.	Gregory	O'Neal
Baldwin, N. Y.	Gwinn, N. Y.	O'Toole
Barrett, Pa.	Hale	Outland
Barry	Hall,	Pace
Bates, Ky.	Edwin Arthur	Patrick
Bates, Mass.	Halleck	Patterson
Beckworth	Hand	Peterson, Ga.
Bender	Hare	Pfeifer
Bennet, N. Y.	Harris	Philbin
Blackney	Hart	Ploeser
Boren	Hartley	Plumley
Boykin	Havenner	Powell
Bradley, Mich.	Hébert	Priest
Bradley, Pa.	Heffernan	Rabin
Brooks	Henry	Rains
Brumbaugh	Hess	Rayfiel
Bryson	Hill	Reece, Tenn.
Buck	Hoeven	Richards
Buckley	Hoffman, Pa.	Robertson, Va.
Bunker	Holifield	Robinson, Utah
Butler	Hope	Robsion, Ky.
Cannon, Fla.	Izac	Rockwell
Carlson	Jennings	Roe, N. Y.
Case, N. J.	Johnson, Calif.	Rogers, N. Y.
Case, S. Dak.	Johnson, Tex.	Russell
Celler	Kean	Ryter
Clark	Kee	Sasscer
Clements	Keefe	Shafer
Cochran	Kefauver	Sharp
Cole, Kans.	Keogh	Sheridan
Cole, N. Y.	Kerr	Short
Combs	Kilburn	Slaughter
Cooper	Kilday	Somers, N. Y.
Courtney	Klein	Sparkman
Cox	Knutson	Stewart
Cravens	LaFollette	Stigler
Crawford	Landis	Sumner, Ill.
Curley	Lane	Taber
Daughton, Va.	Larcade	Tarver
Davis	Lea	Taylor
Dawson	LeFevre	Thomas, N. J.
Delaney,	Ludlow	Thomas, Tex.
John J.	McConnell	Tolan
Dolliver	McCormack	Torrens
Domengeaux	McGehee	Towe
Douglas, Ill.	McGlinchey	Trimble
Earthman	McGregor	Vorys, Ohio
Eaton	McKenzie	Wadsworth
Ellsworth	McMillan, S. C.	Wasielewski
Elsaesser	Mahon	Weaver
Elston	Maloney	Welch
Engel, Mich.	Mankin	West
Fellows	Mansfield,	White
Flood	Mont.	Wickersham
Fogarty	Mansfield, Tex	Winter
Fuller	May	Wolfenden, Pa.
Gallagher	Miller, Calif.	Wood

So the motion was rejected.

The Clerk announced the following pairs:

Additional general pairs until further notice:

Mr. Baldwin of Maryland with Mr. Baldwin of New York.

Mr. Kilday with Mr. Hess.

Mr. Stigler with Mr. Towe.

Mr. Lea with Mr. McConnell.

Mr. West with Mr. Case of New Jersey.

Mr. Beckworth with Mr. Johnson of California.

Mr. Wood with Mr. Kean.

Mr. Dawson with Mr. Vorys of Ohio.
Mr. Pace with Mr. Wolfenden of Pennsylvania.
Mr. Bunker with Mr. Case of South Dakota.

Mr. RABAUT, Mr. CHURCH, Mr. AUCHINCLOSS, Mr. GEARHART, and Mr. LESINSKI changed their vote from "aye" to "no."

The result of the vote was announced as above recorded.

HOSPITAL AND PUBLIC-HEALTH CENTERS PLANNING

Mr. BULWINKLE submitted a conference report on the bill (S. 191) to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public-health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction.

PROCEEDINGS AGAINST GEORGE MARSHALL

The SPEAKER. The Clerk will continue to read the privileged report.

The Clerk read as follows:

"205 East Forty-second Street, room 1613, New York City, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States——

Mr. HOOK. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOOK. Mr. Speaker, I make the point of order that there is not a quorum present.

Mr. MUNDT. Mr. Speaker, a point of order——

The SPEAKER. There is already one point of order pending.

Mr. MUNDT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MUNDT. I wish to inquire whether in view of the fact that the House has emphatically by roll-call vote declared itself in favor of continuing the dispatch of public business, and in view of the fact that frequent roll calls have proved that a quorum is present, whether it is not engaging in dilatory tactics to repeatedly hinder public business by asking for a roll call to establish a quorum?

I have the precedents before me indicating that Speakers have previously ruled such to be dilatory tactics.

The SPEAKER. Only when it was obvious——

Mr. MUNDT. Has it not become obvious?

The SPEAKER. Only when it was obvious that a quorum was present.

The Chair does not think the gentleman will find anywhere in the books that any Speaker of the House has held that a point of no quorum was dilatory, because it is a constitutional question, particularly where it is obvious that a quorum is not present.

Mr. MUNDT. Mr. Speaker, I have precedents before me.

The SPEAKER. Well, the Chair has reviewed the precedents and he is not going to hold with the gentleman at this time.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Mr. Speaker, is it not dilatory to be interrupting the reading of a document when every two or three sentences a point of order is made to prevent a vote on it?

The SPEAKER. It is a matter that the House is going to be called upon to vote on and the assumption, if there is one, is that a quorum must be present to hear things upon which it is going to vote.

The Chair will count. [After counting.] One hundred and eighty-two Members are present, not a quorum.

Mr. RANKIN and Mr. MARCANTONIO moved a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 253]

Adams	Fellows	May
Allen, La.	Flood	Miller, Calif.
Almond	Fogarty	Miller, Nebr.
Andersen, H. Carl	Fuller	Morgan
	Gallagher	Morrison
Anderson, Calif.	Gary	Murdock
Andresen, August H.	Gathings	Murray, Tenn.
	Gibson	Norton
Arends	Gifford	O'Konski
Baldwin, Md.	Gillespie	O'Neal
Baldwin, N. Y.	Gossett	O'Toole
Barrett, Pa.	Granger	Outland
Barry	Grant, Ind.	Pace
Bates, Ky.	Green	Patrick
Bates, Mass.	Gregory	Patterson
Beckworth	Griffiths	Peterson, Ga.
Bender	Hale	Pfeifer
Bennet, N. Y.	Hall, Edwin Arthur	Philbin
Blackney		Ploeser
Bolton	Halleck	Plumley
Boren	Hand	Powell
Boykin	Hare	Priest
Bradley, Mich.	Harless, Ariz.	Rabin
Bradley, Pa.	Harris	Rains
Brooks	Hart	Reece, Tenn.
Brumbaugh	Hartley	Richards
Bryson	Hébert	Robertson, Va.
Buck	Heffernan	Robinson, Utah
Buckley	Henry	Robsion, Ky.
Bunker	Hess	Rockwell
Butler	Hill	Roe, N. Y.
Cannon, Fla.	Hoeven	Rogers, N. Y.
Carlson	Hoffman, Pa.	Russell
Case, N. J.	Holifield	Ryter
Case, S. Dak.	Horan	Shafer
Celler	Izac	Sharp
Clark	Jennings	Sheridan
Clason	Johnson, Calif.	Short
Clements	Johnson, Tex.	Sikes
Cochran	Kean	Slaughter
Cole, Kans.	Kee	Somers, N. Y.
Cole, N. Y.	Keefe	Sparkman
Combs	Kefauver	Stewart
Cooper	Keogh	Sumner, Ill.
Cox	Kerr	Taber
Cravens	Kilburn	Tarver
Crawford	Kilday	Taylor
Curley	Kinzer	Thomas, Tex.
Daughton, Va.	Landis	Tolan
Davis	Lane	Torrens
Dawson	Larcade	Towe
Delaney, John J.	LeFevre	Trimble
	Ludlow	Vorys, Ohio
Dingell	McConnell	Wasielewski
Dirksen	McCormack	Weaver
Dolliver	McGehee	Welch
Domengeaux	McGlinchey	West
Douglas, Ill.	McGregor	White
Durham	McKenzie	Wickersham
Earthman	McMillan, S. C.	Winter
Eaton	Mahon	Wolfenden, Pa.
Ellsworth	Maloney	Wood
Elsaesser	Mankin	
Elston	Mansfield, Mont.	
Engel, Mich.		
Feighan	Mansfield, Tex.	

The SPEAKER. On this roll call 240 Members have answered to their names, a quorum.

If there is no objection, further proceedings under the call will be dispensed with.

Mr. HOOK. Mr. Speaker, I object.

Mr. COLE of Missouri. Mr. Speaker, I object.

Mr. RANKIN. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The question was taken; and on a division (demanded by Mr. HOOK) there were—ayes 115, noes 1.

Mr. HOOK. Mr. Speaker, I object to the vote on the ground there is not a quorum present, and I make a point of order that no quorum is present.

The SPEAKER. Evidently no quorum is present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

Mr. COLE of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COLE of Missouri. Should this motion be voted down and should further proceedings under the call be not dispensed with will the Chair please state the procedure to be followed then?

The SPEAKER. We stay here until the Sergeant-at-Arms brings in enough Members to make a quorum or to make the full membership.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. Would it not be the fact that if this motion were voted down the House would find itself in a room that is supposed to be locked and the Sergeant-at-Arms would be presumed to be out notifying absentees?

The SPEAKER. The gentleman is correct.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. If they continue to make points of no quorum will it prevent the consideration of the so-called amputees' bill?

The SPEAKER. The Chair has nothing to do with——

Mr. MARCANTONIO. Mr. Speaker, that is an unfair criticism. They may call up the amputees' bill. Why do they not do so?

The SPEAKER. Just a moment. The Chair is answering a supposed parliamentary inquiry.

The Chair has no control over the action of Members when the doors are unlocked and they have access to the outside.

Mr. COLE of Missouri. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COLE of Missouri. Should the doors be locked, does that mean that the quorum acquired is retained until we can continue with business?

The SPEAKER. It would take other action of the House to lock the doors to

keep a quorum here. The Chair has seen that done in State legislatures.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Let us get this business straightened out. If this motion were voted down it would be the duty of the Speaker to issue writs of arrests for absent Members and have them brought to the floor of the House until every Member of the House was brought back or until further proceedings were dispensed with.

The SPEAKER. The Chair could issue a warrant because this is an automatic roll call. Usually the Chair does not do that without action of the House specifying that it be done.

Mr. MUNDT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MUNDT. It would not be necessary for the Chair to issue warrants, however, if a quorum were found present and locked in the Chamber. Is that not correct?

The SPEAKER. That is correct.

The Clerk will call the roll.

The question was taken; and there were—yeas 187, nays 58, not voting 185, as follows:

[Roll No. 254]

YEAS—187

Abernethy	Fernandez	Mathews
Allen, Ill.	Fisher	Merrow
Andrews, Ala.	Flannagan	Michener
Arends	Folger	Mills
Arnold	Forand	Monroney
Auchincloss	Fulton	Murray, Wis.
Bailey	Gamble	Neely
Barden	Gardner	Norblad
Barrett, Wyo.	Gavin	Norrell
Beall	Gerlach	O'Brien, Ill.
Bell	Gillette	O'Brien, Mich.
Bennett, Mo.	Gillie	Patman
Biemiller	Goodwin	Peterson, Fla.
Bland	Gordon	Phillips
Bolton	Gore	Pickett
Brehm	Gorski	Poage
Brown, Ga.	Graham	Pratt
Brown, Ohio	Grant, Ala.	Price, Fla.
Buchanan	Gross	Price, Ill.
Buffett	Gwinn, N. Y.	Quinn, N. Y.
Bulwinkle	Gwynne, Iowa	Rabaut
Byrnes, Wis.	Hall,	Ramey
Camp	Leonard W.	Rankin
Campbell	Hancock	Reed, N. Y.
Canfield	Hays	Resa
Carnahan	Hedrick	Rich
Celler	Hendricks	Riley
Chapman	Herter	Rivers
Chelf	Hinshaw	Rizley
Chenoweth	Hobbs	Robertson,
Chiperfield	Holmes, Mass.	N. Dak.
Clason	Holmes, Wash.	Rodgers, Pa.
Clevenger	Hope	Roe, Md.
Clippinger	Hull	Rogers, Fla.
Colmer	Jackson	Rogers, Mass.
Cooley	Jarman	Rooney
Cunningham	Jenkins	Sadowski
D'Alesandro	Johnson, Okla.	Sasscer
Delaney,	Jones	Savage
James J.	Jonkman	Schwabe, Mo.
D'Ewart	Kearney	Schwabe, Okla.
Dingell	Kelley, Pa.	Sheppard
Dondero	Kelly, Ill.	Sikes
Doughton, N. C.	Kinzer	Simpson, Ill.
Doyle	Kunkel	Simpson, Pa.
Drewry	LaFollette	Smith, Maine
Durham	Lanham	Smith, Ohio
Dworshak	Latham	Smith, Va.
Eberharter	Lea	Smith, Wis.
Elliott	Lesinski	Spence
Ellis	Lynch	Springer
Ellsworth	McCowen	Stevenson
Engle, Calif.	McDonough	Stigler
Ervin	McMillen, Ill.	Stockman
Fallon	Manasco	Sullivan
Fenton	Martin, Mass.	Sundstrom
Talbot	Voorhis, Calif.	Winstead
Talle	Vursell	Wolcott
Thomas, Tex.	Wadsworth	Wolverton, N. J.
Thomason	White	Woodhouse
Tibbott	Whitten	Worley
Traynor	Whittington	Zimmerman
Trimble	Wigglesworth	
Vinson	Wilson	

NAYS—58

Andresen,	Healy	Luce
August H.	Heselton	Lyle
Angell	Hoch	Madden
Bishop	Hoffman, Mich.	Marcantonio
Bloom	Hook	Martin, Iowa
Bonner	Howell	Mason
Byrne, N. Y.	Huber	Mundt
Church	Jensen	O'Hara
Coffee	Johnson, Ill.	Pittenger
Cole Mo.	Johnson, Ind.	Randolph
Corbett	Judd	Reed, Ill.
Crosser	King	Rowan
Curtis	Kirwan	Scrivner
De Lacy	Klein	Sharp
Douglas, Calif.	Knutson	Starkey
Gearhart	Kopplemann	Stefan
Geelan	LeCompte	Walter
Granahan	Lemke	Weichel
Granger	Lewis	Woodruff
Havenner	Link	

NOT VOTING—185

Adams	Fuller	May
Allen, La.	Gallagher	Miller, Calif.
Almond	Gary	Miller, Nebr.
Andersen,	Gathings	Morgan
H. Carl	Gibson	Morrison
Anderson, Calif.	Gifford	Murdock
Andrews, N. Y.	Gillespie	Murray, Tenn.
Baldwin, Md.	Gossett	Norton
Baldwin, N. Y.	Grant, Ind.	O'Konski
Barrett, Pa.	Green	O'Neal
Barry	Gregory	O'Toole
Bates, Ky.	Griffiths	Outland
Bates, Mass.	Hagen	Pace
Beckworth	Hale	Patrick
Bender	Hall,	Patterson
Bennet, N. Y.	Edwin Arthur	Peterson, Ga.
Blackney	Halleck	Pfeifer
Boren	Hand	Philbin
Boykin	Hare	Ploeser
Bradley, Mich.	Harless, Ariz.	Plumley
Bradley, Pa.	Harness, Ind.	Powell
Brooks	Harris	Priest
Brumbaugh	Hart	Rabin
Bryson	Hartley	Rains
Buck	Hébert	Rayfiel
Buckley	Heffernan	Reece, Tenn.
Bunker	Henry	Rees, Kans.
Butler	Hess	Richards
Cannon, Fla.	Hill	Robertson, Va.
Cannon, Mo.	Hoeven	Robinson, Utah
Carlson	Hoffman, Pa.	Robsion, Ky.
Case N. J.	Holifield	Rockwell
Case, S. Dak.	Horan	Roe, N. Y.
Clark	Izac	Rogers, N. Y.
Clements	Jennings	Russell
Cochran	Johnson, Calif.	Ryter
Cole, Kans.	Johnson, Tex.	Sabath
Cole, N. Y.	Kean	Shafer
Combs	Kee	Sheridan
Cooper	Keefe	Short
Courtney	Kefauver	Slaughter
Cox	Keogh	Somers, N. Y.
Cravens	Kerr	Sparkman
Crawford	Kilburn	Stewart
Curley	Kilday	Sumner, Ill.
Daughton, Va.	Landis	Sumners, Tex.
Davis	Lane	Taber
Dawson	Larcade	Tarver
Delaney,	LeFevre	Taylor
John J.	Ludlow	Thom
Dirksen	McConnell	Thomas, N. J.
Dolliver	McCormack	Tolan
Domengeaux	McGehee	Torrens
Douglas, Ill.	McGlinchey	Towe
Earthman	McGregor	Vorys, Ohio
Eaton	McKenzie	Wasielewski
Elsaesser	McMillan, S. C.	Weaver
Elston	Mahon	Welch
Engel, Mich.	Maloney	West
Feighan	Mankin	Wickersham
Fellows	Mansfield,	Winter
Flood	Mont.	Wolfenden, Pa.
Fogarty	Mansfield, Tex.	Wood

So the motion was agreed to.

The Clerk announced the following pairs:

Additional general pairs until further notice:

Mr. Davis with Mr. Crawford.
Mr. Brooks with Mr. Gillespie.
Mr. Fogarty with Mr. Hoeven.
Mr. Gossett with Miss Sumner of Illinois.
Mr. Mahon with Mr. Towe.
Mr. Havenner with Mr. Andrews of New York.
Mr. Ryter with Mr. Butler.
Mr. Gathings with Mr. Dirksen.
Mr. Pace with Mr. Harness of Indiana.
Mr. Rayfiel with Mr. Horan.

Mr. HOFFMAN of Michigan, Mr. CURTIS, and Mr. GEARHART changed their votes from "yea" to "nay."

Mr. LAFOLLETTE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

EXTENSION OF REMARKS

Mr. MUNDT. Mr. Speaker, Members would like to extend their remarks at the point when the Indian Claims Commission was being discussed. I ask unanimous consent that that privilege be granted.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. THOMAS of Texas asked and was given permission to revise and extend his remarks.

Mr. CELLER asked and was given permission to extend his remarks in the RECORD.

Mr. MONRONEY asked and was given permission to extend his remarks in the RECORD and include editorials from the New York Times and the New York Herald Tribune.

PERMISSION TO EXTEND REMARKS AT THIS POINT

Mr. ROONEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROONEY. Mr. Speaker, to say the least, I am utterly disgusted with the horrible waste of precious time here today—time during which we should be considering and passing such legislation as the amputee veterans' bill, payment of the enlisted men's terminal-leave-pay bill in cash, and speedy construction of low-cost housing projects. I trust both sides in this impasse will agree to turn to the legislation I mention and not take further valuable time answering no-quorum calls of the House.

EXTENSION OF REMARKS

Mr. AUGUST H. ANDRESEN asked and was given permission to extend his remarks in the RECORD and include a table.

Mr. WOODRUFF (at the request of Mr. MICHENER) was given permission to extend his remarks in two instances and include in one an editorial and in the other a letter.

Mr. STEFAN (at the request of Mr. MICHENER) was given permission to extend his own remarks in the RECORD and include a newspaper item.

EXTENDING TIME FOR FILING APPLICATIONS FOR PATENTS, ETC.

Mr. LANHAM submitted a conference report and statement on the bill (H. R.

5223) to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GREGORY (at the request of Mr. CHAPMAN), indefinitely, on account of official business.

To Mr. GRANT of Indiana (at the request of Mr. MICHENER), indefinitely, on account of official business.

To Mr. BUCKLEY (at the request of Mr. LYNCH), for July 29, on account of official business.

To Mr. CLIPPINGER (at the request of Mr. MARTIN), for 2 days, on account of ill health.

SENATE BILLS AND A JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2147. An act for the relief of Howard A. Yeager; to the Committee on Claims.

S. 2480. An act authorizing the appointment of Robert Sprague Beightler as permanent brigadier general of the line of the Regular Army; to the Committee on Military Affairs.

S. J. Res. 166. Joint resolution to amend section 3126 of the Internal Revenue Code, as amended, and for other purposes; to the Committee on Ways and Means.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1547. An act to provide for the disposition of vessels, trophies, relics, and material of historical interest by the Secretary of the Navy, and for other purposes;

S. 1717. An act for the development and control of atomic energy; and

S. 2177. An act to provide for increased efficiency in the legislative branch of the Government.

PROCEEDINGS AGAINST GEORGE MARSHALL

The SPEAKER. The Clerk will continue reading the privileged report.

The Clerk read as follows:

of which the Honorable JOHN S. WOODS is chairman, and to bring with you all books, records, documents, and correspondence——

CALL OF THE HOUSE

Mr. DE LACY. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

Mr. RANKIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 255]

Adams	Arends	Bender
Allen, La.	Baldwin, Md.	Bennet, N. Y.
Almond	Baldwin, N. Y.	Blackney
Andersen, H. Carl	Barrett, Pa.	Bland
Anderson, Calif.	Barry	Bloom
Andrews, N. Y.	Bates, Ky.	Boren
	Bates, Mass.	Boykin
	Beckworth	Bradley, Mich.
Bradley, Pa.	Gregory	Morgan
Brooks	Griffiths	Morrison
Brumbaugh	Hale	Murdock
Bryson	Hall, Edwin Arthur	Murray, Tenn.
Buck	Halleck	Norton
Buckley	Hand	O'Konski
Bunker	Hare	O'Neal
Butler	Harless, Ariz.	O'Toole
Byrne, N. Y.	Harness, Ind.	Outland
Camp	Harris	Patrick
Cannon, Fla.	Hart	Patterson
Carlson	Hartley	Peterson, Ga.
Case, N. J.	Hébert	Pfeifer
Case, S. Dak.	Heffernan	Philbin
Church	Hendricks	Ploeser
Clark	Henry	Plumley
Clason	Hess	Powell
Clements	Hill	Priest
Clippinger	Hoeven	Rabin
Cochran	Hoffman, Pa.	Rains
Cole, Kans.	Holifield	Rayfiel
Cole, N. Y.	Horan	Reece, Tenn.
Combs	Izac	Richards
Cooley	Jennings	Robertson, Va.
Cooper	Johnson, Calif.	Robinson, Utah
Courtney	Johnson, Okla.	Robsion, Ky.
Cox	Johnson, Tex.	Rockwell
Cravens	Jones	Roe, N. Y.
Crawford	Jonkman	Rogers, N. Y.
Curley	Kean	Russell
Daughton, Va.	Kee	Ryter
Davis	Keefe	Sabath
Dawson	Kefauver	Shafer
Delaney, John J.	Keogh	Sheridan
Dirksen	Kerr	Short
Dolliver	Kilburn	Sikes
Domengeaux	Kilday	Slaughter
Douglas, Ill.	Landis	Somers, N. Y.
Durham	Lane	Sparkman
Earthman	Larcade	Stewart
Eaton	Lea	Sumner, Ill.
Elsaesser	LeFevre	Sumners, Tex.
Elston	Ludlow	Tabor
Engel, Mich.	McConnell	Tarver
Feighan	McCormack	Taylor
Fellows	McGehee	Thomas, N. J.
Flood	McGlinchey	Thomason
Fogarty	McGregor	Tolan
Fuller	McKenzie	Torrens
Gallagher	McMillan, S. C.	Towe
Gary	Mahon	Vorys, Ohio
Gathings	Maloney	Wasielewski
Gibson	Mankin	Weaver
Gifford	Mansfield, Mont.	Welch
Gillespie	Mansfield, Tex.	West
Gossett	May	White
Granger	Miller, Calif.	Wickersham
Grant, Ind.	Miller, Nebr.	Winter
Green		Wolfenden, Pa.
		Wood

The SPEAKER. On this roll call, 231 Members have answered to their names, a quorum.

Mr. DE LACY. Mr. Speaker, I object to dispensing with further proceedings under the call.

The SPEAKER. That motion has not yet been made.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. If a motion is not made to dispense with further proceedings under the call, we just sit here; is that right?

The SPEAKER. Until the absent Members come in and respond.

Mr. RANKIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. DE LACY) there were—ayes 85, noes 19.

Mr. DE LACY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

ADJOURNMENT

Mr. ABERNETHY. Mr. Speaker, I move that the House do now adjourn.

Mr. MARCANTONIO. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

The motion was agreed to; accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned until tomorrow, Tuesday, July 30, 1946, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1506. A letter from the Acting Secretary of State, transmitting a draft of a proposed bill to authorize the President to appoint Lt. Comdr. Paul A. Smith as United States representative to the Interim Council of the Provisional International Civil Aviation Organization, or as alternate to the United States representative, without affecting his status and perquisites as an officer of the Coast and Geodetic Survey; to the Committee on the Merchant Marine and Fisheries.

1507. A letter from the Secretary of Commerce, transmitting a report on the activities of the Department of Commerce related to those functions previously carried out by the Smaller War Plants Corporation and transferred to the Department of Commerce. This report covers the months of April and May 1946 and is the second report submitted under the provisions of Executive Order 9665; to the Committee on Banking and Currency.

1508. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to extend dependency benefits to dependents of enlisted personnel of the armed forces who enlist or reenlist prior to July 1, 1949; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CANNON of Missouri: Committee on Appropriations. House Joint Resolution 390. Joint resolution making additional appropriations for the fiscal year 1947, and for other purposes; without amendment (Rept. No. 2694). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs. H. R. 7053. A bill to amend the act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," as amended; with amendments (Rept. No. 2698). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEA:

H. R. 7194. A bill to amend certain provisions of the Securities Act of 1933, section 77 (f) of the Bankruptcy Act, and the Securities Exchange Act of 1934; to the Committee on Interstate and Foreign Commerce.

By Mr. WEICHEL:

H. R. 7195. A bill to authorize a special investigation, examination, and complete audit of the Maritime Commission and the War Shipping Administration by the Comptroller General; to the Committee on Expenditures in the Executive Departments.

By Mr. BLAND:

H. R. 7196. A bill to authorize the acquisition of land for addition to the Fredericksburg National Cemetery; to the Committee on Military Affairs.

By Mr. BLOOM:

H. R. 7197. A bill to authorize the President to appoint Lt. Comdr. Paul A. Smith as United States representative to the Interim

Council of the Provisional International Civil Aviation Organization, or as alternate to the United States representative, without affecting his status and perquisites as an officer of the Coast and Geodetic Survey; to the Committee on the Merchant Marine and Fisheries.

By Mr. JENKINS:

H. R. 7198. A bill to fix the rate of tax under the Federal Insurance Contributions Act on employers and employees for the calendar year 1947; to the Committee on Ways and Means.

By Mr. ROBERTSON of North Dakota:

H. Con. Res. 166. Concurrent resolution to authorize the Joint Committee on Internal Revenue Taxation to secure from the Treasury Department, and any other department of the Government involved in studies of taxation, a comprehensive summary of these studies and conclusions and file such summary with the Clerk of the House of Representatives and Secretary of the Senate; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Georgia:

H. R. 7199. A bill for the relief of Mr. and Mrs. Andrew Evans; to the Committee on Claims.

By Mr. HAGEN:

H. R. 7200. A bill for the relief of Floyd A. Fisher; to the Committee on Claims.

By Mr. O'BRIEN of Michigan:

H. R. 7201. A bill for the relief of Mary Ftinogianis; to the Committee on Immigration and Naturalization.

By Mr. RESA:

H. R. 7202. A bill for the relief of Mrs. Flora Baruck; to the Committee on Claims.

By Mr. TOLAN:

H. R. 7203. A bill to provide for settling certain indebtedness connected with Pershing Hall, a memorial in Paris, France; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2133. By Mr. LYNCH: Petition of Bronx County Organization, American Legion, Captain Edward L. Grant Post, No. 1225, in regard to Halloran Hospital, New York; to the Committee on World War Veterans' Legislation.

2134. Also, petition of Bronx County Organization, American Legion, urging termination of provision in Economy Act of March 20, 1933, limiting compensation of hospitalized veterans to $20 per month; to the Committee on World War Veterans' Legislation.

2135. By Mr. VORYS of Ohio: Petition of 18 persons for redress of alleged grievances; to the Committee on the Judiciary.

2136. By the SPEAKER: Petition of the Federation of the Employees of the Insular Government of Puerto Rico, petitioning consideration of their resolution with reference to expressing satisfaction on the appointment of Jesús T. Piñero as regular Governor of the island; to the Committee on Insular Affairs.

2137. Also, petition of the Board of Supervisors of the County of Los Angeles, petitioning consideration of their resolution with reference to endorsement of legislation to prohibit gambling vessels off the coast of California; to the Committee on the Judiciary.

SENATE

TUESDAY, JULY 30, 1946

(Legislative day of Monday, July 29, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Byron W. John, of the Montgomery Methodist Church, Montgomery, W. Va., offered the following prayer:

O God, our Heavenly Father, Thou art the God of wisdom and light. In ages past Thou hast blessed Thy people with understanding. We come, therefore, at this time making known our faith in Thee and asking Thee for Thy guidance in this hour and day. Let the light of Thy countenance be upon us.

Give unto these elected representatives of our Nation a sustaining spirit that shall enable them to stand firmly for justice in a world of confusion. Bless those who meet for peace conferences. Grant that fear and doubt shall cease and that the spirit of the Prince of Peace shall prevail in the hearts of all the peoples of the earth.

Blot out our transgressions, national and individual; have compassion upon us; and give us strength to turn from our proneness toward evil. Make us more eager for the coming of Thy kingdom on earth as it is in heaven.

Grant us Thy favor in our supplications, we beseech Thee. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. GEORGE, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, July 29, 1946, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6836) to establish and provide for the maintenance and operation of a Veterans' Canteen Service in the Veterans' Administration, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4080) to amend section 476, Revised Statutes (U. S. C., title 35, sec. 2), providing for officers and employees of the Patent Office, and for other purposes.

The message further announced that the House had passed a bill (H. R. 5692) to relinquish the mineral rights of the United States under certain lands in the county of Santa Barbara, Calif., in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 619. An act to amend the act of June 8, 1936, relating to vocational education, so as to provide for the further development of vocational education in the several States and Territories;

S. 1198. An act to authorize the Secretary of Commerce to sell certain property in the State of Michigan now occupied by the Weather Bureau and to acquire land in the State of Michigan for the erection of a Weather Bureau station;

S. 1602. An act to confirm title to certain railroad-grant lands located in the county of Kern, State of California;

S. 1607. An act to provide for the naturalization of Peter Kim;

S. 1636. An act to amend the Surplus Property Act of 1944 to designate the Departmen of State as the disposal agency for surplus property outside the continental United States, its Territories and possessions, and for other purposes;

S. 1733. An act for the relief of Desmark Wright; the estates of Alberta Wright, Desmark Wright, Jr., and Harold Evans; and the legal guardians of Bobby Dennis Wright and Irvin Lee Wright, minors;

S. 1917. An act to enact certain provisions now included in the Naval Appropriation Act, 1946, and for other purposes;

S. 2310. An act to further extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark.;

S. 2359. An act to close the office of the Recorder of Deeds on Saturdays;

S. 2375. An act to change the name of the Chemical Warfare Service to the Chemical Corps; and

H. J. Res. 225. Joint resolution to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on July 29, 1946, he presented to the President of the United States the following enrolled bills:

S. 78. An act for the relief of the estate of William Edward Oates;

S. 115. An act to modify sections 4 and 20 of the Permanent Appropriation Repeal Act, 1934, with reference to certain funds collected in connection with the operation of Indian Service irrigation projects, and for other purposes;

S. 223. An act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia;

S. 1547. An act to provide for the disposition of vessels, trophies, relics, and material of historical interest by the Secretary of the Navy, and for other purposes;

S. 1717. An act for the development and control of atomic energy;

S. 2177. An act to provide for increased efficiency in the legislative branch of the Government; and

S. 2210. An act to provide for the return of certain securities to the Philippine Commonwealth Government.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communications and letters, which were referred as indicated:

SUPPLEMENTAL ESTIMATE, DEPARTMENT OF THE INTERIOR (S. Doc. No. 254)

A communication from the President of the United States, transmitting a supple-

mental estimate of appropriation for the office of the Secretary of the Department of the Interior for the establishment of an Evacuation Claims Commission, amounting to $100,000, fiscal year 1947 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

MISCELLANEOUS EXPENSES, NAVY DEPARTMENT (S. DOC. NO. 255)

A communication from the President of the United States, transmitting a proposed provision pertaining to an existing appropriation for the fiscal year 1947 for the Navy Department, making funds available for special compensation and for travel and subsistence of officers and students of Latin-American countries (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

FACILITATION OF PROCUREMENT OF SUPPLIES AND SERVICES BY CERTAIN GOVERNMENTAL AGENCIES

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to facilitate procurement of supplies and services by certain agencies of the United States, and for other purposes (with an accompanying paper); to the Committee on Expenditures in the Executive Departments.

PROPOSED LOAN TO TURKEY—MEMORIAL

Mr. WALSH. Mr. President, I ask unanimous consent to present a resolution adopted by the Central Executive Committee of the Armenian National Council of America, New York, N. Y., protesting against the proposed loan to Turkey, and I request that it be referred to the Committee on Banking and Currency.

The PRESIDENT pro tempore. Without objection, the resolution will be received, and referred to the Committee on Banking and Currency, as requested by the Senator from Massachusetts.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. OVERTON, from the Committee on Commerce:

H. R. 7046. A bill to revive and reenact the act entitled "An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.," approved May 18, 1928; without amendment (Rept. No. 1903).

By Mr. McCARRAN, from the Committee on the Judiciary:

H. J. Res. 35. Joint resolution designating November 19, 1946, the anniversary of Lincoln's Gettysburg Address, as Dedication Day; without amendment (Rept. No. 1904).

By Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs:

S. 1439. A bill to amend section 2 of the act of January 29, 1942 (56 Stat. 21), relating to the refund of taxes illegally paid by Indian citizens; with amendments (Rept. No. 1905).

By Mr. O'MAHONEY, from the Committee on Indian Affairs:

H. R. 2586. A bill to authorize the leasing of Indian lands for business, and other purposes; with an amendment (Rept. No. 1906).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WHEELER:

S. 2495. A bill authorizing the issuance of a patent to Crowing Four Times; to the Committee on Indian Affairs.

By Mr. HILL:

S. 2496. A bill to facilitate procurement of supplies and services by certain agencies of the United States, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. CHAVEZ (for himself and Mr. HATCH):

S. 2497. A bill to provide for a Commission to adjudicate claims of American nationals who were prisoners of war of Japan, for payment of its awards, and for other purposes; to the Committee on the Judiciary.

By Mr. BILBO:

S. 2498. A bill to provide for fire protection of Government and private property in and contiguous to the waters of the District of Columbia; to the Committee on the District of Columbia.

HOUSE BILL REFERRED

The bill (H. R. 5692) to relinquish the mineral rights of the United States under certain lands in the county of Santa Barbara, Calif., was read twice by its title and referred to the Committee on Military Affairs.

PRINTING OF REVIEW OF REPORTS ON PRELIMINARY EXAMINATION AND SURVEY OF COOS BAY, OREG. (S. DOC. NO. 253)

Mr. OVERTON. Mr. President, I present a letter from the Secretary of War, transmitting a report dated April 22, 1946, from the Chief of Engineers, United States Army, together with accompanying papers and an illustration, on a review of reports on and a preliminary examination and survey of Coos Bay, Oreg., and I ask unanimous consent that it may be referred to the Committee on Commerce and be printed as a Senate document, with an illustration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PROHIBITION OF POLL TAX IN FEDERAL ELECTIONS—AMENDMENT

Mr. BILBO (for himself and Mr. JOHNSTON of South Carolina) submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 7) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers, which was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

At the end of the bill insert the following new section:

"SEC. —. Hereafter, in any State, Territory, possession, or the District of Columbia, the marriage of a white person and a Negro or mulatto or a person who shall have one-sixteenth or more of Negro blood, or with a Mongolian or with a person who shall have one-sixteenth or more of Mongolian blood, shall be unlawful, and such marriage shall be void. Any person who is a party to any such marriage, or who knowingly performs a marriage ceremony to which such persons are a party, shall, upon conviction thereof, be punished by a fine of not to exceed $10,000, and by imprisonment of not to exceed 10 years."

ADDITIONAL APPROPRIATIONS, FISCAL YEAR 1947

Mr. LA FOLLETTE (for himself, Mr. BARKLEY, and Mr. WHITE) submitted two amendments intended to be proposed by them, jointly, to the joint resolution (H. J. Res. 390) making additional appropropriations for the fiscal year 1947, and for other purposes, which were referred to the Committee on Appropriations, ordered to be printed, and to be printed in the RECORD, as follows:

At the proper place insert the following:

"SENATE POLICY COMMITTEES

"For maintenance of a staff for a majority policy committee and a minority policy committee in the Senate, consisting of seven members each, for the formulation of overall legislative policy of the respective parties, the members of such staffs to assist in study, analysis, and research on problems involved in policy determinations, and to be appointed, and their compensation fixed, by the policy committee concerned, at rates not to exceed $8,000 per annum in any case, $15,000 for each such committee, in all $30,000, to be available at the beginning of the Eightieth Congress."

At the proper place insert the following:

"ADMINISTRATIVE ASSISTANT TO SENATORS

"For compensation of an administrative assistant to each Senator, to be appointed by him, at a rate not to exceed $8,000 a year, to assist him in carrying out his departmental business and other duties, $384,000, or so much thereof as may be necessary, to be available at the beginning of the Eightieth Congress."

EDUCATION OF WORKERS AND WAGE EARNERS

Mr. THOMAS of Utah. Some time ago I introduced Senate bill 2457, to develop extensive education among workers and wage earners. I ask unanimous consent that a statement by me in reference to the bill may be printed in the RECORD as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. THOMAS of Utah. Mr. President, I realize that the bill is imperfect in technique and that it will never become law as presently written, but I introduced it in order to give to those persons interested access to an idea which I think is vitally important in the development of our industry labor relations. I am sure that if problems dealing with the relations between industry and labor are given study by the persons most affected when those relations are bad that we will have produced something extremely worth while to our national economy and made one more step forward toward the peaceful settlement of all differences in our industry labor field.

I had the honor recently to deliver the opening speech at an institute at the University of California, Berkeley, Calif. The institute was sponsored jointly by the Extension of the University of California and the California Labor School. Those attending were from all walks of life and subject dealt with were the subjects of most timely interest to the people of America.

The idea, Mr. President, is too good to be allowed to slip back into the realm of inactivity and thoughtlessness. It seems that the only time our people become thoughtful about our industry labor relations is when we find ourselves in the midst of strikes and industrial strife. Then we try to legislate ourselves out. Education by the legislation process is the most deadly of all educational methods. If we can build from the ground up then we can develop legislation built upon the facts of history and the ideals of our progressive American beliefs.

The bill proposes to authorize appropriations to develop a labor extension program

through grants-in-aid to State universities, land-grant colleges and universities, and other educational institutions for use in developing and making available courses of instruction for wage and salary earners. The program would be to a considerable extent analogous in form to that of the agricultural extension program which has been carried on for many years with the assistance of Federal appropriations by the Department of Agriculture.

The basic idea of developing a labor extension program in the Department of Labor has already been endorsed by the major labor organizations—the American Federation of Labor, the Congress of Industrial Organizations, and the Railway Brotherhoods. Support for the proposal has also been announced by the Young Women's Christian Association, the United Council of Church Women, the Detroit and Michigan Federation of Teachers, the Labor and Management Center at Yale University, the Hudson Shore Labor School, and the National Farmers Union. The legislative conference of State-Labor Department officials and representatives of labor organizations held in December 1945, endorsed "the principle of a labor-extension service in the United States Department of Labor to act as an authoritive clearing house in the field of labor education and to administer a program of grants-in-aid for the development of a labor education program on a State and local level," and urged the Department of Labor "to proceed forthwith with the development and formulation of this program."

There is great need for the enactment of such proposed legislation. It has been pointed out by organized labor as well as by persons and organizations having experience in the field of workers' education, that industrial workers and others in the low income groups of our population are to a great extent limited to educational opportunities which go no higher than the primary grades. The proportion of our workers who have the opportunity to complete high school is small while the number who are able even to begin college or university education is still smaller.

It is particularly important that these facts be recognized by the Congress. Wage and salary earners at the present time number well over 50,000,000. Lack of adequate opportunity for so large a group of our citizens with respect to education and training in such basic matters as industrial relations, government, responsibilities of citizenship, community programs and labor problems generally, constitutes a serious drag upon the intellectual development of the whole Nation. It is a serious deterrent in developing the ability of the average wage or salary earner to deal intelligently with the complex problems which confront all Americans as citizens in the world of today, and it handicaps organized labor in understanding the problems involved in working out satisfactory relationships with employers and with other groups in the community. The purpose of the proposed bill is to make a modest beginning toward enabling the more than 50,000,000 wage and salary earners to become more valuable citizens through more constructive participation in the activities of the community, through greater understanding of their rights and responsibilities as citizens of the United States, and through greater appreciation of the intricate problems involved in attempting to work out labor-management relationships under modern industrial conditions.

The diffusion of knowledge and education among our people to the greatest extent possible must be a central policy of this Government. The levels which we have reached in carrying out this policy has been a source of national strength and welfare and has contributed materially to our ability to survive successfully the recent difficult days of World War II. Firm adherence to this policy will, on the one hand, be one of our surest guaranties against encroachment on the liberties of the people by special privilege and selfish economic interests, and, on the other hand, against the manipulation of the people by would-be dictators seeking power for their own advantage.

There is precedent for such legislation in the principle set forth in the Morrill Act of 1862. The principle announced in the act was to promote the diffusion among the people of useful knowledge concerning agriculture and the mechanic arts. As I have said, the program which would be established by this type of legislation for the benefit of wage and salary earners is similar in form to that which has long been given to farmers and their families by the Agricultural Extension Service in the Department of Agriculture, and would provide instruction and educational activities in the fields of labor problems generally, industrial relations, government, community programs, techniques of workers' education, responsibilities of citizenship, and for the participation in the development of the program by labor organizations and by other groups and individuals interested in workers' education.

In material terms the status of wage earners and organized labor has been improved tremendously in the past 10 years. These years have built a record of accomplishment in promoting the economic well-being of wage earners, greater economic security against unemployment and old age, and greater recognition of the rights and responsibilities of workers. Our efforts to make educational opportunities available to the workers have not, however, kept pace with these developments. It is time that the Congress made an effort to expand these opportunities to the greatest possible extent.

The ideas behind the proposed legislation should receive the careful study of every Member of the Senate in the months before the convening of the new Congress in January 1947. It is very likely that as a result of careful study of the problem changes in the bill may appear to be desirable. It is my hope that when the bill is reintroduced early in the next session, with such perfecting changes as may be desirable, it will receive prompt hearings and early enactment.

ADMISSION OF JEWISH REFUGEES INTO PALESTINE—ADDRESS BY SENATOR SMITH

[Mr. SMITH asked and obtained leave to have printed in the RECORD an address delivered by him from the steps of the Capitol to the Jewish war veterans of New Jersey who visited Washington on July 15, 1946, which appears in the Appendix.]

ADDRESS BY SENATOR GUFFEY BEFORE POLITICAL GATHERING IN HARRISBURG, PA.

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an address made recently by him before a political gathering in Harrisburg, Pa., which appears in the Appendix.]

VOLUNTARY HEALTH FUNDS—ARTICLES BY SELIG GREENBERG

[Mr. BALL asked and obtained leave to have printed in the RECORD portions of a series of eight articles written by Mr. Selig Greenberg and published in the Evening Bulletin, of Providence, R. I., on the subject of need for federation of major groups interested in voluntary health-agency program, and an editorial from the Evening Bulletin, which appear in the Appendix.]

THE POLL TAX—EDITORIAL FROM THE COLUMBIA (S. C.) STATE

[Mr. JOHNSTON of South Carolina asked and obtained leave to have printed in the RECORD an editorial entitled "The Poll Tax Bill Again," from the Columbia State for July 24, 1946, which appears in the Appendix.]

VOLUNTARY ALCOHOL CONTROL PLAN—STATEMENT BY MRS. ANNIE IHRIE POU WADDEN

[Mr. HOEY asked and obtained leave to have printed in the RECORD a statement and plan for reducing the use and consumption of alcoholic liquors, prepared by Mrs. Annie Ihrie Pou Wadden, which appears in the Appendix.]

THE MEAD COMMITTEE INVESTIGATION—INTERVIEW WITH SENATOR MEAD

[Mr. MEAD asked and obtained leave to have printed in the RECORD a radio interview with himself, conducted by Lucian Warren on July 28, 1946, which appears in the Appendix.]

THE FACTS ABOUT CANCER—STATEMENT BY QUENTIN REYNOLDS

[Mr. MEAD asked and obtained leave to have printed in the RECORD a statement entitled "Gentlemen of Congress: Let's Face the Facts About Cancer," written by Quentin Reynolds and published in the Washington Star of July 28, 1946, which appears in the Appendix.]

THE RIGHT TO STRIKE—ARTICLE BY DANIEL S. RING

[Mr. MORSE asked and obtained leave to have printed in the RECORD an article entitled "Right to Strike Weighed Against Interest of Public," written by Daniel S. Ring, and published in the Washington Star of July 21, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM EVANSVILLE (IND.) COURIER

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "No Betrayal at Pearl Harbor," published in the Evansville (Ind.) Courier of July 22, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM NEWARK (N. J.) NEWS

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "Point of Departure," published in the Newark (N. J.) News of July 22, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM CHRISTIAN SCIENCE MONITOR

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "Japan's Blunder," published in the Christian Science Monitor of July 22, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM WILMINGTON (DEL.) NEWS

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "Placing the Blame," published in the Wilmington (Del.) News of July 22, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM LOUISVILLE (KY.) COURIER-JOURNAL

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "An Unproductive Report for Memory Maligners," published in the Louisville (Ky.) Courier-Journal of July 22, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—ARTICLE BY ROSCOE DRUMMOND

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an article on the Pearl Harbor report, written by Roscoe Drummond and published in the Christian Science Monitor of July 22, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM CHICAGO SUN

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "The Pearl Harbor Report Ends a Lie," published in the Chicago Sun of July 22, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM NASHVILLE TENNESSEEAN

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "Squeezed Dry," published in the Nashville (Tenn.) Tennesseean of July 23, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM HARTFORD (CONN.) TIMES

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "Pearl Harbor Report," published in the Hartford (Conn.) Times, of July 23, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM JACKSON (MISS.) CLARION-LEDGER

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "Pearl Harbor Probe Is an Historic Document," published in the Jackson (Miss.) Clarion-Ledger of July 23, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM BOSTON (MASS.) GLOBE

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "Pearl Harbor—Last Phase," published in the Boston (Mass) Globe, of July 22, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM CHARLOTTE (N. C.) OBSERVER

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "The System at Fault," published in the Charlotte (N. C.) Observer, of July 24, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM LEXINGTON (KY.) HERALD

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "Pearl Harbor" published in the Lexington (Ky.) Herald, of July 23, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM RALEIGH (N. C.) NEWS AND OBSERVER

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "The Pearl Harbor Report," published in the News and Observer, of Raleigh, N. C., of July 22, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM THE CINCINNATI ENQUIRER

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "Post-Mortem Is Finished," published in the Cincinnati Enquirer of July 22, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM THE WATERTOWN (N. Y.) TIMES

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "Pearl Harbor Finale," published in the Watertown (N. Y.) Times of July 16, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM THE RICHMOND (VA.) TIMES-DISPATCH

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "The Pearl Harbor Report," published in the Richmond (Va.) Times-Dispatch of July 17, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM THE BIRMINGHAM (ALA.) AGE-HERALD

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "Blame for Pearl Harbor," published in the Birmingham (Ala.) Age-Herald of July 17, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM THE CHRISTIAN SCIENCE MONITOR

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "No One Betrayed America," published in the Christian Science Monitor of July 17, 1946, which appears in the Appendix.]

THE PEARL HARBOR REPORT—EDITORIAL FROM THE NEWARK (N. J.) STAR-LEDGER

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial entitled "Pearl Harbor Blame," published in the Newark (N. J.) Star-Ledger of July 21, 1946, which appears in the Appendix.]

CALL OF THE ROLL

Mr. GEORGE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hill	Overton
Austin	Hoey	Pepper
Ball	Huffman	Radcliffe
Barkley	Johnson, Colo.	Reed
Bilbo	Johnston, S. C.	Revercomb
Bridges	Knowland	Russell
Burch	La Follette	Shipstead
Byrd	Langer	Smith
Capper	Lucas	Stewart
Chavez	McCarran	Swift
Connally	McClellan	Taft
Cordon	McFarland	Taylor
Donnell	McKellar	Thomas, Okla.
Downey	McMahon	Thomas, Utah
Eastland	Magnuson	Tunnell
Ferguson	Maybank	Vandenberg
Fulbright	Mead	Wagner
George	Millikin	Walsh
Gerry	Mitchell	Wheeler
Gossett	Moore	Wherry
Green	Morse	White
Guffey	Murdock	Wiley
Gurney	Murray	Willis
Hart	Myers	Young
Hawkes	O'Daniel	
Hayden	O'Mahoney	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] is absent because of illness.

The Senator from Nevada [Mr. CARVILLE] is absent by leave of the Senate.

The Senator from Missouri [Mr. BRIGGS] and the Senator from West Virginia [Mr. KILGORE] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from New Jersey [Mr. HAWKES], and the Senator from Kentucky [Mr. STANFILL] are necessarily absent.

The Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from Wyoming [Mr. ROBERTSON], and the Senator from New Hampshire [Mr. TOBEY] are absent by leave of the Senate.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The PRESIDENT pro tempore. Seventy-six Senators having answered to their names, a quorum is present.

DEVELOPMENT OF OIL AND GAS ON THE PUBLIC DOMAIN—CORRECTION

Mr. O'MAHONEY. Mr. President, when the conference report on Senate bill 1236, a bill amending the Mineral Leasing Act of February 25, 1920, was drafted and filed, a clerical error was made in compiling the report. The engrossed copy of the bill, however, has not yet left the Senate Chamber. I have consulted with the ranking Republican member of the Committee on Public Lands and Surveys, the minority leader, and the majority leader, and I ask unanimous consent for the present consideration of a concurrent resolution authorizing the Secretary of the Senate to make the necessary correction.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. WHITE. I understand these changes simply correct the clerical mistake which was made, so the measure will conform to the intent and purpose of the conference committee.

Mr. O'MAHONEY. The concurrent resolution makes effective the conference report, precisely.

The PRESIDENT pro tempore. The concurrent resolution will be read.

The Chief Clerk read the concurrent resolution (S. Con. Res. 75), as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 1236) to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes, be, and he is hereby, authorized to make the following correction, namely: In the language inserted in the conference report, in respect to House amendment No. 19, after the word "limits", the first word in such language, insert the words "are found by the Secretary to"; and after the phrase "where such lease", strike out the comma and the words "or a lease for which

it is exchanged" and the comma; so that the language inserted in the conference report would read as follows: "limits are found by the Secretary to exist on the effective date of this act, and (2) any production on a lease from an oil or gas deposit which was discovered after May 27, 1941, by a well or wells drilled within the boundaries of the lease, and which is determined by the Secretary to be a new deposit; and (3) any production on or allocated to a lease pursuant to an approved unit or cooperative agreement from an oil or gas deposit which was discovered after May 27, 1941, on land committed to such agreement, and which is determined by the Secretary to be a new deposit, where such lease was included in such agreement at the time of discovery, or was included in a duly executed and filed application for the approval of such agreement at the time of discovery."

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 75) was considered and agreed to.

AWARD OF CONGRESSIONAL MEDAL OF HONOR TO WILLIAM MITCHELL

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 881) authorizing the President of the United States to award posthumously in the name of Congress a Medal of Honor to William Mitchell, which was to strike out all after the enacting clause and insert:

That the President of the United States is requested to cause a gold medal to be struck, with suitable emblems, devices, and inscriptions, to be presented to the late William Mitchell, formerly a colonel, United States Army, in recognition of his outstanding pioneer service and foresight in the field of American military aviation.

SEC. 2. When the medal provided for in section 1 of this act shall have been struck, the President shall transmit the same to William Mitchell, Jr., son of the said William Mitchell, to be presented to him in the name of the people of the United States.

SEC. 3. A sufficient sum of money to carry this act into effect is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. WILEY. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PROPOSED PARTITION OF PALESTINE

Mr. TAFT. Mr. President, I understand that at the present time the administration is considering a new plan for the partition of Palestine, which has been proposed by the British, and I wish to comment very briefly on that plan. As we all know, the Balfour Declaration originally provided for the creation of a Jewish national home in Palestine. The Senate adopted a resolution stating its opinion of what that intended. The President demanded that the Britsh admit 100,000 Jews into Palestine temporarily. Then an Anglo-American Commission of inquiry was appointed, and the Commission made a very elaborate report, which included the recommendation that 100,000 Jewish refugees be admitted into Palestine. The Commission made other rather extensive recommendations which have not generally been accepted as yet, but which are under serious consideration.

Instead of immediately proceeding to comply with the recommendations and admitting these refugees into Palestine, the British Government refused to proceed, and then our State Department, instead of insisting on carrying into effect the recommendations made in the report of the Anglo-American Commission for the Investigation of Palestine, appointed another committee from the State Department which went over to London and met with certain British representatives, as I recall, within the past 2 weeks. They have just recommended this new partition plan which proposes to set up a Jewish state containing 1,500 square miles, leaving the other 43,000 square miles to the Arabs in Palestine. Furthermore, even in that 1,500 square miles there is no sovereignty and no control except under the direct supervision of the British mandate in Jerusalem.

During the First World War the British Government pledged itself to permit the establishment of a Jewish national homeland in Palestine, giving the Jews of Europe a refuge and an opportunity to purchase and settle land in an undeveloped area of 45,000 square miles. In that area the Jews of Europe accomplished a miracle in agriculture and industry, in trade, and in culture. Now this new British plan proposes to splinter Palestine into tiny pieces, and confine the Jews to an area of 1,500 square miles, approximately 3 percent of the original 45,000 square miles covered by the Balfour Declaration. The new British plan means not only complete frustration for the Jews of Palestine, but discouragement for the 1,500,000 surviving Jews of Europe.

The British Government, in projecting this partitioning plan, has asked the Government of the United States to collaborate, and, if the Truman administration accedes to Britain's request, it will be making the United States a party to the creation of a ghetto in the Near East—the very land where the Jews were promised an opportunity for free and independent national life. Moreover, the British plan stipulates that the entry of 100,000 Jews into Palestine must be subject to the acceptance of the partition plan by the Jews and by the Arabs. This new plan evades the unanimous recommendations of the Anglo-American Commission made within a very brief period of time, and, if successful, would give Britain the right-of-way to repudiate the promise made in her mandate over Palestine.

This is a description of the plan, as it appeared in the New York Times on July 25:

Under the plan the British would control defense, foreign relations, the police, prisons, the courts, railway and port facilities in Haifa, the post office, the telephone and telegraph systems, customs, excise taxes, civil aviation, broadcasting, and antiquities.

The provinces—

The 1,500 square miles would be the Jewish province—

would have their own assemblies but the central government would appoint speakers without whose approval no bill could become law. The executive authority in the provinces would be vested in councils of ministers appointed by the British High Commissioner. He would have emergency power to supersede a provincial government in whole or in part.

This is considerably less than the freedom enjoyed by our forefathers in this country when we were but a British colony.

Americans have been called upon to help fight two world wars in 30 years. Each time we gave our best manhood and untold resources, in the hope that a better world might emerge. Now we see the seeds of new hatreds, new tyrannies, and new bloodshed on the horizon. Ironically, the worst of these seems to be growing in the Holy Land of Palestine with the aid of some of our representatives.

I sincerely hope that the Truman administration will think carefully before committing the Government of the United States to the presently proposed British plan. Persecuted and homeless Jews of Europe certainly deserve some measure of fair play in their treatment by two great world powers.

AMENDMENT OF SOCIAL SECURITY ACT AND INTERNAL REVENUE CODE

The Senate resumed the consideration of the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes.

Mr. GEORGE. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments of the committee be first considered.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will proceed to state the amendments of the Committee on Finance.

The first amendment of the Committee on Finance was, under the heading "Title I—Social security taxes," on page 2, after line 14, to strike out:

SEC. 103. Appropriations to the trust fund. The sentence added by section 902 of the Revenue Act of 1943 at the end of section 201 (a) of the Social Security Act, which reads as follows: "There is also authorized to be appropriated to the Trust Fund such additional sums as may be required to finance the benefits and payments provided under this title.", is repealed.

Mr. GEORGE. Mr. President, that amendment simply restores the language which was heretofore inserted, and leaves the language in the act as follows:

There is also authorized to be appropriated to the Trust Fund such additional sums as may be required to finance the benefits and payments provided under this title.

The House repealed that provision, and the effect of striking out section 103 is to restore the language.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment on page 2, after line 14.

The amendment was agreed to.

The next amendment was, under the heading "Title II—Benefits in case of deceased World War II veterans," on page 4, line 15, after the word "the", to strike out "Board" and insert "Federal Security Administrator"; in line 17, after the word "unless", to strike out "it" and

insert "he"; in line 21, after the word "The", where it occurs the first time, to strike out "Board" and insert "Federal Security Administrator"; in line 22, after the word "by", to strike out "the Board" and insert "him"; on page 5, line 4, after the word "the", to strike out "Board" and insert "Federal Security Administrator"; in line 5, after the word "the", to strike out "Board" and insert "Administrator"; in line 9, before the word "pursuant", to strike out "Board" and insert "Federal Security Administrator"; in line 17, after the word "the", to strike out "Board" and insert "Federal Security Administrator"; and in line 18, after, the word "by", to strike out "the Board" and insert "him."

Mr. GEORGE. Mr. President, these are technical amendments, made necessary as a result of the President's reorganization order.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 7, line 2, after the words "by the", to strike out "Board," and insert "Board or the Federal Security Administrator."

The amendment was agreed to.

The next amendment was, on page 8, after line 6, to insert:

SEC. 202. When used in the Social Security Act, as amended by this act, the term "Administrator," except where the context otherwise requires, means the Federal Security Administrator.

The amendment was agreed to.

The next amendment was, under the heading "Title III—Unemployment compensation for maritime workers," on page 8, line 25, after the words "approved by the", to strike out "Board" and insert "Federal Security Administrator (or approved by the Social Security Board prior to July 17, 1946)"; on page 9, line 14, after the words "to the", to strike out "conditions imposed by subsection (b) of this section upon permission to State legislatures to require contributions from instrumentalities of the United States", and to insert "same limitation, with respect to contributions required from such person and from the officers and members of the crew of such vessel, as is imposed by the second sentence (other than clause (2) thereof) of subsection (b) of this section with respect to contributions required from instrumentalities of the United States and from individuals in their employ.'"

Mr. SMITH. Mr. President, I should like to ask the Senator from Georgia a question with regard to the interpretation of the language appearing on page 9, lines 10 to 14. In New Jersey, at the 1945 session of our legislature, we extended our unemployment compensation law to cover the services of seamen. In view of the nature and characteristics of such employment, the legislature provided that seamen should be ineligible for benefits for a 2-week period following the termination of employment under shipping articles. This period of ineligibility is not applicable to other employees covered by the law. Would this difference of treatment conflict with the provisions of the pending bill on page 9, lines 10 to 14?

Mr. GEORGE. I will say to the Senator from New Jersey that I do not think so. I am advised that there is no conflict. The whole purpose of the language beginning at line 10 relates to wage credits, and therefore benefits, and does not raise any discrimination against the State of New Jersey, which may have a different wage period in the case of seamen. My understanding is also that the representatives of all the States very carefully went over these provisions, and that no conflict exists between this provision and the New Jersey State law.

Mr. SMITH. I thank the Senator. I thought probably that would be the construction, but I wished to ask the question for the RECORD.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment on page 8, beginning in line 25.

The amendment was agreed to.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. GEORGE. I am glad to yield.

Mr. LANGER. Referring to page 3, as I read section 210, if a soldier were hurt during the war and died within 3 years, his family would be protected. Is that correct?

Mr. GEORGE. His dependents are given the benefit of the old-age and survivors insurance. The whole of title II was passed as a separate bill by the Senate some time ago, went to the House, and the House has incorporated the bill passed by the Senate as title II of this bill, with only certain minor technical changes.

Mr. LANGER. In other words, the soldier's dependents would be protecteed, would they?

Mr. GEORGE. His dependents would be protected if he died within 3 years after discharge.

Mr. LANGER. Will the Senator tell me this: If a young man was killed in actual combat during the war, what would be the amount of protection which his wife and children would receive, as compared to the benefits received by the dependents of a soldier who died after the war ended?

Mr. GEORGE. He is covered by the laws with respect to the Veterans' Administration. Generally speaking, in the case of a soldier who is killed in action, the benefits paid to his wife and children are greater than the old-age and survivors benefits which would accrue to the dependents of soldiers who died within 3 years after the war ended.

This title does not cover the beneficiaries or dependent wife or children of a soldier who was killed in action, because his case is handled under laws administered by the Veterans' Administration. The compensation paid to the widow is $60 a month, I believe, with an allowance for each child under 18 years of age, which on the whole would be above the benefits received by the survivors of a veteran who died within 3 years after the war ended, but who had not been able to reestablish his position under the Social Security System and had not obtained employment or had not acquired sufficient credits to reinstate him. This provision gives to each veteran who dies within 3 years after discharge the status of a covered employee on the basis of a salary of $160 a month and on the basis of $200 earned during any quarter of a year in which he served 30 days or more.

Mr. LANGER. Then as I read line 16, which provides—

to have died a fully insured individual—

That means insured under the Social Security Act; does it?

Mr. GEORGE. That is correct.

Mr. LANGER. It has nothing to do with his own insurance policy?

Mr. GEORGE. It has nothing to do with his insurance policy.

The PRESIDENT pro tempore. The clerk will state the next amendment of the committee.

The next amendment was, on page 9, after line 23, to insert:

(b) The amendment effected by subsection (a) shall not operate, prior to July 1, 1947, to invalidate any provision, in effect on the date of enactment of this Act, in any State unemployment compensation law.

Mr. GEORGE. That is a saving clause, which is intended to cover particularly a situation in Ohio.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 13, line 8, after "Federal Security Administrator,", to strike out "hereinafter referred to as 'Administrator'."

The amendment was agreed to.

The next amendment was, on page 13, after line 21, to strike out:

(d) The term "Federal maritime wages" means remuneration determined to be wages pursuant to section 209 (o).

And in lieu thereof, to insert the following:

(d) The term "Federal maritime wages" means remuneration determined pursuant to section 209 (o) to be remuneration for service referred to in section 209 (o) (1).

The amendment was agreed to.

The next amendment was, on page 14, after line 2, to strike out:

(c) The term "State" includes the District of Columbia, Alaska, and Hawaii.

The amendment was agreed to.

The next amendment was, on page 14, after line 4, to strike out:

(f) The term "United States," when used in a geographical sense, means the several States, Alaska, Hawaii, and the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 15, line 1, after the word "had", to insert "(subject to regulations of the Administrator concerning the allocaton of such service and wages among the several States)".

Mr. GEORGE. Mr. President, the amendment has occasioned some comment and has given rise to a fear that it was the purpose and intention of the committee to subject the administration of funds going to the maritime workers to more rigid control by the Federal Administrator in Washington. That is not

the purpose. This provision is a temporary one. It goes into effect almost immediately—with approximately 5 weeks, I believe. The purpose is to make sure that administration may be possible without any undue embarrassment.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment on page 15, beginning in line 1.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment of the committee.

The next amendment was, on page 15, in line 4, after the word "and", to strike out:

wages under such law, except that—

(1) in any case where an individual receives compensation under a State law pursuant to this title, all compensation thereafter paid him pursuant to this title, except as the Administrator may otherwise prescribe by regulations, shall be paid him only pursuant to such law; and

(2) the compensation to which an individual is entitled under such an agreement for any week shall be reduced by 15 percent of the amount of any annuity or retirement pay which such individual is entitled to receive, under any law of the United States relating to the retirement of officers or employees of the United States for the month in which such week begins, unless a deduction from such compensation on account of such annuity or retirement pay is otherwise provided for by the applicable State law.

And in lieu thereof to insert:

wages under such law; except that the compensation to which an individual is entitled under such an agreement for any week shall be reduced by 15 percent of the amount of any annuity or retirement pay which such individual is entitled to receive, under any law of the United States relating to the retirement of officers or employees of the United States, for the month in which such week begins, unless a deduction from such compensation on account of such annuity or retirement pay is otherwise provided for by the applicable State law.

The amendment was agreed to.

The next amendment was, on page 16, line 22, after the words "by the", to strike out "Board" and insert "Administrator".

The amendment was agreed to.

The next amendment was, on page 18, line 18, after the words "to the", to strike out "Board, for the use of"; in line 19, after the word "the", to strike out "Administrator, such" and insert "Administrator such", and in line 22, after the words "by the", to strike out "Board" and insert "Administrator".

The amendment was agreed to.

The next amendment was, on page 19, in line 24, after the word "funds", to strike out "appropriated to carry out" and insert "for carrying out"; in line 25, after the word "title" and the period, to insert "During the fiscal year ending June 30, 1947, funds appropriated for grants to States pursuant to title III shall be available for carrying out the purposes of this title."

The amendment was agreed to.

Mr. GEORGE. Mr. President, I ask unanimous consent that wherever the word "Board" occurs in the bill, the appropriate change to "Administrator" may be made, so as to conform to the President's reorganization order—unless the context, of course, clearly indicates to the contrary.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will state the next amendment of the committee.

The next amendment was, on page 20, line 14, after the words "as the", to strike out "administrator" and insert "Administrator."

The amendment was agreed to.

The next amendment was under the hearing "Title IV—Technical and miscellaneous provisions", on page 22, line 7, after "Sec. 401.", to strike out "Definition of 'State' for Purposes" and insert "Amendments."

The amendment was agreed to.

The next amendment was, on page 22, after line 14, to strike out:

(b) The amounts authorized to be appropriated and directed to be allotted, for the purposes of title V of the Social Security Act, as amended, by sections 501, 502, 511, 512, and 521 of such act, are increased in such amount as may be made necessary or equitable by the amendment made by subsection (a) of this section, including the Virgin Islands, in the definition of "State."

And in lieu thereof to insert the following:

(b) Effective with respect to the fiscal year ending June 30, 1947, and subsequent fiscal years, title V of the Social Security Act, as amended, is amended as follows:

(1) Section 501 is amended by striking out "$5,820,000" and inserting in lieu thereof "$15,000,000."

(2) Section 502 (a) is amended to read as follows:

"SEC. 502. (a) Out of the sums appropriated pursuant to section 501 for each fiscal year the Federal Security Administrator shall allot $7,500,000 as follows: He shall allot to each State $50,000, and shall allot to each State such part of the remainder of the $7,500,000 as he finds that the number of live births in such State bore to the total number of live births in the United States, in the latest calendar year for which the Administrator has available statistics."

(3) Section 502 (b) is amended by striking out "$1,980,000" and inserting in lieu thereof "$7,500,000."

(4) Section 511 is amended by striking out $3,870,000" and inserting in lieu thereof "$10,000,000."

(5) Section 512 (a) is amended to read as follows:

"SEC. 512. (a) Out of the sums appropriated pursuant to section 511 for each fiscal year the Federal Security Administrator shall allot $5,000,000 as follows: He shall allot to each State $40,000, and shall allot the remainder of the $5,000,000 to the States according to the need of each State as determined by him after taking into consideration the number of crippled children in such State in need of the services referred to in section 511 and the cost of furnishing such services to them."

(6) Section 512 (b) is amended by striking out "$1,000,000" and inserting in lieu thereof "$5,000,000."

(7) Section 521 (a) is amended by striking out "$1,510,000" and inserting in lieu thereof "$5,000,000" and is further amended by striking out "$10,000" and inserting in lieu thereof "$30,000."

(8) Section 541 (a) is amended to read as follows:

"SEC. 541. (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1947, the sum of $1,500,000 for all necessary expenses of the Federal Security Agency in administering the provisions of this title."

(c) The amendments made by subsection (b) shall not require amended allotments for the fiscal year 1947 until appropriations have been made in accordance with such amendments, and allotments from such appropriations shall be made in such manner as may be provided in the act making such appropriations.

The amendment was agreed to.

Mr. GEORGE. Mr. President, the object of this series of amendments which were offered by the distinguished Senator from Ohio [Mr. TAFT] and, I believe, by the distinguished Senator from Florida [Mr. PEPPER], is simply to increase the grants for maternal aid and child health from $5,820,000 to $15,000,000, for crippled children from $3,870,000 to $10,000,000, and for child welfare from $1,510,000 to $5,000,000. The administrative provision is merely an authorization for an appropriation which would have to be made subsequently.

The PRESIDENT pro tempore. The clerk will state the next amendment of the committee.

The next amendment was, on page 25, line 7, after the words "striking out", to insert "leaving", and in line 9, after the words "in lieu" to strike out "therefor 'no widow or child who would, upon filing application, be entitled to a benefit for any month under subsection (c), (d), or (e) of this section'," and insert "thereof 'if such individual did not leave a widow who meets the conditions in subsection (d) (1) (D) (E) or an unmarried child under the age of 18 deemed dependent on such individual under subsection (c) (3) or (4), and'."

The amendment was agreed to.

The next amendment was, on page 26, line 10, after the words "by the", to strike out "Board" and insert "Administrator."

The amendment was agreed to.

Mr. KNOWLAND. Mr. President, I wonder if the distinguished chairman of the Finance Committee would direct his attention on page 26 to line 20. I have received some correspondence from officials in California who have handled the matter of lump-sum death benefits for the families of veterans. It has been pointed out to me that the 2-year period which is now in the present law is a rather short period of time. The suggestion has been made that, as a matter of equity, the time should be extended to cover a longer period, and 5 years has been suggested to me. I ask the distinguished chairman of the Finance Committee whether there would be any objection to an amendment on page 26 in line 20, after the words "expiration of", to strike out "two" and insert "five", in order to afford protection to families of veterans who have not had an opportunity, because of their lack of knowledge, perhaps, to file their claims.

Mr. GEORGE. I may say to the distinguished Senator from California that this language makes no change in the existing law. The Finance Committee made no change in the text as it was reported to the House and passed by the House.

On page 31 of the report will be found a statement with reference to the suggested change of the period of 2 years to

a period of 5 years. The statement reads as follows:

Although the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, tolled the 2-year requirement in connection with deaths in military service, no such relief was furnished with respect to civilian deaths. Nevertheless, in many cases such civilians were in the service of their country abroad at the time of death. Accordingly, a modification of the time for filing applications for benefits would appear to be equitable.

The military personnel is already cared for by the Soldiers' and Sailors' Civil Relief Act of 1940. This provision relates to the civilians who were in the employ of the Government.

It was the opinion of the committee, I may say to the Senator from California, that the hardship cases were being reasonably cared for in the Soldiers' and Sailors' Civil Relief Act, and it is not believed in the case of the individuals with whom this provision of the bill deals, that the 2-year period is inadequate or would work any undue hardship.

Mr. KNOWLAND. Mr. President, that is not the information I have received. I will see if I can find the correspondence to which I have referred. What I am particularly interested in is a case in which the veteran would be entitled to payment under this section. The information furnished me was to the effect that, due to the 2-year limitation, some persons were not filing under rights which they had, and that a longer period of time would evidently be equitable under the circumstances.

Mr. GEORGE. I have no objection to taking an amendment to conference and giving it fuller consideration. It is a matter which had not been brought to my attention.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that, on page 26, in line 20, after the words "expiration of," the word "two" be stricken out and that the word "five" be substituted.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendment is agreed to.

The clerk will state the next amendment of the committee.

The next amendment was, on page 27, line 4, after the numerals "1101", to strike out "(b)" and insert "(a) (2)."

The amendment was agreed to.

The next amendment was, on page 27, line 22, after the word "the", where it occurs the second time, to strike out "Board" and insert "Administrator."

The amendment was agreed to.

The next amendment was, on page 28, line 19, after the words "of the", to strike out "Board" and insert "Administrator."

The amendment was agreed to.

The next amendment was, on page 30, line 8, after the word "the", to strike "Board" and insert "Administrator."

The amendment was agreed to.

The next amendment was, on page 35, line 23, after the word "are", to strike out "designated" and insert "redesignated."

The amendment was agreed to.

The next amendment was, on page 36, after line 8, to insert:

SEC. 416. Withdrawal of employee contributions for disability benefits.

(a) Paragraph (4) of subsection (a) of section 1603 of the Federal Unemployment Tax Act, as amended, is amended by striking out the semicolon at the end thereof and inserting in lieu thereof the following: ": *Provided*, That an amount equal to the amount of employee payments into the unemployment fund of a State may be used in the payment of cash benefits to individuals with respect to their disability, exclusive of expenses of administration;".

(b) The last sentence of subsection (f) of section 1607 of the Federal Unemployment Tax Act, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided*, That an amount equal to the amount of employee payments into the unemployment fund of a State may be used in the payment of cash benefits to individuals with respect to their disability, exclusive of expenses of administration."

(c) Paragraph (5) of subsection (a) of section 303 of the Social Security Act, as amended, is amended by striking out the semicolon immediately before the word "and" at the end thereof and inserting in lieu of such semicolon the following: ": *Provided*, That an amount equal to the amount of employee payments into the unemployment fund of a State may be used in the payment of cash benefits to individuals with respect to their disability, exclusive of expenses of administration;".

Mr. GEORGE. Mr. President, I will say with reference to that amendment that the entire section 416 was inserted in order to assist particularly the State of California, as I recall, which State now recognizes disability or total disability as a basis for payment out of funds of the State. The section does not affect Federal funds at all, but merely permits the State to draw down its own funds which, of course, are deposited in the Treasury here in a separate account.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next committee amendment.

The next amendment was on page 37, after line 12, to insert:

SEC. 417. Expenditures necessitated by this act in the fiscal year 1947.

Expenditures to meet the increase, resulting from this act, in the cost of administering the Social Security Act, and payments to the States pursuant to titles I, III, IV, V, X, and XIII of the Social Security Act, as amended by this act, may be made during the fiscal year ending June 30, 1947, from appropriations available for these respective purposes, without regard to the apportionments required by section 3679 of the Revised Statutes (31 U. S. C. 665).

The amendment was agreed to.

The next amendment was, under the heading "Title V—State grants for old-age assistance, aid to dependent children, and aid to the blind," on page 38 after line 3, to strike out:

SEC. 501. Old-age assistance.

Section 3 (a) of the Social Security Act, as amended, is amended by striking out "$40" and inserting in lieu thereof "$50."

SEC. 502. Aid to dependent children.

Section 403 (a) of such act is amended by striking out $18 wherever appearing and inserting in lieu thereof "$27", and by striking out "$12" and inserting in lieu thereof "$18."

SEC. 503. Aid to the blind.

Section 1003 (a) of such act is amended by striking out "$40" and inserting in lieu thereof "$50."

SEC. 504. Effective date of title.

The amendments made by this title shall be applicable only to quarters beginning after September 30, 1946, and ending before January 1, 1948.

And in lieu thereof to insert:

SEC. 501. Old-age assistance.

(a) Section 3 (a) of the Social Security Act, as amended, is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter (1) an amount, which shall be used exclusively as old-age assistance, equal to the Federal percentage (as defined in section 1108) of the total of the sums expended during such quarter as old-age assistance under the State plan with respect to each needy individual who at the time of such expenditure is 65 years of age or older and is not an inmate of a public institution, not counting so much of such expenditure with respect to any individual for any month as exceeds $50, but the amount payable to the State by the United States with respect to any individual for any month shall not exceed $25; and (2) an amount equal to the Federal percentage of the total of the sums expended during such quarter as found necessary by the Administrator for the proper and efficient administration of the State plan, which amount shall be used for paying the costs of administering the State plan or for old-age assistance, or both, and for no other purpose."

(b) Section 3 (b) of such act is amended (1) by striking out "one-half", and inserting in lieu thereof "the State percentage (as defined in section 1108)"; (2) by striking out "clause (1) of" wherever it appears in such subsection; (3) by striking out "in accordance with the provisions of such clause" and inserting in lieu thereof "in accordance with the provisions of such subsection"; and (4) by striking out ", increased by 5 percent."

Mr. LANGER. Mr. President, I ask unanimous consent on line 6, page 39, to strike out "65" and insert "62." The reason for my suggested amendment is this: Under the Reorganization Act which was adopted by both the House and the Senate a few days ago Representatives and Senators are eligible to old-age retirement at 62 years. I do not believe we ought by legislation to say that citizens and veterans have to be 65 years of age in order to secure old-age assistance when Senators and Members of the House can be retired at 62.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota?

Mr. GEORGE. Mr. President, I shall be compelled to object to that amendment, I will say to the Senator from North Dakota, and I desire to make a brief explanation to him. In the first place, if we were to reduce the age for old-age assistance we would, of course, add considerably to the cost. I have no estimate of how much the cost would be but it would be considerable.

In the second place the last title of this bill provides for a complete study and investigation by the Joint Committee on Internal Revenue Taxation of the whole question "of old age and survivors insurance and all other aspects of social security, particularly in respect to coverage, benefits, and taxes related thereto." Furthermore, it requires a report to the Congress not later than October 1, 1947.

The committee is as conscious as anyone else that the whole question of social security, social-security benefits, old-age

assistance, benefits to the blind and to dependent children must be reexamined. If we were now to change the 65-year limitation there would be not the slightest chance to get the House in these closing days of the Congress to agree to the bill. It would simply foredoom the bill. We may have great difficulty anyway because of the parliamentary situation.

I hope the Senator will not insist on his amendment because all questions relating to social security and old-age pensions must be reexamined if this bill passes and becomes law as the committee has written it and the report must be submitted, not at some far-distant year, but by October 1 of next year.

I again say that the committee is entirely conscious of the need for a complete restudy and general revision and overhauling of our whole security system.

Mr. LANGER. Mr. President, I should like to ask the distinguished Senator a question. Are there not some States where old-age benefits are payable at 60 years?

Mr. GEORGE. I believe that is true of a few States, but I am not sure of that.

Mr. DOWNEY. Mr. President, if the Senator will yield let me say that Colorado is the only State that provides old age benefits or retirement benefits at 60; but the Government does not match any payment between 60 and 65 years.

Mr. LANGER. That is what I was going to inquire about. In other words, the State would have to pay the total sum between the ages of 60 and 65.

Mr. GEORGE. Exactly, because the Federal act fixes the age 65.

Mr. LANGER. I was wondering how the distinguished Senator could defend the fact that under the Reorganization Act, Senators and Members of the House will be able to get retirement compensation at 62, but here we say 65 for others.

Mr. GEORGE. We have various ages for retirement of Federal employees. We go as low as 55 years in some instances in the case of Federal employees, and in the Army and Navy at 64. But the old-age benefits do not carry any contributory feature at all; where the recipient is otherwise qualified, he gets the assistance without regard to any contributions. In the case of Representatives and Senators, if any of us should take advantage of the reorganization law, we would have to make a contribution.

Mr. LANGER. I understand that, but here is the situation: Take an old pioneer, or, for example, a farmer in Kentucky or Georgia, who paid his taxes year after year but lost his money in a closed bank some years ago. He contributed taxes during all these years, which is, of course, a form of contribution. Now we say that a Senator or Member of the House may get his retirement benefit at 62, but others have to be 65 before they can secure old-age assistance. That does not seem to be fair.

Mr. GEORGE. I agree with the Senator that the whole question must be restudied and I think undoubtedly the whole security system as we have developed it will have to be overhauled. The purpose of the Finance Committee has been to do that. More than a year ago the distinguished Senator from Michigan offered a resolution calling for a joint study between the House and Senate. The House committee preferred to make their own individual study.

We are now seeking to put in this bill itself a provision for a joint study, to the end that we may cover all the questions the Senator raises. There are many troublesome questions, let me say, in the Social Security System that cannot be answered altogether to the satisfaction of anyone.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. DOWNEY. Mr. President, I want to applaud the suggestion of the distinguished Senator from North Dakota. This is another example of his warm, human heart, his understanding, and the common-sense view he takes of this problem as it affects the American people.

The figures, Mr. President, are these: About 10,000,000 of our people are past 65 and 5,000,000 are between 60 and 65. The percentage of unemployment because men can no longer hold jobs is almost as great between the ages of 60 and 65 as among those exceeding 65 years. The anguish, the misery, and the destitution of many hundreds of thousands of the group under 65 and over 60 is almost as great as among those over 65. Any common-sense plan would recognize that the breaking point of workers physically, and in their inability to get jobs, often comes at about 60. As a matter of fact, 90 percent of the American people, as disclosed in the Gallup polls, have recognized something which Congress has been too blind to recognize, that is, that the age limit should be 60 instead of 65.

I should like to say to the distinguished Senator that later in the debate there will be offered as an amendment to this unfortunate bill, the Townsend plan, and the Senator will have a chance to vote for that, and in that the age limit is reduced to 60 years.

Mr. TAFT. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I yield.

Mr. TAFT. I wish to raise a question about this whole section, because the committee has placed in the bill what is known as the variable grants section. Heretofore the old-age pensions and the other two grants, to the blind and to dependent children, have been on a 50–50 basis. That has been so from the beginning of the Social Security Act. An effort was made to change it in 1940, as I recall the year, but it was defeated. It is a fundamental change in the whole basis of distribution. Since the committee acted I have been informed that in the Committee on Ways and Means of the House it has been the subject of a very bitter controversy. The plan included in the bill was proposed and was turned down, and there was a general agreement finally to leave it out. It seems to me that to include it now not only has the disadvantage of making a fundamental change at a time when we are dealing with a temporary bill, but I believe it is going to weaken the chances of the whole bill in the House of Representatives.

The Senator raised an objection to the amendment offered by the Senator from North Dakota, but this amendment is a far more fundamental change than the change from 65 years to 62. It seems to me that if we put this in the bill it will defeat the bill. I do not believe the House will ever consider the bill with that in it, under the existing circumstances. I do not know whether the Senator hopes to have the bill sent to conference or not, nor do I know what hope there is of securing the passage of the bill if this variable grants provision remains in it.

Mr. GEORGE. I had hoped we might send the bill to conference. It is not certain that the House will accept this provision. But I may state to the Senator that the Ways and Means Committee did itself approve the variable grants principle. This provision was taken out of the original bill considered by the House Ways and Means Committee because of the inability of the committee to secure a close rule, or a rule satisfactory to the committee. In order to secure such a rule, the committee then decided to increase merely the ceilings, and otherwise leave undisturbed the existing old age and blind and dependent children formula.

Mr. TAFT. As I understand, one objection in the House would prevent the bill going to conference. If anything as controversial as this provision is included, I doubt if there is any chance of the passage of the bill.

I am not very much opposed to the variable-grants provision, but it seems to me so fundamental a change as that should be dropped, in view of the other rather important provisions contained in the bill, because I am afraid it will defeat the whole bill.

Mr. LANGER. Mr. President, I should like to ask the distinguished Senator from Ohio if he believes the House would object to reducing the age from 65 years to 62.

Mr. TAFT. I am not informed as to that. I think they would, because the difficulty is that the House has generally pursued the policy of making no fundamental changes, waiting until next year. I think it is most unfortunate that they did not make a complete study, and try to bring the entire system up to date. There are many other things which should be done to the Social Security System, but the House did not do them, and, in effect, they have taken the position that they are going to consider this subject on the return of Congress the 1st of January, and I imagine any fundamental change in the act would meet with their disapproval. They increased the total from $40 to $50. That the House did, and that is the only important change they made in the Social Security System. I think we are much safer if we do not make any fundamental changes, except in the creation of the committee to study the whole subject and make a prompt and effective report next year.

Mr. LANGER. Does the Senator believe that since the House accepted the retirement age of 62 for Senators and Representatives in the Reorganization

Act we have just passed we should fix the retirement age for the pioneers who made this country at 65 years?

Mr. TAFT. I do not think the two are parallel. I do not say the age should not be 62, but I do not think the two are parallel, particularly as the other plan is a contributory plan, and the one here under consideration is not. That is one reason. There are other reasons. I do not care to argue the merits of the Senator's proposal or the merits of the variable grants provision. I think that if this provision is included in the bill, there will not be any bill, and, in my opinion, it is unfortunate to insist on it at this time.

Mr. DOWNEY. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I yield.

Mr. DOWNEY. I wish to say, in reference to what has been said by the distinguished Senator from Ohio, that very probably he may be right in his political analysis of the conditions in the House, but I say that the bill as it comes from the House is largely a worthless bill, and should be defeated. It seems to me that the variable grants provision at least is an attempt to do something decent.

Senators may be rather surprised when I say this, but the bill as it comes to the Senate will probably give California 50 percent of all the additional sums provided in the bill, and will almost certainly give to five States, which are liberal in their pension laws and in their payments, 90 percent of any additional money that may be payable under the bill.

The State of California now receives more money from the Federal Treasury in old-age assistance than 11 Southern States combined. California will immediately take advantage of the proposal to add $5 for great groups of its citizens because we are already paying $50 a month in California, and I think we are destined to pay $60 or $75 shortly. Consequently this bill as it comes from the House will not benefit any of the Southern States; it will not benefit any of the States in which smaller pensions are paid; it will not benefit a single anguished heart in Georgia or Kentucky or elsewhere in the South. So far as I am concerned, I hope the distinguished chairman of the Committee on Finance will stand out for this variable grants provision, and either win that concession from the House of Representatives, or let the bill go to defeat.

Mr. McFARLAND. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I yield.

Mr. McFARLAND. I wish to compliment the Senator from Georgia for the work he has done in securing the adoption of the variable-grant amendment in this bill. I think the variable-grants formula is an improvement. I am not satisfied with the pending amendment, but I feel that it is a step in the right direction. The cost of living has increased at least 35 percent and the increase provided in this connection is not sufficient to meet this increase, but it will help. A group of us, including the Senator from Georgia and myself, joined in an amendment to H. R. 5626 which would have increased the Federal share to old people by $5, to the blind by $5, to dependent children by $3. The House, instead of accepting this amendment, adopted the provisions of the bill under consideration. The variable-grants amendment is an improvement of the bill as it is more equitable. I am hopeful that the House will adopt the amendment. The time has come when we have to do something for the old people, and I cannot conceive that the House will refuse to adopt this amendment.

Mr. GEORGE. I thank the Senator. I recognize the force of the suggestion made by the distinguished Senator from Ohio. Yet I believe that the committee should insist upon its amendments, and take the bill to conference, if the House will grant a conference; and if not, then the responsibility will rest where it properly should rest. This bill has been under consideration in the House for quite a long time, and the Senate Finance Committee has had to await action by the House. The bill reached the Senate only the end of last week, on Friday. The Senate committee had obtained a committee print of the bill prior to its actual passage, and began its study of the bill. The one important amendment made in the bill is the variable-grants provision. I think the distinguished Senator from Ohio is not arguing so much the merits of the grant, because he says frankly that he might not oppose the variable grants. The parliamentary situation which he points out undoubtedly exists, and it may be very difficult and may prove even impossible to complete action on the bill. But somehow I have the hope that we may be able to get the House to agree to the bill if we can pass the bill and let it go to the House sometime during the day for further consideration.

Mr. President, I do not know that it is necessary to read all of the amendment dealing with the variable grants, because all the amendment undertakes to accomplish is, first, to raise the present ceiling for old-age assistance from $40 to $50, to raise the assistance to the blind from $40 to $50, and to raise the ceilings for dependent children, which is the same provision as was contained in the House bill. Then it adopts the variable grants on the basis of the per capita income of each State as compared to the per capita income of the Nation as a whole.

It is a provision which presents an equitable principle, and it would give some relief to a very large number of States that now are receiving very meager benefits. As the Senator from California properly points out, the House bill would simply aggravate and continue the inequities and hurt all the States whose average per capita income is below the average of the national per capita income.

The PRESIDENT pro tempore. Does the Senator from Georgia ask that the remainder of the amendment, down to and including line 4 on page 44, be not read?

Mr. GEORGE. I ask that the reading of it be dispensed with.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and, without objection, the amendment will be considered without further reading.

The amendment was, at the top of page 40, to insert sections 502, 503, 504, and 505, as follows:

SEC. 502. Aid to dependent children.

(a) Section 403 (a) of such act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to dependent children, for each quarter, an amount, which shall be used exclusively for carrying out the State plan, equal to the Federal percentage (as defined in sec. 1108) of the total of the sums expended during such quarter under such plan, not counting so much of such expenditure with respect to any dependent child for any month as exceeds $27, or if there is more than one dependent child in the same home, as exceeds $27 with respect to one such dependent child and $18 with respect to each of the other dependent children; but the amount payable to the State by the United States with respect to any dependent child for any month shall not exceed $13.50, or, if there is more than one dependent child in the same home, shall not exceed $13.50 for any month with respect to one such dependent child and $9 for such month with respect to each of the other dependent children."

(b) Section 403 (b) (1) of such act is amended by striking out "one-half," and inserting in lieu thereof "the State percentage (as defined in sec. 1108)."

SEC. 503. Aid to the blind.

(a) Section 1003 (a) of such act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the blind, for each quarter (1) an amount, which shall be used exclusively as aid to the blind, equal to the Federal percentage (as defined in section 1108) of the total of the sums expended during such quarter as aid to the blind under the State plan with respect to each needy individual who is blind and is not an inmate of a public institution, not counting so much of such expenditure with respect to any individual for any month as exceeds $50, but the amount payable to the State by the United States with respect to any individual for any month shall not exceed $25; and (2) an amount equal to the Federal percentage of the total of the sums expended during such quarter as found necessary by the Administrator for the proper and efficient administration of the State plan, which amount shall be used for paying the costs of administering the State plan or for aid to the blind, or both, and for no other purpose."

(b) Section 1003 (b) (1) of such act is amended by striking out "one-half," and inserting in lieu thereof the State percentage (as defined in section 1108)."

SEC. 504. Definitions.

Such act is amended by adding after section 1107 a new section to read as follows:

"'FEDERAL PERCENTAGE' AND 'STATE PERCENTAGE'

"SEC. 1108. (a) Definition.—For the purposes of titles I, IV, and X the 'Federal percentage' and 'State percentage' therein referred to shall be percentages determined as follows:

"(1) In the case of a State the per capita income of which is equal to or greater than the per capita income of the continental United States, and in the case of Alaska, Hawaii, and the District of Columbia, regardless of the per capita income, the Federal percentage shall be 50 percent and the State percentage 50 percent.

"(2) In the case of a State the per capita income of which is not more than 66⅔ percent of the per capita income of the con-

tinental United States, the Federal percentage shall be 66⅔ percent, and the State percentage shall be 33⅓ percent.

"(3) In the case of every other State, the State percentage shall be one-half of the percentage which its per capita income is of the per capita income of the continental United States (except that a fraction of one-half percent or less shall be disregarded, and a fraction of more than one-half percent shall be increased to 1 percent), and the Federal percentage shall be 100 percent minus the State percentage. In no case under this paragraph shall the State percentage be less than 33⅓ percent or the Federal percentage greater than 66⅔ percent.

"(b) Ascertainment of per capita income: The Federal percentage and State percentage for each State shall be promulgated by the Administrator between July 1 and August 31 of each even-numbered year, on the basis of the average per capita income of each State and of the continental United States as computed by the Department of Commerce for the three most recent years for which satisfactory data are available. Such promulgation shall for the purposes of this section be conclusive for each of the eight quarters in the period beginning July 1 next succeeding such promulgation, and also, in the case of the percentages promulgated in 1946, for the three quarters beginning October 1, 1946, January 1, 1947, and April 1, 1947.

"(c) 'Continental United States': For the purposes of this section the term 'continental United States' does not include Alaska or Hawaii."

SEC. 505. Effective date of title.

The amendments made by this title shall be applicable only to quarters beginning after September 30, 1946.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. LANGER. Would the Senator from Georgia be willing to take to conference a change of age, to make the age 62 years, and see what the House will do about it?

Mr. GEORGE. The Senator from California proposes to offer an amendment which will incorporate that principle.

Mr. LANGER. His amendment provides for the change of age to 60 years. My proposal is 62 years. I wonder if the Senator would not be willing to take my proposal to conference, in view of the fact that under the reorganization act Senators and Representatives can retire at 62? I wonder if the Senator would not attempt to have proposal accepted?

Mr. GEORGE. I will say to the Senator from North Dakota that if the bill passes and goes to conference, the age question could easily be in conference, because all these provisions will be in conference. I shall be glad to suggest the proposal to the House conferees, and if the House is willing to consider it at all, it will not be objectionable to me, I will say.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. PEPPER. I desire to make a brief observation. I first wish to commend very highly the able Senator from Georgia, the chairman of the Committee on Finance, and the committee, for having reported to the Senate this variable-grants amendment. There have been many of us who have been advocating, as has the able Senator from Georgia, this formula for a long time. It was reported to the House of Representatives by the House Ways and Means Committee, and therefore has the authority of that great committee behind it.

The question, Mr. President, is simply this: Shall we appropriate more money from the Federal Treasury which shall be fairly and equitably distributed over the country and enjoyed by the recipients of this service, or shall we appropriate money which shall go into a very few States and not into the great majority of States to the same class of people? An intolerable situation prevails at the present time, where one or two States secure the major part of the money, although the people who are the recipients of it individually are in the same category in the several States. That discrimination is due to the disparity and the ability of some States to match dollar for dollar these Federal funds for the aged and for the other classes affected, and the inability of other States to match 50–50 the Federal funds.

There can be only two arguments made, it seems to me, for the matching principle at all. One is that States should be required to do their part for their own people, and the other is that States should have a direct interest in the administration of these funds so that they shall add their own careful supervision to the expenditure of the funds. But, Mr. President, those two principles do not require any State to do more than its relative share or to do more than it can do. And the Southern States particularly, in which I am most vitally concerned, simply are unable to put up as much money as are the rich States, because they do not have the money. They should not be penalized for their inability, and yet that is what the present law does. As the able Senator from California has, with his characteristic generosity and public spiritedness, pointed out, his State would get, I believe, about 90 percent of the increase in the Federal appropriation, and would get more money than all the Southern States put together out of this increased Federal appropriation.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. DOWNEY. California is already getting more money from the Federal Treasury in the way of grants of this nature than the 11 Southern States.

Mr. PEPPER. Mr. President, it is most gracious of the Senator from California to disclose that fact, because he, of course, is thinking of the public interest in this matter.

Senators will recognize that that is an intolerable situation, and it forces some of us to the statement that I made before the Finance Committee the other day when I appeared with the Senator from California in behalf of this principle, that if we cannot bring about equity and fair dealing in the distribution of Federal funds in these categories we will have to oppose the matching principle entirely and insist that the whole appropriation be from the Federal Treasury, so that people in the same category of need throughout our great country shall get the same amount of Federal money.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McCLELLAN. I wish to express myself as being in agreement with the statement made by the able Senator from Florida. It is true that a number of States, and particularly States in the South, simply cannot possibly match the Federal money. Yet the Federal Government, under existing law, is in the position of favoring a citizen of one State by reason of the fact that he happens to live and have citizenship in a State of wealth, and penalizing a citizen who happens to live in a State whose per capita income and the general wealth do not permit taxation to such extent that the State can raise the revenue necessary to match the Federal funds.

Mr. PEPPER. Exactly.

Mr. McCLELLAN. I served as a Member of the House at the time this law was first enacted. The matching provision seems to have rather an appeal in itself, as the Senator said, in order to cause the States to do their part. But I would say that today that requirement is no longer necessary, because the citizens of the States and the States themselves will go just as far as they can to implement any contribution made by the Federal Government. I say that, as a matter of justice and equity, according to every proper standard, we ought to eliminate the requirement of matching and whenever the Federal Government makes contribution of aid, especially of this character, to individual citizens who need it for the sustenance for life, it should be provided on the basis of the Government dealing with its citizens, and not on the basis of the Federal Government dealing with the citizen of this State or another State, for under that formula discrimination is bound to exist.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Texas.

Mr. CONNALLY. I wish to reinforce, if I can, what the Senator from Arkansas has said. If the Federal Government owes any obligation to the aged, it owes it directly to the citizen, and it ought not to be conditioned on what some other agency does or does not do. The result of the present law is that if one of these dependents lives in a rich State he receives a large amount of assistance, and the man who lives in a poor State which does not contribute much receives a much smaller rate. So the system aggravates the situation by helping the one who lives in a State which makes a heavy contribution, and penalizes the man who lives in a poor State by cutting down his allowance. If the Federal Government owes anything, it owes a person in one State just as much as it owes a citizen in another State. Geography has nothing to do with the obligation.

I thoroughly agree with the Senator from Arkansas that sooner or later we shall have to do away with the principle of matching and let the Federal Government make a direct grant. Then if the State wishes to supplement what the

Federal Government pays, it may do so. But so far as the Federal grant is concerned, it ought to be on the same basis as all other pensions. It is in the nature of a pension, and it ought to be on the same basis as all other pensions. In granting allowances to veterans of World War I, World War II, or the Spanish American War, we do not discriminate on the basis of where a man lives. If he fought for the flag he is given a pension, regardless of his residence. Under the civil service retirement plan we do not ask a man what State he comes from. We grant retirement on the basis that it is a Federal obligation. The old-age pension should be on the same basis as other grants. We must come to the principle of making it a direct Federal grant.

Mr. PEPPER. I thank the Senator. I know that for a long time he has been an advocate of this principle.

Mr. CONNALLY. I once introduced a bill providing that the Federal Government should contribute two-thirds, letting the States match one-third. That would not have met the situation, but it would have gone a long way toward making it possible for the poorer States to receive their share of the benefits.

Mr. PEPPER. I thank the Senator.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WALSH. As a Senator coming from a so-called rich State, I wish to emphasize my approval of the remarks made by the Senator from Florida, the Senator from Texas, and the Senator from Arkansas. For some time I have felt that justice and equity require a change. I commend the Senator from Florida for his persistency in advocating the new formula. I know that he has been working on the problem for several years. During the past two or three years he has appeared before the Committee on Finance a number of times.

What is suggested by the Senator from Florida is the humane thing to do. The citizen of a poor State ought not to be discriminated against by the National Government when it comes to old-age assistance and other benefits. They should be treated all alike. I wish to express my hearty approval of the remarks of the Senator from Florida, the Senator from Arkansas, and the Senator from Texas.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARKLEY. I am very happy to hear what the Senator from Texas, the Senator from Arkansas, the Senator from Massachusetts, and the Senator from Florida have said. For a long time I have felt that sooner or later the Federal Government would be required, as a matter of good morals and obligation, to deal with all its older citizens in the same way, without discrimination because of geographical location. It costs just as much for an old man, an old woman, or a couple to live in Arkansas as it does to live in Kentucky, Missouri, Illinois, or any other State similarly situated. And yet, either because of the indifference or lack of comprehension of the legislature, which fixes the maximum payment, only one-half of which the Federal Government now matches, a person in Arkansas, where it costs just as much to live as in Kentucky or Missouri, may receive not more than half as much as a citizen of Kentucky or some other State may receive.

Mr. PEPPER. We have been talking about the aged, but we must also bear in mind that what we are saying relates as well to dependent children and the blind. I wish to make that clear.

Mr. BARKLEY. That is undoubtedly true. For a long time I have felt that some of these days the Federal Government would have to come to the point of recognizing its uniform obligation to all citizens in the same category. As the Senator from Texas has indicated, if, in addition, a State wishes to supplement what the Federal Government pays, all well and good. I have no doubt that many of the States, especially the less rich States, could find ample opportunity to spend well the amount which they might contribute in addition to what the Federal Government puts up; but that would be a matter for their discretion. I feel that some of these days—and I hope the time will not be far distant—the Federal Government must inaugurate a uniform system all over the United States for the same kind of people, regardless of geography and regardless of anything else which now depends upon whim, poverty, indifference, or any other reason why one State cannot make as large a contribution as some other State makes. I am very glad to have these excellent statements from Senators confirming the feeling I have entertained for a long time.

Mr. PEPPER. I thank the Senator from Kentucky very much.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CONNALLY. The striking inequality and injustice of the present system is illustrated by the following example: We take the money from the Federal Treasury. We owe the old people and other dependents a certain obligation. We say to one of them, "Where are you from?" He replies, "I am from Massachusetts." We say to him, "All right, old man. You are in need. We will give you $35 or $40 because you are from Massachusetts."

We say to another, "Where are you from?" He replies, "I am from Arkansas."

Mr. PEPPER. If the Senator will allow me to give him the figures, in the case of Massachusetts the payment would be $46.22 a month.

Mr. CONNALLY. We are studying geography. We say to each applicant, "What State are you from?" Of course the obligation of the Federal Government is the same to all its citizens, but one of them has the misfortune to live in Arkansas or Texas.

Mr. PEPPER. In Arkansas the rate is $16.87.

Mr. CONNALLY. We give the citizen of Massachusetts $46.22, and the citizen of Arkansas $16.87. We say to him, "That is all you need."

Mr. BARKLEY. How much do I get? I am from Kentucky.

Mr. CONNALLY. I do not know what the Senator will get after he is off the roll here.

Mr. PEPPER. The Kentucky applicant receives only $11.71.

Mr. CONNALLY. No wonder the Senator favors an increase.

Mr. BARKLEY. I will give it to Arkansas. [Laughter.]

Mr. PEPPER. The figure for Texas is $24.61.

Mr. CONNALLY. Texas is a little better off than some of the other States. The rate in Texas ought to be higher. Texas is a great, rich State. However, this program is new to us.

These figures illustrate the injustice of the situation. If the Federal Government does not owe these people anything, let us not pay them a cent. But if it does owe an obligation, it owes the same obligation to every citizen under the flag, whether he lives in Podunk or on Fifth Avenue. So if we have any conception of justice and equality, the system proposed is bound to be adopted sooner or later.

I thank the Senator from Florida for yielding.

Mr. PEPPER. That is indeed a very interesting and dramatic showing of the disparity which we have been complaining about.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MAGNUSON. I merely wish to add to what has been said—and I think I can do so with as good grace as can any other Member of the Senate—that the State of Washington pays the highest old-age assistance benefits that are paid in the United States. The average payment made in our State is $53.14. That is the highest figure shown in the table. We have been very progressive about this matter. We also make the highest payments for children.

In table 3, on page 20 of the report, in the column marked "average per family", it will be seen that the figure for the State of Washington is 100, whereas in the case of some other States it is 26.30 or 36.18 or 27.84 or 23.38.

My position on this matter is similar to that of the Senators who have spoken on this point. I think the State of Washington makes the highest payments and our people receive the largest payments under the Federal fund. Our people receive more because our State matches more. My opinion is that the sooner we make the system uniform throughout the Nation, the better it will be for the aged people of the United States.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. DOWNEY. I wish to call attention to the fact that no State gets less than $20. Any State that pays $40 gets the full amount.

Mr. PEPPER. That is correct.

Mr. President, my position is that whatever the Federal Government gives, the sooner it is done in a uniform way, the sooner the other States will increase their payments to the amounts paid by

the State of Washington, and the sooner we shall treat all people in such circumstances in a uniform manner.

Mr. DOWNEY. Mr. President, the Senator from Washington said that Washington makes the largest payments. Of course, that is true on the basis of the amount received by each person. But on the basis of the total amount paid, California pays a larger total amount, of course, because her population is considerably larger.

Mr. MAGNUSON. I understand. I mean to say that the State of Washington pays the full amount, and the State contributions are matched by the Federal Government.

I agree that the sooner old age assistance funds are made uniform throughout the Nation, the sooner the States will treat their people properly. I am glad to see the amendment adopted.

Mr. WILLIS. Mr. President, will the Senator yield to me now?

Mr. PEPPER. I yield.

Mr. WILLIS. I was going to ask the Senator from Texas how long the money he was handing out so freely would last. I observe that it has already disappeared.

Mr. CONNALLY. All the money the Senator gets disappears quickly, I will say. [Laughter.]

Mr. WILLIS. I think the Federal money that we devote to this purpose will disappear.

Mr. CONNALLY. I thank the Senator. However, if it is going to disappear anyway, I would much rather have it go to the older people who have borne the burden and the heat of the day in the past. I cannot get out of my mind the fact that when the Federal Government distributes these gratuities—because that is what these payments are—when an old fellow comes up and says, "I have only one leg", under the present system he is not asked very much about that, but he is asked, "What State are you from?" If he comes from one State, he receives only $5 or $6, but if he comes from another State he receives $20 or $40, or whatever the amount may be.

So I wish to adhere to the position I have held for many years.

Let me say to the Senator from Indiana that if Indiana wishes to cooperate with the Federal Government and to make a grant in addition to whatever amount the Federal Government pays, it will be proper to do so, under Indiana's sovereignty as a State and under States' rights, and so forth.

Mr. MAGNUSON. Mr. President, let me say that this change also will help do away with another evil which has arisen because of the difference in payments. It happens that many of the elderly people will move to States where greater payments are made—and I do not blame them, of course—and they will establish residence there. That results in placing a greater burden on those States. So any tendency to equalize the payments as between the various States not only will be fairer to the people concerned but will be fairer to the States.

Mr. McFARLAND. Mr. President, will the Senator yield to me?

Mr. PEPPER. I yield.

Mr. McFARLAND. I concur in the statements which have been made about payments by the Federal Government. I have, ever since I have been in the Senate, advocated adequate old-age assistance. It should be paid entirely or at least largely by the Federal Government.

There is another step which I think we should take; namely, do away with the need clause, or at least modify and improve it. I think these people should not have to feel that they are in poverty. They should feel that they are getting something which they have earned by the payment of taxes during their lifetime. I hope that will be the next step, and that we can do something in regard to the troublesome need clause.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LANGER. I wish to call the attention of the Senate to another matter which is very discriminatory against some of the States. For example, in my State in connection with every dollar we receive from the Federal Government for this purpose, we have what we call in our law a reimbursement clause. I have seen a situation, a few years ago, where all an old man had was a wedding ring and a cot; but before he could receive any old-age assistance he had to turn them in. I investigated and took up the matter with the Social Security System, and I found that the reimbursement clause applies in only 17 States. In other words, in the State of Minnesota, right next to the State of North Dakota, a person receiving such assistance can have a life-insurance policy or can own a certain amount of property and he does not have to reimburse either the State or the Federal Government. But in North Dakota such a person has to reimburse both the State and the Federal Government to the extent of his ability to pay. Before he can receive any old-age assistance at all, he has to deed over to the State and the Federal Government, on the basis of an equal division everything he possesses.

So when this law is finally drawn up, I hope that discriminations will be removed insofar as the particular 17 States are concerned.

Mr. PEPPER. I thank the Senator, and I shall comment on that matter a little later.

Mr. ANDREWS. Mr. President, will the Senator yield to me?

Mr. PEPPER. I yield to my colleague.

Mr. ANDREWS. I wish to express my appreciation of what the senior Senator from Georgia [Mr. GEORGE] has done, as far as he has gone, and I hope he will do better. Ten years ago when I was elected to the Senate, I was criticized severely by those who opposed me because I favored old-age assistance. The junior Senator from Florida will recall that.

The reason why the matter affects Florida so definitely is that we have more elderly people there per capita than has any other State of the Union. Elderly people go there when they retire. In many cases after they went to Florida they found that in 1930 their industrial bonds suddenly became worthless, and they lost all they had. I have seen many of them in tears.

So I have been pledged to aid in this situation, ever since I came to Washington. I helped the Senator from Texas, who referred to the fact that he tried to get the law amended 4 or 5 years ago. I am deeply in sympathy with trying to do something for these elderly people, without classifying them as paupers. They have lived to be 60 or 62 years of age or more, and they have paid their taxes and they have carried this Government on their shoulders, and by the eternal, we ought to try to do something for them when they are in trouble. It is our duty to do it.

Mr. PEPPER. Mr. President, I attest to everything the able senior Senator from Florida has said about his long advocacy of this principle.

BENEFITS TO NAVAL RESERVISTS

Mr. WALSH. Mr. President, I desire to take up a matter of importance, because it relates to a correction of the RECORD, and it is necessary to make the correction in order that the papers may go to the committee.

Mr. President, for the purpose of making an amendment in the nature of a correction to the bill (H. R. 7039) to further amend section 304 of the Naval Reserve Act of 1938, as amended, so as to grant certain benefits to naval personnel engaged in training duty prior to official termination of World War II, which was passed by the Senate yesterday, I ask unanimous consent that the votes on the passage of the bill and the engrossment of the amendment and the third reading be reconsidered and that the following amendment be made:

On page 2, in line 6, before the word "amendment", to strike out "This" and insert "The", and in the same line, before the word "shall", to insert "contained in section 1", so that the section will read:

"SEC. 2. The amendment contained in section 1 shall be effective as of December 1, 1945."

The PRESIDENT pro tempore. Is there objection? The Chair hears none. Without objection, the amendment of the Senator from Massachusetts will be agreed to, and the bill will be considered as having gone through its various parliamentary stages, and passed.

INTERCHANGE OF PROPERTY BETWEEN THE ARMY AND NAVY

Mr. WALSH. Mr. President, may I suggest to the Senator from Louisiana [Mr. OVERTON] that he ask that the Senate proceed to consider a certain bill which was passed over yesterday?

Mr. OVERTON. Mr. President, I have talked with the majority leader and he told me that later there will be a call of the calendar. Yesterday, during the call of the calendar, the Senator from Massachusetts, under a mistaken belief that House bill 6057 was a bill to which certain persons had objected, objected to its consideration. He has since ascertained that he was in error, and I now ask unanimous consent that the Senate proceed to consider the bill.

The PRESIDENT pro tempore. What is the calendar number?

Mr. OVERTON. The calendar number is 1790.

Mr. WALSH. The bill yesterday was passed over temporarily.

The PRESIDENT pro tempore. The bill will be read by its title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 6057) to amend the act of July 11, 1919 (41 Stat. 132) relating to the interchange of property between the Army and the Navy, so as to include the Coast Guard within its provisions.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF SOCIAL SECURITY ACT AND INTERNAL REVENUE CODE

The Senate resumed consideration of the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code and for other purposes.

Mr. PEPPER. Mr. President, I rose to add my own support and advocacy to the adoption of the variable grant amendment. But I am speaking only in relation to the law as it now exists. I am glad that Senators have pointed out that even if we adopted the variable grant amendment it will fall far short of the principle of unanimity which Senators have advocated today.

I wish to take occasion publicly to commend the able Senator from Massachusetts, the able Senator from Washington, and the able Senator from California, all of whom come from States where high rates are paid to the recipients of the benefits to which we have referred. I know of the humane sentiments of the able Senator from Massachusetts which were written into the laws of his State, and it is not new for him to hear his friends express their approval.

But, Mr. President, allow me to make this observation with reference to the shortcomings even of this matching amendment. In the first place, in no case will the recipient in any State receive the entire $50 without the State, however poor it may be, being required to put up dollar for dollar with Federal money, to the extent of $25. It is only in respect to the lower amounts that the Federal Government will put up a larger share. But when we get up toward the top amount of $50, still the State will be required to match dollar for dollar in order that recipients may receive the meager pittance of $50 a month for their support.

The second thing which I wish to observe is that in spite of the fact that we may secure this variable means, grant amendment, the odious means test, as it has been pointed out, is still in the law. That means that the so-called needy are the only ones who can get it. That means that in many of our States they will receive as little as $5 a month, $7.50 a month, and $10 a month, because some social worker has decided that that is all that can be made available. A State senator in my State, Mr. Raymond Sheldon, called me on the telephone a few days ago and said that in the city of Tampa he knew of cases on the same street where one old person was receiving $2.50 a month, another $5 a month, and another another amount, when all were alike needy.

Mr. President, what I should like to see, and what the able Senator from California, the able Senator from Idaho, and the junior Senator from Florida will attempt to provide for by means of an amendment which will be considered later, is the principle of universality, not only geographically, but for all of the people in the same category. That is to say, that every person 60 years of age in every State in the Union, in every family in the Nation, would receive the same amount of money. That is the American principle of universality and equality under the law. That is the only way in which we will give equal justice to all our people. However, as compared with the present law, the Senator from Georgia and the Committee on Finance are entitled to the commendation of all of us for the improvement they have suggested in the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment of the committee.

The next amendment was, on page 44, after line 3, to insert:

TITLE VI—STUDY BY JOINT COMMITTEE ON INTERNAL REVENUE

TAXATION OF ALL ASPECTS OF SOCIAL SECURITY

SEC. 601. The Joint Committee on Internal Revenue Taxation is authorized and directed to make a full and complete study and investigation of old-age and survivors insurance and all other aspects of social security, particularly in respect to coverage, benefits, and taxes related thereto. The Joint Committee shall report to the Congress not later than October 1, 1947, the results of its study and investigation, together with such recommendations as it may deem appropriate.

SEC. 602. The Joint Committee is hereby authorized, in its discretion, to appoint an advisory committee of individuals having special knowledge concerning matters involved in its study and investigation to assist, consult with, and advise the Joint Committee with respect to such study and investigation. Members of the advisory committee shall not receive any compensation for their services as such members, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in connection with the performance of the work of the advisory committee.

SEC. 603. For the purposes of this title the Joint Committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words.

SEC. 604. The Joint Committee shall have power to employ and fix the compensation of such officers, experts, and employees as it deems necessary in the performance of its duties under this title, but the compensation so fixed shall not exceed the compensation prescribed under the Classification Act of 1923, as amended, for comparable duties.

SEC. 605. The expenses of the Joint Committee under this title, which shall not exceed $10,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the chairman or the vice chairman.

Mr. DOWNEY. Mr. President, I desire to offer an amendment to the committee amendment. On page 44, in line 10, after the words "social security," I move to amend by inserting the words "including the Townsend plan."

The PRESIDENT pro tempore. The amendment offered by the Senator from California will be stated.

The LEGISLATIVE CLERK. On page 44, in line 10, after the words "social security" and the comma, it is proposed to insert the words "including the Townsend plan."

Mr. PEPPER. Mr. President, allow me to say that I shall support the amendment. It does not commit the investigating committee to the adoption of the plan, but any plan which has as its advocates several million American citizens is entitled to consideration. I hope the able Senator from Georgia will be agreeable to accepting the amendment and allow the conference committee to have the matter before it for its attention.

Mr. GEORGE. I was about to say, Mr. President, that the committee amendment is broad enough to include the Townsend plan and all other plans.

Mr. VANDENBERG. Mr. President, will the Senator yield,

Mr. DOWNEY. I yield.

Mr. VANDENBERG. I entirely agree with the viewpoint of the Senator from Georgia. This language is the exact language of a resolution which I submitted in January 1945 and which was agreed to by the Senate, requiring a report to be filed not later than October 1, 1945. The House declined to agree to the resolution, and as a result of that disagreement we have lacked the benfit of this study. As a result of the lack of the study we find ourselves at the end of another session of Congress without an adequate base on which to do the things which are so obviously necessary in expanding coverages and benefits in connection with social security.

Mr. President, I make this frank statement to the Senator: My opinion again is that it will be very difficult to obtain the acquiescence of the House in connection with title VI. The language of it is an exact duplicate of the resolution to which the House objected 2 years ago. I offered it then, and I offered it again in connection with this bill. I do not believe we will ever make substantial progress in liberalizing social-security coverages and benefits until a study of this nature is made. I do not have too much hope that the House will agree with us this time. I am perfectly sure that the House will not agree with us if we undertake to write any specifications in the text.

In my opinion, the Joint Committee on Internal Revenue Taxation will be obligated to include the Townsend plan in an investigation of old-age and survivors' insurance, "and all other aspects of social security." I would want them to do it. I totally agree with the Senator that they should do it. I simply submit to him that, in my opinion, in view of our previous experience with the

House on precisely the same proposition, we will probably fail to get anything except as we cling to the general language indicated.

After making that statement, if the Senator wants to insist upon the inclusion of the language he indicates, I shall not resist it. I think it is already included. I believe the Senator endangers the entire study by insisting upon its textual inclusion. I leave the matter in the Senator's hands, so far as I am concerned.

Mr. DOWNEY. Mr. President, of course I can never help but be influenced by the distinguished Senator from Michigan, because he is always logical, always most persuasive, always most vigorous and right in what he says, and I cannot help but admit the general truth of what he has said. Yet, at the end of it, I come to a totally different conclusion than does he.

I am strongly of the opinion that unless this language, "the Townsend plan," is included in this amendment the persons carrying on the investigation—I do not now refer of course to any Senator—will hold the Townsend plan up to scorn and contempt, and there will be no true and sympathetic attempt to understand the simple common sense necessity of Dr. Townsend's program.

I am only asking that this language be included so that whatever group of men may carry on this investigation they will be compelled to recognize that here is a great program close to the hearts of many millions of Americans, and at least some attempt to understand and evaluate it must be made.

I wish to say to the distinguished Senator that, in my opinion, a majority of the 15,000,000 unfortunate senior citizens, past 60, hold in their hearts a hope that still keeps them going that sometime a more merciful government may relieve them of their poverty and their anguish by reducing the age limit to 60, and granting them a decent payment, free of heartache and the humiliation of the means test.

Just one word further and I shall be through.

Mr. VANDENBERG. Mr. President, I should like to interrupt the Senator at that point, if he will allow me.

Mr. DOWNEY. Certainly.

Mr. VANDENBERG. The Senator, of course, is discussing the merits of social dividends and social security, and I do not wish his comments, since they are elicited by my remarks, to indicate that I am in disagreement and that he has challenged my own point of view regarding social security. I would reduce the age to 60 this afternoon, if I could. I totally agree that the benefits have to be expanded by way of value and coverage in many directions, and I completely agree, regardless of the merits of the Townsend plan, that it has achieved the attachment of millions of our people and that most emphatically and undoubtedly it ought to be included, not as a byproduct but as a main consideration, in any such investigation as this. But I say to the Senator that if this title is passed as indicated, the Senator from Georgia, and I, of course, will be members of the joint committee—we are now members of the Joint Committee on Internal Revenue Taxation—and I think we can both say that we shall insist that the Townsend plan be given every fair consideration along with other aspects of social security and social-security benefits.

I beg the Senator not to seem to indicate that I am resisting in any way a movement for the expansion of social security. On the contrary, I am trying, and I have tried for 2 years, to lay the basis for actually achieving results. This language was my language 2 years ago when the Senate adopted it and the House declined it. It is again my language, and I am simply saying to the Senator now that, in my view, since the House declined the language before, I very much fear it will decline it again, and that particularly it will decline the language if we undertake to make textual changes. I submit to the Senator that if we arrive at the same place today, namely, having again failed to create a special responsibility and obligation for this investigation, we will again have just that much longer postponed the better days to which the able Senator from California has so earnestly dedicated himself and for which he fights so valiantly.

Mr. GEORGE. Mr. President——

Mr. DOWNEY. Does the Senator from Georgia want me to yield to him?

Mr. GEORGE. No. I wished to say a few words, but might say at this time that I hope the Senator from California will not insist upon his amendment because the Townsend and any and all other plans are clearly contemplated by the text of the bill, and undoubtedly will be fully and carefully explored.

The Senator from Michigan has already indicated that both of us happen to be members of the Joint Committee on Internal Revenue Taxation. At the present time I am chairman of that committee, and I can assure the Senator that the Townsend plan will be specifically studied, along with any other plan that may be presented, and certainly our whole Social Security System program. So I hope the Senator will not insist on his amendment because I think the House would be very likely to say that they do not want to be committed to study any particular phases.

Mr. DOWNEY. Mr. President, let me first express my appreciation of what both distinguished Senators have said. I clearly understand the Senator from Michigan, he is expressing no opinion on the Townsend plan and no opposition to a better Social Security System, but that on the contrary he is anxious for it. I agree with him that the language is sufficient to call for an investigation of the Townsend plan, but, of course, we are dealing with an unusual condition. By his opponents Dr. Townsend has been branded as charlatan, a demagog, a half-wit, and an opportunist. I believe that Dr. Townsend is 20 or 30 years ahead of the actuarial professors here in Washington. I believe old-age assistance and old-age security are steadily breaking down and that we are going to come to his simple, common-sense, inspired plan of reducing the age to 60, so that that great group now too old to get jobs and too young for pensions will be relieved of their desperation and poverty. I believe we will come to his idea of basic and sufficient social dividends to free from humiliation and anguish those who would be its beneficiaries. I believe we will come to his plan, a pay-as-you-go plan, with no great reserve built up, but involving a monthly tax, paid out in monthly dividends. I believe we will come to all those features of his program. They are simple; they are necessary; they appeal to the common heart of humanity. But as I have said the men who have built up this vast actuarial system hold Dr. Townsend in contempt as a fool and an opportunist, and so far these same groups have closed their minds and hearts to any fair or sympathetic consideration of his plan.

The House Ways and Means Committee recently had an investigation that cost $50,000. It resulted in a book almost as large as this I hold in my hand—the Calhoun report. I read every word in it and was discouraged by its defects.

The Calhoun report contained imperfect and untrue tables, illogical deductions, facts were suppressed, there was no facing of realities, no fair consideration of the basic provision of the Townsend plan. I am at least determined to do what I can, as long as I remain a Member of the Senate, to attempt to get some fair consideration of the Townsend plan.

Mr. President, I have the highest admiration for the ability of the two Senators who have been speaking to me, and entire confidence in their integrity, and upon the basis of their statements to me that they will undertake to see that if this amendment becomes law, and there is the investigation contemplated in the pending proposal, there will be a fair and just consideration and investigation of the Townsend plan, I withdraw my amendment.

The PRESIDING OFFICER. The Senator withdraws the amendment.

Mr. GEORGE. I thank the Senator.

Mr. PEPPER. Mr. President, I concur in that. I supported the Senator from California, and I concur in every tribute he pays Dr. Townsend. As I said before the Committee on Finance a few days ago, I am not ashamed to say that I see the merit and virtue in the Townsend proposal. I think the Senator from California has paid Dr. Townsend a deserved tribute, and that the time will come when he will be considered as a forerunner in giving to the people of this country the security which they deserve, and in contributing to the humanitarian betterment of the citizens of this Nation in a signal way through his plan.

Mr. JOHNSTON of South Carolina. Mr. President, I merely wish to add to what the Senator from Florida has said, that the Senator from California has used the words I would have employed about the Townsend plan. But as I see it, under the bill now pending, there will be a right to investigate in that particular field without any amendment to the bill. But if any amendment is needed to insure that the plan shall be investigated along with the others, I think the bill should be amended, for we

want to do what is right and just to the old people of the United States.

The amendment which has just been adopted, the variable-grants amendment, will help out in a great many of the States, the poorer States of the Nation. It is badly needed at this time. This will encourage them to put in even more money, in order that the beneficiaries may get more, and it is going to start an increase in the benefits for the old people throughout the United States. I am glad to see it done at this time, even before the investigation is made.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I wish to ask the Senator from Georgia a question. The Senator from Georgia will recall that at the time the act was before the Senate, the Senator from Arizona and myself submitted an amendment adding a flat $5 to the Federal contribution, regardless of what the States contributed. That was changed in the conference, was it not?

Mr. GEORGE. The variable grants principle did add a little more than $5.

Mr. MAGNUSON. As the bill reads, it is raised from $20 to $25?

Mr. GEORGE. That is correct.

Mr. MAGNUSON. But it must be matched?

Mr. GEORGE. That is correct.

Mr. MAGNUSON. The amendment of the Senator from Arizona and myself added $5 to the Federal contribution regardless, so it has been changed in that respect?

Mr. GEORGE. In that respect, yes.

The PRESIDING OFFICER. The Clerk will state the next amendment of the committee.

The next amendment was, on page 45, after line 20, to insert the following:

TITLE VII—INCOME TAX PROVISIONS

SEC. 701. Employees' annuities.

(a) Section 22 (b) (2) (B) of the Internal Revenue Code is amended by inserting before the period at the end thereof a colon and the following: "*Provided, however,* That the amount contributed by an employer to a trust to be applied by the trustee for the purchase of annuity contracts for the benefit of an employee of said employer, shall not be included in the income of the employee in the year in which the amount is contributed if (i) the amount is contributed to the trustee pursuant to a written agreement entered into prior to October 21, 1942, between the employer and the trustee, or between the employer and the employee, and (ii) under the terms of the trust agreement the employee is not entitled, except with the consent of the trustee, during his lifeime to any rights under annuity contracts purchased by the trustee other than the right to receive annuity payments."

(b) The amendment made by this section shall be applicable with respect to taxable years beginning after December 31, 1938.

The amendment was agreed to.

The PRESIDENT pro tempore. That completes the committee amendments.

Mr. DOWNEY. Mr. President, I have at the desk an amendment in the nature of a substitute which will embody the so-called Townsend plan as a part of the pending measure, and I wish to call the amendment up at this time.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. MURDOCK. I should like to call a situation to the attention of the distinguished Senator from Georgia. Under the Veterans' Emergency Housing Act of 1946 all the regulations, directives, and orders made under the act come under the provisions of the administrative act which was passed some weeks ago. It has been found that the program for the veterans' housing is hampered, impeded, and almost hamstrung, to such an extent that something must be done to alleviate the situation.

This morning I conferred with the Senator from Ohio [Mr. TAFT]; the minority leader, the Senator from Maine [Mr. WHITE]; and the majority leader, the Senator from Kentucky [Mr. BARKLEY], about an amendment I have to present, and they have all indicated that they have absolutely no objection to it. It has nothing whatever to do with the subject matter of the pending bill, but it is absolutely necessary at this late hour in the session that some legislative vehicle be made available in order to carry this amendment.

The amendment merely provides that the administrative act shall not be applicable to the Veterans' Emergency Housing Act. The Housing Act, as we all understand, will expire on December 31, 1947, and the administrative act was never intended to cover emergency legislation. We have in the act itself—and I think since then—exempted from its provisions certain emergency laws.

I ask the Senator from Georgia at this time if he will allow me to use the social security bill as a vehicle to carry this amendment.

Mr. GEORGE. Mr. President, I shall be delighted to do so.

Mr. BARKLEY. Mr. President, I am familiar with the situation. I know that if the Veterans' Emergency Housing Act should come under the strict interpretation of the administrative law, which requires 30 days' notice, and the like, to which attention was called, it would materially interfere with the efficient administration of the Veterans' Emergency Housing Act. I hope the Senator from Georgia will agree to the amendment going on the bill.

Mr. GEORGE. I shall be glad to take the amendment to conference. But, frankly, I am very much inclined to believe that the House will be more reluctant to accept the bill if we add anything to it. I shall not object to its going in if there is no objection to the amendment. I understand it is an unobjectionable amendment.

Mr. MURDOCK. The Senator from Ohio [Mr. TAFT] assured me he had no objection, the minority leader gave me similar assurance, and the majority leader did likewise.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 46, after line 15, it is proposed to add a new section, as follows:

SEC. 702. Section 2 (a) of the act of June 11, 1946 (Public Law 404, 79th Cong.), is amended by striking out the period at the end thereof and inserting a semicolon and the following: "and the Veterans' Emergency Housing Act of 1946."

Mr. MURDOCK. Mr. President, I ask that the clerk be directed to number the section appropriately.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Utah [Mr. MURDOCK].

The amendment was agreed to.

Mr. MURDOCK. Mr. President, I ask unanimous consent to insert at this point in the RECORD an explanation of why the amendment is necessary.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NECESSITY FOR THE PROPOSED AMENDMENT

The Veterans' Emergency Housing Act of 1946 is a temporary statute. For a limited period, it grants powers necessary to expedite the production of building materials, to allocate building materials for house construction and other essential purposes, and to provide that veterans of World War II shall have preference in purchasing or renting the housing produced with these materials.

The provisions of the act, and all regulations and orders issued thereunder, terminate on December 31, 1947.

The Veterans' Emergency Housing Act of 1946 is centered directly on providing the legal basis for dealing swiftly and expeditiously with the production and allocation of materials needed to provide housing for veterans. To subject these functions to the requirements of the Administrative Procedures Act as to 30 days' notice and formal hearings would defeat the objective of the Veterans' Emergency Housing Act of 1946.

The Administrative Procedures Act specifically recognizes that this type of temporary emergency function should not be included within the scope of provisions which are necessary and desirable in the case of permanent and continuing functions. Under section 2 (a) of the Administrative Procedures Act there are exempted from all the provisions of the act, except those relating to publication of organization, delegations, procedures, and rules and regulations in the Federal Register:

1. Functions which by law expire within any fixed period after the termination of hostilities,

2. Functions which expire on or before July 1, 1947, and

3. Functions conferred by the Selective Training and Service Act, the Contract Settlement Act of 1944, and the Surplus Property Act of 1944.

The amendment would merely add the Veterans' Emergency Housing Act temporary emergency functions to those temporary emergency functions already exempted by section 2 (a) of the Administrative Procedures Act. Thus, like the temporary emergency functions already excepted, similar functions under the Veterans' Emergency Housing Act would be excepted from the time consuming provisions which would defeat the accomplishment of the purposes thereof, but would remain subject to the requirements as to publication in the Federal Register.

TYPICAL EXAMPLES SHOWING THE NEED FOR THE PROPOSED AMENDMENT

Under the Veterans' Emergency Housing Act, the Housing Expediter is authorized to issue orders or regulations allocating, or establishing priorities for the delivery of, materials or facilities suitable for the construction and completion of housing for veterans. He also has power to issue directives to other

agencies (including the OPA) to exercise their powers, to the extent authorized by law, in such manner as will increase the supply of housing accommodations.

There may arise the situation where it is necessary to issue a directive to the Office of International Trade to place under export licensing control certain grades of construction lumber urgently needed to complete housing for veterans. If the functions under the Veterans' Emergency Housing Act were not excepted from the Administrative Procedure Act, it would be necessary to give 30 days' notice of the proposed issuance of this directive and to hold formal hearings thereon. Thus, by the time that the directive was issued, large quantities of construction lumber sought to be retained for, and which otherwise would have been channeled into, the construction of housing for veterans would be exported during this waiting period.

Another typical example would be in the case of construction plywood which is in extremely short supply and which is urgently needed for the veterans' housing program. As the production of peeler logs is increased through the use of premium payments being made under the Veterans' Emergency Housing Act, it may be possible, without adversely affecting users of other types of plywood, to issue a direction requiring that the set-aside of construction plywood shall be increased from 60 to 75 percent. If this directive were subject to the requirements of 30 days' notice and formal hearings large quantities of peeler logs which otherwise would have been channeled into construction plywood required for the construction of homes for veterans would be diverted into other types of nonresidential construction.

The same would be true with respect to building materials declared surplus to the War Assets Administration. In this case it might be desirable to issue a directive requiring that these building materials be sold only to the holders of priorities issued for the construction of housing for veterans. If notice of the issuance of such a directive had to be given 30 days before it became effective, the major portion of these surplus building materials would be drained away from house construction into other types of nonresidential construction.

It is also pertinent to note that the Second War Powers Act, which, administratively, ties in very closely with the priority and allocation functions under the Veterans' Emergency Housing Act, expires prior to July 1, 1947. Thus, regulations and directives bearing on allocations and set-asides issued under the Second War Powers Act are not subject to the requirements of the Administrative Procedure Act as to 30 days' notice. If a similar exception were not made in the case of the functions under the Veterans' Emergency Housing Act, there could arise the altogether undesirable situation where regulations and orders issued under the Second War Powers Act and relating to matters involved in nonresidential construction would not be subject to the requirement of 30 days' prior notice, while all regulations relating to housing and the allocation of materials therefor would be subject to the 30-day requirement. The failure to except the functions under the Veterans' Emergency Housing Act from the requirement of 30 days' prior notice would tend to divert building materials from house construction into nonresidential construction and thus defeat the intent of the Congress to give the construction of housing for veterans first preference.

Mr. MURDOCK. I thank the Senator from Georgia.

Mr. GEORGE. Mr. President, I wish to submit a unanimous-consent request that mere technical changes or corrections, and the renumbering of the sections in the bill, and the like, be permitted.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GEORGE. Mr. President, I also ask consent that there be inserted in the RECORD at this point a three-page statement of the practical effect of the variable grants provision. The practical effect of that provision will not be so much to raise the actual benefits paid to recipients, though some will be raised, of course; but to enable many States to place on the rolls persons who are now entirely off the rolls.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PRACTICAL EFFECTS OF VARIABLE GRANTS

There are two things which may be done with the extra Federal funds from variable grants. First, the State may use the funds to increase the amount of assistance given those already on the State rolls. Second, the State may use the funds to put additional needy persons on their rolls. Actually the States will use the funds for both purposes.

Increased cost of living means that those on the rolls need more assistance. Increased cost of living also means that some persons with small fixed incomes which were sufficient for them to get by on in normal times now have insufficient income and should be put on the rolls for enough assistance to enable them to meet the increase in living costs.

I should like to point out that the proposed variable grants would not bring up the average of assistance in the low-income States to the level of assistance in the high-income States, nor would it even bring up the Federal expenditure per recipient in the low-income States to the Federal expenditure per recipient in the high-income States.

The average of old-age assistance in the lowest income States for April 1946 was $19.54 and even if all the additional Federal funds were used to increase the size of benefits the average payment would still be under $30 and Federal funds per recipient under $20. On the other hand, the average payment in the high-income States is already around $38, even though a considerable part of benefit cost is unmatched by Federal funds. With the ceiling lifted, as is proposed, Federal funds in large amounts will be made available to match these expenditures and doubtless these average payments will rise to at least $42 or $43. Thus in these States Federal funds per recipient will continue to exceed Federal funds per recipient in low-income States.

The general level of assistance in high-income States will continue to be at least 25 percent above that of low-income States. I believe, in view of the necessity of taking more on the rolls in the low-income States, that the difference in average payments will remain even greater than I have indicated. But even a 25 percent difference is much greater than is the difference in the cost of living in the high-income and low-income States.

I have so far been referring to the 11 States whose per capita income is so much below the national average that they will receive two-for-one matching under the bill. Twenty other States will receive more than dollar-for-dollar matching but less than two-for-one matching. We might take New Hampshire as an example. The Federal share, 58 percent, is about halfway between the 50 percent minimum and the 66⅔ percent maximum. New Hampshire payments at present average about $31 per capita. The State would receive around $6.80 additional funds per recipient, so its average payments would be around the present average of the high-income States, but less than the new average which the rise in ceilings should give the high-income States.

A further example of a State around the halfway mark is Texas, with a 62-percent Federal share. Texas payments at present average about $24.60 per recipient. The variable matching would average about $7.60 per recipient, bringing the average payment up to around $32.20, still some $5 below the present average of the highest-income States, and around $8 below the probable future average of the highest-income States. The Federal funds per recipient would remain less for Texas than for the high-income States.

No system for measuring grants to States is a perfect system. I believe, however, that the approach of lifting the ceilings and providing variable grants based on per capita income works out more equitably than any other proposal. I feel certain that in its practical effects it is a much more equitable arrangement than presently exists. At present aged citizens of the United States in the lower-income States receive only about half the assistance—and half the Federal funds—that is received by other aged citizens in the higher-income States. Thus dollar-for-dollar matching may be equitable from some viewpoints but not from the viewpoint of equitably providing assistance to the aged. The pending bill is designed to lessen the present inequity and should accordingly be enacted.

Mr. MAGNUSON. Mr. President, I desire the RECORD at this point to show, from the committee report, that the State of Washington for old-age assistance pays to 64,794 recipients the sum of $3,443,361, or an average of $53.14, the highest in the Nation. Very few States come anywhere near that average, with the exception of the State of California.

I should also like to have the RECORD show with respect to the other important section of Federal aid and State aid to dependent children, that the State of Washington pays to 4,880 families with 12,020 children, the sum of $448,010, or an average of $100 per family, which is more than double the average paid by most States, and again is the highest in the Nation.

I wish the RECORD to show further that in its aid to the blind the State of Washington pays to 629 recipients $36,752, or an average of $58.43, which again is the highest in the entire Nation.

So in all three features of social security aid I am proud to point out that my own State, with respect to all three of them, pays the highest average in the Nation to receipients thereof.

Mr. President, I wish to say that my State legislature has not only been humanitarian and progressive with respect to these matters, but ours was the first legislature to make such provisions. I myself in 1932 served in the first State legislature that abolished the poor houses in the State and adopted a State social security law which provided for the payment in aid to these three great classes of our citizens. We have come a long way since that day. I think the pending bill is a step forward. I hope we can go further. I hope some of the ideas of the Senator from California [Mr. DOWNEY] can in the future be incorporated in Government aid to these three great groups of individuals.

I hope the day will come when our great rich Nation can abolish the so-called needs test. My State had a great deal of trouble with the Federal Government respecting the needs test. We have raised the money and we want to pay these high amounts. We want to pay higher average amounts than are paid by any other State in the Nation. But we find that because we receive the maximum in matching funds, namely $20, the Federal Government has laid down certain tests which it feels that our State should also incorporate in our needs test before the Federal Government will pay the matching funds. We have been far more liberal in that respect than has the Federal Government. For that reason the officials of my State who are in charge of the social security program have had to wage a constant fight. They come to Washington three or four time a year and always have to struggle with the Social Security Board so we may be allowed to pay the amount of money we want to pay, and to establish the test we want to establish. I hope the needs test can be abolished in a very short time.

In the early days of this program, social snoopers, as they have been called on the floor of the Senate, used to go around to the elder people who were in need, and to embarrass them by doing many things that should not have been done. If the program is right in the beginning, if we should make payments to our elderly citizens, we should pay with the minimum of a needs test. The so-called social snoopers did many things to elderly people that caused them embarrassment. Some of that procedure has been abolished. But we found in the early days that in many States, including my own State, the administrative cost of trying to find out whether an elder person was entitled to old-age assistance far exceeded the amount that in might cost the State if the State actually paid old people after they reached a certain age.

Mr. President, the country which has had the greatest experience in this matter is Sweden. Sweden long ago abolished the so-called needs test. Sweden says to her citizens, "When you have reached the age of 65 years you can come to your Government and we will give you some assistance." I suppose there are chiselers in Sweden as there are in this country, but we are spending a great portion of this social-security fund to hire persons to try to find out whether the elderly people need assistance. I hope the joint committee will go into that question, and I believe they will find that in the long run the administrative cost of qualifying the applicant for assistance is far greater than if the money were paid out in a flat sum at a certain age.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. DOWNEY. I think there is a great deal of truth in that statement. Sometimes I myself have spoken harshly about the social-security agents who go into the homes of these unfortunate people, inquiring about all their personal affairs to determine whether or not they are entitled to pensions. They are merely operating under the law. I could tell of hundreds of cases involving such humiliation and anguish as to make one almost cry over the situation. I know of one woman who was on the old-age-assistance roll. She required a serious operation. Over a period of 2 or 3 years, out of her scanty payments she had saved several hundred dollars to have the operation performed. Unfortunately the social-security agent found out about it. She had broken the law. She could receive no more benefits until her excess money—I believe any sum above $500—had been used up. The anguish, the humiliation, and the heartbreak of that particular woman were beyond description. It is impossible for me to understand how, in the wealthiest, most fertile land in the world, we have surrounded our retired workers, who built this Nation for the rest of us, with the aroma of the poorhouse and the humiliation attendant upon such a status. I congratulate the Senator from Washington and his State. They are the pioneers in these great movements. We in California are proud that our State is one of the Pacific-coast States which are leading the way, with Washington and the other Western States, toward at least a certain degree of decent and generous treatment of our retired citizens.

Mr. MAGNUSON. I thank the Senator from California. I share his opinion. I know that the social-security agents are required by law to do certain things. I am hoping that the day will soon come when we can change the law. Probably some persons would accept old-age assistance after reaching a certain age, even though they did not need it; but I believe that the number of such persons would be so small that the amounts paid to them would not come anywhere near equaling the administrative cost of trying to find out who can qualify under the act. As I previously stated, Sweden and some of the other progressive countries in Europe—Sweden being the leader in this field—learned that lesson 28 years ago; and since that time the cost of the program has been less.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. DOWNEY. It is rather sad for a patriotic American to reflect upon our boasting about our great benevolence, and to learn, as the Senator has indicated, that many other nations in the world, with little wealth compared with ours, have pension systems very much superior to ours. I do not mean that they have better pension systems in amounts than have California and Washington, but judged by our national average, the United States has nothing to be proud of when we consider what it does—or rather what it does not do—for retired and elderly people.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

Mr. DOWNEY. Mr. President, I offer the amendment which I send to the desk and ask to have printed in the RECORD. I ask unanimous consent that the reading of the amendment, which is very long, be waived. I shall make a brief explanation of the meat of the amendment.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

The amendment offered by Mr. DOWNEY is as follows:

Beginning with line 3 on page 1, strike out down to and including line 3, on page 8, and in lieu thereof insert the following:

"TITLE I—DEFINITIONS

"SEC. 101. When used in this act—

"(a) The term 'gross income' means the gross receipt of the taxpayer received as compensation for personal services and the gross receipts of the taxpayer derived from trade, business, or the sale of tangible or intangible property, and including interest, dividends, discounts, rentals, royalties, fees, commissions, bonuses, or prizes or any other emoluments however designated and without any deductions on account of the cost of property sold, the costs of materials used, labor cost, taxes, royalties, interest or discount paid, or any other expenses whatsoever;

"(b) The term 'wages' means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash;

"(c) The term 'Secretary of the Treasury' or 'Secretary' means the Secretary of the Treasury of the United States of America;

"(d) The term 'property' means real or personal property and includes stocks, bonds, and choses in action, and includes also any right, interest, equity, easement, appurtenance, or privilege and commercial value in such property or related thereto;

"(e) The term 'persons' or 'companies' shall include every individual, partnership, society, unincorporated association, joint adventure, group, joint-stock company, corporation, trustee, executor, administrator, trust estate, decedent's estate, trust, or other entity, whether doing business for themselves or in a fiduciary capacity, and whether the individuals are residents or nonresidents of the United States and whether the corporation or other association is created or organized under the laws of the United States or of another jurisdiction;

"(f) The term 'United States' when used in geographical sense means all land possessions of the United States; and

"(g) The term 'employee' includes an officer of a corporation.

"TITLE II—GROSS INCOME TAX

"SEC. 201. In addition to all other excises, duties, or taxes, there shall be levied, collected, and paid a tax of 3 percent of the gross income of all persons or companies derived from any and all sources, except in personal incomes there shall be an exemption up to $100 per month.

"RULES AND REGULATIONS

"SEC. 202. The taxes imposed by this title shall be collected by the Bureau of Internal Revenue under the direction of the Secretary of the Treasury, and shall be paid into the Treasury of the United States as internal-revenue collections.

"SEC. 203. The Secretary of the Treasury may distrain upon any goods, chattels, or intangibles represented by negotiable evidences of indebtedness of any taxpayer delinquent under this title for the amount of all taxes, penalties, and interest accrued and unpaid hereunder.

"SEC. 204. The Secretary of the Treasury shall be empowered to designate the manner and place for filing returns and payment of tax and shall provide such forms and instructions as may be necessary for the proper administration of this act.

"SEC. 205. The tax shall be computed on the total gross income of all persons and companies at the end of each calendar month and a complete return filed with the Secretary of the Treasury before the 20th day

of the calendar month following the month in which the tax accrues, unless no tax is due under the exemptions as provided in section 201.

"SEC. 206. All remittances of taxes imposed by this act shall be made to the place designated by the Secretary of the Treasury on or before the 20th day of the second month after they accrue; such returns shall be verified by the oath of the taxpayer if an individual or by oath of an officer or director, if made on behalf of a company. If made on behalf of a partnership, firm, society, unincorporated association, group, joint adventure, joint-stock company, corporation, trust estate, decedent's estate, trust, or other entity, any individual delegated by such partnership, firm, society, unincorporated association, group, joint adventure, joint-stock company, corporation, trust estate, decedent's estate, trust, or other entity shall make the oath on behalf of the taxpayer. If for any reason it is not practicable for the individual taxpayer to make the oath, the same may be made by any duly authorized agent, who shall then be held entirely responsible for the correctness of such return.

"COLLECTIONS, ASSESSMENTS, AND APPEALS

"SEC. 207. If the taxpayer shall make any error in computing the tax assessable against him, the Secretary of the Treasury shall correct such error, reassess the proper amount of taxes, and notify the taxpayer of his action by mailing to him promptly, by registered mail, return receipt requested, a copy of the correct assessment, and any additional tax for which such taxpayer may be liable shall be paid within 10 days after the receipt of such notice.

"SEC. 208. If the amount already paid exceeds that which should have been paid on the basis of the tax so recomputed, the excess so paid shall be immediately refunded to the taxpayer by the Secretary of the Treasury out of the funds collected under this act. The taxpayer may, at his election, apply an overpayment credit to taxes subsequently accruing hereunder.

"SEC. 209. If any person having made the return and paid the tax as provided by this act feels aggrieved by any assesment so made upon him for any specified period by the Secretary of the Treasury, he may appeal from said assessment by filing a petition in the manner provided by section 871 of the Internal Revenue Code. The provisions of chapter 5 of the Internal Revenue Code shall be applicable to proceedings with respect to any such petition, except that where final judgment is in favor of the taxpayer for the repayment to him in whole or in part of taxes paid the Secretary of the Treasury shall, upon the presentation by the taxpayer to him of a certified copy of such final judgment, issue his warrant against any funds collected under this act.

"SEC. 210. The Secretary of the Treasury shall enforce the payment of the excises, taxes, or duties required by this act to be paid, and shall promptly deposit in the United States Treasury all moneys received by him through or from the collection of such excises, taxes, or duties.

"SEC. 211. For the purpose of the income tax imposed by title I of the Revenue Act of 1934 or by any act of Congress in substitution therefor, the tax imposed by section 201 shall be allowed as a deduction to the taxpayer in computing his net income for the year in which such tax is deducted.

"SEC. 212. All provisions of law, including penalties, applicable with respect to any tax imposed by section 600 or section 800 of the Revenue Act of 1926, and the provisions of section 607 of the Revenue Act of 1934, shall, insofar as applicable and not inconsistent with the provisions of this title, be applicable with respect to the taxes imposed by this title.

"SEC. 213. All Federal officers or agents making contracts on behalf of the United States or its instrumentalities or any political subdivision thereof shall withhold payment in the final settlement of any contracts until the receipt of a certificate from the Secretary of the Treasury or his duly appointed agent to the effect that all taxes levied or accrued under this title against such contractor have been paid.

"EXEMPTIONS

"SEC. 214. The provisions of this title shall not apply to the following: (1) All moneys received by individuals or institutions and held in custody or as a deposit for others; (2) fraternal benefit societies, orders, or associations, operating under the lodge system, or for the exclusive benefit of the members of the fraternity itself, operating under the lodge system, and providing for the payment of death, sick, accident, or other benefits to the members of such societies, orders, or associations, and to their dependents or beneficiaries; (3) corporations, associations, or societies organized and operated exclusively for religious, charitable, scientific, or educational purposes; (4) business leagues, chambers of commerce, labor organizations, boards of trade, civic leagues, and other similar organizations operated exclusively for the benefit of the community and for the promotion of social welfare, and not for commercial trading in any form, and from which no profit inures to the benefit of any private stockholder or individual; (5) hospitals, infirmaries, and sanatoria, from which no profit inures to the benefit of any private stockholder or individual; (6) amounts received by any person as a benefit payment so-called or like payments by virtue of acts passed by the Congress of the United States relating thereto and disbursed to others as such benefit payment; but the Secretary of the Treasury may by regulation require any such deductions to be set forth specially by the taxpayer in his return: *Provided, however,* That exemptions (2) to (6), inclusive, shall apply only to the gross income received from nonprofit activities.

"PENALTIES

"SEC. 215. It shall be unlawful for any person to refuse to make any returns provided for in this title; or to make any false or fraudulent return or false statement in any return with intent to defraud the United States, or to evade the payment of the tax, or any part thereof, imposed by this title; or for any person to aid or abet another in any attempt to evade the payment of the tax, or any part thereof, imposed by this title; or for any officer or director of any company to make, or permit to be made, or any company, corporation, association, or other legal entity to make any false return, or any false statement in any return required by this title, with the intent to evade the payment of any tax hereunder. Any person violating any of the provisions of this title shall be guilty of a felony, and, upon conviction, shall be fined not more than $5,000, or by imprisonment not exceeding 5 years, or by both such fine and imprisonment. In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent return, or any return containing any false or fraudulent statement, with the intent aforesaid, shall be guilty of the offense of perjury, and, on conviction thereof, shall be punished in the manner provided by law. Any corporation for which a false return, or a return containing a false statement, as aforesaid, shall be made, shall be guilty of a felony and shall be punished by a fine of not more than $10,000. If the tax imposed under this title is not paid when due, there shall be added, as part of the tax, interest at the rate of one-half of 1 percent per month from the date the tax became due until paid.

"SEC. 216. The Federal Insurance Contributions Act is hereby repealed.

"TITLE III—ANNUITIES

"SEC. 301. There is hereby created an account in the Treasury of the United States to be known as the business, employment, and security insurance account (hereinafter referred to as the 'account'). There are hereby authorized to be appropriated annually amounts to be equal to the estimated revenue derived under title II of this act. On the 20th day of the month succeeding the month in which this act is enacted, and on the 20th day of each calendar month thereafter, there shall be credited to the account an amount equal to the amount of revenue to be collected under the provisions of such title as indicated by the returns filed during the preceding calendar month. Such amounts shall be available for making the payments as hereinafter provided. The Secretary of the Treasury shall submit annually to the Bureau of the Budget an estimate of the appropriations to be credited to the account.

"SEC. 302. Amounts estimated by the Secretary of the Treasury to be necessary for monthly expenditures in the administration of this title shall be deducted from amounts credited to the account for each month and all funds not so deducted shall be prorated and paid monthly to the number of annuitants per capita.

"QUALIFICATIONS

"SEC. 303. Every citizen who is 60 years of age or over shall upon filing an application under oath, as hereinafter provided, be entitled to receive an annuity payable in monthly installments during the remainder of the life of such person.

"SEC. 304. Every citizen between the ages of 18 and 60 who is disabled for a period longer than 6 months, every mother who is a citizen and who has the care of one or more children under 18 years of age, shall, upon filing application under oath, as hereinafter provided, be entitled to receive an annuity payable in monthly installments so long as their incapacity for employments exists, or so long as they have the care of one or more children under 18 years of age.

"SEC. 305. (a) The annuity shall be spent within the confines of the United States, its Territories, and possessions.

"(b) Each installment of the annuity shall be spent by the annuitant within 30 days after the time of its receipt, except that this subsection shall not become operative until 6 months following cessation of hostilities of the present war.

"(c) An annuitant shall not engage in any occupation, business, or other activity from which a profit, wage, or other compensation is realized or attempted, except that nothing in this title shall be construed to prohibit an annuitant from collecting interest, rents, or other revenues from his own investments. No annuitant shall support an able-bodied person in idleness except a spouse.

"(d) Any annuitant may waive all or any part of his right to annuity under this title by filing a notice thereof with the Secretary of the Treasury in such manner as the Secretary of the Treasury shall prescribe. Any such waiver shall not affect the right of any person to apply for an annuity at any time thereafter.

"(e) Any sum received by an annuitant which represents the proceeds of a sale of any real property acquired through the use of money received as an annuity under this title shall be expended by the annuitant within 6 months after the receipt of such proceeds of such a sale, except that this subsection shall not become operative until 6 months following the cessation of hostilities of the present war.

"(f) Each annuitant by accepting his annuity hereunder agrees in his application for an annuity to comply with all the provisions of this title and all rules and regulations prescribed by the Secretary of the

Treasury to carry out the provisions of this title.

"REGULATIONS

"SEC. 306. (a) Payments of the amounts due each annuitant under this title shall be made at regular monthly intervals in such manner as will provide for such payments to be in the hands of each annuitant as near the first day of each month as possible.

"(b) The Secretary of the Treasury shall furnish application blanks and other necessary forms to the Post Office Department for distribution to persons by local post offices for the purpose of applying for the benefits of this title.

"SEC. 307. (a) The Secretary of the Treasury is authorized and directed to prescribe such rules and regulations as may be necessary to carry out the provisions of this title.

"(b) The Secretary of the Treasury is hereby empowered to call upon now existing departments or agencies of the United States to aid in the administration of this title.

"(c) The Secretary of the Treasury is also empowered to make adjustments with respect to the time in which installments shall be expended in case payments to any person may have been delayed and there is an accumulation of two or more installments.

"SEC. 308. The right to receive any payment under this title shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this title shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

"PENALTIES

"SEC. 309. Whoever in any application or any payment under this title knowingly or willfully makes any false statement of a material fact, or fails or refuses to obey any rule, or regulation, issued by the Secretary of the Treasury under this title, or violates any provisions of this title shall be prosecuted by the United States attorney in the United States district court in the district in which the offense occurred, and upon conviction, the annuitant shall forfeit each month for the remainder of his life up to one-fourth of the annuity to which he would otherwise be entitled.

"TITLE IV—GENERAL PROVISIONS

"SEC. 401. Titles I and II of the Social Security Act, as amended, are hereby repealed.

"SEC. 402. All acts or parts of acts in conflict with the provisions of this act are hereby repealed to the extent of such conflict.

"SEC. 403. If any part of this act is for any reason held to be unconstitutional, it shall not affect any other part of this act.

"SEC. 404. This act may be cited as the 'Business, Employment, and Security Insurance Act.'"

On page 21, beginning with line 10, strike out down to and including line 11 on page 32.

On page 32, strike out lines 15 to 18, inclusive.

Mr. REED. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. REED. May I inquire of the Senator from California if this is the amendment which is lying on the desks of Senators?

Mr. DOWNEY. Yes. It embodies the Townsend plan. I have attached to the amendment the measure which is now pending in the House of Representatives. As a matter of fact, there are two identical bills in that body. I have been given to understand that more than 40 percent of the Members of the House have been anxious to bring those bills to the floor, but so far have been unsuccessful.

Stated generally, the amendment embodies the principles of the so-called Townsend plan. The age at which the retired worker could enjoy his benefit is reduced to 60 years. The means test is abolished; and any retired citizen not engaged in a gainful occupation would be entitled to receive benefits whether he were rich or poor. As the distinguished Senator from Washington has already pointed out, there is such a small percentage of rich persons that that element is not very important.

The amendment provides for the levying of a 3-percent tax on gross incomes, to be collected monthly. The fund would then be paid out in monthly benefits to the beneficiaries entitled to benefits. So the amount of benefits would fluctuate with the national income. In periods of inflation and prosperity the retired senior citizen would be entitled to more than in periods of deflation and depression. In order to finance the plan a 3-percent gross income tax is provided for in this amendment.

Mr. President, in my opinion the two parallel pension systems which we have in the United States are steadily collapsing. I shall attempt to prove, by data of the Social Security Board itself, the almost complete futility and inefficiency of these two plans. I think one of the reasons why we have plans which are so worthless and illogical is that the whole subject is so complicated and abstruse that Senators and Representatives, living under almost unremitting pressure of consideration of matters of great moment, have not been able intellectually to understand the lack of logic, inhumanity, indecency, and absurdity of our two pension plans.

We have two parallel systems. One is called old-age assistance, which I shall hereafter refer to as the assistance program. It is the matching program, the charity program, only for the indigent. The other program is called old-age and survivors' insurance. It is the so-called contributory plan, under which certain workers in covered occupations are presently contributing 1 percent of their pay, up to a maximum of $3,000 in wages or salaries a year, the employer paying an additional 1 percent upon the same pay.

The first thing that greets the human mind as it begins to examine into these pension systems is that the benefits generally paid under both plans are so meager as to leave the recipients living in a state of insecurity and poverty.

The second phase of the two plans which immediately attracts the attention of any intellectual person is that under the contributory plan the workers, those who pay taxes, are receiving substantially less than the beneficiaries of the indigency program. In other words, in this case it pays not to be a contributor to a plan, but rather to have nothing, and to come under the plan in a state of destitution.

Mr. President, in order that we may have definite and precise figures in the RECORD, I now ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a table to be found on page 32 of the February, 1946, Social Security Bulletin, showing old age assistance payments, by States, for December, 1945.

The PRESIDENT pro tempore. Without objection, the table will be printed in the RECORD.

(See exhibit A.)

Mr. DOWNEY. Mr. President, this table shows that the payment to the recipients varies from a high of approximately $50 in Washington, California, and one or two other States, down to approximately $10 a month in Georgia, Kentucky, and several other States. So it will be immediately noted that the range is from $10 up to a high of $50 a month. The average payment, taking into consideration all the States and all the recipients, is $30.82.

It should also be noted, and I emphasize this for later use, that in the event one of the beneficiaries of the assistance is married and has a wife who is past 65 years of age, his wife is entitled to receive the same amount. Again Mr. President, an absurdity which is so grotesque, to me, that it approaches sheer idiocy, appears in the plan.

In the assistance plan, where the recipient makes no contribution, if his wife is entitled to receive a pension by reason of being 65 years of age, the amount of the pension is therefore doubled. But under the contributory system, where the worker pays taxes, if he has a wife who is entitled to receive such payments, only 50 percent is added. Can the human mind make any sense out of such an arrangement? Can there possibly be any defense for giving to a person under the assistance program double the amount, in the event he has a wife who is entitled to receive such payments, but under the old-age insurance system giving to a worker whose wife is entitled to receive such payments only a 50 percent increase, even though he makes contributions by way of taxation?

Mr. President, I desire to have printed in the RECORD at the conclusion of my remarks a table showing the average monthly primary old-age insurance benefits in force, by States, on December 31, 1945, and I ask unanimous consent to have that done.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit B.)

Mr. DOWNEY. Mr. President, I may say that this table, like the other one, was prepared by the Social Security Board. It shows the amount of benefits paid to beneficiaries under the contributory system. Immediately we are attracted by the rather extraordinary fact that the average payment in the case of old-age insurance is only $24.14, whereas in the case of old-age assistance it is $30; and, as I have already stated, under the contributory system only 50 percent is added when the wife is also 65, as against double the amount under the old-age assistance program.

In the case of the old-age assistance program, we see a variation in the payments to recipients of from $10 to $50. In the case of the contributory system the variation in payments is from $19.04 in Mississippi up to approixmately $26 in one of the more fortunate States.

Mr. President, the old-age insurance system is allegedly based, in respect to the payments to the recipients, upon the contributions made by the workers, the employees. A vast actuarial scheme has been set up, requiring the attention and deliberation of highly trained actuaries. Great shelves are being filed with volumes of statistics, weighted averages, median lines, maximums, minimums, involved and intricate forms. At the end, what happens? At the end, the average worker comes out with about $24 a month, far less than he would get if he were under the old-age assistance program. Mr. President, this plan actually contemplates that these actuarial calculations will become effective against a boy 16 years of age who is in a covered occupation, and that for 50 years, until he is 65 years of age, the Social Security Board will keep track of his employers and of the tax payments made from his wages; also of his wife, his children, his job, and his compensation; and then, as a result of those calculations, it will determine what that young man will receive 50 years from now. In other words, these actuarial calculators are now calculating whether 50 years from now that boy will get $10.50 or $12.13 or $19, or $20.

Mr. President, in the next 10 years or 20 years we are going to have crisis after crisis; what these crises may be, no one can readily predict; but certain it is that many of them will bring widespread economic dislocation. And here is a group of men who solemnly assert that by means of this actuarial system they are at this time determining how much workers will be paid 10 or 20 or 30 or 40 or 50 or even 100 years from now. The sad and pathetic aspect of it is that these payments will amount to only approximately $10 a month, which is the minimum, or up to approximately $60 a month, which is the maximum. As a matter of fact, Mr. President, these payments are so meager and so low that they nauseate and sicken the human heart. I have already submitted for the RECORD a statement of the average payment made to these beneficiaries by each State, showing an average payment of approximately $24 a month. Now I wish to offer for the RECORD a more definite statement showing the entire futility and absurdity of this whole law. I have before me a letter from the Social Security Administration, and I ask that the entire letter be included in the RECORD at the end of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit C.)

Mr. DOWNEY. The letter is dated July 9, 1946. It shows that of the total number of recipients under the contributory plan, 8.3 percent are receiving a minimum of $10 a month. Mr. President, what good is any pension system which affords to a man only $10 a month? Can he even starve to death on that sum of money? Of what value is it? Why should we have this vast and complicated system, these great actuarial tables and these records which are now occupying whole warehouses? I understand that the Social Security Administration now is approaching 100,000,000 records of various wage earners. Somewhat less than 10 percent of recipients are receiving the minimum of $10 a month. As a matter of fact, from the standpoint of social security, that is putting the situation far too optimistically. Almost one-half of the workers whose records are laboriously kept, and which follow them from job to job, and from year to year, will never even qualify. From the record it is apparent that from 40 percent to 50 percent of them, who will pay very scanty contributions into this plan, will receive nothing in return.

Let us take one great group which we all recognize immediately, namely, the young women who are coming forth from the schools and colleges. Most of them, when starting to work, are employed in covered occupations. They pay their scanty contributions. In order to be entitled to any dividends, the worker must remain under the contributory plan for 40 calendar quarters, or approximately 10 years. The women to whom I refer, who come out of high schools and colleges and work in covered occupations for 4, 5, 7, 8, or 9 years, and make faithfully their payments during all that time, will be totally excluded if they never complete the entire 40 quarters. There are many men who are approaching ages 50 and 55, who pay year after year, who will be excluded because they are not employed a sufficient amount of time in covered occupations.

So, Mr. President, as the plan is working out, almost half of the men, whose records now fill warehouses, and will soon amount to hundreds of millions in number, will never receive anything under this plan although they pay their taxes regularly. But, to those who are fortunate enough—if I may bring myself to use that word—to be beneficiaries, let us go down the line and see what tragic and miserable sums the Government pays. I do not know of any American professing Christian principles who can advocate payments of only $20 or $30 a month. Some payments are so low that the persons receiving them live in worse circumstances of destitution and starvation than do the starving peoples of Europe. They are living on from 500 to 1,000 calories a day. Yes, Senators, we pretend to represent principles of benevolence and Christianity, and yet we degrade our workers with payments so miserly that I wonder that the senior citizen wants to continue his struggle to live; and, indeed, Mr. President, many of them do not; many of them die by their own hands, by malnutrition, or by gradually wasting away.

Mr. President, am I exaggerating? Let us go over the figures once again. Almost 10 percent receive the minimum of $10 a month, another 10 percent receive from $10 to $15 a month, 28 percent receive between $20 and $25 a month, and 21 percent receive between $25 and $30 a month. As a matter of fact, a large percentage of the beneficiaries under old-age insurance are receiving less than $30 a month—and that in a land of great wealth and vast yearly production.

Suppose we were so fortunate, or unfortunate, as to be living among savages in some part of the world. Let us take, for example, the Eskimos. The Eskimo hunters come in from their hunting grounds at night with the meat which they have captured during the day. The elders of the tribe sit around and do not engage in the hunting. What would we think of Eskimos if they threw perhaps only 5 percent or 10 percent of their catch to the elders of the tribe who no longer can go hunting. No; Mr. President, savages do not do that kind of a thing. When a man has completed his life's work among the savage tribes he lives in the same dignity and under the same security as does the worker. But this Christian country—there are some others of course—has worked out a method which gives a pension of approximately 10 percent or 15 percent of the income of the average working population—scarcely sufficient to keep body and soul together. We love to boast of our benevolences and our generosity to foreign lands. We love to tell of our wealth and fertility. But we lack either the will or the desire to work out for our senior citizens a method by which they may receive more than $10 or $20 or $30 a month.

Mr. President, there are so many harsh and cruel things in this law that I shall not take the time of the Senate to explain them. But let me show another harsh joker in the law. As I have already said, if a man on the assistance rolls is married and has a wife 65 years of age, the amount of money which he will receive will be doubled. If he is under the contributory system, where he pays taxes, the amount is not the same. Why we penalize a man because he pays taxes, I do not know, but that is the law which was passed by the Congress of the United States. Congress has provided for an average old-age assistance of $30 when the unfortunate has nothing else upon which to live, or $24 under the insurance plan. That, in fact, is the plain result of our experience for practically a decade under these two plans.

Now, suppose the insurance-plan beneficiary is married. You may say, Mr. President, "Well, he gets at least something more." But that is not so in the majority of cases. Why? Because the average man at age 60 or 65 has a wife who is 5 years younger than he is. So here we are giving an average benefit of $24 a month. We add $12 a month to it if the recipient has a wife. We are generous. But the average man will not receive it until he has reached the age of 70 years. Does it make any difference to that man, as he watches his poor helpmate slowly starve, whether she is 57 or 58 or 61 or 62 years of age? Oh, Mr. President, in these pension laws we have divorced our system from any reality, from any decency, from any generosity, and we have a strangely bad system.

There is another thing which I cannot understand. I cannot understand the reasoning of the actuaries in connection with this contributory system. I suppose that what they were trying to do with their sharp pencils, their logarithms, and their involved calculations, was to try to cut a certain piece of cloth in a certain way, and if they had to add

here or cut there in order to reach the results which they were trying to achieve, they did it without any thought of the human heart or of giving any consideration to realities. Mr. President, allow me to show you to what absurd lengths they went.

As I have said, in the assistance program, where no tax is paid, in the event the wife is 65 the amount is doubled. That makes some sense. If we were paying fifty or sixty or seventy-five a month to a man and he had a wife who was entitled to have him paid that much, that would make some sense.

How did the Social Security Board figure out that an elderly woman married to a contributor would need only 50 percent more than her husband? They used an argument that had a certain degree of plausibility. The argument is that two living together, husband and wife, can, relatively speaking, live for less than one. In other words, for two living together it does not cost as much to live as for two living apart, relatively. There is a certain degree of plausibility in that. Just how they can apply that rule to these miserable dividends of ten, twenty, or thirty dollars a month, I do not know. I do not know how any human beings could envisage a husband living on $20 and a wife on $10 more. But there is a certain degree of plausibility in that, as I have said.

Let us take up the next case, where the primary beneficiary has the entitled wife, and the two of them have been getting 50 percent additional because two can live cheaper than one. The husband dies. Then what should the widow get? The Social Security Board then figures that one can live for half as much as two, and will pay the widow 75 percent of what her husband got. So in this futile, miserable, abominable law, the average payments to the widow are about $18 or $19 a month, while those to the primary beneficiary, the male, are about $24 a month. That is the kind of logic that is used; 50 percent to the wife, 75 percent to the widow, 100 percent to the primary beneficiary, and none of them getting enough to live on with any degree of human decency.

Mr. President, if some of the Social Security Board experts were here they could not deny the validity of any of my figures, because my figures all came from them. I wish to digress at this point in my argument to thank the actuaries and the heads of the Social Security Agency for having very laboriously, patiently, and courteously furnished me with my figures, which they knew I would use here in an argument against them. So I say they cannot deny these figures I am using, because they are the figures of the Social Security Board.

How does the Social Security Board justify giving a much smaller payment than old-age assistance to the man who pays a tax under insurance? The Social Security Board says that assistance is based on indigency, and the recipient can have no other source of income beyond a certain amount fixed for the standard of living. Why? The contributory system envisions a social dividend which the worker may collect without any humiliation, and then add to it whatever income he himself may have.

To show how extreme is the difference in the amount taken between the two systems, let us take a case in California as an example. Under the insurance system a husband and his entitled wife, in an average case in California, will get somewhat more than $30 a month. Under old-age assistance they would get $100. So the assistance program pays almost three times as much in California, and in several other States of the Nation, as the contributory system.

I have said the Social Security Board will attempt to justify that by claiming that the contributory system produces a social dividend, an insurance policy, which the worker may add to when he wishes.

I have heretofore spoken of and condemned in very strong language the so-called Calhoun report. That is a report prepared under a special House resolution and under direction of the House Ways and Means Committee. The report is a large volume, almost as large as the volume of hearings on the pending bill, and contains more misleading facts than any other document of which I know.

The Calhoun report attempts to face this problem by saying that we have created a charity system which gives substantially more than the contributory system, and then it attempts to answer that charge. I read now from page 78 of that report:

> If OASI beneficiaries as a group were persons dependent entirely on insurance benefits to meet living costs, the problem of liberalizing benefits within the general framework and relationships of the present system to meet all these costs would appear formidable if not hopeless.

But listen to this:

> But, by and large, the great majority have some other sources of support. The economic status of various classes of recipients and potential recipients and the significance of OASI payments to them are most important in appraising the present benefit schedule and proposals for this change.

I skip certain language and continue quoting:

> If the old-age-assistance means test as applied in the several States is taken as a guide, it would appear from OASI benefit statistics that fewer than 1 in 10 of the aged OASI recipients may presently be expected to fall in the group with no private income or resources. In large eastern cities only about 8 percent of the male primary beneficiaries were receiving old-age assistance in 1944. In southern cities the percentage was much smaller—only a little above 2 percent; in Los Angeles, where public-assistance eligibility conditions are relatively lenient, the percentage of OASI beneficiaries receiving old-age assistance runs well over 20 percent.

Let us see exactly what the authors of the Calhoun report are there attempting to show and attempting to prove. If workers in receipt of insurance benefits do not get enough to live on they are entitled to claim old-age assistance, and in Los Angeles, as it is stated, over 24 percent of them are already doing so. The Calhoun report finds that only a minor proportion of these people are getting old-age assistance. Therefore they reach the conclusion that 9 out of 10 of the contributors to the insurance system have other means of support which they can add to their social dividends and have enough for a decent living.

In the Calhoun report there are three tables in an appendix cited in support of that. I examined those three tables for hours, and they do not support the statement at all. I called into consultation one of the best experts in social security, and I was advised that they realized those tables, which are imperfect, loosely thrown together, and totally irrelevant, do not support the statement in the Calhoun report.

The reason why this question is of life-and-death interest to the Social Security Board is that if we have now reached the condition in which the great number of our people will get more from assistance than they would from the contributory program, the contributory program is going to be swept out of our laws, because what would be the use of maintaining thousands of calculators trained in the intricacies of the law and the scores of hair-splitting decisions of the Social Security Board as well as tens of thousands of other employees to work the benefits of a complicated system, if the great proportion of contributors are to get less than under old-age assistance and would have to go on old-age assistance to enable them to live?

Mr. President, if the Calhoun report had gone into reports of the Social Security Board itself, it could have found unlimited statistics indicating that 80 percent of these unfortunate people have no other income from investments of any kind after they are retired. They would have found that 80 percent have an insufficient amount for any decent living, even when added to their social security benefits.

Now let us read these figures, which should strike at any man's heart with the slight kindness or Christian principles in it. I read from the Social Security Bulletin of July, 1943, the top of page 4. This is a report on the financial condition of many thousands of beneficiaries under old-age insurance who were interviewed in Baltimore, St. Louis, Philadelphia, and Los Angeles.

I have carefully examined this bulletin and I think it is a very fine piece of work. Incidentally Mr. President, it agrees very much with polls taken in the investigation I made in California, and, to anticipate what it says, it is to the effect that 20 percent had hardly any income at all and 80 percent had virtually nothing. I will read the statement and then it will be plain:

> Only a small proportion in each survey appeared to have sources of income which could be expected to provide lifelong security. For example, slightly less than one-fifth of the male beneficiary groups had incomes of $600 or more which were derived solely from old-age and survivors insurance benefit plus retirement pay, private annuity, veterans' pension, or yield on investments or savings.

It should be noted that they speak of the male beneficiary groups, and in the definition that includes the wives. What the statement I have just read means is that less than 20 percent of these

beneficiaries, with all their income, including old-age insurance, had as much as $50 a month, and in one-third of the cases the wife was receiving something, too, and the other 80 percent ranged from $50 a month down to $10 a month.

We have also another most interesting report from the Social Security Board. The Board interviewed recipients in middle-sized cities in Ohio, and in St. Louis, to determine the permanent money income of beneficiaries groups in addition to benefits, and this is what the results show. Forty percent of those interviewed had no source of income except their benefits. This does not include old-age assistance. Of course, they were entitled to aid and many of them did receive old-age assistance as a supplement but outside of that they had nothing. Thirty-seven percent had less than $25 a month. So there, Mr. President, is the dismal figure—40 percent with not 1 cent of their own private income and almost 40 percent with less than $25 a month.

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. WILLIS. I have been interested in what the Senator has been saying as to the amount these people are now receiving. What is the Senator's estimate of what a person over 60 years of age would receive under this plan, with 3 percent gross income tax, with certain exemptions, and cost of administration, and then the remainder to be divided per capita?

Mr. DOWNEY. I would expect that with our present national income it would give an individual from $75 to $90 a month.

Mr. WILLIS. On what does the Senator base those figures?

Mr. DOWNEY. They are based on statistics we have secured, I will say to the Senator. I would also say that the most valuable statistics we have are from the State of Indiana. As the Senator knows, Indiana has a partial gross income tax, and the results which the State of Indiana has developed are most interesting. In California we believe it should be $75 a month for one individual and $125 a month for two. That is the minimum amount on which any individual or couple can live in human decency.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. DOWNEY. I am glad to yield.

Mr. CORDON. Does the Senator have any figures as to the relationship between the annual amount of transactions to which the proposed tax would be applied and the annual business of the country which, we understand, now is around $150,000,000,000 a year?

Mr. DOWNEY. I think it is generally thought that for every dollar of net income, the total of which is approximately $150,000,000,000, there would probably be $3, $3.50 or $4 of gross income.

Mr. CORDON. The gross income is the taxable amount under the Senator's proposed amendment?

Mr. DOWNEY. Yes.

As I have already stated, the Calhoun report, judging by the standard of old-age assistance, reached the conclusion that 9 out of 10 of these contributors had some other source of income than the old-age insurance benefits. When I dug through the tables in the Calhoun report I found that they considered even the sum of $5 a month, if given by a child, as the source of income. If the children were farmers' children and brought in $5 worth of groceries, that was considered. If they had even a room in the barn or outdoors or some other building outside the home, that was considered a resource. As a matter of fact, in one of the reports from which I have been reading the representatives of the Social Security Board interviewed unfortunate people trying to live on $10, $20, or $30 a month to try to find out what other sources of income they had, and how they could live at all on those amounts. I simply wish to read to the Senate some of these facts dredged up out of the depths of misery, despair, and anguish, and then ask if Senators are proud that they are Americans. In the cases I am going to read will be found the support of the Calhoun report that these unfortunate people, attempting to live on $20, $30, or $40 a month had other sources of support. Let us see the tragic character of them.

Mr. and Mrs. G. would like assistance in getting clothes, as their monthly benefit check of $31.65 is used entirely for rent ($12 a month) and food, leaving them nothing for clothes, medical care or miscellaneous items. They bought what they could and when the money was gone they went without.

Those two people, Mr. President, count on second- and third-hand clothing received through charity as an additional source of income. That is a resource, according to the social-work concept—a resource, Mr. President, in a country which has just demonstrated its ability to fight a global war and not only to turn out what we needed for our own vast Army but for those of our allies.

Mr. President, when I was before the Finance Committee I recited four lines from the great philosopher and poet Pope, and the majority leader corrected me in the use of one word. What I quoted is as follows:

Vice is a monster of so frightful mien,
As to be hated needs but to be seen;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace.

That, Mr. President, is the position of the Social Security Administration. It has looked at this frightful condition of poverty and misery for so long that it now embraces it as an inevitable fact when all the circumstances of our national life demonstrate how much our social vision lags behind our ability to banish poverty if we will only do so. Mr. President, it is beyond my understanding—I believe it is beyond human understanding—how social security experts could sit around a table and carry on investigations to find out how a decent man and woman in America past 65 years of age could live on $31.65, and then say they had other sources of income because they could go to some charity and get some second- or third-rate clothing. Is that the kind of thing we have to do in rich, fertile America? The savages do not do it.

I now read another case:

The only income of the beneficiary, an unmarried man, was his insurance benefit. He had lived with his son, daughter-in-law, and two grandchildren for a long time, and after retirement he turned over his entire income to his son.

Later it appeared that this entire income is $18.75 a month.

His son's annual income was $1,820. The beneficiary felt that his monthly benefit of $17.50 helped, and doubted that without it his son would have been willing to support him.

Mr. President, this particular case exemplifies a condition of tragedy in most of the homes of America. One-half our unfortunate people in their later years are dependent upon their children. It may be said "That is perfectly decent and proper. If the parents cannot support themselves in their old age, let the children do it."

Yes, Mr. President, and here is a typical case which I have read. The average worker in the United States supporting one or two or three parents of himself and his wife is making $150 a month. He has two to three children, and his wife, living in a two-bedroom house. Just think of the tragedy and the anguish and the unhappiness of bringing into an already overcrowded house one or two elderly parents. Just think of children trying to get any happiness for themselves, when their parents bring one or two elderly persons into the two-bedroom house, which the man has to keep up on $150 a month, and also support all his dependents. That is the kind of additional resource that the Social Security Board relies upon to show that this plan will work out. I can imagine the investigator trying to justify his use of this miserable $18.75 as an additional resource. He may say, "But do you not believe your son would take you in if you did not have that additional resource?" The poor old gentleman would perhaps say, "Well, maybe he would. Maybe in the kindness of his heart he would, yes."

Mr. President, if a man is well-to-do, or a wealthy man, if he has a large or spacious house, with servants, he can take care of his parents without any trouble. But if he is a man with an income insufficient to support his own children and wife, living in a small house, to be burdened with one or more parents creates a condition which to my mind is little short of tragedy.

Let us read another of these miserable, tragic statements dredged out of the depths.

Mr. and Mrs. Y's chief source of income was $602 a year from roomers, but rent took $360 of this amount. The monthly benefit amounted to $288 a year. Unemployment compensation payments of $171 paid for the winter's coal.

I should like to have the attention of Senators to this:

Mrs. Y remarked that she had had to pawn her wedding ring and other jewelry for coal prior to the receipt of unemployment compensation. They had previously cashed in two insurance policies.

Yes, Mr. President, in the wedding ring—I suppose treasured for 40 or 50 years—the woman found another resource of two or three dollars with which to eke out her existence. I sometimes think that men of great wealth and

large income in some way lack the penetrating imagination to understand the misery, the humiliation, and the degradation of people trying to live on $20, $30, or $40 a month. Apparently the greater incomes men have the less they can understand destitution and degradation. I say to any Senator who is interested in the preservation of capitalism and free enterprise that he had best be about it to see that some decent, humane, sufficient social-dividend plan is worked out so that retired workers, who do our jobs for us, will not be cast into insecurity and degradation when their life's work is done and they can do no more work.

Here is another example of a common tragedy:

Mr. and Mrs. S. reported income during the survey year as follows: $277 from wages, $240 from unemployment compensation, and $123 from insurance benefit. Their daughter, who lived with them, earned $1,373. She expected to marry soon and move from the household. Mr. and Mrs. S. had no assets and owed $257. They did not know how they would manage, as they could not qualify for old-age assistance because of the State residence requirements.

That case is typical of hundreds of thousands, and perhaps millions of cases today in America. Aged parents are being supported by a daughter or son who is making $125, $150, or $200 a month. The son or daughter must choose between the tragedy of leaving the parents to destitution and giving up marriage. But do we care? Apparently not. We are willing to let millions of young women take the burden of supporting their parents, even though that burden forbids the most priceless experience of any woman, namely, marriage. Many of the reports show such a condition. The son or daughter wishes to marry and is unable to do so because his small income is supporting his parents.

Here is another example:

Mr. and Mr. T. were in desperate financial straits. Mr. T. had earned good wages, but had been able to save nothing. He borrowed $400 from a finance company during the survey year, on which he had to make monthly payments of $39.20, including $5 interest. Their income during the survey year was $72 from unemployment compensation, $150 from a son outside the household, and $737 from monthly benefit. There were no assets. The son was captured at Corregidor.

Mr. and Mrs. W. withdrew $500 from their savings during the survey year, leaving a balance of $400. They owned their home, valued at $1,857. Their income during the year was $480, all but $13 of which was derived from insurance benefit. The $13 represented interest paid on their savings account. Two hundred dollars of their savings was used for doctor and dentist bills, as Mr. W. required constant medical care because of tuberculosis. The balance of the savings was used to pay the taxes and to meet current expenses.

Mr. and Mrs. A. depleted their assets substantially during the survey year. Their income, derived from noncovered employment, assets, and insurance benefit, totaled $420. Mr. A. had sold some property several years earlier for which he received $37.50 a month. This money, in addition to cash savings of $720, was spent to meet living expenses. When their cash assets are depleted to the point where they are eligible for old-age assistance, they plan to apply. The big fear of Mr. and Mrs. A. was that taxes and upkeep on their home could not be paid out of their small monthly income.

Mr. and Mrs. B. owned their home, valued at $3,000. This was their only asset. Their income during the survey year was $126 from earnings from employment, and $180 from insurance benefit. Their son, who lived with them, paid $60 a month toward household expenses. He had been drafted and expected to leave soon. Mr. and Mrs. B. then planned to apply for old-age assistance. The passage of the Servicemen's Dependents Allowance Act may have made their application for old-age assistance unnecessary.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. DOWNEY. I yield.

Mr. LANGER. Does the Senator know that up until a short time ago, if one of those aged people did some work on the side and earned enough to bring his income up to a little more than the amount required to make him liable for payment of income tax, the calculation of the income tax included the old-age pension?

Mr. DOWNEY. I had not supposed that our Government was so parsimonious. The Senator has brought out a most interesting fact, and I appreciate his contribution.

Mr. LANGER. I took the question up with the Bureau of Internal Revenue, and a ruling was issued to the effect that income tax calculations should not include old-age pensions, but up to that time they were included.

Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. DOWNEY. I yield.

Mr. LANGER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hill	Overton
Austin	Hoey	Pepper
Ball	Huffman	Radcliffe
Barkley	Johnson, Colo.	Reed
Bilbo	Johnston, S. C.	Revercomb
Bridges	Knowland	Russell
Burch	La Follette	Shipstead
Byrd	Langer	Smith
Capper	Lucas	Stewart
Chavez	McCarran	Swift
Connally	McClellan	Taft
Cordon	McFarland	Taylor
Donnell	McKellar	Thomas, Okla.
Downey	McMahon	Thomas, Utah
Eastland	Magnuson	Tunnell
Ferguson	Maybank	Vandenberg
Fulbright	Mead	Wagner
George	Millikin	Walsh
Gerry	Mitchell	Wheeler
Gossett	Moore	Wherry
Green	Morse	White
Guffey	Murdock	Wiley
Gurney	Murray	Willis
Hart	Myers	Young
Hawkes	O'Daniel	
Hayden	O'Mahoney	

The PRESIDENT pro tempore. Seventy-six Senators having answered to their names, a quorum is present.

The Senator from California [Mr. DOWNEY] is recognized.

Mr. KNOWLAND. Mr. President, will the Senator yield to me?

Mr. DOWNEY. I yield.

Mr. KNOWLAND. Let me say, first of all, that earlier in the day I offered an amendment from the floor, and the able chairman of the Finance Committee accepted it, and it was adopted. It appears on page 26, in line 20, and by the amendment we struck out the word "two" and inserted the word "five."

However, since that was done, I have discussed the matter with representatives of the Social Security Board, and they have pointed out that due to subsequent changes in the language of the original act, the amendment would not do what was intended to be done. Furthermore, they have assured me that the protection to the families of veterans in regard to the filing of claims under this measure is taken care of by a provision at another place.

So, Mr. President, under those circumstances, at their request, I ask unanimous consent that the vote by which the amendment was adopted earlier in the day be reconsidered and then I shall withdraw the amendment, and thereby restore the word "two" at the point indicated.

The PRESIDENT pro tempore. Is there objection? Without objection, the vote by which the amendment on page 26, in line 20, was adopted is reconsidered, and the amendment is before the Senate.

Mr. KNOWLAND. Mr. President, I now withdraw the amendment.

The PRESIDENT pro tempore. The amendment is withdrawn.

Mr. KNOWLAND. Mr. President, at this point I should like to address a question to the able chairman of the Finance Committee, regarding a matter in which the unemployment authorities in the State of California are greatly interested. I understand that one feature of the bill under discussion recently proposes to pay reconversion unemployment benefits to seamen performing services on vessels operated by the War Shipping Administration through general agents. Although I understand that the War Shipping Administration has taken the position that such seamen are employees of the Federal Government, the Attorney General of California in an opinion issued December 17, 1943, under No. NS 5261 held that such seamen were employees of the general agents in California, rather than employees of the Federal Government, and that such general agents were required to report such employment and to play the California unemployment tax upon such wages. My question is this, Is not it the intent of Congress in passing this bill to provide these benefits throughout the United States to such seamen as were employed on those War Shipping Administration vessels operated through such general agents, and in the event this bill is enacted into law, would not the Federal Security Administrator in respect to the State of California pay for the reconversion benefits provided for in section 306 of the bill?

Mr. GEORGE. Mr. President, section 1205 of the bill, starting near the bottom of page 18, reads in part as follows:

Each State shall be entitled to be paid by the United States an amount equal to the additional cost to the State of payments of compensation made under and in accordance with an agreement under this title, which would not have been incurred by the State but for the agreement.

I would say that it is undoubtedly the theory of the bill that the employees in

the employ of the general agent of the War Shipping Administration were employees of the Federal Government, and that the Federal Government would, under the bill, assume responsibility for the payments on the account of such workers, and that none of the States, including California, would be expected to make payments of benefits out of their own compensation fund.

I do not know that I quite understand the situation. I should like to make this point very clear. If the State of California has, in fact, collected from the general agent payments for and on account of the employees of the general agent, and the State of California retains the sums of money so paid, I would not think that the State of California would have the right to expect the Federal Government to reimburse it because, in effect, it would be double payment. But if the State of California should return the money to the general agent, or the general agent had not, in fact, paid it, it is undoubtedly the intent of this bill to put the employees of the general agent on the basis of Federal employees, and the Government itself becomes responsible for the payment.

Mr. KNOWLAND. I thank the Senator from Georgia for his explanation. It will clarify an important issue in the minds of the people of California. So far as I am aware, all other States, in dealing with this problem, have considered such seamen to be employees of the Federal Government, and it has always seemed fair that in providing for these payments the proposed program should operate in the same way in all States of the Union.

Mr. GEORGE. Yes; that is correct.

Mr. DOWNEY. Mr. President, I have already occupied the floor for some time. I desire to conclude my remarks as rapidly as possible, and therefore if it suits my colleagues I would prefer not to be interrupted during the remainder of my remarks.

Mr. President, I wish to say to all my colleagues that if, in what I have already said, I have seemed at times too emotional and too vehement, I ask their pardon.

I have no doubt that if he once fully understands the difficulties in the present pension plan, each Senator will be willing, sincerely, and immediately to address himself to a solution of our difficulties.

Mr. President, when the old-age insurance law was first being considered by the Finance Committee, several of the Senators were most reluctant to accept it. Among these was the senior Senator from Wisconsin [Mr. LA FOLLETTE] who repeatedly cautioned that the prophecies of its sponsors as to how it would work out were much too optimistic and doomed to failure. It is most unfortunate that the committee did not more carefully scrutinize the questions raised by the Senator concerning certain aspects of the insurance measure, for his discriminating judgment in emphasizing coming difficulties has been all too well demonstrated.

On this subject, as on all others which involve the welfare of the masses of our people, the Senator from Wisconsin has been consistently on the side of those whose daily bread is earned by daily toil; whose weekly pay envelopes are never fat enough to buy more than the necessities of a decent living and who inevitably must face a jobless retirement, living at the mercy of society itself.

The distinguished Senator from Wisconsin was a member of the Special Committee to Investigate the Old-Age Pension System, of which I had the honor to serve as chairman. From our association on that committee I know the disappointment which the Senator must share with me that the Congress should have been so negligent in dealing with the economic distress of our senior citizens.

While I am speaking of the attitude toward pensions of the Senator from Wisconsin, I should like to take the opportunity to pay him a tribute for his dynamic and effective leadership in bringing through to a successful conclusion the congressional reorganization plan. Throughout the Nation's press for the past several days there have appeared hundreds of editorials in high praise of this measure. With its passage, this Congress turned its back upon a large part of its cumbersome committee system and its antiquated procedures—some of which go back almost to the founding of the Republic.

Great credit belongs to all those who actively sponsored and worked this measure through the many legislative difficulties that confronted it, but there can be no doubt that the major part of the credit belongs to the distinguished senior Senator from Wisconsin [Mr. LA FOLLETTE] who served from its inception as chairman of the Special Committee on the Organization of Congress. Although the Senator has already had a long and illustrious career in the Senate, he is still young and is destined, I am sure, to render even greater service to his State and Nation.

Mr. President, the distinguished Senator from Florida [Mr. PEPPER] and the distinguished Senator from Idaho [Mr. TAYLOR] have joined with me in sponsoring an amendment to the pending bill in the nature of a substitute, by which the Townsend plan would be embodied in the bill.

For well over a decade Dr. Francis E. Townsend has been the great leader of millions of our aged citizens. In him millions of our elder citizens who have been subjected to the finely spun cruelties of social workers have found some hope for a dignified and comfortable retirement when working days are over.

Both Senators who have joined with me in this bill have long and fervently been committed to the pension cause, and I am most happy to be associated with them in this amendment.

As perhaps every other Senator knows, the Townsend plan would reduce to 60 years the age at which persons would receive pensions, it would eliminate the means test, provide a social dividend, by the levy of a gross income tax payable monthly, the proceeds of which would be disbursed equally to the beneficiaries monthly.

The Townsend plan will cost money, yes, but when we contrast the few billions which it might entail with the national income we can expect next year—around $150,000,000,000—we see the expenditure in its true perspective. Measured against our resources, it is a negligible amount. Measured against our older citizens' needs, it is even more negligible. To give only this much is barely fair; to give less would be folly. Our intention, I believe, is not to distribute penury. It is to share abundance.

No one doubts by this time, I feel sure, the capacity of our farms and factories to produce that abundance. We have demonstrated it in war; we are proceeding to demonstrate it in peace. Our real question has been, and will be again, how to distribute our purchasing power in such a way as to prevent the accumulation of excess savings and to provide a steady market for all our goods and services. An adequate Federal program of pensions is an instrument to that end. To some it may seem an expensive instrument to buy. I think they are wholly wrong for we can be well assured that it will pay for itself in the end, many times over.

Nevertheless, there will be many in the Senate, I have no doubt, as there are in the House, who will raise shocked eyebrows at even the suggestion of the Townsend program. They number not merely those who have never acknowledged the need of any social security system, who affect to believe that anyone of moderate virtue and moderate ability can save enough to support a serene old age, and who are content that those who fail should die in poverty. They number also those politicians who approve of a Government security program in principle, but who shut their minds to the brutal facts of its operation. They find it more comfortable to assume that passage of the Social Security Act ended the problem of the indigent aged; they ignore the blatant reality that it has only made poverty official.

Let us get the shameful data out in the open, where they belong. Let us strip aside the propaganda by which the Social Security Board has concealed the facts showing the total failure of the insurance scheme.

First. How many senior citizens have we? About 15,000,000 men and women over 60 years of age; about 10,240,000 over 65.

Second. How many of these are usually able to support themselves by their earnings? According to the Social Security Board, only 19 percent of those over 60; only 12 percent of those over 65.

Third. How many of them have usually been able to save enough to retire independently? In 1937 the Social Security Board found that of an average group of 1,000 Americans over 65, only 128 had current earnings, only 150 had any savings at all, and only 73 had public or private pensions, while 203 were depending wholly or in part on private or public charity, and 446 were living on the handouts of friends and relatives or just starving slowly. Again, in 1942, another Social Security investigation of 2,571 families receiving old-age insurance benefits showed that less than a fifth of the male beneficiaries and their wives had total incomes from all sources—including their old-age insurance payments—

of more than $50 a month. And the rest had anywhere from $50 down to $10 monthly.

Fourth. Have not the high wages of wartime permitted most people to make substantial savings toward their retirement? A study by the Federal Reserve Board in 1945 shows that 17 percent of the families who were investigated were going into debt, 13 percent were not saving anything at all, and 40 percent had managed to put by an average of only $40 worth of Government bonds, savings deposits, and demand deposits. It is tempting for the well-to-do to assume that these low savings can be attributed to spendthriftiness and improvidence. The temptation should be resisted. Remember that 80 percent of our urban workers earn less than $200 a month. How much can a city family save on that?

Fifth. How much would our workers have to have in order to retire on their investments? We have about 75,000,000 adult citizens. Suppose that just half of them—37,500,000 saved enough to return to each of them an annual income of $1,000 at 4 percent. That would imply a debt structure of $937,500,000,000. And the debt structure of the whole country in 1940, private, corporate, and banking, for young and for old was only about $200,000,000,000. Of course, war indebtedness has increased this by another $300,000,000,000. But who owns this? As the above Federal Reserve report shows, 20 percent of our savers own 75 percent of our savings.

Sixth. Granted that most of our people can neither earn a living after 60 or 65, nor have savings to retire on, is it not true that at least most of them are generally covered by the old-age insurance provision of the Social Security Act? It is not true. As the special committee of the Senate declared in its 1941 report:

> Our present provisions for old-age insurance and assistance have tragically failed to reach more than a small fraction of our retired workers. Of the 14,000,000 people now above age 60, nearly 12,000,000 remain outside the scope of the present program.

Seventh. But certainly those who are covered by the Social Security Act are well provided for; are they not? It depends on the criteria. Many of the beneficiaries are doing about as well as starving Europeans. In terms of what Americans have come to regard as decent, they are faring miserably indeed.

Eighth. Just what is the average benefit paid to a retired worker under the insurance provisions? According to the latest compiled figures, the average single male beneficiary is getting $24 per month. That comes to less than $6 a week.

Ninth. What about the old-age assistance payments? In September 1945 they averaged $30.17 per month for the whole country. In June of that year the three lowest States—Georgia, Kentucky, and North Carolina—were paying $11.42, $11.46, and $12.50, respectively.

Tenth. Do these old-age insurance benefits and old-age assistance payments bear any relation to (a) the minimum cost of keeping body and soul together; (b) the fraction of the national income which we could afford to set aside for our retired workers; or (c) the principles of Christianity we pretend to uphold? Answer to all three questions: None whatever.

Yet, there are men administering this program so blind to the power of our industrial plant, so smug in their isolation from the human struggle that with straight faces they can assert that any larger pensions and allowances may weaken the moral fiber of our people by making life too easy and too secure. No man could speak those complacent and fatuous words who had ever eaten the bitter bread of poverty; none but the deluded could suggest that the prospect of decent security after 65 could debauch the character of our youth or of the American workingman. It has always been the precious privilege of the rich to worry over the morals of the unfortunates; this right should not be usurped by Government officials.

What are we to do? It seems to me that we have two broad choices: To continue to tinker with the present Social Security Act, as we are now doing, or to scrap it and build afresh. The present pension laws are futile, cruel, and worthless—a sham and an abomination. I hope the day is not far distant when we will forever obliterate them and enact a truly sound and sensible program fitted both to our resources and to our responsibilities.

Such a program would rest upon two main pillars: The concept of tax-as-you-go, and the concept of social dividends. It would do away with the phony actuarial system beloved by the Federal Security Agency's bureaucrats; it would eliminate the odious means test. It would provide for ample monthly benefits, and it would provide them for all retired citizens—not just that fraction of the population which the Federal Security Agency has found it administratively feasible, under its complex and cumbersome scheme, to cover. It would found its taxation upon the broad, dependable base of our national gross income. It would give more to more people; give it simply and less expensively; give it without the humiliation which now shadows Government assistance; in effect, give it sufficiently, decently, and fairly as contemplated in the Townsend plan.

Cost: To many people, the bugbear of any proposal to alter or replace the Social Security Act is the question of cost. The hobgoblins of congressional profligacy and Federal bankruptcy prey upon their imaginations. That is natural. But it is not realistic.

For it has become by now a truism among all reputable economists that the underlying problem of our modern American economy is that of savings: the problem of how to prevent our national savings from swelling higher than our year-to-year capacity to invest them. Conversely, our problem is how to maintain a purchasing power in the hands of our consuming public adequate to take off the flood of goods streaming from our productive plant.

A full-scale pension plan is one major answer to this double problem. By providing security for everyone's old age, it reduces the urge to save—and the collective tendency to save more than our businesses can invest. By distributing purchasing power to groups formerly impoverished, it puts strong underpinnings beneath the demand for consumers goods and significantly lessens the danger of mounting inventories and subsequent "recession."

The cost of a decent security program must be measured against this crucial role which pensions can play in maintaining the equilibrium of our economy. It must also be measured against the income which we as a nation can expect to enjoy.

In 1947, it is estimated, our national income will approximate $150,000,000,000. A reasonably generous, comprehensive pension program of the sort I have outlined would cost about $10,000,000,000—or about 6 percent of our national income. Our senior citizens over 60 comprise about 10 percent of the population. Is it unsound or unjust to set aside 6 percent of our income for 10 percent of our people?

Only those can think so who are so deeply imbued with the niggardly philosophy of the Social Security Act that they would rather preserve an inadequate, pinch-penny program which starves and humiliates millions than to run the risk of paying a few thousand exceptional elderly people a little more money than they need. Only those can think so who are frightened by abundance, who have no conception of the meaning of social dividends in terms of purchasing power. Only those can think so who imagine that they can tackle the problem of excess savings and inadequate consumer demand through disbursing pensions of $10 or $20 or $30 a month. These are amounts suited to the age of the wheelbarrow, not the steam shovel. In our era of Aladdin-like production in all fields—industry, commerce, agriculture—the notion of stemming the onrush of a business crisis with such puny sums is as pathetic as that of any army defending itself with butterfly nets against a shower of atomic bombs.

I ask the Senate: Will we never be able to apply mathematical rules to our economic thinking? Will we never be able to realize that to the extent that some men cannot buy, other men cannot work? Will we never act upon the certainty that depleted purchasing power and underconsumption will necessarily build and maintain armies of unemployed? Will we never decide to distribute a social buying power sufficient to consume the products that would so bountifully flow from general employment?

Certainly, we never can produce to full capacity, never abolish unemployment, never relieve penury under the philosophy of poverty that imbues the Social Security Act. So long as its meager bounties are the chief purchasing power of the retired workers of America, thus long must they despair, thus long unemployment must remain a menace, thus long must all society be afflicted with insecurity.

The Townsend plan which I am offering as an amendment to the pending measure holds out an offer of assistance and security to every group. To labor, first, for it will shift a large share of the

pension costs from its back to the financially stronger shoulders of the big income class. To many a burdened family, for it will lift from it the support of unfortunate parents no longer able to finance themselves. To youth, for by enabling hundreds of thousands of senior citizens to retire each year, it will open up as many jobs for newcomers upon the employment market. To businessmen, for though individually they may pay more and get a bit less in pensions, the plan's effect of reducing the excess savings of all age groups and of stimulating the buyer power of the senior citizenry will give such a boost to the economy as will more than compensate in rising profits for any personal tax losses.

Last, and most pertinently, to the older partners of our Nation, the plan promises their heart's wish—dignity and security. Neither the stigma of charity nor the aroma of poverty will surround their pensions. The Government will finally have recognized that it was they who by honest sweat built the cities, the factories, the highways, the utilities, by virtue of which the rest of us now live, and it is they who are entitled to ample social dividends from the vast wealth they helped to create.

EXHIBIT A

TABLE 2.—*Old-age assistance: Recipients and payments to recipients, by State, December 1945* [1]

State	Number of recipients	Payments to recipients		Percentage change from—			
		Total amount	Average	November 1945 in—		December 1944 in—	
				Number	Amount	Number	Amount
Total	2,055,851	$63,361,293	$30.82	+0.4	+0.8	−0.5	+7.9
Alabama	34,076	529,138	15.53	+.8	+1.1	+10.3	+7.7
Alaska	1,341	52,367	39.05	−.3	+.9	+.4	+19.0
Arizona	9,505	367,801	38.70	+.3	+.3	−.2	+.4
Arkansas	25,801	428,407	16.60	−.4	−.1	−8.9	−15.5
California	159,565	7,569,864	47.44	+.5	+.5	+.8	+1.2
Colorado	40,408	1,675,607	41.47	+.3	+.4	−.9	−.5
Connecticut	14,239	562,991	39.54	+.8	+.5	+.7	+13.4
Delaware	1,213	21,606	17.81	−.4	+2.3	−14.8	+1.5
District of Columbia	2,317	81,620	35.23	−1.4	−6.2	−9.6	−4.6
Florida	42,623	1,261,416	29.59	+.9	+1.4	+7.2	+11.1
Georgia	66,642	783,850	11.76	−.1	+.1	−1.5	+3.5
Hawaii	1,461	36,240	24.80	+.6	+2.5	+.3	+11.0
Idaho	9,699	314,469	32.42	+.2	+.7	−.7	+6.3
Illinois	122,526	4,078,235	33.28	+.5	+1.1	−1.2	+5.5
Indiana	54,354	1,417,175	26.07	+.4	+.8	−5.4	−1.0
Iowa	48,694	1,598,062	32.82	−.1	+.5	−3.4	+4.3
Kansas	28,465	862,745	30.31	+.6	+1.6	+.4	+4.8
Kentucky	46,066	534,073	11.59	−.3	−.2	−11.5	−9.3
Louisiana	36,910	856,673	23.21	+3.0	+2.7	+1.2	+5.2
Maine	14,950	452,227	30.25	+.4	+.9	−.3	+5.6
Maryland	11,557	328,684	28.44	[2]	+.4	−3.2	+2.2
Massachusetts	75,900	3,350,341	44.14	+.3	+.5	+.3	+7.1
Michigan	86,527	2,837,708	32.80	+.8	+1.4	+1.5	+11.3
Minnesota	54,278	1,772,039	32.65	+.1	+.9	−3.3	+8.0
Mississippi	26,791	431,440	16.10	−.3	+.3	−5.9	+2.4
Missouri	101,589	2,657,886	26.16	+.5	+2.3	−.5	+14.1
Montana	10,719	343,638	32.06	+.5	+.8	−1.5	+5.5
Nebraska	23,967	762,336	31.81	+.4	+1.5	−2.8	+11.1
Nevada	1,936	74,716	38.59	−.1	[2]	−1.1	−.4
New Hampshire	6,579	201,222	30.59	+.6	+1.3	−.6	+6.0
New Jersey	23,189	757,379	32.66	−.2	+.3	−5.8	+.5
New Mexico	6,162	190,486	30.91	+1.0	+.9	+10.7	+6.0
New York	103,851	3,929,751	37.84	+.2	+.3	−2.0	+7.3
North Carolina	32,974	447,316	13.57	+.3	+2.2	−.1	+14.7
North Dakota	8,640	292,952	33.91	[2]	[2]	−1.3	+4.0
Ohio	117,107	3,620,961	30.92	[2]	+.6	−4.1	+1.1
Oklahoma	81,956	2,884,565	35.20	+.9	+1.0	+6.3	+30.8
Oregon	20,528	791,620	38.56	+.8	+1.5	+3.6	+15.7
Pennsylvania	83,871	2,585,269	30.82	+.7	+.8	−.3	+5.8
Rhode Island	7,426	257,012	34.61	+.5	+.9	+2.9	+8.4
South Carolina	21,977	348,678	15.87	+.6	+.8	+2.7	+17.0
South Dakota	12,712	336,678	26.49	+.4	+1.0	−1.3	+8.8
Tennessee	37,967	612,194	16.12	+.1	+.3	−.9	−3.7
Texas	173,690	4,243,712	24.43	+.6	+1.5	+2.4	+15.1
Utah	12,797	496,993	38.84	[2]	[2]	−2.7	+2.2
Vermont	5,149	120,387	23.38	−1.0	−.6	+1.3	+13.8
Virginia	14,971	224,715	15.01	+.2	+1.4	−4.2	+9.2
Washington	62,689	3,159,806	50.40	−.3	−.1	+4.5	+39.0
West Virginia	18,413	309,409	16.80	+.3	+.4	−1.2	−8.7
Wisconsin	45,652	1,372,911	30.07	+.7	+1.1	−1.4	+4.8
Wyoming	3,433	133,923	39.01	+.5	+8.1	+1.7	+21.3

[1] For definitions of terms see the Bulletin, July 1945, pp. 27–28. All data subject to revision.
[2] Increase of less than 0.05 percent.
[3] Decrease of less than 0.05 percent.

EXHIBIT B

Average monthly primary old-age insurance benefit in force, by State, Dec. 31, 1945 [1]

Alabama	$20.80
Alaska	25.00
Arizona	25.33
Arkansas	19.40
California	24.56
Colorado	23.78
Connecticut	25.87
Delaware	24.24
District of Columbia	22.58
Florida	23.85
Georgia	20.74
Hawaii	20.96
Idaho	22.18
Illinois	$25.26
Indiana	23.81
Iowa	21.96
Kansas	21.84
Kentucky	21.85
Louisiana	21.39
Maine	22.30
Maryland	23.10
Massachusetts	24.79
Michigan	25.73
Minnesota	24.33
Mississippi	19.04
Missouri	23.44
Montana	24.33
Nebraska	21.22
Nevada	24.48
New Hampshire	23.09
New Jersey	25.85
New Mexico	21.88
New York	24.42
North Carolina	19.94
North Dakota	$21.81
Ohio	25.47
Oklahoma	22.91
Oregon	24.04
Pennsylvania	24.93
Rhode Island	24.61
South Carolina	20.34
South Dakota	22.78
Tennessee	20.41
Texas	21.67
Utah	23.78
Vermont	21.42
Virginia	22.03
Washington	24.81
West Virginia	23.63
Wisconsin	24.71
Wyoming	23.31
Total	[2] 24.14

[1] The cautions with regard to the use of old-age and survivors insurance benefit data, indicated in the Mar. 29, 1946, release attached, should be observed with respect to these data.

[2] Average for continental United States, Alaska, and Hawaii.

EXHIBIT C

FEDERAL SECURITY AGENCY,
SOCIAL SECURITY BOARD,
Washington, D. C., July 9, 1946.

Hon. SHERIDAN DOWNEY,
United States Senate,
Washington, D. C.

DEAR SENATOR DOWNEY: We are furnishing herewith replies to three of the questions among the nine which Mr. Bowie of your office left with Mr. Fisher July 8.

1. Among workers who have at any time earned wage credits under old-age and survivors insurance, what proportion has retired from the labor force with no eligibility for primary benefit?

It is difficult to furnish a definitive reply to this question because retirement from the labor force is not necessarily a permanent condition for many persons. This lack of permanency is particularly true for women, many of whom leave the labor force on marriage but reenter it at a later date because of the husband's death or for other reasons. Under conditions of acute labor shortages, such as we experienced during the war, many persons reentered the labor force who had thought of themselves as retired for all practical purposes.

An approximation of the magnitudes you are seeking may be attempted, however, from the insured status of persons 65 years and over with wage credits. The Bureau of Old-Age and Survivors Insurance estimates that on January 1, 1946, there were 2,489,000 living persons 65 years and over who had earned some wage credits since January 1, 1937, distributed by insurance status as follows:

	Number	Percent
Total	2,489,000	100
Not fully insured	1,063,000	43
Fully insured	1,426,000	57
Primary beneficiaries	611,000	25
In current-payment status	518,000	21
In deferred or conditional payment status	93,000	4
Potential primary beneficiaries	815,000	33

It should be pointed out that the 1,063,000 persons who lacked fully insured status included an unknown number of workers still in the labor force, some of them in covered employment, who might in time acquire fully insured status. Not all of them had retired from the labor force. The 57 percent with fully insured status should be viewed, therefore, as a minimum estimate of the proportion who might eventually become eligible for primary benefit.

2. What is the distribution of primary benefits, by size of benefit, for the latest available date?

The distribution of primary benefits in force on December 31, 1945, follows:

Total number	610,842
Percent	100.0
$10	8.3
$10.01–$14.99	9.4
$15–$19.99	9.6
$20–$24.99	28.4
$25–$29.99	21.4
$30–$34.99	12.3
$35–$39.99	7.0
$40–$44.99	3.6

The maximum primary benefit possible in 1945 under the act was $43.60.

The Board believes that since old-age and survivors insurance is a family benefit program, somewhat more significance attaches to a distribution by size of family benefit (primary plus supplementary in this instance) than by size of primary benefit only. We therefore give below a distribution of family benefits in force on December 31, 1945, for families containing a primary beneficiary.

	Primary only		Primary and wife	Primary and 1 child
	Male	Female		
Total number	338,500	78,400	181,100	8,300
Percent	100.0	100.0	100.0	100.0
$10.00	7.7	15.7		
$10.01–$14.99	9.0	15.5		
$15.00–$19.99	9.3	15.2	11.0	13.2
$20.00–$24.99	27.5	36.6	5.3	6.5
$25.00–$29.99	22.4	11.6	5.3	6.5
$30.00–$34.99	13.1	3.5	17.0	19.7
$35.00–$39.99	6.4	1.2	18.1	18.6
$40.00–$44.99	[1] 4.6	1.7	14.9	12.5
$45.00–$49.99			11.0	9.4
$50.00–$54.99			6.9	6.5
$55.00–$59.99			4.4	3.3
$60.00–$64.99			5.6	3.1
$65.00–$69.99			[2] 6	[2] 7

[1] $43.60 maximum possible in 1945.
[2] $65.40 maximum possible in 1945.

3. What are the latest figures on the number of persons in the United States aged 60 years and over?

The latest estimates released by the Bureau of the Census are for July 1, 1945 (series P-46, No. 2):

Total	15,416,576
Men	7,528,690
Women	7,887,886

We hope to have replies to additional questions ready for you later in the week.

Sincerely yours,

I. S. FALK,
Director.

EXHIBIT D

A. PERMANENT MONEY INCOME OF BENEFICIARY GROUPS IN ADDITION TO BENEFITS: PERCENTAGE DISTRIBUTION BY ANNUAL MONEY INCOME FROM PERMANENT ECONOMIC SOURCES IN ADDITION TO BENEFITS. MEAN AND MEDIAN INCOME

NOTE.—From 33 to 66 percent of the different types of beneficiary groups in the two surveys reported receiving no cash income from permanent economic sources such as assets, retirement pay, veterans' pensions, and private annuities, other than old-age and survivors insurance benefits. The amount derived from these economic sources indicates how much the beneficiaries could have counted upon as permanent cash income if they had not received insurance benefits.

Income from permanent economic sources other than old-age and survivors insurance benefits was frequently low; half of each of the different types of male primary beneficiary groups reported such income amounting to not more than $221 in Ohio and $400 in St. Louis. Only 6 to 8 percent of the nonmarried men and 15 to 22 percent of the two types of married men reported $600 or more. Female primary beneficiaries, aged widows, and widows with entitled children had less cash income from such sources than the men beneficiaries. The median incomes of these groups ranged from $20 to $120; only 1 to 8 percent received as much as $600.

Type of beneficiary group and money income from permanent economic sources in addition to benefits	Percent of beneficiary groups with specified income from permanent economic sources in addition to benefits	
	Ohio middle-sized cities	St. Louis resurvey
Male primary beneficiaries, total	100.0	100.0
None	40.6	47.0
Less than $300	37.9	26.7
$300 to $599	7.8	11.7
$600 to $899	5.1	5.9
$900 or more	8.6	8.7
Mean income	$275	$309
Median income	7	4
Median income for beneficiary groups having income	164	296

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from California [Mr. DOWNEY].

The amendment was rejected.

Mr. GEORGE. Mr. President, there is one brief amendment which the Senator from Ohio [Mr. HUFFMAN] wishes to present at this time. I am willing to accept the amendment. It simply treats Alaska and Hawaii as States under this measure.

Mr. HUFFMAN. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 42, after line 10, it is proposed to strike out all down to and including line 22, and insert in lieu thereof the following:

(1) In the case of a State the per capita income of which is equal to or greater than the per capita income of the continental United States, the Federal percentage shall be 50 percent and the State percentage 50 percent; and in the cases of Alaska and Hawaii, until satisfactory data concerning average per capita income for three successive years have become available from the Department of Congress, the Federal percentage shall be 50 percent and the State percentage should be 50 percent.

(2) In the case of a State per capita income of which is not more than 66⅔ percent of the per capita income of the continental United States, the Federal percentage shall be 66⅔ percent, and the State percentage shall be 33⅓ percent.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. HUFFMAN].

The amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendments to be offered, the question is on the engrossment of the amendments, and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read for a third time.

The bill (H. R. 7037) was read the third time and passed.

COMPENSATION OF EMPLOYEES OF DISTRICT OF COLUMBIA NURSERIES

Mr. BILBO. Mr. President, I desire to ask unanimous consent to have a couple of small bills affecting the District of Columbia taken up and passed. They are emergency measures.

House bill 8716 was passed and went to conference, and the President delayed signing it, so the employees of the nurseries of the District of Columbia worked 16 days without any compensation. We have already appropriated the money, and the bill I am now introducing is designed to give the Welfare Board authority to pay for the 16 days which elapsed from the time the bill passed to the time it was signed by the President.

The PRESIDENT pro tempore. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (H. R. 7126) to amend section 2 of the act of July 16, 1946 (Public Law 514, 79th Cong.), relating to the establishment and operation in the District of Columbia of nurseries and nursery schools, so as to permit payment of compensation for services rendered after June 30, 1946, and prior to the enactment of such act.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

FIREBOAT FOR DISTRICT OF COLUMBIA

Mr. BILBO. Mr. President, from the Committee on the District of Columbia, I ask unanimous consent to report favorably without amendment the bill (S. 2498) to provide for fire protection of Government and private property in and contiguous to the waters of the District of Columbia.

The PRESIDING OFFICER. The bill will be received and placed on the calendar.

Mr. BILBO. The District Commissioners, Mr. President, sent a special message to me earlier today and asked me to have the bill reported from the committee for immediate passage, because of its emergency nature. The bill provides for the transfer of a fireboat by the Secretary of the Navy, to the Government of the District of Columbia for the protection of all Government and private property in and contiguous to the waters of the District of Columbia. The bill does not involve any expenditure. It simply provides authority to the Secretary of the Navy to make the transfer.

Mr. WHITE. Is the Senator introducing the bill now?

Mr. BILBO. It is a bill which has already been introduced, and the Committee on the District of Columbia has reported it favorably.

Mr. WHITE. Has the bill been considered by the committee?

Mr. BILBO. The committee has reported it.

Mr. WHITE. When did this situation become so emergent?

Mr. BILBO. It is necessary to get the bill, which is a Senate bill, to the House before Congress adjourns. The transfer of this boat to the District government will afford protection to Government and private property contiguous to the waters of the District of Columbia.

Mr. WHITE. When did this situation arise?

Mr. BILBO. A special message came to me from the District Commissioners about an hour ago.

Mr. WHITE. And the Senator is introducing the bill today?

Mr. BILBO. No; the bill was introduced some time ago and has been reported, and I now ask for its consideration and passage.

Mr. WHITE. The bill has not been referred to the committee yet, has it?

Mr. BILBO. Yes; the committee has passed on it. I have polled the committee.

Mr. WHITE. That is not the question. It has not yet been referred to the committee, has it?

Mr. BILBO. It was referred to the committee, and I polled the committee, and the committee members understand it and have agreed to have the bill reported, because it is an emergency matter.

Mr. WHITE. When did it become emergent, this afternoon?

Mr. BILBO. It has been emergent for some time. It will save the District of Columbia about $10,000 a year and give protection to Government property and private property.

Mr. WHITE. Then it has been emergent for a month, is that it?

Mr. BILBO. I presume so, It is the first time the emergency has been brought to my attention. I do not know how long it has been emergent.

Mr. WHITE. The Senator does not know anything about the bill?

Mr. BILBO. I know that it will save the taxpayers about $10,000.

Mr. WHITE. It seems to me that without justification the Senator is really undertaking to short-cut every rule of the Senate in respect to the consideration of measures.

Mr. BILBO. My information is that when a situation is urgent, consideration can be given by unanimous consent.

Mr. WHITE. The Senator has not received unanimous consent yet.

Mr. BILBO. I have asked for it. I thought I had received it.

Mr. WHITE. Having told the Senator what I think about the procedure, I shall not object.

Mr. BILBO. Very well.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2498) to provide for fire protection of Government and private property in and contiguous to the waters of the District of Columbia, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in order to provide for fire protection of all Government and private property in and contiguous to the waters of the District of Columbia, the Secretary of the Navy be, and he is hereby, authorized to transfer, without exchange of funds, a fireboat of the YBT-225 type, excess to the Navy's needs, to the government of the District of Columbia, and the Commissioners of the District of Columbia are hereby authorized to accept, operate, and maintain such fireboat, and to dispose of the obsolete fireboat now in their possession.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed without amendment, the bill (S. 2020) granting a right-of-way at a revised location to the West Shore Railroad Co., the New York Central Railroad Co., lessee, across a portion of the military reservation at West Point.

The message notified the Senate that Mr. DURHAM, Mr. SIKES, and Mr. CLASON had been appointed managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5626) to authorize the Veterans' Administration to appoint and employ retired officers without affecting their retired status, and for other purposes, vice Mr. MAY, Mr. BROOKS, and Mr. SHORT, excused.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1277. An act conferring jurisdiction upon the United States District Court of the Western District of South Carolina, to hear, determine, and render judgment upon the claim of William S. Brown;

S. 2348. An act to authorize the continuance of the acceptance by the Treasury of deposits of public moneys from the Philippine Islands;

S. 1478. An act to record the lawful admission to the United States for permanent residence of Edith Frances de Becker Sebald;

S. 2085. An act to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended, to authorize the Federal Works Administrator to provide needed educational facilities other than housing, to educational institutions furnishing courses of training or education to persons under title II of the Servicemen's Readjustment Act of 1944, as amended;

H. R. 1362. An act to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes;

H. R. 3748. An act to amend an act entitled "An act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal", approved May 29, 1944;

H. R. 4080. An act to authorize the Commissioner of Patents to designate examiners to serve temporarily as examiners in chief;

H. R. 4718. An act to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for certain officers and employees who have rendered at least 25 years of service;

H. R. 5148. An act to provide for the payment of pension or other benefits withheld from persons for the period they were residing in countries occupied by the enemy forces during World War II;

H. R. 6004. An act to provide authorization for the village of Cahokia, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near Cahokia, Ill., and for other purposes;

H. R. 6406. An act authorizing the State of Texas, acting through the State Highway Commission of Texas, or the successor thereof, to acquire, construct, maintain, and operate a free bridge across the Rio Grande at or near Del Rio, Tex.;

H. R. 6533. An act to authorize certain administrative expenses in the Government service, and for other purposes;

H. R. 6702. An act to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944; and

H. R. 6836. An act to establish and provide for the maintenance and operation of a veterans' canteen service in the Veterans' Administration, and for other purposes.

AWARD OF SPECIAL MEDAL TO GENERAL OF THE ARMIES JOHN J. PERSHING

Mr. THOMAS of Utah. Mr. President, yesterday the Senate passed House bill 3944. It was a bill to award a special medal for Gen. John J. Pershing. In that bill both in the House and in the Senate the words "at the Bureau of the Mint" were left out. It is customary that such medals be struck off at the mint, and I am sure that that is where this medal will be made. At the request of the Senator from Wyoming [Mr. O'MAHONEY] I have made this statement.

PRINTING OF EDITORIALS ON PEARL HARBOR REPORT

Mr. LUCAS. Mr. President, last week the Senator from Illinois asked unanimous consent to have printed in the Appendix of the RECORD a series of editorials dealing directly with the Pearl Harbor report. I did not submit the editorials one by one. I submitted them as a group and asked that they be printed in the RECORD.

I now raise the parliamentary inquiry as to whether the Senator from Illinois can submit editorials as a group after obtaining permission from the Senate to do so, or will I have to submit them one at a time so as to avoid having the Public Printer advise me that I am violating rule No. 10 of the Joint Committee on Printing?

The PRESIDENT pro tempore. The Chair will say that it all depends on the nature of the request made by the Senator from Illinois. If the Senator requested that they be printed as a group, the Senate can give its consent thereto. How did the Senator submit the editorials?

Mr. HAYDEN. Mr. President, I should like to say that I believe that the difficulty is that the group of editorials in all amounted to more than two printed pages in the RECORD. If they did, the Senator was required to have an estimate of the cost made, and state the cost to the Senate. Then he could receive permission from the Senate to have the editorials printed in the RECORD. If they were submitted separately, at different times, of course, they would not take up two pages.

Mr. LUCAS. The point I make is this: Am I entitled to stand here and submit one editorial after another, identifying each editorial, and have them printed in the RECORD one by one, even though they occupy six pages of the RECORD, without having to submit an estimate of cost?

Mr. HAYDEN. The Senator could take up more than two pages of the RECORD by obtaining unanimous consent separately to print each individual editorial, or he could submit them altogether, abide by the rule, and have an estimate of cost made and state the cost to the Senate.

The PRESIDENT pro tempore. It all depends upon the length of each editorial. If the editorial amounts to more than two printed pages of the RECORD, an estimate of cost must be submitted.

Mr. LUCAS. There is no editorial among those I have in my hand which amounts to as much as two pages. But I wish to submit a series of editorials, and in all they will be more than two pages in length.

The PRESIDENT pro tempore. Then an estimate of the cost should be submitted.

Mr. LUCAS. Mr. President, I do not dislike to disagree with the distinguished President pro tempore, but I think his ruling is wrong.

The PRESIDENT pro tempore. The Senator can appeal from the ruling if he desires.

Mr. LUCAS. No; I shall not do so.

Mr. President, I now ask unanimous consent to have printed in the RECORD an editorial entitled "The Pearl Harbor Report," published in the Chicago Times of July 22, 1946.

There being no objection, the editorial was ordered to be printed in the RECORD.

(The editorial appears in the Appendix along with other editorials on the same subject submitted by Mr. LUCAS.)

CALL OF THE ROLL

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Andrews	Hill	Overton
Austin	Hoey	Pepper
Ball	Huffman	Radcliffe
Barkley	Johnson, Colo.	Reed
Bilbo	Johnston, S. C.	Revercomb
Bridges	Knowland	Russell
Burch	La Follette	Shipstead
Byrd	Langer	Smith
Capper	Lucas	Stewart
Chavez	McCarran	Swift
Connally	McClellan	Taft
Cordon	McFarland	Taylor
Donnell	McKellar	Thomas, Okla.
Downey	McMahon	Thomas, Utah
Eastland	Magnuson	Tunnell
Ferguson	Maybank	Vandenberg
Fulbright	Mead	Wagner
George	Millikin	Walsh
Gerry	Mitchell	Wheeler
Gossett	Moore	Wherry
Green	Morse	White
Guffey	Murdock	Wiley
Gurney	Murray	Willis
Hart	Myers	Young
Hawkes	O'Daniel	
Hayden	O'Mahoney	

The PRESIDING OFFICER. Seventy-six Senators have answered to their names. A quorum is present.

The Chair lays before the Senate the unfinished business.

LIABILITY FOR ACTS PERFORMED UNDER SELECTIVE SERVICE REGULATIONS

Mr. McCARRAN obtained the floor.

Mr. GURNEY. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield.

Mr. GURNEY. Mr. President, I wish to make a brief statement and give notice to the Senate that it is my hope that possibly today or tomorrow we may be able to consider House bill 6035, Calendar No. 1851, known as the double liability bill. It seems to me particularly necessary that the Congress pass this bill before final adjournment, for the reason that employers throughout the United States took the word of the Administrator of the Selective Service System, General Hershey, that veterans were entitled to seniority in their jobs when they were discharged from the armed forces. Most of the employers did take the word of the man who was the Administrator of the law passed by the Congress, and they did give the veterans seniority. There was no contrary court decision on this matter until January 26 of this year, at which time there was a decision to the effect that a nonveteran with superseniority could hold his job. That was finally confirmed by the Supreme Court, on May 24. That decision leaves the employer liable for the salary of a nonveteran who has been displaced by a veteran.

I believe that this bill is very fair, and that Congress is obligated to give relief to the employers. Therefore, I give notice that at the earliest opportunity I shall ask for consideration of the bill, H. R. 6035, to provide that there shall be no liability for acts done or omitted in accordance with regulations of the Director of Selective Service, and for other purposes.

WITHDRAWALS OF PUBLIC LANDS FROM SETTLEMENT, ETC.

Mr. McCARRAN. Mr. President, on June 29, for myself and the junior Senator from Utah [Mr. MURDOCK], I introduced in the Senate a bill, S. 2394, which is of the highest importance to all of the western public-land States. The enactment of this bill is vital to the further discovery and the orderly development of the resources of these vast areas of our country, and to the maintenance and expansion of employment in the Western States during this postwar period and the years to follow.

This bill deals with the power to make withdrawals of the public lands from settlement, entry, location, and sale. It it is a bill for the recapture by the Congress of these powers which the executive branch of the Government has acquired, over a long period of years, through acquiescence or silence on the part of the Congress. It would do this by amending the General Withdrawal Act of June 25, 1910 (36 Stat. 847), as amended in 1912.

I am sure that few of my colleagues who are not from the public-lands States fully realize how extensive and important are these public lands of the Nation, and how vital their proper use and administration are to the whole economy of these Western States, and to their State and local governments.

The area of the lands owned by the Federal Government within the limits of the 48 States reaches a total of 455,000,000 acres, which is 24 percent of the total area of all of the States. Ninety percent of these Federal lands lie within the boundaries of the 11 Western States; and these States comprise 40 percent of the area of all of them. More than half of the total land area of the 11 Western States is federally owned. In three of these States, more than 70 percent of the land is owned by the Federal Government; and in my own State of Nevada the proportion reaches 87 percent. If Alaska be added to the 48 States for the purpose of this consideration, we find that 36 percent of the total land area is owned and administered by the Government here in Washington.

There can be no doubt that the final authority for the making of public-land withdrawals resides in the Congress. The language in the Constitution and in the decisions of the Supreme Court is amply clear on this point. Article IV, section 3, of the Constitution states that—

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States.

The decision of the Supreme Court upon which the executive branch of the Government relies for the justification of its wide exercise of the power to make

public-land withdrawals is found in *United States* v. *Midwest Oil Company* (236 U. S. 450). In this decision, written in 1914, the Court pointed out that—

> The Executive, as agent, was in charge of the public domain; by a multitude of orders, extending over a long period of time and affecting vast bodies of land in many States and Territories, he withdrew large areas in the public interest. These orders were known to the Congress, as principal, and in not a single instance was the act of the agent disapproved.

The Court added:

> The power of Congress over the public domain is not only that of a legislative domain but also that of a proprietor, and it may deal with it as an individual owner may deal with his property and may grant powers to the Executive as an owner might grant powers to an agent, either expressly or by implication.
>
> Silence of Congress after consideration of a practice by the Executive may be equivalent to acquiescence and consent that the practice be continued until the power exercised is revoked.

Mr. President, the time has come, and has long been overdue, when the Congress should revoke these public-land withdrawal powers, thus acquired by the Executive through silence on the part of Congress. To do this is the purpose of my bill, S. 2394.

The power to make Executive withdrawals of public lands has been and is being used and abused with utter abandon. Withdrawal orders are issued in great numbers, on the flimsiest of excuses, and with little or no regard for their effect upon the interests and the means of livelihood of the citizens of the Western States, or upon the development of the resources therein. Most of the withdrawals are made at the behest of administrative agencies which are striving to expand their prestige and bureaucratic control. The numbers of these withdrawals run into many thousands. They are so numerous and so confused and conflicting, that the General Land Office, the recording agency, cannot give even an approximate estimate of the number now outstanding. Many of the withdrawals involve hundreds of thousands, or even millions of acres. They became so numerous and so burdensome for the President to sign that 4 years ago the President delegated to the Secretary of the Interior his full authority to issue and revoke all withdrawal orders, with the approval of the Bureau of the Budget and the Attorney General.

Not only are the numbers of withdrawals very great, Mr. President, but it is a general practice of certain Government agencies, and may I say more particularly the Indian Service and the National Park Service, to withdraw, at a given time and place, many times the acreage needed or many times the acreage that could possibly be justified by any reasonable standard of measurement to be withdrawn.

A considerable proportion of the public land withdrawals are designated in the withdrawal orders as "temporary." This is necessarily true because the authorization contained in the General Withdrawal Act extends only to lands withdrawn temporarily. To make "permanent" withdrawal, the Executive must resort to those powers acquired from the Congress through default. However, these so-called temporary withdrawals are allowed to stand indefinitely. It is comparatively seldom that a temporary withdrawal, once made, is even reduced in area. They are rarely vacated. I am informed that so-called temporary withdrawals issued as early as 1862 are still in full force and effect.

I have learned that in 1902 a tract of some 30,000 acres located in the State of California, was temporarily withdrawn in aid of legislation. The withdrawal was effected merely by sending a telegram which, in my opinion, cannot be construed as a valid withdrawal order. Four or 5 years later the proposed legislation, in the interest of which the withdrawal order was issued, was definitely defeated in the Congress. Today, applications are on file in the Department of the Interior for the issuance of permits to drill for oil and gas upon this land. But the General Land Office is unable to issue the permits, for the reason that the agency involved, National Park Service, refuses to release the withdrawal. These lands have not been incorporated into a national park or monument. Yet today, at this very moment, after this temporary and inadequate if not invalid withdrawal has stood for nearly half a century, and the proposed legislation has been definitely defeated for 40 years, it continues to block the exploration for and development of a resource greatly needed by the entire Nation.

This is not an isolated case. There are today on the records of the Department of the Interior many public land withdrawals just as flagrant, just as inexcusable, just as stultifying to the interests and development of the western States as is this one.

For several years I have been chairman of a subcommittee of the Senate Committee on Public Lands and Surveys to investigate the administration and use of the public lands. Extensive hearings have been held in the western public land States and here in Washington, and several reports have been issued by the subcommittee. The record in these hearings and reports will substantiate the statements that I am making today. The subcommittee has had occasion to investigate many public land withdrawals, and to examine some of them in great detail. If time permitted, I could cite many more and illuminating examples of the abuses and the effects of the Executive withdrawals.

The findings of my subcommittee show that many withdrawal orders are prepared and issued in a very irregular manner, in violation of the law and the regulations promulgated thereunder. They are usually issued merely upon the recommendation of the Government agency that will profit thereby, without any investigation of the needs or the justification for the order. In all cases that have come to my knowledge, the orders have been prepared and issued in entire secrecy, without consultation with, or the knowledge of the Members of the Congress or the officials or citizens of the States concerned.

A large proportion of the withdrawal orders contain no references to any statutory authority for their issuance. These are issued pursuant to what the Department of the Interior likes to call the broad powers of the President, meaning those powers which the Supreme Court says have been acquired through the silence or acquiescence on the part of the Congress. Spokesmen for the Interior Department refer constantly to those powers as the inherent powers of the President, despite the fact that the constitution clearly placed in the Congress all powers with respect to the public lands, and the Supreme Court has so interpreted it.

This device of resorting to the so-called broad or inherent powers of the President is used by the Interior Department when they wish to free the withdrawn lands from the application of the mining laws. This is necessary because the General Withdrawal Act of 1910, as amended, specifically provides that on all lands withdrawn under its authority the mining laws with respect to metalliferous minerals shall apply.

To illustrate the lengths to which the Department of the Interior will and does go in circumvention and in violation of the laws of Congress, I need but cite a long series of withdrawals made for the Indian Service under alleged authority contained in a proviso in an act of March 3, 1927. The language of that proviso is wholly negative, and it is unrelated to anything else in the act. But the Department in the most flagrantly distorted interpretation of a statute that has ever come to my attention, has for many years construed the proviso to be an affirmative grant of power to the Secretary to make withdrawals of public lands for the use and occupation of Indians and for administration by the Indian Service. The effect of this interpretation, which, by the way, was apposed by the General Land Office, is to nullify three separate statutes in which the Congress specifically reserved to itself all authority to create Indian reservations or additions to reservations, and to alter the boundaries of existing reservations. Yet, under this alleged but nonexistent authority the Department has effected and continues to effect, many withdrawals in many States, totaling many millions of acres. The largest ones of these withdrawals were made 13 and 15 years ago in the States of Utah and New Mexico, all under the guise of "in aid of legislation." For some of these areas no legislation has ever been proposed, and for the others the legislation proposed was long ago defeated in the Congress. To all intents and purposes, these withdrawals constitute Indian reservations or additions to reservations, and they all still stand in full force and effect. None has ever been revoked. They remain as festering sores of controversy to plague the communities and the States in which they are located.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. MURDOCK. Is it not a fact that after a withdrawal has been made, especially in connection with the Bureau of

Indian Affairs, the withdrawal is used as a club over the heads of Senators and Representatives in order to force legislation through Congress which otherwise, in my opinion, might not be considered at all? That has been my experience in both the Senate and in the House. The very withdrawal to which the Senator from Nevada has referred was made when I first became a Member of the House in either 1932 or 1934. It is still in full effect. Under that withdrawal the Bureau of Indian Affairs took over jurisdiction of, as I recall, approximately a million acres of land, and since then has constantly used that circumstance in an attempt to force through the Congress legislation which should never be enacted and will not be enacted.

Mr. McCARRAN. Mr. President, no statement could be more accurate than that which the able Senator from Utah has made. He has sat with me in many hearings on the subcommittee where not only the subject which he discussed today, but also kindred subjects were developed in such a way that one would believe the Department of the Interior would, to use the common vernacular of the street, "get on to itself" and at least comply with the law.

Mr. President, the multiplicity and complications of the many thousands of outstanding public land withdrawals is almost beyond comprehension. There remains very little public land in the Western States not now covered by at least one withdrawal; and much of the land is encumbered by additional overlying and overlapping withdrawals, all imposing varying kinds and decrees of restrictions upon their use by others than the administering agency or agencies in charge. Many of the most valuable and most highly mineralized areas in the Nation are thus tightly locked up indefinitely from all productive development. They include some of the richest known deposits of minerals in short supply and badly needed in the interest of the national economy. Some of these deposits have been discovered through the long efforts and heavy expenditures on the part of private citizens who stand ready to proceed with their orderly development if permitted to do so under the mineral-leasing laws. But these citizens now find the areas sealed off and held indefinitely for some future exploration and development by such Government agencies as the Department of the Interior, if and when the Congress shall provide the authorizations and appropriations.

A high proportion of the withdrawals have long since served every legitimate purpose. Many of them never were defensible or needed in the first instance. Their continued existence, even, seriously hampers the administration and records of such agencies as the General Land Office. For years thay have virtually ended all homesteading. To a very serious extent they hamper or prevent the further exploration and development of those mineral resources upon which much of the continued progress and prosperity of the Western States depend. The whole record shows that it is futile to expect or hope that the clearing away of this debris, the setting of the house in order, will be undertaken by the Department of the Interior. It is clear that this will have to be done by the Congress. To do this is the purpose of my bill.

I have already said that in S. 2394 I propose to correct this deplorable situation by amendments to the Withdrawal Act of 1910, as amended. That act authorizes the President to "temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, and reserve the same for public purposes to be specified in the orders of withdrawal."

The act provides that the Secretary of the Interior shall report all such withdrawals to Congress annually. Under my bill, these temporary withdrawals then would terminate after 2 years unless the Congress shall have authorized their continuance.

Thereafter Executive withdrawals would be limited to, first, those authorized by the act of 1910, as amended; and, second, those ordered by the President, in a time of emergency, for the use of the armed forces.

A further requirement provided in the bill is that before a withdrawal order is promulgated public hearings shall be held within the boundaries of the State or States concerned.

The bill also would require the Secretary of the Interior to submit to the Congress, at its next regular session, a full report on all outstanding public-land withdrawals except those included in national forests, national parks, and other projects and reservations authorized by statute. Then those reported withdrawals, or portions thereof, whose continuance the Congress does not authorize within 2 years would terminate. This is the most practicable and effective means that I know of to eliminate the great accumulated mass of unneeded, outmoded, and useless but highly restrictive withdrawals.

Mr. President, it is high time that the Congress put an effective curb on these long-continued, far-flung, and irresponsible practices of the executive branch of the Government with respect to the public lands. The patience and forbearance of the citizens of the Western States in this matter has been sorely tried. They are strongly demanding that the Congress regain and exercise its control of the withdrawal powers. They want an end to this needless and misguided withholding of these great areas within their borders from their normal and orderly development in the interest of the West and the Nation. They are earnestly asking for the type of legislation contained in S. 2394. I hope that the incoming Congress will give this bill its careful consideration and early action.

Mr. President, I ask unanimous consent that Senate bill 2394, introduced by the Senator from Utah [Mr. MURDOCK] and myself, be inserted in the RECORD at the conclusion of my remarks.

There being no objection, the bill (S. 2394) to amend the act entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," approved June 25, 1910, as amended, and for other purposes, was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That (a) the first section of the act entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," approved June 25, 1910, as amended (36 Stat. 847), is amended by striking out the following: "and such withdrawals or reservations shall remain in force until revoked by him or by an act of Congress."

(b) Section 3 of such act, as amended, is amended by inserting at the end thereof a new sentence, as follows: "Each withdrawal made under the provisions of this act shall terminate on the last day of the calendar year following the calendar year in which such withdrawal is reported to the Congress, unless, prior to such last day, the Congress by law shall have authorized the continuation of such withdrawal."

SEC. 2. The Secretary of the Interior is authorized and directed to submit to the Congress, on the first day of the first regular session of the Congress which begins after the date of enactment of this act, a full and complete report of all outstanding withdrawals from settlement, entry, location, or sale of any public lands, or portions of any such withdrawals, which have not lawfully been made a part of a national forest, national park, wildlife sanctuary or refuge, reclamation project, Indian reservation, or permanent military or naval reservation, and which has not been otherwise disposed of by act of Congress. Each such withdrawal, or portion thereof, shall terminate on the last day of the calendar year following the calendar year in which such report is submitted, unless, prior to such last day, the Congress by law shall have authorized the continuation of such withdrawal.

SEC. 3. After the date of enactment of this act, no public lands shall be withdrawn from settlement, entry, location, or sale (other than temporary withdrawals authorized by the act of June 25, 1910 (37 Stat. 847), as amended, and withdrawals specifically ordered by the President in time of emergency for the use of the armed forces) except by act of Congress. Any such withdrawal ordered by the President in time of emergency for use of the armed forces shall terminate when such emergency shall have ended.

SEC. 4. No lands shall be withdrawn under the provisions of the act of June 25, 1910 (37 Stat. 847), as amended, except after full public hearings, held within the State or States in which the lands proposed to be withdrawn are situated, upon adequate notice and opportunity for hearing to all interested parties: *Provided*, That the publication of notice of such hearings shall have the effect of prohibiting, for a period of 180 days, all further settlement, entry, location, or sale of lands proposed to be withdrawn.

Mr. MURDOCK. Mr. President, I merely wish to say that the bill just presented was not introduced until very extensive and thorough hearings on the subject matter of the bill were held by a subcommittee of the Committee on Public Lands and Surveys, of which the distinguished Senator from Nevada is chairman, and I am a member.

My own experience in Congress has taught me that the withdrawal privileges which have been exercised by some of the agencies of Government are absolutely contrary to the best interests of the public, and I join with the distinguished Senator from Nevada in the hope that the next Congress will join us in the passage of the bill.

It is high time that such legislation were enacted, and certainly the Congress

should pass any and all bills which relieve the Congress of any pressure entailed by such activities as have been referred to by the Senator from Nevada.

I hope the bill will pass at the next session of Congress and I highly commend the able Senator from Nevada for his untiring efforts in behalf of the people who live in the public land States.

THE MEDITERRANEAN FRUITFLY

Mr. ANDREWS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 494, Senate bill 1250.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1250) for the relief of certain claimants who suffered losses and sustained damages as the result of the campaign carried out by the Federal Government for the eradication of the Mediterranean fruitfly in the State of Florida.

Mr. HILL. I understand the Senator asks that the unfinished business be temporarily laid aside to take up this bill. Is that correct?

Mr. ANDREWS. Yes. I want to have it fixed so that we can vote on it at the earliest possible time.

Mr. HILL. I hope the Senator may get a vote on it. I share his desire to get a vote on the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

Mr. LUCAS. Mr. President, what is the bill?

Mr. ANDREWS. It is Senate bill 1250. It is a claims bill, the so-called Mediterranean fruitfly bill. In this case a joint committee of the Senate and House went to Florida, held hearings, took the testimony of witnesses, and brought back a unanimous report authorizing the payment of the damages sought.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to designate an officer or employee of the Treasury Department as Commissioner, whose duty it shall be to investigate and take proof of all claims for damages growing out of the Mediterranean fruitfly eradication campaign. The Secretary of the Treasury shall fix the duties and compensation of the Commissioner. The Secretary of the Treasury shall also employ and fix the compensation and duties of such number of employees as may be necessary to carry out the purposes of this act, but such compensation of such employees shall correspond as far as may be practicable to the rates established by the Classification Act of 1923, as amended. The Commissioner may accept and utilize such voluntary and uncompensated services as he may deem necessary; and may make such expenditures, including expenditures for necessary offices, for travel and subsistence expenses, and for printing and binding as are necessary for the efficient execution of his duties under this act. All expenses incurred by the Commissioner in carrying out the provisions of this act shall be allowed and paid by the Secretary of the Treasury upon the presentation of itemized vouchers therefor duly approved by the Commissioner.

SEC. 2. The Commissioner is authorized and directed to determine and certify to the Secretary of the Treasury for payment, and the Secretary of the Treasury is authorized and directed to pay in accordance with the certifications of the Commissioner, the amount of indemnity determined as due each person for losses and damages sustained as the result of the Mediterranean fruitfly eradication campaign conducted in the State of Florida during the years 1929 and 1930. The formula to be used by the Commissioner for the determination of the losses and damages of claimants for fruit, vegetable, and field crops shall be substantially as follows: For oranges, $1.10 per box; grapefruit, limes, lemons, and kumquats, $1 per box; peaches, $1.45 per bushel; avocados, $2.12 per bushel; persimmons, $5 per bushel; grapes, $2.10 per bushel; guavas and other noncitrus fruits, $1 per bushel; cowpeas, $5.50 per acre, or where gathered, $1.25 per bushel; beans, $1.44 per bushel; peppers, 92 cents per bushel; tomatoes, $3.18 per bushel; miscellaneous vegetables, fruits, field crops, and plants not mentioned above shall be at the average net price in Florida for the period as shown by the reports of the United States Department of Agriculture for the years in question. In determining the quantity of vegetables destroyed, the Commissioner shall take into consideration whether same were produced on irrigated or nonirrigated land, the average production per acre of each, and the percentage of the crop that had been marketed prior to the destruction of the plants and vines in the gardens and fields. Where any fruit or vegetable had been gathered and was in the process of being marketed, the actual cost of gathering and hauling, where paid by the grower, shall also be included. When such costs were paid by a purchaser or packing-house operator, a separate claim shall be filed by such purchaser or packing-house operator for the actual cost of gathering or hauling. Each grower of citrus fruit shall also be entitled to recover the actual cost to him of picking and burying citrus drops and splits, not to exceed $5 per acre in zone 1, $7.50 per acre in zone 2, and $6.50 per acre in zone 3 of the area of infestation.

Damages to fruit trees resulting from the use of poisonous bait spray shall be determined in conformity with table 8, page 17, House Document No. 290, Seventy-sixth Congress, being a report prepared by the Mediterranean Fruitfly Board appointed by the Secretary of Agriculture under the act of Congress of May 23, 1938 (52 Stat. 436). Damages for the destruction of commercial plants and shrubs ordered destroyed during the eradication campaign shall be determined and fixed by the Commissioner after taking into account the true market value to the seller of the property destroyed. It is hereby declared to be the express intention of Congress that persons who suffered losses and sustained damages of the kind and character described in this act shall receive full compensation, as provided for herein, for the losses sustained and damages suffered, but that losses of no other kind or character shall be considered by the Commissioner.

SEC. 3. All books, papers, documents, reports, and other records of the Department of Agriculture which relate to the campaign conducted during the years 1929 and 1930 in the State of Florida for the extermination and eradication of the Mediterranean fruitfly in such State (including the books, papers, documents, reports, and other records of the Mediterranean Fruitfly Board created by the act entitled "An act to provide for an investigation of the Mediterranean fruitfly by the Department of Agriculture," approved May 23, 1938) shall be available for examination and inspection by the Commissioner or his duly authorized agents and representatives.

SEC. 4. No payment under the provisions of this act shall be made unless an application therefor is filed with the Commissioner, by or on behalf of the person entitled to payment, within 6 months after the date the Secretary of the Treasury designates a person as Commissioner under the provisions of the first section of this act. Any such application shall set forth the amount and kind of losses or damages claimed and shall be supported by such documents or other information as the Commissioner shall require. All claims filed with the Mediterranean Fruitfly Board created under the act of May 23, 1938 (52 Stat. 436), shall be delivered to the Commissioner by the Secretary of Agriculture, and claims filed by growers with Florida Growers Reimbursement Committee may also be filed with the Commissioner, and each such claim shall constitute an application for reimbursement where no other application is filed: *Provided*, That the Commissioner may require claimants to furnish such additional information as the Commissioner may deem necessary. All claims filed by growers with Florida Growers Reimbursement Committee shall be made available to the Commissioner upon request in considering any claim filed by any claimant under this act. If any claimant has died, become incompetent, or is otherwise unable to file a claim, such claim may be filed by the heirs, representatives, administrators, executors, successors, or assigns of any such person, and payments of indemnity may be made to such heirs, representatives, administrators, executors, successors, or assigns of any such person, and further administration upon the estate of any person who has died shall be avoided where that is possible: *Provided*, That no person who makes a claim under this act by virtue of having acquired and succeeded to the rights of the original claimant through purchase and assignment from said claimant of any claim shall receive more than the amount actually paid for such claim and assignment.

SEC. 5. When the Commissioner has determined the amount due on any claim filed with him, and the person or persons entitled thereto, the same shall be certified by him to the Secretary of the Treasury for payment, and the payment of such amount shall constitute full and final release and discharge of such claim against the United States. The determination of the Commissioner as to the amount due and payable and the person or persons entitled thereto shall be final.

SEC. 6. The sum of $10,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying claims approved hereunder and expenses incurred in carrying out the provisions of this act: *Provided*, That of the sum hereby appropriated, $350,000 shall be available only for the payment of claims designated and described in the paragraph entitled "Other Losses" on page 32 of House Document No. 290, Seventy-sixth Congress, first session, 1939. Indemnity paid to any claimant under the provisions of this act shall not be subject to attachment, levy, or seizure under any legal or equitable process.

SEC. 7. The Commissioner shall establish his principal office at some central place convenient to claimants within the affected Florida citrus area where claims may be filed and may conduct hearings and investigations at any point within the Florida citrus area as he may deem necessary to establish the validity of any claim, and no person shall be denied an opportunity to be heard prior to the determination and certification of the amount due such claimant.

SEC. 8. The Commissioner shall provide for proof of claims under oath, prescribed blanks and forms to be used by claimants, and prescribe such rules and regulations not inconsistent herewith as may be necessary to carry out the provisions of this act.

SEC. 9. The word "person" and "claimant" as used in this act shall include any individual, two or more persons having a joint common interest, company, partnership, county, or municipal or private corporation.

SEC. 10. Any person or group of persons, individually or collectively, who charge or collect or attempt to charge or collect, either directly or indirectly, any fee or other compensation, in excess of 5 percent of the amount of the claim actually paid under this act, for assisting in any manner any person in obtaining the benefits of this act, shall, upon conviction thereof, be subject to a fine of not more than $500, or imprisonment for not more than 1 year, or both.

SEC. 11. It shall be unlawful for any person or claimant to swear falsely as to any claim, or to attempt by fraud to collect any claim under the provisions of this act, and any person or claimant violating any provision of this section, shall, upon conviction thereof, be subject to a fine of not more than $1,000, or imprisonment of not more than 1 year, or both.

SEC. 12. The Commissioner shall submit a report to the Congress covering his activities under this act within 1 year from the date of his designation, together with such information, data, and recommendations for any further legislation in connection with payments of indemnity for losses and damages resulting from the Mediterranean-fruitfly-eradication campaign in the State of Florida as he may deem advisable.

SEC. 13. All power and authority of the Commissioner under the provisions of this act shall cease upon the expiration of 1 year after the date the Secretary of the Treasury designates a person as Commissioner under the provisions of the first section of this act.

Mr. ANDREWS. Mr. President, I wish to have printed in the RECORD, following the passage of the bill, a statement which shows exactly what it is for, and containing the report of the special committee authorizing the payment of the damages.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Senate bill 2020 was introduced in the Seventy-seventh Congress for the relief of certain claimants who suffered loss and sustained damages as a result of the campaign carried out by the Government for the eradication of the Mediterranean fruitfly in the State of Florida.

Before the Senate Claims Committee would pass on the matter, a joint resolution was adopted by the House and Senate in March and April, of 1940, authorizing and directing a special committee of the Senate and House to make a full and complete investigation with respect to the losses sustained by the campaign and quarantine conducted by the United States in 1929 and 1930 with a view to determining, among other things, the circumstances under which such losses occurred, the nature, character, and amount of such losses and the persons by whom such losses were sustained; and that the committee should report to the Congress the result of its investigation, together with its recommendations if any, for necessary legislation. The special committee was composed of Senators Schwartz, Ellender, and Wiley on part of the Senate, and Congressmen Ramspeck, Thomas, and Kennedy on part of the House.

The committee held hearings in Florida in several locations from December 4 to December 7, 1940, taking the testimony of approximately 114 witnesses. After consideration of the facts and the extent of the methods pursued with consequent unnecessary damages to those engaged in the citrus and vegetable industries, the joint committee in its report No. 491, Seventy-ninth Congress, found that obligation rested upon the Congress to compensate those who suffered losses under certain circumstances and among others for reasons set forth, as follows:

(a) That the Mediterranean fruitfly eradication campaign, carried out in Florida during 1929 and 1930, was a Federal Government undertaking, and that the Federal Government has accepted full and complete responsibility for everything that was done at its direction in carrying out the eradication program;

(b) That the Mediterranean fruitfly is not and never was indigenous to Florida, and that under the Constitution the Federal Government has exclusive jurisdiction of foreign commerce and inspections at all receiving ports and therefore the responsibility for the original infestation is theoretically Federal;

(c) That the unnecessary damage suffered by fruit and vegetable growers was due mainly to failure of the Federal Government to formulate a safe and effective plan of eradication and prevention, as in the case of other insect pests which have heretofore threatened crops in other parts of the United States;

(d) That some of the damage suffered was due to direct infestation but the greater portion of the damage was due to the drastic method and manner of eradication;

(e) That the records show that official statements were made to growers at the time the eradication program was being carried out that they would be entitled to compensation for the losses suffered.

The committee further finds:

1. That the agricultural program of the Federal Government and particularly the policies of the present administration furnish ample precedent for reimbursing the losses sustained as a result of the fruitfly eradication program;

2. That the citizens of Florida suffered other losses much larger than the damage claimed which they have from the beginning expressed a willingness to absorb, but it is the opinion of the committee that morally, if not strictly legally, they are entitled to be compensated by the Federal Government for losses they sustained for the protection of the fruit and vegetable industry of the other States of the Union.

In addition the price measure of damages for fruits, vegetables, and field crops were made through the Department of Agriculture (H. Doc. No. 290) transmitted May 10, 1939, to the Senate and House by the Secretary of Agriculture containing carefully tabulated report made by Dr. Ben Galloway, then connected with the United States Plant and Quarantine Commission. His report was made from the records of the Department of Agriculture, together with a personal examination of all other pertinent records available which would aid in securing definite data and figures on the price measure of damages for fruits, vegetables, and field crops destroyed.

Dr. Galloway's report shows the number of commercial crates and boxes of oranges and bushels of vegetables and other fruits destroyed, together with prevailing prices; also other losses caused by poison spray and other damages set out in Report No. 491, Calendar 494, which accompanies Senate bill 1250, reintroduced by Senator ELLENDER early in this session.

This matter has been postponed from 1940 to the present date because of war conditions. We were advised and so agreed that every dollar we could afford should be devoted to the winning of the war. The war is now over and although many of the original claimants, being elderly people, have passed on and many are living in other States of the Union. I feel that the matter should now be acted upon.

REEMPLOYMENT RIGHTS FOR MEMBERS OF THE MERCHANT MARINE

Mr. RADCLIFFE. Mr. President, it was necessary for me to leave the floor yesterday afternoon to attend a funeral and act as a pallbearer. At my request, two bills were passed over which are not in any sense controversial. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1887, H. R. 3973.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 3973) to amend the act entitled "An act to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes, approved June 23, 1943, and for other purposes."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

MEDAL FOR SERVICE IN THE MERCHANT MARINE

Mr. RADCLIFFE. Mr. President, the second bill for which I ask consideration is Calendar No. 1888, Senate bill 2236, providing for a medal for service in the merchant marine during the present war.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and to insert the following:

That the United States Maritime Commission is authorized and directed to procure a medal and suitable appurtenances of appropriate design, including an honorable discharge lapel button, to be awarded to (1) each person who served honorably in a war zone as an officer or member of the crew of vessels owned by or operated by or for the account of the Maritime Commission or the War Shipping Administration for 30 days during the period beginning December 7, 1941, and ending with September 3, 1945; and (2) each person who is entitled to receive a certificate of substantially continuous service pursuant to the provisions of Public Law 87, Seventy-eighth Congress, approved June 23, 1943 (57 Stat. 162). The medal may be awarded posthumously and, when so awarded, shall be presented to such representative of the deceased as shall be prescribed in the applicable regulations. Awards under this act shall be made pursuant to regulations prescribed by the Maritime Commission.

SEC. 2. The Maritime Commission is authorized to expend out of any funds available for expenditure by the Maritime Commission such sums as may be necessary to carry out the provisions of this act.

SEC. 3. The manufacture, sale, possession, or display of any insignia, decoration, medal, award, or device, or the ribbon, button, or rosette thereof, or any colorable imitation of any insignia, decoration, medal, award, or device, provided for in this act, is prohibited, except as authorized under such act or any rule or regulation issued pursuant thereto. Whoever violates any provisions of this section shall be punished by a fine not exceeding

$250 or by imprisonment not exceeding 6 months, or both.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On July 29, 1946:

S. 2142. An act to provide for two heads of departments of military science and tactics in the public schools of the District of Columbia; and

S. J. Res. 4. Joint resolution authorizing the erection on public grounds in Springerville, Ariz., of a memorial to Gustav Becker.

On July 30, 1946:

S. 704. An act to authorize the Secretary of Agriculture to continue administration of and ultimately liquidate Federal rural rehabilitation projects, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5223) to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 390) making additional appropriations for the fiscal year 1947, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 390) making additional appropriations for the fiscal year 1947, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CONSIDERATION OF BILLS REPORTED BY COMMITTEE ON PUBLIC LANDS AND SURVEYS

Mr. O'MAHONEY. Mr. President, I desire to ask unanimous consent for the present consideration of five bills which were unanimously reported from the Committee on Public Lands and Surveys yesterday.

Mr. WHITE. Mr. President, my attention has been directed elsewhere. I should like to know what the situation is, and particularly what is the request of the Senator from Wyoming.

Mr. O'MAHONEY. I am very happy to answer any inquiries made of me by the Senator from Maine.

Mr. WHITE. That is, I presume, because I usually yield to the Senator's persuasion.

Mr. O'MAHONEY. I am sure the Senator from Maine will yield to my request at this time, because, as I always endeavor, I shall not make an unreasonable request.

The Senate Committee on Public Lands and Surveys yesterday reported unanimously five House bills. They are all bills of a noncontroversial nature, the passage of which is desired by Senators whose districts are affected. I believe they can be passed unanimously.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. GURNEY. I hope the Senator from Maine will not object to consideration of these bills. They were reported unanimously from the committee. There was attendance by minority members. I am sure every Senator in attendance at the committee agreed that the bills were not controversial and of interest only to the Senators from the States whose land is affected.

Mr. WHITE. Mr. President, even a timid inquiry about the bill seems to bring disapproval of me.

Mr. O'MAHONEY. I am sure there is no disapproval. Every Member of the Senate on both sides is always happy to attempt to enlighten the Senator from Maine.

Mr. WHITE. The Senator from Maine needs enlightenment on many of these matters.

Mr. President, in view of the persuasiveness of the Senator from Wyoming, and since the request has the approval of the Senator from South Dakota, I have no purpose of objection.

THEODORE ROOSEVELT NATIONAL PARK

Mr. O'MAHONEY. Mr. President, I ask unanimous consent for the immediate consideration of five bills. They are Calendar Nos. 1940 to 1944, inclusive. I first ask for the present consideration of House bill 4435.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 4435) to establish the Theodore Roosevelt National Park; to erect a monument in memory of Theodore Roosevelt in the village of Medora, N. Dak.; and for other purposes, which had been reported from the Committee on Public Lands and Surveys, with an amendment, on page 5, line 3, after the word "Park", to strike out the colon and the following: "And provided further, That title and evidence of title to land and interests therein acquired for said park shall be satisfactory to the Secretary of the Interior."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MUSKEGON TRUST CO., MUSKEGON, MICH.

Mr. O'MAHONEY. Mr. President, I now ask for the present consideration of House bill 1860.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 1860) to authorize the Secretary of the Interior to issue a duplicate of Porterfield scrip certificate No. 53 to the Muskegon Trust Co., Muskegon, Mich., as trustee of the John Torrent trust, was considered, ordered to a third reading, read the third time, and passed.

CASTLE CLINTON NATIONAL MONUMENT, NEW YORK CITY

Mr. O'MAHONEY. Mr. President, I ask for the present consideration of House bill 5125.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 5125) to establish the Castle Clinton National Monument, in the city of New York, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

GRANT OF CERTAIN LAND TO MILES CITY, MONT.

Mr. O'MAHONEY. Mr. President, I ask for the present consideration of House bill 6896.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 6896) to grant to the city of Miles City, State of Montana, certain land in Custer County, Mont., for industrial and recreational purposes and as a museum site was considered, ordered to a third reading, read the third time, and passed.

EXCHANGE OF NONFEDERAL PROPERTY WITHIN GLACIER NATIONAL PARK

Mr. O'MAHONEY. Mr. President, I now ask for the present consideration of House bill 7020.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 7020) to provide for the acquisition by exchange of non-Federal property within the Glacier National Park was considered, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF USE AND ADMINISTRATION OF PUBLIC LANDS—INCREASE IN LIMIT OF EXPENDITURE

Mr. LUCAS. Mr. President, from the Committee To Audit and Control the Contingent Expenses of the Senate, I ask unanimous consent to report favorably, without amendment, Senate Resolution 316, and I request consent for its present consideration.

There being no objection, the resolution (S. Res. 316) submitted by Mr. McCARRAN on July 27, 1946; referred to the Committee on Public Lands and Surveys; subsequently reported from that committee on July 29, without amendment, and referred to the Committee To Audit and Control the Contingent Expenses of the Senate, was considered and agreed to as follows:

Resolved, That the limit of expenditures under Senate Resolution 241, Seventy-sixth Congress, agreed to May 24, 1940, and Senate Resolution 147, Seventy-seventh Congress, agreed to September 8, 1941, and Senate Resolution 39, Seventy-eighth Congress, agreed to May 24, 1944, and Senate Resolution 18, Seventy-ninth Congress, agreed to January 29, 1945, and Senate Resolution 139, Seventy-ninth Congress, agreed to June 19, 1945 (relating to the investigation of the use and administration of public lands), is hereby increased by $1,500; and the limit of expenditures of the Committee on Public Lands and Surveys, or any subcommittee thereof, un-

der Senate Resolution 9, agreed to January 6, 1945, is hereby reduced by $1,500.

INVESTIGATION OF SENATORIAL CAMPAIGN CONTRIBUTIONS AND EXPENDITURES—DECREASE IN LIMIT OF EXPENDITURE

Mr. LUCAS. Mr. President, from the Committee To Audit and Control the Contingent Expenses of the Senate, I ask unanimous consent to report favorably, with an amendment, Senate Resolution 308, submitted by the Senator from Colorado [Mr. JOHNSON] on July 24, 1946, and I request immediate consideration thereof.

There being no objection, the Senate proceeded to consider the resolution.

The amendment was, on page 1, line 5, to strike out "$40,000" and to insert "$20,000."

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That the special committee authorized by Senate Resolution 224, Seventy-ninth Congress, to investigate senatorial campaign contributions and expenditures in the 1946 elections is authorized to expend from the contingent fund of the Senate $20,000 in addition to the amount heretofore authorized for the same purpose.

INVESTIGATION OF NATIONAL DEFENSE PROGRAM—INCREASE IN LIMIT OF EXPENDITURES

Mr. LUCAS. Mr. President, from the Committee To Audit and Control the Contingent Expenses of the Senate, I ask unanimous consent to report favorably Senate Resolution 309, without amendment, and request consent for its present consideration.

There being no objection, the resolution (S. Res. 309) submitted by Mr. MEAD on July 24, 1946, was considered and agreed to, as follows:

Resolved, That the limit of expenditures under Senate Resolution 71, Seventy-seventh Congress, first session, agreed to March 1, 1941; Senate Resolution 6, Seventy-eighth Congress, first session, agreed to January 25, 1943; and Senate Resolution 55, Seventy-ninth Congress, first session, agreed to January 20, 1945 (relating to the investigation of the national defense program) is hereby increased by $65,000.

HEARINGS BEFORE COMMITTEE ON PUBLIC LANDS AND SURVEYS

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I ask unanimous request to report favorably, without amendment, Senate Resolution 315, and ask for its immediate consideration.

There being no objection, the resolution (S. Res. 315), submitted by Mr. MURDOCK on July 27, 1946, was considered and agreed to, as follows:

Resolved, That the Committee on Public Lands and Surveys, or any duly authorized subcommittee thereof, for the purpose of making a study and investigation of any matter referred to such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-ninth Congress, to employ such experts, and such clerical, stenographic, and other assistants to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee under this resolution, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman, and the authority of such committee to make expenditures under Senate Resolution 281, Seventy-ninth Congress, agreed to June 25, 1946, is hereby revoked.

INVESTIGATION OF EXISTING AND PENDING LABOR LEGISLATION, AND INVESTIGATION OF LABOR RELATIONS

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably, without further amendment, House Concurrent Resolution 148, creating a joint select committee to study and recommend legislation concerning labor relations. The concurrent resolution was adopted originally by the House of Representatives, establishing a joint committee, to be composed of seven Members of the Senate and seven Members of the House of Representatives, for the purpose of studying and investigating existing and pending labor legislation and of the whole field of labor relations, and to report to their respective Houses of Congress. The Senate Committee on Education and Labor changed the language of the House concurrent resolution, and in talking to the able majority leader he advised me that he was unalterably opposed to the language now found in this concurrent resolution as reported from the Committee on Education and Labor. The language which has been inserted in lieu of the language of the House of Representatives is as follows:

Hereby establish a joint committee to be composed of seven Members of the Senate, of whom at least five are Members of the Senate Committee on Education and Labor, to be appointed by the President of the Senate, and seven Members of the House of Representatives, of whom at least five are Members of the House Committee on Labor.

Whether that language is acceptable to the House Committee on Labor I do not know.

Mr. RUSSELL. What are the provisions in the House concurrent resolution?

Mr. LUCAS. The House resolution merely establishes the joint committee, composed of seven members to be appointed by the President of the Senate, and seven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives.

While I am reporting this measure as chairman of the Committee To Audit and Control the Contingent Expenses of the Senate, as a Member of the Senate I am in accord with the statement made by the distinguished majority leader that the concurrent resolution ought to be amended to leave the language exactly as it was when the measure was adopted by the House of Representatives some time ago.

Mr. RUSSELL. The Senator does not propose to have action taken on the concurrent resolution at this time, does he?

Mr. LUCAS. I merely wish to bring it up and let it go to the calendar, or let it lie on the table, until some action can be taken on it before the Congress adjourns.

Mr. RUSSELL. Mr. President, I suggest that the concurrent resolution go to the calendar. Otherwise I should feel constrained to demand the regular order.

Mr. LUCAS. Under those circumstances, I shall ask that the concurrent resolution go to the calendar. It is an important measure, and the Senate probably should debate it somewhat. Especially is it important in view of the language that was written into the concurrent resolution by the Senate Committee. I certainly believe that the President pro tempore of the Senate ought to have the power to appoint a committee of this kind. Furthermore, Mr. President, the parliamentary question arose in the committee as to whether we have any right or authority to appropriate money for such a purpose from the contingent fund, in view of the fact that the language has been completely changed; and whether the House would agree to pay one-half of the expenses of an investigation of this kind, because of a change in the language. So it does present a situation that perhaps should be given consideration.

The PRESIDING OFFICER. Without objection, the concurrent resolution will be placed on the calendar.

Mr. WHITE. Mr. President, as I understand the situation, the concurrent resolution is not so important from the standpoint of the amount of money involved, if there is any involved, but it does seem to change existing law. I think it would be a mistake at this time to consider the concurrent resolution.

Mr. LUCAS. It does not seek to change existing law, but what the Committee on Education and Labor did was to change the language of the concurrent resolution as adopted by the House of Representatives.

Mr. WHITE. I think it ought to go to the calendar rather than to be acted upon now.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. MAGNUSON. I was wondering when the committee would act. Is it the purpose of the resolution to have the committee conduct an investigation between now and January 1 during the congressional adjournment period, or would it continue as a permanent committee? We passed the reorganization bill, which would abolish this sort of thing beginning on January 1, so the only time the committee could work would be from now until January.

Mr. LUCAS. I should like to make an inquiry of some Senator who is familiar with the reorganization bill as to whether or not the House struck out the provision with respect to the appointment of special committees.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. LA FOLLETTE. The reorganization bill does not affect joint committees. This is a proposal for a joint committee.

Mr. MAGNUSON. Would the proposed committee be a permanent joint committee?

Mr. HILL. It would not be a permanent joint committee, would it?

Mr. LUCAS. Oh, no.

Mr. HILL. It would simply be a committee along the lines requested by the President of the United States, to make a study and investigation of management and labor conditions, with a view to ascertaining what legislation, if any, should be enacted by the Congress dealing with the question of labor-management relations. It would not be a permanent committee at all.

Mr. MAGNUSON. I appreciate that. Then the committee could continue after the beginning of the next session in the study of this particular problem, as I understand.

Mr. LUCAS. That is correct.

Mr. MAGNUSON. Would the committee receive any money with which to do anything between now and January?

Mr. LUCAS. The concurrent resolution provides a fund of $30,000, provided we can agree upon the language of the resolution. The Committee to Audit and Control the Contingent Expenses of the Senate has tried to discourage the appointment of special committees at this particular time, because, as I understand, the reorganization bill dispenses with all special committees. So any special committee which is appointed at this late hour could do little or no effective work between now and January 3 of next year. Probably the committee would have to go out of existence at that time, and then whatever work had been done up to that time would have to be turned over to some other committee.

Mr. MAGNUSON. As I understand, this plan follows the President's recommendation for such a committee.

Mr. LUCAS. Yes.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. HILL. As I understand, the Senator is reporting the concurrent resolution for the calendar?

Mr. LUCAS. Yes.

APPLICABILITY OF BENEFITS OF THE CIVIL SERVICE ACT TO OFFICERS AND EMPLOYEES OF THE COLUMBIA INSTITUTION FOR THE DEAF

Mr. THOMAS of Utah. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1907, Senate bill 2000, to amend the Civil Service Retirement Act approved May 29, 1930. This is merely an amendment to the Civil Service Act, making it possible for the faculty and employees of the Columbia Institution for the Deaf, which is an institution for which the Federal Government has been made trustee, to become parties to the civil-service benefits.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2000) to amend the Civil Service Retirement Act approved May 29, 1930, as amended, so as to make such act applicable to officers and employees of the Columbia Institution for the Deaf.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Civil Service with an amendment on page 1, line 3, after the numeral "3", to strike out "(d)" and insert in lieu thereof "(a)", so as to make the bill read:

Be it enacted, etc., That, effective July 1, 1946, section 3 (a) of the Civil Service Retirement Act, approved May 29, 1930, as amended, is amended by inserting before the colon preceding the first proviso thereof a comma and the following: "and shall apply to officers and employees of the Columbia Institution for the Deaf."

SEC. 2. Any service rendered, prior to July 1, 1946, as an officer or employee of the Columbia Institution for the Deaf, shall be considered creditable service for the purposes of section 9 of the Civil Service Retirement Act, approved May 29, 1930, as amended.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FAREWELL ADDRESS BY SENATOR WILLIS

Mr. WILLIS. Mr. President, when I was impelled to make this speech I thought of the story of the revenue officer who went down into Kentucky in the discharge of his duties. He went back into the hills and found an old shack where a boy was waiting in the yard. He said to the boy, "Is your pappy at home?" "Yes, sir," said the boy. The agent asked, "Where is he?" The boy replied, "He is back in the woods." The man asked him, "Will you take me back there?" "Sure," replied the boy.

The two of them started back into the woods. When they got about halfway to their destination the boy said, "Mister, what are you going to give me for taking you back here?" The man replied, "I thought I would give you 50 cents." The boy said, "I wish you would give it to me now." The man replied, "I will give it to you when we get back." The boy said, "Yes, mister, but you ain't coming back." [Laughter.]

That is what prompted me to make these remarks before this session adjourns.

Mr. President, I have treasured my position as a Senator of the United States. There has never been a time when I have walked onto this floor when I have not received a new thrill at being able to serve in this august body, whose walls have echoed the words of great public servants for decades long gone. This spot is hallowed by memories which we all treasure and which will be treasured in turn by our successors.

I shall trespass upon the patience of the Senate to speak of the conditions which I have observed during my service here and to list some possible solutions of our national problems which have occurred to me as I have studied and worked and voted in the name of the people of my native State of Indiana.

Perhaps what I have to say will not prove particularly appealing to many; perhaps it will not have the "oomph" that gives it a big headline; but it will be from my heart, and it will be given not in hope of reward or in search of votes or to gratify vanity, but because I love the United States of America, and because my desire for the welfare of my people always has been—and I trust always will be—greater than any vain personal ambitions.

As the editor of a modest weekly newspaper all of my adult life until I came to the Senate, I felt deeply the honor that the people of Indiana bestowed on me when they sent me to this body as one of their Senators. For that opportunity and the loyalty since shown me, I am truly grateful. Since coming here I have made many rich friendships. My years here have strengthened my confidence in our National Legislature.

My position before my election was a far cry from my position here, with all its grave responsibilities and all its pleasing privileges. I had heard that the Senate was a rich man's club, a circle of aristocrats. Yet I learned that for every one of great wealth in this body there were many whose beginnings had been as humble as my own. I learned that the United States Senate is an aristocracy, but not the aristocracy of rich birth, of power, or of conceit. It is an aristocracy of men of tolerance, patience, kindliness, forbearance—all extended freely and magnanimously to everyone who comes here at the will of the people. It is indeed a body of men possessing in full measure the qualities of gentility, of consideration, of friendliness, which are attributes of the truly great. Of such men Americans should be proud.

I have heard speeches in my tenure of office here which would compare favorably with great orations of the days of long ago—with the masterpieces of Webster, Clay, Sumner, and McKinley, from which we have profited so much. Some day men will look back to this period and quote from VANDENBERG, BARKLEY, TAFT, AUSTIN, O'MAHONEY, and MCCARRAN as we now quote our spiritual forbears.

So far as I can recall, my person-to-person relationship with all my fellow-Senators has been on that high and noble plane for which this body has been noted, with but few interruptions, throughout its existence. We disagree here, sometimes violently so, but the mental contests never turn into physical clashes. I have observed many bitter debates, long filibusters, and moments of tension, but I have seen the men who took part in those controversies walk into the Senate dining room arm-in-arm to break bread together.

It is a dream, I know, and it is as old a dream as the mind of man, and yet, Mr. President, often I have said to myself, "Why could not this tolerance, this breadth of viewpoint, this true liberalism, be carried over into our management-labor relationships? Why could not the leaders of the various nations get together and thrash out their varied points of view and even disagree violently, yet remain friends? Why cannot we, the people, not only in the United States, but in every nation, catch the living spirit of Christianity and cooperate to save the world instead of fighting always to destroy the world?" It is

truer today than ever that they who take to the sword shall perish by the sword.

During all the centuries of recorded history 28 civilizations have risen and fallen. Some of them have developed high standards of education, of philosophy, of culture, and science, but all of them in the days of their fear of insecurity have resorted to force. They have placed their faith in huge armies, in the development of munitions, in brilliant military strategy, in scientific achievements, in compulsory military service; and yet not one of them has survived the ravages of a false philosophy or pagan religion.

In this day we, too, are looking too much to military might and productive genius as the salvation of our civilization. We proudly boast that America leads among the nations of the world. Yes, we have led in producing the most destructive, the most horrendous force the evil genius of man has yet been able to devise. If we are to continue our dependence on that force for the salvation of our Nation, if we are to enter into a race with other nations to keep ahead of them in stupendous might, we must realistically face the fact that our civilization will have to accept the most stultifying and soul-destroying limitations that have ever encompassed man. We are facing the alternative of a conflict that may destroy half the people of the world, or the compulsion of living together in toleration, in good will, and in soul-expanding qualities.

Since the formation of the United Nations, I have followed anxiously the proceedings of that body, and I have had high hope that within it would be developed the same spirit of compromise and of good will which has characterized the United States Senate except during the period preceding the Civil War. Perhaps that day will not come in our lives, Mr. President; perhaps it will never come. But some day, somehow, in some way, the people of the world are going to recognize that there is no logic, no sanity, no reason, no possibility of bringing joy and happiness to any group, much less to whole nations, so long as there is war in the world.

I have noticed growing up in this Nation, particularly since before the outbreak of World War II, a tendency on the part of millions of Americans to fall for smear words and shrewd propaganda devices, for many persons accept unquestioned the deductions of favorite radio broadcasters and news columnists, who sometimes are more cunning than honest. Some of us were pilloried in many segments of the public press as "isolationists" because we opposed our entry into World War II, until, of course, our Nation was attacked at Pearl Harbor.

Mr. President, many of the same people who were swallowing the false logic and condoning the ill-considered actions of those days are now wishing they had stopped and thought for a few moments. Now the same type of mentality is urging us on to World War III.

There are some Americans who have been so foolish as to say that we will have to fight Russia some day, anyway, so why not do it immediately; that we shall be able to win more easily, and can defeat the Russians before they find the secret of the atomic bomb. Although I am only a former weekly newspaper editor, I must reject such reasoning today, and I shall be rejecting it, Mr. President, the next time you see me. It is sheer folly and complete insanity for us to say seriously that we must fight Russia today, next year, or in 1956. Not only is it folly; it is downright wickedness, for those who talk in such a fashion are driving the first nails into the coffin of the United Nations, the only practical instrument now in existence to work for peace.

That is to say, Mr. President, through the months since the war ended, I have tried to stress the international aspect of the problems confronting us. Today, and every day, events are taking place, conferences are being held, and decisions are being made which mean either war or peace for tomorrow, or a decade from now, or 25 years from now. It is easy to get a people excited about a war just before it breaks out, or after they are involved. But the time for the people really to become excited about war is right after a war has ended. Day after day, our leaders are building either for war or for peace. If they make agreements, or cause agreements to be made, that bring good will and lessen the economic strains between neighbor nations and blocs of nations, it is likely that the result will be peace. If they make decisions that bring more economic tensions or greater numbers of quarrels among neighbor nations, it is likely the result will be war again—sooner or later. If these decisions are bad, year after year, then what this or that leader does just before a war will likely have little effect upon the final outcome.

So, Mr. President, I would urge my colleagues, as we enter what we hope is going to be an era of long and lasting peace, not to forget the problems which could cause war.

Yes; contemplating our international problems, we see and know that all Americans ought to devote time to reading and studying and pondering these problems. If they do not, then we are going to wind up facing World War III; and I am sure that no Member of this body, whether labeled "isolationist" or "internationalist," "radical" or "reactionary," "liberal" or "conservative," desires that.

Mr. President, before leaving this subject, I must divest any of my colleagues of the suspicion that I may be expounding the doctrine of pacifism. I would not want any one to think for a moment that I condone injustices inflicted upon the smaller and weaker nations by the great powers with which we have associated ourselves during the recent war, and whose might we have helped develop.

America must remain militarily strong, stronger than any other nation. But our military force should be used for our defense, and never in an expedition of aggression or to aid any other nation in nefarious programs. We should have every reasonable confidence that other nations will join with us in a program to rid all of us of the strength-sapping race for military supremacy. But America must never let down her guard.

Can anyone doubt that America has come into world leadership for times like these? Can anyone doubt that America, too, will join the crumbling ruins of history if we have not learned from history that military might alone is a vain thing for safety? Therefore, we must arouse ourselves to the dangers which threaten us by our neglect of the problems which are ever present with us here at home, and which we are prone to tolerate because we do not realize how insidiously they are sapping the strength which America must have if she is to meet squarely her rendezvous with destiny.

If I am any judge, Mr. President, the most important single lesson which we Americans are going to learn—and it appears that we are going to learn it the hard way—is that it is impossible for us to get something for nothing. I do not blame the Democrats entirely for the huge public debt now hanging like a millstone about our necks. I certainly do not blame this debt on the Republicans, who have fought many of the outlandish appropriations and, down through the past 14 years, have tried to trim the sails of those who wanted us to embark upon the sea of limitless Government spending. I blame a fallacy that has fastened itself like a leech on our people, through long decades. It is the belief, as erroneous as it is dangerous to our representative Government, that the Federal Government can live beyond its means year after year without calamitous results, although virtually every American is willing to concede that few individuals could do this for long. It is the belief that if a community needs a new bridge, a new dam, or a new road, the Federal Government can pay for the improvement, at no cost to the local taxpayer. It is the belief that local people cannot afford to maintain their poor, help the indigent, and care for the cripples, but that Washington bureaucrats can do all these things without a corresponding increase in taxes or a decrease in the purchasing power of the dollar.

Every sane man who sits down and thinks about these things, knows that it is impossible to put on the Federal Government all the responsibilities the people have put on it, without giving the Central Government the power and the money to carry out the ends desired. Yet, millions of our citizens thoughtlessly have believed that they could do this. The result is that, either through their desire or their acquiescence, we are faced with the greatest fiscal confusion which this or any other nation has ever had to face.

I want to make this a practical and soul-searching indictment. I do not presume to judge my fellow Senators, but I venture the assertion—and I think I can do it safely, and without challenge—that not a single Senator or a single Representative on this Hill has an overall idea of all the vast projects and all the vast powers and all the vast expenditures which this Government is undertaking in this country and overseas. We have no really accurate idea of how much money we are spending overseas, or what we are committed to spend. I am sure that it is all in some records somewhere, but what man among us has ever had a chance to see all the records and to make

all the computations? It is generally known that the General Accounting Office, which until lately had little or no control over the more than 100 Government corporations, is years behind in its auditing work. It will be years behind, probably, for a good many years to come. It has been narrated that the financial accounting of that gargantuan fiscal monster, the Reconstruction Finance Corporation, is in a hopeless state of confusion.

Let us not, as Members of the Congress, "pass the buck" and smugly attempt to divest ourselves of our responsibility for the creation of this intoxicated spending. As a member of the Committee on Appropriations, I have been impressed with the inefficiency of our system of handling our Government's fiscal program. The routine, as I have observed it, is as follows:

The several branches of our Government submit their proposed needs to the Bureau of the Budget, an executive agency which passes upon them and attempts to coordinate them with the total needs of the Government and the probable revenues. The requests are then divided into about a score of appropriation bills, and are submitted first to the House of Representatives. There they are passed on by separate appropriation subcommittees. The over-all total demand is immediately lost sight of. The House subcommittee hear the arguments of the representatives of the departments in support of their requests, makes such changes as they deem wise, and sometimes they make changes which they judge politically expedient. The several bills are reported to the House separately, and they are usually passed according to the committee recommendations.

The bills then come to the Senate, where they go through a similar procedure, except the Senate subcommittees pay little attention to the items which the House passed without change from the estimates. They hear the arguments of the representatives of the departments as to why amounts reduced by the House should be restored to the amounts approved by the Bureau of the Budget, and the Senate subcommittees usually accede, either in considerable amount or entirely, to the departments' requests. The subcommittee reports are then approved almost perfunctorily by the full committee, and the bills are passed by the Senate with little change from the committee report, except for additional appropriations requested by members of the Senate. The bills that are passed by the two bodies are reconciled by a conference committee, in old-fashioned horse-trading style, with the net result that about 95 percent of the items are enacted as originally asked for by the departments, with little consideration as to where the Public Treasury is to get the money.

This outmoded and loose system can be improved by the establishment of a congressional bureau of the budget which will be composed of a staff of experts who can investigate the requests of the Departments of the Government, independently of any executive agency. Joint House and Senate hearings can be held in which there will be mutual agreement on the basis of what is wise for the Congress to allow, rather than on the basis of what the several Departments want in order to carry out their numberless schemes.

Another reform that must be brought about, if the people are aware of what is good for them, is embodied in the amendment to the Constitution which I have proposed, which would restrict Federal expenditures in any fiscal year to Federal income in the same fiscal year. We have not had an administration in power in this country for 14 years whose leader believed that it was bad—and it is bad—to spend more money than the Government takes in.

Already, as every observant man knows, in the process of creating our huge national debt we have caused real inflation, we have seen the purchasing power of the dollar drop regularly for 14 long years—and the worst is yet to come. Lately, we spent many, many days discussing and disputing about methods of fixing prices to control inflation. During all the time we were debating about the symptoms of inflation, and gave no consideration to the cause of the malady. Price control is a hopeless effort so long as we do not make any serious progress toward reducing our deficit spending.

All the inflation we are having and the inflation we will experience is due to the unsound fiscal policies—policies made by men who believed, or pretended to believe, that the amount of deficit spending made little difference in the purchasing power of the dollar. Now, of course, those men are all denying, or forgetting to recall, their wild statements of other years. The economic chickens are coming home to roost.

When the people learn that it is impossible to get something for nothing, and to spend their way out of an unsound economic situation, we will overcome our present economic difficulties. If we do overcome them, it will be by work and more work on the part of all our people. We cannot have more goods for everybody without producing more goods. It is not possible by any law of God or nature that we could solve our problems any other way. All the records of history teach us this elemental economic fact; but there are still those who believe that they can enrich the people by impoverishing the Government.

All these statements, of course, merely point up to the growth of the government into big government, the growth of huge business combines into gigantic billion-dollar monopolies, the growth of labor unions into vertically integrated organizations that can stop every train, plug every oil well, or close down every meat-packing plant.

So far as I am concerned, I would advise the young men and women of this Nation to be vigilant against threats to their liberty from these three sources—big government, big business, and big labor. None of these is bad, per se. There are many men who work for big government and believe in big government who are righteous, honorable men and whose motives are of the highest. There are many men who work for big business and believe in big business who are unselfish by temperament and broadminded of outlook. There are many men who are connected with big labor and believe in big labor, who have the welfare of the whole people at heart. There are all kinds of men in all kinds of businesses, unions, and government agencies. I could not truthfully indict a whole government, a whole economic system, or a whole union movement and retain my intellectual integrity.

Yet, in each of these big things, Mr. President, there is inherently a threat against the liberties of all the people. If government becomes big enough and powerful enough, and if the kind of men who want to pervert that government can get in control, the people as a whole suffer, as they have suffered. If business becomes dominant and a few men want to let "the public be damned," then the people suffer, as they have suffered in days gone by. If labor becomes big and powerful enough, and men choose to misuse that power, the people suffer, as they have suffered.

That is why I say, Mr. President, the people of the United States ought to be vigilant eternally—not just today and tomorrow, but next week and next year and in 1956 as in 1946.

My observations of government have caused me to marvel again at the ingenious theory on which our representative republic was formed—a system which has given more protection to minorities, more freedom to the greatest number of people, and promoted the highest plane of living and the broadest dissemination of education that history has ever known. The very keystone of this representative republic—and I repeat for emphasis the words, "representative republic"—has been the preservation of the three great separate and coordinate branches of the Government, namely, the legislative, the judicial, and the executive. Mere artificial separation of these three bodies is as pernicious as it is deadly to a republican government such as ours. If one of these branches presumes to exercise control of another, or if one of the bodies is obligated to the other, the whole governmental structure becomes unbalanced. And if two branches of the Government become subordinate, or obligated to the third, we are in danger of losing liberty itself.

This has happened in a great measure, I am loath to admit, in the past decade and a half. As we know, the majority of the personnel of one great branch of our Government, the Supreme Court, has been under definite obligation to another great branch, the executive, a particular executive of a particular party. That is bad and the people ought to know that it is bad and to understand why it is bad. At the same time, to a far greater degree than the safety of representative government allows, huge legislative powers have been delegated to the executive under the excuse of an emergency, and the personnel of the Congress itself at times has been obligated to the executive. The huge sums of money and the huge grants of power voted to the executive made this almost inevitable.

Such a condition ought not to exist in any degree at any time. It is an un-

healthy condition for our form of government, and our early endeavor should be to redefine the limits of the three separate branches of our Government and insist that they operate within those limits.

We should not condone any watering-down of our concepts of representative government, for by so doing we but multiply the miseries of our children and plant the seeds of destruction for our Government itself.

I cannot help but devote a word or two to the Communist menace in America, Mr. President. When, more than a decade ago, Dr. William Wirt, an Indiana educator, made his revelations that there were men in Washington who wanted to make over America, he was ridiculed by many New Dealers, held up to public scorn by the Democratic majority in a congressional committee, and made to appear to be stupid and naive. Yet, as we know, time has shown that there is a Communist menace in America, just as there is a Communist fifth column in every nation. They have flourished in Washington in the war years, to my personal knowledge, and only men who were either traitors to America or blind to the menace of communism would have allowed to develop the powerful fifth column which may be found among us. It is to be regretted that the situation had become so bad that recently we had to vote to the Secretary of State the power to remove a man from office without hearing, but the need for such action so outweighed other considerations that it had to be done.

In Chicago a short time ago, Attorney General Clark declared:

> None but a complete crackpot could be deluded by what is going on.

He then added:

> We know there is a national and international conspiracy to divide our people, to discredit our institutions, and to bring about disrespect for our Government. Why should we blind ourselves to obvious facts?

Let us hope and pray that some constitutional American method can be devised in the future to keep Communists out of positions of power in government, business, labor, or in any other vital field of endeavor in this Nation. But, more than that, let every true American turn a deaf ear to those who would adulterate our great system with Fascist or Communist ideas borrowed from discredited nations. If these ideas are allowed to multiply without fear, we will be allowing a cancer to eat away our most precious heritage.

And now the final fundamental problem which should give concern to all our American people after the economical and idealogical problems have been solved is the spiritual and moral caliber of America. There is something wrong terribly wrong, with a Nation that annually spends a total or six or seven billion dollars for intoxicating liquors. That is more than the assessed value of all the church property, including church buildings, hospitals, schools, and camps in the United States. Think of it, Mr. President, our people are spending as much each year for intoxicating liquors as all the church-going people of America have been able to preserve in church property and improvements in the last 170 years. Such an amazing fact should give every man pause. This is not only the concern of the moralist and the preacher and the educator; it must be the concern of the Government itself.

FBI Director J. Edgar Hoover said recently:

> The Nation is facing a potential army of 6,000,000 criminals and an ever-increasing wave of lawlessness which is feeding the criminal ranks with a never-ending supply of recruits. The crime increase so far this year is even greater than 12.4 percent increase recorded for 1945. And every 20.1 seconds last year a serious crime was committed; every 6.4 minutes someone was raped, feloniously assaulted, or slain.

Hoover stressed that the—

> Vast army—

Of criminals—

> is 10 times greater in number than the number of students in our colleges and universities. And for every school teacher in America there are more than seven criminals.

Continuing, Mr. Hoover said:

> Small crimes generally precede great crimes and too often these small crimes are perpetrated by youngsters still presumably under home influence. Every home in America must become a sanctuary for good citizenship and not, as in many instances today, a breeding place for criminals * * *.
>
> Rather than indulge in criticism of our youth today, our first job should be to set for them an example to follow in model homes where the tenets of good citizenship, the precepts of right, and the fundamentals of democracy are not only taught but daily practiced.

Statistics show that one out of five marriages in America ends in divorce; that the age of 17 is charged with the greatest number of crimes. These facts support Mr. Hoover's indictments.

Mr. President, disturbing as are these evidences of moral delinquency in our country, there is a situation confronting us today which is far more appalling. America, in her proud position of leadership, asserting that this position is a fruitage of our form of free government, stands humiliated before the nations of the world in the present-day revelations of criminal turpitude in the heart of our Government itself. The miserable machinations of men who have sought to profit by war have been eclipsed by the exposure of evidence that huge business corporations have supplied to our military forces defective shells because of which scores of American boys, fighting for our Republic have been cruelly murdered. These criminals must be run to earth and when their guilt has been established they ought to be brought before a firing squad and executed as traitors. No figurative slap on the wrist will justify the authorities in letting such men prey upon the blood of our finest youth.

These sad indictments, Mr. President, reveal the terrible devastations which war, releasing the basest human passions and hatreds, has wrought in the moral resources of our country. If our Nation is to justify its position of leadership in the world, indeed, if it is to survive at home as a free nation, there will have to be a moral and spiritual reconversion in America. This is not only the concern of the moralist and the preacher and the educator; it must be the concern of the Government itself.

Mr. President, I have tried to sketch the problems confronting our Government as they have been impressed upon me in the nearly 6 years I have sat in this body. I trust they will not be construed as the cynical observations of a pessimist, for pessimism is far from my nature. I want them to be considered as a calm analysis of a realist. Our citizens ought to be happier today than ever in history, considering one fact and one fact alone—the war is over, and we are still a free people. Yet there never has been a time when plain, free Americans who are not under suspicion of any crime and have no cause to feel alarmed, have been more alarmed and suspicious and mentally regimented than right now.

Why are our people afraid? What are they afraid of? Some of them are afraid for their savings. Millions of Americans who have saved $1,000 or $2,000 are wondering how much longer the present inflation will continue and how much worse it will grow. They have long since lost interest in, or respect for, men who talk about holding a fictitious price line while doing the very thing that is causing more inflation—spending huge sums of Federal money without regard to Federal income. Some of our people are afraid for our system of government. They know that there is a small, but powerful, group of Communists operating in this country and they know that for years these Communists were petted and feted and welcomed by the highest officer of this land. They know that many Communist sympathizers were able to worm their way into powerful positions in the Government and that many of them are still there, waiting to grab power if ever the propitious moment arrives.

As I have observed Washington, and the movements of our various leaders, Mr. President, I have come to understand why others of my colleagues have become disillusioned or have been willing to throw in the towel in the fight for good government. We have reached a point in this country in which there is widespread confusion about not only who is to blame for what has been done, but about what proper steps we ought to take to solve the many problems which face us. Those on the left wing continue to preach more and more government control. Those on the right wing continue to agitate for more and more freedom for big business. Those in the labor unions who hold more power continue to consolidate their hold on millions of laboring men. As I see it, the only hope for the United States lies in our free press, and in our free radio, in our school system, and in our churches. If these four great avenues of expression and means of education could be used to enlighten our people instead of being used, as they so frequently are, to confuse our people, then representative government could be saved. Unless the millions of our citizens who stand to lose everything from the capture of our Government by either big business, big government, or big labor

forces are awakened to the peril, then we cannot save representative government.

For whenever we give over to Government the power to do the things the people should do for themselves, then through the course of years the Government becomes all powerful and people lose both the desire and the capacity to govern themselves. Through such an erosion eventually freedom is destroyed. When freedom is lost it becomes the pearl of greatest price for which men are again willing to lay down their lives.

We, the people, must study liberty and be vigilant for the liberty of others as much as we are for ourselves lest some day we awaken to find that by the processes of encroachment the forces which would negate our liberties have gained complete control. I am reminded, in this connection, of a little poem which aptly illustrates the attitude of the so-called average man:

Thus freedom now so seldom wakes
The only throb she gives
Is when some heart indignant breaks,
To show that still she lives.

Mr. President, the state of this Nation is good, the heart of this Nation is sound, the spirit of this Nation is strong, the faith of this Nation is eternal; therefore pessimism cannot long thrive in this atmosphere of freedom.

One evening recently I mingled with the great crowds gathered on the plaza of the Capitol to listen to the inspiring concert given by the United States Marine Band under the leadership of Captain Santelman. Hundreds of people sat on the lawn, on the benches, in parked automobiles, and more than a thousand were massed on the broad steps leading to the Capitol. At the close of the concert the audience, which had been entranced at the sweetness of the music, rose as one person at the opening chord of the music of the National Anthem, The Star-Spangled Banner. They stood at solemn attention and joined with the band in singing the words, which seemed to come from the heart of that great group. On top of the Capitol steps, on the right, at the base of the statue of Christopher Columbus, stood two sailors, straight, stalwart, with their arms raised in salute. At the left, on the base of the statue depicting the brave pioneer American protecting his family, stood two soldiers, likewise posed in military attention.

The grouping was so perfect that it seemed as if planned, but it was the spontaneous response of loyal American citizens. Above all of them, surmounting the templed entrance to the Capitol, the American flag unfolded itself proudly on the evening breezes, and above all rose the majestic white dome of the Capitol, surmounted by its staute of freedom, like a cameo chiseled by the flood of light out of the midnight blue of the sky. It was a scene which would have allayed the fears of the most confirmed pessimist, for this Capitol Building with its great dome seemed to be more than a structure of marble and stone. It seemed to be a living temple of freedom—of human emotions and human aspirations and true Americanism.

I knew, then, that all of you who are toiling here have faith that we can carry on the great work which our fathers began a century and a half ago. Yes; the faith of America is eternal, and we recite it again in the words of Henry Wadsworth Longfellow:

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!

We know what Master laid thy keel,
What workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!

Fear not each sudden sound and shock;
'Tis of the wave, and not the rock,
'Tis but the flapping of the sail,
And not a rent made by the gale!

In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee—are all with thee.

ENTRY OF 100,000 JEWISH REFUGEES INTO PALESTINE

Mr. WAGNER. Mr. President, once again I raise my voice on an issue foremost on the list of humanity's unfinished business.

It was a great moment when President Truman a year ago recommended that 100,000 Jewish victims of Nazi terror, a surviving remnant of the Jews of Europe, should immediately be admitted to Palestine. It has since been fully confirmed that the bulk of them want to go to Palestine where they can, at long last, find among their own people that rest and that kindness which has so long been denied them.

What has become of that recommendation of the President? Instead of acting upon it as we all hoped they would, the British Government insisted that before these survivors could be admitted to Palestine, there would have to be an official inquiry into their condition and the conditions of Palestine. Many valuable months were lost. When the report of the Committee of Inquiry was published, it turned out that the British and the American members had unanimously proposed what President Truman had suggested last year, namely, that 100,000 of these Jewish refugees should be admitted to Palestine within the year 1946. But again, no action followed. All kinds of delaying tactics were adopted by the British to frustrate the fulfillment of this unanimous recommendation of the Anglo-American Committee. The Government of the United States sent a delegation of experts to London to work out the technical details for the reception and absorption of these newcomers in Palestine. We understand that they were instructed to regard this as their primary task. Now we learn that contrary to all the earlier statements and understandings, the issue of the 100,000 has been tied up with the solution of the Palestine political problem in general—a very complex issue as we all know. The fate of the 100,000 has been jeopardized afresh.

Under this scheme, they will be admitted to Palestine only if the British and American Governments first agree on this federation scheme for Palestine and if, after that, both the Jews and Arabs accept it.

Now it is perfectly clear that this means that the admission of the 100,000 is shelved indefinitely, for there is not the remotest chance of this scheme being accepted by all concerned. The Arabs alone, by refusing to agree to it, can prevent the granting of these 100,000 certificates. As the New York Times correspondent in Paris put it, "This represents a radical departure from the previous American policy enunciated most emphatically by the President himself, under which the United States was pressing for a start on immigration regardless of whether a long-term policy for Palestine could be formulated at this time."

I find it inconceivable that our Government should consent to such a procedure. I find it inconceivable that they should agree to these unfortunate people being held for a further length of time in those impossible camps in Germany where their mental and physical conditions are deteriorating from week to week, and where the growing tension is producing most unpleasant incidents.

I will not take the time of the Senate at this point to go into details on this federation's scheme. Of all schemes yet proposed, this is by all means the worst. It is a farce to speak of self-governing provinces, when finance and security are withdrawn from the competence of the provincial authorities and vested in the hands of the British central power. There is no self-government when the British Viceroy appoints the ministers, has a veto on all legislation, and can abolish the provincial self-government as a whole or in part whenever he wants to. As far as the Jews are concerned, it is clear that this scheme is designed to stop all further Jewish development, to keep the Jews restricted to a small pale or ghetto area one-thirtieth the size of Palestine. In fact, this plan means the continuation of the infamous white-paper regime, which was set up in Palestine in 1939 and which prevented Palestine from offering refuge to the Jews of Europe when they needed that refuge most urgently.

To tie up the admission of 100,000 Jewish refugees to this kind of a scheme would be an unspeakable mockery.

For almost 20 years I have had the honor of being a Member of this body, where all of us are striving to serve our country faithfully and to uphold its principles at home and abroad.

This British plan, Mr. President, is a deceitful device to stifle the hopes of a long-suffering people, even though it pretends to be a reasonable compromise on the surface. It is a plan which is contrary to the platform pledges of my party and the opposition party. It is contrary to what a majority of the Members of both Houses asked for in letters to the President and, quite recently, in a formal congressional resolution. It is contrary to international law, justice, and good faith.

I find it difficult to understand how any official representatives of the American Government abroad have agreed even to consider seriously such a plan.

It is probably due to their lack of knowledge of the subject and to vague instructions. But there is only one course left to our Government, and that is clearly and emphatically to reject the plan and decline to give American sanction to the plan. The admission of the 100,000 should proceed immediately, without conditions and delays, in line with President Truman's earlier recommendation. And when the time comes to decide the future of Palestine—perhaps soon, before the United Nations—the only plan to which our country can consent is a plan that would fulfill sacred promises, not deprive a homeless people of their national home.

I am second to none in my love for my country, be it right or wrong, but with all my power I appeal to the President, to all those with authority in this vital matter, to put my country in the right.

Mr. MORSE. Mr. President, I wish to associate myself with the remarks of the senior Senator from New York in regard to the Palestine situation. I think he is to be commended for the contribution which he has made in the speech which he has delivered this afternoon on that very important subject.

PROHIBITION OF POLL TAX IN FEDERAL ELECTIONS

The Senate resumed consideration of the bill (H. R. 7) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

Mr. MEAD. Mr. President, I wanted to take the floor this afternoon, but was detained throughout the greater part of the day in connection with the work of the Senate Committee Investigating the Nation's Defense Efforts. I desired to say something in connection with the cloture petition which will come to a vote shortly after the Senate convenes tomorrow. I have heard an intimation about inability to muster a quorum. I know that is not so. I hope my colleagues will remain in the city, that a quorum will be present, and that we will have an opportunity to vote on the bill. I trust that cloture will be adopted and that we will then have the opportunity of proceeding to a full discussion of the bill, to the adoption of amendments to the bill, and to the passage of the bill itself.

Mr. President, similar bills have been before Congress for 7 years, and have been acted upon on numerous occasions by the committees of the House and of the Senate. The pending bill was passed by the House of Representatives by a very pronounced majority. The situation in the Senate should be no different. However, because of the rules of the Senate it has received consideration by the committee only. On several occasions the proper committee has considered such a bill. The committee has reported the bill to the Senate, but on one or two occasions we have been stymied in bringing the bill up for a full and free discussion because of the rules of the Senate.

Mr. President, I hope that on tomorrow we will be able to bring the bill before the Senate. I am going to urge those who voted against cloture before to give consideration to the timeliness of this proposed legislation and to give consideration to its appropriateness and to the necessity for it as a result of our situation here at home and because of our leadership in the world.

Mr. President, it is time for us to act on this legislation, because we are endeavoring to interest the nations of the world in our democratic principle of government. We are attempting—and rightfully so—to assume a high degree of world leadership. If we are for the spread of democracy abroad, the finest and most effective way to bring that about is to encourage the spread of democracy at home. There are a great many democratic nations in the world, some in which suffrage is restricted to large groups, others in which suffrage is universal, where the privilege of voting is widespread and unlimited. Australia is an example of the true type of representative democracy which we should encourage here in the United States. In Australia there is a poll tax, but it is a poll tax in reverse. The man who pays the tax is the man who fails to discharge his patriotic duty of voting. There are other nations wherein no poll tax exists, either to prevent voting or to encourage it, but where all the people, including men and women of more youthful age than is the case in this country, are encouraged to vote. There are other countries where suffrage is even more restricted than it is in this country.

In this critical period in the world's history, with America endeavoring to influence the nations of the world toward the adoption of its principles of government, it seems to me that it is our duty to eliminate, so far as we are able, unfair, unfortunate, and unpatriotic restrictions and to give the people of our country to the very fullest degree the right to exercise their suffrage.

Mr. President, the passage of the pending legislation will grant to 10,000,000 of our people the right to vote without paying a poll tax. It will free from this handicap and limitation 7,000,000 white and 3,000,000 colored people. Moreover, it will stimulate interest in government. It will make for better citizenship. It will bring about more intense representation on the part of elected officials. That will result in better housing for those who deserve it by reason of the fact that their housing conditions are among the worst in the country. It will bring about better health conditions for those whose death and disease rates are the highest in the country. It will bring about better educational opportunities by reason of the fact that people who have been denied the right of an education will have representation, which will result from their enjoying the suffrage which they so rightfully deserve.

Mr. President, millions of our people cannot vote for these things, and by reason of that fact they are not receiving the representation to which they are justly entitled. It is a strange situation that of the 10,000,000 people denied the right to vote, hundreds of thousands of them were given the privilege of serving in the recent emergency. It occurs to me that if a man has the right and privilege of baring his breast for his country in battle, he merits the right to cast his ballot for the men and women who will represent him in his National Government.

Mr. President, I wished to take the floor briefly today to urge my colleagues to be here tomorrow. I appeal to them to join with us in the adoption of the cloture rule so that we may proceed with the consideration of the bill and set a forthright example for the world to follow.

In giving to the Philippine people their independence America increased and intensified its leadership among the nations of the world. But to give its own citizens, the men and women who serve it well, the right to full, free, and complete citizenship within the confines of our own country would be in my judgment a more effective message to the world. It would mean that we not only stand for democracy abroad, but grant it as a right to our own people at home.

So, Mr. President, I hope that the cloture rule will be adopted tomorrow, and that we can proceed with the consideration of this measure.

EMPLOYMENT FOR VETERANS

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a press release by the Veterans of Foreign Wars of the United States relating to Senate bill 2323, which is a veterans' bill introduced by the Senator from Delaware [Mr. TUNNELL] for himself, the Senator from Massachusetts [Mr. WALSH], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Missouri [Mr. BRIGGS], and myself. Although the bill is pending before the Senate, time will not permit sufficient consideration of it for a vote before final adjournment. I hope that the committee to which the bill has been referred will proceed at an early date to hold hearings on it, because I know of no legislation on veterans' welfare now pending before the Senate of the United States which is more deserving of early consideration after the Congress reconvenes than Senate bill 2323.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

Declaring there has been too much conversation about jobs for veterans and too little action, Commander in Chief Joseph M. Stack, Pittsburgh, Pa., of the Veterans of Foreign Wars, today directed Omar B. Ketchum, director of the VFW national legislative service, to urge the Congress take early and favorable action on the Veterans' Employment and National Economic Development Corporation Act of 1946, which has been introduced by several Senators and House Members.

The act is designed to provide new jobs and new opportunities for veterans rather than the displacement of workers already engaged in American production, Commander Stack said.

Commander Stack conferred with Representative BERNARD W. KEARNEY, Republican, New York, past commander in chief of the VFW and chairman of its welfare and service committee and one of the sponsors of the act in the House of Representatives, and Robert K. Christenberry, New York City, chairman of the VFW national legislative committee, in New York, July 5. Following the conference Stack urged the VFW 2,000,000 membership and 8,000 local organizations to swing in behind the legislation.

The two VFW committees have had the proposed "veterans' RFC" under close and thorough study for several months.

"It was pointed out by General Bradley, Veterans' Administrator, on June 10, that 4,000,000 veterans will be unemployed next fall unless new jobs continue to be created," Commander Stack said. "General Bradley also pointed out that 'it is time we stopped indulging in the sacrifices of veterans and worked harder instead to fulfill their wants. It is time we took stock of the promises we made while they were overseas. The Veterans' Administration with its GI provisions can offer only a narrow foothold to veterans. Although jobs are the No. 1 issue, our Administration is limited to helping veterans with only training for jobs.'"

The bill, S. 2323, was introduced into the United States Senate by Senators TUNNELL, Democrat, Delaware; GUFFEY, Democrat, Pennsylvania; BRIGGS, Democrat, Missouri; WALSH, Democrat, Massachusetts; and MORSE, Republican, Oregon. Three identical bills are before the House of Representatives. They were introduced by Representative KEARNEY, Republican, New York; Representative SPENCE, Democrat, Kentucky, chairman of the House Banking and Currency Committee; and Representative KEFAUVER, Democrat, Tennessee.

Senator TUNNELL in introducing the bill said:

"The emergency (veterans employment outlook) is alarming. Believe it or not, but at this hour there are nearly 2,500,000 veterans claiming unemployment compensation. The number drawing unemployment compensation is expected to increase, as there are 1,500,000 more men who will be discharged shortly from the armed forces. On account of the time that they have lost in war service, veterans will have greater difficulty getting into and staying in business than the average businessman and professional person. More than 7,000,000 veterans have no reemployment rights under the law. Of these, 4,000,000 had no occupation of any consequence before they entered military service and have no particular job to return to now. There are more than 350,000 disabled veterans of World War II who have registered for employment but can't find it. However, experience shows that the majority of disabled veterans can be trained in gainful competitive occupations if the economic opportunity is opened for them."

Provisions of the bills include:

1. Creation of a corporate entity charged with direct responsibility of promoting the interests of veterans who are unemployed, veterans who had no employment prior to war service, veterans who have no particular occupation, disabled veterans, the dependents of disabled veterans and the dependents of those who gave their lives to preserve our country.

2. To utilize wartime and unused facilities and surpluses throughout the Nation and abroad that are suitable and can be employed profitably to afford opportunities for unemployed veterans.

3. To create profitable businesses, professional and occupational self-sufficient opportunities for veterans toward reducing to a minimum the need for unemployment compensations and bonuses.

4. To foster an ever-expanding economy and prosperity toward preserving our system of government, our freedoms, and our national security by utilizing fully our veterans who were selected from the cream of the crop of American manhood and womanhood.

5. To assist qualified veterans engaged in useful and profitable enterprises, services, professions, or trades in other countries, thereby cultivating those countries to become increasingly our customers and friends.

6. To stimulate profitable activity and to attract investment of private risk capital in enterprises within marginal areas in industry, agriculture, service trades, transportation, education, foreign trade and in scientific fields toward increasing employment of veterans.

7. To assist State community, and private agencies in financing self-liquidating projects which will utilize profitably the services of unemployed veterans.

8. To stimulate enterprises and projects where gainful work opportunities, occupational therapy, and self-reliant careers will be opened to disabled veterans.

9. To invite public subscription to the funds of the Corporation in order that the people of the Nation will be partners in this enterprise.

10. To stimulate the maximum utilization and development of abundant natural resources in all geographical areas within the United States, its Territories and possessions, so as to afford opportunities for veterans and to enrich the Nation.

11. To facilitate the establishment of necessary, useful, and profitable new enterprises in the various communities of the Nation that will insure the veterans against unemployment in recessions or depressions and to assure the fullest possible development of all our Nation's peacetime resources to stimulate an ever-expanding base of our national economy for the increasing benefit of all our people.

The bill includes the further provision that:

"Nothing contained in this act shall be construed to authorize the Corporation created under section 5 of the act to itself engage in the operation of any plant, facility, or other business undertaking."

This legislation, VFW spokesmen pointed out, is emergency legislation to the same extent that the Reconstruction Finance Corporation or the Smaller War Plants Corporation were emergency measures. It is sound as they were sound. It is the first concrete legislation offered as a solution for an increasingly alarming condition within the Nation.

The veteran is always at the end of the employment line—we want to avoid his being in the bread line—because the expansion of war plants and production within the Nation during war years has resulted in a vast pool of manpower with rights to jobs ahead of the veterans' rights, the VFW continued.

Added to that, we are faced with technological advancement which is capable of eliminating much manpower from our great industries. This advancement alone is capable of throwing out of employment millions of men. The majority will be veterans because of the seniority afforded those who have been employed before and during the war years.

At the same time the Nation's economy is unbalanced. There is a ready market for all of the products of our industries. The big job is to get the products into stores, shops, and consumer markets. The Nation has hundreds of war surplus plants and facilities which could be geared into the overall production. Veterans need business opportunities, jobs, and financing. This Nation holds some 40,000 captured enemy patents and secret processes which could provide a vast pool of opportunity in large and small ways for the veterans in business.

"We agree with the President of the United States when he said recently that he would rather see a thousand small plants than one mammoth industrial steel or automobile company," a VFW spokesman said. "We believe that the veterans of all wars are better off living in a free economy with freedom of access to the means to make them free. We do not believe that a class system exists within this Nation and we are striving to prevent human displacements and lack of opportunity from breeding class strife. Veterans are not theorists or dreamers. They have traveled the world, fought for ideals and the human instinct of self-preservation. They are not radicals. They have been sobered. Nor are they reactionaries. They are realists—made so by the hard way of life, experience, travel, and sacrifice.

"This legislation could uncover the vast amount of leadership now dormant within millions of veterans. It could instill this needed leadership into the life-lines of America, which, because we are a commercial Nation, will mean our continued leadership in a chaotic world.

"New frontiers are the stimulant which this Nation above all else requires. Our frontiers must be in business and expansion from now on. Veterans need that hope which should spring eternal in the human breast. We must do away with good wishes and half-hearted promises and face the economic facts of the situation. Why should this Nation not undertake the creation of new frontiers within and without? After each war, which the members of the Veterans of Foreign Wars are well acquainted with, we have had new frontiers. After other American wars, the veterans have opened up these frontiers. The veterans who returned from the War of 1812 opened up the plains beyond St. Louis. Veterans of the Civil War built Western railroads and developed the mountain valleys along the Pacific seaboard. The veterans of World War II have no remaining frontier in the old sense. But they have a far greater frontier in the new sense—a business frontier, a technological frontier, an industrial frontier, and a vast new frontier in overseas trade.

"On the Fourth of July a new nation was born out in the Pacific. The Philippines are a new unified, independent nation today because of American aid, understanding, and sacrifice. What has happened in the Philippines could be accomplished with other Pacific nations," the VFW said. "China offers a great opportunity for the people of America for at least two decades. Veterans could help build and modernize a new China and in so doing would create an American market beyond the wildest dreams of even our ardent dreamers. Ambassador Wei of China, who has returned to China, recently said that the Government of China would be willing to put in railroads and the necessary public-utility systems. The American technical and business missionary could help them develop all lines of endeavor in between.

"The veterans of all our wars should be encouraged and helped to join in the expansion of American markets throughout the world. They did a great job in preserving world markets for American products during the war years. If another world war is to be averted, surely every housewife and teen-age youngster knows it will be averted by free exchange of goods, knowledge, and good will. The member nations of the United Nations all need leadership and assistance from this Nation. They need other things than a cash loan. They must learn how we accomplish, build, transport, and market. They must learn how to organize and finance those industries which will go toward making them independent and at the same time provide a ready and willing market for the products of American industry.

"We need constructive thinking and action at this point. The Veterans of Foreign Wars would rather lead the veterans of the Nation into self-sufficiency than to lead them into the public trough of the United States Treasury. The Veterans Corporation will not cost the taxpayers 1 cent. It will, on the contrary, save the taxpayers many billions of dollars.

"That the veterans of America are capable of carrying their own weight, if given the opportunity, was well demonstrated during the last war and our previous wars. Their

talents, energies, brain power, leadership, and character need new outlets. Whatever investment the Nation makes in these men will return manyfold.

"The taxpayers of the Nation should want self-liquidating outlets for veterans, of whom there will soon be 20,000,000. Unemployment compensation for veterans has already cost a billion dollars and this will increase. Bonuses are expensive. Relief rolls are expensive.

"Organized labor in the Nation should welcome a Veterans Corporation which would hold the promise of removing from the unemployed labor force the millions of veterans who are and will be seeking employment.

"American industry and finance should welcome a new outlet for capital, new markets, and expanding prosperity rather than fear a 'boom and bust' economic future.

"Veterans and their families comprise 60 percent of the population in our local communities now. This percentage will grow as young men and women find the economic security permitting marriage and families. The future of the Nation is wrapped up in the veterans of this Nation for the first time in the history of America. These millions of young men, culled by the Army and Navy from the cream of the crop of every community, must be allowed to continue their careers as proud Americans, proud of their own independence and ability to stand on their own feet, proud to follow the ideals of their Nation and its leaders in all branches and strata of American life. This is our best insurance against foreign 'isms.' Ideologies foreign to the thinking and history of the United States will not flourish among constructive, independent, hard-working citizens."

EXECUTIVE SESSION

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. HAYDEN, from the Committee on Territories and Insular Affairs:

JESÚS T. PIÑERO, of Puerto Rico, to be Governor of Puerto Rico, vice Rexford Guy Tugwell.

By Mr. WALSH, from the Committee on Naval Affairs:

Sundry officers for appointments in the United States Navy.

By Mr. WAGNER, from the Committee on Banking and Currency:

Edwin G. Nourse, of the District of Columbia, to be a member of the Council of Economic Advisers.

By Mr. CHAVEZ, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

TREATY OF GENERAL RELATIONS AND PROTOCOL BETWEEN THE UNITED STATES AND THE PHILIPPINES—REMOVAL OF INJUNCTION OF SECRECY FROM TREATY

Mr. CONNALLY. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from Executive J, Seventy-ninth Congress, second session, a treaty of general relations and protocol between the United States of America and the Republic of the Philippines signed at Manila on July 4, 1946.

The PRESIDENT pro tempore. Without objection, the injunction of secrecy will be removed from the treaty and it will be published in the RECORD.

The treaty, with accompanying papers, is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the treaty of general relations and protocol between the United States of America and the Republic of the Philippines signed at Manila on July 4, 1946. I transmit also, for the information of the Senate, the report of the Secretary of State with respect to that treaty and protocol.

In view of the unique relationship existing between the United States of America and the Republic of the Philippines and the desire of our Government and people to further the interests of the Government and people of the Republic of the Philippines, I should be grateful for the earliest possible consideration of the treaty and protocol by the Senate.

HARRY S. TRUMAN.

THE WHITE HOUSE, *July 30, 1946.*

(Enclosures: 1. Report of the Secretary of State; 2. Treaty of general relations with Republic of Philippines and protocol.)

DEPARTMENT OF STATE,
Washington, D. C., July 26, 1946.

The PRESIDENT,
The White House:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, the treaty of general relations and protocol between the United States of America and the Republic of the Philippines signed at Manila on July 4, 1946.

History records few instances of the voluntary relinquishment of sovereignty by one nation over another. The present treaty is an example of faith—mutual faith of one government and people in another—faith preserved and strengthened in dark days of struggle against foes of freedom.

For nearly a half century the United States of America exercised sovereign control over the Philippines. During that time it was the constant purpose of the American Government to promote the welfare of the Philippine people to the end that they, at the earliest practicable time, might become free and independent.

An important step toward the granting of Philippine independence took place on August 29, 1916, with the enactment of Public, No. 240, Sixty-fourth Congress (39 Stat. 545), which placed in the hands of the Philippine people rights with respect to the control of their domestic affairs and stated the policy of the people of the United States to be the withdrawal of their sovereignty over the Philippine Islands and the recognition of Philippine independence upon the establishment of a stable Philippine government.

On March 24, 1934, there was enacted the Tydings-McDuffie act (Public, No. 127, Seventy-third Congress, 48 Stat. 456) providing for the complete independence of the Philippines and for the adoption of a Philippine constitution and form of government. Pursuant to this law a new constitution was framed and duly ratified by the Philippine people. Under this Constitution the Republic of the Philippines was established on July 4, 1946.

The enclosed treaty and protocol signed at Manila on that day do not presage a withdrawal of American interest in the Philippine Government or a severance of the ties binding the American and Philippine peoples. The relationships between the two peoples have shown steady improvement ever since the assumption by the United States of sovereignty over the Philippines. The unity of American and Philippine ideals was demonstrated in the recent war in which the two peoples fought side by side in the cause of liberty. The enclosed treaty represents the end of one era of American-Philippine relations and the commencement of a new era. In that new era the two Governments and peoples will be bound as closely as ever by ties of friendship and mutual trust.

Article I of the treaty provides for the withdrawal and surrender of all right of possession, supervision, jurisdiction, control, or sovereignty existing and exercised by the United States of America in and over the territory and the people of the Philippine Islands, except for the use of such bases as the United States of America, by agreement with the Republic of the Philippines, may deem necessary for mutual protection of the two countries. The United States of America, in Article I of the treaty, recognizes the independence of the Republic of the Philippines as a self-governing nation.

Article II provides for the rights to be accorded by each country to the diplomatic and consular officers of the other country.

Article III relates to the representation by the Foreign Service of the United States, pending the final establishment of Philippine Foreign Service establishments abroad, of the interests of the Republic of the Philippines in countries where there is no Philippine representation.

Article IV pertains to the assumption by the Republic of the Philippines of all debts and liabilities of the Philippine Islands, its provinces, cities, municipalities, and instrumentalities.

Article V provides that all cases at law concerning the Government and people of the Philippines which, in accordance with section 7 (6) of the Independence Act of 1934, are pending before the Supreme Court of the United States of America at the date of the granting of the independence of the Republic of the Philippines shall continue to be subject to the review of the Supreme Court of the United States of America for such period of time after independence as may be necessary to effectuate the disposition of the cases at hand.

Article VI relates to the adjustment and settlement of claims of either Government or its nationals against the other Government. This article provides also for the safeguarding of property rights of each contracting state and its citizens and corporations in the territory of the other contracting state.

Article VII provides for the assumption by the Republic of the Philippines of all continuing obligations assumed by the United States of America under the treaties between the United States of America and Spain concluded on December 10, 1898 and November 7, 1900.

Article VIII provides for the ratification of the present treaty by the United States of America and the Republic of the Philippines and for its entry into force upon the exchange of instruments of ratification at Manila.

The protocol which accompanies the treaty sets forth understandings of the two Governments with respect to the purpose and scope of the treaty. The protocol provides also for the provisional observance of Articles II and III of the treaty.

Respectfully submitted.

JAMES F. BYRNES.

EXECUTIVE J, SEVENTY-NINTH CONGRESS, SECOND SESSION—TREATY OF GENERAL RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES

The United States of America and the Republic of the Philippines, being animated by the desire to cement the relations of close and long friendship existing between the two countries, and to provide for the recognition of the independence of the Republic of the Philippines as of July 4, 1946 and the relinquishment of American sovereignty over the Philippine Islands, have agreed upon the following articles:

ARTICLE I

The United States of America agrees to withdraw and surrender, and does hereby withdraw and surrender, all right of possession, supervision, jurisdiction, control or sovereignty existing and exercised by the United States of America in and over the territory and the people of the Philippine Islands, except the use of such bases, necessary appurtenances to such bases, and the rights incident thereto, as the United States of America, by agreement with the Republic of the Philippines, may deem necessary to retain for the mutual protection of the United States of America and of the Republic of the Philippines. The United States of America further agrees to recognize, and does hereby recognize, the independence of the Republic of the Philippines as a separate self-governing nation and to acknowledge, and does hereby acknowledge, the authority and control over the same of the Government instituted by the people thereof, under the Constitution of the Republic of the Philippines.

ARTICLE II

The diplomatic representatives of each country shall enjoy in the territories of the other the privileges and immunities derived from generally recognized international law and usage. The consular representatives of each country, duly provided with exequatur, will be permitted to reside in the territories of the other in the places wherein consular representatives are by local laws permitted to reside; they shall enjoy the honorary privileges and the immunities accorded to such officers by general international usage; and they shall not be treated in a manner less favorable than similar officers of any other foreign country.

ARTICLE III

Pending the final establishment of the requisite Philippine Foreign Service establishments abroad, the United States of America and the Republic of the Philippines agree that at the request of the Republic of the Philippines the United States of America will endeavor, in so far as it may be practicable, to represent through its Foreign Service the interests of the Republic of the Philippines in countries where there is no Philippine representation. The two countries further agree that any such arrangements are to be subject to termination when in the judgment of either country such arrangements are no longer necessary.

ARTICLE IV

The Republic of the Philippines agrees to assume, and does hereby assume, all the debts and liabilities of the Philippine Islands, its provinces, cities, municipalities and instrumentalities, which shall be valid and subsisting on the date hereof. The Republic of the Philippines will make adequate provision for the necessary funds for the payment of interest on and principal of bonds issued prior to May 1, 1934 under authority of an Act of Congress of the United States of America by the Philippine Islands, or any province, city or municipality therein, and such obligations shall be a first lien on the taxes collected in the Philippines.

ARTICLE V

The United States of America and the Republic of the Philippines agree that all cases at law concerning the Government and people of the Philippines which, in accordance with Section 7 (6) of the Independence Act of 1934, are pending before the Supreme Court of the United States of America at the date of the granting of the independence of the Republic of the Philippines shall continue to be subject to the review of the Supreme Court of the United States of America for such period of time after independence as may be necessary to effectuate the disposition of the cases at hand. The contracting parties also agree that following the disposition of such cases the Supreme Court of the United States of America will cease to have the right of review of cases originating in the Philippine Islands.

ARTICLE VI

In so far as they are not covered by existing legislation, all claims of the Government of the United States of America or its nationals against the Government of the Republic of the Philippines and all claims of the Government of the Republic of the Philippines and its nationals against the Government of the United States of America shall be promptly adjusted and settled. The property rights of the United States of America and the Republic of the Philippines shall be promptly adjusted and settled by mutual agreement, and all existing property rights of citizens and corporations of the United States of America in the Republic of the Philippines and of citizens and corporations of the Republic of the Philippines in the United States of America shall be acknowledged, respected and safeguarded to the same extent as property rights of citizens and corporations of the Republic of the Philippines and of the United States of America respectively. Both Governments shall designate representatives who may in concert agree on measures best calculated to effect a satisfactory and expeditious disposal of such claims as may not be covered by existing legislation.

ARTICLE VII

The Republic of the Philippines agrees to assume all continuing obligations assumed by the United States of America under the Treaty of Peace between the United States of America and Spain concluded at Paris on the 10th day of December, 1898, by which the Philippine Islands were ceded to the United States of America, and under the Treaty between the United States of America and Spain concluded at Washington on the 7th day of November, 1900.

ARTICLE VIII

This Treaty shall enter into force on the exchange of instruments of ratification.

This Treaty shall be submitted for ratification in accordance with the constitutional procedures of the United States of America and of the Republic of the Philippines; and instruments of ratification shall be exchanged and deposited at Manila.

Signed at Manila this fourth day of July, one thousand nine hundred forty-six.

For the Government of the United States of America:

PAUL V. MCNUTT.

For the Government of the Republic of the Philippines:

MANUEL ROXAS.

PROTOCOL TO ACCOMPANY THE TREATY OF GENERAL RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES, SIGNED AT MANILA ON THE FOURTH DAY OF JULY 1946

It is understood and agreed by the High Contracting Parties that this Treaty is for the purpose of recognizing the independence of the Republic of the Philippines and for the maintenance of close and harmonious relations between the two Governments.

It is understood and agreed that this Treaty does not attempt to regulate the details of arrangements between the two Governments for their mutual defense; for the establishment, termination, or regulation of the rights and duties of the two countries, each with respect to the other, in the settlement of claims, as to the owenrship or control of real or personal property, or as to the carrying out of provisions of law of either country; or for the settlement of rights or claims of citizens or corporations of either country with respect to or against the other.

It is understood and agreed that the conclusion and entrance into force of this Treaty is not exclusive of further treaties and executive agreements providing for the specific regulation of matters broadly covered herein.

It is understood and agreed that pending final ratification of this Treaty, the provisions of Articles II and III shall be observed by executive agreement.

Signed at Manila this fourth day of July, one thousand nine hundred forty-six.

For the Government of the United States of America:

PAUL V. MCNUTT.

For the Government of the Republic of the Philippines:

MANUEL ROXAS.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the first order of business on the Executive Calendar.

PROTOCOL AMENDING INTERNATIONAL AGREEMENT FOR REGULATION OF WHALING

The Senate, as in Committee of the Whole, proceeded to consider the protocol, Executive I (79th Cong., 2nd sess.), a protocol signed at London on November 26, 1945, for the United States of America and other countries, amending in certain particulars the international agreement for the regulation of whaling, signed at London on June 8, 1937, as amended by the protocol signed at London on June 24, 1938, which was read the second time, as follows:

PROTOCOL AMENDING THE INTERNATIONAL AGREEMENT FOR THE REGULATION OF WHALING

The Governments of the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, France, Mexico, the Netherlands, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Desiring, in view of the fact that pelagic whaling operations in the area defined by Article 7 of the international Agreement for the Regulation of Whaling, signed at London on the 8th June, 1937 (hereinafter referred to as the Principal Agreement), as amended by the Protocol signed at London on the 24th June 1938 (hereinafter referred to as the Protocol of 1938), have been interrupted for a considerable period by the war, and in order to meet the emergency produced by post-war conditions without prejudice to the conservation of stocks of whales, to put into force by agreement such provisions as may be necessary in regard to pelagic whaling for the season 1946/47;

Have agreed as follows:—

ARTICLE 1.

Subject to the provisions of Article 3 of the present Protocol, the period fixed by Article 7 of the Principal Agreement, during which factory ships or whalecatchers attached thereto may be used for the purpose of taking or treating baleen whales, shall be extended for the season 1946/47 so as to cover the period from the 8th December to the 7th April inclusive.

ARTICLE 2.

Each contracting Government shall give notice to the Government of the United Kingdom when factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom will inform the other contracting Governments of all notices received under this paragraph and shall itself similarly give notice to the other contracting Governments if factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the said area.

ARTICLE 3.

The prohibition contained in Article 1 of the Protocol of 1930 relating to the taking of hump back whales in any waters south of 40° south latitude shall apply during the season of 1946/47.

ARTICLE 4.

(1) During the season of 1946–47 the number of baleen whales caught in the area defined by Article 7 of the Principal Agreement shall not exceed 16,000 blue whale units.

(2) For the purposes of paragraph 1 of this Article blue whale units shall be calculated on the basis that one blue whale equals—

(a) Two fin whales or

(b) Two and a half hump back whales or

(c) Six sei whales.

(3) Each contracting Government undertakes to ensure that the International Bureau for Whaling Statistics shall be provided, within two days after the end of each calendar week, with data on the number of blue whale units caught by each factory ship under the jurisdiction of the said Government in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom shall consult from time to time with the International Bureau for Whaling Statistics and if it should appear that the annual quota provided by paragraph (1) of this Article may be reached before the 7th of April, the International Bureau for Whaling Statistics shall be requested to determine, on the basis of the data provided, the date on which the annual quota of blue whale units shall be deemed to have been reached and to notify each contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales shall be illegal after the date so determined.

ARTICLE 5.

The provisions of Article 3, paragraph (2), of the Protocol of 1938, regarding the operation of factory ships as land stations in the territorial waters of any contracting Government, shall not apply during the period from 1st May, 1947, to 31st October, 1947, inclusive.

ARTICLE 6.

(1) In the present Protocol the following expressions shall have the meanings assigned to them in Article 18 of the Principal Agreement: "factory ship," "whale-catcher," "land station," "baleen whale," "blue whale," "hump back whale," "fin whale."

(2) Sei whale means, for the purposes of this Protocol, any whale known by the name of balaenoptera borealis, sei whale Rudolphi's rorqual, pollack whale, or coalfish whale, and shall be taken to include Balaenoptera brydei, Bryde's whale.

(3) The expression "land station" shall, for the purposes of Article 5 of the present Protocol, include a factory ship the movements and anchorage of which are confined to the territorial waters of any contracting Government.

ARTICLE 7.

(1) The present Protocol shall be ratified and the instruments of ratification deposited as soon as possible with the Government of the United Kingdom; and it shall be open to accession on behalf of any Government which is a party to the Principal Agreement and the Protocol of 1938 and has not signed the present Protocol.

(2) Accession shall be effected by notification addressed to the Government of the United Kingdom.

(3) The Government of the United Kingdom shall inform the Governments which are parties or signatories to the present Protocol of all ratifications of this Protocol or accessions thereto.

ARTICLE 8.

(1) The present Protocol shall come into force in its entirety when all the Governments referred to in the Preamble hereof shall have deposited their instruments of ratification or given notifications of accession.

(2) The provisions of this Article and Articles 2, 3, 4, 6 (1), 6 (2) and 7 of the present Protocol shall, when instruments of ratification have been deposited by at least three signatory Governments, become binding on those Governments and shall become binding on each other Government which subsequently ratifies or accedes, on the date of the deposit of its instrument of ratification or notification of its accession.

(3) The ratification of or accession to the present Protocol by a Government which is not a party to the Principal Agreement and the Protocol of 1938 shall not become effective until such Government becomes a party to that Agreement and Protocol of 1938.

ARTICLE 9.

The present Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of 14 days thereafter.

In witness whereof the undersigned plenipotentiaries being duly authorized to this end by their respective Governments have signed the present Protocol.

Done at London this 26th day of November, 1945, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom, by whom certified copies will be transmitted to all the Governments referred to in the preamble.

For the Government of the Union of South Africa:

A. P. VAN DER POST.

For the Government of the Commonwealth of Australia:

J. S. DUNCAN.

For the Government of Canada:

VINCENT MASSEY.

For the Government of Denmark:

P. F. ERICHSEN.

For the Provisional Government of the French Republic:

NOËL HENRY.

For the Government of the United Mexican States:

ALFONSO DE ROSENZWIEC DIAZ.

For the Government of the Netherlands:

E. TEIXEIRA DE MATTOS.

For the Government of New Zealand:

R. M. CAMPBELL.

For the Government of Norway:

BIRGER BERGERSEN.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

A. T. A. DOBSON.

J. E. DE WATTEVILLE.

For the Government of the United States of America:

REMINGTON KELLOGG.

IRA N. GABRIELSON.

Certified a true copy.

Foreign Office, London, 27 Dec. 1945.

D. A. BIGBY

Acting Librarian and Keeper of the Papers for the Secretary of State for Foreign Affairs

INTERNATIONAL WHALING CONFERENCE, LONDON, NOVEMBER 1945

FINAL ACT

An International Whaling Conference was opened in London on the 20th November, 1945, and continued on the 21st, 22nd and 23rd November, 1945.

The Governments of the countries mentioned below were represented as follows:

Union of South Africa:
Mr. A. P. van der Post.
Australia:
Mr. G. G. Setter.
Mr. V. C. Duffy.
Canada:
Mr. E. MacLeod.
Denmark:
M. P. F. Erichsen.
France:
M. Noël Henry.
M. A. Alloy.
M. A. Perier.
M. J. J. le Gall.
M. A. Anziani.
M. P. Budker.
Mexico:
Lieut.-Commander Alfredo Marques Ricaño (Observer).
Netherlands:
Dr. J. J. Oyevaar.
Dr. D. J. Van Dijk.
Dr. A. G. U. Hildebrandt.
Newfoundland:
Mr. J. L. Murphy (Observer).
New Zealand:
Mr. W. E. Pratt.
Norway:
Professor B. Bergersen.
M. V. Vose.
M. Knudtzon.
M. J. Melander.
M. Paulsen.
M. Winge Soerensen.
M. A. Birkeland.
United Kingdom:
Mr. A. T. A. Dobson.
Mr. P. D. H. Dunn.
Mr. J. Thomson.
Mr. J. E. de Watteville.
Mr. R. C. Cox.
Mr. J. E. S. Fawcett.
Dr. N. A. Mackintosh.
Mr. J. B. S. MacLeod.
Mr. R. H. Burt.
Mr. A. G. Blake.
Mr. A. R. W. Harrison.
Captain H. K. Salvesen.
United States of America:
Dr. Remington Kellogg.
Dr. Ira N. Gabrielson.
Dr. Hilary J. Deason.
Commander James D. Cralik.
Dr. Donald D. Kennedy.
Mr. Charles I. Bevans.
Dr. William E. S. Flory.
Mr. John M. Allison.
Miss Zelda Wolf.

Mr. A. T. A. Dobson (United Kingdom) was invited to preside over the Conference, and Mr. A. M. Lowe and Miss U. Borenius (United Kingdom), assisted by a member of the United States of America Delegation, acted as Secretaries.

The object of the Conference was to consider what special measures should be put in force by agreement in respect of the whaling season 1946/47. All the Governments represented at the Conference were parties or signatories to the International Agreement for the Regulation of Whaling signed at London on the 8th June 1937.

The Conference having heard a statement on behalf of the Minister of Food of the United Kingdom on the present position of world stocks of oils and fats, and the prospects in the near future, came to the conclusion that, so far as whaling is concerned, some special relaxation of the Agreement of 1937 and the Protocol of 1938 was desirable for the season 1946–47.

On the other hand the Conference was impressed with two main considerations. In

the first place it was of vital importance to further the conservation of existing whale stocks, which prior to the war were already showing signs of depletion. Secondly, it was of equal importance that any temporary relaxation of the existing regulations should not serve to encourage countries that had not taken part in whaling operations before to enter the industry only to find that ultimately their expeditions might not prove financially profitable.

The Conference had the advantage of perusing a number of papers submitted by the various delegates, and in particular was grateful to the Norwegian Delegation for the very full statistical material relating to the whaling industry as a whole which was of inestimable value.

The Conference adopted at its final meeting the following resolutions:—

(i) "That it is desirable that a Protocol, in the terms of the Annex to this resolution, should be signed and brought into force as soon as possible; that the Government of the United Kingdom is requested to make early arrangements for the signature of this Protocol by duly accredited representatives; that as this Protocol makes certain temporary amendments to the Agreement of 1937, as amended by the Protocol of 1938, all Governments which are parties to those instruments should be invited either to sign the present Protocol or to accede thereto; that Governments which are signatories to the Agreement of 1937 and Protocol of 1938 but have not become parties thereto by ratification should be invited to ratify those instruments and to sign the annexed Protocol or to accede thereto; and that copies of this Final Act and the Annex thereto should be communicated to all such Governments which are not represented at the present Conference and to any other interested Governments."

(ii) "That the Governments parties or signatories to the 1937 Agreement take such measures as may be appropriate to facilitate the exchange of scientific and other data on whales and whaling. The Conference likewise recommends the interchange of exports on whale biology and collaboration among those Governments on research and scientific studies pertaining to whales."

(iii) "That the regulations of the several Governments should provide that (1) the official measurements as required in Article 16 of the 1937 Agreement shall be taken by the inspector when the whale is at rest on deck or platform in accordance with the definition of 'length' in Article 18 of that Agreement, and (2) the other data required by Article 16 shall be verified by the inspector at the time of tally."

The Conference considered a proposal by the Delegation of the United States of America that the contracting Governments should prohibit the sale, loan or delivery of vessels, equipment or supplies designed especially for whaling operations, or known to be intended for such operations, to any Government or the national of any Government not a party or a signatory to the Whaling Agreement of 1937. The Conference, however, was unable, owing to uncertainty as to the necessary legislative powers in the various countries, to include these provisions in the Protocol, but recognizing the vital necessity for this prohibition adopted the following resolution:

(iv) "That the various Governments should take all practicable steps to prohibit the sale, loan or delivery of vessels, equipment or supplies designed especially for whaling operations, or known to be intended for such operations, to any Government or the nationals of any Government not a party or signatory to the Whaling Agreement of 1937."

The Conference also gave consideration to urgent representations by the Norwegian and United Kingdom representatives that as, owing to unforeseen circumstances, certain factory ships would be unable to reach the whaling grounds by the 24th November, 1945, they should be permitted to operate with a full complement of catchers for a continuous period of four months from the date in which they were able to commence operations.

The Conference recognised the vital importance of acquiring all the oil possible during the 1945/46 season, and considered that it would be highly detrimental to world oil supplies if the limited number of expeditions were unable to fish for the full four months owing to circumstances not only beyond their control, but due primarily to the aftermath of the war.

While unable to include any provision on this subject in the Protocol on account of the difficulty of obtaining the necessary ratifications in time for this provision to be effective, the Conference adopted the following resolutions:

(v) "That every effort should be made to overcome the legal difficulties and obtain special authority for the required extension of the 1945/46 season in the case of the particular factory ships which cannot reach the grounds by the opening date."

Done in London the twenty-sixth day of November, 1945, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, and of which certified copies shall be transmitted to all the signatory Governments.

For the Government of the Union of South Africa:

A. P. VAN DER POST.

For the Government of the Commonwealth of Australia:

G. G. SETTER.
V. C. DUFFY.

For the Government of Canada:

E. MACLEOD.

For the Government of Denmark:

P. F. ERICKSEN.

For the Provisional Government of the French Republic:

NOEL HENRY.
PAUL BUDKER.
ALLOY.
A. ANZIANI.
A. PERIER.

For the Government of the United Mexican States:

A. MARQUEZ. R.

For the Government of the Netherlands:

A. G. U. HILDEBRANDT.

For the Government of Newfoundland:

J. L. MURPHY.

For the Government of New Zealand:

W. E. PRATT.

For the Government of Norway:

BIRGER BERGERSEN.
H. TH. KNUDTZON.
JOHAN NELANDER.
HARALD B. PAULSEN.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

A. T. A. DOBSON.
P. D. H. DUNN.
JOHN THOMSON.
J. E. DE WATTEVILLE.
R. C. COX.
J. E. S. FAWCETT.
N. A. MACKINTOSH.
STUART MACLEOD.
R. H. BURT.
A. G. BLAKE.

For the Government of the United States of America:

REMINGTON KELLOGG.
IRA N. GABRIELSON.
DONALD KENNEDY.
JOHN M. ALLISON.
WILLIAM E. S. FLORY.
CHARLES I. BEVANS.
HILARY J. DEASON.
JAMES D. CRALIK.

A. M. LOWE.
U. BORENIUS.
Secretaries.

ANNEX TO RESOLUTION NO. 1

DRAFT PROTOCOL

The Governments of the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, France, Mexico, the Netherlands, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Desiring, in view of the fact that pelagic whaling operations in the area defined by Article 7 of the International Agreement for the Regulation of Whaling, signed at London on the 8th June, 1937 (hereinafter referred to as the Principal Agreement), as amended by the Protocol signed at London on the 24th June, 1938 (hereinafter referred to as the Protocol of 1938), have been interrupted for a considerable period by the war, and in order to meet the emergency produced by postwar conditions without prejudice to the conservation of stocks of whales, to put into force by agreement such provisions as may be necessary in regard to pelagic whaling for the season 1946/47.

Have agreed as follows:—

ARTICLE 1.

Subject to the provisions of Article 4 of the present Protocol, the period fixed by Article 7 of the Principal Agreement during which factory ships or whale catchers attached thereto may be used for the purpose of taking or treating baleen whales shall be extended for the season 1946/47 so as to cover the period from the 8th December to the 7th April inclusive.

ARTICLE 2.

Each contracting Government shall give notice to the Government of the United Kingdom when factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom will inform the other contracting Governments of all notices received under this paragraph and shall itself similarly give notice to the other contracting Governments if factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the said area.

ARTICLE 3.

The prohibition contained in Article 1 of the Protocol of 1938 relating to the taking of humpback whales in any water south of 40° south latitude shall apply during the season of 1946/47.

ARTICLE 4.

(1) During the season of 1946/47 the number of baleen whales caught in the area defined by Article 7 of the Principal Agreement shall not exceed 16,000 blue whale units.

(2) For the purposes of paragraph (1) of this Article blue whale units shall be calculated on the basis that one blue whale equals—

(a) Two fin whales or
(b) Two and a half humpback whales or
(c) Six sei whales.

(3) Each contracting Government undertakes to ensure that the International Bureau for Whaling Statistics shall be provided, within two days after the end of each calendar week, with data on the number of blue whale units caught by each factory ship under the jurisdiction of the said Government in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom shall consult from time to time with the International Bureau for Whaling Statistics and, if it should appear that the annual quota provided by paragraph (1) of this Article may be reached before 7th April, the International Bureau of Whaling Statistics shall be requested to determine, on the basis of the data provided,

the date on which the annual quota of blue whale units shall be deemed to have been reached and to notify each contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales in the said area shall be illegal after the date so determined.

ARTICLE 5.

The provisions of Article 3, paragraph (2), of the Protocol of 1938, regarding the operation of factory ships as land stations in the territorial waters of any contracting Government, shall not apply during the period from 1st May, 1947, to 31st October, 1947, inclusive.

ARTICLE 6.

(1) In the present Protocol the following expressions shall have the meanings assigned to them in Article 18 of the Principal Agreement: "factory ship," "whale catcher," "land station," "baleen whale," "blue whale," "humpback whale," "fin whale."

(2) Sei whale means for the purposes of this Protocol, any whale known by the name of *Balaenoptera borealis*, sei whale, Rudolphi's rorqual, pollack whale, or coal-fish whale, and shall be taken to include *Balaenoptera brydei*, Bryde's whale.

(3) The expression "land station" shall, for the purposes of Article 5 of the present Protocol, include a factory ship the movements and anchorage of which are confined to the territorial waters of any contracting Government.

ARTICLE 7.

(1) The present Protocol shall be ratified and the instruments of ratification deposited as soon as possible with the Government of the United Kingdom; and it shall be open to accession on behalf of any Government which is a party to the Principal Agreement and the Protocol of 1938 and has not signed the present Protocol.

(2) Accession shall be effected by notification addressed to the Government of the United Kingdom.

(3) The Government of the United Kingdom shall inform the Governments which are parties or signatories to the present Protocol of all ratifications of this Protocol or accessions thereto.

ARTICLE 8.

(1) The present Protocol shall come into force in its entirety when all the Governments referred to in the Preamble hereof shall have deposited their instruments of ratification or given notifications of accession.

(2) The provisions of this Article and Articles 2, 3, 4, 6 (2), and 7 of the present Protocol shall, when instruments of ratification have been deposited by at least three signatory Governments, become binding on those Governments and shall become binding on each other Government which subsequently ratifies or accedes on the date of the deposit of its instrument of ratification or notification of its accession.

(3) The ratification of or accession to the present Protocol by a Government which is not a party to the Principal Agreement and the Protocol of 1938 shall not become effective until such Government becomes a party to that Agreement and the Protocol of 1938.

ARTICLE 9.

The present Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of 14 days thereafter.

In witness whereof the undersigned plenipotentiaries being duly authorized to this end by their respective Governments have signed the present Protocol.

Done at London this day of November, 1945, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom, by whom certified copies will be transmitted to all the Governments referred to in the preamble.

Certified a true copy.
Foreign Office, London, 27 Dec 1945
D. A. BIGBY
Acting Librarian and Keeper of the Papers for the Secretary of State for Foreign Affairs

Mr. CONNALLY. Mr. President, the Committee on Foreign Relations has reported this protocol unanimously. We have consulted Senators from the area which might be interested, and it is agreeable to those who have been consulted.

The PRESIDENT pro tempore. The protocol is open to amendment. If there be no amendment to be proposed, the protocol will be reported to the Senate.

The protocol was reported to the Senate without amendment.

The PRESIDENT pro tempore. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive I, Seventy-ninth Congress, second session, a protocol signed at London on November 26, 1945, for the United States of America, the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, the Provisional Government of the French Republic, the United Mexican States, the Netherlands, New Zealand, Norway, and the United Kingdom of Great Britain and Northern Ireland, amending in certain particulars the international agreement for the regulation of whaling signed at London on June 8, 1937, as amended by the protocol signed at London on June 24, 1938.

The PRESIDENT pro tempore. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the protocol is ratified.

COUNCIL OF ECONOMIC ADVISERS

The PRESIDENT pro tempore. The clerk will state the nominations on the calendar.

The legislative clerk read the nomination of Leon H. Keyserling, of New York, to be a member of the Council of Economic Advisers.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John Davidson Clark, of Wyoming, to be a member of the Council of Economic Advisers.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. WAGNER. Mr. President, yesterday there was received by the Senate the nomination of Edwin G. Nourse, of the District of Columbia, to be a member of the Council of Economic Advisers. The Banking and Currency Committee held a hearing this morning, and the unanimous vote of the committee, including both the Republican and the Democratic members, was that the nomination should be favorably reported. The nomination was reported by the committee earlier today. Mr. Nourse has outstanding qualifications for the position to which he has been nominated, and the committee recommends to the Senate the confirmation of his nomination.

So, Mr. President, I now ask unanimous consent for the present consideration of the nomination.

The PRESIDENT pro tempore. Is there objection to request of the Senator from New York for present consideration of the nomination? Without objection, the nomination is considered and confirmed.

The clerk will state the other nominations on the calendar.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the United States Public Health Service.

Mr. HILL. I ask unanimous consent that the nominations in the Public Health Service be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the Public Health Service nominations are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. CHAVEZ. Mr. President, before the Senate proceeds to consider and confirm the nominations of postmasters, I ask unanimous consent to have recommitted to the Committee on Post Offices and Post Roads the nomination of the postmaster at Lancing, Tenn.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HILL. Mr. President, I ask unanimous consent that the remaining postmaster nominations be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the remaining postmaster nominations are confirmed en bloc.

Mr. HILL. I now ask unanimous concent that the President be notified forthwith of all confirmations.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

RECESS

Mr. HILL. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, July 31, 1946, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 30 (legislative day of July 29), 1946:

DEPARTMENT OF LABOR

COMMISSIONER OF LABOR STATISTICS

Ewan Clague, of Pennsylvania, to be Commissioner of Labor Statistics, United States Department of Labor.

UNITED STATES HOUSING AUTHORITY

Dillon S Myer, of Ohio, to be Administrator of the United States Housing Authority in the National Housing Agency.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named candidates for promotion in the Regular Corps of the United States Public Health Service:

SENIOR ASSISTANT SURGEONS TO BE TEMPORARY SURGEONS

David M. Gould
Iva G. Murphy
Milton I. Roemer

ASSISTANT DENTAL SURGEON TO BE TEMPORARY SENIOR ASSISTANT DENTAL SURGEON

Ceril S. Scheppegrell

SENIOR ASSISTANT SANITARY ENGINEERS TO BE TEMPORARY SANITARY ENGINEERS

Richard S. Green — Graham Walton
Ralph C. Palange — Richard S. Mark

ASSISTANT SANITARY ENGINEER TO BE TEMPORARY SENIOR ASSISTANT SANITARY ENGINEER

Richard J. Hammerstrom

IN THE NAVY

Pay Director Walter A. Buck to be Paymaster General and Chief of the Bureau of Supplies and Accounts in the Department of the Navy, with the rank of rear admiral, for a term of 4 years.

Rear Adm. Herbert G. Hopwood, United States Navy, to be Director of Budget and Reports in the Department of the Navy, with the rank of rear admiral, for a term of 3 years.

Admiral Jonas H. Ingram, United States Navy, to be an admiral in the Navy, for temporary service, to rank from the 15th day of November 1944.

IN THE COAST GUARD

Commodore Ellis Reed-Hill, United States Coast Guard, to be a rear admiral, for temporary service, to rank as such from the 1st day of August 1946.

The following two Coast Guard officers to be professors in the United States Coast Guard:

Commander Henry S. Sharp, United States Coast Guard, with the rank of lieutenant, with date of rank as lieutenant from May 15, 1935.

Lt. Robert E. Reed-Hill, United States Coast Guard, with the rank of lieutenant (junior grade).

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Lawrence D. Lamberth, Cragford, Ala. Office became Presidential July 1, 1944.

ARKANSAS

Gracia M. Scales, Eagle Mills, Ark. Office became Presidential July 1, 1946.

Zora M. Parker, Harrell, Ark. Office became Presidential July 1, 1946.

CALIFORNIA

James J. Kehoe, San Mateo, Calif., in place of J. H. Kelley, removed.

CONNECTICUT

Abbie S. Holbrook, Abington, Conn. Office became Presidential July 1, 1946.

FLORIDA

Elizabeth Kemps, Fort George, Fla. Office became Presidential July 1, 1946.

Virginia M. Douglass, Lake Mary, Fla. Office became Presidential July 1, 1946.

GEORGIA

Avery Graves, Farmington, Ga. Office became Presidential July 1, 1945.

ILLINOIS

Carl T. Heaton, Granite City, Ill., in place of C. G. Sowell, resigned.

IOWA

Carrie E. Grom, Colesburg, Iowa, in place of W. H. Eppens, deceased.

Herbert E. Sinow, Gray, Iowa, in place of E. A. Newell, retired.

Kermit G. Benson, Kiron, Iowa, in place of G. A. Norelius, retired.

Clinton S. Price, Nevada, Iowa, in place of E. S. Armstrong, retired.

KENTUCKY

William W. Earle, Depoy, Ky. Office became Presidential July 1, 1946.

LOUISIANA

Alon M. Terral, Hackberry, La., in place of Inez McDaniel, resigned.

MARYLAND

Eleanor Cadell, Fort Howard, Md., in place of M. G. Labuda, resigned.

Harry T. Robinson, Freeland, Md. Office became Presidential July 1, 1944.

MICHIGAN

Charles A. Cotcher, Lake Orion, Mich., in place of S. J. Haddrill, resigned.

Marguerite G. Cox, Lupton, Mich., in place of L. E. Cosand, resigned.

Howard H. Miel, McBrides, Mich. Office became Presidential July 1, 1946.

Ira J. Anderson, Omer, Mich. Office became Presidential July 1, 1944.

Gladys P. Smiley, Port Sanilac, Mich. Office became Presidential July 1, 1946.

Florence M. Barnes, Shepherd, Mich., in place of A. E. Murphy, transferred.

MISSOURI

Walter Ferguson, Reeds, Mo. Office became Presidential July 1, 1946.

Claude G. Huffman, Winston, Mo. Office became Presidential July 1, 1945.

NEBRASKA

Blanche E. Steele, Alda, Nebr. Office became Presidential July 1, 1946.

Catherine C. Edberg, Ong, Nebr. Office became Presidential July 1, 1946.

NEW JERSEY

Violet M. Burkhardt, Alpine, N. J., in place of Gilbert LaTourette, resigned.

Frederick A. Crine, Red Bank, N. J., in place of Edward von Kattengell, deceased.

NEW MEXICO

Charlie Lee White, Whites City, N. Mex. Office became Presidential July 1, 1946.

NEW YORK

Edward J. Quigley, Brooklyn, N. Y., in place of F. J. Quayle, Jr., resigned.

NORTH CAROLINA

James N. Morgan, Gold Hill, N. C. Office became Presidential July 1, 1944.

Myrtle M. Stimson, Lewisville, N. C. Office became Presidential July 1, 1946.

John A. Finley, Marion, N. C., in place of B. P. Caldwell, resigned.

OHIO

Clara B Sohngen, Roscoe, Ohio, in place of H. C. Finnell, retired.

PENNSYLVANIA

Julia Haley, Broad Ford, Pa. Office became Presidential July 1, 1945.

Elmer E. Caseber, Finleyville, Pa., in place of H. B. Dill, removed.

SOUTH DAKOTA

Ruth B. Vernon, Fort Meade, S. Dak. Office became Presidential July 1, 1946.

TENNESSEE

Edward G. Harder, Linden, Tenn., in place of B. R. Duncan, transferred.

TEXAS

Greenberry F. Isom, Carrollton, Tex., in place of R. M. Isom, deceased.

Asa G. Williamson, Dike, Tex., in place of Eddie Bennett, transferred.

Nicolas Cantu, Jr., Encino, Tex. Office became Presidential July 1, 1946.

Anne K. Hershberger, Imperial, Tex., in place of O. M. Reinertsen, retired.

Ella B. Hasenbeck, Southton, Tex. Office became Presidential July 1, 1946.

VIRGINIA

Ernest W. Pittman, Ivor, Va., in place of A. R. Gardner, transferred.

WEST VIRGINIA

Pauline Waddell, Canebrake, W. Va. Office became Presidential July 1, 1946.

WISCONSIN

Emma McCarthy, Limeridge, Wis. Office became Presidential July 1, 1946.

Augusta Phalen, Malone, Wis. Office became Presidential July 1, 1945.

Victoria L. Petsch, Neosho, Wis. Office became Presidential July 1, 1946.

Lucille H. Maum, Oakdale, Wis. Office became Presidential July 1, 1946.

Woodrow W. Lawrie, Redgranite, Wis., in place of E. J. Piechowski, removed.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 30 (legislative day of July 29), 1946:

COUNCIL OF ECONOMIC ADVISERS

TO BE MEMBERS OF THE COUNCIL OF ECONOMIC ADVISERS

Leon H. Keyserling
John Davidson Clark
Edwin G. Nourse

UNITED STATES PUBLIC HEALTH SERVICE

APPOINTMENTS AND PROMOTIONS IN THE REGULAR CORPS

To be senior assistant dental surgeons, effective date of oath of office

John W. Holt
Joseph G. Yount

To be senior surgeons

Frank S. Fellows
Ralph B. Snavely

To be dental director

Daniel B. Newell

To be sanitary engineer directors

Edmund C. Sullivan — Arthur P. Miller
Arthur L. Dopmeyer — Frederic J. Moss

POSTMASTERS

ARKANSAS

Thomas A. Morris, Tupelo.

CALIFORNIA

Mary P. Henck, Skyforest.
Rienne A. Stubbs, Twin Peaks.

FLORIDA

Cary P. DeBusk, Homosassa.
Luella Campbell, Loughman.
Catherine P. Ladd, Melbourne Beach.
Mary L. Godfrey, Yalaha.

KANSAS

Sara Elizabeth Belford, Andover.
Vesa C. Bitner, Manter.
Hazel M. Hedge, Oketo.
Helen Oliverius, Timken.

KENTUCKY

Bessie Cundiff, Beech Creek.
W. Everett Burdette, Lebanon.

MARYLAND

Edward P. Ganley, Derwood.
C. Vernon Jarvis, Huntingtown.

MASSACHUSETTS

William P. Twohig, East Longmeadow.

MISSOURI

Kenneth E. Logan, Hurley.

NEVADA

Anna E. Larson, Rio Tinto.

NEW YORK

Abram Rifenburgh, Livingston.
George F. McNamara, Waterville.

PENNSYLVANIA

Henry K. Bauman, Allentown.
Isobel Fiamoncini, Atlas.
Ebon B. Bower, Bellefonte.
Hans K. Schmid, Callery.
Susan B. Ozegovich, Chestnut Ridge.
Thomas C. Ferron, Cochranville.
Genevieve W. Allen, Elkland.
Frank Coletti, Hibbs.
William B. Lewis, Irwin.
Lois K. Solomon, Melcroft.
M. Norman Warner, Reeders.
John Petts, Ronco.
Darius H. Broadwater, Salisbury.
Mary K. Wagner, South Connellsville.
Samuel M. Braybrook, White Haven.

PUERTO RICO

Rafael Carrillo Maldonado, Palmer.

TENNESSEE

Woodrow W. Gossett, Holladay.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 30, 1946

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of the Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Most merciful and gracious God, who art our companion and counselor, grant that daily we may walk the highway of life with a firm step which nothing can impede and a splendor of faith which nothing can obscure or extinguish.

Thou knowest how often we stumble and break faith with Thee and our better self. When we bring our lives under the searchlight and scrutiny of Thy divine law, we are filled with a haunting sense of our disobedience to the heavenly vision. Purge us from everything that is contrary to Thy holy will, lest the vision fade and we lose our way in the darkness.

Hear us in our prayer of intercession for all Thy needy children. God forbid that we should sin against the Lord by our failure to minister unto them. May we never be too callous to care, too blind to see, too stupid to understand, and too indifferent to heed their needs. Show us how we may mitigate the miseries and heal the hurt and heartache of mankind. May we never harbor hatred and ill will and any of the negative and poisonous emotions but may we be the heralds of peace and friendship.

Inspire us with the Master's spirit in whose name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 1002. An act for the relief of Marvin Sachwitz;

H. R. 1070. An act for the relief of Elmer C. Hadlen;

H. R. 1088. An act for the relief of the Eastern Contracting Co., Inc.;

H. R. 1351. An act for the relief of the estate of Estelle Daniel Boyle, deceased, and E. B. Rosegarten;

H. R. 1459. An act for the relief of Mr. and Mrs. J. W. Williams, Jr.;

H. R. 1519. An act relating to marine insurance in the case of certain employees of the War Department who suffered death, injury, or other casualty prior to April 23, 1943, as a result of marine risks;

H. R. 1570. An act for the relief of Edward Pittwood;

H. R. 1631. An act for the relief of William Tolar Smith;

H. R. 1788. An act for the relief of Mr. and Mrs. Conrad Newman;

H. R. 1887. An act for the relief of Mrs. Leroy A. Robbins;

H. R. 2161. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Algernon Blair, his heirs or personal representatives, against the United States;

H. R. 2222. An act for the relief of J. L. Harris;

H. R. 2377. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of Iowa into the Union as a State;

H. R. 2504. An act to discontinue certain reports now required by law;

H. R. 2523. An act to provide for lump-sum payment of compensation for accumulated annual leave and current accrued annual leave to certain officers and employees, and authorizing the appropriation of funds for that purpose;

H. R. 2663. An act for the relief of W. C. Jones, Myrtle M. Jones, and W. W. Tilghman;

H. R. 2850. An act for the relief of Felix Napiorkowski;

H. R. 3099. An act for the relief of Coy C. Brown;

H. R. 3197. An act for the relief of William F. Patchell, Jr.;

H. R. 3361. An act to amend paragraph (1) of section 73 of the Hawaiian Organic Act, as amended;

H. R. 3593. An act relating to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas;

H. R. 3742. An act for the relief of Burgess C. Moore, as administrator of the estate of Lela May Tomlinson, deceased, and as legal guardian of Kay Tomlinson and Larry Max Tomlinson, minors;

H. R. 3833. An act for the relief of Viola McKinney;

H. R. 3908. An act to provide increased pensions to members of the Regular Army, Navy, Marine Corps, and Coast Guard who become disabled by reason of their service therein during other than a period of war;

H. R. 3944. An act authorizing the President of the United States to award a special medal to General of the Armies of the United States John J. Pershing;

H. R. 4114. An act to authorize the Secretary of the Interior to sell certain land of Alice Scott White on the Crow Indian Reservation, Mont.;

H. R. 4190. An act granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River at or near Warren, Pa.;

H. R. 4341. An act for the relief of James B. McGoldrick;

H. R. 4375. An act for the relief of Charles Martin;

H. R. 4406. An act for the relief of Loyal F. Willis;

H. R. 4466. An act for the relief of Francis T. Lillie and Lois E. Lillie;

H. R. 4562. An act to insure the preservation of technical and economic records of domestic sources of ores of metals and minerals;

H. R. 4606. An act for the relief of Mrs. Mary D. Johnson;

H. R. 4686. An act for the relief of the estate of Harry Wright;

H. R. 4720. An act to amend the act of December 7, 1944, relating to certain overtime compensation of civilian employees of the United States;

H. R. 4842. An act to amend the act of April 29, 1943, so as to afford a preference for veterans in acquiring certain vessels;

H. R. 4947. An act for the relief of Ethel Guenther;

H. R. 5198. An act for the relief of Marjorie B. Marable;

H. R. 5261. An act for the relief of David Weiss;

H. R. 5278. An act to legalize the admission to the United States of Virginia Harris Casardi;

H. R. 5368. An act for the relief of W. G. Magruder;

H. R. 5372. An act for the relief of Jessie Wolfington;

H. R. 5380. An act to provide for the conferring of the degree of bachelor of science upon graduates of the United States Merchant Marine Academy;

H. R. 5414. An act for the relief of Marie Gorak;

H. R. 5537. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Susquehanna River at a point between the borough of Plymouth, in Plymouth Township, and Hanover Township, in the county of Luzerne, and in the Commonwealth of Pennsylvania;

H. R. 5654. An act to provide basic authority for the performance of certain functions and activities of the Bureau of Reclamation;

H. R. 5725. An act for the relief of Sadie Frey and the estate of Marie Hviding;

H. R. 5756. An act for the retirement of public-school teachers in the District of Columbia;

H. R. 5851. An act for the relief of Second Lt. Francis W. Anderson;

H. R. 5874. An act for the relief of Joseph Maezer;

H. R. 5928. An act to name the bridge located on New Hampshire Avenue, Washington, D. C., over the Baltimore & Ohio Railroad tracks "The Charles A. Langley Bridge";

H. R. 5932. An act providing for the conveyance to the town of Ipswich, in the State of Massachusetts, of lighthouse property at Castle Neck, for public use;

H. R. 5970. An act to permit the members and stockholders of charitable, educational, and religious associations incorporated in the District of Columbia to vote by proxy or by mail;

H. R. 6023. An act providing for the conveyance to the city of Atlantic City, in the State of New Jersey, of lighthouse property at Atlantic City, for public use;

H. R. 6030. An act to amend the Civil Aeronautics Act of 1938, as amended, so as to improve international collaboration with respect to meteorology;

H. R. 6141. An act to provide funds for cooperation with the school board of Hunter School District for the construction and equipment of a new school building in the town of Hunter, Sawyer County, Wis., to be available to both Indian and non-Indian children;

H. R. 6148. An act to exempt certain vessels from filing passenger lists;

H. R. 6223. An act to authorize the highway departments of the States of Kentucky and West Virginia to construct, maintain, and operate a free highway bridge across the Tug Fork of the Big Sandy River at or near Williamson, W. Va.;

H. R. 6231. An act for the relief of Frank A. Gorman;

H. R. 6248. An act for the relief of Capital Office Equipment Co.;

H. R. 6263. An act to amend the act of June 23, 1943, so as to authorize inclusion of periods of education and training in an Army Transportation Corps civilian marine school as "service in the merchant marine";

H. R. 6298. An act to protect and facilitate the use of national-forest lands in township 2 north, range 18 west, Ohio River survey, township of Elizabeth, county of Lawrence, State of Ohio, and for other purposes;

H. R. 6307. An act for the relief of Francesco D'Emilio;

H. R. 6408. An act to authorize the War Shipping Administration and the Maritime Commission to make available certain surplus property to certain maritime academies;

H. R. 6423. An act for the relief of Mrs. Ivan B. Hofman;

H. R. 6438. An act to amend the act to provide for the issuance of devices in recognition of the services of merchant sailors;

H. R. 6536. An act for the relief of Southeastern Sand & Gravel Co.;

H. R. 6593. An act for the relief of Milton A. Johnson, and for other purposes;

H. R. 6610. An act to waive certain restrictions of the Hawaiian Organic Act relating to land exchanges, for the acquisition of certain lands at Hilo, T. H.

H. R. 6629. An act to provide basic authority for the performance of certain functions and activities of the National Park Service;

H. R. 6642. An act for the relief of certain postmasters;

H. R. 6646. An act to establish the Office of Under Secretary of State for Economic Affairs;

H. R. 6859. An act to amend section 121 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended, to authorize the appointment of three additional deputies for the register of wills;

H. R. 6899. An act to authorize the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge, or a free bridge, across the Ohio River at or near Lawrenceburg, Dearborn County, Ind.;

H. R. 6900. An act to grant increased service pensions in certain Spanish-American War cases not included in recent legislation providing increases to other Spanish-American War veterans and their dependents, and for other purposes;

H. R. 6918. An act to provide emergency relief for the victims of the seismic waves which struck the Territory of Hawaii, and for other purposes;

H. R. 6953. An act authorizing the city of East St. Louis, Ill., its successors and assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near a point between Delmar Boulevard and Cole Street in the city of St. Louis, Mo., and a point oppcsite thereto in the city of East St. Louis, Ill.;

H. R. 6967. An act to improve, strengthen, and expand the Foreign Service of the United States and to consolidate and revise the laws relating to its administration;

H. R. 7004. An act to revise the boundaries of Wind Cave National Park in the State of South Dakota, and for other purposes;

H. R. 7030. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Allegheny River, between a point in or near the Borough of Tarentum, in the county of Allegheny, and a point near the boundary of the city of New Kensington and Lower Burrel Township in Westmoreland County in the Commonwealth of Pennsylvania;

H. R. 7109. An act to amend section 6 of Public Law No. 516 of the Seventy-ninth Congress, approved July 16, 1946;

H. J. Res. 366. Joint resolution authorizing and directing the Director of the Fish and Wildlife Service of the Department of the Interior to investigate and eradicate the predatory sea lampreys of the Great Lakes;

H. J. Res. 370. Joint resolution granting certain property to the Commonwealth of Pennsylvania and relinquishing jurisdiction therein; and

H. J. Res. 387. Joint resolution granting permission to Thomas Parran, Surgeon General of the Public Health Service; Rolla E. Dyer, Assistant Surgeon General, Public Health Service; Howard F. Smith, Assistant Surgeon General, Public Health Service; Herbert A. Spencer, medical director, Public Health Service; Vance B. Murray, medical director, Public Health Service; and Gilbert L. Dunnahoo, medical director, Public Health Service, to accept and wear certain decorations bestowed upon them by France, Cuba, Mexico, Chile, Finland, and Luang-Prabang.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 434. An act to provide that nationals of the United States shall not lose their nationality by reason of voting under legal compulsion in a foreign state;

H. R. 1402. An act for the relief of certain Basque aliens;

H. R. 1497. An act to amend subsection 9 (a) of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended;

H. R. 2033. An act authorizing Federal participation in the cost of protecting the shores of publicly owned property;

H. R. 2480. An act for the relief of Wesley A. Mangelsdorf;

H. R. 2485. An act for the relief of Moses Tennenbaum;

H. R. 2716. An act to provide for health programs for Government employees;

H. R. 2788. An act to limit the time during which certain actions under the laws of the United States may be brought;

H. R. 2938. An act to amend the Code of Laws of the District of Columbia, with respect to abandonment of condemnation proceedings;

H. R. 4386. An act to facilitate and simplify the administration of Indian affairs;

H. R. 4410. An act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939;

H. R. 4428. An act to adjust the rate of dividends paid by the Federal Savings and Loan Insurance Corporation on its capital stock and to decrease the premium charge for its insurance;

H. R. 5560. An act to fix the rate of postage on domestic air mail, and for other purposes;

H. R. 6097. An act to amend the act of March 10, 1934, entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes";

H. R. 6811. An act relating to veterans' pension, compensation, or retirement pay during hospitalization, institutional or domiciliary care, and for other purposes;

H. R. 6817. An act to provide for the appointment of additional commissioned officers in the Regular Army, and for other purposes;

H. R. 6890. An act to amend the First War Powers Act, 1941; and

H. R. 6932. An act to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 147. An act to provide for the establishment of the Russell-Majors-Waddell National Monument;

S. 334. An act for the relief of the Trust Association of H. Kempner;

S. 1341. An act for the relief of T. H. Allen and others;

S. 1418. An act to authorize the payment of certain sums to jobbers in connection with their logging of timber for the Menominee Indians on the Menominee Reservation during the logging season 1934–35, and for other purposes;

S. 1650. An act to provide for the incorporation of the National Woman's Relief Corps, auxiliary to the Grand Army of the Republic, organized 1883, 62 years old;

S. 1911. An act for the relief of Mrs. Ida Elma Franklin;

S. 1923. An act to establish two additional offices of Assistant Secretaries of Agriculture, and for other purposes;

S. 1931. An act for the relief of Robert E. Lauritzen;

S. 1969. An act for the relief of Mr. and Mrs. Andrew Evans;

S. 1992. An act for the relief of Pedro Egaide;

S. 1993. An act for the relief of Simon Fermin Ibarra;

S. 2117. An act for the relief of Mrs. Irma M. Pierce;

S. 2127. An act to create an Evacuation Claims Commission under the general supervision of the Secretary of the Interior, and to provide for the powers, duties, and functions thereof, and for other purposes;

S. 2286. An act to amend the act entitled: "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930;

S. 2318. An act to amend the act of May 11, 1938, for the conservation of the fishery resources of the Columbia River, and for other purposes;

S. 2358. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River in Clatsop County, Oreg., and for other purposes;

S. 2367. An act to authorize the Secretary of the Navy to construct aviation facilities at the United States Naval Academy, Annapolis, Md., and for other purposes;

S. 2370. An act for the relief of Edgar F. Russell; Lillian V. Russell, his wife; and Bessie R. Ward;

S. 2374. An act to authorize the appointment of three additional judges of the municipal court for the District of Columbia and prescribe the qualifications of the judges of such court;

S. 2401. An act to amend the act of May 4, 1898 (30 Stat. 369), as amended, to authorize the President to appoint 250 acting assistant surgeons for temporary service;

S. 2404. An act to amend section 502 (a) of the Department of Agriculture Organic Act of 1944;

S. 2408. An act to amend the act of February 9, 1907, as amended, with respect to certain fees;

S. 2412. An act to provide for site acquisition and design of Federal buildings, and for other purposes;

S. 2419. An act to amend further the act of April 6, 1938, as amended by the act of July 9, 1941, entitled "An act authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes";

S. 2426. An act providing for the conveyance to the city of Canton, S. Dak., of the Canton Insane Asylum, located in Lincoln County, S. Dak.;

S. 2440. An act for the relief of Mrs. Martha P. Matthews;

S. 2442. An act to supersede the provisions of Reorganization Plan No. 3 of 1946 by reestablishing the offices of registers of land offices, and providing for appointment of the Director and Associate Director of the Bureau of Land Management, and for other purposes;

S. 2456. An act to provide for the reestablishment of the United States Employees' Compensation Commission with the same functions which it had prior to the time Reorganization Plan No. 2 became effective;

S. 2460. An act to provide additional inducements to citizens of the United States to make a career of the United States military or naval service, and for other purposes;

S. 2479. An act to amend the act entitled "An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925; and

S. Con. Res. 75. Concurrent resolution making a change in the enrollment of Senate bill 1236, to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes.

The message also announced that the Senate agrees to the amendments of the

House to bills and a joint resolution of the Senate of the following titles:

S. 1277. An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of William S. Brown;

S. 2348. An act to authorize the continuance of the acceptance by the Treasury of deposits of public moneys from the Philippine Islands; and

S. J. Res. 156. Joint resolution to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5991) entitled "An act to simplify and improve credit services to farmers and promote farm ownership by abolishing certain agricultural lending agencies and functions, by transferring assets to the Farmers' Home Corporation, by enlarging the powers of the Farmers' Home Corporation, by authorizing Government insurance of loans to farmers, by creating preferences for loans and insured mortgages to enable veterans to acquire farms, by providing additional specific authority and directions with respect to the liquidation of resettlement projects and rural rehabilitation projects for resettlement purposes, and for other purposes."

EXTENSION OF REMARKS

Mr. CLASON asked and was given permission to extend his remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

[Mr. ELLIS addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. TALBOT asked and was given permission to extend his remarks in the RECORD in two instances, in one to include a memorial address and in the other an editorial from the Hartford Courant.

Mr. ROBERTSON of North Dakota asked and was given permission to extend his remarks in the RECORD and include an article by David Lawrence.

Mr. HAGEN asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. DONDERO (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks in the RECORD and include a letter.

SPECIAL ORDER GRANTED

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that the gentlewoman from Connecticut [Mrs. LUCE] may address the House for 15 minutes tomorrow following the legislative business of the day and the special orders heretofore entered for that day.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

VETERAN PRIORITY FOR PURCHASE OF NEW AUTOMOBILES

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, the newspaper accounts of what happened yesterday in the House said there was a filibuster on the floor of the House. As far as I know, everything that was done was done legally but nothing was accomplished.

I am prompted to make these remarks because we could well have put in the time yesterday considering a bill I introduced a few days ago which provides for a preference in the purchase of new automobiles to World War veterans who need those machines either in the conduct of their business or in going to and from work. I have had letters from all over the country, some of them in some detail, pointing out the great hardship that has resulted to the returned veteran because he could not get a machine.

The bill, Mr. Speaker, that I introduced is H. R. 7127, and it has been referred to the Committee on World War Veterans' Legislation.

I realize that legislative procedure is complicated and I know the regular rule is to obtain a report from the Department that would administer the law. Such a report would take a lot of time. Congress is about to adjourn but I hope that the administration leaders will find some way in which to pass either this bill, or a bill of similar type which will make it possible to give a preference to veterans of World War II in the purchase of new automobiles. I have a letter from one veteran who tells me that he has been trying to buy a new car for the past 10 months. He put in 5 years in the Army, 3 years of that period was spent overseas. Now that he has been discharged and wants an automobile so he can travel back and forth from his place of work, he finds it impossible to get one. It should not require much argument to demonstrate the fact that as between our civilians who want a new automobile for pleasure purposes on the one hand and veterans of World War II on the other hand who want an automobile for business purposes, there should be a preference in favor of the veterans. I could cite many other cases of veterans who have written me on this subject for the purpose of indicating how beneficial this legislation would be. I hope that some way will be found to give consideration to this problem before Congress adjourns.

The SPEAKER. The time of the gentleman from Minnesota has expired.

PERMISSION TO ADDRESS THE HOUSE

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SMITH of Ohio addressed the House. His remarks appear in the Appendix.]

WAGNER-ELLENDER-TAFT HOUSING BILL

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

There was no objection.

Mr. CANFIELD. Mr. Speaker, Governor Edge, of New Jersey, asks for enactment of the Wagner-Ellender-Taft housing bill. I read the following wire just received from the Governor:

STATE HOUSE, *Trenton, July 30.*

Hon. GORDON CANFIELD,
Member of Congress,
Washington, D. C.:

Emergency housing for veterans on any appreciable scale absolutely impossible without cooperation provided by Wagner-Ellender-Taft bill. Congress must assume major responsibility for continued housing shortage if this assistance is denied.

WALTER E. EDGE,
Governor.

Mayors William P. Furrey, of Paterson, N. J., and Nicholas Martini, of Passaic, N. J., plead for passage and the New York Times calls for action.

We can do the job this week. Let us pass this measure already approved by the Senate.

As one who has signed the discharge petition I urge the House to stay in session until we act on this necessary legislation.

EXTENSION OF REMARKS

Mr. SUNDSTROM asked and was given permission to extend his remarks in the RECORD and include an article by Clarke Daniel entitled "Housing the Needy."

Mr. RICH asked and was given permission to extend his remarks in the RECORD and include an article by Henry J. Taylor, entitled "Courage Our National Heritage."

Mrs. ROGERS of Massachusetts asked and was given permission to extend her remarks in the RECORD in two instances, in one to include a radio address made over WWDC last night, in another to include two telegrams from two large tanners in reference to disposition by England of certain skins.

LINDSAY C. WARREN

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I have always had a great admiration for Lindsay Warren, a Jeffersonian Democrat, who is now Comptroller General of the United States. He is the one who is supposed to look after the purse strings of this Nation as our representative. Yesterday he said before the Senate committee:

It looks as if everybody and his brother were out to get the United States Government during the last four war years.

Mr. Speaker, I cannot help but believe there has been much crookedness in the operations of the Government in spending, spending, and spending when you appropriated these great sums of money. I know we were squandering the taxpayers' money. It never should have happened that way. When you squander money like the New Deal has squandered it, crookedness is sure to be prevalent. You will see it cropping out. Just keep up the investigation and you will be shocked, surprised, and chagrined. Teapot Dome will be small in comparison. Let us go get the crooks and traitors of our country.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

SPECIAL ORDER GRANTED

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that today after disposition of matters on the Speaker's table and at the conclusion of any special orders heretofore granted, I may address the House for 1 hour.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

PARLIAMENTARY INQUIRY

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentlewoman will state it.

Mrs. ROGERS of Massachusetts. Mr. Speaker, if the so-called dilatory tactics that went on all day yesterday are continued today, is there any way that the so-called amputees and paraplegic bill can be brought up for action? If we adjourn without action on that measure a great deal of suffering will be caused because these boys need cars at once and they are our combat veterans.

The SPEAKER. The Chair does not understand just what the gentlewoman wants to know.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I want to know if there is any way of getting action on the so-called car bill for the amputees and paraplegics. The so-called dilatory tactics of yesterday interfered with bringing it up and I want to know if that is the proper procedure.

The SPEAKER. The Chair is going to count if a Member makes the point that there is not a quorum present. The Chair assumes that is an answer to the inquiry of the gentlewoman from Massachusetts.

EXTENSION OF REMARKS

Mr. KNUTSON asked and was given permission to extend his remarks in the RECORD and to include an article.

THE PARLIAMENTARY SITUATION ON THE BILL FOR CARS FOR SERVICEMEN AMPUTEES

Mr. FULTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FULTON. Mr. Speaker, in line with the inquiry propounded by the gentlewoman from Massachusetts in respect to the bill giving cars to amputees, may I ask both the gentleman from New York [Mr. MARCANTONIO] and the gentleman from Mississippi [Mr. RANKIN], whether each one will voluntarily today say that he will yield time to bring up this bill or stand aside in the current parliamentary situation and permit this bill for amputees to be called up? Will they stand aside for that single purpose?

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from New York.

Mr. MARCANTONIO. As far as I am concerned, I certainly will not stand in the way of the amputee bill. They can bring it up now, and I will not press a point of no quorum, and further the RECORD will show that the petition to force consideration of that bill is my petition.

Mr. FULTON. I yield to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Let me say to the gentleman from Pennsylvania [Mr. FULTON] that he needs to familiarize himself with the rules of the House to know how legislation is brought up.

There are three ways in which this bill could be brought up: By unanimous consent, by suspension of the rules, or under a rule from the Committee on Rules.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

PERMISSION TO ADDRESS THE HOUSE

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, I have complaints from the American Legion saying that any number of veterans are being refused job training because the unions do not allow an employer to have more than one apprentice for every five journeymen. This House made provision that the honorably discharged soldiers should have this privilege, and we certainly did not anticipate that labor unions would stand in the way. It is high time that some remedial labor legislation is passed by this House. While I know it is too late to do anything in this session, if I am here when the next Congress convenes—and I expect to be—I will do everything I can to help see that the labor unions do not refuse the right to education and the right to learn trades to the ex-servicemen.

EXTENSION OF REMARKS

Mr. SPENCE asked and was given permission to extend his remarks in the RECORD and include a statement regarding a bill he introduced today.

Mr. HOOK asked and was given permission to extend his remarks in the RECORD and include a radio address he delivered at Marquette, Mich.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOOK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

[Mr. HOOK addressed the House. His remarks appear in the Appendix.

TERMINAL LEAVE PAY BILL

Mr. THOMASON. Mr. Speaker, I ask unanimous consent that the House conferees on the bill H. R. 4051 may have until midnight tonight to file a report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

VETERANS' ADMINISTRATION

Mr. THOMASON. Mr. Speaker, due to the illness of the gentleman from Kentucky [Mr. MAY] and the enforced absence of the gentleman from Louisiana [Mr. BROOKS] and the gentleman from Missouri [Mr. SHORT], I ask unanimous consent that they be excused from service as conferees on the bill H. R. 5626, and that other conferees be appointed in their stead.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Members named by the gentleman from Texas [Mr. THOMASON] will be excused from service as conferees, and the Chair appoints the following conferees in their place: Messrs. DURHAM, SIKES, and CLASON.

The Clerk will notify the Senate accordingly.

EXTENSION OF REMARKS

Mr. KLEIN asked and was given permission to extend his remarks in the RECORD on the cancer bill.

Mr. ROONEY asked and was given permission to extend his remarks in the RECORD and include a letter.

Mr. HUBER asked and was given permission to extend his remarks in the RECORD.

Mr. GIBSON asked and was given permission to extend his remarks in the RECORD and include an article by Joseph H. Deckman.

Mrs. WOODHOUSE asked and was given permission to extend her remarks in the RECORD and include a release from the American University.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in two instances. I am informed by the Public Printer that the cost of one extension will be $180, but I ask that it be printed notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extensions may be made.

There was no objection.

DISCHARGE PETITION NO. 3

Mr. KLEIN. Mr. Speaker, my predecessor, the Honorable Samuel Dickstein, signed discharge petition No. 3. I desire to have my name entered on this petition. I ask unanimous consent that his name may be taken off the petition so that I may sign it.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PRINTING OF REPORT OF SUBCOMMITTEE NO. 2 OF THE COMMITTEE ON FOREIGN AFFAIRS

Mr. JARMAN. Mr. Speaker, I offer a resolution (H. Res. 745) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the Committee on Foreign Affairs 5,000 additional copies of a report of Subcommittee No. 2 of the Committee on Foreign Affairs in connection with the European study trip, August 12 to October 13, 1945.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. ROONEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

[Mr. ROONEY addressed the House. His remarks appear in the Appendix.]

SPECIAL ORDER GRANTED

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent that on Thursday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

WAGNER-ELLENDER-TAFT HOUSING BILL

Mr. KLEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KLEIN. Mr. Speaker, yesterday morning the mayor of the city of New York asked the Members of the New York City Democratic delegation to meet with him in connection with the Wagner-Ellender-Taft housing bill. When we got back to Washington, we found that the bill had been killed in committee. This has been due to the opponents of this legislation, mainly those on the Republican side. I hope the President calls a special session so that we may get this vitally needed legislation. We in New York City and veterans all over the country are clamoring for the benefits to be derived from the passage of this bill.

In my district an essential housing project, vitally needed in our slum-clearance program and for much-needed housing, has had to be abandoned due to the fact that the city of New York does not have sufficient funds to carry the plans to conclusion. In the event of a special session, I hope we will get some immediate action on this legislation.

WEST SHORE RAILROAD CO.

Mr. SIKES. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent for the immediate consideration of the bill (S. 2020) granting a right-of-way at a revised location to the West Shore Railroad Co., the New York Central Railroad Co., lessee, across a portion of the military reservation at West Point.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. SIKES. I will be glad to comply with the request of my distinguished friend.

The bill, S. 2020, grants a right-of-way to a railroad for a new location across a portion of the West Point military reservation. The trackage has already been moved to the new location under an interim permit. Some question as to the legality of the change has come up. The War Department requests the legislation because the old location is needed for a target range.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida [Mr. SIKES]?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of the United States is hereby given to the relocation requested by the Secretary of War, of the railroad of the West Shore Railroad Co., the New York Central Railroad Co. being the lessee, across the property belonging to the Government at West Point, in the State of New York, and to the maintenance and operation of said railroad upon such relocated line, subject to such conditions and regulations as may be approved by the Secretary of War.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. CHURCH asked and was given permission to extend his remarks in the Appendix of the RECORD and include an article appearing in the New York Journal of Commerce of July 29, 1946, headed "The Shipping Outlook" by Stanley Ferguson.

EXPENDITURE OF PUBLIC FUNDS BY EXECUTIVE AGENCIES

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DIRKSEN. Mr. Speaker, I would respectfully suggest to the membership that at their convenience they examine section 207 of the legislative reorganization bill which passed the House last Thursday. It contains this language:

The Comptroller General is authorized and directed to make an expenditure analysis of each agency in the executive branch of the Government which, in the opinion of the Comptroller General, will enable Congress to determine whether public funds have been economically and efficiently administered and expended.

Mr. Speaker, if that provision had been in the law a few years ago, what is now happening before a certain committee of a certain body in connection with the testimony of the Comptroller General would not be taking place today. The Comptroller would have been armed with the requisite authority to pursue the renegotiation of contracts with vigor and report from time to time to various committees of the Congress with suggestions for remedial action.

TRANSPORTATION FOR AMPUTEES

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, of course, I do not know what the procedure will be regarding the amputee car bill. But I would be willing to wager almost my life, Mr. Speaker, that if a point of no quorum is made the Members who will have left the Chamber and even those who have left Washington would gladly come back and vote for our combat-injured amputees and paraplegics. It would be incredible that they would not do so. How could they go home after what they have done for other groups in the United States and thousands in foreign countries. The Congress has voted billions and billions of dollars for those countries as well as for this country and nothing has been done for our combat-injured in this work of rehabilitation yet. The Veterans' Administration already has given small motorized chairs to certain groups. This is just a step beyond.

The SPEAKER. The time of the gentlewoman from Massachusetts has expired.

FARM MACHINERY

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, this morning I received a call from the Master Planters Corp., which manufactures farm equipment and garden tools. They say that an order of the Civilian Production Administration has cut off the 75 tons of steel which they have been getting each month and which is only 40 percent of the usual amount they receive, because the White House tells them that steel has to be shipped abroad to aid in our foreign policy. Now, what puzzles me is how our farmers are going to produce food without farm implements and how that company is going to keep jobs open for the CIO boys if the administration ships all the raw materials abroad and thus forces the closing of the factory. I suggest Phil Murray see the President and have the CPA get steel for Master Planters Corp. Then the farmers and gardeners will get tools, the employees will have jobs and pay checks, the merchants will have customers, and we

will all be able to do something for other peoples and other nations.

The SPEAKER. The time of the gentleman from Michigan has expired.

PERMISSION TO ADDRESS THE HOUSE

Mrs. SMITH of Maine. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mrs. SMITH of Maine addressed the House. Her remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the Appendix of the RECORD in two instances and include some editorials.

Mr. HOLMES of Massachusetts asked and was given permission to extend his remarks in the RECORD and include an article entitled "Square Deal for the Balkan States."

Mr. SCHWABE of Oklahoma asked and was given permission to extend his remarks in the Appendix of the RECORD in three instances and to include resolutions and excerpts from resolutions of veterans' organizations.

Mr. REED of New York. Mr. Speaker, on yesterday I received permission to extend in the RECORD a speech by Frank Gannett. I am advised by the Public Printer that the cost will be $160. Notwithstanding the cost, I ask unanimous consent that the extension may be made.

The SPEAKER. Notwithstanding the cost and without objection, the extension may be made.

There was no objection.

Mr. CANFIELD asked and was given permission to extend his remarks in the RECORD and include a letter from William T. Vanderlip, acting commissioner of the department of economic development for the State of New Jersey.

Mr. DOYLE asked and was given permission to extend his remarks in the RECORD and include a chronological list of international conferences.

Mr. LYLE asked and was given permission to extend his own remarks in the RECORD.

FEDERAL EMPLOYMENT CEILINGS MUST NOT BE VIOLATED

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, my attention has just been called to violations by some of our Government agencies with respect to the ceiling provision under the 1946 Pay Act. Under the act, employment ceilings are provided for Government agencies with the exception of the Veterans' Administration, which is necessarily under expansion. The act definitely provides that if an agency can make a showing to Congress that it needs to increase its employment, then Congress may act accordingly. The required reductions in personnel amount to about 10 percent. Such reduction absorbs about three-fourths of the 14 percent pay raise.

I am informed some of our agencies are bent on increasing their personnel, notwithstanding the passage of the act I just mentioned. Not only that, some of our Cabinet members are supporting the move. One agency head has stated that he is not sure with regard to the intent of Congress.

Mr. Speaker, this particular amendment originated in the House. I think the intent is pretty well stated. As a member of the Committee on Civil Service and as a member of the conference committee, who had part in preparing the amendment, the act is clear and definite. I am surprised that any agency would attempt to violate its intent. As a matter of fact, every agency of our Government ought to cooperate with the Congress in seeing to it that our swollen personnel is reduced within reasonable limits as soon as can be done.

On January 1, 1940, the employment of Government personnel in the United States, was 943,000 and on June 30, 1946, it was, 2,322,000. This does not include several hundred thousand employed outside of the United States. So we have two and one-half times more employees in this country than we had just prior to the beginning of the war.

Mr. Speaker, it is well known that in the event an agency has good cause for not reducing its personnel as required by this act, it will have a right to come to Congress and make a showing to that effect. Mr. Speaker, the Civil Service Commission, and every other agency of government, instead of considering ways and means of getting around the act so recently passed, ought to bend every effort to cooperate and see to it that the intent and spirit of this act, as well as any other law passed by Congress, is strictly adhered to. To take any other position is all wrong.

The SPEAKER. The time of the gentleman from Kansas has expired.

ONE HUNDRED AND SIXTY-ONE INTERNATIONAL CONFERENCES IN SHORT PERIOD—LET'S RADIATE PEACE AND PRAYER DURING ADJOURNMENT

Mr. DOYLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOYLE. Mr. Speaker, it was my privilege some months ago to ask the reference department of the Library of Congress to get together, for the benefit of Members of Congress and the Nation, a list of all the international conferences down to January 1, 1945. I have had the very splendid assistance of the Library of Congress in again bringing this important and significant data down to date. It is a chronological list of all international conferences in which our great Nation has participated between January 1, 1945, and June 30, 1946. I intend to ask unanimous consent that it be inserted in the Appendix of the CONGRESSIONAL RECORD.

We will apparently be on our way home in a few days. May I just say that as we go home to our respective districts, let us not go home and distribute fear, distrust, lack of confidence, and lack of hope in the power and plan of our democratic processes; but let us go back and distribute our maximum of hope, faith, trust, and prayer, if you please, to the end that there shall be an enduring world peace. Make this so in fact as we go home, because you and I as Congressmen, have helped the people in our respective congressional districts to have an abiding faith that right will and must triumph over wrong and that the spiritual forces of the world must be paramount over greed, selfishness, injustice, unrighteousness, hate, or intolerance.

The Paris Peace Conference started yesterday and as a result of it can come enduring comity between nations. The chronological list furnished me by the Congressional Library reveals that there have been 161 such between the dates quoted. Mr. Speaker, this means that never before have so many such conferences been held in nearly so short a time. Look at the list in the CONGRESSIONAL RECORD tomorrow and then let us go home and radiate hope—and pray and work, too—that this Paris Peace Conference now on in Paris shall lay lasting foundations for an enduring world peace.

AID FOR VETERANS

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. JARMAN. Mr. Speaker, I am sure I must have misunderstood the concluding remark of my good friend, the distinguished gentlewoman from Massachusetts [Mrs. ROGERS] but in the event I did not misunderstand it I simply cannot sit idly by and permit the RECORD containing the statement, as I understood it, to go unchallenged.

I understood the gentlewoman from Massachusetts to say that we are giving billions to other countries but nothing to our own combat wounded. I am sure that as the ranking minority member of the Committee on World War Veterans' Legislation the gentlewoman did not intend to make that statement. I am sure the lady does not wish the RECORD to contain that statement because I think my impression is correct that, under the leadership of her great committee, our battle wounded, as well as other veterans, have been well cared for, so far better than those of any other country that there is no comparison.

As one who was privileged to have been slightly wounded in the other war I yield to no one in my interest in the disabled veterans. However, I am also a great believer in this Congress and this country. My pride in their reputations prevents me from permitting such an impression, unintentional though I am confident it was, to go to the world.

The SPEAKER. The time of the gentleman from Alabama has expired.

EXTENSION OF REMARKS

Mr. VOORHIS of California asked and was given permission to extend his remarks in the Appendix of the RECORD in two separate instances, in one to include a statement by the Reverend C. E. B. Ward, and in the other an editorial.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CALL OF THE HOUSE

Mr. RANKIN. In the meantime I make the point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

Mr. GORE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 256]

Adams	Elsaesser	Maloney
Allen, Ill.	Elston	Mansfield,
Allen, La.	Engel, Mich.	Mont.
Almond	Fellows	Mansfield, Tex.
Andersen,	Flood	Mason
H. Carl	Fogarty	May
Anderson, Calif.	Gallagher	Miller, Calif.
Andresen,	Gary	Miller, Nebr.
August H.	Gathings	Morgan
Baldwin, Md.	Gifford	Morrison
Baldwin, N. Y.	Gillespie	Murray, Tenn.
Barry	Gossett	Norton
Bates, Ky.	Grant, Ind.	O'Konski
Bates, Mass.	Gregory	O'Toole
Beckworth	Hale	Outland
Bender	Hall,	Patrick
Bennet, N. Y.	Edwin Arthur	Patterson
Blackney	Halleck	Pfeifer
Boren	Hancock	Philbin
Boykin	Hand	Phillips
Bradley, Mich.	Hare	Ploeser
Brooks	Harris	Plumley
Brown, Ohio	Hart	Powell
Brumbaugh	Hartley	Priest
Bryson	Hébert	Rains
Buck	Heffernan	Reece, Tenn.
Buffett	Hendricks	Richards
Bunker	Henry	Robertson, Va.
Butler	Hess	Robinson, Utah
Byrne, N. Y.	Hill	Robsion, Ky.
Cannon, Fla.	Hoeven	Rockwell
Carlson	Hoffman, Pa.	Rogers, N. Y.
Case, N. J.	Holifield	Russell
Case, S. Dak.	Izac	Ryter
Clark	Jennings	Sabath
Clements	Johnson, Calif.	Shafer
Clippinger	Johnson, Okla.	Sheridan
Cochran	Johnson, Tex.	Short
Coffee	Kean	Slaughter
Cole, Kans.	Kee	Somers, N. Y.
Cole, N. Y.	Keefe	Sparkman
Combs	Kefauver	Starkey
Cooper	Keogh	Stewart
Courtney	Kerr	Sumner, Ill.
Cravens	Kilburn	Taber
Crawford	Kilday	Tarver
Curley	King	Thomas, N. J.
Daughton, Va.	Landis	Tolan
Davis	Lane	Torrens
Dawson	Larcade	Towe
Delaney,	LeFevre	Trimble
John J.	Luce	Vorys, Ohio
Dingell	Ludlow	Wasielewski
Dolliver	McConnell	Weaver
Douglas, Calif.	McCormack	Welch
Douglas, Ill.	McDonough	West
Drewry	McGehee	Wickersham
Earthman	McGregor	Winter
Eaton	McKenzie	Wolfenden, Pa.
Elliott	McMillan, S. C.	Wood
Ellsworth	Mahon	Woodruff

The SPEAKER. On this roll call 249 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CARS FOR AMPUTEES

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, any intimation that has been made here to the effect that the points of order of no quorum which were made yesterday in any way held up the consideration of the bill providing cars for amputees is a sham and demagogic. I rise to put the record straight and to strip that issue of any of the demagogic smoke screen that has been raised around it. That bill may be considered in one of three ways: First, unanimous consent may be requested by the chairman of the committee the gentleman from Mississippi [Mr. RANKIN] after consulting with the Speaker; second, the chairman of the committee may apply to the Committee on Rules for a rule; and, third, if and when suspensions are in order in the House, the chairman of the committee, after conferring with the Speaker, may move to suspend the rules and pass the bill. So that anybody who is playing politics with this thing had better stop and stop fooling those boys. What we did yesterday, and I challenge any Member of the House to contradict it, has no relation whatsoever to the amputees' bill. I have a strong interest in their bill. I filed the petition to force consideration of the bill.

The SPEAKER. The time of the gentleman from New York has expired.

COMMUNISTS AND COMMUNIST-FRONT ORGANIZATIONS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN. Mr. Speaker, in reply to the gentleman from New York [Mr. MARCANTONIO] I desire to say that the civilized world today is confronted with the most serious challenge that has faced civilization in 1,900 years—the question of atheistic communism or a free government under Christian leadership.

The resolution from the Committee on Un-American Activities that is now pending before the House is citing for contempt a group of Communists, or members of a Communist-front organization, who are conspiring to overthrow this Government and to destroy American institutions.

These attempts to block the House from voting to cite those subversive individuals for contempt are just as dangerous to the welfare of this country as are those Communists in Europe who are attacking American soldiers or those Communists in China who are attacking American marines.

The SPEAKER. The time of the gentleman from Mississippi has expired.

A FRAUD ON THE VETERANS

Mr. HOFFMAN of Michigan. Mr. Speaker, since VJ-day, much has been said about the urgent need for millions of homes for discharged veterans. And Congress has made almost $600,000,000 available to supply that claimed need—first, $190,000,000 for the demolition or removal and reconstruction of barracks and other structures as homes for returned servicemen, and $400,000,000 for subsidy and incentive payments to stimulate the production of short-supply building materials for the construction of new homes for veterans.

Things are now coming to light, however, which cast doubt upon the success of the veterans' emergency housing program authorized by Public Law No. 388, Seventy-ninth Congress, second session, known as the Veterans' Emergency Housing Act, approved May 22, 1946, under which $400,000,000 was made available to increase production of short-supply building materials for the construction of new homes for veterans.

On Saturday last, Senator WHERRY spoke in the Senate and plainly indicated that the Federal housing authorities probably had misled Congress concerning the basis of their claimed need for veterans' housing, and had suppressed a report of the Bureau of the Census tending to show that the millions of existing residential properties in the United States were in a better state of repair and equipment in November 1945, than they were in 1944, or even in 1940.

That Census Bureau report, which Senator WHERRY inserted in the CONGRESSIONAL RECORD for Saturday, July 27, 1946, at page 10246, certainly causes one to wonder whether the administration wants homes for veterans or whether it just wants more power to spend in its own way. Just what are the aims and purposes of the Federal housing authorities, and how true are their representations that 2,700,000 homes are urgently and immediately needed for veterans? What should be done to meet that need? We all want the veterans to have homes.

As everyone knows, the Veterans Housing Act of May 22, 1946, provides primarily for the construction of new homes for veterans through subsidy and incentive payments to stimulate the production of short-supply building materials, with the home sales prices so fixed for the new construction that veterans could buy the new homes.

If anyone is interested in learning what is being done to carry out the provisions of the Veterans Emergency Housing Act, at least during the next 12 months, he will find the answer at page 809 of the House hearings on the Third Deficiency Appropriations bill, 1946, in the form of a quotation from the justification of the Office of Price Administration, as follows:

This emphasis on the need for materials for remodeling homes was caused directly by a change in the plans of the Wyatt housing program which originally placed almost complete emphasis on new construction of residential dwellings. Since that time it has become apparent that the goals set for the necessary number of additional dwelling

units could not be met solely on a new construction basis. Therefore Mr. Wyatt is now calling for major repairs and remodeling of existing dwellings to furnish from 250,000 to 500,000 of the necessary additional units in the coming year. The cost to the consumer of such remodeling is estimated to run upward of $1,000,000,000 for the next 12 months.

When questioned about that language before the House Subcommittee on Appropriations, OPA Administrator Paul A. Porter said:

I would say, Mr. WIGGLESWORTH, that the phrasing of that statement is a little unfortunate—

And then added his own thought that Housing Expediter Wyatt was using every device at his command—

to get the largest number of dwelling units from every source.

Mr. Porter's lame explanation of that clear statement from OPA's justification notwithstanding, the fact remains that OPA did represent to the House Appropriations Committee that Housing Expediter Wyatt could not attain the goal he has promised Congress he would attain in the construction of new homes for veterans, and is now calling for major repairs and remodeling of existing dwellings.

So it seems clear that, instead of the construction of new dwellings for veterans during the next 12 months, as was promised to get the Veterans' Emergency Housing Act passed, the veterans are to reap the benefit only of a remodeling and repair program which is to cost the consumer about $1,000,000,000; and the needy veterans will still be without new homes which they might want to buy at prices fixed by the Veterans' Emergency Housing Act.

Well, perhaps some bureaucrat will say that the remodeling program has been launched under the National Housing Act, with improvement loans made by private lenders guaranteed by the National Housing Administration, and without cost to the taxpayers. But if that claim is advanced, whence will come the increased production of short-supply building materials necessary even to the remodeling and repair program? Most certainly the National Housing Act which authorizes the NHA to insure private loans for improvements and remodeling of homes does not authorize subsidies and incentive payments to increase the production of short-supply building materials—only the Veterans' Emergency Housing Act of May 22, 1946, does that—and then for new residential construction only, as the Office of Price Administration has asserted. It seems to follow that the subsidy and incentive payments to stimulate production of short-supply building materials cannot properly be made for the remodeling and repair program.

The situation seems, then, to warrant the conclusion that the veterans' emergency housing program for the new construction of residences for veterans is not to be begun for about a year hence; and that there is immediate danger that funds appropriated for that program may, and doubtless will, be diverted to a program neither contemplated nor authorized by Congress. Well, that is the old, old story of the bureaucrats. When they find they cannot make good their extravagant promises under acts passed by Congress at their insistent demand, or when they find it expedient to change their programs, they merely construe acts of Congress to meet their own ideas and desires, and go merrily about their business of ignoring the wishes and will of Congress. And while they are planning and spending the veterans and others are without homes. But the bureaucrats continue in office.

FIRST SUPPLEMENTARY APPROPRIATION ACT, 1947

Mr. CANNON of Missouri. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H. J. Res. 390) making additional appropriations for the fiscal year 1947, and for other purposes.

Pending that motion, Mr. Speaker, may I inquire of the gentleman from Massachusetts [Mr. WIGGLESWORTH] what his suggestion might be as to a limitation of time for debate on the bill?

Mr. WIGGLESWORTH. I believe one-half hour on each side would be sufficient.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that debate upon the bill be limited to one hour, half to be controlled by the gentleman from Massachusetts [Mr. WIGGLESWORTH] and half by myself.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Missouri.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Joint Resolution 390, with Mr. BONNER in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

Mr. CANNON of Missouri. Mr. Chairman, I yield myself 15 minutes.

The CHAIRMAN. The gentleman from Missouri is recognized for 15 minutes.

Mr. CANNON of Missouri. Mr. Chairman, less than 2 weeks ago, to be exact, on July 19, 1946, I reported to the House the third deficiency appropriation bill. It was understood that it was the final deficiency appropriation bill. We have had seven deficiency appropriation bills in this Congress. On July 19 we could foresee only one possibility of additional charges upon the Treasury, and that was money which might be necessary to take care of terminal leave pay for members and former members of the armed services, but in the 10 days or so that have elapsed since that time we have received from the Bureau of the Budget 16 new estimates, and there are indications that there will be additional estimates submitted before the bill comes back from the Senate. All of the estimates thus far, however, are in direct response to legislation or to needs created by legislation enacted by the House. They fairly may be said to comprise emergency items.

In this instance, Mr. Chairman, it is interesting to note what the situation would have been had we had in effect during this year the provisions for legislative budgetary management which are contained in the streamline bill which recently passed the House and the Senate.

Under that bill, had it been a law at the commencement of this session, it would have been necessary not later than last February 15 to have established an over-all ceiling beyond which we might not go. Since that time, even if it had been possible to have made a reasonably accurate estimate as to what the over-all ceiling should be on February 15, which of course would hardly have been possible, but granting it had been possible to have made a close estimate of the over-all ceiling at that time, we have exceeded the ceiling which probably would have been established in the intervening months by unforeseen and unpredictable needs of appropriations to the extent of $6,283,401,877. At that time the Budget made a reserve, such as is provided for in the streamlining bill, for future supplementary requests and the amount was $875,000,000. In other words, the over-all ceiling would have missed the mark by roundly $6,280,000,000. I think that actual and immediate experience should enable us to foresee the impracticability of this streamlining proposition under which, without the benefit of hearings, without the benefit of full and complete data necessary to arrive at a reasonably accurate estimate, any predetermined over-all ceiling would be practically worthless. If the budgetary system provided by the streamlining bill had been in effect at the beginning of this session it would not have saved a single dollar of this $6,000,000,000-plus supplementary appropriation which we have made since February 15, 1946.

Following our usual custom of parsimonious action on all estimates submitted by the Bureau of the Budget, we recommend to the House in the pending bill a reduction in the estimates of practically a half billion dollars. The estimates which we have had since July 19, 1946, and on which this bill is based, aggregate $2,978,363,210.45. We recommend in this appropriation bill the provision of $2,479,663,210.45, a reduction in the Budget estimates of $498,700,000—in round figures, a half billion dollars. Of course, the principal item in the bill is the item for equalization of laws and regulations governing leave privileges of officers and enlisted men, which is recommended in response to the Armed Forces Leave Act of 1946. We provide here out of an estimate of $2,679,493,000 for unused furlough credit to all enlisted men, to place them upon an equal basis with all commissioned men, so that they will have the same rights and privileges in drawing terminal pay for unused leave, $2,479,663,210.45. The reduction of $247,785,000 will not be required for expenditure until 1948.

There will be an opportunity in the next Congress to take care of that

amount. So we have provided in this bill the necessary amount and only the necessary amount to take care of all terminal leave which will become payable in the fiscal year 1947.

We were requested by the Bureau of the Budget to provide three-quarters of a million dollars for salaries and expenses of the Atomic Energy Commission. Later the Bureau of the Budget withdrew the estimate and said it could get along if we would make available this amount out of funds already provided for the Manhattan project. So in this bill we have provided no specific appropriation for that purpose but provide therefor in the manner recommended by the Budget Bureau in its supplemental proposal.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield myself five additional minutes.

Mr. Chairman, the only other item of particular interest is the provision of $26,000,000 for the Office of Price Administration. At the time we made an appropriation of $75,000,000 for OPA, the OPA bill had not yet been enacted, but following its enactment, under the terms of its provisions, which stated that the Bureau of the Budget should make a study within 30 days after the enactment of the law and publish its findings in the Federal Register which would thereupon become binding—in order to take care of the next 7½ months, because we must carry this over into the next Congress or carry it over into a period when the next Congress can take up the matter and make proper provision for it—we have given them merely enough money to carry them through the recess of the Congress. We are informed it will require $26,000,000 in addition to the $75,000,000, or a total of $101,000,000 to operate over the intervening period, and we recommend that amount.

Mr. Chairman, there is one other item to which attention should be called, the request from the Department of Commerce to provide a half-million dollars for effectively performing export control functions. The principal reason for the appropriation is the need of controlling more closely the exportation of materials which will be required, or which can be used for carrying out the veterans' housing program. If we are to provide housing for veterans and for other acute metropolitan needs, we must see that sufficient material is retained in this country to carry out the program. In order to do that, we must provide funds to take care of the added burden placed upon the Department and its export-control organization by the program. We have, therefore, recommended the full amount of the Budget estimate for that purpose.

Mr. Chairman, in closing may I call attention to the fact that although the Budget estimates for the fiscal year have been in excess of $37,000,000,000 the committee has recommended and the Congress has appropriated in round numbers only $35,000,000,000. In other words, the Committee on Appropriations has cut down the estimates for the year $1,705,922,606. In addition to the amount stated, we have reclaimed from the war appropriations a total of $64,328,230,565.

That amount of money could very well have been spent and doubtless much of it would have been spent had it not been for the prompt action of the Committee on Appropriations, both before the close of the war, in requiring the Budget Bureau to report periodically the status of appropriations and, promptly upon the close of the war, in reclaiming, as fast as reports come in, this huge amount of money which to that extent, prevents record additions to the national debt.

Mr. THOMASON. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Texas.

Mr. THOMASON. I wish the gentleman from Missouri would make a little further comment on that item in the bill providing appropriations of some two and one-half billion dollars for the armed forces leave payment. The reason I make the inquiry is that I happen to be one of the conferees of the House on the bill authorizing the payment of terminal leave pay. The conferees have been in long sessions for some 2 or 3 days, and all of the House Members have stood by the House bill as long as possible; in other words, the situation is that the Senate conferees will not yield because they insist upon these payments being made in bonds.

I might also add that a representative of the Director of the Bureau of the Budget was there to say that the Treasury, and the Budget, and also the President were opposed at this time to the payment of this leave in cash. So, if that point of view should prevail, then will the gentleman tell the House just what this appropriation of $2,500,000,000 means?

Mr. CANNON of Missouri. If the gentleman will note section 8 of the legislative bill which the gentleman's committee has reported out it will be observed that it does not provide for the handling of these funds as a public-debt transaction? It authorizes appropriations for effectuating the provisions of the law. We had no authority to handle it as a public-debt transaction.

Under the technical provisions of the law, these bonds cannot be issued until the money is available. In the first place, some of them mature immediately; in the second place, many of them are maturable for commercial life-insurance premiums and it is impossible to determine how much will become payable and how much will not. The only alternative was to provide the full amount due in 1947. We did defer the appropriation of a quarter of a billion dollars, which will not be required until 1948. But under the provisions of the law, which the gentleman had a very large part in enacting, and I congratulate the gentleman upon the splendid record he made in that respect, this is the only provision which can be made under the legislative authorization.

Mr. THOMASON. In the event the conference report providing for this payment in bonds is adopted by both Houses, is an appropriation bill necessary?

Mr. CANNON of Missouri. Certainly. Some of the bonds are payable immediately. Some mature as soon as they are issued, and others may become payable under the provisions of the legislative bill at any time.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. WIGGLESWORTH. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, as has been pointed out, this bill carries an overall total of about $2,479,000,000. This total represents a reduction as compared with the Budget estimates of about $498,700,000.

Ninety-six percent of the total is accounted for by an item for terminal leave, which has just been referred to. You will note that there is carried in the bill about $2,431,000,000 for this purpose. In the hearings you will find that sum broken down as between the War Department, the Navy Department, and the Treasury Department.

It is anticipated there will be between 15,000,000 and 16,000,000 recipients of these payments. The appropriation recommended by the committee is 90 percent of the total estimated to be required in this connection, that being the figure which it is believed will cover all payments required during the fiscal year 1947.

There is a second substantial item in the bill for overtime, leave, and holiday compensation which, as you will note, amounts to $20,000,000 estimated as required to pay about 1,000,000 small claims, averaging $20 per claim, in several of the departments of the Government.

These claims grow out of a ruling made by the Comptroller General in 1944 which required revision of the computation of overtime, leave, and holiday compensation in a good many cases.

The bill (H. R. 6532) now pending before the President for signature, I believe, sets up a system for the payment of these claims which it is estimated will save about $4,000,000 in administration expenditure, so that this appropriation calling for the payment of $20,000,000 worth of claims represents a saving in the long run to that extent.

The third substantial item is the item providing an additional $26,000,000 for the revamped Office of Price Administration. This $26,000,000 added to the $75,000,000 already provided makes available about $101,000,000 to carry the agency until next February 15.

Some Members will recall that the original request by OPA amounted to $142,200,000 on a 12 months' basis, as compared with $151,171,000 in the current fiscal year.

You will recall that the House took 25 percent off that request to carry the agency until February next, so that when the House reconvenes in January it can reconsider the amount required for the balance of the year.

That brought the request down to $106,000,000 and with the $26,000,000 carried in this bill, the request is further reduced to about $101,000,000 or roughly $5,000,000 less than what the House provided in the previous bill.

The OPA estimates certain increases which will have to be met as the result of the pay increase act. It estimates other increases growing out of a number of amendments adopted in the other body when the legislation was revamped. It estimates certain savings, first, because there has been no recruiting during the month of July, and, second, because of the limitation which the House placed upon the funds for informational purposes a limit being fixed, as you will recall of $1,750,000.

The result is an over-all reduction in personnel of 1,026 and an over-all reduction in funds of $4,188,000.

Personally, I think the agency could get along with less funds. But it is more or less a shot in the dark at this time and difficult to tell just what will be required with the changes that have just been put into effect.

We have already provided that the Bureau of the Budget shall go over the matter within 30 days after the enactment of the new law and if possible provide a ceiling within the over-all appropriation made available. By limiting the appropriation to February 15, the Congress will have a chance to review the whole subject again when it reconvenes in January.

I am therefore not too critical of the action of the committee in recommending this amount at this time.

Mr. DONDERO. Mr. Chairman, will the gentleman yield for a question?

Mr. WIGGLESWORTH. I yield.

Mr. DONDERO. Will the amount of money carried in this bill be required whether we pay the terminal leave in cash or in bonds?

Mr. WIGGLESWORTH. I have been advised by the Treasury Department this morning through the general counsel's office that the identical number of dollars will be required to be appropriated whether the terminal-leave payments are made in bonds or in cash.

Mr. CLASON. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. CLASON. If that is true, and the same amount of money must be appropriated, the only reason why we should pay in bonds rather than in cash is that it might be inflationary if it is paid in cash. Is that correct?

Mr. WIGGLESWORTH. The gentleman is more familiar with that aspect of the question than I am, he being a conferee on the legislative bill. But I understand the Treasury always requires a bond to be covered by a deposit of dollars before the bonds are issued. Normally, a bond issue is sold to the public In this instance the funds will be provided by appropriation through the Congress.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WIGGLESWORTH. Mr. Chairman, I yield myself five additional minutes.

Mr. CLASON. The Treasury Department raises no objection to its being paid in cash. There was no question so far as the Treasury was concerned as to whether they would prefer it to be paid in one way or another?

Mr. WIGGLESWORTH. I do not think that matter was gone into to any great extent in our committee. That is a question for the legislative committee rather than for the committee making appropriations to implement that legislation.

Mr. DONDERO. Mr. Chairman, will the gentleman yield further?

Mr. WIGGLESWORTH. I yield.

Mr. DONDERO. The purpose of that question was this: I recall some 10 or 12 years ago we made payable to the veterans of World War I in regard to their adjusted service compensation certificates 2 years before they became due, in order to provide funds to those men for their immediate use. It seems to me that perhaps for the World War II veterans funds should be made available for their immediate use. I think it might be a wise move for the Government to make payment either in cash or bonds, making it optional on the part of the veterans.

Mr. WIGGLESWORTH. I understand that matter is being thrashed out in conference by the conferees appointed by the Senate and House in respect to the legislative bill.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. RABAUT. During the course of the hearings I had occasion to inquire about the matter and it is recorded in the hearings on page 38. It is very brief.

Mr. RABAUT. Is there any election in the law for the boys to take bonds or money?

General CARSON. At the moment it is in conference.

Mr. RABAUT. Is it still in conference?

General CARSON. Yes.

Mr. RABAUT. I thought perhaps you had been furnished some additional information.

General CARSON. As it is now, anything under $50 is to be paid by cash or check and the rest is to be a bond payment.

That is what the hearings developed; but it is still in conference.

Mr. WIGGLESWORTH. Mr. Chairman, I might refer very briefly to two or three other items in the bill before concluding.

You will note that provision is made for the Atomic Energy Commission. Instead of appropriating an additional $750,000 for the expenses of this Commission as was originally suggested, the committee has simply made available amounts already appropriated in respect to the Manhattan project, thereby saving the $750,000 originally suggested.

Then, you will find an item of $275,000 for starting the work of the Council of Economic Advisers, which is $100,000 below the Budget recommendation.

You will find also an item of $250,000 for starting the work of the Price Decontrol Board, which has just been set up.

There is also an item in the bill of $600,000, an additional appropriation in respect to export control, under the Department of Commerce. The additional appropriation seems to be justified on the basis of experience during the last 6 months. There has been an increase of work that was not anticipated.

There is another item of $19,750,000 under the War Department, for military assistance to the Philippine Republic. This appropriation is made under the recent law which authorizes the President, on request of the Philippine Republic, to turn over stores, supplies, technical information, equipment, and other similar things, whenever he thinks it is advisable in the public interest, and provided it is consistent with the military and naval requirements of the United States.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. WIGGLESWORTH. Mr. Chairman, I yield myself five additional minutes.

This in effect provides for the maintenance of the Army of the Philippine Republic for 1 year, except as to pay. It seems to be essential under the conditions which prevail in the islands at this time.

There are some other items in here, as you will note, including judgments and authorized claims, which make up the total of the bill.

Mr. CLASON. Mr. Chairman, will the gentleman yield further?

Mr. WIGGLESWORTH. I yield.

Mr. CLASON. In regard to the atomic energy provisions on page 3, as I understand it, under existing appropriations $375,000,000 have been made available either to meet present contracts or for contract authorization in the fiscal year. Am I correct?

Mr. WIGGLESWORTH. I think the figure is approximately correct.

Mr. CLASON. This section of the bill dealing with the Atomic Energy Commission would permit the President to take away from any part of this authorization for research and development under the War Department and allow it to be used for any other purpose that the newly established Atomic Energy Commission might care to use it for. Is that true?

Mr. WIGGLESWORTH. I take it that under the new bill the whole thing is to be coordinated under the new Commission we have set up.

Mr. CLASON. Can the gentleman tell the committee whether or not there was anything in the hearings to indicate that there is going to be any cutting down of the amount of research by the armed services?

Mr. WIGGLESWORTH. I do not believe that matter was gone into.

Mr. CLASON. The gentleman does not know how much money is likely to be transferred under this section, then?

Mr. WIGGLESWORTH. The money that has already been made available is simply placed under the discretion of the President for the purpose of carrying out the provisions of the Atomic Energy Act.

Mr. CLASON. But it is a blank check; there is no particular amount expressed in the hearings to indicate the limit.

Mr. WIGGLESWORTH. No. It is the amount we have already appropriated. We are not appropriating further funds.

Mr. CLASON. They can take it away from the armed services and use it for other purposes?

Mr. WIGGLESWORTH. To the extent that they are authorized to do so under the enabling legislation which was just passed.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. RABAUT. There is nothing added; they only take it away from a different account.

Mr. WIGGLESWORTH. We are not appropriating a cent more than already has been appropriated.

Mr. RABAUT. The gentleman is correct.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. WIGGLESWORTH. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho [Mr. DWORSHAK].

Mr. DWORSHAK. Mr. Chairman, we have heard a great deal during the debate in recent weeks about the OPA holding the price line, stabilizing prices. Likewise, we have heard a great deal about veterans' housing and the building of hospitals in which to accommodate the war veterans.

On July 17, 1946, the Veterans' Administration released a report with complete details as to the progress being made in the construction of the veterans' hospitals, appropriations for which have been made available by the Congress, I should like to direct your attention to some of the details of this report. For instance, the new hospitals proposed and under construction provide for 40,640 beds. Additions proposed or under construction will make another 10,961 beds, or a total of 51,601 beds.

During the three-year period from June 26, 1943, to March 28, 1946, the Congress, in eight separate appropriation measures, appropriated $454,771,000. The third urgent deficiency bill, approved on June 21, 1946, included contractual authorizations for the Veterans' Administration in the amount of $441,250,000 for the construction of hospital facilities.

This means that, while the original estimate covering these 51,601 beds totaled $454,771,000, during that three-year period—when the OPA is alleged to have been holding the construction price line—the Veterans' Administration has been retarded in this building program, and found it necessary last month to secure this additional appropriation of $441,250,000.

Mr. Chairman, in order to provide 51,601 additional beds, it will not require, as originally estimated, $454,771,000, but a total of $896,000,000. In other words, the cost of building these 51,601 hospital beds has exactly doubled in the 3-year period from June 1943 to June 1946. Throughout that entire 3-year period, the OPA claimed it was holding the price line on construction costs, yet we find that the Veterans' Administration, having received full authority for appropriations and having contractual authority from the Congress, has been stymied in pursuing diligently this building program because of the fact that costs have doubled.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DWORSHAK. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Of course, as the gentleman knows, even the Army hospitals are crowded. They closed the Lovett General Hospital in my district and have turned it over to be used as a barracks for students, not that I would deny the students a place to sleep; however, other places could be found for them. In the meantime, go out to the Walter Reed Hospital and you will see the crowded conditions there and you can see the crowded conditions at other places.

Mr. DWORSHAK. I realize that the Veterans' Administration also has taken over 15 Army hospitals and at the present time is considering the advisability of taking over additional Army and Navy hospital facilities to accommodate the waiting list of veterans who desire hospitalization.

Mrs. ROGERS of Massachusetts. I only want to bring out the fact that the barracks have been created for the able-bodied and the disabled are being put out of the hospital facilities.

Mr. DWORSHAK. I thank the gentlewoman for her contribution.

I want to stress the fact that, throughout this 3-year period, the cost of building these hospital beds doubled, which prompts me to inquire whether or not the delay in providing housing facilities for veterans—and we hear so much about that these days—can be placed in the same category as the Veterans' Administration hospitals? Has the cost of building housing facilities for veterans and other Americans doubled in the 3-year period when OPA was supposedly holding the price line on construction costs? I mention these facts because Congress is frequently criticized for not providing housing facilities while our critics entirely overlook the fact that very adequate appropriations have been made available; not only since VJ-day, but throughout the past 3 years.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. WIGGLESWORTH. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. DWORSHAK. Mr. Chairman, if there are delays in providing essential housing facilities and in building these 51,000 hospital beds, the appropriations for which have been provided by the Congress, then, certainly, the responsibility does not rest upon the legislative branch of Government but, rather, upon the executive department, primarily upon the OPA, although the people of this country, and particularly the veterans, have been led to believe the delay is directly chargeable to negligence on the part of the Congress. The American people, and especially the veterans, should be fully advised as to the details so that they may realize that the Congress has provided every dollar—as a matter of fact, twice as much money as was originally estimated to be required—for the building of 51,601 hospital beds.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. DWORSHAK. I yield to the gentleman from Iowa.

Mr. JENSEN. The gentleman has worked for the veterans housing program very diligently, as have many Members of Congress, and we know that the reason we have not had the necessary production of materials is because for months the OPA refused to promptly adjust prices at the mills and factories. The black market boys have gone in and taken the materials, the veterans have very little folding money so they get little material. They cannot compete with the black marketeer, who has a pocketful of folding money and that is the main reason they have as yet hardly gotten started on the veterans' housing program.

Mr. DWORSHAK. Veterans' hospital construction and veterans' housing facilities do have certain priorities, but what good are priorities when no building materials are available and when scarcities and shortages have been artificially created because of the operatons of OPA?

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DWORSHAK. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. As the gentleman knows, prior to the time the Veterans' Administration were given priorities they were next to the last on the list of priorities, and absolutely no plans were made for the future building of hospitals for veterans.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. CANNON of Missouri. Mr. Chairman, I yield such time as he may desire to the gentleman from Tennessee [Mr. GORE].

Mr. GORE. Mr. Chairman, I think it is imperative that this bill be passed before the Congress adjourns. This bill, if passed, will provide the funds for terminal-leave payments to enlisted men of World War II. It is unusual to pass a bill appropriating money for a program or function which has not been finally approved by legislative enactment, but we of the Appropriation Committee feel confident that the Congress will finally pass the terminal-leave pay bill within a few hours. Therefore, this appropriation bill, which must go to the Senate and be passed there, is offered now. Although other items are included in the bill, by far the largest amount of money contained therein is for the purpose of making terminal-leave payments, in cash I hope, to enlisted men for the purpose of equalizing leave privileges of officers and enlisted men of the armed forces. I urge passage of the bill.

The CHAIRMAN. The time of the gentleman from Missouri has expired. All time has expired.

Mr. CANNON of Missouri. Mr. Chairman, on page 2, lines 13 to 17, there is a provision in italics which is not a part of the bill. I therefore ask that the Clerk in reading omit those lines as they were not reported by the committee. They are not part of the bill and appear in this print of the bill through error.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

PRICE DECONTROL BOARD

Salaries and expenses: For all necessary expenses, fiscal year 1947, of the Price Decontrol Board in carrying out its functions under the Price Control Extension Act of 1946, and all other powers and duties and functions which may be lawfully vested in the Price Decontrol Board, including personal services in the District of Columbia

and elsewhere; temporary employment of persons or organizations by contract or otherwise without regard to civil-service and classification laws; acceptance and utilization of voluntary and uncompensated services; lawbooks, books of reference, newspapers and periodicals; printing and binding; purchase of one, and hire, maintenance, operation, and repair of passenger automobiles; travel expenses, including expenses of attendance at meetings or organizations concerned with the work of the Board; and not to exceed $5,000 for deposit in the general fund of the Treasury for cost of penalty mail as required by section 2 of the act of June 28, 1944 (Public Law 364); $250,000."

Mr. VOORHIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOORHIS of California: On page 6, after line 11, insert the following:

"Department of Agriculture school-lunch program: The amount named in the Department of Agriculture Appropriation Act, 1947, to carry on the purposes and provisions of the National School-Lunch Act, is hereby increased by $5,000,000."

Mr. WIGGLESWORTH. Mr. Chairman, I reserve a point of order against the amendment.

Mr. VOORHIS of California. Mr. Chairman, I can explain the purpose of this amendment very briefly. It will be recalled that a short time ago the House passed basic legislation, which came out of the Committee on Agriculture, to set up a national school-lunch program. The way that program operates under the bill is that the Federal Government makes grants to the appropriate State agencies, generally the State Departments of Education, to match moneys spent by the States and the local school districts in providing for school lunches for the children in the schools of the Nation. It so happens that Congress appropriated $75,000,000 for this purpose in the coming year. When we did so the plans were made, particularly for the milk program. In many, many instances the school lunch in some of the poorer sections especially consists only of a pint of milk. That is all the child gets. It means the difference between decent nourishment and practically no nourishment at all in many of those instances. All the plans have been made on the basis of the price of milk as it was a couple of months ago. The price of milk has increased, as I see it, necessarily so. I know in my section the dairymen without an adequate subsidy would lose money. I am not criticizing the price increase, but I am pointing out that for every one cent increase per quart of milk it costs $2,500,000 more than was the case before, in order to enable children to get this milk for 2 cents a pint, which is where they try to keep the cost to the children and what the whole program has been based upon. My amendment, in other words, would mean that there could still be as much milk in the school lunches as before, allowing for a 2-cent increase in the price of milk.

That is the situation in a nutshell. It recommends itself to me from this point of view, that if we believe, as the Congress has certainly declared it believes many times in acting on OPA legislation, that an increased price for some of these farm commodities is justifiable, and if the Congress also believes, as it has declared it does, in the soundness of this school-lunch program as a means of enabling children to be well-enough nourished to take advantage of the educational program our Nation provides, this amendment is a logical one, simply to keep the program where it is now in view of the increased price.

Mr. Chairman, that is all there is to it. I was earnestly in hopes that it might be possible for the committee to accept this amendment. It is true the situation has arisen all of a sudden and there has not been time to consider it in committee. I realize that fact fully, but I hope that the House will see the justice of the thing and vote with me on the proposition.

Mr. SIMPSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Pennsylvania.

Mr. SIMPSON of Pennsylvania. Is the money payable under the school-lunch program payable on a matching basis or under the so-called variable grants system?

Mr. VOORHIS of California. It is payable on the straight matching basis. There is a formula in the bill which does provide for a certain ratio for each State and that ratio does reflect to some degree the per capita wealth of that State as compared to the national per capita wealth; but the matching is the same for all States, and once that ratio has been determined the money is not paid under the new bill at all unless the State does match.

Mr. SIMPSON of Pennsylvania. Does the gentleman mean, then, that dollar for dollar is matched, or does he mean that in one State a Federal dollar may be paid if a lesser amount is contributed?

Mr. VOORHIS of California. No, it is matched dollar for dollar. In future years it will be required for the localities to pay more than a dollar for each Federal dollar appropriated. That is on a sliding scale.

The CHAIRMAN. Does the gentleman from Massachusetts insist on his point of order?

Mr. WIGGLESWORTH. Mr. Chairman, the amendment that is offered seems to me to be not germane to the section of the bill where it is offered. I feel constrained, therefore, to make the point of order that the amendment is not germane.

The CHAIRMAN (Mr. BONNER). The Chair is ready to rule. The gentleman from Massachusetts [Mr. WIGGLESWORTH] makes the point of order that the amendment is not germane. If the amendment is germane to any part of the bill, it is germane at the point at which it has been offered. Therefore, the Chair overrules the point of order.

Mr. CANNON of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the grounds upon which the amendment is offered are conjectural and contingent. It is possible as the fiscal year progresses that the provision previously made will be ample. Also, there will be an opportunity later on, in case it should prove to be inadequate, to make a deficiency or supplemental appropriation in specific terms based upon the actual facts as they have developed. But the aim and the purpose of the amendment are so meritorious that I shall not object and so far as I am personally concerned I am willing to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. VOORHIS].

The question was taken; and on a division (demanded by Mr. VOORHIS of California) there were—ayes 26, noes 47.

Mr. VOORHIS of California. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. VOORHIS of California and Mr. WIGGLESWORTH.

The Committee again divided; and the tellers reported there were—ayes 57, noes 66.

So the amendment was rejected.

Mr. BAILEY. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BAILEY. Mr. Chairman, I have requested this time in order to inform my colleagues of the status of House Resolution 711—a privileged resolution calling on the Treasury Department for certain data on pending applications and refunds granted under the carry-back clause relating to excess profit taxes.

A serious situation exists when a civilian board made up largely of tax experts and tax lobbyists begin consideration of refunds from the United States Treasury estimated to be in excess of $8,000,000,000. This board was not created by an act of Congress and is not directly responsible to the Congress. Here, Mr. Speaker, is a set-up that has all the earmarks of a raid on the Treasury that will make Comptroller General Warren's expose, on yesterday, of the wartime contract frauds look like a pink tea party in comparison.

The time having elapsed under the resolution in which the Treasury could have supplied the House with this information, I called Treasurer John W. Snyder who insisted he had no knowledge of the resolution, which I introduced on July 17. He asked for a conference and the representatives of the Treasury Department and the Bureau of Internal Revenue who attended claimed the information requested was not available at this time.

They submitted a letter of explanation which I desire at this time to read into the RECORD:

TREASURY DEPARTMENT,
Washington, July 26, 1946.

Hon. CLEVELAND M. BAILEY,
House Office Building,
House of Representatives,
Washington, D.C.

DEAR MR. BAILEY: As requested by you, am writing to explain in some detail the effect of House Resolution 711, introduced by you on July 17, 1946.

The resolution calls for information to be furnished to the House by the Secretary of the Treasury with respect to the operation of section 122 (b) and (c) of the Revenue Act of 1945. The Treasury would be requested to supply a list of taxpayers who have filed claims for refund of excess profits taxes, and of those who have had such claims allowed, together with the amounts, as a result of

carry-backs to the years 1944 and 1945 of unused excess profits credits arising in 1946. Under section 122 of the Revenue Act of 1945, the carry-back of unused credits is retained for taxable years beginning in 1946, although the excess-profits tax itself was repealed as of December 31, 1945.

Adoption of the resolution at the present time would appear to this Department to be premature. Practically no claims for refund with respect to carry-backs from taxable years beginning in 1946 can be filed during the calendar year 1946. The amount of such carry-backs and the resulting excess-profits-tax refunds cannot be ascertained until the expiration of the taxable year. In the case of taxpayers reporting on a calendar year basis, no claim could properly be filed until the beginning of 1947, at the earliest. As a practical matter, it is unlikely that many claims will be filed prior to March 15, 1947, when the tax returns for 1946 are due. In the cases of the many fiscal year taxpayers, taxable years beginning in 1946 will not be closed until sometime in 1947, and returns will not be due for 2½ months after the close of the fiscal year. Only in the relative handful of cases of short taxable years, due to changes in accounting periods or winding up of a business, could claims be filed during 1946. Even if a few such claims do arise during the year, they would be wholly unrepresentative of the extent of the application of the carry-back provisions, and would not, I believe, be of the slightest value to the House in appraising their operation, and might prove misleading. Accordingly, adoption of the resolution would appear to be premature since there would be no information for the Department to make available under the resolution.

The carry-back provisions of the excess-profits-tax law have been receiving continued joint study by the Treasury Department and the staff of the Joint Committee on Internal Revenue Taxation since their status was last under consideration by the Ways and Means Committee and the Finance Committee of the Senate in connection with the Revenue Act of 1945. For the reasons I have outlined, no significant data as to the area or extent of the benefits arising from these provisions has yet been adduced as to the year 1946. The study has necessarily been very largely confined to a preliminary analysis of the problems which may inhere in the sections of the law involved. These problems will continue to receive attention with a view to maintaining the best possible surveillance of the operation of the unused credit carry-back and to developing specific information as it becomes available.

This Department is glad to have had the opportunity to acquaint you with its views as to the problems involved in furnishing the information you desire.

Sincerely yours,

JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. CANNON of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman from West Virginia may proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BAILEY. Mr. Chairman, the conferees agreed that certain tentative payments in the nature of advances have been paid to tax applicants for the first and second quarters of the taxable year 1946, but insisted they were involved in the entire year's settlement and would not be available to the Congress until 1947. It appears that a mere technicality in the form of a faulty resolution will prevent the House having this information prior to adjournment.

Mr. Chairman, I regret very much to see the Congress adjourn without having first-hand information as to who is asking refunds under the carry-back clause in the Revenue Act of 1945 and what, if any, payments have been made out of the Treasury under this refund clause. It appears to be too late now to get this information. Should the vicissitude of politics prevent my return as a member of the Eightieth Congress, I should like to know that this effort on my part to prevent a raid on the Treasury will fall into far more capable hands than mine and will receive prompt attention on the convening of the new Congress.

Mr. BELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, for a very few moments I wish to discuss a bill which I introduced on July 22, H. R. 7102. It is a bill which I think every American citizen should be interested in.

When our forefathers set up the Government of the United States, and drafted the Constitution under which we live, they provided for three branches of government, the executive, legislative, and judicial. In their wisdom they saw fit to provide for the judges of our courts lifetime tenure and pay which could not be reduced during their term of office. In other words, they felt that the American people, if we were to have an incorruptible judiciary, should place the members of our judiciary beyond the question of worrying about their compensation.

As time has gone on the Congress has provided retirement pay for all of the hundreds of thousands of civil-service employees. Our judges have retirement pay, Army officers have retirement pay. It was thought many, many years ago that if an officer leading an army, whether it be a brigade, a regiment, or a company, the officer leading troops should not have to worry about his old age if he gets wounded. It was felt we would have better service by providing retirement for them. The same principle has been applied to all other departments of our government. The Congress in its wisdom has provided retirement pay for substantially everyone, including Members of the Congress. I think of only one exception in all the wide, broad scope of government. I picked up a newspaper the other night and I found that the President of the United States was referred to as the forgotten man. I may say that in filing this bill I had an eye to the Presidency of the United States as an institution rather than to the President as an individual. As a matter of fact, I have never discussed the matter with the present occupant of that high office, I have never discussed it with any member of the executive department of our government, and I am sure that the President of the United States does not even know I filed this bill or had any contemplation of filing it.

Never before in all the history of the world has any one man had such a tremendous responsibility upon his shoulders as the President of the United States has today. Never before has any one man conducted so big a business as the President of the United States is today conducting, and never before for so small a compensation.

The other day I talked to one of my friends about this bill, a Member of Congress, and he said, "Why, the President does not need a retirement bill. He can save enough out of the $75,000 a year to retire comfortably." Then I called his attention to the fact that by the time the President pays his Federal income tax, and State income tax, he has left only about $28,000.

The sum of $43,920 is the Federal tax upon a salary of $75,000; then on top of that a State income tax, which leaves $28,000. But unfortunately the American people expect the President of the United States to live not in some little cottage on a back street, but to live in the White House. That White House is a residence, plain as it may be, befitting the dignity of the high office that the American people expect that individual to fill. I do not know what the grocery bill for the White House is today, but I do know, and I have this from very reliable sources, that in recent years it has never been less than $24,000 a year. I know groceries are higher today than they were 5 years ago, and you know that too. The result is that the very best you can figure, the President of the United States today works for less than $4,000 a year compensation, out of which he has to buy clothes, make donations to charities, and so forth.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BELL. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from Indiana.

Mr. SPRINGER. I am interested in what the gentleman is saying on this subject. He appeared before the Judiciary Committee just recently and spoke upon this matter. Did the gentleman provide anything for the Vice President who is also elected by the people?

Mr. BELL. I think the Congress provided for him the other day. At least, that is my understanding.

Mr. SPRINGER. Does the gentleman think a Vice President comes under that general provision?

Mr. BELL. That is my understanding. If that is not true, he should be given proper retirement pay.

Mr. SPRINGER. The thing I think the gentleman is referring to is the question of succession and not the question of retirement.

Mr. BELL. Retirement is what I am talking about.

Mr. SPRINGER. It is my understanding that the Vice President does not come under the general retirement plan.

Mr. BELL. If that be true, the matter should be taken care of. There is no use letting the Vice President be the only forgotten man either. The President of the United States today is working for less money than the average

common laborer; that is a thing that the American people I am sure do not want. I think that the American people do want the President of the United States to be in a position where he can devote his time to the duties and responsibilities of that high office without having to worry about the grocery bills 5 or 10 years from now.

The other day I presented this matter to the Committee on the Judiciary. That great committee very graciously permitted me time to go before them and make a statement. I do hope that they will bring the bill to the floor of the House with a favorable report. I do not know what the committee in its wisdom will decide to do, but I do hope that the Members of this House will give serious thought to this problem. It is a problem which concerns not merely the President but it concerns every American citizen because of the tremendous responsibility that rests upon the shoulders of the President of the United States.

If the bill gets to the floor of the House I hope that the Members will vote for it. By doing so, I know you will be giving a vote in the best interest of your country.

When we go back into the House I shall ask unanimous consent to insert at the end of my remarks an article by Jay G. Hayden, entitled "Presidential Pay."

(The matter referred to follows:)

PRESIDENTIAL PAY

(By Jay G. Hayden)

In the present deluge of Government pay raises the forgotten man seems to be President Truman.

Last week Congress boosted all Federal judges $5,000 a year, and recently all American diplomats were granted increases ranging up to $7,500 (from $17,500 to $25,000) for ambassadors.

In pressing the pending La Follette-Monroney congressional reorganization bill before this week end, Congressmen will provide a 50 percent raise ($10,000 to $15,000) for themselves.

Raises for all civil service employees, averaging 14 percent, took effect July 1, as did the 50 percent jump in base pay for enlisted personnel of the Army and Navy, with lesser increases for higher ranks.

In contrast with all this there not only has been no increase in pay of the President since 1909, when the salary was fixed at $75,000, but his take-home pay, due to income taxes, has diminished well over half since that time.

And, while the plight of Mr. Truman, much the poorest financially among recent Presidents, is freely bemoaned by his friends, members of the Appropriations Committees of Congress say the subject never has been mentioned in their deliberations.

One reason for this is that the problem of raising the President's take-home pay is difficult. Suppose for example, his salary were boosted to $100,000. The top $5,000 of even a $75,000 net income is taxed $4,050 (81 percent) and the rate ranges up to 87 percent on the $90,000-to-$100,000 income bracket. Thus an ostensible $25,000 boost for the President would net him less than $4,000 actual increase.

Like everybody else's, the President's tax return is kept secret but it is well known that Mr. Truman has little or no income other than his salary. A congressional tax expert asked to compute the present tax on a net income of $75,000 for a man and wife with one dependent (the Truman status) placed it at $42,892. The Missouri State income tax takes about $1,000 more.

On this basis the President's spendable annual income is $31,108.

For any ordinary citizen this would be nothing to complain about, but the President, in matter of expenses, is not like other people. He is compelled to live in the White House and entertain extensively and while much of this is covered by expense allowances, his personal financial burden still is heavy.

Warning his successor, President Wilson, of what was in store for him, President Taft wrote, "you can calculate that your expenses are only those of furnishing food to a large boarding house of servants and to your family, and your personal expenses of clothing, etc."

Even so, Taft said, he had been able to save an average of only $25,000 a year, indicating that his annual personal expenses as President were $50,000. At that time there was no income tax whatever, and the salary, as now, was $75,000.

Mr. Truman, with his income after taxes reduced to $31,000, still has the same "large boarding house of servants"—24 of them by recent count—to feed, and cost of food has multiplied several times over, since Mr. Taft's Presidency.

The British way is to make certain official salaries tax free, as instance Lord Inverchapel, British Ambassador to the United States, who gets $50,000 salary, plus large allowances for official expense—all free from taxes. The Congressmen say, however, that it is out of the question to give the President a tax-free salary, without doing the same for all other Government officials—and that, they are sure, American voters never would stand for.

The best Mr. Truman can hope for, it appears, is that the "servant boarding house" will be taken off his hands by an increased expense allowance for that purpose, but there has been no visible inclination of Congress even to do that much.

Mr. RABAUT. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, a few moments ago the gentleman from California [Mr. VOORHIS], offered an amendment to this bill for the purpose of bringing into line the price of milk so that it could be given for the school-lunch program. Milk has been affected by the lifting of the subsidy, and I am ashamed to learn that we had almost a solid vote across the aisle against this worthy amendment. The amendment was most worthy in its objective. The defeat of the amendment denies milk to the school children. That is No. 1. In the second place, the opponents take a rap at the farmers by denying them the proper price for milk a part of which has just been taken from them by the lifting of the subsidy. Across the aisle the great champions that have sung the song of the farmers, that have talked about a few tractors going to plow up the fields of Europe so that the starving people might be fed, today in this House rose to a man and rapped the farmer on the very price of milk. The vote on this amendment was 66 to 57, and the 66 practically came from across the aisle.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. Not now.

Mr. CHURCH. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and sixteen Members are present, a quorum.

Mr. RABAUT. Mr. Chairman, the very group that has been opposing the OPA, the very group that cried to high heaven to take off the subsidy, "Take it away, the farmer doesn't want it," and now the vote comes from the same side of the aisle. It decries the farmer an increase and at the same time let the little children go without milk.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. I appreciate that the gentleman is making a political speech and therefore it probably should not be taken too seriously, but may I ask the gentleman, why did not the great Committee on Appropriations do this job when it was in committee?

Mr. RABAUT. Because it was not brought to our attention. That is why the chairman of the committee rose in his seat and said he would be very glad to accept the amendment and we on our side voted for it.

Mr. MARTIN of Massachusetts. The subsidies have been off for several weeks. Why did not the committee do its job?

Mr. RABAUT. Do not ask me. I am telling the gentleman what happened here this morning.

Mr. MARTIN of Massachusetts. Why is it that the chairman of the committee when he stood up on the floor here said it was conjectural whether you would need it or not?

Mr. RABAUT. I am not yielding for debate, I am yielding for a question. I want to say this to the gentleman, that if corrections are to be made this is the place to make them. If I am accused of making a political talk, I certainly accuse everybody across the aisle of making a first-class blundering political vote, because you certainly took it out on the farmers whose cause has been long acclaimed here for years. It looks now as though it was lip service. Someone on your side of the aisle before this bill leaves the floor, if you want to take the suggestion of a humble Democrat, ought to rise on his feet and ask that the matter be reconsidered, and support it for the sake of the farmers of the Nation and the children of this country.

Mr. VURSELL. Mr. Chairman, I move to strike out the last word.

It is always interesting to listen to our good friend from Michigan, and he is ever ready to bring politics into the deliberations of the House. I cannot blame him much for that, because they are going to have to throw a lot of fast curves if they are to continue to deceive the people to the point where the New Deal is kept in charge of directing the course of the Government here in Washington.

He wants to know why we do not vote $5,000,000 more for milk. Then he refers to the tractors being sent across to Europe and other countries. That is just another waste of this administration. One of the reasons we on the left side of the aisle are economy-minded is because we feel it is our duty to vote for economy, hoping against hope to keep this country from being driven into bankruptcy by extravagant waste and spending. Now, I will tell the gentleman how he can get more money appropriated by the Congress for old-age pensions, for milk for the children, and for everything that is needed by the people of America. This

country is rich enough to take care of every matter of social welfare and legislation that is needed for the old folks and the children of this country if the New Deal will stop wasting billions of dollars a year.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. VURSELL. I would like to make this point, but I yield to the gentleman.

Mr. AUGUST H. ANDRESEN. The appropriation for school lunches was increased up to $75,000,000 from something between $50,000,000 and $60,000,000 last year.

Mr. VURSELL. Certainly. The gentleman is right. This is only a matter of a political opportunity being taken advantage of.

Now, I will tell you how we can get all the things the American people need. The way to do it is to vote the New Deal out of control of the Appropriations Committee and every other committee of this House and stop wasting the peoples' money on useless things so that we can spend it on things that are worth while. To prove my point, I point to the bill which is brought in here today to increase the administration of the OPA by $26,000,000—a pretty cute move because it is difficult to vote against it since something over $2,000,000,000 for terminal leave is tied up in this bill. What do we have today? We have preserved the political machine of the OPA. We will have saddled upon the backs of the taxpayers $100,000,000 when this bill is passed and we will be keeping 40,000 people on the OPA pay rolls to be diligently occupied in the coming elections to preserve the bureaucracy of the New Deal. And they will not keep down prices, but will bring back the unlawful black markets. That reminds me that just a few weeks ago after a 2-year delay the New Deal finally won its fight to retain Federal control of the United States Employment Agency. Until when? Until November 15—just after the elections so that they can retain 32,000 people on the pay roll and try to put the New Deal across so that they can continue to tax, spend, waste, and ultimately wreck the financial solvency of this Government.

The only hope to ever balance the budget, to deflate bureaucracy and maintain and return our Government again to the people is to turn the New Deal out and elect a Republican Congress.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this amendment should be defeated. I am speaking against the Voorhis amendment.

Mr. GREEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Pennsylvania yield for a parliamentary inquiry;

Mr. GROSS. No; I do not yield.

The farmers do not need this. The gentleman from Michigan remarked that this is the kind of procedure that should be carried on to help the farmer. The farmers have had all of the New Deal help they want, and the result is that food is scarce everywhere. The farmers are helping everybody else to pay the bill. By this school-lunch program a small group of New Dealers pretend to be feeding the children and helping the farmers, some of these "do-gooders" have been grabbing, grabbing, and grabbing, and if they have not been grabbing money then they have been grabbing votes.

They are not interested in the children or the farmers. A Philadelphia businessman, a friend of mine, spent 3 months in Puerto Rico early this year. He put up at a hotel that charged $16.50 a day.

There were five people in that hotel that he observed during that time. He never knew who they were. He went on over to another island one day and they went on the same plane. There he was transacting business with some school authorities when they barged in, and then he found out who they were. They were five people from the Department of Agriculture here in Washington who were down in the Virgin Islands and Puerto Rico for 3 months studying how the school-lunch program was being handled.

Mr. McGLINCHEY. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN (after counting). One hundred and twenty Members are present; a quorum.

The gentleman from Pennsylvania will proceed.

Mr. GROSS. Now, Mr. Chairman, when these men get down here in the well of the House and beat their breasts about saving the children and saving the taxpayers' money, helping the farmers, and making appropriations to build houses, they talk and act as if they did not know that it takes material instead of money to build houses. An administration that carries on like that, when they send five people from Washington to Puerto Rico for 3 months, living at a hotel at $16.50 a day, flying around in airplanes, to check on how the school-lunch program works, it simply does not make sense. One individual could have gone down there and been back inside of 10 days' time and furnished all the information that was necessary. Or, they have representatives down there from the Federal Government who could have done that. There are many ways in which it could have been done and thousands of dollars could have been saved. But they are not interested in that. All they are interested in is a good time, spending, taxing, making political capital of necessity.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HOOK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I was happy to hear the gentleman from Pennsylvania [Mr. GROSS] say that the farmers got enough out of the New Deal. I am happy that they are now admitting it. When the New Deal came into existence the farmers were getting 10 cents for corn. Prices were down so low that they could not even exist. Four hundred and fifty thousand farm mortgages were about to be foreclosed. The courthouses were being raided by the farmers themselves. Yes. Then along came the New Deal. If I remember correctly, the farm income of this Nation under the New Deal, if you please, has risen from $11,000,000,000 to some $26,000,000,000, and now the gentleman from Pennsylvania [Mr. GROSS] rises on the floor of the House and says the farmers have got enough out of the New Deal. Yes. The farmers got the AAA from the New Deal, the most democratic organization that could possibly be devised, where the farmers themselves, through their AAA committee, form their own program with the help of the Department of Agriculture. Yes. They were given Soil Conservation and Crop Insurance. The farm program of America today is on a good solid foundation.

Also today the farmers are satisfied with the program. I do not know how the farmers may vote in the election if they are misled by being told that the New Deal did not produce, but when you look at the record it proves that the farmer has received a great deal from the New Deal, and it is about time that the farmers appreciated it. I believe they do, notwithstanding the statement of the gentleman from Pennsylvania.

I defy the gentleman from Pennsylvania or any of his Republican colleagues who are criticizing the Democratic administration's farm program to tell the farmers of this Nation that they will take away the AAA program, the soil-conservation program, or change the credit structure. Tell them that they should go back to the good old days of 10-cent corn and turn agriculture back to the pre-New Deal days. You know you would not dare because if you did you would not be back here next session. So be honest with the farmers and tell them that you, too, are happy that they now are prosperous and that you will continue to carry on the good work that was commenced and put in operation under the Roosevelt administration.

Mr. CANNON of Missouri. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read as follows:

Page 6, line 23:

"Philippine rehabilitation: The third proviso of the appropriation under this head contained in the Third Deficiency Appropriation Act, 1946, hereby is corrected to read as follows: '*Provided further*, That the Secretary of State, or such official as he may designate, is authorized to transfer from any of the foregoing amounts to any department or independent establishment of the Government for participation in the foregoing programs, sums for expenditure by such department or establishment for the purposes hereof, and sums so transfered shall be available for expenditure in accordance with the provisions hereof and, to the extent determined by the Secretary of State, in accordance with the law governing expenditures of the department or establishment to which transferred: *Provided further*, That transfers of funds to participating agencies for the programs set forth in sections 302 to 305 of the act shall be approved by the President prior to such transfers.' "

Mr. MURRAY of Wisconsin. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I was very much interested in listening to my distinguished

colleague, the gentleman from Michigan [Mr. HOOK], whose district is only a couple of counties away from mine.

His own estimate of the national farm income has gone up $3,000,000,000 since last week, as you can find by looking at his own statement in the CONGRESSIONAL RECORD, and that is about the way the New Deal does things; they just go up by leaps and bounds; anytime they want to put the price up they just add a few billion dollars at will.

The facts are that in the spring of 1939, after 7 years of "the more abundant life," some of the farmers in his district were receiving less than 2 cents a quart for their milk. It has nothing to do with politics; it is an economic fact that in 1939, after this 7 years of the "more abundant life," they foreclosed more farms in the State of Wisconsin than ever before in the history of the Federal land bank.

Now, I realize it is not pleasant for you over here to have anyone showing you how you are spending and spending and spending. Let us keep this record straight and let us realize that in 1939 the whole New Deal agricultural program had bogged down. We had 54-cent-plus wheat and we had 5-cent-plus hogs. We had 8-cent-plus cotton and the producers were, in my judgment, in nearly as bad shape as they were in 1932, except that their agony was prolonged a little longer in 1939. If they had had 1932 prices, they would have been put out of their misery just a little quicker.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield.

Mr. JONES. The gentleman stated that in 1939 there were more foreclosures than ever before—foreclosures by whom?

Mr. MURRAY of Wisconsin. I said that in the State of Wisconsin there were more farm foreclosures by the Federal land bank than ever before in the history of the Federal land bank.

Now, it is a fact that the sooner we realize that these people who live on the farms have really gone to school and can kind of figure some of these things out, the better off we are going to be.

I noticed in one of my district papers that some peanut politician in my district said I was a backwoodsman. Well, it does so happen that in my younger days I did roll some logs in that county but I never really saw "logrolling" until I came to Washington and saw the New Deal in action.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield.

Mr. BULWINKLE. Did I understand the gentleman to say that in 1938 or 1939 we had 8-cent cotton?

Mr. MURRAY of Wisconsin. I say that in August of 1939 you had 8-cent plus cotton; yes. The farmers received it. If the gentleman does not believe it I will send it to him.

Mr. BULWINKLE. I wish the gentleman would.

Mr. MURRAY of Wisconsin. Yes; I will surely be pleased to do so.

Mr. ERVIN. Mr. Chairman, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield.

Mr. ERVIN. If I interpret the gentleman's remarks correctly he is somewhat homesick for Hoover now, is he not?

Mr. MURRAY of Wisconsin. I wish the gentleman would restate his remark.

Mr. ERVIN. I was just asking if the gentleman was not suffering nostalgia for Hoover's administration.

Mr. MURRAY of Wisconsin. I have not said anything about anybody's administration, but I am just saying that as far as I am concerned I may be "a backwoodsman" but at least I know enough to catch on to the schemes of the New Deal and I think I know what it is trying to accomplish.

The Clerk read as follows:

Military assistance, Philippines: Any or all of the appropriations of the Military Establishment for the fiscal year 1947 shall be available, in a total amount of not to exceed $19,750,000, for all expenses necessary to enable the President through the War Department to carry out the provisions of the Republic of the Philippines Military Assistance Act.

Mr. CANNON of Missouri. Mr. Chairman, I ask unanimous consent that the reading of the remainder of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON of Missouri. Mr. Chairman, I move that the Committee do now rise and report the joint resolution back to the House with the recommendation that the joint resolution do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BONNER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H. J. Res. 390) making additional appropriations for the fiscal year 1947, and for other purposes, had directed him to report the resolution back to the House with the recommendation that the resolution do pass.

Mr. CANNON of Missouri. Mr. Speaker, I move the previous question on the resolution to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

The joint resolution was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the resolution.

Mr. CANNON of Missouri. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 251, nays 0, not voting 179, as follows:

[Roll No. 257]

YEAS—251

Abernethy	Bell	Brown, Ohio
Andresen, August, H.	Bennett, Mo.	Buchanan
Andrews, Ala.	Biemiller	Buckley
Angell	Bishop	Bulwinkle
Arnold	Bland	Butler
Auchincloss	Bloom	Byrne, N. Y.
Bailey	Bolton	Byrnes, Wis.
Barrett, Pa.	Bonner	Camp
Barrett, Wyo.	Bradley, Pa.	Campbell
Beall	Brehm	Canfield
	Brown, Ga.	Cannon, Mo.
Carnahan	Hays	Pratt
Chapman	Healy	Price, Ill.
Chelf	Hedrick	Quinn, N. Y.
Chenoweth	Hendricks	Rabaut
Chiperfield	Herter	Rabin
Church	Heselton	Rains
Clevenger	Hinshaw	Ramey
Cole, Mo.	Hobbs	Randolph
Colmer	Hoch	Rankin
Cooley	Hoffman, Mich.	Rayfiel
Corbett	Holmes, Mass.	Reed, Ill.
Cox	Holmes, Wash.	Reed, N. Y.
Crosser	Hook	Rees, Kans.
Cunningham	Hope	Resa
Curtis	Horan	Riley
D'Alesandro	Howell	Rizley
De Lacy	Huber	Robertson, N. Dak.
Delaney, James J.	Hull	Robertson, Va
D'Ewart	Jackson	Rodgers, Pa.
Dingell	Jarman	Roe, Md.
Dirksen	Jenkins	Roe, N. Y.
Dondero	Jensen	Rogers, Fla.
Doughton, N. C.	Johnson, Ill.	Rogers, Mass.
Douglas, Calif.	Johnson, Ind.	Rooney
Doyle	Johnson, Okla.	Rowan
Drewry	Jones	Sabath
Durham	Jonkman	Sadowski
Dworshak	Judd	Sasscer
Eberharter	Kearney	Savage
Ellis	Kelley, Pa.	Schwabe, Mo.
Ellsworth	Kelly, Ill.	Schwabe, Okla.
Engle, Calif.	King	Scrivner
Ervin	Kinzer	Sikes
Fallon	Kirwan	Simpson, Ill.
Feighan	Klein	Simpson, Pa.
Fenton	Knutson	Smith, Maine
Fernandez	Kunkel	Smith, Ohio
Fisher	Lanham	Smith, Va.
Flannagan	Latham	Smith, Wis.
Flood	Lea	Spence
Folger	LeCompte	Springer
Forand	Lesinski	Starkey
Fuller	Lewis	Stefan
Fulton	McConnell	Stevenson
Gamble	McCowen	Stigler
Gardner	McDonough	Stockman
Gavin	McGlinchey	Sullivan
Gearhart	McMillen, Ill.	Sumners, Tex.
Geelan	Madden	Sundstrom
Gerlach	Manasco	Talbot
Gibson	Mankin	Talle
Gillette	Marcantonio	Taylor
Gillie	Martin, Iowa	Thom
Goodwin	Martin, Mass.	Thomason
Gordon	Mathews	Tibbott
Gore	Merrow	Traynor
Gorski	Michener	Voorhis, Calif.
Graham	Mills	Vursell
Granahan	Monroney	Wadsworth
Granger	Mundt	Walter
Grant, Ala.	Murdock	Weichel
Green	Murray, Wis.	White
Griffiths	Neely	Whitten
Gross	Norblad	Whittington
Gwinn, N. Y.	Norrell	Wigglesworth
Gwynne, Iowa	O'Brien, Ill.	Wilson
Hagen	O'Brien, Mich.	Winstead
Hall, Leonard W.	O'Hara	Wolcott
Hancock	O'Toole	Wolverton, N. J.
Harless, Ariz.	Peterson, Fla.	Woodhouse
Harness, Ind.	Phillips	Woodruff
Havenner	Pickett	Worley
	Pittenger	Zimmerman
	Poage	

NAYS—0

NOT VOTING—179

Adams	Cannon, Fla.	Eaton
Allen, Ill.	Carlson	Elliott
Allen, La.	Case, N. J.	Elsaesser
Almond	Case, S. Dak.	Elston
Andersen, H. Carl	Celler	Engel, Mich.
	Clark	Fellows
Anderson, Calif.	Clason	Fogarty
Andrews, N. Y.	Clements	Gallagher
Arends	Clippinger	Gary
Baldwin, Md.	Cochran	Gathings
Baldwin, N. Y.	Coffee	Gifford
Barden	Cole, Kans.	Gillespie
Barry	Cole, N. Y.	Gossett
Bates, Ky.	Combs	Grant, Ind.
Bates, Mass.	Cooper	Gregory
Beckworth	Courtney	Hale
Bender	Cravens	Hall, Edwin Arthur
Bennet, N. Y.	Crawford	Halleck
Blackney	Curley	Hand
Boren	Daughton, Va.	Hare
Boykin	Davis	Harris
Bradley, Mich.	Dawson	Hart
Brooks	Delaney, John J.	Hartley
Brumbaugh	Dolliver	Hébert
Bryson	Domengeaux	Heffernan
Buck	Douglas, Ill.	Henry
Buffett	Earthman	Hess
Bunker		

Hill	Mahon	Robsion, Ky.
Hoeven	Maloney	Rockwell
Hoffman, Pa.	Mansfield, Mont.	Rogers, N. Y.
Holifield	Mansfield, Tex.	Russell
Izac	Mason	Ryter
Jennings	May	Shafer
Johnson, Calif.	Miller, Calif.	Sharp
Johnson, Tex.	Miller, Nebr.	Sheppard
Kean	Morgan	Sheridan
Kee	Morrison	Short
Keefe	Murray, Tenn.	Slaughter
Kefauver	Norton	Somers, N. Y.
Keogh	O'Konski	Sparkman
Kerr	O'Neal	Stewart
Kilburn	Outland	Sumner, Ill.
Kilday	Pace	Taber
Kopplemann	Patman	Tarver
LaFollette	Patrick	Thomas, N. J.
Landis	Patterson	Thomas, Tex.
Lane	Peterson, Ga.	Tolan
Larcade	Pfeifer	Torrens
LeFevre	Philbin	Towe
Lemke	Ploeser	Trimble
Link	Plumley	Vinson
Luce	Powell	Vorys, Ohio
Ludlow	Price, Fla.	Wasielewski
Lyle	Priest	Weaver
Lynch	Reece, Tenn.	Welch
McCormack	Rich	West
McGehee	Richards	Wickersham
McGregor	Rivers	Winter
McKenzie	Robinson, Utah	Wolfenden, Pa.
McMillan, S. C.		Wood

So the bill was passed.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. Link with Mr. Ploeser.
Mr. Cooper with Mr. Eaton.
Mr. Vinson with Mr. Landis.
Mr. Heffernan with Mr. McGregor.
Mr. Morrison with Mr. Elsaesser.
Mr. Izac with Mr. Mason.
Mr. Sheridan with Mr. Rich.
Mr. Hébert with Mr. Elston.
Mr. Thomas of Texas with Mr. Robsion of Kentucky.
Mr. Pfeifer with Mr. Shafer.
Mr. Keogh with Mr. Taber.
Mr. Almond with Mr. Short.
Mr. McGehee with Mr. Jennings.
Mr. Maloney with Mr. Keefe.
Mr. Barry with Mr. Hill.
Mr. Hart with Mr. Grant of Illinois.
Mrs. Douglas of Illinois with Mr. Hess.
Mr. Priest with Mr. Fellows.
Mr. Lynch with Mr. Henry.
Mr. Powell with Mr. Cole of New York.
Mr. Lyle with Mr. Halleck.
Mr. Rogers of New York with Mr. Carlson.
Mr. Somers of New York with Mr. Buffett.
Mr. Celler with Mr. Arends.
Mr. Sheppard with Mr. Bradley of Michigan.
Mr. Barden with Mr. Thomas of New Jersey.
Mr. Harris with Mr. Rockwell.
Mr. Rivers with Mr. Plumley.
Mr. Boykin with Mr. Miller of Nebraska.
Mr. Trimble with Mr. Kilburn.
Mr. Sparkman with Mr. Clason.
Mr. Wood with Mr. Dolliver.
Mr. Brooks with Mr. Cole of Kansas.
Mr. Holifield with Mr. Engel of Michigan.
Mr. McMillan of South Carolina with Mr. Gifford.
Mr. Bryson with Mr. Hale.
Mr. Lane with Mr. Blackney.
Mrs. Norton with Mr. Edwin Arthur Hall.
Mr. Gary with Mr. Bender.
Mr. Elliott with Mr. Hartley.
Mr. John J. Delaney with Mr. Anderson of California.
Mr. Mahon with Mr. Hoeven.
Mr. Coffee with Mr. Allen of Illinois.
Mr. Mansfield of Montana with Mr. Crawford.
Mr. Outland with Mr. Brumbaugh.
Mr. Folger with Mr. LeFevre.
Mr. Domengeaux with Mr. Reece of Tennessee.
Mr. Kefauver with Mr. Vorys of Ohio.
Mr. Johnson of Texas with Mr. Gillespie.
Mr. Fogarty with Mr. Case of South Dakota.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The doors were opened.

TEMPORARY EXTENSION OF TIME FOR FILING APPLICATIONS FOR PATENTS, ETC.

Mr. LANHAM. Mr. Speaker, I call up the conference report on the bill (H. R. 5223) to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk proceeded to read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5223) to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 6, 8, 12, 16, 17, 18, 22, 25, 29, 31, 34, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 9, 11, 13, 15, 19, 20, 21, 23, 24, 26, and 32, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out by the Senate amendment and insert the following: ", which request must be accompanied by (1) a copy of the original foreign application, certified to by the patent office of the country in which it was filed, but if the original foreign application has been destroyed, other evidence pertaining thereto may be accepted; (2) a sworn translation of the same if it is not in the English language; and (3) if the foreign application was not made by the inventor himself, an affidavit by the applicant or patentee stating that such application was filed for his benefit or on his behalf and that such procedure is in accordance with the procedure in the foreign country; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "person,"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: On page 11, line 1, of the House bill strike out "sections" and insert "section"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out by the Senate amendment and insert the following:

"SEC. 11. No claims for patent infringement shall be made or action brought by or on behalf of or for the benefit of any country or a national of any country against which the United States has declared the existence of a state of war, in respect to any manufacture, use, or sale since September 8, 1939."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out by the Senate amendment and insert the following:

"SEC. 13. Section 10 (a) of the said Trading With the Enemy Act, relating to the filing and prosecution of applications for patents and the registration of trade-marks, prints, labels, and copyrights, by an enemy, or ally of an enemy, is hereby repealed."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert a period and the following: "The Alien Property Custodian shall be entitled to the benefits of this Act."

And the Senate agree to the same.

FRANK W. BOYKIN,
FRITZ G. LANHAM,
FRED A. HARTLEY, JR.,
Managers on the Part of the House.

CLAUDE PEPPER,
SCOTT LUCAS,
A. W. HAWKES,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5223) to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendments Nos. 1, 6, 12, and 25: Each of these amendments strikes out the word "passage" contained in the House bill and inserts in lieu thereof the word "approval". The conference is agreed that the terms "approval of this Act" and "passage of this Act" have the same meaning, i. e., that they refer to a compliance with all forms necessary to make the bill a valid law. There are also other instances where the term "passage of this Act" is used in the House bill. The Senate recedes.

Amendment No. 2: The House bill provides that the rights of priority provided by section 4887 of the Revised Statutes for the filing of applications for patent (if such rights had not expired on September 8, 1939, or have arisen since September 8, 1939) shall be extended until the expiration of twelve months from the passage of the bill in favor of citizens of the United States and of certain aliens. This amendment provides that such rights shall be extended to bona fide residents of the United States. The Senate recedes.

Amendment No. 3: This amendment clarifies the language of the House bill. The House recedes.

Amendment No. 4: This amendment provides that the extension of the rights of priority referred to in amendment No. 2 shall not apply to any patent unless a written request therefor is supplemented by suitable proof of the foreign application supplied to the Commissioner of Patents.

The language of this amendment is intended as a substitute for the language of the House bill deleted by amendment No. 7. The Senate recedes.

Amendment No. 5: The House bill provided that the extension of the rights of priority referred to in amendment No. 2 shall not apply to any patent unless a written request was made for such extension during the pendency of the application for such patent in the United States Patent Office, or within 6 months after the passage of the bill. This amendment provides that the request may be made within 12 months after the passage of the bill. The House recedes.

Amendment No. 7: This amendment deletes from the House bill language requiring that a request for the extension of the rights of priority referred to in amendment No. 2 must be accompanied by a copy of the original foreign application and certain other documents. The House recedes with an amendment which restores the language of the House bill and adds thereto (1) a provision that if the original foreign application has been destroyed, other evidence satisfactory to the Commissioner of Patents pertaining thereto may be accepted in lieu of a copy of such original foreign application, and (2) a further provision which has the effect of permitting the applicant or patentee, if the foreign application was not made by the inventor himself, to submit an affidavit that such application was filed on behalf of the inventor.

Amendment No. 8: The House bill provides that no patent granted or validated by reason of the extension of the rights of priority referred to in amendment No. 2 shall furnish a basis for a claim against the United States. This amendment limits such immunity with respect to any such patent to claims (1) on account of the manufacture, use, or sale during the 12 months after the termination of World War II, of the invention covered by such patent by or for the United States, or by or for governments allied with the United States in such war, or (2) on account of the use or sale of articles embodying such invention so manufactured, and on hand at the end of 12 months after the termination of World War II. The Senate recedes.

Amendment No. 9: The House bill contains a provision to the effect that the extension of the rights of priority referred to in amendment No. 2 shall not affect the right of any citizen of the United States, or of any firm, association, etc., who, before the passage of the bill, was in possession of any rights in any patents or applications for patents conflicting with rights in patents granted or validated by such extension, to exercise, such rights. This amendment deletes the words "any citizen of", thus making the provision apply to the United States as well as to firms, associations, etc. The House recedes.

Amendment No. 10: This amendment has the effect of making the provision referred to in amendment No. 9 apply to any person as well as to the United States, any firm, association, etc. The House recedes with an amendment making a clerical change.

Amendment No. 11: This amendment eliminates the requirement in the House bill that a firm, association, company, or corporation must be organized or associated under Federal or State (including the District of Columbia) laws and doing business in the United States in order to secure the benefits of the provision of the bill referred to in amendment No. 9. The House recedes.

Amendment No. 13: This amendment clarifies the language of the House bill. The House recedes.

Amendment No. 14: This amendment clarifies the language of the House bill. The House recedes.

Amendment No. 15: This amendment clarifies the language of the House bill. The House recedes.

Amendment No. 16: This is a clerical amendment made necessary by amendment No. 17. The Senate recedes in view of the action taken on amendment No. 17.

Amendment No. 17: This amendment provides that in any action in a United States court or proceeding in the Patent Office with respect to a patent or application for a patent for an invention communicated in writing or embodied in any article supplied to the Government of the United States or to any person, firm, or corporation in the United States at the request of the Government, pursuant to an agreement between the Government of the United States and the government of a foreign country for the supply or mutual exchange of information or articles for use for national defense during the emergency preceding World War II and for war purposes during such war, any use or publication of such invention after the date of such communication or supply shall be presumed to have been in consequence of, or attributable to, such communication or supply, and the burden of proof shall be upon the party seeking to establish a different state of facts. The Senate recedes.

Amendment No. 18: This is a clerical amendment made necessary by amendment No. 17. The Senate recedes in view of the action taken on amendment No. 17.

Amendment No. 19: This amendment provides that no benefit under section 2 of the bill shall be extended to any person until certain information in writing and under oath with respect to the same invention, discovery, or design which was communicated or supplied in the manner described above in amendment No. 17 is furnished to the Commissioner of Patents by the owner of the application for patent for such invention, discovery, or design while it is pending or prior to the expiration of 12 months from the date of the act. The House bill stipulated that such information be furnished in 6 months. The House recedes.

Amendment No. 20: This amendment clarifies the language of the House bill. The House recedes.

Amendment No. 21: The House bill provided that in any case where it is shown to the satisfaction of the Commissioner of Patents that the time fixed by law for the taking of any action with respect to an application for a patent has lapsed because of war conditions, the Commissioner may extend such time for a period of not more than 12 months from the date as determined by him on which the condition which prevented the taking of such action had ceased to exist, but in no event later than the expiration of 12 months after the passage of the bill, without the payment of extension fees or other penalty. This amendment limits such extension period to a date not later than 12 months after the passage of the bill. The House recedes.

Amendment No. 22: This amendment provides that bona fide residents of the United States (as well as citizens of the United States as provided in the House bill) shall have the benefit of the extension discussed in amendment No. 21. The Senate recedes.

Amendment No. 23: The House bill provided that no patent granted or validated by reason of an extension of time provided for by sections 1 and 3 of the bill shall affect the right of the United States, or of any citizens of the United States or of any country allied with the United States in World War II, or his agent or successor in business, to continue or to resume any manufacture, use, or sale commenced before the passage of the bill. This amendment changes the House provision by stipulating that the above right of continuation or resumption of manufacture, use, or sale, shall be enjoyed by any person, firm, association, company, or corporation, in addition to the United States. The House recedes.

Amendment No. 24: This amendment makes clear that the manufacture, use, or sale discussed in amendment No. 23 refers to manufacture, use, or sale in the United States. The House recedes.

Amendment No. 26: The House bill provided that where an invention was made by a person (either a civilian or a member of the armed forces) during the time such person was domiciled in the United States or its possessions and was serving on duty with or as a member of any armed force of the United States located in a foreign country, such person shall be entitled, in proceedings arising with respect to such invention, to the same rights of priority as if such invention had been made in the United States. This amendment extends the above provision to any such person serving in a foreign country in connection with the war effort, either on behalf of the United States or its allies. The House recedes.

Amendment No. 27: This is a clerical amendment. The House recedes with an amendment making a clerical change.

Amendment No. 28: This amendment eliminates section 11 of the House bill which provided that no claim shall be made or action brought (1) with respect to the use after September 8, 1939, up to the passage of the bill, by the United States, or by any persons acting for, or under contract with, or with the assent of, the United States, or of governments or their representatives allied with the United States in World War II, under any patent rights owned by a national of any country with which the United States has been at war; nor (2) with respect to the use of any process during such period, or the sale, offering for sale, or use, at any time, of any products manufactured during such period to which such patent rights applied. The House recedes with an amendment providing that no claims for patent infringement shall be made or action brought by or on behalf of or for the benefit of any country or a national of any country against which the United States has declared the existence of a state of war, in respect to any manufacture, use, or sale since September 8, 1939.

Amendment No. 29: This is a clerical amendment made necessary by amendment No. 28. The Senate recedes in view of the action taken on amendment No. 28.

Amendment No. 30: This amendment eliminates section 13 of the House bill, which amended section 10 (a) of the Trading With the Enemy Act by repealing the last sentence thereof. The first sentence of such section 10 (a) provides that an enemy or ally of an enemy may file an application for patent, etc., and the last sentence thereof provides that an enemy or ally of enemy who is unable during war, or within 6 months thereafter, to file an application for a patent, etc., within the period prescribed by law, may be granted an extension of 9 months beyond the expiration of such period. The House recedes with an amendment which repeals all of such section 10 (a).

Amendment No. 31: This is a clerical amendment made necessary by amendments Nos. 28 and 30. The Senate recedes in view of the action taken on these amendments.

Amendment No. 32: The House bill, in section 14, states that the benefits of the bill shall not extend to nationals of any country with which the United States has been at war since September 8, 1939. This amendment changes the language of the House bill by providing that the benefits of the bill shall not extend to inventions, applications, or patents made by or owned by citizens of any such country. The House recedes.

Amendment No. 33: This amendment has the effect of extending the benefits of the bill to citizens of enemy countries in certain cases. The amendment also provides that the Alien Property Custodian shall be entitled to the benefits of the bill to the same extent as a citizen of the United States. The House recedes with an amendment stating the Alien

Property Custodian shall be entitled to the benefits of the bill.

Amendments Nos. 34 and 35: These are clerical amendments made necessary by amendments Nos. 28 and 30. The Senate recedes in view of the action taken on these amendments.

FRANK W. BOYKIN,
FRITZ G. LANHAM,
FRED A. HARTLEY, JR.,
Managers on the Part of the House.

Mr. LANHAM (interrupting the reading of the statement). Mr. Speaker, in view of the fact that the statement has already been published in the daily RECORD, I ask unanimous consent that further reading be dispensed with.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the conference report?

Mr. LANHAM. Yes; I shall be pleased to do so.

Mr. Speaker, this bill is a counterpart of the Nolan bill that was passed after the last war and it is even more important legislation after this war than the Nolan bill was after the last one.

This is for the protection of the American industry and American ingenuity. Under the patent laws of the various countries there are certain limitations of time within which if a patent is perfected in one country there must be an application made for it in another country. Naturally, these American industries during the period of this war with reference to their applications for patents on their inventions and the patents that they had pending could not comply with the terms of the law because the transportation systems were such that they could not get the necessary papers to the appropriate places. This bill simply extends the time for a year as did the Nolan bill after the last war in which American industry can protect itself.

It is an agreed report by all the conferees, and it is very important from the standpoint of American business.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Without objection, the statement may be considered as read.

There was no objection.

The conference report was agreed to. A motion to reconsider was laid on the table.

AUTOMOBILES FOR CERTAIN DISABLED VETERANS

The SPEAKER. The Chair recognizes the gentleman from Mississippi to submit a unanimous-consent request.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7171) to authorize the payment by the Administrator of Veterans' Affairs of the purchase price of automobiles or other conveyances purchased by certain disabled veterans, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WHITTINGTON. Mr. Speaker, I object.

HOSPITAL SURVEY AND CONSTRUCTION ACT

Mr. BULWINKLE. Mr. Speaker, I call up the conference report on the bill (S. 191) to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public-health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

CALL OF THE HOUSE

Mr. SMITH of Ohio. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently no quorum is present.

Without objection, a call of the House is ordered.

There was no objection.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 258]

Adams	Fogarty	Miller, Nebr.
Allen, Ill.	Folger	Morgan
Allen, La.	Gallagher	Morrison
Almond	Gary	Murray, Tenn.
Andersen, H. Carl	Gathings	Norton
	Gifford	O'Konski
Anderson, Calif.	Gillespie	O'Neal
Arends	Gossett	Outland
Baldwin, Md.	Grant, Ind.	Pace
Baldwin, N. Y.	Gregory	Patrick
Barden	Hale	Patterson
Barry	Hall, Edwin Arthur	Pfeifer
Bates, Ky.		Philbin
Bates, Mass.	Halleck	Ploeser
Beckworth	Hand	Plumley
Bell	Hare	Powell
Bender	Harris	Price, Fla.
Bennet, N. Y.	Hart	Priest
Blackney	Hartley	Rains
Bloom	Hébert	Reece, Tenn.
Boren	Heffernan	Rich
Boykin	Hendricks	Richards
Bradley, Mich.	Henry	Rivers
Brooks	Hess	Robinson, Utah
Brumbaugh	Hill	Robsion, Ky.
Bryson	Hoeven	Rockwell
Buck	Hoffman, Pa.	Rogers, N. Y.
Buffett	Holifield	Russell
Bunker	Izac	Ryter
Cannon, Fla.	Jennings	Savage
Carlson	Johnson, Calif.	Schwabe, Mo.
Case, N. J.	Johnson, Tex.	Shafer
Case, S. Dak.	Kean	Sharp
Celler	Kee	Sheppard
Clark	Keefe	Sheridan
Clements	Kefauver	Short
Clippinger	Keogh	Simpson, Pa.
Cochran	Kerr	Slaughter
Coffee	Kilburn	Somers, N. Y.
Cole, Kans.	Kilday	Sparkman
Cole, N. Y.	LaFollette	Starkey
Combs	Landis	Stewart
Cooper	Lane	Stockman
Courtney	Larcade	Sumner, Ill.
Cox	LeFevre	Taber
Cravens	Link	Tarver
Crawford	Luce	Thomas, N. J.
Crosser	Ludlow	Thomas, Tex.
Curley	Lyle	Tolan
Daughton, Va.	McCormack	Torrens
Davis	McDonough	Towe
Dawson	McGehee	Trimble
Delaney, John J.	McGregor	Vorys, Ohio
	McKenzie	Wadsworth
Dolliver	McMillan, S. C.	Wasielewski
Douglas, Ill.	Mahon	Weaver
Earthman	Maloney	Welch
Eaton	Mansfield, Mont.	West
Elliott		Wickersham
Elsaesser	Mansfield, Tex.	Winter
Elston	Mason	Wolfenden, Pa.
Engel, Mich.	May	Wood
Fellows	Miller, Calif.	

The SPEAKER. On this roll call, 244 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HOSPITAL SURVEY AND CONSTRUCTION ACT—CONFERENCE REPORT

The SPEAKER. The Clerk will read the statement of the managers on the part of the House.

Mr. WOLVERTON of New Jersey. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I did not understand that the unanimous-consent request to read the statement in lieu of the conference report was granted.

The SPEAKER. The request was made before the point of order of no quorum was made. The Chair put the question at that time, and there was no objection.

Mr. WOLVERTON of New Jersey. I was under the impression that that had been withheld until after the call of the House.

The SPEAKER. The Clerk will read the statement.

The Clerk proceeded to read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 191) to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That this Act may be cited as the 'Hospital Survey and Construction Act.'

"SEC. 2. The Public Health Service Act (consisting of titles I to V, inclusive, of the Act of July 1, 1944, 58 Stat. 682) is hereby amended by adding at the end thereof the following new title:

"'TITLE VI—CONSTRUCTION OF HOSPITALS

"'PART A—DECLARATION OF PURPOSE

"'SEC. 601. The purpose of this title is to assist the several States—

"'(a) to inventory their existing hospitals (as defined in section 631 (e)), to survey the need for construction of hospitals, and to develop programs for construction of such public and other nonprofit hospitals as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic, and similar services to all their people; and

"'(b) to construct public and other nonprofit hospitals in accordance with such programs.

"'PART B—SURVEYS AND PLANNING

"'*Authorization of appropriation*

"'SEC. 611. In order to assist the States in carrying out the purposes of section 601 (a), there is hereby authorized to be appropriated the sum of $3,000,000, to remain available until expended. The sums appropriated under this section shall be used for making payments to States which have submitted, and had approved by the Surgeon General, State applications for funds for carrying out such purposes.

"'*State applications*

"'SEC. 612. (a) To be approved a State application for funds for carrying out the purposes of section 601 (a) must—

"'(1) designate a single State agency as the sole agency for carrying out such purposes: *Provided*, That after a State plan has been approved under section 623, any further survey or programing functions shall be carried out, pursuant to section 623 (a) (10), by the agency designated in accordance with section 623 (a) (1);

"'(2) provide for the designation of a State advisory council, which shall include representatives of nongovernment organizations or groups, and of State agencies, concerned with the operation, construction, or utilization of hospitals, including representatives of the consumers of hospital services selected from among persons familiar with the need for such services in urban or rural areas, to consult with the State agency in carrying out such purposes;

"'(3) provide for making an inventory and survey in accordance with section 601 (a) containing all information required by the Surgeon General, and for developing a program in accordance with section 601 (a) and with regulations prescribed under section 622; and

"'(4) provide that the State agency will make such reports, in such form and containing such information, as the Surgeon General may from time to time reasonably require, and give the Surgeon General, upon demand, access to the records on which such reports are based.

"'(b) The Surgeon General shall approve any application for funds which complies with the provisions of subsection (a).

"'*Allotments to States*

"'SEC. 613. (a) Each State for which a State application under section 612 has been approved shall be entitled to an allotment of such proportion of any appropriation made pursuant to section 611 as its population bears to the population of all the States, and within such allotment it shall be entitled to receive 33⅓ per centum of its expenditures in carrying out the purposes of section 601 (a) in accordance with its application: *Provided*, That no such allotment to any State shall be less than $10,000. The Surgeon General shall from time to time estimate the sum to which each State will be entitled under this section, during such ensuing period as he may determine, and shall thereupon certify to the Secretary of the Treasury the amount so estimated, reduced or increased, as the case may be, by any sum by which the Surgeon General finds that his estimate for any prior period was greater or less than the amount to which the State was entitled for such period. The Secretary of the Treasury shall thereupon, prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Surgeon General, the amount so certified.

"'(b) Any funds paid to a State under this section and not expended for the purposes for which paid shall be repaid to the Treasury of the United States.

"'PART C—CONSTRUCTION OF HOSPITALS AND RELATED FACILITIES

"'*Authorization of appropriations*

"'SEC. 621. In order to assist the States in carrying out the purposes of section 601 (b) there is hereby authorized to be appropriated for the fiscal year ending June 30, 1947, and for each of the four succeeding fiscal years, the sum of $75,000,000 for the construction of public and other nonprofit hospitals; and there are further authorized to be appropriated for such construction the sums provided in section 624. The sums appropriated pursuant to this section shall be used for making payments to States which have submitted, and had approved by the Surgeon General, State plans for carrying out the purposes of section 601 (b); and for making payments to political subdivisions of, and public or other nonprofit agencies in, such States.

"'*General regulations*

"'SEC. 622. Within six months after the enactment of this title, the Surgeon General, with the approval of the Federal Hospital Council and the Administrator, shall by general regulation prescribe—

"'(a) The number of general hospital beds required to provide adequate hospital services to the people residing in a State, and the general method or methods by which such beds shall be distributed among base areas, intermediate areas, and rural areas: *Provided*, That for the purposes of this title, the total of such beds for any State shall not exceed four and one-half per thousand population, except that in States having less than twelve and more than six persons per square mile the limit shall be five beds per thousand population, and in States having six persons or less per square mile the limit shall be five and one-half beds per thousand population; but if, in any area (as defined in the regulations) within the State, there are more beds than required by the standards prescribed by the Surgeon General, the excess over such standards may be eliminated in calculating this maximum allowance.

"'(b) The number of beds required to provide adequate hospital services for tuberculous patients, mental patients, and chronic-disease patients in a State, and the general method or methods by which such beds shall be distributed throughout the State: *Provided*, That for the purposes of this title the total number of beds for tuberculous patients shall not exceed two and one-half times the average annual deaths from tuberculosis in the State over the five-year period from 1940 to 1944, inclusive, the total number of beds for mental patients shall not exceed five per thousand population, and the total number of beds for chronic-disease patients shall not exceed two per thousand population.

"'(c) The number of public health centers and the general method of distribution of such centers throughout the State, which for the purposes of this title, shall not exceed one per thirty thousand population, except that in States having less than twelve persons per square mile, it shall not exceed one per twenty thousand population.

"'(d) The general manner in which the State agency shall determine the priority of projects based on the relative need of different sections of the population and of different areas lacking adequate hospital facilities, giving special consideration to hospitals serving rural communities and areas with relatively small financial resources.

"'(e) General standards of construction and equipment for hospitals of different classes and in different types of location.

"'(f) That the State plan shall provide for adequate hospital facilities for the people residing in a State, without discrimination on account of race, creed, or color, and shall provide for adequate hospital facilities for persons unable to pay therefor. Such regulation may require that before approval of any application for a hospital or addition to a hospital is recommended by a State agency, assurance shall be received by the State from the applicant that (1) such hospital or addition to a hospital will be made available to all persons residing in the territorial area of the applicant, without discrimination on account of race, creed, or color, but an exception shall be made in cases where separate hospital facilities are provided for separate population groups, if the plan makes equitable provision on the basis of need for facilities and services of like quality for each such group; and (2) there will be made available in each such hospital or addition to a hospital a reasonable volume of hospital services to persons unable to pay therefor, but an exception shall be made if such a requirement is not feasible from a financial standpoint.

"'(g) General methods of administration of the plan by the designated State agency, subject to the limitations set forth in section 623 (a) (6) and (8).

"'*State plans*

"'SEC. 623. (a) After such regulations have been issued, any State desiring to take advantage of this part may submit a State plan for carrying out the purposes of section 601 (b). Such State plan must—

"'(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

"'(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) hereof will have authority to carry out such plan in conformity with this part;

"'(3) provided for the designation of a State advisory council which shall include representatives of nongovernment organizations or groups, and of State agencies, concerned with the operation, construction, or utilization of hospitals, including representatives of the consumers of hospital services selected from among persons familiar with the need for such services in urban or rural areas, to consult with the State agency in carrying out such plans;

"'(4) set forth a hospital construction program (A) which is based on a State-wide inventory of existing hospitals and survey of need; (B) which conforms with the regulations prescribed by the Surgeon General under section 622 (a), (b), and (c); (C) which, in the case of a State which has developed a program under part B of this title, conforms to the program so developed except for any modification required in order to comply with regulations prescribed pursuant to section 622 (a), (b), and (c), and except for any modification recommended by the State agency designated pursuant to paragraph (1) of this subsection and approved by the Surgeon General; and (D) which meets the requirements as to lack of discrimination on account of race, creed, or color, and for furnishing needed hospital services to persons unable to pay therefor, required by regulations prescribed under section 622 (f);

"'(5) set forth the relative need determined in accordance with the regulations prescribed under section 622 (d) for the several projects included in such programs, and provide for the construction, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

"'(6) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Surgeon General shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as the Surgeon General prescribes by regulation under section 622 (g);

"'(7) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of hospitals which receive Federal aid under this part;

"'(8) provide for affording to every applicant for a construction project an opportunity for hearing before the State agency;

"'(9) provide that the State agency will make such reports in such form and containing such information as the Surgeon General may from time to time reasonably require, and give the Surgeon General, upon demand, access to the records upon which such information is based; and

"'(10) provide that the State agency will from time to time review its hospital construction program and submit to the Surgeon General any modifications thereof which it considers necessary.

"'(b) The Surgeon General shall approve any State plan and any modification thereof which complies with the provisions of subsection (a). If any such plan or modification thereof shall have been disapproved by the Surgeon General for failure to comply with subsection (a), the Federal Hospital Council shall, upon request of the State agency, afford it an opportunity for hearing. If such Council determines that the plan or modification complies with the provisions of such subsection, the Surgeon General shall thereupon approve such plan or modification.

"'(c) No changes in a State plan shall be required within two years after initial approval thereof, or within two years after any change thereafter required therein, by reason of any change in the regulations prescribed pursuant to section 622, except with the consent of the State, or in accordance with further action by the Congress.

"'(d) If any State, prior to July 1, 1948, has not enacted legislation providing that compliance with minimum standards of maintenance and operation shall be required in the case of hospitals which shall have received Federal aid under this title, such State shall not be entitled to any further allotments under section 624.

"'*Allotments to States*

"'SEC. 624. Each State for which a State plan has been approved prior to or during a fiscal year shall be entitled for such year to an allotment of a sum bearing the same ratio to the sums authorized to be appropriated pursuant to section 621 for such year as the product of (a) the population of such State and (b) the square of its allotment percentage (as defined in section 631 (a)) bears to the sum of the corresponding products for all of the States. The amount of the allotment to a State shall be available, in accordance with the provisions of this part, for payment of 40 per centum of the cost of approved projects within such State. The Surgeon General shall calculate the allotments to be made under this section and notify the Secretary of the Treasury of the amounts thereof. Sums allotted to a State for a fiscal year for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted for such State for such next fiscal year. Any amount of the sum authorized to be appropriated for a fiscal year which is not appropriated for such year, or which is not allotted in such year by reason of the failure of any State or States to have plans approved under this part, and any amount allotted to a State but remaining unobligated at the end of the period for which it is available to such State, is hereby authorized to be appropriated for the next fiscal year in addition to the sum otherwise authorized under section 621.

"'*Approval of projects and payments for construction*

"'Sec. 625. (a) For each project for construction pursuant to a State plan approved under this part, there shall be submitted to the Surgeon General through the State agency an application by the State or a political subdivision thereof or by a public or other nonprofit agency. Such application shall set forth (1) a description of the site for such project, (2) plans and specifications therefor in accordance with the regulations prescribed by the Surgeon General under section 622 (e), (3) reasonable assurance that title to such site is or will be vested solely in the applicant, (4) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when completed, and (5) reasonable assurance that the rates of pay for laborers and mechanics engaged in construction of the project will be not less than the prevailing local wage rates for similar work as determined in accordance with Public Law 403 of the Seventy-fourth Congress, approved August 30, 1935, as amended. The Surgeon General shall approve such application if sufficient funds to pay 40 per centum of the cost of construction of such project are available from the allotment to the State, and if the Surgeon General finds (A) that the application contains such reasonable assurance as to title, financial support, and payment of prevailing rates of wages, (B) that the plans and specifications are in accord with the regulations prescribed pursuant to section 622, (C) that the application is in conformity with the State plan approved under section 623 and contains an assurance that the applicant will conform to the applicable requirements of the State plan and of the regulations prescribed pursuant to section 622 (f) regarding the provision of facilities without discrimination on account of race, creed, or color, and for furnishing needed hospital facilities for persons unable to pay therefor, and an assurance that the applicant will conform to State standards for operation and maintenance, and (D) that it has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the regulations prescribed pursuant to section 622 (d). No application shall be disapproved until the Surgeon General has afforded the State agency an opportunity for a hearing.

"'(b) Upon approving an application under this section, the Surgeon General shall certify to the Secretary of the Treasury an amount equal to 40 per centum of the estimated cost of construction of the project and designate the appropriation from which it is to be paid. Such certification shall provide for payment to the State, except that if the State is not authorized by law to make payments to the applicant the certification shall provide for payment direct to the applicant. Upon certification by the State agency, based upon inspection by it, that work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, the Surgeon General shall certify such installment for payment by the Secretary of the Treasury; except that if the Surgeon General, after investigation or otherwise, has ground to believe that a default has occurred requiring action pursuant to section 632 (a) he may, upon giving notice of hearing pursuant to such subsection, withhold certification pending action based on such hearing.

"'(c) Amendment of any approved application shall be subject to approval in the same manner as an original application. Certification under subsection (b) may be amended, either upon approval of an amendment of the application or upon revision of the estimated cost of a project. An amended certification may direct that any additional payment be made from the applicable allotment for the fiscal year in which such amended certification is made.

"'(d) The funds paid under this section for the construction of an approved project shall be used solely for carrying out such project as so approved.

"'(e) If any hospital for which funds have been paid under this section shall, at any time within twenty years after the completion of construction, (A) be sold or transferred to any person, agency, or organization, (1) which is not qualified to file an application under this section, or (2) which is not approved as a transferee by the State agency designated pursuant to section 623 (a) (1), or its successor, or (B) cease to be a nonprofit hospital as defined in section 631 (g), the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a hospital which has ceased to be a nonprofit hospital, from the owners thereof) 40 per centum of the then value of such hospital, as determined by agreement of the parties or by action brought in the district court of the United States for the district in which such hospital is situated.

"'PART D—MISCELLANEOUS

"'*Definitions*

"'SEC. 631. For the purposes of this title—

"'(a) the allotment percentage for any State shall be 100 per centum less than the percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska), except that (1) the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and (2) the allotment percentage for Alaska and Hawaii shall be 50 per centum each, and the allotment percentage for Puerto Rico shall be 75 per centum;

"'(b) the allotment percentages shall be promulgated by the Surgeon General between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Surgeon General shall promulgate such percentages as soon as possible after the enactment of this title, which promulgation shall be conclusive for the fiscal year ending June 30, 1947;

"'(c) the population of the several States shall be determined on the basis of the latest figures certified by the Department of Commerce;

"'(d) the term "State" includes Alaska, Hawaii, Puerto Rico, and the District of Columbia;

"'(e) the term "hospital" (except as used in section 622 (a) and (b)) includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, out-patient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care;

"'(f) the term "public health center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers;

"'(g) the term "nonprofit hospital" means any hospital owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"'(h) the term "construction" includes construction of new buildings, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings; including architects' fees, but excluding the cost of off-site improvements and, except with respect to public health centers, the cost of the acquisition of land; and

"'(i) the term "cost of construction" means the amount found by the Surgeon General to be necessary for the construction of a project.

"'*Withholding of certification*

"'SEC. 632. (a) Whenever the Surgeon General, after reasonable notice and opportunity for hearing to the State agency designated in accordance with section 612 (a) (1), finds that the State agency is not complying substantially with the provisions required by section 612 (a) to be contained in its application for funds under part B, or after reasonable notice and opportunity for hearing to the State agency designated in accordance with section 623 (a) (1) finds (1) that the

State agency is not complying substantially with the provisions required by section 623 (a), or by regulations prescribed pursuant to section 622, to be contained in its plan submitted under section 623 (a), or (2) that any funds have been diverted from the purposes for which they have been allotted or paid, or (3) that any assurance given in an application filed under section 625 is not being or cannot be carried out, or (4) that there is a substantial failure to carry out plans and specifications approved by the Surgeon General under section 625, the Surgeon General may forthwith notify the Secretary of the Treasury and the State agency that no further certification will be made under part B or part C, as the case may be, or that no further certification will be made for any project or projects designated by the Surgeon General as being affected by the default, as the Surgeon General may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected by such default, he may withhold further certifications until there is no longer any failure to comply, or, if compliance is impossible, until the State repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

"'(b) If (1) the Surgeon General refuses to approve any application under section 625, the State agency through which the application was submitted, of if any State agency is dissatisfied with the Surgeon General's action under subsection (a) of this section, such State agency may appeal to the United States circuit court of appeals for the circuit in which the State is located. The summons and notice of appeal may be served at any place in the United States. The Surgeon General shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"'(2) The findings of fact by the Surgeon General, unless substantially contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Surgeon General to take further evidence, and the Surgeon General may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive unless substantially contrary to the weight of the evidence.

"'(3) The court shall have jurisdiction to affirm the action of the Surgeon General or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended.

"'Federal Hospital Council; administration of title

"'SEC. 633. (a) The Surgeon General is authorized to make such administrative regulations and perform such other functions as he finds necessary to carry out the provisions of this title. Any such regulations shall be subject to the approval of the Administrator.

"'(b) In administering this title, the Surgeon General shall consult with a Federal Hospital Council consisting of the Surgeon General, who shall serve as Chairman ex officio and eight members appointed by the Administrator. Five of the eight appointed members shall be persons who are outstanding in fields pertaining to hospital and health activities, three of whom shall be authorities in matters relating to the operation of hospitals, and the other three members shall be appointed to represent the consumers of hospital services and shall be persons familiar with the need for hospital services in urban or rural areas. Each appointed member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as designated by the Administrator at the time of appointment, two at the end of the first year, two at the end of the second year, two at the end of the third year, and two at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms but shall be eligible for reappointment if he has not served immediately preceding his reappointment. The Council is authorized to appoint such special advisory and technical committees as may be useful in carrying out its functions. Appointed Council members and members of advisory or technical committees, while serving on business of the Council, shall receive compensation at rates fixed by the Administrator, but not exceeding $25 per day, and shall also be entitled to receive an allowance for actual and necessary travel and subsistence expenses while so serving away from their places of residence. The Council shall meet as frequently as the Surgeon General deems necessary, but not less than once each year. Upon request by three or more members, it shall be the duty of the Surgeon General to call a meeting of the Council.

"'(c) In administering the provisions of this title, the Surgeon General, with the approval of the Administrator, is authorized to utilize the services and facilities of any executive department in accordance with an agreement with the head thereof. Payment for such services and facilities shall be made in advance or by way of reimbursement, as may be agreed upon between the Administrator and the head of the executive department furnishing them.

"'Conferences of State agencies

"'SEC. 634. Whenever in his opinion the purposes of this title would be promoted by a conference, the Surgeon General may invite representatives of as many State agencies, designated in accordance with section 612 (a) (1) or section 623 (a) (1), to confer as he deems necessary or proper. Upon the application of five or more of such State agencies, it shall be the duty of the Surgeon General to call a conference of representatives of all State agencies joining in the request. A conference of the representatives of all such State agencies shall be called annually by the Surgeon General.

"'State control of operations

"'SEC. 635. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any hospital with respect to which any funds have been or may be expended under this title.'

"SEC. 3. Paragraph (2) of section 208 (b) of the Public Health Service Act, as amended, is amended by inserting '(A)' before the words 'to assist'; by striking out the word 'paragraph' and inserting in lieu thereof the word 'clause'; and by striking out the period at the end of such paragraph and inserting in lieu thereof a comma and the following: 'and (B) to assist in carrying out the purposes of title VI of this Act, but not more than twenty such officers appointed pursuant to this clause shall hold office at the same time.'

"SEC. 4. Section 1 of the Public Health Service Act is amended to read:

"'SECTION 1. Titles I to VI, inclusive, of this Act may be cited as the "Public Health Service Act."'

"SEC. 5. The Act of July 1, 1944 (58 Stat. 682), is hereby further amended by changing the number of title VI to title VII and by changing the numbers of section 601 to 612, inclusive, and references thereto, to sections 701 to 712, respectively."

And the House agree to the same.

A. L. BULWINKLE,
VIRGIL CHAPMAN,
VITO MARCANTONIO,
CLARENCE J. BROWN,
Managers on the Part of the House.

LISTER HILL,
JAMES M. TUNNELL,
ELBERT D. THOMAS,
ROBERT M. LA FOLLETTE, Jr.,
ROBERT A. TAFT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 191) to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public-health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

In the following statement section references (except the reference to sec. 3) are to sections of the new title VI, which it is proposed by this legislation to add to the Public Health Service Act.

Surveys and planning: The Senate bill (in sec. 613 (a)) provided that the Federal funds allotted to a State for surveys and planning should be available to pay 50 percent of expenditures made by the State for such purposes; and authority was granted (sec. 613 (b)) to pay 100 percent of such expenditures if no State funds were available for the purpose, subject to a requirement, however, that in any such case an amount equal to 50 percent of the State's expenditures (less repayments made by the State) should be deducted from allotments to the State under section 624. The House amendment reduced to 33⅓ percent the share of the State's expenditures for the payment of which the allotted Federal funds would be available, and eliminated section 613 (b). On these points the conference substitute is the same as the House amendment.

The Senate bill (sec. 611) authorized, for assistance to the States for surveys and planning, the appropriation of $5,000,000 plus sums necessary to carry out the provisions of section 613 (b). The House amendment reduced this authorization to $3,000,000. On this point the conference substitute is the same as the House amendment.

Limitation on allotments: Section 623 (d) in the Senate bill provided that if any State, prior to July 1, 1947, has not enacted legislation providing that compliance with minimum standards of maintenance and operation shall be required in the case of hospitals receiving aid, then the State shall not be entitled to any further allotments under section 624. The House amendment changed the above date to July 1, 1948. The conference agreement accepts the House change.

Federal share in case of approved projects: The Senate bill provided, in the case of specific construction projects, that the amount of Federal funds to be made available should be a "Federal percentage" of the cost. The "Federal percentage" would have varied according to the State in which the project

was located. In the case of any State, it would have been based on the State's per capita income as compared with the per capita income of the continental United States (excluding Alaska), and would have been not more than 75 percent and not less than 33⅓ percent. The "Federal percentage" in the case of Alaska and Hawaii would have been 50 percent, and in the case of Puerto Rico would have been 75 percent. By the House amendment these provisions were modified so as to provide that the Federal payment should be 33⅓ percent of the costs in all cases. The conference agreement accepts this House change, except that the Federal payment is increased to 40 percent.

Definition of "construction": Under section 631 (h) as contained in the Senate bill the term "construction" was defined to include construction of new buildings, expansion, remodeling, and alteration of existing buildings, initial equipment of any such buildings, and landscaping the site thereof; and was also defined to include architects' fees, legal counsel, and all other expenses incidental to construction; but excluded the cost of offsite improvements and, except with respect to public health centers, the cost of the acquisition of land. The House amendment modified this definition by excluding landscaping of sites and legal counsel, and also eliminated the words "and all other expenses incidental to construction." The conference agreement accepts these House changes.

Opportunity for hearing; judicial review: Section 625 (a) as contained in the Senate bill provided that no application for approval of a construction project should be disapproved until the Surgeon General had afforded the applicant and the State agency an opportunity for hearing. The House amendment modified this provision so that opportunity for hearing is required to be given only to the State agency through which the application was submitted. The conference substitute includes this House change.

By section 632 (b) in the Senate bill it was provided that if the Surgeon General refuses to approve any construction application under section 625 the applicant may appeal to the United States circuit court of appeals for the circuit in which the State is located, and the subsection specifies the jurisdiction which the court is to have. The House amendment modified this provision so that this right of appeal instead of being given to the application is given to the State agency through which the application was submitted. This House change is included in the conference substitute. The conference substitute also provides that the "State agency," rather than the "State," shall have the right of appeal from a withholding of certification by the Surgeon General under section 632 (a).

Federal Hospital Council: Section 633 (b) in the Senate bill, providing for a Federal Hospital Council, provided that such Council should consist of the Surgeon General, to serve as Chairman ex officio, and eight members appointed by the Administrator. It provided that five of the eight appointed members shall be persons who are outstanding in the fields pertaining to hospital and health activities, the other three to be appointed to represent the consumers of hospital services. The House amendment modified this provision so as to provide that four shall be persons who are outstanding in the fields pertaining to hospital and health activities, and that four shall be appointed to represent the consumers of hospital services. The conference substitute includes the Senate provisions on this point.

Additional officers in Regular Corps of Public Health Service: Section 3 of the House amendment amended section 208 (b), as amended, of the Public Health Service Act to authorize the appointment to grades in the Regular Corps of the Public Health Service above that of senior assistant, but not to a grade above that of director, of officers to assist in carrying out the purposes of the new title VI proposed to be added by this legislation, with the restriction that not more than 20 officers so appointed shall hold office at the same time. The bill as it passed the Senate contained no such provision. The conference agreement includes this provision.

A. L. BULWINKLE,
VIRGIL CHAPMAN,
VITO MARCANTONIO,
CLARENCE J. BROWN,
Managers on the Part of the House.

CALL OF THE HOUSE

Mr. WOLVERTON of New Jersey (interrupting the reading of the statement). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently there is no quorum present.

Mr. GORE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 259]

Adams	Fogarty	Miller, Nebr.
Allen, Ill.	Folger	Morgan
Allen, La.	Gallagher	Morrison
Almond	Gary	Murray, Tenn.
Andersen, H. Carl	Gathings	Norton
	Gifford	O'Konski
Anderson, Calif.	Gillespie	O'Neal
Arends	Gossett	Outland
Baldwin, Md.	Grant, Ind.	Patrick
Baldwin, N. Y.	Gregory	Patterson
Barden	Hale	Pfeifer
Barry	Hall, Edwin Arthur	Philbin
Bates, Ky.	Halleck	Ploeser
Bates, Mass.	Hand	Plumley
Beckworth	Hare	Powell
Bell	Harness, Ind.	Price, Fla.
Bender	Harris	Priest
Bennet, N. Y.	Hart	Rains
Blackney	Hartley	Reece, Tenn.
Bloom	Hébert	Rich
Boren	Heffernan	Richards
Boykin	Hendricks	Rivers
Bradley, Mich.	Henry	Rizley
Brooks	Hess	Robinson, Utah
Brumbaugh	Hill	Robsion, Ky.
Bryson	Hoeven	Rockwell
Buck	Hoffman, Pa.	Rogers, N. Y.
Buffett	Holifield	Russell
Bunker	Izac	Ryter
Cannon, Fla.	Jennings	Sabath
Carlson	Johnson, Calif.	Savage
Case, N. J.	Johnson, Tex.	Shafer
Case, S. Dak.	Kean	Sheppard
Celler	Kee	Sheridan
Clark	Keefe	Short
Clason	Kefauver	Simpson, Pa.
Clements	Kelley, Pa.	Slaughter
Clippinger	Keogh	Somers, N. Y.
Cochran	Kerr	Sparkman
Coffee	Kilburn	Stewart
Cole, Kans.	Kilday	Stigler
Cole, N. Y.	LaFollette	Stockman
Combs	Landis	Sumner, Ill.
Cooper	Lane	Taber
Courtney	Larcade	Tarver
Cox	LeFevre	Thomas, N. J.
Cravens	Luce	Thomas, Tex.
Crawford	Ludlow	Tolan
Curley	Lyle	Torrens
Daughton, Va.	McCormack	Towe
Davis	McGehee	Trimble
Dawson	McGlinchey	Vorys, Ohio
Delaney, John J.	McGregor	Wadsworth
Dirksen	McKenzie	Wasielewski
Dolliver	McMillan, S. C.	Weaver
Douglas, Ill.	McMillen, Ill.	Welch
Earthman	Mahon	West
Eaton	Maloney	Wickersham
Elliott	Mansfield, Mont.	Winter
Elsaesser	Mansfield, Tex.	Wolfenden, Pa.
Elston	Mason	Wood
Engel, Mich.	May	Zimmerman
Fellows	Miller, Calif.	

The SPEAKER. On this roll call 241 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HOSPITAL SURVEY AND CONSTRUCTION ACT—CONFERENCE REPORT

The Clerk continued the reading of the statement.

CALL OF THE HOUSE

Mr. RIZLEY (interrupting the reading of the statement). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Without objection, a call of the House is ordered.

There was no objection.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 260]

Adams	Fogarty	May
Allen, Ill.	Fuller	Miller, Calif.
Allen, La.	Gallagher	Miller, Nebr.
Almond	Gary	Morgan
Andersen, H. Carl	Gathings	Morrison
	Gifford	Murray, Tenn.
Anderson, Calif.	Gillespie	Norton
Arends	Goodwin	O'Konski
Bailey	Gossett	O'Neal
Baldwin, Md.	Granger	Outland
Baldwin, N. Y.	Grant, Ind.	Patrick
Barden	Gregory	Patterson
Barrett, Pa.	Hagen	Peterson, Ga.
Barry	Hale	Pfeifer
Bates, Ky.	Hall, Edwin Arthur	Philbin
Bates, Mass.	Halleck	Ploeser
Beckworth	Hand	Plumley
Bell	Hare	Powell
Bender	Harless, Ariz.	Price, Fla.
Bennet, N. Y.	Harness, Ind.	Priest
Blackney	Harris	Rains
Bloom	Hart	Reece, Tenn.
Boren	Hartley	Rich
Boykin	Hébert	Richards
Bradley, Mich.	Heffernan	Rivers
Brooks	Hendricks	Robinson, Utah
Brumbaugh	Henry	Robsion, Ky.
Bryson	Hess	Rockwell
Buck	Hill	Roe, Md.
Buffett	Hoeven	Rogers, N. Y.
Bunker	Hoffman, Pa.	Russell
Cannon, Fla.	Holifield	Ryter
Carlson	Izac	Savage
Case, N. J.	Jennings	Shafer
Case, S. Dak.	Johnson, Calif.	Sharp
Celler	Johnson, Tex.	Sheppard
Clark	Kean	Sheridan
Clements	Kee	Short
Clippinger	Keefe	Slaughter
Cochran	Kefauver	Somers, N. Y.
Coffee	Kelley, Pa.	Sparkman
Cole, Kans.	Keogh	Starkey
Cole, N. Y.	Kerr	Stewart
Combs	Kilburn	Stockman
Cooper	Kilday	Sumner, Ill.
Courtney	Landis	Sumners, Tex.
Cox	Lane	Taber
Cravens	Larcade	Tarver
Crawford	LeFevre	Thomas, N. J.
Curley	Link	Thomas, Tex.
Daughton, Va.	Luce	Tolan
Davis	Ludlow	Torrens
Dawson	Lyle	Towe
Delaney, John J.	McCormack	Trimble
Dirksen	McGehee	Vorys, Ohio
Dolliver	McGlinchey	Wadsworth
Douglas, Ill.	McGregor	Wasielewski
Dworshak	McKenzie	Weaver
Earthman	McMillan, S. C.	Welch
Eaton	Mahon	West
Elliott	Maloney	White
Ellis	Mansfield, Mont.	Wickersham
Elsaesser	Mansfield, Tex.	Winter
Elston	Mason	Wolfenden, Pa.
Engel, Mich.	May	Wood
Fellows	Miller, Calif.	

The SPEAKER. On this roll call 234 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HOSPITAL SURVEY AND CONSTRUCTION ACT—CONFERENCE REPORT

The SPEAKER. The Clerk will continue the reading of the report.

The Clerk read.

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that the report and statement on the part of the managers be recommitted to the committee of conference.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Messrs. WALTER and MARCANTONIO objected.

Mr. BULWINKLE. Mr. Speaker, I move that the report and statement on the part of the managers be recommitted to the committee of conference.

The question was taken; and on a division (demanded by Mr. WALTER) there were—ayes 103, noes 23.

Mr. WALTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-five Members are present; not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 153, nays 88, not voting 189, as follows:

[Roll No. 261]

YEAS—153

Abernethy	Folger	Mills
Andresen, August H.	Fuller	Monroney
Andrews, Ala.	Fulton	Mundt
Arnold	Gamble	Murdock
Auchincloss	Gavin	Murray, Wis.
Bailey	Gearhart	Norrell
Barrett, Wyo.	Gibson	O'Hara
Beall	Gillette	Peterson, Fla.
Bell	Gordon	Phillips
Bennett, Mo.	Graham	Pickett
Bishop	Grant, Ala.	Pratt
Bland	Griffiths	Quinn, N. Y.
Bolton	Gross	Rabin
Bonner	Gwinn, N. Y.	Rains
Brown, Ga.	Hall, Leonard W.	Ramey
Brown, Ohio	Hancock	Rankin
Bulwinkle	Hays	Rayfiel
Byrnes, Wis.	Herter	Reed, Ill.
Camp	Hinshaw	Reed, N. Y.
Cannon, Mo.	Hobbs	Riley
Celler	Holmes, Mass.	Rizley
Chapman	Hope	Robertson, N. Dak.
Chelf	Howell	Robertson, Va.
Chenoweth	Jarman	Rodgers, Pa.
Chiperfield	Jenkins	Roe, Md.
Church	Johnson, Ill.	Rogers, Fla.
Clevenger	Jones	Rogers, Mass.
Colmer	Jonkman	Rooney
Cooley	Judd	Sabath
Crosser	Kelley, Pa.	Sasscer
Curtis	Kinzer	Schwabe, Mo.
D'Alesandro	Knutson	Schwabe, Okla.
Delaney, James J.	Kunkel	Scrivner
Domengeaux	Latham	Sikes
Dondero	LeCompte	Simpson, Pa.
Doughton, N. C.	Lemke	Smith, Maine
Doyle	Lewis	Smith, Va.
Drewry	Lynch	Spence
Durham	McConnell	Starkey
Eberharter	McCowen	Stigler
Ellis	McDonough	Sundstrom
Ellsworth	McMillen, Ill.	Talle
Engle, Calif.	Manasco	Taylor
Ervin	Mankin	Thom
Fallon	Martin, Iowa	Thomas, Tex.
Fisher	Martin, Mass.	Thomason
Flannagan	Mathews	Traynor
	Merrow	Vinson
Voorhis, Calif.	Whittington	Wolverton, N. J.
Vursell	Wigglesworth	Zimmerman
Weichel	Winstead	
Whitten	Wolcott	

NAYS—88

Angell	Granahan	Norblad
Barrett, Pa.	Green	O'Brien, Ill.
Biemiller	Gwynne, Iowa	O'Brien, Mich.
Brehm	Havenner	O'Toole
Buchanan	Healy	Patman
Butler	Hedrick	Pittenger
Byrne, N. Y.	Heselton	Poage
Campbell	Hoch	Price, Ill.
Canfield	Holmes, Wash.	Rabaut
Carnahan	Hook	Randolph
Clason	Horan	Rees, Kans.
Cole, Mo.	Huber	Resa
Corbett	Hull	Rowan
Cunningham	Jackson	Sadowski
D'Ewart	Jensen	Savage
Dingell	Johnson, Ind.	Simpson, Ill.
Dirksen	Kearney	Smith, Ohio
Douglas, Calif.	Kelly, Ill.	Smith, Wis.
Feighan	King	Springer
Fenton	Kirwan	Stefan
Fernandez	Klein	Stevenson
Flood	Kopplemann	Sullivan
Forand	LaFollette	Sumners, Tex.
Gardner	Lesinski	Talbot
Geelan	Link	Tibbott
Gerlach	McGlinchey	Walter
Gillie	Madden	Wilson
Goodwin	Marcantonio	Worley
Gore	Michener	
Gorski	Neely	

NOT VOTING—189

Adams	Fogarty	May
Allen, Ill.	Gallagher	Miller, Calif.
Allen, La.	Gary	Miller, Nebr.
Almond	Gathings	Morgan
Andersen, H. Carl	Gifford	Morrison
Anderson, Calif.	Gillespie	Murray, Tenn.
Andrews, N. Y.	Gossett	Norton
Arends	Granger	O'Konski
Baldwin, Md.	Grant, Ind.	O'Neal
Baldwin, N. Y.	Gregory	Outland
Barden	Hagen	Pace
Barry	Hale	Patrick
Bates, Ky.	Hall, Edwin Arthur	Patterson
Bates, Mass.	Halleck	Peterson, Ga.
Beckworth	Hand	Pfeifer
Bender	Hare	Philbin
Bennet, N. Y.	Harless, Ariz.	Ploeser
Blackney	Harness, Ind.	Plumley
Bloom	Harris	Powell
Boren	Hart	Price, Fla.
Boykin	Hartley	Priest
Bradley, Mich.	Hébert	Reece, Tenn.
Bradley, Pa.	Heffernan	Rich
Brooks	Hendricks	Richards
Brumbaugh	Henry	Rivers
Bryson	Hess	Robinson, Utah
Buck	Hill	Robsion, Ky.
Buckley	Hoeven	Rockwell
Buffett	Hoffman, Mich.	Roe, N. Y.
Bunker	Hoffman, Pa.	Rogers, N. Y.
Cannon, Fla.	Holifield	Russell
Carlson	Izac	Ryter
Case, N. J.	Jennings	Shafer
Case, S. Dak.	Johnson, Calif.	Sharp
Clark	Johnson, Okla.	Sheppard
Clements	Johnson, Tex.	Sheridan
Clippinger	Kean	Short
Cochran	Kee	Slaughter
Coffee	Keefe	Somers, N. Y.
Cole, Kans.	Kefauver	Sparkman
Cole, N. Y.	Keogh	Stewart
Combs	Kerr	Stockman
Cooper	Kilburn	Sumner, Ill.
Courtney	Kilday	Taber
Cox	Landis	Tarver
Cravens	Lane	Thomas, N. J.
Crawford	Lanham	Tolan
Curley	Larcade	Torrens
Daughton, Va.	Lea	Towe
Davis	LeFevre	Trimble
Dawson	Luce	Vorys, Ohio
De Lacy	Ludlow	Wadsworth
Delaney, John J.	Lyle	Wasielewski
Dolliver	McCormack	Weaver
Douglas, Ill.	McGehee	Welch
Dworshak	McGregor	West
Earthman	McKenzie	White
Eaton	McMillan, S. C.	Wickersham
Elliott	Mahon	Winter
Elsaesser	Maloney	Wolfenden, Pa.
Elston	Mansfield, Mont.	Wood
Engel, Mich.	Mansfield, Tex.	Woodhouse
Fellows	Mason	Woodruff

So the motion was agreed to.

The Clerk announced the following pairs:

Additional general pairs:

Mr. McCormack with Mr. Wadsworth.
Mr. Hendricks with Mr. Stockman.
Mr. Roe of New York with Mr. Dworshak.
Mr. Patterson with Mr. Leonard W. Hall.
Mr. Morgan with Mr. Winter.
Mrs. Woodhouse with Miss Sumner of Illinois.
Mr. Gathings with Mr. Sharp.
Mr. West with Mr. McDonough.
Mr. Earthman with Mrs. Luce.
Mr. McKenzie with Mr. Buck.
Mr. Harless of Arizona with Mr. Hand.
Mr. Beckworth with Mr. Hoffman of Pennsylvania.
Mr. Combs with Mr. Clippinger.
Mr. Ryter with Mr. Hoffman of Michigan.
Mr. Dawson with Mr. Bennet of New York.
Mr. Peterson of Georgia with Mr. H. Carl Andersen.
Mr. Miller of California with Mr. Baldwin of New York.
Mr. Philbin with Mr. Andrews of New York.
Mr. Gossett with Mr. Bates of Massachusetts.
Mr. Davis with Mr. Johnson of California.
Mr. Courtney with Mr. Towe.
Mr. Bunker with Mr. Welch.
Mr. Allen of Louisiana with Mr. O'Konski.
Mr. Bates of Kentucky with Mr. Lemke.
Mr. Daughton of Virginia with Mr. Case of New Jersey.

Mr. BYRNE of New York, Mr. RABAUT, Mr. COLE of Missouri, Mr. SMITH of Ohio, Mr. CUNNINGHAM, and Mr. LAFOLLETTE changed their votes from "yea" to "nay."

Mr. GORDON changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Koerber, its assistant enrolling clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 7037. An act to amend the Social Security Act and the Internal Revenue Code, and for other purposes.

CALENDAR WEDNESDAY

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday of this week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MARCANTONIO. Mr. Speaker, I object.

Mr. BULWINKLE. Mr. Speaker, I move that business in order on Calendar Wednesday of this week be dispensed with.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 150, noes 41.

Mr. MARCANTONIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-five Members are present, a quorum.

So (two-thirds having voted in favor thereof) the motion was agreed to.

EXTENSION OF REMARKS

Mr. CASE of South Dakota (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks in the RECORD and include an address by Governor Sharpe, of South Dakota.

Mrs. LUCE (at the request of Mr. MARTIN of Massachusetts) was given permission to extend her remarks in the RECORD in three instances and include excerpts in each.

VETERANS' PENSION, COMPENSATION, OR RETIREMENT PAY DURING HOSPITALIZATION

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6811) relating to veterans' pension, compensation, or retirement pay during hospitalization, institutional or domiciliary care, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 19, after "termination", insert "or, in the event of his prior death, as provided in paragraph (2) hereof."

Page 2, line 20, strike out "such" and insert "any."

Page 2, line 20, after "veteran," insert "leaving against medical advice or as the result of disciplinary action."

Page 2, line 21, strike out "any future" and insert "a succeeding."

Page 4, lines 14 and 15, strike out "deemed by the Administrator of Veterans' Affairs to be insane" and insert "rated by the Veterans' Administration in accordance with regulations as being incompetent by reason of mental illness."

Page 4, line 21, strike out "insane" and insert "incompetent."

Page 5, line 1, strike out "such" and insert "incompetent."

Page 5, line 5, strike out "maintained" and insert "hospitalized."

Page 6, after line 9, insert:

"(F) Notwithstanding any other provision of this section or any other provision of law, no reduction shall be made in the pension, compensation, or retirement pay of any veteran for any part of the period during which he is furnished hospital treatment, or institutional or domiciliary care, for Hansen's disease, by the United States or any political subdivision thereof."

Page 6, line 10, strike out "(F)" and insert "(G)."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the Senate amendment?

Mr. RANKIN. Mr. Speaker, in answer to the inquiry of the gentleman from Massachusetts [Mr. MARTIN], I desire to say that these amendments are largely clarifying. We took them up before the Committee on World War Veterans' Legislation yesterday morning, and we decided that they improved the bill, and the committee instructed me to move to concur in them.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. There is also a humane amendment, because it provides care for those who contracted leprosy.

Mr. RANKIN. Yes. That is what they call Hansen's disease in the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

FEDERAL PARTICIPATION IN THE COST OF PROTECTING THE SHORES OF PUBLICLY OWNED PROPERTY

Mr. RANKIN. Mr. Speaker, by direction of the Committee on Rivers and Harbors, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2033) authorizing Federal participation in the cost of protecting the shores of publicly owned property, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 12, after "cost:", insert "*Provided further*, That where a political subdivision has heretofore erected a sea wall to prevent erosion, by waves and currents, to a public highway considered by the Chief of Engineers sufficiently important to justify protection, Federal contribution toward the repair of such wall and the protection thereof by the building of an artificial beach is authorized at not to exceed one-third of the original cost of such wall, and that investigations and studies hereinafter provided for are hereby authorized for such localities."

Page 2, line 17, after "specifications", insert " : *Provided*, That the construction of improvement and protective works may be undertaken by the Chief of Engineers upon the request of, and contribution of required funds by, the interested State, municipality or other political subdivision."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. DONDERO. Reserving the right to object, Mr. Speaker, I simply want to ask the gentleman from Mississippi to explain the amendment regarding the sea wall.

Mr. RANKIN. I will yield to my distinguished colleague from Mississippi [Mr. COLMER] for that purpose.

Mr. COLMER. Mr. Speaker, in answer to the inquiry of the gentleman from Michigan [Mr. DONDERO] this amendment simply provides that where there are already existing sea walls the Federal Government may, if the Chief of the Army Engineers thinks it is necessary to do so, provide for that work to be done by the Army engineers, the Federal Government making a one-third contribution, the same as in connection with other provisions of the bill.

Mr. DONDERO. There is no objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF ADDITIONAL COMMISSIONED OFFICERS IN THE REGULAR ARMY

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6817) to provide for the appointment of additional commissioned officers in the Regular Army, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out lines 11 to 14, inclusive.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the amendment?

Mr. THOMASON. Mr. Speaker, this is the bill which was called up earlier in the day and which I explained to the minority leader and likewise the gentleman from Illinois [Mr. ARENDS]. It strikes from the House bill the number of air officers, which was fixed in the bill. In other words, this releases it from any binding obligation to name so many officers in the Air Corps, and leaves it all to the discretion of the War Department.

Mr. MARTIN of Massachusetts. It is a unanimous report of the committee?

Mr. THOMASON. Yes; the House committee is unanimously in accord with that amendment.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AMENDMENT OF FIRST WAR POWERS ACT, 1941

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6890) to amend the First War Powers Act, 1941, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 13, after "a", insert "suit or."

Page 4, line 24, after "a", insert "suit or."

Page 4, line 25, strike out "or for just compensation."

Page 10, lines 15 and 16, strike out "or for just compensation in respect thereof."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman tell us briefly the effect of the Senate amendments?

Mr. SUMNERS of Texas. Mr. Speaker, the Senate amendment on page 2 simply inserts the words "suit or" so that it will read "pending a suit or claim." I must confess I cannot appreciate the necessity for that language, but the Senate seemed to consider it of sufficient importance to include it. The administrative agencies find no objection to it, and I cannot see any. I believe my colleague has the same attitude toward it.

On page 4 there is a similar amendment in line 24. The words "suit or" are added.

In line 25, the words "or for just compensation" are stricken out. In other words, that will not be sought under the provisions of this bill, but, of course, the gentleman appreciates there are other provisions of the law under which just compensation can be sought. A similar amendment is provided on page 10. This language was stricken by the Senate and the purpose of the last amendment is the same as the previous one.

Mr. MICHENER. This bill is the one in which the Alien Property Custodian is primarily interested and it is agreed to by all of the departments of government?

Mr. SUMNERS of Texas. That is correct.

Mr. MICHENER. It was explained on the floor within the last couple of days.

Mr. SUMNERS of Texas. I thank my colleague for his observations.

Mr. MICHENER. The Senate has made these changes which may seem minor. But the Alien Property Custodian and his counsel, the very able Mr. Berger, have surveyed the whole situation. While they would prefer to have the amendments eliminated, they know that there will be no bill without the amendments. Therefore, they are in favor of the bill with the amendments.

Mr. SUMNERS of Texas. That is correct.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent at this point to include a copy of a letter addressed to the chairman of the committee, the gentleman from Texas [Mr. SUMNERS], by the Alien Property Custodian, concerning these particular amendments.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SUMNERS of Texas. I thank my colleague. I was just going to make the same request.

(The letter referred to is as follows:)

JULY 30, 1946.

Hon. HATTON W. SUMNERS,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D. C.

DEAR MR. SUMNERS: You have requested a statement of my views as to the effect of the Senate amendments to H. R. 6890 upon the administration of this office.

I am able to advise you that, in my opinion, the bill, if finally passed with the Senate amendments, will be workable. In view of the shortness of time before the end of the session and other circumstances, I recommend that the House concur in the Senate amendments without asking for a conference, in order to insure final passage of the legislation at this time.

The amendments, with my specific comments, are as follows:

1. On page 2, line 13, insert after the article "a" the words "suit or."

Comment: I am not sure that I appreciate the purpose of this amendment and I think it tends to create confusion but it is not of sufficient importance to warrant making an issue. I would greatly appreciate, however, your making a statement on the floor to the following effect:

(a) that this amendment is not to be regarded as implying that there is judicial review under section 32; and

(b) that this amendment is not intended to interfere with or alter the doctrine of res judicata as applied to suits under section 9 (a).

2. On page 4, line 24, insert after the article "a" the words "suit or."

Comment: This is an entirely harmless amendment.

3. On page 4, line 25, strike out the words "or for just compensation."

Comment: This is, in my opinion, a justifiable amendment in view of the deletion from the bill of section 33 which expressly provided for suits for just compensation. While I do not contest the amendment, it must be recognized that the courts may still hold in pending litigation that an implied remedy of just compensation exists, although (in the absence of section 33) this would be under the Tucker Act rather than under the Trading with the Enemy Act.

4. On page 10, lines 15–16, strike out the words "or for just compensation in respect thereof."

Comment: My comment on this is the same as my comment on the last preceding amendment.

Sincerely yours,

JAMES E. MARKHAM,
Alien Property Custodian.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERNICIOUS POLITICAL ACTIVITIES

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H. R. 1497, an act to amend subsection 9 (a) of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out line 10.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. SPRINGER. Mr. Speaker, reserving the right to object, will the gentleman from Alabama make a brief explanation of this bill and the amendment?

Mr. HOBBS. I would be delighted to do so, sir. This bill amends the Hatch Act, but relates only to the Territory of Alaska. The Senate amendment was simply to strike out other Government employees and limit its application to the employees of the Alaska Railroad, which, of course, is owned by the Government. It would give them the right to assume political office or run for political office in Alaska, and to engage in political activities with reference thereto. It exempts them from the Hatch Act.

Mr. SPRINGER. As I understand, the original bill embraced both the employees of the Alaska Railroad and some other civilian employees there, all of whom are Government employees.

Mr. HOBBS. That is right, sir.

Mr. SPRINGER. This amendment merely limits it to the railroad employees?

Mr. HOBBS. That is right, sir. The distinguished gentleman from Indiana is a most faithful and able member of the subcommittee and, of course, of the full committee on the Judiciary, and is thoroughly familiar with the bill.

Mr. SPRINGER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent that the distinguished Delegate from Alaska [Mr. BARTLETT] may extend his remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BARTLETT. Mr. Speaker, enactment of H. R. 1497 will make it possible for employees of the Alaska Railroad to participate in the normal American manner in the activities of their communities. They will be allowed to join in everything having to do with the government of those communities along the Alaska Railroad. Heretofore, the exercising of such citizenship rights has been denied them by section 9 (a) of the so-called Hatch Act.

In many places, especially Anchorage, Alaska Railroad employees constitute a sizable percentage of the permanent residents. They are not transient in any sense of the word. They are there to stay. They are home owners, and they pay taxes, but since 1939 they have had no effective voice in the management of municipal government. That was wrong.

I am delighted to be able to report that H. R. 1497 has passed both the House and the Senate and will, I hope, be signed into law soon by the President. In its original form this bill was more inclusive, since it provided that all Federal employees living along the Alaska Railroad would be exempted from the provision of the Hatch Act referred to above. The bill as originally written passed the House without amendment, but in the Senate it was amended so that it was restricted to employees of the Alaska Railroad. Naturally, I should have much preferred that the amendment had not been adopted because municipal elections in Alaska are nonpartisan in every sense of the word, and I am convinced that the Hatch Act should not apply to them at all. However, on the theory that half a loaf is better than none at all, I hail passage of this bill as a forward step. I know its enactment will be highly pleasing to the almost 2,000 people who work

for the Alaska Railroad and who now may take a fuller and more complete part in managing the affairs of the Alaska communities concerned.

STATUTE OF LIMITATIONS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H. R. 2788, an act to limit the time during which certain actions under the laws of the United States may be brought, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That (a) section 16 (b) of the Fair Labor Standards Act of 1938, as amended (U. S. C., 1940 edition, title 29, sec. 216 (b)), is amended by inserting at the end thereof a new sentence reading as follows: 'No action may be maintained under this subsection in any court unless such action is commenced within 3 years after the cause of action accrued, except that if at any time during such 3 years proper process may not be served on the person liable by reason of his absence from the United States, the period of such absence shall be disregarded in computing such 3-year period.'

"(b) In the case of a cause of action under section 16 (b) of the Fair Labor Standards Act of 1938, as amended, which accrued 18 months or more prior to the date of the enactment of this act, and which on such date of enactment was not barred by any applicable statute of limitations, may, notwithstanding the amendment made by subsection (a) of this section, be maintained under such section 16 (b) if commenced within 6 months after such date of enactment, except that if at any time within the period of limitation under this subsection proper process may not be served on the person liable by reason of his absence from the United States, the period of such absence shall be disregarded in computing such period of limitation.

"(c) No liability for unpaid overtime compensation under section 16 (b) of the Fair Labor Standards Act of 1938, as amended, accrued prior to the date of the enactment of this act, shall be predicated in any case where it shall appear by a preponderance of the evidence that the employer in good faith regarded the employees as employees with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of the Motor Carrier Act, 1935.

"(d) Section 16 of the Fair Labor Standards Act of 1938, as amended (U. S. C. 1940 edition, title 29, sec. 216), is amended by inserting at the end thereof a new subsection reading as follows:

"'(c) No liability under subsection (b) shall be predicated in any case on any act done or omitted in good faith in accord with any regulation, order, or administrative interpretation or practice, notwithstanding that such regulation, order, interpretation, or practice may, after such act or omission, be amended, rescinded, or be determined by judicial authority to be invalid or of no legal effect.'

"SEC. 2. (a) Section 2 of the act of June 30, 1936, as amended, known as the Walsh-Healey Public Contracts Act (U. S. C., 1940 edition, title 41, sec. 36), is amended by inserting '(a)' after 'section 2.' and by inserting at the end of thereof a new sentence reading as follows: 'No action to recover any sum representing the amount of any deductions, rebates, refunds, or underpayment of wages or overtime compensation alleged to be due to any employee engaged in the performance of any contract to which this act is applicable may be maintained under this section in any court unless such action is commenced within 3 years after the cause of action accrued, except that if at any time during such 3-year period proper process may not be served on the person liable by reason of his absence from the United States, the period of such absence shall be disregarded in computing such 3-year period.'

"(b) In the case of a cause of action under section 2 of the act of June 30, 1936, as amended, known as the Walsh-Healey Public Contracts Act, to recover any sum representing the amount of any deductions, rebates, refunds, or underpayment of wages or overtime compensation alleged to be due to any employee engaged in the performance of any contract to which such act is applicable, which cause of action accrued 18 months or more prior to the date of the enactment of this act, and which on such date of enactment was not barred by any applicable statute of limitations, may, notwithstanding the amendment made by subsection (a) of this section, be maintained under such section 2 if commenced within 6 months after such date of enactment, except that if at any time within the period of limitation under this subsection proper process may not be served on the person liable by reason of his absence from the United States, the period of such absence shall be disregarded in computing such period of limitation.

"(c) Section 2 of such act of June 30, 1936, as amended, is further amended by inserting at the end thereof the following:

"'(b) No liability under this section shall be predicted in any case on any act done or omitted in good faith in accord with any regulation, order, or administrative interpretation or practice, notwithstanding that such regulation, order, interpretation, or practice may, after such act or omission, be amended, rescinded, or be determined by judicial authority to be invalid or of no legal effect.'"

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. BIEMILLER, Mr. MARCANTONIO, and Mr. GREEN objected.

The SPEAKER. Objection is heard.

RATES OF DIVIDENDS PAID BY FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 4423, an act to adjust the rate of dividends paid by the Federal Savings and Loan Insurance Corporation on its capital stock and to decrease the premium charge for its insurance, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 2, line 1, strike out "1945" and insert "1946."

Page 2, line 2, strike out "1945" and insert "1946."

Page 2, line 19, strike out "1945" and insert "1946."

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman from Kentucky explain the effect of the Senate amendments?

Mr. SPENCE. Mr. Speaker, this bill reduces the premiums paid by the savings and loan associations to the Federal Savings and Loan Insurance Corporation from one-eighth to one-twelfth of 1 percent, making it correspond with the premiums paid by the banks to the Federal Deposit Insurance Corporation.

The bill was unanimously reported by the Committee on Banking and Currency. It was passed by the House under unanimous consent and went to the Senate. It was unanimously reported by the committee in the Senate and passed the Senate by unanimous consent. The only amendment is a change in the effective date, which makes the date June 30, 1946, instead of June 30, 1945, which is an entirely proper amendment because of the delay in the passage of the bill.

Mr. MARTIN of Massachusetts. That is the only change?

Mr. SPENCE. That is the only change.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

HEALTH PROGRAMS FOR GOVERNMENT EMPLOYEES

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 2716, an act to provide for health programs for Government employees, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Strike out all after enacting clause and to insert:

"That, for the purpose of promoting and maintaining the physical and mental fitness of employees of the Federal Government, the heads of departments and agencies, including Government-owned and controlled corporations are authorized, within the limits of appropriations made available therefor, to establish by contract or otherwise, health service programs which will provide health service for employees under their respective jurisdictions: *Provided*, That such health service programs shall be established only after consultation with the Public Health Service and consideration of its recommendations, and only in localities where there are a sufficient number of Federal employees to warrant the provision of such services, and shall be limited to (1) treatments of on-the-job illness and dental conditions requiring emergency attention; (2) preemployment and other examinations; (3) referral of employees to private physicians and dentists; and (4) preventive programs relating to health: *Provided further*, That the health program now being conducted by the Tennessee Valley Authority and by the Panama Canal and Panama Railroad Company shall not be affected by the provisions of this act: *And provided further*, That such health programs as are now being conducted for other Federal employees may be continued until June 30, 1947. The Public Health Service, when requested to do so, shall review the health service programs being conducted by any department or agency under authority of this act and shall submit appropriate comment and recommendations. Wherever the professional services of physicians are authorized to be utilized under this

act, the definition of "physician" contained in the act of September 7, 1916, as amended (U. S. C., 1940 edition, title 5, sec. 790), shall be applicable."

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

Mr. REES of Kansas. Mr. Speaker, reserving the right to object, will the gentleman briefly explain this bill?

Mr. RANDOLPH. Mr. Speaker, this legislation, as amended in the Senate, would place final authority for the health programs within the governmental structure, under the United States Public Health Service rather than in the United States Civil Service Commission. The gentleman from Kansas [Mr. REES], the ranking minority member of the Civil Service Committee, and the other members of the committee agreed that this legislation, passed by this House and approved yesterday by the Senate is highly meritorious. Its operation brings about a coordination of the health programs within the Government service. Each agency must make its case before the Appropriations Committee before the program can legally be set in motion.

Mr. REES of Kansas. Mr. Speaker, I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

POSTAGE RATES ON DOMESTIC AIR MAIL

Mr. O'BRIEN of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5560, an act to fix the rate of postage on domestic air mail, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. O'BRIEN]. [After a pause.] The Chair hears none and appoints the following conferees: Mr. O'BRIEN of Michigan, Mr. TRAYNOR, Mr. LYLE, Mr. BUTLER, and Mr. COLE of Missouri.

MINERAL LEASING ACT

Mr. FERNANDEZ. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 75.

The Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 1236) to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes, be, and he is hereby, authorized to make the following correction, namely: In the language inserted in the conference report, in respect to House amendment No. 19, after the word "limits", the first word in such language, insert the words "are found by the Secretary to"; and after the phrase "where such lease", strike out the comma and the words "or a lease for which it is exchanged" and the comma; so that the language inserted in the conference report would read as follows:

"limits are found by the Secretary to exist on the effective date of this act, and (2) any production on a lease from an oil or gas deposit which was discovered after May 27, 1941, by a well or wells drilled within the boundaries of the lease, and which is determined by the Secretary to be a new deposit; (3) any production on or allocated to a lease pursuant to an approved unit or cooperative agreement from an oil or gas deposit which was discovered after May 27, 1941, on land committed to such agreement, and which is determined by the Secretary to be a new deposit, where such lease was included in such agreement at the time of discovery, or was included in a duly executed and filed application for the approval of such agreement at the time of discovery."

The SPEAKER. Is there objection to the request of the gentleman from New Mexico [Mr. FERNANDEZ]?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain this resolution?

Mr. FERNANDEZ. Mr. Speaker, in the passage of the conference report on the Mineral Leasing Act an error was made. The conferees all agreed, but in the preparation of the conference report, which was prepared under the supervision of the counsel for the Department of the Interior, an error crept in and some words were left out. The only purpose of this concurrent resolution, which has passed the Senate, is to make that correction.

Mr. MARTIN of Massachusetts. All it does it correct an error?

Mr. FERNANDEZ. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Senate concurrent resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING SOCIAL SECURITY ACT AND THE INTERNAL REVENUE CODE

Mr. DOUGHTON of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. KNUTSON. Mr. Speaker, I object.

COAST GUARD SITE AT MIAMI BEACH, DADE COUNTY, FLA.

Mr. BLAND. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2419) to amend further the act of April 6, 1938, as amended by the act of July 9, 1941, entitled "An act authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes."

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. BLAND. This Senate bill is identical with the bill that was reported by the Committee on the Merchant Marine and Fisheries of the House. I have talked with the gentleman from Massachusetts about it and also the ranking Republican member. It is a local matter at Fort Lauderdale, Fla.

Mr. MARTIN of Massachusetts. I know about this legislation. It comes from the committee with a unanimous report. I have no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of April 6, 1938 (52 Stat. 201), as amended by the act of July 9, 1941 (55 Stat. 580), is hereby further amended by adding a new section thereto reading as follows:

"SEC. 3. In addition to the authority granted by this act to exchange the existing Coast Guard site (commonly known as the Base Six property) located at Fort Lauderdale, Broward County, in the State of Florida, the Secretary of the Treasury is authorized to sell and convey said property to the municipality of Fort Lauderdale, Broward County, Fla., at not less than its fair market value, as determined by the board of Coast Guard officers referred to in section 1 hereof, and to devote the proceeds thereof, to the same purposes for which such property may be exchanged under the provisions of this act: *Provided*, That the municipality of Fort Lauderdale shall consummate such purchase not less than 6 months after the property is offered to said municipality for sale."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider and a similar House bill (H. R. 6910) were laid on the table.

AGRICULTURAL RESEARCH

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6932) to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products, with State amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 8, strike out "full" and insert "maximum."

Page 13, line 17, strike out "(a)" and insert "(b)."

Page 15, line 24, after "services," insert "To the maximum extent practicable marketing research work done hereunder in cooperation with the States shall be done in cooperation with the State agricultural experiment stations; marketing educational and demonstrational work done hereunder in cooperation with the States shall be done in cooperation with the State agricultural extension service; market information, inspection, regulatory work, and other marketing service done hereunder in cooperation with the State agencies shall be done in cooperation with the State departments of agriculture, and State bureaus and departments of markets."

Page 17, line 1, after "new" insert "or expanded."

Page 17, line 2, after "markets" insert "(domestic and foreign)."

Page 17, line 2, after "new" insert "and expanded."

Page 17, line 4, strike out "elsewhere" and insert "abroad."

Page 21, line 1, strike out "research."

Page 21, line 1, after "marketing" insert "service and in marketing research."

Page 21, line 9, after "marketing" insert "services and for marketing."

Page 21, line 12, strike out "research."

Page 21, line 18, strike out "research."

Page 24, line 18, after "products," insert "fish and shellfish."

Page 26, line 3, strike out all after "programs." over to and including line 3, on page 27.

Page 27, line 6, strike out all after "designate." down to and including "committee" in line 10, and insert "The committee shall consist."

Page 27, line 11, strike out all after "organizations" down to and including "committee" in line 13.

Page 27, line 13, strike out "executive."

Page 27, lines 15 and 16, strike out "such advisory or executive committees" and insert "the committee."

Page 27, line 17, strike out "ex officio members" and insert "chairman."

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. SMITH of Ohio. Mr. Speaker, reserving the right to object, what is the cost of this program?

Mr. FLANNAGAN. The initial cost will be around $9,000,000. It is a bill that was unanimously reported by the House Committee on Agriculture after investigating the agricultural marketing situation for some 2 years.

The bill was unanimously passed by the House.

It went to the Senate and was unanimously reported by the Senate Committee with an amendment.

It was passed by the Senate by unanimous vote.

This bill through research, attempts to do for agriculture just what research has done for industry. It covers production research, utilization research, and marketing research. Moreover, with respect to marketing of agricultural products it brings into play all State, Federal and private agencies engaged in the distribution of agricultural products in order to reduce, as far as possible, the spread between the farm and the table. This bill was reported out after thorough study. As I said, the Committee spent some 2 years investigating agricultural marketing and distribution. Title II of the bill is the answer we found to marketing of agricultural products. I believe it is the correct answer.

We had before the committee the leading authorities in this country on agricultural marketing, as well as the farmers, the processors, and distributors, and we think we have at last approached the problem in a practical way and in such a way that we will be able to reduce the enormous spread that today exists, and has existed in the past, between the farmer and the ultimate consumer. In my opinion the program will save not only the farmers but the consumers millions of dollars each year.

Mr. SMITH of Ohio. How are these funds distributed with respect to the States?

Mr. FLANNAGAN. We set up three separate and distinct research programs—production research, utility research, and marketing research—and most of the funds will go back to the States on a 50-50 matching basis.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. GROSS. Mr. Speaker, I object.

Mr. FLANNAGAN. Mr. Speaker, I move that the House concur in the Senate amendments.

The SPEAKER. The question is on the motion.

Mr. GROSS. Mr. Speaker, I withdraw my objection to the previous request.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONSERVATION OF WILDLIFE, FISH, AND GAME

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6097) to amend the act of March 10, 1934, entitled "An act to promote the conservation of wildlife, fish, and game," and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 6, strike out all after line 21, over to and including line 15 on page 7.

Page 7, line 16, strike out "8" and insert "7."

Page 7, line 21, strike out "9" and insert "8."

Page 8, line 1, strike out "10" and insert "9."

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. AUGUST H. ANDRESEN. Mr. Speaker, reserving the right to object, as I understand it, the Senate has stricken section 7 from this bill?

Mr. FLANNAGAN. That is right.

Mr. AUGUST H. ANDRESEN. I regret that the Senate saw fit to strike section 7 from the bill. This section, which passed the House by a unanimous vote, was vital to conservation of fish and other wildlife resources in water areas under the control of the War Department. It sought to assure adequate water levels, without injuring navigation, in pools created by dams for fish and other wildlife resources. Millions of fish have been destroyed by unnecessary draw-down of the water in pools, under orders of the War Department. The War Department has failed to fully cooperate with conservation authorities for the protection of fish, and therefore, there is a need for the provisions of section 7, which was stricken from the bill in the Senate at the instance of the War Department.

The Senate Committee on Agriculture and Forestry prepared amendments to section 7, which should have removed the objections of the War Department. But such amendments did not satisfy the War Department engineers, who demanded that the entire section be stricken. In this connection, I would like to state, that it is the function of Congress to legislate and determine policies for all Government departments, including the War Department. We should not tolerate dictatorial lobbying by any official, which is the case in the present instance. If Congress is not able to determine public policy, this body might as well abrogate to the executive departments, which has been largely done during the past 12 years. As a Member of this Congress I refuse to surrender my prerogatives to any official or agency of the Government on legislative matters.

If it were not for the fact that Congress is about to adjourn, and only two legislative days remain, I would insist that this bill go to conference to restore section 7. To ascertain the prospects for such a move, I have conferred with certain Senators, who advise me that there is no possible chance for the legislation to be considered by a conference committee, and be acted upon in both House and Senate before adjournment on Friday. Therefore, if such a policy is followed, the entire bill will fail of passage in the present session, and, as much as I desire the passage of section 7, I do not want to assume the responsibility for defeating the other excellent provisions of H. R. 6097.

However, I want to serve notice now, that when the new Congress begins in January, I will reintroduce the provisions of section 7, and will press for early action by both House and Senate, notwithstanding the opposition of the War Department.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman tell us what the legislation is?

Mr. FLANNAGAN. Mr. Speaker, the gentleman from Minnesota and the gentleman from Virginia [Mr. ROBERTSON] have taken a leading part in this legislation. May I say that one reason why I have agreed to concur in the Senate amendments is because in the opinion of the gentleman from Minnesota that is the best course to pursue at this time. I fully agree with the gentleman that new legislation should be introduced at the beginning of the next session.

Mr. AUGUST H. ANDRESEN. I want to explain that this bill does not cost any money. It provides that the various Federal agencies in dealing with conservation and wildlife shall cooperate and have a common objective in protecting the interests of the wildlife in this Nation.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ADMINISTRATION OF INDIAN AFFAIRS

Mr. STIGLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 4386) to

facilitate and simplify the administration of Indian affairs, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, after "Affairs", insert ", insofar as such powers and duties relate to action in individual cases arising under general regulations promulgated by the Secretary of the Interior pursuant to law."

Page 2, line 3, after "Affairs", insert "Such delegated powers shall be exercised subject to appeal to the Secretary, under regulations to be prescribed by him, or, as from time to time determined by him, to the Under Secretary or to an Assistant Secretary of the Department of the Interior, or to the Commissioner of Indian Affairs."

Page 2, line 9, after "law", insert ", nor shall anything in this act be deemed to convey authority to delegate any power to issue regulations."

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill and the Senate amendments?

Mr. STIGLER. All this bill does is decentralize certain powers from the Secretary of the Interior and delegating them to the Commissioner of Indian Affairs and on down to the superintendent. All that the Senate amendments do is to make sure that the Secretary of the Interior retains the power of delegation.

Mr. MUNDT. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from South Dakota.

Mr. MUNDT. This bill has the unanimous support of the Committee on Indian Affairs, and it passed the House overwhelmingly. We are simply clarifying the language.

Mr. STIGLER. That is all the amendments do.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

KEETOOWAH INDIANS OF THE CHEROKEE NATION IN OKLAHOMA

Mr. STIGLER submitted conference report and statement on the bill (H. R. 341) relating to the status of Keetoowah Indians of the Cherokee Nation in Oklahoma, and for other purposes.

CONSERVATION OF FISHERY RESOURCES OF THE COLUMBIA RIVER

Mr. JACKSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2318) to amend the act of May 11, 1938, for the conservation of the fishery resources of the Columbia River and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this legislation?

Mr. JACKSON. Mr. Speaker, the purpose of this bill is to authorize the official Wildlife Service to coordinate their activities and their work with the States fisheries departments of Oregon, Idaho, and Washington. The bill does not involve any expenditure of money. It is merely a piece of legislation to make that coordination legally possible.

Mr. ANGELL. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Oregon.

Mr. ANGELL. I am correct, am I not, that this is agreed to by the various State conservation departments, and it is only to secure greater cooperation?

Mr. JACKSON. That is correct. The Governors of the three States, through their fisheries departments, have requested this legislation.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act of May 11, 1938 (52 Stat. 345), entitled "An act to provide for the conservation of the fishery resources of the Columbia River, establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho, and for the conduct of necessary investigations, surveys, stream improvements, and stocking operations for these purposes," is amended by deleting therefrom the comma after the word "construct" as it appears therein and inserting in lieu thereof the word "and" and by deleting the words "and maintain."

SEC. 2. Section 3 of said act is hereby amended to read as follows:

"In carrying out the authorizations and duties imposed by section 2 of this act, the Secretary of the Interior is authorized to utilize the facilities and services of the agencies of the States of Oregon, Washington, and Idaho responsible for the conservation of the fish and wildlife resources in such States, under the terms of agreements entered into between the United States and these States, without regard to the provisions of section 3709 of the Revised Statutes, and funds appropriated to carry out the purposes of this act may be expended for the construction of facilities on and the improvement of lands not owned or controlled by the United States: *Provided*, That the appropriate agency of the State wherein such construction or improvement is to be carried on first shall have obtained, without cost to the United States the necessary title to, interest therein, rights-of-way over, or licenses covering the use of such lands."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REGULATING COMMUNICABLE AND PREVENTABLE DISEASES IN THE DISTRICT OF COLUMBIA

Mr. HEALY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H. R. 4410, an act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 10, after line 22, insert:

"SEC. 11. With respect to all persons who, either on behalf of themselves or their minor children or wards, rely in good faith upon spiritual means or prayer in the free exercise of religion to prevent or cure disease, nothing in this act shall have the effect of requiring or giving any health officer or other person the right to compel any such person, minor child or ward, to go to or be confined in a hospital or other medical institution unless no other place for quarantine of such person, minor child, or ward can be secured, nor to compel any such person, child, or ward to submit to any medical treatment."

Page 10, line 23, strike out "11" and insert "12."

Page 11, line 1, strike out "12" and insert "13."

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this legislation?

Mr. HEALY. This legislation has been passed by both the House and the Senate. The purpose of the legislation is to strengthen the hand of the District Health Department in regard to communicable diseases; in other words, to prevent those who have such diseases from mixing with other people in the community until such time as they have been cured. It refers more particularly to venereal diseases and tuberculosis.

One amendment added by the Senate exempts members of the Christian Science Church and any other faith which does not believe in the usual medical treatment. It exempts them from taking such treatment but does require that they remain in quarantine the same as everybody else.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the gentleman from California?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

MOSES TENNENBAUM

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2485) for the relief of Moses Tennenbaum, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That in the administration of the immigration laws, relating to the issuance of immigration visas for admission to the United States for permanent residence and relating to admissions at ports of entry of aliens as immigrant for permanent residence in the United States, the provisions of section 3 of the Immigration Act of 1917 (39 Stat. 875), as amended (U. S. C., title 8, sec.

136 (e)), which exclude from admission into the United States 'persons who have been convicted of or admit having committed a felony, or other crime or misdemeanor involving moral turpitude' shall not hereafter be held to apply to Moses Tennenbaum on account of offenses alleged to have been committed in connection with obtaining a passport or a visa for admission to the United States. If he is found otherwise admissible under the immigration laws, an immigration visa may be issued and admission granted to Moses Tennenbaum under this act upon application hereafter filed."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. REES of Kansas. Reserving the right to object, Mr. Speaker, will the gentleman from Michigan explain the bill and the Senate amendment?

Mr. LESINSKI. Mr. Speaker, it developed in the hearings that two American GI's wanted to bring their fathers to this country. Some trouble arose and certain passports were held back. It was necessary for private bills to be passed to permit them to come into this country.

Mr. REES of Kansas. There is no objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

NATURALIZATION OF CERTAIN FORMER CITIZENS OF THE UNITED STATES

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 434) to provide that nationals of the United States shall not lose their nationality by reason of voting under legal compulsion in a foreign state, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That section 323 of the act of October 14, 1940 (54 Stat. 1149), entitled 'An act to revise and codify the nationality laws of the United States into a comprehensive nationality code,' as heretofore amended, is hereby further amended by adding thereto the following paragraph:

"'A person who, while a citizen of the United States and prior to the effective date of this amendment, has lost citizenship of the United States by voting in a political election in a foreign state other than a state at war with the United States during the Second World War may, if he so desires, be naturalized by taking, prior to 1 year from the enactment of this amendment, before any naturalization court specified in subsection (a) of section 301, or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 335. Certified copies of such oath shall be sent by such diplomatic or consular officer or such court to the Department of State and to the Department of Justice. Such persons shall have, from and after naturalization under this section, the same citizenship status as that which existed immediately prior to its loss.'"

Amend the title so as to read: "An act to provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship through voting in a political election in a country not at war with the United States during the Second World War."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. REES of Kansas. Reserving the right to object, Mr. Speaker, will the gentleman explain the Senate amendment?

Mr. LESINSKI. A statement made by Senator FULBRIGHT yesterday on this matter is as follows:

The act of 1940 contained a provision to the effect that anyone who voted in a foreign election would lose his American citizenship. The fact of the matter is that immediately after the law went into effect, the war was on and there was no practical way for people living in other countries to know about this law.

There are between 30 and 40 American women who have found themselves in that class. That is the reason for this legislation. It will not affect anyone hereafter.

Mr. REES of Kansas. There is no objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CERTAIN BASQUE ALIENS

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1402) for the relief of certain Basque aliens, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 8, after "Mendiola", insert "Juan Pedro Equibegui (alias Raymond Etchevers), Miguel Iriarte."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. REES of Kansas. Reserving the right to object, Mr. Speaker, will the gentleman explain the Senate amendment?

Mr. LESINSKI. In the hearings it developed that there are several mountaineers called the Basques who have come in from Spain. These people are found out in the Rockies. They do nothing but herding. This bill passed the House, and the Senate has added two additional names to the original bill.

Mr. REES of Kansas. There is no objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. KELLEY of Pennsylvania asked and was given permission to extend his remarks in the RECORD and include a letter, and further to extend his remarks on the subject of the libraries of Pennsylvania.

Mr. McGLINCHEY asked and was given permission to extend his remarks in the RECORD.

DISCHARGE PETITIONS NOS. 3 AND 4

Mr. BUCHANAN. Mr. Speaker, my predecessor, the Honorable Samuel A. Weiss, signed discharge petitions Nos. 3 and 4. I desire to have my name entered on those petitions and ask unanimous consent that my predecessor's name be removed so that I may sign the said discharge petitions.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXTENSION OF REMARKS

Mr. RABAUT asked and was given permission to extend his remarks in the RECORD.

Mr. BELL asked and was given permission to revise and extend the remarks he made earlier in the day and to include an article marked "Presidential Pay by J. G. Hayden."

SPECIAL ORDER GRANTED

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that the special order for 1 hour which I have for this afternoon be postponed until tomorrow following the other special orders.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. JUDD asked and was given permission to extend his remarks in the RECORD and include an article.

Mr. WHITE asked and was given permission to extend his remarks in the RECORD in two instances, to include articles in each instance.

Mr. MURRAY of Wisconsin asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. MUNDT asked and was given permission to extend his remarks in the Appendix of the RECORD and include therein a supplemental statement of the managers on the part of the House in connection with the Indian Claims Commission bill which passed the House yesterday.

Mr. GOODWIN asked and was given permission to extend his own remarks in the RECORD and include an editorial.

Mr. HINSHAW. Mr. Speaker, in reference to veterans' housing, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include a statement by a reliable contractor and a table of costs comparing previous years with the costs at the present time.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

BRITISH VIOLATE LOAN AGREEMENT

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks, and include an article from a Canadian paper.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, on June 18, I informed the House a bilateral agreement was about to be made between Canada and Great Britain for wheat. The British loan bill was then pending in the House and my prediction of a wheat agreement met with widespread denial in official circles in Britain, Canada, and the United States.

On July 25, before the ink was dry on the British loan papers, Canada and Britain announced their wheat deal. I have here in my hand a press release made jointly in Ottawa and London, describing this wheat deal. It is bilateral and exclusive in every sense of the word. It effectively takes away a large market from the United States producer. It also covers substantial quantities of flour and will have a serious effect upon our milling industry.

This deal runs until 1950 and covers 160,000,000 bushels of wheat per year in the early years. This is enough wheat to feed the 45,000,000 people in the British Isles at the rate of over 3½ bushels per capita per annum, very close to the United States consumption in normal years and probably above our present restricted consumption.

Now we hear of British missions in Argentina, Australia, and other producing countries, seeking to make similar bilateral deals. The British are going into the wheat export business with our money but not with our wheat. The trail has been blazed with the Canadian deal. A precedent has been established. All of this international fancy talk has been scrapped. Not one word of protest has been heard from our State Department. Our producers have again been sold out by the Government.

As I have stated before, it is time that the United States Government required some guaranties for the protection of our producers in these so-called loan agreements. It is about time we stopped financing the destruction of the export markets of the American farmer.

ANGLO-CANADIAN WHEAT AGREEMENT

1. Following is the text of a statement which will be made in the Canadian House of Commons by the Minister of Trade and Commerce and in the United Kingdom by the Minister of Food at 10 a. m. Washington time on July 25.

"Agreement has been reached between the Government of the United Kingdom and the Government of Canada for the purchase by the former of Canadian wheat over the 4 years beginning August 1, 1946. The agreement provides that the United Kingdom will purchase and the Canadian Government will supply the following quantities each year: 1946–47, 160,000,000 bushels; 1947–48, 160,000,000 bushels; 1948–49, 140,000,000 bushels; 1949–50, 140,000,000 bushels. The Canadian Government have undertaken that in the event of good harvests larger quantities would be provided in the first 2 years. Part of the quantity of wheat specified in the contract will be supplied in the form of flour to the following amounts: 1946–47, 500,000 tons firm with an additional quantity up to 140,000 tons dependent upon the out-turn of the crop; 1947–48, 400,000 tons firm with an additional quantity up to 140,000 tons dependent upon the out-turn of the crop; 1948–49, a minimum of 300,000 tons, the actual tonnage to be negotiated by July 1, 1947; 1949–50, a minimum of 300,000 tons, the actual tonnage to be negotiated by July 1, 1948. The price which the United Kingdom Government undertake to pay for the wheat supplied is as follows: 1946–47, a fixed price of $1.55 per bushel; 1947–48, a fixed price of $1.55 per bushel; 1948–49, a minimum price of $1.25 per bushel, the actual price to be negotiated by December 31, 1947; 1949–50, a minimum price of $1 per bushel, the actual price to be negotiated by December 31, 1948. The contract provides that its terms and conditions shall be subject to any modification or amendment which may be necessary to bring it into conformity with any international agreements or arrangements later concluded to which both Governments are parties. Nothing in the agreement will affect decisions which may be taken on the basis of recommendations of the IEFC.

"The contract is based upon commercial considerations of mutual interest. It ensures to the United Kingdom substantial quantities of wheat during the expected period of shortage at prices below those which would be payable were there to be a free market at the present time. The price specified in the contract for the first year is 30 percent below the current United States price and still more below the open market price in Argentina. This is the commercial advantage which the United Kingdom secures. In the later period of the contract, Canada receives the advantage of a guaranteed market though for a diminished quantity and a minimum price. In determining the actual price in the last 2 years, regard will be had to the extent to which the agreed price for the first 2 years falls below the world price for that period. Her farmers are therefore protected from crippling losses should there be a world slump in wheat prices. This is the commercial advantage which Canada secures. This balancing of long-term advantages with short-term advantages and vice versa is common commercial practice."

EXTENSION OF REMARKS

Mr. DIRKSEN (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks in the RECORD and include two editorials.

Mr. MARTIN of Iowa asked and was given permission to extend his remarks in the Appendix on the subject of the privilege and duty to vote on election day.

Mr. CHELF asked and was given permission to revise and extend his remarks in the Appendix of the RECORD and include an editorial from the Louisville Courier-Journal.

TRANSPORTATION FOR AMPUTEES

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, many of the Members have asked what is going to happen next on the amputee bill since it was objected to under unanimous consent. I am so grateful to the 177 Members who have signed petition 32 to bring this bill on the floor for consideration. Of course, it is too late for that before we adjourn. But the President may call the Congress back into session before the end of this year and then if the necessary number of signatures are on the petition, H. R. 6304 can be taken up for action. The chairman of the Committee on Rules, the gentleman from Illinois [Mr. SABATH], told me that he was going to have a rule considered by the Committee on Rules tomorrow morning at 10:30 a. m. I spoke to the chairman of the Committee on World War Veterans' Legislation for a moment about it. The Committee on World War Veterans' Legislation authorized him to use every method to bring H. R. 7171 to the floor. There is so much reason for the passage of this bill, Mr. Speaker, because it means everything to the boys to have some sort of car with which to get about when they get out of the hospital and get to work. These veterans want to work. It opens up a new world to them. Without a car, thousands will not be able to get a job.

The Army has done a perfectly magnificent job in training the amputees and paraplegics to drive automobiles up to the time they leave the hospital. The double amputees and even the triple amputees drive well. I have driven with them.

The SPEAKER. The time of the gentlewoman from Massachusetts [Mrs. ROGERS] has expired.

Mrs. ROGERS of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentlewoman will state it.

Mrs. ROGERS of Massachusetts. I understand the Speaker has the right to recognize Members to move to suspend the rules for 6 days——

The SPEAKER. The Chair has not been granted any authority to suspend the rules this week.

Mrs. ROGERS of Massachusetts. That is not my question, Mr. Speaker. The parliamentary procedure after the sine die resolution has been passed by the Senate, then any Speaker has the right to recognize to suspend the rules if he so wishes?

The SPEAKER. That is correct.

EXTENSION OF REMARKS

Mr. HAYS asked and was given permission to extend his remarks in the Appendix of the RECORD and make certain comments regarding the President's appointment of E. G. Nourse to the Economic Council.

Mr. MURDOCK asked and was given permission to extend his remarks in the RECORD in two instances.

WAGNER-ELLENDER-TAFT HOUSING BILL

Mr. ROWAN. Mr. Speaker, I ask unanimous consent to address the House

for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROWAN. Mr. Speaker, I should like to say a few words on behalf of those members of the Illinois delegation who have been deeply concerned over the failure of this House to act upon the Wagner-Ellender-Taft housing bill. Our constituents expected us to vote favorably upon this legislation. Our unpleasant task now is to go back with the explanation that we were denied an opportunity to vote at all.

We intend to make very clear, however, our determination to seek action on this bill at the first opportunity. This essential piece of legislation, designed to alleviate the Nation's chronic undersupply of decent housing, has not been defeated or indefinitely pigeonholed, but merely postponed for a brief period.

There is strong bipartisan support for this bill in both House and Senate. We hope that a special session will give the House an early opportunity to take up this bill and pass it. If there is no special session, the Senate may be expected to reenact it promptly in January, and the House must be alert to follow with rapid approval. With every day that passes, the need for the Wagner-Ellender-Taft bill will become more acute. The present delay in its passage is most unfortunate. That delay must not be prolonged by one unnecessary day.

This bill responds to a number of critical housing problems, and, by offering a specific solution to each of them, will assure the large-scale production of housing for veterans at all income levels. Without this legislation, of course, veterans who can afford to buy new houses costing $9,000 or $10,000 will soon be able to do so in any event. But the great mass of veterans, those who can pay no more than $5,000 or $6,000, those who are not prepared to buy at all and who need moderate-cost rental housing, and those in the lowest-income group who need public low-rent housing—for all these veterans, the Wagner-Ellender-Taft bill will remain as "must" legislation.

SPECIAL ORDER GRANTED

Mr. GORE. Mr. Speaker, I ask unanimous consent that after the business on the Speaker's desk and any other special orders today, I may address the House for 10 minutes and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. RAMEY] is recognized for 30 minutes.

BUREAUCRATS

Mr. RAMEY. Mr. Speaker, a short time ago on this floor, one of our most distinguished Members arose during the debate on atomic energy control, and said:

Mr. Speaker, on this floor now there is confusion confounded. Therefore I will not speak at this time.

He was admitting defeat, at any rate temporary defeat, in a search for truth. He expressed the frustration of most of his colleagues.

What is truth? Why, truth surely is that which conforms to the facts.

But too often those who honestly seek truth in Washington get the "push around." We ask for facts, and the person at the other end of the telephone wire exhorts us to take the "broad view," or suggests we grasp the "over-all picture," and reminds us of the "long range." Or, most maddening of all, he "refers" us to someone else, or to some later date. Most of us would rather take 20 lashes than hear the slogans used so commonly in Washington as a subterfuge to answering questions.

If I could rule Washington for a day, I would discharge all those Government employees who "refer," and I would thereby cut the Federal pay roll in half without loss of work accomplished.

We in Congress, however, are not guiltless in the matter of distorting the truth. We fall into the error of labeling great groups of people with names which have come to be uncomplimentary. It would be wholesome, I believe, if we stopped using the words "demagog," "bureaucrat," "Communist," and "Fascist," except in those few isolated instances where we can use them exactly.

I have heard the quips that a demagog is the other fellow making a speech, and a bureaucrat is the fellow holding the job you want. There is a good deal of truth underlying those definitions. Actually, a demagog is one who plays an insincere role in politics. We know that there are few of those among us. The great majority of us are working hard to try to do the job as we believe it should be done. It ill befits any of us to call the others demagogs. Similarly, a bureaucrat is actually someone who works in a bureau. Subtract from their ranks the number who "refer" when they should "answer," and the remainder are hard-working servants of government. We are shading truth when we lump them together in one objectionable category.

As for Fascist and Communist, those words are probably the two most loosely used in the United States today, and almost always they are used without strict adherence to truth. Each, in its way, suggests conditions Americans dislike and distrust. The former brings to mind the starter of the recent world war. They are terrible words to use indiscreetly.

What is a Communist? By sloppy, popular definition, just about anyone. Probably you have been called one. I know I have. Anyone with a liberal idea today is in danger of being called a Communist.

Even the words "Republican" and "Democrat" have come to be distorted, so that their original meanings are hard to find in the innuendoes that slur about their use today. The original Republican was a man who could not tolerate the concept of human slavery. The original Democrat was the man who could not tolerate the idea of being governed by a system in which he had no direct voice. Both are honorable origins.

Perhaps we in Congress, who are targets for so much of this distorted language, can set an example of factual communication by pruning our own oratory to the simple pattern of truth.

The SPEAKER. Under previous order of the House, the gentleman from Tennessee [Mr. GORE] is recognized for 10 minutes.

AMENDING THE SOCIAL SECURITY ACT

Mr. GORE. The Senate today passed H. R. 7037 with amendments. A few moments ago the Senate notified the House of this action and requested a conference with the House to the end that differences in the two bills might be resolved and legislation enacted. The distinguished gentleman from North Carolina [Mr. DOUGHTON], chairman of the Ways and Means Committee, asked unanimous consent to take the bill from the Speaker's desk and agree to go into conference with the Senate. This request, as the RECORD will show, was objected to by the gentleman from Minnesota [Mr. KNUTSON], ranking minority member of the Ways and Means Committee.

This objection, Mr. Speaker, may mean the death knell of this bill. It may mean the death knell to the hopes of the millions of our needy old people, of our many thousands of blind persons who direly need more assistance, and of many, many dependent children who cannot yet speak for themselves. Unless in the interest of the veterans who would be benefited by passage of this bill; unless in the interest of freezing the Social Security tax rate, which in the absence of legislation will increase to 2½ percent for both employee and employer on January 1, 1947; unless in the interest of our needy old people, the blind, and dependent children whose benefits would be greatly increased by the passage of the Senate bill, particularly the needy old people, the blind, and the dependent children of the State of Minnesota, who by terms of the Senate bill would receive an increase in Federal assistance allotments for the State of Minnesota of $3,932,000; unless in the interest of our merchant seamen, who would be greatly benefited by passage of this legislation, the gentleman from Minnesota consents to withdraw his opposition, this bill cannot even be sent to conference except through a long-drawn-out parliamentary procedure which may mean its final defeat.

The bill which the Senate passed is a decided improvement over the bill which passed the House. Under the bill as passed by the House many States would not have received any additional Federal funds for the aged, the blind, or dependent children. Under the bill which passed the Senate, however, every State will receive additional Federal funds. I insert below a table which shows how the House bill and the Senate bill would apply to each State:

Comparison of increased annual Federal expenditures for old-age assistance, aid to dependent children, and aid to the blind, over current expenditures under title V of bill [1] as passed by the House and bill as passed by the Senate, and Federal matching percentages under Senate bill

[Based on operations July–December 1945]

State	Increased cost under—		Federal matching percentages under Senate bill [2]
	Bill as passed by House	Bill as passed by Senate	
Total	$56,179,000	$144,876,000	54
Alabama	37,000	4,014,000	66⅔
Alaska	70,000	70,000	50
Arizona	392,000	798,000	59
Arkansas	3,000	3,320,000	66⅔
California	11,717,000	11,717,000	50
Colorado	2,655,000	3,595,000	53
Connecticut	805,000	805,000	50
Delaware	25,000	25,000	50
District of Columbia	122,000	122,000	50
Florida	147,000	4,681,000	60
Georgia	3,000	5,413,000	66⅔
Hawaii	55,000	55,000	50
Idaho	294,000	731,000	55
Illinois	3,963,000	3,963,000	50
Indiana	360,000	360,000	50
Iowa	728,000	2,079,000	53
Kansas	800,000	1,745,000	54
Kentucky	0	3,980,000	66⅔
Louisiana	871,000	6,554,000	66⅔
Maine	193,000	583,000	53
Maryland	48,000	48,000	50
Massachusetts	7,408,000	7,408,000	50
Michigan	2,110,000	2,110,000	50
Minnesota	1,032,000	3,932,000	56
Mississippi	[3]	3,224,000	66⅔
Missouri	88,000	4,878,000	56
Montana	197,000	197,000	50
Nebraska	334,000	1,776,000	57
Nevada	80,000	80,000	50
New Hampshire	122,000	602,000	58
New Jersey	795,000	795,000	50
New Mexico	263,000	1,105,000	66⅔
New York	7,467,000	7,467,000	50
North Carolina	5,000	3,788,000	66⅔
North Dakota	450,000	1,073,000	57
Ohio	990,000	990,000	50
Oklahoma	1,017,000	9,151,000	66⅔
Oregon	802,000	802,000	50
Pennsylvania	2,950,000	2,950,000	50
Rhode Island	382,000	382,000	50
South Carolina	0	2,646,000	66⅔
South Dakota	108,000	1,200,000	60
Tennessee	14,000	5,397,000	66⅔
Texas	0	16,914,000	62
Utah	537,000	805,000	52
Vermont	4,000	288,000	57
Virginia	153,000	1,099,000	59
Washington	4,610,000	4,610,000	50
West Virginia	3,000	2,810,000	66
Wisconsin	850,000	1,552,000	52
Wyoming	116,000	184,000	52

[1] Maximum Federal payment of $25 for old-age assistance and aid to the blind; for aid to dependent children, $13.50 for the first child and $9 for each additional child.
[2] Based on per capita incomes of 1941–43 as reported by the Department of Commerce.
[3] Less than $500.

You will note from the above table, Mr. Speaker, that the Senate has passed a variable grant formula by which Federal Social Security assistance funds will be available to the States for matching purposes on a scale which recognizes the disparity in the abilities of respective States to finance public assistance for their needy citizens. The present 50–50 basis of Federal participation, by which the Federal Government matches dollar for dollar the amount provided by the State up to a $20 matching maximum, does not recognize differences in the ability of States to finance public assistance, nor does it recognize the relatively much greater effort now being made by the poorer States to finance public assistance than by the richer States; neither does it recognize the greater incidence of poverty in the States with the lowest per capita income.

Merely to raise the Federal matching maximums on individual payments, as would the bill which passed the House, without at the same time providing some equitable aid to the low-income States which need help most, will only increase the very inequities which we should seek to minimize in a spirit of social justice. At present, the Federal Government is paying more than three times as much to an eligible needy person in some States as in others. The House-passed bill would only widen this disparity. In other words, the House-passed bill would give more to those who are least in need and give nothing to those most in need.

The Senate bill proposes an increase in the proportion of cost borne by the Federal Government in the States with per capita income below the per capita income for the Nation. The share of the cost to be paid by each low-income State will depend upon how its per capita income compares with that for the country as a whole. The State proportion will be equal to one-half the percentage which its per capita income is of the national per capita income. For example, a State whose per capita income is only 80 percent of the national per capita income would contribute 40 percent of its expenditures for assistance; the Federal share would be 60 percent in this State. All States whose per capita income falls below two-thirds of the national per capita income will pay 33⅓ percent of assistance costs from State and local funds and will receive 66⅔ percent of such costs from Federal funds.

No change in relative State and Federal shares of assistance payments is proposed for the States with per capita income equal to or greater than that for the Nation. In no State will the increased Federal share apply to individual payments in excess of $50 in an old-age assistance and aid to the blind, and, in aid to dependent children, in excess of $27 for the first child in the home and $18 for each additional child. Though, under the Senate bill, the Federal Government stands ready to pay a larger percentage of the cost of individual payments in low- than in high-income States, it will not contribute a larger sum to any payment in low-income States than in those with relatively more resources.

This variable grant formula was recommended by the Social Security Board. It is well thought out, but not complicated. It is a step in the direction of equality of treatment of needy citizens by the Federal Government.

Another very beneficial part of the bill is title II, which gives benefits to veterans of World War II. Regarding benefits to veterans, the Senate report advises in part:

TITLE II—BENEFITS IN CASE OF DECEASED WORLD WAR II VETERANS

The purpose of this title is to bridge the gap in survivorship protection which a serviceman experiences when he shifts from wartime military service to established civilian employment. It undertakes to do this by adding a new section to the Social Security Act, section 210, which provides survivors insurance protection for a period of 3 years following discharge from the armed forces to veterans who were in active military or naval service of the United States after September 16, 1940, and prior to the termination of World War II.

In general, an individual must fulfill one of two requirements in order to be insured for survivors' benefits under the old-age and survivors' insurance program. Either he must have worked in employment under the program for approximately half of the time elapsing after 1936, or after age 21, and prior to the time of his death or he must have worked in covered employment for one-half of the 3 years immediately preceding his death. Since service in the armed forces is not credited for old-age or survivors' insurance purposes, many veterans upon discharge from service will have lost whatever protection they may have acquired under the program or by reason of their military service will have failed to gain the protection they might otherwise have acquired. Moreover, in computing a veteran's "average monthly wage" upon which old-age and survivors' insurance benefits are based, it is usually necessary under present law to include in the computation the months in which the veteran was in service, even though wages are not credited for these months. Consequently, even where the veteran does not lose his protection entirely by reason of his military service, his average wage and the benefits based on it will be reduced.

After the veteran has been back in civilian life for a reasonable period, he can be expected to have gained or regained his insurance protection. It is thought that 3 years is a reasonable time within which the veteran may be expected to acquire or reacquire old-age and survivors' insurance protection since he need only work during one-half of the 3 years immediately prior to death in order to have survivorship protection. In consequence, this section provides survivorship protection to the veteran's family for 3 years after discharge from service.

The amendment also provides for a minimum "average monthly wage" for the veteran during the 3-year period. This provision is needed to insure payment of adequate benefits.

Title I of the bill amends the Federal Insurance Contributions Act so as to fix employee and employer contribution rates at 1 percent each for the calendar year 1947. In other words, H. R. 7037 freezes the Social Security tax rate for another year. In the absence of legislation, the tax rate will advance to 2½ percent on both employee and employer on January 1, 1947. Although I am opposed to freezing the Social Security tax rate, I do not believe it should be allowed to suddenly jump from a 2 percent pay-roll tax to 5 percent. There should be an increase, in my opinion, but it should be an orderly increase, not such an abrupt jump. Indeed, the whole theory of the gradual increase provided in the original Social Security Act was to prevent such sudden shocks to the economy as would happen on January 1, 1947, without legislation as well as to build up in an orderly way sufficient funds to meet the liabilities that are sure to pyramid within a comparatively short time.

Title 3 would give unemployment compensation benefits to maritime workers. The purposes of this title are:

First. To effect permanent coverage of maritime employment under State unemployment compensation systems; and

Second. To provide temporary protection for persons whose maritime employment has been with general agents of

the War Shipping Administration and thus has been technically Federal employment.

To accomplish the first of these purposes the Federal Unemployment Tax Act is amended to extend coverage to private maritime employment—with the same definition of maritime employment as was used in extending old-age and survivors' insurance to maritime employment in 1939.

Our social-security program needs to be broadened and improved. The Senate bill is the very minimum that we should do now.

Unless the gentleman from Minnesota consents to withdraw his objection, this bill cannot even be sent to conference except upon passage of a resolution, or rule, for that purpose. Such a resolution would first have to be reported by the Committee on Rules. Under the rules of the House such a resolution would have to lay over for 24 hours. If the resolution was then passed by the House, the bill would go to conference but a conference report under the rules, would have to lay on the Speaker's desk for another 24 hours. Thus at best, Mr. Speaker, by this procedure a conference report upon this bill could not be brought before the House until Friday, the very day on which it is now anticipated that Congress will adjourn sine die. Therefore, Mr. Speaker, that is why I have said that this unfortunate objection may mean the death knell to this bill. I hope not. I hope it can finally pass. It means so very much to millions of American citizens who need and deserve assistance, who need and deserve better treatment than to have their problems shunted aside by a parliamentary maneuver in the closing days of this Congress.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 147. An act to provide for the establishment of the Russell-Majors-Waddell National Monument; to the Committee on the Public Lands.

S. 334. An act for the relief of the Trust Association of H. Kempner; to the Committee on Foreign Affairs.

S. 1341. An act for the relief of T. H. Allen and others; to the Committee on Claims.

S. 1418. An act to authorize the payment of certain sums to jobbers in connection with their logging of timber for the Menominee Indians on the Menominee Reservation during the logging season 1934–35, and for other purposes; to the Committee on Indian Affairs.

S. 1650. An act to provide for the incorporation of the National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, organized 1883, 62 years old; to the Committee on the Judiciary.

S. 1911. An act for the relief of Mrs. Ida Elma Franklin; to the Committee on Claims.

S. 1931. An act for the relief of Robert E. Lauritzen; to the Committee on Military Affairs.

S. 1969. An act for the relief of Mr. and Mrs. Andrew Evans; to the Committee on Claims.

S. 1992. An act for the relief of Pedro Egalde; to the Committee on Immigration and Naturalization.

S. 1993. An act for the relief of Simon Fermin Ibarra; to the Committee on Immigration and Naturalization.

S. 2117. An act for the relief of Mrs. Irma M. Pierce; to the Committee on Claims.

S. 2286. An act to amend the act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930; to the Committee on Public Buildings and Grounds.

S. 2358. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River in Clatsop County, Oreg., and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2367. An act to authorize the Secretary of the Navy to construct aviation facilities at the United States Naval Academy, Annapolis, Md., and for other purposes; to the Committee on Naval Affairs.

S. 2370. An act for the relief of Edgar F. Russell; Lilian V. Russell, his wife; and Bessie R. Ward; to the Committee on Claims.

S. 2374. An act to authorize the appointment of three additional judges of the municipal court for the District of Columbia and prescribe the qualifications of the judges of such court; to the Committee on the District of Columbia.

S. 2404. An act to amend section 502 (a) of the Department of Agriculture Organic Act of 1944; to the Committee on Agriculture.

S. 2408. An act to amend the Act of February 9, 1907, as amended, with respect to certain fees; to the Committee on the District of Columbia.

S. 2426. An act providing for the conveyance to the city of Canton, S. Dak., of the Canton Insane Asylum, located in Lincoln County, S. Dak.; to the Committee on Public Buildings and Grounds.

S. 2440. An act for the relief of Mrs. Martha P. Matthews; to the Committee on Claims.

S. 2442. An act to supersede the provisions of Reorganization Plan No. 3 of 1946 by reestablishing the offices of registers of land offices, and providing for appointment of the Director and Associate Director of the Bureau of Land Management, and for other purposes; to the Committee on Expenditures in the Executive Departments.

S. 2456. An act to provide for the reestablishment of the United States Employees' Compensation Commission with the same functions which it had prior to the time reorganization plan No. 2 became effective; to the Committee on Expenditures in the Executive Departments.

S. 2460. An act to provide additional inducements to citizens of the United States to make a career of the United States military or naval service, and for other purposes; to the Committee on Military Affairs.

S. 2477. An act to authorize the Veterans' Administration to reimburse State and local agencies for expenses incurred in rendering services in connection with the administration of certain training programs for veterans, and for other purposes; to the Committee on World War Veterans' Legislation.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1362. An act to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes;

H. R. 3743. An act to amend an act entitled "An act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal," approved May 29, 1944;

H. R. 4080. An act to authorize the Commissioner of Patents to designate examiners to serve temporarily as examiners in chief;

H. R. 4718. An act to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for certain officers and employees who have rendered at least 25 years of service;

H. R. 5148. An act to provide for the payment of pension or other benefits withheld from persons for the period they were residing in countries occupied by the enemy forces during World War II;

H. R. 6004. An act to provide authorization for the village of Cahokia, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near Cahokia, Ill., and for other purposes;

H. R. 6406. An act authorizing the State of Texas, acting through the State Highway Commission of Texas, or the successors thereof, to acquire, construct, maintain, and operate a free bridge across the Rio Grande at or near Del Rio, Tex.;

H. R. 6533. An Act to authorize certain administrative expenses in the Government service, and for other purposes;

H. R. 6702. An act to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944;

H. R. 6836. An act to establish and provide for the maintenance and operation of a Veterans' Canteen Service in the Veterans' Administration, and for other purposes; and

H. J. Res. 225. Joint resolution to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 619. An act to amend the act of June 8, 1936, relating to vocational education, so as to provide for the further development of vocational education in the several States and Territories;

S. 1277. An act conferring jurisdiction upon the United States District Court of the Western District of South Carolina to hear, determine, and render judgment upon the claim of William S. Brown;

S. 1917. An act to enact certain provisions now included in the Naval Appropriation Act, 1946, and for other purposes;

S. 2085. An act to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended, to authorize the Federal Works Administrator to provide needed educational facilities, other than housing, to educational institutions furnishing courses of training or education to persons under title II of the Servicemen's Readjustment Act of 1944, as amended;

S. 1198. An act to authorize the Secretary of Commerce to sell certain property in the State of Michigan now occupied by the Weather Bureau and to acquire land in the State of Michigan for the erection of a Weather Bureau station;

S. 1478. An act to record the lawful admission to the United States for permanent residence of Edith Frances de Becker Sebald;

S. 1602. An act to confirm title to certain railroad-grant lands located in the county of Kern, State of California;

S. 1607. An act to provide for the naturalization of Peter Kim;

S. 1636. An act to amend the Surplus Property Act of 1944 to designate the Department

of State as the disposal agency for surplus property outside the continental United States, its Territories, and possessions, and for other purposes;

S. 1733. An act for the relief of Desmark Wright; the estates of Alberta Wright, Desmark Wright, Jr., and Harold Evans; and the legal guardians of Bobby Dennis Wright and Irvin Lee Wright, minors;

S. 2310. An act to further extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark.;

S. 2348. An act to authorize the continuance of the acceptance by the Treasury of deposits of public moneys from the Philippine Islands;

S. 2359. An act to close the Office of the Recorder of Deeds on Saturdays; and

S. 2375. An act to change the name of the Chemical Warfare Service to the Chemical Corps.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that Committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 1362. An act to amend the Railroad Retirement Acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes;

H. R. 3748. An act to amend an act entitled "An act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal," approved May 29, 1944;

H. R. 4080. An act to authorize the Commissioner of Patents to designate examiners to serve temporarily as examiners in chief;

H. R. 4718. An act to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for certain officers and employees who have rendered at least 25 years of service;

H. R. 5148. An act to provide for the payment of pension or other benefits withheld from persons for the period they were residing in countries occupied by the enemy forces during World War II;

H. R. 6004. An act to provide authorization for the village of Cahokia, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near Cahokia, Ill., and for other purposes;

H. R. 6406. An act authorizing the State of Texas, acting through the State Highway Commission of Texas, or the successors thereof, to acquire, construct, maintain, and operate a free bridge across the Rio Grande at or near Del Rio, Tex.;

H. R. 6533. An act to authorize certain administrative expenses in the Government service, and for other purposes;

H. R. 6702. An act to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944;

H. R. 6836. An act to establish and provide for the maintenance and operation of a Veterans' Canteen Service in the Veterans' Administration, and for other purposes; and

H. J. Res. 225. Joint resolution to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

ADJOURNMENT

Mr. THOMASON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until tomorrow, Wednesday, July 31, 1946, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1509. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill to facilitate procurement of supplies and services by certain agencies of the United States, and for other purposes; to the Committee on Expenditures in the Executive Departments.

1510. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 16, 1946, submitting an interim report, together with accompanying papers and an illustration, on a review of those portions of House Document No. 188, Seventy-second Congress, first session, covering lands in Dyer County, Tenn., and in Lauderdale County, Tenn., and reports on the Obion and Forked Deer Rivers and tributaries, Tennessee, covering Dyer, Lauderdale, Lake, Obion, Gibson, and Crockett Counties, with a view to determining whether improvements for flood control and drainage are advisable in said counties. This investigaton was requested by a resolution of the Committee on Flood Control, House of Representatives, adopted on April 26, 1944 (H. Doc. No. 757); to the Committee on Flood Control and ordered to be printed, with an illustration.

1511. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated September 20, 1945, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of and a review of reports on the Arkansas River and tributaries, Arkansas and Oklahoma, including the Wister, Oologah, and Mannford Reservoirs, Okla., authorized by the River and Harbor Act approved on August 30, 1935, and the Flood Control Act approved on June 22, 1936; and also requested by resolutions of the Committee on Rivers and Harbors, House of Representatives, adopted on January 24, 1939, the Committee on Flood Control, House of Representatives, adopted on February 10, 1938, and the Committee on Commerce, United States Senate, adopted on October 12, 1938 (H. Doc. No. 758); to the Committee on Rivers and Harbors and ordered to be printed, with four illustrations.

1512. A letter from the President, United States Civil Service Commission, transmitting a draft of a proposed bill to amend the Civil Service Retirement Act to provide for the elimination of the deduction of $1 a month from employee contributions, as well as the elimination of interest on refunds covering service of less than 5 years, and for other purposes; to the Committee on the Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANKIN: Committee on World War Veterans' Legislation. S. 2100. An act to remove the limitations on the amount of death compensation or pension payable to widows and children of certain deceased veterans; without amendment (Rept. 2699). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on World War Veterans Legislation. S. 2256. An act to amend the Servicemen's Readjustment Act of 1944; without amendment (Rept. No. 2700). Referred to the Committee of the Whole House on the State of the Union.

Mr. CURTIS: Committee on Ways and Means. Senate Joint Resolution 166. Joint resolution to amend section 3126 of the Internal Revenue Code, as amended, and for other purposes; without amendment (Rept. No. 2701). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITE: Committee on Coinage, Weights, and Measures. H. R. 6513. A bill to provide that the unexpended proceeds from the sale of 50-cent pieces coined in commemoration of the two hundred and fiftieth anniversary of the founding of the city of Albany, N. Y., may be paid into the general fund of such city; without amendment (Rept. No. 2702). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANKIN: Committee on World War Veterans' Legislation. H. R. 7130. A bill to authorize the Veterans' Administration to reimburse State and local agencies for expenses incurred in rendering services in connection with the administration of certain training programs for veterans, and for other purposes; without amendment (Rept. No. 2703). Referred to the Committee of the Whole House on the State of the Union.

REPORT OF A COMMITTEE ON A PRIVATE BILL

Under clause 2 of rule XIII, a report of a committee was delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JACKSON: Committee on Indian Affairs. S. 1418. An act to authorize the payment of certain sums to jobbers in connection with their logging of timber for the Menominee Indians on the Menominee Reservation during the logging season 1934–35; without amendment (Rept. No. 2704). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GRANAHAN:

H. R. 7204. A bill to provide that upon discharge temporary members of the United States Coast Guard Reserve be issued certificates of discharge, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. HÉBERT:

H. R. 7205. A bill authorizing a survey and construction of a tunnel under the Industrial Canal at New Orleans, La.; to the Committee on Rivers and Harbors.

By Mr. KLEIN:

H. R. 7206. A bill to extend the benefits of the National School Lunch Act to nonprofit child-care centers; to the Committee on Agriculture.

By Mr. PATTERSON:

H. R. 7207. A bill providing for increases in annual and sick leave for employees and substitute employees in the postal service; to the Committee on the Post Office and Post Roads.

By Mr. PLUMLEY (by request):

H. R. 7208. A bill to enlarge the canal connecting the Hudson River and Lake Champlain, the canal connecting Lake Champlain and the St. Lawrence River, and the channels at the head and foot of Lake Champlain, in order that oceangoing vessels may pass between the St. Lawrence River and New York City via the Hudson River and Lake Champlain, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. MANASCO:

H. R. 7209. A bill to facilitate procurement of supplies and services by certain agencies of the United States, and for other purposes; to the Committee on Expenditures in the Executive Departments.

H. R. 7210. A bill to amend the Surplus Property Act of 1944 with reference to condemnation powers of the Administrator; to the Committee on Expenditures in the Executive Departments.

By Mr. SPENCE:

H. R. 7211. A bill to authorize the redemption and retirement of the capital stock of the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking and Currency.

By Mr. TAYLOR:

H. R. 7212. A bill authorizing the Secretary of the Navy in his discretion to deliver to the custody of the city of Saratoga Springs, N. Y., the silver centerpiece or epergne presented to the United States for the U. S. S. *Saratoga;* to the Committee on Naval Affairs.

By Mrs. WOODHOUSE:

H. R. 7213. A bill to provide for immigration into the United States by displaced persons; to the Committee on Immigration and Naturalization.

By Mr. MURDOCK:

H. R. 7214. A bill reauthorizing the Gila Federal reclamation project, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. MANSFIELD of Texas (by request):

H. J. Res. 391. Joint resolution to provide for the settlement of claims of the Government of the United States on behalf of American nationals against the Government of Mexico comprehended within the terms of agreements concluded by the United States and Mexico; to the Committee on Foreign Affairs.

By Mrs. SMITH of Maine:

H. Res. 746. Resolution to provide for a study and investigation of the service, operations, and administration of American Airlines and Northeast Airlines and other commercial air transport companies in the United States, and of their regulation by the Civil Aeronautics Board; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY:

H. R. 7215. A bill for the relief of Sam Hurowitz; to the Committee on Immigration and Naturalization.

By Mr. O'TOOLE:

H. R. 7216. A bill for the relief of Manuel Amorin; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2138. By Mrs. SMITH of Maine: Resolution of the Cristoforo Columbo Lodge, No. 880, Order Sons of Italy in America, Auburn, Maine, protesting the decision of the Big Four Foreign Ministers in Paris relative to the internationalization of Trieste; to the Committee on Foreign Affairs.

2139. By the SPEAKER: Petition of Vincent Mottola, and others, petitioning consideration of their resolution with reference to a just peace for Italy; to the Committee on Foreign Affairs.

SENATE

WEDNESDAY, JULY 31, 1946

(Legislative day of Monday, July 29, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Byron W. John, of the Montgomery Methodist Church, Montgomery, W. Va., offered the following prayer:

Almighty God, Thou art eternal; the same yesterday, today, and forever. Thou art the merciful Father of all mankind. We pray that Thou wilt draw near unto Thy children here to enter richly into their hearts. In response to Thy presence, enable us to open our souls to Thy spirit.

Bless, we pray Thee, this Nation, for which we have pride and the remembrance of which brings joy to our lives; but deliver us from a forgetfulness of the needs of others. Make us, and keep us, a good neighbor to all the people of the earth.

Give character to our citizenry, to the end that the sanctity of our democratic way may not be violated, and make us true to our responsibilities, ever eager to render a service that will be pleasing in Thy sight.

Supply our hearts and minds, our Father, with the motives which will keep us moving toward Christian ideals. Keep Thy people constant until the goal has been reached—even the kingdom of love and righteousness. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, July 30, 1946, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on today, July 31, 1946, the President had approved and signed the following acts:

S. 920. An act to fix the salaries of certain judges of the United States;

S. 2352. An act to authorize the increases in the salary of teachers, school officers, and other employees of the Board of Education of the District of Columbia whose pay is fixed and regulated by the District of Columbia Teachers' Salary Act of 1945, as amended;

S. 2372. An act to authorize the Secretary of the Interior to construct the Lewiston Orchards project, Idaho, in accordance with the Federal reclamation laws; and

S. 2405. An act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2318. An act to amend the act of May 11, 1938, for the conservation of the fishery resources of the Columbia River, and for other purposes; and

S. 2419. An act to amend further the act of April 6, 1938, as amended by the act of July 9, 1941, entitled "An act authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes."

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 1402. An act for the relief of certain Basque aliens;

H. R. 1497. An act to amend subsection 9 (a) of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended;

H. R. 2485. An act for the relief of Moses Tennenbaum;

H. R. 2716. An act to provide for health programs for Government employees; and

H. R. 6817. An act to provide for the appointment of additional commissioned officers in the Regular Army, and for other purposes.

The message further announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 434. An act to provide that nationals of the United States shall not lose their nationality by reason of voting under legal compulsion in a foreign state;

H. R. 2033. An act authorizing Federal participation in the cost of protecting the shores of publicly owned property;

H. R. 4386. An act to facilitate and simplify the administration of Indian affairs;

H. R. 4410. An act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939;

H. R. 4428. An act to adjust the rate of dividends paid by the Federal Savings and Loan Insurance Corporation on its capital stock and to decrease the premium charge for its insurance;

H. R. 6097. An act to amend the act of March 10, 1934, entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes";

H. R. 6811. An act relating to veterans' pension, compensation, or retirement pay during hospitalization, institutional or domiciliary care, and for other purposes;

H. R. 6890. An act to amend the First War Powers Act, 1941; and

H. R. 6932. An act to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5560) to fix the rate of postage on domestic air mail, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. O'BRIEN of Michigan, Mr. TRAYNOR, Mr. LYLE, Mr. BUTLER, and Mr. COLE of Missouri were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 75) making a change in the enrollment of Senate bill 1236, to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 1236. An act to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes;

H. R. 6646. An act to establish the Office of Under Secretary of State for Economic Affairs; and

S. J. Res. 156. Joint resolution to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation.

LEAVE OF ABSENCE

Mr. WHITE. Mr. President, I ask unanimous consent that the junior Senator from Vermont [Mr. AIKEN] be excused from attendance upon the sessions of the Senate for the remainder of this week.

The PRESIDENT pro tempore. Without objection, leave is granted.

PLIGHT OF THE DOMESTIC WOOL INDUSTRY

Mr. O'MAHONEY. Mr. President, I desire this morning to call the attention of the Senate to the fact that the domestic wool industry in the United States faces the gravest danger of serious impairment unless Congress acts now on bills pending here and in the House.

I wish there were a larger attendance upon the Senate this morning for I was never more serious than now.

Mr. MAYBANK. Mr. President, will the Senator yield that I may suggest the absence of a quorum?

Mr. O'MAHONEY. I should be very happy to yield for a quorum call.

Mr. MAYBANK. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hill	O'Mahoney
Austin	Hoey	Overton
Ball	Huffman	Pepper
Barkley	Johnson, Colo.	Radcliffe
Bilbo	Johnston, S. C.	Reed
Bridges	Kilgore	Revercomb
Burch	Knowland	Russell
Byrd	La Follette	Smith
Capper	Langer	Stewart
Chavez	McCarran	Swift
Connally	McClellan	Taft
Cordon	McFarland	Taylor
Donnell	McKellar	Thomas, Okla.
Downey	McMahon	Thomas, Utah
Eastland	Magnuson	Tunnell
Ferguson	Maybank	Vandenberg
Fulbright	Mead	Wagner
George	Millikin	Walsh
Gerry	Mitchell	Wheeler
Gossett	Moore	Wherry
Green	Morse	White
Guffey	Murdock	Wiley
Gurney	Murray	Willis
Hart	Myers	Young
Hayden	O'Daniel	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] is absent because of illness.

The Senator from Nevada [Mr. CARVILLE] is absent by leave of the Senate.

The Senator from Missouri [Mr. BRIGGS] and the Senator from Illinois [Mr. LUCAS] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from New Jersey [Mr. HAWKES], and the Senator from Kentucky [Mr. STANFILL] are necessarily absent.

The Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from Wyoming [Mr. ROBERTSON], and the Senator from New Hampshire [Mr. TOBEY] are absent by leave of the Senate.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The PRESIDENT pro tempore. Seventy-four Senators having answered to their names, a quorum is present.

Mr. O'MAHONEY. Mr. President, I took the floor at the opening of the session in order to address the Senate upon what I regard to be one of the most important problems confronting the Congress at this time. The Senator from South Carolina was good enough to suggest the absence of a quorum in order that the largest possible number of Senators might be here to listen to what I have to say. I do not wish to dissipate the quorum by yielding, as is the custom, to a large number of Senators who desire only to put something in the RECORD or file some formal paper. I shall be most grateful if Senators will refrain from making such requests until I have at least laid down the premises of the discussion.

Mr. President, the Senator from Florida [Mr. PEPPER] indicated that he would like to have a conference report adopted. I know that is a matter of the utmost importance, and that it would be adopted in a jiffy, but I might lose the attendance of the Senator from Florida if I yielded to him at this moment, and I hope to keep him here.

DOMESTIC FLOCKS BEING LIQUIDATED

Mr. President, the domestic wool industry is in a desperate situation. There can be no doubt about it. During the past year and a half domestic flocks of sheep have been liquidated at such a rate that there has been a reduction of probably 25 percent of the numbers of sheep in the United States, and the annual production of wool has been reduced from 450,000,000 pounds, on the average, to scarcely more than 300,000,000 pounds during 1946, according to the estimates of the Department of Agriculture.

We are confronted with a situation which results directly from the war. The Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives have both reported bills to their respective Chambers, the purpose of which is to stop the liquidation of the wool industry in the United States. But there is grave danger at this moment that these bills will not pass, and that Congress will adjourn without having acted in defense of this industry, in which there is a national interest.

IMPORTANCE OF INDUSTRY

In every State of the United States wool is produced. Farms in every State, East and West, North and South, produce sheep and market wool. But in 13 Western States, from the Mexican border to the Canadian border, the raising of sheep, lambs and wool constitutes one of the most important industries of the entire area. In these 13 different States, according to an economic review made by the Special Committee on Wool, sustained by the figures of the Department of Agriculture, the production of wool stands eighth in economic importance, among all the industries of that region. That is the average for all 13 States.

In Texas, in Idaho, and in California it ranks seventh in importance. When one considers the tremendous breadth of the economy of California and of Texas, one realizes how important raising wool is, when the cold statistics show that it stands seventh among all the industries of those two States. Mining in Idaho is of great importance; agricultural industries are important; yet in Idaho the raising of wool stands seventh in importance. In South Dakota and in New Mexico it stands fifth in importance. In Wyoming, Utah, Nevada, Montana, and Colorado, it stands third. This means that in all these States there is not a county which does not have on its tax rolls real property devoted to the raising of sheep, which does not depend upon tax returns from those ranches and from the wool industry as a most important element in maintaining community life. From the wool industry are derived taxes to support the schools, taxes to support the roads, taxes to support all public activities in these States. A most important portion of the revenue which is necessary to keep the public machine running is the product of the wool industry. Yet I say, Mr. President, that the wool industry now stands in mortal peril because of conditions that developed during the war.

DOMESTIC INDUSTRY IN WORLD PERIL

To show specifically how dangerous this condition is, I desire to call attention to some figures which were released a few days ago by the National Association of Wool Manufacturers. Mills in the United States during the first 4 months of 1946 consumed 213,800,000 pounds of apparel wool. This represents an increase of 14 percent over the amount of such wool used in the mills of the United States during the previous year. In other words, it is clear that the utilization of wool for the purpose of manufacturing clothing is increasing.

Contrasted with that increase in the use of wool for manufacturing cloth to

go into garments for men and women, there has been a tremendous decline in the utilization of domestic wool. During these first 4 months of 1946, January through April, only 26,200,000 pounds of domestic wool were used in the mills of the United States—26,200,000 pounds of wool out of 213,800,000 pounds. How significant that is will be realized when I point out the average annual consumption of domestic wool in the mills of the United States during the same 4 months, January through April, for the years 1935 to 1939, inclusive, was in excess of 67,000,000 pounds.

Mr. President, I am making an appeal to the sensibilities of the Members of the Senate, and also to their intellect, because I am dealing with a subject upon which the economy of a large segment of the United States is firmly founded. I say, Mr. President, that unless, before final adjournment, Congress acts on this question, the domestic wool industry will be in danger of complete liquidation, and at the same time the dependence of the United States upon imported wool from the British dominions will be made complete.

USE OF DOMESTIC WOOL DECREASING

Mr. President, I was calling attention to a matter of great importance to every wool-growing State that the consumption of wool in the United States has increased by about 14 percent, but the use of domestic wool is decreasing. I invite the attention of western Senators, particularly that of the Senator from Texas, whose State is vitally concerned and who on more than one occasion has exhibited his keen interest.

Mr. CONNALLY. I will say to the Senator that I am supporting his bill.

Mr. O'MAHONEY. I know the Senator is, and I want to strengthen him in that support.

During the first 4 months of each year from 1935 to 1939 inclusive, on the average there was consumed in the mills of the United States more than 67,000,000 pounds of domestic wool, whereas during the first 4 months of this year the consumption was only 26,200,000 pounds. This is a startling fact. No one can escape it; the Congress of the United States cannot escape it; the States which are dependent upon the wool industry cannot escape it; those who are engaged in raising sheep and in raising wool cannot escape it, and, unless the liquidation of our flocks is to be stopped, I do not know what will happen to the economy, particularly of these 13 great Western States.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. MORSE. The Senator from Wyoming mentions the point concerning the liquidation of flocks. I am sure he would like to have in the RECORD at this point the fact that since 1943 the flocks of the West have been reduced by from 25 to 50 percent. I am informed by the sheep growers of my State that in the State of Oregon they have been reduced 40 percent. A great many factors have entered into that reduction. I shall not regale the Senate at this time with my observations on the sheep industry, as I have done in the past.

One of our problems has been the pricing policy on the part of the Government. It has worked great disadvantage to the sheep industry. It has resulted in tremendous loss on the part of the sheep industry, which ought at least to have the right to enjoy a fair profit on its investment. The wool policy of the administration has been very detrimental to the industry in the West.

I wish to commend the Senator from Wyoming for bringing to the attention of the Senate at this time this very important issue, because it is of vital importance to the economy of the entire country. We cannot do irreparable damage to a large segment of the agricultural industry without affecting labor, business, and consumers throughout the entire country. We should recognize the importance of this industry to our Nation-wide economy.

Mr. O'MAHONEY. I am very happy that the Senator from Oregon has made that comment, because I wish to enlist the support of every Member of this body in the effort I am about to make to force some action on the legislation affecting this subject before the Seventy-ninth Congress draws to a close.

IS WOOL GROWING AN UNECONOMIC INDUSTRY?

Mr. TAFT. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. TAFT. It seems to me that the Senator is proposing an absolute change in the economic policy of the country and that his proposal is of the greatest importance. Such a change should not be undertaken without every possible consideration, and ample debate. I certainly am not prepared to debate the question. As I understand what the Senator proposes, in substance, is that since the tariff is not sufficiently high to protect the American wool industry, we must subsidize that industry at a cost to the Government of between $60,000,000 and $100,000,000 a year. Am I correct in that analysis of the proposal?

Mr. O'MAHONEY. I do not think it would involve that much. Of course, I did not really expect to find any support from the Senator from Ohio, because I have read the record of the hearings before the Committee on Banking and Currency, and I know that on the 7th of March, in a colloquy with Mr. Clayton, of the State Department, the Senator from Ohio referred to the wool-growing industry in the United States as an uneconomic industry. I remember the time when Members of the Senate condemned the Secretary of Agriculture, Mr. Wallace, because he was alleged to have referred to the sugar-beet industry as an uneconomic industry. I never dreamed that I should see the time when a man who is being mentioned in the public press as a possible nominee of the Republican Party for the Presidency would send a message to the woolgrowers of the West that their industry is uneconomic, and it ought to be wiped out. That is the conclusion to be drawn from the statement of the Senator before the Banking and Currency Committee.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. TAFT. I neither made such a statement, nor can any such conclusion be drawn from whatever statement I made.

Mr. O'MAHONEY. I shall read from the record of the hearings.

Mr. TAFT. All I said was——

Mr. O'MAHONEY. The Senator will pardon me. I have the floor. I have the record of the hearings before the Banking and Currency Committee for March 7, 1946. The Senator from Utah [Mr. MURDOCK] addressed the following question to Mr. Clayton:

> I know that one of the big issues in the campaign that I am confronting this fall is my support of the reciprocal trade agreements. Now I hope it is not improper to ask you at this time, Can I expect the same zeal and vigor on the part of the State Department in protecting an industry such as the sheep and wool industry of the West as you people exert in behalf of other industries here in this country?

Whereupon the Senator from Ohio interposed:

> Well, Mr. Clayton, I just wonder if you are unwilling, because of political reasons, to eliminate as uneconomic an industry as the wool industry of the United States as compared to most other countries, how you are ever going to increase imports into the United States.

"Eliminate as uneconomic an industry as the wool industry." Those are the words of the Senator from Ohio.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. TAFT. Mr. Clayton was advocating reciprocal trade agreements reducing the tariff. That was the policy, and I was criticizing that policy. I was saying to him, in effect, "Are you so inconsistent that, when you say that we must reduce all tariffs, you are going to turn around and give some special protection to the wool industry of the West?" So far as the uneconomic feature is concerned, what it means is that it costs a great deal more to produce wool in the United States than it does in Australia. So far as I am concerned, I am and always have been in favor of a tariff for wool sufficient to protect the American wool industry. I was only pointing out——

Mr. O'MAHONEY. Is the Senator willing now to take the only action that can be taken to defend the wool industry, or does he want me to carry the message to the wool growers of the West that he will not support this measure, as he just stated?

Mr. TAFT. I shall not support this measure.

Mr. O'MAHONEY. The Senator's record is complete.

Mr. TAFT. I shall not undertake, as a policy in substitution for a legitimate tariff policy to protect American industries which ought to be protected, the payment of millions of dollars out of the Treasury.

Mr. O'MAHONEY. I suggest——

Mr. TAFT. That is utterly inconsistent——

Mr. O'MAHONEY. Mr. President, I have the floor.

Mr. TAFT. Mr. President, will the Senator yield?

Mr O'MAHONEY. Yes; but not for the moment. I have the floor, and I desire to respond to what the Senator has just said. I say to the Senator that if that is his point of view, he had better go to work upon those Republican Senators who, when the Reciprocal Trade Agreements Act was before the Senate, supported it. There were 16 Republican votes in favor of the extension of the Reciprocal Trade Agreements Act. There were only 17 Republican votes against it.

So, Mr. President, when we talk about the tariff as the salvation of the wool industry, we want the wool growers of the West, who have been traditionally Republican, to know that 16 Republican United States Senators voted for reciprocal trade agreements, with all the danger of reducing tariffs, and that the great Senator from Ohio now stands upon the floor of the United States Senate and sends a message to the wool growers of the country that he is not in their camp.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Utah.

Mr. MURDOCK. It seems to me that inasmuch as the distinguished Senator from Wyoming has referred to the colloquy which took place in the Committee on Banking and Currency, in support of the position which he takes today, the remainder of the colloquy should be inserted in the RECORD.

Mr. O'MAHONEY. If the Senator has the colloquy, I shall be very glad to have it inserted in the RECORD at this point.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SENATOR TAFT AND THE WOOL GROWERS

(Excerpt taken from testimony given in the hearing before the Committee on Banking and Currency, United States Senate, on the subject of Anglo-American financial agreements, March 7, 1946)

Hon. Will Clayton, Assistant Secretary of State, testifying:

Senator MURDOCK (to Mr. Clayton). I know that one of the big issues in the campaign that I am confronting this fall is my support of the reciprocal trade agreements.

Now I hope it is not improper to ask you at this time, "Can I expect the same zeal and vigor on the part of the State Department in protecting an industry such as the sheep and wool industry of the West as you people exert in behalf of other industries here in this country?"

Senator TAFT. Well, Mr. Clayton, I just wonder, if you are unwilling because of political reasons to eliminate as uneconomic an industry as the wool industry of the United States as compared to most other countries, how you are ever going to increase imports into the United States.

Mr. CLAYTON. Well, Senator, I think I can——

Senator MURDOCK. Can I have an answer to my question, Mr. Secretary?

Mr. CLAYTON. Well, Senator——

Senator MURDOCK. Senator TAFT has a habit of making his questions so much more important than any others, but I would like to have an answer to mine.

Mr. CLAYTON. Senator MURDOCK, you stated an expectation that you had. Did you intend to ask me whether that expectation was justified?

Senator MURDOCK. I think you will have a whole lot to do with it, and I just want to give my people out West the assurance, so far as the wool industry is concerned, which is such a big thing out there in our western economy, that we are not going to be shut out of the picture. I just do not want to get into any kind of a situation here that would push the wool industry of the West out of the picture.

Mr. CLAYTON. Well, Senator, I am glad to state to you in that matter just what we have said to others that have brought up the same question with respect to other industries, and that is this: that we have not at any time taken, under the Trade Agreements Act, any action or done anything which would seriously endanger any essential American industry, and we do not intend to do so in the future; and not only is that a State Department and interdepartmental policy, but the President of the United States has assured Congress, in a letter which he wrote to Speaker RAYBURN at the time the Trade Agreements Act was up, that that would be the policy throughout his administration, that no action would be taken—I think the words were, "which would endanger any essential American industry."

Mr. MURDOCK. I should like to say to the Senator from Wyoming that I enlisted under his banner long ago in the campaign which he has made for the wool industry of this country. I believe that today every Senator from the States which the Senator has mentioned is willing to continue under that banner and stay here as long as is necessary to assure the passage of the Senator's bill.

Mr. O'MAHONEY. I thank the Senator.

PROGRAM CRITICALLY NECESSARY

Mr. MURDOCK. So far as I am concerned, I am willing to forego returning to my State at this time; I am willing to stay here just as long as the Senator from Wyoming thinks it is necessary for us to stay in order to have this measure passed.

Mr. TAFT. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. In a moment.

Mr. President, I wish to say to the Senator from Utah that I welcome very much the statement he has made. I know that throughout this fight for wool he has been a stalwart defender of this great industry of the West.

BRITISH COMPETITION

But there now lies upon the table, Mr. President, a resolution for final adjournment. When that resolution is presented, it will not be debatable. If it shall be adopted, and no action has been taken, opportunity for justice to the wool growers will have vanished. A wool bill is on the calendar of the Senate. It was objected to when the calendar was called on unanimous consent. A wool bill is on the calendar of the House of Representatives. It is very different from the bill which was recommended by the Senate Committee on Agriculture and Forestry. The House Committee on Agriculture realized the opposition which has developed. It has arisen principally from the Boston wool trade, which desires to continue what it calls the free purchase of wool, in spite of the fact that we are confronted with a British Government state monopoly which is devoting all its time and attention to the marketing of British wool in the United States, to the disadvantage of American wool. The reason why there has been a 14 percent increase in the use of foreign wool in the United States and a decrease from 67,000,000 to 26,200,000 pounds in the use of domestic wool is that during the war we permitted Great Britain to accumulate huge stock piles of wool here, and because we in the United States have not adopted a Government policy, as the British Government has, in defense of the wool growers.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. TAFT. The Senator has referred to the Reciprocal Trade Agreements Act. There is nothing in that act, is there, which requires the Government to reduce the tariff on wool?

Mr. O'MAHONEY. Not at all. But under that act there never has been any action upon any tariff except by way of reduction. That is why, from the very moment the reciprocal trade agreements law was first promoted in this body, I have always insisted that such agreements should not become effective until they were acted upon by the Senate and the House of Representatives.

Mr. TAFT. Is it not also true that under the general tariff act the tariff on wool may be increased by the President, as well as decreased?

Mr. O'MAHONEY. Yes, of course. There is no doubt about that. But no trade agreement is now being negotiated with Great Britain and no tariff bill has been introduced in this Congress.

Oh, Mr. President, I am appealing to the intelligence of the Members of the Senate. We are not dealing with the conditions which existed in the United States before the war. We are dealing with the conditions which have arisen because of the fact that the whole world has been racked with turbulence. This is a period in which states and institutions have been falling. The great senior Senator from Texas [Mr. CONNALLY] and the great senior Senator from Michigan [Mr. VANDENBERG] have been patriotically spending their time abroad in the effort to restore order in this world. They know, as we all know, that the economic aspect of this disorder is one of its most important aspects. Are we, then, to adjourn this Congress, in the face of the action which has been taken by the British Government, and are we thus to do nothing for this segment of the agricultural industry of the United States, merely because the Boston wool trade, if you please, desires to return to the free sale and purchase of wool in the United States, although domestic wool constitutes scarcely 10 percent of all the wool that is being used in the United States? It would scarcely be a detriment of serious proportion to the Boston wool dealers, if they were to forego the whole business of dealing in domestic wool. But the bill which we brought before the Senate did not require them to

do so. The Commodity Credit Corporation has always worked through the dealers and under my bill would continue to do so. The Boston wool trade will lose nothing by the passage of this bill; but, Mr. President, their customers, the ranchers and the farmers from whom they have been buying wool, will suffer, because they cannot compete with the State monopoly of Great Britain which is pouring wool into the United States.

Mr. MEAD. Mr. President, will the Senator yield to me?

Mr. O'MAHONEY. I yield.

Mr. MEAD. I should like to say to my able colleague that within 15 minutes or less we shall be called upon to vote on a very important question, namely, the anti-poll-tax bill. I know that the able Senator said that he would not yield until he laid the ground work of his argument. I am wondering whether he has done that, and whether it will be possible for us to reserve approximately 10 minutes either before 1 o'clock or, by unanimous consent, after 1 o'clock, if we can obtain such unanimous consent now, so that we may say a word on the question of adoption of cloture, which, as the Senator from Wyoming knows, and all other Senators know, is a very important question, and the vote on it is a very important vote.

Mr. O'MAHONEY. Mr. President, I recognize the great importance of that issue, and I am disposed to accede to the request of the Senator from New York. I did not realize that it is almost 10 minutes of 1. I have been interrupted by numerous inquiries, and therefore, I have talked longer than I intended to talk.

But there are one or two further words which I desire to say before I take my seat, following which I shall resume the discussion later.

Mr. CONNALLY. Mr. President, will the Senator yield to me?

Mr. O'MAHONEY. I yield.

Mr. CONNALLY. In view of the fact that we had a long and eloquent discourse by the Senator from New York [Mr. MEAD] last night, I do not see why the Senator from Wyoming should yield again to permit another presentation of oratory by the Senator from New York.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. MEAD. The Senator from Texas [Mr. CONNALLY], although generally not tempted to exaggerate, nevertheless has informed the Senate that the 5-minute talk which I made last night, when the Senate Chamber was practically empty——

Mr. O'MAHONEY. Mr. President, let me say to the Senator from New York that the more time he takes now, the less time there will be available to him after I take my seat.

Mr. MEAD. Very well; then I shall stop now. I know there are some Senators here who would like to prevent us from speaking; but the Senator from Wyoming is not one of them.

MINIMUM PROVISIONS PENDING

Mr. O'MAHONEY. I am sure the Senator recognizes that.

Mr. President, I should like to say that this bill has been reported by the House Committee on Agriculture in a form which is very different from that in which it was reported by the Senate Committee on Agriculture and Forestry. It has been reduced to a minimum. It will authorize the Commodity Credit Corporation to purchase the domestic supply of wool, as it has a right to do, under the Steagall Act, with respect to other agricultural commodities at 90 percent of parity, and then it will have the right to sell that wool in competition with the wool sent into the United States by the British state monopoly. With an improving economy, it is my belief that this will not result in a loss to the Commodity Credit Corporation. However, it will result in saving the domestic wool industry. I sincerely hope that the Senate and the House will not adjourn without doing that.

Let me say to the Senator that these are 4,000,000,000 pounds of British wool now overhanging the market; I am speaking of billions. Wool is grown in Australia, New Zealand, and South Africa. Those three great Commonwealths of the British Empire grow far more wool than they can consume. They can consume scarcely one-seventh of all the wool which they produce. The wool growers of the United States produce scarcely one-third of what the people of the United States consume. The British Government has now entered into an agreement with the three Commonwealths to which I have referred by which it has undertaken to market their wool. The United States of America is the greatest market in the world for wool as for all other commodities. So we are confronted with a British state monopoly endeavoring to dispose of its surplus wool in the United States, and the bills on the calendar would enable the Government of the United States to stand behind the domestic wool grower.

For weeks and months, as chairman of the Special Senate Committee To Investigate Production, Transportation, and Marketing of Wool, I conducted a study of the problem. Copies of the printed hearings have been sent into 30 States by request. Banks and universities are still asking for copies of those hearings because of the factual information which they contain.

Mr. President, I have before me the report of the committee and I shall insert it in the RECORD later.

The Commodity Credit Corporation, throughout the war, bought domestic wool because it was necessary to have wool, and necessary to maintain the flocks in order to sustain meat production. It was a high Government policy that the liquidation of the flocks should not be permitted to take place. Therefore, the Commodity Credit Corporation purchased wool and sold it. Now, with the British Government undertaking to defend the wool growers of the Dominions, I assert that we shall be treating the wool growers of the United States, and particularly those of the 13 Western States, with scant consideration and little concern if we allow the Seventy-ninth Congress to adjourn without taking proper action.

LEGISLATIVE SITUATION DESCRIBED

In the House there are Members who are lying in wait to interpose an objection to any unanimous-consent request to take up a bill. The great Representative from Utah [Mr. GRANGER], who is in charge of the bill on the floor of the House, has been standing by day after day since the bill was reported to the House, seeking to gain recognition so as to have the bill passed. If he obtains recognition the House will pass the bill. The majority of the Members of the House and the majority of the Members of the Senate want the bill to be passed. But, without unanimous consent, the Speaker, who supports the bill, may not recognize the Representative from Utah to move its passage.

Mr. President, the time will come when, if this bill is not passed, the responsibility will be placed where it belongs, and I intend to make every effort I can to point out what has been done and what has been omitted.

I ask unanimous consent that there be printed at this point in the RECORD as a part of my remarks the full text of Senate Document No. 140, which consists of a letter from the President of the United States addressed to me, the chairman of the Special Committee To Investigate Production, Transportation, and Marketing of Wool, together with a memorandum of the proposed wool program which was worked out by the executive branch of the Government, and which is the basis of the bill approved by the Senate Committee on Agriculture and Forestry. The document includes also a statement which I submitted to the President of the United States upon the basis of which he directed the executive departments to cooperate with me in the preparation of legislation.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

AN EFFECTIVE WOOL PROGRAM

MARCH 12, 1946.

(The President has sent the following letter to the Honorable JOSEPH C. O'MAHONEY, United States Senator from Wyoming:)

MARCH 11, 1946.

DEAR SENATOR O'MAHONEY: On January 5, 1946, you sent me a memorandum on wool in accordance with a suggestion I had made to you at a conference on the subject. In your memorandum you suggested that I request the interested agencies of the Government to confer and to prepare a wool program. Such a program has now been prepared and is attached. It represents the considered views of the administration on the best methods for solving a serious and difficult problem.

Your committee will, of course, be able to call on the interested agencies for any desired assistance in your further studies of the wool situation or in drafting appropriate legislation.

I trust that the Congress will find that this proposed wool program constitutes a sound and adequate basis for constructive legislation.

In closing I wish to express my agreement with you that cooperation between the Executive and the Congress is essential to the establishment of an effective wool program.

Sincerely yours,

HARRY S. TRUMAN.

PROPOSED WOOL PROGRAM

At the present time there is a serious worldwide wool situation. The United States Government must develop and carry out a wool program that will adequately safeguard the interests of growers, merchants, and consumers. Such a program must also be consistent with our general foreign economic policy.

Abroad, the war stopped trade between the principal wool-producing countries of the Southern Hemisphere and the principal wool-consuming countries on the Continent of Europe and in Asia. This has resulted in the accumulation of large stocks of raw wool in foreign countries. The distribution of these accumulated stocks and of future clips will be retarded until transportation, coal mining, manufacturing, and international trade can be rehabilitated, despite the great consumer need for wool textiles and clothing. In view of these facts, the governments of Great Britain, Australia, New Zealand, and South Africa have formed an agency called the Inter-Governmental Joint Wool Organization for the twofold purpose of protecting prices to producers in empire countries and of disposing of the accumulated surplus of empire wool. It is said that this agency will be prepared to operate for a period of 10 years, or longer if necessary, to complete the liquidation of these stocks. While the Joint Wool Organization is in operation it is understood that wool produced in these countries will be sold to the established trade in the normal manner as long as prices equal or exceed the stabilization levels established by the organization. When the wool cannot be sold to the trade at such prices it will be purchased by the organization at the stabilization prices. It is to the advantage of wool growers in the United States to have wool prices stabilized in the major producing countries abroad. Our growers are somewhat apprehensive, however, lest the desire of the Joint Wool Organization to speed liquidation might result in undue pressure to sell in the United States.

Domestically, sheep numbers have been reduced 25 percent in the past 4 years. This reduction has resulted from higher production costs, difficulties in obtaining labor, and the fact that many sheep raisers have found prices of some other farm products to be at more renumerative levels. To alleviate the situation confronting growers, the Commodity Credit Corporation has been purchasing domestic wool at ceiling prices since April 1943. However, foreign wool is being sold duty paid in the United States at prices materially below those at which the Corporation is buying from domestic producers. Accordingly, our mills have turned largely to imported wool, and although our consumption in recent years has been the largest in history, the CCC has accumulated stocks in excess of 1 year's domestic production. Since November the Corporation has been selling wool at a loss as a means of moving it into consumption in competition with imported wool.

There is general agreement that this Government must protect the incomes of wool growers on a level comparable with that afforded producers of other agricultural products. The Senate Special Committee to Investigate Production, Transportation, and Marketing of Wool during its comprehensive hearings received several alternative proposals for dealing with the wool problem. Basically, the major proposals fall into two groups—those under which the prices of foreign wool in the United States may be raised, either through higher tariffs, import fees, or import quotas, and those under which the selling prices of domestic wool would be lowered sufficiently to make domestic wool competitive with duty-paid imported wool. Some plans were also suggested which would have the effect of spreading the premium paid for domestic wool over the cost of all wool used in the United States so as to make the cost of all wool to domestic mills approximate an average between the support price paid growers for domestic wool and the duty-paid price of imported wool.

From a careful review of the entire problem it appears that it will be more desirable from a national point of view and more dependable for growers to have the Government absorb losses on sales of domestic wool rather than to raise additional trade barriers against imports. This would involve a program essentially similar to that now being carried out by the Commodity Credit Corporation but on a more permanent basis and with adequate guides to determine the amount of protection to be given growers. When the postwar wool situation becomes better clarified, it may become desirable to change the method of operation from a purchase program so as to remove the Government, insofar as possible, from participation in the wool business. In developing such program it should be kept in mind that the domestic sheep-raising industry has been experiencing a major decline in sheep numbers and therefore care should be exercised not to take action which would place additional handicaps on the industry so long as this decline continues. It would also be advisable to provide for more adequate research and development work on wool marketing and utilization and to make it possible for the industry to utilize marketing agreements and orders if that should become necessary in dealing with the wool situation in the future.

Specifically, in view of the large-scale decline of sheep numbers in the United States during recent years, the large wool surpluses now hanging over foreign and domestic markets, and the present and prospective marketing problems confronting wool growers, it would seem desirable for Congress to enact special wool legislation. Such legislation should provide that—

1. The parity price of wool be revised or established at the so-called "comparable" level so that wool parity prices will be on a level equivalent to parity prices for other farm products.

2. The Commodity Credit Corporation support incomes to wool producers through purchases, loans, or payments, at the same minimum percentage of the revised parity prices as it is directed to support prices to producers of basic agricultural commodities. This level will be not less than 90 percent of the revised parity prices until the expiration of the 2-year period beginning with the 1st day of January immediately following the date upon which the President by proclamation, or the Congress by concurrent resolutions, declares that hostilities in the pesent war have terminated.

Because of the continuing decline in sheep numbers, it should be provided (a) that no reduction shall be made in the general level of support prices from the level at which the Commodity Credit Corporation has agreed to purchase 1946 wool until the year in which the number of sheep kept for breeding purposes on January 1 first stops the decline which has been in effect continuously since 1942, except (1) that specific reductions can be made to equalize the support given on various types and qualities of wool and (2) that additional discounts could be established to reflect market values of off-quality, inferior, and poorly prepared wool and to discourage unsound marketing practices; and (b) that the reduction for any one year shall not exceed 8 percent of the average support price for the previous year.

The legislation should authorize the Commodity Credit Corporation to elect to make payments to producers in lieu of making purchases or loans. In the event of such election, such payments should equal the amount, if any, by which the United States average farm price falls below the estimated average price per pound at which the Corporation would have supported prices under a purchase or loan program.

3. The Commodity Credit Corporation be authorized to continue to sell wool at prices competitive with imported foreign wool, irrespective of other provisions of law, since existing legislation would prohibit any sales at prices below parity.

4. Funds from the gross receipts from duties collected under the customs laws during the period January 1 to December 31, both inclusive, of each calendar year be appropriated and made available to the Commodity Credit Corporation as of each following June 30, in sufficient amount to equal the losses incurred by the Corporation under purchase or loan operations, or the amount of payments made to wool producers in lieu of such purchase or loan operations, for the fiscal year ending on the respective June 30.

5. Marketing agreement and order programs under the Marketing Agreement Act of 1937, as amended, be made applicable to wool on the basis of the comparable, or revised parity, price.

6. A research and developmental program be provided for the purpose of improving the quality of domestic wool and wool-marketing practices and the processing and utilization of wool.

In addition to such legislative program, it would seem desirable to have the executive agencies undertake the development of an international wool agreement in collaboration with the various interested foreign governments to provide for coordinated action and more unified supervision of world wool-marketing and price policies from the standpoints of producers, consumers, and international trade. I am asking the executive agencies to determine the willingness of foreign governments to participate in such undertaking. In the meantime, it is hoped that consultations can be held with foreign wool agencies which will provide for a mutual understanding of objectives and activities in selling policies.

The above program will, in my opinion, afford domestic wool growers the protection and assistance to which they are properly entitled under this country's general trade and agricultural policies. The program will tend to encourage wool consumption in the United States and will be consistent with our general foreign economic policy. In accordance with the views you have so frequently expressed, this country also should cooperate with foreign producing and consuming countries in efforts to encourage wool consumption abroad.

STATEMENT OF SENATOR O'MAHONEY TO PRESIDENT TRUMAN ON WOOL PROBLEM

(The following statement was filed with President Truman on January 5, 1946, by Senator JOSEPH C. O'MAHONEY, chairman, Special Committee to Investigate Production, Transportation, and Marketing of Wool, urging Executive cooperation with the Senate Special Wool Committee to frame long-term Government policy on domestic wool:)

The four Governments of the United Kingdom and of the three Dominions, Australia, New Zealand, and South Africa, have formed a joint organization to hold and market the huge British stocks of surplus wool which overhang the world market. As much as 85 percent of the total world supply of wool, now estimated at more than 4,000,000,000 pounds, for more than a decade to come will be controlled and handled by this state-managed monopoly.

The United States is the world's greatest market for wool and woolen products, but it

produces less wool than it consumes, whereas the British Dominions produce far more wool than they can consume.

The British Government not only undertakes to protect its Dominion wool producers from loss by marketing their wool for them in the United States, but it also encourages the production of wool in the British Isles by a system of bounty payments to the English wool grower.

The British also pursue a policy the objective of which is to increase the exports of woolen fabrics into the United States. In order to bring this about the British Government is seeking to restrain the consumption of woolen goods in the United Kingdom. Contrasted with this clear-cut policy intended to make the growing of wool and the manufacture of woolen fabrics a profitable enterprise for the inhabitants of England and of the British Dominions, the Government of the United States has no consistent policy with respect to its own wool growers.

The Commodity Credit Corporation has purchased the domestic clip during the war, but only on a year-to-year basis and without any assurance to the growers that the program would be continued even during the reconversion period. These purchases were made because it was recognized by the Commodity Credit Corporation that unless the Government purchased the domestic clip the liquidation of domestic flocks, which now number 20 percent less than they did in 1942, would be accelerated with a consequent serious decrease in the supply of lamb and mutton. Meanwhile, the United States Forest Service in the Department of Agriculture and the Grazing Service in the Department of the Interior have been deterred only by congressional pressure from increasing grazing fees on Government-owned lands. The Office of Price Administration has held down ceiling prices on wool in the face of increasing costs of production, while the handling of lamb prices and lamb subsidies has been both uncertain and unrealistic.

The American wool grower, therefore, faces the postwar period with a much higher level of production costs than in the British Dominions and with a price structure both on wool and on meat that does not reflect these costs, with a tremendous world surplus of wool under British state management competing with him for the domestic market, and without any reason to believe that his own Government has any real understanding of or concern for his predicament. On the contrary, he has good reason to believe that his Government will not only make a large loan to Great Britain but may even follow that loan by granting additional tariff concessions on British wool and woolen imports.

In these circumstances, the domestic wool industry is declining. Indeed, so many growers have abandoned the business that in 1946 the United States will, it is estimated, produce scarcely more than 300,000,000 pounds of wool, as compared with a normal prewar production of 450,000,000 pounds. Yet wool is an essential commodity, and both the Army and the Navy call it a strategic necessity. It was so important to have wool in the United States that at the outbreak of World War II the British Government sought and obtained from this Government the right to establish a British stock pile here. Of this stock pile there now remains 286,000,000 pounds.

It is clear that unless the Government of the United States adopts a constructive long-term policy the very existence of the wool-growing industry in this country will be threatened. Further liquidation of domestic flocks will be injurious to the economy of many parts of the United States, particulary to the area in the West stretching from Mexico to Canada.

At the November hearings of the Senate Committee on Wool, several remedies were suggested, but it was clear that there was no agreement among the executive departments of the Government.

The State Department suggested the payment of subsidies to domestic producers. The Department of Agriculture declared its opposition to subsidies upon the ground that it is the policy of the administration to abandon all subsidy programs.

Upward revision of the tariff was suggested by some growers and some manufacturers, but this remedy was opposed by the State Department on the ground that it is not in harmony with the over-all policy of reducing trade barriers.

The imposition of import quotas was also opposed as contrary to basic policy and difficult of administration. Moreover, there is no agreement among American growers and American manufacturers with respect to this suggestion.

Another suggestion, which originated with Dean J. A. Hill of the University of Wyoming, and which was presented in different forms, would make the United States Government the sole purchaser of wool to be used in the United States, both foreign and domestic, and would give it the power to market the wools. This plan was criticized on the ground that it would institute a form of state-managed economy. It was defended on the ground that domestic wool can be marketed only in competition with a state-managed economy.

Another remedy was suggested by the National Wool Marketing Corporation. Under this plan the Commodity Credit Corporation would continue to purchase the domestic clip for a period as long as the United Kingdom continues to manage the handling and sale of British wool. Domestic wool would be purchased by the Commodity Credit Corporation at prices which reflect the domestic cost of production plus a reasonable profit. It would, however, sell to American manufacturers through normal trade channels at competitive prices. This would entail a loss to the Commodity Credit Corporation, which, it was proposed, could be reimbursed from tariff duties.

Failure upon the part of the Government of the United States to meet the world situation created by the world surplus and the British monopoly plan means disaster to so large a segment of our domestic economy that it is imperative for the United States to adopt a long-term policy. Representatives of all of the Government agencies having anything to do with wool or lamb responded promptly to the request of the committee to discuss the problem at its public hearings. Discussion, however, is not enough. It is essential that we should have a program. An effective program can be obtained only by cooperation between the Executive and the Congress. I, therefore, respectfully suggest that you request the Department of State, the Department of Agriculture, the Department of Commerce, the Department of the Interior, the Office of War Mobilization and Reorganization, the Office of Price Administration, the Reconstruction Finance Corporation, the United States Tariff Commission, and the Federal Trade Commission to confer during the recess of Congress and be prepared to submit to the Wool Committee a joint plan to meet what every Government agency acknowledges to be a desperate situation.

PRESIDENT TRUMAN SUPPORTS LEGISLATION

Mr. O'MAHONEY. Mr. President, the President of the United States supports the bill. A majority of the Members of the House supports it, and a majority of the Members of the Senate supports it. Because we have undertaken to cut away the power of the Commodity Credit Corporation to come to the assistance of the industries which are suffering from the postwar dislocation, and because we have been eliminating subsidies and payments of this kind, we are crippling the power of the Executive to act, so if Congress fails now we shall be condemning the wool industry.

Mr. President, at a later time I shall speak again upon this subject.

(At this point Mr. O'MAHONEY yielded to Mr. MEAD to discuss House bill 7, the anti-poll-tax bill, following which, the hour of 1 o'clock having arrived, the vote was taken on the motion to close debate on House bill 7.)

Mr. O'MAHONEY. Mr. President, I desire to ask unanimous consent to insert in the RECORD, in connection with the remarks I made earlier in the day with respect to the wool problem, a copy of the bill which was reported by the Committee on Agriculture of the House of Representatives, without printing the material that was stricken out, because I think that is not necessary. My request, therefore, is that there shall be printed in the RECORD the enacting clause, line 3 of H. R. 6043, and then the material which begins with section 2 on page 9.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That this act may be cited as the "Wool Act of 1946."

SEC. 2. (a) Beginning with wool produced in 1947, Commodity Credit Corporation is directed, through loans, purchases, or other operations, to so use the funds available to it as to support, during the period beginning January 1, 1947, and expiring 2 years after the 1st day of January immediately following the date upon which the President by proclamation or the Congress by concurrent resolution declares that hostilities in the present war have terminated, a price to producers of wool in the continental United States and Territories of not less than 90 percent of the comparable price for wool as of January of the year in which the wool is produced.

(b) Notwithstanding any other provisions hereof, the Commodity Credit Corporation may adjust support prices for individual grades and qualities of wool for the purpose of bringing about a fair and equitable relationship in the support prices for the various grades and qualities of wool; may make discounts from support prices for off-quality, inferior-grade, or poorly prepared wool; and may make discounts from support prices for the purpose of discouraging unsound marketing practices.

SEC. 3. The Secretary of Agriculture shall establish a comparable price for wool and a comparable price for lambs, respectively, and the comparable price so established shall be used for the purposes of all laws in which a parity or comparable price is established or used. The comparable price for wool and the comparable price for lambs, respectively, shall be that price which bears the same relation to the average parity prices of the basic agricultural commodities, cotton, corn, wheat, rice, tobacco, and peanuts as the actual price for wool or lambs, as the case may be, bore to the actual average prices of such basic commodities during the period August 1934 to July 1939. Such comparable price for wool

or lambs may be adjusted for grade, quality, season, and location.

SEC. 4. The provisions of sections 385, 386, and 388 of the Agricultural Adjustment Act of 1938, as amended, shall be applicable to operations carried out pursuant to section 2 hereof.

SEC. 5. The Commodity Credit Corporation may, without regard to restrictions imposed upon it by any law, dispose of wool at prices which will permit such wool to be sold in competition with imported wool.

Mr. WALSH. Mr. President, I ask unanimous consent that the minority views filed by me in connection with the special wool investigating committee be inserted in the RECORD following the matter inserted by the Senator from Wyoming.

The PRESIDING OFFICER. The Chair could not hear the request of the Senator from Massachusetts.

Mr. O'MAHONEY. Mr. President, the Senator from Massachusetts merely requested that at the conclusion of my remarks, and of the material which I am putting into the RECORD, there shall be inserted the minority views filed by the Senator from Massachusetts in connection with the report of special wool committee. Of course, I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 1.)

ASPECTS OF BRITISH PROGRAM

Mr. O'MAHONEY. Mr. President, during the course of my remarks I pointed out that the British Government had adopted a specific program for the protection of the Dominion's wool industry. I should like to insert in the RECORD at this point, merely by reading, one or two of the essential portions of the report which was filed by the British Government.

I read from page 1485 of the hearings of the Special Committee on Wool:

The stock of dominion-grown wool in the ownership of the United Kingdom Government at July 31, 1945, will be transferred to the joint ownership of the United Kingdom Government and the Dominion Government concerned, and all wool subsequently acquired under this scheme will be held in joint ownership. This wool will be held and disposed of by the joint organization referred to below.

2. A joint disposals organization will be set up forthwith for the purpose of—

And I ask Senators to listen to this very significant statement of the policy of the British Government—

A joint disposals organization will be set up forthwith for the purpose of buying, holding, and selling wool on behalf of the United Kingdom and the Dominion Governments concerned. As part of the plan, it will be required—

(a) To determine total quantities of wool to be offered from time to time concurrently in the Dominions and elsewhere—

"Elsewhere" includes the United States, of course —

To be made up of all new clip wool and an appropriate proportion of wool from the organization's stock.

(b) To prepare schedules of reserve prices at which the organization itself will be willing to acquire wool.

(c) To lift from the market such quantities of new wool as cannot be sold at these reserve prices.

(d) To hold and dispose of stocks as the agent of the Governments concerned and where necessary to acquire and own stores, plant, and equipment for this purpose.

(e) To facilitate the sale of wool in every way possible with a view to stimulating demand.

It is clear, Mr. President, from this paragraph that the Government of Great Britain has entered upon a broad program of conserving the wool of the British dominions and of marketing it wherever it may throughout the world, including the United States. Their eyes are turned upon the United States. This is demonstrated by the fact—and now I quote also from this British plan, page 1478 of the Senate hearings:

The estimate made by the U. S. A. Tariff Commission of postwar consumption is 25 percent more than prewar, viz: 750,000,000 pounds (greasy) of wool from all sources including domestic production, which would necessitate annual importation of some 300,000,000 pounds of Dominions and other wool.

Here we have the evidence from the British Government itself of the fact that it is depending upon the market of the United States in which to dispose of a large proportion of the wool. When this statement was prepared by the British Government, the estimate was for the importation of 300,000,000 pounds in a year. The figures which I have already read to the Senate at the opening of my remarks today show that the mills of the United States from January through April of this year have already used 213,000,000 pounds of wool, of which only 26,200,000 pounds are domestic wool.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. GEORGE. May I ask the Senator from Wyoming when this agreement in respect to British wool was made?

Mr. O'MAHONEY. The date of the plan contained in hearings is May 29, 1945. It was some time after that that the actual action was taken.

Mr. GEORGE. But surely they have abandoned that plan, have they not, now that we have made the British loan for the purpose of encouraging and developing trade?

Mr. O'MAHONEY. The Senator might naturally assume that, but it is not so. The British Government is serving the interest of the British wool producer.

THIRTEEN YEARS' SUPPLY OF BRITISH WOOL

The importance of this matter to the domestic wool industry is emphasized by this estimate which I read from the British report of the time that will be required to dispose of the huge British surplus. After reviewing the program, the report says on page 1479 of the Senate hearings:

If this aim is achieved the period required to dispose of existing stocks alongside new clips, at the estimated rate of future production, would be on the average 13 years from June 30, 1945.

Here is the record: There are overhanging the market 4,000,000,000 pounds of British wool which the British Government estimated it would take 13 years to dispose of. The British Government is fostering a plan to sell a large proportion of that wool annually in the United States, and the Senate and the House of Representatives are allowing themselves to be bogged down in the closing days of the Congress, refusing to take action to defend the wool growers of America. These are the facts, Mr. President.

I say that unless the Senate and the House act before this Congress is adjourned, wool growing in the United States will suffer irreparable damage. We cannot expect the wool growers of the United States unaided and alone to fight the British state monopoly. Oh, Mr. President, it is a matter of common sense. Let us come to the aid of this industry, which is such an important segment of the economy of the whole United States, and particularly of the 13 Western States from Texas to the Canadian border. If Congress fails, the wool growers will be dependent on the Executive alone.

Mr. SMITH. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I yield.

Mr. SMITH. The Senator not long ago raised the point that 16 Republicans voted for the Reciprocal Trade Agreements Act, and seemed to imply from that that we are under some criticism, perhaps, for our attitude.

Mr. O'MAHONEY. Mr. President, I do not criticize any Senator for his vote, and never have; but I mention the Republican support of the Reciprocal Trade Act because I say that fact is a complete answer to the argument which is being made to the wool growers that the solution of their problem is not to be found in the program which the committee offers, but is to be found in the raising of the tariff. Now I say two things: First, there is no tariff bill pending; and second, it has been the decision of the Congress over and over again to delegate away from the Congress the power to write tariffs; and 16 Republican United States Senators voted that way. I pointed out to the Committee on Agriculture and Forestry that the last Republican candidate for the Presidency, Governor Dewey, of New York, speaking in my State in his campaign in 1944, said there that it was a Republican policy to initiate reciprocal trade agreements. He took credit for it.

Mr. SMITH. Mr. President, will the Senator yield so I may make my position clear?

Mr. O'MAHONEY. I gladly yield to the Senator from New Jersey.

Mr. SMITH. I was one of those who voted for the Reciprocal Trade Agreements Act, and I did so because I thought it was a better way to determine our trade policy. I have been in touch with Mr. Clayton, and I understand from him that there is to be held a conference with the British this fall on this very subject. I challenge the State Department to protect our wool industry for that very reason. That is why we have reciprocal

trade agreements. We are not abandoning our policy of protection for our industries by voting for reciprocal trade agreements. We are simply adopting a method which we think is more effective than the old method of fixing tariffs in Congress. I do not yield to anyone who says that we are not protecting our industries, and cannot do so.

RECIPROCAL TRADE AGREEMENT POLICY

Mr. O'MAHONEY. When the Senator cast that vote he cast it with the knowledge that in all the reciprocal trade agreements which had been negotiated there was not one increase in a tariff rate. He cast that vote in the knowledge that the policy of reciprocal trade agreements has been carried out for the purpose of reducing and not increasing tariffs.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Let me add another word.

Mr. SMITH. I should like to make my position entirely clear.

Mr. O'MAHONEY. The Senator will have his time.

It is of the utmost importance to bear in mind the fact that not only have there been no increases in tariffs but in addition there never has been any indication that an increased tariff could be secured, nor has one been proposed.

Mr. SMITH. I should like very much to make my position entirely clear.

Mr. O'MAHONEY. Of course, the Senator should.

Mr. SMITH. I voted for the Reciprocal Trade Agreements Act because I felt that it was moving toward international collaboration in postwar world trade. I still believe that it is the right way to deal with the whole tariff question. There was no assurance that there would never be another increase. The law itself permits increases when increases are desirable.

Mr. O'MAHONEY. There is no doubt about it.

Mr. SMITH. The State Department has the responsibility of protecting our industries.

Mr. O'MAHONEY. I appreciate the deep sincerity of the Senator from New Jersey. I respect the opinion which he holds. I myself believe that it would facilitate world trade to have the executive department negotiate these agreements. I have no objection to that. But what I have seriously objected to is the delegation away from Congress of the right to approve such agreements. Every time the Reciprocal Trade Agreements Act was presented on this floor, from the time it was first presented, and every time an extension has been asked, I have urged that before the agreements become effective they should be filed with the Congress of the United States, so that the Senator from New Jersey, the Senator from Wyoming, the Senator from Oregon, and Senators from every other State in the Union may know, on behalf of their people, what is being done. But when the Senate of the United States voted down the amendment which I offered to make these agreements effective only upon approval by the Congress, the Senate voted to delegate away the constitutional power which the Congress has to levy tariffs. So as I see it, as a matter of plain ordinary common sense, it is idle to try to encourage any distressed industry in the United States by saying that reciprocal-trade agreements, negotiated by the executive department, constitute a very scientific method of handling international trade. What the wool industry needs is aid now. Congress has surrendered its power to fix tariffs, and in these circumstances there is no practical method of aiding the wool growers except through the method that I have suggested.

Mr. SMITH. That is a debatable question. I grant that.

My understanding with the State Department has been distinctly that no question will be taken up affecting any industry in my State—and we have a textile industry which involves the very question the Senator is discussing—without our having a full hearing and an opportunity to present our case. I propose to protect those industries on the floor of this Senate if necessary.

Mr. O'MAHONEY. I am very happy to have the Senator say so. That prompts me to add that from 1934 up to this hour I have taken the position with the State Department that the tariff on wool should not be reduced; and I am glad to be able to say that to this moment it has not been reduced. But I am not a prophet. I do not know what will happen next year or the year after.

Mr. SMITH. I understand the Senator's position to be that because he feels that it may be reduced, he thinks the Government ought to subsidize the industry to keep it alive. Is that the position which he takes? I wish to understand the Senator's position clearly.

Mr. O'MAHONEY. If the Senator regards it as a subsidy, I shall accept that designation. I say that the Government of the United States should be authorized to continue the program which it carried on during the war, of buying the domestic clip at or near the parity price, so that the industry may be protected from the huge accumulation of foreign wool which we are teaching the mills of the United States to use, to our detriment. We allowed great accumulations of British wools to be piled up in the United States because German submarines and the Japanese Navy were threatening the Australian, South African, and New Zealand sources of wool for Great Britain. We made that concession in the interest of preserving the principle of free government in this world against Hitler and Mussolini, and those great accumulations were piled up. American mills are now using more and more foreign wool, to the detriment of the American wool producer.

I should like to be able to enlist the support of the Senator from New Jersey for the program which I have sponsored. There is no danger that it will injure free enterprise; it will not. It will preserve the free enterprise of the sheep growers of the West and of other areas of the United States. It will give them an opportunity to meet the great dangers of the postwar world. It will make it possible for them to rely to a certain limited extent upon their government, while the producers of Australia, New Zealand, and South Africa are relying upon the government of Great Britain to market their product.

Let me add that I am given to understand—I cannot say this upon final authority because I have not had the opportunity to investigate—that the British Government is trying to stimulate the production of wool in England itself, in spite of the fact that there is an accumulation of 4,000,000,000 pounds of wool.

Mr. SMITH. Mr. President, will the Senator yield for one further question?

Mr. O'MAHONEY. I yield.

Mr. SMITH. Will the distinguished Senator agree with me that it is distinctly the responsibility of the Executive through the State Department in negotiating trade agreements to protect our American industrial position?

Mr. O'MAHONEY. Of course. I have said so over and over again. I have appeared before the Committee on Finance to make that statement. There has never been a time when I denied it. I believe that the executive branch of the Federal Government should not barter away any industry. However, in the case before us the President of the United States has formally sponsored the measure which was submitted to the Committee on Agriculture and Forestry. That measure has been whittled down until now, upon the calendar of the House, it is but a shell of its former self, and merely means a continuation of the program which was carried on by Executive action during the war. There is certainly serious danger that it may not be continued without legislation because in our passion to cut down subsidies we are depriving Government agencies of the power to come to the financial aid of American industries which are in distress.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from West Virginia.

Mr. REVERCOMB. As a preface to a question which I wish to ask the able Senator from Wyoming, let me say that I am one of those Senators who voted against the Reciprocal Trade Agreements Act, and its extension. I spoke at length on the floor against it. I did so because I saw the very question which is being discussed here arising not only as to wool, but as to many other articles produced or manufactured in this country.

Mr. O'MAHONEY. The Senator and I were in accord on that point.

Mr. REVERCOMB. The question will arise time after time when the industry and the workers of this country are brought into competition with the production of other countries. Time after time the able Senator has made reference to the fact that 16 Republican Senators supported the Reciprocal Trade Agreements Act, and 17 voted against it. I was one of the 17 who voted against it.

Mr. O'MAHONEY. That is correct.

Mr. REVERCOMB. How many Democratic Senators voted for the Reciprocal Trade Agreements Act?

Mr. O'MAHONEY. O Mr. President——

Mr. REVERCOMB. Will the Senator answer the question?

Mr. O'MAHONEY. Of course, the Democratic administration is responsible for the Reciprocal Trade Agreements Act. I do not deny that.

Mr. REVERCOMB. How many Democratic Senators voted for it?

Mr. O'MAHONEY. I do not know. I presume a majority.

Mr. REVERCOMB. More than 16 Democratic Senators voted for it.

Mr. O'MAHONEY. Of course; and probably a larger proportion of Democratic Senators voted for it than was the case among the Republicans. That is not the point. I mentioned those facts not to criticize any Senator, not to criticize the Republican Party, but merely to point out that the wool growers of the United States cannot depend upon tariffs for relief. Here they are liquidating. What are we going to do about it? That is the question.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Certainly.

Mr. REVERCOMB. The Senator made the point, time after time, about the partisan vote on that question. So I think the RECORD should be entirely clear in regard to that matter. I believe that the Senator from Wyoming now admits that more Democratic Senators than Republican Senators voted for the extension of the Reciprocal Trade Agreements Act, and voted for the proposition to prevent the Senate from voting on those agreements.

Mr. O'MAHONEY. Yes. And Governor Dewey, in his campaign for the Presidency on the Republican ticket stated that it was a virtue that the Reciprocal Trade Agreements Act was passed, and he said it was a Republican policy.

Mr. REVERCOMB. Mr. President, will the Senator further yield?

Mr. O'MAHONEY. I yield.

Mr. REVERCOMB. And the Senator also knows that the President of the United States not only said that the plan was his plan, but he came to the Senate with that plan, and it was supported by his party, Is not that correct?

Mr. O'MAHONEY. Certainly that is correct. I have never denied it. The only thing that is worth noting about this matter, I say to the Senator from West Virginia, is that he and I were outvoted, and Republicans and Democrats alike declared it to be the policy of the Congress to delegate away the congressional power to fix tariff rates. This Congress declared for reciprocal agreements. That is the law.

We may like it or not. The Senator from West Virginia and I do not like it. But here it is. It is the fact that is staring us in the face. We must accommodate ourselves to the facts.

So when anyone says to me, "The proper way to save this industry which is now perishing is to increase the tariff," I say that is merely talking in illusory terms because Democrats and Republicans have voted to give up the tariff-making power of Congress.

Mr. REVERCOMB. Mr. President, will the Senator further yield?

Mr. O'MAHONEY. I yield.

Mr. REVERCOMB. But when we come down to the question of votes and the question of who voted for what, inasmuch as the point has been brought up by the able Senator, we must conclude that more members of his party voted for the situation in which we find ourselves now, than did Senators on this side of the aisle. Is not that correct?

Mr. O'MAHONEY. Yes, of course it is correct. But that is not the point. The point is that having given away our power over the tariff, we must use the means at hand to defend the industries of our States. I have offered the bill to defend the domestic wool industry and it has been endorsed by woolgrowers everywhere.

Mr. President, I ask to have printed at this point in the RECORD, as a part of my remarks, the report which I filed to accompany Senate bill 2033, on behalf of the majority of the Special Committee for the Investigation of the Production, Transportation, and Marketing of Wool.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

PROVIDING SUPPORT FOR WOOL, AMENDING THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, AND PROVIDING FOR WOOL STANDARDS, AND FOR OTHER PURPOSES

The Special Committee for Investigation of the Production, Transportation, and Marketing of Wool, to whom was referred for preliminary report the bill (S. 2033) to provide support for wool, to amend the Agricultural Marketing Agreement Act of 1937 by including wool as a commodity to which orders under such act are applicable, to authorize the Secretary of Agriculture to fix wool standards, and for other purposes, have considered the same and report favorably thereon with amendments and recommend that the bill do pass.

This measure is an outgrowth of an intensive study of the problems of producing, transporting, and marketing wool conducted by this committee under the instruction of the Senate as contained in Senate Resolution 160, Seventy-fourth Congress; Senate Resolution 12 of the Seventy-eighth Congress; and Senate Resolution 58 of the Seventy-ninth Congress. The proceedings of this committee have developed the following facts with respect to the domestic wool industry:

1. Wool is a highly essential commodity of which the United States produces considerably less than it consumes.

2. The world supply of wool exceeding 4,000,000,000 pounds cannot be consumed, according to the best estimates, in less than 10 or 12 years.

3. Most of this world surplus of wool being the product of the British Dominions, Australia, New Zealand, and South Africa, is being handled by the British Government in cooperation with the three Dominions.

4. The United States is the world's greatest market for wool and, since the British Dominions consume only a fraction of the amount they produce, the natural objective of British Government policy is to sell British wool in the United States in the largest possible amounts.

5. Production costs in the United States are much higher than the production costs in other wool-producing areas.

6. The domestic wool industry has been declining to such an extent that sheep numbers in the United States during the past 4 years have been reduced by approximately 25 percent.

7. During the war in order to prevent the complete liquidation of the domestic industry and thereby cut off domestic supplies of wool and of lamb, the Commodity Credit Corporation, under congressional authorization, has been purchasing the entire domestic production, but only on a year-to-year basis.

In these circumstances a long-term Government program designed to support the wool industry has been regarded as essential. Wool growers normally have depended upon the tariff to equalize the costs of production at home and abroad. The present tariff, however, is not sufficient to cover that gap. No tariff legislation is under consideration by Congress and there is no present prospect of any remedy by this route. This special committee has explored every avenue of relief. Its chairman, following the thoroughgoing hearings held during November and December at which every branch of the industry was given opportunity to testify, as well as representatives of all Government departments having any function with respect to wool, requested the President of the United States to direct the Government agencies to cooperate with the committee in devising an effective and constructive wool program. The bill, S. 2033, was the result of the conferences directed by the President in response to this request.

This bill was drawn upon the basis of a memorandum transmitted to the chairman of the Wool Committee by President Truman on March 11, 1946, and set forth in Senate Document 140 (79th Cong., 2d sess.). Not only were the Government agencies consulted in the drafting of the bill, but so also were the representatives of the industry, particularly representatives of the National Wool Growers Association and of the Wyoming Wool Growers Association.

The measure has been analyzed by the committee at open public hearings and, in the form in which it is here recommended, it is laid before the Senate for consideration by the Committee on Agriculture with the official endorsement of the wool growers of the United States as represented by 37 associations representing the producing industry. Not only has the National Wool Growers Association recommended it, but so also have the following associations: Arizona Wool Growers Association, Phoenix, Ariz.; Ashley Wool Growers Association, Vernal, Utah; Baker County Wool Growers Association, Baker, Oreg.; California Wool Growers Association, San Francisco, Calif.; Carten County Wool Growers Association, Albian, Mont.; Central Wool Marketing Association, Chinook, Mont.; Chicago-Midwest Wool Trade Association, Chicago, Ill.; Colorado-Nebraska Lamb Feeders Association, Greeley, Colo.; Colorado Wool Growers Association, Denver, Colo.; Colorado Wool Marketing Association, Denver, Colo.; Cooperative Wool Growers of South Dakota and Minnesota, Minneapolis, Minn.; Garfield County Sheepmen's Association, Miles City, Mont.; Gill County Stock Growers Association, Havre, Mont.; Idaho Wool Growers Association, Boise, Idaho; Indiana Wool Growers Association, Indianapolis, Ind.; Michigan Cooperative Wool Marketing Association, Jackson, Mich.; Moffat Wool Growers Association, Craig, Colo.; Montana Wool Growers Association, Helena, Mont.; National Wool Growers Association, Salt Lake City, Utah; National Wool and Mohair Association, Oklahoma City, Okla.; National Wool Marketing Association, Boston, Mass.; North Park Wool Growers Association, Walden,

Colo.; Oregon Wool Growers Association, Portland, Oreg.; Pacific Wool Growers, Portland, Oreg.; Robinette Wool Pool, Richmond, Oreg.; San Joaquin Valley District Wool Growers, Fresno, Calif.; Santa Ana Wool Association, Santa Ana, Calif.; San Juan Wool Growers Association, Aztec, N. Mex.; Texas Sheep and Goat Raisers Association, San Angelo, Tex.; United Wool Growers Association, Harrisonburg, Va.; Upper Mussel Sheep Wool Growers Association, Harlowton, Mont.; Utah Wool Growers Association, Salt Lake City, Utah; Washington Wool Growers Association, Yakima, Wash.; Western South Dakota Sheep Growers Association, Rapid City, S. Dak; Wyoming Cooperative Wool Marketing Association, Casper, Wyo.; Wyoming Production Credit Association, Casper, Wyo.; Wyoming Wool Growers Association, McKinley, Wyo.

The bill as amended is regarded by the majority of the committee as the most practicable remedy for an admittedly desperate problem.

DESCRIPTION OF THE BILL

There follows description of the bill:

Section 1 provides that the act may be cited as the "Wool Act of 1946."

Section 2 directs that beginning with the wool produced in 1947 Commodity Credit Corporation shall provide for wool through loans, purchases, support payments, or other operations. The support level until 2 years after the war will, consistent with the general support level under section 8 of the Stabilization Act of 1942 (50 U. S. C. App., sec. 968 (Supp. IV)), for the basic agricultural commodities—cotton, corn, wheat, rice, tobacco, and peanuts—be 90 percent of the comparable price of wool. Thereafter the support level will, consistent with the general support level during such period under sections 302 and 359 of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C., secs. 1302, 1359 (1940)), for cotton, corn, wheat, and peanuts be not less than 50 percent and not more than 75 percent of the comparable price as determined by the Secretary of Agriculture. Until December 31, 1950, however, the level at which wool prices are supported shall not be reduced below that at which the Commodity Credit Corporation is supporting wool during 1946 under its current wool purchase program. In adjusting the support price or reducing it to the support level above stated after December 31, 1950, the support price will not be reduced more than 6 percent in any 1 year. The bill, as originally introduced, provided for support for only shorn wool. Your committee felt, however, that support should be provided for both shorn and pulled wool and has amended the bill accordingly. Furthermore, the bill, as originally introduced, provided that the present minimum support level would be continued only until sheep numbers in the United States had ceased to decline. It is felt that the present minimum support level should be continued until December 31, 1950. An amendment to this effect has been made in the bill. The original bill further provided that after the period for the present minimum support expired the rate in reduction of the support level should not be more than 8 percent in any 1 year. Your committee felt that this reduction should not exceed 6 percent and has amended the bill accordingly.

Subsection (b) of section 2 will permit the Commodity Credit Corporation to adjust support prices for individual grades and qualities of wool in order to bring about a fair and equitable relationship in the support prices for the various grades and qualities of wool. Subsection (b) will also permit the Commodity Credit Corporation to make discounts from the support prices for off-quality, inferior grade, or poorly prepared wool, or for the purpose of discouraging unsound marketing practices.

Section 3 directs that the Secretary of Agriculture shall establish a comparable price for wool and a comparable price for lambs, respectively, and that the comparable price so established shall be used for the purposes of all laws in which a parity or comparable price is established or used. The comparable price directed to be established is that price which bears the same relation to the average parity prices of the basic agricultural commodities—cotton, corn, wheat, rice, tobacco, and peanuts—as the actual price for wool or lambs, as the case may be, bore to the actual average prices of such basic commodities during the period August 1934 to July 1939. This is the same manner in which comparable prices have been established for certain nonbasic agricultural commodities, such as soybeans, under section 4 (a) of the act entitled "An act to extend the life and increase the credit resources of the Commodity Credit Corporation and for other purposes," approved July 1, 1941, commonly referred to as the "Steagall amendment." The comparable price of wool as of January 1946 was 40.4 cents per pound of grease wool and the comparable price of lambs of January 1946 was $13.10 a hundredweight. The bill, as originally introduced, did not provide for the establishment of a comparable price for lambs. However, since the agricultural problems in connection with lambs are closely connected with the wool problem, it was felt that since the bill established a comparable price for wool that a comparable price should also be established for lambs. The bill, accordingly, provides for establishment of such a comparable price for lambs. In addition, the committee has provided by amendment that the comparable price for wool and lambs is to be used for the purposes of all laws in which a parity or comparable price is established are used.

Section 4 provides that if the Commodity Credit Corporation uses support payments, the rate of the support payment shall be an amount which, together with the average farm price for wool for the 7 months—January through July—of the year, will provide producers an average return equal to the required support level. Section 4 provides further that support payments may be limited to wool sold by the producers during the year it is produced.

Section 5 makes applicable to the operations under the bill sections 385, 386, and 388 of the Agricultural Adjustment Act of 1938. Section 385 of the Agricultural Adjustment Act of 1938 provides that the facts constituting the basis for any payment or loan, or the amount thereof, when officially determined in conformity with the applicable regulations prescribed by the Secretary of Agriculture or by the Commodity Credit Corporation, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government. Section 385 provides further that in case any person who is entitled to any such payment dies, becomes incompetent, or disappears before receiving such payment, or is succeeded by another who renders or completes the required performance, the payment shall, without regard to any other provisions of law, be made as the Secretary of Agriculture may determine to be fair and reasonable in all the circumstances. Section 386 provides that if the statutes prohibiting Members of Congress from benefiting from public contracts—section 3741 of the Revised Statutes and sections 114 and 115 of the Criminal Code of the United States—shall not be applicable to loans or payments made under the act. Section 386 authorizes the use of local, county, and State committees in carrying out the act and authorizes the deduction of amounts to cover administrative expenses incurred by such committees from the payments or loans made to producers.

Section 6 provides that the Commodity Credit Corporation may, without regard to restrictions imposed upon it by any law, dispose of wool at prices which will permit such wool to be sold in competition with imported wool. Under existing restrictions, Commodity Credit Corporation is not, in general, permitted to sell agricultural commodities at less than the parity or comparable price for the commodity. Authority to sell wool below such price will be necessary in order to enable Commodity Credit Corporation to dispose of its stocks of wool.

Section 7 appropriates and makes available to the Secretary of Agriculture, to reimburse the Commodity Credit Corporation for losses sustained under the act, a portion of the proceeds derived from duties collected under the customs laws.

Section 8 amends the Agricultural Marketing Agreement Act of 1937 to include wool as a commodity to which marketing orders under such act may be made applicable.

Section 9 authorizes the Secretary to expand and intensify research and to engage in demonstration work as to all aspects of the wool and mohair problem. Some of the authority here provided is contained in the Organic Act of 1862, or other authorizing laws, but is subject to various limitations and authorization restrictions. In addition to emphasizing the research in this particular field, this section would also authorize necessary demonstration work, the establishment of new facilities, and for authority to utilize the services of existing research institutions. Section 9 also authorizes the Secretary to appoint a Wool Advisory Committee representing public and private agencies interested in any phase of the wool industry, to hold conferences with said committee or subcommittees thereof, and to receive and consider the recommendations of said committee for wool research programs and other operations under this section. The original bill did not provide for the Wool Advisory Committee. However, your committee amended the bill to include such a committee since it is felt that such a committee would be helpful in developing research with respect to wool.

Section 10 authorizes the Secretary of Agriculture, after investigation and due notice and opportunity for hearing, to fix official standards for wool and mohair. Section 10 also authorizes the Secretary of Agriculture to determine the true grade, shrinkage, or clean content of samples of wool submitted for that purpose and make reasonable charges therefor. Such determinations become binding on all officers of the United States except for the purposes of the assessment and collection of customs duties and become prima facie evidence in the courts of the United States. The bill, as originally introduced which provided that the determinations of the Secretary become binding on all officers of the United States was amended to make an exception in the case of the assessment and collection of customs duties. Section 10 authorizes the Secretary, further, to effectuate agreements with domestic, foreign, or international wool and mohair organizations for the adoption of universal standards of wool and mohair grades.

Section 11 authorizes appropriations for carrying out sections 9 and 10.

The committee also made certain amendments for the purpose of clarifying the language of the bill, which have been incorporated in the amendment in the nature of a substitute for the bill.

The report of the Secretary of Agriculture follows:

DEPARTMENT OF AGRICULTURE,
Washington, May 10, 1946.

Hon. JOSEPH C. O'MAHONEY,
United States Senate.

DEAR SENATOR: This is in response to your request for a report on S. 2033 a bill to provide

support for wool, to amend the Agricultural Marketing Act of 1937 by including wool as a commodity to which orders under such act are applicable to authorize the Secretary of Agriculture to fix wool standards, and for other purposes.

Following the extensive hearings by your committee on the production, transportation, and marketing of wool, the President, at your request, had the interested executive agencies review the facts and proposals for dealing with the situation. The 25-percent decline in domestic sheep numbers in the past 4 years and the many other problems facing the industry show clearly that a wool program is needed. Major attention, therefore, was directed to the method of dealing with the situation. Several methods were proposed to your committee.

The study resulted in the plan submitted to you by the President in his letter of March 11. It is believed that S. 2033, which you have introduced, is consistent with the President's proposal and will afford producers effective price and income protection and other constructive assistance which is needed to bring stability into the wool growing industry. Moreover, it is believed that these benefits can be derived under the program with a minimum of Government participation in wool buying and selling operations or interference with international trade.

The general objectives of the bill may be divided into four parts; the protection of incomes of wool growers; the authorization for the issuance of orders under the Marketing Agreement Act of 1937 with respect to wool; the undertaking of research and developmental work; and the furtherance of standardization work on wool and mohair.

The incomes of wool producers would be protected through loans, purchases, or support payments at the same level as that generally afforded producers of the basic agricultural commodities. The first requirement for the accomplishment of this objective is the establishment of a comparable, or revised parity, price as provided for in section 3 of the bill. This revision is necessary to afford an appropriate basis for determining when prices to wool growers are in fair balance with prices of other agricultural commodities. The desired level of price support could be obtained through purchase programs, such as those in effect since April 1943, or loan programs, such as those in effect in 1938 and 1939. Provision is also made for insuring incomes by making support payments equal to the amounts by which the average farm price falls below the level required to be supported. This procedure may become desirable when the wool surplus is sold and conditions become sufficiently stabilized to insure uniform market support to growers without direct governmental participation in the handling of wool.

The bill aims to give wool growers the same general degree of price protection as that afforded producers of basic agricultural commodities, but two exceptions are made for the special benefit of wool growers. The first exception provides that substantially the same level of support prices provided for the 1946 clip shall be continued until sheep numbers become stabilized. The 1946 prices are approximately 100 percent of the proposed comparable price. In view of the major reduction in sheep numbers during the past 4 years, the bill proposes that the Government refrain from reducing support prices and thereby adding to the producer's difficulty until the decline has stopped. Naturally, it is not known at what level sheep numbers will become stabilized, but stability and profitable operations may occur at any level.

The reduction in sheep numbers has given assurance of future strength in the lamb part of the industry and when stock sheep numbers start to expand it may be concluded that the industry as a whole will be in as sound a position as the rest of agriculture. Naturally, after that condition is reached wool growers should be treated the same as the rest of agriculture.

The second exception provides that the price supported or return assured to producers of the wool clip shorn in any year shall not be reduced by more than 8 percent below the price supported or return assured to producers of the wool clip shorn in the immediately preceding year. This limitation on the amount of reduction that can be made in any one year recognizes the peculiar conditions confronting sheep growers and the fact that livestock industries can be expanded or contracted only slowly.

The 1946 level of wool support prices is roughly equal to the comparable price the bill would establish. Prior to the war, the level of support prices for basic agricultural commodities was generally 50 to 75 percent of parity. This has been increased to 90 percent of parity (92½ percent for cotton) for the period "* * * after December 31, 1941, and before the expiration of the 2-year period beginning with the 1st day of January immediately following the date upon which the President by proclamation or the Congress by concurrent resolution declares that hostilities in the present war have terminated, * * *" (See Stabilization Act of 1942 (56 Stat. 767 (1942), 50 U. S. C. App. sec. 968 (a) Supp IV), as amended by the Stabilization Extension Act of 1944, Public Law 383, 78th Cong., 2d sess. (June 30, 1944) sec. 204.)

An essential part of the price supporting provision is the authorization contained in section 6 for the Corporation to sell without regard to restrictions imposed upon it by law at prices which will permit such wool to be sold in competition with imported wool. Ordinarily, the Corporation is not permitted to sell its products domestically at less than parity or comparable prices. Wool is on an import basis, and through operations of the tariff prices in this country are maintained at levels well above world prices. Nevertheless, since a domestic wool program cannot fix the level of world prices and since such prices cannot be expected to maintain a constant relationship with United States parity prices, it is essential that the Corporation have the right to dispose of its wool at competitive prices within this country.

Section 7 provides that a sufficient part of the proceeds derived from duties collected under the customs laws is authorized to be appropriated and made available to the Secretary of Agriculture for payment to the Corporation to reimburse the Corporation for losses realized by it, including the amount of any support payments, in connection with operations carried out pursuant to the price and income support provisions of the bill. With this provision sheep raisers could plan their future operations with greater confidence than would be possible if they were dependent upon annual appropriations.

Section 8 of the bill would permit wool growers and handlers to utilize the marketing agreements and orders provided for in the Agricultural Marketing Agreement Act of 1937. Programs under that act may provide for volume, grade, or size regulation, and, also, prohibit unfair trade practices in order to carry out the intended purposes of the bill to reflect proper returns to growers. The act, as incorporated in the bill, would also permit the establishment of a surplus pool for wool. It is believed that growers should be authorized clearly to utilize the provisions of the Agricultural Marketing Agreement Act, including orders thereunder, if they so desire in formulating programs for the solutions of their problems during the postwar period.

In recent years the production of shorn wool has ranged from around 320 to 390 million pounds and the production of pulled wool from 65 to 70 million pounds annually. The average value of the wool clip has been around $150,000,000 per year, and the production of pulled wool accounts for a significant portion of the returns of approximately $300,000,000 annually received by growers from the sale of sheep and lambs. In view of the importance of the industry it is believed that provision should be made for adequate research and demonstration work with respect to the production, marketing, and utilization of wool and its products. Closely related products which also require such work are mohair, sheep pelts, and goat pelts. In recent years many new and improved processes and products have been introduced. These require development and exploitation in the interests of growers, manufacturers, and consumers. Work in these fields should be pressed forward continuously. It is believed that the authority granted under section 9 of the bill, when implemented, would enable the Department to carry out the research and developmental work needed by the wool and mohair industries.

The Department of Agriculture has carried out certain standardization work under existing legislation. However, the authority contained in section 10 of the bill would give a more adequate basis for such work and would place specific responsibility upon the Department of Agriculture to carry out this work. The continuing and thorough standardization work provided for under section 10 in conjunction with the work provided for under section 9 on production, marketing, and utilization, should make the standardization work more adequate in meeting the requirements of producers, handlers, and manufacturers. It should be observed that full consideration of the position of various groups is insured by the requirement that the Secretary of Agriculture give due notice and opportunity for hearing prior to the fixing or establishment of types and standards. Provision is also made for the examination and issuance of certificates of the true type, grade, or comparison of samples of wool, mohair, or tops, and for the furnishing of practical forms of official wool and mohair standards by the Department on a reimbursable basis. The Secretary of Agriculture would also be authorized to effectuate agreements with domestic, foreign, or international wool or mohair organizations for the development, adoption, and use of universal standards.

Funds for carrying out the research, developmental, and standardization work provided for in sections 9 and 10 of the bill are authorized to be appropriated annually.

There is attached a revised draft of the bill which contains certain clarifying changes in wording, suggested by the Office of the Solicitor, together with a detailed explanation of such suggested changes. With the suggested changes, the Department recommends that the bill be passed.

The Director of the Bureau of the Budget has advised this Department as follows:

"The proposed report and the bill are generally in accord with the President's program, as shown by his letter to Senator O'MAHONEY of March 11, 1946 (S. Doc. 140, 79th Cong., 2d sess.).

"There is however, one provision in the bill which was not included in the statement approved by the President with respect to the legislation necessary to carry out the proposed wool program, and which could not be considered by this office as an appropriate provision for incorporation in the measure. The last sentence of section 10 (d) (lines 16, 17, 18, and 19, p. 8) which reads as follows:

" 'The amounts collected therefrom and the amounts collected pursuant to subsection

(c) of this section shall be used by the Secretary in paying expenses of the Department of Agriculture in connection with this section.'

provides what is known as a permanent indefinite appropriation of receipts. Such a permanent appropriation would preclude any subsequent annual or other review of the use of these collections, by this office, by the President, by the Appropriations Committees of Congress, or by the Congress itself. Such legislation would run counter to the spirit of the Permanent Appropriation Repeal Act, and would not be in accord with the program of the President. Moreover, this provision in section 10 of the bill is inconsistent with section 11 of the bill since section 11 specifically provides that the funds for carrying out the provisions of section 10 of the bill are to be appropriated from the general fund of the Treasury."

Sincerely yours,

CLINTON P. ANDERSON,
Secretary.

The text of the bill as recommended by the committee follows:

"A bill to provide support for wool, to amend the Agricultural Marketing Agreement Act of 1937 by including wool as a commodity to which orders under such act are applicable, to authorize the Secretary of Agriculture to fix wool standards, and for other purposes

"*Be it enacted, etc.,* That this act may be cited as the 'Wool Act of 1946.'

"SEC. 2. (a) Beginning with wool produced in 1947, Commodity Credit Corporation is directed, through loans, purchases, support payments, or other operations to support a price or assure returns to producers of wool in the continental United States and Territories at levels as follows: The support level for wool produced each year during the period beginning January 1, 1947, and expiring 2 years after the first day of January immediately following the date upon which the President by proclamation or the Congress by concurrent resolution declares that hostilities in the present war have terminated shall be 90 percent of the comparable price for wool as of January of the year in which the wool is produced; and the support level for wool produced after the expiration of such period shall be not less than 50 per cent and not more than 75 percent of such comparable price, as determined by the Secretary of Agriculture: *Provided, however,* That prior to December 31, 1950, the price supported or returns assured producers of wool shall be not less than the price at which the Commodity Credit Corporation has undertaken to support wool in 1946. *And provided further,* That after December 31, 1950, the price supported or returns assured to producers of wool in any year shall not be reduced by more than 6 percent below the price supported or returns assured to producers of wool in the immediately preceding year.

"(b) Notwithstanding any other provisions hereof, the Commodity Credit Corporation may adjust support prices for individual grades and qualities of wool for the purpose of bringing about a fair and equitable relationship in the support prices for the various grades and qualities of wool; may make discounts from support prices for off-quality, inferior-grade, or poorly prepared, wool; and may make discounts from support prices for the purpose of discouraging unsound marketing practices.

"SEC. 3. The Secretary of Agriculture shall establish a comparable price for wool and a comparable price for lambs, respectively, and the comparable price so established shall be used for the purposes of all laws in which a parity or comparable price is established or used. The comparable price for wool and the comparable price for lambs, respectively, shall be that price which bears the same relation to the average parity prices of the basic agricultural commodities, cotton, corn, wheat, rice, tobacco, and peanuts, as the actual price for wool or lambs, as the case may be, bore to the actual average prices of such basic commodities during the period August 1934 to July 1939. Such comparable price for wool or lambs may be adjusted for grade, quality, season, and location.

"SEC. 4. If, pursuant to section 2 hereof, the Commodity Credit Corporation supports returns to producers of wool in any year through support payments, the rate of the support payment shall be an amount which, together with the average farm price for wool for the 7 months, January through July, of such year will, as determined by the Secretary of Agriculture, provide producers an average return equal to the support level. Support payments for wool produced during any year may be limited to wool sold by producers during such year.

"SEC. 5. The provisions of sections 385, 386, and 388 of the Agricultural Adjustment Act of 1938, as amended, shall be applicable to operations carried out pursuant to section 2 hereof.

"SEC. 6. The Commodity Credit Corporation may, without regard to restrictions imposed upon it by any law, dispose of wool at prices which will permit such wool to be sold in competition with imported wool.

"SEC. 7. Such part of the proceeds derived from duties collected under the customs laws on and after the enactment of this act as is necessary from time to time, as determined by the Secretary of Agriculture, to reimburse the Commodity Credit Corporation for losses realized by it, including the amount of any support payments, in connection with operations carried out pursuant to the provisions of sections 2 to 6, inclusive, of this act are hereby authorized to be appropriated and conferred upon the Secretary of Agriculture for payment to the Commodity Credit Corporation.

"SEC. 8. The Agricultural Adjustment Act, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is further amended as follows:

"(a) By adding at the end of section 2 (7 U. S. C., 1940 edition, 602) the following:

"'(3) Through the exercise of the powers conferred upon the Secretary of Agriculture under this chapter to establish and maintain such orderly marketing conditions for wool in interstate commerce as will establish prices to producers of wool at the comparable price level for wool as set forth in section 3 of the Wool Act of 1946, but the interest of the consumers shall be protected by (a) approaching the level of prices which it is declared to be the policy of Congress to establish with respect to wool by gradual correction of the current level at as rapid a rate as the Secretary of Agriculture deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (b) authorizing no action hereunder which has for its purpose the maintenance of prices to producers of wool above the level which it is declared to be the policy of Congress to establish with respect to wool.'

"(b) By inserting in section 8 (c) (7 U. S. C., 1940 edition, 608c (2)) the word 'wool' immediately after the word 'hops.'

"(c) By inserting in section 8c (6) (7 U. S. C., 1940 ed., 608c (6)) the word 'wool' immediately after the word 'hops.'

"SEC. 9. The Secretary of Agriculture is authorized to expand and intensify research and studies, and to engage in demonstration work, as to problems relating to the production, processing, preparation, manufacturing, standardization, grading, marketing, and utilization of wool, mohair, sheep pelts, goat pelts, and products thereof, including studies of competing materials and manufactures and including the establishment and maintenance of laboratories and pilot plants. In carrying out such studies, research, and other operations, the Secretary of Agriculture is authorized to cooperate with and enter into contracts with public and private organizations. The Secretary of Agriculture is further authorized to appoint a wool advisory committee representing public and private agencies interested in any phase of the wool industry, to hold conferences with said committee or subcommittees thereof, and to receive and consider the recommendations of said committee for wool-research programs and other operations under this section. The authority provided for herein shall be in addition to, and not exclusive of, any authority under existing law.

"SEC. 10. (a) The Secretary of Agriculture is hereby authorized, after investigation and due notice and opportunity for a hearing, to fix and establish types and standards of quality and condition for the grading of wool, mohair, wool tops, and mohair tops and to conduct tests for the shrinkage, clean content, length and fineness of fiber, and any other characteristics of wool, mohair, wool tops, and mohair tops. The standards fixed and established by the Secretary as provided herein shall be published in the Federal Register and 60 days after such publication shall become and be the Official Wool and Mohair Standards of the United States, and such official standards shall be substituted for and be used in lieu of any official wool or mohair standards heretofore established by the Secretary of Agriculture under the provisions of any existing law. The Secretary of Agriculture shall have the power to alter or modify, after investigation and due notice and opportunity for a hearing, such official standards whenever the necessities of the trade may require and such alterations or modifications shall likewise become effective 60 days after publication thereof in the Federal Register.

"(b) Any person who has custody of or a financial interest in any wool, mohair, or tops therefrom may submit the same or samples thereof, drawn in accordance with the rules and regulations of the Secretary of Agriculture, to such officer or officers of the Department of Agriculture, as may be designated for the purpose pursuant to the rules and regulations of the Secretary of Agriculture, for a determination of the true grade, shrinkage, or clean content, including the comparison thereof, if requested, with types or with other samples submitted for the purpose. Except for the purposes of the assessment and collection of customs duties the final certificate of the Department of Agriculture showing such determination shall be binding on officers of the United States and shall be accepted in the courts of the United States as prima facie evidence of the true type grade, shrinkage, clean content, or comparison thereof when involved in any transaction or shipment in commerce. The Secretary of Agriculture shall make rules and regulations for drawing and submitting samples of wool, mohair, or tops therefrom for a determination of type, grade, shrinkage, clean content, or comparison.

"(c) The Secretary of Agriculture may cause to be collected such charges as he may find to be reasonable for determinations made under subsection (b) of this section.

"(d) Whenever the Official Wool and Mohair Standards of the United States established under this section shall be represented by practical forms, the Department of Agriculture shall furnish copies thereof, upon request, to any person, and the cost thereof, as determined by the Secretary of Agriculture, shall be paid by the person making the request. The amounts collected therefrom and the amounts collected pursuant to subsection (c) of this section shall be used by

the Secretary in paying expenses of the Department of Agriculture in connection with this section.

"(e) The Secretary of Agriculture is authorized to effectuate agreements with wool associations, wool exchanges, and other wool or mohair organizations, either domestic, foreign, or international, for (1) the adoption, use, and observation of universal standards of wool and mohair grades, (2) the arbitration or settlement of disputes with respect thereto, and (3) the preparation, distribution, inspection, and protection of the practical forms or copies thereof under such agreements.

"SEC. 11. There is hereby authorized to be appropriated annually commencing with the fiscal year 1948, out of any money in the Treasury not otherwise appropriated, such amount as may be necessary to enable the Secretary of Agriculture to carry out the provisions of sections 9 and 10 hereof."

EXHIBIT 1

INDIVIDUAL VIEWS BY MR. WALSH

I regret to state that I am unable to concur in the majority report on S. 2033. This bill would continue the Government in the business of buying and selling the domestic wool clip. The Department of Agriculture would continues to purchase the domestic wool clip at a high artificial price and sell it at a loss, which, on their present holdings and the 1946 clip which they are committed to buy, represents approximately 8 to 9 cents per pound with an estimated loss of $75,000,000 plus administrative costs and carrying charges, which at present amounts to over $500,000 per month.

I agree with the majority that the wool grower is engaged in a business which is essential to our civilian economy and national defense, and because of increased costs of operation, the grower should have assistance from the Government in order to stimuliate production. However, I believe that Government control of the domestic wool business should cease.

I am satisfied from the testimony offered by witnesses at the hearings which were held on this bill that the business of buying and selling wool is so complex that the Government cannot make its buying and selling operations sufficiently flexible to enable it to dispose of wool in the best interests of all concerned. In my opinion, the results of the Government's program of buying and selling the domestic wool clip during the past several years is ample evidence that the Government cannot market this wool clip in a satisfactory manner, and as a result of its operations the American manufacturer has been forced to use imported wool in place of domestic-grown wool, resulting in a loss to the wool grower of his only natural market.

For generations, the wool merchant has filled an important place in this industry through his purchase of the domestic wool clip from the producer, financing of same, and proper preparation of it for market, making the many special grades and qualities required by individual manufacturers.

Yet this long-established business would be destroyed by this bill.

While in my opinion the proper method of affording protection to the American producer is through an increase in the tariff on wool and wool products, I recognize the improbability of any tariff legislation at this time which would permit an increase. Therefore, much as I dislike subsidies, I suggest payment to the grower on a per-head basis of a sum which will represent the difference between comparable price now considered to be 40.4 cents per pound and the cost of competitive foreign wool, leaving the grading and merchandising of the clip in the hands of established commercial organizations. I also favor establishment of a floor price to become effective in the event of drastic price in decline. I believe that this suggestion would cost materially less in administrative costs.

I quote from the testimony of a top-maker manufacturer, Kenneth W. Marriner, containing the manufacturer's point of view:

"I can express an opinion from a manufacturer's point of view and would say that seldom in its history has the United States wool textile industry faced a more uncertain future than today when the passage of the British loan seems to carry with it the probability of a reduction in the tariff on wool and wool goods, which means that this country, which now holds the position as being the largest producer of wool goods in the world, employing over 200,000 people, principally in New England, will be subjected to the severest kind of competition from foreign manufacturers, and with the prospect in view, every effort should be made to give manufacturers as much freedom in their selection and purchase of raw wool as possible rather than attempt to surround them with Government rules and regulations which would be inevitable under any Government wool purchase plan."

I recommend the elimination of those sections of S. 2033 which contemplate having the Department of Agriculture inject itself further into private industry.

In the near future, Great Britain and her colonies will return to a free and competitive business in the selling of wool. This country should do likewise.

For the reasons stated, I am unable to recommend favorable consideration of S. 2033.

DAVID I. WALSH.

Mr. DOWNEY subsequently said: Mr. President, this morning the distinguished Senator from Wyoming [Mr. O'MAHONEY] discussed at some length his pending wool standard bill. I wish to say that I agree with him as to the great importance of passing the bill, and I wish to associate myself with the statements which have been expressed by him concerning the matter.

As coming from one of the great wool-producing States, it has seemed to me that the entire sheep and wool industry of the United States is now in a serious condition. I believe that only the passage of legislation such as the bill which was referred to by the Senator from Wyoming, will save that great industry.

Moreover, Mr. President, I agree with the Senator from Wyoming that, from the standpoint of the American economy as a whole, it is most vital that our wool industry be preserved.

I concur also with the Senator in expressing the hope and wish that before Congress concludes its present session, it will take action looking to the passage of the bill now pending which has been unanimously reported by a Senate committee.

Mr. MILLIKIN. Mr. President, I wish the RECORD to show that I associated myself with the remarks of the Senator from California.

Mr. JOHNSON of Colorado. Mr. President, I wish to ask the Senator from California one brief question.

I listened to the address of the Senator from Wyoming on the subject of wool, and I listened to the remarks of the Senator from California. I wish to say that Colorado is tremendously interested in the sheep and wool industry. It is an extremely important industry. I also associate myself with the Senator from Wyoming and with the Senator from California, as well as other western Senators, in the hope that Congress will soon pass legislation on the subject which will make it possible for the sheep and wool industry to continue in existence.

Mr. DOWNEY. Mr. President, I express to the junior Senator and senior Senator from Colorado my appreciation for their statements.

Mr. MURRAY. Mr. President, I wish to place myself in accord with what has been said during the day by the distinguished Senator from Wyoming [Mr. O'MAHONEY], the distinguished Senator from California [Mr. DOWNEY], and other Senators who have spoken on the subject, who are trying to make it possible that the sheep and wool industry be preserved.

The industry is of great importance to Montana. Like every other State in the Union, Montana is being affected by the conditions which have been portrayed so eloquently by the Senator from Wyoming, as well as other Senators.

I believe it would be a great disaster to the country, I know it would be a very serious injury to the State of Montana, if the bill referred to were not enacted into law. I wish to express myself as being in accord with the statements of the Senators from the other wool-growing States. I think the wool industry is one of the important segments of our economy, and I do not see how the Congress can fail to recognize its importance, and to act accordingly.

Mr. REVERCOMB subsequently said: Mr. President, earlier today the Senator from Wyoming [Mr. O'MAHONEY] spoke upon a wool bill in which he expressed deep interest. I told him that I would have some comments to make at a later time with respect to the discussion which took place.

In the course of the remarks of the Senator from Wyoming he pointed out that the Congress, in fixing a policy by the passage of the Reciprocal Trade Agreements Act, and permitting extensions of that act, which Members of the Senate will recall empowered the President to lower existing tariffs by 50 percent, made possible a situation which is a threat to the wool growers and to the protection of the products of this country.

I wish to say that not only is it a threat to the wool growers, but to the producers of all goods manufactured in America, and to the workers who create them.

At the time of the debate upon the extension of the Trade Agreements Act I said—and I repeat at this time—that it was a threat to every product made in America, and in my own State particularly to glass and pottery; and even a threat to those who work in the production of coal, because the trade agreements permit the importation into this country of the products of other countries, manufactured abroad by foreign workers.

In the course of the remarks of the Senator from Wyoming he stated more

than once that 16 Republicans had voted for the passage of the Reciprocal Trade Agreements Act. I do not know the real purpose of his statement, but the implication was that the policy which we find ourselves facing since the passage of the Reciprocal Trade Agreements Act is to be laid at the door of the Republican Party.

In order that the record may be clear, and in order that there may be no misunderstanding upon the subject, I have before me an excerpt from the CONGRESSIONAL RECORD of June 20, 1945, showing the vote upon the final passage of the Reciprocal Trade Agreements Act. I find that, of the Senators voting at that time, 15 members of the Republican Party voted in favor of the passage of the bill; 38 members of the Democratic Party voted in favor of it; and 1 member of the Progressive Party voted in favor of it.

Voting against the passage of the Reciprocal Trade Agreements Act, which now is called a threat and a danger, there were 16 Republican Senators. Sixteen Republican Senators and five Democratic Senators voted against the passage of that act. I wish to take time now to place in the RECORD the names of the Republican Members of the Senate who voted against the Reciprocal Trade Agreements Act, inasmuch as this subject has been brought up; and I venture to say that in the future it will be brought up time and time again, because of the threat the act involves to the future well-being of this country and particularly the well-being of the people who manufacture American products. The Senators on the Republican side who voted against the passage of the Reciprocal Trade Agreements Act were the following: The Senator from Maine [Mr. BREWSTER], the Senator from Nebraska [Mr. BUTLER], the Senator from Kansas [Mr. CAPPER], the Senator from South Dakota [Mr. GURNEY], the Senator from New Jersey [Mr. HAWKES], the Senator from North Dakota [Mr. LANGER], the Senator from Colorado [Mr. MILLIKIN], the Senator from Oklahoma [Mr. MOORE], the Senator from West Virginia [Mr. REVERCOMB], the Senator from Wyoming [Mr. ROBERTSON], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Ohio [Mr. TAFT], the Senator from Nebraska [Mr. WHERRY], the Senator from Maine [Mr. WHITE], the Senator from Wisconsin [Mr. WILEY], and the Senator from North Dakota [Mr. YOUNG].

In the course of that debate, the Senator from Wyoming [Mr. O'MAHONEY] offered an amendment, the purport and effect of which was that any agreement which was made should be submitted, like any treaty, to the Senate, for ratification by it. The Senator from Wyoming espoused that amendment. I agreed with him and I supported him in respect to the amendment. But when question is raised here as to the party division on the votes on those matters, I think we should go to the RECORD, so that there may be no misunderstanding about what the situation was. So let us see who supported that amendment, as between the two parties and their memberships. The amendment was offered by the Senator from Wyoming [Mr. O'MAHONEY], and it was supported by 20 Republican Senators and 7 Democratic Senators. As I have said, that amendment, if adopted, would have caused the submission of such agreements to the Senate, for ratification by the Senate. Voting against that amendment were 11 Republican Senators, 37 Democratic Senators, and 1 Progressive Senator.

Mr. President, I take the position that when a question of this kind is raised, when the record is clear, and when the matter was passed on by the Senate during the past year, we should bring the RECORD up to date, so that the whole subject will be absolutely clear and so that when any Senator on either side of the aisle raises a point about the party division on the matter, or when partisan points are made, there can be no question as to how the various Members of the Senate voted.

PROHIBITION OF POLL TAX IN FEDERAL ELECTIONS

The Senate resumed consideration of the bill (H. R. 7) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

Mr. MEAD. Mr. President, last evening, only a few minutes before the Senate recessed, I discussed very briefly the anti-poll-tax bill. The effort to secure the passage of the anti-poll-tax bill has been an uphill struggle for over 7 years. More than a year ago the bill was passed by the House of Representatives. Nine months ago the Senate Judiciary Committee reported it favorably. Since then there has been a silent filibuster on the bill. But, despite the vigorous efforts of the Senators from poll-tax States to keep this bill from coming to a vote, the overwhelming desire of the people to see democracy really work here in America finally forced this bill to reach the floor of the Senate.

Mr. President, we know all the facts and figures regarding this bill. We have heard them many times, so I feel it unnecessary to go over them. I am confident that the majority of my colleagues are anxious to see the poll tax abolished as a precondition of voting in all of our States. What the Senator from New York is not confident of is that two-thirds of his colleagues will vote for cloture this afternoon. I submit, Mr. President, that cloture is not the issue involved, nor is it an issue in itself. Cloture is merely a rule of parliamentary procedure, an instrumentality of legislative conduct. It is just a remedy for democratic illness, when the democratic body is unable to move by its usual processes because it is suffering from a stoppage.

Mr. President, the Senate is about to vote for cloture. This body is about to decide whether sufficient debate has been held on this subject. I submit, Mr. President, that sufficient debate has been held on the merits of this subject. We have been debating it for 2 years. The issues and facts on this question are crystal clear. I recognize that there are Senators who, by clinging to the tradition of free speech, have been loath to put a limit on debate. But I believe that it has become more and more obvious that the power to act is greater and more necessary to a legislature than the right to debate endlessly.

I believe the Senate has come here today to act. The Senate shall act. The junior Senator from New York asks that all Senators who want to see this bill pass, vote for cloture. The issue is clear and decisive. A vote for cloture is a vote for this bill. A vote against cloture is a vote against this bill. I want this to be made most conclusive to my esteemed colleagues. We want cloture invoked, and we can get it if the Senators who want this bill passed will vote for cloture. We have the votes to pass this bill; our first hurdle is the cloture vote.

By voting for cloture and then passing this bill, Mr. President, we will be doing the individual States, despite the argument of some of our states-righters, a great service. By passing H. R. 7, Mr. President, we will be putting the vote into the hand of the people in the seven poll-tax States. With the vote in the people's hands, they will be able to take upon themselves the task of improving the conditions of poor health, housing, and education which exist in their respective States as a result of the poll-tax system. There are 10,000,000 voteless citizens in seven poll-tax States. If we pass this bill we will be improving by a millionfold the conditions of health, education, and housing in those States. This is our problem, Mr. President. The poll-tax question is a national issue effecting all the people. Poor health, education, and housing in any of our States affect all the people of the country. We cannot avoid this issue, Mr. President. The whole world will be looking at us today. We must show the peoples of the world that America is truly the seedbed of democracy, not only in principle but in fact.

The PRESIDENT pro tempore. The hour of 1 o'clock, being 1 hour after the Senate met today, having arrived, the Chair, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, lays before the Senate the motion to bring to a close the debate upon the bill (H. R. 7) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers, and directs the Secretary to call the roll to ascertain whether a quorum is present. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Andrews	Downey	Hoey
Austin	Eastland	Huffman
Ball	Ferguson	Johnson, Colo.
Barkley	Fulbright	Johnston, S. C.
Bilbo	George	Kilgore
Bridges	Gerry	Knowland
Burch	Gossett	La Follette
Byrd	Green	Langer
Capper	Guffey	McCarran
Chavez	Gurney	McClellan
Connally	Hart	McFarland
Cordon	Hayden	McKellar
Donnell	Hill	McMahon

Magnuson	Overton	Thomas, Utah
Maybank	Pepper	Tunnell
Mead	Radcliffe	Vandenberg
Millikin	Reed	Wagner
Mitchell	Revercomb	Walsh
Moore	Russell	Wheeler
Morse	Smith	Wherry
Murdock	Stewart	White
Murray	Swift	Wiley
Myers	Taft	Willis
O'Daniel	Taylor	Young
O'Mahoney	Thomas, Okla.	

The PRESIDENT pro tempore. Seventy-four Senators having answered to their names, a quorum is present.

The Chair, in further pursuance of rule XXII, submits to the Senate the question, Is it the sense of the Senate that the debate shall be brought to a close upon this question?

The yeas and nays are required, and the Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REVERCOMB (when his name was called). On this vote the Senator from Illinois [Mr. BROOKS] and I have a pair with the Senator from Wyoming [Mr. ROBERTSON]. If the Senator from Wyoming were present and voting, he would vote "nay." If the Senator from Illinois were permitted to vote he would vote "yea"; and if I were permitted to vote, I would vote "yea."

Mr. WILLIS (when his name was called). On this vote, the Senator from Iowa [Mr. WILSON] and I have a joint pair with the junior Senator from South Dakota [Mr. BUSHFIELD]. If the junior Senator from South Dakota were present he would vote "nay." If I were permitted to vote I would vote "yea," and if the senior Senator from Iowa [Mr. WILSON] were present he would vote "yea." I therefore withhold my vote.

The roll call was concluded.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] is absent because of illness.

The Senator from Nevada [Mr. CARVILLE] is absent by leave of the Senate.

The Senator from Missouri [Mr. BRIGGS] and the Senator from Illinois [Mr. LUCAS] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

On this question the Senator from Vermont [Mr. AIKEN] and the Senator from Illinois [Mr. LUCAS], who, if present and voting, would vote "yea," are paired with the Senator from Nevada [Mr. CARVILLE], who, if present and voting, would vote "nay."

The Senator from Missouri [Mr. BRIGGS] and the Senator from New Hampshire [Mr. TOBEY], both of whom would vote "yea" if present, are paired on this question with the Senator from North Carolina [Mr. BAILEY], who would vote "nay" if present.

The Senator from Louisiana [Mr. ELLENDER] would vote "nay" if present.

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from New Jersey [Mr. HAWKES], and the Senator from Kentucky [Mr. STANFILL] are necessarily absent.

The Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from Wyoming [Mr. ROBERTSON], and the Senator from New Hampshire [Mr. TOBEY] are absent by leave of the Senate.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy. If present he would vote "yea."

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The Senator from Vermont [Mr. AIKEN] and the Senator from Illinois [Mr. LUCAS], both of whom would vote "yea," are paired on this question with the Senator from Nevada [Mr. CARVILLE], who would vote "nay."

The Senator from New Hampshire [Mr. TOBEY] and the Senator from Missouri [Mr. BRIGGS], both of whom would vote "yea," are paired on this question with the Senator from North Carolina [Mr. BAILEY], who would vote "nay."

The yeas and nays resulted—yeas 39, nays 33, as follows:

YEAS—39

Austin	Kilgore	Pepper
Ball	Knowland	Reed
Barkley	La Follette	Smith
Capper	Langer	Taft
Chavez	McMahon	Taylor
Cordon	Magnuson	Thomas, Okla.
Donnell	Mead	Thomas, Utah
Downey	Mitchell	Tunnell
Ferguson	Morse	Vandenberg
Green	Murdock	Wagner
Guffey	Murray	Walsh
Huffman	Myers	Wherry
Johnson, Colo.	O'Mahoney	Wiley

NAYS—33

Andrews	Gurney	Millikin
Bilbo	Hart	Moore
Bridges	Hayden	O'Daniel
Burch	Hill	Overton
Byrd	Hoey	Radcliffe
Connally	Johnston, S. C.	Russell
Eastland	McCarran	Stewart
Fulbright	McClellan	Swift
George	McFarland	Wheeler
Gerry	McKellar	White
Gossett	Maybank	Young

NOT VOTING—24

Aiken	Capehart	Robertson
Bailey	Carville	Saltonstall
Brewster	Ellender	Shipstead
Briggs	Hatch	Stanfill
Brooks	Hawkes	Tobey
Buck	Hickenlooper	Tydings
Bushfield	Lucas	Willis
Butler	Revercomb	Wilson

The PRESIDENT pro tempore. On this question two-thirds of the Senators present and voting not having voted in the affirmative, the motion is not agreed to.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communications and letters, which were referred as indicated:

SUPPLEMENTAL ESTIMATE, DEPARTMENT OF THE INTERIOR (S. Doc. No. 256)

A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Office of the Secretary of the Department of the Interior, amounting to $5,000,000, fiscal year 1947 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, FEDERAL WORKS AGENCY (S. Doc. No. 257)

A communication from the President of the United States, transmitting supplemental estimates of appropriation for the Federal Works Agency, amounting to $9,300,000, fiscal year 1947 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

INVESTMENT OF FUNDS OF INSURANCE COMPANIES OF THE DISTRICT OF COLUMBIA

A letter from the Secretary of the Treasury, Chairman of the National Advisory Council on International Monetary and Financial Problems, transmitting a draft of proposed legislation to permit investment of funds of insurance companies organized within the District of Columbia in obligations of the International Bank for Reconstruction and Development (with an accompanying paper); to the Committee on the District of Columbia.

LEGISLATION PASSED BY MUNICIPAL COUNCIL OF ST. CROIX AND LEGISLATIVE ASSEMBLY, VIRGIN ISLANDS

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of legislation passed by the Municipal Council of St. Croix and the Legislative Assembly of the Virgin Islands (with accompanying papers); to the Committee on Territories and Insular Affairs.

REPORT ON ACTIVITIES OF SMALLER WAR PLANTS CORPORATION

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report from Laurence F. Arnold, Acting Director of the Office of Small Business, and Accountability and Liquidation Officer of the Smaller War Plants Corporation, covering the months of April and May 1946 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF INTERAGENCY POLICY COMMITTEE ON RUBBER

A letter from the Director of the Office of War Mobilization and Reconversion, transmitting the second report of the Interagency Policy Committee on Rubber (with an accompanying report); to the Committee on Military Affairs.

REPORT OF ACTIVITIES OF GENERAL ACCOUNTING OFFICE UNDER CONTRACT SETTLEMENT ACT OF 1944

A letter from the Comptroller General of the United States, transmitting a report of the activities of the General Accounting Office under section 16 of the Contract Settlement Act of 1944 (with an accompanying report); to the Committee on Military Affairs.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

A letter from the President of the United States Civil Service Commission, transmitting

a draft of proposed legislation to amend the Civil Service Retirement Act to provide for the elimination of the deduction of $1 a month from employee contributions, as well as the elimination of interest on refunds covering service of less than 5 years and for other purposes (with accompanying papers); to the Committee on Civil Service.

PETITIONS AND MEMORIAL

The PRESIDENT pro tempore laid before the Senate the following petitions and a memorial, which were referred, as indicated:

A resolution of the Assembly of the State of California; ordered to lie on the table:

"House Resolution 18

"Resolution relative to memorializing and petitioning the Congress of the United States to pass H. R. 6932 of the Seventy-ninth Congress, second session, providing for promotion of agricultural marketing services and agricultural research

"Whereas the Congress of the United States has now before it for consideration H. R. 6932 of the Seventy-ninth Congress, second session, which has for its objective the providing for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products; and

"Whereas a scientific approach to the problems of marketing, transportation, and distribution of agricultural products through research, study, experimentation, and cooperation among Federal and State agencies, farm organizations, and private industry is of inestimable value to the achieving of a prosperous agriculture, and this scientific approach will be promoted by said bill; and

"Whereas efficient farm production and the current problems of improved packaging, refrigeration, transportation, marketing, and distribution require coordination and correlation between official agencies of the Federal and State Governments for the benefit of producers, handlers, and consumers, as envisaged by said bill: Now, therefore, be it

"Resolved by the Assembly of the State of California, That it urgently represents to the Congress of the United States that the passage of H. R. 6932 is a matter of prime importance, and it hereby memorializes the Congress to enact said bill or a measure comparable in purpose and objective and containing due and adequate consideration for the right of each State to recommend and engage in research on marketing and distribution problems of local and State-wide significance: and be it further

"Resolved, That the chief clerk of the assembly is hereby directed to send a copy of this resolution to the President of the United States, the Speaker of the House of Representatives, the President pro tempore of the Senate, and to each of the Senators and Representatives from California in the Congress of the United States."

A letter in the nature of a petition, from the Pan-Pacific Women's Association, New York City, N. Y., signed by Mrs. Edgerton Parsons, chairman, praying that the remaining appropriation of $465,000,000 to UNRRA be made immediately available; to the Committee on Appropriations.

A resolution adopted by the Federation of Employees of the Insular Government of Puerto Rico, San Juan, P. R., favoring the appointment of JESÚS T. PIÑERO as Governor of Puerto Rico; to the Committee on Territories and Insular Affairs.

A telegram in the nature of a petition from Sooner Post, No. 4578, Veterans of Foreign Wars, Guthrie, Okla., praying for the enactment of legislation providing a cash payment for terminal leave of members of the armed forces; ordered to lie on the table.

A resolution adopted by the Board of Aldermen of the City of Chelsea, Mass., favoring continuation of the Office of Price Administration; ordered to lie on the table.

A telegram in the nature of a memorial from Frank Berge, of San Francisco, Calif., remonstrating against disclosure of information regarding secret war weapons; to the Committee on Military Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CONNALLY, from the Committee on Foreign Relations:

S. 2493. A bill to authorize the President to appoint Lt. Comdr. Paul A. Smith as United States representative to the Interim Council of the Provisional International Civil Aviation Organization, or as alternate to the United States representative, without affecting his status and perquisites as an officer of the Coast and Geodetic Survey; without amendment.

By Mr. McKELLAR, from the Committee on Appropriations:

H. J. Res. 390. Joint resolution making additional appropriations for the fiscal year 1947, and for other purposes; with amendments (Rept. No. 1908).

By Mr. BARKLEY, from the Committee on the Library:

H. R. 3243. A bill to amend the act entitled "An act to establish a National Archives of the United States Government, and for other purposes"; without amendment.

By Mr. JOHNSTON of South Carolina, from the Committee on Claims:

S. 1327. A bill for the relief of Petrol Corp.; with amendments (Rept. No. 1911).

By Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry:

H. R. 2347. A bill to provide and insure a dependable supply of domestic natural rubber, and for other purposes; without amendment (Rept. No. 1912);

H. R. 4769. A bill to amend section 5 of the act entitled "An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton"; without amendment (Rept. No. 1913);

H. R. 6303. A bill to amend the provisions of the Agricultural Adjustment Act relating to marketing agreements and orders; with amendments (Rept. No. 1915);

H. R. 6828. A bill to provide for continuance of the farm labor supply program up to and including June 30, 1947; without amendment (Rept. No. 1914); and

H. R. 7101. A bill to protect American agriculture, horticulture, livestock, and the public health by prohibiting the unauthorized importation into, or the depositing in the territorial waters of, the United States of garbage derived from products originating outside of the continental United States, and for other purposes; with amendments (Rept. No. 1916).

By Mr. MITCHELL, from the Committee on Interstate Commerce:

S. 1639. A bill to amend the Transportation Act of 1940 so as to establish a National Air Policy Board, and for other purposes; with amendments (Rept. No. 1918).

INVESTIGATION OF THE TEXTILE INDUSTRY—REPORT OF A COMMITTEE

Mr. McMAHON. Mr. President, from the Committee on Interstate Commerce, I ask unanimous consent to report an original joint resolution (S. J. Res. 187) to investigate the integration, under common control, of textile and clothing manufacturing plants and the effect on independent manufacturers, and I submit a report (No. 1917) thereon.

The PRESIDENT pro tempore. Without objection, the report will be received, and the joint resolution will be placed on the calendar.

INTERIM REPORT ON INVESTIGATION OF INTERNATIONAL COMMUNICATIONS BY WIRE AND RADIO

Mr. WHEELER. Mr. President, from the Committee on Interstate Commerce, I ask unanimous consent to submit, pursuant to Senate Resolution 24, Seventy-ninth Congress, providing for an investigation of international communications by wire and radio, an interim report, and I submit a report (No. 1907) thereon.

The PRESIDENT pro tempore. Without objection, the report will be received and printed.

INTERIM REPORT ON INVESTIGATION OF PRESENT STATUS OF COTTON INDUSTRY (REPT. NO. 1918)

Mr. THOMAS of Oklahoma. Mr. President, from the Committee on Agriculture and Forestry, I ask unanimous consent to submit, pursuant to Senate Resolution 92, providing for the investigation of matters relative to food production and consumption, an interim report on the production, consumption, and distribution of cotton, and I request that it may be printed and printed in the RECORD.

There being no objection, the report was received, ordered to be printed, and to be printed in the RECORD, as follows:

The committee had before it representatives of the several Federal agencies interested in and handling cotton, as follows:

Paul A. Porter, representing the Office of Price Administration; O. C. Stine and Maurice R. Cooper, representing the Bureau of Agricultural Economics; E. D. White and L. D. Esates, representing the Department of Agriculture; Brig. Gen. W. H. Middleschwartz, representing the Quartermaster General's Office of the War Department, and Col. R. F. Hartman, representing the Civil Affairs Division, War Department; C. W. Nichols, Jerome Stenger and James Evans, representing the State Department; Julian Breen and William B. Mathews, representing the United Nations Relief Administration; Carl N. Gibboney and Ray Hurley, representing the Office of International Trade and Commerce; and Dewitt C. Scheck, representing the United States Commercial Company, which is subsidiary of the Reconstruction Finance Corporation.

The findings made herein are based upon the testimony of the witnesses and the published reports of the Department of Agriculture.

DOMESTIC COTTON SITUATION

The estimated number of acres planted to cotton this year, 1946, is 18,300,000, or some 1,000,000 acres less than was anticipated by the cotton trade.

The foregoing compares with 17,700,000 acres in 1945 and the 1935–44 average of 25,600,000. The 1936–45 average abandonment from natural causes was 1.9 percent.

The 10-year average number of acres planted was 25,500,000. The number of acres planted this year, 1946, is 18,333,333, which is some 7,000,000 acres less than the 10-year average.

The following statements are reprinted from the June–July 1946 report of the Bureau of Agricultural Economics with respect to cotton:

"The July 8 cotton crop report places the 1946 acres of cotton in cultivation July 1, at 18,300,000 acres. If this acreage should produce at average yields (1941–45), the 1946 crop would amount to about 9,500,000 running bales and supplies of American cotton in the United States for the 1946 crop year would be at the lowest level in 17 years, or about the same as in 1928."

The 10-year average production was 12,553,000 bales of cotton of 500 pounds each. The cotton produced last year, 1945, was 9,015,000 bales, or 3,538,000 bales less than the 10-year average production. If the July 8 estimate is approximately correct then this year's crop will be some 3,053,000 bales less than said 10-year average.

"Mill consumption for the year ending July 31 is now estimated at 9,200,000 million bales and exports are estimated at 3,500,000 bales, which would leave a domestic carry-over of all kinds of cotton on August 1 of 7,600,000 bales."

"If, as estimated, mills consume 9,200,000 bales of cotton this season and exports total 3,500,000, the carry-over of all kinds of cotton in the United States on August 1, 1946, will amount to 7,600,000 bales, about 200,000 of which will be foreign."

"June reports indicated that this year's cotton crop is threatened by boll-weevil damage, especially in central Texas, southern Mississippi, Georgia, and South Carolina. The boll-weevil damage may be more serious because of a shortage of calcium arsenate and because of a heavier than normal infestation. Areas north of those mentioned above have not been very adversely affected by the weevil."

Testimony of the representatives of Agriculture shows that cotton stocks are now only 7,600,000 bales compared to 11,200,000 a year ago. The drop was caused by 3,500,000 bales being exported. The 1946 crop will hardly equal the domestic demand.

It was further revealed that the mills are carrying working stocks of 2,000,000 bales; 742,957 bales have already been allocated for export to UNRRA, Britain, France, Japan, and Germany; and the State Department has already approved loans to China, Finland, Czechoslovakia, Italy, and the Netherlands for 756,000 bales with additional loans to be approved in the near future. This leaves only 1,807,000 bales of tenderable cotton and 2,294,000 bales of undesirable cotton, totaling 4,101,000 bales for export sales, Government and warehouse stocks, to serve all purposes during the coming 12 months.

The Department of Agriculture estimates that the United States will have orders and requisitions for three and one-half to four million bales of cotton for export during the next 12 months; and the Department's spokesman stated before the committee that all cotton stocks of all kinds would probably be cleaned up within a year. If this should happen all cotton now on hand and all cotton that is produced during the present crop year will find a market during the next 12 months. This conclusion is supported by the report "June–July Cotton Situation," as follows:

"World consumption of cotton and rayon may be the equivalent of well over 30,000,000 bales next year. During the 1946 crop year the combined production of cotton and rayon in the world will probably not total over 27,000,000 bales. Present carry-overs of cotton, large as they seem, will fall sharply during the next few years unless the production of cotton and/or rayon is expanded beyond present levels." (From June–July report of Bureau of Agricultural Economics.)

In view of the statistics and possible requisitions for export as presented by the various agencies, this will leave our country with little, if any, cotton on hand a year from now.

Representatives of the Department of Agriculture said a normal mill and working stock should be 4,000,000 bales for safety, therefore, it appears that either the mills will have to suffer or the exports curtailed from present estimates, and no future commitments made.

OPA AND COTTON

Mr. Paul A. Porter, Administrator for OPA, admitted that his department does not have authority to maintain ceiling prices on the services of warehousing cotton as such service is prohibited under the act extending the OPA; also the law prohibits imposing ceiling on raw cotton or maintaining margin requirements on cotton futures trading.

The Bureau of Agricultural Economics estimates that the following number of bales of cotton were consumed in the United States:

Year:	*Number of bales*
1942–43	11,000,000
1943–44	9,943,000
1944–45	9,568,000
1945–46	9,000,000 to 9,250,000

The Bureau stated that the estimated 9,500,000 bales to be produced in 1946 would be "probably short" of the consumption from August 1, 1946, to August 1, 1947. The Bureau estimates the carry-over August 1, 1947, will drop 2½ million bales from the carry-over of August 1, 1946, of 7,600,000, leaving 5,100,000 bales of both tenderable and untenderable cotton in all grades and positions. After deducting an estimated 2,000,000 bale mill stocks there would be approximately 3,000,000 bales of cotton on hand for export and for all other purposes between August 1, 1946, and August 1, 1947.

The Production and Marketing Administration estimates that the Commodity Credit Corporation shipped the following bales of cotton for export from August 1, 1945, to August 1, 1946:

	Bales
Germany	42,916
France	720,469
UNRRA	767,676
Great Britain	216,028
Italy	169,712
Army	45,921
Japan	478,895
Total	2,441,617

On June 30, 1946, the Commodity Credit Corporation owned 433,297 bales; had pooled for producers' accounts 89,078 bales; and had outstanding loans on 397,897 bales.

Since June 30, 1946, Commodity Credit Corporation stocks had been reduced from 433,297 bales to approximately 135,000 bales of owned cotton as producers had withdrawn from 50,000 to 75,000 bales. The 1944 loans were called due July 1, 1946. The 1945 loans will be called due October 1, 1946.

The Commodity Credit Corporation has requisitions from the following claimants as of July 29, 1946:

	Bales
UNRRA	175,000
Great Britain	4,131
France (lend lease)	19,637
Japan	433,105
Germany	111,084
Total	742,957

The total 742,957 bales still appear in the estimated 7,600,000-bale carry-over. The Commodity Credit Corporation has yet to acquire 123,231 bales from stocks on hand or from loan cotton to complete its stock to fulfill these requisitions.

There will be additional requests for cotton for shipment to Japan and Germany. Such quantities are unknown at this time. The cotton-textile industry of Japan should consume 125,000 bales per month by January 1, 1947. The mill capacity for Germany should equal 280,000 bales per annum which the United States will supply the bulk.

The Army estimated it shipped 11,000 long tons of cotton to the European theater from December 1944 to March 1945; to Italy, 2,129 long tons through August 1, 1945; to France, 13,331 long tons; to Germany, 102 long tons. Since VJ-day the Army shipped to Italy 2,057 long tons; Germany, 9,319 long tons; British-occupied zone of Germany, 166 long tons, making a total of 50,000 bales since VJ-day.

No additional shipments are contemplated. The Department of State revealed that loans have been made to the following countries for the purpose of buying cotton:

Country	Amount	Bales of cotton
China	$33,000,000	360,000
Finland	5,000,000	46,000
Czechoslovakia	20,000,000	130,000
Italy	25,000,000	200,000
Netherlands	10,000,000	80,000
Total		756,000

In addition to the 756,000 bales listed above there are 344,000 bales of cotton to be earmarked for shipment to foreign countries under credit extended by the State Department, with more credits to follow.

United Nations Relief and Rehabilitation Administration has purchased in the United States and shipped the following cotton:

	Bales
Until August 1945	125,000
Until August 1946	675,000
Yet to be shipped	200,000 to 225,000

COTTON LOAN PROGRAM FOR 1946

The Secretary of Agriculture's announcement on May 28 established premiums and discounts under the 1946 loan program. Loans will be made at 92½ percent of the July 15 parity. On June 15, the price received by farmers for cotton was 112 percent of the parity price for cotton. Announced discounts for the poorer qualities are as much as 250 points wider than those for the 1945 crop.

According to the July 29 report of the Bureau of Agricultural Economics, the parity price on cotton on July 15 was 24.68 cents per pound. This establishes the basic loan rate at 22.82 cents per pound for ⅞" Middling.

COTTON PRICES AFTER WORLD WAR I

In October 1918 cotton sold for 37.25 cents per pound: In December 1919 the price was 36.23 cents and in July 1920 the price was 43.75 cents per pound. Cotton is a world commodity and is based on the value of gold. World War I prices were based on the old gold dollar which was 40 percent heavier, hence, 40 percent more valuable than the gold dollar of today. In 1920 there was less than $6,200,000,000 of money in circulation while now (July 17), we have $28,241,000,000 in circulation.

COTTON GROWER RECEIVES FOR 1 HOUR'S WORK PRICE HE RECEIVES FOR 1 POUND OF COTTON

Eminent economists have demonstrated before the Senate Agricultural Committee that cotton growers receive per hour for their labor the amount they receive per pound for the cotton they produced. Cotton is now (July 31, 1946) quoted at some 32 cents per pound, hence, this means that cotton growers may receive only about 32 cents per hour for their work in producing this year's crop. If this price prevails, it is obvious that much of the 1946 crop will not be picked and the existing shortage will be increased.

STATISTICS OF COTTON

Cotton: Acreage, production, value, and foreign trade, United States, 1929–43

Year	Cotton						Cottonseed		Cotton			
	Acreage in cultivation July 1	Acreage harvested	Yield per harvested acre	Production [1]	Season average price per pound received by farmers	Farm value	Production	Farm value	Market price per pound, year beginning August		Foreign trade, year beginning August	
									New York	New Orleans	Domestic exports	Imports
	1,000 acres	*1,000 acres*	*Lb.*	*1,000 bales*	*Cents*	*1,000 dollars*	*1,000 tons*	*1,000 dollars*	*Cents*	*Cents*	*1,000 bales*	*1,000 bales*
1929		*43,227*		*14,674*								
1929	44,448	43,232	164.2	14,825	16.78	1,243,840	6,406	198,164	16.60	16.16	7,035	396
1930	43,329	42,444	187.1	13,932	9.46	658,981	6,028	133,054	10.38	10.08	7,133	112
1931	39,110	38,704	211.5	17,097	5.66	483,575	7,310	65,678	6.34	6.20	9,193	138
1932	36,494	35,891	173.5	13,003	6.52	423,975	5,815	60,202	7.37	7.26	8,895	136
1933	40,248	29,383	212.7	13,047	10.17	663,383	5,511	71,166	11.09	10.92	7,964	156
1934		*26,764*		*9,472*								
1934	27,860	26,866	171.6	9,636	12.36	595,572	4,256	140,574	12.44	12.44	5,037	112
1935	28,063	27,509	185.1	10,638	11.09	590,021	4,634	141,527	11.75	11.65	6,267	162
1936	30,627	29,755	199.4	12,399	12.36	766,222	5,472	182,230	12.93	12.79	5,689	265
1937	34,090	33,623	269.9	18,946	8.41	796,469	7,844	152,974	8.75	8.79	5,976	166
1938	25,018	24,248	235.8	11,943	8.60	513,704	4,950	107,874	8.99	8.73	3,512	157
1939		*22,811*		*11,481*								
1939	24,683	23,805	237.9	11,817	9.09	536,996	4,869	102,933	10.34	10.03	6,501	176
1940	24,871	23,861	252.5	12,566	9.89	621,284	5,286	114,817	11.55	11.06	1,174	202
1941	23,130	22,236	231.9	10,744	17.03	914,313	4,553	216,961	19.16	18.17	1,162	279
1942	23,302	22,602	272.4	12,817	19.04	1,219,716	5,202	237,221	20.99	19.96	1,498	178
1943	21,942	21,652	253.5	11,427	19.80	1,129,985	4,688	244,052	21.30	20.44		

[1] Department figures are in 500-pound gross-weight bales for all years. Agricultural census figures for all periods are in running bales.

Bureau of Agricultural Economics. Italic figures are census returns. Production figures conform with census annual ginning enumerations, with allowance for cross-State ginnings.

Source: The Agricultural Statistics of 1944.

Cotton: Production in specified countries, 1934–43

Year beginning August	United States	India	China	Soviet Union	Egypt	Brazil	Peru	Mexico	Argentina	Uganda	Anglo-Egyptian Sudan	Estimated world total
	1,000 bales	*1,000 bales*	*1,000 bales*	*1,000 bales*	*1,000 bales*	*1,000 bales*	*1,000 bales*	*1,000 bales*	*1,000 bales*	*1,000 bales*	*1,000 bales*	*1,000 bales*
1934	9,636	3,987	3,243	1,687	1,566	1,328	342	223	295	212	227	23,810
1935	10,638	4,874	2,667	2,250	1,769	1,757	393	315	373	269	201	26,530
1936	12,399	5,217	3,870	3,400	1,887	1,817	386	397	144	283	268	31,500
1937	18,946	4,788	3,556	3,709	2,281	2,075	376	341	237	349	264	38,630
1938	11,943	4,227	2,301	3,800	1,728	1,989	396	307	327	253	263	29,090
1939	11,817	4,108	1,883	4,000	1,801	2,141	378	312	362	252	245	28,966
1940	12,566	5,090	2,354	3,000	1,900	2,507	393	302	232	310	247	30,580
1941	10,744	5,127	2,406		1,735	1,844	329	375	373	198	247	27,400
1942	12,817	3,935			877	2,089	322	435	498	94	271	27,340
1943	11,427	4,249			740		259	520	535	159	196	26,800

Bureau of Agricultural Economics. Compiled from official sources, International Institute of Agriculture, credible trade sources, and estimates of the Department of Agriculture.

Cotton: Supply and distribution, United States, 1934–44

Season beginning August—	Supply					Distribution					
	Carry-over beginning of season		Ginnings in season	Imports	Total supply	Consumption		Destroyed	Exports	Carry-over end of season	
	Foreign	Total				Foreign	Total			Foreign	Total
	1,000 bales	*1,000 bales*	*1,000 bales*	*1,000 bales*	*1,000 bales*	*1,000 bales*	*1,000 bales*	*1,000 bales*	*1,000 bales*	*1,000 bales*	*1,000 bales*
1934	96	7,744	9,515	107	17,366	120	5,361	30	4,767	71	7,208
1935	71	7,208	10,403	155	17,766	131	6,351	35	5,971	73	5,409
1936	73	5,409	12,269	249	17,927	182	7,950	45	5,437	112	4,499
1937	112	4,499	18,284	158	22,941	132	8,748	65	5,595	87	11,533
1938	87	11,533	11,617	132	23,282	122	6,858	66	3,326	76	13,033
1939	76	13,033	11,420	159	24,612	128	7,784	73	6,191	95	10,564
1940	95	10,564	12,318	188	23,069	146	9,722	70	1,112	140	12,166
1941	140	12,166	10,599			196	11,170	50		135	10,640
1942	135	10,640	12,497			170	11,100	60		88	10,657
1943	88	10,657	11,150			114	9,942	50		118	10,744
1944	118	10,744									

Cotton: Mill consumption, by growths, United States, 1934–43

Season beginning August—	Domestic				Foreign					All growths
	Upland	American Egyptian	Sea Island	Total	Egyptian	Chinese	Indian	Other	Total	
	Bales	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*	*Bales*
1934	5,228,995	11,348	566	5,240,904	82,249	15,227	20,826	1,661	119,963	5,360,867
1935	6,198,225	21,376	238	6,219,839	66,982	17,664	44,433	2,242	131,321	6,351,160
1936	7,747,489	20,097	395	7,767,981	77,858	33,943	61,662	8,635	182,098	7,950,079
1937	5,608,081	6,187	1,950	5,616,218	47,876	28,616	48,999	6,269	131,760	5,747,978
1938	6,714,266	18,638	3,226	6,736,130	53,185	24,536	39,701	4,874	122,296	6,858,426
1939	7,630,954	21,204	3,166	7,655,324	53,903	7,922	61,956	4,669	128,450	7,783,774
1940	9,545,314	26,937	3,270	9,575,521	60,884	4,459	77,929	2,910	146,182	9,721,703
1941	10,922,303	47,031	4,281	10,973,615					196,491	11,170,106
1942	10,874,337	49,783	5,664	10,929,784					170,298	11,100,082
1943	9,784,768	43,720		9,828,488					113,582	9,942,070

Office of Distribution. Compiled from reports of the Bureau of the Census. Quantities are in running bales (round bales counted as half bales) and foreign in equivalent 500-pound bales.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

(Mr. MURRAY (for himself, Mr. MORSE, and Mr. PEPPER) introduced Senate bill 2499, to establish a national policy for education and to provide a 10-year program of assistance to the States for the further development of educational systems, which was referred to the Committee on Education and Labor, and appears under a separate heading.)

By Mr. BRIDGES:

S. 2500. A bill to provide for designation of the United States Veterans' Administration hospital at Manchester, N. H., as the Frank Knox Veterans Memorial Hospital; ordered to lie on the table.

By Mr. PEPPER (for himself and Mr. JOHNSTON of South Carolina):

S. 2501. A bill to amend the Armed Forces Leave Act of 1946 to provide for the redemption prior to maturity of bonds issued under such act; to the Committee on Military Affairs.

(Mr. LA FOLLETTE introduced Senate Joint Resolution 185, providing for the filing of claims for compensation for personal injuries and property damages sustained by citizens of the United States who were taken prisoner by the enemy during World War II, which was referred to the Committee on Foreign Relations, and appears under a separate heading.)

(Mr. BARKLEY introduced Senate Joint Resolution 186, to provide for the transfer of the painting First Fight of Ironclads—*Monitor* and *Merrimac*, now stored in the United States Capitol Building, to the custody of the United States Naval Academy, was passed, and appears under a separate heading.)

DEVELOPMENT OF EDUCATIONAL SYSTEMS

Mr. MURRAY. Mr. President, on behalf of the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. PEPPER], and myself, I ask unanimous consent to introduce for appropriate reference a bill to establish a national policy for education and to provide a 10-year program of assistance to the States for the further development of educational systems, and I request that it be printed in full in the RECORD, together with an accompanying statement in explanation.

The PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred, and the bill together with an accompanying statement in explanation will be printed in the RECORD.

The bill (S. 2499) to establish a national policy for education and to provide a 10-year program of assistance to the States for the further development of educational systems, read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That this act, divided into titles according to the following table of contents, may be cited as the "Education Development Act of 1947":

TABLE OF CONTENTS

Section 1. Short title.
Section 2. Declaration of policy.

TITLE I—BASIC EDUCATIONAL PROGRAMS AND SERVICES

Section 101. Appropriation authorized.
Section 102. Allotments to States.
Section 103. Educational expenditures by States.
Section 104. State plans.

TITLE II—SCHOLARSHIPS AND FELLOWSHIPS

Section 201. Appropriation authorized.
Section 202. Allotments to States.
Section 203. State plans.

TITLE III—PLANNING AND CONSTRUCTION OF EDUCATIONAL PLANT FACILITIES

Section 301. Appropriation authorized.
Section 302. Allotments to States.
Section 303. State plans.

TITLE IV—CAMPING PROGRAMS FOR CHILDREN AND YOUTH

Section 401. Appropriation authorized.
Section 402. Allotments to States.
Section 403. State plans.

TITLE V—ADMINISTRATION

Section 501. State control of operations.
Section 502. United States Office of Education.
Section 503. Program development, administration, and research.
Section 504. National standards.
Section 505. Operation of State plans.
Section 506. National Board of Appeals.

TITLE VI—GENERAL PROVISIONS

Section 601. Report to Congress.
Section 602. Definitions.
Section 603. Separability.

DECLARATION OF POLICY

SEC. 2. The Congress hereby declares that in order to promote the common defense, democratic participation in government, the development of science and the arts, productive employment in a fruitful economy, wise use of leisure, world peace and security, and the general welfare, it shall be the national policy to seek the development within 10 years of educational systems throughout the United States—

(a) which will be so organized, financed, and administered as to be capable of offering full and equal opportunities to all to develop their capacities for their own benefit individually and for the best interest of the Nation as a whole;

(b) which will afford equality of opportunity to all without regard to sex, race, color, or creed;

(c) which will promote the principles of democracy, of respect for the dignity of the individual, and of respect for such human rights as freedom of assembly, speech, and religion, with unrestricted pursuit of objective truth and the free exchange of ideas and knowledge:

(d) under which it will be the responsibility of the several States, in accordance with their constitutions and laws, to provide the administrative organization for public educational services, and particularly, under such home-rule provisions as they may determine, to provide for local public school administrative units of efficient size and organization; and to provide for the chartering of nonpublic educational institutions;

(e) under which it will be the responsibility of State and local school authorities to provide for compulsory school attendance, to determine the public-school curriculum, to appoint competent teachers and officers of instruction, to provide safe and sanitary school buildings, to provide suitable equipment and instructional materials, and, where necessary, safe pupil transportation;

(f) under which it will be the responsibility of nonpublic tax-exempt schools and educational institutions to meet suitable standards of educational service as established by competent authority, and to aid in the attainment of national educational objectives in the interests of the general welfare;

(g) under which it will be the responsibility of the Federal Government to assist the States in discharging their responsibilities and in meeting Nation-wide educational objectives; and

(h) under which it will be the further responsibility of the Federal Government to cooperate with other members of the United Nations in raising educational standards and in carrying out the obligations of membership in the United Nations Educational, Scientific, and Cultural Organizations.

TITLE I—BASIC EDUCATIONAL PROGRAMS AND SERVICES

APPROPRIATION AUTHORIZED

SEC. 101. For the purpose of assisting the States to provide basic educational programs and educational services in order more nearly to equalize educational opportunities among and within the States, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1948, the sum of $500,000,000; for the fiscal year ending June 30, 1949, the sum of $600,000,000; for the fiscal year ending June 30, 1950, the sum of $650,000,000; for the fiscal year ending June 30, 1951, the sum of $700,000,000; for the fiscal year ending June 30, 1952, the sum of $750,000,000; for the fiscal year ending June 30, 1953, the sum of $800,000,000; for the fiscal year ending June 30, 1954, the sum of $850,000,000; for the fiscal year ending June 30, 1955, the sum of $900,000,000; for the fiscal year ending June 30, 1956, the sum of $950,000,000; for the fiscal year ending June 30, 1957, the sum of $1,000,000,000; and thereafter such sums as the Congress may determine.

ALLOTMENTS TO STATES

SEC. 102. (a) For the fiscal year ending June 30, 1948, and for each fiscal year thereafter, the Commissioner shall allot to each State, which has a plan approved meeting requirements set forth in section 104 hereof, an amount which bears the same ratio to the total sum appropriated for such fiscal year under this title as the State's index of financial need, as determined under subsection (b) of this section, bears to the sum of such indexes of financial need for all States, except that during the fiscal year ending June 30, 1948, no State shall receive less than $5 per child of the ages 4 to 20, inclusive; during the fiscal year ending June 30, 1949, no State shall receive less than $6 per child of such ages; during the fiscal year ending June 30, 1950, no State shall receive less than $6.50 per child of such ages; during the fiscal year ending June 30, 1951, no State shall receive less than $7 per child of such ages; during the fiscal year ending June 30, 1952, no State shall receive less than $7.50 per child of such ages; during the fiscal year ending June 30, 1953, no State shall receive less than $8 per child of such ages; during the fiscal year ending June 30, 1954, no State shall receive less than $8.50 per child of such ages; during the fiscal year ending June 30, 1955, no State shall receive less than $9 per child of such ages; during the fiscal year ending June 30, 1956, no State shall receive less than $9.50 per child of such ages; during the fiscal year ending June 30, 1957, no State shall receive less than $10 per child of such ages.

(b) (1) The index of financial need of each State shall be the product of (A) such State's total income payments, and (B) the quotient obtained by dividing (i) the difference between twice the national income per child and the income per child for such State by (ii) the income per child for such State, except that such quotient shall in no case exceed eight: *Provided*, That the index of financial need for any State shall be reduced in accordance with section 103.

(2) For the purposes of this section, the national income per child shall be the average, for the three most recent consecutive years for which data are available, of the total income payments received in all of the States within the continental limits of the United States, divided by the total number of persons, within such States, of the ages of 4 to 20, inclusive; and the income per child for a State shall be the average, for such 3 years, of the total income payments received within such State divided by the number of

persons, within such State, of the ages of 4 to 20, inclusive.

(3) Between July 1 and August 21 of each year, the Commissioner shall calculate the index of financial need of each State from data provided by the Secretary of Commerce regarding income payments and the number of persons of the age of 4 to 20, inclusive, in each State.

EDUCATIONAL EXPENDITURES BY STATES

SEC. 103. The Commissioner shall determine for each State in the continental United States the percentage ratio of (A) the amount spent in that State from local and State revenues and from other sources for current expenditures (excluding interest, debt service, and capital outlay) for public and nonprofit tax-exempt schools, and higher educational institutions for the third year next preceding the year for which the computation is made, to (B) the average of the annual income payments received in that State, as determined by the Department of Commerce, for 3 years including the third, fourth, and fifth years next preceding the year for which the computation is made.

If the percentage ratio for any State is less than 2 percent as thus determined in 1947, less than 2.2 percent in 1948, less than 2.4 percent in 1949, less than 2.6 percent in 1950, less than 2.8 percent in 1951, less than 3 percent in 1952 and thereafter, the index of financial need for each such State, as computed under section 102, shall be proportionately reduced.

STATE PLANS

SEC. 104. (a) A State plan for basic educational programs and educational services under this title must—

(1) meet the standards set forth in section 504 hereof;

(2) provide for disbursement of funds received under this title to schools, school systems, educational agencies, and institutions for the payment of current expense (excluding interest, debt service, and capital outlay) as follows: (A) Until the fiscal year ending June 30, 1952; 3 percent, if expended, shall be expended solely for preelementary education; 33 percent, if expended, shall be expended solely for elementary education; 33 percent, if expended, shall be expended solely for secondary education, including vocational education of noncollegiate grade; 17 percent, if expended, shall be expended solely for higher education; 3 percent, if expended, shall be expended solely for community recreation and adult education; 3 percent, if expended, shall be expended solely for special education of physically handicapped children and youth; 3 percent, if expended, shall be expended solely for health and physical education; 3 percent, if expended, shall be expended solely for the further development of public library services, especially in rural areas; (B) beginning with the fiscal year ending June 30, 1952, and thereafter: for any or all of the purposes in (A) above, as the State agency may determine;

(3) provide that not to exceed 2 percent of funds received under this title shall be used for the expenses of the State authority necessary for the efficient administration of the State plan, including program development and supervision;

(4) provide that the State plan shall be made public before any expenditure of Federal funds under the plan is incurred.

(b) The Commissioner shall approve any plan which fulfills the conditions specified in subsection (a) hereof.

TITLE II—SCHOLARSHIPS AND FELLOWSHIPS

APPROPRIATION AUTHORIZED

SEC. 201. For the purpose of assisting the several States to enable young persons of ability to continue their education in the last 2 years of high school and in higher educational institutions by means of the award of scholarships and fellowships there is hereby authorized to be appropriated for the fiscal year ending June 30, 1948, $70,000,000; for the fiscal year ending June 30, 1949, $105,000,000; for the fiscal year ending June 30, 1950, $140,000,000; for the fiscal year ending June 30, 1951, $170,000,000; for the fiscal year ending June 30, 1952, $200,000,000; for the fiscal year ending June 30, 1953, $230,000,000, for the fiscal year ending June 30, 1954, $260,000,000; for the fiscal year ending June 30, 1955, $290,000,000; for the fiscal year ending June 30, 1956, $320,000,000; for the fiscal year ending June 30, 1957, $350,000,000; and thereafter such sums as the Congress may determine.

ALLOTMENTS TO STATES

SEC. 202. For the fiscal year ending June 30, 1948, and for each fiscal year thereafter the Commissioner shall allot to each State which has a plan approved meeting the requirements set forth in section 203 hereof an amount which bears the same ratio to the total sum appropriated for such fiscal year under this title as the number of persons 16 to 24 years of age, inclusive, in such State bears to the total number of persons of those ages in all of the States.

STATE PLANS

SEC. 203. (a) A State plan for scholarships and fellowships under this title must—

(1) meet the standards set forth in section 504 (a) hereof;

(2) provide a method of identifying students of ability for the award of scholarships and fellowships without reference to race, color, sex, or creed;

(3) provide special assistance for needy students who are compelled to live away from home in order to complete their education;

(4) provide that at least 20 percent of the State's allotment, if expended, shall be expended for scholarships for students who are enrolled in the last 2 years of high school; at least 40 percent, if expended, shall be expended for scholarships for students who are high-school graduates and are enrolled, or eligible to enroll in junior colleges, technical institutes, vocational schools, colleges, and universities; at least 20 percent, if expended, shall be expended for fellowships for students who are enrolled or eligible to enroll, in graduate or professional schools or departments of colleges, universities, and research institutes in the United States or other countries;

(5) provide that not to exceed 2 percent of funds received under this title shall be used for the expenses of the State authority necessary for the efficient administration of the State plan for the award of scholarships and fellowships.

(b) The Commissioner shall approve any plan which fulfills the conditions specified in subsection (a) hereof.

TITLE III—PLANNING AND CONSTRUCTION OF EDUCATIONAL PLANT FACILITIES

APPROPRIATION AUTHORIZED

SEC. 301. In order to assist the States in making surveys of the need for educational plant facilities, in preparing drawings and specifications for such facilities, and in acquiring, constructing, or improving such facilities, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1948, the sum of $200,000,000; for the fiscal year ending June 30, 1949, the sum of $300,000,000; for the fiscal year ending June 30, 1950, and for each fiscal year thereafter, until the fiscal year ending June 30, 1957, the sum of $400,000,000; and thereafter such sums as the Congress may determine.

ALLOTMENTS TO STATES

SEC. 302. (a) For the fiscal year ending June 30, 1948, and for each fiscal year thereafter the Commissioner shall allot to each State for which a State plan has been approved a sum bearing the same ratio to the total sum appropriated for such year under this title as the product of (1) the number of persons in such State of the ages 4 to 20, inclusive, as determined on the basis of the latest figures certified by the Department of Commerce, and (2) the square of its Federal percentage as defined in subsection (b) hereof bears to the sum of the corresponding products for all of the States.

(b) The Federal percentage with respect to any State shall be 100 percent less the non-Federal percentage; and the non-Federal percentage shall be that percentage which bears the some ratio to 50 percent as the per capita income of such State bears to the per capita income of all the States, except that (1) the non-Federal percentage shall in no case be more than 66⅔ percent or less than 25 percent and (2) the non-Federal percentage for Alaska and Hawaii shall be 50 percent each, and the non-Federal percentage for Puerto Rico shall be 25 percent.

(c) The Federal percentages shall be promulgated by the Commissioner between July 1 and August 21 of each year on the basis of the average of the per capita incomes of the several States and of the continental United States (excluding Alaska) for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each fiscal year in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Commissioner shall promulgate such percentages as soon as possible after the enactment of this title, which promulgation shall also be conclusive for the fiscal year ending June 30, 1948.

(d) The amount of the allotment to a State shall be available, in accordance with the provisions of this act, for payment of such State's Federal percentage of the cost of approved projects within the State. The Commissioner shall calculate the allotments to be made under this section and notify the Secretary of the Treasury of the amounts thereof. Sums allotted to a State for a fiscal year for the purposes of this title and remaining unencumbered at the end of such year shall remain available to such State for the next fiscal year (and for such year only), in addition to the sums allotted for such State for such next fiscal year. Any amount of the sum authorized to be appropriated for such year, or which is not allotted in such year by reason of the failure of any State or States to have plans approved under this act, or any amount allotted to a State but remaining unencumbered at the end of the period for which it is available to such State is hereby authorized to be appropriated for the next fiscal year in addition to the sum otherwise authorized under section 301 hereof.

STATE PLANS

SEC. 303. (a) A State plan for carrying out the purposes of this title must—

(1) meet the standards set forth in section 504 (a) hereof;

(2) set forth the general manner in which the State proposes to survey its need for educational plant facilities and to determine the priority of projects based on the relative need of different sections of the population and of different areas lacking adequate educational plant facilities, giving special consideration to educational plant facilities serving rural communities and areas with relatively small financial resources;

(3) set forth the general standards for the planning, construction, or acquisition of such facilities of different classes and in different types of locations;

(4) provide that educational plant facilities will be made available to all persons residing in a given territorial area without discrimination on account of race, color, sex, or creed; where separate school facilities are provided for separate population groups, equitable provision shall be made for educational plant facilities of like quality for each such group on the basis of need;

(5) provide for affording every applicant for a construction project an opportunity for hearing before the State agency;

(6) provide that the rates of pay for laborers and mechanics engaged in construction of federally aided projects will be not less than the prevailing local wage rates for similar work as determined in accordance with Public Law 403 of the Seventy-fourth Congress, approved August 30, 1935, as amended;

(7) provide that not to exceed 3 percent of the funds received under this title shall be used for the expenses of the State authority necessary for the efficient administration of the State plan, including program development and supervision.

(b) The Commissioner shall approve any plan which fulfills the conditions specified in subsection (a) hereof.

TITLE IV—CAMPING PROGRAMS FOR CHILDREN AND YOUTH

APPROPRIATION AUTHORIZED

SEC. 401. (a) For the purpose of assisting the several States in providing camping programs for children and youth in public parks and forests, such programs to be administered by school and other nonprofit tax-exempt organizations in cooperation with park and forest authorities, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1948, $25,000,000; for the fiscal year ending June 30, 1949, $40,000,000; for the fiscal year ending June 30, 1950, $55,000,000, for the fiscal year ending June 30, 1951, $65,000,000; for the fiscal year ending June 30, 1952, $75,000,000; for the fiscal year ending June 30, 1953, $85,000,000; for the fiscal year ending June 30, 1954, $95,000,000; for the fiscal year ending June 30, 1955, $105,000,000; for the fiscal year ending June 30, 1956, $115,000,000; for the fiscal year ending June 30, 1957, $125,000,000; and thereafter such sums as the Congress may determine.

ALLOTMENT TO STATES

SEC. 402. For the fiscal year ending June 30, 1948, and for each fiscal year thereafter, the Commissioner shall allot to each State which has a plan approved meeting the requirements set forth in section 403 hereof an amount which bears the same ratio to the total sum appropriated for such fiscal year under this title as the urban child population of the ages 10 to 16, inclusive, of the State bears to the urban child population of those ages in all the States.

STATE PLANS

SEC. 403. (a) A State plan for carrying out the purposes of this title must—

(1) meet the standards set forth in section 504 (a) hereof;

(2) set forth the manner in which the State proposes to determine the number, capacity, and location of camps in public parks and forests needed to accommodate the urban child population of the State;

(3) set forth standards for the construction, equipment, and operation of camps of different sizes and in different types of locations;

(4) provide that camping facilities and programs will be made available without discrimination on account of race, creed, color, or economic status; separate camping facilities and programs for separate population groups which make equitable provision of camping facilities and programs of like quality for each such group on the basis of need shall be deemed to meet this requirement;

(5) provide that not to exceed 2 percent of the funds received under this title shall be used for the expenses of the State authority necessary for the efficient administration of the State plan, including program development and supervision.

(b) The Commisssioner shall approve any plan which fulfills the conditions specified in subsection (a) hereof.

TITLE V—ADMINISTRATION

STATE CONTROL OF OPERATIONS

SEC. 501. No department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school, school system, or educational institution with respect to which funds have been or may be expended under this act.

UNITED STATES OFFICE OF EDUCATION

SEC. 502. (a) The United States Office of Education shall be administered within the Federal Security Agency by a Commissioner, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at a rate not to exceed $15,000 per annum.

(b) The Commissioner, in exercising his authority under this act, shall consult and advise with a National Advisory Council (hereinafter referred to as the "Council") on all matters of major policy or program. The Council shall consist of the Commissioner, as chairman, and 9 citizens to be appointed by the President, by and with the advice and consent of the Senate. Each member shall be appointed for a 4-year term; except that (1) at least half of the members originally appointed shall be appointed for 2-year terms, and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of such term. The members of the Council shall serve without remuneration, except for a per diem subsistence allowance not to exceed $25 for actual time devoted to the work of the Council and shall be reimbursed for travel and other necessary expenses.

(c) The Commissioner may from time to time appoint such other advisory committees as he deems necessary to consult and advise with him and the members of his staff with respect to matters involving technical and professional questions of policy and procedure in the administration of this act. Persons appointed to serve on such committees shall serve without remuneration, except for a per diem subsistence allowance of not to exceed $25 for actual time devoted to attending meetings called by the Commissioner and shall be reimbursed for travel and other necessary expenses.

(d) The Commissioner shall appoint and fix the compensation of such personnel as he may deem necessary to carry out the provisions of this act. Appointments shall be made and compensation shall be fixed in accordance with the provisions of the civil-service laws and regulations and the Classification Act of 1923, as amended, except that, when deemed necessary by the Commissioner for the effective administration of this act, expert consultants and part-time employees may be employed without regard to such laws.

(e) Officers and employees of the Office of Education, members of the council, members of advisory committees, and consultants employed, shall be chosen without regard to political affiliations and solely on the basis of their ability and fitness to perform the duties of the office or position.

(f) In addition to administering the provisions of this act, the functions of the United States Office of Education, under the direction of the Commissioners, shall be—

(1) to aid, stimulate, and encourage the development throughout the Nation of improved services and facilities in the entire field of education;

(2) to cooperate with other agencies of the Federal Government, with State Governments, and with other agencies and individuals functioning in the field of education;

(3) to promote, foster, and encourage State and community activities in the field of education;

(4) to collect and analyze statistics, make studies, investigations, and reports on conditions, problems, needs, and progress in the field of education, both in the United States and in other countries, and disseminate and make available information relating to the field of education;

(5) to make reports and recommendations with respect to the most effective policies and methods for the promotion and improvement of educational services, including recommendations with respect to legislation and matters of administrative policy;

(6) to cooperate with the Department of State and the United Nations Educational, Scientific, and Cultural Organization;

(7) to administer such Federal programs, including the grants-in-aid programs authorized by this act, and to exercise such other powers and perform such other duties and functions in the field of education as are now assigned to it or may be provided by presently existing or by subsequent legislative enactment.

(g) The Commissioner, after advisement with the National Advisory Council, and with the approval of the Administrator, Federal Security Agency, is hereby authorized to promulgate such rules and regulations in conformity with the provisions of this act as may be necessary to facilitate its administration.

(h) In administering the provisions of this act, the Commissioner is authorized to utilize the services and facilities of any executive department in accordance with an agreement with the head thereof. Payment for such services and facilities shall be made in advance or by way of reimbursement, as may be agreed upon between the Commissioner and the head of the executive department furnishing them.

(i) The Commissioner is hereby authorized to delegate to any officer or employee of the Office of Education designated by him such of his functions, powers, and duties as he deems appropriate, including the approval, disapproval, or modification of any action which is subject to the direction of the Commissioner; except that he may not delegate the function of promulgating official regulations concerning grants-in-aid programs authorized in this act.

PROGRAM DEVELOPMENT, ADMINISTRATION, AND RESEARCH

SEC. 503. For the purpose of (a) administering the provisions of this act; (b) conducting basic scientific research on learning processes and education methods, such research to be conducted either directly by the Office of Education or by contract with other Government agencies, State educational authorities, schools and school systems, colleges, and universities or research institutes; and (c) providing demonstrations of improved education methods in cooperation with States, communities, school systems, schools, colleges, universities, and libraries, there is hereby authorized to be appropriated to the United States Office of Education for the fiscal year ending June 30, 1948, the sum of $10,000,000; for the fiscal year ending June 30, 1949, the sum of $12,500,000; for the fiscal year ending June 30, 1950, the sum of $15,000,000; for the fiscal year ending June 30, 1951, the sum of $17,500,000; for the fiscal year ending June 30, 1952, the sum of $20,000,000; for the fiscal year ending June 30, 1953, the sum of $22,500,000; for the fiscal year ending June 30, 1954, the sum of $25,000,000; and for each fiscal year thereafter such sum as the Congress may determine.

NATIONAL STANDARDS

SEC. 504. In order to qualify for receiving funds appropriated under this act, a State—

(a) by legislative enactment shall (1) accept the provisions of this act and provide for the administration of funds to be received; (2) provide that the State treasurer, or corresponding official in the State, shall serve as trustee for the funds paid to the State under this act; (3) establish or designate a single State agency as the sole agency for preparing and carrying out or supervising the carrying out of the State plans under this act; (4) provide for an audit by the State agency of the expenditure of funds received and disbursed to schools, school systems, educational agencies, and institutions as authorized in this act; (5) provide that the State agency shall make such reports, in such form, and containing such information, as the Commissioner may from time to time reasonably require; and (6) provide, in States which maintain separate schools for separate population groups, for a just and equitable apportionment of funds received for the benefit of each such group; and (7) provide that funds received under the provisions of this act shall be made available to every State-approved educational agency in need thereof: *Provided*, That in any State in which the legislature has not taken the action specified in this paragraph the chief executive of such State may, until such action has been taken or until 6 months after the adjournment of the first regular session of the legislature in such State following the date of enactment of this title, whichever first occurs, take such action for such period as is required by this act to be taken by legislative enactment;

(b) either by legislative enactment, or by regulations issued by its State agency, if the legislature so directs, shall provide after the fiscal year ending June 30, 1950, and then subject to exception only after an appeal upheld by the National Board of Appeals that (1) teachers in public schools shall be paid not less than $1,500 per school year of 180 days and shall be entitled to retirement benefits no less adequate than those provided for beneficiaries under the old age insurance provisions of the Social Security Act; (2) a State plan shall be in effect with the objective of bringing about, in not to exceed 5 years, public educational programs and opportunities for children and youth of rural areas no less adequate than those for children and youth in urban areas; (3) a State plan shall be in effect with the objective of bringing about, in not to exceed 5 years, substantially equal opportunities at all levels of the State's public educational system and throughout all areas of the State without regard to sex, race, color, or creed; (4) teachers and other employees of public educational agencies shall be employed only on the basis of merit and retained on the basis of efficiency; (5) school buildings, school busses, and other school equipment shall be safe and sanitary; (6) all books and other necessary instructional materials shall be provided without charge to school pupils; (7) public services, other than instructional services, shall be equally available to all children attending nonprofit tax-exempt schools selected by their parents and meeting the requirements of the State's compulsory attendance laws; (8) all physically and mentally qualified children of 6 to 16 years of age, inclusive, shall be required to attend school for a school year of not less than 180 days; and (9) there shall be actively and progressively under development a 10-year program for the improvement of educational services throughout the State, including plans for improving the organization of school administrative units and educational agencies, plans for improving employment conditions for teachers, and plans for educational plant construction and other capital expenditures for educational purposes.

(c) either by legislative enactment, or by regulations issued by its State agency, if the legislature so directs, shall provide, after the fiscal year ending June 30, 1955, and then subject to exception only after an appeal upheld by the National Board of Appeals, that (1) teachers in public schools shall be paid not less than $2,000 per school year of 180 days; (2) public educational programs and opportunities for children and youth of rural areas shall be no less adequate than those for children and youth in urban areas; and (3) equal opportunities shall be provided at all levels of the State's public educational system and throughout all areas of the State without regard to sex, race, color, or creed and all forms of discrimination not related to individual aptitude shall be eliminated.

(d) In any case where a State agency is unable or unwilling to distribute Federal grants in conformity with this act, the Commissioner, after a public hearing before and a determination by the National Board of Appeals, shall be authorized to carry out the intent of the act by certification of their pro rata share of allotments under sections 102, 202, 302, and 402 of this act directly to local schools, school systems, or educational agencies and, in the case of section 202, to individuals.

OPERATION OF STATE PLANS

SEC. 505. (a) At the beginning of each fiscal year the Commissioner shall estimate the sums to which each State is entitled under the provisions of this act and shall thereupon certify to the Secretary of the Treasury the amount so estimated, reduced or increased, as the case may be, by any sum for which the Commissioner finds that his estimate for any prior period was greater or less than the amount to which the State was entitled for such period. The Secretary of the Treasury shall thereupon through the Fiscal Service of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to the State in quarterly installments, the amounts so certified beginning with the first quarter of the fiscal year for which appropriations made under authorization of this act are available.

(b) The Commissioner shall cause audits to be made of the expenditure of funds under this act. If the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of plans approved under the provisions of this act, finds that in the administration of the plan or plans there is a failure to comply substantially with any of the provisions of the State plan he shall notify such State agency that further payments will not be made to the State under such plan or plans until he is satisfied that there is no longer any failure to comply, or until the National Board of Appeals shall have overruled his decision. Until he is so satisfied or is so overruled, he shall make no further certification to the Secretary of the Treasury with respect to such plan or plans of such State in which there is such failure.

NATIONAL BOARD OF APPEALS

SEC. 506. (a) There is hereby established a National Board of Appeals, which shall consist of a Chairman and two additional members appointed by the Supreme Court of the United States solely on the grounds of fitness to perform the duties of the office. Each member of the Board shall receive compensation at the rate of $50 for each day of actual service on the Board, together with necessary expenses for travel and subsistence in attending sessions of the Board.

(b) The terms of the office of the three members first taking office shall expire, as designated by the Supreme Court at the time of appointment, one at the end of the third year, one at the end of the sixth year, and one at the end of the ninth year. The terms of office of their successors shall expire 9 years after the expiration of the terms for which their predecessors were appointed; except that any new member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired portion of the term of his predecessor. No member serving a full 9-year term may be reappointed for a second term.

(c) The principal office of the Board shall be in the District of Columbia. The Commissioner shall provide the Board with suitable rooms in the District of Columbia and with necessary legal, stenographic, and other assistance satisfactory to the Board.

(d) The Board shall meet at the call of the Chairman to hear appeals from the State agencies respecting inability to meet national standards specified in section 504 of this act or involving the withholding of certification of funds as set forth in section 505 (b) of this act. The proceedings of the Board shall be conducted in accordance with such rules of practice and procedure as the Board may prescribe.

(e) In any proceeding involving the issue whether a State agency or a school, school system, or educational institution has been guilty of fraud, misuse of funds, or failure to comply with the provisions of an approved State plan or with the national standards, the burden of proof shall be upon the appellant to show that the findings of the Commissioner on the basis of which the certification of funds has been withheld are without sufficient foundation in fact to justify the further withholding of such certification.

(f) The findings of fact of the Commissioner unless substantially contrary to the weight of evidence, shall be conclusive; but the Board, for good cause shown may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the Board the transcript and record of the further proceedings; such new or modified findings of fact shall likewise be conclusive unless substantially contrary to the weight of evidence. The Board shall have jurisdiction to affirm the action of the Commissioner or to set it aside in whole or in part.

TITLE VI—GENERAL PROVISIONS

REPORT TO CONGRESS

SEC. 601. The Commissioner shall include in his annual report for transmission to Congress a full report of the administration of this act, including a detailed statement of appropriations and disbursements, together with a summary and analysis of the legislative and administrative provisions adopted by each State for the expenditure of funds received under this act and statistical information showing the accomplishments of the respective States through the expenditure of such funds. Such report shall also include a record of hearings and actions by the National Board of Appeals.

DEFINITIONS

SEC. 602. As used in this act—

(a) The term "State" shall include the several States, the District of Columbia, Alaska, Hawaii, and Puerto Rico.

(b) The term "legislature" means the State or Territorial legislatures, or other comparable body, except that in the District of Columbia it shall mean the Board of Commissioners.

(c) The term "nonprofit tax-exempt school" means any school, college, or educational institution exempt from taxation under section 101 (6) of the Internal Revenue Code and approved by the State agency.

(d) A "just and equitable" apportionment, allotment, or distribution of funds provided under this act for the benefit of a separate population group in a State which maintains separate educational facilities for such

separate population groups, means any plan of apportionment, allotment, or distribution which results in the expenditure, for the benefit of such separate groups, of a proportion of said funds not less than the proportion that each such group in such State bears to the total population of that State.

(e) The term "preelementary education" means the organized education in nursery schools and kindergartens of children of the ages three to five, inclusive.

(f) The term "special education of physically handicapped children" means the education of children who are handicapped by reason of crippling, speech impediments, loss or partial loss of sight or hearing, or who are convalescing from serious illness or accidents and for whose education special instructional methods or facilities are required by reason of such physical handicaps.

(g) The term "community programs of recreation and adult education" means programs operated under the auspices of schools, libraries, colleges, and universities or other nonprofit tax-exempt educational institutions or organizations and designed to serve the community with part-time classes and other educational and recreational services.

(h) The term "scholarship" means a financial award made to a person qualified to enroll or already enrolled as a student in an accredited high school, college, university, technical institute, junior college, vocational school, or other nonprofit tax-exempt educational institution meeting minimum standards for such accreditation as determined by the State agency.

(i) The term "fellowship" means a financial award made to a person qualified to enroll or already enrolled as a student in graduate or professional schools or departments of colleges, universities, or research institutes approved for the purpose by the State agency.

(j) The term "student" means a person who is devoting substantially full time to educational work in a high school, college, university, junior college, technical institute, vocational school, or research institute approved by the State agency.

(k) The term "urban child population" as used in title IV means the number of children who are of the ages 10 to 16, inclusive, as estimated by the Department of Commerce, living in cities or municipalities of 10,000 or more inhabitants.

(l) The term "camping program" means a program of organized activities for children who are of the ages 10 to 16, inclusive, conducted in public parks and forests under the auspices of schools and other nonprofit tax-exempt organizations.

(m) The term "educational plant facilities" means the buildings, furniture, and permanent equipment of educational institutions, including preelementary schools, elementary schools, secondary schools, vocational school, junior colleges, colleges, universities, libraries, and student or faculty dormitories or similar facilities operated under the auspices of or in connection with public and nonprofit tax-exempt educational institutions, but does not include any institution furnishing primarily domiciliary or custodial care.

(n) The term "construction" includes the erection of new buildings, extension, remodeling, and alteration of existing buildings, initial equipment of any such buildings, and landscaping the site thereof, architects' fees, legal counsel, and all other expenses incidental to such construction, but excluding the cost of off-site improvements and the cost of acquisition of land.

(o) The term "State-approved educational agency" means any public school, school system, or higher educational institution or any nonpublic nonprofit tax-exempt school, school system, or higher educational institution meeting the standards promulgated by a State department of education, State board of education, or similar State agency empowered by legislation to determine such standards and to give or withhold approval of such schools, school systems, and higher educational institutions.

SEPARABILITY

SEC. 603. If any provision of this act, or the application thereof to any State, person, or circumstance, is held invalid, the remainder of the act, and the application of such provision to other States, persons, or circumstances shall not be affected thereby.

The accompanying statement of explanation presented by Mr. MURRAY is as follows:

SUMMARY OF THE EDUCATION DEVELOPMENT ACT

The Education Development Act provides for a 10-year program of Federal aid to education.

This program is based on a declaration of policy aimed at achieving throughout the United States educational systems which offer full opportunities for the development of individual capacities and which afford "equality of opportunity to all without regard to sex, race, color, or creed."

The policy declaration clearly recognizes that education is a State responsibility. The role of the Federal Government is to aid and stimulate the States in discharging their responsibilities.

The basic provisions of the bill are as follows:

I. EQUALIZATION OF BASIC EDUCATIONAL PROGRAMS (TITLE I)

For the fiscal year of 1948 $500,000,000 is authorized to help the States equalize opportunities in the following fields: Preelementary education, elementary education, secondary education, including noncollegiate vocational education, higher education, adult education and community recreation, special education of physically handicapped children and youth, health and physical education, and public library services, especially in rural areas.

This sum is to increase gradually every year until, in the tenth year, it amounts to $1,000,000,000.

Funds are to be distributed among the various States in accordance with an index of financial need for each State. The poorer States may receive as much as $40 a child; the more well-to-do States may receive as little as $10 a child.

In order to qualify for the entire amount of its grant, each State must also maintain a certain level of educational expenditures from its own funds (computed as a percentage of income payments within a State). The purpose of this is to assure that Federal aid will supplement rather than take the place of State support of education.

II. SCHOLARSHIPS AND FELLOWSHIPS (TITLE II)

For the fiscal year of 1948, $70,000,000 is authorized to aid the States "to enable young persons of ability to continue their education in the last 2 years of high school and higher educational institutions by means of the award of scholarships and fellowships." This sum is to increase until it reaches $350,000,000 in the tenth year.

The States are to "provide a method of identifying students of ability * * * without reference to race, color, sex, or religion."

The funds authorized at the maximum level could annually finance 250,000 young people to finish high school, 400,000 to attend college, and 75,000 to engage in postgraduate or professional study.

III. PLANNING AND CONSTRUCTION OF EDUCATIONAL FACILITIES (TITLE III)

Two hundred million dollars is authorized for the fiscal year of 1948 to aid the States in (a) making surveys of the needs for educational plant facilities, (b) preparing drawings and specifications for such facilities, and (c) acquiring, constructing, or improving such facilities. This sum rises to $400,000,000 by the third year.

These funds are to be distributed among the States in such a manner as to provide more funds per capita for the poorer States. The allocation formula is the same one used in the recent Senate bill on Federal aid for hospital construction.

The States must also match Federal funds in accordance with their financial capacity. Every State, no matter how poor, must put up at least $1 for every $3 in Federal funds. The maximum amount of State matching is $2 for every $1 of Federal funds.

The State plans must "provide that educational plant facilities will be made available to all persons residing in a given territorial area without discrimination." Where separate school facilities are provided for separate population groups, "equitable provisions shall be made for educational plant facilities of like quality for each such group on the basis of need."

IV. CAMPING PROGRAMS FOR CHILDREN AND YOUTH (TITLE IV)

The sum of $25,000,000 is authorized for the fiscal year of 1948 to assist the States in "providing camping program for children and youth in public parks and forests." This sum is to increase to $125,000,000 in the tenth year.

These funds are to be distributed among the States in accordance with the urban child population.

V. ADMINISTRATION (TITLES V AND VI)

A. State control (sec. 501): It is provided that no Federal agency or official shall "exercise any supervision or control over the personnel, curriculum, or program of instruction of any school, school system, or educational institution."

B. United States Office of Education (sec. 502): The United States Commissioner of Education is authorized to administer the Federal aid provisions of the act and to have audits made on expenditures under the act. He is also given an initial authorization of $10,000,000 for educational research to be conducted either directly by the Office of Education or by contract with other agencies, particularly colleges, universities, and research institutions. He is also to submit a full annual report to Congress on the administration of the act.

C. National Advisory Council (sec. 502): A National Advisory Council is established, composed of nine citizens to be appointed by the President with the Commissioner serving as chairman. The Commissioner must consult with this Council on all matters of major policy or program.

D. National Standards (sec. 504): In order to qualify for receiving funds under this act, a State is expected to live up to standards clearly set forth in the act.

Certain general standards relate to the administration of the funds, State audits, the submission of reports to the Commissioner and the availability of funds to all State-approved educational agencies needing assistance.

With regard to other educational objectives, it is recognized that the raising of standards has to be on a step by step basis. The following goals are set for the period after the program has been in operation for 3 years: (1) Public school teachers to be paid no less than $1,500 a year; (2) a plan to be in effect aiming at equal educational opportunities in farm areas within 5 years; (3) a plan to be in effect aiming at equal educational opportunities for all racial groups within 5 years; (4) employment to teachers on a merit basis; (5) school buildings and other equipment to be safe and sanitary; (6) books to be provided without charge; (7) noninstructional public services should be available to children in all schools; (8)

compulsory school year of no less than 180 days a year for children from 6 to 16 years of age; (9) a 10-year program for the improvement of educational services throughout the State to be "actively and progressively under development."

Any State can bring an appeal to the National Board of Appeals respecting inability to meet any of these standards; and the Board has the power to grant exceptions.

The following goals are set for the period after the program has been in operation for 8 years: (1) Public-school teachers to be paid no less than $2,000 a year; (2) equal educational opportunities in farm areas, and (3) equal educational opportunities for all racial groups. With respect to these standards also, any State may win an exception by carrying a successful appeal to the National Board of Appeals.

E. National Board of Appeals (sec. 506): A National Board of Appeals is to be set up, composed of three members appointed by the United States Supreme Court. This Board shall hear appeals from State agencies respecting inability to meet any of the national standards and against the withholding of funds from any State. The Board is given power to grant exceptions and set aside actions by the Commissioner.

SUMMARY OF AUTHORIZATIONS

I. Basic educational programs and services, $500,000,000 rising to $1,000,000,000 yearly.

II. Scholarships and fellowships, $70,000,000 rising to $350,000,000 yearly.

III. Planning and construction of educational facilities, $200,000,000 rising to $400,000,000 yearly.

IV. Camping programs for children and youth, $25,000,000 rising to $125,000,000 yearly.

V. Program development, administration, and research, $10,000,000 rising to $25,000,000 yearly.

Total, $805,000,000 rising to $1,900,000,000 yearly.

FISCAL POLICY ASPECTS

Major proposed legislation of this character should be measured in terms of its impact on the entire national economy. The effect of the bill on expenditures for education in the fiscal year 1948 and for 10 years thereafter is indicated by the attached table. At present, such expenditures—local, State, Federal, and institutional—amount to about 3.2 percent of the national income. This percentage would probably rise to 3.6 percent as soon as the proposal is in effect, and by 1947 would rise to 4 percent of the estimated national income at a full-employment level.

Such a program would undoubtedly have a most favorable effect upon productivity and the national income both immediately and in subsequent years.

TOTAL ESTIMATED EXPENDITURES FOR EDUCATION UNDER PRESENT AND PROPOSED LEGISLATION

[In millions of dollars]

	Under present legislation, fiscal year 1948	Under present and proposed legislation—	
		Fiscal year 1948	Fiscal year 1957
Non-Federal, including private	4,000	3,950	7,100
Current	3,400	3,400	6,300
Elementary, secondary, and special education	2,750	2,750	5,100
Higher education	550	550	1,000
School-lunch, camping, and other programs	100	100	200
Capital	500	450	600
Interest	100	100	200

TOTAL ESTIMATED EXPENDITURES FOR EDUCATION UNDER PRESENT AND PROPOSED LEGISLATION—continued

[In millions of dollars]

	Under present legislation, fiscal year 1948	Under present and proposed legislation—	
		Fiscal year 1948	Fiscal year 1957
Federal	1,620	2,325	2,050
Current	1,616	2,221	1,650
Capital	4	104	400
Total, Federal and non-Federal	5,620	6,275	9,150

ESTIMATED EXPENDITURES FOR EDUCATION AS A PERCENT OF ESTIMATED INCOME PAYMENTS

Non-Federal	2.3	2.3	3.1
Federal	.9	1.3	.9
Total, Federal and non-Federal	3.2	3.6	4.0

TOTAL ESTIMATED EXPENDITURES FOR EDUCATION UNDER PRESENT AND PROPOSED LEGISLATION—EXPLANATORY NOTES

1. The figures do not include expenditures of individuals, including parents, other than those which enter into the income of institutions.

2. The estimate of non-Federal current expenditures of $3,300,000,000 for elementary, secondary, special and higher education for fiscal 1948 represents a 20-percent increase over such estimated expenditures for fiscal 1942. This is approximately $200,000,000 above the non-Federal expenditures which would be required for the States to receive their full allotment under the 2-percent standard proposed in the bill for the first year of operation.

3. The estimate of non-Federal current expenditures of $100,000,000 for fiscal 1948 for school lunch, camping, and other programs, etc., is based on actual non-Federal expenditures of $76,000,000 for school lunches alone in 1945.

4. The Bureau of Labor Statistics estimated total expenditures for construction of educational facilities, public (almost all of which is non-Federal) and private. At $475,000,000, in 1940 prices, for the second postwar year (Monthly Labor Review, February 1945). The above estimate of non-Federal capital expenditures of $500,000,000 under present legislation represents an increase over this figure of approximately 35 percent to allow for the rise in construction costs and a subsequent downward adjustment for anticipated continuing construction bottlenecks. Expenditures for Federal grants under the proposed legislation are estimated at $100,000,000 for the first year of operation of the program. The estimate of non-Federal capital expenditures is reduced to $450,000,000 under the proposed legislation because it is assumed that Federal grants may supplant non-Federal expenditures to the extent of $50,000,000.

5. The estimate of non-Federal expenditures of $100,000,000 for interest payments for fiscal 1948 is somewhat below the fiscal 1942 level.

6. The estimate of Federal current expenditures of $1,616,000,000 for fiscal 1948 consists of $21,000,000 for vocational education, $5,000,000 for land-grant colleges, $1,500,000,000 for veterans' education, $75,000,000 for the school-lunch program, and $15,000,000 for the Office of Education and various miscellaneous items.

7. The estimate of non-Federal current expenditures of $6,300,000,000 for fiscal 1957 is based on the assumption that all of the States meet the 3-percent standard as proposed in the bill. The figure of $6,300,000,000 represents 3 percent of an estimated average full employment level of income payments of $210,000,000,000 in the years 1952, 1953, and 1954. Expenditures are allocated among elementary, secondary, special, and higher education, and school-lunch, camping, and other programs in approximately the same proportion as is estimated for fiscal 1948.

8. The estimate of non-Federal expenditures of $200,000,000 for interest payments for fiscal 1957 represents 200 percent of the estimated figure for 1948.

9. The estimate of Federal current expenditures of $1,650,000,000 for fiscal 1957 includes $1,500,000,000 under the proposed legislation and an estimated $150,000,000 for vocational education, land-grant colleges, the school-lunch program, the Office of Education, and miscellaneous items under existing legislation.

10. For fiscal 1948, income payments are estimated at $175,000,000,000.

11. For fiscal 1957, income payments are estimated at $230,000,000,000.

Mr. MURRAY subsequently said: Mr. President, one could not attend or thoughtfully follow the discussions at the United Nations Educational and Cultural Conference, held in London in November 1945, without coming to the conclusion that we, in America, must reexamine our entire attitude in relation to the problem of education.

In the New World we are entering, we must dedicate ourselves to the building of an educational system that will be a genuine force in strengthening our democratic institutions and providing an example for the rest of the world.

A new and bolder approach with respect to Federal aid to education seems to be in order. We need a program based upon the recognition that an expanded educational system is a prerequisite to a sound and intelligent electorate and to the creation of an economy of full employment and full production. We need a program so broad and so challenging that it will inspire the united support of all groups who are truly interested in raising American educational standards for all our citizens and improving the general social and economic life in our country.

On June 13 of this year, when Senate bill 181, the Educational Finance Act, was reported from the Education and Labor Committee, the point of view I have just expressed was set forth in a separate statement of views submitted by the Senator from Massachusetts [Mr. WALSH], the Senator from Vermont [Mr. AIKEN], the Senator from Oregon [Mr. MORSE], and myself. We pointed out at that time that America needed a 10-year program for the development and improvement of educational activities.

Today the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. PEPPER], and I have introduced a bill providing for such a 10-year program.

In the past we have studied on a piecemeal basis the problem of Federal aid to education. The education development bill, on the other hand, approaches the problem as a whole. This bill deals with four types of Federal aid:

First, general equalization of educational opportunities;

Second, scholarships and fellowships;

Third, planning and construction of school buildings; and

Fourth, camping programs.

The bill assumes that the Federal Government must finance an important share of the needed improvement, but it does not propose to let the States sit back while the Federal Government takes over their job. Laggard States must make more effort than they have made in the past. All States must continue to do their share. Funds are to be distributed among the States not merely on the basis of population but also in accordance with the financial need of each State.

The bill also sets forth certain standards which the States are expected to meet in order to qualify for Federal aid. These standards, along with other important aspects of the measure, are described in detail in the explanation of the bill which I filed earlier today.

The measure has been drafted in close consultation with all the professional groups in education and many others which have a special interest in this field. The almost unanimous reaction to the preliminary outline of the bill was that, for the first time, it would focus public attention upon the true scope of the educational problem.

The bill has been introduced at this time mainly for the purpose of stimulating study and constructive discussion during the coming 5 months. Many important details still remain to be worked out. Many controversial issues are still to be resolved.

It is our hope to have a redrafted bill ready for introduction at the beginning of the next Congress. With such a bill as a basis for study it seems to me that the Education and Labor Committee might well undertake at that time a comprehensive review of the entire educational situation.

CLAIMS OF COMPENSATION OF CERTAIN PRISONERS OF WAR

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to introduce for appropriate reference a joint resolution, and request that it be printed in full in the RECORD.

There being no objection, the joint resolution (S. J. Res. 185) providing for the filing of claims for compensation for personal injuries and property damage sustained by citizens of the United States who were taken prisoner by the enemy during World War II, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Whereas the Government of the United States has made no provision for the asserting of claims by its citizens who, as a result of capture by the enemy during World War II, suffered loss of, or damage to, health or property, or by the dependents of persons who lost their lives while in or as a result of such captivity;

Whereas the failure of the Government of the United States to provide facilities for the presentation of such claims has resulted in activities whereby private sources are making representations to those who believe they have such claims, seeking to represent them before such tribunal as may be established to consider such claims; and

Whereas it is the responsibility of the Government of the United States to extend to its citizens all possible assistance in the presentation and prosecution of such claims: Therefore be it

Resolved, etc., That (a) the Secretary of State is authorized and directed to establish facilities for the filing of claims for compensation by citizens of the United States, and by individuals who are not citizens but who served as members of the armed forces of the United States, (1) who were taken prisoner by the enemy during World War II, and (2) who sustained loss of, or damage to, health or property as a result of such captivity; and by the dependents of any such persons who died during or subsequent to such captivity.

(b) Any such claims filed by members or former members of the armed forces, or their dependents, shall be transmitted by the Secretary of State to the Secretary of War or the Secretary of the Navy, as the case may be, and any substantiating or supplementary information or data available from the records of such Department shall be attached to and returned with such claim to the Secretary of State.

SEC. 2. It is the sense of the Congress that, in the negotiation of peace treaties and in any adjustments among the Allied Governments with respect to reparations and credits, paramount consideration shall be given to the protection of the interests of individuals who shall have filed valid claims under the provisions of the first section of this joint resolution, to the end that the necessary facilities may be established and funds made available for the prompt adjudication and payment of such claims.

CASTLE CLINTON NATIONAL MONUMENT, NEW YORK CITY—MOTION TO RECONSIDER

Mr. WAGNER. Mr. President, I desire to enter a motion to reconsider the vote by which House bill 5125, a bill to establish the Castle Clinton National Monument in the city of New York, and for other purposes, was passed by the Senate on yesterday. I am informed that it is still in the possession of the Senate.

The PRESIDENT pro tempore. The motion will be entered.

AMENDMENT OF SOCIAL SECURITY ACT AND INTERNAL REVENUE CODE—PRINTING OF H. R. 7037 WITH AMENDMENTS NUMBERED

Mr. GEORGE. Mr. President, anticipating that House bill 7037, to amend the Social Security Act and the Internal Revenue Code, and for other purposes, may be sent to conference, I ask unanimous consent to have the bill, as it passed the Senate, printed with the Senate amendments made thereto numbered.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TREATY OF GENERAL RELATIONS AND PROTOCOL BETWEEN THE UNITED STATES AND THE PHILIPPINES

Mr. CONNALLY. The Committee on Foreign Relations today ordered reported to the Senate the recently negotiated treaty with the Philippine Islands. A number of appointments have been made in that connection. I ask unanimous consent that, as in executive session, they may go to the Executive Calendar, so that we can act on them when we reach the executive calendar today.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Texas is granted.

RATE OF POSTAGE ON DOMESTIC AIR MAIL

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 5560) to fix the rate of postage on domestic air mail, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAVEZ. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. CHAVEZ, Mr. MCKELLAR, Mr. HAYDEN, Mr. BAILEY, Mr. ELLENDER, Mr. REED, Mr. LANGER, and Mr. BUCK conferees on the part of the Senate.

PROCEEDINGS AT DINNER IN HONOR OF PRESIDENT ROOSEVELT AND VICE PRESIDENT TRUMAN IN 1945

[Mr. MYERS asked and obtained leave to have printed in the RECORD the proceedings of a dinner given in honor of the inauguration of Franklin Delano Roosevelt, President, and Harry S. Truman, Vice President, at Washington, D. C., on January 19, 1945, which appears in the Appendix.]

THE NEW CONTROL SYSTEM—EDITORIAL FROM PHILADELPHIA EVENING BULLETIN

[Mr. MYERS asked and obtained leave to have printed in the RECORD an editorial entitled "The New Contro. System" from the Philadelphia Evening Bulletin of July 26, 1946, which appears in the Appendix.]

EQUAL PAY FOR MEN AND WOMEN

[Mr. MYERS asked and obtained leave to have printed in the RECORD a factual statement of the Women's Bureau of the Department of Labor, and an article entitled "Women's Wages" by Malvina Lindsay, both on the subject of equal pay for men and women, which appear in the Appendix.]

JULEAN ARNOLD

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD an article on Julean Arnold and excerpts from China Club minute book, which appear in the Appendix.]

TRAINING OF OFFICERS FOR THE NAVAL ESTABLISHMENT

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2304) to provide for the training of officers for the naval service, and for other purposes, which were on pages 12 and 13, to strike out all of section 16; on page 13, line 5, to strike out "17" and insert "16"; in line 11, to strike out "19" and insert "18"; in line 21, to strike out "20" and insert "19", and on page 14, line 3, to strike out "21" and insert "20."

Mr. WALSH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

GRANTS TO STATES FOR HOSPITALS AND PUBLIC HEALTH CENTERS—CONFERENCE REPORT

Mr. HILL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 191)

to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public-health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction, having met, after full and free conference, have been unable to agree.

LISTER HILL,
JAMES M. TUNNELL,
ELBERT D. THOMAS,
ROBERT M. LA FOLLETTE, JR.,
ROBERT A. TAFT,
Managers on the Part of the Senate.

A. L. BULWINKLE,
VIRGIL CHAPMAN,
VITO MARCANTONIO,
CHAS. A. WOLVERTON,
CLARENCE J. BROWN,
Managers on the Part of the House.

Mr. HILL. I ask unanimous consent for the present consideration of the conference report.

There being no objection, the conference report was considered and agreed to.

Mr. HILL. Mr. President, I now move that the Senate agree to the House amendment to the bill.

The motion was agreed to.

TERMINAL LEAVE FOR ENLISTED PERSONNEL OF THE ARMED FORCES—CONFERENCE REPORT

Mr. JOHNSON of Colorado submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act may be cited as the 'Armed Forces Leave Act of 1946'".

"SEC. 2. As used in this Act—

"(a) The term 'member of the armed forces' means any member of the Army of the United States, United States Navy, United States Marine Corps, or the United States Coast Guard.

"(b) The term 'discharge' means (1), in the case of enlisted personnel, separation or release from active duty under honorable conditions or appointment as a commissioned officer or warrant officer; and (2), in the case of commissioned or warrant officers, separation or release from active duty under honorable conditions.

"(c) The term 'spouse' means a lawful wife or husband.

"(d) The term 'child' includes—

"(1) a legitimate child;

"(2) a child legally adopted;

"(3) a stepchild, if, at the time of death of the member or former member of the armed forces, such stepchild is a member of the deceased's household;

"(4) an illegitimate child, but in the case of a male member or former male member of the armed forces only if he has been judicially ordered or decreed to contribute to such child's support; has been judicially decreed to be the putative father of such child; or has acknowledged under oath in writing that he is the father of such child; and

"(5) a person to whom the member or former member of the armed forces at the time of death stands in loco parentis and so stood for not less than twelve months prior to the date of death.

"(e) The term 'parent' includes father and mother, grandfather and grandmother, stepfather and stepmother, father and mother through adoption, and persons who, for a period of not less than one year prior to the death of the member or former member of the armed forces, stood in loco parentis to such member or former member: *Provided*, That not more than two parents may receive the benefits provided under this Act and preference shall be given to the parent or parents, not exceeding two, who actually exercised parental relationship at the time of or most nearly prior to the date of the death of such member or former member of the armed forces.

"(f) The term 'Secretary' means in the case of personnel of the Army, the Secretary of War; in the case of personnel of the Navy and Marine Corps, the Secretary of the Navy; and in the case of personnel of the Coast Guard, the Secretary of the Treasury, and the designated representatives of each such Secretary.

"(g) The term 'cash' includes a check upon the Treasurer of the United States.

"SEC. 3. (a) Each member of the armed forces shall be entitled to leave at the rate of two and one-half calendar days for each month of active service, excluding periods of (1) absence from duty without leave, (2) absence over leave, and (3) confinement as the result of a sentence of court martial. Except as provided in subsection (b) of this section, such leave may be accumulated in an amount not to exceed one hundred and twenty calendar days. Any leave so accumulated shall not, however, survive death occurring during active military service. Enlisted members or former enlisted members of the armed forces shall be considered to be entitled to such leave from and after September 8, 1939, but shall not be considered to have any leave accumulated or accrued as of the date of the enactment of this act, or the date of discharge if prior to such date of enactment, in excess of the amount which would have been accumulated and accrued if their leave had been accumulated and accrued from and after September 8, 1939, on the same basis as leave is accumulated and accrued in the case of commissioned officers in the regular components of their respective branches of the armed forces. Except in the case of leave to be settled and compensated for under section 6 of this Act, leave may be taken by a member on a calendar-day basis as vacation or absence from duty with pay, annually as accruing or otherwise, in accordance with regulations to be issued by the several Secretaries. Such regulations shall provide equal treatment for officers and enlisted men, shall establish to the fullest extent practicable uniform policies for the several branches of the armed forces, and shall provide that leave shall be taken annually as accruing to the extent consistent with military requirements and other exigencies. Members who reenlist after the date of enactment of this Act may be authorized reenlistment leave in the discretion of the Secretary, for a period not exceeding ninety days, and such leave shall be deducted from leave accrued during active service prior to reenlistment or charged against any leave which may accrue during future active service or both. In the case of members who are retired after the date of enactment of this Act and after retirement are continued on or recalled to active duty, leave accrued during service prior to retirement may be carried over to the period of service after retirement. Leave taken prior to discharge before or after the enactment of this Act shall be considered as active military service; but leave settled and compensated for under section 6 of this Act shall not be considered as active military service.

"(b) Notwithstanding any other provision of this Act or of any other law or regulation, no member of the armed forces (other than a member on terminal leave on September 1, 1946) shall be permitted to accumulate or to have to his credit, at any time after August 31, 1946, accumulated or accrued leave aggregating in excess of sixty days.

"SEC. 4. Leave to be settled and compensated for under section 6 of this Act shall be compensable as follows:

"(a) In the case of leave accumulated as an enlisted member of the armed forces, on the basis of the base and longevity pay applicable to such member on the date of his discharge from enlisted service if discharged before August 31, 1946, or on August 31, 1946, if not so discharged, and an allowance computed at the rate of 70 cents a day for subsistence, plus, in the case of enlisted members of the first three grades with dependents on August 31, 1946 or former enlisted members of the first three grades with dependents at the time of discharge if prior to such date, an allowance computed at the rate of $1.25 a day for quarters.

"(b) In the case of leave accumulated or accrued as a member of the armed forces as a warrant or commissioned officer, on the basis of the base and longevity pay and allowances applicable to such member on August 31, 1946.

In the case of all other leave provided under this Act, members shall be entitled during such leave to the same pay and allowances they would receive if not on leave and to any additional or other allowance or allowances otherwise authorized or provided by law for members while on leave. Determination of the number of calendar days of leave to which a member or former member is entitled, including the number of calendar days of absence from duty or vacation to be counted or charged against such leave, shall be made in accordance with regulations to be prescribed by the respective Secretaries, which regulations shall provide equal treatment of officers and enlisted men and shall establish to the fullest extent practicable uniform policies for the several branches of the armed forces. In the case of the leave of enlisted members or former enlisted members attributable to the period prior to the date of enactment of this Act, the Secretary may in the determination of the number of calendar days of absence from duty or vacation to be counted or charged against such leave rely on such records and evidence, including applicants' sworn statements as to the material facts, as he may determine proper. All decisions by the Secretary under this section shall be final and conclusive and shall not be subject to review by any court or by any officer of the United States.

"SEC. 5. (a) Leave to which enlisted members of the armed forces discharged prior to September 1, 1946, and former enlisted members of the armed forces discharged prior to the date of enactment of this Act, are entitled under the provisions of section 3 of this Act shall, to the extent not taken, be settled and compensated for only in the manner provided in section 6 of this Act and if application is made to the Secretary not later than September 1, 1947, or, in the case of any such member or former member whose record is corrected after the date of enactment of this Act to show discharge under honorable conditions, not later than September 1, 1947, or within one year after the date on which such record is corrected, whichever is later.

"(b) In any case in which a member of the armed forces on active duty on September 1, 1946 (other than a member on terminal leave on such date) has to his credit on August 31, 1946, accumulated or accrued leave aggregating in excess of sixty days, such leave in excess of sixty days shall be settled and compensated for only in the manner provided in section 6 of this Act and if application is made to the Secretary not later than September 1, 1947.

"(c) In no event shall the number of calendar days of leave settled and compensated for under section 6 of this Act exceed one hundred and twenty calendar days; and in no event shall the number of calendar days of leave so settled and compensated for, plus

"(1) in the case of a member on active duty on September 1, 1946 (other than a member on terminal leave on such date), the number of calendar days of leave accumulated or standing to such member's credit on such date, or

"(2) in the case of a member or former member placed on terminal leave prior to September 1, 1946, the number of calendar days of such terminal leave,

exceed one hundred and twenty calendar days.

"SEC. 6. (a) Leave by this Act provided to be settled and compensated for under this section shall be settled and compensated for as follows:

"(1) Settlement and compensation shall be made entirely in cash—

"(i) when the amount due is less than $50;

"(ii) in the case of any enlisted member of the armed forces discharged prior to January 1, 1943; or

"(iii) in any case covered by subsection (b) or (c) of this section.

"(2) In all other cases settlement and compensation shall be made in bonds of the United States to the highest multiple of $25 and in cash to the extent of the full amount of any difference. Any such bond issued pursuant to an application made under subsection (a) of section 5 shall be dated as of the 1st day of January, the 1st day of April, the 1st day of July, or the 1st day of October, whichever next follows the date of discharge, and any such bond issued pursuant to an application made under subsection (b) of section 5 shall be dated as of October 1, 1946. Each such bond shall mature five years from the date thereof. The bonds issued under this Act shall be issued by the Secretary of the Treasury under the authority and subject to the provisions of the Second Liberty Bond Act, as amended, and through such agencies as he may designate. Except as provided in subsection (d), such bonds shall be nonnegotiable and shall not be transferable by sale, exchange, assignment, pledge, hypothecation, or otherwise. Such bonds shall be issued only to and in the names of living members or living former members of the armed forces. In the event of the death of any holder of any such bond or of any check issued pursuant to this subsection, payment of the bond shall be made by the Secretary of the Treasury prior to, upon, or after its maturity upon application at the option of such holder's survivors and payment of the check shall be made by the Secretary of the Treasury upon application by such survivors as follows: To such holder's surviving spouse and children, if any, in equal shares; and if such holder leaves no surviving spouse or child or children, then in equal shares to such holder's surviving parents, if any. If there is no such survivor, any such bond shall be retired, and any such check shall be cancelled and the amount of the bond or check covered into the general fund of the Treasury. Payment of any such bond or any such check to any holder, or any survivor entitled thereto under the provisions of this subsection, between seventeen and twenty-one years of age shall constitute a complete discharge of the obligations of the United States under this Act. Where the Secretary of the Treasury is of the opinion that any holder of any such bond or any such check or any survivor entitled to payment under the provisions of this subsection is, by reason of being either under seventeen years of age or under mental disability, incapable of satisfactorily looking after his own interests, payment of such bond or such check may be made in the same manner, and with the same effect, as settlement and compensation made under the provisions of subsection (c). Interest on each bond issued under this Act shall accrue at the rate of 2½ per centum per annum from the date of such bond to the date of maturity or to the last day of the month in which payment of the principal of the bond is made, whichever is earlier, and shall be paid with such principal. All decisions by the Secretary of the Treasury under this section with respect to the issuance and payment of bonds and under this paragraph with respect to the issuance and payment of checks shall be final and conclusive and shall not be subject to review by any court or by any officer of the United States. The provisions of this section with respect to the issuance and payment of bonds shall be carried out subject to regulations of the Secretary of the Treasury.

"(b) Leave by this Act provided to be settled and compensated for under this section shall, in the case of any member or former member of the armed forces who dies after discharge, or on or after September 1, 1946, if not discharged prior to such date, and before settlement and compensation has been effected, be settled and compensated for, on application therefor, with such member's or former member's survivors, as follows: To such member's or former member's surviving spouse and children, if any, in equal shares; and if such member or former member leaves no surviving spouse or child or children, then in equal shares to his surviving parents, if any. If there is no such survivor, no settlement and compensation shall be made under this Act. Settlement and compensation under this subsection with any such survivor between seventeen and twenty-one years of age shall constitute a complete discharge of the obligations of the United States under this Act.

"(c) Where the Secretary is of the opinion that any member or former member of the armed forces or any survivor of any such member or former member is, by reason of being either under seventeen years of age or under mental disability, incapable of satisfactorily looking after his own interests, such Secretary may settle and compensate under this section with a proper person selected by him for the use and benefit of such member, former member or survivor, without the necessity of resorting to judicial proceedings for the appointment of a legal representative. Settlement and compensation made under the provisions of this subsection shall constitute a complete discharge of the obligations of the United States under this Act. The provisions of this subsection shall not apply when a legal guardian or committee has been judicially appointed for any such member, former member, or survivor, except as to any settlement and compensation made prior to the receipt of notice of appointment: *Provided*, That no fee, commission, or charge shall be demanded or accepted by any representative of any member, former member, or survivor appointed in accordance with the provisions of this subsection and the exaction or acceptance of any such fee, commission, or charge shall be deemed a misdemeanor punishable by a fine of not exceeding $500 or imprisonment for not exceeding six months, or both.

"(d) (1) Pursuant to regulations prescribed by him, the Administrator of Veterans Affairs is authorized and directed to accept an assignment of a bond issued to the insured under this section, the proceeds of which shall be used in payment of premiums or in payment of the difference in reserve in case of conversion to insurance on another plan or in payment of a policy loan made prior to July 31, 1946, on a United States Government Life Insurance policy or a National Service Life Insurance policy: *Provided*, That such assignment may not be used by the insured directly or indirectly as a means of securing in cash the proceeds of such bond or any portion thereof prior to the date of its maturity or the maturity of such policy by death, whichever is the earlier, and such assignment shall be deemed to constitute an agreement by the insured to this effect.

"(2) Any bond assigned under this subsection shall be redeemed at any time, upon presentation to the Secretary of the Treasury, and the proceeds thereof shall be paid and credited to the appropriate fund or appropriation designated by the Administrator.

"SEC. 7. All amounts paid or payable under section 6 of this Act, in cash, bonds, or both, shall not be assignable except as provided in subsection (d) of such section, shall be exempt from claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever. All such amounts (except interest in the case of bonds) shall be exempt from taxation.

"SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Amounts expended hereunder shall be included in the annual reports to the Congress by the Departments concerned.

"SEC. 9. The Act approved May 8, 1874 (18 Stat. 43), as amended by the Act approved July 29, 1876 (19 Stat. 102; 10 U. S. C. 842), is hereby repealed. Such repeal shall not affect any unused leave accumulated (including leave accruing at the rate of two and one-half days per month after July 1, 1946) prior to the date of enactment of this Act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

ELBERT D. THOMAS,
EDWIN C. JOHNSON,
LISTER HILL,
CHAN GURNEY,
CHAPMAN REVERCOMB,
Managers on the Part of the Senate.

R. E. THOMASON,
CARL T. DURHAM,
ROBERT L. F. SIKES,
LESLIE C. ARENDS,
CHARLES R. CLASON,
Managers on the Part of the House.

Mr. JOHNSON of Colorado. Mr. President, I ask for the present consideration of the conference report.

The PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

Mr. JOHNSON of Colorado. Mr. President, the conference report deals with House bill 4051, the so-called terminal leave pay bill. I move that the Senate agree to the conference report.

Mr. LANGER. Mr. President, will the Senator give us the result of the conference, whether it was decided to pay in cash or bonds?

Mr. JOHNSON of Colorado. The conference report follows pretty closely the Senate bill. Terminal leave will be paid for in bonds, but the bonds may be used to pay insurance. Outside of that, the report very closely follows the bill as it was passed by the Senate.

Mr. LANGER. I want the RECORD to show that I, for one, disapprove the conference report.

Mr. PEPPER. Mr. President, I do not wish to oppose the report. I merely desire to say that the Senator from South Carolina [Mr. JOHNSTON] and I feel very deeply that the money should be available to the GI's at their own option. We realize it is too late now to accom-

plish that purpose, but we wish to give notice that before the Senate adjourns we will introduce a bill to that effect, and we will reintroduce it at the coming session, and will continue to pursue the matter as long as we can to enable the GI's to get the money in cash to which we think they are entitled. That is all I wish to say. I do not oppose the adoption of the report.

The PRESIDING OFFICER (Mr. HOEY in the chair). The question is on agreeing to the conference report.

The report was agreed to.

TEMPORARY EXTENSION OF TIME FOR FILING APPLICATIONS FOR PATENTS—CONFERENCE REPORT

Mr. PEPPER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5223) to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 6, 8, 12, 16, 17, 18, 22, 25, 29, 31, 34, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 9, 11, 13, 14, 15, 19, 20, 21, 23, 24, 26, and 32, and agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out by the Senate amendment and insert the following: ", which request must be accompanied by (1) a copy of the original foreign application, certified to by the patent office of the country in which it was filed, but if the original foreign application has been destroyed, other evidence pertaining thereto may be accepted; (2) a sworn translation of the same if it is not in the English language; and (3) if the foreign application was not made by the inventor himself, an affidavit by the applicant or patentee stating that such application was filed for his benefit or on his behalf and that such procedure is in accordance with the procedure in the foreign country"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "person,"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: On page 11, line 1, of the House bill strike out "sections" and insert "section"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out by the Senate amendment and insert the following:

"SEC. 11. No claims for patent infringement shall be made or action brought by or on behalf of or for the benefit of any country or a national of any country against which the United States has declared the existence of a state of war, in respect to any manufacture, use, or sale since September 8, 1939."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out the matter proposed to be stricken out by the Senate amendment and insert the following:

"SEC. 13. Section 10 (a) of the said Trading With the Enemy Act, relating to the filing and prosecution of applications for patents and the registration of trade-marks, prints, labels, and copyrights, by an enemy, or ally of an enemy, is hereby repealed."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert a period and the following: "The Alien Property Custodian shall be entitled to the benefits of this Act."; and the Senate agree to the same.

CLAUDE PEPPER,
SCOTT LUCAS,
A. W. HAWKES,
Managers on the Part of the Senate.

FRANK W. BOYKIN,
FRITZ G. LANHAM,
FRED A. HARTLEY, Jr.,
Managers on the Part of the House.

Mr. PEPPER. Mr. President, I ask unanimous consent that the Senate proceed to consider the conference report.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the report.

Mr. PEPPER. Mr. President, this is a conference report on a patent bill. The report has already been agreed to by the House, and I move that the conference report be adopted.

The report was agreed to.

REQUEST FOR CONSIDERATION OF THE CALENDAR

Mr. BARKLEY. Mr. President, since the call of the calendar on Monday a number of bills have been reported by committees. The calendar does not show where we left off at the last call, but I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed with the call of the calendar for the consideration of uncontested bills, beginning where we left off at the last call.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. There is so much confusion that we on this side did not hear the request of the majority leader.

Mr. BARKLEY. I was asking unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to a call of the calendar for the consideration of bills to which there is no objection.

Mr. WHERRY. I believe the so-called poll-tax bill is the pending business.

The PRESIDING OFFICER. The Senator from Nebraska is correct.

Mr. REVERCOMB. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from West Virginia will state his inquiry.

Mr. REVERCOMB. At what place on the calendar will the call begin?

The PRESIDING OFFICER. The clerk informs the Chair it will be order of business 1908.

Mr. WHERRY. I should like to address the Senate at this time.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

THE STATE DEPARTMENT AND AMERICAN FOREIGN POLICY

Mr. WHERRY. Mr. President, it is now evident that the Seventy-ninth Congress will adjourn sine die without acting on my Senate Resolution 197, in which I proposed a thorough investigation of the State Department policies.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks Senate Resolution 197. The resolution asks for a complete investigation of the Department of State, with particular emphasis on, first, any variance between the policies now being pursued and those expressed in the Atlantic Charter, the Potsdam Agreement, and the various agreements entered into in recent years by the American Republics; second, any intervention by the personnel of the Department of State in the domestic policies or affairs of the Latin-American Republics or other action by such personnel tending to destroy or militate against the good-neighbor policy in the Western Hemisphere; third, whether any of the personnel of the Department of State have shaped or influenced or have attempted to shape or influence foreign policies or our operations in any foreign nations with a view toward the establishment of a Communist form of government in such nations; fourth, any actions taken in any foreign nation by any personnel of the Department of State which were known by them to be contrary to the foreign policy of the United States or the instructions of our ambassadors or ministers to such nations; fifth, the extent to which the personnel of the Department of State are in sympathy with Communist ideology; and, sixth, any conflict between the policies being pursued by the Department of State and those being pursued by our Army or Navy in any territory now occupied by our military or naval forces. The resolution provides that the committee shall report to the Senate at the earliest practicable date the results of its study and investigation, together with such recommendations as it may deem advisable.

There being no objection, Senate Resolution 197 was ordered to be printed in the RECORD, as follows:

Resolved, That a special committee to be composed of five Senators to be appointed by the President of the Senate is authorized and directed to make a full and complete study and investigation with respect to the policies, operations, administration, and personnel of the Department of State, with particular emphasis on (1) any variance between the policies now being pursued and those expressed in the Atlantic Charter, the Potsdam agreement, and the various agreements entered into in recent years by the American Republics; (2) any intervention by personnel of the Department of State in the domestic policies or affairs of the Latin-American Republics or other action by such personnel

tending to destroy or militate against the good-neighbor policy in the Western Hemisphere; (3) whether any of the personnel of the Department of State have shaped or influenced or have attempted to shape or influence our foreign policies or our operations in any foreign nations with a view toward the establishment of a Communist form of government in such nations; (4) any actions taken in any foreign nation by any personnel of the Department of State which were known by them to be contrary to the foreign policy of the United States or the instructions of our ambassadors or ministers to such nations; (5) the extent to which personnel of the Department of State are in sympathy with Communist ideology; and (6) any conflict between the policies being pursued by the Department of State and those being pursued by our Army or Navy in any territory now occupied by our military or naval forces. The committee shall report to the Senate at the earliest practicable date the results of its study and investigation, together with such recommendations as it may deem advisable.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-ninth Congress, to employ such experts, and such clerical, stenographic, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. WHERRY. Mr. President, it will be recalled that I cast the only vote against the confirmation of the nomination of Dean Acheson, as Under Secretary of State. Subsequent events have fully justified my vote. The Senate has just been confronted by a situation in which I feel Mr. Acheson clearly misrepresented to one of its committees, conditions surrounding the International Air Transportation Agreements which he entered into in behalf of the United States. We are in the embarrassing position of having had to denounce and abrogate that executive agreement because of its admitted dangers to the United States.

Mr. Acheson now tries to explain his position away as a "mistake."

Mr. President, whether it was a mistake or a misrepresentation, it proves one sure thing, namely, that Mr. Acheson is unsuited to occupy the high, influential, powerful office he now holds.

I point out to the Senate that the State Department is one of our most rapidly expanding Government agencies. It now has a personnel of more than 26,000, and an annual appropriation of $128,000,000. How necessary, then, that one who directs the activities of the State Department, an organization of more than 26,000 persons, should not only be suited to the duties which he must perform, but also eminently qualified to handle the affairs of state. In the absence of the Secretary of State, Dean Acheson, Under Secretary, apparently assumes full responsibility. An Assistant to the Secretary of State should be particularly well suited for carrying out the duties of that office.

Had it not been necessary for the State Department to come to the Congress for appropriations, it is my opinion that we would not have known what had been done by Mr. Acheson until the damage was revealed. This, Mr. President, is only a part of the picture. Who knows when the Senate may again be called upon to repudiate some other ill-advised agreement to which we have been committed?

On May 15, 1946, my distinguished colleague, the Senator from Maine [Mr. WHITE], stated in minority views to the Senate Committee on Foreign Relations that:

From 1940 to 1944, inclusive, there have been but 38 treaties submitted to the Senate as against 256 agreements, of which we have knowledge, not submitted to the Senate. This tendency warns that we of the Senate must assert our rights in this field or we shall be guilty of acquiesence in their loss. * * *

If the State Department's conception of executive authority prevails, if the Senate yields thereto, then the Senate abandons to the executive branch its right to consent or to refuse to consent to foreign commitments of the most solemn character.

I am absolutely convinced that the United States would not be in her present predicament in world affairs if the Senate had been given the opportunity to exercise its constitutional responsibilities to advise and consent to the ratification of any matters in any of these agreements which properly fell within the province of treaty matters.

WHAT ROAD ARE WE FOLLOWING?

Mr. President, as a free people, we cannot much longer follow the road we are traveling if civilization, Americanism, and freedom are to survive. There is already universal recognition of the tragic fact that instead of being "on the road to peace," we are on the road to an atomic war.

WHAT MEN AND WOMEN ARE SAYING

All over the world men and women are now contemplating in terror the awful tragedy that has already occurred, and are trying to resign themselves to an even more terrible tragedy in the not far distant future.

As far back as November 18, 1945, the Catholic bishops of the United States issued their "Statement on War and Peace," which I quote in part:

The war is over but there is no peace in the world.

Since the Moscow Conference of 1943, the United States, Great Britain, and Russia have undertaken to shape the peace which they are imposing on the nations. * * * It is discouraging in the extreme.

Instead of honest discussion even of diverging plans, we are witnessing a return to the tragedy of power politics and the danger of balance of power arrangements, which with the substitution of more expedience for justice, have begotten war after war.

On December 17, 1945, Dorothy Thompson wrote:

I never remember anything like this in America. The people have a contempt for their leadership. In America when pictures of their leaders are shown on the screen they laugh. They do not cheer or boo, they laugh contemptuously. The leaders have taken away the peoples' ideals and when that happens despair sets in.

When people feel that way, everything becomes senseless, the war was senseless; everything is a lie, as the Atlantic Charter became a lie when Yalta and Potsdam became the truth.

The people think the world is out of its senses, but they do not know what to do about it * * * for they have nothing to say about it, they must just accept it, and they are hurt and bewildered and angry.

On March 7, 1945, the Federal Council of Churches of Christ in America stated in their findings that:

A world of fear, hatred, cruelty, misery, and violent death is fast closing in on the prospects of a world of fellowship and love.

On March 14, 1946, Maj. George Fielding Eliot wrote:

The peoples of the world are confused, disappointed and frightened. In large part they are also miserable. These were not the promises of victory. We thought victory would bring us peace and hope. We thought victory would bring us a better world. It has brought us only fear and suffering.

On March 25, 1946, Messrs. Joseph and Stewart Alsop wrote in the Washington Post that Secretary of State Byrnes and the chiefs of the armed forces had gone before the Senate Military Affairs Committee to urge the extension of the draft and other manpower measures because of the immediate danger of an outbreak of armed conflict. According to these correspondents, I quote:

It is safe to say that in peacetime history of the United States there has been no such scene as this meeting presented, except at prior and similar meetings with the House Military Affairs Committee. Last week, for the first time the highest officials of government warned the leaders of Congress of the possibility of immediate national danger in a world officially at peace.

On April 3, 1946, Mr. Sumner Welles said:

Unless the United States returns to the basic principles of the good-neighbor policy, no inter-American conference can now be held without risking a break-up of the inter-American system and the total destruction of Pan-American solidarity.

The policy pursued by the Department of State during the past 2 years has resulted in a series of unrelieved failures. It has done grave injury to this country's highest interests, and to the welfare of the rest of the New World. Will American public opinion permit a continuation of this disastrous policy?

On May 8, 1946, the former Secretary of the Treasury, Mr. Morgenthau, who perhaps more than anyone else on the globe has helped to turn the world against the United States, mournfully lamented:

I doubt very much whether the United States has a single important friend left in the world.

On May 4, 1946, Walter Lippmann, returning from a visit to war-torn Europe, had the following to say:

No one, least of all the Russians, believes that the political frontier between themselves and the British can be stabilized where it now is. This is the reason why every statesman in Europe has it in the back of his mind as his controlling assumption that he must act as if there were going to be a war between Britain and Russia, which will involve all the other nations.

Again on May 22, Sumner Welles wrote:

From Cairo to Tokyo the eastern world is seething. All constituted authority, whether alien or national, has been gravely weakened during the last several years. The economic dislocation resulting from the war culminating with the present famine, intensify the trend toward mass unrest, toward revolt, and toward eventual anarchy.

On May 30, 1946, Gen. Omar Bradley told a Memorial Day audience that:

Today, there is a growing uneasiness and fear that the peace we sought at the end of the war will elude our grasp. The symptoms of fear are all about. The world that was sick with hatred is now sick with starvation and famine. Out of the rubble of Axis aggression has emerged the suspicion and distrust of allies. Already people have asked themselves, "What has the war accomplished?"

On the same day General Marshall warned the whole world from Nanking, China, that:

China is trembling on the verge of an even greater calamity than the war with Japan.

Cardinal Tien of China a little later admitted that a third world war is now inevitable, and said the sooner it broke out the greater would be the suffering and agony the peoples of the world would be spared.

On June 1, 1946, Pope Pius XII said:

Peace is vanishing in an international bitterness and ungodliness which may provoke a violent world explosion.

On June 15, 1946, Anne O'Hare McCormick wrote in the New York Times that:

Prolonging the present condition of suspense on the Continent can only lead to catastrophe. There is no use outlawing the atomic bomb if the great powers follow policies that produce the conditions of war. In eastern Europe these conditions are creating a system of pauper states. As to Germany everybody now admits that the occupation is a failure in itself and a menace to the rest of the Continent.

And on the same day Adolf Berle, one of the original New Deal braintrusters, and former Ambassador to Brazil, made the following startling admission of what was happening to America from within when he said:

We are now in a world crisis and there is every sign that that crisis will become more intense. Once more all the symptoms of foreign diplomatic conflict are appearing here as they did in 1917. We have the same propaganda campaigns, the same lies and distortions intended to intimidate faithful American public servants, and the same appeals to cupidity, unthinking idealism, and fears.

We have a similar crew of turncoats, some of whom have been in their time Fascist agents and Communist agents abroad, who now appear claiming to advise and guide the New York public. And we know that whatever else these people want they are not interested in the welfare of the United States.

NOT ONE WORLD BUT TWO WORLDS HAVE EMERGED FROM THE WAR

It has now become terrifyingly obvious, Mr. President, that in spite of the fraudulent, poisonous, persistent propaganda to the contrary, not one world of international cooperation exists, but two worlds of conflicting ideologies and purposes have emerged from this terrible war.

No less a person than the Pulitzer prize winning correspondent of the New York Times, James Reaton, said on May 6, 1946:

The thesis that is rapidly gaining ground in the capital now is the following:

First, the Soviet Union is using its economic, political, and military power to support Communist elements all over Europe—not only in the Soviet Belt but also westward into France.

Second, the Soviet Union does not want to take its armies out of eastern Europe, because the Soviets still profess to believe the capitalist world is hostile to them.

Third, our efforts to remove this fear have not succeeded. Therefore, rather than make further concessions to Russia that would divide Europe into two spheres, we should now concede that the two spheres exist and give our support to the western sphere.

On May 27, 1946, the New York Herald Tribune, one of Russia's stanchest defenders in the United States, stated in its leading editorial:

The lines of a new world cleavage are becoming ever more distinct and ominous. In nearly every source of policy there is a growing acceptance of the fact of a struggle for power between two world systems, that of Russia and the west, and a growing tendency to believe that struggle is irreconcilable.

On May 15, 1946, in testifying before the House Banking and Currency Committee, the former Secretary of the Treasury, now Chief Justice Fred M. Vinson, admitted that the British loan would split the world into two conflicting economic blocs with America and England arraigned against Communist Russia in a battle for world trade supremacy.

Mr. President, in spite of the Government-inspired propaganda to the contrary, the one world on which all of our international organizations were supposed to be based in order to function is apparently crumbling right under our feet.

The truth is Russia has refused to join any of the five major international organizations except the United Nations.

Russia has refused to join either the international bank or the international fund set up under the Bretton Woods agreements.

Russia has refused to join or to attend the International Civil Aviation Conference.

Russia has refused to become a member of the International Food and Agriculture Organization. She merely sent an observer to the first meeting.

To this very moment Russia has refused to accept an invitation to the World Trade Conference which is to be called in the near future.

It is significant, indeed, Mr. President, that Russia will not join any organizations where any matters are discussed which would compel her to show her hand. She uses the veto power in the United Nations instead of coming out into the open.

PEACEMAKING AT AN IMPASSE WITHIN UNO AND IN THE FOREIGN MINISTERS' COUNCIL

This sudden wrenching of one world into two conflicting parts has awakened many of our statesmen and policy-makers to the tragic fact that neither inside UNO, nor outside, in the Foreign Ministers' conferences, are we getting on with real peacemaking.

Mr. John Foster Dulles accurately describes our present predicament. In speaking of the way the big powers are failing to get along, he says:

No one of them trusts the others sufficiently to permit of decisions in which it does not concur. They may not feel sure about their ability to go on deserving top rank in the world. Therefore, they seek artificially to perpetuate that position. So they plan a structure of peace that cannot be altered without the consent of each of them. They think through such rigidities to find safety. Actually these rigidities imperil the whole structure of peace.

The junior Senator from Florida [Mr. PEPPER], who has been a most determined advocate in the Senate of cooperation with Russia, has gone so far as to admit that the whole problem of peacemaking with which we are confronted can never be solved within the United Nations organization as it is now operating.

Certainly this is news to the vast majority of the American people. The Senator from Florida, in a statement on March 20, 1946, said:

At the present time and under the present circumstances, the United Nations is not the way out of this web of fear. It is a delusion and a snare to regard the present United Nations organization as the tribunal for the solution of the clashes and conflicts among the Big Three growing out of their fear for their own security.

And those who pretend now that the United Nations organization can perform such functions are either, without disclosing their purpose, attempting to wreck it, or to convert it from its declared original characer into something else. We must therefore, prepare outside of the United Nations organization the conditions which will make it possible for the United Nations organization effectively to function.

WHO IS TO BLAME?

Mr. President, in the midst of all of this confusion and suspicion and the terrible suffering this peace stalemate is causing to hundreds of millions of people, it has suddenly become popular in the United States to blame everything that has gone wrong on the Communists and Mr. Stalin and Mr. Molotov. Our own policy makers of the administration have taken refuge in this game of charge and countercharge. Now, who is to blame?

On March 20, 1946, Sumner Welles wrote:

Relations between the United States and the Soviet Union have been allowed to drift into an increasingly dangerous condition * * * The recent trend of Soviet policy unfortunately indicates that unless the Soviet Union becomes convinced that the western powers are both strong enough and determined enough to prevent it, it will avail itself of this moment of world upheaval to seek a form of security based upon those traditional Russian aims which Russian Governments have successfully pursued since the dawn of the nineteenth century.

On March 20, 1946, none other than Secretary of Commerce Wallace told a New York audience that:

Russia can't ride roughshod over eastern Europe and get away with it. I think that we can make it perfectly clear to the Soviet Government that no country, however powerful in a military or economic way, can dominate by mere force even the smallest country for very long.

On March 27, 1946, Hanson W. Baldwin, military analyst for the New York Times, stated in his column that:

We must make it amply clear to Russia and to the world that the basic strategic reason for which we fought the last war was to prevent the domination of western Europe by any one power, and to prevent that domination of eastern Asia by any one power.

On May 10, 1946, the Washington Post, which has always reflected the internationalist opinions of its owner, Eugene Meyer, recently elected head of the world bank, stated in an editorial:

We are faced today with a condition and not a theory. The condition is not that Britain and Russia are preparing for war, but that Russia will not make peace. What our angel of peace is afraid of is, bluntly, Russian aggression. Only Russia has the might and the dynamism and the posture to break the peace.

On May 18, 1946, the junior Senator from Arkansas [Mr. FULBRIGHT] told a New York audience:

Never before in public have I questioned the purposes of Russia. It is with profound reluctance that I have concluded that the recent actions of Russia are not consistent with a desire to bring peace to the world under the aegis of the United Nations. Crusading communism appears now to be on the march. There are doubts within the minds of many of us that Russia will ever submit to rules of conduct in any field.

On May 30, former Ambassador to Germany James W. Gerard said, concerning the Russians that:

It's about time they found out we are tired of having their representatives throw a monkey wrench into the United Nations. We are tired of having our representatives pushed around.

On June 7, 1946, David Lawrence, an astute student of affairs, wrote in the United States News:

Until the flames of totalitarianism are extinguished around the world there will be danger of another world conflagration. There is no use camouflaging the truth about what is going on. We are up against the ruthless rule of totalitarianism in world diplomacy. A government that cannot be trusted can make war overnight. Russian aggression has begun. Will the American people ignore it as they did Hitler's aggression or will they be realistic and face the facts of international life. Are we on the road to World War III?

On June 13, 1946, the distinguished chairman of the Senate Foreign Relations Committee, the Senator from Texas [Mr. CONNALLY] warned the Russians that:

It is unreasonable to allow a veto by one Foreign Minister to upset the whole peace program. We should not tolerate such a situation. Let me warn any nation that now plans to subjugate the rest of the world economically, politically, or militarily, world domination is a fatuous dream. The peoples of the world will not stand for it.

And now the press has broken out in a veritable rash of protests by my colleagues, the Senator from Michigan [Mr. VANDENBERG], the Senator from Texas [Mr. CONNALLY], and the Senator from Vermont [Mr. AUSTIN], along with Secretary Byrnes, that they are not going to permit Russia to veto the peace.

Yet, Mr. President, there is another side to the story which, because of the heat and confusion now being generated in diplomatic circles, still is not being brought out into the open.

Let us grant that Russia is standing in the way of reaching satisfactory peace settlements. Let us grant that Mr. Stalin and the Communists constitute the major obstacle on the road back to peace. There is still the shameful part the United States has played in the preliminary peace settlements for which the Russians cannot possibly be held solely to blame; a role which, it seems to me, has set the stage for the very actions and policies on the part of the Russians which are now being so self-righteously condemned.

I am speaking of the war-breeding secret commitments made by our American Presidents of Moscow, Tehran, Yalta, and Potsdam; commitments which set in motion forces and policies which could not do other than make peace terribly difficult, if not an absolute impossibility.

The fact that Russia refuses to cooperate with the rest of the world does not serve as an excuse to relieve this administration of its own responsibility for those betrayals of the rights and privileges and liberties of hundreds of millions of our fellow beings both in Europe and Asia.

The policy makers responsible do not so much as mention any of those betrayals or war-breeding commitments which were made in secret—without the knowledge, the advice, or the consent of either the United States Senate or the American people. The plain fact is that up until this very moment Russia has only been doing in her own way what our policy makers agreed to permit her to do in conformity with those secret agreements of Tehran, Yalta, and Potsdam.

There is just a slight hint of this fact in the following admission of Elmer Davis, who as head of the Office of War Information had more to do with all the propaganda that was fed the American people than perhaps any other man.

On April 5, 1946, Mr. Davis wrote in the Washington News:

A year or so ago most of us supposed that Russian objectives were the same as ours; and extensive concessions were made to them on that hypothesis. It now seems to have been mistaken. There is something that is worse than either atomic or biological warfare. It is subjugation to an alien oppressor.

But still, Mr. President, there has been not a single official admission of guilt; not a single official repudiation of these terrifying agreements; not a single regret expressed for the savage consequences to which our policy makes us a party, and which just in themselves would make the realization of any kind of peace well-nigh impossible.

RECORD OF MY OWN OPPOSITION TO SUCH POLICIES

The question raised by all of these developments, Mr. President, a question which cannot be ignored longer except at our own peril—is one for the American people to answer once and for all; it is whether we shall continue these policies which are in themselves playing directly into Russia's hands, or we must determine whether or not our legitimate and most crucial interests are being deliberately betrayed by alien fanatics both within and outside of the United States.

The record plainly shows that I have protested the steady deterioration of American foreign policy for many long months.

On four specific occasions I have sought to crystallize attention on the long-existent confusion in our foreign policy, hoping to stimulate efforts to find an answer to the question of whether or not America is being deliberately sabotaged and betrayed, or whether our policies are really disastrous in themselves. Surely even the most naive appeasers in America must now realize that we cannot afford to wait longer for such an answer. The time has come for a completely honest, courageous, and open showdown on this issue.

On May 9, 1946, President Truman himself warned the American people that now:

Nobody should play politics with national safety.

Yet, Mr. President, on every occasion when I have sought to arouse interest in these issues, and to stimulate thought about what future course of action would safeguard America's interests and security, I have met with evasion.

Mr. President, on September 24, 1945, I read into the RECORD the reasons why I opposed the confirmation of the nomination of Dean Acheson as Under Secretary of State. I did so because I could not find out from Mr. Acheson or from anyone else what our foreign commitments and policies were, which Mr. Acheson was to carry out. I did not know how Mr. Acheson felt about them, and he failed to respond to my questions.

I had hoped that, as a result of my action, at least some light might be thrown on the policies we had been persuing. I sought information which would enable this administration, and the American people, to get a better picture of the actual results of our policies. My hopes were vain. My efforts were futile. Both Mr. Acheson, and the administration's undisclosed policies received the highest commendation from my colleagues, the Senator from Texas [Mr. CONNALLY], the Senator from Kentucky [Mr. BARKLEY], and the Senator from Arkansas [Mr. FULBRIGHT].

On October 22, 1945, Mr. Spruille Braden was nominated as Assistant Secretary of State. Again, on that occasion, I sought information. Ugly rumors and reverberations were coming out of South America, as a result of Mr. Braden's activities prior to that date. I sought to learn whether or not his policies had been in keeping with the solemn contracts we had signed with our sister republics, and with the act of Chapultepec, Again I could not get any real light on Mr. Braden's past activities or on our future policies toward the South American countries. But it became clear to me that there was something radically wrong both with our policy, and with the way our State Department, and Mr. Braden, had been interpreting it, so far as South America was concerned.

On that same day, the distinguished chairman of the Foreign Relations Committee, together with my colleagues, the Senator from Michigan [Mr. VANDEN-

BERG] and the Senator from Wisconsin [Mr. LA FOLLETTE], indirectly revealed that Mr. Braden and the State Department for many long months, had been destroying the very roots of our good-neighbor policy. At that time, the Senator from Texas [Mr. CONNALLY] in answer to questions by some of us on the floor, insisted that:

We do not want to create any impression that by the confirmation of the nomination of Mr. Braden we are reverting to the old type of diplomacy of the years gone by when we had the reputation, whether deservedly or not, of having wielded the big stick and using a strong-arm diplomacy * * *. We want the other countries to feel that we are showing consideration for their sovereignty and their independence and that we do not expect to interfere in anywise in any of their domestic affairs.

The Senator from Michigan [Mr. VANDENBERG] stated that he considered that Mr. Braden was "but an incident" in the development of a dangerous perversion of our traditional Latin-America policies, and went on to say he believed there was an imperative need that:

We shall do everything in our power to maintain healthy, wholesome relationships and to scrupulously observe all of our mutual engagements with the 20 Latin-American Republics which constitute, with us, the great inter-American system of hemispherical peace, security, and good will.

On the same day the Senator from Wisconsin [Mr. LA FOLLETTE] stated during debate on Mr. Braden's confirmation that:

If I voted for Mr. Braden, if the committee voted for him, and if the Senate voted for him—

And we did, Mr. President. We confirmed him. I followed the leadership of our distinguished colleague, the Senator from Michigan, as I always have, and I am proud to do so because of his knowledge of foreign affairs.

If I voted for Mr. Braden, if the committee voted for him, and if the Senate voted for him, as they intend to do, I have the distinct feeling that we are not advancing the cause of cooperation, consultation, and united action so far as the Latin-American nations are concerned.

In discussing the dilemma in which the United States Senate found itself as a result of Mr. Braden's previous policies and actions, the Senator from Wisconsin went on to say that the best thing he could do was to vote for Mr. Braden's confirmation, but he added:

I want it clearly understood that in so doing I am not in any wise indicating that I am in favor of any weakening or any alteration of our policy so far as the Latin-American countries are concerned * * *. To proceed further on a unilateral basis or in a unilateral spirit in order to avoid embarrassing and complicated problems, which may arise from multilateral action and discussion, I say in the long run, hazards the destruction of the good-neighbor policy.

On November 28, 1945, I submitted Senate Resolution 197 to investigate the State Department after Ambassador Hurley openly charged that:

The professional foreign-service men in the State Department sided with the Chinese Communist armed party, and the imperialist bloc of nations, whose policy it was to keep China divided against itself.

Again the State Department and that administration policy were completely whitewashed, and Ambassador Hurley became the target of personal abuse, while such persons as Mr. John Service, who over a year before had been one of the six persons arrested for disclosing confidential State Department material, and who had been whitewashed in a secret session of this administration's policy makers, was sent to Japan to serve as economic adviser to General MacArthur.

On January 29, 1946, for myself and in behalf of several other Senators, I introduced Senate Concurrent Resolution 51, providing for a joint congressional committee to investigate starvation conditions in Europe. Eighteen other Senators on both sides of the aisle joined me in stressing the urgency of the conditions of starvation which warranted congressional action. But again, as on so many other occasions, this administration stubbornly refused to look these tragic consequences of its own policies in the face.

Instead, Mr. President, this administration has continued to carry on our foreign relations in such a secret and blundering way that at this very moment neither the American people nor the Senate of the United States, nor the other nations of the world know what to make of the course we have been following in South America, Asia, and Europe.

OUR POLICY OF MEDDLING IN SOUTH AMERICA

Let us turn to South America. Nowhere else in the world have we such a great stake in continued confidence, cooperation, and unity of purpose, between and among nations, as we have in the Western Hemisphere.

It is in the long tradition we have built up in our relations with these nations that the fundamental tenets and solemn commitments of this Government are most clearly and consistently stated.

On October 22, 1945, my colleague from Michigan [Mr. VANDENBERG] paid a just tribute to this good-neighbor policy of which I am speaking in one of the most masterful utterances that has been heard on the floor of the Senate since I have been a Member of the Senate. I believe it will be years before a more clearly defined statement is made than that made by the distinguished Senator of Michigan when he said:

This inter-American system is not the sudden improvisation of an expedient hour. It is not born of the transient exigencies of a war. It dates back to the days of President James Monroe in respect to its roots. It is the evolution of many decades of neighborly contacts. It is the natural outgrowth of common interests in the protection and development of our common heritage in this new world. Its credentials are as long as they are honorable. It enjoys attachments of deep affection throughout the two Americas. It has been solemnly stabilized by repeated treaties for mutual consultation and mutual support. It is not a perquisite of the United States alone. It is the common property of our inter-American partnership, and the statecraft of the United States must never for an instant neglect, ignore, or violate this fundamental fact.

Mr. President, contrary to the current popular myth, it was President Hoover who, in 1928, withdrew our troops from Haiti and Nicaragua, and solemnly assured the Latin-American countries that we could not again intervene in the internal affairs of any nation to the south of us. This was the original formulation of what has come to be known as our good-neighbor policy. And while, on occasion, this Government has relapsed into the "big-stick" policy and "dollar diplomacy," yet over the years our traditional policy has been that of trying to be a good neighbor among good neighbors.

On December 26, 1933, the late President Roosevelt signed the Seventh International Conference of American States Agreement, article 8 of which specifically provides that:

No state has the right to intervene in the internal or external affairs of another.

On the same day the late President stated:

I feel safe in undertaking to say that under our support of the general principle of nonintervention as has been suggested, no government need fear any intervention on the part of the United States under the Roosevelt administration.

On June 17, 1935, former Secretary of State Cordell Hull reaffirmed this principle and went on to say that:

This declaration creates a precedent which in my belief will never be abandoned.

On September 15, 1936, Mr. Hull reaffirmed that so far as South America was concerned:

This administration has made it clear it would not intervene in any of those republics.

Again on December 5, 1936, Mr. Hull stated in Buenos Aires, at the opening of the Inter-American Conference for the Maintenance of Peace, that:

We recognize the right of all nations to handle their affairs in any way they choose, and this quite irrespective of the fact that their way may be different from our way or even repugnant to our ideas. If the solemn rights and obligations between nations are to be treated lightly or to be brushed aside, the nations of the world will head straight toward international anarchy. It is to the interest of everyone that there be an end of treaties broken by arbitrary and unilateral action.

On December 21, 1936, the United States signed the Declaration of Principles of Inter-American Solidarity and Cooperation, at Buenos Aires, which also specifically provided under article 3 (b):

Intervention by one state in the internal or external affairs of another state is condemned.

On March 17, 1938, Secretary Hull again stated as this Government's policy and conviction that:

All nations should, through voluntary self-restraint abstain from use of force in pursuit of policy and from interference in the internal affairs of other nations.

Again at the Eighth International Conference of American States December 24, 1938, at Lima, Peru, the United States signed the following solemn pledge contained in the Declaration of Lima:

The respect for the personality, sovereignty and independence of each American state constitutes the essence of international order sustained by continental solidarity.

In the Declaration of Principles agreed upon at this conference we agreed that:

The intervention of any state in the internal or external affairs of another is inadmissible.

Again on April 13, 1940, the late President Roosevelt stated:

If civilization is to survive, the rights of the smaller nations to independence, to their territorial integrity, and to the unimpeded opportunity for self government must be respected by their more powerful neighbors.

Even as recently as March 21, 1944, Secretary Hull asserted in his outline of the principles of American foreign policy that:

All nations, large and small, which respect the rights of others are entitled to freedom from outside interference in their internal affairs.

Although it is difficult to believe, as recently as October 31, 1945, and January 5, 1946, Secretary Byrnes and Mr. Braden made the following assurances, respectively.

Mr. Byrnes declared:

In the inter-American system the members do not interfere in the internal affairs of their neighbors nor do they brook interference in those internal affairs by others.

Mr. Braden said on January 5, 1946:

Our policy of nonintervention in the affairs of the other American countries is fundamental and will continue. We have no intention of that kind of unilateral action.

Mr. President, in spite of all these solemn declarations and promises of nonintervention the fact remains that we have so grossly repudiated our agreements that we have now reached the place where our whole future relations with South America are gravely in danger.

What is the record?

On March 27, 1946, Sumner Welles wrote:

Our recent policies in Latin America have been incredibly stupid as well as humiliatingly unsuccessful. American public opinion should be demanding from this Government some coherent program of foreign policy which will refill the reservoir of good will toward the United States.

On the same day, in the New York Times, Hanson Baldwin wrote:

For many months we have been breathing fire and brimstone toward Argentina and badgering the Argentine Government with accusations.

In Argentina our policy has served only to elect our enemy Peron and to consolidate much of Argentine and Latin-American sentiment against us. Many of the happy results of the good-neighbor policy have been destroyed and again Latin Americans are becoming more and more conscious of the "Colossus of the North" and Yankee "imperialism." We are risking the formation of a real anti-American bloc in South America.

It is high time the dangerous policies of Mr. Braden and Mr. Acheson be ended. We indulged in such inexcusable intervention that we are now confronted with complete embarrassment of our relations with every other South American country.

The Bradenistic policy of intervention by insult has been against the richest and most powerful nation in South America, namely, the Argentine.

I am not defending the Argentine Government for any of its misdeeds, whatever they may or may not have been. I am not carrying a portfolio for Argentina. Whatever excuse may have existed for the policies toward Argentina during the war certainly has no validity now.

The war has been over for more than a year. The course pursued by Mr. Braden and Mr. Acheson over the past 12 months is positively the most stupid and scandalous adventure in personal feuding between the heads of states that is to be found in the entire history of our diplomacy.

The Argentine finally broke with the Axis. She was admitted as a member of the Chapultepec Conference and of the United Nations Organization. She was entitled to joint action by any nations directly concerned with her affairs. Yet, in spite of all the agreements we have signed, to which Argentina has been a party, Mr. Braden and Mr. Acheson seem for the past year to have gone out of their way to force a permanent break with the Argentine people.

WHAT WE HAVE DONE TO ARGENTINA DURING THE PAST YEAR

During the past year we have continued, until within the last month, to keep over 800 Argentine firms on the blacklist.

Until within a week or so we have kept all of Argentina's funds in the United States banks frozen.

Up until this very moment we have continued to refuse to join in any discussion with the Argentine delegates concerning the Rio conference on hemisphere defense. That discussion has already been postponed, until Mr. Braden is satisfied that they have eliminated all of what has been termed Axis influence in Argentina.

Our State Department is insisting that the Argentine courts accept the views of Messrs. Braden and Acheson as to what aliens in Argentina were friendly with the Axis Powers and should be deported from Argentina; as to what Argentinean citizens were friendly with the Axis Powers and should be tried and imprisoned, if found guilty; and as to what agencies or businesses trafficked with the Axis Powers and should be liquidated by the Argentine Government. In response to their insistence, the Argentine Government has replied that it is seeking to expedite these matters in accordance with Argentine law.

Here, again, is a case in which Messrs. Braden and Acheson have done everything they apparently could do to violate another solemn agreement.

On December 26, 1933, at the Convention of Human Duties and Rights, held in Montevideo, we subscribed to the following principle:

The political existence of a state is independent of recognition by the other states. Even before recognition the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and the competence of its courts.

In the light of that solemn convention, for the State Department of the United States to insist that the Argentine courts act in accordance with State Department demands in determining what constitutes unfriendly action on the part of individuals or agencies is the sheerest and boldest defiance of international law and of every solemn commitment we have made to the South American Republics.

I ask you, Mr. President, just exactly what is the State Department going to do if the Argentine courts do not agree with its list of persons who are suspects, a list which our State Department will not even furnish, I am informed, to the Argentine officials?

Consider another circumstance in this story of diplomatic blunders. Spruille Braden and Dean Acheson have been carrying on a personal feud against Colonel Peron ever since the war ended. The press was filled with stories that the Argentine people became so incensed over Braden's interference in their presidential campaign that Braden's action really assured Peron's election. Braden created in the Argentine an issue which—were the situation reversed—the American people would, of course, have resented intensely. No self-respecting people will tolerate such interference in their domestice affairs.

Not only did Braden thus directly interfere in the Argentine presidential elections, but I am informed that Braden, in defiance of all international law, actually used the American Embassy in Buenos Aires as the headquarters of the Argentine parties opposing Peron. Such unprecedented, high-handed activity, such a wanton breaking of faith with the American people, and such an offense offered the Argentine people, could have only one possible result. Acheson and Braden were completely repudiated by the Argentine people. The result was a terrible loss of face for 130,000,000 American people who, though blameless, will have to bear the consequences.

There is a universal recognition of the failure of our South American diplomacy everywhere except within this administration. One need only to summarize the calamitous extent of this venture in personal intervention, by reminding oneself of the fact that all of the hatred, fear, and animosity now aroused against the United States, has played directly into the hands of just one nation. That nation is Russia. Russia has taken this opportunity to attempt to reestablish diplomatic and trade, and even military, relations in the Argentine. What better weapon could the Communists in South America desire than the animosity and hostile interventionist policy of Acheson and Braden?

Through these two officials, America has furnished the Communists with reason to cry "Yanqui Imperialism." Certainly we cannot blame Stalin for what is clearly the calamitous consequence of Braden's own bungling.

So far as South America is concerned, Mr. President, the time has come, as I have already stated, to repudiate the policy of Bradenism, and to return to the good-neighbor policy. But to accomplish this, we need desperately to clean out the Communist influences in the

State Department, which, for some strange reason, have wielded such a sinister influence during the past few years.

After a great deal of struggle, members of the Senate have finally wrung from the distinguished Secretary of State the admission that there are, indeed, many Communists and fellow travelers in the State Department. It would seem, however, that the Secretary has been unable to do anything about them, because of the provisions of the civil-service law and its administration by the Civil Service Commission. That problem needs desperately to be taken care of by Congress immediately.

But there are still certain very startling facts about the way our South American policies have been handled, and about the forces and individuals who have had the most persistent interest in carrying out these policies, which have not yet been told to the American people.

There is the matter of the press and propaganda.

Mr. Carleton Beals, writing in the Progressive of July 15, 1946, stated:

It is a long time since the American public has had much of the truth about Latin-America. And folks aren't likely to get much more very soon.

Mr. Beals, who is one of our ablest and most forthright authorities on Latin-America, revealed that even during Mr. Nelson Rockefeller's regime—

Only those who jumped on the bandwagon and peddled pap and piffle had any chance to travel or get at the news. One couldn't even read current issues of Latin-American publications in the public libraries. As a student of Latin-American affairs and one earning his living by writing about them I could not obtain access to such materials. It was possible to get only what printed matter Mr. Nelson Rockefeller and the State Department wanted you to get, unless you went to a vast amount of trouble, subterfuge, and expense.

In the February 8, 1946, issue of the Commonweal, Mr. Christopher Emmet, a well-informed authority on Latin America, asserts in detail that Arnaldo Cotesi, of the New York Times; Joseph Newman, of the New York Herald Tribune; and Virginia Pruett and Ray Josephs, of PM, have completely misjudged the Argentine situation and misinformed the American public. As Mr. Emmett says:

It is largely the facts and appraisals they reported which most American commentators, headline writers, and newspaper columnists relayed, with the usual oversimplification, to the American people.

My distinguished colleague the Senator from Wisconsin [Mr. LA FOLLETTE], on the Senate floor on October 22, 1945, vigorously condemned this kind of reporting. I quote his words:

What I am saying is that such faulty reporting, such faulty exposition of the actual facts in a nation which is in a state of crisis can only lead to disaster if our policy is to be predicated upon such reports which are so inaccurate and which so utterly fail to describe the actual factual situation.

It is not by accident, however, Mr. President, that this misinformation should have emanated largely through New York sources. I hold in my hand a copy of the State Department so-called Blue Book on the Argentine, which it published and released in February 1946. Most Senators know what is in that "Blue Book." Those who do not should read it. The name Joseph Newman, to whom I have referred, reported on March 26, from Buenos Aires, that Foreign Minister Bevin had refused to join with the United States in issuing the Blue Book, even after a personal invitation to do so was extended by Mr. Byrnes. As a matter of fact, the British were so opposed, Mr. Newman went on to say that—

The British Government's economic policy toward the Argentine is now seriously embarrassing the State Department and its representatives in this country.

There is a strange coincidence in all of this, Mr. President. For although the State Department Blue Book was issued in February of this year, in January the Committee on Latin-American Affairs of the CIO issued their own white book on The Argentine Regime. I have it here on my desk, Mr. President.

It so happens that in the CIO News of February 25, 1946, a statement appeared calling attention to the fact that—

Release of the State Department's blast fully confirms similar charges made over a long period of time by the CIO Latin-American Affairs Committee. As a matter of fact the CIO committee's book, The Argentine Regime, was released weeks before the State Department did its job.

It so happens that the executive director of this Latin-American committee of the CIO is George Michanowsky, born in Yalta, Russia, who arrived in the United States from Panama in 1940. He was not a United States citizen, and he registered as an alien on December 17, 1940.

Mr. Michanowsky served for a while with New York's PM, in 1942. Now this same man has moved into the select circle as advisor to our Secretary of State and as a molder of American public opinion. I want to enter into the record a copy of a letter written to Secretary Byrnes on August 6, 1945, which is startling, to say the least, and is self-explanatory:

[Jacob S. Potofsky, chairman; George Baldanzi; L. S. Buckmaster; Lewis B. Clark; Joseph Curran; Samuel J. Hogan; O. A. Knight; Martin C. Kyne; David J. McDonald, Milton Murray; Joseph P. Selly; Willard Townsend; George Michanowsky, executive secretary]

PHILIP MURRAY, *President* — JAMES B. CAREY, *Secretary-Treasurer*

COMMITTEE ON LATIN-AMERICAN AFFAIRS,
CONGRESS OF INDUSTRIAL ORGANIZATIONS,
New York, N. Y., August 6, 1945.

Hon. JAMES F. BYRNES,
Secretary of State, Department of State, Washington, D. C.

DEAR MR. BYRNES: Please permit me to congratulate you on your magnificent achievements at the Potsdam Conference. I also wish to thank you very much for your kind letter of July 5.

At this time I should like to acquaint you, on a confidential basis, with a very important matter I have dealt with during your absence from this country: In order to offer maximum support to United States Ambassador Spruille Braden's admirable activities on behalf of democracy in Argentina, we have engaged in a campaign on his behalf both in this country and in the lands to the south of us. We have especially publicized Mr. Braden's fine record, deserving the confidence of business and labor, among Latin-American workers, organized and unorganized. This step was particularly important since there was a chance that propaganda campaigns emanating from certain quarters and calculated to resuscitate the moth-eaten cry of "Yankee imperialism" threatened to make some headway and to confuse the situation in various countries, especially in Argentina.

An inspired Associated Press story describing how admirable a stand you had taken on the Argentine question and reaffirming in detail our full and unqualified support of Ambassador Braden created a sensation in Latin America and made the front page of Argentina's biggest newspapers. Hard on the heels of this story and certain other actions originating with me, the Under Secretary of State Joseph Grew was happy to announce on August 2 that representatives of Argentine labor unions had called on Ambassador Braden in Buenos Aires to express their disapproval of the recent campaign of defamation directed at the Ambassador and obviously inspired by certain elements.

Since I know how limited your time is, I shall confine myself today to giving you only this sketchy outline of some of the things I have done during your absence to assist United States foreign policy and the cause of democracy. It will be a great honor to hear from you on this subject at your convenience. At your request, of course, I shall be glad to elaborate on any of these points.

Very sincerely yours,
GEORGE MICHANOWSKY.

Here then is the type of support and conniving which has made our Latin American policy under Mr. Braden and Mr. Acheson so terribly effective in destroying our own prestige, and in putting a weapon in the hands of the Communists.

Mr. President, I wish to sound a warning. What about the State Department's publicity which no doubt, will continue? There are now 45,778 full- or part-time personnel in publicity and propaganda work within all the Government agencies.

We need not go back any further than the Yalta agreement to find a convincing picture of the way in which our policies are selling out the Chinese to the Communists and betraying our own most vital interests in the Far East.

The Yalta agreement is said by authoritative students to be the greatest insult to which the United States has ever subjected the Chinese people. Mr. President, certain reports and charges have been made which ought to be investigated by the Senate. It is claimed, for instance, that Russia was turned loose to rape and loot Manchuria, that China was cut in two, and forced to grant to Russia not only all that she had fought Japan 10 years to retain, but also all the benefits contained in agreements that had been entered into by the Soviets and the Chinese since January 26, 1923.

We know now that the Kurile Islands, which it certainly was not in the late President's authority to give to the Russians, or to anyone else, except by treaty, ratified by the Senate, were given to Stalin and by him are being turned into a Russian fortress.

It is charged that the late President agreed to the restoration of the Chinese Eastern Railway to the Soviet Union, and the uniting of outer and inner Mongolia in a Soviet puppet state.

The Russians did not have a shadow of legal claim to a single one of the concessions it is reported the Yalta agreement gave them. Yet, the Chinese were not even consulted, it is said, until the late President had returned from Yalta and personally informed the Chinese Ambassador of the deal. The Ambassador is asserted to have reminded the President, that this seems to be taking us back to the nineteenth century. But it was much worse than that, Mr. President—vastly worse.

For instance, I am informed the Chinese were given to understand by the late President that by accepting the Yalta agreement and formalizing it in a treaty with Russia, which China did conclude in August 1945, China could expect three tremendous advantages:

First. China would have peace with Russia along their 3,000-mile frontier.

Second. The late President assured the Chinese that by accepting the Yalta deal, they could expect the Russians no longer to support the Chinese Communists against the Chinese Government.

Third. Above all, the Chinese were assured they would receive active and large-scale assistance from the United States to hasten the end of the war and to enable China to begin reconstruction in earnest at the earliest possible moment.

Those are some of the reasons behind my earnest pleas to the Senate to adopt Senate Resolution 197.

WE FAILED AT ALMOST EVERY POINT TO FULFILL OUR PROMISES TO CHINA

While the Chinese were terribly fearful of Russia's entry into the war in the Far East, and while they believed there was no need for Russia's entry, I understand they accepted the Yalta deal on the basis of the United States promises.

General Stilwell was replaced by General Wedemeyer, who got along well with the Chinese, and who understood the situation. General Hurley, as Ambassador, had defined the Chinese Communists as "a political party with an army trying to overthrow the Government of the Republic of China."

General Hurley, who was our Ambassador, had pledged American support to the Chinese Nationalist Government. However, General Hurley resigned in December of 1945, accusing the State Department of failure to support those pledges. He demanded a clear-cut statement of American policy toward China.

On December 15, 1945, President Truman issued a public statement of American policy toward China.

This statement of policy criticized the Nationalist Government of China as undemocratic, and insisted that it be widened to include other political elements, particularly the Communists. Ambassador Wei forthwith resigned.

It is a matter of history that the Chinese Nationalist Government had in the past attempted time and again to broaden its base, but all attempts to include the Communists resulted in the latter trying to effect a coup and to take over the whole Government.

In 1927 the Communists sought to do exactly that. But for the Generalissimo they would have succeeded. Henceforth, the Communists had consistently adopted the policy of armed rebellion. The uneasy common front of 1937 again broke up in 1939 when the New Fourth Army of the Communists, as well as the Eighth Route Army, took matters into their own hands, expanding their forces and taking advantage of Japanese attacks to attack Government troops from the rear. The Chinese Government took the position that no working arrangement could be made unless and until the Communists gave up their territorial bases and their private army.

However, the Truman statement of policy did not insist that the Communists should give up their private army first. It insisted that the Chinese Government could not be regarded as democratic unless it included the Communists. This was exactly what the Communists wanted. By refusing to join under any terms, they would forever hold the key to the political situation in China. Thus they were enabled to increase their demands, as they did during the Hurley, and later the Marshall, negotiations, which they could hope would result ultimately in capturing the whole Government.

The statement also stipulated that unless the basis of the Chinese Government was widened, American assistance could not be given. The Communists had gone on record opposing an American loan to China. They would not like to have the government made stronger. On the contrary, they had, since the termination of war, torn up more than 2,000 kilometers of railways, breached dykes flooding wide areas, and in general made economic recovery impossible. They had occupied sections of trunk railway lines, so that these lines could not run, making famine relief impossible. These measures would create misery among the people, and misery breeds Communists. In short, the veto of the loan played directly into the hands of the Communists, making peace and unity entirely impossible. The Truman statement therefore defeated its own purpose.

General Marshall's enforcement of the Truman policy made peace and unity impossible. He sought to freeze the military situation by truce agreements enforced by truce terms. In December 1945, General Marshall succeeded in bringing Mao Tse-tung, the Communist leader, to Chungking. He also succeeded in bringing about the Political Consultative Council composed of all parties. Agreements were arrived at in the council in January 1946. But no sooner were the agreements made than they were broken by the Communists. Since the termination of the war, the Communists had considerably widened their control through illegally seizing territories from the surrendering Japanese, and through the assistance of the evacuating Russians in Manchuria. General Marshall's truce arrangements in effect legalized those Communists gains, thus encouraging them to seize more and more territories for General Marshall's truce terms to legalize. The truce arrangements could not bring unity or peace to China. They had exactly the opposite effect, no matter how well-intentioned they might be. Of the 2,000 counties—or districts—in China, informed sources point out that the Communists were in occupation of 74 counties before the Japanese surrender. Two hundred and forty-one additional counties were occupied by them after the surrender and 20 more were occupied after the Marshall truce agreement of January 1946. The total now stands at 335 counties.

In the meantime, the projected loan of $500,000,000 to China, already agreed to in principle, is not forthcoming. It is now in the hands of the Import and Export Bank, with apparently no clear-cut directive from higher levels.

The Chinese people are now in even greater misery than during the war. They are disillusioned, desperate, and bewildered.

Informed Chinese simply cannot understand American policy.

First, they cannot understand why this administration is so sensitive to Communist criticisms in China while having struggles with the Communists in other parts of the world;

Second, why this administration grants large loans to other countries, such as Yugoslavia, and not to China, knowing that those regimes are totalitarian;

Third, why Mr. Truman appears to believe Communist participation in the Chinese Government would make it democratic while we regard Communists in other lands as totalitarian;

Fourth. Why this administration insists on Communist participation in the Chinese Government while congressional committees and the Justice Department are trying to bar Communists from the American Government;

Fifth, why Mr. Truman believes Chinese Communists are democrats and agrarian reformers while we regard American Communists as owing allegiance to a foreign nation;

Sixth, why Mr. Truman has failed to insist upon the abolition of the private army of the Chinese Communists which is making peace and unity impossible in China and the rest of Asia;

Seventh, why Mr. Truman does not insist that the Communists open up their occupation areas in China so normal communications can be resumed, bringing relief to millions of starving people;

Eighth, why our American representatives to UNRRA, and the American Director-General of UNRRA limit UNRRA aid to China to such meager proportions, while giving bountiful aid to Russian satellites, and even ex-enemy countries. China is to receive from UNRRA supplies worth $562,500,000 or about $1.25 per capita. The per capita value given to Greece is about $46.90, to Italy $9.75, to Poland $20.70, to Yugoslavia $27.50, to White Russia $6.40, to Ukraine $4.60.

Ninth, informed Chinese ask why the United States Government cannot revise the whole policy toward China right now, knowing full well that the policy, as embodied in the Truman statement, and

administered by Marshall, has proved to be wrong. They insist that the basic premise of the policy plays directly into the hands of the Communists whose advantage plainly lies in making the implementation of this policy impossible.

Tenth, it is hard to believe, Mr. President, that in spite of all that has transpired, Mr. Acheson has testified before the House Foreign Affairs Committee, which was reported to the House June 27, in connection with H. R. 6795, that there is need to extend to China an agreement which would provide military equipment and training, not only to the Nationalist government, but would permit aid to the Communist armies as well.

If the United States Government really wants to help the Chinese people, it must reverse its policy.

According to press releases right up to this very hour, the situation is becoming more desperate, and, evidently, neither Mr. Acheson nor the policymakers in the Far Eastern Division intend to make a reversal of our present policies pursued in China, or to remedy these terrible errors flowing from the mistaken policy now being pursued.

EUROPEAN POLICY FOLLOWS SAME PATTERN

Mr. President, when we turn to Europe to analyze just what we have been doing there for the past year the picture is even more grim.

As Anne O'Hare McCormick wrote on June 15, 1946, in the New York Times:

> The state of Europe today is the first threat to the peace of the world.

On July 15, Secretary Byrnes confirmed this conclusion, and even went so far as to tell the American people he was going to direct the American military government in Germany that very week to abandon the provisions of the Potsdam Declaration and start out on their own negotiating with the governments in any of the zones that would work with them to prevent a complete catastrophe in Germany and Europe.

While no one seems to realize the full significance of this statement, it becomes perfectly clear that it amounts to the first sign of an open break with Russia.

But, Mr. President, this does not alter in any way our other policies which we have been following in Europe since the war ended. All one has to do is to recall that for almost a year the Communists in other governments have used food for purely political purposes, but the United States Government would not even permit the churches to use food for purely humanitarian missions of mercy.

As recently as June 25, 1946, General Eisenhower himself appeared before the Senate Committee on Appropriations to plead for the restoration of a huge amount of money for the Army's relief program. Said General Eisenhower:

> I recommend that the act carry no less than $500,000,000 for these problems in the occupied territories. The feeding of these countries is extremely meager and the people responsible have had to cut and cut until they have cut it down to nothing but a starvation diet. Only recently have we had enough food in sight to restore the European zone, I think, to 1,250 calories. We have always felt that on the advice of our doctors anything lower than 1,500 was indefensible. So the conditions throughout Austria, Germany, and Japan have become alarming to our people.

Mr. President, let us survey briefly the European picture. Mass deportations; slave labor; a policy creating a permanent economic slum of Europe; millions without even a minimum of human shelter, clothing, heat, light, or sanitation.

Civilization simply cannot survive such awful development. The newspapers of yesterday morning carried articles which make one's flesh creep.

In the July 6, 1946, edition of the New Leader, John Dos Passos reported a conversation he had with a high-ranking American Army officer in the train out of Berlin on his way home. According to Mr. Dos Passos the American officer stated:

> It's all this apologizing that makes me sick. We built up the greatest army in the world and won the war with it and now we are letting everything go to pieces because we don't know what to do next.

Russia has become a real menace to the peace and the security of the world. But Russia could never have reached this stage in her aggressions had it not been for the weakness of our State Department policies.

CONCLUSION

Indeed, Mr. President, Russian aggression is a major problem, but to continue to pretend to abide by these sordid agreements which have made possible Russia's aggressions thus far is not only suicidal to the peoples caught between the two power centers of the world, but it may be the end of our freedom and our great heritage.

Mr. MORSE obtained the floor.

Mr. CONNALLY. Mr. President, will the Senator from Oregon yield to me? I shall be very brief.

Mr. MORSE. I yield with the understanding that I retain the floor.

Mr. CONNALLY. I thank the Senator.

Mr. President, I have listened with a great deal of interest to the address of the Senator from Nebraska [Mr. WHERRY] on the foreign situation. I shall not undertake this afternoon to reply to the Senator. It seems to me that it is rather unfortunate that he should have chosen the closing hours of the Congress to fire his artillery and then fall back behind the well-protected breastworks of his office and his home.

Mr. President, it is easy enough for Senators to sit in their air-cooled offices, or for correspondents and columnists to sit in their well-appointed offices in this country and tell us all about how the affairs of the world should be conducted. It is marvelous. But, Mr. President, the Department of State of the United States is not responsible for all the unhappy things which are taking place in the world today. The United States is not responsible for all the unfortunate things which are happening throughout the world and those which have happened throughout the world.

Today, while the Secretary of State of the United States, Mr. Byrnes, with the sanction and the blessing of the President of the United States, is in a foreign capital participating in an international conference in an effort to help bring about peace throughout the world, and helping in the drafting of peace treaties, and while the distinguished Senator from Michigan [Mr. VANDENBERG] and myself have lately been laboring with Mr. Byrnes in undertaking to bind up some of the wounds of the world, it is most unfortunate to have a broadside attack made upon the State Department for its policies all down the line.

The Senator from Nebraska referred to the unfortunate situation of deportees in Europe. I suppose the State Department is responsible for there being deportees in Europe, and displaced persons, and conditions of that sort. We are not responsible for those things.

Mr. President, I want to see the peace of the world restored, I want to see the United States get along, as it were, with other nations. I want to see the United States carry out its high concepts of international duty; and it is doing that now insofar as it is able to do it.

But, Mr. President, the United States is not the only nation in the world. We cannot enter a conference and dictate every act that takes place. While in Paris I am sure the Senator from Michigan received communications, as I did, from constituents and others in the United States, complaining about this, that, and the other, telling us just what to do, as if all we had to do was to call the conference to order and say, "By unanimous consent, without objection, it is so ordered."

Mr. President, that cannot be done. Groups of foreign nations have their objectives and their policies. The United States, through President Truman, through the Secretary of State, through the distinguished Senator from Michigan, and other representatives, in international conferences are doing all that can possibly be done now for the promotion of good will with the nations of the earth, for the establishment of peace, and for the promotion of the United Nations organization, in which will be settled international questions, in the language of the charter, "by peaceable means." These are the things we are striving to establish, and I hope Senators will aid us and do what they can to promote these causes, instead of making addresses and speeches attacking and criticizing and throwing obstacles in the way of harmony and unity here at home.

One of the reasons why we have been as successful as we have has been that we have been nonpartisan, the Senator from Michigan representing that branch of our citizenry known as the Republican Party, and working in complete harmony with the Secretary of State and others of us on the other side of the aisle. We have been saved the confusion and the uncertainty and the bitterness that followed World War I. It is only because of such nonpolitical unity that the voice of America is influential in these world conferences. If the other nations thought we were divided, if they believed there was a line of cleavage here at home on the ground of partisan politics, they would be encouraged more and more to resist us on the theory that they

could divide us at home, or undermine us here, and render our efforts ineffective.

I do not say this in bitterness, I assure the Senator from Nebraska, but I say it in all good spirit. We are all good Americans. If we can have peace, we save from the battlefield the boys of Nebraska, as well as the boys of Texas and of Michigan. If we have accord, we save the terrible burdens of taxation and sacrifice which have been borne in the recent years. There is no advantage of party in these international conferences. What benefits one American benefits all Americans.

Mr. President, I hope we may remain united, that we shall not dissipate our efforts because of narrow partisan political considerations which do not contribute, but which detract from the force, the influence, the prestige of America in this supreme hour of the world's history.

Mr. President, this is perhaps the most fateful hour in all the annals of time. America has a great opportunity. We should and we must lead the world, not because we want any selfish advantage, not because other nations have things we desire, but because of the fact that we do not wish these things. We have a position among the powers which enables us to exert perhaps the most tremendous and compelling influence any nation has ever exerted in all history. We want to exert that voice and that influence in behalf of things looking to the betterment of mankind, for the welfare of the peoples of the world, and we cannot do it if our forces are divided on domestic political lines.

Mr. WHERRY. Mr. President——

The PRESIDING OFFICER (Mr. SWIFT in the chair). Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. MORSE. I yield, with the understanding I may retain the floor in my own right.

Mr. WHERRY. I thank the Senator. I wish to say to the distinguished Senator from Texas that no one has cooperated more fully than I with the universal peace program which has been brought into the Senate. My criticism was constructive, and not inspired in any way by political considerations. I do not know how in the world the distinguished Senator from Texas could criticize my speech very much from a political angle, when he did not hear half of it.

I hardly think the Senator from Texas subscribes to the policies of Mr. Acheson and Mr. Braden in South America. Certainly we have the right, as Senators, to stand on the floor and, in a constructive way, ask the Senate and ask the administration to carry out policies which are in keeping with the good neighbor policy in South America. That is all I ask today, and I do so at this time. I have tried for 10 days, as I said in the beginning of my remarks, to get an opportunity to prepare a summary and enumerate a few American principles, and when I finally got my study completed, I presented it, and I did it only as an American, to be helpful to the administration and to the distinguished leader of the Committee on Foreign Relations.

Mr. CONNALLY. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. CONNALLY. I wish to say that I entertain the most cordial and friendly relations with the Senator from Nebraska. Of course I subscribe to the doctrine that any Senator has a right to express his opinions and his views on this floor regarding any public question, and I shall not vote to take that right away from him, and I did not vote that way today, when the Senator from Nebraska was so voting.

Mr. VANDENBERG. Mr. President, I cannot let the moment pass without a brief word, lest my silence be misunderstood. I do not care to go into the ancient history involved in the comments on American foreign policy which have been made by the distinguished Senator from Nebraska [Mr. WHERRY]. I happen to share some of the views which he expressed regarding certain of our American attitudes up to the time of the Yalta Conference, and most emphatically including the Yalta Conference, although I hasten to add that I realize the late President of the United States was operating under the exigencies of war, and perhaps under what he considered to be a dire necessity to maintain unity of armed action at any price. Happily, we are under no such repugnant compulsions now. I agree, and so does Secretary Byrnes, that appeasement days are over.

I have no quarrel with the Senator in respect to pre-Yalta policies in many aspects, and I think there will have to be revisions at some key points before the world will have won peace with justice.

I have no quarrel with the Senator regarding certain phases of the vitally important South American situation. The distinguished chairman of the Senate Committee on Foreign Relations, and my distinguished friend sitting at my left, the Senator from Wisconsin [Mr. LA FOLLETTE], and I have been critical of all unilateral action in South America, and I am sure we have done everything within our power to create a different situation, and I think a different situation is under way.

The only thing I wish to comment on directly in the remarks of my able friend from Nebraska relates to the immediate situation which we confront in respect to the Peace Conference now in session at Paris. I inferred from the Senator's observations that he doubted whether the present Secretary of State is vigorously and faithfully representing sound American viewpoints at the present moment in respect to these negotiations.

Mr. President, confining my present remarks to the five treaties which are under discussion in Paris, I wish to say that in their preparation, through difficult and trying hours, I do not know how any representative of America could have been more faithful to the human rights and fundamental freedoms for which America stands in respect to herself and the world than Secretary of State James F. Byrnes. He could not always have his way. But he relentlessly kept the record straight. I was there. I think I know.

Nor do I know of any more definite and specific issue that could have been drawn with the Soviet Union regarding human rights and fundamental freedoms than were drawn, for example, by our distinguished Secretary of State in respect to the very thing the able Senator from Nebraska particularly referred to, namely, the status of displaced persons and refugees. I refer to the Secretary's refusal even to consider a treaty with Austria so long as the price was the immediate involuntary repatriation of 500,000 poor victims of displacement, including patriots from the heroic Polish Army of General Anders.

I simply wish to say Mr. President, that with respect to the Secretary of State's present obligations in Paris, in respect to his express purpose to achieve a final result for an American position which in my humble opinion reflects the full American idea, I would not want the world in general or the Soviets in particular to think that there was any serious division at home, behind him. Division at home would be our greatest hazard. For myself I subscribe to him my full faith and confidence in respect to the hard task to which he is now committed, and I shall maintain that attitude until events unexpectedly dictate otherwise.

Mr. MORSE. Mr. President, I rose to speak on a subject other than the one to which I wish to address myself now, but I have been so deeply moved by the commendable statements made by the Senator from Texas [Mr. CONNALLY] and the Senator from Michigan [Mr. VANDENBERG] on the international situation that I wish to associate myself with their remarks. I wish to mention at this time that I think a very solemn—and I use the word advisedly—a very solemn obligation rests on the Senate of the United States to consider and vote upon, before it adjourns, Senate Resolution 196. This is the resolution which proposes that this country accept the compulsory jurisdiction of the World Court in any dispute with any other nation which likewise has or in the future will accept the compulsory jurisdiction of the World Court. The resolution does not limit our right to make any other agreement with a nation with which we are in dispute insofar as agreeing to some other peaceful method for settling the dispute is concerned.

The Senator from Texas was quite right when he pointed out the significance of this hour in the history of man, and hence I say that no stone should be left unturned by the Senate of the United States in fostering an international order based upon justice through law. The greatest opportunity to advance that order which this body perhaps will have in the lifetime of its Members is to adopt Senate Resolution 196, which has been reported unanimously by the Foreign Relations Committee of the United States Senate, and the principle of which has been endorsed by the President of the United States, by the Secretary of State, by the American Bar Association, by every authority, without exception within my knowledge, on international law in the United States.

I believe that not only the people of the United States but the peoples of the world have the right to look at this body during the closing hours of the Seventy-

ninth Congress and ask whether the 96 Senators of this body will rise to a very rare opportunity, that only infrequently is presented to them in high office, and perform the great art of statesmanship called for by this resolution 196. We have a great chance to show to the peoples of the world that we of the United States are ready to submit our international disputes to the rules of reason prevailing in an international court of justice. I hope that no rationalization, no maneuver by way of subterfuge, no excuses and no alibis will be advanced that will cause us to delay or postpone meeting—and I use this word advisedly—what in my judgment, when I consider the security of posterity from the curse of war, has now become a sacred obligation. I sincerely hope that the majority leader, the chairman of the Foreign Relations Committee, and the senior Senator from Utah [Mr. THOMAS], who had charge of the hearings on this resolution, will, before the Congress adjourns, move that the Senate of the United States proceed to consider, to debate, and to vote upon Senate Resolution 196. I express that hope because I believe the resolution 196 is the best evidence that we can give to the smaller nations of the world and the greatest assurance that we can give to Russia that we stand ready to live up to the spirit and the intent and the purpose of the San Francisco Charter. It will be recalled that at the last plenary session of that great conference, it adopted without a dissenting vote a resolution which proposed that all signatories to the United Nations charter should as soon as possible file their declaration with the United Nations pledging themselves to accept the compulsory jurisdiction of the World Court in disputes with other nations that had likewise by reciprocity accepted a similar jurisdiction.

O Mr. President, although I did not rise to speak on this point, I will say that we cannot listen to the Senator from Texas and the Senator from Michigan without realizing that those two great statesmen have caught the vision of a one world and have recognized its implication so far as the welfare of future generations the world over are concerned. Unquestionably I think they see that this is our last chance, Mr. President, to build a world order which recognizes that the peoples of the world must either live together in a cooperative arrangement by way of justice through law or destroy themselves in a third world war. I shall await the first rational argument to justify any postponement of immediate consideration of Senate Resolution 196.

I close this part of my speech by repeating what I have heretofore said: that in my opinion the hour is historic, the obligation sacred, the responsibility one so full of significance to the future welfare not only of our country, but of the world, that we cannot justify going home at the end of this week without having risen to this obligation and cast our vote on Senate Resolution 196.

I agree with the great Senator from Texas with regard to these international issues. There is no room for the slightest degree of partisan politics. On this issue we must all be Americans first and politicians second. I close not only with a plea for the passage of the resolution but with a prayer that we will meet this solemn obligation. If there was ever a time when statesmen ought to bow their heads and pray to the Almighty God to give us vision and strength and foresight, I think the time is now. I hope that a full appreciation of the significance of Senate Resolution 196 will permeate the thinking of every Member of this body, and that between now and the time Congress adjourns the 96 of us can unite, not only in the interest of our country but in the interest of permanent peace through law, and pass the resolution. It is my view that only to the extent that we make that contribution now can we hope to live up to the great obligations which rest upon our shoulders to lead this country down the broad highway to future peace, setting an example to all the nations of the world that we mean to practice as well as preach international justice through law.

With the great Secretary of State now sitting in Paris working not only in our interest for a peace based upon justice, I pray that we will give him the support he so sorely needs; that we will put him in a position so that when he listens to the arguments of the nations, great and small, he can say, "Yes; we believe in justice through law, because the Senate of the United States has again demonstrated that belief and conviction by passing by an overwhelming vote Senate Resolution 196."

Let me repeat that I hope the great statesmen of this body who have in charge the international policies of this Nation, so far as Senate action is concerned, will not fail to live up to what I consider to be their clear duty and obligation.

TRANSFER OF PAINTING OF BATTLE BETWEEN MONITOR AND MERRIMAC TO NAVAL ACADEMY AT ANNAPOLIS

Mr. BARKLEY. Mr. President, I have been waiting to try to introduce a joint resolution and to have it acted upon. It deals with a painting entitled, "The First Fight of Ironclads, Monitor and Merrimac." The painting is about 10 by 15 feet in size. It has been moved around the Capitol for years and years from one place to another, and is now in storage in the basement of the Capitol. It would be very appropriate if that painting were permanently allocated to the Naval Academy at Annapolis. I know of no more appropriate place for it to hang than in the Naval Academy at Annapolis, rather than being stored in the basement of the Capitol in Washington. Looking to that transfer, I ask unanimous consent to introduce a joint resolution which would accomplish that purpose.

There being no objection, the joint resolution (S. J. Res. 186) to provide for the transfer of the painting First Fight of Ironclads, Monitor and Merrimac, now stored in the United States Capitol Building, to the custody of the United States Naval Academy, was read twice by its title.

Mr. BARKLEY. Mr. President, I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (S. J. Res. 186) to provide for the transfer of the painting "First Fight of Ironclads, Monitor and Merrimac," now stored in the United States Capitol Building, to the custody of the United States Naval Academy, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the painting "First Fight of Ironclads, Monitor and Merrimac," by William Formby Halsall, now stored in the United States Capitol Building, be and the same is hereby transferred to the permanent custody of the United States Naval Academy.

The removal and transport of this painting from the Capitol to the United States Naval Academy at Annapolis, Md., shall be effected at the expense of said Academy, and the Architect of the Capitol shall act for the Joint Committee on the Library in carrying out the provisions of this joint resolution.

Mr. BARKLEY. Mr. President, I ask at this point to have printed in the RECORD a brief statement containing the history of this painting, which I think Senators will find interesting.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TRANSFER OF PAINTING "FIRST FIGHT OF IRONCLADS, MONITOR AND MERRIMAC," TO THE CUSTODY OF THE UNITED STATES NAVAL ACADEMY

The painting "First Fight of Ironclads, Monitor and Merrimac," was completed in 1886 by the artist, William Formby Halsall. This artist, a distinguished painter of marine subjects, was born in England, March 20, 1841, and died at Winthrop, Mass., November 7, 1919.

The painting was purchased by the Joint Committee on the Library in January 1887 for the sum of $5,000 and for many years was exhibited in the lobby of the gallery floor, Senate wing of the Capitol, until the installation of the elevators on the Senate side in 1909 made its removal necessary.

The painting is a very large one, requiring a wall space 9 feet and 8 inches high by 15 feet and 4 inches long, and as there was no adequate space available in the Capitol Building in which it might be relocated, it was taken to the Senate Office Building and placed on view in room 405 of that building, where it remained until May 1919, when at the request of the occupant of that room it was removed therefrom, and placed in storage first in the Senate Office Building, and later in its present location in the Capitol Building.

As there is no adequate space available in the United States Capitol Building in which to hang the painting "First Fight of Ironclads, Monitor and Merrimac," it is recommended that this painting be located at, and placed in the custody of, the United States Naval Academy, where another painting by this artist "Our Glory—Battleship Oregon" also hangs.

THE CALENDAR

Mr. BARKLEY. Mr. President, earlier in the day I asked unanimous consent that the Senate proceed to the call of the calendar represented by bills reported since the calendar was called on Monday. The Senator from Wyoming [Mr. O'MAHONEY] asked me to withhold that request, which I did. I now ask unanimous consent that following the remarks

of the Senator from Oregon [Mr. MORSE] the Senate may proceed to the consideration of unobjected-to bills on the calendar, beginning with calendar No. 1908.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PEPPER. Mr. President, I wish to announce that at the conclusion of the call of the calendar it is my purpose to bring up calendar 1610, Senate bill 1178, which is the so-called equal pay for equal work bill for women, which was favorably reported by the committee. I do not want Senators to think that perhaps there might be something else brought up at the conclusion of the call of the calendar. To those who are interested I want to give notice that I shall try to bring up that bill for consideration.

PROHIBITION OF POLL TAX IN FEDERAL ELECTIONS

The Senate resumed consideration of the bill (H. R. 7) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

Mr. MORSE. Mr. President, House bill 7, the so-called anti-poll-tax bill, is now the unfinished business before the Senate. Once again House bill 7 has been brought up at the end of a session of Congress. I shall not review my position in regard to the procedure which has been followed in the handling of the bill. I have not changed my views in regard to the procedure. Neither shall I dwell upon the statement, "I told you so," as shown by the action taken today on the cloture petition, which action I predicted days ago. I think it is perfectly obvious that we can never hope to pass House bill 7 until we are willing to grapple with it early in the session and make it perfectly clear that we intend to fight through on the issue until we finally reach a vote on the merits of the bill.

This bill has come to hold the hopes of millions of Americans, Negroes and whites alike, who wish to see removed improper restraints upon the right of our citizens to vote, who wish to enjoy what I consider to be one of the fundamental freedoms and liberties of American citizens, irrespective of the color of their skin or their economic status—a free, untrammeled franchise.

The bill has the opposition of many Senators who were likewise opposed to the passage of the Fair Employment Practices Act. Senators will remember that the Fair Employment Practices bill was before the Senate early in this session. Many persons have entirely overlooked what I consider to be an important incident which occurred during the debate on the FEPC bill. Many Senators were absent from the Chamber at the time. So, Mr. President, especially in view of the action which has taken place today on the cloture petition in the United States Senate, I wish to refresh the recollection of Senators on the point I have in mind.

I have on my desk the official RECORD of the proceedings and debates of the Seventy-ninth Congress, second session, volume 92. I turn to page 814 which records the proceedings of February 4, 1946. The Senator from Tennessee [Mr. STEWART], a Democrat, had the floor. He was addressed by the Senator from Louisiana [Mr. OVERTON], also a Democrat, who asked the Senator from Tennessee to yield. The RECORD shows that he did so. The RECORD also shows that the Senator from Indiana [Mr. CAPEHART], a Republican, joined in the discussion. Mr. President, I think it desirable for the RECORD that there now be read into the RECORD the debate which occurred on February 4, 1946, as recorded on page 814. I quote from the RECORD:

Mr. OVERTON. The Senator has very correctly made the observation that this is a political measure. It is intended to get votes for the national administration now in power. At least there is no doubt about that in my mind. I do not think there is any doubt about it in the mind of anyone, whether he be a Democrat or a Republican, if he has given any thought to the origin of this measure and its daddy and granddaddy, the anti-poll-tax bill and the anti-lynching bill. I ask the Senator if he does not agree with me that the purpose is very largely to enable the national Democratic administration to hold within its ranks Negro votes from pivotal States, and probably add to the number of Negro votes from such States.

Mr. President, I feel very friendly toward the Negro. I believe that all of us in Louisiana feel friendly toward him. We have no trouble with the Negro, politically or otherwise. So far as Louisiana is concerned, very few of them vote. They are perfectly well satisfied with the government of Louisiana, as it is being conducted today.

But, Mr. President, the question I wish to ask the Senator is whether the National Democratic Party realizes that ultimately the Negro is going to come to the conclusion that his permanent friend, his steady friend, his fast and certain friend, is not the Democratic Party, but the Republican Party? Is not the Negro going to come to the conclusion that out of a sense of gratitude he owes fealty to the Republican Party? Was it not the great emancipator, Abraham Lincoln, who broke the shackles from the Negro's wrists and gave him freedom? Was it not the Republican Party which placed in our Constitution the fifteenth amendment, giving the Negro the right of suffrage? Was it not the Republican Party that, following the War Between the States, undertook to place and did place the Negro in political power in the Southern States? Is the Negro going to forget his obligation to the party which made his race free, which gave it political power, and which gave it political prestige? Is he going to go astray and worship after false idols and false gods? Is he going to surrender the birthright and heritage of his race, politically, for a mess of pottage which might be thrown out by the present national Democratic administration?

As a Democrat whose forebears have been Democrats and whose democracy cannot be impunged, I wish to say that it would be infinitely better for the Negro to adhere to the Republican Party rather than to the Democratic Party.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. STEWART. I yield for a question, but I do not wish to lose the floor.

Mr. CAPEHART. I understand, and my request is made with that in mind.

Mr. President, are we to understand from the able Senator from Louisiana that the Democratic Party does not wish to have the vote of the Negro?

Mr. OVERTON. So far as the southern Democrats are concerned, I can say "Yes"—unquestionably so, so far as the great majority of southern Democrats are concerned. We do not want the Negroes in the party. They do not belong in the Democratic Party.

Mr. EASTLAND and Mr. CHAVEZ addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Tennessee yield; and if so, to whom?

Mr. STEWART. The Senator from Indiana has not completed his question, I believe.

Mr. CAPEHART. Mr. President, I wish to say that I see no connection between wanting the vote of the Negroes and the question before the Senate at the moment. Let me say that we in the Republican Party want the votes of the Negroes of America because they are Americans.

Mr. President, I am very happy to join with the Senator from Indiana [Mr. CAPEHART] in extending an invitation to the Negroes of America to come on over and join the Republican Party, because I think the action taken at this session of Congress, both on the FEPC bill and on the anti-poll-tax bill, should make unequivocally and crystal clear to the Negroes of America that their hopes to exercise the rights of free citizens will be assured and guaranteed to them only by the Republican Party.

Mr. LANGER. Mr. President, as a Republican, I wish to say that I agree somewhat with the speech just made by my colleague the Senator from Oregon. The Republican Party has done some little more for the Negro than has the Democratic Party—and that is worth noting. Ever since the time of Abraham Lincoln, the Republican Party, time and time and time again—and that has been true during the last 4 or 5 years since I have been a Member of the Senate—when it has had an opportunity to do something of real value for the Negro, has done more than the Democratic Party but has not done as much as it should have done; and I wish the RECORD to show that, because that is the record.

REORGANIZATIONS OF FINANCIAL STRUCTURES OF DEBTOR RAILROADS—CONFERENCE REPORT

Mr. WHEELER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1253) to enable debtor railroad corporations expeditiously to effectuate reorganizations of their financial structures; to alter or modify their financial obligations; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment, as follows:

In lieu of the matter inserted by the amendment of the House insert the following: "That (1) it shall be lawful (any express provision contained in any mortgage, indenture, deed of trust, or other instrument to the contrary notwithstanding), with the approval and authorization of the Interstate Commerce Commission (hereinafter referred to as the Commission), as provided in paragraph (2) hereof, for a carrier as defined in section 20a (1) of Part 1 of the Interstate Commerce Act to alter or modify (a) any provision of any class or classes of its bonds, notes, debentures, or other indebtedness, (whether secured, unsecured, matured, or unmatured) issued under any mortgage, indenture, deed of trust, or other instrument, or otherwise created, such bonds, notes, debentures, or other evidences of indebtedness

being hereinafter in this section sometimes called "obligations"; (b) any provision of any mortgage, indenture, deed of trust, or other instrument pursuant to which any class of its obligations shall have been issued or by which any class of its obligations is secured: *Provided*, That the provisions of this section shall not apply to any equipment-trust certificates in respect of which a carrier is obligated, or to any evidences of indebtedness of a carrier the payment of which is secured in any manner solely by equipment, or to any instrument, whether an agreement, lease, conditional-sale agreement, or otherwise, pursuant to which such equipment-trust certificates or such evidences of indebtedness shall have been issued or by which they are secured.

"(2) Whenever an alteration or modification is proposed under paragraph (1) hereof, the carrier seeking authority therefor shall, pursuant to such rules and regulations as the Commission shall prescribe, present an application to the Commission. The Commission shall set such application for public hearing and the carrier shall give such notice of such hearing in such manner, by advertisement or otherwise, as the Commission may find practicable and may direct, to holders of such of its classes of securities and to such other persons in interest as the Commission shall determine to be appropriate and shall direct. If the Commission, after hearing, in addition to making (in any case where such alteration or modification involves an issuance of securities) the findings required by paragraph (2) of said section 20a, shall find that, subject to such terms and conditions (not constituting alterations or modifications of obligations or securities) and with such amendments (altering or modifying the obligations affected by the alteration or modification proposed by the carrier) as the Commission shall determine to be just and reasonable, the proposed alteration or modification—

"(a) is within the scope of paragraph (1);

"(b) will be in the public interest;

"(c) will be in the best interests of the carrier and of the holders of each class of its obligations affected by such modification or alteration; and

"(d) will not be adverse to the interests of the holders of any other class of the carrier's securities or to the interests of any creditor of the carrier not affected by such modification or alteration,

then (unless the applicant carrier shall withdraw its application) the Commission shall cause the carrier, in such manner as it shall direct, to submit the proposed alteration or modification (with such terms, conditions, and amendments, if any) to the holders of each class of its obligations affected thereby, for acceptance or rejection. If the Commission shall find that as a result of such submission the proposed alteration or modification has been assented to by the holders—

"(i) of at least 66⅔ per centum of the aggregate principal amount outstanding of each class of obligations affected thereby; or

"(ii) of less than 66⅔ per centum but not less than 51 per centum of any particular class or classes of securities affected, and the Commission, after hearing, finds that such reduction in percentage will be just and reasonable and in the public interest; or

"(iii) in any case where 66⅔ per centum thereof is held by fewer than twenty-five holders, of such larger percentage, if any, as the Commission, after hearing, finds will be just and reasonable and in the public interest;

the Commission shall enter an order approving and authorizing the proposed alteration or modification upon the terms and conditions and with the amendments, if any, so determined to be just and reasonable. Such order shall make provision as to the time when such alteration or modification shall become and be binding, which may be upon publication of a declaration to that effect by the carrier, or otherwise, as the Commission may determine. Any alteration or modification which shall become and be binding pursuant to the approval and authority of the Commission hereunder shall be binding upon each holder of any obligation of the carrier of each class affected by such alteration or modification, and upon any trustee or other party to any instrument under which any such class of obligations shall have been issued or by which it is secured, and when any alteration or modification shall become and be binding the rights of each such holder and of any such trustee or other party shall be correspondingly altered or modified.

"(3) For the purposes of this section a class of obligations shall be deemed to be affected by any modification or alteration proposed only (a) if a modification or alteration is proposed as to any provision of such class of obligations, or (b) if any modification or alteration is proposed as to any provision of any instrument pursuant to which such class of obligations shall have been issued or shall be secured: *Provided*, That in any case where more than one class of obligations shall have been issued and be outstanding or shall be secured pursuant to any instrument, any alteration or modification proposed as to any provision of such instrument, which does not relate to all of the classes of obligations issued thereunder, shall be deemed to affect only the class or classes of obligations to which such alteration or modification is related. For the purpose of the finding of the Commission referred to in paragraph (2) of this section as to whether the required percentage of the aggregate principal amount outstanding of each class of obligations affected by any proposed alteration or modification has assented to the making of such alteration or modification, any obligation which secures any evidence or evidences of indebtedness of the carrier or of any company controlling or controlled by the carrier shall be deemed to be outstanding unless the Commission in its discretion determines that the proposed alteration or modification does not materially affect the interests of the holder or holders of the evidence or evidences of indebtedness secured by such obligation. Whenever any such pledged obligation is, for said purposes, to be deemed outstanding, assent in respect of such obligations, as to any proposed alteration or modification, may be given only (any express or implied provision in any mortgage, indenture, deed of trust, note, or other instrument to the contrary notwithstanding) as follows: (a) where such obligation is pledged as security under a mortgage, indenture, deed of trust, or other instrument, pursuant to which any evidences of indebtedness are issued and outstanding, by the holders of a majority in principal amount of such evidences of indebtedness, or (b) where such obligation secures an evidence or evidences of indebtedness not issued pursuant to such a mortgage, indenture, deed of trust, or other instrument, by the holder or holders of such evidence or evidences of indebtedness; and in any such case the Commission, in addition to the submission referred to in paragraph (2) of this section, shall cause the carrier in such manner as it shall direct to submit the proposed alteration or modification (with such terms, conditions, and amendments, if any, as the Commission shall have determined to be just and reasonable) for acceptance or rejection, to the holders of the evidences of indebtedness issued and outstanding pursuant to such mortgage, indenture, deed of trust, or other instrument, or to the holder or holders of such evidence or evidences of indebtedness not so issued, and such proposed alteration or modification need not be submitted to the trustee of any such mortgage, indenture, deed of trust, or other instrument, but assent in respect of any such obligation shall be determined as hereinbefore in this section provided. For the purpose of any such assent the evidences of indebtedness issued and outstanding under any such mortgage, indenture, deed of trust, or other instrument shall be determined by the Commission.

"(4) (a) Any authorization and approval hereunder of any alteration or modification of a provision of any class of obligations of a carrier or of a provision of any instrument pursuant to which a class of obligations has been issued, or by which it is secured, shall be deemed to constitute authorization and approval of a corresponding alteration or modification of the obligation of any other carrier which has assumed liability in respect of such class of obligations as guarantor, endorser, surety, or otherwise: *Provided*, That such other carrier consents in writing to such alteration or modification of such class of obligations in respect of which it has assumed liability or of the instrument pursuant to which such class of obligations has been issued or by which it is secured, and, such consent having been given, any such corresponding alteration or modification shall become effective, without other action, when the alteration or modification of such class of obligations or of such instrument shall become and be binding.

"(b) Any person who is liable or obligated contingently or otherwise on any class or classes of obligations issued by a carrier shall, with respect to such class or classes of obligations, for the purposes of this section, be deemed a carrier.

"(5) The authority conferred by this section shall be exclusive and plenary and any carrier, in respect of any alteration or modification authorized and approved by the Commission hereunder, shall have full power to make any such alteration or modification and to take any actions incidental or appropriate thereto, and may make any such alteration or modification and take any such actions, and any such alteration or modification may be made without securing the approval of the Commission under any other section of the Interstate Commerce Act or other paragraph of this section, and without securing approval of any State authority, and any carrier and its officers and employees and any other persons, participating in the making of an alteration or modification approved and authorized under the provisions of this section or the taking of any such actions, shall be, and they hereby are, relieved from the operation of all restraints, limitations, and prohibitions of law, Federal, State, or municipal, insofar as may be necessary to enable them to make and carry into effect the alteration or modification so approved and authorized, in accordance with the conditions and with the amendments, if any, imposed by the Commission. Any power granted by this section to any carrier shall be deemed to be in addition to and in modification of its powers under its corporate charter or under the laws of any State. The provisions of this section shall not affect in any way the negotiability of any obligation of any carrier or of the obligation of any carrier which has assumed liability in respect thereto.

"(6) The Commission shall require periodical or special reports from each carrier which shall hereafter secure from the Commission approval and authorization of any alteration or modification under this section, which shall show, in such detail as the Commission may require, the action taken by the carrier in the making of such alteration or modification.

"(7) The provisions of this section are permissive and not mandatory and shall not require any carrier to obtain authorization and approval of the Commission hereunder for the making of any alteration or modification of any provision of any of its obligations or of any class thereof or of any provision of any mortgage, indenture, deed of trust, or other instrument, which it may be able lawfully to make in any other manner,

whether by reason of provisions for the making of such alteration or modification in any such mortgage, indenture, deed of trust, or other instrument, or otherwise: *Provided*, That the provisions of paragraph (2) of said section 20a, if applicable to such alteration or modification made otherwise than pursuant to the provisions of this section, shall continue to be so applicable.

"(8) The provisions of paragraph (6) of said section 20a, except the provisions thereof in respect of hearings, shall apply to applications made under this section. In connection with any order entered by the Commission pursuant to paragraph (2) hereof, the Commission may from time to time, for good cause shown, make such supplemental orders in the premises as it may deem necessary or appropriate, and may by any such supplemental order modify the provisions of any such order, subject always to the requirements of said paragraph (2).

"(9) The provisions of subdivision (a) of section 14 of the Securities Exchange Act of 1934 shall not apply to any solicitation in connection with a proposed alteration or modification pursuant to this section.

"(10) The Commission shall have the power to make such rules and regulations appropriate to its administration of the provisions of this section as it shall deem necessary or desirable.

"SEC. 2. (1) All proceedings under section 77 of the Bankruptcy Act, whether before the Interstate Commerce Commission or United States courts, relating to the preparation or effectuation of plans of reorganization of each carrier by railroad as defined in said section 20a (1) whose properties on the effective date of this Act or at any time thereafter are in the custody of the United States courts, shall be forthwith suspended and discontinued as of the effective date of this Act—

"(A) If the gross railway operating revenues of such carrier for any of the calendar years 1942 to 1944, inclusive, were in excess of $50,000,000; or if its gross railway operating revenues were not in excess of such amount, such carrier is a debtor in any such proceeding, or is a party defendant in any proceeding ancillary thereto, with another such carrier whose revenues were so in excess; and

"(B) If, for the period of seven calendar years from 1939 to 1945, inclusive, the total of the income reported to the Commission as income available for fixed charges, plus (a) the total of any amounts so reported as a deficit for fixed charges in any of said seven years to the extent of the total of any amounts reported for Federal income and excess-profits taxes in any of said years, and (b) amounts deducted in any year for amortization of emergency facilities under section 124 of the Internal Revenue Code in excess of 20 per centum of the cost of such facilities, of such carrier, or, on a joint or consolidated basis, of the carriers in the system of which such carrier is a part, or of such carrier and other carriers, directly or indirectly controlled by it, through direct or indirect ownership of at least a majority of their stock, is at least equal to the reported total fixed charges (other than charges on intercompany obligations) of such carrier or carriers for such period.

"(2) Carriers to which paragraph (1) of this section is applicable shall institute proceedings and file application under section 1 of this Act as expeditiously as practicable but in no event later than eighteen months after the effective date of this Act, or such longer period as the Commission, on application, may approve.

"(3) The properties of any carrier specified in paragraph (1) of this section shall continue in the custody of the United States courts having custody of them; except that, the following portions of said section 77 shall not be applicable in any such case:

"(a) The first two paragraphs of subsection (b).

"(b) Subdivision (1) of subsection (c).

"(c) The first five sentences, and the first seven words and the last twenty-two words of the sixth sentence, of subdivision (2) of subsection (c): *Provided*, That for the purposes of this section there shall be substituted for the said last twenty-two words of said sixth sentence, the words 'custody and supervision of the judge'.

"(d) Subsections (d), (e), (f), and (k). In addition to the foregoing exceptions and for the same purpose of applying to such carriers in the cases in which and during the period for which such custody is held under said section 77, and pending the consummation of proceedings under section 1 of this Act, the word 'debtor' shall be substituted for the words 'trustee or trustees' wherever such latter words occur in subdivisions (3), (5), (9), and (10) of subsection (c), and subsections (i) and (o), of said section 77. The provisions of subsection (12) of subsection (c) of said section 77 shall be applicable to proceedings under this Act. The final determination heretofore or hereafter made in the United States courts with respect to the relative priorities as between the respective classes of security holders, the subordination of the interest of a creditor or security holder of the debtor to the interest of other creditors or security holders, or the validity, amount and priority of any claim shall continue in full force and effect. Nothing contained in this Act is intended or shall be construed to modify or rescind any such determination or to prevent or delay the prosecution to final determination of any such issue now pending, and not yet finally determined, in the United States courts. Nothing in this Act shall be deemed to limit, qualify or restrict the right of the debtor (which right of the debtor is hereby confirmed), with the approval of the court (a) to purchase in whole or in part any bond issues or other obligations of the debtor (including bonds or other obligations guaranteed or assumed by the debtor), at a discount or otherwise, provided that the court's approval of the debtor's purchase of any such obligations junior in lien to first lien mortgage bonds shall be granted only if the court finds, after hearing, that such purchase will be for the best interests of the estate of the carrier and will not deprive the holders of obligations senior in lien to the obligations proposed to be purchased, of adequate security and protection; (b) to hold or to retire and cancel any of its bonds or other obligations now held or hereafter acquired by the debtor; and (c) to make voluntary agreements or compromises with any creditor or creditors as to either principal or interest of his or their claims or the security therefor, provided that the court shall find, after hearing, that any such agreement or compromise will be in the best interests of the estate of the carrier and will not unjustly or inequitably affect the claims or security of other creditors.

"(4) The proceedings with respect to any such carrier specified in paragraph (1) of this section under section 77 of the Bankruptcy Act shall be dismissed upon consummation of proceedings affecting such carrier under section 1 of this Act, or upon payment of its matured, unpaid obligations, or the making of other arrangements with reference to such obligations satisfactory to the owners of the claims therefor; and such proceedings may be dismissed under the conditions and in the manner prescribed in subsection (g) of section 77 of the Bankruptcy Act: *Provided*, That in the event there has been a determination by the United States courts with respect to subordination of any claim, or the issue thereon has not been finally determined, the determination of that one issue, and only that issue, shall be continued and prosecuted to completion and shall be binding on the security holders of such company; but such continuance of the determination of that sole issue shall not delay the dismissal of the proceedings in any and every other respect.

"(5) The appointment, term of office, powers, authority, compensation and fees of each trustee appointed by the court, and of each counsel of such trustee, shall be terminated on or before sixty days after the effective date of this Act: *Provided*, That if the board of directors of the carrier shall have been elected, pursuant to the provisions of paragraph (11) of this section, prior to the expiration of the afore-mentioned sixty-day period, the appointment, term of office, powers, authority, compensation and fees of such trustees and counsel shall be terminated forthwith.

"(6) The provisions of this section shall not apply if at the time of filing the petition for reorganization under section 77 of the Bankruptcy Act as amended, more than 95 percent of the outstanding voting stock of the debtor railroad corporation shall have been owned or controlled, directly or indirectly, by voting trust or otherwise, by another railroad corporation not a debtor in the same proceeding under the said section 77 with the said debtor and/or by a corporation owning or controlling more than 95 percent of the outstanding voting stock of another railroad corporation; provided also, that this section shall not apply to a railroad corporation if (1) all of its stock is owned directly or indirectly by an operating railroad corporation, (2) both corporations are in the same proceeding under the said section 77, and (3) pursuant to the provisions in this paragraph, this section does not apply to the said operating railroad corporation which owns all of the stock of the said controlled railroad corporation. The term 'corporation' as used in this paragraph shall be deemed to include its trustees appointed under the aforesaid section 77 of the Bankruptcy Act.

"(7) If the United States of America, or any agency thereof, or any corporation (other than the Reconstruction Finance Corporation) the majority of the stock of which is owned by the United States of America, is a creditor or stockholder of any such carrier, the President of the United States or any officer or agency he may designate, is hereby authorized to act in respect of the interest or claims of the United States or of such agency or other corporation.

"(8) The Commission shall designate one or more qualified members of its staff to serve as mediator or mediators in each of the proceedings under section 1 with respect to carriers specified under paragraph (1) of this section for the purpose of bringing the different classes of creditors and other security holders together, of being available to advise with them, of assisting in the effectuation of changes, compromises, arrangements, negotiations, and dealings with the various classes of creditors and other security holders and with individuals, groups, and committees representing creditors or other security holders, of assisting in expediting all stages of the proceedings and the early termination and the consummation of all transactions hereunder, including all steps requisite for the effectuation thereof.

"(9) In proceedings under section 1 with respect to a carrier specified in paragraph (1) of this section the Commission shall have the power, in its discretion, to submit to holders of obligations, any proposed alteration or modification affecting them which the Commission has caused the carrier to submit to such holders under the provisions of the fourth sentence of paragraph (2) of section 1 hereof; in the event that it is satisfied that such alteration or modification has been accepted by or on behalf of creditors of each class to which submission is required under section 1 holding more than two-thirds in amount of the total of the allowed claims of

such class which have voted on said alteration or modification, the Commission shall enter an order approving and authorizing the proposed alteration or modification as provided in said paragraph (2) of section 1 hereof: *Provided*, That it shall enter such order in any case in which such alteration or modification has not been so accepted by the creditors of any class or classes if it finds, after hearing, that the alteration or modification makes adequate provision for fair and equitable treatment for the claims of those rejecting it; that such rejection is not reasonably justified in the light of the respective rights and interests of those rejecting them and all the relevant facts; and that the alteration or modification is fair and equitable, affords due recognition to the rights of each class of creditors and stockholders, and will conform to the requirements of the law of the land.

"(10) If after having submitted a proposed alteration or modification to holders of affected obligations as provided in paragraph (9), the Commission shall not have entered an order approving and authorizing such proposed alteration or modification within a period of twelve months following the date of the filing of an application in accordance with paragraph (2) of this section, or such extended periods as the Commission on application therefor may approve, then the Commission, after hearings, shall formulate and submit to holders of affected obligations such alteration or modification as in its opinion meets the standards set forth in section 1 above; in applying such standards of section 1 for the purpose of any such alteration or modification under this paragraph, the Commission shall give full effect to all changes, facts, and developments since 1940, including, without limitation, for such period total railway operating revenues, operating expenses and other charges, net earnings, the full effect of amortization deductions on earnings of past and future years, improvements to the property, the effect of the released collateral through past or future payment of loans, cash and net current assets, retirements and purchases of debt, including retirements and purchases at a discount that have been made or that can reasonably be made, adjustment and reduction of interest rates on outstanding debt that may be made including the adjustment and reduction of interest rates for prior years. In the event the Commission is satisfied that such alteration or modification has been accepted by the percentages required for acceptance under the provisions of section 1 or of paragraph (9) of this section it shall enter an order approving and authorizing such alteration or modification, unless it finds that, prior to the entry of such order, the alteration or modification submitted under paragraph (9) has been accepted by the percentages required by the provisions of that paragraph or of section 1, in which event it shall enter an order approving and authorizing such alteration or modification submitted under paragraph (9).

"(11) (a) Every carrier to which paragraph (1) of this section is applicable shall call a meeting of stockholders for the election of directors to be held within sixty days after the effective date of this Act. The present terms of office of all directors and officers of such carrier shall terminate upon the election and qualification of their successors, as herein provided, notwithstanding any provision of the charter or by-laws of such carrier or of any State law to the contrary. The terms of office of all directors elected at such meeting shall be the unexpired terms of present directors.

"(b) No holding company, individual, group, partnership, association, corporation, or other entity (excluding any operating common carrier subject to Part I of the Interstate Commerce Act, but not excluding any holding company or other nonoperating corporation which has been held or which may be held to be a common carrier within the meaning of said Act)—

"(A) which exercises direct or indirect control of one or more railroad corporations the properties of which are not in the custody of a court in proceedings under section 77 of the Bankruptcy Act; and

"(B) which also owns shares of voting stock of any railroad corporation to which this Act is applicable, in sufficient number to enable the owner thereof to control such carrier,

shall, during the period the debtor shall be in possession of its properties and in control of the management and operation thereof under this Act, vote such shares for the election of more than a minority of the directors of any railroad corporation to which this Act is applicable.

"(c) No stock of any common carrier to which paragraph (1) of this section is applicable, which stock is owned or controlled directly or indirectly by, or held for the benefit of, or pledged as security by, any other common carrier to which paragraph (1) of this section is applicable, shall be voted for the election of directors during the proceedings under this Act, unless at the time of filing the petition for reorganization under section 77 of the Bankruptcy Act as amended, the transaction or transactions by which such stock was acquired, and the ownership and control of such stock, had been approved by the Interstate Commerce Commission pursuant to the applicable provisions of section 5 of the Interstate Commerce Act, as amended or unless the two carriers are debtors in the same proceeding under section 77 of the Bankruptcy Act, as amended.

"(d) In the determination of whether a quorum is represented in attendance at any meeting of stockholders of any carrier to which paragraph (1) of this section is applicable, held during the pendency of proceedings under this Act, for the election of directors or for other purposes, all voting stock standing in the name of, or held for the benefit of or pledged or assigned by, or directly or indirectly controlled by, any carrier, holding company, individual, corporation or other entity to which subparagraph (b) or (c) of this paragraph (11) is applicable, which voting stock may be not represented at said meeting shall nevertheless be considered and counted as being represented in attendance at such meeting, notwithstanding any provision of the charter or by-laws of such carrier or the provision of any State law to the contrary.

"(12) Any party having properly filed an application under section 5 of the Interstate Commerce Act to control, or participate in the control of, a carrier to which section 2 of this Act applies, is hereby authorized to intervene generally in and become a party to the proceedings under this Act affecting such carrier.

"(13) No readjustment of financial structure or other proceeding under this Act and no order of the court or Commission in connection therewith shall relieve any carrier from the obligation of any final judgment of any Federal or State court rendered prior to January 1, 1929, against such carrier or against one of its predecessors in title, requiring the maintenance of offices, shops, and roundhouses at any place, where such judgment was rendered on account of the making of a valid contract or contracts by such carrier or one of its predecessors in title.

"(14) In judicial review of any order of the Commission approving or authorizing a proposed alteration or modification entered pursuant to the authority of paragraph (10) of this section 2, the court (and any court on review thereof) shall not be concluded by any determination or finding made by the Commission as to matters either of law or of facts, and the court shall make full and independent reexamination and review of the issues and of the evidence and thereafter shall arrive at a decision in the exercise of its independent judgment based upon such judicial reexamination and review. Any order of the Circuit Court of Appeals relating to any alteration or modification under paragraph (10) of this section 2 shall be reviewed by the Supreme Court of the United States upon appeal made by any person affected by the plan who deems himself aggrieved within sixty days after the entry of such order or decree, pursuant to the applicable provisions of the Judicial Code.

"(15) In the case of any carrier which is under the jurisdiction of the United States Courts on the effective date of this Act, and to which the provisions of paragraph (1) of section 2 of this Act would be applicable if such carrier were in the custody of such courts on such date, and with respect to which carrier, securities under a plan of reorganization approved by the court and Commission had already been issued, a holder of a security of any class which rejected, or was not entitled to vote on, such plan in accordance with subsection (e) of said section 77, may, within ninety days after the date of enactment of this Act, apply to the Commission for amendment of the plan to the extent necessary to permit the issuance, to holders of securities of such class, of options or warrants as described in subsection (b) of said section 77. If the Commission shall find after hearings that the proceeds of the exercise of such options or warrants will be applied in conformance with the requirements of section 20 (a) of the Interstate Commerce Act (including, without limitation, the application of such proceeds to the retirement of outstanding obligations of the carrier), it shall approve such application and shall order the carrier to issue such options or warrants.

"SEC. 3. The provisions of sections 1801, 1802, 3481, and 3482 of the Internal Revenue Code and any amendments thereto, unless specifically providing to the contrary, shall not apply to the issuance, transfer, or exchange of securities or the making or delivery of conveyances to make effective any alteration or modification effected pursuant to section 1 or section 2 of this Act. No income, gain, or profit taxable under any law of the United States or of any State, now in force, or hereafter enacted, shall be deemed to have accrued to or have been realized by such carrier by reason of such an alteration or modification, or by reason of any transaction authorized in the last sentence of paragraph (3) of section 2.

"SEC. 4. If any provisions of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances, shall not be affected thereby."

And the House agree to the same.

Amend the title so as to read: "An Act to enable debtor railroad corporations, whose properties during a period of seven years have provided sufficient earnings to pay fixed charges, to effect a readjustment of their financial structures; to alter or modify their financial obligations; and for other purposes."

B. K. WHEELER,
ED C. JOHNSON,
CLYDE REED,
Managers on the Part of the Senate.

HATTON W. SUMNERS,
SAM HOBBS,
MARTIN GORSKI,
CHAUNCEY W. REED,
JOHN W. GWYNNE,
Managers on the Part of the House.

Mr. WHEELER. Mr. President, I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the report.

Mr. TAFT. Mr. President, I understand that two different bills were passed, one by the Senate and one by the House. I am interested in knowing what the final provision is to be.

Mr. WHEELER. Frankly, Mr. President, the final provision is practically the Senate bill, with the addition of a few clarifications by the House. The Senate bill left out the Denver & Rio Grande Western Railroad, which the House bill had included. The House bill and the Senate bill provided basically the same procedure.

Let me make a brief explanation of the conference report.

As to the Florida East Coast Railroad, it is not included under the terms of the conference report. The Interstate Commerce Commission advised that this railroad was in the group which should be omitted.

Nobody appeared to testify before the Senate Interstate Commerce Committee, to ask that Florida East Coast be included. The committee print of the bill was publicly distributed for a month before the hearings closed.

The House conferees accepted the ICC recommendation.

The Senate passed the bill on June 15, omitting this road.

As to the Chicago, Milwaukee, St. Paul & Pacific Railroad, the House bill, as passed by the House, included this road; the Senate bill did not. The road is now included in the conference agreement, but to a very limited extent. Section 2, paragraph (15), simply gives the ICC additional authority, which it does not now possess, to correct any injustice which may have been done to stockholders and bondholders who were wiped out in that reorganization. The Commission is given authority, in its discretion, to issue warrants to them to buy some stock from the reorganized company. They can buy them on the stock market anyway, so it is not clear that this provision will help them very much. But under the bill the securities already distributed under the reorganization plan are not disturbed, and the transfer of the railroad to the reorganized company is not disturbed.

As to the Denver & Rio Grande & Western Railroad, the Senate passed an amendment on this subject, which is now clarified.

The Senate and House bills provided basically the same procedure for section 1. The House bill proposed the reenactment of chapter XV of the Bankruptcy Act, which is the McLaughlin or Chandler Act. The Senate bill uses the procedure drafted by the ICC, which is generally regarded as an improvement of the chapter XV procedure. The House conferees accepted the ICC procedure, as it appears in the bill passed by the Senate.

The House conferees proposed four clarifying or minor amendments, which were accepted by the Senate conferees, as follows:

As to paragraph (2) of section 1, the report omits one procedural step which would have slowed up the reorganization, clarifies the meaning of the words "terms and conditions" and "amendments", as used in the bill, and omits the sentence about circulars sent to security holders. That is omitted, as surplusage, for the matter is covered in general by the other provisions.

As to paragraph (9) of section 1, the report includes clarifying words suggested by the ICC and the SEC.

As to section 2, paragraph (1), the Senate bill restricted its application to roads on a gross revenue basis, as suggested by the ICC. The House bill restricted it on the basis of net income for 7 years. Both restrictions are in the conference bill.

The Senate bill covers only railroads whose properties are in court custody; the House bill omits the court custody provision.

The conference report accepts the Senate bill's limitation, except that paragraph (15) of section 2 provides a very limited relief for other cases included in the bill passed by the House.

Paragraph (2) of section 2: The Senate bill provided for a period of 6 months, or such longer period as granted by the ICC. The House bill provided 18 months. The conference report accepts the 18 months provision.

Paragraph (3) of section 2: Some clarifying language was suggested by the House, and is included in the conference report, especially the reference to retirement of debt through purchase or voluntary arrangement with creditors.

Paragraph (4) of section 2: Clarifying and limiting language is added, at request of House conferees, for the completion of proceedings already begun to subordinate claims to other claims, if found necessary by the court in accordance with established legal principles.

Paragraph (5) of section 2: The Senate and House bills removed trustees and trustees' counsel. The conference report retains this, but eliminates the provision in the Senate bill permitting the retention of trustees in other capacities.

The Senate bill provided that trustees and their counsel cease in 30 days; the conference report extends the period, in some circumstances, to 60 days.

Paragraph (6) of section 2: This is the same as paragraph (11) of the bill as passed by the Senate, except for clarifying and limiting language.

Paragraphs (7) and (8) of section 2 of the report are the same as in bill passed by Senate.

Paragraph (9) of section 2 of the report is the same as in bill passed by Senate (paragraph (8) in that bill), except for clarifying limitations with respect to Commission's power to authorize a reorganization plan, even if required percentages of approval have not been received. The amendment adds further conditions to the exercise of such power, making it in this respect more like the language in the present section 77 of the Bankruptcy Act.

Paragraph (10) of section 2 of the report is the same as paragraph (9) of bill as passed by Senate, except that at the request of House conferees, the authority to force acceptance of a plan issued by the ICC is limited.

Paragraph (11) of section 2: That is in effect a limitation on paragraph (5) of the bill as it passed the Senate, and is now included in the conference report. It is also a substitution for the language of paragraph (5), which was dropped out in conference. This paragraph, by removing the trustees, in effect turns the properties over to the boards of directors. In the Senate bill this was hedged by the provision permitting the court to require the retention of the trustees in a managerial or other capacity. The latter limitation has now been removed, but in its place the conference report provides that there must be a prompt election of a new board of directors, within the time period when the trustees continue in office. In the same respect the new language, paragraph (11), is a limitation on paragraph (3) of section 2, which also removes control by trustees, and authorizes a return, to the debtor, of the property, subject to court control.

Paragraph (12) of section 2 of the report is a limitation or requirement, as proposed by the House conferees, on the proceedings before the ICC under the Senate bill. This limitation entitles other carriers to intervene in those proceedings under certain conditions, so as to have an opportunity to present their views on reorganizations under consideration.

Paragraph (13) of section 2: This is taken from the House bill. It requires that reorganization plans shall not interfere with contracts requiring the maintenance of shops, under certain conditions.

Paragraph (14) of section 2: This deals with judicial review of Commission reorganization plans prepared under this bill. It is in substance drawn from the House bill, as reported by the House Judiciary Committee, plus an adaptation of an amendment offered on the floor of the House.

Paragraph (15) of section 2: This brings under the bill carriers whose properties are no longer in court custody, but the carriers themselves are still in the jurisdiction of the court on the effective date of this act. It authorizes the ICC to issue warrants or options to security holders wiped out under the reorganization plan.

Section 3: This contains the customary provisions to exempt from profits taxation the exchange of reorganization securities, which do not constitute any actual profit at all. It also deals similarly with the retirement or cancellation of debt. In general, it follows the wording of the provision in the House bill, but more specifically limits it to the exact and specific type of readjustment provided in this bill.

Section 4 is the same as in bill passed by Senate.

The first clause of the title is from the House bill; the other two clauses are from the Senate bill.

Mr. President, I wish to emphasize that the Senate managers are in complete agreement with the statement of the House managers on the subject of judicial review, including their statement concerning the review provisions of chapter XV.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. WHITE. What became of the Senate provision with respect to the

Denver & Rio Grande Western Railroad? Is that out?

Mr. WHEELER. That is out. The Senate put it in, but the conference report leaves it out.

Mr. MURDOCK. Mr. President, I should like to propound a question to the Senator from Colorado [Mr. JOHNSON] about the Denver & Rio Grande Western Railroad. Does section 2, paragraph (6), except the Denver & Rio Grande Western system from the operation of this legislation?

Mr. JOHNSON of Colorado. It does.

Mr. MURDOCK. What was the reason for excepting the Denver & Rio Grande Western Railroad from the operation of the measure?

Mr. JOHNSON of Colorado. The conferees decided that there were many good reasons for excepting the D. & R. G. W. from the provisions of this legislation. Among other things, its plan of reorganization has already been approved in an opinion handed down by the United States Supreme Court. No other plan in the other pending section 77 cases has been so approved. As another reason, the plan of reorganization of the D. & R. G. W. Railroad, which has been so approved by the Supreme Court of the United States, provides for a consolidation of the Denver & Salt Lake Railroad with the Denver & Rio Grande Railroad, the stock of which the Denver & Rio Grande acquired at a large expenditure many years ago. The plan of reorganization likewise protects the Denver & Rio Grande Railroad's obligation in connection with the construction of the $17,000,000 Moffat tunnel. Large obligations are still outstanding in payment of this construction. Denver County and other counties adjacent to the tunnel are footing the bill, along with the railroad. If this contract between the railroad and the tunnel district is disturbed—as it might be if the Rio Grande is not excepted from the provisions of this bill—it might be necessary to increase the tax rate in the respective counties that obligated themselves to build the 6-mile Moffat tunnel. Paragraph 6 of this section makes possible the prompt carrying out of the consolidation of all the properties of the Denver & Rio Grande Western system, a consolidation which is in the interest of all the people of Colorado.

I may say further that while this provision does take the Denver, Rio Grande & Western Railroad out, it likewise takes out any other railroad which falls under the provisions of this section.

Mr. MURDOCK. That was my information, and I am glad to have that assurance from the Senator from Colorado.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

Mr. MOORE subsequently said: Mr. President, while I was out of the Chamber the conference report on Senate bill S. 1253, the railroad reorganization bill, was acted on, I did not intend to detain the Senate by speaking on the conference report, but I wanted to have placed in the RECORD an explanation of the reason why I opposed the report and declined to sign the conference report. I have set forth my views in a letter which I have addressed to those who favor the measure, and I ask that it be printed in the RECORD following the action on the conference report.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

I have your communication requesting that I support the so-called Wheeler bill (S. 1253) which establishes a procedure for the reorganization of certain railroads. So many letters and telegrams such as yours have been received concerning this legislation that it has been necessary to prepare a form letter in answering them.

It is assumed that your request is made in the belief that it will help put the railroads in a more secure financial position and result in better service to their respective territories and the shippers.

Some form of this bill has been pending in Congress for many months. A similar proposal was originally introduced by Congressman HOBBS (H. R. 37). The bill passed the House and came to the Senate, where hearings were conducted by the Interstate Commerce Committee, but no agreement was reached. Thereafter, S. 1253 was introduced by Senators WHEELER and REED. At about the same time a similar bill was introduced by Representative REED in the House. Long and extensive hearings were conducted. It soon became apparent to me that the bill was discriminatory in that it would result in preferential treatment of special groups and operate as a taking of property from others without due process of law.

At the conclusion of the hearings, a committee substitute bill was reported. The terms of the committee bill are essentially the same as the Wheeler-Reed bill originally introduced in the Senate.

The bill would take from the courts all bankruptcy or receivership proceedings with respect to railroads doing a gross business of more than $50,000,000 per annum for any of the calendar years 1942 to 1944, except the Denver & Rio Grande Western Railroad. The only reason this one carrier, which would otherwise have been included, was exempt was to satisfy certain sources of opposition. There is no more basis on which to exempt this road from the bill than any other of the eight roads affected.

Taking the pending proceedings from the judiciary and transferring them to an administrative body which, under the law, will be vested with judicial powers, is a dangerous precedent. Commissioner Mahaffie of the Interstate Commerce Commission has pointed out the danger of such move. His statement was supported by four other members of the Commission.

Many of the roads affected have practically completed their reorganization plans. In the case of the Frisco, I understand 98 per cent of the security holders have agreed to the plan and judicial approval may be had at an early date. Passage of this bill would mean that these proceedings would necessarily be rehashed by the commission. The delay in getting these roads out of receivership or out of bankruptcy would necessarily entail great additional expense to the detriment of the roads and the general public.

The bill provides that the securities of the road affected may be altered, changed, or adjusted, if owners of two-thirds of the securities agree and the Commission approves. This means one-third of the security holders will be bound by the opinion of two-thirds. This rule of law, insofar as public improvements are concerned, has been sustained by the courts. In cases involving paving, sidewalks, sewers, etc., agreement of two-thirds of the property owners affected has been held sufficient to bind the other one-third. I have been unable, however, to find any case in which this rule has been applied to the ownership of private property such as a railroad bond. On the contrary, the Supreme Court has in two cases held that the approval of a reorganization plan by a majority is not necessarily a measure of what is "fair and equitable."

Personally, I feel it is extremely unsound legislation and possibly violative of the Constitution to require one-third, or any other proportion, of railroad security holders to accept a reorganization plan that might destoy their property rights. The owner or owners of the two-thirds might for various reasons be helped by the plan. It should be remembered that these security holders loaned their money to the stockholders in good faith and were given a lien on the properties by the owners to secure the loan. In many cases, the reduction of the principal amount of the securities and an adjustment of the interest rate would reinvest the debtor stockholders with the full value of their stock at the expense of the creditors. I cannot see the efficacy of the Government establishing such policy by law. It is a taking from one group for the benefit of another. In some cases, two-thirds of the securities are held by small groups of large investors, whereas the one-third is widely distributed in the hands of the public. The owners of the two-thirds may very well, because of an option to purchase all the new securities or other promised benefits, agree to a plan that will be beneficial to them but extremely detrimental to the one-third. It might be the owners of the two-thirds securities have acquired the previously worthless stock at very low cost. You can readily understand why, in these cases, holders of two-thirds of the securities would strongly favor a reduction of the principal debt and a readjustment of the interest. The evidence produced before the committee indicates that this situation actually exists with respect to some of the railroads affected.

Railroad securities have been the backbone of insurance company investments and constitute in a large measure the security behind our individual insurance policies. Endowment funds have been invested in many railroad securities. Many colleges, universities, scientific foundations, and eleemosynary institutions are dependent upon these investments. A law which would permit or encourage jockeying between holders of two-thirds of these securities and stockholders, which might be the same interest, to alter or change existing obligations on which third parties have relied in good faith, would not be in the public interest. No one knows what influence such bill might have on the marketing of future railroad securities.

I realize, of course, that the legislation would greatly benefit the management of some roads and some groups of investors. Both groups have appealed to their customers and friends to support the pending bill. I also realize that many abuses have occurred under the Bankruptcy Act and under receivership proceedings. Exorbitant and unreasonable fees in some cases have been granted to political friends. The way to remedy these evils, however, is not to pass bad legislation.

I feel confident that if you will take the time to further analyze the proposed bill and its implications, you will be hesitant to urge its enactment.

With kind regards, I beg to remain,

Yours very truly,

E. H. MOORE.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments

of the House to the bill (S. 1253) to enable debtor railroad corporations expeditiously to effectuate reorganizations of their financial structures; to alter or modify their financial obligations; and for other purposes.

THE CALENDAR

The PRESIDING OFFICER. Under the order previously entered, the clerk will proceed to state the measures on the calendar, beginning with Order No. 1908.

NORMAN ABBOTT

The bill (H. R. 2736) for the relief of Norman Abbott was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF OTTO FREDERICK GNOSPELIUS, DECEASED

The bill (H. R. 1357) for the relief of the estate of Otto Frederick Gnospelius, deceased, was considered, ordered to a third reading, read the third time, and passed.

ANDREAS ANDERSEN

The bill (H. R. 935) for the relief of Andreas Andersen was considered, ordered to a third reading, read the third time, and passed.

J. P. KERR AND ROBERT P. KERR

The Senate proceeded to consider the bill (H. R. 2093) for the relief of J. P. Kerr and Robert P. Kerr, which had been reported from the Committee on Claims, with amendments on page 1, in line 5, after the words "sum of", to strike out "$9,618" and insert "$6,600", and on page 1, in line 10, after the words "sum of", to strike out "$9,618", and insert "$6,600".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BERTHA LILLIAN ROBBINS AND CHARLES ROBBINS

The bill (H. R. 5469) for the relief of Bertha Lillian Robbins and Charles Robbins was considered, ordered to a third reading, read the third time, and passed.

WARREN M. MILLER

The bill (H. R. 5288) for the relief of Warren M. Willer was considered, ordered to a third reading, read the third time, and passed.

LEGAL GUARDIAN OF SAMUEL ROSCOE THOMPSON, A MINOR

The bill (H. R. 6161) for the relief of the legal guardian of Samuel Roscoe Thompson, a minor, was considered, ordered to a third reading, read the third time, and passed.

HARRY D. KOONS

The bill (H. R. 3619) for the relief of Harry D. Koons was considered, ordered to a third reading, read the third time, and passed.

HIRAM H. WILSON

The bill (H. R. 5463) for the relief of Hiram H. Wilson was considered, ordered to a third reading, read the third time, and passed.

CLARENCE W. OHM

The bill (H. R. 5134) for the relief of Clarence W. Ohm was considered, ordered to a third reading, read the third time, and passed.

ERNEST C. HEINE AND HARRIET W. HEINE

The bill (H. R. 5031) for the relief of Ernest C. Heine and Harriet W. Heine was considered, ordered to a third reading, read the third time, and passed.

RAPHAEL ELDER

The bill (H. R. 5166) for the relief of Raphael Elder was considered, ordered to a third reading, read the third time, and passed.

LIPPERT BROTHERS

The bill (H. R. 6012) for the relief of Lippert Brothers was considered, ordered to a third reading, read the third time, and passed.

WILFORD B. BROWN

The bill (H. R. 5603) for the relief of Wilford B. Brown was considered, ordered to a third reading, read the third time, and passed.

MARGARET DUNN

The bill (H. R. 957) for the relief of Margaret Dunn was considered, ordered to a third reading, read the third time, and passed.

THOMAS L. BRETT

The Senate proceeded to consider the bill (H. R. 6381) for the relief of Thomas L. Brett, which had been reported from the Committee on Claims, with an amendment, on page 1, in line 6, after the words "sum of", to strike out "$2,500" and insert "$1,000."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CAESAR HENRY

The Senate proceeded to consider the bill (H. R. 6399) for the relief of Caesar Henry, which had been reported from the Committee on Claims, with an amendment, on page 1, in line 6, after the words "sum of", to strike out "$5,000" and insert "$2,000."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RAYMOND CROSBY

The bill (H. R 1633) for the relief of Raymond Crosby was considered, ordered to a third reading, read the third time, and passed.

ARRESTS AND SEARCHES BY EMPLOYEES OF IMMIGRATION AND NATURALIZATION SERVICE

Mr. RUSSELL. Mr. President, on the previous call of the calendar, objection was entered to the consideration of House bill 386, Calendar No. 635. I made a statement in regard to the bill when it was reached during the call of the calendar. But there was a doubt in the minds of some Senators in regard to the bill.

I have discussed this matter with the Senators involved, and I think there is now no objection to it. Therefore, I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. REVERCOMB. Mr. President, this bill deals with the right of search, by the officers and employees of the Immigration and Naturalization Service, of vessels and aircraft within the waters adjacent to the United States; and its purpose is to permit the enforcement of the immigration laws, so as to prevent aliens from unlawfully entering the United States. I am utterly in sympathy with the purpose of the bill.

During the previous call of the calendar objection was made because I thought the right of search provided by the bill was too broad. I am inclined to think so, today. However, I am advised that enactment of this bill is absolutely necessary for the proper enforcement of the immigration laws. For that reason—and expressing at the same time the hope that the measure may later be improved by amendment—I am withdrawing my objection to consideration of the bill.

The PRESIDING OFFICER. The bill will be read by title, for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 386) to amend the law relating to the authority of certain employees of the Immigration and Naturalization Service to make arrests without warrant in certain cases and to search vehicles within certain areas.

The PRESIDING OFFICER. Is there objection to the request for present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

MRS. GRACE A. PHILLIPS

The bill (H. R. 5849) for the relief of Mrs. Grace A. Phillips was considered, ordered to a third reading, read the third time, and passed.

JOSEPH A. BROWN

The bill (H. R. 4924) for the relief of Joseph A. Brown was considered, ordered to a third reading, read the third time, and passed.

THOMAS A. BEDDINGFIELD AND WIFE

The bill (H. R. 6255) for the relief of Thomas A. Beddingfield and his wife, Opal May Beddingfield, was considered, ordered to a third reading, read the third time, and passed.

CLYDE O. PAYNE

The bill (H. R. 3210) for the relief of Clyde O. Payne was considered, ordered to a third reading, read the third time, and passed.

LEGAL GUARDIAN OF ROBERT OLSEN, A MINOR

The Senate proceeded to the consideration of the bill (H. R. 1004) for the relief of the legal guardian of Robert Olsen, a minor.

Mr. O'DANIEL. I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, in line 4, after the word "pay", it is proposed to insert:

, out of any money in the Treasury not otherwise appropriated,

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDING OFFICER. The clerk will state the next measure on the calendar.

MRS. MILLICENT MOORE

The bill (H. R. 5848) for the relief of Mrs. Millicent Moore was considered, ordered to a third reading, read the third time, and passed.

MARTIN A. TUCKER AND EMMA M. TUCKER

The bill (H. R. 3855) for the relief of Martin A. Tucker and Emma M. Tucker was considered, ordered to a third reading, read the third time, and passed.

RUDOLPH K. BARTELS, JR.

The bill (H. R. 4374) for the relief of the legal guardian of Rudolph K. Bartels, Jr., a minor, was considered, ordered to a third reading, read the third time, and passed.

WATSON AIRFOTOS, INC.

The bill (H. R. 5847) for the relief of Watson Airfotos, Inc., was considered, ordered to a third reading, read the third time, and passed.

EDWARD A. MASON

The bill (H. R. 3209) for the relief of Edward A. Mason was considered, ordered to a third reading, read the third time, and passed.

ALBERT WHILDEN

The bill (H. R. 5093) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Albert Whilden, was considered, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "An act for the relief of Albert Whilden."

MRS. CECILE W. McAFEE

The bill (H. R. 5287) for the relief of Mrs. Cecile W. McAfee was considered, ordered to a third reading, read the third time, and passed.

MINNIE P. SHOREY

The bill (H. R. 5050) for the relief of Minnie P. Shorey was considered, ordered to a third reading, read the third time, and passed.

MATERIALS HANDLING MACHINERY CO., INC.

The bill (H. R. 4860) for the relief of Materials Handling Machinery Co., Inc., was considered, ordered to a third reading, read the third time, and passed.

CITY AND COUNTY OF SAN FRANCISCO

The bill (H. R. 3703) for the relief of the city and county of San Francisco was considered, ordered to a third reading, read the third time, and passed.

DISPOSITION OF PROCEEDS OF COINS COMMEMORATING TWO HUNDRED AND FIFTIETH ANNIVERSARY OF ALBANY

The bill (S. 2332) to provide that the unexpended proceeds from the sale of 50-cent pieces coined in commemoration of the two hundred and fiftieth anniversary of the founding of the city of Albany, N. Y., may be paid into the general fund of such city was announced as next in order.

Mr. REVERCOMB. Mr. President, may we have an explanation of the bill? It seems to apply to the sale of commemorative coins.

Mr. WAGNER. Mr. President, the act of June 16, 1936, authorized the coinage of not to exceed 25,000 silver 50-cent pieces within a period of 1 year from that date. The coins were to be issued only upon request of a committee duly authorized by the Mayor of the city of Albany, N. Y., upon payment of the par value of such coins, and were to be disposed of at par or at a premium by said committee, the net proceeds being used to defray the expenses incidental and appropriate to the commemoration of the 250th anniversary of the city. There is about $4,000 involved which is unexpended and is to be transferred to the treasury of the city of Albany, N. Y.

Mr. REVERCOMB. Were the coins issued under an arrangement which would permit a committee in the city of Albany to sell them at par or above par?

Mr. WAGNER. I am sorry, Mr. President, but I did not hear the Senator.

Mr. REVERCOMB. I ask the Senator from New York by what plan, or arrangement were the 50-cent pieces to be issued and permission granted to the city of Albany to sell them at par or above?

Mr. WAGNER. The authority for doing that was granted by the Congress.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. TAFT. Senate bill 2332 is one of the commemorative coin bills of which Congress has passed several in the last 10 years. Under the authority which was granted by Congress in connection with this matter, the city of Albany bought, as I understand, a quantity of 50-cent pieces for 50 cents each. They were then sold by the city of Albany for $1 each, we will say, and the profit so realized was intended by the original act to be used in defraying the expenses of the celebration of the two hundred and fiftieth anniversary of the founding of the city of Albany. I assume that the expenses were paid and that $4,000 remains unused. Am I correct?

Mr. WAGNER. The Senator is correct.

Mr. TAFT. The United States Government has been paid for the 50-cent pieces which the city of Albany bought at their face value of 50 cents each. The only question now is whether the $4,000 which remains unused is to be turned over to the United States Government or to the city of Albany.

Mr. WAGNER. That is the problem for the Congress to decide.

Mr. REVERCOMB. Mr. President, the situation which has been explained is now clear to me. The Federal Government has received its full pay for the face value of the coins.

Mr. WAGNER. Yes.

Mr. REVERCOMB. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2332) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 2 of the act entitled "An act to authorize the coinage of 50-cent pieces in commemoration of the two hundred and fiftieth anniversary of the founding of the city of Albany, N. Y.," approved June 16, 1936, is amended by adding at the end thereof the following: "Any unexpended proceeds may be paid by such committee to the city of Albany, N. Y., for deposit in the general fund of such city."

CONVEYANCE OF PROPERTY TO ROY C. LAMMERS

The bill (H. R. 5128) to provide for the conveyance of certain real property to Roy C. Lammers, was announced as next in order.

Mr. CORDON. Mr. President, before the bill is considered I wish to inquire of the Senator from Idaho whether the property described in the bill, and authorized by the bill to be conveyed by Roy C. Lammers, and which, according to the bill, was turned over to the United States by Lammers for use as a Civilian Conservation Corps camp, was sold originally by Lammers to the Government, or donated to the Government?

Mr. TAYLOR. It was donated to the Government. Lammers gave the ground to the Government for the purpose of building a CCC camp there with the understanding that when the camp was abandoned the Government would give the land back to Lammers. However, the authorities handling the matter did not provide for the transaction in that way in the contract, and the Federal Department has no authority to give back the land to Lammers. The Department has asked for this bill. The CCC camp has been moved away and the Government desires to give back to the owner the land on which the CCC camp was located.

Mr. CORDON. Mr. President, I find no committee report on the bill. Therefore, no information has been made available to me with regard to the matter. I understand, however, that the land was a donation in the first instance by Lammers to the Government, and that it is now desired to donate the land back to the owner.

Mr. TAYLOR. Yes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 5128) to provide for the conveyance of certain real property to Roy C. Lammers, was considered, ordered to a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE AT BURKESVILLE, KY.

The bill (H. R. 7046) to revive and reenact the act entitled "An act granting

the consent of Congress to the State Highway Commission, Commonwealth of Kentucky to construct, maintain, and operate a toll bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.," approved May 18, 1928, was considered, ordered to a third reading, read the third time, and passed.

DEDICATION DAY

The joint resolution (H. J. Res. 35) designating November 19, 1946, the anniversary of Lincoln's Gettysburg Address, as Dedication Day, was considered, ordered to third reading, read the third time, and passed.

JOINT COMMITTEE TO STUDY AND RECOMMEND LABOR RELATIONS LEGISLATION

The concurrent resolution (H. Con. Res. 148) creating a joint select committee to study and recommend legislation concerning labor relations, was announced as next in order.

Mr. BARKLEY. Mr. President, I believe the matter involved in this concurrent resolution is subject to controversy, and I doubt whether it should be considered on the call of the calendar.

The PRESIDENT pro tempore. Objection is heard. The concurrent resolution will be passed over.

LEASING OF INDIAN LANDS

The bill (H. R. 2586) to authorize the leasing of Indian lands for business, and other purposes, was announced as next in order.

Mr. CORDON. Mr. President, I ask that the bill be passed over. I have not had an opportunity to study it completely. It may be that later I shall withdraw my objection.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

Mr. CORDON subsequently said: Mr. President, I interposed temporarily an objection to Calendar No. 1951, House bill 2586. After considering the bill I have no objection, and I withdraw my objection to that bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 2586) to authorize the leasing of Indian lands for business, and other purposes, which had been reported from the Committee on Indian Affairs with an amendment on page 1, line 6, after the word "lands", to insert "situated within the State of Washington."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to authorize the leasing of Indian lands situated within the State of Washington for business and other purposes."

REFUND OF TAXES ILLEGALLY PAID BY INDIANS

The Senate proceeded to consider the bill (S. 1439) to amend section 2 of the act of January 29, 1942 (56 Stat. 21) relating to the refund of taxes illegally paid by Indian citizens, which had been reported from the Committee on Indian Affairs with an amendment on page 2, line 20, after the words "so paid" to strike out "with" and insert "without", and on the same page in line 21, to strike out "at 6 percent from the date such taxes were paid" so as to make the bill read:

Be it enacted, etc., That section 2 of the act of January 29, 1942 (56 Stat. 21), is hereby amended to read as follows:

"SEC. 2 That any person duly enrolled as a member of an Indian tribe who received in pursuance of a tribal treaty or agreement with the United States an allotment of land which, by the terms of said treaty or agreement was exempted from taxation, or restricted against alienation, or which by the terms of section 6 of the act of Congress of May 27, 1908 (35 Stat. 312), was in the manner therein provided continued under the supervision of probate attorneys of the United States as the representatives of the Secretary of the Interior during the minority of such allottee, and from which land the restrictions have or have not been removed, and any such enrolled member of an Indian tribe who prior to April 26, 1931, had restricted money in the custody or control of the United States, and who was required or permitted to pay any Federal income tax on such lands or on the rents, royalties, or other gains arising from such lands during such restricted or tax-exempt period or on income from such restricted funds while in the custody or control of the United States, or on income from any allotment during the minority of the allottee, or any such person who has been erroneously or illegally taxed by reason of not having claimed or received the benefit of any deductions or exemptions permitted by law, and who has filed a claim or claims for such refund at any time or times before January 29, 1944, shall be entitled to and shall be repaid such taxes so paid, without interest, notwithstanding any previous rejection by the Treasury Department of any such claim or claims for refund theretofore filed upon the same or similar ground and notwithstanding any decision of the Treasury Department or of any court, it not being the policy or intention of the Government to invoke or plead a statute of limitations or any other defense to escape the obligations of agreement solemnly entered into with its Indian wards, or prior to April 26, 1931, to exact for its own use and benefit an income tax from them while their property continued under the supervision of the United States or during the minority of any such allottee: *Provided, however*, That in the case of the death of any enrolled member of an Indian tribe any such taxes paid by him or on his account may in like manner be recovered by the person or persons who would have received such money had it constituted a part of his estate at the time of his death.

"That all acts and parts of acts in conflict herewith are modified for the purpose, and only for the purpose, of carrying into effect the provisions hereof."

The amendment was agreed to.

Mr. CORDON. Mr. President, I should like to have an explanation of the bill, particularly inasmuch as it has been indicated that the taxes were illegally paid.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. THOMAS] reported the bill, but he is not present in the Chamber.

Mr. CORDON. Mr. President, I object at this time to the bill. Perhaps after I receive satisfactory information I shall withdraw my objection.

The PRESIDING OFFICER. The bill will be temporarily passed over.

Mr. THOMAS of Oklahoma subsequently said: Mr. President, the last bill on the calendar, Senate bill 1439, was objected to by the Senator from Oregon [Mr. CORDON]. I have discussed the matter with the Senator and he is now willing to withdraw his objection. The committee amendments have been agreed to. The bill simply provides for the repayment to Indians of income taxes illegally paid by them.

Mr. CORDON. Mr. President, I withdraw my objection to Senate 1439.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 1439) was considered, ordered to be engrossed for a third reading, read the third time, and passed.

ADMISSION OF CERTAIN PERSONS TO MERCHANT MARINE ACADEMY

Mr. RADCLIFFE obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. RADCLIFFE. I yield.

Mr. BARKLEY. I have four bills from the Committee on the Library. They are not controversial.

Mr. RADCLIFFE. Mr. President, before the Senator from Kentucky proceeds, I wish to state that on the call of the calendar the other day I was under the impression that Calendar No. 1763, House bill 1751, which was one of a series of bills I had reported to the Senate from the Commerce Committee, had been passed. I see that the bill is still on the calendar. I was definitely under the impression that it had been debated on the floor of the Senate and passed.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1763, House bill 1751.

The PRESIDING OFFICER. The bill will be read by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 1751) to authorize the course of instruction at the United States Merchant Marine Academy to be given to not exceeding 20 persons at a time from American Republics other than the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with amendments on page 2, line 2, after the word "than", to strike out "three" and insert "two"; and on the same page, after line 15, to strike out:

SEC. 2. In conformity with the Executive order of February 7, 1942, No. 9054 (7 F. R. 837), the authority conferred upon the Chairman of the United States Maritime Commission by this act shall be vested in and exercised by the Administrator of the War Shipping Administration.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to authorize the course of instruction at the United States Mer-

chant Marine Academy to be given to not exceeding 12 persons at a time from the American Republics, other than the United States."

AMENDMENT OF NATIONAL ARCHIVES ACT

Mr. BARKLEY. Mr. President, I have four bills from the Committee on the Library and I should like, one at a time, to ask for their present consideration. They have been favorably reported to the Senate. I send forward the first bill, and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the bill by its title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 3243) to amend the act entitled "An act to establish a National Archives of the United States Government, and for other purposes."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BARKLEY. Mr. President, I will explain the bill. It amends the act establishing the National Archives, and I think I can best explain it by reading a paragraph from a letter which I have received.

This bill passed the House in January. It has been pending in the Senate since then. The administrative secretary of the Archives has sent me the following letter in explaining what the bill would do. The letter reads as follows:

JANUARY 29, 1946.

Hon. ALBEN W. BARKLEY
United States Senate,
Washington, D. C.

MY DEAR SENATOR BARKLEY: Because of the fact that you have always indicated an interest in legislation affecting the National Archives, and because of your willingness to get prompt action by the Senate Library Committee and the Senate on such legislation, I am again taking the liberty of enlisting your valuable assistance.

H. R. 3243, amending the National Archives Act, was recently passed by the House and has been referred to the Senate Library Committee. The primary purpose of this bill is (1) to protect the interest of the Government and the people of the United States by requiring the Archivist of the United States to impose such restrictions on the use of records in his custody as appears to him to be necessary or desirable to the public interest and (2) to facilitate the transfer to the custody of the Archivist of certain collections of permanently valuable records that are no longer needed in conducting the current business of agencies and that are occupying space urgently needed for other purposes. The bill also provides for restrictions placed on records in the custody of the Archivist by the heads of agencies from which they were transferred to remain in force and effect until modified or removed by joint agreement of the Archivist and the respective heads of agencies. Under the present law such restrictions remain in force and effect only during the tenure of office of the head of the agency by whom they were imposed. Some of the amendments in H. R. 3243 will be very helpful during the liquidation of some of the war emergency agencies. Many of those agencies, as well as the regular agencies of the Government, are anxious for H. R. 3243 to be enacted into law as promptly as possible.

The bill has been approved by the National Archives Council, of which you are a member, and so far as is known there is no objection to its enactment into law.

I assure you that anything you may do to expedite action on this bill by the Senate Library Committee and its passage by the Senate will be sincerely appreciated.

Should you desire any additional information about this bill, I will be delighted to do my best to supply it. A copy of the bill as it was referred to the Senate Library Committee and a copy of the House Library Committee's report thereon are enclosed for your information.

Sincerely yours,

THAD PAGE,
Administrative Secretary.

The bill provides in one respect that where restrictions have been placed by the head of an agency upon public documents placed in the Archives, such restrictions shall remain in force until they are modified by joint action of the Archivist and the head of the agency. Under the present law the restrictions remain in force only so long as the head of the agency which imposed them is in office, and when he goes out, the restrictions are lifted. The pending bill retains the restrictions until the Archivist and the head of the agency, whoever he may be, may agree upon lifting them or modifying them.

The bill otherwise undertakes to protect the public interest with respect to these documents which are placed in the custody of the Archivist, and it seems on the whole that the bill is in the interest of the public. It can do harm to nobody, apparently, and I hope it will be enacted.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). The Senator will state it.

Mr. TAFT. Is this a request for unanimous consent to set aside the pending business temporarily?

Mr. BARKLEY. Yes.

Mr. CORDON. Mr. President, reserving the right to object, the Committee on the Library has had no opportunity to consider the proposed legislation. Although the bill, according to the majority leader, came to the Senate some time in January, I can understand that the distinguished majority leader, the chairman of that committee, has had his hands full, and I am not critical in calling attention to the fact that the committee has not had an opportunity to consider the bill and go into its merits. I merely state that as a fact, and by reason of that fact, I, as a member of the committee, have had no opportunity to consider the bill, or to make certain suggestions which I certainly would have made with reference to it.

I call attention to this language in the bill, which, as I view it, is objectionable—I read on page 1, line 10—

The Archivist shall impose such restrictions on the use or examination of records in his custody as appears to him to be necessary or desirable in the public interest.

Mr. President, that is absolute authority to the Archivist to close to public examination any record which may be delivered to the public Archivist, and which may and should be a public record, open to inspection and examination by the general public.

I call attention to the fact that the term is "such restrictions on the use or examination of records in his custody as appear to him to be necessary or desirable in the public interest."

I feel that the records of the United States Government, after they have served their purpose in the several departments and are delivered to the Archives, are public records, and should be open to public examination, except in extraordinary cases where the national security may dictate that they should not be public. If the bill had provided some method of determination of the necessity of protecting the national security, I should have had no objection to it.

Mr. BARKLEY. Mr. President, I might say that under the National Archives Act the Archivist has the general authority to make regulations and impose restrictions upon the documents which are regarded as sufficiently important to become a part of the Archives of the American Nation. The National Archives Council participates in the deliberations with respect to these matters which are passed upon by the Archivist. There is nothing strange in this particular measure with reference to the particular records which are covered. There is nothing new in the fact that the Archivist would have the authority to make regulations with respect to the inspection of public documents placed under his custody.

I appreciate the Senator's reference to the Committee on the Library. It may be fortunate or unfortunate that I am chairman of that committee, and in the multiplicity of other things and other duties in other committees the Committee on the Library has not been very active, so far as formal meetings are concerned. I plead guilty to an unavoidable negligence in the matter of not calling the committee together more often.

Mr. CORDON. I have not filed the complaint or the indictment.

Mr. BARKLEY. The bill I am reporting is regarded by the Archivist and the National Archives Council, and by some of the agencies which have been consulted about it, as meritorious.

Mr. CORDON. Mr. President, I shall be compelled to make my objection at the moment. If I can have an opportunity to examine into the existing law, I may later withdraw the objection.

Mr. BARKLEY. I report the bill for the calendar. The Senator may look into it.

The PRESIDING OFFICER. The bill will be received and placed on the calendar.

NATIONAL COMMISSION ON INDIVIDUAL WAR MEMORIALS

Mr. BARKLEY. Mr. President, I report favorably from the Committee on the Library Senate Joint Resolution 158, and I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of this joint resolution.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The CHIEF CLERK. A joint resolution (S. J. Res. 158) to provide for the appointment of a National Commission on

Individual War Memorials, and for other purposes.

Mr. BARKLEY. Mr. President, this measure simply provides for the appointment of a Commission on Individual War Memorials. It is to have no power of action. It is to investigate the question of policy, and will report back, so that there is no commitment involved in the mere appointment of the Commission.

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

There being no objection, the joint resolution (S. J. Res. 158) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That there is hereby established a National Commission on Individual War Memorials to be composed of five members to be appointed by the President of the United States. The members of the Commission shall serve without compensation but traveling, subsistence, and other necessary expenses incurred by them in connection with the work of the Commission may be paid from any funds available for expenditure by the Commission. Such Commission is authorized and directed to prepare an adequate individual historical record of each man or woman who was killed in the military service during World War II. Such records shall be prepared as far as possible in cooperation with the family of the deceased, and placed in metal cases, for presentation to the next of kin of such man or woman as a means of expressing the appreciation of the American people and for the information of generations yet to come.

SEC. 2. The Commission is authorized (1) to appoint such advisory committees as it may deem necessary to advise and consult with it with respect to the composition of such individual memorials; (2) to include among the members of any committee or committees so appointed such representatives of the War Department, the Navy Department, Veterans' Administration, American Red Cross, and such other interested organization as it may deem advisable; and (3) to invite the newspapers of the United States to offer prizes for outstanding poems and pictures for use as memorial expressions in such individual memorials, and to arrange for the exhibition and publication of such materials.

SEC. 3. The Commission is authorized to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, and for printing and binding) as may be necessary to carry out the provisions of this resolution.

SEC. 4. There are hereby authorized to be appropriated such sums as may equal the sum of $20 for each individual war memorial to be prepared under the direction of the Commission.

NATIONAL AIR MUSEUM

Mr. BARKLEY. Mr. President, from the Committee on the Library I report favorably House bill 5144, to establish a national air museum, and for other purposes. I ask unanimous consent that the pending business be laid aside and that the Senate proceed to consider the bill.

Mr. TAFT. Mr. President, I suggest that the bill be read, since it is not on the calendar.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That (a) there is hereby established under the Smithsonian Institution a bureau to be known as a national air museum, which shall be administered by the Smithsonian Institution with the advice of a board to be composed of the Commanding General of the Army Air Forces, or his successor, the Chief of Naval Operations, or his successor, the Secretary of the Smithsonian Institution, and two citizens of the United States appointed by the President from civilian life who shall serve at the pleasure of the President. The members of the Board shall serve as such members without compensation.

(b) The Secretary of the Smithsonian Institution with the advice of the board may appoint and fix the compensation and duties of the head of a national air museum whose appointment and salary shall not be subject to the civil-service laws or the Classification Act of 1923, as amended. The Smithsonian Institution may employ such other officers and employees as may be necessary for the efficient operation and administration of the museum.

SEC. 2. Said national air museum shall memorialize the national development of aviation; collect, preserve, and display aeronautical equipment of historical interest and significance; serve as a repository for scientific equipment and data pertaining to the development of aviation and provide educational material for the historical study of aviation.

SEC. 3 The Secretary of the Smithsonian Institution with the advice of the advisory board is hereby directed to investigate and survey suitable lands and buildings for selection as a site for said national air museum and to make recommendations to Congress for the acquisition of suitable lands and buildings for said national air museum.

SEC. 4. (a) The board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions The board may function notwithstanding vacancies and three members of the board shall constitute a quorum for transaction of business.

(b) The Smithsonian Institution shall include in its annual report of its operations to Congress a statement of the operations of said national air museum, including all public and private moneys received aind disbursed.

SEC. 5. (a) The heads of executive departments of the Government are authorized to transfer or loan to said national air museum without charge therefor aircraft, aircraft parts, instruments, engines, or other aeronautical equipment or records for exhibition, historical, or educational purposes.

(b) The Secretary of the Smithsonian Institution, with the advice of the Commission of Fine Arts, is authorized (1) to accept as a gift to the Smithsonian Institution from George H. Stephenson, of Philadelphia, Pa., a statute of Brig. Gen. William L. Mitchell of such character as may be deemed appropriate, and (2) without expense to the United States, to cause such statue to be erected at a suitable location on the grounds of the national air museum.

SEC. 6. There is hereby authorized to be appropriated the sum of $50,000 for the purposes of this act and there are hereby authorized to be appropriated annually hereafter such sums as may be necessary to maintain and administer said national air museum including salaries and all other necessary expenses.

Mr. TAFT. Mr. President, as I understand the bill does not actually authorize the construction of a building. It is to be a matter of later recommendation?

Mr. BARKLEY. That is correct. I might say that the bill has been under consideration for a long time. The House passed it a few days ago unanimously. The Smithsonian Institution is urging its passage.

When the bill was first introduced, the air museum was to be administered by other than the Smithsonian Institution, by either the War Department or the Navy Department. It was worked out, however, at a conference participated in by the parties interested, that the appropriate place for the museum would be under the Smithsonian Institution. All the bill does is to set up a board to make recommendations to Congress for the establishment of an air museum.

BOOKS FOR THE ADULT BLIND

Mr. BARKLEY. Mr. President, from the Committee on the Library I report favorably Senate bill 2430 to amend the act entitled "An act to provide books for the adult blind."

The PRESIDING OFFICER. The bill will be received and placed on the calendar.

Mr. BARKLEY. I now ask that the unfinished business be temporarily laid aside, and that the Senate proceed to consider the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 2430) to amend the act entitled "An act to provide books for the adult blind," which was read, as follows:

Be it enacted, etc., That the act of June 13, 1944 (58 Stat. 276), is amended to read as follows:

"That there is hereby authorized to be appropriated annually to the Library of Congress, in addition to appropriations otherwise made to said Library, $1,125,000, which sum shall be expended under the direction of the Librarian of Congress to provide books published either in raised characters, on sound-reproduction recordings, or in any other form for the use of the adult blind residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia: *Provided*, That of said annual appropriation of $1,125,000, not exceeding $200,000 thereof shall be expended for books in raised characters and the balance remaining shall be expended for sound-reproduction recordings and for the purchase, maintenance, and replacement of reproducers for these sound-reproduction recordings, all of which books, recordings, and reproducers will remain the property of the Library of Congress but will be loaned to blind readers under regulations prescribed by the Librarian of Congress for this service. In the purchase of books in either raised characters or in sound-reproduction recordings the Librarian of Congress, without reference to section 5 of title 41, United States Code, shall give preference to non-profit-making institutions or agencies whose activities are primarily concerned with the blind, in all cases where the prices or bids submitted by such institutions or agencies are, by said Librarian, under all the circumstances and needs involved, determined to be fair and reasonable.

"SEC. 2. This act shall be applicable with respect to the fiscal year ending June 30, 1947, and for each fiscal year thereafter."

Mr. BARKLEY. Mr. President, the bill simply provides for an additional authorization for the benefit of the adult blind. We have from time to time appropriated money for the purchase of books for the blind. We have never been too liberal in that respect. The bill merely authorizes a million and a quar-

ter dollars more, to be disbursed under the jurisdiction and control of the Librarian of Congress.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 2430) was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BARKLEY subsequently said: Mr. President, a few minutes ago the Senate passed Senate bill 2430, a bill to provide books for the adult blind. The House has just recently sent to the Senate an identical bill, under the number House bill 6455. From the Committee on the Library, I now report the bill without amendment. I ask unanimous consent that the vote by which Senate bill 2430 was passed be reconsidered.

The PRESIDENT pro tempore. Is there objection? Without objection, the votes by which Senate bill 2430 was engrossed, read the third time, and passed are reconsidered; and the bill is now before the Senate.

Mr. BARKLEY. Mr. President, I now ask unanimous consent that House bill 6455 may be substituted for the Senate bill and be considered at this time.

The PRESIDING OFFICER. Without objection, House bill 6455 will be substituted for Senate bill 2430. Is there objection to the request that the Senate proceed to consider House bill 6455?

There being no objection, the bill (H. R. 6455) to amend the act entitled "An act to provide books for the adult blind" was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2430 will be indefinitely postponed.

SELECTION FOR ELIMINATION AND RETIREMENT OF OFFICERS OF THE REGULAR ARMY

Mr. MAYBANK. Mr. President, in view of the fact that I am obliged to attend a meeting of the Appropriations Committee I should like to make a short statement in connection with Senate bill 1974, to provide for the selection for elimination and retirement of officers of the Regular Army, for the equalization of retirement benefits for members of the Army of the United States, and for other purposes. The statement I desire to make is that considerable confusion exists in the minds of many persons connected with the armed forces, by reason of the fact that I introduced Senate bill 1974, which was referred to the Committee on Military Affairs, and was later amended by the committee itself. The bill in its present form is not comparable to the bill which I introduced. On the calendar it is stated that Senate bill 1974 was reported by me from the Committee on Military Affairs. I merely wish to state for the record, so there will be no misunderstanding about the matter, that the statement in connection with Calendar No. 1899, House bill 7063, to provide for the selection for elimination and retirement of officers of the Regular Army, that it is "same as Calendar 1803" is incorrect. The bill which I introduced was practically the same as House bill 7063, which appears under Calendar No. 1899, but Senate bill 1974 was so amended by the committee, that, although it was my bill, it does not now carry the provisions of the original Senate bill 1974.

Mr. President, I make this statement for the record, so there may be no misunderstanding. I hope that before Congress adjourns House bill 7063 will be passed by the Senate, or if not, that Senate bill 1974, if passed, may be sent to conference, and that the differences existing may be resolved. I shall speak on that subject at a later date.

PARKER RIVER NATIONAL WILDLIFE REFUGE, ESSEX COUNTY, MASS.

Mr. WALSH. Mr. President, a few days ago on the call of the calendar, when Calendar No. 1771 was reached, the able Senator from California [Mr. KNOWLAND] objected. The bill is H. R. 4362 to abolish the Parker River National Wildlife Refuge in Essex County, Mass. The Senator from California has since investigated the matter and has authorized me to state to the Senate that his objection is withdrawn. Therefore I ask unanimous consent for the present consideration of the bill.

Mr. REVERCOMB. I must state to the able Senator from Massachusetts that at the request of another Member of the Senate I must object to consideration of the bill.

Mr. TAFT. Mr. President, I may say that the Senator who wished to have objection made in his behalf is not now in Washington. I will communicate with him by telegraph tonight to endeavor to persuade him to withdraw his objection.

I think I can reach him either by telegram or by telephone.

Mr. WALSH. I may say to my distinguished Republican colleague that this has become a political issue. The Democratic candidate has the advantage today because of the protests that have come with respect to this matter from the Republican side.

Mr. TAFT. I have been so informed, and I shall cooperate in obtaining consideration of the measure.

Mr. WALSH. I have received telegrams from Republicans in Massachusetts asking that objection be withdrawn in the next 24 hours.

Mr. REVERCOMB. I may say to the Senator from Massachusetts that his statement urging withdrawal of the objection is very persuasive. The Senator who wished to have his objection noted is not in Washington. As soon as he can be reached, and will relieve me of my obligation in this respect, I shall be very glad to withdraw my objection.

Mr. WALSH. In view of the fact that Republicans in Massachusetts have made objection to this refuge it may be well that objection be withdrawn to the present consideration of the bill in the Senate.

AUTHORIZATION TO REPORT A BILL, AND TO REFER NOMINATIONS

Mr. BARKLEY. Mr. President, I ask unanimous consent that, during the recess of the Senate the Committee on Appropriations may be authorized to report the final deficiency bill, which I think is now under consideration in the committee; and also that the Secretary of the Senate may be authorized, in the event nominations come to the Senate during the recess, to have them properly referred to appropriate committees.

The PRESIDING OFFICER. Without objection, the authorizations requested by the Senator from Kentucky are granted.

ROBERT JUNE

Mr. MORSE. Mr. President, from the Committee on Claims I report favorably House bill 228, for the relief of Robert June, and I submit a report (No. 2452) thereon.

Mr. President, I have conferred with the majority leader and have his approval for the present consideration of the bill. It has been pointed out to me that it will not only save time, but expense if we proceed to act on it today, rather than to wait and have it go to the calendar. I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 228) for the relief of Robert June, was considered, ordered to a third reading, read the third time, and passed.

EQUAL PAY FOR EQUAL WORK FOR WOMEN

Mr. PEPPER. Mr. President, I move that the Senate proceed to the consideration of Senate bill 1178, Calendar No. 1610. I should like to make a statement about the bill.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1178), providing equal pay for equal work for women, and for other purposes.

Mr. PEPPER. Mr. President, a bill providing equal pay for equal work for women and forbidding discrimination against women in employment has been favorably reported by the Senate Committee on Education and Labor. A similar bill has also been favorably reported to the House by the House Committee on Labor, and is on the House calendar at the present time. I am not sure that there is a chance to have the bill enacted if the Senate passes it, but I believe there is a good chance if the Senate will pass the bill this afternoon.

Mr. President, I do not wish to go into a full debate on the merits of the bill. At the present time nothing of an emergent nature seems to be pending, and I think we might as well take up the bill and dispose of it. After we take it up we can proceed to the consideration of the bill on its merits. I believe that the bill possesses sufficient merit, having the report of the committee and the report of the Labor Department behind it, a companion bill having been reported by the House Committee on Labor, to entitle the bill to the consideration of the Senate. That is the subject of my motion.

Mr. TAFT. Mr. President, it seems to me that it would be improper to take up the bill at this late date. The bill was reported to the Senate on June 21, and no particular attention has been paid to

it. The bill is a sort of FEPC for women. The opening lines of the bill read as follows:

The Congress hereby finds that the existence in industry of differentials based on sex is an inequity in compensation standards which constitutes an unfair wage practice.

Such discrimination is declared to be an unfair wage practice, based upon the Labor Relations Act procedure. I have read the bill only hastily. The Secretary of Labor is authorized to file a complaint and hale into court any employer on the complaint of any woman employee that she is not being treated fairly.

Section 2 of the bill provides that—

It shall be an unfair wage practice for any employer engaged in commerce or in transactions or operations affecting commerce—

(a) to discriminate in any way in the payment of wages as between the sexes.

That certainly is a pretty general prohibition. The application of the act would be turned over to the Secretary of Labor or to some board, to define its provisions more clearly.

(b) to pay wages to any female employee at a rate less than the rate at which he pays or has paid wages to male employees for work of comparable quality or quantity, except where such payment is made pursuant to a seniority or merit increase system which does not discriminate on the basis of sex.

On the complaint of any woman employee the Secretary of Labor would be authorized to go into any industry or office in the United States and investigate the whole question of what kind of work she is doing, whether it is the same as what some man is doing, whether the wage is the same, and whether there is any reason for a difference. The bill would put a new Federal bureau into every business office in the United States, and turn over to it the question of what kind of wages should be paid.

(c) to lay off or discharge or in any other manner discriminate against any employee because such employee has filed any charges or instituted or caused to be instituted any proceeding under or related to this act, or has testified or is about to testify in any such proceeding, or has served or is about to serve on an industry committee.

I have not been able to develop the exact procedure which would follow, but it would be very similar to the procedure under the National Labor Relations Act. We would turn over to a board the question of determining whether an employer had treated his employees fairly, whether he must pay back wages, and whether corrections must be made in the entire scale of salary standards. The bill involves a major interference with the freedom of American industry. Certainly it ought not to come up during the last days of the session. There ought to be plenty of time to debate the fundamental issues involved. I think it would be a great mistake for the Senate to take up the bill today.

Mr. President, I should like to submit a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. If the pending motion were agreed to, would it have the effect of displacing the poll-tax bill as the unfinished business of the Senate?

The PRESIDING OFFICER. It would.

Mr. TAFT. Mr. President, I strongly urge upon the Senate that it not take up a bill of this importance at this late date in the session.

Mr. PEPPER. Mr. President, let me reply to the Senator from Ohio. I should like to have my motion considered in the nature of a request for unanimous consent, because I would not like to displace the unfinished business before the Senate. From time to time we have been taking up other measures and considering them, allowing the poll-tax bill to remain the unfinished business. That is what we have been doing since Monday, and I see no reason why we could not follow the same course in respect to this bill.

Mr. BALL. Mr. President, if the Senator is making a unanimous-consent request for the consideration of Senate bill 1178, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PEPPER. Mr. President, I should like to have the record clear that Senators wish to support the practice and principle of discrimination against women, because they are unwilling that the Senate, when it has ample time and opportunity to do so, should proceed to consider this bill.

The Senator from Ohio has said in substance that the bill would establish another board. It would do no such thing. It would place the authority in the Secretary of Labor. The Secretary of Labor would be the one who would be responsible for the enforcement of the law.

Moreover, the Secretary of Labor would not have authority to compel any employer to do anything. He could only go into court and seek authority to enforce an order which he might make.

The bill contains a limitation which I have not found in similar laws. When the Secretary of Labor goes into court and seeks authority to enforce a cease-and-desist order, for example, it is not sufficient, as in ordinary cases, that there be merely some evidence to support the finding of the Secretary. The weight of the evidence must satisfy the court as being on the side of the Secretary. In other words, the court, and not the Secretary of Labor, would enforce the order. If the court should not find that the weight of the evidence was on the side of the Secretary, it would not grant the authority necessary to enforce the order or decree of the Secretary of Labor.

So the bill would not establish a board with authority to coerce employers into some policy or practice. The Secretary of Labor would cause an investigation to be made in the Department of Labor to determine whether or not there was a prima facie case; and if he found a prima facie case he could issue a cease-and-desist order. If the order were not obeyed by the employer, and if the employer persisted in discrimination against women on the ground of sex, the Secretary of Labor could apply to the court and obtain a decree for the enforcement of his order, provided the court should find that the weight of the evidence was on the side of the prima facie finding made by the Secretary of Labor.

If the Senator from Minnesota and the Senator from Ohio are going to withhold their assent to the consideration of the bill in the same way that we have considered other measures, I invite attention to the fact that we considered the social security bill under a unanimous-consent agreement, and we have been considering bills all day today by unanimous consent. I am indeed sorry that the Senator from Minnesota and the Senator from Ohio are not willing to give the women of this country fair consideration in respect to legislation which would eliminate discriminatory employment practices based exclusively on sex. I am sorry that Senators choose to place themselves on record as favoring the continuation of such practices and resisting an effort to correct them.

The PRESIDING OFFICER. Objection has been made.

Mr. BALL. Mr. President, I take exception to the statement of the Senator from Florida that objection to the consideration of the bill at this time labels the Senator making the objection as being in favor of discrimination between the sexes in employment. It does no such thing. The Senator from Minnesota believes that the enactment of the bill would be a terrible mistake, because it would establish in the Department of Labor an agency headed by one man who would be prosecutor, judge, and jury, to determine whether an employer was discriminating in rates of pay, hours, or anything else, as between men and women in his employment doing substantially the same work. The situation would be exactly the same as under the Wagner Act, except that instead of being administered by a quasi-judicial independent board, the act would be administered by the Secretary of Labor, who is a partisan of labor, and cannot be impartial in such a position. Furthermore, he would have complete power of subpena. The bill would establish one more agency in this time of reconversion, when, Heaven knows, employers are having enough difficulties with OPA, CPA, and other agencies, without being further harassed in their efforts to produce for civilian consumption. I am very happy that my objection can prevent this bill from having any chance to become law.

RACE DISORDERS AT COLUMBIA, TENN.

Mr. STEWART. Mr. President, a few days ago the Senator from California [Mr. KNOWLAND] placed in the RECORD a newspaper report of a very unfortunate incident which occurred in the State of Georgia, namely, the slaying of four colored people. That matter was discussed for some time on the floor of the Senate, and reference was made to other occasions when similar trouble occurred in the South. I might add here that I hope the guilty will be apprehended and duly punished.

That prompts me to call the attention of the Senate to the so-called Columbia, Tenn., race disorder. I am doing this for one purpose, to wit, to point out that the affair at Columbia, Tenn., was investigated by the Federal Bureau of Investigation over a period of weeks, and a Federal grand jury was impaneled

at Columbia by a Federal judge, Judge Davies, of Nashville, who holds court at Columbia. After scores of witnesses had been examined in an investigation which was conducted before that grand jury for a period of 6 or 8 weeks, as I recall, it was found that no Federal rights had been violated at Columbia, in Maury County. The report of the grand jury was printed in full in the June 14 issue of the Nashville Banner, an old and well-established daily newspaper published at Nashville, Tenn. In order to avoid taking the time of the Senate to read the entire article and the grand jury report, I ask unanimous consent that they may be printed in full at this point in the RECORD, as a part of my remarks.

There being no objection, the newspaper article and grand jury report were ordered to be printed in the RECORD, as follows:

JURY FINDS NO RIGHTS VIOLATED IN MAURY—INCENDIARY ARTICLES BY COMMUNIST PRESS HIT

Reporting today on its investigation of the Columbia race disorders, the Federal grand jury declared it found no evidence of civil-rights violations, and assailed "Nation-wide misrepresentations" through the circulation of pamphlets dealing with the incident of last February.

The report declared these pamphlets constituted malicious intent to incite racial discord and intolerance.

The jurors said the Communist press had been especially active, having carried a series of inflammatory articles on the racial disturbances

Federal Judge Elmer Davies ordered the investigation by the grand jury after it had been asked for by United States Attorney General Tom Clark.

In its findings the jury commended the quick action of Gov. Jim McCord, said the prompt arrival and deployment of State forces (the State guard under Brig. Gen. J. M. Dickinson and the State highway patrol under Chief Lynn Bomar) "in our opinion prevented a bloody race war which threatened to arise out of the heat of excitement following the wounding of a number of officers of the law."

The work of Columbia and Maury County law enforcement was likewise commended. The report said these officers had been impartial in their actions.

The report said there had been unnecessary destruction of property, but went on to declare that after an exhaustive investigation "it has proved wholly impossible to determine the identity" of the persons responsible.

Agents of the Federal Bureau of Investigation were highly praised for the assistance they had given the grand jury.

JURY CONGRATULATED

In a brief statement to the jury after its report had been read by Assistant United States District Attorney A. O. Denning, Judge Davies congratulated the members for rendering "a distinct public service" and charged that persons who "persist in circulating false and malicious rumors * * * render a distinct disservice to both races."

Judge Davies said that "It is apparent from this report that you have made a most exhaustive inquiry of this unfortunate incident. It is obvious that you have been very careful to ascertain the true facts of the matter and I am satisfied that the evidence upon which you have acted will fully sustain the correctness of your report.

"Your official action," he continued, "should put an end to the irresponsible and scurrilous rumors that have been so freely circulated over the entire country, and should be a reassurance to those of both the white and the Negro races who sincerely desire to live in peace and harmony. Any person who hereafter persists in circulating false and malicious rumors will render a distinct disservice to both races in the opinion of this court and cannot possibly have the best interests of this country at heart."

Judge Davies then told the grand jury that he wished he could discharge its members but that "unfortunately other matters have arisen which may make it necessary to call you back in session before the end of the term." He then dismissed the jury until further notice.

Later Judge Davies stated that he could not elaborate upon the matters referred to at this time.

JURORS LISTED

J. P. Richardson, of Hohenwald, was chairman of the grand jury. The other members were Ed Bradley, of Pleasant View; L. V. Brooks, Hartsville; W. C. Jones, Hohenwald; Alex Holt, Byrdstown; W. R. Webb, Waverly; Berry O. Carter, Lebanon; William I. Rogers, Waverly; Jack H. Bradshaw, Lebanon; W. G. Masters, Celina; Joe Cooksey, Nashville; Fred Sawyer, Clarksville; Prince Fishburn, Lafayette; Clyde Jameson, Bradyville; Tom W. Thompson, Lebanon; T. S. Evans, Lebanon; John S. Ledbetter, Nashville, Floyd Gregg, Algood; Fred Clark, Byrdstown; Lester Higgins, Woodbury; Ed Climer, Lebanon; and Herman Webb, Cumberland City.

Discussing the handling of the early stages of the situation by Columbia and Maury County officers, the report said:

In doing so, they acted impartially and with an evident desire to uphold the law and to prevent violence. When the four policemen were shot, the sheriff immediately called on the Governor of the State for assistance, and the Governor's prompt action in getting the State patrol and the State guard to Columbia is to be commended, as is the action of the State forces in sealing off the Mink Slide area, and in preventing any clash between white and Negro citizens. The prompt arrival and deployment of State forces, in our opinion, prevented a bloody race war which threatened to arise out of the heat of excitement following the wounding of a number of officers of the law, who, it is evident, were acting solely in an effort to preserve the peace and to fulfill their sworn duties.

There have been lurid and inflammatory stories published and circulated to the effect that large numbers of people were killed during the racial disorder at Columbia. Two Negroes were killed at the jail, as heretofore set out, and we have found that they were the only Negroes who lost their lives. During the disturbance two Negroes were wounded, one seriously. Two white civilians were wounded, and seven white officers were wounded, one seriously. These are the actual figures concerning the number killed and wounded during the action following the initial trouble on February 25, 1946.

We have found during the course of our investigation that the events transpiring at Columbia have been the subject of Nation-wide misrepresentation. It has been charged that scores of Negroes were killed, that Negro women were raped, that armed mobs roamed the streets of Columbia seeking a victim, and that police officers acted with indescribable brutality. Many of such accounts concerning these events are wholly lacking in factual foundation, and the conclusion is inescapable that they have been manufactured and circulated with the malicious intent and desire to incite racial discord and intolerance and to cause further racial strife.

We have explored the possibility of returning presentments against those sending such pamphlets through the mails, but to our regret, we are advised that the mailing of such pamphlets does not constitute a violation of any Federal statute.

In disseminating such propaganda the avowed Communist press of the country has been especially active, having carried a series of inflammatory articles on the racial disturbances at Columbia. This technique is characteristic and dangerous, and manifestly is designed to foster racial hatred and to array class against class.

In concluding our report we wish to sound a warning that the good citizens of both races be on their guard against insidious and false propaganda. In the opinion of this grand jury nothing is so likely to erode and ultimately destroy peaceful and friendly relations between the races as the dissemination of half-truths and falsehoods such as have been so freely circulated in relation to the events occurring at Columbia.

The report follows:

We, the regular grand jury for the middle district of Tennessee, were convened on April 8, 1946, and charged by Your Honor to make a "full, complete, fair and impartial investigation" into the racial disturbance at Columbia, Tenn., occurring during the week of February 25, 1946, and especially as to the invasion of civil rights in violation of Federal law alleged to have occurred in connection therewith.

Our inquiry has been facilitated by the several reports submitted by the Federal Bureau of Investigation, reflecting an exhaustive and painstaking investigation by that agency in connection with which 390 persons were interviewed for the purpose of securing all facts relating to the disturbance in question.

We have had before us and have examined under oath all persons, both white and colored, who were substantially connected with the disturbance or who were known or believed to be in possession of factual information pertinent and material to this investigation, and we have concluded after careful consideration that there is no evidence before us that would justify an indictment or presentment for the violation of any Federal statute.

Now, in keeping with Your Honor's charge, we further report as follows:

On Monday, February 25, 1946, at about 10 a. m., following a disagreement concerning repairs to a radio a fight occurred in front of a department store located on the public square in Columbia, between two Negroes, Gladys Stephenson and her son, James, and William Fleming, a white employee of the radio section of the department store, and a white passerby.

Police, in response to a call made during the altercation, arrived on the scene and arrested the Stephensons. At the time of the arrests Fleming was inside the store receiving first aid and the arresting officers were not at that time informed that anyone else had participated in the affair.

Reports have circulated in pamphlets and press that the fight was started inside the store by Fleming, by his striking or kicking Gladys Stephenson, and that thereupon James Stephenson came to the defense of his mother. Such reports have no foundation in fact. The undisputed testimony before us shows that the fight commenced between James Stephenson and William Fleming on the street in front of the store. Thereupon the mother, Gladys Stephenson entered the affray in aid of her son. At this stage the above-mentioned passer-by came to the aid of Fleming and engaged in a fight with Mrs. Stephenson. Blows were struck by all parties.

At the outset of the fighting Fleming was propelled through the glass front of the store and received a gash in his leg as a result. From the statements of witnesses situated within the department store, it appears that during the course of the fight Gladys Stephenson seized a piece of glass that had fallen from the shattered window and struck Fleming with the same, at about which time she

was assaulted by the white passer-by hereinbefore mentioned.

Both the Stephensons and the city police officers responsible for their arrest have appeared before us and have testified fully, under oath, concerning the circumstances thereof. It is undisputed that in the course of arresting Gladys Stephenson a city police officer struck her with a night stick. From all of the evidence before us, it appears that the force used by the arresting officer in this respect was neither brutal nor wanton but was reasonably necessitated in the course of overcoming resistance to the arrest. It is undisputed that James Stephenson was not struck or harmed during the course of the arrest and that neither he nor his mother was subjected to any physical mistreatment throughout the period of their incarceration. At the city jail the Stephensons were charged with a breach of the peace before the city magistrate; on their pleas of guilty they were each fined $50.

While the Stephensons were still in custody warrants charging them with assault with intent to commit murder, sworn out by the father of William Fleming, were served on them and they were thereupon transported to the county jail.

After receiving first aid Fleming was transported to the hospital where he remained until the following day. The identity of the white passer-by, who engaged in the fight, was and remains unascertained. It is our considered opinion that the responsibility for aggression in this assault is not determinable in view of the direct conflict in testimony supplied by the known participants in this connection. The evidence before us establishes that the Stephensons were the only persons arrested in connection with this disturbance of the peace although police officers, subsequent to the arrest, learned of the part played in the affair by Fleming and the passer-by who assisted him.

As is not unusual in the world of men, it is abundantly evident that throughout the day, in recounting the circumstances of the fight and the ensuing events, fact and fancy were freely intermingled in the accounts of white as well as colored citizens—especially among the less stable elements of both races. Among the group of white people attracted by the fight, indignation at the occurrence was expressed, and the matter was discussed on the streets of Columbia thereafter during the day. In the Negro districts of Columbia a rumor was circulated to the effect that a white man had bought a rope, stating that he intended to hang a Negro with it.

A thorough investigation involving inquiry at all Columbia business establishments engaged in the sale of rope has failed to lend any factual reality to the occurrence thus rumored, and diligent inquiry among the Negro citizens of Columbia has likewise failed to lend the slightest substantiation thereto.

Throughout the afternoon following the Stephenson-Fleming fight, small groups of white individuals gathered from time to time on the public square and in the streets nearby. The sheriff and his deputies and the chief of police and his force moved freely among such groups and dispersed them without difficulty. These groups, the majority of which were composed of teen-aged youths were unarmed and were responsive to orders. To city and county officials there appeared to be no manifestation of mob spirit and no organized leadership was evident among the persons thus assembled.

At approximately 5 p. m. the Stephensons were released from custody on bond. Following their release the mother was first driven to her home in Columbia, and thereafter James Stephenson was driven to "Mink Slide," a Negro district devoted exclusively to business and located one block south of the public square, on East Eighth Street, between South Main and Woodland Streets. At the time of James Stephenson's arrival in "Mink Slide," armed and unarmed Negroes had gathered and were continuing to gather in the area, having come from other sections of Columbia and the surrounding countryside. By the evidence of several Negro witnesses it appears that such witnesses, activated by the rumor of a possible lynching, armed themselves and assembled in the "Mink Slide" area for the purpose of protecting James Stephenson from mob violence. Evidence supplied by several other Negro witnesses establishes that said witnesses circulated throughout the "Mink Slide" area during Monday afternoon and evening with no genuine apprehension of impending trouble, having discounted the rumor as baseless in fact, which it has since proved to be. By the testimony of these latter witnesses it is apparent that many of the Negroes then assembled in "Mink Slide" were not appreciably alarmed over the safety of James Stephenson or the likelihood of any serious outbreak between white and Negro citizens. The evidence is undisputed that following his release on bond upon his arrival at the "Mink Slide" area at approximately 5:30 p. m., James Stephenson mingled freely and openly with other Negroes on the street in front of, and within several business establishments, and that at approximately 6 p. m. he entered the barber shop of Sol Blair and casually procured a haircut and shoe shine. The evidence is likewise undisputed that at approximately 6:30 p. m., James Stephenson drove his girl friend from the "Mink Slide" area to her home in the colored residential section of Columbia, passing en route around the city square without molestation in any form, returned to the "Mink Slide" section and entered Patton's residence where he had some drinks. That after leaving Patton's restaurant he again entered Sol Blair's barber shop, secured a rifle from a stack of weapons there assembled and in company with approximately 25 other armed Negroes climbed to the roof of the building and maintained a lookout, without incident, in the direction of South Main Street. The evidence is likewise undisputed that some time between 7:30 and 8 p. m., James Stephenson descended from the roof and in company with three other Negroes entered an automobile which was then parked on East Eighth Street and, thereafter, without molestation, drove to Nashville, Tenn., where he boarded a train for Chicago, Ill.

At 6 p. m., after receiving information of the situation in "Mink Slide," the sheriff of Maury County went to that area and found there over 100 Negroes, a third of whom were openly bearing arms, on the street. He walked among the Negroes, told them there would be no trouble from the white people, and asked them to disarm and return to their homes.

Some 30 minutes after leaving "Mink Slide," or about 6:30 p. m., the sheriff called James Morton, a prominent Negro, at his funeral establishment in "Mink Slide," and asked him if the Negroes were still armed and on the street. Being informed that they were, the sheriff asked Morton to tell the Negroes that if they did not disband he would enter the area with sufficient force to arrest those under arms. At approximately 7 p. m. city policemen went to "Mink Slide" and told the Negroes there congregated that there would be no violence done them by the white people, that the white people were completely under control, and ordered the Negroes to disarm and disperse. Other Negroes armed and unarmed continued to arrive in "Mink Slide." Evidence as to the total number of Negroes congregated in the block-long business section ranged from two to four hundred. Shortly after darkness fell the Negroes extinguished all light in "Mink Slide." The evidence is undisputed that certain armed Negroes made demand upon proprietors of several colored business establishments to extinguish their lights and upon refusal shot such light out with gunfire. As a Negro undertaker (not James Morton) drove through the area on business, his car was fired upon. The car of a tourist from California who lost his way and drove through the area was also fired upon.

At about 8:30 p. m., a group of 20 to 30 white persons, the majority of whom were teen-age boys, went to the county jail and demanded to know the whereabout of the Stephensons. The sheriff, machine gun in hand, answered their demand by arresting two drunken white men who appeared to be the leaders of the group, and dispersed the remainder, who appeared to be unarmed.

At about 9 p. m., the chief of police, with three of his uniformed officers, decided to enter the "Mink Slide" area and to investigate and put a stop to the shooting which was intermittently occurring in that area. The officers crossed the lighted intersection of East Eighth Street with South Main Street, and proceeded into "Mink Slide" for a distance of approximately 75 feet. At this point they were met by aimed shotgun fire. All four officers were struck, and one of them was critically wounded. The officers did not return the fire or draw their guns, but taking cover as best they could they withdraw from the scene and sought medical aid.

In certain pamphlets and press articles which have come to our attention it has been asserted that when the city police officers proceeded into the "Mink Slide" area they were accompanied by a crowd of armed white men. We have found no evidence whatsoever that tends to substantiate such assertion. However, as word of the assault on the officers spread, armed white people began to assemble on the public square and on South Main Street near the entrance to "Mink Slide."

With one exception, the evidence is undisputed that no white citizen, saving local officials, were observed to be bearing arms until after the shooting of the policeman. The exception noted appears in the testimony of one Negro, who stated that at approximately 6:30 p. m., while driving around the public square, he observed three armed white men but that he didn't notice what kind of guns they carried.

Realizing that violence threatened, the sheriff called the Governor of Tennessee and asked for assistance. This call was made at about 9:30 p. m., and immediately thereafter elements of the Tennessee State Guard, and the State highway patrol were alerted and ordered to proceed to Columbia at once. Elements of these organizations headed by Brig. Gen. J. M. Dickinson and Commissioner of Safety Lynn Bomar (head of the highway patrol) began arriving in Columbia within an hour.

While it is now clear from all of the evidence that many of the Negroes congregated in "Mink Slide" left the area following the shooting of the city police officers, State and county officials were unaware of the number of armed men barricaded in the business establishments throughout the night. General Dickinson and Commissioner Bomar conferred with the sheriff on their arrival in Columbia, decided to seal off and isolate the "Mink Slide" area, and to attempt no entrance into the area until daybreak. As fast as they arrived and were available for guard duty, highway patrolmen were stationed at the several street intersections encompassing the "Mink Slide" section in keeping with the course of action decided upon.

Intermittent gunfire was heard in the "Mink Slide" area throughout the balance of the night. Two white men attempted to enter the area and were wounded slightly by shotgun fire. Two armed Negroes were arrested as they attempted to enter "Mink Slide." At about 3 a. m. Tuesday, February 26, 1946, officers entered the home of

James Morton, located on the corner of East Eighth and Woodland Streets but a few feet distant from a guard-post which had been maintained by the State guard and highway patrol throughout the night. The officers there arrested 12 Negroes and seized a quantity of arms and ammunition.

Shortly after daybreak the highway patrolmen stationed at the intersections of Woodland and South Main Streets with East Eighth Street accompanied by the Sheriff, advanced into "Mink Slide." As they advanced they announced that no person surrendering would be harmed. As the officers came abreast of Sol Blair's barber shop they were met by shotgun fire from within, three of the officers being slightly wounded as a result. Members of the Highway Patrol, armed with machine guns, rifles and shotguns, thereupon opened fire directing the same toward the interior of the barber shop. Continuing to voice the demand that the occupants surrender peaceably the officers forced an entrance into the barber shop and arrested its two Negro occupants, who were wholly unharmed despite the gunfire preceding the arrest. The officers then proceeded as before; they came to a building containing a lodge hall on its second floor, the entrance to which was padlocked. Despite gunfire emanating from the building, a group of highway patrolmen forced an entrance and proceeded upstairs, where they arrested a number of Negroes. It was at this point that a Negro, John Black, was struck on the head with a gun butt by a highway patrolman. The blow knocked him down and he was seriously injured. The testimony with respect to the circumstances surrounding this incident is in conflict. The Negro witnesses state that Blackwell was not armed. Highway patrol officers making these arrests have testified that Blackwell emerged from an ante room and aimed a shotgun at them and that he was struck on the head as a measure of self defense. Following their arrest at the lodge hall all Negroes in the building were removed. Blackwell, whose picture (as he lay in the street before the entrance to the lodge hall) has been widely reproduced, was taken to the hospital by an officer of the State Guard. He was subsequently removed to the jail where he was separately confined, and later was transferred to a hospital in Nashville.

Approximately 30 Negroes were arrested, and a quantity of arms and ammunition seized, in the "Mink Slide" area. As a result of the gunfire one Negro was wounded in the arm. On information obtained from the Negroes under arrest as to those present in "Mink Slide" when the officers were fired upon, further arrests were made, bringing the total apprehended to approximately 100.

After conferring with the Governor of Tennessee and the State attorney general, and at their direction, the sheriff, aided by some 60 members of the State guard, conducted a search of the territory immediately adjacent to the "Mink Slide" area. During this search approximately 250 guns of various descriptions were seized. The search was indiscriminate; weapons were taken from Negro and white citizens alike.

Paul P. Bumpus, district attorney general for Maury and other counties, with the assistance of the few other local officials at hand, began an investigation of the assault on the police officers immediately after the arrests of February 26, questioning all Negroes in confinement. Of the number arrested, approximately 40 were released after questioning without charges being placed against them, and without being required to make bond.

On Thursday, February 28, 1946, three Negroes, James "Digger" Johnson, Willie Gordon, and Napoleon Stewart, were questioned, informed that they would be permitted to make bond in nominal sums, and thereafter be released. Pending execution of their bonds these three Negroes were placed in the sheriff's office, located on the first floor of the Maury County jail. A large quantity of guns seized during the arrests and the search heretofore mentioned were stored in the office. Two deputy sheriffs were in the room with the Negroes, one of them, Deputy Darnell, was in the act of telephoning. The other, Deputy Pennington, was lying across a bed. A newspaper photographer was likewise in the room and was then engaged in loading his camera. At this point Johnson and Gordon were observed to seize guns from a group of weapons stored against the wall. Deputy Darnell dropped the telephone and seized the gun in the hands of Gordon. At the same moment Johnson fired, wounding Darnell in the arm. Hearing shots, highway patrolmen outside the office rushed to the doorway, saw Gordon aiming his gun in their direction, and began firing at the Negroes. The officers continued firing until both Gordon and Johnson fell. During the firing the third Negro, Napoleon Stewart, backed into a corner and stood there with his hands raised. Commissioner Bomar obtained an ambulance by which Johnson and Gordon were removed to the hospital, where they received treatment. On the advice of attendant physicians, the Negroes were rushed by ambulance to Nashville. Both Negroes died en route.

After the shooting of these Negroes, 40 of the confined Negroes were transferred to the county jail at Nashville, Tenn. They were returned to Columbia on the following day. As the questioning and investigation proceeded, bonds were fixed, and upon execution the Negroes questioned were released from custody.

After the arrest of the Negroes found in "Mink Slide" on Tuesday, various business establishments, the fixtures therein, and certain personal property located in "Mink Slide" and particularly the properties of James Morton, Sol Blair, and Julius Blair, were found to be in a wrecked and damaged condition. The proprietors of several of the business establishments assert that merchandise and other valuable items of personal property were carried away from their premises during the course of the disturbance.

The evidence before us establishes that a portion of the damage was done by the Negroes occupying the premises throughout the night and prior to their arrest, and that extensive damage also resulted from gunfire immediately preceding and during the course of the arrests. It is likewise clear that much of the damage was wantonly committed after the arrest of the Negroes, and while the area was under the control of the highway patrol and members of the Tennessee State Guard.

It is manifest from the evidence of willful destruction of property that during the confusion and excitement arising in connection with the extensive gunfire and the ensuing arrests that an efficient and adequate guard was not maintained throughout the "Mink Slide" area for a period of several hours thereafter. Throughout this period divers civilians, including newspaper reporters and photographers and many members of the Tennessee State Guard entered the "Mink Slide" area and several business establishments situated therein. During, and for some hours following the arrests, divers highway patrolmen likewise entered and re-entered the buildings in this area. By dint of the most painstaking investigation all persons known to have been present in the "Mink Slide" section throughout the period in question have been interrogated searchingly and at length and we have diligently examined all witnesses before us in an effort to ascertain the identity of the person or persons committing these acts of vandalism.

As recently announced by the foremen in open court it was the desire of this grand jury to remain in session and to continue our efforts to fasten responsibility for such property destruction. Despite the fact that we have exhausted every reasonable avenue of inquiry it has proved wholly impossible to determine the identity of such person or persons or to elicit facts upon which to predicate an indictment in this respect.

We have also particularly considered certain other matters, and have carefully viewed the action of the law enforcement officers with respect thereto to the end that any officer depriving an inhabitant of Columbia during this disturbance, of a right secured to him by the Constitution, laws of the United States, or decisions interpreting them, be made to answer an indictment of his conduct. Among these matters are widely circulated charges that the Negroes of Columbia were subjected to mass and indiscriminate arrests, that their homes were subjected to unreasonable search and their weapons to unjustifiable seizure, that excessive force was used in making the arrests; that prisoners were subjected to brutality while in confinement, were denied the right to counsel, were made to incriminate themselves, and were confined for unreasonable lengths of time, being denied the right to bail.

The police officers, when shot, were in full uniform and were fired upon immediately after crossing a lighted intersection. Negro witnesses in "Mink Slide" at the time testified that uniforms were clearly distinguishable in the light at the intersection. The felonious assault was committed by unknown persons in a general area and probable cause therefore existed to believe that those in the area had participated in the assault, were accessories thereto, or were in possession of knowledge concerning the same. The arrests made on account of the assault were therefore lawful. Arrests made for the lawful purpose of preserving the peace and security of society are in violation of no man's civil rights.

There is evidence before us that during the course of the arrests certain Negroes were struck by the arresting officers. The evidence establishes that such incidents occurred as a result of a failure to comply with orders of the arresting officers. The Negroes appearing before us from that group arrested in "Mink Slide," have testified that some of their number were unnecessarily struck during the course of such arrests. They have sworn that after their arrest they were not subjected to physical abuse. Considering the basis of the arrests and the tense and dangerous atmosphere under which the arrests were accomplished, it is the considered judgment of this body that the force shown to have been used was not unreasonable.

We consider the killing of the Negroes Johnson and Gordon justifiable homicide. The testimony of eyewitnesses, including Napoleon Stewart, admits of no other interpretation.

In the evidence before us, it affirmatively appears that during their confinement the prisoners were not subjected to brutality or denied the right to counsel. The testimony before us establishes that before they were questioned all prisoners were advised of their constitutional right not to incriminate themselves. In the light of all of the circumstances prevailing prisoners were allowed to make bond and were released from custody without unreasonable delay. The searches and the seizure of weapons in the homes adjacent to the "Mink Slide" area were made at the direction of the Governor of Tennessee, and were not, in our opinion, unreasonable.

During the late afternoon and evening of February 25, 1946, the Sheriff of Maury County and the Chief of Police at Columbia were confronted with a grave and menacing situation. They made every effort to disperse the crowds and to prevent any clashes between the races. In doing so, they acted impartially and with an evident desire to uphold the law and to prevent violence.

When the four policemen were shot, the sheriff immediately called on the Governor of the State for assistance, and the Governor's prompt action in getting the State Patrol and the State Guard to Columbia is to be commended, as is the action of the State forces in sealing off the "Mink Slide" area, and in preventing any clash between white and Negro citizens. The prompt arrival and deployment of State forces, in our opinion, prevented a bloody race war which threatened to arise out of the heat of excitement following the wounding of a number of officers of the law, who, it is evident, were acting solely in an effort to preserve the peace and to fulfill their sworn duties.

There have been lurid and inflammatory stories published and circulated to the effect that large numbers of people were killed during the racial disorder at Columbia. Two Negroes were killed at the jail, as heretofore set out, and we have found that they were the only Negroes who lost their lives. During the disturbance two Negroes were wounded, one seriously. Two white civilians were wounded, and seven white officers were wounded, one seriously. These are the actual figures concerning the number killed and wounded during the action following the initial trouble on February 25, 1946.

We have found during the course of our investigation that the events transpiring at Columbia have been the subject of Nation-wide misrepresentation. Falsehoods and half-truths have been widely publicized by letter and pamphlet under the sponsorship of various organizations. It has been charged that scores of Negroes were killed, that Negro women were raped, that armed mobs roamed the streets of Columbia seeking a victim and that police officers acted with indescribable brutality. Many of such accounts concerning these events are wholly lacking in factual foundation, and the conclusion is inescapable that they have been manufactured and circulated with the malicious intent and desire to incite racial discord and intolerance and to cause further racial strife.

We have explored the possibility of returning presentments against those sending such pamphlets through the mails, but to our regret, we are advised that the mailing of such pamphlets does not constitute a violation of any Federal statute.

In disseminating such propaganda the avowed Communist press of the country has been especially active, having carried a series of inflammatory articles on the racial disturbances at Columbia. This technique is characteristic and dangerous, and manifestly is designed to foster racial hatred and to array class against class.

In concluding our report we wish to sound a warning that the good citizens of both races be on their guard against insidious and false propaganda. In the opinion of this grand jury nothing is so likely to erode and ultimately destroy peaceful and friendly relations between the races as the dissemination of half-truths and falsehoods such as have been so freely circulated in relation to the events occurring at Columbia.

Mr. STEWART. Mr. President, I should like to refer now to several of the highlights of the report. I wish this report to be given as much publicity as possible, because of the fact, as I stated at the outset, that it shows that after many weeks of careful investigation by a constitutionally authorized body, a grand jury appointed by a court, it was found that no Federal rights were involved or violated in the unfortunate affair, which arose over a more or less trivial incident—a fight between a white boy and a colored boy.

As I have said, I wish as much publicity as possible to be given to the findings of the grand jury, and it is important to do this, in view of the fact that many irresponsible reports have been made concerning the trouble. Much loose talk was passed from mouth to mouth, and several different stories, utterly misrepresenting the situation there, were carried in various publications, both newspapers and magazines, throughout the country.

I repeat, Mr. President, the report of the grand jury comes as the result of a very painstaking, very careful, and apparently quite exhaustive investigation which was made with the help and the aid of agents of the Federal Bureau of Investigation, of the United States Government.

At this point, I should like to read a few excerpts from the report and the newspaper comment on it. I read first from the newspaper comment, as follows:

Reporting today on its investigation of the Columbia race disorders, the Federal grand jury declared it found no evidence of civil rights violations, and assailed "nation-wide misrepresentations" through the circulation of pamphlets dealing with the incident of last February.

The report declared these pamphlets constituted malicious intent to incite racial discord and intolerance.

The jurors said the Communist press had been especially active, having carried a series of inflammatory articles on the racial disturbances.

Federal Judge Elmer Davies ordered the investigation by the grand jury after it had been asked for by United States Attorney General Tom Clark.

In its findings the jury commended the quick action of Gov. Jim McCord, said the prompt arrival and deployment of State forces—the State Guard under Brig. Gen. J. M. Dickinson and the State highway patrol under Chief Lynn Bomar—"in our opinion prevented a bloody race war which threatened to arise out of the heat of excitement following the wounding of a number of officers of the law."

Mr. President, the grand jury report was commented upon by the Federal judge, Judge Davies, in these words:

It is apparent from this report that you have made a most exhaustive inquiry of this unfortunate incident. It is obvious that you have been very careful to ascertain the true facts of the matter and I am satisfied that the evidence upon which you have acted will fully sustain the correctness of your report.

Your official action should put an end to the irresponsible and scurrilous rumors that have been so freely circulated over the entire country, and should be a reassurance to those of both the white and the Negro races who sincerely desire to live in peace and harmony. Any person who hereafter persists in circulating false and malicious rumors will render a distinct disservice to both races, and in the opinion of this court cannot possibly have the best interests of this country at heart.

At the completion of its report, the grand jury states the following:

In concluding our report we wish to sound a warning that the good citizens of both races be on their guard against insidious and false propaganda. In the opinion of this grand jury nothing is so likely to erode and ultimately destroy peaceful and friendly relations between the races as the dissemination of half-truths and falsehoods such as have been so freely circulated in relation to the events occurring at Columbia.

Mr. President, the incident at Columbia involved a fight which occurred between a colored boy and a white boy. However, one thing brought on another; and, before long, various rumblings which were circulated about the town indicated that the trouble might spread and cause a race riot. The Governor of Tennessee, Governor Jim McCord, was notified by the sheriff of Maury County, and Governor McCord immediately sent State patrolmen to the scene. They held the situation well in hand, without any great difficulty, until a group of National Guardsmen came there to relieve them, having been summoned, likewise, by the Governor of the State, Governor McCord.

The grand jury report, as indicated by the portion which I read a moment ago, commends the Governor of Tennessee for his quick action in this matter.

Mr. President, race questions are sometimes very serious and extremely dangerous. The population of every State in the Union—not only of the Southern States, but of all the States—is composed of members of various races. It is the earnest desire of most well-thinking people to have the members of the various races continue to live in this country, and to continue on a peaceful basis. Indeed, it is the earnest desire of all the people of the United States that peace continue to reign, especially in the relationship between the white man and the black man.

Mr. President, for the past 25 years wonderful progress in the South has been made in bringing about better feelings between the white man and the black man. The progress which has been made in Tennessee and other Southern States is indeed remarkable. There are very few communities in Tennessee at least—and I believe the same is true of almost all other sections of the South—where great improvements have not been made within the past 25 years. The greatest improvements for colored people are perhaps with respect to the schools. Schools which have been established for the use of the colored students are as good as those which have been established for the use of white students. They are comfortable, sanitary, and colored teachers are paid on the same basis as are the teachers who serve in the white schools. Conditions have improved rapidly, too. Twenty-five years is a short span of time when compared with the number of years which our Government has existed.

Mr. President, when the incident to which I have referred occurred at Columbia, the press of the country, including certain types of magazines and newspapers, carried stories relating to the occurrence which were utterly untrue. Pictures and pamphlets were circulated throughout the country with the intention of inflaming the black man against the white man. Irresponsible newspaper reporters wrote articles which were not true, and some of them were published in important daily publications throughout the country. But I have not seen very much prominence given to the report of the grand jury which I have had inserted in the CONGRESSIONAL RECORD.

An article was carried in the Washington Post concerning the investigation

by Mrs. Meyer, who visited Columbia, she said, during the investigation. That report appeared in the May 20 issue of the Washington Post. The article was very critical of the people of the South. Her story dealt disparagingly with the poor whites, as she called them, as well as with other kinds of white persons whom we are supposed to have in Tennessee. I was told by the Governor of Tennessee, who responded so promptly to the call which was made at the time the riot began, that Mrs. Meyer called his office in Nashville and talked with him about the part he had played in calling out the troops in suppressing the insurrection. He asked Mrs. Meyer to remain in Tennessee as the guest of the State, and to go to some of the colored sections in Davidson County, or in any other part of the State which she might desire to visit, in an automobile which he would furnish her to be driven by a chauffeur which he would also furnish. He stated to her that he would be glad to accompany her on such an inspection trip. He wanted especially to have her see the fine colored schools. Mrs. Meyer was in a hurry, however, and did not make the investigation. She had an opportunity to view a picture which she should have looked at before undertaking blindly to criticise—however there are none so blind as those who will not see.

Mr. President, we are called upon to exercise tolerance. It should be exercised by everyone. But the application of the rule of tolerance should be as much to one side of the line as to the other.

Racial questions are always touchy and always will be. We in the South have worked to solve problems between races. But they will never be solved so long as there are persons who desire to prevent a solution, and who continue to stir up strife and discord, and to publish untrue articles about things which have not occurred.

Mr. President, I hope that the report of the grand jury which investigated the unfortunate incident at Columbia, Tenn., will be read by every Member of the Senate. I hope also that many other persons will read it, and that it will be pointed to and consulted as being a report which was made as a result of an honest effort on the part of honest people who do not want race prejudice to occur and who want both black and white people treated equally and fairly before the law. Mr. President, I do not condone what occurred in Georgia the other day, and neither does any other Senator. It was most unfortunate and the guilty should be punished. The people of the South desire to see that peace is maintained between the white man and the black man, and if left alone and not disturbed by agitators and others who have no honest desire for peace in their hearts, such as those of the communistic type referred to in the report, we will all get along.

Incidentally, Columbia, Tenn., is in the heart of one of the finest sections of my State. It is the home of a former President of the United States, James K. Polk. His home stands there today as a shrine, and it is visited daily by people from all sections of the country.

Mr. President, I am sorry that this subject has been heretofore reported on so unfairly by persons who have not seemed to want to make an investigation to the end that the truth might be learned before undertaking to report upon it.

It is the outside agitator, the Communist, that we have most to fear.

ACCEPTANCE OF COMPULSORY JURISDICTION OF INTERNATIONAL COURT OF JUSTICE

Mr. MORSE. Mr. President, I move that the Senate proceed to the consideration of Senate Resolution 196, and, as a parliamentary inquiry, I should like to know, first, whether my motion is in order; second, if it is in order, whether the effect of the adoption of the motion would be to displace the anti-poll-tax bill; and, third, whether or not the motion is debatable, so as to permit me to make an explanation as to why I make the motion at this time.

Mr. STEWART. Mr. President, I did not understand the statement of the Senator.

The PRESIDING OFFICER. The motion is debatable. If the motion is agreed to, it will displace the pending business.

Mr. MORSE. I wish to make a very brief statement in explanation of why I think it of vital importance——

Mr. CONNALLY. Is the Senator now making the motion, or not?

Mr. MORSE. I have made the motion.

Mr. CONNALLY. If the motion is carried, it will displace the poll-tax bill.

The PRESIDING OFFICER. The Senator's statement is correct.

Mr. BARKLEY. I was hoping the Senator from Oregon would wait until the senior Senator from Utah [Mr. THOMAS] arrived in the Chamber. The Senator from Utah was chairman of the subcommittee of the Committee on Foreign Relations which handled this matter. The whole committee is supporting the Senator from Utah, and we expected that he would be the one to call it up before the Senate.

Mr. MILLIKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLIKIN. What is before the Senate?

The PRESIDING OFFICER. The clerk will state the resolution.

The CHIEF CLERK. A resolution (S. Res. 196) proposing acceptance of compulsory jurisdiction of International Court of Justice, by United States Government.

The PRESIDING OFFICER. A motion to consider the resolution is pending.

Mr. MILLIKIN. Does it take unanimous consent to consider the resolution?

The PRESIDING OFFICER. The Senator from Oregon made a motion to consider it.

Mr. MORSE. Mr. President, by way of explanation——

Mr. BARKLEY. May I ask the Senator from Oregon if he wants to proceed with the motion at this time?

Mr. MORSE. I wonder if the majority leader would listen to my speech, because in the course of the explanation, I want to suggest, if it can be worked out, that we have an understanding to proceed with the resolution tomorrow, at least making it unnecessary for me to suggest the absence of a quorum tonight.

Mr. BARKLEY. I may have misunderstood the Senator when he came to me privately about this matter. I got the impression that he intended to make the motion tomorrow. I may have misunderstood him.

Mr. MORSE. I assure the Senator from Kentucky that he completely misunderstood me, that there was not anything I said that would be subject to such an interpretation, so far as my intent was concerned.

Mr. BARKLEY. I am supporting the resolution for the world court, voted for it in the committee, and it does not matter to me whether it is voted on this afternoon or tomorrow; but I did get the other impression.

Mr. MORSE. The impression I got from the majority leader was that not only was there a great possibility but that in all probability such a motion would not be made unless the Senator from Oregon made it.

Mr. BARKLEY. I did not get such an impression as that, because when the Senate first met today the Senator from Utah was here and ready to make the motion, and wanted to make the motion, but on account of the parliamentary situation at that time, he did not do so.

Mr. MORSE. I am sorry the Senator from Utah is not present, but he can read this statement in the RECORD tomorrow morning, and I am sure he will verify the facts stated, because the junior Senator from Oregon has talked to the Senator from Utah, and the Senator from Utah has no objection to the Senator from Oregon making this motion, but the Senator from Utah did not suggest that the Senator from Oregon make it.

Mr. BARKLEY. I am not suggesting that the Senator from Utah did; but the Senator from Utah was here and wanted to make the motion, and it was not possible, under the conditions at the time he was interested in making it, for it to be considered. It is immaterial to me who makes the motion. I am for the motion, no matter who makes it.

Mr. MORSE. I have no intention of calling for a vote on the motion in the absence of the Senator from Utah, but I am going to make my motion, and I should like to make an explanation as to why I think it important that the motion be made.

Mr. CONNALLY. Mr. President, I make the point of order that this resolution should properly go to the Executive Calendar instead of the Legislative Calendar, because it expresses the concurrence and advice of the Senate to the President; so it has no place on the Legislative Calendar.

The PRESIDING OFFICER. The resolution was reported as a legislative proposition. The Chair is of the opinion it is in order.

Mr. CONNALLY. If the Chair will read the resolution, he will find it is not joined in by the House of Representatives at all. It calls for action only by the Senate.

Mr. BARKLEY. The Senator from Texas suggested the same thing to me,

and it occurred to me at first that it should be on the Executive Calendar, but on second thought it is not a treaty, to be put on the Executive Calendar in the same sense an ordinary treaty would be, to be considered in executive session. Therefore I must take the position that being a resolution of approval, an endorsement, a committal, and not being a treaty between this country and some other country, probably it is properly on the Legislative Calendar.

The PRESIDING OFFICER. The majority leader sustains the Chair.

Mr. MURDOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. MORSE. For what purpose?

Mr. MURDOCK. Has the Chair ruled on the point of order made by the Senator from Texas?

The PRESIDING OFFICER. The Chair has ruled on the point of order.

Mr. MURDOCK. I should like to make the observation that if this involves legislation, and is a legislative matter, it is beyond the comprehension of the Senator from Utah how the Senate can possibly take exclusive action without referring it to the House of Representatives and then to the President. Certainly the Constitution provides that any legislative matter, any resolution or any bill proposing legislation, must, if passed by the Senate, be sent to the House, and the House must concur in it and send it to the President of the United States.

Notwithstanding the ruling of the Chair, and with all due respect to the present occupant of the chair, it seems to me that to hold that this is a legislative matter, and still hold that it does not need to go to the House, is certainly contrary to the Constitution of the United States, whether or not it conforms to the rules of the Senate.

Mr. BARKLEY. Mr. President, this resolution is based upon the agreement of the United States heretofore entered into when it became a member of the United Nations. It is a part of the United Nations set-up. The resolution itself starts by saying "That the Senate," and in the United Nations Charter, as I recall, provision is made that this International Court shall be approved by the Senate of the United States, not by the Congress.

Mr. AUSTIN. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. AUSTIN. I dislike very much to have the Senate proceed on the theory that it is a provision in the treaty, for it is not. The statute of the Court is made an integral part of the treaty, and the statute of the Court, provides that any member may signify, by a declaration, its recognition of the ipso facto jurisdiction of the Court. Therefore the only question that arises is, How does a state signify its adherence to that provision? The matter came up in the subcommittee of the Senate Committee on Foreign Relations, and was very thoroughly studied. We had before us, representing the American Bar Association and representing the State Department, lawyers who would be especially qualified to speak on this subject. It was their opinion that there were two methods by which the Government of the United States could make its declaration. One was by a bill, to be passed by both Houses, but the other seemed preferable, and it was the method of getting the advice and consent of the Senate, as in the case of adherence to a treaty. That requires a two-thirds vote of the Senate.

Mr. BARKLEY. That is true.

Mr. AUSTIN. That is the way the resolution adopted at the San Francisco Conference is set up. But the statute of the Court does not say that the Senate may make the declaration. It does not undertake to decide that question. Each country must for itself decide the question.

Mr. BARKLEY. Under its own constitutional processes.

Mr. AUSTIN Yes.

Mr. BARKLEY. That does not controvert the statement that the Court of International Justice is a part of the set-up of the United Nations.

Mr. AUSTIN. That is correct.

Mr. BARKLEY. It comes about by virtue of it; and that the statute which has been adopted for the Court is a part of the general program under the United Nations. I think I am correct about that.

Mr. AUSTIN. That is correct, it is an integral part.

Mr. BARKLEY. An integral part. So that the Committee on Foreign Relations, having a choice as between a resolution, to be adopted by two-thirds of the Senate, and a joint resolution or bill, to be passed on by both Houses by a majority, either one of which courses could have been pursued, has decided that the resolution formula is the course we should pursue, and in this case a two-thirds vote will be required, instead of a majority.

Mr. CONNALLY. Mr. President, will the Senator yield to me?

Mr. MORSE. I yield.

Mr. CONNALLY. Section 2 of article 36 of the Charter of the United Nations reads as follows:

> The states parties to the present statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

And then it gives a category of causes that it may act upon.

Mr. President, the Charter says "the states party to the present statute." I confess that my own predilection is that this is a matter that can very properly be acted upon by both the Senate and the House since the article contains the word "states." Certainly the states can give consent, through their constitutional processes, by enactment of a statute saying that they give consent.

The House of Representatives has pending before it a resolution contemplating action by both bodies. But, as suggested by the Senator from Vermonth [Mr. AUSTIN] the Senate committee, after considering the matter quite thoroughly, came to the conclusion that it could be done properly by either method just as efficaciously, the one giving the consent of the Senate in the form of advice and consent to the President, and that the President should then file notice with the United Nations Organization that the United States adheres to the compulsory jurisdiction clause.

Mr. AUSTIN. Mr. President, will the Senator from Oregon yield for one more matter?

Mr. MORSE. Yes.

Mr. AUSTIN. I should like to read into the RECORD at this point from the report of the committee on page 10:

> Inasmuch as the declaration would involve important new obligations for the United States, the committee was of the opinion that it should be approved by the treaty process, with two-thirds of the Senators present concurring. The force and effect of the declaration is that of a treaty, binding the United States with respect to those states which have or which may in the future deposit similar declarations. Moreover, under our constitutional system the peaceful settlement of disputes through arbitration or judicial settlement has always been considered a proper subject for the use of the treaty procedure. While the declaration can hardly be considered a treaty in the strict sense of that term, the nature of the obligations assumed by the contracting parties are such that no action less solemn or less formal than that required for treaties should be contemplated.

Mr. MORSE. Mr. President, I shall not repeat the remarks I made earlier this afternoon. I only wish to say that every intuitive cell in my body convinces me that it is of the utmost importance that the Senate of the United States vote upon this resolution before it adjourns. As I indicated earlier this afternoon, I know of no responsibility more grave resting upon our shoulders than to demonstrate by action to the peoples of the world that we believe that international disputes within the boundaries of international law, and in accordance with the terms of this resolution, should be settled by way of the World Court. I do not see how we can possibly go home with the world upset and torn as it is without adopting this resolution. I have talked about it to a great many Members of this body. I am absolutely convinced that if it can be brought to a vote there is no question that the resolution will be adopted. Support for this resolution throughout the United States is so overwhelming, so well founded in fact and logic, that I know the Members of this body are not going to escape the inevitable conclusion that they must reach—namely, that there is no valid reason for not adopting the resolution at this time.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. MILLIKIN. We cannot reach that conclusion, I will suggest to the Senator from Oregon, until we have full debate of the subject. I do not know of anything more important we can do, but I think we may be a little profligate in rushing this through in the closing hours of the session.

Mr. MORSE. I am certainly not in favor of rushing it through. I am in favor, if it takes longer than the junior Senator from Oregon now thinks it may take, to stay here and take the time

necessary, because I believe it is clearly our responsibility to adopt this resolution.

Mr. MILLIKIN. Mr. President, will the Senator again yield?

Mr. MORSE. I yield.

Mr. MILLIKIN. Considering its importance, if it be considered that as a matter of national exigency we should adopt the resolution, then I, too, would be willing to stay. I certainly would not be willing that the resolution be rushed through the Senate in the closing hours of this session without the fullest debate.

Mr. MORSE. I want the fullest debate.

Mr. MILLIKIN. Because I cannot think of anything more important from an international standpoint. Personally, I should like to see something brought before the Senate that would enable me to vote for adherence, but I want to know what I am voting for.

Mr. MORSE. I want the Senator from Colorado to know what he is voting for before he votes. That is why I want the fullest debate. When the Senator talks about the international importance of the resolution, I say, yes, it is of great international importance, it is of tremendous world importance, and I think that now that we have practically reached the end of our calendar we ought to take the time necessary to give full and fair consideration to this resolution and proceed to adopt it.

Mr. GEORGE rose.

Mr. MORSE. I should like to finish my explanatory statement before I yield further, Mr. President.

Mr. GEORGE. I simply wish to make an inquiry. Do I correctly understand that the Senator is now making a motion to take up the resolution for consideration?

Mr. MORSE. I have made the motion. I am now debating the motion.

Mr. GEORGE. Does the Senator wish to press for a vote on that motion this afternoon?

Mr. MORSE. That is what I want to discuss in the course of my explanation.

Mr. President, I now make the motion because of the great importance, in my judgment, of the resolution for the establishment of international justice through law. I make it also, Mr. President—and I do not want to embarrass the Senator from Vermont—I make it also out of the greatest of respect for a great record of public service which one of the great statesmen of this body has made with respect to international law. I refer to the great and distinguished Senator from Vermont [Mr. AUSTIN], who is about to leave this body in order to assume great responsibility as the representative of this Nation on the Security Council. I certainly think that it would be a fitting tribute to pay to that distinguished American citizen whose public service in my judgment—and I speak out of the depths of my heart, and the CONGRESSIONAL RECORD supports my statement—demonstrates that he is undoubtedly as able in the field of international law as any international lawyer ever produced by the United States. Through the years he has given unstinted devotion to the ideal of establishing an international order in which and through which and by which the nations of the world will settle their differences by rules of reason and by judicial processes, and thereby destroy the cause of war. What more fitting tribute could this body pay to the Senator from Vermont, than, as we send him forth to greater tasks, to demonstrate that we are back of him and intend to give him all the support we can as he pleads, as I know he will plead, in the councils of the world for the peaceful settlement of disputes by way of the World Court?

Mr. President, I have made the motion for the reason, among others, that I think the great Secretary of State, as he sits in Paris ought to be able to give a clear demonstration to the representatives of other nations participating in that peace conference that the United States of America means to keep faith with the San Francisco Charter and live up to the resolution which was adopted at the plenary session to the effect that as soon as possible the signatories to the treaty would file their declaration, accepting the compulsory jurisdiction of the World Court. I shall continue to await throughout this debate to hear any sound reason why now should not be the time for the filing of the declaration by the United States. What better evidence of support to the concept of international justice through law could we give to the nations sitting in Paris at the peace conference than the adoption of this resolution? It is the epitome, it seems to me, Mr. President, of our intent and our purpose so far as living up to the objectives of the San Francisco Charter are concerned.

Mr. President, I am well aware that my motion will displace H. R. 7. I am perfectly willing to assume the responsibility of displacing H. R. 7, because I think it has been demonstrated as clearly as it can ever be demonstrated that H. R. 7 has no chance whatsoever of passing at this session of Congress. Heretofore I have set forth my reasons for believing that it has no chance, because of the parliamentary situation in which we find ourselves. Therefore I offer no apology for making a motion which would displace House bill 7, particularly in view of the fact that my motion seeks to secure the passage through the Senate of the United States of a resolution which would give to the peoples of the world assurance that our country stands ready and wiling now to settle its disputes within the terms of the resolution through the medium of a world court.

Mr. President, I have made the motion with great hesitation. In private conversations with other Members of this body I have tried to determine whether there would be opportunity for the consideration of the resolution through a motion made by some other Member of the Senate. I have reached the conclusion that if this motion is to be made and if the resolution is to be considered at this session of Congress, it is necessary for the junior Senator from Oregon to make the motion.

I have given a great deal of time and attention to the problems involved in the resolution. I have worked with the leaders of the American Bar Association. I have worked with the outstanding international lawyers of this country. I have had conferences with representatives of the State Department. I have satisfied myself, from his own public statements, that the President of the United States is for the principle of the resolution, and I am satisfied that the Secretary of State is for the principle of the resolution. I have satisfied myself that those in the best position to know consider the resolution sound from the standpoint of international law. It should be adopted by the Senate of the United States before it adjourns. Hence I make the motion. If possible I should like to have an understanding that my motion to take up the resolution will not be voted upon tonight, thus making it unnecessary for me to suggest the absence of a quorum. If I may have the understanding that upon the convening of the Senate tomorrow my motion to proceed to the consideration of Senate Resolution 196 will be the first order of business, that arrangement will be perfectly satisfactory to me. If I cannot have such an understanding I must suggest the absence of a quorum, because I do not wish to have my motion considered with only a portion of the Members of the Senate present. The resolution is too important to the future peace of the world for us to vote on the motion at this late hour tonight without a quorum.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon [Mr. MORSE] to proceed to the consideration of Senate Resolution 196.

Mr. GEORGE. Mr. President, if the motion is to be pressed tonight I must suggest the absence of a quorum. I do not believe that the motion ought to be pressed tonight. I am perfectly willing to have the motion remain pending and be the unfinished business when the Senate convenes tomorrow.

Mr. MORSE. I make that unanimous consent request.

Mr. BARKLEY. Mr. President, it is not necessary to make a unanimous consent request. If we do not pass on the motion tonight it will be the pending question when we convene tomorrow following a recess.

Mr. MURDOCK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MURDOCK. If the unanimous-consent request is agreed to, is it too late to appeal from the ruling of the Chair on the question whether Senate Resolution 196 is a legislative matter or an executive matter? I cannot forget the fact that we are operating in the Senate under the Constitution of the United States; and I cannot for the life of me understand how the Senate can act on what is so obviously an executive matter without going into executive session. If any Member of the Senate can point out to me how the Senate can act on legislative matters without such matters being referred to the House of Representatives, and why such matters require a two-thirds majority, I should like to have it pointed out. If there is any

provision of the Constitution which provides for legislative matters being considered by the Senate exclusively, and determined by a two-thirds vote, I should like to have any lawyer in the Senate point it out to me. I may be mistaken. There may be such a provision in the Constitution, but up to this time I have found none. I am not aware of such a provision.

The PRESIDING OFFICER. The Chair is of the opinion that the two-thirds vote required does not make necessary the consideration of the resolution in executive session.

Mr. MURDOCK. The resolution itself provides—

> Two-thirds of the Senators present concurring therein—

Whether it was so intended or not, the resolution itself makes the subject one to be considered as a treaty. It provides for the procedure prescribed by the Constitution for considering a treaty.

Under the Constitution all legislative powers are vested in the Congress, consisting of a Senate and a House of Representatives. I am as anxious as is the Senator from Oregon to proceed to the consideration of the resolution, but I must insist, if we take it up, that we take it up under the Constitution. The resolution itself makes it an executive matter. It gives it the dignity of a treaty. So if the resolution so provides, then certainly the Senate should go into executive session for its consideration, and proceed with it as a treaty. In my opinion that is exactly what it is.

So far as the unanimous consent request is concerned, I reserve the right to appeal from the decision of the Chair on the question whether the Senate must resolve itself into executive session to consider this subject.

Mr. BARKLEY. Mr. President, I wish merely to observe that there is nothing in the Constitution with reference to the legislative calendar or the executive calendar. For the convenience of the Senate, in making up the calendars executive business is placed on the executive calendar. Formerly an executive session was a closed session for the consideration of executive business. That is how it got its name. Treaties and nominations were formerly considered in closed sessions. The Senate later amended its rules. It pursued the custom of requiring an executive session for the consideration of executive business, but executive business is now considered in open executive session.

There is nothing in the Constitution which says anything about whether we should have one calendar or two calendars. We could place all the business on the same calendar. We could go into executive session to consider nominations and treaties, as we do. I do not think there is anything unconstitutional about the procedure in connection with a subject requiring a two-thirds vote. It does not make any difference whether it is considered in legislative session or executive session. Under the Constitution we are not required to go into executive session in order to pass upon a question which requires a two-thirds majority.

Mr. MURDOCK. Mr. President, if the Senator wishes to take the position that at this late date, the Senate having for many years acted on treaties in executive session and on legislative matters in legislative session, the Senate may now with propriety absolutely disregard its customs and rules and may now handle executive business in legislative session, then, of course, I agree with him that so far as the Constitution is concerned that is probably in order. But it seems to me that it would be very irregular for the Senate to take the position that we can handle executive business such as this, a subject having the dignity of a treaty, without following the rules of the Senate and going into executive session.

Mr. BARKLEY. The question of having an executive session does not depend upon whether the proposal requires a two-thirds majority. We confirm nominations by a bare majority, in executive session. We ratify treaties by a two-thirds majority in executive session. The Senate might have started from the beginning without having what we call executive sessions, but that would not modify the constitutional provision that a treaty must be ratified by a two-thirds vote.

It is immaterial to me whether we do this in executive session or legislative session. In my judgment it would not disrupt the rules to consider the resolution in legislative session.

The PRESIDING OFFICER. It is immaterial to the Chair; but the Senator from Kentucky has stated the situation as the Chair understands it.

Mr. MURDOCK. Mr. President, does the Senator from Kentucky take the position that this is a legislative matter?

Mr. BARKLEY. To be perfectly frank, it partakes of the nature of both executive and legislative. Under the statute which has been referred to by the Senator from Vermont [Mr. AUSTIN], which is a part of the United Nations program, it is provided that the statute may be adhered to under the constitutional processes of the various States which deal with it. In a sense it is legislative. In a sense it may be executive. It makes no difference whether we regard it as an executive or legislative matter. The resolution itself requires a two-thirds majority. If the Senate is to act upon it as if it were a treaty—not because it is a treaty, but as if it were a treaty—the two-thirds rule would apply, whether it were considered in executive session or in legislative session.

Mr. MURDOCK. If the majority leader wishes to take the position that the rules of the Senate with regard to executive business, as distinguished from legislative business, are so inconsequential that we should not observe them and that we can handle an executive matter in legislative session without paying any attention to the Senate rules, while I hesitate to do so, I disagree with him.

Mr. BARKLEY. I do not take that position.

Mr. MURDOCK. It seems to me that the Senator does.

Mr. BARKLEY. In a sense, this is a mixture. It is not exactly a treaty between this country and another country with regard to a particular subject. It is a question of adhering to an organization which has been established under a statute of the United Nations. As the Senator from Vermont has pointed out, adherence to the statute could be accomplished by an act of both Houses, which would be signed by the President; or it could be accomplished by Senate ratification, as if it were a treaty, which would require a two-thirds vote. The committee decided to pursue that course.

Mr. MURDOCK. I have noticed a tendency in the Senate, especially in the past several years, to treat lightly our treaty-making powers. We have been willing to forget all about what the Constitution says with regard to treaties.

And now it seems, on the ground of convenience and expediency, we are willing to consider as legislation matters which, in my opinion, should never be treated as anything but treaties, and to adopt a procedure whereby an executive agreement may be ratified by means of a simple Senate resolution.

Mr. President, it seems to me that what we now have before us certainly has the dignity of a treaty. It has the effect and the result of a treaty. I am unwilling to throw the rules of the Senate to the winds and to consider the matter as a mixture of executive and legislative business.

In my judgment we should draw the line between what is executive business and what is legislative business; and when we have an executive matter, we should follow the rules of the Senate relative to executive procedure.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. I wish to make two points in connection with my statement of the parliamentary inquiry. In the first place, I understand that the Chair has ruled that my motion is in order. In the second place, I understand that the majority leader has stated that my motion will be in order at the beginning of the session tomorrow, if we take a recess tonight and if it remains, at the time of the taking of the recess, the pending business; and that, therefore, unanimous consent will not be required in order to make it the pending business at the beginning of the session tomorrow. Is that correct?

The PRESIDING OFFICER. The statement of the Senator from Oregon is correct.

Mr. MORSE. If that be so, then I say to my good friend, the Senator from Utah [Mr. MURDOCK], that the discussion in which he is participating now is a discussion of the merits of my motion, and I respectfully suggest we should proceed with it tomorrow afternoon when we can have a full attendance of the Members of the Senate rather than take it up at this time.

The PRESIDING OFFICER. The Chair will state to the Senator from Utah that, no business having been transacted, an appeal from the ruling of the Chair will still be in order.

Mr. MURDOCK. Mr. President, did I correctly understand the Chair to state that an appeal from the ruling of the Chair will be in order?

The PRESIDING OFFICER. That is correct.

Mr. GEORGE. Mr. President, will the Senator yield to me?

Mr. MURDOCK. I yield.

Mr. GEORGE. I wish to say that unless this resolution is advice and consent of the Senate for the President to take a highly important act, it is nothing. It can be only that. I do not think it material whether the resolution appears on the Executive Calendar, although that has been our custom, or whether it appears on the Legislative Calendar. But what it is—and it is that or nothing—is the advice and consent of the Senate of the United States for the President of the United States to consent to the compulsory jurisdiction of the International Court. I take issue flatly and squarely with the distinguished Senator from Texas [Mr. CONNALLY] when he says that this matter might be handled by a simple concurrent resolution to be adopted by the two Houses. I do not think so. Not only is it a treaty, but it is a treaty of the highest importance. This resolution raises definitely and distinctly the question which the Senate should consider, and which I shall insist that it consider; namely, whether this International Court, itself, by the acceptance of compulsory jurisdiction upon our part, acquires the function of determining whether a question is essentially a domestic question or whether the Court itself has the final right to say whether any juridical matter submitted to it involves a domestic question. Let me say that if I can define what is going on in this country and what has been going on, it is that a large number of Americans think that by adopting resolutions and hastily entering into international agreements, we can make certain and steadfast the peace of the earth. I am as strongly in favor of any step which looks to the peace as any man who has ever occupied a seat in this body has been or can be; but we are not going to obtain peace by the mere passage of laws. We are not going to put an end to war by the mere passage of laws or the adoption of resolutions, or by adhering to every type and kind of international agreement which anyone in the State Department or elsewhere can think of. It is high time that the American people know what they are agreeing to and what they are committing themselves to, and that they have a firm conviction about it, because only in the firm conviction and in the high resolve to carry through from day to day and from year to year is there any possible hope for peace, through anything that we have done thus far or through anything that is now being proposed.

I have no moral doubt that this resolution is but one thing, namely, the advance advice and consent of the Senate for the President to perform an act which will for a stipulated period commit us to an international agreement which is of the utmost importance to the American people.

Therefore, I am glad that the Senator is not going to press for a vote on his motion that the Senate consider the resolution, and that he will not endeavor to have the Senate take it up until tomorrow. I shall have no objection to having the Senate consider it, let me say.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. MORSE. I simply wish to say to the distinguished Senator from Georgia that I am in complete concurrence with his remarks. I feel as he does.

Mr. GEORGE. Mr. President, as I have said, I shall have no objection to having the Senate take up the resolution, but I do not think we should stumble blindly into such a situation that a mere majority vote of the Senate can commit us to the compulsory jurisdiction of a court on which we probably shall have a representative, but on which we need not actually have anything like an influential voice.

Mr. CONNALLY. Mr. President, I wish to respond to one thing the Senator from Oregon has said. The Senator from Oregon said that he became convinced that this motion never would be offered in the Senate unless he offered it. Let me say that the Senator from Utah [Mr. THOMAS], the chairman of the subcommittee of the Committee on Foreign Relations, held hearings and gave this matter very careful and serious attention. He happens to be temporarily absent, at the moment, but during the day he conferred with me several times. He is anxious to have the resolution taken up and considered by the Senate. He had every intention of trying to bring it up either this afternoon or tomorrow.

Mr. MURDOCK. Mr. President, will the Senator yield to me?

Mr. CONNALLY. I yield.

Mr. MURDOCK. I have talked to my colleague today about the matter, and he deplored the fact that the resolution was not before the Senate. I am sure there is no Senator who is more anxious than he to have it considered, and I am sure it was his intention to endeavor to bring it up.

Mr. CONNALLY. Mr. President, let me say that, as chairman of the Foreign Relations Committee, I deferred to the Senator from Utah. I could have presented the matter to the Senate; but the Senator from Utah had done so much work on it, that I deferred to him, and I recommended that he handle it. He has conferred with me a number of times, not later than this morning; and he was very anxious and indeed insistent that he be given an opportunity to call up the resolution.

I say that, in response to the suggestion made by the Senator from Oregon that he, the Senator from Oregon, was the only person who was qualified to bring up the resolution.

Mr. MILLIKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLIKIN. Is this matter before the Senate as a legislative matter or as a treaty?

The PRESIDING OFFICER. That question probably will be determined tomorrow morning.

Mr. MILLIKIN. It has not as yet been determined. Is that correct?

The PRESIDING OFFICER. It has not as yet been determined.

Mr. MILLIKIN. Do I correctly understand that that is not implicit in the ruling which the Chair has already made?

The PRESIDING OFFICER. The Chair has ruled that there is still the right of appeal from the ruling of the Chair.

Mr. MILLIKIN. May I ask the Chair to be kind enough to state what is the ruling which bears on the question whether this matter is a treaty or is a legislative matter?

The PRESIDING OFFICER. The ruling was that the matter is legislative, and does not require consideration in executive session.

Mr. MILLIKIN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLIKIN. Has an appeal been taken from the ruling of the Chair?

The PRESIDING OFFICER. The Chair understands that the Senator from Utah [Mr. MURDOCK] took an appeal from the ruling of the Chair.

Mr. MURDOCK. Mr. President, let me say that I reserved the right to appeal tomorrow from the decision of the Chair, when the matter comes before the Senate.

Mr. MORSE. Mr. President, I wish the record to be perfectly clear in regard to the position taken by the senior Senator from Utah. Of course, he can speak for himself, tomorrow, when he is on the floor. Let me say now that just before the senior Senator from Utah left the floor this afternoon, I had a conference with him. I talked to him about the possibility of having the resolution presented. He indicated very clearly to me, as I think he himself will testify tomorrow, that it was not his expectation to bring up the resolution. I said to him, "Under those circumstances, then, do you have any objection if I make the motion?" He said, "None whatsoever." Furthermore, he said to me that if I did make the motion, he would support it.

That is the substance of a conversation which I had with the senior Senator from Utah within 5 minutes of the time when he left the floor this afternoon.

Mr. President, insofar as I am concerned, I have no pride of authorship in this matter. I am not interested in who gets credit for any parliamentary move which is made on the floor of the Senate in connection with the resolution; but I am devoted to the great principles which it involves. I am perfectly willing to yield to any other Senator who may desire to make the motion. I only say, Mr. President, let us go ahead tomorrow and debate this resolution on its merits, and proceed to give the American people a decision as to the position of the Senate of the United States in regard to the question whether the United States should accept the compulsory jurisdiction of the world court.

TRANSACTION OF EXECUTIVE BUSINESS

Mr. BARKLEY. Mr. President, I am compelled to leave the Chamber. I wish to have the nominations on the Executive Calendar confirmed. They will take but only a moment of the Senate's time.

I ask unanimous consent, as in executive session, that the Senate consider the nominations on the Executive Calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The Presiding Officer (Mr. HUFFMAN in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations and a treaty were submitted:

By Mr. OVERTON, from the Committee on Commerce:

Commodore Ellis Reed-Hill, United States Coast Guard, to be a rear admiral for temporary service to rank as such from the 1st day of August 1946; and

The following two Coast Guard officers to be professors in the United States Coast Guard:

Commander Henry S. Sharp, United States Coast Guard with rank of lieutenant, with date of rank as lieutenant from May 15, 1935; and

Lt. Robert E. Reed-Hill, United States Coast Guard, with the rank of lieutenant (junior grade).

By Mr. WALSH, from the Committee on Naval Affairs:

Admiral Jonas H. Ingram, United States Navy, to be an admiral in the Navy, for temporary service, to rank from the 15th day of November 1944;

Rear Adm. Herbert G. Hopwood, United States Navy, to be Director of Budget and Reports in the Department of the Navy, with the rank of rear admiral, for a term of 3 years; and

Pay Director Walter A. Buck to be Paymaster General and Chief of the Bureau of Supplies and Accounts in the Department of the Navy, with the rank of rear admiral, for a term of 4 years.

By Mr. WAGNER, from the Committee on Banking and Currency:

Dillon S. Myer, of Ohio, to be Administrator of the United States Housing Authority in the National Housing Agency.

By Mr. GEORGE, from the Committee on Finance:

Sundry candidates for promotions in the Regular Corps of the United States Public Health Service.

By Mr. CONNALLY, from the Committee on Foreign Relations:

Louis G. Dreyfus, Jr., of California, now Envoy Extraordinary and Minister Plenipotentiary to Iceland, to be Envoy Extraordinary and Minister Plenipotentiary to Sweden; and

The following-named persons to be Foreign Service officers, unclassified, vice consuls of career, and secretaries in the diplomatic service:

John M. Kavanaugh, of Louisiana;
Stephen A. Koczak, of New Jersey;
David J. S. Manbey, of California; and
David E. Mark, of New York.

Executive J, Seventy-ninth Congress, second session, a treaty of general relations and protocol between the United States of America and the Republic of the Philippines, signed at Manila on July 4, 1946; without amendment (Ex. Rept. No. 10).

The PRESIDING OFFICER. If there be no further reports of committees, as in executive session, the clerk will state the nominations on the calendar.

FOREIGN SERVICE

The legislative clerk read the nomination of Louis G. Dreyfus, Jr., of California, to be envoy extraordinary and minister plenipotentiary of the United States of America to Sweden.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John M. Kavanaugh, of Louisiana, to be Foreign Service officer, unclassified, vice consul of career, and secretary in the Diplomatic Service of the United States of America.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Stephen A. Koczak, of New Jersey, to be Foreign Service officer, unclassified, vice consul of career, and secretary in the Diplomatic Service of the United States of America.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of David J. S. Manbey, of California, be Foreign Service officer, unclassified, vice consul of career, and secretary in the diplomatic service of the United States.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of David E. Mark, of New York, to be Foreign Service officer, unclassified, vice consul of career, and secretary in the diplomatic service of the United States of America.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

GOVERNOR OF PUERTO RICO

The legislative clerk read the nomination of JESÚS T. PIÑERO, of Puerto Rico, to be Governor of Puerto Rico.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the nominations of postmaster be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Navy be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Navy are confirmed en bloc.

Mr. BARKLEY. I ask unanimous consent that the President be notified of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

That concludes the calendar.

ORDER OF RECESS

Mr. BARKLEY. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in recess until 11 o'clock tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREATY OF GENERAL RELATIONS AND PROTOCOL WITH THE PHILIPPINE REPUBLIC

Mr. CONNALLY. Mr. President, as in executive session I ask unanimous consent for the present consideration of Executive J (79th Cong., 2d sess.) being a treaty of general relations and protocol with the Republic of the Philippines.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the treaty and protocol, Executive J (79th Cong., 2d sess.), a treaty of general relations and protocol with the Republic of the Philippines, signed at Manila on July 4, 1946, which was read the second time, as follows:

TREATY OF GENERAL RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES

The United States of America and the Republic of the Philippines being animated by the desire to cement the relations of close and long friendship existing between the two countries, and to provide for the recognition of the independence of the Republic of the Philippines as of July 4, 1946 and the relinquishment of American sovereignty over the Philippine Islands, have agreed upon the following articles:

ARTICLE I

The United States of America agrees to withdraw and surrender, and does hereby withdraw and surrender, all right of possession, supervision, jurisdiction, control or sovereignty existing and exercised by the United States of America in and over the territory and the people of the Philippine Islands, except the use of such bases, necessary appurtenances to such bases, and the rights incident thereto, as the United States of America, by agreement with the Republic of the Philippines, may deem necessary to retain for the mutual protection of the United States of America and of the Republic of the Philippines. The United States of America further agrees to recognize, and does hereby recognize, the independence of the Republic of the Philippines as a separate self-governing nation and to acknowledge, and does hereby acknowledge, the authority and control over the same of the Government instituted by the people thereof, under the Constitution of the Republic of the Philippines.

ARTICLE II

The diplomatic representatives of each country shall enjoy in the territories of the other the privileges and immunities derived from generally recognized international law and usage. The consular representatives of each country, duly provided with exequatur, will be permitted to reside in the territories of the other in the places wherein consular representatives are by local laws permitted to reside; they shall enjoy the honorary privileges and the immunities accorded to such officers by general international usage; and they shall not be treated in a manner less favorable than similar officers of any other foreign country.

ARTICLE III

Pending the final establishment of the requisite Philippine Foreign Service establishments abroad, the United States of America and the Republic of the Philippines agree that at the request of the Republic of the Philippines the United States of America will endeavor, in so far as it may be practicable, to represent through its Foreign Service

the interests of the Republic of the Philippines in countries where there is no Philippine representation. The two countries further agree that any such arrangements are to be subject to termination when in the judgment of either country such arrangements are no longer necessary.

ARTICLE IV

The Republic of the Philippines agrees to assume, and does hereby assume, all the debts and liabilities of the Philippine Islands, its provinces, cities, municipalities and instrumentalities, which shall be valid and subsisting on the date hereof. The Republic of the Philippines will make adequate provision for the necessary funds for the payment of interest on and principal of bonds issued prior to May 1, 1934 under authority of an Act of Congress of the United States of America by the Philippine Islands, or any province, city or municipality therein, and such obligations shall be a first lien on the taxes collected in the Philippines.

ARTICLE V

The United States of America and the Republic of the Philippines agree that all cases at law concerning the Government and people of the Philippines which, in accordance with Section 7 (6) of the Independence Act of 1934, are pending before the Supreme Court of the United States of America at the date of the granting of the independence of the Republic of the Philippines shall continue to be subject to the review of the Supreme Court of the United States of America for such period of time after independence as may be necessary to effectuate the disposition of the cases at hand. The contracting parties also agree that following the disposition of such cases the Supreme Court of the United States of America will cease to have the right of review of cases originating in the Philippine Islands.

ARTICLE VI

In so far as they are not covered by existing legislation, all claims of the Government of the United States of America or its nationals against the Government of the Republic of the Philippines and all claims of the Government of the Republic of the Philippines and its nationals against the Government of the United States of America shall be promptly adjusted and settled. The property rights of the United States of America and the Republic of the Philippines shall be promptly adjusted and settled by mutual agreement, and all existing property rights of citizens and corporations of the United States of America in the Republic of the Philippines and of citizens and corporations of the Republic of the Philippines in the United States of America shall be acknowledged, respected and safeguarded to the same extent as property rights of citizens and corporations of the Republic of the Philippines and of the United States of America respectively. Both Governments shall designate representatives who may in concert agree on measures best calculated to effect a satisfactory and expeditious disposal of such claims as may not be covered by existing legislation.

ARTICLE VII

The Republic of the Philippines agrees to assume all continuing obligations assumed by the United States of America under the Treaty of Peace between the United States of America and Spain concluded at Paris on the 10th day of December, 1898, by which the Philippine Islands were ceded to the United States of America, and under the Treaty between the United States of America and Spain concluded at Washington on the 7th day of November, 1900.

ARTICLE VIII

This Treaty shall enter into force on the exchange of instruments of ratification.

This Treaty shall be submitted for ratification in accordance with the constitutional procedures of the United States of America and of the Republic of the Philippines; and instruments of ratification shall be exchanged and deposited at Manila.

Signed at Manila this fourth day of July, one thousand nine hundred forty-six.

For the Government of the United States of America:

PAUL V. McNUTT

For the Government of the Republic of the Philippines:

MANUEL ROXAS

PROTOCOL TO ACCOMPANY THE TREATY OF GENERAL RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES, SIGNED AT MANILA ON THE FOURTH DAY OF JULY 1946

It is understood and agreed by the High Contracting Parties that this Treaty is for the purpose of recognizing the independence of the Republic of the Philippines and for the maintenance of close and harmonious relations between the two Governments:

It is understood and agreed that this Treaty does not attempt to regulate the details of arrangements between the two Governments for their mutual defense; for the establishment, termination or regulation of the rights and duties of the two countries, each with respect to the other, in the settlement of claims, as to the ownership or control of real or personal property, or as to the carrying out of provisions of law of either country; or for the settlement of rights or claims of citizens or corporations of either country with respect to or against the other.

It is understood and agreed that the conclusion and entrance into force of this Treaty is not exclusive of further treaties and executive agreements providing for the specific regulation or matters broadly covered herein.

It is understood and agreed that pending final ratification of this Treaty, the provisions of Articles II and III shall be observed by executive agreement.

Signed at Manila this fourth day of July, one thousand nine hundred forty-six.

For the Government of the United States of America:

PAUL V. McNUTT

For the Government of the Republic of the Philippines:

MANUEL ROXAS

Mr. CONNALLY. Mr. President, this is more or less of an interim treaty with the Philippines, and it is dated July 4, 1946, the day the Philippines attained a status of a republic. It is contemplated that later a treaty will be entered into which will be more comprehensive and in greater detail. The Committee on Foreign Relations considered this treaty and protocol and had the State Department represented before it. I think it is desirable that the Senate give its approval.

The PRESIDING OFFICER. The treaty and protocol is open to amendment. If there be no amendment to be proposed, the treaty and protocol will be reported to the Senate.

The treaty and protocol was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive J, Seventy-ninth Congress, second session, the treaty of general relations and protocol between the United States of America and the Republic of the Philippines, signed at Manila on July 4, 1946.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the treaty and protocol is ratified.

PROHIBITION OF POLL TAX IN FEDERAL ELECTIONS

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a letter which I have received from Edgar G. Brown, director of National Negro Council.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL NEGRO COUNCIL,
Washington, D. C., July 30, 1946.

Senator WAYNE MORSE,
Senate Building, Washington, D. C.

MY DEAR SENATOR MORSE: As director of the National Negro Council, I wish to emphatically assure you that our organization, representing a major part of the 13,000,000 colored Americans in this country, 1,000,000 of whose sons and daughters served this country in the military services during World War II, are unequivocally in agreement with your pointed observation delivered Monday on the floor of the Senate. The so-called friends of the anti-poll-tax legislation turned out to be our bitterest enemies. The present prearranged and signed cloture petition, set 2 days in advance of any debate which could be characterized as a filibuster by even professional jokers under the guise of a "gentleman's" agreement, must be dismissed as puerile and unfortunate. The unholy deal was cheap politics that will fool no one, but those who entered into it in the final outcome.

It amounts to a parliamentary lynching of the anti-poll-tax legislation no less saddening to the decent thinking people and those Americans who seek to gain the same voting rights for the 10,000,000 disfranchised in the seven poll-tax States of the South as enjoyed by those of the 41 other States and as guaranteed by the Constitution to all regardless of race, class, color, or religion.

The National Negro Council therefore is compelled to insist that you, as a true friend, defer indefinitely, this obvious plan to ditch the anti-poll-tax legislation with this gesture, proposed in another cloture vote already set in advance. We call upon you in keeping with your consistent and honest leadership, to resort to your same strategy of statesmanship and justice to assure 10,000,000 disfranchised Americans, equal rights in the poll-tax States, if it means keeping the Senate in session all summer, cloture or no cloture. The unholy alliance of minority southern Senators can and must be broken. Let them talk themselves politically to death, rather than let them crucify the Constitution in denying the majority of the Senators the right to vote for or against the anti-poll-tax legislation.

Will you see that the anti-poll-tax bill gets something better than funny treatment such as proposing the rightness of the cart before the horse. Such parliamentary tactics will never work political charms upon an alerted electorate next November nor subsequently. We commend you and your heartening leadership and statesmanship.

Very sincerely yours,

EDGAR G. BROWN,
Director.

ALLEGED DISHONESTY AND CORRUPTION IN CONNECTION WITH WAR CONTRACTS

Mr. MITCHELL. Mr. President, the wartime contracts of the Erie Basin Metal Products Co., Batavia Metal Products Co., and allied companies have been the subject of careful investigation by

the Special Committee Investigating the National Defense Program. Being privileged to serve on this committee, I consider it my duty to make certain observations concerning the activities of persons associated with the munitions combine which have had the calculated intent or the necessary effect of corrupting or influencing public officials, both high and low, in the execution of their public trust.

I do not propose to relate here all the facts which have been developed in the hearings or to anticipate the committee's conclusions, which will be reported in due time as a formal committee report. In my opinion, particular matters should be brought officially to the notice of the Senate before it adjourns and that is my purpose in speaking today.

The hearings have shown conclusively certain financial manipulations involving public funds which most people would have thought fantastic and impossible. A $3,000,000 contract was awarded to a company not then in existence, headed by a man without demonstrated experience as a manufacturer and a producer, and whose moral and financial responsibility, if investigated, would have been disclosed to be questionable. Nearly a million dollars of public funds were advanced on that contract to a corporation organized without tangible assets, which advance is now shown to have been wholly unsecured by a valid obligation of a financially responsible organization. A million dollars of public funds were overpaid on the termination of a contract with Batavia Metal Products Co. Huge sums of money were expended for administrative salaries, traveling expenses and other expenses, such as propaganda and entertainment, and for the renovation and improvement of physical properties in which the war contractors expending those sums had only a tenant's interest expiring at the end of the war.

These are some of the financial manipulations to which I have referred. The question in my mind is how such fantastic operations could have been possible unless sanctioned by Government officials who failed in their high duty of protecting the public interest and safeguarding the public funds.

One obvious answer is that officials down the line had been persuaded to give special consideration and special favors to these contractors. The conclusion is also inescapable that those favors were not merely in the nature of courtesies, or more prompt attention to the various matters which, were handled for the contractors, but that they involved outright corruption. My belief in this matter is strengthened by the crass and shameful attempts to buy off a member of the committee and of the staff in the vain hope that we would be dissuaded from continuing the investigation. If this is the technique employed against a committee of the Senate, how many attempts were made to influence Government officials to act against the interests of the Government and in favor of these contractors?

Perhaps that question will never be fully answered. The committee has been unable so far to obtain the full facts because no records were kept by these contractors which would disclose such activities. Of course some company officials, and also Mr. Benjamin Franklin Fields, who has a mysterious and unexplained relationship to them, have not made their knowledge available to the committee. Both Mr. Fields and Dr. Henry Garsson refused to testify before the committee on the ground that their answers might tend to incriminate or degrade them. Mr. Murray Garsson saw fit to remain in Cuba for his health.

The committee has traced a number of the attempts to corrupt and improperly influence Government officials. I hope that one outcome of the committee's labors will be to make the Nation's Capital an unprofitable and unhealthful place for men of the Benjamin F. Fields stripe, who prey upon the Government and seek to buy influence with money, parties, gifts, and favors. The available evidence, though incomplete, in my opinion warrants the severest condemnation of these practices. For example, the renegotiation officials testified that they had disallowed as an improper expense $19,213 sought to be charged by these companies to the Government for gifts. This sum was itemized as follows:

25 gold pen sets	$437
6 pen and pencil sets	720
2 cigarette lighters	376
Liquor and liquor baskets	255
17 cases of bourbon and 14 liquor baskets	823
9 cases of rum	1,399
10 gold pen and pencil sets	918
Do	918
100 cases of liquor	5,363
Gifts and liquor	2,812
Do	3,080
Do	2,112
Total	19,213

It should be noted that this expenditure of $19,213 by Erie Basin Metal Products Co. was for 1 year only, 1943. The committee has not obtained as yet the details on similar expenditures made by this company for the years 1944 and 1945. I propose to urge that the committee seek the full facts concerning such expenditures and others made on behalf of the Batavia Metals Products Co. I also believe the committee should inquire into the expenditures made in connection with a wedding party on January 2, 1944, by Murray Garsson and ascertain whether or not they were charged directly or indirectly to the war contracts of any of these companies, and allowed as costs of performance on Government contracts. I will urge further that the committee obtain the detailed breakdown of the following expenses:

First. Expenditures by Murray Garsson for entertainment and propaganda expenses in the amount of $13,000 in 1943.

Second. Expenditures by Joseph Freeman for travel expenses in the amount of $15,290 in 1944.

Third. Expenditures by Murray Garsson for travel expenses in the amount of $9,978 in 1944.

Fourth. Expenditures by Dr. Henry Garsson for "Travel expenses" in the amount of $9,472 in 1944.

Fifth. Similar expenses for other years and for other companies where the funds of such companies or rather the funds of the Government allocated to these companies for the making of munitions were used not only to obtain privileges and favors from Government officials in the higher and lower echelons, but also to obtain special consideration from suppliers.

If the committee is not able to obtain all of that information, possibly it may be obtained by the Department of Justice in its investigation of the affairs of these companies. The Department of Justice should give special attention to expenditures of the sort I have described, and if it finds that such expenditures are violative of Federal criminal statutes, I urge that it prosecute violation relentlessly. Only by enforcement of statutes designed to punish those who corrupt public officials can confidence in the handling of public affairs and public funds be restored.

The honesty of public officials is a basic pillar of democracy. Without trustworthy public servants our form of government is sure to crumble and collapse. It should be remembered that the Mead committee has found other cases where public funds were loosely, carelessly, or corruptly handled and where wrongdoers escaped detection and punishment for their unfaithful handling of a public trust. The committee has heard the fantastic story of Commander Blodgett who appropriated 1,500 pounds of Government meat and 500 pounds of Government butter to his own use, and upon a whitewash investigation by the Navy, was acquitted at a court martial. The committee has heard of the wholesale diversion of public funds in the submarine ship stores and the civilian housing areas at Pearl Harbor, and of the misspending of public funds by high-ranking officials in the Navy and the misappropriation of Government property at San Juan, P. R.

The Erie Basin investigation is the first case of war profiteering publicly heard by the committee after the termination of hostilities. Other instances of corruption and improper influencing of Government officials undoubtedly will be uncovered before the committee completes its war-profiteering investigations.

When the evidence is finally gathered, the Congress should give it due attention and adopt appropriate preventive measures for the future. A bill at the present time would be somewhat premature, and of course on the eve of adjournment the Congress cannot do justice to far-reaching legislation even if the full facts were available. I direct attention to this matter now so that it may be given consideration and thought by the Senators, and also for the purpose of urging them to cooperate with the Mead committee by referring to it instances of corruption and improper influence which may come to their notice from time to time.

Mr. President, no one can condone the activities of these contractors in illegally and improperly influencing Government officials or officials of suppliers by resorting to gifts and favors. The claim has been made that this was done to further the war effort. It is an insult to Government workers and to the reputable suppliers of these companies to say that unless they were paid to "expedite" the

performance of their functions, the war effort would have been retarded. In this instance, as it appears to me, an allegedly desirable end cannot justify clearly reprehensible means.

However, the activities of the contractors, corrupt and improper as they may have been, do not rate so low as the conduct of Government officials, some of them in military uniform, who have taken an oath to protect and preserve the Government which employs them, and which has entrusted sacred public funds to their care. The contractors' activities can be partially explained because of their natural self-interest. The activities of public employees stand without any such qualifying explanation. Stripped of niceties in wording, such conduct was, at the very least, disloyalty to a principle. To the extent that it hampered and interfered with the war effort, although such result may not have been intended, it approached traitorous conduct. When the Nation is fighting for its very existence, there should be no room for thought of individual self-interest. In my opinion, true patriotism guided the work of the great majority of our public officials, military and civilian. It is unjust to them that a few individuals in time of crisis put their personal interest and advantage above that of their country.

I cite as an example of reprehensible conduct the case of Albert W. Jacobson. The evidence shows that time and again he appeared to have had an important, if somewhat obscure, part in repeated episodes throughout the course of the Chemical Warfare Service's relationships with these contractors, in many of which episodes the Government lost and the contractors gained improperly. Jacobson was sent to investigate these companies when allegations of improper business methods were made, and he returned to report that such allegations were without foundation. He had important duties to perform with respect to a bond to secure the Government in the advance of nearly one million dollars of public funds which, it now appears, was never a valid obligation on the part of a responsible surety. He handled the legal phases of various contracts between the Erie Basin and Batavia companies and the Chemical Warfare Service. He went to Elgin to "assist" renegotiation officials in connection with difficulties that were being experienced with these contractors. He was assigned to assemble material in response to this Committee's request. He prepared the report and included certain statements which, if relied upon by the Committee, would have wholly misled the Committee as to these contractors' activities. He is reported to have made recommendations concerning the handling of the overpayment of nearly one million dollars to Batavia, which, if followed, would have been to the detriment of the Government and to the benefit of the contractor. Repeatedly and continuously before the Committee he avoided frank and open admissions, and so confused his own testimony as to make it unreliable as a basis for Committee conclusions.

No less than three times Jacobson swore under oath that he had never been present at the Washington office of Erie Basin and Batavia, but subsequently and conveniently his memory was refreshed after a witness had been unsuccessfully prompted to be "hazy" about her recollection of his presence at those offices. Jacobson was reported by another witness to be receiving $20,000 a year from these companies. He rose from a $1,500 a year clerk to a $9,975 head of a legal section during the time when he was so solicitous of the contractors' interest and so unfaithful to the interests of the Government, his employer. It was Jacobson who obtained from Congressman MAY, who he stated was only casually known to him, a glowing recommendation for his reinstatement to the bar.

This man Jacobson should not be permitted to remain 1 hour longer in the employ of the Government in the face of all the evidence which brands him as an unfaithful public servant. Recently the press carried a report of his suspension by the War Department, but prior to that reported action Gen. A. H. Waitt, Chief of the Chemical Warfare Service, informed the committee that Jacobson was on "sick leave" and offered the opinion that separation from the Government would be "rather drastic" action. This is a startling conclusion, and it does not speak well for the general, who must accept the responsibility for his continued employment.

To say that such action would be "drastic" when American soldiers fought and died around the world is a terrible commentary on the conduct of officials in this branch of the War Department. The committee proposes to look further into the affairs of the Chemical Warfare Service. High-ranking officers of this Service danced and cavorted at wedding parties and had their hotel and food bills paid by Garsson & Co.

The American people, who fought and toiled with all their might to defeat a savage enemy, will be interested to learn that on or about the day when Murray Garsson's daughter was to be wed, the War Department found it "necessary in the military service" that these officers be ordered to New York City. By singular coincidence, New York required simultaneously the presence of Maj. Gen. William N. Porter for temporary duty in connection with chemical warfare training, Brig. Gen. Paul X. English for temporary duty in connection with chemical warfare procurement, Col. Lowell A. Elliott for temporary duty in connection with chemical warfare administration, Lt. Col. Gordon B. Kaufmann for temporary duty in connection with chemical warfare administration, Brig. Gen. Alden H. Waitt for temporary duty in connection with chemical warfare research and development, and Mr. Albert W. Jacobson for temporary duty in connection with chemical warfare procurement. These individuals attended the Garsson wedding and were given per diem or travel allowances by the Government. Following the committee's disclosures, the General Accounting Office has disallowed these travel expenses in an effort to recover them for the Government.

General Waitt, who found himself so busily occupied with "chemical warfare research and development" the day after the wedding, described his visit to New York as a "mission" to speed the construction of a poison gas plant by giving a "pep talk". He was impressed with the salutary influence on the war effort exerted by the presence of his rank and uniform. When the Committee inquired whether he had made a report on the outcome of his "mission", he replied "I didn't have any report to make but to myself." This appears to me an exhibition of unbridled military arrogance if not utter irresponsibility as a public servant.

I call attention to the fact that General Waitt in a report to the Under Secretary of War, attempted to discredit the Inspector General's report which showed an overpayment of one million dollars by the Chemical Warfare Service to the Batavia Metal Products Co. General Waitt asserted that the Inspector General's report was unsupported by the evidence, but he admitted on oath that he had never read the supporting evidence.

If General Waitt carries his responsibilities so lightly in dealing with dollars, what shall we conclude when he deals with lives—the lives of American soldiers who were killed because of defective munitions? General Waitt was quick to maintain that the 4.2-inch motar shells produced by the Erie Basin companies were excellent in quality, but at the same time he did not know who produced shells which burst in the mortar barrel or at the muzzle, killing and maiming our own men.

The committee was told that mortar shells were produced under the direction of the Chemical Warfare Service since 1942, and yet 3 years later in the Battle of the Bulge the mortar was rendered almost useless for a time because of defective shells. As a precaution against barrel and muzzle bursts from defective shells, it was necessary to fire the mortar with a lanyard, reducing the rate of fire from 20 shells per minute to 2 shells per minute.

How many American soldiers were killed by defective 4.2-inch mortar shells? General Waitt did not know. Who had manufactured these defective shells? General Waitt did not know. Had the existence of these defective shells been previously known to the Chemical Warfare Service? General Waitt could not answer. Had mortar shells been tested under weather conditions similar to those of the ETO? General Waitt could not answer.

The general suggested that the fault of the shells lay in the design rather than in the production and admitted that he still does not know completely what was wrong with these shells. And while, in his own words, he "sweated blood" to find the answers, he did not find them, but found time to go to fancy parties, even as American boys spilled blood because somebody fell down on the job back home.

In a second appearance before the committee, General Waitt repudiated part of his previous testimony as erroneous, offering the explanation that he had been confused and fatigued.

The errors and contradictions in this testimony are so patent as to raise a legitimate question about the general's technical competence for his job, let alone his moral caliber. The committee received a report, tentative and incomplete, of 47 incidents resulting from defective 4.2-inch mortar shells, which brought death to 29 men and injury to 83. The committee insists that full information on this matter be provided by the War Department, and accordingly General Waitt's report has been referred back for revision and amplification.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. MITCHELL. I yield.

Mr. FERGUSON. I assume that this is not a final report respecting defective shells; that the committee has not had a final report so far as such shells are concerned? Is that correct?

Mr. MITCHELL. The Senator's statement is correct. The committee has insisted upon a real report. The Senator from Michigan has made that very clear in his requests to the generals who have appeared before the committee.

Mr. FERGUSON. I simply wish to say to the Senator that I received information last evening in a letter from Texas which would indicate that a certain explosion occurred there, and I should like to have the generals complete an investigation of that matter. As yet I am sure they have not completed that investigation. I make that statement so that the record may be clear that what has been said up to date is not a complete record of these analyses.

Mr. MITCHELL. That is correct.

Pursuing the tangled threads of the Garsson tie-up with the Chemical Warfare Service, the Commiittee discovered that General Waitt had undertaken to carry by his own hand a letter from Congressman MAY to General Eisenhower, soliciting the intervention of the Supreme Commander in court martial proceedings which involved Captain Joseph H. Garsson, the son of Murray Garsson. General Waitt testified that he traveled under secret orders but was unable to explain how Congressman MAY knew of his intention to go to Europe. In fact, General Waitt could not recall at first how MAY's letter came in his possession, but subsequently he mentioned that "the chairman of the Military Affairs Committee had given me a letter."

There were 12 chemical mortar battalions stationed in Europe, but General Waitt had time to visit only two or three, including the one that held Captain Garsson in custody. Garsson, who had been court martialed for flat refusal to carry out a battle order of the regimental commander, was restored to duty and received a Bronze Star for previous meritorious action, which, incidentally, General Waitt pinned on his breast.

Mr. FERGUSON. May I interrupt the Senator?

Mr. MITCHELL. I am glad to yield.

Mr. FERGUSON. Was that bronze star bestowed here in America or in Europe?

Mr. MITCHELL. It was bestowed in Europe.

Mr. FERGUSON. At the time that General Waitt was over there and had carried the message?

Mr. MITCHELL. Yes; at the time General Waitt was over there and had carried the message; when he was being solicitous about Captain Garsson's court martial.

Mr. FERGUSON. I thank the Senator.

Mr. MITCHELL. Without wishing to pass judgment on the merits of the court-martial proceeding, I may note that General Waitt saw nothing unusual in making this case a special part of his business in Europe. His intercession in Garsson's behalf he described as "a perfectly natural and normal thing" and his role in carrying MAY's letter to General Eisenhower he depicted as that of "a messenger, pure and simple." This, I may say, was a new role for General Waitt. Whereas formerly he thought the presence of his rank and uniform in New York would speed the building of a war plant, now he could detect no influence that his presence might exert in the disposition of the Garsson case. His concern for Garsson he put down as the ordinary concern for the welfare of officers in his branch of the service. When the committee elicited the testimony that he had never looked into any other court-martial proceeding, the general described his intercession as accidental. Finally, he acknowledged that influence was used in this case and that the use of such influence was unfortunate.

Before I complete my remarks, I wish to call attention to one other aspect of Captain Garsson's case which demonstrated a serious defect in military administration, and a possible factor in undermining the morale of military personnel. Garsson was promoted from lieutenant to captain ahead of other, more deserving candidates, and transferred to the Chemical Warfare Service upon the signed recommendation of General Porter, then Chief of the Service. General Porter, who was a guest at both the Garsson and Freeman weddings, disclaimed responsibility for making the recommendation of promotion and transfer, dismissing lightly the matter of his signature as routine business. General Porter emphasized in his testimony that this was merely one of hundreds of items that passed over his desk every day. He admitted that all promotions were made that way, and that any name could be slipped into a paper for his signature. I deem the signing of papers without knowing what action is involved or without accepting responsibility therefor as a dangerous kind of indifference to the requirements of public service. If responsibility does not attach to the signature, then what purpose does it serve? Administrative responsibility demands that the man who is authorized to make a decision must stand behind it with his signature, without having this authority dispersed and distributed by useless ceremonial inscriptions of top elements in the military hierarchy.

The military departments of Government have an immediate obligation to put their houses in order. They must take appropriate punitive measures against officers who are easy in morals and careless in administration. The military uniform, in too many instances, has been changed from a cloak of honor and duty to a cloak of convenience and irresponsibility. Unless their officers are invested with a new sense of austerity, dignity, and responsibility, the military will lose the confidence of the people. America today is faced with a moral crisis in which the integrity of Government is at stake. The military must do its share to insure the maintenance of honest, efficient, democratic government.

Mr. President, I have spoken longer than I intended, and many things still are left unsaid. But I wanted the Senate to be informed before its recess about the existence of these conditions in the War Department and elsewhere which have been disclosed by the Mead committee's hearings of the past 3 weeks. It is my sincere hope that when the next Congress convenes, it will address itself to the all-important matter of corrective legislation. It is also my hope that the Mead committee will have the support of the Members of Congress in its investigation of war profiteering during the recess.

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

Mr. MITCHELL. I yield.

Mr. FERGUSON. In order that the record may be clear, is it not a fact that the committee has not completed its investigation of this subject, and that the investigation is still in progress?

Mr. MITCHELL. That is a correct statement. I made that statement at the opening of my remarks.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MITCHELL. I yield.

Mr. MAGNUSON. As both my colleague from Washington and the Senator from Michigan know, we all heartily approve of what the committee is doing, and hope that it may continue its work. I have pointed out time and again on this floor that I believed that a proper subject of investigation would be the arrogance of another Army officer during war, another head of a bureau in the War Department, namely, General Somervell. I hope the committee will proceed to investigate that subject at the proper time. Our experience with that officer was the same type of experience which I think the committee felt certain persons had with the generals. My colleague from Washington has made general reference to the subject.

In connection with the Alaskan Highway and the Canol project, in my opinion the Quartermaster General squandered practically $300,000,000 of American money with supreme arrogance, building a highway at a time when there was an Alaskan International Highway Commission in existence, without even consulting the Canadian Commission or the American Commission, and building the Canol project at a time when it was so secret that no Member of the American Congress could inquire about it, but the Canadian press could discuss it any time it wished to do so. I hope that before

the committee concludes its hearings it will deal with that question.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. MITCHELL. I yield.

Mr. FERGUSON. I have raised my voice on this floor in relation to the Canol project and the highway project. I think it would be worth while to continue our investigation along that line. As I understand, the committee intends to take up the Wyman case. The case, in a way, was referred to us by the Pearl Harbor Committee, which failed to go into it. It was material in that case, but it is still material to the American people. I believe that the trail of Mr. Wyman will reach up into Canada, over into Hawaii, and various other places. I am sure that the committee will complete that investigation as soon as possible.

Mr. MAGNUSON. I thank the Senator. I know that he has been most cooperative. I know that he feels as I feel on that subject. I know that the committee has many things to do, but I hope the time will come when it will go into that subject.

Mr. FERGUSON. I hope the Senate will understand that the committee is doing all it can with the force at its command. Naturally it wishes to do a thorough job on each project; and if we do not reach a given case in a short time, that does not mean that the committee will not deal with these important subjects. However, time is required for such investigations.

CONFIRMATION OF JUDICIAL NOMINATIONS

Mr. LANGER. Mr. President, as in executive session I ask unanimous consent to report from the Committee on the Judiciary two nominations of United States district judges.

The PRESIDING OFFICER. Is there objection?

Mr. WHITE. Let me inquire whether the nominations come to the Senate with the approval of the Committee on the Judiciary.

Mr. LANGER. They come with the approval of a majority of the Judiciary Committee. The committee was polled and a majority of the committee favored confirmation of the nominations.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations will be stated.

UNITED STATES DISTRICT JUDGES

The legislative clerk read the nomination of James P. McGranery, of Pennsylvania, to be United States district judge for the eastern district of Pennsylvania.

Mr. LANGER. I ask unanimous consent that the nomination be confirmed.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Frederick V. Follmer, of Pennsylvania, to be United States district judge for the eastern, middle, and western districts of Pennsylvania.

Mr. LANGER. I ask unanimous consent that the nomination be confirmed.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. LANGER. I now ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

Mr. LANGER. Let me say that I have taken this action on behalf of the Senators from Pennsylvania [Mr. GUFFEY and Mr. MYERS], who have been called away from the Senate on official business in Pennsylvania.

RECESS

Mr. STEWART. Mr. President, under the order previously entered, I move that the Senate now take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 35 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Thursday, August 1, 1946, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate July 31 (legislative day of July 29), 1946:

DIPLOMATIC AND FOREIGN SERVICE

John G. Erhardt, of New York, now a Foreign Service officer of class 1, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Austria.

The following-named persons to be Foreign Service officers, unclassified, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Donald P. Downs, of Nevada.
Lawrence J. Legere, Jr., of Massachusetts.
Daniel W. Montenegro, of New York.

UNITED STATES DISTRICT JUDGES

James P. McGranery, of Pennsylvania, to be United States district judge for the eastern district of Pennsylvania vice Harry E. Kalodner, elevated.

Frederick V. Follmer, of Pennsylvania, to be United States district judge for the eastern, middle, and western districts of Pennsylvania. (New position.)

UNITED STATES PUBLIC HEALTH SERVICE

The following-named candidates for appointments in the Regular Corps of the United States Public Health Service:

TO BE JUNIOR ASSISTANT NURSE OFFICERS, EFFECTIVE DATE OF OATH OF OFFICE

Morrise J. Brockey	Rose Kaplan
Eugenie Sampson	Eva M. Hakkola
M. Martha Crews	M. Ruth Phillips
Anne Woudema	Mary L. Putnam
C. Vistula Lancaster	

TO BE ASSISTANT NURSE OFFICERS, EFFECTIVE DATE OF OATH OF OFFICE

Pauline Savage	Virginia B. McDavid
Mary Matthews	Beatrice L. Zingle
Josephine Keough	Elizabeth C. Laczko
Katherine L. Tucker	Helen A. Gentilman

TO BE SENIOR ASSISTANT NURSE OFFICERS, EFFECTIVE DATE OF OATH OF OFFICE

Tabitha Wilson Rossetter	Esther A. Garrison
	M. Constance Long
Alice E. Herzig	Gertrude E. Mehner
Jane E. Taylor	Rosalie C. Giacomo
Ruth L. Johnson	Madeline Pershing
Mary Ann L. Garrigan	Louise O. Waagen
Ellwynne M. Vreeland	Walborg S. Wayne
Marjorie W. Spaulding	Esther Kaufman
Zella Bryant	Eva B. Hunter
Elsie T. Berdan	Mabel E. Emge
Lila A. Anderson	Stella Goodman
Helen Cameron	Catherine M. Sullivan
Kharis B. Mayers	

IN THE MARINE CORPS

The following-named officers for appointment as commissioned warrant officers in the United States Marine Corps:

William H. Abbott	Thomas B. Lenhart
Lawrence Betts	Clyde H. Long
Roy H. Bley	Arthur W. Lord
Harold C. Borth	James E. Lovin, Jr.
Oscar A. Bosma	Albert F. Marcott
Charles C. Bucek	Clarence R. Martin
Carl J. Buschena	James J. McCullough
Byron B. Cain	Michael A. Miksa
George V. Clark	John A. Miller
Edwin C. Clarke	Porter F. Millican
George E. Dillman	Roy W. Moran
Leander E. Dorey	Joseph V. Murray
William A. Easterling	Ralph C. Oakes
Grammer G. Edwards	Oscar P. Olson
Robert A. Engesser	Herman A. Papen
Albert L. Evans	Perez W. Pottgether
Frank W. Ferguson	Estes N. Ratliffe
Vernet R. Fitzgerald	Joseph J. Reardon
John E. Foster	John F. Ricard
Joseph R. Foster	Lewis M. Schaller
Carl E G. Franson	Earle G. Shaw
Harvey W. Gagner	Frank C. Sheppard
Alexander Gagyi	John H. Slusser
Calvin R. Glanzer	Charlie G. Smith
Eugene M. Gordenev	Marion E. Smith
Dudley J. Hagen	William D. Smith
Hilton Hamilton	LeRoy A. Stjeor
William J. Hamilton	Edward F. Taylor
Harry D. Hargrave	Harold M. Tupper
Willard T. Henry	John C. Turner
Milton D. Hill	Oris D. Walbrown
Arnold C. Hofstetter	Robert P. Warner
John C. Hudock	Charles M. Whitley
Joe A. English	Frederick J. Widman
Arthur L. Jackson	Robert L. Williams
Merle B. Johnson	Nero M. Winchester
George Jones	Roland A. Wright
Arthur O. Kindt, Jr.	Emanuel Yalowitz
Pierce S. Knapp	Andrew M. Young
Ernest W. Kraay	George A. Young

POSTMASTERS

The following-named persons to be postmasters:

CALIFORNIA

Hugo Celeri, Fort Bragg, Calif., in place of R. E. Ware, resigned.

George R. Saunders, Perris, Calif., in place of M. B. Mosgrove, resigned.

COLORADO

Martha E. Williams, Redcliff, Colo., in place of L. M. Kesecker, resigned.

GEORGIA

Lee J. Flowers, Adel, Ga., in place of D. F. Bruton, resigned.

IOWA

Charles E. Brandt, Toledo, Iowa, in place of J. N. Lichty, retired.

KANSAS

John F. Younger, Marienthal, Kans. Office became Presidential July 1, 1945.

LOUISIANA

George Sanford Hebert Brusly, La. Office became Presidential July 1, 1945.

MAINE

Harold A. Freeman, Robbinston, Maine. Office became Presidential July 1, 1945.

MINNESOTA

Gregory E. Arens, Dundee, Minn., in place of L. A. Schmidt, deceased.

NEBRASKA

Harry C. Hagedorn, Royal, Nebr. Office became Presidential July 1, 1945.

NEW JERSEY

Murray Kreutner, Clarksburg, N. J. Office became Presidential July 1, 1946.

NEW MEXICO

Annie L. Haddow, Eagle Nest, N. Mex. Office became Presidential July 1, 1946.

NORTH CAROLINA

Charles T. Hagood, Culberson, N. C. Office became Presidential July 1, 1944.

Albert C. Hall, Jr., Wallace, N. C., in place of E. J. Johnson, resigned.

OHIO

Grace E. M. Allen, Portland, Ohio, in place of E. J. Jividen, resigned.

OKLAHOMA

Ralph Ownby, Durant, Okla., in place of Ralph Ownby. Incumbent's commission expired March 13, 1941.

Ivan E. Armstrong, Medford, Okla., in place of Ruth Gordon, transferred.

OREGON

William L. Hollen, Condon, Oreg., in place of A. E. O'Rourke, deceased.

PENNSYLVANIA

Imo F. White, Pleasant Unity, Pa. Office became Presidential July 1, 1944.

Ben J. Lukas, Shenandoah, Pa., in place of J. D. Creary. Incumbent's commission expired June 23, 1942.

UTAH

Paulie T. Boothe, Honeyville, Utah. Office became Presidential July 1, 1946.

WASHINGTON

Sibyl O. Brady, Parker, Wash. Office became Presidential July 1, 1946.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 31 (legislative day of July 29), 1946:

FOREIGN SERVICE

Louis G. Dreyfus, Jr., to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Sweden.

The following-named persons to be Foreign Service officers, unclassified, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

John M. Kavanaugh — David J. S. Manbey
Stephen A. Koczak — David E. Mark

PUERTO RICO

Jesús T. Piñero, to be Governor of Puerto Rico.

UNITED STATES DISTRICT JUDGES

Frederick V. Follmer to be United States district judge for the eastern, middle, and western districts of Pennsylvania. (A new position.)

James P. McGranery to be United States district judge for the eastern district of Pennsylvania.

IN THE NAVY

APPOINTMENTS IN THE UNITED STATES NAVY

The nominations of Eugene T. Aldridge and 937 other officers, which were transmitted to the Senate on July 27, 1946, and which appear in full in the Senate proceedings of that date, under the caption "Nominations," beginning with the name of Eugene T. Aldridge on page 10281 and ending with the name of Nicholas N. White on page 10283.

POSTMASTERS

ARIZONA

James N. Caretto, Bisbee.
James E. Collins, Sr., Marana.

ARKANSAS

Gratia M. Vinson, Armorel.

CALIFORNIA

Esther R. Globin, Al Tahoe.
Cora A. Richardson, Camp Richardson.
Maudelene M. Cleveland, Camptonville
Dorothy M. Barnes, Cazadero.
Bettie B. Malcom, Cedar Glen.
Hazel E. Gill, Costa Mesa.
Stella Sprague, Fulton.
Mae L. Nowlan, Marshall.
Gertrude A. Reilly, Philo.

COLORADO

Ethel Dunn, Hesperus.
Minnie H. McCullough, Ouray.

CONNECTICUT

Herman W. Smith, Redding.

FLORIDA

Theron J. Griffin, Bronson.
James C. Russell, Islamorada.
Lova B. Barrier, Lake Helen.
Lena R. Estell, Lady Lake.
Jennie D. White, Rattlesnake.

GEORGIA

Emma L. Johnson, Allentown.
Helen W. Johnson, Denton.
Effie L. Joines, Hartsfield.

IDAHO

Hugh E. Detwiler, Stites.

INDIANA

James A. Shrack, Dunkirk.
Carl C. King, Nabb.

KANSAS

Lee S. VanMeter, Ada.
Joe Wierenga, Cawker City.
Anna L. Chappell, Monument.
Clara Blake, Oakhill.

KENTUCKY

Lina M. Miller, Bethany.
Grace S. Garvey, Chaplin.
Jane D. Miller, Harned.

LOUISIANA

Stella B. Wells, Benson.
Esther S. Mistric, Leonville.

MAINE

Blanche D. Lizotte, Fort Kent Mills.
Donald L. Needham, Hebron.
Herbert H. Hanscom, Ocean Park.
Hilda M. Bishop, St. Albans.
Archie J. Laliberte, Stillwater.
Jessie F. Greenleaf, West Boothbay Harbor.

MARYLAND

Clara L. Liddell, Colora.

MINNESOTA

Ralph F. Gorenflo, Cass Lake.
Earl L. Dibb, Lester Prairie.
Walter F. Groenveld, Pease.

MISSISSIPPI

Etta M. Huttenlocher, Fayette.
Harvey D. Wooten, Nesbitt.

MISSOURI

Cue W. Butler, Blue Eye.
Gizella B. Homolos, Ilasco.
Lorraine A. Luesse, Portage Des Sioux.
James F. Dent, Salem.
Rosa L. Miller, Trimble.

NEBRASKA

Forrest G. Pool, Colon.

NEVADA

Helen C. Thrasher, Gerlach.
Helen Barnum, Logandale.

NEW JERSEY

Anna E. Meyer, Augusta.
Norma E. Emmans, Ledgewood.
Naomi P. Maurer, New Gretna.
Joseph J. Polonko, Pluckemin.
Mary M. Thorp, South Seaville.
Eva Case, Three Bridges.

NEW YORK

Marcus D. Sternberg, Depauville.
Mildred E. Colegrove, Leonardsville.
Harry J. Pimstein, Loon Lake.
Ernest Beesmer, Olivebridge.
Betsy Vonder Osten, Shokan.
May A. Cupernall, Thousand Island Park.

OHIO

John F. Shell, Basil.
William E. Curran, Grand River.
Ethel B. Knight, Ostrander.
Worth P. Bean, Peninsula.
Anna L. Ward, Richmond Dale.
Mabel F. Robinson, South Park.
Pearl Guillozet, Yorkshire.

OKLAHOMA

Bess Douglas, Ketchum.
Carroll C. Hughes, Reed.
Cornell R. Grimmett, Taft.

OREGON

Edith Dica Smith, Elmira.

PUERTO RICO

Leonor V. Santini, Florida.
Higinia F. Matos, Loiza.

RHODE ISLAND

Clifford T. Barber, Potter Hill.

SOUTH CAROLINA

Ray C. Page, Sellers.

VERMONT

Hazel P. Cole, Hancock.

WASHINGTON

Minnie S. Willms, Bridgeport.
Anna M. Stone, Dishman.
June M. Kincaid, Elk.
Mary J. Vanhoy, Glenwood.

WEST VIRGINIA

Carl A. Lyon, Hepzibah.
Curtis M. Stewart, Lillybrook.
Elsie Williamson, Milburn.
Rheuben H. Auldridge, Mill Point.
Rosebelle T. Jarrell, Naoma.
Harry C. Livesay, Williamsburg.

WYOMING

Mary M. Stanga, Diamondville.
Alice E. Marlatt, Hawk Springs.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 31, 1946

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of the Gunton Temple Memorial Presbyterian Church, offered the following prayer:

Almighty God, in this moment of prayer, wilt Thou touch our hearts with a searching and reassuring sense of Thy nearness, Thy peace, and Thy power.

We pray that when we are challenged by difficult problems, hard tasks, and complicated situations, we may not dodge them with doubt and despair. May we not run away from them or rave and rail against them. May we never be numbered among those who drift into complacency or the cynical who become desperate with bitterness and hardness of spirit.

Help us as men of vision and valor to face all of life's experiences with forthright candor, high courage, and gallant faith. Inspire us to affirm and champion the good and to trust it. Show us how we may appropriate and apply the great ideals and principles of our blessed Lord, whereby we may achieve for ourselves and all mankind mastery in the midst of weakness, confidence in the midst of confusion, and peace in the midst of turmoil.

Hear us in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and

a joint resolution of the House of the following titles:

On July 29, 1946:

H. R. 3484. An act for the relief of the Poultry Producers of Central California;

H. R. 4616. An act for the relief of the Maryland Sanitary Manufacturing Corp., of Baltimore, Md.;

H. R. 5053. An act for the relief of the estate of Jasper A. Mealer; and

H. R. 6324. An act to amend and supplement the Federal-Aid Road Act of July 11, 1916, as amended and supplemented, to provide for the design and construction of dams so that they will serve as foundations for highway bridges, to provide for the design and construction of highway bridges upon and across such dams, to authorize the granting of easements and rights-of-way in connection therewith, and for other purposes.

On July 30, 1946:

H. R. 1151. An act for the relief of the legal guardian of James Lemuel Muzzell, a minor;

H. R. 2192. An act for the relief of Andre Dacharry;

H. R. 4486. An act to abolish the Santa Rosa Island National Monument and to provide for the conveyance to Escambia County, State of Florida, of that portion of Santa Rosa Island which is under the jurisdiction of the Department of the Interior;

H. R. 6983. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in any and all claims which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, or any tribe or band thereof, may have against the United States, and for other purposes; and

H. J. Res. 305. Joint resolution providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 1860. An act to authorize the Secretary of the Interior to issue a duplicate of Porterfield scrip certificate No. 53 to the Muskegon Trust Co., Muskegon, Mich., as trustee of the John Torrent trust;

H. R. 3973. An act to amend the act entitled "An act to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes," approved June 23, 1943 (57 Stat. 162), and for other purposes;

H. R. 6057. An act to amend the act of July 11, 1919 (41 Stat. 132), relating to the interchange of property between the Army and the Navy, so as to include the Coast Guard within its provision;

H. R. 6896. An act to grant to the city of Miles City, State of Montana, certain land in Custer County, Mont., for industrial and recreational purposes and as a museum site;

H. R. 7020. An act to provide for the acquisition by exchange of non-Federal property within the Glacier National Park; and

H. R. 7126. An act to amend section 2 of the act of July 16, 1946 (Public Law 514, 79th Cong.), relating to the establishment and operation in the District of Columbia of nurseries and nursery schools, so as to permit payment of compensation for services rendered after June 30, 1946, and prior to the enactment of such act.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 4435. An act to establish the Theodore Roosevelt National Park; to erect a monument in memory of Theodore Roosevelt in the village of Medora, N. Dak.; and for other purposes; and

H. R. 7039. An act to further amend section 304 of the Naval Reserve Act of 1938, as amended, so as to grant certain benefits to naval personnel engaged in training duty prior to official termination of World War II.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1250. An act for the relief of certain claimants who suffered losses and sustained damages as the result of the campaign carried out by the Federal Government for the eradication of the Mediterranean fruitfly in the State of Florida;

S. 2000. An act to amend the Civil Service Retirement Act, approved May 29, 1930, as amended, so as to make such act applicable to officers and employees of the Columbia Institute for the Deaf; and

S. 2236. An act providing for a medal for service in the merchant marine during the present war.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 881. An act authorizing the President of the United States to award posthumously in the name of Congress a Medal of Honor to William Mitchell.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 5560) entitled "An act to fix the rate of postage on domestic air mail, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CHAVEZ, Mr. MCKELLAR, Mr. HAYDEN, Mr. BAILEY, Mr. ELLENDER, Mr. REED, Mr. LANGER, and Mr. BUCK to be the conferees on the part of the Senate.

PROCEEDINGS AGAINST GEORGE MARSHALL

Mr. RANKIN, from the Committee on Un-American Activities, submitted the following report on the proceedings against George Marshall, which was referred to the House Calendar and ordered to be printed:

The Committee on Un-American Activities, as created and authorized by the House of Representatives by House Resolution 5 of the Seventy-ninth Congress, caused to be issued a subpena to George Marshall, chairman of the National Federation for Constitutional Liberties, with offices at 205 East Forty-second Street, New York, N. Y. The said subpena required the said person to produce books, papers, and records of the organization for the inspection of your committee. The subpena is set forth as follows:

"To the SERGEANT AT ARMS OR HIS SPECIAL MESSENGER:

"You are hereby commanded to summon Mr. George Marshall, chairman, National Federation for Constitutional Liberties, 205 East Forty-second Street, room 1613, New York City, to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which the Honorable JOHN S. WOOD is chairman, and to bring with you all books, records, documents, and correspondence pertaining to the National Federation for Constitutional Liberties relating to the solicitation and disbursement of funds with a list of all contributors, in their chamber in the city of Washington, on February 20, 1946, at the hour of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States at the city of Washington this 23d day of January 1946.

"JOHN S. WOOD,
"Chairman.

"Attest:

"JOHN W. CARRINGTON,
"Clerk."

The said subpena was duly served, as appears by the return made thereon by George V. McDavitt, an investigator for your committee:

"Served R. Shaftel, secretary to George Marshall, who contacted Mr. George Marshall by phone. R. Shaftel read the original subpena to Mr. Marshall over the phone and Mr. Marshall informed his secretary (R. Shaftel) to accept same. Miss Shaftel was served at 4:30 p. m. on February 5, 1946, at the private offices of George Marshall located on the twelfth floor, at 38 East Fifty-seventh Street, Borough of Manhattan, city of New York.

"GEORGE V. MCDAVITT,
"Investigator."

In response to the said subpena the said George Marshall appeared before your committee on April 11, 1946, and your committee then and there demanded the production of the said books, papers, and records, and the said Marshall refused to produce as required by the said subpena. The said Marshall was duly sworn by the chairman and gave his testimony under oath and refused to answer certain pertinent questions. The material parts of his testimony follow:

"The CHAIRMAN. No; the question now is whether he will answer the question that was asked him, whether or not he has any connection with the organization known as the Marshall Foundation, and if so, what it is.

"Mr. MARSHALL. Well, I do really wish to state why I feel that this committee——

"The CHAIRMAN (interposing). Mr. Marshall, speaking for myself, you have stated your objection. I am not concerned about the various reasons. What I want to know is do you object to answering the question for any reason? Are there any reasons that impel you to refuse to answer the question? First, I would like to know whether or not you refuse to answer it?

"Mr. MARSHALL. I would like to advise you, sir, that that is beyond the scope of this inquiry, as to how you can judge this without hearing what my objections are.

"The CHAIRMAN. It might be open to that line of reasoning if you first tell us whether you are going to answer it or not. If you answer it, your reasons for not answering it are not material.

"Mr. MARSHALL. But I think you would withdraw your question if you would hear what my reasons are.

"The CHAIRMAN. First I would like to hear your answer, whether you do answer it or do not. Then if you want to give reasons for it, all right.

"Mr. MARSHALL. I would like for you to rule on that before I have to answer, but I don't see how you can rule on it unless you hear what my reasons are.

"The CHAIRMAN. I can't rule on it at all.

"Mr. MARSHALL. Well, this seems to me to be putting me in a very difficult position. I am, in a sense, being possibly put into some sort of jeopardy here in the ordinary legal sense, and myself performing the functions that a judge in a court proceeding would perform in ruling as to whether or not this is a pertinent question.

"The CHAIRMAN. Do you think it would put you in jeopardy to say whether you are going to answer that question or not?

"Mr. MARSHALL. Well, I don't know whether I really would. It is a matter that

is really pretty well known, but it seems to me that that question, as well as others are outside the scope of this inquiry, and I am taking the principal position, sir—I don't see the point.

"Mr. RANKIN. Don't see what point?

"The CHAIRMAN. I am trying to be patient about the matter and asking the witness a very simple question. If the witness desires to answer the question he may do so; if not, let him say he is not going to answer it. Which do you do?

"Mr. MARSHALL. I want to explain, sir——

"Mr. RANKIN (interposing). I demand, Mr. Chairman, that the witness is in contempt already.

"The CHAIRMAN. Just answer the question.

"Mr. RANKIN. I demand that he answer the question now and quit trying to argue with the chairman.

"The CHAIRMAN. I am trying my best to get him to do that.

"Mr. MARSHALL. I have it here, the Constitution itself [indicating].

"Mr. RANKIN. We know the Constitution of the United States, too. We have all read it. Mr. Chairman, I demand that this witness quit treating this committee with contempt and answer this question or refuse to answer it.

"The CHAIRMAN Mr. Rankin, I am trying my best to get him to do that.

"Mr. RANKIN. I am just telling him what I think he ought to do.

"The CHAIRMAN. What is your answer, Mr. Marshall? Do you answer it or not?

"Mr. MARSHALL. I would like to state the ingredients of principle——

"The CHAIRMAN (interposing). Just answer the question if you want to answer it; if not, say you are not going to answer it. Which do you do?

"Mr. MARSHALL. I would answer the question after I have the opportunity of stating why I feel that it is an improper question for this particular inquiry.

"The CHAIRMAN. Suppose you answer it. Then if you have some reasons to give for it that are pertinent, I will be glad to put them in the record. Suppose you answer the question or refuse to answer it.

"Mr. MARSHALL. But isn't the point, sir, that I assume that if I can persuade you of the reasonableness and correctness of my position you would not pursue this question?

"The CHAIRMAN. I thought you said you would answer it

"Mr. MARSHALL. If you rule, after hearing my objections that you still feel I must answer it.

"The CHAIRMAN. The question was asked you by a member of the committee, Mr. Thomas. You have the privilege of saying that you decline to answer, if you want to, or of answering it. Now, do one or the other without further quibbling. Let us get along. We have got other things to do.

* * * * * * *

"The CHAIRMAN. This committee cannot devote all day long listening to you quibble about the matter. You know whether you are going to answer or not.

"Mr. LANDIS. You are making it hard on us. Either answer or decline to answer.

"Mr. MARSHALL. If you rule that I must answer it now, I will decline to answer it. If I may indicate why I feel that that is outside the scope of this general inquiry, and I would be very glad to save all of the time, Mr. Wood, by indicating at the same time that I feel that the material asked for——

"The CHAIRMAN (interposing). I understand then that you decline to answer it? Is that right?

"Mr. MARSHALL. With the understanding that I may give my reasons for my objection to that question.

* * * * * * *

"The CHAIRMAN. You did not produce those records at the hearing in New York?

"Mr. MARSHALL. No; I did not. I stated my objections.

"The CHAIRMAN. I understand, but you did not produce them?

"Mr. MARSHALL. No, sir.

"The CHAIRMAN. Have you got them here?

"Mr. MARSHALL. Well, I would like to have the opportunity to briefly and a little more coherently than I was given the opportunity to do, to summarize what my objections are to it.

"The CHAIRMAN. First answer the question, if you have got them or haven't got them. Have you got them?

"Mr. ADAMSON. We let him put his full statement into the record in New York, a long statement.

"Mr. THOMAS. That is his last statement. That is why I asked that it be brought down here.

"The CHAIRMAN. The question is asked you now if you didn't bring them from New York? Have you got them here now? You know whether you have got them here or not?

"Mr. MARSHALL. Yes; I know that certainly, but you see, I would like to, if I may, after answering that, indicate why I object to what the subpena calls for, and the two questions go together.

"The CHAIRMAN. Let us have a definite understanding now. If after you answer this question there are any reasons that you have for answering as you do, other than what you already put into the record here today or at a previous hearing, you will be given that privilege. Now, did you produce them here today?

"Mr. MARSHALL. I did produce for the record on Monday—I understand they are part of the record of this entire hearing—some 43 exhibits which seemed to me to be pertinent material out of which the committee could judge whether or not they have the right to go on and examine the internal affairs of our organization. I do not have with me all of the records.

"The CHAIRMAN. Called for by the subpena?

"Mr. MARSHALL. I do not have all of the records called for by the subpena."

Because of the foregoing the Committee on Un-American Activities has been deprived of the opportunity to inspect the books, papers, and records mentioned in the foregoing subpena and of the evidence contained therein which your committee considers relevant to the subject matter of subversive and un-American activities as set forth in House Resolution 5 of the Seventy-ninth Congress, first session, which instructed and required your committee to investigate such matters. The willful and deliberate refusal of George Marshall to testify, as set forth herein, and to produce the books, papers, and records as called for in the subpena deprives your committee of the evidence necessary to conduct its investigation of the National Federation for Constitutional Liberties, which evidence is pertinent to the said investigation, and places the said George Marshall in contempt of the House of Representatives of the United States.

"HOUSE RESOLUTION

"Resolved, That the Speaker of the House of Representatives certify the foregoing report of the House Committee on Un-American Activities as to the willful and deliberate refusal of the following person to produce before the said committee for its inspection certain books, papers, and records which had been duly subpenaed, and to testify under oath concerning all pertinent facts relating thereto; under seal of the House of Representatives to the United States attorney for the District of Columbia to the end that the said person named below may be proceeded against in the manner and form provided by law: George Marshall, 205 East Forty-second Street, New York, N. Y."

PROCEEDINGS AGAINST RICHARD MORFORD

Mr. RANKIN, from the Committee on Un-American Activities, submitted the following report on the proceedings against Richard Morford, which was referred to the House Calendar and ordered to be printed:

The Committee on Un-American Activities, as created and authorized by the House of Representatives by House Resolution 5 of the Seventy-ninth Congress, caused to be issued a subpena to Richard Morford, director of the National Council of American-Soviet Friendship, Inc., with offices at 114 East Thirty-second Street, New York City, N. Y. The said subpena required the said person to produce books, papers, and records of the organization for the inspection of your committee. The subpena is set forth as follows:

"To the SERGEANT AT ARMS OR HIS SPECIAL MESSENGER:

"You are hereby commanded to summon Mr. Richard Morford, director of the National Council of American-Soviet Friendship, Inc., located at 114 East Thirty-second Street, New York City, N. Y., to be and appear before the Un-American Activities Committee of the House of Representatives of the United States, of which the Honorable JOHN S. WOOD is chairman, and to produce all books, records, papers, and document showing all the receipts and disbursements of money by the National Council of American-Soviet Friendship, Inc., and all correspondence, memoranda, and communications with any and all persons, together with a complete list of all affiliated organizations for the year 1945 in their chamber in the city of Washington, on February 20, 1946, at the hour of 10 a. m. then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States at the city of Washington on this 6th day of February 1946.

"JOHN S. WOOD,
"Chairman.

"Attest:

"JOHN W. CARRINGTON,
"Clerk."

The said subpena was duly served, as appears by the return made thereon by John W. Carrington, clerk to your committee:

"Served to Mr. Morford personally at his office at 114 East Thirty-second Street, New York City, on February 11, 1946, at 3:30 p. m.

"JOHN W. CARRINGTON,
"Clerk."

In response to said subpena the said Richard Morford appeared before your committee on March 6, 1946, and your committee then and there demanded the production of the said books, papers, and records, and the said Morford refused to produce as required by the said subpena. The said Morford was duly sworn by the chairman and gave his testimony under oath and refused to answer certain pertinent questions. The material parts of his testimony follow:

"The CHAIRMAN. I just asked if you are prepared now to produce the records in conformity with the subpena?

"Mr. MORFORD. These records do not appear to be here, sir.

"The CHAIRMAN. You have such records?

"Mr. MORFORD. The records are in my custody in the office of the council; yes, sir.

"The CHAIRMAN. Very well. Are you prepared now to produce today, in conformity with this subpena, all the books, records, and documents showing disbursements of money for the year 1945, of the National Council of Soviet-American Friendship?

"Mr. MORFORD. We believe that this material is outside the proper scope of your investigation.

"The CHAIRMAN. I understand, but I didn't ask you that.

"Mr. MORFORD. That is my reply.

"The CHAIRMAN. I just asked if you have got them here ready to produce to this committee in conformity with the subpena. That is a simple question. You know whether you have got them or not.

"Mr. MORFORD. I am trying to make an explanation to you, sir.

"The CHAIRMAN. You have already made the explanation, and I gave you permission to do that. Now, I want you to answer the question, Have you got them in conformity with the terms of this subpena?

"Mr. MORFORD. I have not the record here.

"The CHAIRMAN. You have such records?

"Mr. MORFORD. I have such records, sir.

"The CHAIRMAN. Now, I will ask you whether or not you have got and are prepared to produce all your correspondence, memoranda, and communications with any and all persons, together with a complete list of your subsidiary organizations?

"Mr. MORFORD. No; because we count this a completely unreasonable request, and without the terms of the resolution under which this committee acts. As a practical matter, I do not have those records at the moment.

"The CHAIRMAN. You have them in your possession?

"Mr. MORFORD. They are at the office.

"The CHAIRMAN. I will ask you one further question. If one of our investigators should come to your office in New York City, thereby saving you the burden and inconvenience of producing them and bringing them here, will you permit him to see them?

"Mr. MORFORD. It would be still my responsibility not to permit him to investigate those records.

"The CHAIRMAN. I didn't ask you about responsibility; I ask you if you would permit him to investigate those records.

"Mr. MORFORD. I would not permit him to do that.

"The CHAIRMAN. That is all, so far as I am concerned.

* * * * *

"Mr. ADAMSON. Let me read it again, only a few words: 'The Soviet case, even on the issue of procedure, stands up far better than the position of the United States.'

"Mr. MORFORD. You see, you are taking it out of context. That is the reason I would like to read from the copy of it. It is only a question of procedure that is involved, and that has nothing to do with attacking a system.

"Mr. ADAMSON. If that statement appears in your Reporter as I have read it then would you say that that was an expression of position on the part of the national council?

"Mr. MORFORD. Well, that is a publication of the national council. We do not necessarily have to stand for every word that may be uttered in that publication.

"Mr. ADAMSON. Who prepared this bulletin called the Reporter?

"Mr. MORFORD. That is the responsibility of our publications committee.

"Mr. ADAMSON. Who is the committee?

"Mr. MORFORD. Now you are moving in an area in which you are asking about the internal structure and operations of our organization, and that is a point which I have indicated to you goes beyond the scope of your committee.

"Mr. MUNDT. Do you know who edits the Reporter? Do you know, and don't want us to know who edits the Reporter?

"Mr. MORFORD. I don't want to answer, because that is a matter that is beyond the scope of your investigation, according to our judgment.

"Mr. MUNDT. A question of any investigatory scope at all certainly would attach itself to the editor of a publication, about the wisdom of statements of which we have doubts. Certainly, if we have any investigatory powers at all, we would want to know who is responsible for statements that are un-American, if they are so demonstrated to be.

"Mr. MORFORD. If it is true that your investigatory powers enable you to move in to ask for the total information concerning the internal structure and operations of our organization, it is at that point that I have indicated to you that we feel that it is outside the proper scope of your operations in terms of your authority by Congress to investigate un-American propaganda activities.

"Mr. ADAMSON. We are getting off the track. I ask you, did you write it?

"Mr. MORFORD. This is October 15. I did not write it.

"Mr. ADAMSON. Do you write them now?

"Mr. MORFORD. I do not write the material for the Reporter.

"Mr. ADAMSON. All right then; who is responsible for the preparation and publication of the material in this bulletin of yours called the Reporter?

"Mr. MORFORD. I have stated that I refused to——

"Mr. ADAMSON (interposing). You refuse to answer that question?

"Mr. MORFORD. I have indicated to you the publications committee, and beyond that I feel it is within my province not to furnish you further information at that point concerning the structure of our organization.

"Mr. ADAMSON. Do you refuse to answer that question?

"Mr. MUNDT. He refuses to identify the members of that committee. Is that right?

"The CHAIRMAN. Is that correct?

"Mr. MORFORD. On a basis of principle, you see.

"The CHAIRMAN. I am not asking about what basis it is. Do you decline to divulge the names of your publications committee?

"Mr. MORFORD. I think at this point it is proper for me to indicate that I may not go into the matter further of the internal affairs of this organization.

"The CHAIRMAN. You do decline to furnish that information?

"Mr. MORFORD. That is the answer that I want to make.

* * * * *

"Mr. MORFORD. I do not think that I can give you the names, sir, of the members of the publications committee.

"The CHAIRMAN. You mean you don't know them, or you refuse to give them?

"Mr. MORFORD. I do know them. I do not wish to give them.

"The CHAIRMAN. You decline to give them?

"Mr. MORFORD. I decline. This publication is a publication of the council and will stand on its own merits. I think there is nothing in that statement that in any way can be construed as being un-American or subversive. We are entitled to an opinion—as a group putting out material we are entitled to an opinion, and under our rights under the first amendment, and on that basis then, unless you can make a judgment about that is satisfactory in proving that to be un-American and subversive, then, if it is not false, beyond that it is not our responsibility to furnish further information. It does not make any difference who wrote that particular article or who the particular committee was that stands behind that article."

Because of the foregoing, the Committee on Un-American Activities has been deprived of the opportunity to inspect the books, papers, and records mentioned in the foregoing subpena and of the evidence contained therein which your committee considers relevant to the subject matter of subversive and un-American activities as set forth in House Resolution 5 of the Seventy-ninth Congress, first session, which instructed and required your committee to investigate such matters. The willful and deliberate refusal of Richard Morford to testify, as set forth herein, and to produce the books, papers, and records as called for in the subpena deprives your committee of the evidence necessary to conduct its investigation of the National Council of American-Soviet Friendship, Inc., which evidence is pertinent to the said investigation, and places the said Richard Morford in contempt of the House of Representatives of the United States.

"HOUSE RESOLUTION

"*Resolved*, That the Speaker of the House of Representatives certify the foregoing report of the House Committee on Un-American Activities as to the willful and deliberate refusal of the following person to produce before the said committee for its inspection certain books, papers, and records which had been duly subpenaed, and to testify under oath concerning all pertinent facts relating thereto; under seal of the House of Representatives to the United States attorney for the District of Columbia to the end that the said person named below may be proceeded against in the manner and form provided by law: Richard Morford, 114 East Thirty-second Street, New York, N. Y."

EXTENSION OF REMARKS

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Minnesota [Mr. HAGEN] may extend his remarks in the RECORD and include an article on veterans. I am informed by the Public Printer that this will exceed two pages of the RECORD and will cost $150, but I ask that it be printed notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. SPENCE asked and was given permission to extend his remarks in the RECORD relating to H. R. 6722, a bill he introduced.

Mr. WALTER asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. SAVAGE asked and was given permission to extend his remarks in the RECORD in two instances and include in one an editorial.

Mr. BRADLEY of Pennsylvania asked and was given permission to extend his remarks in the RECORD in two instances; to include in one correspondence passing between him and his colleagues from Pennsylvania, Messrs. MCGLINCHEY, GRANAHAN, and BARRETT, and in the other, on the subject of price control.

THADDEUS C. KNIGHT

Mr. DURHAM. Mr. Speaker, by direction of the Committee on Military Affairs I call up S. 528, for the relief of Thaddeus C. Knight, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I understand this is simply a bill that the War Department has approved correcting the record of an Army officer.

Mr. DURHAM. Mr. Speaker, if the gentleman will yield, the War Department has not approved the bill, due to this fact: Under the Articles of War the War Department has no authority to correct an error in a court-martial case where later evidence proves a case of forgery, and this is such a case.

Mr. MARTIN of Massachusetts. I know about this legislation. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There being no objection, the Clerk read the bill, as follows:

Whereas Thaddeus C. Knight, formerly a captain, Quartermaster Corps, United States Army, was convicted on April 28, 1926, by a general court martial for the violation of the ninety-third and ninety-sixth articles of war and sentenced to be discharged from the military service and to serve 5 years in prison. The said Thaddeus C. Knight was discharged from the Army in accordance with the findings of the court martial and served 2 years of the sentence imposed upon him, at which time he was paroled. Since the carrying into execution of the findings of the court martial it has been determined that the testimony upon which the said Thaddeus C. Knight was convicted was perjured and untrue and that the conviction of the said Thaddeus C. Knight by general court martial was without foundation in law or in fact: Therefore

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the said Thaddeus C. Knight, a captain in the Quartermaster Corps, United States Army, and to retire him and place him on the retired list of the Army as a captain with the retirement pay and allowances of that grade; and in the administration of any laws conferring rights, privileges, or benefits upon persons who have served in the military service of the United States and who have been honorably discharged therefrom, the said Thaddeus C. Knight shall be held and considered to have been honorably discharged from such service as of the date of his separation therefrom; but not back pay or allowance shall be held to have accrued by reason of this act, prior to its passage.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPLACED PERSONS

Mr. KLEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KLEIN. Mr. Speaker, I have today introduced a bill providing for the immigration to this country of displaced persons. My bill would provide that all unused quotas in the past year, for example, those from England, Germany, and other countries, which are seldom used, could be used for the benefit of these displaced persons. This follows the suggestion recently made to the Secretary of State by Fiorello LaGuardia, Director of UNRRA, and also conforms with a suggestion or plan of President Truman. In this way we can help relieve the situation in Europe and get some of those displaced persons out. We can do our share in this country, and then we can expect other countries, such as Great Britain and countries of South America, to do their share as well. In this way we may be able to get a majority of the 600,000 displaced persons, now homeless, settled somewhere. I know the bill will not pass in this session, but I hope it will be the first order of business in the Eightieth Congress.

COMMODITIES RATIONED OR ALLOCATED UNDER JURISDICTION OF THE SECRETARY OF AGRICULTURE

Mr. FLANNAGAN. Mr. Speaker, I present a privileged resolution (H. Res. 721) from the Committee on Agriculture, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the Secretary of Agriculture is requested to submit to the House of Representatives a list of all commodities rationed or allocated under his jurisdiction together with a break-down of the percentages of each allocated for essential purposes and the definition of essentiality as to each commodity.

Mr. FLANNAGAN. Mr. Speaker, I have received from the Secretary of Agriculture a complete report giving the information requested in the resolution, and have furnished the gentleman from Illinois [Mr. JOHNSON] a copy of that report, which he will insert in the RECORD for the benefit of the Members of the House.

Mr. Speaker, I move that the resolution be laid on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.

Mr. JOHNSON of Illinois. Mr. Speaker, the gentleman from Virginia [Mr. FLANNAGAN] has sent me a copy of the report of the Secretary of Agriculture to which he has just referred. His letter of transmittal and the report are as follows:

HOUSE OF REPRESENTATIVES U. S.,
COMMITTEE ON AGRICULTURE,
Washington, D. C., July 31, 1946.

Hon. ANTON J. JOHNSON,
House of Representatives,
Washington, D. C.

Dear ANTON: I have secured from the Secretary of Agriculture the information called for in the Resolution you introduced on July 22, 1946, House Resolution 721, and I am enclosing herewith copy of the report.

If there is any further information I can obtain, kindly let me know.

With all good wishes, I am

Sincerely yours,

JNO. W. FLANNAGAN, JR.,
Chairman.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., July 30, 1946.

Hon. JOHN W. FLANNAGAN, JR.,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. FLANNAGAN: The following statement is submitted in reply to your letter of July 23 enclosing a copy of House Resolution 721, which requests the Secretary of Agriculture to submit to the House of Representatives a list of commodities rationed or allocated under his jurisdiction.

By Executve order, the Secretary of Agriculture is authorized and directed to ascertain all requirements against United States food supplies, including foregn requrements, and to make allocations to meet essential needs. In discharging this responsibility, the Secretary of Agriculture is assisted by the interagency Food Requirements and Allocations Committee, which is composed of representatives of the Departments of State, Commerce, War, and Navy, in addition to representatives of the Department of Agriculture. Allocations are made by the Secretary of Agriculture after they have been fully considered by this Committee and its commodity subcommittees. In these committee deliberations, the position of the Department of State, for example, is given great weight when the foreign policy of the United States has a bearing on the allocation being discussed. Committee recommendations are submitted to the Secretary of Agriculture, who makes final decisions regarding allocations. Export licenses are issued by the Department of Commerce in accordance with allocations to foreign claimants.

The United States position with regard to distribution of United States food supplies is presented to the International Emergency Food Council (formerly the Combined Food Board) where every effort is made to coordinate the proposed programs of the various supplying countries in order to insure that exportable supplies from all sources may be used as effectively as possible to meet world food needs. The IEFC has no power to determine the destination of United States food supplies. It is an agency for the coordination of national programs through mutual agreement. The Council provides a forum for consultation among exporting countries and importing countries regarding exportable supplies and minimum import requirements.

At the present time, the following foods and related items are under formal allocation:

Meats, fats and oils, selected dairy products, canned fish, dry beans and peas, rice, rye, corn, oats, barley, sugar, dried fruits, spices, protein feeds,[1] cocoa beans.

Wheat, although in very short supply relative to desperate needs in many war-torn countries, is not formally under allocation. Monthly export programs are prepared for wheat and wheat substitutes which establish limits on the quantities which may be exported to designated foreign claimants. These limits are established after consideration of the quantities that are available for export and the relative urgency of the need among foreign claimants.

A commodity is removed from allocation when it reaches a supply position which permits the essential requirements of all claimants to be met. For example, eggs, potatoes, and canned fruits and vegetables were recently removed from allocation when it became reasonably certain that the various claimants would be able to procure sufficient quantities to meet their essential needs. The current annual allocations of dried fruits and spices expire on August 31 and September 30, respectively.

Sugar is the only food item that is being rationed at the consumer level. The Secretary of Agriculture is responsible for determining the total quantity allocated to United States civilians, while actual distribution among individual consumers is under the jurisdiction of the Office of Price Administration.

The enclosed tables indicate (1) the percentage distribution of United States food supplies among major claimants during the fiscal year 1945–46 and (2) the quantities and percentages of specified commodities that have been tentatively allocated to the major

[1] The domestic allocation involves State quotas.

claimants during the July-September 1946 quarter.

In determining the essential requirements of United States civilians for particular commodities, reference is made to such factors as average prewar per-capita consumption, estimated current civilian market demand, and the availability of other foods that are required for adequate nutrition with special reference to the availability of substitutes for the commodity in question. A basic consideration is the minimum quantity that is necessary to avoid serious geographic maldistribution of available market supplies in the absence of consumer rationing, with special reference to maintenance of adequate operating stocks.

Requirements submitted by foreign claimants must be accompanied by a full statement of justification. These requirements are also screened in the context of information available through the Office of Foreign Agricultural Relations in the Department of Agriculture and through our agricultural attachés in the various claimant countries regarding indigenous production and the quantity of food available in urban areas.

Sincerely yours,

CLINTON P. ANDERSON,
Secretary.

Distribution of United States food supplies: United States civilians, United States Territories, United States military and exports, fiscal year 1945–46

Commodity	Total food distribution [1]	Percentage of total food distribution			
		United States civilians	United States Territories	United States military and war services	Exports
	(1)	(2)	(3)	(4)	(5)
	Thousand long tons	*Percent*	*Percent*	*Percent*	*Percent*
Grand total distribution	132,896	82.4	.4	4.6	12.6
Wheat and flour (grain equivalent)	23,575	50.0	(2)	6.2	43.8
Other grains, total (grain equivalent):					
Rice (milled rice equivalent)	875	42.7	15.7	3.2	38.4
Corn and corn products (grain equivalent)	2,854	78.4	1.1	1.4	19.1
Oats, rye, and barley (grain equivalent)	3,044	80.3	.6	.1	19.0
Fats and oils (edible including butter—product weight)	3,049	83.2	.8	4.3	11.7
Meat (carcass weight equivalent)	10,478	85.9	.4	8.1	5.6
Dairy products:					
Cheese	495	75.8	.4	0	23.8
Condensed and evaporated milk	1,622	68.9	2.0	0	29.1
Dried milk	417	54.2	1.0	4.3	40.5
Other foods, total:					
Potatoes and sweetpotatoes (farm weight equivalent)	10,484	84.3	.5	6.6	8.6
Dry beans and peas (including indirect uses)	920	55.6	2.8	2.3	39.3
Sugar (raw value)	5,160	86.7	.1	6.2	7.0
Eggs (shell equivalent)	3,236	88.2	.2	5.7	5.9
Canned fish	310	52.9	1.9	8.4	26.8
Fruits, total	12,573	89.7	.3	4.7	5.3
Vegetables, total (excluding potatoes and sweetpotatoes)	20,232	94.2	.2	3.9	1.7
Miscellaneous	33,572	96.1	.1	2.9	.9

[1] Includes United States military stocks accumulated prior to July 1, 1945, and transferred to UNRRA and United States military civilian feeding during the fiscal year 1945–46.
[2] Wheat shipments to United States territories included in total exports.

Source: U. S. Department of Agriculture, Office of Requirements and Allocations, July 22, 1946.

Summary of allocations of United States food supplies, July–September 1946 (as of Julyy 26, 1946)

Commodity	Unit	Allocations				Percent			
		Total deliveries from market	United States civilians	United States military and war services	Exports and shipments [1]	Total deliveries from market	United States civilians	United States military and war services	Exports and shipments
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Dairy products:									
Butter	Million pounds	368.2	365.0	0.6	2.6	100.0	99.1	0.2	0.7
Cheese, American	do	247.5	150.0	10.3	87.2	100.0	60.6	4.2	35.2
Cheese, other	do	65.7	65.0	.4	.3	100.0	98.9	.6	.5
Condensed milk	do	[3] 95.9	[3] 75.0	(4)	20.9	100.0	78.2	----	21.8
Evaporated milk	do	1,101.2	550.0	66.7	484.5	100.0	49.9	6.1	44.0
Dried whole milk	do	68.1	15.0	4.0	49.1	100.0	22.0	5.9	72.1
Nonfat dry milk solids	do	211.0	95.0	3.6	112.4	100.0	45.0	1.7	53.3
Meats [5]									
Canned fish [5]	Million pounds	695.6	482.8	4.7	208.1	100.0	69.4	.7	29.9
Fats and oils:									
Lard	Million pounds	431.1	317.3	3.0	110.8	100.0	73.6	.7	25.7
Margarine	Million pounds (fat content)	113.3	90.7	3.0	19.6	100.0	80.0	2.7	17.3
Shortening and other edible oils	do	531.1	476.5	5.8	48.8	100.0	89.7	1.1	9.2
Inedible fats and oils	do	857.2	823.4	14.4	19.4	100.0	96.1	1.7	2.2
Dry edible beans	Thousand 100-pound bags	250.0	240.9	.6	8.5	100.0	96.4	.2	3.4
Dry edible smooth peas	do	1,437.0	200.0	4.0	1,233.0	100.0	13.9	.3	85.8
Sugar, beet and cane	Thousand short tons, raw	1,889.7	[6] 1,728.0	44.9	116.8	100.0	91.4	2.4	6.2
Rice	Thousand 100-pound bags (milled)	2,325.0	950.0	20.5	1,354.5	100.0	40.9	.9	58.2
Cocoa beans	Million pounds	140.6	126.6	4.7	9.3	100.0	90.1	3.3	6.6

[1] Includes United States territories and military civilian feeding.
[2] Allocation in process.
[3] Includes total production of 60,000,000 pounds of bulk condensed milk, all of which goes to civilians.
[4] Negligible.
[5] Allocation for period July 1, 1946, to June 30, 1947.
[6] Includes 10,000 short tons for noncivilian provisional use.

Source: U. S. Department of Agriculture, Office of Requirements and Allocations, July 27, 1946.

EXTENSION OF REMARKS

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an article. I am informed by the Public Printer that this will exceed two pages of the RECORD and will cost $180, but I ask that it be printed notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter and also a historical abstract. I am informed by the Public Printer that this will exceed two pages of the RECORD and that the additional cost will be $15, but

I ask that it be printed notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. BELL (at the request of Mr. GIBSON) was given permission to extend his remarks in the RECORD and include an article by Francis Cardinal Spellman.

Mr. GIBSON, Mr. WHITTINGTON, and Mr. KOPPLEMANN asked and were given permission to extend their remarks in the RECORD.

Mr. PETERSON of Florida asked and was given permission to extend his remarks in the RECORD paying tribute to Gen. Roy Geiger, and further to extend his remarks and include the speech of the President of the United States at the time of the award of the Selective Service Medal.

Mr. MORRISON asked and was given permission to extend his remarks in the RECORD and to include a newspaper clipping.

Mrs. WOODHOUSE asked and was given permission to extend her remarks in the RECORD concerning displaced persons.

Mr. KEARNEY asked and was given permission to extend his remarks in the RECORD and include an article from the Times-Herald.

Mr. JOHNSON of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD immediately following the remarks of the chairman of the Committee on Agriculture, the gentleman from Virginia [Mr. FLANNAGAN], and include a copy of a letter from him and also a report from the Secretary of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SPECIAL ORDER GRANTED

Mr. CARNAHAN. Mr. Speaker, I ask unanimous consent that today, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 30 minutes, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

[Mr. ELLIS addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. SPRINGER asked and was given permission to extend his remarks in the RECORD and include a newspaper editorial.

Mr. BYRNES of Wisconsin asked and was given permission to extend his own remarks in the Appendix of the RECORD.

Mr. MURRAY of Wisconsin asked and was given permission to extend his remarks in the RECORD and include a letter from the Commerce Department.

SPECIAL ORDER GRANTED

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today following the disposition of business on the Speaker's desk and the conclusion of special orders heretofore entered.

EXTENSION OF REMARKS

Mr. ANGELL asked and was given permission to extend his remarks in two instances in the RECORD and to include an excerpt in each.

Mr. LEMKE asked and was given permission to extend his remarks in two instances in the RECORD and include therein excerpts.

Mrs. LUCE asked and was given permission to extend her remarks in the RECORD in two instances and to include therein certain newspaper excerpts.

Mr. FARRINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a discussion of the military defense in Hawaii by United States District Judge Frank McLaughlin. I am informed by the Public Printer that the extension will cost $240.

The SPEAKER. Notwithstanding the cost and without objection, the extension may be made.

There was no objection.

Mr. WOLVERTON of New Jersey asked and was given permission to extend his own remarks in the RECORD in two instances, one relating to foreign trade and the other to the shipbuilding industry.

THE NATIONAL DEBT

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RICH. Mr. Speaker, we are coming to two ends. First, we are coming to the end of this session of Congress, which will be on Friday. I think that will be a good thing for the country and especially for the Members of Congress. The longer in session the more they spend. Second, we are coming to the end of the Treasury's ability to stand such spending. When you look at the national debt, it is $269,000,000,000. That is the greatest debt in the world. Where will you get the money? You are going to have to put your noses to the grindstone and get out and work and teach the people of this country that we all have to work and earn and save if we are going to keep this country from going into bankruptcy. There is one way we can do that, and that is by everybody putting their shoulder to the wheel, eliminating all the strikes in the country, and produce, thus cutting down the cost of commodities so that people can buy them. The law of supply and demand will then go to work and there will be no need for OPA. We can do away, and should at once, with many of the agencies of Government; many are expensive joy rides for New Dealers.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

EXTENSION OF REMARKS

Mr. CASE of South Dakota (at the request of Mr. ARENDS) was given permission to extend his remarks in the RECORD.

CANTON, S. DAK., INSANE ASYLUM

Mr. HOLMES of Massachusetts. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2426) providing for the conveyance to the city of Canton, S. Dak., of the Canton Insane Asylum, located in Lincoln County, S. Dak.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Public Buildings is authorized and directed to convey by quitclaim deed to the city of Canton, S. Dak., all right, title, and interest of the United States in and to all lands, including the buildings and other improvements thereon, constituting the old Canton Insane Asylum, located to the east of the city of Canton, Lincoln County, S. Dak.

SEC. 2. The lands conveyed pursuant to the provisions of the first section of this act shall be used by the grantee for park, recreation, airport, or other public purposes; and the deed of conveyance of such lands shall contain the express condition that if the grantee shall fail or cease to use such lands for such purposes, or shall alienate or attempt to alienate such lands, title thereto shall revert to the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. BUCHANAN asked and was given permission to extend his remarks in the Appendix of the RECORD.

Mr. GREEN asked and was given permission to extend his remarks in the Appendix of the RECORD and include therein a letter to a constituent.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—FOR THE RELIEF OF S. G. LEOFFLER OPERATING CO.

The SPEAKER laid before the House the following veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I return herewith without my approval the bill (H. R. 1480) for the relief of the S. G. Leoffler Operating Co., of Washington, D. C., and for other purposes.

This bill would authorize and direct the Secretary of the Interior and the Comptroller General of the United States to relieve the S. G. Leoffler Operating Co. from liability for payment of the sum of $9,537.54. This sum represents rental due the United States under contract No. I–28p–2 for the operation of golf courses and allied facilities in the National Capital Parks of the District of Columbia.

The proposed remission of the rental due under the terms of the contract ap-

pears to be based on the theory that the rented premises were, in effect, destroyed by an act of God—that is, by the Potomac River flood of 1942. In fact, only part of the premises, the East Potomac golf course, which was but one of five public courses included under the contract, was damaged by the flood, and the injury it sustained was of a temporary character. In addition, this course was rehabilitated by the Department of the Interior at the Government's expense during a period when the small amount of golf play, because of wartime restrictions, probably would not have justified keeping the course open.

The S. G. Leoffler Operating Co., in taking custody of all public golf courses in the District of Columbia, could and should have reasonably anticipated that storms and flood might at times during the life of its 5-year contract make some or all of the areas temporarily unplayable. Particularly is this so since the company was an experienced operator of these very courses. The East Potomac course was known to be extremely vulnerable to freshets and floods, and the flood of October 1942 was but little more devastating than the flood of March 1936, which antedated the execution of the contract by approximately 3 years.

Moreover, although the flooded East Potomac course was not repaired for several months, it appears that other public courses were adequate to serve the public demand during wartime. This conclusion is supported by the fact that when the East Potomac course was reopened after the injury caused by the flood had been repaired, it was immediately closed again at the request of the operator because there was not sufficient play to justify its continued operation. Thus I am convinced that the Company suffered no damages because of the flood beyond the ordinary risk contemplated under its operating contract.

Lastly, I wish to emphasize that the National Park Service of the Department of the Interior has numerous contracts with operators who furnish accommodations and conveniences to the public visiting the various national parks and national monuments. The granting of relief in the circumstances here presented might well be considered by other concessioners as a precedent to seek relief because of damages to their facilities from storms or other causes not under the control of the Government.

Accordingly, I am constrained to withhold approval from H. R. 1480.

HARRY TRUMAN.

THE WHITE HOUSE, *July 31, 1946.*

The SPEAKER. The objection of the President will be spread at large upon the Journal, and the message and accompanying bill referred to the Committee on Claims and ordered printed.

REORGANIZATION OF RAILROADS

Mr. HOBBS. Mr. Speaker, I call up the conference report on the bill (S. 1253) to enable debtor railroad corporations expeditiously to effectuate reorganizations of their financial structures; to alter or modify their financial obligations, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. HOBBS]?

Mr. WALTER. Mr. Speaker, I object.

CALL OF THE HOUSE

Mr. WALTER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. GORE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 262]

Adams	Elston	Mason
Allen, La.	Fellows	May
Almond	Fogarty	Merrow
Andersen, H. Carl	Gallagher	Miller, Calif.
	Gary	Miller, Nebr.
Anderson, Calif.	Gathings	Mills
Baldwin, Md.	Geelan	Morgan
Baldwin, N. Y.	Gifford	Norton
Barry	Gillespie	O'Konski
Bates, Ky.	Gordon	Outland
Bates, Mass.	Gossett	Patrick
Beckworth	Grant, Ind.	Patterson
Bell	Gregory	Pfeifer
Bender	Hagen	Philbin
Bennet, N. Y.	Hale	Ploeser
Blackney	Hall, Edwin Arthur	Plumley
Bland		Powell
Bloom	Halleck	Price, Fla.
Boren	Hancock	Priest
Boykin	Hare	Rains
Bradley, Mich.	Harris	Reece, Tenn.
Brooks	Hart	Richards
Brumbaugh	Hartley	Rivers
Bryson	Hébert	Robinson, Utah
Buck	Heffernan	Robsion, Ky.
Buckley	Hendricks	Rockwell
Buffett	Henry	Roe, N. Y.
Bunker	Hess	Rogers, N. Y.
Byrne, N. Y.	Hill	Russell
Cannon, Fla.	Hoeven	Ryter
Carlson	Hoffman, Mich.	Scrivner
Case, N. J.	Holifield	Shafer
Case, S. Dak.	Hook	Sharp
Celler	Izac	Sheppard
Clements	Jennings	Sheridan
Clippinger	Johnson, Calif.	Short
Cochran	Johnson, Tex.	Slaughter
Coffee	Kean	Smith, Wis.
Cole, Kans.	Kee	Somers, N. Y.
Cole, N. Y.	Keefe	Sparkman
Combs	Kefauver	Stewart
Cooper	Keogh	Sumner, Ill.
Courtney	Kerr	Taber
Cravens	Kilburn	Tarver
Crawford	Kilday	Thomas, N. J.
Crosser	Landis	Tolan
Curley	Lane	Torrens
Daughton, Va.	Larcade	Towe
Davis	LeFevre	Trimble
Dawson	Ludlow	Voorhis, Calif.
De Lacy	Lyle	Vorys, Ohio
Delaney, John J.	McCormack	Wadsworth
	McDonough	Wasielewski
Dirksen	McGehee	Weaver
Dolliver	McGregor	Welch
Dondero	McKenzie	West
Douglas, Ill.	Mahon	White
Dworshak	Maloney	Wickersham
Earthman	Mansfield, Mont.	Winter
Eaton		Wolfenden, Pa.
Elliott	Mansfield, Tex.	Wood

The SPEAKER. On this roll call 252 Members have answered to their names, a quorum.

If there is no objection, further proceedings under the call will be dispensed with.

Mr. WALTER. Mr. Speaker, I object.

The SPEAKER. The question is, Will the House dispense with further proceedings under the call?

The question was taken; and on a division (demanded by Mr. WALTER) there were—ayes 108, noes 2.

Mr. WALTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 230, nays 16, answered "present" 1, not voting 183, as follows:

[Roll No. 263]

YEAS—230

Abernethy	Gearhart	Murray, Tenn.
Andresen, August H.	Geelan	Murray, Wis.
	Gerlach	Neely
Andrews, Ala.	Gibson	Norblad
Andrews, N. Y.	Gillie	Norrell
Angell	Goodwin	O'Brien, Ill.
Arnold	Gore	O'Brien, Mich.
Auchincloss	Gorski	O'Hara
Bailey	Graham	O'Neal
Barden	Granahan	O'Toole
Barrett, Pa.	Granger	Pace
Barrett, Wyo.	Grant, Ala.	Patman
Beall	Green	Peterson, Fla.
Bennett, Mo.	Griffiths	Peterson, Ga.
Biemiller	Gross	Phillips
Bland	Gwinn, N. Y.	Pickett
Bloom	Gwynne, Iowa	Pittenger
Bolton	Hall, Leonard W.	Poage
Bonner		Pratt
Bradley, Pa.	Havenner	Price, Ill.
Brehm	Hays	Quinn, N. Y.
Brown, Ga.	Healy	Rabaut
Brown, Ohio	Hedrick	Rabin
Buchanan	Herter	Ramey
Bulwinkle	Heselton	Randolph
Butler	Hinshaw	Rankin
Byrne, N. Y.	Hobbs	Rayfiel
Byrnes, Wis.	Hoffman, Pa.	Reed, Ill.
Camp	Holmes, Mass	Reed, N. Y.
Campbell	Holmes, Wash.	Rees, Kans.
Canfield	Hook	Resa
Cannon, Mo.	Hope	Riley
Carnahan	Horan	Rizley
Chapman	Huber	Robertson, Va.
Chelf	Jarman	Rodgers, Pa.
Chenoweth	Jenkins	Roe, Md.
Chiperfield	Jensen	Rogers, Fla.
Church	Johnson, Ill.	Rogers, Mass.
Clark	Johnson, Ind.	Rooney
Clason	Johnson, Okla.	Rowan
Clevenger	Jones	Sabath
Cole, Mo.	Jonkman	Sadowski
Colmer	Kearney	Sasscer
Cooley	Kelley, Pa.	Savage
Corbett	Kelly, Ill.	Schwabe, Mo.
Crosser	Kinzer	Schwabe, Okla.
Cunningham	Kirwan	Sikes
D'Alesandro	Klein	Simpson, Ill.
De Lacy	Kuntson	Smith, Maine
Delaney, James J.	Koppiemann	Smith, Ohio
	Kunkel	Smith, Va.
D'Ewart	LaFollette	Spence
Dingell	Lanham	Springer
Domengeaux	Latham	Starkey
Doughton, N. C.	LeCompte	Stefan
Douglas, Calif.	Lemke	Stevenson
Doyle	Lesinski	Stigler
Durham	Lewis	Stockman
Eberharter	Link	Sullivan
Ellis	Lynch	Sumners, Tex.
Ellsworth	McConnell	Talbot
Elsaesser	McCowen	Talle
Engel, Mich.	McDonough	Taylor
Engle, Calif.	McGlinchey	Thom
Ervin	McMillan, S. C.	Tibbott
Fallon	McMillen, Ill.	Traynor
Feighan	Madden	Vinson
Fenton	Manasco	Vursell
Fisher	Mankin	Whitten
Flannagan	Marcantonio	Whittington
Flood	Martin, Iowa	Wigglesworth
Folger	Martin, Mass.	Winstead
Forand	Mathews	Wolcott
Fuller	Michener	Wolverton, N. J.
Fulton	Monroney	Woodhouse
Gamble	Morrison	Woodruff
Gardner	Mundt	Worley
Gavin	Murdock	

NAYS—16

Allen, Ill.	Howell	Thomas, Tex.
Arends	Hull	Walter
Bishop	Jackson	Weichel
Curtis	Luce	Wilson
Gillette	Rich	
Hoch	Sundstrom	

ANSWERED "PRESENT"—1

Hand

NOT VOTING—183

Adams	Gary	Miller, Nebr.
Allen, La.	Gathings	Mills
Almond	Gifford	Morgan
Andersen, H. Carl	Gillespie	Norton
	Gordon	O'Konski
Anderson, Calif.	Gossett	Outland
Baldwin, Md.	Grant, Ind.	Patrick
Baldwin, N. Y.	Gregory	Patterson
Barry	Hagen	Pfeifer
Bates, Ky.	Hale	Philbin
Bates, Mass.	Hall, Edwin Arthur	Ploeser
Beckwoth		Plumley
Bell	Halleck	Powell
Bender	Hancock	Price, Fla.
Bennet, N. Y.	Hare	Priest
Blackney	Harless, Ariz.	Rains
Boren	Harness, Ind.	Reece, Tenn.
Boykin	Harris	Richards
Bradley, Mich.	Hart	Rivers
Brooks	Hartley	Robertson, N. Dak.
Brumbaugh	Hébert	
Bryson	Heffernan	Robinson, Utah
Buck	Hendricks	Robsion, Ky.
Buckley	Henry	Rockwell
Buffett	Hess	Roe, N. Y.
Bunker	Hill	Rogers, N. Y.
Cannon, Fla.	Hoeven	Russell
Carlson	Hoffman, Mich.	Ryter
Case, N. J.	Holifield	Scrivner
Case, S. Dak.	Izac	Shafer
Celler	Jennings	Sharp
Clements	Johnson, Calif.	Sheppard
Clippinger	Johnson, Tex.	Sheridan
Cochran	Judd	Short
Coffee	Kean	Simpson, Pa.
Cole, Kans.	Kee	Slaughter
Cole, N. Y.	Keefe	Smith, Wis.
Combs	Kefauver	Somers, N. Y.
Cooper	Keogh	Sparkman
Courtney	Kerr	Stewart
Cox	Kilburn	Sumner, Ill.
Cravens	Kilday	Taber
Crawford	King	Tarver
Curley	Landis	Thomas, N. J.
Daughton, Va.	Lane	Thomason
Davis	Larcade	Tolan
Dawson	Lea	Torrens
Delaney, John J.	LeFevre	Towe
	Ludlow	Trimble
Dirksen	Lyle	Voorhis, Calif.
Dolliver	McCormack	Vorys, Ohio
Dondero	McGehee	Wadsworth
Douglas, Ill.	McGregor	Wasielewski
Drewry	McKenzie	Weaver
Dworshak	Mahon	Welch
Earthman	Maloney	West
Eaton	Mansfield, Mont.	White
Elliott		Wickersham
Elston	Mansfield, Tex.	Winter
Fellows	Mason	Wolfenden, Pa.
Fernandez	May	Wood
Fogarty	Merrow	Zimmerman
Gallagher	Miller, Calif.	

So the motion was agreed to.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. Pfeifer with Mr. Ploeser.

Mr. Almond with Mr. Robsion of Kentucky.

Mr. Sheridan with Mr. Scrivner.

Mr. Keogh with Mr. Taber.

Mr. Lane with Mr. Short.

Mr. Wood with Mr. Kean.

Mr. Barry with Mr. Smith of Wisconsin.

Mr. Izac with Mr. Mason.

Mr. Boykin with Mr. Cole of Kansas.

Mr. Hart with Mr. Dirksen.

Mr. Roe of New York with Mr. Cole of New York.

Mr. Celler with Mr. Eaton.

Mrs. Douglas of Illinois with Mr. Grant of Indiana.

Mr. Priest with Mr. Elston.

Mr. Trimble with Mr. Halleck.

Mr. McCormack with Mr. Jennings.

Mr. Powell with Mr. Keefe.

Mr. McGlinchey with Mr. Blackney.

Mr. Somers of New York with Mr. H. Carl Andersen.

Mr. Thomas of Texas with Mr. Bender.

Mr. Outland with Mr. Hoeven.

Mrs. Norton with Mr. Dondero.

Mr. Hébert with Mr. Hoffman of Michigan.

Mr. Buckley with Mr. Wadsworth.

Mr. John J. Delaney with Mr. Henry.

The result of the vote was announced as above recorded.

The doors were opened.

REORGANIZATION OF RAILROADS

The SPEAKER. The Clerk will read the conference report.

The Clerk proceeded to read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1253) to enable debtor railroad corporations expeditiously to effectuate reorganizations of their financial structures; to alter or modify their financial obligations; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment, as follows: In lieu of the matter inserted by the amendment of the House insert the following: "That (1) it shall be lawful (any express provision contained in any mortgage, indenture, deed of trust, or other instrument to the contrary notwithstanding), with the approval and authorization of the Interstate Commerce Commission (hereinafter referred to as the Commission), as provided in paragraph (2) hereof, for a carrier as defined in section 20a (1) of Part I of the Interstate Commerce Act to alter or modify (a) any provision of any class or classes of its bonds, notes, debentures, or other indebtedness (whether secured, unsecured, matured, or unmatured) issued under any mortgage, indenture, deed of trust, or other instrument, or otherwise created, such bonds, notes, debentures, or other evidences of indebtedness being hereinafter in this section sometimes called 'obligations'; (b) any provision of any mortgage, indenture, deed of trust, or other instrument pursuant to which any class of its obligations shall have been issued or by which any class of its obligations is secured: *Provided*, That the provisions of this section shall not apply to any equipment-trust certificates in respect of which a carrier is obligated, or to any evidences of indebtedness of a carrier the payment of which is secured in any manner solely by equipment, or to any instrument, whether an agreement, lease, conditional-sale agreement, or otherwise, pursuant to which such equipment-trust certificates or such evidences of indebtedness shall have been issued or by which they are secured.

"(2) Whenever an alteration or modification is proposed under paragraph (1) hereof, the carrier seeking authority therefor shall, pursuant to such rules and regulations as the Commission shall prescribe, present an application to the Commission. The Commission shall set such application for public hearing and the carrier shall give such notice of such hearing in such manner, by advertisement or otherwise, as the Commission may find practicable and may direct, to holders of such of its classes of securities and to such other persons in interest as the Commission shall determine to be appropriate and shall direct. If the Commission, after hearing, in addition to making (in any case where such alteration or modification involves an issuance of securities) the findings required by paragraph (2) of said section 20a, shall find that, subject to such terms and conditions (not constituting alterations or modifications of obligations or securities) and with such amendments (altering or modifying the obligations affected by the alteration or modification proposed by the carrier) as the Commission shall determine to be just and reasonable, the proposed alteration or modification—

"(a) is within the scope of paragraph (1);

"(b) will be in the public interest;

"(c) will be in the best interests of the carrier and of the holders of each class of its obligation affected by such modification or alteration; and

"(d) will not be adverse to the interests of the holders of any other class of the carrier's securities or to the interests of any creditor of the carrier not affected by such modification or alteration,

then (unless the applicant carrier shall withdraw its application) the Commission shall cause the carrier, in such manner as it shall direct, to submit the proposed alteration or modification (with such terms, conditions, and amendments, if any) to the holders of each class of its obligations affected thereby, for acceptance or rejection. If the Commission shall find that as a result of such submission the proposed alteration or modification has been assented to by the holders—

"(i) of at least 66⅔ per centum of the aggregate principal amount outstanding of each class of obligations affected thereby; or

"(ii) of less than 66⅔ per centum but not less than 51 per centum of any particular class or classes of securities affected, and the Commission, after hearing, finds that such reduction in percentage will be just and reasonable and in the public interest; or

"(iii) in any case where 66⅔ per centum thereof is held by fewer than twenty-five holders, of such larger percentage, if any, as the Commission, after hearing, finds will be just and reasonable and in the public interest;

the Commission shall enter an order approving and authorizing the proposed alteration or modification upon the terms and conditions and with the amendments, if any, so determined to be just and reasonable. Such order shall make provision as to the time when such alteration or modification shall become and be binding, which may be upon publication of a declaration to that effect by the carrier, or otherwise, as the Commission may determine. Any alteration or modification which shall become and be binding pursuant to the approval and authority of the Commission hereunder shall be binding upon each holder of any obligation of the carrier of each class affected by such alteration or modification, and upon any trustee or other party to any instrument under which any such class of obligations shall have been issued or by which it is secured, and when any alteration or modification shall become and be binding the right of each such holder and of any such trustee or other party shall be correspondingly altered or modified.

"(3) For the purposes of this section a class of obligations shall be deemed to be affected by any modification or alteration proposed only (a) if a modification or alteration is proposed as to any provision of such class of obligations, or (b) if any modification or alteration is proposed as to any provision of any instrument pursuant to which such class of obligations shall have been issued or shall be secured: *Provided*, That in any case where more than one class of obligations shall have been issued and be outstanding or shall be secured pursuant to any instrument, any alteration or modification proposed as to any provision of such instrument, which does not relate to all of the classes of obligations issued thereunder, shall be deemed to affect only the class or classes of obligations to which such alteration or modification is related. For the purpose of the finding of the Commission referred to in paragraph (2) of this section as to whether the required percentage of the aggregate principal amount outstanding of each class of obligations affected by any proposed alteration or modification has assented to the making of such alteration or modification, any obligation which secures any evidence or evidences of indebtedness of the carrier or

of any company controlling or controlled by the carrier shall be deemed to be outstanding unless the Commission in its discretion determines that the proposed alteration or modification does not materially affect the interests of the holder or holders of the evidence or evidences of indebtedness secured by such obligation. Whenever any such pledged obligation is, for said purposes, to be deemed outstanding, assent in respect of such obligations, as to any proposed alteration or modification, may be given only (any express or implied provision in any mortgage, indenture, deed of trust, note, or other instrument to the contrary notwithstanding) as follows: (a) where such obligation is pledged as security under a mortgage, indenture, deed of trust, or other instrument, pursuant to which any evidence of indebtedness are issued and outstanding, by the holders of a majority in principal amount of such evidences of indebtedness, or (b) where such obligation secures an evidence or evidences of indebtedness not issued pursuant to such a mortgage, indenture, deed of trust, or other instrument, by the holder or holders of such evidence or evidences of indebtedness; and in any such case the Commission, in addition to the submission referred to in paragraph (2) of this section, shall cause the carrier in such manner as it shall direct to submit the proposed alteration or modification (with such terms, conditions, and amendments, if any, as the Commission shall have determined to be just and reasonable) for acceptance or rejection, to the holders of the evidences of indebtedness issued and outstanding pursuant to such mortgage, indenture, deed of trust, or other instrument, or to the holder or holders of such evidence or evidences of indebtedness not so issued, and such proposed alteration or modification need not be submitted to the trustee of any such mortgage, indenture, deed of trust, or other instrument, but assent in respect of any such obligation shall be determined as hereinbefore in this section provided. For the purpose of any such assent the evidences of indebtedness issued and outstanding under any such mortgage, indenture, deed of trust, or other instrument shall be determined by the Commission.

"(4) (a) Any authorization and approval hereunder of any alteration or modification of a provision of any class of obligations of a carrier or of a provision of any instrument pursuant to which a class of obligations has been issued, or by which it is secured, shall be deemed to constitute authorization and approval of a corresponding alteration or modification of the obligation of any other carrier which has assumed liability in respect of such class of obligations as guarantor, endorser, surety, or otherwise: *Provided*, That such other carrier consents in writing to such alteration or modification of such class of obligations in respect of which it has assumed liability or of the instrument pursuant to which such class of obligations has been issued or by which it is secured, and, such consent having been given, any such corresponding alteration or modification shall become effective, without other action, when the alteration or modification of such class of obligations or of such instrument shall become and be binding.

"(b) Any person who is liable or obligated contingently or otherwise on any class or classes of obligations issued by a carrier shall, with respect to such class or classes of obligations, for the purposes of this section, be deemed a carrier.

"(5) The authority conferred by this section shall be exclusive and plenary and any carrier, in respect of any alteration or modification authorized and approved by the Commission hereunder, shall have full power to make any such alteration or modification and to take any actions incidental or appropriate thereto, and may make any such alteration or modification and take any such actions, and any such alteration or modification may be made without securing the approval of the Commission under any other section of the Interstate Commerce Act or other paragraph of this section, and without securing approval of any State authority, and any carrier and its officers and employees and any other persons, participating in the making of an alteration or modification approved and authorized under the provisions of this section or the taking of any such actions, shall be, and they hereby are, relieved from the operation of all restraints, limitations, and prohibitions of law, Federal, State, or municipal, insofar as may be necessary to enable them to make and carry into effect the alteration or modification so approved and authorized, in accordance with the conditions and with the amendments, if any, imposed by the Commission. Any power granted by this section to any carrier shall be deemed to be in addition to and in modification of its powers under its corporate charter or under the laws of any State. The provisions of this section shall not affect in any way the negotiability of any obligation of any carrier or of the obligation of any carrier which has assumed liability in respect thereto.

"(6) The Commission shall require periodical or special reports from each carrier which shall hereafter secure from the Commission approval and authorization of any alteration or modification under this section, which shall show, in such detail as the Commission may require, the action taken by the carrier in the making of such alteration or modification.

"(7) The provisions of this section are permissive and not mandatory and shall not require any carrier to obtain authorization and approval of the Commission hereunder for the making of any alteration or modification of any provision of any of its obligations or of any class thereof or of any provision of any mortgage, indenture, deed of trust, or other instrument, which it may be able lawfully to make in any other manner, whether by reason of provisions for the making of such alteration or modification in any such mortgage, indenture, deed of trust, or other instrument, or otherwise: *Provided*, That the provisions of paragraph (2) of said section 20a, if applicable to such alteration or modification made otherwise than pursuant to the provisions of this section, shall continue to be so applicable.

"(8) The provisions of paragraph (6) of said section 20a, except the provisions thereof in respect of hearings, shall apply to applications made under this section. In connection with any order entered by the Commission pursuant to paragraph (2) hereof, the Commission may from time to time, for good cause shown, make such supplemental orders in the premises as it may deem necessary or appropriate, and may by any such supplemental order modify the provisions of any such order, subject always to the requirements of said paragraph (2).

"(9) The provisions of subdivision (a) of section 14 of the Securities Exchange Act of 1934 shall not apply to any solicitation in connection with a proposed alteration or modification pursuant to this section.

"(10) The Commission shall have the power to make such rules and regulations appropriate to its administration of the provisions of this section as it shall deem necessary or desirable.

"SEC. 2. (1) All proceedings under section 77 of the Bankruptcy Act, whether before the Interstate Commerce Commission or United States courts, relating to the preparation or effectuation of plans of reorganization of each carrier by railroad as defined in said section 20a (1) whose properties on the effective date of this Act or at any time thereafter are in the custody of the United States courts, shall be forthwith suspended and discontinued as of the effective date of this Act—

"(A) If the gross railway operating revenues of such carrier for any of the calendar years 1942 to 1944, inclusive, were in excess of $50,000,000; or if its gross railway operating revenues were not in excess of such amount, such carrier is a debtor in any such proceeding, or is a party defendant in any proceeding ancillary thereto, with another such carrier whose revenues were so in excess; and

"(B) If, for the period of seven calendar years from 1939 to 1945, inclusive, the total of the income reported to the Commission as income available for fixed charges, plus (a) the total of any amounts so reported as a deficit for fixed charges in any of said seven years to the extent of the total of any amounts reported for Federal income and excess-profits taxes in any of said years, and (b) amounts deducted in any year for amortization of emergency facilities under section 124 of the Internal Revenue Code in excess of 20 per centum of the cost of such facilities, of such carrier, or, on a joint or consolidated basis, of the carriers in the system of which such carrier is a part, or of such carrier and other carriers, directly or indirectly controlled by it, through direct or indirect ownership of at least a majority of their stock, is at least equal to the reported total fixed charges (other than charges on intercompany obligations) of such carrier or carriers for such period.

"(2) Carriers to which paragraph (1) of this section is applicable shall institute proceedings and file application under section 1 of this Act as expeditiously as practicable but in no event later than eighteen months after the effective date of this Act, or such longer period as the Commission, on application, may approve.

"(3) The properties of any carrier specified in paragraph (1) of this section shall continue in the custody of the United States courts having custody of them; except that, the following portions of said section 77 shall not be applicable in any such case:

"(a) The first two paragraphs of subsection (b).

"(b) Subdivision (1) of subsection (c).

"(c) The first five sentences, and the first seven words and the last twenty-two words of the sixth sentence, of subdivision (2) of subsection (c): *Provided*, That for the purposes of this section there shall be substituted for the said last twenty-two words of said sixth sentence, the words 'custody and supervision of the judge'.

"(d) Subsections (d), (e), (f), and (k).

In addition to the foregoing exceptions and for the same purpose of applying to such carriers in the cases in which and during the period for which such custody is held under said section 77, and pending the consummation of proceedings under section 1 of this Act, the word 'debtor' shall be substituted for the words 'trustee or trustees' wherever such latter words occur in subdivisions (3), (5), (9), and (10) of subsection (c), and subsections (i) and (o), of said section 77. The provisions of subsection (12) of subsection (c) of said section 77 shall be applicable to proceedings under this Act. The final determination heretofore or hereafter made in the United States courts with respect to the relative priorities as between the respective classes of security holders, the subordination of the interest of a creditor or security holder of the debtor to the interest of other creditors or security holders, or the validity, amount and priority of any claim shall continue in full force and effect. Nothing contained in this Act is intended or shall be construed to modify or rescind any such determination or to prevent or delay the prosecution to final determination of any such issue now pending, and not yet finally determined, in the United States courts. Nothing in this Act shall be deemed to limit, qualify or restrict the right of the debtor (which right of the debtor is hereby confirmed), with the approval of the court (a) to purchase in whole or in part any bond issues or other obligations of the debtor

(including bonds or other obligations guaranteed or assumed by the debtor), at a discount or otherwise, provided that the court's approval of the debtor's purchase of any such obligations junior in lien to first lien mortgage bonds shall be granted only if the court finds, after hearing, that such purchase will be for the best interests of the estate of the carrier and will not deprive the holders of obligations senior in lien to the obligations proposed to be purchased, of adequate security and protection; (b) to hold or to retire and cancel any of its bonds or other obligations now held or hereafter acquired by the debtor; and (c) to make voluntary agreements or compromises with any creditor or creditors as to either principal or interest of his or their claims or the security therefor, provided that the court shall find, after hearing, that any such agreement or compromise will be in the best interests of the estate of the carrier and will not unjustly or inequitably affect the claims or security of other creditors.

"(4) The proceedings with respect to any such carrier specified in paragraph (1) of this section under section 77 of the Bankruptcy Act shall be dismissed upon consummation of proceedings affecting such carrier under section 1 of this Act, or upon payment of its matured, unpaid obligations, or the making of other arrangements with reference to such obligations satisfactory to the owners of the claims therefor; and such proceedings may be dismissed under the conditions and in the manner prescribed in subsection (g) of section 77 of the Bankruptcy Act: *Provided*, That in the event there has been a determination by the United States courts with respect to subordination of any claim, or the issue thereon has not been finally determined, the determination of that one issue, and only that issue, shall be continued and prosecuted to completion and shall be binding on the security holders of such company; but such continuance of the determination of that sole issue shall not delay the dismissal of the proceedings in any and every other respect.

"(5) The appointment, term of office, powers, authority, compensation and fees of each trustee appointed by the court, and of each counsel of such trustee, shall be terminated on or before sixty days after the effective date of this Act: *Provided*, That if the board of directors of the carrier shall have been elected, pursuant to the provisions of paragraph (11) of this section, prior to the expiration of the afore-mentioned sixty-day period, the appointment, term of office, powers, authority, compensation and fees of such trustees and counsel shall be terminated forthwith.

"(6) The provisions of this section shall not apply if at the time of filing the petition for reorganization under section 77 of the Bankruptcy Act as amended, more than 95 percent of the outstanding voting stock of the debtor railroad corporation shall have been owned or controlled, directly or indirectly, by voting trust or otherwise, by another railroad corporation not a debtor in the same proceeding under the said section 77 with the said debtor and/or by a corporation owning or controlling more than 95 percent of the outstanding voting stock of another railroad corporation; provided also, that this section shall not apply to a railroad corporation if (1) all of its stock is owned directly or indirectly by an operating railroad corporation, (2) both corporations are in the same proceeding under the said section 77, and (3) pursuant to the provisions in this paragraph, this section does not apply to the said operating railroad corporation which owns all of the stock of the said controlled railroad corporation. The term 'corporation' as used in this paragraph shall be deemed to include its trustees appointed under the aforesaid section 77 of the Bankruptcy Act.

"(7) If the United States of America, or any agency thereof, or any corporation (other than the Reconstruction Finance Corporation) the majority of the stock of which is owned by the United States of America, is a creditor or stockholder of any such carrier, the President of the United States or any officer or agency he may designate, is hereby authorized to act in respect of the interest or claims of the United States or of such agency or other corporation.

"(8) The Commission shall designate one or more qualified members of its staff to serve as mediator or mediators in each of the proceedings under section 1 with respect to carriers specified under paragraph (1) of this section for the purpose of bringing the different classes of creditors and other security holders together, of being available to advise with them, of assisting in the effectuation of changes, compromises, arrangements, negotiations, and dealings with the various classes of creditors and other security holders and with individuals, groups, and committees representing creditors or other security holders, of assisting in expediting all stages of the proceedings and the early termination and the consummation of all transactions hereunder, including all steps requisite for the effectuation thereof.

"(9) In proceedings under section 1 with respect to a carrier specified in paragraph (1) of this section the Commission shall have the power, in its discretion, to submit to holders of obligations, any proposed alteration or modification affecting them which the Commission has caused the carrier to submit to such holders under the provisions of the fourth sentence of paragraph (2) of section 1 hereof; in the event that it is satisfied that such alteration or modification has been accepted by or on behalf of creditors of each class to which submission is required under section 1 holding more than two-thirds in amount of the total of the allowed claims of such class which have voted on said alteration or modification, the Commission shall enter an order approving and authorizing the proposed alteration or modification as provided in said paragraph (2) of section 1 hereof: *Provided*, That it shall enter such order in any case in which such alteration or modification has not been so accepted by the creditors of any class or classes if it finds, after hearing, that the alteration or modification makes adequate provision for fair and equitable treatment for the claims of those rejecting it; that such rejection is not reasonably justified in the light of the respective rights and interests of those rejecting them and all the relevant facts; and that the alteration or modification is fair and equitable, affords due recognition to the rights of each class of creditors and stockholders, and will conform to the requirements of the law of the land.

"(10) If after having submitted a proposed alteration or modification to holders of affected obligations as provided in paragraph (9), the Commission shall not have entered an order approving and authorizing such proposed alteration or modification within a period of twelve months following the date of the filing of an application in accordance with paragraph (2) of this section, or such extended periods as the Commission on application therefor may approve, then the Commission, after hearings, shall formulate and submit to holders of affected obligations such alteration or modification as in its opinion meets the standards set forth in section 1 above; in applying such standards of section 1 for the purpose of any such alteration or modification under this paragraph, the Commission shall give full effect to all changes, facts, and developments since 1940, including, without limitation, for such period total railway operating revenues, operating expenses and other charges, net earnings, the full effect of amortization deductions on earnings of past and future years, improvements to the property, the effect of the released collateral through past or future payment of loans, cash and net current assets, retirements and purchases of debt, including retirements and purchases at a discount that have been made or that can reasonably be made, adjustment and reduction of interest rates on outstanding debt that may be made including the adjustment and reduction of interest rates for prior years. In the event the Commission is satisfied that such alteration or modification has been accepted by the percentages required for acceptance under the provisions of section 1 or of paragraph (9) of this section it shall enter an order approving and authorizing such alteration or modification, unless it finds that, prior to the entry of such order, the alteration or modification submitted under paragraph (9) has been accepted by the percentages required by the provisions of that paragraph or of section 1, in which event it shall enter an order approving and authorizing such alteration or modification submitted under paragraph (9).

"(11) (a) Every carrier to which paragraph (1) of this section is applicable shall call a meeting of stockholders for the election of directors to be held within sixty days after the effective date of this Act. The present terms of office of all directors and officers of such carrier shall terminate upon the election and qualification of their successors, as herein provided, notwithstanding any provision of the charter or by-laws of such carrier or of any State law to the contrary. The terms of office of all directors elected at such meeting shall be the unexpired terms of present directors.

"(b) No holding company, individual, group, partnership, association, corporation, or other entity (excluding any operating common carrier subject to Part I of the Interstate Commerce Act, but not excluding any holding company or other nonoperating corporation which has been held or which may be held to be a common carrier within the meaning of said Act)—

"(A) which exercises direct or indirect control of one or more railroad corporations the properties of which are not in the custody of a court in proceedings under section 77 of the Bankruptcy Act; and

"(B) which also owns shares of voting stock of any railroad corporation to which this Act is applicable, in sufficient number to enable the owner thereof to control such carrier,

"shall, during the period the debtor shall be in possession of its properties and in control of the management and operation thereof under this Act, vote such shares for the election of more than a minority of the directors of any railroad corporation to which this Act is applicable.

"(c) No stock of any common carrier to which paragraph (1) of this section is applicable, which stock is owned or controlled directly or indirectly by, or held for the benefit of, or pledged as security by, any other common carrier to which paragraph (1) of this section is applicable, shall be voted for the election of directors during the proceedings under this Act, unless at the time of filing the petition for reorganization under section 77 of the Bankruptcy Act as amended, the transaction or transactions by which such stock was acquired, and the ownership and control of such stock, had been approved by the Interstate Commerce Commission pursuant to the applicable provisions of section 5 of the Interstate Commerce Act, as amended or unless the two carriers are debtors in the same proceeding under section 77 of the Bankruptcy Act, as amended.

"(d) In the determination of whether a quorum is represented in attendance at any meeting of stockholders of any carrier to which paragraph (1) of this section is applicable, held during the pendenty of proceedings under this Act, for the election of directors or for other purposes, all voting stock standing in the name of, or held for the benefit of or pledged or assigned by, or directly or indirectly controlled by, any carrier, holding company, individual, corporation or other

entity to which subparagraph (b) or (c) of this paragraph (11) is applicable which voting stock may be not represented at said meeting shall nevertheless be considered and counted as being represented in attendance at such meeting, notwithstanding any provision of the charter or by-laws of such carrier or the provision of any State law to the contrary.

"(12) Any party having properly filed an application under section 5 of the Interstate Commerce Act to control, or participate in the control of, a carrier to which section 2 of this Act applies, is hereby authorized to intervene generally in and become a party to the proceedings under this Act affecting such carrier.

"(13) No readjustment of financial structure or other proceeding under this Act and no order of the court or Commission in connection therewith shall relieve any carrier from the obligation of any final judgment of any Federal or State court rendered prior to January 1, 1929, against such carrier or against one of its predecessors in title, requiring the maintenance of offices, shops, and roundhouses at any place, where such judgment was rendered on account of the making of a valid contract or contracts by such carrier or one of its predecessors in title.

"(14) In judicial review of any order of the Commission approving or authorizing a proposed alteration or modification entered pursuant to the authority of paragraph (10) of this section 2, the court (and any court on review thereof) shall not be concluded by any determination or finding made by the Commission as to matters either of law or of facts, and the court shall make full and independent reexamination and review of the issues and of the evidence and thereafter shall arrive at a decision in the exercise of its independent judgment based upon such judicial reexamination and review. Any order of the Circuit Court of Appeals relating to any alteration or modification under paragraph (10) of this section 2 shall be reviewed by the Supreme Court of the United States upon appeal made by any person affected by the plan who deems himself aggrieved within sixty days after the entry of such order or decree, pursuant to the applicable provisions of the Judicial Code.

"(15) In the case of any carrier which is under the jurisdiction of the United States Courts on the effective date of this Act, and to which the provisions of paragraph (1) of section 2 of this Act would be applicable if such carrier were in the custody of such courts on such date, and with respect to which carrier, securities under a plan of reorganization approved by the court and Commission had already been issued, a holder of a security of any class which rejected, or was not entitled to vote on, such plan in accordance with subsection (e) of said section 77, may, within ninety days after the date of enactment of this Act, apply to the Commission for amendment of the plan to the extent necessary to permit the issuance, to holders of securities of such class, of options or warrants as described in subsection (b) of said section 77. If the Commission shall find after hearings that the proceeds of the exercise of such options or warrants will be applied in conformance with the requirements of section 20 (a) of the Interstate Commerce Act (including, without limitation, the application of such proceeds to the retirement of outstanding obligations of the carrier), it shall approve such application and shall order the carrier to issue such options or warrants.

"SEC. 3. The provisions of sections 1801, 1802, 3481, and 3482 of the Internal Revenue Code and any amendments thereto, unless specifically providing to the contrary, shall not apply to the issuance, transfer, or exchange of securities or the making or delivery of conveyances to make effective any alteration or modification effected pursuant to section 1 or section 2 of this Act. No income, gain, or profit taxable under any law of the United States or of any State, now in force, or hereafter enacted, shall be deemed to have accrued to or have been realized by such carrier by reason of such an alteration or modification, or by reason of any transaction authorized in the last sentence of paragraph (3) of section 2.

"SEC. 4. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances, shall not be affected thereby."

And the House agree to the same.

Amend the title so as to read: "An Act to enable debtor railroad corporations, whose properties during a period of seven years have provided sufficient earnings to pay fixed charges, to effect a readjustment of their financial structures; to alter or modify their financial obligations; and for other purposes."

HATTON W. SUMNERS,
SAM HOBBS,
MARTIN GORSKI,
CHAUNCEY W. REED,
JOHN W. GWYNNE,
Managers on the Part of the House.

B. K. WHEELER,
ED C. JOHNSON,
CLYDE REED,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1253) to enable debtor railroad corporations expeditiously to effectuate reorganizations of their financial structures; to alter or modify their financial obligations; and for other purposes; submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The House amendment strikes out all of the Senate bill after the enacting clause. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The material differences between the House amendment and the substitute agreed to in conference are noted in the following statement.

The House amendment proposed the reenactment of chapter XV of the Bankruptcy Act for the modification or alteration of obligations of carriers. The Interstate Commerce Commission in 1945 proposed a variation of the principle of chapter XV, while retaining the essential purpose of providing a means for alteration or modification on applications of carriers when necessary in the public interest, as well as in the interest of the carriers and of their security holders. The conference substitute adopts the variation proposed by the Commission in 1945.

The essential principle of chapter XV and of the Commission proposal of 1945 is the provision of means of altering carriers' obligations with fairness to the owners of those obligations, and in order to avoid the drains, wastes and losses consequent upon drastic reorganizations. This underlying principle was in effect reaffirmed by the House when it passed the amendment. The conference substitute adheres to this plan.

The difference between the method of chapter XV and that of the Commission variation is primarily one of lodging in the Commission greater power through the Commission proposal. Under chapter XV the Commission was not expressly charged with the duty of considering proposed alterations or modifications as in substance a reorganization or readjustment plan. Under the Commission proposal of 1945, which is now substantially adopted in the conference substitute, the Commission is charged with such duties.

Under chapter XV the principal proceeding was conducted in court. Under the Commission proposal, which is now included in the conference substitute, the principal proceeding is before the Commission. The court is called on only for purposes of review.

The variation introduced in the Commission proposal of 1945 and now accepted in the conference agreement has had the support of leaders of life-insurance companies, banks, and the railroad industry, as well as of the Commission and also of representatives of railroad labor organizations.

The House amendment included in its first seven sections provision for the relief of railroads which are now in proceedings under section 77 of the Bankruptcy Act and for the relief of their securityholders. The conference agreement also provides such relief, although in considerable part with modifications and differences from the particular form of relief included in House amendment. The conference agreement retains the requirement of the House amendment that before a carrier can qualify for such relief it must show earnings coming up to a specified standard for the 7-year period from 1937 to 1945, inclusive. The 7-year standard has been retained in the conference agreement, with certain improvements introduced so as to recognize actual earnings and not limit the standard merely to the reported earnings. Under the tax laws there were large bookkeeping deductions from earnings in order to effect tax savings; such bookkeeping was authorized by statute and was used by corporations throughout the country, in both the industrial and railroad field as well as in other fields. The Interstate Commerce Commission has on a number of occasions called attention to the fact that there is a difference between reported earnings and actual earnings, which are much higher. The conference substitute has recognized the circumstance thus pointed out by the Commission. In this respect, as well as in certain other respects, the earnings figures included in the 7-year standard are stated somewhat differently in the conference amendment from the form of their statement in the House amendment.

In addition to this condition imposed in the House amendment the conference agreement has also imposed another condition, which was contained in the bill as passed by the Senate. That condition limits the application of this portion of the bill to railroads whose gross railroad operating revenues for any of the calendar years 1942 to 1944, inclusive, were in excess of $50,000,000; any other carriers, debtors in the same proceedings with such carriers, also come under the conference substitute, even though not earning the $50,000,000 revenue just specified. This condition was suggested by the Interstate Commerce Commission.

The House amendment provided a period of 18 months in which carriers coming under the act would be able to work out reorganizations or readjustment of their financial affairs. The conference substitute also provides for an 18-month period, or such longer period as the Commission may authorize. At the end of such period the carrier would file a plan of adjustment with the Interstate Commerce Commission in accordance with the procedure proposed by the Commission in 1945 and above described. The House amendment had provided for proceedings under chapter XV; the difference between the two types of proceeding, under chapter XV and under the variation proposed by the Commission in 1945, is discussed above.

The House amendment provided that control of the properties should be returned to the debtor railroad companies. While the conference substitute also has such a provision, the conference substitute adds that the properties are to be retained in the

custody of the court and subject to its supervision.

Under the House amendment carriers would have had the power to use their large surplus liquid resources for the retirement of debt through purchase, discount, and otherwise—in this respect be permitted to avail themselves of the same advantages which have been used by railroads not in the hands of the courts and which the Interstate Commerce Commission has urged all railroads to invoke. Unfortunately railroads that have been in the hands of the courts under section 77 have been deprived of the tremendous opportunities of which nearly all other large railroads have made use. The conference report remedies this. Provision is also made for the proposal of alteration or modification of obligations of carriers by the Commission itself, in the event that the plan, or substitute plans, proposed by the carrier, have not gone into effect.

The House amendment provided for independent reexamination and review by the courts of any plans which might be issued by the Commission. The conference substitute makes similar provision.

The conference substitute contains a provision customary in reorganization statutes protecting reorganizations against taxes of certain kinds. This is the customary practice since no true profit is realized on the exchange of securities, and yet without such a protective provision taxes might be assessable because it might be held that there is an apparent though not an actual profit. The conference agreement also provides for protection against tax on savings effected through retirement of debt; a statute to similar effect has been available to railroads and other corporations and the Congress has already passed a bill to extend that statute temporarily; the companies under section 77 have not been permitted to retire their debt at a discount although most other railroads have availed themselves of this important opportunity to which the Interstate Commerce Commission has also called particular attention.

The conference agreement accepts the limitation, as to the class of carriers covered by the bill, included in paragraph (11) of section (2) of the bill as previously passed by the Senate, but the conference agreement narrows that limitation in certain respects.

Paragraph (15) of section (2) deals with carriers still in the jurisdiction of the United States courts in whose cases reorganization securities have already been issued under a reorganization plan. Paragraph (15) makes it lawful for the carrier, with the approval of the Commission, to amend the plan to the extent of issuing options or warrants to take care of those security holders who would otherwise be wiped out.

On the subject of judicial review, the point was raised in the debate on the bill in the House that any provisions which do not grant the right of appeal as a matter of right are exceptional. The Congress did not intend in chapter XV to foreclose a reorganization plan without the right of appeal against it to a court higher than the court of original jurisdiction. The House Judiciary Committee did not interpret chapter XV to deny the right of appeal as a right. However, the committee readily accepted the proposal to make the congressional intent absolutely certain and clear, that an appeal from the trial court must be granted. Had the conference agreement used chapter XV, instead of the Commission's substitute procedure, the conferees would have insisted on reaffirmance of the right of appeal to the Supreme Court, including the affirmation that Congress intended that such an appeal should be granted as a matter of right in all cases under chapter XV as originally enacted and later reenacted.

Inasmuch as the conference agreement uses the Commission's modification of the chapter XV procedure, the conference agreement provides for the right of appeal to the Supreme Court from the circuit courts of appeals on plans issued by the Commission under paragraph (10) of section 2 of this act.

HATTON W. SUMNERS,
SAM HOBBS,
MARTIN GORSKI,
CHAUNCEY W. REED,
JOHN W. GWYNNE,
Managers on the Part of the House.

CALL OF THE HOUSE

Mr. TALBOT (interrupting the reading of the conference report). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. HENDRICKS). Evidently a quorum is not present.

Mr. HOBBS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 264]

Adams	Gallagher	Morrison
Allen, La.	Gary	Murray, Tenn.
Almond	Gathings	Norton
Andersen, H. Carl	Gifford	O'Konski
Anderson, Calif.	Gillespie	O'Neal
Andrews, N. Y.	Gordon	O'Toole
Baldwin, Md.	Gossett	Patrick
Baldwin, N. Y.	Granger	Patterson
Barry	Grant, Ind.	Peterson, Ga.
Bates, Ky.	Gregory	Pfeifer
Bates, Mass.	Hagen	Philbin
Beckworth	Hale	Ploeser
Bell	Hall, Edwin Arthur	Plumley
Bender	Halleck	Powell
Bennet, N. Y.	Hare	Price, Fla.
Blackney	Harris	Priest
Bloom	Hart	Rains
Boren	Hartley	Reece, Tenn.
Boykin	Hébert	Rees, Kans.
Bradley, Mich.	Heffernan	Richards
Brooks	Henry	Rivers
Brumbaugh	Hess	Robinson, Utah
Bryson	Hill	Robsion, Ky.
Buck	Hoeven	Rockwell
Buckley	Hoffman, Mich.	Roe, N. Y.
Buffett	Holifield	Rogers, N. Y.
Bunker	Izac	Russell
Cannon, Fla.	Jennings	Ryter
Cannon, Mo.	Johnson, Calif.	Scrivner
Carlson	Johnson, Tex.	Shafer
Case, N. J.	Kean	Sheppard
Case, S. Dak.	Kee	Sheridan
Celler	Keefe	Short
Clements	Kefauver	Simpson, Pa.
Clippinger	Keogh	Slaughter
Cochran	Kerr	Smith, Va.
Coffee	Kilburn	Smith, Wis.
Cole, Kans.	Kilday	Somers, N. Y.
Cole, N. Y.	Landis	Sparkman
Combs	Lane	Stewart
Cooper	Larcade	Sumner, Ill.
Courtney	Lea	Taber
Cox	LeFevre	Tarver
Cravens	Luce	Thomas, N. J.
Crawford	Ludlow	Tolan
Curley	Lyle	Torrens
Daughton, Va.	McCormack	Towe
Davis	McGehee	Trimble
Dawson	McGregor	Voorhis, Calif.
Delaney, John J.	McKenzie	Vorys, Ohio
Dolliver	Mahon	Wadsworth
Dondero	Maloney	Wasielewski
Douglas, Ill.	Mansfield, Mont.	Weaver
Dworshak	Mansfield, Tex.	Welch
Earthman	Mason	West
Eaton	May	White
Elliott	Merrow	Wickersham
Elston	Miller, Calif.	Winter
Fellows	Miller, Nebr.	Wolfenden, Pa.
Fernandez	Mills	Wood
Fogarty	Morgan	Zimmerman

The SPEAKER. On this roll call 247 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REORGANIZATION OF RAILROADS

The Clerk concluded the reading of the conference report.

Mr. HOBBS. Mr. Speaker, this is the railroad reorganization bill which has been fully discussed. Everyone recognizes its connotations. It has the unanimous agreement of the conferees on the part of the House.

Mr. Speaker, I move the previous question.

The SPEAKER. The question is on the motion for the previous question.

The question was taken; and on a division (demanded by Mr. WALTER), there were ayes 85, noes 10.

Mr. WALTER. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 190, nays 54, answered "present" 1, not voting 185, as follows:

[Roll No. 265]

YEAS—190

Abernethy	Gearhart	Madden
Allen, Ill.	Geelan	Manasco
Andresen, August H.	Gerlach	Marcantonio
Andrews, Ala.	Gibson	Martin, Iowa
Angell	Gillie	Mathews
Arends	Gorski	Morrison
Arnold	Graham	Mundt
Bailey	Granahan	Murdock
Barden	Grant, Ala.	Murray, Wis.
Barrett, Pa.	Green	Neely
Barrett, Wyo.	Griffiths	Norblad
Beall	Gross	Norrell
Bennett, Mo.	Gwinn, N. Y.	O'Brien, Ill.
Bishop	Gwynne, Iowa	O'Brien, Mich.
Bland	Hall, Leonard W.	O'Hara
Bloom	Hancock	Outland
Bonner	Hand	Peterson, Fla.
Bradley, Pa.	Harless, Ariz.	Phillips
Brehm	Hays	Pittenger
Brown, Ga.	Healy	Pratt
Brown, Ohio	Hedrick	Price, Ill.
Buchanan	Hendricks	Quinn, N. Y.
Bulwinkle	Herter	Randolph
Butler	Heselton	Rayfiel
Byrnes, Wis.	Hinshaw	Reed, Ill.
Camp	Hobbs	Reed, N. Y.
Campbell	Hoffman, Pa.	Rees, Kans.
Chapman	Holmes, Mass.	Resa
Chelf	Hope	Riley
Chenoweth	Horan	Robertson, N. Dak.
Chiperfield	Howell	Robertson, Va.
Church	Huber	Rodgers, Pa.
Clark	Hull	Rogers, Fla.
Clason	Jackson	Rooney
Clevenger	Jarman	Rowan
Cole, Mo.	Jenkins	Sabath
Cooley	Jensen	Sadowski
Corbett	Johnson, Ill.	Sasscer
Crosser	Johnson, Ind.	Savage
Cunningham	Johnson, Okla.	Schwabe, Mo.
D'Alesandro	Jones	Schwabe, Okla.
Delaney, James J.	Jonkman	Sikes
D'Ewart	Judd	Simpson, Ill.
Dingell	Kearney	Smith, Maine
Dirksen	Kelley, Pa.	Smith, Ohio
Doughton, N. C.	Kelly, Ill.	Spence
Drewry	Kinzer	Stevenson
Durham	Kirwan	Stockman
Ellis	Klein	Sumners, Tex.
Ellsworth	Knutson	Talle
Elsaesser	Kopplemann	Taylor
Engle, Calif.	Kunkel	Thom
Ervin	LaFollette	Thomas, Tex.
Fallon	Latham	Tibbott
Feighan	Lea	Traynor
Fenton	LeCompte	Vinson
Fisher	Lemke	Vursell
Flannagan	Lesinski	Whitten
Flood	Link	Whittington
Fuller	Lynch	Wilson
Fulton	McConnell	Wolcott
Gamble	McCowen	Wolverton, N. J.
Gavin	McDonough	Woodruff
	McMillen, Ill.	

NAYS—54

Biemiller	King	Rizley
Bolton	Lanham	Roe, Md.
Canfield	Lewis	Rogers, Mass.
Cannon, Mo.	Luce	Smith, Va.
Carnahan	McGlinchey	Springer
Curtis	Mankin	Starkey
Douglas, Calif.	Martin, Mass.	Stefan
Doyle	Michener	Sullivan
Engel, Mich.	Mills	Sundstrom
Folger	Pace	Talbot
Forand	Patman	Thomason
Gillette	Pickett	Walter
Goodwin	Poage	Weichel
Gore	Rabaut	Wigglesworth
Havenner	Rabin	Winstead
Hoch	Ramey	Woodhouse
Holmes, Wash.	Rankin	Worley
Hook	Rich	Zimmerman

ANSWERED "PRESENT"—1

Auchincloss

NOT VOTING—185

Adams	Fellows	Miller, Calif.
Allen, La.	Fernandez	Miller, Nebr.
Almond	Fogarty	Monroney
Andersen, H. Carl	Gallagher	Morgan
Anderson, Calif.	Gardner	Murray, Tenn.
Andrews, N. Y.	Gary	Norton
Baldwin, Md.	Gathings	O'Konski
Baldwin, N. Y.	Gifford	O'Neal
Barry	Gillespie	O'Toole
Bates, Ky.	Gordon	Patrick
Bates, Mass.	Gossett	Patterson
Beckworth	Granger	Peterson, Ga.
Bell	Grant, Ind.	Pfeifer
Bender	Gregory	Philbin
Bennet, N. Y.	Hagen	Ploeser
Blackney	Hale	Plumley
Boren	Hall, Edwin Arthur	Powell
Boykin	Halleck	Price, Fla.
Bradley, Mich.	Hare	Priest
Brooks	Harness, Ind.	Rains
Brumbaugh	Harris	Reece, Tenn.
Bryson	Hart	Richards
Buck	Hartley	Rivers
Buckley	Hébert	Robinson, Utah
Buffett	Heffernan	Robsion, Ky.
Bunker	Henry	Rockwell
Byrne, N. Y.	Hess	Roe, N. Y.
Cannon, Fla.	Hill	Rogers, N. Y.
Carlson	Hoeven	Russell
Case, N. J.	Hoffman, Mich.	Scrivner
Case, S. Dak.	Holifield	Shafer
Celler	Izac	Sharp
Clements	Jennings	Sheppard
Clippinger	Johnson, Calif.	Sheridan
Cochran	Johnson, Tex.	Short
Coffee	Kean	Simpson, Pa.
Cole, Kans.	Kee	Slaughter
Cole, N. Y.	Keefe	Smith, Wis.
Colmer	Kefauver	Somers, N. Y.
Combs	Keogh	Sparkman
Cooper	Kerr	Stewart
Courtney	Kilburn	Stigler
Cox	Kilday	Sumner, Ill.
Cravens	Landis	Taber
Crawford	Lane	Tarver
Curley	Larcade	Thomas, N. J.
Daughton, Va.	LeFevre	Tolan
Davis	Ludlow	Torrens
Dawson	Lyle	Towe
De Lacy	McCormack	Trimble
Delaney, John J.	McGehee	Voorhis, Calif.
	McGregor	Vorys, Ohio
Dolliver	McKenzie	Wadsworth
Domengeaux	McMillan, S. C.	Wasielewski
Dondero	Mahon	Weaver
Douglas, Ill.	Maloney	Welch
Dworshak	Mansfield, Mont.	West
Earthman		White
Eaton	Mansfield, Tex.	Wickersham
Eberharter	Mason	Winter
Elliott	May	Wolfenden, Pa.
Elston	Merrow	Wood

So the previous question was ordered.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Sheppard with Mr. Shafer

Mr. Rains with Mr. Vorys of Ohio.

Mr. Brooks with Mr. Simpson of Pennsylvania.

Mr. Larcade with Mr. Towe.

Mr. Heffernan with Mr. Winter.

Mr. Rivers with Mr. Rockwell.

Mr. Holifield with Mr. Plumley

Mr. Davis with Mr. Miller of Nebraska.

Mr. Elliott with Mr. LeFevre.

Mr. McKenzie with Mr. McGregor.

Mr. Gary with Mr. Landis.

Mr. Fogarty with Mr. Kilburn.

Mr. Maloney with Mr. Bradley of Michigan.

Mr. Combs with Mr. Carlson.

Mr. Allen of Louisiana with Mr. Brumbaugh.

Mr. Mahon with Mr. Dolliver.

Mr. Lyle with Mr. Buffett.

Mr. Johnson of Texas with Mr. Dworshak.

Mr. Bryson with Mr. Fellows.

Mr. Cooper with Mr. Edwin Arthur Hall.

Mr. Gathings with Mr. Anderson of California.

Mr. Gordon with Mr. Hartley.

Mr. West with Mr. Adams.

Mr. Courtney with Mr. Bennett of New York.

Mr. Kefauver with Mr. Clippinger.

Mr. ARENDS changed his vote from "nay" to "yea."

Mrs. LUCE changed her vote from "yea" to "nay."

Mr. WINSTEAD changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The doors were opened.

The SPEAKER. The question is on the conference report.

The question was taken; and on a division (demanded by Mr. WALTER) there were—ayes 106, noes 37.

Mr. WALTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 176, noes 71, answered "present" 3, not voting 180, as follows:

[Roll No. 266]

AYES—176

Abernethy	Doughton, N. C.	Hope
Allen, Ill.	Drewry	Horan
Andresen, August H.	Eberharter	Huber
	Ellis	Hull
Andrews, Ala.	Ellsworth	Jarman
Angell	Elsaesser	Jenkins
Arends	Engle, Calif.	Jensen
Arnold	Ervin	Johnson, Ill.
Bailey	Fallon	Johnson, Okla.
Barden	Feighan	Jones
Barrett, Pa.	Fenton	Jonkman
Barrett, Wyo.	Fisher	Judd
Beall	Flannagan	Kearney
Bennett, Mo.	Flood	Kelley, Pa.
Bland	Fuller	Kelly, Ill.
Bolton	Fulton	Kinzer
Bonner	Gamble	Kirwan
Bradley, Pa.	Gardner	Klein
Brehm	Gavin	Knutson
Brown, Ohio	Gearhart	Kopplemann
Buchanan	Geelan	Kunkel
Butler	Gerlach	LaFollette
Byrnes, Wis.	Gibson	Latham
Camp	Gillie	LeCompte
Campbell	Gorski	Lemke
Cannon, Mo.	Graham	Lesinski
Chelf	Granahan	Link
Chenoweth	Grant, Ala.	Lynch
Chiperfield	Green	McConnell
Church	Griffiths	McCowen
Clark	Gross	McDonough
Clason	Gwinn, N. Y.	McMillan, S. C.
Clevenger	Gwynne, Iowa	McMillen, Ill.
Cooley	Hall, Leonard W.	Madden
Corbett		Manasco
Crosser	Hancock	Mathews
Cunningham	Hand	Morrison
Curtis	Healy	Mundt
D'Alesandro	Hedrick	Murdock
De Lacy	Hendricks	Murray, Wis.
Delaney, James J.	Heselton	Neely
	Hinshaw	Norrell
D'Ewart	Hobbs	O'Brien, Ill.
Dingell	Hoffman, Pa.	O'Brien, Mich.
Dirksen	Holmes, Mass.	O'Hara
Peterson, Fla.	Rodgers, Pa.	Sumners, Tex.
Phillips	Rogers, Fla.	Talle
Pittenger	Rowan	Taylor
Poage	Sabath	Thom
Price, Ill.	Sadowski	Thomas, Tex.
Quinn, N. Y.	Sasscer	Tibbott
Randolph	Schwabe, Mo.	Traynor
Rayfiel	Schwabe, Okla.	Vursell
Reed, Ill.	Sikes	White
Reed, N. Y.	Simpson, Ill.	Whitten
Rees, Kans.	Smith, Maine	Whittington
Resa	Spence	Wilson
Riley	Stefan	Wolcott
Robertson, N. Dak.	Stevenson	Wolverton, N. J.
	Stockman	Woodruff

NOES—71

Biemiller	Hook	Rabin
Bishop	Howell	Ramey
Brown, Ga.	Jackson	Rankin
Canfield	Johnson, Ind.	Rich
Carnahan	King	Rizley
Chapman	Lanham	Roe, Md.
Cole, Mo.	Lea	Rogers, Mass.
Colmer	Lewis	Rooney
Cox	Luce	Savage
Domengeaux	McGlinchey	Smith, Va.
Douglas, Calif.	Mankin	Springer
Doyle	Marcantonio	Starkey
Durham	Martin, Mass.	Sullivan
Engel, Mich.	Michener	Sundstrom
Folger	Mills	Talbot
Forand	Monroney	Thomason
Gillette	Norblad	Walter
Goodwin	O'Toole	Weichel
Gore	Outland	Wigglesworth
Granger	Pace	Winstead
Havenner	Patman	Woodhouse
Hays	Pickett	Worley
Hoch	Pratt	Zimmerman
Holmes, Wash.	Rabaut	

ANSWERED "PRESENT"—3

Auchincloss	Bulwinkle	Herter

NOT VOTING—180

Adams	Elston	Mansfield, Tex.
Allen, La.	Fellows	Martin, Iowa
Almond	Fernandez	Mason
Andersen, H. Carl	Fogarty	May
	Gallagher	Merrow
Anderson, Calif.	Gary	Miller, Calif.
Andrews, N. Y.	Gathings	Miller, Nebr.
Baldwin, Md.	Gifford	Morgan
Baldwin, N. Y.	Gillespie	Murray, Tenn.
Barry	Gordon	Norton
Bates, Ky.	Gossett	O'Konski
Bates, Mass.	Grant, Ind.	O'Neal
Beckworth	Gregory	Patrick
Bell	Hagen	Patterson
Bender	Hale	Peterson, Ga.
Bennet, N. Y.	Hall, Edwin Arthur	Pfeifer
Blackney		Philbin
Bloom	Halleck	Ploeser
Boren	Hare	Plumley
Boykin	Harless, Ariz.	Powell
Bradley, Mich.	Harness, Ind.	Price, Fla.
Brooks	Harris	Priest
Brumbaugh	Hart	Rains
Bryson	Hartley	Reece, Tenn.
Buck	Hébert	Richards
Buckley	Heffernan	Rivers
Buffett	Henry	Robertson, Va.
Bunker	Hess	Robinson, Utah
Byrne, N. Y.	Hill	Robsion, Ky.
Cannon, Fla.	Hoeven	Rockwell
Carlson	Hoffman, Mich.	Roe, N. Y.
Case, N. J.	Holifield	Rogers, N. Y.
Case, S. Dak.	Izac	Russell
Celler	Jennings	Ryter
Clements	Johnson, Calif.	Scrivner
Clippinger	Johnson, Tex.	Shafer
Cochran	Kean	Sharp
Coffee	Kee	Sheppard
Cole, Kans.	Keefe	Sheridan
Cole, N. Y.	Kefauver	Short
Combs	Keogh	Simpson, Pa.
Cooper	Kerr	Slaughter
Courtney	Kilburn	Smith, Ohio
Cravens	Kilday	Smith, Wis.
Crawford	Landis	Somers, N. Y.
Curley	Lane	Sparkman
Daughton, Va.	Larcade	Stewart
Davis	LeFevre	Stigler
Dawson	Ludlow	Sumner, Ill.
Delaney, John J.	Lyle	Taber
	McCormack	Tarver
Dolliver	McGehee	Thomas, N. J.
Dondero	McGregor	Tolan
Douglas, Ill.	McKenzie	Torrens
Dworshak	Mahon	Towe
Earthman	Maloney	Trimble
Eaton	Mansfield, Mont.	Vinson
Elliott		Voorhis, Calif.

Vorys, Ohio	Welch	Wolfenden, Pa.
Wadsworth	West	Wood
Wasielewski	Wickersham	
Weaver	Winter	

So the conference report was agreed to.

The Clerk announced the following pairs:

Additional general pairs:

Mr. McCormack with Mr. Smith of Ohio.
Mr. Priest with Mr. Taber.
Mr. Somers of New York with Mr. Plumley.
Mr. Barry with Mr. Smith of Wisconsin.
Mr. Hébert with Mr. Mason.
Mr. Sheridan with Mr. Hoffman of Michigan.
Mr. Heffernan with Mr. Jennings.
Mr. Lane with Mr. Kean.
Mr. Rogers of New York with Mr. Blackney.
Mr. Izac with Mr. H. Carl Andersen.
Mr. Hart with Mr. Halleck.
Mr. John J. Delaney with Mr. Grant of Indiana.
Mr. Almond with Mr. Short.
Mr. Pfeifer with Mr. Hartley.
Mr. Wood with Mr. Scrivner.
Mr. Johnson of Texas with Mr. Hess.
Mr. Byrne of New York with Mr. Shafer.
Mr. Cooper with Mr. Hill.
Mrs. Douglas of Illinois with Mr. Simpson of Pennsylvania.
Mr. Gordon with Mr. Bender.
Mr. Keogh with Mr. Clippinger.
Mr. Roe of New York with Mr. Keefe.
Mr. Sheppard with Mr. Hale.
Mr. Powell with Mr. Fellows.
Mr. Vinson with Mr. McGregor.
Mr. Combs with Mr. LeFevre.
Mr. Rains with Mr. Kilburn.
Mr. Allen of Louisiana with Mr. Landis.
Mr. Rivers with Mr. Miller of Nebraska.
Mr. Boykin with Mr. Ploeser.
Mr. Davis with Mr. Robsion of Kentucky.
Mr. Voorhis of California with Mr. Thomas of New Jersey.
Mr. Maloney with Mr. Wadsworth.
Mrs. Norton with Mr. Henry.
Mr. Fogarty with Mr. Anderson of California.
Mr. Kefauver with Mr. Harness of Indiana.
Mr. Celler with Mr. Adams.
Mr. Ryter with Mr. Hoeven.
Mr. Larcade with Mr. Gifford.
Mr. Elliott with Mr. Eaton.
Mr. Courtney with Mr. Dondero.
Mr. Kilday with Mr. Cole of New York.
Mr. Lyle with Mr. Dolliver.
Mr. Gary with Mr. Buffett.
Mr. Trimble with Mr. Dworshak.
Mr. Gossett with Mr. Bradley of Michigan.
Mr. Holifield with Mr. Cole of Kansas.
Mr. McGehee with Mr. Martin of Iowa.
Mr. Mansfield of Montana with Mr. Rockwell.

Mr. BEALL changed his vote from "nay" to "yea."

Mr. COLE of Missouri changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The doors were opened.

FEDERAL GRANTS TO STATES FOR HOSPITALS AND PUBLIC HEALTH CENTERS

Mr. BULWINKLE submitted the following conference report and statement on the bill (S. 191) to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public-health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction, as amended:

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 191) to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction, having met, after full and free conference, have been unable to agree.

A. L. BULWINKLE,
VIRGIL CHAPMAN,
VITO MARCANTONIO,
CHAS. A. WOLVERTON,
CLARENCE J. BROWN,
Managers on the Part of the House.

LISTER HILL,
JAMES M. TUNNELL,
ELBERT D. THOMAS,
ROBERT M. LA FOLLETTE, Jr.,
ROBERT A. TAFT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 191) to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction, report that the committee of conference has been unable to reach an agreement.

A. L. BULWINKLE,
VIRGIL CHAPMAN,
VITO MARCANTONIO,
CHAS. A. WOLVERTON,
CLARENCE J. BROWN,
Managers on the Part of the House.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2304. An act to provide for the training of officers for the naval service, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2498. An act to provide for fire protection of Government and private property in and contiguous to the waters of the District of Columbia.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 4051. An act to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave; and

H. R. 5223. An act to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1253) entitled "An act to enable debtor railroad corporations expeditiously to effectuate reorganizations of their financial structures; to alter or modify their financial obligations; and for other purposes."

ARMED FORCES LEAVE ACT OF 1946

Mr. THOMASON. Mr. Speaker, I call up the conference report on the bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave, and I ask unanimous consent that the statement be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act may be cited as the 'Armed Forces Leave Act of 1946.'

"SEC. 2. As used in this Act—

"(a) The term 'member of the armed forces' means any member of the Army of the United States, United States Navy, United States Marine Corps, or the United States Coast Guard.

"(b) The term 'discharge' means (1), in the case of enlisted personnel, separation or release from active duty under honorable conditions or appointment as a commissioned officer or warrant officer; and (2), in the case of commissioned or warrant officers, separation or release from active duty under honorable conditions.

"(c) The term 'spouse' means a lawful wife or husband.

"(d) The term 'child' includes—

"(1) a legitimate child;

"(2) a child legally adopted;

"(3) a stepchild, if, at the time of death of the member or former member of the armed forces, such stepchild is a member of the deceased's household;

"(4) an illegitimate child, but in the case of a male member or former male member of the armed forces only if he has been judicially ordered or decreed to contribute to such child's support; has been judicially decreed to be the putative father of such child; or has acknowledged under oath in writing that he is the father of such child; and

"(5) a person to whom the member or former member of the armed forces at the time of death stands in loco parentis and so stood for not less than twelve months prior to the date of death.

"(e) The term 'parent' includes father and mother, grandfather and grandmother, stepfather and stepmother, father and mother through adoption, and persons who, for a period of not less than one year prior to the death of the member or former member of the armed forces, stood in loco parentis to such member or former member: *Provided*, That not more than two parents may receive the benefits provided under this Act and

preference shall be given to the parent or parents, not exceeding two, who actually exercised parental relationship at the time of or most nearly prior to the date of the death of such member or former member of the armed forces.

"(f) The term 'Secretary' means in the case of personnel of the Army, the Secretary of War; in the case of personnel of the Navy and Marine Corps, the Secretary of the Navy; and in the case of personnel of the Coast Guard, the Secretary of the Treasury, and the designated representatives of each such Secretary.

"(g) The term 'cash' includes a check upon the Treasurer of the United States.

"SEC. 3. (a) Each member of the armed forces shall be entitled to leave at the rate of two and one-half calendar days for each month of active service, excluding periods of (1) absence from duty without leave, (2) absence over leave, and (3) confinement as the result of a sentence of court martial. Except as provided in subsection (b) of this section, such leave may be accumulated in an amount not to exceed one hundred and twenty calendar days. Any leave so accumulated shall not, however, survive death occurring during active military service. Enlisted members or former enlisted members of the armed forces shall be considered to be entitled to such leave from and after September 8, 1939, but shall not be considered to have any leave accumulated or accrued as of the date of the enactment of this Act, or the date of discharge if prior to such date of enactment, in excess of the amount which would have been accumulated and accrued if their leave had been accumulated and accrued from and after September 8, 1939, on the same basis as leave is accumulated and accrued in the case of commissioned officers in the regular components of their respective branches of the armed forces. Except in the case of leave to be settled and compensated for under section 6 of this Act, leave may be taken by a member on a calendar-day basis as vacation or absence from duty with pay, annually as accruing or otherwise, in accordance with regulations to be issued by the several Secretaries. Such regulations shall provide equal treatment for officers and enlisted men, shall establish to the fullest extent practicable uniform policies for the several branches of the armed forces, and shall provide that leave shall be taken annually as accruing to the extent consistent with military requirements and other exigencies. Members who reenlist after the date of enactment of this Act may be authorized reenlistment leave in the discretion of the Secretary, for a period not exceeding ninety days, and such leave shall be deducted from leave accrued during active service prior to reenlistment or charged against any leave which may accrue during future active service or both. In the case of members who are retired after the date of enactment of this Act and after retirement are continued on or recalled to active duty, leave accrued during service prior to retirement may be carried over to the period of service after retirement. Leave taken prior to discharge before or after the enactment of this Act shall be considered as active military service; but leave settled and compensated for under section 6 of this Act shall not be considered as active military service.

"(b) Notwithstanding any other provision of this Act or of any other law or regulation, no member of the armed forces (other than a member on terminal leave on September 1, 1946) shall be permitted to accumulate or to have to his credit, at any time after August 31, 1946, accumulated or accrued leave aggregating in excess of sixty days.

"SEC. 4. Leave to be settled and compensated for under section 6 of this Act shall be compensable as follows:

"(a) In the case of leave accumulated as an enlisted member of the armed forces, on the basis of the base and longevity pay applicable to such member on the date of his discharge from enlisted service if discharged before August 31, 1946, or on August 31, 1946, if not so discharged, and an allowance computed at the rate of 70 cents a day for subsistence, plus, in the case of enlisted members of the first three grades with dependents on August 31, 1946 or former enlisted members of the first three grades with dependents at the time of discharge if prior to such date, an allowance computed at the rate of $1.25 a day for quarters.

"(b) In the case of leave accumulated or accrued as a member of the armed forces as a warrant or commissioned officer, on the basis of the base and longevity pay and allowances applicable to such member on August 31, 1946.

"In the case of all other leave provided under this Act, members shall be entitled during such leave to the same pay and allowances they would receive if not on leave and to any additional or other allowance or allowances otherwise authorized or provided by law for members while on leave. Determination of the number of calendar days of leave to which a member or former member is entitled, including the number of calendar days of absence from duty or vacation to be counted or charged against such leave, shall be made in accordance with regulations to be prescribed by the respective Secretaries, which regulations shall provide equal treatment of officers and enlisted men and shall establish to the fullest extent practicable uniform policies for the several branches of the armed forces. In the case of the leave of enlisted members or former enlisted members attributable to the period prior to the date of enactment of this Act, the Secretary may in the determination of the number of calendar days of absence from duty or vacation to be counted or charged against such leave rely on such records and evidence, including applicant's sworn statements as to the material facts, as he may determine proper. All decisions by the Secretary under this section shall be final and conclusive and shall not be subject to review by any court or by any officer of the United States.

"SEC. 5. (a) Leave to which enlisted members of the armed forces discharged prior to September 1, 1946, and former enlisted members of the armed forces discharged prior to the date of enactment of this Act, are entitled under the provisions of section 3 of this Act shall, to the extent not taken, be settled and compensated for only in the manner provided in section 6 of this Act and if application is made to the Secretary not later than September 1, 1947, or, in the case of any such member or former member whose record is corrected after the date of enactment of this Act to show discharge under honorable conditions, not later than September 1, 1947, or within one year after the date on which such record is corrected, whichever is later.

"(b) In any case in which a member of the armed forces on active duty on September 1, 1946 (other than a member on terminal leave on such date) has to his credit on August 31, 1946, accumulated or accrued leave aggregating in excess of sixty days, such leave in excess of sixty days shall be settled and compensated for only in the manner provided in section 6 of this Act and if application is made to the Secretary not later than September 1, 1947.

"(c) In no event shall the number of calendar days of leave settled and compensated for under section 6 of this Act exceed 120 calendar days; and in no event shall the number of calendar days of leave so settled and compensated for, plus

"(1) in the case of a member on active duty on September 1, 1946 (other than a member on terminal leave on such date), the number of calendar days of leave accumulated or standing to such member's credit on such date, or

"(2) in the case of a member or former member placed on terminal leave prior to September 1, 1946, the number of calendar days of such terminal leave, exceed 120 calendar days.

"SEC. 6. (a) Leave by this Act provided to be settled and compensated for under this section shall be settled and compensated for as follows:

"(1) Settlement and compensation shall be made entirely in cash—

"(i) when the amount due is less than $50;

"(ii) in the case of any enlisted member of the armed forces discharged prior to January 1, 1943; or

"(iii) in any case covered by subsection (b) or (c) of this section.

"(2) In all other cases settlement and compensation shall be made in bonds of the United States to the highest multiple of $25 and in cash to the extent of the full amount of any difference. Any such bond issued pursuant to an application made under subsection (a) of section 5 shall be dated as of the 1st day of January, the 1st day of April, the 1st day of July, or the 1st day of October, whichever next follows the date of discharge, and any such bond issued pursuant to an application made under subsection (b) of section 5 shall be dated as of October 1, 1946. Each such bond shall mature five years from the date thereof. The bonds issued under this Act shall be issued by the Secretary of the Treasury under the authority and subject to the provisions of the Second Liberty Bond Act, as amended, and through such agencies as he may designate. Except as provided in subsection (d), such bonds shall be nonnegotiable and shall not be transferable by sale, exchange, assignment, pledge, hypothecation, or otherwise. Such bonds shall be issued only to and in the names of living members or living former members of the armed forces. In the event of the death of any holder of any such bond or of any check issued pursuant to this subsection, payment of the bond shall be made by the Secretary of the Treasury prior to, upon, or after its maturity upon application at the option of such holder's survivors and payment of the check shall be made by the Secretary of the Treasury upon application by such survivors as follows: To such holder's surviving spouse and children, if any, in equal shares; and if such holder leaves no surviving spouse or child or children, then in equal shares to such holder's surviving parents, if any. If there is no such survivor, any such bond shall be retired, and any such check shall be cancelled and the amount of the bond or check covered into the general fund of the Treasury. Payment of any such bond or any such check to any holder, or any survivor entitled thereto under the provisions of this subsection, between seventeen and twenty-one years of age shall constitute a complete discharge of the obligations of the United States under this Act. Where the Secretary of the Treasury is of the opinion that any holder of any such bond or any such check or any survivor entitled to payment under the provisions of this subsection is, by reason of being either under seventeen years of age or under mental disability, incapable of satisfactorily looking after his own interests, payment of such bond or such check may be made in the same manner, and with the same effect, as settlement and compensation made under the provisions of subsection (c). Interest on each bond issued under this Act shall

accrue at the rate of 2½ per centum per annum from the date of such bond to the date of maturity or to the last day of the month in which payment of the principal of the bond is made, whichever is earlier, and shall be paid with such principal. All decisions by the Secretary of the Treasury under this section with respect to the issuance and payment of bonds and under this paragraph with respect to the issuance and payment of checks shall be final and conclusive and shall not be subject to review by any court or by any officer of the United States. The provisions of this section with respect to the issuance and payment of bonds shall be carried out subject to regulations of the Secretary of the Treasury.

"(b) Leave by this Act provided to be settled and compensated for under this section shall, in the case of any member or former member of the armed forces who dies after discharge, or on or after September 1, 1946, if not discharged prior to such date, and before settlement and compensation has been effected, be settled and compensated for, on application therefor, with such member's or former member's survivors, as follows: To such member's or former member's surviving spouse and children, if any, in equal shares; and if such member or former member leaves no surviving spouse or child or children, then in equal shares to his surviving parents, if any. If there is no such survivor, no settlement and compensation shall be made under this Act. Settlement and compensation under this subsection with any such survivor between seventeen and twenty-one years of age shall constitute a complete discharge of the obligations of the United States under this Act.

"(c) Where the Secretary is of the opinion that any member or former member of the armed forces or any survivor of any such member or former member is, by reason of being either under seventeen years of age or under mental disability, incapable of satisfactorily looking after his own interests, such Secretary may settle and compensate under this section with a proper person selected by him for the use and benefit of such member, former member or survivor, without the necessity of resorting to judicial proceedings for the appointment of a legal representative. Settlement and compensation made under the provisions of this subsection shall constitute a complete discharge of the obligations of the United States under this Act. The provisions of this subsection shall not apply when a legal guardian or committee has been judicially appointed for any such member, former member, or survivor, except as to any settlement and compensation made prior to the receipt of notice of appointment: *Provided*, That no fee, commission, or charge shall be demanded or accepted by any representative of any member, former member, or survivor appointed in accordance with the provisions of this subsection and the exaction or acceptance of any such fee, commission, or charge shall be deemed a misdemeanor punishable by a fine of not exceeding $500 or imprisonment for not exceeding six months, or both.

"(d) (1) Pursuant to regulations prescribed by him, the Administrator of Veterans' Affairs is authorized and directed to accept an assignment of a bond issued to the insured under this section, the proceeds of which shall be used in payment of premiums or in payment of the difference in reserve in case of conversion to insurance on another plan or in payment of a policy loan made prior to July 31, 1946, on a United States Government Life Insurance policy or a National Service Life Insurance policy: *Provided*, That such assignment may not be used by the insured directly or indirectly as a means of securing in cash the proceeds of such bond or any portion thereof prior to the date of its maturity or the maturity of such policy by death, whichever is the earlier, and such assignment shall be deemed to constitute an agreement by the insured to this effect.

"(2) Any bond assigned under this subsection shall be redeemed at any time, upon presentation to the Secretary of the Treasury, and the proceeds thereof shall be paid and credited to the appropriate fund or appropriation designated by the Administrator.

"SEC. 7. All amounts paid or payable under section 6 of this Act, in cash, bonds, or both, shall not be assignable except as provided in subsection (d) of such section, shall be exempt from claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever. All such amounts (except interest in the case of bonds) shall be exempt from taxation.

"SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Amounts expended hereunder shall be included in the annual reports to the Congress by the Departments concerned.

"SEC. 9. The Act approved May 8, 1874 (18 Stat. 43), as amended by the Act approved July 29, 1876 (19 Stat. 102; 10 U. S. C. 842), is hereby repealed. Such repeal shall not affect any unused leave accumulated (including leave accruing at the rate of two and one-half days per month after July 1, 1946) prior to the date of enactment of this Act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

R. E. THOMASON,
CARL T. DURHAM,
ROBERT L. F. SIKES,
LESLIE C. ARENDS,
CHARLES R. CLASON,
Managers on the Part of the House.

ELBERT D. THOMAS,
EDWIN C. JOHNSON,
LISTER HILL,
CHAN GURNEY,
CHAPMAN REVERCOMB,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House recedes from its disagreement to the amendment of the Senate to the text of the bill and agrees to the same with an amendment in the nature of a substitute for both the Senate amendment and the bill as it passed the House.

The conference agreement differs from the Senate amendment and the bill as it passed the House in the following material respects.

The first section of the Senate amendment provided that the act may be cited as the "Armed Forces Leave Act of 1946". The House bill provided the short title "Enlisted Men's Terminal Leave Pay Act". The conference agreement adopts this provision of the Senate amendment.

Both the House bill and the Senate amendment provided that, with certain minor exceptions, enlisted members and former enlisted members of the armed forces should be considered, for the purposes of the payments provided thereunder, to have earned leave at the rate of 2½ days for each month of active service after September 8, 1939. The House bill would have permitted such leave to accumulate in an amount not to exceed 120 days for the period ending 6 months following the termination of the war as established by proclamation of the President or concurrent resolution of Congress. The Senate amendment would have permitted such leave to accumulate in an amount not to exceed 120 days for the period ending August 31, 1946. The conference agreement permits such leave to accumulate, during the period from September 8, 1939, to August 31, 1946, in an amount not to exceed 120 days.

The bill as it passed the House provided for the making of lump-sum cash payments to enlisted men and former enlisted men for unused leave accumulated in accordance with the provisions of the bill. The Senate amendment provided that payment for unused leave considered to have been earned by enlisted men discharged prior to September 1, 1946, should be made in nonnegotiable United States bonds, which would be issued as of the first day of the quarter following the date of discharge. Such bonds would bear interest at the rate of 2½ percent, and would mature 5 years after the date as of which issued. In any case where the amount due is less than $50, or where the member of the armed forces was discharged prior to January 1, 1943, payment would be made in cash. Cash settlement would also be made where the member dies after becoming entitled to payment but before payment is actually made; and in any case where the claimant is incapable of managing his own affairs and the settlement is made with another person acting in his behalf.

The conference agreement retains the provisions of the Senate amendment providing for the issuance of bonds. However, these provisions are modified in the conference agreement so as to provide that the bondholder may use the bond issued to him in payment of premiums upon United States Government life insurance or national service life insurance, or in payment of the difference in reserve in case of the conversion of a policy of such insurance to another policy of such insurance on a different plan, or in payment of a policy loan, including interest thereon, made prior to July 31, 1946, on a United States Government life insurance policy or a national service life insurance policy. A bondholder wishing to use his bond for one or more of such purposes would be permitted to assign the bond for such purposes pursuant to regulations prescribed by the Administrator of Veterans' Affairs, and would be allowed an amount equal to the principal of the bond plus interest accruing up to the end of the month in which the assignment is made. The bonds would be presented to the Secretary of the Treasury for redemption and the proceeds thereof, which would include interest up to the end of the month in which the bonds are redeemed, would be paid and credited to the appropriate insurance fund or insurance appropriation. Provisions are included in the conference agreement to guard against the possibility that the bondholder might use his privileges with respect to payments relating to insurance as a device for obtaining cash for the bond prior to its maturity.

The Senate amendment contained language, not included in the bill as it passed the House, providing that in the case of members of the armed forces appointed to warrant or commissioned grades after June 1, 1945, leave accrued during any prior continuous service immediately preceding such appointment could be carried over to a subsequent period of service. The conference agreement does not contain such a provision.

The bill as it passed the House made no provision with respect to leave for enlisted men subsequent to 6 months following the end of the war. The Senate amendment placed enlisted men who are on active duty on September 1, 1946, or at any time thereafter, on exactly the same basis, so far as leave is concerned, as officers. The conference agreement adopts the provisions of the Senate amendment in this respect.

The Senate amendment provided that notwithstanding any other provision of this act or of any other law or regulation, no member of the armed forces (other than a member on terminal leave on September 1, 1946) should be permitted to accumulate or to have to his credit at any time after August 31, 1946, accumulated or accrued leave aggregating in excess of 90 days, and provided that any leave in excess of 90 days to which he might be entitled on August 31, 1946, be settled and compensated for in the same manner as was provided with respect to leave to be settled and compensated for in the case of members discharged before September 1, 1946. Section 6 of the House bill provided that during any future national emergency or war leave for members of the armed forces should not be permitted to accumulate in an amount exceeding 30 days, and that no payment should be made in lieu of leave. The conference agreement limits the accumulated and accrued leave which a member may have to his credit after August 31, 1946, to 60 days and, in order to prevent forfeiture of leave by a member who continues in service after such date, provides that any leave in excess of 60 days to which he may be entitled on August 31, 1946, be settled and compensated for in the same manner as provided in the Senate amendment. The conference agreement also directs the departments concerned, in promulgating regulations relating to the granting of leave, to provide that leave shall be taken annually as accruing to the extent consistent with military requirements and other exigencies.

Section 10 of the Senate amendment exempted persons on terminal leave from the armed forces from the provisions of sections 109 and 113 of the Criminal Code which prohibit an officer of the United States from acting as counsel, agent, or attorney in matters in which the United States is a party or is interested, and from prosecuting claims against the United States. The House bill contained no corresponding provision. This provision is not included in the conference agreement.

The House recedes from its disagreement to the amendment of the Senate to the title of the bill.

R. E. THOMASON,
CARL T. DURHAM,
ROBERT L. F. SIKES,
LESLIE C. ARENDS,
CHARLES R. CLASON,
Managers on the Part of the House.

The SPEAKER. The gentleman from Texas [Mr. THOMASON] is recognized.

Mr. THOMASON. Mr. Speaker, I want to make a brief but a very frank statement about this report.

The conference on this bill was in session for a good part of 3 days. Your conferees, the gentleman from North Carolina [Mr. DURHAM], the gentleman from Florida [Mr. SIKES], the gentleman from Illinois [Mr. ARENDS], the gentleman from Massachusetts [Mr. CLASON], and I, stood steadfast for most of those 3 days, at least up until the final vote was taken, on what we regarded as the instructions of the House to pay this terminal leave to enlisted men in cash. I wish to make a brief statement as to the exact situation, and then the matter is left to your own judgment and wishes as to how you shall vote on it.

At these hearings on the part of the conferees there appeared representatives of the Director of the Budget, also representatives of some of the veterans' organizations, who favored this report as we bring it back to you.

The situation, briefly, is this: When this bill went to the other body they had hearings on it, and the chairman of the special committee over there, the Senator from Colorado [Mr. JOHNSON], had been very strong in favor of the payment of this accumulated terminal leave in cash. They called in different representatives of the Government, however, including the Secretary of War, Secretary of the Navy, the Secretary of the Treasury, and the Director of the Budget, and their testimony appears in the Senate hearings. The situation briefly is that we have now brought this back to you to pay this terminal leave partly in cash but principally in bonds. The bonds are to run for 5 years and to bear 2½ percent interest. All amounts due enlisted men under $50 will be paid in cash. All odd amounts not in multiples of $25 will be paid in cash. The estates of all deceased veterans will be paid in cash. All veterans who were discharged prior to January 1, 1943, will be paid in cash for the simple reason that those bonds will soon mature. These bonds, of course, will be staggered because the dates of discharge differ.

The total number of enlisted men who will be eligible for payment in either bonds or cash under this bill is approximately 16,000,000.

The total amount it will cost the Government in either cash or bonds is approximately $3,000,000,000, and the average to each veteran is approximately $166.

The Director of the Budget, or to be more exact, his representative, who spoke with his authority, appeared before the conference and reminded us of something we already knew, that we are in an inflationary period in this country and that the Director of the Budget would not approve the immediate expenditure of $3,000,000,000 in the economy of this country under present conditions. Everybody agrees that might become serious, and cheapen the value of the dollar still more. And I might add that he said this—of course, neither he nor any other person was authorized to speak for the President, but he did make the authorized statement to the committee that this bond proposal had been submitted to the President who approved it with the further statement that he would not approve anything more than that at the present time.

Following that an official representative of the national American Legion, Mr. Hayden, I believe that is the name, came before the conferees, as had Col. John Thomas Taylor, an authorized spokesman for the national American Legion, previously to that, and urged the payment of this leave in bonds, since that was the best we could get, because it is well known to all of those on the conference that in view of the President's statement to the Director of the Budget, and the statement of the Director of the Budget to us—to be perfectly frank about it at the present time, I think it is this or nothing. For these reasons the conferees brought this bill back to the House.

I might also call your attention to the fact that other representatives of the veterans, including Mr. Tate, of the Disables American Veterans, favored this bill. I think in order that you may be fully informed it will be well to read a few lines of his testimony. This is indicative of the attitude of all of the service organizations as far as we could obtain it.

Col. John Thomas Taylor, spokesman for the American Legion, called me himself and urged the adoption of this report.

Mr. William E. Tate, national director of claims, Disabled American Veterans, stated, and I quote from his testimony before the Senate:

> I would like to state our organization is very much interested in seeing that these men receive this benefit, and in view of the testimony of Secretary Sullivan as to the method of payment, we would have no objection to that method being employed. It seems that perhaps it would be of more benefit to the men to get it that way than it would in cash. If it is going to result in inflation, it would decrease the value of the money he gets, so our organization would be in accord with the testimony of Mr. Sullivan.

The statement was also made, although I do not speak with authority, that the American Veterans Committee not only favored this manner of payment in view of present economic conditions but I believe they were the authors of this suggested proposition.

It was also reported to us that the Veterans of Foreign Wars also approved the Senate plan. That was the statement of one of the Senators, although I do not vouch for its accuracy.

I would like to go a little farther and say that after full consideration of this plan and the endorsement of the Director of the Budget as well as the President speaking through him, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the various veterans organizations, the conferees agreed on an amendment which you will find in the report that these bonds can be used to apply on the payment of premiums for veterans' insurance. There were many on the conference, and also some of these men whom I have mentioned who favored the bill, thought this manner of payment would not only encourage thrift for the present but would also encourage the keeping up of life insurance. It is really distressing the way the men are letting their life insurance drop. This would certainly encourage the keeping alive of those premiums for the present.

Mr. Speaker, I do not want to take any extended time but just to boil it down let me make one further statement. I may add that the Senate conferees stood firm and were unanimous that they would not agree at this time to any other solution of the problem except this one. They felt sure that is the way the Senate would feel about it. I may say that I was over at the Senate a little while ago and the Senate unanimously adopted the report. Of course, as I said, this is not altogether satisfactory to the House conferees, it was not my own feeling and not the way I voted in the House on it, but this is something tangible and it will determine the amount due each of these men. I voted for the cash payment and am still for it. I urged it in the conference, but this is better than nothing. When the report was adopted in the Senate a little while ago the Senator from Florida [Mr.

PEPPER] rose and said he would introduce immediately a bill making these bonds payable in cash. If Congress is to adjourn day after tomorrow it will be impossible to get any action at this time; but we will be back in January and if at any time next year or at any time before the maturity of the bonds Congress wants to order these bonds paid, or pass some sort of adjusted compensation as it did after World War I, the Congress may make these bonds redeemable in money.

Mr. GAVIN. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. Did I understand the gentleman to say that the President would not approve anything other than the issuance of these bonds?

Mr. THOMASON. I will try to quote the representative of the Director of the Bureau of the Budget who appeared before the conference. He said this plan had been submitted to the President and that the Director of the Budget and the President had approved the plan but that they would not at this time approve anything more than that. Nobody is authorized to speak for the President. Nobody can say he would veto a cash payment. I pressed for a statement that I could quote and the representative of the Bureau of the Budget said that the President would approve this plan but he would not approve of any more at this time, and the Director of the Budget then added that he thought it would be a very bad thing for the country to turn $3,000,000,000 loose on our economy at this time on such short notice. A lot of that money would be recklessly spent. It would add to our inflation problems. I hope when we get back to full production and conditions more stable, we can then make these bonds cashable or negotiable. The dollar of the veteran will probably buy a lot more in a year from now than it will today.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. As I understand, these bonds are not negotiable except for the payment of premiums on Government life insurance.

Mr. THOMASON. That is correct.

Mr. AUGUST H. ANDRESEN. Let me ask the gentleman what is there to prevent the next Congress from making these bonds negotiable?

Mr. THOMASON. Nothing in the world. If this Congress wants to come back in January or next July or next January a year, and economic conditions are better, they can make them payable at any time they see fit.

Mr. AUGUST H. ANDRESEN. I think we should pay it in cash right now.

Mr. COLE of Missouri. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Missouri.

Mr. COLE of Missouri. I think it is correct to say that apparently they have plenty of cash for Britain but only bonds for our veterans.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. I believe this is the first time that the Government has put into effect this sort of policy; is that correct?

Mr. THOMASON. I am not able to say. The gentleman is as well informed about that as I am. We just brought the report back here to give you the true situation. It is just this or nothing at the present time as we view it.

Mr. SMITH of Ohio. The point I want to make is this: I would like to know why, if it is going to be the policy of the Government to begin to freeze its obligations, they begin with the veteran.

Mr. THOMASON. The gentleman will have to answer that himself, because he knows as much about it as I do.

Mr. GRANGER. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Utah.

Mr. GRANGER. Did I understand the gentleman to say that these bonds could be used only for payment of premiums on Government insurance, or any insurance?

Mr. THOMASON. No; it would be confined to veterans' insurance, convertible national life insurance or insurance of that kind.

Mr. BARRETT of Wyoming. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Wyoming.

Mr. BARRETT of Wyoming. I am in entire accord with the splendid statement of the gentleman. I favor the payment in cash to enlisted men. Why should not the buck private be treated the same as his officers. Can the gentleman give us any figures as to what the percentage of the $3,000,000,000 would be paid in cash?

Mr. THOMASON. No. Compared to the total sum it would be rather small, but quite a sum because I repeat that the average amount to each veteran amounts to $166. All claims under $50 will be paid in cash, and all odd amounts will be paid in cash. In other words, if a man had $185 coming to him, he would get a bond for $175 and $10 in cash. I also repeat that the estates of deceased veterans will be paid in cash.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Illinois.

Mr. ARENDS. I think it was stated that the amount paid to those receiving $50 and less would be approximately $300,000,000.

Mr. BENNETT of Missouri. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Missouri.

Mr. BENNETT of Missouri. As I understood the gentleman from Texas, he gave the same figure for the payment in bonds as if they were paid in cash. It would appear to me, since the bonds carry interest, that that would greatly increase the cost of the program. Can the gentleman shed any light on that?

Mr. THOMASON. I can only say that the bonds carry 2½ percent interest. Of course, a veteran may have entered the service in 1943, and he is going to get his bonds in January, say, 1948, on the day of his discharge, and the bonds bear interest from the date of discharge of the veteran.

Mr. DURHAM. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from North Carolina.

Mr. DURHAM. The total amount of payment in the cash bracket is estimated to be $358,450,000.

Mr. THOMASON. I thank the gentleman.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Michigan.

Mr. RABAUT. I take this opportunity to commend the gentleman from Texas. This has been a matter of controversy between the two bodies, and the gentleman has made a very outright statement, explaining every phase of the negotiations. That is the type of statement that should come to the House on these controversial issues, and the gentleman is to be highly commended for the thorough manner in which he brought it forth. The House favored cash payments, but is conceding to the Senate plan only because action must be obtained now in these closing hours of Congress. The gentleman from Texas, in his legislative role, is forced to bring us the program adopted in conference.

Mr. THOMASON. I thank the gentleman.

Mr. CHAPMAN. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Kentucky.

Mr. CHAPMAN. I think it also should be stated, Mr. Speaker, that the conferees representing the House stood for 3 days stanchly and strongly for the House position on this measure, and agreed to the conference report because it was the only thing left to do.

Mr. THOMASON. I thank the gentleman.

Mr. GORE. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Tennessee.

Mr. GORE. I congratulate the gentleman on his very lucid statement. I thought I would oppose the conference report because I favor payment in cash, but the gentleman has made such a plain statement that it is either this or nothing that I shall accept the report.

Mr. THOMASON. I favored cash myself, and so did every Member representing the House at the conference. This does put Uncle Sam's bonds in the hands of every veteran. All of the Senators stood firm on the Senate bill. They said this might encourage thrift and saving and also encourage the keeping up of their very valuable and cheap Government life insurance. But when this inflationary period is over and we are back to full production, the Congress then, if conditions are better, can pay the bonds off with cash. The money will probably buy a lot more then than now.

Mr. GAVIN. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. I should like to have the gentleman discuss momentarily the great concern of the administration about inflation. If the administration is concerned about inflation now, why was it not concerned about it when we had before us the $3,750,000,000 British loan? That money is going into circulation.

Mr. THOMASON. I repeat that we did the best we could. We brought this report back to you and we are giving you the truth and the facts. It is this or nothing for the present. We did the best we could under the circumstances. You can vote as you please, but I believe you will think twice before you kill this report. We adjourn Friday and we ought to do the best we can. We have to be practical and face facts.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Arizona.

Mr. MURDOCK. I commend the gentleman on this statement. I do not know who it was of the conferees who proposed the bonds being used for payments on life insurance, but I think it is an excellent idea. I voted for cash payment and still favor it, but if it is bonds or nothing at this time, I will vote to adopt the conference report.

Mr. THOMASON. The statement was made by a Senator in the conference that the American Veterans Committee gave birth to the idea and brought it to the Senate conferees.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the pending conference report, and that those Members who desire to do so may extend their remarks on this subject at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GRANT of Alabama. Mr. Speaker, I am supporting the House-Senate conference report, which is a compromise on the part of the House for payment of enlisted men's terminal leave in bonds.

I understand that the House conferees reluctantly agreed to the Senate amendments to this bill, which provide a bond method of payment for all amounts over $50, and that when the amount due is under $50, that payment will be made in cash.

I note that some feel that if the veterans are paid in cash, as provided by the House bill, that it will be inflationary. This is, perhaps, true, however, I wish that those who raise an inflationary cry when the veterans are concerned would also apply this viewpoint to some other legislation where, too often, the doors of the Federal Treasury are open. I recall that several years ago, when cuts were made in some of the Federal expenditures, that the so-called economy cut was first applied to the veterans and it did not go much further.

It is, of course, impossible without a more detailed study, to know just how much appropriation will be required for this bill. However, an appropriation bill has been passed containing $2,431,000,000 for this purpose. I believe that it will be found to run higher than this amount.

While over $50 amounts will be paid in bonds, it is with pleasure that we find that the conferees have agreed that the bonds may be used to pay premiums on war-risk insurance, or to convert this insurance into permanent national life insurance. The bonds will be payable in 5 years, bearing 2½ percent interest and issued in $25 bonds. Without going into the merits of the payment of terminal leave to officers, it seems to me that a rank discrimination has been allowed to exist and, since it has existed, there is only one thing that this Congress should do and that is to immediately pass this bill.

Mr. WILSON. Mr. Speaker, it is depressing to know that the only economy ever practiced by this administration has been at the expense of our heroes, the veterans.

The Economy Act which made paupers and street-corner apple sellers of our World War I veterans was passed in the early years of the New Deal.

To those of us who forced this bill to the floor of the House by signing a petition, this move to pay off in scrip, or I O U money, is scandalous. We want our veterans to have cash—negotiable money. Oh, yes; I know, Mr. Speaker, a host of colonels of the War Department appeared up here on the Hill and opposed this legislation to pay these enlisted men for unused terminal leave; but they have theirs, and I swear that a billion dollars in the hands of GI's is no more inflationary than the same amount in the hands of the colonels or brass hats.

Mr. ANGELL. Mr. Speaker, I regret that this bill, H. R. 4051, comes back to us on a conference report requiring the enlisted men to be paid in bonds, rather than in cash. I favor payment in cash. I introduced a bill requiring that enlisted men be paid in cash for terminal pay the same as payment is being made to officers. I am unable to understand why enlisted men should not be accorded the same treatment as officers. The veterans should receive cash, and if it were possible to vote for cash payment I would do so. Under the parliamentary situation we have no choice, and if we vote down this report the enlisted men may receive no terminal pay until the Congress reconvenes in January 1947. I am willing to stay here all summer if necessary to secure a bill requiring payment in cash. At present it seems to be this bill or nothing during the Seventy-ninth Congress. I feel forced, therefore, to vote for the conference report. Next session we should pass a bill requiring payment in cash.

Mr. SPRINGER. Mr. Speaker, in presenting the conference report on H. R. 4051, I am greatly disappointed at the provisions contained therein which provide for the payment of this terminal leave to veterans of World War II in bonds instead of cash. I have ever been in favor of the payment of this terminal leave in cash, and I am in complete accord with the House version, which is that the payment of the terminal leave to GI's should be made in cash. I have urged that this terminal leave be paid in cash. I am very sorry that the parliamentary situation is such that we are compelled to vote this conference up or down. This conference report cannot be amended, and, may I say, that I am greatly surprised at the attitude of the President in requesting that the GI's be paid in bonds, and at the same time hiding behind the subject of inflation as an alibi. The commissioned officers have been paid their leave in cash. The GI's are entitled to receive their leave pay in cash. It is tragic, indeed, for the President, and those in control, to approve the payment of terminal leave in cash to commissioned officers, but to demand that the GI's, who fought and who really won this war, accept bonds in payment of their terminal leave.

Mr. Speaker, this policy is both unfair and unjust. The GI's are entitled to be paid in cash, just as the payment has been made to commissioned officers.

However, rather than get nothing for the GI's, as those in power have suggested, we will have to accept the conference report I presume. Yet, I am constrained to say that this conference report is very unfair to the GI's. I would rather that Congress remain in session for several weeks in order that a fair and equitable measure can be reported and passed in favor of the GI's.

It is very unfortunate that the President has sanctioned the payment of our money to UNRRA, to the UNO, and for a huge loan to Great Britain, and for many other items, but when this question is raised to pay the accrued terminal leave to our GI's, he wants to give them bonds, payable in the future. It appears to me that the President wants cash for foreign countries but only bonds for our own veterans.

I am greatly disappointed over this legislation.

Mrs. MANKIN. Mr. Speaker, the officers of our armed forces were given their terminal leave pay in cash and therefore I feel that the enlisted personnel should be paid the same way rather than in bonds, as the Senate insists. As this session is coming to a close and we must either accept the Senate version or lose our chance to get some sort of terminal leave pay for our enlisted men, I shall vote for this bill which pays them with bonds. I serve notice, however, that next January I shall introduce a bill to amend this one that we are now passing. I shall seek by this amendment to change these payments from bonds to cash when the recipient so elects.

Mr. ELLIS. Mr. Speaker, I will support this conference report which provides for the payment of terminal pay to soldiers, as we are told because of the parliamentary situation, that if we vote down the conference report, there is a possibility that no legislation whatsoever relating to this subject will be passed.

It is recalled that the House voted almost unanimously for the cash payment of this obligation. The irony of the situation is that we are informed that the President has stated he will not approve a cash payment proposal because as he states it is inflationary. You are reminded that just a few days ago, this House was literally pounded over the head by the White House, the State Department, and the Treasury to give the British Empire $3,750,000,000. At that time nothing was said about inflation by the proponents. We have been commanded by the spokesman of this administration to give and lend money to all the nations of the world, but when it comes to paying our own veterans, it has to be in 5-year bonds.

I want to express my opposition to this plan of payment with all the force at my command, and I join with many of my colleagues in bitter criticism of this administration for their treatment of the men who wore the uniform of this country.

Mr. ROBERTSON of North Dakota. Mr. Speaker, House Members find themselves in an uncomfortable position today. Our House conferees have withheld against the pressure of the administration and the Senate in favor of a cash payment of terminal leave to GI's. After having held out for a considerable time the House has been compelled to yield because we are soon to run out of time. We are now advised that we have but one choice; to vote this conference report up or down. Under parliamentary rules this is evidently the case, the Senate having already voted on it.

Rather than deny the GI's their rights I propose to vote for this conference report, even though it provides for payment of terminal leave in bonds due in 5 years. It is a gross injustice when measured against the treatment officers have received.

To me it becomes nauseating to always hear the word "inflationary" when the administration is not in approval of a program. On all other matters, including subsidies paid by the Office of Price Administration, there is no reference to inflation. Even the British loan is not considered inflationary. But today we are asked to pay these young men in bonds due in 5 years, because to pay the amount in cash would be inflationary.

Mr. Speaker, I shall support the conference report and vote for payment in bonds reluctantly. I do so because I am advised it is this or nothing, but I shall be among the first, if I am returned to the next Congress, to support legislation for the cash payment of these bonds.

Mr. NORBLAD. Mr. Speaker, the provisions of the conference report requiring payment of enlisted terminal leave in 5-year bonds is, in my opinion, manifestly unfair. As an officer I received my terminal leave in cash and cannot understand why a similar provision cannot be made for enlisted men. There should be absolutely no difference in method of payment.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, the House finds itself in an unfortunate dilemma in the final consideration of the terminal-pay bill for enlisted men. The House bill, a companion measure to H. R. 4467, introduced by me last October, provided for the payment of cash to GI's in settlement of terminal-leave payments. The bill went to the Senate, which body inserted an amendment that provides for payment in cash where the amount is less than $50 and for payment in 5-year, nonnegotiable bonds, bearing 2½ percent interest, for amounts above $50. The Senate amendment also provides that these bonds may be turned in to the Veterans' Administration for the single purpose of paying premiums on Government war insurance, or to convert the war policies to permanent national service insurance.

By a unanimous vote, the House had approved payment of the terminal-leave pay in cash. Democratic administration leaders in the Senate, who were responsible for the bond amendment, definitely state that if the House does not accept the Senate proposal, there will be no legislation in this session of Congress, which adjourns in 2 days. We are therefore placed in a position of either voting for the Senate proviso, or seeing the legislation killed for the present session. Under the circumstances, those of us, who are anxious to have a bill passed before adjournment, are compelled to accept the Senate amendment. This is no way to legislate. Enlisted men are entitled to a cash payment, the same as is given to all officers. The only thing that we can do, under the circumstances, is to approve the bill in its present form, and when Congress reconvenes in January to speedily approve legislation to make these bonds negotiable, so that veterans who desire to do so may cash them at their face value. I will do my utmost to secure the passage of such legislation.

Members of the conference committee have all stated that the President has objected to the payment of cash in the settlement of terminal-leave pay, because the payment of $2,400,000,000 to American servicemen in cash was inflationary. I do not agree with the President's logic. No cry of inflation was raised by him when he demanded and secured the approval of the $3,750,000,000 loan to the British Government, or in the loaning of $3,500,000,000 by the Export-Import Bank to dozens of foreign countries. Can it be the attitude of administration leaders that when money is given to foreigners it is not inflationary, but when just obligations are settled with American soldiers, who will spend all of the money in the United States for American products, it becomes inflationary? I would say, that such reasoning is a rather peculiar complex. We must rectify the mistake which we are being forced into today, as quickly as possible.

The bill provides that unused leave will be paid for at the rate of 2½ days a month for not to exceed 120 days, using the base pay at the time of discharge, plus 70 cents a day subsistence, and, if married, $1.25 a day additional. Enlisted members of the armed forces, who have been discharged, are required to make application for payment. The Veterans' Administration will announce procedure for payment as soon as plans are perfected. Approximately 15,000,000 veterans will be entitled to terminal leave pay, according to the best estimates of the War and Navy Departments, and the average payment will be around $165.

Mr. GILLIE. Mr. Speaker, it is my personal conviction that the House should stand by its original decision to make terminal-leave pay available to enlisted personnel in cash.

The whole purpose of this legislation is to correct an obvious injustice. This being the case, I believe we should not leave the job half done. Officers and other employees of the Government have not been asked to wait 5 years for money earned through accrued leave. Why should an exception be made once again at the expense of the enlisted man?

If it is really our purpose to place officers and enlisted men on the same footing insofar as these benefits are concerned, our action should extend to the method of payment as well as the payment itself. Why attach strings to it? Why pay the brass hats in cash and tell the GI, who needs the money now, to wait 5 years for the wheels of justice to catch up with him?

I am not overly impressed by those who point with alarm to the so-called inflationary dangers of the House bill, and who express concern over the extra purchasing power which would be made available. If they are sincere, why did they not raise this same issue against the British loan? Our British brothers are getting cash on the barrel head. Why draw the line at our own GI's?

Mr. MURDOCK. Mr. Speaker, as I indicated a little while ago, when the gentleman from Texas [Mr. THOMASON] yielded to me for an observation, I think that part of the conference report which provides that GI's may use the bonds received in payment under this bill pay for their government insurance is a good and wholesome provision. I approve of it. Of course, it was the will of the House that this pay to enlisted men should be in cash, but if—as the gentleman from Texas, Mr. THOMASON, says—the Senate is adamant on this matter and we cannot get the Senate to recede and concur, we had better pass the measure in this form by accepting the conference report.

I do not think many GI's will condemn Congressmen for acceding to this bond provision. I expect some criticism personally but not a great deal, from GI's, for many of them know that I personally worked with Congressman James O'Connor, of Montana, in the very beginning of the defense program to raise the GI's pay from $30 to $50 and that I later worked with the gentleman from Mississippi, Congressman JOHN RANKIN, toward the same end, and successfully in the last case. Having always been generous with GI's in financial matters, I do not expect to be criticized by them now for being willing to vote to pay them in bonds instead of in cash, when it is obviously impossible to pass the measure providing for cash payments. Let us pass the best bill we can get. When I see one of the authors of this legislation urging its adoption, I know this is the best we can get.

I want it distinctly understood that I feel it is in the interest of the ex-service man to keep up his insurance. I advise it on every possible occasion and I have heretofore voted provisions into law

which will induce GI's to keep up their insurance or to better the insurance contract in any possible way. This is one of the reasons that I am sanctioning the conference report today which permits this payment in bonds to be used for payments on the soldier's government insurance.

Mr. ROONEY. Mr. Speaker, justice requires that the enlisted men's terminal leave pay be paid in cash. The officers in our armed forces receive their terminal leave pay in cash. Why should discrimination be made against the enlisted men? If we found it possible to turn over three and three-quarter billions of dollars in cash to Great Britain—I voted against the British loan—we should certainly be able to pay our just debt to the GI Joes in cash.

I signed the petition to discharge the Rules Committee from consideration of the original terminal leave pay bill in cash form. I voted for it in cash form when it was passed by this House. The day before yesterday as a member of the Committee on Appropriations I voted the money to pay it.

With these sound convictions in my mind I now find myself in an extremely awkward position due to the present parliamentary situation. There is no alternative at the moment but to vote up or down on the conference report. If we vote it down it is most likely the enlisted men's original terminal pay leave bill will die and that no further action can be taken until the 80th Congress convenes. This would result in a very unfavorable situation as the veteran would then receive no benefits whatsoever. But if we adopt this conference report at least the enlisted man will have Uncle Sam's bonds and some cash. We will then be in a position to return here next January and change the maturity date on the bonds so as to make them immediately payable. I deplore the adamant attitude of the Senate on this question but have no alternative under the circumstances to do anything other than reluctantly accept the conference report.

Mr. CHENOWETH. Mr. Speaker, I am voting for this conference report for the reason I want to see a terminal pay bill for enlisted men pass at this session of Congress. I am very disappointed that the House conferees saw fit to accept the Senate amendment providing for the payment in bonds instead of cash. Personally, I feel very strongly that these payments should be made in cash, and I can see no excuse for issuing these bonds.

I join with others who have spoken in expressing the hope that another Congress will correct this injustice, and pass legislation that will give our enlisted men cash instead of bonds. It does seem strange that we have cash for every other purpose, even to the extent of making large foreign loans. I do not think we should start to economize on our veterans. These men are entitled to this terminal leave pay and the amount to each will be small. I cannot justify and I will not defend the attitude of the administration in seeking to make these payments in bonds instead of cash, as previously voted by this House.

TERMINAL LEAVE WAS PAID IN CASH FOR OFFICERS—THE SAME SHOULD BE DONE FOR ENLISTED MEN

Mr. REES of Kansas. Mr. Speaker, the conference report on terminal leave pay for enlisted men ought to be rejected and the House version of this bill should be adopted. The Senate bill provides for payment in bonds. The House bill for payment in cash. Of course, the bonds are good and will be payable at maturity with interest, but I think that in view of the fact that the average payment to the veteran is only about $160, the Government ought to let the veteran have it in money so he can use it now in helping to become rehabilitated. The Government paid cash to the officer without hesitancy. Why not treat the GI on the same basis?

It has been suggested that to pay these funds in cash is inflationary. If this appropriation is inflationary, what about the billions of dollars this country is spending for other purposes, including the $4,000,000,000 this Congress approved for the British.

I regret the President has taken the position that he will veto the bill unless payment is made in bonds. The money is due the boys—they ought to have it. If they want to buy bonds they can do so. If they want to buy things that they need right now, they should have a right to do that too.

We did not hesitate to pay billions of dollars in cash for services of all kinds to carry on the war. Since the amount due each veteran is small, let us pay it in cash and not make them wait 5 years or more before they will receive it. Most of them need the money now. Let us be fair about it.

Mr. THOMASON. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Speaker, in order to clarify the situation, I should like to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ARENDS. Will the Chair state to the House the reason why this conference report has to be voted up or down at this particular time?

The SPEAKER. A motion to recommit this conference report is, of course, not in order. Therefore, the gentleman is correct when he says it is a question of voting the conference report up or down.

Mr. ARENDS. I think that may clarify to some extent in the minds of some of the Members here as to why it is necessary to now vote this report up or down; there being no other alternative.

Mr. Speaker, I should like to make this statement on the part of the House conferees. All five of us of course wanted to carry out the will of the House, which had voted unanimously to pay this terminal leave in cash. We got to the Senate and faced this situation. The conferees on the part of the Senate were adamant in their position in maintaining that the bill passed the Senate in the way it did, providing bonds, was the only possible form in which any terminal leave legislation could pass that body and no other result would be possible. Therefore, we found ourselves in the position of either saying we would be in disagreement, and reporting the bill in disagreement to the House, and facing the possibility of an anticipated veto. Of course, we could not say a veto was definite but it was probable, and therefore we would have no terminal pay bill at all. The conferees on the part of the House in agreement among themselves, decided to accept the Senate version and come back here and let the House exercise its will in the matter. I see no other way out of it. Personally, I should like to see this money paid in cash. I believe the vast majority of the Members of the House stand in the same position. But we face this situation, either take this or there will be no bill at this particular time. Therefore I choose, as a last resort, to take the bonds.

We did add one feature to the bill which originally was not before the Senate or the House, namely, a provision whereby veterans could use their bonds in payment of insurance premiums or on obligations of indebtedness under insurance loans. In that respect, I should like to give you a bit of information which was made available to us through the Veterans' Administration, because I feel we are adding some inducement to the veterans to transfer their insurance from war-risk insurance to some regular line policy.

There are approximately 13,000,000 or 14,000,000 veterans who are entitled to carry Government insurance. Of this number, there are about 5,500,000 who are carrying war-risk insurance, and of that 5,500,000 there are only 276,000 who have up to this time seen fit to convert their war-risk insurance into regular policies. Therefore, I think that the incentive to let them use these bonds as payment on their insurance premiums is at least helpful to some extent. I hope many of the boys will take advantage of it. As I said before, we had no direct statement and no one told us that the President would veto this bill if it provided payment in full in cash except that the Budget Bureau representative convinced us by what he said that it had to be this way or nothing at all. Therefore, to clarify the situation, and let the House know how the conferees felt, we thought it best to come back here with the conference report in the shape that it is rather than to find ourselves in complete disagreement and not have any legislation at all.

I am glad to yield to the gentleman from South Dakota [Mr. MUNDT].

Mr. MUNDT. The gentleman propounded a parliamentary inquiry, but I think the answer that the gentleman received is not quite complete. It is true that we have to vote this conference report up or down, but it is also true, is it not, that if we vote this conference report down, then the chairman of the committee of conference could and would make a motion that the House further insist on its position which, of course, the Senate would take a vote on as to whether or not they want to have this paid in cash or in bonds. Now the Senate has talked in innuendo and by implication, but it has actually taken no roll-call vote as to whether they want

this paid in bonds or cash. Am I correct in that statement?

Mr. ARENDS. I think that is correct, but I believe the gentleman from Texas stated the situation very well when he said that if the Congress in the next session feels that these bonds should be made negotiable then we can make them so.

The SPEAKER. The time of the gentleman has expired.

Mr. THOMASON. Mr. Speaker, I yield the gentleman one additional minute.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield.

Mr. PATMAN. I am very much impressed with the argument about the insurance, but suppose a veteran converts his insurance to a 20-year payment life or an endowment policy with $200 that he has to his credit. Then suppose he desires to make a cash loan of $150 and he gets the $150 in cash. Would he not have to pay 5 percent interest on that whereas the Government is only paying 2½ percent interest? That is something which I am afraid might be harmful to the veterans instead of being helpful to them.

Mr. ARENDS. Would that not be an exception rather than the rule?

Mr. PATMAN. I do not know. I hope it would be an exception.

Mr. ARENDS. I do too.

Mr. PATMAN. I was just raising that point.

Mr. ARENDS. We are merely trying to give the boys something that we hope the majority of them may take advantage of.

The SPEAKER. The time of the gentleman has again expired.

Mr. THOMASON. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. DURHAM].

Mr. DURHAM. Mr. Speaker, the gentleman who preceded me has told you that this was the best we were able to do. The Senate Military Committee was reluctant to take this measure up at all and never agreed to take it up until there was an agreement that it would be paid in bonds. That is what we were faced with. We bring the report back to you Members and it is the best we could do. Personally, I do not like it. There is another feature about this report which I think we should think about because this terminal pay stems from the old act of 1874 by which the Army got itself into this predicament of having to pay terminal leave. Personally, I do not like it, and think it never should have been initiated by the Army, but since the officers have been paid terminal pay, I think it our duty to provide it for the enlisted men.

Under this act, after August 31, 1946, there will be no more terminal-leave pay, because the men will thereafter have to take leave or they will not be paid for it. I think that is a fine provision in this act and that we should think of this before we vote down this measure.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. DURHAM. I yield.

Mr. O'HARA. Are they still paying the officers in cash for terminal leave?

Mr. DURHAM. Certainly. At the present time we are. They will not after this bill is passed. There is no way to pay an enlisted man at the present time unless this act is passed. There is no act on the books that will pay enlisted personnel. Therefore, we are trying to pass this act to pay them something.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. DURHAM. I yield.

Mr. JONES. From and after this date the administration does not oppose paying officers in cash, regardless of whether this conference report is adopted? The administration will not oppose paying the officers in cash?

Mr. DURHAM. No; they would not be paid in cash after this act is passed.

Mr. JONES. The officers?

Mr. DURHAM. The officers. Surely. After this act is passed that is true. At the present time they are entitled to it under the old act of 1874, and they are still being paid under that act.

Mr. JONES. Does the gentleman know how much has been paid the officers in cash?

Mr. DURHAM. No. I tried to find that out. The gentleman is a member of the Committee on Appropriations, and I wish he would secure that information for me, if he can.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. DURHAM. I yield.

Mr. JENSEN. Has the gentleman heard any talk regarding the proposition that we should pay 3,000,000 Government employees in bonds?

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. THOMASON. Mr. Speaker, I yield the gentleman one additional minute.

Mr. DURHAM. A few minutes ago the question was asked, How much would be paid in cash? There are four categories that will be paid in cash. That is, those discharged prior to January 1, 1943, who died after discharge; those discharged after January 1, 1943, with less than $50; those discharged after January 1, 1943, with more than $50, to be paid in cash. That amounts to $358,400,000. So we are paying quite a lump sum in cash. The total estimated cost is $2,679,493,000. The average cost of each individual will be $167.03.

The SPEAKER. The time of the gentleman from North Carolina has again expired.

Mr. THOMASON. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. CLASON].

Mr. CLASON. Mr. Speaker, this conference had only one main issue before it. We had three separate meetings which lasted for a considerable period on that one issue. That was the sole question of whether terminal leave should be paid in cash or by bonds. The first day it was evident that the Senate conferees were standing pat on bonds. All five members of the House conferees were standing pat on cash. The second day the representative of the Bureau of the Budget was present. He was there in person to tell us the situation as he knew it and as it had already been explained to the Senate. I took down his exact words. We were insisting that they tell us, through the Bureau of the Budget, exactly what the position down the street was on this particular issue. He said, and I quote him exactly:

> We have been informed that the President will be opposed to any further cash payment over and above what the Senate bill calls for.

Those were his exact words. We were told that meant that unless we accepted the payment in bonds, as provided by the Senate bill, we could not expect to have any bill at all. Under that bill we find that during the fiscal year 1947 bonds would be issued in the amount of $2,080,000,000, and that $320,000,000 would be paid out in cash. We also know from what has been told us on the floor of the House that during the fiscal year 1947 this House has appropriated between forty-two and forty-seven and one-half billion dollars which will be expended for various purposes. It is hard for me, and I think it is hard for all of the House conferees, to believe that this additional sum of $2,000,000,000 was going to be inflationary to any such extent as to warrant this Presidential position reported by the representative of the Bureau of the Budget. Sixteen million persons will be paid this terminal leave as enlisted men, and will receive on the average $165.73 each. It will range from little up to $800 per man.

The value of the dollar has gone down so much since the start of the war and certainly so far since 1933 that today it is doubtful if those people with $165 each on the average can purchase much of anything—a refrigerator at best for each home; and it is hard to believe that this is any inflationary measure. The five conferees of the House were in this position, however, you either take what the Senate has offered you or the enlisted men will get nothing, and while all five of us refused to go through with this bill on the second conference day, we did agree at the last meeting to bring this measure before you in the House in order that you might know exactly the position of the Bureau of the Budget and of the Senate on this measure. Now it will be up to you, having had this explanation, to determine what action you wish to take. The assurance was given us that unless we took the bonds plus cash payments of about $320,000,000 there would not be any terminal-leave payment made to enlisted men at this time.

I believe it has been pointed out that if bonds are issued under this measure this year Congress will be in a position and will have the time which is not now available to go ahead with this proposition to determine in January or February whether or not the bonds which have been issued shall be made assignable or convertible into cash.

Mr. WILSON. Mr. Speaker, will the gentleman yield?

Mr. CLASON. I am glad to yield.

Mr. WILSON. Is it not true that under this bill the enlisted men as far as spending power is concerned are going to get practically nothing anyway? Why would it not be much better for us to stay in session until we get a bill passed that will give them some spending power? These I O U's, which they can use 5 years from now, is not the thing

they want. We paid the officers in purchasing power, in cash. Why should we discriminate at this time against the enlisted men? As far as I am concerned, I am ready to stay here the rest of the year to get cash for these boys.

Mr. CLASON. Probably a million officers have received better than a thousand dollars apiece in terminal-leave pay in cash, or over a billion dollars, and it does seem as if the President, the Senate, and the Bureau of the Budget are taking an unfortunate position in saying that the 16,000,000 enlisted men must take bonds payable in 5 years. When the opportunity to vote on the right of the enlisted men to convert their bonds into cash comes before the House, I shall favor this right to convert.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. THOMASON. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Speaker, while I am going to disagree with the policies which are set forth in the present measure, I do want to pay sincere tribute to the work of my colleagues who served as conferees. They made a very earnest, sincere, and determined effort to bring back a bill in keeping with the bill which passed the House. That bill provided for cash payments, and the House adopted it unanimously.

Let me say at the outset that we were able to secure the inclusion of a number of items in the bill now before us which were in the House bill and which I think makes it more satisfactory legislation.

The main point in disagreement, of course, was whether the payment should be in cash or bonds. I disagree with the whole policy of payment in bonds. Our efforts to provide terminal-leave pay for enlisted men was intended to correct inequalities which now exist between the treatment of officers and enlisted men. This bill does not get away from those inequalities; as a matter of fact, it sets up some new ones. For instance, it provides bonds for enlisted men, whereas officers got cash—a billion dollars in cash. It provides that cash will be paid to enlisted men who were discharged before January 1, 1943, and that bonds will be used in payment of those discharged after January 1, 1943. Then it provides for still another change in procedure after September 1, 1946. After that date, all personnel, officers, and enlisted men will receive 30 days terminal leave per year, cumulative to 60 days. There will be no more cash payments after September 1, 1946. Instead, officers and men will be given terminal leave in the manner I have indicated.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. Can the gentleman give us some outline as to the procedure for paying out these bonds? Will a veteran have to apply for them or will they be given to him automatically if this legislation is approved?

Mr. SIKES. I would be glad to touch on that. The veterans who have already been discharged will have to apply for their bonds. Those who have not been discharged will be paid in cash at the time that they are discharged until September 1, 1946, after which time all of them will have to take leave instead of cash.

The point I am bringing out in that connection is that this legislation leaves a sizable group in the armed forces who are receiving different treatment from their buddies who have been previously discharged. I disagree with that policy. The House bill provided that men and officers would receive terminal-leave pay until the end of the duration and six months, after which both groups would be allowed to accumulate 30 days leave time. We felt that this policy is more in keeping with other service bills.

Mr. Speaker, the statement has been made here that it is bonds or else and I think that is true at least for the present. Your conferees worked hard, they did everything possible to bring back a bill providing for cash payment and I think as far as this session of the Congress is concerned, it is bonds or nothing. That is why I signed the conference report bringing this before us, and I think the same is true for all the House conferees.

I want to point out, however, that if this bill were to be vetoed or were to be deadlocked in Congress, we could come back next spring, pass the bill, and if necessary pass it over a veto, providing for cash instead of bonds as payment and we would then be 4 years ahead of bond payments as far as the average man in the armed forces is concerned.

Already I have heard one Senator say on the floor of that body that he is introducing a bill to make the bonds payable immediately. Each of us knows that within 30 days after we convene next January there will be a score of bills to provide for conversion of bonds to cash. Less than a year from today there will be a discharge petition in the well of the House to correct the action we propose to take today.

Mr. CORBETT. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. Is it not the gentleman's opinion that if the House votes down this conference report and insists on further disagreement it is impossible to conceive of the Senate yielding?

Mr. SIKES. All that we have had points in that direction. We went into that very thoroughly. Every House conferee insisted to the last on cash. The Senate conferees were apparently determined not to yield and they said the Senate would back them up in that. I have nothing else I can give the gentleman. However, we acted in good faith in assuming that the Senate would stand back of its conferees.

Mr. Speaker, inflation is the main issue in this discussion and I have a terrible fear of inflation. It is something that is near, something that is very dreadful to contemplate, and something that can speedily wreck all that we have done to bring about reconversion and to insure a stable economy.

Mr. KEARNEY. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from New York.

Mr. KEARNEY. Why is it that when they talk about inflation it is always when some legislation pertaining to veterans comes up for consideration?

Mr. SIKES. I do not think this topic can be limited to veterans' legislation. I am not one of those who will stand here in the well of the House and say we have done nothing for the veteran. This Congress, acting for the Nation, has done more for the veteran than any nation in history has ever before dreamed of doing for the men and women who served in its armed forces. But I confess that I am a little tired of hearing called inflationary only those measures which the "powers that be" happen to be opposing.

Mr. KUNKEL. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. Can the gentleman tell me how long it would take to figure out the payments due these men, get the bonds prepared and delivered?

Mr. SIKES. Unquestionably that is going to be a formidable task and one which will require some time. I do not think, however, it is an insurmountable obstacle. That has been gone into in the bill and the machinery has been developed for the speediest possible handling of the problem.

The bill which passed the House would have done a clean-cut job of correcting an inequality. We saw a need for that and we set out to accomplish it. The measure now before us will not achieve that. One result of this bill will be a little more bureaucracy, and a few more dissatisfied and disillusioned GI's. I am reluctant to see it substituted for the House bill.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. THOMASON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. Mr. Speaker, as one who believes the claims of the veterans should be paid in cash, I exceedingly regret the legislative situation we find ourselves in today. It is almost impossible to exercise our real will. The House is unanimously of the opinion the veterans be paid in cash. Apparently we find before us two obstacles, one in the Senate and the other the attitude of the White House. If we persisted and fought the issue out, we might overcome the stumbling block in the other branch of the Congress, but I am afraid from the frank statement of the conferees we could not get the approval of the President. Knowing of the existence of the House bill, he has let it be known he favors the Senate bill.

High officials of the administration have signified to the conferees their opposition to the cash proposition, and it is reasonable to assume they speak for the President. They would not dare to take the position without his support. Therefore, we are indeed in a quandary.

Mr. Speaker, I despair when I hear now the cry of inflation. We have been spending billions of dollars for many things. We spent $4,000,000,000 for subsidies. Many other activities we

freely authorized requiring billions of dollars of spending and no one uttered the word "inflation." Now, when we come to legislation in which veterans are concerned, we hear the cry of inflation. If it is true that inflation is caused by excessive spending, then why are we not consistent and stop the wild, reckless, extravagant spending such as has been going on for the last 2 years? The administration voices have been silent heretofore. Now we hear the cry of inflation. Our predicament is that apparently it is the Senate version of the terminal pay or nothing, as my good friend from Texas stated. I believe that the House conferees were sincere and did everything possible to get the House viewpoint to prevail. But they were informed, "it was this or nothing," and apparently that is the same reason why the various military organizations have come to favor the conference report as submitted. Unquestionably if they thought there was a chance to have a cash plan they would continue the fight.

I want to serve notice that nothing is ever settled until it is settled right. If the officers could have cash, then there is no reason on earth why the private soldiers should not be treated the same. After all it is the good old private and noncom who carries the greater burdens of war. I believe, whatever we do today, this fight will continue. If we do not give fair, equal treatment today why then the next Congress will see the injustice is corrected. Eventually the American people will see that fair play prevails.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. In line with what the gentleman has stated, of course, Britain received a loan of $3,750,000,000, and nothing was said about the inflationary tendency of that. But, on top of that, the Export-Import Bank since VJ-day has loaned $3,500,000,000 to foreign countries, which makes over $7,000,000,000, and not one single word was said about inflation when that money was paid out in cash.

Mr. MARTIN of Massachusetts. And next year Russia will be here asking for a billion and a half dollar loan and I wonder how many in the administration will then recall it will be inflationary.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from California.

Mr. HINSHAW. There is no doubt but had the war lasted 3 months longer, or the men kept in service 3 months longer, the same amount of money would have been spent in the pay of the Army and the Navy?

Mr. MARTIN of Massachusetts. There is no question about that at all. The inflation cry is just a sham issue.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. THOMASON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Speaker, I am rather disappointed in that we cannot get cash to pay off these enlisted men. The committee, I know, worked hard to get cash, but could not. At the present time it is up to the House. This is the last clear chance we have this session to grant terminal-leave pay to the boys. Here is a bill that I introduced on September 13, 1945, and since that time I have been working hard for it; and it has had a circuitous route but is now before us for final passage. I hope the membership of this House will not turn it down because we cannot get all cash at this time. What we want is something for these boys.

Let me tell you a solution to this problem. Give the boys the bonds today, so that they will have something, and I will promise the membership of this House that the first bill that I introduce in the Eightieth Congress will be one to make these bonds payable in cash to every applicant and to every holder of those bonds that makes application. That is the best thing to do. That is all anybody could ask now. Congress can do that. We will have something to work on if we do that. If you do not vote for this conference report, then we have absolutely nothing. In the next Congress—and I am quite sure I am coming back—I will introduce a bill or a resolution providing that these bonds shall be made payable in cash to the holder of every bond. Now, that ought to satisfy everybody. That ought to satisfy the Republicans. It ought to satisfy the Democrats, and that is what we ought to do. Let us not go away from here without doing something for the GI Joe's.

Mr. KEARNEY. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from New York.

Mr. KEARNEY. The gentleman says "Let us vote something for these boys." If we adopt this bill we are not voting them anything, are we?

Mr. ROGERS of Florida. We are voting them bonds, which is an obligation of this Government, and is a cash payment deferred for 5 years.

Mr. KEARNEY. It is a bond payable in 5 years.

Mr. ROGERS of Florida. This Congress can amend that and pay it in cash next year. We will be doing something if we do that. Let us compromise on that. We all want cash. I want cash. But it is bonds or nothing at this time. Let us adopt the report.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. THOMASON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FENTON].

Mr. FENTON. Mr. Speaker, it certainly has come to a pretty pass in this House when some people can say, "Take this or nothing." As a member of the subcommittee of the Committee on Military Affairs which considered this bill I favored its adoption from the beginning, I regret that the conferees saw fit to bring in this report which does not give the enlisted men the same kind of treatment afforded the officers. Why should any person tell our fighting men just how they are to be paid or how they should expend their own money? In my district there are now about 14,000 or more veterans unemployed, and their unemployment compensation is about to expire, with no chance of their getting any jobs. All these boys could make good use of the cash. I, for one, would rather that they had been paid in cash. Of course, since we have no choice in the matter, I will vote for the conference report.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. FENTON. I yield to the gentleman from Indiana.

Mr. SPRINGER. As a matter of fact, these boys who are back home, discharged from the service, and who are without jobs, need this money more at this time than they will need it later.

Mr. FENTON. That is absolutely correct. I would much rather send this report back to conference and insist that the enlisted men be treated the same as the officers. And, I might add, they should be treated the same as foreign countries and other people who are getting everything they want, certainly in money.

Mr. THOMASON. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. MARTIN].

Mr. MARTIN of Iowa. Mr. Speaker, I attended every session of the subcommittee that developed this legislation. I know what we worked on and what we thought we were getting. I had charge of the time on the Republican side during the debate. I have never seen such requests for time to express a unanimous opinion on any legislation as occurred here on June 7 in the general debate. I recall quite vividly that on June 11 the bill passed the House by a vote of 380 to 0. At that time the bill called for cash. All that time we were struggling to make our treatment of GI Joe the same as the treatment accorded the officers. And here today for the first time we are confronted with a parliamentary situation where we are given the defy to vote them bonds or nothing. Bonds that are nonnegotiable, bonds that cannot be cashed for 5 years, except for insurance, when we know GI Joes who cannot afford to carry insurance. Yet we cannot vote them anything but bonds. We must turn them down on cash for their terminal leave and look to some future Congress. I will join the procession here in voting for this bill even though it is for bonds, and then I will join the minority leader, the gentleman from Massachusetts [Mr. MARTIN], and the author of the bill, the gentleman from Florida [Mr. ROGERS], in their announced purpose to drive forward to make these bonds redeemable long before 5 years have gone by. As long as it is within my power to do so, I intend to join in that drive to make good our word and to take away from Congress the stigma of drawing a line of demarcation in the treatment of GI Joes as compared with the treatment accorded the officers.

Do not tell me that this is an inflationary measure. It just makes an echo come back to me from 1933, when I heard the echo of the famed Economy Act. All of you who were in the service and who worked in ex-servicemen's organizations at that time know what I mean.

Forcing our ex-service enlisted men to take bonds after paying every officer his pay and allowances in cash while in terminal leave is just another outstanding example of the failure of the present national administration to understand the importance of fair and equal treatment of all classes. This bill unmistakably follows the pattern of the Economy Act of 1933 in its vicious discrimination against the GI's. That situation must be corrected by a Congress that is determined to be fair. I sincerely hope the Eightieth Congress will do just that next winter.

Mr. THOMASON. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. RIZLEY].

Mr. RIZLEY. Mr. Speaker, the GI's are not going to be fooled by all this wash-wash here this afternoon. I am not criticizing our conferees. They probably got the best report they could thus far. But the Members of the House ought to stand up and vote this conference report down and then let us see whether the Senate will refuse to pay the GI's in cash. You talk about these bonds. Look at this wash-wash that is going on here. The sop now is that we will go ahead and vote for this to be paid in bonds and then probably the first of the year we will make them negotiable so that they can get the cash, but to give them cash now would be highly inflationary. Think of how silly that is. While those boys were over there fighting, this Congress voted more than $4,000,000,000 in subsidies to pay the grocery bills of the people here at home. Think of that. That was not inflationary, according to this administration. Since the boys have come back here, as has been said here this afternoon, we loaned the British about three and three-quarter billion dollars in cash, not bonds. The Export-Import Bank is lending money—millions and billions—to other countries in Europe. But that is not inflationary, they say. But to pay these kids the cash, according to the brass hats, the Bureau of the Budget who speaks for the President, that would be inflationary. Yes, they say if we pay cash to these kids who went over there and did the fighting and dying—just the common GI—is so inflationary that it just must not be done. Of course, paying the officers in cash is not inflationary, according to the same brass hats and the President's spokesman. We ought to have the same courage that these GI's exhibited on the battlefield and kill this conference report and send it back and insist that the men who did the fighting be treated on an equal with the officers and be paid in cash.

Can you justify a policy that singles out the enlisted men and says they and they alone must accept nonnegotiable bonds as our contribution to their terminal leave? Of course, you cannot. We have increased the pay of all those who have entered the service since the war ended. That money is in circulation. Is that inflationary? Let the officers in the Army and the Bureau of the Budget answer that question.

As one Member of this House I am not going to sell the enlisted men short. I have watched this administration spend billions and put billions of dollars in circulation for all sorts of New Deal schemes, and they did not seem to worry about inflation until the veterans became involved. I say again we should vote down this conference report and instruct our conferees to go back and fight it out with the conferees of the other body if it takes all summer.

Mr. THOMASON. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota, [Mr. MUNDT].

Mr. MUNDT. Mr. Speaker, there is an old saying that nothing is new under the sun. I think that saying must be axiomatic at least when applied to the now-descending sun of the New Deal because as the gentleman from Iowa, [Mr. MARTIN], said, "There is something strangely reminiscent about the argument here today."

During the first 100 days of the New Deal in 1933 when there was talk of economy, the economy and cut-backs were leveled solely against the veterans. Now when we hear talk about the inflationary pressures, the attack against inflationary pressures is once again leveled solely against the veteran. It is a strange attitude, it seems to me, for you Democrats to take in a Congress in which the President's party controls both the executive branch and every single Congressional committee in both Houses as well as the steering committees and can put legislation on the calendar for action whenever he wants to do so.

For the majority to create and then capitalize on a situation where, in the closing days of the session with barely a quorum of our membership remaining in the Capitol, it is necessary to accept "this—or else" legislation giving the GI his terminal pay in bonds instead of cash is a distasteful record. I for one resent it as I am firmly of the opinion that GI Joe should get his terminal-leave pay in cash. He should get it the same as was awarded the majors, colonels, and generals who were treated so generously and who received their pay in cash without delay, without restrictions, and without the insulting insinuation that they needed "to be given a lesson in thrift" or had to be required by a paternalistic government to "use their bonds to buy insurance."

Mr. Speaker, since cash was the method of paying the terminal leave consideration for the officers and the "brass hats" then cash should be the method of awarding the same consideration to the enlisted man.

I must confess, Mr. Speaker, I am not highly impressed by the arguments so frequently advanced here this afternoon by speakers from the Democratic side of the aisle when they tell us that President Truman will veto this legislation if we pass it in the form in which it was approved by the House which requires the Government to pay cash to the enlisted men for their accumulated terminal leave. If the President desires to veto such legislation, that is his responsibility and not ours. It is our responsibility to legislate as an independent branch of this Government and to exercise that responsibility in conformity with what we believe to be right. For that reason I shall vote today as I did earlier to make these payments in cash. I signed the discharge petition to get this legislation before the House in the first instance and it then called for cash payments to the GI for his terminal leave and I stand today where I stood then, squarely in favor of such cash payments.

Should the House be forced by the situation created by the proximity of the adjournment date to accept the President's ultimatum and approve this payment by nonnegotiable bonds instead of by cash, I announce now that in the next Congress I shall support the move announced by our minority leader, the gentleman from Massachusetts, JOE MARTIN, and work and vote to have these nonnegotiable bonds made redeemable in cash at the will of their holders. In my opinion, sir, that is no more than simple justice to the enlisted men of this war who in my book certainly deserve to be protected against such discriminatory practices favoring their officers.

The so-called officers' lobby in Washington has a lot of influence and does a good job of taking care of its interests. However, GI Joe must depend upon his Congressman and the sound arguments supporting his cause. Certainly, in the matter of making payments for accumulated terminal leave, there is no valid reason or just argument for paying officers their comparatively large payments in cash while enlisted men are expected to accept their considerably smaller payments in nonnegotiable bonds.

Mr. Speaker, when GI Joe needs the assistance stemming from this terminal-leave pay is in the immediate future. He needs it to help with his schooling, he needs it to help pay the expenses of getting rehabilitated into civilian life, he needs it to help set up housekeeping with his young wife or to help finance his business, farming, or professional activities. Five years from now it is devoutly to be hoped that the great percentage of today's young veterans will be so securely established in some lucrative and constructive activity that the small amount involved in these terminal-leave payments, will be much less important and helpful to them than they are today. Let us therefore make these terminal-leave payments in cash the way the House intended.

To argue that to pay the enlisted man his terminal-leave consideration in cash would be inflationary is indeed a strange line of reasoning to come from the White House today. We heard no such argument when the much larger sum of money involved in the loan to Britain was being debated. Then we were urged to make this loan to make business better and to increase the purchasing power for American products. Surely if $3,750,000,000 loaned to Great Britain is not to be considered inflationary it is nothing more than the argument of expediency for the administration now to say that about half that much money paid to our own enlisted men would disrupt our economy. The slogan of the New Deal must be, "Cash for foreigners but only bonds for the American GI." If that is the slogan, Mr. Speaker, it is neither sensible nor sound. The GI who

today has to borrow money under the GI bill of rights pays 4 percent interest. It is not a square deal in my opinion to compel him to take a nonnegotiable bond bearing 2½ percent interest while GI Joe is asked to pay his Government 4 percent. This is especially true when his commanding officers all along the line were given their substantial and sizable terminal-leave payments in the good old folding money of our American currency.

Mr. Speaker, I hope we may yet work out an arrangement whereby the ultimatum served on us by the White House and the conferees to the effect that this legislation must be "this or else" can be modified so that we can pay these boys their cash in the manner the House prescribed. If, however, we are foreclosed from making such a decision today, I shall surely do all within my power to see that the next Congress corrects this injustice and makes these bonds immediately redeemable in cash. I have no sympathy with the point of view of the administration which talks and practices economy and inflationary controls only when matters concerning benefits for veterans and for our old people are up for consideration but which on all other considerations has the unchallenged record of being the most reckless spendthrift of any political party or political administration in American history.

In conclusion, may I state that there is a strange and startling inconsistency in the logic of the White House group which today argues that something like two billion dollars paid to our enlisted men to compensate them for their terminal leave is highly inflationary but which during most of the war insisted on paying out three times that much in subsidies so that the food bills of those who were at home during the war would be less, so that GI Joe upon his return to civilian life would have to help pay for those food bills through paying taxes to retire the debts created to get the money to pay them, and so that the politicians in the executive departments could continue to hope that such subsidies would seduce the public sufficiently so that Americans would continue to vote for Santa Claus.

Mr. THOMASON. Mr. Speaker, I move the previous question.

The previous question was ordered.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. GORE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 267]

Adams	Bell	Buffett
Allen, La.	Bender	Bunker
Almond	Bennet, N. Y.	Cannon, Fla.
Andersen, H. Carl	Blackney	Carlson
	Boren	Case, N. J.
Anderson, Calif	Boykin	Case, S. Dak.
Baldwin, Md.	Bradley, Mich.	Celler
Baldwin, N. Y.	Brooks	Clements
Barry	Brumbaugh	Clippinger
Bates, Ky.	Bryson	Cochran
Bates, Mass.	Buck	Coffee
Beckworth	Buckley	Cole, Kans.
Cole, N. Y.	Hoeven	Powell
Combs	Hoffman, Mich.	Price, Fla.
Cooper	Holifield	Priest
Courtney	Izac	Rains
Cravens	Jackson	Reece, Tenn.
Crawford	Jennings	Richards
Curley	Johnson, Calif.	Rivers
Daughton, Va.	Johnson, Tex.	Robinson, Utah
Davis	Kean	Robsion, Ky.
Dawson	Kee	Rockwell
Delaney, John J.	Keefe	Roe, N. Y.
	Kefauver	Rogers, N. Y.
Dolliver	Kecgh	Russell
Dondero	Kerr	Ryter
Douglas, Ill.	Kilburn	Scrivner
Dworshak	Kildey	Shafer
Earthman	Landis	Sharp
Eaton	Lane	Sheppard
Elliott	Larcade	Sheridan
Elston	LeFevre	Short
Fellows	Ludlow	Slaughter
Fogarty	Lyle	Smith, Wis.
Gallagher	McCormack	Somers, N. Y.
Gary	McGehee	Sparkman
Gathings	McGregor	Starkey
Gibson	McKenzie	Stewart
Gifford	Mahon	Sumner, Ill.
Gillespie	Maloney	Sumners, Tex.
Gordon	Mansfield, Mont.	Taber
Gossett		Tarver
Grant, Ind.	Mansfield, Tex.	Thomas, N. J.
Gregory	Mason	Tolan
Gross	May	Torrens
Hagen	Merrow	Towe
Hale	Miller, Calif.	Trimble
Hall, Edwin Arthur	Miller, Nebr.	Voorhis, Calif.
	Morgan	Vorys, Ohio
Halleck	Norton	Wadsworth
Hare	O'Konski	Wasielewski
Harness, Ind.	O'Neal	Weaver
Harris	Outland	Welch
Hart	Patrick	West
Hartley	Patterson	White
Hébert	Peterson, Ga.	Wickersham
Heffernan	Pfeifer	Winter
Henry	Philbin	Wolfenden, Pa.
Hess	Ploeser	Wood
Hill	Plumley	

The SPEAKER. On this roll call 255 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ARMED FORCES LEAVE ACT OF 1946

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appear to have it.

Mr. FORAND. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the conference report was agreed to.

A motion to reconsider was laid on the table.

STATUE OF NATHAN HALE

Mr. O'TOOLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 84) authorizing the erection in the District of Columbia of a statue of Nathan Hale.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, do I correctly understand that this is a resolution authorizing the Government to accept a statue constructed at private expense and which calls for no expenditure?

Mr. O'TOOLE. The gentleman is correct.

Mr. MARTIN of Massachusetts. Where is this to be placed?

Mr. O'TOOLE. It will be placed in the District of Columbia wherever the National Commission of Fine Arts designates.

Mr. MARTIN of Massachusetts. Is this a unanimous report of the committee?

Mr. O'TOOLE. It is.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

Mr. O'TOOLE. It may interest the gentleman on the other side of the aisle to know that Nathan Hale was a member of the Young Men's Republican Club of New Haven.

Mr. MARTIN of Massachusetts. That alone is sufficient reason for passing the resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to grant authority to the Second National Bank, of New Haven, Conn., executor of the estate of the late George Dudley Seymour, to erect the bronze statue of Nathan Hale, bequeathed by him to the United States of America, including pedestal, on an appropriate site on grounds now owned by the United States in the District of Columbia: *Provided*, That the site chosen shall be approved by the National Commission of Fine Arts, and the United States shall be put to no expense in or by the erection of this statute: *Provided further*, That unless the erection of this statue is begun within 5 years from and after the date of passage of this joint resolution, the authorization hereby granted is revoked.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. BARRY (at the request of Mr. PATMAN) was given permission to extend his remarks in the RECORD and include certain statements and excerpts.

KEETOOWAH INDIANS OF THE CHEROKEE NATION IN OKLAHOMA

Mr. STIGLER. Mr. Speaker, I call up the conference report on the bill (H. R. 341) relating to the status of Keetoowah Indians of the Cherokee Nation in Oklahoma, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 341) which relates to the status of the Keetowah Indians of the Cherokee Nation in Oklahoma, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to section 2 and agree to the same with an

amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, section 2 is hereby amended to read as follows:

"SEC. 2. That there is hereby set aside for the use and benefit of the Indians of the Cheyenne and Arapaho Reservation in Oklahoma the remainder of the lands comprising the diminished Seger School Reserve containing approximately five hundred and thirty-seven acres, and the improvements thereon, in section 15, township 10 north, range 14 west, of the Indian meridian, Oklahoma.

"Subject to the consent of the business committee of the Cheyenne and Arapaho Tribes thereto, the Secretary of the Interior is authorized to enter into an agreement with the Colony Union Graded School District Numbered 1, Colony, Oklahoma, for the use by the district of all or any portion of the land, and improvements thereon, described in this Act: *Provided*, That any such agreement shall contain the express condition that the land therein described and the improvements thereon shall revert to the use of the Indians of the Cheyenne and Arapaho Tribes when no longer used by the said school district for school purposes."

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the title be amended by striking out the words 'Colony Union Graded School District Numbered 1, Colony, Oklahoma', and substitute therefor 'the Cheyenne and Arapaho Indians of Oklahoma.'"

And the Senate agree to the same.

HENRY M. JACKSON,
JOHN R. MURDOCK,
W. G. STIGLER,
KARL E. MUNDT,
Managers on the Part of the House.

ELMER THOMAS,
HENRIK SHIPSTEAD,
E. H. MOORE,
B. K. WHEELER,
JOSEPH C. O'MAHONEY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 341) which relates to the status of the Keetowah Indians of the Cherokee Nation in Oklahoma, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

Section 2 has been rewritten in order that the original purpose of the Senate amendment might be properly construed. It was the intention of the Senate that this Seger Indian School land be set aside for the Cheyenne and Arapaho Indians and yet be kept available for school purposes so long as it was desired to be so used. Under the amended version of this bill the lands which are now reserved by the United States for school purposes are immediately reconveyed to the Cheyenne and Arapaho Indians. Subject to their approval, the Secretary of the Interior shall enter into an agreement with the Colony Union Graded School District No. 1, Colony, Okla., for the use by the district of all or any portion of this land.

The title of the bill has been amended so as to set out more explicitly the exact nature and intention which the Senate amendment originally purported to convey. The change in phraseology is primarily for clarification purposes.

HENRY M. JACKSON,
JOHN R. MURDOCK,
W. G. STIGLER,
KARL E. MUNDT,
Managers on the Part of the House.

Mr. MARTIN of Massachusetts. Just what does the bill do?

Mr. STIGLER. This bill only affects the State of Oklahoma. It allows two bands of Indians who call themselves Keetoowahs to organize and receive benefits under the Oklahoma Welfare Act. When the bill went to the Senate, it was amended there. The amendment which was worked out in conference allows the tribe to transfer title to the land and gives the use of the land to the school district. When the school district ceases to use the land for school purposes, the use and the title refers back to this tribe of Indians. It only affects the State of Oklahoma, as I said before.

The conference report was agreed to.

A motion to reconsider was laid on the table.

BUREAU OF MEDICINE AND SURGERY

Mr. DREWRY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2401) to amend the act of May 4, 1898 (30 Stat. 369), as amended, to authorize the President to appoint 250 acting assistant surgeons for temporary service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this?

Mr. DREWRY. A similar House bill (H. R. 6992) was passed on the Consent Calendar.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of May 4, 1898, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes" (30 Stat. 369), as amended by the act of March 18, 1940 (54 Stat. 54), and as further amended by the act of March 17, 1941 (55 Stat. 43), is hereby further amended so that the last paragraph of the appropriation for the Bureau of Medicine and Surgery (30 Stat. 380) shall read as follows:

"The President is hereby authorized to appoint for temporary service 250 acting assistant surgeons, who shall have the rank and compensation of assistant surgeons: *Provided*, That not more than 250 of such acting assistant surgeons may be serving in the naval service at any one time: *Provided further*, That the Secretary of the Navy, in time of war or declared national emergency, may appoint, for temporary service with the compensation of assistant surgeons, such acting assistant surgeons as the exigencies of the service may require."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 6992) was laid on the table.

EXTENDING BENEFITS UNDER THE UNITED STATES EMPLOYEES' COMPENSATION ACT

Mr. DREWRY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill, H. R. 7039, an act to further amend section 304 of the Naval Reserve Act of 1938, as amended, so as to grant certain benefits to naval personnel engaged in training duty prior to official termination of World War II, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 6, strike out "This" and insert "The."

Page 2, line 6, after "amendment", insert "contained in section 1."

Page 2, after line 7, insert:

"SEC. 3. The act entitled 'An act to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who are physically injured in line of duty while performing active duty or engaged in authorized training, and for other purposes," approved July 15, 1939 (U. S. C., 1940 edition, title 5, sec. 797), is amended by adding at the end thereof the following new section:

"'SEC. 2. As used in this act, the term "in time of peace" shall include that period after September 8, 1945 (the date of formal surrender by Japan), which is prior to the first day on which the United States is, by the action of the Congress or the President, or both, no longer engaged in any war in which the United States is engaged on the date of enactment of this section.'"

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the Senate amendments?

Mr. DREWRY. The Senate amendments were put in to make this legislative enactment apply to the Army as well as the Naval Reserve.

Mr. MARTIN of Massachusetts. Is that agreeable to the Army?

Mr. DREWRY. It is agreeable to the Army. I have taken the matter up with the ranking minority member of the committee.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

MEDAL FOR SERVICE IN MERCHANT MARINE

Mr. BLAND. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2236) providing for a medal for service in the Merchant Marine during the present war.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this is a service medal for everyone who served in the Merchant Marine during the war?

Mr. BLAND. For as much as 30 days, between December 7 and VJ-day, as I recall. A similar bill was unanimously reported, H. R. 5892, by the Committee

on the Merchant Marine and Fisheries. I took the matter up with the ranking minority Member, and he is here, and I advised him that I was going to call this up.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. BLAND]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Maritime Commission is authorized and directed to procure a medal and suitable appurtenances of appropriate design, including an honorable discharge lapel button, to be awarded to (1) each person who served honorably in a war zone as an officer or member of the crew of vessels owned by or operated by or for the account of the Maritime Commission or the War Shipping Administration for 30 days during the period beginning December 7, 1941, and ending with September 3, 1945; and (2) each person who is entitled to receive a certificate of substantially continuous service pursuant to the provisions of Public Law 87, Seventy-eighth Congress, approved June 23, 1943 (57 Stat. 162). The medal may be awarded posthumously and, when so awarded, shall be presented to such representative of the deceased as shall be prescribed in the applicable regulations. Awards under this act shall be made pursuant to regulations prescribed by the Maritime Commission.

SEC. 2. The Maritime Commission is authorized to expend out of any funds available for expenditure by the Maritime Commission such sums as may be necessary to carry out the provisions of this act.

SEC. 3. The manufacture, sale, possession, or display of any insignia, decoration, medal, award, or device, or the ribbon, button, or rosette thereof, or any colorable imitation of any insignia, decoration, medal, award, or device, provided for in this act, is prohibited, except as authorized under such act or any rule or regulation issued pursuant thereo. Whoever violates any provisions of this section shall be punished by a fine not exceeding $250 or by imprisonment not exceeding 6 months, or both.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 5892) was laid on the table.

THEODORE ROOSEVELT NATIONAL PARK

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 4435, an act to establish the Theodore Roosevelt National Park; to erect a monument in memory of Theodore Roosevelt in the village of Medora, N. Dak.; and for other purposes, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 5, line 2, strike out all after "Park" down to and including "Interior" in line 5.

The SPEAKER. Is there objection to the request of the gentleman from Florida [Mr. PETERSON]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the Senate amendment?

Mr. PETERSON of Florida. Mr. Speaker, this is one of those bill in which the original bill provided that title should be acceptable to the Secretary of the Interior. The Senate struck out that line.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leaves of absence were granted as follows:

To Mr. CANFIELD, for 1 day, on account of official business.

To Mr. HINSHAW, for the remainder of this session, on account of official business.

To Messrs. HERTER, JACKSON, BARTLETT, and BLAND, to conduct hearings outside of Washington for the Merchant Marine and Fisheries Committee.

PROCEEDINGS AGAINST GEORGE MARSHALL

Mr. RANKIN. Mr. Speaker, I send to the Clerk's desk a privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives certify the foregoing report of the House Committee on Un-American Activities as to the willful and deliberate refusal of the following persons to produce before the said committee for its inspection certain books, papers, and records which had been duly subpenaed, and to testify under oath concerning all pertinent facts relating thereto.

CALL OF THE HOUSE

Mr. MARCANTONIO. Mr. Speaker, a point of order. I make the point of order that a quorum is not present.

Mr. RANKIN. Mr. Speaker, I make the point of order that the gentleman is interrupting the reading of a resolution that is privileged.

Mr. MARCANTONIO. That is just too bad.

The SPEAKER. The resolution is privileged but a Member may make a point of no quorum at any time.

Evidently there is no quorum present.

Without objection, a call of the House is ordered.

There was no objection.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 268]

Adams	Buckley	Dolliver
Allen, La.	Buffett	Dondero
Almond	Bunker	Douglas, Ill.
Andersen, H. Carl	Cannon, Fla.	Dworshak
Anderson, Calif.	Carlson	Earthman
Andrews, N. Y.	Case, N. J.	Eaton
Arends	Case, S. Dak.	Elliott
Baldwin, Md.	Celler	Ellsworth
Baldwin, N. Y.	Clements	Elston
Barrett, Pa.	Clippinger	Fellows
Barry	Cochran	Fogarty
Bates, Ky.	Coffee	Gallagher
Bates, Mass.	Cole, Kans.	Gary
Beckworth	Cole, N. Y.	Gathings
Bell	Combs	Gibson
Bender	Cooper	Gifford
Bennet, N. Y.	Courtney	Gillespie
Blackney	Cox	Gordon
Bloom	Cravens	Gossett
Boren	Crawford	Grant, Ind.
Boykin	Curley	Gregory
Bradley, Mich.	Daughton, Va.	Gross
Brooks	Davis	Hagen
Brumbaugh	Dawson	Hale
Bryson	Delaney, John J.	Hall, Edwin Arthur
Buck	Dirksen	Halleck
Hare	Mankin	Russell
Harless, Ariz.	Mansfield, Mont.	Ryter
Harness, Ind.	Mansfield, Tex.	Scrivner
Harris	Mason	Shafer
Hart	May	Sharp
Hartley	Merrow	Sheppard
Hébert	Miller, Calif.	Sheridan
Heffernan	Miller, Nebr.	Short
Henry	Morgan	Slaughter
Hess	Morrison	Smith, Wis.
Hill	Murdock	Somers, N. Y.
Hinshaw	Norton	Sparkman
Hoeven	O'Konski	Spence
Hoffman, Mich.	O'Neal	Stewart
Holifield	Outland	Stigler
Izac	Pace	Sumner, Ill.
Jennings	Patrick	Taber
Johnson, Calif.	Patterson	Tarver
Johnson, Tex.	Peterson, Ga.	Thomas, N. J.
Kean	Pfeifer	Thomas, Tex.
Kee	Philbin	Tolan
Keefe	Ploeser	Torrens
Keogh	Plumley	Towe
Kerr	Powell	Traynor
Kilburn	Pratt	Trimble
Kilday	Price, Fla.	Vinson
Klein	Priest	Voorhis, Calif.
Landis	Rains	Vorys, Ohio
Lane	Randolph	Vursell
Larcade	Reece, Tenn.	Wadsworth
Lea	Rich	Wasielewski
LeFevre	Richards	Weaver
Ludlow	Rivers	Welch
Lyle	Robertson, Va.	West
McCormack	Robinson, Utah	White
McGehee	Robsion, Ky.	Wickersham
McGlinchey	Rockwell	Winter
McGregor	Roe, N. Y.	Wolfenden, Pa.
McKenzie	Rogers, Fla.	Wood
Mahon	Rogers, N. Y.	Zimmerman
Maloney		

The SPEAKER. On this roll call 230 Members have answered to their names, a quorum.

If there is no objection, further proceedings under the call will be dispensed with.

Mr. MARCANTONIO. Mr. Speaker, I object.

Mr. RANKIN. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The question is on the motion of the gentleman from Mississippi [Mr. RANKIN].

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—yeas 144, nays 2.

Mr. MARCANTONIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2000. An act to amend the Civil Service Retirement Act, approved May 29, 1930, as amended, so as to make such act applicable to officers and employees of the Columbia Institute for the Deaf; to the Committee on the Civil Service.

ENROLLED BILLS SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 6646. An act to establish the Office of Under Secretary of State for Economic Affairs.

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 1236. An act to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil

and gas on the public domain, and for other purposes; and

S. J. Res. 156. Joint resolution to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation.

BILL PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 6646. An act to establish the Office of Under Secretary of State for Economic Affairs.

ADJOURNMENT

Mr. MARTIN of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned until tomorrow, Thursday, August 1, 1946, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1513. A letter from the Acting Secretary of State, transmitting the second report of the Department of State on the disposal of United States surplus property in foreign areas; to the Committee on Expenditures in the Executive Departments.

1514. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 8, 1946, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of San Diego River and Mission Bay, San Diego County, Calif., with a view to improvement for flood control and navigation, authorized by the flood control acts approved on May 6, 1936, and June 22, 1936, and the River and Harbor Act approved on March 2, 1945 (H. Doc. No. 760); to the Committee on Flood Control and ordered to be printed, with four illustrations.

1515. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 20, 1946, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of and a review of reports on the Cumberland River and tributaries, Kentucky and Tennessee, authorized by the River and Harbor Act approved on August 30, 1935, and the Flood Control Act approved on August 28, 1937, and also requested by resolutions of the Committee on Rivers and Harbors, House of Representatives, adopted on February 14, 1936, November 21, 1938, and March 20, 1941 (H. Doc. No. 761); to the Committee on Rivers and Harbors and ordered to be printed, with two illustrations.

1516. A letter from the Administrator, National Housing Agency, transmitting a draft of a proposed bill, for the relief of James E. Culbreth; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOOD: Committee on Un-American Activities submits a report on proceeding against George Marshall (Rept. No. 2707). Referred to the House Calendar.

Mr. WOOD: Committee on Un-American Activities submits a report on proceeding against Richard Morford (Rept. No. 2708). Referred to the House Calendar.

Mr. HEALY: Committee on the District of Columbia. S. 2674. An act authorizing the appointment of three additional judges of the municipal court for the District of Columbia, prescribing the qualifications of appointees to the municipal court and the municipal court of appeals, and for other purposes; without amendment (Rept. No. 2709). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITE: Committee on Mines and Mining. S. 2029. An act to authorize the Director of the United States Geological Survey to produce and sell copies of aerial or other photographs and mosaics, and photographic or photostatic reproductions of records, on a reimbursement of appropriations basis; without amendment (Rept. No. 2712). Referred to the Committee of the Whole House on the State of the Union.

Mr. MANASCO: Committee on Expenditures in the Executive Departments submits a report relative to communication from Corporation Audits Division, General Accounting Office, to the Reconstruction Finance Corporation (Rept. No. 2713). Referred to the Committee of the Whole House on the State of the Union.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. FLANNAGAN: Committee on Agriculture. House Resolution 721. Resolution requesting the Secretary of Agriculture to submit to the House of Representatives a list of all commodities rationed or allocated under his jurisdiction (Rept. No. 2710). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FERNANDEZ:

H. R. 7217. A bill to provide for a commission to adjudicate claims of American nations who were prisoners of war of Japan, for payment of its awards, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KLEIN:

H. R. 7218. A bill to provide for immigration into the United States by displaced persons; to the Committee on Immigration and Naturalization.

By Mr. MAY:

H. R. 7219. A bill to extend dependency benefits to dependents of enlisted personnel of the armed forces who enlist or reenlist prior to July 1, 1949; to the Committee on Military Affairs.

By Mr. POWELL:

H. R. 7220. A bill to assure to all persons within the jurisdiction of the United States full and equal privileges with respect to public conveyances and places of public accommodation, resort, entertainment, amusement, assemblage, and institutions; to the Committee on the Judiciary.

By Mr. SAVAGE:

H. R. 7221. A bill to provide for a national cemetery at Vancouver, Wash.; to the Committee on Military Affairs.

By Mr. DE LACY:

H. R. 7222. A bill to establish a National Geriatrics Institute to promote longevity in the United States and to provide for study and research in the field of the prevention and cure of diseases and ailments common to old age and for the widespread dissemination of the results of such study and research in an effort to prolong the lives of all American citizens, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GEELAN:

H. R. 7223. A bill to provide retirement benefits for certain emergency officers of World War I; to the Committee on Military Affairs.

By Mr. WHITE (by request):

H. R. 7224. A bill embodying the Shafer prosperity plan to promote the general welfare, increase the national income, and insure full employment through the development of foreign trade; to the Committee on Interstate and Foreign Commerce.

By Mr. FLANNAGAN:

H. J. Res. 392. Joint resolution to increase the limitation on the amount which may be expended for salaries and other administrative expenses in the item "Conservation and use of agricultural land resources" under the head "Production and Marketing Administration" in the Department of Agriculture Appropriation Act, 1947; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills were introduced and severally referred as follows:

By Mr. ROE of Maryland:

H. R. 7225. A bill for the relief of Mrs. Margaret Alice Burkhardt; to the Committee on Claims.

By Mr. WALTER:

H. R. 7226. A bill to record the lawful admission to the United States for permanent residence of Ante Jacob Roncevic; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2140. By Mr. COLE of Missouri: Petition of Charles Carp, of Clarksdale, Mo., and 32 others, urging Congress to pass the Voorhis bill (H. J. Res. 325), which provides that as long as famine conditions exist, no grain shall be allowed for the manufacture of liquors or other nonessential purposes; to the Committee on Agriculture.

2141. By the SPEAKER: Petition of C. H. R. Hovde, M. D., Los Angeles, Calif., petitioning consideration of his resolution with reference to requested indictment against certain officials in office of Government; to the Committee on the Judiciary.

SENATE

THURSDAY, AUGUST 1, 1946

(Legislative day of Monday, July 29, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God, Father of all, who art above all and through all and in all, without whom life has no spiritual source, no divine meaning or destiny, but with whom there is power for the present and hope for the future: We seek Thee as our fathers before us have sought Thee in former days when the difficulties they faced were as frowning heights before their climbing feet; yet by faith they were led over the peaks to the pleasant valleys and still waters beyond. So lead us on, for Thou only art our guide and deliverer.

Strengthen us with Thy might that the strain of these days may not break

our spirits and that no denials of human freedom now loose in the world may intimidate our souls. When the problems which front us seem insoluble, when the very principles for which brave men have died are betrayed, when the seamless robe of world unity is rent in twain, when even the shining river of our dreams seems to sink into the sands of futility, still may we labor on, serene and confident, knowing, while the weeping of hopes deferred may endure for a night, that the joy of Thy sure victory cometh in the morning.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, July 31, 1946, was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. YOUNG. Mr. President, I ask unanimous consent to be excused from the Senate for an indefinite period.

The PRESIDENT pro tempore. Without objection, leave is granted.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 528. An act for the relief of Thaddeus C. Knight;

S. 2236. An act providing for a medal for service in the merchant marine during the present war;

S. 2401. An act to amend the act of May 4, 1898 (30 Stat. 369), as amended, to authorize the President to appoint 250 acting assistant surgeons for temporary service;

S. 2426. An act providing for the conveyance to the city of Canton, S. Dak., of the Canton Insane Asylum, located in Lincoln County, S. Dak.; and

S. J. Res. 84. Joint resolution authorizing the erection in the District of Columbia of a statue of Nathan Hale.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4435) to establish the Theodore Roosevelt National Park; to erect a monument in memory of Theodore Roosevelt in the village of Medora, N. Dak.; and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7039) to further amend section 304 of the Naval Reserve Act of 1938, as amended, so as to grant certain benefits to naval personnel engaged in training duty prior to official termination of World War II.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 341) relating to the status of Keetoowah Indians of the Cherokee Nation in Oklahoma, and for other purposes.

The messsage further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4051) to grant to enlisted personnel of the armed forces certain benefits in lieu of accumulated leave.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on July 31, 1946, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 619. An act to amend the act of June 8, 1936, relating to vocational education, so as to provide for the further development of vocational education in the several States and Territories;

S. 1198. An act to authorize the Secretary of Commerce to sell certain property in the State of Michigan now occupied by the Weather Bureau and to acquire land in the State of Michigan for the erection of a Weather Bureau station;

S. 1236. An act to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes;

S. 1277. An act conferring jurisdiction upon the United States District Court of the Western District of South Carolina to hear, determine, and render judgment upon the claim of William S. Brown;

S. 1478. An act to record the lawful admission to the United States for permanent residence of Edith Frances de Becker Sebald;

S. 1602. An act to confirm title to certain railroad-grant lands located in the county of Kern, State of California;

S. 1607. An act to provide for the naturalization of Peter Kim;

S. 1636. An act to amend the Surplus Property Act of 1944 to designate the Department of State as the disposal agency for surplus property outside the continental United States, its Territories and possessions, and for other purposes;

S. 1733. An act for the relief of Desmark Wright; the estates of Alberta Wright, Desmark Wright, Jr., and Harold Evans; and the legal guardians of Bobby Dennis Wright and Irvin Lee Wright, minors;

S. 1917. An act to enact certain provisions now included in the Naval Appropriation Act, 1946, and for other purposes;

S. 2085. An act to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended, to authorize the Federal Works Administrator to provide needed educational facilities other than housing to educational institutions furnishing courses of training or education to persons under title II of the Servicemen's Readjustment Act of 1944, as amended;

S. 2310. An act to further extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point Miss.; and Helena, Ark.;

S. 2359. An act to close the office of the Recorder of Deeds on Saturdays;

S. 2348. An act to authorize the continuance of the acceptance by the Treasury of deposits of public moneys from the Philippine Islands;

S. 2375. An act to change the name of the Chemical Warfare Service to the Chemical Corps; and

S. J. Res. 156. Joint resolution to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication and letter, which were referred as indicated:

SUPPLEMENTAL ESTIMATES, FEDERAL SECURITY AGENCY

A communication from the President of the United States, transmitting supplemental estimates of appropriation for the Federal Security Agency, amounting to $28,111,300, fiscal year 1947 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

REPORT OF WAR ASSETS ADMINISTRATION

A letter from the Administrator of the War Assets Administration, transmitting, pursuant to law, the second quarterly progress report of that Administration for the fiscal year 1946 (with an accompanying report); to the Committee on Military Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOWNEY, from the Committee on Military Affairs:

H. R. 5552. A bill relating to the sale by the United States of surplus vessels suitable for fishing; without amendment (Rept. No. 1920).

By Mr. MITCHELL, from the Committee on Mines and Mining:

S. 1954. A bill to authorize the construction of an electro-chemical laboratory in the Pacific Northwest; without amendment (Rept. No. 1919).

By Mr. CHAVEZ:

From the Committee on Post Offices and Post Roads:

S. 2453. A bill to provide for the carrying of mail on star routes, and for other purposes; with amendments (Rept. No. 1921); and

H. R. 6721. A bill to authorize the Postmaster General to accept gifts and bequests for the benefit of the library of the Post Office Department; without amendment (Rept. No. 1922).

From the Committee on Indian Affairs:

S. 59. A bill for the relief of Antonio Zamora; Mrs. Antonio Zamora; Antonio Zamora, Jr.; Mrs. Juan Chavez; John Chavez, Jr.; Roland Chavez; Selso Trujillo; and Dr. M. G. Wright; with amendments (Rept. No. 1926).

By Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs:

H. R. 3058. A bill to authorize the use of certain lands of the United States for flowage in connection with providing additional storage space in the Pensacola Reservoir of the Grand River Dam project in Oklahoma, and for other purposes; without amendment (Rept. No. 1924).

By Mr. O'MAHONEY, from the Committee on Indian Affairs:

H. R. 2893. A bill to amend the act of February 15, 1929; without amendment (Rept. No. 1923); and

H. R. 6165. A bill to provide for the preparation of a membership roll of the Indians of the Yakima Reservation, Washington, and for other purposes; without amendment (Rept. No. 1925).

By Mr. KNOWLAND, from the Committee on Immigration:

H. R. 4844. A bill to place Chinese wives of American citizens on a nonquota basis; without amendment (Rept. No. 1927).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HILL:

S. 2502. A bill for the relief of Annie Blackmon; to the Committee on Claims.

By Mr. FULBRIGHT (for himself and Mr. TAFT):

S. 2503. A bill to create an executive department of the Government to be known as the Department of Health, Education and Security; to the Committee on Education and Labor.

By Mr. LANGER:

S. 2504. A bill to authorize the Court of Claims to fix reasonable compensation and expense for attorneys and other persons for services rendered relating to the act of May 18, 1928 (45 Stat. 602), and for other purposes; to the Committee on Indian Affairs.

INVESTIGATION RELATING TO INTERNATIONAL HIGHWAY FROM CENTRAL AMERICA TO ALASKA

Mr. CHAVEZ submitted the following resolution (S. Res. 317), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed:

Resolved, That the Committee on Post Offices and Post Roads, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete study and investigation with respect to all matters, over which the United States or any agency thereof exercises or may exercise jurisdiction, relating to the construction and maintenance of an international highway extending from Central America to Alaska, and to report to the Senate at the earliest practicable date the results of its study and investigation, together with such recommendations as it may deem desirable.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-ninth Congress, to employ such clerical and other assistants, to utilize the services, information, facilities, and personnel of the departments and agencies of the Government, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee under this resolution, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF DESIRABILITY OF ADOPTING A WORLD CALENDAR

Mr. MURRAY (for himself and Mr. SMITH) submitting the following resolution (S. Res. 318), which was referred to the Committee on Foreign Relations:

Resolved, That the Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized and directed to make a thorough study and investigation of the desirability and feasibility of the adoption for use within the United States, and promoting and encouraging the use throughout the world, of a revised calendar, generally called the World Calendar, which shall be in substantially the following form:

The World Calendar

FIRST QUARTER

January							February							March						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7					1	2	3	4					1	2
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30

SECOND QUARTER

April							May							June (W [1])						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4						1	2
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30

THIRD QUARTER

July							August							September						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4						1	2
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30

FOURTH QUARTER

October							November							December (W [2])						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7					1	2	3	4					1	2
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30

[1] The leap-year world holiday, W or June 31 (an extra day), follows June 30 in leap years only.

[2] The year-end world holiday, W or Dec. 31 (365th day), follows Dec. 30 every year.

The 400 centurial leap-year rule of the Gregorian Reform is retained.

ACCEPTANCE OF COMPULSORY JURISDICTION OF INTERNATIONAL COURT OF JUSTICE—AMENDMENT

Mr. CONNALLY submitted an amendment intended to be proposed by him to the resolution (S. Res. 196) proposing acceptance of compulsory jurisdiction of International Court of Justice by United States Government, which was ordered to lie on the table and to be printed.

MILITARY POLICY OF THE UNITED STATES — ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an address entitled "Military Policy of the United States," delivered by him before the Institute on the United States in World Affairs at the American University on July 31, 1946, which appears in the Appendix.]

HENRY DAVID HARLAN — ADDRESS BY SENATOR RADCLIFFE

[Mr. RADCLIFFE asked and obtained leave to have printed in the RECORD an address delivered by him before the Supreme Bench of Baltimore City at the memorial exercises held in honor of Henry David Harlan, on February 23, 1944, which appears in the Appendix.]

OUR COMMON PROBLEMS AND OUR COMMON DUTY—ADDRESS BY BISHOP FRANCIS J. HAAS

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an address entitled "Our Common Problems and Our Common Duty," delivered by Most Reverend Francis J. Haas, Bishop of Grand Rapids, before the fifty-seventh annual convention of the Michigan State Federation of Labor, Grand Rapids, Mich., July 22, 1946, which appears in the Appendix.]

ADDRESS BY BISHOP BERNARD J. SHEIL

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an address delivered by Bishop Bernard J. Sheil before the International Alliance of Allied State Employees and Motion Picture Operators, Chicago, Ill., on July 22, 1946, which appears in the Appendix.]

ADDRESS BY COMMANDER LAURENCE E. KIELY AT DEDICATION OF SHEA FIELD

[Mr. WALSH asked and obtained leave to have printed in the RECORD an address delivered by Commander Lawrence E. Kiely, of Arlington Post 39, American Legion, on the occasion of the dedication of the Shea Field at Squantum, Mass., July 20, 1946, which appears in the Appendix.]

ARTICLE REGARDING SENATOR WILEY'S ADDRESS ON OPA

[Mr. WILEY asked and obtained leave to have printed in the RECORD a report in the current issue of the syndicated feature of the National Industry's News Service on a radio address delivered by him on the subject of the Office of Price Administration which appears in the Appendix.]

THE PUBLIC RESPONSIBILITIES OF AN EDUCATED CITIZEN—ADDRESS BY PROF. ANGUS McKENZIE LAIRD

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address entitled "The Public Responsibilities of an Educated Citizen," delivered by Angus McKenzie Laird, associate professor of political science, to the graduation class of the summer session of the University of Florida, on August 27, 1943, which appears in the Appendix.]

THE PACIFIC NORTHWEST FUTURE—STATEMENT BY SENATOR MITCHELL

[Mr. MITCHELL asked and obtained leave to have printed in the RECORD a statement by him entitled "The Pacific Northwest Future," which appears in the Appendix.]

COLUMBIA RIVER SALMON FISHERY

[Mr. MITCHELL asked and obtained leave to have printed in the RECORD a report outlining the aims of Senate bill 2318, relating to the Columbia River salmon fishery, which appears in the Appendix.]

NEWSPAPER HANDLING OF COLUMBIA VALLEY AUTHORITY NEWS

[Mr. MITCHELL asked and obtained leave to have printed in the RECORD, an editorial from the Grange News concerning newspaper handling of Columbia Valley Authority news, which appears in the Appendix.]

ARMY AIR FORCE DAY

Mr. MAYBANK. Mr. President, I shall not make a long speech, or delay the Senate, but I believe that on this day there should be included in the RECORD, among other articles, an editorial from the New York Times entitled "Army Air Force Day." The editorial speaks better of the great accomplishments of the Air Force in the war, and as to its future, than perhaps I could describe them in the limited time at my disposal. I shall merely say, as a member of the Committee on Military Affairs, that during the past year we held hearings covering a period of months. We had the privilege of having the leaders of the Army Air Forces, General Arnold, General Doolittle, General

Spaatz, General Stratemeyer, and others, testify before us, and I hope, as the New York Times suggests, on this the first peacetime celebration in 5 years, we may recall some of the facts about this great force.

As one Senator, I wish to express my deep appreciation and respect for what the Army Air Forces, together with the other branches of our service, did in making possible our victory. I trust that in the years to come the Army Air Force will not only take no backward step but will progress more and more, not only in the interest of the defense of our country but in the transportation commands and other commands which the Army Air Forces have so well developed throughout the world under the able leader of that branch of the Army Air Force, General George.

I ask that the editorial from the New York Times be printed in the RECORD at this point, together with an editorial from the Washington Times-Herald of today relative to the same subject.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times]

ARMY AIR FORCE DAY

Today sees the first peacetime celebration in 5 years of the beginnings 39 years ago of what became the mightiest air force in the world. The past tense must be used because in 11½ months of peace the United States Army Air Force shrank to a shadow—both as to size and effectiveness—of the air armada that it was for the final assaults on Germany and Japan. It is, however, now well past the crisis of demobilization that became almost a disorganization, and it is rapidly shaking down into the efficient peacetime organization that makes operative its new slogan: Air Power Is Peace Power.

There probably never will be needed again, air experts believe, the great Air Force of 2,383,000 officers and men and 64,591 planes that was in being at the peak of war operations. Gen. H. H. Arnold, wartime commander of the AAF, says that "the great aerial armadas of World War II are as outmoded as the Macedonian phalanx." Guided missiles and atom bombs will make unnecessary the great destructive fleets that swept over Germany and Japan. The present Air Force complement of 400,000 men can be a more destructive force, therefore, if it is needed, than was the wartime force of almost six times as many.

Two Army Air Forces still remain on active duty, in Germany and Japan, and Army Transport Command still flies 70,000 plane-miles a day on its world routes. In this country five different commands provide the planes, train new men, work out new strategy and tactics, and experiment with jet engines and radio-directed pilotless planes and missiles.

With the lessons of our unpreparedness in 1941 still fresh in mind, the Army Air Force is not the neglected orphan that it was for so many years after the close of the First World War. It would be well not to become too confident that the old lessons will not be forgotten as they recede in memory. More important anniversaries than that of today will be the ones 5, 10, 15, and 20 years from now. All of us, and most of all the fliers, hope the Air Force never will have to fight again, but until peace is secure all over the world we had better have the best.

[From the Washington Times-Herald]

AIR FORCE DAY

Now that peace is threatening to set in, the tendency of the Government is to trim the money needed to keep our Military Establishment in running order. Furthermore, our citizens, who thought they were afflicted with headaches during the war have come up against so many peacetime difficulties that they are inclined to forget about the need to maintain an efficient fighting machine.

It looks now as though we are going to have to keep up with the rest of the world militarily for a long while, what with occupation forces and the need for a bristling attitude just so somebody else won't think we're getting soft and try to move in on us, no names mentioned.

WE ARE GOING TO NEED A BIG AIR FORCE

General Eisenhower has already told us that we will have to keep up an army of 800,000 men merely to fulfill our commitments in occupation, and he is worried about where we're going to get the officers for an army of that size.

He included the Air Force in his calculations, and now the Air Force is doing a little worrying of its own.

Chief spokesman for the Air Force at present is Lt. Gen. George R. Stratemeyer, head of the Air Defense Command, which is charged with keeping the aerial frontier of this continent in a working condition.

It doesn't look as though there is going to be any merger of the Army and Navy right now. The Army is still agitating for it. The Navy has told its propagandists to keep their traps shut, so little is heard from that side.

Failing the merger, the idea of a separate Air Force is quite attractive to military thinkers, and especially to the Air Force. But, even given partial autonomy, the Air Force is still worried.

STRATEMEYER POINTS AT PRECARIOUS POSITION

General Stratemeyer, who is doing some stumping on the subject, believes that we are in a more precarious position, from the aviation standpoint, than we were during World War I. We started that with eight planes, but nobody else had any either. As of last May 1, said Stratemeyer, we had only 36,000 aircraft of all types in the AAF, and only 19,000 of these were first-line planes.

Rapid demobilization has reduced the AAF from over 2,000,000 on VJ-day to 400,000 now. Most of that number are untrained for combat, so that the available bombers and fighters could not be adequately manned.

In short says Stratemeyer, we could not punch our way out of a wet paper bag. And this, he continues gloomily, at a time when the next attack might not be at a point as far away as Hawaii, but directly at New York or Dubuque or Houston. Furthermore, he warns, we won't have a comfortable cushion of time to meet the attack.

Stratemeyer, while admitting the Navy is an officer and a gentleman and very good at fighting on the sea, points out painfully that the Navy has got $385,0000,000 to buy planes while the air force got only $369,000,000.

Jimmy Doolittle, president of the Air Force Association, an organization of veterans, was a little more outspoken about the Navy and its insidious propaganda. He even said the Navy was trying to start a rival air force, which, he declared, we cannot afford. With this we agree.

PLANE WOULD CARRY THE ATOM BOMB

Doolittle has predicted that there will be new and terrible weapons in the air, radar-controlled rockets and the like. But he emphasizes that, as things stand now, the plane is the foremost instrument of peace and the plane would still have to carry the atom bomb.

But Stratemeyer and Doolittle are not so much worried about mergers and the Navy's aims as they are about public apathy toward the Air Force and toward flying.

The Air Defense Command, with its auxiliaries—the Air National Guard, the Air Reserve and the Civil Air Patrol—and such organizations as Doolittle's Air Force Association and the Air Power League, are making a manful effort to arouse the public interest necessary to the restoration of the Air Force.

With this end in view, President Truman declared today Air Force day, so that everyone can hear about the needs and plans of the Air Force, which sums it up in the slogan—"Air power is peace power."

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hayden	O'Daniel
Austin	Hill	O'Mahoney
Ball	Hoey	Overton
Barkley	Huffman	Pepper
Bilbo	Johnson, Colo.	Revercomb
Bridges	Johnston, S. C.	Russell
Burch	Knowland	Shipstead
Byrd	La Follette	Smith
Capper	Langer	Stewart
Chavez	McClellan	Swift
Connally	McFarland	Taft
Cordon	McKellar	Taylor
Donnell	McMahon	Thomas, Okla.
Downey	Magnuson	Thomas, Utah
Eastland	Maybank	Tunnell
Ferguson	Mead	Vandenberg
Fulbright	Millikin	Wagner
George	Mitchell	Walsh
Gossett	Moore	Wherry
Green	Morse	White
Guffey	Murdock	Wiley
Gurney	Murray	Young
Hart	Myers	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] is absent because of illness.

The Senator from Nevada [Mr. CARVILLE] is absent by leave of the Senate.

The Senator from Rhode Island [Mr. GERRY] is necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from West Virginia [Mr. KILGORE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Maryland [Mr. RADCLIFFE] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from New Jersey [Mr. HAWKES], the Senator from Kansas [Mr. REED], and the Senator from Kentucky [Mr. STANFILL] are necessarily absent.

The Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from Wyoming [Mr. ROBERTSON], and the Senator from New Hampshire [Mr. TOBEY] are absent by leave of the Senate.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed

to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Sixty-eight Senators having answered to their names, a quorum is present.

REFERENCE OF PRESIDENTIAL NOMINATIONS TO APPROPRIATE COMMITTEE

Mr. BARKLEY. Mr. President, as in executive session, I ask unanimous consent that certain nominations just sent to the Senate by the President, may be referred to the appropriate committee, so that we may secure reports from the committee.

The PRESIDING OFFICER. Without objection, the nominations will be referred to the appropriate committee.

ADDITIONAL APPROPRIATIONS, FISCAL YEAR 1947

Mr. McKELLAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 390, making additional appropriations for the fiscal year 1947; and for other purposes.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. I am very happy to cooperate with the Senator from Tennessee in his request, with the understanding that it in no way displaces the motion now pending before the Senate.

Mr. McKELLAR. The request is made with that understanding.

Mr. THOMAS of Utah. Mr. President, I understand that after we finish consideration of the appropriation bill, we may then proceed with the consideration of Senate Resolution 196?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. McKELLAR. Mr. President, I now renew the request that the Senate proceed to the consideration of House Joint Resolution 390.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 390), making additional appropriations for the fiscal year 1947, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill be read for amendment, the committee amendments to be first considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will proceed to state the committee amendments.

The first amendment of the Committee on Appropriations was, under the heading "Title I—General appropriations—Legislative," on page 1 after line 8, to insert:

SENATE

To enable the Secretary of the Senate to make the additional disbursements and to perform the additional duties and functions required of his office by reason of the enactment of the Legislative Reorganization Act of 1946, fiscal year 1947, $173,667; and he is hereby authorized to allocate necessary portions of the said sum to the various Senate appropriations and to make transfers between same, including those contained in the Legislative Branch Appropriation Act for the fiscal year 1947 and those provided for in the said Reorganization Act: *Provided, however*, That the positions and funds now allocated to any Senator or to any standing committee chairman shall be continued until March 31, 1947, unless otherwise directed by the Senator or the chairman.

The amendment was agreed to.

The next amendment was, on page 2, after line 11, to insert:

ADMINISTRATIVE ASSISTANTS TO SENATORS

For compensation of an administrative assistant to each Senator, to be appointed by him, at a base salary of $6,000 per year, to assist him in carrying out his departmental business and other duties, fiscal year 1947, $288,000, or so much thereof as may be necessary, to be available at the beginning of the Eightieth Congress.

Mr. BALL. Mr. President, I think inadvertently the committee in adopting the language of the amendment fixed it so that a Senator would have to pay his administrative assistant a base salary of $6,000, and the intent was to provide that the salary be not to exceed $6,000. So I offer an amendment to the committee amendment, after the word "of", in line 14, to insert the words "not to exceed."

Mr. McKELLAR. Mr. President, I have no objection to that amendment. It was the intention of the committee to make that provision, and I thought it had been made. I thank the Senator from Minnesota for calling that matter to the attention of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota to the committee amendment.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I now desire to offer two amendments to the pending committee amendment, as amended, before it is disposed of. In line 14, on page 2, I move to strike out "$6,000" and insert "$8,000"; and in line 16 I move to strike out "$288,000" and insert "$384,000."

Mr. President, I desire to address myself to these two amendments, and I ask unanimous consent that they may be considered en bloc since they should go together.

Th PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LA FOLLETTE. The Joint Committee on the Organization of Congress took a great deal of testimony from Members of both the House and the Senate. In its report filed on the 4th of March last under the heading "Relieving Members of nonlegislative work load," the committee made the following recommendation:

That each senatorial and congressional office be authorized to employ a high-caliber administrative assistant at an annual salary of $8,000 to assume nonlegislative duties now interfering with the proper study and consideration of national legislation.

Testimony introduced during our hearings estimated that as high as 80 percent of the average Member's time is spent in nonlegislative work. Expansion of governmental activities during the past 25 years has vastly increased the volume of correspondence and the requests for service from the Member's home State and district.

Many of these time-consuming details and errands must be serviced somewhere if the people are to continue to have a clearinghouse for their problems in the Nation's Capital. While it is true that the Constitution does not place this burden directly upon the Congress, nevertheless service to constituents has long been an accepted part of the job of a Member of Congress.

A small part of such service is useful in helping to untangle many problems that would otherwise receive cursory or scant attention. No other governmental agency could perform this function so cheaply or with the patience, understanding, and personal interest of congressional offices. It affords one of the few remaining direct contacts between the citizen and his elected Representative. Constituent inquiries also serve to keep Members alert to problems arising under legislation passed by Congress or from the operation of administrative programs. Your committee has studied ways of divesting Members of some of this nonlegislative work load. We find it is neither possible nor advisable to eliminate this service now performed by congressional offices. But the rendering of this service requires increased help in Members' offices in order that they may have adequate time for their duties as national legislators.

At various times Congress has increased Members' stenographic and clerical help as the work load of services to constituents has increased. But we have done nothing to transfer from Members' shoulders the principal burden of this nonlegislative business. Through the appointment of a competent assistant capable of assuming a large part of this service burden, Members can be released for the performance of their legislative duties.

Therefore we recommend that each congressional office be authorized to employ a high-caliber administrative assistant at $8,000 per year whose duty would be to relieve the Member of a substantial part of the nonlegislative work load and departmental business now carried by the individual Congressman.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I shall be glad to yield in a moment. I wish to complete this statement.

If we accept the committee's recommendation we start with a base maximum salary of $6,000, which, under the existing pay structure would amount to a total of $8,339.10. If such a person were married and had two dependents, the withholding tax would amount to approximately $93.92 a month, resulting in a net salary of $601 a month. If we adopt the amendment which I have proposed, the base salary of $8,000, in addition to the increases provided in the pay acts, would amount to $10,000. A married person with two dependents would have

a withholding tax of $116.33, or a net salary of $717 a month.

Mr. President, there is no pride of authorship on my part, or on the part of any other member of the committee in this recommendation. But it was our belief that if we were to obtain the type of person who could in fact act as an administrative assistant and really help to take some of the administrative work load off the shoulders of Senators, such a person would necessarily have to be of high caliber, with broad experience. We did not think of the position as being in the nature of an additional secretary, in the sense in which we ordinarily use the term. We did not think of the salary as representing an increase for existing secretaries. We wished to give Senators the opportunity to appoint to these positions men or women of broad experience who could help to take some of the enormous work load in the departments and other places in the Government from the shoulders of Senators, and thus give Senators more time to discharge their responsibilities on the job for which they were elected under the Constitution, namely, as national legislators performing their duty in committees and on the floor of the Senate.

I do not believe that the salary proposed is excessive. We know that we must pay more money in order to get men and women of the necessary training and experience. We constantly hear the complaint, even from the Chief Executive, that the services of some of the best men in the executive branches are being lost to the Government even with a $10,000 ceiling.

I presented the amendment to the Appropriations Committee on behalf of the majority leader and the minority leader, in order to obtain the kind of assistants which it seems to me are absolutely essential if Senators are to be freed from extraneous work and given more time to do their primary job. If the position which we recommended is created, a base salary of $8,000 is not excessive when we take into consideration the salaries generally prevailing today in industry, and what professional men and women are now making outside the Government service.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. BARKLEY. My recollection is that when the congressional reorganization bill was before the Senate there was no objection to the provision for an executive assistant at the figure carried in the bill.

Mr. LA FOLLETTE. That is correct.

Mr. BARKLEY. When the bill went to the House, the House did not want the provision, and therefore it was eliminated. But it is my understanding that in the conferences which took place between Members of the House with reference to that legislation the suggestion was made that if the Senate desired to reinsert the provision for the benefit of Senators, the House would have no objection to it, and would agree to it. So what we are attempting to do is to reinsert the provision which we have already agreed to by practically a unanimous vote when we passed the reorganization bill.

Mr. LA FOLLETTE. That is correct. While I would be the last to say that the present personnel in Senators' offices might not be entitled to greater compensation, it was not the idea simply to make this the means of increasing the salaries of existing personnel, although there may be some Senators who have persons now in their offices who possess the necessary experience and training. I know of my own personal knowledge of some men of that type in Senators' offices who can no longer be retained, and who will no longer stay in the service of their Senators unless they are given an opportunity for increased compensation.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. HAYDEN. On behalf of the committee, let me say that we took $8,000 a year to mean $8,000 a year. As near as the committee could come to $8,000 a year was to establish a base pay of $6,000 a year, which, as the Senator has stated, with the additions under the existing pay structure, amounts to approximately $8,340.

Mr. LA FOLLETTE. I can state very positively that when we drew the amendment which was ultimately acted upon by the Senate, the committee provided, as is usual in connection with every such bill, a certain salary, having the basic salary in mind. We recommended a salary of $8,000, knowing full well that that was the base salary. At the same time, of course, we recommended an increase in the compensation of Members of Congress, which was obtained. If the committee had wanted to recommend a net salary of $8,000, it would have recommended in its report a base salary of $6,000; but we recommended a base salary of $8,000.

Mr. President, that is all I have to say. Personally I think it is important for the future activities of Senators in the discharge of their primary responsibility as legislators to have persons of the caliber which can be obtained if the amendment which I have proposed is agreed to.

Mr. McKELLAR. Mr. President, the committee gave this question very careful consideration. The figure $8,000 was in the original bill. The Senator from South Dakota [Mr. GURNEY] was the first to call attention to the fact that if we made the base salary $8,000, it would mean $10,000. Additions to the base salary would increase it beyond $10,000, but there is a ceiling of $10,000. The Senator from South Dakota made an argument which was so well put that, as I recall, every member of the committee voted for the figure $6,000, because it really means $8,339. It is $339 more than what was thought to be the salary fixed in the bill. Under those circumstances, it seems to me that the proper figure is $6,000.

Mr. GURNEY entered the Chamber.

Mr. McKELLAR. Mr. President, I was just saying that the Senator from South Dakota called the attention of the committee to the figure $8,000, and showed that it would really mean $10,000 instead of $8,000. At his suggestion the committee unanimously, as I recall, approved the figure $6,000, because it means a salary of $8,339.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. GURNEY. It was my intention to provide for a maximum of exactly $8,000. But in figuring the basic salary, it was started at $6,000. The committee wished to make it near $8,000; so the basic figure was made $6,000, instead of a gross salary of $8,000.

Mr. McKELLAR. Yes. And the committee was of the opinion that $8,339 was sufficient. I have no trouble with the present salaries. I have never had any trouble. It is said that the employees have to pay taxes out of their salaries. So do Senators. Senators pay a tax of $142.40 a month, which amounts to $1,708.80 a year, which is taken out of the present salaries of Senators. That is bad, but it is something we all have to expect. I do not think Senators should be relegated to ordinary, every-day duties, and have their employees really put forward into the chief place. I do not think that should be done.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. GURNEY. I have no objection to the figure as it appears in the bill.

Mr. McKELLAR. I thank the Senator.

Mr. President, I ask for a vote on the amendment.

Mr. BALL. Mr. President, I wish to speak briefly in support of the amendment of the Senator from Wisconsin. I was called out of the subcommittee session when the Senator from South Dakota raised his point about the difference between the base salary and the gross salary. I was anxious to have the amendment worded in such a way that it would provide for a base salary of not to exceed whatever amount was determined upon, because I think some Senators will wish to—I know that I intend to—pick out a young man just out of law school, start him at a lower salary, and hold out to him the prospect that if he delivers the goods and does a good job, he will receive an advancement in salary. But, at the same time, Senators who are ranking members of the major committees which are to be set up under the Reorganization Act will have a tremendous legislative burden on their shoulders, and it is those Senators who will need the type of man whom they will not possibly be able to get for less than a gross salary of $10,000, or more.

We are leaving the matter to the discretion of the individual Senator. If he thinks he does not need a $10,000 a year man, he can pay less. But I think we should leave the way open for the chairmen and senior members on both sides of the aisle, who will be in charge of the smaller number of major committees which we are setting up, and who necessarily will have to devote much more of their time to their legislative duties than they have devoted heretofore, to have in their offices the kind of man to handle the routine of the office and the departmental work whom they cannot possibly get for less than $10,000 a year, no doubt.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BALL. I yield.

Mr. McKELLAR. I am one of the senior Members. I have a reasonable amount of work to do, and I think I do a reasonable amount of work. I have never experienced the trouble the Senator has mentioned. I have the very best kind of men as secretaries, and they are taking the work off my hands, and they are working at even a smaller salary than is proposed in this bill. The bill proposes a large increase in the salary of a secretary. I do not think we should make the salary too large. If we do, where shall we get the money? If we simply raise everyone's salary, and continue to raise everyone's salary every time such a bill is before us, and especially every time we have—I started to say every time we have an emergency bill, but I believe this is a supplemental appropriation bill, though they amount to the same thing—if every time we have such a bill before us, we raise everyone's salary, I do not know where we shall get the money with which to pay the salaries.

I think we should be thinking about the Government, to some extent, and not merely about individual salaries to be paid to those who work for the Government.

Mr. BALL. Mr. President, let me say to the Senator that in my service with him on the Appropriations Committee, it has amazed me to see how much time he has devoted to that committee. I know he carries a tremendous legislative load, and I do not know how he ever gets any time in his office.

But, Mr. President, I think it would be short-sighted economy not to provide really adequate salaries for such assistants. I think what we have spent in the legislative branch of the Government has been niggardly, in the past, and it is about time that we gave ourselves a staff adequate to do a sound legislative job in determining how and in what manner the $40,000,000,000 a year which we appropriate for the executive departments is spent. If by spending a few million dollars more on the legislative banch, we can cut the $40,000,000,000 national budget even 1 pecent or 2 percent, the investment will be repaid many times over to the taxpayers.

Mr. THOMAS of Utah. Mr. President, I think we are losing sight of one of the major points which should be considered, and which was mentioned by the Senator from Kentucky in his remarks. The Senate accepted the reorganization bill. It accepted the figure $8,000 for administrative assistants. That was the plan. It would have gone through the House except for the fact that the House did not wish to have a salary of $8,000 for assistants to its Members.

It seems to me that the Appropriations Committee in offering the first amendment designed to carry out the provisions of the legislative Reorganization Act could well stay within the provisions of that act; and since the Senate had already fixed this salary, I think the committee should recommend what had thus been fixed.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. THOMAS of Utah. I yield.

Mr. McKELLAR. I wish to ask the Senator, in all good conscience, whether he understands or believes that the Senate understood, when it allowed $8,000 for these salaries, that it really meant $10,000. Does the Senator from Utah think that was understood? Does the Senator think it was discussed? Actually, Mr. President, it was not discussed at all. A salary of $8,000 was placed in the reorganization bill.

Now the Senator takes a position which will result in making the actual salary which is paid $10,000, instead of $8,000. that is what the Appropriations Committee objects to.

Mr. THOMAS of Utah. Mr. President, the Senator from Tennessee is missing my point entirely. I am sure that the reorganization committee and I am sure the Senate understood that the $8,000 figure would be base pay, and accepted it as base pay, the same as it accepted any other salary as base pay. My point is simply this: Is the Appropriations Committee acting quite fairly with the Senate and is it acting quite fairly with its own rights when it says that the Senate did not intend to do that?

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. THOMAS of Utah. I yield.

Mr. BARKLEY. I wish to say that when the reorganization bill was passed the salaries of all employees had been increased 14 percent. We ourselves had said that there would be an increase of 14 percent. We knew, when we passed that bill, that the base pay of all our employees carries with it an increase of 14 percent, in addition to other increases which have been made from time to time. So that accounts for the difference between the $6,000 base pay and the $8,339 gross pay.

Mr. FERGUSON. Mr. President——

The PRESIDING OFFICER. The Senator from Kentucky has the floor. Does he yield?

Mr. BARKLEY. I believe I have said all I wish to say at this time.

The PRESIDING OFFICER. Then the Chair recognizes the Senator from Michigan.

Mr. FERGUSON. Mr. President, as a member of the Appropriations Committee, I wish to say a few words about the pending question. It is true that I have been in the Senate only a short time, but I think I realize at the present time some of the problems with which Senators are faced. There is an enormous amount of work to be done. Senators representing the larger States naturally have a greater amount of work than do Senators representing the smaller States.

The bill we are now discussing is not compulsory. It is optional, insofar as each Senator is concerned. I take it for granted that if we adopt the amendment on the basis of a base pay of $8,000, no Senator will pay the salary to an employee who, he believes, is not honestly earning that salary.

Therefore, Mr. President, I think that the work which can be done by an able and efficient administrative assistant is well worth the base pay of $8,000 per annum. It is true that the pay might run up almost to the $10,000 limit. But during the time I have been a Member of the Senate I have discovered that there is a great amount of work for Senators and their office personnel to perform. Every Senator in order to take care of his committee work and all other legitimate matters which should be attended to for his constituents should be provided with a very able assistant. In Detroit there are men who are rendering service in connection with their private employment which is similar, in importance, to what a United States Senator renders to his Government, and those men are supplied with executive assistants who receive more pay than is provided for assistants to Senators. If we, as Senators, obtain able assistants, we must take them from government or other walks of life. Therefore, if we are going to solve this problem—I refer to the problem of obtaining necessary efficient assistants—we must be willing to pay salaries which are commensurate with the quality of service we expect to receive.

Mr. President, I for one hope that, under the reorganization plan recently adopted, the Congress will be in position to function more efficiently than it has in the past. I can understand perfectly well that one Member of the Congress may determine that he does not need as much help as does some other Member of Congress. He may have a small constituency compared to the population of other States, and he may not need additional help. But I wish to urge on the Members of the Senate that if they expect, under the reorganization plan, to perform all the work which it will be necessary for them to perform, they should receive proper assistance. The reduction in the number of committees will enable us to give our full attention to the work of each committee of which we may be a member, and to perform more efficient service in connection with committee work. We shall thereby be enabled more efficiently to serve our constituents and the country as a whole. The Nation grows larger each year. The work of a Senator becomes more arduous and difficult each year. If we are going to render to our constituents and to the country as a whole the kind of service which we, as Members of Congress, should render, we must have properly qualified assistants and must be willing to pay them adequate and proper remuneration. I know that the people back home will not be disappointed if their Senators and Representatives hire efficient assistants possessing the proper qualifications. The legislative branch of the Government should be placed on just as high a plane, from the standpoint of remuneration, as is the executive or the judicial. I know that the people of the country will be more satisfied if the efficiency of congressional employees is increased.

Mr. McKELLAR. Mr. President, a few moments ago the Senator from Utah [Mr. THOMAS] said that the principal reason for the change which has been suggested was that the Senate had already passed upon it. Let us see what is in Senate bill 2177. I find the following language on page 35:

Each such administrative assistant shall receive compensation at the rate of $8,000.

Not base pay, but at the rate of $8,000 a year. The word "base" does not appear in the bill. So the Committee on Appropriations has appropriated exactly at that rate, namely, $8,000, and I think clerks now receive something like $4,500. Some of them now receive as much as $5,000. By this bill they would be raised to $8,000.

If the amendment is agreed to, their salaries will be raised to $10,000, or double the amount they receive at the present time. It seems to me that that is too much of an increase.

Mr. President, I say with all candor that it seems to me that this matter is one on which every Senator should vote, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LA FOLLETTE. Mr. President, I wish to say a word about the language in Senate bill 2177 to which the Senator from Tennessee has referred.

The legislative counsel, when drafting the bill, and the joint committee, when making the recommendation, utilized this language because it was considered to be language which would result in a base pay of $8,000. When the legislative counsel drew the bill there was raised the very question which has been raised here. They were instructed to draw the bill so as to provide for a base pay of $8,000.

Mr. BARKLEY. Mr. President, there is not a statute of which I know that fixes the pay of any employee of the Senate or the House. The law provides that they shall receive pay at a rate of so much. We got into the habit of using the term "base pay" because we granted an increase of a certain percent, based on the salary the employee was receiving under the statute. Every clerk in our offices who receives $5,040—that is the maximum which can be paid by any Senator—receives, in addition, the increases which have been granted.

Mr. President, this amendment and the provision in the bill itself, as well as the provision in the original reorganization bill which was passed, is no reflection on the competency, efficiency, or loyalty of any of our clerical help. We all have efficient, hard working, loyal, and devoted secretaries and clerks. They work not by any clock regulation. They work long hours and remain at night if we want them to remain. Now and then I have found it necessary to take one of my assistants home with me in order to do work which it was necessary to dispose of. If we have a person in our offices who, we think, will fit into this situation, well and good. If we want to bring someone to Washington from our States—I imagine that in some cases that may be done—or bring someone who has had experience and has received special training, such as, for example, a person who may have majored in government when pursuing his studies in the university, it is a matter of our own determination.

We have increased our own salaries, although we were somewhat belated in so doing. We have increased all salaries of Senators and Representatives to $15,000 a year. In view of the amendment which the House put into the bill, $2,500 of the salary is to be tax exempt. The tax experts have figured out that with such exemption the salary of $15,000 a year is equal to approximately $17,000 because of the different bracket the salary is put into when we make out our income tax report. The increase which has here been suggested of from $6,000 to $8,000 is not out of proportion.

After all, the total expense of the legislative branch of our Government is inconsequential when considered with respect to other departments of the Government. We do not spend in a whole Congress for all that we do and for all legislative activities and purposes as much as some of the departments separately of the Government of the United States—and I do not mean the War and Navy Departments, either.

So, it seems to me we are not extravagant in providing a salary which is about half of what we get for an assistant who can supervise our offices, assist in our legislative duties, and take from our shoulders a lot of details and burdens which grow year after year because of the complexity of our Government and because of the relationship between the Government of the United States and every human being who lives within our States and whom we cannot deny or ignore.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LA FOLLETTE. I merely wish to point out that in the report of the special committee on Senate bill 2177 we made an estimate of the total increase in the appropriations for the legislative branch of the Government that would be entailed if the bill finally becomes law. It amounted to $12,281,235 I should like to quote this excerpt from the report:

> Surely this is a modest price to pay for increased efficiency in the legislative branch of the Government. Even with this modest increase, the total cost of the legislative branch would be $6,000,000 less than the 1947 Budget estimate for the Office of the Administrator of Civil Aeronautics alone.

Mr. BARKLEY. That emphasizes the point I was making.

Mr. LA FOLLETTE. I will say to the Senator that I had to search the Budget forward and backward to find an agency or department in Washington the cost of which I could make a comparison with the total cost of the legislative branch of the Government.

Mr. BARKLEY. Mr. President, I have said all I care to about the matter.

Mr. WHITE. Mr. President, I desire to say a very brief word about this situation. I think we ought to bear in mind that economy does not consist alone in withholding expenditures of money, but rather economy and efficiency are to be found in the wise use of such expenditures as are provided. There is a greater field for efficiency in the handling of our affairs and in the expenditure of our money and a greater opportunity for economy in doing things wisely than there is in withholding this or that particular sum. As I understand, the difference between the recommendation of the committee and what the Senator from Wisconsin urges amounts to only about $190,000 or $200,000, and I submit that when we compare that with the total expenditure involved in the program upon which we have embarked it is comparatively insignificant, it is not to be taken seriously into account, because I think unless we go forward with the program as outlined in the report and in the legislation which has been handled so wonderfully well by the Senator from Wisconsin, we are putting in jeopardy all we have been striving for in this effort. We have been trying to build an organization that would deal with government as a business, and it becomes us as Senators to deal with it efficiently and wisely. If we are not going to equip this organization to the last degree of efficiency, then we might as well not have started on the program at all.

Mr. BARKLEY. If I may suggest it, we will probably save as much by the reduction in the number of our committees and their staffs under the reorganization plan as this amendment amounts to.

Mr. WHITE. Mr. President, I want to conclude by saying that, much as I hate to be in disagreement with the chairman of the Appropriations Committee, whom I hold in the greatest respect and for whose zeal and ability I have great admiration——

Mr. BARKLEY. I share in that expression of the Senator.

Mr. WHITE. Everybody does.

Mr. BARKLEY. Yes; everybody does, and I hope the Senator from Tennessee is going to be renominated today in Tennessee by the largest majority he ever received.

Mr. WHITE. Unless there is a Republican there who stands a chance of winning, I agree with what the Senator from Kentucky says.

Mr. BARKLEY. If that is the condition of the Senator's concurrence, then he agrees wholly with me.

Mr. WHITE. I hope this expenditure will be authorized, because I believe it will make a contribution to the great purpose we had in view when we passed the reorganization legislation.

The PRESIDING OFFICER (Mr. MAYBANK in the chair). The Chair will state, in keeping with what the Senator from Kentucky has said, that the weather in Tennessee is fair today.

Mr. LANGER. Mr. President, I wish to make a further point. In my State of North Dakota the people became so dissatisfied, because their Senators within the last few years were too busy to render all the service required of them, that about 5 years ago various companies got together and formed an organization called the North Dakota Association which has been employing a man in Washington, who has been here constantly I understand, at a salary of $10,000, with an unlimited expense account, just to see to it that the various projects of North Dakota had a proper hearing before the various departments.

I appeal to the distinguished chairman of the Appropriations Committee, who has been here for a long time, to realize that when a new man comes to the Senate he is not as familiar as is the Senator from Tennessee with the proc-

esses of legislation, and wants somebody who thoroughly understands things. The chances are that if we get good administrative assistants, should some of us go out of office, our successors who come in would keep the same man we had already employed.

Mr. McKELLAR. Mr. President, just a word and then the vote may be taken. This language is perfectly plain. At present the highest salary of an administrative assistant or clerk is $5,000, so I am advised. The language the committee has placed in the bill would raise that salary to $8,335 a year which is probably the largest increase provided for any Government employee. I do not know of any other employees whose salaries have been raised to such an extent.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BARKLEY. That would depend altogether upon whether the particular person is appointed administrative assistant. I think that in some cases what the Senator says might be true.

Mr. McKELLAR. It would be in my case I know.

Mr. BARKLEY. In cases where a Senator wanted to appoint a new person, of course that comparison would not apply.

Mr. McKELLAR. Yes; but I think in 9 cases out of 10 it means an increase of salary to the person now holding the job of more than half as much again, and that is more than Senators' salaries have been increased and more than any others have been increased.

In the present condition of our Treasury, when the Government is not paying its way and taxes are not sufficient to pay what we appropriate, I think the amount in the bill is very reasonable. The language of the La Follette reorganization bill provides as follows, and it cannot be mistaken—

> Each such administrative assistant shall receive compensation at the rate of $8,000 a year.

It does not say $10,000 a year. It says $8,000 a year. If the intention had been to make it more it would have said "base pay," which is exactly what the committee amendment says.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. McMAHON. I was deeply interested in the comment made by the distinguished chairman of the Appropriations Committee to the effect that we are not collecting sufficient taxes to pay the expenses of the Government. I think we are all aware of that and that we all hope and trust that we may soon balance the Budget.

I might suggest to my good friend that if the Senators had more time to study the demands which are made by the executive departments, which time would be made available to them if they had taken off their shoulders some of the tremendous burdens which have been imposed upon them in the last few years, they would be able to save far more than the increased cost of this amendment and do more to bring the Budget into balance. I have had some experience, both in the executive department of the Government and in private business, and I say without fear of contradiction that, if the business we are called on to do, were to be done in the executive department or handled in private firms the cost would be a minimum of three times what is provided for in the legislative appropriation.

The Senator knows and appreciates that, of course, a Senator's salary cannot measure his responsibility. If a Senator were paid according to the standards of private business, for the decisions which he has to make and the burdens he has to bear, in my opinion, the salary would be not less than $75,000 a year.

While it is true that we cannot make the salary comparable to that, because it is not private business, and we do not come here for personal gain, nevertheless it is the measure of the responsibilities which we have to assume. We should undertake that responsibility with competent help, and if we give ourselves a sufficient amount to hire high class, competent assistants, the gain will definitely be in favor of the people, the taxpayers, of the United States.

Mr. McKELLAR. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BRIDGES. Mr. President, this matter is one of very definite interest not only to the Senate, but to the country as a whole. Only on rare occasions do I stand on this floor and advocate the spending of more money for any purpose, but I support the amendment in this case because I believe the change suggested would be for the good of the country, would add to the efficiency of the Senate, and would increase the effectiveness of the individual Senator. It would enable him to get an outstanding assistant, would relieve him of many of the miscellaneous and manifold duties which fall on his shoulders, and, furthermore, in a Senate where we have seen men die from overwork, where we see men's health impaired, it is absolutely essential not only for the relief of the individual Senator but for the good of the Senate, in the interest of the Government, and for the good of the country as a whole, that we provide adequate assistance for Senators. I believe provision for this one administrative assistant, for a definite, specific purpose, would be a constructive step forward.

As the Senator knows, the provision will not be effective until the first of the year, and it is being put in the bill at this time so that Senators may make their plans for the coming year.

I hope the amendment offered by the Senator from Wisconsin will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. McMAHON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hart	Myers
Austin	Hayden	O'Daniel
Ball	Hill	O'Mahoney
Barkley	Hoey	Overton
Bilbo	Huffman	Pepper
Bridges	Johnson, Colo.	Revercomb
Burch	Johnston, S. C.	Russell
Byrd	Knowland	Shipstead
Capper	La Follette	Smith
Chavez	Langer	Swift
Connally	McClellan	Taft
Cordon	McFarland	Taylor
Donnell	McKellar	Thomas, Okla.
Downey	McMahon	Thomas, Utah
Eastland	Magnuson	Tunnell
Ferguson	Maybank	Vandenberg
Fulbright	Millikin	Wagner
George	Mitchell	Walsh
Gossett	Moore	Wherry
Green	Morse	White
Guffey	Murdock	Wiley
Gurney	Murray	Young

The PRESIDING OFFICER. Sixty-six Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendments offered by the Senator from Wisconsin [Mr. LA FOLLETTE] which, under the order of the Senate, are to be considered en bloc. The amendments will be stated.

The CHIEF CLERK. In the amendment of the committee on page 2, line 14, it is proposed to strike out "$6,000" and insert "$8,000", and in line 16 to strike out "$288,000" and insert "$384,000."

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WAGNER (when his name was called). I have a general pair with the Senator from Kansas [Mr. REED]. Not knowing how he would vote, I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am not advised how the Senator from Missouri would vote on this question if present. Being at liberty to vote, I vote "yea."

The roll call was concluded.

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] is absent because of illness.

The Senator from Nevada [Mr. CARVILLE] is absent by leave of the Senate.

The Senator from Mississippi [Mr. BILBO], the Senator from Virginia [Mr. BURCH], the Senator from Rhode Island [Mr. GERRY], the Senator from Montana [Mr. WHEELER], and the Senator from Tennessee [Mr. STEWART] are necessarily absent.

The Senator from New York [Mr. MEAD] is detained on official business.

The Senator from Missouri [Mr. BRIGGS], the Senator from West Virginia [Mr. KILGORE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Maryland [Mr. RADCLIFFE] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the

commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from New Jersey [Mr. HAWKES], the Senator from Kansas [Mr. REED], the Senator from Kentucky [Mr. STANFILL], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from Wyoming [Mr. ROBERTSON], and the Senator from New Hampshire [Mr. TOBEY] are absent by leave of the Senate.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The Senator from Illinois [Mr. BROOKS] would vote "yea" if present.

The result was announced—yeas 40, nays 24, as follows:

YEAS—40

Austin	Hill	Revercomb
Ball	Knowland	Russell
Barkley	La Follette	Shipstead
Bridges	Langer	Smith
Capper	McMahon	Taft
Cordon	Magnuson	Taylor
Donnell	Millikin	Thomas, Utah
Downey	Mitchell	Tunnell
Ferguson	Moore	Wagner
Fulbright	Morse	Wherry
George	Murray	White
Green	Myers	Young
Guffey	O'Daniel	
Hart	Pepper	

NAYS—24

Andrews	Hoey	Murdock
Byrd	Huffman	O'Mahoney
Chavez	Johnson, Colo.	Overton
Connally	Johnston, S. C.	Swift
Eastland	McClellan	Thomas, Okla.
Gossett	McFarland	Vandenberg
Gurney	McKellar	Walsh
Hayden	Maybank	Wiley

NOT VOTING—32

Aiken	Carville	Reed
Bailey	Ellender	Robertson
Bilbo	Gerry	Saltonstall
Brewster	Hatch	Stanfill
Briggs	Hawkes	Stewart
Brooks	Hickenlooper	Tobey
Buck	Kilgore	Tydings
Burch	Lucas	Wheeler
Bushfield	McCarran	Willis
Butler	Mead	Wilson
Capehart	Radcliffe	

So Mr. LA FOLLETTE's amendments to the committee amendment were agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The amendment, as amended, was agreed to.

Mr. MAGNUSON. Mr. President, I submit two amendments to the pending joint resolution, which I ask to lie on the table.

The PRESIDING OFFICER. The amendments will be received and lie on the table.

The clerk will state the next committee amendment.

The next amendment was, on page 2, after line 18, to insert:

SENATE POLICY COMMITTEES

For maintenance of a staff for a majority policy committee and a minority policy committee in the Senate, consisting of seven members each, for the formulation of over-all legislative policy of the respective parties, the members of such staffs to assist in study, analysis, and research on problems involved in policy determinations, and to be appointed, and their compensation fixed, by the policy committee concerned, at rates not to exceed $8,000 per annum in any case $15,000 for each such committee, in all, fiscal year 1947, $30,000, to be available at the beginning of the Eightieth Congress.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to insert:

CONTINGENT EXPENSES OF THE SENATE

For purchase, exchange, driving, maintenance, and operation of two automobiles, one for the majority leader of the Senate and one for the minority leader of the Senate, fiscal year 1947, $13,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 9, to insert:

For an additional amount for expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1947, $150,000: *Provided*, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

The amendment was agreed to.

The next amendment was, on page 3, after line 19, to insert:

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For an amount necessary to increase salaries in the Senate Press Gallery, beginning July 1, 1946, as follows: Superintendent from $3,660 to $3,820; one assistant superintendent from $3,000 to $3,200; and one assistant superintendent from $1,920 to $2,100; in all, fiscal year 1947, $540; and the Legislative Branch Appropriation Act for the fiscal year 1947 hereby is amended accordingly.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 4, after line 14, to insert:

Contingent expenses, folding documents: For an additional amount for folding speeches and pamphlets, at a rate not exceeding $1 per thousand or for the employment of personnel at a rate not to exceed $5.20 per day per person, fiscal year 1947, $15,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 19, to insert:

JOINT COMMITTEE ON PRINTING

Biographical Congressional Directory: To enable the Secretary of the Senate to pay, upon vouchers approved by the chairman or vice chairman of the Joint Committee on Printing, for compiling and preparing a revised edition of the Biographical Directory of the American Congress (1774–1948) as provided for in House Concurrent Resolution No. 163, adopted July 26, 1946, $50,000; and said sum or any part thereof, in the discretion of the chairman or vice chairman of the Joint Committee on Printing, may be paid as additional compensation to any employee of the United States, and shall continue to be available until expended.

The amendment was agreed to.

The next amendment was, on page 5, after line 7, to insert:

JOINT COMMITTEE ON THE ECONOMIC REPORT

For salaries and expenses of the Joint Committee on the Economic Report created by section 5 of Public Law No. 304, Seventy-ninth Congress, entitled "An act to declare a national policy on employment, production, and purchasing power, and for other purposes", approved February 20, 1946, fiscal year 1947, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Independent Offices," on page 8, after line 4, to insert:

FEDERAL SECURITY AGENCY

Grants to States for maternal and child health services: For an additional amount, fiscal year 1947, for grants to States for maternal and child health services, including the objects specified under this head in the Department of Labor Appropriation Act, 1947, $9,180,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 10, to insert:

Grants to States for services for crippled children: For an additional amount, fiscal year 1947, for grants to States for services for crippled children, including the objects specified under this head in the Depatment of Labor Appropriation Act, 1947, $6,130,000.

Mr. BRIDGES. Mr. President, have we passed over the item for the Office of Price Administration, on page 7?

The PRESIDING OFFICER. There was no amendment in that section. The Senate is now considering the committee amendments.

Mr. WHERRY. Mr. President, are we adopting the committee amendments now?

The PRESIDING OFFICER. Certain committee amendments have been adopted.

Mr. WHERRY. What is the pending committee amendment?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 8, after line 10.

The amendment was agreed to.

The next amendment was, on page 8, after line 15, to insert:

Grants to States for child-welfare services: For an additional amount, fiscal year 1947, for grants to States for child-welfare services, including the objects specified under this head in the Department of Labor Appropriation Act, 1947, $3,490,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 20, to insert:

Salaries and expenses, maternal and child welfare: For an additional amount, fiscal year 1947, for salaries and expenses, maternal and child welfare, including the objects specified under this head in the Department of Labor Appropriation Act, 1947, and including also travel, printing and binding, penalty mail, contingent and other expenses, $925,500.

The amendment was agreed to.

The next amendment was, on page 9, after line 2, to insert:

The appropriations contained in the four preceding paragraphs shall not be available for obligation until the enactment into law of H. R. 7037, Seventy-ninth Congress.

The amendment was agreed to.

The next amendment was, on page 9, after line 5, to insert:

PUBLIC HEALTH SERVICE

Mental health activities: For carrying out the provisions of the National Mental Health Act, except section 11, including travel; printing and binding; stationery; and the objects specified in the paragraph immediately following the heading "Public Health Service" in the Federal Security Agency Appropriation Act, 1947, including the purchase, maintenance, repair, and operation of three passenger-carrying automobiles; and an additional $2,380,680 for carrying out the provisions of section 314 (c) of the Public Health Service Act with respect to mental health, fiscal year 1947, $4,358,000, of which not to exceed $109,400 may be transferred without limitation account to the appropriation "Pay, and so forth, Commissioned Officers, Public Health Service": *Provided*, That there is authorized to be transferred to this appropriation such sums as the Surgeon General may determine to be available in other appropriations of the Public Health Service for mental health activities: *Provided further*, That determinations of the Director of the Bureau of the Budget of employment authorized under this appropriation shall not be subject to the aggregate numerical limitations set forth in section 607, subsection (g) (1) (A) of the Federal Employees Pay Act of 1945, as amended.

The amendment was agreed to.

The next amendment was, on page 10, after line 4, to insert:

National Institute of Mental Health: For the acquisition of site or sites, the preparation of drawings and specifications, and the performance of other work for the accomplishment thereof, for the National Institute of Mental Health, as authorized by section 11, Public Law 487, Seventy-ninth Congress, to remain available until expended, $850,000: *Provided*, That this amount may be transferred, upon the request of the Federal Security Administrator, to the Public Buildings Administration, Federal Works Agency.

The amendment was agreed to.

The next amendment was, on page 10, after line 14, to strike out the following subhead.

FEDERAL WORKS AGENCY—PUBLIC ROADS ADMINISTRATION

And in lieu thereof to insert the following subhead:

FEDERAL WORKS AGENCY

PUBLIC ROADS ADMINISTRATION

The next amendment was, on page 11, after line 2, to insert:

War and emergency damage, Territory of Hawaii: For carrying out the provisions of section 2 of the act entitled "An act to provide emergency relief for the victims of the seismic waves which struck the Territory of Hawaii, and for other purposes" (H. R. 6918, 79th Cong.), to be expended by the Commissioner of Public Roads in accordance with provisions applicable to its customary operations in the construction, rehabilitation, and repair of roads, highways, and bridges, by contract or otherwise, and necessary expenses incident thereto without regard, outside continental United States, to section 3709 of the Revised Statutes, including personal services in the District of Columbia or elsewhere and employment of personnel outside the continental United States without regard to civil-service and classification laws and section 14 (a) of the Federal Employees Pay Act of 1946, and the purchase of passenger motor vehicles, $8,000,000, to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 11, after line 20, to insert:

BUREAU OF COMMUNITY FACILITIES

Emergency relief for the Territory of Hawaii: For carrying out the provisions of section 1 of the act entitled "An act to provide emergency relief for the victims of the seismic waves which struck the Territory of Hawaii, and for other purposes" (H. R. 6918, 79th Cong.), $1,300,000, to remain available until expended, of which amount not to exceed $65,000 shall be available for administrative expenses of the Bureau of Community Facilities, including travel, the purchase of two passenger motor vehicles, and personal services in the District of Columbia and elsewhere without regard to section 14 (a) of the Federal Employees Pay Act of 1946.

The amendment was agreed to.

The next amendment was, on page 13, after line 2, to strike out:

DEPARTMENT OF COMMERCE

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Export control: For an additional amount, fiscal year 1947, for "Export control," including the objects specified under this head in the Department of Commerce Appropriation Act, 1947, $600,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 8, to insert:

DEPARTMENT OF LABOR

BUREAU OF LABOR STATISTICS

Salaries and expenses: For an additional amount, fiscal year 1947, for "Salaries and expenses," including the objects specified under this head in the Department of Labor Appropriation Act, 1947, $25,000, to be available for obligation until January 31, 1947.

The amendment was agreed to.

The next amendment was, on page 14, after line 9, to insert:

TREASURY DEPARTMENT

STRATEGIC AND CRITICAL MATERIALS (ACT OF JULY 23, 1946)

For all expenses necessary for the procurement, transportation, maintenance, rotation, storage, and refining or processing of strategic and critical materials for national defense purposes, as authorized by the Strategic and Critical Materials Stock Piling Act (Public Law 520, 79th Cong.), including personal services and rental and maintenance of storage space in the District of Columbia and elsewhere, $250,000,000: *Provided*, That any funds received as proceeds from sale or other disposition of materials on account of rotation of stocks of strategic and critical materials shall be deposited to the credit, and be available for expenditure for the purposes, of this appropriation.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. HILL. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Alabama will be stated.

The CHIEF CLERK. On page 10, after line 13, it is proposed to insert:

Hospital and construction activities: For carrying out the provisions of title VI of the Public Health Service Act, as amended (S. 191), fiscal year 1947, including travel; printing and binding; the objects specified in the paragraph immediately following the caption "Public Health Service" in the Federal Security Agency Appropriation Act, 1947; and the purchase of 8 passenger automobiles; $2,425,000, of which not to exceed $147,147 may be transferred to the appropriation "Pay, etc., commissioned officers, Public Health Service" for not to exceed 28 commissioned officers, and not to exceed $41,680 may be transferred to the appropriation "Salaries, Office of the General Counsel," Office of the Administrator, Federal Security Agency: *Provided*, That this appropriation shall be available for personal services without regard to section 14 (a) of the Federal Employees Pay Act of 1946: *Provided further*, That the availability of this appropriation is contingent upon the enactment into law of said S. 191.

Mr. McKELLAR. Mr. President, a budget estimate had not come before the committee for this item. It has since come in and I suppose there is no reason why the amendment should not be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama.

The amendment was agreed to.

Mr. MURDOCK. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Utah will be stated.

The CHIEF CLERK. On page 20, after line 12, it is proposed to add the following new section:

SEC. 302. Section 2 (a) of the act of June 11, 1946 (Public Law 404, 79th Cong.), is amended by striking out the period at the end thereof and inserting a semicolon and the following: "and the Veterans' Emergency Housing Act of 1946."

Mr. MURDOCK. Mr. President, this is the same amendment which I offered a day or so ago to the social security bill. It exempts the veterans' emergency housing program from the administrative act which was passed recently. I explained the other day that the housing program for veterans is being impeded and held up by reason of the fact that all directives and orders necessary to expedite the program must be published in the Federal Register for a period of 30 days. The amendment was agreed to the other day unanimously, but I am now advised that by reason of the parliamentary situation surrounding the social security bill, in order to be absolutely sure that this amendment goes through it should be included in this bill. If it goes through on this bill, it will be stricken from the other bill.

Mr. McKELLAR. Mr. President, is the amendment in exactly the same language as the amendment to the other bill?

Mr. MURDOCK. It is in exactly the same language.

Mr. McKELLAR. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. MURDOCK].

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Washington will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following new paragraph:

VETERANS' ADMINISTRATION

Automobiles and other conveyances for disabled veterans: To enable the Administrator of Veterans' Affairs to provide an automobile or other conveyance, equipped with such special attachments and devices as the Administrator may deem necessary, for each veteran of World War II, whether or not discharged from service, who (1) is entitled to disability compensation or pension under the laws administered by the Veterans' Administration, and (2) is unable, because of the loss, or loss of use, of one or both lower limbs, to use normal means of locomotion or ambulation: *Provided*, That no part of the money appropriated by this paragraph shall be used for the repair, maintenance, or replacement of any such automobile or other conveyance and no veteran shall be given an automobile or other conveyance under the provisions of this paragraph until it is established to the satisfaction of the Administrator that such veteran will be able to operate such automobile or other conveyance in a manner consistent with his own safety and the safety of others, and will be licensed to operate such automobile or other conveyance by the State of his residence, $30,000,000, to remain available until expended.

Mr. MAGNUSON. Mr. President, this amendment is offered to the pending bill because of the parliamentary situation with respect to bills which have been introduced in both the House and the Senate providing ambulatory means for so-called amputees.

Most Members of the Senate are familiar with the problem. I need not go into it in detail. These boys have been around the Capitol for many days. They have talked with a number of Senators and Members of the House. The distinguished Senator from Wisconsin [Mr. LA FOLLETTE] introduced a legislative bill to the same effect as my amendment, and I understand that Mrs. ROGERS, a Representative from Massachusetts, has introduced a similar bill in the House.

I have spoken with many Senators and Members of the House in the past 3 or 4 days. Everyone with whom I have talked has been hopeful that the legislative authorization for this purpose would clear the House committee and the House, and that we could take it up in the Senate before final adjournment. However, apparently there has been some opposition to the bill in the House. I do not know for what reason. Whether it is a legislative obstacle or whether it is actual opposition to the merits of the bill, I do not know. But unless we do something now in the Senate, or unless the House acts today—and I have been given to understand that it may or may not—the bill may die and nothing will be done for these boys during this session. Many of them will be discharged. Nearly all of them will be on their way out. Many of them are at Walter Reed and other hospitals throughout the country learning how to use the artificial limbs and other ambulatory means which have been furnished them by the Veterans' Administration and the Army. They feel, the doctors feel, and I am sure every citizen who looks into the matter will feel that now that the manufacturers are making automobiles so equipped that a man whose legs have been amputated clear up to his hips can drive them safely and can get a license to drive them, we should provide such ambulatory means for him, so that he can take his place back in society.

At first I believed, as did many others, that there should be a legislative authorization for this matter. But upon examination of the authority of the Veterans' Administration, I do not think such authorization is necessary. I think all we need to do is to appropriate the money for this particular purpose, with the proper safeguards; and then the Veterans' Administration will be able to furnish these ambulatory means. The Veterans' Administration furnishes limbs and wheel chairs and in some cases other means of transportation for unfortunates.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HAYDEN. Did I correctly understand the Senator from Washington to say that the basic act creating the Veterans' Administration is sufficient authority of law to justify this appropriation?

Mr. MAGNUSON. That is my understanding. I say frankly that I make that statement solely on the basis of the examination which I myself have made, but that is my conclusion.

Certainly the Army has the means. At first I was uncertain whether we should appropriate the money to the War Department or to the Veterans' Administration. But because of the fact that most of these boys will be out of the Army by the time this matter culminates, and subsequently will be in the hands of the Veterans' Administration, it seems to me it would be proper to let the Veterans' Administration have charge of it. Some of the boys who are in this situation are already out of the Army.

I discussed the matter with the Senator from Colorado [Mr. JOHNSON], who has been intensely interested in this problem. I have no pride of authorship about the measure. The Senator from Wisconsin worked hard on it, too. But because of the legislative situation, I think it is only fair and proper that we do something at this time in this connection. The sum of money involved is $30,000,000, which is a large amount. But, again, it seems to me that if we can furnish a means of locomotion to the amputees who have given practically their all for this country, we should do it, for many of them cannot ride in public conveyances. If they wait for a bus or a streetcar, they have to be assured that they will find a seat on it when they board it.

No doubt many Senators have seen statements in the newspapers to the effect that automobiles are now so constructed that such men can drive them safely. The other evening I was told that two or three amputees at Walter Reed, men whose legs are cut off above their knees, were tending to become psychiatric cases because of their condition, but that when those automobiles were brought there and they were taught to drive them, a complete change occurred in their morale.

So, Mr. President, I think this is little enough for us to do for these men.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. LA FOLLETTE. If anyone has any doubt about the capability of these men, after they are trained, to drive properly equipped automobiles, I should like to call attention to the fact that in the hearrings in the committee there was inserted a record coming from a man in charge of the registration of motor vehicles in Massachusetts, and in it he said that such men had an excellent safety record in driving cars under the Massachusetts license system.

Mr. MAGNUSON. Yes.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. JOHNSTON of South Carolina. I should like to ask just what an amputee is, as defined in the amendment.

Mr. MAGNUSON. I am sorry that I have not had time to have the amendment printed.

Mr. JOHNSTON of South Carolina. I wish the Senator to know that I am in favor of the proposal, but I wish the term defined, so that there will be no question as to what an amputee is.

Mr. MAGNUSON. I appreciate that that point must be made clear.

The amendment provides in part:

Whether or not discharged from service, who (1) is entitled to disability compensation or pension under the laws administered by the Veterans' Administration, and (2) is unable, because of the loss, or loss of use, of one or both lower limbs, to use normal means of locomotion or ambulation.

Mr. JOHNSTON of South Carolina. That is perfectly all right.

Mr. MAGNUSON. That would mean that a man who had his fingers off or who had a portion of one leg off and had an artificial limb fitted would be regarded as having normal means of locomotion.

Mr. JOHNSTON of South Carolina. I wish the Senator to know that I think they are entitled to anything we can give them.

It is impossible to legislate anything like a proper compensation for these heroes who have made such magnificent sacrifices to the cause of freedom for all peoples everywhere.

We can, however, through the enactment of such legislation assist these men in equipping themselves with all possible mechanical aids to offset their physical handicaps. These veterans can then enter into the competition of present-day living with less of a handicap. It will speed their readjustment in a normal way of life.

I sincerely hope the Senate will give immediate approval to this amendment.

Mr. GREEN. Mr. President, will the Senator yield to me?

Mr. MAGNUSON. I yield.

Mr. GREEN. I understood the Senator, when reading the amendment, to say "(1) or (2)."

Mr. MAGNUSON. It is "and."

Mr. GREEN. Yes; I think it should be "and."

Mr. MAGNUSON. I thank the Senator, and I agree that it should be "and," as it is.

Mr. President, I think it should be pointed out that there may be some difficulty in connection with determining what types or makes of automobiles will be used. I do not know how the Veterans' Administration will work out that matter. All of us have some preference for a particular make of car. Some persons prefer Packards, some prefer Oldsmobiles, some prefer Fords, some prefer Cadillacs. I talked to some of these boys the other evening. In fact, one of them, who has lost both legs, is an old friend of mine. I am not attempting to boost any particular automobile or automobile concern, but I think I should tell the Senate that the veterans to whom I have talked say that the Oldsmobile has made great strides in development, insofar as the problem of use by them is concerned, because of the "hydramatic drive" principle. Of course, I can imagine that the automobile manufacturers might enter into some sort of competitive test to determine who could produce the best type of car for this particular purpose. In any event, I am frank to say that I do not know what kind of cars will be used.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. FERGUSON. It will be within the discretion of the Administrator to decide that; will it not?

Mr. MAGNUSON. Yes; that will be within the discretion of the Administrator, and I am sure he will find the best kind of automobile to use for this purpose.

Mr. FERGUSON. Therefore, he will find the best car for the particular use, and one car might be most satisfactory for one person, and another car might be most satisfactory for another person.

Mr. MAGNUSON. Yes. The only way in which I could accept the amendment was to have it provide that the discretion would be left there.

Mr. FERGUSON. I believe the amendment should be passed.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. REVERCOMB. Is there any provision as to any fixed sum of money which may be paid for such cars? Is there any limitation on the amount which may be paid for them?

Mr. MAGNUSON. I am afraid that all I could do in that respect was to provide that that decision should be left to the discretion of the Veterans' Administration.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I now offer the other amendment which lies at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following new paragraph:

DEPARTMENT OF JUSTICE

For the purchase, exchange, driving, maintenance, and operation of one automobile for the Chief Justice of the United States for the fiscal year 1947, $6,500.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

Mr. BRIDGES. Mr. President, do I correctly understand that the amendment would provide an automobile for the Chief Justice?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. BRIDGES. Mr. President, what does the Chief Justice have to do around Washington that would require the use of an automobile, other than to go back and forth from the Supreme Court to his place of residence? He does not have the duties that a member of the Cabinet has or the duties that the minority leader, the majority leader, the Speaker of the House, and some other officials who are provided with cars have. I am wondering what the Chief Justice or the Associate Justices of the Court have to do, other than to go from their residences to the Court and return. If that is the only purpose for which they use automobiles, I see no reason for providing for the purchase of an automobile for the Chief Justice. If he needs an automobile for his official duties, that certainly would be an argument in favor of providing one for him—but certainly not for his own private convenience in traveling between his home and his office. I think a very serious question is involved.

Mr. MAGNUSON. I may say to the Senator that I do not know just what duties the Chief Justice of the United States has as compared with the duties which members of the Cabinet have, but I know that the Chief Justice of the United States, in occupying the office which, in my opinion, is second to the office of the President of the United States, and I believe is so regarded in the minds of the people generally throughout the country, is called upon from time to time to attend many functions and ceremonies, as well as to perform other duties in connection with his high office. Surely, if department heads of the Government can be supplied with automobiles to drive around town, we owe it to the dignity of the office of the Chief Justice of the United States to furnish him with an automobile and a chauffeur. I have known of former Chief Justices who could not afford such conveniences. I am not in position to say with regard to the present Chief Justice. But I have known of Chief Justices who were not in position to own their own private conveyances. I know of one instance of a Chief Justice who was driven to a memorial service in a broken-down taxicab while other officials of the Government drove to the ceremony in Government supplied cars.

Mr. BRIDGES. They did not include United States Senators. I do not know of any Senators who are driven around in automobiles supplied by the Government, and driven by chauffeurs.

Mr. MAGNUSON. I have seen Senators being driven around in cars operated by chauffeurs.

Mr. President, I shall not press the amendment. I thought, in view of the fact that nearly all department heads, Cabinet officers, and many other officials of the Government require the use of cars in going from their homes to their offices, and from their offices back home, as well to other parts of the city, that the Chief Justice of the United States should be supplied with similar conveniences.

Mr. BRIDGES. I think this matter should be referred to the committee where proper evidence on the subject may be presented. I have a very high opinion of the office of Chief Justice of the United States, and I also have a high opinion of the man who now occupies that office; but he is called upon to perform no outside duties, and I cannot see why he should require the use of a Government-supplied car for the purpose of going nowhere except from his home to his office and from his office back home.

I know that the predecessor of the present Chief Justice felt that it was very unfortunate that members of the Court participated from time to time in outside activities. I think that the Chief Justice of the United States and all Associate Justices of the Supreme Court should confine themselves to their duties in the Supreme Court. Certainly they do not need automobiles to drive around here and there. In making that statement I am not aiming at the office of the Chief Justice, nor the distinguished gentleman who now occupies the office of Chief Justice of the United States, because I have a personal feeling and affection for him. However, I think that if we adopt this amendment it will not be long before we shall be asked to provide Government-owned cars for the use of all Associate Justices.

Mr. MAGNUSON. Mr. President, that is not at all the intent of the amendment. I wish to assure every Member of the Senate that my amendment is not in any way connected with any suggestion or idea of the present Chief Justice of the United States. The idea is mine entirely. At one time I introduced a bill in the House of Representatives which had for its purpose one similar to that of the amendment which I have offered. But the Chief Justice of the United States is duty bound on many occasions to attend ceremonies in various sections of the city in representing the highest judicial department of the Government.

I appreciate the opinion of former Chief Justice Stone. But he was able to afford the expense of a car and a chauffeur to drive it. The time may come when the Chief Justice will not be able to afford such a convenience. I think it is embarrassing for a man who represents the great judicial department of the Government not to be furnished with an automobile supplied by the Government and a chauffeur to operate it, when other officials who represent various departments, some of which are not so important as is the Supreme Court of the United States, are provided with cars.

Mr. BALL. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BALL. Did not the Congress recently vote to increase the salaries of all judges by $5,000?

Mr. MAGNUSON. The Congress voted to increase the salaries of all members of the Federal judiciary.

Mr. BALL. Thereby making the salary $15,000.

Mr. MAGNUSON. I do not know just what the increase amounts to.

Mr. BRIDGES. I believe that the Senator from Washington will find that the salary of the Chief Justice of the United States is entirely adequate for him to provide himself with a car to drive back and forth between his home and his office. I agree that too many persons are now riding around in Government-owned cars at Government expense. But the way to remedy that situation is to take the cars away from the bureaucrats who are using them.

Mr. MAGNUSON. The Senator from New Hampshire does not want the Chief Justice of the United States to board himself up in the marble palace across the street, does he?

Mr. BRIDGES. No; but I do not see why the Government should be called upon to provide a car for his pleasure.

Mr. MAGNUSON. The Government is not called upon to do anything of that kind. My thought is that the dignity and the high character of the office of Chief Justice of the United States require a small appropriation to be made for use as I have suggested.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

Mr. BRIDGES. Mr. President, I object. If a vote is to be taken on the amendment I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MAGNUSON. Mr. President, I do not wish to embarrass any Member of this body. The amendment is entirely my own idea. Action by the Senate on the amendment might embarrass the great Chief Justice of the United States. In view of the fact that objection to the amendment has been raised, and in view of the further fact that I may be privileged next year to appear before the committee and offer evidence in support of the proposal, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, the Senator from Washington withdraws the amendment. The order for the yeas and nays is rescinded.

Mr. THOMAS of Utah. Mr. President, before action is taken on the pending bill I wish to invite attention to the fact that on the calendar there are many bills upon which, much to my great regret, the Senate has not been able to act. I feel that as time goes on the Members of this Congress will regret very much that action has not been taken. One of the bills which I have in mind is Senate bill 2044, to promote the common defense by unifying the departments and agencies of the Government relating to the common defense. It is the so-called Army and Navy unification bill. I am very sad that the Senate has not pushed on to a consideration of that bill.

I am also saddened by the fact that the Congress has not taken up and passed Senate bill 1920, a bill to provide for the demonstration of public-library service in areas without such service or with inadequate library facilities.

I also think that the Congress has made a serious mistake in refusing to consider and dispose of the simple recreational bill such as, for example, Senate bill 2070, a bill to authorize the Federal Security Administration to assist the States in the development of community recreation programs for the people of the United States, and for other purposes.

The one mistake which I regret above all others is in the refusal of the Congress to consider the bill providing Federal aid to education. I refer to Senate bill 181, to authorize the appropriation of funds to assist the States and Territories in more adequately financing their system of public education.

Mr. President, after years of labor in connection with these measures, and after so much time has been spent on them by such Senators as the Senator from Alabama [Mr. HILL] and the Senator from Ohio [Mr. TAFT], it seems very unfortunate that these measures have not been given consideration by the Senate and passed.

I also regret that some of the military bills will not be acted upon by this Congress.

The subcommittees which have considered these bills spent on them not only hours or days, but weeks and months. I speak also of the bill which the present occupant of the chair, the distinguished Senator from South Carolina [Mr. MAYBANK] sponsored as chairman of a subcommittee. He has given literally weeks and weeks of his time, and the fact that the Senate has not seen fit to consider the bill is one of my great regrets.

Mr. BALL. Mr. President, I ask unanimous consent that the vote by which the amendment beginning on line 21, page 8, and ending on line 2, page 9, was agreed to, be reconsidered.

The PRESIDING OFFICER. Is there objection?

Mr. PEPPER. Mr. President, reserving the right to object, I do not wish to deprive the Senator from Minnesota of the right to make an argument. The amendment involves a reduction in the administrative expenses of the Children's Bureau with respect to the appropriation contained in the bill. I would not deny unanimous consent, but I shall discuss the amendment.

Mr. HILL. Mr. President, will the Senator from Minnesota yield?

Mr. BALL. May I ask the chair, has the unanimous consent been granted?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and the vote by which the amendment was agreed to is reconsidered, and the question is on agreeing to the amendment.

Mr. HILL. Mr. President, I wish to address myself for about 2 minutes to a bill about which the Senator from Utah [Mr. THOMAS] has just spoken. I wonder if the Senator from Minnesota would be willing to yield to me to make a 2 or 3 minute statement, so that it might follow logically after the statement of the Senator from Utah, before the Senator enters upon a discussion of the amendment the vote on which has just been reconsidered.

Mr. BALL. Mr. President, I suggest that the Senator ask unanimous consent to have his remarks follow those of the Senator from Utah. I shall be very brief.

On page 8 of the bill are three amendments increasing grants to States for maternal and child health services, for the services for crippled children, and for child welfare services. These are all grants to States. They are contingent upon the increase in the authorization included in the Social Security Act amendments finally becoming law. They approximately triple the present appropriations for these grants to States.

In the rush of considering these amendments in the committee yesterday I did not get a good chance to examine the item for salaries and expenses of the Children's Bureau in administering these additional grants. I find on examination that the appropriation for administrative expenses contained in the bill is $925,500, as compared with the appropriation for the present fiscal year, which the subcommittee really went into, of $575,000, to administer the grants. All we have done is increase the amounts, and it seems to me that nearly tripling the administrative expenses certainly is not justified.

Mr. McKELLAR. What amount does the Senator suggest?

Mr. BALL. I suggest striking out "925,500" and inserting in lieu thereof "$325,000."

Mr. PEPPER. Mr. President, I wish to be heard on the subject.

The Children's Bureau at the present time is getting for maternal and child health and child welfare services, and crippled children services, a total appropriation of about $10,000,000. I was the author of a bill called the Maternal and Child Welfare Act, which was considered by the Senate Committee on Education and Labor. Hearings were had upon it, and I made an effort, as did others who were with me in that matter, to have the bill favorably reported. However, due to the lateness of the session, it was agreed by the committee that the Senator from Ohio [Mr. TAFT] and I should constitute a subcommittee to work out an increase in the present social security appropriation for those three purposes. The Senator from Ohio and I collaborated in working out an amendment to the present social security law to increase the appropriations to about $30,000,000 altogether. We also agreed upon an increase in the administrative expenses appropriation for the Children's Bureau. At the present time the administrative expenses of the Children's Bureau amount to about $590,000. This amendment calls for an increase of $925,500, which is not in the same ratio as the appropriations.

Both the Senator from Minnesota [Mr. BALL] and I in the last few minutes have talked to Dr. Eliot, of the Children's Bureau, about the proposal of the Senator from Minnesota to reduce the

amount, which had been adopted, until the Senator's request for unanimous consent was agreed to. Dr. Eliot strongly insists that these funds are necessary for the Children's Bureau, and she gives me some itemization, in a general way, of what the funds are to be used for.

For example, about $400,000 goes to the health service of the Children's Bureau; $147,000 to the social services; $47,000 for auditing; $37,000 for reporting from the States; $35,000 for administrative expenses; $17,000 for correspondence; $11,000 in the office of the Chief of the Children's Bureau, and the like.

A part of the expenditure contemplates setting up two additional regional offices. They now have eight regional offices. They wish to add two more, which will make 10 for the Nation at large.

Mr. BALL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BALL. I have served for a couple of years on the subcommittee of the Committee on Appropriations which considers the budget of the Children's Bureau, and the items about which the Senator is talking are not at all connected with these increased appropriations for grants to States. The Children's Bureau has been trying for at least 2 years, to my knowledge, to get the regular subcommittees of the Committees on Appropriations of both Houses to agree to more regional offices and larger regional staffs. I might say to the Senator that in the Senate we have several times increased the appropriation, and we have had to come down in conference because the House would not agree. But we have managed to hold some increases, and we have built up the regional staffs considerably in the past 2 years.

When the budget estimate came up yesterday there were not copies available for all members of the committee, but the Children's Bureau is trying in this emergency appropriation to approximately triple the present administrative staff, and it seems to me the wrong way to go about appropriating funds.

I suggest to the Senator that we give them $325,000 additional in this bill. They are not going to get the money out to the States immediately, anyway, and that amount will take care of the situation until next January. If they come in then and can show the regular subcommittees that they really need the money and that they are carrying on these other activities, they can get the appropriation.

Mr. PEPPER. Mr. President, I appreciate the point of view of the Senator from Minnesota, but I am sure he would not blame me for taking Dr. Eliot's word in this matter, because of her technical knowledge of the subject—everyone knows that she is assistant to the Chief of the Children's Bureau—rather than the more limited knowledge of the able Senator from Minnesota. Dr. Eliot assures me—and gives me the items—that this appropriation is necessary for their administrative expenses. I am sure the Senate would not wish to deny the Children's Bureau the power to use the money Congress is appropriating in the most effective and efficient way.

I hope the amendment of the Senator from Minnesota will not be agreed to.

The PRESIDING OFFICER. Does the Senator offer his suggestion in the form of an amendment?

Mr. BALL. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota [putting the question]. The Chair is in doubt.

Mr. BALL. I ask for a division.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Austin	Langer	Overton
Ball	McClellan	Pepper
Bridges	McKellar	Taft
Byrd	Magnuson	Thomas, Okla.
Donnell	Maybank	Thomas, Utah.
Eastland	Millikin	Tunnell
George	Mitchell	Wagner
Green	Morse	Walsh
Hill	Murray	Wiley
Johnson, Colo.	Myers	Young
La Follette	O'Daniel	

The PRESIDING OFFICER (Mr. OVERTON in the chair). Thirty-two Senators having answered to their names, a quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators and Mr. BARKLEY, Mr. CAPPER, Mr. CHAVEZ, Mr. FULBRIGHT, Mr. GUFFEY, Mr. HAYDEN, Mr. HUFFMAN, Mr. KNOWLAND, Mr. SMITH, Mr. SWIFT, Mr. TAYLOR, and Mr. WHEELER answered to their names when called.

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present.

Mr. McKELLAR. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

After a little delay, Mr. WHITE, Mr. VANDENBERG, Mr. HART, Mr. CONNALLY, Mr. O'MAHONEY, Mr. CORDON, and Mr. REVERCOMB entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from Minnesota [Mr. BALL] to the committee amendment on page 9, line 2.

Mr. BALL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BALL. Mr. President, I should like to state briefly what the amendment is. It is on page 9 of the bill, in line 2, and proposes to strike out "$925,500" and insert in lieu thereof "$325,000." The purpose of the committee amendment is to increase the appropriation for administrative expenses of the Children's Bureau. In the preceding three paragraphs we approximately treble the grants to States for maternal and child-health services, services for crippled children, and child-welfare services. This year the regular appropriation for the Children's Bureau to administer the grants now made is $575,000 for the whole year. In the rush of considering this bill in the committee yesterday the increase, nearly trebling the amount the Bureau now has for this purpose, slipped through, and the figure of $925,500 was inserted in the bill. The Bureau will be administering grants to the same States, for the same purposes. There will be some additional auditing expense. It seems to me that $325,000 in addition to the $575,000 which the Bureau now has should be ample.

Mr. McKELLAR. Mr. President, so far as the chairman of the committee is concerned, he is in entire accord with the reduction of this amount. It would be a foolish waste of the people's money to appropriate three times as much for this purpose. I think the Senator from Minnesota is probably very liberal. Certainly we ought not to go beyond the amount which the Senator recommends.

Mr. PEPPER. Mr. President, I very much regret that the able chairman of the committee has taken the position which he has announced. The Senate Committee on Education and Labor authorized the Senator from Ohio [Mr. TAFT] and me to work out an increase in the social-security appropriation for maternal and child health services, services for crippled children, and child-welfare services. We agreed upon an increase from $10,000,000, which is the amount of the present appropriation for those three purposes, to approximately $30,000,000. That certainly was not an excessive increase in the appropriation for the Children's Bureau for those three purposes.

As an incident to that appropriation, the Children's Bureau submitted an estimate for an increase in the amount for administrative expense. The present appropriation for that purpose is $575,000. The committee amendment proposes to add $925,500 to the amount of the present appropriation, not quite double the amount of the appropriation for administrative expenses, while the funds which must be administered have been approximately trebled.

The Committee on Appropriations reported the bill with an increase of $925,500 for this purpose, and the Senate agreed to the committee amendment earlier in the day. Although I might have objected to the unanimous consent request of the Senator from Minnesota, I did not wish to deny him the opportunity of making an argument to the Senate, and acquiesced in his request after the Senate had already adopted the committee amendment, which contains a figure of $925,500.

When the Senator from Minnesota mentioned to me that he had in mind an effort to reduce this item, I called Dr. Eliot, Assistant Director of the Children's Bureau, on the telephone. The Senator from Minnesota had an opportunity to speak to her, so that she could tell him how much needed this appropriation was. Then I spoke to her, and she gave me an itemization of the manner in which this money is to be spent. According to her assertion, every dollar of it is necessary for the Children's Bureau effectively to carry out the added program which we have made possible by

increasing the appropriation for maternal and child health services, services for crippled children, and child-welfare services. The program contemplates two additional regional offices, making 10 instead of 8, as at present. It contemplates some additional clerical and professional staff, and certain other items incidental to the proper administration of the increased funds.

There is no evidence contrary to what Dr. Eliot has submitted, and what was submitted to the Committee on Appropriations as a basis for the committee's action. In my opinion, it would not be consistent for the United States Senate to appropriate the many increases carried in the bill and then permit the increase in the Children's Bureau appropriation for administering maternal and child-health services, services for crippled children, and child-welfare services to be reduced from $925,500, the figure which is already in the bill with the approval of the committee, to $325,000, which the Senator from Minnesota now proposes, the effect of which Dr. Eliot says would be to make it absolutely impossible for the Children's Bureau properly to administer the increased appropriations which we have made available.

I hope that the amendment of the Senator from Minnesota will not be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. BALL] to the committee amendment on page 9, line 2. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. WAGNER. I have a general pair with the Senator from Kansas [Mr. REED]. Not knowing how he would vote, I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am not advised how the Senator from Missouri would vote on this question if present. Being at liberty to vote, I vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] is absent because of illness.

The Senator from Nevada [Mr. CARVILLE] is absent by leave of the Senate.

The Senator from Virginia [Mr. BURCH], the Senator from Rhode Island [Mr. GERRY], the Senator from Georgia [Mr. RUSSELL], the Senator from Tennessee [Mr. STEWART], and the Senator from Montana [Mr. WHEELER] are necessarily absent.

The Senator from New York [Mr. MEAD] is detained on official business.

The Senator from Missouri [Mr. BRIGGS], the Senator from West Virginia [Mr. KILGORE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Maryland [Mr. RADCLIFFE] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

If present and voting, the Senator from West Virginia [Mr. KILGORE] and the Senator from New York [Mr. MEAD] would vote "nay."

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from New Jersey [Mr. HAWKES], the Senator from Kansas [Mr. REED], the Senator from Kentucky [Mr. STANFILL], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from Wyoming [Mr. ROBERTSON], and the Senator from New Hampshire [Mr. TOBEY] are absent by leave of the Senate.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The Senator from Michigan [Mr. FERGUSON] and the Senator from Wisconsin [Mr. WILEY] are detained on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 18, nays 39, as follows:

YEAS—18

Austin	George	Overton
Ball	Gurney	Revercomb
Bridges	McClellan	Taft
Byrd	McKellar	Vandenberg
Capper	Millikin	Wherry
Cordon	Moore	White

NAYS—39

Andrews	Hoey	Murdock
Barkley	Huffman	Murray
Bilbo	Johnson, Colo.	Myers
Chavez	Johnston, S. C.	O'Daniel
Donnell	Knowland	Pepper
Downey	La Follette	Smith
Eastland	Langer	Swift
Fulbright	McFarland	Taylor
Gossett	McMahon	Thomas, Okla.
Green	Magnuson	Thomas, Utah
Guffey	Maybank	Tunnell
Hayden	Mitchell	Wagner
Hill	Morse	Walsh

NOT VOTING—39

Aiken	Ferguson	Robertson
Bailey	Gerry	Russell
Brewster	Hart	Saltonstall
Briggs	Hatch	Shipstead
Brooks	Hawkes	Stanfill
Buck	Hickenlooper	Stewart
Burch	Kilgore	Tobey
Bushfield	Lucas	Tydings
Butler	McCarran	Wheeler
Capehart	Mead	Wiley
Carville	O'Mahoney	Willis
Connally	Radcliffe	Wilson
Ellender	Reed	Young

So Mr. BALL's amendment to the committee amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the joint resolution.

Mr. BRIDGES. Mr. President, on page 7 of the joint resolution the amount of $26,000,000 is provided for the Office of Price Administration. The Senate will recall that when the OPA appropriation was before us, in the regular bill, we appropriated $56,650,000. In the conference, the appropriation for the Office of Price Administration was increased to $75,000,000. When it was increased to $75,000 000 it was thought that that would be sufficient to carry the OPA beyond the first of the coming year.

But now the Office of Price Administration requests an additional $26,000,000, which would make a total of $101,000,000. The OPA now says that the $75,000,000 will last only until sometime in November of this year, and that it will need $26,000,000 more in order to continue its operations to February 15 of next year.

So, Mr. President, now we find that instead of reducing the appropriations for OPA and cutting down its scale of operations, the reverse is occurring, or at least an attempt is being made to have it occur. It should be very clear even to the unbelievers that an attempt is being made to build up the staff of the OPA and to increase the expenditures to be made by the OPA although there was some question whether it would be continued at all.

Now there is a question in my mind and in the minds of others whether there should be a process of gradual liquidation and whether, instead of requesting more money, the OPA should be requesting less money.

So I believe that there is no justification for the proposed increase of $26,000,000 in addition to the $75,000,000 which was agreed upon in the conference. I think there is no justification at this time for the proposed increase. I think we should leave the matter as it is until the first of the year. Then, if a deficiency appropriation is justified, it could be requested at that time.

Therefore, I move, as an amendment, that lines 13 to 18, inclusive on page 7, be stricken out.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. BRIDGES. Certainly.

Mr. HAYDEN. Of course, the Senator is aware that the request of the Office of Price Administration, as made to the Bureau of the Budget, was, if I correctly recall, approximately $138,000,000 for the year.

Mr. MCKELLAR. It was $142,200,000.

Mr. HAYDEN. Very well; I was guessing at the amount. That request was reduced to $106,000,000 by the estimate of the Bureau of the Budget. Then we reduced it, as the Senator has said, on the assumption that the OPA was going out of business.

The testimony before the committee at this time is that new duties have been

imposed upon that agency. I say that if we look at the matter from the point of view of businessmen, and when we consider that under the present price arrangements there must be allowances for increased costs, and other things, if proper service is to be furnished the business public, we must provide for sufficient personnel in the OPA to do the job. That is the way the House of Representatives looked at the matter, and that is the way our committee has looked at it. It is a sound business proposition to carry it on in exactly that manner.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. BRIDGES. I yield.

Mr. McKELLAR. I simply wish to give the reasons why the amount was recommended by the committee. The original estimate of appropriation for this activity was presented on June 11, 1946. The amount was $142,200,000. At that time continuing legislation was pending. Money needs could not be foretold. The committee, therefore, reduced the estimate to $106,650,000, with the thought that such amount would be adequate to support the activity under any continuing legislation until the Congress would have opportunity to provide supplemental funds, if necessary, after December next. It will thus be seen that the appropriation of the smaller amount was to carry over until December next.

In conference, agreement was reached upon an appropriation of $75,000,000, with a view to later supplementation, and that is the amount included in the Third Deficiency Appropriation Act, 1946. The committee now is advised that the agency will not be able to function as contemplated by the continuing legislation within the appropriation heretofore made in the interim between July 1, 1946, and the time it would be practicable to provide a supplemental appropriation after next December. To carry it up to February 15 it estimates that it must have an additional appropriation of $26,000,000, or a total for the 7½-month period of $101,000,000. The committee's further study of the matter has convinced it that the agency is right, and that it would not be able efficiently or effectively to discharge its duties under the continuing legislation between now and the time the next Congress might be expected to provide a supplemental appropriation, unless this additional appropriation is now made. It contemplates an expenditure rate that would make appropriation requirements for the whole of the fiscal year approximately $4,200,000 less than the original estimate presented in late June.

Under these circumstances, it seems to the committee that we should stand by this item.

Mr. WHERRY. Mr. President, will the Senator yield to me?

Mr. BRIDGES. I yield.

Mr. WHERRY. I should like to ask the distinguished Senator from Tennessee if the limitations which apply to the other bill apply also to this appropriation, namely, that none of it shall be spent for propaganda purposes.

Mr. McKELLAR. It is exactly the same.

Mr. WHERRY. That limitation is in full force and effect, is it?

Mr. McKELLAR. Yes; it is in full force and effect.

Mr. WHERRY. I should like to ask whether it is true that the OPA had 38,000 or more employees and that the amount requested was approximately $142,000,000 or $145,000,000 when the regular appropriation bill first came to the Senate?

Mr. McKELLAR. The amount requested was $142,000,000.

Mr. WHERRY. Yes. At that time it was contended that because of the decontrols which no doubt would take place in the administration of the OPA, it would not be necessary to continue that much of a staff or appropriations in so large an amount, because if the bill Congress first passed had been enacted into law, not that much money would have been needed.

Mr. McKELLAR. Quite to the contrary, Mr. President, let me say that the decontrol legislation was not contemplated in the original bill. The additional expense incident to the decontrol legislation is provided for in connection with this $26,000,000.

Mr. WHERRY. I am speaking of the first bill which was passed by the Senate. At that time it was contended by those who wished to reduce these appropriations and it was stated in the showing made before the committee that it would not be necessary for the OPA to have during this year the amount appropriated in the preceding year, or to continue its 38,000 employees. So we reduced the requested $142,000,000 appropriation to $101,000,000. Then, when the matter went back to the House, the House reduced it to $50,000,000. Is not that correct?

Mr. McKELLAR. Yes. And in the conference the sum of $75,000,000 was fixed upon, for the operations of the OPA until the beginning of the next year.

Now it is supposed that the Congress will not meet until January, after it adjourns, and, of course, in view of the decontrol and other systems which are set up, it is necessary to have an additional amount of money.

Although, as everyone knows, I am not too strongly in favor of the OPA, and although I have my doubts about the efficacy of it, nevertheless the Congress has directed this organization to be continued, and it seems to me that the amount proposed to be appropriated should be provided.

Mr. WHERRY. Mr. President, inasmuch as the distinguished Senator has answered the questions I have asked him, I am more positive than ever that the proper way to proceed is not to appropriate the additional $26,000,000 which is requested. I am convinced that we should let the OPA continue with the $75,000,000 which has been granted. It is my understanding that the Decontrol Board does not get its money from the OPA. So the plea that the $26,000,000 will be needed for that purpose is certainly aside from the point.

I should like to say, further, that I talked to some of the OPA officials just this morning, and they told me they had suggested the decontrol of $4,000,000,000 worth of products that did not even come under the Decontrol Board. They, themselves, said that they have suggested the decontrol of those products, and that they are expecting to continue the decontrols.

So, from now until the first of the year, if the OPA does the kind of job which the proponents of the measure said it would do, instead of needing an increased staff and increased appropriations, there should be reductions in the staff and no need for increased appropriations. We have been told time and time again that the OPA would be reduced, and that it would fold up as soon as possible and that decontrols would be made as soon as possible. However, instead of doing that, now we are told that the OPA needs not only the $75,000,000 which we provided in a previous bill, but an additional $26,000,000; and by the time the next Congress convenes, the OPA will need another deficiency appropriation, no doubt, to pay for some other activities it will attempt to add.

Mr. President, I am a member of the Appropriations Committee, and I heard the testimony. I say that the $75,000,000 is sufficient to enable the OPA to function until the new Congress convenes. At that time, if the OPA needs more money in order to be able to enforce the law or to carry out any of the other functions committed to it, I shall be the first Senator to urge an additional appropriation. But in the meantime, I think the Senate should accept at face value the suggestions and arguments of the proponents of the OPA measure, and should depend upon the OPA to decontrol, rather than to control everything it can get its hands on.

Mr. President, I shall oppose the request for the additional appropriation of $26,000,000. I am not sure whether an amendment to strike out the requested $26,000,000 has been offered. If not, I now propose that the figure "$26,000,000" be stricken.

Mr. McKELLAR. Mr. President, the Senator from New Hampshire [Mr. BRIDGES] has already made such a motion.

Mr. WHERRY. Very well.

Mr. BRIDGES. Yes; I have made a motion to strike it out.

Mr. CORDON. Mr. President, I regret that I disagree with my colleagues on this side of the aisle in connection with this particular reduction in Federal expenditure. It seems to me that logic should take us the other way. I think the record is clear with reference to the position I took on the subject of decontrolling materials and commodities which the Congress could ascertain were in long supply. We decontrolled them. We were required to accept the best compromise which could be made in conference. But in doing so, Mr. President, we did not say to OPA, "Now, as to these items, you may not have any power or control." We said, "You must determine the fact of whether they must or must not be controlled." We provided for a Decontrol Board, but it can do no more than issue orders. Without knowing the fact, I suspect that the Decontrol Board will have to turn to OPA for its

factual data. If the constant study which we have directed that agency to make is to be made intelligently—we must assume, however violently the assumption may be, that OPA will at last follow the law—then we must realize that there will have to be a force within that department sufficient in size to continue the study of prices, production, and so forth, throughout all the months in which OPA continues to be in existence. I see no other way in which to do properly the job which we have directed shall be done. In other words, Mr. President, if we cut off the appropriations we will not decontrol prices but we will decontrol OPA. On the one hand, we say to the OPA, "You must do the job" and on the other hand we say, "You cannot do it." That is an illogical situation.

Mr. President, I do not know whether the $26,000,000 additional amount is adequate; but, if we assume that the $75,000,000 was proper under the law which we expected to be administered, under which certain major commodities were to be decontrolled by the Congress, and that the OPA could look forward to the fact that they had nothing more to do in this field, certainly the $26,000,000 would be proper for the purpose of carrying the work of OPA forward into the next year.

If I happen to be a member of the Appropriations Committee next year when the time arrives for the consideration of the deficiency appropriation necessary to carry on the work of OPA until June, I shall at least do what I can in order to determine whether the OPA has so functioned and has handled its personnel so as to justify whatever estimate may be requested at that time for the remainder of the fiscal year. I believe that the Appropriations Committee will then still have an opportunity to see that the funds now appropriated, which will be continuing funds, are wisely spent.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. BRIDGES. I have the floor.

Mr. CORDON. Mr. President, I merely wish to call attention to the fact that under the law as it now is, the Secretary of Agriculture makes a finding every 30 days with reference to the supply of agricultural commodities. Based upon such finding those commodities are controlled or decontrolled. An adequate force to handle all those details must be available, and, of course, it cannot be picked up in a minute. The involved type of legislation which was enacted into law is responsible for the fact that the OPA, at least up to the first of next year, must maintain almost as complete an organization as it had when its power of control over prices was absolute and extended to every type of commodity.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. JOHNSON of Colorado. I should like to ask the distinguished Senator from Oregon if his position is that he does not want to give the OPA an alibi for failure. He wants to see that they are provided with sufficient funds so that they may not come to Congress and say, "Yes, you continued us but you would not give us the necessary tools to do the work, and so we had to fail."

Mr. CORDON. If we fail to give them the necessary money, what the Senator has suggested may turn out to be true. We ourselves have put that organization in a position where its findings of fact cover such a vast number of commodities that they must maintain a large staff in order to do the job the Congress has directed them to do.

Mr. JOHNSON of Colorado. And if we deny them the funds now, they will have a perfect alibi if they fail.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. WHERRY. I should like to say that OPA always has a perfect alibi. I should like to know when they have not had a perfect alibi.

Mr. President, I suggest to the distinguished Senator from New Hampshire that only this morning I talked with an official of the OPA. In view of what has been said by the distinguished Senator from Oregon that we must appropriate the necessary funds for the OPA to study the items in which there will be either a long or short supply, I may say that the official to whom I have referred told me it was a physical impossibility for the OPA to make those studies. He said that the only studies they contemplated making were those in connection with applications which might be filed. He said the OPA would depend primarily on the Department of Agriculture to make those studies, and if the Department of Agriculture said that commodities were in long or in short supply, the OPA would act accordingly.

Mr. President, this proposal is only another method on the part of the OPA to have Congress slip in a $35,000,000 or $50,000,000 appropriation for personnel. The record of the OPA does not justify the Congress in giving them one more dime than the Congress decided to give when the matter was taken up and considered carefully by the committee in the first instance, and when they were granted $75,000,000. If the OPA needs more money at the beginning of next year, let them come to Congress and ask for it. If they run out of money in the meantime, they will get along. Senators do not need to worry about the OPA. The OPA will get along. They always have gotten along.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. HAYDEN. The Senator said that the OPA would act on applications. When a constituent of mine makes an application to the OPA and I try to get action on it, I cannot get it because of a lack of OPA personnel. At least, that is what I am told. I do not intend to let them continue to have that alibi.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. HAYDEN. No; I obtained my time from the Senator from New Hampshire.

The situation is just as the Senator from Oregon [Mr. CORDON] has so ably pointed out. We have imposed new duties on the OPA. The money which was furnished the OPA was because of the testimony given before the committee that the work of the OPA would end this coming fall. I think the correct thing to do is to approve the amount of money which the House has voted for.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. WHERRY. The Decontrol Board sets up the plans, formulas, policies, and personnel staff relative to the decontrol appeals which are made to them when applications to the OPA are denied. So the personnel of the OPA is not required in handling such matters. The Decontrol Board has its own personnel.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. CORDON. I merely wanted to call the attention of the Senator to the fact that the Decontrol Board appropriation in this bill is $250,000. Of course the provision of the law giving not only power but responsibilities of that Board in decontrolling in all fields, certainly contemplates that the Board shall have all statistical and factual data necessary upon which to act. I think that we must assume that the work will have to be done by OPA under the direction of the Board.

Mr. WHERRY. The applicants are the ones who spend the money. They are the ones who make the showing. I talked this morning to an official of the OPA about an application from broom manufacturers. He said that the OPA would depend entirely on whether the Department of Agriculture decontrolled broomcorn. He said that if the Department of Agriculture determined not to control broomcorn, the OPA would not control prices. So they will not make any investigation at all. Their work depends on the investigation which is made by the Department of Agriculture, and that Department has its own appropriation. The only thing the Decontrol Board does is to pass in review on the application. The persons who will spend the money and try to obtain relief will be the applicants themselves. When they go before the Department of Agriculture with a question involving agricultural production, of course that Department has its own personnel. When it comes to a question of price control, of course the OPA has to make a review.

Senators may vote to grant the OPA what they desire, but I make the assertion that they can get along with the personnel they have now, and all this money is just so much gravy given to the OPA. That is all it amounts to. They will do just as good a job with what they have now as with $26,000,000 more, and if Senators do not believe that, let them consider the record of the past.

The distinguished Senator who has just spoken said:

> Let us give them the money so that they can function, and bring the applications up to date.

What has OPA done in the past when they had 68,000 employees? Their record bears me out.

Mr. BRIDGES. Mr. President, the issue is very simple. We have appropriated $75,000,000, which we assumed, and which we were led to believe, would carry over until after the first of the year, and if at that time OPA is in existence, it can come before the Congress and ask for a deficiency appropriation.

Now they say that $75,000,000 is not sufficient to carry them to February 1, and that they need $26,000,000 more to carry them to February 15. I do not think there will be any great hardship on the country if this increase is not granted, and I do not see why $75,000,000 is not sufficient funds to enable them to administer the law effectively and efficiently for slightly more than half a year. Taking into consideration what they have spent in the past and the fact that this agency is supposedly on the way out and will be out by the end of the year, it certainly would appear to be adequate.

On this question I am going to ask for the yeas and nays, and I ask at this time for a quorum.

The PRESIDING OFFICER. Is the demand for the yeas and nays sufficiently seconded?

The yeas and nays were ordered.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hill	O'Daniel
Austin	Hoey	O'Mahoney
Ball	Huffman	Overton
Barkley	Johnson, Colo.	Pepper
Bilbo	Johnston, S. C.	Revercomb
Bridges	Knowland	Russell
Byrd	La Follette	Smith
Capper	Langer	Swift
Chavez	McClellan	Taft
Connally	McFarland	Taylor
Cordon	McKellar	Thomas, Okla.
Donnell	McMahon	Thomas, Utah
Eastland	Magnuson	Tunnell
Ferguson	Maybank	Vandenberg
Fulbright	Millikin	Wagner
George	Mitchell	Walsh
Green	Moore	Wherry
Guffey	Morse	White
Gurney	Murdock	Wiley
Hart	Murray	
Hayden	Myers	

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Sixty-one Senators having answered to their names, a quorum is present.

The question is on the amendment offered by the Senator from New Hampshire [Mr. BRIDGES] to strike out lines 13 to 18 on page 7 of the bill, being the provision relating to the OPA.

Mr. GURNEY. It is my firm conviction, after listening to the testimony in the Appropriations Committee, that the $75,000,000 which OPA now has is more than sufficient to enable it to carry on until probably February or March of next year. We all know that many items have been decontrolled, first by the OPA itself, and now we have set up a Decontrol Board which will decontrol many other items. Therefore we know that there is not so great a task facing OPA as it had facing it prior to July 1 of this year. OPA used one-hundred-and-forty-odd-million dollars last year. Therefore $75,000,000, in my opinion, is more than sufficient to carry OPA for the first 8 months of the new fiscal year.

I believe for the good of the country it would be well for us not to give OPA any more money now, and then when Congress returns in January, have the Appropriations Committee call the OPA officials before it and ask, "What kind of a job have you done? How many employees do you have on the pay roll now? What job have you got to do from January or February on for the remainder of the fiscal year until June 30?" Certainly OPA can get along on the $75,000,000 already appropriated. That will take care of OPA until the time Congress reconvenes, and then I think Congress should say "If you have done a good job, if you have operated efficiently, we will give you more money." If OPA has not done a good job, if it has not done its work efficiently, we should withhold any further funds. But let us wait and take a look at the situation after the first of the year. I am definitely in favor of the amendment to strike the proposed appropriation of $26,000,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. BRIDGES] to strike out lines 13 to 18 on page 7. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. WAGNER (when his name was called). Mr. President, I have a general pair with the Senator from Kansas [Mr. REED]. Not knowing how he would vote, I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am not advised how the Senator from Missouri would vote if present. Being at liberty to vote, I vote "nay."

The roll call was concluded.

Mr. WAGNER. I announce that my colleague, the junior Senator from New York [Mr. MEAD] is detained on official business. If present he would vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] is absent because of illness.

The Senator from Nevada [Mr. CARVILLE] is absent by leave of the Senate.

The Senator from Virginia [Mr. BURCH], the Senator from California [Mr. DOWNEY], the Senator from Rhode Island [Mr. GERRY], the Senator from Idaho [Mr. GOSSETT], the Senator from Tennessee [Mr. STEWART], and the Senator from Montana [Mr. WHEELER] are necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from West Virginia [Mr. KILGORE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Maryland [Mr. RADCLIFFE] are detained on public business.

The Senator from Virginia [Mr. BYRD] is absent on official business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER], and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the Commission on the part of the Senate to participate in the Philippine independence ceremonies.

If present and voting, the Senator from West Virginia [Mr. KILGORE] would vote "nay."

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from New Jersey [Mr. HAWKES], the Senator from Kansas [Mr. REED], the Senator from Kentucky [Mr. STANFILL], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from Wyoming [Mr. ROBERTSON], and the Senator from New Hampshire [Mr. TOBEY] are absent by leave of the Senate.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the Commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent by leave of the Senate.

The result was announced—yeas 14, nays 46, as follows:

YEAS—14

Ball	Hart	Taft
Bilbo	Langer	Wherry
Bridges	Millikin	White
Capper	Moore	Wiley
Gurney	O'Daniel	

NAYS—46

Andrews	Huffman	O'Mahoney
Austin	Johnson, Colo.	Overton
Barkley	Johnston, S. C.	Pepper
Chavez	Knowland	Revercomb
Connally	La Follette	Russell
Cordon	McClellan	Smith
Donnell	McFarland	Swift
Eastland	McKellar	Taylor
Ferguson	McMahon	Thomas, Okla.
Fulbright	Magnuson	Thomas, Utah
George	Maybank	Tunnell
Green	Mitchell	Vandenberg
Guffey	Morse	Wagner
Hayden	Murdock	Walsh
Hill	Murray	
Hoey	Myers	

NOT VOTING—36

Aiken	Downey	Reed
Bailey	Ellender	Robertson
Brewster	Gerry	Saltonstall
Briggs	Gossett	Shipstead
Brooks	Hatch	Stanfill
Buck	Hawkes	Stewart
Burch	Hickenlooper	Tobey
Bushfield	Kilgore	Tydings
Butler	Lucas	Wheeler
Byrd	McCarran	Willis
Capehart	Mead	Wilson
Carville	Radcliffe	Young

So Mr. BRIDGES' amendment was rejected.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H. J. Res. 390) was read the third time and passed.

Mr. McKELLAR. Mr. President, I move that the Senate insist upon its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McKELLAR, Mr. HAYDEN, Mr. RUSSELL, Mr. OVERTON, Mr. THOMAS of Oklahoma, Mr. BRIDGES, Mr. GURNEY, and Mr. BALL conferees on the part of the Senate.

COMPARISON OF ANNUAL EXPENDITURES BY THE UNITED STATES GOVERNMENT AND OTHER GOVERNMENTS OF THE WORLD

Mr. McKELLAR. Mr. President, while we are speaking of appropriations, let me say that I was first appointed to the Senate Appropriations Committee on December 10, 1923, at the beginning of the Sixty-eighth Congress. At that time the expenditures of the Government were a total of a little more than $3,000,000,000. During my service on the Appropriations Committee the expenditures of the Government finally reached in 1945 an all-time peak of $100,000,000,000 as a result of our tremendous war program.

As to our world position on expenditures, while we occupy as a nation about 6 percent of the area of the world, and while we have a population of about 6 percent of the world's population, yet the figures show that as of 1944 the United States Government expended $93,000,000,000, as against about $135,000,000,000 for the rest of the world, or 40 percent of the world's budget.

The 1944 figure for Russia is $48,000,000,000. This is due to the fact that there is a joint budget of the Union and the republics making up that Union. It would be the same as our adding the budgets of all the 48 States to the budget of the National Government. If we did that we would add about six billions to the ninety-three billions for the year 1944.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a table showing a comparison of total yearly expenditures by the United States Government and other governments of the world. I invite the attention of Senators to the fact that during the past 7 years the United States appropriated approximately 40 percent of all the money appropriated by all the governments in the world. I think this table will furnish valuable information for Senators.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Comparison of total yearly expenditures by the United States Government with other governments of the world [1]

[Values shown in millions of United States dollars]

Government	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946
United States	6,011	7,583	9,068	8,280	7,304	8,765	9,127	12,775	32,492	78,182	93,744	100,404	65,018
American Republics:													
Argentina					297	456	393	407	454	524	498	421	
Bolivia					11	11	14	24	21	29	29		
Brazil					243	253	314	330	284	395	449	558	
Chile						92	114	142	157	204	231	245	
Colombia					54	59	75	61	79	85	88	98	
Costa Rica					6	7	8	9	11	14	[2] 7		
Cuba				73		76	71	75	105	111	148	140	
Dominican Republic					12	12	12	13	15	13	16		
Ecuador				6	9	9	7	8	9	12	14	16	
Guatemala					11	14	11	10	11	13	17	15	
Haiti					6	6	7	7	6	6	8	7	
Honduras					6	6	6	6	6	6	6	6	
Mexico					140	116	122	160	207	170	227	261	
Nicaragua					4	3	5	6	8	8	9	11	
Panama					11	11	13	18	22	27	26		
Paraguay				6	8	6	10	6	11	8	10		
Peru					55	42	35	51	63	66	71	84	
Salvador					9	12	10	9	11	10	12		
Uruguay					56	60	66	71	74	77	90		
Venezuela					97	113	120	101	96	92	108	111	
Total, American Republics						1,364	1,413	1,514	1,750	1,870	2,064		
British Commonwealth:													
Australia					242	251	523	825	1,364	2,252	2,323	2,216	
Canada					522	544	596	1,135	1,714	3,987	4,874	4,684	
India						424	378	478	565	1,281	1,427	1,691	1,559
Newfoundland					14	15	17	16	16	16	23	24	
New Zealand						175	250	285	394	645	751	660	
Union of South Africa						194	190	489	521	644	708	729	732
United Kingdom						5,357	8,915	16,022	19,725	23,161	23,865	24,978	22,916
Total British Commonwealth						7,060	10,869	19,250	24,290	31,986	33,971	34,982	
Other countries:													
Albania					9	9	13	11	15	24	[2] 20		
Austria		293	290								[2] 0		
Belgium				2,409	2,388	2,690	4,228	3,333	3,386	3,647	3,473		
Bulgaria					86	99	115	200	343	265	309		
China			232	223	280	459					[2] 500		
Czechoslovakia				315	346			117	130	159	198	200	
Danzig						15	16				[2] 0		
Denmark						133	161	203	299	353	407	253	218
Egypt						194	166	167	207	234	298	317	359
Estonia						28	28	28			[2] 0		
Finland						151	398	632	556	679	324	353	
France				1,696	1,679	4,156	3,949	5,512	6,070	8,686	7,584	7,993	
Germany		3,068			6,718	11,443	17,904	26,036			[2] 8,000		
Greece					122	109	101	173	203		[2] 200		
Hungary					408	502	1,174	1,102	1,670	1,219	1,778		
Iran					78	89	136	186	220	102	141		
Iraq						36	33	40	35	47	59	72	67
Ireland					178	239	214	159	196	182	185	205	
Italy					2,137	2,242	3,512	6,325	6,011	7,429	7,504	6,544	
Japan						2,128	2,007	2,653	4,615	6,159	9,718	13,636	
Latvia					34	35	68				[2] 0		
Lithuania						60	72				[2] 0		
Luxemburg					15	15	16				[2] 20		
Netherlands			541	558	1,519	650	628				[2] 750		
Netherlands Indies					354	379	407	468			[2] 500		

[1] Based on table 106, Summary of Budget Accounts, in the Statistical Yearbook of the League of Nations for 1940-41 and 1942-44; and made comparable by computing the value of currencies in United States cents from table 96, Exchange Rates, in the same publication.

[2] Estimated for comparative purposes.

Comparison of total yearly expenditures by the United States Government with other governments of the world—Continued

[Values shown in millions of United States dollars]

Government	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946
Other countries—Continued													
Norway						143	156	188			[1] 200		
Poland				417	445	464	475	241	467	598	806	837	
Portugal						103	88	107	120	162	151	159	
Rumania					222	242	278	251	280	556	884	1,283	
Spain	573	583				537	687	877	891	1,398	1,182	1,201	
Sweden						380	694	922	972	1,073	1,100	1,160	
Switzerland					153	234	373	430	373	600	481	599	
Thailand					47	70	68	75	90	103	126		
Turkey					248	244	315	401	444	695	707	725	
Union of Soviet Socialist Republics [2]					22,940	28,324	32,052	39,970		38,850	48,655	56,472	
Yugoslavia					256	269	271	331	322	599	860		
Total other countries											97,120		

SUMMARY

For the year 1944, the comparison totals as follows:

United States	93,744
American Republics	2,064
British Commonwealth	33,971
Other countries	97,120
World total	226,899

[1] Estimated for comparative purposes.

[2] Joint budget of the Union and the Republics. (If the general expenditures of all State governments were included with the U. S. Government figures, it would add $5,959,000,000 to the 1944 total of $93,744,000,000.)

NOTE.—The yearly totals given for the United States are the official figures from the Treasury Department. As to the other countries, the methods of accounting and reporting on expenditures and the periods covered vary so widely as to preclude exact comparisons. This table is merely for the purpose of giving a general summary of world budgets from the most reliable information available.

RATE OF POSTAGE ON DOMESTIC AIR MAIL—CONFERENCE REPORT

Mr. CHAVEZ submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5560) to fix the rate of postage on domestic air mail, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

DENNIS CHAVEZ,
KENNETH MCKELLAR,
CARL HAYDEN,
WILLIAM LANGER,
Managers on the Part of the Senate.

PHILIP A. TRAYNOR,
JOHN C. BUTLER,
GEORGE D. O'BRIEN,
WILLIAM C. COLE,
Managers on the Part of the House.

Mr. CHAVEZ. Mr. President, I ask for the immediate consideration and adoption of the conference report.

Mr. TAFT. What rate was agreed upon?

Mr. CHAVEZ. Five cents.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the conference report was considered and agreed to.

Mr. WHITE subsequently said: Mr. President, I understand that earlier in the day a conference report dealing with air-mail postage rates was agreed to. The rate on air-mail postage was reduced to 5 cents an ounce. I was asked by the junior Senator from Kansas [Mr. REED] to announce to the Senate when the conference report was considered that he was opposed to the 5-cent rate, and was opposed to the conference report. I make that statement in his behalf.

KARL E. BOND—CONFERENCE REPORT

Mr. THOMAS of Utah obtained the floor.

Mr. WHERRY. Mr. President, will the Senator yield for the submission of a conference report?

Mr. THOMAS of Utah. Mr. President, I should like to make a brief statement. We have been waiting to clear the right-of-way for Senate Resolution 196. I have told 15 or 16 Senators that I could not yield until the legislative situation had been straightened out and the opening statement about the World Court had been made. Then I shall be glad to yield to any Senator.

I move that the Senate proceed to the consideration of Senate Resolution 196.

Mr. WHERRY. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. I have ready for submission a conference report. It is noncontroversial. Am I not entitled to recognition for that purpose at this time?

The PRESIDING OFFICER. Does the Senator from Utah yield for that purpose?

Mr. WHERRY. The report is noncontroversial.

Mr. THOMAS of Utah. Mr. President, a conference report is a privileged matter and I must yield for that purpose.

Mr. WHERRY. I do not wish to disturb the distinguished Senator.

Mr. President, I submit the conference report and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 783) for the relief of Karl E. Bond, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to amendment of the Senate, and agree to the same with an amendment, as follows: In lieu of the sum inserted by the Senate, insert $5,000; and the Senate agree to the same.

H. M. KILGORE,
KENNETH S. WHERRY,
Managers on the Part of the Senate.

ANTONIO M. FERNANDEZ,
E. H. HEDRICK,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the report was considered and agreed to.

Mr. WHERRY. I thank the distinguished Senator from Utah for yielding.

EXECUTIVE SESSION

Mr. THOMAS of Utah. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive business. Senate Resolution 196 should be considered in executive session.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LA FOLLETTE. Is not the Senate now in executive session?

The PRESIDING OFFICER. The Senate is now in executive session. There was no objection to the unanimous-consent request.

Mr. TAFT. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. What is before the Senate?

Mr. THOMAS of Utah. Senate Resolution 196.

Mr. TAFT. Have we voted to take it up, in lieu of the calendar?

The PRESIDING OFFICER. By unanimous consent the appropriation bill was taken up, temporarily displacing consideration of the motion to take up Senate Resolution 196.

ACCEPTANCE OF COMPULSORY JURISDICTION OF INTERNATIONAL COURT OF JUSTICE

Mr. THOMAS of Utah. Mr. President, I ask unanimous consent that the Senate now proceed, in executive session, to the consideration of Senate Resolution 196, as agreed upon earlier in the day.

There being no objection, the Senate proceeded to consider the resolution (S.

Res. 196) proposing acceptance of compulsory jurisdiction of the International Court of Justice by the United States Government.

Mr. THOMAS of Utah. Mr. President, I deem vitally important that which we are about to do, not merely because of the action itself but also because we are dealing with a subject which will probably result in a clarification of the relations of Congress with the Executive. I am sure that Senators will wish to discuss all the questions involved, and I, for one, will want all of them discussed. However, in order that we may have a statement on which to base the debate, I ask that I be permitted to proceed without interruption.

Mr. REVERCOMB. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REVERCOMB. Is the situation now that we are discussing the question whether or not to consider the resolution?

Mr. THOMAS of Utah. That question has already been decided, and Senate Resolution 196 is before the Senate in executive session. I am about to discuss the resolution.

The PRESIDING OFFICER. A few moments ago the Senator from Utah asked unanimous consent for the present consideration of Senate Resolution 196, and no objection was made.

Mr. REVERCOMB. Is the resolution itself now the pending business?

The PRESIDING OFFICER. The resolution itself is the pending business.

Mr. THOMAS of Utah. Mr. President, I ask unanimous consent that Dr. Wilcox, who has assisted our subcommittee, be permitted to sit by me and help us during the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS of Utah. Mr. President, just a little over a year ago the Senate of the United States approved the ratification of the United Nations Charter by the overwhelming vote of 89-2. By that vote we formally and officially accepted the role of leadership in international affairs which destiny and a shrinking world had thrust upon us. By that vote we expressed our determination to cooperate wholeheartedly with the other nations of the world in the all-important task of outlawing war and in settling our disputes by peaceful means.

Since that time the United Nations has slowly but surely gotten under way. The General Assembly convened in London in January and by its actions transformed the Charter into a living, breathing organism. The Security Council, 6 of whose members were elected by the General Assembly, has already been confronted with 5 disputes and has handled them in a courageous and commendable manner. The Economic and Social Council is a going concern and it is my hope that the Trusteeship Council will be organized when the General Assembly meets again in September. The Secretariat, which will form the backbone of the new organization, is hard at work in New York. New staff members are being recruited nearly every day.

While the eyes of the world were focussed on the Security Council meetings in New York another important arm of the United Nations—the International Court of Justice—convened at The Hague. On April 3 without publicity and without fanfare the court held its inaugural sitting in the peace palace. It is with respect to this latter organ of the United Nations that I wish to address my remarks this afternoon.

THE SECURITY COUNCIL AND THE COURT

I know that it is impossible to draw any clear line of demarcation between the work of the General Assembly, the Security Council and the International Court of Justice. In general, however, it may be said that the Security Council, based on the concepts of negotiation, conciliation and compromise, is primarily designed to handle disputes of a political character. The Court, on the other hand, will be called upon to adjust differences of a legal or justiciable nature. These are differences which can ordinarily be settled on the basis of existing rules of international law. I wish to emphasize the point about the Security Council. Ordinarily the nations of the world can be haled before the Security Council in disputes which are of a political nature.

At present, however, there is one curiously inconsistent thing about the jurisdiction of the Security Council and the Court. Under the terms of the Charter the Council is authorized to take cognizance of any dispute or situation which is likely to endanger peace and security. In a sense it may be said that its jurisdiction over political disputes is compulsory and no state can refuse a summons by the Council to appear before it. The Court, on the other hand, has jurisdiction only over those legal cases which the parties, of their own volition, refer to it for settlement. A state may thus ignore the summons of the Court. It may say, in effect, "We believe in the process of judicial settlement, but in this particular case our arguments are weak. Since the chances of securing a favorable opinion are not good, we would prefer not to submit to the jurisdiction of the Court."

The question is, Mr. President, Why should any nation, with a clear conscience, be afraid to take its case before the bar of international justice? Why should any nation which believes in government by law hesitate to accept the impartial judgment of the Court? Why should any nation, great or small, which wants to be fair in its dealings with others, avoid the settlement of legitimate grievances which other nations may have?

If the United Nations is to succeed in the long run, the system of power politics which has prevailed in the world must be superseded by a community of nations whose actions are dominated by the higher concepts of law and justice, and the states of the world must develop confidence and trust in the peaceful methods of settling disputes as so ably outlined in the Charter.

WHAT SENATE RESOLUTION 196 WOULD ACCOMPLISH

The resolution before us today would contribute greatly toward this end. In brief, it would authorize the President to deposit with the United Nations a declaration accepting on behalf of the United States the compulsory jurisdiction of the International Court of Justice. The declaration would cover only certain categories of legal disputes, and would apply only with respect to states which have accepted similar obligations.

That is the immediate purpose of the resolution, Mr. President. There is, however, a far more important purpose, and that is to stimulate throughout the world the acceptance of the Court's jurisdiction in legal cases.

It must be clear to us all that so long as states can place themselves above the rules of international law, the world will be torn by confusion and chaos. So long as sovereign nations can judge for themselves what the law is, there can be no real hope for lasting peace.

Mr. President, in ordinary government and in governmental processes, in order to provide a peaceful method of settling disputes between citizens, a judicial procedure is established. And now in the international field, Mr. President, we have set up a charter which has become a mighty constitution, of which the International Court of Justice is an adjunct; but we will not have taken the whole step to make the Court truly a part of the process if we fail to provide for it such a place in the scheme of things that the settlement of international disputes shall naturally flow through the channels of peaceful processes, rather than through the channels of war.

To be sure, the United States has been a member of the Court ever since the United Nations Charter went into effect. But membership in itself is only a halfhearted beginning. If the member states can flout the Court and can refuse to submit their differences to it, a regime of law in the international community can never be realized.

Compulsory jurisdiction is thus the real test of our loyalty, if we want the Court to succeed, for it is axiomatic that no court can possibly function with full effectiveness unless it has jurisdiction over the parties to a dispute, as well as over the subject matter.

Law and the courts lie at the root of our domestic peace and security in a manner with which we are so familiar that we scarcely give it a thought. How drastically this judicial system would be changed if parties did not need to appear in court unless they voluntarily chose to do so. The entire basis of our domestic life would be revolutionized. Instead of resting on law, its basis would soon become force or the threat of force. I repeat, no court can function effectively unless it has jurisdiction over the parties to a dispute, as well as over the subject matter.

In this country, too, we have always been proud of the fact that the little man, as well as the big man, can get a square deal in our courts. There is no price tag on justice in America; it is

meted out to the rich and the poor alike. No one, merely because he possesses power and influence, can refuse to heed the summons of one of our courts. This is as it should be, if the conduct of man is to be regulated by rules of law.

So it should be, too, in the family of nations. Far too often in the past states have resolved their disputes by means of coercion and force, rather than reason and logic. Far too often the scales of international justice have been weighted on the side of troops, airplanes, and battleships. Far too often diplomatic pressure has been the instrument by which the great powers have achieved their national objectives. I am sure you will agree with me that differences cannot be settled on their merits if the courtroom is replaced by the arena of power politics and if justice is sacrificed at the altar of overwhelming might.

COMPULSORY JURISDICTION NOT A NEW IDEA

Lest there be apprehension on the part of some people, I want to emphasize the fact that the idea of compulsory jurisdiction is by no means new. The advisory committee of jurists which met in 1920 to draft the statute of the Permanent Court of International Justice, recommended a statute which would have bound all the contracting parties to accept the compulsory jurisdiction of the court. That was a very distinguished committee of eminent jurists and statesmen, including that great American, who served so ably as a Member of this Senate and as Secretary of State—the Honorable Elihu Root. The committee's proposal of general compulsory jurisdiction was rejected in the League Council and Assembly, and there was substituted for it the so-called optional clause, which is similar to article 36, paragraph 2, of the International Court of Justice. Under this provision, 44 states, including the United Kingdom, China, and France, deposited declarations accepting the court's jurisdiction, as thus defined.

When representatives of the United Nations met last year, first in Washington and later in San Francisco, to draft the statute of the present Court, it was evident that a great body of world opinion supported the idea of compulsory jurisdiction for legal cases. At San Francisco a large majority of the delegations favored such a step but they were willing to forego their position in the interests of securing a general agreement to which every state could subscribe. The United States delegation argued that since a few states could not find it possible to accept compulsory jurisdiction at that time, the insertion of such a provision in the statute might jeopardize the acceptance of the Charter itself. As a result, the optional provision was retained.

Thus, while the Conference bowed to the inevitable, there could be no doubt that there was overwhelming sentiment in favor of compulsory jurisdiction. This fact was clearly demonstrated when the Conference, without dissent, recommended to the members of the United Nations:

> That as soon as possible they make declarations recognizing the obligatory jurisdiction of the International Court of Justice according to the provisions of article 36 of the statute.

THE COURT AND THE CHARTER

One has only to read the Charter to realize that the acceptance of compulsory jurisdiction is the natural and logical sequel to our membership in the United Nations. One of the fundamental purposes of the United Nations, as set forth in article 1, is—

> To bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

Moreover, all the members of the United Nations have assumed the solemn obligation, under article 2, to settle their disputes in such a way that peace and security and justice are not endangered.

One does not have to read much further to discover the legitimate role of the International Court of Justice in the United Nations system. By article 7, the Court is established as one of the principal organs of the United Nations. And in article 36 we are reminded that—

> Legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the statute of the court.

Our objective now should be to do everything possible to strengthen the Court and to make it an effective part of the United Nations peace machinery. We must bestow upon the Court jurisdiction over legal disputes comparable to the jurisdiction which the Security Council already has over differences of a political nature.

LIMITATIONS WHICH APPLY TO COMPULSORY JURISDICTION

In the past, Mr. President, there has been considerable misunderstanding as to the extent of the jurisdiction the Court would have under the compulsory jurisdiction clause. Certain people evidently assumed that when the United States accepted compulsory jurisdiction, we would be bound to submit all our disputes to the Court. Such an assumption is clearly erroneous. There are at least five important limitations which would apply.

First. The jurisdiction conferred on the Court by this resolution is strictly limited to the four categories of legal cases outlined in article 36 of the Court statute. These are:

(a) the interpretation of a treaty;

(b) any question of international law;

(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation.

I am fully aware of the fact that political and legal questions are inextricably mixed at times, and it is not easy to distinguish between them. It is no doubt true that some political factors can be found in almost every case. At least it is possible for a state to contend that its political interests are vitally affected by a particular case before the Court. It is this very attitude which has been one of the greatest obstacles to the development of an international court system.

Second. The jurisdiction conferred by the resolution is further limited by the element of reciprocity. In other words, when the United States deposits its declaration with the United Nations, it will become bound only with respect to those other states which have deposited similar declarations. Thus if states A, B, and C have accepted compulsory jurisdiction and states X, Y, and Z have not, we will not incur any new obligations with respect to X, Y, and Z.

Third. The compulsory jurisdiction of the Court would apply only to disputes which arise after the declaration has been deposited. It would be impossible, therefore, for a state to revive an old dispute against the United States and take it to the Court for settlement unless we agreed.

Fourth. The resolution also provides that compulsory jurisdiction does not apply when the parties to a dispute agree to take the case before some other tribunal. This reservation is in absolute harmony with the basic philosophy of the United Nations Charter that disputing states should be allowed complete freedom to choose the peaceful procedures they wish to use to settle their controversies.

Fifth. The declaration would not confer upon the Court jurisdiction over matters which are essentially within the domestic jurisdiction of the United States. This limitation is in conformity with the principle expressed in article 2 of the Charter: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter. * * *"

Some concern has been expressed in the past lest the Court be given jurisdiction over controversies involving such domestic issues as immigration and trade barriers. These are vital matters over which the sovereign state has traditionally exercised complete control and we certainly would not want the Court or any other international agency to order us to admit ten or twenty or fifty million additional immigrants to our shores.

The resolution, together with article 2 of the Charter, clearly safeguard our national interests on this point. Moreover, I would remind you, Mr. President, that it is the function of the Court, under the compulsory jurisdiction clause, to decide cases in accordance with the rules of international law. Clearly, therefore, it would be impossible to act since there is no international law dealing with the subject of immigration. That is a matter which we have often dealt with in the Senate and we have never had to take account of the international rights and duties of other states.

The tariff is another case in point. Unless the United States deliberately enters into an international treaty subscribing to certain rights and duties, there is no international law on the subject which the Court could apply.

Sixth. Finally, after a period of 5 years has elapsed, a 6-month notice may be given at any time to terminate the declaration.

I have stressed these limitations, Mr. President, not because I want to minimize the importance of the step we are taking, but because I want to make it perfectly clear that the jurisdiction we are conferring upon the Court is clearly defined in scope.

COURT SAFEGUARDED AGAINST POWER POLITICS

Moreover, as the Washington Post pointed out in its excellent editorial of April 17, 1946, the Court is carefully safeguarded against power politics and political influences. Only the most highly qualified jurist of the various countries who hold the confidence of both the General Assembly and the Security Council can be seated as judges. Nor can any 2 of the 15 judges be nationals of the same state. Moreover, the judges are selected as individual jurists and scholars and not as representatives of any particular country. I am aware of the fact that all courts are made up of human beings and no human being is infallible. Nevertheless, every precaution has been taken to make the International Court of Justice a highly competent and impartial tribunal.

The roll call of the present Court reads like the beginning of a list of the world's outstanding international lawyers. McNair, of the United Kingdom; de Visscher, of Belgium; Basdevant, of France; Hackworth, of the United States, Alvarez, of Chile; Klaestad, of Norway; Read, of Canada; Mo Hsu, of China; Krylov, of the Soviet Union—to mention only a few—are the type of men who should dispel any possible shadow of doubt about the ability, the integrity, or the objectivity of the Court. These are the kind of men who will exert their judicial qualities and their legal wisdom on behalf of international justice and will not be swayed by selfish nationalistic or political influences.

It is, of course, entirely possible that in the future the Court may hand down decisions which do not meet with our complete approval. That is a result which flows from the very nature of the judicial process and one which we should all expect. Many decisions of the Supreme Court, for example, have been roundly denounced by large sections of the American people. But no one would deny that the displeasure or the inconvenience which we may suffer from an occasional decision which we may not agree with, is relatively unimportant compared to the great advantage that accrues from having legal differences between nations settled in the calm and judicial atmosphere of the International Court of Justice.

What I am saying may be put in still another way. Even if a state feels that an adverse decision should result in certain sacrifices which it considers important, it must never be forgotten that the alternative to these sacrifices may be war and destruction. Given the present state of world affairs, the balance of national interest is clearly in favor of doing what needs to be done to construct a solid basis for orderly international relations. This is not always easy, but we have no right to assume that the process of peace making should be easy.

RECORD OF FIRST WORLD COURT GOOD

There is still another argument which should reassure us and that is the splendid record of the first World Court. In 18 years of its history 65 cases came before the Court, some of them very serious international controversies. These cases were handled in such a way as to generate confidence and trust in the Court and the impartiality of its judges. Fifty-one states gave it their formal support and nearly all the states of the world bestowed upon it jurisdiction over certain types of disputes. Not a single government ever refused to comply with any of its judgments. Lawyers and students of government everywhere were practically unanimous in praising the splendid contribution the Court made toward the establishment of a rule of law in the international community.

Unfortunately, the United States never accepted membership in the Permanent Court of International Justice. In my opinion the record of our failure to join the Court constitutes one of the most deplorable episodes in the history of American diplomacy. President Harding, President Coolidge, President Hoover and President Roosevelt each in his turn urged our membership in the Court. On two occasions the Senate Committee on Foreign Relations favorably reported a resolution urging such action. While the 1935 resolution received a 52–36 majority vote on the floor of the Senate it failed to acquire the two-thirds necessary for approval. President Roosevelt's exhortation to the Senate—"at this period in international relationships, when every act is of moment to the future of world peace, the United States has an opportunity once more to throw its weight into the scale in favor of peace"—fell upon deaf ears.

Today these challenging words come ringing down the years to us, as timely as when President Roosevelt wrote them more than a decade ago. This time we will accept the challenge. This time we will carry through. It is now more timely for us to hearken to the words of President Roosevelt than it was when he uttered them. At the present time the United States has become the leader in the establishment of the United Nations. Our representatives are functioning day by day. The International Court has been set up as a result of agreements and statutes worked out in our own country. We have stood by the whole organization to date remarkably well. It has become the cornerstone of our national structure. We have been proud of the fact that we have been enabled to lay aside political ideas, political party interests, and have as a united nation supported all that has been done for the United Nations.

We now stand in that position, Mr. President, and I would that President Roosevelt's words could be sounded in our ears today:

> At this period in international relationships, when every act is of moment to the future of world peace, the United States has an opportunity once more to throw its weight into the scale in favor of peace.

Mr. President, I might go back further. I might quote from President Wilson and from the other Presidents mentioned, but never in the history of the world has a country been given the respect by other nations which the United States has been accorded. Never in the history of the world has a nation been singled out as a leader in establishing a world organization through which the processes of peace may be followed.

Never, Mr. President, in the history of the world has there been set the example of 150 or 160 years of a single nation's work in the establishment of peace for itself, and the building up of a community of states which can speak for all the states, as in the case of our own country. Above all things, one of the processes which has made for the success of our American Federal system, a success which has brought peace and repect for judicial action, has been the adoption of reason rather than forceful means for the settlement of all disputes, and never, I repeat, has a country stood as we stand today in the espousal of such a process. I cannot help saying that the peace of the world surely depends upon our action.

THE RESOLUTION MEETS CONSTITUTIONAL REQUIREMENTS

At this point, Mr. President, I should like to comment briefly on the constitutional issues involved in making a declaration of this kind. While the action contemplated is unique in American history, no one can doubt that our Government has the authority to make such a declaration. As the report of the Committee on Foreign Relations pointed out, the question is simply this: What is the proper procedure to be followed under the Constitution? This problem was discussed at some length in the Senate during our debate on the United Nations Charter, and it was generally agreed that the President could not deposit the declaration on behalf of the United States without congressional approval of some kind.

I trust the Senators who are present will remember that this question was before us, and what we are doing today is in conformity with a decision which we made when the question was discussed at the time we were considering the United Nations Charter.

Personally, I am convinced that either the procedure set forth in Senate Resolution 196, which requires a two-thirds vote of the Senate, or that set forth in House Joint Resolution 291, which calls for a simple majority vote of both Houses, would suffice. This is also the point of view of the State Department. But on this point the Senate has a problem which I trust it will meet.

Mr. President, I for one believe that when the advice and consent provision was put into the Constitution of the United States it was inserted with the complete understanding that advice and consent were two propositions, that there should be a community of discussion between the representatives of the various States with the President of the United States.

I think it is perfectly proper and perfectly logical that in this body initiation might be made toward the negotiation of treaties or agreements with other nations. I think it well that we look back upon our history, and remember the experience of the Father of our Country—remember the ideas he had about considering the Senate of the United States as a council of States. He brought to the Senate things to be discussed.

I remember what I consider one of the greatest constitutional steps taken in the history of our country in keeping with this question was taken just a hundred years ago, when there fell to President Polk the responsibility of negotiating with regard to the Oregon Territory. President Polk had great constitutional questions to meet, not only in the Northwest, but also in the Southwest, and he sent to the Congress and asked for their advice as to how he should proceed with his negotiations. He said:

> As soon as the Senate of the United States will decide the particulars, then I shall enter into negotiation and will report the treaties.

It has been over a hundred years since then, and we have gradually gotten away from that very splendid process. Now we are back to it.

I am happy the Senate Committee on Foreign Relations saw to it that we returned to that practice, and I am happy we are discussing this matter in executive session. I am happy we are giving this proposal all the dignity and all the consideration which should be given to a treaty. I am happy to be able to say that we can take the words of the Constitution and the words of judicial decisions. If we ask the President to make this deposit, the President can say, "That which I am doing is in conformity with the supreme law of the land."

I know of no better way for the Government of the United States to set an example to all the other nations of the world, and to maintain the position of leadership which it has attained and which is recognized, than for the President of the United States to move forward with the dignity and the support which action on the part of the Senate will give him at this time.

There have been cases lately in which the Senate has acted first, not great cases such as this, but cases which were precedents. There were, however, very valid reasons why the Committee on Foreign Relations decided that the declaration should be approved by two-thirds of the Senate, even though it cannot be considered a treaty in the strict sense of the term. It is definitely a part of the advice provision which is necessary to be gone through with before a treaty can be ratified.

In the first place, the declaration will have the binding force and effect of a treaty between the United States and the other States which have accepted the compulsory-jurisdiction clause.

In the second place, the subject matter, the possible settlement of international disputes through arbitration or judicial settlement, has always been considered appropriate for senatorial advice and consent.

Finally, inasmuch as the declaration involves new and important obligations for the United States, the use of the more formal treaty procedure would render impotent any possible objection to the declaration which might be raised on constitutional grounds.

COMPULSORY JURISDICTION MEETS WITH PUBLIC APPROVAL

Mr. President, rarely in my legislative experience have I encountered such an important measure with the people of the country so unanimously in support of it. The President and the Secretary of State have applauded it. The chairman of the Foreign Relations Committee, in his remarkable report to the Senate on the Council of Foreign Ministers' meetings in Paris, listed compulsory jurisdiction as one of the seven steps the United States should take at the earliest practicable moment in order to support the United Nations Charter. Fifteen Senators from both sides of the aisle sponsored the resolution. During the hearings conducted by the subcommittee every witness who appeared was enthusiastically in favor of it. Not a single letter or telegram was received against it.

The wholehearted approval of the American people has been even more strikingly demonstrated by the fact that hundreds of public leaders and scores of great national organizations have enthusiastically endorsed the resolution. On December 18, 1945, the house of delegates of the American Bar Association unanimously approved the acceptance of compulsory jurisdiction "at the earliest practicable time." The American Society of International Law, the American Association of University Women, the General Federation of Women's Clubs, the Federal Council of Churches, the National Education Asscciation, and many comparable groups have likewise formally expressed their approval. It was in complete harmony with this overwhelming public support that the Foreign Relations Committee, without a dissenting vote, reported the resolution to the Senate for its favorable consideration.

COMPULSORY JURISDICTION IN LINE WITH AMERICAN FOREIGN POLICY

If I interpret the statements of our leaders correctly, the heart of American foreign policy may be stated in these terms: Our overriding objective is world peace—a peace based upon justice and law and order and progress in the international community. To achieve that goal we intend to observe scrupulously the principles and purposes of the United Nations Charter. And we intend to cooperate in every possible way within the framework of the United Nations to solve world problems as they arise.

Our determination to back to the hilt the United Nations is a perfectly logical one. There can be no other choice. Either we cooperate earnestly and sincerely with the United Nations or, gambling with the greatest stakes of history, we risk plunging the world once more into darkness and destruction and death.

Either we exert our joint efforts on behalf of peace or we invite once again the disaster of selfish nationalism with each state getting what it can and the devil taking the hindmost.

In short, Mr. President, we cannot afford to be niggardly in our cooperation with the United Nations. We must work wholeheartedly with every organ and agency of the United Nations, including the International Court of Justice.

Since 1789 the United States has taken a leading role in the task of building a regime of law and order in the international community. Today we have a unique opportunity to continue that leadership. Actually, with our tremendous economic power and our military might, we are in a position to impose our will on many other nations of the world if we choose to do so. If, however, we agree to submit our legal controversies to the Court that decision may well mark the beginning of a new era in international relationships.

But what would our position be if we should fail to act? In my opinion such a failure might be interpreted by other nations as an admission on our part that we prefer to rely on force and coercion rather than law and reason.

You know and I know that the United States has no desire to impose its will on other states or take unfair advantage of them in any way. But we would be naive indeed if we were to assume that a mere repetition of this principle would convince other nations of our good intentions. In diplomacy actions speak much louder than mere words. Until we demonstrate in a concrete fashion our willingness to accept the impartial decisions of the Court, we may have a hard time explaining to the small states in particular the apparent disparity between what we say with respect to world peace and what we are actually willing to do about it.

Today, Mr. President, the Senate has a splendid opportunity to carry on the good work it started a year ago when it ratified the Charter. Today it has an opportunity, at a crucial time in world history, to give impetus to the cause of the United Nations and world peace. It has an opportunity to give additional evidence to the world of our good faith. I hope the resolution will be adopted by an overwhelming vote.

Mr. MURDOCK. Mr. President, I first want to compliment my distinguished and learned colleague from Utah on the very splendid address he has delivered on what I consider to be a very important subject. Last evening I took occasion to point out that in my opinion the resolution we are considering should be given the dignity of a treaty. Its language, in my opinion, required that it be considered in executive session. The requirement that it be adopted by a two-thirds majority indicated to me that at least it was entitled to the same consideration as a treaty. Some Senators in conversing with me about my position took the attitude that I was too technical. But, Mr. President, I call the attention of the Senate to the fact that a constitutional question is never and should never be considered as a technical question.

I was highly gratified, Mr. President, when I walked into the Senate Chamber this afternoon, after having been called away on important business, to find that the Senate was considering the resolution in executive session. In my opinion that entirely removes any question that may be raised in the future as to whether or not we have acted according to our constitutional legislative processes, and in my opinion if the resolution is now adopted by a two-thirds majority in executive session, the question of the jurisdiction with which we vest the International Court of Justice cannot be questioned. That is why I took the position which I did last night. I get some satisfaction out of the fact that the position I took last evening on what was proper legislative procedure on this resolution may have had some influence in causing the Senate to go into executive session for the consideration thereof. I join with my colleague in expressing the hope that the resolution will be adopted.

Mr. HILL obtained the floor.

Mr. VANDENBERG. Mr. President——

Mr. HILL. I understand the distinguished Senator from Michigan desires to ask a question of the Senator from Utah. I yield to him for that purpose.

Mr. VANDENBERG. I thank the Senator. I call the attention of the Senator from Utah to the committee report at page 6, and I want to ask for a clarification of the language in what purports to be the reply of Hon. Charles Fahy, legal adviser of the State Department, to the suggestions which were made by Mr. John Foster Dulles. I call the Senator's attention to the fifth paragraph from the bottom of page 6, in which the legal adviser of the State Department is quoted as follows:

> Jurisdiction should be compulsory only when all of the other parties to the dispute have previously accepted the compulsory jurisdiction of the court.

Does that mean that it is the attitude of the State Department that jurisdiction should be compulsory only when all other parties to the dispute have previously accepted the compulsory jurisdiction?

Mr. THOMAS of Utah. That is my theory of reciprocity, and that is in keeping, I think, with the resolution itself.

Mr. VANDENBERG. Yet the resolution itself says that we accept compulsory jurisdiction "without special agreement in relation to any other state accepting the same obligation." So I would think that the language of the resolution was directly contrary to the language of the recommendation by the State Department.

Mr. THOMAS of Utah. The language of the resolution is in keeping with the charter and with the scheme.

Mr. VANDENBERG. That was not my question. My question is whether or not it is in keeping with the recommendation of the State Department.

Mr. THOMAS of Utah. I think it is. I think there is no inconsistency, as I read the English language. For instance, article 36, dealing with the jurisdiction of the Court, provides:

> 1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.
>
> 2. The states parties to the present statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning—

And so forth. The same obligations of reciprocity, to my mind at least, I will say to the Senator from Michigan, stand out clearly in that language, and there is no question in my mind either as to the meaning of the language of the Charter or the meaning of the resolution in this particular.

Mr. VANDENBERG. If the Senator will bear with me for a moment longer, I will say that I think we are all in agreement as to the objective we are seeking; but, of course, it is highly important that we should be sure we have reached the objective. Mr. Dulles, who certainly is one of the great friends of international jurisprudence, as the Senator knows, has raised a question whether the language of the resolution might not involve us in accepting jurisdiction in a multilateral dispute in which some one or more nations had not accepted jurisdiction. It is my understanding that it is the opinion of the Senator from Utah that if we confronted such a situation we would not be bound to submit to compulsory jurisdiction in a multilateral case if all of the other nations involved in the multilateral situation had not themselves accepted compulsory jurisdiction. Is that so?

Mr. THOMAS of Utah. That is surely my understanding. I think reciprocity is complete. All the parties to the case must stand on exactly the same foundation, except that we may waive a right.

Mr. VANDENBERG. I notice that the committee report, at the top of page 7, deals with this precise point. It says that Mr. Dulles' objection might be met by another subsection in the first proviso of the resolution, on page 2, after line 14, reading as follows:

> (c) Disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the court, or (2) the United States specially agrees to jurisdiction.

As I understand the Senator from Utah, he agrees with me that the situation defined in this suggested reservation is the situation which would exist without the reservation.

Mr. THOMAS of Utah. That is true; and since the Senator has used the word "reservation" I think that word is one that can well be avoided and dispensed with in the resolution, because the resolution is initiated by the Senate. It is not a part of an agreement with another nation. So that which the Senator has called a reservation would be a simple amendment to the resolution. I think it is better for us to realize that we are dealing from the beginning with this question, and if the Senator wishes to be doubly assured on a point with respect to which the Senator from Utah is already completely assured, I see no objection to the addition of:

> (c) Disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the court, or (2) the United States specially agrees to jurisdiction.

The only thing the Senator from Utah is constantly thinking about is that it would be disastrous to the whole United Nations structure, after we have gone through the process of accepting the obligations of the United Nations and making a treaty with other nations of the world to live up to the United Nations structure, for the United States Senate to pass any measure which would in any way affect the structure of the United Nations. That is my stand. I would guard against any such action.

Mr. VANDENBERG. I quite agree with what the Senator from Utah has said regarding my inadvertent use of the word "reservation."

Mr. THOMAS of Utah. I do not want anything which we do here to be labeled as a reservation.

Mr. VANDENBERG. I quite agree with the Senator. That was merely a colloquialism so far as I was concerned.

I was thinking of the addition, on page 2, after line 14, of the precise language suggested in the committee report itself, namely:

> (c) Disputes arising under a multilateral treaty unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States specially agrees to jurisdiction.

It is my understanding that the able Senator from Utah would not object to the addition of that language in the pending resolution. I agree with him that it would not be a reservation. Surely we have the original authority, without jeopardizing our objective at all, to add a third definition under the proviso in the resolution.

Mr. THOMAS of Utah. Personally, I would be willing to go even further than does the Senator from Michigan on this single point. Under subclause (2) I would be willing to say, "The United States and other parties specially agree to jurisdiction." I think that is exactly what reciprocity means.

Mr. VANDENBERG. Mr. President, will the Senator further yield?

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from Utah yield to the Senator from Michigan?

Mr. THOMAS of Utah. I yield.

Mr. VANDENBERG. I agree with the Senator that that is what reciprocity means. In view of my very great respect for the judicial opinions of Mr. John Foster Dulles in this area of jurisprudence, I would be happier if we could spell it out, if the Senator agrees that that would be proper. At the appropriate time I shall offer such an amendment, and I understand that it will be with the approval of the Senator from Utah.

Mr. MORSE. Mr. President, as the author of the resolution, I accept the suggestion of the Senator from Michigan.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on today, August 1, 1946, the President had approved and signed the following acts:

S. 346. An act to amend section 21 of the act of May 28, 1896 (29 Stat. 184; 28 U. S. C., sec. 597) prescribing fees of United States commissioners;

S. 619. An act to amend the act of June 8, 1936, relating to vocational education, so as to provide for the further development of vocational education in the several States and Territories;

S. 1466. An act authorizing rehabilitation on the island of Guam;

S. 1549. An act for the relief of the legal guardian of Duane N. Thompson;

S. 1636. An act to amend the Surplus Property Act of 1944 to designate the Department of State as the disposal agency for surplus property outside the continental United States, its Territories and possessions, and for other purposes;

S. 1674. An act for the relief of Michael Joseph Bennett, a minor;

S. 1717. An act for the development and control of atomic energy; and

S. 1751. An act for the relief of Wayne Parker.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DOUGHTON of North Carolina, Mr. DINGELL, Mr. ROBERTSON of Virginia, Mr. MILLS, Mr. KNUTSON, Mr. REED of New York, and Mr. WOODRUFF were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 390) making additional appropriations for the fiscal year 1947, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON of Missouri, Mr. RABAUT, Mr. THOMAS of Texas, Mr. WIGGLESWORTH, and Mr. DIRKSEN were appointed managers on the part of the House at the conference.

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 191. An act to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public-health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction;

S. 528. An act for the relief of Thaddeus C. Knight;

S. 881. An act authorizing the President of the United States to award posthumously in the name of Congress a Medal of Honor to William Mitchell;

S. 1253. An act to enable debtor railroad corporations, whose properties during a period of 7 years have provided sufficient earnings to pay fixed charges, to effect a readjustment of their financial structures; to alter or modify their financial obligations, and for other purposes;

S. 2020. An act granting a right-of-way at a revised location to the West Shore Railroad Co., the New York Central Railroad Co., lessee, across a portion of the military reservation at West Point;

S. 2236. An act providing for a medal for service in the merchant marine during the present war;

S. 2304. An act to provide for the training of officers for the naval service, and for other purposes;

S. 2318. An act to amend the act of May 11, 1938, for the conservation of the fishery resources of the Columbia River and for other purposes;

S. 2401. An act to amend the act of May 4, 1898 (30 Stat. 369), as amended, to authorize the President to appoint 250 acting assistant surgeons for temporary service;

S. 2419. An act to amend further the act of April 6, 1938, as amended by the act of July 9, 1941, entitled "An act authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes";

S. 2426. An act providing for the conveyance to the city of Canton, S. Dak., of the Canton Insane Asylum, located in Lincoln County, S. Dak.;

H. R. 4051. An act to grant to personnel of the armed forces equal treatment in the matter of leave, and for other purposes; and

S. J. Res. 84. Joint resolution authorizing the erection in the District of Columbia of a statue of Nathan Hale.

AMENDMENT OF SOCIAL SECURITY ACT AND INTERNAL REVENUE CODE

As in legislative session,

The PRESIDING OFFICER (Mr. TUNNELL in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of Colorado. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. GEORGE, Mr. WALSH, Mr. BARKLEY, Mr. CONNALLY, Mr. LA FOLLETTE, Mr. VANDENBERG, and Mr. TAFT conferees on the part of the Senate.

FEDERAL AID TO EDUCATION

As in legislative session,

Mr. HILL. Mr. President, on June 13 last the Senate Committee on Education and Labor reported favorably Senate bill 181, a Federal aid to education bill, introduced by my two distinguished colleagues the senior Senator from Utah [Mr. THOMAS] and the senior Senator from Ohio [Mr. TAFT] and myself.

It is to me a matter of profound regret that the necessity for the consideration by the Senate of urgent legislation for reconversion from war to peace has made it impossible to bring the Federal aid bill to the Senate floor for debate and passage. This regret is all the more pronounced in view of the strong position taken on the bill by the Committee on Education and Labor and in view of my belief, with which others concur, that the bill as reported by the committee has the support of a substantial majority of the Members of the United States Senate.

The bill undertakes to strengthen our Nation where the most disturbing threat to our national well-being now exists. I refer to the education of American youth. We have approximately 24,000,000 young people enrolled in our public schools. As the evidence before the Committee on Education and Labor discloses, a large proportion of America's children is enrolled in classrooms that are substandard as a result of overcrowding, lack of facilities, and poorly qualified teachers. In addition, more than 2,000,000 young people, children of school age, are not enrolled in any school. We are in the midst of a far-reaching educational depression, not because it is necessary or inevitable but because we have failed to come to grips with the problem and take action to remedy the situation.

Our experiences during the recent war, like those in World War I, uncovered startling conditions which must be corrected. During the recent war we rejected because of educational deficiencies almost as many men as we deployed in combat divisions throughout the Pacific. We rejected more than 2,000,000 for other deficiencies which for the most part could have been prevented through an adequately supported public-school program. Our national wellbeing demands that the Federal Government, through wise and comprehensive policies, assist the States in financing the education of our young people. This it must do if we are to keep our Nation strong. As provided in the bill, such aid must be extended to the States without impairment of State control over education.

The Senate Committee on Education and Labor has found that many of our States, after making great efforts to provide good schools, are unable to finance the kind of educational opportunity which the children of our Nation need. The war has widened the gap between many of our States in their financial ability to support education. The differences in educational opportunity among the States today range as high as 60 to 1 when measured in terms of expenditures per classroom unit. These differences will increase in the days ahead unless the Federal Government acts to correct the condition.

The extent to which our Nation will be great in the years ahead will depend upon the intelligence and character we cultivate in our youth. Whether our Nation will lead or whether it will follow in world affairs; whether it will be strong or whether it will be weak will depend upon the education of our young people.

The Federal-aid-to-education bill is the unfinished business of the Congress. I wish to pay tribute to the loyalty of the hundreds of thousands of school teachers in the Nation who, at great personal sacrifice to themselves, remained at their important work during the war years.

Through their National Education Association, and through the affiliated State and local organizations, they have time and again over the past decade patiently and emphatically brought to the attention of Congress the compelling need for Federal assistance to provide adequate educational opportunity for America's children. I want to express my appreciation particularly to Dr. Willard E. Givens and Dr. R. B. Marston, of the National Education Association, for the invaluable help and support which they have given our efforts in behalf of the bill.

I have worked for more than a decade for Federal aid to education. I shall continue to press for Federal aid to education. When the new Congress convenes, it seems to me its first days should be distinguished by enactment of legislation as embodied in Senate bill 181. There is no reason for delay with further hearings. We have the facts. We know the need. We must have action.

Mr. TAFT. Mr. President, I wish to comment briefly on the bill which has been discussed by the senior Senator from Alabama. He and I worked out the revision of the bill, or the substitute bill, which now is pending in the Senate.

I regret very much that we were compelled to decide that it was not advisable to press for passage of the bill at this time. We reached that decision because it was felt to be impossible to get the bill through the House during the present session, and we did not wish to take the time to have the Senate debate and pass the bill when it did not seem possible to have it enacted into law. We do propose to have the Congress consider it again, and it will be necessary to bring it before the Senate at a future time.

In general, Mr. President, I have felt very strongly that education is a State and local responsibility. I think that unless we can maintain the independence and the power of the State and local governments to control the education of their own children the Federal Government should take no action. It was because of my fear of that that at times I have opposed the different proposals, and I am still opposed to certain proposals for Federal aid to education.

However, the difficulty which has developed during the study we have given to the problem is that in many States, although they are devoting to education as much as or more than the average amount, on the basis of their wealth and the current income spent on education by the entire Nation, nevertheless they are unable to provide an adequate basic minimum education for their children, due to the great difference in income as between the States. The figures in that connection have often been questioned, but today we have fairly reliable figures regarding the income of the people of each State. Those figures show that the incomes of the States vary greatly; they run all the way from a point between $1,100 and $1,200 per capita in Connecticut down to a figure somewhere between $300 and $400 per capita in Mississippi.

So I feel that the Federal Government does have a responsibility to see that every child in the United States has at least a minimum education in order that each child may have the opportunity which lies at the very base of the whole system of our Republic.

Therefore, Mr. President, it has seemed to me that the Federal Government has to help, and that we have to impose safeguards to see that such help does not result in Federal interference with the operation and administration of the schools of the various localities and States. I think the Federal Government's obligation is merely a supplementary one. The bill we have presented makes it a supplementary obligation.

I may say that the States which have had such low incomes that they have been unable to provide an adequate education for all their children are in even a worse situation today, because the inflation of wages and prices is such that it is necessary to increase the salaries of teachers if the teachers are to receive anything like equal treatment with other salaried persons; and even then probably they will not quite receive equal treatment. The difficulty of providing more revenue from State incomes is great. It requires a considerable number of years to adjust the tax system so as to produce a greater income, even though the dollar income of the people of the State has increased.

The plan presented in this bill is based on the theory that before any State shall receive Federal aid to education it must put up 2.2 percent of the income of its people for education. That is somewhat more than the present average throughout the United States. We give the States 3 or 4 years to reach that result; but they must reach it if they are to receive any Federal aid. Then we require that when that Federal aid is received the Federal and State funds shall be so distributed that every school district in the State, which means every child in the State, must receive at least $40 a child a year for the education which is provided. That is a very low standard. Of course, that is the minimum which a State may provide. The various States have considerable differences in respect to the cost of education in rural districts and the cost of education in the larger cities. I do not think we can stop with that minimum.

The facts show that there are districts in which only $12 a year is spent on the education of each child. Certainly we can make a substantial improvement in that situation with this bill at a cost to the Federal Government of approximately $225,000,000 a year. Once we reach that standard it may be that the poorer States will have been brought up in income, or it may be that the Federal Government will have to go further in order to raise the standard still higher. But as a start we think this bill will make possible, for the next 3 or 4 years, a substantial improvement in education in the States which do not have sufficient money to provide a minimum basic education for all the children in the State.

I do not need to expain the rather complicated formula, but the theory of it is what I have advocated, and the bill works out the theory successfully. I may say that the formula does not give any aid to a good many of the States of the Union. Inasmuch as many of the States are able to provide a good basic education for their children, if we were to undertake to provide aid to all the States, it would mean that we would be paying to States which already are providing a good basic education for their childen money which is needed by States which are not able to provide such an education at the present time.

There has been considerable discussion as to whether the money should go to public or private schools. Regardless of the theory as to whether the money should go to private schools, it is perfectly clear to me that we cannot give aid to private schools in a State the policy of which is to deny such aid. If a State has a system of education based on public schools, then it seems to me that if the Federal Government nevertheless provided aid to private schools in that State, it would be doing what I think it never should do, namely, interfering with the administration and policy of education of the State and its local governments. That is what the Federal Government would do if it undertook to bypass the States, and to give aid to private schools in States which prohibit the giving of such aid. The only basis on which I would be willing to provide Federal aid is one under which the administration and the determination of policy as to education would be made by the States and by the local governments which actually provide the education. If we ever reach a point where the Federal Government begins to interfere with policy as to education, then I think we shall be on very dangerous ground, for then the Federal Government will gradually begin to dictate as to the kind of education which will be received by children and will control their education in very much the same way as is done in totalitarian states.

So, Mr. President, I merely wish to say that I am very sorry indeed that we are not able to secure the passage of this bill this year; but I feel confident that when the Senate reconvenes, and comes to consider the matter, it will find that the bill prescribes a sound policy of Federal aid to education, and avoids the dangers relative to such a system.

Mr. SMITH. Mr. President, I wish to add just a word to the remarks of the distinguished Senator from Alabama [Mr. HILL] and the distinguished Senator from Ohio [Mr. TAFT] in reference to Senate bill 181. As a member of the Committee on Education and Labor, and having listened to the testimony given in regard to this educational bill, and being greatly impressed with the issues involved in this matter, I should like to pay a tribute to the Senator from Alabama and the Senator from Ohio for what I consider to be the outstanding work they did in reviewing the testimony, considering the various drafts of the bill which were presented, and giving us a bill which focuses on the fundamental principle involved in the educational situation, namely, equality of opportunity in education for every child born in the United States, no matter how poor his circumstances may be.

Mr. President, I come from a State which is classified under the formula as one of the wealthiest States of the Union. I am glad to speak for this bill because my State will not gain one cent from the formula. I am proud to say that I have conferred with the Governor and with the Commissioner of Education of my State, and they are wholehearted in their support of a program of this kind. The program will take a part of the income of my State, but the money will be spent in areas where the people are not so privileged as those in my State, and the use of the money will contribute toward bringing up the level of education of those persons who are less fortunate than are the people of my State. I am proud to say that the authorities of New Jersey are glad to have me cooperate in having enacted into law a bill of this kind, and have approved my support of it. Nothing is more important in the postwar period than making it possible for all children in this country irrespective of their economic condition to have equal opportunities in obtaining educations. That is the greatest social service which can be rendered for the future generations. I am glad to identify myself with this important bill introduced by my colleagues.

ACCEPTANCE OF COMPULSORY JURISDICTION OF INTERNATIONAL COURT OF JUSTICE

The Senate resumed the consideration of the resolution (S. Res. 196) proposing acceptance by the United States Government of compulsory jurisdiction of International Court of Justice.

Mr. VANDENBERG. Mr. President, I desire to revert for a moment to Senate Resolution 196. In a few minutes I shall probably be called from the floor for a conference committee, so I wonder whether we can conclude the matter upon which we have found rather complete agreement.

I offer to the pending joint resolution the amendment which I send to the desk and ask to have stated. It has the approval, as I understand, of the Senator from Utah and also the Senator from Oregon. I may add that I consulted the Senator from Vermont, for whose opinion I have great regard, and he also agrees.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, after line 14, it is proposed to insert the following:

c. Disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States specially agrees to jurisdiction.

Mr. VANDENBERG. Mr. President, I think the amendment was fully explained before.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan.

The amendment was agreed to.

Mr. WILEY. Mr. President, I am one of the original sponsors of Senate Resolution 196, and shall vote for it.

The International Court of Justice is dealt with in chapter 14 of the United Nations Agreement, articles 92 to 96, inclusive, which are as follows:

CHAPTER XIV. THE INTERNATIONAL COURT OF JUSTICE

ARTICLE 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

ARTICLE 93

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

ARTICLE 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

ARTICLE 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

ARTICLE 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

It will be noted that the resolution refers to a declaration under paragraph 2 of article 36 of the Statute of the International Court of Justice. That article reads as follows:

ARTICLE 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

2. The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

a. the interpretation of a treaty;

b. any question of international law;

c. the existence of any fact which, if established, would constitute a breach of an international obligation;

d. the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the statute and to the registrar of the Court.

5. Declarations made under article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Under the resolution the United States would accept jurisdiction of the International Court of Justice in all legal disputes hereinafter raised concerning (a) interpretation of treaties, (b) any question of international law, (c) existence of any act which, if established, would constitute a breach of international obligation, (d) the nature or extent of the reparations to be made for the breach of an international obligation.

However, the resolution contains a provision reading as follows:

Provided, That such declaration shall not apply to—

(a) disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

(b) disputes with regard to matters which are essentially within the domestic jurisdiction of the United States: *Provided further*, That such declaration shall remain in force for a period of 5 years and thereafter until the expiration of 6 months after notice may be given to terminate the declaration.

Mr. DONNELL. Mr. President, will the Senator yield to me for an inquiry?

Mr. WILEY. I should like first to conclude with my statement regarding legal disputes.

(c) Disputes arising under a multilateral treaty unless (1) all parties to a treaty affected by the decision are also parties to the case before the Court, or (2) the United States specially agrees to such jurisdiction.

Mr. DONNELL. Mr. President, will the Senator yield in order that I may make an inquiry?

Mr. WILEY. I yield.

Mr. DONNELL. The Senator has read provisions which are incorporated in the resolution. Among those provisions are: "(b) disputes with regard to matters which are essentially within the domestic jurisdiction of the United States."

Mr. President, I wish to say that I approach a consideration of this resolution as one who has long been in favor of the United States adhering to a Permanent Court of International Justice. I was in favor of such in respect to the former court. But I should like to ask the opinion of the Senator from Wisconsin on this point: Suppose that the court itself should take the position that a specific question presented to it was not a matter essentially within the domestic jurisdiction of the United States. Is it the judgment of the Senator that the provision in article 36 of the statute of the Court which reads: "In the event of a dispute as to whether the Court has jurisdiction, the matter shall be

settled by the decision of the Court", can be interpreted as meaning that the Court could decide whether or not the specific matter in controversy were one which was essentially within the domestic jurisdiction of the United States, or whether the United States itself could undertake to make that determination?

Before the Senator answers the question I wish to say that I believe the same thought was in the mind of the distinguished Senator from Georgia yesterday when he said:

> Whether this International Court itself, by the acceptance of compulsory jurisdiction upon our part, acquires the function of determining whether a question is essentially a domestic question or whether the Court itself has the final right to say whether any juridical matter submitted to it involves a domestic question.

My question is this: If a particular question comes before the Court and the United States says that the matter involved is essentially within the domestic jurisdiction of the United States, does the Court of International Justice, under the provision which I have read, namely, "In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court", have the right to determine whether the matter is or is not one essentially within the domestic jurisdiction of the United States?

Mr. WILEY. Mr. President, I read section 7 of article II setting forth the principles of the United Nations Charter:

> Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter, but this principle shall not prejudice the application of enforcement measures under chapter VII.

In answering the specific question of the Senator from Missouri, it seems to me that if a nation, for example, the United States Government, takes the position that the controverted matter is one which comes within its domestic jurisdiction, the decision of the United States, I assume, unless there was some clear ground for a difference of opinion with regard to the matter, would be final. In other words, the question would not be submitted.

But there is the other part of the provision which states, "or shall require the members to submit such matters to settlement under the present charter," and so forth.

I assume that if it were a close question we could take the position that the basic law of the Charter stated that we were not compelled to submit the controversy.

If the Senator has any specific hypothetical case in mind perhaps it might illuminate the situation.

Mr. DONNELL. I have no specific illustration to give. I recall the distinguished Senator from Utah making a statement with reference to immigration being essentially within the domestic jurisdiction of the United States. I believe that I quote him correctly. Let us take, for example, the question of immigration. Another nation, taking the position before the Court of International Justice that immigration was not a matter essentially within the domestic jurisdiction of the United States, might institute a proceeding before the Court of International Justice for an adjudication of the question. Suppose that the United States pleads that the matter is one essentially within the domestic jurisdiction of the United States. Suppose further that the Court undertakes to decide the question, and decides that the matter is not one coming essentially within the domestic jurisdiction of the United States. Is the decision of the Court final and determinating, or does the language in Senate Resolution 196 entitle the United States to withdraw from a submission of the question to the Court, even though it was haled into Court by the other nation?

Mr. WILEY. My personal opinion is that if the question was a close one and the United States pleaded that the Court did not have jurisdiction, and the Court held that it did have jurisdiction, the question would be presented of whether or not we would abide by the judicial process. History demonstrates that other nations have violated agreements but the United States has a reputation for keeping them. The question is one for the United States in the first instance to decide. If the Court held against the United States, then the question of what power the Court had to enforce its judgment would arise.

Mr. DONNELL. May I ask the Senator, with his permission, one further question? Has the Committee on Foreign Relations of the Senate, so far as the Senator knows, arrived at a conclusion on the hypothetical question which I submitted, namely, to make it concrete, if the United States says that a matter presented, upon which it has been haled into Court by another nation, is a matter essentially within the domestic jurisdiction of the United States, does the Court itself, under the power I have read—"in the event of a dispute as to whether the Court has jurisdiction the matter shall be settled by the decision of the Court"—have the power to determine for itself whether it possesses jurisdiction, and overrule the contention of the United States, if the Court deems that it is not a matter essentially within the domestic jurisdiction of the United States? Has the Committee on Foreign Relations arrived at a conclusion on that specific question, so far as the Senator knows?

Mr. WILEY. In answer to the Senator's question, I must say that at no time when I was present was that specific matter discussed. But I was not a member of the subcommittee. Perhaps we can gain light from the Senator who was chairman, my colleague, the senior Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. THOMAS of Utah. Mr. President, I think there is only one way to answer a question of that kind, that so far as jurisdiction is concerned, that question is left with the Court itself to decide. Let us remember that the Court is going to develop a rule of law. It has no rule of law as to purely domestic questions, because international law does not deal with domestic questions. in the first place, the Senator would have to discover some subject which is a domestic question, upon which international law has already passed.

Let us for a moment or two put ourselves into the frame of mind in which the founding fathers found themselves when Marshall started handing down constitutional law in America, and came to the place where he was able to say, "Gentlemen, it is a constitution we are interpreting"—whatever his words were, he meant something like that—"a constitution which is set up to last forever."

International law, in the sense of being built upon the decisions rendered by the International Court, is something which is in the process of growth. The Court must act in conformity with the fundamental rules of the United Nations. It must act in conformity with international law which has already become universally recognized as law between nations, and it must act in conformity with its own rule, which is developing.

I suggested the question of immigration, because that is one we are most fearful of, as well as the question of tariffs, to show that so far as international law is concerned, on those subjects there is a void, and that no one of those questions could possibly come before the International Court until the law had developed to such a degree that it would be before the Court.

Mr. WILEY. Mr. President, something bearing directly on the point has been called to my attention by the Senator from Vermont [Mr. AUSTIN]. I read first from chapter 1 of the Charter of the United Nations, "Purposes and principles."

ARTICLE I

The purposes of the United Nations are:

1. To maintain international peace and security—

With the emphasis on "international."

> To maintain international peace and security, and to that end: To take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

Now we come to the question of whether or not it is a domestic matter. The whole purpose of the Charter and the creation of the United Nations is to bring into being an organization which will handle international disputes, but I am trying to conceive of a situation in which before this Court there might be a mixed matter, and we might, in substance, say to the Court, "This is none of your business," and the Court might say, "We think there is a possible international issue."

In that case, it would seem to me, it would be up to our representatives to present the matter clearly, in a judicial, legal manner, and if the Court were to hold that there was a mixed problem, we

would abide by the decision. That is the very purpose of the Court.

Mr. DONNELL. The Senator thinks, then, that the decision of the Court as to whether the matter is essentially within the domestic jurisdiction of the United States would be determinative and conclusive as a decision?

Mr. WILEY. Outside the question of national authority, if the decision of the Court were to outrage common sense and public opinion, and it were shown that the Court was packed, no; but if it appeared that the better way was to follow the judicial attitude, I would say yes. The very purpose is to submit to this higher body problems involving international disputes.

Mr. MILLIKIN. Mr. President, will the Senator from Wisconsin yield?

Mr. WILEY. I yield.

Mr. MILLIKIN. I thought the distinguished Senator from Missouri propounded a very pertinent question when he asked what was the opinion of the Committee on Foreign Relations. It seems to me we can get some enlightenment on that from the report.

Let me invite the Senator's attention to page 5 of the report of the committee, starting with the third full paragraph. I quote:

The fifth limitation is that the proposed declaration shall not apply to matters which are essentially within the domestic jurisdiction of the United States. A provision similar in principle is found in article 2, paragraph 7, of the Charter, providing that nothing in the Charter shall authorize the organization to intervene in essentially domestic matters. The committee feels that the principle is also implicit in the nature of international law, which, under article 38, paragraph 1, of the statute, it is the duty of the Court to apply. International law is, by definition, the body of rights and duties governing states in their relations with each other and does not, therefore, concern itself with matters of domestic jurisdiction. The question of what is properly a matter of international law is, in case of dispute, appropriate for decision by the Court itself, since if it were left to the decision of each individual state, it would be possible to withhold any case from adjudication on the plea that it is a matter of domestic jurisdiction. It is plainly the intention of the statute that such questions should be decided by the Court, since article 36, paragraph 6, provides:

"In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court."

It was also brought to the attention of the subcommittee that a number of states, in filing declarations under the Statute of the Permanent Court of International Justice, interposed reservations similar to that of the resolution under consideration, but in no case did they reserve to themselves the right of decision. The committee therefore decided that a reservation of the right of decision as to what are matters essentially within domestic jurisdiction would tend to defeat the purposes which it is hoped to achieve by means of the proposed declaration as well as the purpose of article 36, paragraphs 2 and 6, of the Statute of the Court.

I have no comment to make at this time other than that is, I believe, an answer to the question asked by the Senator from Missouri.

Mr. DONNELL. I very much appreciate the courtesy of the Senator in calling that to my attention.

Mr. WILEY. I call attention particularly to the fact that the forepart of that which has been read has special application to subdivision "b" of the resolution, "any question of international law."

In the years before we became involved in the Second World War we had a great many disputes on the floor of the Senate as to what was international law, and sometime in the future, perhaps, someone will write up that history and show how great minds in the Senate differed as to what international law was. Therefore, I take it to be all important that this court be given the authority to determine any and all questions of international law.

Mr. LA FOLLETTE. Mr. President, if the Senator will suffer an interruption.

Mr. WILEY. I yield.

Mr. LA FOLLETTE. I should like first of all to say that, in my humble judgment, the legislative history of this resolution, including the report of the august Committee on Foreign Relations, of which I have the honor to be a member, has no bearing so far as the International Court is concerned. We may make legislative history to some extent concerning domestic legislation, but obviously we must say what we mean in this resolution, because certainly the Court will be under no obligation to look back to the legislative history which we make here today.

I think it is clear from the report and from the resolution that it is the intent of the resolution to leave with the International Court the determination, if any dispute shall arise, as to what is and what is not a domestic question. I think the Senate should face that issue clearly.

If the Senator will pardon me further, this does not affect only international law, but if Senators will turn to article 38 of the Court statute, they will find the Court's function is to decide in accordance with international law such disputes as are submitted to it, shall apply—

(a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

(b) international custom, as evidence of a general practice accepted as law;

(c) the general principles of law recognized by civilized nations;

(d) subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

It seems to me clear, Mr. President, that we are not only in this resolution submitting the principles of international law so far as domestic problems or questions are concerned, but under this article we are submitting the writings of recognized publicists on the subject. Therefore it seems to me that we should recognize that there is validity in Mr. Dulles' memorandum when he calls attention to the fact that—

Article 38 of the statute goes on to recognize as international law not merely international conventions, but international custom, general principles of law recognized by civilized nations, and the teachings of the most highly qualified publicists of the various nations. If the applicable rule of international law is so uncertain that resort must be had to alleged custom, teachings, etc., then the Court can scarcely avoid indulging in a large amount of judicial legislation or political expediency.

If the Senator will pardon me, and I have already trespassed too long on his time, I want to read Mr. Dulles' comment on this very question of domestic jurisdiction. He said:

Compulsory jurisdiction of the Court should not extend to matters which are essentially within the domestic jurisdiction of the United States.

His comment on that statement is:

Article 2 (7) of the Charter, among other things provides, in substance, that nothing contained in the present Charter shall require the members to submit to settlement under the Charter matters which are essentially within the domestic jurisdiction of any state. The declaration under the statute should preserve, and not seem to waive, that limitation.

My view is that the language now contained in this resolution does waive that question, and leaves it within the power and jurisdiction of the International Court of Justice to determine, whenever any question affecting the domestic policy of the United States comes before it, whether that is a domestic or an international problem, and that the United States cannot in any way, shape, or manner, after adopting this resolution, refuse to abide by the decision of the Court on an issue of that kind.

Mr. WILEY. Mr. President, I wish to discuss article 38, which my associate has commented on, which provides that:

The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply—

(a) international conventions;

(b) international custom;

(c) the general provisions of law recognized by civilized nations;

(d) subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations.

And so forth. In relation to that I wish to say that we all know that before and during the Second World War to a large extent the validity of international law simply disappeared. Nations have breached their treaties and their conventions, and thus they broke the silver link which was supposed to bind them together. Article 38 provides the source material for the International Court of Justice in its almost semilegislative authority, like our own Supreme Court under John Marshall; it will be a great opportunity for the Court, headed, as has been suggested by the distinguished Senator from Utah, by great international lawyers, to write a new international law, and that is the only way we can proceed. In view of the fact that the resolution contains an escape clause after 5 years—the testing period—and in view of the fact that the men who will sit on this Court will be dedicated to the greatest job in the world, I believe they will know what a domestic issue is, as well as we do, and why should we interject into this discussion the fear that men who have dedicated their lives to the study and practice of international law should falter in doing their duty on this high plane? But I say again that if any court to whose jurisdiction we submit should

in this period of the world's history be negligent of its obligations, or criminal, if you please, or politically corrupt, then I say the public conscience of the world would sustain any government that would say "No."

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. DONNELL. I am not sure that I understood the Senator's exact comment, but I understood him to say that he did not understand why the question of domestic jurisdiction was injected into this debate.

Mr. WILEY. I believe the Senator misunderstood me.

Mr. DONNELL. Perhaps I misunderstood the Senator. But as I see it, it is of very great importance that we all understand exactly the effect of the provision that our declaration shall not apply to disputes with regard to matters which are essentially within the domestic jurisdiction of the United States. It seems to me to be of highest importance that we should know, if we agree to this resolution, whether or not the provision in article 36 of the statute, that in the event of dispute as to whether the Court has jurisdiction, the matter shall be settled by decision of the Court, gives the ultimate power in the Court to make that decision. I think it is a very proper subject of inquiry. The inquiry was not made at all from any critical standpoint, but in order to elicit what are the Senator's views and, if possible, the views of the Foreign Relations Committee, as to what is the ultimate power of the Court in the event the point is made by the United States that a particular matter is essentially within its domestic jurisdiction. In other words, I think it is important that if we vote for the resolution we should not go home without understanding it clearly to be the fact that there is still vested in the Court the power to determine whether it has jurisdiction of a particular matter which is essentially within the domestic jurisdiction of the United States.

Mr. WILEY. Mr. President, I probably used the word "fear" in the wrong sense. What I meant was that I thought that the average individual as well as the learned international jurist has a pretty good idea what a domestic issue is, and there was no reason to fear that the World Court jurists would be swayed from the path of duty. But I am going to yield to my distinguished associate to my left, the Senator from Vermont [Mr. AUSTIN], who has informed me that under those circumstances the Court has no power. So I want him to explain the situation.

Mr. AUSTIN. Mr. President, this Court does not have a sheriff and does not have power of execution. The only power this Court has is moral power, and if the situation should arise to which the distinguished Senator from Wisconsin has alluded, that a state, a party, has been ruled against when it raised the question of jurisdiction, and that state has held up its head and said, "Notwithstanding the decision we know from our history, and our experience, and existing conditions that this is a question which is purely domestic, and that we will disregard the decision of the Court," that state has the final decision instead of the Court. The Court cannot execute its judgment. What that state has done by the convention is to say that it will agree to the decisions of the Court that are within the four corners of the convention, and one of those corners is that the Court has no jurisdiction of domestic affairs, and that a state may stand up in all honor and say, "We will not carry out the decision of the Court on a matter that is purely domestic."

Then what happens? Suppose the vis-a-vis state comes in under the Charter, article 94, and appeals to the Security Council and says, "The United States is standing back and resisting the decision of the Court," which is in our favor, on the ground that the Court has no jurisdiction because the matter is domestic?" Article 94 does not give to the United Nations any power whatever over a matter that is domestic. It provides this:

1. Each member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case—

And this is what I am trying to illustrate—

If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Here is the limitation upon the United Nations under that article. It cannot act except in a case where there is a threat to international security and peace. That is the preliminary foundation for the action by the Security Council. If the position of the United States is not one which threatens international security and peace, the United States is the last arbiter, and has the final word upon a matter which is domestic. Such a position is entirely moral and entirely legalistic, and is within the four corners of our great engagement.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WILEY. For what purpose?

Mr. CONNALLY. I wish to submit an amendment along this line.

Mr. WILEY. I yield.

Mr. CONNALLY. Mr. President, I have more or less enjoyed the remarks of the Senator from Vermont to the effect that in case the Court should decide that a question which the United States considered to be domestic was nondomestic and international we would be justified, as I agree, in defying the Court. I submit an amendment to settle this question.

On page 2, line 14, after the name "United States", I propose to insert "as determined by the United States."

Mr. AUSTIN. That is the amendment which I offered in the subcommittee, and which was not accepted.

Mr. CONNALLY. I am now submitting it in the full committee. The language would then read:

b. disputes with regard to matters which are essentially within the domestic jurisdiction of the United States, as determined by the United States.

Mr. DONNELL. Mr. President, will the Senator from Wisconsin yield so that I may address an inquiry to the Senator from Texas?

Mr. WILEY. I yield.

Mr. DONNELL. Does the Senator from Texas disagree with the observation of the Committee on Foreign Relations which was read by the Senator from Colorado [Mr. MILLIKIN], namely:

The committee therefore decided that a reservation of the right of decision as to what are matters essentially within domestic jurisdiction would tend to defeat the purposes which it is hoped to achieve by means of the proposed declaration as well as the purpose of article 36, paragraphs 2 and 6, of the statute of the Court.

Mr. CONNALLY. I do not agree with that. I think we have the right to adhere 100 percent, if we choose, and we have the right not to adhere at all. Therefore, as between those two extremes, we have a perfect right to adopt an amendment of this character, because the Charter provides that domestic questions may not be considered. The Charter provides that the United Nations have no jurisdiction over domestic questions. But under the Charter the Court might decide that immigration was an international question. It might decide that tariffs were an international question. It might decide that the navigation of the Panama Canal was an international question. It is pretty close to it. It might decide that the regulation of tolls through the Canal was an international question. So I submit the amendment and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment submitted by the Senator from Texas will lie on the table and be printed.

Mr. CONNALLY. Mr. President, I hope Senators will not press for a vote on the resolution tonight, because a group of us are engaged in a conference between the House and Senate on the social-security bill, and we must attend that conference.

Mr. MORSE. Mr. President, I will say to the Senator from Texas that I have no intention of pressing for a vote tonight. I shall be very happy to cooperate with the Senator in any reasonable way.

Mr. WILEY. Mr. President, the United States has been precipitated to the top in world affairs. We took a leading part in framing the Charter of the United Nations. The part of the Charter which I have already quoted contemplates that nations will submit their legal differences which fall within the categories enumerated to a court constituted and created under the United Nations Charter.

I fully agree that we must meet this challenge head on. I do not believe that the adoption by the Senate of this resolution will ipso facto clear away our international troubles. However, I believe that it is a step in the right direction, and one that we cannot afford to hesitate about taking.

I am not unmindful of the fact that just 18 short years ago this month Secretary Kellogg went to a peace conference in Paris, and there the Kellogg-

Briand Pact outlawing war was signed. I remember how the news of the signing of that pact was received, how all America felt that a new day had dawned. Yes; we were sure that a new era of peace on earth and good will had come.

But at the very time Kellogg and others dreamed about outlawing war, the war lords of Japan were conspiring to seize Manchuria and a part of China. We know that at that time certain European nations did not mean to outlaw war. A few years later Mussolini, bit by the lust for empire, was riding for conquest. Spain was the proving ground for Hitler, Mussolini, and Stalin. And we thought only of the Kellogg-Briand Pact outlawing war.

Then Hitler appeared on the scene in his push for power and dominion. He bluffed the French and went into the Rhineland and the Ruhr. Then he moved into Austria, Czechoslovakia, and Poland, and the Second World War was on.

Why do I bring up these well-known facts of yesterday? We cannot pin all our hopes on the instrumentalities which man creates—agreements between men or agreements between nations. Peace conferences are a good thing, and our prayers are with the men in Paris who are striving to arrive at some basis for international harmony. But it is of importance that we do not fall asleep again as we did after the First World War, when we thought that by an agreement of men, the Kellogg-Briand Pact, we had outlawed war. Public opinion must not again be lulled to sleep. That is why I bring up this question now. There is danger that the people will be led to believe that we can outlaw the lust for power and gain.

We can be grateful that the United States has an ocean between it and Europe; but with the advent of the airplane and other modern inventions we all know that Europe is in our back yard. In the days of Washington and Hamilton the quarrels of Europe seemed a long way off, but now they are just around the corner. It has been said that the world is one world. That is true geographically. But Mr. Ziff, of Washington, says that it is two worlds. He speaks of the ideology for which our country stands, and the ideology for which Russia stands. We all know that ideologically and spiritually we are many worlds. The races of men, like the various levels of rock in a quarry, are stratified. Our problem is to fit these many worlds into the jigsaw puzzle of humanity and seek to find a way for humanity to evolve without the need of the volcanic eruptions of war. That is our problem. We live not in one world, but in many worlds. There are many races and many concepts.

When Hitler went into the Rhineland he did not expect France to stop him, because she was war weary. Hitler was right, but that was the beginning of the Second World War. In 1931, when Japan went into Manchuria—and I might say parenthetically that at that time the Nine Power Pact was in effect—she was sure that the powers were so tired and fearful that they would do nothing. Japan was right; but that was the beginning of the Second World War in the East.

It is now evident to every student of history that there is much similarity between what occurred after the First World War and what is now occurring. It will be remembered that after the First World War Russia was ignored in the Treaty of Versailles. She was out of the picture. The other nations took the pelf—all except America. Russia means not to be ignored now. History pretty much repeats itself. The similarity between 1919 and 1946 is that ours is the only nation that has demonstrated that it does not believe in the slogan of the centuries, "To the victor belong the spoils." Can we persuade the other nations to see the vitality of the opposite of that slogan? That is a part of the process in which we are now engaged. We are attempting to establish a court with international powers, to put into practice the principles of justice.

In recent days the news has come of the bumper crops which are being harvested throughout our Nation. We are reminded that behind everything there are hidden laws. Year after year, throughout the recent war years, the harvests of America have been at the maximum. During all this time we have been giving of our blood and our finances and we have been feeding and clothing the hungry of the earth. Now our larder has been replenished. It has truly been said that it is more blessed to give than to receive.

Now, we are called upon by this resolution to give again—not to give wheat or fats—but to give assurance to the rest of the world that we—the most powerful nation on earth—are ready to agree to settle our international differences by means of an International Court of Justice. I agree with the distinguished Senator from Oregon [Mr. MORSE] that this action on the part of the Senate of the United States will bring reassurance to the thinking people of the earth. They are upset and war weary and tired, and now we shall hold a candle aloft, and they will see that the United States again means what it says.

I repeat that neither the resolution which we are about to adopt nor the treaties to be written at Paris will, ipso facto, cleanse the nations of the earth of their lust for power and dominion. We shall at least hope and pray that this resolution and the treaties will constitute a road block to man's inhumanity to man.

When Stalin started to take over Iran, basing his actions undoubtedly upon the thought that "the Allies are too tired to bother," just as Hitler thought France was too tired, after the last World War, Stalin thought that history would repeat itself. But this time the United Nations went into action, and public opinion was mobilized, and American diplomacy did good work. Then Stalin started for the Dardanelles, again thinking that the other nations were worn out and tired. But an American battleship appeared at the scene, and the United Nations diplomacy again went into action.

So, Mr. President, I do not expect that this great institution, of which we are now to become a member, namely, the International Court of Justice, which is a part of the United Nations, will be perfect. Of course, it will not be perfect because it will be operated by human beings. But, with many of my colleagues, I sense that this is an important step, and that the responsibility upon us who live in America is more than the responsibility which rests upon the people of the other nations of the world because we are the chosen people, if you please, who are selected to lead the way. With all our resources, our manpower, our material wealth, and our spiritual intuition, we have been set apart for a great task at this important hour, and I feel sure that we will not fail to respond to the call.

Mr. MORSE. Mr. President——

Mr. WILEY. I am glad to yield.

Mr. MORSE. I wish to say to the Senator from Wisconsin that I appreciate very much the support he has given to this resolution. As the author of the resolution, I wish to say that his support means a great deal to me, and I am greatly indebted to him for it.

Mr. MURRAY. Mr. President——

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. MURRAY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Chair thought that the Senator from Wisconsin had yielded the floor.

Mr. WILEY. No; I yielded for a comment.

Mr. MURRAY. Mr. President, it seems to me that Senators on the other side of the aisle are farming out the floor. All afternoon I have been waiting for an opportunity to make a few remarks.

The PRESIDING OFFICER. The Senator who has the floor can yield only for questions.

Mr. WILEY. I yield for a question.

Mr. MILLIKIN. Mr. President, will the Senator from Wisconsin yield to me, to permit me to ask a question of the Senator from Utah [Mr. THOMAS]?

Mr. WILEY. I am very happy to do so.

Mr. MILLIKIN. I should like to ask the Senator from Utah whether he considers the amendment offered by the Senator from Texas [Mr. CONNALLY] to be consistent with the provisions of the Charter.

Mr. THOMAS of Utah. Mr. President, the amendment offered by the Senator from Texas will have to be changed. As it is worded, I think it would be inconsistent with our resolution. I have already stated that for us to adopt an amendment which would be inconsistent with the Charter would cause us to go back upon our pledged word—and that would be a very bad thing to do, of course.

The question of the jurisdiction of the Court in the case of domestic issues is very important and very broad. If the amendment of the Senator from Texas should it be adopted, would go so far as to cause a political institution such as the Government of the United States or the Congress of the United States, if it spoke on this question, to make a political decision in regard to what is purely a legal matter, then of course the amendment would be out of harmony with the

fundamental principles relating to the Court and the fundamental principles relating to the way in which any court operates. For example, if the Court does not have jurisdiction as to questions which are purely legal, then of course the Court is not a court of justice, but it becomes a political institution—the very thing we are opposed to having it be.

As to the amendment itself, I think it can be worded in such a way that it will not do violence either to the United Nations Charter or to what is the grandest principle of the United States Government, namely, that a political institution does not interfere with a legal prerogative.

Mr. MILLIKIN. Mr. President, will the Senator from Wisconsin yield to permit me to ask another question of the Senator from Utah?

Mr. WILEY. I yield.

Mr. MILLIKIN. Assuming that the purport of the amendment is that we ourselves will be the exclusive judge as to whether a question is a domestic question, and assuming that the amendment would give us that right, would the Senator say the amendment is a valid one?

Mr. THOMAS of Utah. As I understand what the Senator means, it seems to me that if the amendment went that far, it would be a contradiction of compulsory jurisdiction itself.

Mr. WILEY. Mr. President, I yield the floor.

A NEW WORLD CALENDAR

Mr. MURRAY. As in legislative session, I desire to discuss for a few minutes a resolution which I am about to submit.

On Monday, July 15, of this year, there was introduced in the House of Representatives by Representative KARL E. MUNDT, of South Dakota, a bill of far-reaching importance. I refer to House bill 7041, the enactment of which would adopt, as of January 1, 1950, a new calendar as the timetable of the Nation.

This proposed calendar is referred to as the World Calendar. It has been the subject of widespread study by learned men and women the world over, and has received the endorsement of many groups and organizations interested in the proposal. Following the introduction of that bill in the House, Representative JOHN KEE, of West Virginia, delivered an address on the floor of the House explaining the bill and the purposes to be accomplished through its enactment. The remarks of Representative KEE will be found on page 9158 of the CONGRESSIONAL RECORD of July 16, 1946.

In view of the extended explanation made at that time by him, I shall not take the time of the Senate to explain the bill in detail. I believe the proposal is worthy of early study by this branch of the Congress; and, therefore, on behalf of myself and the junior Senator from New Jersey [Mr. SMITH], I am submitting a resolution in the Senate in order to bring the matter to the immediate attention of the Members of this body. Of course, this measure cannot be considered during this session. It is to be hoped, however, that during the recess the Members of the Senate will study the proposal and will be prepared to consider it during the next session of Congress.

Briefly, Mr. President, the new calendar would divide the year into four equal quarters. The revised calendar is balanced in structure, perpetual in form, and harmonious in arrangement. If Senators will read the full explanation which appears in connection with the introduction of this proposed legislation in the House of Representatives, I believe they will find all the details there.

The Newspaper Advertising Executives Association, Inc., and many other important organizations recommend the enactment of this legislation. These organizations constitute important aggregations of business, scientific, educational, labor, fraternal, and private institutions and bodies. In this connection I call attention to the fact that the Newspaper Advertising Executives Association has adopted a resolution asking for favorable action on the proposed world calendar. I ask that its resolution may be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the Newspaper Advertising Executives Association, Inc., having given serious consideration and study to the proposal that the present calendar (known as the Gregorian calendar) should be revised and simplified more adequately to fit the needs of the world, and having reached the conclusion that the world calendar proposed by the World Calendar Association, of New York City, provides the desired changes:

Whereas the present calendar is undesirable because:

1. It changes every year.

2. Each year begins and ends on a different day of the week.

3. Quarters begin and end on different days of the week and are of unequal length, i. e., 90, 91, 92, 92 days.

4. Months are of unequal length, varying from 24 to 27 weekdays.

5. Days and dates never agree from year to year, causing holidays, anniversaries, birthdays, etc., to wander ceaselessly.

6. The calendar's irregularities preclude comparison of monthly, quarterly, half-yearly and annual periods, and necessitate annual changes in plans, schedules, and operations, and holidays are erratic.

7. Unbalanced in structure, unstable in form, and irregular in arrangement, the present calendar is obsolete.

Whereas the perpetual world calendar is desirable because:

1. It is the same every year in perpetuity.

2. Each year begins Sunday, January 1. Business activities begin with Monday, January 2. The year ends on an extra day, the year-end world holiday.

3. Quarters are equal in length and correspond approximately to the seasons, each quarter begins on Sunday, ends on Saturday, and contains 3 months; 13 weeks; 91 days.

4. Every month has 26 weekdays, plus Sundays.

5. Holidays, anniversaries, birthdays, etc., always fall on the same day and date every year.

6. This revised calendar facilitates accurate comparative statistics and tables, computations of interest, budgets, pay rolls, costs, and the like; it simplifies operating schedules, and timetables, and is a great convenience in the observance of holidays.

7. Balanced in structure, stable in form, and regular in arrangement—the World Calendar is a modern calendar to meet modern needs.

Now, therefore, it is

Resolved, That the World Calendar be adopted by the United States of America.

A copy of this resolution shall be sent to the World Calendar Association, 630 Fifth Avenue, New York City, N. Y.

A copy of this resolution shall be transmitted to the members of the Newspaper Advertising Executives Association, Inc., to the American Newspaper Publishers Association and other NAEA affiliated associations, and the American Standards Association.

A copy of this resolution shall be transmitted to the President of the United States, to members of the Cabinet, and to Members of the House of Representatives and the Senate in the Congress at Washington, D. C., with the request that they take appropriate and necessary steps for the adoption of the World Calendar by the United States of America, and further that they instruct the representatives of the United States to present it to the United Nations Organization for adoption by the member states thereof.

The undersigned president and secretary of the Newspaper Advertising Executives Association, Inc., do hereby certify that the above resolution of endorsement was duly adopted at a regular meeting held on the 16th day of January 1946 in the city of Chicago, State of Illinois.

ROBERT K. DREW,
President.
IRVING C. BUNTMAN,
Secretary-Treasurer.

Mr. MURRAY. Mr. President, similar resolutions have been adopted by other important organizations. They constitute a formidable aggregation of business, scientific, educational, labor, fraternal, and private institutions and bodies. Therefore I also ask unanimous consent to have printed in the RECORD, as part of my remarks, a collection of comments from the press, from various organizations, and from various persons, dealing with this subject.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Columbia (S. C.) State of November 21, 1945]

REFORMING THE CALENDAR

The World Calendar Association is still engaged in its campaign for the adoption of a standardized calendar. In its current quarterly Journal of Calendar Reform it quotes President Truman as saying it is essential for the world's greatest republic to live with the world as a whole. It remarks: "Surely in this new age of law, reason, and science there is great need for a time instrument such as the World Calendar which in arrangement exemplifies law, order, equality, and cooperation."

It is pointed out that the present calendar is always different from year to year. Each month, quarter, and year begins and ends on a different weekday. The months and quarters have varying numbers of days. Its irregularity precludes comparison of periods and necessitates continued changes in routine matters. It is unbalanced in structure, unstable in form, and irregular in arrangement.

The proposed calendar would have four equal quarters, each with one 31-day month followed by two 30-day months. The day after December 30 would be an annual year-end holiday, and the day after June 30 would be a leap-year world holiday every 4 years, dividing the year into two equal parts. The dates of the month would fall on the same weekday every year. Each quarter and each year would begin on Sunday and end on Saturday, and each month would have 26 weekdays.

The Journal contains articles by an engineer, a newspaper advertising executive, a

hotel executive, a Kiwanis businessman, and an educator who endorse the idea and point out how it would facilitate their various lines of endeavor. It can readily be seen that a standard calendar would materially facilitate the keeping of books and pay rolls.

[From the Labor Union of Dayton (Ohio), September 28, 1945]

PRACTICAL CALENDAR, POSTWAR SUGGESTION

The World Calendar has been known in America since November 1930. Miss Elisabeth Achelis, president of the World Calendar Association, and guiding spirit of the World Calendar, modestly proclaims that it is not her plan, but the combined effort of many minds.

During 1931 through 1937 she was at the League of Nations and visited many countries where calendrical committees were established. The Council of the League of Nations submitted a draft to the various governments, resulting in the approval of the World Calendar by 14 nations.

With the adoption of the World Calendar for the greater good of mankind, Americans and the world will find the changes are few, the benefits many.

Sunday will continue to be the first day of the week. Days and dates always agree and holidays have their regular days and dates from year to year.

Among endorsers of the World Calendar are the New York State Chamber of Commerce; Pittsburgh, St. Louis, Galveston, and the Chicago Association; American Association for the Advancement of Science and American Institute of Accountants. Commodore Hellweg, United States Navy (retired), Superintendent of the United States Naval Observatory, is a strong advocate, as are Dr. James Truslow Adams, Carrie Chapman Catt, Bishop Manning, Dr. Robert Millikan, Gerald Swope, Dr. Mary E. Woolley, among others.

With conquest of distance and many other changes incident to this day and age, this practical and ideal calendar—would assist flyers in the air, sailors sailing the seven seas, travelers far and near, and civilians at home in their many and varied activities.

[From Program Notes, National Association of Manufacturers, New York, N. Y., December 1945]

BRAVE NEW CALENDAR FOR THE BRAVE NEW WORLD

You'll be hearing a lot of talk about throwing away the old calendar from now on, but don't dismiss it as the routine discarding of the 1945 one. It will likely be a discussion of the virtues of a new world calendar over the Gregorian, now in use. The World Calendar Association has in mind a streamlined year, divided into quarters, so that the first month of each quarter has 31 days, followed by 2 months of 30 days each. One popular feature of the world calendar is the proposed world holiday, to come yearly between the last day of December and the 1st of January. Another bonus world holiday will fall due every fourth year, to be celebrated between June 30 and July 1.

[From New Times and Ethiopia News, Woodford Green, Essex, England, May 26, 1945]

DEMOCRACY

(By Elisabeth Achelis)

"Democracy does not only mean a political system with which we are prone to associate it. It is not the possession alone of political Democratic and Republican Parties, nor Communistic, Labor, Socialist, National, or Isolationist Parties. The system of democracy means any system of just and equal dealing, of nondiscrimination, of like consideration and opportunity to all its component parts or members. It follows the principle of practical equality and considers impartially the rights of the different and separate factors of which the whole system is composed. It is a harmonious grouping, or a commonwealth of separate entities or units, wherein cooperation is the rule, and to which the various parts or groups willingly agree. Each group functions separately in its particular sphere of activity with complete freedom, recognizing at the same time its full responsibility. Each is keenly conscious that it belongs and is vital to the smooth operation of the whole system; it knows, too, that if it fails all fail.

"The system of democracy, whether in government, finance, business, education, social or human relations, although extolled in words, is quite often weak in application, because there is no clear plan to follow. A blueprint is missing. Thus the real meaning, purpose, and scope of democracy is oftimes an abstract idealistic theory to the majority, and because of this it is prevented from being practiced * * * Man yearns for a plan so that he can chart his way unfalteringly along the democratic road. * * *

"For the world to obtain such a plan for its guidepost it is ovious that the system of democracy be more clearly understood in a concrete and simple way, so that every nation and every person can understand, use, and live by it. Democracy is actually a world system, and the world, as the late Wendell Willkie has declared, is one world."

The above article is the first part of a contribution by the distinguished president of the international association advocating the reform of the Gregorian calendar.

The Ethiopians, with their months of equal length of 30 days with five more days at the end of the year, making a total of 365, are probably the only nation in the world following a rational system in reckoning time.

According to the late James Henry Breasted, the first-known solar calendar began in Egypt in the year 4236 before the beginning of the Christian era.

Life in Egypt was dependent upon the annual flood of the Nile, and so at an early date it was necessary for the Egyptian to learn to expect it.

The flooding of the Nile is dependent, to a great extent, if not wholly, on the rainy season in Ethiopia

The Egyptian astronomers learned to correlate the rising of the Nile with the helical rising of the dog star Sirius, that is, the appearance of the star on the eastern horizon at the time of sunrise.

As a result, the Egyptians adopted a solar calendar in which the helical rising of Sirius was the first day of the year.

The solar year is not exactly 365 days long, and so this calendar got further and further out of step with the seasons with the passage of time. By studying the situation, the Egyptian astronomers came to the conclusion that the solar year was 365¼ days long.

The astronomers attempted to introduce necessary reforms to bring the calendar up to date.

In a book published by the Bureau of Publications of Teachers College, Columbia University, Dr. Bhola D. Panth, says: "The authoritarian priests (of Egypt) were powerfully established and, considering the calendar as their peculiarly private preserve, resented any trespass."

The struggle between astronomers and priests went on until 238 B. C., when, by the Decree of Canopus, of King Ptolemy III, a day was added to every fourth year, thus originating our leap year.

While advocating a reformed calendar, Elisabeth Achelis aims also at promoting world friendship. She would have the last day of the year, the Year-End Day, or, as some wish to call it, the New Year's Eve, as a World Holiday.

She says: "The new World Holiday is a world-assembly-day to unite nations in world observance * * * becomes a healing day for nations of the world—a day of amity, of understanding and of good will; a truly democratic day of equal recognition and consideration, of sharing and uniting in the large conclave of the brotherhood of man."

It appears to us that the close of this dire and tragic World War would be the appropriate moment to propagate this idea.

A world-wide holiday would be only a symbol of the unity of mankind, and would leave unsolved many problems as to the couse of war, but symbols or symbolic mass manifestations have their place in the progress of mankind.

[From This Month, Ogdensburg, N. Y., January 1946]

DO WE WANT A NEW CALENDAR?

(By Mark Osborne)

Objections to the present Gregorian calendar are many and world-wide. Days and dates, from year to year, never agree. Weeks stagger crazily in and out of each month. Months are counted on the fingers and knuckles of one's hand, or by reciting a childish rhyme, in order to tell the long from the short. Quarterly periods vary between 90 and 92 days. Half-years are also unequal—from 181 to 184 days. The month of February is ridiculously and disproportionately short. Each successive new year begins on a different day of the week. All holidays change annually with silly irregularity. Nothing ever stays put.

The propcsed World Calendar of 12 familiar months is a worthy successor. It equalizes quarter- and half-years, and makes the calendar perpetual, every year the same.

In government and business there is a definite need for uniformity. Accountants and statisticians who must check comparisons of unequal months, quarters, and fiscal periods have long awaited and wanted a calendar reform. Important dates—for tax payments, inventories, and financial statements—that fall on a Sunday, always present a problem. Pay rolls, budgets, schedules, production—all irregular now because of an antiquated and wasteful calendar—can be stabilized.

[From the Mail Bag, Journal of Calendar Reform, Fourth Quarter, 1946]

The World Calendar impresses me as embodying many desirable features, and as being preferable to any other modification so far proposed. From the standpoint of school schedules, court sessions, meeting dates, etc., the perpetual feature of the World Calendar would of itself make its adoption very worth while, while the equal-quarters feature makes the calendar particularly well adapted to use in comparative statistics. Our present calendar is particularly troublesome and nonuniform in these two respects. (Lyman J. Briggs, formerly Director, National Bureau of Standards, Washington, D. C.)

You are performing an invaluable social service in promoting the World Calendar. Great reforms such as you are advocating come slowly. The World Calendar must be talked about, discussed, publicized, and advocated for a long time before it is accepted. But its world-wide adoption is inevitable if the world moves on toward civilization. Please be assured of my hearty support and appreciation of the effective as well as important work in which you are engaged. (J. P. Warbasse, president emeritus, the Cooperative League of the U. S. A.)

It seems to me the idea has much worth, and personally I am in accord with such a

program. Trivial objections should not operate to prevent adoption of the World Calendar. (R. B. Battey, general freight traffic manager, Chicago, Burlington & Quincy Railroad, Chicago, Ill.)

The writer has been interested in the World Calendar for several years and on two occasions contributed articles about it to Business Digest. (R. J. Bayer, editor, Traffic World, Chicago, Ill.)

This is a subject with which I am reasonably familiar and which I approve. There is every good argument in favor of the adoption of a standard regular calendar. (Ward Melville, president, Melville Shoe Corp., New York City.)

Having read in America Clinica the reference to the World Calendar, I decided to write you asking that you have the kindness to send me two World Calendars, one for myself and the other for my brother, who is studying commerce and is also interested. Since it interested me, I believe it will interest my companions and fellow college students. (Miguel A. Gutierrez C., Guatemala, Guatemala.)

Our life today has become so complex that simplification is urgently called for, and your proposed World Calendar would certainly be a great step in the right direction. (Dr. Albert L. Schreiner, New York City.)

It seems to me, now that the United Nations Organization is assured, that the adoption of the World Calendar only awaits the coming into operation of that Organization. (William E. Moore, Alexandria, Va.)

I have continued my interest in the new calendar ever since I became aware of the marvelous work being done in that direction, because to me it is the only possibility of cementing the diversified and divided factions of the world into an organized, smoothly running peace effort. Indeed, one cannot be a member of any progressive movement without realizing the need for a new simplicity in the system of recording the parts of a year. I shall be anticipating receiving your catalog, which I find so very challenging and inspirational. (Lois Bancroft, Bennington College, Bennington, Vt.)

CASTLE CLINTON NATIONAL MONUMENT, NEW YORK CITY—MOTION TO RECONSIDER WITHDRAWN

Mr. WAGNER. Mr. President, as in legislative session, I ask unanimous consent to be permitted to make a brief statement on a matter which was before the Senate yesterday.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. WAGNER. On yesterday, Mr. President, I entered a motion to reconsider the vote by which House bill 5125, to establish the Castle Clinton National Monument in the city of New York, and for other purposes, was passed.

Castle Clinton was built in 1808 as a fortification at the Battery in New York Harbor. It was later ceded to the city and renamed Castle Garden, when it became a center of public and social life. In the period 1855 to 1890 the structure served as the principal immigration station for the United States, receiving more than two-thirds of the immigrants arriving in that period. More recently the structure housed New York City's Aquarium, until 1941.

From various civic leaders and outstanding citizens of New York City, for all of whom I have the highest regard, I have received conflicting advices concerning the historic value of the proposed monument, its relation to the plans for the Brooklyn-Battery Tunnel passing nearby, and the costs of the project as a whole. I have communicated with the mayor of the city, Hon. William O'Dwyer, to ascertain the official position of the city administration. The mayor has advised me that he concurs in the plan, provided it is understood that a truly national monument is contemplated and that the Federal Government, through the National Park Service, will assume the burden of administration and development.

If approved by the President, the bill gives appropriate assurance on these points. The bill specifically provides that when title to such property is vested in the United States it shall constitute the Castle Clinton National Monument. It further provides that the administration, protection, and development of the Castle Clinton National Monument shall be under the supervision of the Secretary of the Interior, acting through the National Park Service. In any event, the legislation is merely permissive. It simply authorizes the Secretary of the Interior to accept title to the site, in behalf of the United States, from the city of New York.

Under all the circumstances, I ask that the motion to reconsider be withdrawn.

The PRESIDING OFFICER. The motion to reconsider is withdrawn.

ACCEPTANCE OF COMPULSORY JURISDICTION OF INTERNATIONAL COURT OF JUSTICE

The Senate resumed the consideration of the resolution (S. Res. 196) proposing acceptance by the United States Government of compulsory jurisdiction of the International Court of Justice.

Mr. DONNELL. Mr. President, I should like to have the attention of the distinguished Senator from Utah [Mr. THOMAS] for a moment in connection with Senate Resolution 196.

I specifically suggest to the consideration of the Senator two slight amendments on page 2 of the resolution. I move to amend, in line 7, after the word "declaration", by striking out "should" and inserting "shall"; and on the same page, in line 15, after the word "declaration", to strike out "should" and insert "shall."

The reason I offer the amendment is this: The declaration is one which, if the Senate advises and consents, will be deposited by the President of the United States. The proviso that such declaration should not apply to disputes of one kind and another, and should remain in force for a period of 5 years, and so forth, might be interpreted as being merely advisory. The language should be made clearly mandatory, and I hope that the amendment which I offered will be acceptable to the Senator from Utah.

Mr. THOMAS of Utah. Mr. President, I see no objection to changing the language of the resolution so as to read in the way the Senator from Missouri has suggested. But I think this should be said: We are giving advice to the President of the United States. He, of course, can do what he wants to do with that advice. There is no law of which I know, nor any directive of which I know, which can be written in "shall" language instead of "should" language when it applies to the President of the United States, thereby taking away whatever discretion he may have in the matter. I believe that his discretion is inherent in his office. There are many treaties which the President of the United States has submitted to the Senate. The Senate in turn has given its advice and consent to those treaties, but the President never allowed them to be put into force. A treaty becomes a law whenever the President, by the use of his discretion, has acted accordingly. Therefore the resolution is, if I may use a word that perhaps I should not use, a little more polite because, by using the word "should," we do not hint that we are taking away Presidential discretion. I am sure the President of the United States will not be averse to having the language changed so that the word "shall" instead of the word "should" appears in the resolution at the places which the Senator from Missouri has designated. I see no reason for resisting the suggested change, Mr. President, and I shall be glad to accept the amendment of the Senator from Missouri.

Mr. DONNELL. Mr. President, I may say that I had previously spoken to the Senator from Oregon [Mr. MORSE] with respect to this matter, and he likewise indicated his consent to the change being made.

I fully appreciate the fact, as the Senator from Utah has said, that there is no legal obligation upon the President to consummate a treaty after it has once been approved by the Senate. But as I see the situation it is quite different from the question of whether we have the right to consent in a particular form of language. In other words, as I see it, we are both advising and consenting. I think we may limit our consent by providing that certain requirements must be inserted and that we will not give our consent other than under those conditions.

I do not believe the President of the United States has the right to conclude a treaty without the advice and consent of the Senate. While he is not obligated to consummate a treaty after it has once been approved by the Senate, I do believe that the Senate has a right, in giving its consent, to attach mandatory conditions thereto.

I appreciate the consideration of the Senator from Utah in giving his consent to my amendment, which I understand he has done.

Mr. THOMAS of Utah. Yes; I accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Missouri is agreed to.

NOMINATION REPORTED AND CONFIRMED

Mr. MURDOCK. Mr. President, from the Committee on the Judiciary, I ask unanimous consent to report the nomination of Everett M. Grantham, of New Mexico, to be United States attorney for the district of New Mexico, and I ask for the present consideration of the nomination.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Everett M. Grantham, of New

Mexico, to be United States attorney for the State of New Mexico, vice himself.

Mr. WHERRY. Mr. President, reserving the right to object, is the nomination one which has been placed on the calendar?

Mr. MURDOCK. No; it is not on the calendar.

Mr. WHERRY. Is the Senator reporting it for the calendar?

Mr. MURDOCK. I have reported it from the Committee on the Judiciary and I should like to have the Senate consider it at this time.

Mr. WHERRY. Will the Senator explain the nomination?

Mr. MURDOCK. The nomination is of Everett M. Grantham of New Mexico to be United States attorney for the district of New Mexico. Both Senators from New Mexico have approved the nomination. A large majority of the committee is in favor of the nomination.

Mr. CHAVEZ. The nomination represents a reappointment. Mr. Grantham, the young man who has been appointed, was United States attorney for the district of New Mexico and left the service to enter the armed forces. He has since returned and this nomination is a reappointment.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. TUNNELL in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. CONNALLY, from the Committee on Foreign Relations:

William L. Clayton, of Texas, now an Assistant Secretary of State, to be Under Secretary of State for Economic Affairs;

John G. Erhardt, of New York, now a Foreign Service officer of class 1, to be Envoy Extraordinary and Minister Plenipotentiary to Austria; and

The following-named persons to be Foreign Service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service:

Donald P. Downs, of Nevada;

Lawrence J. Legere, Jr., of Massachusetts; and

Daniel W. Montenegro, of New York.

Executive H (79th Cong., 2d sess.) a protocol dated at Rome March 30, 1946, terminating the Rome convention of June 7, 1905, and transferring the functions and assets of the International Institute of Agriculture to the Food and Agriculture Organization of the United Nations.

By Mr. WALSH, from the Committee on Naval Affairs:

Sundry officers for appointment as commissioned warrant officers in the United States Marine Corps.

By Mr. GEORGE, from the Committee on Finance:

Sundry candidates for appointments in the Regular Corps of the United States Public Health Service.

By Mr. MURRAY, from the Committee on Education and Labor:

Keen Johnson, of Kentucky, to be Under Secretary of Labor, United States Department of Labor; and

Ewan Clague, of Pennsylvania, to be Commissioner of Labor Statistics, United States Department of Labor.

By Mr. THOMAS of Utah, from the Committee on Military Affairs:

Maj. Gen. Robert Sprague Beightler, National Guard of the United States, to be brigadier general in the Regular Army of the United States.

CONSIDERATION OF NOMINATIONS

Mr. HILL. Mr. President, I ask unanimous consent that consideration of the pending resolution be temporarily laid aside and that the Senate proceed to the consideration of the nominations on the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

NAVY DEPARTMENT

The legislative clerk read the nomination of Rear Adm. Herbert G. Hopwood, United States Navy, to be Director of Budget and Reports in the Department of the Navy, with the rank of rear admiral, for a term of 3 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Walter A. Buck to be Paymaster General and Chief of the Bureau of Supplies and Accounts in the Department of the Navy, with the rank of rear admiral, for a term of 4 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NATIONAL HOUSING AGENCY—NOMINATION PASSED OVER

The legislative clerk read the nomination of Dillon S. Myer, of Ohio, to be Administrator of the United States Housing Authority in the National Housing Agency.

Mr. HILL. Mr. President, I ask that the nomination go over.

The PRESIDING OFFICER. The nomination will be passed over.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the United States Public Health Service.

Mr. HILL. I ask unanimous consent that the nominations in the Public Health Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Public Health Service are confirmed en bloc.

UNITED STATES COAST GUARD

The legislative clerk proceeded to read sundry nominations in the United States Coast Guard.

Mr. HILL. I ask that the nominations in the United States Coast Guard be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the United States Coast Guard are confirmed en bloc.

THE NAVY

The legislative clerk read the nomination of Jonas H. Ingram to be admiral in the Navy, for temporary service, to rank from November 15, 1944.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. HILL. I ask unanimous consent that the President be notified of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

That concludes the calendar.

ACCEPTANCE OF COMPULSORY JURISDICTION OF INTERNATIONAL COURT OF JUSTICE

The Senate resumed the consideration of the resolution (S. Res. 196) proposing acceptance of compulsory jurisdiction of International Court of Justice by United States Government.

Mr. MORSE. Mr. President, the Senator from California has very kindly said he would yield to me to make a statement on the very important issue raised with reference to Resolution 196, respecting the jurisdiction or lack of jurisdiction of the International Court over domestic issues.

I think the senior Senator from Wisconsin [Mr. LA FOLLETTE] is quite right in pointing out exactly what it is we propose to do under Senate Resolution 196. It should be understood that we propose to give to the World Court jurisdiction to determine whether or not an issue before the Court that has arisen in a dispute between two nations is an issue which involves international law, or whether it involves a domestic question.

Certainly, as the author of the resolution, I want to have it clearly understood that giving the Court jurisdiction to determine whether an issue is an international-law issue is exactly what the resolution proposes to do. I think that is the next step the United States should take in the development of an international order which would include within it a court for the settlement by judicial processes of disputes arising between nations over matters of international law as set forth in the terms of my resolution.

The senior Senator from Wisconsin particularly called attention to article 38 of the Court Statute, as follows:

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply—

a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

b. international custom, as evidence of a general practice accepted as law;

c. the general principles of law recognized by civilized nations;

d. subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

By calling attention to article 38 of the Court Statute I judged that the Senator from Wisconsin [Mr. LA FOLLETTE] meant to point out the broad basis available to the Court in carrying out its functions of applying principles of international law to disputes arising between nations. I am glad he called attention to article 38 because it is a very important article

in giving vitality to the functions of the Court.

However, Mr. President, that section is nothing new. The same provisions existed under the Charter of the old World Court, and the same functions existed under the old World Court. They are simply transposed by the San Francisco Charter to the new World Court as set forth in article 38 of the new Court Charter. It has been under such provisions as are contained in section 38 that we have been able to develop interpretations of existing international law and that the old World Court was able to establish precedents of international law.

So I would stress and underline this premise, that, after all, when we examine the United Nations Charter, already adopted by this Senate, we need to recognize that the World Court is limited in its functioning by existing international law.

Certainly if we are going to have disputes that arise under international law determined by judicial processes, then the power to determine whether or not a dispute involves an international law question or issue ought to be left to the World Court we set up under the Charter. We should be willing to allow that Court like any court to determine if it has jurisdiction over the issues presented to it in a given case.

To me, of course, it seems perfectly obvious that we cannot make very much progress in an attempt to settle disputes arising under international law through the medium of a world court unless we are willing to give to the Court jurisdiction to determine whether or not the issue which has arisen is an issue under international law.

I think the Senator from Vermont made a substantial contribution to the discussion when he called attention to article 94 of the Charter, which reads as follows:

1. Each member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

That is, if we grant obligatory jurisdiction to the World Court as proposed in Resolution 196, we are under a clear moral obligation to comply with the decision of the Court on any jurisdiction issue in any case to which we are a party, subject, however, to our rights under article 94 of the United Nations Charter. However, as the Senator from Vermont pointed out, article 94 gives to the Security Council a final check upon any jurisdiction decision of the World Court. I wish to point out that the Security Council's check upon the Court as provided in article 94 is a very effective protection for this country and all other nations against the fears which are being expressed on the floor of the Senate to the effect that the resolution in its present form might enable the World Court to transgress upon our rights insofar as domestic issues are concerned.

Mr. MILLIKIN. Will the Senator yield?

Mr. MORSE. If the Senator will permit me to finish, I should like to complete my statement in the interest of continuity, then I shall be very happy to have the Senator's question.

I wish to repeat, Mr. President, that it is my belief and understanding and interpretation that article 94 in effect makes the Security Council a check upon the Court itself. I think that is very fortunate. Hence I would point out that article 94 provides a very important protection to us as a member of the United Nations, as well as to the other nations who fall under the jurisdiction of the Court.

One more point on the remarks made by the Senator from Vermont. He pointed out that, after all, in this whole field of international law any attempt to get nations to agree to settle their disputes by judicial processes rather than by resort to force must rest and necessarily so on moral suasion. Let us be frank about it, Mr. President; the enforcing sanction, after all, is the good faith of the nations concerned. We cannot write, through the medium of this resolution, or through the medium of the various sections of the United Nations, or through any other scratches of the pen that the mind of man might fashion, any system which seeks to regulate, by way of peaceful procedures, relations between nations, that will not in the last analysis, be completely dependent upon the good faith of the nations concerned. I think that on this issue as on so many that arise in the field of international relations we have only fear to fear, as the late President Roosevelt was wont to put it. Why should we fear the Court's jurisdiction? I submit that its jurisdiction is clearly limited by the United Nations Charter. There is no realism in the argument that it might attempt to encroach upon our domestic jurisdiction. If that time ever comes, and I have no fear that it ever will come because there is no reality in the suggestion, but I say, if it should happen, then article 94 would protect us. Further all other nations would be bound to join us in objecting to such an act by the Court because on that issue their interest would be as great as ours. We recognized in the debates on the San Francisco Charter that moral suasion is the ultimate sanction of this new world order and of all its machinery. That, in one way or another, was said over and over again during those debates. It was stressed and I stress it again that the ultimate sanction determining whether or not the nations of the world are going to develop a system of permanent peace, and free future generations from the curse of war, is going to be dependent upon the good faith of all the nations which participate in whatever machinery or organization we set up.

So the plea I have been making throughout the course of the discussion over the World Court, and one which I am sure my colleagues will be bored to hear me repeat again and again, is the plea that we must take advantage of every opportunity to strengthen good faith relationships between nations. I think the resolution we are offering here goes a long way down the road toward the development of amicable relations between and among nations. It helps demonstrate to the world that we really believe in international justice through law.

Now, if I may trespass just a minute or two more, I wish to close my remarks tonight, in view of the fact that the Senator from Texas has offered an amendment to the resolution, by commenting upon the amendment offered by the Senator from Texas. Although I am presently opposed to the amendment I am satisfied that if the amendment should be adopted, still great progress would have been made by the United States in accepting the resolution with the amendment in it. I say that because I think it is perfectly clear that, even with the amendment in the Resolution 196, we have at least obligated ourselves to the compulsory jurisdiction of the Court over all issues clearly within the realm of a dispute involving international law.

However, I hope the amendment will not be adopted because I do not think it is necessary in order to protect our interests and I think there may be a possibility of it being a source of some confusion and misunderstanding.

Some weeks ago when I was thinking about this problem I was inclined to accept such an amendment. I reasoned that if such an amendment were adopted, as far as this Nation is concerned it would not have any effect on the practical relationships between the United States and other nations. I felt that way because I think it is perfectly clear that we as a nation are not going to hide behind any alibi or any excuse for not accepting the jurisdiction of the World Court in a dispute arising between us and another nation, when the issue is one that involves questions of international law.

Obviously we would lose our world standing at once if we welshed on our agreement to be bound by the World Court's jurisdiction over international law issues under the pretense that in a given case domestic issues were involved, when in fact international law issues were involved. In other words, I think it is clear that should we insist upon the type of condition as set forth in the amendment proposed by the Senator from Texas we would still be bound to accept the compulsory jurisdiction of the World Court under my resolution in every case that involved an issue of international law.

In the words of the resolution itself, we would be bound to accept the jurisdiction of the International Court of Justice "in all legal disputes hereafter arising concerning"—

(a) the interpretation of a treaty;

(b) any question of international law;

(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation.

Provided, That such declaration shall not apply to—

(a) disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

(b) disputes with regard to matters which are essentially within the domestic jurisdiction of the United States; or

(c) disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States specially agrees to jurisdiction.

As a practical matter, it is simply beyond the realm of imagination that the United States, once it accepted the compulsory jurisdiction of the World Court, would refuse to submit an international law dispute to the World Court for a decision, on the pretense that it involved a domestic issue rather than an international law issue. However I fear that the amendment may at least cause some nations to form the false opinion that we are not ready at this time to go all the way in supporting the World Court. I think we ought to go all the way. I think we ought to be willing to say here and now, "We are willing to let a court of international justice determine the question of jurisdiction in a given dispute," because there are plenty of safeguards within the Charter of the United Nations, including the Charter of the Court that protect our rights insofar as jurisdiction over domestic issues is concerned.

Mr. President, I should like to make these additional observations as to why I at least at the present time am inclined to oppose the adoption of the amendment proposed by the Senator from Texas. It would—we cannot get away from it, for that is its purpose—it would reserve to us in the first instance to pass judgment on the question of the Court's jurisdiction in a given dispute. It would do that also for other nations, because, do not forget Mr. President, that if we put such a provision as proposed by the amendment by way of a condition, it follows that whether or not any other nation insists on the same condition in its declaration, our condition would be available to any other nation with whom we might have a dispute. In other words, if we were in a dispute with nation X and it had not filed a declaration containing a condition similar to that proposed by the Senator from Texas, it nevertheless could say, "We, however, raise a question as to whether this particular dispute involves a domestic issue because the declaration of the United States filed with the United Nations reserves such a right."

It is interesting to note, Mr. President, that if we do make that a condition of our acceptance of the obligatory jurisdiction of the World Court, we will be the first nation to impose such a condition. I repeat that, Mr. President, because here again I think we need to recognize the effect upon public opinion in other nations if we make such a reservation. I think it is very interesting to note that of all the declarations that have been filed over the years, not a single nation has seen fit to include within its declaration such a condition as the Senator from Texas proposes in his amendment. I think it not only is unnecessary but I think it will be subject to misunderstanding and will subject us to the criticism that we are not cooperating wholeheartedly in effectuating and implementing the San Francisco Charter. I do not think the amendment can be reconsidered with the fine spirit and intent of the resolution passed at the last plenary session of the San Francisco Conference which read as follows:

That as soon as possible they make declarations recognizing the obligatory jurisdiction of the International Court of Justice according to the provisions of article 36 of the statute.

So, Mr. President, I think we would be establishing an unfortunate precedent if we adopted the amendment. I say that because while the declarations for the number of states under the corresponding article of the old statute contained reservations of the character contained in the present resolution as I have submitted it, none of them contained reservations or conditions such as proposed by the Senator from Texas. And may I say I am using the word "reservations" in a very qualified sense, keeping in mind the comment made earlier this afternoon by the Senator from Utah [Mr. THOMAS] in regard to the implications inherent and pregnant in the word "reservations."

Further I would emphasize again, Mr. President, that by means of such a limitation, the United States would also be barring itself from proceeding against other states in cases which they deemed within their domestic jurisdiction. This is because of the reciprocal nature of the jurisdiction granted under this resolution, to which I have already alluded.

Mr. President, I want to close my comments by citing the views on this issue of a couple of outstanding authorities in the field of international law. I quote first from Professor Hudson, who in his book "The Permanent Court of International Justice," at page 471, has this to say about the suggestion that a reservation on domestic issues be made a condition to accepting obligatory jurisdiction of the court:

It is difficult to see what is accomplished by this exclusion; if a dispute relates to questions which fall within exclusively national jurisdiction, it does not fall within one of the classes enumerated in paragraph 2 of Article 36.

This same view was pointed out in the report of the committee, and it was clearly pointed out by the senior Senator from Utah this afternoon in answering questions which were put to him on the matter.

Professor Hudson goes on to say—and do not forget that Professor Hudson is not only a distinguished professor of Harvard University and a member of the old World Court for a great many years, but also is one of the best recognized authorities in the field of international law.

No State can set itself up as the final judge of what international law leaves to its own jurisdiction.

I think that is the vital point. I think it will be a mistake for us to do that, even though in practice we would accept the compulsory jurisdiction of the World Court in any dispute which we recognize involved a point of international law. I admit that if we agreed to go that far we would be making a substantial step forward, but we would fall far short of what the other nations which have accepted the obligatory jurisdiction of the World Court have done by way of strengthening the court as an instrument for advancing international justice through law. But why not go all the way? Why not recognize what Professor Hudson points out here, that after all we cannot very well set ourselves up as the final judge of the jurisdiction of the Court to which we submit or agree to submit disputes for final determination and still be said to favor the settlement of international disputes by judicial processes.

Professor Lauterpacht says in his book, The Function of Law in the International Community:

In addition to these respective clauses there are reservations concerning matters of domestic jurisdiction * * * which, while of a specific character are so elastic and comprehensive as to reduce considerably the scope of the obligation of judicial settlement.

I might expand the thought of Professor Hudson, Mr. President, by pointing out that under article 36, paragraph 6 of the statute, the court is given power to determine disputes as to its jurisdiction. The whole concept of compulsory jurisdiction is that the court is an organ of the United Nations, capable of assuming these responsibilities. We would be demonstrating, in my judgment, a lack of faith in the court if we withheld the right to make this decision in one of the most important categories of jurisdictional problems.

I feel, for these reasons, that the suggested alteration proposed by the Senator from Texas would be a very serious limitation of the jurisdiction intended to be conferred by this resolution, and contemplated in article 36, paragraph 2 of the statute. I consider that it would be a bad precedent, since this country would be accepting the jurisdiction of the Court to a lesser degree than other states have generally been willing to accept in the past, and than states are expected to accept in the future. As is known, the President and the Secretary of State are both in favor of principles of the resolution as it appears before the Senate at the present time, and I cannot help feeling that the proposed change would cause this contemplated action to fall short of the results which we hope to achieve. Mr. President, I want to say now as I said at the beginning, that I am going to keep my mind open however on the subject. I shall listen with great attention to the case which the Senator from Texas makes for his amendment tomorrow. If I can be assured that at least the major objective that we are trying to accomplish by this resolution will be attained, I will at least give careful consideration to his amendment. But as of the present moment, for the reasons that I have attempted to set forth in the past few minutes, I find myself not in favor of the amendment and hence I hope it will be defeated.

Again I wish to thank the Senator from California.

Mr. DONNELL. Mr. President, will the Senator from California yield for a brief statement?

Mr. KNOWLAND. If it does not entail debate, yes.

Mr. DONNELL. I have been under the impression that the two amendments suggested by myself, namely, to strike out on page 2, at line 7, the word "should" and substitute the word "shall," and to strike out in line 15 the word "should" and substitute the word "shall" had been formally accepted. I understand that those amendments have not been acted upon. Now, in order that we may have official action upon them, I ask of the distinguished Senator from Oregon [Mr. MORSE], the author of the resolution, and the distinguished Senator from Utah [Mr. THOMAS], who reported the resolution with an amendment, if each of them does hereby accept and, perfect, I should say, the resolution by the changes which I mentioned in said lines 7 and 15?

Mr. MORSE. I am very happy to accept the amendments.

Mr. THOMAS of Utah. I accept them. I suggest that we may take action on them immediately.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Missouri to the resolution.

The amendments were agreed to.

ITALY'S ASPIRATIONS AND NEEDS—STATEMENT BY ANTHONY M. TAPOGNA

Mr. McMAHON. Mr. President, will the Senator from California yield to me?

Mr. KNOWLAND. I shall be glad to yield to the Senator from Connecticut, I wish to cooperate with the Members of the Senate, but I must decline to yield further.

Mr. McMAHON. I thank the Senator.

Mr. President, as in legislative session, I am offering for printing in the body of the RECORD immediately following my remarks, a statement by Anthony M. Tapogna, president of the Grand Lodge of Connecticut, Order of Sons of Italy in America, on his conception of Italy's aspirations and needs.

I have carefully read Mr. Tapogna's statement, and I am of the opinion that he speaks clearly, concisely, and moderately of the aims of all of those who wish to see fairness and equity done to the people of Italy. We must not forget, Mr. President, that Italy fought with us for over 2 years, and she sacrificed over 250,000 lives and untold millions of her treasure in that fight.

To treat her as a conquered nation, to strip her and punish her is to overlook the fact that the people of Italy threw off the shackles of Benito Mussolini and joined with us in a fight against the enemy. I hope and trust that our Secretary of State will do everything within his power to see to it that Italy is treated fairly and justly at the peace table.

I also wish to have printed in the body of the RECORD, following Mr. Tapogna's statement, a resolution sent to me by the State Department of Connecticut, Italian-American World War Veterans of the United States, Inc.

There being no objection, Mr. Tapogna's statement and the resolution referred to, were ordered to be printed in the RECORD, as follows:

As head of the order Sons of Italy in America in the State of Connecticut, I voice the hopes and prayers of thousands of members of the order as well as those of many more thousands who are not affiliated with our organization, that out of the profound, complex deliberations of the Paris conference now in session may emerge a peace settlement with Italy that will reflect and exemplify justice, gratitude for her contribution to the Allied cause, and a deep-seated desire that her boundaries shall not be wantonly and rapaciously violated to the end that, with proper spiritual and economic assistance, she will some day resume her station in the great commonwealth of nations.

The great assistance, both financially and in manpower, that Italy contributed to the Allied cause cannot be lightly ignored. Recalling the fact that the people of Italy have contributed a billion dollars in goods and services and 250,000 lives over a period of two war years in the common fight against fascism, Congressman JERRY VOORHIS, of California, introduced this resolution in the House of Representatives: "*Resolved*, That the Republic of the United States of America which helped Italians to drive out tyranny and freely choose their own form of government use a suitable means to make known to the Italian people that the Republic of the United States of America rejoices in the birth of the Republic of Italy and welcomes it into the democratic community of nations." This is a fine and sincere gesture on the part of a great republic toward a struggling new republic—spiritual food it needs as badly as its people need bread.

However, the Italian people are in great need of material aid. A Washington expert on Italian affairs recently stated, "If UNRRA is to have more usefulness than to keep Italians barely alive until its funds run out, the UNRRA relief program must be geared to a realistic recovery program immediately. To start her industries again, Italy needs a large number of things, ranging from tools and lumber to fish hooks and fertilizer. Other things which UNRRA does not supply Italy but which Italy needs in order to cultivate their land and start their industries again include railroad equipment, machine parts, cellulose, nickel, copper, lead, iron plating, and so forth. These are the necessities for an Italian loan which are similar to the need in other countries that have applied for and are receiving loans from the Export-Import Bank. Thanks to her partisans who saved Italian industrial plants from German sabotage during the war, there is little need for industrial reconstruction in Italy. The great need is for reactivation, now. Italy's large industrial plant will rapidly deteriorate if left in its present state of enforced idleness. Italians will have to work out their own economic and social rehabilitation, but Italy must have our help in order to continue along the long road back to the democratic community of nations. It is necessary, therefore, that a loan in the sum of $5,000,000 be made available to Italy now—the minimum amount which can accomplish something on a reactivation and recovery level. If we are to avert conditions leading to dictatorship in Italy again, it is imperative that economic assistance be given her at the earliest possible moment."

Dr. Lauchlin Currie, president of the Council for American-Italian Affairs declared, "I am only stating a sober fact when I say that the general economic conditions that originally gave rise to dictatorship exist in Italy today." Pointing out that rapid economic progress must be made if the new ideas and institutions, "our ideas and institutions," are not to be discredited in the eyes of the Italian people, he further stated: "Italy is not asking for charity, but for a chance. The factories and the farms are there, and the people are as skilled and industrious as ever. Like England, Italy must export to live; to export she must first import raw materials and fuel. Italy requested a loan from us in February of $940,000,000. In homely terms, and in the finest of American traditions, we should not hesitate to grub stake a good prospect."

America cannot be indifferent to her responsibility of exercising international leadership in the rebuilding of a war-stricken world.

More than 6,000,000 Americans of Italian origin, whose contributions to the war effort bespeak their deep and abiding loyalty to America, are united with all other Americans in the conviction that the first concern of humanity today is a just and lasting peace.

It must be recognized that Italy has, for nearly 2 years, fought on the side of the allies with its entire fleet and with its land and air forces. The spirit of resistance and sacrifice was exemplified by the Italian partisan who, in the words of Marshal Alexander and General Clark, constituted the most effective resistance movement in Europe.

It must be recognized also that a free democratic Italy in the heart of Europe is essential to the maintenance of the very peace of Europe.

It is in this spirit that we urge our Government to insist with all its authority and prestige that Italy be given a peace in accordance with the Potsdam Declaration and the pledges made by President Roosevelt and President Truman.

For the good name and faith of America, and in the interests of a lasting world peace, the Government of the United States should insist:

1. That the boundary between Italy and Yugoslavia be based on the Wilson line as modified by the State Department in September 1945; that Trieste remain, as it is in fact, an Italian city; and that if the port of Trieste is internationalized, it then be put under Italian administration.

2. That France and Italy find an amicable solution to their frontier problems; that because of their importance to the economic life of Italy, Tenda and Briga remain Italian.

3. That the present Austrian-Italian frontier be maintained in view of the paramount economic importance of that region to Italian national life.

4. That all colonies acquired by Italy before the Fascist assumption of power remain Italian. The proposal to transfer such colonies to the United Nations organization does not meet with our approval unless this principle is given universal application and is not used as a pretext to give these Italian colonies to other nations.

5. That war reparations or indemnities be not exacted of Italy—this, in accordance with the declared policy of our Government.

6. That restrictions presently imposed on Italian sovereignty by the terms of the Armistice be abolished forthwith and in advance of the final peace treaty which may yet require several months before it is concluded. This would recognize Italy's rights as a cobelligerent nation.

7. That all restrictions to Italy's resumption of normal commercial and financial relations with other nations be removed forthwith to enable her to acquire basic commodities such as foodstuffs and raw materials which are indispensable to her national recovery.

8. That the remaining units of Italy's Merchant Marine, without which she cannot survive, be restored to her.

9. That in accordance with the Potsdam Declaration, Italy be actually granted the rights of a friendly, peace-loving nation. Italy has clearly earned this distinction through her enormous sacrifices and her gallant contributions to the Allied cause.

10. That Italy be accorded membership in the United Nations organization.

Whereas this organization consists of Americans of Italian extraction who have served in the armed forces of the United States of America in both of the recent World Wars; and

Whereas more than 600,000 such Americans of Italian birth or extraction have served in the armed forces of the United States of America during the first World War and more than 1,600,000 have served in said armed forces during the second World War; and

Whereas more than 10,000,000 Americans of Italian extraction are an integral part of the United States of America, having contributed in its historic birth and development; and

Whereas it is our concern that peace, good will, and justice be promoted among nations, based upon the ideals of America's conception of the "four freedoms" and the Atlantic Charter, and not on power politics, for which we have sacrificed at great cost of life and deprivations: Now, therefore, we the delegates of the various posts of the Department of Connecticut, of the Italian-American World War Veterans of the United States, Inc., in convention assembled on this 28th day of July A. D. 1946, at the Hotel Garde, in New Haven, Conn., hereby solemnly

Resolved, That the Honorable President of the United States of America and the honorable Senators and Congressmen from the State of Connecticut be and are hereby requested to lend their utmost support to adhere to the desire of Americans of Italian descent, and to grant Italy a peace which will insure her a position of honor among nations, in accordance with the promises made her, commensurate with the sacrifices of Americans of Italian descent and in accordance with the promises made to us.

Attest:

ANTHONY IANNOTTI,
State Commander, Department of Connecticut, Italian - American World War Veterans of the United States, Inc.

NEW HAVEN, CONN., *July 28, 1946.*

NEW HORIZONS FOR FREE ENTERPRISE

As in legislative session,

Mr. KNOWLAND. Mr. President, I wish to discuss an issue which I believe may prove the decisive factor in opening up new horizons for free enterprise.

The time has come, I believe, when labor and management, with the help of government, must get down to the nugget of what is really needed in America. The sustained stability and progress of our American system of capitalistic free enterprise requires high, real wages, heavy buying power for abundant markets, and maximum production at low-unit costs. These will give us the great increase in the Nation's real wealth which must be the basis of truly higher living standards.

Both of these conditions—high wages and maximum production—must be achieved. Neither, without the other, will be sufficient for a sustained prosperous America under present-day world conditions. The way to get them both, stated simply, is to link them together at the source. This can be done by broad adoption of a system of paying fair, guaranteed wages for average production, and extra-high wages for extra-high production.

The period through which we now pass furnishes problems of no less importance to the future of our Nation than did the active phase of the war which came to an end on VJ-day.

High productivity and widespread distribution of that which our Nation can produce is more sound than the doctrine of scarcity brought about by stoppages of production or by governmental action.

A free economy can better bring about a higher standard of living for our people than any permanent regimented economy of domestic origin or foreign import.

Wartime controls were necessary at a time when we were engaged in a life-and-death struggle with the Axis Powers. Our people understood this and cooperated fully. Controls could not be abolished overnight with the arrival of VJ-day without causing great dislocations to our economy. It is not wise for a man to leave a hospital and immediately go back onto the football field. There needs to be a transition period. In the past year we have been going through such a period.

During the past 30 days the Nation and the Congress have been divided relative to OPA legislation. There has been general agreement that when supply approximates demand controls should be eliminated. Production is the key to this objective.

However, either with or without OPA, price increases were and are inevitable. Without increased production it is squirrel-cage economics to maintain that wages and the cost of raw materials can increase while a simultaneous policy of holding the line on prices is being advocated.

This is what the New York Times had to say on Thursday, June 27. The editorial is brief, and it is quite apropos that I should quote it at this time:

The myth that large wage increases could be granted without the need for price increases has been completely exploded by the events in the first half of 1946. The most recent evidence of the inadequacy of this theory is found in the 91-cents-a-ton increase in the ceiling price of anthracite coal, authorized to compensate producers for the wage increases recently granted. The record is replete with similar experiences in other industries.

Steel: A wage increase of 18½ cents an hour was accompanied by a price rise of $5 per ton, an amount equivalent to the entire wage increase.

Bituminous coal: An increase of 18½ cents an hour plus extras made necessary a rise of 40½ cents a ton in the price.

Meat: An increase of 16 cents an hour was accompanied by price increases equivalent to more than two-thirds of that amount.

Railroads: An increase of 16 cents an hour, later made 18½ cents an hour, led to the recently approved 3- to 6-percent rise in freight rates.

Automobiles: An 18½-cents-an-hour increase made necessary an increase of $16 to $60 a car for General Motors.

In addition, a further rise of 5 percent has been permitted in order to compensate for the higher costs of steel and other parts which in turn had been caused by higher wages.

These instances are typical. Building materials, work clothing, textiles, and many other products could be added to the list. The full impact of these wage increases has not yet been felt. This is particularly true concerning the price increases permitted for coal, steel, and freight rates. Clearly, workers cannot benefit from wage increases which necessitate price increases and hence limit the rise in real earnings. The only fundamental basis for an expansion in real income is found in increased productivity. When wage increases are sharply in excess of those that can be paid out of production the inevitable result will be higher prices.

On November 13, 1945, I wrote a letter to Secretary of Labor Lewis B. Schwellenbach, in an effort to offer a constructive formula for heading off a series of paralyzing work stoppages. These seemed to me to be in prospect then and later those strikes turned out to have a retarding effect upon reconversion. In that letter I stated:

Both as a citizen of the United States and as a Member of the Senate, I have been greatly concerned over the possibility of this Nation going into either a spiral of inflation or descendng into the depths of depression. The very foundations of the Republic would be endangered if either of these two alternatives should take place. The great need at the moment is to increase productivity so that higher wages can be paid to maintain purchasing power and so that a sufficient volume of goods will be put on the market to prevent inflation. In so doing, we will be able to supply the needs not only of our own people but also to discharge the obligations we have elsewhere in the world.

If this Nation is tied up for an extended period of time with work stoppages, it will not only endanger our domestic economic future, but will weaken us in the field of foreign affairs. Every American has a vital stake in finding a formula by which, through conference table methods, employers and employees can get together and break the deadlock faced by some of our great industries.

In order to avert the deadlock between labor and management which appears to be in the making in important industries, Mr. Blair Moody, Washington correspondent of the Detroit News, and the undersigned, have for some time been working on a formula which we believe would offer a constructive solution for settling wage differences in industrial plants, and establishing a continuing and constructive relationship between labor and management in individual companies which may adopt it. This formula it is our desire to pass on to you in the hope that you and your conciliation service might find it helpful in preventing a fatal delay in the rapid reconversion which is so vital if our American standards are to be maintained.

* * * * *

It is our firm belief that productivity and widespread distribution of that which our Nation can produce is more sound than the doctrine of scarcity brought on by either stoppages of production or governmental action. A necessary factor in the success of collective bargaining, of course, is the obligation of both parties to live up to the terms of their contract.

We believe that this "pay-as-you-earn" plan will, if widely applied, increase the production of wealth in the United States and can increase both employees' earnings and employers' profits.

We believe that it can become a major contributing favor in generating in our economic machine the momentum needed to sustain employment and higher standards for millions of American families.

We believe this "pay-as-you-earn" formula can fill a great gap in our collective bargaining system by making it clearly in the interest of labor and management to stop pulling apart and start pulling together. We believe

that it is important for responsible Government officials, labor and management, to keep in mind that the public interest is paramount. A break-down in reconversion at this time will not only be detrimental to the parties to the dispute directly involved, but will be most detrimental to the interests of millions of returning servicemen seeking employment, as well as the great body of the public servants who will suffer most through a runaway inflation or a major depression.

The formula which was suggested last November was not meant to be a panacea for all our economic ills or the only possible solution. It was offered, rather, as a starting point for study and discussion, in the hope that out of it would come a constructive alternative to costly industrial warfare.

In this atomic age in which we live, we have at one and the same time a force that can destroy modern civilization or can open up for humanity a golden age wherein atomic power will be the servant, not the master, of the people.

Old World dictatorships still strive to gain for their people a fraction of what our people have long since had. We have provided the highest standard of living ever enjoyed by any people at any time in the history of the world. We have done this despite the fact that we are not the most populous, the oldest in experience, or the richest in natural resources.

It has been brought about because we have been freemen with the protection of a Constitution that guarantees to the individual citizen certain rights that not even the Federal Government itself can take away.

Those of us who firmly believe in representative constitutional government have an obligation to see to it that our American system does not break down. It is in no narrow partisan sense that I speak. Both Republicans and Democrats can join on common ground to oppose those who believe in statism, with its superplanners determining the activities of a regimented populace.

But those of us who believe in the American system must not develop a Maginot line psychology. We cannot maintain our place of leadership in a world which has already largely abandoned the system of free enterprise for socialism, fascism, or communism, unless we keep American free enterprise as a dynamic force. Vast areas of the world have abandoned even a pretense of freedom as we know it.

True, we still retain our lead; but let us not become wedded to the status quo or obstructed by the dead hand of the past. The fable of the tortoise and the hare should not be overlooked.

The constant improvement of the mechanics of government should have our unqualified support. For when we bog down because of archaic rules or customs that stifle the legislative process, we but furnish ammunition for those who do not believe that representative government can meet the problems of our generation.

When men in any governmental capacity lose sight of the fact that a public office is eternally a public trust, there is likewise furnished material for those whose basic ideology is in sharp contrast with ours. Hence, there is the constant necessity for vigorous action to cure the obvious shortcomings, wherever we may find them. Likewise, we must constantly be on the alert to improve our economic system of free enterprise, of which the right of ownership of private property and the incentives furnished by profits from enterprise and wages supporting a decent American standard of living are integral parts.

As a citizen, a soldier, and a Senator, I have had the opportunity of seeing something of conditions in Europe, Asia, and Africa. Few will disagree that, even with the imperfections we freely acknowledge, our people have on the whole by far the highest standard of living. But on this we must not rest. The purpose of the resolution I shall offer is to make sure we do not let it rest; for if we do, there is danger of industrial conflict which could not only cripple production but, if carried far enough, could place in jeopardy our economic and political system.

One out of five families in the United States is getting along on less than $1,000 of annual income. About one out of every two families is having to live on less than $2,000 per year, and more than two out of every three American families have incomes of less than $3,000 a year.

Of the group in the less-than-$1,000-per-annum bracket, their liquid assets, on an average, were $20 per family; 9,300,000 families are in this classification.

Twelve million four hundred thousand families received between $1,000 and $1,999 per annum, and on the average their liquid assets amounted to only $230.

Between $2,000 and $2,999 of income was received by 10,300,000 families, holding liquid assets, on the average, of $470.

In meeting the growing challenge of socialism or communism, the dynamic American system must continue to demonstrate that the bulk of our population has a substantial stake in the maintenance of that system.

Certainly the average American is interested in building for the future, and desires to give to his family a decent American standard of living, insofar as food, housing, and education is concerned. He should be able to do this, and have time for rest and recreation.

He should have the opportunity to earn these things by his own work and initiative, and not be dependent upon a super government, furnishing security from the cradle to the grave, wherein he becomes little more than a statistic in a regimented economy.

Wherein, then, shall we find the catalytic agent that will assure our maintenance of American constitutional government, individual freedom, and our economic system based on private property.

In my opinion, it is to be found in the field of intelligent profit sharing. It should not come as the dictate of Government, but rather, by the voluntary action of enlightened industry. No one plan will suit all business. Whatever the precise plan may do, it should have as its objective the increasing of productivity, to the end that the worker will benefit by increased earnings, the business by greater profits, and the consumer by lower costs.

Profit sharing has a long background of both success and failure. But failures on the long road to freedom did not cause our forebears to abandon the struggle. They learned from the mistakes. Profit sharing has a recorded history going back to 1820. Since that time, American, British, and French firms have made use of some adaptation of the principle.

Among the better known profit-sharing or incentive-wage plans in the United States are those of Sears, Roebuck & Co., the Eastman Kodak Co., the Gannett Newspapers, Bethlehem Steel Corp., Lincoln Electric Co., Procter & Gamble Co., and the Comer Textile Mills.

One of the most successful has been the incentive-wage plan of the Lincoln Electric Co., of Cleveland. This company has achieved world fame as a high-wage payer and low-cost producer of welding equipment. The company's dollar production per worker has increased 500 percent, worker's income has increased 300 percent, and production cost has decreased 67 percent. Selling prices of Lincoln products have been reduced, over a period of 20 years, to about one-fifth of what they used to be. Sales have gone up from less than $1,000,000 a year to $30,000,000. The plant has had no labor conflict, and has had little labor turnover or intentional absenteeism. Stockholders have never missed a dividend since the first one in 1918, and dividends have increased.

Eric A. Johnston, former president of the United States Chamber of Commerce, an outstanding young businessman, has recently established a profit-sharing system in his companies.

In the August 1946 issue of Reader's Digest, he states:

> We say we really want to see more diffusion of the good things of the world. Then what's wrong with profit sharing? What's wrong with giving our workers a real incentive to produce more for their own profit—and ours?
>
> * * * * *
>
> The new and progressive view holds that capitalism is a human institution, vibrant and evolutionary, capable constantly of adjusting itself to new conditions, a tool in the hands of the people to be used for the good of all.
>
> * * * * *
>
> We ought to be proud of the capitalistic system. Competitive capitalism has just won the greatest war in all history. Let's not be modest about it. Neither Britain nor Russia could have survived without the endless flow of goods from this capitalistic country.

The United States is a Nation of great natural resources. Other nations also possess natural resources as great, if not more extensive, than ours. But America's greatest resource is the intelligence, initiative, and ambition latent in almost every individual. Neither the Government, industry, nor labor have developed this vast resource to the fullest extent possible.

In submitting to the Senate on June 19, 1939, the report on the Survey of Ex-

periences in Profit Sharing and Possibilities of Incentive Taxation, the Senator from Michigan [Mr. VANDENBERG] said:

The committee finds that profit sharing, in one form or another, has been and can be eminently successful, when properly established, in creating employer-employee relations that make for peace, equity, efficiency, and contentment. We believe it to be essential to the ultimate maintenance of the capitalistic system. We have found veritable islands of "peace, equity, efficiency, and contentment," and likewise prosperity, dotting an otherwise and relatively turbulent industrial map, all the way across the continent.

This fact is too significant of profit sharing's possibilities to be ignored or deprecated in our national quest for greater stability and greater democracy in industry. The profit-sharing ideal, as an ideal, is invincible.

That ends the quotation from the report of the subcommittee of the Finance Committee.

This report and the hearings before the subcommittee of the Senate's Finance Committee are unavailable for general distribution to those interested. Because of the constructive job done by that committee and to avoid later unnecessary duplication, I am going to request that these documents be republished for the use of the Members of Congress and others who may be interested.

When Congress reconvenes I shall urge the adoption of a resolution providing for a senatorial committee to investigate and report the best means by which the Congress, through use of its taxing and other powers, may provide the strongest possible incentives and the most favorable legislative background for a sustained free economy of maximum production, high wages, fair profits, and stable competitive prices.

This resolution will be directed to the domestic side of our postwar problem. Within the grasp of the American people is the greatest period of prosperity in the history of this or any other nation—a period which under wise policies of management, labor, and government can be prolonged. In wartime, under the driving force of national necessity, we learned for the first time the vast production of which the Nation is capable. That great and proved capacity offers the promise—the sure promise if we now make the most of our potentiality—of an outpouring of peacetime goods which will lift the standard of living for all the American people far above anything that even this Nation has been able to achieve in the past.

But, Mr. President, the very momentum and growth of our economic greatness carry also the germs of a situation which can destroy us from within, if we do not act affirmatively and boldly to meet it—and in time.

No one group or faction in our country can carry us alone to the new and sustained high levels of production and prosperity of which we are capable. It must be a team job. In the industrial field, the field of wages and production, management cannot do the job alone and labor cannot do it alone. Some differences are, of course, inevitable. But neither can live without the other, and neither can achieve, for itself, the maximum which it is possible to achieve, unless it sees the whole picture, recognizes its responsibilities to the public and makes its full partnership contribution to the other, and to the country.

High buying power in the average worker's family is as imperative to the industrialist and the farmer as to labor, for without it the Nation's markets will not be adequate to absorb maximum production.

Maximum production and low unit costs are as important to the worker as to the industrialist, because without them he will have more dollars but a lower actual standard of living—less goods to consume.

Yet today, at the moment we are on the threshold of our great opportunity, we hear the rumbling of a new wage war between labor and management. Great unions are hammering at the idea that buying power must be raised to protect themselves and the Nation against the real danger of a deflation and depression, once the danger of inflation is past. Managements have been demanding more work for the more pay as the only way to keep production up, and warning that merely hiking dollar wages every time a wage contract expires, without corresponding increase in output, would in the long run depreciate the wage dollar and ruin America.

Both are right as far as they go.

But what is needed is for both labor and management to give, as a few in both groups have, equal consideration to both ends of the problem, to set up together a system of wage payments which will make maximum production and the highest possible wage payments, in line with good pricing policies, clearly in the interest of both.

Mr. President, I believe that the broad outline of such a wage system, the principle of it, which, of course, could be varied in application to meet special conditions in individual plants or industries, is at hand. Such a system should have four objectives:

First. To make it clearly profitable for labor as well as management to achieve maximum production and lowest possible unit costs.

Second. To make it clearly profitable for management as well as labor to pay maximum wages.

Third. To make it clearly and unmistakably in the interest of both to keep production moving during periods of contract negotiation, making strikes so unprofitable that they will rarely occur and be unnecessary because all concerned will feel that they are getting their share of the fruits of production.

Fourth. To give the consumer a break through production of more and better goods at lower unit cost. To merely "divide the melon" between industry and labor is not equitable and in the long run would work to the disadvantage of both.

This can be done, Mr. President, by paying fair, guaranteed wages for average production, with an agreement for extra high wage payments for extra high production—by linking together high production and high wages.

Mr. President, it would be, of course, out of keeping with our free system to attempt to impose this or any other wage plan on industry. However, in my judgment, the Congress has two responsibilities in this situation. The first is to get the facts and make them available to anyone interested in the voluntary establishment of such plans.

The second is to study the feasibility of enacting an intelligently discriminating system of incentive corporate taxation which would make it worth while in dollars and cents for management to consider the advisability of instituting profit-sharing systems, or wage systems which provide for a basic standard wage plus an extra payment for extra production.

Such a plan if broadly applied by management and labor working together, might prove the decisive factor in opening up new horizons for our American system of free enterprise.

Mr. President, I ask unanimous consent to submit the resolution.

There being no objection, the resolution (S. Res. 319) was received and referred to the Committee on Finance, as follows:

Whereas the maintenance of the profit system is essential to the preservation of the American competitive capitalistic system under which the United States has attained the largest measure of general economic welfare enjoyed by any people in the world; and

Whereas the exploration of all available means for extending the direct benefits of the profit system to the largest possible number of citizens is highly desirable and important; and

Whereas in 1938 a subcommittee of the Senate Finance Committee held extensive hearings and made a report to this body relative to profit-sharing plans then in operation or had been in operation up to that time which information was of great value: Therefore be it

Resolved, That the Senate Finance Committee, or any subcommittee thereof, is authorized and directed to make a complete study, covering the period from 1938 to date of hearings, of all existing profit-sharing systems, between employers and employees, now operative in the United States and to report to the Senate with a special view (a) to the preparation of an authentic record of experience which may be consulted by employers who are interested in voluntarily establishing profit-sharing plans; (b) to the consideration of what advisable contribution, if any, may be made to the encouragement of profit sharing by the Federal Government, including the grant of compensatory tax exemptions and tax rewards when profit sharing is voluntarily established; (c) to the consideration of any other recommendations which may prove desirable in pursuit of these objectives; and be it further

Resolved, That for the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings; to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate during the Seventy-ninth and succeeding Congresses; to employ such experts and clerical, stenographic, and other assistants; to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths; and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per 100 words. The expense of the committee, or any duly authorized subcommittee, which shall not exceed $25,000 shall

be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, or any duly authorized subcommittee thereof.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed a bill (H. R. 6112) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Petrol Corporation, in which it requested the concurrence of the Senate.

HOUSE BILL PLACED ON THE CALENDAR

The bill (H. R. 6112) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Petrol Corporation, was read twice by its title, and ordered to be placed on the calendar.

RECESS

Mr. THOMAS of Utah. Mr. President, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 57 minutes p. m.) the Senate took a recess until tomorrow, Friday, August 2, 1946, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 1 (legislative day of July 29), 1946:

DEPARTMENT OF STATE

William L. Clayton, of Texas, now an Assistant Secretary of State, to be Under Secretary of State for Economic Affairs.

DEPARTMENT OF LABOR

Keen Johnson, of Kentucky to be Under Secretary of Labor, United States Department of Labor.

UNITED STATES ATTORNEYS

Everett M. Grantham, of New Mexico, to be United States attorney for the district of New Mexico, vice himself.

Arthur A. Maguire, of Pennsylvania, to be United States attorney for the middle district of Pennsylvania, vice Frederick V. Follmer, resigned.

POSTMASTERS

The following-named persons to be postmasters:

MARYLAND

Alvin Parsons, Muirkirk, Md. Office became Presidential July 1, 1946.

NEW YORK

John C Hoffman, Whitehall, N. Y., in place of W. T. Burns, deceased.

OHIO

William P. Kilcorse, Toledo, Ohio, in place of C. A. Kirk, retired.

WISCONSIN

Clarence H. Martin, Pine River, Wis. Office became Presidential July 1, 1946.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 1 (legislative day of July 29), 1946:

DEPARTMENT OF THE NAVY

Rear Adm. Herbert G. Hopwood, United States Navy, to be Director of Budget and Reports in the Department of the Navy, with the rank of rear admiral, for a term of 3 years.

Walter A. Buck to be Paymaster General and Chief of the Bureau of Supplies and Accounts in the Department of the Navy, with the rank of rear admiral, for a term of 4 years.

UNITED STATES ATTORNEY

Everett M. Grantham, to be United States attorney for the district of New Mexico.

UNITED STATES PUBLIC HEALTH SERVICE

PROMOTIONS IN THE REGULAR CORPS

To be temporary surgeons

David M. Gould
Iva G. Murphy
Milton I. Roemer

To be temporary senior assistant dental surgeon

Cecil S. Scheppegrell

To be temporary sanitary engineers

Richard S. Green — Graham Walton
Ralph C. Palange — Richard S. Mark

To be temporary senior assistant sanitary engineer

Richard J. Hammerstrom

IN THE NAVY

Jonas H. Ingram, to be an admiral in the Navy, for temporary service, to rank from November 15, 1944.

UNITED STATES COAST GUARD

Commodore Ellis Reed-Hill, to be rear admiral, for temporary service, in the United States Coast Guard, to rank as such from August 1, 1946.

Henry S. Sharp, to be professor in the United States Coast Guard, with date of rank of lieutenant from May 15, 1935.

Robert E. Reed-Hill, to be professor in the United States Coast Guard, with the rank of lieutenant (junior grade).

HOUSE OF REPRESENTATIVES

THURSDAY, AUGUST 1, 1946

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou eternal God, who art ever with us and within us, we pray that we may discern and lay hold of the counsel of Thy understanding wisdom and the comradeship of Thy abiding presence as we continue to address ourselves to the duties and responsibilities of another day.

May all the devastating and disintegrating emotions of feverish anxiety, foreboding fear, and craven cowardice be forever dispelled from our minds and hearts. Take away from us any inner bias which expects nothing but evil and which feels that our fondest hopes are merely illusions and beyond all practical realization.

Inspire us with the glad certainty that we have not been created for failure, but for victory, and that behind all darkness there is the radiancy of Thy glory. Enable us by Thy grace to live heroically, hopefully, and helpfully as we face the experiences and adventures of each succeeding day. May we find our joy and strength in doing justly, in loving mercy, and in walking humbly with the Lord our God.

We offer our petitions in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On July 31, 1946:

H. R. 388. An act to amend section 201 (g) of the Nationality Act of 1940 (54 Stat. 1138-1139; 8 U. S. C. 601);

H. R. 1362. An act to amend the railroad retirement acts, the Railroad Unemployment Insurance Act, and subchapter B of chapter 9 of the Internal Revenue Code; and for other purposes;

H. R. 3065. An act for the relief of Standard Dredging Corp.;

H. R. 4590. An act to authorize the use by industry of silver held or owned by the United States, and for other purposes;

H. R. 5324. An act for the relief of Mrs. Mary Francoline and Mrs. Rose Wallace;

H. R. 5508. An act to authorize the return of the Grand River Dam project to the Grand River Dam Authority and the adjustment and settlement of accounts between the authority and the United States, and for other purposes;

H. R. 6372. An act to amend the Federal Credit Union Act;

H. R. 6486. An act to authorize an appropriation for the establishment of a geophysical institute at the University of Alaska;

H. R. 6532. An act to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes;

H. R. 6751. An act authorizing Gus A. Guerra, his heirs, legal representatives, and assigns, to construct, maintain, and operate a toll brige across the Rio Grande, at or near Rio Grande City, Tex.;

H. R. 6903. An act to provide benefits for certain employees of the United States who are veterans of World War II and lost opportunity for probational civil-service appointments by reason of their service in the armed forces of the United States; and

H. R. 7052. An act to amend the Internal Revenue Code, and for other purposes.

On August 1, 1946:

H. R. 6646. An act to establish the Office of Under Secretary of State for Economic Affairs.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 228. An act for the relief of Robert June;

H. R. 386. An act to amend the law relating to the authority of certain employees of the Immigration and Naturalization Service to make arrests without warrant in certain cases and to search vehicles within certain areas;

H. R. 935. An act for the relief of Andreas Andersen;

H. R. 957. An act for the relief of Margaret Dunn;

H. R. 1357. An act for the relief of the estate of Otto Frederick Gnospelius, deceased;

H. R. 1633. An act for the relief of Raymond Crosby;

H. R. 2736. An act for the relief of Norman Abbott;

H. R. 3209. An act for the relief of Edward A. Mason;

H. R. 3210. An act for the relief of Clyde O. Payne;

H. R. 3619. An act for the relief of Harry D. Koons;

H. R. 3703. An act for the relief of the city and county of San Francisco;

H. R. 3855. An act for the relief of Martin A. Tucker and Emma M. Tucker;

H. R. 4374. An act for the relief of the legal guardian of Rudolph K. Bartels, Jr., a minor;

H. R. 4860. An act for the relief of Materials Handling Machinery Co., Inc.;

H. R. 4924. An act for the relief of Joseph A. Brown;

H. R. 5031. An act for the relief of Ernest C. Heine and Harriet W. Heine;

H. R. 5050. An act for the relief of Minnie P. Shorey;

H. R. 5128. An act to provide for the conveyance of certain real property to Roy C. Lammers;

H. R. 5134. An act for the relief of Clarence W. Ohm;

H. R. 5144. An act to establish a national air museum, and for other purposes;

H. R. 5166. An act for the relief of Raphael Elder;

H. R. 5287. An act for the relief of Mrs. Cecile W. McAfee, the legal guardian of Sarah McAfee, a minor, and Haven H. McAfee;

H. R. 5288. An act for the relief of Warren M. Miller;

H. R. 5463. An act for the relief of Hiram H. Wilson;

H. R. 5469. An act for the relief of Bertha Lillian Robbins and Charles Robbins;

H. R. 5603. An act for the relief of Wilford B. Brown;

H. R. 5847. An act for the relief of Watson Airfotos, Inc.;

H. R. 5848. An act for the relief of Mrs. Millicent Moore;

H. R. 5849. An act for the relief of Mrs. Grace A. Phillips;

H. R. 6012. An act for the relief of Lippert Brothers;

H. R. 6161. An act for the relief of the legal guardian of Samuel Roscoe Thompson, a minor;

H. R. 6255. An act for the relief of Thomas A. Beddingfield and his wife, Opal May Beddingfield;

H. R. 6455. An act to amend the act entitled "An act to provide books for the adult blind";

H. R. 7046. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State highway commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.," approved May 18, 1928; and

H. J. Res. 35. Joint resolution designating November 19, 1946, the anniversary of Lincoln's Gettysburg Address, as Dedication Day.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 1004. An act for the relief of the legal guardian of Robert Olsen, a minor;

H. R. 1751. An act to authorize the course of instruction at the United States Merchant Marine Academy to be given to not exceeding 20 persons at a time from the American Republics, other than the United States;

H. R. 2093. An act for the relief of J. P. Kerr and Robert P. Kerr;

H. R. 2586. An act to authorize the leasing of Indian lands for business, and other purposes;

H. R. 5093. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Albert Whilden;

H. R. 6381. An act for the relief of Thomas L. Brett; and

H. R. 6399. An act for the relief of Caesar Henry.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1439. An act to amend section 2 of the act of January 29, 1942 (56 Stat. 21), relating to the refund of taxes illegally paid by Indian citizens;

S. 2332. An act to provide that the unexpended proceeds from the sale of 50-cent pieces coined in commemoration of the two hundred and fiftieth anniversary of the founding of the city of Albany, N. Y., may be paid into the general fund of such city;

S. J. Res. 158. Joint resolution to provide for the appointment of a National Commission on Individual War Memorials, and for other purposes; and

S. J. Res. 186. Joint resolution to provide for the transfer of the painting First Fight of Ironclads, Monitor and Merrimac, now stored in the United States Capitol Building, to the custody of the United Staes Naval Academy.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 191. An act to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction.

PROCEEDINGS AGAINST GEORGE MARSHALL

Mr. RANKIN. Mr. Speaker, I call up a preferential resolution.

The SPEAKER. Will the gentleman yield to the gentleman from North Carolina [Mr. DOUGHTON] to prefer a unanimous-consent request?

Mr. RANKIN. I yield for that purpose.

SOCIAL SECURITY ACT

Mr. DOUGHTON of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Act, and for other purposes, with Senate amendments, disagree to the amendments of the Senate and request a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. DOUGHTON]?

Mr. JENKINS. Mr. Speaker, I object.

RULE TO SEND SOCIAL SECURITY BILL TO CONFERENCE

Mr. RANKIN. Mr. Speaker, I yield to to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 747) providing for the consideration of H. R. 7037, to take from the Speaker's table, and to request a conference thereon (Rept. No. 2714), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, with the Senate amendments thereto, be, and the same is hereby, taken from the Speaker's table, that the Senate amendments be, and they are hereby, disagreed to by the House, and that a conference be, and the same is hereby, requested with the Senate on the disagreeing votes of the two Houses thereon.

RELIEF FOR VETERANS WHO SERVED IN THE ORGANIZED MILITARY FORCES OF THE PHILIPPINES

Mr. RANKIN. Mr. Speaker, I yield to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 748) providing for the consideration of S. 2235, an act to provide a system of relief for veterans, who served during World War II in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the armed forces of the United States pursuant to the military order of July 26, 1941, of the President of the United States, and for other purposes (Rept. No. 2715), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the act (S. 2235) to provide a system of relief for veterans, and dependents of veterans, who served during World War II in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the armed forces of the United States pursuant to the military order of July 26, 1941, of the President of the United States, and for other purposes. That after general debate, which shall be confined to the act and shall continue not to exceed 1 hour to be equally divided and controlled by the chairman and the ranking minority member of the Committee on World War Veterans' Legislation, the act shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the act for amendment, the Committee shall rise and report the same back to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the act and amendments thereto to final passage without intervening motion except one motion to recommit.

PROCEEDINGS AGAINST GEORGE MARSHALL

The SPEAKER. The unfinished business is the reading of the resolution in the proceedings against George Marshall, insisted on by the gentleman from Mississippi.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman from Mississippi reserve that for a moment?

Mr. RANKIN. No, Mr. Speaker. It will take but a moment to dispose of this.

CALL OF THE HOUSE

Mr. BIEMILLER. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

Mr. RANKIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 269]

Adams	Andersen, H. Carl	Andrews, N. Y.
Allen, La.	Anderson, Calif.	Baldwin, Md.
Almond		Baldwin, N. Y.

Barden
Barrett, Pa.
Barry
Bates, Ky.
Beckworth
Bell
Bender
Bennet, N. Y.
Blackney
Bland
Boren
Boykin
Bradley, Mich.
Brooks
Brumbaugh
Bryson
Buck
Buckley
Buffett
Bunker
Byrnes, Wis.
Canfield
Cannon, Fla.
Carlson
Case, S. Dak.
Celler
Clements
Cochran
Cole, Kans.
Cole, N. Y.
Combs
Cooper
Courtney
Cravens
Crawford
Curley
Daughton, Va.
Davis
Dawson
Delaney, John J.
Dolliver
Domengeaux
Dondero
Douglas, Calif.
Douglas, Ill.
Dworshak
Earthman
Eaton
Elliott
Ellsworth
Elsaesser
Elston
Fellows
Fogarty
Gallagher
Gary
Gathings
Gifford
Gillespie
Gordon
Granger
Grant, Ind.
Gregory
Gross
Hagen
Hale
Hall, Edwin Arthur
Halleck
Hancock
Hare
Harris
Hart
Hartley
Havenner
Hébert
Heffernan
Hendricks
Henry
Herter
Hess
Hill
Hinshaw
Hoeven
Hoffman, Mich.
Holifield
Izac
Jackson
Jennings
Johnson, Calif.
Johnson, Tex.
Jones
Kean
Kee
Keefe
Kefauver
Keogh
Kerr
Kilburn
Kilday
Kirwan
Klein
Landis
Lane
Larcade
Latham
LeFevre
Luce
Ludlow
Lyle
Lynch
McCormack
McGehee
McGlinchey
McGregor
McKenzie
McMillan, S. C.
McMillen, Ill.
Mahon
Maloney
Manasco
Mansfield, Mont.
Mansfield, Tex.
Mason
May
Merrow
Miller, Calif.
Miller, Nebr.
Morgan
Morrison
Norton
O'Konski
O'Neal
Patrick
Patterson
Peterson, Ga.
Pfeifer
Philbin
Ploeser
Plumley
Powell
Priest
Rains
Reece, Tenn.
Richards
Rivers
Robinson, Utah
Robsion, Ky.
Rockwell
Roe, N. Y.
Rogers, N. Y.
Rowan
Russell
Ryter
Scrivner
Shafer
Sheridan
Short
Slaughter
Smith, Wis.
Somers, N. Y.
Sparkman
Spence
Starkey
Stewart
Stigler
Sumner, Ill.
Taber
Talbot
Tarver
Taylor
Thomas, N. J.
Thomason
Tolan
Torrens
Towe
Traynor
Trimble
Vinson
Vorys, Ohio
Wadsworth
Wasielewski
Weaver
Welch
West
Wickersham
Winter
Wolfenden, Pa.
Wood
Woodruff
Zimmerman

The SPEAKER. On this roll call 231 Members have answered to their names, a quorum.

The Chair desires to make an announcement. There is a quorum in town. If the roll is called today or tomorrow and a quorum does not appear, the Chair and the House will take such action as may be necessary to bring the Members here.

Mr. RANKIN. Mr. Speaker, I move that further proceeding under the call be dispensed with.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 179, noes 1.

Mr. MARCANTONIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Thirty-five Members have escaped since the last roll call. One hundred and ninety-six Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 224, nays 11, answered "present" 1, not voting 194, as follows:

[Roll No. 270]

YEAS—224

Abernethy
Allen, Ill.
Andresen, August H.
Andrews, Ala.
Angell
Arends
Auchincloss
Bailey
Barrett, Wyo.
Bates, Mass.
Beall
Bennett, Mo.
Biemiller
Bishop
Bloom
Bolton
Bonner
Bradley, Pa.
Brehm
Brown, Ga.
Brown, Ohio
Buchanan
Bulwinkle
Butler
Byrne, N. Y.
Byrnes, Wis.
Camp
Campbell
Cannon, Mo.
Carnahan
Case, N. J.
Chapman
Chelf
Chenoweth
Chiperfield
Church
Clark
Clason
Clevenger
Clippinger
Cole, Mo.
Colmer
Cooley
Cox
Crosser
D'Alesandro
Delaney, James J.
D'Ewart
Dingell
Dirksen
Domengeaux
Doughton, N. C.
Douglas, Calif.
Doyle
Drewry
Durham
Eberharter
Ellis
Ellsworth
Engel, Mich.
Engle, Calif.
Ervin
Fallon
Feighan
Fenton
Fernandez
Fisher
Flannagan
Flood
Folger
Forand
Fuller
Fulton
Gamble
Gardner
Gavin
Gearhart
Gerlach
Gibson
Gillette
Gillie
Goodwin
Gore
Gorski
Gossett
Graham
Granahan
Grant, Ala.
Green
Griffiths
Gwinne, N. Y.
Gwynne, Iowa
Hall, Leonard W.
Harless, Ariz.
Harness, Ind.
Havenner
Hays
Healy
Hedrick
Hendricks
Hobbs
Hoch
Hoffman, Pa.
Holmes, Mass.
Holmes, Wash.
Hope
Horan
Howell
Huber
Hull
Jarman
Jenkins
Johnson, Ill.
Johnson, Ind.
Johnson, Okla.
Jonkman
Judd
Kearney
Kelley, Pa.
Kelly, Ill.
King
Kinzer
Knutson
Kunkel
LaFollette
Lanham
Lea
LeCompte
Lemke
Lesinski
Lewis
Link
McConnell
McCowen
McDonough
Madden
Mankin
Martin, Iowa
Martin, Mass.
Mathews
Michener
Mills
Monroney
Mundt
Murdock
Murray, Tenn.
Murray, Wis.
Neely
Norblad
Norrell
O'Brien, Ill.
O'Brien, Mich.
O'Hara
Outland
Pace
Patman
Peterson, Fla.
Phillips
Pickett
Pittenger
Poage
Pratt
Price, Fla.
Price, Ill.
Quinn, N. Y.
Rabaut
Rabin
Randolph
Rankin
Rayfiel
Reed, Ill.
Reed, N. Y.
Rees, Kans.
Resa
Rich
Riley
Rivers
Rizley
Robertson, N. Dak.
Robertson, Va.
Rodgers, Pa.
Roe, Md.
Rogers, Fla.
Rooney
Sadowski
Sasscer
Savage
Schwabe, Mo.
Schwabe, Okla.
Sheppard
Sikes
Simpson, Ill.
Simpson, Pa.
Smith, Ohio
Smith, Va.
Somers, N. Y.
Springer
Stefan
Stevenson
Stockman
Sullivan
Sumners, Tex.
Sundstrom
Talbot
Talle
Thom
Thomas, Tex.
Tibbott
Voorhis, Calif.
Vursell
Walter
Weichel
White
Whitten
Whittington
Wigglesworth
Wilson
Winstead
Wolcott
Wolverton, N. J.
Woodhouse
Woodruff
Worley
Zimmerman

NAYS—11

Arnold
Corbett
Cunningham
Curtis
De Lacy
Geelan
Hand
Hesselton
Marcantonio
Ramey
Smith, Maine

ANSWERED "PRESENT"—1

Hook

NOT VOTING—194

Adams
Allen, La.
Almond
Andersen, H. Carl
Anderson, Calif.
Andrews, N. Y.
Baldwin, Md.
Baldwin, N. Y.
Barden
Barrett, Pa.
Barry
Bates, Ky.
Beckworth
Bell
Bender
Bennet, N. Y.
Blackney
Bland
Boren
Boykin
Bradley, Mich.
Brooks
Brumbaugh
Bryson
Buck
Buckley
Buffett
Bunker
Canfield
Cannon, Fla.
Carlson
Case, S. Dak.
Celler
Clements
Cochran
Coffee
Cole, Kans.
Cole, N. Y.
Combs
Cooper
Courtney
Cravens
Crawford
Curley
Daughton, Va.
Davis
Dawson
Delaney, John J.
Dolliver
Dondero
Douglas, Ill.
Dworshak
Earthman
Eaton
Elliott
Elsaesser
Elston
Fellows
Fogarty
Gallagher
Gary
Gathings
Gifford
Gillespie
Gordon
Granger
Grant, Ind.
Gregory
Gross
Hagen
Hale
Hall, Edwin Arthur
Halleck
Hancock
Hare
Harris
Hart
Hartley
Hébert
Heffernan
Henry
Herter
Hess
Hill
Hinshaw
Hoeven
Hoffman, Mich.
Holifield
Izac
Jackson
Jennings
Jensen
Johnson, Calif.
Johnson, Tex.
Jones
Kean
Kee
Keefe
Kefauver
Keogh
Kerr
Kilburn
Kilday
Kirwan
Klein
Koppleman
Landis
Lane
Larcade
Latham
LeFevre
Luce
Ludlow
Lyle
Lynch
McCormack
McGehee
McGlinchey
McGregor
McKenzie
McMillan, S. C.
McMillen, Ill.
Mahon
Maloney
Manasco
Mansfield, Mont.
Mansfield, Tex.
Mason
May
Merrow
Miller, Calif.
Miller, Nebr.
Morgan
Morrison
Norton
O'Konski
O'Neal
O'Toole
Patrick
Patterson
Peterson, Ga.
Pfeifer, Philbin
Ploeser
Plumley
Powell
Priest
Rains
Reece, Tenn.
Richards
Robinson, Utah
Robsion, Ky.
Rockwell
Roe, N. Y.
Rogers, Mass.
Rogers, N. Y.
Rowan
Russell
Ryter
Sabath
Scrivner
Shafer
Sharp
Sheridan
Short
Slaughter
Smith, Wis.
Sparkman
Spence
Starkey
Stewart
Stigler
Sumner, Ill.
Taber
Tarver
Taylor
Thomas, N. J.
Thomason
Tolan
Torrens
Towe
Traynor
Trimble
Vinson
Vorys, Ohio
Wadsworth
Wasielewski
Weaver
Welch
West
Wickersham
Winter
Wolfenden, Pa.
Wood

So the motion was agreed to.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. Lynch with Mr. Short.
Mr. McCormack with Mr. Taylor.
Mr. Lane with Mr. Fellows.
Mr. Izac with Mr. Elsaesser.
Mr. Manasco with Mr. Grant of Indiana.
Mr. Keogh with Mr. Latham.
Mr. Jackson with Mr. Arnold.
Mr. Sheridan with Mr. Ploeser.
Mr. Heffernan with Mr. Blackney.
Mr. Barrett of Pennsylvania with Mr. Jones.
Mr. John J. Delaney with Mr. Keefe.
Mr. Morrison with Mr. Jennings.
Mr. Celler with Mr. Herter.
Mr. Rankin with Mr. Eaton.
Mr. Hart with Mr. Halleck.
Mr. Roe of New York with Mr. Dondero.
Mr. Trimble with Mr. Canfield.
Mr. Vinson with Mr. Buffett.
Mr. Rogers of New York with Mr. LeFevre.
Mrs. Douglas of Illinois with Mr. Mason.
Mr. Gordon with Mr. Plumley.
Mr. Pfeifer with Mr. Robsion of Kentucky.
Mr. Almond with Mr. Scrivner.
Mr. Powell with Mr. Smith of Wisconsin.
Mr. O'Toole with Mr. Shafer.
Mr. Barry with Mr. H. Carl Andersen.
Mr. Rains with Mr. Bradley of Michigan.
Mr. Kefauver with Mr. Cole of Kansas.
Mr. West with Mr. Brumbaugh.
Mr. Maloney with Mr. Dolliver.
Mr. Dawson with Mr. Hale.
Mr. Johnson of Texas with Mr. Dworshak.
Mr. Rowan with Mr. Edwin Arthur Hall.
Mr. Hébert with Mr. Jensen.
Mr. Barden with Mr. Hartley.

Mr. Larcade with Mr. Thomas of New Jersey.
Mr. Thomason with Mr. Henry.
Mr. Cooper with Mr. Taber.
Mr. Fogarty with Mr. Miller of Nebraska.
Mr. McGlinchey with Mr. Hill.
Mr. Wood with Mr. Kilburn.
Mr. Priest with Mr. Hoffman of Michigan.
Mr. Klein with Mr. Cole of New York.
Mr. Gary with Mr. Elston.
Mr. Buckley with Mr. Harness of Indiana.
Mr. Holifield with Mr. Wadsworth.
Mr. Brooks with Mr. Hoeven.
Mr. Granger with Mr. Towe.
Mr. Mahon with Mr. Kean.
Mr. Miller of California with Mr. Landis.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. COLE of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COLE of Missouri. Mr. Speaker, is it in order to make a motion that the Sergeant at Arms take whatever action is necessary to keep a quorum present in the House Chamber for the remainder of today, any House rules to the contrary notwithstanding? If it is, I would like to make that motion.

The SPEAKER. The Chair would rather not recognize the gentleman for such motion at this time.

Mr. COLE of Missouri. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COLE of Missouri. Mr. Speaker, when would that motion be in order?

The SPEAKER. Well, the Chair would like to be the judge of that. Not now. The Clerk will continue reading.

The Clerk read as follows:

under seal of the House of Representatives to the United States attorney for the District of Columbia to the end that the said person named below may be proceeded against in the manner and form——

CALL OF THE HOUSE

Mr. MARCANTONIO. Mr. Speaker, I make a point of order a quorum is not present.

Mr. RANKIN. Mr. Speaker, I make the point of order that you cannot interrupt the reading of this resolution, especially in the middle of a sentence; that such a point of order is dilatory and is being made for the purpose of delaying the proceedings of the House.

The SPEAKER. Well, the resolution is a matter upon which the House must pass. The point of order that a quorum is not present has been made.

Mr. COLMER. Mr. Speaker, will the gentleman withhold that a minute?

The SPEAKER. A point of order that a quorum is not present has been made, and unless it is withdrawn that is all the business that can be transacted until the Chair counts. If the Chair finds that a quorum is not present, a roll call will be in order.

Mr. MARCANTONIO. I withhold the point of order, Mr. Speaker.

Mr. RANKIN. Then I demand that the Clerk continue the reading of the resolution.

Mr. COLMER. Mr. Speaker, will the gentleman withhold that for a while?

Mr. RANKIN. No, sir. I am not going to let the gentleman from New York run the House; either read the resolution or make the point of order.

Mr. MARCANTONIO. Then, Mr. Speaker, I insist on my point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty-nine Members are present, not a quorum.

Mr. RANKIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 271]

Adams	Gathings	Mansfield, Tex.
Allen, La.	Gifford	Mason
Almond	Gillespie	May
Andersen, H. Carl	Gordon	Merrow
	Granger	Miller, Calif.
Anderson, Calif.	Grant, Ind.	Miller, Nebr.
Andrews, N. Y.	Gregory	Morgan
Baldwin, Md.	Gross	Morrison
Baldwin, N. Y.	Hagen	Norton
Barden	Hale	O'Konski
Barrett, Pa.	Hall, Edwin Arthur	O'Neal
Barry		Patrick
Bates, Ky.	Halleck	Patterson
Beckworth	Hancock	Peterson, Ga.
Bell	Hare	Pfeifer
Bender	Harris	Philbin
Bennet, N. Y.	Hart	Ploeser
Blackney	Hartley	Plumley
Bland	Hébert	Powell
Bonner	Heffernan	Priest
Boren	Henry	Rains
Boykin	Herter	Reece, Tenn.
Bradley, Mich.	Hess	Richards
Brooks	Hill	Robinson, Utah
Brumbaugh	Hinshaw	Robsion, Ky.
Bryson	Hoeven	Rockwell
Buck	Hoffman, Mich.	Roe, N. Y.
Buckley	Holifield	Rogers, N. Y.
Buffett	Izac	Rowan
Bunker	Jackson	Russell
Canfield	Jennings	Ryter
Cannon, Fla.	Johnson, Calif	Scrivner
Carlson	Johnson, Tex.	Shafer
Case, S. Dak.	Jones	Sharp
Celler	Judd	Sheridan
Clements	Kean	Short
Cochran	Kee	Slaughter
Coffee	Keefe	Smith, Wis.
Cole, Kans.	Kefauver	Sparkman
Cole, N. Y.	Keogh	Spence
Combs	Kerr	Stewart
Cooper	Kilburn	Stigler
Courtney	Kilday	Sumner, Ill.
Cravens	Kirwan	Taber
Crawford	Klein	Tarver
Curley	LaFollette	Taylor
Daughton, Va.	Landis	Thomas, N. J.
Davis	Lane	Thomason
Dawson	Larcade	Tolan
Delaney, John J.	Latham	Torrens
	LeFevre	Towe
Dolliver	Luce	Traynor
Domengeaux	Ludlow	Trimble
Dondero	Lyle	Vinson
Douglas, Calif.	Lynch	Vorys, Ohio
Douglas, Ill.	McCormack	Wadsworth
Dworshak	McGehee	Wasielewski
Earthman	McGregor	Weaver
Eaton	McKenzie	Welch
Elliott	McMillan, S. C.	West
Elsaesser	McMillen, Ill.	Wickersham
Elston	Mahon	Winter
Fellows	Maloney	Wolfenden, Pa.
Fogarty	Manasco	Wood
Gallagher	Mansfield, Mont.	Zimmerman
Gary		

The SPEAKER. On this roll call 237 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. MARCANTONIO. Mr. Speaker, I object.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York has the floor.

Mr. MICHENER. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. MARCANTONIO. No. I object to dispensing with further proceedings under the call by unanimous consent as stated by the Speaker.

Mr. RANKIN. Mr. Speaker, I move that further proceedings under the call be dispensed with, and that we go ahead and legislate in the American way.

Mr. MARCANTONIO. Mr. Speaker, on that I ask for a division in the American way too.

The question was taken; and there were—ayes 170, noes 1.

Mr. MARCANTONIO. Mr. Speaker, I object to the vote on the ground there is not a quorum present and I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. MICHENER. Mr. Speaker, is a parliamentary inquiry in order at this time?

The SPEAKER. The Chair is rather in doubt about that, but the Chair will recognize the gentleman.

Mr. MICHENER. Mr. Speaker, under the rules of the House, when the House finds itself without a quorum the Presiding Officer must direct the Sergeant at Arms to notify absentees, the Doorkeeper to close the doors, and the Clerk to call the role. These two officials are elected by the House of Representatives, and among their other duties they are to assist the Speaker in enforcing the rules of the House.

In the present case, for instance, the Speaker determined that a quorum was not present and directed the Sergeant at Arms to notify the absentees. He directed the Doorkeeper to close the doors, the Clerk called the roll, and a quorum was found present.

My parliamentary inquiry is this: Under these conditions, inasmuch as we have an adequate force of employees to enforce the rules and inasmuch as there is a lock on every door to this Chamber, and inasmuch as the Chamber has been held to be that space within the four walls of the Chamber——

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I am sorry; not now.

Mr. MARCANTONIO. How about handcuffs?

Mr. MICHENER. Well, I am not discussing handcuffs. However, I assume the Sergeant at Arms would have sufficient authority to enforce legal orders of a legislative body. The people of this country are disgusted with what is transpiring in its Congress. They have a right to be. Certainly there is some power somewhere making it possible for the House to function. Members should either remain on the floor and legislate or resign in favor of someone who is willing to carry on the duties which they were elected to perform. Filibusters are wrong in principle. A little of it is bad enough, but when we have days of it, patience ceases to be a virtue.

Pursuing my inquiry, Mr. Speaker, is not the Speaker clothed with adequate power and can he not direct that the rules be complied with and that all of the

doors be actually locked during the roll call, and that all of the doors to the Chamber remain locked until the House votes to dispense with further proceedings under the call? That will prevent the "escaping of 35 Members," as the Speaker just announced, who escaped between the time a quorum was found present and the point of order of no quorum was again made.

The SPEAKER. It is an interesting question, and it has been passed on many times. The Chair certainly has the authority to order the doors closed without further authority from the House. The Chair would not hold that without authority or direction of the House he should assume the authority of locking the doors and keeping the Members from retiring from the chamber. There is a way that the Chair can be clothed with proper authority.

The Chair will count to determine whether there is a quorum present. [After counting.] Two hundred Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 218, nays 14, not voting 198, as follows:

[Roll No. 272]

YEAS—218

Abernethy	Ellsworth	Jonkman
Allen, Ill.	Engel, Mich.	Judd
Andresen, August H.	Engle, Calif.	Kearney
Andrews, Ala.	Ervin	Kelley, Pa.
Angell	Fallon	Kelly, Ill.
Arends	Feighan	King
Auchincloss	Fenton	Kinzer
Bailey	Fernandez	Knutson
Barrett, Wyo.	Fisher	Kopplemann
Bates, Mass.	Flannagan	Kunkel
Beall	Flood	LaFollette
Bennett, Mo.	Folger	Lanham
Biemiller	Forand	LeCompte
Bishop	Fuller	Lemke
Bolton	Fulton	Lesinski
Bonner	Gamble	Lewis
Bradley, Pa.	Gardner	Link
Brehm	Gavin	McConnell
Brown, Ga.	Gearhart	McCowen
Brown, Ohio	Gerlach	McDonough
Buchanan	Gibson	Madden
Butler	Gillette	Mankin
Byrne, N. Y.	Gillie	Martin, Iowa
Byrnes, Wis.	Goodwin	Martin, Mass.
Camp	Gore	Mathews
Campbell	Gorski	Michener
Carnahan	Gossett	Mills
Case, N. J.	Graham	Monroney
Chapman	Granahan	Mundt
Chelf	Grant, Ala.	Murdock
Chenoweth	Griffiths	Murray, Tenn.
Chiperfield	Gwinn, N. Y.	Murray, Wis.
Church	Gwynne, Iowa	Neely
Clark	Hall, Leonard W.	Norblad
Clevenger	Harless, Ariz.	Norrell
Clippinger	Havenner	O'Brien, Ill.
Cole, Mo.	Hays	O'Brien, Mich.
Colmer	Healy	O'Hara
Cooley	Hedrick	Pace
Corbett	Hendricks	Patman
Cox	Hobbs	Peterson, Fla.
Crosser	Hoch	Phillips
D'Alesandro	Hoffman, Pa.	Pickett
De Lacy	Holmes, Mass.	Pittenger
Delaney, James J.	Holmes, Wash.	Poage
D'Ewart	Hope	Pratt
Dingell	Horan	Price, Fla.
Dirksen	Howell	Price, Ill.
Domengeaux	Huber	Quinn, N. Y.
Doughton, N. C.	Huil	Rabaut
Doyle	Jarman	Rabin
Drewry	Jenkins	Randolph
Durham	Jensen	Rankin
Eberharter	Johnson, Ill.	Rayfiel
Ellis	Johnson, Ind.	Reed, Ill.
	Johnson, Okla.	Reed, N. Y.
		Rees, Kans.
Rees	Sikes	Tibbott
Rich	Simpson, Pa.	Voorhis, Calif.
Riley	Smith, Ohio	Vursell
Rivers	Smith, Va.	Walter
Rizley	Somers, N. Y.	Weichel
Robertson, N. Dak.	Springer	White
Rodgers, Pa.	Starkey	Whitten
Roe, Md.	Stefan	Whittington
Rogers, Fla.	Stevenson	Wigglesworth
Rogers, Mass.	Stockman	Wilson
Rooney	Sullivan	Winstead
Sadowski	Sumners, Tex.	Wolcott
Sasscer	Sundstrom	Wolverton, N. J.
Schwabe, Mo.	Talbot	Woodhouse
Schwabe, Okla.	Talle	Woodruff
Sheppard	Thom	Worley
	Thomas, Tex.	Zimmerman

NAYS—14

Arnold	Green	McGlinchey
Clason	Hand	Marcantonio
Cunningham	Harness, Ind.	Ramey
Curtis	Heselton	Smith, Maine
Geelan	Hook	

NOT VOTING—198

Adams	Gifford	Miller, Calif.
Allen, La.	Gillespie	Miller, Nebr.
Almond	Gordon	Morgan
Andersen, H. Carl	Granger	Morrison
Anderson, Calif.	Grant, Ind.	Norton
Andrews, N. Y.	Gregory	O'Konski
Baldwin, Md.	Gross	O'Neal
Baldwin, N. Y.	Hagen	O'Toole
Barden	Hale	Outland
Barrett, Pa.	Hall, Edwin Arthur	Patrick
Barry	Halleck	Patterson
Bates, Ky.	Hancock	Peterson, Ga.
Beckworth	Hare	Pfeifer
Bell	Harris	Philbin
Bender	Hart	Ploeser
Bennet, N. Y.	Hartley	Plumley
Blackney	Hébert	Powell
Bland	Heffernan	Priest
Bloom	Henry	Rains
Boren	Herter	Reece, Tenn.
Boykin	Hess	Richards
Bradley, Mich.	Hill	Robertson, Va.
Brooks	Hinshaw	Robinson, Utah
Brumbaugh	Hoeven	Robsion, Ky.
Bryson	Hoffman, Mich.	Rockwell
Buck	Holifield	Roe, N. Y.
Buckley	Izac	Rogers, N. Y.
Buffett	Jackson	Rowan
Bulwinkle	Jennings	Russell
Bunker	Johnson, Calif.	Ryter
Canfield	Johnson, Tex.	Sabath
Cannon, Fla.	Jones	Savage
Cannon, Mo.	Kean	Scrivner
Carlson	Kee	Shafer
Case, S. Dak.	Keefe	Sharp
Celler	Kefauver	Sheridan
Clements	Keogh	Short
Cochran	Kerr	Simpson, Ill.
Coffee	Kilburn	Slaughter
Cole, Kans.	Kilday	Smith, Wis.
Cole, N. Y.	Kirwan	Sparkman
Combs	Klein	Spence
Cooper	Landis	Stewart
Courtney	Lane	Stigler
Cravens	Larcade	Sumner, Ill.
Crawford	Latham	Taber
Curley	Lea	Tarver
Daughton, Va.	LeFevre	Taylor
Davis	Luce	Thomas, N. J.
Dawson	Ludlow	Thomason
Delaney, John J.	Lyle	Tolan
Dolliver	Lynch	Torrens
Dondero	McCormack	Towe
Douglas, Calif.	McGehee	Traynor
Douglas, Ill.	McGregor	Trimble
Dworshak	McKenzie	Vinson
Earthman	McMillan, S. C.	Vorys, Ohio
Eaton	McMillen, Ill.	Wadsworth
Elliott	Mahon	Wasielewski
Elsaesser	Maloney	Weaver
Elston	Manasco	Welch
Fellows	Mansfield, Mont.	West
Fogarty	Mansfield, Tex.	Wickersham
Gallagher	Mason	Winter
Gary	May	Wolfenden, Pa.
Gathings	Merrow	Wood

So the motion was agreed to.

The Clerk announced the following pairs:

Additional general pairs:

Mrs. Douglas of California with Mr. Simpson of Illinois.

Mr. Gregory with Mr. McGregor.

Mr. Patterson with Mr. Adams.

Mr. Lyle with Mr. Hess.

Mr. Kilday with Mr. Anderson of California.

Mr. Hare with Mr. Hand.

Mr. Allen of Louisiana with Mr. Bennet of New York.

Mr. Courtney with Mr. Gross.

Mr. Davis with Mr. Crawford.

Mr. Morgan with Mr. Gifford.

Mr. Stigler with Mr. Corbett.

Mrs. Norton with Mr. Merrow.

Mr. Gathings with Mr. Case of South Dakota.

Mr. Bell of Missouri with Mr. Rockwell.

Mr. Kirwan with Mr. Carlson.

Mr. McKenzie with Mr. Sharp.

Mr. O'Neal with Mr. Vorys of Ohio.

Mr. Elliott with Miss Sumner of Illinois.

Mr. Daughton of Virginia with Mr. Winter.

Mr. Ryter with Mr. Hagen.

Mr. Traynor with Mr. Welch.

Mr. Mansfield of Montana with Mr. Baldwin, of New York.

Mr. McMillan of South Carolina with Mr. McMillen of Illinois.

Mr. Combs with Mr. Buck.

Mr. Peterson of Georgia with Mr. Wolfenden of Pennsylvania.

The result of the vote was announced as above recorded.

The doors were opened.

PROCEEDINGS AGAINST GEORGE MARSHALL

The SPEAKER. The Clerk will read.

The Clerk read as follows:

provided by law.

George Marshall, 205 East Forty-second Street, New York, N. Y.

Mr. MARCANTONIO. Mr. Speaker, I make a point of order that a quorum is not present.

Mr. RANKIN. Mr. Speaker, I desire to yield to the gentleman from Mississippi [Mr. COLMER], to submit a unanimous consent request.

The SPEAKER. The Chair will state for the information of the gentleman from New York that the reading of the resolution has been completed.

Mr. MARCANTONIO. I made the point of order at that point. I will withhold it for the purpose of permitting the gentleman from Mississippi to submit a request.

RULE ON THE SOCIAL SECURITY BILL

Mr. COLMER. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 747.

Mr. MICHENER. Mr. Speaker, reserving the right to object, which rule is this?

Mr. COLMER. This is the rule on the social-security bill.

The SPEAKER. The Chair may say to the gentleman from Mississippi that since the conversation had with the gentleman there has been an additional conversation, and the Chair thinks that perhaps the gentleman may save time by withholding the request for the moment.

Mr. COLMER. Mr. Speaker, I withdraw the request for the time being.

Mr. MARTIN of Massachusetts. Mr. Speaker, which rule is this?

Mr. COLMER. This is the rule on the social-security bill.

The SPEAKER. The Chair may say that there has been additional conver-

sation since speaking to the gentleman and, in the opinion of the Chair, we will make time if the gentleman will withhold his request for the time being.

Mr. COLMER. Mr. Speaker, I withdraw it for the moment.

CALL OF THE HOUSE

Mr. MARCANTONIO. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. RANKIN. Mr. Speaker, I ask for recognition.

Mr. MARCANTONIO. Mr. Speaker, I insist on my point of order.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman reserve the point of order?

The SPEAKER. We are going on with this resolution. The gentleman from New York has no right to withhold it or to yield time either. The gentleman from New York makes the point of order that a quorum is not present. The Chair will count. [After counting.] One hundred and ninety-four Members are present—not a quorum.

Mr. RANKIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 273]

Adams	Earthman	Larcade
Allen, La.	Eaton	Latham
Almond	Elliott	LeFevre
Andersen, H. Carl	Elsaesser	Luce
Anderson, Calif.	Elston	Ludlow
Andrews, N. Y.	Engle, Calif.	Lyle
Angell	Fellows	Lynch
Baldwin, Md.	Flood	McCormack
Baldwin, N. Y.	Fogarty	McGehee
Barden	Gallagher	McGregor
Barrett, Pa.	Gary	McKenzie
Barry	Gathings	McMillan, S. C.
Bates, Ky.	Gifford	McMillen, Ill.
Beckworth	Gillespie	Mahon
Bell	Gordon	Maloney
Bender	Gore	Manasco
Bennet, N. Y.	Gossett	Mansfield,
Blackney	Granger	Mont.
Bland	Grant, Ind.	Mansfield, Tex.
Bloom	Gregory	Mason
Boren	Gross	May
Boykin	Hagen	Merrow
Bradley, Mich.	Hale	Miller, Calif.
Brooks	Hall,	Miller, Nebr.
Brumbaugh	Edwin Arthur	Morgan
Bryson	Halleck	Morrison
Buck	Hancock	Murdock
Buckley	Hare	Norton
Buffett	Harris	O'Konski
Bunker	Hart	O'Neal
Canfield	Hartley	O'Toole
Cannon, Fla.	Hébert	Patrick
Carlson	Heffernan	Patterson
Case, S. D.	Hendricks	Pfeifer
Celler	Henry	Philbin
Chapman	Herter	Ploeser
Clason	Hess	Plumley
Clements	Hill	Powell
Cochran	Hinshaw	Priest
Cole, Kans.	Hoeven	Rains
Cole, N. Y.	Hoffman, Mich.	Reece, Tenn.
Combs	Holifield	Richards
Cooper	Izac	Robinson, Utah
Courtney	Jackson	Robsion, Ky.
Cravens	Jennings	Rockwell
Crawford	Johnson, Calif.	Roe, N. Y.
Curley	Johnson, Tex.	Rogers, N. Y.
Daughton, Va.	Jones	Rowan
Davis	Kean	Russell
Dawson	Kee	Ryter
De Lacy	Keefe	Sabath
Delaney, John J.	Kefauver	Savage
Dolliver	Keogh	Scrivner
Dondero	Kerr	Shafer
Douglas, Calif.	Kilburn	Sharp
Douglas, Ill.	Kilday	Sheridan
Drewry	Kirwan	Short
Dworshak	Klein	Slaughter
	Landis	Smith, Wis.
	Lane	Sparkman
Spence	Tolan	Weaver
Stewart	Torrens	Welch
Stigler	Towe	West
Sumner, Ill.	Traynor	Wickersham
Taber	Trimble	Winter
Tarver	Vinson	Wolfenden, Pa.
Taylor	Vorys, Ohio	Wood
Thomas, N. J.	Wadsworth	
Thomason	Wasielewski	

The SPEAKER. On this roll call 229 Members have answered to their names; a quorum is present.

Without objection, further proceedings under the call will be dispensed with.

Mr. MARCANTONIO. Mr. Speaker, I object.

Mr. RANKIN. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The question is on the motion of the gentleman from Mississippi [Mr. RANKIN].

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 164, noes 1.

Mr. MARCANTONIO. Mr. Speaker, I object to the vote on the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Ninety-six Members are present; not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 217, nays 14, not voting 199, as follows:

[Roll No. 274]

YEAS—217

Abernethy	Dirksen	Holmes, Wash.
Allen, Ill.	Domengeaux	Hope
Andresen, August H.	Doughton, N. C.	Horan
Andrews, Ala.	Douglas, Calif.	Howell
Angell	Doyle	Huber
Arends	Durham	Hull
Auchincloss	Eberharter	Jarman
Bailey	Ellis	Jenkins
Barrett, Wyo.	Ellsworth	Jensen
Bates, Mass.	Engel, Mich.	Johnson, Ill.
Beall	Ervin	Johnson, Ind.
Bennett, Mo.	Fallon	Johnson, Okla.
Biemiller	Feighan	Jonkman
Bishop	Fenton	Judd
Bloom	Fernandez	Kearney
Bolton	Fisher	Kelley, Pa.
Bonner	Flannagan	Kelly, Ill.
Bradley, Pa.	Folger	King
Brehm	Forand	Kinzer
Brown, Ga.	Fuller	Knutson
Brown, Ohio	Fulton	Koppelmann
Buchanan	Gamble	Kunkel
Bulwinkle	Gardner	Lanham
Butler	Gavin	Lea
Byrne, N. Y.	Gerlach	LeCompte
Byrnes, Wis.	Gibson	Lemke
Camp	Gillette	Lesinski
Campbell	Gillie	Lewis
Cannon, Mo.	Goodwin	McConnell
Carnahan	Gore	McCowen
Case, N. J.	Gorski	McDonough
Chelf	Gossett	Madden
Chenoweth	Graham	Mankin
Chiperfield	Granahan	Martin, Iowa
Church	Grant, Ala.	Martin, Mass.
Clark	Griffiths	Mathews
Clason	Gwinn, N. Y.	Michener
Clevenger	Gwynne, Iowa	Mills
Coffee	Hall, Leonard W.	Monroney
Cole, Mo.	Hancock	Mundt
Colmer	Harless, Ariz.	Murray, Tenn.
Cooley	Harness, Ind.	Murray, Wis.
Corbett	Havenner	Neely
Cox	Hays	Norblad
Crosser	Healy	Norrell
Cunningham	Hedrick	O'Brien, Ill.
D'Alesandro	Hendricks	O'Brien, Mich.
Delaney, James J.	Hobbs	O'Hara
D'Ewart	Hoch	Outland
Dingell	Hoffman, Pa.	Pace
	Holmes, Mass.	Peterson, Fla.
		Peterson, Ga.
Phillips	Rogers, Mass.	Talbot
Pickett	Rooney	Talle
Pittenger	Sabath	Thom
Poage	Sadowski	Thomas, Tex.
Pratt	Sasscer	Tibbott
Price, Fla.	Schwabe, Mo.	Voorhis, Calif.
Quinn, N. Y.	Schwabe, Okla.	Vursell
Rabaut	Sheppard	Weichel
Rabin	Sikes	White
Randolph	Simpson, Ill.	Whitten
Rankin	Simpson, Pa.	Whittington
Rayfiel	Smith, Ohio	Wigglesworth
Reed, Ill.	Smith, Va.	Wilson
Reed, N. Y.	Somers, N. Y.	Winstead
Rees, Kans.	Springer	Wolcott
Rich	Starkey	Wolverton, N. J.
Riley	Stefan	Woodhouse
Rivers	Stevenson	Woodruff
Robertson, Va.	Stockman	Worley
Rodgers, Pa.	Sullivan	Zimmerman
Roe, Md.	Sumners, Tex.	
Rogers, Fla.	Sundstrom	

NAYS—14

Curtis	Hand	Marcantonio
De Lacy	Heselton	Price, Ill.
Gearhart	Hook	Ramey
Geelan	Link	Smith, Maine
Green	McGlinchey	

NOT VOTING—199

Adams	Gathings	Miller, Calif.
Allen, La.	Gifford	Miller, Nebr.
Almond	Gillespie	Morgan
Andersen, H. Carl	Gordon	Morrison
Anderson, Calif.	Granger	Murdock
Andrews, N. Y.	Grant, Ind.	Norton
Arnold	Gregory	O'Konski
Baldwin, Md.	Gross	O'Neal
Baldwin, N. Y.	Hagen	O'Toole
Barden	Hale	Patman
Barrett, Pa.	Hall, Edwin Arthur	Patrick
Barry	Halleck	Patterson
Bates, Ky.	Hare	Pfeifer
Beckworth	Harris	Philbin
Bell	Hart	Ploeser
Bender	Hartley	Plumley
Bennet, N. Y.	Hébert	Powell
Blackney	Heffernan	Priest
Bland	Henry	Rains
Boren	Herter	Reece, Tenn.
Boykin	Hess	Resa
Bradley, Mich.	Hill	Richards
Brooks	Hinshaw	Ploeser
Brumbaugh	Hoeven	Rizley
Bryson	Hoffman, Mich.	Robertson, N. Dak.
Buck	Holifield	Robinson, Utah
Buckley	Izac	Robsion, Ky.
Buffett	Jackson	Rockwell
Bunker	Jennings	Roe, N. Y.
Canfield	Johnson, Calif.	Rogers, N. Y.
Cannon, Fla.	Johnson, Tex.	Rowan
Carlson	Jones	Russell
Case, S. Dak.	Kean	Ryter
Celler	Kee	Savage
Chapman	Keefe	Scrivner
Clements	Kefauver	Shafer
Clippinger	Keogh	Sharp
Cochran	Kerr	Sheridan
Cole, Kans.	Kilburn	Short
Cole, N. Y.	Kilday	Slaughter
Combs	Kirwan	Smith, Wis.
Cooper	Klein	Sparkman
Courtney	LaFollette	Spence
Cravens	Landis	Stewart
Crawford	Lane	Stigler
Curley	Larcade	Sumner, Ill.
Daughton, Va.	Latham	Tabor
Davis	LeFevre	Tarver
Dawson	Luce	Taylor
Delaney, John J.	Ludlow	Thomas, N. J.
Dolliver	Lyle	Thomason
Dondero	Lynch	Tolan
Douglas, Ill.	McCormack	Torrens
Drewry	McGehee	Towe
Dworshak	McGregor	Traynor
Earthman	McKenzie	Trimble
Eaton	McMillan, S. C.	Vinson
Elliott	McMillen, Ill.	Vorys, Ohio
Elsaesser	Mahon	Wadsworth
Elston	Maloney	Walter
Engle, Calif.	Manasco	Wasielewski
Fellows	Mansfield, Mont.	Weaver
Flood	Mansfield, Tex.	Welch
Fogarty	Mason	West
Gallagher	May	Wickersham
Gary	Merrow	Winter
		Wolfenden, Pa.
		Wood

So the motion was agreed to.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Drewry with Mr. Robertson of North Dakota.
Mr. Murdock with Mr. Hinshaw.
Mr. Philbin with Mr. Rizley.
Mr. Engle of California with Mr. Johnson of California.
Mr. Flood with Mr. Clippinger.
Mr. Harris with Mr. Gillespie.
Mr. Savage with Mr. Andrews of New York.
Mr. Bryson with Mr. LaFollette.
Mr. Chapman with Mr. Reece of Tennessee.
Mr. Earthman with Mr. Bender.

Mr. HOOK changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

PROCEEDINGS AGAINST GEORGE MARSHALL

The SPEAKER. The gentleman from Mississippi [Mr. RANKIN] is recognized.

Mr. MARCANTONIO. Mr. Speaker, I ask for recognition. I have a preferential motion.

The SPEAKER. The gentleman from Mississippi has the floor on the resolution.

Mr. RANKIN. Mr. Speaker, this resolution is citing for contempt one George Marshall, the head of an organization known as the National Federation for Constitutional Liberties with offices at 205 East Forty-second Street, New York City.

Marshall first appeared before a subcommittee in New York. The gentleman from New Jersey [Mr. THOMAS] presided at the New York hearing. Marshall produced some of the bulletins and pamphlets published by his organization, but refused to submit anything else, and Mr. THOMAS ordered him to appear in Washington the following week for further examination.

Marshall appeared here in Washington on April 11, 1946. The full committee then demanded of him the production of his books, papers, and records, which he refused. He also refused to testify concerning his affiliation or relationship with the Marshall Foundation.

Marshall's organization is a typical propaganda group which has been cited by the Attorney General, Francis G. Biddle, as a Communist front. It published such booklets as How To Testify Before Congressional Investigating Committees, Native Fascists and How To Spot Them—this is the booklet which contains the embellished Fact Sheet No. 64 of the War Department.

His organization has applied for and received tax relief in being relieved from filing an income tax return.

Marshall refused to give any details concerning the source of revenues of his organization or himself. He merely said that he received no salary and that his private income was sufficient to support him.

You will find a report of his testimony in yesterday's CONGRESSIONAL RECORD.

This is one of those many Communist front organizations that are plotting the overthrow of this Government.

They get their inspiration, if not their instructions from Moscow. The Comintern is not dead. It is still carrying on the drive for world revolution, and is using these red fronts for that purpose.

If this is a legitimate outfit then why do they object to showing their records? Why do they object to showing where their funds come from and where they go?

Why all these frantic efforts on the part of a certain radical group here in the House to prevent us from voting on this resolution?

Remember that communism is based upon hatred for Christianity. It is based upon the atheistic doctrine of Karl Marx and its object is to bring about the overthrow of this Government, as well as that of every other government and to replace them with a communistic regime.

That would mean the end of constitutional government throughout the world.

It would mean the end of Christianity throughout the world.

It would mean the end of free enterprise throughout the world.

It would mean the end of human liberty throughout the world.

It would mean the end of the most glorious civilization mankind has ever known.

This great country of ours is the last bulwark against the onward march of that deadly curse. The Christian peoples of Europe who have seen their churches burned and their ministers murdered, their homes plundered, their people enslaved, their men shot, and their women raped, are looking to America to turn back this tide of atheistic fanaticism and save the civilization of mankind from being wiped from the face of the earth.

Your Committee on Un-American Activities is bearing the brunt of the fight to protect this Government from being destroyed by these insidious elements that attempt to carry out the instructions of the Comintern.

We are asking you, the elected Representatives of the people of this great country to back us.

Congress is the hope of this Nation. If we fail to protect our country from these influences, then America is doomed.

Mr. Speaker, I move the previous question.

Mr. MARCANTONIO. Mr. Speaker, I offer a preferential motion which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. MARCANTONIO moves that the resolution be tabled.

The SPEAKER. The question is on the preferential motion offered by the gentleman from New York [Mr. MARCANTONIO].

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—yeas 31, nays 138.

Mr. DE LACY. Mr. Speaker, I object to the vote on the ground that there is no quorum present, and I make the point of order that there is no quorum present.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRADLEY of Pennsylvania. In view of the fact that there has been constant interruption, I am quite sure that very few Members of the House know the full contents of the resolution.

I would like to vote on it intelligently, and I ask unanimous consent that the resolution again be read. I make that as a serious request.

Mr. RANKIN. I make the point of order, Mr. Speaker, that the gentleman is too late.

The SPEAKER. It is not too late to make a unanimous-consent request at any time.

Mr. RANKIN. I object, Mr. Speaker.

The SPEAKER. The gentleman from Washington [Mr. DE LACY] objects to the vote on the ground that there is no quorum present.

Evidently there is no quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 33, nays 202, not voting 195, as follows:

[Roll No. 275]

YEAS—33

Bailey	Gorski	Mankin
Biemiller	Havenner	Marcantonio
Bryne, N. Y.	Healy	O'Brien, Mich.
Coffee	Hedrick	Outland
De Lacy	Hoch	Rabin
Douglas, Calif.	Hook	Rayfiel
Doyle	King	Resa
Eberharter	Kopplemann	Sabath
Ervin	LaFollette	Sadowski
Forand	Link	Somers, N. Y.
Gardner	Madden	Woodhouse

NAYS—202

Abernethy	Ellis	Jonkman
Allen, Ill.	Ellsworth	Judd
Andresen, August H.	Engel, Mich.	Kearney
Andrews, Ala.	Engle, Calif.	Kelley, Pa.
Angell	Fallon	Kelly, Ill.
Arends	Feighan	Kinzer
Arnold	Fenton	Knutson
Auchincloss	Fisher	Kunkel
Baldwin, Md.	Flannagan	Lanham
Barrett, Wyo.	Flood	Lea
Bates, Mass.	Folger	LeCompte
Beall	Fuller	Lemke
Bennett, Mo.	Fulton	Lesinski
Bishop	Gamble	Lewis
Bolton	Gavin	McConnell
Bonner	Gearhart	McCowen
Bradley, Pa.	Geelan	McDonough
Brehm	Gerlach	McGlinchey
Brown, Ga.	Gibson	Martin, Iowa
Brown, Ohio	Gillette	Martin, Mass.
Buchanan	Gillie	Mathews
Bulwinkle	Goodwin	Michener
Butler	Gore	Mills
Byrnes, Wis.	Gossett	Monroney
Camp	Graham	Mundt
Campbell	Granahan	Murray, Tenn.
Cannon, Mo.	Grant, Ala.	Murray, Wis.
Carnahan	Green	Norblad
Case, N. J.	Griffiths	Norrell
Chelf	Gwinne, N. Y.	O'Brien, Ill.
Chenoweth	Gwynne, Iowa	O'Hara
Chiperfield	Hall, Leonard W.	Pace
Church	Hancock	Patman
Clark	Hand	Peterson, Fla.
Clason	Harless, Ariz.	Peterson, Ga.
Clevenger	Hays	Phillips
Clippinger	Hendricks	Pickett
Cole, Mo.	Hesselton	Pittenger
Colmer	Hobbs	Poage
Cooley	Hoffman, Pa.	Pratt
Corbett	Holmes, Mass.	Price, Fla.
Cox	Holmes, Wash.	Price, Ill.
Crosser	Hope	Quinn, N. Y.
Cunningham	Horan	Rabaut
Curtis	Howell	Ramey
D'Alesandro	Huber	Randolph
Delaney, James J.	Hull	Rankin
D'Ewart	Jarman	Reed, Ill.
Dingell	Jenkins	Reed, N. Y.
Dirksen	Jensen	Rees, Kans.
Domengeaux	Johnson, Ill.	Rich
Doughton, N. C.	Johnson, Ind.	Riley
	Johnson, Okla.	Rivers
		Rizley

Robertson, N. Dak.	Smith, Maine	Voorhis, Calif.
Robertson, Va.	Smith, Ohio	Vursell
Rodgers, Pa.	Smith, Va.	Walter
Roe, Md.	Springer	Weichel
Rogers, Fla.	Starkey	Whitten
Rogers, Mass.	Stefan	Whittington
Rooney	Stevenson	Wigglesworth
Sasscer	Stockman	Wilson
Schwabe, Mo.	Sullivan	Winstead
Schwabe, Okla.	Sumners, Tex.	Wolcott
Sheppard	Sundstrom	Wolverton, N. J.
Sikes	Talbot	Woodruff
Simpson, Ill.	Talle	Worley
Simpson, Pa.	Thom	Zimmerman
	Tibbott	

NOT VOTING—195

Adams	Gifford	Miller, Calif.
Allen, La.	Gillespie	Miller, Nebr.
Almond	Gordon	Morgan
Andersen, H. Carl	Granger	Morrison
	Grant, Ind.	Murdock
Anderson, Calif.	Gregory	Neely
Andrews, N. Y.	Gross	Norton
Baldwin, N. Y.	Hagen	O'Konski
Barden	Hale	O'Neal
Barrett, Pa.	Hall, Edwin Arthur	O'Toole
Barry		Patrick
Bates, Ky.	Halleck	Patterson
Beckworth	Hare	Pfeifer
Bell	Harness, Ind	Philbin
Bender	Harris	Ploeser
Bennet, N. Y.	Hart	Plumley
Blackney	Hartley	Powell
Bland	Hébert	Priest
Bloom	Heffernan	Rains
Boren	Henry	Reece, Tenn.
Boykin	Herter	Richards
Bradley, Mich.	Hess	Robinson, Utah
Brooks	Hill	Robsion, Ky.
Brumbaugh	Hinshaw	Rockwell
Bryson	Hoeven	Roe, N. Y.
Buck	Hoffman, Mich.	Rogers, N. Y.
Buckley	Holifield	Rowan
Buffett	Izac	Russell
Bunker	Jackson	Ryter
Canfield	Jennings	Savage
Cannon, Fla.	Johnson, Calif.	Scrivner
Carlson	Johnson, Tex.	Shafer
Case, S. Dak.	Jones	Sharp
Celler	Kean	Sheridan
Chapman	Kee	Short
Clements	Keefe	Slaughter
Cochran	Kefauver	Smith, Wis.
Cole, Kans.	Keogh	Sparkman
Cole, N. Y.	Kerr	Spence
Combs	Kilburn	Stewart
Cooper	Kilday	Stigler
Courtney	Kirwan	Sumner, Ill.
Cravens	Klein	Taber
Crawford	Landis	Tarver
Curley	Lane	Taylor
Daughton, Va.	Larcade	Thomas, N. J.
Davis	Latham	Thomas, Tex.
Dawson	LeFevre	Thomason
Delaney, John J.	Luce	Tolan
	Ludlow	Torrens
Doliver	Lyle	Towe
Dondero	Lynch	Traynor
Douglas, Ill.	McCormack	Trimble
Drewry	McGehee	Vinson
Durham	McGregor	Vorys, Ohio
Dworshak	McKenzie	Wadsworth
Earthman	McMillan, S. C.	Wasielewski
Eaton	McMillen, Ill.	Weaver
Elliott	Mahon	Welch
Elsaesser	Maloney	West
Elston	Manasco	White
Fellows	Mansfield, Mont.	Wickersham
Fernandez		Winter
Fogarty	Mansfield, Tex.	Wolfenden, Pa.
Gallagher	Mason	Wood
Gary	May	
Gathings	Merrow	

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. John J. Delaney for, with Mr. Short against.

Mr. O'Toole for, with Mr. Taylor against.

Mr. Keogh for, with Mr. Elsaesser against.

Mr. Dawson for, with Mr. Latham against.

Mr. Izac for, with Mr. Almond against.

Mr. Klein for, with Mr. Johnson of Texas against.

Mr. Celler for, with Mr. Bender against.

Mr. Pfeifer for, with Mr. Jones against.

Mr. Sheridan for, with Mr. Hartley against.

Mr. Powell for, with Mr. Eaton against.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 191, noes 20.

Mr. DE LACY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty-one Members are present, a quorum.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

Mr. RANKIN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 189, noes 28.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Koerber, its assistant enrolling clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5560) entitled "An act to fix the rate of postage on domestic air mail, and for other purposes."

AMENDING THE SOCIAL SECURITY ACT AND THE INTERNAL REVENUE CODE

Mr. COLMER. Mr. Speaker, I call up House Resolution 747, and move its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, with the Senate amendments thereto, be, and the same is hereby, taken from the Speaker's table, that the Senate amendments be, and they are hereby, disagreed to by the House, and that a conference be, and the same is hereby, requested with the Senate on the disagreeing votes of the two Houses thereon.

The SPEAKER. The question is, Will the House now consider the resolution?

The question was taken; and two-thirds having voted in favor thereof, the House decided to consider the resolution.

Mr. COLMER. Mr. Speaker, I have no requests for time on this side.

This is simply a resolution sending the social-security bill to conference. I reserve the balance of my time, and I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN of Illinois. Mr. Speaker, I reserve my time.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Mr. DOUGHTON of North Carolina, Mr. DINGELL, Mr. ROBERTSON of Virginia, Mr. MILLS, Mr. KNUTSON, Mr. REED of New York, and Mr. WOODRUFF.

Mr. DOUGHTON of North Carolina. Mr. Speaker, I ask unanimous consent that I may have until midnight tonight to file a conference report and statement on the bill H. R. 7037, the social-security bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. DOUGHTON]?

There was no objection.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate, by Mr. Koerber, its assistant enrolling clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested a joint resolution of the House of the following title:

H.J. Res. 390. Joint resolution making additional appropriations for the fiscal year 1947, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing joint resolution, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCKELLAR, Mr. HAYDEN, Mr. RUSSELL, Mr. OVERTON, Mr. THOMAS of Oklahoma, Mr. BRIDGES, Mr. GURNEY, and Mr. BALL to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 783) entitled "An act for the relief of Karl E. Bond."

STATUTE OF LIMITATIONS

Mr. SABATH, from the Committee on Rules, submitted the following resolution (H. Res. 751, Rept. No. 2718) for printing in the RECORD:

Resolved, That upon the adoption of this resolution the act (H. R. 2788) to limit the time during which certain actions under the laws of the United States may be brought, with the Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments be, and the same hereby are agreed to.

ADDITIONAL APPROPRIATIONS FOR YEAR 1947

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H. J. Res. 390) making additional appropriations for the fiscal year 1947, and for other purposes, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. CANNON of Missouri, RABAUT, THOMAS of Texas, WIGGLESWORTH, and DIRKSEN.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have leave to file a report whether the House is in session or not.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

POSTAGE RATE ON DOMESTIC AIR MAIL

Mr. O'BRIEN of Michigan submitted the following conference report and statement on the bill (H. R. 5560) to fix the rate of postage on domestic air mail and for other purposes:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5560) to fix the rate of postage on domestic air mail, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

PHILIP A. TRAYNOR,
WILLIAM C. COLE,
JOHN C. BUTLER,
GEORGE D. O'BRIEN,
Managers on the Part of the House.

DENNIS CHAVEZ,
KENNETH MCKELLAR,
CARL HAYDEN,
WILLIAM LANGER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5560) to fix the rate of postage on domestic air mail, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: The House bill provided that the rate of postage on domestic air mail shall be 5 cents for each ounce or fraction thereof. This amendment changes such rate to 6 cents. The Senate recedes.

Amendment No. 2: The House bill provided that with respect to mail transported under authority of section 1 of the act of October 14, 1940, the postage rate of 5 cents prescribed by the bill shall be applicable only to first-class mail. This amendment refers to the postage rate of 6 cents in conformity with the change in rate made by amendment No. 1. The Senate recedes.

PHILIP A. TRAYNOR,
WILLIAM C. COLE,
JOHN C. BUTLER,
GEORGE D. O'BRIEN,
Managers on the Part of the House.

Mr. O'BRIEN of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the bill (H. R. 5560) fixing the rate of postage on domestic air mail, and for other purposes.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain what the conference report does?

Mr. O'BRIEN of Michigan. The House unanimously passed the bill some weeks ago changing the domestic rate on air mail from 8 cents per ounce to 5 cents. The Senate amended the House bill by raising it from 5 to 6 cents. In a conference last night we made the rate 5 cents. In other words, the position of the House was sustained.

Mr. MARTIN of Massachusetts. That is the only change?

Mr. O'BRIEN of Michigan. That is the only change.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

ICKES' RECKLESS EXPENDITURE OF PUBLIC FUNDS

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. GIBSON. Mr. Speaker, I am sure that every Member of this House was shocked and disappointed to learn of the recent defeat of our able and distinguished colleague from Oklahoma, who has served the State and Nation honorably and well for the past two decades, the Honorable JED JOHNSON.

It is no shock or surprise, however, that one Harold Ickes, known for his reckless expenditure of public funds, as well as his recklessness in handling facts, should continue to vent his spleen against JOHNSON. As chairman of the Interior Subcommittee on Appropriations for the past several years, JED JOHNSON has done more than any other one man in Congress to halt Ickes in his wild and reckless expenditure of public funds. Mr. Speaker, in the Washington Star of Friday, July 26, and in other newspapers throughout the country appeared a libelous article by Harold Ickes, reflecting on the character and conduct of our beloved colleague from Oklahoma who is held in high esteem by every Member of this House. Ickes charged JOHNSON, among other things, with having gutted the Interior Department in the matter of funds and also taking advantage of his position to push the Interior Department around. I have talked to members of his subcommittee, both Democrats and Republicans, and every member has assured me that this charge is an infamous falsehood.

Mr. Speaker, I could use the time allowed me in name calling. I could remind Members of this House of the fact that the author of this slimy smear article has also attempted to smear many other public men, including the President of the United States and members of the President's Cabinet. I could call this character assassin an unmitigated unconscionable liar, but that would not be news to many Members of this House, or others who have had any dealings with this man who beats himself on the breast and calls himself Honest Harold.

I am not presumed to know all the answers to Ickes' recent blasts at the gentlemen from Oklahoma [Mr. JOHNSON] but I do know both men, and I would stake my life on the statement that his several smear articles against the gentleman from Oklahoma [Mr. JOHNSON] are not based upon facts. JED JOHNSON'S record, both private and public, is as clean as a hound's tooth, a thing that cannot be truthfully said of Harold Ickes.

Surely the public has not forgotten that during the war how Ickes hoarded gasoline on his Maryland farm for the use of his or his wife's chicken farm and that he persisted in using an extra Interior Department automobile or station wagon in peddling eggs and chickens all over Washington. Such brazen effrontery would make the average man hang his head in shame, but not Ickes. I could take considerable time discussing his background, his various lawsuits against members of his own family, his widely publicized action in listing in his five-story building in Chicago as a three-story building for tax purposes in order to beat his taxes, and various and sundry other shady deals too numerous to mention. But Members of this House and the public generally are more interested in his public record as a reckless and irresponsible spender, a record that has never before been equaled so far as I can recall by any public official during my years in Washington.

Members of this House will recall that Mr. Ickes was so reckless in expenditures of long-distance telephone calls and telegrams that during the fiscal year 1943, Ickes' bill for telephone and telegrams alone cost the taxpayers $231,000. That, of course, is a matter of record which I had occasion to look up today in order to refresh my memory. It will also be recalled that JED JOHNSON'S committee reduced the amount for long-distance telephone calls to $40,000, and the record also shows that a year later the Under Secretary of the Interior admitted that this committee action had a "salutary effect upon the whole Interior Department."

Again Ickes says in his libelous article referred to, that the feud between himself and the gentleman from Oklahoma [Mr. JOHNSON] was caused by his refusal to permit any member of his staff to be smeared unjustly by fake patriots. Here he is undoubtedly talking about his old side-kick, Robert Morss Lovett, who, according to the record, not only admitted but boasted that he was a member of 41 subversive organizations, 5 of which were pointed out to be Communist or Communist-front organizations by the then Attorney General. The same record discloses that the same Robert Lovett also admitted that he had appeared on the same platform with Earl Browder, Communist candidate for the Presidency, at which time he lauded Browder. His testimony is available for anyone who wishes to read it. When Ickes heard of the Lovett testimony and that JOHNSON'S committee was fixing to burn Ickes down for having such a crackpot on his pay roll, he solemnly promised the committee, so I am advised by several members, to get Lovett's resignation immediately, but a year later Lovett was still on Ickes' pay roll. This is the same Ickes who a little later was

defending conscientious objectors on the Interior pay roll, according to the printed record, during the war and who was making affidavits that such conscientious objectors were indispensable and irreplaceable. It is true that the gentleman from Oklahoma, JED JOHNSON, went to work to turn the searchlight of publicity against such shameful maladministration. That is evidently what the old man calls being pushed around. Well, we need more JED JOHNSONS in Congress to do more pushing around.

Perhaps the most scandalous and brazen of any of the matters called to my attention, in reading the committee hearings today in connection with the former Secretary and his boasted public record, was his action in forcing by direct order one Ruth Gruber, known to have been one of his several ghost writers, on the pay roll of the Alaska Railroad, where she remained for 4 years and 11 months at a salary of $6,000 per year, plus $7 per diem. This lady was paid, according to the records furnished the committee, and which I have before me, $36,771.24 for work alleged to have been performed in connection with the Alaska Railroad. During this time it was testified that she made some three or four trips to Alaska, rode on free passes on the railroad a few times, wrote some magazine articles about Alaska for which she was paid; but, according to the present manager of the road, Colonel Johnson, and his predecessor, Colonel Ohlson, the young woman performed no services whatsoever in connection with the operation of the Alaska Railroad.

To those of you who would like some interesting and informative reading I would call your attention to the printed hearings in connection with the annual supply bill for the Interior Department for the current fiscal year. The testimony speaks for itself. It is uncontroverted.

For the edification of the House, I quote the following from the hearings referred to before JED JOHNSON's subcommittee, beginning at page 785, as follows:

SERVICES OF RUTH GRUBER

Mr. JOHNSON of Oklahoma. Colonel, during the course of examining your successor, Colonel Johnson, and also while Mr. Arnold was on the stand, some mention was made of a certain railroad official, or perhaps I should say a former railroad official, whose name the committee first heard in Alaska, as being connected in some way with the Alaska Railroad. Your successor, Colonel Johnson, did not seem to know very much about the work performed by this so-called ex-railroad official. I am sure that the committee would like to have any information that you may be able to give about this very charming person. I refer to Ruth Gruber, who it develops was on the pay roll of the Alaska Railroad for the past 5 or 6 years at the modest salary of $6,000 per year, plus, of course, a per diem, I believe, of $7 per day.

Colonel, would you be good enough to tell the committee how long Miss Gruber was on your pay roll, and what particular functions, if any, connected with the Alaska Railroad she performed at any time?

Colonel OHLSON. Dr. Gruber, Mr. Chairman, was, I believe, initially hired by the Interior Department, and later on detailed by the Secretary of the Interior, Mr. Ickes, to make a study of Alaska for the purpose of assisting in the development of Alaska, and she was placed on the Alaska Railroad pay roll in February 1941.

Mr. JOHNSON of Oklahoma. Did she remain on the pay roll continuously since that time at a top salary of $6,000 per year.

Colonel OHLSON. Yes, sir.

Mr. JOHNSON of Oklahoma. What duties, if any, did she perform with the Alaska Railroad?

Colonel OHLSON. She wrote several articles that were published in various periodicals and newspapers covering her observations of the scenery and the resources of Alaska.

Mr. JOHNSON of Oklahoma. All right, she wrote several articles to magazines and newspapers for which it is presumed she was paid. Now, did she give you any help, advice, assistance, or counsel in connection with the operation of the railroad?

Colonel OHLSON. No, sir; she was not engaged in that capacity.

Mr. JOHNSON of Oklahoma. Was she a member of your staff of advisers, rail experts, or a member of your board of directors?

Colonel OHLSON. No, sir.

Mr. JOHNSON of Oklahoma. Please tell the committee just how you operated. To whom did you as general manager report, Dr. Gruber, the Secretary of the Interior, or to the Director of Territories?

Colonel OHLSON. The Alaska Railroad is under the Department of the Interior and the general manager reports to the Director of Territories, who, in turn, refers matters of importance of the railroad to the Secretary for decisions.

Mr. JOHNSON of Oklahoma. Well, now getting back to this ex-railroad official we have learned so far that Dr. Gruber, who has been reported to this committee to be a very fluent "ghost" writer, has written a number of articles about Alaska for which it is presumed she received some remuneration. Do you know if the articles in question were printed under her own name or under the name of the Secretary of the Interior?

Colonel OHLSON. So far as I know, under her own name.

Mr. JOHNSON of Oklahoma. Then for at least some of her articles she received extra remuneration in addition to her salary of $6,000 per year. Did she perform any functions whatever in connection with the operation, maintenance, or general welfare of the Alaska Railroad?

Colonel OHLSON. No; not as far as operation is concerned. She had nothing to do with that.

Mr. JOHNSON of Oklahoma. Now, I believe you say she was placed on the pay roll in February 1941,

Colonel OHLSON. Yes, sir.

Mr. JOHNSON of Oklahoma. By whose orders?

Colonel OHLSON. By the Secretary of the Interior.

Mr. JOHNSON of Oklahoma. The great Secretary of the Interior! The self-admitted, if not self-named, "Honest Harold," whose great heart bleeds for the American taxpayer, who is shocked at anything that smacks of an impropriety——

Colonel OHLSON. Yes, sir.

Mr. JOHNSON of Oklahoma. Did you object or protest to the order from the Secretary of the Interior to place Miss Gruber on your top pay roll?

Colonel OHLSON. No, sir.

Mr. JOHNSON of Oklahoma. You offered no protest as general manager of the railroad?

Colonel OHLSON. No, sir; it was a direct order.

Mr. JOHNSON of Oklahoma. Colonel, in introducing you a few minutes ago, I referred to the fact that you had brought the railroad from several millions in the "red" to a few millions surplus. Had you taken the road out of the "red" before you received orders from Secretary Ickes to place this charming lady on your pay roll?

Colonel OHLSON. The railroad had just started in to show a small profit at that time.

Mr. JOHNSON of Oklahoma. During all those 5 years that Miss Gruber was on your pay roll at the highest salary I believe this law allows, what if anything, did she contribute to the operation of the road. Was it confined to a few trips as a passenger, presumably on a free pass?

Colonel OHLSON. She made several trips over the Alaska Railroad; yes.

Mr. JOHNSON of Oklahoma. Then, as far as you know, that was the extent of her railroad work during her trips to Alaska?

Colonel OHLSON. Yes, sir.

Mr. JOHNSON of Oklahoma. Then I take it that you did not even call on her to take your place as manager of the road when you were out of Alaska?

Colonel OHLSON. No, sir.

Mr. JOHNSON of Oklahoma. At no time, then, did she operate the engines? She is not an engineer?

Colonel OHLSON. No, sir.

Mr. JOHNSON of Oklahoma. During all that time the little lady did not act as conductor, brakeman, engineer, superintendent of the road, or in any other capacity?

Colonel OHLSON. No, sir.

Mr. JOHNSON of Oklahoma. But simply wrote some articles about Alaska, for which she presumably was paid in order to augment that $6,000 salary you paid her, or should I say gave her, at the direct order of the Secretary of the Interior?

Colonel OHLSON. Yes, sir; that is correct.

Mr. JOHNSON of Oklahoma. During the time that she was on your pay roll at $6,000 a year, did the Secretary also make you pay her time and a half for overtime?

Colonel OHLSON. No, sir.

Mr. JOHNSON of Oklahoma. What, no overtime?

Colonel OHLSON. No, sir; no time and a half was paid to Dr. Gruber.

Mr. JOHNSON of Oklahoma. How amazing; and no extras for foreign-service pay except a measly $7 extra per diem?

Colonel OHLSON. No, sir; her salary was $6,000 per annum.

Mr. JOHNSON of Oklahoma. Only $6,000 per year. And what about that seven "bucks" extra per day? Did she get that also?

Colonel OHLSON. Yes, sir.

Mr. JOHNSON of Oklahoma. Only $6,000—at a time when you were striving to create a surplus that you knew would be needed after the war—at a time when men were offering their lives to preserve the American way of life, and with a terrible war deficit mounting, you paid only $6,000 annual salary to her?

Colonel OHLSON. Yes, sir; also per diem.

Mr. JOHNSON of Oklahoma. During that time did she make one or more trips to Europe? Are you familiar with that?

Colonel OHLSON. She did. At least one trip.

Mr. JOHNSON of Oklahoma. During which time she also wrote some very interesting articles and later delivered lectures for which she was paid. One article about Russia, particularly. It was also during the time she was on your pay roll that she became interested, as I recall, in getting European refugees sent to Alaska. Was it during the same trip that she visited Russia?

Colonel OHLSON. Her trip to Russia I am quite sure was prior to her coming to the Alaska Railroad.

Mr. JOHNSON of Oklahoma. Did she go to Europe at your suggestion and in connection with her alleged work as a railroader?

Colonel OHLSON. No, sir.

Mr. JOHNSON of Oklahoma. Then the Alaska Railroad did not urge her to go as your representative for any national or international conclave or for anything even remotely connected with the Alaska Railroad?

Colonel OHLSON. No, sir.

Mr. JOHNSON of Oklahoma. Is it true or untrue that she went to Europe in connection with bringing to the United States the so-called Oswego refugees?

Colonel OHLSON. I had no knowledge of that trip until after her return from Europe.

Mr. JOHNSON of Oklahoma. Well, were there some European refugees established at Oswego after her trip to Europe?

Colonel OHLSON. I believe I read an article on that subject.

Mr. JOHNSON of Oklahoma. Did you read a story in the Washington papers, or other papers, recently, stating that the Secretary of the Interior had suggested that a large number of European refugees be unloaded on Alaska?

Colonel OHLSON. I did, sir.

Mr. JOHNSON of Oklahoma. Well you might be surprised, Colonel, that the Secretary of Interior actually had the gall to ask President Truman to give the lady a Presidential decoration for bringing those refugees to America. Now, Colonel, how many years have you lived in Alaska?

Colonel OHLSON. Seventeen and one-half years.

Mr. JOHNSON of Oklahoma. Is it your judgment that the idea of the Secretary of Interior to flood Alaska with refugees will be received with open arms by the people of Alaska, or would they agree with a well-known Alaskan who ridiculed the suggestion as an "idiotic brainstorm"?

If you care to answer that on or off the record, the committee would like to have that because when the great Secretary of the Interior makes such a suggestion there might be some who think it ought to be given at least consideration. We would like to know what you think about it.

Colonel OHLSON. Until additional resources have been found and developed I doubt the wisdom of a step of that kind.

Mr. ROONEY. Colonel, have you ever heard that song, I've Been Working on the Railroad?

Colonel OHLSON. Yes, sir.

Mr. ROONEY. I have just one question. What, if anything, did the party mentioned here, Miss Gruber, I believe her name is, do to assist you in the administration or operation of the railroad?

Colonel OHLSON. Insofar as the operation and maintenance of the railroad is concerned, Dr. Gruber did not render any assistance.

Mr. ROONEY. Then there should be some explanation of this.

It will be noted that the young woman in question, who visited Alaska a few times during the 4 years and 11 months she was on the pay roll of the Alaska Railroad was interested mainly in getting some refugees sent over from Europe to Alaska. She attempted to sell a number of leading citizens of Alaska on the Ickes proposal of importing the so-called refugees from countries in Europe, but such a storm of protest went up against the idiotic plan that the Department of the Interior was finally forced to change the program and the so-called refugees were sent to Oswego, N. Y., instead. The same Ruth Gruber, according to the record, was even sent by plane to Italy during the war despite the serious shortage of planes and gasoline to travel as the Secretary's official representative to round up these refugees. For this act the great Secretary of the Interior decided that she should be decorated and that her services should go down in history as a great achievement and he actually had the gall, as the gentleman from Oklahoma, Chairman JOHNSON, pointed out, to ask the President of the United States, by letter dated January 31, 1946, to award the said Ruth Gruber the Medal of Merit for her work in connection with bringing a contingent of refugees from Europe to the United States. This, it will be recalled, was shortly before his blow-up as Secretary.

After having been turned down unanimously by the President's board which makes such recommendations, the Secretary then called upon the Secretary of State to give her what is known as the Medal of Freedom. But Secretary Byrnes advised the then Secretary of the Interior by letter, as follows:

> The Medal of Freedom is being awarded by the Army and Navy theater commanders abroad for meritorious action in helping American military personnel in enemy-occupied territory during the war.

The Secretary went on to state that the President's Executive order establishing medals for cases of this character did not apply to any act performed in the United States. This must have come as a terrible blow to the then Secretary whose protégée and alleged ghost writer had drawn down a total of $36,771.24 during a less than 5-year period.

So, Mr. Speaker, in closing this chapter for the present at least with a few high spots in the official record of the man who assumes a holier-than-thou role, who boasts of his alleged virtue, who declares to the world that he is the one and only "Honest Harold"; this man who has questioned the veracity of Presidents and Cabinet members, members of the Supreme Court, and many others in high official life, my closing comment as to him and his smear campaign against all who do not see eye to eye with him would be the old adage "that people who live in glass houses should not throw stones."

EXTENSION OF REMARKS

Mr. PETERSON of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a report of an inspection trip of the Pan American Highway in Central America.

Mr. Speaker, I have an estimate from the Government Printing Office that the cost will be approximately $120. Notwithstanding the cost I ask consent that the extension may be made.

The SPEAKER. Notwithstanding, without objection, the extension will be made.

There was no objection.

RETIREMENT PLAN FOR PERSONNEL OF MILITARY AND NAVAL SERVICES

Mr. SIKES. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent for the present consideration of the bill, S. 2460, to provide additional inducements to citizens of the United States to make a career of the United States military or naval service, and for other purposes.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the Senate bill?

Mr. SIKES. I am glad to comply with the request of the distinguished minority leader. This is an enlisted man's retirement bill. It is the outgrowth of action already taken by the passage of S. 1438 for naval personnel. When the bill came up the House committee amended it to include Army personnel. There are differences, however, in the treatment of the men in the two services and the effort has been to reconcile the differences and place the Army and Navy personnel on the same retirement basis.

Mr. MARTIN of Massachusetts. I yield to the gentleman from Iowa [Mr. MARTIN].

Mr. MARTIN of Iowa. Mr. Speaker, the bill now before us really goes a long way toward bringing about uniformity in the retirement provisions for the enlisted personnel of the Army and the Navy. It is a very essential bill to bring about some greater incentive for enlisted men to serve in the armed forces at this time, both Army and Navy. The Army and Navy, the War Department and the Navy Department are in accord on the provisions of this bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the Naval Reserve Act of 1938 (52 Stat. 1176) is hereby amended by inserting after the words "insular possessions of the United States" a comma and the following: "including citizens of the Philippine Islands who are members of the naval service at the time independence of the Philippine Islands becomes effective,".

SEC. 2. Section 204 of the Naval Reserve Act of 1938 (52 Stat. 1179) is hereby amended to read as follows:

"SEC. 204. Members of the Navy who first enlisted in the Navy after July 1, 1925, or who reenlisted therein after July 1, 1925, having been out of the Regular Navy for more than 3 months, may upon their own request be transferred to the Fleet Reserve upon the completion of at least 20 years' active Federal service. After such transfer, except when on active duty, they shall be paid at the annual rate of 2½ percent of the annual base and longevity pay they are receiving at the time of transfer multiplied by the number of years of active Federal service: *Provided*, That the pay authorized in this section shall be increased 10 percent for all men who may be credited with extraordinary heroism in the line of duty: *Provided further*, That the determination of the Secretary of the Navy as to the definition of extraordinary heroism shall be final and conclusive for all purposes: *Provided further*, That the pay authorized in this section shall not exceed 75 percent of the active-duty base and longevity pay they were receiving at the time of transfer: *Provided further*, That all enlisted men transferred to the Fleet Reserve in accordance with the provisions of this section and of sections 1 and 203 of this act shall, upon completion of 30 years' service, be transferred to the retired list of the Regular Navy, with the pay they were then legally entitled to receive: *Provided further*, That nothing contained within this section shall be construed to prevent persons who qualify for transfer to the Fleet Reserve under the provisions of section 203 of this act from being transferred in accordance with the provisions of this section if they so elect: *Provided further*, That a fractional year of 6 months or more shall be considered a full year for purposes of this section and section 203 in computing years of active Federal service and base and longevity pay: *And provided further*, That the provisions of this section shall apply to all persons of the class described herein heretofore or hereafter transferred to the Fleet Reserve, except that no

increase in pay or allowances shall be deemed to have accrued prior to the date of the enactment of this amendment. For the purposes of this section, all active service in the Army of the United States, the Navy, the Marine Corps, the Coast Guard, or any component thereof, shall be deemed to be active Federal service."

SEC. 3. Title II of the Naval Reserve Act of 1938 (52 Stat. 1178) is hereby amended by adding thereto a new section to read as follows:

"SEC. 208. Whenever enlisted men of the Fleet Reserve, transferred thereto after more than 16 years' service, or enlisted men transferred from the Fleet Reserve to the retired list of the Regular Navy, perform active duty after July 1, 1925, such active duty, except that which they are required to perform in time of peace under section 206 of this title, shall be included in the computation of their total service for the purpose of computing their retainer or retired pay when in an inactive-duty status, and in the computation of their retainer or retired pay all active duty so performed subsequent to the effective date of transfer to the Fleet Reserve or to the retired list shall be counted for the purpose of computing percentage rates and increases with respect to their retainer or retired pay and shall be based on the enlisted pay received by them at the time they resume an inactive-duty status, including increases in consequence of advancement in rating, longevity, and extraordinary heroism: *Provided*, That such pay shall not exceed 75 percent of the base and longevity pay of the highest rating to which entitled under the provisions of this section: *Provided further*, That active duty performed during any period of national emergency declared by the President shall be considered for the purpose of this section as not being active duty in time of peace required by section 206: *Provided further*, That nothing contained in this section shall operate to reduce the retainer or retired pay and alowances to which any enlisted man would otherwise have been entitled: *Provided further*, That a fractional year of 6 months or more shall be considered a full year for purposes of this section in computing years of active Federal service and base and longevity pay: *And provided further*, That persons of the classes described in this section who have been retired or returned to an inactive duty status prior to the date of approval of this section shall be entitled to the benefits of this section from the date of retirement or return to an inactive duty status."

SEC. 4. (a) The authority conferred upon the President by the Act approved June 27, 1942 (56 Stat. 422), as amended, to appoint commissioned warrant and warrant officers of the Regular Navy to commissioned grades or ranks is hereby extended to include authority to appoint chief petty officers of the Regular Navy who have completed not less than 3 years of service as chief petty officers to commissioned grades or ranks in like manner and under the same conditions and circumstances, except as otherwise provided in this subsection, as is provided in that act, as amended, for the appointment of commissioned warrant and warrant officers to commissioned grades or ranks.

(b) The authority conferred upon the President by the act approved June 27, 1942 (56 Stat. 422), as amended, to appoint commissioned warrant and warrant officers of the Regular Navy to commissioned grades or ranks is hereby extended to include authority to appoint any enlisted man of the Regular Navy who has not, on the date of such appointment, attained his thirty-third birthday and who has served continuously and immediately prior to such appointment in the Regular Navy for a period of not less than 4 years to the commissioned grade or rank of ensign in the line or staff corps of the Regular Navy in like manner and under the same conditions and circumstances, except as otherwise provided in this subsection, as is provided in that act, as amended, for the appointment of commissioned warrant and warrant officers to commissioned grades or ranks: *Provided*, That the authorized number of commissioned officers of the line and of each staff corps to which appointments pursuant to this subsection may be made will not be increased according to the number of appointments made, and officers appointed pursuant to this subsection shall not be carried as extra numbers in the grades or ranks in which appointed.

(c) In computing the years of service necessary for appointment to commissioned grade or rank pursuant to the act approved June 27, 1942 (56 Stat. 422), and pursuant to this section, at least 1 year of such service shall have been in the Regular Navy. The remaining portion of such service may have been active duty in a reserve component of the Navy after September 8, 1939, and before the termination of the present war as proclaimed by the President or established by act or resolution of the Congress.

SEC. 5. (a) Subsection 8 (c) of the act approved July 24, 1941 (55 Stat. 604), is hereby amended to read as follows:

"(c) An officer or enlisted man on the retired list of the Regular Navy or Marine Corps who was placed thereon by reason of physical disability shall, if he incurs physical disability while serving under a temporary appointment in a higher rank, subject to the provisions of subsection (e) hereof, be advanced on the retired list to such higher rank with retired pay at the rate of 75 percent of the active-duty pay to which he was entitled while serving in that rank."

(b) Subsection 8 (e) of the act approved July 24, 1941 (55 Stat. 604), is hereby amended to read as follows:

"(e) The benefits of this section shall apply only to an individual who incurs physical disability in line of duty in time of war or national emergency. In the case of those officers and enlisted men to whom subsection (c) hereof is applicable retirement in the next higher rank shall be effected upon a finding by a naval retiring board that the disability was incident to the service while on active duty in the higher rank and upon a rating by such board, in accordance with regulations prescribed by the Secretary of the Navy, at not less than 30 percent permanent disability. In all other cases officers and enlisted men shall be retired in accordance with existing law providing for the retirement of officers or enlisted men."

SEC. 6. (a) Section 4 of the act approved October 6, 1945 (Public Law 190, 79th Cong.), is hereby amended to read as follows:

"SEC. 4. Whenever any enlisted man of the Regular Army shall have completed a minimum of 20 but less than 30 years of active Federal service, he may, under such regulations as the Secretary of War shall prescribe, upon his own request be transferred to the Enlisted Reserve Corps and thereupon will be placed on the retired list of the Regular Army. An enlisted man so transferred and retired shall receive, except when on active duty, monthly retired pay at the rate of 2½ percent of the base and longevity pay of the enlisted grade held at the time he made application for retirement multiplied by the number of years of active Federal service, not to exceed 30 years. The retired pay authorized by this section shall be increased 10 percent for any enlisted man who is credited with extraordinary heroism in line of duty: *Provided*, That the determination of the Secretary of War as to extraordinary heroism for purposes of this section shall be final and conclusive for all purposes: *Provided further*, That the total retired pay (including the 10-percent increase for extraordinary heroism) authorized by this section shall not in any case exceed 75 percent of the total enlisted base and longevity pay such enlisted man was receiving at the time he made application for retirement: *And provided further*, That any fractional part of a year amounting to 6 months or more shall be counted as a complete year for the purpose of computing retired pay, but shall not be counted for the purpose of determining eligibility for retirement under this section."

(b) The number of years of service to be credited in computing eligibility for retirement under this act or any other act providing for retirement of enlisted men of the Army shall include all active Federal service performed in the Army of the United States, the Navy, the Marine Corps, the Coast Guard, or any component thereof.

(c) Any enlisted man retired under the provisions of section 4 of the act approved October 6, 1945 (Public Law 190, 79th Cong.), shall, commencing the first day of the month following the effective date of this act, receive retired pay computed as provided in section 6 of this act.

SEC. 7. Any enlisted man who is transferred to the Enlisted Reserve Corps pursuant to the provisions of section 6 of this act shall remain a member thereof until his active Federal military service performed prior to such transfer plus the period of his service in such corps equals 30 years, and while a member of such corps shall be subject to perform such periods of active duty as may now or hereafter be prescribed by law.

SEC. 8. (a) Each enlisted man of the Regular Army retired under the provisions of section 6 of this act or the provisions of section 4 of the act approved October 6, 1945 (Public Law 190, 79th Cong.), who performs or has performed active military service subsequent to retirement shall, upon relief from such active duty, receive retired pay on the same basis as received by him prior to his recall to active duty, or in the amount resulting from a recomputation, as provided herein, whichever is the greater. Such recomputation shall be made in the same manner as provided in section 6 of this act on the basis of the enlisted grade held at the time of relief from active military service, or the enlisted grade in which originally retired, whichever is higher: *Provided*, That the service to be credited shall include periods of active Federal service subsequent to retirement: *Provided further*, That the retired pay shall not exceed 75 percent of the enlisted base and longevity pay he was receiving in his active-duty status.

(b) Each enlisted man of the Regular Army retired under the provisions of the act of March 2, 1907 (34 Stat. 1217; 10 U. S. C. 947), or under the provisions of the act of June 30, 1941 (55 Stat. 394; 10 U. S. C. 982a), who performs or has performed active military service subsequent to retirement shall, upon relief from such active duty, receive retired pay in the amount received by him prior to his recall to active duty, or on the basis of his grade and length of service at the time of relief from active duty, whichever is the greater: *Provided*, That the amount of his retired pay shall not in any event exceed 75 percent of the enlisted base and longevity pay of the highest enlisted grade held by him.

SEC. 9. No back pay for any period prior to the date of enactment of this act shall accrue to any person by reason of the enactment of this act except as otherwise provided in section 30. No person, active or retired, of any of the armed forces, shall suffer, by reason of this act, any reduction in any pay, allowances, or compensation to which he was entitled upon the effective date of this Act. Retired enlisted personnel of the Navy and Marine Corps, personnel of the Navy and Marine Corps who are members of the Fleet Reserve or Fleet Marine Corps Reserve, and personnel of the Navy and Marine Corps who become eligible and who apply for transfer to the Fleet Reserve or Fleet Marine Corps

Reserve shall receive an opportunity to elect to receive retainer and retired pay under the provisions of this act or to receive such pay under the provisions of law in effect immediately prior to the date of the enactment of this act, and these persons shall be entitled to receive the pay elected.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTABLISHMENT OF A NATIONAL PARK IN THE OLD PART OF THE CITY OF PHILADELPHIA

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2851) to provide for investigating the matter of the establishment of a national park in the old part of the city of Philadelphia, for the purpose of conserving the historical objects and buildings therein, with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 6, line 9, strike out "without regard to" and insert "in accordance with the provisions of."

Page 6, line 10, strike out "or" and insert "and."

Page 6, line 20, strike out all after "Act." down to and including "investigation." in line 24 and insert "There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 to carry out the provisions of this act."

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this?

Mr. PETERSON of Florida. Mr. Speaker, there are two Senate amendments. One of the amendments reduces the appropriation by $10,000. The other provides that the employees shall be under the civil service.

Mr. MARTIN of Massachusetts. Mr. Speaker, both of them are good amendments.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TRUST ASSOCIATION OF H. KEMPNER

Mr. BLOOM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 334) for the relief of the trust association of H. Kempner.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain just what this legislation is?

Mr. BLOOM. Mr. Speaker, this bill was passed by the Senate the other day and it merely gives the right to these people to go before the Court of Claims and have a trial on a claim made against the first Alien Property Custodian and a German concern. If the Court of Claims should decide that this firm in Texas is entitled to the money this will come out of the funds of the first Alien Property Custodian of the First World War. It does not cost the Government a single dollar. It merely gives them the right to go to the Court of Claims to find out where the money has gone and if it was paid to people who were not entitled to it.

Mr. MARTIN of Massachusetts. How much money is involved?

Mr. BLOOM. I do not recall the exact figure offhand, but payment would not be made out of American funds.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims (a) to hear the claims of the Trust Association of H. Kempner, of Galveston, Tex., against the Government of Germany and nationals of Germany for reimbursement for losses alleged to have been sustained as a result of the sale of certain cotton by such trust association to certain mills in Germany during the years 1923 and 1924, and to determine the amounts of any such losses, and (b) to determine the total of the various amounts wrongfully paid out of the Trust of Germann & Co. while its property was being administered by the Alien Property Custodian.

SEC. 2. The Secretary of the Treasury is authorized and directed (a) to credit the Trust of Germann & Co. with an amount equal to any amounts found by the Court of Claims under clause (b) of the first section of this act to have been wrongfully paid out of such trust, and to charge such sum against the German special-deposit account, created by section 4 of the Settlement of War Claims Act of 1928, or against any other funds or property of the Government of Germany or of nations of Germany in the possession or under the control of the Government of the United States or which may hereafter come into the possession or under the control of the Government of the United States, (b) to pay, to the Trust Association of H. Kempner, out of such special-deposit account or such other funds, the amount so credited to the Trust of Germann & Co. and so charged against such special-deposit account or such other funds, or so much thereof as does not exceed the amount of any losses found by the Court of Claims under clause (a) of the first section of this act to have been sustained by the Trust Association of H. Kempner: *Provided*, That such payment shall not be made unless and until such trust association executes and delivers to the said Trust of Germann & Co. a complete assignment of all claims and demands of the said Trust Association of H. Kempner against the Government of Germany and nationals of Germany arising out of the sale of such cotton during the years 1923 and 1924.

With the following committee amendments:

Page 2, line 6, strike out "Secretary of the Treasury" and insert "Alien Property Custodian."

Page 2, line 18, strike out "Trust Association of H. Kempner" and insert "Secretary of the Treasury."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. BLOOM asked and was given permission to extend his remarks in the RECORD in two instances, in one to include a history of the Confederation Internationale Des Societies D'Auteurs et Compositeurs, which will hold its convention sessions at the Library of Congress in the city of Washington October 21 through October 26, 1946, and in the other to include an address by Ira A. Hirschman over the network of the Columbia Broadcasting System, on Saturday, July 13, 1946.

J. P. KERR AND ROBERT T. KERR

Mr. FERNANDEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2093) for the relief of J. P. Kerr and Robert T. Kerr, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, strike out "$9,618" and insert "$6,600."

Page 1, line 10, strike out "$9,618" and insert "$6,600."

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, the Senate amendment cuts down the amount?

Mr. FERNANDEZ. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

WESLEY A. MANGELSDORF

Mr. FERNANDEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2480) for the relief of Wesley A. Mangelsdorf, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "$5,000" and insert "$9,000."

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this bill?

Mr. FERNANDEZ. In this case the Senate increased the amount from $6,000 to $9,000 after receiving a supplemental report from the Navy Department which clearly indicated that the man had been injured far more severely than the Navy thought when the first report was submitted.

Mr. MARTIN of Massachusetts. Will the gentleman explain the nature of the case?

Mr. FERNANDEZ. This bill as passed by the House appropriated the sum of $5,000 to Wesley A. Mangelsdorf, of San Francisco, Calif., in full settlement of all claims against the United States for personal injuries, medical, and hospital expenses, and other losses sustained as a result of a collision between the car in which he was riding and a United States Coast Guard truck on the Bayshore Highway near Redwood, Calif., on March 9, 1944. The Senate after receiving a supplementary report from the Navy Department increased the sum to $9,000 and the Navy approved the increase. Your subcommittee considering the claim originally agree with the Senate amendment and request the House to concur in the amendment.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ALBERT WHILDEN

Mr. FERNANDEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5093) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Albert Whilden, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Amend the tile so as to read: "An act for the relief of Albert Whilden."

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, as I understand this is simply a change in name?

Mr. FERNANDEZ. It simply corrects the title.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

THOMAS L. BRETT

Mr. FERNANDEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6381) for the relief of Thomas L. Brett, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$2,500" and insert "$1,000."

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CAESAR HENRY

Mr. FERNANDEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6399) for the relief of Caesar Henry, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$5,000" and insert "$2,000."

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE LEASING OF INDIAN LANDS FOR BUSINESS

Mr. FERNANDEZ. Mr. Speaker, by direction of the chairman of the Committee on Indian Affairs I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2586) to authorize the leasing of Indian lands for business, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill:

The Clerk read the Senate amendments, as follows:

Page 1, line 6, after "lands", insert "situated within the State of Washington."

Amend the title so as to read: "An act to authorize the leasing of Indian lands situated within the State of Washington, for business and other purposes."

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

Mr. MUNDT. Mr. Speaker, reserving the right to object, will the gentleman explain the nature of this legislation?

Mr. FERNANDEZ. Mr. Speaker, the bill authorizes the leasing of lands for periods not to exceed 25 years of unallotted or tribal lands for public, religious, educatonal, or business purposes. The Senate amendment makes the provision applicable only to Indian lands in the State of Washington. In asking to concur in the Senate amendment, the Committee on Indian Affairs no doubt believes that this is the best we can get at present. They probably believe that half a loaf is better than none. I do not know why the Senate adopted the amendment, and the report does not give any reason for it, unless it was thought best perhaps that the Indians in Washington should experiment and see how well they can get along with their lands before we extend the God-given right of life, liberty, and the pursuit of happiness to Indians in general. In any event, the chairman of the Committee on Indian Affairs has requested that we ask the unanimous consent of the House to concur in the Senate amendment.

Mr. DE LACY. Mr. Speaker, if the gentleman will yield, was the committee unanimous in approval?

Mr. FERNANDEZ. Yes; the committee unanimously approved the bill, but now this is the best we can do. We are willing to take this now and see about the rest later.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On July 31, 1946:

H. R. 5590. An act to provide for the uniform administration of efficiency ratings.

On August 1, 1946:

H. R. 1850. An act for the relief of Louise Zerweck;

H. R. 5311. An act to amend Revised Statutes 4921 (U. S. C. A., title 35, Patents, sec. 70), providing that damages be ascertained on the basis of compensation for infringement;

H. R. 5911. An act to establish an Office of Naval Research in the Department of the Navy; to plan, foster, and encourage scientific research in recognition of its paramount importance as related to the maintenance of future naval power, and the preservation of national security; to provide within the Department of the Navy a single office, which by contract and otherwise, shall be able to obtain, coordinate, and make available to all bureaus and activities of the Department of the Navy, world-wide scientific information and the necessary services for conducting specialized and imaginative research; to establish a Naval Research Advisory Committee consisting of persons preeminent in the fields of science and research, to consult with and advise the Chief of such office in matters pertaining to research; and

H. R. 6371. An act to amend certain provisions of the National Service Life Insurance Act of 1940, as amended, and for other purposes.

CITY OF ALBANY, N. Y.

Mr. BYRNE of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2332) to provide that the unexpended proceeds from the sale of 50-cent pieces, coined in commemoration of the two hundred and fiftieth anniversary of the founding of the city of Albany, N. Y., may be paid into the general fund of such city.

The Clerk read the title of the bill.

The SPEAKER. Is their objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act entitled "An act to authorize the coinage of 50-cent pieces in commemoration of the two hundred and fiftieth anniversary of the founding of the city of Albany, N. Y.," approved June 16, 1936, is amended by adding

at the end thereof the following: "And unexpended proceeds may be paid by such committee to the city of Albany, N. Y., for deposit in the general fund of such city."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EASTERN AND WESTERN CHEROKEES

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent that the Committee on Indian Affairs be discharged from the further consideration of the joint resolution (H. J. Res. 381) directing the Comptroller General to restate the account of the Eastern and Western Cherokees under the treaty of 1846 rendered by him November 19, 1942, and give them the benefit of the law governing partial payments, and that the joint resolution be referred to the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

GEORGE WASHINGTON MEMORIAL PARKWAY

Mr. HOLMES of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2283) to amend the act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. HOLMES of Massachusetts. Mr. Speaker, this bill amends sections 1 (a) and 1 (b) of the George Washington Memorial Parkway Act of May 29, 1930 (46 Stat. 482), to eliminate from those sections so much of the language thereof as prohibits the expenditure by the United States of any money for the construction of the George Washington Memorial Parkway on the Maryland side of the Potomac.

Mr. MARTIN of Massachusetts. This merely authorizes the acquisition of additional property?

Mr. HOLMES of Massachusetts. The gentleman is correct.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That section 1 (a) of the act entitled "An act for the acquisition, establishment, and development of the George Washingon Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930 (46 Stat. 482), is amended by striking out the third proviso and by striking out of the fourth proviso the words "and the construction of said roads."

SEC. 3. Section 1 (b) of such act is amended by striking out the last sentence thereof.

SEC. 3. So much of section 1 (b) of such act as precedes the first proviso thereof is amended to read as follows:

"(b) For the extension of Rock Creek Park into Maryland, as may be agreed upon between the National Capital Park and Planning Commission and the Maryland National Capital Park and Planning Commission, for the preservation of the flow of water in Rock Creek, for the extension of the Anacostia Park system up the valley of the Anacostia River, Indian Creek, Paint Branch and Little Paint Branch, the Northwest Branch and Sligo Creek; of the Oxon Run Parkway from the District of Columbia line to Marlboro Road; and of the George Washington Memorial Parkway up the valley of Cabin John Creek, Little Falls Branch, and Willet Run, as may be agreed upon between the National Capital Park and Planning Commission and the Maryland National Capital Park and Planning Commission, $1,500,000."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FIRE PROTECTION OF GOVERNMENT AND PRIVATE PROPERTY, DISTRICT OF COLUMBIA

Mr. HEALY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2498) to provide for fire protection of Government and private property in and contiguous to the waters of the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. HEALY. This bill will make it possible for the Navy Department to transfer to the District of Columbia a fire boat which is now surplus to its needs.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to provide for fire protection of all Government and private property in and contiguous to the waters of the District of Columbia, the Secretary of the Navy be, and he is hereby, authorized to transfer, without exchange of funds, a fireboat of the YTB–225 type, excess to the Navy's needs, to the government of the District of Columbia, and the Commissioners of the District of Columbia are hereby authorized to accept, operate, and maintain such fireboat, and to dispose of the obsolete fireboat now in their possession.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JURY COMMISSIONERS, DISTRICT OF COLUMBIA

Mr. HEALY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2125) to amend the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. HEALY. Mr. Speaker, this bill concerns the reappointment of jury commissioners in the District of Columbia, and is the same bill that was discussed on the floor last Saturday. It makes possible the immediate reappointment of a jury commissioner whose term has expired. Under the present law 3 years must elapse before a commissioner may be reappointed.

Mr. MARTIN of Massachusetts. I understand they get only $250 a year.

Mr. HEALY. The maximum salary for that position is $250 a year.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 198 of the act to establish a Code of Law for the District of Columbia, approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, constituting the Code of Law for the District of Columbia, as amended, is hereby further amended by striking out therefrom the following sentence: "No person who has served as such Commissioner shall be eligible for reappointment within three years of the date of the expiration of his term of service."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REGULATING SALE OF MILK IN DISTRICT OF COLUMBIA

Mr. HEALY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2479) to amend the act entitled "an act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this is quite a technical bill and I would like to have the gentleman from California explain the bill.

Mr. HEALY. Mr. Speaker, this bill provides for an amendment of the act controlling the method of pasteurization of milk. The law as it now reads makes it possible for the dairy industries to use

only the old-fashioned method of pasteurization which requires a period of 30 minutes' time. In recent years a new pasteurization method requiring only 15 seconds has been developed, but it cannot be used under the existing law. This bill has been approved by the Health Department of the District of Columbia, by the United States Public Health Service, the Bureau of the Budget, and the District of Columbia Commissioners.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the third paragraph of section 13 of the act entitled "An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925, be amended to read as follows:

"The term 'pasteurized' as used in this act shall be held to mean the process of heating every particle of milk or milk products (1) to a temperature of not less than 143 degrees Fahrenheit and, if heated to not more than 159 degrees Fahrenheit holding at such temperature for at least 30 minutes, or (2) to a temperature of not less than 160 degrees Fahrenheit and holding at such temperature for at least 15 seconds."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 7114) was laid on the table.

FEES IN DISTRICT OF COLUMBIA

Mr. HEALY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2408) to amend the act of February 9, 1907, as amended, with respect to certain fees.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. HEALY. Mr. Speaker, nurses, in order to be eligible to practice their profession in the District of Columbia, must make application and pass an examination. At the present time the fee is $10. This bill will increase the fee to $15. The reason is that the present fee of $10 does not cover the cost of rendering this service to those who make application to practice the nursing profession.

Mr. MARTIN of Massachusetts. Is that the only change?

Mr. HEALY. That is the only change.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first sentence of section 4 of the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," as amended (D. C. Code, sec. 2-404), is amended to read as follows:

"SEC. 4. That every nurse desiring to register in the District of Columbia shall make application to the nurses' examining board for examination and registration, and at the time of making such application shall pay to the treasurer of said board $15."

SEC. 2. That the first sentence of section 9 of the act entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," as amended (D. C. Code, sec. 2-408), is amended by substituting, in lieu thereof, the following:

"SEC. 9. That all expenses incident to the execution of the provisions of this act shall be paid from fees collected (a) from schools of nursing, (b) from registration or reregistration of nurses, and (c) from the following services—

"(1) for repeat examinations of nurses;

"(2) for the evaluation of each high-school record of a candidate for admission to a school of nursing;

"(3) for verification of records;

"(4) for a duplicate certificate of registration upon proof acceptable to the nurses' examining board that the original certificate has been lost or destroyed;

"(5) for duplicate annual registration cards;

"(6) for mailing a certificate of registration a second time if no notification of change of address has been made; and

"(7) for proctoring examination for out-of-State applicants when the examination is held at a time other than the regular examination of the District of Columbia. The fees referred to in clause (c) shall be reasonable fees fixed by the nurses' examining board, subject to the approval of the Commissioners of the District of Columbia."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORITY OF PARK POLICE

Mr. HEALY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2220) to authorize the United States Park Police to make arrests within Federal reservations in the environs of the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. HEALY. Mr. Speaker, I will yield to the gentleman from Virginia [Mr. SMITH], who introduced the bill and who will explain it.

Mr. SMITH of Virginia. Mr. Speaker, the Park Police under the present law have no authority to make arrests on other Government reservations in the surrounding territory of the District of Columbia. In other words, they can make arrests on Mount Vernon Boulevard but they cannot make an arrest on the Pentagon grounds. This bill gives the police authority over all Government reservations.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. O'HARA. Have there been any hearings on this bill?

Mr. SMITH of Virginia. I do not think there have been any hearings. The bill was passed by the Senate and I was in hopes that the bill would go through without objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. O'HARA. Mr. Speaker, I object.

APPPOINTMENT OF JUDGES TO MUNICIPAL COURT, DISTRICT OF COLUMBIA

Mr. HEALY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2374) to authorize the appointment of three additional judges of the municipal court for the District of Columbia and prescribe the qualifications of the judges of such court.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I think it is quite unlikely that this is so urgent a matter as has been claimed. We are being asked here to appoint three new judges, and they had not awakened to the fact that they needed these judges until several weeks ago. If they had needed three judges, I think they would have known of it some months ago. Therefore, Mr. Speaker, I object.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—RAILROAD UNEMPLOYMENT INSURANCE ACT

The SPEAKER laid before the House the following message from the President of the United States which was read by the Clerk:

To the House of Representatives:

I hereby request the return of H. R. 3420, a bill "to provide for refunds to railroad employees in certain cases so as to place the various States on an equal basis, under the Railroad Unemployment Insurance Act, with respect to contributions of employees," and my message of July 31 appertaining thereto.

HARRY TRUMAN.

THE WHITE HOUSE, *August 1, 1946.*

The SPEAKER. Without objection, the request of the President will be complied with, and the Clerk will transmit the papers requested.

There was no objection.

EXTENSION OF REMARKS

Mr. MONRONEY asked and was given permission to extend his remarks in the RECORD in two instances.

Mr. BIEMILLER asked and was given permission to extend his remarks in the RECORD in three instances.

Mr. GEELAN asked and was given permission to extend his remarks in the RECORD and include a resolution adopted by the Italian-American war veterans of the United States.

Mr. STIGLER (at the request of Mr. FORAND) was given permission to extend his remarks in the RECORD and include an address.

Mr. VOORHIS of California asked and was given permission to extend his remarks in the RECORD and to include a speech by Mr. John Carson.

Mr. DE LACY asked and was given permission to extend his remarks in the RECORD and include two excerpts.

Mr. DE LACY asked and was given permission to extend his remarks in the RECORD and include an excerpt.

Mr. SOMERS of New York asked and was given permission to extend his remarks in the RECORD and include a speech by the minority leader of the State of New York.

SPECIAL ORDER GRANTED

Mr. DE LACY. Mr. Speaker, I ask unanimous consent that I may address the House, at the conclusion of the legislative business and any other special orders today for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PETROL CORP.

Mr. SOMERS of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6112) for the relief of Petrol Corp.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. SOMERS of New York. I intend to offer an amendment to the bill.

This bill deals with a small corporation, the Petrol Corp. of Pennsylvania. It was a corporation which in the last war was brought under the control of the Petroleum Administration. It had been doing a business of some proportions by serving the consuming trade. It was called upon to render such service under the Administration's new suggestions and had to go out and reequip itself for that work. Consequently, it suffered a great loss. The purpose of the bill is to give them an opportunity to state their case before the court.

Mr. MARTIN of Massachusetts. I understand the amendment which the gentleman proposes to offer will simply send it to the Court of Claims.

Mr. SOMERS of New York. Yes.

Mr. MARTIN of Massachusetts. This simply gives the firm the right to go to the courts?

Mr. SOMERS of New York. Yes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Chairman of the Board of Reconstruction Finance Corporation be, and he is hereby, authorized and directed, for and on behalf of the United States of America, forthwith to enter into a written agreement with Petrol Corp., a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, which shall provide for final determination of the following question by an arbitration board composed of three members, one to be selected by the Chairman of the Board of Reconstruction Finance Corporation, one to be selected by Petrol Corp., and the third to be selected by the two thus chosen, under the provisions contained in sections 2, 5, and 7 of the United States Arbitration Act: "What amount, including interest, should be paid Petrol Corp. to compensate it equitably for excess costs and expenses it incurred, above its actual normal costs and expenses equitably determined, in helping to maintain supplies of petroleum products on the Atlantic coast from September 1, 1941, to October 10, 1945?"

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay Petrol Corp. from the general fund in the United States Treasury not otherwise appropriated such sum of money as may be necessary to pay the amount of the award as determined under section 1 hereof." The amount of such award shall be paid by the Secretary of the Treasury on the presentation of a copy of the award of said arbitration board, duly certified by the arbitrators, or a majority thereof.

Mr. SOMERS of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOMERS of New York: Strike out all after the enacting clauses in lines 1 and 2 in said bill, commencing with line 3 and ending with line 11 on page 1 of said bill, and commencing with line 1 and ending with line 13 on page 2 of said bill, and insert in lieu thereof the following: "That jurisdiction be, and the same is hereby, conferred upon the Court of Claims of the United States, notwithstanding any prior determinations, any statute of limitations, rights of appeal, releases or prior acceptance of partial payments, to hear, determine, and render judgment upon the claims of Petrol Corp. (a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and having its main office in Philadelphia) against the United States for so much of the amount of its extra costs and expenses, with respect to wartime petroleum directives, regulations, recommendations and requests made by Government agencies and officials, in maintaining supplies of petroleum products in the Atlantic coast area for the period from September 1, 1941, to October 10, 1945, as has not previously been reimbursed to it.

"SEC. 2. In determination of such claims the United States shall be deemed to be legally obligated to reimburse Petrol Corp. for the amount by which the Court of Claims finds that such aggregate extra costs and expenses exceeded its like actual normal costs and expenses, as equitably determined by said court, less payments of such costs previously reimbursed to it.

"SEC. 3. Any suit brought under the provisions of this act shall be instituted within 1 year from the date of the enactment of this act.

"SEC. 4. From any decision or judgment rendered in any suit presented under the authority of this act, a write of certiorari to the Supreme Court of the United States may be applied for by either party thereto, as is provided by law in other cases."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Petrol Corp."

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. CROSSER asked and was given permission to revise and extend the remarks he made on the bill, H. R. 1362, the retirement bill, and to extend his remarks in two other separate instances.

Mr. GORSKI asked and was given permission to extend his remarks in the RECORD and include a descriptive analysis of the Wheeler-Reed bill which appeared in the Wall Street Journal of Monday, July 29, 1946.

Mr. KELLEY of Pennsylvania asked and was given permission to extend his remarks in the RECORD and include an editorial on the Conciliation Service.

Mr. HUBER and Mr. ROONEY asked and were given permission to extend their own remarks in the RECORD.

Mr. FERNANDEZ (at the request of Mr. GORE) was given permission to extend his remarks in the RECORD and include an editorial.

Mr. GORE. Mr. Speaker, my distinguished colleague from Tennessee [Mr. DAVIS] has an estimate of the cost of extending his remarks in the RECORD on the subject, Profit Enhancement Through Compensation Incentive in the amount of $160. Notwithstanding the estimate, I ask unanimous consent that he may be allowed to make the extension.

The SPEAKER. Notwithstanding the excess, without objection, the extension may be made.

There was no objection.

Mr. PATTERSON (at the request of Mr. DOYLE) was given permission to extend his remarks and include a communication.

Mr. DOYLE asked and was given permission to extend his remarks in the RECORD and include extraneous matter.

Mrs. SMITH of Maine asked and was given permission to revise and extend her remarks and also to extend her remarks in the RECORD and include an editorial from the Christian Science Monitor.

Mr. GAMBLE asked and was given permission to extend his own remarks in the RECORD in two separate instances, including editorials and news articles.

SPECIAL ORDER GRANTED

Mr. HUBER. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes today at the conclusion of the other special orders.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONGRESSIONAL WAR PARENTS' ASSOCIATION

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, on July 27 I was granted unanimous consent which I shall not use to insert into the permanent RECORD of that date the list of the membership of the Congressional War Parents' Association, the roster of their children in the armed forces, and the list of memorial plaques presented by the association to those Members of the Congress whose sons made the supreme sacrifice. I want to call attention to the fact that an additional plaque was given

to the widow of one of our own colleagues, Vincent F. Harrington, who resigned from the House of Representatives on September 6, 1942, and became a major in the Army Air Forces. He died while serving in England November 29, 1943.

The distinguished senior Senator from New Hampshire [Mr. BRIDGES], secretary of the association, is inserting the pertinent data in the CONGRESSIONAL RECORD of this date. This makes possible the printing of a full record as a Senate document, this second insertion constituting a supplement to Senate Document No. 94, entitled "America's Fighting Congress," which was printed during the first session of the Seventy-eighth Congress. Members will be able to secure copies through the Senate document room.

EXTENSION OF REMARKS

Mr. SUNDSTROM asked and was given permission to extend his remarks in the RECORD on veterans' housing and include a newspaper article.

Mr. RICH (at the request of Mr. HOWELL) was given permission to extend his remarks in the RECORD and include copy of an address delivered by Mr. J. P. Seiberling.

Mr. HOWELL asked and was given permission to extend his remarks in the RECORD and include copy of a resolution introduced today.

Mr. McDONOUGH asked and was given permission to extend his remarks in the RECORD and include a statement by former Senator Guy M. Gillette.

Mr. VURSELL asked and was given permission to extend his remarks in the RECORD and include copy of a letter.

HOUSING

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEARHART. Mr. Speaker, I hold in my hand a clipping from a central California newspaper which tells a most discouraging story of the grossly inadequate housing situation in and adjacent to the city of Fresno in that State. As this article clearly reveals, housing conditions in the San Joaquin Valley of California are rapidly deteriorating, worsing to a situation that must be described today as shocking.

As revealed in the photographs which illustrate this article, 12 people—4 families, if you please—are crowded into 1 five-room cottage; a mother and 3 small children are crowded into 2 small attic rooms; 11 people, 3 of them war veterans, are crowded into a brush and canvas hut on an irrigation canal bank; a wounded veteran, his wife, and small child live—if it can be called that—in a 9 by 11 foot storeroom on an alley; another war veteran and his wife and small daughter have been compelled to seek shelter in a garage behind a church. According to this shocking article, over 1,200 are today compelled to seek shelter in buildings, huts, and shacks that all would agree are utterly unfit for human habitation, this under conditions that would be considered intolerable in normal times.

Day before yesterday the House Committee on Banking and Currency, after careful and most sympathetic consideration of the housing problem, finally determined that, under legislation already on the statute books, the executive departments were possessed with ample authority to meet and solve the emergency housing problem—if they would but grapple with it forthrightly. If this is true, Mr. Speaker, why has this intolerable situation not been corrected long ago? Why have citizens of this great Republic, many of them its valiant defenders in the war just triumphantly concluded, been compelled to find shelter in hovels utterly unfit for occupancy by human beings—when, as I said before, it has been found as a fact by the members of this great legislative committee that the executive departments have long been possessed of sufficient authority under legislation already on the statute books to squarely meet the problem?

If it is just a case of cutting the red tape—let us cut it; slash it and slash it right now. Mr. Speaker, this is an emergency of the first order. It will not brook any delays. Dilly-dallying around cannot be further tolerated. The Nation is demanding results—and results right now.

Let the housing authorities take heed, reorganize themselves, coordinate their efforts—and get going. The American people are demanding much more than the promises they have been getting. They want houses, homes, decent places in which to live. And in the pursuit of this objective they are entitled to the solicitous and—I must add—the immediate consideration of every official of the Federal Government who can contribute anything, however slight, to the ending of this impossible situation with which we are now confronted.

EXTENSION OF REMARKS

Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks in the RECORD in two instances.

Mr. AUGUST H. ANDRESEN asked and was given permission to extend his remarks in the RECORD in two instances and to include certain tables, newspapers and extracts.

Mr. SCHWABE of Oklahoma asked and was given permission to extend his remarks in the RECORD in four instances and include excerpts.

Mrs. LUCE (at the request of Mr. TALBOT) was given permission to extend her own remarks in the RECORD.

Mr. JENKINS asked and was given permission to extend his remarks in the RECORD and include an article written by a very distinguished clergyman of his home city.

Mr. WEICHEL asked and was given permission to extend his remarks in the RECORD and include copy of a bill.

Mr. DIRKSEN asked and was given permission to extend his remarks in the RECORD and include editorials.

Mr. SCHWABE of Missouri asked and was given permission to extend his remarks in the RECORD and include a short magazine article.

Mr. JUDD asked and was given permission to extend his remarks in the RECORD and include an article by Felix Morley.

Mr. SPRINGER asked and was given permission to extend his remarks in the RECORD.

Mr. ARNOLD (at the request of Mr. ELLSWORTH) was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. ELLSWORTH asked and was given permission to extend his remarks in the RECORD.

Mr. STEFAN asked and was given permission to extend his remarks in the RECORD and include three letters.

Mr. GAVIN asked and was given permission to extend his remarks in the RECORD and include an editorial from the Bridgeport Post.

Mr. ANGELL asked and was given permission to extend his remarks in the RECORD and include a letter.

Mr. BEALL asked and was given permission to extend his remarks in the RECORD and include an editorial from the Cumberland Daily News.

Mr. WIGGLESWORTH asked and was given permission to extend his remarks in the RECORD in two instances and include a statement by the Comptroller General and a newspaper article.

Mr. HAYS asked and was given permission to extend his remarks in the RECORD and include certain information on European relief supplied by the International Red Cross.

THE AMERICAN PEOPLE SHOULD BE RESPECTED BY THEIR GOVERNMENT—NOT INSPECTED

Mr. RAMEY. Mr. Speaker, yesterday I had a special order of 40 minutes, but a motion to adjourn prevented my taking it. I therefore ask unanimous consent that that speech may be inserted at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RAMEY. Mr. Speaker, the speech I am about to begin is prompted by a long-held conviction, namely, that the American people should be respected, not inspected, by their Government. Prompted thusly, I might also add that this speech has been hastened by a letter that I received the other day from a constituent. It seems that the writer included a check for $25 which he had sent to his Aunt Hattie out in Indiana in the list of expenses, donations, and so forth, which are deductible from income taxes. Aunt Hattie, however, was not deductible, although my constituent honestly thought so. So after paying his taxes, with the $25 check deducted, he settled down to earn more money so that he could pay next year's taxes, which he did. Then another year went by and he again paid his taxes. And again he went back to work to earn money to buy food to give him strength to earn money to pay taxes. The year was about half gone when one day the telephone rang and a voice at the other end of the wire asked my friend to drop by an office about a little tax matter. So my friend went.

Do you know what had happened? Well, I will tell you. The majestic Government of the United States had discovered that $25 check given 3 years ago to Aunt Hattie. Moreover, the Government had had its Indiana man check into the matter, and that worthy discovered that Aunt Hattie had a bankroll of her own. She was not a dependent and she had never needed the money. My friend explained that he does not know just why he gave his Aunt Hattie that $25, but he did. All of a sudden, he said, some 3 years before it came over him—"Why not give Aunt Hattie $25." And he did. The check was dated on Christmas Eve and that may account for the matter. So my friend, after talking to the man who called him, and looking up his own records, and going back to his office and then returning, paid the Government $1.37 on back taxes which represent the "breakage" as they say at the race tracks, on the $25 that Aunt Hattie got. Meanwhile it had cost him $4.60 in time lost, and heaven knows how much it cost the Government, checking up and verifying the facts of life about Aunt Hattie over in Indiana. It must have cost the two of them—my friend and the Government—about $15 to collect $1.37, which is now marked "paid," and the incident closed. Everybody took a licking except Aunt Hattie.

Now, as a matter of fact, I have a tremendous respect for the Internal Revenue Bureau. It, the Veterans Bureau, and the Weather Bureau are the most respectable agencies of government that we have. I would not for the world belittle the officials of the Revenue Department. Because, I feel, that if they work hard enough and on the right cases they will get many times $1.37 which is pretty close to pin money in my home town, and practically a deficit—it is so small—in Washington. But my point is that if this fine bureau—the Internal Revenue Bureau—can inspect the people in this fashion, what do you think happens when other lesser, newer and useless governmental agencies get on a prying, spying binge?

My text, therefore, is—the American people should be respected by their Government, not inspected. Carthago delenda est, I say to myself. This has got to stop.

Speaking quite seriously, it is a fact that especially since the New Deal came into power and the Government pay-roll swelled to several million people, there has been an increasing disrespect for the people themselves, and an uncontrollable desire to inspect on the part of the nonelected. They know they do not live in a gold fish bowl.

This contempt for the public takes two forms, it seems to me.

First of all, there is the condescending, patronizing attitude toward the people. Many of our jobholders, like the movie men who make all pictures so that they can be understood by the worst of the cretins, assume that they are dealing with 140,000,000 people, the smartest of whom are duller and more stupid than the average feeble minded case in our State institutions. Everybody, they seem to say to themselves, is dumb but us.

When they speak to you they do it as though they were saying "I have generously waived my rights of rank, and am willing to hold conversation with you. Now, listen to me." Then the monologue begins. This, of course, is due in great measure to the fact that they have been in office too long. Of course, there are many fine men and women on these jobs, fine as individuals, but when they act officially and together, they become self-righteous or better than thou. You know that in every town the finest fellows are members of the better than thou society, but when they get together something freezes over all of them. Their state becomes something of a disease and they sit together once a week and reflect on how important they are. There is also a strange feeling which takes possession of appointed Government employees and gives them an air of proprietorship, and an attitude of condescension and contemptuous and reluctant tolerance toward everybody else. Their manners would be insolent in a bishop speaking to a black beetle.

So much for that. What is the second occupational ailment? I will try to define it. It is the fascination that comes over every person who gets an appointive political job, which fascination directs him to look into other people's affairs. They are all seized, it seems, by an uncontrollable desire to do something prying, sneaking, meddlesome, and critical. This, of course, is partly due to the Mrs. Grundy in all of us. Mrs. Grundy, you will remember, watched other people's business. The very name came to be proverbial for that portion of society whose opinion as to the proprieties is narrowly conventional. Acting clandestinely, under false pretenses, and on specious information, these job holders become officiously intrusive. They are furtive, underhand, craven, stealthy, smirking, surreptitious, hyprocritical. They are first cousins to the stool pigeon, and they seem to like the work.

It is ironic that when a man becomes fascinated by the job of investigating and prying he also develops a devotion to duty which more respectable hobbies seemingly do not beget. A man can have a habit of going about and doing good. Sometimes he has relapses. A man may suddenly espouse the Golden Rule as a precept of life. He gets tired of it, and becomes acquisitive again. A man may take a sincere oath never to bore anybody with a speech, but after he has lived up to it for a few months or sometimes a few years, he starts broadcasting again. But when a man becomes bent on inspection, he is incurable and no dipsomaniac is more devoted to the bottle than he to the peephole. Here, Javert, the insatiable cop of Victor Hugo's Miserables, seems to be the model. Javert was the very incarnation of devotion to duty, fictionally, but he was an unstable character compared to some of our inspectioneers in government.

So, we have an aggregation of men and women, too long in office, influenced by the Grundy complex, and spurred on by the drama of Javert, who have made what they hope is a lifetime career of inspecting the people. Our people do not like to be inspected. We are willing to enlist and go to war, we are willing to pay taxes to prevent poverty and to build public improvements, we are willing to join the line in front of the tax window, or the theater window, or the grandstand gate, or the nylon counter, and patiently await our turn. But we are not willing to be checked up and inspected every 5 minutes of the day. We do not like to have our blood tested and we do not like to be finger-printed. Yet, to this we have submitted all these years. An explosion is likely to occur. Like the late Oliver Hereford, we are coming to the point at which the desire to throw a raw egg into an electric fan is well-nigh irresistible.

The New Deal appointees in the various bureaus know our heights and weights, our ages, how many children we have, what our parents died of and at what age. How much we earn. How much we give away, if any. The type of blood which flows somewhat hesitatingly in our veins. The motor number on our car as well as the number of the license tag. What are our favorite newspapers. What radio programs we listen to. Whether we have fascist or communistic tendencies. How much canned goods we have in the pantry. Our social security numbers. How much life insurance we have, and how much we have borrowed on it. Our draft numbers. And how many suits of clothes we own, if any, other than the one we have on. Would you like to know how much clothing there is stored away in moth balls? How many trees in the parks? Our Government can tell you. For our Government has made a census and asked questions, counted, and found out.

Knowing all these things, you would think they would be satisfied. But they are not. I am told on good authority that the Government Printing Office has at least a dozen questionnaire jobs on the presses ready to be mailed at once. Perhaps they will not be mailed until after election. What shall we do about it, my friends? As for me, I say Carthage must be destroyed. I will continue to claim that the people should be respected, not inspected, by the Government.

The first Republican State convention was held at Jackson, Michigan, on July 6, 1854. The main issue was the protection of basic human rights. Under inspection by our Government, the basic human rights of the individual are invaded. When the Government respects its people the individual becomes free—happy. The Government gives him recognition, not serfdom. Inspection by Government breeds mental anarchy. When the Government respects its people, the people respond by good works and honesty. People are inherently honest. When you officially distrust them, instinctively they rebel. Revolutions are not created by the common people. Oppression by Government causes revolutions.

The American people must be respected by their Government, not inspected.

SPECIAL ORDER GRANTED

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to ad-

dress the House today for 5 minutes after other special orders and to include as a part of my remarks a letter from Dr. Klotznick of the Prosthetic Appliances Advisory Commission.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

KARL E. BOND

Mr. FERNANDEZ submitted a conference report and statement on the bill (H. R. 783) for the relief of Karl E. Bond.

EXTENSION OF REMARKS

Mr. O'HARA asked and was given permission to extend his remarks in the RECORD in three instances and include articles in each.

Mr. RANDOLPH asked and was given permission to extend his remarks in the RECORD in two instances, and include in one a list of votes he cast in the House.

Mr. SABATH asked and was given permission to extend his remarks in the RECORD in two instances; to include in one an editorial, and in the other a letter.

BROOM MANUFACTURERS CHISEL FARMERS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, it would seem that during these perilous times, when every effort should be made to get the country back to full production and to make certain that the farmers secure reasonable prices for their farm commodities, that too many manufacturers and others are attempting to take advantage of the present situation to chisel, browbeat, and to force down the price of everything that the farmer has to sell, while the price of living and the cost of labor continues to mount higher and higher.

As an example, the broom manufacturers are now making a desperate attempt to chisel the broomcorn growers of Oklahoma. Before OPA went out the ceiling on broomcorn was $300 a ton. In fact, it has been at $300 a ton for more than 3 years, although the price of growing broomcorn has constantly mounted. During the past several weeks, with OPA in the balance, the normal price of broomcorn went from $375 to $400 a ton, which is a reasonable price considering the increased cost of labor that the farmer must pay for growing same. Now, with controls still off, buyers are telling farmers the price is back to $300. Broomcorn farmers cannot pay 80 to 90 cents an hour for labor and make a profit at this reduced price.

Farmers of Oklahoma and the Nation surprised the world in the matter of production during the war, although handicapped by lack of manpower, the greatly increased cost of farm labor, when they could not secure labor at any price. American farmers actually were able to increase production and thus not only feed our own armed forces but help feed armies of the Allied Nations. Except for the heroic efforts of farmers in the matter of production, which is admitted by all, we could not have begun to win the war. For the broom manufacturers now to attempt to chisel and browbeat the broomcorn growers is inexcusable and should not be tolerated.

CAMPAIGN EXPENDITURES

Mr. BONNER. Mr. Speaker, from the Committee on Accounts, I submit a privileged resolution (H. Res. 750) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there shall be paid out of the contingent fund of the House not to exceed $25,000 for the expenses of the select committee appointed under authority of House Resolution 645 to investigate the campaign expenditures of the various candidates for the House of Representatives in both parties.

SEC. 2. That the official committee reporters may be used at all hearings held in the District of Columbia who are not otherwise officially engaged.

The resolution was agreed to.

A motion to reconsider was laid on the table.

VETERANS' ADMINISTRATION

Mr. RANKIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7130) to authorize the Veterans' Administration to reimburse State and local agencies for expenses incurred in rendering services in connection with the administration of certain training programs for veterans, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mrs. ROGERS of Massachusetts. Mr. Speaker, reserving the right to object, I hope the gentleman will explain the bill.

Mr. RANKIN. A similar bill has passed the Senate, and I am going to substitute the Senate bill. It was taken up before the Committee on World War Veterans' Legislation one day this week and it was agreed to unanimously.

Mr. MARTIN of Massachusetts. Mr. Speaker, if the gentlewoman will yield, may I ask the gentleman to explain this legislation?

Mr. RANKIN. Authority for Veterans' Administration to reimburse State and local agencies for expenses incurred in rendering services in connection with the administration of certain training programs for veterans; to put ceiling on total amount of income plus subsistence allowance for training on-the-job programs; provision for veteran to work way through college and earn a reasonable amount without losing right to subsistence allowance; and setting up of standards "for other training on-the-job."

The bill was introduced at the request of General Bradley, Administrator of Veterans' Affairs after clearance by the Bureau of the Budget.

The purposes of the bill are: First, to give authority to the Veterans' Administration to reimburse State and local agencies for expenses incurred in rendering services in connection with the administration of certain training programs for veterans; second, to place a ceiling on the total amount of compensation for productive labor and subsistence allowances that may be received by veterans taking on-the-job training; three, a clarification of the law to permit a man to help work his way through college and earn a reasonable amount without losing his right to subsistence allowances; and four, the procuring of standards "for other training on the job."

The Veterans' Administration has been concerned for some time about the possible abuses of the program in connection with training on the job. Reports have been made to the effect that abuses are being practiced in this field. The number of veterans training on the job have been increased from 24,627 on January 1, 1946, to 228,523 on May 31, 1946. A check of two groups of trainees of 5,000 each shows that approximately 26 percent are receiving wages or salary, not including subsistence allowance, of $150 or more per month and of this number approximately 6 percent are receiving $200 or more a month. It is believed that Congress did not intend that the Administrator of Veterans' Affairs should pay full subsistence allowance to a veteran who is receiving compensation for productive labor in such amounts and the provisions of section 2 of this bill are designed to correct this situation by providing that the rate of subsistence allowance plus compensation received for a veteran without dependents shall not exceed $175 per month and one with dependents not in excess of $200 per month.

Section 2 of the bill also contains a provision to correct the present situation where a veteran who is pursuing a course of education or training under the Servicemen's Readjustment Act of 1944, as amended, in a school, college, or university and is engaged in full-time gainful employment not a part of his course or training, so that he may receive subsistence allowance. To prevent this veteran from receiving subsistence allowance and at the same time to allow it to a veteran who is in training on the job and receiving compensation for productive labor as above outlined is unjust and should be remedied as it will be by the approval of this bill. The adoption of the standards as proposed by section 3 of the enclosed draft to be applied by all States in approving establishments as qualified to furnish "other training on the job" and to implement the authority by which States and local agencies may be reimbursed is designed to protect the interest of the veterans and bring about sound administration without interference in any way with the standards set up for apprenticeship courses in the various States.

No information is available to indicate the extent to which State and local agencies would incur expenses in connection with the activity contemplated by the bill and the extent to which it would be necessary to reimburse them. Neither is it possible to approximate the amount of subsistence allowances which would be paid to veterans who are employed other than in connection with their college courses or the amount withheld or reduced in the cases of those veterans who

are compensated while training on the job. However, it is thought by placing a ceiling on the amount of income plus subsistence allowances the amount saved thereby should considerably offset the expenses involved in other provisions of the bill. A reasonable estimate of savings would be $5,000,000 per month on the subsistence allowance ceilings, plus the savings from the standards provided.

Mr. SABATH. Mr. Speaker, I wish to say that a rule was granted on this bill after a hearing was had.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 2477, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That section 3 of Public Law No. 16, Seventy-eighth Congress, as amended by section 401 of the Servicemen's Readjustment Act of 1944, is amended by inserting at the end thereof a new sentence as follows: "Any such appropriation shall also be available for use by the Administrator in reimbursing State and local agencies for reasonable expenses incurred by them in (1) rendering necessary services in ascertaining the qualifications of industrial establishments for furnishing on-the-job training to veterans under the provisions of part VIII of such regulation, and in the supervision of industrial establishments furnishing such training, or (2) furnishing, at the request of the Administrator, any other services or facilities in connection with the administration of programs for training on the job under such provisions, or (3) furnishing, at the request of the Administrator, information concerning educational opportunities available in schools and colleges."

SEC. 2. Paragraph 6 of part VIII of Veterans Regulation No. 1 (a) as amended, is hereby amended to read as follows:

"6. While enrolled in and pursuing a course under this part, such person, upon application to the Administrator, shall be paid a subsistence allowance of $65 per month, if without a dependent or dependents, or $90 per month, if he has a dependent or dependents, including regular holidays and leave not exceeding 30 days in a calendar year. Such person attending a course on a part-time basis, and such person receiving compensation for productive labor whether performed as part of their apprentice or other training on the job at institutions, business, or other establishments, or otherwise, shall be entitled to receive such lesser sums, if any, as subsistence or dependency allowances, as may be determined by the Administrator: *Provided*, That in no event shall the rate of such allowance plus the compensation received exceed $175 per month for a veteran without a dependent or $200 per month if he has a dependent or dependents."

SEC. 3. Paragraphs 11 of part VIII of Veterans Regulation No. 1 (a) is hereby amended, to read as follows:

"11. (a) As used in this part, the term 'educational or training institutions' shall include all public or private elementary, secondary, and other schools furnishing education for adults, business schools and colleges, scientific and technical institutions, colleges, vocational schools, junior colleges, teachers colleges, normal schools, professional schools, universities, and other educational institutions, and shall also include business or other establishments providing apprentice or other training on the job, including those under the supervision of an approved college or university or any State department of education, or any State apprenticeship agency or State board of vocational education, or any State apprenticeship council or the Federal Apprentice Training Service established in accordance with Public Law No. 308, Seventy-fifth Congress, or any agency in the executive branch of the Federal Government authorized under other laws to supervise such training.

"(b) As used in this part the term 'Other training on the job' shall include courses offered by establishments approved by the appropriate agency of the State or the Administrator whenever such courses of training on the job are furnished in accordance with the following provisions:

"1. Any establishment desiring to undertake an on-the-job training program will be required to submit to the appropriate State approving agency a written application setting forth the course of training for each job for which a veteran is to be trained. The written application covering the training program will include the following:

"a. Title and description of the specific job objective for which the veteran is to be trained.

"b. Length of the training period.

"c. Schedule listing various operations for major kinds of work or tasks to be learned and showing, for each, job operations or work, tasks to be performed, and the approximate length of time to be spent on each operation or task.

"d. Wage or salary to be paid at the beginning of the training program, at each successive step in the program, and at the completion of training.

"e. Entrance wage or salary paid by the establishment to employees already trained in the kind of work for which the veteran is to be trained.

"f. Number of hours of supplemental instructions required.

"2. The appropriate approving agency of the State or the Administrator may approve the application of the establishment when such establishment is found upon investigation to have met or made provision for meeting the following criteria:

"a. The training content of the program is adequate to qualify the veteran for appointment to the job for which he is to be trained.

"b. There is reasonable certainty that the job for which the veteran is to be trained will be available to him at the end of the training period.

"c. The job is one in which progression and appointment to the next higher classification are based upon skills learned through organized training on the job and not on such factors as length of service and normal turn-over.

"d. The wages to be paid the veteran for each successive period of training are not less than those customarily paid in the establishment and the community to a learner in the same job and who is not a veteran and are in conformity with State and Federal laws and applicable bargaining agreements.

"e. The job customarily requires a period of training of not less than 3 months and not more than 2 years of full-time training.

"f. The length of the training period is no longer than that customarily required by the establishment and other establishments in the community to provide the trainee with the required skills, arrange for the acquiring of job knowledge, technical information, and other facts which the trainee will need to learn in order to become competent on the job for which he is being trained.

"g. Provision is made for related instruction for the individual veteran who may need it.

"h. There is in the establishment adequate space, equipment, instructional material, and instructor personnel to provide satisfactory training on the job.

"i. Adequate records are kept to show the progress made by the veteran toward his job objective and a periodic report showing the conduct and progress made in the course of training on the job will be provided for the Veterans' Administration.

"j. Appropriate credit is given the veteran for previous job experience, whether in the military service or elsewhere, his beginning wage adjusted to the level to which such credit advances him and his training period shortened accordingly. No course of training will be considered bona fide if given to a veteran who is already qualified by training and experience for the job objective.

"k. A copy of the training program as approved by the State agency is provided to the veteran and to the Veterans' Administration by the employer.

"l. Upon completion of the training the veteran is given a certificate by the employer indicating the length and type of training provided and that the veteran has completed the course of training on the job satisfactorily.

"3. The Veterans' Administration is not authorized to award the benefits under this part, if it is found by the Administrator that the course of apprentice training or other training on the job fails to meet the requirements of this paragraph."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 7130) was laid on the table.

REMOVING LIMITATIONS ON AMOUNT OF DEATH COMPENSATION OR PENSION PAYABLE TO WIDOWS AND CHILDREN OF CERTAIN DECEASED VETERANS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2100) to remove the limitations on the amount of death compensation or pension payable to widows and children of certain deceased veterans.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mrs. ROGERS of Massachusetts. Reserving the right to object, Mr. Speaker, this is a particularly worthy measure, because up to now a widow could receive compensation for no more than four children, and this takes away the limitation on the number of children. I know in my own district there are widows who have 8, 9, or 10 children.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. RANKIN. Mr. Speaker, the bill would remove the aggregate monthly limitation on death compensation and pension for widows and children. Under existing law in wartime service-connected death cases the aggregate monthly limitation as to widows and children is $100; in peacetime service-connected death cases the limitation is $75; in World War I and II non-service-connected death cases the top limitation is $74 for widows and children. Dependent parents in service-connected death cases receive compensation at full rates,

there being no limitation as to aggregate monthly amount affecting them.

In order to establish uniformity the bill also removes the aggregate monthly limitation under Veterans Regulation 1 (a), part III, paragraph III, which pertains to a very small number of nonservice-connected death cases involving widows and children of the Spanish-American War. There is no aggregate monthly limitation under existing law pertaining to wars prior to April 21, 1898. The service pensions laws pertaining to non-service-connected death of veterans of the Spanish-American War including the Boxer Rebellion and Philippine Insurrection under which practically all widows and children of such veterans receive benefits do not contain any aggregate monthly limitation.

The bill will benefit only those service-connected cases where there is a widow and four or more children.

The Veterans' Administration favors the provisions of the bill in its present form and the Bureau of the Budget states there would be no objection to removing the top limitation as to wartime or peacetime service-connected cases, but as to non-service-connected cases it is stated that it should be considered as not being in accord with the program of the President.

On the question of removing the top limitation on nonservice-connected death cases for widows and children there would be a comparatively small number of cases affected thereby at slight additional cost and to allow limitation on nonservice-connected cases only would work hardship and inequalities as to this group as distinguished from the other groups.

In non-service-connected death cases the limitation would affect the widow with eight or more children only and in cases where payments are made to children, there being no widow, it would be limited only in cases involving 13 or more children.

An estimated number of 2,000 cases of deceased veterans at an estimated cost of $264,000 the first year would be affected by this legislation.

The purpose sought to be accomplished when the top limitation was placed on the amount of pension payable in death cases was originally established has long since lost its significance and it is earnestly requested that this measure receive immediate approval.

Mr. MARTIN of Massachusetts. Under this bill there must be more than four children before they can receive any additional benefits?

Mr. RANKIN. Yes.

Mr. MARTIN of Massachusetts. This simply means that if there are eight children you take care of the additional four children?

Mr. RANKIN. Yes.

Mr. MARTIN of Massachusetts. The present law would take care of only four?

Mr. RANKIN. The present law limits it to four. Very few cases would be covered under this bill.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following acts or parts of acts, which limit the total amount of death compensation or pension payable to widows and children of certain deceased veterans, are hereby repealed:

(a) The last sentence of subsection (a) of section 14 and the last sentence of subsection (b) of section 14 of the act entitled "An act to provide more adequate and uniform administrative provisions in veterans' laws pertaining to compensation, pension, and retirement pay payable by the Veterans' Administration, and for other purposes," approved July 13, 1943 (57 Stat. 554).

(b) Subsection (b) of section 2 of the act entitled "An act to compensate widows and children of persons who died while receiving monetary benefits for disabilities directly incurred in or aggravated by active military or naval service in the World War," approved June 28, 1934, as amended (58 Stat. 804).

SEC. 2. Subparagraph (b) of paragraph III of part III of Veterans Regulation 1 (a), which limits the total amount of death compensation or pension payable to widows and children of deceased veterans of the Spanish American War, the Boxer Rebellion, or the Philippine Insurrection, is hereby repealed.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. CANFIELD asked and was given permission to extend his remarks in the RECORD and include a radio address delivered at Teeterboro, N. J., today by Lt. Gen. Carl A. Spaatz, commanding general of the Army Air Forces, in connection with Air Forces Day.

RECONSTRUCTION FINANCE CORPORATION

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include the report of the House Expenditures Committee on the Comptroller General's interim report on the audit of the Reconstruction Finance Corporation.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JENSEN. Mr. Speaker, in compliance to the Government Corporations Control Act of 1945, the General Accounting Office, under the able direction of our former colleague, the Honorable Lindsay Warren, Comptroller, audited the books of the Reconstruction Finance Corporation and issued an interim report of their findings. This report was criticized to some degree by the RFC officials.

The Expenditures Committee of the House made an investigation as to the accuracy of the Comptroller's report and submitted the following report regarding same:

REPORT OF HOUSE EXPENDITURES COMMITTEE ON COMPTROLLER GENERAL'S INTERIM REPORT ON AUDIT OF RFC

JULY 31, 1946.

Mr. MANASCO, from the Committee on Expenditures in the Executive Departments, submitted the following report:

The Committee on Expenditures in the Executive Departments, to whom was referred the letter of the Comptroller General of the United States to the Speaker, dated June 19, 1946, printed as House Document 674, submits the following report with reference to such letter and the matters connected therewith:

On June 17, 1946, the Director, Corporation Audits Division of the General Accounting Office, addressed a letter to the Board of Directors of Reconstruction Finance Corporation stating that the Division had found such inadequacies and other deficiencies in the accounting function of the Corporation and its subsidiaries and affiliated Corporations that it would be impossible to make a satisfactory audit of the Corporation's affairs for the year ended June 30, 1945, and that this might also prove true with respect to the year ended June 30, 1946.

Concurrently with the delivery of this letter to the Board of Directors of RFC, the Comptroller General transmitted copies to the Congress as an interim report under section 5 of the act of February 24, 1945 (59 Stat. 6). See House Document No. 674, Seventy-ninth Congress.

The Committee on Expenditures in the Executive Departments, to which this letter was referred, opened hearings on July 2, 1946. Mr. Frank H. Weitzel, assistant to the Comptroller General, and Messrs. T. Coleman Andrews, CPA director; Howard W. Bordner, CPA deputy director; and Theodore Herz, CPA assistant director, of the Corporation Audits Division of the General Accounting Office, appeared and testified on behalf of the Comptroller General. On July 10, 1946, Mr. Charles B. Henderson, chairman of the board of directors, and Mr. Henry A. Mulligan, director and treasurer, of RFC, appeared with a number of officers and employees of RFC and testified on behalf of the Corporation. After full consideration the committee finds as follows:

1. That the accounting system of RFC covering its nonlending activities is inadequate and otherwise deficient, as reported by the Comptroller General. Notwithstanding their prepared statements, the officials of the Corporation, when questioned by the committee, made admissions which confirmed the findings and opinions of the auditors. They further admitted that they were months behind in their account keeping of nonlending activities.

2. That accounting is one of the most important responsibilities of management and that RFC thus far has failed to discharge this responsibility satisfactorily or to recognize its full extent. This failure undoubtedly was due in part to the exigencies of war, but this may not be accepted as full justification. The continuing lack of adequate accounting control of its war activities from their inception down to date may render the Corporation forever unable to give full financial account of some of these activities.

3. That a satisfactory audit of a corporation's affairs cannot be made unless the corporation's accounting is adequate, accurate, and up to date. It is the duty of auditors only to review complete accounting data and no part of their duty to undertake accomplishment of the accounting function or otherwise relieve management of its responsibility therefor. Adequacy of accounting implies the establishment of procedures that will assure timely, orderly, and accurate recording in books of account of all assets, liabilities, capital, income, and expense, not merely cash receipts and disbursements, and timely preparation of statements from the accounts that show how the corporations' capital is being employed and afford the directors and managers of the corporations and the Congress a clear basis for operating and policy decisions. The committee recognizes that accounting is not the sole objective of administration, but it believes that the Congress has a right to expect the accounting

of the Government's corporations to be equal to, if not better than, the best found in private corporations.

4. That the letter to the board of directors of RFC was framed with restraint and fairness, and as indicated by this letter as well as by those who appeared before the committee for the General Accounting Office, the attitude of that office toward the Corporation is one of objectivity and desire to be constructively helpful.

5. That the Comptroller General acted with propriety and in keeping with the requirements of the law in transmitting to the Congress immediately a copy of the letter of June 17, 1946, to the board of directors of RFC.

6. That RFC should accept the proffered aid of the auditors and their recommendations.

COAST GUARD

Mr. RANKIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2256) to amend the Servicemen's Readjustment Act of 1944.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. RANKIN. Mr. Speaker, in time of peace the Coast Guard operates under the Treasury Department, in time of war, or when the President shall so direct, it operates as a part of the Navy. While operating as part of the Navy, the authority contained in section 301 of the Servicemen's Readjustment Act of 1944, with respect to former personnel of the Coast Guard, was exercised by the Secretary of the Navy. However, by Executive order the Coast Guard was returned to the jurisdiction of the Treasury Department on December 28, 1945, and the functions to be performed by section 301 of the Servicemen's Readjustment Act are presently authorized to be performed by the Secretary of the Treasury with respect to former personnel of the Coast Guard. This authority will continue during the First War Powers Act of 1941. However, after the expiration of this act no authority exists to review the discharges or dismissals of former personnel of the Coast Guard and it is believed that they should have the same right to review of their discharges or dismissals as former personnel of the other branches of service.

This situation was not contemplated at the time the Servicemen's Readjustment Act of 1944 was considered by the Congress and it is a provision that should be made to place personnel of the Coast Guard on a parity during peacetime with the rest of the armed forces.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 301 of the Servicemen's Readjustment Act of 1944 (58 Stat. 286) is amended by changing the period at the end of the section to a colon and by adding the following: "*And provided further*, That the authority conferred upon the Secretary of War and the Secretary of the Navy by this section shall vest in and be exercised by the Secretary of the Treasury, at such times as the Coast Guard is operating under the Treasury Department, with respect to the discharge or dismissal of former personnel of the Coast Guard, and that the findings of boards established pursuant to such authority shall be final subject only to review by the Secretary of the Treasury."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

UNITED STATES GEOLOGICAL SURVEY

Mr. WHITE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2029) to authorize the Director of the United States Geological Survey to produce and sell copies of aerial or other photographs and mosaics, and photographic or photostatic reproductions of records, on a reimbursement of appropriation basis.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, as I understand it, this bill simply applies to the sale of maps and so forth, the money to go into a revolving fund instead of into the general fund of the United States Treasury. How much money is actually involved?

Mr. WHITE. Very little money is involved in the pending bill. It is incumbent upon the Geological Survey to make copies of maps for cities that want to get the contour of their water frontage and things of that kind. But under the present law these small appropriations are made for such items. When they use up the money in making these maps, the money that is paid to the Department goes into the general fund of the Treasury and soon the Department is left without sufficient funds to carry on its work. If this bill is passed, the money will be put in a revolving fund and will be used in carrying out the provisions of the act.

Mr. WIGGLESWORTH. Mr. Speaker, reserving the right to object, why should that not be covered by annual appropriations?

Mr. WHITE. There is a regular appropriation made every year for certain work of the United States Geological Survey. But under the mandatory provisions of existing law, cities, towns, and universities that want copies of these maps can have them by paying the regular price. But when they pay for them, the money goes into the general fund and not to the credit of the Geological Survey. The provisions of this bill would provide that the money go to the credit of the United States Geological Survey and provides a revolving fund so that the work can be carried on.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

Mr. WIGGLESWORTH. Mr. Speaker, for the time being, I object.

The SPEAKER. Objection is heard.

CONSUMER PURCHASES OF HOUSEHOLD ARTICLES

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WOLCOTT. Mr. Speaker, as Members of the House know, President Roosevelt in 1941 issued an Executive order restricting use of consumer credit. This was a wartime measure and was instrumental in curbing consumer purchases of such things as refrigerators and other household articles. This order is popularly known as regulation W and is administered by the Federal Reserve Board. It was an emergency measure designed to halt buying of those commodities which were in short supply because of the war.

Regulation W requires the buyer to make a one-third down payment on most of his purchases. He is generally required to pay off the balance in 12 months. If, for example, he paid only $25 down on a $100 refrigerator, the merchant could be put in jail. The law says he must accept a minimum of $33.33 in this transaction. The customer might find it convenient for his budget to pay off the balance in 13 months and such arrangements might be agreable to the merchant but such a transaction would be criminal today in most cases.

Now that the war is over and we are running into a period of the greatest production in our history, I see no reason why regulation W should continue to be the law of the land. On the contrary, I strongly urge that the order be abolished entirely and quickly.

I understand that there are those in responsible policy-making positions in the Federal Reserve Board who take the position that regulation W should be made a permanent law. Their argument is that the country would be armed with a weapon to beat down inflationary pressures that might arise from time to time and that the demand for goods could be controlled by controlling credit.

Credit is the life blood of the American economy. Reasonably easy credit results in mass buying and therefore mass production which lowers prices. Our high standard of living is the result of low-cost production which we could never have achieved if we did not have mass consumption. And we would never have had mass buying without extension of credit to consumers.

We are now running into a situation where we are going to have enormous production with a possible cut in domestic markets as the result of Government controls on consumer credit. There is no point in mass production unless these things can be put into the hands of the people and it is simply impossible to have mass purchases when the law requires stiff down payments with quick and full payment of the balance.

The inflationary pressures caused by consumer credit are greatly exaggerated. Any student of the problem knows that the real dangers of inflation are caused by Government spending and not by consumer buying or extension of reasonable credit.

A recent bulletin issued by the Federal Reserve Board reveals that accumulated savings in this country amount to about $130,000,000,000. These savings include

bank deposits, Government bonds and cash. The report shows that 50 percent of those in the lower income brackets own 3 percent of these savings or less than $4,000,000,000.

Here we have one arm of the Federal Reserve saying that the people should be denied credit and the other arm saying that these very same people do not have sufficient cash to meet the requirements of regulation W.

There is, of course, plenty of cash around. But it is in the hands of the very people who are already supplied with the things they need. If labor and industry depended on this group for a market for the things they produce we would be faced with an immediate depression.

Wealthy people and those in the upper income brackets obviously do not need credit for household appliances. They buy these things for cash. Regulation W is, therefore, discriminatory. It rules that the wealthy can have all the vacuum cleaners and washing machines they want. It denies these things to the lower income groups.

If the average consumer does not have the cash we think he has—and, according to the Federal Reserve Board, he does not have the cash—what can we say about the returning veteran? Certainly a man who has been in the armed forces for a year or 4 years has not saved much, if anything, from his meager income, and yet millions of these men are attempting to reestablish themselves in civilian life. They need homes and we have provided the machinery which, if properly operated, will make it easier for them to get homes. But a home is useless if it cannot be furnished, and I am of the belief that relatively few veterans have the necessary cash to make the down payments required by regulation W.

I wish to advise the Federal Reserve Board that, if and when I return to this House in January, my first order of business will be the introduction of a bill which will make it mandatory on the President to exempt veterans from provisions of this regulation. I feel certain that a majority of this House will go along with me on that proposition. I would have introduced such a measure long ago had it not been for the pressure of business pending before the House Banking and Currency Committee, of which I am a member.

I certainly will oppose any move to make regulation W a permanent law. This restriction is repugnant to the American mind. Simply expressed, this regulation forbids me from making a private contract with my neighborhood merchant. I cannot go to a small store in my district and offer the merchant $5 down on a $100 article. This clearly is a violation of my constitutional right of private contract.

EXTENSION OF REMARKS

Mr. LEA asked and was given permission to extend his remarks in the RECORD.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. LEA. Mr. Speaker, I ask unanimous consent that the Subcommittee on Transportation of the Committee on Interstate and Foreign Commerce may have until the first of January to file a report with the Clerk.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DISPOSAL OF SURPLUS PROPERTY

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, it would be an act of great wisdom in my opinion if we could get an experienced businessman to head the War Assets Administration and handle disposal of surplus property. If recent revelations have shown anything, they have shown that, with full recognition of the strong points possessed by the Army, there are instances where Army officials are, to say the least, not the most astute businessmen that can be found. One cannot but be deeply concerned with such charges as those of the Comptroller General, and certainly in the disposal of surplus property it would be extremely wise if some businessman like William Jeffers for example who did so good a job as Rubber Director or Donald Nelson with his long merchandising experience could be induced to take over that job and carry it through to a speedy completion with maximum possible return to the taxpayers.

THIRTY-NINTH ANNIVERSARY OF THE ARMY AIR FORCES

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, today marks the thirty-ninth anniversary of the Army Air Forces of the United States. I believe the membership of the House will want to recognize for a moment this important occasion. In the Signal Corps of the War Department of the United States 39 years ago, one officer, two enlisted men, and no planes whatsoever, was the beginning of this great air-power potential. During World War II America had more than 85,000 planes in operation at one period and we had personnel in the Army Air Forces of more than two and one-half million.

We owe a tremendous debt to the early pioneers in aviation, particularly in the Air Forces of the United States. Today we look forward, not to air power with its destructive, devastating effects, but as the major instrument for bringing about permanent peace on the earth.

The SPEAKER. The time of the gentleman from West Virginia has expired.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—COX BROS.

The Speaker laid before the House the following veto message from the President of the United States which was read by the Clerk:

To the House of Representatives:

I return herewith, without my approval, enrolled enactment H. R. 1469, entitled "An act for the relief of Cox Bros."

It appears that, in response to an invitation for bids by the constructing quartermaster, Fort Lewis, Wash., for the rental of tractors and scrapers to the Government, Cox Bros. submitted a bid wherein they proposed to rent to the Government two tractors and scrapers, with operating personnel and maintenance, at $7.40 an hour, or with maintenance but without operating personnel at $5.90 an hour. In the space provided therefor the contractor specified an initial sale price of $15,000 for one tractor and of $14,500 for the other, which amounts represented the prices at which the Government might purchase the tractors under the provisions of the recapture clause contained in the specifications accompanying the invitation. On the date the bids were opened, Cox Bros. requested permission to withdraw their bid for the alleged reason that errors had been made therein with respect to the initial sale prices of the tractors. However, such permission was refused and on December 10, 1940, the bid was accepted. Thereafter, by letter of January 16, 1941, Cox Bros. informed the constructing quartermaster that, in entering the initial sale prices on the form provided therefor, they erroneously inserted prices of $15,000 and $14,500 instead of the correct prices of $18,750 and $18,125, respectively.

In connection with the alleged error of the contractor, it appears that the specifications provided that the initial sale price should represent a fair and just appraisal of the unit "as is," taking into account the original purchase price thereof, its age and past service, but that bidders' initial sale price should not exceed the original cost plus 25 percent, less a yearly depreciated value of 15 percent. The contractor alleges that in entering the initial sale price of the tractors in its bid, it overlooked the fact that it was permitted by the specifications to add 25 percent to the original cost of the equipment and that, if it had done so, the initial sale price at which the Government could have purchased the equipment would have been $7,375 greater than the price specified in its bid.

However, it is to be noted that, under the specifications on which bids were submitted, it was the responsibility of bidders to fix the initial sale price of their equipment at the fair and just appraised value thereof and the formula using the original cost plus 25 percent, less depreciation, merely constituted a ceiling which the appraised value was not to exceed. The record shows clearly that the initial sales price stated in the contractor's bid was exactly what it had intended to insert in the bid as the appraised value of the equipment. At no time prior to submitting its bid did the contractor intend to fix the appraised value on the basis of the original cost plus 25 percent. Under such circumstances, I do not feel that the record supports the conclusion that the contractor made a mistake in its bid so as to warrant the relief proposed by the legislation.

Furthermore, there is no evidence that the contractor suffered any out-of-pocket loss by reason of the alleged mistake and the effect of the legislation would be to grant the contractor a profit of $7,375 in addition to that contemplated at the time its bid was prepared and submitted.

Also, to grant relief under the circumstances here present would be to accord preferential treatment to the contractor concerned, would be tantamount to a discrimination against other contractors, and would tend to encourage disregard of contractual obligations and carelessness on the part of bidders on Government contracts.

HARRY S. TRUMAN.

THE WHITE HOUSE, *July 31, 1946.*

The SPEAKER. The objections of the President will be spread at large upon the Journal and without objection the message and bill referred to the Committee on Claims and ordered printed.

There was no objection.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—NAVAL RECORD OF FORMER MEMBERS OF THE CREWS OF REVENUE CUTTERS *ALGONQUIN* AND *ONONDAGA*

The SPEAKER laid before the House the following veto message from the President of the United States which was read by the Clerk:

To the House of Representatives:

I am returning herewith, without my approval, H. R. 1498, Seventy-ninth Congress, an act "to correct the naval record of former members of the crews of the revenue cutters *Algonquin* and *Onondaga*."

The purpose of this bill is to confer a naval status upon the entire period of service rendered by the crews of the revenue cutters *Algonquin* and *Onondaga* during the war with Spain. The crew of the former vessel had 73 days' naval service and the crew of the latter had 17 days' naval service prior to August 17, 1898, when, hostilities with Spain having ceased, the vessels were turned back to the Treasury Department.

In withholding his approval of a substantially similar bill of the Seventy-third Congress (H. R. 5018) President Roosevelt said, "it stretches the imagination to declare men on revenue cutter for 17 days on the Great Lakes in August 1898 to be entitled to all the privileges of Spanish War veterans."

By conferring a military status upon the members of these crews, the bill would make them eligible for pension based upon 90 days' service. Members of the *Algonquin* are now eligible for pension based on 70 days' service (at a somewhat lower rate than for 90 days' service) provided they meet other statutory requirements. The bill would also authorize death pensions for widows and children of these crew members; and other benefits to crew members such as hospital and domiciliary care and burial allowances.

During the wars in which the United States has engaged, large numbers of persons have rendered valuable assistance in a civilian capacity to our armed forces. In granting veterans benefits, Congress has long differentiated between active military service and civilian employment with the armed forces. Approval of the bill would constitute a departure from this policy which I cannot justify.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 1, 1946.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the message and the accompanying bill are referred to the Committee on Naval Affairs.

There was no objection.

TIDELANDS TITLE ACT—VETO MESSAGE

The SPEAKER laid before the House the following veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I return herewith, without my signature, House Joint Resolution 225, entitled "A joint resolution to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles."

The purpose of this measure is to renounce and disclaim all right, title, interest, claim, or demand of the United States in "lands beneath tidewaters," as defined in the joint resolution, and in lands beneath all navigable waters within the boundaries of the respective States, and to the minerals in such lands. The phrase "lands beneath tidewaters" is defined so broadly as to include all lands, either submerged or reclaimed, situated under the ocean beyond the low-water mark and extending out to a line three geographical miles distant from the coast line or to the boundary line of any State whose boundary, at the time of the admission of the State to the Union, extended oceanward beyond three geographical miles. Lands acquired by the United States from any State or its successors in interest, or through conveyance or condemnation, would be excluded from the operation of the measure. There would also be excluded the interest of the United States in that part of the Continental Shelf—lands under the ocean contiguous to and forming part of the land mass of our coasts—which lies more than 3 miles beyond the low-water mark or the boundary of any particular State.

On May 29, 1945, at my direction, the then Attorney General filed a suit in the United States district court at Los Angeles, in the name of the United States, to determine the rights in the land and minerals situated in the bed of the Pacific Ocean adjacent to the coast of California and within the 3-mile limit above described. Thereafter, in order to secure a more expeditious determination of the matter, the present Attorney General brought suit in the Supreme Court of the United States. The case in the district court was dismissed. I am advised by the Attorney General that the case will be heard in the Supreme Court and will probably be decided during the next term of the Court.

The Supreme Court's decision in the pending case will determine rights in lands lying beyond ordinary low-water mark along the coast extending seaward for a distance of 3 miles. Contrary to widespread misunderstanding, the case does not involve any tidelands, which are lands covered and uncovered by the daily ebb and flow of the tides; nor does it involve any lands under bays, harbors, ports, lakes, rivers, or other inland waters. Consequently the case does not constitute any threat to or cloud upon the titles of the several States to such lands, or the improvements thereon. When the joint resolution was being debated in the Senate, an amendment was offered which would have resulted in giving an outright acquittance to the respective States of all tidelands and all lands under bays, harbors, ports, lakes, rivers, and other inland waters. Proponents of the present measure, however, defeated this amendment. This clearly emphasized that the primary purpose of the legislation was to give to the States and their lessees any right, title, or interest of the United States in the lands and minerals under the waters within the 3-mile limit.

The ownership of the land and resources underlying this 3-mile belt has been a subject of genuine controversy for a number of years. It should be resolved appropriately and promptly. The ownership of the vast quantity of oil in such areas presents a vital problem for the Nation from the standpoint of national defense and conservation. If the United States owns these areas, they should not be given away. If the Supreme Court decides that the United States has no title to or interest in the lands, a quitclaim from the Congress is unnecessary.

The Attorney General advises me that the issue now before the Supreme Court has not been heretofore determined. It thus presents a legal question of great importance to the Nation, and one which should be decided by the Court. The Congress is not an appropriate forum to determine the legal issue now before the Court. The jurisdiction of the Supreme Court should not be interfered with while it is arriving at its decision in the pending case.

For the foregoing reasons I am constrained to withhold my approval of the joint resolution.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 1, 1946.*

The SPEAKER. The objections of the President will be spread at large upon the Journal and the bill and message ordered to be printed. Without objection, further proceedings on this message will be postponed until tomorrow.

There was no objection.

ROBERT SPRAGUE BEIGHTLER

Mr. DURHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2480) authorizing the appointment of Robert Sprague Beightler as permanent brigadier general of the line of the Regular Army.

The Clerk read the title of the bill

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, will the gentleman please explain this bill?

Mr. DURHAM. Mr. Speaker, this bill permits Robert Sprague Beightler to be made a brigadier general in the Regular Army. As major general he commanded the Thirty-seventh Division throughout the recent war. He was also an officer in the last World War. He has a wonderful record.

Mr. BROWN of Ohio. Mr. Speaker, Major General Beightler is a resident of my district. He is the only major general who commanded a division throughout the war with the Thirty-seventh which made a remarkable war record. He was commander on the island of Luzon and is at the present time in command of the Fifth Service Command of the Central States. He is one of the outstanding soldiers of this war and the President is to be congratulated on recognizing his unusual ability.

Mr. JENKINS. Mr. Speaker, reserving the right to object, may I say this is a very distinct honor and recognizes the great accomplishments of a wonderful man. The President, in initiating this, is to be complimented, everybody concerned should be complimented, and we ought to grant this request.

Mr. GORE. Mr. Speaker, reserving the right to object, this is quite an unusual procedure and insofar as I am informed, unprecedented for the Congress to pass a bill giving an officer the rank of general; but in view of the report which I have read, showing that this man is entitled to this recognition but under the regimentation and rules of the Army he cannot be given it, I shall offer no objection.

Mr. BROWN of Ohio. It is a recognition by the President of the United States of unusual military service.

Mr. WEICHEL. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. WEICHEL. Mr. Speaker, General Beightler was outstanding in his command of Ohio's Thirty-seventh Division, with full confidence of his men. This is an especial tribute and a high honor to a great soldier of Ohio. To the President's tribute by this legislation, may I add the appreciation and best wishes of the people of Ohio.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That, notwithstanding any other provision of law, the President, by and with the advice and consent of the Senate, is authorized to appoint as permanent brigadier general of the line of the Regular Army, Robert Sprague Beightler, presently serving in the grade of major general in the National Guard of the United States, Army of the United States.

SEC. 2. Any person appointed pursuant to the provisions of the first section of this act shall be counted for the purposes of provisions of law establishing the authorized number of brigadier generals of the line of the Regular Army.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that all Members who desire may be permitted to extend their remarks regarding General Beightler at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RAMEY. Mr. Speaker, we in Ohio are proud of General Beightler. A hero of two wars as well as a public official above reproach. One of his soldiers, Walter Tillman, now in the Veterans' Bureau who was with him in World War I and who was familiar with his works as director of highways in Ohio, said:

He was the only man both in military and civilian life whom neither a soldier nor a man in any walk of life ever criticized.

I concur with all that has been said in his behalf as well as the action we are taking now.

LEGISLATIVE POLICY

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, I cannot let this day pass without making certain observations. When we had the filibuster in this House against FEPC I failed to recall any orders given to get Members from the restaurant, closing the doors, and things like that, nor do I recall the gentleman from Michigan [Mr. MICHENER] making a request for stringent and severe action to be taken against absent Members. I do hope that the precedent that was set today will be followed in the future when we have the call of Calendar Wednesday in order to enact FEPC legislation.

PERMISSION TO ADDRESS THE HOUSE

Mr. NEELY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include excerpts.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

[Mr. NEELY addressed the House. His remarks appear in the Appendix.]

CANCER RESEARCH

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, just a few words in reply to the gentleman from West Virginia [Mr. NEELY]: I gather from what he has just said that those who voted against giving the President $100,000,000 to find a cure for cancer will be held responsible for all the deaths from cancers which will occur in the next year or so.

I believe if he were better informed on the subject of cancer he would not make that statement. No one who has studied the subject of cancer could possibly say what he did.

The gentleman apparently does not know of the extensive work which is being carried on in the field of cancer research in the many medical centers throughout the world. Nor does he seem to understand what it really takes to do research work in this field. One would think from his expressions that a cure for cancer can be bought from over the counter, the only desideratum being $100,000,000.

Nor does the gentleman from West Virginia [Mr. NEELY] appear to know of the great advance which medical science has already made in curing malignant growths. True, we are still far from having solved the problem. But those who are familiar with the subject understand that much has already been accomplished.

My judgment is that if the $100,000,000 had been voted it would have been spent for boondoggling, just as so much of the money which Congress appropriates is spent. The Treasury of the United States has become a veritable haven for almost every conceivable kind of racketeer. The manner in which this proposition was presented to Congress would lead one to suspicion that somebody thought they saw a chance to raid the national purse on a grand scale.

The SPEAKER. Under previous order of the House, the gentleman from California [Mr. PHILLIPS] is recognized for 15 minutes.

THE TEACHERS AND THE GOVERNMENT

Mr. PHILLIPS. Mr. Speaker, any discussion of education today would soon be like the story of the four blind men and the elephant. It would take the shape of the individual interest of the writer. If I were interested, as I am, in figures, I could remind the reader that the United States spent in 1940 a total of over $3,000,000,000 for public and private schools, and that over 30,000,000 students were in elementary and high schools and colleges. I could point with pride to the drop in illiteracy to 1.5 percent* and to the increasing growth of teacher-training schools, vocational training, and adult classes. The GI of World War II had between 3 and 4 years more schooling than the GI of World War I.

If I were interested in both education and government, which I am, I could speak of the obligations or the restrictions of government, when it comes to education. The best word on that is still

*This figure of 1.5 percent is for illiterate native whites in 1930, the last year this classification was used by the Census Bureau. That year foreign born illiteracy was 9.9 percent; Negroes 16.3 percent—for city Negroes only, it was 5 percent; and the average for the Nation was 4.3 percent. In the following years the Census Bureau changed the formula to show ages and years in school. Comparable figures for 1940 would give an average of 3.5 percent for the Nation.

Selective Service adopted a still different formula during the war, and called it "functional illiteracy." It meant the men who had less than 5 grades in school and the percentage was 6.1.

the church letter of some 25 years ago, which said simply, "The State has a right to insist that its citizens shall be educated." It could be only a short step for any writer to point with pride to the patient work of the teachers, or to view with alarm the apparently increasing influence of a small but articulate group who forget Pope's comment on forms of government: "Whate'er is best administered is best," or Penn's sage advice that, "If men be good, government cannot be bad."

Thus, in the final analysis, a discussion of education resolves itself into a discussion of human beings; teachers and principals and school superintendents and parents, and Congressmen, too, if you want. Education is what these people make it. A cry to desert the old and seize the new, or to let the correctable faults of the old overshadow the consistent failures of the new, will not save either education or government.

The inflammable and articulate minority do not represent education, Mr. Speaker, any more than they represent government. We have them in the schools; we have them in the professions and in business; we have them in the Congress, we even have them in the California delegation. They are the ones who have been promised the earth, and who have fallen for the promise; they are the ones who are being "used" for the circulation of the factless propaganda of New Deal agencies, now dying on the vine in Washington. Fear has been combined with promises of leadership, or just ordinary deception, to lead the country toward the quicksands of national socialism. These are the busybodies of Paul's letter to the Thessalonians.

It is time we checked ourselves. Education is still education; serene and sound and everlasting. Look at the statistics. The inflammables fade into insignificance and peace descends again on the faith and works of the calm and overwhelming majority of the teachers of America.

This is a time of decision, however. It is a time of crisis. The aftermath of any war is a trying period in the history of a nation. This was the worst war, and so it will be the worst aftermath. Sanity must assert itself. Facts must be sorted from fallacies. The teacher and the doctor and the minister have been the community's influential citizens, by right of position. That suggests obligation, as well as opportunity.

The teacher has a personal interest in this positive attitude. The teacher is in the white-collar class or the middle class, which gets the attention of the newspapers and the columnists, but little other protection except as they themselves can help government give it. The effects of any marked success, on the part of the inflammables, would be tragedy to the great majority of the group for whom they profess to speak.

America is strong. It became strong through production and through organization. Education never overlooked organization. The teachers in my State, California, express their views and their wishes through an organization known as the California Teachers Association. My knowledge of the work of the CTA goes back to my service in the State assembly and the State senate, and I still recall with pleasure my acquaintance with its representatives in Sacramento, and its constructive and successful work there. The State associations express themselves through the National Education Association. It is held in high regard here in Washington. I observe that these teachers' organizations start on the local level. They start in the community and in the district. I observe, too, that where teachers express themselves through the local organizations and then through the State organization, and in turn through the national, there have been few instances of error or misunderstanding, and fewer instances in which the teachers have been led astray. The good results are not personal, but national, and benefit education. I earnestly recommend that the teachers build up and support these local, State, and national organizations.

Mr. Speaker, I have the same faith in education that I have in the Nation, because to me the two are inseparable. I want to see that faith supported by positive action on the part of the teachers. It is not enough negatively to have nothing to do with the vacuous theories of government of the men and women whose feet are said to be firmly planted in the clouds, and whose isms end in "ski." It is necessary to help the corresponding group in the Government, which faces the same difficulties here in Washington, and together work out the best, the most progressive, and the safest solutions.

SPECIAL ORDER GRANTED

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore granted, I may be permitted to address the House for 10 minutes.

The SPEAKER pro tempore (Mr. GORE). Is there objection to the request of the gentleman from Kansas?

There was no objection.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Washington [Mr. DE LACY] is recognized for 10 minutes.

NATIONAL GERIATRICS INSTITUTE

Mr. DE LACY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include at the end of my remarks the bill H. R. 7222.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DE LACY. Mr. Speaker, I am proud that the State of Washington leads the Nation in its consideration for the aged. Our State pays the highest old-age pension in the land. We define a needy senior citizen as one who does not have the equivalent of $75 a month in income. We also provide dental care, hearing aids, artificial limbs, and other care.

But these benefits did not come on a silver platter. Many of us have waged an uphill fight to win justice for the people who pioneered the State and found themselves thrown out to starve in their advanced years.

The Washington Pension Union and the old Washington Commonwealth Federation, of which I was president, took up this fight when the aged in our State got only $12 a month. We put initiatives on the ballot, carrying the issue directly to the people. We stumped the State for State and Federal legislative candidates pledged to decent treatment to senior citizens.

This fight has gone on for more than 10 years. During the course of it we had to defeat two governors, pass two State laws by initiative, and two by the State legislature. In one year thousands of hard workers went out and got 258,000 signatures on initiative 151, which set up the basic liberal pattern which our State pension law still follows.

And, as Members of this House know, our Democratic congressional delegation has always been in the forefront of every fight for social security and for a national pension system.

Our long running fight for justice to the aged has been hard, but satisfying work to the thousands who took part in it. It has proved the vitality of our democracy. It has shown that people can write their own security measures, put them on the ballot by initiative, pass them, and get the benefits of them for the whole State. It has shown the value of a united, progressive people's movement.

I am proud to have had a part in this great work and pleased to see the hard work which the Washington Pension Union still carries on to safeguard the basic act and see that senior citizens get what is coming to them under it.

There is another province of care for our aged, however, in which it is not our State, but the State of Indiana which leads the Nation.

I refer to the science of prolonging life, the study of the causes of old age and its diseases, the relatively new science of geriatrics.

Yesterday I introduced a bill, H. R. 7222, to establish a National Geriatrics Institute, to provide for needed research in the prevention and cure of diseases and ailments common to old age, with the view of preventing the commonest causes of senescence, senility, and unnecessarily early death.

I was astonished to find our Republican friends last week voting almost solidly against H. R. 4502, thus, with a handful of like-minded Democrats, blocking an extended Government research program into the causes and cure of cancer, America's No. 2 killer, today.

Although a majority of this House could not be moved to begin a more adequate cancer-research program by the shocking fact that one out of eight is now dying of that dreadful disease, I nevertheless am confident that my bill for a research institute to study the causes, disabilities, and diseases of old age, with the purpose of broadening, enriching, and prolonging human life, will receive a favorable hearing.

All of us, even Members of Congress, grow old. All of us expect to die and are

quite willing that the event be postponed as long as possible. Each of us hopes to lead a long, healthy, and useful life.

And quite apart from our own hopes and desires in the matter, America's population is growing older. We all know, of course, the progress which has been made in reducing infant mortality. In 1915 nearly 100 babies died out of each 1,000 born. By 1943, only 40.4 babies died out of each 1,000 born—eloquent testimony to the progress of medical practice and public health measures during the intervening years.

Yet while this substantial advance has been made at the beginning of the life span, life expectancy after 40 has increased but slightly.

The figures are interesting:

	Years
Life expectancy at birth, in 1900:	
White male	48.23
White female	51.08
Colored male	32.54
Colored female	35.04
Life expectancy at birth, in 1942:	Years
White male	63.65
White female	68.61
Colored male	54.28
Colored female	58.00

Thus, between 1900 and 1942, life expectancy for these four groups increased by a figure between 15 and 22 years, but life expectancy after 40 increased only by a figure between 2 years, 10 months, and 4 years, 7 months.

The figures are:

	Years
Life expectancy at age 40, 1900–1902:	
White male	27.74
White female	29.17
Colored male	23.12
Colored female	24.37
Life expectancy at age 40, 1942:	
White male	30.27
White female	33.86
Colored male	25.92
Colored female	27.51

Nevertheless, the proportion of people over 65 to the whole population is steadily increasing. In 1900, 18 percent were over 65; in 1940, 27 percent were over 65. During the last census decade, the number of persons over 65 increased 35 percent, while the total population increase was only 7.2 percent in the same period.

Soon one-third of our population will be over 50 years old, and in 40 years it is expected that there will be twice as many over 65 as there are now.

The health and welfare of this large and growing group, therefore, properly becomes the concern of the Nation, particularly as there is ample reason to believe that what we now view as the inevitable disabilities of old age are not inevitable at all, but may be reduced in severity, postponed, or avoided, and that human life itself may be usefully prolonged to as much as 140 years.

Work in this field has just begun. The first meeting of the American Geriatrics Society was held in 1942. Somewhat more study seems to have been given to problems of old age in the Soviet Union, where the late Dr. Alexander Bogomoletz, director of the Kiev Institute of Experimental Biology and Pathology, and his staff have conducted some remarkable research.

One field study of the people of Sukhum, reported by Dr. Bogomoletz in the Prolongation of Life, found a dozen men whose ages ranged from 107 to 135 in this one community.

All these old men—

Says Dr. Bogomoletz—

were well and fit and proved to be excellent hosts. Some of them climbed the trees supporting grapevines in order to get for their visitors the finest grapes. * * *

One of these men, 107 years of age, stubbornly denied his right age and insisted he was only 70. Confronted by his cronies and witnesses, he confessed: "I want to get married. * * * Who would want to marry a man of 100? But any woman will marry one of 70" (p. 55).

In support of his belief that people can live longer and more creative lives if not cut off by disease or avoidable disabilities, Dr. Bogomoletz reminds us that Titian finished his famous Christ Crowned With Thorns at age 95 and died 4 years later of the plague. Other famous painters—Tintoretto, Laurens, Greuze—died in their eighties, active to the last. Waldeck lived to 109 and exhibited new paintings in 1875, when he was 101 years old. Verdi, the great composer, died at 88. Victor Hugo, Tolstoy, Goethe, all lived and worked well into their eighties. George Bernard Shaw has just passed his ninetieth peppery birthday. And our own vigorous Jacksonian journalist and poet, William Cullen Bryant, lived and fought for 84 years.

This House, too, furnishes its own examples of men who have served this Nation ably for decades, whose wisdom, intellectual clarity, and physical and mental vigor are justly considered remarkable.

If all of us cannot hope to make such lasting contributions to the world as these distinguished artists and public figures have made in their advanced years, many millions now living can hope to live as actively and vigorously for even longer years, if students in the new science of geriatrics are correct.

One hundred active, healthy, and enjoyable years should become the new threshold of human life.

"I cannot name a single authority who has studied * * * man's longevity," observes Dr. Bogomoletz, "who has not asserted that man's death before he is 100 years old is due to the accumulation of unfavorable circumstances such as illness, overwork, lack of personal or social hygiene."

Admittedly such observations fall in the class of shrewd guesses, for we simply do not know the possible length of human life. What is needed is systematic study on a scale impossible to private agencies.

Among the many reasons for the neglect of such studies and for what history will call criminal indifference to the aged are:

The character of our labor market, which in many industries demands young men and women for hard, fast work draining much nervous energy. This ages the young and deprives the old of useful employment.

Lack of community facilities to keep alive the interests of older people.

Neglect of illnesses of the aged because they are unspectacular drudgery, are chronic, and nearly always command low fees for treatment.

The assumption that little can be done to postpone or prevent disabilities of old age or to prolong the average life span.

Insufficient public attention to cold, damp living or working conditions; overwork at jobs that bring no pleasure or satisfaction; hunger, poverty, worry caused by economic insecurity—all of which weaken bodily and mental health.

It was not in the Garden of Eden that man lost his dream of long life. It is not in the magical waters of the Fountain of Youth which the Spanish explorers so logically sought in the beautiful State of Florida that man will find immortality. What has killed people long before their physical limits of life is not knowing how life can be lengthened and enriched, not being able to produce the necessities required to sustain a long-lived population, not being willing to face the social fight to clean up the working and living conditions which prematurely age people and breed indifference to their problems.

Under President Roosevelt we began, and in his memory we continue, the fight for healthier and happier living and working conditions. Today we have the labor and the machinery and the technical knowledge to produce an abundance for all, young and old. And in the science of geriatrics, we are finding the direction in which to look for longer and better lives.

The bill I have introduced establishes a National Geriatrics Institute in the Public Health Service. It provides for exact research into the disabilities of old age and the means of lengthening life, for the development of curatives, regimens, methods of treatment, and for public dissemination of helpful knowledge.

It is my hope that H. R. 7222 will receive the careful attention of the Members during the coming recess and that it may be favorably heard and acted on at the next session of Congress.

The text of that bill is as follows:

H. R. 7222

A bill to establish a National Geriatrics Institute to promote longevity in the United States and to provide for study and research in the field of the prevention and cure of diseases and ailments common to old age and for the widespread dissemination of the results of such study and research in an effort to prolong the lives of all American citizens, and for other purposes

Be it enacted, etc., That it is the policy of the United States Government to promote the longevity of its citizens by undertaking research and study in the field of geriatrics and making available to its people all the information obtainable on methods of prolonging and enjoying life.

SEC. 2. There shall be established and maintained within the Public Health Service a National Geriatrics Institute, hereinafter referred to as "the Institute," for the purpose of study and research in the field of the prevention and cure of diseases and ailments common to old age.

SEC. 3. The Surgeon General of the United States is authorized—

(A) to establish necessary research laboratories and buildings, suitably equipped and provided for, for the exclusive use of the Institute and, in cooperation with existing agencies and departments of government, utilize any existing laboratories and hospital and health facilities which in his judgment may be appropriate to carry out the purposes of this act and which are available for such use;

(B) to appoint a Director of the Institute who shall serve for a term of 5 years and shall be subject to reappointment by the Surgeon General at the expiration of his term or terms;

(C) to appoint such other personnel as shall be necessary to carry out the purposes of this act.

SEC. 3. (a) The Director shall undertake all necessary and possible research in the field of the prevention and cure of diseases and ailments common to old age and shall make all information regarding such research and the results of such research available to the medical profession, schools, colleges, hospitals, health centers, State health agencies, and departments and to the general public.

(b) The Director is authorized to utilize the facilities of universities and colleges and of State departments of health or other appropriate agencies of State governments where such universities and colleges and State agencies agree to undertake research necessary to any study undertaken by the Institute.

(c) Where research or study by any university or college, operated not for profit, or by any appropriate agency of any State government is considered appropriate and necessary to the purposes of this act by the Director, in consultation with the Surgeon General, the Surgeon General is authorized to enter into agreement with such university or college or State agency. Such agreement can provide for the necessary research with the cost to be shared between the Federal Government, the college, or university or State agency involved: *Provided*, That in no event shall the Federal Government provide more than 50 percent of the total cost of such project or projects.

(d) In the interest of providing free access to all scientific information, the Director is authorized to exchange information and the results of any and all research with any agency or department of government of any other nation or nations undertaking similar studies and research, and to make available to the medical profession, schools, colleges, hospitals, health centers, State health agencies and departments, and the general public any information obtained as a result of such exchanges of information or research.

SEC. 4. (a) Any scientific development, including the development or compounding of any new drug or drugs or scientific formula, produced as a result of the study or research provided for in this act, shall not be subject to patent by any private individual, corporation, or partnership and all such scientific developments shall remain the property of the people of the United States.

(b) To carry out the provisions of section 4 (a), the Surgeon General is authorized to make available on equal terms and conditions to all interested individuals, corporations, or partnership any such scientific development, including any formula for the production of new drug or drugs or methods of treatment.

SEC. 5. There is authorized to be appropriated, not to exceed the sum of $15,000,000, to cover the cost of establishing the Institute, and from time to time such additional sums as necessary to maintain the Institute and to carry out other provisions and purposes of this act.

Mr. RAMEY. Mr. Speaker, will the gentleman yield?

Mr. DE LACY. I yield.

Mr. RAMEY. I, too, hope for the happiness that this would bring. But would the taxpayers pay for it?

Mr. DE LACY. I think that this research requires public support. After all, you know, the doctors cannot afford to put too much time in on a lot of these old folks whom they consider to have chronic ailments. If we could get at the root of it, the ailments probably could be eradicated and they could live a long time.

Mr. PHILLIPS. Mr. Speaker, will the gentleman yield?

Mr. DE LACY. I yield.

Mr. PHILLIPS. Is this earnest hope that the gentleman has based on the report of the discovery of a Russian scientist that he had a method of prolonging life to 100 or 150 or 180 years?

Mr. DE LACY. In part. We have a distinguished American scientist here in Washington, D. C., with the American Geriatrics Society. The great State of Indiana has set up a Geriatrics Institute. Likewise, there has been very useful work done by the Soviet Union.

Mr. PHILLIPS. Does the gentleman realize that that Russian scientist died the other day at the age of 64?

Mr. DE LACY. I am also aware of the fact that people with the profoundest belief in immortality have gone to join their fathers.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Arizona [Mr. MURDOCK] is recognized for 15 minutes.

ATOMIC ENERGY

Mr. MURDOCK. Mr. Speaker, the greatest physical force known to our universe is now in the hands of puny man. What will he do with it? Will it prove to be a Frankenstein monster which will destroy its new master as many predict? No doubt that will depend on how much of a master man shows himself to be. Upon this showing I firmly believe depends the course of human history.

Congress recently devoted its attention to the matter of domestic control of atomic energy, and we passed the bill (S. 1717) which is now law. At this moment the Councils of the United Nations are considering the Baruch plan and other plans of international control based very largely upon the agreement reached by President Truman, Prime Minister Attlee, and McKenzie King. In my judgment, the very outcome of history hinges upon wise action both by this Congress on domestic control and the United Nations' authority in the field of international control of atomic power. We have done in this Congress the basic work of legislation for domestic control. We must now prayerfully await the wisest possible action concerning international control of this great new force.

Having listened to the hearings before the Senate Committee on Atomic Energy, I was greatly impressed with the provisions of S. 1717 on which the House acted a few weeks ago. The RECORD will show that I voted against certain amendments offered to that bill in the House. I did not agree with my colleagues in the House who insisted on placing the control in the hands of the military, nor did I agree with my colleagues who wanted to apply patent laws and regulations to discoveries made and to ideas ordinarily patentable in connection with fissionable material and the production of atomic energy. Accordingly, I was satisfied and pleased when the conferees brought back a report which differed so little from the original Senate bill, S. 1717.

Why do I prefer civilian control of atomic energy? Because as I said at the time of House action on S. 1717, it is a principle of the American Constitution and of our form of government to make and keep the military always subservient to the civil power. I cannot believe that any military authority can possibly be more loyal to our Government than the right kind of civilian authority. I believe the same loyalty may be expected from both.

Assuming that the civilian board will be appointed by the President and will consist of five of the greatest minds and most patriotic spirits among our citizenry, such civilian authorities will have a view singly to the public interest, safety, and welfare. No military board could surpass that kind of civilian board in absolute patriotism and loyalty to the best interests of the country. The patriotism and devotion to duty of a civilian board being equal to that of any military board, and vice versa, I must have other reasons for preferring a civilian board of control in this case.

Yes, I have other reasons for this preference, all of which I will not attempt to enumerate, but I do wish to point out one—and that is that a civilian board of control is far more likely to consider other uses of atomic energy than military uses. On the other hand, I greatly fear that a military board would think narrowly, if not exclusively, of this great new power for military and destructive purposes. If it is humanly possible to make atomic energy safe in the hands of man, to prevent its use in destruction or for purposes of war, and instead make it available for use in the ways of peace, that thing we must strive to do, and I think a civilian board of control would move in that direction more surely than would a military board.

Atomic energy is such a new and such a powerful force recently come to the hand of man that we scarcely know its tremendous possibilities, even for destruction. The top-notch scientists do not claim to perceive its possibilities for good, excepting dimly. Those who know most about atomic energy, while they can see its awful destructive power, which cannot be adequately described excepting in superlative terms, are inclined to believe that its possibilities for good, for productive and constructive effort and for utilization for man's happiness and welfare are far greater even than its destructive powers. I am slow to believe that those optimistic scientists who speak of the blessings which may flow from man's use of atomic energy are indulging in wishful thinking. From their deep knowledge they are sure that its powers for good are even more superlative than its powers for evil.

Every one of the top-notch scientists from whom I have gathered a little information made me see this critical prob-

lem presented to society, if we are to use the atom's power for good without the likelihood of its being used for evil. The scientists point out that if you produce fissionable material such as plutonium, intending to use it in the right ways of peace, you have then gone along 75 percent of the process of producing it for the wrong ways of war and for destruction.

Such being a scientific fact, society dare not use atomic energy in peaceful ways nor permit it to be so used unless we can absolutely guarantee that no segment of society can use it for war against the rest of humanity. Right there lies the greatest task of international control. Unless we can solve this problem and outlaw the use of atomic energy in war, man can neither hope to survive in a civilized state nor can he hope to avail himself of the knowledge of atomic power in the pursuits of peace. This makes imperative the strongest kind of international control, one which must be effective and not a mere series of international promises.

We are told by medical men that the possibilities of beneficial use of fissionable material and radio-active substances in the field of medicine and public health are beyond the wildest stretch of the imagination. While we are cautioned not to be too optimistic at once about the use of atomic energy in industry and in everyday living, as it is not ready to compete with the present sources of power used by our industrial society, neverthless this great cheap source of power may be a welcomed supplement in certain phases of our industrial life where huge blocks of cheap power is required.

Naturally I think of atomic energy as supplemental to hydro-electric power in the West, where there is a need for electric power, even greater than all the existing hydro-electric plants can supply. What may we expect from this power use of atomic energy? Nothing—unless we can make it safe and quarantine against its use as an instrument of destruction and war. If we can make it safe in peaceful uses in all parts of the world, what are the prospects? I am, of course, unable to say, but I do know that they will be greater than our wildest dreams. This is the riddle of the Sphinx, a failure to answer which means death.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. HUBER] is recognized for 5 minutes.

ABOLISH CAPITAL PUNISHMENT

Mr. HUBER. Mr. Speaker, I have today introduced a resolution to amend the Constitution of the United States by abolishing capital punishment.

During the past few years we have witnessed a world that has been drenched with the wanton shedding of human blood. Millions have been tortured and their bodies consumed by the incinerators of those who had no regard for the rights or dignity of man.

If we, the citizens of the United States, are to contribute to a just and lasting peace, it is imperative that we abolish the primitive practice of capital punishment. In our several States and under Federal statutes, we still indulge in the barbaric custom of strangling, burning, shooting, or asphyxiating those condemned wretches who have violated the laws of our States and Nation. If a crime should be committed against one of my loved ones, I would be the first to demand personal vengeance, regardless of the hideous form or nature in which such vengeance would be exacted.

That, of course, would be following the brute instinct which is inherent in all mankind. On second and calmer thought, we would all reflect upon the age-old truth that "Vengeance is mine, saith the Lord."

We try our felons, demanding the death penalty. The press plays up every dramatic incident in connection with the atrocious crime that has been committed—the demeanor of the witnesses, the stern faces of the jurors, as the judge, God-like, intones the sentence that directs us, the people, to violently and in a manner prescribed by law, still the heart of the luckless mortal in our midst.

We decry lynching and crimes of violence occurring in our society. If in this enlightened age the State can legally determine that one of our citizens shall die, and thereupon take such steps according to the laws of the State and Federal Government to hang (strangle), electrocute (burn), shoot, or asphyxiate, while the populace in Roman holiday mood, noting the press and radio accounts, waits with bated breath for the details of the last supper, the mental attitude, and last-minute religious contacts of the condemned, how can we prevent crimes of violence, how can we impress upon our citizens the need to prevent lynching?

We must make our people realize that no person, State, or government has the right to take human life; that it is God-given, and that practically all criminologists, penologists, and religious leaders agree that it is no deterrent to the commission of crime. Those who have violated the laws of our land must be punished and safely incarcerated for the protection of our people.

To those who complain that offenders who are released may again indulge in offensive conduct endangering the safety of the populace, I say that is the definite responsibility of society and if we are unable to cope with such a situation then we, the members of society, have failed morally, socially, and scientifically, and that it is better to be the guardian of our brother than to be his executioner.

Note: In many places in our land we see signs, "Beware the dog."

Example: We suffer antisocial beasts to exist but snuff out the life of our fellow man.

Mr. RAMEY. Mr. Speaker, will the gentleman yield?

Mr. HUBER. I yield.

Mr. RAMEY. I will say to my distinguished colleague that he has no doubt read the book, which is not a story but is entitled "Convicting the Innocent." They are actual trials and convictions of some 234 men and women who later have been found to be innocent. Some innocent men have been electrocuted. I think there was one in Ohio at one time electrocuted by our own State and who was later found to be innocent.

Mr. HUBER. I thank the gentleman for his observation. It is a very good reason for supporting this resolution.

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. HUBER] has expired.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Kansas [Mr. REES] is recognized for 10 minutes.

WE WANT NEITHER WITCH HUNTING NOR WHITEWASHING—WE WANT LOYALTY IN GOVERNMENT

Mr. REES of Kansas. Mr. Speaker, my attention has been called to a recent statement that appeared in the press criticizing my report as a member of the Subcommittee on the Civil Service, because I asked for further inquiry with regard to people employed in government whose loyalty is questioned. I certainly have no objection to the majority report that suggests the appointment of a committee from some of the agencies to look into practices and procedures. I have no objection to the report as far as it goes, but it does not, in my judgment, get at the meat of the problem. I want you to look at the suggestions made in my additional report and then tell me whether they are unreasonable.

I called attention to the fact that there is no uniform policy among Federal agencies with respect to my investigating and removing employees who are known to be disloyal. In too many cases, agencies of government had not strictly adhered to the principle of "reasonable doubt" in favor of the Government on questions of loyalty. Is there anything wrong about that?

I further stated that in many instances where the loyalty of individuals has been questioned, they have been held in abeyance so the employee whose loyalty has been questioned remained on the pay roll several months and in many cases, 2, 3, and 4 years, before decisions were made. If you think such procedure is proper, I would like to have you justify it.

Further attention was directed to the fact there is too much susceptibility and too much attention given to outside influence in making decisions with respect to fitness of many employees in government. I hardly see how anyone can justify that sort of thing being carried on in our Government.

Although the Civil Service Commission has furnished an array of figures, their own records and the records of other agencies, show that very few people have been removed from the pay rolls even where there is a clear case of disloyalty. I do not see how anyone can justify that procedure. The Civil Service Commission says that once a person is employed, there is nothing it can do to secure his removal, even though their own files show such person to be unfit for the job.

Mr. Speaker, in my brief report I said we need a thorough house cleaning in all cases of doubtful loyalty. I stated very definitely we should be absolutely fair, but that doubt as to loyalty, as well

as in other cases, ought to be resolved in favor of the Government.

Mr. Speaker, after all, employment in the Government should be regarded as a high privilege. I recommended that the House Civil Service Committee study the standards and directives and policies of Government agencies with regard to questions of loyalty, as well as other questions that should come to our attention and that the committee should devise by legislation, if necessary, ways and means of eliminating without delay, employees whose fitness for service is unsatisfactory, especially those who are not loyal to the American Government.

Mr. Speaker, it was not my intention to speak further about the majority report of our subcommittee. I do not find fault with it even though most of it is from testimony made on behalf of the Civil Service Commission. The principal recommendation in that report is for the appointment of an interdepartmental committee. That recommendation does not go far enough. We have had such committees before. Little, if anything, was accomplished by its service.

Now, Mr. Speaker, because I have asked that the Civil Service Committee, which is the committee responsible for legislation of this kind to make a further study of the problems I have mentioned, it is being suggested that to do such thing is wrong and is described as "witch hunting." I am surprised anyone would take such unfair position. If for no other reason, this study and investigation is justified for the protection of the hundreds of thousands of loyal people employed in government.

I am informed the Civil Service Commission, as well as some other agencies do not want the study and investigation continued. If the majority of the Civil Service Committee, as well as the majority of this House, do not want the study continued and are willing to let things drift along, in the face of the facts that have been presented, I will, of course, abide by the decision of the majority, but as a minority Member of Congress, as well as a minority member of the Civil Service Committee, I am not going to stand idly by without raising my voice against a thing in which this Congress and the people of this country ought to be vitally interested.

Mr. Speaker, I regret the hearings covered only a period of a few days. We only scratched the surface. They should have been longer, but the testimony submited came from responsible people in Federal service who have the interest of their Government at heart. If that testimony were disclosed, I would not even need to suggest that further study and inquiry be made. I want to add further, that I have the support of men and women in high and responsible places in government who tell me, by reason of their experience and knowledge of the facts, that my position is sound.

My only interest in this matter is to see that our Government and its institutions are protected. I shall continue to use my energies in that direction. It is my duty to do so. Every agency ought to cooperate, instead of criticize, in promoting the highest degree of loyalty in our Government.

Mr. Speaker, before closing, let me call attention to a glaring example that has only recently been brought to public view. I would like to know who is responsible for permitting one Albert Jacobson to get on the pay rolls in 1939 as a Government clerk, when disbarment proceedings had already been filed against him and when he had been charged on a half dozen cases of serious irregularities. That was 2 years before the war started. Somebody was responsible for permitting this man, not only to get on the pay roll, but to bypass hundreds of deserving employees and was promoted to a $9,000 position with the responsibility of handling and juggling war contracts involving hundreds of millions of dollars. Can it be possible that nobody cares how he got on the pay roll and who permitted him to get this responsible job? Can it be possible that a case like this should not be investigated? Incidentally, Mr. Jacobson has not been discharged up to this time. He has only been suspended.

Mr. Speaker, we have too many instances of what is regarded as "knowing the right person" in order to secure the best jobs. The example I have given you is different from a Government clerk whose case has just been called to my attention and who had a record of good or very good for several years, but is now being given a grade of unsatisfactory and being discharged because he does not seem to get along with his chief. I say to you, it is a shame and a disgrace that Jacobson or anyone like him should be allowed to stay on the pay roll when a telephone call concerning his record should have been enough to discharge him. He ought to be removed and he ought to be tried for violations of trust in office. The same thing goes for two high Army officers involved with him, who should be tried immediately for violations of trust during a critical war period.

Mr. Speaker, let me reiterate. I am not in favor of "witch hunting." Neither am I in favor of "whitewashing." All I ask is that a constructive and careful study be made of this important problem of loyalty in government.

As a minority member I still say we have a duty that we cannot evade, if we are going to live up to our responsibility.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Koerber, its assistant enrolling clerk, announced that the Senate insists upon its amendments to the bill (H. R. 7037) entitled "An act to amend the Social Security Act and the Internal Revenue Code, and for other purposes"; disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GEORGE, Mr. WALSH, Mr. BAILEY, Mr. CONNALLY, Mr. LA FOLLETTE, Mr. VANDENBERG, and Mr. TAFT to be the conferees on the part of the Senate.

The SPEAKER. Under previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 5 minutes.

AUTOMOBILES FOR AMPUTEES

Mrs. ROGERS of Massachusetts. Mr. Speaker, I would like to read a letter from Dr. Klopsteg, who is chairman of the National Committee on Prosthetic Devices. The military services and Veterans' Administration are affiliated with the committee. He says:

MY DEAR MRS. ROGERS: Your effort and your splendid motives in endeavoring to secure for veteran amputees things to alleviate their disabilities and in a measure compensate them for their loss are most commendable.

I am especially interested in those who have become totally blinded and totally deafened, and the bilateral amputees, or those who have lost an arm and a leg, or three of their limbs. I understand that the two quadrilaterals are already well cared for.

I wish you every success in your endeavors to secure automobiles for these seriously handicapped veterans.

It was a great pleasure and privilege to meet you, and I am gratified that you were able to be present and see what the Committee on Prosthetic Devices is trying to do for our amputees.

Cordially yours,

PAUL E. KLOPSTEG.

I wish to say, Mr. Speaker, that the efforts of many of the Members of Congress to secure automobiles for the amputees, the paraplegics, those who have lost the use of their limbs, is just a part of this great program that the Army has undertaken in order to try to rehabilitate these men and the Veterans' Administration has a fine rehabilitation program started.

It is particularly important to have automobiles for the men for their rehabilitation for a couple of years or so, because not enough has been done in the way of giving them satisfactory arms and legs. I have great hopes that great strides will be made by them. In 150 years really practically nothing has been done until very recently in the matter of making lighter and more useful artificial arms and hands. They are making progress now. It is not too rapid, but when it is compared with the last 150 years it is real progress.

I have every confidence, Mr. Speaker, that the Rules Committee in spite of what I think is great and unnecessary delay will report out a rule which would provide the necessary equipment, automobiles, and conveyances for these men.

It is just a part of a great rehabilitation program started by the Army and getting into full swing gradually. I think under the law the Veterans' Administration has the power already to supply conveyances as a part of their rehabilitation program. The Army teaches these amputees and paraplegics to drive automobiles and it is extremely interesting to see the disabled boys, driving cars safely. In Massachusetts our registrar of motor vehicles tells me they have fewer motor accidents with amputees and paraplegics than with other groups of people.

I am sure the Congress will not adjourn without passing legislation for their benefit.

Mr. RAMEY. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I am very glad to yield to the gentleman from Ohio.

Mr. RAMEY. And the expense would not be as if the veterans had to be hospitalized.

Mrs. ROGERS of Massachusetts. Yes; it is a most worthy, most justified cause. As a matter of fact, so far as expense is concerned, we should not consider that anyway, but, as a matter of fact it will, in my opinion, save a great deal of expense because the boys can live at home and ride to and from the hospitals for the treatment they need. Thus it saves hospital expense and it also enables the boys to work beside. When men are hospitalized in any Veterans' Administration hospital the cost is $10.33 a day. So, from every angle it is a wise measure.

Mr. Speaker, I ask unnimous consent to include as part of my remarks an amendment the Senate just put into the third deficiency bill appropriating money to acquire these automobiles.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

(The matter referred to follows:)

VETERANS' ADMINISTRATION

Automobiles and other conveyances for disabled veterans: To enable the Administrator of Veterans' Affairs to provide an automobile or other conveyance, equipped with such special attachments and devices as the Administrator may deem necessary, for each veteran of World War II, whether or not discharged from service, who (1) is entitled to disability compensation or pension under the laws administered by the Veterans' Administration, and (2) is unable, because of the loss, or loss of use, of one or both lower limbs, to use normal means of locomotion or ambulation: *Provided*, That no part of the money appropriated by this paragraph shall be used for the repair, maintenance, or replacement of any such automobile or other conveyance and no veteran shall be given an automobile or other conveyance under the provisions of this paragraph until it is established to the satisfaction of the Administrator that such veteran will be able to operate such automobile or other conveyance in a manner consistent with his own safety and the safety of others, and will be licensed to operate such automobile or other conveyance by the State of his residence, $30,000,000 to remain available until expended.

CANCER RESEARCH

Mr. RAMEY. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RAMEY. Mr. Speaker, I regret very much the hymn of hate sounded by the gentleman from West Virginia, whom I have always admired.

When the so-called cancer research bill was before the House our physicians, Dr. JUDD, of Minnesota, and Dr. SMITH, of Ohio, and I believe Dr. MILLER, of Nebraska, informed the House that the outstanding physicians of the country had been conducting that research properly for a number of years, and further directed the attention of the House to the fact that this new proposed research bill would be a politicians' affair, that people might be appointed from any walk of life who might know nothing about cancer or cancer research. If any of these physicians are here I would like to ask them if that is not correct, that our attention was so directed?

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. RAMEY. I yield.

Mr. SMITH of Ohio. I have not been in touch too closely with cancer research for some time. I want to make clear a point that I believe is cloudy in the mind of a great many Members, namely, whether or not cancer is on the increase. The best statistics we have on that point come from Copenhagen. Statistics have been kept there for perhaps 40 or 50 years. The last time I examined them they did not show that cancer is on the increase. Apparently it is because we live longer and also other diseases are not killing as many people as they used to that cause people to believe cancer is on the increase. So far as I know there is no scientific evidence to substantiate the claim that is being made that cancer is on the increase.

Mr. RAMEY. This would have been a political board when there has already been research and study properly made for years. Just the use of taxpayers' money to buy another election under the name of health research. A wicked subterfuge.

Mr. SMITH of Ohio. If the Congress had appropriated $100,000,000 for cancer research, there is not a cancer research institution in all the world that would have the slightest idea as to what they would do with that amount of money. People who talk about cancer research or research in any field of medicine get the idea that you can do it with money; but research is something that is in the heads of men. The great discoveries in medical science have not been made because there were a lot of funds available: Those discoveries have been made because brains were available to make them. If this House could get rid of the idea that you can do these things with money we would all be better off.

Mr. RAMEY. And politicians should not take the place of men in the professions who have been making an unselfish study for years. They did not require money. They gave.

Mr. SMITH of Ohio. When politicians begin to meddle in any kind of research, they destroy that research.

Mr. RAMEY. I thank the gentleman for his contribution. I hope the gentleman from West Virginia will take his hate message from his word when he revises his remarks. We have always looked upon him as a Christian gentleman. In these closing days of the session all of us are under an 18-hour daily schedule and unusual strain. We hope this outburst is emotional due to the heavy toll of the strain on the gentleman from West Virginia and that this is not a ruling passion of the inner man.

Hate has killed more than disease. Hate makes disease, war, pestilence, and famine.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. J. Res. 158. Joint resolution to provide for the appointment of a National Commission on Individual War Memorials, and for other purposes; to the Committee on the Library.

ENROLLED BILLS SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 4051. An act to grant to personnel of the armed forces equal treatment in the matter of leave, and for other purposes.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 191. An act to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public-health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction;

S. 528. An act for the relief of Thaddeus C. Knight;

S. 881. An act authorizing the President of the United States to award posthumously in the name of Congress a Medal of Honor to William Mitchell;

S. 1253. An act to enable debtor railroad corporations, whose properties during a period of 7 years have provided sufficient earnings to pay fixed charges, to effect a readjustment of their financial structures; to alter or modify their financial obligations; and for other purposes;

S. 2020. An act granting a right-of-way at a revised location to the West Shore Railroad Co., the New York Central Railroad Co., lessee, across a portion of the military reservation at West Point;

S. 2236. An act providing for a medal for service in the merchant marine during the present war;

S. 2304. An act to provide for the training of officers for the naval service, and for other purposes;

S. 2318. An act to amend the act of May 11, 1938, for the conservation of the fishery resources of the Columbia River and for other purposes;

S. 2401. An act to amend the act of May 4, 1898 (30 Stat. 369), as amended, to authorize the President to appoint 250 acting assistant surgeons for temporary service;

S. 2419. An act to amend further the act of April 6, 1938, as amended by the act of July 9, 1941, entitled "An act authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes."

S. 2426. An act providing for the conveyance to the city of Canton, S. Dak., of the Canton Insane Asylum, located in Lincoln County, S. Dak.; and

S. J. Res. 84. Joint resolution authorizing the erection in the District of Columbia of a statue of Nathan Hale.

BILL PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 4051. An act to grant to personnel of the armed forces equal treatment in the matter of leave, and for other purposes.

ADJOURNMENT

Mr. COLMER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned until tomorrow, Friday, August 2, 1946, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1517. A letter from the Assistant to the President, the American Academy of Arts and Letters transmitting the official report of the American Academy of Arts and Letters for the year ending December 31, 1945; to the Committee on the Library.

1518. A letter from the Chairman, National Advisory Council on International Monetary and Financial Problems, transmitting a draft of a proposed bill to permit investment of funds of insurance companies organized within the District of Columbia in obligations of the International Bank for Reconstruction and Development; to the Committee on the District of Columbia.

1519. A letter from the Assistant Secretary, National Institute of Arts and Letters, transmitting the official report of the National Institute of Arts and Letters for the year ending December 31, 1945; to the Committee on the Library.

1520. A letter from the Acting Secretary of the Interior, transmitting one copy each of various legislation passed by the Municipal Council of St. Croix and the Legislative Assembly of the Virgin Islands; to the Committee on Insular Affairs.

1521. A letter from the Attorney General, transmitting a report showing the special assistants employed during the period from January 1 to June 30, 1946, under the appropriation "Compensation of special attorneys, etc., Department of Justice"; to the Committee on Expenditures in the Executive Departments.

1522. A letter from the Attorney General, transmitting a draft of a proposed bill to authorize payment of claims based on loss of or damage to property deposited by alien enemies; to the Committee on the Judiciary.

1523. A letter from the Acting Director, Bureau of the Budget, transmitting the fourth quarterly report of personnel ceilings as determined and fixed by him, for the quarter ending June 30, 1946; to the Committee on the Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLMER: Committee on Rules. House Resolution 747. Resolution providing for the consideration of H. R. 7037, a bill to amend the Social Security Act and the Internal Revenue Code, and for other purposes; to take from the Speaker's table, and to request a conference thereon; without amendment (Rept. No. 2714). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. House Resolution 748. Resolution providing for the consideration of S. 2235, an act to provide a system of relief for veterans, and dependents of veterans, who served during World War II in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the armed forces of the United States pursuant to the military order of July 26, 1941, of the President of the United States, and for other purposes; without amendment (Rept. No. 2715). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. House Resolution 751. Resolution providing for the consideration of H. R. 2788, a bill to amend title 28 of the United States Code in regard to the limitation of certain actions, and for other purposes; without amendment (Rept. No. 2718). Referred to the House Calendar.

Mr. MAY: Committee on Military Affairs. S. 2460. An act to provide additional inducements to citizens of the United States to make a career of the United States military or naval service, and for other purposes; without amendment (Rept. No. 2720). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'TOOLE: Committee on the Library. Senate Joint Resolution 158. Joint resolution to provide for the appointment of a National Commission on Individual War Memorials, and for other purposes; without amendment (Rept. No. 2721). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs submits a report pursuant to House Resolution 20 (79th Cong., 1st sess.), investigations of the national war effort (Rept. No. 2722). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Small Business. Second interim report pursuant to House Resolution 64 (79th Cong., 1st sess.), creating a Select Committee on Small Business of the House of Representatives and defining its powers and duties (Rept. No. 2723). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLOOM: Committee on Foreign Affairs. S. 334. An act for the relief of the Trust Association of H. Kempner; with amendment (Rept. No. 2719). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WINSTEAD:

H. R. 7227. A bill to provide for a special study of the standards or specifications for allocating positions in records administration and records management in the various departments and independent agencies, and for other purposes; to the Committee on the Civil Service.

By Mr. IZAC:

H. R. 7228. A bill to provide for a commission to adjudicate claims of American nationals who were prisoners of war of Japan, for payment of its awards, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BLOOM:

H. R. 7229. A bill creating a commission to examine and render final decisions on all claims by American nationals against the Governments of Bulgaria, Germany, Hungary, Italy, Japan, and Rumania, as a consequence of loss or damage incurred subsequent to January 1, 1937, and prior to January 1, 1947; to the Committee on Foreign Affairs.

By Mr. IZAC:

H. R. 7230. A bill to provide for the establishment of civil government for the inhabitants of the islands of the Pacific Ocean (except Hawaii) under the jurisdiction of the United States, and for the establishment of the Office of the Administrator of the Pacific Areas; to the Committee on Insular Affairs.

By Mr. O'TOOLE:

H. R. 7231. A bill to provide additional compensation for veterans of World War II; to the Committee on Ways and Means.

By Mr. WEICHEL:

H. R. 7232. A bill to provide for examination and investigation of inventories of Government-owned property; to the Committee on Expenditures in the Executive Departments.

By Mr. HUBER:

H. J. Res. 393. Joint resolution proposing an amendment to the Constitution relating to the abolition of capital punishment in the United States; to the Committee on the Judiciary.

By Mr. HOWELL:

H. Con. Res. 167. Concurrent resolution directing a change in the enrollment of the Armed Forces Leave Act of 1946 (H. R. 4051), so as to provide that benefits in lieu of accumulated leave shall be paid in cash in all cases; to the Committee on Military Affairs.

By Mr. VURSELL:

H. Con. Res. 168. Concurrent resolution to create a joint congressional committee to investigate the operation of the veterans' emergency housing program; to the Committee on Rules.

By Mr. IZAC:

H. Con. Res. 169. Concurrent resolution providing for civil authority of Pacific Islands gained by the armed forces; to the Committee on Insular Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to pass H. R. 6932 of the Seventy-ninth Congress, second session, a bill providing for promotion of agricultural marketing services and agricultural research; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. McCORMACK introduced a bill (H. R. 7233) for the relief of Rustom H. Dalal, which was referred to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII,

2142. Mr. GEELAN presented a resolution to Congress adopted by the Italian-American World War Veterans of the United States, Inc., Department of Connecticut, in convention on the 28th day of July 1946, that it grant Italy a peace which will insure her a position of honor among nations, in accordance with the promises made her, commensurate with the sacrifices of Americans of Italian descent, which was referred to the Committee on Foreign Affairs

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SENATE

FRIDAY, AUGUST 2, 1946

(Legislative day of Monday, July 29, 1946)

The Senate met in executive session at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, who art without beginning or end of days, who countest the nations as the dust of the balance, who puttest down the mighty from their seat and has exalted the humble and the meek, allowed by Thee, we have been called to be servants of the Nation in a

tense and tortured time, when the world has been plowed with violence, when the sun was blackened and the moon became as blood, when wars and rumors of war vexed the earth. In such a day Thou didst summon us to unleash the might of freedom against rampant evil bent on enslaving all peoples and didst lead us to a victory which insures to men of good will a golden chance to build a world that at last shall be a fit dwelling place for Thy children.

Through this crucial period we have been at best unprofitable servants. Now unto Thy holy keeping we commit ourselves, and all that we have done and said, as this day there is written "The end" to the chapter of our endeavors during these momentous times. With a solemn sense of the finality of it all the volume is closing. For all our regrets we cannot cancel one word or erase one act. Wilt Thou bless and strengthen all that here has been worthily done, as we have followed flickering lights in a dark hour. Pardon and overrule what has been done unworthily, or left undone, or done amiss.

And now may the Lord bless us and keep us, may the Lord make His face to shine upon us and be gracious unto us, may the Lord lift up the light of His countenance upon us and give us peace—peace in our own hearts, peace in this dear land of ours, and peace throughout all the earth, now and evermore.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, August 1, 1946, was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. WHITE. Mr. President, I ask unanimous consent that the Senator from South Dakota [Mr. GURNEY] may be excused from attendance upon further sessions of the Senate during this Congress.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2100. An act to remove the limitations on the amount of death compensation or pension payable to widows and children of certain deceased veterans;

S. 2125. An act to amend the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

S. 2256. An act to amend the Servicemen's Readjustment Act of 1944;

S. 2286. An act to amend the act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930;

S. 2332. An act to provide that the unexpended proceeds from the sale of 50-cent pieces coined in commemoration of the two hundred and fiftieth anniversary of the founding of the city of Albany, N. Y., may be paid into the general fund of such city;

S. 2408. An act to amend the act of February 9, 1907, as amended, with respect to certain fees;

S. 2460. An act to provide additional inducements to citizens of the United States to make a career of the United States military or naval service, and for other purposes;

S. 2477. An act to authorize the Veterans' Administration to reimburse State and local agencies for expenses incurred in rendering services in connection with the administration of certain training programs for veterans, and for other purposes;

S. 2479. An act to amend the act entitled "An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925;

S. 2480. An act authorizing the appointment of Robert Sprague Beightler as permanent brigadier general of the line of the Regular Army; and

S. 2498. An act to provide for fire protection of Government and private property in and contiguous to the waters of the District of Columbia.

The message also announced that the House had passed the bill (S. 334) for the relief of the trust association of H. Kempner, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 2093. An act for the relief of J. P. Kerr and Robert P. Kerr;

H. R. 2586. An act to authorize the leasing of Indian lands for business, and for other purposes; and

H. R. 2851. An act to provide for investigating the matter of the establishment of a national park in the old part of the city of Philadelphia, for the purpose of conserving the historical objects and buildings therein.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 2480. An act for the relief of Wesley A. Mangelsdorf;

H. R. 5093. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Albert Whilden;

H. R. 6381. An act for the relief of Thomas L. Brett; and

H. R. 6399. An act for the relief of Caesar Henry.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5560) to fix the rate of postage on domestic air mail, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

H. R. 341. An act relating to the status of Keetoowah Indians of the Cherokee Nation in Oklahoma, and for other purposes, and authorizing conveyance of the Seger Indian School to Colony Union Graded School District No. 1, Colony, Okla;

H. R. 434. An act to provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship through voting in a political election in a country not at war with the United States during the Second World War;

H. R. 1002. An act for the relief of Marvin Sachwitz;

H. R. 1070. An act for the relief of Elmer C. Hadlen;

H. R. 1088. An act for the relief of the Eastern Contracting Co., Inc.;

H. R. 1351. An act for the relief of the estate of Estelle Daniel Boyle, deceased, and E. B. Rosegarten;

H. R. 1402. An act for the relief of certain Basque aliens;

H. R. 1459. An act for the relief of Mr. and Mrs. J. W. Williams, Jr.;

H. R. 1497. An act to amend subsection 9 (a) of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended.

H. R. 1519. An act relating to marine insurance in the case of certain employees of the War Department who suffered death, injury, or other casualty prior to April 23, 1943, as a result of marine risks;

H. R. 1570. An act for the relief of Edward Pittwood;

H. R. 1631. An act for the relief of William Tolar Smith;

H. R. 1788. An act for the relief of Mr. and Mrs. Conrad Newman;

H. R. 1860. An act to authorize the Secretary of the Interior to issue a duplicate of Porterfield scrip certificate No. 53 to the Muskegon Trust Co., Muskegon, Mich., as trustee of the John Torrent trust;

H. R. 1887. An act for the relief of Mrs. Leroy A. Robbins;

H. R. 2033. An act authorizing Federal participation in the cost of protecting the shores of publicly owned property;

H. R. 2161. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Algernon Blair, his heirs, or personal representatives, against the United States;

H. R. 2222. An act for the relief of J. L. Harris;

H. R. 2377. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of Iowa into the Union as a State;

H. R. 2485. An act for the relief of Moses Tennenbaum;

H. R. 2504. An act to discontinue certain reports now required by law;

H. R. 2523. An act to provide for lump-sum payment of compensation for accumulated leave and current accrued annual leave to certain officers and employees, and authorizing the appropriation of funds for that purpose;

H. R. 2663. An act for the relief of W. C. Jones, Myrtle M. Jones, and W. W. Tilghman;

H. R. 2716. An act to provide for health programs for Government employees;

H. R. 2850. An act for the relief of Felix Napiorkowski;

H. R. 3099. An act for the relief of Coy C. Brown;

H. R. 3197. An act for the relief of William F. Patchell, Jr.;

H. R. 3361. An act to amend paragraph (1) of section 73 of the Hawaiian Organic Act, as amended;

H. R. 3593. An act relating to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas;

H. R. 3742. An act for the relief of Burgess C. Moore, as administrator of the estate of Lela May Tomlinson, deceased, and as legal

guardian of Kay Tomlinson and Larry Max Tomlinson;

H. R. 3833. An act for the relief of Viola McKinney;

H. R. 3908. An act to provide increased pensions to members of the Regular Army, Navy, Marine Corps, and Coast Guard who become disabled by reason of their service therein during other than a period of war;

H. R. 3944. An act authorizing the President of the United States to award a special medal to General of the Armies of the United States John J. Pershing;

H. R. 3973. An act to amend the act entitled "An act to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes," approved June 23, 1943 (57 Stat. 162), and for other purposes;

H. R. 4114. An act to authorize the Secretary of the Interior to sell certain land of Alice Scott White on the Crow Indian Reservation, Mont.;

H. R. 4190. An act granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River at or near Warren, Pa.;

H. R. 4341. An act for the relief of James B. McGoldrick;

H. R. 4375. An act for the relief of Charles Martin;

H. R. 4386. An act to facilitate and simplify the administration of Indian affairs;

H. R. 4406. An act for the relief of Loyal F. Willis;

H. R. 4410. An act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939;

H. R. 4428. An act to adjust the rate of dividends paid by the Federal Savings and Loan Insurance Corporation on its capital stock and to decrease the premium charge for its insurance;

H. R. 4435. An act to establish the Theodore Roosevelt National Park; to erect a monument in memory of Theodore Roosevelt in the village of Medora, N. Dak., and for other purposes;

H. R. 4466. An act for the relief of Francis T. Lillie and Lois E. Lillie;

H. R. 4497. An act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes;

H. R. 4562. An act to insure the preservation of technical and economic records of domestic sources of ores of metals and minerals;

H. R. 4608. An act for the relief of Mrs. Mary D. Johnson;

H. R. 4686. An act for the relief of the estate of Harry Wright;

H. R. 4720. An act to amend the act of December 7, 1944, relating to certain overtime compensation of civilian employees of the United States;

H. R. 4842. An act to amend the act of April 29, 1943, so as to afford a preference for veterans in acquiring certain vessels;

H. R. 4947. An act for the relief of Ethel Guenther;

H. R. 5198. An act for the relief of Marjorie B. Marable;

H. R. 5223. An act to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes;

H. R. 5261. An act for the relief of David Weiss;

H. R. 5278. An act to legalize the admission to the United States of Virginia Harris Casardi;

H. R. 5368. An act for the relief of W. G. Magruder;

H. R. 5372. An act for the relief of Jessie Wolfington;

H. R. 5380. An act to provide for the conferring of the degree of bachelor of science upon graduates of the United States Merchant Marine Academy;

H. R. 5414. An act for the relief of Marie Gorak;

H. R. 5537. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Susquehanna River at a point between the Borough of Plymouth, in Plymouth Township, and Hanover Township, in the county of Luzerne, and in the Commonwealth of Pennsylvania;

H. R. 5654. An act to provide basic authority for the performance of certain functions and activities of the Bureau of Reclamation;

H. R. 5725. An act for the relief of Sadie Frey and the estate of Marie Hviding;

H. R. 5756. An act for the retirement of public-school teachers in the District of Columbia;

H. R. 5851. An act for the relief of Second Lt. Francis W. Anderson;

H. R. 5874. An act for the relief of Joseph Maezer;

H. R. 5928. An act to name the bridge located on New Hampshire Avenue, Washington, D. C., over the Baltimore & Ohio Railroad tracks "The Charles A. Langley Bridge";

H. R. 5932. An act providing for the conveyance to the town of Ipswich, in the State of Massachusetts, of lighthouse property at Castle Neck, for public use;

H. R. 5970. An act to permit the members and stockholders of charitable, educational, and religious associations incorporated in the District of Columbia to vote by proxy or by mail;

H. R. 5991. An act to simplify and improve credit services to farmers and promote farm ownership by abolishing certain agricultural lending agencies and functions, by defining the lending powers of the Secretary of Agriculture, by authorizing Government insurance of loans to farmers, by creating preferences for loans and insured mortgages to enable veterans to acquire farms, by providing additional specific authority and directions with respect to the liquidation of resettlement projects and rural rehabilitation projects for resettlement purposes, and for other purposes;

H. R. 6023. An act providing for the conveyance to the city of Atlantic City, in the State of New Jersey, of lighthouse property at Atlantic City, for public use;

H. R. 6030. An act to amend the Civil Aeronautics Act of 1938, as amended, so as to improve international collaboration with respect to meteorology;

H. R. 6057. An act to amend the act of July 11, 1919 (41 Stat. 132), relating to the interchange of property between the Army and the Navy, so as to include the Coast Guard within its provision;

H. R. 6097. An act to amend the act of March 10, 1934, entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes";

H. R. 6141. An act to provide funds for cooperation with the school board of Hunter School District for the construction and equipment of a new school building in the town of Hunter, Sawyer County, Wis., to be available to both Indian and non-Indian children;

H. R. 6148. An act to exempt certain vessels from filing passenger lists;

H. R. 6223. An act to authorize the Highway Departments of the States of Kentucky and West Virginia to construct, maintain, and operate a free highway bridge across the Tug Fork of the Big Sandy River at or near Williamson, W. Va.;

H. R. 6231. An act for the relief of Frank A. Gorman;

H. R. 6248. An act for the relief of Capital Office Equipment Co.;

H. R. 6263. An act to amend the act of June 23, 1943, so as to authorize inclusion of periods of education and training in an Army Transportation Corps civilian marine school as "service in the merchant marine";

H. R. 6298. An act to protect and facilitate the use of national-forest lands in township 2 north, range 18 west, Ohio River survey, township of Elizabeth, county of Lawrence, State of Ohio, and for other purposes;

H. R. 6307. An act for the relief of Francesco D'Emilio;

H. R. 6408. An act to authorize the War Shipping Administration and the Maritime Commission to make available certain surplus property to certain maritime academies;

H. R. 6423. An act for the relief of Mrs. Ivan B. Hofman;

H. R. 6488. An act to amend the act to provide for the issuance of devices in recognition of the services of merchant sailors;

H. R. 6536. An act for the relief of Southeastern Sand & Gravel Co.;

H. R. 6593. An act for the relief of Milton A. Johnson, and for other purposes;

H. R. 6610. An act to waive certain restrictions of the Hawaiian Organic Act, relating to land exchanges, for the acquisition of certain lands at Hilo, T. H.;

H. R. 6629. An act to provide basic authority for the performance of certain functions and activities of the National Park Service;

H. R. 6642. An act for the relief of certain postmasters;

H. R. 6811. An act relating to veterans' pension, compensation, or retirement pay during hospitalization, institutional or domiciliary care, and for other purposes;

H. R. 6817. An act to provide for the appointment of additional commissioned officers in the Regular Army, and for other purposes;

H. R. 6859. An act to amend section 121 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended, to authorize the appointment of three additional deputies for the register of wills;

H. R. 6890. An act to amend the First War Powers Act, 1941;

H. R. 6896. An act to grant to the city of Miles City, State of Montana, certain land in Custer County, Mont., for industrial and recreational purposes and as a museum site;

H. R. 6899. An act to authorize the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge, or a free bridge, across the Ohio River at or near Lawrenceburg, Dearborn County, Ind;

H. R. 6900. An act to grant increased service pensions in certain Spanish-American War cases not included in recent legislation providing increases to other Spanish-American War veterans and their dependents, and for other purposes;

H. R. 6918. An act to provide emergency relief for the victims of the seismic waves which struck the Territory of Hawaii, and for other purposes;

H. R. 6932. An act to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products;

H. R. 6953. An act authorizing the city of East St. Louis, Ill., its successors and assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near a point between Delmar Boulevard and Cole Street in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.;

H. R. 6967. An act to improve, strengthen, and expand the Foreign Service of the United States and to consolidate and revise the laws relating to its administration;

H. R. 7004. An act to revise the boundaries of Wind Cave National Park in the State of South Dakota, and for other purposes;

H. R. 7020. An act to provide for the acquisition by exchange of non-Federal property within the Glacier National Park;

H. R. 7030. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a

toll bridge across the Allegheny River, between a point in or near the Borough of Tarentum, in the county of Allegheny, and a point near the boundary of the city of New Kensington and Lower Burrell Township in Westmoreland County in the Commonwealth of Pennsylvania;

H. R. 7039. An act to further amend section 304 of the Naval Reserve Act of 1938, as amended, so as to grant certain benefits to naval personnel engaged in training duty prior to official termination of World War II;

H. R. 7109. An act to amend section 6 of Public Law No. 516 of the Seventy-ninth Congress, approved July 16, 1946;

H. R. 7126. An act to amend section 2 of the act of July 16, 1946 (Public Law 514, Seventy-ninth Congress), relating to the establishment and operation in the District of Columbia of nurseries and nursery schools, so as to permit payment of compensation for services rendered after June 30, 1946, and prior to the enactment of such act;

H. J. Res. 366. Joint resolution authorizing and directing the Director of the Fish and Wildlife Service of the Department of the Interior to investigate and eradicate the predatory sea lampreys of the Great Lakes;

H. J. Res. 370. Joint resolution granting certain property to the Commonwealth of Pennsylvania and relinquishing jurisdiction therein; and

H. J. Res. 387. Joint resolution granting permission to Thomas Parran, Surgeon General of the Public Health Service; Rolla E. Dyer, Assistant Surgeon General, Public Health Service; Howard F. Smith, Assistant Surgeon General, Public Health Service; Herbert A. Spencer, medical director, Public Health Service; Vance B. Murray, medical director, Public Health Service; and Gilbert L. Dunnahoo, medical director, Public Health Service, to accept and wear certain decorations bestowed upon them by France, Cuba, Mexico, Chile, Finland, and Luang-Prabang.

TRANSACTION OF ROUTINE LEGISLATIVE BUSINESS

As in legislative session,

By unanimous consent the following routine business was transacted:

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on August 1, 1946, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 191. An act to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public-health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction;

S. 528. An act for the relief of Thaddeus C. Knight;

S. 881. An act authorizing the President of the United States to award posthumously in the name of Congress a Medal of Honor to William Mitchell;

S. 1253. An act to enable debtor railroad corporations, whose properties during a period of 7 years have provided sufficient earnings to pay fixed charges, to effect a readjustment of their financial structures; to alter or modify their financial obligations; and for other purposes;

S. 2020. An act granting a right-of-way at a revised location to the West Shore Railroad Co., the New York Central Railroad Co., lessee, across a portion of the military reservation at West Point;

S. 2236. An act providing for a medal for service in the merchant marine during the present war;

S. 2304. An act to provide for the training of officers for the naval service, and for other purposes;

S. 2318. An act to amend the act of May 11, 1938, for the conservation of the fishery resources of the Columbia River and for other purposes;

S. 2401. An act to amend the act of May 4, 1898 (30 Stat. 369), as amended, to authorize the President to appoint 250 acting assistant surgeons for temporary service;

S. 2419. An act to amend further the act of April 6, 1938, as amended by the act of July 9, 1941, entitled "An act authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes";

S. 2426. An act providing for the conveyance to the city of Canton, S. Dak., of the Canton Insane Asylum, located in Lincoln County, S. Dak.; and

S. J. Res. 84. Joint resolution authorizing the erection in the District of Columbia of a statue of Nathan Hale.

COMMITTEE ON DEVELOPMENT AND CONTROL OF ATOMIC ENERGY

The PRESIDENT pro tempore. Pursuant to the provisions of the bill (S. 1717) for the development and control of atomic energy, approved August 1, 1946, the Chair appoints the Senator from Connecticut [Mr. McMAHON], the Senator from Georgia [Mr. RUSSELL], the Senator from Colorado [Mr. JOHNSON], the Senator from Texas [Mr. CONNALLY], the Senator from Virginia [Mr. BYRD], the Senator from Michigan [Mr. VANDENBERG], the Senator from Colorado [Mr. MILLIKEN], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from California [Mr. KNOWLAND] the committee on the part of the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON FOREIGN SURPLUS DISPOSAL

A letter from the Acting Secretary of State, transmitting the second report on foreign surplus disposal (with an accompanying report); to the Committee on Military Affairs.

COLLECTION OF CERTAIN SPECIAL TONNAGE DUTIES AND LIGHT MONEY

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to relieve collectors of customs of liability for failure to collect certain special tonnage duties and light money, and for other purposes (with accompanying papers); to the Committee on Finance.

SPECIAL ASSISTANTS EMPLOYED BY DEPARTMENT OF JUSTICE

A letter from the Attorney General, transmitting, pursuant to law, a report showing the special assistants employed during the period from January 1 to June 30, 1946, under the appropriation "Compensation of special attorneys, etc., Department of Justice" (with an accompanying report); to the Committee on the Judiciary.

PERSONNEL CEILINGS

A letter from the Acting Director of the Budget, transmitting, pursuant to law, the fourth quarterly report of personnel ceilings as determined and fixed by the Director (with an accompanying report); to the Committee on Civil Service.

PROGRESS REPORT ON WAR CONTRACT TERMINATIONS AND SETTLEMENTS

A letter from the Director of the Office of Contract Settlement, transmitting, pursuant to law, the eighth quarterly progress report of that office, entitled "War Contract Terminations and Settlements" (with an accompanying report); to the Committee on Military Affairs.

PETITIONS

The PRESIDENT pro tempore laid before the Senate the following petitions, which were referred, as indicated:

A letter in the nature of a petition from Floyd W. Barstow, of Detroit, Mich., praying for the enactment of legislation providing old-age assistance; to the Committee on Finance.

A resolution adopted by the Independent Voters' League, of Boise, Idaho, relating to the purchase of outstanding patents so as to abolish monopolies and cartels; to the Committee on Patents.

A telegram in the nature of a petition from Cimon P. Diamantopoulos, Ambassador from Greece, expressing appreciation of the action of the Senate in adopting the resolution (S. Res. 62) favoring the award of the Dodecanese Islands to Greece; ordered to lie on the table.

A telegram in the nature of a petition from William Doherty, president, National Association of Letter Carriers; Leo George, president, National Federation of Post Office Clerks; E. A. Meeks, executive secretary, National League of District Postmasters; Thomas G. Walters, president, National Rural Letter Carriers Association; Phil J. Gallagher, president, National Association of Postmasters; John McMahon, president; National Association of Postal Supervisors; Paul Castiglioni, legislative representative, National Federation of Post Office Motor Vehicle Employees, Washington, D. C., praying for the enactment of the bill (S. 5560) to fix the rate of postage on domestic air mail; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAVEZ, from the Committee on Post Offices and Post Roads:

S. 1225. A bill for the relief of William S. Meany; without amendment (Rept. No. 1928).

By Mr. RUSSELL, from the Committee on Immigration:

H. R. 5527. A bill for the relief of Dimitrios Karamouzis (known as James C. Karamouzis or James C. Kar); without amendment (Rept. No. 1929).

REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—ADDITIONAL REPORT ON PERSONNEL CEILING DETERMINATIONS AND VIOLATIONS

The PRESIDENT pro tempore laid before the Senate a letter from Mr. BYRD, chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, transmitting, pursuant to law, an additional report on the subject, Personnel Ceiling Determinations and Violations.

Mr. BYRD. Mr. President, I ask unanimous consent that the report of the Joint Committee on Reduction of Nonessential Federal Expenditures, on the question of personnel ceiling determinations and violations, just laid before the Senate, be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PERSONS EMPLOYED BY COMMITTEES WHO ARE NOT FULL-TIME SENATE OR COMMITTEE EMPLOYEES

The PRESIDENT pro tempore laid before the Senate a report for the month of July 1946, from the chairman of a certain committee, in response to Senate Resolution 319 (78th Cong.), relative to

persons employed by committees who are not full-time employees of the Senate or any committee thereof, which was ordered to lie on the table and to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON EDUCATION AND LABOR,
July 30, 1946.

Mr. LESLIE L. BIFFLE,
Secretary of the Senate, United States Capitol, Washington, D. C.

DEAR MR. BIFFLE: I transmit herewith the list of employees of the Subcommittee on Health and Education who are not full-time employees of the Senate. The Subcommittee on Health and Education is reimbursing the Federal Public Housing Authority for the month of July, for the service of these employees.

Best wishes to you, and
Always sincerely,

CLAUDE PEPPER,
Chairman.

SUBCOMMITTEE ON HEALTH AND EDUCATION
JULY 31, 1946.

To the Senate:

The above-mentioned committee hereby submits the following report showing the names of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of July 1946, in compliance with the terms of Senate Resolution 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Charles Bragman	Arlington Village Apts., Arlington, Va.	Federal Public Housing Authority, 1201 Connecticut Ave. NW.	$7,341.60
Dolores B. Raschella	3028 Wisconsin Ave. NW., Washington, D. C.	----do----	2,720.20

CLAUDE PEPPER, *Chairman.*

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. ANDREWS introduced Senate bill 2505, to provide for the extension and completion of the United States Capitol, which was referred to the Committee on Public Buildings and Grounds, and appears under a separate heading.)

By Mr. BYRD (for himself and Mr. BUTLER):

S. 2506. A bill to bring Federal revenues and expenditures into balance; to the Committee on Finance.

By Mr. MEAD:

S. 2507. A bill relating to the effective date of death compensation and death pension awards in the case of interned dependents of deceased veterans; to the Committee on Finance.

By Mr. TAYLOR:

S. 2508. A bill to provide income-tax credits for individual taxpayers whose income falls below level necessary for minimum decent standard of living, and to equalize treatment given individuals as compared to corporations under the Internal Revenue Code; to the Committee on Finance.

By Mr. MEAD (for himself, Mr. KNOWLAND, Mr. LANGER, Mr. MAGNUSON, Mr. TUNNELL, Mr. MITCHELL, Mr. TAYLOR, Mr. HUFFMAN, Mr. GUFFEY, Mr. WAGNER, Mr. THOMAS of Utah, Mr. WALSH, and Mr. MORSE):

S. 2509. A bill for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

(Mr. ANDREWS introduced Senate Joint Resolution 188, proposing an amendment to the Constitution of the United States relating to the Judiciary, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

(Mr. ANDREWS introduced Senate Joint Resolution 189, proposing an amendment to the Constitution of the United States authorizing Congress to provide for the trial of certain crimes and of suits at common law by juries of fewer than 12 members, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

EXTENSION AND COMPLETION OF THE UNITED STATES CAPITOL

Mr. ANDREWS. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill providing for the extension and completion of the United States Capitol.

In this connection, let me say that in 1937, under the leadership of the Senator from Texas [Mr. CONNALLY], the bill was passed by the Senate, but it was rejected by the House. However, I understand that now the leadership of the House is committed to the provisions of that bill, which provides for the completion of the front portion of the Capitol, which never has been completed, and which is architecturally incomplete. Anyone can understand that if he will get into an airplane or a blimp and pass over the Capitol and see just exactly how the dome of the Capitol projects out over the front portico. Also, the front is made of standstone, and the pillars are made of sandstone, and it is necessary to keep them constantly painted and repaired. They are entirely different from the beautiful fluted granite columns which front the eastern portion of the Senate wing and the eastern portion of the House wing.

Mr. President, in this connection, I desire to make an explanation of why this condition has existed and how long it has existed. I ask unanimous consent to have the bill, together with a statement in connection with the introduction of the bill, printed at this point in the RECORD as a part of my remarks for future guidance of Congress.

The PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred, and the bill and statement will be printed in the RECORD.

The bill (S. 2505) to provide for the extension and completion of the United States Capitol, introduced by Mr. ANDREWS, was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the central portion of the Capitol shall be extended, reconstructed, and replaced in substantial accordance with either scheme A or scheme B of the architectural plan submitted by the joint commission of Congress and reported to Congress on March 3, 1905 (H. Doc. No. 385, 58th Cong., 3d sess.), with such modifications as the Commission may determine, excepting so much of said plan as relates to a sculptural group in the pediment of the House wing, and excepting so much of said plan as relates to the west front of the Capitol and to the two broad flights of terrace steps on the west of the Capitol. The joint commission hereinafter provided for shall determine whether the substance of scheme A or scheme B shall be adopted.

SEC. 2. The extension, reconstruction, and replacement herein authorized shall be carried out under the direction and supervision of a commission, which is hereby created, to be known as the Commission for the Extension and Completion of the United States Capitol, and to be composed of the President of the Senate, the Speaker of the House of Representatives, the chairman and the ranking minority member of the Senate Committee on Public Buildings and Grounds; the chairman and the ranking minority member of the House Committee on Public Buildings and Grounds, the minority leader of the Senate, the minority leader of the House of Representatives, and the Architect of the Capitol. The Architect of the Capitol shall perform such services under this act as the Commission may direct.

SEC. 3. The construction contemplated under this act, including the necessary traveling expenses, the letting of contracts, advertising, purchase of materials, supplies, equipment, and accessories in the open market, the employment of all necessary architectural, engineering, and other personal services (all without reference to sec. 35 of the Public Buildings Act approved June 25, 1910, as amended, Sec. 3709 of the Revised Statutes, or the Classification Act of 1923, as amended), and the purchase of necessary technical and other books, shall be under the control of the Architect of the Capitol, subject to the direction and supervision of the Commission.

SEC. 4. The total cost of the extension, reconstruction and replacement, and other items enumerated in section 3 herein authorized shall not exceed the sum of $5,000,000, and a contract or contracts for any portion or all of such amount may be entered into in accordance with section 3. A sum not exceeding $5,000,000 is hereby authorized to be appropriated to carry out the provisions of this act.

SEC. 5. Appropriations made pursuant to this act shall be disbursed in the same manner as other appropriations under the Architect of the Capitol through the Division of Disbursements, Treasury Department.

The statement presented by Mr. ANDREWS is as follows:

EXTENSION AND COMPLETION OF THE UNITED STATES CAPITOL

The United States Capitol Building, as presently constructed, has never been completed architecturally. The north wing of the old building, containing the Supreme Court Room, was constructed during the period 1793 to 1800. The south wing of the old building, containing Statuary Hall, was constructed during the period 1800 to 1811. After the burning of the Capitol in 1814 these sections of the building were reconstructed

and the central portion of the old building constructed during the period 1815 to 1829.

The Senate and House wings, containing the present Senate and House Chambers, were not constructed until the period 1851 to 1865, and the old wooden dome was not replaced with the present cast-iron dome until the period 1856 to 1865.

The present Senate and House wings and dome were designed by and constructed under the direction of Thomas U. Walter, who served as Architect of the Capitol during the period 1851 to 1865. Mr. Walter's plans never contemplated leaving the old building in its present state. His plans contemplated extending the old portion of the building eastward and reconstructing in marble this portion of the building which is constructed of Acquia Creek sandstone, a material that is not durable and is disintegrating with the years, notwithstanding the fact that this portion of the building is painted about every 4 years.

In his annual report to Congress November 1, 1863, Mr. Walter stated:

"The eastern portico of the old building will certainly be taken down at no very distant day, and the front be extended eastward, at least to the front line of the wings, so as to complete the architectural group and at the same time afford additional accommodations to the legislative department of the Government. * * *"

In his annual report to Congress the following year, November 1, 1864, Mr. Walter again stated:

"Now that the new dome and the wings of the Capitol are approaching completion it must be apparent to everyone that the extension of the center building on the east to the line of the new wings becomes an architectural necessity. I have, therefore, prepared plans for thus completing the work in harmony with what has already been done and will place them in the Capitol for future reference.

"I do not suppose, nor would I recommend, that any action be taken by Congress in reference to such an improvement until the war is ended and the financial condition of the country becomes settled and prosperous; but inasmuch as it is my purpose to retire from these works as soon as the dome is finished, I deem it incumbent upon me to leave upon record my views as to their final completion."

Numerous efforts have been made during the past 80 years by the three men who have served as Architect of the Capitol since 1865, including the present Architect, to carry into effect Mr. Walter's plans for the extension and completion of the Capitol. Bills have been introduced in the House and Senate for this purpose from time to time and hearings held by the Public Buildings and Grounds Committees of the House and Senate, but the necessary enabling legislation has never been enacted.

Extensive hearings were last held by both the Senate and House committees in 1935 and again by the Senate committee in 1937. On both of these occasions the Senate passed a bill authorizing the extension and completion of the Capitol, but in each instance the bill was not reported out by the House committee.

The bill which I am introducing today provides for the extension and completion of the Capitol. It creates a Joint Congressional Commission under whose direction the work would be accomplished. It provides for the reconstruction of the old portion of the east front of the Capitol in marble, and the extension of this section of the building eastward—the exact distance to be determined by the Commission. The project is to be carried forward in substantial accordance with either scheme A or scheme B of the architectural plan submitted by a previous Joint Commission of Congress in House Document No. 385, Fifty-eighth Congress, March 3, 1905. The bill authorizes an appropriation of $5,000,000 for the project.

In offering this bill, I again wish to emphasize that the extension and completion of the United States Capitol is recommended in order that (1) there may be corrected the architectural defect in the building which exists due to the skirt or base of the dome extending over the east portico in such a manner as to give the appearance of an apparent lack of support to the dome; (2) the Members of the Congress may be provided with much-needed additional accommodations; and (3) a durable construction for the central portion of the building may be provided by the replacement of the existing sandstone with marble.

AMENDMENT TO CONSTITUTION RELATING TO THE JUDICIARY

Mr. ANDREWS. Mr. President, I ask unanimous consent to introduce a Senate joint resolution proposing an amendment to the Constitution of the United States. The amendment relates to the judiciary. I wish I had time to explain it. I realize that perhaps this may be the last day of the present Congress, and I also realize that probably this is the last day I shall appear on this floor. But this is a matter on which I have worked for several months, and I trust that the joint resolution will be favorably considered by our Judiciary Committee. I feel that if the committee looks into the matter thoroughly, it will recommend the passage of the joint resolution by this body. Its passage and the subsequent ratification of the constitutional amendment will mean much to our beloved Constitution and I wish I had time to explain all the details of the matter.

I request that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution (S. J. Res. 188) proposing an amendment to the Constitution of the United States relating to the Judiciary, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution, in lieu of section 1 of article III thereof, when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The judicial power of the United States shall be vested in a Supreme Court, and in circuit courts of appeal, district courts, and such other inferior courts as the Congress may from time to time ordain and establish. The justices and judges of said courts shall be appointed by the President, by and with the advice and consent of the Senate. They shall hold their offices during good behavior and as herein provided, and shall receive at stated times for their services a compensation which shall not be diminished during their continuance in office.

"SEC. 2. The Supreme Court shall be composed of a Chief Justice, appointed from the United States at large, and not less than eight associate justices, not more than one of whom shall be appointed from territory within the jurisdiction of the same circuit court of appeals.

"SEC. 3. Any justice of the Supreme Court and any judge of any circuit court of appeals or district court who shall have held a commission or commissions as such justice or judge for a period of 10 years may voluntarily retire upon attaining the age of 70 years, and thereafter, upon his request shall continue to receive the same annual compensation. Any retired Justice of the Supreme Court or any senior judge of a circuit court of appeals shall be subject to call by the Supreme Court to sit as a member thereof in any case in which a member or members are disqualified by reason of interest, or unable to participate because of illness, or unavoidable absence. Any case before the Supreme Court involving the interpretation or construction of a State or Federal Constitution shall not be adjudged except upon concurrence of a majority of the full Court.

"SEC. 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 5 years from the date of its submission to the States by the Congress."

AMENDMENT TO CONSTITUTION RELATING TO TRIAL OF CERTAIN CRIMES AND SUITS AT COMMON LAW BY JURIES

Mr. ANDREWS. Mr. President, I have one more joint resolution to amend the Constitution of the United States. It would authorize Congress to provide for the trial of certain crimes and suits at common law by juries consisting of fewer than 12 members. If we try a lawsuit at common law in any of our States, it is tried before a jury of six. Many criminal cases, except capital cases, are tried before juries consisting of only six members. There is no reason why the United States Government should not be able to try its cases before juries consisting of the same number of members as are used in the trials of cases in our various State courts. In many cases in which the United States Government is involved, jurors are sometimes required to attend court for days at a time and, in the end, perhaps render a verdict against some poor man who has stolen, for example, $5 worth of stamps. It is like the laboring of the mountain which brought forth a mouse. If this resolution is adopted it will save the Government many hundreds of thousands of dollars, and without any sacrifice of justice.

I ask unanimous consent to introduce the joint resolution for appropriate reference, and I request that it be printed in full in the RECORD.

There being no objection, the joint resolution (S. J. Res. 189) proposing an amendment to the Constitution of the United States authorizing Congress to provide for the trial of certain crimes and of suits at common law by juries of fewer than 12 members, introduced by Mr. ANDREWS, was received, read twice by its title, referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when

ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SEC. 1. The Congress shall have power to provide, by appropriate legislation, that the trial of any crime for which the maximum penalty is less than death or life imprisonment or that the trial of any suit at common law shall be by a jury of fewer than 12 members.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress."

PUTTING PRINCIPLES INTO ACTION—ARTICLE BY JACK. W. HARDY

[Mr. KNOWLAND asked and obtained leave to have printed in the RECORD an article entitled "Putting Principles Into Action," by Jack. W. Hardy, National Commander of AMVETS, published in the August 1946 issue of National Amvets, which appears in the Appendix.]

TEN-POINT PROPOSAL FOR IMPROVEMENT OF THE FEDERAL GOVERNMENT SERVICE

[Mr. TAYLOR asked and obtained leave to have printed in the RECORD a 10-point proposal for the improvement of the Federal Government service, prepared by the Government Employees Council of the American Federation of Labor, which appears in the Appendix.]

THE PALESTINE QUESTION—LETTER FROM WILLIAM B. ZIFF TO PRESIDENT TRUMAN

[Mr. LANGER asked and obtained leave to have printed in the RECORD a letter from William B. Ziff, of New York City, to President Truman, under date of July 25, 1946, dealing with the Palestine question, which appears in the Appendix.]

REPORT OF SANITARY CONDITIONS IN THE DISTRICT OF ARNSWALDE-NEUMARK, SOUTH POMERANIA

[Mr. LANGER asked and obtained leave to have printed in the RECORD a report of sanitary conditions in the district of Arnswalde-Neumark, South Pomerania, which appears in the Appendix.]

EXTRACTS FROM REPORT ON THE REFUGEE PROBLEM IN THE DISTRICT OF Y, NEUMARK

[Mr. LANGER asked and obtained leave to have printed in the RECORD extracts from report on the refugee problem in the district of Y, Neumark, which appears in the Appendix.]

EXTRACTS FROM A LETTER OF HERRN B. P. FROM BAYREUTH TO FRAU J. SCH.

[Mr. LANGER asked and obtained leave to have prined in the RECORD extracts from a letter of Herrn B. P. from Bayreuth to Frau J. Sch. in Weimar, dated Jan. 15, 1946, which appears in the Appendix.]

EVACUATION AND CONCENTRATION CAMPS IN SILESIA

[Mr. LANGER asked and obtained leave to have printed in the RECORD extracts from reports dealing with evacuation and concentration camps in Silesia, which appears in the Appendix.]

GERMAN CATHOLIC CARITAS CENTER

[Mr. LANGER asked and obtained leave to have printed in the RECORD a statement with respect to the German Catholic Caritas Center in Germany, which appears in the Appendix.]

A FEDERAL GERMANY?—ARTICLE BY ALEXANDER BOEKER

[Mr. LANGER asked and obtained leave to have printed in the RECORD a statement entitled "A Federal Germany?" by Alexander Boeker, published in the July 10, 1946, issue of Human Events, which appears in the Appendix.]

WANT A HOUSE? BUILD YOUR OWN WALLS DIRT FREE—ARTICLE BY A. B. LEE

[Mr. LANGER asked and obtained leave to have printed in the RECORD an article entitled "Want a House? Build Your Own Walls Dirt Free," by A. B. Lee, published in the Washington, D. C., Legion News issue of July 1946, which appears in the Appendix.]

USE OF SURPLUS PROPERTY CREDITS ABROAD FOR THE EXCHANGE OF STUDENTS—STATEMENT BY SENATOR FULBRIGHT

[Mr. FULBRIGHT asked and obtained leave to have printed in the RECORD a statement released by him regarding Senate bill 1636, and a statement by Assistant Secretary of State William Benton relative to the administration of Senate bill 1636, which appear in the Appendix.]

INVESTIGATION OF WALL STREET BANKS—ARTICLE FROM IN FACT

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an article entitled "Secret U. S. Investigation of Wall Street Banks Seeks To Break Monopoly Hold on Nation's Commerce," published in the August 5, 1946, issue of the weekly news letter In Fact, which appears in the Appendix.]

INVESTIGATION OF WAR PROFITS—STATEMENT BY SENATOR MITCHELL

[Mr. MITCHELL asked and obtained leave to have printed in the RECORD a statement by him regarding investigation of war profits by the Special Committee Investigating the National Defense Program, which appears in the Appendix.]

ACTIVITIES OF POWER COMPANIES IN WASHINGTON—CORRESPONDENCE OF SENATOR MITCHELL

[Mr. MITCHELL asked and obtained leave to have printed in the RECORD a letter from him to the Chairman of the Federal Power Commission, and a telegram received by him from various organizations of Washington State, which appear in the Appendix.]

PACIFIC NORTHWEST DEVELOPMENT—LETTER BY SENATOR MITCHELL

[Mr. MITCHELL asked and obtained leave to have printed in the RECORD a letter written by him to Henry P. Carstenson, master of the Washington State Grange, which appears in the Appendix.]

EDITORIAL TRIBUTES TO SENATOR WHEELER

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an editorial tribute to Senator WHEELER written by Roy A. Roberts, managing editor of the Kansas City Star, together with an editorial on the same subject from the Hartford Courant, which appear in the Appendix.]

CALL OF THE ROLL

Mr. HILL. Mr. President, I desire to address the Senate for a few moments at this time, to make some reference to the speech delivered by the junior Senator from Connecticut [Mr. HART] last week. I should like to have him present, and, without losing my right to the floor, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hill	O'Mahoney
Austin	Hoey	Overton
Ball	Huffman	Pepper
Barkley	Johnson, Colo.	Radcliffe
Bilbo	Johnston, S. C.	Revercomb
Bridges	Knowland	Russell
Byrd	La Follette	Smith
Capper	Langer	Stewart
Chavez	McClellan	Swift
Connally	McFarland	Taft
Cordon	McKellar	Taylor
Donnell	McMahon	Thomas, Okla.
Downey	Magnuson	Thomas, Utah
Ferguson	Maybank	Tunnell
Fulbright	Millikin	Vandenberg
George	Mitchell	Wagner
Gossett	Moore	Walsh
Green	Morse	Wheeler
Guffey	Murdock	Wherry
Hart	Murray	White
Hayden	O'Daniel	Wiley

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] is absent because of illness.

The Senator from Nevada [Mr. CARVILLE] is absent by leave of the Senate.

The Senator from Virginia [Mr. BURCH] and the Senator from Rhode Island [Mr. GERRY] are necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from Mississippi [Mr. EASTLAND], the Senator from West Virginia [Mr. KILGORE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Pennsylvania [Mr. MYERS] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from New Jersey [Mr. HAWKES], the Senator from Kansas [Mr. REED], the Senator from Kentucky [Mr. STANFILL], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from South Dakota [Mr. GURNEY], the Senator from Wyoming [Mr. ROBERTSON], the Senator from New Hampshire [Mr. TOBEY], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member

of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The PRESIDENT pro tempore. Sixty-three Senators having answered to their names, a quorum is present.

Mr. HILL. Mr. President, it had been my intention to address the Senate for a few minutes at this time. I find, however, that the distinguished senior Senator from Vermont [Mr. AUSTIN] will have to leave shortly in order that he may assume his new duties as our delegate on the United Nations Council. I share with him the desire to have an opportunity to vote on the pending resolution.

I am, therefore, going to yield the floor at this time in order that we may proceed with the World Court resolution, and shall ask recognition at a later time in the day.

REORGANIZATION OF CONGRESS—STATEMENT BY THE PRESIDENT

As in legislative session,

Mr. LA FOLLETTE. Mr. President, the President of the United States has just affixed his signature to the Legislative Reorganization Act of 1946, in the presence of all the members of the joint committee who were in the city. I ask unanimous consent that the clerk may read the statement which the President issued at the time he signed the bill.

The PRESIDENT pro tempore. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

The Legislative Reorganization Act of 1946, which I signed today, is one of the most significant advances in the organization of the Congress of the United States since the establishment of that body.

Both as United States Senator and as President, I have had occasion to observe some of the outmoded organizational and procedural traditions that have burdened the legislative branch. The problem of reorganizing and modernizing the Congress has been a peculiarly difficult one, and session after session the Members of the Congress found themselves unable to take decisive steps in tackling the problem.

The Seventy-ninth Congress, however, approached the task with vigor and in a sound and orderly manner. I have nothing but admiration for the way in which the investigation of congressional organization was conducted and particularly for the leaders who formed the special investigating committee and who wrote and sponsored the bill.

I realize that in the process of congressional consideration, compromises and adjustments had to be made and some desirable provisions were deleted. However, the passage of this act shows that progress can be made, and I anticipate that the Congress will continue to pay attention to those parts of the legislative-reorganization problem not yet solved.

The present act should permit easier and closer relations between the executive agencies of the Government and the Congress. The expanded staff of the congressional committees and of the agencies in the legislative branch can become a valuable link between the policy-making deliberations of the Congress and the practical administrative experience of the executive branch.

The legislative budget and the provisions on the handling of appropriations will undoubtedly result in clearer and more realistic relationships between the income and expenditure sides of the budget. Further, the changes in the dates for the transmitting of the President's economic report and the report of the Joint Committee on the Economic Report, required under the Employment Act of 1946, will result in proper integration between the legislative budget and the national program for maximum employment. The joint committee will now present its findings and recommendations to the Congress before February 1. The four revenue and appropriation committees in carrying out their new responsibilities under the Reorganization Act, therefore, will have the benefit of the joint committee's report for their over-all appraisal and recommendations on Federal receipts, expenditures, debt, and surplus. This timing is essential today when Federal fiscal policy is so closely related to the Nation's economic conditions.

One other provision of the bill deserves special praise—that which raises the salary of Members of Congress from $10,000 to $12,500 plus an expense allowance of $2,500. This is a long overdue step in providing adequate compensation for our Federal legislators.

AUTHORIZATION FOR SPECIAL COMMITTEE TO INVESTIGATE PETROLEUM RESOURCES TO FILE FINAL REPORT AFTER ADJOURNMENT OF CONGRESS

As in legislative session,

Mr. O'MAHONEY. Mr. President, I ask unanimous consent on behalf of the Special Committee to Investigate Petroleum Resources that the committee may be permitted to file its final report after the adjournment of this session by depositing it with the Secretary of the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

PRODUCTION, TRANSPORTATION, AND MARKETING OF WOOL—ARTICLE BY CHARLES E. B. DICKINSON

As in legislative session,

Mr. WALSH. Mr. President, in view of the discussion that has taken place in the Senate recently with reference to legislation relating to the production, transportation, and marketing of wool, I ask to have inserted in the RECORD an article recently published in the New York Daily News Record of July 31, 1946, entitled "Needed Cooperation Between Dealers and Growers."

This article discusses the question from the standpoint of the grower and the dealer.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CITES NEED OF COOPERATION BETWEEN DEALERS AND GROWERS

(By Charles E. B. Dickinson)

It is not unnatural that wool growers demonstrated a certain amount of feeling about the defeat for this term of the wool measure. That they should demonstrate the attitude that there is another day, and another year, is something different, in its implication.

It may be a natural follow-up to the fact that wool enjoyed a special privilege in a sense during the war and is approaching the time when it must be weaned away from the nursing-along attitude that accompanied the recognition of the essential nature and need for that commodity, for peacetime purposes.

One important thing the wool grower has not properly appraised as yet and that is that operations in the wool textile industry as a whole, have moved away from old methods, and that the actual community of interest that exists in the business must be accepted at its proper rating.

It is unfortunate that users of wool have been allowed to become as dissatisfied as they have. One of the most important figures in the industry said not long ago, "I know of no other industry in which the source of the raw material is as indifferent to the welfare of its customers as is the wool-growing industry."

That is a real misfortune in these days of increasing interest in the conditions of resale of one's product. It was on that basis that the critic spoke.

Subsidies are unpopular in this country, for the one who actually pays the bill, the consumer, knows they are only a blind for political purposes. There is a 7½- to 10-percent differential in favor of the use of better grades of Australian wool, due to the greater care in baling and delivering in a cleanly manner.

It may annoy the grower to have the dealer call this to his attention. It is his duty, however, and he would be derelict if he did not do so. Foreign-grown wools find their way into his machinery too readily for that to happen, overlong.

In this period, when there is political intrigue in matters pertaining to the tariff it behooves the grower to get closer to the dealer rather than to drive him away. In fact getting closer together has been the trend in the industry for the last score of years.

Long ago the retailer demonstrated a desire to get closer to the machinery by asking for monthly meetings at which the troubles of the industry could be threshed out. That trend resulted in more and more fixed positions, such as the chains, the tie-ups, and the specialization. These put a very effective limitation upon trading and gambling in the industry for each move was designed to heighten the efficiency of that particular division of the industry under its changed set-up.

Fixed prices have prevailed for the product of the chains for a long time. Economic gyrations due to political or social upheavals cannot be avoided. However, no one branch of the industry can operate in a free, unrestricted manner while others have their limitations.

Notwithstanding, long ago, it was prophesied that ultimately the wool business would be done on a brokerage basis, the time for that has not arrived as yet, and the dealer should not be penalized in a time when earnings on a larger scale are necessary for tax purposes, is absolutely essential.

He has openly said that the legislation, now considered dead, for this term of Congress anyway, would put him out of business. That should not be, for the dealers, as has been said before, perform a very useful function.

Perhaps it would not be amiss if the growers made an effort, or those who represent them, to learn the reason for the other fellow's point of view. That has been the policy of the cloth manufacturer for a long time and it has paid dividends in inventories. The community-of-interest idea that is growing so steadily in the industry includes the grower, the dealer in wool, and the processor thereof. What affects one affects the other.

WORK OF THE SENATE COMMITTEE ON NAVAL AFFAIRS, SEVENTY-NINTH CONGRESS

As in legislative session,

Mr. WALSH. Mr. President, I ask unanimous consent to have printed in the RECORD a report made by me of the work of the Senate Committee on Naval Affairs, Seventy-ninth Congress,

There being no objection, the report was ordered to be printed in the RECORD, as follows:

WORK OF THE SENATE COMMITTEE ON NAVAL AFFAIRS, SEVENTY-NINTH CONGRESS

(By DAVID I. WALSH, chairman)

Prior to the beginning of the Seventy-ninth Congress, January 1945, and during the early months of the war, the Committee on Naval Affairs of the Senate completed practically all of its work in connection with authorizing the construction of naval vessels, planes, bases, shore facilities, and the procurement of naval personnel to effectively prosecute the war.

Although most of the committee work during the Seventy-ninth Congress concerned postwar activities, several major bills in connection with the prosecution of the war were considered:

Public Law No. 13, approved March 1, 1945, authorized an additional expenditure of $1,500,539,500 for the development or establishment of naval shore facilities. Approximately $1,000,000,000 of this amount was for advance base construction for the Pacific, $230,000,000 for ship repair and laying-up facilities, $28,000,000 for hospital facilities, and $59,416,500 for aviation facilities.

Public Law No. 140, approved July 6, 1945, amended the law relating to the conservation, care, custody, protection, and operation of the naval-petroleum and oil-shale reserves. This bill amended existing law by authorizing the extraction of oil from the Elk Hills Naval Petroleum Reserve under a unit contract plan, to provide additional oil which was required for military operations in the Pacific Ocean areas.

Public Law No. 142, approved July 6, 1945, increased the amount of oil which could be taken from the naval-petroleum reserves from 15,000 barrels per day to 55,000 barrels per day. Since the end of the war the daily amount produced has been greatly reduced.

On July 12, 1945, a bill, S. 1258, was introduced authorizing the acquisition and conversion of 200,000 additional tons of auxiliary vessels for the United States Navy. At the request of the Navy Department, no action was taken on this bill. In view of the progress of the war it became apparent that these additional vessels would not be needed for war service in the Pacific area.

Recent laws require the Naval Affairs Committees of the Senate and the House of Representatives to approve proposed purchases, leases, or disposals of land by the Navy Department, thus greatly increasing the work of the committees. Approximately 1,500 requests for purchase, lease, or disposal have been submitted for the consideration of the committees. All but a few of these departmental requests were approved. The committee has consistently recommended a reduction in the number of leases and has urged that no additional purchases be made.

Under existing law, all persons temporarily promoted above the rank of captain in the Navy, and colonel in the Marine Corps, must be confirmed by the Senate. All initial appointments in the Regular Navy and all transfers from the Reserve Corps, or transfer of temporary officers, to the Regular Navy, must also be confirmed by the Senate. Approximately 16,000 nominations were approved by the committee and favorably reported to the Senate. Many of these nominations were routine, but several were of major importance.

POSTWAR ACTIVITIES

The greater part of the work of the Committee on Naval Affairs during the present Congress relates to the establishment of a postwar Navy.

On June 19, 1945, the Committee on Naval Affairs of the Senate, and the Committee on Naval Affairs of the House of Representatives, met jointly to consider, in executive session, the Navy Department's plans with respect to a postwar Navy. On September 10, 1945, Senate Concurrent Resolution No. 30 was introduced to express the sense of the Congress with respect to the composition of the postwar Navy. No action was taken on this resolution by the Senate Committee on Naval Affairs at the request of the President of the United States. The President stated that he was not prepared to make a final decision on this matter until after he had made a study of the postwar defenses required by our country as a whole. Although no action was taken upon the basic resolution fixing the size of the postwar Navy as to the size of naval craft, it was decided, unofficially, to proceed to establish the size of the postwar Navy with respect to personnel. Public Law No. 347, approved April 18, 1946, authorized an increase in the number of line officers in the Regular Navy from 12,760 to 23,760, with proportionate increases in the Marine Corps and the Staff Corps of the Navy. The bill also authorized the transfer of Reserve officers, and temporary officers, to the Regular Navy, and the Regular Marine Corps.

Many of the bills which have been considered by the Senate Committee on Naval Affairs since VJ-day have related to the status and rights of officer and enlisted personnel. The most important of these are as follows:

S. 2304, a bill to provide for the training of officers for the naval service to meet the shortage of officers which the Naval Academy is unable to supply. This bill increased the number of students at Naval Reserve Officer Training Corps colleges to 15,400, and provided that these young men will receive their education at Government expense. It is anticipated that hereafter appointments to the Regular Navy will be approximately 50 percent from the Naval Academy, and 50 percent from Reserve officers or enlisted men.

Public Law 305, approved February 21, 1946, authorized the President to retire certain officers and enlisted men of the Navy, Marine Corps, and Coast Guard. During the war Navy selection laws providing for the retirement of naval officers were suspended. The purpose of Public Law 305 is to authorize the retirement of older officers whose retirement would have been effected had the war not intervened, and to reduce the excessive number of officers commissioned in the higher ranks during the war.

S. 1438, a bill to provide additional inducements, including retirement and retirement pay benefits, to citizens of the United States who make a career of the United States military or naval service, was passed by both Houses of the Congress. Certain features of this bill were not satisfactory to the Army, and the provision authorizing the transfer to the Fleet Reserve of enlisted men who have had 16 years of active service was eliminated. This bill is one of the most important ever proposed to invite young men to join and make the Navy a career, to provide for their transfer to the Fleet Reserve, retirement, or commissioning as officers in the Navy. S. 2460, a substitute bill for S. 1438, passed the House on August 1, 1946. Although it was impracticable to insert in this bill provisions authorizing transfer of enlisted men to the Naval Reserve after 16 years of active service, it is hoped that at the next session of the Congress it will be possible to establish, for the Navy at least, authorization for enlisted men to transfer to the Fleet Reserve after completing 16 years of active service.

Other important personnel legislation enacted is as follows:

Public Law No. 244, approved December 3, 1945, to adjust the pay and allowances of members of the Navy Nurse Corps.

Public Law No. 255, approved December 11, 1945, to provide for a temporary increase in the age limit for appointment to the United States Military Academy and the United States Naval Academy.

Public Law No. 250, approved December 7, 1945, to authorize the head of the Postgraduate School of the United States Navy to confer masters' and doctors' degrees in engineering.

Public Law No. 402, approved June 10, 1946, to establish the civilian post of academic dean of the Postgraduate School of the United States Naval Academy.

Public Law No. 284, approved December 28, 1945, provided more efficient dental care for the personnel of the Navy and Marine Corps.

S. 2401, which passed the Senate on July 29, 1946, and the House on July 31, 1946, authorized the President to appoint 250 acting assistant surgeons for temporary service in the Navy. The purpose of this bill is to provide an efficient method of obtaining young doctors for the Naval Service.

Public Law No. 297, approved February 12, 1946, amended article 38 of Articles for the Government of the Navy relating to general courts martial. This act improved the general courts martial system in the Navy, and its purpose was to speed up courts martial procedure.

S. 2253, reported to the Senate on June 14, 1946, provided for retirement and retirement annuities of civilian members of the teaching staff at the United States Naval Academy and the postgraduate school at Annapolis, Md. The purpose of this bill was to improve the conditions at Annapolis so as to insure the best possible type of teachers and instructors for future naval officers.

Several laws were enacted relating to and consolidating previous laws and practices regarding the transportation of naval personnel and their dependents, and their household effects. Many Navy claims and relief bills were approved by the committee and passed by the Senate.

Three important bills were enacted by the Congress relating to the rehabilitation of the island of Guam. The Navy intends to fortify and maintain Guam as a permanent naval base in the Pacific.

The committee held many hearings in the fall of 1945, and the winter of 1946, investigating the demobilization programs of the armed forces, and suggested procedures which speeded up and made more efficient the demobilization of military personnel. This was most helpful in hastening demobilization.

The committee spent a great deal of time studying the conditions of employment at navy yards, and the Navy's procedure in laying off excess employees at naval shore establishments. Although no new legislation was enacted on this subject, the Navy Department and the Civil Service Commission changed in many respects the so-called efficiency-rating system and amended the regulations with respect to discharges. The committee is of the opinion that the method now in effect can be substantially improved.

Several other important matters considered by the committee, and upon which the committee took action, were as follows:

House Joint Resolution No. 307, approved June 25, 1946, authorized the use of naval vessels to determine the effect of atomic weapons upon such vessels.

S. 1917, approved by the Senate on July 26, 1946, enacted certain provisions which were formerly included in the annual Naval Appropriation Act into permanent law.

Public Law No. 512, approved July 16, 1946, authorized assistance to the Republic of China in augmenting and maintaining a naval establishment. The enactment of this act reduced the necessity of maintaining large numbers of naval and Marine Corps personnel in far-eastern waters.

S. 1547 received final approval of the Senate on July 26, 1946. This bill authorizes the distribution of obsolete vessels, trophies, relics and material of historical interest by the

Secretary of the Navy to States, cities and other municipalities, and to various historical and nonprofit organizations.

On July 23, 1946, the Senate gave final approval to H. R. 5911, which established an Office of Naval Research in the Navy Department to plan, foster, and encourage scientific research in naval matters.

It was found impractical at this session of the Congress to complete the following:

The establishment of a postgraduate school at a permanent location on the west coast to provide for the postgraduate training of naval officers. A subcommittee has been appointed to investigate possible sites.

The construction of aviation facilities at or near the Naval Academy, Annapolis, Md., for the indoctrination of midshipmen in aeronautics. The committee reported a bill which passed the Senate.

Extensive hearings were held on the plan to merge the War and Navy Departments into a Department of National Defense which would more effectively integrate and coordinate the activities of the three major components of our national defense, namely, the Ground Forces, the Naval Forces, and the Air Forces. Action was not completed on this proposal and the hearings should be resumed at the next session of the Congress.

NUMBER OF BILLS

A total of 227 bills or resolutions were referred to the Committee on Naval Affairs during the Seventy-ninth Congress. The Congress was in session for approximately 18 months. During this time the committee met 101 different days. The usual committee meeting was of 2 hours' duration but on many occasions hearings were held both in the morning and afternoon, at which times from 5 to 6 hours per day were spent on committee business.

CONCLUSION

The Senate Naval Affairs Committee was established December 10, 1816, and is one of the 11 original standing committees of the Senate. Prior to 1816, select committees were appointed to handle any particular legislation as it came up on the Senate floor.

During the 130 years of its existence, the Committee on Naval Affairs has recommended to the Congress and the Congress has approved legislation providing our country with a Navy which has been capable of preventing any enemy outside of the continental limits of the United States from bringing war to our shores. During this time we have maintained a Navy capable of meeting and defeating our enemies at sea and keeping war at a safe distance from our own coasts.

Upon the expiration of the Seventy-ninth Congress, the Committee on Naval Affairs will cease to exist and will be merged with the Senate Military Affairs Committee, under the reorganization of Congress, into a Committee on the Armed Forces. It is hoped that the new committee will establish and will continue to adhere to a sound naval policy which will enable us to command the sea and air approaches to the Western Hemisphere, and provide the instrumentalities of war capable of protecting us until such time as means other than warfare are developed to settle international disputes.

TRUST ASSOCIATION OF H. KEMPNER

As in legislative session,

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 334) for the relief of the Trust Association of H. Kempner, which was, on page 2, line 17, to strike out "Secretary of the Treasury" and insert "Trust Association of H. Kempner."

Mr. CONNALLY. I move that the Senate concur in the House amendment, since it involves merely the correction of a clerical error.

The motion was agreed to.

AMENDMENT OF SOCIAL SECURITY ACT AND INTERNAL REVENUE CODE—CONFERENCE REPORT

As in legislative session,

Mr. GEORGE. Mr. President, since the conference report on the social security measure, House bill 7037, must go to the House for final action, I now submit the conference report and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the clerk will report the conference report.

The Chief Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 42 and 52.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 2½, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41 and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: On page 2, line 13, of the Senate engrossed amendments strike out "July 17" and insert "July 16"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: On page 3, line 3, of the Senate engrossed amendments, strike out "July 1, 1947" and insert "January 1, 1948"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "Notwithstanding any other provision of this title, no compensation shall be paid to any individual pursuant to this title with respect to unemployment occurring prior to the date when funds are made available for such payments."; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with amendments as follows: On page 5, line 6, of the Senate engrossed amendments, strike out "'$15,000,000'" and insert in lieu thereof "'$11,000,000'"; in line 10, strike out "$7,500,000" and insert "$5,500,000" in line 11, strike out "$50,000" and insert "$35,000"; in line 12, strike out "$7,500,000" and insert "$5,500,000"; in line 17, strike out "'$7,500,000'" and insert "'$5,500,000'"; in line 19, strike out "'$10,000,000'" and insert "'$7,500,000'"; in line 23, strike out "$5,000,000" and insert "$3,750,000"; in line 24, strike out "$40,000" and insert "$30,000"; in line 25, strike out "$5,000,000" and insert "$3,750,000."

On page 6, line 6, strike out "'$5,000,000'" and insert "'$3,750,000'"; in line 8, strike out "'$5,000,000'" and insert "'$3,500,000'"; in line 10, strike out "'$30,000'" and insert "'$20,000'"; in line 14, strike out "$1,500,000" and insert "$1,000,000."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(c) The amendments made by subsection (b) shall not require amended allotments for the fiscal year 1947 until sufficient appropriations have been made to carry out such amendments, and allotments from such appropriations shall be made in amounts not exceeding the amounts authorized by the amendments made by this section."

Amendments numbered 43, 44, 45, 46, 47, 48, 49, 50, and 51: That the House recede from its disagreement to the amendments of the Senate numbered 43, 44, 45, 46, 47, 48, 49, 50, and 51, and agree to the same with amendments as follows: In lieu of the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by such Senate amendments insert the following:

"SEC. 501. Old-Age Assistance.

"(a) Section 3 (a) of the Social Security Act, as amended, is amended to read as follows:

"'SEC. 3. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter, beginning with the quarter commencing October 1, 1946, (1) an amount, which shall be used exclusively as old-age assistance, equal to the sum of the following proportions of the total amounts expended during such quarter as old-age assistance under the State plan with respect to each needy individual who at the time of such expenditure is sixty-five years of age or older and is not an inmate of a public institution, not counting so much of such expenditure with respect to any such individual for any month as exceeds $45—

"'(A) Two-thirds of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of $15 multiplied by the total number of such individuals who received old-age assistance for such month, plus

"'(B) One-half of the amount by which such expenditures exceed the maximum which may be counted under clause (A);

and (2) an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Administrator for the proper and efficient administration of the State plan, which amount shall be used for paying the costs of administering the State plan or for old-age assistance, or both, and for no other purpose.'

"(b) Section 3 (b) of such Act is amended (1) by striking out 'one-half', and inserting in lieu thereof 'the State's proportionate share'; (2) by striking out 'clause (1) of' wherever it appears in such subsection; (3) by striking out 'in accordance with the provisions of such clause' and inserting in lieu thereof 'in accordance with the provisions of such subsection'; and (4) by striking out ', increased by 5 per centum'.

"SEC. 502. Aid to Dependent Children.

"(a) Section 403 (a) of the Social Security Act, as amended, is amended to read as follows:

"'SEC. 403. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to dependent children, for each quarter, beginning with the quarter commencing October 1, 1946, (1) an amount, which shall be used exclusively as aid to dependent children, equal to the sum of the following proportions of the total amounts expended during such quarter as aid to dependent children under the State plan, not

counting so much of such expenditure with respect to any dependent child for any month as exceeds $24, or if there is more than one dependent child in the same home, as exceeds $24 with respect to one such dependent child and $15 with respect to each of the other dependent children—

"'(A) Two-thirds of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of $9 multiplied by the total number of dependent children with respect to whom aid to dependent children is paid for such month, plus

"'(B) One-half of the amount by which such expenditures exceed the maximum which may be counted under clause (A);'

and (2) an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Administrator for the proper and efficient administration of the State plan, which amount shall be used for paying the costs of administering the State plan or for aid to dependent children, or both, and for no other purpose.

"(b) Section 403 (b) of such Act is amended by striking out 'one-half' and inserting in lieu thereof 'the State's proportionate share.'

"SEC. 503. Aid to the Blind.

"(a) Section 1003 (a) of the Social Security Act, as amended, is amended to read as follows:

"'SEC. 1003. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the blind, for each quarter, beginning with the quarter commencing October 1, 1946, (1) an amount, which shall be used exclusively as aid to the blind, equal to the sum of the following proportions of the total amounts expended during such quarter as aid to the blind under the State plan with respect to each needy individual who is blind and is not an inmate of a public institution, not counting so much of such expenditure with respect to any such individual for any month as exceeds $45—

"'(A) Two-thirds of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of $15 multiplied by the total number of such inviduals who received aid to the blind for such month, plus

"'(B) One-half of the amount by which such expenditures exceed the maximum which may be counted under clause (A);

and (2) an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Administrator for the proper and efficient administration of the State plan, which amount shall be used for paying the costs of administering the State plan or for aid to the blind, or both, and for no other purpose.'

"(b) Section 1003 (b) of such Act is amended by striking out 'one-half', and inserting in lieu thereof 'the State's proportionate share.'

"SEC. 504. Effective Period.

"Sections 501, 502, and 503 shall be effective with respect to the period commencing October 1, 1946 and ending on December 31, 1947."

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"TITLE VI—VETERANS' EMERGENCY HOUSING ACT OF 1946

"SEC. 601. Section (a) of the Act of June 11, 1946 (Public Law 404, Seventy-ninth Congress) is amended by striking out the period at the end thereof and inserting a semicolon and the following: 'and the Veterans' Emergency Housing Act of 1946'."

And the Senate agree to the same.

WALTER F. GEORGE,
DAVID I. WALSH,
ALBEN BARKLEY,
TOM CONNALLY,
ROBERT M. LA FOLLETTE, JR.,
A. H. VANDENBERG,
ROBERT A. TAFT,
Managers on the Part of the Senate.

R. L. DOUGHTON,
JOHN D. DINGELL,
A. WILLIS ROBERTSON,
W. D. MILLS,
HAROLD KNUTSON,
DANIEL A. REED,
ROY O. WOODRUFF,
Managers on the Part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. WHERRY. Mr. President, will the Senator briefly explain it?

Mr. GEORGE. I shall be glad to do so. There were of course a great many amendments made in the Senate to House bill 7037. Many of them were technical. Generally speaking, all the technical amendments and clarifying amendments were accepted by the House. The material changes made in important provisions of the bill relate primarily to title IV of the bill dealing with maternal and child welfare. Roughly speaking, the House concurred in all these several amendments, but reduced by about one-third the appropriation provided in the bill as passed by the Senate. In round figures the Senate had brought up these several appropriations to approximately $30,000,000, and the effect of the conference was to reduce these increases made by the Senate to about $21,000,000 or $22,000,000.

The first item, for instance, was increased from $5,820,000, to $15,000,000 by the Senate, but the conferees cut that increase back to $11,000,000. And so on, through the various categories dealing with child welfare and maternal welfare appropriations.

The other important amendment made related to title V of the bill, the so-called variable grants provision, which the Senate inserted and which personally as chairman of the Senate conferees I regretted much to give up. The net effect of the agreement reached in conference was to eliminate the variable grants provision. But in the case of old age and blind benefits the Federal Government, under the conference report, is to match two-thirds up to $15, and above $15 up to $45. The matching is to be as provided in the present law, 50-50 on the part of the State and the Federal Government. So that every State will actually receive an additional allotment out of Federal funds, whether they be the so-called low income States or the high income States.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. LANGER. I did not quite understand about the matching in the case of old-age assistance benefits. Up to what amount is the Government to contribute two-thirds.

Mr. GEORGE. Up to $15 for each aged person or each blind person.

Mr. LANGER. Might I inquire whether the age was left at 65?

Mr. GEORGE. The age was left at 65, just as under existing law. I might say now that this provision is temporary, and contrary to the provisions made for maternal welfare, and so forth, which become permanent in the law; but this provision is temporary and runs for only five quarters, beginning with the quarter commencing October 1, 1946, running through the entire calendar year 1947.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. WHERRY. As I understand, after the rate of $15 is reached the States and the Government match equally up to $45.

Mr. GEORGE. That is correct. Forty-five dollars is the technical limit fixed in the bill. Actually, of course, if the State is paying $50, it will receive $25 from the Federal appropriation. But if the State is paying only $45, it will still receive $25 out of the Federal appropriation.

Mr. LANGER. Mr. President, will the Senator yield further?

Mr. GEORGE. I yield.

Mr. LANGER. Does the Federal Government contribute two-thirds of $15, regardless of the total amount?

Mr. GEORGE. Yes; that is the effect of the provision.

Mr. LANGER. So if the total amount is $40, the Federal Government contributes two-thirds of the first $15, and the remainder is matched on a 50-50 basis.

Mr. GEORGE. The Senator is correct. That is true in the case of the aged and blind. In the case of dependent children, the Federal Government matches to the extent of two-thirds, up to $9. There has been a readjustment of the ceiling for the first child and for subsequent children; but in each case the Federal Government will match two-thirds of the first $9 paid in the case of a dependent child or children.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. WHERRY. Is it the idea, in making this provision temporary, that there may be further legislation in the next Congress which will be more in keeping with the bill as passed by the Senate?

Mr. GEORGE. The idea is, of course, that the whole social-security system must be overhauled.

That leads me to say that title VI of the bill, which called for a study and report by the Joint Committee on Internal Revenue Taxation by October 1 next year, was disagreed to by the House, and the Senate conferees acquiesced in that dsagreement. The House conferees took the position rather strongly that many of the members of the House Ways and Means Committee, which has a membership of 25, wish to participate in any social-security studies which are made, so the Senate conferees were persuaded to eliminate that provision.

Mr. WHERRY. That does not mean that the Senate committee will not continue to study the question, does it?

Mr. GEORGE. No. It simply means that there will not be an express provision of the law requiring the joint committee to make a study.

Mr. WHERRY. I am hopeful that the study will continue under the able leadership of the chairman of the Finance Committee, because I feel that we certainly need to put forth every effort possible to put into effect at least the provisions of the bill as passed by the Senate.

Mr. GEORGE. I think that is the view that is almost unanimously accepted by the members of the Finance Committee, as well as by members of the Ways and Means Committee of the House.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. FULBRIGHT. If the State pays $15, will the Federal Government pay an additional $10, so that the total will be $25? Suppose the State pays $15, will the Federal Government pay an additional $10?

Mr. GEORGE. No. It is the other way around. Of the first $15 paid by the State for any aged or blind person, the Federal Government will contribute $10, or two-thirds of the $15. If the State pays benefits beyond that amount, the matching is on a 50–50 basis, as under existing law.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. MAYBANK. I wish to commend the Senator for the excellent report, and the great assistance it will mean to many of those who have been in dire need of increased pensions.

Mr. GEORGE. My hope is that all the States will bring their minimum payments to the aged and blind at least up to $15. Only $5 of it would be payable by the State during the next five quarters, and $10 would be paid out of the Federal Treasury. That should act as an incentive to bring the minimum payments up to $15.

One further amendment, relating to certain provisions of our income-tax laws, was disagreed to very vigorously by the House conferees, and that amendment was stricken in the conference report.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. BARKLEY. Was that the amendment with reference to annuities which I offered in the committee?

Mr. GEORGE. That is the amendment which the distinguished Senator from Kentucky offered, and which was approved by the Senate.

Mr. BARKLEY. Mr. President, I wish to express my very deep regret that that amendment was eliminated in the conference. What the amendment did was to provide that when an employee and an employer enter into a contract by which an annuity is purchased, and under which the employer makes a contribution for the purchase of an annuity for the benefit of the employee at some future date, the employee should not be required to regard that contribution for the purchase of an annuity as income for the year in which the annuity is purchased. It should be regarded as income for income-tax purposes only when the employee begins to receive benefits by reason of the annuity. For a long time the Treasury adopted that policy by its own regulations. All the amendment did was to provide that contracts made between 1938 and the effective date of the Revenue Act of 1942 should not be charged to the employee as income until he begins to receive benefits from the annuity. The amendment was eminently fair. The idea of charging an employee, in the year in which the annuity is purchased, the entire amount as income for that year seems to me to be the rankest injustice. The Senate approved the amendment. I understand that the Treasury opposed it, although it had adopted it as a policy prior to 1942.

I merely wish to state that in connection with the next tax bill I intend to press this amendment in the committee and in the Senate. I hope it will be agreed to hereafter, because it seems to me only common justice that employees who enter into contracts with employers for the purchase of annuities ought not to be charged income tax until they begin to receive benefits from the annuities.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. TAFT. I agree with the Senator from Kentucky. I believe that when the next tax bill comes over from the House we ought to undertake a comprehensive study of the pension-trust provisions. This is only one of the respects in which I believe the Treasury has assumed a very arbitrary position, and assumed power which I think is not in accord with the provisions of the law which was enacted in 1942.

Mr. BARKLEY. I thank the Senator. I agree entirely. This amendment could not possibly have been of any great importance to the Treasury, although it is of considerable importance to the individuals who, as employees, have entered into contracts for the purchase of annuities under which they do not begin to reap benefits until years in the future. I hope that in addition to this injustice we may correct some of the other injustices in the present tax laws.

Mr. LA FOLLETTE. Mr. President, will the Senator from Georgia suffer a brief interruption in order that I may make a short statement?

Mr. GEORGE. I am glad to yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. As one of the conferees, I regret very much that this bill did not reach the Senate in time for a full consideration of the urgent necessity for an overhauling of the Social Security Act. I think it should be emphasized—because some do not understand it—that the Senate cannot act on a matter of this kind until the House acts first, because under the Constitution, legislation carrying taxes must originate in the House of Representatives. I, for one, regret very much that the House conferees would not accept the amendment offered by the able Senator from Michigan [Mr. VANDENBERG] providing for a thorough study, commencing at once, by the staff, under the auspices of the Joint Committee on Internal Revenue Taxation, of the entire problem of social security.

However, the House conferees objected to the amendment. They resisted it strenuously, and we had to yield. But, with all due respect to the very able membership of the House Ways and Means Committee, and with all due respect to their prerogatives under the Constitution, in having the power to initiate legislation of this character, I wish to express, very respectfully, the hope that at the beginning of the next session of Congress, speedy and adequate consideration will be given by the Ways and Means Committee to the urgent necessity of eliminating some of the horrible injustices which exist under the present system; that the House will act in sufficient time so that the Senate, as the coordinate body, may have its full right, under the Constitution, to consider this matter; and that then, if there are differences between the two Houses, ample time will be afforded for an adequate, full, and free conference, such as we cannot have now, when faced with adjournment.

I thank the Senator.

Mr. GEORGE. Mr. President, I wish to concur wholeheartedly in the statement made by the able Senator from Wisconsin. I think it a matter of great regret that this bill did not reach the Senate until Friday of last week, so that we were not able to do many things which should be done in connection with our social-security law.

Mr. President, it would seem unnecessary to call attention to other amendments, inasmuch as they are set forth in the conference report. One of the amendments was agreed to in order to avoid the possibility of the raising of a point of order in the House.

Therefore, Mr. President, I move the adoption of the conference report.

Mr. CONNALLY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Texas?

Mr. GEORGE. I yield.

Mr. CONNALLY. I wish to say a word on this matter. As one of the conferees on this bill, I agree with the statement made by the Senator from Wisconsin. I think the whole subject matter should receive thorough study and examination.

Mr. President, some years ago, in an effort to aid the weak and poor States with regard to old-age assistance, I introduced in the Senate a bill providing for a Federal contribution of two-thirds of the money up to $15, and thereafter for a Federal contribution of 50 percent. That provision is what is now incorporated in the present conference report. I did not move its adoption in the conference, because I was under instructions to sustain the Senate's position. The adoption of that provision was moved by the House conferees. They moved the adoption of the plan whereby Federal money supplies two-thirds of the payments up to $15, and thereafter Federal money provides 50 percent of the payments. I am very highly gratified

that the plan was finally adopted, rather than the present harsh method of a 50-50 arrangement, which results in having the old-age assistance which is paid to a man who lives in a poor State amount to a mere pittance, whereas a man living in a rich State will receive a large amount.

Mr. President, I think that ultimately we shall have to revamp the whole system; but this is at least a beginning of the right kind.

Therefore, I express approval of the conference report, and I hope it will be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. McFARLAND. Mr. President, the adoption by the Senate of the conference report on the social security bill, which includes increases for the needy aged, the blind, and dependent children, is an event of more than passing interest to millions of America's senior citizens, our needy blind, and also our dependent children. I believe the Congress is deserving of commendation for having taken this important step because we thereby give recognition to the fact that the greatly increased cost of living had left these aged persons, the blind, and dependent children in an anomalous position.

Personally, I feel rather strongly about this legislation. More than 2 years ago I sought to secure approval of an amendment which would have eliminated the so-called need clause from the Social Security Act. I felt then, and I still believe, that the need clause was and is an unfair imposition on many deserving people who are the recipients of old-age assistance in every State in the Union.

Despite the fact that revenue matters and tax changes must originate in the House of Representatives, I introduced in March of 1945 an amendment to the Social Security Act which would have permitted those who receive old-age assistance to obtain outside employment and allowing the income from such employment to supplement their old-age assistance payments without prejudice to the amount of such payment. Subsequently, in January of this year I offered legislation which would have increased by 35 percent the amount of the Federal contribution to the various States for old-age assistance, aid to the blind and to dependent children. I pointed out at that time that the Congress had given general recognition to the fact that the cost of living in this country had risen tremendously by increasing substantially the salaries of practically all Federal employees. Moreover, our Government had recognized this increase in cost of living by endorsing substantial hourly wage increases in all industry. Unfortunately, that proposal for a variable increase in old-age assistance and for the blind and dependent children met with opposition from representatives of some of the States.

In June of this year I introduced another amendment which provided for a flat increase of $5 per month to be borne by the Federal Government in payments to those receiving old-age assistance and for payments to the blind. An increase of $3 per month for dependent children was also provided. In that amendment I was joined by 12 Members of this body, and we finally have been successful in securing the adoption of this proposal to the Social Security Act amendment which we have now passed.

I would like to point out that this amendment will not cost any State a penny. The entire increase is to be borne by the Federal Government. Frankly, I still believe that the increase which we are approving is still far from sufficient to meet the greatly increased cost of living which those who are to receive this payment must face. I believe it is important to remember that these aged persons, the blind, and dependent children rarely if ever have any means of supplementing their present wholly inadequate and meager income. In many States the total amount of the old-age assistance payment is so small that these people find it difficult to exist, let alone live decently. In my own State of Arizona the maximum payment to the aged is $40 per month. If the State contributes a maximum of $20 per month as it now does this legislation will increase that payment by $5 per month, bringing the total maximum payment to $45 per month. Similarly, the maximum monthly payment to the blind in Arizona will be increased by $5 while the maximum monthly payment to dependent children will be increased from $18 to $21 for the first child and for each additional child from $12 to $15.

I hope that my State will immediately take the necessary steps to see to it that the State contribution is not decreased so that the aged, the blind, and dependent children will have the benefit of the increased Federal payment which we have now secured.

I am happy that we have accomplished at least this much in adding to the income of these needy citizens and future citizens of this country. I look forward to the day when our senior citizens may further implement their income so that they may be able to live in decent comfort during their declining years.

OPA PRICES ON COTTONSEED, COTTONSEED OIL, AND BYPRODUCTS

Mr. MAYBANK. Mr. President, as in legislative session, I ask unanimous consent to have printed in the body of the RECORD a statement which was sent to Mr. Paul Porter, Administrator of the OPA, by the junior Senator from Georgia [Mr. RUSSELL], the junior Senator from Mississippi [Mr. EASTLAND], and myself. The statement is in reference to cottonseed problems, and what we believe to be in the best interests of the southern farmer who produces cottonseed, cotton linters, and their byproducts. I wish to state that we sent this statement to Mr. Porter after holding conferences on the subject, and after careful deliberation among ourselves. Our purpose in sending it to Mr. Porter and the OPA was so that the OPA would know the situation of the cotton farmer and would do something before very long about it, because the cotton crop is already commencing to move. We wish Mr. Porter to be fully aware of the fact that the present price ceilings on cotton linters and cottonseed are adversely affecting our farmers, and will continue to do so unless the prices are adjusted in keeping with other prices.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The price of cottonseed at the oil mills should be $70 per ton to allow cotton producers a price for their cottonseed which will compensate them for the increase in the cost of their production and bring the price of one of their principal products in line with the prices received by producers of other oil-bearing seeds and competitive animal fats and oils.

The price which the farmer receives for cottonseed has actually decreased during the war. In 1941 Leon Henderson, Civilian Price Administrator, announced that $60 per ton was a fair price for cottonseed, based upon the cost of production at that time. Since 1941 the cost of living has increased 34 percent, while the cost of producing cotton and cottonseed has increased over 100 percent. Far more labor is required in producing cotton and cottonseed than in any other major crop, and the labor cost on the cotton farms of the South has increased 333 percent. In 1942 cottonseed was actually lower than in 1941. The United States Department of Agriculture's support price on cottonseed that year was established at $50 per ton for the 1942 crop. In 1943 the farm price was $53 per ton, as a result of an increase of $10 per ton allowed in cottonseed mill prices in that year, and no change has been made in the support prices from that time to date.

It must be remembered that cottonseed is not a byproduct, but that the average cotton farmer supports his family 4 to 5 months during each year on the income from his cottonseed. The income from cotton is usually used up by the time the crop is made, and the farmer lives during the fall and winter largely from the cottonseed income. Normally, 25 percent of a cotton farmer's total income comes from the sale of cottonseed.

The argument is used and we present it at this point in this brief to clear up a popular misconception that cottonseed prices today are above parity. This statement has been made by a Government official and is foolish. During the base parity period of 1909–14 there was practically no cottonseed industry. Cottonseed at that time was used principally as a low grade, cheap nitrate fertilizer and, of course, was not worth very much. This industry has grown up since the base parity period and is today the principal source of vegetable fats, oils, and proteins, in America.

Government support prices on competing oil seeds, however, have been increased considerably during the same period. Soybean prices were increased from an average of $1.55 per bushel in 1942 to $2.04 per bushel for the 1946 crop which is equivalent to about $14.50 a ton or 31.6 percent. Flaxseed prices were increased from $2.40 per bushel in 1942 to $3.60 on the 1946 crop or about $40 per ton or 50 percent. Oil from flaxseed does not compete with cottonseed because it is inedible but flaxseed meal competes directly in mixed feeds. Peanut support prices were increased from $133 per ton on shell peanuts in 1942 to $160 per ton for the 1945 crop which will probably mean around $165 a ton or a total increase of $32 a ton or about 24 percent. Though cottonseed is the most important single source of vegetable oil, cottonseed has received no incentive when the cost of production has increased enormously.

Although comparable support prices have not been in effect on other competitive oil seed products the results show that their

prices have increased also. Prices received by farmers for tung oil increased about $10 per ton while prices on olives for crushing increased $80 per ton in the same period.

The average increase in support prices on the principal vegetable oil-bearing seeds if applied to the support price of cottonseed would mean a price for seed at almost $70 per ton at the mill today.

The reason these cottonseed prices have been held down is largely because the price of the byproducts, cottonseed oil, cottonseed meal, linters and hulls have been steadfastly held down. Ceiling price on cottonseed oil was fixed in 1941 at a rate which averaged about 12⅝ cents a pound for the standard quality and has never been changed. The price of cottonseed meal was increased $10 a ton in 1943 and in May of this year increased again $14 a ton. Hulls were stabilized under the maximum average price regulation in 1941 and were fixed by the OPA in 1943 at $13 a ton and have not been changed. Linters were fixed in 1941 at from 9 to 11 cents per pound for first cuts depending on quality and from 4 to 4¼ cents per pound for second cuts. These prices were rolled back in January 1946, to 7 cents for first cuts and 3.8 cents for second cuts, which was done to help the rayon industry. Cottonseed linters are used extensively in the manufacture of rayon and the price roll back this year was done unfairly and unjustly to lower the cost of production of rayon and thus enable them to compete with products of American Cotton Textile Industries. Prices which farmers have received for cottonseed have averaged from $4 to $5 per ton under the support price at the mills which accounts for the cost of transportation and ginning.

Increases in prices on butter, a direct competitor to cottonseed oil which is used in oleomargarine and other butter substitutes, have shown even further increases from 34 cents a pound for 92-score butter at the wholesale markets in New York in 1941 to 47 cents a pound June 14, 1946, then 57.4 cents a pound June 17, 1946, and to 71½ cents a pound recently. Lard prices were 8.9 cents a pound for prime steam tierces in Chicago in 1941, 13.8 cents a pound during the war and recently were quoted at 15.05 a pound.

The world price on all cottonseed products is considerably higher than the present prevailing prices of the United States. The world price for first-cut cottonseed linters is 13 cents per pound, while OPA is holding down the American producer to the pitifully low level of 7 cents per pound. In fact, foreign-produced cottonseed linters are imported into this country at 13 cents per pound and UNRRA has been paying the Brazilian producers this same amount for first-cut linters produced in that country. This is also true of second-cut linters. The world price level is 7 cents per pound against 3.8 cents which OPA has forced upon the American producers and in addition cottonseed oil from Mexico sells today at 26 cents per pound against 12.58 cents in this country, while cottonseed meal and cottonseed in Mexico are worth $100 per ton.

The price of cottonseed today is not sufficient to return to the grower enough to pay for the picking of his cotton as it has always done. For years the cotton farmer has depended on the money he gets from the sale of his cottonseed to pay the cost of picking his crop. He has usually been able to do that but labor has advanced to the point where the income from the seed will no longer pay for picking the crop.

Last year the cost of cotton picking averaged about $2 per 100 pounds across the belt according to BAE figures. In the irrigated sections of the West it was considerably higher, in the Mississippi Delta it was set at $2.40 per 100 pounds with extra allowances, and many had to pay as much as $3 in some sections of the belt. At this rate, it costs the farmer about $28 to pick a 500-pound bale of lint cotton which is made from 1,400 pounds of seed cotton (the average proportion is 500 pounds of lint cotton to 900 pounds of seed). This season we know the cost of picking will be higher. Picking costs have opened in south Georgia at $3.50 per 100 pounds this season and will be $3.50 and $4 across the belt before the season is over. This means the farmer will have to pay $49 to $56 a bale to get his cotton picked.

The present supported price of cottonseed at $56 per ton at the gin means about $52 to the farmer, after allowing the cost of ginning, which means only about $23.40 a bale to be credited against the cost of picking. This is $4.50 less than it cost him to pick his cotton this past year and about $25 to $30 less than it will cost him to pick his cotton this coming season at $3.50 and $4 per 100 pounds. Those who have to pay more for picking will have to dig deeper into the proceeds from the sale of lint cotton. It is true now as much as ever before that the proceeds from the lint are barely sufficient to pay for the use of the land, interest, taxes and furnish provisions for the labor during the year because costs have gone up so greatly.

Wages for picking cotton last year according to USDA figures were 333 percent of the 1939 average and general wages for hired help in cotton States are shown in a May 1946 USDA report to be 300 percent of the 1939 base wage. Other costs the farmer has to pay have also gone up appreciably. In the latest available estimates for 1945 the over-all costs of things the farmer buys not including labor were about 150 percent of 1939 and are undoubtedly up considerably more today.

The return from the lint cotton has always been used to reimburse the farmer for the cost of making his crop including the furnish to the tenants and all the out-of-pocket costs for seed and fertilizer, insecticide, and the extra costs of cultivating, planting, chopping and poisoning, defoliating, etc., in addition to interest, taxes and return on the land and the risk which during recent bad weather years has meant serious losses.

To permit this price the byproducts of the seed must be allowed to sell in line with other products with which they compete. A ton of cottonseed contains 313 pounds of oil which at the last average price fixed by OPA of 12⅝ cents per pound is worth $39.51, 822 pounds of meal which at the last OPA price averaged $60 a ton is worth $24.66, 585 pounds of hulls worth $3.80 at the prevailing ceiling June 30, 1946 of $13 per ton and 180 pounds of linters worth about $8.12 assuming 35 percent are first cuts selling at the 7 cents ceiling and 65 percent are second cuts selling at the 3.80 cents per pound ceiling. The remainder is waste material with little or no market value. The total value of the products at former OPA prices was $76.09. The spread between the value of seed at the mill and the value of the products before the war was around $12 per ton, according to Commodity Credit Corporation, which was the amount to cover cost of processing and handling the seed.

In order to maintain the price of seed at $70 per ton at the mills and selling price of the oil and first cut linters have to be increased slightly.

Linters are now entirely out of line with other general prices having been rolled back below prices established in 1941. The world price of linters, some of which are said to have come into this country, is twice the domestic price. First cut linters should be several cents per pound more than they are today, at least what they were in 1941, which was from 9 to 11 cents per pound depending upon quality. An increase of 1 cent per pound of first quality linters in a mattress or upholstering for a chair or for wadding would hardly be noticeable. In an ordinary cotton mattress with a 50-pound filler the increase would be only 50 cents out of a cost of $12 to $15.

An increase of two-tenths of a cent per pound is needed in second-cut chemical linters to raise present ceiling from 3.80 cents to 4 cents per pound. Such a small increase would help to improve the value of cottonseed, but would not even be detectable in the price of a shirt or any article of clothing made from rayon produced from linters. Only about 1 pound of rayon goes into a shirt and the cotton linters is only a fraction of the cost of the rayon fiber—less than 20 percent.

No increase is warranted in cottonseed meal and hulls because of the feed situation and in view of the fact that an increase has recently been granted in meal prices.

Oil should be increased a few cents per pound from an average of 12⅝ cents to 15 cents per pound. In view of the fact that vegetable-oil products have not increased in price all during the war, some small increase would be in order and in line with increases in animal fats and dairy products. As the waste in producing shortening and other vegetable-oil table and kitchen products is only about 10 percent, the increase in prices of these products caused by an increase in cottonseed-oil prices would be very small. As a result, shortening and oleomargarine might be increased from abou' 25 and 26 cents to only 27½ or 28½ cents per pound.

With these recommended increases, the new values of the byproducts would be as follows:

Oil, 313 pounds at 15 cents	$46.90
Meal, 822 pounds at $60	24.66
Hulls, 585 pounds at $13	3.80
First-cut linters, 40 pounds at 10 cents	4.00
Second-cut linters, 140 pounds at 4 cents	5.60
Total	84.96

Mill-processing costs have increased about $3 per ton over margin of $12 allowed by CCC in 1942, according to survey of 72 percent of all cottonseed-oil mills just completed. Subtracting $14.96 for mill margins on the average gives $70 for the value of the seed at the oil mill. Freight from the gin usually averages $2 per ton, which means about $68 at the gins. Gin costs average about $3 per ton, which means that the farmer might expect to receive about $65 a ton for his seed.

An increase in the farm price of seed is necessary to protect him against the high cost of living and give him the decent income to which he is entitled.

For the past 5 years the gross income per person in the farm population in the 10 Southern States was only $370 a year, compared with $163 for the thirties.

Even during the war the cotton-farmer's income has been about three-fifths of the average farm income for the country and one-fourth of the average income from the nonfarm population.

BAE figures show that typical cotton farmers in the Piedmont put in 1.4 hours' work on their farms for every pound of cotton they produce. While some of this time is in caring for the stock, the corn, and other complementary crops, all the time is necessary for the production of his cotton. At this rate, at today's cotton prices, the farmer's return is less than 23 cents per hour. How can this compare with the hourly return of industrial workers, which is now about $1.04?

The average tenant makes only 3½ bales of cotton a year. If it costs $25 more to pick each bale than he gets from his seed, his net return would be seriously depleted.

APPOINTMENT AND EMPLOYMENT OF CERTAIN RETIRED OFFICERS—CONFERENCE REPORT

As in legislative session,

Mr. JOHNSON of Colorado submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5626) to authorize the Veterans' Administration to appoint and employ retired officers without affecting their retired status, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

WALTER F. GEORGE,
DAVID I. WALSH,
EDWIN C. JOHNSON,
ROBERT M. LA FOLLETTE, JR.,
ROBERT A. TAFT,
Managers on the Part of the Senate.

CARL T. DURHAM,
ROBERT L. F. SIKES,
CHARLES R. CLASON,
LESLIE C. ARENDS,
Managers on the Part of the House.

Mr. JOHNSON of Colorado. I ask unanimous consent for the present consideration of the conference report.

Mr. KNOWLAND. Will not the Senator explain the changes that were made?

Mr. JOHNSON of Colorado. The original bill was a measure to authorize and empower the Veterans' Bureau to employ retired Army officers without interfering with their retirement rights. It does not give the officers any more compensation, but it merely enables the Veterans' Bureau to employ them. It covers about 25 employees.

Mr. McFARLAND. Mr. President, as I understand, the conference report eliminates the amendment providing a $5 increase for the crippled and blind, and a $3 increase for dependent children, since that provision has been incorporated in the social-security bill which we have just passed.

Mr. JOHNSON of Colorado. Yes; House bill 7037.

In general, Mr. President, this bill relates to the employment of that group of officers who have been retired from active service in the armed forces because of age or length of service. At present, such officers entitled to yearly retired pay amounting to $2,500 or more may not be employed by the Veterans' Administration, no matter what their experience or ability.

H. R. 5626 is designed to enable the Veterans' Administration to secure the services of a number of such retired officers who served outstandingly as physicians, executives, and hospital managers. They have had highly specialized training and experience in the management of hospitals and offices. These men are urgently needed in the expanding program of the Veterans' Administration.

Under existing law, it is impossible to appoint these officers, when retired for age or length of service, to the positions which they are so well qualified to fill, because of their status as retired officers of the armed forces. The proposed legislation will remove the restriction on appointment, and any retired officer will be permitted to accept employment in the Veterans' Administration without affecting his status as a retired officer. Thus officers retired for age or length of service will be placed in the same position with respect to employment by the Veterans' Administration as officers retired for disability in line of duty.

The authority requested will be exercised only in a limited number of cases where there can be no question of the ability of the individual to perform the highly specialized duties involved.

H. R. 5626 does not in any way alter the limitations with respect to pay contained in section 212 of the Economy Act of 1932, as amended. Thus, generally speaking, officers retired for age, length of service, and disability not incurred in combat with the enemy, or resulting from an explosion of an instrumentality of war in line of duty, will not receive retired pay while employed by the Veterans' Administration if the annual rate of compensation from their civilian position with the Veterans' Administration is $3,000 or more. The enactment of H. R. 5626 will impose no expense on the Government.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the report was considered and agreed to.

USE OF PAPER CUPS AND CONTAINERS AS DISEASE PREVENTIVE

As in legislative session,

Mr. JOHNSTON of South Carolina. Mr. President, experience is a great teacher but too often the lessons learned are forgotten as time dims the memory of that experience.

Some of us remember that during World War I thousands of Americans—servicemen and civilians—died from one epidemic, namely, influenza. This Nation lost more lives through that one respiratory disease than it lost on all the fighting fronts.

As a result of our World War I experience with this major epidemic—influenza—the lesson was not forgotten when we were again called on to prepare for war. Men and materials were mobilized to wage war on disease as well as on the enemy. The medical services of the Army and Navy were ready with their plans for the protection of health. Health defense was an integral part of national defense.

The health sector of the battle line required many various kinds of supplies—some to cure, some to prevent disease. Since respiratory disease was the chief killer in World War I and it had been demonstrated by Lt. Col. James G. Cumming and his associate in research conducted in Army camps that when mess gear was properly washed in boiling water there was less influenza among the troops, it was imperative for the Army and Navy to make every effort to provide clean service for every man at every meal wherever men and women of the services were fed.

The small paper cup and container proved during the years of World War II to be a vital instrument of war. It is true the paper cup and container seems far removed from the larger implements of war like the gun, tank, ship, and plane. Yet paper cups and containers did "go to war" and, through a multiplicity of uses, were a contributing factor to the record production of armament in this country, and they also served as the spearhead of the sanitation phase of all battle fronts.

This was prophesied succinctly and well in an editorial that appeared in the Kingston Daily Freeman of October 31, 1942, under the heading "Paper Cups." It reads as follows:

Sanitation will probably have as much to do with winning this war as anything else. And the humble little paper cup will be doing its part. It's already "in there fighting" by millions, and the industry is running at capacity to fill the swelling demand.

It may seem the height of luxury to supply the Army and Navy with these handy little drinking cups. The fighting services are supposed to consist of he-men not paying much regard to dainty table manners. But it isn't a matter of daintiness. It's a matter of human life, of military safety, of winning the war. Some experts think that terrible influenza epidemic in the last war might have been prevented, or greatly lessened, if the fighting men had been supplied with individual drinking cups.

Millions of paper cups and containers were used by the Army and Navy. In addition to protecting health, they proved exceedingly valuable in the most efficient use of manpower, scarce metals, and needed space, as well as in the distribution and serving of nutritious and appetizing foods. For example, there was neither a dishwasher nor dishwashing equipment on an Army or Navy bomber. Yet the members of such a crew had to have hot, wholesome food at stated times in order that they might successfully carry out their missions. These men often were in the air for hours at a time. Through the use of paper cups and containers they were fed properly and on schedule. There was no need to take a man away from a bombsight or gun to wash and stack dishes, and the space that might have been reserved for dishes or dishwashing equipment was made available for additional bombs.

This is typical of the vital role played by these products in other military activities. They had numerous Army uses, from the millions used in maneuvers to the great number used in medical and dental service. Troop trains, for example, used paper cups for serving fruit juice and ice cream. Sometimes complete meals were served in paper in the coaches when dining-car facilities were limited. Red Cross workers and members of the AWVS who met trains in railroad stations served soups, milk, coffee, and other beverages in paper cups. Post exchanges, too, were big users. Some Army posts used millions of paper cups every year, particularly where dishwashing facilities were nonexistent or inadequate. In officers' clubs, USO canteens, in the field, in camp or on leave, wherever soldiers were fed, paper cups and containers were found to be filling an important role.

The Navy likewise used paper cups and containers on fleet units, at naval bases, and in civilian areas under naval jurisdiction. This policy helped protect the health of the men in uniform as well as

the health of the public in those communities. It also enabled the Navy to save time and labor in the feeding of large numbers of men at transfer points. Almost all fleet units—from PT boats to battleships—carried paper cups and containers for feeding purposes. Large shipments of paper cups and containers were carried to our fighting forces overseas, including the jungle country in the South Pacific where all health measures were of especial importance. No hospital ship was without its supply.

Wherever the American fighter went, the paper cup and container went also, to help protect his health.

At the same time, a new problem arose on the home front. The demands for more and more weapons with which to fight the enemy led to the development of super plants and factories. This Nation became the arsenal of democracy. Employment of men and women soared to a new high. Most industries engaged in turning out the sinews of war were operating on a 24-hour-a-day basis. It was important to keep this army of home-front workers well fed and in good health. Out of this necessity developed the in-plant feeding system. This was the system whereby wholesome and appetizing food was served to the worker within the very shadow of his lathe, crane, or drawpress.

However, this number increased to more than 8,000,000 through the establishment of restaurants and cafeterias at accessible points in plants and shipyards and by mobile units that transported hot, nutritious food to designated stations throughout the working area. The establishment of such feeding operations meant the saving of millions of man-hours. It enabled workers in large and sprawling plants to be well fed during a shortened lunch hour. It also eliminated the inconvenience of waiting in line at outside restaurants for meals. The use of paper cups and containers made it possible also to serve between-meal snacks to workers on the job. Experience proved that these snacks relieved fatigue and by so doing reduced accidents and increased the production of the worker. There was no waste of time via dishwashing in those plants; nor broken china. Paper cups and containers were utilized to serve hot foods hot, cold foods cold, and with a minimum of time and confusion.

Such food kept the men and women workers healthy, reduced the time lost from their job via illness and accidents, and aided greatly in meeting the cry for "more guns, more planes, more tanks, more ships."

The widespread use of paper cups and containers by the military and by operators of in-plant feeding establishments served another vital purpose. It released the scarce metals which would have been needed for dishwashing equipment for the more important manufacture of ships, tanks, and planes. And manpower which would have been needed to operate dishwashing equipment was made available for the manufacturing of fighting tools.

The demand for sure health protection and the problem of dishwashing helped induce one hospital to make preliminary experiments with paper. Those experiments were so successful that the hospital switched to using 30,000 plates, bowls, and cups a day. This replaced the 10,000 pieces of china and glass formerly washed and sterilized twice daily and, of even more importance, released 70 employees for urgently needed duties.

Paper cups and containers also proved extremely valuable in emergency feedings. Millions of cups were sent to and used in feeding the bombed-out residents of England during the blitz; and even more millions were held in readiness for use had they been needed in our own country. Service organizations like the Red Cross, which must be prepared to feed large groups in emergencies, used paper cups and containers extensively. The Red Cross knew paper service helped in its speed of mobilization, serving meals under sanitary conditions, providing hot, nourishing food, and efficiency in cooking, transporting, and serving meals.

Restaurants and other public feeding establishments experienced a boom during the war that led them to feed more people than ever before in their history.

The abnormal increase in business made it difficult for many establishments to keep its eating utensils clean. A War Production Board order, for example, limited the use of iron and steel for dishwashing equipment except for Army, Navy, war plant, and hospital supplies. The War Manpower Commission listed dishwashers as nonessential to the war and dishwashing labor became increasingly scarce; particularly in the vicinity of war plants. The periods of wartime fuel shortages made it difficult for restaurant operators to meet the rigid restrictions of sanitation departments that required scalding water for the sanitizing of eating and drinking utensils. Through the use of paper cups and paper containers, public feeding establishments were able to overcome many of the problems arising from a shortage of equipment and manpower and thus continue their big job of providing sanitary service for millions of men and women engaged in the war effort.

Government agencies quickly realized the prominent part paper cups and containers were playing in the prosecution of the war. With the aid of the industry's advisory committee, the War Manpower Commission classified the paper cup and container industry as essential to the war effort. The War Production Board placed production under a priority system which assured the armed forces, workers in war plants, patients in hospitals, schools, the Red Cross, and certain transportation lines of needed supplies of paper cups and containers. This was accomplished by setting aside virtually the entire output of the industry for essential users.

Much has been said and written about the contributions of American industries to our war effort. Most of the tributes have been paid to the firms which directly, or indirectly, were engaged in the production of guns, ships, tanks, and planes. It is only fitting, however, that recognition also should be given to an industry like this which aided materially in the record production of armament and served as the spearhead of the sanitation phase on all battle fronts. There can be no denying of the fact that the paper cup and container industry rose to extraordinary heights to meet the unusual demand for its products in all segments of our war effort—on the battle fronts, on the supply routes, in the hospitals, in the war plants, and wherever an emergency feeding occurred.

I deem it an honor to extol the wartime record of this industry and to explain the many ways in which the paper cup and container went to war. But the greatest tribute that can be paid this outstanding industry is that together with the medical profession, health agencies, drug manufacturers, and others it was a contributing factor in the prevention of any major epidemic of respiratory disease during the biggest and most terrifying of all wars.

ACCEPTANCE OF COMPULSORY JURISDICTION OF INTERNATIONAL COURT OF JUSTICE

The Senate resumed consideration of the resolution (S. Res. 196) proposing acceptance by the United States Government of compulsory jurisdiction of the International Court of Justice.

Mr. MORSE. Mr. President, unless it be for a matter of a privileged nature, I prefer not to yield during the course of my remarks. I make that suggestion both in the interest of saving time and in the interest of preserving in the RECORD a continuity of my point of view.

I may say at the outset that I wish to discuss the amendment offered by the distinguished senior Senator from Texas [Mr. CONNALLY], the chairman of the Foreign Relations Committee. As a political realist, I wish to say that I think it is perfectly clear that, from the support which the distinguished chairman of the Foreign Relations Committee is giving to the amendment, and the support it is receiving also from the distinguished international lawyer and Member of the Senate from Vermont [Mr. AUSTIN], as well as from other leaders of the Senate, such as the distinguished Senator from Georgia [Mr. GEORGE], it would seem to appear that in all probability the amendment proposed by the Senator from Texas will be adopted this afternoon. I shall regret it if that happens but I suspect that the Senator from Texas has enough votes in favor of the amendment to pass it. In this matter, as in almost all controversial matters, it is not a question of all the merits being on one side and all the demerits being on the other. I think this is a matter of mixed merits.

I think it is only fair to say, in regard to the amendment, that its adoption will not have the effect which some Members of the Senate seem to feel that it will have, namely, of crippling Senate Resolution 196. I believe that was brought out very clearly yesterday by the Senator from Vermont [Mr. AUSTIN] who pointed out, as I tried also to do in the remarks which I made near the close of yesterday's session, that, after all, the machinery and procedure which was set up under the United Nations depends,

so far as its final sanctions are concerned, upon the good faith of the signatories of the San Francisco Charter.

As the Senator from Vermont explained yesterday, if the resolution as submitted by the junior Senator from Oregon is adopted by the Senate, without including the amendment proposed by the Senator from Texas, and the World Court should, in a given case, render a decision which involved not a question of international law but a domestic issue, the United States would have the right, under article 94 of the United Nations Charter to raise that point and refuse to abide by the decision of the World Court. The United States properly could take such a position until at least the Security Council passed judgment on the merits of its position as to whether or not the matter involved a domestic issue rather than one of international law. I think that viewpoint needs to be kept in mind as we weigh the pros and the cons of the discussion on the so-called Connally amendment. I am opposed to the amendment for the reasons which I shall presently set forth. I merely wish to say now, Mr. President, that should the amendment be agreed to by the Senate of the United States this afternoon, I think it would be most unfortunate if the impression went abroad throughout this land and the remainder of the world that the effect of the Connally amendment would be to destroy the effectiveness of Senate Resolution 196.

However, before this amendment comes to a vote, I should like to make another effort to make as clear as possible to the Senate the implications it involves. The report of the committee speaks of both immediate problems and long-range problems of the proposed resolution. The proponents of this amendment limit their discussion, as they must, to its effect on the immediate consequences involved in the resolution, that is to say, the right and duty of the United States to proceed or be proceeded against in the Court.

It must be kept in mind that the thing we are really aiming at is the long-range problem of bringing the entire world under the rule of law. It seems clear that if this rule is to be achieved, the participation of the United States is essential. We have no assurances as to what the consequences of this achievement might be but we entertain the hope, as the Under Secretary of State said during the committee hearing, that this may prove to be a long, and even a decisive step, toward crossing that line which separates world disorder from a world at peace. We are, therefore, attempting by this method to achieve a very high goal, and it is necessary to consider the aspects of the problem from this point of view. If the United States reserves to itself the power to decide an important jurisdictional question, we must act on the assumption that the other states in the world will do likewise.

I emphasize that while the question of domestic jurisdiction is a domestic question in one sense, it is also a question of international law affecting the fundamental jurisdiction of the court. That is true because domestic jurisdiction and international jurisdiction are mutually exclusive concepts. If it is decided that a question is domestic, it therefore means that it is not a question covered by international law. Therefore, if we reserve the right to decide the question, it means that we, and we must assume every other state, is reserving the right to decide an international legal question. This is the situation which has existed in the past and which it is the very purpose of the resolution to eliminate. As has been said many times during the progress of this resolution, the rule of law cannot be established if the various states reserve to themselves the right to decide what the law is. It is from this very broad point of view that it can be said that the alternatives involve the question of future world peace.

Looking to the more immediate problems of the resolution and the consequences of the proposed amendment, it appears quite difficult to deny that the amendment involves a condition of a serious character and that the other states of the world will recognize it as a reservation. It is, in effect, a political veto on questions of a judicial character, and it will be instantly recognized as such by all the other countries. It therefore involves the question of our moral leadership in the world, and it is to be feared that this action may impair the truly distinguished record of leadership which this country has made in recent years.

As the senior Senator from Vermont pointed out yesterday, the United States does have a final political control in this matter. If the court should commit the error of taking jurisdiction of a case plainly within the domestic jurisdiction of the United States, the United States could on this ground refuse to comply with the decision. Is it not far better to wait until such an error is committed rather than to jeopardize the whole principle we are seeking to achieve by assuming in advance that the court is going to commit such an error. After all, in our support of the United Nations, we are committing ourselves to a very large degree to the principle that it is better to entrust these international questions to responsible international institutions on the sound theory that such institutions are able to make better decisions than if they are left to the individual decisions of the States. This basic decision has been reached as a result of long and very hard experience. If history teaches us anything, it is that if States are left to decide these questions on the basis of immediate political expediency the result is power politics and ultimately war. The lesson is that a revolutionary change in international relations is necessary. I submitted Senate Resolution 196 in its present form because I believed it to be a constructive, statesmanlike step in the direction of promoting this change in international relations through law.

I have no disposition to try to deprecate the importance and seriousness of entrusting legal questions to the International Court of Justice. The Court has been constructed with all the wisdom and care world statesmanship can devise. It is inconceivable to me that any judge of the Court could fail to see and be profoundly impressed with the inexpressedly high and important functions with which he is charged. It is inconceivable that any judge could even consider violating his solemn oath to decide these cases impartially on the basis of law and justice and in accordance with established principles of international law.

The United Nations have done their very best to create a Court which can be trusted with responsibility, and I feel that we should place our faith in this institution rather than in the old method which has proved a complete failure of letting each country decide these questions for itself. I reiterate that in this resolution we are referring only to legal questions. As to such questions, let us put the decision where it belongs, namely, in the hands of a legal tribunal, created by the San Francisco Charter and ratified by the United States Senate more than a year ago. A tribunal which, I submit, Mr. President, on the basis of the record—because, after all, it is but a continuation of the old World Court—richly deserves the confidence which my resolution proposes to place in it.

For the reasons I have stated and for the reasons set forth in the hearings on the resolution, Mr. President, it is my view that the amendment submitted by the distinguished Senator from Texas should not be adopted.

In conclusion, Mr. President, I desire to refer to certain sections of the printed hearings on this resolution. First, I desire to refer to pages 71 and 72 of the hearings where there is set forth a resolution adopted by the American Bar Association, which approves Senate Resolution 196 with the provision as to the determination of jurisdiction over domestic issues being left to the Court. Without reading the resolution, I ask unanimous consent that it may be printed at this point in my remarks.

The PRESIDING OFFICER (Mr. HOEY in the chair). Without objection, it is so ordered.

The resolution is as follows:

Resolved, That the American Bar Association is of the opinion that the course of events has shown an urgent need that an increased emphasis shall be placed, in international relationships, upon the authority of law and the role of the World Court, now constituted and ready to function, as one of the principal means of the peaceful settlement or avoidance of disputes between nations which otherwise might endanger international peace and cooperation.

Resolved further, That the American Bar Association expresses its deep regret that the Government of the United States has not yet, as evidence of its adherence to international law and to the full usefulness of the International Court of Justice, taken the appropriate steps to accept for itself, as a majority of the United Nations have determined to do, the compulsory jurisdiction of the Court as to the matters enumerated in paragraph 2 of article 36 of the Statute of the Court.

Resolved further, That the American Bar Association strongly urges that the President and the Congress of the United States should take appropriate action at the earliest practicable time to bring about the deposit, in behalf of the United States, with the Secretary-General of the United Nations, of a declaration pursuant to paragraph 2 of article 36 of the Statute of the International Court of Justice, recognizing as compulsory

ipso facto as to the United States and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes hereafter arising of an international character, concerning the matters enumerated in article 36; such declaration to be valid for a period of 5 years and thereafter for a period of 6 months after like deposit of a notice of termination thereof; the obligation of such declaration to be without prejudice to the right of the parties to have timely recourse to other methods for the peaceful settlement of disputes.

Resolved further, That the American Bar Association renews its earnest recommendation that in negotiating treaties, conventions, and international agreements the United States should propose and urge the inclusion of clauses providing that all legal disputes arising thereunder between the parties shall be referred to the International Court of Justice.

Mr. MORSE. I also, Mr. President, desire to call attention to the remarks of Dr. Laurence Preuss, professor of political science of the University of Michigan, who specifically objected to any further restrictions on the jurisdiction of the Court as to domestic issues in this language:

Yesterday morning Senator AUSTIN made a suggestion, which I believe was tentatively accepted by Senator MORSE, to rephrase exception B to read something like this:

"Disputes which the United States considers to be within the domestic jurisdiction of the United States."

I respectfully submit that that would be an extremely retrogressive step and would be taking away with one hand what we purport to be giving with the other.

Article 36, which is repeated in the Morse resolution, says that the Court shall have jurisdiction concerning the interpretation of a treaty or any question of international law. Certainly some of the same important questions of international law concern the fixing of boundary lines between matters which are not in principle regulated by international law and those which are. Furthermore, the exception of domestic jurisdiction would ordinarily be raised in questions arising out of disputes concerning the Court's jurisdiction.

The last paragraph of article 36, paragraph 7, provides that if there is any dispute concerning the Court's jurisdiction the Court shall decide. Consequently, it is contemplated that if a state raises the exception of domestic jurisdiction, that is a jurisdictional issue which it is for the Court to decide and not for one of the parties to the statute of the Court to decide. It seems to me that the very heart of compulsory jurisdiction would be taken out by the acceptance of this suggestion that the United States itself should define this important legal question as to the extent of domestic jurisdiction, rather than to have the Court itself do so.

I digress for a moment to say that I do not fully agree with Professor Preuss on that point. I do not think that the heart would be taken out of the resolution, because I believe, as I said yesterday in my remarks, even if the Connally amendment should be adopted, the United States does under this resolution commit itself to submit to the obligatory jurisdiction of the Court all questions which arise under international law. I think it was intimated—yes, more than intimated—it was clearly stated by the distinguished Senator from Vermont that it is inconceivable that this country would even hide behind a subterfuge or alibi and claim an international law issue to be a domestic issue.

The United States will never take the position that an issue which clearly is not a domestic issue shall not be determined by the World Court once we accept the obligatory jurisdiction of the World Court over purely international law issues. If we should take such an unconscionable position, it is perfectly clear that the good faith of this country would be clearly challenged by the other nations of the world. Other nations would protest any such conduct on our part just as we would if any other nation should, by way of subterfuge, take advantage of such a reservation once it had committed itself to submit purely international law issues to the obligatory jurisdiction of the Court. In this new "one world" no nation can afford to refuse to permit an international law issue to come before the Court for final determination on the ground or excuse that it is a domestic issue.

As the Senator from Vermont pointed out, there is involved the question of good faith. The primary reason why I find myself opposed to the amendment is that, from the standpoint of psychology, I think it is an unwise amendment. I think it would be better for us to let all issues go to the court for its determination as to jurisdiction, and then, if the court should ever make a mistake or commit an error, the fear of which I think is inherent in the Connally amendment, then we ought to proceed under article 94, through the Security Council, for a determination as to whether the World Court in the given instance has gone beyond its jurisdiction in that it purports to determine an issue which is not an international law issue but is a domestic issue. Under the condition as to domestic issues already set out in Senate Resolution 196 beginning on page 2, line 12, what we agree to is to accept the obligatory jurisdiction of the World Court over international issues and not over domestic issues. Hence I consider the Connally amendment both unnecessary and unwise.

Returning to the testimony of Professor Preuss he says further:

In conclusion, therefore, it would be my suggestion that great improvement in the present resolution could be effected by restoring the wording of the resolution as originally presented to the Senate, and including the phrase which was found in other declarations, "questions which by international law fall exclusively—

Note the word "exclusively," Mr. President—

within the domestic jurisdiction of the United States," and leave the Court to decide this matter rather than an interested party in a dispute.

There is one other point that I wish to make. If we include these wide reservations in an acceptance of compulsory jurisdiction, any other State with which we become involved in a dispute can take advantage of those same exceptions.

A number of years ago the United States was involved in a dispute with Mexico concerning oil expropriations and requested that Mexico submit the case to arbitration. Mexico refused on the ground that her expropriation policy fell within the realm of her sovereignty, her domestic jurisdiction, her exclusive competence. If we should sign the optional clause and if Mexico should do likewise, under this suggestion which was made to alter "b," then a respondent state would be able to escape the compulsory jurisdiction of the Court by declaring unilaterally that it considered this matter to be one of domestic jurisdiction.

I digress again to say, however, that should any state do that, under the United Nations Charter, it would certainly convict itself of bad faith, even if such state were our own country, and I think that such a course of action would mean that the United Nations itself would start to topple.

I return to the Preuss testimony:

It seems to me that we cannot get the right perspective on this matter if we assume that the United States is always going to be in the position of a defendant or respondent. As a matter of fact, the United States has brought many more claims against other states than other states have brought against the United States. The United States is a great claimant state, and it would be highly to our advantage if the number of states accepting the compulsory jurisdiction of the International Court of Justice should be extended; and since only one great power is now a declarant under article 36, I think this would be an appropriate time if the United States were to now make a declaration accepting the compulsory jurisdiction of the Court.

I also call attention, Mr. President, to page 101 of the hearings, where Mr. Finch, recognized authority in the field of international law, responded to the following question put to him by the chairman of the subcommittee, the distinguished Senator from Utah [Mr. THOMAS]:

Senator THOMAS of Utah. Just a minute, Mr. Finch. If we should accept the suggested amendments to "b", on page 2, which Senator AUSTIN mentioned yesterday, would we not introduce into our World Court a species of veto; that is, a veto not on a decision itself, but if, for example, we decided that we will only take those disputes in there, which we ourselves decide are essentially not of domestic jurisdiction, practically that is the way in which it would always come out, and if we state it that way, would we not actually introduce the equivalent of a veto to the compulsory jurisdiction? I realize that you are talking about a different kind of veto.

Mr. FINCH. Yes.

Senator THOMAS of Utah. But at the same time the practical effect of that judgment would make it possible for us, for instance, to talk for a very long time on the Senate floor and to reject a case.

Mr. FINCH. Mr. Chairman, I do not agree with the view expressed by some of the previous speakers on this subject. I think that your resolution as it is now drafted means that these matters shall be decided by each state. I think that the change, the omission of the phrase "matters which are according to international law within the domestic jurisdiction," which appeared in the Covenant of the League of Nations—I think that left it to be a matter of dispute and controversy between the two nations who had a question over which they were not in agreement. I think that when they left out the phrase "a matter which by international law" and left it barely as you have it here, "disputes with regard to matters which are essentially within the domestic jurisdiction of the United States," and which corresponds to the provision of the Charter, I think that it was done intentionally so as to leave no doubt

that each nation itself could file an objection that this was within the domestic jurisdiction.

Now, I would like to qualify that with this—any matter upon which we have made a treaty is one I think which we cannot claim is a matter within our domestic jurisdiction.

Now, we brought up questions of immigration treaties. Certainly we are not obliged to. We have full power under international law now to say who can come into our country, and we can expel them for certain reasons and under certain procedures, and nobody has anything to say about it; no other nation has anything to say about that; but if we make an immigration treaty, then we have taken it, ourselves, out of our domestic jurisdiction, and insofar as that treaty is concerned we are bound to submit that to the Court under this resolution.

Senator THOMAS of Utah. Then constitutionally the minute you ratify your treaty it becomes the supreme law of the land?

Mr. FINCH. That is right; exactly.

I also call the attention of the Senate to the position taken by another authority on this subject, Dr. Reid, as it appears on page 125 of the hearings. She said:

I would not wish—and now I am speaking as an international lawyer rather than AAUW—I would not wish to agree with the implication that under any circumstances, in the phrasing of section (b), either in this form or in its original form, the decision rested with the United States. I think the clear intention of that phrase is that the Court shall decide, and I therefore would strongly oppose the suggestion, which I understand was made yesterday, to the effect that the United States should be the judge in that case. That would seem to me to completely vitiate the value—or perhaps I should qualify that—would modify considerably the value of acceptance of the compulsory jurisdiction.

I digress to say that I think her modification was most appropriate. I do not think the Connally amendment, undesirable as it is, would vitiate the resolution. I simply think it is confusing and unwise and from the standpoint of its psychological effect on the other countries of the world I am afraid that it might be misunderstood.

I return to Dr. Reid's testimony:

It seems to me that the decision as to whether a matter is or is not within the domestic jurisdiction is one which the Court should decide when a case arises.

The last reference to the hearings before the committee I desire to make is a short one. I refer to page 142 of the hearings, where is set forth the view of the State Department, as represented by Mr. Fahy in his testimony, when he said as follows:

The Court determines its own jurisdiction in any case which it has under consideration (art. 36, par. 6 of statute). If one party claims that the Court is not properly seized of the case or that it does not have jurisdiction of a certain aspect of the case, the Court will decide. This is true whether the case is brought before the Court under a special agreement, a treaty, or a general agreement such as the one here under consideration.

The United States and all other members of the United Nations are bound by the Charter (art. 94 (1)) to comply with decisions of the Court in cases to which they are parties. This obligation applies to all cases whether brought before the Court under a declaration of this kind or not. It does not apply to advisory opinions, since there are no parties in such cases.

Although parties to cases are obligated to comply with the decisions of the Court, which is a moral obligation based on the provisions of the Charter, there is no provision for the enforcement of such decisions unless the failure to comply constitutes a threat to the peace or breach of the peace under article 39 of the Charter. There is an article in the Charter (art. 94, par. 2) which provides that a party may resort to the Security Council if the other party fails to carry out the judgment and that the Security Council may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment. This Government takes the position that the Security Council's action under this article is limited by the scope of its powers as defined in article 39, that is, it must first be determined by the Security Council that the breach constitutes a threat to, or breach of, the peace or an act of aggression (hearings on the Charter, Senate Foreign Relations Committee, Pasvolsky testimony, pp. 285-287; Hackworth testimony, pp. 330-332).

I say that because of the course of debate in the Senate; and the record will refer to those parts of the hearings and debates.

During the life of the Permanent Court of International Justice, applicant states invoke declarations made under article 36, paragraph 2, in 11 cases. In 2 of these 11 cases, jurisdiction was exercised by the Court without objection. In 4 of the 11, the jurisdiction of the Court was challenged. The Court sustained the objections to its jurisdiction in two of these cases and in part in a third. In the fourth, the applicant state withdrew its reliance upon the declaration.

The two cases which resulted in substantive decisions were the Eastern Greenland cases between Denmark and Norway and the division of water from the Meuse River case between the Netherlands and Belgium. In the Eastern Greenland case, Denmark asked the Court to decide that a Norwegian decree of July 10, 1931, asserting sovereignty over a large area of Greenland, violated the prior claims of Denmark to sovereignty over this territory. The Court sustained Denmark's contention and Norway withdrew the decree. In the Meuse case, the Netherlands entered a claim because of diversion of water by Belgium. The case involved the interpretation of a treaty governing such diversions. Belgium raised no objection to the jurisdiction. The Court rejected both the Netherlands' claim and a counterclaim entered by Belgium.

The two cases in which the Permanent Court of International Justice ruled that it did not have jurisdiction under the "optional clause" were the phosphates in Morocco case between Italy and France and the Panevazys-Saldutiskis Railway case between Estonia and Lithuania. In the phosphates case, the French Government put forward various objections to the Court's jurisdiction, including the contention that the Italian application related to situations and facts which preceded the ratification of the French declaration accepting compulsory jurisdiction and which, therefore, did not fall within its terms. The Court upheld this contention and decided that it had no jurisdiction. In the Panevazys case, the Lithuanian Government contended, on grounds of general international law, that the private claim espoused by Estonia was not national in character and that local remedies had not been exhausted. The Court held that the latter objection was well-founded.

In the Electricity Co. of Sofia and Bulgaria case between Belgium and Bulgaria, the court ruled out one of Belgium's claims on the ground that it had not been a subject of dispute prior to the filing of the Belgium application under article 36, paragraph 2. The court, however, sustained its jurisdiction in another aspect of the case, involving the question whether the dispute had arisen prior or subsequent to the filing of declarations under article 36, paragraph 2.

In the Pajzs, Casky, Esterhazy case between Hungary and Yugoslavia, the Hungarian agent withdrew its application under article 36, paragraph 2, because Yugoslavia's declaration had expired and had not been renewed as expected.

In the remaining five cases, proceedings did not advance to the point where the court had to consider the question of its jurisdiction.

To sum up, the court delivered judgment in two cases brought under article 36, paragraph 2. Of the five other cases which were carried to the point where the Court had to consider its own jurisdiction, the Court ruled in two cases that it had jurisdiction, in two other cases that it did not, and in the fifth case that one of the objections to its jurisdiction was well-founded.

Mr. President, I close by asking unanimous consent to have published in the RECORD at this point in my remarks three editorials in support of my resolution, one appearing in the Washington Post for Sunday, July 28, 1946, one in the Washington Post for Thursday, August 1, 1946, and one appearing in the New York Times of this morning, August 2, entitled "The World Court."

The PRESIDING OFFICER. Is there objection?

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post of July 28, 1946]

PEACE UNDER LAW

Peace, like liberty, rests upon the rule of law. We have subscribed to this doctrine in all our internal relationships, and it is but natural that we should apply it as well to our relations with other countries. This is what the Senate Foreign Relations Committee has now unanimously recommended that the Senate do in urging adoption of a resolution accepting on behalf of this country compulsory jurisdiction of the International Court of Justice created by the United Nations. This would mean simply that we would submit to the adjudication of the Court any legal dispute arising out of the interpretation of a treaty or out of any question of international law in relation to any other nation accepting the same obligation. The alternative would be to settle our disputes with other nations by force, and our very membership in the United Nations is a renunciation of such a course.

As signatories of the United Nations Charter, we are among the creators of the International Court of Justice as a successor to the earlier World Court which we never joined. The creation of the Court could not of itself assure that it would be used in case of international differences. Such assurance must come from the individual nations. The statute setting up the tribunal adopted at San Francisco gives it jurisdiction only over cases "which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force." Its jurisdiction may be made compulsory as to any nation only by action of that nation. Nineteen nations have now granted compulsory jurisdiction to the Court, but only one of the major powers, Great Britain, is among these. Adherence by the United States should prove a spur to others.

The resolution recommended by the Senate Foreign Relations Committee would deal with compulsory acceptance of the Court's jurisdiction as a treaty and would thus require ratification by two-thirds of the Senate. This is an entirely satisfactory method of recognizing the Court's authority. Equally satisfactory would have been the proposal

advanced in the House by Representative HERTER to take the same action by majority vote of both Chambers. The State Department has declared either technique thoroughly valid. Since the matter is now before the Senate, we hope that Body will indorse it promptly and overwhelmingly. Among Americans there can be no reluctance to live under a rule of law.

[From the Washington Post of August 1, 1946]

WORLD COURT

There was justification, we think, for Senator MORSE's action yesterday in forcing consideration by the Senate of the resolution recommended by its Foreign Relations Committee accepting for the United States compulsory jurisdiction of the International Court of Justice. There has been a perplexing procrastination on this issue, and there was reason to fear that the Senate might adjourn without settling it. Acceptance of the Court's jurisdiction would mean simply that we would submit to it any legal dispute arising out of the interpretation of a treaty or out of any question of international law in relation to any other nation accepting the same obligation. It is difficult to see how any law-respecting nation, peaceful in its purposes and committed to the concept of international cooperation, could hesitate to put itself under the authority of a court such as this—especially one which it was instrumental in establishing.

We can see no occasion for delay or for reservations in this matter. Either, indeed, would be disruptive to the confidence which other nations have in the devotion of the United States to the maintenance of peace. This is not a matter which can safely or wisely be allowed to go over until a new Congress assembles next year. The World Court ought to be set in operation just as speedily as possible. The adherence of the United States is indispensable to making it effective, indispensable to adherence on the part of other great powers. We should have been the first to subscribe. Let us not invite suspicion and undermine the Court's prestige by being the last.

[From the New York Times of August 2, 1946]

THE WORLD COURT

One of the important matters debated yesterday in the Senate and scheduled for a vote today is ratification of an agreement which would grant Senate consent to the President's accepting for America the compulsory jurisdiction of the International Court of Justice. This acceptance would mean that in specified cases, touching the interpretation of treaties, international law, the breach of an international obligation, and the nature or extent of reparation to be made for such a breach, we would go to court rather than threaten the use of force. If the United Nations is to be a going concern, if we are sincere in our desire not only to avoid war but to avoid needless friction, this step is absolutely essential. We shall be compelled to do only what it is decent and wise to do.

If we do not ratify now we shall surely ratify later, but a failure to ratify now is bound to create doubt abroad as to our enthusiasm for United Nations ideals. The Senate owes it to our spokesmen in Paris and elsewhere to give the world, now, this assurance of our intentions and of our zeal for peace.

Mr. MORSE. Finally, Mr. President, I wish to state that I have sought to set forth my honest judgment as to why I think it would be better not to adopt the Connally amendment. I have tried to be exceedingly fair about it. I made a thorough and intensive study of it. When Senator AUSTIN, in the hearings first proposed the Connally amendment I was inclined to accept it but after study of it I decided against it. If there was any basis on which I could agree to it, I wanted to accept the amendment, because of the high regard and the great respect I have for the Senator from Texas [Mr. CONNALLY], the Senator from Georgia [Mr. GEORGE], and the Senator from Vermont [Mr. AUSTIN]. However, I have decided that it is an unwise amendment.

I have tried to be fair by pointing out that if the amendment is adopted it does not follow that Resolution 196 is vitiated. If the resolution is adopted with the Connally amendment in it, we will have taken a great stride in the direction of developing a world order under law. We will have placed upon our Government, in my judgment, an even greater moral obligation to keep the faith, because if we should adopt the resolution with the Connally amendment in it, then clearly the eyes of the world will be turned upon us in any case in which any other country with which we find ourselves in dispute seeks to hale us before the World Court. Having asked the Court to take over jurisdiction in any such case, if then we should ever break faith, if we then should ever hide behind this amendment, if it is to be placed in the resolution, and claim that an issue which is clearly international is in fact domestic, we can be most certain that we will lose not only face but, in my judgment, the confidence of the peace-loving nations of the world.

Thus I would say—and Senators may call this an argument against interest if they care to, but at least it is an honest argument, made by one who desires to be absolutely fair in this matter—I would say to those who believe that under no circumstances should the Connally amendment be adopted, if we cannot adopt this resolution without that amendment in it then I think we should adopt it with the amendment in it. However, I shall vote against the amendment because I think it should be defeated. I want to say without hesitation that if we fail to pass this resolution even though it has the Connally amendment in it we will have taken a great step backward, so far as our participation is concerned, in the development of an international order through law.

I believe that the great moral obligation to act in good faith under the amendment which would be placed upon this country if we adopted the amendment would be so overpowering, when a specific case arose involving an issue of international law that we would not dare adopt a subterfuge, or an "out," by way of a false excuse that the question involved a domestic issue.

Thus, I say, Mr. President, that I hope we can adopt the resolution without the amendment, but I hope we will adopt the resolution even with the amendment, if we cannot defeat the amendment.

Mr. REVERCOMB. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the Senator from West Virginia.

Mr. REVERCOMB. I wish to say to the able Senator that I am absolutely in favor of an International Court to deal with strictly international questions, but there is one subject which has given me some concern, which perhaps the able Senator from Oregon, who is one of the authors of the pending resolution, may clear up.

The resolution provides that by this act of the Senate we are to grant to an International Court of Justice jurisdiction over, among other things—

a. The interpretation of a treaty.

The Constitution of the United States, article 3, section 1, expressly provides:

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Section 2 of article 3 of the Constitution provides:

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.

Then it proceeds to state various matters of which the Federal judiciary has jurisdiction.

The question arises in my mind, are we doing violence to that—the express provision of the Constitution—when in the face of that express provision, we grant authority to a World Court to deal with the interpretation of a treaty?

Mr. MORSE. Mr. President, my answer is that I do not think we are doing any violence to it. I think that it properly falls within the treaty-making powers also granted in the Constitution. I think that the power is inherent under the Constitution for the United States to enter into a United Nations, the charter of which sets up a World Court, and under which it is proposed that we shall submit our disputes to that court for final determination, insofar as they involve the interpretation of a treaty, any question of international law, the existence of any fact which, if established, would constitute a breach of an international obligation, and the nature and extent of the reparation to be made for the breach of an international obligation. Certainly I do not think that the provision of the Constitution which the distinguished Senator from West Virginia has cited imposes a prohibition upon the right of the United States under the treaty provisions to accept the jurisdiction of such a World Court tribunal as has been set up under the United Nations.

Mr. REVERCOMB. Mr. President, will the Senator yield further?

Mr. MORSE. I yield.

Mr. REVERCOMB. I do not doubt for a minute that we can set up an international tribunal and enter into an agreement for the existence of such a tribunal. But when we undertake specifically to state what the jurisdiction of that tribunal shall be so far as we shall subscribe to it, and in detailing the ground of jurisdiction state in an act by the Senate that the interpretation of a treaty shall be one of the grounds of jurisdiction of that international tribunal, the question still arises in my mind, in the face of the explicit language of the Constitution, that "the judicial power shall extend to all cases in law and equity arising under treaties made or which shall be

made under their authority." There is a vast difference between the treaty which we entered into in creating the Charter, saying that such an international tribunal shall be created, and then in another act, through resolution, saying what the jurisdiction shall be. Here we are dealing with the extent of jurisdiction of an international tribunal, and I am confronted with the question whether we have not put something into this resolution which contravenes the express language of the Constitution of the country.

Mr. MORSE. If I thought so I would not be for the resolution.

Mr. REVERCOMB. It is difficult for me to reconcile it. Now then, I come to this question. If the Connally amendment is adopted and added to subsection (b) of the proviso, so it would read:

Provided, That such declaration shall not apply to—(b) disputes with regard to matters which are essentially within the domestic jurisdiction of the United States as determined by the United States.

My question is whether that would not reserve to us the constitutional provision and protection with regard to this explicit language of the Constitution as to treaties. We have always recognized the power in the Federal judiciary to deal with the treaties made by this country, and that is derived from the express language of the Constitution which I have just read. I want an international court; I want it to settle international justiciable issues; but in doing that I do not want to contravene the basic law of this land, the Constitution.

Mr. MORSE. Nor do I.

Mr. REVERCOMB. It seems to me that it is coming close to it. There may be a saving force in the Connally amendment which says that this "declaration shall not apply to disputes with regard to matters which are essentially within the domestic jurisdiction of the United States as determined by the United States." Because the "domestic jurisdiction of the United States" would, I take it, be that jurisdiction which is under the Constitution.

Mr. MORSE. If the Senator holds to that view, then I think he should vote for the Connally amendment. As was pointed out by the Senator from Vermont yesterday, I think the ultimate right of this country to refuse to accept the decision of the World Court if in fact it involves a domestic issue rather than an international issue, is reserved to us under article 94 of the Charter.

Mr. REVERCOMB. Mr. President, will the Senator again yield?

Mr. MORSE. I yield.

Mr. REVERCOMB. I am quite sure that the Senator does not mean to say that this country can enter into a treaty in contravention of the Constitution of the United States?

Mr. MORSE. I do not think anything I said would so indicate. I certainly join with the Senator from West Virginia in the point of view that we have no such right. I disagree with him that the adoption of the resolution without the Connally amendment would have that effect.

Mr. REVERCOMB. I should like to ask a further question. The power to deal with treaties and the construction of treaties is vested in the Federal courts. We are here asked to subscribe to the creation of another court. The Constitution has created one Supreme Court, and that Supreme Court is the creature of the Constitution itself, and then we have the express language, "and such inferior courts as the Congress may from time to time ordain and establish." The Senator would not want the International Court to be put in the position of being an inferior court created by Congress through treaty?

Mr. MORSE. It seems to me that if the Senator's argument is sound, if he does not think that the treaty-making provisions of the Constitution are sufficiently broad to encompass the granting of such jurisdiction as this resolution calls for, then likewise we contravened the Constitution of the United States when we adopted the United Nations Charter itself, insofar as we gave to the various agencies of that organization considerable power over this country, so far as treaties are concerned. Because when we consider the Security Council itself and the final sanctions that it can exercise, I think the same argument the Senator is now making against this resolution could be made against the powers of the Security Council.

Mr. REVERCOMB. I will say to the able Senator that I am simply inquiring on this subject for clarification.

Mr. MORSE. I appreciate that.

Mr. REVERCOMB. I do not agree at all that entering into a treaty to create the United Nations Charter contravenes the Constitution.

Mr. MORSE. It depends on the power given to that organization.

Mr. REVERCOMB. Yes; that is true; it depends on the power that was given to it.

Mr. MORSE. And I call attention to the great powers we have given to the Security Council.

Mr. REVERCOMB. I know that some take the view that it contravenes the Constitution. I do not take the view that by adopting the Charter of the United Nations we contravened the Constitution. But it is a closer question when we undertake to write into law the power of this tribunal to interpret treaties, when the Constitution says that this power should be vested in the Federal courts of the country.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. VANDENBERG. I am particularly tender on the subject just raised by the Senator from West Virginia that we should not contravene the obligation which we accepted when we certified our agreement to the Charter of the United Nations. But, surely, it is clear under the Charter of the United Nations that we are not obligated to accept compulsory jurisdiction of the Court at all except at our own option. Therefore, I am sure we do not contravene the Charter, which is the only point I am trying to make, if we exercise our own option in respect to the terms upon which we undertake to subscribe to the Court.

Mr. REVERCOMB. Mr. President, will the Senator yield to me for a moment?

Mr. MORSE. I yield.

Mr. REVERCOMB. I am glad indeed that that point has been brought out, because it clarifies the very thing I have been trying to present first, that the Charter itself does not contravene the Constitution. But if the Senate adopts the resolution, which absolutely and without reservation places the power and the jurisdiction for the interpretation of treaties in the Court, then my question is: Does it not contravene article III, section 2, of the Constitution of the United States which I have read?

Mr. VANDENBERG. Perhaps it does. The only point on which I am commenting at the moment is that we are free agents so far as the Charter of the United Nations is concerned, when we take our action in respect to the option open to us to adhere to this Court.

Mr. MORSE. The Senator was very careful to see to it that that principle was maintained at San Francisco at the time the Charter was adopted and when it was brought back to the Senate.

Mr. VANDENBERG. We were very careful about it because we deliberately intended that that option should exist. Therefore, what I am saying is that I think we are free agents in respect to our action today. I would not want any remote suggestion to be maintained that we are contravening or violating in any way our obligations under the Charter if we act in respect to this resolution as our own judgment dictates.

Mr. MORSE. I quite agree; and I do not think there is anything in the RECORD that would raise such an implication. But the point I make, in response to the Senator from West Virginia, is that when we accepted the San Francisco Charter we accepted a Charter which placed great powers in the Security Council. In my judgment—and time alone will prove whether or not I am right—we placed in the Security Council the power to enforce a treaty, irrespective of what our courts might say about that treaty.

Mr. REVERCOMB. To enforce a treaty after we had agreed that it should be enforced.

Mr. MORSE. A treaty which the Security Council might find we were violating.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CONNALLY. In connection with the fear of the Senator from West Virginia that this action might interfere with the operation of our own courts, allow me to say to the Senator that our own courts cannot try cases between the United States and foreign nations.

Mr. REVERCOMB. That is true.

Mr. CONNALLY. So my amendment, by preserving domestic jurisdiction makes it clear that our courts will act upon all questions involving domestic jurisdiction. In the international field, in which our courts cannot operate by the terms of the Charter, the International Court would be operative.

Mr. REVERCOMB. Mr. President, will the Senator further yield?

Mr. MORSE. I yield.

Mr. REVERCOMB. I am heartily in accord with the statement that our courts cannot deal with strictly international questions between nations. So far as I know, there has been no court except the Court at The Hague to deal with international questions. But the point I am making is that so far as the interests of America are concerned, under our Constitution the jurisdiction to interpret treaties is in the courts of this country. In a case arising between citizens, or a case in which the Federal Government is interested, a question arising in connection with the interpretation of a treaty is exclusively before the courts of this country. What I am trying to get at is this: Will the amendment of the able Senator from Texas clarify the situation so that we can say, under our Constitution "This is a domestic matter."

Mr. CONNALLY. That is the very object of the amendment.

Mr. REVERCOMB. That is the object of the amendment.

Mr. CONNALLY. I think the language is as clear as it can be made, that when it comes to submitting a question to the International Court, if we say that it is a domestic question, the International Court cannot take jurisdiction of it.

Mr. REVERCOMB. That would be a saving clause with respect to the jurisdiction of our own courts under the Constitution of this country.

Mr. CONNALLY. Absolutely.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. THOMAS of Utah. The expression "interpretation of treaties" has been used rather loosely. The only thing that can come before the Court is a real cause, a case, a dispute, which hinges upon the interpretation of treaties. But it is the cause, the case, or the dispute which will be tried by the Court, and not the treaty.

Mr. REVERCOMB. The able Senator has stated the case. No decision can be reached, and the Court will not entertain the issue, unless there is a case before the Court.

Mr. THOMAS of Utah. That is true.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. MILLIKIN. The Senator from West Virginia has raised a question which has perplexed students of constitutional law for a long time, namely, in what respect can a treaty—considering what is before us as a treaty—modify the Constitution of the United States. I believe that the nearest the authorities have come to agreement on that subject is that a treaty probably could not change an express prohibition in the Constitution.

What I rose to say, however, was that I do not believe that the analogy suggested by the Senator from Oregon, as to what we did with reference to the Security Council, for example, holds good with relation to what we are proposing now to do. The ultimate force, namely, military application, which the Security Council has at its disposal, so far as our share therein is concerned rests on powers which the Constitution has expressly given to Congress to maintain our military forces.

Mr. MORSE. I think that is the ultimate power, but I do not believe the Senator should overlook the fact—as I read the treaty, at least—that there is the power in the Security Council to require or order two nations to go before the World Court and settle their disputes, even though one or both may not have accepted the compulsory jurisdiction of the Court.

Mr. MILLIKIN. If the Senator will permit another interruption, there is another very important distinction between the political commitments which we have made to the Organization and the judicial commitments which we may make here today. We have a veto power in relation to our political commitments, and we do not have a veto power on our judicial commitments.

Mr. MORSE. Under article 94, we would have the veto power when the case went before the Security Council if we took the position, without the Connally amendment, that the decision involved a domestic issue and not an issue of international law.

Mr. MILLIKIN. If that were not the case—and even if it were the case—we would then be stultifying all the proclamations we make, that in legal matters we wish to be ruled by law rather than by political decisions.

Mr. MORSE. I think we shall be stultified also if we ever make use of the condition of the Connally amendment in a case which, in fact, involves an international issue, but which we, for purposes of expediency or for political purposes, are inclined to claim to be a domestic issue.

Mr. MILLIKIN. I would not argue with the Senator that we should compound our stultifications. I am simply making the suggestion that if we ever take advantage of our political power to veto what the Court does, the Court will be finished.

Mr. MORSE. Not if in fact the final jurisdiction or decision over the question of jurisdiction under the Charter rests in the Security Council. I do not think the Court would be finished then. It would be merely reversed.

Mr. MILLIKIN. I suggest to the Senator that the function of the Security Council would be as an enforcing agent if enforcement were necessary in respect to the decisions of the Court.

Mr. MORSE. But in making its decision, as to whether or not to enforce a judgment of the World Court it must reach a judgment as to whether or not the Court was in error on the point of jurisdiction.

Mr. MILLIKIN. The Security Council is not an appeal court for the Organization to which we are adhering today.

Mr. MORSE. No, but——

Mr. MILLIKIN. Whenever there is a political reversal of a legal decision, obviously there is an abandonment of the legal foundation.

Mr. MORSE. I grant that that type of appeal is not the type of appeal which the Senator and I as lawyers usually think of; but if article 94 means what the Senator from Vermont [Mr. AUSTIN] says it means—and I am inclined to believe that he is correct—if under that article there is guaranteed to the signatories to the Charter the right to say to the Security Council: "A decision has been rendered against us, but see how bad the decision is. It is over a clear domestic issue, and not an international issue"—in that sense it is a court of appeal.

Mr. MILLIKIN. I suggest to the Senator that there is nothing in the statute of the Court which contemplates a political reversal of its decisions. There is a review called for in the statute, by the same Court, but no appeal. The only way the Security Council could become involved in the matter, would be in the enforcement of the judgment; and then the Security Council would be at liberty to consider political aspects, legal aspects, and everything else. But I repeat that whenever the Security Council reverses, in effect, a decision of this Court, we shall have a political reversal of a judicial system, and then the Court will pass out of the picture.

Mr. VANDENBERG. Is not that exactly the reason why we should protect against such a possibility, when we adhere to the Court?

Mr. MILLIKIN. I am very much in favor of protecting against it. I am very much in favor of having a judicial system which will be complete in itself, not subject to political veto.

Mr. VANDENBERG. It seems to me that in the light of the statements which have been made by the able Senator from Vermont, it simply becomes a matter of plain, everyday honesty for us to make plain in advance what our attitude is calculated to be in respect to domestic questions.

If the Senator will permit me to interrupt further at this time——

Mr. MORSE. I shall be very happy to have the Senator do so.

Mr. VANDENBERG. The point on which I am most tender——

Mr. MORSE. Mr. President, the Senator from Michigan has no reason to be tender on any point, I say to him.

Mr. VANDENBERG. It is our constant references to our obligations under the Security Council, and so forth. I would not desert by one-tenth of one comma any obligation we have underwritten to the United Nations. I would live up to those obligations without reservation in any aspect. But I insist that when it comes to our decision in respect to the acceptance of the compulsory jurisdiction of the Court itself, we are free agents.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. MILLIKIN. Of course, we are free agents. No one has challenged that.

Mr. VANDENBERG. I wish to make that plain, because I do not think there is any remote implication of our desertion of any obligation we have under the United Nations when we act as free agents in respect to the terms under which we accept the compulsory jurisdiction of the Court.

Mr. MILLIKIN. Mr. President, it seems to me it is very clear, under the Charter, that our decision as to whether we shall make this adherence is entirely up to us.

Mr. VANDENBERG. Exactly.

Mr. MILLIKIN. And, of course, when we do make it we are acting as free agents. I have heard no challenge of that.

Mr. REVERCOMB. Mr. President, let me say that there was somewhat of a challenge, I believe, in the discussion I had a few minutes ago with the able Senator from Michigan. I am delighted to have the view expressed that the Charter imposes on us no obligation to write this particular portion into the resolution.

Mr. MORSE. I think that is clear, and I have not contended it. I simply have said that it would be preferable if we did not.

Mr. REVERCOMB. In taking action on this important matter, I am absolutely in favor of making it as clear as it can be made at the inception of this agreement and this treaty that this country does not intend to give up its own power to decide what is a domestic question; and when we provide that the Court shall have jurisdiction in regard to the interpretation of a treaty, I think we should likewise provide that such a declaration shall not apply even as to a treaty or a question relative to a treaty, if the question arising under the treaty is solely a domestic question.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DONNELL. There are one or two phases upon which I should like to have the judgment of the distinguished Senator from Oregon. The first of them is with respect to the Connally amendment. I wish to ask the Senator, if I may, a few questions along that line.

In the first place, is it not true that there is nothing which will confer compulsory jurisdiction upon the Court, other than that which is contained in the statute of the Court?

Mr. MORSE. That is true.

Mr. DONNELL. Is there any provision, other than article 36 of that statute, which provides for the recognition of compulsory jurisdiction?

Mr. MORSE. I know of none.

Mr. DONNELL. Is there anything in the statute of the Court which authorizes the inclusion in the declaration to be deposited by the United States of any provision which is not consistent with article 36 of the Statute?

Mr. MORSE. I know of none.

Mr. DONNELL. Now I wish to call the Senator's attention particularly to subsection or subdivision 6 of article 36, which was mentioned yesterday.

Mr. MORSE. Is the Senator referring to article 36 of the Charter or article 36 of the Court statutes?

Mr. DONNELL. I am referring to article 36 of the Court statute. I call the Senator's attention to the contents of subdivision 6 of article 36 of the statute, which reads as follows:

> In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

I desire to have the view of the Senator as to whether the Connally amendment, which gives the United States the right to determine whether a matter is or is not essentially within the domestic jurisdiction of the United States, would be in conflict with the provision of subdivision 6 which I have just read.

Mr. MORSE. In my judgment there would not be any conflict, because I think article 36 of the Court statute makes very clear that there is reserved to the individual signatories the right to file a so-called obligatory declaration or not to file it, according to their discretion, and that inherent and implied in that right is the right on the part of the signatories, when they do file a declaration accepting the obligatory jurisdiction of the Court, to place on the jurisdiction such conditions as they see fit to place.

Mr. VANDENBERG. Exactly.

Mr. MORSE. In other words, it can go all the way, or 75 percent of the way, or 50 percent of the way, or 15 percent of the way, or zero.

Mr. VANDENBERG. Exactly.

Mr. MORSE. I think article 36 of the Court statute gives to them the right, when they accept the Charter, to change their status, of being bound only as to optional jurisdiction, and to change that status in any degree insofar as compulsory jurisdiction is concerned by way of any conditions which they wish to impose in their declaration, according to their wishes.

Mr. VANDENBERG. Exactly.

Mr. DONNELL. I thank the Senator for that reply. I judge, then, that the Senator from Oregon does not deem the Connally amendment to be violative of subdivision 6 of article 36 of the Court statute.

Mr. MORSE. My answer is that I do not think it is in any way in violation of any section, paragraph, sentence, clause, word, comma, or period of the San Francisco Charter, but I still would prefer not to have it.

Mr. DONNELL. Yes; I understand the Senator's view.

Let me ask the Senator if he still has the same opinion, in light of the fact that subdivision 2 of article 36 is the only provision by which the states parties to the statute may declare that they recognize as compulsory the jurisdiction of the Court, and that subdivision 2 provides that the states parties to the present statute may at any time declare that they recognize as compulsory, ipso facto, and so forth, the jurisdiction of the Court in all legal disputes concerning a, b, c, and d? Does the Senator still deem his answer to be correct?

Mr. MORSE. My answer is still the same, and I wish to point out to my good friend, the Senator from Missouri, that article 36 of the statute of the new World Court is really a repetition of a similar article under the old World Court. When we look to the practices under the old World Court, what do we find? We find a long list of declarations which have been filed under the old World Court, many of which have been automatically continued under the new World Court, and they set forth a variety of conditions, somewhat different in some respects from the conditions set forth in Senate Resolution 196. In my judgment, we have that entire background of, shall I say, a common law of international law as precedents for the interpretation which I am making of section 2, article 36, of the Court statute.

Mr. DONNELL. I thank the Senator for his clear and illuminating discussion of the questions which I have submitted. If I may trespass further for a moment on his time, I assure him that my questions are designed for clarification.

Mr. MORSE. I appreciate the Senator's questions very much.

Mr. DONNELL. The declaration to be deposited by the President of the United States is, under the terms of Senate Resolution 196, one recognizing as compulsory—I will emphasize by my voice the next few words—in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice in certain disputes, provided that the declaration shall not apply to three categories of disputes. Those are the categories set forth on page 2 of the resolution between lines 7 and 15, to which are to be added the words and figures adopted by the Senate yesterday.

Mr. MORSE. Plus the Vandenberg amendment of yesterday, being item (c) under the proviso clause following line 14.

Mr. DONNELL. That is the one to which I refer.

Mr. MORSE. Yes.

Mr. DONNELL. Item (c), the third one of the three disputes embodied in these categories.

My question is this: In view of the facts, first, that the recognition to be, by such declaration, made of compulsory jurisdiction is only in relation, to quote the resolution, "to any other State accepting the same obligation"; and, second, that it is to be provided in the declaration which is to be deposited by the President of the United States that the last-mentioned declaration shall not apply to the three categories of disputes which I have mentioned, is it the opinion of the Senator from Oregon that the only States with relation to which the declaration recognizes as compulsory the jurisdiction of the International Court of Justice, are those States which shall have, in their respective declarations, provisions making such respective declarations not applicable to those categories of disputes to which, under the resolution which we shall pass, the declaration of the United States shall not apply?

Mr. MORSE. My answer is "No." It is not so limited. Allow me to speak in hypothetical terms.

Mr. DONNELL. Yes.

Mr. MORSE. Let us assume that nation X has filed with the United Nations an acceptance of the compulsory jurisdiction of the Court subject to certain conditions. Let us assume that among those conditions are the first four as they appear on page 2 of Senate Resolution 196, but not included is the condition with reference to domestic issues as suggested by the Connally amendment. Assume that we get into a dispute with nation X over the interpretation of a treaty. Such a dispute clearly would involve an inter-

national law issue. I am sure the Senator from Missouri will agree that in such a dispute both the United States and nation X would be bound, because of their mutual declarations to adjudicate that dispute within the forum of the World Court. I say that because the declarations of both the United States and nation X would under my hypothetical case cover the same first four conditions as they appear on page 2 of Senate Resolution 196. However, nation X would have the right, in my judgment, if it wanted to do so, to raise a point of jurisdiction and say "But this is not an issue of international law, it is one of domestic law, and because you have reserved the right over domestic issues we can benefit by the same right you have reserved to yourself, although we did not in our declaration specifically make such reservation to ourselves."

I think that will be the effect and the danger of the adoption of Senate Resolution 196 with the Connally amendment in it. It will have the effect of giving the right to every other State, when a dispute with us, to raise a question as to whether or not the dispute involves a domestic issue.

Mr. DONNELL. And to decide the question for itself just as we can decide it for ourselves.

Mr. MORSE. Yes; now, let us hold to the hypothetical. Suppose the dispute, however, is not between the United States and nation X, but is between nation X and nation Y, and suppose that neither nation X nor nation Y included in their declaration the Connally condition that it shall not apply to so-called domestic issues. Under those circumstances they would be bound, in my judgment, to submit the question of jurisdiction itself to the World Court for determination, but neither one of them in a dispute with us would be so bound because they might take advantage of the condition which we reserved unto ourselves by the Connally amendment.

Mr. DONNELL. May I ask the Senator on what language of the Charter, or upon what precedent, if he has one in mind, of the Permanent International Court of Justice he bases the view that in the case of nation X and the United States, nation X might avail itself of a provision identical with that which we have inserted under the Connally amendment, even though nation X had not reserved it in its own acceptation of compulsory jurisdiction?

Mr. MORSE. First, I think it is involved in the optional clause of the United Nations Charter itself where there is reserved to a nation the right to file a declaration accepting the compulsory jurisdiction of the Court. That is article 36 of the World Court statute. As I have already said, I think a nation could accept the compulsory jurisdiction in toto, or in part, subject to such conditions as it might reserve, but when it does file its declaration I think it follows, by clear implication, that other nations in relation to the nation filing the declaration with such a condition in it will be bound only to the extent of the conditions set forth in the declaration of the filing nation in any case of a dispute with the so-called filing nation.

Further, I think that the Senator from Missouri will find that the section cited in the debate yesterday by the distinguished senior Senator from Wisconsin [Mr. LA FOLLETTE] will support my position. I refer to section 32, as follows:

The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply—

a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

b. international custom, as evidence of a general practice accepted as law;

c. the general principles of law recognized by civilized nations;

d. subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

That language, I am sure, will back up the interpretation which I have made. I think it will be found that, running through the scholarly writings covering this field the authors point out that the historical rule is that nations which filed declarations accepting the obligatory jurisdiction of the old World Court they were bound only to the extent of the terms and conditions of their declaration. I know these authors state the rule that under such circumstances all nations so filing have the right to take advantage of any condition contained in the declaration of any nation with which they find themselves in dispute. I think that interpretation could be read into the Charter, so to speak, under article 38. I know that the Senator from Missouri has discussed the matter with the Senator from Utah [Mr. THOMAS] and I should like to ask the Senator from Utah, first, if he shares my interpretation and, second, if he can put his finger on any specific precedent bearing upon the point.

Mr. THOMAS of Utah. Mr. President, I share completely the interpretation of the Senator from Oregon, and I think it is strongly implied in paragraph 2 of article 36 of the Court statute. All parties to a dispute enter into it on exactly the same level. That is my understanding of reciprocity. The implication is very strong, from a mere reading of article 2, which states:

2. The states parties to the present statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

a. the interpretation of a treaty;

b. any question of international law;

c. the existence of any fact which, if established, would constitute a breach of an international obligation;

d. the nature or extent of the reparation to be made for the breach of an international obligation.

In respect to any of these various things, they accept the reciprocal situation in regard to all disputes which may arise.

The Senator from Wisconsin [Mr. WILEY] yesterday read from my report, and I should like to refer to it now:

A second major limitation on the jurisdiction conferred arises from the condition of reciprocity. This is again specified in the resolution in the language of the statute, the pertinent phrase being as follows: "recognizing * * * in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice. Jurisdiction is thus conferred only as among states filing declarations. In addition, the similar phrase in the statute of the Permanent Court of International Justice was interpreted by the Court as meaning that any limitation imposed by a state in its grant of jurisdiction thereby also became available to any other state with which it might become involved in proceedings, even though the second state had not specifically imposed the limitation.

I read that to show that the idea of reciprocity is complete, and I repeat what was said: the parties to the dispute enter into the Court on precisely the same level.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER. The Senator from Florida.

Mr. DONNELL. Will the Senator pardon me just a moment?

Mr. PEPPER. I shall ask the Senator to be brief, lest I lose the floor.

Mr. DONNELL. The Senator from Oregon had the floor.

The PRESIDING OFFICER. The Chair thought the Senator from Oregon had finished, and recognized the Senator from Florida.

Mr. MORSE. Mr. President, I ask the Senator from Florida, under those circumstances, if he will extend the courtesy to the Senator from Missouri to complete his questions. I think he has another question or two. He says he will be brief.

Mr. PEPPER. If my able friend will be brief, I gladly yield, otherwise I shall not be able to.

Mr. DONNELL. I do not desire to ask a favor of the Senator from Florida. If the Senator from Oregon does not have the floor, I shall not ask the question. I was engaged in a line of questioning. I do have one or two other questions which I should like to propound.

Mr. PEPPER. Will not the Senator do that later? I wish to make one or two observations, and if he desires later he can ask the questions.

Mr. DONNELL. I shall be very glad to yield the floor to the Senator from Florida.

Mr. PEPPER. I know the Senators have their problems, but I have a little personal problem of my own. I shall be very brief.

Mr. President, I ask that at this point in my remarks article 36 of the statute of the International Court respecting the jurisdiction of the World Court shall be inserted.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties or conventions in force.

2. The states parties to the present statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

(a) the interpretation of a treaty;

(b) any question of international law;

(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the statute and to the Registrar of the Court.

5. Declarations made under article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Mr. PEPPER. Thereafter, Mr. President, I ask that there be printed in the body of the RECORD at this point Senate Resolution 196.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the deposit by the President of the United States with the Secretary General of the United Nations, whenever that official shall have been installed in office, of a declaration under paragraph 2 of article 36 of the Statute of the International Court of Justice recognizing as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising concerning—

a. the interpretation of a treaty;

b. any question of international law;

c. the existence of any fact which, if established, would constitute a breach of an international obligation;

d. the nature or extent of the reparation to be made for the breach of an international obligation.

Provided, That such declaration shall not apply to—

a. disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

b. disputes with regard to matters which are essentially within the domestic jurisdiction of the United States.

Provided further, That such declaration shall remain in force for a period of 5 years and thereafter until the expiration of 6 months after notice may be given to terminate the declaration.

Mr. PEPPER. Immediately following the resolution, I ask that the proposed amendment of the able Senator from Texas be printed.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 2, line 14, after the word "states", insert the following: "as determined by the United States."

Mr. PEPPER. Mr. President, I do not believe that the amendment of the able Senator from Texas can be adopted without violating the express provisions of the United Nations Charter respecting the jurisdiction of the Court. I make that statement upon the basis of two facts, first, the grant of jurisdiction which is conferred upon the Court in article 36 of the statute of the International Court respecting the jurisdiction of the Court.

Mr. CONNALLY. Mr. President——

Mr. PEPPER. Just a moment. Secondly, the express provision of subparagraph 6 of article 36, which provides:

In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

I now yield to the Senator from Texas.

Mr. CONNALLY. I thank the Senator, but he says he is in a hurry, and I shall not interrupt him.

Mr. PEPPER. I promised I would take only a brief time.

Mr. President, this matter was argued and debated at considerable length——

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. PEPPER. If the Senator will pardon me, I promised to make my remarks brief, and I cannot possibly yield to all my friends.

Mr. FERGUSON. I merely wish to ask whether the Senator has read the sixth section of article 36.

Mr. PEPPER. I yield for a question, and I will also yield to the Senator from Oregon for a question.

Mr. FERGUSON. The language is:

In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Mr. PEPPER. Yes.

Mr. FERGUSON. Of course, that relates only to what is indicated in the preceding language, stating over what the Court would have jurisdiction, that is, international matters, and not domestic matters.

Mr. PEPPER. It means anything the Court shall find to come within the grant of authority conferred upon the Court in subsection 2, paragraphs a, b, and c, namely, "the interpretation of a treaty," "any question of international law," "the existence of any fact which, if established, would constitute a breach of an international obligation."

Mr. FERGUSON. But that does not apply to any domestic question. It applies only as to whether or not the Court has jurisdiction of any of the matters mentioned.

Mr. PEPPER. I agree with the Senator in this respect, there was no need for the reservation which appears in Senate Resolution 196. If the Senator is referring to that, I am inclined to believe he is correct, because of course they are to deal with international disputes, not with domestic questions. But, Mr. President, that holding would also make unnecessary the following portion of Senate Resolution 196, namely:

Such declaration—

Meaning the compulsory jurisdiction of the International Court—

shall not apply to • • • (b) disputes with regard to matters which are essentially within the domestic jurisdiction of the United States.

I do not think it was ever intended that the grant of authority should include matters that are essentially within the domestic jurisdiction of the United States. But, Mr. President, to add that reservation, and then to superimpose upon that reservation another one, that the United States Government is to be the sole judge of its own interest in the matter, it seems to me flies, first, into the very teeth of the purpose and concept of the Court, and in the second place, into violent conflict with subparagraph 6 of article 36, which reads:

In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Mr. President, it did not say, "It shall be settled by the state which is a signatory power to the Charter and has given compulsory jurisdiction to the Court."

Not only that, but if there is anything fundamental in the law, it is that one cannot be the judge of his own case. Yet here we are laying down in one reservation that the World Court shall not have jurisdiction over domestic matters, and in the second place that we will decide whether or not a matter is domestic.

So, Mr. President, it seems to me that when we do that we of necessity fly squarely in the face of the provision of the Charter, which we cannot now, having ratified it, impair or impeach, that when there is a dispute as to the jurisdiction the dispute shall be settled, as of necessity it must be, if the Court is to mean anything, by the Court itself, and not by a party which may be affected.

If, therefore, Mr. President, we accept this amendment, in my opinion it will be a vain act, because we cannot impair the express provision of the Charter; in the second place, it will not only be a vain act, but it will be aimed at undermining the authority of the Court, and that authority must be enhanced, and not impaired, if the Court is to achieve the great function of keeping world peace, for which it was conceived and designed.

Mr. President, here it is. I lay one down, and the other beside it. It is possible for a state to make the declaration that Senate Resolution 196 purports to make, "unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time." That is in subparagraph 3 of article 36. But, Mr. President, I do not think that was intended to mean that a state may accept the compulsory jurisdiction of the Court and then impair the jurisdiction of the Court which is conferred in the previous subparagraph 2. In other words, we cannot ratify the Court's authority and say that it shall have compulsory jurisdiction in respect to the interpretation of a treaty or any question of international law, and then say, "It shall not have jurisdiction respecting the existence of a fact which, if established, would constitute a breach of an international obligation." We take the Court as one takes his spouse, for better or for worse. We cannot say, once we admit its jurisdiction, that it may exercise only a limited part of its authority by the statute, and exclude another part when we happen to be affected.

No more, Mr. President, can we do that than we could impair the validity of the second article, article 38. Article 38 lays down the principles the Court shall apply in the making of its decision, namely:

(a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

(b) international custom, as evidence of a general practice accepted as law;

(c) the general principles of law recognized by civilized nations;

(d) subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

There is also this language:

2. This provision shall not prejudice the power of the Court to decide a case ex aequo, et bono, if the parties agree thereto.

Mr. President, we cannot impair those principles that the Court may apply. We cannot say that the Court cannot have recourse to the general principles of law recognized by civilized nations, or to international custom. We cannot cut out of article 38 a single paragraph, sentence, or clause that is in it. Our efforts to do that would be analogous to our adopting this amendment which attempts to limit to our own decision the jurisdiction of the Court over matters affecting the United States of America.

So, Mr. President, if we, the United States, shall be the ones first to stick a dagger in the integrity and authority of this Court, it will have infinite ill effects, because we will be the first Nation that will start our adherence to compulsory authority and jurisdiction with a question mark and a reservation.

Mr. President, all history condemns the reservation that the Senate put or tried to put into the League of Nations, and there are many of us who feel that history will level its accusing finger at those who were the authors of those reservations. I know that no one has been stronger than the able Senator from Texas in his effort to bring this magnificent edifice into reality, to give it great strength and power and authority to keep world peace. I feel, however, Mr. President, that the Senator from Texas is being required by some consideration of expediency to feel that he must mollify certain sentiments in the Senate in order to secure the ratification of this resolution which causes him to offer his amendment which he now proposes that we should consider. I am of course not questioning his right to do that or the fine interest, the patriotism and the wholesome support which the able Senator from Texas has unfailingly given to the United Nations Charter. But, no other State, according to my knowledge, has made any reservation when it has adhered to the compulsory jurisdiction of the Court. We would be the first, if we were to do it here today in the Senate.

Mr. President, I am aware of what the able Senator from Michigan [Mr. VANDENBERG] said. We, as a nation, do not have to yield ourselves to the compulsory jurisdiction of the Court unless we will it. We can only reserve its authority for special agreement, that we may enter into with other countries. But, Mr. President, once we give authority for compulsory jurisdiction to attach, then the law as embodied in article 36 of the Statute becomes effective, and we cannot by reservation in conflict with and in opposition to the Charter authority limit the jurisdiction of this Court. It is obvious that, if we are to give the state itself authority to say that the jurisdiction of this Court shall not attach to a matter which the state itself considers to be within its domestic authority, it gives any state the power to nullify the whole authority and jurisdiction of the Court, because it does not say that this reservation may not be effective if the authority is arbitrarily or capriciously employed by the state. If a dispute arising under a treaty is about to be decided by the Court, in our opinion, against us, we can cook up some kind of an excuse, if this reservation becomes effective, and say, "Why, that would affect the essential domestic jurisdiction of the United States, therefore the Court is without authority." And the Court would be utterly paralyzed.

Mr. President, it is fundamental in the law that no one can judge his own case, and here we are trying to judge our own case by reserving the right of a veto on the jurisdiction of the Court to act in respect to matters which we think might adversely affect us.

No, Mr. President; let us go into this Court and its jurisdiction wholeheartedly. Let us enter into it giving it full faith and credit and support, or let us not go into it at all. If we are going to make reservation, then let us stay out of the compulsory jurisdiction of this Court, and merely let it function when we specifically authorize it to function by a special agreement. But for the great United States of America, which has had such a large part in bringing the World Court and the Charter of the United Nations into existence, to be the first to limit its authority and to reserve the power to limit it at our own uncontrolled discretion, Mr. President, does far more damage to the prestige and the authority of the Court than it would sustain if we stayed out of its compulsory jurisdiction altogether.

Mr. FERGUSON. Mr. President——

The PRESIDING OFFICER (Mr. MILLIKIN in the chair). Does the Senator from Florida yield to the Senator from Michigan?

Mr. PEPPER. I yield.

Mr. FERGUSON. Mr. President, as I understand the argument of the able Senator from Florida, he indicates that none of the clauses of article 36, which gives jurisdiction to this Court—and I read the language—

The jurisdiction of the Court in all legal disputes concerning:

a. the interpretation of a treaty;

b. any question of international law;

c. the existence of any fact which, if established, would constitute a breach of an international obligation;

d. the nature or extent of the reparation to be made for the breach of an international obligation—

Includes what we are attempting to do except in the original language of the resolution on page 2 beginning in line 12, namely, "Disputes with regard to matters which are essentially within the domestic jurisdiction of the United States."

Mr. PEPPER. Mr. President, will the Senator let me say this? If the grant of authority in subsection 2, of article 36, subparagraphs a, b, c, and d, covers matters essentially within the domestic jurisdiction of the United States, why is the reservation put into Senate Resolution 96, and why the Connally amendment?

Mr. FERGUSON. Mr. President, if the able Senator is correct in his argument that we do not have to make the reservation as to disputes with regard to matters which are essentially within the domestic jurisdiction of the United States and that they are automatically excepted, because the very language of the Charter excludes them, then we are adding nothing except the precaution that the United States shall determine, in the language proposed by the able Senator from Texas, "as determined by the United States." If we make one exception, and we do not need it, we are adding nothing to the resolution by adding those words.

Mr. PEPPER. Oh, yes; Mr. President, I am aware of the principle of law: "Utile per inutile non vitiatur"—"What is useful is not vitiated by the useless." But, Mr. President, the essential vice of the Connally amendment is this: Under the treaty, and without the Connally amendment, the question whether the Court had authority or jurisdiction, would be determined by the Court, while under the Connally amendment the question of whether the Court had jurisdiction would be determined by the United States in respect to any matter the United States asserted to be essentially within our domestic jurisdiction. That is the difference, and that is the vice of the Connally amendment.

Mr. FERGUSON. But, Mr. President, paragraph 6 of article 36 provides:

In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

That relates to the four matters dealt with in subparagraphs (a), (b), (c), and (d).

Mr. PEPPER. That relates to every jurisdiction the Court has. How can the Senator say that subparagraph 6 is applicable to one part of the Court's jurisdiction and not applicable to the other? The provision that it is up to the Court to decide a dispute as to jurisdiction, applies to all the Court's authority. But the Connally amendment would say, "when the dispute is asserted to be domestic in character and outside the jurisdiction of the Court, the Court shall not decide it" as subparagraph 6 says it shall; but the Connally amendment would say "The United States shall decide its own case without appeal."

Mr. FERGUSON. But the United States would not decide that the Court did not have jurisdiction under article 36, subparagraphs (a), (b), (c), and (d).

Mr. PEPPER. That is the only jurisdiction the Court has, unless we confer,

by special agreement, jurisdiction upon it. The Senator is evidently overlooking paragraph 2, which provides:

The States parties to the present statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

(a) the interpretation of a treaty;

(b) any question of international law;

(c) the existence of any fact which, if established, would constitute a breach of an international obligation.

Except for the question of the extent of reparations to be made in case of a breach, that is all the jurisdiction we are conferring upon the Court, and all we can confer upon it by a declaration submitting ourselves to its compulsory jurisdiction. Any other authority must be conferred upon it by a special agreement.

Mr. FERGUSON. I do not overlook that point. That is just what I have been arguing. The Court has jurisdiction only in legal disputes concerning certain questions. It has no jurisdiction over domestic issues.

Mr. PEPPER. The Senator is overlooking the fact that if a domestic issue is asserted in respect to the interpretation of a treaty, or any question of international law, or the existence of any fact which if established would constitute a breach of an international obligation, if the Court with that authority began to consider the case and the Connally amendment and Senate Resolution 196 were effective, all the United States would have to do to oust the Court of jurisdiction even in respect to authority over those matters would be to say, "That involves a matter within the domestic jurisdiction of the United States and outside the scope of the authority of the Court", and the Court would be powerless to act unless it refused to recognize the validity of such reservations, which I think it would and should do.

Mr. FERGUSON. None of the issues specified in article 36 as a matter of fact or as a matter of law include domestic issues. Therefore as I see it the argument of the able Senator from Florida does not apply, because we would not be making any reservation except with respect to domestic issues.

Mr. PEPPER. Without the Connally amendment, the question whether or not the issue is domestic in character would be determined by the Court. If the Connally amendment were effective the question would be determined by the United States, and not by the Court. That is the reason why the Connally amendment violates paragraph 6.

Mr. FERGUSON. Mr. President, will the Senator further yield?

Mr. PEPPER. I must conclude, in order to keep my word to those whom I assured that I would occupy only a brief time, but I yield.

Mr. FERGUSON. If we refer back to chapter 1, article 2, of the treaty itself, under the heading "Purposes and principles," we find this language in paragraph 7:

Nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present charter; but this principle shall not prejudice the application of enforcement measures under chapter VII.

That is conclusive proof that we never intended that the United Nations—and the International Court is a part of the United Nations structure—should ever have jurisdiction of essentially domestic issues.

Mr. PEPPER. That is correct; but the Charter wisely provided that if there were a dispute about any phase of the jurisdiction of the Court the question should be decided by the Court. But the Connally amendment provides that if there is a dispute about the jurisdiction of the Court it will be decided by the United States Government if the United States Government is willing to claim that it is a matter essentially within the domestic jurisdiction of the United States.

In conclusion, Mr. President, let me say that we do not have to impair the treaty and the authority and prestige of the Court by this amendment in order effectively to protect the United States. We do not have to be the first nation giving the Court compulsory jurisdiction to make a reservation to save American interests effectively. As the Senator from Michigan has pointed out, the Court has no authority to enforce its own decisions. It is a judicial body. The power of effective enforcement lies only in the Security Council; and in the Security Council an effective decision cannot be made to take action against a nation unless there is unanimity of the Big Five. Therefore, so far as the United States is concerned, a power which of necessity will always be a party to the Security Council under the provisions which requires the Big Five to be permanent members of the Security Council, the United States will always have the power, through the exercise of the veto, to prevent effective enforcement of a judgment of the Court against the United States if the United States feels deeply enough about it to contend that the Court's judgment encroaches upon the domestic jurisdiction of our Government.

How much better it would be to rely upon the veto power which we have against the effective enforcement of the judgment of the Court than to try to write two reservations into our adherence to the Court's compulsory jurisdiction, one expressly saying that it has no jurisdiction over what is essentially within our domestic jurisdiction, and the other providing that we shall decide what is within our domestic jurisdiction. How do Senators suppose the countries which have already adhered to the compulsory jurisdiction of this Court without reservations will feel when they see that we have made this reservation? Will they not wish to modify their adherence, making it conditional instead of unconditional? They may wish to impose some other condition than the one we are attempting to impose.

America withheld its assent to the World Court a decade or more ago, and we have paid in blood and treasure for that mistake. The United States of America tried to place reservations in the League treaty, and we have paid in broad rivers of blood and uncountable treasures for those reservations. We have thus far gone forward so magnificently, and have entered so wonderfully into the spirit of this great new enterprise for peace that, in my judgment, we should give the world encouragement, confidence, and hope by extending full faith and credit to this great Court. We should not be the first nation to write the insidious question mark above its authority, and the first to violate the fundamental concept of any law, that no litigant shall decide his own case.

Therefore, I hope the Connally amendment will not be adopted.

Mr. CONNALLY obtained the floor.

Mr. THOMAS of Utah. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Hoey	Overton
Austin	Huffman	Pepper
Ball	Johnson, Colo.	Radcliffe
Barkley	Johnston, S. C.	Revercomb
Bilbo	Knowland	Russell
Bridges	La Follette	Smith
Byrd	Langer	Stewart
Capper	McClellan	Swift
Chavez	McFarland	Taft
Connally	McKellar	Taylor
Cordon	McMahon	Thomas, Okla.
Donnell	Magnuson	Thomas, Utah
Downey	Maybank	Tunnell
Ferguson	Mead	Vandenberg
Fulbright	Millikin	Wagner
George	Mitchell	Walsh
Gossett	Moore	Wheeler
Green	Morse	Wherry
Guffey	Murdock	White
Hart	Murray	Wiley
Hayden	O'Daniel	
Hill	O'Mahoney	

The PRESIDING OFFICER (Mr. GOSSETT in the chair). Sixty-four Senators having answered to their names, a quorum is present.

The Senator from Texas has the floor.

Mr. CONNALLY. Mr. President, to the pending resolution I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, in line 14, after the word "states", it is proposed to insert the following: "as determined by the United States."

Mr. CONNALLY. Mr. President, I have long favored the International Court of Justice; and when the issue was before this body, I voted for the resolution. I favor the resolution with the amendment which I have offered.

Mr. President, at San Francisco, when we adopted the Charter, our delegation opposed compulsory jurisdiction at that time, and favored the provisions which remitted the matter to the will of each nation, so that each nation could accept or could reject compulsory jurisdiction.

Under the present Charter, the United States has the option of accepting compulsory jurisdiction or the option of not accepting it and simply relying on special provisions regarding each case which might be accepted by the Court.

So within those extremes we have a perfect right to stipulate the extent of our agreement as to compulsory jurisdiction.

My amendment is tantamount to saying to the International Court and to the members of the United Nations that we will accept jurisdiction on all questions set forth in the Charter and in the treaty, except that we will not accept jurisdiction on questions which we deem to be purely domestic issues.

Mr. President, the Charter recognizes that that is a sound principle and is in conformity with our concepts of jurisdiction as between international affairs and national affairs. That is recognized by the United Nations, because in the Charter the following is set forth in article 2, section 7:

> Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state—

Mr. President, that is an absolute prohibition against intervening or invading in the case of a domestic question. Yet, if the judges of the World Court were to decide that what really was a domestic question was not a domestic question, the Senator from Florida [Mr. PEPPER] would have the Court accept jurisdiction to decide the case.

The Charter goes further, for it then says:

> Or shall require—

In other words, nothing in the Charter shall require the United States—

> the members to submit such matters to settlement under the present charter.

There is nothing in the Charter which requires us to submit a domestic question, and the effect of my amendment is to say that as to domestic questions we will not submit them, but we will submit other matters.

Mr. President, there is nothing violative of the concepts of the Charter or of international law in that course. We can abstain and can stand where we stand now, if we so desire. We are going a long way when we accept all character of jurisdiction except jurisdiction as to domestic questions.

Mr. President, some of us have been in contact in conferences which have been held with the representatives of many other nations. The United States is the object of envy of many nations of the world and many peoples. Our Treasury is most attractive to them. Immigration to our shores is something they dream of. I do not favor and I shall not vote to make it possible for the International Court of Justice to decide whether a question of immigration to our shores is a domestic question or an international question. It is a domestic question, of course; but the Court might contend it is international in character. The Court might say, "A man leaves one country and migrates to another, and therefore an international question is involved, and suit may be brought against the United States because it discriminates against the citizens of a certain country by not giving them a sufficiently large quota."

Mr. President, do we wish to submit to the International Court the question whether we have a right to levy tariffs and duties and to regulate matters of that kind? They are purely domestic questions, and I do not propose to have the International Court have jurisdiction over them.

Do we want the International Court of Justice to render judgment in a case involving the navigation of the Panama Canal? The Court might say, "It is an international stream, like the Dardanelles, and the commerce of the world passes through it, and problems relative to it are international problems," such problems are not international. In the case of the Panama Canal, our treasure bought it, our blood built it, and it is ours by right of construction. We do propose to submit to the jurisdiction of any tribunal at any time the right to say whether a question relative to it is a domestic question.

Mr. President, the Senator from Oregon made a very able and eloquent speech in favor of the resolution and against the amendment of the Senator from Texas. However, I am reminded that in the subcommittee the Senator from Oregon said he had no objection to an amendment such as mine. I quote now from the hearings before the subcommittee, at page 36:

> Senator AUSTIN—

And I am glad the Senator from Vermont is here now—

> Senator AUSTIN. How much of a restriction would you regard the insertion of certain words in that clause "b," relating to who decides that question of what is domestic jurisdiction—that is, would you regard it as nullifying your purpose, if you inserted into this phrase, "disputes with regard to matters which are essentially within the domestic jurisdiction of the United States," which would make it read: "disputes which are held by the United States to be with regard to matters which are essentially within the domestic jurisdiction of the United States?"
>
> Senator MORSE. I would accept the language.
>
> Senator AUSTIN. You would?
>
> Senator MORSE. I would accept the language.
>
> Senator AUSTIN. Otherwise, I foresee the conflict that naturally would arise over such questions as immigration, the interpretation of a treaty, for example, with respect to the immigration of orientals.
>
> Senator MORSE. I would accept the language as of now.
>
> Senator AUSTIN. Yes.

Mr. President, the Senator from Oregon has accepted it three times, and I hope he will accept it when the roll is called.

Mr. MORSE. Mr. President, what the Senator has read was the first impression of the Senator from Oregon when he listened to the proposal of the Senator from Vermont. He has already stated in his speeches on the floor of the Senate that that was his first reaction to the proposal, and that after making a thorough and complete study of the matter he reached an opposite conclusion.

Mr. CONNALLY. I am sorry the Senator grows more erroneous the longer he studies the matter. Mr. President, yesterday the Senator from Vermont [Mr. AUSTIN] brought out quite accurately that if we do not adopt this amendment, some issue which would be domestic in its nature might arise before the International Court of Justice, but that the Court would hold it to be an international and not a domestic question. It was pointed out that we could protest and appeal to whatever we could appeal to if at all—perhaps to the Security Council—and that when the Court undertook to enforce its judgment by certifying the question to the Security Council, we could tell the Court and the Security Council to take a walk. Of course, that is true. There is no way to compel us to submit. But I do not want to put the United States in that position. I prefer at the very outset to say, "We want to cooperate with the World Court. We are willing to submit every other question on earth except domestic questions." The Charter says that the Court shall have no jurisdiction over domestic questions and we do not propose to have a Court of 15, 14 of whom will be alien judges—I do not reflect upon them—decide that a domestic question is an international question.

Several Senators have argued that by this amendment the United States would put itself in the position of corruptly and improperly claiming that a question is domestic in nature when it is not, thereby taking advantage of an international dispute and saying that since the question is domestic, we will not abide by the decision of the Court. Mr. President, I have more faith in my Government than that. I do not believe the United States would adopt a subterfuge, a pretext, or a pretense in order to block the judgment of the Court on any such grounds. I do not object to submitting to the Court; but before doing that I want to know what are the issues, and what is the jurisdiction of the Court. In international affairs the United States has never adopted a policy of pretext, pretense, subterfuge, or excuse. Our record shows that we are devoted to the welfare of the world. We spent more money in the recent war than was ever spent before in any war on this globe. We spent the lifeblood of hundreds of thousands of our men. We sent armies to Africa, to Russia, to Asia, and to other parts of the world. We dotted the globe with our navies, our submarines, and our aircraft. We did not do so because we wanted a foot of the land of any nation, but because we wanted peace.

Mr. President, our policy in connection with international affairs has not been a selfish one and has not been based on pretext and subterfuge.

As every Member of the Senate knows, the Senator from Vermont is a great lawyer and a great statesman. As I understand, he is unequivocally supporting my amendment. I ask the Senator from Vermont to verify or deny that statement.

Mr. AUSTIN. Mr. President, I am supporting the amendment. I would rather see the resolution not contain it, but for many reasons I shall vote for the amendment.

Mr. CONNALLY. Mr. President, many of the outstanding members of the Committee on Foreign Relations are supporting it. The distinguished Senator from Georgia [Mr. GEORGE] and the

distinguished Senator from Wisconsin [Mr. LA FOLLETTE] are both supporting it. I do not wish to quote other Senators because the roll has not yet been called. A great many of the leading members of the Committee on Foreign Relations are in favor of the amendment.

Mr. President, I am in favor of the International Court of Justice. I am in favor of the United Nations, but I am also for the United States of America. I do not want to surrender the sovereignty or the prestige of the United States with respect to any question which may be merely domestic in character, and contained within the boundaries of this Republic. Our ancestors fought with fortitude and with sacrifice in order to establish our Government. We must preserve it because the best hope of the world lies in the survival of the United States with its concepts of democracy, liberty, freedom, and advancement under its institutions.

So, Mr. President, I hope the Senate will agree to the amendment, and then it will be in position to act affirmatively on the resolution.

SEVERAL SENATORS. Vote! Vote!

Mr. HUFFMAN. Mr. President, it is not my purpose to delay for long the vote on this important resolution, but I do wish to say a few words concerning the vital subject which the resolution involves.

The key to world tranquillity of the future undoubtedly lies in proper world cooperation. As the foremost Nation of the world today, it is incumbent upon America to do her part in bringing about a better understanding among all the nations of the world. The only hope for the prevention of future wars which would eventually destroy civilization lies in the cultivation of a better understanding between our Nation and all other nations of the globe.

In signing the United Nations Charter at San Francisco the 51 members, while accepting the World Court in substance, did not bind themselves to accept its jurisdiction unless they publicly declared themselves willing to do so. Obviously, some of the nations represented at the San Francisco Conference did not accept compulsory participation in the World Court for fear that it might limit their sovereignty, and it is not my conception that the United States, by accepting the jurisdiction of the World Court, need actually surrender any of its fundamental national sovereignty.

By becoming a member of the World Court the United States will be doing its part in establishing an effective international judiciary, and by such action our dreams of an international court to decide legal questions will be realized.

The United Nations cannot administer impartially justice to all the nations of the world unless its most important members subscribe to this policy. Nations which actually desire world cooperation can best express their desire by becoming members of the World Court. Mr. President, through this Body let us hope all nations may finally show their good faith and make it a practical association for international progress.

I am glad to have an opportunity to support Senate Resolution 196, and also the Connally amendment which, while I believe it to be unnecessary under the terms of the resolution as it is written, is an additional safeguard to show our intention in determining when a matter is domestic and when it is international in character. I shall vote for the resolution.

Mr. FERGUSON. Mr. President, I shall not take much of the Senate's time. I was one of the sponsors of the resolution and asked several questions during the course of the debate in order to make my position clear on the record.

The United States was founded upon the proposition that its citizen's should have equal justice under law. We have believe this should apply to States. Since its formation, the United States has led in promoting a reign of law and justice as between nations. In order to continue that leadership, we should now accept the jurisdiction of the International Court of Justice and establish this concept which is so fundamental to us. If the United States, which has the material power to impose its will widely in the world, now agrees to submit to the impartial adjudication of its legal controversies, it will inaugurate and will be carrying out what we have advocated, and the result will be a new and profoundly significant international advance. The failure to take that step would be interpreted as an election on our part to rely on power rather than reason under a judicial system.

The Statute of the Court of International Justice is a part of the Charter. Nowhere in the jurisdiction of the Court do we find essentially domestic matters covered. But since we have included in the resolution which is now before the Senate for ratification the language that "such declaration shall not apply to disputes with regard to matters which are essentially within the domestic jurisdiction of the United States," I see no reason why we should not add the words proposed by the able Senator from Texas, "as determined by the United States." Then we are saying clearly and without equivocation exactly what we are accepting, and as domestic matters are not covered by the jurisdiction of the Court we can leave no doubt that we are going wholeheartedly into the Court; that we are submitting all matters of international relations, as provided for in section 36 of the Statute establishing the Court; but that we have no intention of submitting, and it is not even the intention of the Court, to have us submit, purely domestic questions.

Therefore, Mr. President, I feel that I cannot only support the amendment of the able Senator from Texas, but that I can support the resolution with his amendment in it, because I do not feel that it constitutes a reservation. It should not be classed as a reservation because nowhere is it covered in the Statute of the International Court. But we have seen fit to incorporate this language in the resolution in order to make it as clear as possible exactly what we are doing in accepting the jurisdiction of the World Court.

Mr. THOMAS of Utah. Mr. President, before we vote I wish to say just one word. We have already debated this question, and I have already covered it. I shall not resist the amendment, although for reasons given yesterday I still think it is unnecessary and unwise.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas, which will be stated.

The CHIEF CLERK. On page 2, line 14, after the word "states", it is proposed to insert "as determined by the United States."

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. WAGNER (when his name was called). I have a general pair with the Senator from Kansas [Mr. REED]. Not knowing how he would vote, I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am not advised how the Senator from Missouri would vote if present. Being at liberty to vote, I vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] is absent because of illness.

The Senator from Nevada [Mr. CARVILLE] is absent by leave of the Senate.

The Senator from Florida [Mr. ANDREWS], the Senator from Virginia [Mr. BURCH], and the Senator from Rhode Island [Mr. GERRY] are necessarily absent.

The Senator from Virginia [Mr. BYRD] is detained on official business.

The Senator from Missouri [Mr. BRIGGS], the Senator from Mississippi [Mr. EASTLAND], the Senator from West Virginia [Mr. KILGORE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Pennsylvania [Mr. MYERS] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER], and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from New Jersey [Mr. HAWKES], the Senator from Kansas [Mr. REED], the Senator from Kentucky [Mr. STANFILL], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from South Dakota [Mr. GURNEY], the Senator from Wyoming [Mr. ROBERTSON], the Senator from New Hampshire [Mr. TOBEY], and the Senator from

North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The result was announced—yeas 51, nays 12, as follows:

YEAS—51

Austin	Huffman	Overton
Ball	Johnson, Colo.	Radcliffe
Barkley	Johnston, S. C.	Revercomb
Bilbo	Knowland	Russell
Bridges	La Follette	Shipstead
Capper	Langer	Smith
Chavez	McClellan	Stewart
Connally	McFarland	Swift
Donnell	McKellar	Taft
Ferguson	Magnuson	Thomas, Okla.
George	Maybank	Tunnell
Gossett	Millikin	Vandenberg
Green	Mitchell	Walsh
Hart	Moore	Wheeler
Hayden	Murray	Wherry
Hill	O'Daniel	White
Hoey	O'Mahoney	Wiley

NAYS—12

Cordon	McMahon	Pepper
Downey	Mead	Taylor
Fulbright	Morse	Thomas, Utah
Guffey	Murdock	Wagner

NOT VOTING—33

Aiken	Capehart	McCarran
Andrews	Carville	Myers
Bailey	Eastland	Reed
Brewster	Ellender	Robertson
Briggs	Gerry	Saltonstall
Brooks	Gurney	Stanfill
Buck	Hatch	Tobey
Burch	Hawkes	Tydings
Bushfield	Hickenlooper	Willis
Butler	Kilgore	Wilson
Byrd	Lucas	Young

So Mr. CONNALLY'S amendment was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes.

The message also announced that the House having proceeded to reconsider the joint resolution (H. J. Res. 225) entitled "Joint resolution to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was—

Resolved, That the said joint resolution do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 2100. An act to remove the limitations on the amount of death compensation or pension payable to widows and children of certain deceased veterans;

S. 2125. An act to amend the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

S. 2256. An act to amend the Servicemen's Readjustment Act of 1944;

S. 2286. An act to amend the act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930;

S. 2332. An act to provide that the unexpended proceeds from the sale of 50-cent pieces coined in commemoration of the two hundred and fiftieth anniversary of the founding of the city of Albany, N. Y., may be paid into the general fund of such city;

S. 2408. An act to amend the act of February 9, 1907, as amended, with respect to certain fees;

S. 2460. An act to provide additional inducements to citizens of the United States to make a career of the United States military or naval service, and for other purposes;

S. 2477. An act to authorize the Veterans' Administration to reimburse State and local agencies for expenses incurred in rendering services in connection with the administration of certain training programs for veterans, and for other purposes;

S. 2479. An act to amend the act entitled "An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925;

S. 2480. An act authorizing the appointment of Robert Sprague Beightler as permanent brigadier general of the line of the Regular Army; and

S. 2498. An act to provide for fire protection of Government and private property in and contiguous to the waters of the District of Columbia.

INVESTIGATION OF ALL PHASES OF SOCIAL SECURITY

Mr. VANDENBERG. As in legislative session, I ask unanimous consent, out of order, to submit a Senate resolution on behalf of the chairman of the Finance Committee, the Senator from Georgia [Mr. GEORGE] and myself.

The Senate will remember that when it passed upon the social-security problem a few days ago it included in the legislation a requirement for an immediate and complete and adequate special investigation of all phases of social security, so that the Congress might have adequate preparation for actual and realistic action in the near future. Unfortunately, as was reported this afternoon by the Senator from Georgia, the House conferees declined to agree to the Senate amendment, and it was eliminated. The able Senator from Wisconsin [Mr. LA FOLLETTE] commenting upon the action of the House expressed his regret that we were not to have this immediate, concentrated, aggressive inquiry into this problem. It is because there has been no such inquiry, Mr. President, that we find ourselves year after year at the end of each session without any adequate action on the subject.

In the fact of that situation, Mr. President, the Senator from Georgia and I are submitting a resolution which will instruct the Senate Finance Committee on behalf of the Senate, to make precisely the same investigation which we were attempting to obtain by joint action of the House and Senate. The resolution would instruct the Senate committee to appoint an advisory council for the purpose of aiding it in its exploration of this subject.

Mr. President, both the Senator from Georgia and I, and I think I can speak for all the other members of the Finance Committee, are very anxious for action along this line before adjournment. Therefore, I ask unanimous consent to submit the resolution now for reference to the Finance Committee, after which it must be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan?

There being no objection, the resolution (S. Res. 320) authorizing and directing the Senate Committee on Finance to make a full and complete study and investigation of old-age and survivors insurance and all other aspects of social security, particularly in respect to coverage, benefits, and taxes related thereto, was received and referred to the Committee on Finance, as follows:

Resolved, That the Senate Committee on Finance is authorized and directed to make a full and complete study and investigation of old-age and survivors insurance and all other aspects of social security, particularly in respect to coverage, benefits, and taxes related thereto so that the Senate may be prepared to deal with such legislation on these subjects as may hereafter originate in the House of Representatives under the requirement of the Constitution.

The Senate committee is hereby authorized, in its discretion, to appoint an advisory council of individuals having special knowledge concerning matters involved in its study and investigation to assist, consult with, and advise the Senate committee with respect to such study and investigation. Members of the advisory council shall not receive any compensation for their services as such members, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in connection with the performance of the work of the advisory council.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times including periods of Senate recess or adjournment, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable, the cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words.

The committee shall have power to employ and fix the compensation of such officers, experts, and employees as it deems necessary in the performance of its duties under this title, but the compensation so fixed shall not exceed the compensation prescribed under

the Classification Act of 1923, as amended, for comparable duties. The expenses of the committee under this resolution, which shall not exceed $10,000 shall be paid from the contingent fund of the Senate upon vouchers signed by the chairman.

Mr. VANDENBERG. I should like to add that in the absence of the Senator from Illinois [Mr. LUCAS], who is chairman of the Committee to Audit and Control the Contingent Expenses of the Senate—I believe the able Senator from Arizona [Mr. HAYDEN] is the ranking member—I very respectfully and prayerfully commend and commit this resolution to his mercies.

Mr. LA FOLLETTE. Mr. President, I wish to join with the able Senator from Michigan in expressing the hope that the Committee to Audit and Control the Contingent Expenses of the Senate will report the resolution promptly so that we can obtain action upon it before the adjournment of the Congress, because I think it is absolutely essential that we do so if we are to be prepared to go into this very important question when the Congress meets next January.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. BARKLEY. I wish to associate myself with this request. I think that this is a transcendentally important problem which faces the Congress and will face the next Congress. The amount requested is a modest sum compared with the importance of the problem, and I hope the Committee to Audit and Control the Contingent Expenses of the Senate will report favorably before we recess or adjourn today.

Mr. GEORGE subsequently said: Mr. President, as in legislative session, from the Committee on Finance I report favorably Senate Resolution 320, authorizing and directing the Senate Committee on Finance to make a full and complete study and investigation of old-age and survivors' insurance and all other aspects of social security, particularly in respect to coverage, benefits, and taxes related thereto, which was submitted to the Senate earlier today by the Senator from Michigan [Mr. VANDENBERG].

The resolution (S. Res. 320) was received and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HAYDEN subsequently said: Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I ask unanimous consent to report favorably without amendment Senate Resolution 320, submitted earlier today by the Senator from Michigan [Mr. VANDENBERG] for himself and Mr. GEORGE, and I request its immediate consideration.

There being no objection, the resolution was considered and agreed to.

ACCEPTANCE OF COMPULSORY JURISDICTION OF INTERNATIONAL COURT OF JUSTICE

The Senate resumed the consideration of the resolution (S. Res. 196) proposing acceptance by the United States Government of compulsory jurisdiction of the International Court of Justice.

The PRESIDING OFFICER (Mr. GOSSETT in the chair). Senate Resolution 196 is before the Senate and open to further amendment.

Mr. MILLIKIN. Mr. President, I call up and ask to have read an amendment, which I have offered and sent to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to strike out the period in line 14, page 2, to substitute a semicolon, and add the word "or" and the following additional proviso:

(c) Disputes where the law necessary for decision is not found in existing treaties and conventions to which the United States is a party and where there has not been prior agreement by the United States as to the applicable principles of international law.

Mr. MILLIKIN. Mr. President, this amendment read in the context of the resolution and omitting parts which need not be read now, would read:

Provided, That such declaration—

That is to say, the declaration of adherence—

shall not apply to disputes where the law necessary for decision is not found in existing treaties and conventions to which the United States is a party and where there has not been prior agreement by the United States as to the applicable principles of international law.

Mr. THOMAS of Utah. Mr. President, I am sure that the amendment offered by the Senator from Colorado in no way interferes with or is in disagreement with the basis of the Charter and with the statute. I see no reason why it cannot be accepted.

Mr. MILLIKIN. Then, Mr. President, unless there is objection, I shall submit the matter without further statement.

Mr. PEPPER. Mr. President, will the Senator state the substance of the amendment?

Mr. MILLIKIN. Yes. The amendment would provide that our declaration of adherence is qualified by the fact that we are not required to submit to the jurisdiction where the law necessary for decision is not found in existing treaties and conventions to which the United States is a party and where there has not been prior agreement by the United States as to the applicable principles of international law.

Mr. PEPPER. Mr. President, will the Senator yield for another question?

Mr. MILLIKIN. Yes.

Mr. PEPPER. Would the amendment come under article 36 or article 38 of the Charter? Would it apply with reference to extending the jurisdiction of the Court in article 36, or to the law that may be applied by the Court, in article 38?

Mr. MILLIKIN. It would affect article 38, which defines by statute the sources from which the international law shall be derived. There seems to be much opinion that we would not know what the international law might be in any particular dispute affecting this country, which might affect this country vitally.

So this is a limitation intended to protect us where there is uncertainty with respect to or a lack of applicable international law.

Mr. PEPPER. Where would the qualification come; under paragraphs a, b, c, or d, or some other place in article 38?

Mr. MILLIKIN. Article 38 describes the sources from which the international law, as declared by the Court, shall be derived.

Mr. PEPPER. Yes, but where would the Senator's amendment come?

Mr. MILLIKIN. I am not, of course, attempting to amend article 38. I am qualifying our declaration of adherence by limiting the sources where the law may be found which shall bind us without our consent, and making a distinction between that area and the area where our advance consent must be had so far as the applicable principles of law are concerned.

Mr. PEPPER. Article 38 reads as follows:

1. The Court, whose function it is to decide in accordance with international law such disputes as are submitted to it, shall apply—

Here is the law that the Court may apply in the decision of disputes that come properly before the Court:

(a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

(b) international custom, as evidence of a general practice accepted as law;

(c) the general principles of law recognized by civilized nations;

(d) subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

Mr. President, we have adhered, have we not, to the United Nations Charter, which says that that is the source of the law the Court may apply? Now, how can the able Senator from Colorado lay down a different rule of law that the Court may apply? How can he limit or add to the sources of authority laid down in the paragraph I have read? And how can we under the treaty qualify the materials that the Court may employ in the decision of cases?

Mr. MILLIKIN. Mr. President, I shall answer the question this way. That same point was made to the amendment we have just accepted, and so the Senate has decided that we may qualify our adherence in those ways.

Mr. PEPPER. Mr. President, if the Senator will let me ask him a question, I have read the source of authority which I thought the Court might apply as set out specifically in article 38. Which one of those would the able Senator from Colorado qualify in his amendment?

Mr. MILLIKIN. I have said in the amendment that we shall look to the treaties and conventions to which we are parties for the international law, and if it is not to be found there, then we have the privilege of withholding our submission in a particular case until the controlling principles have been declared and have met with our agreement. That does not say that the Court may not consult men learned in the field, may not consult the textbooks, may not consult any of the sources which are listed,

once we decide to submit. Nor does it say that in reaching our decision as to whether or not we shall submit we shall not be influenced by what they have to say.

Mr. PEPPER. Is it not true that if we adopt the Senator's amendment what we shall do will be first, to limit the jurisdiction of the Court, in spite of the jurisdiction being defined in the Charter; and secondly—and rather logically—is not the Senator from Colorado now limiting the law that the Court may apply and giving us, first, the veto power over the Court's jurisdiction, and secondly, the veto power over the law which the Court may apply?

Mr. MILLIKIN. The Senator from Colorado is saying in this amendment that the destiny and the fate of this Nation shall not be committed to unknown law to be invented by anyone.

Mr. PEPPER. Exactly. That is what the Senator intends; and that indicates the lack of faith with which he wishes this country to start.

Mr. MILLIKIN. That does not mean for one moment that we would not abide by the qualification in good faith. It does not mean for one moment that we would use it as a bad-faith device to avoid the jurisdiction of the Court.

Mr. PEPPER. The net effect of what the Senator is doing is to say that we can even limit the law which the Court may apply to law which we like.

Mr. MILLIKIN. The Senate has already said that.

Mr. PEPPER. I agree that the Senate has already erred in respect to jurisdiction. Now the Senator wishes to carry the error forward by limiting the law.

Mr. MILLIKIN. I started by trying to avoid needless argument, but I am perfectly willing to enter into a full exposition of the great area of uncertainty in the field of international law. From such discussion it would become quickly apparent that we dare not give an unqualified acceptance of jurisdiction when we do not know what the principles are that will rule the case. That is not rule by law. That is rule by uncertainty.

Mr. PEPPER. In other words, the Senator from Colorado would limit the right of the World Court to help build up international law. He would say, "You may build up a great body of international law the way the courts build up a great body of constitutional law, but not at the expense of the United States. You will have to build it up at the expense of the rest of the world."

Mr. MILLIKIN. We shall have a perfect right in every case which arises, when the law is not found in our treaties and conventions, to permit the law to be made in the way the Senator suggests.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. MORSE. I think there is all the difference in the world between the Connally amendment and the amendment proposed by the Senator from Colorado. The Connally amendment simply made clear that we were not granting to the World Court jurisdiction over domestic issues. I do not think it was necessary because the Charter itself makes clear that we did not grant to the World Court jurisdiction over domestic issues. But we have ratified a charter which contains article 38. That Charter sets up a World Court. Article 38 sets forth the functions of that Court. It reads in part as follows:

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply—

Then it sets forth what the Court may apply in determining cases which arise within its jurisdiction. If we are to accept the jurisdiction of the Court, then we ought to accept it in full under the terms and conditions of article 38. What the amendment proposed by the Senator from Colorado really does is to say that we will accept the jurisdiction of the Court only so long as it applies restricted segments of international law, but that we will not accept the jurisdiction of the Court if it applies all the principles which go to make up international law as authorized under article 38 which we have already ratified. In my judgment the amendment goes to the heart of the resolution, and I think it would be a sad mistake for the Senate of the United States to adopt the amendment proposed by the Senator from Colorado. I would rather not have any resolution at all than to have the resolution with the Millikin amendment in it.

Mr. MILLIKIN. The suggestion that our adherence should be qualified in the manner which I have proposed came from John Foster Dulles, and was presented to the Foreign Relations Committee. As a part of his comment he said:

If the applicable rule of international law is so uncertain that resort must be had to alleged custom, teachings, etc., then the Court can scarcely avoid indulging in a large amount of judicial legislation or political expediency. The United States can properly refrain from subjecting itself to that.

If a case falls under article 36 (2) (b), and if the applicable legal principles are not ascertainable from a treaty or convention to which the United States is a party, they could be stipulated before the obligation arises to submit to the jurisdiction of the Court. That was the procedure followed in the case of the *Alabama* arbitration. Then the applicable law was so vague and uncertain that Great Britain and the United States first negotiated the Treaty of Washington (1871) to establish the "rules to be taken as applicable to the case."

The suggested safeguard is the more appropriate because a majority of the judges of the Court are drawn from countries which are not "common law" countries, but which depend almost wholly on written laws and decrees. Therefore such judges can hardly be expected to be adept in the proper use of common-law methods.

Mr. President, I do not intend to elaborate on this point to a great extent. I simply wish to point out that when we joined this organization on the political side we committed ourselves to something that would reflect our great power in the world. I am referring to our position in the Security Council, which alone gives us a powerful leverage to influence the political policies of the Organization. Then, further to protect ourselves, we reserved the right of veto. I point out to Senators that 91 men in the Senate agreed to that disposition of the political side of this question. Is it not perfectly evident that this country can be destroyed by a bad political decision as well as by a bad legal decision? One can strike at our vitals just as effectively as the other. Yet when we enter into the proposed arrangement we do so without any right of veto, without any special position on the Court, and, as has been pointed out by Mr. Dulles, we go before judges who are not trained in looking at the law in the same way that we look at it.

So if our decision was proper and advisable that, despite the declaration of the Charter that the Court itself shall decide when questions of domestic jurisdiction are involved, we may qualify our adherence to protect ourselves in that respect, then certainly if we wish to rest our future on the rule of law, which I wish to do and am willing to do in international matters, it is equally proper and advisable, it is the first measure of prudence on our part, to assure that we shall have some idea of what the law is going to be. If I may use the figure, we should not commit the destiny of this country to a game in which the rules are made by the referee as he goes along.

Mr. MORSE and Mr. TAFT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield, and if so, to whom?

Mr. MILLIKIN. Just a moment.

We are not required under this qualification to pass over the specific sources for international law mentioned in the Charter. We can accept them fully. But if we do not know what they are, if we do not know what rules will govern our destiny in a particular case, we have the right to say, "You may look for them in the conventions and treaties to which we are party but beyond that we must consent in advance."

Mr. AUSTIN, Mr. MORSE, and Mr. TAFT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield, and if so, to whom?

Mr. MILLIKIN. I yield first to the distinguished Senator from Vermont, who must leave shortly.

Mr. AUSTIN. Mr. President, I do not wish to mislead the distinguished Senator. My time has already passed. I am not leaving, I am sorry to say. I wish to thank Senators who have tried so hard to accommodate me in this regard.

I should like to ask the distinguished Senator a question. Assuming that every article contained in the statute of the Court is a part of the obligation entered into by the United States—because the statute is an integral part of the treaty—does not the Senator recognize the binding obligation on the United States of these words, reading from article 38, section 1?

The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply—

Does not the Senator recognize that there is a mandate to the Court which the Senate cannot alone modify, and that if the Senate should adopt the amendment offered by the distinguished Senator from Colorado it would not have

effect until after 50 other nations had accepted it according to their constitutional processes, as an amendment of the convention? That is my question.

Mr. MILLIKIN. Mr. President, I do not accept that conclusion, in view of the decision which the Senate has already made, namely, that we may put protective qualifications into our act of adherence.

Mr. SHIPSTEAD. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. HAYDEN in the chair). Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. MILLIKIN. I yield to the distinguished Senator from Minnesota.

Mr. SHIPSTEAD. I should like to ask the Senator whether he sees any possibility of making a line of separation or distinction between a political court and a court of justice, in the documents establishing the Court, so as to keep it a court of justice, on the basis of law, and not a political court. That is what ruined the so-called Court of International Justice which was established under the League of Nations.

Mr. MILLIKIN. I say to the distinguished Senator that in my view of the matter, there is only one way by which we can submit to the rule of law under this Court, if that is what we wish to do, and that is to have a body of law, on which it operates, that is clear and definite, so that we know the rules which will decide our fate, and so that whenever that matter is in question we shall have the right to submit, if we wish, or to refuse to submit.

Mr. SHIPSTEAD. Does the Senator understand that the Court is to be a court of unlimited jurisdiction?

Mr. MILLIKIN. It is a court of unlimited jurisdiction in the fields which have been mentioned in the statute.

Mr. SHIPSTEAD. Let me call attention to the fact that the political decisions of the Court of International Justice established under the League of Nations were what ruined that court. That court was ruined by its own decisions, because it accepted jurisdiction of political issues.

Mr. MILLIKIN. I thank the Senator for his contribution.

Mr. SHIPSTEAD. For instance, when the Court accepted jurisdiction of the tariff treaty between Austria and Germany, it accepted jurisdiction of a political matter.

Mr. MILLIKIN. That is correct.

Mr. SHIPSTEAD. The Court made its decision. France and England were on two different sides of the question. They did not agree on the question of the tariff treaty. France won by one vote.

I have the highest authority, I think, that it is possible to have in respect to that situation. I refer to this matter because Judge Loder, who was the first president of that Court, and who wrote the constitution for the Court, resigned from the Court, and he told me why he resigned. He said:

> I tried to make it a court of justice, but it is nothing but a political court. It took jurisdiction in the Austrian-German Anschluss, and that is nothing but a political tariff matter.

Mr. President, in that case the Court had no business to take jurisdiction in a political matter of that kind, but it did; and after the decision was rendered, newspapers throughout the world called attention to the suspicion that bribery had been used to get that decision.

If a division or line of demarcation can be drawn so as to keep political matters out of the Court, and to have its decisions made on the basis of law, in order to establish justice, that is one thing; but if we are to have a court that will take jurisdiction of political questions, justice will not be done, because the power of sovereignty will interfere with the rendering of justice.

Mr. MILLIKIN. Mr. President, I think the Senator has made a very good point, and it emphasizes the fact that we here should do all we can do to see to it that we have a foundation of law under this Court, rather than invention by a group of judges.

Mr. TAFT. Mr. President, will the Senator yield to me?

Mr. MILLIKIN. I yield.

Mr. TAFT. I wish to make sure that I correctly understand the exact effect of this proposal. By the Senator's amendment we would except from the jurisdiction of the Court disputes in which the law necessary for its decision is not found in existing treaties and conventions to which the United States is a party, and also where there had not been prior agreement by the United States as to the applicable principles of international law.

The question I wish to ask is this: Article 33, I take it, in the statute of the International Court of Justice, to which we now adhere, becomes an existing treaty and convention. Does the Senator from Colorado intend to say, therefore, that there is jurisdiction where international custom is evidence of a general practice, except that the decision must be based on law?

Mr. MILLIKIN. I do not intend to include the language of this act as a modification of what is said under subsection C.

Mr. TAFT. So the Senator says that we are not to be bound by any decision based on it; is that correct?

Mr. MILLIKIN. The decisions are to be based on laws that are found in treaties or conventions to which the United States is a party.

I should like to say that after the League of Nations was set up, a number of committees commenced work on the job of codifying international law. I hope this new organization will redouble the efforts in that respect.

The former committees had much difficulty in codifying international law because they could not get the nations to agree as to the principles which can be accepted as international law.

Mr. TAFT. Mr. President, will the Senator further yield?

Mr. MILLIKIN. I yield.

Mr. TAFT. Let me say that if the amendment is adopted and if it is interpreted as the Senator from Colorado has just interpreted it, I think it would be far better to adopt no resolution at all. I think the amendment is absolutely destructive of the entire International Court set-up and of the entire idea that we are willing to submit disputes with other nations to the decision of an impartial tribunal. Rather than to say that we are not willing to do that, I think we should not adopt the resolution at all, until we can debate the question, because in my opinion this amendment entirely destroys the basis of decision. I do not think we shall have peace in the world until the nations submit their disputes to impartial tribunals for decisions by them. I do not care whether there is existing law or not, so far as I am concerned, for I am willing to let the Court decide the issues on the basis of justice. I would be willing to let the Court consider such matters without having any treaty as a basis for its decision; and until we do that, I say we cannot have peace, even though we set up all the force we want and all the tribunals we want. My criticism of the United Nations is that it is all based on force and expediencey, and there is no requirement that questions shall be submitted for the decision of an impartial tribunal.

The point of this resolution is to say that the United States will take the lead in submitting disputes to a tribunal which will hear the parties and then make a decision. I do not agree that the Court should take jurisdiction of domestic questions; but other than those, so far as I am concerned, I think the Court should take jurisdiction of all justiciable questions.

To say that if there is no written law, just as there was no written law for many years in respect to the common law of England, the Court shall not take jurisdiction, will mean, I think, that there will be no hope for peace in the world. So far as I am concerned, I am going to vote against the resolution, if it is framed so as to include such a provision.

Mr. MILLIKIN. Mr. President, the Senator from Ohio may, of course, feel at liberty to vote against the resolution if he wishes to do so. I hope he votes for it.

The question he has submitted is whether we can have peace by applying this resolution as it stands. The Senator from Ohio thinks we cannot. I suggest to the distinguished Senator that we never can have peace until, so far as justiciable matters are concerned, we rest them on the rule of law; and basic to that is that we know what the law is, or at least that we are willing to take the speculation.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MILLIKIN. I yield.

Mr. MORSE. First, I wish to say that I am in complete and 100 percent agreement with the statements which have been made on this matter by the Senator from Ohio on this matter. I think he is absolutely correct. We have to make up our minds now as to whether we are going to submit justiciable disputes to a World Court for determination by it, or whether we are going to reserve unto ourselves the right to determine how those disputes will be settled and, if necessesary, whether they will be settled by force exercised by this country.

I wish to call the attention of the Senate—I shall not take time to read the

matter, but I plead with the Members of the Senate that they read it—to page 7 of the committee report. This is the section of the report in which the committee considered the principle of the amendment which the Senator from Colorado now submits to the Senate. The committee pointed out that such a principle should not be adopted, because in effect it would constitute a reservation on our part, under article 38 of the United Nations Charter. The answer to the proposal made by Mr. Dulles is also presented on page 7 of the report, as submitted to the committee by Mr. Fahy, of the State Department.

I think the Senator from Ohio has put the matter very well, Mr. President; namely, that the decision on this amendment calls upon us to decide whether we are going to submit international law issues to the World Court, for determination by it in accordance with the provisions of article 38, or whether we are here and now going to make a reservation—because the amendment is a reservation in the true sense and meaning of the term "reservation."

I agree with the Senator from Ohio that it would be better not to have any resolution, rather than to have a resolution whereby we would reserve unto ourselves the right to determine what international law and what convention would be applied to a dispute in which we might find ourselves with some other nation.

Mr. CORDON. Mr. President, will the Senator yield to me?

Mr. MILLIKIN. I yield.

Mr. CORDON. The Senator from Colorado has clearly set forth what he intends to accomplish by his amendment. I raise the question—and this is wholly beside the point of whether one favors the Senator's views or opposes them—the language which has been suggested in the amendment would, in fact and in law, accomplish the purpose which he has in mind. The proposed amendment provides that, by adding a new paragraph (c) to the resolution, the disputes to which this Government submits itself to the jurisdiction of the Court shall not include "Disputes where the law necessary for a decision is not found in existing treaties and conventions to which the United States is a party", and other language which is not pertinent to the observation which I desire to make.

The point I wish to make, Mr. President, is that the United States is a party to an existing treaty which sets forth what we find as international law in article 38 of the Court statute. In other words, when we adopted the Charter, among other things we agreed—reading from article 93, paragraph 1—to this language:

> All members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.

In view of our having confirmed the treaty and having accepted this obligation as a party to the International Court of Justice, did not our action bring us without the language to which I have referred in the Senator's suggested amendment? In other words, have we not already become members of the Court insofar as the law as set forth in the statute is concerned, and, in the words of the Senator, are we not now parties to an existing treaty wherein that law is established? I should like to have the Senator's views.

Mr. MILLIKIN. Mr. President, I followed the language which Mr. Dulles used. I believe the discussion here illuminates our intent. I should be perfectly willing to include in the amendment some clarifying language. It must be perfectly clear that we would not be cutting out provisions from the effect of the statute if we intended to follow the full force of the statute. I would be willing to amend this language if there were any general sentiment that it should be amended.

Mr. President, if necessary, I was prepared to describe and support by authorities this great field of uncertainty with relation to international law. But I do not believe I will do that. I believe that Mr. Dulles has made it clear, and the testimony of Judge Hackworth, before the Foreign Relations Committee, made it clear. The congressional debates on marginal shore rights, on our rights in the Continental Shelf, on where they begin and leave off, as well as the conflicting views of various nations on that point, make the uncertainty abundantly clear. My central point is that we can be injured and we can be helped as much by a judicial decision as by a political decision. If we wish to commit this country to the rule of law, we should know the law which is to govern us. We should not commit our fortunes to legal speculation and invention.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. VANDENBERG. I wish to make a statement regarding the attitude of Mr. Dulles.

Mr. Dulles submitted these various suggestions to the Senate Foreign Relations Committee, and of course, was very earnest about them. Subsequently, I specifically asked him whether he desired them to be put in the form of amendment, if necessary, and his reply was that he did not consider them of that importance, and that his interest was in having the resolution adopted substantially in its original form.

In fairness to Mr. Dulles I merely thought that I should make that statement.

Mr. THOMAS of Utah. Mr. President, I am glad the Senator from Michigan has made that statement.

In connection with the statement made by me before proceeding with the consideration of the amendment offered by the Senator from Colorado [Mr. MILLIKIN], I should like to say further, out of fairness to Mr. Dulles, that he sent the committee a thoughtful and well-reasoned statement. Among the points which he made was one which, in practice, could be agreed to. It holds particularly with relation to the matter we are now discussing.

But I think I should also say out of fairness to Mr. Dulles, the committee, and all others concerned, that other rather substantial international lawyers appeared before the committee and did not find the same things to be feared that Mr. Dulles found. It is strange that not one of those names has come into our discussion. Mr. Dulles found certain things which he feared, but our Assistant Secretary of State did not find them. The legal adviser of the State Department, Mr. Charles Fahy, did not find them; Mr. Finch, vice president of the American Society of International Law, one of the greatest writers on the subject of international law in the world today, did find them; Dr. Phillip C. Jerrup, professor of international law at Columbia University, who is a member of the same political party as Mr. Dulles and who is responsible for a book on the life of Elihu Root, and one of the most widely recognized international lawyers, did not agree with Mr. Dulles, and did not find the same things to be feared that Mr. Dulles found. Mr. Pitman B. Carter, Dr. Laurence Preuss of Michigan, Dr. Harlan Dwight Reid, the president of the American Bar Association—all of them spoke as though their opinions were unanimous with regard to the matter. We should take into consideration the fact that this resolution had the support of all those whom I have named, and that they were persons of high standing in the field of international law. They did not share the views which Mr. Dulles expressed.

Mr. President, I have been in hope that this amendment and other amendments would not be adopted. But I do not not fear the amendment to the extent that some Senators have expressed a fear of it. I do not think it is in actual contravention to article 38 to which we have agreed, and which lays down a type of law which can be argued and can be pleaded.

For example:

> The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply—
>
> (a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states.

As I read the amendment of the Senator from Colorado, he merely wants a prior decision as to what international law shall apply, and if I understand his remarks, he has told us that when we move on to the time when a codification of international law has been practically universally accepted, he will not be averse in the least to accepting that which is written down and which has been accepted.

Mr. President, as I understand the Senator's amendment, it is a general statement that "international conventions, whether general or particular," can be argued in front of the Court as international law, and that is as it should be. But let us take a particular case, which I shall make as simple as I know how to make it. If there is a treaty between Belgium and France which lays down a legal principle, that does not make that principle international law applicable in all cases, at all times, and everywhere. The mere fact that there is a positive international law between two nations makes that positive international law hold good in disputes between those two nations. If a dispute should

arise as to the interpretation of the particular treaty embodying that law, that treaty should be argued before the Court as international law and that treaty should be binding, but if the treaty contains a principle which is out of harmony with a treaty between the United States and China, for example, it would be the worst kind of argument not only from the standpoint of germaneness but from the standpoint of getting justice anywhere in the world if we tried to say that the principle laid down in a treaty between Belgium and France should be used in interpreting a treaty made between the United States and China.

Mr. President, Mr. Dulles felt that these terms were general, and they are general. I do not think there need be any fear, because we have much experience, and we have the treaty itself, we have the United Nations Charter, and we have these general fields. I am in complete disagreement with the Senator from Colorado and in complete disagreement with the Senator from Oregon, the author of the resolution, and my colleague on the committee, the Senator from Vermont [Mr. AUSTIN], in assuming that such an amendment is a reservation and a modification of article 38. I think it would be wrong to accept that thesis.

Reciprocity has already been accepted. If we keep in mind the fact that we are discussing a court and the way in which a court proceeds, we will realize that which is germane to the argument of a case would be heard by the Court, of course.

In an international case a nation cannot be haled into court without preliminaries, without negotiations, without diplomatic writings back and forth, and without understandings. Everyone knows that. So this particular amendment would not interfere.

Mr. President, it does not say that a litigant, or a party to a case—we use that word "party" in international cases—shall not use any argument that the Court will listen to; but we can decide before we go into court; and Mr. Dulles merely wants us to be cautious. I do not think the amendment is necessary. I think we are cautious in every case, and that is demonstrated by the fact that in all cases so far decided by the International Court of Justice not a single nation has refused to abide by the decision.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. We know that in cases between States, even in our own procedure, undoubtedly the governing principles are laid down or there would not be a successful culmination.

The Senator from Colorado knows that I hope his amendment will not be accepted, because I think it is useless and unnecessary, and that all safeguards are present; but to assume that if it is adopted we are modifying article 38, I think is going too far, in the light of international practice.

Remember, a case is never gotten in front of an international court of justice, under the Charter, unless it is a real cause. It is never gotten there unless it is a cause between two particular states, and it is never gotten there unless there is reciprocity in regard to taking the case before the Court, so it can be seen that it would be extreme cases in which any injustice would ever be done any party.

I yield to the Senator from Oregon.

Mr. MORSE. I wish to summarize very quickly the difference in point of view between the Senator from Utah and myself. I think it is a very important difference. I think it is a difference in substance and is no mere matter of form. I think the amendment of the Senator from Colorado goes to the very heart of my resolution and tears it out.

I point out, in the first place, that what we did adopt this afternoon was an amendment submitted by the Senator from Texas which in no way affected or changed our rights under the United Nations Charter.

Under the Charter, as has been brought out over and over again in the debate, we were protected, under its terms and provisions, from any exercise of jurisdiction by the World Court over domestic issues. All that was accomplished by the Connally amendment, which was adopted by the Senate, and against which I voted, because I think it could be said that that amendment was unnecessary—all we did was make doubly sure that the Court would exercise no jurisdiction over domestic issues. But I cannot agree with the Senator from Utah when he says that the amendment now proposed by the Senator from Colorado does not in fact have the effect of modifying our position under article 38, because what the amendment makes very clear is that we shall not be subject to the jurisdiction of the World Court unless there is a prior agreement between us and the nation with whom we are in dispute over the particular law which may be involved in the dispute. We are then reserving unto ourselves, I submit, the power to determine for ourselves whether or not we are going to be bound by the international law which the Court might find, if we let the Court exercise jurisdiction, was binding upon us.

I say we have already ratified the San Francisco Charter with article 38 in it, and article 38 contains provisions far beyond the provisions set forth in the amendment submitted by the Senator from Colorado. His amendment, as I see it, is pretty much limited to section (a) of article 38:

> International conventions, whether general or particular, establishing rules expressly recognized by the contesting states.

He has been very careful to eliminate from the jurisdiction of the Court in any dispute which we might be involved in with another nation coming before the Court, under Senate Resolution 196, sections b, c, and d of article 38.

I think it is important that we read into the RECORD at this time the answer of Mr. Fahy to the amendment proposed by the Senator from Colorado as set forth in the printed hearings on the resolution. I assume that the Foreign Relations Committee members agree with Mr. Fahy because they quote him approvingly in the report of the committee. Mr. Fahy says, reading beginning with the fine print at the bottom of page 7 of the report:

> Mr. Dulles suggests there should be prior agreement—

I digress to say that "prior agreement," in my opinion, is the essence of the amendment proposed by the Senator from Colorado. I repeat:

> Mr. Dulles suggests there should be prior agreement as to what are the applicable principles of international law if the basic law of the case is not found in an existing treaty or convention. He feels that to permit jurisdiction of legal disputes concerning "any question of international law" is too vague at this time.
>
> It is most inadvisable to accept this view. It would seriously impede the progress of the Court in the accomplishment of its purpose. The procedure followed in the case of the *Alabama* arbitration, referred to as an instance where previous agreement on the applicable law was had, was long before the establishment of the Court. The Charter of the United Nations and the present statute of the Court are designed to enlist sufficient confidence in judicial determinations by the Court to enable it to become a useful organ in the settlement of legal disputes. To require now an agreement, in advance of submission to the Court, on the applicable principles of international law would take from the Court one of the principal purposes of its creation. The United States should not insist on such a requirement. Whatever risk to the United States is involved in entrusting cases to the Court for its determination of the applicable basis of decision under international law is outweighed by the tremendous advance which would be made by our acceptance of such risk in the development of judicial processes in the world order.

I want to add a comment of my own on that last sentence of that very notable statement by Mr. Fahy. Of course, Mr. President, if we are going to submit our cases to the World Court and give it jurisdiction to decide international issues, then we ought to be willing to run the risks of adjudication. That is inherent, it seems to me, in accepting the principle of establishing international justice through law. But to come now and to reserve unto ourselves the right to say what segment of international law the Court can apply in any case involving us in any dispute with another nation, seems to me to strike at the very heart of this whole conception of developing a World Court for the settlement of international disputes by way of judicial processes.

In conclusion may I just make these two points. I should like to call attention to a letter which that great President, Theodore Roosevelt, wrote in 1905 to Senator Lodge, because at that time there was a practice of entering into so-called arbitration treaties but making the reservation that in a given case before actual arbitration we would reserve unto ourselves the right to insist upon a prior agreement as to what law should apply. Theodore Roosevelt, when such a treaty was submitted to him in 1905, wrote a letter to Senator Lodge. This was with respect to the proposal that he should agree to the reservation of requiring a prior agreement in an arbitra-

tion treaty as a condition precedent to going forward with the arbitrating of a given case. President Roosevelt wrote:

> I think that this amendment makes the treaties shams, and my present impression is that we had better abandon the whole business rather than give the impression of trickiness and insincerity which would be produced by solemnly promulgating a sham. The amendment, in effect, is to make any one of these so-called arbitration treaties solemnly enact that there shall be another arbitration treaty whenever the two governments decide that there shall be one. Of course, it is mere nonsense to have a treaty which does nothing but say, what there is no power of enforcing, that whenever we choose there shall be another arbitration treaty. We could have these further special arbitration treaties in special cases wherever desired just exactly as well if there were no general arbitration treaty at all. Now, as far as I am concerned, I wish either to take part in something or else not to have any part in it at all.

That was the position taken by Theodore Roosevelt on what I consider to be an analogous principle insofar as the basic principle of the Millikin amendment is concerned.

I am going to make now my last comment on this amendment, and I am going to make it with an earnest and sincere plea, that it is to be hoped that the Senate of the United States this afternoon will not let the message go around this globe that we have reserved unto ourselves a restriction under article 38 of the United Nations Charter insofar as our presenting cases to the World Court is concerned. I want to say that I think the point of view inherent in the attempt to get us to accept the restriction of the Millikin amendment is a dead point of view as far as public opinion in America is concerned. The American people by an overwhelming majority want us to support and accept the obligatory jurisdiction of the World Court. I am convinced of that. I pray that we will not place the dead hand of a dead point of view upon the future generations of America and imperil here this afternoon the greatest opportunity I think this Congress will have to foster and advance the establishment of a world order by way of international justice through law.

Mr. DONNELL. Mr. President, after the eloquent and powerful statement made by the Senator from Oregon I hesitate to rise, but, Mr. President, for many years this Nation has seen a progressive movement toward substitution, as against war, of peaceful decisions of international justiciable controversies.

Mr. President, I stand opposed to the amendment suggested by the able Senator from Colorado [Mr. MILLIKIN]. It seems to me it falls away from and fails to conceive the real underlying theory of the Court of International Justice. The analogy of courts as between private litigants still prevails with respect to courts as between nations. The theory, as I understand it, of the Court of International Justice is to apply between the nations of the world the same general idea of the settlement of disputes through peaceful judicial means that has worked so satisfactorily in private controversies between individuals. Mr. President, when we look at the Court of International Justice, founded upon the basis of a substitution of peaceful judicial processes for war, do we find in drawing an analogy between that Court and one in which private litigants appear that there is any such reservation in respect to our courts as that which is suggested by the distinguished Senator from Colorado?

Mr. President, certainly here in our own country, judicial decisions in the ordinary relationships of life are not conditioned upon a reservation that a litigant need not submit himself to judicial decision unless the litigant himself has already agreed as to what is the law applicable to his case. Cases are constantly arising in which the principles of law have not yet been declared in express decision and perhaps not in words at all. The common law, as has been mentioned by the distinguished Senator from Ohio, has been a gradual development over a period of centuries. It is likewise true that as between nations there is a progressive development of international law. Some of it is codified. Some of it is not codified.

Mr. President, it is impossible or may be impossible until after a full hearing has been had in a case between nations of the world to determine what is the applicable law, to determine whether it is codified in existing treaties and conventions to which the United States is a party. I undertake to say that ordinarily, unless there is some dispute or controversy either as to what are the facts or as to what is the law, there cannot be any litigation pending before a court either as between private litigants or as between nations.

So, Mr. President, here we stand this afternoon undertaking to say that our great Nation, which has been steadily progressing toward the idea of the substitution of judicial processes for the evils and horrors of war, will not submit itself to the jurisdiction of a court in the same way that litigants submit themselves in controversies as between themselves.

I submit that the very fact, as the distinguished Senator from Utah mentioned this afternoon, that not one nation—and I take it his statement of fact is accurate; I know it is intended to be such—has refused to accept a decision of the Permanent Court of International Justice, the distinguished predecessor of this Court, is strong argument that our Nation can afford to go into this great plan to make itself the recipient, if you please, of the decisions of a court, fully basing its conclusion on the theory that it will receive justice and will be dealt with fairly.

Mr. President, there are ample safeguards, it appears to me, to our Nation. I appreciate that in any great cooperative endeavor between nations of the world there is, of course, an element of confidence. I appreciate the fact that the United Nations can fail if the nations of the world shall fail to have the confidence or shall fail to deserve the confidence which their fellow nations reposed in them. But, Mr. President, our great Nation, by a vote here one sultry afternoon a year or so ago, by a vote of 89 to 2, determined to take that risk and to participate in a great cooperative effort between the nations of the world. We have sent our representatives to deliberations of that great body. There has been selected to an important position in the United Nations a distinguished gentleman who sits upon the floor this afternoon, the Senator from Vermont [Mr. AUSTIN]. This great Court is set up as a component, integral part of the United Nations Organization which is to determine matters along the line of judicial processes, rather than by a test of strength, of power, of something akin to war or a contest of might as between the different nations.

Mr. President, I say that we do have adequate safeguards in this Court. I realize also that there is a risk. Of course, there is a risk. There is a risk in any human relationship. There is a risk in marriage; there is a risk in partnership; there is a risk in the relationships between nations; but, Mr. President, if we examine the provisions of the United Nations Charter I think we shall find that excellent precautions have been taken. I shall not trespass more than a moment further upon the time of the Senate. I call attention to the one significant fact of the type of men who are to sit upon this court. I also call attention to the fact that the Statute of the International Court of Justice provides:

> The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are juris consults of recognized competence in international law.

Mr. President, although our own Nation did not adhere to the Permanent Court of International Justice, nevertheless there were elected a number of distinguished men from our own country, one after the other, to sit upon that court. My good friend, Judge Manley O. Hudson, who has been mentioned in this debate, is one of them. The very fact that men of such standing, character, ability, fairness, and integrity occupied exalted positions on the Permanent Court of International Justice to my mind is a striking illustration and indication of the fact that there is adequate protection against our Nation being ruined by an improvident or dishonest decision of the new World Court.

Mr. President, it is also true that in the very resolution which is now before the Senate there is a restriction of the time during which the declaration to be made by the President in behalf of our Nation shall continue in existence. It shall remain in force for a period of 5 years, and thereafter until the expiration of 6 months after notice may be given to terminate the declaration. I appreciate the fact that damage may be done in 5 years; I appreciate the fact that in the United Nations damage may be done in 30 minutes; yet, Mr. President, if we have confidence in the United Nations as

an entirety why should we not have confidence in one of the component parts of that organization?

I conclude with this observation: In the United States of America over a period of years we have made progressive and successive steps toward the action which we are asked to take this afternoon. I am glad to see that by the terms of the Charter of the United Nations we are already ipso facto a member of this Court. We were not a member of the old Permanent Court of International Justice. Today we are a component part of the Court of International Justice under the United Nations Treaty. I for one am willing to have confidence in the American people, confidence in the people of the world, confidence in the wisdom of those who drafted this instrument, confidence in the provisions of the instrument undertaking to safeguard us. Instead of hamstringing and ruining the provisions of the judicial process by saying that it shall not be applied except when we know in advance and have agreed as to what are the applicable principles of law, I for one am willing to have confidence in this component part of the United Nations organization, and to stand here and declare myself as opposed to the amendment suggested by the Senator from Colorado.

Mr. GEORGE. Mr. President, I shall detain the Senate for only a very few minutes upon this question.

I am one Member of this body who many long years ago voted for adherence to the International Court of Justice, and subsequently voted for it again, when certain reservations were not found to be acceptable to the other signatory powers.

I do not wish to enter into a discussion of this particular subject. I merely wish to say that I believe the distinguished Senator from Utah [Mr. THOMAS] is entirely correct. I do not think that anything we might write into the resolution, unless it were an express attempt to make a reservation to the United Nations Charter, would be a reservation with respect to that Charter. It could not be a reservation.

The Statute of the Court is provided in the United Nations Charter. We can accept the compulsory jurisdiction if we desire to do so; but we are not required to accept jurisdiction. If we can accept compulsory jurisdiction we can accept it on any terms we may wish to enumerate. That is perfectly sound. It is common sense; and it would not constitute any reservation or any attempt to write anything into the Charter.

As I see it, the only question is whether or not it is wise in this instance to undertake to deprive the Court of the sources of information and advice on which it would act in passing upon any question of international law. I know perfectly well, as a lawyer with some little experience, that the term "international law" and the whole concept of international law are very nebulous. International law is by no means strictly or closely defined. What is international law? is a question that comes before many courts. It comes before our own Supreme Court; and the Court looks to writings of men on international law; it looks to the decisions made by legislative bodies; it looks to the interpretations of other courts; and it looks to all sources from which it may gain some information in passing upon a question which is alleged to involve a principle of international law.

So it seems to me that the amendment offered by the distinguished Senator from Colorado is entirely in order; but the question arises as to whether it is an advisable amendment. On that issue alone I find myself unable to agree with the distinguished Senator. I realize the difficulty which may arise. I realize some possible embarrassments to ourselves as a Nation which may arise from time to time by virtue of the decisions of the Court. But, in my judgment, those are simply the incidental things which we much expect and the risks which we must assume—if they be risks—if we are to have any development in the field of international law.

International law will never be codified in the sense that we can codify law in a State or in the Nation, or in any single country. It is a process of evolution. It will grow by continuous precedents, by continuous application of the principles through some established tribunal which will commend itself to the judgment and confidence of mankind. I have great hope that through the development of international law—which I have long thought can come only through the evolutionary process—we may make a real and substantial advance in the field of settling by pacific means controversies which arise between nations. I think that is our chief function.

So, while I have no doubt that the amendment offered by the distinguished Senator from Colorado is not a reservation, and is a proper amendment if the Senate wishes to adopt it, it seems to me that it would be unwise to accept the compulsory jurisdiction of the Court, which we are proposing to accept, and at the same time to limit and restrict the Court in the particular field in which it probably has the widest opportunity for the development of international law and therefore for the service of the people of the world.

I have no doubt that this Nation could accept compulsory jurisdiction and limit the Court's jurisdiction merely to the interpretation of a treaty or treaties, if it desired to do so. On that question I have no hesitancy whatever in agreeing with the position taken by the distinguished Senator from Colorado. It is only concerning the advisability of limiting or restricting the opportunities of the Court to develop international law that I raise any question; and I do so with great diffidence and respect for the judgment of the Senator from Colorado.

Mr. President, I wished to make that statement before voting on this particular amendment.

Mr. MILLIKIN. Mr. President, I entirely agree with the distinguished Senator from Georgia that the Court itself will be a developing influence for international law. The organization of which it is an adjunct will go ahead with the work of codification, and as we codify the law we can accept it because it is certain.

This amendment does not in anyway prevent us from submitting ourselves to litigation if we decide that under the circumstances we are willing to do so in a court operating on principles which are either unknown or uncertain.

I remind my colleagues once more that on the political side we have taken pains to see that in the last analysis this country shall be protected. We occupy a position of exceptional power in the Security Council; and in the last analysis we have the right of veto. But here there is no limitation. Once we submit ourselves—and the issue on the judicial side might be just as serious as on the political side—we are bound by the result.

Under those circumstances the major part of my point is that we should have the right to know the rules of law which will be applied to the facts which come before the Court. Certainly this country deserves nothing less.

Mr. CONNALLY. Mr. President, I greatly admire the ability, eloquence, and logic which the Senator from Colorado has employed in presenting his amendment; but, all things considered, I think it would be unwise for the Senate to adopt it. I think it would hamper very greatly the growth and development of the Court, as such, in the field which we are now entering.

Mr. REVERCOMB. Mr. President, in view of the statement which the able Senator from Texas has made, namely, that adoption of the amendment might very much limit the growth of the Court, let me say that I take it that he means that we would have to subscribe to jurisdiction of the Court without knowing what might lie ahead of us, and we would have to subscribe to the jurisdiction of a court which would have the power to lay down rules which might apply to future matters about which we now know nothing.

Mr. President, it seems to me that the situation is that before we subscribe to absolute and unlimited jurisdiction of the Court over the future of our Nation in international disputes, we should know what rules will be applied, what laws and agreements and treaties may be applicable to us. The reservation provided by the amendment is proposed in order that we may be certain that in the future we will not be subjected to court-made laws about which we know nothing at this time.

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). The question is on agreeing to the amendment of the Senator from Colorado.

Mr. MILLIKIN. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. WAGNER. I have a general pair with the Senator from Kansas [Mr. REED]. Not knowing how he would vote, I transfer that pair to the Senator from Missouri [Mr. BRIGGS]. I am not advised how the Senator from Missouri would vote if present. Being at liberty to vote, I vote "nay."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] is absent because of illness.

The Senator from Nevada [Mr. CARVILLE] is absent by leave of the Senate.

The Senator from Virginia [Mr. BURCH], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Rhode Island [Mr. GERRY] are necessarily absent.

The Senator from Mississippi [Mr. BILBO], the Senator from North Carolina [Mr. HOEY], and the Senator from Washington [Mr. MITCHELL] are unavoidably detained.

The Senator from Virginia [Mr. BYRD] is absent on official business.

The Senator from Missouri [Mr. BRIGGS], the Senator from Mississippi [Mr. EASTLAND], the Senator from West Virginia [Mr. KILGORE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Pennsylvania [Mr. MYERS] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the commission on the part of the Senate to participate in the Philippine independence ceremonies.

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from New Jersey [Mr. HAWKES], the Senator from Kansas [Mr. REED], the Senator from Kentucky [Mr. STANFILL], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from South Dakota [Mr. GURNEY], the Senator from Wyoming [Mr. ROBERTSON], the Senator from New Hampshire [Mr. TOBEY], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The result was announced—yeas 11, nays 49, as follows:

YEAS—11

Andrews	O'Daniel	Thomas, Okla.
Langer	Revercomb	Wheeler
Millikin	Russell	Wherry
Moore	Shipstead	

NAYS—49

Austin	Hill	Overton
Ball	Huffman	Pepper
Barkley	Johnson, Colo.	Radcliffe
Bridges	Johnston, S. C.	Smith
Capper	Knowland	Stewart
Chavez	La Follette	Swift
Connally	McClellan	Taft
Cordon	McFarland	Taylor
Donnell	McKellar	Thomas, Utah
Downey	McMahon	Tunnell
Ferguson	Magnuson	Vandenberg
George	Maybank	Wagner
Gossett	Mead	Walsh
Green	Morse	White
Guffey	Murdock	Wiley
Hart	Murray	
Hayden	O'Mahoney	

NOT VOTING—36

Aiken	Carville	McCarran
Bailey	Eastland	Mitchell
Bilbo	Ellender	Myers
Brewster	Fulbright	Reed
Briggs	Gerry	Robertson
Brooks	Gurney	Saltonstall
Buck	Hatch	Stanfill
Burch	Hawkes	Tobey
Bushfield	Hickenlooper	Tydings
Butler	Hoey	Willis
Byrd	Kilgore	Wilson
Capehart	Lucas	Young

So Mr. MILLIKIN's amendment was rejected.

Mr. THOMAS of Utah. Mr. President, I think we are ready to vote on the resolution.

The PRESIDING OFFICER. It will be necessary to act first on a committee amendment, which will be stated.

The LEGISLATIVE CLERK. On page 1, in line 4, after the word "Nations", it is proposed to strike out "whenever that official shall have been installed in office."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question now is on the adoption of the resolution.

Mr. MORSE. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. MAGNUSON. My colleague, the junior Senator from Washington [Mr. MITCHELL] is unavoidably detained. If he were present, he would vote "yea."

Mr. GUFFEY. My colleague, the junior Senator from Pennsylvania [Mr. MYERS] is detained on public business. If present he would vote "yea."

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] is absent because of illness.

The Senator from Nevada [Mr. CARVILLE] is absent by leave of the Senate.

The Senator from Virginia [Mr. BURCH], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Rhode Island [Mr. GERRY] are necessarily absent.

The Senator from Virginia [Mr. BYRD] is absent on official business.

The Senator from Missouri [Mr. BRIGGS], the Senator from Mississippi [Mr. EASTLAND], the Senator from West Virginia [Mr. KILGORE], the Senator from Illinois [Mr. LUCAS], and the Senator from Nevada [Mr. MCCARRAN] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Louisiana [Mr. ELLENDER], and the Senator from Maryland [Mr. TYDINGS] are absent on official business, having been appointed to the Commission on the part of the Senate to participate in the Philippine independence ceremonies.

If present and voting, the Senator from North Carolina [Mr. BAILEY], the Senator from Missouri [Mr. BRIGGS], the Senators from Virginia [Mr. BURCH and Mr. BYRD], the Senators from Nevada [Mr. CARVILLE and Mr. MCCARRAN], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from New Mexico [Mr. HATCH], the Senator from West Virgina [Mr. KILGORE], the Senator from Illinois [Mr. LUCAS], and the Senator from Maryland [Mr. TYDINGS] would vote "yea."

Mr. WHERRY. The Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from New Jersey [Mr. HAWKES], the Senator from Kansas [Mr. REED], the Senator from Kentucky [Mr. STANFILL], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Indiana [Mr. CAPEHART], the Senator from South Dakota [Mr. GURNEY], the Senator from Wyoming [Mr. ROBERTSON], the Senator from New Hampshire [Mr. TOBEY], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Nebraska [Mr. BUTLER] is absent on official business, being a member of the commission appointed to attend the Philippine independence ceremonies.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate on official business as a member of the Special Committee on Atomic Energy.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business, having been appointed a member of the President's Evaluation Commission in connection with the test of atomic bombs on naval vessels at Bikini.

The Senator from Iowa [Mr. WILSON] is absent on official business.

The Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Indiana [Mr. WILLIS] would vote "yea" if present.

The result was announced—yeas 60, nays 2, as follows:

YEAS—60

Andrews	Gossett	McKellar
Austin	Green	McMahon
Ball	Guffey	Magnuson
Barkley	Hart	Maybank
Bilbo	Hayden	Mead
Bridges	Hill	Millikin
Capper	Hoey	Moore
Chavez	Huffman	Morse
Connally	Johnson, Colo.	Murdock
Cordon	Johnston, S. C.	Murray
Donnell	Knowland	O'Daniel
Downey	La Follette	O'Mahoney
Ferguson	McClellan	Overton
George	McFarland	Pepper

Radcliffe	Taft	Wagner
Revercomb	Taylor	Walsh
Russell	Thomas, Okla.	Wheeler
Smith	Thomas, Utah	Wherry
Stewart	Tunnell	White
Swift	Vandenberg	Wiley

NAYS—2

Langer Shipstead

NOT VOTING—34

Aiken	Eastland	Myers
Bailey	Ellender	Reed
Brewster	Fulbright	Robertson
Briggs	Gerry	Saltonstall
Brooks	Gurney	Stanfill
Buck	Hatch	Tobey
Burch	Hawkes	Tydings
Bushfield	Hickenlooper	Willis
Butler	Kilgore	Wilson
Byrd	Lucas	Young
Capehart	McCarran	
Carville	Mitchell	

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolution is agreed to.

(S. Res. 196, as agreed to, is as follows:)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the deposit by the President of the United States with the Secretary General of the United Nations, of a declaration under paragraph 2 of article 36 of the Statute of the International Court of Justice recognizing as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising concerning—

a. the interpretation of a treaty;

b. any question of international law;

c. the existence of any fact which, if established, would constitute a breach of an international obligation;

d. the nature or extent of the reparation to be made for the breach of an international obligation.

Provided, That such declaration shall not apply to—

a. disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

b. disputes with regard to matters which are essentially within the domestic jurisdiction of the United States as determined by the United States; or

c. Disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States specially agrees to jurisdiction.

Provided further, That such declaration shall remain in force for a period of 5 years and thereafter until the expiration of 6 months after notice may be given to terminate the declaration.

Mr. THOMAS of Utah subsequently said: Mr. President, I ask unanimous consent that Senate Resolution 196 and the committee report dealing with it may be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. THOMAS of Utah, from the Committee on Military Affairs:

Commander John F. Robinson for appointment as State director of selective service for Connecticut under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the report of the Committee on Foreign Relations on Senate Resolution 196.

There being no objection, the report (No. 1835) was ordered to be printed in the RECORD, as follows:

The Committee on Foreign Relations, to whom was referred the resolution (S. Res. 196) providing that the Senate advise and consent to the deposit by the President of the United States with the Secretary General of the United Nations of a declaration under paragraph 2 of article 36 of the Statute of the International Court of Justice recognizing as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in certain categories of legal disputes hereafter arising, hereby report the same to the Senate, with an amendment, with the recommendation that the resolution do pass as amended.

A. TEXT OF RESOLUTION

Following is the text of the resolution, as amended by the committee:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the deposit by the President of the United States with the Secretary General of the United Nations of a declaration under paragraph 2 of article 36 of the Statute of the International Court of Justice recognizing as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising concerning—

"a. the interpretation of a treaty;

"b. any question of international law;

"c. the existence of any fact which, if established, would constitute a breach of an international obligation;

"d. the nature or extent of the reparation to be made for the breach of an international obligation.

Provided, That such declaration should not apply to—

"a. disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

"b. disputes with regard to matters which are essentially within the domestic jurisdiction of the United States.

Provided further, That such declaration should remain in force for a period of 5 years and thereafter until the expiration of 6 months after notice may be given to terminate the declaration."

B. HEARINGS OF THE SUBCOMMITTEE

On November 28, 1945, Mr. MORSE submitted Senate Resolution 196 for himself, Mr. TAFT, Mr. GREEN, Mr. FULBRIGHT, Mr. SMITH, Mr. FERGUSON, Mr. AIKEN, Mr. BALL, Mr. CORDON, Mr. WILEY, Mr. TOBEY, Mr. MAGNUSON, Mr. JOHNSTON of South Carolina, Mr. MYERS, and Mr. MCMAHON. The resolution was referred to the Committee on Foreign Relations. On June 12, 1946, Chairman CONNALLY appointed a subcommittee consisting of Senator THOMAS (Utah) as chairman, Senator HATCH and Senator AUSTIN to hear witnesses on the resolution and to recommend any amendments that might seem appropriate.

The subcommittee held hearings on July 11, 12, and 15, with Senator Morse, Dean Acheson (Acting Secretary of State), and Charles Fahy (legal adviser of the Department of State) appearing and a number of other witnesses testifying on behalf of important private organizations. Outstanding jurists and international lawyers also submitted statements for the record. Witnesses appeared or statements were submitted from the following organizations:

American Bar Association.
American Society of International Law.
American Association of University Women.
General Federation of Women's Clubs.
Young Women's Christian Association.
Americans United for World Government.
Friends Committee on National Legislation.
National League of Women Voters.
Federal Bar Association.
Women's Action Committee for Lasting Peace.
Federal Council of the Churches of Christ in America.
Catholic Association for International Peace.
Pennsylvania Bar Association.
National Council of Jewish Women.
National Education Association.

C. OVERWHELMING PUBLIC SUPPORT

The subcommittee was impressed by the fact that all the witnesses who appeared were enthusiastically in favor of the acceptance on the part of the United States of the jurisdiction of the International Court of Justice with respect to legal disputes. The general feeling seemed to be that such a step taken now by the United States would be the natural and logical sequel to our entry into the United Nations. Twelve months' consideration since the signing of the Charter has strengthened the conviction that this action would immediately increase faith in the efficacy of the United Nations to promote order and peace.

This relative unanimity of American public opinion was demonstrated on December 18, 1945, when the house of delegates of the American Bar Association, without a dissenting vote, passed a resolution urging the President and the Senate to take appropriate action at the earliest practicable time to accept the compulsory jurisdiction of the court. The American Society of International Law, on April 27, 1946, likewise adopted a favorable resolution by a unanimous vote. Many other national organizations, with large memberships, including the American Association of University Women, the General Federation of Women's Clubs, the Federal Bar Association, the Inter-American Bar Association, the Federal Council of Churches, the National League of Women Voters, the American Veterans Committee, the National Education Association, the National Council of Catholic Women, and the American Association for the United Nations, have similarly endorsed the proposal.

D. FAVORABLE ACTION BY FOREIGN RELATIONS COMMITTEE

On July 17 and 24 the subcommittee reported its findings to the Senate Foreign Relations Committee. After a discussion of the legal and constitutional issues involved (see secs. G and J below) the committee reported the resolution to the Senate for favorable action. The vote, which was taken on July 24, was unanimous.

E. PURPOSE OF THE RESOLUTION

The immediate purpose of the resolution is to authorize the President to file with the Secretary General of the United Nations a declaration accepting the compulsory jurisdiction of the International Court of Justice over certain categories of legal disputes arising between the United States and any other nation which has accepted the same obligation. The United States would acquire the right and duty to sue or be sued in respect to such other States and would give the Court the power to decide whether the case properly falls within the terms of the agreement.

The ultimate purpose of the resolution is to lead to general world-wide acceptance of the jurisdiction of the International Court of Justice in legal cases. The accomplishment of this result would, in a substantial sense, place international relations on a legal basis, in contrast to the present situation, in which states may be their own judge of the law.

The United States has now become a member of the Court, but membership in itself means comparatively little. It is true that states can agree to submit specified cases to the Court, but they have always been able to settle their disputes by arbitration, assuming they could agree to do so. So long as individual members can refuse to be haled into the Court a regime of law in the international community will never be realized. The most important attribute of this or any other court is to hear and decide cases. For this function it must have jurisdiction of the parties and the subject matter.

F. OBLIGATIONS UNDER THE CHARTER OF THE UNITED NATIONS

The undertaking of this obligation by members of the United Nations is a logical fulfillment of obligations already expressed in the Charter. The preamble expresses the determination of the peoples of the United Nations—

"To establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained," and to this end "to insure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest."

Among the purposes of the United Nations set forth in article 1 is—

"To bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace."

One of the principles of the Organization as set forth in article 2 is that—

"All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered."

Article 36, paragraph 3, of the Charter provides that the Security Council should "take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the statute of the Court."

In addition, by virtue of the general right of states to bring disputes before the Security Council, any state is liable to have its political disputes brought before the Council without its consent and to be subject to such moral obligation as attaches to a recommendation of the Council (arts. 36 and 37 of the Charter). It is incongruous that such rights and obligations should exist with respect to political disputes but that there should be no similar obligation for the members of the United Nations to submit their legal disputes to adjudication.

G. JURISDICTION CONFERRED, DEFINED, AND LIMITED

The scope of the jurisdiction to be conferred pursuant to this resolution is carefully defined and limited.

There is, in the first place, a general limitation of jurisdiction to legal disputes. The resolution, like article 36, paragraph 2, of the Court statute, states this limitation in general terms and proceeds to define the four categories of disputes thus included. These are:

a. the interpretation of a treaty;

b. any question of international law;

c. the existence of any fact which, if established, would constitute a breach of an international obligation;

d. the nature or extent of the reparation to be made for the breach of an international obligation.

A second major limitation on the jurisdiction conferred arises from the condition of reciprocity. This is again specified in the resolution in the language of the statute, the pertinent phrase being as follows: "recognizing * * * in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice."

Jurisdiction is thus conferred only as among states filing declarations. In addition, the similar phrase in the Statute of the Permanent Court of International Justice was interpreted by the Court as meaning that any limitation imposed by a state in its grant of jurisdiction thereby also became available to any other state with which it might become involved in proceedings, even though the second state had not specifically imposed the limitation. Thus, for example, if the United States limited its grant of jurisdiction to cases "hereafter arising," this country would be unable to institute proceedings regarding earlier disputes, even though the defendant state might not have interposed this reservation.

A third limitation specified in the resolution is that the United States should bind itself only as to disputes arising in the future. The United States may not, therefore, be confronted with old controversies as a result of filing the proposed declaration.

A fourth limitation provides that the proposed action shall not impede the parties to a dispute from entrusting its solution to some other tribunal if they so agree. The same provision is found in the Charter of the United Nations, article 95.

The fifth limitation is that the proposed declaration shall not apply to matters which are essentially within the domestic jurisdiction of the United States. A provision similar in principle is found in article 2, paragraph 7, of the Charter, providing that nothing in the Charter shall authorize the organization to intervene in essentially domestic matters. The committee feels that the principle is also implicit in the nature of international law, which, under article 38, paragraph 1, of the statute, it is the duty of the Court to apply. International law is, by definition, the body of rights and duties governing states in their relations with each other and does not, therefore, concern itself with matters of domestic jurisdiction. The question of what is properly a matter of international law is, in case of dispute, appropriate for decision by the Court itself, since, if it were left to the decision of each individual state, it would be possible to withhold any case from adjudication on the plea that it is a matter of domestic jurisdiction. It is plainly the intention of the statute that such questions should be decided by the Court, since article 36, paragraph 6, provides:

"In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court."

It was also brought to the attention of the subcommittee that a number of states, in filing declarations under the statute of the Permanent Court of International Justice, interposed reservations similar to that of the resolution under consideration, but in no case did they reserve to themselves the right of decision. The committee therefore decided that a reservation of the right of decision as to what are matters essentially within domestic jurisdiction would tend to defeat the purposes which it is hoped to achieve by means of the proposed declaration as well as the purpose of article 36, paragraphs 2 and 6, of the statute of the Court.

The resolution provides that the declaration should remain in force for a period of 5 years and thereafter until 6 months following notice of termination. The declaration might, therefore, remain in force indefinitely. The provision for 6 months' notice of termination after the 5-year period has the effect of a renunciation of any intention to withdraw our obligation in the face of a threatened legal proceeding.

Hon. John Foster Dulles, adviser to the State Department in relation to the Dumbarton Oaks proposals and adviser to the United States delegation to the United Nations Conference on International Organization, which drafted the Charter and the statute of the Court, filed a memorandum with the subcommittee favoring agreement by the United States to submit to impartial adjudication its legal controversies. He pointed out that failure to take that step would be interpreted as an election on our part to rely on power rather than on reason.

Mr. Dulles advocated that the United States ought now to make the declaration submitting this country to the jurisdiction of the Court according to article 36 (2) of the Court statute. He suggested, however, clarification of certain matters in the declaration, to wit:

"1. Advisory opinions: The compulsory jurisdiction should presumably be limited to disputes which are actual cases between states as distinct from disputes in which advisory opinions may be sought."

On this point the committee view is that the jurisdiction to be accepted pursuant to Senate Resolution 196 is coextensive with the jurisdiction defined in article 36 (2) of the Statute of the Court, which is limited to legal disputes as distinct from the broader category of cases referred to elsewhere in the statute.

With respect to Mr. Dulles' suggestion, Hon. Charles Fahy, legal adviser of the State Department, made the following reply:

"The declaration under article 36 (2) would grant jurisdiction in 'all legal disputes,' as therein described. But the jurisdiction of the Court (art. 36 (1)) extends to 'cases which the parties refer to it' and 'all matters especially provided for in the Charter of the United Nations or the treaties and conventions in force.' Thus the Court's possible jurisdiction is broader than the jurisdiction conferred by a declaration under article 36 (2). The provisions of article 36 (2) are limited to 'legal disputes.' This compulsory jurisdiction clearly excludes cases which are not legal disputes, such as a case to be decided ex aequo et bono under article 38 (2) if the parties separately so agree. Such agreement, of course, would be over and above any jurisdiction accepted by the proposed declaration under article 36 (2). The only jurisdiction of the Court with respect to advisory opinions (art. 65) is as to a legal question on request of whatever body may be authorized to make such a request under the Charter. It is entirely apart from the compulsory jurisdiction which a state grants by its declaration under article 36 (2). No provision in the declaration would seem necessary to make it clear that the declaration under article 36 (2) is indeed limited to the jurisdiction covered by that article.

"2. Reciprocity: Jurisdiction should be compulsory only when all of the other parties to the dispute have previously accepted the compulsory jurisdiction of the Court."

The committee considered that article 59 of the Court statute removed all cause for doubt by providing:

"The decision of the Court has no binding force except between the parties and in respect of that particular case."

If the United States would prefer to deny jurisdiction without special agreement in disputes among several states, some of which have not declared to be bound, article 36 (3) permits it to make its declaration conditional as to the reciprocity of several or certain states.

Mr. Dulles' objection might possibly be provided for by another subsection in the first proviso of the resolution, on page 2, after line 14, reading:

"c. Disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States specially agrees to jurisdiction.

"3. International law: If the basic law of the case is not found in an existing treaty

or convention, to which the United States is a party, there should be a prior agreement as to what are the applicable principles of international law.

The committee considered both the policy and the parliamentary problems this suggestion raises and decided to leave Senate Resolution 196 unchanged as to this point, for the following reasons:

Article 92 provides:

"The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter."

The Charter cannot be amended by a mere declaration of some of the states parties to the present statute. What a state may do is limited by article 36 (3):

"The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time."

This does not permit a state to condition submission upon different principles of international law than those which article 38 commands to be used, thus:

"1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

"a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

"b. international custom, as evidence of a general practice accepted as law;

"c. the general principles of law recognized by civilized nations;

"d. subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

"2. This provision shall not prejudice the power of the Court to decide a case ex aequo et bono, if the parties agree thereto."

To accomplish substantial alteration of the applicable principles of international law would require consent of all the other parties to the Charter. The purpose of this declaration is to avoid the procedural necessity of "special agreement" and to recognize jurisdiction ipso facto over the specified subject matter and parties.

Hon. Charles Fahy, legal adviser of the State Department, in a memorandum prepared for the committee, replied to Mr. Dulles' suggestion as follows:

"3. Mr. Dulles suggests there should be prior agreement as to what are the applicable principles of international law if the basic law of the case is not found in an existing treaty or convention. He feels that to permit jurisdiction of legal disputes concerning 'any question of international law' is too vague at this time.

"It is most inadvisable to accept this view. It would seriously impede the progress of the Court in the accomplishment of its purpose. The procedure followed in the case of the *Alabama* arbitration, referred to as an instance where previous agreement on the applicable law was had, was long before the establishment of the Court. The Charter of the United Nations and the present statute of the Court are designed to enlist sufficient confidence in judicial determinations by the Court to enable it to become a useful organ in the settlement of legal disputes. To require now an agreement, in advance of submission to the Court, on the applicable principles of international law would take from the Court one of the principal purposes of its creation. The United States should not insist on such a requirement. Whatever risk to the United States is involved in entrusting cases to the Court for its determination of the applicable basis of decision under international law is outweighed by the tremendous advance which would be made by our acceptance of such risk in the development of judicial processes in the world order."

Other points referred to the committee by Mr. Dulles for clarification related to the problem of domestic jurisdiction, the possibility of resorting to other tribunals, and the desirability of establishing a time limit for any declaration the United States might make.

As has been indicated above, domestic jurisdiction is safeguarded by article 1 (1) of the Charter of the United Nations, limiting the purposes of the United Nations to international disputes or situations, by article 2 (7) excluding domestic jurisdiction. The committee accepted article 36 (6) of the statute as covering this point.

"In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court."

The right to submit disputes to other tribunals is reserved in Senate resolution 196, page 2, line 8. This reservation is permitted by article 95 of the Charter.

With respect to a possible time limitation, Senate resolution 196 provides for 5 years' duration, plus time of 6 months following notice of termination of the declaration. A further discussion of these points will be found in the first part of section (G) above.

H. COMPULSORY JURISDICTION PRIOR TO THE UNITED NATIONS

The first important step in the direction of compulsory jurisdiction was taken by the Advisory Committee of Jurists appointed by the League of Nations in 1920 to prepare the Statute of the Permanent Court of International Justice. This committee, which included among its members the Honorable Elihu Root, former member of the Senate Foreign Relations Committee, Secretary of War, and Secretary of State, recommended a draft providing for general compulsory jurisdiction over specified categories of legal disputes. It was proposed that this should be binding upon all parties to the statute. This provision proved unacceptable to some of the larger powers when it was presented to the League Council and Assembly, and there was substituted for it a provision very similar to article 36, paragraph 2, of the present statute, enabling such states as desired to do so to agree among themselves to accept the jurisdiction of the Court as to the enumerated categories of legal disputes.

Under this provision some 44 states, including 3 of the 5 states now permanent members of the Security Council (Great Britain, France, and China), at one time or another deposited declarations accepting this jurisdiction.

Proceedings were invoked in 11 cases under these declarations two of which proceeded to final determination. One of these was the Eastern Greenland case, involving conflicting claims to territory by Norway and Denmark. Upon the rendering of the decision of the Court, Norway withdrew the decrees affecting the territory which had precipitated the dispute. The second case which went to decision involved a claim by the Netherlands against Belgium for alleged wrongful diversions of water from the Meuse River. The other nine cases were terminated on procedural points or were withdrawn.

I. COMPULSORY JURISDICTION UNDER THE UNITED NATIONS

The negotiations leading to the conclusion of the statute of the new International Court of Justice saw a renewal of the effort to obtain general compulsory jurisdiction. It is indicated in the Report of the 1945 Committee of Jurists, which met in Washington to formulate proposals relating to the judicial organ of the proposed world organization, that a majority of the Committee was in favor of compulsory jurisdiction. At San Francisco the discussion was renewed, and again a very substantial body of opinion was shown in favor of general compulsory jurisdiction. Due to the opposition of some states and the doubtful position of others, it was felt, however, that such a provision might endanger acceptance of the Charter, of which the statute was to be an integral part. This was the position of the United States delegation. It was, therefore, agreed to retain the optional provision in a form similar to that employed in the Statute of the Permanent Court of International Justice. This is the present article 36, paragraph 2 of the statute, pursuant to which the action envisioned by present resolution would be taken.

The San Francisco Conference added an additional paragraph to article 36 of the statute, according to which declarations accepting the jurisdiction of the old Court, and remaining in force, are deemed to remain in force as among the parties to the present statute for such period as they still have to run. Nineteen declarations are currently in force under this provision.

A further indication of the sentiment prevailing among United Nations delegations at San Francisco was the adoption by the Conference of a recommendation to the members of the Organization—"that as soon as possible they make declarations recognizing the obligatory jurisdiction of the International Court of Justice according to the provisions of article 36 of the statute."

J. THE CONSTITUTIONAL ISSUES INVOLVED

During the discussion which took place in the subcommittee three important constitutional issues were raised. These issues were: (1) Can the proposed action be taken by the treaty-making process or is a joint resolution of the two Houses preferable; (2) is it proper procedure to obtain the advice and consent of the Senate prior to the deposit of the declaration by the President; and (3) would the deposit of the declaration by the President establish treaty relations between the United States and the United Nations or between the United States and the various members of the United Nations who have deposited similar declarations.

With respect to the first issue, a declaration of this kind is no doubt unique so far are the United States is concerned. No one, however, can doubt the power of this Government to make such a declaration. The question is one of procedure. During the debates on the United Nations Charter the problem was discussed at some length on the floor of the Senate, and it was generally agreed that the President could not deposit the declaration without congressional action of some kind granting him the authority to do so. To clarify the issue Senator VANDENBERG requested an opinion of Mr. Green Hackworth, then legal adviser of the Department of State. The pertinent paragraph of this opinion, which Senator VANDENBERG read on the floor of the Senate on July 28, 1945, follows:

"If the Executive should initiate action to accept compulsory jurisdiction of the Court under the optional clause contained in article 36 of the statute, such procedure as might be authorized by the Congress would be followed, and if no specific procedure were prescribed by statute, the proposal would be submitted to the Senate with request for its advice and consent to the filing of the necessary declaration with the Secretary General of the United Nations."

Since that time both the President and the Secretary of State have indicated that, in their opinion, either the procedure outlined in Senate Resolution 196 (calling for a two-thirds vote of the Senate) or that outlined in House Joint Resolution 291 (calling for a simple majority vote of the two Houses) would furnish a satisfactory legal basis for acceptance by the United States of the compulsory jurisdiction clause.

Inasmuch as the declaration would involve important new obligations for the United States, the committee was of the opinion that it should be approved by the treaty process, with two-thirds of the Senators present concurring. The force and effect of the declaration is that of a treaty, binding the United States with respect to those States which have or which may in the future deposit similar declarations. Moreover, under our constitutional system the peaceful settlement of disputes through arbitration or judicial settlement has always been considered a proper subject for the use of the treaty procedure. While the declaration can hardly be considered a treaty in the strict sense of that term, the nature of the obligations assumed by the contracting parties are such that no action less solemn or less formal than that required for treaties should be contemplated.

With respect to the second issue the answer may be found in the Constitution itself. Article 2, section 2, provides that the President shall have "power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." It is evident that the advice and consent of the Senate is equally effective whether given before, during, or after the conclusion of the treaty. In fact, President Washington approached the Senate for its advice and consent prior to the negotiation of treaties, and this practice was followed on occasion by other Presidents. While the practice of prior consultations with the Senate fell into disuse after 1816, a recent precedent may be found in the convention of 1927, extending the General Claims Commission, United States and Mexico, of 1923. The treaty was signed on August 16, 1927, pursuant to a Senate resolution of February 17, 1927. A similar example is the convention of 1929, again extending the life of the Commission. The convention was signed on August 17, 1929, pursuant to the Senate resolution of May 25, 1929.

With regard to the third issue, the proposed declaration would not constitute, in any sense, an agreement between the United States and the United Nations. It is rather a unilateral declaration having the force and effect of a treaty as between the United States and each of the other states which accept the same obligations. It is merely an extension of the general principle that any two states may agree to submit cases to arbitration or judicial settlement. The so-called optional clause would permit a large number of states to take such action with respect to the four categories of legal cases enumerated.

As to whether the United States can enter into a treaty with the United Nations, the question is not here at issue. In any event, it is clear that the United States can conclude agreements with the United Nations, inasmuch as the United Nations Participation Act authorized the President to take such action in conformity with the pledge of the United States to make armed forces available to the Security Council under article 43 of the Charter. Moreover, there appears to be nothing in the Constitution which forbids the conclusion of a treaty between the United States and an international organization.

If it follows that the legal capacity of the United Nations is all that is required to enable the United States and the United Nations to enter into treaty relationships, article 104 of the Charter would seem to establish that authority. Article 104 reads:

"The Organization shall enjoy in the territory of each of its members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes."

K. DESIRABILITY OF SPEEDY ACTION

Most of the witnesses appearing before the subcommittee expressed the hope that the Senate would act speedily in order to demonstrate once more the conviction of the people of the United States that peace will be possible only if law and justice are firmly embedded in the foundations of the United Nations. To be sure, the extension of the compulsory jurisdiction of the International Court of Justice will not usher the world automatically into an era of peace; it is only one important step in man's long and painful march toward a warless world. The acceptance by the United States of the compulsory jurisdiction clause, however, would constitute a step of great psychological and moral significance. It would help develop a spirit of trust and confidence, particularly on the part of the small states, toward the United States. And it would give impetus to the principle of the peaceful settlement of disputes as the judges of the new Court begin their work at the Peace Palace in The Hague.

On July 28, 1945, the Senate ratified the United Nations Charter by the overwhelming vote of 89 to 2. Since that time the people of the United States, the Senate, the House of Representatives, the President, and the Secretary of State have repeatedly asserted the conviction that the foreign policy of the United States must be centered about the activities and the organs of the United Nations. The International Court of Justice is one of the principal organs of the United Nations. It would seem entirely consistent with our often pronounced policy for the Senate to take speedy action in order to ensure our full cooperation with the work of the Court at the earliest practicable date.

The Senate Foreign Relations Committee, in its report to the Senate on the United Nations Charter, expressed the following view:

"Unless we are prepared to take all steps which are necessary to effectuate our membership in the United Nations, we would be merely deceiving the hopes of the United States and of humanity in ratifying the Charter."

LEAVE OF ABSENCE

Mr. LA FOLLETTE. Mr. President, I ask the Senator from Kentucky whether it is his intention to have the concurrent resolution to adjourn sine die laid before the Senate today?

Mr. BARKLEY. As soon as the conference report on the first supplemental appropriation bill, 1947, is disposed of, I expect to have the resolution laid before the Senate.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to be excused from further attendance at the session of the Senate today.

The PRESIDING OFFICER. Without objection, leave is granted.

LEGISLATIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to; and the Senate proceeded to the consideration of legislative business.

PLIGHT OF DOMESTIC WOOL INDUSTRY

Mr. O'MAHONEY. Mr. President, last Wednesday I addressed the Senate at some length upon the very important subject of legislation to deal with the wool-growing industry in the United States. I have no intention of making another speech on that subject. I feel that the Senate is in a temper to vote and not to listen to talk. I also feel that the Senate is pretty well convinced that the wool bill in some form should be passed.

As I pointed out on Wednesday, the Senate Committee on Agriculture and Forestry has filed a favorable report on a wool bill. The House Committee on Agriculture has likewise filed a similar report. If I could, with the agreement of the leadership, make a motion to proceed to the consideration of the wool bill now on the calendar, I would move to amend the bill so that it would be identical with the bill which has been recommended by the House Committee on Agriculture and which is also on the Senate Calendar. I desire to inquire of the present occupant of the chair whether I may not be permitted to make such a motion before he lays before the Senate the concurrent resolution providing for final adjournment.

Mr. BARKLEY. Mr. President, I appreciate fully the situation to which the Senator from Wyoming has called attention, and I am sympathetic to his purpose. But the House passed the concurrent resolution for adjournment last Saturday. The House is now awaiting action by the Senate on the resolution. Of course, it merely means that when we conclude business today the two Houses will stand adjourned. It does not mean that we will adjourn immediately on the adoption of the resolution.

Mr. O'MAHONEY. I understand that.

Mr. BARKLEY. I feel that, in view of the fact that the House has waited so long for the Senate to take action, the concurrent resolution should be laid down as a courtesy to the House. If that is not done we may run the risk of being required to amend the resolution or let the matter go by the board. I feel that we can remain as late as the Senate is willing to remain today, but the resolution providing for adjournment of the two Houses of Congress today when each House concludes its business, should be laid down.

Mr. O'MAHONEY. Mr. President, recognizing as I do that the arduous labors which have been performed by both the Members of the Senate and the Members of the House deserve the reward of an adjournment of the Congress, I thought it would be neither charitable nor wise to attempt to prolong the session. Nevertheless, I feel that this issue is of such great importance, and is supported on both sides of the Chamber by so many Members of the Senate that I should be permitted, at least, to ask the Senate to vote upon the measure.

Mr. BARKLEY. The Senator realizes that the Senate may remain in session as long as it is willing to sit.

Mr. O'MAHONEY. I realize that.

Mr. BARKLEY. The House is in the same situation. Under the concurrent resolution, when both Houses of Congress complete their work today the Congress will stand adjourned.

Mr. O'MAHONEY. Mr. President, it is customary, in the conduct of the affairs of the Senate, for Members of the body to reach understandings with the leadership. I should like very much to be able to reach an understanding with the leadership on both sides of the Chamber at this time that, after the concurrent resolution for adjournment has been laid

down and disposed of, I may be recognized to move that the Senate proceed to the consideration of the wool bill.

Mr. BARKLEY. I will state frankly to the Senator, Mr. President, that I would have no objection to his motion. However, I do not control the recognition of the Senator. That is within the province of the Chair. So far as I am concerned, I would have no objection to his motion.

Mr. WHITE. Mr. President, if unanimous consent is being asked for, I am constrained to object.

Mr. O'MAHONEY. I have not asked for unanimous consent.

Mr. BARKLEY. No.

Mr. WHITE. Then, I cannot object.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. I should like to know what agreement or understanding has been reached, if any, relative to the request of the able Senator from Wyoming?

Mr. BARKLEY. No agreement has been reached.

Mr. WHERRY. Then the bill is still on the calendar just the same as are the other bills which are there.

Mr. BARKLEY. The Senator is correct.

Mr. McKELLAR obtained the floor.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I will yield if it is only for a moment. I have a conference report which I wish to have considered. It is important and should be agreed to.

Mr. O'MAHONEY. The Senator is correct. I merely wish to inquire of the Senator from Nebraska whether I understood correctly that he would be willing, so far as he is concerned, to have a vote on the proposed motion to consider the wool bill.

Mr. WHERRY. I have no objection whatever. I merely wanted to hear what was said. We could not hear on this side of the chamber.

Mr. O'MAHONEY. I had understood that the Senator would not object.

Mr. O'MAHONEY subsequently said: Mr. President, it is not my intention, I may say to the Senate, to make a motion to have the Senate take up the wool bill, because since I spoke earlier in the afternoon I have made a survey of the conditions which exist, and I find there is no possibility of getting action on the bill in the House of Representatives, because of the situation. So I shall not attempt to make that motion now.

Mr. WHERRY. Mr. President, I wish the Senate to know and I wish to make the record clear that those of us from the wool-producing States, who are just as much concerned about the wool legislation as is the Senator from Wyoming, are interested in the question of whether consent was given by the majority leader for the consideration of the bill this afternoon, because we are indeed anxious that the wool legislation be considered.

Mr. O'MAHONEY. I thank the Senator for his statement.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 1560. An act to amend the Service Extension Act of 1941, as amended, to extend reemployment benefits to former members of the Women's Army Auxiliary Corps who entered the Women's Army Corps;

S. 2306. An act to authorize the Secretary of War to grant Georgia Power Co. a 100-foot perpetual easement across certain land in the State of Alabama constituting a portion of the military reservation designated as Fort Benning, Ga.; and

S. J. Res. 186. Joint resolution to provide for the transfer of the painting First Fight of Ironclads, Monitor and Merrimac, now stored in the United States Capitol Building, to the custody of the United States Naval Academy.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 1751) to authorize the course of instruction at the United States Merchant Marine Academy to be given to not exceeding 20 persons at a time from the American Republics, other than the United States.

The message further announced that the House had agreed to the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 783) for the relief of Karl E. Bond.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5626) to authorize the Veterans' Administration to appoint and employ retired officers without affecting their retired status, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 390) making additional appropriations for the fiscal year 1947, and for other purposes; that the House recede from its disagreement to the amendments of the Senate Nos. 2, 3, 11, 16, 17, 28, and 29 to the joint resolution, and concur therein, and that the House receded from its disagreement to the amendments of the Senate Nos. 1, 12, 13, 14, 15, 20, 22, and 24 to the joint resolution and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

ADDITIONAL APPROPRIATIONS, FISCAL YEAR 1947—CONFERENCE REPORT

Mr. McKELLAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 390) making additional appropriations for the fiscal year ending June 30, 1947, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 18 and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 7, 8, 21, and 26, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"JOINT COMMITTEE ON PRINTING

"Biographical Congressional Directory: To enable the Secretary of the Senate to pay, upon vouchers approved by the chairman or vice chairman of the Joint Committee on Printing, for compiling and preparing a revised edition of the Biographical Directory of the American Congress (1774–1948) as provided for in House Concurrent Resolution Numbered 163, adopted July 26, 1946, not to exceed $35,000; and said sum or any part thereof, in the discretion of the chairman or vice chairman of the Joint Committee on Printing, may be paid as additional compensation (at not to exceed $1,800 per annum) to any employee of the United States, and shall continue to be available until expended."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert: "$25,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"BUREAU OF COMMUNITY FACILITIES

"Emergency relief for the Territory of Hawaii: For carrying out the provisions of section 1 of the Act entitled 'An Act to provide emergency relief for the victims of the seismic waves which struck the Territory of Hawaii, and for other purposes', $1,300,000, to remain available until expended, of which amount not to exceed $65,000 shall be available for administrative expenses of the Bureau of Community Facilities, including travel, the purchase of two passenger motor vehicles, and personal services in the District of Columbia and elsewhere."

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"DEPARTMENT OF COMMERCE

"BUREAU OF FOREIGN AND DOMESTIC COMMERCE

"Export control: For an additional amount, fiscal year 1947, for 'Export control', including the objects specified under this head in the Department of Commerce Appropriation Act, 1947, $400,000."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$100,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 3, 11, 12, 13, 14, 15, 16, 17, 20, 22, 24, 28, and 29.

KENNETH MCKELLAR,
CARL HAYDEN,
RICHARD B. RUSSELL,
JOHN H. OVERTON,
ELMER THOMAS,
STYLES BRIDGES,
CHAN GURNEY,
JOSEPH H. BALL,
Managers on the Part of the Senate.

CLARENCE CANNON,
LOUIS C. RABAUT,
ALBERT THOMAS,
R. B. WIGGLESWORTH,
EVERETT M. DIRKSEN,
Managers on the Part of the House.

Mr. McKELLAR. Mr. President, I ask unanimous consent for the immediate consideration and adoption of the conference report.

There being no objection, the report was considered and agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House Joint Resolution 390, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
August 2, 1946.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 11, 16, 17, 28, and 29 to the Joint Resolution (H. J. Res. 390) making additional appropriations for the fiscal year 1947, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 1, to said bill and concur therein with an amendment as follows: In line 6 of the matter inserted by said amendment, after the word "authorized", insert ", subject to the approval of the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate (Committee on Rules and Administration, if and when elected)."

That the House recede from its disagreement to the amendment of the Senate numbered 12, to said bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert: "$6,885,000: *Provided*, That such additional amounts shall be allotted on a pro rata basis among the several States in proportion to the amounts to which the respective States are entitled for each fiscal year by reason of section 401 of the Social Security Act amendments of 1946."

That the House recede from its disagreement to the amendment of the Senate numbered 13, to said bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert: "$4,597,500: *Provided*, That such additional amounts shall be allotted on a pro rata basis among the several States in proportion to the amounts to which the respective States are entitled for each fiscal year by reason of section 401 of the Social Security Act Amendments of 1946."

That the House recede from its disagreement to the amendment of the Senate numbered 14, to said bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert: "$2,617,500: *Provided*, That such additional amounts shall be allotted on a pro rata basis among the several States in proportion to the amounts to which the respective States are entitled for each fiscal year by reason of section 401 of the Social Security Act Amendments of 1946."

That the House recede from its disagreement to the amendment of the Senate No. 15 to said bill and concur therein with an amendment as follows: In lieu of the sum named in said amendment insert "$425,000."

That the House recede from its disagreement to the amendment of the Senate No. 20 to said bill and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"Hospital and construction activities: For carrying out the provisions of title VI of the Public Health Service Act, as amended (S. 191), fiscal year 1947, including travel; printing and binding; the objects specified in the paragraph immediately following the caption 'Public Health Service' in the Federal Security Agency Appropriation Act, 1947; and the purchase of eight passenger automobiles; $2,350,000, of which not to exceed $126,000 may be transferred to the appropriation 'Pay, etc., commissioned officers, Public Health Service' for not to exceed 28 commissioned officers, and not to exceed $34,175 may be transferred to the appropriation 'Salaries, Office of the General Counsel,' Office of the Administrator, Federal Security Agency: *Provided*, That the availability of this appropriation is contingent upon the enactment into law of said S. 191."

That the House recede from its disagreement to the amendment of the Senate No. 22 to said bill and concur therein with an amendment as follows: In line 5 of the matter inserted by said amendment, strike out the following: "(H. R. 6918, Seventy-ninth Congress)"; and in lines 15 and 16 of the matter inserted by said amendment, strike out the following: "and section 14 (a) of the Federal Employees Pay Act of 1946."

That the House recede from its disagreement to the amendment of the Senate No. 24 to said bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"VETERANS' ADMINISTRATION

"Automobiles and other conveyances for disabled veterans: To enable the Administrator of Veterans' Affairs to provide an automobile or other conveyance, at a cost per vehicle or conveyance of not to exceed $1,600, including equipment with such special attachments and devices as the Administrator may deem necessary, for each veteran of World War II who is entitled to compensation for the loss, or loss of use, of one or both legs at or above the ankle under the laws administered by the Veterans' Administration, $30,000,000: *Provided*, That no part of the money appropriated by this paragraph shall be used for the repair, maintenance, or replacement of any such automobile or other conveyance and no veteran shall be given an automobile or other conveyance under the provisions of this paragraph until it is established to the satisfaction of the administrator that such veteran will be able to operate such automobile or other conveyance in a manner consistent with his own safety and the safety of others and will be licensed to operate such automobile or other conveyance by the State of his residence or other proper licensing authority: *Provided further*, That under such regulations as the Administrator may prescribe the furnishing of such automobile or other conveyance shall be accomplished by the Administrator paying the total purchase price to the seller from whom the veteran is purchasing under sales agreement between the seller and the veteran."

Mr. McKELLAR. Mr. President, I move that the Senate agree to the amendments of the House to the amendments of the Senate numbered 1, 12, 13, 14, 15, 22, and 24.

The motion was agreed to.

COMPARATIVE STATEMENT OF ESTIMATES SUBMITTED AND APPROPRIATIONS MADE, SECOND SESSION, SEVENTY-NINTH CONGRESS

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD, as a part of my remarks, to appear immediately after the final action on the deficiency appropriation bill, a comparative statement of estimates submitted at the second session of the Seventy-ninth Congress and of appropriations made during such session. I believe this will be of vast interest to every Senator. It shows that the appropriations were actually $1,591,607,697.61 less than the estimates.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Comparative statement of estimates submitted at the 2d sess. of the 79th Cong., and of appropriations made during such session

Title	Regular Budget estimates, fiscal year 1947	Supplemental estimates, fiscal year 1947, and prior fiscal years	Total Budget estimates	Total appropriations, 79th Cong., 2d sess.	Increase (+) and decrease (−) appropriations compared with estimates
REGULAR ANNUAL ACT, 1947					
Department of Agriculture	$585, 230, 572. 00	$5, 175, 100. 00	$590, 405, 672. 00	$581, 240, 121. 00	−$9, 165, 551. 00
District of Columbia	81, 505, 000. 00		81, 505, 000. 00	76, 755, 009. 00	−4, 749, 991. 00
Independent offices	5, 140, 876, 502. 00		5, 140, 876, 502. 00	5, 094, 976, 677. 00	−45, 899, 825. 00
Interior Department	340, 719, 260. 00	9, 637, 970. 00	350, 357, 230. 00	247, 167, 036. 00	−103, 190, 194. 00
Department of Labor, Federal Security Agency, and related independent agencies	1, 080, 831, 700. 00	97, 244, 200. 00	1, 178, 075, 900. 00	1, 155, 015, 670. 00	−23, 060, 230. 00
Labor, Department of	46, 626, 500. 00	85, 074, 600. 00	131, 701, 100. 00	140, 456, 443. 00	+8, 755, 343. 00
Federal Security Agency	714, 399, 700. 00	12, 169, 600. 00	726, 569, 300. 00	696, 183, 527. 00	−30, 385, 773. 00
Related agencies	319, 805, 500. 00		319, 805, 500. 00	318, 375, 700. 00	−1, 429, 800. 00
Legislative branch	53, 410, 086. 66	4, 929, 047. 00	58, 339, 133. 66	53, 809, 736. 16	−4, 529, 397. 50
Military		7, 208, 207, 429. 00	7, 208, 207, 429. 00	7, 263, 542, 400. 00	+55, 334, 971. 00
Navy		3, 765, 399, 000. 00	3, 765, 399, 000. 00	4, 119, 659, 300. 00	+354, 260, 300. 00
State, Justice, and Commerce Departments and the Judiciary	368, 396, 480. 00	119, 901, 121. 00	488, 297, 601. 00	437, 703, 212. 00	−50, 594, 389. 00
State, Department of	91, 706, 100. 00	43, 182, 731. 00	134, 887, 831. 00	128, 008, 752. 00	−6, 879, 079. 00
Justice, Department of	96, 771, 030. 00	1, 292, 000. 00	98, 063, 050. 00	99, 752, 250. 00	+1, 689, 200. 00
Commerce, Department of	163, 336, 000. 00	75, 419, 000. 00	238, 755, 000. 00	193, 884, 720. 00	−44, 870, 280. 00
The Judiciary	16, 584, 330. 00	7, 390. 00	16, 591, 720. 00	16, 057, 490. 00	−534, 230. 00
Treasury and Post Office Departments	1, 654, 217, 190. 00		1, 654, 217, 190. 00	1, 604, 862, 140. 00	−29, 355, 050. 00
Treasury Department	335, 978, 000. 00		335, 978, 000. 00	325, 290, 250. 00	−10, 687, 750. 00
Post Office Department	1, 298, 239, 190. 00		1, 298, 239, 190. 00	1, 279, 571, 890. 00	−18, 667, 300. 00

Comparative statement of estimates submitted at the 2d sess. of the 79th Cong., and of appropriations made during such session.—Con.

Title	Regular Budget estimates, fiscal year 1947	Supplemental estimates, fiscal year 1947, and prior fiscal years	Total Budget estimates	Total appropriations, 79th Cong., 2d sess.	Increase (+) and decrease (−) appropriations compared with estimates
REGULAR ANNUAL ACT, 1947—continued					
War Department civil functions	$321,060,630.00	$17,577,879.00	$338,638,509.00	$333,230,498.00	−$5,408,011.00
Total regular annual acts	9,606,247,420.66	11,228,071,746.00	20,834,319,166.66	20,967,961,799.16	+133,642,632.50
DEFICIENCY AND SUPPLEMENTAL ACTS					
First urgent deficiency, 1946		3,713,000.00	3,713,000.00	3,347,200.00	−365,800.00
Second urgent deficiency, 1946		362,879,807.00	362,879,807.00	364,114,807.00	+1,235,000.00
Third urgent deficiency, 1946		676,444,960.89	676,444,960.89	661,847,988.89	−14,596,972.00
Second deficiency, 1946		71,198,695.02	71,198,695.02	61,601,337.02	−9,597,358.00
Third deficiency, 1946		2,893,567,112.97	2,893,567,112.97	2,652,860,866.96	−240,706,246.01
Veterans' benefits (H. J. Res. 316)		500,000,000.00	500,000,000.00	500,000,000.00	
Veterans' Housing (H. J. Res. 328)		253,727,000.00	253,727,000.00	253,727,000.00	
Pay bill (H. J. Res. 342)		181,416,769.00	181,416,769.00	181,239,469.00	−177,300.00
Coast Guard, 1947		134,920,000.00	134,920,000.00	116,226,000.00	−18,694,000.00
Government corporations, 1947		983,048,848.10	983,048,848.10	60,086,287.00	[1] −922,962,561.10
Second rescission, 1946		135,000,000.00	135,000,000.00	[2]	−135,000,000.00
First supplemental, 1947		3,020,874,510.45	3,020,874,510.45	2,636,489,417.45	−384,385,093.00
Total deficiency and supplemental acts		9,216,790,703.43	9,216,790,703.43	7,491,540,373.32	−1,725,250,330.11
Total, regular, supplemental and deficiency acts	9,606,247,420.66	20,444,862,449.43	30,051,109,870.09	28,459,502,172.48	−1,591,607,697.61
Permanent and indefinite appropriations	7,343,733,410.00	434,000.00	7,344,167,410.00	7,344,167,410.00	
Grand total	16,949,980,830.66	20,445,296,449.43	37,395,277,280.09	35,803,669,582.48	−1,591,607,697.61

[1] The Secretary of the Treasury was authorized and directed to discharge $921,456,561 of the indebtedness of the Commodity Credit Corporation by canceling notes in that amount, thereby permitting a like reduction in the amount of the estimates submitted. This accounts for $921,456,561 of the total reduction of $922,962,561.10.
[2] $135,000,000 of lend-lease funds transferred to United Nations Relief and Rehabilitation Administration.

SUPPLEMENTAL SURPLUS APPROPRIATION RESCISSION ACT

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD a statement of the Supplemental Surplus Appropriation Rescission Act, 1946, Seventy-ninth Congress, second session.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Supplemental surplus appropriation rescission acts, 1946, 79th Cong., 2d sess.

Title	Cash	Contractual authorization	Corporate funds	Limitation on administrative expenses	Total
First Rescission Act, 1946	$47,579,587,542	$4,206,033,879	$1,100,500	$9,318,307	$51,796,130,228
Second Rescission Act, 1946	6,243,217,831	468,673,001	446,890	7,410,000	6,719,747,722
Third Rescission Act, 1946	3,075,090,505	174,178,000			3,249,268,505
Total	56,897,895,878	4,848,884,880	1,637,390	16,728,307	61,765,146,455

Mr. McKELLAR. I ask unanimous consent to have printed in the RECORD a statement of certain appropriations concerning the Army, the Navy, the veterans, the permanent and indefinite appropriations, showing the grand totals, so that the Senate may be fully advised as to what has been appropriated.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

79th Cong., 2d sess.

Military	$7,263,542,400.00
Navy	4,119,659,300.00
Veterans:	
Veterans' Administration	7,393,966,415.00
Armed forces leave payments	2,431,708,000.00
Housing and facilities for education, etc	328,784,000.00
Total	10,154,458,415.00
Permanent and indefinite appropriations	7,344,167,410.00
Total, above appropriations	28,881,827,525.00
Grand total, appropriations, including permanent and indefinite appropriations (79th Cong., 2d sess.)	35,803,669,582.48
Less total for military, Navy, veterans, and permanent and indefinite appropriations (as listed above)	−28,881,827,525.00
Total, other appropriations (79th Cong., 2d sess.)	6,921,842,057.48

APPROPRIATIONS BY CONGRESS DURING THE FISCAL YEAR

Mr. McKELLAR. Mr. President, I wish to submit for the RECORD the appropriations made for the Veterans' Administration and in behalf of the veterans, so that every Senator, by referring to the figures, may have the exact facts before him.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Appropriations to Veterans' Administration and for veterans

VETERANS' ADMINISTRATION

Independent Offices Act, 1947	$4,431,142,415
Public Law 299 (readjustment benefits, 1946)	500,000,000
Second Urgent Deficiency Act, 1946	115,000,000
Pay Act of 1946 (Public Law 349)	54,168,000
Third urgent deficiency, 1946	416,656,000
Third deficiency, 1946	1,847,000,000
First supplemental, 1947 (automobiles and other conveyances for veterans)	30,000,000
Total, Veterans' Administration	7,393,966,415

HOUSING FOR VETERANS AND FACILITIES FOR EDUCATION, ETC.

Public Law 341	$253,727,000
Third deficiency, 1946	75,057,000
Total, housing and facilities	328,784,000

ARMED FORCES LEAVE PAYMENTS

First supplemental, 1947	$2,431,708,000

RECAPITULATION

Veterans' Administration	$7,393,966,415
Housing and facilities	328,784,000
Armed forces leave payments	2,431,708,000
Grand total	10,154,458,415

In addition to the funds appropriated the third urgent deficiency carried a contract authorization of $441,250,000 for hospital construction for veterans.

RIOT AT ATHENS, TENN.

Mr. McKELLAR. Mr. President, I desire to be recognized for about 5 minutes in my own time.

I wish to call attention to an article in today's issue of the Washington Times-Herald, which I suppose every Senator present has read. The following appeared in large headlines:

FOUR TO SIX SLAIN, MANY HURT AS VETS BATTLE CRUMP MACHINE IN TENNESSEE VOTE RIOT

Troops called out as 1,000 storm jail to liberate ex-GI's.

Machine gun fire rakes city streets, deputy sheriffs killed, ballots seized.

I have taken the trouble today to telephone to Athens, Tenn. I talked with a city official. Several persons in that city have been hurt. An election of county officers had been held. It had nothing in the world to do with the State primary election. The article is an absolute falsehood from beginning to end. It seems to have been written by a special corre-

spondent, and I suppose a correspondent sent from here, who probably reported from afar, and did not know the facts.

I wish to say that Athens is a little over half way between Washington and Memphis. The idea of the Crump machine being in Athens is absolutely ridiculous. The two have no more connection than the bachelor Senator from Tennessee has to do with the harem of the Sultan of Sulu, whom he has never seen, and none of the folks in his harem has he ever seen. [Laughter.]

The article is simply ridiculous and absurd. No one was killed. Several were hurt, in a purely local election. It had nothing in the world to do with the State primary. Yet we find these sensational headlines. And the article is just as lurid. I want to read just one thing that was printed:

Special to the Times-Herald. Greatest Tragedy in State's History. Knoxville, Tenn., August 1. At the outbreak of the riot in Athens tonight, a political observer here declared: "This is the most heated campaign we have had for some time." Later when reports of dead and wounded were received, the same observer remarked: "This is the greatest tragedy in the political history of the State of Tennessee."

All of that, Mr. President, is absolutely untrue. I doubt if Mr. Crump ever dreamed of the slightest connection between his organization in Memphis, 375 miles away, and the lovely little city of Athens, which seems to have gotten into some trouble over its local affairs.

The idea of it being a fight between GI's, soldiers, and the Crump machine, is just as ridiculous, because I imagine that the soldiers voted on both sides all over the State. There was certainly no fight on the soldiers of any kind. I am informed that there were as many soldiers in the little town of Athens on one side as on the other.

This illustrates the remarkable way some newspapers have of inventing sensational stories. The newspapermen went down there to find material for such a story, but they could not find it because the political situation was so calm, so unusually calm, if I may put it that way. I suppose it was the calmest election that has ever occurred in Tennessee. It was certainly calm so far as I was concerned, because I was a candidate, and did not even go to Tennessee. I took no part in it. My friend the Senator from Kentucky says that is why it was calm. [Laughter.] If so, I am happy that I took no part in it, because it should have been calm.

What I protest against is falsehood in this newspaper—in this or any other newspaper; I have not examined the others to see whether they have similar headlines, but if they have, they are equally false, and I greatly regret it.

Mr. STEWART. Mr. President, will my colleague yield?

Mr. McKELLAR. I yield to my colleague for a moment, and then I shall yield the floor.

Mr. STEWART. Mr. President, I wish to endorse what my colleague, the senior Senator from Tennessee, has said in respect to the criticism in the late edition of the Times-Herald concerning the so-called riot at Athens, in McMinn County, Tenn.

I do not know the extent of the trouble that occurred. The senior Senator from Tennessee says he has talked over the telephone with persons who are there, but I have not. However, regardless of the extent of the so-called riot, I know, because I have talked with others on the telephone, and I know the situation, that this trouble did not occur in the primary election in which my colleague reached the hall of fame yesterday, having been nominated, which is the equivalent of election, for the sixth time, being one of about half a dozen men in the history of the United States who has ever been nominated to the United States Senate for a sixth term.

The difficulty, whatever it might have been, did not occur in the course of the primary election, as might be inferred from the headlines, which undertake to indicate that the Crump organization had something to do with the trouble. I am not informed as to the cause of the trouble, whatever it might have been, but it was due entirely to a local condition.

On the first Thursday in August every 2 years, under the Tennessee law, we have regular general county elections. Perhaps it is a constitutional provision, I am not sure about it from memory, but some 25 or 30 years ago, at least whenever the Tennessee State primary law was passed, it was decided to hold the primaries on the same day on which the county general elections were held, as a matter of convenience to the people.

The county election is held in one balloting area and the primary election is held in another balloting area. For instance, in the case of Athens, both elections were held, I think, in the courthouse, the general election in one portion of the courthouse and the primary election in another room in another portion of the same building. Each election was conducted by separate officials. They had utterly no connection one with the other.

The ballots were counted in the McMinn primaries all over the county, and likewise counted in Athens, and the senior Senator from Tennessee [Mr. McKELLAR] carried McMinn County by a good majority.

There was no question about the ballots in the primary, but the ballot box in the general election was, according to my information, carried to the jailhouse for some reason, because some rioting or disturbance was created concerning the methods used in counting the ballots in the general election box, or something of that sort. From that the trouble arose. It concerned the control of county politics.

Various county officers were candidates in the general county election, as elsewhere in Tennessee. The office of sheriff was to be filled, and there were several candidates for sheriff. There were other officers to be elected, the county court clerk, I believe, the circuit court clerk, the county trustee, and perhaps other officers such as road commissioners. The ballots for those offices were in an entirely separate box, so there was no connection between the primary election in which my colleague was nominated yesterday and the general county elections held all over the State, including McMinn County and all the other counties.

Mr. President, I wanted to make this statement in order to clarify the situation. I am advised by my colleague that no one has actually been killed, and whatever the extent of the rioting might have been, it had no connection with the State primary. It concerned only a local matter, and only local county officials.

The article refers to GI's. My opinion is that there were as many GI's on one side of the fence as on the other. It is unfortunate such stories are printed, and it is unfortunate that it is necessary to make explanations. Responsible newspapers should not carry such headlines.

Mr. President, I made a brief statement in the Senate a few days ago concerning another newspaper story. I said in that statement that I thought the person who wrote a story which was critical should at least go to sufficient trouble to enable him to learn the truth of the situation. In this case the truth is not portrayed by the story, and the headlines in the Times-Herald are not all justified.

I ask unanimous consent that the entire article from the Times-Herald be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOUR TO SIX SLAIN, MANY HURT, AS VETS BATTLE CRUMP MACHINE IN TENNESSEE VOTE RIOT—TROOPS CALLED OUT AS 1,000 STORM JAIL TO LIBERATE EX-GI'S—MACHINE-GUN FIRE RAKES CITY STREETS; DEPUTY SHERIFFS KILLED, BALLOTS SEIZED

(By Duke Merritt)

ATHENS, TENN., August 2.—Tennessee State Guardsmen were ordered into this city early today as more than 1,000 ex-GI's, backing an all-veteran ticket with blazing guns, fought members of Boss Crump's incumbent Democratic machine in a bloody election riot that left from 4 to 6 deputy sheriffs dead and at least 20 other combatants wounded.

The men were shot to death in and around the McMinn County jail here as the heavily armed veterans sought to storm the building to seize ballot boxes and release other ex-GI's they claimed were being held as hostages by the special deputies—all appointed by the incumbent Crump office holders.

At 2 a. m. (EST) four bodies were reported visible on the porch of the blacked out McMinn County jail. An ambulance, called to remove the dead, was ordered away because of the danger of gunfire.

COURTHOUSE ON FIRE

The McMinn County Courthouse, scene of an earlier pitched battle, was reported ablaze shortly after 2 a. m.

Justice of the Peace H. F. Moses, one of those barricaded inside the jail, said in a telephone conversation early today:

"We need help at once. There are two dead and eight wounded here inside the jail.

"I was wounded about 2 hours ago in the arm, and I'm talking to you while I'm lying on the floor. Please get us some help immediately."

EIGHTEEN REPORTED IN HOSPITAL

An Athens hospital reported that of 18 persons hospitalized there, 8 were seriously wounded from gunfire.

More than a score of automobiles had been lined up at the curb in front of the two-story red brick jail building and were

being used as shields by the attacking veterans.

The election night scene in Athens was one of wild disorder, with gunfire echoing throughout the downtown section for many hours. At least four persons were shot in the first few minutes of the disturbance.

Col. Hilton Butler, adjutant general, ordered the Sixth Regiment of the Tennessee Guard, which is stationed in Chattanooga, to Athens after Sheriff Pat Mansfield, a candidate of the Crump machine, begged help, declaring "the situation is getting bloodier all the time."

JAIL BLACKED OUT

The jail, where ballot boxes from two voting places were taken this afternoon, was blacked out when the first volley was fired.

It was believed 200 special deputies, appointed by Sheriff Mansfield for election-day duty, were barricaded inside the jail.

The rioting broke out at 9:10 p. m. and was continuing early today. Scattered firing was heard from various sections of the city and the rapid barking of machine guns broke out frequently at the courthouse.

Simultaneously with the calling out of the State guard, hundreds of veterans from nearby Blount County left there by bus and auto to join the GI besiegers of the jail.

The veterans engaged in the fight reportedly were being directed by Jim Buttran from headquarters of the GI Nonpartisan League.

MONROE COUNTY DEATH

Gunfire also punctuated the elections in Monroe County, as GI supporters sought to overthrow a political organization that has held sway for 14 years.

Jake Tipton, about 60, was shot dead in front of a voting place in Vale, but one source said he was slain as the result of an "old grudge."

At Sweetwater, two persons were treated for knife wounds incurred during the elections.

Because all telephone lines into this city were burdened with official calls, complete details of the shootings could not be obtained immediately.

In the last telephone call to the jail the caller was told by Sheriff Mansfield:

"I can't talk any more—there's mob violence."

A short while earlier, Mansfield had asked for several hundred deputies.

Col. Butler said he talked with a State guard officer in the county jail a short while before ordering out the Sixth Regiment.

SHOT HEARD OVER PHONE

"He called my attention to shots which I could hear over the telephone," Butler said. "And then another shot apparently severed the connection. Right then I decided to quit investigating and start moving."

The attack on the jail was prompted, it was reported, by arrest of several members of the veterans' faction by Crump machine deputies and an alleged refusal to let members of the veterans' faction act as watchers at the ballot countings.

Throughout the afternoon fist fights and other disorders marked the election, and about 20 veterans were arrested.

OPPOSING FACTIONS

The riot had its beginning 2 months ago when about 500 veterans nominated a nonpartisan, all-vet ticket to oppose the powerful Burch-Biggs-Hall-Cantrell Democratic machine backed by Crump and headed by Paul Cantrell, State senator from McMinn County.

Since it was the first real opposition the Crump-Cantrell group had met in 14 years, Mansfield appointed extra deputies to watch polling places.

James Jarvis, managing editor of the Chattanooga Times, said shortly before the GI faction attacked the jail, two veterans broke out through the glass door of a nearby polling place where they had registered a complaint.

Jarvis said:

"The two men, James Ed Vestal and Charles Scott, fell to their knees as they hit the sidewalk. Squirming through the glass close behind came Deputy Sheriff Windy Wise. Wise emerged with a shiny revolver drawn, shouting something which we did not hear.

"Vestal, a first lieutenant in the Army engineers, who was wounded twice in the Pacific, and Scott scrambled up from their knees and walked slowly across the street to the cover of the crowd with their hands high in the air.

"DEPUTIES SEIZED

"Wise and another deputy leveled pistols at their backs. An angry roar came from the veterans."

Jarvis quoted the mob as saying:

"Let's go get 'em."

"No, we got no guns."

"Slowly Wise backed through the shattered opening," Jarvis said. "In a couple of minutes Chief Deputy Boe Dunn arrived in a sedan heavily loaded with deputies and arms. A double lane of men with drawn guns was formed and the ballot box was carried out to the sedan. The auto jerked up to the corner and down the remaining block to the jail.

"It was 5:05 then. At 6:35 a deputy with a shotgun led the way into the rear entrance to the second of Athens' three voting places. Others with guns in their hands bore the second ballot box into the jail."

A handful of veterans, led by a Republican county election commissioner, then grabbed, disarmed, beat, and hauled away in an automobile the seven deputies.

The 7 and about 100 others had been sworn in by Mansfield for election duty.

The fate of the seven who were taken away in the automobile still was a mystery early today.

Lowell F. Arterburn, publisher of the Athens Post-Athenian, said he could hear shots being fired from behind his newspaper plant and also two blocks away near the city jail.

"It looks like we are right in the middle," Arterburn said.

Arterburn said at least 1,000 persons were surrounding the two-story brick jail, where between 10 and 20 of the war veterans were being held.

"It is extremely tense and anything can happen," Arterburn said.

Arterburn said that shortly before 10 o'clock one of the GI's or a GI supporter, fired a rifle shot through the jail window and demanded that the veterans being held be released one at a time.

SHOTS FIRED INTO JAIL

The jailors refused and the crowd opened up.

At least 40 to 50 shots were fired into the jail.

"It sounded from the newspaper office as volley; as if the shots were fired at a command," Arterburn said.

"I don't know where they got the guns, but I know where they learned to use them," Arterburn said. He was referring to World War II battles.

Sheriff Mansfield, a candidate for the State senate on the regular ticket, said he had 300 armed special deputies on the scene.

Among those wounded was a 50-year-old Negro farmer, Thomas Gillespie, who was shot by one of the special deputies.

Gillespie was taken to Forie Hospital for treatment.

C. R. Hairrell, a GI poll watcher, at the twelfth precinct, suffered a possible skull fracture in another fight and also was treated at the hospital.

PHOTOGRAPHER ARRESTED

A Chattanooga photographer was arrested and jailed late today when he tried to take pictures.

A reporter, Walter Hurt, and a photographer, Bob Henderson, both of the Knoxville News-Sentinel, took refuge in an undisclosed place tonight, telling their newspaper not to reveal where they were hiding.

An Athens reporter who called a Knoxville newspaper discovered his line was tapped and cut off the conversation. He asked that his name not be disclosed.

The regular Democratic faction which has long been in control of county offices here is headed by Sheriff Mansfield and Cantrell.

In today's primary they sought to switch jobs. Mansfield was a candidate for the State senate and Cantrell for sheriff.

The GI veterans did not put up a candidate for the State senate but Knox Henry, a war veteran, was their candidate for sheriff. He had the backing of both nonregular Democrats and Republicans.

A few of Mansfield's deputies are local men. But most of them are strangers. There were more strange faces than familiar ones here this morning.

Early today it was rumored that another 400 war veterans were on their way from Maryville, Tenn., to reinforce Buttram's men. They promised several days ago to come over "if you need us."

BALLOT BOXES IN JAIL

Mansfield had been keeping many of his men grouped around the jail—at least a few score at the time. Car convoys of the deputies brought all the ballot boxes from the 12th and 11th precincts into the jail for counting. Those are the precincts where fights broke out earlier this evening.

"GREATEST TRAGEDY IN STATE'S HISTORY"

KNOXVILLE, TENN., August 1.—At the outbreak of the riot in Athens tonight, a political observer here declared: "This is the most heated campaign we have had for some time." Later when reports of dead and wounded were received, the same observer remarked: "This is the greatest tragedy in the political history of the State of Tennessee."

SENATOR MCKELLAR IS NOMINATED FOR SIXTH TERM

NASHVILLE, TENN., August 1.—KENNETH D. MCKELLAR, veteran of 29 years in the United States Senate, tonight apparently had won his bid for a sixth term over a CIO-PAC candidate.

The Nashville Tennesseean, which backed Edward W. Carmack against MCKELLAR, declared editorially Carmack had lost. The newspaper also conceded the defeat of former Governor Gordon Browning, who also had the paper's support in his race against incumbent Democratic Governor Jim Nance McCord.

M'KELLAR FAR IN LEAD

Unofficial returns from 1,759 out of approximately 2,300 precincts in Thursday's Tennessee Democratic primary gave for United States Senator: E. W. Carmack, 84,297; K. D. McKellar, 144,932; Byron Johnson, 1,640; John R. Neal, 1,704; Herman H. Ross, 1,823.

For governor: 1,760 precincts gave Gordon Browning 94,500; Jim McCord, 142,645; Mrs. Leah Richardson, 1,144.

In the State's seven contested congressional races, Democratic Representative KEFAUVER in the Third District overwhelmed his lone opponent and won renomination for a fourth term. In the First District Republican Attorney General Dayton Phillips was far in front of his nearest competitor in a field of five to fill the vacancy left by Representative B. Carroll Reece, Republican national chairman.

EARTHMAN BEHIND

Representative HAROLD H. (DOC) EARTHMAN, Fifth District Democrat, was more than 2,000 votes behind Joe L. Evins, a young attorney, who campaigned vigorously. In the Sixth District, Representative PERCY PRIEST, Democrat, was slightly ahead in a field of five, but only a few ballots had been counted.

Veteran Representative JERE COOPER, in the Democratic Ninth District, met stiff opposition from Judge Lyle Cherry but with half the votes in COOPER held a 2,000-vote lead.

Mr. McKELLAR. Mr. President, I wish to say just one more word.

I think behind this article is an effort on the part of a newspaper here in Washington, with two newspapers in Tennessee—one especially—to smear Mr. Crump, who is one of the leading citizens of Memphis, one of the most honest and upright citizens of Tennessee, one of the most vigorous and enterprising and valuable men we have in our State. There are no better men anywhere than Ed Crump, and I say without hesitation that in my judgment he is infinitely more honest than those who are undertaking to criticize him in any manner, shape, or form. He has been mayor of our city, was a Representative in Congress for several years, and a fine one. He moves in the highest circles socially and financially, and as a citizen he has no superior anywhere.

PRINTING OF COMPILATION OF CONGRESSIONAL LEGISLATION, EXECUTIVE ORDERS, AND REGULATIONS

Mr. BARKLEY. Mr. President, in October 1942, I asked to have printed as a public document a compilation of congressional legislation, Executive orders, and regulations, with associated data, relative to domestic stability, national defense, and war. On June 23, 1944, I requested unanimous consent that this document (S. Doc. No. 285, 77th Cong.) with revisions and additions bringing it up to date be reprinted. I now ask unanimous consent that Senate Document No. 224, Seventy-eighth Congress, relating to domestic stability, national defense, and the prosecution of World War II, as revised and brought up to date, through July 1946, be reprinted as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUMMARY OF IMPORTANT LEGISLATION, SEVENTY-NINTH CONGRESS, 1945–46

Mr. BARKLEY. Mr. President, it is customary in the closing days of a Congress to insert in the CONGRESSIONAL RECORD a brief summary of important legislation enacted during that Congress. I therefore ask unanimous consent that such a summary for the Seventy-ninth Congress, prepared under the direction of the Secretary of the Senate by the Senate Library, be inserted in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

[The summary appears in the Appendix.]

RESOLUTION FOR SINE DIE ADJOURNMENT

Mr. BARKLEY. Mr. President, I ask the Chair to lay down a privileged concurrent resolution from the House of Representatives.

The PRESIDENT pro tempore laid before the Senate House Concurrent Resolution 165, as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Friday, August 2, 1946, and that when they adjourn on said day they stand adjourned sine die.

Mr. BARKLEY. Mr. President, I ask unanimous consent for the immediate consideration and adoption of the concurrent resolution.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

There being no objection, the concurrent resolution was considered and agreed to.

AUTHORIZATION FOR SIGNING OF ENROLLED BILLS, JOINT RESOLUTIONS, AND SO FORTH, FOLLOWING ADJOURNMENT

Mr. BARKLEY. Mr. President, I send to the desk a concurrent resolution, and ask for its present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Chief Clerk read the concurrent resolution (S. Con. Res. 76), as follows:

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the adjournment of the second session of the Seventy-ninth Congress, the Speaker of the House of Representatives and the President pro tempore of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses which have been examined by the Committee on Enrolled Bills of the House of Representatives and the Secretary of the Senate and found truly enrolled.

The PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

AUTHORIZATION TO MAKE APPOINTMENTS TO COMMISSIONS OR COMMITTEES DURING ADJOURNMENT

On Motion of Mr. BARKLEY, and by unanimous consent, it was

Ordered, That notwithstanding the adjournment of the second session of the Seventy-ninth Congress, the President pro tempore of the Senate be, and he is hereby, authorized to make appointments to commissions or committees authorized by law, by order of the Senate, or by concurrent action of the two Houses.

Ordered further, That the Secretary of the Senate be, and he is hereby, authorized to receive messages from the House of Representatives subsequent to the adjournment of the said session.

STATEMENT BY SENATOR BARKLEY ON THE WORK OF THE SEVENTY-NINTH CONGRESS

Mr. BARKLEY. Mr. President, before I take my seat, I wish to say a word. The second session of the Seventy-ninth Congress is about to adjourn sine die. In my judgment, it has been one of the busiest Congresses that has been in session since I have been a Member of either the House or the Senate of the United States. It has been, on the whole, one of the hardest working and one of the hardest worked Congresses that has ever been in Washington. We have not accomplished all we desired to accomplish. We have not enacted every piece of legislation recommended by the President. But there is nothing unusual about that. We have on the whole, and I think the RECORD will justify the assertion, enacted a magnificent mass of legislation.

I regret, and I am sure the Senate regrets, that the minimum wage bill, passed by the Senate, and the national housing bill, passed by the Senate, have failed of enactment. There are other measures which might have been enacted if circumstances had been different. But I think when the record of this Congress has been assessed by the historian—and I say this without regard to politics, and I say it in full appreciation of the cooperation which has been accorded on both sides of the aisle—it will be found that few Congresses have enacted more wise, far-reaching, and fundamental and beneficial legislation involving all classes of our people, than has the Seventy-ninth Congress in the two sessions, the second of which is now drawing to a close.

I congratulate the Members of the Senate regardless of partisanship. We all realized that during the war we had but one objective, and that was to win it as certainly and as speedily as possible, and in that effort all of us were moving in the same direction. We all realized that when the fighting should cease and we came to the postwar period there would be differences and controversies, and there would be individual preferences, individual views with respect to legislation dealing with the postwar period and with the future of our country. In view of these controversies, in view of the individual opinions held by Members of the Congress from all parts of our country, representing geographical sections, representing various political philosophies, it seems to me that we have come to the end of this session under circumstances and with an accomplishment that need not make this Congress ashamed of its work as compared to any other Congress that has assembled in Washington within the recollection of any of us.

Mr. President, I wish for every Member of the Senate on both sides of the aisle—and in this wish there is no dividing aisle—I wish for all of you a well-deserved vacation. I wish for you that spiritual and mental and physical repose that is so essential after long and arduous tasks well performed, and I hope that we may reassemble here in January 1947—'47 that is [laughter]—renewed in spiritual and physical and mental vigor, prepared to undertake the tasks that lie before us in trying to guide this great Nation of ours.

DISSEMINATION BY STATE DEPARTMENT OF INFORMATION ABROAD ABOUT THE UNITED STATES

Mr. CONNALLY. Mr. President, I inquire of the Senator from Kentucky if the Senate shall continue to transact further business?

Mr. BARKLEY. Oh, yes; the Senate will be in session for a while.

Mr. CONNALLY. Mr. President, I hold in my hand House bill 4982, which passed the House, which relates to the work of the State Department in foreign countries, informational service, addresses, and matters of that kind. Under the present law the State Department may perform these services in South and Central America because it has authorization to do so. The Congress has already appropriated money to carry on this work. But the State Department has no authorization to do so except in those areas. Therefore the State Department is very anxious that the bill be passed for that purpose. So I ask unanimous consent for the present consideration of House bill 4982.

Mr. REVERCOMB. Reserving the right to object, may we have the calendar number of the bill?

Mr. CONNALLY. The calendar number is 1804.

Mr. TAFT. Mr. President, I object.

Mr. CONNALLY. Mr. President, I move that the Senate proceed to the consideration of House bill 4982.

Mr. TAFT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Huffman	Pepper
Ball	Johnson, Colo.	Radcliffe
Barkley	Johnston, S. C.	Revercomb
Bilbo	Knowland	Russell
Bridges	Langer	Shipstead
Capper	McClellan	Smith
Chavez	McFarland	Stewart
Connally	McKellar	Swift
Cordon	McMahan	Taft
Donnell	Magnuson	Taylor
Downey	Maybank	Thomas, Okla.
Ferguson	Mead	Thomas, Utah
George	Millikin	Tunnell
Gossett	Mitchell	Vandenberg
Green	Moore	Wagner
Guffey	Morse	Walsh
Hart	Murray	Wherry
Hayden	O'Daniel	White
Hill	O'Mahoney	Wiley
Hoey	Overton	

The PRESIDENT pro tempore. Fifty-nine Senators having answered to their names, a quorum is present.

RESIGNATION OF SENATOR AUSTIN

Mr. DOWNEY, Mr. O'MAHONEY, Mr. MEAD, and Mr. HILL addressed the Chair.

The PRESIDENT pro tempore. Before any Senator is recognized the Chair must read a letter which he has just received. It is dated August 2, 1946, and is addressed to the present occupant of the Chair.

UNITED STATES SENATE,
August 2, 1946.

Hon. KENNETH MCKELLAR,
President pro tempore of the
Senate of the United States,
Washington, D. C.

DEAR SIR: I have this day transmitted to the Governor of Vermont my resignation as a Senator of the United States, to take effect at the close of the second session of the Seventy-ninth Congress.

Your obedient servant,

WARREN R. AUSTIN.

The present occupant of the chair knows that it is with a great sense of loss that every Member of the Senate realizes that the Senator from Vermont will not be with us longer than this session. He has been a wonderful Senator.

Mr. CONNALLY. Mr. President, as chairman of the Committee on Foreign Affairs I wish to express the deep and abiding regret which I feel at the departure of Senator AUSTIN from the United States Senate. He is a man of great legal ability and untiring energy. He has always been very prompt and diligent in the performance of his duties as a member of the Committee on Foreign Relations. He has a great enthusiasm for world peace and for all the things for which the United Nations Charter stands. I predict for him a very distinguished and useful career in the capacity which he is soon to assume as a member of the United Nations Council.

TWENTIETH ANNIVERSARY OF THE TALKING MOTION PICTURE

Mr. DOWNEY. Mr. President, this year marks the twentieth anniversary of the talking motion picture as we know it today. It was on August 6, 1926, that the Warner brothers—Harry M., Jack L., Albert W., and the late Sam Warner—utilizing a device perfected by the engineers of the Western Electric Co. and the Bell Telephone Laboratories, produced and presented to the public the first commercially successful program of motion pictures in which the characters talked and sang and which embodied all of the normal sounds accompanying the action.

Prior to that time, as many of us will recall, all motion pictures were silent except for the accompaniment of a theater orchestra or the well-remembered movie-house piano player.

The success of that initial talking picture program revolutionized the motion-picture industry and signalized the birth of a new and powerful medium for spreading enlightenment, culture, and entertainment among the peoples of the world.

Since that time the motion picture has recorded for posterity not alone the photographic record of the events of our times but also the sounds and the voices of our great men. Those of us in public life can attest to the value of the talking motion picture in enabling the country's leaders to appear before great numbers of people, a phenomenon which has unquestionably advanced the cause of free democratic government.

We know the contribution the talking picture has made to cultural development. The performances of world-famous musical artists previously heard only by a select circle of individuals in the large metropolitan centers have, through the medium of the talking picture, been brought to everyone within the range of the smallest motion-picture theater. The spoken drama has, too, been brought within the reach of all.

The role played by the talking picture during the war is too well known to require elaboration. It facilitated immeasurably the training of our Army, Navy, and Air Forces; it brought to those of us at home the full reality of the sights and sounds of combat; and on the fighting fronts it brought to our service men and women a relaxation and diversion which has been termed by military authorities as second only in importance to food as a builder of morale.

This summer many phases of the motion-picture, electrical, and communications industries will pay tribute to those who, 20 years ago, made the talking picture possible—to the Warner brothers and to the many scientists, engineers, and inventors who laid the groundwork of technical development.

This tribute is one in which we should all be proud to join, for I know of no medium in the history of the world which has offered such tremendous potentialities for bringing the hearts and minds of peoples into sympathetic understanding. We can be proud of the talking picture as a product of American invention and American development. We can be proud that as an American product it has been used for purposes which are of service to humanity.

American motion-picture producers have consistently maintained their unquestioned leadership in producing the finest motion pictures in the world. Throughout the world the town of Hollywood, Calif., has become a symbol of artistic and technical excellence unequaled anywhere.

No single mind or hand invented the talking picture. It grew out of the inventions of some of this country's most distinguished scientists—Thomas A. Edison, who invented both the phonograph and the motion picture and brought the two into synchronization; Alexander Graham Bell, who first showed the world how to transmit voice over a wire; Dr. Lee de Forest, whose audion tube made electrical amplification possible; Theodore Case and E. I. Sponable, who also pioneered in talking pictures; and the many anonymous heroes of the technical laboratory—these had been the earliest experimenters. Then in the middle 1920's, the engineers of the Western Electric Co. and the Bell Telephone Laboratories, bringing together all of the technical advances up to that time, perfected a satisfactory method of synchronizing pictures and sound. In this Western Electric device, the Warner brothers saw the vision of a motion picture with a voice. After 1½ years of intensive work in which showmanship was combined with technical and artistic genius, the Warners brought into being their first program of talking pictures which was presented in New York City on the evening of August 6, 1926.

It should be remembered that in 1926 the motion-picture industry was already a great and highly successful industry and that its product, the silent motion picture, was at the very peak of its development. Yet these four men, impelled by their faith in a new invention and relying only on their own imagination, enterprise, and willingness to work and sacrifice, were able to found a new industry in the midst of one already established.

This achievement should remind us of the boundless opportunity that lies ahead in the development of our industrial, scientific, and artistic frontiers.

The Nation will be pleased to honor the men who so ably brought honor to their country through the devlopment of the talking picture. It is in the finest tradition of our motion-picture industry that this anniversary has been dedicated not so much to honoring the past as to preparing for the future. Its purpose will be to further even higher standards of artistic and technical excellence in the production of motion pictures and to the motion picture of increasing service to society and civilization.

THE LATE SENATOR JOHN H. BANKHEAD, 2D

Mr. SWIFT. Mr. President, in view of the resolution which has just been agreed to, it will be only a matter of hours before the Members of this body will return to their States and their respective homes.

On June 12, 1946, the State of Alabama suffered a great loss in the untimely death of its then senior Senator, John H. Bankhead, 2d. He was elected to this body on November 4, 1930, reelected November 5, 1936, and again reelected on November 3, 1942. During his entire term as United States Senator he worked ceaselessly and tirelessly for the people of his State, our Nation, and the Democratic Party. His efforts, particularly in the line of agriculture, already have brought fruit, and his influence will be felt long into the future.

To one named temporarily to the vacancy caused by his death until his successor can be elected in the general election on November 5, the respect and esteem in which he was held by his colleagues in this body and the influence he wielded is recognized in its true perspective. In my wholly inadequate efforts to fill his place, the Members of this body have been exceedingly cordial, considerate, and helpful. I thank you, one and all, for myself, the Governor and people of Alabama. I go back to them knowing that each and every one of you wish me to convey to the people of my State your individual sense of the loss you sustained in the death of John H. Bankhead, a great Alabamian, a great American.

STATEMENT BY SENATOR MEAD IN EXPLANATION OF ALIEN PROPERTY RETURN BILL

Mr. MEAD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement which I have prepared explaining Senate bill 2039.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATION BY SENATOR MEAD OF THE ALIEN PROPERTY RETURN BILL, S. 2039

The Trading With the Enemy Act of 1917, as amended, and the vesting practices pursued under it as a part of our economic warfare during World War II, have been aimed at the financial strength of enemy nations and their supporters, not at their victims. In partial recognition of this fact, President Truman, on March 8 of this year, gave his signature to House bill 4571, enacting into law as Public Law 322, the policy of permitting restoration and restitution of property vested in the Alien Property Custodian to their former owners, except where these owners fall within enumerated categories. Such ineligible persons include nonenemy nationals who voluntarily resided in enemy territory after December 7, 1941, and enemy nationals who were present in enemy or enemy-occupied territory after such date. No exception is made in the enumeration of these ineligibles in favor of individuals who were the victims of racial or religious persecution at the hands of enemy nations in which they had the misfortune to reside or to be present during the war.

Certainly the reasons of justice and humanity which led to the enactment of Public Law 322 apply with even greater force to the members of persecuted religious and racial groups within enemy countries. By no stretch of the imagination can these poor unfortunates who today constitute the displaced persons of central Europe be deemed to have been hostile to the United States. These are, indeed, the ones who have suffered most as the result of Nazi tyranny and cruelty; they should be among the first to receive the sympathy and support of our Government and our people. It would be strange justice if the United States Government were to make adequate provision for those who were fortunate enough to escape with their bodies as well as their possessions, but not for those people who were perhaps the recipients of gifts or legacies or who were able to place some small part of their property beyond the reach of the enemy, but themselves were unable to escape. It would be equally unrealistic to indulge the belief that the residence of these people in enemy countries during the war was voluntary, for it is common knowledge that they were held as prisoners, a majority of them having spent a great number of years in concentration camps.

A few illustrations, called to my attention by Dr. Stephen S. Wise, president of the American Jewish Congress, will serve to point up the manifest injustice of retaining the property of these people. In one instance, L. K., a woman of advanced age, resided in a town in southern Germany. She was deported in 1942 to the concentration camp in Theresienstadt. She was evacuated to Switzerland early in 1945 and has since been supported by UNRRA. L. K. had an interest in an inter-vivos trust which was created for her benefit many years before the war by a relative in the United States. This interest has already been vested by the Alien Property Custodian, and under the provisions of Public Law 322 it would be impossible for L. K. to establish her right to the restitution of this property, she being in an enemy country after December 7, 1941.

Another incident relates that on January 3, 1946, a group of persons arrived in the United States from an UNRRA camp in Philipsville, North Africa. These persons, through the efforts of the War Refugee Board, had been released in early 1945 from the Bergen Belsen concentration camp and had been evacuated first to Switzerland and then to North Africa. Most of these persons were destitute upon their arrival in the United States, but some had small assets in this country, over which the Alien Property Custodian now has jurisdiction. Under Public Law 322, these people have no possibility of having their property restored to them.

A third instance focuses attention upon the problem of nonenemy nationals resident in enemy territory. H. R. escaped from Germany to Holland with his two infant children in 1938. Upon invasion of Holland by the Nazis, he was arrested, imprisoned, and finally deported to Auschwitz concentration camp where he was killed on March 3, 1943. His two children, citizens of Great Britain, were held by the Germans in an internment camp for British civilian internees and after VE-day, they returned to Amsterdam with the aid of the British Government. These children are the only individuals now entitled to certain securities and cash assets which their father held in a bank account in New York City. The evidence is not clear, but assuming that the father was not an enemy national the children would still have the difficult burden of proving that their father's residence in enemy territory was involuntary. Certainly, for the victims of racial and religious persecution or for their heirs, such a burden of proof should not be imposed.

With reference to the three situations cited and to the multitude of similar situations that exist, the point of view has been expressed that Public Law 322 includes by implication the victims of racial and religious persecution who were unable to leave enemy territory. In the case of the nonenemy national, it has been said that persecution or imprisonment would be evidence of "involuntary" residence in enemy territory. In the case of the enemy national, it is suggested that Nazi and Nazi-inspired denaturalization laws effectively canceled the enemy citizenship of the victims of racial and religious persecution. In answer to these technical and legal arguments, I can only say that if persecution or imprisonment is to be considered proof of "involuntary" residence, then it is Congress' function to say so, and thereby eliminate the possibility of confused interpretation. On the other hand, are we to expect administrative and judicial arms of this Government to accord substance to the outrageous legislation of the Nazi regime. Further, assuming that for the purposes of Public Law 322, those deprived of citizenship by Nazi legislation are to be considered stateless persons, are their rights to restitution any more clear-cut. They would have an even more difficult burden of proof than nonenemy nationals in attempting to assert "involuntary" residence. Clearly, express legislation on behalf of these people is necessary in order to insure the protection of their interests.

I pause briefly to mention that in connection with both Allied military government in Europe and with the armistices signed by this country with Italy, Rumania, Bulgaria and Hungary, the interests of the victims of religious and racial persecution are singled out for protection. Thus, for example, the vesting of all the foreign assets of German citizens residing outside of Germany (Allied Military Government Law No. 5, sec. 3, dated October 30, 1945) expressly excluded the property of victims of persecution and discriminatory legislation. If, through our military government abroad, we decline to add to the affliction of these persons by seizing their property in other countries, are we to permit of the possibility of retaining their property in this country? Certainly, this is not within the contemplation of the way this country does business.

As to the over-all effect of the proposed amendment on the total assets held by the Alien Property Custodian, there is reason to believe that only a small fraction of such vested property was owned by persons whom it is now desired to make eligible for its return. The assets involved consist mostly of small holdings, mainly modest legacies or distributive shares in estates of relatives who were residents of this country. Yet, most of the former owners, whose property in their countries of origin or residence has been the object of spoliation, look to these small holdings over here as the only financial resource left to them for the creation of a new life and livelihood. It is little enough for them to expect that this country will not stand in their way. They include those presented because of racial, religious, and political reasons.

SURPLUS PROPERTY FOR VETERANS

Mr. O'MAHONEY. Mr. President, I wish to make an announcement which I

know will be of great interest to all Members of the Senate. It will be remembered that early this year the junior Senator from South Carolina [Mr. MAYBANK], the junior Senator from New Mexico [Mr. CHAVEZ] and I introduced a bill to facilitate the disposal of surplus property among veterans. We felt that a great improvement could be obtained in the method of distribution of surplus property if the law were amended so as to require a specific set-aside of such property to which the veterans should have an exclusive right, in order that they might purchase it for their personal use and for the establishment of businesses in which they wish to engage or are engaged. Of course, there has been a great deal of dissatisfaction because the Government has not had sufficient surplus property to satisfy all the needs.

I have had numerous occasions to discuss this matter with the War Assets Administration, and I am very happy to announce to the Senate now that I hold in my hand a letter from General Littlejohn, the present Administrator of War Assets, who notifies me that he is expanding the inventory of surplus property for exclusive disposal to veterans, in accordance with the provisions of the measure to which I refer. I ask unanimous consent that the letter from General Littlejohn, Administrator of War Assets, may be printed in the RECORD at this point, as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WAR ASSETS ADMINISTRATION,
Washington, D. C.

Hon. JOSEPH C. O'MAHONEY,
Chairman, Surplus Property Subcommittee of the Senate Military Affairs Committee, United States Senate, Washington, D. C.

MY DEAR SENATOR O'MAHONEY: In the interest of carrying out the provisions and intent of the O'Mahoney-Manasco amendment to the Surplus Property Act (Public Law 375), I am taking action to increase considerably the number of items which will be set aside for exclusive disposal to veterans in accordance with the provisions of section 16 (b) of that act.

The items which I am adding to the veterans "set-aside" at this time are listed below: Wheel type tractors (commonly called farm type tractors); motor graders; concrete mixers (10 sacks and under); fork lift trucks (industrial type) (percentage of present inventory); tool kits (carpenters and other building crafts); barbed wire (suitable for farm use); power saws; refrigerators (reach-in and walk-in type); refrigerator display cases; food preparation electrical appliances (common to commercial use like restaurants, small bake shops, etc.); photographic equipment (items to be selected through collaboration with the commodity division and veterans division); binoculars; musical instruments; life rafts; sleeping bags; surveying equipment (like transits, levels, drafting instruments, etc.); desks, office chairs, filing cabinets, office tables, dictating equipment; cash registers; duplicating machines; adding machines; comptometers; fractional horsepower motors; prefabricated buildings (suitable for housing that have not been taken by the national housing authorities).

There are, of course, other priority claimants, most notably the Federal agencies, who have an interest in certain types of property included in the above amendatory list. This matter will be discussed with interested agencies in making final determinations with respect to the quantities of the items on the list. The same action will be taken with respect to subsequent lists which I expect to make available from time to time in the future.

It is my objective to see that veterans are accorded the rights and prerogatives with respect to surplus property that were granted them under Public Law 375.

I appreciate very much your sincere interest in this matter and, in accordance with your invitation, will look forward with anticipation to conferring with you on this and other subjects allied to the problem of disposal to veterans at your earliest convenience.

Respectfully yours,
ROBERT M. LITTLEJOHN,
Administrator.

ABOLITION OF PARKER RIVER NATIONAL WILDLIFE REFUGE, MASSACHUSETTS

Mr. WALSH. Mr. President, I dislike very much to take even a moment at this hour, because the Senate has been most patient. But while the Senator from Maine and the Senator from West Virginia are in the Chamber, I desire to ask unanimous consent for the present consideration of House bill 4362, Calendar No. 177. The bill has been discussed on the floor of the Senate. It was objected to by the Senator from West Virginia on behalf of some Senators who then were absent, but who since have withdrawn their objections.

Mr. CONNALLY. Mr. President, consideration of the bill at this time can be had only by unanimous consent, because a motion to have the Senate consider another matter is now pending.

Mr. WALSH. I realize that.

The PRESIDENT pro tempore. The bill will be read by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 4362) to abolish the Parker River National Wildlife Refuge in Essex County, Mass., to authorize and direct the restoration to the former owners of the land comprising such refuge, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the bill (H. R. 4362) was considered, ordered to a third reading, read the third time, and passed.

RURAL ELECTRIFICATION ADMINISTRATION

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent to have inserted in the body of the RECORD at this point a statement from the hearings of the subcommittee conducting the investigation of the Rural Electrification Administration, part IV, pages 1065 and 1066.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Senator SHIPSTEAD. That is all, then. I just wanted to clear that up.

Mr. BEEDY. That is all straightened out, I take it. The evidence shows that complaint came here to Senator SHIPSTEAD long before this investigation was started, by men in REA who were much concerned by what was going in REA, and came together, a little group of them——

Senator SHIPSTEAD (interposing). People back home?

Mr. BEEDY. Yes. And some people back home, believing, knowing that Senator SHIPSTEAD, as a matter of fact, was the first man in the Senate to bring out this idea of rural electrification here in Washington.

Senator SHIPSTEAD. My first activity with the REA, or with the institution of REA, was in 1934, by suggestion of the President of the United States.

Mr. BEEDY. You called it to his attention?

Senator SHIPSTEAD. I called it to his attention out of the experience I had had in attempting to get electricity for my own State, and as a result of that outline there was a widespread knowledge—I did not intend to testify here, but as long as this has been brought up, I will state it.

Mr. BEEDY. You sat silently by on this matter, and to my knowledge these were the facts that you are about to relate, and since the statement has been made here that selfish persons instituted this investigation and that you, apparently, consulted with them and relied upon them in good faith, I think it is quite natural, that this discussion should grow out of that statement.

Senator SHIPSTEAD. I might as well say, in view of the fact that it has been brought out, that in the summer of 1934 the general opinion was that you could not have a rural electric project without a great power project, water. We did not have that in a great part of the country. We could not have water in my part of the country, so I went to the President and told him I thought we could have electricity without water power, with Diesel engines or buy it from existing agencies. And I told him I thought it could be done on a large scale; that the farmer could have electricity as well as he could have a cheap automobile, if it was done on a large scale, and called attention to the mass production of Henry Ford, and within 2 or 3 days he sent Mr. Cooke and Mr. Herring. Mr. Cooke was chief engineer of the planning commission, and Mr. Herring was assistant engineer. They came to my office and said the President had sent them, and wanted to know if I could give them an outline of a practical project that they could survey. I asked them what they wanted and they said, "We would like to know how much business you can get on the line."

There happened to be at that time a man in a neighboring county who was mayor of a city there that had a cooperative distribution plant, and I called him in and we spread out a map on the floor of my office, a map of Minnesota, showing the counties. These engineers wanted to know if we could have a project in view to test the practicability of the plan and see what we could do. That was in 1934, and in the winter of 1935 we got some money from the Emergency Relief to send an engineer up there, and that engineer got the assistance of a number of engineers, and that winter they drove and made a survey of four counties to see if they could get enough business to start a plant. They made a good job of it. There were four cooperatives or municipal plants which we thought we could get electricity from. That was in the winter of 1935, and I think it was in May 1935 that the President issued an Executive order establishing the agency with the view of—the first idea was that electricity could be bought from these municipal plants, and we thought that if we could not get any bids at a reasonable rate from any of those

municipal plants we could establish an REA plant. It took a long time before we finally got it, but when this agency was established they put up a very fine project, very well executed, and it has rendered very fine service.

Mr. BEEDY. When you found that you were unable to get your power from the municipal plants, and that there were enough customers to support a project, rural-electrification project, the result was the first Executive order establishing REA. How did it come about that Senator Norris fathered the legislation?

Senator SHIPSTEAD. Well, I don't know. It became evident that there should be legislation other than the Executive order, and I was not very well at the time and did not pay very much attention to it, but I supported the establishment of that agency after it had been operating under Executive order for some time.

Mr. BEEDY. Mr. Cooke was a very close friend of Senator Norris, was he not?

Senator SHIPSTEAD. Oh, yes. I went to the President and asked him to appoint Mr. Cooke.

Mr. BEEDY. First Administrator.

Senator SHIPSTEAD. Yes. I want to apologize for bringing this up, but as long as it was brought up I thought I would make that statement.

Mr. BEEDY. I brought it up, Senator. I will take the responsibility for it.

Mr. SHIPSTEAD. Mr. President, in connection with the printing of the matter to which I have just referred, I desire to say that, as the public records show, the Rural Electrification Administration was first born officially on May 11, 1935. It was operated under Executive order until May 20, 1936. During that year it had established itself as a practical plan for the electrification of the rural areas. As a result, it was established by Public Law 605 on May 20, 1936, the author being Senator Norris.

It was then operated as an independent agency until July 1, 1939, when it was transferred to the Department of Agriculture. Such has been the written history of the birth of the Rural Electrification Administration but its genesis occurred earlier, in the summer of 1934 and the winter of 1935.

In the summer of 1934, farmers in Douglas and Stearns Counties, Minn., had made surveys to establish the feasibility of rural electrification if electric energy could be acquired at a reasonable cost. The results of these surveys were reported to the President and his advisers, and as early as January 1935, arrangements had been made to employ engineers to extend the survey during the winter of 1935. Funds for the expense of the surveys in Minnesota were allocated in the amount of $15,000 from the Federal Emergency Relief Administration, and on January 19, 1935, Mr. Hibben of the Federal Emergency Relief Administration sent Donald McKay to head the efficient survey in Minnesota, under the acting head of the Federal Emergency Relief Administration, L. P. Zimmerman.

Other engineers making that survey under the direction of Mr. Zimmerman were: Victor Viebaum, W. L. Woehler, John Gundersaug, C. C. Cutliff, Earl Eubank, E. O. Elstad, R. H. Flintt, Walter Burley, J. O. Tews, and Harold Dahl, all citizens of Minnesota.

The result of that survey sustained the opinion of the preliminary survey that had been made by private citizens in 1934 in Minnesota. As a result of the findings of these surveys, other surveys were instituted in different parts of the country, and resulted in the issuance of the Executive order of May 11, 1935. That is the date of the first establishment of the Rural Electrification Administration as a definite Government-fostered cooperative project.

The Executive order of the President endowed it with an allocation of $100,000,000 in funds. The results of the surveys made in Minnesota in 1934 by private citizens were conveyed to Mr. Cooke and Mr. Herring, who had been and were acting as engineers for the Mississippi Valley Resources Board, and to the President, and as a result, I had the privilege of making an address over a Nation-wide radio hook-up over the National Broadcasting Co. on Monday, December 31, 1934, New Year's Eve, 4 months prior to the issuance of the Executive order the following May.

The Washington Star printed the complete address in pamphlet form for public distribution, and I ask unanimous consent to have printed at this point in the RECORD the part of the address which deals with the proposed program for rural electrification. Let me say that the program became official on May 11, 1935.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

In a country as large and rich in resources as ours the farmer who feeds the Nation has the right to enjoy the comforts and conveniences of modern invention, machinery and electricity that is enjoyed by his brother in the cities. With this in view, President Roosevelt, a year ago, appointed a commission to investigate the possibilities of bringing electric power and light for use by farmers and farmers' wives at a price they can afford to pay. He recognized that a method could be found to bring electricity to the farms, at prices farmers can afford to pay, for pumping water, sawing wood, grinding feed, operating washing machines and flatirons, with electric lights for the house and the barn, and even used for cooking. He said: "Electricity can relieve the drudgery of the housewife on the farm and lift a great burden off the shoulders of the hard-working farmer." Of the 6,000,000 farms in the United States 5,000,000 are entirely without electric service.

In the opinion of the President's commission, the number of these which now can be economically given service range from 1,000,000 to 3,000,000, and these can be given electricity at a price they can afford to pay only if electrification is undertaken on a wide scale. The commission says: "Unless the Federal Government assumes an active leadership, assisted in particular instances by State and local agencies, only a negligible part of this task can be accomplished within any reasonable time."

The big problem in rural electrification is not the cost of generating energy, but the cost of delivering it to the rural customer. In Canada, Great Britain, France and other countries this fact has been recognized.

"Several reasons might be advanced," says the commission, "to explain why only 10 percent of the Nation's farms (less than 6 percent in the Mississippi Valley) purchase electricity. These are the lack of interest by operating companies in rural electrification, high cost of line construction because of the unnecessarily expensive type of line used, onerous restrictions covering rural line extensions and high rates."

Having recognized the advantages of rural electric service and reached the conclusion that only under Government leadership and control is any considerable electrification of "dirt farms" possible, we face the obvious obligation of getting it done. An allotment of $100,000,000 actually to build independent, self-liquidating rural projects would in the opinion of the commission, exert a mighty influence in various directions.

The report then continues: "This plan calls for serving territory not now occupied and not likely to be occupied to any considerable extent by private interests. The proposal has become possible only recently through the marvelous development of the Diesel engine, which could be used for power in regions where high-line extensions are not feasible. Another source of power would be small hydro plants where suitable sites are available. In cases where it is practicable, public transmission lines utilizing either Government or private power sources could be erected. Rural distribution lines will cost from $500 to $800 per mile to construct, and to amortize this cost in 20 years involves a cost to each of three consumers on a mile of line of about $1 a month."

Planning on a wide scale, say of service to 500,000 farms in units of 1,500 farms, the total cost, if generating plants are included for each unit, would be $330 per farm; but if one-half of the units can be supplied from existing sources the total cost would be about $280 per farm. In both cases the outlay would be amortized through an appropriate element in the rate.

The commission further says: "If it be objected that it is not sound economics for the Government to build stations when the present generating capacity cannot or does not find a market, the answer is that this criticism places the cart before the horse and ignores the social purpose underlying the policy proposed."

It is estimated that if electrification of the farm is done under Government direction and on a large scale that the conveniences of electric light and power can be brought to the farm for one-half or less than one-half the price of a modern cheap automobile. And this cost, under the system of financing recommended, could be paid off at a small monthly charge added to the light and power bill over a period of 20 or 30 years. Under this plan the conveniences of the city can be brought to the farm at a price so low that the farmer and his wife could not only afford it under the income we expect them to receive, but he will demand it from the social order for which he supplies the foundation and nourishment.

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a copy of the Executive order of the President establishing the Rural Electrification Administration.

There being no objection, the Executive order was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER No. 7037

ESTABLISHMENT OF THE RURAL ELECTRIFICATION ADMINISTRATION

By virtue of and pursuant to the authority vested in me under the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (Public Res. No. 11, 74th Cong.), I

hereby establish an agency within the Government to be known as the Rural Electrification Administration, the head thereof to be known as the Administrator.

I hereby prescribe the following duties and functions of the said Rural Electrification Administration to be exercised and performed by the Administrator thereof to be hereafter appointed:

To initiate, formulate, administer, and supervise a program of approved projects with respect to the generation, transmission, and distribution of electric energy in rural areas.

In the performance of such duties and functions, expenditures are hereby authorized for necessary supplies and equipment; lawbooks and books of reference, directories, periodicals, newspapers and press clippings; travel expenses, including the expense of attendance at meetings when specifically authorized by the Administrator; rental at the seat of government and elsewhere, purchase, operation, and maintenance of passenger-carrying vehicles; printing and binding; and incidental expenses; and I hereby authorize the Administrator to accept and utilize such voluntary and uncompensated services and, with the consent of the State, such State and local officers and employees, and appoint, without regard to the provisions of the civil-service laws, such officers and employees, as may be necessary, prescribe their duties and responsibilities and, without regard to the Classification Act of 1923, as amended, fix their compensation: *Provided*, That insofar as practicable, the persons employed under the authority of this Executive order shall be selected from those receiving relief.

To the extent necessary to carry out the provisions of this Executive order the Administrator is authorized to acquire, by purchase or by the power of eminent domain, any real property or any interest therein and improve, develop, grant, sell, lease (with or without the privilege of purchasing), or otherwise dispose of any such property or interest therein.

For the administrative expenses of the Rural Electrification Administration there is hereby allocated to the Administration from the appropriation made by the Emergency Relief Appropriation Act of 1935 the sum of $75,000. Allocations will be made hereafter for authorized projects.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *May 11, 1935.*

Mr. SHIPSTEAD. Mr. President, it has been said that the evil that men do lives after them, but the good they do often is interred with their bones; but so far as President Roosevelt is concerned, the good he did for the farmers of America, especially in connection with the Rural Electrification Administration, will stand as a monument to him.

Mr. President, before I take my seat, I wish to say that I would be lacking in gratitude and in courtesy if on this occasion I did not mention the gratitude I feel for the many courtesies I have received at the hands of every Member of this body. I have had the privilege of serving in the Senate for nearly a quarter of a century; my service here has been for a quarter of a century lacking 1 year. I have enjoyed the comradeship and the service I have had here, and I wish to thank every individual Senator for the many courtesies I have had at his hands. I should like to do so personally; but I know that many Senators are about to leave, so I take this opportunity to thank them, and particularly to thank the distinguished President pro tempore of the Senate, the Senator from Tennessee [Mr. MCKELLAR].

CONTRACT SETTLEMENTS

Mr. THOMAS of Utah. Mr. President, I ask unanimous consent to have printed in the RECORD two reports of the Comptroller General of the United States dealing with contract settlements. I do this because the reports show the wonderful operations which this agency of our Government has been conducting.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, August 27, 1945.

The PRESIDENT OF THE SENATE.

SIR: Transmitted herewith is a report of the activities of the General Accounting Office under section 16 of the Contract Settlement Act of 1944.

Respectfully,

LINDSAY C. WARREN,
Comptroller General of the United States.

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COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, August 27, 1945.

The CONGRESS:

The first year of operations under the Contract Settlement Act of 1944, having ended it is deemed proper at this time to report to the Congress a summary of the activities of the General Accounting Office under the provisions of section 16 of the said act.

With the enactment of the Contract Settlement Act of 1944, there was for immediate consideration the devising of an orderly procedure for the proper discharge of the functions and duties prescribed by the act for performance by the General Accounting Office. The procedure developed and now in effect for such purpose, covered by office order No. 57, was designed with the view of assigning to each division of the General Accounting Office the task which, by reason of prior experience, it was best equipped to perform. Also, this order established a Committee on Termination Settlements to review reports emanating from the various divisions of the General Accounting Office relating to matters arising under section 16 of the act, and to advise me with regard thereto. Under the procedure so established the General Accounting Office has endeavored to perform to the fullest extent practicable its limited functions in respect of contract termination settlements. A copy of office order No. 57 is attached hereto.

Under subsection (a) of section 16 of the Contract Settlement Act, the function of the General Accounting Office with respect to any termination settlement of a war contract is confined to determining, after final settlement, (1) whether the settlement payments to the war contractor were made in accordance with the settlement, and (2) whether the records transmitted to it, or other information, warrant a reasonable belief that the settlement was induced by fraud. The first of these functions requires merely the simple operation of checking the voucher covering payment to the contractor with the related termination settlement to ascertain that the amounts shown thereon are in agreement. In the performance of the second function—that of determining whether the settlement was induced by fraud—since, only in rare instances, have the records transmitted to the General Accounting Office with respect to the termination settlements made by the contracting agencies included any papers other than a voucher, supported merely by a settlement agreement, which, obviously, is insufficient for the purpose of properly determining the existence of fraud, it has been necessary for the representatives of the General Accounting Office to examine the records of the contracting agencies and of the contractors relating to such termination settlements at the place or places where such records were kept. To the extent that an examination of these records has been made, the reports received thereon have not warranted a reasonable belief that any settlement was induced by fraud. However, it is to be recognized that, in the discharge of the duty of discovering fraud in the settlement of termination claims, the General Accounting Office has no authority to examine the records relating to such settlements until after final payment has been made thereunder. While cognizant of, and with no intent to minimize, the salutary effect of the examination of such records, in my judgment—no matter with what exacting care an examination may be made of the records relating to the final termination settlements—the difficulties attendant in any post audit of such settlements to ascertain whether or to what extent fraud is present, render it highly improbable that fraud will be disclosed in other than a negligible percentage of such cases. In an attempt—to the extent consistent with the provisions of the Contract Settlement Act—to overcome this handicap in the protection of the interests of the Government, there, recently, has been worked out and put into effect a cooperative arrangement whereby the field representatives of the General Accounting Office and the field representatives of the War Frauds Section of the Department of Justice will exchange any information obtained tending to indicate fraud in the settlement by prime and subcontractors of the termination claims of their subcontractors. In this connection, the third report, April 1945, by the Director of Contract Settlement to the Congress, relative to settlement procedures, contains a statement as follows:

"One method of streamlining settlement procedures, already in effect, is delegation of authority to prime and subcontractors to make final settlements of their own subcontracts. Blanket authority has been given to all contractors to settle all claims of less than $1,000, where the subcontractor retains or disposes of all inventory. In addition, specific authority is given to selected contractors to make final settlements of their subcontractors' claims of $10,000 or less. Such authority has been given to 2,340 contractors by one or more technical services of the War Department; to 130 contractors by one or more bureaus of the Navy Department; and to 9 contractors by the Maritime Commission. The system of delegations now in use could cover over 90 percent of all subcontractors' claims and does cover at least 60 percent of such claims."

A further considerable increase in the number of contractors to whom authority has been given to make final settlement of their subcontractors' termination claims of $10,000 or less is shown in the fourth report, July 1945, by the Director of Contract Settlement to the Congress. While this practice of delegating authority to war contractors to make final settlement of the termination claims of their subcontractors, generally without review by the contracting agencies, is expressly authorized under section 7 (a) of the Contract Settlement Act, it is my opinion—apparently shared by the Department of Justice—that it affords a most fertile field for the perpetration of fraud and thus properly requires special attention in the prevention and detection thereof. It is believed that operations under the cooperative arrangement referred to above will prove beneficial both to the Department of Justice and to the General Accounting Office in the performance of their respective functions under the act, and, further, that it is consistent with and sanctioned by the stated objective of the act as set forth in subsection (f) of section 1 thereof, "to use all practicable methods * * * to prevent improper payments and to detect and prosecute fraud."

In addition to the aforementioned examination being made of the termination settlements and the related records in the performance of the functions prescribed by sec-

tion 16 (a) of the act, special investigations of such settlements are being conducted, as provided by section 16 (c) of the act, for the purpose of reporting to the Congress from time to time as to whether the settlement methods and procedures employed by the contracting agencies are of a kind and type designed to result in expeditious and fair settlements in accordance with and subject to the provisions of the act and the orders and regulations of the Director of Contract Settlement; whether such methods and procedures are followed by such agencies with care and efficiency; and whether such methods and procedures adequately protect the interest of the Government.

Based on the reports so far received on the results of such investigations, there is not perceived at this time any serious objection to the settlement methods and procedures employed by the contracting agencies. In this connection I have had occasion to meet several times with the Director of Contract Settlement and with representatives of the principal contracting agencies for the purpose of discussing with them problems arising in connection with the termination and settlement program and the administrative regulations dealing therewith, particularly insofar as they affect the duties of the General Accounting Office under the act. One of the matters considered in a series of discussions with the interested contracting agencies—primarily the War and Navy Departments—has been the establishment of a procedure which would permit the settlement of terminated cost-plus-a-fixed-fee contracts to be kept abreast of the settlement of fixed-price contracts and at the same time afford proper protection of the interests of the Government. The procedure worked out and put into effect is set forth in paragraphs 560 to 569.5, section V, part 6, Army-Navy Joint Termination Regulation.

Relative to the number of all types of contracts terminated, the speed with which settlement has been effected—both of fixed price and cost-plus-a-fixed-fee termination claims—and the time lag between the final settlement of termination claims and the date of the actual receipt by the prime contractors and subcontractors of the money owed to them, as disclosed in the several reports by the Director of Contract Settlement to the Congress, I have noted the indicated gradual and continuous reduction in the average time required for settlement of terminated contract claims. However, in the enactment of the Contract Settlement Act, a dual purpose is evident—to expedite the fair settlement of termination claims and to protect the interest of the Government. It is to be hoped that the achievement by the contracting agencies of the first of these objectives will not be at the expense of the latter. While no objection is perceived to the emphasis and stress which has continued to be placed on the devising of new procedures to speed the settlement of termination claims, a careful surveillance and check of settlement operations is being made and, in the event too great a price is found to have been paid for such speed, such matters will be brought immediately to the attention of the contracting agency, the Director of Contract Settlement, and to the Congress, as required by the act. Based on information received to the effect that relatively few war contractors have made application for interim financing—available to them under the act during the period between the termination of their war contracts and the receipt of payment of their termination claims—as confirmed by the reports of the Director of Contract Settlement that demand for interim financing has been very light, the conclusion appears warranted that, for the most part, war contractors have no pressing need for funds due them upon the termination of their contracts. There thus appears little or no occasion for any undue haste by the contracting agencies in the settlement of termination claims at the sacrifice of a careful and adequate examination and analysis of such claims.

While, as reported above, there has been found nothing in the methods and procedures prescribed by the contracting agencies for the guidance of their representatives in the settlement of termination claims to which objection or recommendation for improvement need be made at this time, the real test of the adequacy of such methods and procedures comes in the application thereof by such representatives in the performance of actual terminations and settlements. In this connection, the audit of the termination settlements made by the contracting agencies has disclosed an instance of an apparent attempt by the representatives of a contracting agency, under purported authority of the Contract Settlement Act, to reopen negotiations and to make a further payment under a contract which had been terminated and finally settled before the effective date of the act. Such action is prohibited specifically by the provisions of the act and will be the subject of appropriate corrective means when disclosed in the examination of termination settlements. Continued careful and close attention is being given to the reports received relative to operations under the methods and procedures prescribed by the contracting agencies and, in the event of any disclosure of matters indicating a failure on the part of the contracting agencies to follow the prescribed methods and procedures with care and efficiency or failure of such methods and procedures adequately to protect the interest of the Government, appropriate action with a view to the correction thereof will be taken promptly in accordance with the act.

LINDSAY C. WARREN,
Comptroller General of the United States.

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, July 26, 1946.

The PRESIDENT OF THE SENATE.

SIR: Transmitted herewith is a report of the activities of the General Accounting Office under section 16 of the Contract Settlement Act of 1944.

Respectfully,

LINDSAY C. WARREN,
Comptroller General of the United States.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, July 26, 1946.

The CONGRESS:

The second year of operations under the Contract Settlement Act of 1944 having ended, it is deemed proper at this time to supplement my previous report to the Congress of August 27, 1945, with a further review of the activities of the General Accounting Office under the provisions of section 16 of the said act.

The function of the General Accounting Office with respect to the settlement of termination claims of war contractors, as prescribed and limited by subsection (a) of section 16 of the Contract Settlement Act, is confined to that of determining, after final settlement of such claims by the contracting agency, (1) whether the settlement payments to the war contractor were made in accordance with the settlement, and (2) whether the records transmitted to it, or other information, warrant a reasonable belief that the settlement was induced by fraud; also, under subsection (c) of the same section of the act, this Office is authorized to investigate the settlements completed by the contracting agencies for the purpose of reporting to the Congress from time to time on (1) whether the settlement methods and procedures employed by the contracting agencies are of a kind and type designed to result in expeditious and fair settlements in accordance with and subject to the provisions of the act and the orders and regulations of the Director of Contract Settlement; (2) whether such methods and procedures are followed by such agencies with care and efficiency; and (3) whether such methods and procedures adequately protect the interest of the Government.

The procedures devised for the performance by the General Accounting Office of these restricted functions in respect of contract termination settlements were set forth in my previous report to the Congress and need not be repeated here. Such procedures have proven to be adequate for the proper discharge of these functions and no revision thereof has been required or made.

Based on the reports received relative to the contract termination settlements effected by the contracting agencies, no instance has been found in which the settlement payments to the war contractor were not in accordance with the settlement agreement. However, in the course of the performance of the function of determining whether any settlement agreement was induced by fraud, evidence has been found which appears to warrant a reasonable belief that at least four of such settlements were induced by fraud. If on the basis of the further examination and analysis presently being made of such cases, I am convinced that any of such settlements were induced by fraud appropriate action will be taken promptly in accordance with the act to report such cases to the Department of Justice, to the Director of Contract Settlement, and to the contracing agency concerned. In this connection, the attention of the Congress again is invited to the fact that, in the discharge of its duty, in the examination of the settlements of termination claims, the General Accounting Office has no authority to examine the records relating to such settlements until after final payment has been made thereunder. Nothing has changed my opinion, as heretofore repeatedly expressed, that—no matter with what exacting care an examination may be made of the records relating to the final termination settlements—the evident difficulties in any post audit of such settlements to ascertan whether or to what extent fraud is present renders it highly improbable that fraud perpetrated by war contractors in the settlement of their termination claims, which at best is difficult of proof, will ever be disclosed in other than a negligible percentage of such cases.

A careful analysis of the methods and procedures prescribed by the contracting agencies for the guidance of their representatives in the settlement of termination claims has not disclosed any basis for criticism thereof from the standpoint of being of a kind and type designed to result in expeditious and fair settlements in accordance with and subject to the provisions of the Contract Settlement Act of 1944 and the regulations of the Director of Contract Settlement. Also, the reports received on the results of the investigations of the termination settlements made by the representatives of the contracting agencies indicate that in the vast majority of cases the prescribed settlement methods and procedures have been followed with care and efficiency. However, a few instances have been found in which excessive allowances have been made to war contractors by reason of computation of costs on a basis other than that sanctioned by recognized commercial accounting practices; by reliance upon certificates of war contractors as to costs incurred without apparent corroboration of the correctness of the facts so certified; by failure properly to apply the prescribed settlement methods and procedures; or for other reasons. However, it is to be understood, of course, that the United States is precluded by the act from recovering any amounts found to have been improperly paid to contractors or sub-

contractors under such settlements, except where it can be established that such overpayments resulted from fraud. Accordingly, in an attempt to protect the interest of the Government—to the extent consistent with the provisions of the Contract Settlement Act—such matters have been and are being brought to the attention of the contracting agency concerned with the suggestion that in order that future overpayments of a like nature will not be made, the personnel engaged in termination settlement activities be informed thereof.

In the course of the performance of the function of investigating settlements completed by the contracting agencies for the purposes as outlined in section 16 (c) of the act, several cases have been found in which the contracting officers or contracting officers' representatives who, on behalf of the Government, have executed or assisted in executing termination settlements were later hired by the war contractors involved after leaving the Government service. In such cases, the settlements involved are being accorded special attention and investigation for any indication of improper payments thereunder.

With respect to whether the settlement methods and procedures prescribed by the contracting agencies adequately protect the interest of the Government, the reports received thereon have disclosed no proper basis for objection thereto on that account. That is to say, to the extent that instances have been disclosed of excessive, improper, or even apparently fraudulent payments upon termination claims the fault would seem to lie not with the administrative settlement methods and procedures but with the individuals charged with the execution thereof, and such instances may be regarded as a natural and expected result of the failure to provide in the act—as consistently urged by me prior to the enactment thereof—for an audit and review of the settlements of termination claims by an agency independent of the contracting agencies before such settlements became final and before final payments were made thereunder.

LINDSAY C. WARREN,
Comptroller General of the United States.

AUTHORIZATION FOR SPECIAL COMMITTEE INVESTIGATING NATIONAL DEFENSE PROGRAM TO FILE ADDITIONAL REPORTS

Mr. MEAD. Mr. President, I ask unanimous consent to call up Senate Resolution 310.

The PRESIDENT pro tempore. The resolution will be read, for the information of the Senate.

The resolution (S. Res. 310) submitted by Mr. MEAD on July 24, 1946, was read, as follows:

Resolved, That the Special Committee Investigating the National Defense Program be authorized to file additional reports with the Secretary of the Senate following the sine die adjournment of the Senate and that they be printed as parts of Senate Report No. 110.

Mr. TAFT. Reserving the right to object, let me inquire whether the resolution, if adopted, would authorize the filing and printing of reports prepared by the Mead committee.

Mr. MEAD. Yes. This resolution was recommended by the unanimous vote of the committee. It provides for the filing of reports with the Secretary of the Senate, so that they will be available when the Senate meets in January. The resolution is similar to the ones which are customarily adopted preceding recesses or adjournments of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

ORDER OF BUSINESS

Mr. BARKLEY. Mr. President, for the benefit of the Senate I wish to say that following the address which the Senator from Alabama [Mr. HILL] desires to make, I shall ask unanimous consent for consideration of the House bills on two pages of the calendar which have been reported since the last call of the calendar. I may say that inasmuch as the House of Representatives has already adjourned sine die, it would be a futile gesture for the Senate to pass a House bill to which it added any amendment. But there are a few bills on the calendar which have come from the House of Representatives and have been reported without amendment, and I wish to ask that they be considered before the Senate finally adjourns.

Mr. REVERCOMB. Mr. President, I wish to ask the Senator from Kentucky a question. Does he refer to pages 9, 10, and 11 of the calendar?

Mr. BARKLEY. I refer to pages 9, 10, and only one bill on page 11.

REVIEW OF BOOK, THE REVOLT OF THE SOUTH AND WEST

Mr. MURRAY. Mr. President, the great problem which faces this body on the domestic scene is the development of the backward industrial areas of our South and our West.

Many students, scholars, and journalists have studied the obstacles which have kept our South and West in comparative poverty. Nearly all have come to the conclusion that the constricting hold of monopoly is at the root of the difficulties of the South and West.

Southern and western Senators particularly will be interested in a very recent study of this basic problem, a book entitled "The Revolt of the South and West," written by A. G. Mezerik, a well-known journalist and author. I recommend this book to all, whether they live in the South, the West, the North, or the East, for if Mr. Mezerik's program is adopted, the entire United States, and not just parts of it, will be prosperous.

Newspapers, governors, and leading industrialists have already commended the book, which has been well described in a review in the Chicago Law Bulletin.

I ask unanimous consent that a copy of this review be printed in the RECORD at this point in connection with my remarks.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

A REPORT ON THE ECONOMIC AWAKENING OF SOUTH AND WEST—THE REVOLT OF THE SOUTH AND WEST, BY A. G. MEZERIK; DUELL, SLOAN & PEARCE

As one reads Mr. Mezerik's latest book, one thinks immediately of that other great book on much the same subject and in much the same vein, Other People's Money. Written by the late Justice Louis D. Brandeis, it was a collection of articles he had published in Collier's in 1913. In them he covered the report of the famous Pujo committee and the ramifications which the techniques and power of certain financial leaders had upon the economic, political, and social life of the country. And Brandeis' book was a potent stimulant which activated public opinion.

Similarly, some of Mr. Mezerik's material has appeared in various periodicals, and similarly it has been collected into a book. Finally, it packs a ton of dynamite, which like its predecessor may serve to consolidate public opinion against the moribund influence of eastern financial power. (Odd, how many of the characters are even the same.)

It is Mr. Mezerik's thesis that eastern financial power, consciously as well as by a kind of inevitableness, has, by one means or another, suppressed the growth and development of industry in the South and West.

However, he believes that at least these regions (two-thirds of our geographical area, one-half of all the population) are awakening to their plight and becoming aware of the source of their poverty—and that the rebellion is on against the slow strangulation by the East. Indeed, it is vital that this revolution be successful. Our American future, prosperous and free from sectionalism, depends on the release of the South and West from their chains. And what we do at home will be reflected in what we do abroad.

Now do not get Mr. Mezerik wrong. When he speaks of revolution he does not mean armed bands roaming the streets, violently taking over various facilities, nor the advent of communism. That concept of revolution was shown to be erroneous by George Soulé back in 1933 when he wrote The Coming American Revolution. No, Mr. Mezerik wants to see changes occur within the framework of our present system, and he wants to infuse new meaning into free enterprise. It should stand for first-class economic citizenship in a prosperous land, and not just larger private government by default.

And do not think that Mr. Mezerik is a starry-eyed dreamer enmeshed in impractical meanderings. Like Justice Brandeis, he has taken bony statistics and clothed them with meaty significance.

After carefully presenting and analyzing many figures, he concludes that "The South [the Southern people are sick because they are poor—poorly fed, poorly clad, poorly housed], oldest of the subordinated regions, is altogether too good a barometer for the future of the West. As the West's raw resources are expended, it will face these very same problems. Unless it can break loose and build its future without benefit of eastern domination. That will not be easy."

He understands the meaning of the corporation as a modern key to power—he seems to agree with David Lasser's findings as expressed in Private Monopoly—and points up graphically the relatively small clique of individuals and families that control the industrial enterprise of the country.

He is sensitive to the enormous effect which interest rates (they are higher in the South and West than in the East), freight rates (which are responsible for the concentration of manufacturing in the East, to the exclusion of the South and West), the absence of western steel production and the presence of tariffs have on the pattern of American industrial development.

But he is not blind to the faults of the South and West for which they are in a great deal responsible—race prejudice, phony sectionalism, self-pity, and inertia. And he does not hesitate to ladle out the blame where it is due.

The growth of industry—and by this is meant manufacturing capacity—in the South and West cannot be achieved by sweet reasonableness. The stakes are too high. Action is required—and has been forthcoming. Georgia Governor Arnall's recent successful opening round in the Supreme Court to secure reconsideration of prejudicial freight rates, the FTC's success against the basing-point system, and a Presidential Cab-

inet of southerners and westerners, are a few of the signs which are legible. (Do not think, though, that the ghost has been given up. Compare the recently published report of Senator MURRAY's small business committee.)

"The South and West are on their way. They have tools—decentralization forced by the atomic bomb, TVA, war-built plants, new political power, new skills, and knowledge. They will use them. They have the leaders and they have the determination. They have strong allies in the East among those who want a free democratic Nation.

"The facts are all in. The story is not difficult to assimilate. The West and South will certainly give full cooperation to the East in a joint project to build for this country a better, a sounder economic pattern, where everyone shares in a great prosperity."

Amen.

PRESIDENTIAL VETO OF TIDELANDS BILL

Mr. MOORE. Mr. President, the tidelands bill, just vetoed by the President for political capital was, in effect, a congressional statement of national policy that integrity of States' rights to tidelands should not be disputed. The veto is a denial of congressional will on questions of national policy contrary to well established law.

The smear of the oil industry was used as a smoke screen to divert the public from the fact that control of their rivers and harbors, including all State and private installations, are now under cloud of title.

UNIFICATION OF WAR AND NAVY DEPARTMENTS

Mr. HILL. Mr. President, it is with great regret that I see this Congress coming to a close without an opportunity to lay before the Senate the case for Senate bill 2044, to unify the War and Navy Departments into a single Department of Common Defense. It is a serious setback to the best interests of the national defense at a very crucial time in the affairs of the world. There has been so much misinformation put out in public propaganda against this bill that it is most unfortunate that Senators will go home without an opportunity for hearing the full debate on the question. I am confident that if the Senate had heard this debate and heard the simple and logical truths in answer to this widespread propaganda the Senate would not have gone home without voting favorably on this important measure for the common defense.

Mr. President, since the bill is not now before us, I would not now arise, were it not for the speech attacking S. 2044, which the distinguished Senator from Connecticut [Mr. HART] delivered in the Senate last week.

In that speech the Senator ably summed up the Navy's case against the President's program for a single department of common defense. I might add that the Navy's case is the only case against it. The vast majority of the people are for it and the country needs it badly.

The Navy case is an understandable one—from the selfish viewpoint of the Navy only. It feels that it has emerged from the war with a splendid integrated air-ground-sea team that has proved itself nobly in the Pacific war. It has complete unity of command in this team and it has a single department. It has, in short, within itself, everything that is sought in S. 2044. Frankly, the Navy knows—as all military men know—that the war of the future is sure to require just such a closely knit team of air-sea-ground forces as the Navy now has. The Navy is now much better organized for the purpose than are the armed forces of the country as a whole. Without unification, the Army and Army Air Forces cannot possibly organize or prepare such a modern force. The Navy has a ground force larger than was the Army Ground Force before World War II. They have an Air Force larger than was the Army Air Forces before World War II, and they have all the sea power. From their own selfish interest, there is absolutely no reason why they should be united with a larger air force that would inevitably tend to absorb part of their competing air force and a larger ground force that would tend to absorb part of their large and competing ground force.

But how about the public interest? How about the common defense? How long can we afford the upkeep of two competing and duplicating ground and air forces?

If the Navy's ground-air-sea team forms the true pattern for the war of the future, how long can we afford to rest our common defense on an archaic pattern?

Mr. President, stripped of all extraneous issues, S. 2044—the single department bill—amounts merely to this:

You transfer the Army and Army Air Forces to the Navy Department and change the name of the Navy Department to the Department of Common Defense. And then you abolish the War Department.

Stripped of personalities, that is all there is to it. Now, how do personalities enter into this? Admiral Nimitz knows. Here is what he said about it:

I prefer that we have a single department, make it a straight chain of command from the President on down, one responsible man who is the boss * * *. I believe that if such an organization * * * is adopted it will be necessary to build on exactly what we have now * * *. I think this is going to be a question of gradual transition, rather than a question of presto chango, a new set-up. I don't think you can work it any other way, because you have a tremendous civilian staff that has to be gradually moved, and if you try to move them too fast, they are going to block you. They have a hell of a lot of influence.

There you are, Mr. President, Admiral Nimitz made that statement when he had unity of command in the Pacific—when he was out from under the influence of the Washington bureaus. He knew where the resistance would come from. And just as soon as he came home and had to report directly to them, he found out—in his own words that—"They have a hell of a lot of influence."

They do not want a single ground-air-sea team under any other single department than their own well-established bureau. If we add the Army and Air Forces to their set-up, which is what this bill does, they will have to share the prestige and patronage with others, and this they do not want. But the public wants it and the country must have it.

We can afford no other organization than the best. The Navy has proved that the integrated land-sea-air team is the best. We want that organization for the country. We want the best brains and the best men to run the team. I, for one, am not afraid of the Navy's chances in mixing its top brains and men with the Army's top brains and men in the overall leadership of the sea-air-ground team. In this respect I have more confidence in the Navy's present leadership than the Senator from Connecticut is willing to admit. He kept referring to a 2 to 1 ratio by which the Navy would be outnumbered or outvoted in the high command and single department of the armed forces. During World War II we had more two-star admirals and admirals of higher rank than we had two-star generals and generals of higher rank, although there were more than twice the number of soldiers than there were sailors.

After all, what is there to this two to one argument? May we not expect the Army and Navy to see eye to eye on just as many subjects vis-à-vis the Air Force as the air and Navy will agree on against the Army viewpoint? Why should the Navy assume that the top military and airmen of the country will always fail to agree with the battleship men on questions affecting the common defense? Admiral Nimitz stated his views on this question very clearly when he said, at Pearl Harbor, in 1944:

The conduct of war is the application of force, and I would expect the average officer who devotes himself with reasonable diligence to his profession, whether he grows up with the Army or the Navy or the Air Force, to have acquired a complete working knowledge of his own specialty, and that as he gets older and has studied what has gone before, to have a knowledge of how to use the power that is inherent in the others. For instance, I think that there are very few senior Army officers that haven't got a concept of how to use sea power, how to use air power. That same is true of the Navy. A lot of people know how to use the ground troops, what they are for, and know how to exploit air power; the same way with the air.

The Senator expressed fear that the Navy would be outnumbered politically. He forgets that this is not a political bill. It does nothing to the Navy that it does not do equally to the Ground and Air Forces. The present naval opponents of unification tend to forget that the question of how our common defense should be organized is not a question for the Secretary of the Navy to decide. It is a matter for the President, as Commander in Chief of the armed forces, and the Congress, under its constitutional duty to raise and support armies. It is a matter of the national interest, not of the political interest of any particular bureau or service.

If we were to follow the Navy's thinking in this matter we would come to the next war—if we are forced to come to another war—with an integrated ground-sea-and-air force under the Navy Department only. Then in order to get the maximum efficient use out of our other ground and air forces we would have to attach them to the Navy. This would be

fine for the prestige of the Secretary of the Navy and the bureaus of the Navy Department, which would then become in effect the Department of Common Defense. Now, that is exactly what we want to do now in S. 2044. We want to do it in peacetime, while there is time to do it, in an orderly and efficient fashion; not by another makeshift like that Pearl Harbor forced us to in 1942.

The Senator would have us believe that this whole scheme of unification is a vast Army plot to sink the Navy, cooked up by ex-West Point cadet generals bearing an Army-Navy football game grudge, against ex-middy admirals. And that the plot was cooked up while the Navy was too busy fighting the war to guard its political fences.

Now, our subcommittee which drafted S. 2044, consisting of the distinguished senior Senator from Utah [Mr. THOMAS], the distinguished Senator from Vermont [Mr. AUSTIN], and myself, went pretty deep into the history of this merger proposal.

Mr. HART. Mr. President——

The PRESIDING OFFICER (Mr. GOSSETT in the chair). Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. HILL. I yield.

Mr. HART. May I ask the Senator if he is cognizant of what has come to be known as the Collins plan?

Mr. HILL. Yes; I am cognizant of the Collins plan, and if the Senator will bear with me a moment and let me state a few facts, I think perhaps he will have his question answered. We found that unification has been a very live issue among the services for years, long, long before any Collins plan was ever heard of or dreamed of or ever submitted. The question reached a head just after the First World War when Gen. Billy Mitchell was so severely squelched by the Army brass hats much as the admirals who favored unification during World War II have now been squelched by the Navy brass hats.

The opening gun of the World War II merger issue was fired by the Navy in 1941. If you will turn your minds back to June 20 of that year you will remember the gloom that then surrounded the Allied cause. Western Europe was under the control of Hitler. There was serious question whether Britain could hold out against the heavy air attacks to which she had been continuously subjected for eight long months. The Germans had just overrun the Balkans and driven the British out of Greece. Crete had just capitulated to German airborne assault. These were darkest days. In this critical hour, the General Board of the Navy recommended the creation of a Joint United States General Staff to be headed by a single officer. This officer, with his staff, was to be directly responsible to the President. He was to be given authority to issue directives to the War and Navy Departments. The Navy, in fact, proposed an over-all military command with no over-all civilian secretary. The General Board of the Navy went on to say:

> The General Board is convinced that through the procedure outlined herein, preliminary broad planning can best be accomplished, employment of the best available means obtained, essential unity of command assured, and thorough indoctrination for the coordination of effort achieved.

This was the Navy plan in 1941.

Mr. HART. Will the Senator yield?

Mr. HILL. I yield.

Mr. HART. I ask the Senator if that plan is not in substance what was actually accomplished by the formation and use of the joint staff which functioned all through the war?

Mr. HILL. No, not exactly.

Mr. HART. It was pretty close to it.

Mr. HILL. The general staff during the war had to act by unanimous consent. There were four members on the staff, and all four had to be in agreement. In the 1941 plan of the Navy there was to be one officer, with authority over all the others, with power to issue directives, and that would mean that he would have the supreme command, and that it would not be necessary to obtain the unanimous agreement of four different men.

When Admiral Nimitz, Admiral Halsey, Admiral Sherman, and 20 other high-ranking naval commanders in 1944, then engaged in the actual prosecution of the war, appeared before a special committee of the Joint Chiefs of Staff, headed by an admiral, and urged the creation of a single department of national defense, they were not speaking for any Army plan. They were speaking in the national interest and for the common defense. These naval officers, since the conclusion of the war, and since their return to Washington, have apparently changed their views on this subject.

Mr. HART. Will the Senator yield again?

Mr. HILL. I yield.

Mr. HART. May I ask the Senator if that is what he meant by his reference a little time back to brass hats who favored unification having been squelched?

Mr. HILL. Some of them were certainly squelched.

Mr. HART. Did the Senator mean by that, the ones whom he has just named?

Mr. HILL. It may not have been all of them, but I am sure that most of them were squelched. Admiral Nimitz, himself, said, "They have a hell of a lot of influence. They are going to block you."

Mr. HART. Were they brass hats themselves?

Mr. HILL. At that time the Admiral was referring to the civilian staff.

If all 20 of these admirals testified, as they did, while they were at war and while they had first-hand knowledge and experience of what the best war organization for this country was; and if all 20 of them have changed their minds since they have returned to Washington and learned from the Navy Department what the best interests of the Navy are; I can only suggest that there would appear to be a wide discrepancy between the best interests of the Navy and the best interests of the country should we again enter a major war.

Now, Mr. President, the Navy now—in 1946—has taken the line that this unification plan is an extension of an Army-Navy game. Naval officers at the Army-Navy Club, here in Washington, are toasting the failure of this Congress to act on this bill exactly as they would toast a Navy football victory over the Army. The difference between the Navy's unselfish devotion to duty in the war and the present selfish attitude of those in high authority in the Navy toward the President and the best interests of the national defense is appalling.

Mr. President, the Senator from Connecticut found it necessary to remind us that the motto of the Navy was "service before self." Now, I bow to no man in my admiration of the achievements and traditions of the United States Navy. But I think its friends do it great disservice in attempting to set it up against the Army as having higher ideals of public service—especially in the matter of this unification question—where the Navy has frankly based its opposition on a fear of loss of prestige and political importance in a defense structure, in which it would be placed on terms of exact equality with the Army and Air Forces.

Mr. HART. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. HART. I am sure the Senator from Alabama does not wish to misquote me.

Mr. HILL. Oh, no.

Mr. HART. My words were:

> Despite their detachment, living apart from their fellow citizens, their loyalty to their country and their observation of the traditional words "Service before self" are not excelled by any other body of the Nation.

I claim no superiority.

Mr. HILL. I am glad to hear the Senator say that.

The Army and the Air Forces are loyally supporting the President's plan. They are supporting the plan as it is embodied in the Senate bill, S. 2044. They are willing and anxious to subordinate themselves to the President and the Congress to exactly the same position and in exactly the same degree, in the interest of the common defense of the Nation, as the Navy would be subordinated under the bill. It would appear that the Army's motto "Duty, honor, country" was being more loyally adhered to than the lip-service being given the Navy's "Service before self."

The Senator from Connecticut also reminded us that the Navy is called the silent service and states that "it is a matter of common knowledge that as far as so-called publicity is concerned the Navy is comparatively inept."

Now, I believe that all such comparisons are inclined to be invidious and the Senator leaves little doubt that "comparatively" means compared to the War Department. All I can say is this: If the Navy is more inept than the War Department in the conduct of its public relations I indeed tremble for the future of the Navy. But here again, I believe I have more confidence in the Navy than the modesty of the Senator from Connecticut may allow him to have.

The only organized group in this country which is opposing unification—except the normal lunatic fringe groups which oppose every measure which would strengthen our defenses—is the Navy Department with its Navy League.

Yet, on a public issue on which there was almost complete unanimity of opinion in the public press when originally launched—for it is obviously such a common-sense move to the man on the street—there is now a nationally organized opposition. From whence comes this opposition? From the Navy Department and the Navy League alone.

What is the Navy League? It is primarily a group of steel and munitions makers whose biggest customers are the Navy. Many of them are also members of the Army Ordnance Association. It is interesting to note that the Army Ordnance Association is not supporting unification either. Why? Because there is obviously more money in selling steel and munitions to two competing and duplicating military and naval procurement agencies than to only one.

Mr. HART. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. HART. In view of what the very able Senator from Alabama has said about the Navy League and who constitute it, I request unanimous consent to have printed at the end of his remarks, the names of the vice presidents, directors, and so forth, as taken from a letterhead of the Navy League.

Incidentally, I might say, Mr. President, that the Navy League goes far back, about 40 years, and the only activity that it appears to have engaged in in connection with this whole question lies in an open letter to Members of Congress which is dated the 4th of January last, and which in effect proposes that certain changes be made in the proposal then before the Committee on Military Affairs, which changes were for the most part made in the revised bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut?

Mr. HILL. Mr. President, I certainly have no objection to the names being printed in the RECORD at the conclusion of my remarks.

There being no objection, the names were ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. HILL. I wonder if the Senator can give us the names of the contributors to the Navy League?

Mr. HART. So far as I know, there are practically none, because its activities are so very minor that it requires almost no money.

Mr. HILL. From the data I have seen sent out by the Navy League certainly somebody had to pay for it.

Mr. HART. I do not think they paid very much.

I might say in further answer to the Senator's remark that the Navy League was organized a little while after the Spanish-American War, with a view to educating the people to the value of our activities on the sea, not so much in a naval way as in a commercial way. It was considerably endowed in those days, and I think those funds are still available.

Mr. HILL. Mr. President, I should like to have, and I hope the Navy League will make available, a list of all its contributors. I think it would be very enlightening to have that list. I should certainly like to have it, if it can be obtained.

Mr. HART. I suggest that it might be very well to do that, and also to secure a list of the contributors to the Air Power League at the same time.

Mr. HILL. I should like to have the contributors to both the Navy League and the Air Power League. I should like to have not only a list of the contributors but a financial statement of both of them, I will say to the distinguished Senator from Connecticut.

Mr. President, the Senator from Connecticut made much of "intangibles." It is about all he had to make much of. The tangibles are certainly against him. One of these intangibles was based on the "shot-gun wedding" theory. Frankly, this amounts to saying that the Navy would never play good ball for the home team, therefore, they better be left off the team. Now, here again I have a greater trust and admiration for the Navy than has the Senator. I am sure that a service whose motto is "Service before self" would not give a single Department for the Common Defense of the Nation any less loyal service than they now give to the Navy Department. After all, the civilian heads of the single department would have at least the same "hell of a lot of influence" as the civilian heads of the Navy's bureaus who gave Admiral Nimitz so much concern when he testified so strongly for unification before Admiral Richardson's committee at Pearl Harbor in December 1944.

The Senator from Connecticut also opposed the idea of an autonomous air force. His argument is interesting. He states that the War Department ought to keep the Air Force subordinated just as the Navy Department has kept its air arm and marines subordinated. He gives as his reasons for this view every argument for integrating the country's ground-air-sea team advanced by the President and urged in support of the bill, S. 2044. This is the nub of the whole matter. Every reason cited for the excellence of the Navy's integrated ground-air-sea team is an overwhelming proof of the crying need for a similar integration of the country's ground-air-sea team. We simply cannot afford to have a Navy team in addition to and separate from the country's team; particularly when the country's team, less the Navy, would lack the vital element of sea power, whereas the Navy's team has all three essential elements.

The proof of this paradox is shown by our current appropriations where we have actually given the Navy more money for more land-based aircraft than we have given the Air Forces. The Navy realizes that our air frontier has replaced our sea frontier as the first line of defense. If it is to continue to obtain priority of appropriations, they must seize control of long-range land-based aircraft. This they are doing right now and we gave them the money for it. This is the pay-off. This is really the sole issue here.

While I speak of the Air Forces, the distinguished Senator from Connecticut in his address last week said that the Army Air Forces pushed their way into the atom test at Bikini, and that they should never have been allowed to do that; that the atom bomb should never have been dropped from a B–29; that it should have been dropped from some kind of a suspended balloon, and that the Army Air Forces had done this in order that they might obtain publicity.

Mr. President, with reference to that statement by the Senator from Connecticut, yesterday the Washington Times-Herald carried a news story to this effect:

ADMIRAL DEFENDS ARMY AIR FORCES

Vice Admiral Blandy yesterday defended the role of the Army Air Forces in the Bikini atom-bomb tests.

Blandy's statement, made public by the Navy Department, was viewed as a reply to criticism of the AAF by Senator HART (Republican), of Connecticut, who in a Senate speech last week declared the Air Force had forced its way into the tests for publicity purposes.

HART also criticized the Army's bombing efficiency, pointing out that the bomb dropped June 30 fell wide of the target and asserting that it did not explode at the most effective altitude.

Blandy, commander of the joint Army-Navy atom test task force, asserted that no pressure was brought to bear by the Army toward use of B–29's in the experiment.

He declared that all possible methods of placing the atom bomb for air burst over target ships in the Bikini lagoon were studied, including suspension from balloons, the method recommended by HART.

Blandy said the balloon plan was discarded as highly impracticable because of the danger of loosing the A-bomb in the lagoon.

The admiral said all Army and Navy officers and civilian scientists concerned with the tests believed that dropping the bomb from a B–29 was the most satisfactory method, considering all factors.

Mr. HART. Mr. President, will the Senator yield for an observation?

Mr. HILL. I yield.

Mr. HART. It will be observed, in the first place, that a considerable part of that release does not accord with what I said on the subject. However, that is a small matter.

Mr. HILL. I do not wish to argue too much with the Senator, but I have read his remarks in the RECORD.

Mr. HART. I will pass over that question, because we are taking too much time unnecessarily. I find no fault in that respect, because I have something more important to say.

As a member of the special Senate Committee on Atomic Energy I naturally interested myself in the tests from the time they were planned. On one occision I was sitting in on a conversation with Navy officials, and the conversation ran in about this way:

This is an experiment in order to learn the unknown. It is a large equation with many unknown factors in it. By this method of dropping the bomb from a plane, where it is going is unknown, because that is never perfectly accurate.

Another factor which was introduced as unknown was the fuzing: It was not known exactly how high the plane would go. Therefore it was thought that the best way to conduct the test would be to suspend the bomb from a balloon, so that the exact height would be known, and it could be properly placed laterally. Also

the timing difficulties would be eliminated.

After this exposition, which seemed perfectly good sense to everyone—and to me it still does—someone asked, "Why do we not do it that way?" I remember the answer. It was to the effect that, "There is a great deal of opposition to this test now on the part of certain societies," and concern was expressed lest the Army Air Corps proceed to "louse up" the test.

I have before me a copy of a letter from a scientist. I cannot name him, because it is a personal letter, and he is in such a position in connection with the Bikini test that his name will probably be on official reports. I shall have to ask that my word be taken that he is a man well known all over the Nation as one of the best authorities, and that during the Bikini experiments he was in the upper echelon. I quote one paragraph from his letter:

> I have a very good impression of the technical competence and sincerity of the Navy officers, Admiral Blandy and Admiral Parsons and think they are doing a good job. The amount of scientific information obtained from the first test is pretty small because of the upsets. One was that the bomb was badly misplaced—about 700 yards west southwest of the target. This had the effect of getting a lot of the measuring equipment out of proper range—either too close or too far—to function properly. I think it was a serious mistake to drop the bomb from a plane instead of suspending it in the proper location from moored balloons but apparently this was done because of Air Force insistence on having a role in the show.

It would be expected that when an admiral and a scientist disagreed on something I would be inclined to agree with the admiral. In this case I wholly agree with the scientist. It may well be that the Navy obtained all the data which it needed for its design purpose with the bomb exploding as it did explode. But that was only a part of the data to be obtained from the experiment; and I have read what one of the best of the scientists concerned thinks about it.

Mr. HILL. I do not know the scientist. I can understand why the Senator does not desire at this time to disclose his name. But I wish to read again the quotation from Admiral Blandy:

> The admiral said all Army and Navy officers and civilian scientists concerned with the tests believed that dropping the bomb from a B–29 was the most satisfactory method, considering all factors.

Admiral Blandy was in command of these tests. He was the over-all commander who had the responsibility. If things failed, it was his failure. If things went well it was his success. He was the man to whom the President of the United States, as the Commander in Chief, the Congress and the American people were looking for the success of the experiment. I have faith in Admiral Blandy. I believe that the Admiral carried out that experiment in the best possible way.

Mr. President, the Navy's goal and the goal of Senate bill 2044, the unification bill, are identical—a single department of common defense with unified command of all essential arms in modern warfare—land, sea, and air. The only difference is that the Navy's goal is to achieve this under the aegis of the single Navy Department. The goal of Senate bill 2044 is to achieve this under a single Department of Common Defense—where it belongs.

It may be a matter of great moment to present office-holders in the Navy's bureaus whether the top civilian and military executives came from the Navy Department pay roll or the War Department pay roll, but I submit that this is of no moment at all to the country or to the Congress. What we want is unified direction of our whole land-sea-air team by the best civilian and military brains available. These would be available to the Department of Common Defense, including all those now on the pay roll of the Navy Department as well as the War Department. They are not now available to the Navy Department alone.

Mr. President, I could recite instance after instance—both during and after the war and at the present time—in which simply inexcusable duplications exist among our armed services. However, the fact that we are now building up a completely separate and competing land-based air force under the Navy Department, and that we now have more of a mobile ground reserve of ground forces in the Navy than we have in the Army should be convincing enough to the Senators that something must be done before we make another huge duplicating appropriation for the common defense.

I am hopeful that many of us will be able to get to some of our bases in the Caribbean—at Bermuda, Puerto Rico, Panama, and elsewhere—and actually see the tremendous duplications and waste for which we are now spending money, merely to appease the bureaucratic pride of office among the competing services. I hope that many of us will see the huge hospitals standing side by side, the two ports, the two airfields jammed up against each other, but strictly reserved for the use of one service or another. The same is true of training facilities, intelligence facilities, research and development facilities, supply facilities, personnel—everything one can think of. The cost of this duplication and waste in World War II in men and time and lives staggers the imagination. Statisticians and historians can quarrel forever over estimates of just how much. There need be no quarrel over what is going on right now, however. We can read it in the current appropriation bills. We can see it with our own eyes at our Army-Navy air bases.

In the Pacific we do not find any true unity of command right now. The public thinks of General MacArthur as the supreme commander in the Pacific. But he is not. He does not command the Navy in the Pacific. We are right back where we started. Like the Bourbon Kings of France, we have learned nothing. At Pearl Harbor today will be found the same organization for defense that obtained on Sunday, December 7, 1941. General Hull commands the Hawaiian Department—the Army. He does not command the Navy. Admiral Hall commands the Fourteenth Naval District—the Navy. He does not command the Army. There is no unity of command at Pearl Harbor at this moment.

In that connection, Mr. President, there came over the wire service yesterday the following bulletin:

> PEARL HARBOR STILL VULNERABLE, SAYS HONOLULU ADVERTISER
>
> HONOLULU.—The Honolulu Advertiser charged today that Pearl Harbor is as vulnerable to attack now as it was December 7, 1941, because of an antiquated command system. The paper made its editorial charge on the basis of a special Washington dispatch which claimed that unity of Army-Navy command at Pearl Harbor was no nearer accomplishment than it was four and a half years ago.

Mr. President, a continuation of such a situation at Pearl Harbor and throughout the world, wherever our forces may be, is simply intolerable. In the face of the Pearl Harbor report, the Bikini experiments, the strategic-bombing survey, we sit here and allow history to repeat itself. Mr. President, I feel sincerely that this body is abdicating its sacred duty to provide for the common defense, in allowing the stubborn adherence of one Government bureau to the dictates of tradition and prestige not only to stand in the way of progress, but actually to turn back the clock to the good old days that cost us so much in blood and tears. Sure, the admirals and the generals will have more fun as big frogs in their own little puddles—just like they did before Pearl Harbor. But should the people—who have to jump in and fight the wars when they come—stand for it? Mr. President, I maintain that they should not be asked to stand for it and they will not long stand for it.

Mr. President, I look forward with great interest to the reports which Members of Congress bring back from their visits to our outlying installations. I hope there will be many such visits between now and the time when Congress reconvenes. I believe that the few of us who may now have doubts because of the smoke screen of specious argument which has been thrown around this relatively simple issue will have all their questions answered by these reports.

Another development holds out much hope that we shall reach a solution early in the next Congress. I refer to the Congressional Reorganization Act. We shall have a single Committee on Common Defense, in each House. For the first time, a committee of Congress will have an opportunity to look at all our defense requirements as a single picture.

Admiral Nimitz said, at Pearl Harbor, in December 1944:

> I would like to prevent having a very eloquent smooth talker for the Navy, for instance, go before a committee and persuade them they should vote more money for this agency or that agency—in other words, continue separatism.

Under unification, we would have a single defense budget presented to a single committee. For the first time it would be possible for the Congress to know exactly what it was doing in dis-

charging its constitutional duty to raise and support armies. Under such a setup, the paradoxes of our current Army and Navy appropriations bills would be impossible.

Just as I think unification would have brought about the organization of single committees for common defense in the Congress so I am hopeful that the organization of a single committee in the Congress will bring about a single department of common defense as a logical development. It is the only solution to the obviously unsatisfactory situation which will be presented to such a committee by the ex parte and selfish presentations of the very smooth talkers Admiral Nimitz was so justly afraid of. The sooner we get rid of these smooth talkers and the faster we move the tremendous civilian staff that Admiral Nimitz so wisely foresaw was going to block you, the sooner we shall have the efficient, well-integrated land-sea-air team we must have in order to be adequately prepared, and the sooner the country will achieve the unity of command and singleness of purpose which the Navy so gallantly demonstrated in World War II. This will be the keystone of our success in any World War III into which we might be forced.

Mr. President, the duty of providing this team is the responsibility of the Congress. It is a responsibility that cannot be escaped, and for which we shall be held accountable by the country. It is hardly appropriate for the Navy Department or the War Department to dictate to the country or to Congress. It is not a function of generals and admirals to lay down the conditions under which the Navy and the Army will perform their duties. These duties are determined by law and by the appropriations which Congress votes and the money the taxpayer pays for the national security. It is outrageous that any department of the Federal Government or any of the military services should stand in the way of a program which clearly would result in substantial economies and increased efficiency of all of the services. In doing so those who speak for the Navy on this issue put their own interest and the interest of the Navy ahead of the national interest, especially when they charge that the Navy would not give loyal service under a single department. The President, as Commander in Chief of the armed forces, has repeatedly urged unification, and he has helped us arrive at a formula for accomplishing it. He announced that it was dropped from the "must" list in this Congress only when it developed that those in high authority in the Navy Department were either aggressively and openly opposing unification or were giving it lip service while actually knifing it behind the President's back.

I ask permission to insert in the RECORD at this point an editorial from Tuesday's New York Times on the subject of unification. It emphasizes again that the country expects us to act, and act intelligently, before we are again attacked by an enemy which knows our weaknesses better than we ourselves appear to admit them.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times of July 30, 1946]

UNFINISHED BUSINESS

As the Seventy-ninth Congress proceeds through what is apparently to be its final legislative week it has still on its calendar of unfinished business one of the most important legislative problems that faced it when it convened for its second session, on January 14. That is the problem of unification of the armed forces, in order to give us a modern military organization for our own national security and for our share of the task of keeping the peace of the world.

Although even the President, who has been one of the strongest proponents of merger, is said to be convinced that there is little or no possibility of passage now, there is no reason why the measure should not be taken up and passed promptly if Congress could be awakened to the necessity. The most extensive possible hearings have been held in both Houses. Studies going back many years have been made. The Thomas bill, embodying the main points of the President's twice-urged proposals, is on the Senate Calendar. Every survey of public opinion has shown a majority of the people to be for it. Lethargy appears to be the only barrier.

If unification is not voted in the Seventy-ninth Congress, it will mean that our military planners will have to muddle along for at least another 5 months without any blueprint to work from, since the Eightieth Congress will not convene until next January. This means that there will be continued duplication of facilities. It means that during critical months when we should be laying the firm foundation for our military future we would not even have a plan for the molds into which to pour it. Any plans made during the intervening months by the War Department or the Navy Department must necessarily be tentative, keyed only to the immediate future. Instead of such improvisation, what is needed is the master blueprint of unification that will allow Army, Navy, and Air Force to pool their brains and their energies to plan months and years into the future. Can there be any doubt at all between the relative worth of the two methods?

If there was ever a legislative task that should not be left undone, it is action on unification. That task should not be abandoned by the Seventy-ninth Congress, no matter how warm the Washington summer or how interesting the political situation back in the home districts. It is difficult to see how Senators and Representatives can justify themselves to their constituents if they go home without passing the Thomas bill. Now is the time to do it. Admiral Halsey predicted while the war was on that if unification was not achieved in the first 6 months after the end of the war it never would be achieved. When the Eightieth Congress convenes, the war will have been over almost 18 months. While the mistakes are fresh in mind, while the Pearl Harbor report and the strategic bombing survey reports are still on congressional desks, this is the time to make the decision.

Indecision and delay never won either a battle or a war. Neither will they win the peace. And peace in the immediate future may well depend as much upon the military strength of the democracies as upon their moral principles. Until unification is achieved that strength will remain hampered, confused, and divided.

Mr. HILL. Mr. President, if we fail to live up to our responsibility for organizing the armed services in an efficient, modern manner, we shall have to answer to the more than 12,000,000 men who fought in uniform during the war—to the families of those who died, as well as to those who came back. They know that in any modern war the armed services must operate as a team. They are interested only in the national security and in making sure that we, as a people, do everything human wisdom can suggest to make another war unlikely. We shall invite and deserve the condemnation of these men so long as we allow these departmental quarrels to swerve us from our duty. It is time to put the interest of the country ahead of the selfish interest of the few mossback admirals who hate to see the battleship go the way of the mastodon. Hard-shell admirals, like horse generals, must understand that the make-up of the armed services and the conditions under which they must operate are determined by the President and by Congress, and not by the services themselves.

Let us have a clearer recognition on the part of everyone concerned that this is our responsibility, and then let us do our duty. I hope and trust that this will be the first order of business in the next Congress.

EXHIBIT I

AMERICA'S PIONEER DEFENSE ORGANIZATION—NAVY LEAGUE OF THE UNITED STATES (INCORPORATED 1903), THE CIVILIAN ARM OF THE NAVY, WASHINGTON, D. C.

Sheldon Clark, honorary president.
Ralph A. Bard, president.
Robert Parkinson, executive vice president.
John Marshall, judge advocate.
Robert V. Fleming, treasurer.
E. M. Collins, secretary.

NATIONAL VICE PRESIDENTS

Winthrop Aldrich.
Rosser J. Coke.
Wilbur Forrest.
Frederick Hale.
Marshall F. McComb.
Ogden Reid.
Sinclair Weeks.

REGIONAL VICE PRESIDENTS

First, George D. Flynn, Jr.
Third, Charles Hann, Jr.
Fourth, William C. Hunneman, Jr.
Fifth, William H. Labrot.
Sixth, Lawrence Wood Robert, Jr.
Seventh, Charles A. Mills.
Eighth, F. O. Burns.
Ninth (A), Michael Gallagher.
Ninth (B), Maurice Moore.
Eleventh, Morgan Adams.
Twelfth, Frazer Bailey.
Thirteenth, Samuel A. Perkins.

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Arkansas, Truman N. Baker.
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  Southern, R. F. Gross.
Colorado, Lawrence A. Phipps.
Connecticut, Lewis A. Shea.
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Georgia, Hurd J. Crain.
Illinois, William E. Fay.
Indiana, Leo T. Dwyer.
Iowa, William F. Riley.
Kansas, Harry Darby.
Kentucky, W. L. Lyons, Jr.
Louisiana, Marion J. Epley, Jr.
Maine, John J. Fitzgerald.
Maryland, Dr. Arthur G. Barrett.
Michigan, Donald M. Mackie.
Minnesota, Paul S. Carroll.
Mississippi, L. P. Sweatt.
Missouri, Lloyd C. Stark.
Nebraska, E. B. Crofoot.

New Jersey, Capt. Gill Robb Wilson.
New Mexico, Norvelle W. Sharpe.
New York, Addison F. Vars.
North Dakota, Robert Byrne.
Ohio, George Codrington.
Oklahoma, T. A. Nicholson.
Oregon, Irving D. Winslow.
Pennsylvania, Charles P. Blinn, Jr.
Rhode Island, A. E. Stebbens.
South Carolina, Wilton E. Hall.
South Dakota, Lee R. Girton.
Texas, Roy Miller.
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Maxwell M. Geffen, New York City.
Gordon Hardwick, Philadelphia, Pa.
Walter W. Head, St. Louis, Mo.
Mrs. Edward S. Little, Pelham Manor, N. Y.
Mrs. Bradford Norman, Jr., New York City.
Nicholas Noyes, Indianapolis.
Charles M. O'Boyle, Wilmington, Del.
M. C. Pfefferkorn, San Diego, Calif.
I. J. Roberts, Washington, D. C.
John A. Stevenson, Philadelphia, Pa
Walter L. Todd, Rochester, N. Y.
Dr. James E. West, New York City.
D. C. Wilkerson, Detroit, Mich.

Mr. WALSH subsequently said: Mr. President, at this late hour I do not intend to make an extended reply to the able speech of the Senator from Alabama [Mr. HILL] in favor of a merger of the armed forces. I do not intend to set forth what the Navy believes is the proper way of bringing about an integration of Army and Navy efforts.

I wish to say, however, Mr. President, that I think it is most regrettable, at the end of a war in which glorious service was rendered by the Army, the Navy, the Air Corps, and the Marine Corps, that we should, within a few short months, find those services fighting against each other, and public sentiment divided, and everyone forgetting the heroic and successful achievement of those services during the war. It is with great regret that I have observed the development in this country of antagonism among those groups, and among the American people.

In my opinion, the way in which to treat this subject is, first of all, to recognize that for nearly 150 years the existing order has been satisfactory, beneficial, and has led to success in every war in which our country was engaged. That does not mean that it is impossible to perfect these organizations, and to improve them. It does not mean that by unifying certain activities the national defense cannot be improved. So far as I have been able to look into the questions involved, I feel certain that it is possible to make some improvements in the administration and in the coordination of all branches of the armed forces. But I wish to say emphatically that from my study of the question I have found no evidence of any neglect of duty, or of any betrayal of trust on the part of the Army, the Navy, or the Marine Corps during the war. They have cooperated splendidly in winning the war. If that is a sound premise, it should be easy for us to cooperate and work together to make whatever changes are necessary to perfect and to strengthen these organizations for our future security.

I may say to the able Senator from Alabama, whom I esteem greatly, and who has made a very extensive study of the subject, and whose research and study is deserving of weight and consideration, that I do not mean in any way to reflect upon his judgment and his opinion. But, my belief is, that in attempting to arrive at a solution of this problem we should recognize the excellent features of our present system and attempt to perfect them instead of making radical changes which has proven defective in every country which has tried a single department and a single commander over the armed forces.

The Secretary of War and the Secretary of the Navy have been Members of the Cabinet for nearly 150 years. They should not be relegated to the position of mere figureheads rather than men with great authority, unless there are very substantial reasons for making such a change.

The Army and Navy perform radically different duties; one operates on the sea and the other on land. An officer trained in the strategy of land warfare and who lacks training and insight in the special field of naval strategy and air war cannot command successfully a fleet. A naval commander, on the other hand, who has specialized in the field of naval strategy, cannot successfully direct a land campaign. Naval officers and army officers are educated and trained in a different manner and have different points of view. Both of these points of view are essential in modern warfare, and it is impossible for one man to become competent in each type of warfare. History has repeatedly demonstrated that full development and efficient utilization of each of the major military arms are fostered only when each branch of the service is administered and commanded by officers trained in that branch.

Mr. President, I wish to ask permission, if it be necessary, that I be permitted to make a reply in the CONGRESSIONAL RECORD to some of the matters discussed by the able Senator from Alabama.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WALSH. I repeat that I have profound respect for the Senator from Alabama and his views.

I feel, however, that this controversy over the merging of the armed services has done more harm than good, as it has created animosities, unfriendliness, and misunderstandings.

THE CALENDAR

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senate proceed to consider the House measures on the calendar to which there is no objection, beginning with Calendar No. 1955, which is the point at which the last call of the calendar ended, except for two Senate bills; and of course, as I have stated, there is no point in having the Senate consider Senate bills at this time, inasmuch as the House of Representatives has already adjourned. I also ask that House bills to which amendments have been proposed by Senate committees be not called, for the same reason.

The PRESIDENT pro tempore. Without objection, it is so ordered; and the clerk will proceed to state the measures on the calendar under the agreement just entered.

STATISTICS OF THE GRADE AND STAPLE LENGTH OF COTTON

The bill (H. R. 4769) to amend section 5 of the act entitled "An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton," was considered, ordered to a third reading, read the third time, and passed.

CONTINUANCE OF FARM LABOR SUPPLY PROGRAM

The bill (H. R. 6828) to provide for continuance of the farm labor supply program up to and including June 30, 1947, was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 2347) to provide and insure a dependable supply of domestic natural rubber, and for other purposes, was announced as next in order.

Mr. TAFT. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3243) to amend the act entitled "An act to establish a National Archives of the United States Government, and for other purposes," was announced as next in order.

Mr. BARKLEY. The Senator from Oregon [Mr. CORDON] objected to that bill, and it would be necessary to amend it, in order to enact it now. Therefore, inasmuch as the House of Representatives has already adjourned, I ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

CLAIMS OF PETROL CORP.

Mr. JOHNSTON of South Carolina. Mr. President, what action is to be taken on Calendar No. 1963, Senate bill 1327?

The PRESIDENT pro tempore. That bill will not be called, because it is a Senate bill, and also because it has amendments; and under the agreement such bills are not to be called at this time.

Mr. BARKLEY. Yes, Mr. President; it is a Senate bill, and there is no chance to have it passed by the House at this session, inasmuch as the House has already adjourned.

Mr. JOHNSTON of South Carolina. Mr. President, I have a resolution providing that the matter be referred to the Court of Claims, and I should like to offer the resolution and have it considered and agreed to at this time.

Mr. BARKLEY. Mr. President, I have no objection to having that done.

Mr. JOHNSTON of South Carolina. Mr. President, I send the resolution to the

desk and ask that it be stated. It will take the place of Senate bill 1327, Calendar No. 1963, which can be marked off, if the resolution is agreed to.

The PRESIDENT pro tempore. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 321), as follows:

Resolved, That the bill (H. R. 6112) entitled "A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Petrol Corp." now pending in the Senate, together with all the accompanying papers, is hereby referred to the Court of Claims pursuant to section 151 of the Judicial Code, as amended, and the said court shall proceed expeditiously with the same in accordance with the provisions of such section and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform Congress of the nature and character of the demand, as a claim, legal or equitable, against the United States, and the amount, if any, legally or equitably due from the United States to the claimant.

Mr. JOHNSTON of South Carolina. I ask unanimous consent for the present consideration of the resolution.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the resolution was considered and agreed to.

Mr. FERGUSON. Mr. President, let me inquire in reference to the resolution which was just read and agreed to. Does it confer authority to render judgment, or simply to report back?

Mr. JOHNSTON of South Carolina. No; it only gives authority to report back to the next Congress.

Mr. FERGUSON. As the clerk read the resolution, I thought I understood it to provide for the rendering of judgment.

Mr. JOHNSTON of South Carolina. I will say that it only provides for reporting back to the Congress.

Mr. FERGUSON. Mr. President, with that explanation, I have no objection.

The PRESIDENT pro tempore. The Clerk will state the next bill on the calendar, in accordance with the unanimous-consent agreement.

SALE OF SURPLUS VESSELS SUITABLE FOR FISHING

The bill (H. R. 5552) relating to the sale by the United States of surplus vessels suitable for fishing was considered, ordered to a third reading, read the third time, and passed.

USE OF LANDS IN CONNECTION WITH PENSACOLA RESERVOIR, OKLA.

The bill (H. R. 3058) to authorize the use of certain lands of the United States for flowage in connection with providing additional storage space in the Pensacola Reservoir of the Grand River Dam project in Oklahoma, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

PREPARATION OF MEMBERSHIP ROLL OF YAKIMA INDIANS

The bill (H. R. 6165) to provide for the preparation of a membership roll of the Indians of the Yakima Reservation, Wash., and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

ENTRY UPON INDIAN LANDS TO ENFORCE SANITATION, COMPULSORY SCHOOL ATTENDANCE, ETC.

The bill (H. R. 2893) to amend the act of February 15, 1929, was considered, ordered to a third reading, read the third time, and passed.

AUTHORITY TO ACCEPT GIFTS AND BEQUESTS FOR LIBRARY OF THE POST OFFICE DEPARTMENT

The bill (H. R. 6721) to authorize the Postmaster General to accept gifts and bequests for the benefit of the library of the Post Office Department was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 6112) to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claims of Petrol Corp., was announced as next in order.

Mr. FERGUSON. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

PLACING OF CHINESE WIVES OF AMERICAN CITIZENS ON A NONQUOTA BASIS

The bill (H. R. 4844) to place Chinese wives of American citizens on a nonquota basis was announced as next in order.

Mr. HART. Let the bill be passed over.

Mr. KNOWLAND. Mr. President, I wonder whether the Senator will withhold his objection until I have an opportunity to make a brief explanation of the bill.

Mr. HART. I shall be glad to do so.

Mr. KNOWLAND. Mr. President, the purpose of this bill is to permit the Chinese wives of American citizens, if otherwise eligible for admission into the United States, to come into the United States to join their citizen husbands as nonquota citizens, so as to have the same privilege which runs to other persons eligible for naturalization.

I may say, Mr. President, that this bill has the support of the Bureau of Immigration of the Department of Justice, and I have a letter from the State Department in which they point out the importance of the passage of the bill.

Coming from a State in which there are a considerable number of Chinese-American citizens, I wish to say that they have made good citizens. They were good soldiers in the Army during the war.

Mr. President, I hope that with the explanation I have given the objection will be withdrawn. During the period of time when the Chinese were permitted to bring their wives into this country, over a 10-year period—1931–42—there were only 767 who came into the country.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 4844) to place Chinese wives of American citizens on a nonquota basis was considered, ordered to a third reading, read the third time, and passed.

DIMITRIOS KARAMOUZIS (KNOWN AS JAMES C. KARAMOUZIS OR JAMES C. KAR)

Mr. CHAVEZ. Mr. President, I ask unanimous consent that the Senate proceed to consider the House bill 5527 for the relief of Dimitrios Karamouzis.

The PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 5527) for the relief of Dimitrios Karamouzis (known as James C. Karamouzis or James C. Kar).

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

WILLIAM S. MEANY

Mr. CHAVEZ. Mr. President, the Committee on Post Offices and Post Roads has considered favorably a bill sponsored by the Senator from Connecticut [Mr. MCMAHON]. I understood the Senator from Kentucky to state that Senate bills will not be considered. Am I correct?

Mr. BARKLEY. I said that inasmuch as the House had already adjourned, it would be futile to consider Senate bills.

Mr. CHAVEZ. This is a very meritorious bill, and the subcommittee, consisting of the Senator from New York [Mr. MEAD] and the Senator from Kentucky [Mr. STANFILL], approved the bill. It is very meritorious, and only for the purpose of protecting the RECORD, I ask unanimous consent that the bill be now considered.

The PRESIDENT pro tempore. The bill will be read by its title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1225) for the relief of William S. Meany.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. FERGUSON. Mr. President, I object.

The PRESIDENT pro tempore. Objection is heard.

Mr. FERGUSON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. FERGUSON. The House has adjourned. Whatever action the Senate might take on the bill would not hasten the bill to its enactment into law, and therefore it would be useless for the Senate to pass the bill. Am I not correct?

The PRESIDENT pro tempore. The bill would not become law.

Mr. CHAVEZ. Mr. President, I suggest to the Senator from Michigan that while I know the bill can not become law even though the Senate passes it, yet there is such a thing as a little equity to be exercised in connection with a reasonable bill. [Laughter.]

Mr. MCMAHON. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. MCMAHON. I may say that there would be an advantage which

would be gained if the Senate should show by passing the bill that it approved it. The claimant in this case is a postmaster at Greenwich, Conn. The assistant postmaster stole $68,000. about $50,000 of which was stolen before Meaney became postmaster. Some of the money has been recovered. That the money was stolen was no fault of Meaney's, and he should have been paid a reward for aiding in catching the thief which the post-office inspectors did not do during the 10 years following the theft of the money. The Post Office Department has made demands on Meaney for approximately $17,000. I do not know whether the Post Office will press its demand during the recess of the Congress. I trust that it will not. It might be that favorable action on the part of the Senate would serve as notice to the Post Office Department that it should wait, at least, in trying to collect the money until the new Congress convenes next year.

Mr. FERGUSON. Mr. President, I have no objection to the proposed idle ceremony.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WHERRY. Mr. President, I do not see why this bill should be given any different consideration than any other Senate bill on the calendar. I object to the Senate considering the bill.

The PRESIDENT pro tempore. Objection is heard.

Mr. MEAD subsequently said: Mr. President, I hope I have the attention of the Senator from Connecticut and the Senator from New Mexico when I say that I was not here when the discussion began with reference to the bill for the relief of Postmaster Meany.

Several months ago, probably in April, serving on a subcommittee with the junior Senator from Kentucky [Mr. STANFILL] we heard testimony all one morning, and we reported favorably upon the bill. Why it was not placed on the calendar I do not know. It should have been on the calendar several months ago. It was not the fault of the able senior Senator from Connecticut that it was called up at this late hour. But in view of the fact that that is one bill to which the subcommittee gave several hours of time, hearing the witnesses who appeared from Connecticut, listening to the testimony presented by the Post Office Department, and then reporting the bill favorably, if nothing is done at this time with reference to the bill I want the RECORD to show the situation. As I have said, it is not the fault of the able senior Senator from Connecticut that it was not before us on an earlier occasion.

I do not know of a claims bill which received more attention than did this bill. I hope the record will be useful in the future. I wished to help make the record at this time, and I know that if the able junior Senator from Kentucky [Mr. STANFILL] were present, who asked me several times why the bill was not on the calendar, he would want the RECORD to show that he heard the testimony and that he favored the bill and wanted it passed.

The PRESIDING OFFICER. Objection being made, nothing further can be done with the bill at this time.

Mr. McMAHON. Mr. President, I wish to express my thanks to the Senator from New York, and to bear out what he has said about the junior Senator from Kentucky's position. He spoke to me on several occasions about the bill.

DISSEMINATION BY THE DEPARTMENT OF STATE OF INFORMATION ABROAD ABOUT THE UNITED STATES

Mr. CONNALLY. Mr. President, earlier in the day I moved that the Senate proceed with the consideration of House bill 4982. However, when I made the motion opposition was voiced because of there being no quorum present. I understand that if I persist in the motion the point of no quorum will be made again, and even right now the number of Senators is dwindling and dwindling. In view of the fact that the matter can probably be cared for at the next session of Congress in January, inasmuch as it relates only to an authorization, in deference to the wishes and convenience of the Members of the Senate I shall not press further the motion to proceed to consider House bill 4982.

THE SITUATION IN PALESTINE

Mr. WALSH. Mr. President, I have several telegrams which I ask to have inserted in the RECORD as part of my remarks. These telegrams evidence the reaction of thousands of my constituents to the latest proposal for the settlement of the Palestine problem. That proposal, as officially announced by the British Government, calls for the division of Palestine into four provinces, one of which would be Zionist, and another Arab. The other two areas would be controlled by a central government, presumably British. Under this same central government would be the Zionist and the Arab provinces.

Concerning the legislative powers of the provincial governments, we have not been apprised of the details, although we have been given a general description of such legislative powers as would be delegated to the provinces proposed. But, regardless of the administrative and legislative details of the entire British proposal, the plan is contrary to the joint resolution concerning Palestine which Congress acted upon last December.

We have long urged the establishment of a democratic homeland and refuge for the displaced Jewish people of Europe. Our President has officially requested that 100,000 of these victims of persecution be admitted into Palestine. Yet, the latest proposal makes no clear-cut, unconditional provision for such admission.

On Tuesday of this week the senior Senator from Ohio [Mr. TAFT] and the senior Senator from New York [Mr. WAGNER], with whom I was originally associated in introducing a resolution on Palestine, a modification of which was passed by the Senate, objected on the floor of the Senate against this British proposal for a divided Palestine which is contrary to historic title and just principles.

Unfortunately, at the time that their eloquent protests were voiced, I was absent from the Chamber on official business. Had I been present, I would have joined in their protests and would have associated myself with their remarks. The receipt of the telegrams which I have presented has prompted me to give voice today to the pleas of my constituents for a just and equitable settlement of the Palestine question based on a unified homeland for the displaced Jewish people.

According to recent newspaper accounts, it was brought out in the British House of Commons that the execution of the plan for a partitioned Palestine may well depend upon American acceptance. In connection with this report, we have also been informed that the President will confer with the members of his Cabinet committee who have been in London discussing the Palestine problem with representatives of the British Government. I sincerely hope and trust that our Government, as a result of this conference, will decide to reject this British proposal, which is so contrary to what the United States has been urging.

Mr. President, I have also a memorandum from the American Christian Palestine Committee of Boston, Mass. The memorandum concerns the report of the Anglo-American Committee of Inquiry on Palestine. Hence, it does not refer to the content of the latest proposal for the division of Palestine. However, I ask that this memorandum be printed in the RECORD as a part of my remarks since it so adequately summarizes the events preceding the announcement of the latest British plan.

In concluding my remarks, Mr. President, I quote the final paragraph of the memorandum.

> We shall continue unabated in our efforts until the aspirations of the Jewish people shall have been satisfied in the establishment of a democratic Jewish commonwealth in Palestine.

There being no objection, the memorandum and the telegrams were ordered to be printed in the RECORD, as follows:

AMERICAN CHRISTIAN PALESTINE COMMITTEE,
Boston, Mass., May 3, 1946.

MEMORANDUM

From: The Reverend David R. Hunter.
To: All members.

Following is the statement of the New England Division of the American Christian Palestine Committee concerning the report of the Anglo-American Committee of Inquiry on Palestine:

"We endorse the position of the Jewish community in Palestine, in consonance with the opinion of world Jewry, that only the establishment of a Jewish Commonwealth in Palestine along the lines of the mandate guaranteeing the protection of the religious and civil rights of the Arabs will answer the crying need of Jewish homelessness.

"We are gratified that the request of President Truman for the immediate entry of 100,000 Jews into Palestine is unanimously recommended by the committee. We are glad to note that President Truman withholds judgment concerning the future of Palestine.

"The recommendation for the immediate entry of 100,000 Jews, further immigration into Palestine thereafter, and the rescission of the land transfer regulations which restricted Jewish purchase of land to only 7 percent of the area in Palestine, is recognition of the

position taken by the Government of the United States, the World Zionist Organization, and the permanent Mandates Commission of the League of Nations that the White Paper of 1939 is an illegal document contrary to the provisions of the Mandate of the League of Nations and now incorporated in the United Nations Charter.

"We regret, however, that the committee considered it necessary to couple these gains with suggestions concerning the future status of the government of the land which denied the historic rights and aspirations of the Jewish people firmly established in international law by the Balfour Declaration, the mandate for Palestine, and the Anglo-American Covenant of 1924.

"We regret also the subordination in the committee report of the role to be played by the Jewish Agency for Palestine.

"Even after the 100,000 Jews of Europe will have been admitted to Palestine there will be left in Europe 1,250,000 destitute victims of Fascist persecution, 75 percent of whom cannot continue to live in Europe, whose fervent desire to emigrate to Palestine has been substantiated by every impartial government observer.

"We shall continue unabated in our efforts until the aspirations of the Jewish people shall have been satisfied in the establishment of a democratic Jewish commonwealth in Palestine."

GREENFIELD, MASS., *July 31, 1946.*

Senator DAVID I. WALSH,
Washington, D. C.:

Our Zionist district comprising 103 members respectfully urge you use influence to have Britain's proposal to limit Jewish Palestine to 15,000 square miles repudiated. We further urge our Government adhere to original recommendation that 100,000 destitute European Jews be immediately admitted to Palestine. Our grateful thanks.

GREENFIELD MONTAGUE ZIONIST DISTRICT.

BOSTON, MASS., *August 1, 1946.*

Hon. DAVID I. WALSH,
United States Senator,
Washington, D. C.:

Unanimity of opinion of leaders of the Jewish community of Boston deploring recent developments in Palestine and the stand taken by the Anglo-American Cabinet Committee as voiced at a conference held at the offices of the Jewish Community Council of Metropolitan Boston late yesterday. Following the meeting, Judge David A. Ross, president of the council, made up of 21 major organizations and a group of individuals chosen from the community at large issued this statement: "Britain's new proposed plan to divide Palestine into Jewish and Arab provinces with supreme control in the hands of the British is clearly an attempt to reduce Palestine to the status of a British colony. Moreover, by making the admittance of 100,000 Jews contingent upon acceptance of this new partition plan, it makes a mockery of Britain's word in international affairs by violating the recommendations of the Anglo-American Committee of Inquiry on Palestine which unanimously favored the immediate admittance of the 100,000 Jews into that country. Not only is this plan a violation of the commitments Britain has made for the establishment of a Jewish national home in Palestine but it is a repudiation of President Truman's stand on immediate immigration of 100,000 Jews into Palestine. Foreign Secretary Ernest Bevin has stated publicly that Britain would carry out the recommendations of the Anglo-American Committee of Inquiry if they were unanimous. They were unanimous. The new partition plan denies as a practical possibility large-scale Jewish immigration into Palestine and therefore is against every conception of humanity and justice. The British, who have found President Truman opposed to their policy of vacillation and broken promises, are now attempting to make him a party to this discredited partition plan. Despite the oppressive measures of the Attlee-Bevin government the Jewish people will continue to condemn violence and bloodshed with all their heart and soul. The Jewish people are inherently peace loving and condemn violence in any form. Liberty-loving fellow Americans will join us in supporting President Truman's original recommendations for the immediate admittance of 100,000 Jews into Palestine and will not accept any alternative which negates the legally assured rights of future Jewish immigration into Palestine. Upon the preservation of these rights depend the lives of thousands of homeless desperate Jews of Europe."

BOSTON, MASS., *August 1, 1946.*

Hon. DAVID I. WALSH,
United States Senator,
Washington, D. C.:

Proposed partition of Palestine is shocking answer to President Truman's request for immediate admittance of 100,000 Jews to Palestine and an unbearable condition to unanimous recommendation of Anglo-American Committee of Inquiry supporting that request. Please convey to the President, in person if possible, the horrified reaction of the Jewish citizens of New England calling for rejection of the proposal urging the immediate and unconditional entry into Palestine of the 100,000 Jews now held in European displaced-persons camps.

NEW ENGLAND ZIONIST EMERGENCY COUNCIL,
MORRIS MICHELSON, *President.*

Mr. PEPPER. Mr. President, I heartily concur in what has been said here in the last few days by several Senators in condemnation of the policy of Great Britain relative to Palestine. What has been done and what has been proposed, the failure of Great Britain to discharge the British mandate over Palestine, and the crisis which exists today in that country, not only threaten the peace of the world, but in my opinion make it mandatory that Great Britain be called upon to relieve herself of that mandate, and allow the United Nations organization to attempt to discharge the responsibility which the world owes to Palestine. I hope that our executive department and the State Department will give furtherance to those views.

PROSECUTIONS UNDER THE CONSPIRACY STATUTE

Mr. President, while I am on my feet let me say that at the conclusion of the consideration by the Senate of the legislation relative to the drafting of labor, and in the concluding hours of the consideration of that subject by the Senate, some difference of opinion was expressed by certain Senators relative to the legal effect of a certain provision of the bill.

Upon that subject I have made inquiry of the legislative counsel's office, and I have a reply from the legislative counsel to me which I ask to have incorporated in the body of the RECORD immediately following my remarks.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

MEMORANDUM FOR SENATOR PEPPER

This memorandum is in reply to your request for my opinion as to whether a prosecution under the conspiracy statute (sec. 37 of the Criminal Code) would lie with respect to a violation of section 4 (b) of H. R. 6578 (the President's temporary labor bill).

Section 4 (b) of H. R. 6578 reads as follows:

"(b) On and after the finally effective date of any such proclamation, continuation of a strike, lock-out, slow-down, or any other interruption at any such plant, mine, or facility shall be unlawful."

Section 37 of the Criminal Code (18 U. S. C. 88) provides:

"If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than $10,000, or imprisoned not more than 2 years, or both."

At common law the crime of conspiracy was complete when one had agreed with others either to do an unlawful act, or to do a lawful act in an unlawful way, and to these requirements section 37 of the Criminal Code has added the requirement that some member of the conspiracy must do an overt act in furtherance of the venture. *Deacon* v. *United States* (C. C. A. Mass., 1941, 124 Fed. (2d) 352). Under the section a conspiracy is a combination of two or more persons by concerted action to accomplish a criminal or unlawful purpose, or some purpose not in itself criminal, by criminal or unlawful means. *Duplex Printing Press Company* v. *Derring* (254 U. S. 443 (1921)). Persons entering into agreement, tacit or otherwise, to commit an unlawful act are guilty of conspiracy if one of them does some act in pursuance thereof. *Chaplin* v. *United States* (28 F. (2d) 567 (1928)).

The annotations are replete with definitions of conspiracy under the above mentioned section of the Criminal Code but the ones outlined in the foregoing paragraph are fairly representative. It is not necessary for a statute to prescribe a penalty for an act declared unlawful before an indictment will lie for conspiracy to commit the forbidden act. In *United States* v. *Niroku Komai*, (286 F. 450 (1923)). District Judge Tribbet, in overruling a motion in arrest of judgment where the defendant had been convicted of a conspiracy to conceal and harbor a Japanese alien not duly admitted to the United States, said:

"It is plain that section 8 (of the immigration laws) provides no penalty for the misdemeanor defined therein of concealing or harboring an alien. The penalty only relates to bringing in or landing in the United States the alien. There is not even any ambiguity in the statute on this subject. In my opinion the fact that no penalty of any kind is prescribed by section 8 does not bar a prosecution for a conspiracy. Section 8 describes concealing and harboring an alien as an offense, to wit, a misdemeanor. One who conspires to commit a misdemeanor 'hath offended the law.'"

Applying the principle laid down in the Komai case to subsection 4 (b) it will be seen that an indictment for conspiracy will lie against any two or more persons who conspire to continue a strike, lock-out, slow-down or any other interruption at a plant, mine, or facility after the finally effective date of the President's proclamation because such action is declared to be unlawful.

The latest decision of the Supreme Court with respect to said section 37 was handed down on June 10, 1946, entitled *"Pinkerton and Pinkerton* v. *the United States."* This case dealt with two brothers who were convicted of a conspiracy along with other substantive offenses having to do with unlawful possession, transportation, and dealing in whisky, in fraud of the Federal revenues. One of the brothers, Daniel, was in jail for other crimes when some of the offenses making up the overt acts of the conspiracy were committed by his brother, Walter. The

Court found that there was a continuous conspiracy and that there was evidence to show that the substantive offenses were in fact committed by Walter in furtherance of the unlawful agreement or conspiracy existing between the brothers. That there was no evidence of the affirmative action on the part of Daniel which is necessary to establish his withdrawal from the conspiracy. And that so long as the partnership in crime continues, the partners act for each other in carrying it forward. The Court said, "It is settled that 'an overt act of one partner may be the act of all without any new agreement specifically directed to that act.'" It thus seems clear that a labor leader in having the members of his union continue a strike, slow-down, etc., in violation of said section 4 (b) would constitute the overt act which is a necessary ingredient of a conspiracy indictment and he as well as all members of the union joining in such continuation would be subject to an indictment under said section 37 of the Criminal Code. See also *U. S.* v. *Winner* (28 F. (2d) 295 (1928)); and *U. S.* v. *Hutto* (256 U. S. 529 (1921)).

Ordinarily a strike by a labor organization is, of course, not illegal or a conspiracy of any sort. However, there are some State court cases where activities by labor unions have been held to be a conspiracy. In *Moore* v. *Cooks, Waiters and Waitresses Union No. 402* (39 Cal. App. 538), picketing of plaintiff's restaurant by unions to induce plaintiff to unionize the restaurant, by compelling the women employees to pay their dues to defendant's union was held to be a conspiracy. In *Heitkemper* v. *Central Labor Council of Portland and Vicinity* (99 Or. 1) it was held that where a local union of jewelry workers, on failure of employers to reply to a circular relative to recognition of the union, met and caused a strike, notifying the central labor council, which placed the employers on the unfair list, and pickets were stationed about the places of business of two of the employers, there was a conspiracy, a combination of two or more persons by concerted action to do an unlawful thing or a lawful thing in an unlawful manner. To the same effect is *State* v. *Murphy* (1 A. (2d) 274), where a truck drivers' union conspired to compel truck owners, against their will, to employ only union drivers, and nonunion drivers against their will to join the union or abstain from driving trucks, and to accomplish such purpose committed specified acts such as forcibly stopping and detaining trucks, damaging them, threatening owners and drivers of trucks, and injuring drivers. See also *Hopkins* v. *Oxley Stave Company* (83 Fed. 912); *Allis-Chalmers Co.* v. *Reliable Lodge* (111 Fed. 264). A conspiracy by a trades union to boycott a newspaper for refusing to unionize its office has been held to be illegal. *Casey* v. *Cincinnati Typographical Union No. 43* (45 Fed. 135). Other forms of boycotts held to be conspiracies by labor unions and illegal are found in *Thomas* v. *Cincinnati N. O. T. P. Ry. Co.* (63 Fed. 803); *J. C. McFarland Co.* v. *O'Brien* (6 F. (2d) 1016); *Hitchman Coal and Coke Co.* v. *Mitchell* (245 U. S. 229 (1917)).

In conclusion, it may be stated generally that the conspiracy statute (sec. 37 of the Criminal Code) covers to all intents and purposes the situation you had in mind when you stated that there was a general criminal statute to punish persons for continuing a strike made unlawful by section 4 (b). While the conspiracy statute applies only to two or more persons acting in concert, a continuation of a strike, slow-down, or other stoppage of work referred to in said section 4 (b) will of necessity be concerted action on the part of a labor union and its members and will subject its officers and members to a criminal prosecution for conspiracy. That Government prosecutors are all too prone to use the conspiracy statute when drawing indictments is clearly set forth in the Annual Report of the Attorney General for 1925, pages 5–6, reading as follows:

"The Conference of Senior Circuit Judges reported in 1925:

"'We note the prevalent use of conspiracy indictments for converting a joint misdemeanor into a felony, and we express our conviction that both for this purpose and for the purpose—or at least with the effect—of bringing in much improper evidence the conspiracy statute is being much abused.

"'Although in a particular case there may be no preconcert of plan, excepting that necessarily inherent in mere joint action, it is difficult to exclude that situation from the established definitions of conspiracy; yet the theory which permits us to call the aborted plan a greater offense than the completed crime supposes a serious and substantially continued group scheme for cooperative law breaking. We observe so many conspiracy prosecutions which do not have this substantial base that we fear the creation of a general impression, very harmful to law enforcement, that this method of prosecution is used arbitrarily and harshly. Further, the rules of evidence in conspiracy cases make them most difficult to try without prejudice to an innocent defendant.'"

Respectfully,

S. E. RICE,
Legislative Counsel.

JUNE 20, 1946.

TRIBUTES TO SENATOR ANDREWS

Mr. PEPPER. Mr. President, my colleague the senior Senator from Florida [Mr. ANDREWS] is voluntarily going out of the Senate at the conclusion of this session, and this will be the last session of the Senate which, so far as I know his present intentions, he will have the honor and distinction to attend.

I am sure that every Senator will miss the kindly, friendly, sincere, earnest, and patriotic senior Senator from Florida from this body. He is rounding out a distinguished career of public service which has carried him through the legislative, executive, and the judicial branches of the government of the State of Florida and of the Nation.

As I said, it was his own choice that he retire from the Senate, which he does for reasons of health which have plagued him for some time.

It has been a great privilege for me to share service in the Senate with the senior Senator from Florida. He will carry with him not only my affection and esteem, but I am sure the affection and esteem of every other Senator who has had the real pleasure and satisfaction of service with Senator ANDREWS in the Senate.

The State of Florida will be greatly the loser when his distinguished service is no longer being given to the State and to the Nation.

Mr. BARKLEY. Mr. President, I wish to associate myself with the Senator from Florida in his expressions of esteem and good will toward the senior Senator from Florida [Mr. ANDREWS].

I have enjoyed not only the service of Senator ANDREWS here, but his personal friendship and his cooperation. I wish for him long life and health and happiness in whatever he undertakes. I hope that his departure from the Senate will not mean that we shall not, from time to time, allow our paths to merge so that we may see more of him in the future.

I thank the junior Senator from Florida for giving me this opportunity to express my high esteem and my personal affection for Senator ANDREWS.

Mr. WILEY. Mr. President, I wish to associate myself with the ideas expressed by the two Senators on the other side of the aisle toward our good friend the "Judge," as we call him. It has been my privilege to visit with him in his home. I know his fine wife, and I agree with everything that has been said about him. I am sorry that ill health has made it necessary for him to leave the Senate. The people of Florida would have been happy to send him back.

When I was in Florida, everywhere I went, I found people of all parties and of all creeds who really loved him. He had served on the bench with distinction, and has found a place in the hearts of many of his colleagues in the Senate.

We join in the wish of the majority leader that he may regain his health and in his fine home in Florida, down there among the lakes, will be able to enjoy the grandchildren and his family for many years to come.

Mr. McFARLAND. Mr. President, I wish to join in what has been said about Senator ANDREWS. Since he has been in the Senate he has rendered great service to his State and to the Nation.

FAREWELL TO DEPARTING SENATORS

Mr. BARKLEY. Mr. President, none of us knows whether circumstances might arise which would require the President to call Congress back into session before January. I sincerely trust that it will not be necessary for that to happen. If it should not happen, there are several of our colleagues who will not be back with us, including the Senator from Montana [Mr. WHEELER], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Idaho [Mr. GOSSETT], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Connecticut [Mr. HART], the Senator from Kentucky, my colleague [Mr. STANFILL]. I wish to express to all of them my best personal regards and best wishes for their success and happiness in whatever field they may be called.

In the list I include the Senator from Alabama [Mr. SWIFT] and the Senator from Virginia [Mr. BURCH]. These gentlemen have served here with us and we have formed a personal attachment to them, and unless we are called back in extra session we will not have them with us again.

Mr. President, I wish for all these gentlemen long life and happiness and prosperity and success in whatever endeavors may call their ability forth, and they all have ability, they all have charming personality. I would not feel that I were performing my duty to myself and the Senate if I did not wish for all of them the best that life may hold for them in the years that are to come.

I include in the list the Senator from Indiana [Mr. WILLIS]. He has been here with us for 6 years. We have all been endeared to him. He has been a gentleman in every sense of the word. I express for him the same cordiality and

good wishes that I have expressed for the other Senators.

Mr. President, there is another Senator who, if we do not come back in session before January, will not be with us, and that is the Senator from Rhode Island [Mr. GERRY]. If I am not mistaken, he became a Member of the House of Representatives at the same time I entered the House, in the beginning of the Wilson administration. I served with him in the House for a number of years. I have served with him in the Senate. I have for him the highest respect; though we have not always agreed, as I have not always agreed with anyone here. It would be a monotonous Senate if we always agreed with each other. I have not even agreed always with the Senator from Nebraska [Mr. WHERRY].

Mr. WHERRY. That is indeed true.

Mr. BARKLEY. Even so, that makes no difference; we respect one another's views; we respect one another's independence; we respect one another's sincerity; we respect one another's character.

The Senator from Rhode Island, with whom I served in the House and in the Senate, is voluntarily retiring from the Senate. I am sure he takes with him the best wishes of the membership of the Senate without regard to party, and that we wish for him the health, the happiness and the long life which he so richly deserves.

Mr. President, another distinguished Member of the Senate, the Senator from Vermont [Mr. AUSTIN] will not be with us when we reconvene in January. He has been appointed to be the United States delegate to the Security Council. I am sure we are all agreed that he is eminently fitted for this important post. I can think of no one the President could have chosen who could better perform the arduous as well as delicate task which must be confronted. We wish for him every success, and we know he will represent the United States with honor and ability.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. RADCLIFFE. I appreciate very greatly the very generous reference the Senator from Kentucky has just made to myself and to others who will not continue in the Senate. It has been my privilege and, I count it, my good fortune to have been a Member of the Senate during 12 years which I imagine have been as strenuous and as momentous as any other 12-year period in the history of our country. During all those tragic and history-making days I have had the opportunity and pleasure to work in close contact with many Members of the Senate and I have formed many close friendships with them which I shall always cherish. I leave here with many delightful memories. These I am happy to know will remain always with me.

Mr. BARKLEY. Mr. President, I wish to say to the Senator from Maryland that he has served for 12 years through a period that has never been exceeded in importance and in the succession of tragic events in the history of the United States. He has been a diligent, hard-working, sincere Member of this body, and we not only wish for him success and good health and happiness, but that, since he lives close by, he will come to see us frequently after he retires from the Senate.

Mr. WHERRY. Mr. President, inasmuch as the distinguished majority leader stated that there were times when he was in total disagreement with me, I should like to say that I have always respected the ability and the leadership of the distinguished Senator from Kentucky, and as this Congress comes to an end and I leave for my home, I leave with the kindliest feelings toward him and toward all my colleagues.

We have had some pretty tough issues to fight out here, but I think it will be necessary for me to get back to Nebraska and eat a great deal of meat, because I can see some further disagreements coming up after Congress reconvenes in January 1947.

Mr. BARKLEY. Mr. President, in that connection I ask unanimous consent that the Senator from Nebraska be permitted to file in the final edition of the CONGRESSIONAL RECORD his final market report on meat. [Laughter.]

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHERRY. I thank the Senator.

Mr. WHITE subsequently said: Mr. President, I regret that I was absent from the Chamber when the Senator from Kentucky spoke a few moments ago. Although I did not hear him, I think I can tell what he said, and I think I can equally well call to mind the things he did not say.

I am sure that he spoke well of all of us on this side of the Chamber. That is an evidence of his kindliness and the generosity of his nature. I am sure that he spoke in approving terms of the work of this Congress. Those words were fully justified by the record which has been made. This has been a Congress of labor and of great achievements. I believe that all of us who have been permitted to participate in any way in the work have reason to feel gratification for the results accomplished.

I am sure that the Senator from Kentucky did not say what all of us upon this side would wish to say of him. We have a keen appreciation of his amazing industry, his ability, his courtesy, his kindliness, and the profound knowledge which he has manifested of the involved problems of legislation which have come before the Congress during this session and the previous session.

I think I am justified in saying, after a service of approximately 30 years in the Congress, that there never has been a greater leader, either in the House or in the Senate, than our distinguished and much beloved friend ALBEN BARKLEY.

REPUBLICAN CONTRIBUTIONS TO SEVENTY-NINTH CONGRESS

Mr. BRIDGES. Mr. President, I had intended to make at this time a few remarks relative to the Republican contributions to the Seventy-ninth Congress. Because of the lateness of the hour, I ask unanimous consent to have the remarks inserted in the body of the RECORD.

Mr. BARKLEY. Mr. President, I have no objection to that. I ask unanimous consent that, after I read the Senator's contribution, if I wish to make reply I may do so.

There being no objection, Mr. BRIDGES' statement was ordered to be printed in the RECORD, as follows:

REPUBLICAN CONTRIBUTIONS TO SEVENTY-NINTH CONGRESS

Mr. President, as this Seventy-ninth Congress is drawing to a close, I wish to take a few moments and comment briefly on the legislative contributions and achievements of the minority, as well as the honors accorded to individual Republican Senators.

Mr. President, the years 1945 and 1946—years of the Seventh-ninth Congress—stand out in history as years that may affect the course of events at home and abroad for generations to come.

During these 2 years, Mr. President, we witnessed the end of the most destructive of all wars, with the universal plea of all war-torn peoples for the birth of a new and more hopeful era.

The dramatic and sudden end of the war, however, caught the present administration wholly unprepared to fulfill its expected leadership either at home or in world affairs. Disclosure of secret treaty arrangements and the inability to cope with even the most fundamental and pressing reconversion problems during the transition period has led to widespread distrust of the administration's policies. Every poll of public opinion in recent months shows that the people are aware of the administration's failures, and are turning to the Republican Party for leadership and constructive measures.

The lack of leadership in the administration posed new problems for Congress that called for clear-cut legislation and the highest order of leadership from the representatives of the people in arriving at their solution.

How the Congress, in general, met these problems is now a matter of record, and that record is so well known to this audience, at least, that it does not warrant repetition at this time.

But, it might be well to review questions the American citizens were asking as the European and Pacific wars ended within a few months of each other just a year ago. Here are a few of these questions:

Will we have a speedy reconversion to full-time production?

Will the Government divest itself of extraordinary wartime powers and controls in order to restore to businessmen, farmers, workers, and the American people that freedom from regimentation which has made the American system unique among the governments of the world?

Will the Government cut down the size of the Federal bureaucracy where millions of Government officials have been supported at the expense of the American taxpayer?

Will there be eight to ten million unemployed as forecast by the administration's economists?

Will the administration be able to guide the reconversion of labor wisely from war to peace, insuring large peacetime production at stabilized wages and prices?

Will the administration be able to balance the budget, and reduce the Federal debt, or will it continue with its unsound deficit financing and the theory that we can spend our way to prosperity?

Will the United States enforce the making of just treaties of peace?

What will be done about the atomic bomb?

Will we have to finance the reconstruction of the devastated countries all over the world as we did following World War I? If so, will we be able to do it on better terms?

What will happen to all of our surplus property totaling billions of dollars? Will its sale be free of scandals?

Will there be plenty of food, clothing, housing for the returning 12,000,000 in the armed forces?

Will we get legislation designed to benefit all groups of our economy, or will we be besieged with legislation that favors some particular minority group?

What could President Truman do to meet these issues?

Mr. President, these and hundreds of similar questions were asked daily by the American people and the American press. These were some of the problems facing the Congress in the postwar world.

MEETING THE ISSUES

Mr. President, how did we meet these issues?

We all know that many of these issues before the Seventy-ninth Congress were so vital to the welfare of this and other nations that they transcended all political lines and called for larger loyalties and a deeper understanding of our own and our neighbor's problems.

Because of the very nature of some of these problems, the Senate of the United States, united in a common cause and passed such important legislation as the lend-lease extension bill; the enlargement of the Export-Import Bank; the extension of the Selective Service Act; and provided for adjusted taxes.

On many other measures of national and international importance, the majority of the Republican Senators united with the administration legislators to insure passage. These issues ran the gamut of legislation and included such measures as the International Monetary Fund and Bank bill; the ratification of the United Nations Charter and the participation of the United States in the United Nations; the reciprocal trade agreements extension bill; the United Nations relief and rehabilitation; the Federal employees pay increase bill; the Mexican-United States water treaty; the manpower bill; Federal aid to airports; the British loan; full employment; the Case labor bill, and many, many others.

STAND ON UNSOUND LEGISLATION

Republicans were active in all of these measures and succeeded in making constructive contributions to most of them. With regard to many other measures, the majority of Republican Senators refused to go along with what we believed was an attempt to fasten the strait-jacket of planned economy on a free people.

The majority has the power of the purse and patronage, together with the power of the Presidency, the power of the committee chairmen, the predominance of Democrats in congressional committees, and the control over departments and agencies of government. The Democratic majority has had an arsenal of weapons capable of bending the country to their will and withering all opposition.

Since the minority party does not have the power to block or to change the course of the New Deal government, they have to adopt such means available to them. The role of the Republican minority, especially in times when new courses are being set for the Nation, is to serve as a vigorous and constructive opposition to the administration. The minority party can discharge this responsibility in a number of effective ways.

First, they can analyze administration proposals and operations and hold them up to the clear light of reason and debate. I submit that the Republican representation in the House and Senate has discharged this duty with great distinction. But analysis is not enough. Republican obligation goes farther than this. Its second duty is to criticize, protest, and denounce all administration operations that are against the best interests of the country. This obligation, also, we have discharged with vigor and distinction even at the risk of incurring the displeasure of those who do not understand the functions of a minority in government and the limitations on minority operations. Third, the Republicans can use their places on committees and on the floor of Congress to reason out and correct the laws proposed by the administration. It is because we are performing this duty of making workable laws in the best way open to us that you hear so much of Republican amendments to administration bills.

The minority party can also use their votes to defeat measures which are wrong in principle. Lacking sufficient votes to control, we can only be successful in this when some Democrats break away from their own party controls and come to our support. Minority members can and do take an active part in congressional investigations to bring out the facts bearing upon national problems and in this way bring the real situation to the attention of the people.

The minority party will support sound legislation, but will have no part of unsound legislation. For instance, in the first session of the Seventy-ninth Congress, the President set forth a 21-point program, with most of the 21 points more or less favoring some small segment of our economy rather than the Nation as a whole. The President termed this as "must" legislation.

In retrospect, this "must" legislative program looks suspiciously like a political program designed to draw together the disintegrating Roosevelt strength and put it behind President Truman. It promised so much to so many different groups that Congress, as the representative of all the people could not bring itself to the point of cooperating for the passage of all the confused and conglomerate measures.

REPUBLICAN-SPONSORED LEGISLATION

Mr. President, while the Republican Senators are unable to carry through a legislative program of their own, they have the power to work against bad legislation and to amend other measures to make them better. Mr. President, for the record, I would like to comment briefly on Republican-sponsored legislation during the sessions of the Seventy-ninth Congress.

In the first session, Republicans sponsored a large number of amendments, resolutions, and substitutes to administration measures. Most of these were passed unanimously or by voice vote. Only a small number went to a record vote. Six out of the thirty Republican sponsored measures which went to record vote were adopted—the Bushfield amendment to the manpower bill, the Wherry amendment to the price control extension bill, the Brewster amendment to the Federal aid to airports, the Taft-Radcliffe amendment to the Full Employment Act, and the Donnell amendment to the reorganization of Government agencies.

Dozens of other Republican proposals to pending legislation were carried by voice vote and unanimous consent. In almost every case, these were constructive proposals to make legislation more equitable and more workable in the real interests of the American people.

In view of the administration's policy of irresponsible spending, it is interesting to note in passing that the Taft-Radcliffe amendment to the Full Employment Act of 1946, providing that "any program of Federal investment and expenditure for the fiscal year 1948, or in peacetime, should be accompanied by a taxation program designed to prevent any net increase in the national debt," passed the Senate by an unopposed 82 to 0 vote, the only unanimous recorded vote cast for a measure during the entire session.

Republicans proved to be even more effective in the second session of this Congress. Again we proposed a vast number of improvements in pending legislation and initiated many new measures of our own. A large number carried by voice vote and by unanimous consent. Even in those important measures that went to record vote, Republicans made an outstanding contribution.

Of the 34 amendments or substitutes offered to bills up to July 16, on which a record vote was taken, 16 were adopted, while 2 others, namely, the Smith amendment to the national science foundation bill and the Taft amendment to the OPA extension bill were only rejected on tie votes, the former on a 34–34 deadlock and the latter on a 40–40 vote.

Among the amendments offered and adopted during this present session were: the Capehart amendment to the Fair Labor Standards Act; the Taft-Ball "cooling off" amendment to the Case labor bill; the Taft fact-finding amendment to the same bill; the Taft-Ball amendment making unions liable for contract violations and elimination of secondary boycotts; the Gurney amendment to the selective service bill; the Taft-Wherry-Cordon, and the Taft-Butler amendments to the first OPA extension bill; the Hart amendment to the National Science Foundation; the Wherry amendments to decontrol meat, dairy products, milk, and poultry on OPA's second trip through Congress during this session; the Moore amendment to decontrol petroleum; the Knowland-Ferguson amendment exempting from OPA rent control those States that have their own rent control laws; and the Bridges amendment to decontrol feeding grains. Every one of these decontrol provisions to the OPA bill was an attempt to restore to the people their right to conduct their own affairs in a free economy.

Proof beyond dispute of the Republican Party's defense of the personal freedom of every individual American citizen is that not a single Republican Senator supported the Democratic administration's request for power to draft the workingmen of this country.

On May 29, 1946, when the motion was made to strike from H. R. 6578 a provision by which the President would have been given power to draft the wage earners of the country into the Army despite the basic right of personal liberty, every Republican vote was cast in favor of that motion and against forced labor.

All in all, nearly 50 percent of the amendments, substitutes, or resolutions offered by Republicans for a record vote on the floor of the Senate during the second session were adopted.

A far greater number proved to be such excellent improvements to pending measures that they passed by voice vote and unanimous consent. That record speaks more eloquently than I can do on the subject of constructive legislation offered by the minority party.

REPUBLICAN ATTENDANCE RECORD

Individually and collectively, the Republican Senators have a just right to be proud of the attendance record they have established in committee work and on the floor of the Senate during the sessions of the Seventy-ninth Congress.

Early in the first session the minority whip, the distinguished and energetic Senator from Nebraska, Senator WHERRY, spoke in defense of the Republican attendance record. The tribute he paid to his colleagues for their splendid attendance record is warranted on the basis of the record. Throughout both sessions of the Seventy-ninth Congress the Republican Senators have established an attendance record unequaled by their Democratic colleagues across the aisle.

That the Republicans were well represented from the very first roll call of the first session is evidenced by the fact that they led in

percentage of party voting in 33 out of the first 43 measures to come before the Senate for a record vote. They have worked long, diligently, and faithfully on committees to which they have been assigned and have made many constructive suggestions which have been incorporated into the bills or adopted as amendments thereto.

REPUBLICAN ACHIEVEMENT

Mr. President, while time does not allow me the opportunity to chronicle all of the numerous honors and tributes which have been accorded to many of the Republican Senators during these sessions of the Seventy-ninth Congress, I am sure that it is not too much of an imposition on the time of the Members of this body merely to mention in passing that Republicans and Democrats, not only in this Chamber, but throughout the country as well, applauded the President's elevation of one of our number, the distinguished junior Senator from Ohio, the Honorable Harold H. Burton, to the post as Associate Justice of the United States Supreme Court, as well as the appointment of the Senator from Vermont, WARREN R. AUSTIN, as representative to the Security Council of the United Nations Organization, and the selection of the senior Senator from Michigan, ARTHUR H. VANDENBERG, as delegate to the San Francisco Conference and advisor to the Foreign Ministers Conference in London and Paris.

In this field of foreign policy, Mr. President, Republicans have performed signal service. In the war years we cast aside all partisan influences and stood solidly with all others as Americans united for victory. It is our policy also to serve in the interests of peace without partisanship. In all our work in the Seventy-ninth Congress, the record is clear that we favored every measure of foreign policy which consults intelligent, American self-interest, and which sustains the dignity, the honor, and the safety of the United States; which faithfully seeks international security and peace-with-justice through vigorous support of the United Nations; and which once more encourages closest cooperative unity with our pan-American neighbors, north and south.

It is our principle that our country work closely and wholeheartedly with all our allies for just peace treaties; to reestablish human rights and fundamental freedoms through a peoples' peace; and to terminate the need for American occupational troops abroad.

Republicans generally supported an extension of the reciprocal trade treaty program in general, but I think it is well established that a majority of us opposed giving the President power to further reduce rates by 50 percent. We are not against a reasonable reduction of tariff rates, but there is such a thing as going to extremes and this certainly does things to extreme. Our position on this point is very simple; we favored every measure for expanded foreign trade except those, which in our judgment, threatened to be at the expense of the American producer, the American worker, our standard of living, and the necessities of our national defense.

The Republican Party believed with the American people that the United States went to war to protect the principles which are dear to this great Nation of freemen. We believed when we went to war that we were helping to establish a reign of decency in the world. That is what American men and thrust upon the United States. That is what the Republican Party believed when war was thrust upon the United States. That is what the Republican Party believes now.

The world learned in a cruel, bloody way that appeasement of wrong leads only to war. The Republican Party believes that only a completely firm stand for American principles can lead to a real peace on earth.

The Republican Party believes that America should bear the torch of moral leadership high and not leave that task solely to the little nations of the world.

The Republican Party believes there is no proper place for the compromise of American principles of freedom, decency, justice, and honor. The Republican Party believes that as the American people instinctively hope and work for peace their hopes should not be dashed and their work should not be blocked by any effort of any other government to compromise the very principles which are the only certain guide posts to lasting peace.

We are proud of the contributions which Republican spokesmen have made to postwar foreign policy, and which demonstrate the dependability of Republican leadership in our foreign relations. But we believe in a united, unpartisan foreign policy so far as possible; and, whether in the minority or the majority, we shall welcome this result.

I could go on, Mr. President, with a roll of honors and tributes accorded the individual Republican Senators during the Seventy-ninth Congress, but to do so would be to take much more time than I have at my disposal, but I do want to say for this group and for the record, that rarely in my recollection, has more or greater honor come to Members on this side of the aisle, or to the Republican Party so long as it has been in the minority, as has come during these sessions of the Seventy-ninth Congress.

The role of the minority in Congress, Mr. President, is often a trying one. The part it must, of necessity, play as the opposition party, is far too often misinterpreted as the role of the reactionary and obstructionist. Individual Republican Senators and the party in general, Mr. President, have come in for unwarranted abuse by persons entirely unaware of the real facts. Even a cursory glance at legislation designed to speed our national recovery program, such as housing, lifting of Government controls, the stand on a balanced budget, return to the States of State's rights, and veterans' benefits, to mention just a few, will prove that the Republicans did not follow, but led in this type of legislation.

Mr. President, as I have mentioned previously, the minority party can, and will, support good, constructive legislation designed for all the people, but will unalterably oppose a legislative pattern which favors some particular group or some small segment of our economy. Such legislation, Mr. President, only extends the Government control over the economy.

Ever since the Republican Party was founded back in the days of Abraham Lincoln, Mr. President, it has been the party of the people, by the people, and for the people—all the people. Nowhere is this more evidenced than in the party's stand on so-called social legislation. Now, as then, the Republican Party gives full support to the basic principle of our republican form of government, namely, that it exists to protect and advance the welfare of all of our people and not just a privileged few. We insist that the liberties and civil rights of all the people must be of primary concern to our form of government. A review of all social legislation enacted during the Seventy-ninth Congress, such as public and veterans' housing, hospital and welfare care, food to the starving nations of the world through special legislation I sponsored and through the United Nations Relief and Rehabilitation organization, will reveal that human values and the dignity of the individual are still the primary concern of the Republican legislators.

Republican opposition to legislation is often a great service to the country. As an example, Mr. President, I cite the case of OPA legislation. During the war years, there was some excuse for the regimentation of price controls. But in peacetime a free democracy has no place for government price fixing. The stupid and often intolerable maladministration by the OPA has all but wrecked the economy. We saw so-called price control disintegrate into profit control when the Administration foolishly believed the starry-eyed economists in OPA and the Commerce Department who maintained that we could have higher wages for all without higher prices. We saw scarcity in the land of plenty.

Black markets sprung up in essential items of food, clothing, building materials, and staple commodities. Instead of meeting the situation in a realistic manner the OPA sent an army of supersnoopers and cheeky checkers throughout the land. It did no good. An ever-increasing number of items disappeared from the merchants' shelves until meat, for example, was 90 percent black market. Production increased in many lines, but the inept administration of price controls forced much of this material into black markets.

Republican amendments that would do away with the black markets and restore confidence and faith to the manufacturer and retailer were made the political basis for a Presidential veto.

Then, Mr. President, we saw a miracle happen in this country. In 24 days the back of the black market was broken. Meat came through legitimate channels in ever-increasing quantities at steadily lower prices. Mr. President, I believe that the Republican amendments to the OPA bill accomplished in 24 days what this administration has been unable to accomplish in 4 years—and that was the elimination of the black market.

It wasn't a CIO-inspired buyers strike as the radical press and CIO would have you believe. It wasn't the curtailment of Army orders for meat as the face-saving OPA would have you believe. It was neither of these, Mr. President. The fact is that it was the 40,000,000 housewives who were willing to give the Republican old-fashioned idea of the law of supply and demand a chance to work that broke the black market in meat, and will break the black market in any commodity if given a chance to work.

At the same time, Mr. President, Republicans have attacked this price problem from their more constructive angles. Everyone knows that Government spending—the monetization of public debt—has contributed enormously to the inflationary conditions we now face. Republicans have fought this irresponsible administration policy in season and out. We have demanded economy. We have insisted that the Government clean up its own financial household and balance its Budget. Had Mr. Truman's 21-point program been carried out, the enormous Government expenditures it contained would have tipped the scales toward wild inflation. Republicans resisted these measures, made many of them more modest, and blocked others that would have bankrupted the Federal Treasury. At the same time, Mr. President, Republicans have taken the lead in demanding relief for the people of this country from a Federal tax load that takes almost one-quarter of every person's income and retards incentive of producers to turn out the goods we sorely need. No one will work longer or harder merely to satisfy the tax gatherer. The administration has not yet learned that simple lesson, but it has long been a guiding principle for Republicans. Lift the heavy load of Government from the backs of the people and production and competition will take care of inflation.

When I say that Republicans have fought diligently for economy and a balanced budget, I know whereof I speak. A part of the battle fell upon minority members of the Appropriations Committee where Government expenditures have to be analyzed and approved. As ranking minority member of that committee I can tell you we faced a

stupendous job. Countless hours have been put in by us to weigh and cut down Government expenditures. It was a labor few people outside of Congress realize and it does not have the glamour that makes newspaper headlines. But it is of great importance to the people of this country.

Republicans took the initiative in this and with the help of some Democrats who also believe in sound Government finance, billions of dollars have been saved for the people of this country.

Mr. President, the majority of the Republican Senators have supported veterans' legislation on a wholly impartial basis, as it naturally should be. They have been in the forefront in the campaign for adequate housing, complete medical care for the disabled, including automobiles for the amputees. They have endorsed the broadening of the benefits to the veterans under the GI bill of rights, including more substantial educational benefits and terminal pay for the enlisted men and women.

Another contribution of the Republican Senators for which all members of this group should be truly grateful was the exposure and ultimate curtailment of the huge Government propaganda machine that spends $74,000,000 a year and uses the services of 45,000 publicity agents to push Government-inspired legislation through the Congress, through any and all means at its disposal, including distortion of truth and unwarranted attacks on the Congress itself. It remained for Republican Senators to turn the blistering spotlight on the vicious methods used by the Government propaganda machine during the course of the debate on the Bretton Woods and OPA legislation. This very revealing exposure has led this body to take measures to curb such future bureaucratic attacks upon the Congress and the people of the country; and the policy started in curbing the use of propaganda by the OPA should be extended to all of the other Government agencies. This, Mr. President, was merely another of the unglamourous, though necessary, accomplishments of the Republican minority.

In the late war we have stamped out fascism and nazism by force of arms. But communism we have with us still today. They have not given up their ideal of world conquest by propaganda or by force. J. Edgar Hoover, Director of the Federal Bureau of Investigation, warned publicly that the danger of communism in this country today is greater than ever before. We cannot close our eyes to the fact that Communists have infiltrated the various agencies of our Government, the labor unions, the veterans' organizations, and community bodies. In their subversive way they plant the seed of distrust and suspicion, of prejudice and hatred, of bigotry and intolerance. They set class against class, creed against creed, and race against race.

Mr. President, the time has long since past to be on our guard against this menace to our national security and freedom. We must now take forceful steps to rid ourselves of this element in our Government agencies, especially our State Department. Republicans have been, and intend to be, eternally vigilant on all appointments to Government offices to be certain that only men who respect our American system are appointed to Government positions, and not men who will use their appointive offices to further their own political ambitions, or men who will fan the flames of communism by spreading discontent among our people and distrust of our institutions and our laws.

We are all very familiar with the very active part Republican Senators have taken in congressional investigations, such as the recent Pearl Harbor probe and the current investigation of war profiteers. It is only through such investigations, Mr. President, that we are able to bring the true situation to the attention of the public. The administration in control of the Government cannot be expected to investigate itself, except when it seeks scapegoats for political effects. Only the minority can be a natural instrument for such exposures.

Even through such means of exposure as the investigation committees, the minority party is handicapped. We all know that it is the democractic majority that sets the time of the hearings, fills the staff positions, determines in a large measure the kind of facts that will be presented by witnesses, and sets the tone of the report to be made.

In spite of all these handicaps, however, the minority party must, in the interest of good government, national security, and the safety and freedom of the people, bring such matters of maladministration and corruption to the attention of the people.

Also, Mr. President, in the case of Presidential appointments, it is the responsibility of the minority to protest any such appointments which would not be in the best interests of the country. That the minority can do a good job of bringing out all the facts is vividly evidenced by their action in the cases of the Edwin Pauley and the Aubrey Williams nominations.

Mr. President, the Republican Party still stands for a Government of the people, for the people, and by the people. It will offer itself to no special group. It believes in the maximum decentralization of Government services and the restoration to the States and to the people of those extra Federal activities appropriated as a wartime emergency. It believes in and can achieve a balanced budget, in practice and not on paper. It is of the firm conviction that the sooner we return to a balanced budget, the sooner we will have sanity, economy, and efficiency in our National Government.

Mr. President, in the short time at my disposal, I have merely highlighted, in a very general way, the contributions made by the Republicans in this great body, to legislation enacted during the two sessions of the Seventy-ninth Congress. I only wish, Mr. President, that I had the time to give a more detailed account of the many worth-while achievements of each and every Senator on this side of the aisle. The list of accomplishments is long and worthy of greater tribute than I have had time to accord to it. But, borrowing from the Navy parlance—to each of my colleagues, may I say "Well Done."

TRIBUTE TO SENATORS WHEELER AND SHIPSTEAD

Mr. CHAVEZ. Mr. President, I am one of those who believe that upon each State falls the responsibility for determining who shall be its representatives in the Congress and who shall be its legal officials. I feel it my duty at this time to say a word in respect to two Senators who will not be with us at the next Congress. I wish to say that I have known the senior Senator from Montana [Mr. WHEELER] for many years. It is my sincere and honest opinion that the senior Senator from Montana has rendered valuable service to the welfare of his country throughout his service in the Senate. Of course, it is Montana's business as to who shall represent it in the Senate.

I may say also that my association with the senior Senator from Minnesota [Mr. SHIPSTEAD] has always been most pleasant. Notwithstanding he is a Republican, I consider him to be a loyal, patriotic American, and that, as he understood his duty, he has rendered valuable service to his country.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McFARLAND. I should like to concur in what the Senator from New Mexico has said in respect to the Senator from Montana and the Senator from Minnesota and in what has been said in regard to other Senators who will not return. I know the hour is getting late and I do not want to detain the Senate. I, too, have served with the Senator from Montana [Mr. WHEELER], who has spent 24 of the best years of his life in the service of his State and of his Nation. It has been my good fortune to have served under him as a member of the Committee on Interstate Commerce over which, as chairman, he has presided with great distinction. He is a great statesman. He has served his State and his Nation well. He has been willing to help his colleagues at every possible opportunity. I wish to join the Senator from New Mexico in his tribute to the Senator from Montana.

THE NATIONAL TRIBUTE GROVE—ADDRESS BY SENATOR KNOWLAND

[Mr. KNOWLAND asked and obtained leave to have printed in the RECORD an address entitled "The National Tribute Grove," recently delivered by him, which appears in the Appendix.]

ADDRESS BY SENATOR PEPPER BEFORE THE AMERICAN SLAV CONGRESS

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address delivered by him at the Third All-Slav Day Rally of the Midwest Division of the American Slav Congress, held at Pilsen Park, July 7, 1946, which appears in the Appendix.]

CONTROL AND DEVELOPMENT OF ATOMIC ENERGY—ADDRESS BY HON. HENRY A. WALLACE

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address entitled "Why Is the Control and Development of Atomic Energy a World Problem?" delivered by Hon. Henry A. Wallace, Secretary of Commerce, on July 31, 1946, which appears in the Appendix.]

CHARTER FOR WORLD HEALTH—ADDRESS BY SURGEON GENERAL PARRAN

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address entitled "Charter for World Health," delivered by Dr. Thomas Parran, Surgeon General of the United States Public Health Service, which appears in the Appendix.]

VITAL PROBLEMS BEFORE THE AMERICAN PEOPLE—ADDRESS BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD an address, prepared by him, entitled "Vital Problems Before the American People," which appears in the Appendix.]

OUR FOREIGN POLICY—INTERVIEW BETWEEN SENATOR CAPPER AND SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD a copy of an interview between himself and Senator CAPPER to be held over the radio on Saturday, August 3, 1946, which appears in the Appendix.]

RECEPTION AT WHITE HOUSE AND MEETING OF ELECTORS ON INAUGURATION DAY, JANUARY 20, 1945

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a statement with reference to the reception at the White

House and meeting of electors on inauguration day, January 20, 1945, which appears in the Appendix.]

THE IMPORTANCE OF CONCILIATION AND ITS WORK—STATEMENT BY SENATOR MEAD

[Mr. MEAD asked and obtained leave to have printed in the RECORD a statement prepared by him entitled "The Importance of Conciliation and Its Work," which appears in the Appendix.]

IRELAND BACK IN THE NEWS—ARTICLE BY WILLIAM A. MILLEN

[Mr. MEAD asked and obtained leave to have printed in the RECORD an article entitled "Ireland Back in the News," written by William A. Millen and published in the Washington Star of June 23, 1946, which appears in the Appendix.]

STATEMENT BY SENATOR TAFT

[Mr. TAFT asked and obtained leave to have printed in the RECORD a statement respecting the wool bill, which appears in the Appendix.]

LETTER FROM MRS. EMMA GUFFEY MILLER TO SENATOR BARKLEY

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD a letter addressed to Senator BARKLEY by Mrs. Emma Guffey Miller, national committeeman, dated July 31, 1946, dealing with the equal-rights amendment, which appears in the Appendix.]

TRIBUTE TO SIDNEY HILLMAN BY REV. GEORGE G. HIGGINS

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD a tribute to Sidney Hillman by Rev. George G. Higgins, assistant director, social action department, NCWC, which appears in the Appendix.]

TRIBUTE TO HENRIK SHIPSTEAD

[Mr. LANGER asked and obtained leave to have printed in the RECORD an article written by him entitled "Tribute to HENRIK SHIPSTEAD," which appears in the Appendix.]

EQUAL RIGHTS AMENDMENT—ADDRESS BY FLORENCE L. C. KITCHELT

[Mr. MCMAHON asked and obtained leave to have printed in the RECORD a radio address entitled "Is the Equal Rights Amendment Equitable to Women?" delivered by Florence L. C. Kitchelt, chairman, Connecticut Committee for the Equal Rights Amendment, on July 15, 1946, which appears in the Appendix.]

LETTERS WRITTEN BY SENATOR MITCHELL REGARDING INITIATIVE 166, PENDING IN THE STATE OF WASHINGTON

[Mr. TAYLOR asked and obtained leave to have printed in the RECORD three letters written by Senator MITCHELL on the subject of initiative 166, pending in the State of Washington, which appear in the Appendix.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, informed the Senate that, pursuant to the provisions of House Resolution 753, adopted by the House August 2, 1946, the Clerk of the House had appointed Mr. Harry Newlin Megill as the official in his office to be the Acting Clerk of the House as provided in said resolution.

The message announced that the House had agreed to the concurrent resolution (S. Con. Res. 76) authorizing the signing of enrolled bills and joint resolutions after the adjournment of the present session of Congress.

ADDITIONAL ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 2, 1946, he presented to the President of the United States the following enrolled bills:

S. 2100. An act to remove the limitations on the amount of death compensation or pension payable to widows and children of certain deceased veterans;

S. 2125. An act to amend the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

S. 2256. An act to amend the Servicemen's Readjustment Act of 1944;

S. 2286. An act to amend the act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930;

S. 2332. An act to provide that the unexpended proceeds from the sale of 50-cent pieces coined in commemoration of the two hundred and fiftieth anniversary of the founding of the City of Albany, N. Y., may be paid into the general fund of such city;

S. 2408. An act to amend the act of February 9, 1907, as amended, with respect to certain fees;

S. 2460. An act to provide additional inducements to citizens of the United States to make a career of the United States military or naval service, and for other purposes;

S. 2477. An act to authorize the Veterans' Administration to reimburse State and local agencies for expenses incurred in rendering services in connection with the administration of certain training programs for veterans, and for other purposes;

S. 2479. An act to amend an act entitled "An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925;

S. 2480. An act authorizing the appointment of Robert Sprague Beightler as permanent brigadier general of the line of the Regular Army; and

S. 2498. An act to provide for fire protection of Government and private property in and contiguous to the waters of the District of Columbia.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

REPORT AND CONFIRMATION OF NOMINATION OF ARTHUR A. MAGUIRE TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Mr. MURDOCK. Mr. President, from the Committee on the Judiciary, I report favorably the nomination of Arthur A. Maguire, of Pennsylvania, to be United States attorney for the middle district of Pennsylvania, and I ask unanimous consent for the present consideration of the nomination.

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). Is there objection to the present consideration of the nomination?

There being no objection, the nomination was considered and confirmed.

REPORT AND CONFIRMATION OF NOMINATION OF COMMANDER JOHN F. ROBINSON TO BE STATE DIRECTOR OF SELECTIVE SERVICE FOR CONNECTICUT

Mr. MURDOCK. Mr. President, on behalf of my colleague from Utah [Mr. THOMAS], from the Committee on Military Affairs I report favorably the nomination of Commander John F. Robinson to be State director of selective service for Connecticut, and ask unanimous consent for the present consideration of the nomination.

The PRESIDING OFFICER. Is there objection to the present consideration of the nomination?

There being no objection, the nomination was considered and confirmed.

PROTOCOL TRANSFERRING TO THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS THE FUNCTIONS AND ASSETS OF THE INTERNATIONAL INSTITUTE OF AGRICULTURE

The Senate, as in Committee of the Whole, proceeded to consider Executive H (79th Cong., 2d sess.), a protocol dated at Rome, March 30, 1946, terminating the Rome Convention of June 7, 1905, and transferring the functions and assets of the International Institute of Agriculture to the Food and Agriculture Organization of the United Nations, which was read the second time, as follows:

PROTOCOL TRANSFERRING TO THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS THE FUNCTIONS AND ASSETS OF THE INTERNATIONAL INSTITUTE OF AGRICULTURE

The Governments signatories to this Protocol,

Being parties to the Convention signed at Rome on June 7, 1905, creating the International Institute of Agriculture (hereinafter called the Institute),

Considering it desirable that the Institute (including the International Forestry Center, hereinafter called the Center) be dissolved and that the functions and assets thereof be transferred to the Food and Agriculture Organization of the United Nations (hereinafter called the Organization), and

Being cognizant of the resolution of the Permanent Committee of the Institute, have agreed as follows:

ARTICLE I

From the date to be announced by the Permanent Committee of the Institute in accordance with Article III of this Protocol, the Convention signed at Rome on June 7, 1905, by which the Institute was created, shall be no longer of any effect as between the parties to this Protocol, and the Institute (including the Center) thereupon shall be brought to an end.

ARTICLE II

The Permanent Committee of the Institute shall, in accordance with the directions of the General Assembly of the Institute, bring the affairs of the Institute (including the Center) to an end and for this purpose shall

(a) collect and bring together all assets of the Institute (including the Center) and take possession of the libraries, archives, records, and movable property thereof;

(b) pay and satisfy all outstanding debts and claims for which the Institute is liable;

(c) discharge the employees of the Institute and transfer all personnel files and records to the Organization;

(d) transfer to the Organization possession of and full title to the property in the libraries, archives, records, and all residual assets of the Institute (including the Center).

ARTICLE III

When the duties assigned to it by Article II of this Protocol have been completed, the Permanent Committee of the Institute shall forthwith, by circular letter, notify the Members of the Institute of the dissolution of the Institute (including the Center) and of the transfer of the functions and assets thereof to the Organization. The date of such notification shall be deemed to be the date of the termination of the Convention of June 7, 1905, and also the date of the dissolution of the Institute (including the Center).

ARTICLE IV

Upon bringing to an end the affairs of the Institute (including the Center) the powers, rights or duties attributed to it by the provisions of the International Conventions listed in the Annex of this Protocol, shall devolve upon the Organization; and the parties to this Protocol which are parties to the said conventions shall execute such provisions, insofar as they remain in force, in all respects as though they refer to the Organization in place of the Institute.

ARTICLE V

Any Member of the Institute which is not a signatory to this Protocol may at any time accede to this Protocol by sending a written notice of accession to the Director General of the Organization, who shall inform all signatory and acceding Governments of such accession.

ARTICLE VI

1. This Protocol shall not be subject to ratification in respect to any government unless a specific reservation to that effect is made at the time of signature.

2. This Protocol shall come into force upon its acceptance in respect to at least thirty-five Governments Members of the Institute. Such acceptance shall be effected by:

(a) signature without reservation in regard to ratification, or

(b) deposit of an instrument of ratification in the archives of the Organization by Governments on behalf of which this Protocol is signed with a reservation in regard to ratification, or

(c) notice of accession in accordance with Article V.

3. After coming into force in accordance with paragraph 2 of this Article, this Protocol shall come into force for any other Government a Member of the Institute,

(a) on the date of signature on its behalf, unless such signature is made with a reservation in regard to ratification, in which event it shall come into force for such Government on the date of deposit of its instrument of ratification, or

(b) on the date of the receipt of the notice of accession, in the case of any nonsignatory Government which accedes in accordance with Article V.

IN WITNESS WHEREOF the duly authorized representatives of their respective Governments have met this day and have signed the present protocol, which is drawn up in the French and English languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Organization. Authenticated copies shall be furnished by the Organization to each of the signatory and acceding Governments and to any other Governments which, at the time this Protocol is signed, is a Member of the Institute.

DONE at Rome this 30th day of March 1946.

For the Government of Argentina:
CARLOS BREBBIA.
For the Government of Australia:
G. S. BRIDGLAND.
For the Government of Belgium (including the Belgian Congo):
G DASPREMONT LYNDEN.
For the Government of Brazil:
J. LATOUR
Sous réserve de ratification
For the Government of Bulgaria:
For the Government of Canada:
ALFRED RIVE
For the Government of Chile:
For the Government of China:
For the Government of Colombia:
For the Government of Cuba:
MIGUEL A. ESPINOSA
For the Government of Denmark:
T BULL
For the Government of Egypt:
MAHMOUD MOHARRAN HAMMAD.
For the Government of Ireland:
MICHAEL MACWHITE.
For the Government of Ecuador:
For the Government of Spain:
For the Government of the United States of America (including Hawaii, the Philippines, Puerto Rico, and the Virgin Islands):
DAVID MCK. KEY.
Subject to ratification.
For the Government of Ethiopia:
For the Government of Finland:
For the Government of France (including Algeria, French West Africa, French Morocco, Indo-China, Madagascar, and Tunis):
AUGÉ-LARIBÉ.
For the Government of Greece:
G. A. EXINTARIS.
For the Government of Haiti:
For the Government of Hungary:
For the Government of India:
JOHN O. MAY.
For the Government of Iran:
For the Government of Italy:
For the Government of Luxembourg:
G DASPREMONT L.
For the Government of Mexico:
For the Government of Nicaragua:
For the Government or Norway:
SIGURD BENTZON.
For the Government of Paraguay:
For the Government of the Netherlands (including the Netherlands Indies):
H. VAN HAASTERT.
For the Government of Peru:
For the Government of Poland:
W. WYSZYNSKI.
For the Government of Portugal:
For the Government of Rumania:
For the Government of the United Kingdom of Great Britain and Northern Ireland:
JOHN O. MAY.
For the Government of San Marino:
For the Government of Siam:
For the Government of Sweden:
For the Government of Switzerland:
For the Government of Czechoslovakia:
DR. JAN PAULINY TOTH.
For the Government of Turkey:
FURUZAN SELCUK
Sous réserve de ratification.
For the Government of the Union of South Africa:
For the Government of Uruguay:
For the Government of Venezuela:
For the Government of Yugoslavia:

ANNEX

LIST OF CONVENTIONS TO WHICH ARTICLE IV OF THE PROTOCOL RELATES

International Convention for Locust Control, dated at Rome October 31, 1920.

International Convention for Plant Protection, dated at Rome April 16, 1929.

International Convention concerning the Marking of Eggs in International Trade, dated at Brussels December 11, 1931.

International Convention for the Standardization of the Methods of Cheese Analysis, dated at Rome April 26, 1934.

International Convention for the Standardization of Methods of Analyzing Wines, dated at Rome June 5, 1935.

International Convention for the Standardization of the Methods of Keeping and Utilizing Herd-Books, dated at Rome October 14, 1936.

AMERICAN EMBASSY, *Rome, Italy.*

I certify that this is a true copy of the original.

David McK. Key
DAVID MCK. KEY
Charge d'Affaires ad interim

Mr. CONNALLY. Mr. President, it will be remembered that under the League of Nations there was an organization known as the International Institute of Agriculture. The functions and assets of that organization are now being transferred to the Food and Agriculture Organization of the United Nations. This is simply a protocol authorizing the delivery to the United Nations of the property, records, and so forth of this organization.

The PRESIDING OFFICER. The protocol is open to amendment. If there be no amendment to be proposed, the protocol will be reported to the Senate.

The protocol was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive H (79th Cong., 2d sess.), a protocol dated at Rome March 30, 1946, terminating the Rome Convention of June 7, 1905, and transferring the functions and assets of the International Institute of Agriculture to the Food and Agriculture Organization of the United Nations.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the protocol is ratified.

The Clerk will proceed to state the nominations on the Executive Calendar.

NATIONAL HOUSING AGENCY—NOMINATION PASSED OVER

The legislative clerk read the nomination of Dillon S. Myer to be Administrator of the United States Housing Authority in the National Housing Agency, which nomination had been previously passed over.

Mr. TAFT. Mr. President, I am obliged to ask that this nomination be passed over.

Mr. BARKLEY. Mr. President, I wish to express my regret that the Senator from Ohio feels that he must ask that this nomination be passed over, which, of course, means that under the circumstances it will not be acted upon at this session. I realize that under the law the President may make a recess appointment, and that the nomination can be sent to the Senate at the next session of Congress; but that does not minimize

my regret that we cannot confirm the nomination at this time.

Mr. WAGNER. Mr. President, I also add my regret. Mr. Myer appeared before our committee and was unanimously recommended by the committee. I am very sorry that we are not able to confirm his nomination.

The PRESIDING OFFICER. The nomination will be passed over.

DEPARTMENT OF STATE

The legislative clerk read the nomination of William L. Clayton to be Under Secretary of State for Economic Affairs.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Foreign Service.

Mr. BARKLEY. I ask that the nominations in the Foreign Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Foreign Service are confirmed en bloc.

DEPARTMENT OF LABOR

The legislative clerk read the nomination of Keen Johnson to be Under Secretary of Labor.

Mr. BARKLEY. Mr. President, I wish to say just a word. I do not think there has been recently a more happy or appropriate appointment than the appointment of former Gov. Keen Johnson of my State as Under Secretary of Labor. Governor Johnson is a very excellent and able executive. He is a level-headed man. He enjoys the confidence of labor and business. He has had business experience as a successful newspaperman in Kentucky. He was a most excellent Governor of the State. Prior to that time he was Lieutenant Governor of Kentucky. I am very happy to recommend the confirmation of the nomination of former Gov. Keen Johnson to this position.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

The legislative clerk read the nomination of Ewan Clague to be Commissioner of Labor Statistics.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the Public Health Service.

Mr. BARKLEY. I ask that the nominations in the United States Public Health Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the United States Public Health Service are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

POSTMASTERS—NEW REPORTS

Mr. CHAVEZ. Mr. President, because of the lateness of the session of Congress many nominations of postmasters were referred to the Committee on Post Offices and Post Roads yesterday. The committee had to clear them today. Hence they are not on the calendar. However, they have been approved. Senators from the respective States have been consulted and have also approved the nominations. I ask unanimous consent to report them at this time and have them confirmed.

Mr. BRIDGES. Mr. President, are there any names on the list which have been previously before the committee?

Mr. CHAVEZ. The one which the Senator from New Hampshire has in mind has not been reported.

Mr. BRIDGES. I thank the Senator. I have no objection.

Mr. CHAVEZ. Nominations which have been objected to are not on the list.

The PRESIDING OFFICER. Is there objection to the present consideration of the nominations? The Chair hears none. Without objection, the nominations are confirmed en bloc.

THE ARMY

The legislative clerk read the nomination of Robert Sprague Beightler to be a brigadier general in the Regular Army of the United States.

The PRESIDING OFFICER. It gives the Chair great pleasure to announce that, without objection, the nomination is confirmed.

THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

The PRESIDING OFFICER. Without objection, the nominations in the Marine Corps are confirmed en bloc.

That completes the Executive Calendar.

Mr. BARKLEY. Mr. President, I ask that the President be immediately notified of all nominations confirmed this day.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

ADJOURNMENT SINE DIE

Mr. BARKLEY. Mr. President, in accordance with the terms of House Concurrent Resolution 165, heretofore agreed to today, I move that the Senate do now adjourn.

The motion was agreed to; and (at 7 o'clock and 27 minutes p. m.) the Senate adjourned sine die.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED AFTER SINE DIE ADJOURNMENT

Subsequent to the sine die adjournment of the Senate, the President pro tempore, under the authority of Senate Concurrent Resolution 76, signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 334. An act for the relief of the Trust Association of H. Kempner;

S. 1560. An act to amend the Service Extension Act of 1941, as amended, to extend reemployment benefits to former members of the Women's Army Auxiliary Corps who entered the Women's Army Corps.

S. 2306. An act to authorize the Secretary of War to grant Georgia Power Co. a 100-foot perpetual easement across certain land in the State of Alabama constituting a portion of the military reservation designated as Fort Benning, Ga.;

H. R. 228. An act for the relief of Robert June;

H. R. 386. An act to amend the law relating to the authority of certain employees of the Immigration and Naturalization Service to make arrests without warrant in certain cases and to search vehicles within certain areas;

H. R. 783. An act for the relief of Karl E. Bond;

H. R. 935. An act for the relief of Andreas Andersen;

H. R. 957. An act for the relief of Margaret Dunn;

H. R. 1357. An act for the relief of the estate of Otto Frederick Gnospelius, deceased;

H. R. 1633. An act for the relief of Raymond Crosby;

H. R. 1751. An act to authorize the course of instruction at the United States Merchant Marine Academy to be given to not exceeding 12 persons at a time from the American Republics, other than the United States;

H. R. 2093. An act for the relief of J. P. Kerr and Robert P. Kerr;

H. R. 2480. An act for the relief of Wesley A. Mangelsdorf;

H. R. 2586. An act to authorize the leasing of Indian lands situated within the State of Washington, for business and other purposes;

H. R. 2736. An act for the relief of Norman Abbott;

H. R. 2851. An act to provide for investigating the matter of the establishment of a national park in the old part of the city of Philadelphia, for the purpose of conserving the historical objects and buildings therein;

H. R. 2893. An act to amend the act of February 15, 1929;

H. R. 3058. An act to authorize the use of certain lands of the United States for flowage in connection with providing additional storage space in the Pensacola Reservoir of the Grand River Dam project in Oklahoma, and for other purposes;

H. R. 3209. An act for the relief of Edward A. Mason;

H. R. 3210. An act for the relief of Clyde O. Payne;

H. R. 3619. An act for the relief of Harry D. Koons;

H. R. 3703. An act for the relief of the city and county of San Francisco;

H. R. 3855. An act for the relief of Martin A. Tucker and Emma M. Tucker;

H. R. 4362. An act to abolish the Parker River National Wildlife Refuge in Essex County, Mass., to authorize and direct the restoration to the former owners of the land comprising such refuge, and for other purposes;

H. R. 4374. An act for the relief of the legal guardian of Rudolph K. Bartels, Jr., a minor;

H. R. 4769. An act to amend section 5 of the act entitled "An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton";

H. R. 4844. An act to place Chinese wives of American citizens on a nonquota basis;

H. R. 4860. An act for the relief of Materials Handling Machinery Co., Inc.;

H. R. 4924. An act for the relief of Joseph A. Brown;

H. R. 5031. An act for the relief of Ernest C. Heine and Harriett W. Heine;

H. R. 5050. An act for the relief of Minnie P. Shorey;

H. R. 5093. An act for the relief of Albert Whilden;

H. R. 5125. An act to establish the Castle Clinton National Monument, in the city of New York and for other purposes;

H. R. 5128. An act to provide for the conveyance of certain real property to Roy C. Lammers;

H. R. 5134. An act for the relief of Clarence W. Ohm;

H. R. 5144. An act to establish a national air museum, and for other purposes;

H. R. 5166. An act for the relief of Raphael Elder;

H. R. 5287. An act for the relief of Mrs. Cecila W. McAfee, the legal guardian of Sarah McAfee, a minor, and Haven H. McAfee;

H. R. 5288. An act for the relief of Warren M. Miller;

H. R. 5463. An act for the relief of Hiram H. Wilson;

H. R. 5469. An act for the relief of Bertha Lillian Robbins and Charles Robbins;

H. R. 5527. An act for the relief of Dimitrios Karamouzis (known as James C. Karamouzis or James C. Kar);

H. R. 5552. An act relating to the sale by the United States of surplus vessels suitable for fishing;

H. R. 5560. An act to fix the rate of postage on domestic air mail, and for other purposes;

H. R. 5603. An act for the relief of Wilford B. Brown;

H. R. 5626. An act to authorize the Veterans' Administration to appoint and employ retired officers without affecting their retired status, and for other purposes;

H. R. 5847. An act for the relief of Watson Airfotos, Inc.;

H. R. 5848. An act for the relief of Mrs. Millicent Moore;

H. R. 5849. An act for the relief of Mrs. Grace A. Phillips;

H. R. 6012. An act for the relief of Lippert Bros.;

H. R. 6161. An act for the relief of the legal guardian of Samuel Roscoe Thompson, a minor;

H. R. 6165. An act to provide for the preparation of a membership roll of the Indians of the Yakima Reservation, Wash., and for other purposes;

H. R. 6255. An act for the relief of Thomas A. Beddingfield and his wife, Opal May Beddingfield;

H. R. 6381. An act for the relief of Thomas L. Brett;

H. R. 6399. An act for the relief of Caesar Henry;

H. R. 6455. An act to amend the act entitled "An act to provide books for the adult blind";

H. R. 6721. An act to authorize the Postmaster General to accept gifts and bequests for the benefit of the library of the Post Office Department;

H. R. 6828. An act to provide for continuance of the farm labor supply program up to and including June 30, 1947;

H. R. 7037. An act to amend the Social Security Act and the Internal Revenue Code, and for other purposes;

H. R. 7046. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.," approved May 18, 1928;

S. J. Res. 186. Joint resolution to provide for the transfer of the painting "First Fight of Ironclads, *Monitor* and *Merrimac*," now stored in the United States Capitol Building, to the custody of the United States Naval Academy;

H. J. Res. 35. Joint resolution designating November 19, 1946, the anniversary of Lincoln's Gettysburg Address, as Dedication Day; and

H. J. Res. 390. Joint resolution making additional appropriations for the fiscal year 1947, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The following enrolled bills and joint resolution, heretofore duly signed by the Presiding Officers of the two Houses, were presented on August 5, 1946, to the President of the United States by the Secretary of the Senate:

S. 334. An act for the relief of the Trust Association of H. Kempner;

S. 1560. An act to amend the Service Extension Act of 1941, as amended, to extend reemployment benefits to former members of the Women's Army Auxiliary Corps who entered the Women's Army Corps;

S. 2306. An act to authorize the Secretary of War to grant Georgia Power Co. a 100-foot perpetual easement across certain land in the State of Alabama constituting a portion of the military reservation designated as Fort Benning, Ga.; and

S. J. Res. 186. An act to provide for the transfer of the painting First Fight of Ironclads, *Monitor* and *Merrimac*, now stored in the United States Capitol Building, to the custody of the United States Naval Academy.

APPROVAL OF SENATE BILLS AND JOINT RESOLUTIONS AFTER SINE DIE ADJOURNMENT

The President of the United States, subsequent to sine die adjournment of the Senate, notified the Secretary of the Senate that he had approved and signed acts and joint resolutions, as follows:

On August 2, 1946:

S. 78. An act for the relief of the estate of William Edward Oates;

S. 162. An act for the relief of Walter S. Faulkner;

S. 496. An act to make it a criminal offense for certain escaped convicts to travel from one State to another;

S. 1235. An act to authorize the use of the funds of any tribe of Indians for insurance premiums;

S. 1426. An act to provide for the replanning and rebuilding of slum, blighted, and other areas of the District of Columbia and the assembly, by purchase or condemnation, of real property in such areas, and the sale or lease thereof for the redevelopment of such area in accordance with said plans; and to provide for the organization of, procedure for, and the financing of such planning, acquisition, and sale or lease; and for other purposes;

S. 1478. An act to record the lawful admission to the United States for permanent residence of Edith Frances de Becker Sebald;

S. 1573. An act for the relief of James H. Wilkinson;

S. 1602. An act to confirm title to certain railroad-grant lands located in the county of Kern, State of California;

S. 1607. An act to provide for the naturalization of Peter Kim;

S. 1733. An act for the relief of Desmark Wright; the estates of Alberta Wright, Desmark Wright, Jr., and Harold Evans; and the legal guardian of Bobby Dennis Wright, and Irvin Lee Wright, minors;

S. 1880. An act for the relief of the Crosby Yacht Building & Storage Co., Inc.;

S. 1910. An act for the relief of George D. King;

S. 1917. An act to enact certain provisions now included in the Naval Appropriation Act, 1946, and for other purposes;

S. 2036. An act granting the consent of Congress to the State of Rhode Island to construct, maintain, and operate a free highway bridge across the Sakonnet River between the towns of Tiverton and Portsmouth in Newport County, R. I.;

S. 2177. An act to provide for increased efficiency in the legislative branch of the Government;

S. 2246. An act to authorize the Secretary of the Navy to acquire in fee or otherwise certain lands and rights in land on the island of Guam, and for other purposes;

S. 2247. An act to permit the Secretary of the Navy to delegate the authority to compromise and settle claims against the United States caused by vessels of the Navy or in the naval service, or for towage or salvage services to such vessels, and for other purposes;

S. 2253. An act to further amend the act of January 16, 1936, as amended, entitled "An act to provide for the retirement and retirement annuities of civilian members of the teaching staff at the United States Naval Academy and the Postgraduate School, United States Naval Academy";

S. 2259. An act to amend the Philippine Rehabilitation Act of 1946 for the purpose of making a clerical correction;

S. 2310. An act to further extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark.;

S. 2349. An act to permit the Secretary of the Navy to delegate the authority to compromise and settle claims for damages to property under the jurisdiction of the Navy Department, and for other purposes;

S. 2359. An act to close the office of the Recorder of Deeds on Saturdays; and

S. 2375. An act to change the name of the Chemical Warfare Service to the Chemical Corps.

On August 7, 1946:

S. 115. An act to modify sections 4 and 20 of the Permanent Appropriation Repeal Act, 1934, with reference to certain funds collected in connection with the operation of Indian Service irrigaton projects, and for other purposes;

S. 223. An act to provde for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia;

S. 1477. An act to authorize relief in certain cases where work, supplies, or services have been furnished for the Government under contracts during the war;

S. 1547. An act to provide for the disposition of vessels, trophies, relics, and material of historical interest by the Secretary of the Navy, and for other purposes;

S. 1561. An act to amend the act entitled "Compensation for injury, death, or detention of employees of contractors with the United States outside the United States," as amended, for the purpose of making the 100 percent earning provisions effective as of January 1, 1942;

S. 1640. An act to provide for the acquisition by the United States of certain real property in the District of Columbia;

S. 2020. An act granting a right-of-way at a revised location to the West Shore Railroad Co., the New York Central Railroad Co., lessee, across a portion of the military reservation at West Point;

S. 2210. An act to provide for the return of certain securities to the Philippine Commonwealth Government;

S. 2260. An act for the relief of Roy M. Davidson;

S. 2332. An act to provide that the unexpended proceeds from the sale of 50-cent pieces coined in commemoration of the two hundred and fiftieth anniversary of the founding of the city of Albany, N. Y., may be paid into the general fund of such city;

S. 2348. An act to authorize the continuance of the acceptance by the Treasury of deposits of public moneys from the Philippine Islands;

S. 2369. An act for the relief of Col. S. V. Constant, General Staff Corps;

S. 2419. An act to amend further the act of April 6, 1938, as amended by the act of July 9, 1941, entitled "An act authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes"; and

S. J. Res. 156. Joint resolution to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation.

On August 8, 1946:

S. 881. An act authorizing the President of the United States to award posthumously in the name of Congress a Medal of Honor to William Mitchell;

S. 1236. An act to amend the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, and for other purposes;

S. 2085. An act to amend title V of the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes", approved October 14, 1940, as amended, to authorize the Federal Works Administrator to provide needed educational facilities, other than housing, to educational institutions furnishing courses of training or education to persons under title II of the Servicemen's Readjustment Act of 1944, as amended;

S. 2100. An act to remove the limitations on the amount of death compensation or pension payable to widows and children of certain deceased veterans;

S. 2125. An act to amend the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

S. 2236. An act providing for a medal for service in the merchant marine during the present war;

S. 2256. An act to amend the Servicemen's Readjustment Act of 1944;

S. 2286. An act to amend the act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930;

S. 2318. An act to amend the act of May 11, 1938, for the conservation of the fishery resources of the Columbia River, and for other purposes;

S. 2401. An act to amend the act of May 4, 1898 (30 Stat. 369), as amended, to authorize the President to appoint 250 acting assistant surgeons for temporary service;

S. 2408. An act to amend the act of February 9, 1907, as amended, with respect to certain fees;

S. 2477. An act to authorize the Veterans' Administration to reimburse State and local agencies for expenses incurred in rendering services in connection with the administration of certain training programs for veterans and for other purposes;

S. 2479. An act to amend the act entitled "An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925;

S. 2498. An act to provide for fire protection of Government and private property in and contiguous to the waters of the District of Columbia;

S. 2490. An act authorizing the appointment of Robert Sprague Beightler as permanent brigadier general of the line of the Regular Army;

S. J. Res. 84. Joint resolution authorizing the erection in the District of Columbia of a statue of Nathan Hale; and

S. J. Res. 186. Joint resolution to provide for the transfer of the painting First Fight of Ironclads, *Monitor* and *Merrimac*, now stored in the United States Capitol Building, to the custody of the United States Naval Academy.

On August 9, 1946:

S. 1560. An act to amend the Service Extension Act of 1941, as amended, to extend reemployment benefits to former members of the Women's Army Auxiliary Corps who entered the Women's Army Corps; and

S. 2306. An act to authorize the Secretary of War to grant Georgia Power Co. a 100-foot perpetual easement across certain land in the State of Alabama constituting a portion of the military reservation designated as Fort Benning, Ga.

On August 10, 1946:

S. 2460. An act to provide additional inducements to citizens of the United States to make a career of the United States military or naval service, and for other purposes.

On August 12, 1946:

S. 2426. An act providing for the conveyance to the city of Canton, S. Dak., of the Canton Insane Asylum, located in Lincoln County, S. Dak.

On August 13, 1946:

S. 191. An act to amend the Public Health Service Act to authorize grants to the States for surveying their hospitals and public health centers and for planning construction of additional facilities, and to authorize grants to assist in such construction; and

S. 2304. An act to provide for the training of officers for the naval service, and for other purposes.

DISAPPROVAL OF SENATE BILLS AFTER SINE DIE ADJOURNMENT

The message also announced that the President had vetoed the following bills of the Senate on the dates indicated.

TRUST ASSOCIATION OF H. KEMPNER

S. 334. I am withholding my approval from the bill (S. 334) for the relief of the Trust Association of H. Kempner.

The bill confers jurisdiction upon the Court of Claims to determine the losses sustained by the Trust Association of H. Kempner, of Galveston, Tex., as a result of the sale of cotton by that firm to certain mills in Germany during the years 1923 and 1924, and to determine the amount of funds "wrongfully" paid out of the trust account of Germann & Co. by the Alien Property Custodian following the seizure of that company by the Alien Property Custodian during World War I. The bill further directs the Alien Property Custodian to credit the Germann & Co. trust account with the amount found by the Court of Claims to have been "wrongfully" paid out of the trust, and to charge and collect that amount from either the German special deposit account in the Treasury, sometimes known as the Secretary's special deposit account No. 8, or from any funds or property of the Government of Germany "or of nationals of Germany," which are now or may hereafter come into the possession of or under the control of the United States Government. A further provision of the bill provides for the payment of the sum so credited to the trust account of Germann & Co. to the Trust Association of H. Kempner in the amount of the losses found by the Court of Claims to have been suffered by the last-mentioned company and for an assignment by the H. Kempner association of all claims against the German Government or German nationals arising out of its cotton sales during 1923 and 1924 to the account of Germann & Co.

There appears to be no connection between the claim of the H. Kempner association for losses sustained in its dealings with German cotton mills in 1923 and 1924 and the claim of Germann & Co. for damages allegedly suffered because of the acts of the Alien Property Custodian during World War I. Although the bill purports to enable the Germann & Co. trust account to recover the damages alleged to have been suffered, the amount so determined would be paid to the H. Kempner trust association. By this coupling of claims, the H. Kempner association would recoup losses suffered by it in 1923 and 1924 out of funds specially reserved for the payment of war damage claims.

The German special deposit account was created by section 4 of the Settlement of War Claims Act of March 10, 1928 (45 Stat. 254). This fund was created to settle all claims between Germany and the United States arising out of World War I. By it terms, various moneys are paid into it and disbursements are made according to a scale of 13 priorities. The principal items of disbursement from this fund are those to awardees of the Mixed Claims Commission. These persons were awarded damages for illegal acts committed by the German Government in the course of the First World War. The account is in the nature of a trust fund and was set up after much consideration. This bill makes the fund subject to a claim which apparently has no connection with World War I or property seized by the Alien Property Custodian. The amount which is alleged to have been illegally paid out of the Germann trust is over $971,000, without interest. This sum would be a charge against the German special deposit account and would be a most unfair and unjust diversion of funds allocated and earmarked for awardees by the Mixed Claims Commission. Under existing law, the Kempner trust association is ineligible as a claimant under the Trading With the Enemy Act, since its claim arose subsequent to October 6, 1917.

In view of all of the foregoing circumstances, I am constrained to withhold my approval from the bill.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 10, 1946.*

PROPERTY IN THE STATE OF MICHIGAN

S. 1198. I have withheld my approval from S. 1198, "To authorize the Secretary of Commerce to sell certain property in the State of Michigan now occupied by the Weather Bureau and to acquire land in the State of Michigan for the erection of a Weather Bureau station."

Section 1 of the bill authorizes the Secretary of Commerce to sell the Weather Bureau station located on the campus of the Michigan State College of Agriculture and Applied Science, and to convey such property to the said college by quitclaim deed, and to deposit the proceeds of such sales in the Treasury as miscellaneous receipts. Section 2 authorizes and directs the Secretary of

Commerce to acquire a site and cause to be erected thereon a suitable and commodious building for the use and accommodation of the Weather Bureau at East Lansing, Mich., to replace the station authorized to be sold. Section 3 authorizes the appropriation, out of money in the Treasury not otherwise appropriated, of such sums as may be necessary to carry out the provisions of the bill.

The Weather Bureau building at East Lansing, Mich., which was erected on the campus of the college during the year 1927, is not surplus to the needs of the Government, as the Weather Bureau continues to render an important weather service there to the public. At the time the building was constructed it cost approximately $38,000, exclusive of the cost of land which was donated by the State College of Agriculture and Applied Science. To sell the building to the college, acquire a site and erect a new building at the present time of scarcity of building materials, would be inimical to the interests of the Government, since it would result in considerable additional cost and contribute to the general scarcity of materials for the construction of housing for veterans.

For these reasons, I feel obliged to withhold my approval of this measure.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 7, 1946.*

WILLIAM S. BROWN

S. 1277. I have withheld my approval from the bill (S. 1277) "Conferring jurisdiction upon the United States District Court of the Western District of South Carolina, to hear, determine, and render judgment upon the claim of William S. Brown."

The bill confers jurisdiction upon the United States District Court for the Western District of South Carolina, to hear, determine, and render judgment upon the claims of William S. Brown, of Greenville, S. C., for any losses sustained under certain specified contracts provided "that such action may be brought in the Court of Claims within 1 year of the date of the approval of this act, with right of appellate review as in other cases."

It appears that on September 7, 1942, Mr. Brown was awarded a contract for repairing shoes at the Greenville Army Air Base, Greenville, S. C., for a period from October 1 to December 31, 1942. The contract provided with respect to the number of shoes to be repaired as follows: "Quantity estimated—half soles, 3,000; heels, rubber, 3,000." The contract was completed and payment made and accepted therefor.

Thereafter Mr. Brown entered into several contracts with the Army Air Base at Greenville, S. C., to repair varying numbers of shoes. These contracts while specifying the number of shoes to be repaired, did not contain the word "estimated" as was contained in the original contract. They did contain a clause which provided that any variation in the quantities called for not exceeding 10 percent would be accepted as compliance with the contract.

The quantities of shoes called for in the contracts were not delivered for repair. At the completion of the contracts Mr. Brown was paid the sum of $9,215.32 for the actual work performed by him. If the full number of shoes specified in the contracts had been delivered, he would have been entitled to receive payment in the amount of $16,755.

Mr. Brown submitted a claim to the War Department for the sum of $5,864.18. This amount represented the total repair price of all of the shoes specified in the contracts ($16,755) less 10 percent for variations ($1,675.50), and less the amount received by him for the actual work performed ($9,215.32). The War Department denied the claim on the ground that the issues involved were triable by the United States Court of Claims (28 U. S. C. 250).

The United States has waived its immunity to suit on claims for damages arising out of contracts, express or implied, and the Court of Claims has been designated as the forum to hear, determine, and render judgment on such claims (28 U. S. C. 250). Further, the district courts have concurrent jurisdiction with the Court of Claims in such matters if the claim does not exceed $10,000 (28 U. S. C. 41 (20)). It appears, therefore, that claimant, under existing law, may have his claim adjudicated by the United States District Court for the Western District of South Carolina.

Since relief by private act of Congress should be granted only when no remedy is provided by law, and since existing law provides a remedy in this case, I am constrained to withhold my approval from the bill.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 8, 1946.*

LESTER A. DESSEZ

S. 1731. I have withheld my approval from S. 1731, Seventy-ninth Congress, entitled "An act for the relief of Lester A. Dessez."

This enactment would authorize and direct the Secretary of the Treasury to pay to Lester A. Dessez, colonel, United States Marine Corps, the sum of $808.95 in full settlement of all claims against the United States for emergency travel of dependents (less a payment of $47.03 already made) to which the said Lester A. Dessez would have been entitled, if he had had the necessary orders, for the period August 1, 1941, to September 15, 1941, for travel of dependents from Tutuila, American Samoa, to Washington, D. C.

When the travel of the dependents, which forms the basis for the relief proposed to be granted, was performed, no change of station orders had been issued to Colonel Dessez and therefore he was not entitled to reimbursement of the cost of their travel under the law authorizing transportation of dependents at Government expense when ordered to make a permanent change of station, nor was there any other authority of law for reimbursement of the amount in question. Moreover, under the circumstances, it appears that there was no sound basis upon which Colonel Dessez reasonably could have expected to be reimbursed for such travel of his dependents since a review of the facts would indicate that the travel in question was performed solely for personal reasons. Apparently the only basis on which the officer's claim to the amount in question is asserted is the probability that had the travel of his dependents been delayed several months, changed circumstances would have authorized such travel at Government expense. That, of course, may be true with respect to any travel that may be performed by an officer's dependents at any time.

It is understood that Colonel Dessez' situation with respect to the travel of his dependents under the circumstances here involved is not by any means an isolated case and in addition to the fact that there appears to be doubt as to whether he is equitably entitled to payment of the amount in question, I do not feel justified in approving the enrolled enactment since it would accord him preferential treatment over other officers and enlisted personnel who may be similarly situated, and thus would establish an undesirable precedent.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 7, 1946.*

THADDEUS C. KNIGHT

S. 528. I have withheld my approval of S. 528, an act "For the relief of Thaddeus C. Knight."

The proposed legislation recites that Thaddeus C. Knight, formerly a captain, Quartermaster Corps, United States Army, was convicted by general court martial on the basis of perjured testimony, and that such conviction was without foundation in law or in fact. It would authorize his reappointment as a captain, United States Army, and his immediate retirement in that grade, with the pay and allowances pertaining thereto. The proposed act would further confer upon Mr. Knight all rights and benefits accruing to persons who have served in the military service of the United States and have been honorably discharged therefrom.

The issues in this case have been reviewed and reconsidered on numerous occasions, and measures similar to S. 528 have twice been vetoed. Captain Knight was tried and convicted on 2 charges covering 10 specifications. One witness, whose testimony related at most to five of these, has since repudiated part, or all, of his original testimony. However, even disregarding the testimony of this witness, and giving Mr. Knight the benefit of every doubt with respect to these alleged offenses, the record clearly shows the commission of several other offenses, including the procurement of endorsements to two checks, for considerable amounts, known to be worthless, and the passing of such checks. These latter offenses alone would have amply justified Captain Knight's dismissal from the military service; and in view of such fact, I can see no adequate reason for his reappointment and retirement as a captain in the United States Army.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 12, 1946.*

RAILROAD REORGANIZATION

S. 1253. I am withholding my approval of S. 1253, entitled "An act to enable debtor railroad corporations, whose properties during a period of 7 years have provided sufficient earnings to pay fixed charges, to effect a readjustment of their financial structures; to alter or modify their financial obligations; and for other purposes."

Even though I am familiar with the deficiencies and inequities and the evils that exist under section 77 of the present Bankruptcy Act, I fear that this new bill would not accomplish the purpose for which it was intended.

The bill contains two sections, the first of which contemplates the prevention of bankruptcy proceedings where practicable; the second contemplates the reorganization of certain railroad carriers by the institution of proceedings under section 1 of the bill for readjustment of their financial affairs.

Objections which I have to the bill include the following:

The bill fails to direct specifically the immediate reduction of the grossly excessive interest rates now wasting the funds of the railroads in section 77 proceedings. Millions of dollars per year can be saved at once for each of the railroads in section 77 proceedings by reducing the interest rates on their bonds and other debt down to the level of the interest rates paid by railroads not in section 77 proceedings. I reiterate a statement which I made in my message to Congress on the state of the Union which is as follows, "low interest rates will be an important force in promoting the full production and full employment in the postwar period for which we are all striving."

The bill does not adequately cure the evil, present in reorganizations under section 77, of permitting improper control of railroads after their reorganization.

The bill fails to provide full protection against forfeiture of securities and investments.

The level of fees and expenses in reorganization cases under section 77 has been excessive. This is not corrected in this bill. Affirmative provisions to curb this evil and to bring it under strict control should be included in any bill which may be enacted.

The bill excludes from its benefits certain railroads which should be brought within its provisions if it is to become law. In this regard it appears that the $50,000,000-limitation in section 2 of the bill would exclude some railroads for whose exclusion there appears to be no logical justification.

This bill fails to correct a serious abuse which I condemned in the course of the Senate railroad investigation. I refer to the abuse of diverting, under cover of a reorganization plan, the funds of a railroad for the purchase of its own stocks in the market.

On the other hand, the bill does incorporate principles for which I was one of the sponsors in the Senate. I commend particularly the emphasis which the bill places on the principle that reorganizations must give primary consideration to the public interest, and to the best interests of the railroads which are being reorganized.

This requires among other things that reorganizations shall place control of railroads in persons primarily concerned with transportation for the communities served and for the Nation as a whole, without any strings direct or indirect, conditional or otherwise, to institutions or others in distant financial centers.

Such regard for the public interest will also help the stockholders, whether they be railroad employees who have invested in the stocks of the companies for which they work, or ordinary investors, desirous of safeguarding their investment, but not of helping any interest to capture control of their railroad. These stockholders, whom the bill justly seeks to protect against forfeiture, can and should get such protection, but without enabling any financial interest to use such legislation to acquire control.

By withholding my signature to this bill I do not intend to indicate that I favor the pending reorganization plans. I am in agreement with those objectives of the bill which prevent undesirable control of the railroads, either immediately or within a few years, and which prevent forfeitures of securities.

I believe that the next Congress can pass a bill which will meet the stated objections and which will be in the best interests of the public, the railroads, the bondholders and other creditors, and the stockholders.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 13, 1946.*

CONFIRMATIONS

Executive nominations confirmed by the Senate August 2 (legislative day of July 29), 1946:

DEPARTMENT OF STATE

William L. Clayton to be Under Secretary of State for Economic Affairs.

FOREIGN SERVICE

John G. Erhardt to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Austria.

TO BE FOREIGN SERVICE OFFICERS, UNCLASSIFIED, VICE CONSULS OF CAREER, AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA

Donald P. Downs
Lawrence J. Legere, Jr.
Daniel W. Montenegro

DEPARTMENT OF LABOR

Keen Johnson to be Under Secretary of Labor.

Ewan Clague to be Commissioner of Labor Statistics.

UNITED STATES ATTORNEY

Arthur A. Maguire to be United States attorney for the middle district of Pennsylvania.

SELECTIVE SERVICE SYSTEM

Commander John F. Robinson to be State director of selective service for Connecticut, with compensation at the rate of $7,581 per annum.

UNITED STATES PUBLIC HEALTH SERVICE

APPOINTMENTS IN THE REGULAR CORPS

To be junior assistant nurse officers, effective date of oath of office

Morrise J. Brockey	Anne Woudema
Eugenie Sampson	C. Vistula Lancaster
M. Martha Crews	Rose Kaplan
Eva M. Hakkola	Mary L. Putnam
M. Ruth Phillips	

To be assistant nurse officers, effective date of oath of office

Pauline Savage	Virginia B. McDavid
Mary Matthews	Beatrice L. Zingle
Josephine Keough	Elizabeth C. Laczko
Katherine L. Tucker	Helen A. Gentilman

To be senior assistant nurse officers, effective date of oath of office

Tabitha Wilson Rossetter	Kharis B. Mayers
	Esther A. Garrison
Alice E. Herzig	M. Constance Long
Jane E. Taylor	Gertrude E. Mehner
Ruth L. Johnson	Rosalie C. Giacomo
Mary Ann L. Garrigan	Madeline Pershing
Ellwynne M. Vreeland	Louise O. Waagen
Marjorie W. Spaulding	Walborg S. Wayne
	Esther Kaufman
Zella Bryant	Eva B. Hunter
Elsie T. Berdan	Mabel E. Emge
Lila A. Anderson	Stella Goodman
Helen Cameron	Catherine M. Sullivan

IN THE ARMY

APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES

To be a brigadier general

Robert Sprague Beightler

IN THE MARINE CORPS

APPOINTMENTS TO COMMISSIONED WARRANT OFFICERS

To be commissioned warrant officers

William H. Abbott	Thomas B. Lenhart
Lawrence Betts	Clyde H. Long
Roy H. Bley	Arthur W. Lord
Harold C. Borth	James E. Lovin, Jr.
Oscar A. Bosma	Albert F. Marcott
Charles C. Bucek	Clarence R. Martin
Carl J. Buschena	James J. McCullough
Byron B. Cain	Michael A. Miksa
George V. Clark	John A. Miller
Edwin C. Clarke	Porter F. Millican
George E. Dillman	Roy W. Moran
Leander E. Dorey	Joseph V. Murray
William A. Easterling	Ralph C. Oakes
Grammer G. Edwards	Oscar P. Olson
Robert A. Engesser	Herman A. Papen
Albert L. Evans	Perez W. Pottgether
Frank W. Ferguson	Estes N. Ratliffe
Vernet R. Fitzgerald	Joseph J. Reardon
John E. Foster	John F. Ricard
Joseph R. Foster	Lewis M. Schaller
Carl E. G. Franson	Earle G. Shaw
Harvey W. Gagner	Frank C. Sheppard
Alexander Gagyi	John H. Slusser
Calvin R. Glanzer	Charlie G. Smith
Eugene M. Gordenev	Marion E. Smith
Dudley J. Hagen	William D. Smith
Hilton Hamilton	LeRoy A. Stjeor
William J. Hamilton	Edward F. Taylor
Harry D. Hargrave	Harold N. Tupper
Willard T. Henry	John C. Turner
Milton D. Hill	Robert P. Warner
Arnold C. Hofstetter	Charles M. Whitley
John C. Hudock	Frederick J. Widman
Joe A. Inglish	Robert L. Williams
Arthur L. Jackson	Nero M. Winchester
Merle B. Johnson	Roland A. Wright
George Jones	Emanuel Yalowitz
Arthur O. Kindt, Jr.	Andrew M. Young
Pierce S. Knapp	George A. Young
Ernest W. Kraay	Oris D. Walbrown

POSTMASTERS

ALABAMA

Lyde Houston Kelley, Black.
Lawrence D. Lamberth, Cragford.
Alice P. Prowell, Faunsdale.

ARKANSAS

Gracia M. Scales, Eagle Mills.
Zora M. Parker, Harrell.

CALIFORNIA

Hugo Celeri, Fort Bragg.
Jean Alexander, Imperial Beach.
Baird B. Coffin, Laguna Beach.
George R. Saunders, Perris.

Roy W. Williams, Redwood Valley.
Urho C. Panttaja, Reedley.
Harold B. James, Rionido.
Margaret F. Fluker, San Ardo.
James J. Kehoe, San Mateo.

COLORADO

Martha E. Williams, Redcliff.

CONNECTICUT

Abbie S. Holbrook, Abington.

FLORIDA

Elizabeth Kemps, Fort George.
Virginia M. Douglass, Lake Mary.

GEORGIA

Lee J. Flowers, Adel.
Avery Graves, Farmington.
Bernys W. Peters, Nashville.

ILLINOIS

Paul D. Schenck, Gifford.
Carl T. Heaton, Granite City.
Edith J. Hudson, Manchester.

IOWA

Carrie E. Grom, Colesburg.
Herbert E. Sinow, Gray.
Kermit G. Benson, Kiron.
Clinton S. Price, Nevada.
Charles E. Brandt, Toledo.

KANSAS

John F. Younger, Marienthal.
Elwood C. Marshall, Minneola.

KENTUCKY

William W. Earle, Depoy.

LOUISIANA

George Sanford Hebert, Brusly.
Alon M. Terral, Hackberry.

MAINE

Harold A. Freeman, Robbinston.

MARYLAND

Eleanor Cadell, Fort Howard.
Harry T. Robinson, Freeland.
Alvin Parsons, Muirkirk.

MICHIGAN

Charles A. Cotcher, Lake Orion.
Marguerite G. Cox, Lupton.
Howard H. Miel, McBrides.
Ira J. Anderson, Omer.
Peter J. Trierweiler, Portland.
Gladys P. Smiley, Port Sanilac.
Florence M. Barnes, Shepherd.
Clair S. Carvell, Vicksburg.

MINNESOTA

Gregory E. Arens, Dundee.

MISSOURI

Walter Ferguson, Reeds.
Claude G. Huffman, Winston.

MONTANA

Joseph E. Parker, Butte.

NEBRASKA

Blanche E. Steele, Alda.
Catherine C. Edberg, Ong.
Harry C. Hagedorn, Royal.

NEW HAMPSHIRE

Georgianna L. Nichols, Guild.
Lewis C. Darling, Hampstead.
Bertha A. Trickey, Northwood Narrows.
George E. Kelly, Rumney.
Asa P. Colby, Rumney Depot.
Edith D. Ross, South Lyndeboro.

NEW JERSEY

Violet M. Burkhardt, Alpine.
Murray Kreutner, Clarksburg.
Frederick A. Crine, Red Bank.

NEW MEXICO

Annie L. Haddow, Eagle Nest.
Charlie Lee White, Whites City.

NEW YORK

Louise D. Van Wagonen, Bearsville.
Edward J. Quigley, Brooklyn.
John C. Hoffman, Whitehall.

NORTH CAROLINA

Ethel B. Brinson, Arapahoe.
Fate Brown, Ashford.
Elizabeth W. Settle, Cordova.
Charles T. Hagood, Culberson.
James N. Morgan, Gold Hill.
Richard A. Job, Hatteras.
Myrtle M. Stimson, Lewisville.
John A. Finley, Marion.
Joe P. McLeod, Pisgah Forest.
James R. Nelson, Prospect Hill.
John W. Bradshaw, Relief.
Jennie S. Marks, Tillery.
Albert C. Hall, Jr., Wallace.
Thurber G. Dickinson, Wrightsville Beach.

NORTH DAKOTA

Clarence C. Brudeseth, Hamar.
William A. Krogh, Kloten.
Helen Morton, Manning.
Arthur J. DeKrey, Pettibone.
Lutie T. Breeling, Ross.

OHIO

Grace E. M. Allen, Portland.
Clara B. Sohngen, Roscoe.
William P. Kilcorse, Toledo.

OKLAHOMA

James H. Hughes, Dill City.
Elmen D. Hughes, Logan.
Ivan E. Armstrong, Medford.

OREGON

William L. Hollen, Condon.

PENNSYLVANIA

Julia Haley, Broad Ford.
Earl K. McDaniel, Cooperstown.
Elmer E. Caseber, Finleyville.
Jessie M. Breame, Jeanesville.
Lena Cosner, Newell.
Carolina R. Mrowca, Oliver.
Violet Arner, Parryville.
George W. Lauck, Pine Grove Mills.
Imo F. White, Pleasant Unity.
Ben J. Lukas, Shenandoah.
Charles Gretzinger, Trumbauersville.

SOUTH DAKOTA

Ruth B. Vernon, Fort Meade.

TENNESSEE

Truman Barret Snowden, Brunswick.
Della Douglas, Elk Valley.
Edna B. Snodgrass, Kyles Ford.
Edward G. Harder, Linden.
Sidney C. Roberts, Whitesburg.

TEXAS

Greenberry F. Isom, Carrollton.
Asa G. Williamson, Dike.
Jane Elizabeth Ball, Elmendorf.
Nicolas Cantu, Jr., Encino.
Anne K. Hershberger, Imperial.
Maud Swanner, Scroggins.
Ella B. Hasenbeck, Southton.

UTAH

Paulie T. Boothe, Honeyville.
Vernon Perkes, Hyde Park.
Joseph R. Tuddenham, Newton.

VIRGINIA

Ernest W. Pittman, Ivor.
Pansy B. Snyder, Lackey.

WASHINGTON

Sibyl O. Brady, Parker.

WEST VIRGINIA

Pauline Waddell, Canebrake.

WISCONSIN

Gordon W. Amundson, Emerald.
William S. Sinkler, Green Bay.
Emma McCarthy, Limeridge.
Augusta Phalen, Malone.
Henry J. Dieruf, Morrisonville.
Victoria L. Petsch, Neosho.
Lucille H. Maum, Oakdale.
Clarence H. Martin, Pine River.
Woodrow W. Lawrie, Redgranite.

HOUSE OF REPRESENTATIVES

FRIDAY, AUGUST 2, 1946

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, offered the following prayer:

O Thou gracious benefactor, whose heart and hands always respond to our every need, we pray that this may be a day of unclouded vision and of joyous achievement as we seek to live and labor in faith, in faithfulness, and in the fear of the Lord.

Purge us from everything which dwarfs and deadens our capacities for noble service. May our minds and hearts be impervious to all thoughts of personal aggrandizement. Emancipate us from every selfish propensity. Rebuke and restrain us when some insurgent impulse tempts us to be recreant to the duties of our high vocation as servants of God and our beloved country.

Grant that the blessings of insight and understanding, of clear judgment and wise decision, of faith and courage may be given in an ever-increasing measure to our President, our Speaker, and all the Members of this legislative body as they sincerely seek to lift mankind to the high plateau of peace and prosperity, of brotherhood and good will.

Now may the grace of our Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit be with us all.

To Thy name we ascribe all the praise. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On August 1, 1946:

H. R. 2243. An act for the relief of Arthur Guarino.

On August 2, 1946:

H. R. 3420. An act to provide for refunds to railroad employees in certain cases, so as to place the various States on an equal basis, under the Railroad Unemployment Insurance Act, with respect to contributions of employees;

H. R. 3543. An act for the relief of Elmer D. Thompson and the legal guardian of James Thompson; and

H. R. 6533. An act to authorize certain administrative expenses in the Government service, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 5125. An act to establish the Castle Clinton National Monument, in the city of New York, and for other purposes.

TITLE TO LANDS BENEATH TIDAL AND NAVIGABLE WATERS

The SPEAKER. When the House adjourned yesterday the unfinished busi-

ness was the President's veto message on the joint resolution (H. J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Mr. SUMNERS of Texas. Mr. Speaker, this matter has very recently been fully debated in the House, and I assume the Members of the House are as familiar with the question and the issues involved as they are with reference to any other matter that has come before the House in a long time.

Mr. Speaker, I have had no request from any Member for time to speak on this matter. I move the previous question.

The previous question was ordered.

The SPEAKER. The Chair desires to announce that the Chair has received veto messages on the bills H. R. 4660 and H. R. 6442. They will be laid before the House at the proper time.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The question was taken; and there were—yeas 139, nays 95, not voting 196, as follows:

[Roll No. 276]

YEAS—139

Abernethy	Goodwin	Pittenger
Andresen August H.	Gossett	Poage
	Graham	Price, Fla.
Angell	Gross	Ramey
Arends	Gwinn, N. Y.	Rankin
Bailey	Gwynne, Iowa.	Reed, Ill.
Barrett, Wyo.	Hall,	Reed, N. Y.
Bates, Mass.	Leonard W.	Rees, Kans.
Beall	Hancock	Riley
Bennett, Mo.	Hand	Rivers
Bishop	Havenner	Rizley
Bolton	Hendricks	Robertson,
Brehm	Hoffman, Pa.	N. Dak.
Brown, Ohio	Holmes, Mass.	Rodgers, Pa.
Brumbaugh	Holmes, Wash.	Roe, Md.
Butler	Hope	Rogers, Fla.
Byrnes, Wis.	Horan	Rogers, Mass.
Campbell	Howell	Schwabe, Mo.
Canfield	Jenkins	Schwabe, Okla.
Case, N. J.	Jensen	Sheppard
Chenoweth	Johnson, Ill.	Sikes
Chiperfield	Jonkman	Simpson, Ill.
Church	Kearney	Simpson, Pa.
Clark	Kilday	Smith, Maine
Clason	King	Smith, Ohio
Clevenger	Knutson	Springer
Cole, Mo.	Lanham	Stefan
Colmer	Lea	Stevenson
Corbett	LeCompte	Stockman
Cunningham	Lemke	Sumners, Tex.
Curtis	Lewis	Sundstrom
Dirksen	McConnell	Talbot
Domengeaux	McCowen	Talle
Doyle	McDonough	Thomas, Tex.
Ellis	Martin, Iowa	Tibbott
Ellsworth	Martin, Mass.	Vursell
Engel, Mich.	Mathews	Weichel
Engle, Calif.	Michener	Whitten
Fenton	Morrison	Whittington
Fisher	Mundt	Wigglesworth
Fuller	Murray, Tenn.	Wilson
Fulton	Murray, Wis.	Winstead
Gamble	Norblad	Wolcott
Gavin	O'Hara	Wolverton, N. J.
Gearhart	Patman	Woodruff
Gibson	Peterson, Fla.	Worley
Gillette	Phillips	
Gillie	Pickett	

NAYS—95

Andrews, Ala.	Bonner	Brown, Ga.
Biemiller	Bradley, Pa.	Buchanan
Bulwinkle	Gorski	Monroney
Byrne, N. Y.	Granahan	Murdock
Camp	Grant, Ala.	Neely
Cannon, Mo.	Green	Norrell
Carnahan	Griffiths	O'Brien, Ill.
Chelf	Harless, Ariz.	O'Brien, Mich.
Coffee	Hays	O'Toole
Cooley	Healy	Pace
Crosser	Hedrick	Pratt
D'Alesandro	Heselton	Price, Ill.
De Lacy	Hobbs	Priest
Delaney,	Hoch	Quinn, N. Y.
James J.	Hook	Rabaut
Dingell	Huber	Rabin
Doughton, N. C.	Hull	Randolph
Douglas, Calif.	Jarman	Rayfiel
Durham	Johnson, Okla.	Resa
Eberharter	Judd	Rich
Ervin	Kelly, Ill.	Sabath
Fallon	Kerr	Sadowski
Feighan	Kopplemann	Sasscer
Fernandes	Kunkel	Smith, Va.
Flannagan	LaFollette	Sullivan
Flood	Lesinski	Thom
Folger	Link	Trimble
Forand	Lynch	Voorhis, Calif.
Gardner	Madden	Walter
Geelan	Mankin	White
Gerlach	Marcantonio	Woodhouse
Gore	Mills	Zimmerman

NOT VOTING—196

Adams	Gallagher	Mason
Allen, Ill.	Gary	May
Allen, La.	Gathings	Merrow
Almond	Gifford	Miller, Calif.
Andersen,	Gillespie	Miller, Nebr.
H. Carl	Gordon	Morgan
Anderson, Calif.	Granger	Norton
Andrews, N. Y.	Grant, Ind.	O'Konski
Arnold	Gregory	O'Neal
Auchincloss	Hagen	Outland
Baldwin, Md.	Hale	Patrick
Baldwin, N. Y.	Hall,	Patterson
Barden	Edwin Arthur	Peterson, Ga.
Barrett, Pa.	Halleck	Pfeifer
Barry	Hare	Philbin
Bates, Ky.	Harness, Ind.	Ploeser
Beckworth	Harris	Plumley
Bell	Hart	Powell
Bender	Hartley	Rains
Bennet, N. Y.	Hébert	Reece, Tenn.
Blackney	Heffernan	Richards
Bland	Henry	Robertson, Va.
Bloom	Herter	Robinson, Utah
Boren	Hess	Robsion, Ky.
Boykin	Hill	Rockwell
Bradley, Mich.	Hinshaw	Roe, N. Y.
Brooks	Hoeven	Rogers, N. Y.
Bryson	Hoffman, Mich.	Rooney
Buck	Holifield	Rowan
Buckley	Izac	Russell
Buffett	Jackson	Ryter
Bunker	Jennings	Savage
Cannon, Fla.	Johnson, Calif.	Scrivner
Carlson	Johnson, Ind.	Shafer
Case, S. Dak.	Johnson, Tex.	Sharp
Celler	Jones	Sheridan
Chapman	Kean	Short
Clements	Kee	Slaughter
Clippinger	Keefe	Smith, Wis.
Cochran	Kefauver	Somers, N. Y.
Cole, Kans.	Kelley, Pa.	Sparkman
Cole, N. Y.	Keogh	Spence
Combs	Kilburn	Starkey
Cooper	Kinzer	Stewart
Courtney	Kirwan	Stigler
Cox	Klein	Sumner, Ill.
Cravens	Landis	Taber
Crawford	Lane	Tarver
Curley	Larcade	Taylor
Daughton, Va.	Latham	Thomas, N. J.
Davis	LeFevre	Thomason
Dawson	Luce	Toian
Delaney,	Ludlow	Torrens
John J.	Lyle	Towe
D'Ewart	McCormack	Traynor
Dolliver	McGehee	Vinson
Dondero	McGlinchey	Vorys, Ohio
Douglas, Ill.	McGregor	Wadsworth
Drewry	McKenzie	Wasielewski
Dworshak	McMillan, S. C.	Weaver
Earthman	McMillen, Ill.	Welch
Eaton	Mahon	West
Elliott	Maloney	Wickersham
Elsaesser	Manasco	Winter
Elston	Mansfield,	Wolfenden, Pa.
Fellows	Mont.	Wood
Fogarty	Mansfield, Tex.	

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Shafer and Mr. Kinzer for, with Mr. Rooney against.

Mr. D'Ewart and Mr. Grant of Indiana for, with Mr. Heffernan against.

Mr. Hébert and Mr. McGehee for, with Mr. Keogh against.

Mr. Hale and Mr. Henry for, with Mr. Gordon against.

Mr. Hoffman of Michigan and Mr. McGregor for, with Mr. Pfeifer against.

Mr. Bender and Mr. Scrivner for, with Mr. Izac against.

Mr. Smith of Wisconsin and Mr. Hartley for, with Mr. Case of South Dakota against.

Mr. Robsion of Kentucky and Mr. Ploeser for, with Mr. Klein against.

Mr. Elsaesser and Mr. Latham for, with Mr. Sheridan against.

Mr. LeFevre and Mr. Mason for, with Mr. John J. Delaney against.

Mr. Taylor and Mr. Eaton for, with Mr. Hart against.

Mr. Clippinger and Mr. Blackney for, with Mr. Barrett of Pennsylvania against.

Mr. Auchincloss and Mr. Kean for, with Mr. Barry against.

Mr. Jennings and Mr. Jones for, with Mr. Lane against.

Mr. Dondero and Mr. Elston for, with Mr. Rowan against.

General pairs until further notice:

Mr. Brooks with Mr. Taber.

Mrs. Douglas of Illinois with Mr. Johnson of Indiana.

Mr. Outland with Mr. Allen of Illinois.

Mr. Savage with Mr. Thomas of New Jersey.

Mr. Fogarty with Mr. H. Carl Andersen.

Mr. McGlinchey with Mr. Hess.

Mr. McCormack with Mr. Arnold.

Mr. Kefauver with Mr. Hill.

Mr. Manasco with Mr. Anderson of California.

Mr. Buckley with Mr. Keefe.

Mr. Wood with Mr. Herter.

Mr. Powell with Mr. Landis.

Mr. Vinson with Mr. Halleck.

Mr. Rogers of New York with Mr. Vorys of Ohio.

Mr. Somers of New York with Mr. Edwin Arthur Hall.

Mr. Celler with Mr. Short.

Mr. Holifield with Mr. Plumley.

Mr. Ryter with Mr. Kilburn.

Mr. Mahon with Mr. Bradley of Michigan.

Mrs. Norton with Mr. Carlson.

Mr. Elliott with Mr. Buffett.

Mr. Maloney with Mr. Cole of Kansas.

Mr. Jackson with Mr. Dolliver.

Mr. Roe of New York with Mr. Dworshak.

Mr. Larcade with Mr. Cole of New York.

The result of the vote was announced as above recorded.

The SPEAKER. The message and the bill, together with the accompanying papers, are referred to the Committee on the Judiciary and ordered to be printed.

The Clerk will notify the Senate of the action of the House.

MRS. GEORGIA LANSER AND ENSIGN JOSEPH LANSER—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H. R. 4660, a bill for the relief of Mrs. Georgia Lanser and Ensign Joseph Lanser.

The bill would authorize the payment of $7,500 to Mrs. Georgia Lanser and $500 to Ensign Joseph Lanser, both of Elkhorn, Wis., in full settlement of all claims against the United States by reason of personal injuries, hospital and medical expenses, and loss of services sustained as the result of an accident involving a United States Navy bus, on August 26, 1944.

While there appears to be no question but what the Government should assume the responsibility for the accident, it is not believed that the proposed payment of $7,500 to Mrs. Georgia Lanser, is justified.

Mrs. Lanser's injuries, while apparently causing her great pain and suffering, resulted in only slight disability. The disability of her mouth is correctable by a partial denture. She sustained no loss of pay and was hospitalized in a naval hospital, incurring only a subsistence expense of $54.25. The partial denture which was obtained from a private dentist cost $250.

The bill is further objectionable in that it proposes to pay to Ensign Joseph Lanser, for personal injuries sustained by himself, the sum of $500. Ensign Lanser was on active duty with the Navy at the time of the accident. He was hospitalized in a naval hospital and is entitled to the same rights and benefits extended to all other members of the armed forces who sustained personal injuries while in an active-duty status. No reason is evident why special treatment should be accorded this officer.

For the reasons stated herein, I do not feel justified in giving this enactment my approval. I would be glad to approve a measure which would provide compensation to Mrs. Georgia Lanser in an amount commensurate with her injuries.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 2, 1946.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the message and the accompanying bill will be referred to the Committee on Claims and ordered to be printed.

There was no objection.

MRS. ELIZABETH J. PATTERSON, JOY PATTERSON, AND ROBERTA PATTERSON—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith without my approval the bill (H. R. 6442) for the relief of Mrs. Elizabeth J. Patterson, Joy Patterson, and Roberta Patterson.

The bill provides for the payment of the sum of $20,963 to the claimants in full settlement of "all claims against the United States on account of the losses or reduction on salary and allowances sustained by the late Brig. Gen. Robert F. Patterson" during the time he was United States consul general at Calcutta, India. Mrs. Elizabeth J. Patterson is the daughter-in-law, and Joy and Roberta Patterson are the granddaughters of the late General Patterson.

It appears that on January 1, 1898, General Patterson assumed the office of consul general of the United States in Calcutta, India. At that time, it had been the practice of the consul general at Calcutta to collect the fees of the office in rupees from which he deducted his salary, clerk hire, rent, and other expenses. Rupees were accepted at the bullion value which had been fixed at approximately 20 cents per rupee without regard to commercial rates of exchange, and after the deductions were made, the balance was remitted to the Government of the United States at the commercial exchange value, which at the time was approximately 32 cents. This custom was pursued by General Patterson for the first few months of his term of office.

On March 8, 1898, the Comptroller of the Treasury issued a circular respecting exchange by consular officers of the United States, which required such officers to accept rupees at the commercial exchange value. Although this order was effective January 1, 1898, it was not received at the consulate in Calcutta until April 13, 1898. From that time on, General Patterson collected the consular fees upon the basis of the commercial value of the rupee at the time of the transaction (approximately 32 cents) and remitted the balance after deductions at the same rate to the United States Government. Since there was no United States or English money in circulation at the time, General Patterson, of necessity, accepted his salary in rupees. In his report each quarter, he claimed his salary and expenses in the bullion value of the rupee, and protested against their allowance at the commercial exchange rate. Of course, payment in rupees at the bullion value (20 cents) would have enhanced General Patterson's remuneration, as it would obviously have required more rupees at this value to make up his annual salary than at the higher (32 cents) value. When he returned to the United States in 1906, he undertook to have his salary adjusted on the basis of the bullion value of the rupee. The accounting officers of the Treasury Department, however, refused such settlement. The amount provided in the bill represents the difference between the bullion value and the commercial exchange value of the rupees he received as salary for his entire tenure of office.

Apparently the only occasion on which the Government required General Patterson actually to remit a cash deficiency out of his own pocket, was for the period between January 1, 1898, when the order of the Comptroller of the Treasury became effective, and April 13, 1898, when it was received and put into effect by the general, during which time the general had been conducting the affairs of his office, including the payment of himself, on the bullion (20 cents) value of the rupee whereas it should have been done, in accordance with the Comptroller's order, on the basis of the commercial (32 cents) value. Thereafter his salary was paid at the commercial exchange rate.

The bill provides for the payment of the difference in dollar value between the salary General Patterson received in rupees at their commercial rate during the period from January 1, 1898 to May 28, 1906, and what he would have received in rupees if he had been paid at their bullion value. It would seem therefore that the effect of the measure is not to satisfy a loss that General Patterson sustained but to allow him the same profit which his predecessor had been making at the expense of the Government as a result of the difference between the actual commercial value of the rupee and its bullion value.

I do not believe there is any legal or moral obligation on the part of the Government to do this and, accordingly, I am constrained to withhold my approval of the bill.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 2, 1946.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the message and the accompanying bill will be referred to the Committee on Claims and ordered to be printed.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Gatling, its enrolling clerk, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 334. An act for the relief of the Trust Association of H. Kempner.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7037) entitled "An act to amend the Social Security Act and the Internal Revenue Code, and for other purposes."

PROCEEDING AGAINST RICHARD MORFORD

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. RANKIN. Mr. Speaker, I send to the Clerk's desk a privileged resolution and ask that it be read.

The SPEAKER. The Clerk will read the resolution.

Mr. MARCANTONIO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. Mr. Speaker, has not the Speaker the power to determine the order of business by recognizing or not recognizing gentlemen requesting the consideration of various pieces of legislation? I make that parliamentary inquiry because there is very important business pending before the House—social security, appropriations for terminal-leave pay, and for automobiles for amputees—and I see no reason why this resolution should be given preference.

The SPEAKER. It would not be given preference if it were an ordinary resolution, but this is a resolution of high privilege.

CALL OF THE HOUSE

Mr. MARCANTONIO. Then, Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and seventy-five Members are present, not a quorum.

Without objection, a call of the House is ordered.

There was no objection.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 277]

Adams	Gallagher	Mason
Allen, Ill.	Gary	May
Allen, La.	Gathings	Merrow
Almond	Gifford	Miller, Calif.
Andersen, H. Carl	Gillespie	Miller, Nebr.
Anderson, Calif.	Gordon	Morgan
Andresen, August H.	Granger	Murray, Wis.
Andrews, N. Y.	Grant, Ind.	Norton
Arnold	Gregory	O'Konski
Auchincloss	Hagen	O'Neal
Baldwin, Md.	Hale	Outland
Baldwin, N. Y.	Hall, Edwin Arthur	Patrick
Barden	Halleck	Patterson
Barrett, Pa.	Hare	Peterson, Ga.
Barry	Harness, Ind.	Pfeifer
Bates, Ky.	Harris	Philbin
Beckworth	Hart	Ploeser
Bell	Hartley	Plumley
Bender	Hébert	Powell
Bennet, N. Y.	Heffernan	Rains
Blackney	Henry	Reece, Tenn.
Bland	Herter	Richards
Bloom	Hess	Robinson, Utah
Boren	Hill	Robsion, Ky.
Boykin	Hinshaw	Rockwell
Bradley, Mich.	Hoeven	Roe, N. Y.
Brooks	Hoffman, Mich.	Rogers, N. Y.
Bryson	Holifield	Rooney
Buck	Isac	Rowan
Buckley	Jackson	Russell
Buffett	Jennings	Ryter
Bunker	Johnson, Calif.	Sabath
Carlson	Johnson, Ind.	Savage
Case, S. Dak.	Johnson, Tex.	Scrivner
Celler	Jones	Shafer
Chapman	Kean	Sharp
Clements	Kee	Sheridan
Cochran	Keefe	Short
Cole, Kans.	Kefauver	Slaughter
Cole, N. Y.	Kelley, Pa.	Smith, Wis.
Combs	Keogh	Sparkman
Cooper	Kilburn	Spence
Courtney	Kinzer	Starkey
Cravens	Kirwan	Stewart
Crawford	Klein	Stigler
Curley	LaFollette	Sumner, Ill.
Daughton, Va.	Landis	Taber
Davis	Lane	Tarver
Dawson	Larcade	Taylor
Delaney, John J.	Latham	Thomas, N. J.
D'Ewart	LeFevre	Thomason
Dolliver	Luce	Tolan
Dondero	Ludlow	Torrens
Douglas, Calif.	Lyle	Towe
Douglas, Ill.	McCormack	Traynor
Drewry	McGehee	Vinson
Dworshak	McGregor	Vorys, Ohio
Earthman	McKenzie	Wadsworth
Eaton	McMillan, S. C.	Wasielewski
Elliott	McMillen, Ill.	Weaver
Elsaesser	Mahon	Welch
Elston	Maloney	West
Fellows	Manasco	Wickersham
Fogarty	Mansfield, Mont.	Winter
	Mansfield, Tex.	Wolfenden, Pa.
		Wood

The SPEAKER. On this roll call 234 Members have answered to their names, a quorum.

Mr. RANKIN. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 152, noes 14.

Mr. MARTIN of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. Mr. Speaker, there is pending a bill providing appropriations for the GI terminal-leave pay and also a bill giving assistance to the old-aged people of this country. Is there any way by which we could get that legislation on the floor this afternoon?

The SPEAKER. If the Members would stay on the floor, the pending matter would be disposed of very quickly.

Mr. MARTIN of Massachusetts. Can we not all make an effort on behalf of the GI's and the old-aged people to stay on the floor and pass that legislation?

Mr. RANKIN. I think we should.

The SPEAKER. The Chair thinks that would be a good idea.

Mr. MARCANTONIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-three Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 223, nays 9, not voting 198, as follows:

[Roll No. 278]

YEAS—223

Abernethy	Durham	Johnson, Ill.
Andresen, August H.	Eberharter	Jonkman
Andrews, Ala.	Ellis	Judd
Angell	Ellsworth	Kearney
Arends	Engel, Mich.	Kelly, Ill.
Bailey	Ervin	Kerr
Barrett, Wyo.	Fallon	Kilday
Bates, Mass.	Feighan	King
Beall	Fenton	Knutson
Bennett, Mo.	Fernandez	Kopplemann
Biemiller	Flannagan	Kunkel
Bishop	Flood	Lanham
Bolton	Folger	Lea
Bonner	Forand	LeCompte
Bradley, Pa.	Fuller	Lemke
Brehm	Fulton	Lesinski
Brown, Ga.	Gamble	Lewis
Brown, Ohio	Gardner	Link
Brumbaugh	Gavin	Lynch
Buchanan	Gearhart	McConnell
Bulwinkle	Geriach	McCowen
Butler	Gillette	McDonough
Byrne, N. Y.	Gillie	McGlinchey
Byrnes, Wis.	Goodwin	Madden
Camp	Gore	Mankin
Campbell	Gorski	Martin, Iowa
Canfield	Gossett	Martin, Mass.
Cannon, Fla.	Graham	Mathews
Cannon, Mo.	Granahan	Michener
Carnahan	Grant, Ala.	Mills
Case, N. J	Griffiths	Monroney
Chelf	Gross	Morrison
Chenoweth	Gwinn, N. Y.	Mundt
Chiperfield	Gwynne, Iowa.	Murdock
Church	Hall, Edwin Arthur	Murray, Tenn.
Clark	Hall, Leonard W.	Murray, Wis.
Clason	Hancock	Neely
Clevenger	Harless, Ariz.	Norblad
Clippinger	Havenner	Norrell
Coffee	Hays	O'Brien, Ill.
Cole, Mo.	Healy	O'Brien, Mich.
Colmer	Hedrick	O'Hara
Cooley	Hobbs	Pace
Corbett	Hoch	Patman
Cox	Hoffman, Pa.	Peterson, Fla.
Crosser	Holmes, Mass.	Peterson, Ga.
Cunningham	Holmes, Wash.	Phillips
Curtis	Hope	Pickett
D'Alesandro	Horan	Pittenger
Delaney, James J.	Howell	Pratt
Dingell	Huber	Price, Fla.
Dirksen	Hull	Price, Ill.
Doughton, N. C.	Jarman	Priest
Douglas, Calif.	Jenkins	Quinn, N. Y.
Doyle	Jensen	Rabaut
		Rabin
		Randolph
Rankin	Sasscer	Thom
Rayfiel	Schwabe, Mo.	Thomas, Tex.
Reed, Ill.	Schwabe, Okla.	Tibbott
Reed, N. Y.	Sheppard	Trimble
Rees, Kans.	Sheridan	Voorhis, Calif.
Resa	Sikes	Vursell
Rich	Simpson, Ill.	Walter
Riley	Simpson, Pa.	White
Rivers	Smith, Va.	Whitten
Rizley	Somers, N. Y.	Whittington
Robertson, N. Dak.	Springer	Wigglesworth
Robertson, Va.	Stefan	Wilson
Rodgers, Pa.	Stevenson	Winstead
Roe, Md.	Stockman	Wolcott
Rogers, Fla.	Sullivan	Wolverton, N. J.
Rogers, Mass.	Sumners, Tex.	Woodhouse
Sabath	Sundstrom	Woodruff
Sadowski	Talbot	Worley
	Talle	Zimmerman

NAYS—9

De Lacy	Hand	Marcantonio
Geelan	Heselton	Ramey
Green	Hook	Smith, Maine

NOT VOTING—198

Adams	Gallagher	Mansfield, Tex.
Allen, Ill.	Gary	Mason
Allen, La.	Gathings	May
Almond	Gibson	Merrow
Andersen, H. Carl	Gifford	Miller, Calif.
Anderson, Calif.	Gillespie	Miller, Nebr.
Andrews, N. Y.	Gordon	Morgan
Arnold	Granger	Norton
Auchincloss	Grant, Ind.	O'Konski
Baldwin, Md.	Gregory	O'Neal
Baldwin, N. Y.	Hagen	O'Toole
Barden	Hale	Outland
Barrett, Pa.	Halleck	Patrick
Barry	Hare	Patterson
Bates, Ky.	Harness, Ind.	Pfeifer
Beckworth	Harris	Philbin
Bell	Hart	Ploeser
Bender	Hartley	Plumley
Bennet, N. Y.	Hébert	Poage
Blackney	Heffernan	Powell
Bland	Hendricks	Rains
Bloom	Henry	Reece, Tenn.
Boren	Herter	Richards
Boykin	Hess	Robinson, Utah
Bradley, Mich.	Hill	Robsion, Ky.
Brooks	Hinshaw	Rockwell
Bryson	Hoeven	Roe, N. Y.
Buck	Hoffman, Mich.	Rogers, N. Y.
Buckley	Holifield	Rooney
Buffett	Izac	Rowan
Bunker	Jackson	Russell
Carlson	Jennings	Ryter
Case, S. Dak.	Johnson, Calif.	Savage
Celler	Johnson, Ind.	Scrivner
Chapman	Johnson, Okla.	Shafer
Clements	Johnson, Tex.	Sharp
Cochran	Jones	Short
Cole, Kans.	Kean	Slaughter
Cole, N. Y.	Kee	Smith, Ohio
Combs	Keefe	Smith, Wis.
Cooper	Kefauver	Sparkman
Courtney	Kelley, Pa.	Spence
Cravens	Keogh	Starkey
Crawford	Kilburn	Stewart
Curley	Kinzer	Stigler
Daughton, Va.	Kirwan	Sumner, Ill.
Davis	Klein	Taber
Dawson	LaFollette	Tarver
Delaney, John J.	Landis	Taylor
D'Ewart	Lane	Thomas, N. J.
Dolliver	Larcade	Thomason
Domengeaux	Latham	Tolan
Dondero	LeFevre	Torrens
Douglas, Ill.	Luce	Towe
Drewry	Ludlow	Traynor
Dworshak	Lyle	Vinson
Earthman	McCormack	Vorys, Ohio
Eaton	McGehee	Wadsworth
Elliott	McGregor	Wasielewski
Elsaesser	McKenzie	Weaver
Elston	McMillan, S. C.	Weichel
Engle, Calif.	McMillen, Ill.	Welch
Fellows	Mahon	West
Fisher	Maloney	Wickersham
Fogarty	Manasco	Winter
	Mansfield, Mont.	Wolfenden, Pa.
		Wood

So the motion was agreed to.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Boykin with Mr. Adams.
Mr. Bryson with Mr. Crawford.
Mr. Chapman with Mr. Gifford
Mr. Johnson of Texas with Mr. Hagen.

Mr. Kirwan with Mrs. Luce.
Mr. Lyle with Mr. Merrow.
Mr. McKenzie with Mr. Hinshaw.
Mr. O'Neal with Mr. Bennet of New York.
Mr. West with Mr. Gillespie.
Mr. Rains with Mr. McMillen of Illinois.
Mr. McMillan of South Carolina with Mr. Rockwell.
Mr. Earthman with Mr. Harness of Indiana.
Mr. Almond with Mr. Welch.
Mr. Mansfield of Montana with Mr. Buck.
Mr. Gary with Mr. Winter.

The result of the vote was announced as above recorded.

The doors were opened.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SABATH. Mr. Speaker, I have here several privileged rules on important bills. I fully appreciate the fact that conference reports are in order, but also the rules I have are in order and I want to know whether I am going to be recognized to present these rules or not. They are important.

The SPEAKER. Does the gentleman mean to file them?

Mr. SABATH. No. They are filed already. I want to call them up.

The SPEAKER. The Chair cannot answer that question yet. The Chair does not know what the afternoon will bring forth.

Mr. SABATH. They are privileged resolutions.

The SPEAKER. There is a privileged matter up now and there are two conference reports to be considered that the Chair will recognize Members on next. Whether or not the Chair will recognize anyone to call up rules this afternoon remains to be seen.

Mr. SABATH. Mr. Speaker, I desire to file a privileged report.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose at this time.

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, it is obvious that we have reached an impasse and somebody has to surrender. The proponent of the resolution, the gentleman from Mississippi [Mr. RANKIN] refuses to hold it in abeyance so as to permit other legislation, vital legislation, to be enacted. Heretofore my points of no quorum did not hold up either social-security legislation nor amputees' automobile legislation nor terminal leave pay. Now I am confronted with a different condition. If I continue to raise points of order I will be endangering three very important pieces of legislation, appropriations for terminal leave pay, appropriations for automobiles for amputees, and social security. I want those three pieces of legislation passed before we adjourn. Inasmuch as the gentleman from Mississippi [Mr. RANKIN] will not yield to save these bills, and, much as I hate to do it, as I have never raised the white flag before, I will not insist on any further points of order. I take this position only in the interests of the veterans and the aged. I shall, however, vote against this un-American resolution, and I oppose it in the interests of American democracy.

PROCEEDINGS AGAINST RICHARD MORFORD

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

House Resolution 752

Resolved, That the Speaker of the House of Representatives certify the foregoing report of the House Committee on Un-American Activities as to the willful and deliberate refusal of the following person to produce before the said committee for its inspection certain books, papers, and records which had been duly subpenaed, and to testify under oath concerning all pertinent facts relating thereto; under seal of the House of Representatives to the United States attorney for the District of Columbia to the end that the said person named below may be proceeded against in the manner and form provided by law; Richard Morford, 114 East Thirty-second Street, New York, N. Y.

Mr. RANKIN. Mr. Speaker, the gentleman from New York [Mr. MARCANTONIO] said he was raising the white flag, surrendering and quitting his filibuster against this resolution. He may not know it, but he did not raise a white flag; he raised an American flag.

Richard Morford claims to be an executive director of the National Council of American-Soviet Friendship, Inc., with offices at 114 East Thirty-second Street, New York City. He appeared before the committee on March 6, 1946, and admitted that he had custody of all books, papers, and records of the organization and that in substance he is also in charge of the headquarters office in New York. He admitted his organization communicated with persons in Moscow and in other countries outside the United States and said further that the organization had a special committee engaged in coordinating information and publishing it in the shape of a bulletin which was sent abroad as well as being distributed in the United States. Morford further refused to answer questions by the committee chairman concerning the names of the people who constituted the special editing committee. Morford refused to produce the books, papers, and records of his organization for inspection by the committee and also refused to permit investigators to enter the office for the purpose of inspecting the records.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 166, noes 17.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

SOCIAL SECURITY ACT AMENDMENTS OF 1936

Mr. DOUGHTON of North Carolina. Mr. Speaker, I call up the conference report on the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 42 and 52.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 2½, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41, and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: On page 2, line 13, of the Senate engrossed amendments strike out "July 17" and insert "July 16"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: On page 3, line 3, of the Senate engrossed amendments strike out "July 1, 1947" and insert "January 1, 1948"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"Notwithstanding any other provision of this title, no compensation shall be paid to any individual pursuant to this title with respect to unemployment occurring prior to the date when funds are made available for such payments."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with amendments as follows: On page 5, line 6, of the Senate engrossed amendments strike out " '$15,000,000' " and insert in lieu thereof " '$11,000,000' ";

In line 10, strike out "$7,500,000" and insert "$5,500,000";

In line 11, strike out "$50,000" and insert "$35,000";

In line 12, strike out "$7,500,000" and insert "$5,500,000";

In line 17, strike out " '$7,500,000' " and insert " '$5,500,000' ";

In line 19, strike out " '$10,000,000' " and insert " '$7,500,000' ";

In line 23, strike out "$5,000,000" and insert "$3,750,000";

In line 24, strike out "$40,000" and insert "$30,000";

In line 25, strike out "$5,000,000" and insert "$3,750,000";

On page 6, line 6, strike out " '$5,000,000' " and insert " '$3,750,000' ";

In line 8, strike out " '$5,000,000' " and insert " '$3,500,000' ";

In line 10, strike out "'$30,000'" and insert "'$20,000'";

In line 14, strike out "$1,500,000" and insert "$1,000,000";

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"(c) The amendments made by subsection (b) shall not require amended allotments for the fiscal year 1947 until sufficient appropriations have been made to carry out such amendments, and allotments from such appropriations shall be made in amounts not exceeding the amounts authorized by the amendments made by this section."

Amendments numbered 43, 44, 45, 46, 47, 48, 49, 50, and 51: That the House recede from its disagreement to the amendments of the Senate numbered 43, 44, 45, 46, 47, 48, 49, 50, and 51, and agree to the same with amendments as follows: In lieu of the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by such Senate amendments insert the following:

"SEC. 501. Old Age Assistance.

"(a) Section 3 (a) of the Social Security Act, as amended, is amended to read as follows:

"'SEC. 3. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter, beginning with the quarter commencing October 1, 1946, (1) an amount, which shall be used exclusively as old-age assistance, equal to the sum of the following proportions of the total amounts expended during such quarter as old-age assistance under the State plan with respect to each needy individual who at the time of such expenditure is sixty-five years of age or older and is not an inmate of a public institution, not counting so much of such expenditure with respect to any such individual for any month as exceeds $45—

"'(A) Two-thirds of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of $15 multiplied by the total number of such individuals who received old-age assistance for such month, plus

"'(B) One-half of the amount by which such expenditures exceed the maximum which may be counted under clause (A);

and (2) an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Administrator for the proper and efficient administration of the State plan, which amount shall be used for paying the costs of administering the State plan or for old-age assistance, or both, and for no other purpose.'

"(b) Section 3 (b) of such Act is amended (1) by striking out 'one-half', and inserting in lieu thereof 'the State's proportionate share'; (2) by striking out 'clause (1) of' wherever it appears in such subsection; (3) by striking out 'in accordance with the provisions of such clause' and inserting in lieu thereof 'in accordance with the provisions of such subsection'; and (4) by striking out ', increased by 5 per centum'.

"SEC. 502. Aid to Dependent Children.

"(a) Section 403 (a) of the Social Security Act, as amended, is amended to read as follows:

"'SEC. 403. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to dependent children, for each quarter, beginning with the quarter commencing October 1, 1946, (1) an amount, which shall be used exclusively as aid to dependent children, equal to the sum of the following proportions of the total amounts expended during such quarter as aid to dependent children under the State plan, not counting so much of such expenditure with respect to any dependent child for any month as exceeds $24, or if there is more than one dependent child in the same home, as exceeds $24 with respect to one such dependent child and $15 with respect to each of the other dependent children—

"'(A) Two-thirds of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of $9 multiplied by the total number of dependent children with respect to whom aid to dependent children is paid for such month, plus

"'(B) One-half of the amount by which such expenditures exceed the maximum which may be counted under clause (A); and (2) an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Administrator for the proper and efficient administration of the State plan, which amount shall be used for paying the costs of administering the State plan or for aid to dependent children, or both, and for no other purpose.'

"(b) Section 403 (b) of such Act is amended by striking out 'one-half' and inserting in lieu thereof 'the State's proportionate share'.

"SEC. 503. Aid to the Blind.

"(a) Section 1003 (a) of the Social Security Act, as amended, is amended to read as follows:

"'SEC. 1003. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the blind, for each quarter, beginning with the quarter commencing October 1, 1946, (1) an amount, which shall be used exclusively as aid to the blind, equal to the sum of the following proportions of the total amounts expended during such quarter as aid to the blind under the State plan with respect to each needy individual who is blind and is not an inmate of a public institution, not counting so much of such expenditure with respect to any such individual for any month as exceeds $45—

"'(A) Two-thirds of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of $15 multiplied by the total number of such individuals who received aid to the blind for such month, plus

"'(B) One-half of the amount by which such expenditures exceed the maximum which may be counted under clause (A); and (2) an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Administrator for the proper and efficient administration of the State plan, which amount shall be used for paying the costs of administering the State plan or for aid to the blind, or both, and for no other purpose.'

"(b) Section 1003 (b) of such Act is amended by striking out 'one-half', and inserting in lieu thereof 'the State's proportionate share'.

"SEC. 504. Effective Period.

"Sections 501, 502, and 503 shall be effective with respect to the period commencing October 1, 1946 and ending on December 31, 1947."

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"TITLE VI—VETERANS' EMERGENCY HOUSING ACT OF 1946

"SEC. 601. Section 2 (a) of the Act of June 11, 1946 (Public Law 404, Seventy-ninth Congress) is amended by striking out the period at the end thereof and inserting a semicolon and the following: 'and the Veterans' Emergency Housing Act of 1946'."

And the Senate agree to the same.

R. L. DOUGHTON,
JOHN D. DINGELL,
A. WILLIS ROBERTSON,
W. D. MILLS,
HAROLD KNUTSON,
DANIEL A. REED,
ROY O. WOODRUFF,
Managers on the Part of the House.

WALTER F. GEORGE,
DAVID I. WALSH,
ALBEN BARKLEY,
TOM CONNALLY,
ROBERT M. LA FOLLETTE, JR.,
A. H. VANDENBERG,
ROBERT A. TAFT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This amendment eliminates section 103 of the House bill, which would have repealed the last sentence of section 201 (a) of the Social Security Act reading, "There is also authorized to be appropriated to the Trust Fund such additional sums as may be required to finance the benefits and payments provided under this title." Thus, the amendment leaves this sentence in the Social Security Act. The House recedes.

Amendments Nos. 2, 2½, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 16, 22, 23, 24, 27, 33, 35, 36, and 37: These amendments, necessitated by Reorganization Plan No. 2 of 1946 which abolished the Social Security Board and transferred its functions to the Federal Security Administrator, delete (except as noted below) the references which the House bill made to the Social Security Board or to "the Board" and substitute references to the Federal Security Administrator or to "the Administrator", with corresponding changes in pronouns. Amendment No. 11 inserts a provision that when used in the Social Security Act the term "Administrator", unless the context otherwise requires, means the Federal Security Administrator. Amendment No. 10 retains a reference to the Board but enlarges the reference to include the Administrator. The House recedes.

Amendment No. 12: This amendment inserts the letter "(a)" after the section heading of section 301 of the bill. The House recedes.

Amendment No. 13: This amendment is also necessitated by Reorganization Plan No. 2 of 1946 and retains reference to the Board but enlarges the reference to include the Administrator. The House recedes with an amendment striking out the date "July 17" which was a clerical error in the Senate amendment and inserts in lieu thereof the date "July 16" which was the date on which Reorganization Plan No. 2 took effect.

Amendment No. 14: This amendment changes one of the conditions attached by the House bill to the congressional permission to the States to collect contributions under their unemployment compensation laws, based on maritime employment. The House bill made the permission subject to the conditions imposed by section 1606 (b) of the Internal Revenue Code on the collection of contributions from Federal instrumentalities and their employees. The amendment limits the condition to that contained in the second sentence (other than clause (2) thereof) of section 1606 (b); and eliminates

the requirement that a State law provide for refunds in the event that such law is not certified for tax-credit purposes. The House recedes.

Amendment No. 15: This amendment provides that section 1606 (f) of the Internal Revenue Code, granting the limited permission above referred to shall not operate to invalidate, before July 1, 1947, any provision of a State unemployment compensation law in effect on the date of enactment of the bill. The House bill contained no corresponding provision. The House recedes with an amendment changing the date from "July 1, 1947," to "January 1, 1948."

Amendment No. 17: This amendment strikes out the definition contained in the House bill of "Federal maritime wages" and substitutes a new definition of the same term. The definition establishes the basis on which maritime wage credits will be determined for purposes of title XIII of the Social Security Act, which provides a temporary system of unemployment compensation for maritime workers. The definition in the House bill limits the term to "wages" as defined in section 209 of the Social Security Act, whereas the amendment does not contain this limitation. The House recedes.

Amendments Nos. 18 and 19: These amendments delete from title XIII of the Social Security Act definitions of the terms "State" and "United States" which appeared in the House bill. Identical definitions are contained in title XI of the Social Security Act, which apply generally to the whole act. The House recedes.

Amendment No. 20: This amendment inserts an authorization to the Federal Security Administrator, for purposes of title XIII of the Social Security Act, to determine in accordance with regulations issued by him the allocation of maritime services and wages among the several States. Such allocation will determine which State law will govern the benefit rights of Federal maritime workers. The House recedes.

Amendment No. 21: This amendment strikes out a limitation, contained in the House bill, upon the allocation of maritime wage credits among the States under title XIII of the Social Security Act. The House bill provided that a claimant who receives compensation pursuant to title XIII under the law of one State can thereafter receive further compensation pursuant to that title only under the law of the same State, except as the Administrator otherwise prescribes by regulations. The House recedes.

Amendments Nos. 25 and 26: These amendments provide that during the fiscal year 1947, funds appropriated for grants to the States pursuant to title III of the Social Security Act shall be available for carrying out the purposes of title XIII. No corresponding provision appeared in the House bill. The House recedes with an amendment which provides that no compensation will be paid to any individual pursuant to this title (XIII) with respect to unemployment occurring prior to the date when funds are made available for such payment. The purpose of the conference agreement is to prevent liability attaching for payment of compensation for unemployment occurring before funds have been appropriated and are available for making such payments.

Amendment No. 28 changes the caption of section 401 of the bill. The House recedes.

Amendment No. 29: This amendment strikes out from the House bill an authorization of increased appropriations necessary to extend to the Virgin Islands the grant-in-aid programs for maternal and child welfare and inserts provisions increasing the authorization of appropriations for all the States. The authorization for maternal and child health service grants is increased from $5,820,000 to $15,000,000 a year, with the matched grants to each State increased from $20,000 plus a share in $2,800,000 to $50,000 plus a share in the remainder of $7,500,000, and the unmatched grants increased from $1,980,000 to $7,500,000. The authorization for grants for services to crippled children is increased from $3,870,000 to $10,000,000 a year, with the matched grants to each State increased from $20,000 plus a share in $1,830,000 to $40,000 plus a share in the remainder of $5,000,000, and the unmatched grants increased from $1,000,000 to $5,000,000. The authorization for child welfare grants is increased from $1,510,000 to $5,000,000, with the allotment to each State increased from $10,000 plus a share in the remainder of the $1,510,000 to $30,000 plus a share in the remainder of $5,000,000. The authorization of appropriations for administration of these grants is fixed, for the fiscal year 1947, at $1,500,000. The House bill contained no provision corresponding to these increases for all of the States, and no authorization of appropriations for administrative expense. The House recedes with an amendment which reduces the increases contained in the Senate amendment by approximately one-half. The Senate amendment proposed an increase to $31,500,000 and the conference agreement reduces such figure to $23,000,000.

Amendment No. 30: This amendment provides that amended allotments under the maternal and child welfare programs shall not be required for the fiscal year 1947 until further appropriations have been made, and shall then be made in such manner as is provided in the appropriation act. The House bill contained no corresponding provision. The House recedes with an amendment limiting the allotments for the fiscal year 1947 to the sums authorized by the conference agreement.

Amendments Nos. 31 and 32: These amendments strike out an amendment, contained in the House bill, to section 202 (f) (1) of the Social Security Act, and substitute a different amendment of the same section. The Senate amendment would accomplish the purpose intended to be accomplished, but not clearly expressed, by the House bill. The House recedes.

Amendment No. 34: This amendment corrects an error in the House bill in a reference to a provision of existing law. The House recedes.

Amendments Nos. 38, 39, 40, and 41: These amendments make three changes in existing law, which would not have been made by the House bill, to permit the withdrawal from the Federal unemployment trust fund, for the payment by a State of disability compensation, of any payments which that State may have collected from employees under its unemployment compensation law and deposited in the trust fund, or which it may in the future collect and deposit. To accomplish this, identical provisos are added to sections 1603 (a) (4) and 1607 (f) of the Federal Unemployment Tax Act and section 303 (a) (5) of the Social Security Act. The present Federal definition of a State "unemployment fund" will not be affected by the Senate amendments except in the one particular noted. Withdrawals from the trust fund other than those specifically authorized by the amendments will still be permissible only for the same purposes as in the past. The House recedes.

Amendment No. 42: This amendment permits the Federal Security Administrator during the present fiscal year to expend existing appropriations for the administration of the Social Security Act, and for payments to the States pursuant to titles I, III, IV, V, X, and XIII of that act, at an accelerated rate (and thereby to incur deficiencies) to the extent, but only to the extent, that such acceleration of expenditures is necessary to meet additional costs resulting from the enactment of the bill. The House bill contained no corresponding provision. The Senate recedes since the Director of the Bureau of the Budget has authority under existing law to accomplish the same result.

Amendments Nos. 43, 44, 45, 46, 47, 48, 49, 50, and 51: The bill as it passed the House increased the existing ceilings on the Federal share of old-age assistance payments from $20 to $25, made the same change in the case of aid to the blind, and in the case of aid to dependent children increased the Federal share from $9 for the first child in the home and $6 for additional children to $13.50 and $9, respectively.

The Senate amendments, while retaining the above ceilings, also provide for variable matching ratios ranging from a 50–50 matching to a 66⅔–33⅓, depending on the per capita income of the State as compared with the per capita income of the United States.

The House recedes with an amendment which, while retaining the liberalized ceilings on the Federal share of assistance payments, substitutes for the variable matching formula a formula under which the Federal share would be two-thirds of the first $15 of monthly payments of old-age assistance or aid to the blind and one-half the remainder of the payment up to the over-all Federal maximum share of $25. Similarly in the case of aid to dependent children, the Federal share would be two-thirds of the first $9 of the payment and one-half of the balance up to the over-all Federal maximum share of $13.50 or $9.

The following tables illustrate the effect of the conference agreement with respect to the matching formula governing Federal contributions to State payments for the period October 1, 1946, to January 1, 1948, for public assistance, under titles I, IV, and X of the Social Security Act. Table No. 1 applies to aid to the aged and blind and table No. 2 applies to aid to dependent children. The new formula will apply uniformly in all States regardless of State per capita income or any other measure of relative economic resources among the States:

TABLE NO. 1.—*Aid to aged and the blind*

Average State payment	Federal contributions	
	Existing law (in all States)	Conference report (in all States)
Under $15	[1] 50	[1] [2] 66⅔
$16	$8.00	$10.50
$20	10.00	12.50
$25	12.50	15.00
$30	15.00	17.50
$40	[3] 20.00	22.50
$45 and over	[3] 20.00	[3] 25.00

[1] Percent.
[2] On a benefit of $12, for example, the Federal contribution under existing law amounts to $6. Under the conference formula the Federal contribution would be 66⅔ percent or $8.
[3] Ceiling.

TABLE NO. 2.—*Aid to dependent children*

Average State payment	Federal contributions			
	Existing law		Conference formula	
	First child	Second child	First child	Second child
$9 or less	[1] 50	[1] 50	[1] 66⅔	[1] 66⅔
$10	$5.00	$5.00	$6.50	$6.50
$12	6.00	[2] 6.00	7.50	7.50
$15	7.50	[2] 6.00	9.00	[2] 9.00
$18	[2] 9.00	[2] 6.00	10.50	[2] 9.00
$21	[2] 9.00	[2] 6.00	12.00	[2] 9.00
$24 or more	[2] 9.00	[2] 6.00	[2] 13.50	[2] 9.00

[1] Percent.
[2] Ceiling.

Amendment No. 52: This amendment added a new title, title VI. It authorized and directed the Joint Committee on Internal Revenue Taxation to make a full and complete study and investigation of all aspects of social security, particularly in respect to coverage, benefits, and taxes related thereto. The House bill contained no provisions corresponding to the title added by this amendment. The Senate recedes.

Amendment No. 53: This amendment, for which there appears no corresponding provision in the House bill, would amend section 22 (b) (2) (B) of the Internal Revenue Code, relating to the taxation of annuities purchased by employers for their employees. The present provisions of this section are to the effect that, in the case of such an annuity contract other than one purchased by an employer under a plan meeting certain requirements prescribed by section 165 and other than one purchased by an employer exempt from the income tax under section 101 (6), if the employee's rights under the contract are nonforfeitable except for the failure to pay premiums, the amount contributed by the employer for such annuity contract is required to be included in the income of the employee in the year in which the amount is contributed. The amendment contained in this section of the bill would add a proviso to the foregoing provision so that amounts contributed by an employer to a trust for the purchase of annuity contracts for the benefit of an employee shall not be included in the income of the employee in the year in which the contribution is made, if the contribution is made pursuant to a written agreement between the employer and the employee, or between the employer and the trustee, prior to October 21, 1942, and if the terms of such agreement entitle the employee to no rights, except with the consent of the trustee, under the annuity contracts other than the right to receive annuity payments. This amendment would become effective with respect to taxable years beginning after December 31, 1938.

The Senate amendment also contains a provision exempting the Veterans' Emergency Housing Act of 1946 from the provisions of the Administrative Procedure Act.

The House recedes with an amendment striking out the provision relating to employees' annuities and leaving in the provision exempting the Veterans' Emergency Housing Act of 1946 from the provisions of the Administrative Procedure Act.

R. L. DOUGHTON,
JOHN D. DINGELL,
A. WILLIS ROBERTSON,
W. D. MILLS,
HAROLD KNUTSON,
DANIEL A. REED,
ROY O. WOODRUFF,
Managers on the Part of the House.

Mr. DOUGHTON of North Carolina. Mr. Speaker, I am pleased to report that the conferees on this bill H. R. 7037 reached a unanimous agreement, and the agreement was signed by all of the conferees. I do not know that I care to discuss the report of the conferees at any great length. After my brief statement, if anybody has any questions with respect to what the conferees agreed upon I shall be glad to try to answer them.

I shall not discuss the several Senate amendments stricken from the bill or the purely technical changes accepted by the House conferees.

You are already familiar with title I of the bill freezing the tax; title II, providing old-age and survivors' insurance benefits for survivors of World War veterans who die after discharge: title III, providing for State unemployment compensation coverage for maritime employees; and title IV, providing needed technical changes in old-age and survivors' insurance. There was no substantial differences between the House and Senate on these important provisions.

There is one important addition to title IV. The Senate amendments provided for raising the present Federal grants of $11,200,000 for maternal and child health, crippled children, and child welfare services to $30,000,000. Under the conference agreement the Senate figure was reduced by about one-third, or to about $23,000,000.

The conference also adopted an amendment facilitating the operation of the veterans' housing program by eliminating it from the operation of the administrative law bill. This merely remedies an oversight in that bill which exempts the other temporary programs from its operations.

The principal amendment which was agreed to was a substitute for both the Senate and House versions of title V, relating to old age assistance, aid to the blind, and aid to dependent children. The House provisions increasing from $20 to $25 the maximum Federal participation for the period ending December 31, 1947, was retained as was the increased ceilings for aid to dependent children. The variable grant dependent on per capita State income, which the Senate had added to the bill was eliminated. A liberalization in the present matching formula, which would be applicable to all States, was adopted.

Under this formula, for the period beginning October 1 of this year and ending December 31 of next year, two-thirds of the first $15 of the old-age or blind-assistance payment would be from Federal funds, and the remainder of the payment would be on a 50–50 basis, up to the over-all $25 limitation on the Federal share. A similar provision is contained in the provisions of aid to dependent children, except that the Federal share would be two-thirds of the first $9 paid a child.

The general effect of these provisions is to increase the Federal grant by an amount equal to $5 for each blind or aged recipient who is given a benefit of $15 or more per month.

States now paying $10, $5 from Federal funds, can thus increase their payment from $10 to $15, the extra $5 coming from Federal funds.

States now paying $15 or more can also increase their payment by $5 from the additional Federal funds they will receive.

In the case of dependent children the increase would be $3 instead of $5, but a larger part of substantial sized payments can also receive even matching as the Federal maximum matching has been increased from $9 for the first child to $13.50 and from $6 for other children to $9. This extra money of course may also be used to pay the same proportion of benefit costs to new people added to the rolls.

The conference report contains tables showing how this will affect the Federal participation in various size benefit payments.

This provision seemed to the conferees to have all the advantages of the McFarland $5 and $3 amendment, but to contain safeguards that amendment lacked. It also preserves the requirement that a percentage of each benefit payment must be at State expense and that the State rather than Congress shall fix the size of the benefit.

Unless there are questions, I yield 10 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, title I of the bill freezes the present 1 percent pay-roll tax for the old-age and survivors' insurance program at 1 percent on the employee and 1 percent on the employer. This was the original House provision.

Title II provides social-security benefits to survivors and dependents of certain World War II veterans who die within 3 years after their discharge under the old-age and survivors' insurance program. For the purpose of determining the amount of benefits to be paid, the bill authorizes the deceased veteran to be treated as having been fully insured at an average wage rate of $160 per month from 1939 to the date of his death. The benefits would not be paid if the surviving widow and dependents are eligible for benefits under any existing veterans' benefit law. The House merely agreed to certain clerical amendments made to this title by the Senate.

Title III: Under this title, maritime workers employed on ships operated by the Government under the War Shipping Administration during the war are authorized to be covered under State unemployment compensation laws. The House agreed to certain clerical or administrative amendments made by the Senate of a technical nature designed to clarify certain provisions of the title. Under the bill, unemployment benefits could not be paid until funds are appropriated and become available for such payment. The benefits conferred are not of a permanent character which would cover maritime workers of Government-owned ships indefinitely in the future.

Title IV: The most important amendment agreed to under this title, which makes certain miscellaneous technical amendments to the Social Security Act, was the Senate provision authorizing an increase in appropriations to be available for the payment of benefits under title V of the Social Security Act (maternal and child welfare, crippled children and similar benefits). The conference committee reduced the increased authorizations by about one-third. The effect is to make very substantial increases in the amount of money available for these programs under the amount now available under existing laws. These increases will be available in all States under the existing method of distribution.

Title V: This title was amended in conference very substantially by providing that grants to the States by the Federal Government for benefit payments

to the aged, blind, and dependent children are to be increased. The controversial variable grant provision of the Senate amendments to the House bill is completely eliminated. In its place the conference agreed upon a formula that recognizes the existing 50–50 matching system but permits all States to increase their benefits, if they choose to do so, by $5 per month to each recipient, in the case of the aged and blind, and approximately $3 in the case of dependent children.

The conference formula does not proceed upon the theory that some States are poor and lacking in resources while some States are rich. It does not set off one group against another. It simply provides that in any State where the payments to old-age and blind recipients are $15 per month or less, the Federal Government will put up $2 for $1 of the cost of such benefits; and that where the benefits are in excess of $15, the existing 50–50 formula will be applied. Under this arrangement, a given State is not required, in effect, to file a pauper's oath before obtaining additional assistance from the Federal Government in making payments under these programs. In the case of dependent children, the ceiling on Federal contributions is raised by approximately 50 percent to $13.50 per month in the case of the first child, and $9 per month in the case of the second and each additional child in a needy family. In addition, the 2-for-1 rule will apply for benefits of $9 per month or less. Above $9, the existing 50–50 matching formula will prevail up to the maximum of $13.50 and $9, respectively.

Title VI: This title was added by the Senate to the House bill and provided for a study by the Joint Committee on Internal Revenue Taxation of all aspects of social security. The Senate receded on this amendment after it had been pointed out that such a provision was unnecessary.

Title VII: This title was also added to the House bill by the Senate. It provided certain favorable tax treatment in the case of contributions by employers to annuity pension funds created for the benefit of employees. The Treasury Department objected to this amendment, and after it was pointed out that further study was required in order to perfect any correcting statute dealing with this subject, the Senate receded.

One section of this title was retained in the bill, however, which merely authorized that the Veterans' Emergency Housing Act, recently passed by the Congress, should not be affected by the new Administrative Procedure Act because the Housing Act was of a temporary nature and it was not desired to have such temporary administrative machinery affected by the permanent administrative establishments.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I yield to my good friend.

Mr. AUGUST H. ANDRESEN. Do I understand that before a recipient of old-age assistance can secure this extra Federal contribution, the State must match the amount?

Mr. KNUTSON. No. Let me explain briefly to the gentleman, if I may. Under the agreement reached by the conferees, we depart from the 50–50 basis on the first $15. I am speaking now of the aged. Of that $15, the Federal Government will contribute $10 and the State $5. Beyond $15, the present 50–50 basis applies. The bill simply permits a State to pay higher benefits if it chooses to do so and we are saying that if higher benefits are paid the Federal Government will contribute its share according to this new plan.

Mr. AUGUST H. ANDRESEN. Then if there is to be an increase in the old-age assistance, the State will have to put up an equal amount of, let us say $2.50, before they get the extra $2.50?

Mr. KNUTSON. No. Under the present law, the State now pays $7.50 on a $15 benefit. Under the new formula, if a State elects to continue paying $7.50, the United States will increase its present contribution by $5 or $12.50 total, making it possible to increase the $15 benefit to $20.

Mr. AUGUST H. ANDRESEN. Then is the Federal contribution automatic?

Mr. KNUTSON. It is not automatic. Anyone now receiving $15 or less will get an additional $5 only if the State which pays him feels that by virtue of the increased Federal funds which this bill authorizes, the State can afford to increase that person's benefit by $5.

Mr. AUGUST H. ANDRESEN. Suppose they are receiving $40, will there be any increase in the amount?

Mr. KNUTSON. Not unless the State takes appropriate action to increase existing benefits by whatever amount the State feels it can afford to pay in the light of the new scale of contributions set up in this bill. There was a strong demand in conference for the so-called variable grant, but we could not see our way clear to give in on that, so we decided to make this increase applicable to all States and Territories, wherever social security is in effect, hence there is no discrimination between the so-called rich States and the poorer States.

Mr. COLE of Missouri. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. COLE of Missouri. As I understand the gentleman, each old-age pensioner, under this conference agreement, will be eligible to receive an additional $5, regardless of the amount he is now receiving?

Mr. KNUTSON. Beginning October 1, yes, if the State acts to increase benefits by that amount.

Mr. COLE of Missouri. And that $5 comes from the Federal Government and does not have to be matched by the States?

Mr. KNUTSON. That comes from the Federal Government but matches State funds on a 2-to-1 ratio for the first $15. I hope that is clear. That is an outright increase over the present formula. Of course, the States may, of their own volition, determine the total public assistance expenditure within the State. The ultimate Federal grant depends upon the total expenditure and the number of recipients.

Mr. COLE of Missouri. How long will this $5 increase continue?

Mr. KNUTSON. I am glad the gentleman called my attention to that. It becomes available October 1 of this year and expires on the 31st of December 1947. There were several reasons why we voted to authorize this $5 increase, the principal reason being the constantly increasing cost of living. By extending it to December 31, 1947, it would give the Ways and Means Committee ample opportunity to explore the whole subject further when the new Congress convenes.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. DOUGHTON of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. EBERHARTER].

Mr. EBERHARTER. Mr. Speaker, I am not anxious to delay a vote on this conference report. I am as anxious to have a vote on it as anybody else.

In the first instance, may I say I am in favor of the adoption of the conference report. In view of the fact that when the matter was before the House previously, I strongly opposed some of the provisions of the measure as then written, I think it incumbent upon me to express the reasons why I now favor this conference report.

Under this report, if adopted, it is true that every individual in the United States now receiving old-age assistance can possibly receive an increase of $5 monthly, which will be contributed by the Federal Government. And, in my opinion, the conference report recognizes the validity of the variable grant principle, because, under the formula adopted, two-thirds of the first $15 paid to old-age assistance recipients will be contributed by the Federal Government. In my opinion, that is a recognition of the principle for which I and many other Members of the House were fighting. It applies to every State in the Union. It follows naturally that those States which are paying low amounts for old-age assistance will get a larger proportion of the payment from the Federal Government than those States that are paying high amounts. In other words, if a State pays $15 for old-age assistance, the Federal Government contributes two-thirds or 66⅔ percent, whereas if a State is paying $40 the Federal Government only contributes two-thirds of the first $15, and one-half of the amount over the first $15.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. DOUGHTON of North Carolina. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. EBERHARTER. Mr. Speaker, another reason why this conference report should be adopted, of course, is that the allowances to take care of dependent children have also been increased approximately 50 percent, and we are all happy about that.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield.

Mr. POAGE. I wish the gentleman would explain why this does not destroy

itself in those States that have a provision that is based on need? For instance, in the State of Texas, if they find that the budget need of the beneficiary is $15 per month they will give them $15 per month. The Federal Government is paying half of that. Now, if the Federal Government pays two-thirds of it they will still find the budget need is $15 per month. All it means is that the Federal Government will simply pay their percentage.

Mr. EBERHARTER. As I understand, no State will be permitted to reduce the payments now being made to any extent whatsoever.

Mr. POAGE. That is what I wanted to be sure, that they would not be allowed to reduce present payments.

Mr. EBERHARTER. They will not be allowed to reduce present payments.

Mr. LYNCH. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield.

Mr. LYNCH. While the States may not reduce payments, nevertheless, this does not necessarily mean that every person is going to get an increase of $5 from the State. For instance, today if a State gives $15, $7.50, or 50 percent, of it is contributed by the Federal Government. If the payment by the State is more than $15, the contribution of the Federal Government is 50–50 up to $20 maximum Federal contribution. Hereafter the Federal Government will contribute to that State $10 of the first $15 and 50 percent of the balance up to the Federal maximum of $25. Thus the State need not necessarily increase the benefits to the recipient.

Mr. EBERHARTER. Under the conference report, of course, States can to some extent use the money to increase the number of persons on the assistance rolls.

Mr. Speaker, in the remaining short time allotted to me I want to express my appreciation for the help and cooperation given to me, as a member of the Ways and Means Committee, by many Members in striving to have incorporated in the measure we are now considering the principle of variable grants to States, and particularly, Mr. Speaker, I want to mention the gentleman from Mississippi [Mr. COLMER], who has consistently and effectively cooperated to bring about the measure of success which is being achieved today toward accomplishing our objective.

His efforts as an influential member of the Rules Committee, both in the committee and by his valiant work on the floor, helped tremendously. I venture the opinion that without him our task would have been well-nigh impossible.

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

Mr. DOUGHTON of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks at this point on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. DINGELL. Mr. Speaker, the correct interpretation, carefully prepared, of the action and intent of the conferees in connection with H. R. 7037 is contained in the report. I want to reiterate, as a conferee on the part of the House, that the effect of our joint action was to provide a total of $25 from the Federal Treasury to match State contributions on a basis which, according to my mind, establishes a variable of a sort never before embodied in the Social Security Act. The $25 of the Federal contribution will be matched as follows: For the first $5 contributed by the State the Federal Government contributes $10, the remainder of the maximum Federal matching, or $15, will be used to meet State contributions on a dollar-for-dollar basis. In other words, to illustrate further, the first $5 of the State is matched on a 2-for-1 basis, giving the pensioner $15. Beyond that, the 50–50 matching will add an additional $15 each from State and Federal sources, or $30. Fifteen dollars, plus $30, will make a total over-all of $45 per month. Of course, the State may go as high as it wishes beyond this amount without further Federal contribution. Simply, the Federal Government will contribute at the outset the amount of $5 to every pensioner under the act, then match the next $20 on an equal basis. I trust I have made myself clear on this one point in the report.

Now let me add that our job is not finished with this report, and the House will understand that in the field of old-age and survivors' insurance many interrelated matters must be considered and settled. I hope this will be done early next year. There are the complex and important questions of liberalizing the benefit formula and the eligibility requirements, extending benefits to disability cases and extending coverage to presently excluded employments and to self-employment. I am proud that we have laid the groundwork for this task by our studies and hearings which we recently completed.

Mr. GRANT of Alabama. Mr. Speaker, I regret that the conferees on H. R. 7037 did not agree to an amendment to the Social Security Act which recognizes the inequitable allotment of Federal funds. The records show that the Federal Government is now paying more than three times as much to aged people in some States than in others. I have long felt that this is an inequitable distribution of such funds.

Take, for instance, my own State: Alabama would, under the bill as originally passed in the House, only receive about $4,000 increase over the 1943–44 payments. This increase would run from a low of $2,000 in Maryland to over $13,000,000 in the State of California. There would be merit in such distribution of funds if the affected lower-income-group States did not attempt to meet the Federal grant. Under the present system, we grant most assistance to the States which need it least and grant least assistance to the States which need it most. The present law does not recognize differences in the ability of the respective States to finance public assistance, such as aiding the needy aged, dependent children, and blind persons.

I believe that a careful check will show that my own State, and many of the other States which have a low per capita income, do make greater appropriations than many of the wealthier States, when the ability to pay and the percentage of the tax dollar is taken into consideration.

In other words, many of our States are, at the present time, making a greater tax effort to match these Federal funds than some of the States with much greater resources.

The conferees have agreed and so recommend to the House that we accept a new formula which still recognizes a 50–50 matching, but departs from it in that a person receiving up to $15 per month will have two-thirds of this amount, or $10, contributed by the Federal Government and $5 contributed by the State. On all amounts over $15, the present formula of 50–50 remains. This applies to contributions made to the aged, blind, and dependent children and runs from October 1, 1946, to December 31, 1947.

In other words, the Federal Government will, up until that time, contribute two-thirds of the first $15. This will be an aid to Alabama and to all of the States, however, this amendment ignores the variable matching formula and does not recognize the rank discrimination against the low-income States.

We, in the State of Alabama, are justly proud of the department of public welfare, which administers this fund, under the direction of Miss Loula Dunn, commissioner. The available funds have been sympathetically and wisely administered. Miss Dunn's services have not only been recognized in Alabama, but also by the American Public Welfare Association, which has honored her with its presidency. Her contribution to this work is deeply appreciated by the people of Alabama and the entire Nation.

I trust that at the next session of Congress, the Ways and Means Committee will make a more detailed study of this question and provide additional Federal funds to States with low per capita incomes. This is fair and equitable. I assure you that the State of Alabama will do everything possible insofar as our resources permit to take care of the needy. The principle of allotting additional Federal funds to States with low per capita incomes is a sound principle of social justice.

Mr. MILLS. Mr. Speaker, in adopting the conference report on H. R. 7037, the Congress has enacted a law which greatly liberalized the provisions for Federal grants to States for old-age assistance, aid to dependent children and aid to the blind.

The bill agreed on in conference, while retaining the liberalized ceilings on the Federal share of assistance payments, substitutes for the present 50–50 matching a formula under which the Federal share would be two-thirds of the first $15 of monthly payments of old-age assistance or aid to the blind and one-half the remainder of the payment up to the over-all Federal maximum share of

$25. Similarly in the case of aid to dependent children, the Federal share would be two-thirds of the first $6 of the payment and one-half of the balance up to the over-all Federal maximum share of $13.50 or $9.

This liberalization may be illustrated by what can happen in my own State, Arkansas, assuming that the State continues to expend its present amounts of State funds.

April of this year, Arkansas had 26,578 on the old age assistance rolls and expended $224,193 of State funds and $224,193 of Federal funds for assistance which averaged $16.87 per case. Under the change, Arkansas would have received an extra $5 multiplied by the number of recipients, assuming that this extra money, and the State and Federal funds above mentioned could have all been used to pay public assistance. Thus, if all these funds could have been used to pay increased benefits to the 26,578 on the rolls, the average paid per recipient would have been $21.87 per recipient instead of $16.87, which was actually paid.

Arkansas probably would have added recipients to the rolls had these additional Federal funds been available. For example, the 26,578 on the rolls might have been increased to 30,000. Assuming State funds to have remained $224,193, total funds would have been:

State funds	$224,193
50-percent Federal matching	224,193
$5 x 30,000	150,000
Total	598,386

Thus, average payments would have been increased from $16.87 to $19.94 and 3,422 added to the rolls without increasing State appropriations.

The illustrations I have given would in general be applicable to the blind, who were receiving an average of $18.77 in Arkansas last April. Assuming the same expenditure per recipient from State funds, their benefits could have been increased to an average of $23.77.

In the case of dependent children, the Federal grants would also be considerably increased. The present Federal ceilings limit Federal matching to $9 for the first child and $6 for each additional child in a family. These ceilings are raised to $13.50 and $9 respectively. This means more of the benefits most States pay can be matched. Also, $3 multiplied by the number of dependent children receiving assistance is paid the State in addition to the increase in the 50–50 matching.

While the principle of variable grants, as contained in the original House bill, H. R. 6911, and adopted by the Senate as an amendment to H. R. 7037, is a more scientific approach to the problem and one which will be carefully studied by the committee as it approaches a permanent solution, the temporary provisions I have described appear to be practicable and are certainly very helpful, particularly to low-income States.

The approach, contained in the conference report, is not a new idea, but one which has had consideration over a long period and which has been sponsored by many prominent Members of the Congress, including the gentleman from Mississippi [Mr. COLMER], who rendered valuable assistance in making possible the final approval by Congress of amendments to the Social Security Act as contained in this conference report. It is fitting that the States represented by the gentleman from Mississippi and others of us who have fought so long for a more equitable method of determining the amount of Federal grants should now receive Federal grants in much more equitable amounts and be enabled to provide on a more generous basis for the recipients of public assistance.

It is hoped that adoption of the conference report will prove a stepping stone toward legislation which will permanently and equitably solve the problem of the aged, the blind, and dependent children in all of the States. I feel certain the Ways and Means Committee will endeavor to work toward this end when the new Congress convenes.

Mrs. DOUGLAS of California. Mr. Speaker, I am one of the many millions in this country who dream of the day when social security will be a reality for all our people. I want a program which wipes out once and for all crushing poverty in a land of plenty and the fear of hunger in a land which produces abundance. I want people—all people—not just those in a few favored occupations, to face the future secure in the knowledge that they are protected against the time when they can no longer earn their living either because of age, disability, or lack of suitable job opportunities and that their dependents will have some security in case of their premature death. I want for them, as for myself, the freedom from fear and the sense of personal dignity that springs from assurance that a decent minimum level of existence is theirs as a matter of legal, moral, and social right even when circumstances outside their control make it no longer possible to earn a living in the labor market.

I think social insurance offers the best hope for achieving real social security, not only because millions of working people have already built up a tremendous equity, through their own contributions, in such an insurance program but also because the equity principle offers the best protection in the long run against the hazards of shifting political tides. No political body, whatever its complexion, is ever going to cut back benefits which are based on the life-long contributions of the beneficiaries. Nobody is going to insist that benefits based on contributions should be tied to a means test that harks back to the poor-laws days of the sixteenth century when people believed that you could prevent dependency by making public aid as humiliating and niggardly as possible. People who have insurance have the kind of security that comes with money in the bank and they know that this money is theirs regardless of their politics, regardless of their way of life, and regardless of whether they happen to have a kitchen garden in their back yards. That is the kind of security I want for myself and for my constituents and for all the people in this country regardless of where they happen to live.

I know that we do not have that kind of social security now and we are not going to get that kind of social security this session. But I am supporting the conference report on H. R. 7037 because I feel that these amendments to the Social Security Act are a badly needed step in the right direction. Much as I feel the need to extend and liberalize the insurance program I recognize that the people now struggling to maintain some semblance of a life on present miserably low assistance payments need relief here and now. I know that the extra $5 in Federal funds for each aged and blind person is inadequate, but at least it is better than the former limit of $20. How this Congress has expected any mother to raise a dependent child in health and happiness on $18 a month I cannot imagine and I therefore welcome the additional $3 in Federal funds for each child, though I would like to know how she is to manage with present rising prices. I am particularly glad that the conferees agreed to a compromise provision, however inadequate, so that the benefits of this bill can go to all the people and not just to those of a handful of the richer States.

Poverty cannot be isolated and misery cannot be quarantined. We in California cannot raise our standard of living, whether for our people in general or our needy aged, if we take positions which tend to further freeze the impoverished condition of people in other parts of the country. It costs 1 percent more to live in Los Angeles than in Atlanta, Ga., but the old-age grants in Los Angeles are 199 percent higher. This just does not make sense for anyone. We have got to see that assistance really does what it is supposed to do, that it really guarantees against poverty wherever it may be.

I hope that next year we will have no more lengthy surveys, no more months of hearings, no more inadequate amendments brought in at the last minute as a stopgap answer to the most pressing emergencies.

We know what the problem is and we have this information and the collective national wisdom to solve it. What I want to see next session is a real social-security bill to give adequate insurance protection as a matter of right to everyone, including those who have already retired from the labor market. If all our people get adequate insurance benefit payments when they are entitled to them, public assistance can fall into its intended role as a residual supplementary program to take care of the unusual situation and we can move forward toward our goal of freedom from want on a road that we know leads toward peace of mind and individual dignity.

Mr. CHENOWETH. Mr. Speaker, I am in favor of this conference report and will support the same. I wish to make a few observations on the section dealing with old-age assistance.

I feel that the confusion that exists among even members of the conference committee bringing in this report is unfortunate, and I believe is a strong argument for a Federal old-age pension which will be administered uniformly in the different States. In my opinion, the

trend in this country is definitely toward the Federal pensions, without the heavy overhead expense involved in administering the present law.

There seems to be a difference of opinion as to the effect of the amendment adopted by the conference committee. What the committee says is simply this: That the Federal Government will contribute $10 of the first $15 paid to every person in the United States receiving old-age assistance under existing law. Of course, the question is immediately raised if this will provide an increase of $5 per month in the pension received by each person. It appears that this extra $5 will be paid to the various States, and the department of public welfare in each State will determine how it is applied. Personally, I feel very strongly that each State should give each pensioner an increase of $5, as this seems to be the intent of the amendment.

Undoubtedly the next Congress will give attention to this important matter of old-age assistance, and I hope some satisfactory solutions can be worked out. There is a definite responsibility to take care of these aged persons who have made their contributions to our development and progress over the years.

THE LAME, THE HALT, THE BLIND ARE STILL OUR BROTHERS AND SISTERS

Mr. DOYLE. Mr. Speaker, this conference report does not provide the security for the aged or the blind which I hoped it would. Nor in my opinion has this Congress taken steps forward enough in the field of adequate social security all along the line.

The elderly citizens of our Nation have already made their economic investment and contribution to our national wealth and should not live the later years of their lives in fear of no roof, no food, no clothing, no pleasures. A happy old age for our elder population would greatly strengthen our domestic fabric.

When there is lack of fear of need in the lives of the "grandpas" and "grandmas" of our Nation, there is removed a cause of great concern right down into the intimate family circle of our land.

And, as the family life of our Nation is, so is our national strength or weakness.

People, folks, humankind—these are the real worth of our Nation. Material wealth and physical properties are only of dollar value to the extent to which they are created to make people, folks, happier or healthier. The aim of our civilization is low indeed if we magnify aggrandizement of material wealth to such extremes that we exclude our attention and duty to our elders, and the lame, the halt, the blind.

While this Congress has done some splendid things for the essentials of living such as education, health, housing, social security and similar fields of human experience, the next Congress must needs make greater steps along these lines.

The reconversion of human values is not less important than is the reconversion of material properties such as factories, shops, and ships.

We can be penny wise in this important matter of human reconversion. We have not yet reached high enough in my judgment.

Our Nation will only be one of enduring values in proportion as we place emphasis upon the values which endure and which are not washed away when the storms assail.

These values, Mr. Speaker, are founded in recognition that material gain is made for the use and progress of man and not man made for application or speculation for material gain.

As we today adjourn and go home to our respective congressional districts all over our beloved Nation, let us as the representatives of our districts, so speak and act that the people of America will be enriched by our leadership into paths of domestic tranquillity and enduring world peace.

Mr. DOUGHTON of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee [Mr. GORE].

Mr. GORE. Mr. Speaker, as I understand the conference report, it provides that out of the first $15—it does not have to be a total of $15, but out of the first $15—the Federal Government will contribute two-thirds. If a total payment of $12 is made to an aged or blind beneficiary the Federal Government will contribute $8; if it is $15 the Federal Government will contribute $10. Above a total of $15 it remains on the 50–50 matching formula. Is that not right?

Mr. DOUGHTON of North Carolina. That is correct. The ceiling on the total Federal contribution is $25.

Mr. GORE. One additional change, as the gentleman points out, is that the ceiling, the maximum amount which the Federal Government will match, is raised to $25 per month. For dependent children this provides that the Federal Government will pay two-thirds of the first $9.

I want to read from this conference report the following significant sentence:

The new formula will apply uniformly in all States.

That is a new principle of social security, and one reason I asked for time to speak at this time was to impress upon you the fact that by this you are adopting a new principle. I am not opposed to this principle, but I think the variable-grant formula contained in the Senate bill is preferable. As we come into this late date the House has not yet had a chance to vote upon the variable-grant formula which I fully believe represents the majority sentiment of the Congress. Because of the closed-rule procedure we have not had a chance to pass upon that or any other specific item. It has been a take-it-or-leave-it proposition each time. No Member has even had an opportunity to offer an amendment. We have not had a chance to vote upon such simple questions as the security tax rate for 1947. We have waited for months to consider amendments to the Social Security Act. A stall was staged, and now we come to this pass, inadequate consideration, and inadequate action on the very day of sine die adjournment. I hope the Ways and Means Committee will act early in the next Congress and that Congress will give this vital problem the consideration it deserves.

Mr. FORAND. Mr. Speaker, will the gentleman yield?

Mr. GORE. I yield.

Mr. FORAND. The gentleman knows I am very much interested in the variable grant formula, so much so that I introduced a bill to that effect, H. R. 5686. We almost got it to the floor—at least parts of it. When the next Congress convenes I shall follow the matter up and the committee has promised me that it will receive consideration.

Mr. GORE. I hope the committee will consider it and that the Congress will have an opportunity to consider it, too. Now, why do I say this is a new principle? For the reason that the report states—it applies "uniformly" not to all States but "in all States." There the committee is recognizing that we are dealing not with the cold abstractions of 48 States but with human beings; therefore this applies uniformly in all States to the individuals. I agree with this principle of equality of treatment of citizens insofar as it goes. Where, then, is the error? The inequity, the injustice, the unfairness and discrimination resulting from the present program remains the law of the land.

Mr. MONRONEY. Mr. Speaker, will the gentleman yield?

Mr. GORE. I yield to the gentleman from Oklahoma.

Mr. MONRONEY. I want to compliment the gentleman from Tennessee on the hard fight he has made for the variable grant principle. I want to join with him and say that the Congress is playing a tragic joke on itself and on the country by freezing the tax rate, not allowing it to go up one-half of 1 percent. We are depreciating this fund and we will have to take it out of the general tax revenues.

Mr. GORE. I agree with the gentleman. I have studied the tables and I may say that in 5 to 7 years the liability of the Government under this old age insurance retirement system is going to pyramid and pyramid very rapidly. This social security rate should be allowed to increase in an orderly manner. I do not think we should allow it to jump from 2 to 5 percent; that would be too great a shock, but it should be allowed to increase orderly. As I understand it, the gentleman from North Carolina advocated that, but he has not had his way.

Mr. DOUGHTON of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. GORE. I yield to the gentleman from North Carolina.

Mr. DOUGHTON of North Carolina. This only applies for 1 year. We have a reserve fund of more than $7,000,000,000 which will accumulate and increase next year, so I do not think we are in any danger. Our staff made a careful study of this and stated that an increase of one-half percent would make it sound for 10 years. If that would make it sound for 10 years, we are not in any immediate danger.

Mr. GORE. I think we would do well to give more consideration to the recommendations of the committee's technical staff of experts and to the actuarial staff of the Social Security Board. I understand that only a few days ago the gentleman's committee itself by a vote of 18 to 7 recommended that the tax be increased one-half percent on both employer and employee. That was, in my opinion, a wise recommendation. But the gentleman's committee changed its mind and then urged the House to foreclose itself from the opportunity of even considering the question. I, for one, refuse to assert my own capacity or the capacity of the House to consider amendments to the Social Security Act.

I welcome the increased benefits for the needy in this bill, but deplore our inaction toward broadening the coverage of the act and our failure to ameliorate the inequities of the present system. We shall try again.

Mr. PRIEST. Mr. Speaker, will the gentleman yield.

Mr. GORE. I yield to my able colleague from Tennessee who on yesterday won overwhelmingly endorsement by the people he represents so capably and conscientiously.

Mr. PRIEST. I want to express my appreciation for the fight my colleague has waged for the principle of variable grants. I sincerely hope that when this matter again comes before the House we may be able to amend the social-security law to provide for this formula of payments to the States. While this compromise agreement does not contain the variable grant feature, it represents a decided increase in financial assistance to the needy aged, blind, and dependent children. And, besides, the legislation approved by the adoption of this conference report should prove very helpful to millions of war veterans who may receive credit on social security for all the time spent in the armed services. I join my colleague in urging its adoption.

Mr. GORE. I thank the gentleman.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. DOUGHTON of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Speaker, I know that the Members of the House are very impatient and wish to vote, but we have worked for months on this social-security problem and we would like to have a minute or two in which to discuss this important measure.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. REED of New York. I yield to the gentleman from Minnesota.

Mr. KNUTSON. In view of what the preceding speaker said it might be well to have the RECORD show at this point something about this $7,000,000,000.

Mr. REED of New York. I will go into that. I heard the gentleman say that the country has been more or less defrauded. I just want to say that what he says is true but not as he intended it.

What has happened is that a spendthrift Government has taken what should have been the social-security fund and, figuratively speaking, poured it into political rat-holes and it is gone. That is what has happened to the $7,000,000,000 reserve fund. We know that the social-security system is actuarially unsound at the present time. If we raise this tax to 1½ percent, jump it up by that amount, all we will do is simply to supply more funds, create greater deficits so far as the pensioners reserve fund under OASI is concerned.

Mr. Speaker, there is nothing more beautiful to me than to see an old couple under their own roof, living in peace and happiness and security. That is a beautiful picture. I know of nothing more tragic than an old couple who have reared a family, who have furnished sons for war, who have been good citizens, but through some misfortune, perhaps from buying foreign bonds, being sent to the poorhouse; or to see other old persons who do not have food, clothes, or shelter all in face of the fact that the Congress of a great nation is neglecting its old people and instead giving away $3,750,000,000 to a foreign government. This Congress has sent food and clothes abroad and it has furnished shelter to the people of foreign countries while overlooking the needs of its elderly people here at home.

Mr. Speaker, this is not a munificent sum we are supposedly giving the old people. The amount the old people will receive under this bill would not buy two meals for the average Member of Congress at a restaurant downtown. Prices of necessities are skyrocketing under a spendthrift Government. What is this Congress doing? Practically nothing, except to spend, spend, and tax and tax.

Congress, after lending to foreign governments billions of dollars, boondoggling billions of dollars, now says to the old folks, "We in our generosity are going to put you in a state of affluence by adding $5 provided your State acts so you can benefit by this act." We know there are a lot of States that will not act.

Some States can run horse races and spend millions of dollars in gate receipts in many of the so-called poor States, but they cannot do anything for their old people. Why? Because they fear that some old-colored grandmother might get a little extra old-age pension and then have the whole group around her move in, in order to live on the pension. That is the truth behind this legislation and it is about time the scheme should be exposed.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. REED of New York. I yield to the gentleman from Nebraska.

Mr. STEFAN. What became of the $7,000,000,000, and what do we get for these I O U's?

Mr. REED of New York. We do not get a thing except to tax people in the future, the GI's among the rest. It is a fraud from top to bottom when considered as a long-range program.

I now turn to an analysis of the bill as it now appears after the conference.

The change just made in the Federal grant provisions for State old-age assistance is very simple. The law is effective from October 1, 1946, to December 31, 1947. The liberalized grant is to the State and not to the individual. The effect of the liberalized grant is to provide the State more Federal funds for any given expenditure by the State for old-age assistance.

Under existing law a State gets one-half of its expenditures for old-age assistance, excluding part of assistance in excess of a $40 monthly benefit. Thus, the Federal limit is $20 per individual.

Under the change just made by Congress, the Federal share will be two-thirds of the first $15 of the benefit, plus one-half of the balance of the benefit, but with a $25 limit to the Federal share, case per case.

The way it will work in each State can be illustrated by taking New York as an example. In April 1946, New York had 103,868 old-age recipients on the rolls, and the average payment was $38.24, and total assistance paid was $3,972,291. The Federal share was somewhat less than half this figure as some payments exceeded $40, and the Federal limit per individual was $20.

Under the change—the new Federal ceiling raised to $25, and two-thirds of the first $15 of assistance and one-half of assistance above $15 payable—the State would receive an additional Federal fund of $5 times 104,000 recipients or $520,000 per month, assuming it continued expending the same amount of State funds for assistance. This extra amount would provide funds for an average increase of $5 per case if the number of recipients remained the same. The State, however, would determine what recipients would get the increase, and how much each would get.

Some of the funds might be used to add persons to the rolls. The increase would, of course, be more than $520,000 if more persons were added to the rolls.

Two things should be kept clear:

First, that the change merely provides a more liberal matching arrangement for old-age-assistance payments and does not affect the present Federal-State arrangements in any other manner.

Second, that the change does not of itself give $5 or any other amount to any recipient of public assistance, but leaves the determination of his assistance to the State authorities.

Thus the new change provides more Federal funds for any given expenditure of State funds for public assistance, and thus encourages more generous treatment by the State of its aged, but does not interfere with the right of the State to determine what the assistance shall be.

To be specific grants must be made on a two-thirds basis of two-thirds of the first $15 of any benefit; that above $15, the 50–50 matching under existing law be retained with a limit on the Federal contribution of $25 takes care of blind and dependent children.

SOCIAL SECURITY ACT AMENDMENTS, 1946

EFFECT OF CONFERENCE REVISED MATCHING FORMULA, H. R. 7037

(August 2, 1946)

The following tables illustrate the effect of the revised matching formula governing Federal contributions to State payments for the period October 1, 1946, to January 1, 1948, for public assistance, under titles I, IV,

and X of the Social Security Act, as agreed upon in conference on H. R. 7037. Table No. 1 applies to aid to the aged and blind. Table No. 2 applies to aid to dependent children. The new formula will apply uniformly in all States regardless of State per capita income or any other measures of relative economic resources among the States:

TABLE No. 1.—*Aid to aged and the blind*

Average State payment	Federal contributions	
	Existing law (in all States)	Conference report (in all States)
Under $15	[1] 50	[1] [2] 66⅔
$16	$8.00	$10.50
$20	$10.00	$12.50
$25	$12.50	$15.00
$30	$15.00	$17.50
$40	[3] $20.00	$22.50
$45 and over	[3] $20.00	[2] $25.00

[1] Percent.
[2] On a benefit of $12, for example, the Federal contribution under existing law amounts to $6. Under the conference formula the Federal contribution would be 66⅔ percent, or $8.
[3] Ceiling.

TABLE No. 2.—*Aid to dependent children*

Average State payment	Federal contributions			
	Existing law		Conference formula	
	First child	Second child	First child	Second child
$9 or less	[1] 50	[1] 50	[1] 66⅔	66⅔
$10	$5.00	$5.00	$6.50	$6.50
$12	$6.00	[2] $6.00	$7.50	$7.50
$15	$7.50	[2] $6.00	$9.00	[2] $9.00
$18	[2] $9.00	[2] $6.00	$10.50	[2] $9.00
$21	[2] $9.00	[2] $6.00	$12.00	[2] $9.00
$24 or more	[2] $9.00	[2] $6.00	[2] $13.50	[2] $9.00

[1] Percent.
[2] Ceiling.

Mr. DOUGHTON of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, I appreciate that the Membership is anxious to get away and I shall not take much time, I hope. The House bill, which passed the House by a big majority, provided a straight $5 increase for every recipient of an old-age pension and every blind individual in the country who has been receiving benefits. I voted for that bill and gave it my active support in committee and on the floor. Now, then, I do not want anybody to go away from here or go back home with the wrong impression. The House bill would have paid every individual $5. It was my understanding that the House conferees were going to stand by the House action. This bill does not do that. This bill pays every State $5. Let us have an understanding, and if I am wrong, I want this corrected. There seems to be no agreement among those who were conferees. Take, for instance, a man drawing $15 a month in State A, we will say. Very well. The Government is going to pay $10 of that and the State will put up $5. Very well. There it is. The Government hands out $5 to that State. But, when that State gets that money the State administrator, the proper official, will say to the individual, "Yes, you are getting $15 a month, but that is all you are entitled to and you cannot get any more. You cannot get this $5 that has come from the Government, because we say you are not entitled to any more. Consequently you will not get any more." Now that is what you ought to understand. You cannot go home and tell all these old folks and blind persons that we voted them $5. We voted the State $5.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. JENKINS. I yield to the gentleman from Minnesota.

Mr. JUDD. What does the gentleman think the State will do with that additional $5?

Mr. JENKINS. That is something I cannot answer for the laws of the several States are different. It is presumed that the State will say, "All right, we will canvass the situation, and if you are entitled to more we will give you more." I hope that the States will be liberal.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. JENKINS. I yield to the gentleman from Arkansas.

Mr. MILLS. It appears that there could only be two things that the State could do with the additional $5, in answer to the gentleman from Minnesota. One would be to increase the payments made to old-age recipients by $5 per month, or else use this $5, plus the other $5 coming in from the Federal Treasury, to put more people on the old-age rolls.

Mr. JENKINS. That partially answers the question. Just as I stated in reference to the man who was getting $15, it might work out that he would not get an extra dollar.

Mr. JUDD. But another man might get $5.

Mr. MILLS. The handling of the problem is entirely within the control of the director of the public welfare program in the States.

Mr. JUDD. But the money would have to go for the care of some old people.

Mr. MILLS. That is right. The gentleman is correct.

Mr. BREHM. Mr. Speaker, will the gentleman yield?

Mr. JENKINS. Yes, I am glad to yield to my distinguished colleague from Ohio.

Mr. BREHM. This is all set up on a basis of need. Now, if the investigator finds that the recipient's needs do not show that he is entitled to more, then he will not get any more, regardless of whether or not this bill becomes law. This comes very close to being a deception on the old folks and the handicapped. The only way wherein they may receive additional benefits under this bill is if and when the State of Ohio amends the present law. Simply because the Federal Government agrees to pay two-thirds up to the first $15 does not guarantee the recipient 1 cent more money, unless the State amends or repeals certain provisions of the State law.

Mr. GORE. If the gentleman will yield, I believe there is a little misunderstanding. According to the report, no $5 will be paid to a State unless the State pays that amount or some lesser amount or some amount to the recipient of benefits. It is not paid to the State except as that State makes expenditures to the recipients of benefits under its social-security program.

Mr. JENKINS. I am not so sure that the gentleman is right, but I am quite sure that the Congress has provided standards in previous laws to which the States must adhere and by which they are bound. I am sure the money will not be used for any other purposes, but I still insist that you cannot go home and say to every old-age pensioner you meet, "You are going to get $5 more," because that is not true. Many of them may not get $5 more, and they may not get $1 more.

Mr. Speaker, this matter that we have been discussing will, I am afraid, raise some serious misunderstandings. For instance let me use an illustration with reference to the Ohio law. Under the Ohio law the State can pay up to $20 a month. That with the $20 a month which the Federal Government would pay would entitle an applicant to receive the maximum of $40. If the conferees had approved the bill which the House has heretofore passed that individual would receive $5 additional from the Government if the State of Ohio would match it with $5. Under the present law of Ohio, the State could not do that because $20 is the limit. But I am sure that if the conferees had approved the bill which the House has already passed that the State of Ohio would convene its legislature immediately and would provide for an additional $5 with a result that the maximum from both the State and Federal contributions would be $50.

Under the recommendations of this conference report the situation would be somewhat different in Ohio. In the instance to which I have referred where a pensioner would be drawing a total of $40 the computation would be made difficult. The first $15 which that individual is now drawing would be paid with $5 from the State and $10 from the Federal Government. That would leave the State to pay an additional $15 if it wants to pay the same amount that it was now paying. If it did pay that additional $15 that would be a total of $20 for the State to pay. Then the Federal Government having already paid $10 would match the $15 which the State would pay with a $15 payment with the result that the Federal Government would be paying $25. The pensioner would thereby be drawing $20 from the State and $25 from the Federal Government or a total of $45. In this case it would appear to me that it would not be necessary to amend the Ohio law in order for this pensioner to draw $45.

On the other hand, if the State of Ohio would not be willing to pay a total of $20 in cooperation with the Federal law as it will be written when this conference report is accepted by the House and the Senate and the President, then it is perfectly possible that the person in Ohio who is drawing a $40 pension might not get any increase. I have no doubt but that the State of Ohio will do its part in this matter and that as a final result of the passage of this legislation those receiving old-age pensions and blind pensions may receive an increase in their pensions, and the dependent children will

likewise receive a corresponding increase. If the State authorities will not meet this offer which the Federal Government is making through the passage of this legislation, then I shall be disappointed.

While pensions to the aged and the blind and payments to the dependent children are always very important and while these provisions are probably the most important in this bill that we are considering, yet I must say that there are other very important matters included in this legislation. I shall not take time to discuss all of them. I shall discuss at least one of them.

In this respect I refer to that provision of the Social Security Act known as Title II—Old-Age and Survivors Insurance. This is commonly known as social security. In this connection I might digress long enough to say that the social-security legislation is probably the most far-reaching and comprehensive piece of legislation ever passed by Congress. It comprises 10 separate titles. Title I deals with old-age pensions. Title II deals with old-age and survivors pensions, commonly known as social security. Title III provides for assistance for dependent children. And title X provides for assistance to the blind, commonly known as blind pensions. I take considerable pride in the fact that I am generally considered as having been the author of the blind-pension law.

At the present time the employers of the country pay into a fund 1 percent of the pay roll of their employees and the employees likewise pay into this fund 1 percent of the wages which they receive. This fund now has a surplus of more than $7,000,000,000. The original law passed several years ago provided that these payments should be increased at certain stated periods. For the past 3 or 4 years Congress has amended this law so as to freeze the rate at 1 percent. Last year when Congress passed this freezing law, it further provided that after 1 year, the 1st of January 1947, the rate should jump to 2½ percent from the employer and 2½ percent from the employee. The bill which we are now considering under this conference report freezes these payments again for another year at 1 percent. This is done because employment in the country is at a high rate and the demands for benefits under the law are not unusually heavy and it is considered by both employer and employee that it would be advisable to continue the present rate. Without the passage of this freezing legislation, the rates of each group would jump to 2½ percent.

I am, therefore, very glad that this bill contains this freezing provision.

Mr. Speaker, other provisions of this proposed legislation are worthy but I felt, however, that when we included the maritime workers under the coverage of the social-security laws that we might well have included other groups comprising a large number of our citizens. I refer to the nurses and the social workers and the local employees. Likewise, there are many workers classified as agricultural employees that might well have been brought within the coverage of this law. I refer to those who work in canneries and packing sheds.

By way of justification for including the maritime workers, their employment differs somewhat from employment of other groups that I have mentioned in that they are employed by the Government, and the Government assumes the responsibility of paying the benefits to be derived under such coverage.

Mr. Speaker, I am glad that we have been able to defeat the variable grants provision of the bill passed by the Senate. I was very much disappointed that the Senate added these amendments to the House bill in view of the fact that it was well known that the Ways and Means Committee of the House has worked for months in preparing and drawing this legislation and it was also well known that the House had passed its legislation after a most intelligent and searching debate.

My opposition to the variable grants is based on the fact that when the original social-security bill was being prepared in 1935, it was prepared on the basis that all Federal payments should be made only on a matching basis. I was a member of the Ways and Means Committee and participated actively in the preparation of the first social-security bill. The philosophy of title I of the bill is that the Federal Government in a desire to encourage the States to make adequate provision for the aged would offer to pay every deserving aged person in the country $15 a month only if and when the State in which he lived would pay the same amount and would agree to abide by certain stipulated regulations. The original bill would not have been passed except on that well-grounded basis of 50–50 matching. Later in 1939 when the original bill was amended no effort was made to change the matching formula.

Under the variable-grants plan, many of the States would pay into the fund at the rate of $2 while they would only take out of the fund $1. On the other hand, many States would only pay in $1 and would take out $2. The variable-grants system is not right morally or fiscally. It is not right and fair for a State where the average wages are high to be compelled to pay old-age pensions to persons in States that are sufficiently able to pay their own pensions The fact that their average wages may be low is no reason. If they are satisfied to have their people live on low wages, then it is only natural that the amount that they would be willing to pay their old folks would be small.

Another very important factor in this matching program is that the local authorities are best able to know and judge who are entitled to old-age assistance and how much assistance they should have. If the people of the Southern States are satisfied to pay small pensions, why should Congress be worried about it? I know that that was one of the basic factors that we considered when we drew up the original social-security law.

Therefore, Mr. Speaker, while I am not entirely satisfied with this legislation, I am glad that we have increased the contribution for the aged and the blind and the dependent children, and I am also glad that we have frozen the contribution provision under title II, and I am also glad that we have maintained the principle of matching dollar for dollar as we originally intended to do. I am especially glad that the Congress has stood firm against the threat of variable grants. I hope that those States whose representatives have been so insistent upon variable grants will bestir themselves and increase these payments to these deserving groups that live in their States, just as the other States of the Union have done. We should not wreck social security on the treacherous rocks of variable grants.

Mr. DOUGHTON of North Carolina. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

FIRST SUPPLEMENTAL APPROPRIATION BILL, 1947—CONFERENCE REPORT

Mr. CANNON of Missouri. Mr. Speaker, I call up the conference report on the joint resolution (H. J. Res. 390) making additional appropriations for the fiscal year ending June 30, 1947, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 390) making additional appropriations for the fiscal year ending June 30, 1947, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 18 and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 7, 8, 21, and 26 and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"JOINT COMMITTEE ON PRINTING

"Biographical Congressional Directory: To enable the Secretary of the Senate to pay, upon vouchers approved by the chairman or vice chairman of the Joint Committee on Printing, for compiling and preparing a revised edition of the Biographical Directory of the American Congress (1774–1948) as provided for in House Concurrent Resolution Numbered 163, adopted July 26, 1946, not to exceed $35,000; and said sum or any part thereof, in the discretion of the chairman or

vice chairman of the Joint Committee on Printing, may be paid as additional compensation (at not to exceed $1,800 per annum) to any employee of the United States, and shall continue to be available until expended."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$25,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"BUREAU OF COMMUNITY FACILITIES

"Emergency relief for the Territory of Hawaii: For carrying out the provisions of section 1 of the Act entitled 'An Act to provide emergency relief for the victims of the seismic waves which struck the Territory of Hawaii, and for other purposes,' $1,300,000, to remain available until expended, of which amount not to exceed $65,000 shall be available for administrative expenses of the Bureau of Community Facilities, including travel, the purchase of two passenger motor vehicles, and personal services in the District of Columbia and elsewhere."

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"DEPARTMENT OF COMMERCE

"BUREAU OF FOREIGN AND DOMESTIC COMMERCE

"Export control: For an additional amount, fiscal year 1947, for 'Export control,' including the objects specified under this head in the Department of Commerce Appropriation Act, 1947, $400,000."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$100,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 3, 11, 12, 13, 14, 15, 16, 17, 20, 22, 24, 28, and 29.

CLARENCE CANNON,
LOUIS C. RABAUT,
ALBERT THOMAS,
R. B. WIGGLESWORTH,
EVERETT M. DIRKSEN,
Managers on the Part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
RICHARD B. RUSSELL,
JOHN H. OVERTON,
ELMER THOMAS,
STYLES BRIDGES,
CHAN GURNEY,
JOSEPH H. BALL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 390) making additional appropriations for the fiscal year 1947, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendments Nos. 4 to 7, inclusive, relating to the Senate: Appropriates $163,000 for contingent expenses, and $540 for salaries, Office of the Sergeant at Arms and Doorkeeper, as proposed by the Senate.

Amendment No. 8: Appropriates $15,000 additional for contingent expenses, folding documents, House of Representatives, fiscal year 1947, as proposed by the Senate.

Amendment No. 9: Appropriates $35,000, instead of $50,000, as proposed by the Senate, for a revised edition of the Biographical Congressional Directory, and further amends to limit the rate of additional compensation to employees engaged in the work to $1,800 per annum.

Amendment No. 10: Appropriates $25,000, instead of $50,000, as proposed by the Senate, for salaries and expenses of the Joint Committee on the Economic Report.

Amendments Nos. 18 and 19, relating to the Public Health Service. Strikes out the appropriation of $4,358,000 proposed by the Senate for mental health activities, and strikes out the appropriation of $850,000 proposed by the Senate on account of the National Institute of Mental Health.

Amendment No. 21: Changes a title, as proposed by the Senate.

Amendment No. 23: Appropriates $1,300,000 for emergency relief, Territory of Hawaii, as proposed by the Senate, amended by omitting the waiver of section 14 (a) of the Federal Employees Pay Act of 1946.

Amendment No. 25: Appropriates $400,000 additional for export control, Bureau of Foreign and Domestic Commerce, fiscal year 1947, instead of $600,000, as proposed by the House, and no appropriation, as proposed by the Senate.

Amendment No. 26: Appropriates $25,000 additional for salaries and expenses, Bureau of Labor Statistics, fiscal year 1947, as proposed by the Senate.

Amendment No. 27: Appropriates $100,000,000 for strategic and critical materials (act of July 23, 1946), instead of $250,000,000, as proposed by the Senate.

Disagreements pursuant to clause 2, rule XX

Amendments Nos. 1 to 3, inclusive, relating to the Senate. It will be moved to recede and concur in such amendments, with a textual amendment to amendment No. 1.

Amendments Nos. 11 to 14, inclusive, providing for additional grants for the Children's Bureau of the Social Security Administration. It will be moved to recede and concur in such amendments, reducing the amounts to agree with the Budget estimates and changing the texts to conform with the texts of such estimates.

Amendment No. 15, relating to salaries and expenses, maternal and child welfare. It will be moved to recede and concur with an amendment reducing the amount of the appropriation proposed by the Senate from $925,500 to $425,000.

Amendment No. 16, governing the availability of certain appropriations. It will be moved to recede and concur in such amendment.

Amendments Nos. 17 and 20, relating to hospital and construction activities, Public Health Service. It will be moved to recede and concur in such amendments with amendments reducing the amount of the appropriation proposed by the Senate from $2,425,000 to $2,350,000, and adjusting amount limitations proportionately, and eliminating waiver of section 14 (a) of the Federal Employees Pay Act of 1946.

Amendment No. 22, relating to war and emergency damage, Territory of Hawaii. It will be moved to recede and concur in such amendment with an amendment eliminating the waiver of section 14 (a) of the Federal Employees Pay Act of 1946.

Amendment No. 24, relating to the provision of automobiles and other conveyances for disabled veterans. It will be moved to recede and concur in such amendment with certain textual changes.

Amendment No. 28, waiving the application of a provision of the Administrative Procedures Act to the Veterans' Emergency Housing Act of 1946. It will be moved to recede and concur in such amendment.

Amendment No. 29, changing a section number. It will be moved to recede and concur in such amendment.

CLARENCE CANNON,
LOUIS C. RABAUT,
ALBERT THOMAS,
R. B. WIGGLESWORTH,
EVERETT M. DIRKSEN,
Managers on the Part of the House.

Mr. CANNON of Missouri. Mr. Speaker, several times we have been under the impression that we were submitting the last appropriation bill only to later be disillusioned. We are certain, however, this time that this is the last appropriation bill to be offered in the Seventy-ninth Congress.

We present this complete conference report, and with it 15 amendments which must be considered separately, not because there was any disagreement on the part of the conferees, but because the rules require separate consideration in the House.

The joint resolution, when it passed the House, carried appropriations totaling $2,479,663,210.45. As it passed the Senate, it carried $2,796,612,917.45. As we present it to you, including the recommendations that will be made respecting amendments brought back in technical disagreement, the measure would appropriate a total of $2,636,489,417.45, and that amount is $384,385,093 under the Budget estimates.

The major item in the bill, as you know, is the one providing for terminal leave pay for members and former members of the armed services below commissioned status. The amount in the bill for that purpose is $2,431,708,000.

The Senate placed a number of amendments on the bill, some generously providing for the Senate, one restoring and amount eliminated by the House for the procurement of strategic and critical materials, and the remainder providing appropriation implementation for recently enacted legislation or legislation in course of enactment for various and sundry purposes. The impression seems to prevail that whenever a bill is passed authorizing the appropriation of funds, that the funds should be appropriated forthwith, instead of waiting until the next Budget, which practice was quite generally followed in the days when we were disposed to weigh the drafts we voted upon the Treasury.

This measure unquestionably contains appropriations for some projects which should have awaited the consideration of the next Congress; which should have been held in abeyance until there would be time to consider the estimates and to give consideration to their relative importance in arriving at an appropriation and expenditure ceiling looking beyond the close of the present calendar year, when we begin predetermining appropriation and expenditure ceilings.

The President yesterday issued an order to all governmental agencies calling for reduced expenditures. It is a splendid statement embodying a great program by a great President.

Such a course is essential to the achievement of a balanced budget, and a lower tax burden. I often wonder if we fully realize our responsibility in the ordering of the Nation's economy. We authorize and we appropriate and lately we have not been overlooking ourselves. The need for economy exists here as well as in other branches of the Government, and I should say more so, because here is the fountainhead of all Federal spending.

I trust that in the next Congress we will have been sufficiently in touch with the people to realize that it is their wish and thought that we should follow his program in the reduction of expenditures.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. I would like to know why the people of this country should have any reason to believe that the statement which the President made is going to eventuate in the saving of a single dime as far as the Federal Treasury is concerned.

Mr. CANNON of Missouri. That is easily answered. If you will simply watch developments from now on you will have your answer—and a very convincing one—in actually reduced expenditures.

Mr. SMITH of Ohio. From now on?

Mr. CANNON of Missouri. It is just a question of demonstration. It will reduce expenditures.

Mr. SMITH of Ohio. When?

Mr. CANNON of Missouri. Beginning immediately.

Mr. SMITH of Ohio. Well, we cannot do very much about it now. Congress is not going to be in session.

Mr. CANNON of Missouri. Congress is not involved in the President's program. Possibly he will be able to do better with Congress away. The President's direction will result in a tightening in every departmental agency, a reduction of personnel and economy of operation that will save a material sum between now and the meeting of the next session of Congress.

Mr. SMITH of Ohio. Would the gentleman care to name any figure, name any amount that is going to be saved?

Mr. CANNON of Missouri. The gentleman, himself, must know it is impossible to say, but it will be a substantial amount. The Congress itself has saved a very large amount by reducing appropriations and through the rescission of appropriations has saved over $64,000,000,000. We have made a record without parallel in the fiscal history of the country. But I want to say that the President has cooperated with us in doing that. He assisted us in a very material way. The minute the war ended the Committee on Appropriations hurried back here to start an economy program. Before we could get back the President had frozen every dollar thereby holding funds which were subject to expenditure until the Congress could take action, and until the Committee on Appropriations could hold hearings and get a bill in. He has cooperated spontaneously and wholeheartedly, and we could not have saved this vast sum of $64,000,000,000 without his active cooperation. He has saved more money since the close of the war than any one President that ever served in the White House from Washington down to the present time.

Mr. Speaker, when I presented the conference report on the third Deficiency Appropriation Bill, 1946, on July 19, 1946, it then appeared that apart from a measure that would need later to be presented to effectuate terminal leave pay legislation for noncommissioned members and former members of the armed services, our appropriation work was done.

Consequently, I included as a part of my remarks that day a summation of appropriations for the session, contrasting them with Budget estimates, and submitted some pertinent remarks on the Federal fiscal situation generally.

The general remarks I then made I see no occasion to change. The table I then presented, of course, needs to be modified, and I submit, therefore, a recast thereof at this time:

Comparative statement of estimates of appropriations submitted during the second session of the 79th Cong. and of appropriations made during such session

Bill	Estimates	Appropriations	Increase (+) or decrease (−)
Regular annual bills, 1947:			
Department of Agriculture	$590,405,672	$581,240,121	−$9,165,551
District of Columbia	81,505,000	76,755,009	−4,749,991
Independent offices	5,140,876,502	5,094,976,677	−45,899,825
Interior Department	350,357,230	247,167,036	−103,190,194
Department of Labor, Federal Security Agency, and related independent agencies:			
Labor	131,701,100	140,456,443	+8,755,343
Federal Security Agency	726,569,300	696,183,527	−30,385,773
Related agencies	319,805,500	318,375,700	−1,429,800
Total	1,178,075,900	1,155,015,670	−23,060,230
Legislative branch	58,339,134	53,809,736	−4,529,398
Military	7,208,207,429	7,263,542,400	+55,334,971
Navy	3,765,399,000	4,119,659,300	+354,260,300
State, Justice, and Commerce Departments, and Judiciary:			
State	134,887,831	128,008,752	−6,879,079
Justice	98,063,050	99,752,250	+1,689,200
Commerce	238,755,000	193,884,720	−44,870,280
The Judiciary	16,591,720	16,057,490	−534,230
Total	488,297,601	437,703,212	−50,594,389
Treasury and Post Office Departments:			
Treasury	335,978,000	325,290,250	−10,687,750
Post Office	1,298,239,190	1,279,571,890	−18,667,300
Total	1,634,217,190	1,604,862,140	−29,355,050
War Department—civil functions	338,638,509	333,230,498	−5,408,011
Coast Guard	134,920,000	116,226,000	−18,694,000
Government corporations	983,048,848	60,086,287	−922,962,561
Total, regular annual bills	21,952,288,015	21,144,274,086	−808,013,929
Supplemental, deficiency, and miscellaneous bills:			
Urgent deficiency bill, 1946	3,713,000	3,347,200	−365,800
Second urgent deficiency bill, 1946	362,879,807	364,114,807	+1,235,000
Third urgent deficiency bill, 1946	676,444,961	661,847,988	−14,596,973
Second deficiency bill, 1946	71,198,695	61,601,337	−9,597,358
Third deficiency bill, 1946	[1] 3,028,567,112	2,652,860,866	−375,706,246
Miscellaneous (House joint resolutions)	935,143,769	934,966,469	−177,300
First supplemental appropriation bill, 1947	3,020,874,510	2,636,489,417	−384,385,093
Total, supplemental, deficiency, and miscellaneous bills	8,098,821,854	7,315,228,084	−783,593,770
Permanent and indefinite appropriations	7,344,167,410	7,344,167,410	
Grand total	37,395,277,279	[2] 35,803,669,580	−1,591,607,699

[1] Includes $135,000,000 for UNRRA provided for in Second Supplemental Surplus Appropriation Rescission Act, 1946.
[2] Excludes amounts in private and public laws for the payment of claims, which may aggregate $2,000,000 more or less.

The revision makes the total of the estimates $37,395,277,279, the total of the appropriations $35,803,669,580, and the total of the difference between the estimates and the appropriations $1,591,607,699. The last amount represents the reduction this session of the Congress has effected, which excludes the rescissions previously made of obligational availability in the amount of $64,328,230,565. I submit that as an incomparable retrenchment, an all-time record for retrenchment and economy in the history of this or any other nation.

As I pointed out in my remarks of July 19, the large increase in the estimates and in the appropriations over the Budget projected totals last January is responsive to demands way and beyond the conception of anyone for appropriately looking after our veterans. The total appropriation for that purpose for the session, including the amount in this bill, is $10,154,401,415, and that amount excludes appropriations of various agencies in connection with job training and placement of veterans and various other expenses on their account which demobilization has occasioned.

The original budget for the current fiscal year included estimates of appropriations for the Veterans' Administration in the total amount of $4,934,623,500. It also contemplated supplemental appropriations for all Federal purposes of $875,000,000, which would include supplemental appropriations on account of veterans.

Assuming that half of the latter amount represented a contingent supplemental need for veterans, that would make the originally projected total for veterans $5,372,123,500. Instead, as I have indicated, the total of the estimates turned out to be $10,401,667,500, or an excess of $5,029,544,000.

The total of the estimates for all purposes projected back in January was $30,668,151,830. As earlier indicated, they have turned out to aggregate $37,395,277,279. Omitting the increase for veterans, the excess becomes $1,697,581,449.

The record speaks for the administration, and, as I said in my remarks of July 19, 1946, evidences a determined effort to maintain the fiscal program mapped out and publicized last January.

Mr. STEFAN. Mr. Speaker, will the gentleman yield at that point?

Mr. CANNON of Missouri. I yield to the gentleman from Nebraska.

Mr. STEFAN. That is not really the total appropriation for the fiscal year, is it?

Mr. CANNON of Missouri. Practically so; for veterans, yes.

The original budget for the current fiscal year included estimates of appropriation from the Veterans' Administration in the total amount of $4,934,623,500. It also contemplated supplemental appropriations for all Federal purposes of $875,000,000, which would include supplemental appropriations on account of the veterans. Assuming that half of the latter amount represented a contingent supplemental need for veterans, it would make the originally projected total for veterans $5,372,123,500. I wish you would remember that amount. That was the amount that fairly may be said as having originally been projected for that purpose, for our veterans, a little over $5,000,000,000. Instead of that, as we have shown here, the total of the estimates turned out to be not $5,000,000,000 but $10,401,667,500, an excess of $5,029,544,000.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. What part of that amount, $10,400,000,000 for veterans, was intended to provide housing for veterans? Can the gentleman give us any information on that?

Mr. CANNON of Missouri. Something over $250,000,000 at this session.

Mr. WHITTINGTON. There was something like $250,000,000 for housing.

Mr. CANNON of Missouri. I should like to again call to your attention a table I used at the time the Third Deficiency Appropriation bill was under consideration—adapted to the final figures as included in this bill, and I wish I could have the careful attention of the House on this one item because it is highly significant. This list includes what we might call untouchable items, that is, items of appropriation by the Federal Government from the Federal Treasury which cannot be reduced. They are the irreducible minimum for the purposes contemplated. The first item is interest on the public debt, $5,000,000,000. That must be paid, it cannot be reduced; you have no latitude nor any option about it. Five billion dollars must be provided for the payment of interest on the public debt.

Statutory debt retirement, $592,000,000, required by law.

Internal revenue and customs refunds, from which there is no escape, $1,585,000,000.

For the Army and the Navy, even reducing as we have to the lowest possible amount to maintain the Army and the Navy, we must have at the very lowest estimate $11,000,000,000.

Let me summarize the amounts:

Interest on the public debt	$5,000,000,000
Statutory debt retirement	592,000,000
Internal revenue and customs refunds	1,585,000,000
Army and Navy	11,000,000,000
Veterans	10,154,401,415
A total of	28,331,401,415

Those are "must" items. The difference between such total and the total of appropriations for the session for all other purposes of government is $7,472,268,165. By far the greater portion of the reduction of $1,591,607,699 we have effected applies to the "other purposes." It would have been considerably more had the recommendations of the Committee on Appropriations prevailed.

But what I wish to impress upon you is the limited field for wielding the pruning knife. Do not look at totals for agencies. Examine their component parts and you will better understand the problem.

For the veterans, as I have indicated here, $10,154,401,415. In other words, Mr. Speaker, before we can spend a dollar, we must provide enough to take care of these items over which we have no control—a total of $28,331,401,415. These are "must" items. The difference between such total and the total of appropriations for this session for other purposes of government is $7,472,268,165. In other words, we have reduced in this session of the Congress the appropriations for all other purposes, and that includes additional provision for increased pay of personnel, which is an astounding sum in response to legislation of the Congress, to a little over $7,000,000,000.

Mr. Speaker, that is another record. With all of the problems of reconversion, getting out of the war, liquidation of wartime agencies and activities, we have reduced the expenditures outside of the untouchables to $7,000,000,000. That is an achievement in retrenchment and economy without precedent in committee annals.

Mr. Speaker, we hear some wild statements that tremendous savings are practical. I was amazed a few days ago to read in one of the local newspapers an article. I will read it to you:

KNUTSON SAYS GOP HOUSE WOULD CUT INCOME TAX

Representative KNUTSON, of Minnesota, top minority member of the tax-framing House Ways and Means Committee, said today that election of a Republican House next November will mean a 20-percent cut in personal income taxes for 1947.

In a letter to Leland W. Scott, Minneapolis attorney, Mr. KNUTSON also said such an election outcome would mean a reduction in "Federal consumer taxes."

Mr. KNUTSON said this would be made possible by a 50-percent cut in Federal expenses. Copies of the letter were given reporters.

That is just plain unadulterated buncombe. Utterances of that kind from responsible sources and voiced by men in high position in this body on either side of the aisle reflect no credit upon those who make them and are a distinct hurt to the general welfare. This is no time to be misleading the people or to be building up false hopes.

In contradistinction to the AP item I have just read, I should like to read an excerpt from Mr. Ernest Lindley's column in the Washington Post of July 30, 1946. Said Mr. Lindley:

Apart from the armed forces, there are no big economies which can be made in the cost of the Federal Government in the visible future. Small cuts can be made here and there—and in many cases should be in the interest of efficient operation. The Federal public works program ought to be held to a minimum for the present, until other demands for labor and materials have slackened. Some expenditures in this category can be postponed.

The big problem in putting the Federal budget in the black and producing a surplus is not, however, on the side of expenditures. It is on the side of income.

The answer lies in the readiness of the administration to recommend and of Congress to maintain sufficiently high taxation. This means taxation at least as high, on the average, as we have now—perhaps higher. Talk of important tax reduction is demagoguery if the American people want to put the budget in the black and whittle down the national debt and unless they are willing to

gamble with their lives and civilization by scuttling the armed forces, as they did after the First World War.

That expresses the views of a long-time student of our Federal fiscal problems, one who has no interest beyond service to the public. I will go along with Mr. Lindley with this reservation: Expenditures flow from appropriations, and appropriations flow from legislative authorizations. If there were more resistance here to legislation, legislation mandating the Committee on Appropriations to report appropriations, the demand for income and upon income would be that much lessened.

One worth-while provision which the streamlining bill might have included was one requiring reports on legislative bills to show conspicuously the estimated cost and the expenditure demands by fiscal years, and what the impact of the bill would be upon the projected and legislatively approved appropriation ceiling. Among other advantages which might result would be less talking one way and voting another.

Mr. KNUTSON. I thought I heard the gentleman mention me. If by any great misfortune to the country we should have a Republican House, it is going to cut income taxes 50 percent.

Mr. CANNON of Missouri. Mr. Speaker, the gentleman from Minnesota is going to cut Federal expenses by 50 percent. How? What do you have here? You have here $28,000,000,000 that cannot be touched—interest on the public debt, statutory debt retirement, revenue and custom refunds, Army and Navy, and veterans. There are $28,000,000,000 for those purposes of which you cannot cut 1 penny, cannot cut them 1 penny, including the gentleman from Minnesota and his Republican brethren. In addition to those demands, there are only $7,000,000,000. If the gentleman from Minnesota were to wipe out every dollar, if he refused to appropriate a single dollar except that which was required for the public debt, interest, and so forth, he could only operate on $7,000,000,000. Why, upon the very face of it the newspaper release attributed to him is inaccurate to the point of absurdity. Of course, I am charitable; I realize it is necessary for the gentleman to promulgate partisan utterances, and I have no objection to that. But nobody should take him seriously, and I am certain nobody will take him seriously.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Of course, when I made that statement I was going on the assumption that the Republicans were going to control the next Congress, and they would cut out all this waste.

Mr. CANNON of Missouri. That is no answer. You cannot do the impossible. Regardless of who controls the House, they will be confronted with $28,000,000,000 of untouchable obligations.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. The gentleman has referred to the appropriation carried in this bill of $2,431,708 to provide terminal leave pay for the enlisted men. That is somewhat of a fiction. As a matter of fact, that money is to be available not to the enlisted men, but to the Treasury of the United States to provide, under the terms of this bill and the authorization that we passed the other day, for the issuance of bonds. Personally, I think it is most unfortunate that these enlisted men have to get bonds, and that this language really ought to be explained in connection with this bill, because it does not provide money for these enlisted men but merely for the issuance of bonds and the payment of this amount to the Treasury of the United States.

Mr. CANNON of Missouri. That was debated here when this resolution was before the House originally, and the House provided the money. When we consider the legislative bill dealing with the matter, we thought that the boys ought to have the cash, but when the bill went to conference with the other body, we could not get a bill at all unless we agreed to resort to bonds, but whether the terminal-leave pay is paid in cash or bonds, the technical requirements are such that we have to appropriate the money, and we are appropriating the money.

Mr. WHITTINGTON. I think it is in order for the gentleman to say that this is a technical requirement so that the boys of the country will not be misled.

Mr. CANNON of Missouri. There is nothing misleading about it; so far as I know, the money is being made available to pay cash or for bonds as and when issued. Some of these bonds mature immediately, I would say to the gentleman. The authorization act is retroactive to 1939, and it is impossible to know how much will be needed and when it will be needed to pay those of immediate maturity. There is no alternative but to appropriate the entire amount that will be needed for expenditure in the present fiscal year.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from West Virginia.

Mr. BAILEY. I would like to ask the distinguished gentleman from Minnesota this question. I am sure he knows that I was one of nine Members of the House who voted against the tax reduction of 1945. I would like to ask the gentleman from Minnesota whether he thinks he would not have rendered a better service to the country to have limited the carry-back clause on excess-profits taxes?

Mr. CANNON of Missouri. I hear no answer.

Mr. Speaker, may I also call attention to the disparity between the total of the appropriations for the session I have given, namely, $35,803,669,580, and the total for the session given by the ranking minority member of the committee, the gentleman from New York, Hon. JOHN TABER. Mr. TABER'S statement appears in the RECORD of July 24. The total he gives is $39,504,734,744. Were he here, he would need to add to that sum the amount carried by this joint resolution, which would increase his total to $42,141,224,161. That amount exceeds the total I have given by $6,337,554,581, which is a very appreciable discrepancy. The difference results first from the gentleman from New York [Mr. TABER] adding in self-liquidating trust accounts; a matter of $4,662,090,704. They are estimates—not appropriations—of amounts the Treasury will pay out of trust funds on deposit, and are not classed as appropriations. Again, the gentleman from New York [Mr. TABER] adds in reappropriations, which heretofore have been charged as appropriations. They are in the deferred expenditure category, and charged again as appropriations, would be apt to mislead in any comparison of appropriations by sessions or fiscal years. The gentleman from New York [Mr. TABER] also includes the diversion of previously appropriated continuing funds, heretofore charged as appropriations, and, also, the doubtful employment of naval stock account capital, which exists in consequence of appropriations heretofore made and charged. Again, the gentleman from New York [Mr. TABER] includes $921,000,000 plus for which an appropriation was requested and refused for canceling Commodity Credit Corporation notes held by the Treasury Department. Instead of appropriating the money out of one pocket to be placed in another, the Congress has approved the committee's recommendation to cancel the notes, and, therefore, effected a reduction of the amount indicated in the amount appropriated. To treat the matter otherwise would be mixing expenditure transactions with appropriations, and not in any sense a current expenditure transaction. Lastly, the gentleman from New York [Mr. TABER] includes loan authorizations by the RFC under the Department of Agriculture. They have no place in an appropriation statement.

That, I should say, about accounts for the difference. The figures I have given are figures which have a proper place in an appropriation statement, and exclude amounts which do not fairly or appropriately belong therein.

Mr. Speaker, in closing I wish to congratulate the Committee on Appropriations on the exceptional record it has made. It has contributed its part to making this one of the outstanding Congresses in the history of the Nation.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Mr. WIGGLESWORTH. Mr. Speaker, I do not propose at this time to enter into a diagnosis of the frightful financial conditions into which the present administration has led the Nation during the last 13 years.

I may point out in passing, however, that this appropriaion bill is the last of a series of appropriation bills in this session of the Congress for the fiscal year 1947, in respect to which the Budget estimates of the President amounted to almost $40,000,000,000.

That is $40,000,000,000 in a peacetime year. That is four times our prewar Budget. That comes on top of a national debt which, if contingent liabilities are included, amounted on December 29,

1945, according to the Bureau of the Budget to $663,753,721,386.75.

Mr. Speaker, as far as this report is concerned, I may say that, when the bill left the House it carried $2,479,000,000 or thereabouts. In the other body, about $316,000,000 was added. In conference, about $160,000,000 of that increase was eliminated. So that the bill before you today carries $2,636,000,000 or thereabouts, $156,000,000 more than it carried when it left the House but still $384,000,000 below the Budget figures.

I believe that certain items in this bill could have waited and that certain other items could have been further reduced.

But the bill carries funds for terminal leave and it carries funds for amputee legislation. The report is a unanimous report by the conferees and I trust it will be speedily adopted.

Mr. CANNON of Missouri. Mr. Speaker, I yield such time as he may require to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Speaker, the promotion of justice—which means the establishment of right—is the professed purpose of all governments. Throughout the ages there has been a continuous development of the knowledge and wisdom essential to the establishment of justice. With this growth of man's understanding it has become more evident also that rights are innate and inherent in man's very being. They are not and cannot be created by any human means. Right cannot be constituted by human governments.

With the evolution of man's understanding of justice, it became necessary to provide improved governmental mechanism which would operate more readily and equitably to effectuate the principles of justice.

Careful thought inevitably convinces us that enlightenment results from willing and unwavering obedience to what Channing refers as the "promptings of our own soul!" Others urge prompt compliance with our highest intuitions. Certainly the most important requisite to the progress of civilization is freedom of thought on the part of the individual. To make possible the most rapid extension of the mental horizon of mankind in general, the individual must not only be permitted to think and speak freely, but indeed must be encouraged as much as possible to the constant exercise of such freedom of thought and expression. Such unfettered and spontaneous thinking by the individual assures the quickest possible general unfoldment of truth.

Naturally, development according to the principle just explained, is contrary to the desires and to the whole program of governments which are administered according to the personal whim and discretion of the persons exercising absolute power. Inevitably those subject to the absolute authority of government by personal discretion, in other words, to autocratic government, are denied the right to give expression to their own understanding of truth. As should have been expected, therefore, there developed an irrepressible movement for the establishment of the kind of government which would recognize the rights and dignity of man and his right to have his views as to law and government valued and given effect in accordance with the standards applied for like purpose to the views of all his fellow men.

Men's opinions as to right and wrong vary and are, of course, relative in their nature. They fall far short of expressing perfection. Inevitably, therefore, there was presented the problem as to the method or plan best calculated to provide all men opportunity equal to that enjoyed by each other, in order to assure, for such views, their proper effect and influence in the determination of policies and rules for the guidance and control of all people.

In order, as fully as possible, to assure men of the enjoyment of their rights and to provide opportunity for all persons to exercise their judgment as to policies to be adopted for the regulation of the affairs of society, advanced thinkers urged with a measure of success, the establishment of a governmental system which would enable the people, by a majority vote, to determine what policies should be adopted as law and also in such manner to name the persons to administer the laws.

Provision for men's general participation in the process of deciding as to the rules to govern society, has rightly been regarded as the greatest of all improvements in governmental mechanism. In fact it was but the recognition of the inborn, inherent right of men to decide as to the right course of action for themselves consistently with the like right of other men to do likewise.

From the standpoint of logic and morals the individual's right to participate on equal terms with others in the determination of public policy, cannot be disputed. Experience has made it evident also that the composite judgment of society is generally a better means of assuring justice than is the judgment of particular individuals.

Rule by the greater weight of public opinion, however, is possible only through a truly democratic governmental mechanism. The word "democracy" is derived from the two Greek words "demos" meaning the people and "kratein" meaning to rule. The word "democracy" then, means the rule of the people. The rule or control, however, must be by the people only who are especially affected by the problems to which governmental action is directed.

Divisions of government are therefore necessary to the truly democratic rule of the world. Action as to problems which concern only the people of a certain locality, for example, should be taken by governments having jurisdiction throughout that locality. Only those who are subject to the difficulties involved in any problem have sufficient concern and understanding of the same to be able to make a practical disposition of the difficulty. Hence in the United States the municipal government properly disposes of subjects affecting especially the people of the municipality. The State governments properly determine policies which especially affect the people of the States, and finally our National Government determines the policies in regard to subjects affecting similarly the people of all of the States. Always, however, the true unit of democracy—that is, the individual—whether exercising his right to participate with others in determining the policies of the most limited area of government called the municipality, or exercising such right in the State or in the Nation, must in justice enjoy opportunity equal with all others to determine the policies of each of the divisions of government of which he is a resident.

Human beings are denizens, yes, properly speaking, citizens of the world, as well as being citizens of their own particular and limited communities or other divisions of government. The problems which affect mankind generally should, therefore, be treated in accordance with the judgment of men throughout the world, wherever domiciled. In other words, every reason which can be advanced for the operation of local governments in accordance with the formal judgment of the majority of those especially affected by government in either municipality, state, or nation, likewise justifies and absolute justice requires that all of the people of the world participate in the determination of policies disposing of problems of common concern to all the people of the world and the decision of the majority of the people of the world should control.

The principles of democracy logically apply to all government, regardless of the extent of their jurisdiction. In the light of what has been said, therefore, it is clear that there can be no logical denial of the justice of the proposal that there should be a thoroughly democratic form of government to determine the policies for the solution of problems affecting alike all persons on the earth.

For the regulation of international relations, I contend, therefore, that there should be established a formal government consisting of representatives from all of the nations of the world, in number proportionate to the ratios of the nations' populations to the population of the whole world. The authority of such government should be strictly limited, by its constitution, to the one purpose of maintaining the peace of the world. Such restriction upon its authority is desirable, in order to preclude the offering of excuses about the possibility of such government's interfering in the domestic affairs of a nation.

Such central government should have the undisputed authority to provide that no nation will be allowed to violate the territory of any other nation. Certainly no person in any country, if he is truly desirous of world peace, could object to granting absolute authority to a world government to use its power for the prevention of forcible attack by any nation against any other nation.

The law of the proposed international government should declare positively that no nation will be allowed to violate the territory of any other nation. The world government should require the surrender of all weapons and equipment acquired for the waging of war. Such government should also prohibit every nation from enacting laws for the conscription of their people for war.

The international government should be provided with a military force wholly under its control and of sufficient magnitude to compel prompt obedience by any nation or nations to the constitutional decrees of the world power.

The military power of the world authority should consist of any and all means necessary, suitable and effective and great enough to compel the obedience of any nation or nations to its constitutional decrees.

The manpower for the international government should be composed of volunteers from every country in the world in numbers bearing the same proportion to the total number of persons in the whole international force, as the population of such country bears to the number of people in the entire world. The persons constituting such world force, as already stated, should be volunteers and they should receive ample compensation in order to make their positions attractive, and also to develop true dignity in those serving in such force.

From what has been said, the conclusion is unavoidable that we cannot assure permanent peace, by having one or a number of nations announce to the rest of the world that it is the duty of the other part of the world to disarm, while the nation making such announcement keeps in its possession a force of such magnitude as will enable it to overawe other nations. If we are really sincere in urging the rule of reason and the sacred rights of individuals everywhere, then we should be willing and ready to join all other nations in providing for the settlement of disputes between nations in accordance with the reason and judgment of the majority of all mankind.

In reference to the control of the atomic bomb, let me first say that it should be absolutely outlawed by the people of the world. There is, however, no basis in principle for advocating the prohibition of the use of the atomic bomb, and at the same time claiming that one or all nations should have military power of a certain magnitude consisting of armies, navies, air force, or other means for making war. The reason for prohibiting nations from using the atomic bomb or other kinds of military force against other nations, in accordance with the judgment of the majority of mankind, denies with equal force the right of any nation to use any and all means for waging war. To wholly embrace and uphold the principles of democracy we must be willing and ready to say to all the world that we are prepared to give up all means for carrying on war if the other nations will do likewise.

The governmental spokesmen of no nation on earth would dare to tell their people, or let their people know that they, as such spokesmen, had refused to assure the peace of the world by agreeing to discontinue the use of all means of waging war. Certainly if such proposal were to be announced by the greatest nation in the world it could not possibly be refused. Persons selected, from each of the nations, for the military or police force of the world authority, should be subject to the approval of the Government under which they hold citizenship. After having become members of the international force, however, such persons should be absolutely subject to the directions of the world government.

It may be said that this plan is too idealistic. That is the usual answer to the proposal of any fundamental remedy for the betterment of the lot of mankind. It is also said that those in authority in the governments of the world could not be induced to adopt such a policy. My answer to that statement is that if the proposal is made in direct, unequivocal, simple and clear terms, I care not what government it may be, it dare not say to its people that it has refused to join with other nations in an effective arrangement which would for all time prevent wars and the brutality and terrible loss of life which has invariably been the lot of the plain people of a nation when they have blindly followed their vainglorious so-called leaders into a conflict with another nation and which leads but to mutual slaughter.

In order to make absolutely certain that the law and decrees of the world government will be respected, provision would be made for the appointment by the world government of inspectors with authority to go anywhere in the nation to which they may be assigned and to enter any buildings and upon any property for the purpose of making the inspection necessary to assure obedience to the law and decrees of the world government.

Inspectors employed by the world government and assigned to duty within the boundaries of any nation, would be residents and citizens of nations other than the nation in which such inspectors would be assigned to the duty of inspection.

Not only would the inspectors be authorized and required to make the most thorough and rigid investigation to prevent the wrongful and unlawful making of atomic bombs but would also make inspections in order to prevent the production of any other means of waging war.

If violations of the law or decrees of the world government were discovered then the full force of the world government would be directed against the offending nation and its illegal action would be stopped.

Sooner or later the world must make a definite choice between government by law and rule by force and destruction.

There is little hope of government by the Parliament of Man of which Tennyson wrote if nations in discussing the possibility of a world government by law, insist always in advance that they must be allowed to keep certain means for making war. If, however, the great nations of the world will say to the whole world in language that cannot be misunderstood: "We are willing and eager to have a parliament of all mankind, selected in a democratic way and which will act in accordance with the principles of democracy to prevent any nation from attacking, with force, another nation regardless of what the attacker may claim to be a "justification," then we could hope for and expect the establishment of an effective world government. Just as no person in our country, regardless of his provocation, is allowed to strike another person, so no nation, regardless of the excuse it might offer, would be allowed to attack another nation.

Let us then, Mr. Speaker, do all in our power to prevent a repetition of the terrible wars which have brought untold suffering and misery to millions of people.

Let us bring about a realization of the ideal of Tennyson when he used these words:

Till the war-drum throbb'd no longer,
And the battle-flags were furl'd
In the Parliament of man,
The Federation of the world.

Mr. CANNON of Missouri. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: Page 1, line 9, insert the following:

"SENATE

"To enable the Secretary of the Senate to make the additional disbursements and to perform the additional duties and functions required of his office by reason of the enactment of the Legislative Reorganization Act of 1946, fiscal year 1947, $173,667; and he is hereby authorized to allocate necessary portions of the said sum to the various Senate appropriations and to make transfers between same, including those contained in the Legislative Branch Appropriation Act for the fiscal year 1947 and those provided for in the said Reorganization Act: *Provided, however,* That the positions and funds now allocated to any Senator or to any standing committee chairman shall be continued until March 31, 1947, unless otherwise directed by the Senator or the chairman."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. CANNON of Missouri moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur in the same with an amendment, as follows:

In line 6 of the matter inserted by said amendment, after the word "authorized", insert ", subject to the approval of the chairman of the Committee To Audit and Control the Contingent Expenses of the Senate (Committee on Rules and Administration, if and when elected)."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 2: Page 2, line 12, insert the following:

"ADMINISTRATIVE ASSISTANTS TO SENATORS

"For compensation of an administrative assistant to each Senator, to be appointed by him, at a base salary of not to exceed $8,000 per year, to assist him in carrying out his departmental business and other duties, fiscal year 1947, $384,000, or so much thereof as may be necessary, to be available at the beginning of the Eightieth Congress."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: Page 2, line 19, insert the following:

"SENATE POLICY COMMITTEE

"For maintenance of a staff for a majority policy committee and a minority policy committee in the Senate, consisting of seven members each, for the formulation of overall legislative policy of the respective parties, the members of such staffs to assist in study, analysis, and research on problem involved in policy determinations, and to be appointed, and their compensation fixed, by the policy committee concerned, at rates not to exceed $8,000 per annum in any case, $15,000 for each such committee, in all, fiscal year 1947, $30,000, to be available at the beginning of the Eightieth Congress."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement:

The Clerk read as follows:

Senate amendment No. 11: Page 8, line 5, insert the following:

"FEDERAL SECURITY AGENCY"

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12: On page 8, line 6, insert the following:

"Grants to States for maternal and child-health services: For an additional amount, fiscal year 1947, for grants to States for maternal and child-health services, including Department of Labor Appropriation Acts, 1947, $9,180,000."

Mr. CANNON of Missouri. Mr. Speaker, I move to recede and concur with an amendment, which I send to the desk.

The Clerk read as follows:

Mr. CANNON of Missouri moves to recede and concur with an amendment as follows: In lieu of the sum named in said amendment, insert "$6,885,000: *Provided*, That such additional amounts shall be allotted on a pro rata basis among the several States in proportion to the amounts to which the respective States are entitled for each fiscal year by reason of section 401 of the Social Security Act amendments of 1946."

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield.

Mr. JUDD. May I ask the chairman of the committee, the additional funds granted in these amendments 12, 13, and 14 do not contemplate the Children's Bureau entering into any new program, is that right?

Mr. CANNON of Missouri. The only change we propose is to conform with Budget Bureau recommendations.

Mr. JUDD. It merely gives them more money for the same kind of program? It does not extend the kind of work they can do?

Mr. CANNON of Missouri. The changes are in response to the provisions of the new Social Security Act amendments of 1946.

Mr. JUDD. The one we just passed a few minutes ago?

Mr. CANNON of Missouri. Yes.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri [Mr. CANNON].

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 13: Page 8, line 11, insert:

"Grants to States for services for crippled children: For an additional amount, fiscal year 1947, for grants to States for services for crippled children, including the objects specified under this head in the Department of Labor Appropriation Act, 1947, $6,130,000."

Mr. CANNON of Missouri. Mr. Speaker, I move to recede and concur with an amendment, which I send to the desk.

The Clerk read as follows:

Mr. CANNON of Missouri moves to recede and concur with an amendment as follows: In lieu of the sum named in said amendment, insert "$4,597,500: *Provided*, That such additional amounts shall be allotted on a pro rata basis among the several States in proportion to the amounts to which the respective States are entitled for each fiscal year by reason of section 401 of the Social Security Act amendments of 1946."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 14: Page 8, line 16, insert:

"Grants to States for child-welfare services: For an additional amount, fiscal year 1947, for grants to States for child-welfare services, including the objects specified under this head in the Department of Labor Appropriation Act, 1947, $3,490,000."

Mr. CANNON of Missouri. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Mr. CANNON of Missouri moves to recede and concur in the Senate amendment No. 14 with an amendment as follows: In lieu of the sum named in said amendment, insert: "$2,617,500: *Provided*, That such additional amounts shall be allotted on a pro rata basis among the several States in proportion to the amounts to which the respective States are entitled for each fiscal year by reason of section 401 of the Social Security Act amendments of 1946."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 15: Page 8, line 21, insert:

"Salaries and expenses, maternal and child welfare: For an additional amount, fiscal year 1947, for salaries and expenses, maternal and child welfare, including the objects specified under this head in the Department of Labor Appropriation Act, 1947, and including also travel, printing and binding, penalty mail, contingent and other expenses, $925,500."

Mr. CANNON of Missouri. Mr. Speaker, I move to recede and concur with an amendment, which I send to the desk.

The Clerk read as follows:

Mr. CANNON of Missouri moves to recede and concur in the Senate amendment No. 15 with an amendment as follows: In lieu of the sum named in said amendment, insert "$425,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 16: Page 9, line 3, insert:

"The appropriations contained in the four preceding paragraphs shall not be available for obligation until the enactment into law of H. R. 7037, Seventy-ninth Congress."

Mr. CANNON of Missouri. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 17: page 9, line 6, insert:

"PUBLIC HEALTH SERVICE"

Mr. CANNON of Missouri. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 20. Page 10, line 14, insert:

"Hospital and construction activities: For carrying out the provisions of title VI of the Public Health Service Act as amended (S. 191), fiscal year 1947, including travel; printing and binding; the objects specified in the paragraph immediately following the caption 'Public Health Service' in the Federal Security Agency Appropriation Act, 1947; and the purchase of eight passenger automobiles; $2,425,000, of which not to exceed $147,147 may be transferred to the appropriation 'Pay, and so forth, commissioned officers, Public Health Service,' for not to exceed 28 commissioned officers, and not to exceed $41,680 may be transferred to the appropriation 'Salaries, Office of the General Counsel,' Office of the Administrator, Federal Security Agency: *Provided*, That this appropriation shall be available for personal services without regard to section 14 (a) of the Federal Employees Pay Act of 1946: *Provided further*, That the availability of this appropriation is contingent upon the enactment into law of said S. 191."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur in the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

"Hospital and construction activities: For carrying out the provisions of title VI of the Public Health Service Act as amended (S. 191), fiscal year 1947, including travel; printing, and binding; the objects specified in the paragraph immediately following the caption 'Public Health Service' in the Federal Security Agency Appropriation Act, 1947; and the purchase of eight passenger automobiles; $2,350,000, of which not to exceed $120,600 may be transferred to the appropriation 'Pay, etc., commissioned officers, Public Health Service' for not to exceed 28 commissioned officers, and not to exceed $34,175

may be transferred to the appropriation 'Salaries, Office of the General Counsel,' Office of the Administrator, Federal Security Agency: *Provided*, That the availability of this appropriation is contingent upon the enactment into law of said S. 191."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24. Page 13, line 22, insert:

"VETERANS' ADMINISTRATION

"Automobiles and other conveyances for disabled veterans: To enable the Administrator of Veterans' Affairs to provide an automobile or other conveyance, equipped with such special attachments and devices as the Administrator may deem necessary, for each veteran of World War II, whether or not discharged from service, who (1) is entitled to disability compensation or pension under the laws administered by the Veterans' Administration, and (2) is unable, because of the loss, or loss of use, of one or both lower limbs, to use normal means of locomotion or ambulation: *Provided*, That no part of the money appropriated by this paragraph shall be used for the repair, maintenance, or replacement of any such automobile or other conveyance and no veteran shall be given an automobile or other conveyance under the provisions of this paragraph until it is established to the satisfaction of the Administrator that such veteran will be able to operate such automobile or other conveyance in a manner consistent with his own safety and the safety of others, and will be licensed to operate such automobile or other conveyance by the State of his residence, $30,000,000, to remain available until expended."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. CANNON of Missouri moves that the House recede from its disagreement to the amendment of the Senate No. 24, and concur in the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"VETERANS' ADMINISTRATION

"Automobiles and other conveyances for disabled veterans: To enable the Administrator of Veterans' Affairs to provide an automobile or other conveyance, at a cost per vehicle or conveyance of not to exceed $1,600, including equipment with such special attachments and devices as the Administrator may deem necessary, for each veteran of World War II who is entitled to compensation for the loss, or loss of use, of one or both legs at or above the ankle under the laws administered by the Veterans' Administration, $30,000,000: *Provided*, That no part of the money appropriated by this paragraph shall be used for the repair, maintenance, or replacement of any such automobile or other conveyance and no veteran shall be given an automobile or other conveyance under the provisions of this paragraph until it is established to the satisfaction of the Administrator that such veteran will be able to operate such automobile or other conveyance in a manner consistent with his own safety and the safety of others and will be licensed to operate such automobile or other conveyance by the State of his residence or other proper licensing authority: *Provided further*, That under such regulations as the Administrator may prescribe the furnishing of such automobile or other conveyance shall be accomplished by the Administrator paying the total purchase price to the seller from whom the veteran is purchasing under sales agreement between the seller and the veteran."

Mr. CANNON of Missouri. Mr. Speaker, this amendment, which has probably attracted as much attention as any single provision in the bill, has been very carefully worked out with General Bradley and his assistants.

The only difference in this amendment and the original Senate version is that we restrict it to service-connected disabilities.

Additional differences are:

A cost limitation on the vehicle or conveyance to be supplied.

Limitation to actual compensation cases, which would mean men out of the armed services.

Clarity as to the incapacity to conform with present Veterans' Administration interpretations of existing law. Without the amendment, the loss of a limb would be interpreted a loss from the torso down. The amendment makes it definitely a loss of any part of the leg from the ankle up, and General Bradley said in interpreting the language of the amendment, if a foot were virtually useless, the sufferer would be qualified.

Provision pertains to procurement procedure, which obviously is essential.

Mr. Speaker, I now yield 5 minutes to the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Speaker, I believe that those who were wounded in the service of their country, and the widows and dependents of those who sacrificed their all for their country, are entitled to the Nation's bounty. When a similar bill, the so-called amputees' bill, H. R. 7171, was before the House on Tuesday, July 30, 1946, under unanimous consent request for its immediate consideration without debate, and without amendment, I objected, and insisted there should be opportunity for careful debate and amendment.

It was my view then and it is my view now that the subject matter of this legislation should be further and more carefully considered by the Committee on World War Veterans' Legislation, and by Congress. I was of the opinion that the legislation discriminated against men who had lost their lower limbs, one or both legs below the knee, and I insisted that while it provided for additional benefits for those who had lost one or both of their legs at or above the knee, no benefits were provided for the sightless, for those who had lost their eyes, and none for the armless, those who had lost their arms, none for those from whose backs vertabrae had been taken, none for those who had been burned and otherwise sorely disabled.

Mr. Speaker, the veterans believe in justice; they oppose discrimination among veterans whether intended or not, and it was and is my view that if the Congress legislates to provide additional benefits and additional compensation for the heroes who lost their legs, we should at the same time provide for others who suffered similar disabilities, with similar degrees and percentages of disabilities that entitled them to compensation. I am now confirmed in that belief. The amendment adopted by the Senate differs from the bill that was proposed to be passed in the House by unanimous consent, and the substitute now proposed differs from either the House bill or the amendment adopted by the Senate. In my judgment, sympathizing as I do profoundly with all, having insisted through the years that the wounded, the disabled, and their dependents, are entitled to first consideration, we should provide for all without discrimination and that in a generous effort to provide for some, we will not even satisfy all of the men who lost one or both of their limbs. We will satisfy a comparatively few of those who are mangled and wounded, but there are many others who will be dissatisfied by the passage of this bill. There will be a far greater number of those who lost their eyes, their arms or who were otherwise disabled and mangled, who will be dissatisfied.

For these reasons I insisted that the bill be given further consideration by the Committee on World War Veterans' Legislation. The chairman of the Committee on Appropriations has just stated that this Congress during the session since January 1946 has appropriated a total of approximately $10,400,000,000 for the Veterans' Administration and the veterans of our wars. If we have not made adequate and generous provisions for them all, for all who suffered similar disabilities, we ought to consider all, as we considered all, when we passed the GI bill.

We ought not to take it up piecemeal and provide for some, because in providing for some we will disappoint many. It is my thought that the United States of America, having made the most generous provision for her veterans ever made by any nation in all history, should do its dead level best to provide for all, giving all, without discrimination, whether intended or not, the same consideration, no matter how badly wounded or disabled the veteran might be.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. CANNON of Missouri. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. WHITTINGTON. Mr. Speaker, while the proposed substitute is not adequate and while all disabled should be considered the substitute proposal is an improvement on the House bill and on the amendment adopted by the Senate. It limits the appropriation to those who were disabled in line of duty. It differs therein from the Senate amendment. It limits it to those who are able to obtain licenses for the operation of the cars. It restricts the kinds of cars that may be purchased, differing therein from both the House bill and the Senate amendment, and limits it to cars with appliances that can only be used by the amputees if and when the Administrator of Veterans' Affairs decides that they are qualified and capable of operating them.

My sympathies go out to the men who are disabled and wounded. I always thought that this bill ought to be care-

fully considered. We might as well be frank. There is resentment by many patriotic citizens at Congress because there is sentiment in the country that we have not been as careful in the consideration of veterans' legislation as we should have been. There is a fault, and it is either in the legislation or the administration of it, because many good patriotic citizens have complained to me, as I have understood they have to other Members of Congress, that the provisions that we made in veterans' legislation for unemployment compensation are being abused, and that the provisions that Congress has made for training and for rehabilitating have been abused. I thought and still think that we should give more careful consideration to all the legislation that we have provided for veterans giving to the disabled men hospitalization, providing for their rehabilitation, giving them means of locomotion, if the Administrator who is in charge of the Veterans' Administration says and reports to Congress that they need it after careful study, and that we should do justice by all, whether they have lost their legs, their arms, or their eyes.

I extend to say it is a mistake to pass the pending appropriation at the present time without providing comparable benefits for all veterans who have lost one or both or any part of their legs and for all veterans with similar loss of organs whether they be legs, arms, or eyes, or whether the disabilities are such that the veterans are even more disabled.

Veterans who have lost both legs in many cases draw $200 a month. Congress has recently increased the compensation 20 percent. They are also provided with rehabilitation and training so as to give them an opportunity to follow a business, trade, or profession in keeping with their disabilities. They are allowed hospitalization. If any additional reasonable provisions can be made for them, whether it be to assist them with conveyances, and if similar provision can be made for other veterans with similar percentages of disability and the interests of all will be promoted thereby, I will give careful consideration in the future as in the past to any additional needed benefits not only to amputees but to other veterans with similar percentages and degrees of disability.

It is my view that the pending bill with provision for one class of our disabled veterans will cause dissension among the veterans themselves. I put it mildly when I say that, in my judgment, the passage of even the substitute proposed by the pending motion, although a vast improvement on the said H. R. 7171, and the amendment inserted as a rider in the Senate in the pending deficiency appropriation bill, will not be satisfactory to disabled veterans. Nevertheless, in pleasing a few of the amputees, other amputees will be disappointed, other veterans will be dissatisfied. The provisions of this substitute will be a headache to the disabled and wounded veterans as well as to Congress. The whole matter of benefits to the disabled and wounded should be restudied when Congress reassembles so that justice may be done to all veterans who have been mangled and wounded with a loss of organs, whether eyes or arms or legs, and with other bodily wounds and similar disabilities. I am interested in promoting the welfare of all disabled and all wounded veterans. I think it unwise to accord special treatment to one class and refuse or delay similar treatment to others suffering with comparable disabilities and with similar percentages of disability.

Mr. CANNON of Missouri. Mr. Speaker, I yield 7 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, in reply to our distinguished colleague from Mississippi, let me say that the veterans' laws are not the only ones that have not been properly administered. I asked for a rule day before yesterday in order that this bill might be brought to the floor of the House for amendments. In my honest opinion it is unfortunate that the word "automobile" was ever used in connection with this legislation. I said before the Committee on Rules, and I say now, that I would much rather vote for a readjustment rehabilitation allowance of $1,500 for every veteran who lost a hand or a foot or an eye or who became paralyzed as a result of injuries received in the war. There are about 20,000 of them. The cost at the outside would not be more than $30,000,000.

I am not unmindful of the fact that we are pouring money by the billions into the sink holes of Europe. I voted against the British loan, or the British gift, because I saw them repudiate their debts to the United States after the last war.

These men are not gold brickers. They are not men who clamored for war and then dodged the draft. I wonder how many millionaires in this country we will uncover yet who clamored for war and then dodged the draft, or sought a storm cellar where they could make money out of the conflict.

These are front-line men. They are men for whom the war will never end. They are men who will carry the scars of battle to their graves.

I, for one, would much rather give them a readjustment allowance of $1,500 apiece than vote $400,000,000 for the prefabricated housing racketeers who are getting rich now at the expense of the servicemen, unloading prefabricated houses on them at three or four times what they are worth.

I would much rather give this $30,000,000 to the men who lost legs or the men who lost hands or the men who lost their eyes, or the men who became paralyzed as the result of war injuries, or the men who are now forced to lie motionless, using iron lungs in order to breathe—I would much rather give them $30,000,000 and say to them, "Take this and do as you please with it."

I am going to support this amendment, but my honest opinion is that when you bring this in with an automobile provision in this way you probably do a great psychological injustice to these men. You are going to force them to prove they need an automobile before they can get this compensation.

I have been chairman of the Veterans' Committee now since 1931. Someone has said that you never get any praise for what you do for veterans, but you get cussed for what you do not do. That is not altogether true. I have passed more veterans' legislation under my name than any other man who has ever served in Congress. Several years ago you remember I led the fight here to raise the base pay of the men in the armed forces to $50 a month. I said we were not paying the men in the rank and file adequately. I have never known anything to contribute so much to increasing or building up the morale of the men in the armed forces as the passage of that measure to raise the base pay to $50 a month.

This $30,000,000 is a mere bagatelle compared to what we are spending for other things. As I said, I will support the amendment, but I would much prefer to have had this bill come in under a rule and let us provide this amount for every man who lost a leg, an eye, or an arm, or who had become paralyzed, or disabled for 1 year, as a result of his service in the war.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. HAND. Mr. Speaker, I am glad to note that Congress is about to pass legislation to provide automobiles for veterans who, by reason of their war injuries, require such a special aid in order to restore them to useful civilian life. I call attention, with some pride, to the fact that the original bill on this subject, H. R. 6089, was introduced by me on April 12, 1946. That bill provides:

> That the Veterans' Administration shall cause to be furnished to all honorably discharged veterans of World War II who are certified by the Administration to be true paraplegic cases, specially designed automobiles to enable such veterans to engage in useful occupations: *Provided*, That no such automobile shall be furnished to a paraplegic veteran until it is established to the satisfaction of the Veterans' Administration that (a) such veteran is physically able to safely operate such automobile; and (b) will be licensed to do so by the State of his domicile.
>
> SEC. 2. There is hereby authorized to be appropriated to the Veterans' Administration a sum not exceeding $2,000,000 for this purpose.

Later additional legislation was introduced by Congresswoman ROGERS of Massachusetts and others to include amputees. While this later legislation has been criticized in some quarters as being ultra-generous, it nevertheless is consistent with the policy of Congress to do what is necessary to restore to useful civilian life our veterans who have sacrificed their bodies for the common welfare.

I think, Mr. Speaker, I may be permitted to express some satisfaction in the part that I played in this legislation.

Mr. CANNON of Missouri. Mr. Speaker, I move the previous question.

The previous question was ordered.

The motion was agreed to.

The SPEAKER. The Clerk will report Senate amendment No. 22, which was inadvertently passed over.

The Clerk read as follows:

Senate amendment No. 22: On page 11, line 21, insert the following:

"War and emergency damage, Territory of Hawaii: For carrying out the provisions of section 2 of the act entitled 'An act to provide emergency relief for the victims of the seismic waves which struck the Territory of Hawaii, and for other purposes' (H. R. 6918, 79th Cong.), to be expended by the Commissioner of Public Roads in accordance with provisions applicable to its customary operations in the construction, rehabilitation, and repair of roads, highways, and bridges, by contract or otherwise, and necessary expenses incident thereto without regard, outside continental United States, to section 3709 of the Revised Statutes, including personal services in the District of Columbia or elsewhere and employment of personnel outside the continental United States without regard to civil-service and classification laws and section 14 (a) of the Federal Employees Pay Act of 1946, and the purchase of passenger motor vehicles, $8,000,000, to remain available until expended."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. CANNON of Missouri moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur in the same with an amendment, as follows: In line 5 of the matter inserted by said amendment, strike out the following: "(H. R. 6918, 79th Cong.)"; and in lines 15 and 16 of the matter inserted by said amendment, strike out the following: "and section 14 (a) of the Federal Employees Pay Act of 1946."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 28: On page 22, line 9, insert the following:

"SEC. 302. Section 2 (a) of the act of June 11, 1946 (Public Law 404, 79th Cong.), is amended by striking out the period at the end thereof and inserting a semicolon and the following: 'and the Veterans' Emergency Housing Act of 1946.'"

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 29: On page 22, line 14, strike out "302" and insert "303."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that all who have spoken on the conference report may have 5 days in which to extend their remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. WIGGLESWORTH asked and was given permission to extend his own remarks in the RECORD and include a newspaper article.

Mr. KNUTSON (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks.

Mr. McCORMACK (at the request of Mr. BULWINKLE) was given permission to extend his remarks in the RECORD with respect to the legislative achievements of the Seventy-ninth Congress.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate, by Mr. Koerber, its assistant enrolling clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5626) entitled "An act to authorize the Veterans' Administration to appoint and employ retired officers without affecting their retired status," and for other purposes.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries.

DECLARATION OF RECESS

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess of the House at any time today.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. HENDRICKS. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the Committee on Rules if he is going to call up some rules because I am interested in one particular rule.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] is going to file a rule as soon as he can get recognition.

Mr. SABATH. Mr. Speaker, I have been trying to file it earlier during the day and I have it in my hand now.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

APPOINTMENT OF COMMISSIONS AND COMMITTEES

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that, notwithstanding the sine die adjournment of the House, the Speaker be authorized to appoint commissions and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GENERAL LEAVE TO EXTEND REMARKS UNTIL LAST EDITION OF RECORD

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that all Members of the House shall have the privilege until the last edition authorized by the Joint Committee on Printing is published to extend and revise their own remarks in the CONGRESSIONAL RECORD, on more than one subject, if they so desire, and also to include therein such short quotations as may be necessary to explain or complete such extension of remarks; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of Congress.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AUTHORIZING CLERK OF HOUSE TO RECEIVE SENATE MESSAGES

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that, notwithstanding the sine die adjournment of the House, the Clerk be authorized to receive messages from the Senate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AUTHORIZING CLERK OF THE HOUSE TO DESIGNATE A SUBORDINATE

Mr. BULWINKLE. Mr. Speaker, I ask for the immediate consideration of a resolution (H. Res. 753) which I send to the Clerk's desk:

The Clerk read the resolution, as follows:

Resolved, That in order that the duties of his office may be discharged in case of his absence or disability or in case his office should become vacant, the Clerk of the House of Representatives on or before August 2, 1946, shall designate a subordinate in his office to perform the duties thereof in any of such contingencies until there shall have been an election of officers of the House at the commencement of the Eightieth Congress. Such designee, when acting under this authorization, shall subscribe himself as Acting Clerk of the House of Representatives, and shall be paid in addition to his present compensation, from the contingent fund of the House, an additional amount at the rate of $200 per month, dating from the date of his designation until the commencement of the Eightieth Congress.

The Clerk of the House shall promptly communicate to the Speaker the name of the employee designated hereunder for the information of the House.

The resolution was agreed to.

COMMITTEE ON POSTWAR ECONOMIC POLICY AND PLANNING

Mr. COLMER. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution (H. Res. 754), which I send to the desk.

The Clerk read the resolution, as follows:

Resolved, That the Special Committee on Postwar Economic Policy and Planning be authorized to continue its investigations authorized under House Resolution 408 of the Seventy-eighth Congress as continued by House Resolution 60 of the Seventy-ninth Congress notwithstanding the adjournment of the House. The Committee on Postwar Economic Policy and Planning shall make reports to the House of the results of its studies and investigations provided for in said resolutions, House Resolution 408 of the Seventy-eighth Congress as continued by House Resolution 60 of the Seventy-ninth Congress, during recesses and adjournments and that such reports shall be filed with the Clerk of the House for printing.

The resolution was agreed to.

MEDITERRANEAN FRUITFLY ERADICATION

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution (H. Res. 757) for printing in the RECORD:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3760) for the relief of certain claimants who suffered losses and sustained damages as the result of the campaign carried out by the Federal Government for the eradication of the Mediterranean fruitfly in the State of Florida; that after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Claims, the bill shall be read for amendment under the 5-minute rule; that at the conclusion of the consideration of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit; that after the passage of the bill (H. R. 3760) it shall be in order to move to discharge the Committee on Claims from the further consideration of the bill S. 1250 and the House shall proceed to consider the same.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and insert therein a résumé and analysis of the important recent measures and a digest of committee action with reference to veterans' legislation in the Seventy-ninth Congress, together with an index. I have an estimate from the Government Printing Office that this will cost $240. Notwithstanding the extra cost, I ask unanimous consent that the extension may be made.

The SPEAKER. Notwithstanding and without objection, the extension may be made.

There was no objection.

Mr. PRICE of Illinois asked and was given permission to extend his remarks in the RECORD in two instances and include a newspaper article.

Mr. DOYLE asked and was given permission to extend his remarks in the RECORD and include an elegy to the memory of the late Franklin Delano Roosevelt.

Mr. FORAND. Mr. Speaker, on yesterday I requested permission for the gentleman from Oklahoma [Mr. STIGLER] to extend his remarks. I am advised by the Public Printer that the cost will be $150. Notwithstanding the extra cost, I ask unanimous consent that the extension may be made.

The SPEAKER. Notwithstanding and without objection, the extension may be made.

There was no objection.

Mr. GORSKI asked and was given permission to extend his remarks in the RECORD and include a plea for human rights for the Baltic states published by the League for Lithuanian Freedom.

Mr. MORRISON asked and was given permission to extend his remarks in the RECORD in four instances, in one to include a letter, in a second to include a letter, and in a third to include two of his own letters.

Mr. DE LACY asked and was given permission to extend his remarks in the Appendix of the RECORD in two instances, in one to include a statement by 135 veterans on the Philippine situation.

Mr. BOYKIN (at the request of Mr. RIVERS) was granted permission to extend his remarks in the RECORD in two instances and include reports from the Secretary of the Interior and the Secretary of Agriculture on Government-owned patents.

Mr. LEA asked and was given permission to extend his own remarks in the RECORD.

Mr. RABAUT asked and was given permission to extend his remarks in the RECORD in three instances, in the first two to include editorials and in the third to include some letters.

Mr. BIEMILLER asked and was given permission to extend his remarks in the RECORD in three instances, in one to include a speech by Howard Williams.

Mrs. ROGERS of Massachusetts asked and was given permission to extend her remarks in the RECORD at the point where the amputee amendment was under consideration and to include certain bills.

HISTORICAL RECORD OF AMERICA'S FIGHTING CONGRESS

Mr. JARMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 755), which I send to the desk.

The Clerk read the resolution, as follows:

Resolved, That a supplementary report to Senate Document No. 94, Seventy-eighth Congress, first session, containing the historical record of "America's Fighting Congress," by William P. Kennedy, Lit. D., be printed as a House document.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. TIBBOTT asked and was given permission to extend his own remarks in the Appendix and include an address.

Mr. ELLIS, Mr. GROSS, Mr. JENKINS, and Mr. HAND asked and were given permission to extend their remarks in the Appendix of the RECORD.

Mr. WOLVERTON of New Jersey asked and was given permission to extend his remarks in seven separate instances, and to include extracts from testimony, reports, and so forth.

Mr. SCHWABE of Missouri asked and was given permission to extend his remarks in the Appendix of the RECORD and include a newspaper article.

Mr. McDONOUGH asked and was given permission to extend his remarks in the Appendix of the RECORD and include a letter from the Amvets, and a column and a news story from the Washington Post of this morning.

Mr. BROWN of Ohio asked and was given permission to extend his own remarks in the RECORD and include an article from the Washington Post of Friday, August 2.

Mr. JUDD asked and was given permission to extend his remarks in the Appendix of the RECORD and include a newspaper article and an editorial.

Mr. PHILLIPS. Mr. Speaker, I have two requests: First, that I may extend my own remarks in the Appendix of the RECORD and include a letter from the Independent Petroleum Association; second, that I may extend my remarks on the subject of the naming of Hoover Dam and insert the supporting material.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BARRETT of Wyoming asked and was given permission to extend his own remarks in the Appendix of the RECORD.

Mr. REED of New York asked and was given permission to extend the remarks he made today on the social security conference report and include tables and other matters.

Mr. AUCHINCLOSS (at the request of Mr. CANFIELD) was given permission to extend his remarks in the Appendix of the RECORD and include a short address.

Mr. FULLER (at the request of Mr. CANFIELD) was given permission to extend his remarks and include a newspaper article.

Mr. SCHWABE of Oklahoma asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial.

Mr. SCHWABE of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include a newspaper article which may slightly exceed the limit fixed by the Joint Committee on Printing.

The SPEAKER. Notwithstanding the excess, without objection, the extension may be made.

There was no objection.

Mr. MUNDT asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial.

Mr. GWINN of New York asked and was given permission to extend his remarks in the Appendix of the RECORD and include excerpts from the Bulletin of the National Republican Club.

Mr. ROBERTSON of North Dakota asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial.

CONGRESSIONAL RECORD

Mr. BULWINKLE. Mr. Speaker, several Members have requested information as to when the last issue of the CONGRESSIONAL RECORD would be printed. It will be 10 days after the date of adjournment, so that anything that is to be inserted in the RECORD must be presented before that time.

UNITED STATES MERCHANT MARINE ACADEMY

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1751) to authorize the course of instruction at the United States Merchant Marine Academy to be given to not exceeding 20 persons at a time from the

American Republics, other than the United States, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, strike out "twenty" and insert "twelve."

Page 2, line 1, strike out "three" and insert "two."

Page 2, strike out lines 15 to 20, inclusive.

Amend the title so as to read: "And act to authorize the course of instruction at the United States Merchant Marine Academy to be given to not exceeding 12 persons at a time from the American Republics, other than the United States."

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I understand the Senate amendments merely cut down the amount authorized by the House.

Mr. PETERSON of Florida. That is right, and also strikes out the War Shipping Administration.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CHICAGO SUN

Mr. KELLY of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KELLY of Illinois. Mr. Speaker, on Monday last, the Chicago Sun, a daily newspaper, carried an editorial regarding my votes on certain legislative matters, with which they, or anyone else, have a right to disagree.

However, in view of what is now happening in Europe—as I read in the morning paper, at least—they may agree with the demand that Soviet Foreign Minister V. M. Molotov is now seeking in his demand for peace by crushing out of existence the form of government of another country whose people are satisfied with its regime.

The majority leader, the gentleman from Massachusetts, the Honorable JOHN MCCORMACK, struck the nail on the head Saturday last in an eloquent address before this Chamber as to what is happening under the spread of communism in Europe. While the Sun and I may disagree, I am not ready to give America away.

The Smith amendment to the emergency housing bill that I voted for, I would gladly support again.

I was one who spoke and voted to repeal the eighteenth amendment to the Constitution, because of the everlasting encroachment practiced by Government agencies into the lives and homes of American citizens.

I well remember the Jones 5-and-10 law.

I certainly would never allow that to happen again in America.

The Democratic Party came into power in 1930 fighting the very issue that you now condemn me for not supporting in section 703 of the National Housing Act, which was equivalent to the Jones 5-and-10 law.

If section 703 remained in the bill, it would practically make Wilson Wyatt, or whoever would be the Administrator, a building czar.

It would give him the right to go into the books and files of all persons, firms, and corporations, or persons having anything to do with distribution, sale, or handling in any manner of materials that go into the construction of homes, including the sale of vacant property.

If this amendment were not defeated, it would show absolute lack of faith in the honesty and integrity of the American people.

It would make it criminal in cases where persons were selling real estate if they could not produce canceled mortgages and tax receipts, even though they were not in default, but if these were asked for and were not forthcoming, the building czar could, under this section, question the honesty of the seller.

The Smith amendment, which I supported, strikes out the language that would give the housing czar the power of subpena and the unconscionable penalties—$5,000 fine or a year of imprisonment, or both, for violation.

This section would, if it remained in the bill, strike at the heart of the little fellow who is more or less careless in keeping documents and receipts, and if he sold his home and could not produce same, he would be classified as a criminal under this section.

With regard to my vote for the appropriation of $75,000 to the Un-American Activities Committee, this is a standing committee of the House, which I opposed in its creation, but as long as it is a standing committee of the House it is entitled to receive from Congress funds appropriated for its functions.

This, of course, has been opposed by organized groups, who have taken part in opposing all apppropriations for its functions—groups who demand legislators to do their bidding and to think the way they think, who constantly disagree with the American ideals of life.

No citizen who believes in our American form of government need have any fear of this committee.

But the groups who do fear this committee and are opposed to it are groups that want to spread the principles of Stalin, nazism, and fascism as was practiced under Mussolini.

Is it a sin to protect America?

And if I am classified as an ambidextrous person for that by your newspaper, I welcome such criticism.

My opposition to the McMahon bill for civilian control of atomic energy is simple.

I have never seen where the President of the United States has ever declared officially that the war has ended.

We who practically perfected the atomic bomb under military supervision have during the fighting kept this secret from other nations.

In reference to section II, which refers to patents, I cannot agree with anybody who wishes to give to a civilian commission during the duration of war the secret of the atomic bomb.

I have met some of the groups who demanded civilian control and some of the scientists who clamored for it, and after my observations and talks with them, I, like many other Members of Congress, feel that this legislation is a bit premature and we are likely to take steps that will menace our security if we pass legislation of this kind in advance of the agreement with reference to peace treaties and the establishment of peace in the world.

The rejection of the Lanham amendment in conference was a mistake, at least in the opinion of many Members, including myself.

From the very beginning, the cards were stacked against the Lanham amendment by well-organized propaganda.

Yet all the authorities on patents in the United States tell us that the Lanham features, the section put in the House bill, would not only protect the Atomic Energy Commission and protect the United States when it came to the question of atomic energy and the making of the bomb, but would protect the industry of the United States, as well.

I further believe that the secrets involved in the formula of the atomic bomb should not be divulged to any nation; that no financial aid and no supplies or equipment which can be converted to or utilized for military purpose shall be granted any country, until a concrete plan for world peace and nonaggression is both proposed and practiced by all nations.

That all nations be frank and honest concerning their plans for the occupation of other nations, and today I only have to cite the condition of the Balkan States, that are practically under supervision of the Soviet Union, without the freedom they enjoyed as free and independent states before the war, with a vague promise that that freedom would be restored upon the ending of the war; yet a year has passed since the shooting has ceased and these nations are still under the Russian domination.

In a recent secret session of the Military Affairs Committee, when this bill was being considered, Mr. Conder C. Henry appeared as an expert witness against the bill.

Mr. Henry was for 17 years the chief examiner of patent applications in the United States Patent Office and for 5 years was Assistant United States Patent Commissioner.

As a witness, he represented both the American Bar Association and the House Committee on Patents, being a member of the committee's national advisory council.

And this man, a loyal American and qualified to speak intelligently upon the merits of this legislation, said, and I quote:

By removing the incentive provided by our patent laws the bill is a radical departure from anything known in our history.

The only parallel I can find to it is a Soviet patent law.

Knowing many angles involved in the greatest discovery yet, I, as an American, am not going to give it up until a just peace has been established, so it will not be used against our Nation.

My vote against the British loan, I explained to many groups before it ever came before Congress.

I served in World War I and remember the vast amount of obligations that this country had to absorb, both in England and France, while actually fighting that war as an ally of England.

In this connection, there are many things too involved to discuss here, but, to cite one example, there was not an American soldier who went to Europe and rode in an English boat going and coming, whose expenses this Government did not have to defray to the English Government.

A few months ago, on a Sunday evening, I met, in the Mayflower Hotel, three very prominent Englishmen—businessmen.

One had been in and out of America since before the First World War.

The other two had just arrived a fortnight ago.

These gentlemen had all seen service in the First World War and one had seen service in the Second World War.

In discussing the situation prevailing in England, much to my surprise, these businessmen of England, here on business, boldly told me and others in the group that the majority of English people were opposed to this loan, stating they did not want to be obligated with this burdensome debt and stating further that they wanted to be left alone, that they were capable of working out their own salvation—that all they needed was food, and nothing else.

They elaborated most extensively on this, saying it was being forced upon them by the party in control of the English Government and made many predictions about its future.

If I were sure that this loan would be applied for the purpose of enabling Britain to choose a better course than economic war and will pledge her to do so, and if Britain agrees to stop restricting United States trade with the sterling countries, to begin negotiations of the debt to India and other nations, and to remove or reduce barriers to trade, such as tariffs, quotas, and cartels, and participate in the International Stabilization Fund and World Bank designed at Bretton Woods, I would not hesitate to vote its approval.

But the very thing I feared is now developing.

Britain has suggested any number of methods in dealing with the Near Eastern difficulties, but they are now almost advocating bribery and with our money to the amount of $300,000,000, for the improvement of the Arabs.

The proposal of the $300,000,000 is designed to soften the Arabs up to the federalization which is used by the British in their search for words to take the curse off partition, which the Arabs are strongly opposed to.

If our money is to be used for the development of projects in Palestine, for the modernization of the Arabs, we can use it right here in America, by a large-scale development, at least, for those who sacrificed their all, that America may live.

I say and will say if our own economy were more stable and our future more secure, perhaps we could afford to be liberal.

There is one thing I respect about the British Government, so ably told by the distinguished gentleman from New York, the Honorable DAN REED, when he states that an English statesman is first, last and all the time for his own nation.

Let us be a little more thoughtful of ours, especially when we are giving away the taxpayers' money.

When you take the time to ridicule a person, you at least ought to be fair.

During the war, I supported and fought for price control, to prevent inflation.

I supported it again when I came back to Congress in 1945.

However, while I was out of Congress, I had the opportunity to see and find out for myself the many inequities that were prevailing under people who administered this act and were not doing it according to the intent of Congress.

They made up their own laws and regulations and exercised them with authority upon the ignorant, unfortunate people.

Congress never gave any OPA board or any person in the Office of Price Administration the right to write people letters or, by threat, to close down their business, without a hearing.

Many hearings were held by incompetent people—and their word was law.

Oh! What I encountered in the way of stupidity!

One could write a book.

And, of course, the shake-down wizard was always on hand.

If I am to be criticized for rectifying these inequities, I can take it.

I am at least trying to put some common sense into the heads of the people who are running this agency, that they may know that all people in business are not scoundrels.

I am enclosing some speeches I made regarding this agency and, in fairness to me, I ask that you publish same, that is, if your paper still carries the motto: "The Truth."

EXTENSION OF REMARKS

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Ohio [Mr. BENDER] may be permitted to extend his remarks in the RECORD and insert a series of articles by Mr. Bellamy. I am informed by the Public Printer that they will exceed two pages of the RECORD and will cost $255, but I ask that they be inserted notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. HAVENNER asked and was given permission to extend his remarks in the RECORD and include therein a digest of veterans' legislation.

Mr. SABATH asked and was given permission to extend his remarks in the RECORD in three instances, and include in one an article from the Chicago Sun, and in the other an article from the Chicago Times.

UNFINISHED BUSINESS

Mrs. DOUGLAS of California. I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from California?

Mrs. DOUGLAS of California. Mr. Speaker, last week within the borders of this democracy—for the preservation of which nearly a quarter of a million young men laid down their lives in the recent world war—four American citizens, two of them women and one a veteran of 5 years' service in the Army—were brutally shot by an armed and apparently disciplined band of unmasked men.

This week we learned that at almost the same time another American citizen in another State, was lynched. And the press carried stories about still another, who served 15 months in the Philippines and New Guinea, being dragged off a bus in another State by two policemen, who beat him and gouged out his eyes.

These people were Negroes. Had any of the crimes against them been committed by our enemies in the war, the perpetrators would have been summarily sought out and punished.

For nearly half a century—46 years—antilynching bills have been brought, one after another, before the law-makers of the United States. Even now, in the Seventy-ninth Congress, seven such bills have been before the Judiciary Committee of the House of Representatives, since January 1945.

And now we are about to adjourn and go home, leaving this unfinished business.

They say that lynchings have decreased in the United States in recent years. But so long as one lynching is committed in this country—that one is too many.

We cannot legislate against the right of free speech which permits people to make inflammatory statements that foment prejudice and contribute to lynchings—any more than we can legislate against prejudice itself.

But it is within our power—and it is our responsibility, a responsibility that Congress has shirked too long—to enact legislation that will stop these murders.

The Attorney General of the United States and his staff have acted in these recent lynchings with a promptness that is to be highly commended. The President of the United States has expressed himself forcefully on the horror of these acts of violence. He has again gone on record—as he did when he was a Member of Congress—for the passage of Federal antilynching legislation.

The Federal Government, through the Attorney General, is doing all that it is now empowered to do. FBI agents, invited by Governor Arnall, are in his and other States where the crimes have been committed. The local district attorneys are working closely with the Attorney

General's office. The Civil Rights Section of the Attorney General's office is studying all complaints for any sign or evidence which will permit the Federal Government to step in.

But right here we come up against States' rights. Murder is a State affair, though it is the shame of the entire Nation.

The Federal Government—the Attorney General's office—can interfere only where it is proved there has been negligence on the part of the State officials. That is why we need a Federal law, making that kind of mob violence a Federal offense.

VETERANS' ADMINISTRATION

Mr. DURHAM submitted the following conference report and statement on the bill (H. R. 5626) to authorize the Veterans' Administration to appoint and employ retired officers without affecting their retired status, and for other purposes:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5626) to authorize the Veterans' Administration to appoint and employ retired officers without affecting their retired status, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to the same.

CARL T. DURHAM,
ROBERT L. F. SIKES,
CHARLES R. CLASON,
LESLIE C. ARENDS,
Managers on the Part of the House.

WALTER F. GEORGE,
DAVID I. WALSH,
EDWIN C. JOHNSON,
ROBERT M. LA FOLLETTE, JR.,
ROBERT A. TAFT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5626) to authorize the Veterans' Administration to appoint and employ retired officers without affecting their retired status, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The Senate amendment added a new section to the bill which provided under certain conditions an increase in the Federal share of old-age-assistance payments under the Social Security Act to the aged, the dependent children, and the blind. The House bill did not deal with the social-security laws but authorized the Veterans' Administration to appoint and employ retired officers of the Army and Navy without affecting their retired status.

The conference believed that, inasmuch as the subject matter of the Senate amendment is being amply considered by the Congress in connection with the House bill (H. R. 7037) to amend the Social Security Act and the Internal Revenue Code, and for other purposes, the amendment should be stricken from this bill.

CARL T. DURHAM,
ROBERT L. F. SIKES,
CHARLES R. CLASON,
LESLIE C. ARENDS,
Managers on the Part of the House.

Mr. DURHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 5626) to authorize the Veterans' Administration to appoint and employ retired officers without affecting their retired status, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this legislation?

Mr. DURHAM. This legislation gives the Veterans' Administration the privilege of hiring these retired doctors. General Bradley is very much in favor of it and urges the passage of the bill.

Mr. MARTIN of Massachusetts. He needs it because of the shortage of physicians?

Mr. DURHAM. Yes. There are something like 200 of them, and under the law at the present time they cannot be rehired.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SILVER CREEK RECREATIONAL DEMONSTRATION PROJECT, OREGON—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith without my approval the bill (H. R. 2423) to authorize the exchange of lands acquired by the United States for the Silver Creek recreational demonstration project, Oregon, for the purpose of consolidating holdings therein, and for other purposes.

The bill authorizes the Secretary of the Interior to exchange lands for other lands of approximately equal value when, in his opinion, such action is in the interest of the United States.

While I am in accord with the general purposes and objectives of this measure, it contains the same objectionable type of provision which prompted me to withhold my approval recently of the bill S. 1273. The bill S. 1273 provided, as does section I of the present measure, that the title to any lands acquired thereunder shall be satisfactory to the Secretary of the Interior. This provision is objectionable and represents a material change in existing law involving an unwarranted deviation from the long-established and manifestly sound practice under which the Attorney General is charged with the duty of examining the validity of titles to lands acquired by the Government. This duty has for more than a century been vested in the Attorney General with respect to the vast majority of acquisitions and I see no reason to change this general practice which has proven so satisfactory through the years.

An advantage of this long-standing policy has been that the agency of the Government acquiring the land has the independent checking of the title by a disinterested agency. Moreover, there can be no question that the maintenance in the different departments of the Government of staffs of attorneys for the purpose of examining title to land will result in duplication and additional expense, as well as less efficient administration. It is to avoid duplication of this character that the Congress passed and I approved the Reorganization Act of 1945.

For these reasons, I am constrained to withhold my approval from the bill.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 2, 1946.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the message and the accompanying bill will be referred to the Committee on Public Lands and ordered to be printed.

There was no objection.

GEORGIA POWER CO.

Mr. DURHAM. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent for the immediate consideration of the bill (S. 2306) to authorize the Secretary of War to grant Georgia Power Co. a 100-foot perpetual easement across certain land in the State of Alabama constituting a portion of the military reservation designated as Fort Benning, Ga.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. DURHAM. Mr. Speaker, this simply reinstates a former right of the Georgia Power Co. which was taken over by Fort Benning and replaced in another part of the camp.

Mr. MARTIN of Iowa. Reserving the right to object, Mr. Speaker, this bill has for its purpose only the reinstatement of a right that was taken over for use during the wartime?

Mr. DURHAM. That is correct. The line has already been replaced.

Mr. MARTIN of Iowa. There is no objection from this side, Mr. Speaker.

Mr. MICHENER. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and empowered, under such terms and conditions as he may deem advisable, to grant to the Georgia Power Co., its successors and/or assigns for transmission-line purposes, a 100-foot perpetual easement over, across, in, and upon certain land in the State of Alabama

constituting a portion of the military reservation designated as Fort Benning, Ga.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KARL E. BOND

Mr. FERNANDEZ. Mr. Speaker, I call up the conference report on the bill (H. R. 783) for the relief of Karl E. Bond.

The Clerk read the title of the bill.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 783) for the relief of Karl E. Bond, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows: In lieu of the sum inserted by the Senate insert "$5,000"; and the Senate agree to the same.

A. M. FERNANDEZ,
E. H. HEDRICK,
Managers on the Part of the House.

H. M. KILGORE,
KENNETH S. WHERRY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 783) for the relief of Karl E. Bond, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The bill as passed the House appropriated the sum of $7,500 to Karl E. Bond, of Shiprock, N. Mex., in full settlement of all claims against the United States for personal injuries and all expenses incident thereto, resulting from an explosion in the basement of his home caused by leakage of gas from an Indian Service pipe line running from wells at Rattlesnake, N. Mex., to the Indian Service power plant at the Indian agency, Shiprock, N. Mex., on May 26, 1943.

The Senate amended the bill reducing the sum to $2,464.28, and at the conference the sum of $5,000 was agreed upon.

A. M. FERNANDEZ,
E. H. HEDRICK,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. KNUTSON] may extend his own remarks in reply to Representative CANNON of Missouri on taxation.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

JOINT COMMITTEE ON ATOMIC ENERGY

The SPEAKER. Pursuant to the provisions of Public Law 585, Seventy-ninth Congress, the Chair appoints as members of the Joint Committee on Atomic Energy the following Members on the part of the House: Messrs. THOMASON, DURHAM, FORAND, HOLIFIELD, PRICE of Illinois, ELSTON, THOMAS of New Jersey, HINSHAW, and Mrs. LUCE.

DEAN OF OKLAHOMA'S DELEGATION SAYS FAREWELL; PRAISED BY COLLEAGUES

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, as we come to the closing hours of this the second session of the Seventy-ninth Congress, and Members are saying their good-byes and farewells, I have asked the indulgence of my colleagues for this brief time to say what is commonly called my swan song.

During my rather extended service in this body it had never occurred to me what I should say should the occasion ever arise that would necessitate words of farewell to my colleagues in the Congress. As I have listened to swan songs from others who "also ran," after every primary or election during the past 20 years, I have determined that one thing that I would not say or do if and when my hour for such a speech came—that I would not show a bitterness in my heart either against my successful opponent or any of those who contributed to my political demise.

At the closing hour of this session I do not propose to spend the valuable time of this body in discussing the various factors that contributed to my recent defeat, even though they were factors over which I had no control. That is all of little consequence now. Rather than to point out the forces that operated against me, the sizable sum of money that was sent to the district to bring about my defeat, of the unfair smear articles of alleged columnists and others against me, both before and since the primary, I much prefer to think of the many loyal, devoted friends who have remained steadfast during all of these years and who were loyal and true to me at all times. Despite the rising tide of opposition against the ins, the fact that so many friends remained steadfast and loyal is a source of considerable satisfaction. To those real tried-and-true friends I shall ever be grateful and to those who opposed me I hold no malice nor ill will.

Let me make it plain, Mr. Speaker, that I am not angry with anyone. Especially do I desire to emphasize the fact that I have nothing unkind to say about the gentleman who defeated me in the recent Democratic primary and who I am assuming will succeed me in Congress. Strange as it may seem to some I have not the slightest ill will toward him and am not embittered in the remotest degree by the action of the people of the Sixth Congressional District of Oklahoma. The people have been extremely kind to me for the past 20 years and I shall always be grateful to them for the opportunity of representing them in the greatest legislative body in the world. Moreover, they have permitted me not only to think as I please but also I am glad to say to vote as my conscience dictated. That I have done at all times and under all circumstances.

I might add that my successful primary opponent is not only a splendid gentleman, an able lawyer, with a fine personality, but if elected will no doubt in time become an outstanding Member of this body. My wish for him would be that my friends here extend him the same courtesy that you have given me as a Member of this great body where I have been privileged to serve during the past two decades.

Within a few hours after the results of the run-off primary were known, I sent a telegram of congratulations to my successful opponent. The same day I gave out a statement to the newspapers of the district as follows:

The voters of the Sixth District have spoken. I have no excuses to offer. The reason I was not reelected for the eleventh consecutive time to Congress is that I didn't get sufficient votes.

I have sent my successful opponent my hearty congratulations, and wish him well. I might add that I have no bitterness nor ill will toward anyone. It was impossible to buck the rising tide of opposition and resentment against the "ins."

I shall always be deeply grateful to my devoted friends for their faith and confidence in me and for the opportunity of serving the good people of the Sixth Congressional District. I am also thankful to the newspapers of the district that, almost without exception, have been extremely kind to me. The consciousness of knowing that I have given the people the best that is within me is a source of genuine satisfaction.

In leaving this Congress I also want my colleagues to know that I have the kindest feeling toward every Member of this body. Without exception Members of this House have been kind and considerate of me. I have made some close friendships during my life—in college, in the Army, in the State Senate of Oklahoma and finally during my rather extended period of public service in Congress. I can truthfully say that I have never met a finer nor more patriotic group of men and women than those with whom I have served in the Congress nor do I have better friends anywhere than in this House.

The public hears considerable about the sharp political division in this body, how the Democrats sit on one side of the center aisle and the Republicans on the other. It is true that sometimes that division seems sharp and important; but as I stand before you today the much-talked of division between Democrats and Republicans appears almost obliterated. That center aisle before me seems misty and indistinct. The truth is that some of the dearest and best friends that I have formed in this House are among those of the opposition party.

That is especially true in connection with the Committee on Appropriations which I have had the honor to serve for the past 10 years. I have first hand knowledge that Members of that committee have worked faithfully and well and I am sure that what I say about the Appropriations Committee applies to other committees of this House. I have heretofore mentioned Members of my own Subcommittee on Appropriations

that have worked so harmoniously and effectively in our determination to drastically reduce expenses of government without impairing the efficiency of any department or agency of government. The fact that we were able to reduce expenditures in the last annual supply bill for the Interior Department more than $100,000,000 is best evidence of that spirit of cooperation and teamwork. I shall always have a warm spot in my heart for those fine patriotic, courageous men with whom I have had the pleasure and honor of serving and who did their duty without flinching despite carping criticisms and obstacles that were thrown in their pathway.

In paying my respects to all the membership of this House, not only the leaders on both sides and Members in responsibility, I cannot conclude without paying my special tribute to the great Speaker of this House, the Honorable SAM RAYBURN. I have served under a great number of Speakers. They include the late Speaker Longworth, of Ohio; the Honorable John Garner, of Texas; the late Henry T. Rainey, of Illinois; the Honorable Joe Byrns, of Tennessee; and the late brilliant and eloquent William B. Bankhead, of Alabama. As I say, they were all able men and outstanding Speakers. I knew all of them personally and some quite intimately, and was fond of each of them, but I say in all sincerity that the present Speaker of the House, the Honorable SAM RAYBURN, who has served with such distinction and honor as the Presiding Officer of this body during the dark days of the war, measures well in stature with any of the several Speakers who it was my privilege and good fortune to know. In fact, SAM RAYBURN has won a place in the hearts of the Members of this House and the hearts of his countrymen that no other has yet attained. He is not only the soul of honor, but he has been so fair and just in his ruling, so considerate of the rights of others that Members on both sides of this aisle respect and honor him. When the story of the Congress is written and the great Speakers of this House have been listed by the historians, the name of SAM RAYBURN will stand high in the galaxy of fame, among those great men who have been accorded this high honor.

As long as we shall have the Congress of the United States elected by the vote of the sovereign people of America, just that long will democracy live and the rights and liberties of our people be secure. Long live the Congress of the United States.

Mr. MONRONEY. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. MONRONEY. As a Member of Congress who came in as a freshman to receive the splendid and efficient help of the dean of the Oklahoma delegation, I deeply regret, personally and for the State, to see him depart from the House of Representatives. I am fully aware of the great contribution that he has made through the years of his long service here. Particularly have I watched him fight vigorously through the years for the things that benefited not only Oklahoma and its people but the people of the entire Nation. It will be difficult to imagine the House of Representatives without JED JOHNSON engineering important legislation through this House, as he has so ably done in years past.

Mr. JOHNSON of Oklahoma. I thank my distinguished colleague from Oklahoma for his generous statement.

Mr. PETERSON of Florida. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to my colleague from Florida.

Mr. PETERSON of Florida. I simply want to express my deep regret at the fact that the gentleman from Oklahoma is leaving the House of Representatives. He has rendered fine unselfish public service. Shortly after I came here he very greatly assisted me as I know he helped many other new Members. I deeply regret his departure and commend him for his fine spirit. I wish him and his good family happiness and prosperity which they so richly deserve.

Mr. JOHNSON of Oklahoma. I thank the gentleman from Florida for his kind words.

Mr. RIZLEY. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to my colleague.

Mr. RIZLEY. I join with my colleague from the Fifth Congressional District, and I am sure all of the other members of the Oklahoma delegation, in saying that we deeply regret that the gentleman is not to return when the new Congress convenes. I want to personally express my appreciation for the many kindnesses extended to me by the dean of the Oklahoma delegation during the 6 years I have been in the Congress. I wish for him and his family the very best from this time on.

Mr. JOHNSON of Oklahoma. I thank the gentleman from the bottom of my heart.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to proceed for a minute.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JENSEN. Mr. Speaker, I have had the pleasure and privilege for the last four sessions to be a member of the Subcommittee on Appropriations, of which JED JOHNSON has been chairman. I have had an opportunity to know JED JOHNSON, and with a mixed feeling of regret and pleasure I stand here before his colleagues, who hold him in the highest esteem, and say to them and to all who read these remarks that I have never known a more noble patriot, a more honest or a finer man than JED JOHNSON of Oklahoma.

I deeply regret that this House and the American people will not have the benefit of Jed's services in the next Congress. Those in his district who took stock in the smear campaign waged against him will, I am sure, live to regret it as days go by and they learn the truth. But JED JOHNSON of Oklahoma will have peace of mind in the knowledge that he called them as he saw them.

THE PHILIPPINE ARMY

Mr. RANKIN. Mr. Speaker, before we get to the special orders——

The SPEAKER. Will the gentleman permit the Chair to make a statement?

The Chair is going to recognize Members for consent requests to call up legislation but will recognize on no rule, because it would be futile.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2235) to provide a system of relief for veterans, and dependents of veterans, who served during World War II in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the armed forces of the United States pursuant to the military order of July 26, 1941, of the President of the United States and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. SMITH of Ohio. I object.

Mr. RANKIN. Mr. Speaker, will not the gentleman withhold his objection for a moment? I wish to call the attention of the gentleman to the fact that——

Mr. SMITH of Ohio. If the gentleman wishes to make an explanation I will yield for that purpose but I am reserving the right to object.

Mr. RANKIN. I want the gentleman to yield for that purpose. I wish to say to the gentleman from Ohio that the standing Philippine Army was made a part of the armed forces of the United States by the President's order of July 26, 1941. Certain guerrillas, who so courageously carried on the war against the enemy after the fall of the Philippines, were recognized as members of the Philippine Army, and, therefore, a part of the Army of the United States.

The bill provides benefits commencing on July 26, 1941, with respect to those members of the organized military forces and from December 7, 1941, with respect to the guerrilla forces. With respect to both groups the eligible period for benefits under the bill terminates on July 4, 1946.

It is estimated that the number of individuals whose service may be certified by the proper officials of the War Department will be excess of 300,000 and possibly may exceed 350,000.

It is a reasonable estimate that there will be a saving of approximately $5,000,000 per year over the cost under existing law due to the provisions of title I. Hospitalization for service-connected cases only, under title III might, because of backlog cost approximately $5,000,000 the first year and $1,500,000 thereafter, subject to reduction because of mortality. Burial under title IV would cost approximately 15 to 20 million spread over a long period of years, conditioned on mortality rate of such veterans. Therefore, the saving will offset the cost of the benefits in titles III and IV.

The benefits provided in the bill S. 2235 as passed by the Senate are: One, pensions for service-connected disability on a peso basis; two, pensions for service-connected death on a peso basis; three, hospitalization including medical care and necessary supplies and appliances in service-connected cases; and, four, burial benefits. It will be noted that benefits under the Servicemen's Readjustment Act of 1944, as amended are not included in the bill. The bill also contains important administrative provisions necessary for administrative purposes under existing law and for efficient administration of the bill in the Philippine Islands.

Provision is also made for the hospital care and medical treatment in the Philippine Islands of American veterans residing there.

Before the enactment of Public Law 301, Seventy-ninth Congress, February 18, 1946, First Supplemental Surplus Appropriation Rescission Act, 1946, service in the organized military forces of the Government of the Commonwealth of the Philippines was considered active military service for the purpose of all benefits under laws administered by the Veterans' Administration. The Rescission Act approved February 18, 1946, constitutes the present law providing benefits for these veterans and restricts such benefits to the following:

First, as to national service life insurance only such benefits under contracts entered into before the enactment of Public Law 301, Seventy-ninth Congress; and, second, those benefits under laws administered by the Veterans' Administration providing for the payment of pension on account of service-connected disability or death. This law provides that the payment shall be made at the rate of one Philippine peso for each dollar authorized to be paid under the law providing for such pension. The act further validates certain payments made before its enactment.

The existing law is more liberal, by far, than the bill S. 2235 as to benefits for service-connected disability or death in that the former authorizes the application of liberal presumptions both as to sound condition at the time of entry into service and service connection of chronic diseases such as tuberculosis.

Eligibility requirements under the bill are made more restrictive, first, by requiring a screening through new certificates by the War Department and, second, requiring that disability must have resulted from disease or injury or aggravation thereof directly resulting from the performance of active service.

Under existing law, and the bill S. 2235, the same general group of persons is involved. However, due to the screening process employed the load of potential eligibles would be considerably reduced under the bill.

Under existing law hospitalization is not authorized for these persons. This bill would authorize hospitalization of such persons only where they are suffering from disability found to be due to service under the restrictive provisions just mentioned. The Congress has, at least since 1917, recognized hospitalization as an incident to compensation for service-connected disability.

The bill provides a burial allowance not to exceed 100 pesos and the United States flag to drape the casket and thereafter to become the property of the decedent's next of kin.

The bill provides necessary flexibility in order that the benefits may be administered properly taking into consideration the special circumstances existing in the Philippines.

It is provided that the Administrator of Veterans' Affairs be authorized to continue and to establish and maintain in the Philippines such offices, hospitals, and other field installations as he may deem necessary and to purchase land and purchase, construct, and maintain such buildings as he deems necessary, including hospitals and buildings which will be required to house officers and employees of the Veterans' Administration and their dependents. The administration of this authority will be subject, however, to the scrutiny of the Bureau of the Budget and the approval of the Congress in connection with any appropriation requested therefor.

The bill authorizes appointment and employment in the Philippine Islands of persons who are not citizens of the United States and to establish pay scales commensurate with such positions. Under existing law there is no authority which would authorize permanent employment of noncitizens. This provision is thought desirable because of the living conditions in the Philippines which makes it improbable to secure the services of enough citizens of the United States to administer properly all of the provisions of this measure.

The bill provides that while in the Philippine Islands, employees of the Veterans' Administration and members of their immediate families, if citizens of the United States, shall be eligible for hospitalization and medical care at the charges and rates established by the Administrator. The bill has provisions designed to integrate the administration of the measure with the system of laws and veterans regulations presently administered by the Veterans' Administration insofar as the unique conditions in the Philippine Islands make it feasible and desirable.

Successful administration of these benefits will be dependent on the cooperation of the Philippine Government to a large extent and accordingly, it is provided that the President may suspend by Executive order the benefits provided by the bill when it is found that the Government of the Philippine Republic has failed to cooperate in the administration, enforcement, and execution of the act.

Under present law there is no authority for providing domiciliary, medical, or hospital care including treatment, to any person who resides outside of the continental limits of the United States or its Territories or possessions, except hospitalization, including medical treatment, for veterans of the United States who are citizens and who are temporarily sojourning or residing abroad, for disability due to war service in the armed forces of the United States. Accordingly, unless this provision is enacted, all United States citizen-veterans who are permanently residing in the Philippine Islands will be deprived of such benefits.

Mr. SMITH of Ohio. Mr. Speaker, it is of no use for the gentleman to proceed further; I object.

The SPEAKER. Objection is heard.

EXTENSION OF REMARKS

Mr. LECOMPTE asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial from the Union Republican, of Albia, Iowa.

Mr. FOLGER asked and was given permission to extend his remarks in the Appendix of the RECORD and insert a short newspaper article.

RETIREMENT OF HON. MICHAEL J. BRADLEY FROM SERVICE IN THE CONGRESS

Mr. BRADLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, this will probably be my last opportunity to address my colleagues of the House of Representatives, for, as many of you know, I am not a candidate for reelection in the forthcoming congressional elections. I had no thought until a few moments ago of saying anything in the nature of farewell remarks, but even now as I sit here there is a bit of a feeling of nostalgia in my heart, knowing that I shall not return to this great body when it reconvenes for the next Congress in January; so I wish to say briefly for the RECORD that I am grateful to the people of my district who for 10 years honored me by selecting me as their Representative in Congress.

I shall carry with me to my home in Philadelphia a sincere feeling of affection for all those with whom I have served in this Congress. If at times in the heat of debate I have appeared to be unduly emphatic in the presentation of my views, I would only ask those of whom perhaps I have appeared to be critical to realize that there was nothing personal in my attitude, but that I was animated solely by the intenseness of my convictions in expressing what I thought were the sentiments of the people of my district.

I deem it a great honor to have served under the Speaker of this House, the gentleman from Texas, SAM RAYBURN. It was my privilege as a freshman in the Seventy-fifth Congress to vote for him as the majority leader of the House, from which position he was subsequently elevated to Speaker of the House, which to me is the greatest legislative body in the world. I shall also always recollect with pride my association with his distinguished predecessor, the late Speaker Bankhead.

So, my friends, to those not only on my own side of the aisle but also to my Republican colleagues with whom I have had such an intimate friendship, I want

to say that I have an abiding affection for all those with whom I have had the honor and privilege of serving in the Congress of the United States.

Mr. EBERHARTER. Mr. Speaker, I wish I had the eloquence to adequately portray the great sense of loss that we feel by the retirement from this body of my colleague and friend the gentleman from Pennsylvania [Mr. BRADLEY].

Mr. Speaker, MIKE BRADLEY need not apologize for the emphatic manner in which he presented his views on the floor of this House. There is not a Member of this body who does not positively know that when BRADLEY spoke he was advancing views arising purely from the utmost sincerity of conviction and with the highest of motives. This would be a sorry body were there no differences of opinion insofar as legislative policy is concerned, and it is only by the forthright expression of our various and contending views that this country can continue under a true democratic form of Government. There is no man who has served in the past 10 years in Congress who does not have the highest respect and regard for our departing colleague from Pennsylvania. We all feel sorry that he made a decision which will deprive us of not only his comradeship, but of his knowledge, experience, and practical wisdom. He leaves this body with the heartiest wishes from every Member that his future may be happy and contented in every respect, and all that any man could wish.

EXTENSION OF REMARKS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks in the RECORD at this point on the subject of departing Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HARLESS of Arizona asked and was given permission to extend his remarks in the RECORD.

RETIREMENT OF HON. JOHN S. GIBSON FROM SEVENTY-NINTH CONGRESS

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. GIBSON. Mr. Speaker, this will probably be my last address to you as the beloved Speaker of this House, and to the membership constituting this august body, that it will be my privilege to make. As it is known, my services as a Member of this House will terminate at midnight on the 2d of January 1947. It might be said that this was a farewell address to you and to the membership of this House, but this is far from being true. Some of the finest, warmest, deepest, and most cherished friendships of my life have been made through my associations here, and I will never have a farewell for my friends until the last sunset. I would term what I have to say on this occasion as my parting remarks, realizing full well that if it should not be my good fortune for my path to cross that of the membership of this House in the future, that we will meet many times in pleasant memories of our close association here. What I have said and may say, applies to both sides of the Hall; there is no distinction, as I speak not as a Democrat nor as a Republican, but as an American, and I speak to you not as Democrats nor as Republicans, but as Americans who are my friends and in whom I have abiding confidence. I love you as my friends and as great and good Americans. I have since my entry into the Congress realized that it had never been my privilege to associate with more outstanding people than those who constitute the membership of this House.

On many occasions my governmental philosophy has not coincided with that of some other Members, but even on such occasions I have found those disagreeing with me to keep their disagreements on an elevated plane to where personalities were not involved and where friendships were not marred. I feel much richer by having had this association, and the association with the fine ladies and gentlemen who make up this House has broadened me and added much to my perspective of life.

Having been a strong advocate of Jeffersonian democracy throughout my life, I have naturally held as sacred this body and its functions. My associations here have given me new faith in the honor and integrity of this body and new hope for the continuation of our way of life. The Congress of the United States stands as a sea wall against all waves of destruction that seek to dig into the heart of this democracy. As long as this body is made up of men and women of the character and convictions that now occupy these seats before me the heritages we love will be preserved.

With regard to the termination of my services here, I could have but one regret—that is giving up the fine association with my friends to whom I am devoted. It is unfortunate that the populace of the United States are not more mindful of the sacrifices made by one serving in our capacity. I have sacrificed financially, physically, and of my personal privileges and pleasures to serve in this body, which I do not regret.

There is an element working under cover in this country today whose every aim is to destroy the confidence of the American people in its Congress. It is pitiful to know that in too many instances the press and radio commentators have been either willing or unwilling partners in this conspiracy. The purpose is not to hurt any individual, but to destroy the confidence of the people in its legislative body. If this can ever be accomplished, then, of course, our democracy crumbles like snow before a blistering sun.

Finally and at last, the responsibility for the future course of this Nation rests with the people of the United States. The electorate must take the responsibility for the conduct of public officials and the public business. After all, they have a right of choice in that they choose those who are to discharge the public trusts imposed in them by the electorate. The progress being made by the CIO and the Communist Party of this country through the CIO-PAC, which is nothing short of a front organization—yes, a spearhead for communism—is the most alarming and most dangerous force in this country today. It is amazing to see how they can go through the South and literally take over the destiny of the South by the control of the ballot by the underhanded means used by them and by the inexhaustible supply of money they use.

When they can go into Georgia, Alabama, and Oklahoma and take complete control of the ballot, the situation becomes alarming. Frankly, they are meeting with much more success through the South than through the North. The most pitiful spectacle presented is the fact that the poor old southern Negro, the first time he has received the ballot, has permitted this gang to take them over and vote them like cattle. The will of the people would have been just as fully expressed by permitting the CIO to have voted the cattle in Georgia as it was by the colored vote strictly controlled by this gang. How a people, even with the intelligence of the colored people through the South, on their first chance to express themselves at the polls, take the long step they did to sell themselves back into slavery of a more vicious type than that known to the old South is beyond me.

Recently Ilya Ehrenburg, a Russian writer, traveled through the South and wrote most distorted articles tending to create race prejudice and inflame the Negroes against the whites who have proven through the years to be their best friends. • One expression used was with reference to Mississippi, describing it as a place where whites—I quote—"shiver with fright thinking about the mass of unfortunate, angry people who may become tired of singing 'Hallelujah' while waiting their turn to be hanged."

Unfortunately, southern newspapers have seen fit to feed this kind of stuff to our colored people. How any Negro can be gullible enough to swallow such filth, copied from a Russian newspaper where human rights are totally disregarded, is beyond me. I wish that the colored people could see the absolute misery of the slavery and serfdom in which the Russian people live, and compare it with the lives they enjoy in the South.

God pity this Nation and its future unless the people of the United States become awakened to the crisis this democracy now faces.

With faith yet in mankind, and with high hopes for the future of our Commonwealth, I say to you that I bid you adieu, undefeated, and that I will never be defeated until the principles for which I have fought are defeated, and these principles will never perish so long as the hearts of freemen continue to beat.

CONGRESSIONAL REORGANIZATION

Mr. MONRONEY. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MONRONEY. Mr. Speaker, the President today signed the congressional reorganization bill and it has now become law. At this time I want to express my deep appreciation for the great contribution that was made to this proposal to modernize the Congress by our beloved Speaker the gentleman from Texas, SAM RAYBURN, by our majority leader the gentleman from Massachusetts [Mr. McCORMACK], and by the minority leader the gentleman from Massachusetts [Mr. MARTIN]. Without their conscientious and effective help this bill could never have reached the floor of the House nor become law.

This law is not the product of any one man or two men or even the 12 members of the Reorganization Committee, it is the product of almost 100 Members of the House and the Senate who helped to build it by testifying on the various matters that are necessary to modernize our procedure.

Particularly, I want to pay my sincere appreciation and tribute to the distinguished gentleman from Illinois [Mr. DIRKSEN]. He was one of the moving spirits in this reorganization of Congress from its very inception more than 2 years ago. Without his valued and powerful help we could not have even established the committee to study the reorganization of Congress. As every Member within the sound of my voice knows, we could not have carried it through the floor of the House to its final passage without devastating amendments had it not been for his superb work, his excellent debate, and his ability in engineering the bill through to final passage.

And last, but not least, I want to pay a tribute to the help that the members of the press, both daily and special writers, have given to this move to modernize the Congress. They helped immeasurably in acquainting the public with the need for legislative reform, and kept them fully informed as to the provisions of the plan. Much of its support throughout the country has been due to the splendid reporting job that they did in this regard.

The President, in signing the bill, issued a splendid statement regarding the measure which I am printing in the RECORD herewith.

The President's statement is as follows:

STATEMENT BY THE PRESIDENT

The Legislative Reorganization Act of 1946, which I signed today, is one of the most significant advances in the organization of the Congress of the United States since the establishment of that body.

Both as United States Senator and as President, I have had occasion to observe some of the outmoded organizational and procedural traditions that have burdened the legislative branch. The problem of reorganizing and modernizing the Congress has been a peculiarly difficult one, and session after session the Members of the Congress found themselves unable to take decisive steps in tackling the problem.

The Seventy-ninth Congress, however, approached the task with vigor and in a sound and orderly manner. I have nothing but admiration for the way in which the investigation of congressional organization was conducted and particularly for the leaders who formed the special investigating committee and who wrote and sponsored the bill.

I realize that in the process of congressional consideration, compromises and adjustments had to be made and some desirable provisions were deleted. However, the passage of this act shows that progress can be made, and I anticipate that the Congress will continue to pay attention to those parts of the legislative reorganization problem not yet solved.

The present act should permit easier and closer relations between the executive agencies of the Government and the Congress. The expanded staff of the congressional committees and of the agencies in the legislative branch can become a valuable link between the policy-making deliberations of the Congress and the practical administrative experience of the executive branch.

The legislative budget and the provisions on the handling of appropriations will undoubtedly result in clearer and more realistic relationships between the income and expenditure sides of the budget. Further, the changes in the dates for the transmitting of the President's economic report and the report of the Joint Committee on the economic report, required under the Employment Act of 1946, will result in proper integration between the legislative budget and the national program for maximum employment. The Joint Committee will now present its findings and recommendations to the Congress before February 1. The four revenue and appropriation committees in carrying out their new responsibilities under the Reorganization Act, therefore, will have the benefit of the Joint Committee's report for their over-all appraisal and recommendations on Federal receipts, expenditures, debt, and surplus. This timing is essential today when Federal fiscal policy is so closely related to the Nation's economic conditions.

One other provision of the bill deserves special praise—that which raises the salary of Members of Congress from $10,000 to $12,500 plus an expense allowance of $2,500. This is a long overdue step in providing adequate compensation for our Federal legislators.

CONTROL OF RIVER POLLUTION

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CANFIELD. Mr. Speaker, when H. R. 6024 was debated on July 10 the gentleman from South Dakota [Mr. MUNDT] claimed to have seen rank instances of pollution in the State of New Jersey early that month, and he made the following statement:

I regret that a great State like New Jersey should have what virtually represent open sewers coursing through its fair commonwealth and misnamed streams and rivers. I believe legislation of this type could help to correct that very serious situation, and I believe that if you good New Jersey people during the week will go back and stand on the banks of those streams with a clothespin on your nose and dark glasses on your eyes, looking at the disgraceful misuse of the water courses which is permitted in New Jersey, you can come back in a better mood to vote for pollution control legislation.

Mr. Speaker, since that time I have returned to New Jersey, and I did not need a clothespin nor dark glasses to look on New Jersey's waterways. Nor have I come back any more inclined to vote for this bill, which is a gratuitous invasion of the rights of the State of New Jersey and every other State.

We of New Jersey do not claim that our streams are free of all pollution. They are not, and possibly they can never be, because New Jersey is an industrial State, and our navigable waters are used by vessels of commerce more than any other such waters in the United States, as they serve the great ports of New York and Philadelphia.

The gentleman from South Dakota overlooked this, no doubt, when he saw our waterways, and perhaps he compared them with those of his State. He should have borne in mind that New Jersey ranks forty-seventh in land area in the United States, and South Dakota fourteenth; New Jersey ranks ninth in density of population, and South Dakota forty-first. Yet New Jersey ranked seventh in war contracts awarded, and South Dakota forty-seventh, so the gentleman from South Dakota, when speaking of the relatively clean waters of South Dakota in contrast to the alleged polluted waters in New Jersey should realize how densely populated and heavily industrialized New Jersey is compared to the sparse populations and practically no industrial activity in South Dakota.

We of New Jersey, who have spent and are spending millions of dollars annually to combat pollution do resent the unwarranted and untrue charge that our streams and rivers are open sewers. We are combatting pollution and we are winning despite the interruptions of pollution control already caused by the United States Public Health Service and other Federal agencies.

Yet even with the pollution that went with New Jersey's industrial contributions to the war efforts, it might be pointed out that during the year 1944, the last year in which Bureau of Census reports on the subject are available, the death rate in New Jersey declined 3.4 percent, while the death rate in South Dakota was rising 3.1 percent. One of the most dread diseases arising from impure water is typhoid fever, yet New Jersey in 1944 had a death rate of only two-tenths per 100,000 from this cause, a figure identical with the rate in South Dakota, and it can be added that while New Jersey's rate had been consistent at that figure for the past 4 years, South Dakota's during the same period always exceeded that of New Jersey.

Another foul water disease is dysentery. The death rate in New Jersey from this cause is only one-tenth percent per 100,000, and is steadily declining. There were only six deaths from dysentery in the entire State during 1944, a period when considerable infection from this disease was being brought in by men who served overseas in infected areas.

None of the six leading causes of death in New Jersey can be attributed to diseases caused by water pollution. They are heart diseases, cancer, intracranial lesions of vascular origin, nephritis, and pneumonia, and influenza; five of them identical with the leading causes of death in South Dakota, the other, nephritis, dropping behind accidents in the West.

In New Jersey we are controlling pollution, which we admit does exist to some extent, but the State department of

health, which has power under existing laws to rectify these conditions, is working diligently on the subject. There seems to be no question in the minds of Jerseymen that eventually this agency will have rectified these conditions. New Jersey has adequate laws—chapters 10, 11, and 12 of the Revised Statutes of 1937—to preclude pollution of its streams, and this measure, this infringement on our State's rights, might not only nullify but might tie the hands of our State department of health. Insofar as streams within the State of New Jersey and interstate streams bordering on the State are concerned, there is no need for Federal interference.

One of the largest streams in the State is the Passaic River, on which the port of Newark is located, and which carries a great number of oceangoing vessels. In its lower reaches, much of it in my district, it passes through an area of dense population, with hundreds of industries. This river and its tributaries have been cleared of pollution principally by means of the Passaic Valley intercepting sewerage system, operated by the Passaic Valley Sewerage Commission. This system was constructed with moneys appropriated by municipalities in that area in the amount of approximately $23,000,000. The area served by this system has a population of about 1,000,000, or about one-quarter of the population of the State.

The chief engineer of the Passaic Valley Sewage Commission, J. Ralph Van Duyne, in a recent report advised that the river was in "very excellent condition for the month of July," said to be the worst month from the standpoint of pollution. Purity of the river is gaged by the amount of dissolved oxygen in it, the engineer's report stated, and the present percentage is high, thus insuring that the river would not go bad or get smelly.

The next largest stream in importance is the Hackensack River, which has been considerably polluted. However, at the behest of the State department of health, the 1945 session of the State legislature passed an act known as "An act creating the Bergen-Hackensack sanitary sewer district, creating an authority to manage the same, and prescribing the powers and duties thereof and of other public bodies in connection with the construction and operation of sewers and sewage-disposal facilities in said district, and providing ways and means for paying the costs of construction and operation thereof." This act was approved by Gov. Walter E. Edge on May 3, 1945.

In pursuance of this act the authority has been created, and a firm of sanitary and hydraulic engineers has been retained to evolve a comprehensive plan of a sewerage system and sewage-treatment plant to collect the sewage and other polluting matter from the contributory municipalities and convey the same to a treatment plant of adequate capacity and degree of treatment. This report has been approved by the State department of health, and the engineers are now in the process of preparing the details of the design. Manifestly, the program to clean up the pollution of the Hackensack River is actively in progress.

In the Rahway River Valley, the collection and the treatment of the sewage and other polluting matter contributed by the nine municipalities above the point at which the city of Rahway derives its potable water supply from the Rahway River, is controlled by a Rahway Valley joint meeting, which is an organization composed of the nine participating municipalities. Owing to the accleration and increase in production of needed war materials, and the corresponding increase in population, the volume of the sewage and industrial wastes arriving at the sewage treatment plant increased beyond the capacity of the treatment works. At the insistence of the State department of health, the Rahway Valley joint meeting retained a hydraulic and sanitary engineer, who has prepared a report for the expansion of the treatment to care for not only the present but the future demands. This report being acceptable to the Rahway Valley joint meeting, the engineer was directed to prepare the plans and specifications for submission to, and approval by, the department. This is another accomplishment to the end of controlling pollution in the State of New Jersey, and it also is presently very active.

Dr. J. Lynn Mahaffey, director of health for the State of New Jersey, who is doing an excellent job in leading the fight against pollution in our State, says:

> The pollution control in the lower Raritan River Basin is, in my opinion, outstanding.

In this densely populated area, directly in the heart of the State, industrial activity expanded greatly during the war, new manufacturing enterprises were established and the population increased correspondingly. Yet, by reason of the New Jersey State Department of Health's enforcement of pollution laws, municipal sewage treatment plants and such industrial waste treatment plants were installed as was possible with the construction materials made available by the Federal Government. The result was that the Department held control of the pollution in status quo, thus preventing the river from becoming an open sewer. Now that materials and manpower situations show promise of relief many antipollution projects in the Raritan Valley area are again active.

The waters of the Cohansey and Maurice Rivers basin are relatively clean, by reason of the fact that the sewage and other polluting matter discharged into said waters are first subjected to a method of treatment consisting of, as a minimum, sedimentation and chlorination.

Sewage and other polluting matter in the Elizabeth River Valley is presently being collected and treated. This sewerage system serves 11 municipalities in the counties of Essex and Union. The treated effluent discharges into Arthur Kill, the waters of which are under the control of the Interstate Sanitation Commission, and it is significant to note that the treatment provided by this joint treatment plant produces an effluent not only meeting but bettering by far the requirements set forth in the Tri-State compact.

This compact was ratified by Congress in 1935, and creates the Interstate Sanitation Commission for the purpose of controlling the future and abating the existing pollution in the tidal and coastal waters of the adjacent portions of the signatory states of New York, New Jersey, and Connecticut. This commission, pursuant to the powers vested in it by the compact, has issued citations or orders to municipalities contributing to the pollution of said waters, requiring the cessation of same.

As a result, the joint outlet sewer district comprising the municipalities of Weehawken, West New York, and Union City has submitted a preliminary report describing the sewer-collecting system and treatment plant it proposes to build in order to comply with the terms of the compact. The State department of health approved the basic design factors and the joint outlet is now in the process of preparing detailed plans and specifications.

The Borough of Carteret has submitted to the State department of health for approval detailed plans and specifications for its proposed sewer-collecting system, and a preliminary report relating to the proposed sewage-treatment plant.

The municipalities of Bayonne, Hoboken, and Jersey City have retained a hydraulic and sanitary engineer to prepare plans for a comprehensive sewer-collecting and sewage-treatment works. The preliminary proposal relating to the Bayonne system has already been submitted and conferences held respecting the design factors.

The municipalities of Fort Lee, Roselle, and Linden have also retained consulting engineers for the purpose of preparing plans and specifications for a comprehensive sewerage system designed to abate the pollution of the interstate and/or intrastate waters.

There is considerable pollution of the waters of New York Harbor at present, but the above outlined steps, being undertaken by the States involved, will do much—as much if not more than could be done even if this measure were passed—to correct the situation. The conditions in the harbor now are not generally obnoxious to the sight or smell, and the Interstate Sanitation Commission has moved and is moving aggressively and effectively to purify the waters of New York Harbor and the adjacent streams within the metropolitan area.

As to the waters of the Atlantic Ocean extending from Sandy Hook to Cape May, which are constantly policed by the New Jersey Department of Health, particularly during the period of recreational activities, these waters are practically devoid of harmful pollution in spite of the fact that scores of municipalities discharge their sanitary wastes, after treatment, of course, into the ocean. The evidence proving this to be a fact is that millions of vacationists from all parts of the country and foreign lands patronize these waters, and yet there is no recent case where any bather has been affected in his health owing to bathing in these waters. As further evidence, it can be pointed out that New Jersey ranks second among the 48 States

in the shellfish industry, with a $7,000,000 annual business that could not exist if there were excessive contamination and pollution.

In that portion of the Delaware River adjacent to the cities of Camden and Gloucester, N. J., and Philadelphia, Pa., the waters are grossly polluted. Realizing this fact the State department of health instituted chancery court proceedings against the cities of Gloucester and Camden, and with the assistance of the Interstate Commission on the Delaware River Basin obtained a decree commanding each municipality to cease pollution of the Delaware River. As a result, consulting engineers were retained by these communities for the preparation of a comprehensive collecting sewer system and sewage treatment plant. In the case of Camden a preliminary report relating to the proposed sewerage system has already been submitted to the department for review, conferences have been held, and the basic design factors and the method of sewage treatment have been agreed upon. This is another indication that the program of stream pollution in the State of New Jersey is actively in progress.

Respecting Philadelphia, which unquestionably exerts a pollution load on the river many times that emanating from the Jersey side, plans for a collecting-sewer system and sewage-treatment plant are reported to be practically completed. However, should it be that the New Jersey municipalities are menaced by the pollution from Philadelphia, New Jersey can have recourse to the United States Supreme Court for injunctive relief.

Manifestly, it ill-behooves the gentleman from South Dakota [Mr. MUNDT] even to imply that the State of New Jersey is lax in its pollution-control activities. It is true that in some instances the abatement of stream pollution in New Jersey did not, during the war years, keep pace with the increase in volume of pollution discharged into its waters, but this was not due to any relaxation of the State department of health's requirements or its activities in respect to pollution. It was interference by the Federal Government which retarded progress. If any charges are made for the retardation of progress in the matter of stream pollution in New Jersey the responsibility for the suspension of pollution control should be placed where it belongs, that is, upon the United States Public Health Service and other Federal agencies, as has been pointed out in the brief stating the reason for the State department of health's opposition to H. R. 6024.

That the United States Public Health Service has hampered the State of New Jersey in its pollution-control campaign is shown by these examples of actual instances in which the Public Health Service fostered water contamination:

The State of New Jersey proceeded against the Deerfield Packing Corp. with a view toward causing the cessation of the pollution of the Cohansey River, the waters of which are used by the city of Bridgeton, N. J., for potable purposes. The corporation submitted plans and specifications, which the State department of health found satisfactory and in accordance with its rules, regulations, and policies, for treatment of sewage and industrial waste. The State department of health issued permits authorizing the construction and operation of such a treatment plant, but the plant was not constructed because the War Production Board, upon the advise of the United States Public Health Service, questioned the need of the project.

Another example is the case of the United States naval station in Ewing Township, N. J., which is located on the Delaware River watershed above the point from which the city of Trenton derives its potable water. The State department of health required that the station install the highest degree of treatment; sedimentation, oxidation, and chlorination, with a view to safeguarding the health of the public consumers of the potable water. The State required three degrees of treatment. The United States Public Health Service for the same case recommended:

> We feel that under a wartime criteria one of the following minimum degrees of treatment should be employed to protect against excessive pollution of the creek or the creation of nuisance conditions.

This recommendation also stated:

> A review of the available records indicates that the filtration plant is adequate to handle the existing pollution in the river.

It was thus indicated again that Federal standards of pollution control are lower than the State standards in New Jersey.

Still another instance where the Federal Government has interfered at the expense of lowering standards in New Jersey: When a housing development was completed in the Borough of Bellmawr, the State Department of Health required and issued permits to the Borough authorizing the construction and operation of a sewage treatment plant, consisting of sedimentation, oxidation, and chlorination. However, before the War Production Board could authorize the release of materials for the construction of the plant it required the recommendations of the United States Public Health Service as to the need of the project. This service reported the recommendations that a lesser degree of treatment be approved, and recommended that instead of carrying out the full construction plan of the State Board, that the outfall discharge point of the sewer merely be moved further into the creek, below the low-tide level.

State Health Director Mahaffey says:

> It is my considered opinion that no other State in the Union has been as progressive in abatement and control of stream pollution as the State of New Jersey, as a result of its aggressive enforcement of its pollution laws, which I believe are sufficiently adequate. There is nothing the Federal Government could do that is not now being done or for which there is not presently ample remedy.

It must be borne in mind that countless municipalities of New Jersey have in the aggregate spent countless millions of dollars to eliminate pollution. They have in large part been successful. They have done this by means of existing regulatory agencies and under existing laws. There is no need for this bill. It will only mean that an army of inspectors, agents, and clerks will invade the State to duplicate what is already being done. It should be defeated.

INVESTIGATION OF EXCESS PROFITS AND RENEGOTIATION OF CONTRACTS

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, I have taken cognizance of the recent declaration made before the Mead investigating committee by our former colleague, Lindsay Warren, now Comptroller General of the United States, that the American taxpayer has been imposed upon by unscrupulous and unpatriotic wartime profiteers to the extent of untold billions. He made other and startling charges which I cannot gloss over lightly because I have every confidence in the actions and opinions of Lindsay Warren. He has both feet on the ground at all times and is not given to looseness of expression. When he states that from his own experience he knows of leakages and losses due to loose practices on the part of the renegotiation authorities, then I say to you, Mr. Speaker, that the time has come when the Congress, and more particularly the Committee on Ways and Means should take cognizance and go into the question of renegotiation more thoroughly so that we may tighten up the procedure under the law and recapture all unwarranted and excess profits.

In my speech on renegotiation in the CONGRESSIONAL RECORD, volume 91, part 5, pages 6080–6081, I voiced my opinions affecting repricing, renegotiation, and excess profits. It was thought at the time legislation intended to skim off unwarranted profits was ample but whether it is or not, I think that it should be the first order of business of the Eightieth Congress, meeting in January 1947, to reexamine the entire problem and to authorize the Comptroller General to make a thorough audit and, wherever justified, excessive profits should be recaptured and returned to the Treasury of the United States. It is an ineffectual method which on the one hand imposes an excess profits tax while on the other hand permits a nullifying advantage to the war contractor by way of a loose Renegotiation Act. In view of the revelation made by Mr. Warren the entire question of excess profits and renegotiation requires the most careful scrutiny of the Congress at the earliest possible date.

FAREWELL TO OUR COLLEAGUES

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SABATH. Mr. Speaker, I join with other Members in regretting that we should be deprived of the services and fellowship of our friend from Oklahoma,

JED JOHNSON, with whom I have served for over 20 years. We regret also losing that splendid and aggressive Democrat from Pennsylvania, MIKE BRADLEY, whom we all admire for his desire to be of great service to our country at all times. I congratulate his State and the Democratic Party for selecting him as their leader. I feel under his leadership the party will gain the victory that it deserves. I also regret losing our other Members with whom I have had the pleasure of serving. I regret, too, the unfortunate remarks of the gentleman from Georgia assailing organized labor. I feel that organized labor supports and helps those who support and help them. If he did not have their support, I regret that perhaps they felt he was not entitled to their support upon his record. I also regret, Mr. Speaker, that we have not been able to consider and vote on legislation that the country urged and demanded, such as the Wagner-Ellender-Taft general housing bill, the minimum wage bill, the St. Lawrence waterways bill, and several other measures that the country demanded, and which legislation I feel was entitled to favorable consideration at our hands.

Mr. Speaker, I hope we all come back, myself included and though I may say a few harsh things at times about my friends on the left, I do so because I do not possess the ability of expression that other gentlemen have, and put my thoughts into words that may not be pleasing, because I have always felt if I could not say something good about one, I should say nothing. But if I have said anything that might be offensive to anyone I ask his forgiveness. It is never my intention to hurt the feelings of any one. Of course, when I speak of the Republican Party I speak of it as a whole which I believe I am justified in criticizing, because it does not come up to expectations and does not carry out the pledges and promises that it makes to the American people before election day.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield.

Mr. BROWN of Ohio. I appreciate very deeply the remarks of the distinguished gentleman from Illinois, the dean of the House and chairman of the Rules Committee. As chairman of that Rules Committee he has presided over the committee of which I have had the privilege to be a member, and we have had many notable meetings. I think we have put on some pretty good shows, as we say in the parlance of the day. I will say that the gentleman has fought valiantly for his party, many times successfully. Frankly, too often he has been successful in his attempt to take care of his party. But I rose, Mr. Speaker, to say to the House that my distinguished friend, the chairman of the Rules Committee, was kind enough to say to me earlier in the day, and to one or two other Members, that whenever we should happen to be in Chicago to just ask the nearest policeman where we might find the gentleman from Illinois, Congressman SABATH, and we would be welcome to his hospitality. I am sure the gentleman meant that to include every Member of this House.

Mr. SABATH. I do, and I mean it.

Mr. BROWN of Ohio. Of course, it is understood that the policemen will escort the visiting brethren from Congress to the gentleman's residence or club, rather than to the Chicago jail.

Mr. SABATH. Or to the office. I do not think anybody here would be entitled to be taken to jail.

I have confidence in the membership, and including even Republican Members, and should they visit my city they will not need the guidance of any law officer or policeman, because I am sure they possess sufficient resourcefulness and ability to be able to find their way around. My city and I are happy to receive distinguished visitors and we shall at all times try to make their visit a pleasant one. It is my personal hope that you will have an opportunity to visit the metropolis of the Middle West and to become better acquainted with its people.

Mr. Speaker, in conclusion, I wish the membership on both sides of the aisle well in returning to their homes and I hope all the sitting Members will come back to continue to serve our country, and that the Republicans especially will continue under the minority leadership of our distinguished colleague from Massachusetts, the Honorable JOSEPH W. MARTIN, after next January. I know the Democrats will come back again with determination to lead and to aid the administration and the party in serving the people and safeguarding their interest and the country's interest, and to further our democratic form of government.

I appreciate that the membership is aware that in my position of chairman of the Committee on Rules my task was an arduous and difficult one and that I was unable to give some of them a hearing for a rule on some measures, but I have tried to be of service and have endeavored to expedite the business of the House.

We have had extremely exacting sessions during the past 6 years in passing on legislation for defense and for war itself and you are deserving of this vacation to rejoin your families, your friends, and your neighbors, and it is my hope that you will come back with renewed determination and vigor to serve our beloved country.

Mr. Speaker, we were fortunate in having in you such a fair, kindly, and capable presiding officer who, unlike a Speaker of not so many years ago, ruled the House only with his eye to the left. Godspeed to you and the membership.

The SPEAKER. The time of the gentleman from Illinois has expired.

BENEFITS TO FORMER MEMBERS OF WOMEN'S ARMY AUXILIARY CORPS

Mr. DURHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1560) to amend the Service Extension Act of 1941, as amended, to extend reemployment benefits to former members of the Women's Army Auxiliary Corps who entered the Women's Army Corps.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. DURHAM]?

Mr. SMITH of Ohio. Mr. Speaker, reserving the right to object, will the gentleman from North Carolina explain the bill?

Mr. DURHAM. The gentleman will recall that when the Women's Army Auxiliary Corps was in existence it was some year and a half before we made it a permanent part of the Army and there were some 40,000 WAAC's transferred to the WAC's when it became a unit under the War Department. They are not entitled to reemployment benefits. This simply gives to them the benefits that any ordinary soldier gets under the Selective Training and Service Act.

Mr. MARTIN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Ohio. I yield.

Mr. MARTIN of Iowa. I just want to add to the comments of the gentleman from North Carolina that this bill has for its purpose an effort on the part of Congress to do justice to the loyal girls who served in the WAAC's, who continued their service under the WAC later in the war. Those girls should have the privileges and protection of the reemployment rights provided in this legislation.

Mr. DURHAM. That is correct.

Mr. SMITH of Ohio. Mr. Speaker, this is a good bill and I withdraw my reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 7 of the Service Extension Act of 1941, approved August 18, 1941 (55 Stat. 627), as amended (50 U. S. C. App., Supp. IV 357), is further amended by inserting "(a)" after "SEC. 7." and by adding at the end of such section a new subsection (b) to read as follows:

"(b) Any former member of the Women's Army Auxiliary Corps who, within 90 days after termination of her service in that corps, entered active military service by enlistment or appointment in the Women's Army Corps without having accepted a position, other than a temporary position, in the employ of any employer during such 90-day period, shall be entitled to all the reemployment benefits of section 8 of the Selective Training and Service Act of 1940, as amended, with respect to a position which she left to enter service in the Women's Army Auxiliary Corps, to the same extent that a person inducted under said act is entitled to reemployment benefits with respect to a position which he left in order to perform training and service: *Provided*, That, in the case of any such former member who has been discharged from or relieved from active duty in the Women's Army Corps prior to the effective date of this subsection, application for reemployment may be made at any time within 90 days after such effective date. The provisions of section 8 (b) (A) of the Selective Training and Service Act of 1940, as amended, shall be applicable to any such former member without regard to whether the position which she held shall have been covered into the classified civil service during the period of her military service or during the period of her service in the Women's Army Auxiliary Corps."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSFER OF PAINTING FIRST FIGHT OF IRONCLADS, MONITOR AND MERRIMAC

Mr. DURHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 186) to provide for the transfer of the painting First Fight of Ironclads, *Monitor* and *Merrimac*, now stored in the United States Capitol Building, to the custody of the United States Naval Academy.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. DURHAM]?

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That the painting First Fight of Ironclads, *Monitor* and *Merrimac*, by William Formby Halsall, now stored in the United States Capitol Building, be, and the same is hereby, transferred to the permanent custody of the United States Naval Academy. The removal and transport of this painting from the Capitol to the United States Naval Academy at Annapolis, Md., shall be effected at the expense of said Academy, and the Architect of the Capitol shall act for the Joint Committee on the Library in carrying out the provisions of this joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RACKETEERING IN SETTLEMENT OF GOVERNMENT CONTRACTS MUST BE STOPPED

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, a very unsavory situation has recently been called to the attention of this Congress and to the people of the country. High commissioned officers and high-ranking officials in Government who during the war period were engaged in procuring contracts on behalf of the Government and in the renegotiation and settlement of contracts for the procurement of war supplies, have after being separated from the Federal service, become engaged in prosecuting claims against the Government arising out of contracts and agreements for supplies to the Army and the Navy and other Departments of Government. Hearings recently held before congressional commitees have disclosed that this thing has become a real racket. Former military and Government officials have taken advantage of information and of connections they acquired while in Government service. It is a shame and a disgrace that such thing should be perpetrated against the people of this country. It should have been stopped long ago.

Mr. Speaker, I have introduced a bill in this House to prohibit commissioned officers of the military or naval forces of the United States, or any officer or employee of this Government, who has been engaged in the negotiation or settlement or adjustment of contracts on behalf of the Government, to solicit employment in the presentation or the prosecution of claims against the United States, for a period of at least 2 years after he is discharged or released from Government service. Violation of the act is punishable by imprisonment for 1 year or a fine of $10,000.

Mr. Speaker, I realize this legislation will not have a chance to pass during the present session, but I have submitted it so that the Congress can be placed on notice and with the intention of asking for this legislation to have immediate consideration when the Congress convenes again.

In the meantime, I am calling upon the President of the United States to use the War Powers Act granted him by Congress, to issue an Executive order forbidding any Federal employee, military or civilian, from taking part in the settlement or renegotiation of any contracts for a period of 2 years after his separation from the service.

Mr. Speaker, the great majority of Army and Government officials, as well as contractors dealing with war property, are patriotic and have tried to do the right thing. It is indeed a disgrace that a few individuals who have been in Government service, as well as a minority group who obtained contracts during the war, have taken advantage of their own Government at a crucial time in its history, by lining their pockets with millions and hundreds of millions of dollars that belong to the people of this country.

EXTENSION OF REMARKS

Mr. JENSEN asked and was given permission to extend his own remarks in the Appendix of the RECORD and include therein a letter from the Commissioner of Reclamation and a table.

Mr. RANDOLPH asked and was given permission to extend his remarks on three subjects in the Appendix of the RECORD.

Mr. KEE (at the request of Mr. BAILEY) was given permission to extend his remarks in the Appendix of the RECORD and include a copy of a telegram from former Congressman Mitchell, of Illinois.

ACTING CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

AUGUST 2, 1946.

The honorable the SPEAKER,
House of Representatives.

SIR: Pursuant to the provisions of House Resolution 753, adopted by the House today, I have designated Mr. Harry Newlin Megill, an official in my office, to discharge the duties contemplated by said resolution.

Respectfully yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

The SPEAKER. Without objection, the President and the Senate will be notified accordingly.

There was no objection.

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Thereupon (at 4 o'clock and 19 minutes p. m.) the House stood in recess.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 5 o'clock and 32 minutes p. m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Gathing, its enrolling clerk, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 165. Concurrent resolution providing for the sine die adjournment of the second session of the Seventy-ninth Congress.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con Res. 76. Joint resolution authorizing the signing of enrolled bills and joint resolutions after adjournment of the present session of Congress.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. J. Res. 390) entitled "Joint resolution making additional appropriations for the fiscal year 1947, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate, numbered 1, 12, 13, 14, 15, 20, 22, and 24, to the foregoing joint resolution.

The message also announced that the President pro tempore of the Senate had appointed Mr. MCMAHON, Mr. RUSSELL, Mr. JOHNSON of Colorado, Mr. CONNALLY, Mr. BYRD, Mr. VANDENBERG, Mr. MILLIKIN, Mr. HICKENLOOPER, and Mr. KNOWLAND as members on the part of the Senate, of the Atomic Energy Committee created by (S. 1717) entitled "An act for the development and control of atomic energy," approved August 1, 1946.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. BULWINKLE. Mr. Speaker, I offer a resolution (H. Res. 758) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That a committee of two members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed the business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

The SPEAKER. The Chair appoints the gentleman from North Carolina [Mr. BULWINKLE] and the gentleman from Michigan [Mr. MICHENER] as a committee to wait upon the President.

SIGNING ENROLLED BILLS

The Speaker laid before the House the following resolution (S. Con. Res. 76):

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the adjournment of the second session of the Seventy-ninth Congress, the Speaker of the House of Representatives and the President pro tempore of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses which have been examined by the

Committee on Enrolled Bills of the House of Representatives and the Secretary of the Senate and found truly enrolled.

The resolution was agreed to.

RICHARD MORFORD

The SPEAKER. The Chair desires to announce that pursuant to House Resolution 752, Seventy-ninth Congress, he did, on today, August 2, 1946, certify to the United States Attorney, District of Columbia, the willful and deliberate refusal of Richard Morford to produce before the Committee on Un-American Activities for its inspection certain books, papers, and records which had been duly subpenaed.

GEORGE MARSHALL

The SPEAKER. The Chair desires to announce that pursuant to House Resolution 749, Seventy-ninth Congress, he did, on today, August 2, 1946, certify to the United States Attorney, District of Columbia, the willful and deliberate refusal of George Marshall to produce before the Committee on Un-American Activities for its inspection certain books, papers, and records which had been duly subpenaed.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1250. An act for the relief of certain claimants who suffered losses and sustained damages as the result of the campaign carried out by the Federal Government for the eradication of the Mediterranean fruitfly in the State of Florida; to the Committee on Claims.

S. 1439. An act to amend section 2 of the act of January 29, 1942 (56 Stat. 21), relating to the refund of taxes illegally paid by Indian citizens; to the Committee on Indian Affairs.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 341. An act relating to the status of Keetoowah Indians of the Cherokee Nation in Oklahoma, and for other purposes, and authorizing conveyance of the Seger Indian School to Colony Union Graded School District No. 1, Colony, Okla.;

H. R. 434. An act to provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship through voting in a political election in a country not at war with the United States during the Second World War;

H. R. 1002. An act for the relief of Marvin Sachwitz;

H. R. 1070. An act for the relief of Elmer C. Hadlen;

H. R. 1088. An act for the relief of the Eastern Contracting Co., Inc.;

H. R. 1351. An act for the relief of the estate of Estelle Daniel Boyle, deceased, and E. B. Rosegarten;

H. R. 1402. An act for the relief of certain Basque aliens;

H. R. 1459. An act for the relief of Mr. and Mrs. J. W. Williams, Jr.;

H. R. 1497. An act to amend subsection 9 (a) of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended;

H. R. 1519. An act relating to marine insurance in the case of certain employees of the War Department who suffered death, injury, or other casualty prior to April 23, 1943, as a result of marine risks;

H. R. 1570. An act for the relief of Edward Pittwood;

H. R. 1631. An act for the relief of William Tolar Smith;

H. R. 1788. An act for the relief of Mr. and Mrs. Conrad Newman;

H. R. 1860. An act to authorize the Secretary of the Interior to issue a duplicate of Porterfield scrip certificate numbered 53 to the Muskegon Trust Co., Muskegon, Mich., as trustee of the John Torrent trust;

H. R. 1887. An act for the relief of Mrs. Leroy A. Robbins;

H. R. 2033. An act authorizing Federal participation in the cost of protecting the shores of publicly owned property;

H. R. 2161. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Algernon Blair, his heirs or personal representatives, against the United States;

H. R. 2222. An act for the relief of J. L. Harris;

H. R. 2377. An act to authorize the coinage of 50-cent pieces in commemoration of the one-hundredth anniversary of the admission of Iowa into the Union as a State;

H. R. 2485. An act for the relief of Moses Tennenbaum;

H. R. 2504. An act to discontinue certain reports now required by law;

H. R. 2523. An act to provide for lump-sum payment of compensation for accumulated leave and current accrued annual leave to certain officers and employees, and authorizing the appropriation of funds for that purpose;

H. R. 2663. An act for the relief of W. C. Jones, Myrtle M. Jones, and W. W. Tilghman;

H. R. 2716. An act to provide for health programs for Government employees;

H. R. 2850. An act for the relief of Felix Napiorkowski;

H. R. 3099. An act for the relief of Coy C. Brown;

H. R. 3197. An act for the relief of William F. Patchell, Jr.;

H. R. 3361. An act to amend paragraph (1) of section 73 of the Hawaiian Organic Act, as amended;

H. R. 3593. An act relating to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas;

H. R. 3742. An act for the relief of Burgess C. Moore, as administrator of the estate of Lela May Tomlinson, deceased, and as legal guardian of Kay Tomlinson and Larry Max Tomlinson;

H. R. 3833. An act for the relief of Viola McKinney;

H. R. 3908. An act to provide increased pensions to members of the Regular Army, Navy, Marine Corps, and Coast Guard who become disabled by reason of their service therein during other than a period of war;

H. R. 3944. An act authorizing the President of the United States to award a special medal to General of the Armies of the United States John J. Pershing;

H. R. 3973. An act to amend the act entitled "An act to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes," approved June 23, 1943 (57 Stat. 162), and for other purposes;

H. R. 4114. An act to authorize the Secretary of the Interior to sell certain land of Alice Scott White on the Crow Indian Reservation, Mont.;

H. R. 4190. An act granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River at or near Warren, Pa.;

H. R. 4341. An act for the relief of James B. McGoldrick;

H. R. 4375. An act for the relief of Charles Martin;

H. R. 4386. An act to facilitate and simplify the administration of Indian affairs;

H. R. 4406. An act for the relief of Loyal F. Willis;

H. R. 4410. An act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939;

H. R. 4428. An act to adjust the rate of dividends paid by the Federal Savings and Loan Insurance Corporation on its capital stock and to decrease the premium charge for its insurance;

H. R. 4435. An act to establish the Theodore Roosevelt National Park; to erect a monument in memory of Theodore Roosevelt in the village of Medora, N. Dak.; and for other purposes;

H. R. 4466. An act for the relief of Francis T. Lillie and Lois E. Lillie;

H. R. 4497. An act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes;

H. R. 4562. An act to insure the preservation of technical and economic records of domestic sources of ores of metals and minerals;

H. R. 4608. An act for the relief of Mrs. Mary D. Johnson;

H. R. 4686. An act for the relief of the estate of Harry Wright;

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H. R. 4842. An act to amend the act of April 29, 1943, so as to afford a preference for veterans in acquiring certain vessels;

H. R. 4947. An act for the relief of Ethel Guenther;

H. R. 5198. An act for the relief of Marjorie B. Marable;

H. R. 5223. An act to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes;

H. R. 5261. An act for the relief of David Weiss;

H. R. 5278. An act to legalize the admission to the United States of Virginia Harris Casardi;

H. R. 5368. An act for the relief of W. G. Magruder;

H. R. 5372. An act for the relief of Jessie Wolfington;

H. R. 5380. An act to provide for the conferring of the degree of bachelor of science upon graduates of the United States Merchant Marine Academy;

H. R. 5414. An act for the relief of Marie Gorak;

H. R. 5537. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Susquehanna River at a point between the borough of Plymouth, in Plymouth Township, and Hanover Township, in the county of Luzerne, and in the Commonwealth of Pennsylvania;

H. R. 5654. An act to provide basic authority for the performance of certain functions and activities of the Bureau of Reclamation;

H. R. 5725. An act for the relief of Sadie Frey and the estate of Marie Hviding;

H. R. 5756. An act for the retirement of public-school teachers in the District of Columbia;

H. R. 5851. An act for the relief of Second Lt. Francis W. Anderson;

H. R. 5874. An act for the relief of Joseph Maezer;

H. R. 5928. An act to name the bridge located on New Hampshire Avenue, Washington, D. C., over the Baltimore & Ohio Railroad tracks "The Charles A. Langley Bridge";

H. R. 5932. An act providing for the conveyance to the town of Ipswich, in the State of Massachusetts, of lighthouse property at Castle Neck, for public use;

H. R. 5970. An act to permit the members and stockholders of charitable, educational, and religious associations incorporated in the District of Columbia to vote by proxy or by mail;

H. R. 5991. An act to simplify and improve credit services to farmers and promote farm ownership by abolishing certain agricultural lending agencies and functions, by defining the lending powers of the Secretary of Agriculture, by authorizing Government insurance of loans to farmers, by creating preferences for loans and insured mortgages to enable veterans to acquire farms, by providing additional specific authority and directions with respect to the liquidation of resettlement projects and rural rehabilitation projects for resettlement purposes, and for other purposes;

H. R. 6023. An act providing for the conveyance to the city of Atlantic City, in the State of New Jersey, of lighthouse property at Atlantic City, for public use;

H. R. 6030. An act to amend the Civil Aeronautics Act of 1938, as amended, so as to improve international collaboration with respect to meteorology;

H. R. 6057. An act to amend the act of July 11, 1919 (41 Stat. 132), relating to the interchange of property between the Army and the Navy, so as to include the Coast Guard within its provision;

H. R. 6097. An act to amend the act of March 10, 1934, entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes;

H. R. 6141. An act to provide funds for cooperation with the school board of Hunter School District for the construction and equipment of a new school building in the town of Hunter, Sawyer County, Wis., to be available to both Indian and non-Indian children;

H. R. 6148. An act to exempt certain vessels from filing passenger lists;

H. R. 6223. An act to authorize the highway departments of the States of Kentucky and West Virginia to construct, maintain, and operate a free highway bridge across the Tug Fork of the Big Sandy River at or near Williamson, W. Va.;

H. R. 6231. An act for the relief of Frank A. Gorman;

H. R. 6248. An act for the relief of Capital Office Equipment Co.;

H. R. 6263. An act to amend the act of June 23, 1943, so as to authorize inclusion of periods of education and training in an Army Transportation Corps civilian marine school as "service in the merchant marine";

H. R. 6298. An act to protect and facilitate the use of national-forest lands in township 2 north, range 18 west, Ohio River survey, township of Elizabeth, county of Lawrence, State of Ohio, and for other purposes;

H. R. 6307. An act for the relief of Francesco D'Emilio;

H. R. 6408. An act to authorize the War Shipping Administration and the Maritime Commission to make available certain surplus property to certain maritime academies;

H. R. 6423. An act for the relief of Mrs. Ivan B. Hofman;

H. R. 6488. An act to amend the act to provide for the issuance of devices in recognition of the services of merchant sailors;

H. R. 6536. An act for the relief of Southeastern Sand & Gravel Co.;

H. R. 6593. An act for the relief of Milton A. Johnson, and for other purposes;

H. R. 6610. An act to wave certain restrictions of the Hawaiian Organic Act, relating to land exchanges, for the acquisition of certain lands at Hilo, T. H.;

H. R. 6629. An act to provide basic authority for the performance of certain functions and activities of the National Park Service;

H. R. 6642. An act for the relief of certain postmasters;

H. R. 6811. An act relating to veterans' pension, compensation, or retirement pay during hospitalization, institutional, or domiciliary care, and for other purposes;

H. R 6817. An act to provide for the appointment of additional commissioned officers in the Regular Army, and for other purposes;

H. R. 6859. An act to amend section 121 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended, to authorize the appointment of three additional deputies for the register of wills;

H. R. 6890. An act to amend the First War Powers Act, 1941;

H. R. 6896. An act to grant to the city of Miles City, State of Montana, certain land in Custer County, Mont., for industrial and recreational purposes and as a museum site;

H. R. 6899. An act to authorize the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge, or a free bridge, across the Ohio River at or near Lawrenceburg, Dearborn County, Ind.;

H. R. 6900. An act to grant increased service pensions in certain Spanish-American War cases not included in recent legislation providing increases to other Spanish-American War veterans and their dependents, and for other purposes;

H. R. 6918. An act to provide emergency relief for the victims of the seismic waves which struck the Territory of Hawaii, and for other purposes;

H. R. 6932. An act to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products;

H. R. 6953. An act authorizing the city of East St. Louis, Ill., its successors and assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near a point between Delmar Boulevard and Cole Street in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.;

H. R. 6967. An act to improve, strengthen, and expand the Foreign Service of the United States and to consolidate and revise the laws relating to its administration;

H. R. 7004. An act to revise the boundaries of Wind Cave National Park in the State of South Dakota, and for other purposes;

H. R. 7020. An act to provide for the acquisition by exchange of non-Federal property within the Glacier National Park;

H. R. 7030. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Allegheny River, between a point in or near the Borough of Tarentum, in the county of Allegheny, and a point near the boundary of the city of New Kensington and Lower Burrel Township in Westmoreland County in the Commonwealth of Pennsylvania;

H. R. 7039. An act to further amend section 304 of the Naval Reserve Act of 1938, as amended, so as to grant certain benefits to naval personnel engaged in training duty prior to official termination of World War II;

H. R. 7109. An act to amend section 6 of Public Law No. 516 of the Seventy-ninth Congress, approved July 16, 1946;

H. R. 7126. An act to amend section 2 of the act of July 16, 1946 (Public Law 514, 79th Cong.), relating to the establishment and operation in the District of Columbia of nurseries and nursery schools, so as to permit payment of compensation for services rendered after June 30, 1946, and prior to the enactment of such act;

H. J. Res. 366. Joint resolution authorizing and directing the Director of the Fish and Wildlife Service of the Department of the Interior to investigate and eradicate the predatory sea lampreys of the Great Lakes;

H. J. Res. 370. Joint resolution granting certain property to the Commonwealth of Pennsylvania and relinquishing jurisdiction therein; and

H. J. Res. 387. Joint resolution granting permission to Thomas Parran, Surgeon General of the Public Health Service; Rolla E. Dyer, Assistant Surgeon General, Public Health Service; Howard F. Smith, Assistant Surgeon General, Public Health Service; Herbert A. Spencer, medical director, Public Health Service; Vance B. Murray, medical director, Public Health Service; and Gilbert L. Dunnahoo, medical director, Public Health Service, to accept and wear certain decorations bestowed upon them by France, Cuba, Mexico, Chile, Finland, and Luang-Prabang.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2100. An act to remove the limitations on the amount of death compensation or pension payable to widows and children of certain deceased veterans;

S. 2125. An act to amend the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

S. 2256. An act to amend the Servicemen's Readjustment Act of 1944.

S. 2286. An act to amend the act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930.

S. 2332. An act to provide that the unexpended proceeds from the sale of 50-cent pieces coined in commemoration of the two hundred and fiftieth anniversary of the founding of the city of Albany, N. Y., may be paid in to the general fund of such city.

S. 2408. An act to amend the act of February 9, 1907, as amended, with respect to certain fees;

S. 2460. An act to provide additional inducements to citizens of the United States to make a career of the United States military or naval service, and for other purposes;

S. 2477. An act to authorize the Veterans' Administration to reimburse State and local agencies for expenses incurred in rendering services in connection with the administration of certain training programs for veterans, and for other purposes;

S. 2479. An act to amend the act entitled "An act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes," approved February 27, 1925;

S. 2480. An act authorizing the appointment of Robert Sprague Beightler as permanent brigadier general of the line of the Regular Army; and

S. 2498. An act to provide for fire protection of Government and private property in and contiguous to the waters of the District of Columbia.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day pre-

sent to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 434. An act to provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship through voting in a political election in a country not at war with the United States during the Second World War;

H. R. 1002. An act for the relief of Marvin Sachwitz;

H. R. 1070. An act for the relief of Elmer C. Hadlen;

H. R. 1088. An act for the relief of the Eastern Contracting Co., Inc.;

H. R. 1351. An act for the relief of the estate of Estelle Daniel Boyle, deceased, and E. B. Rosegarten;

H. R. 1402. An act for the relief of certain aliens;

H. R. 1459. An act for the relief of Mr. and Mrs. J. W. Williams, Jr.;

H. R. 1497. An act to amend subsection 9 (a) entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended;

H. R. 1519. An act relating to marine insurance in the case of certain employees of the War Department who suffered death, injury, or other casualty prior to April 23, 1943, as a result of marine risks.

H. R. 1570. An act for the relief of Edward Pittwood;

H. R. 1631. An act for the relief of William Tolar Smith;

H. R. 1788. An act for the relief of Mr. and Mrs. Conrad Newman;

H. R. 1860. An act to authorize the Secretary of the Interior to issue a duplicate of Porterfield scrip certificate No. 53 to the Muskegon Trust Co., Muskegon, Mich., as trustee of the John Torrent trust.

H. R. 1887. An act for the relief of Mrs. Leroy A. Robbins;

H. R. 2033. An act authorizing Federal participation in the cost of protecting the shores of publicly owned property;

H. R. 2161. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Algernon Blair, his heirs or personal representatives, against the United States;

H. R. 2222. An act for the relief of J. L. Harris;

H. R. 2377. An act to authorize the coinage of 50-cent pieces in commemoration of the one-hundredth anniversary of the admission of Iowa into the Union as a State;

H. R. 2485. An act for the relief of Moses Tennenbaum;

H. R. 2504. An act to discontinue certain reports now required by law;

H. R. 2523. An act to provide for lump-sum payment of compensation for accumulated leave and current accrued annual leave to certain officers and employees, and authorizing the appropriation of funds for that purpose;

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H. R. 3361. An act to amend paragraph (1) of section 73 of the Hawaiian Organic Act, as amended;

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H. R. 3742. An act for the relief of Burgess C. Moore, as administrator of the estate of Lela May Tomlinson, deceased, and as legal guardian of Kay Tomlinson and Larry Max Tomlinson;

H. R. 3833. An act for the relief of Viola McKinney;

H. R. 3908. An act to provide increased pensions to members of the Regular Army, Navy, Marine Corps, and Coast Guard who become disabled by reason of their service therein during other than a period of war;

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H. R. 4114. An act to authorize the Secretary of the Interior to sell certain land of Alice Scott White on the Crow Indian Reservation, Mont.;

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H. R. 5372. An act for the relief of Jessie Wolfington;

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H. R. 6629. An act to provide basic authority for the performance of certain functions and activities of the National Park Service;

H. R. 6642. An act for the relief of certain postmasters;

H. R. 6811. An act relating to veterans' pension, compensation, or retirement pay during hospitalization, institutional, or domiciliary care, and for other purposes;

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H. R. 7039. An act to further amend section 304 of the Naval Reserve Act of 1938, as amended, so as to grant certain benefits to naval personnel engaged in training duty prior to official termination of World War II.

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H. R. 7126. An act to amend section 2 of the act of July 16, 1946 (Public Law No. 514, 79th Cong.), relating to the establishment and operation in the District of Columbia of nurseries and nursery schools, so as to permit payment of compensation for services rendered after June 30, 1946, and prior to the enactment of such act.

H. J. Res. 366. Joint resolution authorizing and directing the Director of the Fish and Wildlife Service of the Department of the Interior to investigate and eradicate the predatory sea lampreys of the Great Lakes.

H. J. Res. 370. Joint resolution granting certain property to the Commonwealth of Pennsylvania and relinquishing jurisdiction therein; and

H. J. Res. 387. Joint resolution granting permission to Thomas Parran, Surgeon General of the Public Health Service; Rolla E. Dyer, assistant Surgeon General, Public Health Service; Howard F. Smith, assistant Surgeon General, Public Health Service; Herbert A. Spencer, medical director, Public Health Service; Vance B. Murray, medical director, Public Health Service; and Gilbert L. Dunnahoo, medical director, Public Health Service, to accept and wear certain decorations bestowed upon them by France, Cuba, Mexico, Chile, Finland, and Luang-Prabang.

HON. SAM RAYBURN

The SPEAKER. Will the gentleman from New York [Mr. HANCOCK] kindly take the chair?

Mr. HANCOCK assumed the chair.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, I offer a resolution (H. Res. 759), which I send to the Clerk's desk.

The Clerk read the resolution, as follows:

Resolved, That the thanks of the House are presented to the Honorable SAM RAYBURN, Speaker of the House of Representatives, for the able, impartial, and dignified manner in which he has presided over the deliberations and performed the arduous duties of the Chair during the present term of Congress.

Mr. MICHENER. Mr. Speaker, I am sure that this resolution speaks the sentiment of every Member of the House, regardless of political affiliations. We all realize the difficulty of dispensing exact justice under the rules of the House, especially when the Members are oftimes in such different and beligerent frames of mind. You have done your job well. You have the respect and confidence of every one of us, and the Members on this side of the aisle are in unison in wishing for you a pleasant, restful, and profitable vacation.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was unanimously agreed to.

The SPEAKER resumed the chair.

The SPEAKER. Members of the House of Representatives, and to you Mr. MICHENER especially, for this high tribute I offer to you the thanks of a grateful heart. There have been many times when we have had disagreements in this Chamber, but I have not known of a time in all the many years—now more than a third of a century that I have served in this body—that when the supreme test came we have not thought and acted together. There has never been a crisis in all of these years when with practical unanimity the House of Representatives has failed to demonstrate not only its patriotism but a high order of wisdom. It is going to be said that many things have been left undone that should have been done. In a few instances that is true. But many times it is better to leave undone some things than to rush and do them in too great a hurry. Always just out ahead is another session of Congress. Sometimes it does not hurt for some proposal to ripen a little while. I have said in your presence before that the House of Representatives has been my life; and next to family and friends, it has been and is my love. Everywhere and at all times I shall defend your patriotism, your love of country, and I will always say that you are as wise a group of men and women as could possibly be assembled in the United States of America. To each and every one of you I return my heartfelt thanks for your manifold kindnesses and courtesies. If it had not been for your helpfulness and your friendship and your loyalty to me personally, the duties that I have had to carry would have been even more arduous and onerous. Again, let me say, I thank you. I wish for each and everyone of you a safe return home, that your surroundings may be pleasant, and that you will find your loved ones and friends well and happy. Again, I thank you.

REPORT OF JOINT COMMITTEE TO NOTIFY PRESIDENT

Mr. BULWINKLE. Mr. Speaker, your committee appointed to join a committee of the Senate to inform the President that the Congress is ready to adjourn, and to ask him if he has any further communications to make to the Congress, has performed that duty. The President has directed us to say that he has no further communication to make to the Congress, and he wishes to have his kindest regards expressed to the Members.

ADJOURNMENT

Mr. BULWINKLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; thereupon (at 5 o'clock and 43 minutes p. m.), pursuant to House Concurrent Resolution 165, the House adjourned sine die.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED AFTER SINE DIE ADJOURNMENT

Pursuant to the authority granted the Speaker by Senate Concurrent Resolution 76, he did, on August 5, 1946, sign the

following enrolled bills and joint resolution of the Senate:

S. 334. An act for the relief of the Trust Association of H. Kempner;

S. 1560. An act to amend the Service Extension Act of 1941, as amended, to extend reemployment benefits to former members of the Women's Army Auxiliary Corps who entered the Women's Army Corps;

S. 2306. An act to authorize the Secretary of War to grant Georgia Power Co. a 100-foot perpetual easement across certain land in the State of Alabama constituting a portion of the military reservation designated as Fort Benning, Ga.; and

S. J. Res. 186. Joint resolution to provide for the transfer of the painting First Fight of Ironclads, *Monitor* and *Merrimac*, now stored in the United States Capitol Building, to the custody of the United States Naval Academy.

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported on August 3, 1946, that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker pursuant to authority granted him by Senate Concurrent Resolution 76:

H. R. 228. An act for the relief of Robert June;

H. R. 386. An act to amend the law relating to the authority of certain employees of the Immigration and Naturalization Service to make arrests without warrant in certain cases and to search vehicles within certain areas;

H. R. 783. An act for the relief of Karl E. Bond;

H. R. 935. An act for the relief of Andreas Andersen;

H. R. 957. An act for the relief of Margaret Dunn;

H. R. 1357. An act for the relief of the estate of Otto Frederick Gnospelius, deceased;

H. R. 1633. An act for the relief of Raymond Crosby;

H. R. 1751. An act to authorize the course of instruction at the United States Merchant Marine Academy to be given to not exceeding 12 persons at a time from the American Republics, other than the United States;

H. R. 2093. An act for the relief of J. P. Kerr and Robert P. Kerr;

H. R. 2480. An act for the relief of Wesley A. Mangelsdorf;

H. R. 2586. An act to authorize the leasing of Indian lands situated within the State of Washington, for business and other purposes;

H. R. 2736. An act for the relief of Norman Abbott;

H. R. 2851. An act to provide for investigating the matter of the establishment of a national park in the old part of the city of Philadelphia, for the purpose of conserving the historical objects and buildings therein;

H. R. 2893. An act to amend the act of February 15, 1929;

H. R. 3058. An act to authorize the use of certain lands of the United States for flowage in connection with providing additional storage space in the Pensacola Reservoir of the Grand River Dam project in Oklahoma, and for other purposes;

H. R. 3209. An act for the relief of Edward A. Mason;

H. R. 3210. An act for the relief of Clyde O. Payne;

H. R. 3619. An act for the relief of Harry D. Koons;

H. R. 3703. An act for the relief of the city and county of San Francisco;

H. R. 3855. An act for the relief of Martin A. Tucker and Emma M. Tucker;

H. R. 4362. An act to abolish the Parker River National Wildlife Refuge in Essex County, Mass., to authorize and direct the restoration to the former owners of the land comprising such refuge, and for other purposes;

H. R. 4374. An act for the relief of the legal guardian of Rudolph K. Bartels, Jr., a minor;

H. R. 4769. An act to amend section 5 of the act entitled "An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton";

H. R. 4844. An act to place Chinese wives of American citizens on a nonquota basis;

H. R. 4860. An act for the relief of Materials Handling Machinery Co., Inc.;

H. R. 4924. An act for the relief of Joseph A. Brown;

H. R. 5031. An act for the relief of Ernest C. Heine and Harriet W. Heine;

H. R. 5050. An act for the relief of Minnie P. Shorey;

H. R. 5093. An act for the relief of Albert Whilden;

H. R. 5125. An act to establish the Castle Clinton National Monument, in the city of New York, and for other purposes;

H. R. 5128. An act to provide for the conveyance of certain real property to Roy C. Lammers;

H. R. 5134. An act for the relief of Clarence W. Ohm;

H. R. 5144. An act to establish a national air museum, and for other purposes;

H. R. 5166. An act for the relief of Raphael Elder;

H. R. 5287. An act for the relief of Mrs. Cecile W. McAfee, the legal guardian of Sarah McAfee, a minor, and Haven H. McAfee;

H. R. 5288. An act for the relief of Warren M. Miller;

H. R. 5463. An act for the relief of Hiram H. Wilson;

H. R. 5469. An act for the relief of Bertha Lillian Robbins and Charles Robbins;

H. R. 5527. An act for the relief of Dimitrios Karamouzis (known as James C. Karamouzis or James C. Kar);

H. R. 5552. An act relating to the sale by the United States of surplus vessels suitable for fishing;

H. R. 5560. An act to fix the rate of postage on domestic air mail, and for other purposes;

H. R. 5603. An act for the relief of Wilford B. Brown;

H. R. 5626. An act to authorize the Veterans' Administration to appoint and employ retired officers without affecting their retired status, and for other purposes;

H. R. 5847. An act for the relief of Watson Airfotos, Inc.;

H. R. 5848. An act for the relief of Mrs. Millicent Moore;

H. R. 5849. An act for the relief of Mrs. Grace A. Phillips;

H. R. 6012. An act for the relief of Lippert Bros.;

H. R. 6161. An act for the relief of the legal guardian of Samuel Roscoe Thompson, a minor;

H. R. 6165. An act to provide for the preparation of a membership roll of the Indians of the Yakima Reservation, Wash., and for other purposes;

H. R. 6255. An act for the relief of Thomas A. Beddingfield and his wife, Opal May Beddingfield;

H. R. 6381. An act for the relief of Thomas L. Brett;

H. R. 6399. An act for the relief of Caesar Henry;

H. R. 6455. An act to amend the act entitled "An act to provide books for the adult blind";

H. R. 6721. An act to authorize the Postmaster General to accept gifts and bequests for the benefit of the library of the Post Office Department.

H. R. 6828. An act to provide for continuance of the farm labor supply program up to and including June 30, 1947;

H. R. 7037. An act to amend the Social Security Act and the Internal Revenue Code, and for other purposes;

H. R. 7046. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky." approved May 18, 1928;

H. J. Res. 35. Joint resolution designating November 19, 1946, the anniversary of Lincoln's Gettysburg Address, as Dedication Day; and

H. J. Res. 390. Joint resolution making additional appropriations for the fiscal year 1947, and for other purposes.

HOUSE OF REPRESENTATIVES—PROCEEDINGS SUBSEQUENT TO ADJOURNMENT

The SPEAKER, pursuant to the authority conferred upon him by House Resolution 645, Seventy-ninth Congress, and the order of the House of August 2, 1946, empowering him to appoint commissions and committees authorized by law or by the House did on August 6, 1946, appoint as members of the Special Committee to Investigate Campaign Expenditures, the following Members of the House: Mr. O'NEAL, chairman; Mr. PRIEST; Mr. FOGARTY; Mr. ALLEN of Illinois; Mr. CURTIS.

MESSAGE FROM THE SENATE AFTER SINE DIE ADJOURNMENT

A message from the Senate, received by the Clerk of the House on August 3, 1946, after the sine die adjournment of Congress, announced that the Senate had passed, without amendment, bills of the House of the following titles:

H. R. 2893. An act to amend the act of February 15, 1929;

H. R. 3058. An act to authorize the use of certain lands of the United States for flowage in connection with providing additional storage space in the Pensacola Reservoir of the Grand River Dam project in Oklahoma, and for other purposes;

H. R. 4362. An act to abolish the Parker River National Wildlife Refuge in Essex County, Mass., to authorize and direct the restoration to the former owners of the land comprising such refuge, and for other purposes;

H. R. 4769. An act to amend section 5 of the act entitled "An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton";

H. R. 4844. An act to place Chinese wives of American citizens on a nonquota basis;

H. R. 5527. An act for the relief of Dimitrios Karamouzis (known as James C. Karamouzis or James C. Kar);

H. R. 5552. An act relating to the sale by the United States of surplus vessels suitable for fishing;

H. R. 6165. An act to provide for the preparation of a membership roll of the Indians of the Yakima Reservation, Wash., and for other purposes;

H. R. 6721. An act to authorize the Postmaster General to accept gifts and bequests for the benefit of the library of the Post Office Department; and

H. R. 6828. An act to provide for continuance of the farm-labor-supply program up to and including June 30, 1947.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on August 5, 1946, present to the President, for his

approval, bills of the House of the following titles:

H. R. 228. An act for the relief of Robert June;

H. R. 341. An act relating to the status of Keetoowah Indians of the Cherokee Nation in Oklahoma, and for other purposes, and authorizing conveyance of the Seger Indian School to Colony Union Graded School District No. 1, Colony, Okla.;

H. R. 386. An act to amend the law relating to the authority of certain employees of the Immigration and Naturalization Service to make arrests without warrant in certain cases and to search vehicles within certain areas;

H. R. 783. An act for the relief of Karl E. Bond;

H. R. 935. An act for the relief of Andreas Andersen;

H. R. 957. An act for the relief of Margaret Dunn;

H. R. 1357. An act for the relief of the estate of Otto Frederick Gnospelius, deceased;

H. R. 1633. An act for the relief of Raymond Crosby;

H. R. 1751. An act to authorize the course of instruction at the United States Merchant Marine Academy to be given to not exceeding 12 persons at a time from the American Republics, other than the United States;

H. R. 2093. An act for the relief of J. P. Kerr and Robert P. Kerr;

H. R. 2480. An act for the relief of Wesley A. Mangelsdorf;

H. R. 2586. An act to authorize the leasing of Indian lands situated within the State of Washington, for business and other purposes;

H. R. 2736. An act for the relief of Norman Abbott;

H. R. 2851. An act to provide for investigating the matter of the establishment of a national park in the old part of the city of Philadelphia, for the purpose of conserving the historical objects and buildings therein;

H. R. 2893. An act to amend the act of February 15, 1929;

H. R. 3058. An act to authorize the use of certain lands of the United States for flowage in connection with providing additional storage space in the Pensacola Reservoir of the Grand River Dam project in Oklahoma, and for other purposes;

H. R. 3209. An act for the relief of Edward A. Mason;

H. R. 3210. An act for the relief of Clyde O. Payne;

H. R. 3619. An act for the relief of Harry D. Koons;

H. R. 3703. An act for the relief of the city and county of San Francisco;

H. R. 3855. An act for the relief of Martin A. Tucker and Emma N. Tucker;

H. R. 4362. An act to abolish the Parker River National Wildlife Refuge in Essex County, Mass., to authorize and direct the restoration to the former owners of the land comprising such refuge, and for other purposes;

H. R. 4769. An act to amend section 5 of the act entitled "An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton";

H. R. 4374. An act for the relief of the legal guardian of Rudolph K. Bartels, Jr., a minor;

H. R. 4844. An act to place Chinese wives of American citizens on a nonquota basis;

H. R. 4860. An act for the relief of Materials Handling Machinery Co., Inc.;

H. R. 4924. An act for the relief of Joseph A. Brown;

H. R. 5050. An act for the relief of Minnie P. Shorey;

H. R. 5031. An act for the relief of Ernest C. Heine and Harriet W. Heine;

H. R. 5093. An act for the relief of Albert Whilden;

H. R. 5125. An act to establish the Castle Clinton National Monument, in the city of New York, and for other purposes;

H. R. 5128. An act to provide for the conveyance of certain real property to Roy C. Lammers;

H. R. 5134. An act for the relief of Clarence W. Ohm;

H. R. 5144. An act to establish a national air museum, and for other purposes;

H. R. 5166. An act for the relief of Raphael Elder;

H. R. 5287. An act for the relief of Mrs. Cecile W. McAfee, the legal guardian of Sarah McAfee, a minor, and Haven H. McAfee;

H. R. 5288. An act for the relief of Warren M. Miller;

H. R. 5463. An act for the relief of Hiram H. Wilson;

H. R. 5469. An act for the relief of Bertha Lillian Robbins and Charles Robbins;

H. R. 5527. An act for the relief of Dimitrios Karamouzis (known as James C. Karamouzis or James C. Kar);

H. R. 5552. An act relating to the sale by the United States of surplus vessels suitable for fishing;

H. R. 5560. An act to fix the rate of postage on domestic air mail, and for other purposes;

H. R. 5603. An act for the relief of Wilford B. Brown;

H. R. 5626. An act to authorize the Veterans' Administration to appoint and employ retired officers without affecting their retired status, and for other purposes;

H. R. 5847. An act for the relief of Watson Airfotos, Inc.;

H. R. 5848. An act for the relief of Mrs. Millicent Moore;

H. R. 5849. An act for the relief of Mrs. Grace A. Phillips;

H. R. 6012. An act for the relief of Lippert Bros.;

H. R. 6161. An act for the relief of the legal guardian of Samuel Roscoe Thompson, a minor;

H. R. 6165. An act to provide for the preparation of a membership roll of the Indians of the Yakima Reservation, Wash., and for other purposes;

H. R. 6255. An act for the relief of Thomas A. Beddingfield and his wife, Opal May Beddingfield;

H. R. 6381. An act for the relief of Thomas L. Brett;

H. R. 6399. An act for the relief of Caesar Henry;

H. R. 6455. An act to amend the act entitled "An act to provide books for the adult blind";

H. R. 6721. An act to authorize the Postmaster General to accept gifts and bequests for the benefit of the library of the Post Office Department;

H. R. 6828. An act to provide for continuance of the farm-labor supply program up to and including June 30, 1947;

H. R. 7037. An act to amend the Social Security Act and the Internal Revenue Code, and for other purposes;

H. R. 7046. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.," approved May 18, 1928;

H. J. Res. 35. Joint resolution, designating November 19, 1946 the anniversary of Lincoln's Gettysburg Address, as Dedication Day; and

H. J. Res. 390. Joint resolution making additional appropriations for the fiscal year 1947, and for other purposes.

APPROVAL OF BILLS AND JOINT RESOLUTIONS AFTER SINE DIE ADJOURNMENT

A message from the President, received subsequent to the sine die adjournment of Congress, announced that the President had, on the following dates, approved and signed bills and joint resolutions of the House of the following titles:

On August 2, 1946:

H. R. 6004. An act to provide authorization for the village of Cahokia, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near Cahokia, Ill., and for other purposes; and

H. R. 6406. An act authorizing the State of Texas, acting through the State Highway Commission of Texas, or the successors thereof, to acquire, construct, maintain, and operate a free bridge across the Rio Grande at or near Del Rio, Tex.

On August 7, 1946:

H. R. 386. An act to amend the law relating to the authority of certain employees of the Immigration and Naturalization Service to make arrests without warrant in certain cases and to search vehicles within certain areas;

H. R. 434. An act to provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship through voting in a political election in a country not at war with the United States during the Second World War;

H. R. 935. An act for the relief of Andreas Andersen;

H. R. 1070. An act for the relief of Elmer C. Hadlen;

H. R. 1351. An act for the relief of the estate of Estelle Daniel Boyle, deceased, and E. B. Rosegarten;

H. R. 1402. An act for the relief of certain Basque aliens;

H. R. 1459. An act for the relief of Mr. and Mrs. J. W. Williams, Jr.;

H. R. 1631. An act for the relief of William Tolar Smith;

H. R. 1887. An act for the relief of Mrs. Leroy A. Robbins;

H. R. 2091. An act for the relief of Joseph E. Bennett;

H. R. 2222. An act for the relief of J. L. Harris;

H. R. 2377. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of Iowa into the Union as a State;

H. R. 2485. An act for the relief of Moses Tennenbaum;

H. R. 2504. An act to discontinue certain reports now required by law;

H. R. 2663. An act for the relief of W. C. Jones, Myrtle M. Jones, and W. W. Tilghman;

H. R. 3099. An act for the relief of Coy C. Brown;

H. R. 3197. An act for the relief of William F. Patchell, Jr.;

H. R. 3209. An act for the relief of Edward A. Mason;

H. R. 3210. An act for the relief of Clyde O. Payne;

H. R. 3361. An act to amend paragraph (1) of section 73 of the Hawaiian Organic Act, as amended;

H. R. 3593. An act relating to the disposition of public lands of the United States situated in the State of Oklahoma, between the Cimarron base line and the north boundary of the State of Texas;

H. R. 3703. An act for the relief of the city and county of San Francisco;

H. R. 3748. An act to amend an act entitled "An act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and

about the construction of the Panama Canal" approved May 29, 1944;

H. R. 3833. An act for the relief of Viola McKinney;

H. R. 3855. An act for the relief of Martin A. Tucker and Emma M. Tucker;

H. R. 3944. An act authorizing the President of the United States to award a special medal to General of the Armies of the United States John J. Pershing;

H. R. 4080. An act to authorize the Commissioner of Patents to designate examiners to serve temporarily as examiners in chief;

H. R. 4114. An act to authorize the Secretary of the Interior to sell certain land of Alice Scott White on the Crow Indian Reservation, Mont.;

H. R. 4190. An act granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River at or near Warren, Pa.;

H. R. 4341. An act for the relief of James B. McGoldrick;

H. R. 4374. An act for the relief of the legal guardian of Rudolph K. Bartels, Jr., a minor;

H. R. 4375. An act for the relief of Charles Martin;

H. R. 4466. An act for the relief of Francis T. Lillie and Lois E. Lillie;

H. R. 4608. An act for the relief of Mrs. Mary D. Johnson;

H. R. 4686. An act for the relief of the estate of Harry Wright;

H. R. 4924. An act for the relief of Joseph A. Brown;

H. R. 4947. An act for the relief of Ethel Guenther;

H. R. 5093. An act for the relief of Albert Whilden;

H. R. 5128. An act to provide for the conveyance of certain real property to Roy C. Lammers;

H. R. 5148. An act to provide for the payment of pension or other benefits withheld from persons for the period they were residing in countries occupied by the enemy forces during World War II;

H. R. 5198. An act for the relief of Marjorie B. Marable;

H. R. 5261. An act for the relief of David Weiss;

H. R. 5278. An act to legalize the admission to the United States of Virginia Harris Casardi;

H. R. 5368. An act for the relief of W. G. Magruder;

H. R. 5372. An act for the relief of Jessie Wolfington;

H. R. 5414. An act for the relief of Marie Gorak;

H. R. 5469. An act for the relief of Bertha Lillian Robbins and Charles Robbins;

H. R. 5537. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Susquehanna River at a point between the borough of Plymouth, in Plymouth Township, and Hanover Township, in the county of Luzerne, and in the Commonwealth of Pennsylvania;

H. R. 5603. An act for the relief of Wilford B. Brown;

H. R. 5756. An act for the retirement of public-school teachers in the District of Columbia;

H. R. 5847. An act for the relief of Watson Airfotos, Inc.;

H. R. 5849. An act for the relief of Mrs. Grace A. Phillips;

H. R. 5851. An act for the relief of Second Lt. Francis W. Anderson;

H. R. 5874. An act for the relief of Joseph Maezer;

H. R. 5928. An act to name the bridge located on New Hampshire Avenue, Washington, D. C., over the Baltimore & Ohio Railroad tracks "The Charles A. Langley Bridge";

H. R. 5970. An act to permit the members and stockholders of charitable, educational, and religious associations incorporated in the District of Columbia to vote by proxy or by mail;

H. R. 6057. An act to amend the act of July 11, 1919 (41 Stat. 132), relating to the interchange of property between the Army and the Navy, so as to include the Coast Guard within its provision;

H. R. 6148. An act to exempt certain vessels from filing passenger lists;

H. R. 6161. An act for the relief of the legal guardian of Samuel Roscoe Thompson, a minor;

H. R. 6223. An act to authorize the highway departments of the States of Kentucky and West Virginia to construct, maintain, and operate a free highway bridge across the Tug Fork of the Big Sandy River at or near Williamson, W. Va.;

H. R. 6231. An act for the relief of Frank A. Gorman;

H. R. 6248. An act for the relief of Capital Office Equipment Co.;

H. R. 6255. An act for the relief of Thomas A. Beddingfield, and his wife, Opal May Beddingfield;

H. R. 6307. An act for the relief of Francesco D'Emilio;

H. R. 6381. An act for the relief of Thomas L. Brett;

H. R. 6399. An act for the relief of Caesar Henry;

H. R. 6408. An act to authorize the War Shipping Administration and the Maritime Commission to make available certain surplus property to certain maritime academies;

H. R. 6423. An act for the relief of Mrs. Ivan B. Hofman;

H. R. 6488. An act to amend the act to provide for the issuance of devices in recognition of the services of merchant sailors;

H. R. 6528. An act to authorize the coinage of 50-cent pieces to commemorate the life and perpetuate the ideals and teachings of Booker T. Washington;

H. R. 6593. An act for the relief of Milton A. Johnson, and for other purposes;

H. R. 6610. An act to waive certain restrictions of the Hawaiian Organic Act, relating to land exchanges, for the acquisition of certain lands at Hilo, T. H.;

H. R. 6629. An act to provide basic authority for the performance of certain functions and activities of the National Park Service;

H. R. 6642. An act for the relief of certain postmasters;

H. R. 6702. An act to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944;

H. R. 6836. An act to establish and provide for the maintenance and operation of a Veterans' Canteen Service in the Veterans' Administration, and for other purposes;

H. R. 6859. An act to amend section 121 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended, to authorize the appointment of three additional deputies for the register of wills;

H. R. 6899. An act to authorize the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge, or a free bridge, across the Ohio River at or near Lawrenceburg, Dearborn County, Ind.;

H. R. 6900. An act to grant increased service pensions in certain Spanish-American War cases not included in recent legislation providing increases to other Spanish-American War veterans and their dependents, and for other purposes;

H. R. 6953. An act authorizing the city of East St. Louis, Ill., its successors and assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near a point between Delmar Boulevard and Cole Street in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.;

H. R. 7030. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Allegheny River, between a point in or near the Borough of Tarentum, in the county of Allegheny, and a point near the boundary of the city of New Kensington and Lower Burrel Township in Westmoreland County in the Commonwealth of Pennsylvania;

H. R. 7039. An act to further amend section 304 of the Naval Reserve Act of 1938, as amended, so as to grant certain benefits to naval personnel engaged in training duty prior to official termination of World War II;

H. R. 7046. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River, Ky.," approved May 18, 1928;

H. R. 7109. An act to amend section 6 of Public Law No. 516 of the Seventy-ninth Congress, approved July 16, 1946;

H. R. 7126. An act to amend section 2 of the act of July 16, 1946 (Public Law 514, 79th Cong.), relating to the establishment and operation in the District of Columbia of nurseries and nursery schools, so as to permit payment of compensation for services rendered after June 30, 1946, and prior to the enactment of such act;

H. J. Res. 35. Joint resolution designating November 19, 1946, the anniversary of Lincoln's Gettysburg Address, as Dedication Day;

H. J. Res. 370. Joint resolution granting certain property to the Commonwealth of Pennsylvania and relinquishing jurisdiction therein; and

H. J. Res. 387. Joint resolution granting permission to Thomas Parran, Surgeon General of the Public Health Service; Rolla E. Dyer, Assistant Surgeon General, Public Health Service; Howard F. Smith, Assistant Surgeon General, Public Health Service; Herbert F. Spencer, medical director, Public Health Service; Vance B. Murray, medical director, Public Health Service; and Gilbert L. Dunnahoo, medical director, Public Health Service, to accept and wear certain decorations bestowed upon them by France, Cuba, Mexico, Chile, Finland, and Luang-Prabang.

On August 8, 1946:

H. R. 228. An act for the relief of Robert June;

H. R. 1002. An act for the relief of Marvin Sachwitz;

H. R. 1357. An act for the relief of the estate of Otto Frederick Gnospelius, deceased;

H. R. 1497. An act to amend subsection 9 (a) of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended;

H. R. 1519. An act relating to marine insurance in the case of certain employees of the War Department who suffered death, injury, or other casualty prior to April 23, 1943, as a result of marine risks;

H. R. 1633. An act for the relief of Raymond Crosby;

H. R. 1788. An act for the relief of Mr. and Mrs. Conrad Newman;

H. R. 2480. An act for the relief of Wesley A. Mangelsdorf;

H. R. 2523. An act to provide for lump-sum payment of compensation for accumulated annual leave and current accumulated leave to certain officers and employees, and authorizing the appropriation of funds for that purpose;

H. R. 2716. An act to provide for health programs for Government employees;

H. R. 2850. An act for the relief of Felix Napiorkowski;

H. R. 3619. An act for the relief of Harry D. Koons;

H. R. 3908. An act to provide increased pensions to members of the Regular Army, Navy, Marine Corps, and Coast Guard who become

disabled by reason of their service therein during other than a period of war;

H. R. 3973. An act to amend the act entitled "An act to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes," approved June 23, 1943 (57 Stat. 162), and for other purposes;

H. R. 4386. An act to facilitate and simplify the administration of Indian affairs;

H. R. 4406. An act for the relief of Loyal F. Willis;

H. R. 4410. An act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939;

H. R. 4718. An act to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for certain officers and employees who have rendered at least 25 years of service;

H. R. 4720. An act to amend the act of December 7, 1944, relating to certain overtime compensation of civilian employees of the United States;

H. R. 4769. An act to amend section 5 of the act entitled "An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton";

H. R. 5031. An act for the relief of Ernest C. Heine and Harriet W. Heine;

H. R. 5050. An act for the relief of Minnie P. Shorey;

H. R. 5134. An act for the relief of Clarence W. Ohm;

H. R. 5166. An act for the relief of Raphael Elder,

H. R. 5223. An act to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes;

H. R. 5287. An act for the relief of Mrs. Cecile W. McAfee, the legal guardian of Sarah McAfee, a minor, and Haven H. McAfee;

H. R. 5288. An act for the relief of Warren M. Miller;

H. R. 5463. An act for the relief of Hiram H. Wilson;

H. R. 5527. An act for the relief of Dimitrios Karamouzis (known as James C. Karamouzis or James C. Kar);

H. R. 5725. An act for the relief of Sadie Frey and the estate of Marie Hviding;

H. R. 5848. An act for the relief of Mrs. Millicent Moore;

H. R. 5932. An act providing for the conveyance to the town of Ipswich, in the State of Massachusetts, of lighthouse property at Castle Neck, for public use;

H. R. 6030. An act to amend the Civil Aeronautics Act of 1938, as amended, so as to improve international collaboration with respect to meteorology;

H. R. 6141. An act to provide funds for cooperation with the school board of Hunter School District for the construction and equipment of a new school building in the town of Hunter, Sawyer County, Wisconsin, to be available to both Indian and non-Indian children;

H. R. 6263. An act to amend the act of June 23, 1943, so as to authorize inclusion of periods of education and training in an Army Transportation Corps civilian marine school as "service in the merchant marine";

H. R. 6298. An act to protect and facilitate the use of national-forest lands in township 2 north, range 18 west, Ohio River survey, township of Elizabeth, county of Lawrence, State of Ohio, and for other purposes;

H. R. 6455. An act to amend the act entitled "An act to provide books for the adult blind";

H. R. 6721. An act to authorize the Postmaster General to accept gifts and bequests for the benefit of the library of the Post Office Department;

H. R. 6811. An act relating to veterans' pension, compensation, or retirement pay during hospitalization, institutional or domiciliary care, and for other purposes;

H. R. 6817. An act to provide for the appointment of additional commissioned officers in the Regular Army, and for other purposes;

H. R. 6890. An act to amend the First War Powers Act, 1941;

H. R. 6896. An act to grant to the city of Miles City, State of Montana, certain land in Custer County, Montana, for industrial and recreational purposes and as a museum site;

H. R. 6918. An act to provide emergency relief for the victims of the seismic waves which struck the Territory of Hawaii, and for other purposes;

H. R. 7020. An act to provide for the acquisition by exchange of non-Federal property within the Glacier National Park;

H. J. Res. 366. Joint resolution authorizing and directing the Director of the Fish and Wildlife Service of the Department of the Interior to investigate and eradicate the predatory sea lampreys of the Great Lakes; and

H. J. Res. 390. Joint resolution making additional appropriations for the fiscal year 1947, and for other purposes.

On August 9, 1946:

H. R. 783. An act for the relief of Karl E. Bond;

H. R. 1751. An act to authorize the course of instruction at the United States Merchant Marine Academy to be given to not exceeding 12 persons at a time from the American Republics, other than the United States;

H. R. 1860. An act to authorize the Secretary of the Interior to issue a duplicate of Porterfield scrip certificate No. 53 to the Muskegon Trust Co., Muskegon, Mich., as trustee of the John Torrent trust;

H. R. 2093. An act for the relief of J. P. Kerr and Robert P. Kerr;

H. R. 2586. An act to authorize the leasing of Indian lands situated within the State of Washington for business and other purposes;

H. R. 2851. An act to provide for investigating the matter of the establishment of a national park in the old part of the city of Philadelphia for the purpose of conserving the historical objects and buildings therein;

H. R. 2893. An act to amend the act of February 15, 1929;

H. R. 3058. An act to authorize the use of certain lands of the United States for flowage in connection with providing additional storage space in the Pensacola Reservoir of the Grand River Dam project in Oklahoma, and for other purposes;

H. R. 4051. An act to grant to personnel of the armed forces equal treatment in the matter of leave, and for other purposes;

H. R. 4844. An act to place Chinese wives of American citizens on a nonquota basis;

H. R. 4860. An act for the relief of Materials Handling Machinery Co., Inc.;

H. R. 5380. An act to provide for the conferring of the degree of the bachelor of science upon the graduates of the United States Merchant Marine Academy;

H. R. 6012. An act for the relief of Lippert Bros.;

H. R. 6023. An act providing for the conveyance to the city of Atlantic City, in the State of New Jersey, of lighthouse property at Atlantic City, for public use;

H. R. 6165. An act for the preparation of a membership roll of the Indians of the Yakima Reservation, Wash., and for other purposes;

H. R. 6828. An act to provide for continuance of the farm labor supply program up to and including June 30, 1947; and

H. R. 7004. An act to revise the boundaries of Wind Cave National Park in the State of South Dakota, and for other purposes.

On August 10, 1946:

H. R. 341. An act relating to the status of Keetoowah Indians of the Cherokee Nation in Oklahoma, and for other purposes, and authorizing conveyance of the Seger Indian School to the Cheyenne and Arapaho Indians of Oklahoma;

H. R. 3742. An act for the relief of Burgess C. Moore, as administrator of the estate of Lela May Tomlinson, deceased, and as legal guardian of Kay Tomlinson and Larry Max Tomlinson, minors;

H. R. 4842. An act to amend the act of April 29, 1943, so as to afford a preference for veterans in acquiring certain vessels;

H. R. 5552. An act relating to the sale by the United States of surplus vessels suitable for fishing;

H. R. 5626. An act to authorize the Veterans' Administration to appoint and employ retired officers without affecting their retired status, and for other purposes; and

H. R. 7037. An act to amend the Social Security Act and the Internal Revenue Code, and for other purposes.

On August 12, 1946:

H. R. 5125. An act to establish the Castle Clinton National Monument, in the city of New York, and for other purposes; and

H. R. 5144. An act to establish a national air museum, and for other purposes.

On August 13, 1946:

H. R. 2033. An act authorizing Federal participation in the cost of protecting the shores of publicly owned property;

H. R. 4497. An act to create an Indian Claims Commission, to provide for the powers, duties, and function thereof, and for other purposes;

H. R. 4562. An act to insure the preservation of technical and economic records of domestic sources of ores of metals and minerals; and

H. R. 6967. An act to improve, strengthen, and expand the Foreign Service of the United States and to consolidate and revise the laws relating to its administration.

On August 14, 1946:

H. R. 5560. An act to fix the rate of postage on domestic air mail, and for other purposes;

H. R. 5991. An act to simplify and improve credit services to farmers and promote farm ownership by abolishing certain agricultural lending agencies and functions, by transferring assets to the Farmers' Home Corporation, by enlarging the powers of the Farmers' Home Corporation, by authorizing Government insurance of loans to farmers, by creating preferences for loans and insured mortgages to enable veterans to acquire farms, by providing additional specific authority and directions with respect to the liquidation of resettlement projects and rural rehabilitation projects for resettlement purposes, and for other purposes;

H. R. 6097. An act to amend the act of March 10, 1934, entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes"; and

H. R. 6932. An act to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products.

DISAPPROVAL OF BILLS AFTER SINE DIE ADJOURNMENT

The message also announced that the President had vetoed the following bills of the House on the dates indicated:

SOUTHEASTERN SAND & GRAVEL CO.

H. R. 6536. I withhold my approval of the bill H. R. 6536, "For the relief of Southeastern Sand & Gravel Co."

The bill provides for the payment of the sum of $10,631.12 by the Federal Works Administrator to the Southeastern Sand & Gravel Co., or its assignee, in full satisfaction of all claims of the Southern Bitumen Co., the Southeastern Sand & Gravel Co. and Roberts Blount, arising out of the construction of an outfall sewer in the city of Anniston, Ala., under a Federal Works Agency project No. Ala. 1–160 (F).

It appears that in 1942 the Southern Bitumen Co. contracted with the United States through the Federal Works Agency to build an outfall sewer in the city of Anniston, Ala., a project which was considered essential to the war effort by reason of war activities located in that area. The Southern Bitumen Co. encountered unforeseen construction difficulties and defaulted on the contract. Roberts Blount, a guarantor on the contract, arranged for the completion of the project by the Southeastern Sand & Gravel Co. The construction was completed in 1943. The Federal Works Agency withheld $13,685 from the contract price of $267,387.59, on account of liquidated damages for delay in completion and on account of an alleged defect in workmanship resulting in water seepage into the sewer main, which defect has since proved in actual use to be of no material consequence.

By agreement dated December 30, 1944, between the Southern Bitumen Co., Roberts Blount, and the Southeastern Sand & Gravel Co., the latter company became the assignee of the Southern Bitumen Co., for all recoveries and refunds which might be due or arise in connection with the project. Thereafter, Private Law 27 (79th Cong.), approved April 16, 1945, directed the Federal Works Agency to relieve the contractor, Southern Bitumen Co., of all claims of the Federal Works Agency, amounting to $13,500 covering liquidated damages for delays due to "labor shortages, low priorities, failure to obtain rights-of-way, and exceptional inclement weather conditions." The claim was then forwarded to the Comptroller General for settlement and payment in accordance with the private law. However, certain tax indebtedness of the Southern Bitumen Co. to the United States was set off against the $13,500, leaving a net balance of only $3,053.88 which was sent to the Southern Bitumen Co. and ultimately to the Southeastern Sand & Gravel Co. as assignee under the aforementioned agreement. The purpose of the instant bill evidently is to compensate the Southeastern Sand & Gravel Co. for the difference between the liquidated damages, $13,685, originally withheld by the Federal Works Agency on the contract price, and the $3,053.88 which the Southeastern Sand & Gravel Co. received as a consequence of the private law. This difference amounts to $10,631.12, the identical sum payable under the instant bill.

It appears that the Government, by paying the $3,053.88 and erasing the tax indebtedness of the Southern Bitumen Co., has fully discharged its obligations under the construction contract. Should this bill be approved, the Government would be paying twice for a portion of what it received. While it is to be regretted that the Southeastern Sand & Gravel Co., because of the tax liability of its assignor, the Southern Bitumen Co., did not receive the full relief which Private Law 27 would have otherwise provided, there seems to be no legal or moral reason on the part of the United States to correct this misfortune. Any remedy which the Southeastern Sand & Gravel Co. may have would appear to be a matter between it and its assignor.

Accordingly, I am constrained to withhold my approval of the bill.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 8, 1946.*

MARGARET DUNN

H. R. 957. I am withholding my approval of the bill, H. R. 957, Seventy-ninth Congress, "An act for the relief of Margaret Dunn."

The purpose of this bill is to grant a pension to the daughter of a Civil War veteran, in addition to a monthly pension of $20 which she has been receiving under a special act of Congress since 1929, for a period prior to that date, to which she has been found ineligible under general pension laws.

For some years enactment of special legislation to individual veterans or their dependents who are ineligible for pension under general laws has been discouraged, and Congress has undertaken to eliminate inequalities and inequities in public pension laws by amendatory legislation applicable to all persons under identical circumstances. This bill constitutes an exception to this policy. A comprehensive report on the facts by the Veterans' Administration indicates that there are no circumstances which would warrant exceptional treatment in this case.

Enactment of the measure would discriminate against numbers of persons, similarly situated who have an equal right to seek gratuitous benefits from the Government.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 8, 1946.*

EDWARD PITTWOOD

H. R. 1570. I withhold my approval of the bill H. R. 1570, for the relief of Edward Pittwood.

The bill would confer jurisdiction upon the United States District Court for the Eastern District of Washington to hear, determine, and render judgment on the claim of Dr. Edward Pittwood, of Spokane, Wash., to recover damages for the loss of rent, depreciation, and loss of his warehouse property in Spokane, Wash., by action of the Interstate Commerce Commission.

It appears that in 1890 Dr. Pittwood bought a lot from the land comprising the right of way of the Northern Pacific Railway Co. in Spokane, Wash. In 1907 he built a warehouse on this lot for the purpose of renting it to the public. In 1917 Dr. Pittwood remodeled his building into a modern fireproof warehouse. Dr. Pittwood claims that warehouse properties owned by the Northern Pacific Railway Co. were leased at such low rentals that he could not compete with the lessees and as a result was unable to rent his building profitably and finally lost it through judicial sale.

At one time Dr. Pittwood instituted a proceeding before the Interstate Commerce Commission to recover damages from the railway company for depreciation of the rental value of his warehouse as a result of this condition, but it was held by the Commission that because he was not a shipper he was not being discriminated against within the meaning of the statute (51 I. C. C. 535). Upon further complaint from Dr. Pittwood, the Interstate Commerce Commission made a general investigation of such warehouse leases in Spokane and rendered a decision in October 1922 declaring that it had no authority to prescribe the terms under which carriers may lease their lands to shippers. In 1924 the Commission again made investigations to ascertain if the warehouse rental conditions in Spokane would warrant legal proceedings. The Commission referred the report of its investigation to the Department of Justice on October 18, 1924, without recommendation.

As a result of this last mentioned investigation, the grand jury at Spokane returned an indictment against the Northern Pacific Railway Co., charging concessions to certain shippers in violation of section 1 of the Elkins Act. The Government also filed a civil action against the railway company seeking to enjoin the operation of the leases on the ground that the railway company was thereby committing discriminations in violation of section 3 of the Elkins Act. It was agreed that trial of the criminal case should await the outcome of the civil suit. After protracted litigation the civil action was dismissed without prejudice to the right of the Government to institute new proceedings if warranted after impending readjustment of the terms of the leases. The court held that in view of the situation as it then existed, the question of the reasonableness of the rentals was only academic. The leases were subsequently readjusted by increasing the rents in some instances and reducing them in others and the indictment against the railway company was dismissed.

Dr. Pittwood now bases his claim for relief upon the alleged failure of the Interstate Commerce Commission promptly to enforce the law. He claims that if the Government had forced the railway company to charge reasonable rentals for their warehousing properties, he could have remained in business in competition with warehousemen who were lessees of the railway company and could have saved his property. He claims losses aggregating upward of a half a million dollars.

There is no legal liability upon the part of the Government to compensate Dr. Pittwood for his losses, and there likewise appears to be no moral obligation to recognize this claim. Dr. Pittwood's losses appear to have been suffered more as the result of an improvident investment and subsequent mismanagement of

his business. Assuming, without admitting, that agencies of the Government did fail immediately to terminate the condition which is alleged to have caused Dr. Pittwood's losses, when it was first called to their attention, it would create a most undesirable precedent to recognize a right of judicial review of the reasonableness of the dispatch with which a particular administrative agency acted upon a complaint received by it.

Accordingly, I am constrained to withhold my approval of the bill.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 8, 1946.*

NORMAN ABBOTT

H. R. 2736. I have today withheld my approval of the bill H. R. 2736 for the relief of Norman Abbott.

It is the purpose of the bill to pay the sum of $10,000 to Norman Abbott, of Baltimore, Md., in settlement of his claims against the United States by reason of personal injuries, and medical and hospital expenses incurred, and loss of earnings sustained as a result of having been struck by a Coast Guard vehicle on March 26, 1944, while standing at a street intersection in Baltimore, Md.

It appears that on the date in question a Coast Guard vehicle, operated by an enlisted man on official business, was proceeding in a westerly direction on one of the streets in Baltimore, Md., and was approaching a street intersection; that at a distance of approximately 80 feet before reaching the intersection the Coast Guard vehicle passed on the right side of a streetcar on the same street and moving in the same direction as the Coast Guard vehicle; that as the Coast Guard vehicle reached a point approximately 5 or 10 feet from the intersection the driver suddenly noticed a group of three pedestrians standing alongside the streetcar tracks, waiting for the streetcar; and that, although the driver of the vehicle applied his brakes and turned sharply to his right, the left front fender and headlight of the vehicle struck one of the pedestrians—the claimant.

As a result of the accident, the claimant, who was 31 years of age at the time, sustained a laceration about 1½ inches in length on the left of his forehead and a laceration about 3 inches in length in the left middle third of the thigh, with a third laceration about 1½ inches in diameter on his thigh, which was classified by the examining physician as an abrasion. For the period November 30, 1938, to January 9, 1942, Mr. Abbott was employed as a grocer-order filler at $21 a week. From the date of the accident until May 1945 he apparently was unemployed. Since May 1945 he has been working for his board and room at a dog farm. He was employed at a substantial wage in war work just prior to the accident. While he is married and has a 7-year-old child, apparently he and his wife are separated, his wife having returned to her mother's home to live.

Since the accident the claimant has been examined by a number of doctors, some of whom were attached to the Public Health Service, and finally by a doctor of Johns Hopkins Hospital. The earlier examinations following the accident indicated that the injuries were superficial and that within a short time he had fully recovered from the physical injuries sustained. There was an indication that he had disability of his right ankle which medical evidence attributed to an attack of infantile paralysis when the claimant was 12 years of age. It was concluded, therefore, that he was suffering more from a mental than from a physical disability. The final examination of the claimant at the Johns Hopkins Hospital resulted in the conclusion that the patient's condition was the result of several factors, namely (1) the patient's own personality as reflected in his previous difficulty in adjustment; (2) trauma incident to the accident; and (3) marital difficulties, which had been in operation before the accident, but which came to a decisive head several months later; and that it was not possible to evaluate the relative significance of these factors, insofar as his present incapacity is concerned. The claimant has incurred medical and hospital expenses in the amount of $253.90. On the basis of his earnings of $4,607.42 for the year 1943, when he was engaged in war industries, he sustained a loss of earnings from the date of the accident through May 1945 of approximately $5,493.42, but there is considerable question as to whether the physical disabilities sustained by the claimant were responsible for this wage loss.

There appears to be no question but what the accident and resulting personal injuries sustained by the claimant were not caused by negligence on his part but were caused by the negligence of the Coast Guard driver in failing to maintain a proper look-out for the pedestrians, including the claimant, who were preparing to board the streetcar.

While, therefore, the claimant is entitled to an appropriate measure of relief, the award of $10,000 proposed by the bill appears excessive.

I would be glad to give my approval to a measure which would provide relief to the claimant commensurate with the injuries and loss of earnings sustained and the expenses incurred due to this accident.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 8, 1946.*

EASTERN CONTRACTING CO.

H. R. 1088. I return herewith without my approval the bill H. R. 1088, for the relief of the Eastern Contracting Co.

The measure proposes to authorize and direct payment to the Eastern Contracting Co. the sum of $86,545 in full settlement of all claims against the United States for damages occasioned by reason of delays caused by the United States Government in carrying out the terms of a contract entered into by the company and the United States Government on June 8, 1934, for the construction of highway approaches to the Bourne Bridge, Cape Cod Canal, Bourne, Mass.

It appears that on October 5, 1942, the Court of Claims found against the Eastern Contracting Co. in an action for damages growing out of the delays set forth in this bill (97 Ct. Cls. 341). The court held that although the plaintiff was damaged, it had failed to furnish evidence by which such damages could be measured. Motion for a new trial was overruled.

It appears that the case was fairly tried in the Court of Claims and was decided against the claimant for failure to sustain the necessary burden of proof.

During the first session of the present Congress, I withheld my approval from legislation (H. R. 2518), to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of the Eastern Contracting Co. against the United States for damages arising under the same contract. The pending measure, H. R. 1088, now proposes to authorize and direct an appropriation in favor of the claimant. I find no reason for receding from my previous position in regard to such legislation. Accordingly, I am withholding approval of the measure.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 9, 1946.*

THEODORE ROOSEVELT NATIONAL PARK

H. R. 4435. I have withheld my approval from H. R. 4435, "To establish the Theodore Roosevelt National Park; to erect a monument in memory of Theodore Roosevelt in the village of Medora, N. Dak.; and for other purposes."

The area that would be established by this bill as the Theodore Roosevelt National Park does not possess those outstanding natural features or scenic qualities that would justify its establishment as a national park and has no direct historical association with Theodore Roosevelt. Neither the Maltese Cross ranch, in which President Roosevelt had an interest, nor the Elkhorn ranch, which he owned, are embraced within the proposed park area. The Maltese Cross ranch is situated some distance south of Medora, N. Dak., while the proposed national park area is situated north of Medora. The Elkhorn ranch is situated 35 miles north of Medora, and is a considerable distance from the proposed park.

The land within the proposed national park area is now a part of the Theodore Roosevelt National Wildlife Refuge, and is best fitted for use as a wildlife protection and management area. Prior to its inclusion within the refuge, it was a part of the Roosevelt recreational demonstration area, which consisted of submarginal land acquired originally by the Resettlement Administration for recreational demonstration purposes. The area is largely of a badlands character, the formations being rounded, mostly dark red in color, and interspersed with grass-covered flats and plateaus. It is not of national park caliber.

Existing or authorized national parks contain or relate to areas that possess scenic, scientific, or historic features of outstanding national significance. The same high standards should be maintained whenever national parks are established in the future. I feel strongly, therefore, that to confer national park

status upon the area described in H. R. 4435 would be an unwise departure from sound policy. If a national park is to be established in honor of Theodore Roosevelt, it should more fully measure up to the standards developed and maintained in the past for national parks.

I may add, in this connection, that the bill contains a provision with respect to the determination of the validity of the title to the lands in question, which provision I would have considered sufficiently objectionable to justify a disapproval of the measure, entirely aside from the above indicated reasons for its disapproval. I refer to the provision for the determination, by the Secretary of the Interior instead of by the Attorney General, of the validity of the land titles in question. This duty of examining the titles of lands acquired by the Government has, for more than a century, been vested in the Attorney General with respect to the vast majority of acquisitions, and I perceive no reason to change this general practice which has proven satisfactory through the years.

Accordingly, I am constrained to withhold approval from H. R. 4435.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 9, 1946.*

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1524. A letter from the Director, Office of Contract Settlement, transmitting the Eighth Quarterly Progress Report of the Office of Contract Settlement, entitled "War Contract Terminations and Settlements" (H. Doc. No. 768); to the Committee on the Judiciary and ordered to be printed with illustrations.

1525. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill to relieve collectors of customs of liability for failure to collect certain special tonnage duties and light money, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLMER: Special Committee on Postwar Economic Policy and Planning. House Resolution 60. Resolution authorizing the continuation of the Special Committee on Postwar Economic Policy and Planning; without amendment (Rept. No. 2728). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, a report of committee was delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COX: Committee on Rules. House Resolution 757. Resolution providing for the consideration of H. R. 3760, a bill for the relief of certain claimants who suffered losses and sustained damages as the result of the campaign carried out by the Federal Government for the eradication of the Mediterranean fruitfly in the State of Florida; without amendment (Rept. No. 2727). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEWIS:

H. R. 7234. A bill to equalize competitive opportunity in the markets of the United States for articles of American manufacture or production, and like or similar competitive articles of foreign manufacture or production; to the Committee on Ways and Means.

By Mr. REES of Kansas:

H. R. 7235. A bill to prohibit certain activities and certain employment by former commissioned officers of the United States and former officers and employees of the United States; to the Committee on the Judiciary.

By Mr. LAFOLLETTE::

H. R. 7236. A bill to implement the fourteenth amendment; to the Committee on the Census.

By Mrs. ROGERS of Massachusetts:

H. Res. 760. Resolution requesting the Administrator of Veterans' Affairs to submit information on matters pertaining to certain veterans; to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. REES of Kansas:

H. R. 7237. A bill for the relief of Mrs. May Lary; to the Committee on Claims.

H. R. 7238. A bill for the relief of Mrs. Helen L. Hamilton; to the Committee on Claims.

By Mr. ROGERS of New York:

H. R. 7239. A bill for the relief of Mrs. Grace W. Potter; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2143. By Mr. FEIGHAN: Petition of 1,522 residents of Cleveland, urging the maintenance of price and rent control and favoring the extension of priorities and allocation regulations, to force production of low-cost commodities; to the Committee on Banking and Currency.

2144. By Mr. TIBBOTT: Petition of citizens of Armstrong County, Pa., supporting the Pace bill (H. R. 752); to the Committee on Military Affairs.